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**Via Email to stephanie.paparella@hamilton.ca,
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Ms. Stephanie Paparella
Legislative Coordinator
General Issues Committee
City of Hamilton
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

Dear Chair and General Issues Committee Members:

**Re: GRIDS 2 and Municipal Comprehensive Review
Land Needs Assessment and Technical Background Reports
Report No. PED17010(H) (City Wide)**

We, together with Ms. Susan Rosenthal of Davies Howe LLP, are counsel to the group of landowners known as the Twenty Road East Landowners' Group (the "**TRE Group**"). The TRE Group has been actively engaged on the Rural and Urban Hamilton Official Plan matters and welcomes this opportunity to comment on the City's current growth management exercise, GRIDS 2.

We would first like to recognize and thank staff for the work that they have done on the Land Needs Assessment ("**LNA**"). We recognize the LNA as a positive starting point for what we expect to be several on-going discussions, with the overall goal of including the TRE Group lands in the City of Hamilton urban boundary.

To that end, we are providing this submission outlining our initial areas of concern following our preliminary review of the LNA and associated staff report. In addition, we have included some clarifying information as part of this submission, all of which is intended to form the basis of a road map for further discussion between ourselves and staff. Further, it is noted that this submission is made in consideration of the inputs of our consulting team including land use planners, servicing engineers and a land economist.

Getting the Intensification Target Right

The selection of an Intensification Target for the existing built-up area has significant implications to how the City will grow. As the Intensification Target increases, so does the number of households required to live in smaller and more intensive units, while at the same time, the land needed to accommodate future growth is reduced.

The report provides important context informing the selection of the Intensification Target by setting out a scale to help ground the discussion. At the low end of the scale is the “current trends” rate of 40%. While we are advised that this is the rate of intensification that is more recently experienced by the City, we understand the rate over the last ten years to be closer to 35%.

The 50% minimum requirement of the Growth Plan, which the LNA identifies as being at the high end of the range of market demand is, in our submission, a suitable aspirational goal. The staff report further identifies “increased” and “ambitious” targets, which average out to 55% and 60% over the growth period, respectively, which in our opinion would result in a significant departure, not only from what the City has experienced over the last ten years, but is also a considerable departure from forecasted market demand.

The staff report translates the Intensification Targets into more readily understandable terms by correlating them to land needed to accommodate new Community Area. The Growth Plan target of 50% results in the need for about 2,200 ha of land. The averages of 55% and 60% give rise to a need of approximately 1,640 ha and 1,340 ha, respectively. These numbers are understandably preliminary, but nevertheless start to form the picture. We note that we would like a better understanding of whether or not the aforementioned numbers are gross ha or net ha, and we would fur

Going forward, it is our submission that rather than restricting Intensification Target options under consideration to the “increased” or “ambitious” targets, the full range of Intensification Targets from the Growth Plan’s 50% target to the higher averages should be given consideration to ensure that a sufficient amount of land is added to the urban boundary to accommodate the full range and mix of housing contemplated by the Growth Plan, and to ensure that objectives of the provision of affordable housing for young families can be met.

This approach would also be consistent with provincial policy direction to plan for growth on a market basis while not precluding other considerations. This approach also allows for a weighing of the consequences of too high of an Intensification Target, such as development “leap-frogging” Hamilton as a whole, leading to financial negative consequences for the City. Therefore getting the Intensification right is an important input into the LNA to ensure that the appropriate amount of lands is added to the urban boundary and should include full consideration including the minimum target as permitted by the Growth Plan.

Correctly Assessing Lands in the Whitebelt

Properly identifying the area of land available to accommodate new growth is critical to successful implementation of any growth management exercise. Making the right choices about what lands to avoid, for example, prime agricultural lands, is critical to long term prosperity. The whitebelt lands are the lands available to accommodate future growth subject to certain development constraints, though on a finer scale. In terms of constraints on Hamilton’s whitebelt, the Staff Report notes that a large portion of the whitebelt is constrained by the airport Noise Exposure Forecast (NEF) contours and natural heritage features. In applying these constraints, along with the proposed intensification target, Staff have identified approximately 1,600 ha of land available for residential urban boundary expansion.

What was not evident in the Staff Report was the clear need to avoid prime agricultural lands, some of which are located within the whitebelt, when determining the most appropriate location for any proposed expansion. Discussion about the role of prime agricultural areas may have a significant impact on the amount and location of unconstrained whitebelt lands available to accommodate Community Area lands needs.

The Staff Report very helpfully provides a map of the potential whitebelt lands in Appendix “H”. We understand that the assessment is preliminary in nature and that the City intends to complete further “ground-truthing” to better identify the lands; however, we note based on our review of all factors that the amount of land that is available in the Twenty Road East area is larger than the 275 net hectares as shown in Appendix “H”, as they are designated rural and not constrained by way of a prime agricultural lands designation in the same way as some of the other lands in the whilebelt. We look forward to discussing that in greater detail with Staff.

Understanding the Numbers

The staff report states that “[T]he results of the scenarios, together with the City’s constrained whitebelt land supply, identifies that an urban expansion area ranging in size from 1,340 ha to 1,640 ha will be required to accommodate residential (Community Area) growth to the year 2051. We would appreciate clarity in these numbers to understand whether these are gross hectares or net hectares, and what if any, “take outs” were considered in arriving at this number.

Timing and Ordering of Future Development

We understand that once the LNA is finalized, the City will explore phasing of development within the whitebelt. While we recognize that this topic will be covered in much greater detail, we wanted to correct any misunderstanding or uncertainty in the Staff Report regarding the execution of Minutes of Settlement as part of the AEGD Secondary Plan proceeding. The TRE Group was not a signatory to the Minutes of Settlement and as such, the priority of development, including the relative position of various whitebelt areas, remains an outstanding matter which is still before the LPAT.

Concluding Remarks

We encourage the ongoing consideration of three Intensification Targets, including the Growth Plan density target of 50%. We caution that more intense density scenarios may result in a land needs outcome which is not in the City’s long-term best interest.

Further, we urge the City to ensure that it meets the provincial policy mandate to avoid prime agricultural areas in considering lands for urban expansion.

Finally, it is imperative that the City treats all potential whitebelt lands equally as this process unfolds, subject to the applicable prime agricultural constraints as noted above, to ensure the integrity of the Municipal Comprehensive Review process is not otherwise compromised by

favouring one area over any other. Appropriately considering all lands equally will ultimately lead to the best alignment between the market-based need for housing and its availability.

As always please do not hesitate to reach out to me should you have any questions or concerns. We remain available to meet with staff at their convenience to discuss the foregoing.

Yours truly,

WeirFoulds LLP

A handwritten signature in black ink, appearing to read "DBaker", with a stylized flourish at the end.

Per: Denise Baker
Partner

DB
cc. Mr. Steve Robichaud, Director of Planning and Chief Planner
Ms. Heather Travis, Senior Project Manager, Growth Management Strategy
Ms. Susan Rosenthal, Davies Howe LLP
Ms. Maria Gatzios, Gatzios Planning
Client