



## DEVELOPMENT INDUSTRY LIAISON GROUP

9:00 a.m.  
Monday, April 16, 2018  
Meeting Rooms 192 & 193  
1<sup>st</sup> Floor - Hamilton City Hall  
71 Main Street West

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### AGENDA

1. Welcome
2. New Business
3. Minutes from March 29, 2018 Meeting
4. Downtown Secondary Plan – *Shannon McKie / Alissa Mahood*
5. Parkland Dedication By-law Review – *Danielle Lapp / Ray Kessler*
6. Bill 139 Implementation – *Steve Robichaud*
7. Future Agenda Items
  - (a) Tree Protection Process – 1 year Monitoring Update - *Anita Fabac*
  - (b) Stall Size Transition – *Steve Robichaud*
8. Next Meeting – Monday, May 14, 2018  
Meeting Rooms 192 & 193 (1<sup>st</sup> Floor, City Hall)



## DEVELOPMENT INDUSTRY LIAISON GROUP

9:00 a.m.  
Thursday, March 29, 2018  
Meeting Rooms 192 & 193  
1<sup>st</sup> Floor - Hamilton City Hall  
71 Main Street West

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**Present:**

Ed Fothergill, Fothergill Planning  
Paula Hamilton, Hamilton Burlington Society of  
Architects  
Terry Johns, Co-Chair, Development Council  
HHHBA  
Brenda Khes, GSP Group Inc.  
Cameron Kroetsch, Observer  
William Liske, Losani Homes  
Suzanne Mammel, HHHBA  
Steve Spicer, Multi-Area Developments

Carol Ammendolia, City of Hamilton  
Jorge Caetano, City of Hamilton  
Kris Jacobson, City of Hamilton  
Robert Lalli, City of Hamilton  
John Morgante, City of Hamilton  
Dio Ortiz, City of Hamilton  
Guy Paparella, City of Hamilton  
Cathy Plosz, City of Hamilton  
Mary Sakaluk, City of Hamilton  
Joe Spiler, City of Hamilton (arrived for Item  
9)  
Steve Robichaud, City of Hamilton  
Tony Sergi, City of Hamilton  
Jason Thorne, City of Hamilton

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## MINUTES

### 1. **Welcome**

Tony Sergi welcomed everyone and proceeded to chair the meeting.

### 2. **New Business**

- The street parking requirements report will be going to the Planning Committee June 5.

### 3. **Minutes from February 12, 2018**

Received without change.

#### 4. Portal and ProjectDox Update – *Mary Sakaluk / Dio Ortiz*

Staff has moved into production stage. The soft launch has been extended to May with selected developers and builders. Open house sessions will be held by staff targeting certain groups. Staff are meeting with the HHHBA on May 17, 2018, to present a demo on the new service being provided.

#### 5. LRT – Update / Introduction – *Kris Jacobson*

Kris Jacobson introduced himself and gave an update on where the project stands, and to establish contact with the DILG and develop a guideline.

- The RFP (Request for Proposals) will be going out in approximately 2- 3 weeks;
- The project is being undertaken using the Design, Build, Finance, Operate and Maintain (DBFOM) procurement model;
- Under this process, the bid companies will be responsible for the final design as well as the construction schedule (phasing and staging);
- Until a preferred bid company is selected, the details associated the final design and construction timing/sequencing will not be known (the design will follow the approved Environmental Assessment).
- Construction is expected to start in 2019, with the LRT complete and running by 2024;
- As the alignment must follow the approved EA, site plans should generally not be affected;
- The LRT office is still in discussions with Metrolinx to determine if they will require a separate agreement for development along the LRT Corridor during and post construction.
- EA drawings are on City website.

#### **Encroachments and ROW's**

Kris explained that encroachments within the municipal right-of-way along the entire LRT route are being discouraged at this point. Given the constrained confines of the corridor combined with the uncertainties associated with the future location of underground utilities, any encroachment may compromise constructability and/or project schedule. This is particularly important in cases where development and LRT construction may overlap in time and space. As such, until further notice, Kris advised that, as a general rule, encroachments within the municipal right of way, both temporary and permanent, will not be permitted. With this said, where it can be demonstrated that an encroachment may be necessary given some set of unique or unusual circumstances specific to a project, individual requests can be reviewed. Ultimately, Public Works will dictate when and where an encroachment is supported.

#### **Development Industry Feedback**

In order to assist developers, the City is putting together a guideline intended to address issues and concerns associated with LRT construction as well as establish rules of engagement (i.e. who does what and when). To help us in the regard, we'd like to hear from the DILG and your partners. Please e-mail us at [lrt@hamilton.ca](mailto:lrt@hamilton.ca) with your questions, issues, concerns, suggestions and ideas related to how LRT construction and development should be coordinated. We look forward to sharing the results of this outreach as well as developing these guidelines at a future DILG meeting.

## 6. Urban Forest Strategy (UFS) – Catherine Plosz

The Urban Forest Strategy presentation was distributed but was missing some pages. A complete copy is included in the minutes (attached). The UFS is a strategy to ensure the long-term health of the urban forest, with prioritized recommendations that are based on municipal staff, stakeholder and community consultation. If you have any comments or questions regarding this strategy, please email: [ufs@hamilton.ca](mailto:ufs@hamilton.ca).

Cathy advised workshops will be held in May and will extend invitations to Suzanne Mammel and Ed Fothergill.

**Action: Cathy will attend June and September's DILG meeting to provide an update.**

## 7. City Share /Letter of Credit Reduction – John Morgante

A handout was distributed to the group (attached). John advised that developers/companies now have to provide their company's HST number and HST breakdown with the other information required. Page 2 of the document provides a checklist developers/companies can refer to before submitting their request for the City Share of money.

It was also noted that under Engineering Guidelines – L.2.6 Availability and Timing of Funding by the City “**where the total City's share of servicing cost, before overhead, under the Schedule of Works approved by the City is greater than \$50,000, a public tender process must be carried out by the Proponent to award the contract**”, the City is contemplating changing the \$50,000 limit and updating the policy.

## 8. Definition of a Collector Road – Guy Paparella

There is a discrepancy between UHOP and the Comprehensive Development Guidelines (CDG). The CDG, page 54-57 – Table C.1 – Geometric Road Design Table currently has two classifications for Collector Road. This will be amended to reflect UHOP classifications contained in C.4 – page 10 of 20 – only one kind of Collector Roads. The **MINOR COLLECTOR** information will be removed from the Comprehensive Development Guidelines entirely.

## 9. DC Deferral Terms – Joe Spiler

The City Development Charge Deferral Agreement Terms/ Policy (FCS – DC2) was distributed (attached):

- DC By-law 14-153 authorizes the General Manager of Finance and Corporate Services to set terms and enter into a DC Deferral not to exceed five years for non-residential development, a residential facility or apartment style developments. Effective February 1, 2018 the interest rate increased dependant on title priority. The following interest charges apply;
  - a) 1<sup>st</sup> or 2<sup>nd</sup> priority on title – City's 5-yr debenture rate plus 0.25% admin plus 3.0%;
  - b) 3<sup>rd</sup> priority on title - City's 5-yr debenture rate plus 0.25% admin plus 4.5%;
  - c) 4<sup>th</sup> priority on title - City's 5-yr debenture rate plus 0.25% admin plus 6.0%;
  - d) 5<sup>th</sup> priority on title – Not eligible.

- The additional interest earned by the DC Deferral Agreements will be applied to DC related growth projects/reserves.
- Podium and Towers – A development issue arose when a developer was building a parking garage podium with foundations for 3 buildings, however only 1 tower was going to be built for now. The servicing requirements for all 3 towers were going to be installed as the podium was going to be built.
- The DC Act (26(1.1)) states that “if a development consists of one building that requires more than one building permit, the development charge for the development is payable upon the first building permit issued.”  
The DC will be charged full amount for all buildings at the first permit stage. You will be charged for 3 buildings if you have 3 foundations.
- City of Mississauga had an OMB case which confirmed the above position.
- If staff do not charge for all 3 buildings at the 1<sup>st</sup> permit stage, the developer can come back when receiving permits for the other 2 buildings and demand the original DC rate when the 1<sup>st</sup> permit was issued.
- Staff will review with other municipality policies to see how they handled the changes.

## 10. Next Meeting

Monday, April 16, 2018 at 9:00 a.m. in meeting rooms 192 & 193 (1<sup>st</sup> Floor – Hamilton City Hall)

Sherree Donald, Minute Taker  
Administrative Assistant, Growth Management Division

## OUTSTANDING BUSINESS LIST

### DEVELOPMENT INDUSTRY LIAISON GROUP

Subject Matter	Meeting Date Initiated	Status
City's Lobbyist Registry – Follow-up	August 25, 2015	Follow-up requested to determine if registering as a 'lobbyist' under the by-law would negatively affect a planner standing before the OMB as an impartial expert witness?
Downtown Infrastructure Study	October 19, 2015	City staff to make a presentation once the report was prepared.
"Shall" vs "May" Language in the Official Plans	October 17, 2016	City staff to re-visit Official Plan policy in six months.
Parkland Dedication By-law – Proposed Phases 1 and 2 Review Recommendations	October 17, 2016	Recommendations to be reviewed during the February 13, 2017 DILG meeting.
Staging of Development Update	October 17, 2016	Update to be provided by City at the February 13, 2017 DILG meeting.
Comprehensive Development Guidelines and Financial Policies Manual – Updated Document	January 16, 2017	Updated document to be made available to the DILG group and other stakeholders on going with working group April 16, 2018
Form 1 Working Group – Update Requested	January 16, 2017	Public Works to provide an update.



# Hamilton Urban Forest Strategy

Development Industry Liaison Group  
March 29, 2018



Hamilton

# What is a UFS?

A strategy to ensure the long-term health of the urban forest, with prioritized recommendations that are based on municipal staff, stakeholder, and community consultation, data, and policy review.



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# Objectives

- To better understand the urban forest and its value (ecological, health, economic).
- To improve governance and communication within and outside the City to support forest health.
- To engage the community in developing the strategy.
- To develop an approach to integrate the urban forest as green infrastructure into the built form.



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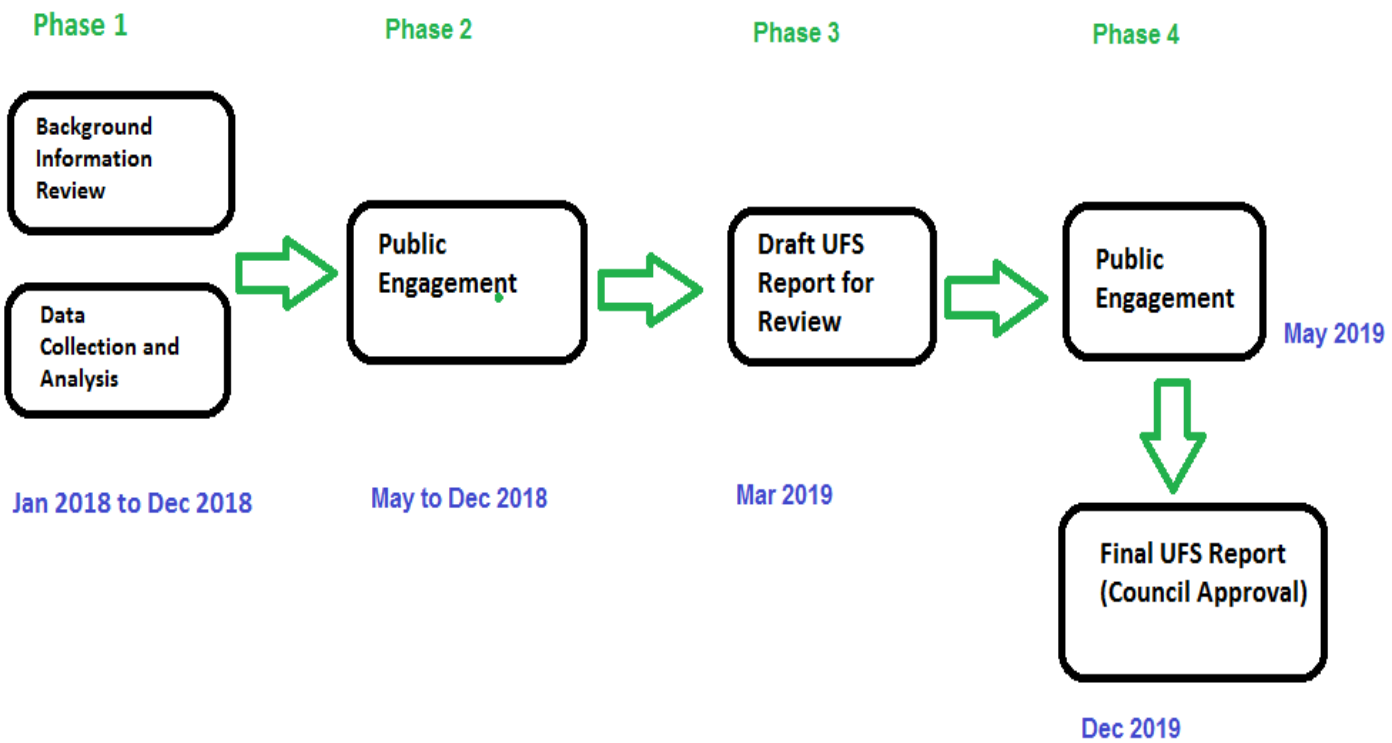
# Project Scope

- Vision and targets for forest cover
- Data management
- Review and improve policies, procedures, programs, guidelines, by-laws
- Tree protection, maintenance, and removal, risk management
- Tree planting (species, diversity, space, conditions)
- Implementation and monitoring



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# Timeline



# Finally...

How would you like to be involved?



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City Hall, 71 Main Street West  
Hamilton, Ontario  
Canada L8P 4Y5

Planning and Economic Development  
Development Engineering, Growth Management  
Physical Address: 71 Main Street West, 6<sup>th</sup> Floor  
Phone: 905-546-2424 ext. 7860 Fax: 905-540-6142

## City Share Payments

### **Engineering Guidelines - L.2.6. Availability and Timing of Funding by the City**

- Timing of payment for the City's share of servicing costs is subject to availability of funding in the capital budget as approved by the City for that year. Appendix K - Protocol for City Share further outlines the Protocol for Repayment of City Share.
- Any Proponent requesting allocation of funding for the City's share of servicing costs under Development Applications shall do so, in writing to the City's Senior Director of Growth Management, prior to August 1st of previous calendar year. Such requests can apply to completed works or imminently proposed works.
- Any development requiring the City's share of works to be paid beyond the approved Capital Budget amount for that year shall require the approval of City Council. The Senior Director of Growth Management Division may authorize funding to be paid during the year for completed eligible projects not initially allocated funding during the Capital Budget process, subject to the availability of reserved monies funded that year.
- Where the total City's share of servicing cost, before overhead, under the Schedule of Works approved by the City is greater than fifty thousand dollars (\$ 50,000) a public tender process must be carried out by the Proponent to award the contract.

### **Engineering Guidelines M.11 Appendix K - Protocol for Repayment of City Share**

All of City's share of the cost of municipal works to be constructed under the subdivision agreement are subject to the following:

- i) Council approved capital budget for the works;
- ii) The subdivision agreement must be registered;
- iii) There shall be no outstanding liens related to the works that are subject to payment to the City's share; and,
- iv) Prior to repayment the consulting engineer, who must be a Professional Engineer licensed to practice in Ontario, for the developer must submit a complete submission consisting of:



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- 1) A letter of request for payment of the City's share of construction cost for the related development certified by the developer's consulting engineer;
- 2) A progress payment certificate to the City, broken down in the same format as the approved "Schedule of Works" related to the subdivision agreement, is to be submitted with each request for payment of the City share of construction. The payment certificate must show the approved as constructed cost of completed works which require payment by the City; and,
- 3) Proof of payment from the contractor who installed the works that are subject to payment by the City.

Checklist and Requirements for City Share Payments:

- The Consultant will submit an Original hard copy request on their letterhead which includes:
  - a. Name of Subdivision,
  - b. Plan number,
  - c. Statement number,
  - d. Owner,
  - e. Contractor,
  - f. Prepared by (name of person who prepared it),
  - g. And date.
- Copy of signed Schedule F.
- Breakdown of City Share for the given stage of the development in the same format as Schedule 'F' (cost estimates) to include:
  - a. Street name ("from" and "to" if applicable),
  - b. Details of items as per the Schedule – preferably digital in excel format. Also need original hard-copy signed by Engineer.
- Summary sheet template (see attached).
- Tender Documents (if not previously supplied).
- The Progress Payment Certificate (PPC) that the payment refers to, signed by Engineer. (Quantities and unit prices must correspond with the approved PPC.)
- Documentation demonstrating the tendering process meets financial policy.



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- Recommendation from Engineer for award of contract.
- Proof of payment from contractor.
- Any notes (e.g. upset limits).
- Request from the Owner (on company letterhead) to include:
  - a. Business and trading name (if different),
  - b. Invoice date,
  - c. Total amount paid or payable,
  - d. Total amount of GST/HST charged include the GST/HST at the applicable rate indicating of which items are taxed at GST rate and which are taxed at the HST rate,
  - e. Business HST number,
  - f. Brief description of goods or services,
  - g. Terms of payment.
- If holdback released, all documentation in accordance with Construction Lien Act.

<b>Development Charge Deferral Agreement Terms/Policy</b>	 <b>Hamilton</b>	Approval Signature: 
Policy No: FCS – DC2		M. Zegarac
Page 1 of 2		Date: Feb 1, 2018

<b><i>Development Charge Deferral Agreement Terms/Policy</i></b>	
<b>POLICY STATEMENT</b>	This Policy sets out the guidelines for the use of Development Charge (DC) Deferral Agreement Program.
<b>PURPOSE</b>	DC Deferrals provide a financing opportunity to cover the cost of DCs at a time when conventional financing may not be available.
<b>SCOPE</b>	<p>Only the City DC is eligible for Deferral through the DC Deferral Program.</p> <p>This policy is effective February 1, 2018 for any agreements not currently in progress.</p>
<b>AUTHORITY</b>	DC By-law 14-153 authorizes the General Manager of Finance and Corporate Services to set terms and enter into a DC Deferral not to exceed five years for non-residential development, a residential facility or apartment style developments.
<b>DEFINITIONS</b>	The following terms referenced in this Policy are defined as:
“Five year debenture rate”	Refers to the 5 year Serial All-In Indicative Rate as published for the City of Hamilton on a monthly basis by RBC Capital Markets.
“DC Collections”	Refers to the DC Revenue recorded in the City DC reserves excluding interest and DC Exemption funding. Specifically GL accounts 48410 and 48415.
<b>GENERAL REQUIREMENTS</b>	<p>The DC Deferral Agreements shall be in a form satisfactory to the General Manager of Corporate Services and the City Solicitor.</p> <p>This shall include but is not limited to:</p> <ul style="list-style-type: none"> <li>• A maximum five year term</li> <li>• A requirement to maintain property taxes up to date</li> <li>• Registration of the Agreement on title as a mortgage</li> <li>• Commercial General Liability Insurance and all risk property insurance requirements</li> <li>• A required Personal Guarantee</li> <li>• Interest to be charged on the agreement</li> </ul>
<b>APPLICATION</b>	<p>Only the legal owner may apply for a DC Deferral Agreement.</p> <p>An application for a DC Deferral Agreement can be made once the DCs have been confirmed and the owner plans to proceed with</p>



<b>Development Charge Deferral Agreement Terms/Policy</b>	 Hamilton	Approval Signature: 								
Policy No: FCS – DC2		M. Zegarac								
Page 2 of 2		Date: Feb 1, 2018								
	<p>permit issuance in the near term.</p> <p>The application must be submitted with a \$750 application fee.</p> <p>Applications are available through the Capital Budgets and Development Section, 905-546-2424 Ext. 4047 or Ext. 2790</p>									
<b>INTEREST</b>	<p>Interest shall be charged on DC Deferral Agreements based on the City's Five Year Debenture Rate for month the relevant building permit is issued.</p> <table data-bbox="492 691 1339 851"> <tr> <td>1<sup>st</sup> or 2<sup>nd</sup> priority on title:</td> <td>+ 0.25% admin fee + 3.0%</td> </tr> <tr> <td>3<sup>rd</sup> priority on title:</td> <td>+ 0.25% admin fee + 4.5%</td> </tr> <tr> <td>4<sup>th</sup> priority on title:</td> <td>+ 0.25% admin fee + 6.0%</td> </tr> <tr> <td>5<sup>th</sup> priority on title:</td> <td>Not eligible</td> </tr> </table>		1 <sup>st</sup> or 2 <sup>nd</sup> priority on title:	+ 0.25% admin fee + 3.0%	3 <sup>rd</sup> priority on title:	+ 0.25% admin fee + 4.5%	4 <sup>th</sup> priority on title:	+ 0.25% admin fee + 6.0%	5 <sup>th</sup> priority on title:	Not eligible
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5 <sup>th</sup> priority on title:	Not eligible									
<b>MINIMUM BALANCE</b>	<p>There shall be a minimum deferral amount of \$50,000 in order to apply for a DC Deferral Agreement.</p>									
<b>MAXIMUM OUTSTANDING</b>	<p>The DC Deferral Agreement program shall have a maximum principal outstanding at any given time no higher than 50% of the average annual DC collections for the preceding three years.</p> <p>If this maximum has been reached the program will be closed until the outstanding principal is below the maximum.</p>									
<b>DISCLAIMER</b>	<p>The DC Deferral Agreement Program is at the discretion of the General Manager of Finance and Corporate Services and is subject to change at any time.</p>									