



City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: May 23, 2025

Report No: PED25121

Subject/Title: Application for Cash-in-Lieu of Parking for Lands
Located at 121 and 135 Mary Street, Hamilton

Ward(s) Affected: Ward 2

Recommendations

- 1) That **Cash-in-Lieu of Parking Application CILP-25-001 by Landwise c/o Katelyn Gillis, for Good Shepherd Non-Profit Homes c/o Dmytro Petrov, Owner**, for an exemption from the parking provisions of Zoning By-law No. 05-200 for 11 parking spaces, for lands located at 121 and 135 Mary Street, Hamilton, as shown on Appendix A attached to Report PED25121, **BE APPROVED** on the following basis:
 - (a) That the owner pays the Cash-in-Lieu of Parking sum of \$1.00 for each of the 11 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 lands; and,
 - (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 Agreement has been paid or the agreement has been terminated.

Key Facts

- The subject lands are designated “Downtown Mixed Use Area” in the Urban Hamilton Official Plan, and “Downtown Residential” in the Downtown Hamilton Secondary Plan. The subject lands are zoned Downtown Residential (D5, H17, H19, H20) Zone in Zoning By-law No. 05-200.
- The parking provisions of Zoning By-law No. 05-200 stipulate that 43 parking spaces are required for the development. The applicant, Good Shepherd, has applied for Cash-in-Lieu of Parking for relief from Zoning By-law No. 05-200 for 11 parking spaces that they cannot accommodate on the subject lands.
- The Cash-in-Lieu of Parking facilitates Site Plan Control application DA-22-095 for the development of a ten storey mixed use building consisting of 157 square metres of space for social service uses on the first and second floors and 156 units proposed in the upper eight storeys with affordable rental tenure.
- As per the City of Hamilton Cash-in-Lieu of Parking Policy (Report PED21028), the City may consider a reduction to \$0 for each parking space for affordable housing developments that provide supportive housing for persons of low income, as determined by the City’s Housing Division.
- Staff support Good Shepherd’s contribution of Cash-in-Lieu of Parking to support the proposed mixed use development.

Financial Considerations

The City’s current Cash-in-Lieu of Parking Policy, as amended by Planning Committee on April 6, 2021, 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.

Analysis

The subject lands are municipally known as 121 and 135 Mary Street and are located on the west side of Mary Street, south of Cannon Street East as outlined in Appendix A of this report. Good Shepherd applied on December 4, 2024, for Cash-in-Lieu of Parking, seeking relief for 11 parking spaces, where 43 parking spaces are required, and 35 parking spaces are proposed to be provided.

Good Shepherd received conditional Site Plan approval (DA-22-095) on November 2, 2022, as outlined in Appendix B of this Report. The conditionally approved Site Plan permits the construction of a ten storey mixed use building with 157 square metres of space for the Good Shepherd to provide additional social services in the community and 156 units of low income supportive housing on the upper eight floors.

Planning Act

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.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan provides for cash-in-lieu of parking through policy F.1.20 as follows:

Cash-in-Lieu of Parking

“F.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, in accordance with the City’s Cash-in-Lieu of Parking Policy. 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)”

City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned Downtown Residential (D5, H17, H19, H20) Zone in the City of Hamilton Zoning By-law No. 05-200.

Conditional approval of Site Plan Control application DA-22-095 was granted prior to April 10, 2024, therefore the transitional policy as it pertains to Section 5 of Zoning By-law No. 05-200 applies. The parking provisions of the Zoning By-law which existed prior to April 10, 2024, apply to the proposed development. As a condition of Site Plan approval, Good Shepherd, is required to apply for and receive approval to reduce the required number of parking spaces. The applicant, Good Shepherd, has selected to pursue relief of the zoning requirements for parking through the Cash-in-Lieu of Parking Policy.

Rationale For Recommendation

The cost to construct one parking space for a structured parking facility was determined by the Real Estate Section to be \$60,000.00. The land value was estimated to be \$27.00 per square foot for a below grade parking level, with each parking spacing

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containing 350 square feet. The cost of \$69,450.00 per parking space is used to estimate construction and land 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 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 parking space including space required for aisles and driveways.

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

$$(\$60,000 + (\$27 \times 350)) \times 50\%$$

$$= \$34,725 \text{ per parking space.}$$

The total value of cash-in-lieu of parking for the 11 parking spaces is \$381,975.

The Cash-in-Lieu of Parking Committee received the submission and recommended approval of application CILP-25-001 for the following reasons:

- The need of Good Shepherd, 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;
- Zoning By-law No. 05-200 requires the development to provide a total of 43 parking spaces, whereas the applicant is providing 35 parking spaces to avoid the construction of a second level of underground parking. Good Shepherd, is seeking relief for 11 parking spaces;
- Good Shepherd, is providing affordable housing units for individuals with low income which has been confirmed by the City's Housing Division;
- Good Shepherd is providing 128 long term and seven short term bicycle parking spaces, which complies with Zoning By-law No. 05-200; and,
- The area is serviced by the local transit systems and within 450 metres of the proposed Light Rail Transit station at King Street East and Mary Street.

Therefore, staff recommends that the Cash-in-Lieu of Parking application CILP-25-001 for lands located at 121 and 135 Mary Street be approved.

Alternatives

Should the application be denied, Good Shepherd would be required to provide the 11 parking spaces in accordance with Zoning By-law No. 05-200 or reduce the number of residential units which would have the effect of reducing the number of parking spaces required. Good Shepherd could also submit an application to the Committee of Adjustment for a further reduction of the parking ratio in Zoning By-law No. 05-200.

Relationship to Council Strategic Priorities

1. Priority 1: Sustainable Economic & Ecological Development
 - 1.2 Facilitate the growth of key sectors
2. Priority 2: Safe & Thriving Neighbourhoods
 - 2.1. Increase the supply of affordable and supportive housing and reduce chronic homelessness

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, Development Engineering, Growth Management Division, and the Corporate Real Estate Office Section.

The above Divisions had no objections to the Cash-in-Lieu of Parking application for the subject lands as it is Council Policy to charge \$0 per parking space. However, Legal staff have advised that notwithstanding the previous direction to charge \$0 per space, that a nominal amount of \$1.00 per space is more appropriate.

Appendices and Schedules Attached

Appendix A: Location Map

Appendix B: Concept Plan

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**Submitted and
recommended by:** Anita Fabac, Acting Director of Planning and Chief Planner
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