



## **PLANNING COMMITTEE**

### **REPORT 17-004**

**9:30 a.m.**

**Tuesday, February 28, 2017**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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**Present:** Councillors M. Pearson (Chair), A. Johnson (1<sup>st</sup> Vice Chair), J. Farr (2nd Vice Chair), C. Collins, D. Conley, M. Green, B. Johnson, D. Skelly, and J. Partridge.

**Absent with regrets** Councillor R. Pasuta, Sick Leave

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### **THE PLANNING COMMITTEE PRESENTS REPORT 17-004 AND RESPECTFULLY RECOMMENDS:**

**1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED17038) (Item 5.1)**

That Report PED17038 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

**2. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 325 Highway No. 8 (Stoney Creek) (Ward 10) (PED17034) (Item 6.1)**

(a) That Amended Urban Hamilton Official Plan Amendment (OPA) Application UHOPA-16-012, by LJM Developments Inc. (Owner), for OPA No. XX, to redesignate the subject lands from “Low Density Residential 3c” to “Medium Density Residential 3” in the Western Development Area Secondary Plan; and to amend Site Specific Policy A of the Western Development Area Secondary Plan to permit a multiple dwelling with a maximum of 93 dwelling units and a maximum height of six storeys within the Medium Density Residential 3 designation, for the lands known as 325 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED17034, be approved on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED17034 be adopted by City Council;

**Council – March 8, 2017**

- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe;
  - (b) That Amended City of Stoney Creek Zoning By-law Amendment Application ZAC-16-030, by LJM Developments Inc. (Owner), for a change in zoning from the General Commercial “GC-13” Zone, Modified to the Multiple Residential “RM4-8” Zone, Modified, in order to permit a six storey multiple dwelling consisting of 93 units with 129 parking spaces, for lands located at 325 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED17034, be approved on the following basis:
    - (i) That the draft By-law, attached as Appendix “C” to Report PED17034, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
    - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX;
  - (c) That the Poplar Park Neighbourhood Plan be amended to redesignate the subject lands from the “Local Commercial” to “Medium Density Residential”, upon final approval of the Zoning By-law Amendment;
  - (d) That the submissions received regarding this matter supported the approval of the application.
- 3. Parkland Dedication Official Plan Policy and By-law Review – Small Scale Redevelopment and Housekeeping Amendments (City Wide) (PED17032) (Item 6.2)**
- (a) That approval be given to Official Plan Amendment No. XX to the Urban Hamilton Official Plan (UHOP) and No. XX to the Rural Hamilton Official Plan (RHOP) (CI-17-A) to amend the Parkland dedication policies to reflect revised cash-in-lieu of Parkland dedication rates for certain ground related housing and heritage buildings, to ensure consistency between the Official Plans and the Parkland Dedication By-law, and to implement the *Planning Act* changes as a result of Bill 73, on the following basis:
    - (i) That the draft Urban Hamilton Official Plan Amendment (OPA), attached as Appendix “A” to Report PED17032, be adopted by Council;

- (ii) That the draft Rural Hamilton Official Plan Amendment (OPA), attached as Appendix “B” to Report PED17032, be adopted by Council;
  - (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS) 2014 and conform to the Growth Plan for the Greater Golden Horseshoe;
  - (b) That approval be given to amendments to By-Law 09-124 (Parkland Dedication) to reflect cash-in-lieu of parkland dedication rates for certain ground related housing and heritage buildings and to implement the *Planning Act* changes as a result of Bill 73, attached as Appendix “C” to Report PED17032;
  - (c) That the submissions received regarding this matter did not affect the approval of the Official Plan amendments.
- 4. Permanent On-Street Patio Program (PED16119(a)) (Wards 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 15) (Item 7.2)**
- (a) That a permanent On-Street Patio Program be approved to operate annually from May 1<sup>st</sup> to October 31<sup>st</sup> within all Community Improvement Plan Areas (CIPAs) and Business Improvement Areas (BIAs) in accordance with the criteria and guidelines identified in Appendix “A” to Report 17-004;
  - (b) That a \$400.00 annual administration fee be approved for on-street patio applications, and added to the City’s User Fee By-law.
- 5. Seasonal “Pop-up Park” on a portion of the John Rebecca Lands (Added Item 10.1)**

WHEREAS, the City-owned parking lot and adjacent private properties comprising the block bounded by John Street, Rebecca Street, King William Street and Catherine Street are designated in the current Downtown Hamilton Secondary Plan, adopted in 2001, as General Open Space and have long been intended for future use as a City park;

WHEREAS, the proposed amendments to the Downtown Hamilton Secondary Plan that were presented to the public for comment in February 2017 propose to recognize these lands as “Neighbourhood Park”;

WHEREAS, the City’s Public Works Department prepared a conceptual plan in 2012 with significant community input for a future park on this site;

WHEREAS, the City's Public Works Department has forecast \$1,758,000 dollars for the future park in its 2018 capital budget for design and land acquisition, with the detailed design work for the park to commence in 2018;

WHEREAS, there is strong community support for moving quickly on the development of a park on these lands;

WHEREAS, the Beasley Neighbourhood Association has been in conversation with the Patrick J McNally Charitable Foundation and has determined that the Foundation may be willing to financially support a temporary, seasonal "pop-up park" on a portion of the John Rebecca lands in 2017 as a demonstration project;

WHEREAS, the Patrick J McNally Charitable Foundation's was formed with a vision of Hamilton and Burlington with parks, outdoor places and buildings that provide opportunities for our communities to learn about, explore and enjoy nature, and to build community between neighbours; and

WHEREAS, the Beasley Neighbourhood Association would require the City to partner on any application to the Foundation;

THEREFORE BE IT RESOLVED:

- (a) That the appropriate staff from the Planning and Economic Development Department and Public Works Department work with the Beasley Neighbourhood Association to prepare and submit an application for funding to the McNally Foundation to create a temporary, seasonal "pop-up park" using a portion of the City-owned parking lot at John and Rebecca;
- (b) That the project not result in any costs to the City other than the staff resources necessary to coordinate the work;
- (c) That the project not involve any permanent structures or changes to the parking lot that would preclude its continued use as a parking lot after project completion in the short-term or as a park in the long-term;
- (d) That no greater than 18 parking stalls be utilized for this seasonal project;
- (e) That any loss of parking revenue associated with the temporary park be offset with funding from the Ward 2 Area Rating fund.

**6. Outstanding Business List (Item 11)**

That the following Item be referred to the School Board Properties Sub-Committee:

Item "II" Staff to report back on feasibility of purchasing the Mountain Secondary School surplus lands to use for more green space in the Rolston/Yeoville neighbourhoods.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes:

**1. ADDED DELEGATION REQUESTS**

- 4.1 David Premi, DPA Architecture Inc. respecting the Design Review Panel (Item 7.1) for today's meeting.
- 4.2 Suzanne Mammel, Hamilton-Halton Home Builders Association respecting the Design Review Panel (Item 7.1) for today's meeting.
- 4.3 Sergio Manchia, UrbanSolutions Planning & Land Development Consultants Inc., respecting the Design Review Panel (Item 7.1) for today's meeting.

**2. ADDED CORRESPONDENCE:**

- 6.1(i) Daniel Kitching, owner of 15 Ellington Avenue, respecting Item 6.1 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 325 Highway No. 8 (Stoney Creek) (Ward 10) (PED17034)
- 6.2(i) Mark Giavedoni, ESB Lawyers, representing the Hamilton-Wentworth District School Board, regarding Item 6.2, Parkland Dedication Official Plan Policy and By-law Review – Small Scale Redevelopment and Housekeeping Amendments (City Wide) (PED17032)
- 6.2(ii) Patrick Daly, Chairperson, Hamilton-Wentworth Catholic District School Board regarding Item 6.2, Parkland Dedication Official Plan Policy and By-law Review – Small Scale Redevelopment and Housekeeping Amendments (City Wide) (PED17032)

**3. ADDED NOTICE OF MOTION:**

- 10.1 Seasonal "Pop-up Park" on a portion of the John Rebecca Lands

The agenda for the February 28, 2017 meeting was approved as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were none declared.

**(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)**

**(i) February 14, 2017 (Item 3.1)**

The Minutes of the February 14, 2017 meeting were approved.

**(d) DELEGATION REQUESTS (Item 4)**

The following delegation requests were approved to address Committee at today's meeting:

- (i) David Premi, DPA Architecture Inc. respecting the Design Review Panel (Item 7.1) for today's meeting (Added 4.1)
- (ii) Suzanne Mammel, Hamilton-Halton Home Builders Association respecting the Design Review Panel (Item 7.1) for today's meeting. (Added 4.2)
- (iii) Sergio Manchia, UrbanSolutions Planning & Land Development Consultants Inc., respecting the Design Review Panel (Item 7.1) for today's meeting. (Added 4.3)

**(e) DELEGATIONS/PUBLIC HEARING (Item 6)**

**(i) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 325 Highway No. 8 (Stoney Creek) (Ward 10) (PED17034) (Item 6.1)**

Chair Pearson relinquished the Chair to Vice Chair A. Johnson.

In accordance with the provisions of the *Planning Act*, Vice Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law amendments the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

**Written comments**

6.1(i) Daniel Kitching, owner of 15 Ellington Avenue

The added written comments were received.

No member of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Martin Quarcoopome and Jenna Thibault of Weston Consulting, representing the owner, were in attendance should Committee have any questions.

The staff recommendations were amended by adding the following subsection (d):

(d) That the submissions received regarding this matter supported the approval of the application.

For disposition of this matter refer to Item 2.

Chair Pearson assumed the Chair.

**(ii) Parkland Dedication Official Plan Policy and By-law Review – Small Scale Redevelopment and Housekeeping Amendments (City Wide) (PED17032) (Item 6.2)**

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan amendments the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

**Written Comments**

6.2(i) Mark Giavedoni, ESB Lawyers, representing the Hamilton-Wentworth District School Board,

6.2(ii) Patrick Daly, Chairperson, Hamilton-Wentworth Catholic District School Board

The added written comments were received.

Joanne Hickey-Evans, Manager of Planning Policy and Zoning By-law Reform, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation is available for viewing on the City's website.

The staff presentation was received.

### **Registered Speaker**

#### **1. Flaviano Stanc, 95 Arkell Street**

Flaviano Stanc addressed Committee and indicated that he opposes this proposal as it would make it easier for property owners to increase the number of accessory dwelling units in their buildings which will put pressure on the existing infrastructure and destroy the character of the community.

The delegation was received.

The public meeting was closed.

The staff recommendations were amended by adding the following subsection (c):

- (c) That the submissions received regarding this matter did not affect the approval of the Official Plan amendments.

For disposition of this matter refer to Item 3.

### **(f) PRESENTATIONS (Item 7)**

#### **(i) Design Review Panel - Pilot Project Evaluation and Related Recommendations (PED13137(b)) (City Wide) (Outstanding Business List Item) (Item 7.1)**

Kimberley Harrison-McMillan, Senior Project Manager of the Urban Team, addressed Committee and provided an overview of the report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

The staff presentation was received.



### Delegations

**(i) David Premi, DPA Architecture Inc. (Added 4.1)**

David Premi addressed Committee and indicated that he is in support of the establishment of a permanent Design Review Panel.

**(ii) Suzanne Mammel, Hamilton-Halton Home Builders Association (Added 4.2)**

Suzanne Mammel addressed Committee and expressed concerns with recommendation (c) of the report and requested that Committee either modify recommendation (c) or defer it.

**(iii) Sergio Manchia, UrbanSolutions Planning & Land Development Consultants Inc. (Added 4.3)**

Sergio Manchia addressed Committee and indicated that he is in attendance on behalf of his firm. They are completely in support of the proposed process. However, they are concerned that the members are not selected by Council and of when an application is deemed complete.

The delegations were received.

Report PED13137(b) respecting Design Review Panel - Pilot Project Evaluation and Related Recommendations was referred back to staff for further engagement with members of the industry and for report back to Committee as soon as possible.

**(ii) Permanent On-Street Patio Program (PED16119(a)) (Wards 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 15) (Item 7.2)**

Kelly Barnett, Community Liaison Co-ordinator, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy of the presentation is available for viewing on the City's website.

The staff presentation was received.

For disposition of this matter refer to Item 4.

**(g) DISCUSSION (8)**

**(i) Hess Village Paid Duty Policing Pilot (PED17033) (Ward 2)  
(Outstanding Business List Item) (Item 8.1)**

Report PED17033 respecting Hess Village Paid Duty Policing Pilot was deferred to the next Planning Committee meeting.

**(h) NOTICES OF MOTIONS (Item 10)**

Councillor Farr presented the following notice of motion:

**(i) Seasonal “Pop-up Park” on a portion of the John Rebecca Lands  
(Added Item 10.1)**

WHEREAS, the City-owned parking lot and adjacent private properties comprising the block bounded by John Street, Rebecca Street, King William Street and Catherine Street are designated in the current Downtown Hamilton Secondary Plan, adopted in 2001, as General Open Space and have long been intended for future use as a City park;

WHEREAS, the proposed amendments to the Downtown Hamilton Secondary Plan that were presented to the public for comment in February 2017 propose to recognize these lands as “Neighbourhood Park”;

WHEREAS, the City’s Public Works Department prepared a conceptual plan in 2012 with significant community input for a future park on this site;

WHEREAS, the City’s Public Works Department has forecast \$1,758,000 dollars for the future park in its 2018 capital budget for design and land acquisition, with the detailed design work for the park to commence in 2018;

WHEREAS, there is strong community support for moving quickly on the development of a park on these lands;

WHEREAS, the Beasley Neighbourhood Association has been in conversation with the Patrick J McNally Charitable Foundation and has determined that the Foundation may be willing to financially support a temporary, seasonal “pop-up park” on a portion of the John Rebecca lands in 2017 as a demonstration project;

WHEREAS, the Patrick J McNally Charitable Foundation’s was formed with a vision of Hamilton and Burlington with parks, outdoor places and buildings that provide opportunities for our communities to learn about,

explore and enjoy nature, and to build community between neighbours;  
and

WHEREAS, the Beasley Neighbourhood Association would require the City to partner on any application to the Foundation;

THEREFORE BE IT RESOLVED:

- (a) That the appropriate staff from the Planning and Economic Development Department and Public Works Department work with the Beasley Neighbourhood Association to prepare and submit an application for funding to the McNally Foundation to create a temporary, seasonal “pop-up park” using a portion of the City-owned parking lot at John and Rebecca;
- (b) That the project not result in any costs to the City other than the staff resources necessary to coordinate the work;
- (c) That the project not involve any permanent structures or changes to the parking lot that would preclude its continued use as a parking lot after project completion in the short-term or as a park in the long-term;
- (d) That no greater than 18 parking stalls be utilized for this seasonal project;
- (e) That any loss of parking revenue associated with the temporary park be offset with funding from the Ward 2 Area Rating fund.

The rules of order were waived in order to allow the introduction of a motion regarding Seasonal “Pop-up Park” on a portion of the John Rebecca Lands.

For disposition of this matter refer to Item 5.

Councillor Farr presented the following notice of motion:

**(ii) 38 Strachan Street West/ 344 Bay Street North (Added Item 10.2)**

WHEREAS, the Official Plan of the former City of Hamilton Official Plan designates the land at 38 Strachan Street West / 344 Bay Street North "Residential";

WHEREAS, Setting Sail: Secondary Plan for the West Harbour, approved by Council, designates the subject land as "Low Density Residential";

WHEREAS, Setting Sail: Secondary Plan for the West Harbour was appealed to the Ontario Municipal and none of the appeals focused on the subject land;

WHEREAS, the Official Plan of the former City of Hamilton Official Plan and the Setting Sail: Secondary Plan for the West Harbour contemplate residential land use;

WHEREAS, Zoning By-law 05-200 zones the subject land "Neighbourhood Park (P1) Zone" to recognize the existing Parkette;

WHEREAS, future redevelopment of nearby City Housing Hamilton (CHH) property may include the need for temporary relocation of current tenants; many of whom have shared via a CHH survey that they wish to remain in the North End neighbourhood during redevelopment;

WHEREAS, prior to the disposition of city owned land municipally known as 38 Strachan Street West and 344 Bay Street North, in the City of Hamilton, the lands must be declared surplus to the needs of the City of Hamilton in accordance with the City's Procedural By-law for the Sale of Lands, being By-law No. 04-299; and

WHEREAS, currently, a community garden exists on the subject lands;

THEREFORE BE IT RESOLVED:

- (a) That the lands municipally known as 38 Strachan Street West and 344 Bay Street North, in the City of Hamilton be declared surplus to the requirements of the City of Hamilton in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 04-299;
- (b) That the Development Planning Section of the Planning Division of the Planning and Economic Development Department be authorized and directed to initiate a site specific zoning amendment for those lands municipally known as 38 Strachan Street West and 344 Bay Street North, in the City of Hamilton for residential purposes;
- (c) That a formula be devised between Real Estate staff and a successful proponent that contemplates a number of units in the completed development to be temporarily occupied by CHH tenants in order to address community needs respecting temporary relocation and until such time that they may return to their nearby redeveloped property;
- (d) That the manager of the Neighbourhood Action Strategy be requested to meet with representatives of the community garden and assist with, and in conjunction with any other City of Hamilton

staff as needed, the relocation of the community garden to an area of similar size at the entrance of Bayfront Park to the west;

- (e) That any proceeds after Legal and Real Estate fees from the sale of 38 Strachan West and 344 Bay Street North be allocated toward road and side-walk rehabilitation in the North End neighbourhood.

Councillor Farr presented the following notice of motion:

**(iii) Eastwood Precinct (Added Item 10.3)**

WHEREAS, needed upgrades at Eastwood Arena are estimated at an approximate cost of \$3.0 million dollars (design and construction) and a *major* renovation of the facility is estimated to be approximately \$6.5 – \$7.0 million dollars (design and construction);

WHEREAS, future redevelopment of nearby City Housing Hamilton (CHH) property may include the need for temporary relocation of current tenants; many of whom have shared via a CHH survey that they wish to remain in the North End neighbourhood during redevelopment;

WHEREAS, future development on Pier 8 lands may consist of approximately 1500 residential units and parking is desired in the form of a parkade verses surface parking;

WHEREAS, preventing neighbourhood cut-through traffic resulting from new waterfront development is the basis of the North End Traffic Management Plan;

WHEREAS, utilization of two small ball diamonds at Eastwood Park (to the north west of the arena) is very low with use only on Tuesdays throughout the summer and two community events bookings for 2017; and

WHEREAS, the Pier 8 development draft plan includes a 30m wide promenade park along the perimeter (pier) equating to a net gain of new North End parkland adjacent to the Eastwood Arena and Park of approximately 152,500 sq. ft.;

THEREFORE BE IT RESOLVED:

That appropriate staff from Planning and Economic Development be requested to engage with the Ward 2 Councillor and North End Community on what potential may exist that would provide for needed upgrades at Eastwood Arena by contemplating a development partnership that may include the creation of new housing opportunities and a public parkade on the north-westerly portion of Eastwood Park and Arena.

**(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

**(i) Outstanding Business List (Item 11.1)**

(a) The following Item was removed:

Item "X" - Pilot Program for the (BIAs) –Establishing Temporary, Seasonal Patios / Seating Areas Utilizing On-Street Parking Spaces (Item 7.2)

For further disposition of this matter refer to Item 6.

**(j) PRIVATE AND CONFIDENTIAL (Item 12)**

Committee approved the following Item without moving into Closed Session:

**(i) Private and Confidential Minutes of the February 14, 2017 Meeting (Distributed under separate cover) (Item 12.1)**

(a) The Closed Session Minutes of the February 14, 2017 meeting were approved;

(b) The Closed Session Minutes of the February 14, 2017 meeting are to remain confidential and restricted from public disclosure.

**(k) ADJOURNMENT (Item 13)**

There being no further business, the Planning Committee adjourned at 12:55 p.m.

**CARRIED**

Respectfully submitted,

Councillor M. Pearson  
Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk

**CITY OF HAMILTON ON-STREET PATIO PROGRAM (OSP) – 2017**

1. An application can be obtained from the **One Stop Business Services** counter (City Hall, 71 Main Street West, Hamilton, ON, First Floor) or the City of Hamilton website; [www.hamilton.ca/starting-small-business/one-stop-business/street-patios-pilot-program](http://www.hamilton.ca/starting-small-business/one-stop-business/street-patios-pilot-program). As part of the application process, OSP’s will require a Road Occupancy Permit (ROP) from Hamilton Municipal Parking System (HMPS) in order to be established. Completed applications are to be submitted to the **One Stop Business Service** counter. A new OSP application will need to be submitted each year for approval, along with a \$400.00 fee.
2. OSP’s will only be permitted within Business Improvement Areas (BIA) and Community Improvement Project Areas (CIPA) as per By-law 16-125. The deadline for complete application submission is April 1 of each year at 4:30 pm. After the deadline, applications will continue to be accepted on a first come first serve basis.
3. OSP’s will be permitted in any legal on-street parking space (i.e, unrestricted, metered, or time-limited parking), but shall not be permitted in through traffic lanes, rush hour routes or lanes marked as no parking/no stopping/accessible parking.
4. Any request made for an OSP within a BIA must be endorsed in writing through the respective BIA and will be reviewed and approved by staff. Any request made for an OSP within a CIPA will be reviewed and approved by staff in consultation with the Ward Councillor.
5. BIA’s participating in the OSP reserve the right to limit the number of OSP within their designated area.
6. On-street patio locations will be limited to occupying one parking space.
7. In the event that applications for on-street patio locations exceed the number of legal parking spaces in a block or exceed the number of patios allowed in a BIA where the number of locations has been capped by the BIA, a lottery will be held annually to determine approval of a Road Occupancy Permit.
8. The OSP are permitted from May 1 to October 31. The applicant is responsible for removal of the patio no later than November 1.
9. In accordance with standard City practice, all OSP operators must provide proof of commercial general liability insurance (\$5 million) coverage endorsed to include the City as additional insured.
10. The OSP must comply with all applicable City By-laws.

11. Alcohol service/consumption of alcohol may be permitted with AGCO approval.
12. The OSP shall not have advertising, banners or signage on them, including patio umbrellas, other than reflective or traffic safety related signage. No elements of the OSP shall obstruct or overhang on any travelled portions of roadway or sidewalk.
13. Smoking is not permitted on any OSP, pursuant to the Smoke-Free Act, and ‘no smoking’ signage must be posted at the entrance/exit.
14. No outdoor food preparation shall be permitted on an OSP.
15. The OSP shall be compliant with the Accessibility for Ontarians with Disabilities Act (AODA).
16. Electrical power cords or any other devices that cross the travelled portion of the boulevard (sidewalk) are not permitted.
17. Setup or takedown of any structure or materials on the roadway can only be completed by those trained and qualified in the Ontario Traffic Manual (OTM) Book 7 Signing Requirements for Temporary Conditions.
18. OSP’s shall not obstruct stormwater flows or block stormwater drains. The applicant shall be responsible for clearance of any debris and overall maintenance to ensure free flow.
19. Any occupancy of the roadway must conform to the OTM Book 7 Signing Requirements for Temporary Conditions. This includes the closure of any live lanes downstream from an occupied parking space. Appropriate cones/signs may be required as per OTM Book 7.
20. OSP’s shall be designed and constructed as per the construction requirements outlined in this document or as approved under a building permit. All OSP’s shall be fenced with a guard as per the construction requirements outlined in this document and in compliance with the Ontario Building Code Supplementary Guideline, SB-7. Copies of SB-7 can be obtained at City Hall 3<sup>rd</sup> Floor, Building Division.
21. Construction and Maintenance of the OSP shall be the responsibility of the applicant.

#### **APPLYING FOR AN ON-STREET PATIO**

- STEP 1. Select a preferred location based on criteria.
- STEP 2. If within a BIA, obtain written endorsement from the BIA.



- STEP 3. Prepare a construction drawing of the proposed patio in accordance with sketches SK-1 and SK-2 and the on-street patio construction requirements below.
- STEP 4. All patios shall have a minimum of 4.5 metres clearance between the street centreline (on a street with a single lane in each direction) and the edge of the patio, if adjacent to a marked bike lane, the traffic clearance will be 0.25 metres from the edge of the bike lane.
- STEP 5. Submit Road Occupancy Permit Application by dropping it off at the One Stop Business Services (City Hall, First Floor).
- STEP 6. If approved, construction of the patio may commence May 1. Staff will attend after construction has been completed and will follow-up with the owner/operator if all requirements are not met.

### ON-STREET PATIO CONSTRUCTION REQUIREMENTS

A Building Permit is required for all on-street patio platform structures except for any platform structure of any area that meets the following minimum requirements:

1. the floor structure shall be constructed of standard dimension lumber floor joists (ex. 35mm x 190mm (2x8), (35mm x 240mm (2x10) etc.) spaced not more than 406mm on-centre (16" o/c) and bearing **directly** on *suitable ground* such that no portion of the floor structure is suspended more than 38mm (1.5") above grade and the finished floor elevation shall not exceed 355.6mm (14") from adjacent ground elevation;
2. solid blocking shall be provided between floor joists at a spacing of not more than 5 feet on-centre with a minimum of 1 row of blocking for any joist spans that exceed 5 feet;
3. the floor joists shall be fastened to rim joists around the perimeter of the floor structure with a minimum of four (4) 89mm (3-1/2") inch-long common spiral nails per joist;
4. the floor structure shall be unenclosed, except that a *guard* with a height of not less than 914mm (36") but not greater than 1070mm (42") shall be installed around the perimeter of the floor structure in accordance with the requirements states elsewhere in this document;
5. where there is a difference in height between the platform and the adjacent sidewalk a 1500mm (59") wide ramp with a maximum slope of 1:8 shall be constructed anywhere along the platform adjacent to the sidewalk as shown on sketch SK-1;

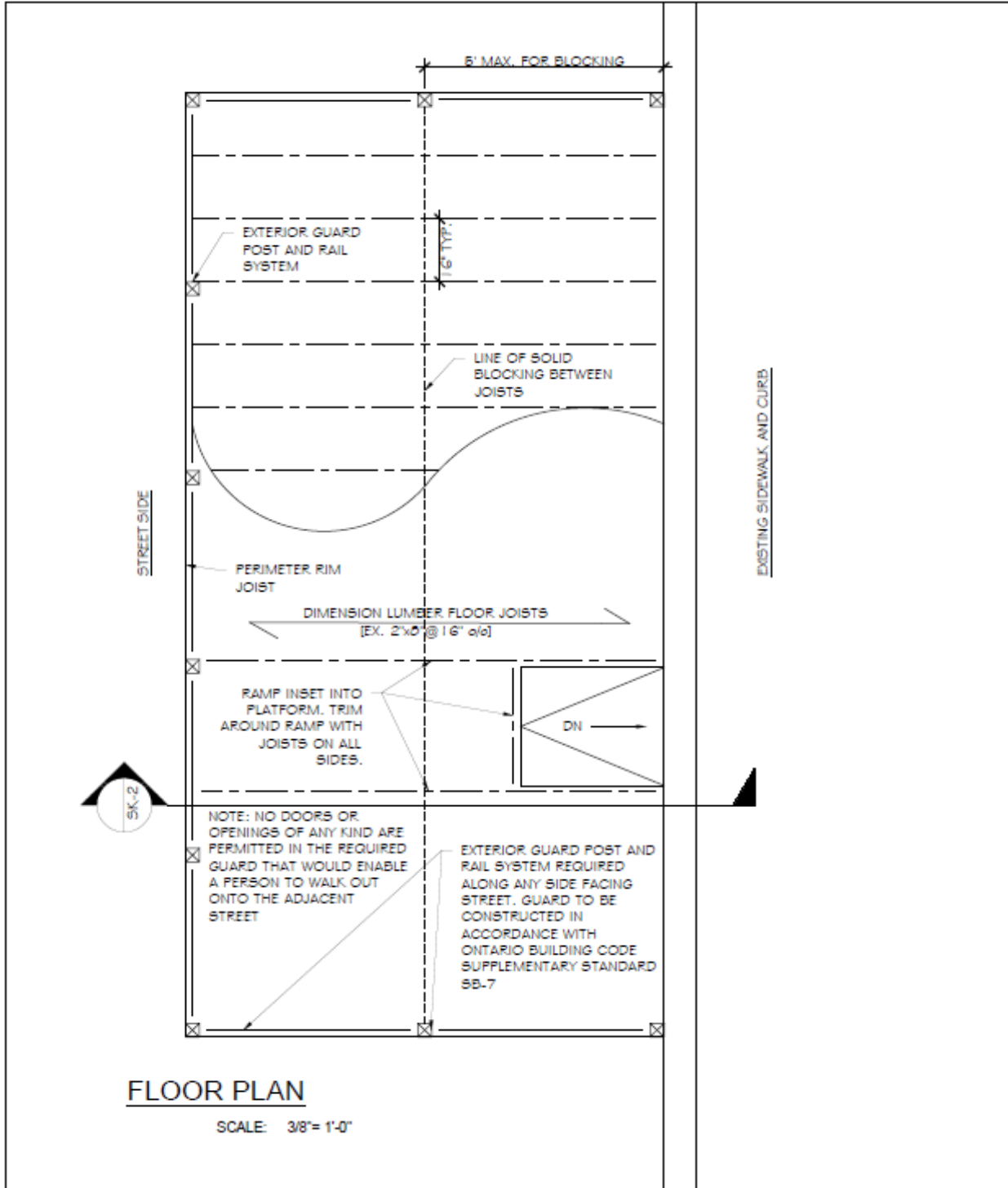
6. except for patio umbrellas, no overhead structures of any kind are permitted including but not limited to any fabric roof coverings, or trellis-type shade structures; and,
7. the owner/operator of the on-street patio is responsible to examine on an annual basis any materials that are proposed to be reused in the construction of the on-street patio for deterioration such as rotting, cracking, splitting, or any other deterioration that may affect the structural integrity and/or performance of the platform or any portion thereof.

### **Definitions**

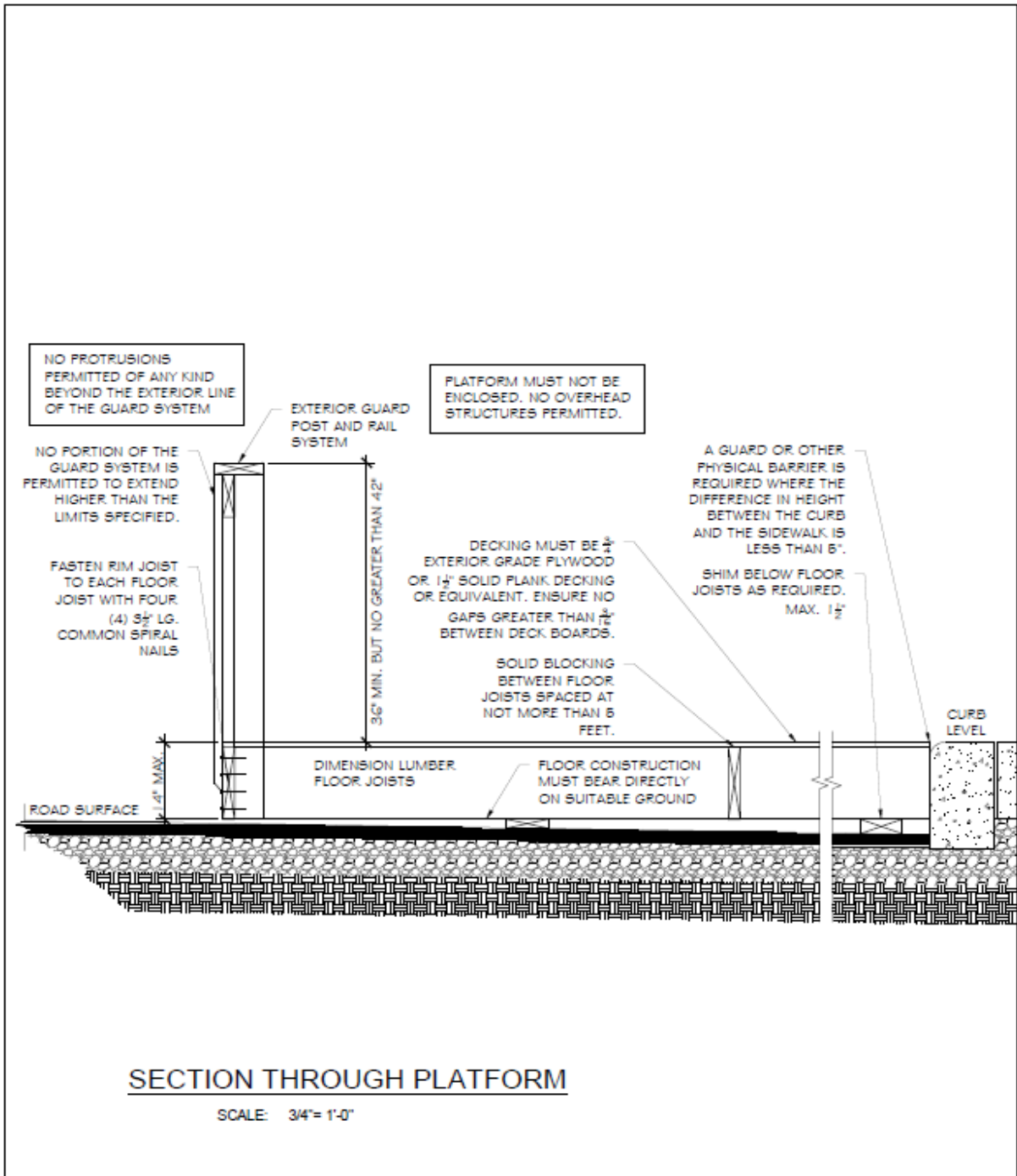
Suitable ground shall mean asphalt or concrete road surfaces or pavements and concrete sidewalks (subject to the approval of the City of Hamilton).

Guard shall mean a protective barrier, with or without openings through it, that is constructed in accordance with the requirements above.

Patio, shall be defined as the use of an on-street parking space for a passive seating area for the public or patrons of a business or Business Improvement Area, and they can include landscaping materials in conjunction with the minimum construction requirements provided above.



	CITY OF HAMILTON STREETSIDE PATIOS	DRAWN BY:	CHECKED BY:
		DATE:	DRAWING:
		PROJECT NO:	SK-1



	CITY OF HAMILTON STREETSIDE PATIOS	DRAWN BY:	CHECKED BY:
		DATE:	DRAWING:
		PROJECT NO:	SK-2