



City of Hamilton PLANNING COMMITTEE ADDENDUM

Meeting #: 20-004
Date: June 16, 2020
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website:

<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Lisa Chamberlain, Legislative Coordinator (905) 546-2424 ext. 4605

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4. COMMUNICATIONS	
*4.4 Correspondence from West End Home Builders' Association respecting Item 9.3, Statutory Meetings During the COVID-19 Pandemic Emergency (PED20108(a)) Recommendation: Be received and referred to the consideration of Item 9.3, Statutory Meetings During the COVID-19 Pandemic Emergency.	3
*4.5 Correspondence from Environment Hamilton respecting Item 9.3, Statutory Meetings During the COVID-19 Pandemic Emergency (PED20108(a)) Recommendation: Be received and referred to the consideration of Item 9.3, Statutory Meetings During the COVID-19 Pandemic Emergency.	7
*4.6 Correspondence from T. Johns Consulting Group, respecting Item 9.3, Statutory Meetings During the COVID-19 Pandemic Emergency (PED20108(a)) Recommendation: Be received and referred to the consideration of Item 9.3, Statutory Meetings During the COVID-19 Pandemic Emergency.	8

12. GENERAL INFORMATION / OTHER BUSINESS

*12.2 Appointment of 1st Vice Chair of the Planning Committee



June 15, 2020

City of Hamilton
Planning & Economic Development Department, Planning Division
71 Main Street West
Hamilton ON L8P 4Y5

West End Home Builder's Association | Planning Committee Agenda Item 9.3: Submission on Statutory Meetings During COVID-19 Pandemic Emergency (City Wide) (PED20108(a))

Attn: Mayor Eisenberger and Members of Council

The West End Home Builders' Association is writing to commend the City of Hamilton on their efforts to move forward to implement processes for the holding of statutory public meetings and to make decisions on development applications in the midst of an unprecedented time.

On May 15th, the WE HBA wrote to Mayor Eisenberger and Council encouraging the City of Hamilton to continue to review and issue notices of decisions on planning applications during the ongoing state of emergency. We further requested that the hosting of virtual statutory public meetings and remote decision-making on planning applications be prioritized and expedited, to lay the groundwork for a rapid economic recovery. We are very pleased to see that together with staff, Council has recognized the importance and value of moving forward on this matter, and your leadership on this is appreciated. We respect that during the current state of emergency it is not "business as usual" and that the health and safety of our broader community, of your staff and our members should be our top shared priority.

On April 14th, in an emergency sitting of the Legislative Assembly, the provincial government passed Bill 189, *Coronavirus (COVID-19) Support and Protection Act, 2020*. Recognizing the emergency and the pandemic, WE HBA along with our provincial counterpart, Ontario Home Builders' Association (OHBA), were fully supportive of the temporary measures undertaken to provide clarity and guidance to ensure that municipalities that chose to do so, could continue to accept and process planning applications, while also suspending *Planning Act* timelines. The Province, through amendments to the *Municipal Act* (under the *Emergency Management and Civil Protection Act*), has provided municipalities with the tools they need to ensure local decision making by municipal councils is not adversely affected during emergency situations.

Since this time, municipal councils and committees have been given all the tools they require for the duration of the state of emergency to effectively control the decision-making and appeals process under the *Planning Act*. This includes providing the ability to hold virtual public meetings and ultimately make decisions on planning applications. We further appreciated that the Ministry made it clear that municipalities may hold virtual public meetings at their discretion, and should they wish to make decisions on applications during this time, that the provincial government had provided municipalities with all the necessary tools to move forward on planning matters.

Without question, public health and the health and safety of workers and their workplaces must be paramount. These unprecedented times have demonstrated that much of the planning work necessary to move development applications forward can be done remotely. Many of the more active municipalities have already implemented protocols, procedures and best practices that can safely be adopted by others. Furthermore, several municipalities have successfully recommenced virtual committees of adjustment and virtual statutory public meetings. Again, those municipalities that have not re-opened planning departments, or not are processing applications, can learn from and adopt the procedures and practices of those that have demonstrated leadership through COVID-19. WE HBA is pleased to see that the City of Hamilton has been proactive in understanding what the protocols, procedures and best practices are, and moving swiftly to be the next municipality to implement these opportunities to re-start the decision making process on planning applications.

Comments & Concerns:

Committee & Council Schedule

Under the current State of Emergency, it is important that we work together to carefully consider all opportunities for our community and businesses to remain open for essential services and for “remote” business. On page 3 of staff report PED20108(a) under Analysis, staff outline the public meeting process for public participation moving forward for various virtual meetings. We would like to comment on the schedule for resuming Planning Committee and as well as resuming regular scheduled City Council meetings. It appears that the current “Committee Meeting Calendar” on the City’s website is showing a “Summer Schedule” of meetings. We are concerned that the meeting schedule shown will not adequately address the significant backlog of planning applications that has accrued over the duration of the state of emergency.

The ongoing state of emergency and closure of City Planning departments has resulted in significant delays and backlogs of planning applications across the province. At the May 20th virtual Council meeting, Steve Robichaud, Director of Planning and Chief Planner, commented that as of May 15th, the Planning department had 105 Committee of Adjustment applications on hold, and 75 development applications under review, only of which 10 to 15 had reports prepared that could move forward to Planning Committee. Since that time, now a month later and with municipal decision making still on hold, it is undeniable that this number could only have gone up. It is our suggestion that in order to effectively mitigate the immense backlog in the Planning Department and to move towards a plan for post-COVID economic recovery, of which the construction industry will be a major driver, it would be in all stakeholders’ best interest that more Planning Committee and Council meetings be scheduled for July and August.

We are concerned that decisions made at Planning Committees in July and August will not provide staff enough time to prepare the decisions for ratification by Council, with only one Council meeting in July and one Council meeting in August. The implications if more meetings are not scheduled is that unfortunately, some applicants could end up in a situation in which they may receive Draft Approval but be potentially delayed from full approval by Council until months later. Essentially, an extra month minimum is going to be added on to the approval process by not including more regularly scheduled Planning Committee and Council meetings in July and August, causing even further delays than are already being experienced.



Pre-Recorded Submissions

Another aspect of the staff report that we would like to commend is the inclusion of permitting oral submissions to not only be made by Webex video or phone, but also giving the opportunity to provide pre-recorded videos, both of which can be further supplemented by the inclusion of a written submission as well. WE HBA agrees that the City is providing as many opportunities as possible for the public and development industry to partake in sufficient public participation that lays the foundation for a Statutory Public Meeting and we commend these efforts.

Financial Implications

On Monday June 15th, General Issues Committee received staff report FCS20040(a), regarding the financial implications of COVID-19 on the City of Hamilton. The report laid out two scenarios developed by the Greater Toronto and Hamilton Area Treasurers group, in which scenario 1 assumes a full lockdown for three months, followed by a six-month recovery period allowing for resumption of services, whereas scenario 2 posits a nine-month lockdown period followed by a twelve-month recovery period. The forecasts result in 2020 budget pressures of \$61.6 M under Scenario 1, or \$86.5 M in 2020 and \$35.5 M in 2021 for a combined pressure of \$122 M in financial implications under Scenario 2, in addition to operating budget variances that are expected typically in a normal year.

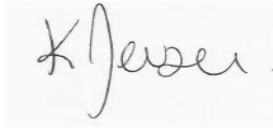
The timing of this report is critical in helping to understand the need for the City to begin resuming normal business practices as promptly and efficiently as possible. WE HBA recognizes that these are unusual and unprecedented times. We have supported the measures taken by the provincial government and City of Hamilton to protect human health during the COVID-19 pandemic. We respect that as the state of emergency continues, it is not “business as usual” and may not be for quite some time. However, to put the City and its residents in the best possible scenarios for restarting the economy post-COVID-19, these considerations must be given adequate thought now to prepare for how the future will look. Resuming statutory public meetings of Planning Committee and Committee of Adjustment is a promising means on the road to the City’s recovery.

Conclusion:

In conclusion, the West End Home Builders’ Association is pleased to see the recommendations enclosed in Staff Report PED20108(a), and that the City is taking action to implement statutory public meetings during the COVID-19 pandemic. We do suggest that more meetings of Planning Committee and City Council be included in the July and August summer schedules to address the resultant backlog due to the state of emergency and avoid further delays on planning applications. WE HBA respects the ongoing positive relationship we have with the City of Hamilton, and we appreciate the opportunity to speak to the ongoing changes facing the industry in Hamilton. WE HBA hopes that the comments provided will be thoroughly reviewed and taken into consideration. Please feel free to contact us with any questions. We welcome any further opportunities to provide input throughout this process.



Sincerely,



Kirstin Jensen, MPI, MA
Manager of Planning & Government Relations
West End Home Builders' Association

- c.c. Steve Robichaud, Director of Planning & Chief Planner
Jason Thorne, GM Planning & Economic Development
Tony Sergi, Senior Director, Growth Management
Rob Molinaro, President, West End Home Builders' Association
Suzanne Mammel, CEO, West End Home Builders' Association
Terri Johns, T. Johns Consulting Group
Nick Carnicelli, Carriage Gate Homes
Matt Johnston, Urban Solutions
Bianca Bruzzese, BDO Canada LLP





June 15, 2020

RE: Item 9.3 – City of Hamilton Planning Committee – June 16, 2020

Dear members of the Planning Committee,

I am writing to you on behalf of Environment Hamilton regarding Item 9.3 on the June 16th Planning Committee agenda. First, I want to say that Environment Hamilton is pleased to see the City of Hamilton taking additional steps to provide the public with better opportunities to engage, virtually, in municipal committee meetings. We very much appreciate the efforts to accommodate public input!

However, we are concerned that the recommendation before committee, in the staff report provided in Item 9.3 proposes to limit oral delegations during statutory public meetings under the *Planning Act* to 5 minutes, with any additional comments to be provided in writing. Providing oral comments at statutory public meetings is an essential right for individuals and organizations wanting to weigh in on important planning decisions within the municipality. Under non-COVID conditions, people have the right to speak for longer than 5 minutes at a statutory public meeting. Further, most delegates aim to be as brief as possible with their oral submissions and we expect that people will continue to be respectful of Committee's time by keeping their virtual submissions brief too. **We do not support the proposal to restrict an individual or organization's time to speak to the committee to five minutes.** We believe, it is reasonable, with the technology available, for the city to continue to accommodate the right to provide oral delegations to Planning Committee in a manner that allows people to be able to take the time they need to do so. We note that no similar time restrictions are proposed for individuals wishing to speak at a Committee of Adjustment meeting.

We appreciate the opportunity to provide input on this important report and urge committee members to preserve the public's right to participate effectively in virtual statutory public meetings under the *Planning Act*.

A handwritten signature in black ink, appearing to read "L. M. Lukasik".

Lynda Lukasik, PhD
Executive Director
Environment Hamilton
TEL: (905) 549-0900
www.environmenthamilton.org

June 15, 2020

Via Email

ATTENTION: Office of the City Clerk

City of Hamilton
71 Main Street West, 1st floor
Hamilton, ON L8P 4Y5

Dear Mayor Eisenberger and Members of Council

RE: Planning Committee - June 16, 2020: Item 9.3
Statutory Meetings During the COVID-19 Pandemic Emergency (City Wide)

T. Johns Consulting Group Ltd. is a Hamilton-based small business that provides professional planning, urban design and project management services to landowners and applicants throughout the City of Hamilton. Many of the landowners are well-established developers and homebuilders who take pride in shaping and contributing towards the future of Hamilton's neighbourhoods and communities.

Statutory Meetings are crucial to moving development projects forward and as discussions have concluded, development and construction will be vital to the economic recovery of the City. Aside from the economic recovery, the Province of Ontario has updated their Growth policies through *Bill 108: More Homes, More Choice Act, 2019* and this pandemic emergency does not relieve the Province's mandate of providing a million more homes in a short horizon, from which the City of Hamilton will benefit.

Public consultation is fundamental to land use decisions in Ontario. It is also of the utmost importance to how we function at T. Johns Consulting. Required Public Consultation Strategies are still being implemented by applicants via virtual platforms and letter mail outs. We believe the recommended methods of e-mail and written letter submissions to ensure resident voices are heard during Statutory Meetings is an acceptable temporary alternative to in-person delegations. Many large and mid-size municipalities in Ontario have successfully implemented virtual Statutory Meetings and their local economies, taxpayers and business owners will benefit from the approach.

We respectfully submit this letter in support on Staff's recommendation to implement virtual Statutory Meetings During the COVID-19 Pandemic Emergency.

Sincerely,

T. JOHNS CONSULTING GROUP LTD.



Terri Johns, BA, MCIP, RPP
President

Cc: Mr. Jason Thorne, General Manager of Planning and Economic Development, City of Hamilton
Mr. Steve Robichaud, Director of Planning & Chief Planner, City of Hamilton