



City of Hamilton
WEST HARBOUR DEVELOPMENT
SUB-COMMITTEE

Meeting #: 19-001
Date: February 26, 2019
Time: 2:00 p.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Lisa Chamberlain, Legislative Coordinator (905) 546-2424 ext. 2729

	Pages
1. APPOINTMENT OF CHAIR AND VICE CHAIR	
2. APPROVAL OF AGENDA	
(Added Items, if applicable, will be noted with *)	
3. DECLARATIONS OF INTEREST	
4. APPROVAL OF MINUTES OF PREVIOUS MEETING	
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6. DELEGATION REQUESTS	
7. CONSENT ITEMS	
8. PUBLIC HEARINGS / DELEGATIONS	
9. STAFF PRESENTATIONS	
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10.3	Macassa Bay Year-Round Liveabroad Association 2018/2019 Transition Plan (PED18222(b)) (Ward 2)	19

11. MOTIONS

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

14. PRIVATE AND CONFIDENTIAL

15. ADJOURNMENT



Hamilton

West Harbour Development Sub-Committee

Minutes 18-001

1:30 p.m.

Tuesday, April 10, 2018

Council Chambers, City Hall

71 Main Street West

Hamilton, Ontario

Present: Mayor F. Eisenberger, Councillors A. Johnson (Chair), J. Farr (Vice Chair), and C. Collins

THE FOLLOWING ITEMS WERE REFERRED TO THE GENERAL ISSUES COMMITTEE FOR CONSIDERATION:

1. **Lease Expiry of MacDonald Marine Status Update (PED18096) (Ward 2) (Item 5.1)**

(Farr/Collins)

That Report PED18096, respecting Lease Expiry of MacDonald Marine Status Update, be received.

CARRIED

2. **Status of West Harbour Implementation (PW17075(a)) (City Wide) (Item 7.1)**

(Collins/Eisenberger)

That Report PW17075(a), respecting the Status of West Harbour Implementation, be received.

CARRIED

(Farr/Collins)

That the Waterfront Board of Directors, who are currently undertaking a \$15.5 million project management of Pier 5, 6 and 7, be requested to undertake a public process that establishes a gateway feature at the foot of James Street North.

CARRIED

3. Pier 8 Request for Proposals (RFP) Public Presentation Process (PED14002(g)) (Ward 2) (Item 7.2)

(Farr/Collins)

That Report PED14002(g), respecting the Pier 8 Request for Proposals (RFP) Public Presentation Process, be received.

CARRIED

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised there were no changes to the Agenda.

(Collins/Farr)

That the Agenda for the April 10, 2018 meeting of the West Harbour Development Sub-Committee be approved, as presented.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 3)

(i) October 2, 2017 (Item 3.1)

(Collins/Farr)

That the Minutes for the October 2, 2017 meeting of the West Harbour Development Sub-Committee be approved, as presented.

CARRIED

(d) PRESENTATIONS (Item 7)

(i) Status of West Harbour Implementation (PW17075(a)) (City Wide) (Item 7.1)

Gavin Norman, Manager, Waterfront Development Office, and Werner Plessl, Executive Director, Hamilton Waterfront Trust, addressed the Committee respecting the Status of West Harbour Implementation, with the aid of a PowerPoint Presentation. A copy of the presentation has been retained for the official record and is available online at www.hamilton.ca.

(Eisenberger/Collins)

That the presentation respecting Report PW17075(a) - Status of West Harbour Implementation, be received.

CARRIED

(Collins/Eisenberger)

That staff be directed to prepare a property disposition strategy for the residential and commercial blocks at Piers 5-7 with options and alternatives that outline the process, timelines and anticipated resources associated with their sale.

CARRIED

For disposition of this matter, see Item 2.

(ii) Pier 8 Request for Proposals (RFP) Public Presentation Process (PED14002(g)) (Ward 2) (Item 7.2)

Chris Phillips, Senior Advisor, addressed the Committee respecting the Pier 8 Request for Proposals (RFP) Public Presentation Process, with the aid of a PowerPoint Presentation. A copy of the presentation has been retained for the official record and is available online at www.hamilton.ca.

(Farr/Collins)

That the presentation respecting Report PED14002(g) - Pier 8 Request for Proposals (RFP) Public Presentation Process, be received.

CARRIED**(Farr/Collins)**

That Waterfront Office staff be directed to present the Pier 8 Promenade Park design to Hamilton Police Services to review with a CPTED (Crime Prevention Through Environmental Design) lens.

CARRIED**(Collins/Farr)**

That staff be directed to prepare a detailed costing of the winning components associated with the Pier 8 Promenade and report back to the West Harbour Development Sub-committee.

CARRIED

For disposition of this matter, see Item 3.

(e) ADJOURNMENT (Item 13)

(Farr/Collins)

That, there being no further business, the West Harbour Development Sub-Committee be adjourned at 3:53 p.m.

CARRIED

Respectfully submitted,

Councillor A. Johnson, Chair
West Harbour Development
Sub-Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk



INFORMATION REPORT

TO:	Chair and Members West Harbour Development Sub-Committee
COMMITTEE DATE:	February 26, 2019
SUBJECT/REPORT NO:	West Harbour Re-Development Plan Implementation - Status Update (PED17181(a)) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Chris Phillips (905) 546-2424 Ext. 5304
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION – Not Applicable

INFORMATION

Staff has periodically reported to the West Harbour Development Sub-Committee (WHDS-C) about the status of Capital projects, including Report PW17075(a) entitled Status of West Harbour Implementation dated April 10, 2018.

In addition to the physical Capital infrastructure and construction projects, the West Harbour Re-Development Plan (WHRP) includes a variety of complementary projects, processes and initiatives that facilitate the goal of making the West Harbour lands development-ready. This work has progressed in parallel with the Capital works.

This Report provides the WHDS-C a status update on the WHRP implementation, specifically for non-Capital works projects.

Zoning Application and Draft Plan of Subdivision Process – Pier 8

On May 24, 2017, Council approved Planning Committee Report 17-009 (Report PED17074), Applications to Amend City of Hamilton Zoning By-law No. 05-200, Approval of a Draft Plan of Subdivision and Temporary Use By-law for Lands Located at Pier 8, 65 Guise Street East.

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**SUBJECT: West Harbour Re-Development Plan Implementation - Status Update
(PED17181(a)) (Ward 2) - Page 2 of 4**

This approval was to incorporate the Pier 8 lands within Zoning By-law 05-200 and approve a Draft Plan of Subdivision in order to allow development of a mixed-use area consisting of commercial, residential, institutional and parkland uses.

These applications were subsequently appealed to the Ontario Municipal Board (OMB) now the Local Planning Appeal Tribunal (LPAT). The appeals have been grouped in relation to two main concerns (the local neighbourhood impacts and the industrial impacts), and the appellants of those groups have recently been granted the following hearing dates:

- (a) For the local neighbourhood concerns, appealed by Harbour West Neighbours Inc. and Herman Turkstra, a 10 day hearing has been scheduled to commence on April 1, 2019; and,
- (b) For the industrial concerns appealed by Parrish & Heimbecker Ltd. with Bunge Canada as an additional party, a 19 day hearing has been scheduled to commence on September 23, 2019.

While preparing the timeframes for the WHRP, staff was aware of the potential for an OMB/LPAT appeal, and as such, planning approval, site servicing and solicitation processes have been conducted concurrently allowing for the efficient use of time, staffing and financial resources.

West Harbour Real Estate Solicitation Process for Pier 8 Lands

On November 9, 2016, Council approved General Issues Committee (GIC) Report 16-028 (Report PED14002(c)), entitled West Harbour Real Estate Solicitation Process for Pier 8 Lands, which established the framework for the City to bring the Pier 8 lands to market through an open, competitive and public solicitation process. The multi-staged process consisted of an initial Request for Qualifications (RFQ), followed by a Request for Proposals (RFP), and concluded with a negotiation stage, wherein a development agreement and contractual documents would be formalized to complete the final land transactions.

The City formally launched the RFQ process on April 18, 2017. It formally closed on July 10, 2017, and the five development teams proceeding to the RFP stage of the process were announced on October 6, 2017. The RFP was issued on December 15, 2017 and required the Proponents to submit both a Technical Proposal (which formally closed on March 13, 2018) and a separate Financial Proposal (formally closed on April 4, 2018).

On June 16, 2018, Council approved GIC Report 18-013 which recommended that the Waterfront Shores Corporation (WSC) be approved as the Preferred Proponent for the

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**SUBJECT: West Harbour Re-Development Plan Implementation - Status Update
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Request for Proposal Contract Number C11-66-17 entitled Pier 8 Development Opportunity for Prequalified Proponents.

City staff and representatives of the WSC have been engaged in a series of constructive negotiations, with the goal of completing a formal Development Agreement that will guide the relationship throughout the full build-out of the project. Staff anticipates reporting back to Council regarding the agreement by the end of Q1 2019.

West Harbour Real Estate Solicitation Process for Piers 6 and 7 Lands

The West Harbour Waterfront Recreation Master Plan (WHWRMP) envisions a transformation of the Piers 6 and 7 lands with significant investments in infrastructure and public space, with the potential of creating a new destination for the City. A newly rehabilitated shoreline, a publicly accessible boardwalk along the water's edge, a continuation of the existing waterfront trail, and a pedestrianized open-space complemented by a commercial village development, are all features that are prominent within the plan. The site is only part of a larger initiative to establish the West Harbour waterfront as a destination for those who live within the area and for the broader community.

Identified as a potential area for private-sector investment, the WHWRMP envisioned four new development-blocks, along with the rehabilitation and/or replacement of the existing buildings that occupy the site. As part of the design and construction process, staff from the Waterfront Development Office and the Hamilton Waterfront Trust has identified more precisely the location of the proposed development-blocks. West Harbour staff has also undertaken an analysis to determine the marketability, curation, valuation, and phasing plan for the proposed private-sector development.

Although this analysis is on-going, staff has identified that the current, planned, and contemplated, non-residential uses between Piers 1 and 9, together, constitute a continuous, publicly accessible experience and, therefore, it should be strategized holistically. Staff does not anticipate a need to either re-envision or re-design elements of the WHWRMP, rather the challenge is to create a unified sense of place via the tenancy and programming delivered through this infrastructure. This analysis includes two independent aspects:

1. Retail and commercial uses study; and,
2. Public-space animation and place-making study.

West Harbour staff will report back to the Sub-Committee with the results of these studies and disposition options for the identified private-sector development-blocks in Q3 2019.

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West Harbour Agreement and Leaseholder Management

With the City being the predominant land owner within the West Harbour, there is a significant number of existing Agreements in place between the City and third party stakeholders (e.g. leases, Management Agreements etc.). As re-development takes place, especially in the area of Piers 5-8, West Harbour staff along with Real Estate, Legal Services, and the Waterfront Development Office staff, are reviewing these existing Agreements to understand any potential implications related to the City's Redevelopment Plan. Staff will be reporting to the Sub-Committee where decisions are required to be taken to address these implications.

West Harbour Community Engagement

Over the course of the project implementation, staff has implemented a far-reaching community engagement strategy to inform residents and stakeholders about the City's overall goals for the West Harbour area. The West Harbour Re-development Plan has been guided by the vision and principles outlined in planning documents created through previous community engagement activities and technical studies, including the Setting Sail Secondary Plan, the Hamilton West Harbour Waterfront Recreation Master Plan, site specific urban design studies and technical studies. Community engagement activities have focused on the implementation of the plans rather than revisiting or altering the guidelines and principles of the approved planning documents.

The West Harbour engagement effort incorporated the use of multiple engagement and public consultation tools including community conversation meetings, small group meetings, workshops, pop-up engagement activities, conversation couch sessions, project website, central contact service, and e-newsletters. Staff will continue to engage with the community on these issues as they progress through the continuation of our periodic community engagement activities.

APPENDICES AND SCHEDULES ATTACHED – Not Applicable

CP:cb



INFORMATION REPORT

TO:	Chair and Members West Harbour Development Sub-Committee
COMMITTEE DATE:	February 26, 2019
SUBJECT/REPORT NO:	Status of West Harbour Implementation (PW17075b) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Gavin Norman (905) 546-2424 Ext. 4812
SUBMITTED BY:	Gord McGuire Director, Engineering Services Public Works Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable.

INFORMATION

❖ Overview

The purpose of this report is to provide Council an update to report PW17075a “Status of West Harbour Implementation”, submitted to West Harbour Development Sub-Committee on April 10, 2018.

❖ Pier 8 Projects

Since April 2018, staff has been engaged in finalizing the engineering designs, preparing tender documents, and starting construction of the four major infrastructure required to support development on Pier 8:

1. Pier 8 Shorewall Rehabilitation (under construction);
2. Pier 8 Servicing (in tender period);
3. Pier 8 Sanitary Pumping Station (in tender period); and
4. Copp’s Pier (formerly Promenade Park - tender package prepared)

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➤ Pier 8 Schedule

The original construction schedules for the Pier 8 projects anticipated that each of the above-noted contracts would be under construction in 2018; however, for several reasons schedules for these projects have shifted from what was reported previously because of unanticipated events:

- a) **Floating Breakwater Failure:** A severe late winter storm in mid-April 2018 resulted in a major failure of the marina floating breakwater and subsequent damage to the new marina docks installed in 2017. With the imminent onset of the boating season it was imperative that Waterfront Development Office (WDO) staff direct emergency repairs to the infrastructure to minimize impacts to marina operators through the 2018 season. The breakwater which was still under warranty at the time of the storm event also required significant staff effort relating to exercising the City's rights under the contract to ensure that its repair/replacement was expedited, completed at no cost to the City, and that the City can recover costs incurred as a result of the failure.
- b) **MacDonald Marine Site Clearing:** The lease of City lands belonging to MacDonald Marine on Macassa Bay expired in May 2018; however, the business owner had not taken any steps to wind down his business and clear the site prior to the expiry as required by terms of the lease. This included not advising boat owners of the need to vacate the property. At the time of lease expiry there were over 100 boats on the property. Given the importance of clearing the site in advance of moving the Police Marine Unit to the property, staff expended significant effort to facilitate the boat removal but also boats in which owners reside full-time, known informally as "Live Aboards". In June 2018, Council directed staff to work with approximately 15 Live Aboard boaters to develop a transition plan that would allow them to stay through the winter of 2018/19 given that living on a boat is not a permitted use in Hamilton and that they would have to find a new municipality to live in if they were going to remain living on their boats. Work clearing the site is nearing completion with all boats removed and only portable buildings, floating docks, and a boat crane remaining on the site.
- c) **Design Complexity and Cost Inflation:** As designs of individual projects on Pier 8 were being finalized in 2018 it became apparent that because of their close proximity to each other there would be additional design coordination required to ensure that each project could be built as planned and reduce the likelihood of cost escalation caused by making changes in the field (i.e. during construction). In particular, shifting the sanitary pumping station closer to the water's edge from its original location introduced several conflicts with elements of the shorewall, park, and municipal servicing which required changes to pre-

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design assumptions. In addition, detailed cost estimates completed as part of the design projected a budget shortfall on two of the projects (driven in part by cost indexing) so additional time was taken to revisit decision points, assess options and confer with senior staff. Ultimately staff reported to Council in September 2018 (PW18079) with recommendations that would allow the projects to be tendered in advance of the 2019 Capital Budget approval if tenders resulted in a budget shortfall.

➤ Pier 8 Development Ready - Overall Timing

Given the physical inter-relationship and proximity of the projects, there is a requirement to stage the projects to optimize the overall construction schedule and allow for projects to proceed concurrently. The general starting order and sequence of the Pier 8 projects is:

- a) Pier 8 Shorewall Rehabilitation [December 2018 – May 2019]
- b) Pier 8 Servicing (water, sewers, utilities, roads) [April – October 2019]
- c) Pier 8 Sanitary Pumping Station [May 2019 – September 2020]
- d) Copp's Pier (formerly Promenade Park) [spring 2019 – May 2020]
- e) Pier 8 Gateway Park [October 2019 – May 2020]

Note: timelines are estimates; project start dates assume a typical tendering/procurement process and project duration is based on historical experience and input from industry experts.

As noted, the project start dates are later than originally scheduled; however, the primary driver for project delivery is to meet time lines of the concurrent West Harbour Real Estate Solicitation Process for the Pier 8 lands, being led by Planning and Economic Development staff. City Staff are presently engaged in contract negotiations with the Preferred Proponent (Waterfront Shores) which will lead to the execution of a formal Development Agreement. This agreement, which will guide the execution of the development to full build-out, is expected to be approved by the end of Q1 2019. Zoning approval is also to be obtained from the Local Planning Appeal Tribunal (LPAT) by the end of 2019, and the developer will ultimately require Site Plan approval from the City, expected to occur sometime in 2020.

Based on this timeline, staff anticipates that Pier 8, with the majority of work expected to be completed in 2019, will be Development Ready (fully serviced) in time for the developer to apply for building permits in 2020/21.

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➤ Copp's Pier (formerly Promenade Park)

Formally named in 2018 (refer to PW18070) and subject to an international design competition, Copp's Pier is expected to be a crowning jewel of the waterfront redevelopment effort. The design is complete and is ready to tender; however, staff has postponed the tendering subject to proposed Bill 66 legislation which could be favourable to the City in terms of project costing.

Provisions within Bill 66 would deem municipalities, school boards, hospitals and other public bodies "non-construction employers". For the City, that would mean removing the requirement that the general contractor on the Copp's Pier project be signatory to the United Brotherhood of Carpenters and Joiners of America. As a result, the proposed change in legislation allows for completely open tendering, from non-union companies or union companies. Historically, it has been found that with the signatory requirement in place park project costs are typically about 20% higher than would be expected in a completely open market. For Copp's Pier this could equate to \$1M in savings demonstrated through bids received being lower than the certified cost estimate.

Bill 66 had its first reading on December 6, 2018 and is expected to be before the Legislature again in February for second reading. If the bill receives Royal Assent (with provisions regarding "non-construction employers) in a timely manner, staff will tender the project immediately and do not see an adverse impact to the overall project delivery schedule. It is important to note the completion of the project is an obligation of the City to the developer of Pier 8, so if approval of the Bill is delayed such that it could impact the ability of the City to meet its obligation with the developer staff will tender the work with the Carpenter's Union requirement.

❖ Piers 5-7 Redevelopment

In conjunction with Pier 8, work has continued with implementing the West Harbour Recreation Master Plan (WHRMP) on Piers 5-7 in partnership with the Hamilton Waterfront Trust (HWT), including the planned relocation of the Police Marine Unit to Macassa Bay from Pier 7. The project is comprised five major components:

1. Shorewall rehabilitation
2. New boardwalk (Phase 1) and fish habitat
3. New waterfront trail with new public spaces
4. Multi-purpose public buildings (Artisan Village)
5. Public Art installation at the foot of James

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Originally planned to start in fall 2018, the current schedule for construction anticipates that following building demolition and installation of water and sewer mains by the City this spring, shoreline reconstruction and boardwalk construction with fish habitat (Items 1 and 2) will start in July 2019 and completed in May 2020. Construction of the waterfront trail with public spaces on Piers 6 and 7 (Item 3) complete with shade structures and sitting areas is intended to start soon after the shoreline work begins and be completed by the end of 2020.

Items 1 through 3 above are significant works so a certified cost estimate is being prepared to assure that the design of each component of the redevelopment plan is affordable (i.e. within the approved budget) prior to being tendered. If the design is found to be in excess of the available budget, then the HWT will be asked to investigate options that fit within the approved budgets. This could mean eliminating certain elements in a design; e.g. a shade structure or seating area or could mean changing materials to something more affordable; e.g. galvanized steel over stainless steel. If tender bids received exceed the approved budget, the project start dates may be delayed; however, similar to Copp's Pier, as a City funded project, Piers 5-7 should benefit from proposed Bill 66 legislation regarding unionized labour.

In addition, the plan for the boardwalk (Item 2) includes three (3) pedestrian bridges which are still subject to a future capital budget approval and as such will be undertaken as a future phase of construction. Functional design level cost estimates for the three bridges total \$4M (2018 dollars) with funding requirements identified in the capital budget forecast in 2020 and 2021.

Also of importance is the Artisan Village (Item 4). It has been found that the original plan to re-purpose the two Port Authority buildings into multi-purpose public buildings is not practicable both because of change in building and fire code requirements and that they need removing in order to complete the shorewall and boardwalk construction. In that respect, the funding allocation is deficient if they need to be replaced with two new buildings. To resolve the issue, staff and the HWT will review possible changes to the Artisan Village plan at this location which could include eliminating one of the proposed buildings and combining the available financial resources into one facility. In the interim, because their removal is necessary to start construction of the shorewall, the public should expect to see this area vacant of buildings until a revised plan is developed and approved with funding.

Finally, a public art installation (Item 5) is planned to be installed at the foot of James Street as part of the site redevelopment. The art feature will be completed in accordance with the City of Hamilton's Public Art Master Plan process detailed in the Public Art Call for Artists Policy and is expected to be ready for installation by spring 2020.

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❖ Police Marine Unit

The Police Marine Unit on Pier 7 is to be relocated to Macassa Bay in accordance with the West Harbour Waterfront Recreation Master Plan. The Piers 5-7 redevelopment schedule has necessitated the need to move the Police Unit into a temporary facility at the former MacDonald Marine site until the Macassa Bay shoreline is rehabilitated and a new permanent Marine Police Unit building is constructed along the water's edge. Currently the new facility is identified in the West Harbour capital budget forecast slated for design in 2020 and construction in 2021.

As mentioned, the former MacDonald Marine site is mostly clear and presently will be receiving a new temporary portable building and dock facility in time for the 2019 boating season. Staff has been working closely with the Hamilton Police Service to ensure a seamless transition to its new location on the waterfront.

❖ Parking Garage Location Study

Completed as a requirement of the Setting Sail Secondary Plan, the Waterfront Parking Strategy (2017) supports both City goals for expanded public spaces and development on the waterfront. Recommendations of the study have affirmed the need for a parking structure which was originally identified in the WHWRMP at the Bayview Park site. Given the expense of structured parking combined with Bayview Park's contaminated soil conditions and its limited ability to accommodate the forecast parking demand, staff is undertaking a more comprehensive investigation of potential sites for a parking garage across the waterfront to ensure a suitable location is found.

Through 2018, preliminary scoping and site investigation was undertaken as inputs to a Terms of Reference being prepared by staff for the study. An RFP is intended to be released in early 2019 and when complete the study will identify the preferred location for the structure as well as the development of a preliminary design, an implementation schedule, and financial model. The study is expected to take approximately one year to complete.

Capital Budget Status

Subject to approval of the 2019 Capital Budget, the 2013-19 West Harbour Initiatives Capital Budget totals approximately \$96 million across 32 projects. On September 5, 2018 Council approved Report PW18079 which alerted Council to the potential cost increase for the capital works on Pier 8 and recommended the need to proceed with tenders for one hundred percent of the work required for the four major projects with any additional funding required to be processed through the 2019 Capital Budget.

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The Pier 8 Shorewall Rehabilitation tender closed in September 2018. The low bid (\$14.2M) was in excess of the approved budget, but was \$1.3M lower than the pre-tender estimate; an otherwise favourable outcome. Subject to receiving competitive bids on the three remaining major Pier 8 projects, the servicing required to make Pier 8 development-ready can be completed within the budget envelope identified in the proposed 2019 Capital Budget.

For the Piers 5 to 7 Redevelopment, as noted previously, a certified cost estimate is being prepared by the HWT for the shoreline, boardwalk, trail and public space components of the project. Until the estimate is received by staff, it will not be clear if these works can be completed within the approved budget envelope. A projected budget shortfall has already been identified associated with the component of the redevelopment plan to re-purpose the two Port Authority buildings into multi-purpose public buildings that will require that staff assess various options for Council's consideration. Similarly, if a budget shortfall is projected for the shoreline, boardwalk, trail and public space components, staff will assess options for Council's consideration.

APPENDICES AND SCHEDULES ATTACHED

N/A

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CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
General Manager's Office

TO:	Chair and Members West Harbour Development Sub-Committee
COMMITTEE DATE:	February 26, 2019
SUBJECT/REPORT NO:	Macassa Bay Year-Round Liveaboard Association 2018/2019 Transition Plan (PED18222(b)) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Chris Phillips (905) 546-2424 Ext. 5304
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That Council authorize the General Manager of the Planning and Economic Development Department to execute, on behalf of the City of Hamilton, an agreement with the Macassa Bay Yacht Club (MBYC) whereby the Macassa Bay Yacht Club (MBYC) permits the mooring of up to 15 boats owned by members of the Macassa Bay Year-Round Liveaboard Association (LAA) to reside at the Macassa Bay Yacht Club (MBYC) for the 2018/19 winter season in a form satisfactory to the City Solicitor;
- (b) That Council authorize the General Manager of the Planning and Economic Development Department to execute, on behalf of the City of Hamilton, an agreement with each member of the Macassa Bay Year-Round Liveaboard Association (each a "Liveaboard") who resides at the Macassa Bay Yacht Club (MBYC) with the Macassa Bay Yacht Club's (MBYC's) consent for the 2018/2019 winter season in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

Upon receiving Report PED18222 on July 13, 2018, Council provided the following direction:

**SUBJECT: Macassa Bay Year-Round Liveaboard Association 2018/2019
Transition Plan (PED18222(b)) (Ward 2) - Page 2 of 5**

- (a) Planning staff was directed to meet with the delegation from the Macassa Bay Year-Round Liveaboard Association (LAA) and their representatives to discuss an accommodation plan for the 2018/2019 winter season within the parameters of the existing zoning and other City by-laws.

Those discussions have now resulted in a tri-party Accommodation Plan whereby the Macassa Bay Yacht Club (MBYC) has agreed, based on certain assurances provided by the City, to permit up to 15 members of the LAA to reside at the MBYC for the 2018/19 winter season.

The purpose of this Report is to provide details of this Accommodation Plan and to seek Council approval to enter into:

1. An agreement with the MBYC permitting the City to use its docks and slips for the purpose of providing accommodations to up to 15 LAA members (each a "Liveaboard") through the winter of 2018/19; and,
2. Individual agreements with each Liveaboard permitting each to reside at the MBYC through the winter of 2018/19.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial:

The financial implications of this tri-party Accommodation Plan are relatively modest. Electrical upgrades of approximately \$25K were required to accommodate higher electricity demands of boats in the winter. These upgrades, however, were already anticipated within the capital budget forecasts, as they would be required as part of the shoreline rehabilitation and public boardwalk projects proposed within the West Harbour Waterfront Recreation Master Plan (WHWRMP). Therefore, approved Capital Account – Project ID 4411806103 Macassa Bay Boardwalk and Trail, was identified as the funding source.

The City will be responsible for the payment of the MBYC slip fees and ancillary costs relating to the LAA's stay over the winter. Likewise, the City's agreement with each individual Liveaboard requires them to pay a calculated monthly fee to the City which covers their stay at the MBYC until April 30, 2019, at which time each Liveaboard will be responsible for making their own accommodation arrangements.

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Staffing:

Some productive staff time of the existing complement has been expended in creating the Accommodation Plan and negotiating the associated Agreements. Further time will be expended in administrating these Agreements and the associated payments but this activity is forecast to conclude in May, 2019.

Legal:

The City's Legal Services Division has supported the creation of the Accommodation Plan including, in particular, drafting the associated Agreements.

HISTORICAL BACKGROUND

In 2017, as part of the implementation of the WHWRMP, staff initiated the relocation of the Hamilton Police Services Marine Unit from its existing facilities on Pier 7 to a site that was occupied by Scott-MacDonald Limited. Known as MacDonald Marine, the company operated a marina within the Macassa Bay area with a lease granted by the City which was set to expire on May 31, 2018. As part of this process, both MacDonald Marine and the public were formally notified of the City's decision not to renew the lease upon its expiry date and, subsequently, staff embarked on negotiations with the leaseholder to allow for the orderly wind-down of the business on the site.

In early 2018, the City was informed that that up to 20 boat owners – so-called “Liveaboards”, have been permanently living on their boats at this location year-round without the City's permission. It was also determined that some have been doing so for over 20 years, even though the City's lease with the marina operators did not permit or prohibit this activity. City staff permitted a number of these boaters to remain on-site after the lease expiry on the understanding that each would actively pursue relocation.

Subsequent to hearing a delegation from the LAA, on July 13, 2018, Council approved Planning Committee Report 18-011 including the following direction:

- (a) Planning staff was directed to meet with the delegation from the LAA and their representatives to discuss an accommodation plan for the 2018/2019 winter season within the parameters of the existing zoning and other City by-laws;
- (b) Staff is to report back at the August 14, 2018 meeting with an outline of the existing rules regarding the proposal for live-aboard boat residency; and,
- (c) Staff is to provide an update to the Planning Committee in September 2018 regarding the result of the negotiations with the representatives of the LAA.

On August 14, 2018, Planning Committee received confidential Report LS18048

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respecting item (b) and on September 18, 2018, Planning Committee received Report PED18222 with regards to items (a) and (c) which provided a status update to Council about staff's ongoing negotiations with the members representing the LAA pertaining to an accommodation plan for the 2018/2019 winter season.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS – Not Applicable

RELEVANT CONSULTATION

The development of the Accommodation Plan involved discussion with the three active marina operators along the waterfront about their interest and ability to accommodate the Liveaboards through the winter of 2018/19: the MBYC; the Royal Hamilton Yacht; and, the Harbour West Marina (managed by the Hamilton Port Authority).

Internally, staff corresponded with Legal Services and Risk Management on aspects of the Plan relating to liability to the City, individual boaters and the marina operator including special insurance requirements, and the risk to the City of claims arising from unforeseen events (accidents, injury, and weather-related claims).

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As indicated above, City staff was directed to develop an Accommodation Plan in consultation with the LAA that would allow LAA members to remain living on their boats for the 2018/2019 winter season. Through on-going dialogue with the LAA and the MBYC, City staff is now finalizing the Accommodation Plan and associated Agreements which includes moving eligible Liveaboards to MBYC premises, clarifying the obligations of each involved party (LAA, MBYC and the City), confirming fee structures to compensate the MBYC for use of its facilities and to permit each eligible Liveaboard to reside at the MBYC.

As the specifics of the Accommodation Plan were not then known, earlier reports and Council's prior directions did not explicitly grant staff the authority to execute these Agreements. Accordingly, the Recommendations outlined in this Report PED18222(b) are presented to Council seeking the authority to formally conclude these Agreements.

ALTERNATIVES FOR CONSIDERATION

There are no alternatives presented for consideration in this Report as the options for alternative accommodation in the available time-frames were limited. That said, staff did discuss the feasibility of housing LAA members at the Royal Hamilton Yacht Club and the Harbour West Marina but concluded that the cost of implementation favoured the MBYC. Reasons included: more affordable slip fees being; no throw away costs required to upfit the docks for winter use; and, proximity to the former MacDonald

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Marine site, parking and storage space for equipment was already existing and available for LAA use.

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.

Healthy and Safe Communities

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

APPENDICES AND SCHEDULES ATTACHED – Not Applicable

CP:cb