



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.

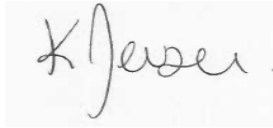
The timing of this report is critical in helping to understand the need for the City to begin resuming normal business practices as promptly and efficiently as possible. WE HBA recognizes that these are unusual and unprecedented times. We have supported the measures taken by the provincial government 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,



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