



City of Hamilton

PUBLIC WORKS COMMITTEE REVISED

Meeting #: 22-014
Date: September 26, 2022
Time: 1:30 p.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

Carrie McIntosh, Legislative Coordinator (905) 546-2424 ext. 2729

| | Pages |
|---|--------------|
| 1. CEREMONIAL ACTIVITIES | |
| 2. APPROVAL OF AGENDA | |
| (Added Items, if applicable, will be noted with *) | |
| 3. DECLARATIONS OF INTEREST | |
| 4. APPROVAL OF MINUTES OF PREVIOUS MEETING | |
| 4.1. September 9, 2022 | 3 |
| 5. COMMUNICATIONS | |
| 6. DELEGATION REQUESTS | |
| *6.1. Daniel Artenosi, Overland LLP, and Steven Dejonckheere, Slate Asset Management, respecting Request for By-law Amendments Respecting 386 Wilcox Street (PW22083/LS22033) (Item 10.1) (for today's meeting) | |
| 7. CONSENT ITEMS | |
| 7.1. Truck Route Sub-Committee Report 22-002 | 12 |
| 7.2. Woodward Water Treatment Plant – Phase 2 Process Upgrades (PW22078) (City Wide) | 24 |

| | | |
|--------|---|----|
| 7.3. | Accessible Transportation Services Performance Report (PW22079) (City Wide) (Outstanding Business List Item) | 30 |
| 8. | STAFF PRESENTATIONS | |
| 9. | PUBLIC HEARINGS / DELEGATIONS | |
| 9.1. | Kristeen Sprague respecting Safety on HSR Buses (approved September 9, 2022) | |
| 9.2. | Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 400 McCrae Station Road, Flamborough (PW22077) (Ward 15) | 32 |
| 10. | DISCUSSION ITEMS | |
| *10.1. | Request for By-law Amendments Respecting 386 Wilcox Street (PW22083/LS22033) (City Wide) | 38 |
| 11. | MOTIONS | |
| 12. | NOTICES OF MOTION | |
| 13. | GENERAL INFORMATION / OTHER BUSINESS | |
| 14. | PRIVATE AND CONFIDENTIAL | |
| 15. | ADJOURNMENT | |



PUBLIC WORKS COMMITTEE

MINUTES 22-013

1:30 p.m.

Friday, September 9, 2022

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor S. Merulla – Personal
Councillor T. Whitehead – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Proposed Permanent Closure and Sale of Portion of Public Unassumed Alleyway Abutting 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton (Ward 3) (PW22074) (Item 9.1)

(Pearson/Powers)

That the application of the owners of 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton, to permanently close and purchase a portion of the unassumed alleyway abutting 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton ("Subject Lands"), attached to Report PW22074 as Appendix "A", be approved, subject to the following conditions:

- (i) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, for an order to permanently close the Subject Lands, if required by the City, subject to:
 - (1) The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order; and
 - (2) The documentation regarding any required application to the Ontario Superior Court of Justice being prepared by the applicant, to the satisfaction of the City Solicitor;

- (ii) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor, to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;
- (iii) That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved:
 - (1) The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;
 - (2) That the City Solicitor be authorized to amend and waive such terms as they consider reasonable to give effect to this authorization and direction;
- (iv) The Corporate Real Estate Office 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 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton, as described in Report PW22074, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
- (v) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Corporate Real Estate Office of the Planning and Economic Development Department;
- (vi) The City Solicitor be authorized and directed to register a certified copy of the by-laws permanently closing and selling the alleyway in the proper land registry office; and
- (vii) The Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed alleyway pursuant to City of Hamilton Sale of Land Policy By-law 14-204.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Ward 2 Councillor Jason Farr

YES – Chair – Ward 3 Councillor Nrinder Nann

NOT PRESENT – Ward 4 Councillor Sam Merulla
 YES – Vice Chair – Ward 5 Councillor Russ Powers
 YES – Ward 6 Councillor Tom Jackson
 YES – Ward 7 Councillor Esther Pauls
 YES – Ward 8 Councillor John-Paul Danko
 YES – Ward 10 Councillor Maria Pearson
 YES – Ward 12 Councillor Lloyd Ferguson
 YES – Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT – Ward 14 Councillor Terry Whitehead

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

6. DELEGATION REQUESTS

6.1 Kristeen Sprague respecting Safety on HSR Buses (for today's meeting). Approval will be for a future meeting.

11. MOTIONS

11.1 Totem Pole that was Located at Confederation Beach Park (200 Van Wagners Beach Road) (Ward 5) – WITHDRAWN. To be presented at a future meeting of the General Issues Committee.

13. GENERAL INFORMATION / OTHER BUSINESS

13.1(a)(c) Accessible Transportation Services and the Disabled and Aged Regional Transportation Service Policy
 Item on OBL: ACT
 Current Due Date: July 6, 2022
 Proposed New Due Date: September 19, 2022
 Corrected Proposed New Due Date: November 28, 2022

13.1(a)(d) Accessible Transportation Services
 Item on OBL: ACU
 Current Due Date: August 10, 2022
 Proposed New Due Date: November 28, 2022
 Corrected Proposed New Due Date: September 19, 2022

(Powers/Farr)

That the agenda for the September 9, 2022 Public Works Committee meeting be approved, as amended.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES – Ward 2 Councillor Jason Farr
 YES – Chair – Ward 3 Councillor Nrinder Nann
 NOT PRESENT – Ward 4 Councillor Sam Merulla
 YES – Vice Chair – 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
 YES – Ward 10 Councillor Maria Pearson
 YES – Ward 12 Councillor Lloyd Ferguson
 YES – Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT – Ward 14 Councillor Terry Whitehead

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**(i) August 10, 2022 (Item 4.1)****(Ferguson/Pearson)**

That the Minutes of the August 10, 2022 meeting of the Public Works Committee be approved, as presented.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Ward 2 Councillor Jason Farr
 YES – Chair – Ward 3 Councillor Nrinder Nann
 NOT PRESENT – Ward 4 Councillor Sam Merulla
 YES – Vice Chair – Ward 5 Councillor Russ Powers
 YES – Ward 6 Councillor Tom Jackson
 YES – Ward 7 Councillor Esther Pauls
 YES – Ward 8 Councillor John-Paul Danko
 YES – Ward 10 Councillor Maria Pearson
 YES – Ward 12 Councillor Lloyd Ferguson
 YES – Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT – Ward 14 Councillor Terry Whitehead

(d) DELEGATION REQUESTS (Item 6)**(VanderBeek/Powers)**

That the following Delegation Requests, be approved:

- (i) Kristeen Sprague respecting Safety on HSR Buses (for a future meeting) (Item 6.1)
- (ii) Peter Whittaker respecting the Speed Limit on West Street and Stop Sign at West Street and Baldwin Street (for today's meeting) (Item 6.2)

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Ward 2 Councillor Jason Farr
 YES – Chair – Ward 3 Councillor Nrinder Nann
 NOT PRESENT – Ward 4 Councillor Sam Merulla
 YES – Vice Chair – Ward 5 Councillor Russ Powers
 YES – Ward 6 Councillor Tom Jackson
 YES – Ward 7 Councillor Esther Pauls
 YES – Ward 8 Councillor John-Paul Danko
 YES – Ward 10 Councillor Maria Pearson
 YES – Ward 12 Councillor Lloyd Ferguson
 YES – Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT – Ward 14 Councillor Terry Whitehead

(e) CONSENT ITEMS (Item 7)

- (i) **Hamilton Cycling Committee Meeting Minutes - July 6, 2022 (Item 7.1)**

(Pauls/Danko)

That the Hamilton Cycling Committee Meeting Minutes of July 6, 2022, be received.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Ward 2 Councillor Jason Farr
 YES – Chair – Ward 3 Councillor Nrinder Nann
 NOT PRESENT – Ward 4 Councillor Sam Merulla
 YES – Vice Chair – Ward 5 Councillor Russ Powers
 YES – Ward 6 Councillor Tom Jackson
 YES – Ward 7 Councillor Esther Pauls
 YES – Ward 8 Councillor John-Paul Danko
 YES – Ward 10 Councillor Maria Pearson
 YES – Ward 12 Councillor Lloyd Ferguson
 YES – Ward 13 Councillor Arlene VanderBeek

NOT PRESENT – Ward 14 Councillor Terry Whitehead

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Proposed Permanent Closure and Sale of Portion of Public Unassumed Alleyway Abutting 154 Lottridge Street, 798 Barton Street East, and 800 Barton Street East, Hamilton (Ward 3) (PW22074) (Item 9.1)

Councillor Nann advised that the notice of the Proposed Permanent Closure of a Portion of Chapple Street, Hamilton was provided as required under the City's By-law No. 14-204 – the Sale of Land Policy By-law.

The Committee Clerk advised that there were no registered speakers.

The Chair asked three times if there were any members of the public in attendance who wished to come forward to speak to the matter. No individuals came forward.

(Pearson/Ferguson)

That the public meeting be closed.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Ward 2 Councillor Jason Farr
 YES – Chair – Ward 3 Councillor Nrinder Nann
 NOT PRESENT – Ward 4 Councillor Sam Merulla
 YES – Vice Chair – Ward 5 Councillor Russ Powers
 YES – Ward 6 Councillor Tom Jackson
 YES – Ward 7 Councillor Esther Pauls
 YES – Ward 8 Councillor John-Paul Danko
 YES – Ward 10 Councillor Maria Pearson
 YES – Ward 12 Councillor Lloyd Ferguson
 YES – Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT – Ward 14 Councillor Terry Whitehead

For further disposition of this matter, refer to Item 1.

(i) Peter Whittaker respecting the Speed Limit on West Street and Stop Sign at West Street and Baldwin Street (Item 9.2)

Peter Whittaker addressed to the Committee concerns respecting speeding vehicles on West Street and requested that a stop sign be installed at West Street and Baldwin Street.

(VanderBeek/Ferguson)

That the delegation from Peter Whittaker respecting the Speed Limit on West Street and Stop Sign at West Street and Baldwin Street, be received.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Ward 2 Councillor Jason Farr
 YES – Chair – Ward 3 Councillor Nrinder Nann
 NOT PRESENT – Ward 4 Councillor Sam Merulla
 YES – Vice Chair – Ward 5 Councillor Russ Powers
 YES – Ward 6 Councillor Tom Jackson
 YES – Ward 7 Councillor Esther Pauls
 YES – Ward 8 Councillor John-Paul Danko
 YES – Ward 10 Councillor Maria Pearson
 YES – Ward 12 Councillor Lloyd Ferguson
 YES – Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT – Ward 14 Councillor Terry Whitehead

(g) GENERAL INFORMATION / OTHER BUSINESS**(Pearson/Powers)**

That the following amendments to the Public Works Committee's Outstanding Business List, be approved.

- (a) Items Requiring a New Due Date: (Item 13.1(a)):
- (i) Improving Truck Route Detouring during Construction Closures (Item 13.1(a)(a))
 Item on OBL: ABY
 Current Due Date: September 19, 2022
 Proposed New Due Date: March 30, 2023
 - (ii) Protected Bike Lane Curbs (Hamilton Cycling Committee - Citizen Committee Report) (Item 13.1(a)(b))
 Item on OBL: ACA
 Current Due Date: September 19, 2022
 Proposed New Due Date: November 28, 2022
 - (iii) Accessible Transportation Services and the Disabled and Aged Regional Transportation Service Policy (Item 13.1(a)(c))
 Item on OBL: ACT
 Current Due Date: July 6, 2022
 Proposed New Due Date: November 28, 2022

- (iv) Accessible Transportation Services (Item 13.1(a)(d))
Item on OBL: ACU
Current Due Date: August 10, 2022
Proposed New Due Date: September 19, 2022

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Ward 2 Councillor Jason Farr
YES – Chair – Ward 3 Councillor Nrinder Nann
NOT PRESENT – Ward 4 Councillor Sam Merulla
YES – Vice Chair – Ward 5 Councillor Russ Powers
YES – Ward 6 Councillor Tom Jackson
YES – Ward 7 Councillor Esther Pauls
YES – Ward 8 Councillor John-Paul Danko
YES – Ward 10 Councillor Maria Pearson
YES – Ward 12 Councillor Lloyd Ferguson
YES – Ward 13 Councillor Arlene VanderBeek
NOT PRESENT – Ward 14 Councillor Terry Whitehead

(h) ADJOURNMENT (Item 15)

(Jackson/Pearson)

That there being no further business, the meeting adjourned at 2:07 p.m.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Ward 2 Councillor Jason Farr
YES – Ward 2 Councillor Jason Farr
YES – Chair – Ward 3 Councillor Nrinder Nann
NOT PRESENT – Ward 4 Councillor Sam Merulla
YES – Vice Chair – Ward 5 Councillor Russ Powers
YES – Ward 6 Councillor Tom Jackson
YES – Ward 7 Councillor Esther Pauls
YES – Ward 8 Councillor John-Paul Danko
YES – Ward 10 Councillor Maria Pearson
YES – Ward 12 Councillor Lloyd Ferguson
YES – Ward 13 Councillor Arlene VanderBeek
NOT PRESENT – Ward 14 Councillor Terry Whitehead

**Public Works Committee
Minutes 22-013**

**September 9, 2022
Page 9 of 9**

Respectfully submitted,

Councillor N. Nann, Chair,
Public Works Committee

Carrie McIntosh
Legislative Coordinator
Office of the City Clerk



TRUCK ROUTE SUB-COMMITTEE REPORT 22-002

**1:30 p.m.
September 13, 2022
Council Chambers
Hamilton City Hall**

Present: Councillors J. Farr (Chair), N. Nann (Vice-Chair), T. Jackson, B. Johnson, M. Pearson, and M. Wilson

Absent: Councillor S. Merulla - Personal

THE TRUCK ROUTE SUB-COMMITTEE PRESENTS REPORT 22-002 AND RESPECTFULLY RECOMMENDS:

- 1. Truck Route Network Monitoring and Evaluation Framework (PED19073(d)) (City Wide) (Outstanding Business List Item) (Item 8.1) (Attached hereto as Appendix "A")**
 - (a) That the framework and associated criteria for the evaluation of approved truck route network described in this Report PED19073(d) be received and approved;
 - (b) That staff be directed to operationalize the truck route network evaluation framework including all required data collection, public and stakeholder engagement and analysis commencing in early 2023 and through 2023/2024 and report back to the Truck Route Sub-Committee by no later than Q4 2024;
 - (c) That the estimated upset limit cost of \$20,000 associated with implementing and promoting a public opinion survey be funded from Project ID 4032155744 Transportation Master Plan (TMP) Modelling and Monitoring;
 - (d) That the estimated upset limit cost of \$30,000 to conduct targeted data collection including truck volume and routing surveys, be funded from Project ID 4662115820 Traffic Count Program;
 - (e) That Outstanding Business List Item ACP, respecting Public Works Report 22-005, Item 5 (PED19073(c)), staff to develop a framework and associated criteria that can be used to evaluate changes to the approved Truck Route Network in order to inform future revisions to the truck route network and that the criteria be presented to the Truck Route Sub-Committee by Q3, 2022 with the results of the evaluation being completed no later than 2024, be identified as completed and removed from the Public Works Committee Outstanding Business List.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

6. DELEGATION REQUESTS (Item 6)

- 6.1 Sean Burak, respecting the TRMP implementation schedule (For today's meeting)

The agenda for the September 13, 2022 Truck Route Sub-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) March 28, 2022 (Item 4.1)

The Minutes of the March 28, 2022 meeting of the Truck Route Sub-Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Sean Burak, respecting the TRMP implementation schedule (For today's meeting) (Added Item 6.1)

The delegation request from Sean Burak, respecting the TRMP implementation schedule, was approved for today's meeting.

(e) STAFF PRESENTATIONS (Item 8)

(i) Truck Route Network Monitoring and Evaluation Framework (PED19073(d)) (City Wide) (Outstanding Business List Item) (Item 8.1)

Steve Molloy, Manager of Transportation Planning, and Omar Shams, Project Manager, Transportation Planning - New Initiatives, addressed the Committee with a presentation respecting Report PED19073(d), Truck Route Network Monitoring and Evaluation Framework.

The staff presentation respecting Report PED19073(d), Truck Route Network Monitoring and Evaluation Framework, was received.

Consideration of PED19073(d), Truck Route Network Monitoring and Evaluation Framework, was DEFERRED until after the delegates for this matter have been heard.

For further disposition of this matter, refer to Items 1 and (g)(i).

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Sean Burak, respecting the TRMP implementation schedule (Added Item 9.1)

Sean Burak addressed the Committee respecting TRMP implementation schedule.

The delegation from Sean Burak, respecting the TRMP implementation schedule, was received.

For disposition of this matter, refer to Items 1 and (g)(i).

(g) STAFF PRESENTATIONS (Item 8) (Continued)

(i) Truck Route Network Monitoring and Evaluation Framework (PED19073(d)) (City Wide) (Outstanding Business List Item) (Item 8.1)

That staff be directed to research options for engagement and enforcement for staff and citizens to identify real-time truck route violations in consultation with Hamilton Police Service, Municipal Law Enforcement, and the City's Chief Digital Officer & Director of Innovation, and report back to the Truck Route Sub-Committee.

The following matter was put forward at the Council meeting of September 14, 2022 for consideration:

That staff be directed to prepare an amendment to the City of Hamilton Traffic By-law 01-215 to identify sewage and water vehicles as "Authorized Emergency Vehicles" for an exemption from Section 56(2) of By-law 01-215, allowing these vehicles to travel on non-designated truck routes, within rural areas only.

For further disposition of this matter, refer to Item 1.

(h) ADJOURNMENT (Item 15)

There being no further business, the Truck Route Sub-Committee, was adjourned at 3:02 p.m.

Respectfully submitted,


Councillor Farr, Chair
Truck Route Sub-Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

Appendix "A" to Truck Route Sub-Committee Report 22-002



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division

| | |
|---------------------------|--|
| TO: | Chair and Members Truck Route Sub-Committee |
| COMMITTEE DATE: | September 13, 2022 |
| SUBJECT/REPORT NO: | Truck Route Network Monitoring and Evaluation Framework (PED19073(d)) (City Wide) (Outstanding Business List Item) |
| WARD(S) AFFECTED: | City Wide |
| PREPARED BY: | Omar Shams (905) 546-2424 Ext. 7474 |
| SUBMITTED BY: | Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department |
| SIGNATURE: |  |

RECOMMENDATION

- (a) That the framework and associated criteria for the evaluation of approved truck route network described in this Report PED19073(d) be received and approved;
- (b) That staff be directed to operationalize the truck route network evaluation framework including all required data collection, public and stakeholder engagement and analysis commencing in early 2023 and through 2023/2024 and report back to the Truck Route Sub-Committee by no later than Q4 2024;
- (c) That the estimated upset limit cost of \$20,000 associated with implementing and promoting a public opinion survey be funded from Project ID 4032155744 Transportation Master Plan (TMP) Modelling and Monitoring;
- (d) That the estimated upset limit cost of \$30,000 to conduct targeted data collection including truck volume and routing surveys, be funded from Project ID 4662115820 Traffic Count Program;
- (e) That Outstanding Business List Item ACP, respecting Public Works Report 22-005, Item 5 (PED19073(c)), staff to develop a framework and associated criteria that can be used to evaluate changes to the approved Truck Route Network in

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**SUBJECT: Truck Route Network Monitoring and Evaluation Framework
(PED19073(d)) (City Wide) - Page 2 of 9**

order to inform future revisions to the truck route network and that the criteria be presented to the Truck Route Sub-Committee by Q3, 2022 with the results of the evaluation being completed no later than 2024, be identified as completed and removed from the Public Works Committee Outstanding Business List.

EXECUTIVE SUMMARY

On April 13, 2022, in its approval of the Hamilton Truck Route Master Plan (TRMP) Update, Council approved a new truck route network (TRN). The new network, referred to as the “Ring Road Concept with Positive Guidance” represents a significant change from the previous network. Specifically, the network promotes use of the LINC, RHVP, Highway 403, and QEW as the primary routes for moving goods within and through the City, while providing a secondary network for goods movement by small and medium trucks in the lower city, by defining a max four-axle network.

As part of the approval of the network, the Truck Route Sub-committee directed staff to develop a framework and associated criteria that can be used to evaluate changes to the approved TRN in order to inform future revisions to the Network, and present the criteria to the Truck Route Sub-Committee by Q3 2022 with the results of the evaluation being completed no later than 2024.

Taking into account the direction provided by the Truck Route Sub-committee, staff developed a framework and associated criteria to evaluate changes to the approved TRN and inform future revisions. These criteria were classified into three pillars that are consistent with the pillars of sustainability – Community Liveability, Environmental and Public Health and Economic Prosperity and generally correspond to the three broad goals of the City’s Transportation Master Plan (TMP) (A Sustainable and Balanced Transportation System; Healthy and Safe Communities, and Economic Prosperity and Growth).

This Report describes the criteria and associated framework, as well as, a general timeline for implementing the associated data collection efforts.

At the time of this Report, work to complete the signage and by-law changes to implement the TRN changes are underway. This work includes inventorying existing signage, preparing a detailed plan for sign fabrication and erection, and hiring a contractor to complete the work. Given the amount of work involved, it is expected that the approved TRN will be in place by Spring 2023.

Alternatives for Consideration – See Page 8

**SUBJECT: Truck Route Network Monitoring and Evaluation Framework
(PED19073(d)) (City Wide) - Page 3 of 9**

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Costs for the implementation of public surveys and data collection to support the Truck Route Master Plan (TMP) monitoring and evaluation can be accommodated within existing approved project budgets. This includes Project ID 4032155744 TMP Modelling and Monitoring and Project ID 4662115820 Traffic Count Program.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

On March 26, 2019, the Truck Route Sub-Committee convened and approved the Terms of Reference (TOR) for the TRMP Update.

On November 29, 2021, the Truck Route Sub-Committee considered PED19073(b) which presented a Draft Final Route Master Plan Update. The Sub-committee directed the staff to review the recommendations in Report PED19073(b) Truck Route Master Plan Update with prioritization given to the Terms of Reference ratified by Council, including an analysis that would permit a Ring Road approach for the Truck Route Master Plan Update and report back to the Truck Route Sub-Committee by March 31, 2022.

On March 28, 2022, staff brought forward a range of alternatives that could address concerns expressed by residents and respond to the concept of Ring Road approach. The Truck Route Sub-committee unanimously approved Alternative 5 – “Ring Road Concept with Positive Guidance” as the preferred option, which was subsequently ratified by City Council on April 13, 2022. The Truck Route Sub-committee directed the following:

- (a) That staff be directed to develop a framework and associated criteria that can be used to evaluate changes to the approved Truck Route Network in order to inform future revisions to the truck route network; and,
- (b) That the criteria be presented to the Truck Route Sub-Committee by Q3 2022 with the results of the evaluation being completed no later than 2024.

**SUBJECT: Truck Route Network Monitoring and Evaluation Framework
(PED19073(d)) (City Wide) - Page 4 of 9**

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The review and update of the TRMP was conducted in accordance with the requirements of Phase 1 and 2 of the Municipal Class Environment Assessment (MCEA) process for master plans and the plan was unanimously approved by City Council. This network evaluation framework will assess the impact of changes to the approved TRN and present the results no later than 2024. Once approved, the framework and evaluation criteria will be used to inform future truck route changes and land use decisions. Overall the frameworks and associated criteria were developed in alignment with the TRMP vision and objectives, TMP Goals and Strategic Plan's priorities.

RELEVANT CONSULTATION

Public and stakeholder engagement was an integral part of the TRMP Update with over 30 stakeholder meetings, as well as, City-wide public consultation. The feedback from these consultations served to inform the development of the criteria and framework for the TRMP evaluation.

In addition, feedback from internal stakeholders was solicited for the development of evaluation framework and selection of criteria including Traffic Operations and Maintenance (TOM), and Public Health Services.

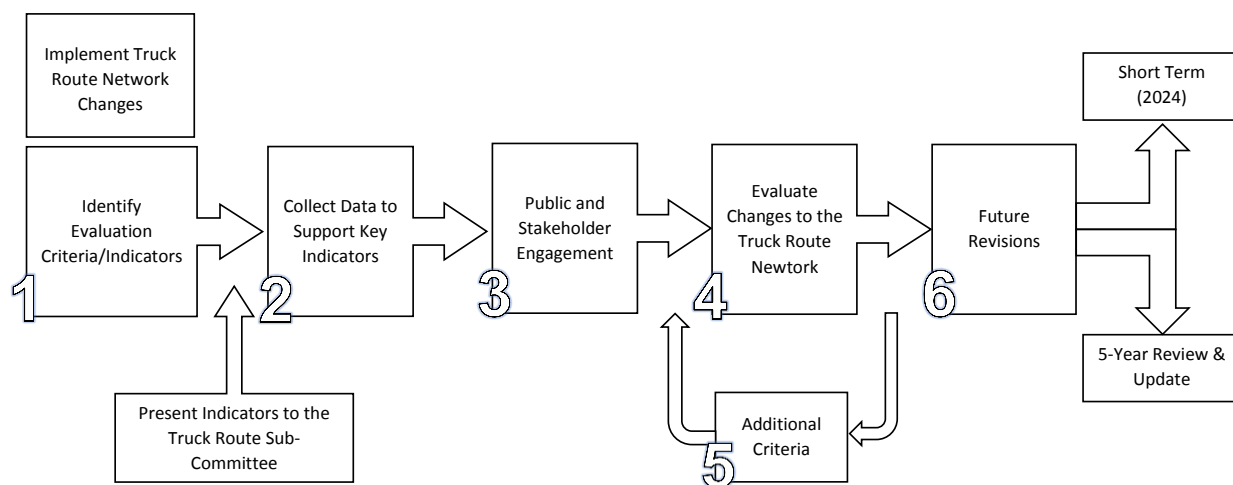
ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The development of the evaluation framework and identification of associated criteria were informed by the TRMP's vision and objectives and data availability to measure the impacts of network changes. The objective of the TRN evaluation is to measure the effectiveness of the changes from a community liveability, environmental and public health, and economic prosperity perspective.

The TRN evaluation framework involves a stepwise process as illustrated on Figure 1. The evaluation framework includes both the collection of data, as well as, public and stakeholder input, and will serve to inform the evaluation of the Council approved TRN. It will also inform future updates that may be initiated through periodic reviews of the TRMP.

SUBJECT: Truck Route Network Monitoring and Evaluation Framework (PED19073(d)) (City Wide) - Page 5 of 9

Figure 1: Truck Route Network Monitoring and Evaluation Framework



Evaluation Criteria and Key Indicators

The selection of evaluation criteria/indicators was informed by the vision, goals and guiding principles of the TRMP and the City's Strategic Plan priorities. While not a limitation per se, the availability of data, or the ability to collect data, also informed the selection of indicators. Each of the criteria and specific indicators are described below.

○ Community Liveability

This criteria is intended to measure how the revisions to the TRN support a safe multimodal transportation system that adheres to the Vision Zero policies and minimizes and distributes the impacts of the TRN away from areas that currently experience societal burden. This will be assessed by the following indicators:

- Number of collisions involving trucks:
 - by truck type/size/type of road users involved;
- Exposure of vulnerable road users (e.g. pedestrians and cyclists) to truck traffic along key routes. Where possible before and after comparisons will be made to;
- Change in Potential for Safety Improvement ranking of the truck route that was removed or modified through the TRMP Update; and,
- Truck volumes passing through neighbourhood development areas (formerly Neighbourhood Action Plan Areas). This includes 11 neighbourhoods

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**SUBJECT: Truck Route Network Monitoring and Evaluation Framework
(PED19073(d)) (City Wide) - Page 6 of 9**

including Beasley, Crown Point, Davis Creek, Gibson/Landsdale, Jamesville, Keith, McQuesten, Riverdale, Rolston, Sherman and Stinson:

- Breakdown of type of complaints related to trucks including cut-through trips, noise and vibration, and speeding.
- The density of residents (vulnerable population) living on a truck route.

A secondary but critically important objective of this criteria will be to inform future land use planning decisions to ensure that new neighbourhoods are planned so as to avoid impacts of truck traffic on sensitive land uses and mitigate impacts on residents.

o Environmental and Public Health

This criteria will serve to measure how the revisions to the TRN has succeeded in influencing environmental, climate change and public health outcomes. The proposed indicators are intended to measure the exposure level for sensitive land uses to truck traffic and include the following:

- Changes in measured air quality (CO, NO₂, CH₄, CO₂, PM 2.5, NO_x etc.);
- Changes in noise levels at select monitoring stations; and,
- Number of sensitive land uses within 50-meters of a truck route (i.e. Elementary schools, Hospitals, Secondary schools, Long-Term Care Facilities).

For the above indicators, staff will look to leverage data already being collected by different Divisions in the City as well as external partners such as McMaster.

o Economic Prosperity

This criteria will include a variety of indicators to assess changes in economic prosperity including travel reliability, resiliency and connectivity among goods-generating land uses, access to employment centres, and observed or anecdotal impacts on local business activity. Given that there are many factors that influence economic prosperity and changes occur more gradually than some of the other criteria, it will be important to supplement the data with insights from specific businesses, Business Improvement Areas (BIAs), and staff from the Economic Development Division.

Proposed indicators include the following:

- Number of new development applications (residential/mixed-use commercial) on former truck routes;
- The volume of goods moved through the Port of Hamilton and Hamilton International Airport:
 - Commodity volume

**SUBJECT: Truck Route Network Monitoring and Evaluation Framework
(PED19073(d)) (City Wide) - Page 7 of 9**

- Truck volumes entering/exiting the port;
- Percent change in average truck trip length (measured using Geotab telemetric data); and,
- Change in truck trip times from key business parks/goods movement terminals (measured using telemetric Geotab data).

Public and Stakeholder Engagement Plan

Public and stakeholder engagement will be important to supplement and inform the evaluation of key indicators, and to gauge the successes and challenges experienced following revision of the TRN. Engagement efforts will also serve to inform and near-term network changes as well as future TRMP updates.

It is proposed that a city-wide public opinion survey be launched on Engage Hamilton to solicit public feedback on the evaluation criteria and the impact of TRN changes. The main focus of the survey will be to gather input on changes in quality of life and community liveability experienced by residents. In addition, interview sessions will be held with targeted stakeholder groups (Port of Hamilton and key tenants, BIAs, Truck Advisory Focus Group, Truck Route Reboot, et al.) to invite their feedback on the evaluation criteria and any changes on their business operations.

As part of the stakeholder engagement, it will be important to receive feedback and insights from Hamilton Police Services (HPS) on enforcement activities, violations issued and any changes in resourcing requirements.

Assessment Process

Using both the quantitative criteria and associated indicators, as well as, public and stakeholder input, staff will prepare an assessment of the changes to the TRN. This process will commence in Spring 2023 and continue throughout 2023 and 2024 with the goal of presenting the findings to the Truck Route Sub-Committee by no later than the end of 2024. It is expected that the assessment will be an iterative process and may include interim updates.

The assessment will include both specific route evaluation as well as network-wide analysis. The outcomes of the evaluation will determine the qualitative and quantitative impact of truck route changes on the community liveability, environmental and public health, and economic prosperity, and will establish a framework for future route change evaluation.

The established criteria/indicators will be utilized to evaluate the TRN changes in the short term and project how these will transfer to the long term. In the short term, the evaluation criteria will identify the need for any immediate revisions that could include

**SUBJECT: Truck Route Network Monitoring and Evaluation Framework
(PED19073(d)) (City Wide) - Page 8 of 9**

route change, regulation change, change to enforcement mechanism and the need for continuous monitoring of truck traffic on a route.

In the long term, the evaluation criteria will be utilized to update the network in the future taking into account land use changes, changes in functional road classification, emergency detour route changes, and major infrastructure projects such as the Light Rail Transit (LRT) project.

Truck Route Master Plan (TRMP) Implementation Status Update

Since the approval of the TRMP in April 2022, staff from Transportation Operations and Maintenance (TOM) have developed an implementation plan for the signage changes and by-law amendments. With an estimated 600-700 signs to be inventoried, removed, replaced or modified, this is an extensive undertaking. Assignment of staff to other safety related projects including the neighbourhood speed limit program and the Main Street conversion project has presented some resource challenges.

In recognition of the pressure to implement the changes a contractor is being retained to complete the signage inventory and signage installations. It is expected that the contractor will commence work in October, with signage changes occurring over the period from January to April 2023. A phased implementation plan has been identified such that changes in the highest impact areas will be implemented first.

ALTERNATIVES FOR CONSIDERATION

The Truck Sub-committee could choose to alter the staff recommendations or not approve the full or part of the evaluation framework and associated criteria. Typical changes would be to remove or add criteria to the evaluation framework. Revisions to the proposed framework and associated indicators would need to be feasible based on the availability of data. Addition of new criteria will require additional time and resources to investigate and evaluate the impacts of changes on the truck route network from a community liveability, environmental and public health, and economic prosperity perspectives.

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

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

**SUBJECT: Truck Route Network Monitoring and Evaluation Framework
(PED19073(d)) (City Wide) - Page 9 of 9**

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure


Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

N/A



INFORMATION REPORT

| | |
|---------------------------|---|
| TO: | Chair and Members Public Works Committee |
| COMMITTEE DATE: | September 19, 2022 |
| SUBJECT/REPORT NO: | Woodward Water Treatment Plant – Phase 2 Process Upgrades (PW22078) (City Wide) |
| WARD(S) AFFECTED: | City Wide |
| PREPARED BY: | Stuart Leitch (905) 546-2424 Ext. 7808 |
| SUBMITTED BY: | Mark Bainbridge Director, Water and Wastewater Planning and Capital Public Works Department |
| SIGNATURE: |  |

COUNCIL DIRECTION

Not Applicable

INFORMATION

Overview:

Over the last several years Hamilton Water (HW), through the Capital Delivery section completed a Best Available Technologies and Feasibility Study (CH2M Hill 2016) and are nearing completion of a Conceptual Design (AECOM 2022) for the Woodward Water Treatment Plant (WTP) Phase 2 Process Upgrades. Concurrently, Capital Delivery completed the WTP Phase 1 Process Upgrades through a construction project that involved large capital maintenance upgrades. The upcoming WTP Phase 2 Process Upgrades are largely focused on increasing capacity output of select processes within the WTP along with critical process and water quality improvements. The project is currently planned to commence a full design assignment in 2023 and a subsequent construction tender from 2026 through 2032.

The recently completed Core Asset Management Plan (PW22048) including the City of Hamilton's (City) Waterworks identified that the condition of the WTP is rated as four (4) or Poor, largely due to the deficiencies identified in this report.

Financial:

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**SUBJECT: Woodward Water Treatment Plant – Phase 2 Process Upgrades
(PW22078) (City Wide) - Page 2 of 6**

A 10-year forecasted budget (cash flowed) for the WTP Phase 2 Process Upgrades of \$165M was included in the 2022 Water, Wastewater and Storm Rate Budget (FCS21088) under Project ID #5142166110. Recent updated estimates developed during the Conceptual Design are in the order of \$348M, excluding inflation and contingency. The estimated increase of \$183M is a result of increasing project scope including unanticipated treatment improvement requirements reflecting guidance from the Ministry of the Environment, Conservation and Parks (MECP), and changing economic factors.

Influencing Project Factors:

Capacity Restrictions

- At times there are challenges meeting current water production demands and there is a forecasted inability to meet future demands (impact on growth).
- Various treatment processes are currently experiencing hydraulic restrictions and there is evidence of filter underdrains that are failing. These deficiencies impact the efficiency and production capacity of the WTP.

Filter Backwashing Risks

- Failure of system due to age-related deterioration or mechanical failure, resulting in underdrain failure(s) and reduction in capacity.

Aged Infrastructure

- Filter underdrains (22 of 24),
- Seized/inoperable valves/gates,
- Structural concrete deficiencies,
- Obsolete equipment requiring removal, and
- Low voltage electrical

Chlorine Building Challenges

- Building at end of service life due to structural deficiencies.
- Operational/maintenance challenges associated with difficult access.
- Process equipment and piping reaching end of service life.

Treated Water Quality Concerns

- Impaired raw water quality due to climate events challenges the treatment efficacy of the existing sedimentation and filter processes.

**SUBJECT: Woodward Water Treatment Plant – Phase 2 Process Upgrades
(PW22078) (City Wide) - Page 3 of 6**

Regulatory Expectations

- Over the last several years, the MECP have commented that while HW is achieving compliance targets for chlorine contact requirements at the WTP, the WTP design does not comply with MECP guidelines or industry best practices. As a result, disinfection credits are being granted for treatment processes upstream of the filters which is considered non-standard and a risk to sustainable treated water quality. In addition, the WTP does not have the ability to direct treated water from the backwashed filters to a waste stream while the filters 'ripen'. Instead the treated water from the 'ripening' filters is mixed with fully treated water in the WTP Clear Wells and distributed to the community.

Individual Project components that Comprise the WTP Phase 2 Process Upgrades:

| Project Components | Description | Capital Cost Estimate* |
|---|--|------------------------|
| Lowlift Pumping Station (LLPS) upgrades | Upgrades are anticipated as a result of changes to the hydraulics through the new WTP pretreatment process when reusing the existing sedimentation tanks. | \$21.6M |
| Temporary pre-treatment | Due to seasonal demands and the anticipated duration to sequence the construction works, this is necessary to ensure the City continues to meet capacity during construction. | \$20.1M |
| Pre-treatment process | New process technology is required to reduce the hydraulic bottleneck in the existing sedimentation tanks and increase capacity. This will also improve pretreatment water quality and filter performance. | \$87.7M |
| Filter to waste | Currently the plant does not include a filter to waste process. A new filter to waste system will allow for filter 'ripening' after a backwash prior to finished water production. This process will mitigate water quality challenges after a backwash cycle will address MECP design concerns. | \$21.6M |
| Backwash System | The equipment will be housed in the new ultra- violet (UV) building. The | \$17.3M |

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**SUBJECT: Woodward Water Treatment Plant – Phase 2 Process Upgrades
(PW22078) (City Wide) - Page 4 of 6**

| Project Components | Description | Capital Cost Estimate* |
|---|--|--|
| | new backwash system will use non-chlorinated water which will prolong the service life of the filter media and reduce replacement frequency. | |
| Filter Underdrains | Replace the filter underdrains in 22 out of 24 filters (two filter underdrains were recently replaced due to failure). The works will ensure filtration redundancy and capacity is maintained. | \$31.6M |
| Replace Filter Media | This is necessary to ensure filtered water quality and occurs every four years in order to meet water quality objectives. | \$12.9M (two replacement occurrences). |
| UV Disinfection Process | Adding post-filter UV will address MECP concerns regarding disinfection credits, reduce the use of chlorine for disinfection, and address concerns over degradation of process equipment and filter media due to current practice of pre-treatment with chlorine. In addition, UV will provide Giardia inactivation post filtration. | \$79.1M |
| Chlorine Building | Required to replace existing aged structure as well as ensure security of supply with growing demands from both Water and Wastewater Treatment Processes. The new building will incorporate the ability to use two alternate chlorine supply strategies. | \$20.1M |
| Miscellaneous Upgrades | Other ancillary works required such as landscaping, yard piping, filter effluent piping, clearwell tank concrete restoration, excess soils management, etc. | \$35.9M |
| The total cost estimate for the WTP Phase 2 Process Upgrades excluding contingencies and inflation. | | \$348M |

*Identified costs exclude contingencies and inflation.

**SUBJECT: Woodward Water Treatment Plant – Phase 2 Process Upgrades
(PW22078) (City Wide) - Page 5 of 6**

Project & Future Staffing:

Due to the scale and complexity of the WTP Phase 2 Process Upgrades scope of work, successful project delivery will present a number of staffing challenges including the necessity to resource a dedicated project team (similar to the Woodward Upgrades Program), and the requirement for support from dedicated operational representatives.

Overall project timelines are estimated to be 3.5 years for design and between six to eight years for construction. In order to balance the level of internal effort to manage this large capital project, HW anticipates that additional staffing resources will be required including new staff to operate and maintain the new processes and equipment once commissioned.

Next Steps:

- 1) HW is undertaking a third-party review of key areas that are deemed critical to the success of this project as part of a due diligence approach. The main project scope of this review includes:
 - Capital Construction Cost Review of the WTP Phase 2 Process Upgrades capital budget evolution from the CH2M Hill 2016 Study to the current AECOM 2022 conceptual design. The review will focus on additional scope identified during the AECOM 2022 conceptual design. Other factors will also be assessed including labour shortages, complex project sequencing, supply chain challenges, excess soil regulations, material costs and escalating inflation.
 - An analysis of HW staff resources that are necessary to support this project including recommendations for additional resources if required, and the development of an organizational structure for the project that will support HW for success.
 - Construction phasing opportunities based on a thorough process, structure and site civil risk analysis (further to the CH2M Hill 2016 and AECOM 2022 assignments).
 - Risk analysis of large capital construction activities proceeding concurrently at the Woodward Avenue Water and Wastewater facilities.

This third-party review is currently in progress with completion anticipated by Q2 2023. The objective is to provide a comprehensive independent assessment of the studies completed to-date including associated cost estimates.

- 2) 2023 Water, Wastewater and Storm Rate Budget (November 2022): The Water Treatment Plant Phase 2 Process Upgrades forecast has been increased by \$183M in the 10 Year Capital Plan as part of the 2023 Budget process. The \$183M increase is based on the latest conceptual design reporting and multi-year budgeting strategy

**SUBJECT: Woodward Water Treatment Plant – Phase 2 Process Upgrades
(PW22078) (City Wide) - Page 6 of 6**

of \$348M. Once the third-party review noted above is completed, staff will again revisit the 10 Year Capital Plan as part of future Budget processes.

- 3) Staff plan to present a recommendation report to the Public Works Committee in summer 2023 that includes a full project plan for the WTP Phase 2 Process Upgrades along with an updated budget, and resource requirements to support the project.

Closing:

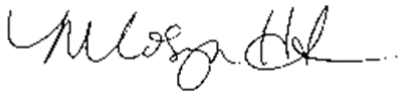
This information report identifies significant capital upgrades that are required at the City's Woodward WTP and impacts to the 2023 Water, Wastewater and Storm Rate Budget and the corresponding 10-year Capital Budget. It is anticipated that additional committee reports will be presented in 2023 so that Council can make fully informed decisions regarding financial and staff resource requirements for these upgrades.

APPENDICES AND SCHEDULES ATTACHED

Not Applicable



INFORMATION REPORT

| | |
|---------------------------|---|
| TO: | Chair and Members Public Works Committee |
| COMMITTEE DATE: | September 19, 2022 |
| SUBJECT/REPORT NO: | Accessible Transportation Services Performance Report (PW22079) (City Wide) (Outstanding Business List Item) |
| WARD(S) AFFECTED: | City Wide |
| PREPARED BY: | Michelle Martin (905) 546-2424 Ext. 2765 |
| SUBMITTED BY: | Maureen Cosyn Heath Director, Transit Public Works Department |
| SIGNATURE: |  |

COUNCIL DIRECTION

Public Works Committee, at its meeting of April 22, 2022, approved the following: “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).” (PW Report 22-006, Item 3 (PW21055(a))).

INFORMATION

In 1998, an Ontario Human Rights Code complaint was filed and the subsequent settlement established, in part, that the City of Hamilton report on service-specific requirements, notably, a trip denial rate goal of 5%, an on-time performance goal of 95% or greater for DARTS trips, and an annual report to the City’s Advisory Committee of Persons with Disabilities on: trip requests, trip denials, passenger refusals of trips, cancellations, no shows, missed trips, trips provided, complaints and on time performance.

At the Advisory Committee for Persons with Disabilities (ACPD) meeting July 14, 2022, ATS presented performance indicators for 2019, 2020, 2021 and Q1 of 2022 (ACPD Meeting 22-009 Agenda Item 8.1). ATS presented performance indicators for Q2 of 2022 to ACPD on September 13, 2022 (ACPD Meeting 22-011 Agenda Item 8.2).

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**SUBJECT: Accessible Transportation Services Performance Report
(PW22079) (City Wide) - Page 2 of 2**

2022 Q3 performance indicators will be presented to ACPD in fall of 2022, and 2022 Q4 performance indicators will be presented to ACPD early in 2023, with reports to Public Works Committee to follow.


The information presented meets the terms of the settlement and exceeds the frequency requirements.

APPENDICES AND SCHEDULES ATTACHED

N/A



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

| | |
|---------------------------|--|
| TO: | Chair and Members Public Works Committee |
| COMMITTEE DATE: | September 19, 2022 |
| SUBJECT/REPORT NO: | Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 400 McCrae Station Road, Flamborough (PW22077) (Ward 15) |
| WARD(S) AFFECTED: | Ward 15 |
| PREPARED BY: | Cetina Farruggia (905) 546-2424 Ext. 5803 |
| SUBMITTED BY: | Susan Jacob Acting Director, Engineering Services Public Works Department |
| SIGNATURE: |  |

RECOMMENDATION

That the application of the owner of 400 McCrae Station Road, Flamborough, to permanently close and purchase a portion of road allowance abutting 400 McCrae Station Road, Flamborough ("Subject Lands"), as shown on Appendix "A", attached to Report PW22077, 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 Corporate Real Estate Office 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 400 McCrae Station Road, Flamborough, as described in Report PW22077, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;

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**SUBJECT: Proposed Permanent Closure and Sale of a Portion of Road Allowance
Abutting 400 McCrae Station Road, Flamborough
(PW22077) (Ward 15) - Page 2 of 4**

- (iii) The City Solicitor be authorized to complete the transfer of the Subject Lands to 400 McCrae Station Road, Flamborough pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Corporate Real Estate Office 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'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.

EXECUTIVE SUMMARY

The owner of 400 McCrae Station Road, Flamborough has made an application to permanently close and purchase a portion of the road allowance abutting the northwest side of their property. The applicant proposes this closure in order to add additional land to their property and be able to maintain the area. As there were no objections from internal staff or public utilities, and only one objection from an abutting land owner that has been resolved, staff support the application to close and sell the Subject Lands to the owner of 400 McCrae Station Road, Flamborough.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The applicant has paid the Council approved user fee of \$4,868.50. The Subject Lands will be sold to the owners of 400 McCrae Station Road, Flamborough, at fair market value, as determined by the Corporate Real

**SUBJECT: Proposed Permanent Closure and Sale of a Portion of Road Allowance
Abutting 400 McCrae Station Road, Flamborough
(PW22077) (Ward 15) - Page 3 of 4**

Estate Office of the Planning and Economic Development Department, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204.

Staffing: An agreement to purchase the Subject Lands will be negotiated by the Corporate Real Estate Office of the Planning and Economic Development Department.

Legal: The City Solicitor will prepare all necessary by-laws to permanently close and sell the Subject Lands and will register such by-laws in the Land Registry Office once Council has approved the by-law. The by-law does not take effect until the certified copy of the by-law is registered in the proper land registry office. The City Solicitor will complete the transfer of the Subject Lands to the owners of 400 McCrae Station Road, Flamborough, pursuant to an agreement negotiated by the Corporate Real Estate Office of the Planning and Economic Development Department.

HISTORICAL BACKGROUND

The Subject Lands form part of the original unopened road allowance between the Geographic Townships of Puslinch and East Flamborough. The northern half of the road allowance was closed by the Township of Puslinch by By-Laws registered as MS64898 and MS64899. On August 30th, 2021, the owners of 400 McCrae Station Road, Flamborough submitted an application to close and purchase the Subject Lands to increase their land and maintain the parcel.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

A by-law must be passed to permanently close the lands in accordance with the *Municipal Act, 2001*.

RELEVANT CONSULTATION

The following public utilities, City departments and divisions were provided with a copy of the application and were invited to provide comments:

- Planning and Economic Development Department: Development Engineering, Building, Economic Development, Corporate Real Estate Office, and Planning
- Public Works Department: Engineering Services, Chief Road Official, Hamilton Water, Transportation Operations & Maintenance, and Environmental Services
- Hamilton Emergency Services
- Corporate Services Department: Budgets and Finance
- Mayor and Ward Councillor

**SUBJECT: Proposed Permanent Closure and Sale of a Portion of Road Allowance
Abutting 400 McCrae Station Road, Flamborough
(PW22077) (Ward 15) - Page 4 of 4**

- Bell, Alectra Utilities, Hydro One, and Enbridge Gas

There were no objections received from any public utilities, City departments and divisions.

Hydro One has advised that they will require easement protection.

Notice of the proposal was sent to all abutting property owners of the Subject Lands, as shown on Appendix “B”, attached to Report PW22077 for comment. In this instance, there were 2 notices mailed, and the results are as follows:

In favour: 0

Opposed: 1

No comment: 0

The abutting landowner that was opposed also wanted to submit an application for a portion of the road allowance that abuts their property. This application was submitted and is in process.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As there were no objections from any City department, division, or public utility, and the objection from the abutting land owner has been resolved, staff are supportive of the closure and sale of the Subject Lands to the owner of 400 McCrae Station Road, Flamborough.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

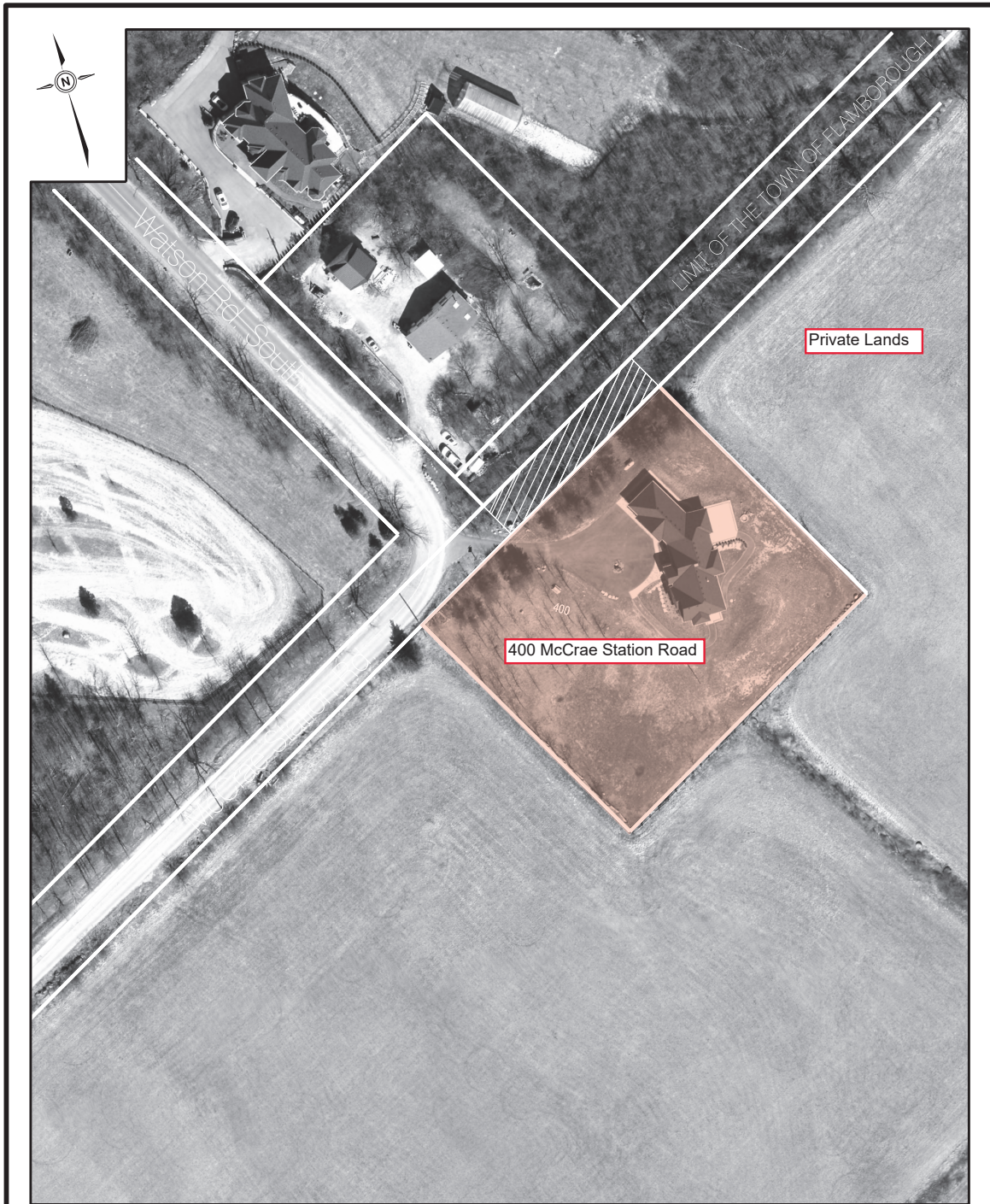
Built Environment and Infrastructure

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APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PW22077 – Aerial Drawing

Appendix “B” to Report PW22077 – Location Plan



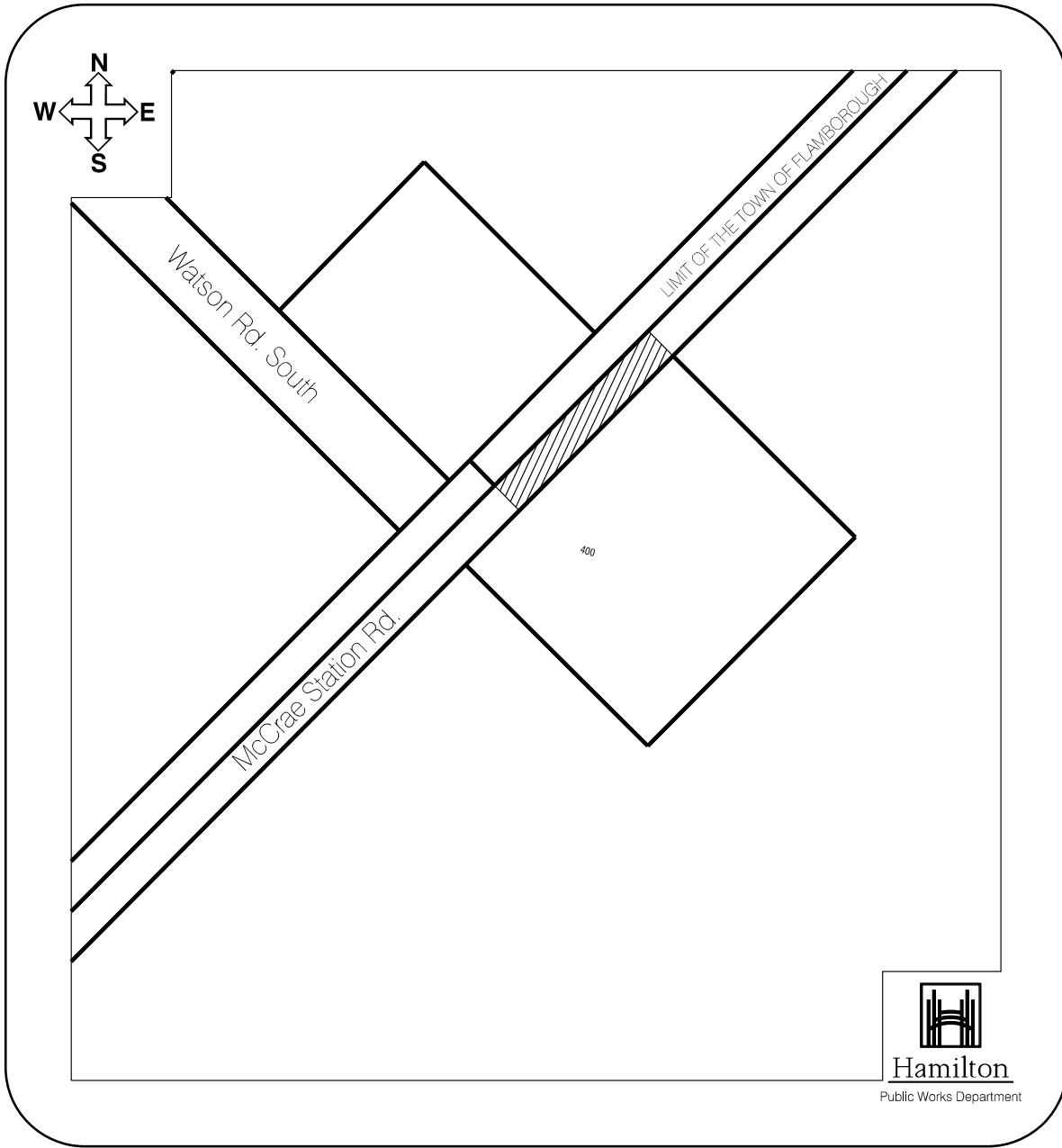
PROPOSED CLOSURE OF PORTION OF ROAD ALLOWANCE
ABUTTING 400 MCCRAE STATION ROAD, FLAMBOROUGH

Geomatics & Corridor Management Section
Public Works Department

LEGEND

 Lands to be Closed

NTS | 02/12/2021 | Sketch By: CF



LOCATION PLAN

PROPOSED CLOSURE OF
PORTIION OF ROAD ALLOWANCE ABUTTING

**400 MCCRAE STATION ROAD,
FLAMBOROUGH**

CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND



SUBJECT LANDS



DATE: December 2, 2021

Not to Scale | Sketch By: CF

REFERENCE FILE NO : PW21_



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
 Hamilton Water Division
 and
CORPORATE SERVICES DEPARTMENT
 Legal and Risk Management Services Division

| | |
|---|---|
| TO: | Chair and Members Public Works Committee |
| COMMITTEE DATE: | September 26, 2022 |
| SUBJECT/REPORT NO: | Request for By-law Amendments Respecting 386 Wilcox Street (PW22083/LS22033) (City Wide) |
| WARD(S) AFFECTED: | City Wide |
| PREPARED BY: | Shane McCauley (905) 546-2424 Ext. 1020 Patrick MacDonald (905) 546-2424 Ext. 4708 Norm Schleeahn (905) 546-2424 Ext. 2669 |
| SUBMITTED BY: SIGNATURE: | Nick Winters Director, Hamilton Water Division Public Works Department  |
| SUBMITTED BY: SIGNATURE: | Ron Sabo Acting City Solicitor, Legal Service Division Corporate Services Department  |

RECOMMENDATION

That Slate HWF L.P.'s request for an exemption to the City of Hamilton's (City) Sewers and Drains By-law No.06-026 and the City's Waterworks By-law R84-026 be refused.

EXECUTIVE SUMMARY

At the September 6, 2022 Planning Committee meeting staff were directed to report back to the Public Works Committee on Slate HWF L.P.'s ("Slate") request to make an exemption to the City's Sewers and Drains By-law No.06-026 and the City's Waterworks

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**SUBJECT: Request for By-law Amendments Respecting 386 Wilcox Street
(PW22083/LS22033) (City Wide) Page 2 of 9**

By-law R84-026 for 386 Wilcox Street, Hamilton. Amendments to these by-laws would be required in order to advance the redevelopment and transformation of the Stelco lands.

Stelco, the prior owner of the property, had previously proposed multiple consents to sever the same lands that would have created seven (7) new lots on 386 Wilcox Street. The new approach, as proposed by Slate and as conditionally approved by the Committee of Adjustment, significantly reduces that number, but still results in more properties sharing sewer and water servicing connections than is allowed by the by-laws.

From an infrastructure management perspective, staff are not in a position to support making the requested by-law amendments, as they would be contrary to recommendations that Hamilton Water intends to bring to Council for approval in mid to late 2023, that individual properties be required to have their own dedicated water and wastewater servicing (no shared service connections). There is also the potential that the amendments could risk setting an undesirable precedent for development activity throughout the City, although staff do note and acknowledge that the subject lands are unique in the City given their scale and historical use.

From a development perspective, Planning and Economic Development staff note the unique and complicated nature of the subject lands and the clear challenges that any redevelopment will have in meeting the by-law requirements, and have expressed concern that not moving ahead with the requested by-law amendments would negatively impact the City's ability to achieve targets set out in the City's 2021-2025 Economic Development Action Plan by delaying or complicating the potential redevelopment of 386 Wilcox Street. Redevelopment of 386 Wilcox Street is projected to create better land use efficiencies, improve access, and bring highly sought-after industrial land supply to the market. An economic study conducted by Ernst & Young Global Limited estimates that the redevelopment of the subject property has the potential to create up to 23,000 new jobs across the Greater Toronto & Hamilton Area and inject up to \$3.8 billion into Ontario's economy.

Staff have recommended in this report that the request for by-law amendments be refused. However, within the Alternatives for Consideration section of the report, staff have provided a fulsome alternative for Council's consideration that would direct staff to make the necessary by-law amendments working with Legal Services staff to mitigate the infrastructure management and precedent concerns in the best way possible.

ALTERNATIVES FOR CONSIDERATION

As an alternative, Council can direct staff to make the necessary by-law amendments, which is described in greater detail on Page 8.

**SUBJECT: Request for By-law Amendments Respecting 386 Wilcox Street
(PW22083/LS22033) (City Wide) Page 3 of 9**

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

On November 25, 2021, the Committee of Adjustment heard and conditionally approved two (2) consent applications by MHBC Planning on behalf of the owner, Stelco Inc. (“Stelco”), for 386 Wilcox Street. The purpose of these applications (HM/B-21:97, HM/B-21:98) was to permit the severance of one (1) parcel of land and to retain one (1) parcel of land (refer to Appendix “A” to Report PW22083/LS22033); and to allow for a long-term lease of the Severed Lands in excess of 21 years. A copy of the decisions and respective conditions of approval for the consent applications are attached as Appendix “B” to ReportPW22083/LS22033.

As per Stelco’s Application for Consent/Land Severance (HM/B-21:98), the purpose of the severance is to create a new lot for conveyance purposes, including transfers and mortgages. The Severed Lands would be conveyed to new ownership and a long-term lease would be entered into with Stelco for the Severed Lands to allow for the continued operation of Stelco’s cold steel rolling plant. According to Slate (who purchased the lands on June 1, 2022), the conveyance and long-term lease of the Severed Lands is to facilitate appropriate financial and risk management measures required by the nature of Stelco’s steel manufacturing operations.

In accordance with the *Planning Act*, there is a two-year time period granted to fulfill conditions or the application for consent shall be deemed to be refused. The expiry date for the severance application is December 2, 2023. Despite the additional time available to satisfy the conditions, Slate has advised the City that a condition of its financing arrangement to develop the property requires that the conditions for consent be satisfied by the end of October 2022.

The conditions for consent application HM/B-21:97 for a long-term lease were satisfied on March 15, 2022. Slate is currently working with the City to satisfy the remaining conditions of consent application HM/B-21:98. Condition 2 of consent application HM/B-21:98, which required a Holding Provision be placed on the retained portion of the lands, was satisfied by the passage of By-law 22-069 by Council on April 13, 2022. The main purpose for the Holding Provision is to make sure that redevelopment of the site does not occur until a Master Servicing Study and a Concept Plan showing land uses and phasing are submitted to the satisfaction of the City. The Master Servicing Study

**SUBJECT: Request for By-law Amendments Respecting 386 Wilcox Street
(PW22083/LS22033) (City Wide) Page 4 of 9**

also has to conform to the current sewer and water by-laws. Condition 10 of consent application HM/B-21:98 requires that the Owner enter into and register on title a Development Agreement and/or a Joint Use Agreement, if necessary.

A Joint Use Agreement that meets the requirements of the City's Sewers and Drains, and Waterworks By-laws is already in place for the three (3) existing parcels of land; Max Aicher North America (MANA) (North) (1155 Industrial Drive), MANA (South) (855 Industrial Drive) and Slate (386 Wilcox Street). However, the completion of the severance would result in four separate parcels of land, all of which would have interconnected water and sewer services which is not permitted under the Sewers and Drains, and Waterworks By-laws.

Stelco, the prior owner of the property, previously received conditional approval from the Committee of Adjustment on October 10, 2019 for multiple consents to sever that would have created seven (7) new lots on 386 Wilcox Street. Stelco subsequently made a request to Council for a site-specific amendment to the City's Sewers and Drains, and Waterworks By-laws. At its meeting on December 16, 2020, Council approved the recommendations contained in report PED20220/PW20067/LS20037 Stelco Inc. Severances – 386 Wilcox Street, Hamilton which had included the following direction with respect to that previous proposal and the previous consent approach:

- (a) That staff be directed to advise Stelco that it will not satisfy all Conditions of the Committee of Adjustment decisions dated October 10, 2019, including Conditions 6 and 7, until and unless:
 - (i) Stelco submits a comprehensive infrastructure strategy plan ("Master Servicing Plan") with sufficient details to meet the private and municipal servicing requirements of the City of Hamilton to the satisfaction of the General Manager of the Public Works Department and the General Manager of the Planning and Economic Development Department; and
 - (ii) Stelco executes a Development Agreement substantially in the form already proposed by City staff that is approved by the the General Manager of the Public Works Department, the General Manager of the Planning and Economic Development Department and the City Solicitor;
- (b) That staff be directed to advise Stelco that should it not satisfy all Conditions of the Committee of Adjustment decisions dated October 10, 2019 by January 22, 2021, that any subsequent applications to develop Stelco's lands located at 386 Wilcox Street, Hamilton proceed by way of applications for a plan of subdivision or a plan of condominium;

**SUBJECT: Request for By-law Amendments Respecting 386 Wilcox Street
(PW22083/LS22033) (City Wide) Page 5 of 9**

- (c) That staff be directed to advise Stelco that any applications to develop Stelco's lands located at 386 Wilcox Street, Hamilton proceed such that amendments to the City's Sewers and Drains By-law No.06-026 and the City's Waterworks By-law R84-026 are not necessary

As described above, following discussions with Planning staff, a new approach has been undertaken and a new Committee of Adjustment approval was sought and received, and significant work has been undertaken by the applicant to meet the Committee of Adjustment conditions and advance a transformational redevelopment of the lands. The updated plans have significantly reduced the need for amendments to the City's Sewers and Drains By-law, however exemptions would still be needed for the redevelopment to advance, which is the subject of this report.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The City's Sewers and Drains By-law No.06-026 and the City's Waterworks By-law R84-026 currently permit shared service connections for up to three (3) industrial, commercial, institutional (ICI) or condominium corporation properties respectively.

Hamilton Water staff intend to bring updated Sewers and Drains, and Waterworks By-laws to Council in mid to late 2023, that include amendments that will require that individual properties have their own dedicated water and wastewater servicing (no shared service connections). These amendments are based on municipal best practices and staff's experience dealing with shared service connections.

RELEVANT CONSULTATION

The following groups have been consulted or informed and are supportive of the recommendations of this Report:

- Public Works Department – Hamilton Water Division
- Planning and Economic Development Department – Growth Management
- Planning and Economic Development Department – Economic Development
- Planning and Economic Development Department – Planning
- Corporate Services Department – Legal and Risk Management Services

ANALYSIS AND RATIONALE FOR RECOMMENDATION

On September 6, 2022, through delegation, Slate made a request to Planning Committee to enact amendments to the Sewers and Drains, and Waterworks By-laws to allow for up to four (4) parcels of land to share a single service connection, with an approved Joint Use Agreement in place.

**SUBJECT: Request for By-law Amendments Respecting 386 Wilcox Street
(PW22083/LS22033) (City Wide) Page 6 of 9**

In discussions with Slate, their stated intent is that the by-law amendments would be site specific and temporary, while they develop a Concept Plan and a Master Servicing Strategy that will be to the satisfaction of the City (as required by the Holding Provision). Slate has further offered to place a restriction on further transfers of the retained and severed lands under the *Land Titles Act* (excepting the initial transfer to complete the severance), to be secured through separate agreements with the City required as a condition of consent approval.

Despite the significant reduction in the number of new properties proposed to be created through the current application compared to Stelco's prior application in 2019, the requested severance would still result in more properties sharing sewer and water servicing connections than is allowed by the by-laws.

While the current versions of By-laws R84-026 and 06-026 permit shared connections for up to three (3) properties where prior approval is provided by the City and they enter into and register on title a Joint Use Agreement, Hamilton Water staff intend to bring updated Sewers and Drains, and Waterworks By-laws to Council in mid to late 2023, that include amendments that will require that individual properties have their own dedicated water and wastewater servicing (no shared service connections).

A Joint Use Agreement that meets the requirements of the City's Sewers and Drains, and Waterworks By-laws is already in place for the existing three (3) parcels of land; MANA (North) (1155 Industrial Drive), MANA (South) (855 Industrial Drive) and Slate (386 Wilcox Street). If the requested by-law amendments were approved, an updated Joint Use Agreement would also need to be created.

Joint servicing arrangements on private lands have inherent difficulties. They depend on an intricate pattern of cross easements and joint maintenance obligations and operate in a context when most of the private participants wish to avoid capital expenditures. These agreements must be carefully constructed so that they operate as an exception to the general prohibition at common law for positive covenants running with lands.

Ultimately, there will be as many parties to the private arrangements as there are eventual lot owners, and in the event that the private arrangements break down and there are disputes, they are settled in court. Even when they are settled in court and a judgment has been rendered, decisions are not self-enforcing, and there are considerable difficulties in collecting monies even when a judgment is in place, especially when there are many creditors and particularly when the other creditors are secured. While the City is a party to its standard Joint Use Agreement, it is generally left to the private parties to resolve disputes between them as described above. However, in practice, the City often finds itself drawn into these types of disputes between owners.

**SUBJECT: Request for By-law Amendments Respecting 386 Wilcox Street
(PW22083/LS22033) (City Wide) Page 7 of 9**

Hamilton Water's concerns related to amending the by-laws are rooted in the protection and management of the City's water and wastewater infrastructure. More specifically the concerns include:

- The precedent it could set for other development projects to request further site-specific amendments to City by-laws eroding the intent and integrity of the by-laws which in this instance are meant to govern the water and wastewater systems ensuring adequate servicing, public health and safety, and supporting appropriate management of City assets;
- Due to the complex interconnectivity of the water and sewer systems across the proposed four (4) parcels, staff's view is that there is no guarantee that the future Concept Plan and Site Servicing Strategy will meet the requirements of the existing or amended by-laws;
- The Holding Provision only applies to the retained portion of 386 Wilcox Street and the voluntary restriction on further transfers of lands under the *Land Titles Act* that Slate has proposed would only apply to the retained and severed lands. In all cases the MANA lands are excluded from these protections;

Slate is required to provide a Concept Plan and a Master Servicing Strategy, as required by the Holding Provision. Due to the vast existing infrastructure and complex interconnectivity of the water and sewer systems across the proposed four (4) parcels; and no known agreements with MANA for the future separation of services, staff's view is that there is no guarantee that the future Concept Plan and Master Servicing Strategy will meet the requirements of the existing or amended by-laws.

It should also be noted that in their application for Consent of Severance HM/B-21:98 the Owner states:

Under the proposed consent - "Given the complex network of services which traverse the Subject Lands, blanket reciprocal easements will be established for the Severed Lands and the Retained Lands for the purposes of maintaining all existing access and servicing".

Under the requirements of the Urban Hamilton Official Plan F.1.14.3.5 (c) - "the lots are fully serviced by municipal water and wastewater systems;" and, "The Subject Lands are fully serviced. No changes are being proposed to the existing services. Blanket reciprocal easements are proposed for the Severed Lands and the Retained Lands to maintain all of the existing access and servicing. Any changes to services would be addressed through future master planning, Draft Plan of Subdivision and Site Plan applications."

**SUBJECT: Request for By-law Amendments Respecting 386 Wilcox Street
(PW22083/LS22033) (City Wide) Page 8 of 9**

From a development perspective, the redevelopment of the Stelco lands is a significantly complex undertaking. Planning and Economic Development staff note that the unique and complicated nature of the subject lands will present challenges for any redevelopment to meet the by-law requirements and have expressed concern that not moving ahead with the requested by-law amendments would negatively impact the City's ability to achieve targets set out in the City's 2021-2025 Economic Development Action Plan by delaying or complicating the potential redevelopment of 386 Wilcox Street. These impacted targets include tripling the municipal assessment on the property, along with increasing Hamilton's shovel-ready land supply by 500 acres. An economic study conducted by Ernst & Young Global Limited estimates that the redevelopment of the subject property has the potential to create up to 23,000 new jobs across the Greater Toronto & Hamilton Area and inject up to \$3.8 billion into Ontario's economy. Despite the perception of vacancy in the area, approximately 97% of the overall Bayfront Industrial Area is deemed occupied. Redevelopment of 386 Wilcox Street is projected to create better land use efficiencies, improve access, and bring highly sought-after industrial land supply to the market.

Staff have recommended in this report that the request for by-law amendments be refused. However, within the Alternatives for Consideration section of the report, staff have provided a fulsome alternative for Council's consideration that would direct staff to make the necessary by-law amendments working with Legal Services staff to mitigate the infrastructure management and precedent concerns in the best way possible.

ALTERNATIVES FOR CONSIDERATION

Council could support Slate's request for amendments to the City's Sewers and Drains By-law No.06-026 and the City's Waterworks By-law R84-026, and direct staff to amend the by-laws and to enter into a modified version of the City's standard Joint Use Agreement that addresses the unique considerations of such an agreement for this property.

If the request for by-law amendments is granted by Council, staff recommends that such amendments be on a site-specific and temporary basis for existing services only, in effect only until such time as the required Concept Plan and Master Servicing Strategy are implemented as required by the Holding Provision. The Holding Provision in place on the property through By-law 22-069 is not applicable to the proposed severed lot on 386 Wilcox Street as well as the lands located at 855 and 1155 (MANA South and MANA North) Industrial Drive that are party to the current Joint Use Agreement with the site and would be required to be party to a modified Joint Use Agreement.

An updated Joint Use Agreement pursuant to this alternative for consideration would have to be entered into between the City, Slate, and MANA. While Slate and MANA (and Stelco as long-term tenant of part of Slate's lands) are all sophisticated parties that

**SUBJECT: Request for By-law Amendments Respecting 386 Wilcox Street
(PW22083/LS22033) (City Wide) Page 9 of 9**

should not require the City's assistance to resolve any disputes between them under a modified Joint Use Agreement, there is still a risk that the City may be forced to devote time and resources to such future disputes if they have an impact on City services and connections thereto, or come up in the consideration of future development applications.

Should Council adopt the Alternative for Consideration, Legal Services would assist Public Works staff with drafting the relevant amendments to By-laws R84-026 and 06-026 and drafting and registering on title the required modified Joint Use Agreement to ensure the impact of the shared connection is limited and temporary. The By-law amendments would be prepared for approval at the September 28, 2022 City Council meeting.

In summary, the alternative for Council's consideration would be to direct staff as follows:

That staff be directed to amend the City's Sewers and Drains By-law No.06-026 and the City's Waterworks By-law R84-026 on a site-specific basis for existing services for the lands at 386 Wilcox Street and on a temporary basis until such time as the required Concept Plan and Master Servicing Strategy are implemented as required by the Holding Provision.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

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 PW22083/LS22033 – Severance Sketch of 386 Wilcox Street

Appendix "B" to Report PW22083/LS22033 – Decisions of the Committee of Adjustment dated November 25, 2021



CONSENT SKETCH

LEGEND

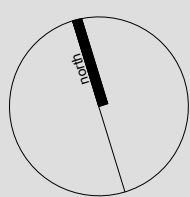
- Lands to be Severed***
Area: 31.78 ha
Frontage: 182.94 m
Depth: 1007.08 m
- Lands to be Retained***
Area: 287.12 ha
Frontage: 840.18 m
Depth: 2233.21 m
Outdoor Storage: 75.03 ha
% of Lands for Outdoor Storage: 26.2%
- Lands to be Subject to Long Term Lease**

Notes:

* Severed and retained lands subject to reciprocal blanket easements for purposes of access and servicing.

DATE: October 20, 2021

SCALE: 1:10,000



**386 Wilcox St
Hamilton, Ontario**

N:\17370\B - Stelco Property\MHBC Documents\Mapping, Drawings, Info\Severance Sketch (2021-10-14).dwg

**PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE**
 204-442 BRANT STREET BURLINGTON, ON, L7R 2G4
 P: 905 639 8686 F: 905 761 5589 | WWW.MHBCPLAN.COM

IMPORTANT INFORMATION FOR MINOR VARIANCES

THE LAST DATE OF APPEAL IS:

November 15, 2021

THIS DECISION IS NOT FINAL AND BINDING AND MUST NOT BE ACTED UPON UNTIL THE PERIOD OF APPEAL HAS EXPIRED

THE DECISION DOES NOT RELEASE ANY PERSONS FROM THE NECESSITY OF OBSERVING THE REQUIREMENTS OF BUILDING REGULATIONS, THE LICENSE BY-LAW, OR ANY OTHER BY-LAW OF THE CITY OF HAMILTON.

Appeal to Tribunal

45(12) The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal as payable on an appeal from a committee of adjustment to the Tribunal. 2017, c. 23, Sched. 5, s. 98 (3); 2021, c. 4, Sched. 6, s. 80 (5).

Where no appeal

45(14) If within such 20 days no notice of appeal is given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality. *Planning Act, R.S.O. 1990*

APPEALS MAY BE FILED:

1. BY MAIL/COURIER ONLY

- 1.1 Appeal package delivered to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.
 - MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE
- 1.2 Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.
- 1.3 Appeal package must include all of the following:
 - Notice of appeal, setting out the objection to the decision and the reasons in support of the objection;
 - Ontario Land Tribunal (OLT) appeal form, this can be found by contacting Committee of Adjustment staff at cofa@hamilton.ca or at the OLT website <https://olt.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/>;
 - Filing fee, the fee is currently \$400 (subject to change) and must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance;
 - All other information as required by the Appeal Form.

2. BY EMAIL AND MAIL/COURIER

- 2.1 Electronic appeal package must be delivered by email to cofa@hamilton.ca.
 - MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE
- 2.2 Physical appeal package must be delivered by mail to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.
- 2.3 Electronic appeal package must contain:
 - a copy of the notice of appeal;
 - a copy of the OLT appeal form;
 - a copy of the certified cheque or money order.
- 2.4 Physical appeal package must contain all information as noted in Section 1.3

Questions or Information:
Contact Committee of Adjustment Staff (cofa@hamilton.ca)

IMPORTANT INFORMATION FOR CONSENTS

THE LAST DATE OF APPEAL IS:

December 22, 2021

THIS DECISION IS NOT FINAL AND BINDING AND MUST NOT BE ACTED UPON UNTIL THE PERIOD OF APPEAL HAS EXPIRED.

THE DECISION DOES NOT RELEASE ANY PERSONS FROM THE NECESSITY OF OBSERVING THE REQUIREMENTS OF BUILDING REGULATIONS, THE LICENSE BY-LAW, OR ANY OTHER BY-LAW OF THE CITY OF HAMILTON.

Appeal

53(19) Any person or public body may, not later than 20 days after the giving of notice under subsection (17) is completed, appeal the decision or any condition imposed by the council or the Minister or appeal both the decision and any condition to the Tribunal by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee charged by the Tribunal. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (6); 2017, c. 23, Sched. 5, ss. 80, 81; 2021, c. 4, Sched. 6, s. 80 (1).

No appeal

53(21) If no appeal is filed under subsection (19) or (27), subject to subsection (23), the decision of the council or the Minister, as the case may be, to give or refuse to give a provisional consent is final. *Planning Act, R.S.O. 1990*

Where delegation

53(44) If a land division committee or a committee of adjustment has had delegated to it the authority for the giving of consents, any reference in this section to the clerk of the municipality shall be deemed to be a reference to the secretary-treasurer of the land division committee or committee of adjustment. *Planning Act, R.S.O. 1990*

APPEALS MAY BE FILED:

1. BY MAIL/COURIER ONLY

- 1.1 Appeal package delivered to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.
 - MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE
- 1.2 Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.
- 1.3 Appeal package must include all of the following:
 - Notice of appeal, setting out the objection to the decision and the reasons in support of the objection;
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 - Filing fee, the fee is currently \$400 (subject to change) and must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance;
 - All other information as required by the Appeal Form.

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 - MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE
- 2.2 Physical appeal package must be delivered by mail to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.
- 2.3 Electronic appeal package must contain:
 - a copy of the notice of appeal;
 - a copy of the OLT appeal form;
 - a copy of the certified cheque or money order.
- 2.4 Physical appeal package must contain all information as noted in Section 1.3



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424
ext. 4221, 3935
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENTLAND SEVERANCE

APPLICATION NO. HM/B-21:98
SUBMISSION NO. B-98/21

APPLICATION NUMBER: HM/B-21:98

SUBJECT PROPERTY: 386 Wilcox St., Hamilton

APPLICANT(S): Owner Stelco Inc. c/o Paul Simon
Applicant MHBC Planning c/o Dana Anderson

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for a manufacturing industrial use and to retain a parcel of land for industrial and employment uses.

Severed lands:
189.94m[±] x 1,007.08m[±] and an area of 31.78 per ha[±]

Retained lands:
840.18m[±] x 2,233.21m[±] and an area of 287.12 per ha[±]

This application will be heard in conjunction with Application No. HM/B-21:97.

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)

HM/B-21:98
 Page 2

2. That the Owner/Agent apply for and receive final approval of a Zoning By-law Amendment application to add a Holding Provision on the retained portion of lands to the satisfaction of the Director of Planning and Chief Planner. The Holding Provision should be applied for as follows:
 - a. Notwithstanding Section 11.5 of this By-law, on those lands zoned General Industrial (M5, 433) Zone as shown on maps 749, 750, 751, 789, 790, 791, 792, 830, 831, 832, 872, 873 of Schedule "A" – Zoning Maps and municipally known as 386 Wilcox Street, development shall be restricted in accordance with the following:
 - i. For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the M5, 433 Zone. Additions and alterations to existing buildings may be increased by a maximum of 5%.
 - ii. Conditions for Holding Provision Removal
 The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision when the following conditions have been satisfied:
 1. The owner submitting and implement a Concept Plan for the retained lands to the satisfaction of the Director of Planning. The Concept Plan shall include guidance on:
 - a. Precincts and the distribution of land uses and buildings within each precinct;
 - b. Road and rail network; and
 - c. Phasing.
 2. The owner submitting, receiving approval and implementation of a Site Servicing Strategy for the retained lands to the satisfaction of the Senior Director of Growth Management.
 3. The owner submitting, receiving approval and implementation of an Implementation Strategy to illustrate how the Concept Plan and Site Servicing Strategy may be implemented through additional *Planning Act* approvals such as Draft Plan of Subdivision, Draft Plan of Condominium and/or applications for Site Plan Approval to the satisfaction of the Director of Planning and Chief Planner and Senior Director of Growth Management.
3. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
4. The applicant shall provide confirmation of the existing uses on the lands to be retained in order to determine compliance with the permitted uses of the "M5, E433" Zone or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.

HM/B-21:98
Page 3

6. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
7. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section).
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
9. That the owner provides adequate reciprocal access and servicing easements between the severed and retained lands to the satisfaction of the Manager of Engineering Approvals Section, if required.
10. That the owner enters into and register on title a Development Agreement and/or Joint Use Agreement, if necessary, to the satisfaction of the Manager of Engineering Approvals Section.
11. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)

Notes:

1. Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **386 Wilcox Street, Hamilton**, and the lands to be conveyed will be assigned the address of **1055 Industrial Drive, Hamilton**.

We ask that the following be noted to the applicants:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City’s Sign By-law, in a manner that is clearly visible from the road.

2. “Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

DATED AT HAMILTON this 25th day of November, 2021.

D. Smith (Chairman)

D. Serwatak

M. Dudzic

M. Switzer

B. Charters

HM/B-21:98
Page 4

N. Mieczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 2, 2021.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (December 2, 2022) OR THE APPLICATION SHALL BE
DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND
TRIBUNAL (OLT) MAY BE FILED IS December 22 , 2021

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424
ext. 4221, 3935
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. HM/B-21:97
SUBMISSION NO. B-97/21

APPLICATION NUMBER: HM/B-21:97

SUBJECT PROPERTY: 386 Wilcox St., Hamilton

APPLICANT(S): Owner Stelco Inc. c/o Paul Simon
Applicant MHBC Planning c/o Dana Anderson

PURPOSE OF APPLICATION: To create a new parcel for long-term lease purposes in excess of 21 years. The severed lands will be used for steel manufacturing operations.

Severed lands:
182.94m[±] x 1,007.08m[±] and an area of 31.78 per ha[±]

Retained lands:
840.18m[±] x 2,233.21m[±] and an area of 287.12 per ha[±]

This application will be heard in conjunction with Application No. HM/B-21:98.

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)

HM/B-21:97
Page 2

2. That the owner provides adequate reciprocal access and servicing easements between the severed and retained lands to the satisfaction of the Manager of Engineering Approvals Section, if required.
3. That the owner register on the title of the lands an adequate storm drainage easement in the City of Hamilton's favour centred over the existing 2850mm x 2100mm storm outfall to the satisfaction of, and if required by, the Manager of Engineering Approvals.
4. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
5. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)

DATED AT HAMILTON this 25th day of November, 2021.

D. Smith (Chairman)

M. Dudzic

B. Charters

M. Switzer

D. Serwatak

N. Mieczko

M. Smith

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“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”