SUBJECT: Proposed Permanent Closure of Portion of a Public Unassumed Alley at Rear of 11 Hollywood Street North, Hamilton (PW08073) - (Ward 1)

RECOMMENDATION:
That the application of to permanently close and purchase a portion of the public unassumed alley at the rear of 11 Hollywood Street North, Hamilton be denied.

EXECUTIVE SUMMARY:
The application of Mr. Paul Watkins of 11 Hollywood Street North, Hamilton to permanently close and purchase a portion of the public unassumed alley at the rear of his property has been denied by staff. At the Monday June 2, 2008 Public Works Committee meeting, and as a result of a request from Mr. Watkins to Committee to reconsider the staff decision, staff were requested to report back to Committee on the reason for the denial. The department has processed the application in accordance with the standard procedure, and has denied the application due to unresolvable objections raised through the circulated “Notice of Proposed Alley Closure”.

BACKGROUND:
The information/recommendation contained within this report primarily affects Ward 1. The application of Mr. Paul Watkins, 11 Hollywood Street North, Hamilton to permanently close and purchase a portion of the public unassumed alley at the rear of
his property has been denied by staff. At the Monday June 2, 2008 Public Works Committee meeting, and as a result of a request from Mr. Watkins to Committee to reconsider the staff decision, staff where requested by Committee to report back to Committee on the reason for the denial.

**Notices:**

In accordance with the procedure, notices were circulated to public utilities and to municipal departments and to a 400’ radius of the neighbourhood surrounding the subject property. Results from the neighbourhood revealed numerous negative responses to the application. The results are as follows:

**Public Utilities:**

Bell Canada will require an easement over the whole of the area affected.

**Municipal Departments:**

The Building Engineering and Zoning Section:

1. The closure of the portion of the alleyway indicated on the provided map does not appear to create and contraventions of the Zoning By-law.

2. It does not appear that any adjacent landowners utilize the alley to access any required parking areas. (Note - a site visit by Operations and Maintenance staff clearly indicates that the owner of 16 Kingsmount St N uses the alley to park and access his garage).

3. The City of Hamilton, Building Services Division, has commenced legal action against the property owner of 11 Hollywood St N in regards to an alleged contravention of the Ontario Building Code respecting the garage at the rear of this property. The addition of this portion of the alley may alleviate this contravention of the Ontario Building Code.

400’ radius of the neighbourhood:

Number of Notices: 83

In Favour: 4          Opposed: 10          No Comment: 69

The results above include the number of notices re properties directly abutting alley portion: 4

In Favour: 1          Opposed: 2          No Comment: 1

**ANALYSIS/RATIONALE:**

The department has followed procedure and has denied the application due to the negative responses received from the circulated “Notice of Proposed Closure”. In reviewing the information, staff also considered the adverse impact that the alley closure and purchase in particular would have on 16 Kingsmount Street North, directly abutting the alley portion and behind the property at 11 Hollywood Street North. A garage in the backyard at 16 Kingsmount Street encroaches into the alley and has apparently done so since it was constructed in the 1940s. Should the alley closure and purchase proceed, the owner of 11 Hollywood Street North would own the portion of the alleyway occupied by a garage owned by an abutting property owner.
ALTERNATIVES FOR CONSIDERATION:
N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
The applicant has paid a user fee of $313.65.

POLICIES AFFECTING PROPOSAL:
The recommendation supports the Public Works Strategic Plan vision priorities of maintaining “mutually beneficial charters with external customers.”

RELEVANT CONSULTATION:
Notices were circulated to:
- 400’ radius of the neighbourhood.
- Public utilities: Horizon Utilities, Union Gas, Bell Canada and Hydro One
- Municipal Departments: Planning & Economic Development, Public Works
- Office of the Mayor

Ward 1 Councillor Brian McHattie supports the denial of the application.

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
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☐ Yes ☑ No

Economic Well-Being is enhanced. ☐ Yes ☑ No

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
SUBJECT: Proposed Permanent Closure of Portion of a Public Unassumed Alley at Rear of 11 Hollywood Street North, Hamilton (PW08073) - (Ward 1) - Page 4 of 4

LOCATION PLAN
PROPOSED CLOSURE OF PORTIONS OF UNASSUMED ALLEYS
11 HOLLYWOOD ST N
CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

SUBJECT LAND

NOT TO SCALE 2008-06-10
REFERENCE FILE NO: PW08073