

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

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| TO: Chair and Members Planning Committee | WARD(S) AFFECTED: WARD 5 |
| COMMITTEE DATE: January 15, 2013 | |
| SUBJECT/REPORT NO: Waiving of Fees for a Single Detached Dwelling by the Habitat for Humanity Hamilton Organization, 2 Comet Avenue (Hamilton) (PED13009) (Ward 5) | |
| SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department | PREPARED BY: Paul Mallard (905) 546-2424 Ext. 4281 |
| SIGNATURE: | |

RECOMMENDATION

That Council approve the request from Habitat for Humanity Hamilton to waive fees for the development of a single detached dwelling, on the lands located at 2 Comet Avenue (Hamilton), as shown on Appendix “A” to Report PED13009, on the following basis:

- (a) That Planning and Economic Development Department fees, in the amount of \$1,530.00, be exempted. These fees include a Site Plan Application fee of \$1,460.00, and a Driveway Access Permit of \$70.00.
- (b) That Council deem Habitat for Humanity Hamilton to be a “charitable, non profit use” under Sub-section 11.(6) of Parkland Dedication By-law 09-124. As such, the development will be exempt from a Cash-in-Lieu of Parkland Dedication of \$2,750.00.
- (c) That the Municipal Development Charge (DC) Liability of \$26,927.00 and the GO Transit DC Liability of \$215.00, resulting from the development of 2 Comet Avenue (Hamilton), by Habitat for Humanity Hamilton, be exempted.

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- (d) That Site Plan Security of \$2,000.00 not be exempted, as this security will be refunded when the applicable site works have been completed.
- (e) That the Driveway Access Installation charge of \$713.70 not be exempted, as this charge is to cover the actual contractor fees for installing residential driveway approaches.
- (f) That the Building Services fees (Building Permit and Water and Sewer fees), totalling \$2,288.60, not be exempted, as waiving fees is inconsistent with the policy of full cost recovery and there is no provision within the Building Code Act that would permit the Chief Building Official to waive fees.
- (g) That Education Development Charges of \$610.00 not be refunded, as the City has no Authorization to exempt this fee.

EXECUTIVE SUMMARY

Habitat For Humanity Hamilton has gone through the Site Plan approval process for the development of a single detached dwelling on the south side of Comet Avenue in Hamilton (see Appendix "A"). Fees, totalling \$37,034.30, have been collected by the City as part of the Development Process. In some instances, staff is suggesting that certain fees/payments can be waived and other fees/payments should not be waived. Staff can support the exemption of fees, in the amount of \$31,422.00.

Alternatives for Consideration - Not Applicable.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial:

Development Charges:

The applicable Municipal DC fee for this development totals \$26,927.00; the DC fee applicable for a single dwelling unit. The applicable GO Transit DC fee for this development totals \$215.00. The applicable Education DC fee for this development totals \$610.00, for which the City has no authority to exempt this fee. Therefore, total DC fees exempted total \$27,142.00.

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Parkland Dedication:

The total Cash-in-Lieu of Parkland Dedication fees exempted is \$2,750.00.

Planning and Economic Development Department Fees:

The applicable Site Plan Application fee is \$1,460.00.00 and the Driveway Access Permit is \$70.00. Therefore, the total fees exempted would be \$1,530.00.

The table below details all of the municipal fees that are being proposed to be exempted.

| Total Municipal Fees Exempted | |
|--------------------------------------|------------------|
| | (\$) |
| Site Plan Application | 1,460.00 |
| Driveway Access Permit Application | 70.00 |
| Development Charges | 26,927.00 |
| Go Transit Development Charges | 215.00 |
| Cash-in-Lieu of Parkland Dedication | 2,750.00 |
| Total | 31,422.00 |

Staffing: N/A.

Legal: N/A.

HISTORICAL BACKGROUND (Chronology of events)

On May 3, 2012, the IBI Group along with Homes by DeSantis, on behalf of their client, Habitat for Humanity Hamilton, submitted a request to have fees totalling \$37,033.70 refunded. The breakdown of those fees paid is as follows:

- Site Plan Application - \$1,460.00
- Site Plan Security - \$2,000.00
- Water and Sewer Permit - \$615.60
- Driveway Access Permit Application - \$70.00
- Driveway Access Installation - \$713.70
- Building Permit Fee - \$1,673.00
- Development Charges (City Portion) - \$26,927.00
- Education Development Charges - \$610.00
- Go Transit Development Charges - \$215.00
- Cash-in-Lieu of Parkland Dedication - \$2,750.00

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Previously, City Council, in 2008, agreed to waive Planning Application fees to an upset limit of \$20,000.00 for Ronald McDonald House.

In addition, City Council, in 2010, agreed to waive Planning Fees, in the amount of \$52,470.00 (including Parkland Dedication \$23,620.00), and Development Charges, in the amount of \$156,448.00, for an eight unit townhouse project by Habitat for Humanity Hamilton at Niagara Street.

POLICY IMPLICATIONS

Parkland Dedication By-law:

By-law No. 09-124 (as amended) was passed by Council on June 10, 2009, being a By-law to require the conveyance of land for park or other public recreational purposes as a condition of development or re-development or the subdivision of land. Section 11 of the By-law deals with Exemptions, and states:

“11. Notwithstanding any other provisions of this By-law, this By-law shall not apply where:

- (6) The proposed development or re-development is for the following Institutional uses: a place of worship, college or university, public hospital, hospice, a non-profit emergency shelter, public library, cemetery, mausoleum, columbarium or crematorium, **or other charitable, non-profit uses as may be deemed by Council.**” (emphasis added)

Development Charges By-law:

The development does not qualify for any DC exemptions set out in By-law No. 09-143, as amended; By-law No. 11-174, as amended; and By law No. 11-175, as amended. However, prior requests by Habitat for Humanity for DC exemptions have been granted. In addition, other not-for-profit organizations have requested similar DC exemptions, which have also been granted.

The City has no authorization to exempt the education DC, amounting to \$610.00, as the City only acts as a collecting agent on behalf of the Catholic School Board. Habitat for Humanity will have to request exemption of the education DC directly from the Hamilton-Wentworth Catholic District School Board.

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Building Permit Fees:

By-law No. 08-161 was passed by Council on June 25, 2008, being a By-law under the Building Code Act, 1992 respecting permits and related matters. The establishment of fees is to cover the full costs of providing services, application review, and construction inspection. There is no provision within the Building Code Act that would permit the Chief Building Official to waive fees.

RELEVANT CONSULTATION

Capital Budgets Section, Financial Planning and Policy Division, (Corporate Services Department) has been consulted and supports the exemption of development charges.

Building Services Division advised the establishment of Building Permits fees is to cover the full costs of providing services, application review, and construction inspection. There is no provision within the Building Code Act that would permit the Chief Building Official to waive fees.

Operations Section (Public Works Department) advised that the cost of the concrete driveway/approach is not an Administrative fee. The costs paid (\$713.70) are actual costs that are to be paid for the construction of the driveway/approach, once completed. This work is carried out through a Contracted service. Therefore, this cost should not be refunded.

Real Estate Section confirmed that Cash-in-Lieu of Parkland for subject lands was based on 5% of the lot value and was calculated to be \$2,750.00, and further advised that Council may choose to deem Habitat for Humanity to be a “charitable, non profit use” and, as such, Cash-in-Lieu of Parkland would not be applicable.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

The fees/payments for the project include:

Site Plan Application DAB-12-030:

On March 15, 2012, an application for Site Plan approval was submitted to the Planning Department with the required fee of \$1,460.00. The application was Conditionally Approved on March 30, 2012. Council, on occasion, has waived Site Plan Application fees for non profit organizations.

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Site Plan Security:

The collection of Site Plan Securities is for the purpose of ensuring that properties are developed in accordance with the approved site plan. In the case of Beach Boulevard properties, the \$2,000.00 security is for grading purposes. Once the Developer has submitted verification that the property has been graded in compliance with the approved plans, this security is returned. As the \$2,000.00 is a security to ensure site plan compliance, and will be returned upon confirmation of satisfactory completion of works, this security should not be refunded at this time.

Driveway Access Permit Application:

This \$70.00 application fee is collected by the Parking and By-law Services Division, and the Supervisor of Parking Services has advised that Council may choose to waive this fee.

Driveway Access Installation:

The \$713.70 Driveway Access Installation fee is collected by the Public Works Department, and is utilized to pay an outside contractor to physically install the driveway approach ramp. The Project Manager of Operations and Waste Management has advised that this fee just covers the actual cost of the driveway installation works. As this is not an application fee, but is used to pay an outside contractor, the Project Manager is suggesting the fee should not be returned.

Building Permit Fee:

The Building Permit fee for a single detached dwelling is based on \$12.84 per square metre of floor area, and a total of \$1,673.00 was paid. Also collected, as part of the Building Permit Review process for single detached dwellings, is the Water Sewer Permit fee (\$264.00) and a fee of \$351.60 for the water meter. The water meter fee reflects the actual cost of the water meter, and forwarded to Public Works, Water Waste Water Section. As this amount reflects the actual cost of the meter, this fee should not be refunded.

As indicated in the Policies Affecting Proposal Section of the Report, there is no provision within the Building Code Act that would permit the Chief Building Official to waive fees.

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While Council could decide to waive the permit fee, this would set a precedent that other non-profit groups may use in the future, and would have the net result that other permit applicants would end up having to cover the cost of these permit fees. Another option would be for Council to have the permit fee paid by the City (which would come from the general levy). However, once again, this would set a precedent and result in increased pressures on the levy.

Parkland Dedication:

In accordance with the Planning Act, the City, through the adoption of Parkland Dedication By-law No. 09-124, may take lands for parkland purposes for applications for development or re-development. As an alternative to land dedication, Cash-in-Lieu of land dedication is permitted. For residential development, 5% land dedication or Cash-in-Lieu of the value of the land as of the day before the issuance of a Building Permit would be required. Staff has determined that the 5% Cash-in-Lieu of parkland dedication would be \$2,750.00.

The process for waiving this fee, in a go-forward manner for all Habitat projects, would be for Council to deem Habitat for Humanity Hamilton as a “charitable, non profit use”, as per Section 11.(6) of the Parkland Dedication By-law (see Recommendation (b)).

Development Charges:

The following criteria were used to form the basis of the recommendation:

1. A not-for-profit organization, which is providing affordable housing to City citizens in need.
2. Municipal Exemption Precedent: The City has already exempted similar Habitat for Humanity projects and other “non-profit” organizations.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

- No alternatives were examined.

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FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: N/A.

Staffing: N/A.

Legal: N/A.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Social Development

- ◆ Everyone has a home they can afford that is well maintained and safe.

Healthy Community

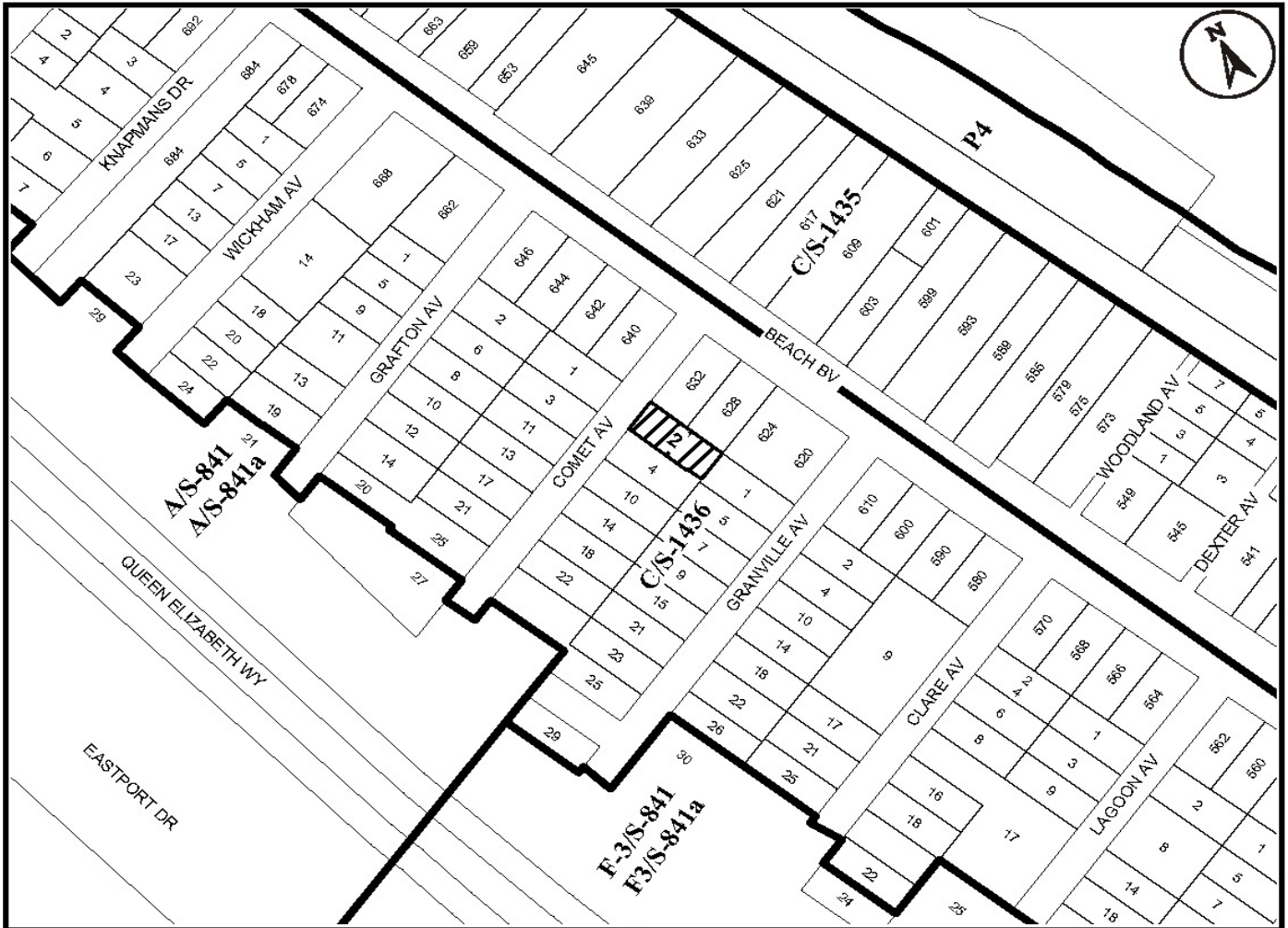
- ◆ Adequate access to food, water, shelter and income, safety, work, recreation and support for all (Human Services).

APPENDICES / SCHEDULES

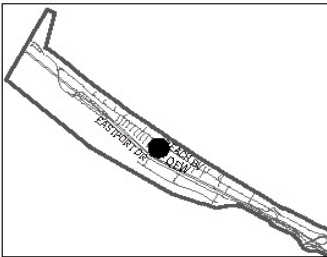
- Appendix "A": Location Map

:PM


Attach. (1)



● Site of the Application



Ward 5 Key Map

N.T.S. 

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
DAB-12-030

Date:
November 28, 2012

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
PD/NB

Subject Property



2 Comet Avenue, Hamilton