SUBJECT: Request for the Payment of Cash-in-Lieu of Parking for the Property Known as 89 King Street East, (Hamilton) (PED06353) (Ward 2)

RECOMMENDATION:

That approval be given to Cash-in-Lieu of Parking Application CLP-06-01, City of Hamilton, owner, for payment of Cash-in-Lieu for four parking spaces for the property known as 89 King Street East, as shown on Appendix “A” to Report PED06353, subject to the following conditions:

(a) That the owner pays the Cash-in-Lieu sum of $32,000.00 for four parking spaces with the funds to be deposited to Account 48300-490305 (Off-Street Parking Reserve Fund).

(b) That the City Solicitor be authorized and directed to prepare the appropriate Cash-in-Lieu of Parking Agreement to be registered on title of the lands.

_________________________
Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
The applicant has applied for Cash-in-Lieu of Parking to permit a 5-storey commercial/residential building with two ground floor commercial units and sixteen residential units with four of eight required parking spaces to be provided on the subject lands. Planning and traffic objectives are met with only four spaces being provided. The owner would be required to pay the Cash-in-Lieu sum of $32,000.00 for four parking spaces, which is equivalent to a fifty percent (50%) payment of the total cost of $64,000.00 for all eight spaces.

BACKGROUND:

City Initiative CI-04-C

On August 15, 2004, Council for the City of Hamilton approved By-law No. 04-193. This was a site-specific By-law for the subject property to modify the previously existing “I” (Central Business) Districts zoning to ensure conformity of the zoning regulations with the Downtown Secondary Plan. Subsequently, the new Hamilton Downtown Zoning By-law 05-200 came into effect, which contains regulations that require a minimum of eight parking spaces be provided for the subject development.

Site Plan Application DA-06-011 and Minor Variance Application HM/A-66/06

The applicant received approval of Site Plan Application DA-06-011 on March 6, 2006, for the subject lands (see Appendix “B”). The approved site plan illustrated a 5-storey commercial/residential building with two ground floor commercial units and sixteen residential units. The recently approved Downtown Zoning By-law 05-200, required eight parking spaces to be provided for this development. The approved site plan had shown no parking on the subject lands, since at the time of submission the ownership of the rear portion (where parking could have been provided) was in question.

As part of the site plan approval the applicant was advised to seek variances for the following: reduction of parking; and the percentage of the ground floor of the façade being composed of windows and doors. The applicant was providing 66% of the area of the ground floor façade instead of the 80% required and providing 0 spaces of the minimum required 8 parking spaces. The Minor Variance Application was approved by the Committee of Adjustment, however, the neighbouring property was appealed the approval of the variances to the Ontario Municipal Board.

Subsequent to the approval of the site plan application, the City’s Legal Department provided confirmation that the entire rear lands are owned by the City. A revised site plan was submitted that provided a total of four parking spaces at the rear of the subject lands. Therefore, a total of four parking spaces have been applied for through Cash-in-Lieu of Parking.
ANALYSIS/RATIONALE:

The Cash-in-Lieu of Parking Committee received the submission and recommended approval of the application on August 1, 2006 for the following reasons:

- The need of the applicant to contribute Cash-in-Lieu of Parking for the subject lands, in accordance with the Planning Act, was determined through the approval of By-law No. 05-200, by the City of Hamilton.

- Off-street parking is available in the area.

- The subject lands are located in a Downtown Regional Centre accessible by local and regional transit systems.

- The subject lands prevent additional parking to be provided on the site.

- The redevelopment of the property will act as a catalyst for further development in the neighbourhood.

- The amount of $32,000.00 is based on the value of the land and the cost of construction of four parking spaces.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: Pursuant to Section 40 of the Planning Act, Council approval is required for Cash-in-Lieu of Parking. The City will collect $32,000.00 for the Cash-in-Lieu fund which is equivalent to a fifty percent (50%) payment of the total cost ($64,000.00).

Staffing: N/A.

Legal: N/A.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The proposal falls within the parameters and has sufficient regard for the Provincial Policy Statement (PPS).

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 states that a wide range of urban uses, based on full municipal services, will be concentrated in the Urban Areas. As well, the Urban Areas are intended to accommodate approximately ninety-six percent (96%) of new residential
SUBJECT: Request for the Payment of Cash-in-Lieu of Parking for the Property Known as 89 King Street East (Hamilton) (Ward 2) - Page 4 of 5

housing units in the Region to the year 2020. Therefore, the application facilitates the redevelopment of the site to conform to the policies of the Official Plan.

City Of Hamilton Official Plan

The subject property is designated “Downtown Hamilton” on Schedule “A” - Land Use Concept to the City of Hamilton Official Plan. The policies of the Downtown Secondary Plan “Putting People First: The New Land Use Plan for Downtown Hamilton” apply to this property. The application facilitates redevelopment in conformity with the Official Plan policies.

Downtown Secondary Plan

The subject lands are designated as “Prime Retail Streets” on Schedule “L-8” – Overall Land Use Strategy to the Downtown Secondary Plan. The following policies of the Downtown Secondary Plan, among others, are applicable to this proposal:

“2.4.3.1 ... Increased densities along major routes into the Downtown will support the public transit system.

2.4.4.3 New development in the Downtown, and redevelopment, will address the urban design principles in this plan, and particularly, the following:

• Eliminating street level parking lots and vacant properties along major streets;

2.4.5.3.2 King Street and James Street North and South are the historical core of the Downtown shopping district and future retail development will be encouraged to locate along these streets. The only exceptions will be retail development situated in the Jackson Square Complex and local commercial uses in appropriately designated areas serving the needs of residents in the vicinity.

d) The following are to be provided for development proposals within the Prime Retail Streets area;

• Accessory surface parking will not be accommodated along the street frontage.

• New driveway access shall be at the rear of the property, and not on the public street. Alleyway access at the rear shall be utilized.

The application for Cash-in-Lieu of Parking facilitates a design to eliminate accessory parking along King Street East and is in conformity with the policies of the Downtown Secondary Plan.
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RELEVANT CONSULTATION:
Agencies/Departments Having No Comment or Objections

- Public Works Department, Traffic Engineering and Operations.
- Downtown Renewal, Parking Operations.

PUBLIC CONSULTATION:
N/A.

CITY STRATEGIC COMMITMENT:
By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Shelter, care and satisfying employment are accessible to all Hamiltonians.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

:DS
Attachs. (2)