



## City of Hamilton

### CITY COUNCIL REVISED

22-010

Wednesday, April 27, 2022, 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

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#### Call to Order

#### 1. APPROVAL OF AGENDA

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

#### 2. DECLARATIONS OF INTEREST

#### 3. CEREMONIAL ACTIVITIES

3.1. Yom HaShoah Commemoration, Hamilton Jewish Federation

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

4.1. April 13, 2022

#### 5. COMMUNICATIONS

- 5.1. Correspondence from the Municipality of Grey Highlands requesting support for their resolution respecting HST rebate on new homes in Ontario.

Recommendation: Be received.

- 5.2. Municipal Responses to the Provincial Request for Comments on Floating Accommodations:

5.2.a. Peterborough County

5.2.b. Lake of Bays

5.2.c. Town of Gravenhurst

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

- 5.3. Correspondence from Dana Anderson, Partner, MHBC respecting the Request for Employment Land Conversion - Silvestri Investments, 700 Garner Road East, Ancaster.

Recommendation: Be received and referred to the consideration of Item 4 of General Issues Committee Report 22-008.

- 5.4. Correspondence from David Simon respecting tents in parks, noting concerns as well as suggestions.

Recommendation: Be received.

- \*5.5. Correspondence respecting the Proposed Permanent Closure and Sale of a Portion of Kerr Street, Dundas:

\*5.5.a. Shirley O'Meara

\*5.5.b. Linda Helson

Recommendation: Be received and referred to the consideration of Item 5 of Public Works Committee Report 22-006.

- \*5.6. Correspondence from the Ministry of the Environment, Conservation and Parks respecting the 2022 Provincial Day of Action on Litter, taking place on May 10, 2022.

Recommendation: Be received.

## 6. COMMITTEE REPORTS

- 6.1. General Issues Committee Report 22-008 - April 20, 2022

- 6.2. Audit, Finance and Administration Committee Report 22-009 - April 21, 2022

6.3. Emergency and Community Services Committee Report 22-006 - April 21, 2022

6.4. Public Works Committee Report 22-006 - April 22, 2022

6.5. Planning Committee Report 22-006 - April 25, 2022

6.6. STAFF REPORTS

6.6.a. Request for Sustainability and Financial Viability Audit of Hamilton Waterfront Trust (FCS22038) (City Wide)

*Referred to Council by the Audit, Finance and Administration Committee on April 21, 2022.*

## **7. MOTIONS**

7.1. Amendment to Item 8(c) of General Issues Committee Report 19-019, respecting Investigation of Light Rail Transit (LRT) Systems in Neighbouring Municipalities by Members of the Advisory Committee for Persons with Disabilities

7.2. Financial Relief for Ukraine Aid

7.3. Amendment to Item 1 of the Emergency and Community Services Committee Report 21-006, respecting Adaptation and Transformation Update 3, which was approved at Council on June 9, 2021

## **8. NOTICES OF MOTIONS**

## **9. STATEMENT BY MEMBERS (non-debatable)**

## **10. COUNCIL COMMUNICATION UPDATES**

10.1. April 8, 2022 to April 21, 2022

## **11. PRIVATE AND CONFIDENTIAL**

11.1. Closed Session Minutes - April 13, 2022

Pursuant to Section 9.1, Sub-section (f) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose

11.2. Appointment of General Manager, Public Works (CM22008)

Pursuant to Section 9.1, Sub-sections (b) and (d) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (b) and (d) 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 of employees and labour relations or employee negotiations.

11.3. Confidential Correspondence from David A. van der Woerd, Ross & McBride LLP, respecting the Hamilton Waterfront Trust

*Referred to Council by the Audit, Finance and Administration Committee on April 21, 2022.*

Pursuant to Section 9.1, Sub-sections (d), (f), (i), (j) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (d), (f), (i), (j) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to labour relations or employee negotiations; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**12. BY-LAWS AND CONFIRMING BY-LAW**

12.1. 090

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

Schedule 1 (Arterial Routes)

Schedule 2 (Through Highways)

Schedule 8 (No Parking Zones)

Schedule 9 (Alternate Side Parking)

Schedule 12 (Permit Parking Zones)

Schedule 13 (No Stopping Zones)

Ward: 2, 3, 4, 5, 6, 9, 10, 12, 13, 15



- 12.2. 091  
To Establish City of Hamilton Land Described as Block 6 on Plan 62M-998  
Ward: 7
- 12.3. 092  
To Authorize the Execution of the Ontario Transfer Payment Agreement for the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative between the City of Hamilton and Her Majesty the Queen in right of Ontario as represented by the Minister of Municipal Affairs and Housing for the Province of Ontario to Receive Funding Under the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative  
Ward: City Wide
- 12.4. 093  
To Amend By-law 02-285, a By-law to Regulate the Sale and Use of Fireworks and to Repeal By-law 07-025  
Ward: City Wide
- 12.5. 094  
To Adopt Official Plan Amendment No. 248 to the City of Hamilton Official Plan, Respecting 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton  
Ward: 2
- 12.6. 095  
To Amend Zoning By-law No. 05-200, Respecting Lands Located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton  
Ward: 2  
ZAC-20-013  
UHOPA-20-08
- 12.7. 096  
To Establish City of Hamilton Land Described as Part of Lot 15, Concession 1 in the Geographic Township of Glanford, designated as Part 2 on Plan 62R-13179 as Part of Glover Road  
Ward: 11

- 12.8. 097  
To Establish City of Hamilton Land Described as Part of Lot 28 on Registered Plan 1470, designated as Parts 2 and 3 on Plan 62R-17992 and Part 8 on Plan 62R-18201 as Part of Nebo Road  
Ward: 11
- 12.9. 098  
To Establish City of Hamilton Land Described as Part of Lot 48 on Registered Plan 1470, designated as Part 1 on Plan 62R-17992, Part 2 on Plan 62R-18349 and Part 3 on Plan 62R-18446 as Part of Dickenson Road  
Ward: 11
- \*12.10. 099  
To Amend Zoning By-law No. 6593, Respecting Lands Located at 866 West 5<sup>th</sup> Street, Hamilton  
ZAC-21-036  
Ward: 8
- \*12.11. 100  
To Amend Zoning By-law No. 65936, Respecting Lands Located at 525 Rymal Road West, Hamilton  
ZAC-20-044 & 25T-202010  
Ward: 14
- \*12.12. 101  
A By-law to Repeal and Replace By-law Nos. 09-208 and 13-182, being the Demolition Control Area By-law  
Ward: City Wide
- \*12.13. 102  
To Amend By-law No. 07-170, Being a By-law to Licence and Regulate Various Businesses  
Ward: City Wide

\*12.14. 103

To Amend By-law No. 14-090 (Sewer Use By-law) to Provide for the regulation of Construction Dewatering and to make other Minor Amendments

Ward: City Wide

\*12.15. 104

A By-law to Authorize a Franchise Agreement Between the City of Hamilton and Enbridge Gas Inc.

Ward: City Wide

\*12.16. 105

To Repeal By-law No. 21-205 of the City of Hamilton, a By-law to Permanently Close a Portion of the Road Allowance Abutting 357 Wilson Street East, Ancaster, established by Registered Plan 347, in the City of Hamilton, designated as Parts 2, 3, 4 and 5 on Reference Plan 62R-19878 and Parts 1, 2 and 3 on Reference Plan 62R-20864, being Part of PIN 17446-1077(LT) ad Part of PIN 17446-1082(LT), City of Hamilton

Ward: 12

\*12.17. 106

Being a By-law to Permanently Close a Portion of a Road Allowance Abutting 357 Wilson Street East, Ancaster, established by Registered Plan 347, in the City of Hamilton, designated as Parts 2, 3, 4 and 5 on Reference Plan 62R-19878 and Parts 1, 2 and 3 on Reference Plan 62R-20864, being Part of PIN 17446-1077 (LT), Part of PIN 17446-1079 (LT), and Part of PIN 17446-1085 (LT), City of Hamilton

Ward: 12

12.18. 107

To Confirm the Proceedings of City Council

### 13. ADJOURNMENT



## CITY COUNCIL MINUTES 22-009

9:30 a.m.  
April 13, 2022  
Council Chamber  
Hamilton City Hall  
71 Main Street West

**Present:** Acting Mayor N. Nann  
Councillors M. Wilson, J. Farr, B. Johnson, J.P. Danko, B. Clark,  
M. Pearson, A. VanderBeek, E. Pauls, S. Merulla, L. Ferguson, J.  
Partridge, T. Whitehead, T. Jackson and R. Powers.

**Absent:** Mayor F. Eisenberger - Personal

Acting Mayor Nann 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.

<b>APPROVAL OF THE AGENDA</b>
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The Clerk advised of the following changes to the agenda:

#### 4. COMMUNICATIONS

- 4.8 Correspondence from Lakewood Beach Community Council respecting their delegation at the Planning Committee meeting of April 5, 2022.

Recommendation: Be received.

- 4.9 Correspondence from the Honourable Steve Clark, Ministry of Municipal Affairs and Housing respecting the status of the emergency orders.

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

4.10 Correspondence respecting the Strategic Land Acquisition Plan Along the Hamilton Light Rail Transit (LRT) Corridor motion:

- (a) Gabriel Nicholson
- (b) Graham Cubitt, Chair, Hamilton is Home Coalition

Recommendation: Be received and referred to the consideration of Item 9 of General Issues Committee Report 22-007.

4.11 A petition signed by 171 individuals requesting that Council take action on the increased pedestrian deaths this year.

Recommendation: Be received.

## 7. NOTICES OF MOTION

7.1 Lincoln M. Alexander Parkway (LINC) and Red Hill Valley Parkway (RHVP) Mobility Feasibility Study

## 10. PRIVATE AND CONFIDENTIAL

10.1 **REVISED** Confidential Appendix "C" to Item 5, Audit, Finance and Administration Committee Report 22-008, respecting Report AUD22004, Grightmire Arena Lessons Learned Audit

### (Whitehead/Johnson)

That the agenda for the April 13, 2022 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 - Acting Mayor - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Russ Powers
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- NOT PRESENT - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - 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

<b>DECLARATIONS OF INTEREST</b>
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Councillor B. Clark declared a disqualifying interest to Item 2 of Planning Committee Report 22-005 respecting Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton (PED22062) (Ward 2), due to his son's business interest with, the principal of the applicant's planning consultant.

Councillor B. Clark declared a disqualifying interest to Item 3 of Planning Committee Report 22-005 respecting Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12), due to his son's business interest with, the principal of the applicant's planning consultant.

Councillor M. Pearson declared a disqualifying interest to Communication Item 4.4 Correspondence from Garth Brown respecting the City of Hamilton's Strategic Plan to Create Affordable Housing Supply in the Secondary Rental Market (HSC22007), as she is a landlord of rental properties.

Councillor M. Pearson declared a disqualifying interest to Item 8 of Planning Committee Report 22-005 respecting Rental Housing Licensing Pilot Program and Transition Plan Update (PED21097(b)), as she is a landlord of rental properties.

Councillor M. Pearson declared a disqualifying interest to Item 2 of Emergency and Community Services Committee Report 22-005 respecting City of Hamilton's Strategic Plan to Create Affordable Housing Supply in the Secondary Rental Market (HSC22007), as she is a landlord of rental properties.

Councillor A. VanderBeek declared a disqualifying interest to Communication Item 4.4 Correspondence from Garth Brown respecting the City of Hamilton's Strategic Plan to Create Affordable Housing Supply in the Secondary Rental Market (HSC22007), as she is a landlord of rental properties.

Councillor A. VanderBeek declared a disqualifying interest to Item 8 of Planning Committee Report 22-005 respecting Rental Housing Licensing Pilot Program and Transition Plan Update (PED21097(b)), as she is a landlord of rental properties.

Councillor A. VanderBeek declared a disqualifying interest to Item 2 of Emergency and Community Services Committee Report 22-005 respecting City of Hamilton's Strategic Plan to Create Affordable Housing Supply in the Secondary Rental Market (HSC22007), as she is a landlord of rental properties.

Councillor S. Merulla declared a disqualifying interest to Communication Item 4.4 Correspondence from Garth Brown respecting the City of Hamilton's Strategic Plan to Create Affordable Housing Supply in the Secondary Rental Market (HSC22007), as he is a landlord of rental properties.

Councillor S. Merulla declared a disqualifying interest to Item 8 of Planning Committee Report 22-005 respecting Rental Housing Licensing Pilot Program and Transition Plan Update (PED21097(b)), as he is a landlord of rental properties.

Councillor S. Merulla declared a disqualifying interest to Item 2 of Emergency and Community Services Committee Report 22-005 respecting City of Hamilton's Strategic Plan to Create Affordable Housing Supply in the Secondary Rental Market (HSC22007), as he is a landlord of rental properties.

<b>APPROVAL OF MINUTES OF PREVIOUS MEETING</b>
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**3. March 30, 2022 (Item 3.1) and April 8, 2022 (Item 3.2)**

**(Johnson/Ferguson)**

That the Minutes of the March 30, 2022 and April 8, 2022 meetings 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 - Acting Mayor - Ward 3 Councillor Nrinder Nann  
 YES - Ward 4 Councillor Sam Merulla  
 YES - Ward 5 Councillor Russ Powers  
 YES - Ward 6 Councillor Tom Jackson  
 YES - Ward 7 Councillor Esther Pauls  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Mayor Fred Eisenberger  
 YES - Ward 15 Councillor Judi Partridge  
 YES - 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

<b>COMMUNICATIONS</b>
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**(Farr/Jackson)**

That Council Communications 4.1 to 4.11 be approved, **as amended**, as follows:

- 4.1 Correspondence from the Town of Georgina requesting support for their resolution imposing limitations upon the purchase of goods that can easily be traced to have originated from Russia.

Recommendation: Be received.

- 4.2 Correspondence from the City of Cambridge requesting support for their resolution requesting that the Province of Ontario impose an immediate temporary moratorium on all new gravel applications, including expansions to existing licenced sites.

Recommendation: Be received.

- 4.3 Correspondence from Karen Hayes respecting the Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12).

Recommendation: Be received and referred to the consideration of Item 3 of Planning Committee Report 22-005.

- 4.4 Correspondence from Garth Brown respecting the City of Hamilton's Strategic Plan to Create Affordable Housing Supply in the Secondary Rental Market (HSC22007).

Recommendation: Be received and referred to the consideration of Item 2 of Emergency and Community Services Committee Report 22-005.

- 4.5 Correspondence from Brianne McIntosh, Project Coordinator, IBI Group respecting UPHOPA-20-08 & ZAC-20-013, Adjacent Property Comments.

Recommendation: Be received and referred to the consideration of Item 2 of Planning Committee Report 22-005.

- 4.6 Correspondence from the Municipality of Clarington requesting support for their resolution respecting their Comprehensive Zoning By-law Review Project, Zone Clarington.

Recommendation: Be received.

- 4.7 Correspondence from the Town of Plympton-Wyoming requesting support for their resolution respecting Funding Supports for Infrastructure Projects - Bridge/Culvert Replacements in Rural Municipalities.

Recommendation: Be received.

- 4.8 Correspondence from Lakewood Beach Community Council respecting their delegation at the Planning Committee meeting of April 5, 2022.

Recommendation: Be received.

- 4.9 Correspondence from the Honourable Steve Clark, Ministry of Municipal Affairs and Housing respecting the status of the emergency orders.

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

- 4.10 Correspondence respecting the Strategic Land Acquisition Plan Along the Hamilton Light Rail Transit (LRT) Corridor motion:

- (a) Gabriel Nicholson
- (b) Graham Cubitt, Chair, Hamilton is Home Coalition



Recommendation: Be received and referred to the consideration of Item 9 of General Issues Committee Report 22-007.

- 4.11 A petition signed by 171 individuals requesting that Council take action on the increased pedestrian deaths this year.

Recommendation: Be received ***and referred to the consideration of Items 7 and 8 of Public Works Committee Report 22-005.***

Due to declared conflicts, Item 4.4 was voted on separately, as follows:

- 4.4 Correspondence from Garth Brown respecting the City of Hamilton's Strategic Plan to Create Affordable Housing Supply in the Secondary Rental Market (HSC22007).

Recommendation: Be received and referred to the consideration of Item 2 of Emergency and Community Services Committee Report 22-005.

**Result: Motion on Item 4.4 of the Communication Items, CARRIED by a vote of 12 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Acting Mayor - Ward 3 Councillor Nrinder Nann  
CONFLICT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - 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

**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 - Acting Mayor - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge

- YES - 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

**(Farr/Merulla)**

That Council move into Committee of the Whole for consideration of 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 - Acting Mayor - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Russ Powers
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- NOT PRESENT - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - 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

<b>BOARD OF HEALTH REPORT 22-004</b>
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**(Wilson/Johnson)**

That Board of Health Report 22-004, being the meeting held on Monday, April 4, 2022, be received and the recommendations contained therein be approved.

**Result: Motion on the Board of Health Report 22-004, CARRIED by a vote of 15 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Acting Mayor - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Russ Powers
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- NOT PRESENT - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - 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 22-005**

**(Powers/VanderBeek)**

That Public Works Committee Report 22-005, being the meeting held on Monday, April 4, 2022, be received and the recommendations contained therein be approved.

**Result: Motion on the Public Works Committee Report 22-005, CARRIED by a vote of 15 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Acting Mayor - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Russ Powers
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- NOT PRESENT - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - 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 22-005**

**(Johnson/Farr)**

That Planning Committee Report 22-005, being the meeting held on Tuesday, April 5, 2022, be received and the recommendations contained therein be approved.

Due to a declared conflict, Item 2, was voted on separately, as follows:

- 2. Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton (PED22062) (Ward 2) (Item 9.4)**
  - (a) That Amended Official Plan Amendment Application UHOPA-20-008 by Urban Solutions Planning and Land Development Consultants Inc. c/o Sergio Manchia, on behalf of 467052 Ontario Limited c/o Steve Joyce, Owner, to redesignate a portion of the subject lands from “Low Density Residential” and a portion of the subject lands from “Local Commercial” to “Mixed Use” with a Special Policy Area in the City of Hamilton Official Plan, to permit a seven

storey mixed use building with commercial uses on the ground floor, professional offices and professional medical offices on the second floor and residential dwelling units on the upper storeys, for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, as shown on Appendix "A" attached to Report PED22062, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED22062, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended;
- (b) That Amended Zoning By-law Amendment Application ZAC-20-013 by Urban Solutions Planning and Land Development Consultants Inc. c/o Sergio Manchia, on behalf of 467052 Ontario Limited c/o Steve Joyce, Owner, for a change in zoning from the "JJ/S-378" (Restricted Light Industrial) District, Modified, "H" (Community Shopping and Commercial, Etc.) District, "H/S-1259" (Community Shopping and Commercial, Etc.) District, Modified and "D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to a site specific Mixed Use Medium Density – Pedestrian Focus (C5a, 774, H124) Zone to permit a mixed use building with a maximum building height of 25 metres (seven storeys) with 845.64 square metres of ground floor commercial space, 749.52 square metres of office on the second floor, 79 residential dwelling units on the upper floors and a total of 86 parking spaces for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, as shown on Appendix "A" attached to Report PED22062, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED22062, 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 consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. \_\_\_\_\_;
  - (iii) That Schedule "D" – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following Holding Provisions as follows:

H124. Notwithstanding Section 10.5a of this By-law, within lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone on Map No. 952 on Schedule "A" – Zoning Maps, and described as 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton, no development shall be permitted until such time as:

1. The Owner submit and receive completion of a signed Record of Site Condition being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee;
  2. The Owner agrees in a signed Site Plan Agreement to implement all required noise mitigation measures identified in the Environmental Noise Feasibility Study dated November 22, 2019 by RWDI and updated July 26, 2021, to the satisfaction of the Director of Planning and Chief Planner;
  3. The Owner agrees in a signed Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 Area, and to agree to register this notice and any / all warning clauses on title, and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner;
- (c) That Council deem the lands at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North (see Appendix "A" attached to Report PED22062) 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), and that the Class 4 Area designation apply only to the development proposal attached as Appendix "E" to Report PED22062 with the requirement that all noise mitigation and warning clauses be secured through the Holding Provision attached to the implementing Zoning By-law as specified in Section (b)(iii) b, and c. outlined above;
- (d) That upon finalization of the amending By-law, the subject lands be redesignated from "Single and Double" and "Commercial" to "Commercial and Apartments" in the Beasley Neighbourhood Plan.
- (e) That the public submissions regarding this matter were received and considered by the Committee in approving the application.

**Result: Motion on Item 2 of Planning Committee Report 22-005, CARRIED by a vote of 14 to 0, as follows:**

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

YES - Acting Mayor - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - 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

**3. Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) (9.5)**

**(Ferguson/VanderBeek)**

***That Report PED22070, respecting the Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (Ward 12), be referred back to staff for further discussions with staff, the owner(s) and the Ward Councillor with a report back to Planning Committee on May 3, 2022, for Council's consideration on May 11, 2022.***

**Result: Motion on Item 3 of Planning Committee Report 22-005, 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 - Acting Mayor - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - 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

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

**8. Rental Housing Licensing Pilot Program and Transition Plan Update (PED21097(b)) (Wards 1, 8 and parts of Ward 14) (Item 10.1)**

That Report PED21097(b) respecting Rental Housing Licensing Pilot Program and Transition Plan Update, be received.

**Result: Motion on Item 8 of Planning Committee Report 22-005, CARRIED by a vote of 12 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Acting Mayor - Ward 3 Councillor Nrinder Nann  
CONFLICT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - 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

**Result: Motion on the balance of the Planning Committee Report 22-005, CARRIED by a vote of 15 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Acting Mayor - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - 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

<b>GENERAL ISSUES COMMITTEE REPORT 22-007</b>
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**(Farr/Clark)**

That General Issues Committee Report 22-007, being the meeting held on Wednesday, April 6, 2022, be received and the recommendations contained therein be approved.

**(Wilson/Nann)**

That Item 9 of the General Issues Report 22-007, respecting Strategic Land Acquisition Plan Along the Hamilton Light Rail Transit (LRT) Corridor, be **amended** to include the directions within Communication Item 4.10 (b), as follows:

**9. Strategic Land Acquisition Plan Along the Hamilton Light Rail Transit (LRT) Corridor (Item 11.1)**

- (a) That staff, in collaboration with the federal and provincial Governments and Metrolinx, be directed to establish a strategic land disposition and or acquisition plan along the Hamilton LRT corridor for the purpose of planning to deliver future municipal services including, but not limited to, parks, as well as non-profit affordable housing ***with an emphasis on the importance of designating lands for affordable housing along the LRT corridor to senior levels of government*** and report back to the General Issues Committee; ***and***
  
- (b) ***That staff engage the Hamilton is Home Coalition on the proposed spectrum of affordable home ownership and rental opportunities along the LRT corridor within the next 90 days.***

**Result: Motion on Item 9 of the General Issues Committee Report 22-007, 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 - Acting Mayor - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - 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



Upon Council's request, Item 4 was voted on separately, as follows:

- 4. Economic Development Action Plan - Communications (CM22003) (City Wide) (Item 10.1)**
- (a) That the Economic Development Action Plan (EDAP) strategy include both owned (non-paid) and advertising (paid) efforts, as shown below:
- (i) Owned Media Efforts:
- (1) A comprehensive landing page on the City's website that will provide historical details and context of the EDAP, the plan itself, and 18 news stories designed to make the plan relevant to a resident audience;
  - (2) Sharing stories and EDAP content on all multiple City social media channels;
  - (3) Shareable content to be delivered directly to stakeholders electronically and is shareable through email, social media, and print; and,
  - (4) Tailored video and graphic content for use on City social media channels;
- (ii) Paid Advertising:
- (1) A hard-copy media insert that will provide a full listing of the summary stories in a news format, to be distributed to print media consumers across the municipality; and,
  - (2) Provision of print copies of the EDAP summary stories at numerous City customer service desks;
- (b) That the estimated amount \$35,000, to be funded from the Economic Development Investment Reserve Account No. 112221, to cover production and distribution of print materials, be approved; and,
- (c) That, for longer-term efforts to raise awareness as the Economic Development Action Plan implementation progresses, Communication staff be directed to provide ongoing updates, primarily through media and social media efforts.

**Result: Motion on Item 4 of the General Issues Committee Report 22-007, CARRIED by a vote of 13 to 1, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Acting Mayor - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers

YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - 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

Upon Council's request, Item 11 (a) was voted on separately, as follows:

**11. Red Hill Valley Parkway Inquiry Update (LS19036(k)) (City Wide) (Item 14.4)**

(a) That the direction provided to staff in Closed Session, respecting Report LS19036(k) - Red Hill Valley Parkway Inquiry Update, be approved; and,

**Result: Motion on Item 11 (a) of the General Issues Committee Report 22-007, CARRIED by a vote of 8 to 6, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
NO - Acting Mayor - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
NO - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - 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  
NO - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
NO - Ward 9 Councillor Brad Clark

Upon Council's request, Item 11 (b) was voted on separately, as follows:

**11. Red Hill Valley Parkway Inquiry Update (LS19036(k)) (City Wide) (Item 14.4)**

(b) That Report LS19036(k) - Red Hill Valley Parkway Inquiry Update, remain confidential.

**Result: Motion on Item 11 (b) of the General Issues Committee Report 22-007, CARRIED by a vote of 12 to 2, as follows:**

YES - Ward 1 Councillor Maureen Wilson

YES - Ward 2 Councillor Jason Farr  
YES - Acting Mayor - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - 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  
NO - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
NO - Ward 9 Councillor Brad Clark

**Result: Motion on the balance of the General Issues Committee Report 22-007, CARRIED by a vote of 14 to 0, as follows:**

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

**(Danko/Pauls)**

That Council recess until 12:45 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 - Acting Mayor - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - 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

**SOLE VOTING MEMBER OF THE HAMILTON FARMER'S MARKET REPORT 22-002**

**(Farr/Jackson)**

That Sole Voting Member of the Hamilton Farmer's Market Report 22-002, being the meeting held on Wednesday, April 6, 2022, be received and the recommendations contained therein be approved.

**Result: Motion on the Sole Voting Member of the Hamilton Farmer's Market Report 22-002, CARRIED by a vote of 12 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Acting Mayor - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
NOT PRESENT - Ward 5 Councillor Russ Powers  
YES - Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - 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 22-008**

**(Pearson/Wilson)**

That the consideration of the Audit, Finance and Administration Committee Report 22-008, being the meeting held on Thursday, April 7, 2022, be deferred until after Council rises from Closed Session.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Acting Mayor - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
NOT PRESENT - Ward 5 Councillor Russ Powers  
YES - Ward 6 Councillor Tom Jackson

NOT PRESENT - Ward 7 Councillor Esther Pauls  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - 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

<b>EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 22-005</b>
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**(Clark/Jackson)**

That Emergency and Community Services Committee Report 22-005, being the meeting held on Thursday, April 7, 2022, be received and the recommendations contained therein be approved.

Due to declared conflicts, Item 2 was voted on separately, as follows:

- 2. City of Hamilton's Strategic Plan to Create Affordable Housing Supply in the Secondary Rental Market (HSC22007) (City Wide) (Item 10.1)**
  - (a) That the City of Hamilton's Strategic Plan to Create Affordable Housing Supply in the Secondary Rental Market attached as Appendix "A" to Emergency and Community Services Committee Report 22-005, be endorsed; and,
  - (b) That the General Manager of the Healthy and Safe Communities Department, or designate, be authorized and directed to administer the Secondary Dwelling Units Program and provide support to residents applying to the Secondary Dwelling units Program including: entering into any agreements on such terms as they consider appropriate; approving payments, and taking other actions needed to ensure success, in a form satisfactory to the City Solicitor.

**Result: Motion on Item 2 of the Emergency and Community Services Committee Report 22-005, CARRIED by a vote of 9 to 3, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 2 Councillor Jason Farr  
 YES - Acting Mayor - Ward 3 Councillor Nrinder Nann  
 CONFLICT - Ward 4 Councillor Sam Merulla  
 NO - Ward 5 Councillor Russ Powers  
 NO - Ward 6 Councillor Tom Jackson  
 NO - Ward 7 Councillor Esther Pauls  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Mayor Fred Eisenberger  
 YES - Ward 15 Councillor Judi Partridge  
 YES - 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

**Result: Motion on the balance of the Emergency and Community Services Committee Report 22-005, CARRIED by a vote of 15 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 2 Councillor Jason Farr  
 YES - Acting Mayor - Ward 3 Councillor Nringer Nann  
 YES - Ward 4 Councillor Sam Merulla  
 YES - Ward 5 Councillor Russ Powers  
 YES - Ward 6 Councillor Tom Jackson  
 YES - Ward 7 Councillor Esther Pauls  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Mayor Fred Eisenberger  
 YES - Ward 15 Councillor Judi Partridge  
 YES - 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

<b>MOTIONS</b>
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Acting Mayor Nann relinquished the Chair to Councillor Farr in order to move the following motion:

**6.1 Amendment to Item 2 of the General Issues Committee Report 19-017, respecting Report HUR19019 - Equity, Diversity and Inclusion Framework**

**(Nann/Wilson)**

That Item 2 of the General Issues Committee Report 19-017, respecting Report HUR19019 - Equity, Diversity and Inclusion Framework, which was approved by Council at its meeting of September 25, 2019, **be amended** by deleting sub-section (i) in its entirety, to read as follows:

- 2. Equity, Diversity and Inclusion Framework (HUR19019) (City Wide) (Item 10.2)**
  - (a) That the City Manager to be identified as the Equity, Diversity and Inclusion Champion for the City of Hamilton;
  - (b) That Human Resources staff be directed to develop and implement an Equity, Diversity and Inclusion Steering Committee comprised of representatives from all departments and across all levels of the organization, who will be responsible to:

- (i) Confirm appropriate definitions to guide Equity, Diversity and Inclusion (EDI) work;
  - (ii) Identify appropriate framework for EDI lens for the City of Hamilton;
  - (iii) Establish Standards of Practice;
  - (iv) Review and revise the draft Equity, Diversity, and Inclusion Handbook to be consistent and in alignment with the framework;
  - (v) Complete an updated internal environmental scan on annual basis;
  - (vi) Identify key initiatives and project priorities and develop appropriate workplans and milestones for such; and,
  - (vii) Engage in appropriate internal and external consultations on above;
- (c) That Human Resources staff be directed to source, through a competitive procurement process, suitable training from an external provider of Equity, Diversity and Inclusion training, relating to such elements including, but not limited, to anti-racism, anti-oppression, unconscious bias, and inclusionary best practices;
  - (d) That Human Resources staff be directed to establish a schedule for the above mandatory training to be delivered to Council members, the Senior Leadership Team, all Supervisor and above employees, and Union Executive Leadership in 2020;
  - (e) That Human Resources staff be directed to source options for systems/process enhancements to support Equity, Diversity and Inclusion metric dashboard requirements;
  - (f) That an amount not to exceed \$100,000, to be funded from Tax Stabilization Reserve Account #110046, to facilitate the Equity, Diversity and Inclusion 2020 training and community engagement components, be approved;
  - (g) That staff be directed to report back to the General Issues Committee by June 17, 2020 with a status update respecting the implementation of the Equity, Diversity and Inclusion process; and,
  - (h) That the matter respecting the Equity, Diversity and Inclusion Framework be considered complete and removed from the General Issues Committee's outstanding business list.

~~(i) That an Equity, Diversity and Inclusion Sub-committee, comprised of members of Council, to work in collaboration with the Equity, Diversity and Inclusion Steering (EDI) Committee and staff be established to develop the EDI framework.~~

**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 - Acting Mayor - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - 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

Acting Mayor Nann assumed the Chair.

**6.2 Amending By-law for the Removal of Strachan Street Free Running Area, and Temporary Inclusion of Jackie Washington Rotary Park Leash Free - Free Running Area (Ward 2)**

**(Farr/Merulla)**

WHEREAS, the City of Hamilton Recreational Trails Master Plan (2016) recommends pathway and boulevard upgrades along Strachan Street East and the City of Hamilton Cycling Master Plan Review and Update (2018) proposes 660m of paved Multi-Use Recreational Trail along Strachan Street East between James Street North and Ferguson Avenue and as such, the Strachan Street East Multi-Use Recreational Trail constructed in 2021;

WHEREAS, as a result of the Strachan Street East Multi-Use Recreational Trail alignment, the Strachan Street General Open Space is no longer in compliance with the Leash Free Parks Program Policy (PW03067) and requires removal of the leash free designation at this site (a portion of the East end of 51-134 Strachan Street);

WHEREAS, Council enacted a by-law for responsible animal ownership being City of Hamilton By-law 12-031, as amended;

WHEREAS, this By-law provides for the addition of a Leash Free Park to subsection 7.4(a) of By-law 12-031, as amended;



WHEREAS, an amendment to By-law 12-031, as amended, is required to remove Strachan Street General Open Space as an approved leash free park – free running area;

WHEREAS, a replacement leash free park location is to be constructed at Central Park (171 Bay Street North, Ward 2);

WHEREAS, a temporary leash free park to serve Ward 2 constituents is required until Central Park is complete, and a portion of Jackie Washington Rotary Park located at 371 Wellington Street North meets most of the criteria for a leash free – free running area as set out in the Leash Free Parks Program Policy (PW03067);

WHEREAS, the community was provided an opportunity to express interest, questions and concerns through Engage Hamilton, regarding a portion of Jackie Washington Rotary Park as a potential leash free park location, and 88% of the 225 respondents were either in favour or indifferent to this proposal; and,

WHEREAS, an amendment to By-law 12-031, as amended, is required to include a leash free – free running location (named Ward 2 Temporary Leash Free – Free Running Area) in Jackie Washington Rotary Park;

THEREFORE, BE IT RESOLVED:

- (a) That By-law 12-031, as amended, be further amended to:
  - (i) Remove Strachan Street General Open Space Leash Free – Free Running Area; and
  - (ii) Include the leash free-free running area in Jackie Washington Rotary Park as the Ward 2 Temporary Leash Free – Free Running Area, as indicated in Appendix “A” (Map of proposed Temporary Leash Free – Free Running Area in Jackie Washington Rotary Park);
- (b) That the City Solicitor be authorized and directed to prepare the appropriate by-law to amend By-law 12-031, as amended, a By-law for Responsible Animal Ownership, in the City of Hamilton, to remove Strachan Street General Open Space Leash Free – Free Running Area and include the Ward 2 Temporary Leash Free – Free Running Area in Jackie Washington Rotary Park.

**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 - Acting Mayor - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Russ Powers  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko

NOT PRESENT - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - 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

**6.3 Lincoln M. Alexander Parkway (LINC) and Red Hill Valley Parkway (RHVP) Mobility Feasibility Study**

**(Merulla/Jackson)**

WHEREAS, at the February 6, 2019 Public Works Committee meeting, staff were given direction to report back to the Public Works Committee to present the results of the Request for Proposals, for a functional design of the Lincoln M. Alexander Parkway and the Red Hill Valley Parkway, for consideration, prior to awarding the project;

WHEREAS, in June 2020, Information Report (PED20063/PW18008(b)) was considered by Public Works Committee confirming the study consultant award for the Lincoln M. Alexander Parkway and the Red Hill Valley Parkway Mobility Feasibility Study;

WHEREAS, the Mobility Feasibility Study is being undertaken to satisfy the requirements of the Municipal Class Environmental Assessment Process for Master Plans;

WHEREAS, the Mobility Feasibility Study commenced in January 2021 and to date the consultant has completed the main technical elements of the study including the analysis of existing and future traffic and transportation conditions, initial external stakeholder engagement and preliminary need and justification;

WHEREAS, on May 26, 2004, City Council approved Public Works, Infrastructure and Environment Committee (PWIE) Report No 04-012 which included the resolution that Council approve the Haudenosaunee - Hamilton Red Hill Agreements which include Section 7.12 and states that if the City of Hamilton proposes to add to the paved portion of the Roadway, or to make any substantial change to the Roadway, after its initial construction, it will deliver its proposal to the Red Hill Valley Joint Stewardship Board (JSB);

WHEREAS, the preliminary work completed through the Mobility Feasibility Study provides for a foundation for informing a proposal to the JSB per the 2003 JSB agreement.

THEREFORE, BE IT RESOLVED:

That Council authorizes staff to make a proposal to the Red Hill Valley Joint Stewardship Board for the expansion of the Red Hill Valley Parkway pursuant to Paragraph 7.12 of the Joint Stewardship Agreement, to be submitted as a formal

application in compliance with the application requirements set forth in Paragraphs 7.2, 7.3, 7.4 and 7.5 of that Agreement.

**(Danko/Jackson)**

That the motion respecting the Lincoln M. Alexander Parkway (LINC) and Red Hill Valley Parkway (RHVP) Mobility Feasibility Study, be **amended** by adding the following wording “**congestion and safety improvement alternatives, including**”, to read as follows:

That Council authorizes staff to make a proposal to the Red Hill Valley Joint Stewardship Board for the **congestion and safety improvement alternatives, including** expansion of the Red Hill Valley Parkway pursuant to Paragraph 7.12 of the Joint Stewardship Agreement, to be submitted as a formal application in compliance with the application requirements set forth in Paragraphs 7.2, 7.3, 7.4 and 7.5 of that Agreement.

**Result: Amendment DEFEATED by a vote of 4 to 10, as follows:**

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

**Result: Main Motion, CARRIED by a vote of 12 to 2, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
 YES - Ward 2 Councillor Jason Farr  
 NO - Acting Mayor - Ward 3 Councillor Nrinder Nann  
 YES - Ward 4 Councillor Sam Merulla  
 YES - Ward 5 Councillor Russ Powers  
 YES - Ward 6 Councillor Tom Jackson  
 YES - Ward 7 Councillor Esther Pauls  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Mayor Fred Eisenberger  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 14 Councillor Terry Whitehead  
 YES - Ward 13 Councillor Arlene VanderBeek

NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**NOTICES OF MOTION**

**7.1 Lincoln M. Alexander Parkway (LINC) and Red Hill Valley Parkway (RHVP) Mobility Feasibility Study**

**(Merulla/Jackson)**

That the rules of order be waived to allow for the introduction of a Motion respecting the Lincoln M. Alexander Parkway (LINC) and Red Hill Valley Parkway (RHVP) Mobility Feasibility Study.

**Result: Motion CARRIED by a 2/3rds vote of 11 to 4, as follows:**

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

For further disposition of this matter, refer to Item 6.3

**STATEMENTS BY MEMBERS**

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

**COUNCIL COMMUNICATION UPDATES**

**(Farr/Jackson)**

That the listing of Council Communication Updates from March 25, 2022 to April 7, 2022, be received.

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

YES - Ward 1 Councillor Maureen Wilson

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

<b>PRIVATE AND CONFIDENTIAL</b>
---------------------------------

**(Pearson/VanderBeek)**

That Matthew Alter from Cassels be permitted to attend the Closed Session portion of the meeting with respect to the **REVISED** Confidential Appendix "C" to Item 5 of the Audit, Finance and Administration Committee Report 22-008, respecting Report AUD22004, Grighmire Arena Lessons Learned Audit.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 2 Councillor Jason Farr  
 YES - Acting Mayor - Ward 3 Councillor Nrinder Nann  
 NOT PRESENT - Ward 4 Councillor Sam Merulla  
 NOT PRESENT - Ward 5 Councillor Russ Powers  
 YES - Ward 6 Councillor Tom Jackson  
 YES - Ward 7 Councillor Esther Pauls  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Mayor Fred Eisenberger  
 YES - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 YES - Ward 13 Councillor Arlene VanderBeek  
 NOT PRESENT - 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 Council move into Closed Session to consider the **REVISED** Confidential Appendix "C" to Item 5, Audit, Finance and Administration Committee Report 22-008, Respecting Report AUD22004, Grighmire Arena Lessons Learned Audit Pursuant to Section 9.1, Sub-Section (f) of the City's Procedural By-Law 21-021, As Amended, and Section 239(2), Sub-Section (f) of the *Ontario Municipal Act, 2001*, As Amended, as the subject matter pertains to advice

that is subject to Solicitor-Client privilege, including communications necessary for that purpose.

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

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

<b>AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 22-008 - CONTINUED</b>
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**(Pearson/VanderBeek)**

That Audit, Finance and Administration Committee Report 22-008, being the meeting held on Thursday, April 7, 2022, be received and the recommendations contained therein be approved.

**(Pearson/VanderBeek)**

WHEREAS, the wording of **REVISED** Confidential Appendix C, was amended to maintain the substance of the advice we received from external counsel but not the advice itself, so privilege no longer needs to be waived.

THEREFORE, BE IT RESOLVED:

That Item 5 of Audit, Finance and Administration Committee Report 22-008, respecting Grightmire Arena Lessons Learned Audit (AUD22004) (City Wide), be **amended** by amending sub-section (d) and adding '**REVISED**' when referencing Confidential Appendix "C", as follows:

**5. Grightmire Arena Lessons Learned Audit (AUD22004) (City Wide) (Item 14.2)**

- (a) That Report AUD22004 and Confidential Appendices "A" and "B" to Report AUD22004 respecting Grightmire Arena Lessons Learned Audit be received and remain confidential and restricted from public disclosure;
- (b) That Management Responses as detailed in Confidential **Appendix "A" and REVISED Confidential** Appendix "C" to Report AUD22004 be received;

- (c) That the General Manager of Public Works and the General Manager of Finance and Corporate Services be directed to implement the Management Responses (attached as Confidential **Appendix "A" and REVISED Confidential Appendix "C"** to Report AUD22004) and report back to the Audit, Finance and Administration Committee on a quarterly basis on the nature and status of actions taken in response to the audit report; and,
- (d) ~~That Council waive the right to privilege for paragraphs 112, 135-137, 142, 144-145, 149, 155, 157-158, and 161 in REVISED Confidential Appendix "C" to Report AUD22004, respecting J. L. Grightmire Arena Lessons Learned Audit, and~~ That **REVISED Confidential Appendix "C"** to Report AUD22004 be made public as part of the agenda for the April 21, 2022 Audit, Finance and Administration Committee meeting.

**Result: Motion on Item 5 of the Audit, Finance and Administration Committee Report 22-008, As Amended, CARRIED by a vote of 10 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 2 Councillor Jason Farr  
 YES - Acting Mayor - Ward 3 Councillor Nrinder Nann  
 NOT PRESENT - Ward 4 Councillor Sam Merulla  
 NOT PRESENT - Ward 5 Councillor Russ Powers  
 YES - Ward 6 Councillor Tom Jackson  
 NOT PRESENT - Ward 7 Councillor Esther Pauls  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Mayor Fred Eisenberger  
 YES - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 YES - Ward 13 Councillor Arlene VanderBeek  
 NOT PRESENT - 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 Audit, Finance and Administration Committee Report 22-008, CARRIED by a vote of 10 to 0, as follows:**

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

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

**(Farr/VanderBeek)**

That Council rise from Committee of the Whole to consider the Committee Reports.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

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

<b>BY-LAWS AND CONFIRMING BY-LAW</b>
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**(Farr/Partridge)**

That Bills No. 22-068 to No. 22-089, 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:

- 068 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking  
Schedule 8 – No Parking Zones  
Schedule 12 – Permit Parking Zones  
Ward: 3, 4, 12, 14
  
- 069 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 386 Wilcox Street  
ZAR-22-009  
Ward: 3
  
- 070 To Adopt Official Plan Amendment No. 165 to the Urban Hamilton Official Plan Respecting Waterdown Community Node Secondary Plan (Flamborough)  
Ward: 15



- 071 To Amend By-law No. 05-200, Respecting Mixed Use Medium Density and Institutional Lands Located within the Waterdown Community Node Secondary Plan, Hamilton  
CI-21-F  
Ward: 15
- 072 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Modifications to the Urban Residential (Single Detached) "R1" and Core Area Residential "R5" Zones with the Waterdown Node Secondary Plan Area  
Ward: 15
- 073 To Amend Zoning By-law No. 05-200 with Respect to a Temporary Use By-law for Outdoor Commercial Patios  
Ward: City Wide
- 074 To Amend Zoning By-law No. 05-200 with Respect to a Temporary Use By-law for Temporary Tents  
Ward: City Wide
- 075 To Amend Zoning By-law No. 05-200 With Respect to Commercial Entertainment and Recreation on Outdoor Commercial Patios in the City of Hamilton  
Ward: City Wide  
CI 22-D
- 076 To Amend Zoning By-law No. 87-57 with Respect to Commercial Entertainment and Recreation on Outdoor Commercial Patios in the former Town of Ancaster  
CI 22-D  
Ward: City Wide
- 077 To Amend Zoning By-law No. 3581-86 (Dundas) with Respect to Commercial Entertainment and Recreation on Outdoor Commercial Patios in the former Town of Dundas  
CI 22-D  
Ward: City Wide
- 078 To Amend Zoning By-law No. 90-145-Z with Respect to Commercial Entertainment and Recreation on Outdoor Commercial Patios in the former Town of Flamborough  
Ward: City Wide  
CI 22-D
- 079 To Amend Zoning By-law No. 464 with Respect to Commercial Entertainment and Recreation on Outdoor Commercial Patios in the former Town of Glanbrook  
Ward: City Wide  
CI 22-D
- 080 To Amend Zoning By-law No. 6593 with Respect to Commercial Entertainment and Recreation on Outdoor Commercial Patios in the Former City of Hamilton  
Ward: City Wide  
CI 22-D

- 081 To Amend Zoning By-law No. 3692-92 with Respect to Commercial Entertainment and Recreation on Outdoor Commercial Patios in the former City of Stoney Creek  
Ward: City Wide  
CI 22-D
- 082 To Adopt Official Plan Amendment No. 166 to the Urban Hamilton Official Plan Respecting Housekeeping Amendments  
Ward: City Wide
- 083 To Adopt Official Plan Amendment No. 33 to the Rural Hamilton Official Plan Respecting Housekeeping Amendments  
Ward: City Wide
- 084 To Amend Zoning By-law No. 05-200 Respecting Modifications and Updates to the Administration, Definitions, General Provisions, Parking, Commercial and Mixed Use Zones, Industrial Zones, Rural Zones, Zoning Maps, Special Exceptions, Holding Provisions, and Special Figures  
Ward: City Wide  
CI 22-C
- 085 To Amend Zoning By-law No. 87-57 Respecting Modifications to the Existing Residential “ER” Zone in the former Town of Ancaster Zoning By-law  
CI 22-C  
Ward: 12
- 086 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 105 Braeheid Avenue, Flamborough  
CI 22-C  
Ward: 15
- 087 To Amend Zoning By-law No. 6593, as amended by By-law No. 21-249, Respecting Lands Located at 311 and 313 Stone Church Road East  
CI 22-C  
Ward: 7
- 088 To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands known as Green Millen Shores Estates (Frances Avenue, Southshore Crescent, Lakefront Drive, Waterview Drive, Lakewalk Drive), Stoney Creek  
CI 22-C  
Ward: 10
- 089 To Confirm the Proceedings of City Council

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Acting Mayor - Ward 3 Councillor Nrinder Nann
- NOT PRESENT - Ward 4 Councillor Sam Merulla
- NOT PRESENT - Ward 5 Councillor Russ Powers

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

**(Johnson/Pearson)**

That, there being no further business, City Council be adjourned at 5:00 p.m.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

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

Acting Mayor Nrinder Nann

Janet Pilon  
Acting City Clerk



April 06, 2022

Sent via email

Office of the Prime Minister  
80 Wellington Street  
Ottawa, ON  
K1A 0A2

Dear Mr. Trudeau:

**Re: Resolution # 2022-241 – HST rebate on new homes in Ontario**

Please be advised that the following resolution was passed at the April 06, 2022 meeting of the Council of the Municipality of Grey Highlands.

**2022-241**

**Paul Allen, Dane Nielsen**

**Whereas attainable housing has been a concern of hopeful homeowners for many years; and**

**Whereas attainable housing is a priority of all levels of government; and**

**Whereas the Government of Ontario will rebate a portion of the provincial part of HST paid for a house to a maximum of \$24,000 if HST was paid on the land, or \$16,080 if HST was not paid on the land regardless of the fair market value of the house; and**

**Whereas the Government of Canada will rebate a portion of the federal part of HST paid for a house only if the fair market value is under \$450,000; and**

**Whereas the average fair market value of a new home in Ontario is well above the \$450,000 threshold; now**

**Therefore be it resolved that the Municipality of Grey Highlands requests that the Federal government remove or increase the \$450,000 fair market value threshold to reflect today's housing costs; and**

**That council direct staff to circulate this resolution to Prime Minister Justin Trudeau, Premier Doug Ford, MP Alex Ruff, MPP Bill Walker, Provincial and Federal Finance Ministers, The Ministry of Municipal Affairs and Housing, AMO, Grey Bruce Home Builders and Trades Association, Ontario Home Builders Association and all Municipalities in Ontario.**

**CARRIED.**

**The Municipality of Grey Highlands**

206 Toronto Street South, Unit One - P.O. Box 409 Markdale, Ontario N0C 1H0  
519-986-2811 Toll-Free 1-888-342-4059 Fax 519-986-3643  
www.greyhighlands.ca info@greyhighlands.ca

If you require anything further, please contact this office.

Sincerely,

*Amanda Fines-VanAlstine*

Amanda Fines-VanAlstine  
Council & Committee Coordinator  
Municipality of Grey Highlands

cc. Premier, Doug Ford  
MP, Alex Ruff  
MPP, Bill Walker  
Federal Minister of Finance, Chrystia Freeland  
Provincial Minister of Finance, Peter Bethlenfalvy  
Ministry of Municipal Affairs and Housing  
Association of Municipalities Ontario  
Grey Bruce Home Builders' Association  
Ontario Home Builders' Association  
All Municipalities in Ontario

**The Municipality of Grey Highlands**

206 Toronto Street South, Unit One - P.O. Box 409 Markdale, Ontario N0C 1H0  
519-986-2811 Toll-Free 1-888-342-4059 Fax 519-986-3643  
[www.greyhighlands.ca](http://www.greyhighlands.ca) [info@greyhighlands.ca](mailto:info@greyhighlands.ca)



## Staff Report

**Meeting Date:** April 6, 2022  
**To:** County Council  
**Report Number:** PPW 2022-12  
**Title:** Provincial Request for Comments on Floating Accommodations  
**Author:** Bryan Weir, Director of Planning & Public Works  
**Approval:** Sheridan Graham, CAO  
**Recommendation:** That Report PPW 2022-12 “Provincial Request for Comments on Floating Accommodations” be received, and,  
That the report be forwarded to the Province as Peterborough County’s response.

---

### Overview

This report has been prepared in order to provide Council with some background information on Floating Accommodations and to present a set of comments for endorsement to be sent to the Province.

### Background

On March 16<sup>th</sup>, County Council assed the following Resolution:

#### **Resolution No. 115-2022**

Moved by Councillor Moher

Seconded by Councillor Clarkson

That staff be directed to review the suggestions outlined by the Province in Correspondence item 6 (Appendix A), gather more details and follow along with the process to avoid any issues in the future.

#### **Carried**

In the preparation of this report, the Provincial Posting on the Environmental Registry was reviewed (<https://ero.ontario.ca/notice/019-5119>) as well as O. Reg. 161/17: Occupation of Public Lands under Section 21.1 of the (Public Lands) Act.

## Staff Report

The Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR) is aware that the occupation of floating accommodations has raised a number of concerns. “Floating Accommodations” are not necessarily limited to house boats or cabin cruisers but also include other such structures as small cabins that can be used for accommodating people, some with motors or those without motors that are towed out to a location on water and then anchored.



<https://www.vrbo.com/en-ca/cottage-rental/>

MNDMNR is not so much concerned with navigation as they are about other matters that have been raised. These include:

- wastewater management
- application of building permits
- duration of use
- advertisements that suggest a range of options for the use of floating accommodations on water
- increasing human pressures on waterways
- impeding access to public land and waterways
- lack of payment of property taxes

While floating accommodations have been viewed by some to represent an economic development and tourism activity, others see the use of floating accommodations as problematic and one which requires further attention.

O.Reg. 161/17 defines “camping unit” as a structure or vehicle that may be used for camping purposes or as an outdoor accommodation and includes a tent, trailer, tent-



## Staff Report

trailer, recreational vehicle, camper-back and any watercraft equipped for overnight accommodation.

The ERO posting contains the following explanation:

“A boater may always exercise their right of navigation, which includes reasonable moorage. If a person is not using a “camping unit” or navigating, then occupational authority or other permission is required from our ministry.

We are seeing a change on Ontario’s waterways. Over the years, the use of provincial waterways by watercraft has expanded to include floating accommodations, which are designed primarily to provide accommodation for longer stays (i.e., similar to a cottage) and not for navigation or for camping purposes.”

### **Analysis**

On the previous page, the Province has identified a number of issues related to floating accommodations. However, there are other issues that may deserve some attention as well. These include noise and zoning. Noise By-laws are generally enforced by the local municipality and are usually complaint-driven. By-law enforcement staff will visit the property in question and take appropriate action. However, if the noise originates from a point on the water, does the By-law apply? This legal matter should be investigated by the Province.

With respect to land use planning tools, zoning under The Planning Act is a means to control the indiscriminate use of land. Some local municipalities have taken the position to zone not only lands within their jurisdiction, but also the water bodies. Zoning will specify uses that may occur on the water. They also may trigger a Building Permit for compliance. For those municipalities that have zoning on water, there is a significant challenge in trying to enforce the by-law for floating accommodations whether they be transient or located in one spot for an extended period of time.

It is believed that the Province should review the definition of “camping unit” to narrow the scope of use to account for floating accommodations. Currently, the definition leaves much to interpretation. The other alternative is to define the term ‘watercraft’ in a way that succinctly describes it to exclude floating accommodations like the ones being addressed.

It is also believed that, if floating accommodations of this nature are to be permitted, there needs to be a permit and location registry system together with a fee structure that is robust enough to finance the administration and on-water enforcement of such activities. Similar to land camping in Provincial Parks, the responsibility should rest with the Province.





## Staff Report

With respect to actual house boats and their use on the water, it is strongly suggested that operators have completed and successfully passed certification to obtain a boating licence.

The Province, at this time, is merely seeking ideas and approaches to addressing the issue of floating accommodations. Regulatory changes, if proposed, will be posted on the Environmental Registry for public consultation.

### **Financial Impact**

Not applicable.

### **Anticipated Impacts on Local and/or First Nations Communities**

Not applicable as a result of the report.

### **Alignment to County of Peterborough Strategic Plan Priorities**

**To provide high quality services to residents, businesses and Townships:**

**Communications** – To elevate the County of Peterborough’s profile, enhance community engagement, and communicate proactively.

**Communication Completed/required:** Provide Council comments to the Province

### **Attachments**

Appendix A – MNDMNR correspondence Dated March 3, 2022

Respectfully Submitted,

Bryan Weir  
Director of Planning & Public Works

For more information, please contact:  
Bryan Weir, Director of Planning & Public Works  
[bweir@ptbocounty.ca](mailto:bweir@ptbocounty.ca)  
705-743-0380



**LAKE  
OF BAYS**  
• MUSKOKA •

T 705-635-2272  
TF 1-877-566-0005  
F 705-635-2132

TOWNSHIP OF LAKE OF BAYS  
1012 Dwight Beach Rd  
Dwight, ON POA 1H0

## 5.2 (b)

April 12, 2022

Via email: [TC.MinisterofTransport-MinistredesTransports.TC@tc.gc.ca](mailto:TC.MinisterofTransport-MinistredesTransports.TC@tc.gc.ca)

Minister of Transport Canada  
5th Floor  
777 Bay St.  
Toronto, ON  
M7A 1Z8

Dear Hon. Omar Alghabra,

**RE: Notice of Motion – Floating Accommodations**

---

On behalf of the Council of the Corporation of the Township of Lake of Bays, please be advised that the above-noted motion was presented at the last regularly scheduled Council meeting on April 12, 2022 and the following resolution was passed.

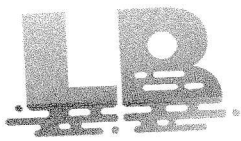
**“Resolution #8(a)/04/12/22**

**WHEREAS floating accommodations have become a growing concern in that they will affect the environment, character, tranquillity and the overall enjoyment of Lake of Bays and regulating these floating accommodations is a top priority for the Township of Lake of Bays;**

**NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays hereby requests that Transport Canada amend the Canada Shipping Act 2001 by adding the following to the Act:**

- All vessel greywater be discharged into a holding tank and disposed of as per Provincial regulations for new vessels; and
- All floating accommodations are required to conform to all Provincial and municipal regulations and by-laws.

...2



**LAKE  
OF BAYS**  
• MUSKOKA •

T 705-635-2272  
TF 1-877-566-0005  
F 705-635-2132

TOWNSHIP OF LAKE OF BAYS  
1012 Dwight Beach Rd  
Dwight, ON P0A 1H0

Page 2

**AND FURTHER THAT the Council of the Corporation of the Township of Lake of Bays hereby requests that Northern Development, Mines, Natural Resources and Forestry (NDMNRF) amend Ontario Regulation 161/17 to include the following:**

- **Post signs to restrict floating accommodation/camping on the water in southern Ontario (Muskoka south) and that a permit from the NDMNRF is required and a permit will not be granted without the consent of the local municipality;**
- **Camping is reduced from 21 days to 7 days;**
- **Not permit any camping on the water within 300m of a developed lot or within a narrow water body of 150m; and**
- **Should a municipality have more restrictive by-laws related to camping, these by-laws would apply.**

**AND FURTHER, THAT Council hereby directs the Clerk to forward this resolution to the Minister of Transport Canada, the Premier of Ontario, Scott Aitchison, MP, Norm Miller, MPP, Minister of Northern Development, Mines, Natural Resources and Forestry (NDMNRF), Association of Municipalities of Ontario and all municipalities in Ontario.**

**Carried.”**

In accordance with Council's direction, I am forwarding you a copy of the resolution for your reference.

Please do not hesitate to contact me should you have any questions or require clarification in this regard.

Sincerely,

Carrie Sykes, *Dipl. M.A., CMO, AOMC,*  
Director of Corporate Services/Clerk

CS/iv

Copy to: Premier of Ontario  
Member of Parliament  
Local member of Provincial Parliament  
Minister of Northern Development, Mines, Natural Resources & Forestry  
Association of Municipalities  
Municipalities in Ontario



*Sent via Email*

April 19, 2022

**RE: TOWN OF GRAVENHURST RESOLUTION – FLOATING ACCOMMODATIONS**

At the Town of Gravenhurst Committee of the Whole meeting held on April 12, 2022 the following resolution was passed:

**WHEREAS** the Province is currently consulting with municipalities on the use of floating accommodations;

**AND WHEREAS** public feedback is required to be submitted to the NDMNRF by April 19, 2022;

**THEREFORE BE IT RESOLVED THAT** Administration be directed to submit comments on behalf of the Town of Gravenhurst to include, not limited to:

- qualifications of a “vessel”,
- length (number of days) of time permitted for camping on Crown Land,
- wastewater management; and
- lack of infrastructure (ie pumping stations, hygiene amenities) to support floating accommodations within the Town of Gravenhurst;

**AND THAT** Administration be directed to Report to Council on what measures can be implemented to restrict the use of Floating Accommodations within the Town of Gravenhurst;

**AND FINALLY THAT** this motion be circulated to municipalities within the Province of Ontario.

Sincerely,

A handwritten signature in black ink, consisting of the initials "J.G." in a cursive style.

Jacob Galvao  
Administrative Clerk II – Legislative Services  
Town of Gravenhurst

April 19, 2022

Chair and Members of the General Issues Committee  
City of Hamilton  
71 Main Street West  
Hamilton, Ontario  
L8P 4Y5

Via email: [Stephanie.Paparella@hamilton.ca](mailto:Stephanie.Paparella@hamilton.ca)

Dear Chair and Members of the General Issues Committee:

**RE: Request for Employment Land Conversion – Silvestri Investments  
700 Garner Road East, Ancaster  
Our File No. 1594D**

---

MacNaughton Hermsen Britton Clarkson Planning Limited (“**MHBC**”) is retained by Silvestri Investments Inc. (“**Silvestri**”) in relation to their property located 700 Garner Road East in Ancaster (the “**Subject Lands**”). On September 15, 2017 MHBC submitted a request on behalf of Silvestri to convert the Subject Lands from employment uses to non-employment uses through the City’s Municipal Comprehensive Review and Growth Related Integrated Development Strategy 2 (“**MCR / GRIDS 2**”) process. On August 4, 2021, staff made recommendations to General Issues Committee (“**GIC**”) on the bulk of the requested conversions received from other landowners but deferred a recommendation for the Subject Lands on the basis that the Subject Lands abut lands that were being considered for a potential urban boundary expansion (“**UBE**”) and a decision on the UBE had not been made at the time. In November 2021 GIC voted not to expand the urban boundary and staff are now bringing forward a recommendation on the deferred employment conversion requests.

Staff Report PED17010(p) being presented to GIC on April 20, 2022 does not recommend conversion of the Subject Lands to non-employment uses. On behalf of Silvestri, we respectfully request that GIC reconsider the staff recommendation on the following basis, in addition to our original request letter dated September 15, 2017.

Background

1. The Subject Lands are approximately 26.6 hectares in size and are bounded by Garner Road and four properties containing single detached dwellings to the north, two properties containing single detached dwellings and an agricultural field to the east, a Hydro One corridor to the south and Smith Road to the west (see attached Location Map).

2. The Subject Lands are currently designated "Institutional" and "Site Specific Policy - Area D" in the Airport Employment Growth District ("AEGD") Secondary Plan which permits a variety of institutional uses but prohibits residential uses except for those ancillary to an institutional use. The Institutional land use policies in the AEGD Secondary Plan state that if these lands are not used for institutional uses, then they shall be considered under the Airport Prestige Business land use designation. The policies also state that the Subject Lands are intended to be used for an expansion of Redeemer University College.
3. The Subject Lands were the subject of a lengthy Ontario Municipal Board hearing process related to the AEGD Secondary Plan that led to a settlement with respect to the land use designations and policies of the AEGD Secondary Plan. As part of the Board's order, the following statement was made by the Board in its Order:

*"[31] Lands designated Institutional are also within the AEGD. The Institutional designation may include certain uses that have employees but the employment component is not the principal purpose of the lands. As such, lands designated Institutional are not considered employment lands."*

*[32] The Institutional lands within the AEGD include a church, a pet cemetery, a secondary school and lands identified for the possible future expansion of Redeemer College."*

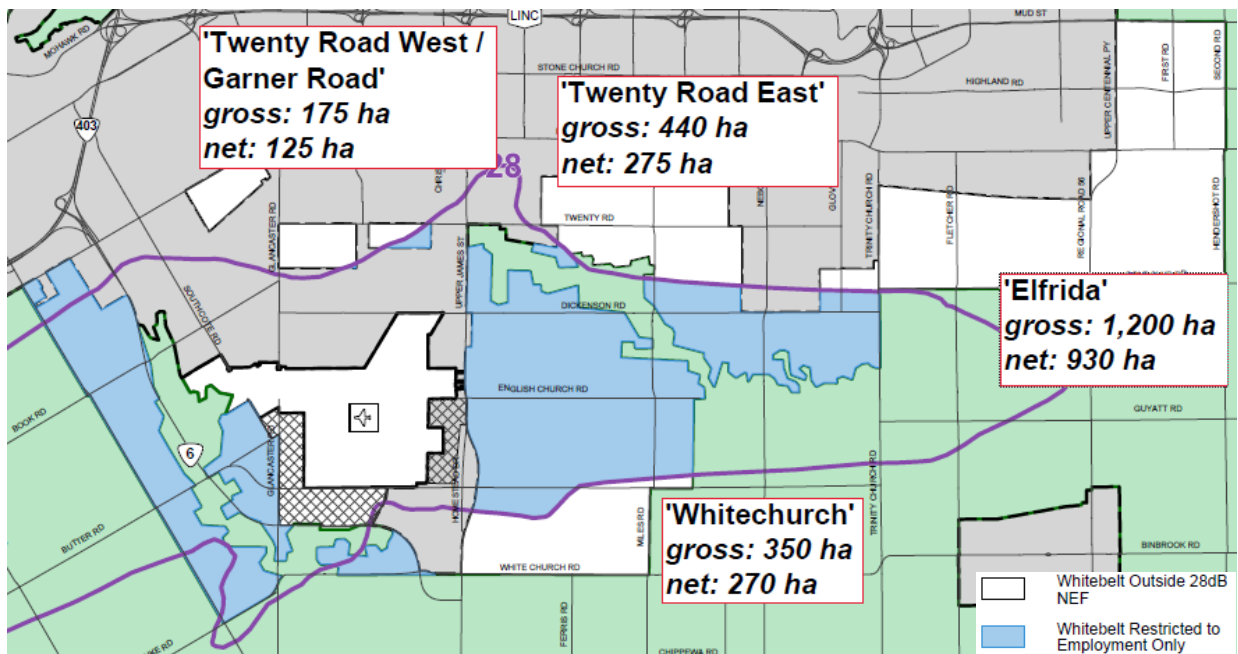
Notwithstanding the statement by the Board that the lands are not to be considered employment lands, the Subject Lands end up caught in an Employment Area by default due to the restrictive policies in the AEGD Secondary Plan.

#### Rationale for Conversion

4. The Subject Lands are adjacent to existing residential neighbourhoods north of Garner Road which include community facilities such as schools, parks and Redeemer University College.
5. The 26.6 hectare site is large enough to accommodate a range of residential and supportive uses including additional institutional uses and commercial uses to support development on the site and in the surrounding area.
6. There is a demonstrated need for land to accommodate forecasted population growth. Through the studies completed by City staff and its consultants over the past five years for the MCR / GRIDS 2 process, it was identified that 1,310 hectares of gross developable land is required to accommodate population growth to 2051. Staff recommended a UBE to accommodate this growth but GIC did not vote in favour of the recommendation but instead voted in favour of a no UBE growth scenario wherein all growth will be accommodated within the existing urban boundary and will rely on an intensification rate of approximately 80% (whereas the highest intensification rate that Hamilton has achieved in any year between 2008 and 2019 has been 50%, with an overall average for that period of 35%).
7. Conversion of the Subject Lands to non-employment uses needs to be considered in the overall growth management approach being pursued by the City with a long term outlook. GIC has voted against expanding the urban boundary. However, studies prepared by City staff and the City's consultant indicate that there is a 1,310 hectare deficit in community land area to 2051, including a more immediate deficit of 305 hectares for the period between 2021 and 2031. Therefore, conversion of the Subject Lands to non-employment uses will allow for some of this shortfall to

be addressed without the need to expand the urban boundary as the Subject Lands are already designated for urban uses.

8. The employment conversion would not have a significant impact on the City's employment land supply. The Land Needs Analysis ("LNA") prepared for the MCR / GRIDS 2 process indicates that the City has a surplus of employment land of 60 hectares, including 1,290 hectares of employment land that is currently vacant. Currently, staff are recommending 58.9 hectares of employment conversions made by other landowners. If conversion of the Subject Lands is also approved, while this would technically represent a minor deficit of employment lands of 25.5 hectares to the year 2051, it should be noted that the Subject Lands cannot be considered as a reliable supply of employment land since they are currently designated as Institutional and could at any point be used for a range of non-employment uses, including ancillary residential uses.
  
9. Any identified deficits to employment land supply to 2051 can be monitored and reconciled through future MCR processes which must occur at least every 10 years. GIC specifically included a requirement to review the decision not to expand the urban boundary for community uses at least every 10 years through an MCR process and thus employment lands should also be treated in the same manner. There is ample room to accommodate employment lands through future UBEs should it be determined that an expansion is required. The excerpt below from staff report PED17010(h) shows the approximate whitebelt area that is restricted to employment uses only (identified in blue) as a result of being in the airport flight path. Whitebelt area that can be used for community uses is identified in white with approximate lands areas noted. The areas identified as "Twenty Road West / Garner Road", "Twenty Road East" and "Elfrida" are areas that were in consideration for incorporation into the urban boundary to satisfy the 1,310 hectare land need to 2051. It is clear that under the parameters used by City staff and its consultant to complete the MCR / GRIDS 2 process by City staff and the City's consultant, there would be significantly less whitebelt area to accommodate community uses compared to employment uses. It is therefore important that existing urban land be used carefully and in a manner that reduces the risk of running out of land for either employment or community uses.



Excerpt from Appendix "H" of Staff Report PED17010(h)

10. Out of the 12 provincial and municipal criteria that staff used to assess the conversion of the Subject Lands in Appendix “A” to staff report PED17010(p), only three criteria were identified as not being met, with the balance being identified as either being met or “neutral”. Below is a response to the criteria which staff have identified as not being met:

<i>Criteria 1: There is a need for the conversion</i>	
<b>Staff’s Assessment</b>	<b>Response to Staff’s Assessment</b>
<p>The rural lands on Garner Road East, immediately east of the subject lands, are no longer being considered as a candidate urban boundary expansion area, as Council has adopted a “No Urban Boundary Expansion” growth scenario to 2051. Therefore, there is no need to convert these lands to align with other community land uses on neighbouring lands.</p> <p>The City’s draft MCR OPA contains residential intensification and development policies to locate residential growth to 2051 to strategic growth areas and existing neighbourhoods across the City.</p> <p>Conversion of employment land to accommodate growth was not considered as part of the City’s growth management plan within the existing urban boundary.</p>	<p>It is not clear why conversion of these lands to non-employment uses would be contingent on whether the rural lands to the east are candidates for UBE. Conversion of the Subject Lands to non-employment uses would align with the existing residential neighbourhoods immediately to the north and would also be complementary to the adjacent employment areas by providing residents with good access to jobs while allowing for complementary commercial and institutional uses to serve the employment area.</p> <p>The studies conducted by staff and the City’s consultant clearly indicate a need for additional community land to accommodate growth to 2051 in the amount of 1,310 ha with an immediate need for the 2021-2031 period of 305 ha. GIC voted not to add this additional land to the urban boundary. Thus there is still a clear and demonstrated need for additional community land area that can be partially addressed through this conversion.</p> <p>We are unclear as to how this statement applies to the conversion request for the Subject Lands and how requests from other land owners have been approved in relation to this criteria. A request to convert the Subject Lands to non-employment uses has been with the City since September 2017 and should have been considered as part of the growth management plan. Lastly, we note that a no UBE growth scenario was assessed by staff and ultimately not recommended but is now being pursued by the City. As such, it is now important to consider this conversion request.</p>
<i>Criteria 2: The lands are not required over the horizon of this Plan for the employment purposes for which they are designated.</i>	
<b>Staff’s Assessment</b>	<b>Response to Staff’s Assessment</b>
<p>The subject lands at 700 Garner Road East included in the LNA calculations as part of the City’s employment land supply. The lands are identified as Employment Areas on Schedule E – Urban Structure (Volume 1), designated Institutional in</p>	<p>Please see points 8. and 9. above. The employment conversion would not have a significant impact on the City’s employment land supply.</p>



<p>the AEGD Secondary Plan, and default to the designation "Airport Prestige Business" in the AEGD Secondary Plan if the institutional uses for which they are designated are not developed.</p> <p>The removal of 26.6 hectares of employment designated land in the AEGD may impact the overall land supply for the uses for which it was designated.</p>	
<p><i>Criteria 3: Conversion of the site(s) will be beneficial to the community through its contribution to the overall intent and goals of the City policies and demands on servicing and infrastructure</i></p>	
<p><b>Staff's Assessment</b></p>	<p><b>Response to Staff's Assessment</b></p>
<p>The conversion to allow additional institutional uses on the subject lands, as well as standalone residential uses, may not be beneficial to the overall intent and goals of the City, as residential uses should be developed as part of a complete community. There are no current opportunities to connect the residential component of the proposed conversion to adjacent lands and the lack of connectivity may render them isolated from other residential uses.</p>	<p>The Subject Lands can very much be developed as part of a complete community. The lands are 26.6 hectares in area which is sufficient land area to accommodate a range of residential uses as well as commercial, institutional and community uses that can support development on the Subject Lands and the surrounding community. It is not clear why it was assessed that the Subject Lands cannot be connected to "adjacent lands and that the lack of connectivity may render them isolated from other residential uses."</p> <p>The Subject Lands are located to the south of the existing residential community north of Garner Road with schools and parks that are within walking distance. The Subject Lands in fact stand to be some of the most connected lands in Ancaster given that they are along an existing transit route, future rapid transit route, close to employment uses and can be development with supporting commercial and institutional uses whereas other parts of Ancaster are much more car-oriented.</p>

Conversion of the Subject Lands to non-employment uses will allow for the creation of a new mixed use development that will provide much needed housing in the City and contribute to the surrounding community with the potential to integrate commercial and institutional uses into the site to serve the surrounding neighbourhoods. We respectfully request the GIC approve this conversion request which will permit the owners to work with staff to determine an appropriate mix and range of uses for the site, including residential and supporting commercial, institutional and community uses which are already permitted

Thank you for your consideration of our request.

Yours truly,

## MHBC



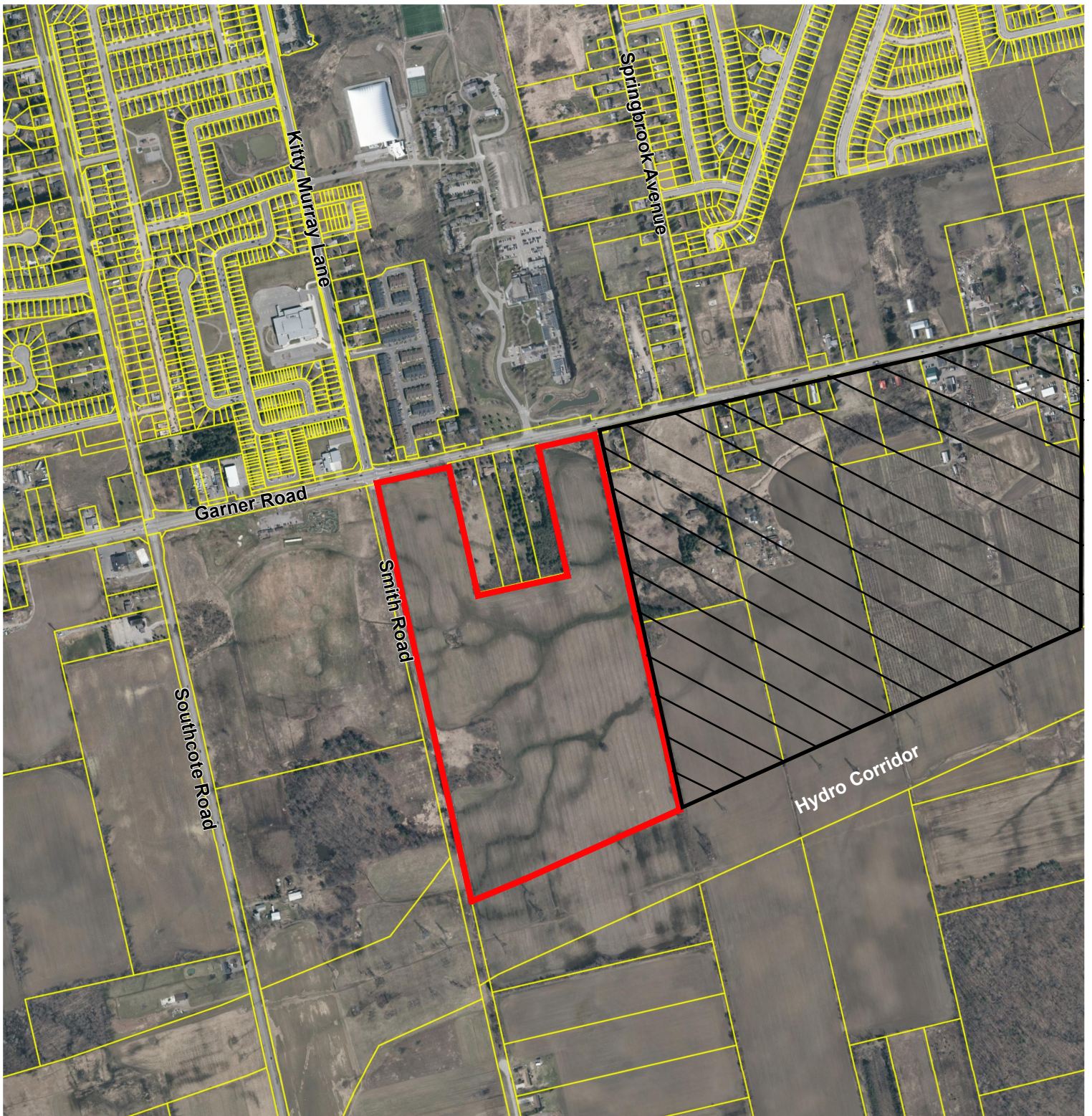
Dana Anderson, MA, FCIP, RPP  
Partner



Gerry Tchisler, M.Pl., MCIP, RPP  
Associate

cc: Silvestri Investments Inc.  
Peter Pickfield, Garrod Pickfield LLP  
Lauren Vraets, Planning Division, City of Hamilton  
Heather Travis, Planning Division, City of Hamilton  
Heather Watt, Manager, Community Planning and Development (West), MMAH





Data Source: First Base Solutions Aerial Flown 2014

## Location Map

### LEGEND



Subject Lands

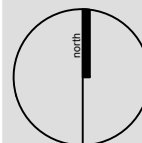


Whitebelt Lands Outside of Urban Boundary

Redeemer Lands

DATE: September 14, 2017

SCALE 1 : 10,000



700 Garner Road East  
Hamilton, Ontario

N:\1594 - Silvestri\ID - Redeemer Lands\2016\May\Location Map\1594D\_Location Map\_3 May 2016.dwg

**MHBC** PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE  
230-7050 WESTON ROAD WOODBRIDGE, ON, L4L 8G7  
P: 905 761 5588 F: 905 761 5589 | WWW.MHBCPLAN.COM



David Simon

April 21, 2022

Councillor Farr,

I was disappointed to read in the Spectator, a few weeks back, that out of the array of tools available in the toolbox that the City of Hamilton has we chose, under your leadership, to punish certain citizens who find themselves unable to cope with circumstances and are at a low, this instead of helping them with a solution.

I was raised not to kick someone when they were down. Also, that our character is shown with how we treat those around us, especially those struggling or unable to cope.

Having lived for 50 of my 60 years in the City of Hamilton, I must say I really love the city. It's a city of grit and determination, a city of innovation and of tradition, a city of great beauty and amazing talent, and is the industrial heartbeat of the region. But when we remove compassion for our fellow neighbour from that mix, the city loses some of that greatness.

It is completely understandable that people in any neighbourhood would not want a tent city in their local park. Most likely you would not, and neither would I. However, just fining, arresting, or moving them out and away doesn't solve their or the City's problem.

I have two ways of thinking, first, we don't have problems, we only have opportunities for solutions, and as Einstein put it, we can't solve a problem with the same thinking that got us into it in the first place.

For many years now my church has had an outreach program, called the community around the table or CAT for short. Like so many other churches, our CAT program seeks to give each person a meal, some community maybe with a touch of counselling, clothing if we have it, and hope. What you quickly realize is that each person is different in their situation and for the reason coming to your door. It's not just us and them, as the city's website so aptly points out.

Without all the community organizations including churches like ours helping individuals in the city, the City of Hamilton itself would have a massive problem.

My church has seen the number of people more than double during the pandemic that are coming to our door for help. And I might add that our church didn't just hire security to shoo them away, we opened our doors and helped. Think about that.

I feel it would be unfair of me just to write you a letter of my disappointment, without giving some suggestions of how to resolve this multifaceted problem. Some of these ideas are admittedly crazy, but who knows it might spark something smart for someone else. Would it not be wonderful, if the City of Hamilton would solve a problem that so many cities deal with in the world? Becoming a leader rather than a me-too city?

1. Create a Council with all the charitable players and non-profits working together to solve a problem in harmony with the City. Include all groups large and small.
2. I don't think the City knows exactly how many people are in jeopardy, that struggle on a day-to-day basis and maybe are the ones living in a tent in a park near you. Somehow, we need to identify the individuals and then we can identify the issues. Maybe it is as simple as identifying each person with a card maybe even using an existing card like a health card. Or create a 'Hamilton Helps' photo ID card. Maybe this card could be used at a shelter or food bank or on the bus or at a church for a meal. It can be used as the new Council and City would suggest and direct.
3. Here is crazy number one. I believe that Confederation Park has a campground, that has been abandoned quite some time ago. I can imagine that the electricity out there probably still works. Could it be an idea to create a tent city campground for all these tents that are found in the city? As we all know there is pride in a community, and maybe that community could be developed there. This community would be safer than living in a tent in a park, or in someone's backyard, in an alley, abandoned lot, or wherever a tent can be pitched.
4. Approach the federal government and the Department of Defense for help with building a city of tents. After all they have experience regardless of weather to keep their people warm, clean, fed, healthy, disciplined, and entertained. The tents from the federal government would be of superior quality to whatever an individual would come up with.
5. I might add that the Spectator also ran an article that highlighted the Anglican Cathedral on James Street in its effort to create these mini homes. This is not the correct term, but it is the correct thought. These homes had a bed, fridge and a microwave. They are dry and warm and looked safe and secure and only needed a place to put them, that offered electricity and washrooms and wash facilities. There are also organizations that make these type of homes, mini homes, out of shipping containers. Outside kind of bleak, but inside a nice little home. Both of these could be placed on Confederation Park Campground. Or any other suitable location.
6. In this new community, a health unit could be placed there for both physical and mental health. I would guess that a lot of these people are on either Ontario Works or ODSP, and coverage for this is included. At the same time all the organizations that supply food in the inner city could be given an opportunity to work in this new community.
7. A prime goal for much of this is to increase quality of life for our neighbours, those citizens who need our help. A place to put their head down and call home.
8. As we all realize much of our problems comes because of the lack of money. The cost of living as it rises has way outstripped the zero increases from Ontario support. This is something the municipality must work on. To create affordable housing as a city or municipality is called for, but the Ontario government cannot offer such a minimal rate to individuals that they cannot pay housing costs. ODSP housing payment is \$472 a month for a single person. The days of \$472 apartments are long gone. Seriously folks, this is a big issue and a silent one because of those who are involved.

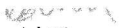
As you can see by the top of this letter I do not currently live in the City of Hamilton, I did however grow up living on King Street between Locke and Pearl, and then moving to Carlisle. When I became disabled, I decided to move into an apartment, and chose where I live in Aldershot. I was a businessman for 40 years until becoming disabled which forced me to close my business also located here in Burlington. My parents owned an auto parts business located on King Street in Hamilton for many many years.

I have been a member of First-Pilgrim United Church on Main Street East in Hamilton for more than 50 years. I also am a member of the Germania Club of Hamilton which is 158-year-old German Canadian service club located in the King Street near Sherman in Hamilton.

I am proud to have twice received a tourism award from the city of Hamilton and represented the city of Hamilton as an ambassador when visiting the city of Essen Germany presenting the Lord Mayor with a gift, Hamilton City flag and official greetings from our then Mayor Robert Morrow.

I may live in Burlington, but when I look out my windows or I sit on my balcony all I see is Hamilton.

Respectfully,

David Simon

cc Mayor Eisenberger  
cc Maureen Wilson  
cc Nrinder Nann  
cc Sam Merulla  
cc Russ Powers  
cc Tom Jackson  
cc Esther Pauls  
cc John-Paul Danko  
cc Brad Clark  
cc Maria Pearson  
cc Brenda Johnson  
cc Lloyd Ferguson  
cc Arlene Vanderbeek  
cc Terry Whitehead  
cc Judi Partridge  
cc Rev Jane Wyllie

**Pilon, Janet**

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**Subject:** Kerr St. Closure

**From:** Shirley O'Meara

**Sent:** Sunday, April 24, 2022 4:25 PM

**To:** Craig Campbell <[ccampbell@hamiltonnews.com](mailto:ccampbell@hamiltonnews.com)>; VanderBeek, Arlene <[Arlene.VanderBeek@hamilton.ca](mailto:Arlene.VanderBeek@hamilton.ca)>; McIntosh, Carrie <[Carrie.McIntosh@hamilton.ca](mailto:Carrie.McIntosh@hamilton.ca)>; Farruggia, Cetina <[Cetina.Farruggia@hamilton.ca](mailto:Cetina.Farruggia@hamilton.ca)>

**Subject:** Fwd: Kerr St. Closure

Subject: Fwd: Kerr St. Closure

- I don't know the name of the Chairperson that hosted the meeting and would send this along but don't know who it was. A young lady.

- Residents that do not use the City or engage very often, do not know where to look to see what is happening or what to expect for the procedure.

- I was on the meeting for 2 1/2 hours and never expected it to be so long. 5 mins for people to talk and some talked for 40 mins regarding their items, I understand that they were many more important issues than my concern but never the less, I was unaware that the time would be so long. I went on the chat line with the Councillors and the Chair to say I had to leave and I don't know if they received it or not. There was no recognition that my request was acknowledged, except for me to turn off my Video in the very beginning, which I did and spent 2 1/2 hours listening. I had made a previous appointment which I could not cancel, therefore I had to relieve myself from the communication.

- **What is the purpose for the acquisition of the Laneway???**

- If it is to give the applicant more Land to give their residents more space to hang out all day. That property is a garbage dump and an eye sore. If anything, he should be made to clean it up and spend the money on the land grab to renovate and spruce up the exterior and existing grounds of the property.

- Offer Price - ??????

- Cars park along the South side of Kerr St. all day. Whether they are health care workers, or condo owners from across the Street or employees of Metro. Residents from Hatt St. have to park there in the evenings when Town Hall has meetings or events. Then we have to move them back to Hatt St. when there is availability. There is an elderly gentleman from 77 Governor's Rd, who walks daily, comes down the lane and proceeds along onto Hatt St. from Kerr. Sometimes we can't even get out of the Metro Exit and turn right without a back up. The bike lanes have now made driving along this section of Ogilvie even longer to turn right onto Hatt from Ogilvie. Parking spaces are limited already.

- What do you mean by Seasonal parking on the South side of Kerr for Snow Removal?

- There are new owners on Hatt St. and surrounding homes which were totally unaware of this proposal. They also are opposed to it but cannot be included in this Zoom process because they are working. The Notices were approx 19-20 months ago and a lot of changes with Taxpayers have gone on.

- I turn right on the Laneway approx 3 times per week so I can avoid stopping at the traffic on Ogilvie to turn right on Hatt St to my residence and avoid the lights. Especially now with the bike lanes which has left back ups with vehicles at Main & Hatt. I can hardly get out sometimes.

- You mention that the snow is not ploughed or the lane is not serviced by the City, I am unaware of this. It seems it is ploughed and serviced by the City, garbage removal etc. otherwise cars would not be able to park there.
- There are garbage cans out there all the time so I'm not sure if the garbage is picked up or not. Emergency vehicles and Garbage trucks need to get through. How does this work. I'm sure it is ploughed otherwise how could people park and use it.
- If you are concerned about the traffic lights and it being dangerous (I never go out that way and turn left) then make it a One Way Lane. Otherwise people would have to be driving down Kerr St. and having to do a 3 point turn just to park entering from Hatt St. to a DEAD END.
- Using the funds from the proceeds to widen and repave Kerr St. makes absolutely no sense. There are garages and cars parked on the north side all of the time. How can you widen it. Crazy. How can you be sure the proceeds would offset expenses.
- the process of posting on the City Web-site is ridiculous. Who looks at it without any notification. I have 4 new neighbours and none of them were aware of this process or proposal. (18 + months from the original notice I got in the mailbox, only once)
- I sent my initial issues to my Councillor Arlene several months ago and never heard anything back. I would be happy to meet her in person and point out my concerns and those of my immediate neighbours.
- Respectfully I would like some information on the outcome. Seems they rubber stamped everything.

***Shirley O'Meara***



## 5.5 (b)

re: the proposed closure of part of Kerr Street, Dundas.

I object to the selling off of a public thoroughfare, used by both pedestrians and vehicles, to a private individual. The proposed sale is like the City selling me the portion of Ogilvie Street that abuts the front of my house, so that I could increase the size of my property and my residence with no regard for the rest of the citizens.

I, personally, use the part of Kerr Street under discussion when I garden in my front yard. My wheelbarrow and any dirty tools cannot be transported through my house, but must be walked around to the garage at the rear of my property. I use Kerr Street to get there as it is the shortest route.

I, and many others, use Kerr Street to exit onto Ogilvie Street when going to Metro, or Ancaster, or Governor's Road or anywhere south and west of the Ogilvie Street Terrace [as the property 31-37 Ogilvie Street was called when it was built in 1860]. For me to have to drive out of Kerr Street onto Hatt Street, turn left onto Ogilvie Street and then proceed south may not seem like much of an inconvenience or expense, but over the years it will waste both my time and my money.

Recently Metro built a set of stairs down the hill from Kerr Street to their parking lot as so many pedestrians were slipping and sliding down the hill from Kerr Street, although the store signs warned them not to make use of the hill for access to their store. Closing Kerr Street, as proposed, will make those stairs inaccessible to any but the residents of the Manor, who have no need for a grocery store anyway.

The Postie parks her minivan in the part of Kerr Street that would be closed. From there she delivers her mail in this section of town. When I told her about the proposed closure, she said that the property was messy enough as it stands and could not see why increasing its size would guarantee any improvement.

City snowploughs, garbage trucks and recycling trucks all use the crescent that is Kerr Street to do their jobs. They enter from Hatt Street and exit onto Ogilvie Street. They are all large vehicles and would find it difficult to turn around in the Kerr Street that would be left after the closure. Their only option

## 5.5 (b)

would be to back up onto Hatt Street to continue their rounds. Hatt Street is a very busy street, with cars sweeping around the curve from the lights at Hatt and Main to the lights at Hatt and Ogilvie. **The City would be liable for the accidents which could easily happen weekly as the oversize vehicles backed onto Hatt Street.**

Ambulances and other emergency vehicles also use the Kerr Street route frequently. They would be forced to use only Ogilvie Street, blocking traffic on a busy street.

I have lived at ■ Ogilvie Street for more than 40 years. Mr. Sciara has tried to close Kerr Street before. The Town of Dundas refused him, and at the time promised me that I would never be stressed by having to deal with such an application again. Please check back in your records to see the results of his earlier appeal.

Twenty-four men already live at 35-37 Ogilvie Street. Any more would be ridiculous for this neighbourhood.

Thank you for your attention.

Linda Helson

**Pilon, Janet**

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**Subject:** The 2022 Provincial Day of Action on Litter

**From:** Act ON Litter (MECP) <[ActONLitter@ontario.ca](mailto:ActONLitter@ontario.ca)>

**Sent:** Monday, April 25, 2022 4:25 PM

**To:** Office of the Mayor <[Officeofthe.Mayor@hamilton.ca](mailto:Officeofthe.Mayor@hamilton.ca)>

**Subject:** The 2022 Provincial Day of Action on Litter

Good afternoon,

Ontario is gearing up for the 2022 Provincial Day of Action on Litter, taking place on Tuesday, May 10. We will be encouraging Ontarians to get outside and take part in safe litter cleanups in their local communities.

We hope you will be able to join us in promoting and supporting the 2022 Day of Action!

To help make this year's Day of Action a success, we are seeking your support with the following activities:

1. Leading up to the Day of Action, promoting public participation in a cleanup on Tuesday, May 10 or on the weekends surrounding the Day of Action, and educating on the impact of litter and waste using your communications channels. Please see our [digital toolkit and Partner Guide](#) for sharable content.
2. Hosting a litter cleanup on Tuesday, May 10 or on the weekends surrounding the Day of Action, for the public or your volunteers or employees to participate in.
3. Sharing and promoting use of the [Litter Cleanup Guides](#) and [Litter Cleanup Reporting Form](#).

- Our Litter Cleanup Guides include information on organizing a safe, successful litter cleanup and a form for participants to track what they collect during their cleanup.

Our cleanup guides webpage now includes a new guide for educators and schools, to help engage students and youth in litter reduction and prevention efforts.

Please note the cleanup guides notify participants of potential municipal requirements, such as: confirming whether a permit is required to cleanup a certain area or seeking a litter disposal method.

- Our Litter Cleanup Reporting Form is where participants can submit information about their cleanups to us. This information will help us better understand litter in our environment and may help inform future government decision making.
4. On the Day of Action, posting to your social media accounts to officially recognize the day, using the hashtag [#actONLitter](#).

The Ministry of the Environment, Conservation and Parks digital campaign to promote the 2022 Day of Action on Litter will launch soon — please keep an eye out for sharable social posts on our social media accounts and follow the #actONlitter hashtag!

If you have any questions, please reach out to [actONlitter@ontario.ca](mailto:actONlitter@ontario.ca) or visit [www.ontario.ca/actONlitter](http://www.ontario.ca/actONlitter) for more information.

Thank you for your support in working together to keep our province clean.

Andrea Khanjin  
Parliamentary Assistant to the Minister of the Environment, Conservation and Parks



## **GENERAL ISSUES COMMITTEE REPORT 22-008**

9:30 a.m.

Wednesday, April 20, 2022

Due to COVID-19 and the Closure of City Hall, this meeting was held virtually.

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**Present:** Mayor F. Eisenberger, Deputy Mayor N. Nann (Chair)  
Councillors M. Wilson, J. Farr, R. Powers, T. Jackson, E. Pauls,  
J. P. Danko, B. Clark, M. Pearson, B. Johnson, L. Ferguson,  
A. VanderBeek, T. Whitehead J. Partridge

**Absent:** Councillor S. Merulla – Personal

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### **THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 22-008, AND RESPECTFULLY RECOMMENDS:**

**1. Summary Report on 2022 Hamilton Business and Workforce Survey  
(PED22080) (City Wide) (Item 7.1)**

That Report PED22080, respecting the Summary Report on the 2022 Hamilton Business and Workforce Survey, be received.

**2. Labour Relations Activity Report & Analysis (2017 - 2021) (HUR22004) (City-  
Wide) (Item 7.2)**

That Report HUR22004, respecting the Labour Relations Activity Report & Analysis (2017 - 2021), be received.

**3. GRIDS 2 and Municipal Comprehensive Review – Deferred Employment  
Land Conversion Requests (PED17010(p)) (City Wide) (Item 8.2)**

(a) That the City of Hamilton Employment Land Review: Deferred Conversion Requests and Analysis, dated April 2022, attached as Appendix “A” to Report PED17010(p), be received;

(b) That, in addition to the approved conversion of certain employment lands to non-employment designations through Report PED17010(k), the conversion of an additional 7.4 hectares of Employment Lands, as

**Council – April 27, 2022**

identified in Appendix “A” to Report 22-008, through the Municipal Comprehensive Review process, be approved;

- (c) That the MCR Official Plan Amendment (UHOP Conformity Amendment) to be brought forward in May 2022 to include the following amendments to implement the recommendations of the City’s Employment Land Review:
  - (i) The redesignation of 58.9 ha of employment lands to a non-employment designation, as recommended through Reports PED17010(k) and PED17010(p);
  - (ii) Refinements to previously approved conversion for the lands located in the Flamborough Business Park, as identified in Appendix “B” to Report 22-008; and,
  - (v) Revision to the existing Institutional designation policies of the Airport Employment Growth District Secondary Plan as they relate to the future development of the lands at 700 Garner Road East.

**4. Evaluation of Urban Boundary Expansion Requests - Waterdown (PED17010(q)) (Ward 15) (Item 8.3)**

- (a) That the following changes to the urban boundary for the Waterdown Urban Area, be approved for implementation through the Municipal Comprehensive Review process:
  - (i) A portion of the lands located at 329 and 345 Parkside Drive, with an area of approximately 5.0 ha, be added to the Urban Area and designated Neighbourhoods in the Urban Hamilton Official Plan, as identified on Appendix “C” attached to Report 22-008;
  - (ii) Minor adjustments to the urban boundary to correct mapping errors in the vicinity of 100 Sunnycroft Avenue to align the Urban Area boundary in the Urban Hamilton Official Plan with the Urban Area boundary in the Niagara Escarpment plan, identified on Appendix “D” attached to Report 22-008; and,
- (b) That the changes to the urban boundary be incorporated into the Municipal Comprehensive Review Official Plan Amendment to be considered at a statutory public meeting to be held on May 17, 2022.

- 5. Barton Kenilworth Tax Increment Grant Program - 110 Barton Street East, Hamilton (PED22089) (Ward 2) (Item 10.1)**
- (a) That a Barton Kenilworth Tax Increment Grant Program application submitted by Jose Alejandro Lopez, for the property at 110 Barton Street East, Hamilton, estimated at \$1,522.36 over a maximum of a nine-year period, and based upon the incremental tax increase attributable to the renovations of 110 Barton Street East, Hamilton, be authorized and approved in accordance with the terms and conditions of the Barton Kenilworth 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 Jose Alejandro Lopez for the property known as 110 Barton Street East, Hamilton, in a form satisfactory to the City Solicitor;
  - (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 Barton Kenilworth Tax Increment Grant Program, as approved by City Council, are maintained.
- 6. Lease Extension – Royal Canadian Mounted Police (RCMP), 777 Highway No. 8, Stoney Creek (PED22053) (Ward 10) (Item 10.2)**
- (a) That an Agreement of Annual Rent For Lease Extension Term between the City of Hamilton (Lessor) and Her Majesty The Queen In Right Of Canada, as represented by the Minister of Public Safety and Emergency Preparedness Canada, responsible for the Royal Canadian Mounted Police (Lessee), for the subject premises located as identified in attached Appendix “A” to Report PED22053, and based substantially on the terms and conditions outlined in Appendix “B” to Report PED22053, and such other terms and conditions deemed appropriate by the General Manager of the Planning and Economic Development Department, be entered into by the City of Hamilton;
  - (b) That all rental proceeds continue to be received into Dept. ID Account No.46035-791514;
  - (c) That all costs related to the Agreement of Annual Rent For Lease Extension Term with Her Majesty The Queen In Right Of Canada, as

represented by the Minister of Public Safety and Emergency Preparedness Canada, responsible for the Royal Canadian Mounted Police (Lessee), including the real estate and legal costs of \$77,951.39, be funded from Dept. ID Account No. 55778-791514 and credited to Dept. ID Account No. 55778-812036 (Real Estate – Admin Recovery);

- (d) That the General Manager, Planning and Economic Development Department or designate, acting on behalf of the City as Lessor, be authorized to administer the existing Lease and the Agreement of Annual Rent For Lease Extension Term with Her Majesty The Queen In Right Of Canada, as represented by the Minister of Public Safety and Emergency Preparedness Canada, responsible for the Royal Canadian Mounted Police (Lessee) and provide any requisite consents, approvals, and notices related to the Agreement of Annual Rent For Lease Extension Term;
- (e) That the City Solicitor be authorized to amend and waive terms and conditions on such terms as considered reasonable to complete the leasing transaction, respecting the Agreement of Annual Rent For Lease Extension Term with Her Majesty The Queen In Right Of Canada, as represented by the Minister of Public Safety and Emergency Preparedness Canada, responsible for the Royal Canadian Mounted Police (Lessee);
- (f) That the Mayor and Clerk be authorized and directed to execute the Agreement of Annual Rent For Lease Extension Term with Her Majesty The Queen In Right Of Canada, as represented by the Minister of Public Safety and Emergency Preparedness Canada, responsible for the Royal Canadian Mounted Police (Lessee), or such other form and all other necessary associated documents with all such documents to be in a form satisfactory to the City Solicitor; and,
- (g) That Appendix “B” to Report PED22053, respecting Lease Extension – Royal Canadian Mounted Police (RCMP), 777 Highway No. 8, Stoney Creek, remain confidential and not be released as a public document.

**7. Intergovernmental Partnership to Improve Digital Infrastructure and Address the Digital Divide (CM22007) (City Wide) (Item 10.3)**

- (a) That Hamilton Council request the Federal Government (specifically Infrastructure Canada, Industry, Science and Economic Development (ISED) to:



- (i) Ensure that incremental investments in broadband from other orders of government are made in urban areas and directed to fill gaps in the GTHA;
  - (ii) Recognize high-speed internet as an essential service, including a definition for affordability that combines fixed and mobile costs as a percentage of household income; and,
  - (iii) Collect and share local level data on assets, internet speeds, and service terminations/collection activities, in cooperation with internet service providers;
  
- (b) That the Hamilton Council request the Canadian Radio-television and Telecommunications Commission (CRTC) examine supports for municipal carriers who wish to promote access to their fibre broadband networks for public and private service providers;
  
- (c) That the City of Hamilton Council request the Province of Ontario, specifically Infrastructure Ontario (Ministry of Infrastructure) and Ministry of Finance or appropriate designate be requested to:
  - (i) ensure that incremental investments in broadband from other orders of government are made in urban areas and directed to fill gaps in the GTHA, and,
  - (ii) identify provincially owned fibre assets that can be leveraged to help close the digital divide such as schools, hospitals and traffic corridors;
  
- (d) That the Minister of Infrastructure or appropriate designate be requested to review existing legislation to include provisions on open access to telecommunications cabling and trenching activities for all developments; and,
  
- (e) That a copy of Report CM22007, respecting Intergovernmental Partnership to Improve Digital Infrastructure and Address the Digital Divide, be forwarded to for information to all local MPs and MPPS, the Federation of Canadian Municipalities (FCM) and the Association of Municipalities of Ontario (AMO).

**8. Lease Agreement - 1579 Burlington Street East, Hamilton (PED22084)  
(Ward 4) (Item 10.4)**

- (a) That a Lease Agreement between the City of Hamilton (Lessor) and GFL Environmental Solutions Inc. (Lessee) for the occupancy and use of a building located at 1579 Burlington Street East, as depicted in Appendix "A" to Report PED22084, based substantially on the terms and conditions outlined in Appendix "B" attached to Report PED22084, and on such other terms and conditions deemed appropriate by the General Manager of Planning and Economic Development Department or designate, be approved;
- (b) That the General Manager, Planning and Economic Development Department or designate, acting on behalf of the City of Hamilton (Lessor), be authorized to provide any consents, approvals, and notices related to the Lease Agreement - 1579 Burlington Street East;
- (c) That the City Solicitor be authorized to amend and waive such terms and conditions to the Lease Agreement - 1579 Burlington Street East as considered reasonable;
- (d) That the Base Rent, outlined in Appendix "B" attached to Report PED22084, be credited to Account No. 791907;
- (e) That the transactional costs, including real estate and legal fees of \$210,136, be funded from Account No. 791907 and credited to Dept. ID Account No. 45408-812036;
- (f) That the Mayor and Clerk be authorized and directed to execute the Lease Agreement - 1579 Burlington Street East or such other form and all other necessary associated documents, and all such documents to be in a form satisfactory to the City Solicitor; and,
- (g) That Appendix "B" to Report PED22084 remain confidential and not be released as a public document.

**9. Advisory Committee for Persons with Disabilities Report 22-003, March 8, 2022 (Item 10.5)**

- (a) **Delegation to the General Issues Committee Respecting Support for the Advisory Committee for Persons with Disabilities and its Working Groups (Added Item 12.2)**

WHEREAS, a request for Support for the Advisory Committee for Persons with Disabilities and its Working Groups is expected to be considered at a

future meeting of the Advisory Committee for Persons with Disabilities;  
and,

WHEREAS, the General Issues Committee is expected to consider the request for Support for the Advisory Committee for Persons with Disabilities and its Working Groups as part of the Advisory Committee for Persons with Disabilities Report at a future meeting;

THEREFORE, BE IT RESOLVED:

That Tim Nolan be authorized to delegate at a meeting of the General Issues Committee on behalf of the Advisory Committee for Persons with Disabilities to speak in favour of the request for Support for the Advisory Committee for Persons with Disabilities and its Working Groups.

**(b) Ability First – Accessibility Event, October 5, 2022 (Added Item 12.3)**

WHEREAS, the Outreach Working Group of the Advisory Committee for Persons with Disabilities requests to organize and host an event to educate and increase awareness respecting accessibility and abilities;  
and,

WHEREAS, representatives of the Outreach Working Group of the Advisory Committee for Persons with Disabilities, as well as representatives from various community organizations and stakeholders (such as the Canadian National Institute for the Blind, Multiple Sclerosis Society, Canadian Hard of Hearing Association, L'Arche Hamilton, Hamilton Region Indian Centre, etc.), will be invited to take part in the event to highlight abilities and accessibility;

THEREFORE, BE IT RESOLVED:

- (i) That members of the Outreach Working Group of the Advisory Committee for Persons with Disabilities be authorized to organize and host an in-person event with a virtual component on October 5, 2022, including presentations, interactive programs and information tables for agencies and services related to ability and accessibility;  
and,
- (ii) That the Advisory Committee for Persons with Disabilities be authorized to use up to \$8,000 from the Volunteer Committee Reserve (#112212) for advertising, presenters, ALS interpreters, set up and take down and other elements for running the event.

**10. Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(b)) (City Wide) (Item 10.6)**

- (a) That the City suspend its Mandatory COVID-19 Vaccination Verification Policy requiring proof of full vaccination in the workplace, and that the following provisions in the current policy, be amended by:
  - (i) removing the general requirement to provide proof of vaccination or participate in rapid antigen testing program as an ongoing condition of employment, thereby eliminating the termination of employment for those employees failing to provide evidence of vaccination by May 31, 2022;
  - (ii) discontinuing the requirements for employees who have not disclosed their vaccination status (or who are subject to an accommodation) to participate in rapid antigen testing, effective May 2, 2022; and,
  - (iii) removing citizen appointees from the application of the Policy.
  
- (b) That the conditions put into place to support provincial Directives in three specific areas be maintained as follows:
  - (i) That the City Lodges maintain the requirement to be fully vaccinated, and those employees not disclosing proof of vaccination will remain on an unpaid leave of absence;
  - (ii) That the City Lodges maintain the daily Rapid Antigen Testing program that was put in place under the provincial Directives; and,
  - (iii) That the Hamilton Paramedic Services maintain the Rapid Antigen Testing program in place for unvaccinated employees put in place under provincial Directives;
  
- (c) That the Red Hill Childcare Centre maintain the Rapid Antigen Testing program that was put in place for unvaccinated employees under provincial Directives;
  
- (d) That all new hires continue to be required to provide proof of full vaccination as a condition of employment with the City; and,
  
- (e) That staff continue to monitor the COVID related environment with respect to any changes and/or necessary increased measures that may require

further amendments or reinstatement of policy, and report back to the General Issues Committee, as required.

- 11. Construction Litigation Update (LS18012(a)) (City Wide) (Item 14.2)**
  - (a) That direction provided to staff in Closed Session, respecting Report LS18012(a) – Construction Litigation Update, be approved; and,
  - (b) That Report LS18012(a), respecting the Construction Litigation Update, remain confidential.
  
- 12. Liquor License Applications for 622 Upper Wellington St, Hamilton and 415 Melvin Avenue, Hamilton (LS22019) (Ward 4 and 8) (Item 14.5)**
  - (a) That the direction provided to staff in Closed Session, respecting Report LS22019 - Liquor License Applications for 622 Upper Wellington St, Hamilton and 415 Melvin Avenue, Hamilton, be approved;
  - (b) That Report LS22019 - Liquor License Applications for 622 Upper Wellington St, Hamilton and 415 Melvin Avenue, Hamilton, remain confidential; and,
  - (c) That Appendices “A” to “C” attached to Report LS22019, be released as public documents.
  
- 13. Amendment to the Mandatory COVID-19 Vaccination Verification Policy - Legal Assessment (HUR21008(c)) (City Wide) (Item 14.6)**
  - (a) That Report HUR21008(c), respecting the Amendment to the Mandatory COVID-19 Vaccination Verification Policy - Legal Assessment, be received; and,
  - (b) That Report HUR21008(c), respecting the Amendment to the Mandatory COVID-19 Vaccination Verification Policy - Legal Assessment, remain confidential.

**FOR INFORMATION:**

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

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

**5. ADDED COMMUNICATIONS ITEMS**

**5.1. Correspondence respecting Item 8.2 - Report PED17010(p), GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests**

- (a) David Aston, Vice President and Partner, MHBC Planning, Urban Design and Landscape Architecture
- (b) Joyce van Dop
- (c) Mary Thompson

Recommendation: Be received and referred to the consideration of Item 8.2.

**5.2. Correspondence respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests - Waterdown**

- (a) Connor Harris, Rayman Beitchman LLP

Recommendation: Be received and referred to consideration of Item 8.3.

**6. DELEGATION REQUESTS**

- 6.1. Bianca Caramento, Bay Area Climate Change Council, to present the BACCC's Options for Travel: Giving Residents a Real Choice Report (For the May 4, 2022 GIC)
- 6.2. John Corbett and/or Nick Wood, Corbett Land Strategies Inc., respecting Item 8.2 - Report PED17010(p), GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests (For today's meeting)
- 6.3. Frances Grabowski, McMaster Innovation Park, respecting Item 8.2 - Report PED17010(p), GRIDS 2 and Municipal Comprehensive

Review – Deferred Employment Land Conversion Requests (For today's meeting)

- 6.4. Nancy Frieday, GSP Group Inc., respecting Item 8.3 - Report PED17010)(q), Evaluation of Urban Boundary Expansion Requests - Waterdown (For today's meeting)
- 6.5. Mike Crough, IBI Group Inc., respecting Item 8.3 - Report PED17010)(q), Evaluation of Urban Boundary Expansion Requests – Waterdown (For today's meeting)
- 6.6. Louis Frapporti and P.J. Mercanti, Hamilton100 Commonwealth Games Committee, respecting an update on the 2030 Commonwealth Games Bid initiative (For a future GIC)
- 6.7. Dr. Lynda Lukasik, Environment Hamilton, respecting Item 8.3 - Report PED17010)(q), Evaluation of Urban Boundary Expansion Requests - Waterdown (For today's meeting)
- 6.8. Nancy Smith, Turkstra Mazza Associates, respecting Item 8.3 - Report PED17010)(q), Evaluation of Urban Boundary Expansion Requests – Waterdown (For today's meeting)

## **12. NOTICES OF MOTION**

- 12.1 Change Action – Bay Area Climate Change Council Options for Travel Recommendations

The agenda for the April 20, 2022 General Issues 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) April 6, 2022 (Item 4.1)**

The Minutes of the April 6, 2022 General Issues Committee meeting were approved, as presented.

**(d) COMMUNICATION ITEMS (Item 5)**

**(i) Correspondence respecting Item 8.2 - Report PED17010(p), GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests (Item 5.1)**

The following Communication Items, respecting Item 8.2 - Report PED17010(p), GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests, were received and referred to the consideration of Item 8.2:

- (a) David Aston, Vice President and Partner, MHBC Planning, Urban Design and Landscape Architecture (Item 5.1.a.)
- (b) Joyce van Dop (Item 5.1.b.)
- (c) Mary Thompson (Item 5.1.c.)

For disposition of this matter, please refer to Item 3.

**(ii) Correspondence respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests - Waterdown (Item 5.2)**

The correspondence from Connor Harris, Rayman Beitchman LLP, respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests – Waterdown, was received and referred to consideration of Item 8.3.

For disposition of this matter, please refer to Item 4.

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

The Delegation Requests were approved, as follows:

- (i) Bianca Caramento, Bay Area Climate Change Council, to present the BACCC's Options for Travel: Giving Residents a Real Choice Report (For the May 4, 2022 GIC) (Item 6.1)
- (ii) John Corbett and/or Nick Wood, Corbett Land Strategies Inc., respecting Item 8.2 - Report PED17010(p), GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests (For today's meeting) (Item 6.2)



- (iii) Frances Grabowski, McMaster Innovation Park, respecting Item 8.2 - Report PED17010(p), GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests (For today’s meeting) (Item 6.3)
- (iv) Nancy Frieday, GSP Group Inc., respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests – Waterdown (For today’s meeting) (Item 6.4)
- (v) Mike Crough, IBI Group Inc., respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests – Waterdown (For today’s meeting) (Item 6.5)
- (vi) Louis Frapporti and P.J. Mercanti, Hamilton100 Commonwealth Games Committee, respecting an update on the 2030 Commonwealth Games Bid initiative (For a future GIC) (Item 6.6)
- (vii) Dr. Lynda Lukasik, Environment Hamilton, respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests - Waterdown (For today’s meeting) (Item 6.7)
- (viii) Nancy Smith, Turkstra Mazza Associates, respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests – Waterdown (For today’s meeting) (Item 6.8)

**(f) STAFF PRESENTATIONS (Item 8)**

**(i) COVID-19 Verbal Update (Item 8.1)**

The verbal update respecting COVID-19 was DEFERRED until such time as the Medical Officer of Health was able to be in attendance to speak to the matter.

Grace Mater, Acting Director of the Emergency Operations Centre; and, Dr. Elizabeth Richardson, Medical Officer of Health, provided the verbal update respecting COVID-19.

The verbal update respecting COVID-19 was received.

The General Issues Committee recessed for one half hour until 1:50 p.m.

**(ii) GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests (PED17010(p)) (City Wide) (Item 8.2)**

Lauren Vraets, Planner, provided the presentation respecting Report PED17010(p), respecting GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests.

The presentation, respecting Report PED17010(p), respecting GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests, was received.

Consideration of Report PED17010(p), respecting GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests, was DEFERRED until the delegates had been heard.

**1. Deferral of sub-section (c)(iii) to Report PED17010(p) to the May 4, 2022 General Issues Committee**

Sub-section (c)(iii) to Report PED17010(p), respecting the GRIDS 2 Municipal Comprehensive Review – Deferred Employment Land Conversion Requests, which reads as follows, was DEFERRED to the May 4, 2022 General Issues Committee:

- (iii) Addition of a new Site Specific Policy in the Fruitland Winona Secondary Plan for the lands known as 1400 South Service Road, Stoney Creek;

**2. Deferral of sub-section (c)(iv) to Report PED17010(p) to the May 4, 2022 General Issues Committee**

(a) Sub-section (c)(iv) to Report PED17010(p), respecting the GRIDS 2 Municipal Comprehensive Review – Deferred Employment Land Conversion Requests, which reads as follows, was DEFERRED to the May 4, 2022 General Issues Committee:

- (iv) Revisions to the existing Area Specific Policy – A in the West Hamilton Innovation District Secondary Plan for McMaster Innovation Park;

- (b) Staff was directed to review the request from McMaster Innovation Park (MIP) to provide flexibility within the 15% threshold, using language that protects the City and the MIP moving forward.

For disposition of this matter, please refer to Item 3.

**(iii) Evaluation of Urban Boundary Expansion Requests - Waterdown (PED17010(q)) (Ward 15) (Item 8.3)**

Heather Travis, Senior Project Manager, provided the presentation respecting Report PED17010(q), respecting the Evaluation of Urban Boundary Expansion Requests – Waterdown.

The presentation, respecting Report PED17010(q), respecting the Evaluation of Urban Boundary Expansion Requests – Waterdown, was received.

Consideration of Report PED17010(q), respecting the Evaluation of Urban Boundary Expansion Requests – Waterdown, was DEFERRED until such time as the delegates had been heard.

For disposition of this matter, please refer to Item 4.

**(g) DELEGATIONS (Item 9)**

**(i) Matt Bremer, respecting the termination of employees based on their decision to not accept the COVID-19 vaccine (Item 9.1)**

Matt Bremer addressed Committee respecting the termination of employees based on their decision to not accept the COVID-19 vaccine.

The presentation provided by Matt Bremer, respecting the termination of employees based on their decision to not accept the COVID-19 vaccine, was received.

For disposition of the above matter, please refer to Item 10.

Councillor T. Whitehead challenged the Chair with respect to her decision that he should speak to his questions on process with respect to City staff delegations respecting the City's vaccine policy under the General Information/Other Business Section of the agenda.

The Committee Clerk assumed the Chair; however, before the challenge could be voted upon, the matter was resolved, and Councillor Whitehead withdrew his challenge of the Chair.

Deputy Mayor Nann assumed the Chair.

**(ii) John Corbett and/or Nick Wood, Corbett Land Strategies Inc., respecting Item 8.2 - Report PED17010(p), GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests (Item 9.2)**

John Corbett and Nick Wood, Corbett Land Strategies Inc., addressed Committee respecting Item 8.2 - Report PED17010(p), GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests.

The presentation provided by John Corbett and Nick Wood, Corbett Land Strategies Inc., respecting Item 8.2 - Report PED17010(p), GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests, was received.

For disposition of this matter, please refer to Item 3.

**(iii) Frances Grabowski, McMaster Innovation Park, respecting Item 8.2 - Report PED17010(p), GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests (Item 9.3)**

Frances Grabowski and Drew Hauser, McMaster Innovation Park, addressed Committee respecting Item 8.2 - Report PED17010(p), GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests.

The presentation provided by Frances Grabowski and Drew Hauser, McMaster Innovation Park, respecting Item 8.2 - Report PED17010(p), GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests, was received.

For disposition of this matter, please refer to Item 3.

**(iv) Nancy Frieday, GSP Group Inc., respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests - Waterdown (Item 9.4)**

Nancy Frieday, GSP Group Inc., addressed Committee respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests – Waterdown.

The presentation provided by Nancy Frieday, GSP Group Inc., respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests – Waterdown, was received.

For disposition of this matter, please refer to Item 4.

**(v) Mike Crough, IBI Group Inc., respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests – Waterdown (Item 9.5)**

Mike Crough, IBI Group Inc., addressed Committee respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests – Waterdown.

The presentation provided by Mike Crough, IBI Group Inc., respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests – Waterdown, was received.

For disposition of this matter, please refer to Item 4.

**(vi) Dr. Lynda Lukasik, Environment Hamilton, respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests - Waterdown (Item 9.6)**

Dr. Lynda Lukasik, Environment Hamilton, addressed Committee respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests – Waterdown.

The presentation provided by Dr. Lynda Lukasik, Environment Hamilton, respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests – Waterdown, was received.

For disposition of this matter, please refer to Item 4.

**(vii) Nancy Smith, Turkstra Mazza Associates, respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests – Waterdown (Item 9.7)**

Nancy Smith, Turkstra Mazza Associates, addressed Committee respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests – Waterdown.

The presentation provided by Nancy Smith, Turkstra Mazza Associates, respecting Item 8.3 - Report PED17010(q), Evaluation of Urban Boundary Expansion Requests – Waterdown, was received.

For disposition of this matter, please refer to Item 4.

**(h) DISCUSSION ITEMS (Item 10)**

**(i) Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(b)) (City Wide) (Item 10.6)**

Consideration of Report HUR21008(b), respecting an Amendment to the Mandatory COVID-19 Vaccination Verification Policy, was DEFERRED until after the Committee reconvened in Open Session.

For disposition of this matter, please refer to Item 10.

**(i) NOTICES OF MOTION (Item 12)**

Councillor J. P. Danko introduced the following Notice of Motion:

**(i) Climate Change Action – Bay Area Climate Change Council Options for Travel Recommendations (Item 12.1)**

WHEREAS, the City of Hamilton recognizes that Climate Change is an emergency and a threat to municipalities across the world and urgent climate action is needed;

WHEREAS, Hamilton City Council declared a climate emergency on March 27, 2019, and directed staff to form a Corporate Climate Change Task Force;

WHEREAS, over 12% of Hamilton emissions come from the transportation sector and low carbon forms of transportation facilitate our collective efforts to decarbonize; and,

WHEREAS, transportation connectivity and the safety of residents are priorities for the City of Hamilton, as reflected in the Ten-Year Local Transit Strategy, Vision Zero, and the Cycling Master Plan;

THEREFORE, BE IT RESOLVED:

That the General Manager of the Planning and Economic Development Department be directed to work with staff to review how each recommendation in the Bay Area Climate Change Council's Options for Travel report could be actioned, and report back to the General Issues Committee by September 21, 2022.

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

**(i) Amendments to the Outstanding Business List (Item 13.1)**

The following amendments to the General Issues Committee's Outstanding Business List, were approved:

- (i) Amendments to the Outstanding Business List (Item 13.1)
  - (a) Items to be Removed (Item 13.1.a.)
    - (1) Protection of Privacy  
Current Due Date: May 4, 2022  
Proposed New Due Date: September 7, 2022
    - (2) Options on How the City May Pedestrianize a Street or Collection of Streets  
Current Due Date: April 20, 2022  
Proposed New Due Date: May 4, 2022

**(k) PRIVATE & CONFIDENTIAL (Item 14)**

**(i) Closed Session Minutes – April 6, 2022 (Item 14.1)**

- (a) The Closed Session Minutes of the April 6, 2022 General Issues Committee meeting were approved; and,
- (b) The Closed Session Minutes of the April 6, 2022 General Issues Committee meeting, shall remain confidential.

Committee moved into Closed Session to discuss Items 14.2, 14.5 and 14.6, pursuant to Section 9.1, Sub-sections (d), (e), (f) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (d), (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to 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.

**(I) ADJOURNMENT (Item 14)**

There being no further business, the General Issues Committee adjourned at 6:33 p.m.

Respectfully submitted,

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Nrinder Nann, Deputy Mayor  
Chair, General Issues Committee

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Jason Farr, Acting Deputy Mayor  
Chair, General Issues Committee

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Stephanie Paparella  
Legislative Coordinator,  
Office of the City Clerk



**CITY OF HAMILTON**  
**EMPLOYMENT LAND REVIEW:**  
***DEFERRED CONVERSION REQUESTS***  
***AND ANALYSIS***

**APRIL 2022**



# CITY OF HAMILTON

## EMPLOYMENT LAND REVIEW: DEFERRED CONVERSION REQUESTS AND ANALYSIS

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## 1.0 INTRODUCTION

### 1.1 BACKGROUND

On August 4, 2021, Planning Staff presented the findings of the City’s Employment Land Review to the General Issues Committee through Report PED17010(k). This report and appendices summarized staff identified candidate conversion sites, as well as requests for conversion from private landowners. Council approved conversion of 53.5 hectares of employment designated lands for non-employment uses. A total of six (6) requests for Employment Land Conversion were deferred from decision at the time, either to allow staff more time to review supplementary information from Applicants, or to wait for further direction on matters related to the City’s future growth strategy.

The purpose of this Report is to review the six outstanding deferred Employment land conversion requests and provide recommendations to Council for consideration. Analysis of each outstanding request for conversion will include an overview the site and surrounding context, summary of the proposed conversion, review of the conversion criteria provided through the Growth Plan for the Greater Golden Horseshoe 2019, as amended, review of the City’s additional criteria for conversion, and a concluding recommendation.

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#### 1.1.1 PROVINCIAL AND MUNICIPAL CONVERSION CRITERIA, AND MUNICIPAL COMPREHENSIVE REVIEW

##### *Growth Plan 2019, as amended*

The most recent version of the Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) 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 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. Additional direction regarding Employment Land conversion for lands outside of PSEZs prior to the next MCR are provided in Growth Plan policy 2.2.5.10:

“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 Growth Plan 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 all employment land conversion requests comprehensively as part of the current MCR.

### *City of Hamilton Employment Conversion Criteria*

In accordance with Policy F.1.1.11 of the Urban Hamilton Official Plan (UHOP), the City of Hamilton has established additional criteria to guide the employment conversion analysis.

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.

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.

### **Municipal Comprehensive Review – Land Needs Assessment**

The Employment Land conversion analysis serves as one component of the City’s Municipal Comprehensive Review (MCR). The City’s Land Needs Assessment (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, when considered in combination with the City’s planned employment area density targets, equates to an approximate surplus of 60 hectares of employment land over the 30-year planning horizon.

## 2.0 ANALYSIS OF DEFERRED CONVERSION REQUESTS

The following section of this report provides analysis of the six (6) requests for employment land conversion which were previously deferred through the recommendations of Report PED17010(k) as well as motions from Council. The deferred employment land conversion requests reviewed through the subsequent sections include the following sites:

- McMaster Innovation Park, Hamilton (West Hamilton Innovation District);
- 70-100 Frid Street, Hamilton (West Hamilton Innovation District);
- Twenty Road West, Glabrook (Airport Employment Growth District);
- 700 Garner Road East, Ancaster (Airport Employment Growth District);
- 1725 Stone Church Road East, Hamilton (Red Hill North Business Park); and,
- 1400 South Service Road, Stoney Creek (Stoney Creek Business Park).

Sites have been grouped by Business Park in the following sections. Each request for conversion is reviewed under both the Growth Plan Policy 2.2.5.9 criteria and the City’s criteria noted in Section 1.1 of this Report.

## 2.1 WEST HAMILTON INNOVATION DISTRICT

Two deferred requests for employment conversion are located within the West Hamilton Innovation District (WHID) Secondary Plan Area. Volume 2 of the City’s Urban Hamilton Official Plan contains policy direction and mapping for the WHID Secondary Plan. The WHID Secondary Plan was completed in 2013 and was informed by the planned future vision of the district at that time, including the 2009 McMaster Innovation Park (MIP) Master Plan. The two sites within WHID that have been considered for potential employment land conversion, but which were deferred in August 2021, include the McMaster Innovation Park area along Longwood Road South, and 70-100 Frid Street on the east side of the district.

### 2.1.1 MCMASTER INNOVATION PARK

#### Overview and Existing Context

Conversion Area: undefined

Location:

- North: Highway 403 and Main Street West;
- South: Aberdeen Avenue, rail yards and Chedoke Golf Course;

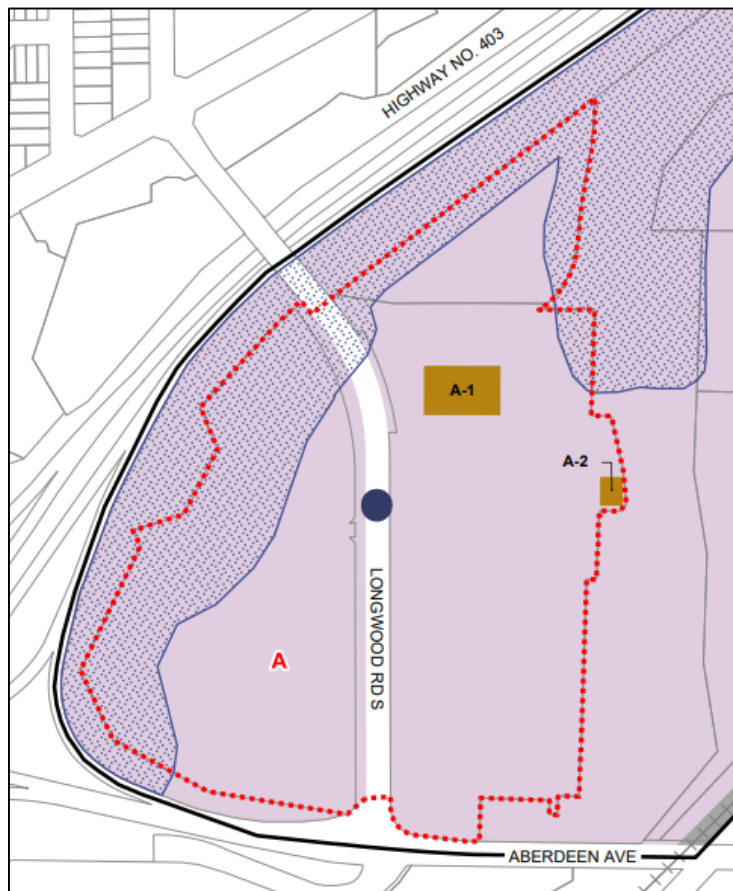
- East: Rail corridor, WHID employment lands on Frid Street; and,
- West: Highway 403.

Current Land Use:

- Research facilities, education facilities, offices, surface parking

Urban Hamilton Official Plan:

- Designated as Employment Area – Business Park on Vol. 1, Schedule E-1; and,
- Designated as Research District in WHID Secondary Plan which permits a range of research, office, medical and pharmaceutical industries, as well as hotel and conference facilities and limited supportive commercial uses to serve the employment area.
  - Identified as Site Specific Policy – Area A – permits limited development of educational, residential and commercial uses ancillary to MIP to encourage a research community.





**Figure 1 – McMaster Innovation Park (Area A) as shown on the West Hamilton Innovation District Secondary Plan – Land Use Plan**

Zoning (By-law 05-200):

- M1 – Research and Development zone, with Special Exception (SE-7)
  - SE-7 permits multiple dwellings, to a maximum 11,500 square metres, provided that the Gross Floor Area (GFA) for multiple dwelling uses is limited to a maximum of 8% of the total GFA of all buildings used for other M1 Zone uses (excluding parking, multiple dwellings, educational establishments, and warehousing). The multiple dwelling use is limited to locating in a maximum of two (2) buildings.

Applicant’s Proposed Land Use and Rationale

The original McMaster Innovation Park (MIP) Master Plan was developed in 2009, and envisioned development of approximately 145,857 square metres (1,570,000 square feet) of employment area uses in the lands. Currently, 60,264 square metres (648,676 square feet) of employment related space has been developed on the lands in three buildings (The Atrium, CANMET, and MARC/BEAM). In 2021, MIP developed a proposed new Master Plan concept to guide the future development vision of the area. The proposed revised MIP Master Plan represents a significant increase in planned development for the lands. The total proposed GFA for the MIP area, including existing and proposed buildings (excluding parking) is 276,572 square metres (2,977,000 square feet), which is roughly double the GFA proposed through the 2009 MIP Master Plan. As a percentage of the overall GFA, the proposed new MIP Master Plan concept includes the following employment related uses:

- 67% GFA for lab/research space - 185,990 sq. metres (2,002,000 sq. feet);
- 9% GFA for office uses - 25,362 sq. metres (273,000 sq. feet);
- 5% GFA for hotel / long-term stay and hospitality uses - 13,192 sq. metres (142,000 sq. feet); and,
- 4% GFA for amenity areas within buildings - 10,590 sq. metres (114,000 sq. feet).

Among additional research, office and hospitality uses, the proposed new MIP Master Plan vision is to introduce three (3) multiple dwellings (identified as E1, E5, and E6 in Figure 2), ranging from 14 to 26 storeys in height, with a total of 524 residential units. The total GFA for the proposed residential uses at MIP is approximately 41,341 square metres (445,000 square feet), representing approximately 15% of the existing and proposed GFA of the site.



MIP has submitted a Planning Justification Report (PJR) to support the proposed expansion to residential land use permissions, as well as an Environmental Noise and Vibration Feasibility Study. The PJR was prepared to justify that no conversion is required to facilitate the ancillary residential uses proposed for MIP, as residential uses are already permitted through Special Policy Area – Area A in the WHID Secondary Plan, and included within the applicable Special Exception SE-7 zoning.

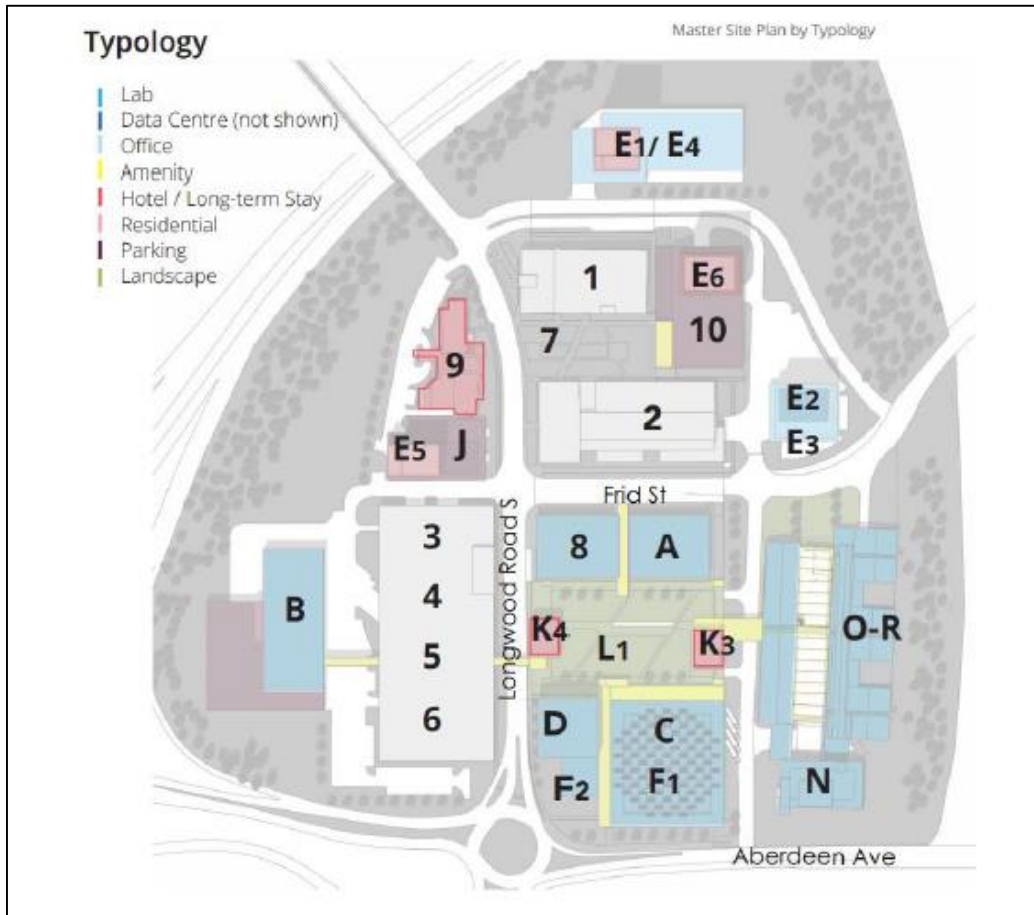


Figure 2 – McMaster Innovation Park Master Plan – Building Typologies (from Refined Master Site Plan prepared by McCallum Sather)

Analysis

Given that the existing WHID Secondary Plan and associated zoning permits residential uses ancillary to MIP, there may not be a need for employment land conversion but rather a refinement and clarification of existing Official Plan policy to allow for limited additional floor area for residential uses beyond what was contemplated in the original UHOP policy and zoning. Planning staff agree that limited residential uses ancillary to the Research District uses continue to be integral to the overall vision and function of

MIP. For this reason, provincial conversion criteria and local conversion criteria are not provided as analysis for this proposal. Instead, the analysis focuses on the amount of increase to the existing residential use permissions within the policy and zoning that can be supported without triggering the requirement for employment land conversion.

Residential uses have been envisioned for MIP since the initial policy development for these lands, recognizing that the use will complement the Master Plan development of this section of the innovation district. Site Specific Policy Area A of the Secondary Plan states:

- “6.4.10.1 a) Educational, residential and commercial uses permitted ancillary to McMaster Innovation Park shall be developed in accordance with the long term vision to create a dynamic, integrated state-of-the-art research community that shall foster innovation, entrepreneurialism and creativity
- 6.4.10.1 b) Limited accommodations for visiting scholars, professors and/or professionals shall be permitted.”

As noted above, the site specific zoning on the lands defines the extent of the ancillary residential use permissions by limiting the GFA for residential uses to a maximum of 11,500 sq m, up to a maximum of 8% of total existing GFA for other permitted M1 zone uses within MIP, and a maximum of two buildings. Under the proposed revision to the MIP Master Plan, the GFA for residential uses (in three buildings) would increase to 15% of the total existing and proposed GFA for the site; or 17.5% of the GFA for all of the existing and proposed M1 zone permitted uses (lab, amenity, office, hotel).

Staff have reviewed the submitted PJR and Noise & Vibration Study. Staff concur with the general findings of the PJR which demonstrate that, given the existing local policy framework permits limited residential use as supportive to the research and innovation function, it may be appropriate to expand residential permissions without requiring an employment land conversion. Generally, land use compatibility has been considered through the placement of the residential uses at the northern end of the site, at a greater separation from the more intensive employment uses to the south.

Regarding the Noise and Vibration study findings, Staff concur that impacts on sensitive land uses from Stationary Sources (existing and proposed employment/office buildings) can generally be mitigated at the source, and through building façade features and design. However, proposed residential building E5 is located nearest to the MARC building, and mitigation from the loud rooftop noise sources from MARC may require that there be no outdoor living areas or operable windows on the entire south side of the tower, as well as partially on the west side.

Staff are generally in agreement that there is ability to expand the existing residential permissions on the site but have concerns with the extent of the proposed residential uses as per the Master Plan (Figure 2). Residential uses at MIP are intended to be ancillary to the function of the site as a research and innovation district. Therefore, a development scenario where residential uses are limited to two (2) buildings (E1 and E6) is preferred for the following reasons:

- Limiting the residential uses to two buildings is consistent with the site specific zoning that currently applies which restricts multiple dwellings to being located in a maximum of two buildings;
- Residential buildings E1 and E6 are proposed to be clustered in the northeast quadrant of MIP and result in a concentrated land area for residential uses that is less likely to result in future incompatibility; and,
- Residential Building E5 is proposed to be located on the west side of Longwood Road, separated from the other residential buildings, and in proximity to the loud stationary noise sources from MARC, and is therefore less suitable for residential development.

Should the two Staff-supported residential buildings (E1 and E6) be constructed in accordance with the current proposed Master Plan for MIP, this would result in a GFA of approximately 31,215 square metres (336,000 square feet), representing 11.7% of the existing and proposed GFA of the development area. In accordance with the M1 zone SE-7 provisions, this would result in a percentage of residential use that is proportional to approximately 13% of the existing and proposed GFA for all other permitted M1 uses on the site. Staff are prepared to support a maximum of 15% GFA for residential uses as a proportion of the existing/proposed employment use GFA to support additional design flexibility for the residential uses in the two Staff supported buildings proposed for the north-east quadrant.

The chart below summarizes the current permissions for residential uses in MIP as per the Secondary Plan / zoning, the proposed expansion from MIP, and the staff supported recommendation:

	<b>Current Residential Use Permissions</b>	<b>Proposed under new MIP Master Plan</b>	<b>Staff preliminary recommendation (removal of building E5 from residential)</b>
<b>Total GFA – multiple dwelling</b>	<b>5,750 sq m, but may increase to 11,500 sq m provided not</b>	<b>41,341 sq m</b>	<b>31,839 sq m</b>

	Current Residential Use Permissions	Proposed under new MIP Master Plan	Staff preliminary recommendation (removal of building E5 from residential)
	exceeding % total below		
<b>GFA of multiple dwelling as % of total GFA for other M1 uses (excluding parking, multiple dwellings etc.)</b>	<b>8%</b>	<b>17.5%</b>	<b>15%</b>
<b># of multiple dwelling buildings</b>	<b>2</b>	<b>3</b>	<b>2</b>

The future development of the MIP Master Plan will require a privately initiated Official Plan Amendment and Zoning By-law Amendment Application to consider additional matters, including but not limited to proposed building heights (currently limited to 10 storeys), servicing and transportation capacity for the intensity of use, as well as the proposed increase in GFA for the multiple dwellings.

Recommendation

Staff recommend that an employment land conversion is not required if the proposed residential development is limited to a maximum of two buildings as per the existing zoning, a maximum 15% of the GFA for all existing/proposed M1 zone uses (excluding residential, parking, education, and warehousing), and is concentrated in one geographic area of the MIP lands (the north-east quadrant of the site). Staff further recommend that policies of Site Specific Policy – Area A in WHID be amended through the Municipal Comprehensive Review Official Plan Amendment, to clarify the permissions for residential uses on these lands. The proposed modifications to the existing Site Specific Policy – Area A are as follows (bold = addition, strikethrough = deletion):

“6.4.10.1 In addition to Policy B.6.4.3.1 – General Development Policies, the following policies shall apply to the lands shown as Site Specific Policy – Area A - McMaster Innovation Park on Map B.6.4-1 - West Hamilton Innovation District – Land Use Plan:

- a) Educational, residential **multiple dwellings** and commercial uses permitted ancillary to McMaster Innovation Park shall be developed in accordance with the long-term vision to create a dynamic, integrated

state-of-the-art research community that shall foster innovation, entrepreneurialism and creativity. **Residential Uses shall be subject to the following policies:**

- i) Multiple dwellings in mixed use buildings shall be permitted;**
- ii) Multiple dwellings will be clustered in the North East quadrant of the site;**
- iii) A maximum of two multiple dwellings shall be permitted;**
- iv) The Gross Floor Area for multiple dwellings shall be limited to a maximum of 15% of the total gross floor area of all existing and proposed buildings, which are to be used for other permitted M1 uses, located on the said lands, save and except for the following uses:**
  - a. Educational Establishments;**
  - b. Multiple Dwelling(s);**
  - c. Commercial Parking Facilities; and,**
  - d. Warehouse (as a primary use);**
- v) The Zoning By-law shall regulate matters related to timing and sequencing of residential development to ensure that any residential use permitted on the site is proportional to the development of the established employment uses within McMaster Innovation Park; and,**
- iv) The Zoning By-law shall regulate matters for residential use, among other regulations as required – including, building heights, parking requirements, and other site-specific performance standards for development.”**

~~b) Limited accommodations for visiting scholars, professors and/or professionals shall be permitted.~~

(Note: Staff propose to remove sub-policy section b) because long term stay accommodations and hotels are permitted as of right in the Secondary Plan / zoning. Heritage resource policies contained in sub-policy sections c) and d) to remain unchanged)

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2.1.2 70-100 FRID STREET

Overview and Existing Context

Conversion Area: 2.2 hectares

Location:

- North: employment designated lands, former Spectator building, Main Street West;
- South: Recreational business, contractors establishments, vacant buildings formerly used for employment;
- East: Frid Street and additional business park uses and recreational facilities on the east side of Frid Street, active asphalt plant; and,
- West: Highway 403.

Current Land Use:

- Subject lands are developed with several buildings, including recreational facilities, offices, as well as manufacturing and distribution uses. Surface parking and loading for these uses is also provided on site.

Urban Hamilton Official Plan:

- Identified as Employment Areas on Vol. 1, Schedule E-1 – Urban Structure;
- Designated as Employment Area – Business Park on Vol. 1, Schedule E-1; and,
- Designated as Research District in WHID Secondary Plan which permits a range of research, office, medical and pharmaceutical industries, as well as hotel and conference facilities and limited supportive commercial uses to serve the employment area.

Zoning (By-law 05-200)

- M1 – Research and Development zone, which permits a range of manufacturing, research related industries, offices, limited production facilities, and supportive uses such as restaurants and retail. Sensitive land uses are prohibited, including dwelling units.

Applicant’s Proposed Land Use and Rationale

The Applicant proposes to develop a portion of the lands (2.24 ha) with mixed use multiple dwellings, ranging from 4 to 24 storeys, including ground floor uses permitted within the M1 zone. The introduction of residential uses is proposed to support a



campus-like setting in the business park to attract new research and technology-based businesses, and to stimulate further investment.

The Applicant submitted a Planning Justification Report in support of the proposed conversion, detailing the rationale for the introduction of residential uses on the subject lands. The Applicant's planning analysis argues that the proposed conversion is consistent with the policies of the PPS, conforms to the employment conversion and intensification policies of the Growth Plan, and satisfies the City's additional employment conversion criteria. The planning justification further argues that the residential development is suitable for the area as it is within an area that is well served by public services, transit, and municipal infrastructure.

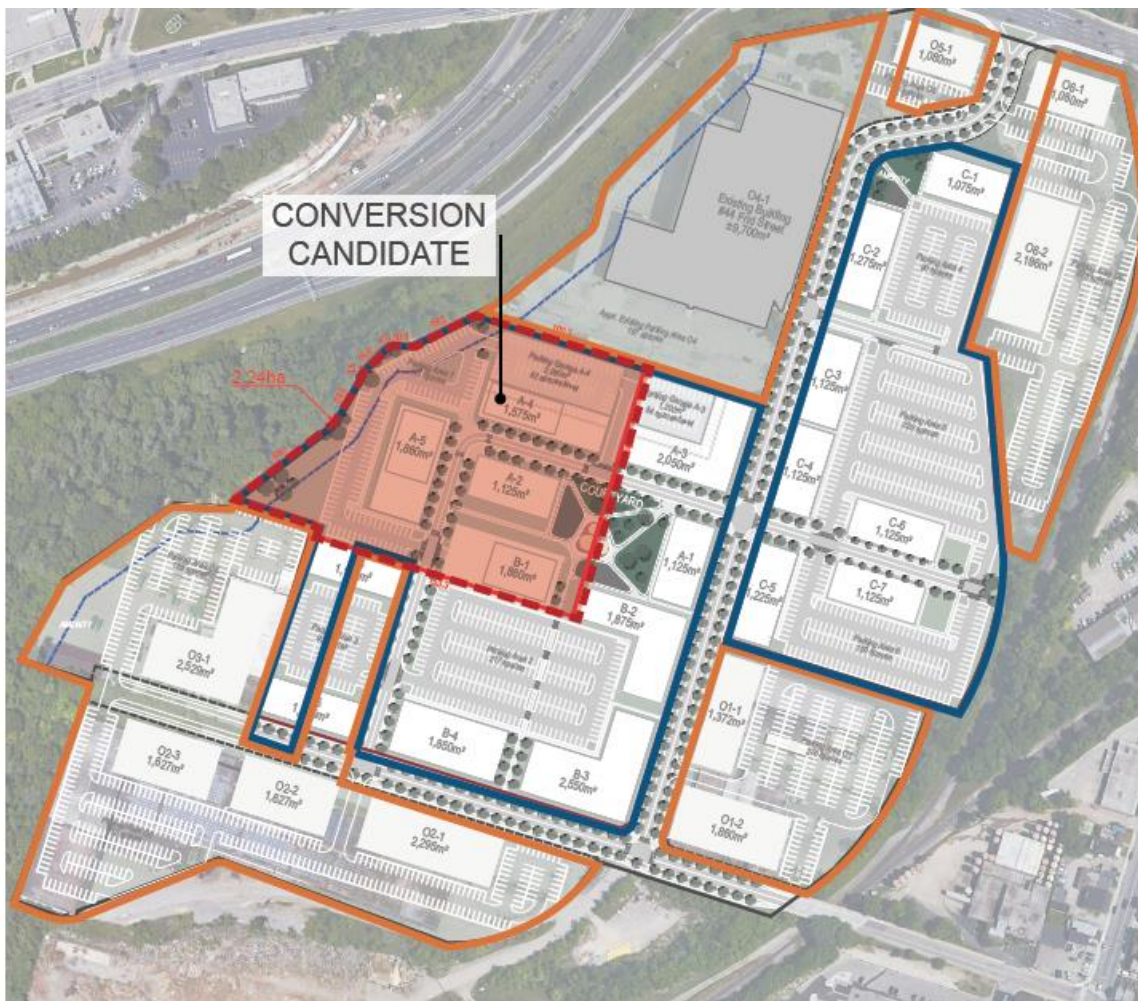


Figure 3 – 70-100 Frid Street Conversion Area (from Planning Justification Report prepared by GSP Group)

Analysis

**Table 1 – Analysis of 70-100 Frid Street using Provincial Conversion Criteria**

<b>Provincial Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
<p>There is a need for the conversion</p>	<p>While there may be justification for the need to obtain permissions for additional uses on these lands in order to stimulate investment for further compatible business park uses, staff feel that the development of other supportive uses in the business park could also serve to enhance the attractiveness of the area.</p> <p>While residential use would assist in meeting the need for future residential intensification units in the City’s built boundary, staff have already identified priority areas for future residential intensification through the draft policy amendments for the current MCR.</p> <p>A future review of the West Hamilton Innovation District Secondary Plan may be initiated by the City at a future date to ensure the planning direction for the WHID Secondary Plan is consistent with the overall planning framework for the City, including review of potential additional uses that may be appropriate.</p>	<p>Neutral</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 (LNA) 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</p>	<p>Yes</p>



<b>Provincial Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
	(2.24 ha in size) would likely not significantly impact the overall land supply for the uses for which it was designated.	
<p>The municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan</p>	<p>The City’s current LNA 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>However, if additional lands are identified for conversion beyond the 53.5 hectares supported through Report PED17010(k) in August 2021, the cumulative impact may result in an Employment Land shortfall, which will need to be evaluated and addressed through revised LNA calculations for employment land supply.</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 located internal to an active industrial area / business park. Development of sensitive land uses on this property would not be compatible with certain land uses, including manufacturing, storage, and distribution uses that are near to the site. Further, the active asphalt plant in the immediate area restricts the development of these lands in accordance with Provincial land use compatibility guidelines (see criteria re D-Series D6 Guidelines in the City Criteria in Table 2).</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 2 – Analysis of 70-100 Frid Street using City Criteria**

<b>City Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
The sites are mixed use blocks and located along the edges of employment areas	<p>The site is not within a mixed use block, as the primary uses of the lands surrounding the site continue to facilitate uses that are permitted in the business park, and are designated and zoned accordingly.</p> <p>The site is internal to an established area for employment uses, and therefore not along an edge.</p>	No
Conversion of the site(s) will not adversely affect the long-term viability and function of the employment areas	<p>The long term vision of the Research District designation is to promote areas for innovative technology sector jobs, as well as research and associated manufacturing of products.</p> <p>Unlike McMaster Innovation Park, on the west side of the WHID, this area of the business park does not have any established residential land use permissions through Official Plan policy or zoning. As such, the introduction of permissions for sensitive land uses is not appropriate for the current planned function of the employment area.</p>	No
Conversion of the site(s) will not affect the long-term viability of the existing employment uses, including large, stand-alone facilities	There are existing, stand-alone facilities that are in operation in the immediate area, including an active asphalt plant. Sensitive land uses on the subject lands would not be compatible with this use, or other employment uses in the area, such as contractors yards, and storage/warehousing facilities for local businesses.	No

<b>City Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
<p>Conversion of the site(s) will not compromise any other planning policy objectives of the City, including planned commercial functions</p>	<p>The City has identified through existing and proposed UHOP policy that higher density, residential intensification is most appropriate in the City’s Nodes and Corridors. Intensification in other areas where residential uses are already present, is also encouraged.</p> <p>Residential intensification by way of conversion of these lands, should not be permitted at this time, as they are not a focal area for growth.</p>	<p>No</p>
<p>Conversion of the site(s) will not create incompatible land uses, including a consideration of the Ministry of the Environment, Conservation and Parks Land Use Compatibility (D-series) guidelines</p>	<p>There are existing, stand-alone facilities that are in operation in the immediate area, including an active asphalt plant (at 501 Main Street West). The asphalt plant would be classified as a Class III land use under the Province’s D-6 Guidelines and would result in an Area of Influence (AOI) of 1000 meters, and a recommended Minimum Separation Distance (MSD) of 300 meters. The proposed conversion area on the subject lands is within approximately 220 meters of the asphalt plant. Development of sensitive land uses within the MSD of this existing facility would not be compatible and would not meet provincial guidelines.</p>	<p>No</p>
<p>Conversion of the site(s) will be beneficial to the community through its contribution to the overall intent and goals of the City policies and demands on servicing and infrastructure</p>	<p>While the development may make use of existing servicing and infrastructure, residential development on these lands is not envisioned through the current policy framework. Continuous monitoring of the City’s land supply for employment lands as well as rates of intensification will dictate if further</p>	<p>Neutral</p>

<b>City Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
	consideration of this area for a broader mix of uses is warranted.	
Conversion of the site(s) will result in a more logical land use boundary	The site located interior to an active business park and surrounded on three sides by lands designated for employment uses. The side that is not adjacent to the business park is the boundary of the Highway 403, which is not a local road that provides frontage. Conversion of this site does not create a more logical land use boundary for employment uses in WHID.	No

Recommendation

Planning Staff have reviewed the documentation submitted by the Applicant and have considered the existing and planned context of this eastern area of the WHID. The existing context of the Frid Street area of the business park is very different to that of the McMaster Innovation Park to the west, where limited residential use is permitted through existing policy and zoning. While the Frid Street area has diversified with the introduction of office and recreational facilities, there remain many active employment uses near the subject lands, including an active asphalt plant. At this time, the existing context of the area is not compatible with the proposed introduction of residential uses, interior to the business park.

Conversion of 70-100 Frid Street is not recommended.

However, given the changing land use context around the West Hamilton Innovation District through the planned introduction of the Light Rail Transit (LRT) and the unique location within the centre of the City, there may be a need to conduct a fulsome review and update to the policies and land use designations within the WHID Secondary Plan. Through a future review of the WHID Secondary Plan there may be opportunity to consider expansion of uses (which may include commercial and residential). Should there be an identified need to allow for a wider variety of uses in WHID, staff would consider implementation through a future MCR, if deemed appropriate.

## 2.2 Airport Employment Growth District

There are two conversion requests within the Airport Employment Growth District (AEGD) which were deferred through report PED17010(k) in August 2021. These two sites are adjacent to the City’s urban boundary and abut rural lands on Twenty Road West and Garner Road East respectively. These adjacent rural lands are whitebelt lands which were once considered for potential urban boundary expansion under the “Ambitious Density” growth scenario presented in Report PED17010(o) in November 2021. However, Hamilton City Council has directed that the City shall pursue a “No Urban Boundary Expansion” growth scenario to accommodate community area land need and population growth to the year 2051. Therefore, the rural lands adjacent to these employment conversion request sites are no longer considered for accommodation of residential and community development over the planning horizon.



Figure 4 – AEDG Secondary Plan – Land Use Plan depiction of general area of two conversion requests (Twenty Road West and 700 Garner Road East)

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2.2.1 TWENTY ROAD WEST

Overview and Existing Context

Conversion Area: 55.2 hectares

Location:

- North: Twenty Road West and Garth Street intersection, mixed residential uses;
- South: Dickenson Road and additional lands for AEGD;
- East: Natural heritage lands, Upper James Street; and,
- West: Natural heritage lands, Glancaster Road.

Current Land Use:

- Subject lands are currently undeveloped. The subject lands are a collective of properties held by various land owners, including an area of the former Glancaster Golf and Country Club.

Urban Hamilton Official Plan:

- Identified as Employment Areas on Vol. 1, Schedule E-1 – Urban Structure;
- Designated Airport Employment Growth District and Open Space on Vol. 1, Schedule E-1 – Urban Land Use Designations;
- Designated Airport Prestige Business, Airport Light Industrial and Natural Open Space on AEGD Secondary Plan – Land Use Plan (Figure 5)
  - Partially identified as Site Specific Policy – Area I which restricts certain industrial and utility uses and permits certain non-employment uses; and,
  - Partially identified as an Employment Supportive Centre in the area of Garth Street and Twenty Road West as a gateway into the AEGD along the future Garth Street Extension. Non-employment uses such as retail, commercial schools, day nursery, medical offices and clinics are permitted exclusively in the Employment Supportive Centre;
- Identified as being affected by the Airport Noise Exposure Contours on Vol. 1, Appendix D (Figure 6) - The lands proposed for conversion are affected by the NEF 28 and NEF 30 noise contours from noise generated from the John C. Munroe Airport.



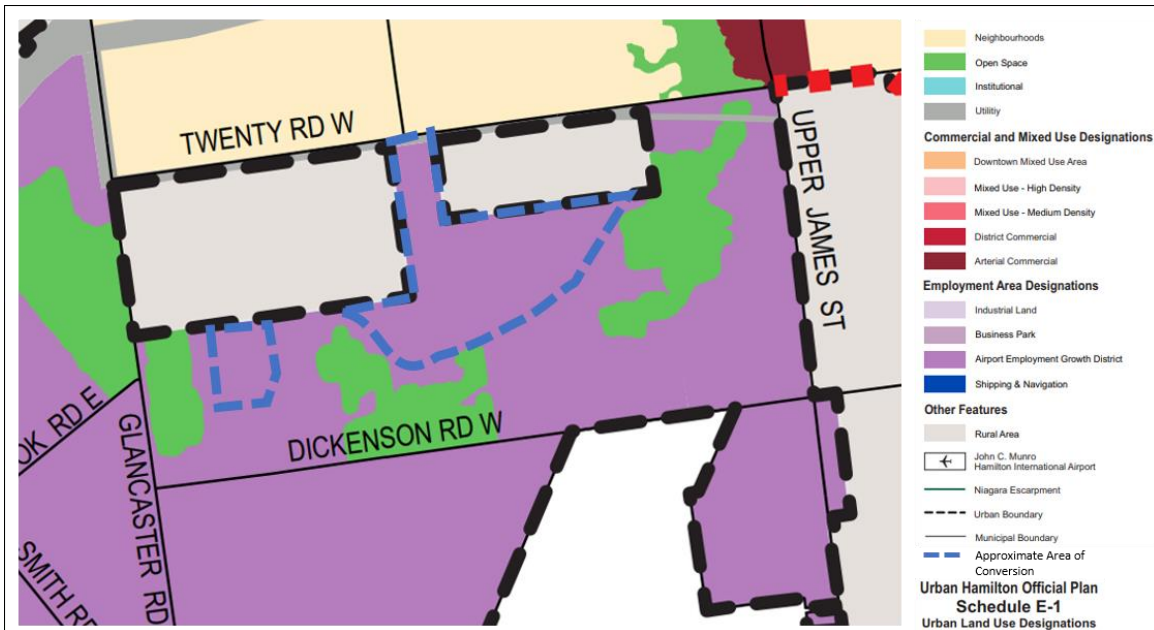


Figure 5 – Land Use designations for Twenty Road West and surrounding lands from UHOP Vol. 1 – Urban Land Use Designations and approximate boundary of conversion request area

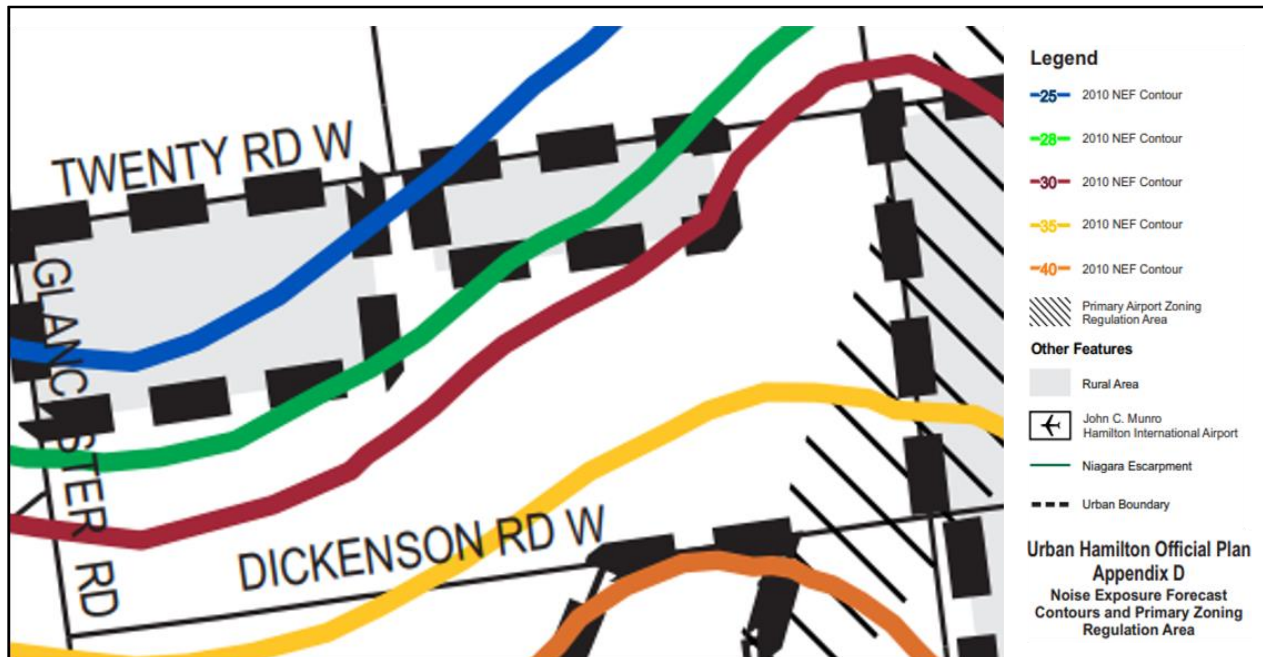


Figure 6 – Airport Noise Forecast Contours around Twenty Road West from UHOP Vol. 1 – Appendix D - Noise Exposure Forecast Contours and Primary Zoning Regulation Area

Zoning (By-law 05-200):

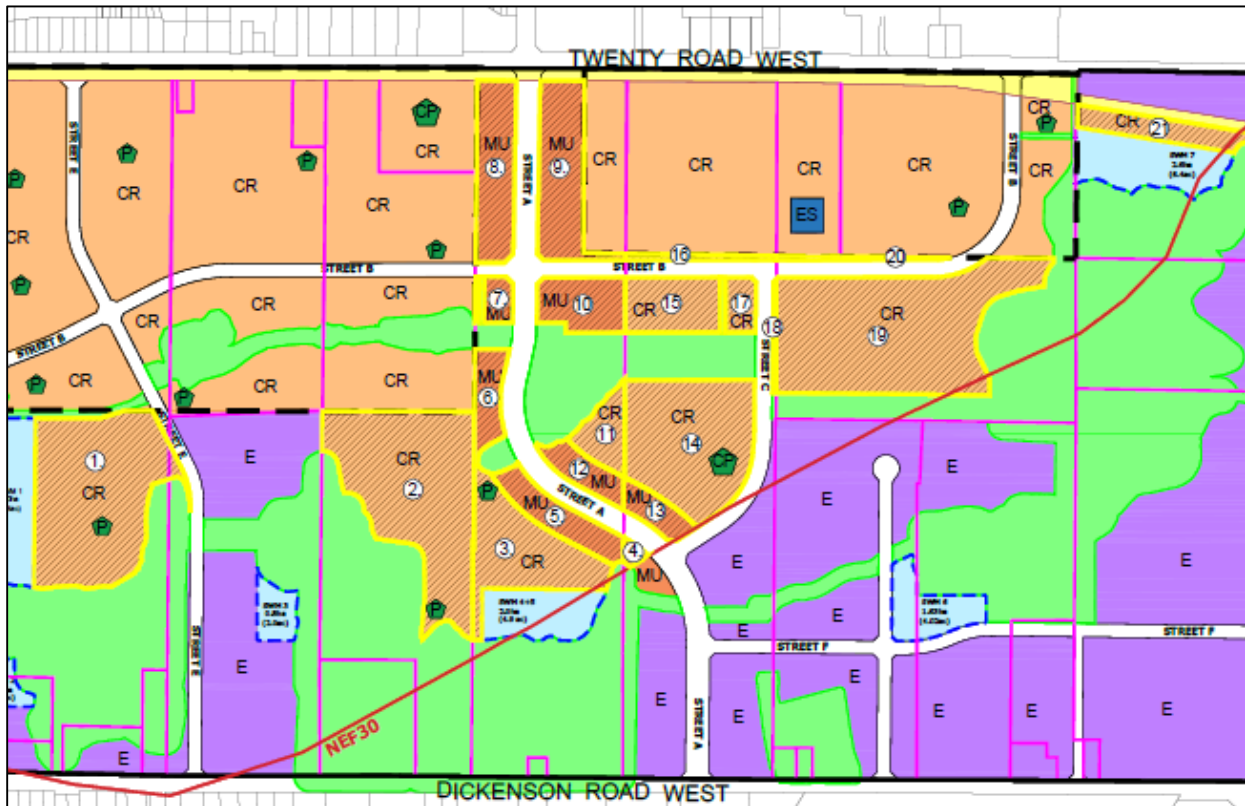
- M10 Airport Light Industrial – Holding H37 – permits variety of light industrial uses with holding to ensure that lands have access to servicing and transportation infrastructure prior to site alteration;
- M11 Airport Prestige Business – Exception 36, Holding H37 – exception prohibits warehousing, transportation terminal, power generation and utility activities along the Garth Street extension, holding to ensure that lands have access to servicing and transportation infrastructure prior to site alteration; and,
- P5 – Conservation/Hazard Lands – passive recreational uses and flood and erosion control permitted

Applicant’s Proposed Land Use and Rationale

The proposed employment conversion request involves approximately 55.2 hectares (135.9 acres) of lands within the Airport Employment Growth District (AEGD). The requested conversion proposes the introduction of mixed-use development along the southerly extension of Garth Street, as well as compact residential uses such as townhouses, stacked townhouses, and low-rise multiple dwellings. Conversion areas are depicted in yellow outline and marked as ‘MU’ – Mixed -Use and ‘CR’ – Compact Residential on Figure 7. Natural heritage features are proposed to be retained and utilized as buffers separating the proposed lands for conversion from the lands to remain for employment use.

As noted, the lands proposed for conversion are located between two parcels of rural land that were identified as whitebelt lands and which could be considered for urban boundary expansion to accommodate future residential and community growth under the “Ambitious Density” growth scenario in Report PED17010(o). The Council decision to adopt the “No Urban Boundary Expansion” growth scenario has removed these lands from consideration for future development. Therefore, while Figure 7 depicts these adjacent rural lands as ‘CR’ – Compact Residential east and west of the conversion site, these lands are not supported by Council to develop as such and will remain rural to the planning horizon of 2051.





**Figure 7 –Twenty Road West development concept plan (prepared by Corbett Land Strategies)**

The Applicant has provided a Planning Justification Report to describe how their conversion request aligns with the policy framework of the Provincial Policy Statement (2020) and Growth Plan for the Greater Golden Horseshoe (2019, as amended), and how the proposal addresses the findings of the City's recent Land Needs Assessment (LNA).

The Applicant has conducted their own review of the land needs assessment and estimates that the City's oversupply of employment lands is approximately 245 hectares to 2051, whereas the City has determined this surplus to be approximately 60 hectares. The Applicant argues that proposed conversion of the subject lands would assist in reducing the City's over-supply of employment lands indicated in their calculations.

The Applicant further justifies their proposal by stating that proposed land uses would enhance the overall profile of the AEGD lands by increasing their marketability for a variety of employment uses, serving the needs of the businesses and employees of the AEGD, and creating better visibility for future businesses in the area.

Analysis

**Table 3 – Analysis of Twenty Road West using Provincial Conversion Criteria**

<b>Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
<p>There is a need for the conversion</p>	<p>The rural lands on Twenty Road West, immediately adjacent to the east and west subject lands, are no longer being considered as a candidate urban boundary expansion area, as Council has adopted a “No Urban Boundary Expansion” growth scenario to 2051. Therefore, there is no need to convert these lands to align with other community land uses.</p> <p>Planning staff have prepared a draft OPA that implements the Council direction to accommodate population growth within the existing urban boundary. Population growth is proposed to be directed to the City’s Node, Corridors, existing and planned Major Transit Station Areas, and existing residential neighbourhood communities. Conversion of employment land to accommodate growth was not considered as part of the City’s growth management plan within the existing urban boundary.</p>	<p>No</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 City’s LNA has determined that the supply and demand of Employment Area lands are roughly in balance to the year 2051. A slight surplus of 60 hectares of Employment Area lands was identified.</p> <p>Through Council direction as a result of Report PED17010(k), 53.5 hectares of Employment Area lands was approved for conversion through the</p>	<p>No</p>

<b>Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
	<p>City’s current Municipal Comprehensive Review. The Applicant has requested conversion of 55 hectares of Employment designated lands, which, combined with the employment conversions already endorsed by Council in August 2021, may result in a deficient supply of employment land over the 2051 planning horizon.</p>	
<p>The municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan</p>	<p>Removal of all of the requested conversion area (55 hectares) from the AEGD, in addition to other employment conversions endorsed by Council (53.5 hectares) may have the effect of putting the City into an Employment Land deficit over the planning horizon to 2051.</p>	<p>No</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 function of the AEGD is to support the growth of the City’s airport facilities as a strategic transportation and goods movement facility. The introduction of sensitive land uses, such as residential, would remove lands from an area that has been determined to serve the needs of airport related businesses, therefore affecting the viability of certain areas of the employment area.</p>	<p>No</p>
<p>There are existing or planned infrastructure and public service facilities to accommodate the proposed uses</p>	<p>The AEGD is subject to a Transportation Master Plan, Water and Waste Water Servicing Master Plan, and a Subwatershed Study and Stomwater Master Plan. The use of the lands for residential was not contemplated through these studies, and further review would be required to determine if there would be capacity.</p>	<p>Neutral</p>

**Table 4 – Analysis of Twenty Road West using City Criteria**

<b>Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
<p>The sites are mixed use blocks and located along the edges of employment areas</p>	<p>The lands subject to the employment conversion request are not located within a block of mixed use lands. Lands to the east and west of the subject lands are not within the City’s Urban Boundary and have not been approved for inclusion through any future urban boundary expansion.</p> <p>The lands are located at the northern end of the AEGD Business Park. A small area of the subject lands is adjacent to the intersection of Twenty Road West and Garth Street and is planned to act as a gateway to the employment area. These lands, while being at the northern edge of the employment area, are already permitted to have a limited amount of non-employment use without the need for conversion.</p>	<p>Neutral</p>
<p>Conversion of the site(s) will not adversely affect the long-term viability and function of the employment areas</p>	<p>The lands are planned to develop comprehensively as part of an area to support the airport use. Introduction of sensitive land uses such as residential would potentially affect the viability of adjacent employment lands to develop as envisioned through the AEGD.</p>	<p>No</p>

<b>Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
<p>Conversion of the site(s) will not affect the long-term viability of the existing employment uses, including large, stand-alone facilities</p>	<p>The John C. Munroe Airport operates a 24 hour freight and passenger airport facility. These uses form the foundation of the AEGD and their viability shall be protected.</p> <p>The Applicant has proposed introduction of sensitive land uses up to the 30 NEF airport noise contour, whereas the City’s Urban Hamilton Official Plan only allows development of sensitive land uses up to the 28 NEF noise contour. The potential for noise disturbance for the proposed area for conversion is high, and therefore there may be increased complaints to the airport about the aircraft noise.</p>	<p>No</p>
<p>Conversion of the site(s) will not compromise any other planning policy objectives of the City, including planned commercial functions</p>	<p>Planning objectives that may be in conflict with the proposal are related to the protection of airport related uses. With regard to this concern, staff will only support conversion of lands outside the 28 NEF contour for the introduction of sensitive land uses as per the policies of the UHOP.</p>	<p>No</p>
<p>Conversion of the site(s) will not create incompatible land uses, including a consideration of the Ministry of the Environment, Conservation and Parks Land Use Compatibility (D-series) guidelines</p>	<p>Planning staff will only support the development of sensitive land uses outside of the 28 NEF contour, as noted in the policies of the Urban Hamilton Official Plan. The proposed conversion may result in incompatible land uses between the residential uses and airport and airport industrial uses.</p>	<p>No</p>

<b>Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
Conversion of the site(s) will be beneficial to the community through its contribution to the overall intent and goals of the City policies and demands on servicing and infrastructure	Staff cannot confirm if the planned infrastructure in the AEGD is appropriate to support the intensity of use proposed through the conversion request.	Neutral
Conversion of the site(s) will result in a more logical land use boundary	The conversion of the lands will not result in a more logical land use boundary for the northern limit of the AEGD. Proposed residential uses will not be adjacent to other non-employment, community area lands, as adjacent rural lands are not proposed to be brought into the urban boundary for future residential development.	No

Recommendation

Planning Staff do not recommend conversion of the subject lands, as they are not adjacent to lands to be developed for community uses, and the proposed conversion area may result in an employment land supply deficit over the planning horizon.

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2.2.2 700 GARNER ROAD EAST

Overview and Existing Context

Conversion Area: 26.6 hectares

Location:

- North: Garner Road East, Redeemer University College;
- South: Hydro electric corridor;
- East: Rural lands outside of the urban boundary; and
- West: Vacant lands designated for future AEGD development.

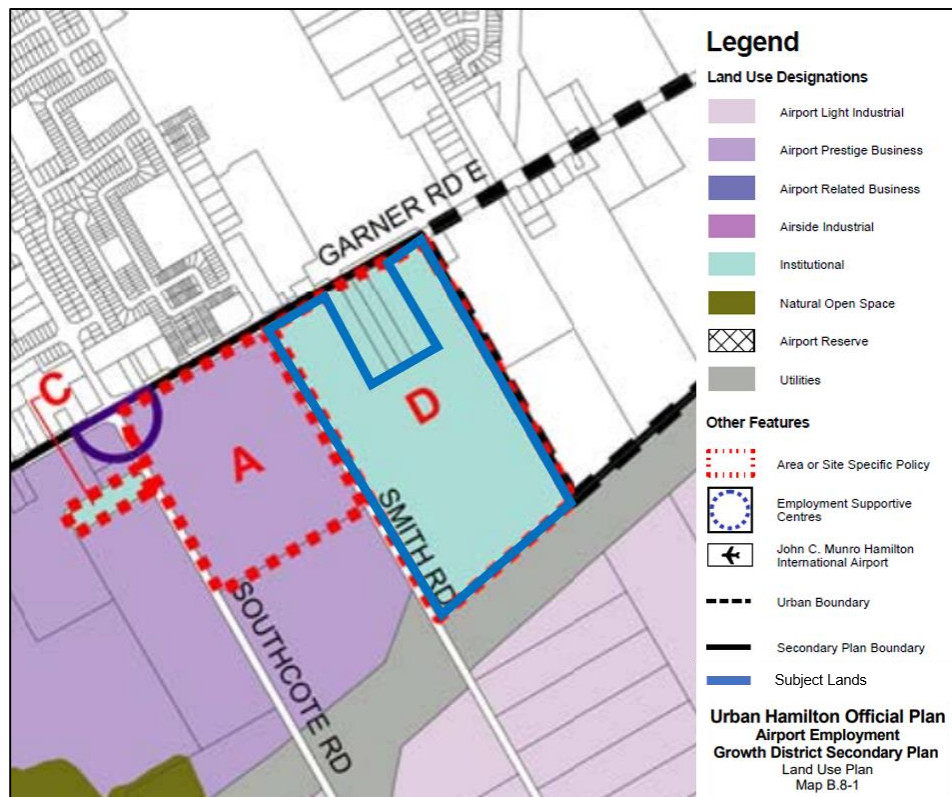


Current Land Use:

- Subject lands are currently undeveloped and being used for agricultural purposes. The lands were previously planned to develop as an extension to the existing Redeemer University College campus, however this is no longer the development proposed for the lands. The landowner has submitted a plan of subdivision to the City for the future development of the lands (File 25T-202105 – see Figure 9 below).

Urban Hamilton Official Plan:

- Identified as Employment Areas on Vol. 1, Schedule E-1 – Urban Structure;
- Designated Institutional on Vol. 1, Schedule E-1 – Urban Land Use Designations;
- Designated Institutional on AEGD Secondary Plan – Land Use Plan (Figure 8), however Institutional policies (B.8.7.2) in the AEGD Secondary Plan direct that the lands be considered as “Airport Prestige Business” should the property not develop for institutional purposes.
  - Identified as Site Specific Policy – Area D which prohibits residential use, unless it is developed ancillary to an institutional use, such as student residences, convents or continuing care homes.



**Figure 8 – Land Use designations for 700 Garner Road East (identified as Area D)  
and surrounding lands from AEGD Secondary Plan – Land Use Plan**

Zoning (By-law 05-200):

- I3 – Major Institutional – Exception 27 – E27 prohibits all residential uses, except in the case that a multiple dwelling or lodging home is built in conjunction with an educational establishment, and provided the multiple dwelling or lodging home is only used for students from the educational establishment.

Applicant’s Proposed Land Use and Rationale

The subject lands are not proposed to be developed with the institutional uses for which they were originally designated. The AEGD secondary plan policy B.8.7.2 therefore applies, and the lands are to be considered as “Airport Prestige Business” for the purposes of determining future uses. The Applicant has requested that the 26.6 hectare parcel of land be considered for conversion from their default employment designation to a designation which would permit a mix of uses including residential, institutional (long-term care, educational facilities), office and commercial uses. They have indicated that these land uses would provide additional economic and housing opportunities. No specific non-employment designation has been proposed through the request.





Figure 9 – Proposed development of 700 Garner Road East, as submitted through a current Subdivision Application (from Concept Plan prepared by MHBC Planning)

Analysis

**Table 5 – Analysis of 700 Garner Road East using Provincial Conversion Criteria**

<b>Provincial Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
<p>There is a need for the conversion</p>	<p>The rural lands on Garner Road East, immediately east of the subject lands, are no longer being considered as a candidate urban boundary expansion area, as Council has adopted a “No Urban Boundary Expansion” growth scenario to 2051. Therefore, there is no need to convert these lands to align with other community land uses on neighbouring lands.</p> <p>The City’s draft MCR OPA contains residential intensification and development policies to locate residential growth to 2051 to strategic growth areas and existing neighbourhoods across the City.</p> <p>Conversion of employment land to accommodate growth was not considered as part of the City’s growth management plan within the existing urban boundary.</p> <p>While staff do not find a need for the conversion of the lands to permit uses other than the ‘Institutional’ or “Airport Prestige Business” use which are currently permitted, staff do find that an amendment to the AEGD Secondary Plan is warranted for clarity purposes. Amendment to existing AEGD Institutional policy B.8.7 to remove reference to the lands developing exclusively for Redeemer College would provide clarity on the permitted uses on the lands for the</p>	<p>No</p>

<b>Provincial Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
	development for other institutional uses.	
The lands are not required over the horizon of this Plan for the employment purposes for which they are designated	<p>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.</p> <p>The subject lands at 700 Garner Road East included in the LNA calculations as part of the City’s employment land supply. The lands are identified as Employment Areas on Schedule E – Urban Structure (Volume 1), designated Institutional in the AEGD Secondary Plan, and default to the designation “Airport Prestige Business” in the AEGD Secondary Plan if the institutional uses for which they are designated are not developed.</p> <p>The removal of 26.6 hectares of employment designated land in the AEGD may impact the overall land supply for the uses for which it was designated.</p>	No
The municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this 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, with a small surplus of approximately 60 hectares.</p> <p>Through Council direction as a result of Report PED17010(k), 53.5 hectares of Employment Area lands was approved for conversion through the</p>	Neutral

<b>Provincial Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
	City’s current Municipal Comprehensive Review. The removal of 26.6 hectares of employment land from the City’s employment land base may result in a shortfall of employment designated lands over the planning horizon.	
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	The proposed development of the site with sensitive land uses in the form of institutional uses (long term care) would not affect the overall viability of the employment area, as sensitive land uses were already considered within the current designation.	Yes
There are existing or planned infrastructure and public service facilities to accommodate the proposed uses	Extension of public sanitary sewer is required to facilitate the development, and water services can be provided by connection to existing infrastructure.	Neutral

**Table 6 – Analysis of 700 Garner Road East using City Criteria**

<b>City Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
The sites are mixed use blocks and located along the edges of employment areas	The site is located at the western edge of the AEGD Business Park, however the lands are not within a mixed use block, as rural lands to the east are not proposed to be developed for community uses over the planning horizon.	Neutral
Conversion of the site(s) will not adversely affect the long-term viability and function of the employment areas	The lands were originally intended to be developed with institutional uses, which included consideration of ancillary residential uses. Conversion of the lands would not adversely affect	Yes

<b>City Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
	the overall viability the employment area.	
Conversion of the site(s) will not affect the long-term viability of the existing employment uses, including large, stand-alone facilities	There are no large stand-alone facilities in the vicinity of the subject lands. The Hamilton Airport is located further south-east, and the site is not significantly affected by airport noise.	Yes
Conversion of the site(s) will not compromise any other planning policy objectives of the City, including planned commercial functions	The City had determined that the lands should be developed for Airport Prestige Business uses, should it not develop for Institutional uses. If a broader range of institutional uses is permitted, it would not compromise the original planning objectives of the City, however standalone residential uses should continue to be developed in areas designated and zoned appropriately.	Neutral
Conversion of the site(s) will not create incompatible land uses, including a consideration of the Ministry of the Environment, Conservation and Parks Land Use Compatibility (D-series) guidelines	There are currently no land uses surrounding the site which would be incompatible with the uses proposed for the site.	Yes
Conversion of the site(s) will be beneficial to the community through its contribution to the overall intent and goals of the City policies and demands on servicing and infrastructure	The conversion to allow additional institutional uses on the subject lands, as well as standalone residential uses, may not be beneficial to the overall intent and goals of the City, as residential uses should be developed as part of a complete community. There are no current opportunities to connect the residential component of the proposed conversion to adjacent lands and the lack of connectivity may	No

<b>City Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
	render them isolated from other residential uses.	
Conversion of the site(s) will result in a more logical land use boundary	Currently, the logical land use boundary for AEGD is the lands immediately east on Garner Road, which are outside of the City’s Urban Boundary. If the lands were to be removed from the AEGD, Smith Road may also be a logical land use boundary.	Neutral

Recommendation

Planning staff do not recommend conversion of the subject lands. The Planning Division will continue to review and process the active Plan of Subdivision Application for the lands (File 25T-202105) and assess the proposed development in consideration of future municipal servicing upgrades to the area.

Staff recommend that the existing UHOP Vol. 1 Institutional Policy B.8.7 be amended through the current MCR process to remove reference to the lands developing exclusively for Redeemer University College as the only institutional use. This minor amendment would clarify that the site would be eligible for development with additional institutional uses, with a continued restriction on residential uses, unless they are ancillary to institutional.

**2.3 RED HILL NORTH BUISNESS PARK**

There is one employment land conversion request within the Red Hill North Business Park which was deferred through motion of Council after the staff presentation of Report PED17010(k) in August 2021. The conversion request is located at 1725 Stone Church Road East and was previously not recommended by Planning staff for conversion through Report PED17010(k). The rationale by staff at that time was that there was not sufficient need demonstrated for the conversion, and there were concerns that there may be impacts on the commercial function of nearby commercial lands in the Heritage Greene Secondary Plan area. Further, the Applicant previously noted that residential uses were potentially contemplated for the site. After the motion for deferral, the Applicant provided additional justification to staff to respond to the initial concerns.

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2.3.1 1725 STONE CHURCH ROAD EAST, 130 & 140 MUD STREET EAST

Overview and Existing Context

Conversion Area: 7.4 hectares

Location:

- North: Lincoln Alexander Parkway (LINC), interchange of LINC and Red Hill Valley Parkway
- South: Stone Church Road East, mixed business park uses
- East: Upper Red Hill Valley Expressway, Mixed Use – Medium Density area of the West Mountain (Heritage Green) Secondary Plan, Stoney Creek
- West: Hydro electric corridor, business park office buildings, Arterial Commercial designated lands

Current Land Use:

- Subject lands are currently undeveloped.

Urban Hamilton Official Plan:

- Designated Business Park on Vol. 1, Schedule E-1 – Urban Land Use Designations
  - Partially designated Employment West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan



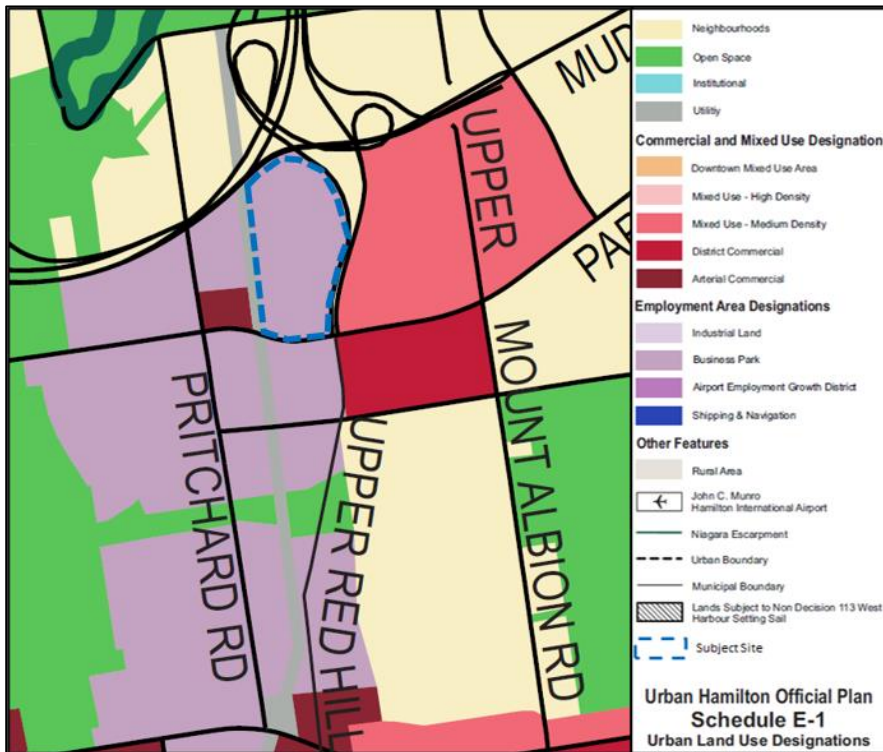


Figure 10 – Land use designations for 1725 Stone Church Road East

Zoning (By-law 05-200):

- M3 – Prestige Business Park – permits a wide range of employment area land uses, as well as office, hotel and restaurants, among others. Intensive industrial activities are prohibited (rock crushing, smelting, production of chemicals), as are sensitive land uses such as residential, places of worship and day nurseries.

Applicant’s Proposed Land Use and Rationale

Following the August 2021 General Issues Committee meeting for Report PED17010(k), and the subsequent Council motion for deferral of the conversion request for the subject land, the Applicant met with City staff and provided additional documents for clarification. The Applicant provided a Retail Commercial Demand and Impact Assessment to justify the need for the conversion, and an addendum letter to the original Planning Justification Report to clarify that residential uses and major office uses were no longer planned for the site.



Analysis

**Table 7 – Analysis of 1725 Stone Church Road East and 130 & 140 Mud Street East using Provincial Conversion Criteria**

<b>Provincial Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
There is a need for the conversion	The Applicant’s Retail Commercial Demand and Impact Assessment has demonstrated that there is a demand for additional commercial opportunities in the immediate area, as the adjacent commercial centres are fully tenanted. There are also physical size restrictions, parking supply restrictions, and restrictive covenants in existing leases that do not allow for additional commercial uses to locate in the existing commercial areas in the vicinity.	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 it has forecasted that there will be a small surplus of employment lands over the planning horizon. While the 7.4 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 of approximately 60 ha identified in the LNA.	Yes
The municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan	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. There is a small surplus of employment land of approximately 60 hectares.	Neutral

<b>Provincial Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
	The inclusion of these lands for conversion as well as previously Council endorsed conversions of 53.5 ha through Report PED17010(k) is still within the range of the anticipated surplus and is acceptable.	
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	The proposed use of the site for commercial purposes does not pose potential concern in terms of the viability of the employment area. There are no sensitive land uses proposed, and a clear prohibition on sensitive land uses will be included in a site specific policy for the lands.	Yes
There are existing or planned infrastructure and public service facilities to accommodate the proposed uses	Would require further study to confirm requirements.	Yes

**Table 8 – Analysis of 1725 Stone Church Road East and 130 & 140 Mud Street East using City Criteria**

<b>City Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
The sites are mixed use blocks 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 of the site(s) will not adversely affect the long-term viability and function of the employment areas	The employment area in the immediate area is made up of a mix of land uses and is bordered by Mixed Use Medium Density and District Commercial designated lands. The	Neutral

<b>City Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
	Applicant has clarified that the land owner does not intend to develop the site with residential uses, rather a mix of larger commercial units that are no longer able to be accommodated in the Heritage Green area to the east. Given the mix of uses in the area and the decision to not include residential in the development, it isn't likely that the long term viability of the employment are will be compromised by this development.	
Conversion of the site(s) will not affect the long-term viability of the 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 of the site(s) will not compromise any other planning policy objectives of the City, including planned commercial functions	The owner of the subject lands is also the owner of the commercial plazas in the immediate vicinity. Therefore, the development of the subject lands would not be planned in a way that would result in a detrimental impact to the commercial function of the other commercial areas in the vicinity. The Applicant's market needs assessment indicates that the conversion will likely increase the general consumer traffic to the area, increasing the trade area for the commercial quadrant.	Yes
Conversion of the site(s) will not create incompatible land uses, including a consideration of the Ministry of the Environment, Conservation and Parks Land	The Applicant has clarified that no residential uses are proposed for the lands, and as there are no large scale manufacturing uses in the immediate	Yes

<b>City Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
Use Compatibility (D-series) guidelines	vicinity, a compatibility issue is not anticipated.	
Conversion of the site(s) will be beneficial to the community through its contribution to the overall intent and goals of the City 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. While the employment land base is an important component of the City’s future growth, the conversion of the subject lands is not likely to result in a deficiency of employment lands for future job growth.	Neutral
Conversion of the site(s) will result in a more logical land use boundary	The Applicant proposes to shift the boundary to the hydro corridor directly west of the parcel. While Staff previously noted that the Red Hill Valley Parkway was a logical land use separator, Staff can support this shift of the employment boundary, as the proposed commercial function of the lands fits better with the uses in the commercial quadrant. The hydro corridor is a clear, linear boundary, and will remain intact for the long term.	Neutral

Recommendation

Staff recommend conversion of the lands to the District Commercial designation, with a site specific policy prohibiting residential uses from developing on the lands. This prohibition will ensure long term land use compatibility between the employment land uses in the Red Hill Valley North Business Park and the subject lands. The proposed Site Specific Policy to be added to Vol. 3 of the UHOP, is drafted as follows:

“In addition to Section E.4.0 – Commercial and Mixed Use Designations, the following policies apply:

- a) Notwithstanding policies E.4.7.2 and E.4.7.9, sensitive land uses such as, but not limited to live work units, daycare uses, and residential uses shall not be permitted; and,
- b) As part of a complete Application for development, an Architectural and Urban Design Guidelines document shall be prepared and submitted to the satisfaction of the City, describing the overall community structure of the subject lands and providing built form and landscaping guidelines to ensure that the physical design of the site is consistent with the overall intended character and design vision for the neighboring Heritage Greene lands to the east. Specifically, the guidelines should address private and public realm components, including streetscape design, connectivity and enhancement of the pedestrian network, and the physical design of any proposed open space and built form. The submitted Architectural and Urban Design Guidelines shall also address policy C.3.3 - Urban Design Policies, and the City’s Site Plan Guidelines.”

The Site Specific Amendment will be included in the forthcoming MCR Official Plan Amendment.

## 2.4 STONEY CREEK BUSINESS PARK

There is one request for conversion in the Stoney Creek Business Park that was deferred as a result of a Council motion following the presentation of Report PED17010(k) in August 2021. Following the deferral of the site, the Applicant submitted an Official Plan Amendment and Zoning By-law Amendment for the subject lands to initiate the development approvals process for the proposed site concept. Planning Staff have reviewed the development concept, as well as the supporting material submitted for the OPA / ZBA Application, including a Market Needs Assessment and Noise Study.

### 2.4.1 1400 SOUTH SERVICE ROAD

#### Overview and Existing Context

Conversion Area: 7.2 hectares

Location (Surrounding Context):

- North: QEW Highway;
- South: Railway corridor and agricultural lands in Rural area of Hamilton;
- East: Vacant lands, natural heritage feature (watercourse), and active outdoor aggregate operation serving the landscaping and contracting sector (DVC Aggregates); and,
- West: vacant lands owned by MTO, Fifty Road, and District Commercial development (Costco and other commercial uses).

Current Land Use:

- Subject lands are currently undeveloped.

Urban Hamilton Official Plan:

- Designated Business Park on Vol. 1, Schedule E-1 – Urban Land Use Designations; and,
- Designated Business Park on Vol. 2, Fruitland Winona Secondary Plan – Land Use Plan.

Zoning (By-law 05-200):

- M3 – Prestige Business Park with Special Exception 404 – SE404 permits the following uses in addition to the permitted uses of the M3 zone – Tourist

Information Centre, Travel Plaza, Commercial recreation, financial establishments, medical clinics, restaurants accessory to all uses.

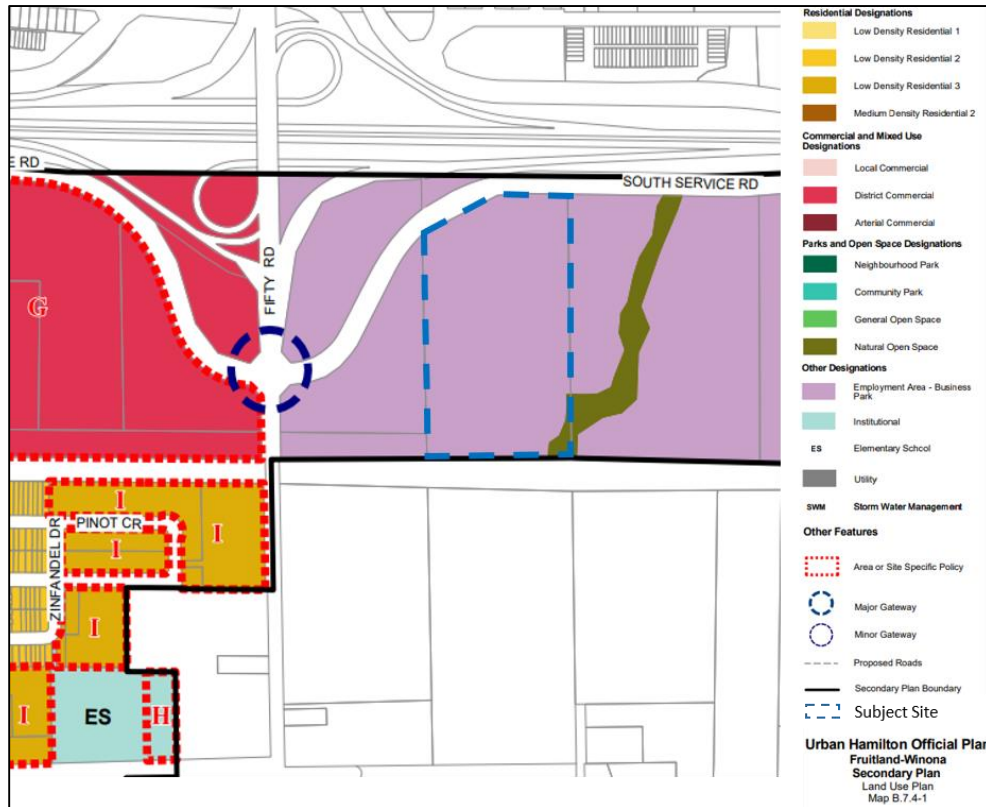


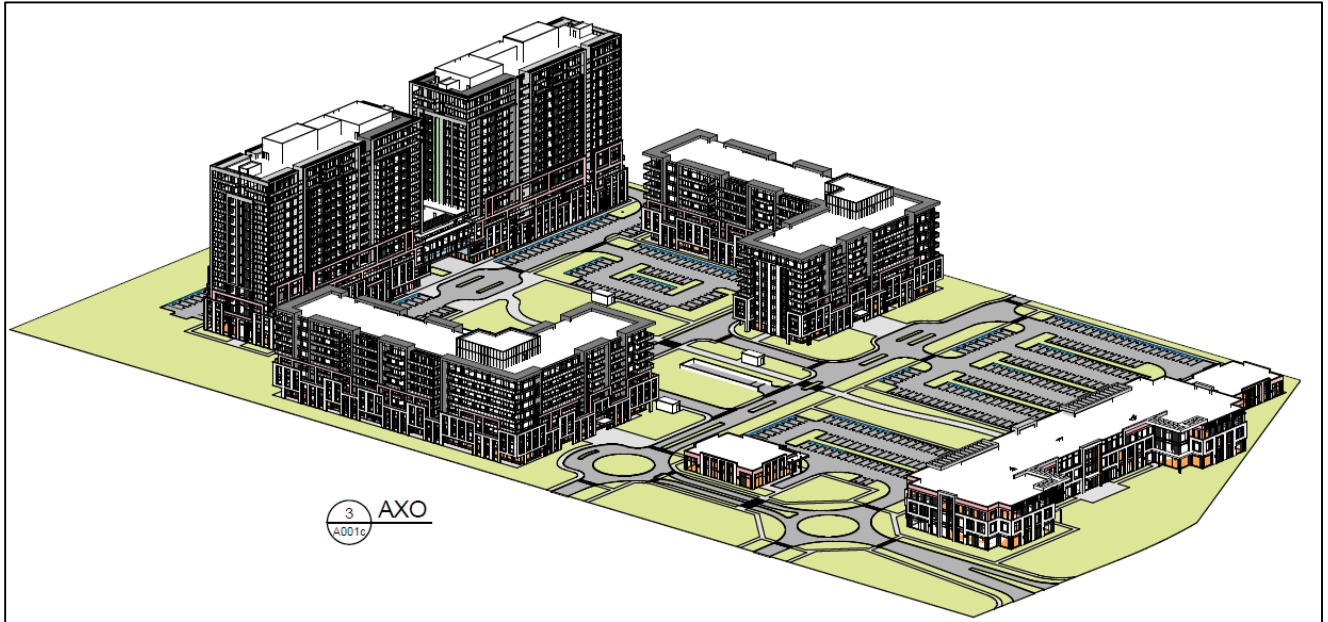
Figure 11 – Fruitland-Winona Secondary Plan area with 1400 South Service Road within Plan area

Applicant’s Proposed Land Use and Rationale

The Applicant proposes the redesignation of the lands at 1400 South Service Road from the current Business Park designation, to a Mixed Use – High Density designation. The proposed development of the lands consists of the following:

- Two 16 storey multiple dwellings;
- Two 8 storey multiple dwellings;
- 986 residential dwelling units;
- One 3 storey Office building with 10,233 square metres GFA;
- Two 1 storey commercial buildings with GFAs of 510 square metres and 456 square meters respectively; and,
- 1,882 parking spaces (444 surface, 1,438 underground).





**Figure 12 – Rendering of proposed development for 1400 South Service Road  
(prepared by MHBC Planning for submission of an OPA ZBA in 2021)**

Following the August 2021 Council motion to defer consideration of the employment conversion, the Applicant submitted a complete Application for Official Plan Amendment and Zoning By-law Amendment for the proposed development.

The Applicant’s rationale for the proposed conversion is that 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 for the employment area, and further that the block of employment lands is physically isolated from the greater area of the Stoney Creek Business Park to the west. Given the Council direction for a “No Urban Boundary Expansion Growth Scenario” the Applicant argues that the proposed development would assist in the City meeting its intensification and density targets within the urban boundary over the planning horizon. Similarly, the Applicant has presented the opinion that the City’s employment land demand has been overstated in the City’s Land Needs Assessment (LNA) and there is likely a larger surplus of employment land available beyond the 60 hectares noted in the LNA. Finally, the Applicant notes that the development of the site with a mix of uses will likely result in the lands being developed more quickly with jobs (in the proposed commercial and office buildings) than if it were to remain in the Business Park designation.



Analysis

Staff previously presented a comprehensive analysis of the proposed conversion for 1400 South Service Road through Appendix “C” of Report PED17010(k) in August of 2021. The analysis provided in the following section builds on the previous analysis and references the additional material submitted by the Applicant in support of the conversion request.

**Table 9 – Analysis of 1400 South Service Road, Stoney Creek Using Provincial Conversion Criteria**

<b>Provincial Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
<p>There is a need for conversion</p>	<p>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.</p> <p>The Applicant has submitted a Market Needs Assessment in order to establish the need for conversion to the Mixed Use – High Density designation. Within the City’s built-up area, areas for higher density, mixed use development to accommodate residential population growth have already been considered through the MCR process and have not included these lands as a potential growth area. The City has not identified that these lands are needed to assist in accommodating population growth to the year 2051.</p>	<p>No</p>

<b>Provincial Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
	<p>The Applicant has noted the development of high density residential uses is needed as it will result in the lands developing with jobs in the office and commercial components faster than if it were developed solely for business park uses. While staff support a use of these lands that includes jobs, the proposed office building proposed far exceeds the 4,000 square metres and would be considered a Major Office use. The Growth Plan dictates that Major Office uses be located in Urban Growth Centres, Major Transit Station Areas, and strategic growth areas with existing or planned frequent transit.</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 which has demonstrated that the City has sufficient employment land supply for the planning horizon.</p> <p>While the removal of the lands alone for employment purposes may not significantly impact the overall land supply for the uses for which it was designated, there is a risk that conversion of the site would limit the business park development potential on adjacent lands and set a precedent for future conversions of adjacent parcels. City will closely monitor the supply of all types of employment land on an annual basis.</p>	<p align="center">Neutral</p>
<p>The municipality will maintain sufficient employment lands to accommodate forecasted</p>	<p>The Land Needs Assessment completed as part of the MCR indicates that there is sufficient supply of employment lands to accommodate</p>	<p align="center">Neutral</p>

<b>Provincial Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
<p>employment growth to the horizon of the plan</p>	<p>forecasted growth to the year 2051, with a small surplus of approximately 60 hectares.</p> <p>The inclusion of these 7.2 hectare lands for conversion, in addition to previously Council endorsed conversions of 53.5 ha through Report PED17010(k), may still result in an employment land supply that is within the margin of error for the anticipated surplus. However, staff are concerned that conversion of these lands would set a precedent and result in additional request for conversion on nearby lands.</p> <p>Should additional lands be identified for conversion beyond those recommended 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>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. An active, open-air aggregate supply operation is located on lands to the east, separated by the natural heritage feature, but within the block of employment lands. While the creek separates the two parcels, there is no buffer from potential development of employment uses on vacant lands located to the west. Development of sensitive land uses on this property may compromise the development of future employment uses on adjacent parcels. Additional residential designated land is not needed in the Secondary Plan area. Development of this parcel with high-</p>	<p align="center">No</p>

<b>Provincial Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
	<p>density mixed-uses may compromise the ability of priority intensification areas of the City (Downtown Urban Growth Centre, MTSAs, Nodes and Corridors) to achieve their intensification goals set out in the UHOP.</p> <p>Similarly, while the Applicant notes that the development itself is a complete community, Planning Staff are not satisfied that it has sufficient pedestrian, active transit, or public transit connectivity to other community uses in the area. The result is a development that would require occupants to drive a private vehicle to accomplish most daily tasks.</p>	
<p>There are existing or planned infrastructure and public service facilities to accommodate the proposed uses</p>	<p>While the site is in the Urban Area of the City, there is no water, waste water or sanitary servicing extended to the frontage of this property at this time. The Applicant would be required to extend the servicing from the intersection of Fifty Road and South Service Road to the frontage of this property.</p> <p>Development Engineering staff reviewed the Applicant’s Functional Servicing Report submitted as part of their concurrent OPA/ZBA. Comments indicate that existing, newly constructed, sanitary sewer infrastructure is not sized to accommodate the population density that is proposed for the site (sized for 125pph, not 396 pph). Development Engineering staff did not support the OPA/ZBA submission.</p>	<p align="center">No</p>

<b>Provincial Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
	<p>Transportation Planning staff did also not support the development concept submitted for the OPA/ZBA as the proposed population density cannot be supported effectively by the existing road network without significant queuing and delays.</p>	

**Table 10 – Analysis of 1400 South Service Road using City Criteria**

<b>City Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
<p>The sites are mixed use blocks 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/Rural 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.</p> <p>While lands are not contiguous with majority of the Stoney Creek Business Park to the west, they are part of a continuous block of employment lands leading into Grimsby (Niagara Region). Niagara Region, through it’s MCR, has proposed a designation of Core Employment Area on their employment lands on this block with a density of approx. 45 pjh for employment uses.</p> <p>While this employment block is bisected by a small area identified as a Core Natural Heritage Area on Schedule B of Vol. 1 of the UHOP, the presence of the linear natural heritage feature does not create an edge condition as the</p>	<p align="center">No</p>

<b>City Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
	employment area continues on lands to the east.	
Conversion will not adversely affect the long-term viability and function of the employment areas.	The lands are located interior to an employment area. The request for conversion only considers conversion of the subject lands, which is between two parcels designated for Employment uses. The lands on either side of the property are shown as conceptually functioning to assist the development of the site, but are not part of the development proposal, nor are they requested for conversion. Therefore, the conversion of the subject lands would not allow these adjacent parcels to develop with the uses for which they are currently designated. Conversion may affect the long-term viability of these adjacent employment lands.	No
Conversion will not negatively affect the long-term viability of existing employment uses, including large, stand-alone facilities.	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.	Neutral

<b>City Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
<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, office and commercial space. The commercial component 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.</p> <p>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, Major Transit Station Areas, 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 Applicant submitted a noise and vibration report as part of their concurrent Application for OPA / ZBA. The noise study found generally acceptable noise levels for the site. Warning clauses and mitigation measures for certain facades was recommended.</p> <p>Details about the operations from nearby DVC Aggregates to the east was not provided. Therefore, there may be land use compatibility issues resulting from the location near to the outdoor aggregates operations.</p> <p>Similarly, there was no confirmation about potential land use conflicts from potential employment land uses on the Business Park designated lands immediately to the west.</p>	<p align="center">No</p>

<b>City Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
<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>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.</p> <p>Comments from the circulation of the additional materials submitted for the OPA/ZBA for the development resulted in City Transportation and Development Engineering not supporting the increased intensity of use of the site, as proposed. This was due to capacity issues with the local road network and constructed sanitary sewer capacity in the area.</p>	<p align="center">No</p>



<b>City Conversion Criteria</b>	<b>Analysis</b>	<b>Conversion Criteria Met?</b>
<p>Conversion will result in a more logical land use boundary.</p>	<p>Since the request for conversion is only for the subject lands and does not include employment lands to the east or west, 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. While the Applicant has argued that the logical land use boundary could be the creek to the west, the development concept does not include these lands at this time, but rather refers to them developing with the project at a future date.</p> <p>Should all lands in the employment block from Fifty Road to the creek buffer boundary be converted, the amount of land removed from the employment land supply would be approx. 10.4 ha. The City has not identified these other parcels as being candidates for conversion, nor has there been any request to convert these adjacent lands from land owners.</p>	<p align="center">No</p>

**Recommendation**

Staff do not recommend conversion of the lands at 1400 South Service Road to the Mixed Use - High Density designation at the present time. The City will continue to monitor the land supply for employment uses on an annual basis and may initiate a MCR for employment land supply refinements at a future date, if there is an identified need for more or less employment area lands.

The planned use of the MTO owned lands to the west of the site are unknown at this time. Should they be acquired by the Applicant or developed with uses that could support transit development to the immediate area, there may be a need to review the employment conversion request given the changed context.

Planning Staff propose a Site Specific Policy for the subject lands to provide requirements for consideration of a future conversion of the lands. The proposed Site-Specific Policy for inclusion in the Fruitland Winona Secondary Plan is as follows:

**“For the lands located on at 1400 South Service Road, designated Business Park, shown as Site Specific Policy – Area X on Map B.7.4-1 – Fruitland Winona Secondary Plan – Land Use Plan, the City shall assess of the appropriateness of these lands as Employment – Business Park designated lands during the next Municipally Initiated Comprehensive Review, and may consider a conversion to other non-employment uses. The assessment for conversion shall consider, but not be limited to the following factors:**


- a) **There is sufficient City-wide employment land supply;**
- b) **Any proposed development would support planned local and/or regional transit services;**
- c) **There is sufficient infrastructure capacity in the area, specifically with regard to sanitary servicing and transportation;**
- d) **The development area includes adjacent lands on the block, from Fifty Road to Fifty Creek, and is developed as part of a complete community in a manner that is transit supportive; and,**
- e) **The proposed development is able to satisfy provincial and local employment land conversion criteria.”**

The Site Specific Amendment will be included in the forthcoming MCR Official Plan Amendment.

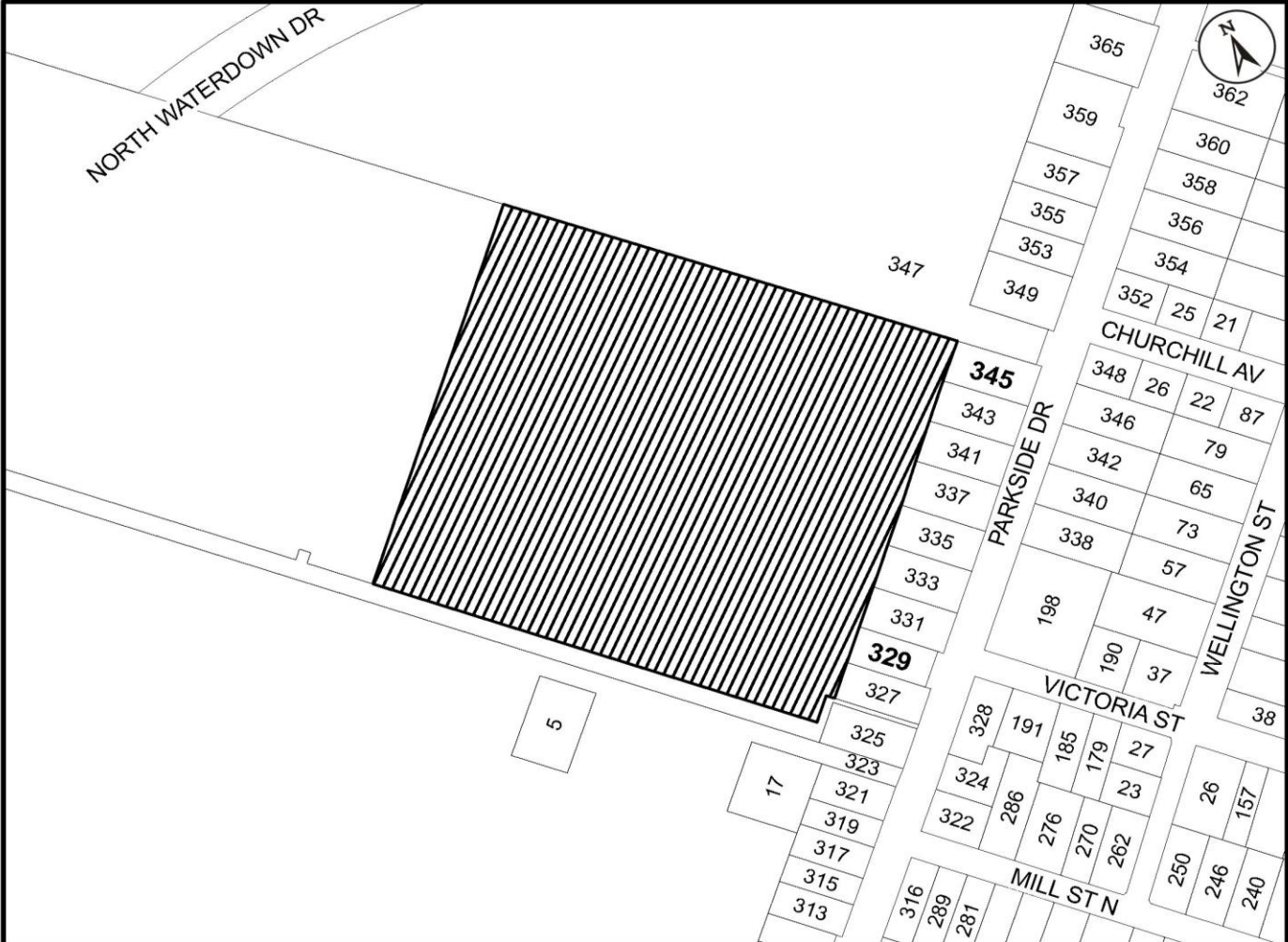
### 3.0 CONCLUSION

Staff have reviewed six (6) requests for conversion which were deferred from the Employment Land Review report presented to the General Issues Committee in August 2021 (Report PED17010(k)). Of the reviewed deferrals contained in this report, Staff recommend conversion of one site at 1725 Stone Church Road East (7.4 ha). Staff also recommend policy amendments with respect to the McMaster Innovation Park lands, 700 Garner Road East, and 1400 South Service Road. The policy and mapping changes to the Urban Hamilton Official Plan resulting from the recommendations of this report will be included in the City’s final draft Official Plan Amendment as part of the Municipal Comprehensive Review.

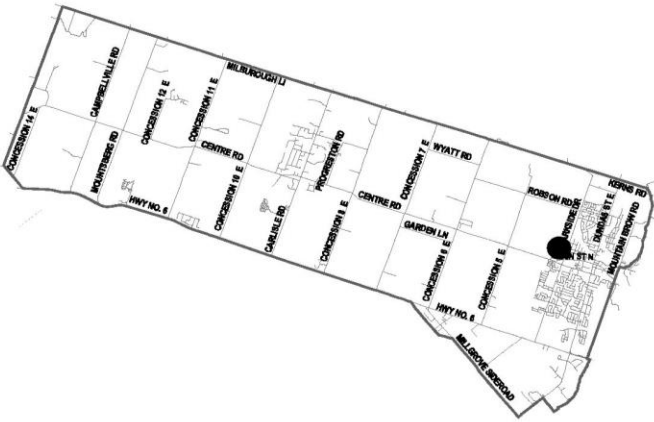
## Refinements to Staff supported conversion in Flamborough Business Park

Proposed Changes	Why Change is Required
<p>Map depicting areas to be converted in Flamborough Business Park from Appendix C to Report PED17010(k) (August 2021):</p>  <p>UFE-2 –Portions of 56, 90 and 96 Parkside Drive and 546 Hwy 6</p> <p>Lands previously identified through Appendix "C" of Report PED17010(k) that do not require Employment Land Conversion (2 ha)</p> <p>Legend:</p> <ul style="list-style-type: none"> <li>Site(s) under review</li> <li>Existing Land Use <ul style="list-style-type: none"> <li>Agricultural Land Use</li> <li>Commercial Land Use</li> <li>Industrial Land Use</li> <li>Institutional Land Use</li> <li>Office Land Use</li> <li>Open Space Land Use</li> <li>Residential Land Use</li> <li>Transportation / Utility Land Use</li> <li>Vacant Lands</li> <li>Warehousing Land Use</li> </ul> </li> </ul>	<p>There is no conversion needed for this 2 ha area of land.</p> <p>These lands are correctly designated as 'Utility' and 'Business Park' on Vol. 1, Schedule E-1 Urban Land Use Designations in the Urban Hamilton Official Plan.</p> <p>Through OPA 107 (UHOP Housekeeping), the lands immediately adjacent to the Utility corridor, designated for employment, were approved to have the 'Linkage' identification removed on Vol. 1, Schedule B-2 0 Natural Heritage System.</p> <p>The appropriate changes were made to Schedule B-2, however the Site Specific Policy UFE-2 mis-identified the Utility corridor as part of the Employment Area and noted it should only be used for Natural Open Space.</p>

Proposed Changes	Why Change is Required
<p>The following Vol. 3, Chapter C Site Specific Policy (UFE-2) of the UHOP is recommended to be deleted in it's entirety:</p> <p><b>UFE-2</b> A portion of the lands located at 56 Parkside Drive, 90 and 96 Parkside Drive and 546 Highway 6, former Town of Flamborough (OPA 107) (By-law No. 18-303)</p> <p><b>1.0</b> Notwithstanding Section E.5.4 – Employment Area – Business Park Designation of Volume 1, lands designated Employment Area – Business Park, located on a portion of 56 Parkside Drive, 90 Parkside Drive, 96 Parkside Drive and 546 Highway 6 and identified as Site Specific Policy Area UFE-2, shall only be used for Natural Open Space.</p> <div data-bbox="835 492 1163 849" style="text-align: center;"> <p>Site Specific Area UFE-2: 56, 90 and 96 Parkside Drive and 546 Highway 6, Flamborough</p> </div> <div data-bbox="1230 415 1434 553" style="border: 1px solid black; padding: 5px; margin-left: 200px;"> <p>Lands not required to be converted</p> </div> <div data-bbox="1251 630 1444 849" style="border: 1px solid black; padding: 5px; margin-left: 200px;"> <p>Lands to be converted to Open Space designation through MCR OPA</p> </div>	<p>The UFE-2 Site Specific Policy should be deleted in its entirety, as it will no longer be required once the appropriate lands are converted from the Employment Area – Business Park designation to the Open Space designation.</p>



● Site Location



Key Map - Ward 15

# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
GRIDS 2 / MCR

Date:  
March 25, 2022

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
HT/VS

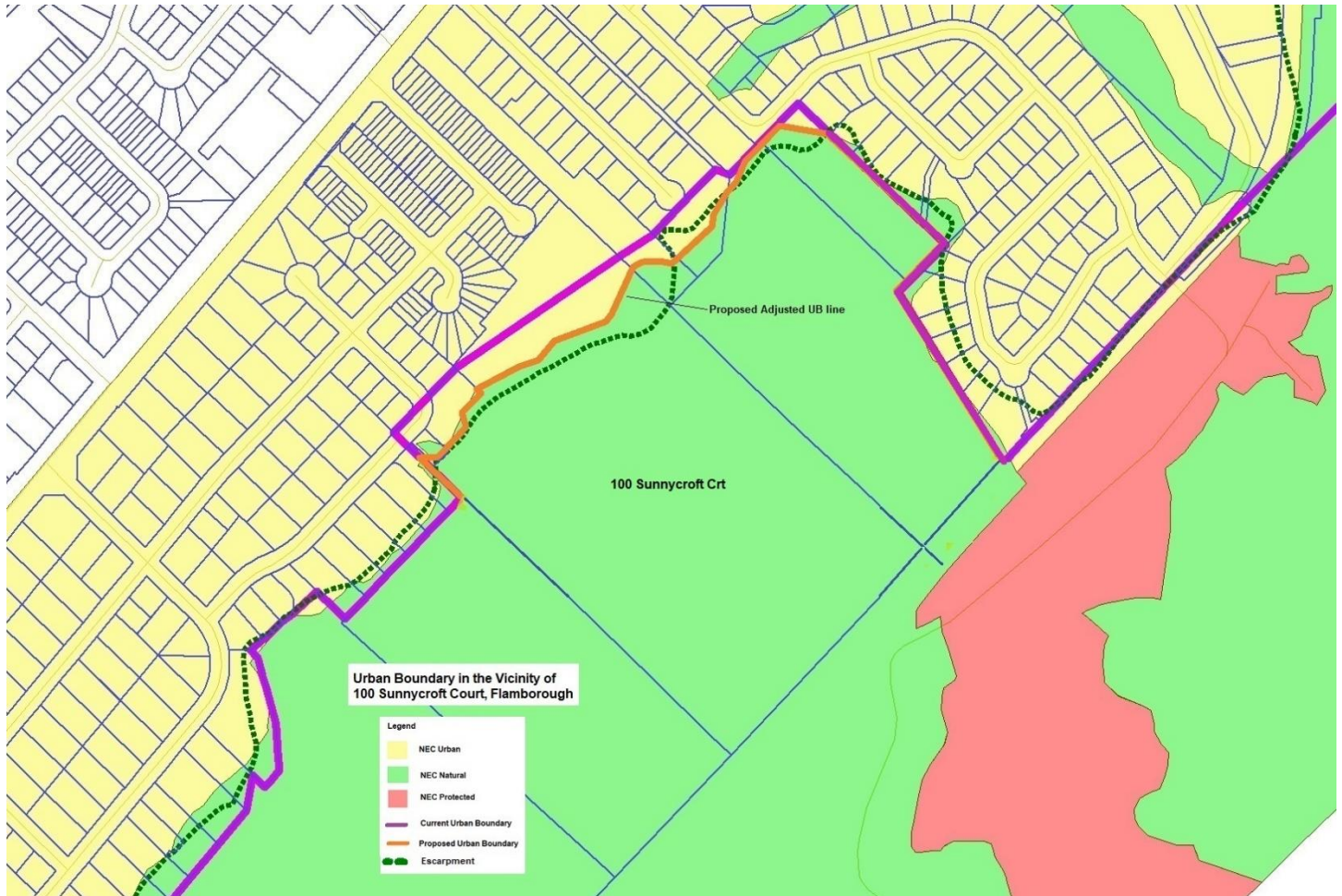
**Subject Property**



Portion of 329 & 345 Parkside Drive to be added to the Urban Area



Urban Boundary Correction – Vicinity of 100 Sunnycroft Court, Waterdown





## **AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 22-009**

**9:30 a.m.  
April 21, 2022  
Council Chambers  
Hamilton City Hall**

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**Present:** Councillors M. Pearson (Chair), B. Clark, L. Ferguson, B. Johnson, R. Powers, A. VanderBeek, and M. Wilson

**Also Present:** Councillor J. Farr

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### **THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 22-009 AND RESPECTFULLY RECOMMENDS:**

**1. 50 Charlton Avenue East, Hamilton – Water and Wastewater / Storm  
Account Debit Adjustment (FCS22023) (Ward 2) (Item 7.1)**

That Report FCS22023, respecting 50 Charlton Avenue East, Hamilton – Water and Wastewater / Storm Account Debit Adjustment, be received.

**2. Tax and Rate Operating Budget Variance Report as at December 31, 2021 –  
Budget Control Policy Transfers (FCS21070(b)) (City Wide) (Item 8.2)**

- (a) That the Tax and Rate Operating Budget Variance Report as at December 31, 2021 attached as Appendices “A” and “B”, respectively, to Report FCS21070(b) be received;
- (b) That, in accordance with the “Budgeted Complement Control Policy”, the 2021 complement transfers from one department / division to another with no impact on the levy, as outlined in Appendix “A” to Audit, Finance and Administration Report 22-009, be approved;
- (c) That, in accordance with the “Budget Complement Control Policy”, the 2021 extensions of temporary positions with 24-month terms or greater, with no impact on the levy, as outlined in Appendix “B” to Audit, Finance and Administration Report 22-009, be approved;
- (d) That, subject to finalization of the 2021 audited financial statements, the disposition of the 2021 year-end operating budget surplus be approved as detailed in Table 1.



Table 1

DISPOSITION / RECONCILIATION OF YEAR-END SURPLUS/ (DEFICIT)	\$	\$
<b>Corporate Surplus from Tax Supported Operations</b>		<b>\$ 34,326,316</b>
<b>Disposition to/from Self-Supporting Programs &amp; Agencies</b>		<b>\$ (2,670,023)</b>
Add: Police (Transfer from Police Reserve)	\$ 2,015,449	
Less: Library (Transfer to Library Reserve)	\$ (4,702,285)	
Add: Farmers Market (Transfer from Hamilton Farmers Market Reserve)	\$ 16,813	
<b>Balance of Corporate Surplus</b>		<b>\$ 31,656,293</b>
Less: Transfer to Tax Stabilization Reserve		\$ (759,462)
Less: Transfer to fund Hamilton's Home Energy Retrofit Opportunity (HERO) Program Study		\$ (40,000)
Less: Transfer to fund Hamilton Police Services Cannabis Enforcement		\$ (405,255)
Less: Transfer to Unallocated Capital Levy Reserve		\$ (2,000,000)
Less: Transfer to fund shortfall in Development Charge Exemptions		\$ (12,951,576)
Less: Transfer to Election Expense Reserve		\$ (500,000)
Less: Transfer to COVID-19 Emergency Reserve		\$ (15,000,000)
<b>Balance of Tax Supported Operations</b>		<b>\$ -</b>
<b>Corporate Deficit from Rate Supported Operations</b>		<b>\$ (491,206)</b>
Add: Transfer from the Rate Supported Water Reserve		\$ 1,149,056
Less: Transfer to the Rate Supported Wastewater Reserve		\$ (657,849)
<b>Balance of Rate Supported Operations</b>		<b>\$ -</b>

**3. Unbilled Water and Wastewater / Storm Accounts (FCS22029) (City Wide) (Item 10.1)**

That the General Manager, Finance and Corporate Services, be authorized to enter into a deferred payment arrangement with a three-month repayment period, pertaining to water and wastewater / storm charges for a total amount of \$109,771.44 regarding Alectra Utilities account number 5812771300 and service address of 95 Barlake Avenue, Hamilton.

**4. Offsetting Parking Revenue for the City's Business Improvement Areas (PED22074) (Wards 1, 2, 3, 4, 7, 12 and 13) (Item 10.2)**

- (a) That each of the City's eleven Business Improvement Areas (BIAs) that participate annually in the Parking Revenue Sharing Program (PRSP) be provided a grant in 2022 that is equal to the amount they received in 2020 through the PRSP, with the exception of the Locke Street BIA which would receive an amount equivalent to their 2019 Parking Revenue Sharing Grant;
- (b) That the total Grant amount of \$124,563.09 be funded from the Economic Development Investment Reserve (Account No. 112221).

**5. Standardization of Microsoft Power Platform Suite of Products for Corporate Information Technology (FCS22036) (City Wide) (Item 10.3)**

- (a) That Council approve the standardization of Microsoft Power Platform suite of products manufactured by Microsoft, pursuant to Procurement Policy #14 – Standardization for a period of five years from the date of Council approval;

- (b) That the General Manager, Corporate Services Department be authorized to negotiate, enter into and execute any required Contract and any ancillary documents required to give effect thereto with Microsoft approved retailer, in a form satisfactory to the City Solicitor.

**6. Analysis for Hamilton Waterfront Trust - December 31, 2020 - Audited Financial Statements (FCS22019) (City Wide) (Item 10.4)**

That report FCS22019, respecting Analysis for Hamilton Waterfront Trust - December 31, 2020 - Audited Financial Statements, be received.

**7. Development Charges Stakeholders Sub-Committee Report 22-002 - April 12, 2022 (Item 10.6)**

**(a) Community Benefits Charges – Engagement and Draft Strategy (FCS22015(a)) (Item 10.1)**

- (i) That Report FCS22015(a) respecting Community Benefits Charges Budget, be received.
- (ii) That Staff be directed to include an explanation of the variance in Development Charges reductions compared to the Community Benefits Charges, in their report back to the Audit, Finance and Administration Committee.

**8. Request for Sustainability and Financial Viability Audit of Hamilton Waterfront Trust (FCS22038) (City Wide) (Item 10.5)**

That Report FCS22038 respecting Request for Sustainability and Financial Viability Audit of Hamilton Waterfront Trust, be REFERRED to Council on April 27, 2022.

**9. Confidential Correspondence from David A. van der Woerd, Ross & McBride LLP, respecting the Hamilton Waterfront Trust (Added Item 14.2)**

That the Confidential Correspondence from David A. van der Woerd, Ross & McBride LLP, respecting the Hamilton Waterfront Trust be REFERRED to Council on April 27, 2022.

**FOR INFORMATION:**

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

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

**8. PRESENTATIONS (Item 8)**

- 8.3(a) J.L. Grightmire Arena Lessons Learned Audit- Responses and Actions

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

- 14.2 Confidential Correspondence from David A. van der Woerd, Ross & McBride LLP, respecting the Hamilton Waterfront Trust

Recommendation: Be received and referred to staff for a report back to the Audit, Finance and Administration Committee.

The agenda for the April 21, 2022 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) April 7, 2022 (Item 4.1)**

The Minutes of the April 7, 2022 meeting of the Audit, Finance and Administration Committee were approved, as presented.

**(d) CONSENT ITEMS (Item 7)**

The following Various Advisory Committee Minutes, were received:

- (i) Immigrant and Refugee Advisory Committee - January 13, 2022 (Item 7.2(a))
- (ii) Immigrant and Refugee Advisory Committee – March 10, 2022 (Item 7.2(b))

**(e) PRESENTATIONS (Item 8)**

**(i) Hamilton Waterfront Trust - 2020 Annual Briefing by Werner Plessl, Executive Director (Item 8.1)**

Werner Plessl, Executive Director of the Hamilton Waterfront Trust address the Committee respecting the Hamilton Waterfront Trust - 2020 Annual Briefing.

The presentation from Werner Plessl, Executive Director of the Hamilton Waterfront Trust, respecting the Hamilton Waterfront Trust - 2020 Annual Briefing, was received.

**(ii) Tax and Rate Operating Budget Variance Report as at December 31, 2021 – Budget Control Policy Transfers (FCS21070(b)) (City Wide) (Item 8.2)**

Mike Zegarac, General Manager of Finance and Corporate Services addressed the Committee with a staff presentation respecting Report

FCS21070(b), the Tax and Rate Operating Budget Variance Report as at December 31, 2021 - Budget Control Policy Transfers.

The Staff Presentation respecting Report FCS21070(b) the Tax and Rate Operating Budget Variance Report as at December 31, 2021 - Budget Control Policy Transfers, was received.

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

**(iii) J.L. Grightmire Arena Lessons Learned Audit Report, Recommendations, and Management Response (Item 8.3)**

Charles Brown, City Auditor addressed the Committee with a staff presentation respecting the J.L. Grightmire Arena Lessons Learned Audit Report, Recommendations, and Management Response.

The Staff Presentation respecting the J.L. Grightmire Arena Lessons Learned Audit Report, Recommendations, and Management Response, was received.

**(iv) J.L. Grightmire Arena Lessons Learned Audit - Responses and Actions (Item 8.3(a))**

Rom D'Angelo, Director, Energy, Fleet & Facilities Management addressed the Committee with a staff presentation respecting the J.L. Grightmire Arena Lessons Learned Audit – Responses and Actions.

The Staff Presentation respecting the J.L. Grightmire Arena Lessons Learned Audit - Responses and Actions, was received.

The Audit, Finance and Administration Committee recessed until 1:15 pm.

**(f) DISCUSSION ITEMS (Item 10)**

**(i) Request for Sustainability and Financial Viability Audit of Hamilton Waterfront Trust (FCS22038) (City Wide) (Item 10.5)**

Consideration of Items 10.5 (Report FCS22038, respecting Request for Sustainability and Financial Viability Audit of Hamilton Waterfront Trust) and 13.1 (Amendments to the Outstanding Business List), were DEFERRED until after Closed Session.

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

Mike Zegarac, General Manager of Finance and Corporate Services addressed the Committee to recognize that Rick Male, Director, Financial Services Taxation & Corporate Controller, is retiring on April 29, 2022 and to thank him for 43 years of public service.

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

Committee determined that discussion of Item 14.1 was not required in Closed Session, therefore, the item was addressed in Open Session, as follows:

**(i) Closed Minutes – April 7, 2022 (Item 14.1)**

- (a) The Closed Session Minutes of the April 7, 2022 Audit, Finance and Administration Committee meeting, were approved as presented; and,
- (b) The Closed Session Minutes of the April 7, 2022 Audit, Finance and Administration Committee meeting, remain confidential.

Committee moved into Closed Session respecting Item 14.2 pursuant to Section 9.1, Sub-sections (d), (f), (i), (j) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (d), (f), (i), (j) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to labour relations or employee negotiations; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; 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.

**(ii) Confidential Correspondence from David A. van der Woerd, Ross & McBride LLP, respecting the Hamilton Waterfront Trust (Added Item 14.2)**

For disposition of this matter, refer to Item 9.

**(h) DISCUSSION ITEMS (Item 10) (Continued)**

**(i) Request for Sustainability and Financial Viability Audit of Hamilton Waterfront Trust (FCS22038) (City Wide) (Item 10.5)**

For disposition of this matter, refer to Item 8.

**(i) GENERAL INFORMATION / OTHER BUSINESS (Item 13) (Continued)**

**(i) Amendments to the Outstanding Business List:**

That the amendments to the Audit, Finance & Administration Committee's Outstanding Business List, **be amended** by removing the following item from the Items Considered Complete and Needing to Be Removed (Item 13.1(a)), as follows:

Council – April 27, 2022

~~**Correspondence from Trent Jarvis, Hamilton Waterfront Trust,  
respecting an update to the Audit, Finance and Administration  
Committee in April or May of 2022**~~

~~**Added: March 24, 2022 at AF&A - Item 5.2**~~

~~**Removed: April 21, 2022 at AF&A - Item 10.5**~~

~~**OBL Item: 22-A**~~

The following amendments to the Audit, Finance & Administration Committee's Outstanding Business List, were approved:

- (a) Items Considered Complete and Needing to Be Removed (Item 13.1(a):

Correspondence from the Hamilton Waterfront Trust respecting their December 31, 2020 Audited Financial Statements

Added: November 4, 2021 at AF&A - Item 5.1

Removed: April 21, 2022 at AF&A - Item 10.4

OBL Item: 21-O

- (b) Items Requiring a New Due Date (Item 13.1(b):

Review of Procurement Policies as it relates to Hiring Local Trades

Added: January 18, 2017 at GIC

Original Due Date: Q3 2020

Proposed New Due Date: Q1 2023

OBL Item: G

Implementation and Resources Required re: Corporate Goals and Areas of Focus for Climate Mitigation & Adaptation

Added: December 4, 2019 at GIC

Original Due Date: Q4 2021

Proposed New Due Date: Q3 2022

OBL Item: 19-T

Municipal Property Tax Billing Software (FCS20006) (City Wide) (Item 10.2)

Added: February 6, 2020 at AF&A

Original Due Date: Q1 2021

Proposed New Due Date: Q1 2023

OBL Item: 20-A

2020 Property and Liability Insurance Renewal Report (LS20010) (City Wide)

Added: May 13, 2020 at Council

Original Due Date: Q4 2020

Proposed New Due Date: March 2023

OBL Item: 20-C

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

There being no further business, the Audit, Finance and Administration Committee, adjourned at 3:08 p.m.

Respectfully submitted,

Councillor Pearson, Chair  
Audit, Finance and Administration  
Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk

**CITY OF HAMILTON  
 BUDGET AMENDMENT STAFF COMPLEMENT CHANGE**

**STAFF COMPLEMENT CHANGE**

**Complement Transfer to another division or department <sup>(1,2)</sup>**

ITEM #	TRANSFER FROM				TRANSFER TO			
	<u>Department</u>	<u>Division</u>	<u>Position Title (2)</u>	<u>FTE</u>	<u>Department</u>	<u>Division</u>	<u>Position Title (2)</u>	<u>FTE</u>
1.1	Planning & Economic Development	Building	Building Division Assistant	0.50	Corporate Services	Customer Service & POA	Cust Contact Centre Dispatcher	0.50
	<b>Explanation:</b> Transfer is to facilitate the call consolidation for identified services, as identified in the Call Handling report, from Building Services to the Customer Contact Centre.							
1.2	Public Works	Energy, Fleet & Facilities	Vehicle Ops Clerk	1.00	Public Works	Energy, Fleet & Facilities	Vehicle Service Coordinator	1.00
	<b>Explanation:</b> To convert a Vehicle Ops Clerk (JobID 665) grade F to a Vehicle Service Coordinator (JobID 5402) grade J in Fleet Services. Tasks currently being performed by the Fleet Forepersons will be transferred to the new position: scheduling routine preventative schedules services, responding to vendors on results of PM inspections and authorizing additional work as necessary. It will allow Foreman additional time for scheduling and prioritizing work of the internal mechanical staff. The cost differential of \$32K will be offset by savings realized through efficiencies in vehicle scheduling and prioritizing work performed by city staff versus contracting to external vendors and will have a zero net levy impact.							

**Note** - Complement transfers include the transfer of corresponding budget.  
**(1)** - All other budgeted complement changes that require Council approval per Budgeted Complement Control Policy must be done through either separate report or the budget process (i.e. Increasing/decreasing budgeted complement).  
**(2)** - If a position is changing, the impact of the change is within 1 pay band unless specified.



**CITY OF HAMILTON  
BUDGETED COMPLEMENT TEMPORARY EXTENSION SCHEDULE**

**TEMPORARY POSITION EXTENSIONS**

**Extensions to temporary positions with terms of 24 months or greater as per the Budgeted Complement Control Policy**

ITEM #	TRANSFER FROM				TRANSFER TO			
	<u>Department</u>	<u>Division</u>	<u>Position Title</u>	<u>FTE</u>	<u>Department</u>	<u>Division</u>	<u>Position Title</u>	<u>FTE</u>
1.1	City Manager's Office	Digital & Innovation Office	Sr. Project Manager Digital & Innovation	1.0	City Manager's Office	Digital & Innovation Office	Sr. Project Manager Digital & Innovation	1.0
	<b>Explanation:</b> Employee is expected to be on maternity leave for 12 months of the 24 month contract term. Existing approved funding is available to support the position for the extension. Position will not be back-filled during 12 month maternity leave due to skill set and portfolio knowledge requirements. Request is for an extension of 12 months.							
1.2	Public Works	PW - General Administration	Senior Project Manager	1.00	Public Works	PW - General Administration	Senior Project Manager	1.0
	<b>Explanation:</b> Temporary position with a 24 month term is expiring, requesting approval for additional 24 months extension. The additional costs will be funded by gapping. Zero net levy impact. Request is for an extension of 24 months months.							



## **EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 22-006**

1:30 p.m.  
Thursday, April 21, 2022  
Council Chambers  
Hamilton City Hall  
71 Main Street West

**Present:** Councillors B. Clark (Chair), S. Merulla, N. Nann, T. Jackson, and E. Pauls

**Regrets:** Councillor T. Whitehead – Personal

### **THE EMERGENCY & COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 22-006 AND RESPECTFULLY RECOMMENDS:**

1. **Urban Native Homes - Management Plan Update (CES16024(b)) (Wards 2, 3, 4, 6, 7 and 9) (Item 10.1)**
  - (a) That the General Manager of Healthy and Safe Communities Department or their designate be authorized and directed to transfer funds in the amount of \$772,072 received from Ross & McBride as final disposition of assets from the dissolution of Urban Native Homes to Ontario Aboriginal Housing Services; and,
  - (b) That the General Manager of Healthy and Safe Communities Department or their designate be authorized to execute any documents required in connection with the transfer of \$772,072 to Ontario Aboriginal Housing Services as the final disposition of Urban Native Home's assets, in a form satisfactory to the City Solicitor.
  
2. **Lost Revenue Replacement Due to Fire at Stoney Creek Community Homes 110 Stoneybrook Drive (HSC22022) (Ward 10) (Item 10.2)**
  - (a) That the General Manager of the Healthy and Safe Communities Department or their designate be authorized and directed to allow Stoney Creek Community Homes to retain their overpayment of subsidy from the fiscal year end of 2021 up to a maximum of \$146,000 to address costs at 110 Stoney Brook not covered by their insurer after April 1, 2022;

- (b) That the General Manager of Healthy and Safe Communities Department or their designate be authorized and directed to allocate funds from other providers' recoveries of overpaid subsidy, if Stoney Creek Community Homes' surplus does not meet the \$146,000 cap; and,
- (c) That the General Manager of the Healthy and Safe Communities Department or their designate be authorized and directed to recover any payments made to Stoney Creek Community Homes by their insurer or tenants' insurers covering income replacement beyond April 1, 2022.

**3. New Canada-Ontario Community Housing Initiative and Ontario Priorities Housing Initiative Agreement 2022 - 2025 (HSC22025) (City Wide) (Item 10.3)**

- (a) That Appendix "A" to Report HSC22025 being a By-law to authorize the City to enter into a "Transfer Payment Agreement - Canada-Ontario Community Housing Initiative and Ontario Priorities Housing Initiative" and to authorize the General Manager of the Healthy and Safe Communities Department to execute the aforesaid agreement, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the General Manager of the Healthy and Safe Communities Department or their designate be authorized and directed to deliver and administer the Canada-Ontario Community Housing Initiative ("COCHI") and Ontario Priorities Housing Initiative ("OPHI") programs or any successor thereto;
- (c) That the General Manager of the Healthy and Safe Communities Department or their designate be authorized and directed to execute all agreements and documents required to give effect thereto or for the provision of additional funding pursuant to the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative programs, with content satisfactory to the General Manager of the Healthy and Safe Communities Department and in a form satisfactory to the City Solicitor;
- (d) That the General Manager of the Healthy and Safe Communities Department or their designate be authorized to approve and submit the annual Investment Plan pursuant to receiving the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative program guidelines, and to update or amend the Investment Plan, as necessary to deliver and administer the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative program; and,
- (e) That the General Manager of the Healthy and Safe Communities Department be authorized and directed to approve and revise any municipal program guidelines, approve any exceptions to the municipal program guidelines as special or unanticipated circumstances arise, and update or amend the Investment Plan, as necessary to deliver and

administer the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative in accordance with all Provincial requirements.

**4. Fireworks By-Law Review (HSC22018) (City Wide) (Item 10.4)**

- (a) That the amending By-law attached as Appendix “A” to Report HSC22018 to amend the City of Hamilton’s By-law 02-285, To Regulate the Sale and Use of Fireworks (the “Fireworks By-law”) which has been prepared in a form satisfactory to the City Solicitor, be enacted effective immediately by Council;
- (b) That By-law 07-025, a By-law to Amend Fireworks By-law No. 02-285 to Provide for the Sale of Family Fireworks for a Period of 14 days, Prior to Holidays be repealed in its entirety.

**5. Purchase of Key Cards and Reading Equipment for the Gore Building at 89 King Street East (Item 11.1)**

WHEREAS, the Ward 2 office has recently heard from both residents of the Gore Building at 89 King Street East and from CityHousing Hamilton staff that the Gore Building has consistent issues with regards to people who are not residents, entering and allegedly doing illegal things;

WHEREAS, the safety and security of CityHousing Hamilton residents is of paramount concern and a mandate of CityHousing Hamilton; and

WHEREAS, a request has been made that we employ “key cards” for the residents and staff of the Gore Building at 89 King Street East, to ensure the building is safe for all moving forward.

THEREFORE, BE IT RESOLVED:

That funds be allocated for the purchase of key cards and reading equipment for the Gore Building at 89 King Street East, to an upset limit of \$9,000, to be funded through the Ward 2 Area Rating Special Capital Reinvestment Reserve account number 108052.

**FOR INFORMATION:**

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

The Committee Clerk advised that there were no changes to the agenda.

The agenda for the April 21, 2022 Emergency and Community Services Committee meeting was approved, as presented.

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

There were no declarations of interest.

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

The Minutes of the April 7, 2022 meeting of the Emergency and Community Services Committee, were approved, as presented.

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

**(i) Amendments to the Outstanding Business List (Item 13.1)**

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

**(a) Items Considered Completed and to be Removed**

1. Fireworks By-Law Review  
Item on OBL: 21-J  
Addressed as Item 10.4 at today's meeting

**(k) ADJOURNMENT (Item 15)**

There being no further business, the Emergency and Community Services Committee was adjourned at 1:58 p.m.

Respectfully submitted,

Councillor B. Clark  
Chair, Emergency and Community Services  
Committee

Tamara Bates  
Legislative Coordinator  
Office of the City Clerk



**PUBLIC WORKS COMMITTEE  
REPORT 22-006**

1:30 p.m.  
Friday, April 22, 2022  
Council Chambers  
Hamilton City Hall  
71 Main Street West

**Present:** Councillors N. Nann (Chair), R. Powers (Vice-Chair), J.P. Danko, L. Ferguson, T. Jackson, E. Pauls, M. Pearson and A. VanderBeek

**Absent with  
Regrets:** Councillor J. Farr – City Business  
Councillor S. Merulla – Personal  
Councillor T. Whitehead – Personal

**Also Present:** Councillors B. Clark, B. Johnson and M. Wilson

**THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 22-006 AND  
RESPECTFULLY RECOMMENDS:**

**1. Clean and Green Hamilton Strategy 2021 Year End Update (PW22023) (City Wide) (Item 7.2)**

That Report PW22023, respecting Clean and Green Hamilton Strategy 2021 Year End Update, be received.

**2. myRide Waterdown On-Demand Transit Pilot Six-Month Review (PW22024) (Ward 15) (Item 7.3)**

That Report PW22024, myRide Waterdown On-Demand Transit Pilot Six-Month Review, be received.

**3. Accessible Transportation Services Eligibility Audit Management Response (PW21055(a)) (City Wide) (Item 8.1)**

(a) That the Director of Transit be given delegated authority to create and administer a Policy for applications to Accessible Transportation Services (ATS) services, including making subsequent revisions to the Policy and associated forms and ancillary documents in their reasonable discretion

as may be required, so that ATS can conduct a records management exercise for the safety of its clients, expected to conclude by June of 2023.

- (b) That no eligibility re-assessments be undertaken during the above process as set out in (a).
- (c) That the Director of Transit be given delegated authority to update and revise the existing 2005 Accessible Transportation Services Policy entitled Trip No Shows, Late Cancellations and Excessive Cancellations (Appendix "A" attached to Public Works Committee Report 22-006 – Policy 2005-01) on an ongoing basis in their reasonable discretion.
- (d) That staff be directed to report back to the Public Works Committee and the Advisory Committee for Persons with Disabilities on a quarterly basis respecting Accessible Transportation Services (ATS).
- (e) That staff be directed to undertake a (Re)Envision-based voice of customer consultation process to consider service design and customer experience for users of Accessible Transit Services (ATS) and that this consultation will include broad stakeholder engagement, including but not limited to, existing ATS registrants, DARTS, ACPD and SAC and any other applicable groups.

**4. Proposed Sewer Use By-law No. 14-090 Amendments PW19029(a)) (City Wide) (Item 9.2)**

- (a) That the amending By-law attached as Appendix "A" attached to Report PW19029(a), which amends By-law 14-090, being a By-law to regulate the discharge of any matter into the sewer works, including the sanitary, combined and storm sewer systems of the City of Hamilton and which has been prepared in a form satisfactory to the City Solicitor, be enacted and effective immediately;
- (b) That applicable sewer discharge fees as outlined in Appendix "B" attached to Public Works Committee Report 22-006 be approved effective immediately;
- (c) That the City Solicitor be authorized and directed to prepare for Council approval, all necessary by-laws to amend the sewer discharge fees to the Water and Wastewater/Storm Fees and Charges By-law 21-234; and,
- (d) That the Director of Hamilton Water be authorized and directed to apply to the Senior Regional Judge for approval of set fines for offences under the Sewer Use By-law when the By-law amendment has been enacted.

**5. Proposed Permanent Closure and Sale of a Portion of Kerr Street, Dundas (PW22025) (Ward 13) (Item 9.3)**

That the application of the owner of 35-37 Ogilvie Street, Dundas, to permanently close and purchase a portion of Kerr Street, Dundas ("Subject Lands"), as shown on Appendix "C", attached to Public Works Report 22-006, 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 35-37 Ogilvie Street, Dundas, as described in Report PW22025, 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 35-37 Ogilvie Street, Dundas 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 they consider reasonable to give effect to this authorization and direction;
- (vi) That the Public Works Department publish any required notice of the City of Hamilton'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;



- (viii) That the proceeds of the sale of the Subject Lands be transferred to the Transportation, Operations and Maintenance Division for the purpose of repaving the remaining portion of Kerr Street, Dundas in order to accommodate a safe and functional 3-point turn radius for maintenance vehicles, removal of the curb cut and restoration of the sidewalk at the western limit of the Subject Lands, as well as any additional roadway maintenance requirements in Ward 13, to the satisfaction of the Ward Councillor in consultation with Transportation, Operations and Maintenance Division Staff;
- (ix) The applicant constructs a fence (with optional private pedestrian gate) along the western property limit of the Subject Lands within 1 year of successful purchase of the Subject Lands, in accordance with the City of Hamilton Fence By-law 10-142, to the satisfaction of the Ward Councillor;
- (x) That the 3-point turn around area at the southern end of Kerr Street, Hamilton, be signed “No Parking Anytime” and the rest of the east side of Kerr Street be signed “No Parking Anytime, December 1st to March 31st”, to the satisfaction of the Manager, Parking Operations and Initiatives.

**6. GO Transit Subsidy (PW22021) (City Wide) (Item 10.2)**

That the General Manager of Public Works or designate be authorized and directed to execute, on behalf of the City of Hamilton, together with any necessary ancillary documents, an amending agreement between the City of Hamilton and Metrolinx relating to a GO Transit subsidy for Hamilton Street Railway Company customers, in accordance with the terms outlined in this Report and in a form acceptable to the City Solicitor.

**7. Brightside Park – Environmental Reporting (PW22026) (Ward 3) (Item 10.3)**

- (a) That the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for the extension of Contract C11-53-20 Environmental Reporting for Stadium Precinct Community Park as follows be approved:
  - (i) \$750,000.00 for the completion of known required environmental reporting works; and,
  - (ii) \$250,000 for additional and unforeseen environmental reporting works until a Record of Site Condition is obtained from the Ministry of the Environment, Conservation and Parks (MECP);
- (b) That the General Manager, Public Works Department be authorized to negotiate and execute an amendment to the Contract and any ancillary

documents required to give effect thereto with WSP Canada Inc., in a form satisfactory to the City Solicitor;

- (c) That the \$1,000,000 budget required for the purchase order extension be funded from existing budget available in project ID 4401456401 – Parkland – Stadium Precinct up to a maximum of \$500,000; and the remaining \$500,000 to be funded by the Parkland Dedication Reserve #104090 and transferred to project ID 4401456401 – Parkland – Stadium Precinct.

**8. Replacement of Deficient Sidewalk, Curbs and Driveway Approaches (Ward 1) (Item 11.1)**

WHEREAS, the Transportation Operations & Maintenance Division, reviewed Sanders Boulevard, Pearl Street South, Kent Street, Breadalbane and several other streets in Ward 1 and determined that there are areas requiring sidewalk (1845 sq. m), curb (56 m) and/or driveway apron (152 m) repairs;

WHEREAS, the City of Hamilton is committed to creating safe neighbourhoods and vibrant communities.

THEREFORE, BE IT RESOLVED:

- (a) That removal and replacement of sidewalk, curb, driveway approaches at deficient areas on streets such as, but not limited to, Sanders Boulevard, Pearl Street South, Kent Street, Breadalbane Street, be approved to be completed under contract C15-31-19;
- (b) That removal and replacement of sidewalk, curb, driveway approaches at deficient areas on streets such as, but not limited to, Sanders Boulevard, Pearl Street South, Kent Street, Breadalbane Street, to be funded from the Ward 1 Capital Re-Investment Reserve Fund (#108051) at an upset limit, including contingency, not to exceed \$240,000, be approved; and
- (c) That the Mayor and City Clerk be authorized and directed to approve and execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**9. Glanbrook Hills Park Play Structure Improvements (Ward 11) (Item 11.2)**

WHEREAS, Glanbrook Hills Park was constructed in 2015, based on formal consultation received by the residents in the area;

WHEREAS, the feedback received during the planning phase of the park included desire to install a natural playground;

WHEREAS, the feedback received from parents in the neighbourhood after installation included concerns related to the usability and ability of small children in particular to use the play structures that are installed at the park; and

WHEREAS, the community has expressed strong desire for a conventional style play structure.

THEREFORE, BE IT RESOLVED:

- (a) That staff and the Ward 11 Councillor's Office work with the local residents to address the concerns raised respecting the Glanbrook Hills Park Play Structure Improvements, including options to remove and replace a portion or all of the play structures at the park, not to exceed \$200,000, to be funded through the approved Parks Operations 2022 Tax Supported Operating Budget (#444005), and;
- (b) That the Mayor and City Clerk be authorized and directed to approve and execute all required agreements and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**10. Installation of Speed Cushions as a Traffic Calming Measures on Berko Avenue (Ward 7) (Item 11.3)**

WHEREAS, residents are requesting the installation of speed cushions on Berko Avenue to address roadway safety concerns as a result of speeding and cut-through traffic.

THEREFORE, BE IT RESOLVED:

- (a) That Transportation and Operations Maintenance staff be authorized and directed to install two speed cushions as a traffic calming measure on Berko Avenue as part of the 2022 Traffic Calming Program's spring application, as follows;
  - (i) between Dartford Place to Lawfield Drive, and
  - (ii) between Lawfield Drive to Baroche Street
- (b) That all costs associated with the installation of two speed cushions as traffic calming measures on Berko Avenue be funded from Project ID 4242109703, to be completed under contract # C15-12-22 at an upset limit, including contingency, not to exceed \$14,000; 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. Funding for Tree Planting on Hamilton Wentworth District School Board Properties (Ward 8) (Item 11.5)**

WHEREAS, the City of Hamilton has declared a climate emergency;

WHEREAS, through increased tree planting initiatives on public property, the City continues to work towards meeting targets for the 30% urban tree canopy coverage, as set in the Council approved Draft Urban Forestry Strategy;

WHEREAS, increasing the urban tree canopy by planting trees on private property has many environmental benefits to the residents of Ward 8 and the wider City;

WHEREAS, tree planting on District School Board properties is not currently funded under existing City funded tree planting programs; and

WHEREAS, the Hamilton Wentworth District School Board has shown interest in having trees planted on their school properties.

THEREFORE, BE IT RESOLVED:

- (a) That the supply, installation and maintenance, for a period of three consecutive years including the year planted, of 54 large caliper (70mm) trees to be planted on Hamilton Wentworth District School Board properties, at a cost of \$27,000 to be funded from the Ward 8 Special Capital Re-Investment Discretionary Fund (#3302009800), be approved; 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.

**12. Flood Assessment of Foxtrot Drive and Foxmeadow Drive Neighbourhood (Ward 9) (Item 11.6)**

WHEREAS, homes in the Foxtrot and Foxmeadow neighbourhood have experienced a number of flooding events over the last five years;

WHEREAS, the major rain event of August 26, 2021, created another flooding event in the Foxtrot and Foxmeadow neighbourhood;

WHEREAS, the rain also caused over land flooding;

WHEREAS, the rain event created a situation where groundwater was seen to be bubbling up through the ground essentially discharging to the surface;

WHEREAS, the rain event also caused groundwater discharging into basements and yards; and

WHEREAS, groundwater was seen penetrating through the structures used to house backflow valves in basements resulting in flooded basements.

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to conduct a flood assessment of Foxtrot Drive and Foxmeadow Drive, in response to flood damages to homes in that area, through a consultant engineering assignment to include:
  - (i) Assessment of the potential causes of flooding in the neighbourhood including groundwater impacts;
  - (ii) Examination of the hydraulic capacity of the existing storm infrastructure;
  - (iii) Recommendations for the development of a future workplan with tasks to strategically address flooding concerns in the neighbourhood; and
- (b) That the flood assessment of Foxtrot Drive and Foxmeadow Drive neighbourhood be funded through the Ward 9 minor maintenance budget (Project ID 4031911609) for a limit up to \$100,000 in order to initiate work in 2022.
- (c) That the Mayor and City Clerk be authorized and directed to approve and execute all required agreements and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**13. Installation of Speed Cushions at Various Locations (Ward 6) (Item 11.7)**

WHEREAS, residents are requesting the installation of speed cushions on various roadways in Ward 6 to address roadway safety concerns as a result of speeding and cut-through traffic; and

WHEREAS, petitions were submitted by residents requesting the installation of speed cushions as a traffic calming measure.

THEREFORE, BE IT RESOLVED:

- (a) That Transportation and Operations Maintenance staff be authorized and directed to install up to six speed cushions as a traffic calming measure on the following roadways as part of the 2022 Traffic Calming Program's spring application, as follows;
  - (i) Two speed cushions on Upper Kenilworth Avenue on the section south of Limeridge Road East that terminates at Milkyway Drive and functions as a local roadway:
    - a. between Limeridge Road East to Trenholme Crescent, and
    - b. between Trenholme Crescent to Milkyway Drive
  - (ii) Four speed cushions on East 44<sup>th</sup> Street:
    - a. between Mohawk Road East to 11<sup>th</sup> Avenue,
    - b. between 11<sup>th</sup> Avenue to 10<sup>th</sup> Avenue,
    - c. between 9<sup>th</sup> Avenue to Lupin Avenue, and
    - d. between Lupin Avenue to 7<sup>th</sup> Avenue
- (b) That all costs associated with the installation of traffic calming measures on Upper Kenilworth Avenue and East 44<sup>th</sup> Street be funded from Project ID 4031911606, to be completed under contract # C15-12-22 at an upset limit, including contingency, not to exceed \$42,000; 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.

**FOR INFORMATION:**

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

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

**6. DELEGATION REQUESTS**

6.1 Delegation Requests respecting Item 8.1 - Accessible Transportation Services Eligibility Audit Management Response (PW21055(a)) (City Wide) (for today's meeting)

6.1 (b) Tim Nolan

6.1 (c) Aznive Mallett

6.2 Carl Loewith, Joseph Loewith & Sons Dairy Farm, respecting Support of Installation of a Roundabout at the Intersection of Highway 52 and Powerline Road West (for today's meeting) (to be heard following Item 9.1)

6.3 Dana Ferguson respecting Accessibility of Traffic Lights and Pedestrian Crossings in Hamilton (for a future meeting)

## **9. PUBLIC HEARINGS / DELEGATIONS**

9.3 Proposed Permanent Closure and Sale of a Portion of Kerr Street, Dundas (PW22025) (Ward 13)

9.3(a) Registered Speakers

9.3(a)(a) Shirley O'Meara

## **10. DISCUSSION ITEMS**

10.1 Accessible Transportation Services Eligibility Audit Management Response (PW21055(a)) (City Wide) will be moved under Item 8, Staff Presentations as Item 8.1. In accordance with moving this Item, the Delegations originally respecting Item 10.1 will now be referred to Item 8.1. The consideration of the report will be deferred until after the delegates have been heard. Finally, although not a change to the agenda, the Presentation for this Item has been published.

## **11. MOTIONS**

11.4 Veevers Park, 688 Greenhill Avenue, Fencing Replacement (Ward 5) – WITHDRAWN as per Councillor Powers' request.

## **12. NOTICES OF MOTION**

12.2 Flood Assessment of the Foxtrot Drive and Foxmeadow Drive Neighbourhood (Ward 9) (to be heard following Item 2)

12.3 Installation of Speed Cushions at Various Locations (Ward 6)

The agenda for the April 22, 2022 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 PREVIOUS MEETING (Item 4)**

**(i) April 4, 2022 (Item 4.1)**

The Minutes of the April 4, 2022 meeting of the Public Works Committee were approved, as presented.

**(d) DELEGATION REQUESTS (Item 6)**

The following Delegation Requests were approved for today's meeting:

- (i) Delegation Requests respecting Item 8.1 - Accessible Transportation Services Eligibility Audit Management Response (PW21055(a)) (City Wide) (for today's meeting) (Item 6.1)
  - (i) James Kemp, Advisory Committee for Persons with Disabilities (Item 6.1(a))
  - (ii) Tim Nolan (Added Item 6.1(b))
  - (iii) Aznive Mallett (Added Item 6.1(c))
- (ii) Carl Loewith, Joseph Loewith & Sons Dairy Farm, respecting Support of Installation of a Roundabout at the Intersection of Highway 52 and Powerline Road West (for today's meeting) (Added Item 6.2)

The following Delegation Request was received for a future meeting:

- (i) Dana Ferguson respecting Accessibility of Traffic Lights and Pedestrian Crossings in Hamilton (for a future meeting) (Added Item 6.3)

**(e) CONSENT ITEMS (Item 7)**

**(i) Hamilton Cycling Committee Minutes (Item 7.1)**

The following Minutes of the Hamilton Cycling Committee, were received:

- (i) December 1, 2021 (Item 7.1(a))
- (ii) January 5, 2022 (Item 7.1(b))



(iii) February 2, 2022 (Item 7.1(c))

(iv) March 2, 2022 (Item 7.1(d))

(f) **STAFF PRESENTATIONS (Item 8)**

(i) **Accessible Transportation Services Eligibility Audit Management Response (PW21055(a)) (City Wide) (Item 8.1)**

Maureen Cosyn Heath, Director of Transit, provided the Committee with an overview of Report PW21055(a) respecting the Accessible Transportation Services Eligibility Audit Management Response, with the aid of a PowerPoint presentation.

The presentation respecting Report PW21055(a), Accessible Transportation Services Eligibility Audit Management Response, was received.

- (a) That the Director of Transit be given delegated authority to create and administer a Policy for applications to Accessible Transportation Services (ATS) services, including making subsequent revisions to the Policy and associated forms and ancillary documents in their reasonable discretion as may be required, so that ATS can conduct a records management exercise for the safety of its clients, expected to conclude by June of 2023.
- (b) That no eligibility re-assessments be undertaken during the above process as set out in (a).
- (c) That the Director of Transit be given delegated authority to update and revise the existing 2005 Accessible Transportation Services Policy entitled Trip No Shows, Late Cancellations and Excessive Cancellations (Appendix "A" attached to Report PW05051 – Policy 2005-01) on an ongoing basis in their reasonable discretion.

Report PW21055(a), respecting Accessible Transportation Services Eligibility Audit Management Response was **amended** by adding recommendation (d), to read as follows:

- (d) ***That staff be directed to report back to Public Works Committee and the Advisory Committee for Persons with Disabilities on a quarterly basis respecting Accessible Transportation Services (ATS).***

Report PW21055(a), respecting Accessible Transportation Services Eligibility Audit Management Response was **amended** by adding recommendation (e), to read as follows:

- (e) ***That staff be directed to undertake a (Re)Envision-based voice of customer consultation process to consider service design and customer experience for users of Accessible Transit Services (ATS) and that this consultation will include broad stakeholder engagement, including but not limited to, existing ATS registrants, DARTS, ACPD and SAC and any other applicable groups.***

For disposition of this matter, refer to Item 3.

**(g) PUBLIC HEARINGS / DELEGATIONS (Item 9)**

**(i) Construction of a Roundabout at the Corner of Highway 52 and Powerline Road, Ancaster (Item 9.1)**

David Jones, Turn On Powerline, was granted an additional 2 minutes, beyond the 5-minute time limit, to complete their delegation respecting construction of a roundabout at the corner of Highway 52 and Powerline Road, Ancaster.

David Jones, Turn On Powerline addressed the Committee respecting construction of a roundabout at the corner of Highway 52 and Powerline Road, Ancaster.

Carl Loewith, Joseph Loewith & Sons Dairy Farm addressed the Committee respecting construction of a roundabout at the corner of Highway 52 and Powerline Road, Ancaster.

The following delegations respecting construction of a roundabout at the corner of Highway 52 and Powerline Road, Ancaster, were received:

- (i) David Jones, Turn On Powerline
- (ii) Carl Loewith, Joseph Loewith & Sons Dairy Farm

The process for installing a roundabout at the intersection of Highway 52 and Powerline Road, at the parking entrance to the Hamilton Conservation Authority property, was referred to Transportation Operations & Maintenance staff for a report back to Public Works Committee.

**(ii) Proposed Sewer Use By-law No. 14-090 Amendments (PW19029(a))  
(City Wide) (Item 9.2)**

Councillor Nann advised that notice of the Proposed Sewer Use By-law No. 14-090 Amendments (PW19029(a)), was given as required under the City's By-law 07-351 – The Public Notice By-law.

Hector Quintero, Superintendent Environmental Monitoring & Enforcement addressed Committee respecting Report (PW19029(a)), Proposed Sewer Use By-law No. 14-090 Amendments, with the aid of a PowerPoint presentation.

The Committee Clerk advised there were no registered speakers.

The presentation respecting Report (PW19029(a)), Proposed Sewer Use By-law No. 14-090 Amendments, was received.

The public meeting was closed.

For disposition of this matter, refer to Item 4.

**(iii) Proposed Permanent Closure and Sale of a Portion of Kerr Street,  
Dundas (PW22025) (Ward 13) (Item 9.3)**

Councillor Nann advised that notice of the Proposed Permanent Closure and Sale of a Portion of Kerr Street, Dundas (PW22025), was given as required under the City's By-law 14-204 - the Sale of Land Policy By-law.

The Committee Clerk advised that there was one registered speaker.

**1. Shirley O'Meara (Item 9.1(a)(a))**

Shirley O'Meara was not present when called upon.

The presentation was waived.

The public meeting was closed.

For disposition of this matter, refer to Item 5.

**(iv) Delegation Requests respecting Accessible Transportation Services Eligibility Audit Management Response (PW21055(a))(City Wide) (Item 8.1) (for today's meeting) (Item 9.4)**

The following Delegates addressed Committee respecting Item 8.1 Accessible Transportation Services Eligibility Audit Management Response (PW21055(a)) (City Wide):

- (i) James Kemp, Advisory Committee for Persons with Disabilities (Item 9.4(a))
- (ii) Tim Nolan (Item 9.4(b))
- (iii) Aznive Mallett (Item 9.4(c))

Tim Nolan was granted an additional 5 minutes, beyond the 5-minute time limit, to complete their delegation respecting Report PW21055(a), Accessible Transportation Services Eligibility Audit Management Response (PW21055(a)) (City Wide).

The presentations from the following delegates respecting Item 8.1 Accessible Transportation Services Eligibility Audit Management Response (PW21055(a)) (City Wide), were received:

- (i) James Kemp, Advisory Committee for Persons with Disabilities (Item 9.4(a))
- (ii) Tim Nolan (Item 9.4(b))
- (iii) Aznive Mallett (Item 9.4(c))

For disposition of this matter, refer to Item 3.

**(h) DISCUSSION ITEMS (Item 10)**

**(i) Brightside Park – Environmental Reporting (PW22026) (Ward 3) (Item 10.3)**

Councillor Nann relinquished the Chair to Councillor VanderBeek in order to move the recommendation respecting Report PW22026, Brightside Park – Environmental Reporting.

For disposition of this matter, refer to Item 7.

Councillor Nann assumed the Chair.

(i) **NOTICES OF MOTION (Item 12)**

(i) **Joint Action by City of Hamilton and Hamilton Police Service to Improve Pedestrian Safety (City Wide) (Item 12.1)**

Councillor Danko introduced the following Notice of Motion:

WHEREAS, in 2019 Hamilton City Council approved the City of Hamilton Vision Zero Action Plan 2019-2025 which identifies that fatalities and serious injuries on our roads are preventable and that no loss of life is acceptable;

WHEREAS, the Vision Zero Action Plan 2019-2025 recognizes that using a safe systems approach that focuses on safe drivers, safe speeds, safe roads and safe vehicles is fundamental to achieving the plan's goals;

WHEREAS, a key component to the Vision Zero Action Plan 2019-2025 is the City of Hamilton Strategic Road Safety Committee whose mandate is to guide the implementation of the Vision Zero Action Plan and is comprised of members from the Public Works Department, Planning and Economic Development Department, Hamilton Police Services, Hamilton Fire Department, Public Health, Hamilton Wentworth District School Board and the Hamilton Wentworth Catholic District School Board;

WHEREAS, in 2020 Hamilton City Council approved funding to create eight dedicated traffic enforcement officers within Hamilton Police Services;

WHEREAS, in 2021, Hamilton Police Service launched a 20-member centralized traffic enforcement unit to respond to traffic-related issues in the City with a strategic City-wide approach with the goal of reducing collision, injuries and deaths for all roadway users;

WHEREAS, roadway safety efforts have resulted in a steady year over year decline in the total number of people being injured on City of Hamilton roadways since 2016; and

WHEREAS, notwithstanding roadway safety and Vision Zero initiatives, the annual total number of fatal collisions has not trended downwards and there have been eight pedestrian deaths in 2022 as of April.

THEREFORE, BE IT RESOLVED:

- (a) That the Transportation Operations & Maintenance Division, through their facilitation of the City of Hamilton Strategic Road Safety Committee, identify opportunities for enhancements to the collaboration of efforts specifically related to roadway safety

improvements and traffic enforcement by leveraging annual collision statistics and Hamilton Police Services collision reconstruction investigation forensics;

- (b) That the Transportation Operations & Maintenance Division, through their facilitation of the City of Hamilton Strategic Road Safety Committee, isolate specific dangers to vulnerable road user safety (pedestrians and cyclists) and determine joint efforts that can be undertaken for both traffic enforcement and preventative measures delivered through infrastructure improvements; and
- (c) That the Transportation Operations & Maintenance Division report back to the Public Works Committee regarding any roadway safety improvements and traffic enforcement enhancements or opportunities to improve pedestrian safety identified during the completion of items (a) and (b), including implementation and identification of any funding and/or resource requirements.

**(ii) Flood Assessment of Foxtrot Drive and Foxmeadow Drive Neighbourhood (Ward 9) (Item 12.2)**

The Rules of Order were waived to allow for the introduction of a Motion respecting Flood Assessment of Foxtrot Drive and Foxmeadow Drive Neighbourhood (Ward 9).

For disposition of this matter, refer to Item 12.

**(iii) Installation of Speed Cushions at Various Locations (Ward 6) (Item 12.3)**

The Rules of Order were waived to allow for the introduction of a Motion respecting Installation of Speed Cushions at Various Locations (Ward 6).

For disposition of this matter, refer to Item 13.

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

**(i) Amendments to the Outstanding Business List (Item 13.1)**

The following amendment to the Public Works Committee's Outstanding Business List, was approved.

- (a) Items Considered Complete and Needing to be Removed (Item 13.1 (a)):

13.1(a)(a) Public Bike Share Program Phased Procurement  
Process  
Addressed as Item 20, GIC Budget Report 22-002  
(PED20109(d))  
Item on OBL: ABL

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

There being no further business, the meeting adjourned at 4:58 p.m.

Respectfully submitted,

Councillor N. Nann, Chair,  
Public Works Committee

Carrie McIntosh  
Legislative Coordinator  
Office of the City Clerk



# Memo

**To:** Michelle Martin, ATS  
Marco Mostacci, ATS

**From:** Dennis Kar, Dillon Consulting Limited

**Date:** October 14, 2021

**Subject:** ATS – Consolidated Ridership and Cost Forecasts

**Our File:** 21-1969

## 1.0 Introduction

Dillon Consulting Limited in association with Trestle Consulting was retained by the City of Hamilton to develop a business case and implementation plan of the City of Hamilton’s Auditor’s recommendations on the City of Hamilton Transit Division Accessible Transportation Services (A.T.S.). The audit focused on identifying ways to increase process efficiencies and explore cost saving opportunities, with a focus on eligibility determination process and service delivery.

It was concluded that three areas would provide the largest potential for cost savings:

1. Update the application process and conduct reassessments of existing passengers
2. Expand the travel training program and move towards integrated trips
3. Identify opportunities to increase the number of group trips.

Ridership, service hour, vehicle and operating cost forecasts noted in the report used 2019 as a base year, and were completed independently for each of the recommendations. This would allow the City to assess the cost and benefits of each of the recommendations on their own. It should be noted that the impacts of COVID-19 were not included in the original assessment.

The purpose of this memo is to illustrate the cumulative budget impacts of implementing each of the three recommended solutions noted in the final report. Short-term changes to ridership and operating costs from the COVID-19 pandemic were also considered in this report to gain a better understanding of how the pandemic would impact use of ATS services over the long-term.



## 2.0 Assumptions

The following outlines the assumptions used in the forecast that differ from those identified throughout the September 2021 City of Hamilton Review of ATS Eligibility Determination Process and Services report (September 2021 Report).

### 2.1 Base Case and Impacts from COVID-19

The Base Case (business as usual) scenario assumes none of the recommendations in the September 2021 Report have been implemented and forecasts ridership, service hours, peak vehicles and operating cost to the 2031 horizon year. The updated Base Case forecast in this memo takes into consideration both the short-term changes to ridership (2020 and 2021 year-to-date) due to the COVID-19 pandemic, along with the long-term impact. The long-term impact assumes that the number of registrants per capita and trips per registrant will not get back to pre-pandemic levels. This means that the Base Case 2031 forecast is likely to be less than the 2019 ridership that was experienced before the pandemic. This is illustrated in **Table 3** and based on the following assumptions:

1. 2020 and 2021 data is added to the forecast to show the impact of COVID-19 on ridership and operating costs.
2. 2021 data was provided up to August / September 2021. Actual monthly ridership data and service hours was provided until September 2021. Monthly September 2021 ridership and service hours was used to forecast ridership and service hours between October and December 2021.
3. 2021 actual operating cost data was provided between January and August 2021. Budgeted variable operating cost data between September and December 2021 was reduced by 45 to 50% to reflect a similar reduction in budgeted ridership data during these same months.
4. It was assumed that ridership would never fully recover from the COVID-19 pandemic, as many people have found other means to travel, rely more on virtual communication and/or appointments, and/or use of online shopping and services. It was assumed that the COVID-19 pandemic would be over in 2023, but this would continue to result in few trips made, based on the following assumptions:
  - a. Registrants per capita at 90% of 2019 levels;
  - b. Trips per registrant at 80% of 2019 levels for ATS trips; and
  - c. Trips per registrant at 90% of 2019 levels for Taxi Scrip trips.
5. Growth in ATS registrants is based on both the growth in population and the impacts of an aging population, and is based on the forecast completed for the 2019 City of Hamilton Development Charges Study: Transit Background Paper. Data on Taxi Scrip Only registrants for 2020 and 2021

was added to this analysis, and the number of registrants was reduced by 10% per year starting in 2022.

6. Ridership growth on specialized transit service contracted to DARTS is calculated by applying the 2019 number of trips per registrant (92.5), and adjusting it to 74.0 trips per registrant between 2023 and 2031. Trip per registrant between 2020 and 2022 are lower due to the ongoing COVID-19 pandemic (43.27 to 67.18).
7. Ridership growth on Taxi Scrip is calculated by adjusting the 2019 number of trips per registrant (27.9) for registrants that use Taxi Scrip (2,980) to reflect the impact of COVID-19, and carrying it through the 2031 horizon year. An adjustment was made to reduce the number of Taxi Scrip trips per registrant that uses Taxi Scrip to 25.1 starting in 2023. This was lower between 2020 and 2022 to reflect the ongoing COVID-19 pandemic.
8. The ratio of trips delivered by dedicated DARTS in-house service, dedicated subcontracted service, non-dedicated taxi service in 2019 was adjusted between 2020 and 2022 to reflect ongoing conditions. This then brought back to 2019 levels in 2023 and continued through to 2031. This is noted in the table below:

**Table 1: Distribution of Trips by Service Type**

<b>Service Delivery</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023 - 2031</b>
Dedicated DARTS In-House	38.7%	58.7%	65.3%	49.0%	39%
Dedicated DARTS Subcontracted	58.7%	40.6%	33.1%	49.0%	59%
Non-Dedicated DARTS subcontracted	2.6%	0.7%	1.6%	2.0%	2.6%

9. The 2019 ratio of dedicated (contractor DARTS and subcontracted) annual trips (822,458<sup>1</sup>) per peak vehicle (148) was used to calculate the growth in peak vehicle requirements with ridership growth between 2023 and 2031. This ratio is 5,557 trips per peak vehicle. This was adjusted between 2020 and 2022, to reflect fewer boardings per vehicle due to the COVID-19 pandemic.
10. The following operating costs rates were used for each of the horizon years. The year 2019 was used as a base and was carried forward between 2023 and 2031. Actual costs were used for 2020 and 2021, with forecasts on costs completed for the remaining four months of 2021 as noted above. For 2022, the costs were assumed to be the difference between 2019 and 2021 costs. It should be noted that while the compensation for dedicated DARTS subcontracted services changed from a cost per trip model to an hourly model during the COVID-19 pandemic, the rates shown in the table below reflect the original cost per trip model for comparative

<sup>1</sup> This represents on dedicated trips. The total, including non-dedicated subcontracted trips in 2019 is 844,007

purposes. These rates were applied to each horizon based on the growth in service hours and passengers.

**Table 2: Cost per Hour / Trip by Service Type**

<b>Service Delivery</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023 - 2031</b>
Dedicated DARTS In-House (cost per hour)	\$72.02	\$90.98	\$72.84	\$72.43	\$72.02
Dedicated DARTS Subcontracted (cost per trip)	\$22.40	\$26.78	\$44.73	\$33.56	\$22.40
Non-Dedicated DARTS subcontracted (cost per trip)	\$18.16	\$23.50	\$26.51	\$22.33	\$18.16

11. All costs remain at 2019 levels with no adjustments for inflation or other rising costs for comparative purposes.
12. Any vehicle costs required as a result of growth were assumed to be included in the 2019 operating costs, therefore, no capital costs were assumed.

## 2.2 Recommendations

The following assumptions were used in the in the consolidated forecast that incorporates each of the recommendations in the report.

1. All assumptions noted in the final report are unchanged unless otherwise noted here
2. The order of implementation was assumed to be the following:
  - a. 2022 – Initiate change management process
  - b. 2022 – Revise application process as recommended and hire Transit Abilities Coordinator
  - c. 2022 – Implement revised travel training program and initiate integrated service delivery model on two corridors. Hire Accessible Transit Coordinator.
  - d. 2022 – Implement recommendations to reduce late cancellations and no-shows and increase group bookings. Hire Clerk Staff position to assist with this.
  - e. 2023 – Begin to reassess existing clients over a four year period under the new application process
3. For the assessment of Group Trips, a slight change in assumptions was made from the original report. Hamilton delivers 2.18 eligible passenger trips per revenue hour of dedicated service (2019 statistics). This is lower than the peer average of the peer systems interviewed for this project (2.82 eligible passenger trips per revenue hour of dedicated service). The original report assumed that the recommendations above would increase the trips per hour by 5% by 2026 and

10% by 2031, which would increase the average trip per hour to 2.30 and 2.41 respectively. In this analysis, the productivity increases with the introduction of integrated trips. This means there are more people making shorter trips and less making longer trips, which increases the trips per hour for each vehicle. Therefore, a new target of 10% growth by 2026 (2.41 trips per hour) and 15% growth by 2031 (2.52 trips per hour) from 2019 productivity (2.18 trips per hour) was established. This still falls below the peer group average of 2.82 and is considered a conservative estimate.

4. For each of the recommendations, trips were distributed by service type based on the assumptions noted in **Table 1** above.
5. The cost per hour and trip of each the recommendations noted in the report were based on the assumptions noted in **Table 2** above.
6. Potential savings from the revised application process is assumed to be higher in 2022 and 2023 than in the September 2021 Report due to the high number of inactive registrants as a result of the COVID-19 pandemic. As many of these inactive registrants return to transit, it was assumed that they would be reassessed using the new application process due to a long period of inactivity. Of these inactive registrants are not reassessed, the savings would be lower.
7. Passenger revenue was based on the 2019 average fare of \$1.68 for each ATS passenger for the years 2022 to 2031. The passenger revenue from 2020 and 2021 was based on data provided.
8. Other revenue, including charters, grants, etc. between 2022 and 2031 was based on the ratio of "Other Revenue" to "Passenger Fare Revenue" in 2019 (5%), which was applied to each subsequent year.

### 3.0 Revised Cost Savings

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**Table 3** below presents the potential ridership change, service hours, vehicle requirements and cost savings, revenue and net cost savings of each of the consolidated recommended noted above.

Ridership and costs presented below are best estimates based on a series of assumptions noted above and in the September 2021 Report and should be used for planning purposes. There are a number of factors that would cause forecasts to change, including the timing and extent of recovery from the COVID-19 global pandemic. The figures in this report should be reviewed by staff annually and updated with more current information.



# Memo

**Table 3: Potential Cost Savings for Consolidated Recommendations from the Auditor Report**

<b>Ridership and Costs</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2026</b>	<b>2031</b>
<b>Specialized Transit Trips*</b>							
<b>Base Case (Do Nothing)</b>	<b>940,083</b>	<b>371,093</b>	<b>327,831</b>	<b>519,700</b>	<b>730,500</b>	<b>769,800</b>	<b>854,600</b>
Reduction - New Application Process and Reassessment	0	0	0	-56,900	-114,000	-200,700	-220,000
Reduction - Travel Training	0	0	0	-4,100	-5,500	-5,100	-8,500
Increase – Integrated Short Trips versus Long Trips \	0	0	0	+200	+400	+1,100	+3,500
Reduction - Group Trips	0	0	0	0	0	0	0
<b>Adjusted Ridership</b>	<b>940,083</b>	<b>371,093</b>	<b>327,831</b>	<b>458,900</b>	<b>611,400</b>	<b>565,100</b>	<b>629,600</b>
<b>Difference from Base Case</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-60,800</b>	<b>-119,100</b>	<b>-204,700</b>	<b>-225,000</b>
<b>Service Hours</b>							
<b>Base Case (Do Nothing)</b>	<b>377,168</b>	<b>166,860</b>	<b>162,779</b>	<b>224,500</b>	<b>290,500</b>	<b>308,400</b>	<b>344,000</b>
Reduction - New Application Process and Reassessment	0	0	0	-23,700	-45,850	-79,041	-89,157
Reduction - Travel Training / Integrated Trips	0	0	0	-2,200	-2,548	-10,194	-25,484
Reduction - Group Trips	0	0	0	-7,700	-1,601	-14,565	-11,959
<b>Adjusted Service Hours</b>	<b>377,168</b>	<b>166,860</b>	<b>162,779</b>	<b>190,900</b>	<b>240,500</b>	<b>204,600</b>	<b>217,400</b>
<b>Difference from Base Case</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-33,600</b>	<b>-50,000</b>	<b>-103,800</b>	<b>-126,600</b>

<b>Ridership and Costs</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2026</b>	<b>2031</b>
<b>Peak Vehicles</b>							
<b>Base Case (Do Nothing)</b>	<b>148</b>	<b>120</b>	<b>92</b>	<b>104</b>	<b>114</b>	<b>121</b>	<b>135</b>
Reduction - New Application Process and Reassessment	0	0	0	-11	-18	-31	-35
Reduction - Travel Training / Integrated Trips	0	0	0	-1	-1	-4	-10
Reduction - Group Trips	0	0	0	-4	-1	-6	-5
<b>Adjusted Peak Vehicles</b>	<b>148</b>	<b>120</b>	<b>92</b>	<b>88</b>	<b>94</b>	<b>80</b>	<b>85</b>
<b>Difference from Base Case</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-16</b>	<b>-20</b>	<b>-41</b>	<b>-50</b>
<b>Operating Costs</b>							
<b>Base Case (Do Nothing)</b>	<b>\$25,420,913</b>	<b>\$15,957,500</b>	<b>\$15,568,800</b>	<b>\$22,202,000</b>	<b>\$20,145,400</b>	<b>\$21,210,200</b>	<b>\$23,370,400</b>
Reduction - New Application Process and Reassessment	\$0	\$0	\$0	-\$2,108,700	-\$2,832,400	-\$4,906,900	-\$5,490,400
Reduction - Travel Training / Integrated Trips	\$0	\$0	\$0	-\$181,900	-\$145,200	-\$358,500	-\$830,600
Reduction - Group Trips	\$0	\$0	\$0	-\$412,800	-\$44,800	-\$432,100	-\$355,200
<b>Staffing - Salary</b>							
Transit Abilities Coordinator	--	--	--	\$100,000	\$100,000	\$100,000	\$100,000
Accessible Transit Coordinator	--	--	--	\$90,000	\$90,000	\$90,000	\$90,000
Clerk Staff Position	--	--	--	\$75,400	\$75,400	\$75,400	\$75,400

<b>Ridership and Costs</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2026</b>	<b>2031</b>
Third-Party Contractor (Assessments/ Appeals)	--	--	--	\$120,000	\$120,000	\$120,000	\$120,000
<b>Set-up and Communications</b>							
One-time Set-up Costs (office) / Ongoing Communications and Marketing)	--	--	--	\$20,000	\$15,000	\$15,000	\$15,000
One-time Change Management Costs	--	--	--	\$60,000	\$0	\$0	\$0
Software Upgrades Implementation	--	--	--	\$125,100	\$0	\$0	\$0
Software License Fees	--	--	--	\$11,400	\$11,400	\$11,400	\$11,400
<b>Transportation</b>							
Accessible Supervisor Vehicle Upgrade (\$25,000 per unit)	--	--	--	\$25,000	\$50,000	\$25,000	\$25,000
Transportation for a Portion of In-person Interviews	--	--	--	\$22,000	\$22,000	\$22,000	\$22,000
<b>Total</b>	--	--	--				
<b>Adjusted Operating Cost**</b>	<b>\$25,420,913</b>	<b>\$15,957,500</b>	<b>\$15,568,800</b>	<b>\$20,147,500</b>	<b>\$17,606,800</b>	<b>\$15,971,500</b>	<b>\$17,153,000</b>
<b>Difference from Base Case</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>-\$2,054,500</b>	<b>-\$2,538,600</b>	<b>-\$5,238,700</b>	<b>-\$6,217,400</b>

<b>Ridership and Costs</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2026</b>	<b>2031</b>
<b>Revenue</b>							
<b>Base Case (Do Nothing)</b>	<b>\$1,486,752</b>	<b>\$525,661</b>	<b>\$644,375</b>	<b>\$808,300</b>	<b>\$1,149,600</b>	<b>\$1,217,000</b>	<b>\$1,356,200</b>
<i>Base Case Passenger Revenue</i>	<i>\$1,417,343</i>	<i>\$509,710</i>	<i>\$398,913</i>	<i>\$770,600</i>	<i>\$1,095,900</i>	<i>\$1,160,200</i>	<i>\$1,292,900</i>
<i>Base Case Charters, Grants, etc.</i>	<i>\$69,409</i>	<i>\$15,951</i>	<i>\$245,462</i>	<i>\$37,700</i>	<i>\$53,700</i>	<i>\$56,800</i>	<i>\$63,300</i>
<b>Adjusted Revenue</b>	<b>\$1,486,752</b>	<b>\$534,710</b>	<b>\$418,413</b>	<b>\$717,100</b>	<b>\$956,900</b>	<b>\$892,800</b>	<b>\$991,700</b>
Adjusted Passenger Revenue	\$1,417,343	\$509,710	\$398,913	\$683,600	\$912,200	\$851,100	\$945,400
Adjusted Charters, Grants, etc.	\$69,400	\$25,000	\$19,500	\$33,500	\$44,700	\$41,700	\$46,300
<b>Difference from Base Case</b>	<b>\$0</b>	<b>\$9,049</b>	<b>-\$225,962</b>	<b>-\$91,200</b>	<b>-\$192,700</b>	<b>-\$324,200</b>	<b>-\$364,500</b>
<b>Net Operating Cost</b>							
<b>Base Case (Do Nothing)</b>	<b>\$23,934,161</b>	<b>\$15,431,839</b>	<b>\$14,924,425</b>	<b>\$21,393,700</b>	<b>\$18,995,800</b>	<b>\$19,993,200</b>	<b>\$22,014,200</b>
<b>Adjusted Net Operating Cost</b>	<b>\$23,934,161</b>	<b>\$15,422,790</b>	<b>\$15,150,387</b>	<b>\$19,430,400</b>	<b>\$16,649,900</b>	<b>\$15,078,700</b>	<b>\$16,161,300</b>
<b>Difference From Base Case</b>	<b>\$0</b>	<b>-\$9,049</b>	<b>\$225,962</b>	<b>-\$1,963,300</b>	<b>-\$2,345,900</b>	<b>-\$4,914,500</b>	<b>-\$5,852,900</b>

*\*Note: Includes Taxi Scrip trips*

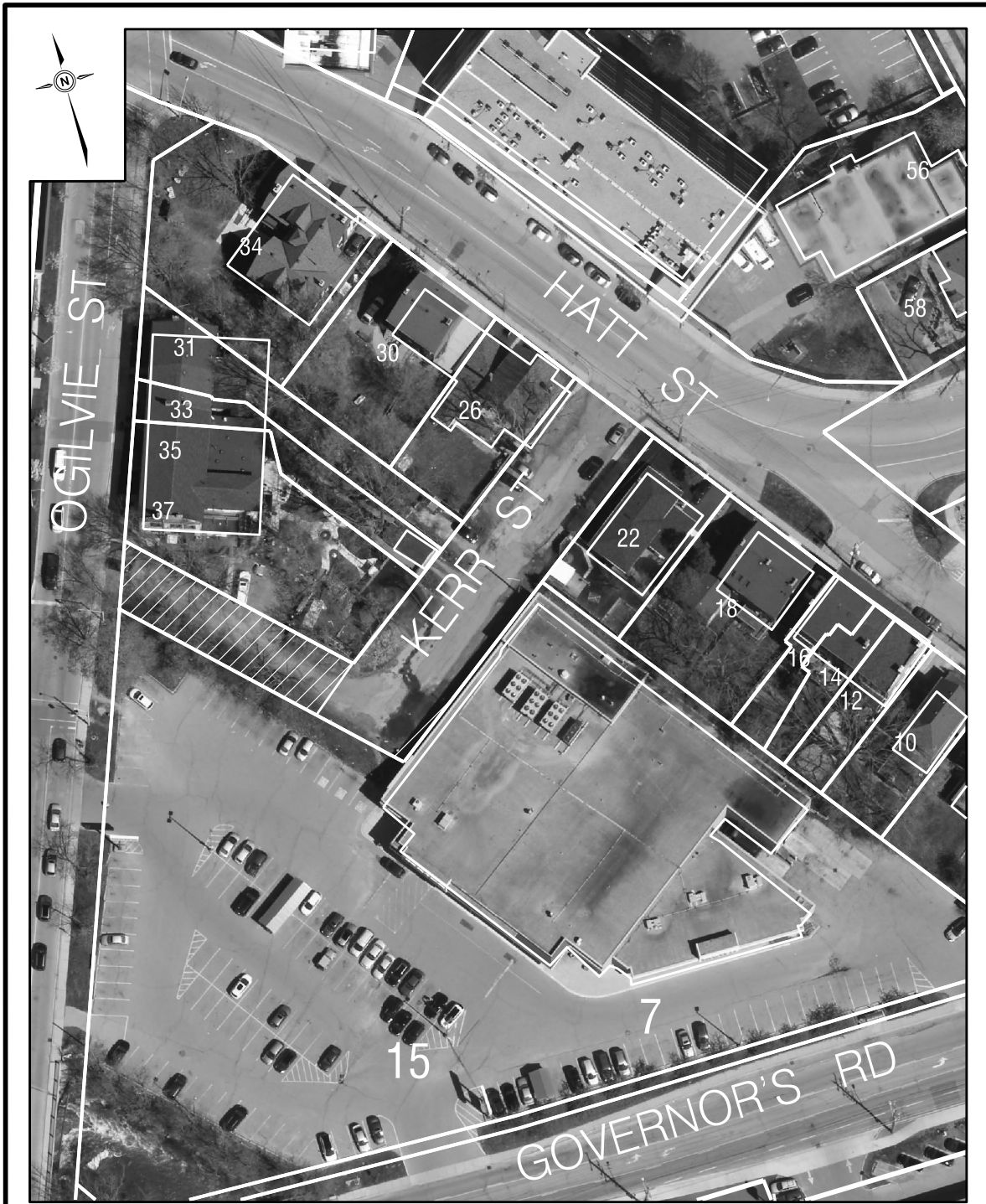
*\*\* Does not include reduction from passenger revenues*



Existing Fees and Charges	2022 Approved Fee	Proposed Fees and Charges	Proposed Fee
<u>Overstrength Discharge Fees:</u> Biochemical Oxygen Demand Total suspended solids Oil & grease (animal/vegetable) Total Kjeldahl Nitrogen Total Phosphorus  Surcharge Discharge Fee (charge per m3)	\$0.81 \$0.66 \$0.46 \$1.04 \$2.20  \$1.89	<u>Overstrength Discharge Fees:</u> Biochemical Oxygen Demand Total suspended solids Oil & grease (animal/vegetable) Total Kjeldahl Nitrogen Total Phosphorus  Surcharge Discharge Fee (charge per m3)	No Change No Change No Change No Change No Change  No Change
<u>Administrative Fees for Sewer Discharge Permits (charges per quarter) *</u>  Overstrength Discharge Permit Surcharge Discharge Permit Chloride Discharge Permit Compliance Discharge Permit Conditional Discharge Permit	\$435.00 \$435.00 \$435.00 \$1077.00 \$1077.00	<u>Administrative Fees for Sewer Discharge Permits (charges per quarter) *</u>  Overstrength Discharge Permit Surcharge Discharge Permit Chloride Discharge Permit Compliance Discharge Permit Conditional Discharge Permit <b>Construction Dewatering Permit</b>	No Change No Change No Change No Change No Change <b>\$435.00</b>
<u>Permit Fees:</u> (plus HST)  Sewer Discharge Permit Application Fee Sewer Discharge Permit Amendment Fee Wastewater Characterization Deposit	\$688.00 \$319.46 \$500.00	<u>Permit Fees:</u> (plus HST)  Sewer Discharge Permit Application Fee Amendment Fee Wastewater Characterization Deposit	No Change No Change No Change

**denotes new**

\*multiple permit holders pay the higher administrative fee (for example, if the permit holder has both an Overstrength Discharge Permit and a Compliance Program Permit, they will pay \$1077 per quarter)



PROPOSED CLOSURE OF PORTION OF KERR STREET

Geomatics & Corridor Management Section  
Public Works Department

LEGEND

 Lands to be Closed



**PLANNING COMMITTEE  
REPORT  
22-006**

April 25, 2022

9:30 a.m.

**Council Chambers, Hamilton City Hall  
71 Main Street West**

**Present:** Councillor L. Ferguson (Acting Chair),  
Councillors M. Wilson (2<sup>nd</sup> Vice Chair),  
M. Pearson, J. Farr, J.P. Danko and J. Partridge

**Absent with Regrets:** Councillor B. Johnson - Personal

**THE PLANNING COMMITTEE PRESENTS REPORT 22-006 AND RESPECTFULLY RECOMMENDS:**

**1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED22085) (City Wide) (Item 7.1)**

That Report PED22085 respecting the Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

**2. Hamilton-Oshawa Port Authority - City of Hamilton Liaison Committee Report 22-001 (Item 7.3)**

**(a) Election of Co-Chairs for 2022 (Item 1.1)**

- (i) That Councillor J. Partridge be appointed Co-Chair of the Hamilton-Oshawa Port Authority - City of Hamilton Liaison Committee for 2022; and
- (ii) That A. Waldes be appointed Co-Chair of the Hamilton-Oshawa Port Authority - City of Hamilton Liaison Committee for 2022.

**(b) Committee Terms of Reference (Item 10.1)**

That the Committee's Terms of Reference be reviewed at a future meeting, to be scheduled in June 2022.

**3. Agriculture and Rural Affairs Advisory Committee Report 22-001 (Item 7.4)**

**(a) Normal Farm Practice Peer Review by the Agricultural and Rural Affairs Advisory Committee (Item 9.1)**

- (i) That the Planning Committee establish an Agricultural Site Alteration Application Review Working Group of the Agricultural and Rural Affairs Advisory Committee;
- (ii) That the Agricultural Site Alteration Application Review Working Group be comprised of the following Members:
  - (i) Dale Smith
  - (ii) Drew Spoelstra
  - (iii) Cathy McMaster
  - (iv) Mel Switzer
  - (v) Gavin Smuk
- (iii) That the Planning Committee direct staff to investigate implementing a per diem, comparable to that of the Committee of Adjustment, in a future report to the Planning Committee respecting the Site Plan Alteration By-law.

**4. Hamilton Municipal Heritage Committee Report 22-003 (Added Item 7.5)**

**(a) Recommendation to Remove 8 Renwood Place, Flamborough from the Municipal Heritage Register (PED21201(c)) (Ward 15) (Added Item 7.4)**

- (i) That Council receive the notice of objection, attached as Appendix "A" to Report 22-003, from the owner of 8 Renwood Place, Flamborough, objecting to the notice of Council's decision to list the non-designated property on the Municipal Heritage Register under Section 27 of the Ontario Heritage Act; and
- (ii) That Council remove 8 Renwood Place, Flamborough, from the Municipal Heritage Register, pursuant to Section 27(8) of the Ontario Heritage Act.

**(b) Heritage Permit Application HP2021-038, Under Part IV of the Ontario Heritage Act, for a Replacement Front Door and Side Lite Windows and Wood Profile, Related Repairs and Conservation of Transom Window, and Retroactive Approval of Replacement Windows, at 24 Griffin Street, Flamborough, Part IV Designation (PED22072) (Ward 15) (Item 8.2)**

That Heritage Permit Application HP2021-038, for a replacement front door and side lite windows and wood profile, related repairs and conservation of the front transom window, and retroactive approval of replacement windows, for the lands located at 24 Griffin Street, be approved, subject to the following conditions:

- (i) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- (ii) Implementation of alterations, in accordance with this approval, shall be completed no later than February 28, 2024. If the alterations are not completed by February 28, 2024, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- (iii) That appropriate notice of the Council decision be served on the owner of 24 Griffin Street, Flamborough, and the Ontario Heritage Trust, as required under Section 33 of the Ontario Heritage Act;
- (iv) That the property located at 24 Griffin Street, Flamborough be added to the Staff Work Plan for Heritage Designation – Amending a Municipal By-law Under the Ontario Heritage Act as a medium priority.

**(c) Inventory and Research Working Group Meeting Notes - January 24, 2022 (Item 10.1)**

- (i) 2 Dartnall Road (Binbrook Feed Station (Item 1)

That the property located at 2 Dartnall Road (Binbrook Feed Station) be added to the Municipal Heritage Register and to the staff work plan for heritage designation under the Ontario Heritage Act as a low priority.

- (ii) 10 Dartnall Road (Ancaster Co-Op) (Item 2)

That the property located at 10 Dartnall Road (Ancaster Co-Op) be added to the Municipal Heritage Register.

**(d) Inventory and Research Working Group Meeting Notes - March 28, 2022 (Added Item 10.2)**

- (i) That 265 Mill Street South, Flamborough (Waterdown), be added to the staff work plan for heritage designation under the Ontario Heritage Act as a low priority;
- (ii) That the staff be directed to implement the conservation of internal and external heritage features of the building identified in the CHIA through a conservation plan and employing appropriate zoning and site plan policies, procedures and processes; and
- (iii) That the property be designated when construction is completed.

**5. Non-Decision Appeals to the Ontario Land Tribunal (2018 to 2022)  
(LS22021) (City Wide) (Added Item 7.6)**

That Report LS22021 respecting Non-Decision Appeals to the Ontario Land Tribunal (2018 to 2022), be received.

**6. Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) (Item 9.2)**

- (a) That Zoning By-law Amendment Application ZAC-17-064, by 1376412 Ontario Ltd. c/o Zeina Homes, (Owner), for a change in zoning from Settlement Residential "R2-14(H)", Modified – Holding Zone to a site specific Settlement Residential "R2" Zone, Modified, and the Conservation / Hazard Land (P5) Zone, for lands located at 655 Cramer Road, as shown on Appendix "A" attached to Report PED22061, be DENIED on the following basis:
  - (i) That the proposal is not consistent with the Provincial Policy Statement (PPS);
  - (ii) The proposal does not comply with the Provincial D-6 Guidelines: Compatibility Between Industrial Facilities;
  - (iii) The proposal does not comply with the Growth Plan for the Greater Golden Horseshoe (2020);
  - (iv) The proposal does not comply with the Settlement Residential policies under the Greensville Rural Settlement Area Plan of the Rural Hamilton Official Plan;
  - (v) The proposal is not consistent with the Greenbelt Plan (2017).
- (b) That Draft Plan of Subdivision Application 25T-201710 by 1376412 Ontario Ltd. c/o Zeina Homes, (Owner), to establish a Draft Plan of Subdivision in

order to permit 18 residential lots, one stormwater management pond and three public roadways (one new proposed road and two extensions of existing public roads) for lands located at 655 Cramer Road, as shown on Appendix “B” attached to Report PED22061, be DENIED on the following basis:

- (i) The proposal is not consistent with the Land Use Compatibility Policy under the Provincial Policy Statement (PPS);
  - (ii) The proposal does not comply with the Employment policy under the Growth Plan for the Greater Golden Horseshoe (2020);
  - (iii) The proposal is not consistent with the Greenbelt Plan;
  - (iv) The proposal does not comply with the Settlement Residential policies of the Greensville Rural Settlement Area Plan and the policies for the approval of a Plan of Subdivision in the Rural Hamilton Official Plan;
  - (v) The proposal does comply with criteria relating to matters of health, safety and welfare of the present and future inhabitants as per Section 51(24) of the *Planning Act*.
- (c) That the public submissions were received and considered by the Committee in denying the application.

**7. Application for Approval of a Draft Plan of Subdivision for Lands Located at 179, 183, and 187 Wilson Street West, Ancaster (PED22081) (Ward 12) (Item 9.3)**

- (a) That Draft Plan of Subdivision Application 25T-202110, by Wilson West Development Corporation c/o Brandon Campbell, owner, to establish a Draft Plan of Subdivision on lands located at 179, 183, and 187 Wilson Street West (Ancaster), as shown on Appendix “A” attached to Report PED22081, be APPROVED subject to the following conditions:
  - (i) That this approval applies to the Draft Plan of Subdivision Application 25T-202110 prepared by A. T. McLaren Limited and certified by S. Dan McLaren, O.L.S. dated July 7, 2021, consisting of two blocks (Blocks 1 and 2) subject to the owner entering into a Standard Form Subdivision Agreement as approved by City Council attached as Appendix “B” to Report PED22081;
  - (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202110, REVISED Appendix “C” to Report PED22081, (attached hereto as Appendix “A” to Planning Committee Report 22-006), be received and endorsed by City Council;

Waste Collection:

11. That prior to registration of the plan of subdivision, the owner / developer shall include in all offers of purchase and sale and lease or rental agreements warning clauses indicating that an assigned waste collection pad may be provided for Units 14, 15, 16, and 17 of Block 3, Units 18, 19, 20, 21 and 22 of Block 4, Unit 13 of Block 2 and Unit 23 of Block 5 (for unit and block reference please refer to Appendix "E" of PED22081).
- (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 in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing within the Draft Plan of Subdivision lands.
- (b) That the public submissions regarding this matter were received and considered by the Committee in approving the application.

**8. Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) (Item 9.4)**

- (a) That Zoning By-law Amendment Application ZAC-20-044 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of 2713128 Ontario Inc. c/o Loan Nguyen and Kevin Poursina, Owner, for a change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1817" (Street - Townhouse) District, Modified (Block 1) and from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified, (Block 2), to permit the lands to be developed for six street townhouses and one single detached dwelling, on lands located at 525 Rymal Road West, as shown on Appendix "A" attached to Report PED22083, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix "B" attached to Report PED22083, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;



- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and comply with the Urban Hamilton Official Plan (UHOP);
- (b) That Draft Plan of Subdivision Application 25T-202010 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of 2713128 Ontario Inc. c/o Loan Nguyen and Kevin Poursina, Owner, to establish a Draft Plan of Subdivision on lands located at 525 Rymal Road West, as shown on Appendix “E” attached to Report PED22083, be APPROVED on the following basis:
  - (i) That this approval applies to the Draft Plan of Subdivision Application 25T-202010 prepared by A. J. Clarke and Associates Ltd. and certified by Nicholas P. Muth, O.L.S. dated July 5, 2021, consisting of one block (Block 8), and seven lots (Lots 1-7), subject to the owner entering into a Standard Form Subdivision Agreement as approved by City Council, attached as Appendix “E” to Report PED22083;
  - (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202010, attached as Appendix “F” to Report PED22083, 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 in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing within the Draft Plan of Subdivision lands;
- (c) That upon finalization of the amending By-law, the subject lands shown as Block “1” on Appendix “A” attached to Report PED22083 be re-designated from “Single and Double” to “Attached Housing” in the Carpenter Neighbourhood Plan.
- (d) That the public submissions regarding this matter were received and considered by the Committee in denying the application.

**9. Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8) (Item 9.5)**

- (a) That Amended Zoning By-law Amendment Application ZAC-21-036 by Urban Solutions Planning and Land Development Consultants Inc. c/o Matt Johnston on behalf of Angros Enterprises Ltd. c/o Victor Fontana, owner, for a change in zoning from the "AA" (Agricultural) District and from the "C" (Urban Protected Residential, etc.) District to the "RT-30/S-1818" (Street - Townhouse) District, Modified, to permit the lands to be developed for nine street townhouses on lands located at 866 West 5<sup>th</sup> Street, as shown as Blocks 1 and 2 on Appendix "A" attached to Report PED22090, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "B" attached to Report PED22090, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and comply with the Urban Hamilton Official Plan (UHOP);
- (b) That upon finalization of the amending By-law, the subject lands be re-designated from "Single and Double" to "Attached Housing" in the Gourley Neighbourhood Plan.
- (c) That the public submissions regarding this matter were received and considered by the Committee in approving the application.

**10. Status Update for Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037(a)) (Ward 12) (Item 10.1)**

That Report PED22037(a) respecting Status Update for Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East, be received.

**11. Demolition Control and Heritage (PED22093) (City Wide) (Item 10.2)**

That the Demolition Control Area By-Law attached as Appendix "A" to Report PED22093, which repeals and replaces the existing Demolition Control Area By-Law No. 09-208 and its amending By-Law No. 13-185, be approved.

**12. Taxi Meter Rate Increase (PED22105) (City Wide) (Item 10.3)**

- (a) That Appendix 1 (Taxicab Tariff/Fares) of Schedule 25 (Taxi Cabs) of the Licensing By-law 07-170 be amended to identify that *the first 71.4 meters or part thereof* be set to \$4.90; and,
- (b) That the draft By-law attached as Appendix “A” to Report PED22105 to amend the City of Hamilton’s By-Law 07-170 which has been prepared in a form satisfactory to the City Solicitor, be enacted.

**13. Demolition Permit for 73 and 77 Stone Church Road West and 1029 West 5th Street - Demolition of Three Single Family Dwellings in Preparation for new Development (Item 11.1)**

WHEREAS the owner has received conditional site plan approval 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 73 and 77 Stone Church Road West and 1029 West 5th Street, 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 the conditions of section 6(a), (b), and (c) of the Demolition Control By-law 09-208.

**14. Demolition Permit for 387, 397, 405 and 409 Hamilton Drive, Ancaster (Item 11.2)**

WHEREAS, the developer of the subject property has assumed a previously submitted application for a Zoning By-law Amendment and Draft Plan of Subdivision (File Nos. ZAC-18-048 / 25T-201809) to permit the development of a residential plan of subdivision for 17 single detached residential lots and a stormwater management pond;

WHEREAS the subject properties on Hamilton Drive in Ancaster have homes and garages that have been vacant and boarded up for years;

WHEREAS demolition permits are being requested to alleviate ongoing trespass and vandalism issues associated with these vacant structures while planning issues are being resolved;

THEREFORE BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permits for 387, 397, 405 and 409 Hamilton Drive, Ancaster, 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 the conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

**15. Update on Recent Ontario Land Tribunal Decisions (LS22014/PED22119) (City Wide) (Added Item 14.1)**

- (a) That Report LS22014/PED22119 respecting Update on Recent Ontario Land Tribunal Decisions, be referred to the General Issues Committee; and,
- (b) That Report LS22014/PED22119 respecting Update on Recent Ontario Land Tribunal Decisions remain private and confidential.

**FOR INFORMATION:**

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

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

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

- 6.2 Bob Maton, Ancaster Village Heritage Community, respecting Revisions to the Demolition By-law (Item 10.2)

**2. CONSENT ITEMS (Item 7)**

- 7.2 Appointment By-law under the Building Code Act, 1992 (PED22099) (City Wide) - WITHDRAWN
- 7.5 Hamilton Municipal Heritage Committee Report 22-003
- 7.6 Non-Decision Appeals to the Ontario Land Tribunal (2018 to 2022) (LS22021) (City Wide)

**3. PUBLIC HEARINGS / DELEGATIONS (Item 9)**

- 9.4 Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14)

- (a) Added Written Submission:

- (i) John Huizing

9.5 Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8)

- (a) Added Written Submission:

- (i) Josephine Poon

- (b) Added Registered Delegations:

- (i) Bruce Black
- (ii) Kimberley MacLean
- (iii) Randy Chapple

#### **4. PRIVATE AND CONFIDENTIAL (Item 14)**

14.1 Update on Recent Ontario Land Tribunal Decisions (LS22014/PED22119) (City Wide)

The agenda for the April 25, 2022 Planning Committee meeting was approved, as amended.

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

Councillor Ferguson declared a disqualifying interest regarding Item 10.3 Taxi Meter Rate Increase (PED22105), as he is an investor in the industry.

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

##### **(i) April 5, 2022 (Item 4.1)**

The Minutes of the April 5, 2022 meeting were approved, as presented.

#### **(d) DELEGATION REQUESTS (Item 6)**

##### **(i) Delegation Requests (Item 6.1 and Added Item 6.2)**

The following Delegation Requests were approved:

6.1 Amanda Stewart respecting Day Cares and Zoning By-Law Separation Requirements, to be heard before Item 9.2.

6.2 Bob Maton, Ancaster Village Heritage Community, respecting Revisions to the Demolition By-law (Item 10.2), to be heard before Item 9.2.

**(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)**

**(i) Luca Giuliano respecting the 12 Hour Parking Rule (Item 9.1)**

Luca Giuliano addressed the Committee respecting the 12 Hour Parking Rule.

The delegation from Luca Giuliano respecting the 12 Hour Parking Rule, was received.

WHEREAS, the 12 Hour Time Limit Parking Regulation has at least been in place since 2001 in all areas of City inclusive of Ancaster, Dundas, Flamborough, Glanbrook, Hamilton, and Stoney Creek.

WHEREAS, divisions within Public Works rely on the 12 Hour Time Limit Parking Regulation in order to facilitate public works functions such as but not limited to snow removal, road maintenance, etc.

WHEREAS, residents have historically relied on the 12 Hour Time Limit Parking Regulation for on street turnover intended for equal access to on street parking and to prevent vehicles from being stored/abandoned on the street.

WHEREAS, COVID 19 has put pressure on street parking availability due to residential dynamics in relation to the 12 Hour Time Limit Parking Regulation.

Whereas the 12 hour Time limit creates challenges for people working on extended work shifts and work and hybrid work models.

THEREFORE, BE IT RESOLVED:

That staff be directed report back to Planning Committee with a review of the 12 Hour Parking Regulation and options for potential modifications.

**(ii) Amanda Stewart respecting Day Cares and Zoning By-law Separation Requirements (Added Item 9.6)**

Amanda Stewart addressed the Committee respecting Day Cares and Zoning By-law Separation Requirements.

The delegation from Amanda Stewart respecting Day Cares and Zoning By-law Separation Requirements, was received.

**(iii) Bob Maton, Ancaster Village Heritage Community, respecting Revisions to the Demolition By-law (Item 10.2) (Added Item 9.7)**

Bob Maton, Ancaster Village Heritage Community, addressed the Committee respecting Revisions to the Demolition By-law (Item 10.2).

The delegation from Bob Maton, Ancaster Village Heritage Community, respecting Revisions to the Demolition By-law (Item 10.2), was received.

For disposition of this matter, refer to Item 11.

In accordance with the *Planning Act*, Chair Ferguson 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 Ferguson 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 Development 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.

**(iv) Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) (Item 9.2)**

No members of the public were registered as Delegations.

The staff presentation was waived.

Steve Fraser with AJ Clarke & Associates, was in attendance and indicated he was not in support of the staff report.

The delegation from Steve Fraser with AJ Clarke & Associates, was received.

The written submissions in the staff report were received.

The public meeting was closed.

- (a) That Zoning By-law Amendment Application ZAC-17-064, by 1376412 Ontario Ltd. c/o Zeina Homes, (Owner), for a change in zoning from Settlement Residential "R2-14(H)", Modified – Holding

Zone to a site specific Settlement Residential “R2” Zone, Modified, and the Conservation / Hazard Land (P5) Zone, for lands located at 655 Cramer Road, as shown on Appendix “A” attached to Report PED22061, be DENIED on the following basis:

- (i) That the proposal is not consistent with the Provincial Policy Statement (PPS);
  - (ii) The proposal does not comply with the Provincial D-6 Guidelines: Compatibility Between Industrial Facilities;
  - (iii) The proposal does not comply with the Growth Plan for the Greater Golden Horseshoe (2020);
  - (iv) The proposal does not comply with the Settlement Residential policies under the Greensville Rural Settlement Area Plan of the Rural Hamilton Official Plan;
  - (v) The proposal is not consistent with the Greenbelt Plan (2017).
- (b) That Draft Plan of Subdivision Application 25T-201710 by 1376412 Ontario Ltd. c/o Zeina Homes, (Owner), to establish a Draft Plan of Subdivision in order to permit 18 residential lots, one stormwater management pond and three public roadways (one new proposed road and two extensions of existing public roads) for lands located at 655 Cramer Road, as shown on Appendix “B” attached to Report PED22061, be DENIED on the following basis:
- (i) The proposal is not consistent with the Land Use Compatibility Policy under the Provincial Policy Statement (PPS);
  - (ii) The proposal does not comply with the Employment policy under the Growth Plan for the Greater Golden Horseshoe (2020);
  - (iii) The proposal is not consistent with the Greenbelt Plan;
  - (iv) The proposal does not comply with the Settlement Residential policies of the Greensville Rural Settlement Area Plan and the policies for the approval of a Plan of Subdivision in the Rural Hamilton Official Plan;
  - (v) The proposal does comply with criteria relating to matters of health, safety and welfare of the present and future inhabitants as per Section 51(24) of the Planning Act.



The recommendations in Report PED22061 were **amended** by adding the following sub-section (c):

- (c) ***That the public submissions were received and considered by the Committee in denying the application.***

For disposition of this matter, refer to Item 6.

- (iv) **Application for Approval of a Draft Plan of Subdivision for Lands Located at 179, 183, and 187 Wilson Street West, Ancaster (PED22081) (Ward 12) (Item 9.3)**

No members of the public were registered as delegations.

James Van Rooi, Planner I, addressed the Committee with the aid of a PowerPoint Presentation.

The staff presentation was received.

Katelyn Gillis with T. Johns Consulting, was in attendance and indicated support for the staff report.

The delegation from Katelyn Gillis with T. Johns Consulting, was received.

The written submissions in the staff report were received.

The public meeting was closed.

- (a) That Draft Plan of Subdivision Application 25T-202110, by Wilson West Development Corporation c/o Brandon Campbell, owner, to establish a Draft Plan of Subdivision on lands located at 179, 183, and 187 Wilson Street West (Ancaster), as shown on Appendix "A" attached to Report PED22081, be APPROVED subject to the following conditions:
  - (i) That this approval applies to the Draft Plan of Subdivision Application 25T-202110 prepared by A. T. McLaren Limited and certified by S. Dan McLaren, O.L.S. dated July 7, 2021, consisting of two blocks (Blocks 1 and 2) subject to the owner entering into a Standard Form Subdivision Agreement as approved by City Council attached as Appendix "B" to Report PED22081;
  - (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202110, attached as Appendix "C" to Report PED22081, 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 in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing within the Draft Plan of Subdivision lands.

Appendix "C" to Report PED22081 was **amended** by adding Condition 11, as follows:

**Waste Collection:**

- 11. ***That prior to registration of the plan of subdivision, the owner / developer shall include in all offers of purchase and sale and lease or rental agreements warning clauses indicating that an assigned waste collection pad may be provided for Units 14, 15, 16, and 17 of Block 3, Units 18, 19, 20, 21 and 22 of Block 4, Unit 13 of Block 2 and Unit 23 of Block 5 (for unit and block reference please refer to Appendix "E" of PED22081).***

The recommendations in Report PED22081 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.

- (v) **Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) (Item 9.4)**

No members of the public were registered as Delegations.

The staff presentation was waived.

Ryan Ferrari and Steve Fraser with AJ Clarke & Associates, were in attendance and indicated support for the staff report.

The delegation from Ryan Ferrari and Steve Fraser with AJ Clarke & Associates, was received.

The following written submission (Added Item 9.4(a)), were received:

- (i) John Huizing, with concerns regarding the application.

The public meeting was closed.

- (a) That Zoning By-law Amendment Application ZAC-20-044 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of 2713128 Ontario Inc. c/o Loan Nguyen and Kevin Poursina, Owner, for a change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1817" (Street - Townhouse) District, Modified (Block 1) and from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified, (Block 2), to permit the lands to be developed for six street townhouses and one single detached dwelling, on lands located at 525 Rymal Road West, as shown on Appendix "A" attached to Report PED22083, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" attached to Report PED22083, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and comply with the Urban Hamilton Official Plan (UHOP);

- (b) That Draft Plan of Subdivision Application 25T-202010 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of 2713128 Ontario Inc. c/o Loan Nguyen and Kevin Poursina, Owner, to establish a Draft Plan of Subdivision on lands located at 525 Rymal Road West, as shown on Appendix "E" attached to Report PED22083, be APPROVED on the following basis:

- (i) That this approval applies to the Draft Plan of Subdivision Application 25T-202010 prepared by A. J. Clarke and Associates Ltd. and certified by Nicholas P. Muth, O.L.S. dated July 5, 2021, consisting of one block (Block 8), and seven lots (Lots 1-7), subject to the owner entering into a Standard Form Subdivision Agreement as approved by City Council, attached as Appendix "E" to Report PED22083;

- (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202010, attached as Appendix “F” to Report PED22083, 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 in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing within the Draft Plan of Subdivision lands;
- (c) That upon finalization of the amending By-law, the subject lands shown as Block “1” on Appendix “A” attached to Report PED22083 be re-designated from “Single and Double” to “Attached Housing” in the Carpenter Neighbourhood Plan.

The recommendations in Report PED22083 were **amended** by adding the following sub-section (d):

- (d) *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 8.

- (vi) Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8) (Item 9.5)**

James Van Rooi, Planner I, addressed the Committee with the aid of a PowerPoint Presentation.

The staff presentation was received.

Matt Johnston with Urban Solutions, was in attendance and indicated support for the staff report.

The delegation from Matt Johnston with Urban Solutions, was received.

The following written submissions (Added Item 9.5(a)), were received:

- (i) Josephine Poon, in Opposition to the application.

**Registered Delegations (Added Item 9.5(b)):**

- (i) Bruce Black addressed the Committee in Opposition to the proposal.
- (ii) Kimberley MacLean addressed the Committee in Opposition to the proposal.
- (iii) Randy Chapple addressed the Committee in Opposition to the proposal.

The following delegations were received.

- (i) Bruce Black
- (ii) Kimberley MacLean
- (iii) Randy Chapple

The public meeting was closed.

- (a) That Amended Zoning By-law Amendment Application ZAC-21-036 by Urban Solutions Planning and Land Development Consultants Inc. c/o Matt Johnston on behalf of Angros Enterprises Ltd. c/o Victor Fontana, owner, for a change in zoning from the "AA" (Agricultural) District and from the "C" (Urban Protected Residential, etc.) District to the "RT-30/S-1818" (Street - Townhouse) District, Modified, to permit the lands to be developed for nine street townhouses on lands located at 866 West 5<sup>th</sup> Street, as shown as Blocks 1 and 2 on Appendix "A" attached to Report PED22090, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix "B" attached to Report PED22090, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and comply with the Urban Hamilton Official Plan (UHOP);
- (b) That upon finalization of the amending By-law, the subject lands be re-designated from "Single and Double" to "Attached Housing" in the Gourley Neighbourhood Plan.

The recommendations in Report PED22090 were **amended** by adding the following sub-section (c):

- (c) ***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 9.

The Committee recessed from 12:32 p.m. until 1:00 p.m.

**(f) DISCUSSION ITEMS (Item 10)**

**(i) Demolition Control and Heritage (PED22093) (City Wide) (Item 10.2)**

Alissa Golden, Heritage Projects Specialist, addressed the Committee with the aid of a PowerPoint presentation.

The presentation from Alissa Golden, Heritage Projects Specialist, respecting Demolition Control and Heritage, was received.

For disposition of this matter refer to Item 11.

**(ii) Taxi Meter Rate Increase (PED22105) (City Wide) (Item 10.3)**

Due to a declared conflict, Chair Ferguson relinquished the Chair to Councillor Wilson for the discussion and voting on this matter.

For disposition of this matter, refer to Item 12.

**(g) NOTICES OF MOTION (Item 12)**

**(i) Waiving of Street Festival Fees (Added Item 12.1)**

Councillor Farr introduced the following Notice of Motion respecting Waiving of Street Festival Fees:

WHEREAS, over the past two years the COVID 19 Pandemic has significantly impacted the ability for street festivals to occur;

WHEREAS, street festivals are an important tool to support broader economic recovery planning;

WHEREAS, Hamilton Municipal Parking System typically charges a fee to help off-set the loss in revenue where street festivals remove metered on-street parking from service; and,

WHEREAS, reducing the costs associated with street festivals could accelerate their return;

THEREFORE, BE IT RESOLVED:

- (a) That the fees typically applied to offset revenue losses from metered parking being removed from service be waived for street festivals qualifying under the Special Event Advisory Team (SEAT) process be waived for the 2022 season; and,
- (b) That the estimated revenue off-set for the Hamilton Municipal Parking System be funded from the Economic Development Investment Reserve (112221) .

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

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

Jason Thorne, General Manager of Planning and Economic Development, advised the Committee of Chief Building Official Ed VanderWindt's upcoming retirement.

**(i) PRIVATE AND 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, as amended, 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 City; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, to 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 on Recent Ontario Land Tribunal Decisions (LS22014/PED22119) (City Wide) (Added Item 14.1)**

For disposition of this matter refer to Item 15.

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

There being no further business, the Planning Committee adjourned at 2:54 p.m.

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Councillor L. Ferguson  
Acting Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator



### **Special Conditions for Draft Plan of Subdivision Approval for 25T-202110**

That this approval for the Draft Plan of Subdivision, 25T-202110, prepared by T. Johns Consulting Group and certified by Dan McLaren, O.L.S., dated March 10, 2022 (Revision E, dated March 10, 2022), consisting of one development block for street townhouse dwellings (Block 1 and Block 2) be received and endorsed by City Council with the following special conditions:

#### **Development Engineering:**

1. That, **prior to registration of the final plan of subdivision**, the Owner agrees that the final plan of the subdivision shall include a 2.21 metre block widening to be dedicated to the City of Hamilton as public highway by the Owner's certificate on the plan, to establish the widened limit of Wilson Street at 15.24m (50 feet) from the center line of the original road allowance, to the satisfaction of the Director, Growth Management.

#### **Development Planning:**

2. That, **prior to preliminary grading and / or servicing**, the Owner shall prepare a Tree Preservation / Enhancement Plan, showing the location of drip lines, edges and existing plantings, the location of all existing trees and the method to be employed in retaining trees required to be protected; and to implement all approved tree saving measures. The implementation of the Plan shall include a Verification of Tree Protection Letter, prepared by a qualified professional, all to the satisfaction of the Director of Planning and Chief Planner; and,
3. That, **prior to registration of the plan of subdivision**, the Owner shall provide a Landscape Plan prepared by a certified Landscape Architect to the satisfaction of the Director of Planning and Chief Planner. The Landscape Plan is to show the placement of compensation trees required for any tree removals completed in accordance with the approved Tree Protection Plan. The minimum size of trees required for compensation are to be in accordance with the City's Tree Protection Guidelines (revised October 2010). In the event that the owner cannot provide for all trees on site, the owner shall provide cash-in-lieu for the remaining trees.

#### **Transportation Planning:**

4. That, **prior to servicing**, the Owner shall include, in the engineering design and cost estimate schedules, provision for the relocation of the concrete pad for the bus stop along Wilson Street West to the satisfaction and approval of the Manager, Transportation Planning. All costs for utility relocation are the sole responsibility of the Owner. It is the Applicant's responsibility to coordinate with the appropriate departments ahead of time.

**Canada Post:**

5. That **prior to registration of the plan of subdivision**, the Owner shall include in all offers of purchase and sale and lease or rental agreements, a statement that advises the prospective purchaser:
  - i. That the home / business mail delivery will be from a designated Centralized Mail Box; and,
  - ii. That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
  
6. That **prior to registration of the plan of subdivision**, the Owner agrees to:
  - iii. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
  - iv. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
  - v. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;
  - vi. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; and,
  - vii. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
  
7. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

**Bell Canada:**

8. That **prior to registration of the plan of subdivision**, the Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

**Rogers Communication Inc.:**

9. That **prior to registration of the plan of subdivision**, the owner / developer shall provide to Rogers Communications Inc. ("Rogers") the necessary easements and / or agreements required by Rogers for the provision of telecommunications services for this project, in a form satisfactory to Rogers.

**Union Gas:**

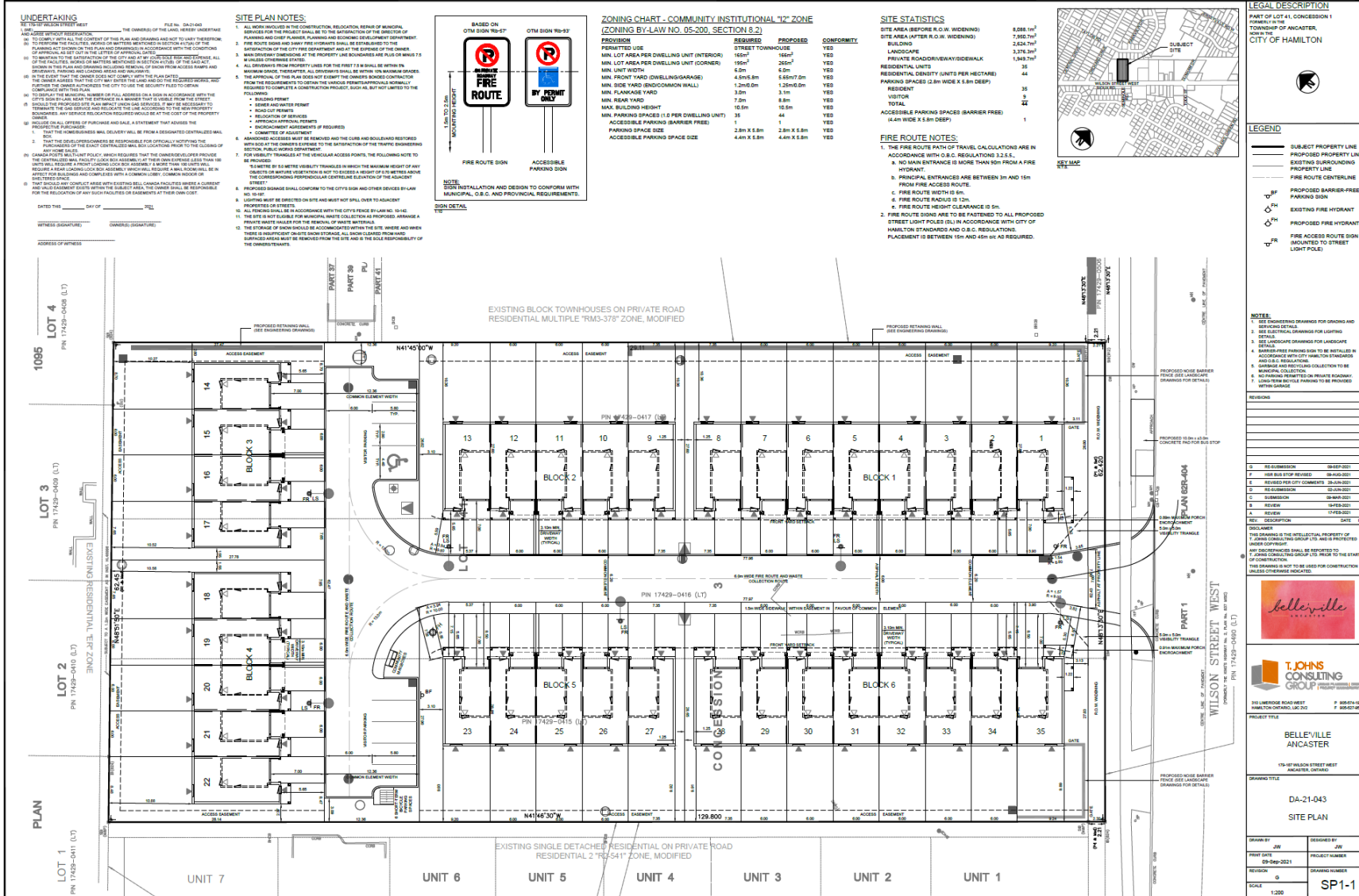
10. That **prior to registration of the plan of subdivision**, the owner / developer shall provide to Enbridge Gas Inc.'s operating as Union Gas, ("Union") the necessary easements and / or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

**Waste Collection:**

11. That **prior to registration of the plan of subdivision**, the owner / developer shall include in all offers of purchase and sale and lease or rental agreements warning clauses indicating that an assigned waste collection pad may be provided for Units 14, 15, 16, and 17 of Block 3, Units 18, 19, 20, 21 and 22 of Block 4, Unit 13 of Block 2 and Unit 23 of Block 5 (for unit and block reference please refer to Appendix "E" of PED22081).

**NOTES TO DRAFT PLAN APPROVAL**

1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received two months before the draft approval lapses.





**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
**Financial Planning, Administration and Policy Division**

<b>TO:</b>	Chair and Members Audit, Finance and Administration Committee
<b>COMMITTEE DATE:</b>	April 21, 2022
<b>SUBJECT/REPORT NO:</b>	Request for Sustainability and Financial Viability Audit of Hamilton Waterfront Trust (FCS22038) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Brian McMullen (905) 546-2424 Ext. 4549
<b>SUBMITTED BY:</b>	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
<b>SIGNATURE:</b>	

### RECOMMENDATION(S)

- (a) That the estimated cost of up to \$50,000 for the Sustainability and Financial Viability Audit of Hamilton Waterfront Trust be funded from Tax Stabilization Reserve #110046.
- (b) That the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, be approved.

### EXECUTIVE SUMMARY

Council, at its meeting on March 30, 2022, approved Item 1 of Audit, Finance and Administration Committee Report 22-007 that directed staff to develop a scope of work and report back to the Audit, Finance and Administration Committee on April 21, 2022 on an independent third-party audit review to verify the financial strength of the Hamilton Waterfront Trust on a going forward basis.

Hamilton Waterfront Trust (HWT), initially known as Hamilton Harbour Development Trust, was established through a Trust Deed dated November 24, 2000 between the City and the Hamilton Harbour Commissioners (the Commissioners”) now known as the Hamilton Port Authority (the HPA”).

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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: Request for Sustainability and Financial Viability Audit of Hamilton Waterfront Trust (FCS22038) (City Wide) – Page 2 of 5**

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On or about November 24, 2000, the Commissioners transferred to the Trust approximately \$6.3 M for the purposes of land assembly, improvements and development costs relating to Hamilton's West Harbour which funds have long since been invested or expended and the Trust has since developed several alternative revenue sources.

Through the Revised Deed of Trust 2018, HWT shall appear before the Council, or an appropriate Committee of the City, to present and report on the following:

- (a) its annual audited Financial Statements;
- (b) its Strategic and / or Business Plans and any changes thereto;
- (c) its ten (10) year Capital Plan; and
- (d) any changes to its organizational structure.

Appendix "A" to Report FCS22038 contains the scope of work that may include, but is not limited to, the following:

- Preparation of a report that evaluates and assesses the sustainability and financial viability of HWT through:
  - Review of the purpose and objectives of the Hamilton Waterfront Trust (HWT or Trust) in the Revised Deed of Trust and HWT incorporation documents
  - Review of HWT's Strategic Plan, business plans and operational plans
  - Review of HWT's multi-year operational budget, capital budget and related projections and forecasts
  - Review of HWT's cash flow forecasts
  - Review of HWT's historical financial results and trends
  - Review of appropriate HWT internal documents and records
  - Analysis and calculation of financial ratios
- Presentation of the report to City staff
- Presentation of the report at HWT Board meeting and at City of Hamilton Audit, Finance and Administration Committee

Staff is recommending that contractual audit or review services for Sustainability and Financial Viability Audit of Hamilton Waterfront Trust be single sourced through Policy #11 of the City's Procurement Policy (By-law 21-215) to a qualified vendor.

As there is no budget for the contractual, audit or review services of HWT, staff is recommending that the estimated cost of up to \$50,000 for the Sustainability and Financial Viability Audit of Hamilton Waterfront Trust be funded from Tax Stabilization Reserve #110046.

**Alternatives for Consideration – See Page 5**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

- Financial:** As there is no budget for the contractual, audit or review services of HWT, staff is recommending that the estimated cost of up to \$50,000 for the Sustainability and Financial Viability Audit of Hamilton Waterfront Trust be funded from Tax Stabilization Reserve #110046.
- Staffing:** Staff in the Financial Planning, Administration and Policy Division of the Corporate Services Department will be the lead division for the contract for audit or review services outlined in Report FCS22038.
- Legal:** Staff in Legal and Risk Management Services of the Corporate Services Department may be required to review agreements related to the audit services outlined in Report FCS22038.

## **HISTORICAL BACKGROUND**

Council, at its meeting of September 26, 2018, approved General Issues Committee (GIC) Report 18-019 and Report CM18017 HWT Revised Deed of Trust. The Revised Deed of Trust between HWT and the City of Hamilton which contains language about the purpose, governance structure, accounts and financial statements of the trust and other items.

Here are excerpts from the Revised Deed of Trust.

### **“PURPOSE OF TRUST**

- 5.... The Trust shall receive and stand possessed of the capital and income of the Trust Assets and shall invest and keep the same invested and shall pay out, use and apply all or any part of the Trust Assets from time to time exclusively for the following purposes:
- (a) to promote and facilitate the public s access to, and enjoyment of, Hamilton’s Waterfront as more specifically outlined in its Positioning Statement and its Vision Statement, each as amended from time to time;
  - (b) the improvement and development of the Lands; and
  - (c) to administer Trust Assets, funds and capital gifts from donors for the purposes set out herein.”

“ACCOUNTS AND FINANCIAL STATEMENTS

13. The Trustees shall appoint an auditor and shall keep accurate and detailed accounts and records of all receipts, disbursements, investments and transactions relating to the Trust Assets, and shall prepare or cause to be prepared all financial statements required by law to be prepared on behalf of the Trust or with respect to the Trust Assets from time to time.

Without limiting the generality of the foregoing, the Trustees shall prepare and file with each of the City and the Trust and annual financial report accompanied by the auditor's report thereon for the Trust Assets as soon as practicable after the end of the fiscal year of the Trust, and shall also provide to each of the City and Trust such information and material respecting the Trust Assets as either of them may in writing request from time to time.”

Council, at its meeting of November 10, 2021, approved Communications Item d (i) of Audit, Finance and Administration Committee Report 21-019 being Correspondence from the Hamilton Waterfront Trust including their December 31, 2020 Audited Financial Statements.

Council, at its meeting on March 30, 2022, approved Item 1 of Audit, Finance and Administration Committee Report 22-007 that directed staff to develop a scope of work and report back to the Audit, Finance and Administration Committee on April 21, 2022 on an independent third-party audit review to verify the financial strength of the Hamilton Waterfront Trust on a going forward basis.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Revised Deed of Trust between HWT and the City of Hamilton with an effective date of October 1, 2018 guides the work contemplated in Report FCS22038.

Staff is recommending that contractual audit or review services for Sustainability and Financial Viability Audit of Hamilton Waterfront Trust be single sourced through Policy #11 of the City's Procurement Policy (By-law 21-215) to a qualified vendor. Under the Procurement Policy, General Managers have authority up to but not including \$250,000 for a single source or short supply type purchase because it is more cost effective or beneficial for the City. While the work contemplated in Report FCS22038 is expected to be less than \$250,000, Council approval is not required but has been included.

**RELEVANT CONSULTATION**

Staff in the Office of the City Auditor were consulted in preparation of Report FCS22038.



## **ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

The scope of work for the contract for audit or review services of the Sustainability and Financial Viability of Hamilton Waterfront Trust HWT is contained in Appendix “A” to Report FCS22038.

Staff is recommending the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, of the services required in Report FCS22038.

As there is no budget for the contractual audit or review services of HWT, staff is recommending that the estimated cost of up to \$50,000 for the Sustainability and Financial Viability Audit of Hamilton Waterfront Trust be funded from Tax Stabilization Reserve #110046.

## **ALTERNATIVES FOR CONSIDERATION**

An alternative to selecting an external vendor for the consulting services for the audit or review of the Sustainability and Financial Viability of Hamilton Waterfront Trust could be that internal City staff perform the work.

Council, at its meeting of September 11, 2019, approved Item 3 of Audit, Finance and Administration Committee Report 19-012 the 2019 to 2022 Workplan for the Office of the City Auditor (OCA) in Report AUD19007 which included a Value for Money audit of the Hamilton Waterfront Trust. Due to other commitments, staff in the OCA have not been able to perform this work. Additional funding in 2022 would be required to perform this work so that postponement of other planned work is not required. If staff in the OCA were to lead this work, the role of external vendor would be reduced.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

### **Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report FCS22038 – Sustainability and Financial Viability Audit of Hamilton Waterfront Trust – Scope of Work

BM/dt

## **Sustainability and Financial Viability Audit of Hamilton Waterfront Trust Proposed Scope of Work**

The scope of work may include, but is not limited to, the following:

- Preparation of a report that evaluates and assesses the sustainability and financial viability of HWT through:
  - Review of the purpose and objectives of the Hamilton Waterfront Trust (HWT or Trust) in the Revised Deed of Trust and HWT incorporation documents
  - Review of HWT’s Strategic Plan, business plans and operational plans
  - Review of HWT’s multi-year operational budget, capital budget and related projections and forecasts
  - Review of HWT’s cash flow forecasts
  - Review of HWT’s historical financial results and trends
  - Review of appropriate HWT internal documents and records
  - Analysis and calculation of financial ratios
- Presentation of the report to City Staff
- Presentation of the report at HWT Board meeting and at City of Hamilton Audit, Finance and Administration Committee

# CITY OF HAMILTON

## MOTION

Council: April 27, 2022

**MOVED BY MAYOR F. EISENBERGER.....**

**SECONDED BY COUNCILLOR.....**

**Amendment to Item 8(c) of General Issues Committee Report 19-019, respecting Investigation of Light Rail Transit (LRT) Systems in Neighbouring Municipalities by Members of the Advisory Committee for Persons with Disabilities**

WHEREAS, the Advisory Committee for Persons with Disabilities (ACPD) is recommending an amendment to Item 8 (c) of the October 2, 2019, General Issues Committee Report 19-019 respecting the Investigation of Light Rail Transit (LRT) Systems in Neighbouring Municipalities by Members of the Advisory Committee for Persons with Disabilities to allow any member of the Advisory Committee for Persons with Disabilities to be able to travel to neighbouring municipalities to investigate and compare LRT systems with transportation costs to be funded from the ACPD Budget.

THEREFORE, BE IT RESOLVED:

That Sub-section (c) to Item 8 to the General Issues Committee Report 19-019, respecting Investigation of Light Rail Transit (LRT) Systems in Neighbouring Municipalities by Members of the Advisory Committee for Persons with Disabilities, be **amended** by deleting the words: ***‘the following’*** and by deleting the list of names, to read as follows:

**8. Advisory Committee for Persons with Disabilities Report 19-008, September 10, 2019 (Item 10.7)**

**(c) Investigation of Light Rail Transit (LRT) Systems in Neighbouring Municipalities by Members of the Advisory Committee for Persons with Disabilities (Added Item 11.1)**

WHEREAS, the Transportation Working Group believes that it would be beneficial for the Advisory Committee for Persons with Disabilities to investigate the Light Rail Transit (LRT) Systems in neighbouring municipalities like Kitchener;

THEREFORE, BE IT RESOLVED:

- (a) That ~~the following~~ Members of the Advisory Committee for Persons with Disabilities be approved to travel to neighbouring municipalities to investigate and compare Light Rail Transit (LRT) systems, with the transportation costs to be funded from the Advisory Committee for Persons with Disabilities 2018 approved budget for conferences and related travel expenses, to an upset limit of \$1,000.

~~(i) — Shahan Aaron~~  
~~(ii) — Jayne Cardno~~  
~~(iii) — Anthony Frisina~~  
~~(iv) — John Hawker~~  
~~(v) — Aznive Mallet~~  
~~(vi) — Mark McNeil~~

Main Motion, as **Amended**, to read as follows:

**8. Advisory Committee for Persons with Disabilities Report 19-008, September 10, 2019 (Item 10.7)**

- (c) **Investigation of Light Rail Transit (LRT) Systems in Neighbouring Municipalities by Members of the Advisory Committee for Persons with Disabilities (Added Item 11.1)**

WHEREAS, the Transportation Working Group believes that it would be beneficial for the Advisory Committee for Persons with Disabilities to investigate the Light Rail Transit (LRT) Systems in neighbouring municipalities like Kitchener;

THEREFORE, BE IT RESOLVED:

That Members of the Advisory Committee for Persons with Disabilities be approved to travel to neighbouring municipalities to investigate and compare Light Rail Transit (LRT) systems, with the transportation costs to be funded from the Advisory Committee for Persons with Disabilities 2018 approved budget for conferences and related travel expenses, to an upset limit of \$1,000.

# CITY OF HAMILTON MOTION

COUNCIL: April 27, 2022

**MOVED BY MAYOR F. EISENBERGER.....**

**SECONDED BY COUNCILLOR.....**

## **FINANCIAL RELIEF FOR UKRAINE AID**

WHEREAS, the dire humanitarian situation in Ukraine has led to extreme shortages of medical and health supplies, non-perishable food, or non-lethal military essential materials (boots, tactical gloves, helmets, knee/elbow pads, socks, underwear, carrier vests);

WHEREAS, Taras Bulba Ukraine Support 2022 (local volunteers) are coordinating large donations of these critically needed goods which require air and ground transport to the Ukraine;

WHEREAS, financial donations of over \$50,000 from organizations (such as the Ukrainian Credit Union and their members) and individuals in our community have financed the transit of supplies to date but additional funding from the City is requested to support the relief effort;

**THEREFORE, BE IT RESOLVED:**

That the City of Hamilton provide a grant of up to \$50,000, to be funded from Tax Stabilization Reserve 110046, towards air and ground transportation costs incurred by Taras Bulba Ukraine Support 2022 for a maximum of four cargo shipments scheduled between late April through June 2022.

Attachment:

Letter from Taras Bulba Ukraine Support 2022 requesting the City’s assistance.



## TARAS BULBA UKRAINE SUPPORT 2022

FEDERAL NON-PROFIT ORGANIZATION  
EST. 04/20/2022

DIRECTOR: STEFAN T. SOBOLEWSKI  
EMAIL: TARASBULBA2022@HOTMAIL.COM

April 22<sup>nd</sup>, 2022

Greetings Honorable Mayor Fred Eisenberger,

Thank you for taking the time to find assistance with my Hamilton Ukrainian Humanitarian Support charters. I had the opportunity to speak with the associate Dean/School of Engineering Technology Mohawk College, this afternoon and there will be space provided until June 1<sup>st</sup>. Regarding costs, I would like now to take this time and request to you and City council to help assist our Ukraine humanitarian aid funding.

In the grand total picture, we would kindly request to you Mayor and City Council a total funding request of \$50,000.00 to support 4 upcoming humanitarian aid charters + transports. Our aid is categorized in 4 sections:

- 1) Medical (catheters, gauzes, first aid kits, saline, tourniquets, Ibuprofen 400ml, hospital gowns, syringes, etc)
- 2) Hygiene (soap, toothpaste, toothbrushes, deodorant, disinfectant wipes, diapers, feminine hygiene)
- 3) Non-perishable food items (canned food, dry food, baby formula, etc)
- 4) Military non-lethal (boots, tactical gloves, helmets, knee/elbow pads, socks, underwear, carrier vests)

I plan to have these charter flights take place between April and June 2022.

Each charter flight allows us to fill 4 upper-deck cargo containers of a maximum 650 boxes in total. I look forward to your response Mayor and City Council and truly appreciate that I have this opportunity to present this matter to you all at this critical time.

Your truly,

Stefan T. Sobolewski

# CITY OF HAMILTON

## MOTION

Council: April 27, 2022

**MOVED BY COUNCILLOR N. NANN.....**

**SECONDED BY COUNCILLOR .....**

**Amendment to Item 1 of the Emergency and Community Services Committee Report 21-006, respecting Adaptation and Transformation Update 3, which was approved at Council on June 9, 2021**

WHEREAS, on June 9, 2021 Council approved a temporary increase in the women’s emergency shelter system capacity, Report HSC20020(c), respecting Adaptation and Transformation Update 3;

WHEREAS, the temporary increase in the women’s emergency shelter system capacity included opening Emma’s Place for up to two years (15 beds) at an approximate cost of \$1.454 M, including a one-time renovation cost of approximately \$400 K and operating cost of \$310 K for a total of \$710 K in 2021 and operating cost of \$744 K in 2022;

WHEREAS, the dates as stipulated by Council were not met due to extenuating circumstances; and

WHEREAS, the capital renovations were delayed and invoiced in 2022.

THEREFORE, BE IT RESOLVED:

That sub-section (b)(i)1 to Item 1 of the Emergency and Community Services Committee Report 21-006, respecting Adaptation and Transformation Update 3, be **amended**, to read as follows:

**1. Adaptation and Transformation Update 3 (HSC20020(c)) (Item 8.1)**

- (a) That Council approve the authority of the General Manager of the Healthy and Safe Communities Department or his designate to continue to enter into contracts necessary to secure access and purchase of service for continued enhancement of supports for Hamilton’s homeless-serving system during COVID-19 including:
  - (i) Continued operation of 378 Main Street East (the former Cathedral Boys School) as a temporary shelter for men at an approximate

cost of \$1.5 M for the period of July 1, 2021 to no later than December 31, 2021;

- (ii) The rental of hotel rooms for expanded temporary housing, staffing and additional supports, cleaning, food and associated services in the approximate amount of \$7.1 M for the period of July 1, 2021 to December 31, 2021 and in the approximate amount of \$3.6 M from January 1, 2022 to no later than March 31, 2022 from vendors and providers satisfactory to the General Manager of the Healthy and Safe Communities Department or his designate;
  - (iii) Continuation of COVID-19 related supports for the homeless-serving system, including but not limited to security services, enhanced cleaning, food and associated services in the approximate amount of \$2 M for the period of July 1, 2021 to December 31, 2021 and in the approximate amount of \$1 M from January 1, 2022 to no later than March 31, 2022 from vendors and providers satisfactory to the General Manager of the Healthy and Safe Communities Department or his designate;
  - (iv) Continuation of operation of COVID-19 isolation services for people experiencing homelessness in the approximate amount of \$1.1 M for the period of July 1, 2021 to December 31, 2021 and in the approximate amount of \$540 K from January 1, 2022 to no later than March 31, 2022;
  - (v) Continuation of enhanced drop-in services including but not limited to The Living Rock Ministries, Mission Services of Hamilton Inc., Wesley Urban Ministries Inc. and The Hamilton Young Women's Christian Association (YWCA) in the approximate amount of \$1.5 M for the period of July 1, 2021 to December 31, 2021 and in the approximate amount of \$740 K from January 1, 2022 to no later than March 31, 2022;
- (b) That an evidence-based transition plan for Hamilton's emergency shelter system through post-COVID recovery be approved, with full costing and implementation details to be brought forward for review and approval by Committee and Council at a future date. The transition plan includes the following items for approval:
- (i) Temporarily increase the women's emergency shelter system capacity by up to 70 beds over and above the two existing women's emergency shelters (26 beds at current reduced capacity), by:
    - 1. Opening Emma's Place for up to two years (15 beds) at an approximate cost of \$1.45 M allocated as follows; one-time



renovation cost of approximately \$400 K **in 2022 be funded by the tax stabilization reserve** and operating cost of \$310 K ~~for a total of \$710 K~~ in 2021 and operating cost of \$744 K in 2022; and,

2. Continue to temporarily extend hotel and case management operations for up to 55 beds up to March 31, 2022, funded as per recommendation (a)(ii), while completing a further needs assessment for alternative solutions for ongoing support;
  - (ii) Further investigate transitional adaptations to the emergency shelter system through COVID-19 recovery, including: temporarily increasing the men's emergency shelter system capacity for up to two years through hotels while conducting a Request for Proposals (RFP) process to identify alternative solutions for ongoing support; investigate increasing the family emergency shelter system capacity; and completing a further needs assessment for ongoing support for couples in the emergency shelter system.
- (c) That all such purchases and grants outlined in Recommendations (a) and (b) pertaining to Budget Year ending December 31, 2021 be funded from any available source jointly deemed appropriate by the General Manager of the Healthy and Safe Communities Department and the General Manager of the Finance and Corporate Services Department including, but not limited to, one or more of the following sources: Reaching Home, Community Homelessness Prevention Initiative, any available provincial or federal funding, or in year program and/or department/corporate surplus;
- (d) That all such purchases and grants outlined in Recommendations (a) and (b) pertaining to Budget Year ending December 31, 2022 be included in the 2022 Operating Budget for Council deliberation through the 2022 Budget process;
- (e) One-time investment of \$2 M for housing allowances for clients of City funded Intensive Case Management (ICM) programs as well as additional staffing support to assist in the administration of the new allowances that will serve up to 93 individuals or households over 4 years;
  - (i) That one additional temporary staff be included in the Housing Services Division complement at an approximate annual cost of \$70 K to support the administration services required to deliver the program as outlined in Recommendation (e) and within the funding as stipulated in Recommendation (e);

- (ii) That Recommendation (e) and (e) (i) be funded annually over the 4 years, from the Housing Supplement/Housing Allowance Reserve, #112252, and if necessary, from in-year surpluses of the division and or department;
  - (iii) That any in-year Housing Services Division surplus not required to fund Recommendations (a), (b) and (e) be transferred into the Housing Supplement/Housing Allowance Reserve, #112252 to a maximum of \$2.28 M.
- (f) That the General Manager of the Healthy and Safe Communities Department or his designate be directed and authorized, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to implement the purchases and grants outlined above on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department or his designate and in a form satisfactory to the City Solicitor.

# COUNCIL COMMUNICATION UPDATES

**April 8, 2022 to April 2, 2022**

Council received the following Communication Updates during the time period listed above, the 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
April 8, 2022	Public Works	Annual Corrosion Control Program and Wastewater Treatment Facility Performance Reports Posted to City Website (City Wide) (HW.22.01)	<a href="https://www.hamilton.ca/sites/default/files/media/browser/2022-04-11/comm-update-annual-corrosion-control-program-wwtf-performance-reports.pdf">https://www.hamilton.ca/sites/default/files/media/browser/2022-04-11/comm-update-annual-corrosion-control-program-wwtf-performance-reports.pdf</a>
April 11, 2022	Corporate Services	2022 Municipal Election – Council Restricted Acts (City wide)	<a href="https://www.hamilton.ca/sites/default/files/media/browser/2022-04-12/comm-update-april2022-council-restricted-acts-period.pdf">https://www.hamilton.ca/sites/default/files/media/browser/2022-04-12/comm-update-april2022-council-restricted-acts-period.pdf</a>
April 14, 2022	Planning and Economic Development	Memorandum of Understanding with City and Aeon Studios on Barton-Tiffany Lands (Ward 2)	<a href="https://www.hamilton.ca/sites/default/files/media/browser/2022-04-14/comm-update-mou-with-city-and-aeon-studios-on-barton-tiffany-lands.pdf">https://www.hamilton.ca/sites/default/files/media/browser/2022-04-14/comm-update-mou-with-city-and-aeon-studios-on-barton-tiffany-lands.pdf</a>
April 19, 2022	Corporate Services	2757 King Street East, Hamilton – Water and Wastewater / Storm Account Credit Adjustment (Ward 5)	<a href="https://www.hamilton.ca/sites/default/files/media/browser/2022-04-21/comms-update-cs-2757kingstewaterwwcreditadjustment.pdf">https://www.hamilton.ca/sites/default/files/media/browser/2022-04-21/comms-update-cs-2757kingstewaterwwcreditadjustment.pdf</a>
April 19, 2022	Corporate Services	Expression of Interest (EOI) for Low Carbon Economy Fund – Odour Management System Upgrade to the Central Compost Facility (CCF) (City Wide)	<a href="https://www.hamilton.ca/sites/default/files/media/browser/2022-04-21/comms-update-cs-eoilowcarboneyconomyfundccf.pdf">https://www.hamilton.ca/sites/default/files/media/browser/2022-04-21/comms-update-cs-eoilowcarboneyconomyfundccf.pdf</a>
April 20, 2022	Public Works	Maintenance on the Lincoln M. Alexander Parkway (TOM2201) (City Wide)	<a href="https://www.hamilton.ca/sites/default/files/media/browser/2022-04-21/comms-update-linc-maintenance-apr202022.pdf">https://www.hamilton.ca/sites/default/files/media/browser/2022-04-21/comms-update-linc-maintenance-apr202022.pdf</a>

**Authority:** Item 14, Committee of the Whole  
 Report 01-003 (FCS01007)  
 CM: February 6, 2001  
 Ward: 2,3,4,5,6,9,10,12,13,15

**Bill No. 090**

**CITY OF HAMILTON**

**BY-LAW NO. 22-**

**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 18<sup>th</sup> 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	From	To	Adding/ Deleting	
1- Arterial Routes	C	North Waterdown Drive	West end of North Waterdown Drive	East End of North Waterdown Drive	Adding	
Schedule	Section	Highway	From	To	Adding/ Deleting	
2 - Thru Hwys	C	North Waterdown Drive	West end of North Waterdown Drive	East End of North Waterdown Drive	Adding	
Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
8 - No Parking	C	Fellowes Cres.	North	32m west of Lupo Dr. to 12m westerly	Anytime	Deleting

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

Page 2 of 6

8 - No Parking	E	<b>Victoria Avenue North</b>	East	King Street to Barton Street	Anytime	Deleting
8 - No Parking	F	<b>Waterbridge St.</b>	West	60m south of Penny Ln. (E. leg) to 18m southerly	Anytime	Deleting
8 - No Parking	E	<b>Wentworth St.</b>	East	104m north of Munroe St. to 16m northerly	2 pm - 4 pm, Friday Only - Except for Bookmobile	Deleting
8 - No Parking	A	<b>Woodward Dr.</b>	South	Elgin Pl. to 100m westerly	8 a.m. - 4 p.m. Mon. - Fri.	Deleting
8 - No Parking	E	<b>Ardleigh Street</b>	West	Rexford Drive to Stone Church Road East	December 1st to March 31st	Adding
8 - No Parking	C	<b>Bayview Court North</b>	West	24 metres north of Kusins Court to northerly end	Anytime	Adding
8 - No Parking	C	<b>Bayview Court North</b>	East	25 metres north of Greenwood Court to northerly end	Anytime	Adding
8 - No Parking	F	<b>Bellroyal Crescent</b>	North	Trafalgar Drive to 530 metres west thereof	December 1st to March 31st	Adding
8 - No Parking	F	<b>Bellroyal Crescent</b>	South	50 metres west of Weathering Heights to 27 metres west thereof	Anytime	Adding
8 - No Parking	F	<b>Bellroyal Crescent</b>	North	51 metres west of Weathering Heights to 40 metres west thereof	Anytime	Adding
8 - No Parking	F	<b>Bethune Avenue</b>	North	Rockledge Drive to Dalgleish Trail	December 1st to March 31st	Adding
8 - No Parking	F	<b>Cittadella Boulevard</b>	South	Rockledge Drive to 96 metres east of Piazzetta Avenue	December 1st to March 31st	Adding
8 - No Parking	F	<b>Cittadella Boulevard</b>	South	96 metres east of Piazzetta Avenue to Dalgleish Trail	Anytime	Adding
8 - No Parking	F	<b>Columbus Gate</b>	North	75 metres north of Rymal Road East to Lexington Avenue	December 1st to March 31st	Adding
8 - No Parking	F	<b>Columbus Gate</b>	North	Lexington Avenue to 281 metres west thereof	December 1st to March 31st	Adding
8 - No Parking	F	<b>Columbus Gate</b>	South	83 metres west of Lexington Avenue to 19 metres west thereof	Anytime	Adding
8 - No Parking	F	<b>Columbus Gate</b>	North	83 metres west of Lexington Avenue to 18 metres west thereof	Anytime	Adding
8 - No Parking	F	<b>Columbus Gate</b>	West	51 metres north of Rymal Road East to 78 metres north thereof	Anytime	Adding
8 - No Parking	F	<b>Columbus Gate</b>	South	30 metres east of Lexington Avenue to 6 metres east thereof	Anytime	Adding

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

Page 3 of 6

<i>8 - No Parking</i>	<i>F</i>	<b>Columbus Gate</b>	East	113 metres west of Lexington Avenue to 6 metres north thereof	Anytime	Adding
<i>8 - No Parking</i>	<i>F</i>	<b>Dalgleish Trail</b>	South	Rockledge Drive to 394 metres east thereof	December 1st to March 31st	Adding
<i>8 - No Parking</i>	<i>F</i>	<b>Dalgleish Trail</b>	West	55 metres north fo Bethune Avenue to 25 metres north thereof	Anytime	Adding
<i>8 - No Parking</i>	<i>F</i>	<b>Dolomiti Court</b>	North	86 metres west of Piazzetta Avenue to 97 metres east of Piazzetta Avenue	December 1st to March 31st	Adding
<i>8 - No Parking</i>	<i>F</i>	<b>Dolomiti Court</b>	North	97 metres east of Piazzetta Avenue to Dalgleish Trail	Anytime	Adding
<i>8 - No Parking</i>	<i>F</i>	<b>Dolomiti Court</b>	North & South	86 metres west of Piazzetta Drive to 79 metres west thereof around cul-de-sac	Anytime	Adding
<i>8 - No Parking</i>	<i>C</i>	<b>Fellowes Crescent</b>	Both	23 metres west of Lupo Drive to 22 metres west thereof	Anytime	Adding
<i>8 - No Parking</i>	<i>F</i>	<b>Greenwich Avenue</b>	West	Times Square Boulevard to Soho Street	December 1st to March 31st	Adding
<i>8 - No Parking</i>	<i>F</i>	<b>Lexigton Avenue</b>	South	50 metres east of Greenwich Avenue to 24 metres east thereof	Anytime	Adding
<i>8 - No Parking</i>	<i>F</i>	<b>Lexington Avenue</b>	South	Greenwich to 387 metres east thereof	December 1st to March 31st	Adding
<i>8 - No Parking</i>	<i>F</i>	<b>Lexington Avenue</b>	South	29 metres east of Greenwich Avenue to 6 metres east thereof	Anytime	Adding
<i>8 - No Parking</i>	<i>F</i>	<b>Lucille Gardens</b>	South	Trafalgar Drive to Penny Lane	December 1st to March 31st	Adding
<i>8 - No Parking</i>	<i>C</i>	<b>North Waterdown Drive</b>	Both	End to End	Anytime	Adding
<i>8 - No Parking</i>	<i>E</i>	<b>Ossington Drive</b>	North	100 metres west of Derby Street to 10 metres west thereof	Anytime	Adding
<i>8 - No Parking</i>	<i>F</i>	<b>Penny Lane</b>	West	Waterbridge Street to 77 metres north thereof	December 1st to March 31st	Adding
<i>8 - No Parking</i>	<i>F</i>	<b>Penny Lane</b>	South	84 metres north of Waterbridge Street to 180 metres east thereof	December 1st to March 31st	Adding
<i>8 - No Parking</i>	<i>F</i>	<b>Penny Lane</b>	East	Waterbridge Street to Trafalgar Drive	December 1st to March 31st	Adding
<i>8 - No Parking</i>	<i>F</i>	<b>Penny Lane</b>	North	53 metres east of Trafalgar Drive to 49 metres east thereof	Anytime	Adding
<i>8 - No Parking</i>	<i>F</i>	<b>Penny Lane</b>	East	57 metres north of Waterbridge Street to 26 metres north thereof	Anytime	Adding

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

8 - No Parking	F	<b>Piazzetta Avenue</b>	West	Bethune Avenue to Dolomiti Court	December 1st to March 31st	Adding
8 - No Parking	F	<b>Rockledge Drive</b>	West	Dalgleish Trail to Cittadella Boulevard	December 1st to March 31st	Adding
8 - No Parking	E	<b>Rowena Court</b>	South	Quaker Crescent to westerly end	December 1st to March 31st	Adding
8 - No Parking	E	<b>Shelby Avenue</b>	East	Barton Street East to Melvin Avenue	Anytime	Adding
8 - No Parking	F	<b>Soho Street</b>	North	70 metres east of Upper Red Hill Valley Parkway to 111 metres east thereof	December 1st to March 31st	Adding
8 - No Parking	F	<b>Soho Street</b>	South	171 metres east of Upper Red Hill Valley Parkway to Lexington Avenue	December 1st to March 31st	Adding
8 - No Parking	F	<b>Soho Street</b>	South	90 metres east of Upper Redhill Valley Parkway to 7 metres east thereof	Anytime	Adding
8 - No Parking	F	<b>Soho Street</b>	North	92 metres west of Greenwich Avenue to 6 metres west thereof	Anytime	Adding
8 - No Parking	F	<b>Soho Street</b>	North	33 metres east of Greenwich Avenue to 6 metres east thereof	Anytime	Adding
8 - No Parking	E	<b>Templemead Drive</b>	North	Mount Pleasant Drive to 15 metres east thereof	Anytime	Adding
8 - No Parking	E	<b>Victoria Avenue North</b>	East	King Street East to Cannon Street East	Anytime	Adding
8 - No Parking	F	<b>Waterbridge Street</b>	South	Trafalgar Drive to Penny Lane	December 1st to March 31st	Adding
8 - No Parking	F	<b>Waterbridge Street</b>	North	Penny Lane to 264 metres east thereof	December 1st to March 31st	Adding
8 - No Parking	F	<b>Waterbridge Street</b>	North	193 metres east of Penny Lane to 19 metres east thereof	Anytime	Adding
8 - No Parking	A	<b>Woodworth Drive West</b>	South	Elgin Place to 100 metres west thereof	8:00 a.m. to 4:00 p.m. Monday to Friday	Adding

<b>Schedule</b>	<b>Section</b>	<b>Highway</b>	<b>Location</b>	<b>NPA from 8am on 1st day of each month, to 11pm on 15th day of each month</b>	<b>NPA from 8am on 16th day of each month to 11pm on last day of month</b>	<b>Adding/Deleting</b>
9 - Alt Side (F/T)	F	<b>Maple</b>	Hilts to Mathers	South	North	Deleting

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

Schedule	Section	Highway	Location	NPA from 8am on 1st day of each month, to 11pm on 15th day of each month AND Dec-Mar	NPA from 8am on 16th day of each month to 11pm on last day of month Apr-Nov	Adding/Deleting
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10 - Alt Side (Apr-Nov)	E	Shelby Avenue	Barton Street to Britannia Avenue	East	West	Deleting
10 - Alt Side (Apr-Nov)	E	Shelby Avenue	Melvin Avenue to Britannia Avenue	East	West	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
12 - Permit	E	Robinson Street	South	16 metres east of Hess Street South to 12 metres east thereof	Anytime	Deleting
12 - Permit	E	Cannon Street East	North	23 metres west of Leeming Street to 6 metres west thereof	Anytime	Adding
12 - Permit	E	Park Row South	West	20 metres south of Central Avenue to 6 metres south thereof	Anytime	Adding
12 - Permit	E	Park Row South	East	43 metres south of Central Avenue to 6 metres south thereof	Anytime	Adding
12 - Permit	E	Robinson Street	South	21 metres east of Hess Street South to 6 metres east thereof	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
13 - No Stopping	C	Fellowes Crescent	South	248 feet east of the easterly curb line of the north-south leg of Fellowes Cr. to 340 feet east of the easterly curb line of the north-south leg of Fellowes Cr.	Anytime	Deleting
13 - No Stopping	E	Victoria Avenue North	East	Barton Street to Burlington Street	Anytime	Deleting
13 - No Stopping	F	Dagleish Trail	West	Cittadella Boulevard to 20 metres south thereof	Anytime	Adding
13 - No Stopping	F	Dagleish Trail	East	21 metres north of Cittadella Boulevard to 50 metres south thereof	Anytime	Adding
13 - No Stopping	F	Dagleish Trail	West	Dolomiti Court 20 metres north thereof	Anytime	Adding
13 - No Stopping	F	Dagleish Trail	West	Dolomiti Court to 20 metres south thereof	Anytime	Adding
13 - No Stopping	F	Dagleish Trail	East	11 metres north of Dolomiti Court to 50 metres south thereof	Anytime	Adding



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

<i>13 - No Stopping</i>	<i>C</i>	<b>Fellowes Crescent</b>	South	45 metres west of Lupo Drive to 19 metres west thereof	Anytime	Adding
<i>13 - No Stopping</i>	<i>F</i>	<b>Jasper Drive</b>	Both	Bonita Drive to Gray Road	8:30 a.m. to 4:30 p.m. Monday to Friday	Adding
<i>13 - No Stopping</i>	<i>A</i>	<b>Panabaker Drive</b>	East	Garner Road West to Braithwaite Avenue	7:00 a.m. to 6:00 p.m., Monday to Friday	Adding
<i>13 - No Stopping</i>	<i>F</i>	<b>Soho Street</b>	North	Upper Red Hill Valley Parkway to 50 metres east thereof	Anytime	Adding
<i>13 - No Stopping</i>	<i>F</i>	<b>Soho Street</b>	South	Upper Red Hill Valley Parkway to 90 metres east thereof	Anytime	Adding
<i>13 - No Stopping</i>	<i>F</i>	<b>Stoney Brook Drive</b>	Both	King Street East to Teak Street	8:30 a.m. to 4:30 p.m. Monday to Friday	Adding
<i>13 - No Stopping</i>	<i>E</i>	<b>Victoria Avenue North</b>	East	45 metres north of Cannon Street East to Burlington Street East	Anytime	Adding
<i>13 - No Stopping</i>	<i>E</i>	<b>Wentworth Street North</b>	East	85 metres north of Munroe Street to 37 metres north thereof	Anytime	Adding
<i>13 - No Stopping</i>	<i>E</i>	<b>Wentworth Street North</b>	West	Mars Avenue to 71 metres north thereof	Anytime	Adding

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

**PASSED** this 27<sup>th</sup> day of April, 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

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J. Pilon  
Acting City Clerk

**Authority:** Item 3, Public Works Committee  
Report 22-004 (PW22013)  
CM: March 30, 2022  
Ward: 7

**Bill No. 091**

**CITY OF HAMILTON**

**BY-LAW NO. 22-**

**To Establish City of Hamilton Land  
Described as Block 6 on Plan 62M-998  
as Part of Genoa Drive**

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001*, as amended, authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways;

**AND WHEREAS** section 31(2) of the *Municipal Act, 2001*, as amended, provides that land may only become a highway by virtue of a by-law establishing the highway.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The land, owned by and located in the City of Hamilton, described as Block 6 on Plan 62M-998, is established as a public highway, forming part of Genoa Drive;
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway; and
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this 27<sup>th</sup> day of April, 2022.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

**Authority:** Item 3, Emergency & Community  
Services Committee Report 22-006  
(HCS22025)  
Ward: City Wide  
**Bill No. 092**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

**To Authorize the Execution of the Ontario Transfer Payment Agreement for the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative between the City of Hamilton and Her Majesty the Queen in right of Ontario as represented by the Minister of Municipal Affairs and Housing for the Province of Ontario to Receive Funding Under the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative**

**WHEREAS** the City is the Service Manager under the *Housing Services Act, 2011* and is authorized to operate and manage housing, including establishing, administering and funding programs for the provision of residential accommodation in its service area;

**AND WHEREAS** the Ministry of Municipal Affairs and Housing has allocated three years of funding to the City of Hamilton under the Canada-Ontario Community Housing Initiative to repair, regenerate and expand community housing, and to protect affordability support for tenants, and the Ontario Priorities Housing Initiative to address local priorities in the areas of housing supply and affordability, including affordable rental construction, community housing repair, rental assistance, tenant supports, and affordable homeownership, in its service area;

**AND WHEREAS** in May 2019, the Ministry of Municipal Affairs and Housing established the 10-year plan for the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative which outlined guidelines through 2028;

**AND WHEREAS** on August 23, 2021, the Ministry of Municipal Affairs and Housing outlines the 2022-2023 planning allocation of \$4,672,594 funding for Canada-Ontario Community Housing Initiative and \$3,390,400 funding for Ontario Priorities Housing Initiative;

**AND WHEREAS** the Minister has not yet released the implementing regulations for both programs;

**NOW THEREFORE** Council of the City of Hamilton enacts as follows:

1. Upon receipt of the implementing regulations, the General Manager of the Healthy and Safe Communities Department or their designate is authorized and directed to enter into and sign a Transfer Payment Agreement between the City of Hamilton and Her Majesty the Queen in right of Ontario as represented by the

To Authorize the Execution of the Ontario Transfer Payment Agreement for the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative between the City of Hamilton and Her Majesty the Queen in right of Ontario as represented by the Minister of Municipal Affairs and Housing for the Province of Ontario to Receive Funding Under the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative

Page 2 of 2

Minister of Municipal Affairs and Housing for the Province of Ontario to receive funding under the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative;

2. This By-Law shall come into effect upon its passing.

**PASSED** this 27<sup>th</sup> day of April, 2022.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

**Authority:** Item 4, Emergency and Community  
Services Committee Report 22-006  
(HSC22018)  
CM: April 27, 2022  
Ward: City Wide

**Bill No. 093**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **To Amend By-law 02-285, a By-law to Regulate the Sale and Use of Fireworks and to Repeal By-law 07-025**

**WHEREAS;** section 121 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "*Municipal Act, 2001*") provides that a municipality may regulate or prohibit the sale of fireworks; and

**WHEREAS** Council enacted By-law 02-285, a By-law to Regulate the Sale and Use of Fireworks (the "Fireworks By-law") on October 9, 2002; and

**WHEREAS** Council deems it necessary to amend the Fireworks By-law to address the discharge of fireworks and to address other housekeeping matters;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. That By-law 02-285 be amended by repealing the definitions of "display fireworks", "family fireworks", "Fire Chief", "Fire Department", "General Manager", "pyrotechnics", and "prohibited fireworks" and replacing those definitions with the following:

"display fireworks" means Type F.2 high-hazard firework articles that are classed under the *Explosives Act*, and the *Explosives Regulations* under that Act, designed for use by professionals holding a Fireworks Operator Certificate issued by the Explosives Regulatory Division of Natural Resources Canada (NRCan). These articles include but are not limited to items such as aerial shells, cakes, roman candles, waterfalls, lances and wheels;

"family fireworks" has the same meaning as "consumer fireworks" under the *Explosives Act* and means Type F.1 low-hazard firework articles that are classed under the *Explosives Act*, and the *Explosives Regulations* under that Act, designed for recreational use by the public. These articles include but are not limited to items such as roman candles, sparklers, fountains, wheels, volcanoes, mines, and snakes;

"Fire Chief" means the City's Fire Chief of the Hamilton Fire Department, or their designate;

"Fire Department" means the Hamilton Fire Department;

“General Manager” means the City’s General Manager of the Healthy and Safe Communities Department, or their designate;

“pyrotechnics” means Type F.3 high-hazard pyrotechnic articles that are classed under the *Explosives Act*, and the *Explosives Regulations* under that Act, designed for use by professionals holding a Fireworks Operator Certificate issued by the Explosives Regulatory Division (ERD) of Natural Resources Canada (NRCan). These articles include items such as gerbs, mines, comets and crossettes. Certification for pyrotechnics also includes special purpose pyrotechnics manufactured for the film and television industry.

“prohibited fireworks” means firecrackers, flying lanterns, and also those types of fireworks more particularly described in Schedule “A” hereto annexed;

3. That By-law 02-285 be amended by adding the following definitions:

“Display Supervisor” means an individual possessing a valid Fireworks Operator certificate at the level of Supervisor as issued by the Explosives Regulatory Division (ERD) of Natural Resources Canada (NRCan);

“*Explosives Act*” means the *Explosives Act*, R.S.C. 1985, c. E-17, as amended;

“*Explosives Regulations*” means Explosives Regulations, 2013 (SOR/2013-211), as amended;

4. That the title in section 2 of By-law 02-285 be amended by repealing the title and replacing it with the following:

Ban Against Possession or Use of Prohibited Fireworks

5. That By-law 02-285 be amended by repealing subsections 2.1, 2.2, and 2.3 and replacing them with the following:

- 2.1 No person within the City shall possess, offer for sale, cause or permit to be sold, or sell any prohibited fireworks.

- 2.2 No person within the City shall discharge, fire, set off or cause, or permit to be discharged, fired or set off any prohibited fireworks.

- 2.3 The prohibition against the possession of prohibited fireworks under subsection 2.1 does not apply with respect to prohibited fireworks that are within the City solely as a result of their being in transit while being transported by a railway, airline, trucking company or other public carrier.

6. That By-law 02-285 be amended by adding the following subsection after subsection 3.2:

- 3.3 No person shall offer for sale, cause or permit to be sold, or sell family fireworks without displaying or otherwise making available to purchase, the fireworks information outlining the safe handling of fireworks, including any information or brochures that may be required under the *Explosives Act* or supplied by the manufacturer.
7. That subsection 5.3 of By-law 02-285 be amended to replace the word “fourteen” with the word “seven”.
8. That By-law 02-285 be amended by repealing subsection 6.1 and replacing it with the following:
- 6.1 Subject to subsection 6.2, no person shall set off family fireworks except on Victoria Day and Canada day, or the day immediately following either of those days if precluded by inclement weather on Victoria Day or Canada Day, and every person shall only set off family fireworks on those permitted days during the time period between dusk and 11:00 p.m.
9. That By-law 02-285 be amended by repealing subsection 6.5 and replacing it with the following:
- 6.5 No person shall set off family fireworks:
- (a) on or into any highway, street, lane, boulevard, roundabout, or private roadway;
  - (b) on or into any land used for school purposes;
  - (c) on or into any park, parkette, trail, linear park, land used for storm water management, square, other public place or any land owned by the government of Canada, or the City of Hamilton, or any of their boards or agencies; or
  - (d) on any land whatsoever, except on land belonging to the person setting off the fireworks, or on other privately-owned land where the consent of the owner has been obtained.
10. That By-law 02-285 be amended by repealing subsection 7.1 and replacing it with the following:
- 7.1 No person shall sell or otherwise distribute, offer for sale, cause or permit to be sold, or possess for the purposes of sale or distribution, any display fireworks unless,
- (a) those fireworks are included on the most recent list of authorized explosives as published from time to time by the Explosives Regulatory Division of the Department of Natural Resources Canada or its successor; and

(b) the fireworks are kept and maintained in a magazine licensed by the Explosives Regulatory Division of the Department of Natural Resources Canada or its successor.

11. That By-law 02-285 be amended by repealing subsection 7.2 (b) and replacing it with the following:
  - 7.2 (b) holds a valid Fireworks Operator certificate at the level of Display Supervisor.
12. That By-law 02-285 be amended by repealing subsection 8.1 and replacing it with the following:
  - 8.1 Any person eighteen years of age or over, who is duly authorized under the *Explosives Act* and approved thereunder as a Display Supervisor, may apply to the General Manager of Healthy and Safe Communities, for a permit to set off or hold a display of display or family type fireworks.
13. That subsection 8.2 of By-law 02-285 be amended by repealing the words “fireworks supervisor” and replacing them with “Display Supervisor”.
14. That By-law 02-285 be amended by repealing subsection 8.6 (d) and replacing it with the following:
  - 8.6 (d) proof that the applicant has been approved by the Explosives Regulatory Division of the Department of Natural Resources Canada as a Display Supervisor.
15. That By-law 02-285 be amended by repealing subsection 8.9 (b) and replacing it with the following:
  - 8.9 (b) conform to the provisions of the current issue of the Display Fireworks Manual as published from time to time by the Explosives Regulatory Division of the Department of Natural Resources Canada, or any successor publication, for the setting off or holding of a display of display fireworks.
16. That By-law 02-285 be amended by repealing subsection 11.2 (b) and replacing it with the following:
  - 11.2 (b) the specifications, recommendations or requirements, as the case may be, set down in the Special Effects Pyrotechnic Manual as issued and updated from time to time by the Explosives Regulatory Division of the Department of Natural Resources Canada.
17. That in all other respects, By-law 02-285 is confirmed; and



18. That By-law 07-025, a By-law to Amend Fireworks By-law No. 02-285 to Provide for the Sale of Family Fireworks for a Period of 14 days, Prior to Holidays be repealed in its entirety; and
19. That the provisions of this by-law shall become effective on the date approved by City Council.

**PASSED** this 27<sup>th</sup> day of April, 2022.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

**Authority:** Item 2, Planning Committee  
Report: 22-005 (PED22062)  
CM: April 13, 2022  
Ward: 2

**Bill No. 094**

**CITY OF HAMILTON**

**BY-LAW NO. 22-**

**To Adopt:**

**Official Plan Amendment No. 248  
to the City of Hamilton Official Plan**

Respecting:

**222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington  
Street North, Hamilton**

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Amendment No. 248 to the City of Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

**PASSED** this 27<sup>th</sup> day of April, 2022.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

**Amendment No. 248**  
**to the**  
**City of Hamilton Official Plan**

The following text, together with Appendix "A", attached hereto, constitutes Official Plan Amendment No. 248 to the City of Hamilton Official Plan.

**1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to amend the West Harbour (Setting Sail) Secondary Plan by changing the designation of a portion of the subject lands from "Low Density Residential" and "Local Commercial" to "Mixed Use" and by establishing a Special Policy Area to permit a seven storey mixed use apartment building with commercial uses on the ground floor, professional offices and professional medical offices on the second floor and residential dwelling units on the upper storeys.

**2.0 Location:**

The lands affected by this Amendment are known municipally as 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, in the former City of Hamilton.

**3.0 Basis:**

The basis for permitting this Amendment is as follows:

- The proposed development efficiently utilizes the existing infrastructure, positively contributes to the streetscape, and makes use of an underutilized parcel;
- The proposed development implements the vision of the West Harbour (Setting Sail) Secondary Plan in that it maintains Barton Street East as a primary retail street, while providing intensification at a form and scale that is compatible with the surrounding area;
- 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 Changes:**

#### **4.1 Text Changes:**

4.1.1 That a new Policy be added to the City of Hamilton Official Plan as Policy No. A.6.3.3.1.17.3:

"A.6.3.3.1.17.3 The following shall apply to the lands known municipally as 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, designated Mixed Use and identified as Site Specific Policy Area – 13 on Schedule M-2: General Land Use of the West Harbour (Setting Sail) Secondary Plan:

- i) In addition to Policy A.6.3.3.1.17 i), an apartment building with ground-floor, street-related commercial uses and second floor commercial uses shall be permitted;
- ii) In addition to Policy A.6.3.3.1.17 ii) a professional medical office shall be permitted on the ground floor;
- iii) The range of commercial uses permitted on the second floor of the building shall include business, personal services, professional office, and professional medical offices; and,
- iv) Notwithstanding Policy A.6.3.3.1.17 iv), the maximum building height shall be 7 storeys."

#### **4.2 Map/Schedule Changes:**

4.2.1 That Schedule M-2: General Land Use Map, of the West Harbour (Setting Sail) Secondary Plan is amended by:

- a) Redesignating the lands at 255, 257, 261, 263 and 263 Wellington Street North from "Low Density Residential" to "Mixed Use";
- b) Redesignating the lands at part of 222 Barton Street East, 226 and 228 Barton Street East and 265 Wellington Street North from "Local

Commercial" to "Mixed Use"; and,

- c) identifying the subject lands as Special Policy Area – 13,  
as shown on Appendix "A" to this Amendment.

**5.0 Implementation:**

An implementing Zoning By-law Amendment will give effect to this Amendment.

This is Schedule "1" to By-law No. 22-094 passed on the 27<sup>th</sup> day of April, 2022.

**The  
City of Hamilton**

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

**Authority:** Item 2, Planning Committee  
Report 22-005 (PED22062)  
CM: April 13, 2022  
Ward: 2

**Bill No. 095**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **To Amend Zoning By-law No. 05-200, Respecting Lands Located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton**

**WHEREAS** Council approved Item 2 of Report 22-005 of the Planning Committee, at its meeting held on April 13, 2022; and.

**AND WHEREAS** this By-law conforms to the City of Hamilton Official Plan, upon the adoption of the City of Hamilton Official Plan Amendment No. 248;

**NOW THEREFORE** Council amends Zoning By-law No. 05-200 as follows:

1. That Map 911 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 is amended by adding the lands as Mixed Use Medium Density – Pedestrian Focus (C5a, 774, H124) Zone for the lands identified in the Location Map attached as Schedule "A" to this By-law;
2. That Schedule "C" – Special Exceptions is amended by adding the following new Special Exception:
  - "774. Within the lands zoned Mixed Use Medium Density - Pedestrian Focus (C5a, 774, H124) Zone, identified on Map 911 of Schedule "A" – Zoning and described as 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, the following special provisions shall apply:
    - a) Notwithstanding Section 5.6 c) iv) as it relates to Office and Medical Clinic the following minimum parking requirements shall apply:
      - i) Office 1 space per 27 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
      - ii) Medical Clinic 1 space per 27 square metres of gross floor area which accommodates such use.
    - b) Notwithstanding Section 10.5a.3 a), d) ii); and, h) ix) and x) the following regulations shall apply:

- |      |   |  |
|------|---|--|
| i)   | Maximum Building Setback from a Street Line | 3.7 metres   |
| ii)  | Building Height                             | Maximum 25.0 metres.   |
| iii) | Built form for New Development              | A) A minimum of 50% of the area of the ground floor façade facing the street shall be composed of doors and windows.<br><br>B) The first storey shall have a maximum height of 5.6 metres. |
| iv)  | Maximum Gross Floor Area for Medical Clinic | 505 square metres.   |

3. That Schedule “D” – Holding Provisions is amended by adding the following new provision:

124. Notwithstanding Section 10.5a of this By-law, on those lands zoned Mixed Use Medium Density (C5a, 774, H124) Zone, identified on Map 911 of Schedule “A” – Zoning and described as 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, no development shall be permitted until such time as:

- i) The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conversation and Parks (MECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Conditions. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton’s current RSC administration fee;
- ii) The Owner agrees in a signed Site Plan Agreement to implement all required noise mitigation measures identified in Acoustical Study dated November 22, 2019 by RWDI and updated July 23, 2021, through the Site Plan Control Application, to the satisfaction of the Director of Planning and Chief Planner; and,
- iii) The Owner agrees in a signed Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 Area, and to agree to register this notice and any / all warning clauses on title, and include

them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner.

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 Mixed Use Medium Density – Pedestrian Focus (C5a, 774, H124) Zone, subject to the special provisions referred to in Section 2 of this By-law; and,
5. That the clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law in accordance with the *Planning Act*.

**PASSED** this 27<sup>th</sup> day of April, 2022.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

ZAC-20-013  
UHOPA-20-08







This is Schedule "A" to By-law No. 22-  
 Passed the ..... day of ....., 2022

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 Mayor  
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 Clerk

**Schedule "A"**  
**Map forming Part of**  
**By-law No. 22-\_\_\_\_\_**  
**to Amend By-law No. 6593**

**Subject Property**  
 222, 226 and 228 Barton Street East and  
 255, 257, 261, 263 and 265 Wellington Street North  
 (Ward 2)

 Change in zoning from "JJ/S-378" (Restricted Light Industrial) District, "H" and "H/S-1259" (Community Shopping and Commercial, Etc.) District, and "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District under Zoning By-law No. 6593 to the Mixed Use - Medium Density (C5a, 774, H124) Zone under Zoning By-law No. 05-200

Scale: N.T.S	File Name/Number: ZAC-20-013/UHOPA-20-008	 Hamilton
Date: February 14, 2022	Planner/Technician: JA/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**Authority:** Item 3, Public Works Committee  
Report 22-004 (PW22013)  
CM: March 30, 2022  
Ward: 11

**Bill No. 096**

**CITY OF HAMILTON**

**BY-LAW NO. 22-**

**To Establish City of Hamilton Land  
Described as Part of Lot 15, Concession 1 in the Geographic Township of  
Glanford, designated as Part 2 on Plan 62R-13179  
as Part of Glover Road**

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

**WHEREAS** section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The land, owned by and located in the City of Hamilton, described as Part of Lot 15, Concession 1 in the Geographic Township of Glanford, in the City of Hamilton, designated as Part 2 on Plan 62R-13179, is established as a public highway, forming part of Glover Road.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this 27<sup>th</sup> day of April, 2022.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

**Authority:** Item 3, Public Works Committee  
Report 22-004 (PW22013)  
CM: March 30, 2022  
Ward: 11

**Bill No. 097**

**CITY OF HAMILTON**

**BY-LAW NO. 22-**

**To Establish City of Hamilton Land  
Described as Part of Lot 48 on Registered Plan 1470, designated as Parts 2 and 3  
on Plan 62R-17992 and Part 8 on Plan 62R-18201  
as Part of Nebo Road**

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

**WHEREAS** section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The land, owned by and located in the City of Hamilton, described as Part of Lot 48 on Registered Plan 1470, designated as Parts 2 and 3 on Plan 62R-17992 and Part 8 on Plan 62R-18201, is established as a public highway, forming part of Nebo Road;
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway; and
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this 27<sup>th</sup> day of April, 2022.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

**Authority:** Item 3, Public Works Committee  
Report 22-004 (PW22013)  
CM: March 30, 2022  
Ward: 11

**Bill No. 098**

**CITY OF HAMILTON**

**BY-LAW NO. 22-**

**To Establish City of Hamilton Land  
Described as Part of Lot 48 on Registered Plan 1470, designated as Part 1 on Plan  
62R-17992, Part 2 on Plan 62R-18349 and Part 3 on Plan 62R-18446  
as Part of Dickenson Road**

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

**WHEREAS** section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The land, owned by and located in the City of Hamilton, described as Part of Lot 48 on Registered Plan 1470, designated as Part 1 on Plan 62R-17992, Part 2 on Plan 62R-18349 and Part 3 on Plan 62R-18446, is established as a public highway, forming part of Dickenson Road;
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway; and
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this 27<sup>th</sup> day of April, 2022.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

**Authority:** Item 9, Planning Committee  
Report 22-006 (PED22090)  
CM: April 27, 2022  
Ward: 8

**Bill No. 099**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **To Amend Zoning By-law No. 6593, Respecting Lands Located at 866 West 5<sup>th</sup> Street, Hamilton**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25<sup>th</sup> day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7<sup>th</sup> day of December 1951 (File No. P.F.C. 3821);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 9 of Report 22-006 of the Planning Committee, at its meeting held on the 27<sup>th</sup> day of April 2022, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Sheet Nos. W9b and W17c of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), are amended by changing the zoning from “AA” (Agricultural) District (Block 1) and the “C” (Urban Protected Residential etc.) District (Block 2) to the “RT-30/S-1818” (Street – Townhouse) District, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;
2. That the “RT-30” (Street - Townhouse) District provisions, as contained in Section Ten F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:

- a) That notwithstanding Subsection 10F(4) (a), (b), and (c), (5) (b), and (6) (i), the following provisions shall apply for Street Townhouse Dwellings:
  - i. A front yard depth of not less than 3 metres to a building face and 6 metres to a garage, except 1.15 metres to an unenclosed porch and 0.15 metres to a daylight triangle;
  - ii. A rear yard depth of not less than 6 metres;
  - iii. A side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than 1.5 metres for a Street Townhouse Dwelling, not exceeding two storeys in height, except 0.15 metres to a daylight triangle;
  - iv. A distance between buildings not exceeding two storeys in height, of not less than 3.0 metres; and,
  - v. A lot area of not less than 165.0 square metres for each Street Townhouse Dwelling.
- b) Subsection 18 (3)(vi)(d) shall not apply.
- c) Subsection 18A, Table 6 shall not apply.
3. 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 “RT-30/S-1818” (Street – Townhouse) District, Modified provisions; and,
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 27<sup>th</sup> day of April, 2022.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

ZAC-21-036



This is Schedule "A" to By-law No. 22-  Passed the ..... day of ....., 2022	----- Mayor  ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;"><b>Map forming Part of By-law No. 22-_____</b></p> <p style="margin: 10px 0 0 0;"><b>to Amend By-law No. 6593</b></p>	<p><b>Subject Property</b></p> <p>866 West 5th Street</p> <p> Block 1 - Change in Zoning from the "AA" (Agricultural) District to the "RT-30/S-1818" (Street Townhouse) District, Modified</p> <p> Block 2 - Change in Zoning from the "C" (Urban Protected Residential Etc.) District, to the "RT-30/S-1818" (Street Townhouse) District, Modified</p>
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Scale: N.T.S	File Name/Number: ZAC-21-036	Hamilton
Date: March 11, 2022	Planner/Technician: JV/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **To Amend Zoning By-law No. 6593, Respecting Lands Located at 525 Rymal Road West, Hamilton**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 8 of Report 22-006 of the Planning Committee, at its meeting held on the 27<sup>th</sup> day of April 2022, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Sheet No. W27e of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from “AA” (Agricultural) District to “RT-30/S-1817” (Street – Townhouse) District, Modified, (Block 1) and “C/S-1817” (Urban Protected Residential, etc.) District, Modified, (Block 2) on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;
2. That the “RT-30” (Street Townhouse) District provisions, as contained in Section Ten F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:



- a) That notwithstanding Subsection 10F. (4)(c) the following provisions shall apply for Street Townhouse Dwellings:
    - i. A side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than 1.2 metres not exceeding two storeys in height; and,
    - ii. A side yard abutting a wall that is not a party wall, along a side lot line of a width of not less than 3 metres not exceeding two storeys in height on a Corner Lot;
  - b) That notwithstanding Subsection 10 F. (6)(i), a lot area of not less than 160.0 square metres for each Street Townhouse Dwelling; and,
  - c) That in addition to the provisions of Subsection 10F. (4)(c), a side yard width of not less than 1.5 metres abutting the hypotenuse of a daylight triangle for a Street Townhouse Dwelling, not exceeding two storeys in height;
3. That the “C” (Urban Protected Residential, etc.) District provisions, as contained in Section Nine of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:
- a) Notwithstanding Subsection 9(4), every lot or tract of land shall have a width of at least 12.0 metres and an area of at least 358 square metres within the district;
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 site-specific “C/S-1817” (Urban Protected Residential, etc.) District and the site-specific “RT-30/S-1817” (Street – Townhouse) District provisions; and,
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 27<sup>th</sup> day of April, 2022.

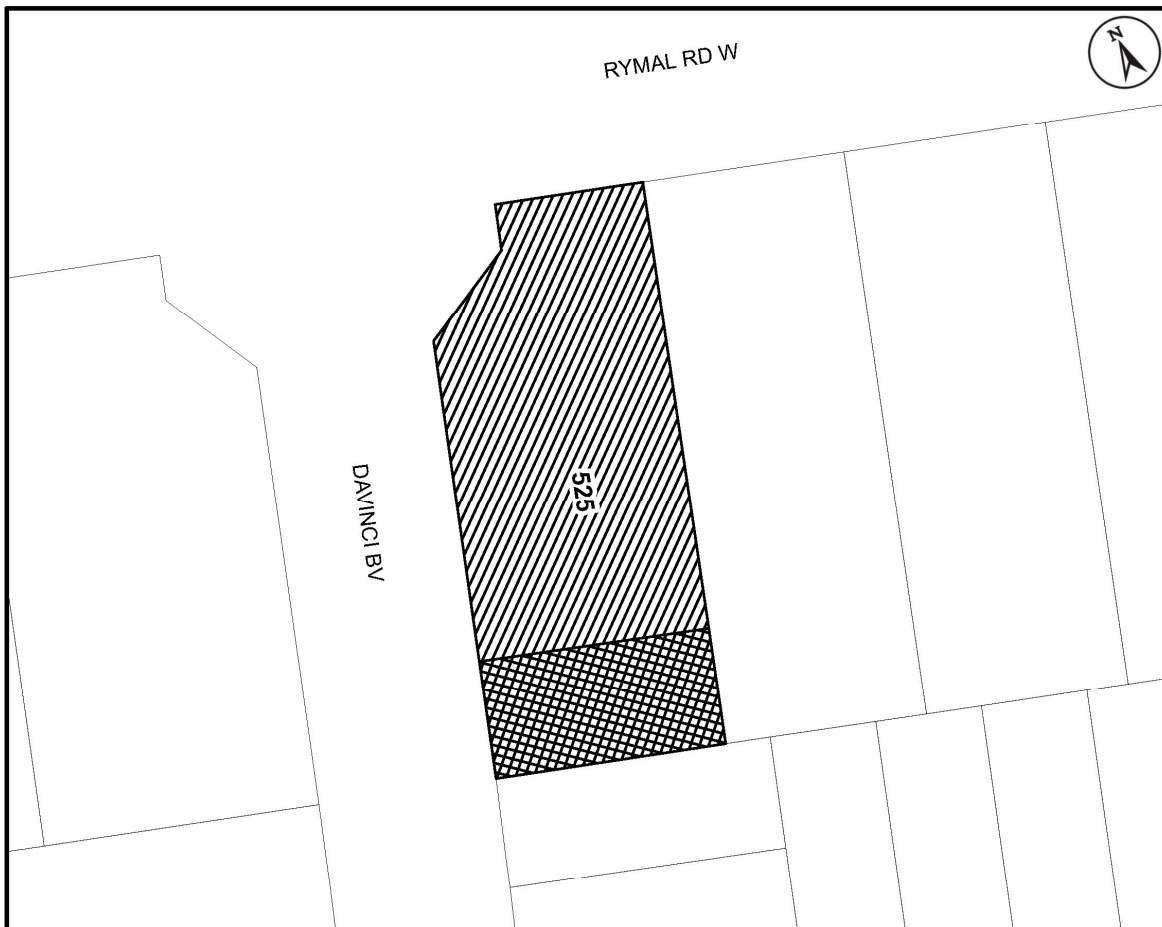
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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

ZAC-20-044 & 25T-202010



This is Schedule "A" to By-law No. 22-  Passed the ..... day of ....., 2022	----- Mayor  ----- Clerk
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<h2>Schedule "A"</h2>  <h3>Map forming Part of By-law No. 22-_____</h3>  <h3>to Amend By-law No. 6593</h3>	<b>Subject Property</b>  525 Rymal Road West  <table style="width: 100%;"> <tr> <td style="width: 20px; text-align: center;"></td> <td>Block 1 - Change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1817"(Street - Townhouse) District, Modified</td> </tr> <tr> <td style="width: 20px; text-align: center;"></td> <td>Block 2 - Change in zoning from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified</td> </tr> </table>		Block 1 - Change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1817"(Street - Townhouse) District, Modified		Block 2 - Change in zoning from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified
	Block 1 - Change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1817"(Street - Townhouse) District, Modified				
	Block 2 - Change in zoning from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified				

Scale: N.T.S	File Name/Number: ZAC-20-044 & 25T-202010	 Hamilton
Date: March 7, 2022	Planner/Technician: JV/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**Authority:** Item 11, Planning Committee  
Report 22-006 (PED22093)  
CM: April 27, 2022  
Ward: City Wide  
**Bill No. 101**

**CITY OF HAMILTON  
BY-LAW NO. 22-**

**A By-law to Repeal and Replace By-Law Nos. 09-208 and 13-185, being the  
Demolition Control Area By-Law**

**WHEREAS** section 33 of the *Planning Act*, R.S.O. 1990, c. P.13, provides that Council may, by by-law, designate any area within the City as a demolition control area when a property standards by-law under section 15.1 of the *Building Code Act*, 1992, S.O. 1992, c. 23, is in force and applies to the area within the municipality;

**AND WHEREAS** Property Standards By-law No. 10-221, as amended, prescribes standards of maintenance and occupancy for properties and is in force in the City;

**AND WHEREAS** no person shall demolish the whole or any part of any residential property in a demolition control area designated by Council pursuant to section 33 of the *Planning Act*, R.S.O. 1990, c. P .13, unless the person has been issued a demolition permit by Council;

**AND WHEREAS** under subsections 33(3) and 33(6) of the *Planning Act*, R.S.O. 1990, c. P .13, Council is the decision-maker with respect to consenting to the demolition of a residential property in an area of demolition control;

**AND WHEREAS** under sections 9 and 10 of the *Municipal Act*, 2001, S.O. 2001, c. 25, in accordance with section 23.1 of the *Municipal Act*, 2001, the powers of a municipality under that or any other Act may be delegated to a person or a body, subject to the restrictions set in sections 23.1 to 23.5, inclusive, of the *Municipal Act*, 2001;

**AND WHEREAS** Council wishes to: maintain the integrity of residential neighbourhoods; prevent the premature loss of dwelling units and the creation of vacant land; retain existing dwelling units until new uses have been considered; and, prevent the premature loss of municipal assessment;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. In this By-Law:

**"Chief Building Official"** means the City's Chief Building Official and includes their designate;

**"City"** means the geographical area of the City of Hamilton or the municipal corporation as the context requires;

**"Council"** means the City's Council;

**"Demolition Control Approval"** means approval to demolish Residential Property pursuant to this By-Law;

**"Dwelling Unit"** means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;

**"Ontario Heritage Act"** means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18;

**"Planning Act"** means the *Planning Act*, R.S.O. 1990, c. P. 13;

**"Residential Property"** means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

## **Demolition Control Area**

2. All of the lands within the boundaries of the City are designated as a demolition control area.
3. No person shall demolish or otherwise remove the whole or any portion of a Residential Property in the demolition control area unless the person has been issued Demolition Control Approval by the City.
4. This By-Law does not apply when:
  - (a) the demolition of a part of the Residential Property does not reduce the number of Dwelling Units;
  - (b) the Residential Property is owned by the City and the demolition is required for the implementation of a City capital works project previously approved by Council, except if the Residential Property is designated under the *Ontario Heritage Act* or subject to an agreement, covenant, or easement for the conservation, protection or preservation of property of cultural heritage value or interest;

- (c) the Residential Property is a mobile home;
  - (d) the owner of the Residential Property has entered into a demolition agreement with City;
  - (e) the Residential Property is exempted under any federal or provincial statute or regulation;
  - (f) the Residential Property has been found to be unsafe under section 15.9 of the *Building Code Act*, 1992 and an order to demolish has been issued under that section without any option to repair; or,
  - (g) an order has been issued under section 15.2 of the *Building Code Act*, 1992 that the Residential Property be demolished without any option to repair.
5. Every applicant seeking Demolition Control Approval shall submit a completed demolition application to the City in the form and with such content as required by the Chief Building Official in their sole discretion. Incomplete applications shall not be accepted by the City and shall not constitute an application for Demolition Control Approval for the purposes of section 33 of the *Planning Act* or this Demolition Control Area By-law.

### **Delegation of Authority**

6. Council delegates to the Chief Building Official its authority to issue Demolition Control Approval pursuant to subsections 33(3) and 33(6) of the *Planning Act* for applications to demolish Residential Property where:
- (a) the erection of a new building is proposed on the site of the Residential Property to be demolished and where the following standard conditions apply:
    - i. that the applicant seeking Demolition Control Approval has applied for and received a building permit for a replacement building on the property;
    - ii. that the said building permit specifies 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 for each Dwelling Unit contained in the Residential Property which sum:

1. the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
  2. is a lien or charge on the property until paid; and;
- iii. that the applicant seeking Demolition Control Approval has registered on title to the property notice of conditions (i) and (ii) in a form satisfactory to the Chief Building Official and the City Solicitor.
- (b) Final Site Plan Control approval has been granted for redevelopment of the Residential Property to be demolished;
  - (c) Draft Plan of Subdivision approval has been granted for redevelopment of the Residential Property to be demolished, for which the Subdivision Agreement has been registered and the preliminary grading and servicing conditions have been satisfied;
  - (d) demolition of the Residential Property is a condition of an approved Consent to Sever and all other conditions of the approved Consent to Sever have been met; or,
  - (e) the Residential Property has been severely damaged by a fire or natural disaster and the demolition has been recommended by a Professional Engineer licensed to practice in Ontario.
7. The delegation of authority set out in this Demolition Control Area By-Law does not include the authority to:
- (a) refuse to issue Demolition Control Approval, and where the Chief Building Official would refuse to issue Demolition Control Approval, they shall so advise Council which retains all power with respect to issuing or refusing to issue Demolition Control Approval;
  - (b) attach conditions to Demolition Control Approval with which an owner of Residential Property is not in agreement and where this is the case, the Chief Building Official shall so advise Council which retains all power with respect to issuing or refusing to issue Demolition Control Approval; or,
  - (c) issue or refuse to issue Demolition Control Approval for a Residential Property that is:
    - (i) designated pursuant to Part IV or V of the *Ontario Heritage Act*; or,

- (ii) subject to an agreement, covenant, or easement for the conservation, protection or preservation of property of cultural heritage value or interest.

- 8. The Chief Building Official is authorized to undertake all acts necessary to carry out the delegated power under this Demolition Control Area By-Law, including the authority to sign any required documents.

### **Administration and Enforcement**

- 9. Nothing in this By-Law shall exempt any person from complying with the requirement of any other applicable by-law, or from obtaining any licence, permission, permit, authority or approval required by this or any other by-law of the City or by any other law in force at the time.
- 10. Every person who demolishes a Residential Property or any portion thereof, without obtaining Demolition Control Approval under this By-law is guilty of an offence under section 33(16) of the *Planning Act* and is liable to a penalty or penalties as set out in section 33(16) of that Act.

### **Title, Repeal and Effective Date**

- 11. This By-Law may be cited as the "Demolition Control Area By-Law".
- 12. By-Law No. 09-208 and amending By-Law No. 13-185 are repealed as of the day on which this By-Law comes into force.
- 13. This By-Law comes into force on the date of its passing.
- 14. In the event of a conflict between any provision of this By-Law and the *Planning Act*, the *Planning Act* prevails.
- 15. If a court of competent jurisdiction declares any provision, or any part of a provision, of the By-Law to be invalid, or to be of not force and effect, it is Council's intention in enacting this By-Law, that each and every other provision of this By-Law be applied and enforced in accordance with its terms to the extent possible according to law.

### **Transition**

- 16. The repeal of By-Laws 09-208 and 13-185 does not:
  - (a) affect the previous operation of those By-Laws;

- (b) affect a right, privilege, obligation or liability that came into existence under those By-Laws;
  - (c) affect an offence committed under those By-Laws, or any penalty, forfeiture or punishment incurred in connection with the offence; or,
  - (d) affect an investigation, proceeding or remedy in respect of a right, privilege, obligation or liability described in section 16(b), or a penalty, forfeiture or punishment described in section 16(c).
17. An investigation, proceeding or remedy described in section 16(d) may be commenced, continued and enforced as if By-Laws 09-208 and 13-185 had not been repealed or revoked.
18. A penalty, forfeiture or punishment described in section 16(c) may be imposed as if By-Laws 09-208 and 13-185 had not been repealed or revoked.

**PASSED** this 27<sup>th</sup> day of April, 2022.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk



**Authority:** Item 12, Planning Committee  
Report 22-006 (PED22105)  
CM: April 27, 2022  
Ward: City Wide  
**Bill No. 102**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **To Amend By-law No. 07-170, Being a By-law to Licence and Regulate Various Businesses**

**WHEREAS** Council enacted By-law 07-170, Being a By-law to Licence and Regulate Various Businesses;

**AND WHEREAS** Council for the City of Hamilton recognizes the importance of providing opportunities for the taxi industry to maintain operational efficiency due to fuel pricing inflation by increasing the Taxi Meter Rate under By-law 07-170

**AND WHEREAS;** this By-law amends By-law No. 07-170.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary indexing, grammatical, numbering and lettering changes.

Appendix 1, Schedule 25 of By-law No. 07-170 is hereby amended by deleting the amount of "\$3.90" in the first listed item and replacing it with "\$4.90"

2. That in all other respects, By-law No. 07-170 is confirmed.
3. That the provisions of this By-law shall take full force and effect on its day of passing.

**PASSED** this 27<sup>th</sup> day of April, 2022.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

**Authority:** Item 4, Public Works Committee  
Report 22-006 (PW19029(a))  
CM: April 27, 2022  
Ward: City Wide

**Bill No. 103**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **To Amend By-law No. 14-090 (Sewer Use By-law) to provide for the regulation of Construction Dewatering and to make other Minor Amendments**

**WHEREAS** sections 8 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, 7, 8 and 10 of subsection 10(2) authorize by-laws respecting: the economic, social and environmental well-being of the City; the health, safety and well-being of Persons; services and things that the municipality is authorized to provide under subsection 10(1); the protection of Persons and property; and structures, including fences and signs;

**AND WHEREAS** it is desirable to regulate the Discharge of all Matter into the City of Hamilton's Storm Sewer, Sanitary Sewer and Combined Sewer systems;

**AND WHEREAS** section 425 of the *Municipal Act, 2001* authorizes the City of Hamilton to pass by-laws providing that a Person who contravenes a by-law of the City of Hamilton passed under that Act is guilty of an offence;

**AND WHEREAS** section 87 of the *Municipal Act, 2001* authorizes the City of Hamilton to enter on land, at reasonable times, to inspect the Discharge of any Matter into the City's Sewage system or into any other Sewage system the contents of which ultimately empty into the City's Sewage system and authorizes the City to conduct tests and take samples for this purpose;

**AND WHEREAS** the *Municipal Act, 2001* further authorizes the City of Hamilton, amongst other things, to delegate its authority, to impose fees or charges, to provide for inspections, and to make orders to discontinue activity or to do work;

**AND WHEREAS** the City of Hamilton wishes to make amendments to By-law 14-090 to provide for the regulation of Construction Dewatering and to make other minor technical amendments thereto,

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Section 1.1 of By-law 14-090 is amended by adding thereto the following new definitions, which definitions shall be inserted into the By-law in alphabetical order:

**“Construction”** includes land development, renovation, repair, maintenance and demolition activities.

**“Construction Dewatering”** means the removal of water through any means from Premises to facilitate Construction, including but not limited to one or more of the following:

- (a) Taking water from a well or otherwise extracting Groundwater;
- (b) Draining water from a permanent or temporary pond or other surface water body, whether natural or man-made;
- (c) The permanent or temporary alteration of a natural or pre-existing drainage pattern; and,
- (d) Releasing water previously stored in a tank, tanker truck, vessel, or other means of water storage,

where the water so removed is Discharged directly or indirectly into Sewer Works, and such Discharge is not related to a Groundwater Remediation Unit or Site.

2. Section 1.1 of By-law 14-090 is amended by deleting the definition of “Building Code” and substituting the following therefor:

**“Building Code”** means the Building Code enacted as a regulation under the *Building Code Act, 1992*.

3. Section 1.1 of By-law 14-090 is amended by deleting the definition of “Composite Sample” and substituting the following therefor:

**“Composite Sample”** means a sample of Sewage, Groundwater or Stormwater which is composed of a series of Grab Samples taken at intervals during the sampling period and manually or automatically combined.

4. Section 1.1 of By-law 14-090 is amended by deleting the definition of “Connection or Drain” and substituting the following therefor:

**“Connection”** means that part of any pipe or hose or those parts of a system of pipes or hoses that Discharge Sewage, Groundwater, or Stormwater directly or indirectly to Sewer Works”

**“Drain”** means that part of any pipe or hose, or those parts of a system of pipes or hoses that conduct Sewage, Groundwater, or Stormwater to a Connection.

5. Section 1.1 of By-law 14-090 is amended by deleting the definition of “Grab Sample” and substituting the following therefor:

**“Grab Sample”** means an aliquot of Sewage, Groundwater, or Stormwater sampled at one particular place and time.

6. Section 1.1 of By-law 14-090 is amended by deleting the definition of “hailed sewage” and substituting the following therefor:

**“Hailed Sewage”** means “hailed sewage” as that term is defined in R.R.O. 1990, Reg 347 as amended, and also means any one or more of the following when hauled or otherwise transported by a Carrier:

- (a) waste removed from a cesspool, a septic tank, a privy vault or privy pit a chemical toilet, a portable toilet, a Sewage holding tank or other container for human excretion;
- (b) any Sewage originating from a Sewage System as described in Part 8 of the Building Code;
- (c) Domestic Sewage;
- (d) Industrial Sewage;
- (e) Sewage Sludge;
- (f) leachate from a waste disposal site; and,
- (g) water originating from Construction Dewatering.

7. Section 4.2 of By-law 14-090 is amended by deleting section 4.2 and substituting the following therefor:

4.2 No Person shall, directly or indirectly, Discharge or permit the Discharge of Matter into a Sewer Works or into a Connection to a Sewer Works which has two or more separate liquid layers.

8. Section 4.5 of By-law 14-090 is amended by adding the following subsection (d) thereto:

- (d) water originating from Construction Dewatering, except where:
  - (i) the Discharge complies with a valid Sewer Discharge Permit; and;
  - (ii) all fees required under the Sewer Discharge Permit are paid.

9. Section 4.7 of By-law 14-090 is amended to read as follows:

4.7 No Person shall, directly or indirectly, Discharge or permit the Discharge of Matter into a Storm Sewer or into a Connection to a Storm Sewer where the Discharge:

- (a) contains Sewage;
- (b) contains Contact Cooling Water;
- (c) contains Oil and Grease (Mineral/Synthetic) which causes a visible film, sheen or discolouration on the water's surface;
- (d) contains any raw material, intermediate product, finished product, by-product or waste product of an Industrial process;
- (e) contains paint or organic solvent;
- (f) contains liquid or solid Matter generated by carpet or furniture cleaning that is collected in a holding tank;
- (g) exceeds of any one or more of the limits for any one or more of the parameters in Schedule C;
- (h) contains Blowdown Water; or,
- (i) contains water originating from Construction Dewatering.

10. Section 4.8 of By-law 14-090 is amended to read as follows:

4.8 Despite subsection 4.7(g), 4.7(h) and 4.7(i) a Person may Discharge or permit the Discharge of Matter into a Storm Sewer or into a Connection to a Storm Sewer where the Discharge:

- (a) exceeds of any one or more of the limits for any one or more of the parameters in Schedule C, where:
  - (i) the Discharge is in accordance with a valid environmental compliance approval, order, or an approval, licence or permit issued pursuant to the *Environmental Protection Act* or *Ontario Water Resources Act* which expressly allows the Discharge;
  - (ii) a copy of the environmental compliance approval, order or an approval, licence or permit referred to in subsection 4.8(a)(i) has been provided to the General Manager;
  - (iii) the Discharge complies with a valid Sewer Discharge Permit; and
  - (iv) all fees required under the Sewer Discharge Permit are paid;
- (b) contains Blowdown Water, where:
  - (i) the Discharge is in accordance with a valid environmental compliance approval, order or an approval, licence or permit issued pursuant to the *Environmental Protection Act* or *Ontario Water Resources Act* which expressly allows the Discharge;

- (ii) a copy of the environmental compliance approval, order or an approval, licence or permit referred to in subsection 4.8(b)(i) has been provided to the General Manager;
    - (iii) the Discharge complies with a valid Sewer Discharge Permit; and
    - (iv) all fees required under the Sewer Discharge Permit are paid; or,
  - (c) contains water originating from Construction Dewatering activities, where:
    - (i) the Discharge complies with a valid Sewer Discharge Permit; and
    - (ii) all fees required under the Sewer Discharge Permit are paid.
11. Section 11.4 of By-law 14-090 is amended by adding thereto the following subsection (g):
- (g) Construction Dewatering
12. Section 11.21 (b) of By-law 14-090 is amended by adding the following subsection (iv) thereto:
- (iv) Construction Dewatering Discharge, the quantity of the Discharge shall be determined by a device that measures the Discharge flow that contains water originating from a source other than the City's potable water supply.
13. Section 11 of By-law 14-090 is amended by the addition of the following section 11.24:
- 11.24 A Sewer Discharge Permit for Construction Dewatering Discharges referred to in subsection 11.4(g) authorizes Discharge water originating from Construction Dewatering:
- (a) in respect of treatable parameters in excess of any of the following limits permitted under Schedule B:
    - (i) cBiochemical Oxygen Demand;
    - (ii) total suspended solids;
    - (iii) total phosphorus;
    - (iv) total kjeldahl nitrogen;
    - (v) Oil and Grease (Animal/Vegetable);
  - (b) which contains water that has originated from a source other than the City's Potable Water supply;
  - (c) that exceeds the limits for any one or more of the parameters contained in Schedule B in accordance with a Compliance Program; or,

- (d) that exceeds the limits for Chloride in excess of 1500 milligrams/litre but less than 4000 milligrams/litre, subject to a sampling and reporting program to be outlined in the Permit.
14. Section 11 of By-law 14-090 is amended by the addition of the following section 11.25:
- 11.25 A Person who has applied for a Sewer Discharge Permit for Construction Dewatering shall install and maintain, at their expense, a device acceptable to the General Manager that measures the Discharge flow of Construction Dewatering water.
15. Section 11 of By-law 14-090 is amended by the addition of the following section 11.26:
- 11.26 A Person who has applied for a Sewer Discharge Permit for Construction Dewatering Discharge shall have already complied with and shall continue to meet the requirements of subsection 11.12, if applicable to the proposed Discharge.
16. Schedule "B" to By-law 14-090 is deleted and the attached Schedule "B" is substituted therefor.
17. Schedule C" to Bylaw 14-090 is deleted and the attached Schedule C" is substituted therefor.
18. Schedule "D" to By-law 14-090 is deleted ad the attached Schedule "D" is substituted therefor.
19. This By-law shall come into effect of the date of passage.

**PASSED** this 27<sup>th</sup> day of April, 2022

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

## SCHEDULE B

### LIMITS FOR SANITARY SEWER AND COMBINED SEWER DISCHARGE

<b>Parameter *</b>	<b>Limit (milligrams/litre)</b>
cBiochemical Oxygen Demand (cBOD)	300
Total Suspended Solids (TSS)	350
Total Phosphorus	10
Total Kjeldahl Nitrogen (TKN)	100
Oil and Grease (Animal/Vegetable)	150
Oil and Grease (Mineral/Synthetic)	15
Phenolic Compounds	1
Chlorides	1500
Sulphates	1500
Sulphide (as H <sub>2</sub> S)	1.0
Aluminum (total)	50
Iron (total)	50
Fluorides	10
Antimony (total)	5
Bismuth (total)	5
Chromium (total)	5
Cobalt (total)	5
Manganese (total)	5
Silver (total)	5
Tin (total)	5
Titanium (total)	5
Vanadium	5
Zinc (total)	2



Cyanide (total)	2
Copper (total)	2
Lead (total)	2
Nickel (total)	2
Arsenic (total)	1
Molybdenum (total)	1
Selenium (total)	1
Cadmium (total)	0.7
Mercury (total)	0.01
Aldrin/Dieldrin**	0.0002
Benzene	0.01
Bis(2-ethylhexyl)phthalate	0.28
<b>Parameter (cont'd)</b>	<b>Limit (milligrams/litre)</b>
Chlordane**	0.1
Chloroform	0.04
DDT**	0.0001
1,2-Dichlorobenzene	0.05
1,4-Dichlorobenzene	0.08
3,3-Dichlorobenzidine**	0.002
cis-1,2-Dichloroethylene	4
trans-1,3-Dichloropropylene	0.14
Di-n-butyl phthalate	0.08
Ethylbenzene	0.16
Hexachlorobenzene	0.0001
Hexachlorocyclohexane**	0.1
Methylene Chloride	2
Mirex**	0.1
PCBs	0.001
Pentachlorophenol	0.005

1,1,2,2-Tetrachloroethane	1.4
Tetrachloroethylene	1
Toluene	0.016
Total Xylenes	1.4
Total PAHs	0.005
Trichloroethylene	0.4
<b>Parameter*</b>	Limit (specified)
<b>pH</b>	> 6.0 to < 11.0 pH
<b>Temperature</b>	60°C

\* as defined by a Reference Method of an Accredited Laboratory

\*\*for the purposes of section 4.3, parameters as marked are Pesticides

## SCHEDULE C

### LIMITS FOR STORM SEWER DISCHARGE

<b>Parameter*</b>	<b>Limit (milligrams/litre)</b>
Total Suspended Solids (TSS)	15
Oil and Grease (Animal/Vegetable)	10
Zinc (total)	0.5
Chromium (total)	0.08
Lead (total)	0.12
Nickel (total)	0.08
Copper (total)	0.05
Cadmium (total)	0.008
Phenolic Compounds	0.02
Phosphorus (total)	0.4
<b>Parameter*</b>	Limit (specified)
pH	> 6.0 to < 11.0 pH
Temperature	60°C
<i>E. coli</i>	2400 most probable number per 100 milliliters

\* as defined by a Reference Method of an Accredited Laboratory

## **SCHEDULE D**

### **CITY LOCATIONS FOR DISCHARGE OF HAULED SEWAGE**

**The following are Hauled Sewage Receiving Facilities:**

**1. Woodward Avenue Wastewater Treatment Plant**

700 Woodward Avenue, Hamilton, Ontario

**2. Mountain Transfer Station**

Kilbride Road Hamilton, Ontario

**3. Eastport Drive Wastewater Pumping Station**

Eastport Drive and Pier 25 Gateway S, Hamilton, Ontario

**Authority:** Item 5, Public Works Committee  
Report 21-018 (PW21070)  
CM: December 15, 2021  
Ward: City Wide

**Bill No. 104**

**CITY OF HAMILTON  
BY-LAW NO. 22-**

**A By-Law to Authorize a Franchise Agreement Between  
City of Hamilton and Enbridge Gas Inc.**

**WHEREAS** the Council of the City of Hamilton deems it expedient to enter into the attached franchise agreement (the "Franchise Agreement") with Enbridge Gas Inc.;

**AND WHEREAS** the Ontario Energy Board by its Order issued pursuant to the *Municipal Franchises Act* on the 31<sup>st</sup> day of March, 2022 has approved the terms and conditions upon which and the period for which the franchise provided in the Franchise Agreement is proposed to be granted, and has declared and directed that the assent of the municipal electors in respect of this By-Law is not necessary:

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That the Franchise Agreement between the City of Hamilton and Enbridge Gas Inc. attached hereto and forming part of this by-law, is hereby authorized and the franchise provided for therein is hereby granted.
2. That the Mayor and City Clerk be and they are hereby authorized and instructed on behalf of the City of Hamilton to enter into and execute under its corporate seal and deliver the Franchise Agreement, which is hereby incorporated into and forming part of this By-Law.
3. That the following by-law be hereby repealed:
  - By-law #07-090 for the City of Hamilton, passed in Council on March 28, 2007.
4. That this by-law is subject to, and shall come into force and take effect as of the later of: final passing thereof; and the approval of the Franchise Agreement by Ontario Energy Board.

**PASSED** this 27<sup>th</sup> day of April, 2022.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

## **2000 Model Franchise Agreement**

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THIS AGREEMENT effective this            day of            , 2022

BETWEEN:

**CITY OF HAMILTON**

hereinafter called the "Corporation"

- and -

**ENBRIDGE GAS INC.**

hereinafter called the "Gas Company"

WHEREAS the Gas Company desires to distribute, store and transmit gas in the Municipality upon the terms and conditions of this Agreement;

AND WHEREAS by by-law passed by the Council of the Corporation (the "By-law"), the duly authorized officers have been authorized and directed to execute this Agreement on behalf of the Corporation;

THEREFORE the Corporation and the Gas Company agree as follows:

### **Part I - Definitions**

**1. In this Agreement**

- (a) "decommissioned" and "decommissions" when used in connection with parts of the gas system, mean any parts of the gas system taken out of active use and purged in accordance with the applicable CSA standards and in no way affects the use of the term 'abandoned' pipeline for the purposes of the *Assessment Act*;
- (b) "Engineer/Road Superintendent" means the most senior individual employed by the Corporation with responsibilities for highways within the Municipality or the person designated by such senior employee or such other person as may from time to time be designated by the Council of the Corporation;

- (c) "gas" means natural gas, manufactured gas, synthetic natural gas, liquefied petroleum gas or propane-air gas, or a mixture of any of them, but does not include a liquefied petroleum gas that is distributed by means other than a pipeline;
- (d) "gas system" means such mains, plants, pipes, conduits, services, valves, regulators, curb boxes, stations, drips or such other equipment as the Gas Company may require or deem desirable for the distribution, storage and transmission of gas in or through the Municipality;
- (e) "highway" means all common and public highways and shall include any bridge, viaduct or structure forming part of a highway, and any public square, road allowance or walkway and shall include not only the travelled portion of such highway, but also ditches, driveways, sidewalks, and sodded areas forming part of the road allowance now or at any time during the term hereof under the jurisdiction of the Corporation;
- (f) "Model Franchise Agreement" means the form of agreement which the Ontario Energy Board uses as a standard when considering applications under the *Municipal Franchises Act*. The Model Franchise Agreement may be changed from time to time by the Ontario Energy Board;
- (g) "Municipality" means the territorial limits of the Corporation on the date when this Agreement takes effect, and any territory which may thereafter be brought within the jurisdiction of the Corporation;
- (h) "Plan" means the plan described in Paragraph 5 of this Agreement required to be filed by the Gas Company with the Engineer/Road Superintendent prior to commencement of work on the gas system; and
- (i) whenever the singular, masculine or feminine is used in this Agreement, it shall be considered as if the plural, feminine or masculine has been used where the context of the Agreement so requires.

## **Part II - Rights Granted**

### **2. To provide gas service**

The consent of the Corporation is hereby given and granted to the Gas Company to distribute, store and transmit gas in and through the Municipality to the Corporation and to the inhabitants of the Municipality.

### **3. To Use Highways**

Subject to the terms and conditions of this Agreement the consent of the Corporation is hereby given and granted to the Gas Company to enter upon all highways now or at any time hereafter under the jurisdiction of the Corporation and to lay, construct, maintain, replace, remove, operate and repair a gas system for the distribution, storage and transmission of gas in and through the Municipality.

### **4. Duration of Agreement and Renewal Procedures**

(a) If the Corporation has not previously received gas distribution services, the rights hereby given and granted shall be for a term of 20 years from the date of final passing of the By-law.

or

(b) If the Corporation has previously received gas distribution services, the rights hereby given and granted shall be for a term of 20 years from the date of final passing of the By-law provided that, if during the 20 year term of this Agreement, the Model Franchise Agreement is changed, then on the 7<sup>th</sup> anniversary and on the 14<sup>th</sup> anniversary of the date of the passing of the By-law, this Agreement shall be deemed to be amended to incorporate any changes in the Model Franchise Agreement in effect on such anniversary dates. Such deemed amendments shall not apply to alter the 20 year term.

(c) At any time within two years prior to the expiration of this Agreement, either party may give notice to the other that it desires to enter into negotiations for a renewed franchise upon such terms and conditions as may be agreed upon. Until such renewal has been settled, the terms and conditions of this Agreement shall continue, notwithstanding the expiration of this Agreement. This shall not preclude either party from applying to the Ontario Energy Board for a renewal of the Agreement pursuant to section 10 of the *Municipal Franchises Act*.



### **Part III – Conditions**

#### **5. Approval of Construction**

- (a) The Gas Company shall not undertake any excavation, opening or work which will disturb or interfere with the surface of the travelled portion of any highway unless a permit therefor has first been obtained from the Engineer/Road Superintendent and all work done by the Gas Company shall be to his satisfaction.
- (b) Prior to the commencement of work on the gas system, or any extensions or changes to it (except service laterals which do not interfere with municipal works in the highway), the Gas Company shall file with the Engineer/Road Superintendent a Plan, satisfactory to the Engineer/Road Superintendent, drawn to scale and of sufficient detail considering the complexity of the specific locations involved, showing the highways in which it proposes to lay its gas system and the particular parts thereof it proposes to occupy.
- (c) The Plan filed by the Gas Company shall include geodetic information for a particular location:
  - (i) where circumstances are complex, in order to facilitate known projects, including projects which are reasonably anticipated by the Engineer/Road Superintendent, or
  - (ii) when requested, where the Corporation has geodetic information for its own services and all others at the same location.
- (d) The Engineer/Road Superintendent may require sections of the gas system to be laid at greater depth than required by the latest CSA standard for gas pipeline systems to facilitate known projects or to correct known highway deficiencies.
- (e) Prior to the commencement of work on the gas system, the Engineer/Road Superintendent must approve the location of the work as shown on the Plan filed by the Gas Company, the timing of the work and any terms and conditions relating to the installation of the work.
- (f) In addition to the requirements of this Agreement, if the Gas Company proposes to affix any part of the gas system to a bridge, viaduct or other structure, if the Engineer/Road Superintendent approves this proposal, he may require the Gas Company to comply with special conditions or to enter into a separate agreement as a condition of the approval of this part of the construction of the gas system.

- (g) Where the gas system may affect a municipal drain, the Gas Company shall also file a copy of the Plan with the Corporation's Drainage Superintendent for purposes of the *Drainage Act*, or such other person designated by the Corporation as responsible for the drain.
- (h) The Gas Company shall not deviate from the approved location for any part of the gas system unless the prior approval of the Engineer/Road Superintendent to do so is received.
- (i) The Engineer/Road Superintendent's approval, where required throughout this Paragraph, shall not be unreasonably withheld.
- (j) The approval of the Engineer/Road Superintendent is not a representation or warranty as to the state of repair of the highway or the suitability of the highway for the gas system.

## 6. **As Built Drawings**

The Gas Company shall, within six months of completing the installation of any part of the gas system, provide two copies of "as built" drawings to the Engineer/Road Superintendent. These drawings must be sufficient to accurately establish the location, depth (measurement between the top of the gas system and the ground surface at the time of installation) and distance of the gas system. The "as built" drawings shall be of the same quality as the Plan and, if the approved pre-construction plan included elevations that were geodetically referenced, the "as built" drawings shall similarly include elevations that are geodetically referenced. Upon the request of the Engineer/Road Superintendent, the Gas Company shall provide one copy of the drawings in an electronic format and one copy as a hard copy drawing.

## 7. **Emergencies**

In the event of an emergency involving the gas system, the Gas Company shall proceed with the work required to deal with the emergency, and in any instance where prior approval of the Engineer/Road Superintendent is normally required for the work, the Gas Company shall use its best efforts to immediately notify the Engineer/Road Superintendent of the location and nature of the emergency and the work being done and, if it deems appropriate, notify the police force, fire or other emergency services having jurisdiction. The Gas Company shall provide the Engineer/Road Superintendent with at least one 24 hour emergency contact for the Gas Company and shall ensure the contacts are current.

**8. Restoration**

The Gas Company shall well and sufficiently restore, to the reasonable satisfaction of the Engineer/Road Superintendent, all highways, municipal works or improvements which it may excavate or interfere with in the course of laying, constructing, repairing or removing its gas system, and shall make good any settling or subsidence thereafter caused by such excavation or interference. If the Gas Company fails at any time to do any work required by this Paragraph within a reasonable period of time, the Corporation may do or cause such work to be done and the Gas Company shall, on demand, pay the Corporation's reasonably incurred costs, as certified by the Engineer/Road Superintendent.

**9. Indemnification**

The Gas Company shall, at all times, indemnify and save harmless the Corporation from and against all claims, including costs related thereto, for all damages or injuries including death to any person or persons and for damage to any property, arising out of the Gas Company operating, constructing, and maintaining its gas system in the Municipality, or utilizing its gas system for the carriage of gas owned by others. Provided that the Gas Company shall not be required to indemnify or save harmless the Corporation from and against claims, including costs related thereto, which it may incur by reason of damages or injuries including death to any person or persons and for damage to any property, resulting from the negligence or wrongful act of the Corporation, its servants, agents or employees.

**10. Insurance**

- (a) The Gas Company shall maintain Comprehensive General Liability Insurance in sufficient amount and description as shall protect the Gas Company and the Corporation from claims for which the Gas Company is obliged to indemnify the Corporation under Paragraph 9. The insurance policy shall identify the Corporation as an additional named insured, but only with respect to the operation of the named insured (the Gas Company). The insurance policy shall not lapse or be cancelled without sixty (60) days' prior written notice to the Corporation by the Gas Company.
- (b) The issuance of an insurance policy as provided in this Paragraph shall not be construed as relieving the Gas Company of liability not covered by such insurance or in excess of the policy limits of such insurance.
- (c) Upon request by the Corporation, the Gas Company shall confirm that premiums for such insurance have been paid and that such insurance is in full force and effect.

## 11. Alternative Easement

The Corporation agrees, in the event of the proposed sale or closing of any highway or any part of a highway where there is a gas line in existence, to give the Gas Company reasonable notice of such proposed sale or closing and, if it is feasible, to provide the Gas Company with easements over that part of the highway proposed to be sold or closed sufficient to allow the Gas Company to preserve any part of the gas system in its then existing location. In the event that such easements cannot be provided, the Corporation and the Gas Company shall share the cost of relocating or altering the gas system to facilitate continuity of gas service, as provided for in Paragraph 12 of this Agreement.

## 12. Pipeline Relocation

- (a) If in the course of constructing, reconstructing, changing, altering or improving any highway or any municipal works, the Corporation deems that it is necessary to take up, remove or change the location of any part of the gas system, the Gas Company shall, upon notice to do so, remove and/or relocate within a reasonable period of time such part of the gas system to a location approved by the Engineer/Road Superintendent.
- (b) Where any part of the gas system relocated in accordance with this Paragraph is located on a bridge, viaduct or structure, the Gas Company shall alter or relocate that part of the gas system at its sole expense.
- (c) Where any part of the gas system relocated in accordance with this Paragraph is located other than on a bridge, viaduct or structure, the costs of relocation shall be shared between the Corporation and the Gas Company on the basis of the total relocation costs, excluding the value of any upgrading of the gas system, and deducting any contribution paid to the Gas Company by others in respect to such relocation; and for these purposes, the total relocation costs shall be the aggregate of the following:
  - (i) the amount paid to Gas Company employees up to and including field supervisors for the hours worked on the project plus the current cost of fringe benefits for these employees,
  - (ii) the amount paid for rental equipment while in use on the project and an amount, charged at the unit rate, for Gas Company equipment while in use on the project,
  - (iii) the amount paid by the Gas Company to contractors for work related to the project,

- (iv) the cost to the Gas Company for materials used in connection with the project, and
  - (v) a reasonable amount for project engineering and project administrative costs which shall be 22.5% of the aggregate of the amounts determined in items (i), (ii), (iii) and (iv) above.
- (d) The total relocation costs as calculated above shall be paid 35% by the Corporation and 65% by the Gas Company, except where the part of the gas system required to be moved is located in an unassumed road or in an unopened road allowance and the Corporation has not approved its location, in which case the Gas Company shall pay 100% of the relocation costs.

#### **Part IV - Procedural And Other Matters**

##### **13. Municipal By-laws of General Application**

The Agreement is subject to the provisions of all regulating statutes and all municipal by-laws of general application, except by-laws which have the effect of amending this Agreement.

##### **14. Giving Notice**

Notices may be delivered to, sent by facsimile or mailed by prepaid registered post to the Gas Company at its head office or to the authorized officers of the Corporation at its municipal offices, as the case may be.

##### **15. Disposition of Gas System**

- (a) If the Gas Company decommissions part of its gas system affixed to a bridge, viaduct or structure, the Gas Company shall, at its sole expense, remove the part of its gas system affixed to the bridge, viaduct or structure.
- (b) If the Gas Company decommissions any other part of its gas system, it shall have the right, but is not required, to remove that part of its gas system. It may exercise its right to remove the decommissioned parts of its gas system by giving notice of its intention to do so by filing a Plan as required by Paragraph 5 of this Agreement for approval by the Engineer/Road Superintendent. If the Gas Company does not remove the part of the gas system it has decommissioned and the Corporation requires the removal of all or any part of the decommissioned gas system for the purpose of altering or improving a highway or in order to facilitate the construction of utility or other works in any highway, the Corporation

may remove and dispose of so much of the decommissioned gas system as the Corporation may require for such purposes and neither party shall have recourse against the other for any loss, cost, expense or damage occasioned thereby. If the Gas Company has not removed the part of the gas system it has decommissioned and the Corporation requires the removal of all or any part of the decommissioned gas system for the purpose of altering or improving a highway or in order to facilitate the construction of utility or other works in a highway, the Gas Company may elect to relocate the decommissioned gas system and in that event Paragraph 12 applies to the cost of relocation.

#### **16. Use of Decommissioned Gas System**

- (a) The Gas Company shall provide promptly to the Corporation, to the extent such information is known:
  - (i) the names and addresses of all third parties who use decommissioned parts of the gas system for purposes other than the transmission or distribution of gas; and
  - (ii) the location of all proposed and existing decommissioned parts of the gas system used for purposes other than the transmission or distribution of gas.
- (b) The Gas Company may allow a third party to use a decommissioned part of the gas system for purposes other than the transmission or distribution of gas and may charge a fee for that third party use, provided
  - (i) the third party has entered into a municipal access agreement with the Corporation; and
  - (ii) the Gas Company does not charge a fee for the third party's right of access to the highways.
- (c) Decommissioned parts of the gas system used for purposes other than the transmission or distribution of gas are not subject to the provisions of this Agreement. For decommissioned parts of the gas system used for purposes other than the transmission and distribution of gas, issues such as relocation costs will be governed by the relevant municipal access agreement.

#### **17. Franchise Handbook**

The Parties acknowledge that operating decisions sometimes require a greater level of detail than that which is appropriately included in this Agreement. The Parties agree to look for guidance on such matters to the Franchise Handbook prepared by the Association of Municipalities of Ontario and the gas utility companies, as may be amended from time to time.

**18. Other Conditions**

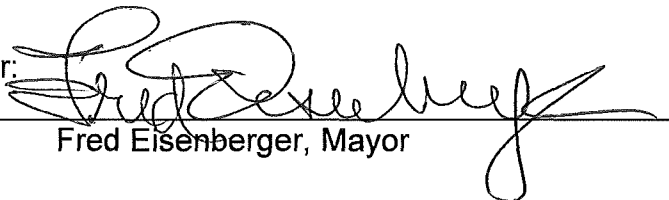
Notwithstanding the cost sharing arrangements described in Paragraph 12, if any part of the gas system altered or relocated in accordance with Paragraph 12 was constructed or installed prior to January 1, 1981, the Gas Company shall alter or relocate, at its sole expense, such part of the gas system at the point specified, to a location satisfactory to the Engineer/Road Superintendent.


**19. Agreement Binding Parties**

This Agreement shall extend to, benefit and bind the parties thereto, their successors and assigns, respectively.

IN WITNESS WHEREOF the parties have executed this Agreement effective from the date written above.

**CITY OF HAMILTON**

Per:   
Fred Eisenberger, Mayor

Per:   
Andrea Holland, City Clerk  
Lisa Barroso,

**ENBRIDGE GAS INC.**

Per: \_\_\_\_\_  
Mark Kitchen, Director  
Regulatory Affairs

Per: \_\_\_\_\_  
Murray Costello, Director,  
Southeast Region Operations

OFFICE OF THE CLERK APPROVED BY COUNCIL	
DATE	December 15, 2021
AUTHORITY	PW 21-018, Item 5
INTL	CW YEAR FILE 2022-15688

**Authority:** Item 2, Public Works Committee  
Report 18-009 (PW18048)  
CM: June 27, 2018  
Ward: 12

**Bill No. 105**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

**To Repeal By-law No. 21-205 of the City of Hamilton, a By-law to Permanently Close a Portion of a Road Allowance Abutting 357 Wilson Street East, Ancaster, established by Registered Plan 347, in the City of Hamilton, designated as Parts 2, 3, 4 and 5 on Reference Plan 62R-19878 and Parts 1, 2 and 3 on Reference Plan 62R-20864, being Part of PIN 17446-1077 (LT) and Part of PIN 17446-1082 (LT), City of Hamilton**

**WHEREAS** Council of the City of Hamilton enacted a by-law to permanently close a Portion of a Road Allowance Abutting 357 Wilson Street East, Ancaster, being By-law No. 21-205;

**AND WHEREAS** Council of the City of Hamilton wishes to repeal By-law No. 21-2051;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. By-law No. 21-205 of the City of Hamilton is repealed.
2. This By-law comes into force on the day it is passed.

**PASSED** this 27<sup>th</sup> day of April, 2022.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk



**Authority:** Item 2, Public Works Committee  
Report 18-009 (PW18048)  
CM: June 27, 2018  
Ward: 12  
**Bill No. 106**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

**Being a By-law to Permanently Close a Portion of a Road Allowance Abutting 357 Wilson Street East, Ancaster, established by Registered Plan 347, in the City of Hamilton, designated as Parts 2, 3, 4 and 5 on Reference Plan 62R-19878 and Parts 1, 2 and 3 on Reference Plan 62R-20864, being Part of PIN 17446-1077 (LT), Part of PIN 17446-1079 (LT), and Part of PIN 17446-1085 (LT), City of Hamilton**

**WHEREAS** Sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

**WHEREAS** Section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

**WHEREAS** highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law;

**AND WHEREAS** the Council of the City of Hamilton on June 27, 2018, in adopting Item 2 of Public Works Committee Report 18-009, authorized the City to permanently close and sell a portion of Road Allowance Abutting 357 Wilson Street East, Ancaster, established by Registered Plan 347, in the City of Hamilton, designated as Parts 2, 3, 4 and 5 on Reference Plan 62R-19878 and Parts 1, 2 and 3 on Reference Plan 62R-20864, being Part of PIN 17446-1077 (LT), Part of PIN 17446-1079 (LT), and Part of PIN 17446-1085 (LT), City of Hamilton;

**AND WHEREAS** notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 as amended.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That portion of road allowance, set out as:

Being a By-law to Permanently Close a Portion of a Road Allowance Abutting 357 Wilson Street East, Ancaster, established by Registered Plan 347, in the City of Hamilton, designated as Parts 2, 3, 4 and 5 on Reference Plan 62R-19878 and Parts 1, 2 and 3 on Reference Plan 62R-20864, being Part of PIN 17446-1077 (LT), Part of PIN 17446-1079 (LT), and Part of PIN 17446-1085 (LT), City of Hamilton

Page 2 of 2

Part of Queen Street, Registered Plan 347, Part of Reserve, Registered Plan 347, designated as Parts 2, 3, 4 and 5 on Plan 62R-19878 and Parts 1, 2 and 3 on Plan 62R-20864, City of Hamilton is hereby permanently closed.

2. That the soil and freehold of Parts 2, 3, 4 and 5 on Plan 62R-19878 and Parts 1, 2 and 3 on Plan 62R-20864, hereby permanently closed.
3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

**PASSED** on this 27<sup>th</sup> day of April, 2022.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

**CITY OF HAMILTON**

**BY-LAW NO. 22-**

To Confirm the Proceedings of City Council at its meeting held on April 27, 2022.

**THE COUNCIL OF THE  
CITY OF HAMILTON  
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 27<sup>th</sup> day of April 2022, in respect of each recommendation contained in

General Issues Committee Report 22-008 – April 20, 2022,  
Audit, Finance & Administration Committee Report 22-009 – April 21, 2022,  
Emergency & Community Services Committee Report 22-006 – April 21, 2022,  
Public Works Committee Report 22-006 – April 22, 2022,  
and  
Planning Committee Report 22-006 – April 25, 2022

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 27<sup>th</sup> day of April, 2022.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk