



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Corporate Assets and Strategic Planning Division
and
Environmental Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	April 7, 2014
SUBJECT/REPORT NO:	Mobile Urban Park Initiative Study (PW14033) (Wards 2, 3 and 4) (Outstanding Business List Item)
WARD(S) AFFECTED:	Wards 2, 3 and 4
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SUBMITTED BY:	Gerry Davis, CMA General Manager Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That the use of shipping containers for mobile urban parks be supported only in instances when requests originate through one of the City of Hamilton's Business Improvement Area (BIA) organizations;
- (b) That the temporary placement of mobile urban parks be permitted within the road allowance or City property pending consultation with the BIA and local businesses, Public Works, and Planning and Economic Development, and other required City approvals;
- (c) That alternative funding for mobile urban parks be identified exclusive of the Open Space Development Capital Program and the City of Hamilton's Contribution Towards BIA Operating Budget at Council's discretion;
- (d) That the item 'Mobile Urban Park Initiative' be removed from the Public Works Committee Outstanding Business List.

EXECUTIVE SUMMARY

This report is in response to motion 7.2a and 7.2b Mobile Urban Park Initiative of the September 11, 2013 Council meeting;

- (a) That staff report back on the feasibility of creating a mobile urban park utilizing rail/shipping containers; and

- (b) That if the City of Hamilton proceeds with a mobile urban park initiative, that the Ottawa Street BIA be considered a pilot location.

Staff evaluated the use of shipping containers for mobile urban parks and concluded that the program is feasible with several conditions. There are many important factors to consider and final design and placement of each mobile urban park should be considered on a case by case basis. Mobile urban parks shall not be considered a replacement for parkland acquisition in areas of parkland deficiency and not impact the Open Space Development Capital Budget. The purpose of the mobile park shall be to engage the community and provide seating areas during BIA events. Investigations on temporary green space, mobility, shipping containers, design, and programming requirements were conducted. Several design concepts were evaluated and only two of these concepts, *Planter Container* and *Urban Gazebo* (see Appendix "A" - Shipping Container Concept - *Planter Container* and Appendix "B" - Shipping Container Concept - *Urban Gazebo*) attached to Report PW14033 were explored to determine the most appropriate course of action for the City of Hamilton. Although, these scenarios can provide seating and green space to the public, there are policy implications associated with both options in City of Hamilton. For example, under the City of Hamilton's Tobacco Control Program a fixed address is required and each unit needs to be assessed to enforce By-law #11-080 and to prevent creating a potential smoking hub.

Staff determined that Ottawa Street can take advantage of urban revitalization and withstand a pilot project. A comparison of life-cycle cost analysis of mobile urban parks, semi-permanent, and permanent installations was completed to provide alternatives.

The above information was presented to the Business Improvement Area Advisory Committee (BIAAC) to identify BIA support and interest in programming and on-going operational support if this program proceeds. Barton Village BIA, Downtown Hamilton BIA, International Village BIA, Ottawa Street BIA (4 out of 13 BIAs or 31%) expressed interest and support the concept of a pilot project, provided there is no financial impact to the City of Hamilton's Contribution Towards BIA Operating Budget.

Public Works Business Plan, *Innovate Now*, is the leading message of this report as the visions of "greening and stewardship" and "smart processes to match our needs" were followed.

Alternatives for Consideration - See Page 8

FINANCIAL - STAFFING - LEGAL IMPLICATIONS

Financial: Some associated costs are purchase and modification, design and construction, operation and maintenance, loss of parking revenue (\$5,500 calculated based on the occupied area of one container over 3 months), and Minor or Full Site Control Plan application fees (\$1,060 or \$8,560 to be determined after design is finalized).

Type of Container	Purchase, Modification, Design and Construction	Operation and Maintenance
Basic Modification (Illustrated in report as <i>Planter Container</i>)	Approximately \$40,000 (No provisions for water or electrical connection)	Approximately \$5,000 (Based on one time relocation and placement and additional three months of City maintenance)
Enhanced Operation (Illustrated in report as <i>Urban Gazebo</i>)	Approximately \$150,000 (Includes extreme modifications involving electrical connections for lighting)	Approximately \$30,000 (Based on one time relocation and placement and additional three months of City maintenance)

The costs shown above need to be identified exclusive of the Open Space Development Capital Program and the City of Hamilton's contribution towards the BIA Operating Budget. As a pilot project, both operating and capital funding need to be established for the initial year. If Council approves renewal of the project then a financial enhancement to the corresponding operating department needs to be established.

Staffing: There are no full time equivalent (FTE) impacts.

Legal: Further discussion will be necessary when the final design and location are chosen to determine how to ensure smoking is prohibited.

HISTORICAL BACKGROUND

On September 11, 2013, motion 7.2 Mobile Urban Park Initiative was moved by Councillor Merulla for: "a) staff to report back on the feasibility of creating mobile urban parks utilizing rail/shipping containers; and b) if the City of Hamilton proceeds with a mobile urban park initiative, that the Ottawa Street BIA be considered a pilot location." The motion focused on urban revitalization's goal to repurpose and improve industrial sites and to show that the City of Hamilton strives to be considered a leader in innovative and creative projects. The analysis conducted for this report included: recommendations of a designer familiar with the design and transformation of a shipping container into a useable space; collection of comments from various internal and external stakeholders; and investigation of precedent projects implemented by other municipalities, where a container was utilized to create a useable space.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The following policies and by-laws can generate limitations or restrictions to the design, location, and timeline that such projects would process through: By-law #11-080 To Prohibit Smoking within City Parks and Recreation Properties; Parking By-law #01-208; Street By-law #86-077; Site Plan Control By-law #03-294; Zoning By-law #05-200; Properties Standards By-Law #10-221; *Building Code Act*/Building Permit; Encroachment Agreement for ROW; Road Occupancy Permit; National Fire Code (occupied spaces); the *Smoke Free Ontario Act*; and the *Occupier's Liability Act*.

City of Hamilton By-law #11-080 - Prohibiting Smoking within City Parks and Recreation Properties

The *Municipal Act* negates the possibility enforcing this by-law on the road allowance. Should the mobile park be placed on City property that is not a road allowance, it may be possible to amend Schedule “A” of By-law #11-080 and to add a descriptor of the City location where the mobile park would be placed, allowing enforcement.

Smoke-Free Ontario Act, SO 1994, c 10

The *Smoke Free Ontario Act* could potentially apply to a mobile park on a road allowance, but only if it meets the prescribed requirements of the *Act* (i.e., two walls and a roof). For example, the *Act* is applied to bus shelters on road allowances. The design option with a roof and two walls (i.e. the *Urban Gazebo*) is the more suitable option if the mobile urban park is to be placed on road allowances.

If this option is chosen, caution should be taken in the use of the term ‘park’ as the public may expect the provisions of By-law #11-080 to apply; as such, another term may be more appropriate. Depending on the final concept and its main function, terminologies such as *Urban Gazebo* or *Planter Container* may be more suitable.

When the layout, design, and exact locations are determined, care will be taken to ensure smoking is not encouraged.

RELEVANT CONSULTATION

The following groups were consulted internally: Building Engineering and Zoning, Community Planning, Councillors’ Office for Ward 4 and Ward 2, Development Planning, Facilities Management and Capital Programs, Geomatics and Corridor Management, Hamilton Street Railway (HSR), Landscape Architectural Services, Legal Services, Parking Operations and Maintenance, Parks and Cemeteries, Public Health Services, Real Estate, Recreation Planning, Risk Management, Roads Operation and Maintenance, and Waste Collection.

The following groups were consulted externally: Hamilton Police Department, Ottawa Street BIA, and the BIA Advisory Committee (BIAAC) which includes representatives from: Downtown Dundas BIA, Ancaster Heritage Village BIA, Barton Village BIA, Concession Street BIA, Downtown Hamilton BIA, International Village BIA, King Street West BIA, Locke Street BIA, Main Street West Esplanade BIA, Ottawa Street BIA, Stoney Creek BIA, Waterdown BIA, Westdale Village BIA.

In summary, the consultations with all staff included the following common themes:

Concept of Mobile Urban Park - Staff strongly expressed concern that the concept of mobile urban parks shall not be considered a solution to parkland deficiency issues. Although, mobile urban parks can create dynamic community engagement, they do not replace green space or parks. To ensure healthy communities for the citizens of Hamilton, the City should continue to pursue permanent land acquisitions for green spaces and parks within urban areas. Staff from all consulted sections asked to be advised when a final design option and locations have been determined for the pilot

study, as comments can be different from one case to another. Some staff did not find the continuous relocation of the units for different events operationally efficient and suggested placement to be for an entire season.

Building Permit Requirement - The Building Code Commission deemed a shipping container to be a building, as defined in the Ontario *Building Code Act*. A building erected, extended, altered or installed is subject to the requirements for obtaining a building permit. If the containers were to be used as a kiosk or a shelter and if they are bigger than 10m², then a building permit is required. If the containers are to be used as a play structure or planter container, the *Act* does not apply provided there is no roof. The building permit process will ensure that the proposed containers comply with the applicable zoning, site plan and building code requirements. As a component of the *Act*, the structure is required to be within a 90 metre range of a fire hydrant and must be certified by a structural engineer.

Zoning - Depending on how the shipping containers are used they could be subject to the use and setback provisions of the applicable zoning category regardless of whether the container would be located on a lot or within a road right of way (ROW). In the case of ROW, an encroachment agreement or a Road Occupancy Permit may be required.

Site Plan Application - Each proposal needs to be reviewed on a case by case basis to determine if the proposal meets the definition of development in the Site Plan Control By-law and if an application for site plan would be required.

Ottawa Street as Pilot Location - Staff find Ottawa Street an appropriate location for streetscape revitalization; however, shipping containers will not add to the aesthetic quality of the streetscape. Most groups request to review the final location of the units prior to placement. Staff cautioned that the frequency and high use of Hamilton Street Railway (HSR) bus route #41 Mohawk on Ottawa Street would require avoiding encroachments onto bus stop areas.

BIA Consultation - The Councillor's office for Ward 4 is supportive of the concept based on discussions with the Ottawa Street BIA and recommended a broader consultation with all BIAs. Barton Village BIA, Downtown Hamilton BIA, International Village BIA, Ottawa Street BIA (4 out of 13 BIAs or 31%) expressed interest in staff proceeding with development of a program and offered support for coordination with host locations and on-going operation. Some of the comments expressed by BIAs not in support of mobile urban parks were: not having sufficient space and parking stalls to accommodate the mobile urban parks, having appropriate amount of green space in the vicinity, concerns for blocking off businesses, and preference for the City to spend the money on permanent streetscape.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

This section includes some of the key elements associated with the concept of mobile urban parks.

Concept of Temporary Green Space - The notion of a short-term useable green space became a global trend when an annual worldwide event invited artists, designers,

and citizens to transform metered parking spots into temporary urban parks. “Park(ing) Day started in 2005 in the hopes of transforming the urban environment by providing temporary public green space - one parking space at a time.”

Mobility - Considerations for the benefits and challenges of the mobility component of this project are essential in evaluating the feasibility of mobile urban parks. Mobility is important in the sense that it will make a place for the public “as needed”, which can create emotional attachments for people. Those who welcome the idea may find the termination of the temporary project disappointing and discouraging. Communication in regards to the temporary nature of such projects is very important, so that the community is well informed in advance. The intention of this project should not only be a temporary occupation, but a source of performance and creative public engagement.

Shipping Containers - Shipping containers are used for the transport of freight over both water and land and are durable against weight, salt, and moisture. They are manufactured according to the specifications of the International Organization for Standardization (ISO). The regulations guarantee that shipping containers meet size, durability, and strength requirements to withstand extreme environments during transport and possess the structural integrity needed to be lifted by cranes or other heavy equipment. The external dimensions for standard ISO containers are as follows: 20’ container (6.1m in length, 2.4m in width, and 2.6m in height) and 40’ container (12.2m in length, 2.4m in width, 2.6m in height). They respectively have an empty weight of 2,200kg and 3,800kg and net load capacity of 28,200kg and 26,600kg. The typical average lifespan for a shipping container is 10 to 15 years. There is a significant cost difference between a new shipping container and one that has gone through many transport trips. Many sources exist for finding containers locally and regionally, although it is important to acquire them from reliable sources as their previous usage can create safety and health concerns (e.g. formally used to transport hazardous chemicals).

The reuse of shipping containers in architecture was pioneered by architect Wes Jones in the early 1990s. Due to a shipping container’s modular character, structure strength, and availability, many architects have explored the practice of using them as a building block. In the last couple of decades, many cities have recognized the benefits associated with the reuse of shipping containers and have built homes, military units, hotels, churches, schools, and urban markets. In all cases, in order to compensate for the steel look and ensure an aesthetically pleasing outcome, a considerable amount of thought was put into the design and construction.

Design and Programming - Several design options were circulated to staff for review and comment. *Urban Gazebo* concept and *Planter Container* were found to be the most favourable and suitable for street and parking use.

Mobile urban parks shall be designed by designers and must conform to Barrier Free Design Guidelines, Accessibility for Ontarians with Disabilities (AODA), and Crime Prevention through Environmental Design (CPTED). Depending on the location and situations in which they are located they may need to follow pedestrian and vehicular traffic requirements (e.g. reflective signage and traffic control devices) as outlined in Ontario Traffic Manual - Temporary Conditions.

The structures should not interfere with sightlines; therefore, their placement requires evaluation. Mobile urban parks shall not be placed on vacant lands as the public may associate them as a permanent solution to lot vacancy. Additionally, the maintenance requirements will be extended beyond maintenance of the mobile urban park to the total site area. This can set a precedent for private land owners and the collection and storage of containers on private lands.

If the City of Hamilton proceeds with this initiative beyond a pilot project, guidelines to use for future locations will be required. A post occupancy evaluation of the pilot site should be completed prior to proceeding with a permanent program.

Ottawa Street - As per the requirements of the motion, the Ottawa Street BIA was considered to be the pilot location for this project. The actual area investigated for this report was Ottawa Street from Barton Street to Cannon Street. This area was selected as the Ottawa Street BIA's office and most Ottawa Street events are located in this area or its vicinity. Ottawa Street BIA holds many events throughout the year, including but not limited to: *Sew Hungry*, *Sew This is Christmas*, and all year round *Saturday Farmer's Market*. The Ottawa Street BIA requested additional seating during these events. Temporary sponsorship may be supported by Ottawa Street businesses. The Ottawa Street BIA obtains a Special Event Advisory Team (SEAT) permit to have temporary exemption from the Parking By-Law during events that occupy parking stalls.

The building height on Ottawa Street is low for a typical urban street. Generally, a smaller ratio in proportion of the building height to public space is ideal as it provides a comfortable spatial definition for the users. In the case of Ottawa Street, the buildings are low enough that having a large unit placed on the street may compete visually and create a congested experience. Additionally, businesses can be visually blocked. This may not be a concern for a short timeframe, but it can create issues over a longer time period. In consultation with Ottawa Street BIA, locations on Ottawa Street are proposed for mobile urban park placement (see Appendix "C" - Ottawa Street Proposed Areas Map) attached to Report PW14033. This requires further review by staff and business owners.

Precedent Projects (see Appendix "D" - Precedent Project - *Planter Container* and Appendix "E" - Precedent Project - *Urban Gazebo*) attached to Report PW14033.

Two project initiatives by City of Montreal (*Urban Gazebo*) and City of San Francisco (*Planter Container*), compatible with the design concepts explored were investigated further. They are illustrated in detail in Appendix "D" and "E" attached to Report PW14033.

City of Hamilton staff noted that the Montreal project does not add any aesthetic value to the streetscape as it has a limited amount of planting and the container retains the steel look. The shelter quality is most appropriate for the summer and transition months as it provides shade and protects from rain and wind. In cooler temperatures, the internal microclimate will transfer the outside air in and as result it will not be thermally comfortable during winter.

The San Francisco scenario is evidence to the importance of the local business and city collaboration for establishment of this project. If the mobile urban park project is to proceed, it is essential for a full collaboration between the BIAs and the City staff to establish a program that will support BIA events. Commitment from individual businesses is required through BIA coordination. The costs associated with design, build, operation, and maintenance need to be identified exclusive of the Open Space Development Capital Program and the City of Hamilton's Contribution Towards the BIA Operating Budget.

ALTERNATIVES FOR CONSIDERATION

Staff support the following semi-permanent and permanent streetscape projects for Ottawa Street instead of mobile urban parks (See Appendix "F" - Alternative Options) attached to Report PW14033.

A life-cycle cost analysis revealed that semi-permanent and permanent installations to improve the streetscape at Ottawa Street have a lower city capital and operating cost for implementation and operation over time, in comparison to the two scenarios for mobile urban parks.

Semi-Permanent Installation: The Gore Pedestrianization Initiative: In summer of 2012, a pilot project to create a temporary pedestrian-only space for one block on King Street East adjacent to Gore Park was implemented. Large planter boxes were placed at Hughson and James to prevent motorists from entering the pedestrianized space. A raised crosswalk was constructed centre-block to facilitate a barrier-free pedestrian connection between the park space and the storefront sidewalk. Moveable chairs and tables were included to provide seating for the users and allow the flexibility to utilize the street as they wish. The Downtown BIA's annual Summer Promenade animated Gore Park with artisan, food vendors, and local entertainment. The pilot project observed the success of pedestrianizing the area before working toward a permanent closure. The pilot project was well received by the BIA and the general public. On November 7, 2012, at the General Issues Committee a motion to extend the pilot project until the commencement of the construction activities for the permanent feature was passed. Most consulted staff noted the components similar to those utilized during this pilot project could also be appropriate for Ottawa Street. During the course of this project both custom made planters and prefabricated portable planters were utilized. The prefabricated planters were found to be more compatible with roads operation and maintenance.

Permanent Installation: York Blvd. and James St. Parkette: The York Boulevard Streetscape Master Plan promoted walking through widened sidewalks that will provide room for Urban Braille markings, street furniture, enhanced lighting, and landscaping. The widened sidewalks along the Farmers' Market and Library provided opportunities for the market to extend into the street providing room for temporary stalls where vendors can sell their goods to the public. The streetscape design recognized York Boulevard as an opportunity for place-making through the careful placement of precinct markers, public art, and street closures for large special events. The parkette located

close to the intersection of York Blvd. and James St. is a small component of the York Blvd. Streetscape project. This space provides seating and a small green space for the passersby. Every year the Public Works department provides a dynamic and unique style to the planters through a variety of colourful plantings. Some permanent installations appropriate for Ottawa Street are in-ground planters, curbed planters, and end of sidewalk treatments.

ALIGNMENT TO THE 2012 - 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 1.3 Promote economic opportunities with a focus on Hamilton's downtown core, all downtown areas and waterfronts.
- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

- 2.1 Implement processes to improve services, leverage technology and validate cost effectiveness and efficiencies across the Corporation.
- 2.3 Enhance customer service satisfaction.

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

- 3.1 Engage in a range of inter-governmental relations (IGR) work that will advance partnerships and projects that benefit the City of Hamilton.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" - Shipping Container Concept - *Planter Container*

Appendix "B" - Shipping Container Concept - *Urban Gazebo*

Appendix "C" - Ottawa Street Proposed Areas Map

Appendix "D" - Precedent Project - *Planter Container*

Appendix "E" - Precedent Project - *Urban Gazebo*

Appendix "F" - Alternative Options