

July 30, 2020

Via E-mail (stephanie.paparella@hamilton.ca)

Stephanie Paparella
Legislative Coordinator
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Dear Ms. Paparella:

**Re: GRIDS 2 and the Municipal Comprehensive Review – Land Needs Assessment and
Technical Background Reports (PED17010(h)) (City Wide)
Our Client: 1507565 Ontario Limited**

We are counsel to 1507565 Ontario Limited, otherwise known as the Frisina Group (“**Client**”), the owners of approximately 106 acres of land located within the Elfrida Community (“**Elfrida**”).

We write further to our letter dated December 11, 2020, our attendances as a delegation at the December 14, 2020 and March 29, 2021 meetings, and the letter of Paul Lowes dated May 30, 2021, in relation to the City’s GRIDS 2 / Municipal Comprehensive Review (“**MCR**”) process. We write with respect to the City’s upcoming General Issues Committee meeting on August 4, 2021.

We have reviewed the *GRIDS 2 and Municipal Comprehensive Review Consultation Update and Evaluation Framework and Phasing Principles* (PED17010(l)) and *Update regarding Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion* (LS16029(e)/PED16248(e)) reports, prepared by the City’s Planning and Legal departments and wish to thank staff for their efforts in assembling same.

Coordination between GRIDS 1 and GRIDS 2

Our client is a party to the outstanding Rural and Urban Hamilton Official Plan appeals before the Ontario Land Tribunal which relate to the outcome of the GRIDS 1 MCR process dealing with land needs to 2031. By way of its January 17, 2020 decision, the Local Planning Appeal Tribunal, as it then was, has directed that the GRIDS 1 appeals could result in a settlement area expansion in accordance with the 2006 Growth Plan for the Greater Golden Horseshoe to meet 2031 land needs.

City legal counsel have noted in their report to Council that the Ontario Land Tribunal may order such a boundary expansion, independent of the City’s ongoing GRIDS 2 MCR process. The City’s Land Needs Assessment (“**LNA**”) to meet the needs of the City to 2031 has now identified a need for 500 ha in accordance with the 2006 Growth Plan.

Given that the outstanding Ontario Land Tribunal appeals may result in a boundary expansion to meet 2031 land needs and that LNA associated with the City’s GRIDS 2 process deals with land needs including for the period of 2031, 2041 and 2051, we would note that there is a need for the City to

consider how its GRIDS 2 process, to the extent it addresses land needs through to the 2031 planning horizon, will be coordinated with the still outstanding GRIDS 1 appeals.

If City Council's determination is that 500 ha should be brought into the urban boundary to address land needs to 2031, then consideration needs to be given to whether such a determination requires the approval of the Ontario Land Tribunal in the context of the GRIDS 1 appeals. Again, there is a need for the City to consider how any decision it may make with respect to GRIDS 2 will be coordinated with the outstanding GRIDS 1 appeals to ensure that there is no question as to the proper approval and/or implementation of any boundary adjustment relating to the 2031 planning horizon.

Criteria for Evaluation of Growth Options

Our Client's Land Use Planner Paul Lowes, MES, MCIP, RPP, has reviewed the City's Staff Reports on the criteria for the evaluation of growth options and offered the following comments:

I have reviewed the staff report and the Appendix A on the evaluation criteria. I have also compared the criteria to our May 30th letter critiquing the earlier criteria.

The City has now identified the criteria that will be used to evaluate the actual expansion areas and phasing options for the ambitious density scenario and the no growth scenario. The appendix refers to three steps: How to grow? Where to grow? and when to grow?

Step 1: How to Grow?

There are some positive changes to the How to Grow criteria, but some of the concerns that we raised in our May 30th letter were not addressed.

The criteria are not as specific as the previous version. The climate change provision no longer includes specific criteria on district energy and prioritizing tree canopy, which were concerns we raised in our letter. However, staff have deleted the column "How will we measure this?" so it is unclear how the more general criteria will be measured and evaluated.

Staff continue to include a criterion for Natural Hazards which states "Does the growth option direct development away from hazardous lands?" We questioned the value of this criterion in our May 30th letter given that the PPS requires all development to avoid floodplains and other natural hazards. This concern still applies. We also question how it is to be applied in this first step on How to Grow. This step does not evaluate where to grow so it is unclear how the City can measure directing development away from hazardous lands, when they are not looking at any specific geographical area.

Our comments with respect to the natural heritage system are similar to those in relation to hazard lands. It is difficult to understand how the two natural heritage criteria will apply when no specific geographical area is being contemplated.

It is also difficult to understand how the three agricultural criteria will be applied at this level when no specific geographical area is being considered.

The criteria on complete communities require a range of housing options, and expanding convenient access to a supply of open spaces and parks. These are appropriate criteria to include in the evaluation.

Lastly, while we agree with the inclusion of the Provincial Methodology, it is unclear exactly what it will be measuring. We are also surprised that market-based housing is not included as a specific criterion. Given that it is such an important focus in the Growth plan and PPS, it should be specifically noted in the criteria.

Step 2: Where to Grow?

The appendix states that this step is to determine which whitebelt lands are feasible for expansion based on provincial and local criteria. Each candidate expansion area is to be evaluated against these criteria, but the document doesn't identify how the whitebelt is to be broken up into individual candidate expansion areas.

Our May 30th comments on "Prioritizing Tree Canopy" equally apply to the criterion proposed in this step.

We also note that the staff report also indicates that the "avoid natural hazards" criteria will be moved from the climate change criteria to its own section. However, this criterion is still listed under climate change and has also been added it as a new theme. This would seem appear to be an oversight.

Our May 30th comments on integrated waste management planning continue to apply to the proposed criterion.

Our May 30th comments on the Natural heritage system and water resources criteria continue to apply to the proposed criteria.

Step 3: When to Grow?

Appendix A states that the City will identify a variety of alternative phasing scenarios. It is unclear at this point what those alternatives will be.

The municipal finance and servicing criteria are appropriate, however the proposed agricultural criteria should not apply to phasing, as those criteria will have already been applied and resolved by this stage in the process.

General Comments

Elfrida has long been the City's preferred location to accommodate future residential growth. This status flows from the City's GRIDS 1 process dealing with growth to 2031. The GRIDS 2006 study selected Elfrida for very good reasons. The identification was the culmination of a robust 3-year municipal comprehensive review, involving significant public engagement and stakeholder consultation.

The City has also invested many millions of dollars in public infrastructure relating to the future development of Elfrida, including the Upper Centennial Parkway Trunk Sewer and Dickenson Road

Trunk Sewer. We have enclosed a list of the infrastructure projects relating to Elfrida for your reference at Appendix A to this letter.

We appreciate your careful consideration of this submission.

Yours very truly,

Gowling WLG (Canada) LLP



David Sunday

DS:JD

Encl.

cc: Michael G. Kovacevic - City of Hamilton
Paul Lowes – SGL Planning & Design Inc.
Jonathan Minnes – Gowling WLG (Canada) LLP
Client

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Appendix A

Major Capital Project Directly Related to the Elfrida Area

- 1) Upper Centennial Parkway Trunk Sewer - Phase I (Lower Centennial) \$14.5 M Total Cost - conservatively 20% is attributable to Elfrida = \$2.9 M. Phase II (Upper Centennial) \$51 M Total Cost - conservatively 50% is attributable to Elfrida = \$25.5 M for a Total of \$28.4 M
- 2) Dickenson Road Trunk Sewer (Miles Road to Golf Club to Highway #56) - \$44.2 M Total Cost - conservatively 60% is attributable to Elfrida = \$26.52 M

Sub-total = \$54.92.

Projects Approved by City Council and implemented through the current DC By-law

- 1) Wastewater Capital Program - \$30.1 M
- 2) Water Projects - \$51.4 M
- 3) Stormwater Management Projects - \$114.835 M
- 4) Road Projects - \$130.495 M
- 5) Portions of City-Wide Capital Programs Related to Elfrida
 - Woodward WTP - \$35.8 M (10% of total attributable to Elfrida)
 - Transit BLAST Network and new Transit Center - \$5 M (10% of total attributable to Elfrida)
 - Other Soft Service Costs including parks, indoor recreation, library, administrative studies, paramedics, fire, police, waste diversion, LPAT tribunals, Secondary Plan, Watershed Plan and Staff time - Estimated \$30 M

Sub-total = \$397.63 M

GRAND TOTAL = \$452.55 M