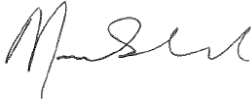




INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 8, 2020
SUBJECT/REPORT NO:	Liveaboard (PED18222(c)) (Ward 2) (Outstanding Business List Item)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Chris Phillips (905) 546-2424 Ext. 5304 Raymond Kessler (905) 546-2424 Ext. 7019 David McCullagh (905) 546-2424 Ext. 1647
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

On June 14, 2019, Council approved Planning Committee Report 19-009 referring the item of Year-Round Live-Aboards at West Harbour Marinas / Yacht Clubs, back to the Planning Committee at a future meeting, listed as Item 19L on the Planning Committee Outstanding Business List.

INFORMATION

In 2017, as part of the implementation of the West Harbour Waterfront Recreation Master Plan (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 the former MacDonald Marine, upon the natural expiry date of the marina lease. Subsequently, in early 2018, a group representing approximately 20 boat owners, organized as the Macassa Bay Year-Round Liveaboard Association (LAA), approached the City for permission to continue living on their boats at this location year-round.

On July 13, 2018, representatives of the LAA delegated to Planning Committee and Council approved Planning Committee Report 18-011, including direction to meet with

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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.

the LAA in order to discuss an accommodation plan for the 2018/2019 winter season and to outline existing policies regarding the proposed live-aboard boat residency within the West Harbour.

On August 17, 2018, Council approved Planning Committee Report 18-012 that included Confidential Report LS18048 entitled Boats Moored on Hamilton Waterfront Used as Residences (“Liveboards”), and on March 27, 2019, Council approved GIC Report 19-005 that included Macassa Bay Year-Round Liveboard Association 2018/2019 Transition Plan (PED18222(b)), detailing the partnership with the Macassa Bay Yacht Club (MBYC) for the winter season.

On May 14, 2019, representatives of the LAA delegated at Planning Committee seeking a permanent and on-going approval for year-round residency on boats within the West Harbour, and Council directed staff to report back on the feasibility of this action.

An ad hoc working team consisting of staff from the West Harbour Office, Real Estate, Parks Operations, and Legal Services, was established to identify the issues, stakeholders and determine feasible options. Based on the initial review, the following key items were identified:

- i. The City of Hamilton is the sole land owner of waterfront land within the West Harbour area, specifically the locations of the Macassa Bay Yacht Club (MBYC), the Royal Hamilton Yacht Club (RHYC), and the Harbour West Marina (HWM), collectively referred to as “the marinas”;
- ii. As the land owner, the City has existing leases with both the MBYC and the RHYC, and a Marina Management Agreement with the HWM, which detail the terms and conditions of operations, including operations that fall outside of the traditional boating season (i.e. winter);
- iii. Within the context of the existing agreements, the City and the marinas have the ability to cooperatively negotiate additional terms and conditions explicitly related to operations that fall outside of the traditional boating season;
- iv. The existing agreements are comprehensive and consistent with other similar City leases/management agreements, ensuring key issues are addressed; and,
- v. The existing marinas either have at present or have evaluated plans for the needed infrastructure upgrades and the operational capabilities to offer services outside of the traditional boating season.

Based on the working team’s assessment, the most appropriate and objective way to respond to the request of the LAA for more permanent and on-going approval for year-round residency on boats within the West Harbour is to leave the determination up to three marinas, being that as operators of the mooring slips, the marinas can determine if they wish to pursue such accommodation. The LAA and the marina operators will be specifically advised by City staff of this approach and instructed to collaborate among

themselves, either collectively or individually. The City will offer the opportunity to enter into a lease/management agreement negotiation with each respective marina.

To be clear, the City will not be mandating the proposed use, rather it will be up to the individual marina themselves to determine if they wish to take advantage of this opportunity. City staff will determine a list of key issues that must be addressed in any contract negotiation, including the following:

1. commitment to ensuring adequate health and safety and living standards;
2. minimum property standards for both on the water and land operations during the expanded time period;
3. any additional liability and risk management considerations; and,
4. additional lease/management fees that would be assessed based on the additional operating period and equity to the cost of traditional land-based residential housing.

APPENDICES AND SCHEDULES ATTACHED - N/A

CP:RK:DM/sd