

April 19, 2022

Chair and Members of the General Issues Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Via email: Stephanie.Paparella@hamilton.ca

Dear Chair and Members of the General Issues Committee:

**RE: Request for Employment Land Conversion – Silvestri Investments
700 Garner Road East, Ancaster
Our File No. 1594D**

MacNaughton Hermsen Britton Clarkson Planning Limited (“**MHBC**”) is retained by Silvestri Investments Inc. (“**Silvestri**”) in relation to their property located 700 Garner Road East in Ancaster (the “**Subject Lands**”). On September 15, 2017 MHBC submitted a request on behalf of Silvestri to convert the Subject Lands from employment uses to non-employment uses through the City’s Municipal Comprehensive Review and Growth Related Integrated Development Strategy 2 (“**MCR / GRIDS 2**”) process. On August 4, 2021, staff made recommendations to General Issues Committee (“**GIC**”) on the bulk of the requested conversions received from other landowners but deferred a recommendation for the Subject Lands on the basis that the Subject Lands abut lands that were being considered for a potential urban boundary expansion (“**UBE**”) and a decision on the UBE had not been made at the time. In November 2021 GIC voted not to expand the urban boundary and staff are now bringing forward a recommendation on the deferred employment conversion requests.

Staff Report PED17010(p) being presented to GIC on April 20, 2022 does not recommend conversion of the Subject Lands to non-employment uses. On behalf of Silvestri, we respectfully request that GIC reconsider the staff recommendation on the following basis, in addition to our original request letter dated September 15, 2017.

Background

1. The Subject Lands are approximately 26.6 hectares in size and are bounded by Garner Road and four properties containing single detached dwellings to the north, two properties containing single detached dwellings and an agricultural field to the east, a Hydro One corridor to the south and Smith Road to the west (see attached Location Map).

2. The Subject Lands are currently designated "Institutional" and "Site Specific Policy - Area D" in the Airport Employment Growth District ("AEGD") Secondary Plan which permits a variety of institutional uses but prohibits residential uses except for those ancillary to an institutional use. The Institutional land use policies in the AEGD Secondary Plan state that if these lands are not used for institutional uses, then they shall be considered under the Airport Prestige Business land use designation. The policies also state that the Subject Lands are intended to be used for an expansion of Redeemer University College.
3. The Subject Lands were the subject of a lengthy Ontario Municipal Board hearing process related to the AEGD Secondary Plan that led to a settlement with respect to the land use designations and policies of the AEGD Secondary Plan. As part of the Board's order, the following statement was made by the Board in its Order:

"[31] Lands designated Institutional are also within the AEGD. The Institutional designation may include certain uses that have employees but the employment component is not the principal purpose of the lands. As such, lands designated Institutional are not considered employment lands."

[32] The Institutional lands within the AEGD include a church, a pet cemetery, a secondary school and lands identified for the possible future expansion of Redeemer College."

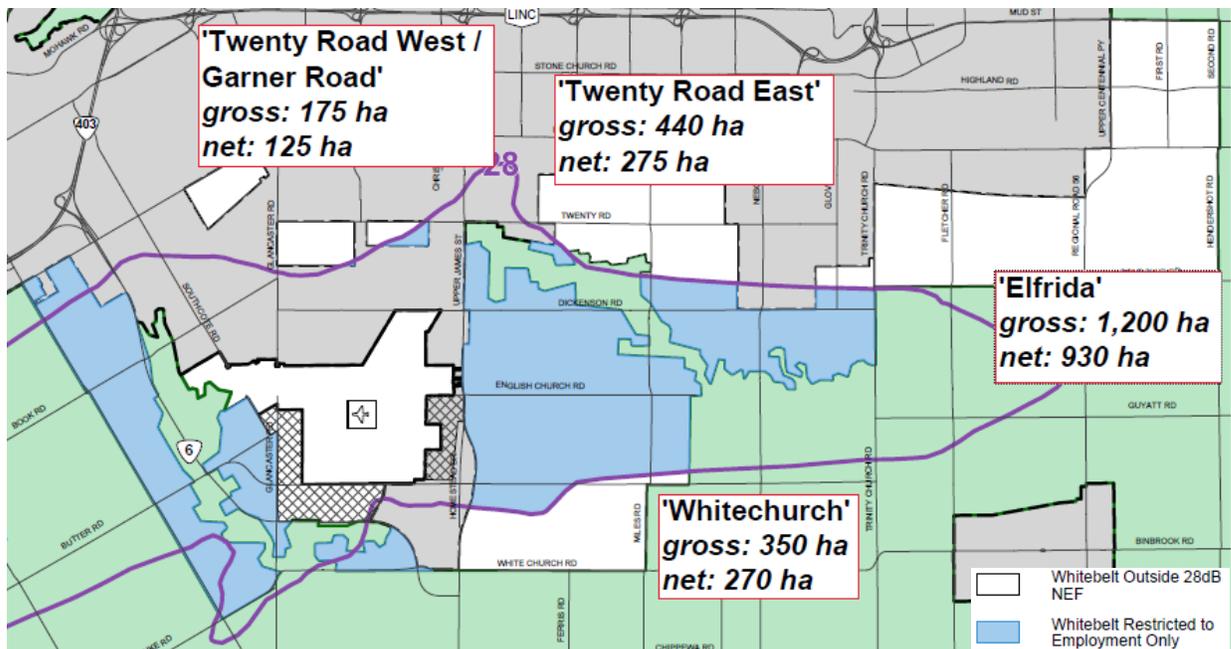
Notwithstanding the statement by the Board that the lands are not to be considered employment lands, the Subject Lands end up caught in an Employment Area by default due to the restrictive policies in the AEGD Secondary Plan.

Rationale for Conversion

4. The Subject Lands are adjacent to existing residential neighbourhoods north of Garner Road which include community facilities such as schools, parks and Redeemer University College.
5. The 26.6 hectare site is large enough to accommodate a range of residential and supportive uses including additional institutional uses and commercial uses to support development on the site and in the surrounding area.
6. There is a demonstrated need for land to accommodate forecasted population growth. Through the studies completed by City staff and its consultants over the past five years for the MCR / GRIDS 2 process, it was identified that 1,310 hectares of gross developable land is required to accommodate population growth to 2051. Staff recommended a UBE to accommodate this growth but GIC did not vote in favour of the recommendation but instead voted in favour of a no UBE growth scenario wherein all growth will be accommodated within the existing urban boundary and will rely on an intensification rate of approximately 80% (whereas the highest intensification rate that Hamilton has achieved in any year between 2008 and 2019 has been 50%, with an overall average for that period of 35%).
7. Conversion of the Subject Lands to non-employment uses needs to be considered in the overall growth management approach being pursued by the City with a long term outlook. GIC has voted against expanding the urban boundary. However, studies prepared by City staff and the City's consultant indicate that there is a 1,310 hectare deficit in community land area to 2051, including a more immediate deficit of 305 hectares for the period between 2021 and 2031. Therefore, conversion of the Subject Lands to non-employment uses will allow for some of this shortfall to

be addressed without the need to expand the urban boundary as the Subject Lands are already designated for urban uses.

8. The employment conversion would not have a significant impact on the City's employment land supply. The Land Needs Analysis ("LNA") prepared for the MCR / GRIDS 2 process indicates that the City has a surplus of employment land of 60 hectares, including 1,290 hectares of employment land that is currently vacant. Currently, staff are recommending 58.9 hectares of employment conversions made by other landowners. If conversion of the Subject Lands is also approved, while this would technically represent a minor deficit of employment lands of 25.5 hectares to the year 2051, it should be noted that the Subject Lands cannot be considered as a reliable supply of employment land since they are currently designated as Institutional and could at any point be used for a range of non-employment uses, including ancillary residential uses.
9. Any identified deficits to employment land supply to 2051 can be monitored and reconciled through future MCR processes which must occur at least every 10 years. GIC specifically included a requirement to review the decision not to expand the urban boundary for community uses at least every 10 years through an MCR process and thus employment lands should also be treated in the same manner. There is ample room to accommodate employment lands through future UBEs should it be determined that an expansion is required. The excerpt below from staff report PED17010(h) shows the approximate whitebelt area that is restricted to employment uses only (identified in blue) as a result of being in the airport flight path. Whitebelt area that can be used for community uses is identified in white with approximate lands areas noted. The areas identified as "Twenty Road West / Garner Road", "Twenty Road East" and "Elfrida" are areas that were in consideration for incorporation into the urban boundary to satisfy the 1,310 hectare land need to 2051. It is clear that under the parameters used by City staff and its consultant to complete the MCR / GRIDS 2 process by City staff and the City's consultant, there would be significantly less whitebelt area to accommodate community uses compared to employment uses. It is therefore important that existing urban land be used carefully and in a manner that reduces the risk of running out of land for either employment or community uses.



Excerpt from Appendix "H" of Staff Report PED17010(h)

10. Out of the 12 provincial and municipal criteria that staff used to assess the conversion of the Subject Lands in Appendix “A” to staff report PED17010(p), only three criteria were identified as not being met, with the balance being identified as either being met or “neutral”. Below is a response to the criteria which staff have identified as not being met:

<i>Criteria 1: There is a need for the conversion</i>	
Staff’s Assessment	Response to Staff’s Assessment
<p>The rural lands on Garner Road East, immediately east of the subject lands, are no longer being considered as a candidate urban boundary expansion area, as Council has adopted a “No Urban Boundary Expansion” growth scenario to 2051. Therefore, there is no need to convert these lands to align with other community land uses on neighbouring lands.</p> <p>The City’s draft MCR OPA contains residential intensification and development policies to locate residential growth to 2051 to strategic growth areas and existing neighbourhoods across the City.</p> <p>Conversion of employment land to accommodate growth was not considered as part of the City’s growth management plan within the existing urban boundary.</p>	<p>It is not clear why conversion of these lands to non-employment uses would be contingent on whether the rural lands to the east are candidates for UBE. Conversion of the Subject Lands to non-employment uses would align with the existing residential neighbourhoods immediately to the north and would also be complementary to the adjacent employment areas by providing residents with good access to jobs while allowing for complementary commercial and institutional uses to serve the employment area.</p> <p>The studies conducted by staff and the City’s consultant clearly indicate a need for additional community land to accommodate growth to 2051 in the amount of 1,310 ha with an immediate need for the 2021-2031 period of 305 ha. GIC voted not to add this additional land to the urban boundary. Thus there is still a clear and demonstrated need for additional community land area that can be partially addressed through this conversion.</p> <p>We are unclear as to how this statement applies to the conversion request for the Subject Lands and how requests from other land owners have been approved in relation to this criteria. A request to convert the Subject Lands to non-employment uses has been with the City since September 2017 and should have been considered as part of the growth management plan. Lastly, we note that a no UBE growth scenario was assessed by staff and ultimately not recommended but is now being pursued by the City. As such, it is now important to consider this conversion request.</p>
<i>Criteria 2: The lands are not required over the horizon of this Plan for the employment purposes for which they are designated.</i>	
Staff’s Assessment	Response to Staff’s Assessment
<p>The subject lands at 700 Garner Road East included in the LNA calculations as part of the City’s employment land supply. The lands are identified as Employment Areas on Schedule E – Urban Structure (Volume 1), designated Institutional in</p>	<p>Please see points 8. and 9. above. The employment conversion would not have a significant impact on the City’s employment land supply.</p>

<p>the AEGD Secondary Plan, and default to the designation "Airport Prestige Business" in the AEGD Secondary Plan if the institutional uses for which they are designated are not developed.</p> <p>The removal of 26.6 hectares of employment designated land in the AEGD may impact the overall land supply for the uses for which it was designated.</p>	
<p><i>Criteria 3: Conversion of the site(s) will be beneficial to the community through its contribution to the overall intent and goals of the City policies and demands on servicing and infrastructure</i></p>	
<p>Staff's Assessment</p>	<p>Response to Staff's Assessment</p>
<p>The conversion to allow additional institutional uses on the subject lands, as well as standalone residential uses, may not be beneficial to the overall intent and goals of the City, as residential uses should be developed as part of a complete community. There are no current opportunities to connect the residential component of the proposed conversion to adjacent lands and the lack of connectivity may render them isolated from other residential uses.</p>	<p>The Subject Lands can very much be developed as part of a complete community. The lands are 26.6 hectares in area which is sufficient land area to accommodate a range of residential uses as well as commercial, institutional and community uses that can support development on the Subject Lands and the surrounding community. It is not clear why it was assessed that the Subject Lands cannot be connected to "adjacent lands and that the lack of connectivity may render them isolated from other residential uses."</p> <p>The Subject Lands are located to the south of the existing residential community north of Garner Road with schools and parks that are within walking distance. The Subject Lands in fact stand to be some of the most connected lands in Ancaster given that they are along an existing transit route, future rapid transit route, close to employment uses and can be development with supporting commercial and institutional uses whereas other parts of Ancaster are much more car-oriented.</p>

Conversion of the Subject Lands to non-employment uses will allow for the creation of a new mixed use development that will provide much needed housing in the City and contribute to the surrounding community with the potential to integrate commercial and institutional uses into the site to serve the surrounding neighbourhoods. We respectfully request the GIC approve this conversion request which will permit the owners to work with staff to determine an appropriate mix and range of uses for the site, including residential and supporting commercial, institutional and community uses which are already permitted

Thank you for your consideration of our request.

Yours truly,

MHBC

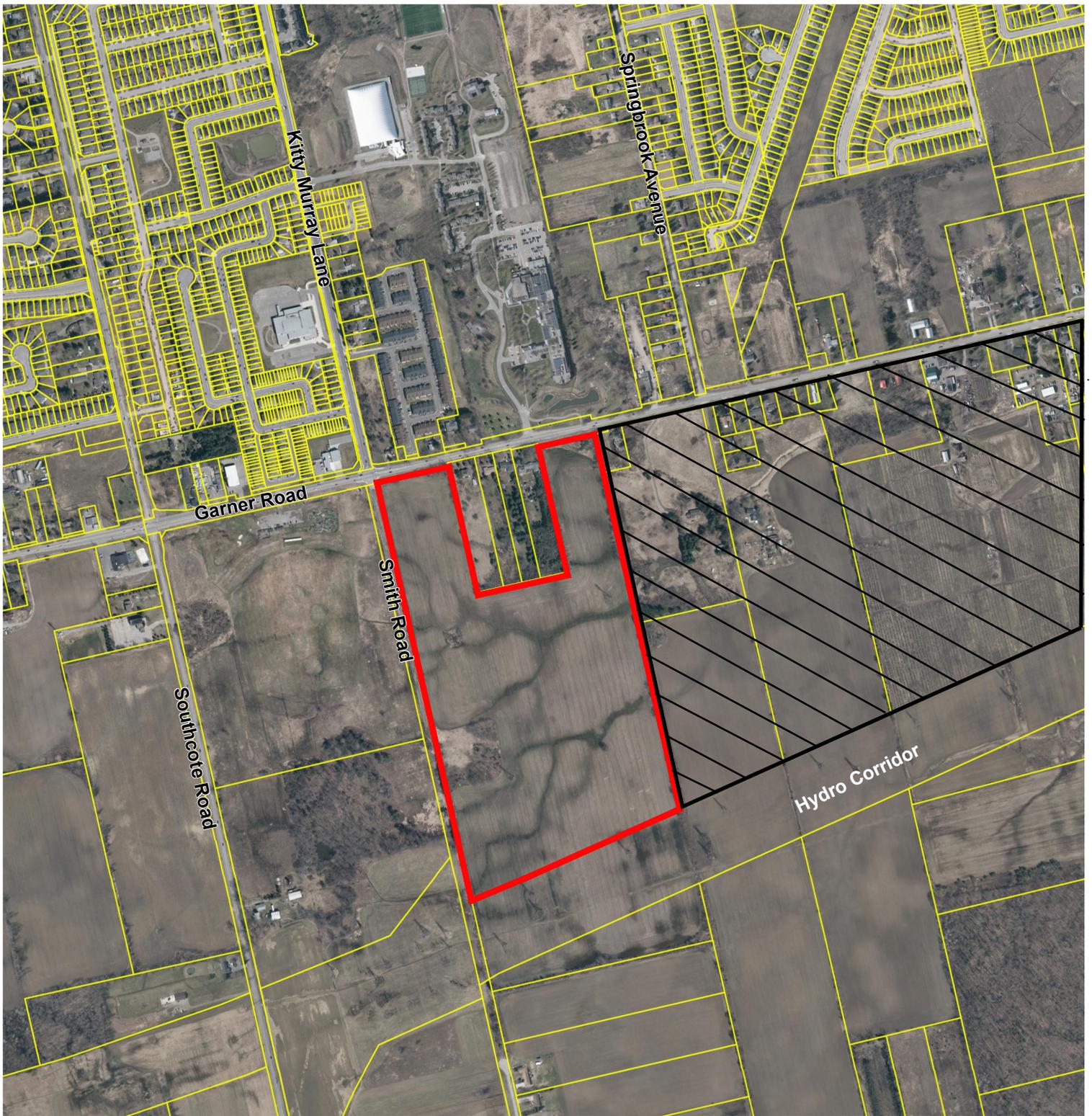


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Data Source: First Base Solutions Aerial Flown 2014

Location Map

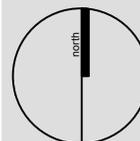
LEGEND

- Subject Lands
- Whitebelt Lands Outside of Urban Boundary

Redeemer Lands

DATE: September 14, 2017

SCALE 1 : 10,000



**700 Garner Road East
Hamilton, Ontario**

N:\1594 - Silvestri\ID - Redeemer Lands\2016\May\Location Map\1594D_Location Map_3 May 2016.dwg

MHBC

PLANNING
URBAN DESIGN
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