



July 18, 2022

Via Email

Steve Robichaud, MCIP, RPP
Director of Planning

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Mr. Robichaud,

RE: Response to the Proposed Amendments to the Urban and Rural Official Plan to implement Ontario’s More Homes for Everyone Act, 2022 (“Bill 109”) and Bill 13 Supporting People and Businesses Act, 2021 (“Bill 13”)

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) appreciates the opportunity to participate in the Development Industry Liaison Group (DILG) meetings to engage with you and City staff. The July 11th, 2022 DIGL meeting was especially beneficial to learn the City’s approach to implementing Bill 109 and Bill 13 in advance of the August 9th, 2022 Planning Committee date.

While we understand details of the implementing Official Plan Amendment will be contained in the staff recommendation report, please accept this submission highlighting our preliminary comments on the matter in relation to application fees, terms of references, formal consultation, and transition.

Staff advised that changes to planning application fees are being considered in relation to the two Bills. As the technical review timeline for both Zoning By-law and Official Plan Amendment Applications is proposed to be reduced to 90 days, a fee reduction for such applications is warranted. Current fees accommodate indefinite timelines for processing of applications, often with upwards of 3 or 4 submissions reviewed over 10 to 18 months. With processing times reduced and limited to 90 days, corresponding fees should be reduced. Similarly, an increase in the Formal Consultation fee may be appropriate, as it is expected to be a more thorough and robust review process. Additionally, the fees associated with the Removal of a Holding Provision should not be further increased. While this tool may be used with more frequency to secure refinement of supporting studies, the Site Plan application process will remain as the mechanism to evaluate the supporting studies. Accordingly, the application fee to remove a Holding Provision should exclusively cover the costs incurred by Staff to pass the By-law to remove the Holding Provision.

While we agree and support the need to establish Terms of Reference for all supporting studies, it is important that the criteria required to deem an application complete is limited to ensuring the studies satisfy the Terms of Reference, rather than evaluating the content and conclusions of the study in question. We have experienced instances in other municipalities where the exercise of deeming an application complete has morphed into a technical review of any given report. This adds supplementary

and unnecessary review of supporting material to the development application process, and it is important that a similar scenario is not established through these amendments.

Further, we have recently been experiencing issues regarding the submission of applications for development proposals that have evolved since the initial Formal Consultation, resulting in the need for a Formal Consultation Waiver Request. In these cases, Formal Consultation waivers have been required by City staff due to details of a proposal, such as unit count, height, etc., having changed since the initial proposal. This adds unnecessary delays to the submission and ultimate processing of the application. With Bill 109 and 13, proposals are more likely to evolve following Formal Consultation and requiring Formal Consultation Waivers in each instance will unnecessarily slow the process. Provided the intent of the proposal is in keeping with the initial Formal Consultation, the evolution of a concept should be accommodated without the need for a waiver.

Finally, we ask for the recommendation report to contain clear transition policies with clear instructions for those Formal Consultation processes that commence later in 2022 where a subsequent Planning Act application is anticipated to be submitted following the implementation of Bill 109 and 13.

We kindly ask that you consider the above in the preparation of your August 9th recommendation report. We welcome the opportunity to participate in further discussions with you and your team on this matter.

Kind Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Matthew LeBlanc, MPL, BA {Hons)
Planner

cc. Anita Fabac, Manager of Development Planning
Ken Coit, Manager of Heritage and Urban Design
Sergio Manchia, UrbanSolutions

From: [Joseph Liberatore](#)
To: [Singh, Tiffany](#)
Subject: Comments Regarding Draft UHOP Amendments pertaining to the City of Hamilton's Response to Bill 13 & Bill 109
Date: Monday, July 18, 2022 5:31:54 PM
Attachments: [image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[Draft UHOP Amendment \(1st Draft, pre Planning Committee\).pdf](#)

Good afternoon Ms. Singh,

Thank you for the opportunity to review and comment on the Draft Urban Hamilton Official Plan (UHOP) Amendments regarding City of Hamilton's Response to Bill 13 & Bill 109.

Following review of the draft amendment (attached) that were posted for on the Engage Hamilton webpage ([City of Hamilton's Response to Bill 13 & Bill 109 | Engage Hamilton](#)), I provide the following questions/comments for staff consideration and clarification:

COMMENT 1	
Draft Policy	<p>As it relates to Draft UHOP Policy F.1.5.8, which states:</p> <p><i>“A Minor Zoning By-law Amendment includes any or all of the following circumstances:</i></p> <ul style="list-style-type: none"> i. <i>To prohibit development of a single detached dwelling and a residential care facility on a retained agricultural parcel of land as a result of a surplus farm dwelling identified through a condition of Consent;</i> ii. <i>To recognize a reduced lot area as part of a surplus farm dwelling approved through a Consent application;</i> iii. <i>To amend an existing Holding Provision;</i> iv. <i>To establish a new Holding Provision;</i> v. <i>To add a use permitted by the Official Plans; and,</i> vi. <i>To remove an existing Site Specific Zoning By-law where the effect would be to revert to the parent zoning in force and effect.”</i>
Comment / Question	<p>Can clarification please be provided as to why the recognition of a reduced lot area as part of a surplus farm dwelling approved through a Consent application is now required to go through a Zoning By-law Amendment?</p> <p>Previously these were resolved through a Minor Variance application through Committee of Adjustment that either was submitted in tandem with the Consent Application or following conditional approval of the Consent as part of fulfilling conditions toward final approval following Committee’s decision. This new introduction of process may result in additional processing timelines affecting applicants, as well as in-</p>

	efficient use of staff time reviewing an application that has been traditionally dealt exclusively through the Committee of Adjustment process.
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COMMENT 2	
Draft Policy	As it relates to Draft UHOP Policy F.1.8.5, which states: <i>“F.1.8.5 Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to pass a by-law in accordance with policy F.1.8.4, provided:</i> <ol style="list-style-type: none"> a. <i>the Holding Provision was applied by the City as part of an applicant-initiated site specific zoning by-law amendment; or,</i> b. <i>the Holding Provision applies to lands within a Council-approved Secondary Plan.”</i>
Comment / Question	In respect to “designated staff”, would that be in reference to the Manager of Development Planning or the Senior Project Manager (Urban, Suburban, Rural) - Development Planning or either/or?

COMMENT 3	
Draft Policy	As it relates to Draft UHOP Policy F.1.17.2, which states: <i>“F.1.17.2 Notification of public meeting(s) for the adoption of the Official Plan and amendments, changes to the Zoning By-law, plans of subdivision, draft plan of condominium as required by the <u>Planning Act</u>, and Community Improvement Plans shall be given to the public at least 17 7 days prior to the date of the meeting(s) and the notice shall be given in accordance with the applicable requirements of the <u>Planning Act</u>, R.S.O., 1990 c. P.13 regulations. (OPA 155)”</i>
Comment / Question	It is noted that the intent of this policy is in concert with the requirement to conduct a Public Consultation PRIOR to submission of an application, as noted above, where required by Formal Consultation. Accordingly, per the drafted amendments, it appears that the intent is to have the public notice sign updated within 15 days of the application being deemed complete. On this basis, will the wording to be included on the Public Notice Sign be provided by the City as part of the Formal Consultation package, to ensure that the timeline of 15 days from the date the application is deemed Complete can be achieved? Currently the wording is provided at the same time and on occasion,

	slightly after the application has been deemed complete, which may impact the new intent of having the meeting dates added ASAP to the Public Notice signs.
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COMMENT 4	
Draft Policy	As it relates to Draft UHOP Policy F.1.19.7.a), which states: <i>“F.1.19.7 Other information and materials submitted in accordance with Policy F.1.19.5 shall be subject to the following requirements to be deemed complete: a) The other information and materials submitted shall be prepared by a qualified professional, in accordance with applicable legislation, in accordance with Council endorsed Terms of Reference or Guideline material as amended, and/or to the satisfaction of the City, retained by and at the expense of the applicant.”</i>
Comment / Question	With respect to the Terms of References for the <i>Other Information and Materials</i> to be submitted with future Planning Applications, will there be consultation or draft documents circulated for public / development industry (DILG) consultation prior to finalization? If so, what is the anticipated timing that these drafts will be prepared for consultation?

COMMENT 5	
Draft Policy	As it relates to Draft UHOP Policy F.1.19.7.c), which states: <i>“c) The City may refuse any other information and materials submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory and is not considered to be in accordance with the applicable Terms of Reference or Guideline.”</i>
Comment / Question	With respect to this draft policy, how does the City propose to quantify a “quality” submission? For example: A Landscape Plan, which was prepared by a Registered Landscape Architect and contains all the prescribed drawing content as required by the Landscape Plan guidelines (as currently identified within the Site Plan Guide) is submitted to the City. Consequently, the application is refused because the style of tree symbol or text font used on the Landscape Plan is not preferred by staff, resulting in an INCOMPLETE application.

	<p>How can “quality” issues be completely mitigated to avoid in-efficient use of both staff and the applicant’s time?</p> <p>Would there be a static metric established as part of the Terms of Reference to resolve this potentially significant issue?</p>
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COMMENT 6						
Draft Policy	As it relates to Draft UHOP Table F.1.19.1, which specifies:					
		Study/Material Name	OPA	ZBA	DPS	SPA
	24	External Works Agreement			X	X
Comment / Question	<p>For the Site Plan and Draft Plan of Subdivision submission, how could the External Works Agreement be submitted if the design is not approved and finalized?</p> <p>Is the intent to have a Draft copy of the potential External Works Agreement submitted with the application? If so, will direction regarding the preparation of this new submission requirement be provided in the “new” Formal Consultation process?</p>					

COMMENT 7						
Draft Policy	As it relates to Draft UHOP Table F.1.19.1, which specifies:					
		Study/Material Name	OPA	ZBA	DPS	SPA
	78	Tie-Back and Shoring Agreement			X	X
Comment / Question	<p>For the Site Plan and Draft Plan of Subdivision submission, how could the Tie-back and Shoring Agreement be submitted if the design is not approved and finalized?</p> <p>Is the intent to have a Draft copy of the potential Tie-back and Shoring Agreement submitted with the application?</p>					

COMMENT 8						
Draft Policy		As it relates to Draft UHOP Table F.1.19.1, which specifies:				
		Study/Material Name	OPA	ZBA	DPS	SPA
		92	Zoning Compliance Review		X	X
Comment / Question		<p>Is the Zoning Compliance Review part of the Formal Consultation process?</p> <p>If it is, would the submission of the FC Document satisfy this requirement, as currently?</p> <p>If it is not, would Zoning and Building staff still be circulated Formal Consultation submissions in addition to a separate Zoning Verification and Property Report application that may potentially also be required for a complete ZBA/DPS/SPA application? It appears that this may consequently duplicate work for Zoning staff and impact internal review timelines for application processing.</p>				

Thank you again for the opportunity to review and comment. If you would like to discuss further, I can be reached at the number below or through email response to this correspondence.

Sincerely,

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