

**Pilon, Janet**

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**Subject:** Council Meeting - January 20, 2021

**From:** Lakewood Beach Community Council

**Sent:** January 17, 2021 12:15 PM

**To:** DL - Council Only <[dlcouncilonly@hamilton.ca](mailto:dlcouncilonly@hamilton.ca)>; [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Council Meeting - January 20, 2021

Dear Honourable Mayor & Council:

**Are you an elected representative that believes your constituents have a basic right to meaningful Notifications of development applications in the neighbourhoods that you serve?**

If you've answered this question Yes, then item 6 on Planning Committee Report 21-001 should give you pause.

These applications are ones where the City of Hamilton, a public body, is the applicant. The standard Duty of Care should not be lower than other development applications received from other persons or public bodies. We are making this written submission as concerned residents of Ward 10 and concerned citizens / Hamiltonians.

Since the Planning Committee meeting held on January 12th, 2020, we've been able to determine that the processes did not provide the Public with the ability to materially participate (as measured by what residents have come to expect; nor as each of your constituents have been provided by you historically). .

As you know, there are various steps/notifications during the planning process which are either legislation or supported by Council in order to meet the requirements &/or intent of the municipal and provincial guidelines. (For ease of reading, we haven't inserted the specific sections)

Step 1 - After receiving an application - A Notice of Complete Application is mailed to residents within 120 ms of the subject land; normally within 1 month but no later than 15 days after deeming the application complete as per Act. ***No such notice was mailed out***

Step 2 - Within a certain number of days of deeming an application complete, the applicant is to post a Public Notice board on the subject land. ***No such board was/has been posted.***

Step 3 - Prior to deeming an application complete, the applicant is to provide a Public Consultation Strategy which mandates a Community Consultation Meeting has to be conducted. Lack of skill set to conduct a Community Consultation meeting is no excuse. The City's PC Strategy is contained in our Official Plan. There are no exceptions (plan attached for your convenience). ***No such Community Consultation meeting has occurred; hence we believe a Public Consultation Strategy was not submitted.***

Step 4 - While development applications are being reviewed by Staff, the details of any applications are posted on the city's website ... open data for the nerdy residents. Presently, ***no details have been posted on the city's Development Applications Mapping Tool*** in regards to the Official Plan amendment application nor the

Zoning By-Law amendment application. (As an aside, the Staff Report is also completely silent on when these applications were received, when they were deemed complete, etc.)

Step 5 - Prior to the statutory Public Meeting, notice of said meeting is to be provided to the Public (Planning Act states 20 days, our UHOP reduced that down to 17 days). Even though one notice was published in the Hamilton Spectator on December 18th, the Notice of the Public Meeting was posted in our local Stoney Creeks News' December 24th edition, Page 15 of 16. The intent of providing this notice is so that the public can ask questions of the planner, view the public record planning file, etc. Yet in this case, the notice was published in the local community newspaper only 19 days prior to the statutory public meeting. More significantly though, it was published in tandem with the scheduled holiday closure of the city until January 4th, 2021. **Meaningful notice was not provided**

*(As an aside, we have been advised that the posting of that Public Meeting notice is deemed to also conform to Step 1 in that in the opinion of the City, it acts as a Notice of Complete Application for City Initiated development applications. This appears to be a practice that does not conform to planning regs & principles. Oddly too, the planner in the Notice is different than the planner who wrote the Staff Report & presented. We know of resident who are still waiting for returns calls on VMs left for the planner in the Public Notice)*

Step 6 - The statutory Public Meeting.

(a) An amended Motion to **approve** the applications was provided to the Chair **prior to the statutory Public meeting**. Councillor Pearson moved an amended Motion that read: "That the public submissions regarding this matter were received and considered by the Committee in **approving** the application"

The amended motion was read, is visually available in the public record as a highlighted section in the Road Map for the Chair, and was moved by Cllr Pearson prior to the Committee Members deliberations/questions on the Staff Recommendation. All of these actions made a mockery of the spirit & intent of 'public participation in the planning process' and made it quite clear the vote to approve was pre-determined before the statutory Public meeting.

(b) New information regarding the eventual disbursement of any sales proceeds came to light. This new information conflicted with the Staff Report.

(c) The Staff Report is silent on whether or not a direct mail out to landowners within 120ms was sent. Usually, this information is part of a Staff Report & contains further details on how many landowners were notified, how many phoned/wrote in, etc. We have reason to believe a mail out was not done and the only "notice" to the public was the postings in newspaper.

(d) Similarly, the Staff Report is silent on a Public Notice Board on the subject land. We have reason to believe members of the Planning Committee assumed a sign was posted in keeping with standard processes.

(e) Indirectly, during the meeting one member of the community provided oral submissions. Councillor Brenda Johnson is a resident of the Fifty Road Neighbourhood. She voiced her concerns in regards to the lack of public notification and the pre-determined outcome of the Recommendation in Planning Committee Report 21-001 that is before Council

(f) The Staff Report makes references to modellings conducted by staff on potential builds. Neither the Report or Presentation includes visuals of those modellings (aka Conceptual Site Plans) None of that information has

been shared with the public to help them form an opinion &/or to provide the public with adequate information on the subject matter.

Whether at this juncture you are of the opinion the OPA/ZBA is or isn't a good use of the land, that decision by Council should be put on hold & not be voted upon during the Jan 20th meeting. We are of the very strong opinion that the Applicant/City has not provided the Public with meaningful community engagement that follows procedures (both in spirit and in conformity with planning principles)

Hence, we are requesting that Council does **not** support the recommendation contained in the report and that as a governing body, further direction be provided on Public Participation & Notifications for this OPA and ZBA application.

Respectfully,

Viv Saunders  
Lakewood Beach Community Council

P.S. We wish to be provided with any Notice of Decisions in regards to CI-20-A applications for 1400 Baseline Road, Stoney Creek Ontario, Ward 10



Hamilton

## **PUBLIC CONSULTATION STRATEGY GUIDELINES**

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### **PURPOSE AND OBJECTIVE:**

The purpose of this document is to provide a guideline for preparing a Public Consultation Strategy as part of a complete application for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision. This document will continue to recognize that Public Participation Policy which allows the proponent to hold a Community Consultation meeting before submission of an application; however, the applicant will be required to hold a public meeting either prior to submission of a complete application and submit the required information noted below or submit a Public Consultation Strategy as set out below.

Public Consultation Strategies shall be required for the following applications:

- Official Plan Amendments
- Zoning By-law Amendments
- Draft Plan of Subdivision

Public Consultation Strategies may be requested, if deemed appropriate by the Manager of Development Planning, Heritage and Urban Design, for all other planning applications.

All consultation shall follow the guidelines contained in this document. Failure to adhere to the guidelines may result in a submitted application being deemed incomplete.

The goal of a Public Consultation Strategy is to ensure that the public is informed of proposals in their community and provide a forum of which to obtain information and voice their support/objection. A record of the comments and views from the public shall be recorded and become part of the planning report.

### **REQUIREMENTS:**

Public Consultation Strategies must include the following:

	<b>Explanation</b>
Target audience of the consultation	<i>Who will be informed of the consultation and how. Demonstrate an understanding of the demographics in the neighbourhood.</i>

Consultation efforts made before the application was submitted	<i>Evidence of the consultation efforts made prior to application, including recorded outcomes.</i>
List the stakeholders and how they are impacted	<i>List the public, businesses BIAs, agencies, neighbourhood associations, and any other parties that would be impacted as a result of the application and how.</i>
Tools to be used to consult/engage the public	<p><i>Given the rapidly changing technology and social media environment, in addition to considering traditional consultation methods such as a meeting, the applicant may present alternative options for connecting with the community/different demographics and stakeholder groups. These alternative methods shall be detailed in the strategy.</i></p> <p><i>The strategy shall include how the consultation is advertised (i.e. how residents/stakeholders are directed to social media or events/public meetings). The public must be notified on the engagement a minimum of 10 days prior.</i></p> <p><i>Consideration must be given to access and equity (AODA requirements).</i></p>
Timing of consultation	<p><i>Consultation efforts must commence: 30 days from date of application for routine ZBA. This timeframe shall apply to consents and site plans, if required.</i></p> <p><i>60 days from date of application for complex ZBA, OPA and/or Plan of Subdivision.</i></p> <p><i>If a meeting/event is proposed the consultation strategy must include a date, time and location.</i></p> <p><i>If other consultation methods are proposed (other than a meeting/event), the strategy must specify the date of commencement and duration of the consultation effort.</i></p>

Method to receive and document comments	<i>Public input must be documented. A record of public comments and recorded views of named persons referenced shall be submitted.</i>  <i>If in person consultation occurs, comment cards/forms shall be made available for those in attendance at the meeting as well as online commenting options.</i>
Proposed participants in consultation and their role	<i>Applicant/Agent, consultants, City Staff (at the request of the applicant), agencies, Councillors, etc.</i>
Requested City resources	<i>Are any City resources required for this consultation to occur?</i>
Expected/Potential Issues	<i>Identify potential issues for the community relating to the application and potential responses/solutions.</i>

Additional Submission Requirements if a public meeting/event is proposed:

- A. Individual invitations to attend the meeting must be provided to the City’s Manager of Development Planning, Heritage and Design, the Ward Councillor, and all property owners, Neighbourhood Associations and Business Improvement Area Associations, identified stakeholders, within 120 m of the subject property unless an alternative radius is agreed to by the City and applicant. Input may be solicited from the Ward Councillor. These invitations must be sent a minimum of 10 days prior to the meeting.
- B. The following items shall be required to be submitted to the City as part of community consultation for an application within 14 days of a consultation meeting:
  1. An address list of people/organizations invited to the meeting;
  2. A copy of the materials presented at the meeting;
  3. Sign in sheet of meeting participants;
  4. Minutes of the meeting;
  5. A copy of all written comments received;
  6. A written summary of all of the comments received verbally and in writing; and,
  7. A description of any modifications made to the proposal as a result of the meeting.