

# INFORMATION REPORT

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	June 4, 2018
<b>SUBJECT/REPORT NO:</b>	Amendments to Encroachments on City Property - Policy and Procedure (PW11024a) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Gary Kirchknopf (905) 546-2424, Extension 7217  Cetina Farruggia (905) 546-2424, Extension 5803
<b>SUBMITTED BY:</b>	Gord McGuire, O.L.S., B.Sc. Geomatics & Corridor Management Public Works Department
<b>SIGNATURE:</b>	

## Council Direction:

City Council at its meeting April 13, 2011 approved report PW11024 that recommended the following:

That the Encroachment on City Property Procedure, attached to Report PW11024 as Appendix “B”, be received and the General Manager of Public Works be authorized and directed to amend the procedure as required.

City Council at its meeting April 25, 2018 approved report PED18075 that recommended the following:

That the General Manager of Public Works be authorized and directed to make any and all necessary changes to the existing Encroachment on City Property Policy, previously approved via Report PW11024, to remove the requirement for a minor site plan approval for patios that do not trigger a Building Permit requirement under the Ontario Building Code and to streamline the circulation process for applications for Encroachment Agreements for patios.

The purpose of this Information Report is to provide Council with a copy of both the revised Encroachment on City Property Policy shown on Appendix “A” attached to Report PW11024(a) and revised Encroachment on City Property Procedures shown as Appendix “B” attached to Report PW11024(a).

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*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**Information:**

At its meeting on April 27, 2009, Committee of the Whole (COW) Report PED09127 was considered and subsequently approved by Council (COW Report 09-013) on April 29, 2009, which principally dealt with the administration by the City of such matters as handling of applications for liquor licences, road allowance encroachments through City Outdoor Patio Encroachment Agreements, Encroachment Agreements on the Hess Village Pedestrian Mall and assistance to Hamilton Police Services through the Public Works Department.

With respect to the issue of Outdoor Boulevard Patio Encroachment Agreements, it was recommended that a requirement of approval of an Encroachment Agreement for an Outdoor Boulevard Café be that the owner prepare and submit a patio layout plan to the satisfaction of the Manager of Development Planning.

Further, Report PW11024 to Public Works Committee on April 4, 2011, approved by Council at Public Works Committee Report 11-005 on April 13, 2011, established the Encroachment on City Property Policy and the Encroachment on City Property Procedure with the General Manager of Public Works authorized and directed to amend the procedure as required. The purpose of this Report was to formalize written policies and procedures detailing steps and controls to manage processes and agreements for encroachments and Outdoor Boulevard Cafes.

Due to recent issues and complaints received from applicants regarding processing timelines for Encroachment Agreements for Outdoor Boulevard Cafés, staff worked together with the Continuous Improvement Team to look into the feasibility of adjusting the current requirements in order to increase efficiencies while still maintaining the integrity of these processes.

In the Fall of 2017, staff from PW and PED met in separate meetings with staff in Legal, Building, Zoning, Fire Prevention Bureau, Licensing, to discuss and consider their proposed changes to the current processes and the steps needed in order to ensure compliance is maintained while working through the process changes.

On March 7, 2018, PED and PW staff proposed process changes to the Continuous Improvement Team that would only require an Outdoor Boulevard Café to require Site Plan Approval if a Building Permit was required and the members of the Continuous Improvement Team were in favour of the proposed changes.

On April 25, 2018, Council approved Report PED18075 through General Issues Committee Report 18-009, which adopted the proposed changes to the Outdoor Boulevard Café requirements.

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As per Council direction provided through both PW11024 and PED18075, Public Works has amended its Encroachment on City Property Policy and Encroachment on City Property Procedures accordingly to reflect these changes, which were approved by the General Manager of Public Works on May 4<sup>th</sup>, 2018.

Relevant Consultation

The following City staff were consulted on the revisions of the Policy and the Procedure:

- Corporate Services Department: Legal Services Division
- Planning and Economic Development Department: Development Engineering, Planning, Building, Licensing, Zoning
- Public Works Department: Engineering Services: Geomatics and Corridor Management

**Appendices and Schedules Attached**

Appendix A: Encroachment on City Property Policy

Appendix B: Encroachment on City Property Procedures