



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 21, 2023
SUBJECT/REPORT NO:	Application for Cash-in-Lieu of Parking for Lands Located at 412 Barton Street East, Hamilton (PED23053) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Rino Dal Bello (905) 546-2424 Ext. 1024
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Cash-in-Lieu of Parking (CLIP) Application CIL-22-001 by T. Johns Consulting Ltd., for St. Mathew's House, Owner**, for an exemption from the parking provisions of Zoning By-law No. 05-200 for four parking spaces, for lands located at 412 Barton Street East, as shown on Appendix "A" attached to Report PED23053, be **APPROVED** on the following basis:

- (a) That the owner pays the Cash-in-Lieu of Parking sum of \$1 for each of the four parking spaces;
- (b) That the City Solicitor be authorized and directed to prepare the appropriate Cash-in-Lieu of Parking Agreement in accordance with Section 40 of the *Planning Act* and authorized to register the agreement on title of the subject land;
- (c) That the City Clerk be authorized to provide a certificate in accordance with Section 40 (5) of the *Planning Act* when all money payable to the City under the Cash-in-lieu of Parking Cash-in-lieu of Parking Agreement has been paid or the agreement has been terminated.

EXECUTIVE SUMMARY

The applicant, St. Mathew's House, has applied for Cash-in-Lieu of Parking for relief from the parking provisions of Zoning By-law No. 05-200 for four parking spaces associated with Site Plan Control application DA-22-087 for the development of a six storey, 889 square metre building containing 15 affordable rental units, with a community kitchen and community use at grade, as shown on Appendix "B" attached to Report PED23053. The development requires four parking spaces which cannot be provided on the subject lands.

As per the City of Hamilton Cash-In-Lieu of Parking Policy (Report PED21028) the City may provide for a reduction to \$0 for each parking space for affordable housing developments that provide housing for persons of low and moderate income as determined by the City's Housing Division. The applicant is proposing affordable housing units for persons of low income.

In accordance with the City Policy, staff support the application as a contribution of Cash-in-Lieu of Parking (CILP) is permitted by Zoning By-law No. 05-200 and the applicant is providing affordable housing units for individuals with low income as confirmed by the City's Housing Division.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The City's current CLIP Policy states that for affordable housing developments for individuals with low income, as determined by the City's Housing Division, the City may provide for a reduction to \$0 for each parking space.

The City's Official Plan also provides for cash-in-lieu of parking and how the funds are to be spent through the following policy F.1.20:

"1.20.1 Where a proponent is required, under the Zoning By-law, to provide and/or maintain parking facilities, the City may require a cash payment in lieu of all or part of the parking requirements. Such funds shall be used for the acquisition of lands and/or the provision of off-street parking as deemed appropriate by the City:

- a) The acquisition of lands and/or the provision of off-street parking;
- b) Support for measures that reduce or shift the demand for parking through outreach, education and targeted programs; and,

- c) Provision of infrastructure and services that support micro-mobility including bicycles, shared bicycles, E-scooters and electric bicycles. (OPA 155)”

Staffing: N/A

Legal: However, as the intent of the CILP provisions of the *Planning Act*, Legal staff have advised that notwithstanding the previous Council direction to charge \$0 per space, that a nominal amount of \$1 per space is more appropriate.

HISTORICAL BACKGROUND

The City of Hamilton has provided developers with the option of meeting their parking requirements through a “cash-in-lieu provision” for many years. The former City of Hamilton adopted operational guidelines on how cash-in-lieu of parking payment was to be calculated and in accordance with the *City of Hamilton Act*, and this policy is still in force and effect.

The applicant received Conditional Site Plan Approval (File DA-22-089) on June 28, 2022 for the subject lands. The conditionally approved site plan is for the development of a six storey, 889 square metre building containing 15 affordable rental units, with a community kitchen and community use at grade. The development requires four parking spaces for the units that cannot be provided on the subject lands.

The cost to construct one parking space for a surface parking facility was determined by the Real Estate Section at \$27,600.0. The land value was estimated to be \$70.0 per square foot and 360 square feet for each parking space. The cost of \$30,000.0 per space is used for construction costs.

The calculation of the cost of a parking space is based on the formula below:

$$\text{Surface Parking} = (C1 + (L \times S1)) \times N \times 50\%$$

C1 = Current estimate of construction cost of a surface parking space

L = Current estimate of land cost of a parking space based on the current market value of the lands where development and/or redevelopment is proposed.

S1 = Size of each surface parking space including space required for aisles and driveways.

N = Number of parking spaces for which payment is requested by the proponent.

$$(\$30,000 + (\$70 \times 360)) \times 50\%$$

$(\$30,000 + \$25,200) \times 50\%$

= \$27,600 per parking space

As a condition of Site Plan approval, the Applicant / Owner is to apply for and receive final approval of a Cash in Lieu of Parking application for the four parking spaces that cannot be provided on the subject lands.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Section 40(1) and 40(2) of the *Planning Act* allows municipalities to enter into an agreement with an owner or occupant that effectively allows for the payment of “cash-in-lieu” of any requirement.

The former City of Hamilton adopted operational guidelines on how the cash-in-lieu of parking payment was to be calculated and, in accordance with the *City of Hamilton Act*, this policy is still in force and effect.

The City’s Official Plan also provides for cash-in-lieu of parking through the following policy F.1.20:

Cash-in-Lieu of Parking

“1.20.1 Where a proponent is required, under the Zoning By-law, to provide and/or maintain parking facilities, the City may require a cash payment in lieu of all or part of the parking requirements. Such funds shall be used for the acquisition of lands and/or the provision of off-street parking as deemed appropriate by the City:

- a) The acquisition of lands and/or the provision of off-street parking;
- b) Support for measures that reduce or shift the demand for parking through outreach, education and targeted programs; and,
- c) Provision of infrastructure and services that support micro-mobility including bicycles, shared bicycles, E-scooters and electric bicycles. (OPA 155)”

RELEVANT CONSULTATION

Staff in the following Divisions were consulted in the preparation of this Report:

- Planning and Economic Development Department, Planning Division, Transportation Planning & Parking Division, Parking Operations Section, and Economic Development Division, the Corporate Real Estate Office Section.

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The above Divisions had no objections to the Cash-in-Lieu of Parking application for the subject lands and that it is Council Policy to charge \$0 per parking space. However, as the intent of the CILP provisions of the *Planning Act*, Legal staff have advised that notwithstanding the previous Council direction to charge \$0 per space, that a nominal amount of \$1 per space is more appropriate.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Cash-in-Lieu of Parking Committee received the submission and recommended approval of application CIL-22-001 for the following reasons:

- The need of the applicant to contribute Cash-in-Lieu of Parking for the subject lands, in accordance with the *Planning Act* is permitted under Zoning By-law No. 05-200, Section 5.1 a) ii), by the City of Hamilton;
- The City of Hamilton Zoning By-law No. 05-200 requires 0.3 parking spaces per dwelling unit less than 50.0 square metres in gross floor area. The proposed 15 dwelling units range from 31.1 square metres to 37.2 square metres in gross floor area. The applicant is seeking relief from the required four residential parking spaces;
- The applicant is providing affordable housing units for individuals with low income which has been confirmed by the City's Housing Division;
- The subject lands prevent additional parking to be provided on the site;
- Off-street parking is available in the area; and,
- The area is serviced by the local transit systems.

Therefore, staff recommends that the Cash-in-Lieu of Parking application CIL-22-001 for lands located at 412 Barton Street East be approved.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the applicant would be required to provide the four parking spaces in accordance with Zoning By-law No. 05-200 or reduce the number of residential units which would reduce the number of parking spaces required. The applicant could also submit an application to the Committee of Adjustment for a further reduction of the parking ratio, however staff would not support the application.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23053 – Location Map

Appendix “B” to Report PED23053 – Concept Plan

RDB:sd