




**CITY OF HAMILTON**  
**PUBLIC WORKS DEPARTMENT**  
**Environmental Services Division**

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	June 3, 2024
<b>SUBJECT/REPORT NO:</b>	Maintenance and Beautification of Birch Avenue Green Space and Gardens (PW24031) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Kara Bunn (905) 546-2424 Ext. 4334 Robyn Pollard (905) 546-2424 Ext. 3919
<b>SUBMITTED BY:</b>	Cynthia Graham Director, Environmental Services Public Works Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That staff be directed to enter into an updated lease agreement with Hydro One to allow for pollinator gardens at Birch Avenue Green Space, 171 Birch Avenue;
- (b) That required resources, anticipated to be \$2,500 annually, to support the Birch Avenue Green Space and Pipeline Trail pollinator gardens going forward into future years, be referred to the 2025 operating budget process; and
- (c) That staff be directed to report to Public Works Committee outlining an enhanced community gardens program, to support new and existing community-led efforts for native pollinator gardens which contribute to the key priorities of the Biodiversity Action Plan (BAP) and Climate Action Strategy, identifying any additional resources required to oversee the new enhancements.

**EXECUTIVE SUMMARY**

Delegates attended Public Works Committee on March 20, 2023, to make a request of

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staff to supply water and support services for volunteer gardens in Wards 3 and 4. Specifically, support was requested for the Birch Avenue Green Space (which is owned by Hydro One) and the Crown Point Gardens along the Pipeline Trail. Staff were directed through a motion at the April 3, 2023, Public Works Committee to:

- (b) That staff be directed to review the delegation requests from the Public Works Committee on March 20, 2023, regarding support for water access to help maintain the Birch Avenue Green Space and report back with possible recommendations that could also be applied city wide where applicable; and
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

Report PW24031 is the summary of the investigation that staff conducted to determine the legal requirements, labour, cost, and coordination implications of formalizing an agreement with Hydro One for the gardens at the Birch Avenue Green Space and supports the investigation of increased support for volunteer pollinator patches and gardens throughout City of Hamilton parks.

Further, Report PW24031 seeks to expand the existing agreement with Hydro One to allow the volunteer gardens to continue to be located on the property but managed by the City of Hamilton, and to report back with enhancements to support the community gardens that would oversee and support community-led garden spaces across the City.

In 2024, support will be given to both the Birch Avenue Green Space gardens and the Pipeline Trail gardens, and the costs will be allocated to 446020 – General Horticultural Maintenance. Staff are directed in Recommendation (b) of Report PW24031 to submit a budget request for consideration as part of the 2025 budget process to continue to support these locations for future years. Staff are directed in Recommendation (c) of Report PW24031 to report back on costs and resources to expand the community gardens program. An understanding of the actual costs of support for the two garden locations is anticipated to be understood once the cost of this work is determined at the end of the 2024 growing season.

**Alternatives for Consideration – see page 6**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: It is anticipated that the costs to support the two garden locations in 2024 are able to be accommodated in the existing 446020 – General Horticultural Maintenance Department ID in order to keep the gardens in good condition until a more permanent program can be established. The costs for 2024 are

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anticipated to be \$2,000. Future resources required to continue this support will be identified as a 2025 budget consideration.

**Staffing:** It is anticipated that in 2024, the existing complement of staff will support these two locations as part of their horticultural duties.

**Legal:** Corporate Real Estate staff and Legal and Risk Management Services staff will work with Environmental Services staff to ensure that the existing agreement with Hydro One is modified to allow City oversight over pollinator beds pending approval on design and location by Hydro One as per their requirements.

## **HISTORICAL BACKGROUND**

The City of Hamilton has made a pledge to be a Bee City in support of pollinator projects and efforts have sought to expand habitats and empower citizens to take action and support pollinators and biodiversity within Hamilton. Healthy natural ecosystems and the creation of corridors through natural spaces and pocket planting is also supported by the City of Hamilton Biodiversity Action Plan, which focuses on a holistic approach to making Hamilton more liveable for all by working together and supporting community engagement through neighbourhood placemaking and beautification.

Hamilton's Climate Action Strategy, action 8.1 in the Climate Change Impact Adaptation Plan, supports working with local partners to continue tree planting and preservation, and exploring community partnerships and naturalization programs to reduce urban heat island and enhance ecosystem function.

Pollinator gardens have been approved through requests made to the Parks section in the past and the installation, maintenance, and watering of the garden beds became the responsibility of the volunteers. Staff have not been resourced or funded to support these gardens in the past. Volunteers have noted that as their membership ages or moves away that they would benefit from some support from the City with the provision of water or some weeding of beds, to keep their gardens in place and this was highlighted in the delegation from March 2023. Without staff resources or supports, the alternative is that gardens may need to be removed if there is no one actively maintaining them.

The City of Hamilton's license agreement with His Majesty the King in Right of Ontario as represented by the Minister of Infrastructure, as represented by Ontario Infrastructure and Lands Corporation (OILC), has allowed staff to add recreational uses to hydro corridors throughout the City. The master agreement was signed August 2018 and was due for renewal on December 31, 2023; the Birch Avenue Green Space is one of the properties included in this agreement. Hydro One Networks Inc. (HONI) is

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responsible for the day-to-day management of activities associated with the licensed lands on behalf of Ontario Infrastructure and Lands Corporation (OILC), and are offering a license agreement for a five-year term, effective January 1, 2024, with the understanding that the City will continue to use the licensed lands for the purpose of public recreational purposes only. Staff have delayed the agreement renewal in light of the requirement and desire to add additional properties into the agreement. The pending renewal of the agreement gives the City an opportunity to add in the language to allow pollinator gardens on these properties.

In addition to adding gardens as an approved use on the leased lands, the City will still be required to follow the guidelines set out by Hydro One for where gardens can be located in relation to their infrastructure and gain approval for the species planted in the gardens. Currently, the existing gardens in the Birch Avenue Green Space do not meet the requirements of Hydro One; and if the recommendations of Report PW24031 are approved, staff will work with the volunteers to bring them into compliance once the plans are approved by Hydro One.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Overview of Requirements for Land Use Proposals from Hydro One strives to work with proponents to review secondary land use proposals on the right-of-ways to ensure they are compatible with the safety and maintenance requirements of its high-voltage equipment. Technical reviews for each proposal must be completed by Hydro One. These reviews may require several weeks or months to complete depending on the complexity of the proposal. Currently, the turnaround time is about 12 to 16 weeks. Resubmissions may require the same timelines.

Hydro One technical reviews must be approved, and occupation agreements in place, prior to any construction work. Detailed drawings that need to be created by staff and submitted include: site plan, grading, drainage, lighting, landscaping, signage (including any other above-grade structures), and profiles for underground works. Plantings which grow to a maturity height over 3 metres are not permitted on the right-of-ways. Hydro One has a Compatible Species List which must be utilized. Garden beds must respect offset zones to provide for a 6 metres access route through the corridor, 15 metres maintenance exclusion zones around each affected tower, and 10 metres construction exclusion zones around each affected tower.

The existing license agreement with His Majesty the King in Right of Ontario as represented by the Minister of Infrastructure, as represented by Ontario Infrastructure and Lands Corporation (OILC) and the City of Hamilton, Master Licence Renewal Agreement – (Recreational) August 2018, will require updating and renewal based on the recommendations within Report PW24031.

## **RELEVANT CONSULTATION**

The following internal City groups were consulted and are supportive of the recommendations of Report PW24031:

Corporate Real Estate - has been working with Parks staff to update and negotiate the renewal of the Hydro One Networks Inc. agreement.

Office of Climate Change Initiatives – the community garden program currently lies within this office and will work with Environmental Services staff to determine how pollinator gardens can be brought into the existing program.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The Office of Climate Change Initiatives has an existing community gardens program that oversees food-producing community run gardens located on City owned or leased parkland. This program provides support to these gardens including the delivery of compost, woodchip mulch, and in some circumstances irrigation systems. The program is well received within the City of Hamilton and has delivered this beneficial service to participants who may not be able to produce food otherwise or enjoy gardening and community stewardship. Within the program, the Forestry and Horticulture section assists by supplying the woodchip mulch and rototilling plots when assistance is needed to add new plots. These expenses are allocated to 446020 – General Horticultural Maintenance and 445021 - Tree Maintenance.

The Biodiversity Action Plan (BAP) is a coordinated effort to protect, restore, enhance, and explore biodiversity in Hamilton. Key priorities include enhancement of public stewardship opportunities and consideration of biodiversity in all municipal decision making. Expansion of the existing food-producing community gardens program to include support for native pollinator gardens is in alignment with these priorities.

The Parks section has worked over the years to accommodate requests received by the community to utilize parkland for non-food producing community gardens, some of which are beneficial pollinator gardens. This accommodation is to meet the needs of the community but is not funded or formalized through agreements. The lack of a formal process has led to some gardens being neglected and then removed due to the lack of funding to continue maintenance if volunteers are no longer available to maintain them.

Report PW24031 provides recommendations to review and report back to Committee on how more gardens might be supported by the city in the future as requests come forward. To ensure the impact on the existing gardens is mitigated, Horticulture will provide supplemental supports for the 2024 growing season, including watering at the

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existing gardens in the Birch Avenue Green Space and periodic maintenance in collaboration with the volunteers at the Pipeline Trail gardens.

**ALTERNATIVES FOR CONSIDERATION**

An alternative to the Recommendations (a), (b), and (c) of Report PW24031, would be to continue status quo in relation to the Pipeline Trail gardens, which means the volunteer group would continue without any assistance from the City. For Birch Avenue Green Space gardens, due to the requirements of Hydro One to have native plantings which are maintained by the parties listed in the agreement, the gardens would be removed to reduce the costs associated with re-designing the gardens to ensure compliance with Hydro One’s acceptable plant list and the ongoing operating costs to maintain them through the Horticulture section.

With this alternative, staff would attempt to salvage valued plants to replant in existing beds. In addition, there would be no action to investigate expansion of the existing community gardens program administered through the Office of Climate Change Initiatives. Because this alternative does not meet the needs identified by the delegates, does not help meet Bee City goals, Climate Action Strategy goals or Biodiversity Action Plan goals, staff do not recommend this alternative.

Financial: This alternative includes the operating cost to remove the existing garden and establish low maintenance grass seed within the existing garden locations. The costs to do this are not known, but could be absorbed into the existing operating budget 446020 – General Horticultural Maintenance Dept ID.

Staffing: N/A

Legal: N/A

**APPENDICES AND SCHEDULES ATTACHED**

N/A