

Pilon, Janet

Subject: Council Meeting - January 20, 2021

From: Mark Victor
Sent: January 18, 2021 8:37 AM
To: DL - Council Only <dlcouncilonly@hamilton.ca>; clerk@hamilton.ca
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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 only 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 residents who are still waiting for return calls in response to voice mails 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 Clr 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,

Mark & Marlene Victor

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