

**PLANNING AND DEVELOPMENT
DEPARTMENT**

CITY OF HAMILTON

- RECOMMENDATION -

DATE: August 10, 2001
File No.: E205-05 Author: M. Inrig (Ext. 4303)

REPORT TO: Mayor and Members
Committee of the Whole

FROM: Lee Ann Coveyduck
General Manager
Planning and Development Department

SUBJECT: Streamlining of Development Approvals for the New City of Hamilton
(PD01146) - (City Wide)

RECOMMENDATION:

- (a) That the Mayor and City Clerk be authorized and directed to execute subdivision agreements and/or service agreements, as well as any other related document required, as a condition of development approval arising out of development applications regulated by the Ontario Planning Act, providing such agreements and/or documents are in a form satisfactory to Corporate Counsel and there is no City share of servicing cost under a Subdivision/Service Agreement, or, where there is a City's share of servicing cost under a Subdivision/Service Agreement, it has been previously approved in the current Capital Budget for the City.
- (b) That the Mayor and City Clerk be authorized and directed to execute lot grading agreements, as well as any other related document required, as a condition of development approval arising out of development applications regulated by the Ontario Planning Act, providing such agreements and/or documents are in a form satisfactory to Corporate Counsel.
- (c) That the Mayor and City Clerk be authorized and directed to enter into and execute special sewer service and/or special water service agreements for the purpose of allowing temporary sewer and/or water connections where there are no sewers or watermains in a public highway directly abutting a property, provided:
 - (i) that there is some other sewer or watermain, which the property may be readily serviced to, in the opinion of the City Engineer;

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- (ii) that there is provision in the Sewer and Water By-laws, as amended, for such connections;
 - (iii) that the property to be connected is within, or directly abutting, the Urban Area, as defined by the Official Plan; and,
 - (iv) that the connection is for an existing property only for lands, not within, but directly abutting, the Urban Area, as defined by the Official Plan.
- (d) That the Mayor and City Clerk be authorized and directed to execute joint sewer and/or joint water service agreements, where the requirement to enter into an agreement is a condition of development approval, which the General Manager of Planning and Development has authority to impose, for development applications regulated by the Ontario Planning Act, provided such agreements are in a form satisfactory to Corporate Counsel.
- (e) That the City adopt the following criteria as conditions to be satisfied by a subdivider before entering into an agreement with the City for the privilege of pre-servicing a subdivision.

The subdivider shall:

- (i) obtain approval of engineering design drawings for the works to be constructed to service the subdivision, including receipt of Ministry of the Environment (MOE) certificates;
- (ii) submit originally signed certificates of insurance for the subdivider and the contractor as proof that both subdivider and contractor have obtained adequate insurance coverage in accordance with the City's Subdivision Agreement;
- (iii) deposit a cash payment in the amount of \$50,000 to the City's Finance and Corporate Services Department as security in the event that construction is not completed and the City is required to restore the site and maintain public safety surrounding the site;
- (iv) pay an administration fee for the preparation of a pre-servicing agreement in an amount approved by the City under the City's current User Fee By-law;
- (v) submit written verification that an archeological survey has been conducted and the site is free and clear for construction when the requirement for an archeological survey is a condition of draft plan approval;

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- (vi) submit written verification that the subdivision lands have been decommissioned when the requirement for decommissioning is a condition of draft plan approval;
 - (vii) submit written verification of compliance with the City's requirements regarding blasting where services are to be constructed in rock;
 - (viii) arrange for all required site inspections and materials testing for the works to be constructed to service the subdivision; and,
 - (ix) arrange for a pre-construction meeting for construction of the works to service the subdivision.
- (f) That the Mayor and City Clerk be authorized and directed to enter into and execute pre-servicing agreements, provided the subdivider has satisfied all conditions required by the City for the privilege to pre-service a subdivision and provided the pre-servicing agreement is in a form satisfactory to Corporate Counsel.
- (g) That the Mayor and City Clerk be authorized and directed to enter into and execute model home agreements, provided the agreement is in a form satisfactory to Corporate Counsel.
- (h) That Development Division staff prepare a list of development agreements executed by the City of Hamilton for review by Council on a quarterly basis.
- (i) That the Mayor and City Clerk be authorized and directed to execute discharges of subdivision agreements, service agreements, special sewer service agreements, special water service agreements, joint service agreements, model home agreements and easement agreements, upon the advice of the City Engineer, that all requirements, financial and otherwise under the agreements, have been completed to the satisfaction of the City.
- (j) That the amount of payment for cash-in-lieu of five percent (5%) parkland dedication, required as a condition of subdivision approval, be calculated by the Corporate Buildings and Real Estate Division, Community Services Department of the New City of Hamilton and collected through the City's Subdivision Agreement without submission to Council.
- (k) That the General Manager of Finance and Corporate Services, or designate, be authorized and directed to close capital project accounts, established to finance the City's share of servicing costs under development agreements, upon notice from the General Manager of the Planning and Development Department, or designate, that payment of the City's share of servicing costs is complete and no further payments are required by the City.

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- (l) That the General Manager of Finance and Corporate Services, or designate, be authorized and directed to transfer all excess funding from closed capital accounts, established to finance the City's share of servicing costs under development agreements, to the original source of funding.

Lee Ann Coveyduck
General Manager
Planning and Development Department

CORPORATE IMPLICATIONS:

The endorsement of recommendations in this report will have the positive effect of streamlining the development approval process, saving both time and financial costs, and generally improving the quality of customer service for the corporation.

BACKGROUND:

Under the amalgamation of the former Region of Hamilton-Wentworth and former City of Hamilton, an analysis of the development approval process led to more assignments of mainly routine consent items, which required very little discussion, if any, at Committee or Council to staff level. These consent items were routine in nature as they involved the act of fulfilling requirements which Council had endorsed or approved earlier in the development process and were, therefore, non-controversial. The purpose of this report is to reiterate and replicate these same provisions for the New City of Hamilton.

ANALYSIS:

When administrations of the former City of Hamilton and former Region of Hamilton-Wentworth were amalgamated, development staff undertook a detailed analysis of the development approval process for the purpose of identifying streamlining measures to increase efficiencies in the process and harmonize the two administrations.

One part of the process identified by the analysis as inefficient and redundant was a requirement to obtain Council approval at the Subdivision Agreement stage in the development process to fulfill requirements which Council, or the authority delegated by Council, had previously approved at the draft approval stage of development. It was determined that the act of fulfilling the direction of Council, or the authority delegated by Council, from an earlier stage of the development process did not require further Council approval at a later stage in the development process.

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However, where additional requirements arise in the later stages of the development process, which were not previously approved in the earlier stages, then these requirements would require Council approval. Such requirements may include additional City expenditures not already approved in a current City Capital Budget or a dispute by a developer regarding payment of cash-in-lieu of parkland dedication or repayment of servicing costs or changes to the standard form development agreement to implement specific development requirements which may arise out of the detailed engineering design review of a development.

The streamlining measures undertaken by the former City of Hamilton and former Region of Hamilton-Wentworth worked extremely well in expediting development agreement preparation and execution, especially over the summer months when Council meetings are less frequent and subdivision construction is most active. By implementing streamlining measures, City and Regional Development staff were better able to meet the needs of the development community during peak development periods without compromising the development review and approval process.

SUSTAINABLE DEVELOPMENT:

(Vision 2020, adopted by Regional Council as its vision for the future of Hamilton-Wentworth and endorsed by the Transition Board as the basis of a vision for the "New" City of Hamilton, embodies the concept of a sustainable community which is an equal balance of the economy, the environment, and social/health factors in all municipal decision-making.)

The principles of sustainable development embodied in Vision 2020 are not contravened by the endorsement of the recommendations in this report.

CONCLUSION:

In order to maintain efficiencies and service levels achieved by the former corporations, staff recommend that the same streamlining measures be endorsed for all development applications within the New City of Hamilton.

To keep Council informed of all active developments in the New City of Hamilton, an Information Memo of development activity will be prepared for Council by Development staff quarterly.

:MJl

cc: J. Spiler, Finance and Corporate Services
cc: K. Christenson, Finance and Corporate Services
cc: D. A. Powers, Legal Services and Corporate Counsel