



PLANNING
URBAN DESIGN
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ARCHITECTURE

5.20 (b)

July 11, 2023

Mayor Horwath and Members of Council
c/o City Clerk
City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

e: clerk@hamilton.ca

Dear Mayor Horwath and Members of Council:

**RE: Public Hearing: Staff Report PED23144, "Urban Expansion Areas Secondary Planning Policy Framework and Guidelines"
OUR FILE 22392 D**

On behalf of our client, Elite Developments (or 563 Shaver Holdings Inc.), the following is in response to Staff Report No. PED 23144, "Urban Expansion Areas Secondary Planning Policy Framework and Guidelines." Our client owns lands within the Urban Expansion Area southeast of the intersection of Garner Road West and Shaver Road, with civic address 563 Shaver Road (the "Subject Lands"). These lands are identified as being within a future "Garner Road Area" Secondary Plan (Appendix G – Boundaries Map). The following provides an overview of the Subject Lands and the interest in developing the lands for residential use, followed by a brief assessment of the City's proposed Official Plan Amendment and recommended policy revisions.

Subject Lands

The Subject Lands front onto Shaver Road, in the former Town of Ancaster, and are approximately 1.78 hectares (4.4 acres) in area. The Subject Lands are currently designated Agriculture in the City's Official Plan and zoned Rural (A2). Proposed OP amendment to Mixed Use – Medium Density and to ZB Mixed Use Medium Density (C5) zone (reduce minimum yard requirements).

In November 2022, the Ministry of Municipal Affairs and Housing proposed to realign the boundaries of the Greenbelt Plan that resulted in 15 areas of land that are serviced or adjacent to services. As a result, the Subject Lands and the immediate block bounded, by Garner Road West to the north, Fiddlers Green to the east, Shaver Road to the west, and just south of Book Road East to the south were removed from the Greenbelt Plan regulated area and are now within the City's Urban Expansion Area.

Elite Developments is preparing to submit a request for formal consultation to the City. The purpose of the consultation is to discuss a proposal to develop a 6 storey, 140-unit condominium building and 42 row townhomes. Vehicular access to the Subject Lands is to be provided via Shaver Road.

Approximately 120 parking is to be provided in a mix of surface and as underground parking. The proposed development would have a total gross floor area of approximately 20,519.39 m².

City of Hamilton: Urban Area Expansion – Official Plan Amendment & Secondary Plan Guidelines

The City Staff Report PED 23144 includes an Official Plan Amendment to establish a policy framework for undertaking Secondary Plans within the expanded Settlement Area boundary. This Area expansion was approved by the Ministry of Municipal Affairs through its modification of the City of Hamilton’s recent Official Plan Amendment 167 (Municipal Comprehensive Review) and is identified as the Urban Expansion Area. The Province’s decision included policy direction that no development is to proceed within the Urban Expansion Areas until Secondary Planning has been completed.

The City’s intent is to establish an approach to secondary planning for the Urban Expansion Areas that is “more sustainable and inclusive than the approach used for greenfield areas in the past.”

It is noted in the chart below, that this secondary planning process will take several years to complete for each Urban Expansion Area:

City of Hamilton: Urban Area Expansion Work Plan		
Year	Quarter	City Tasks re Urban Expansion Areas
2023	Q1	Council Endorsement of OPA/Secondary Plan Review & Preparation Process
	Q2	City Consultant Preparation & Public Consultation: draft OPA/Secondary Plan Preparation Guidelines
	Q3	Council Approval: OPA / Secondary Plan Guidelines
	Q4	Fee Review: Staff Review Costs - privately-initiated Secondary Plans
	Q4	Planning Department: 2024 Capital Budget to prepare City-Lead Secondary Plans for UEAs
	Q4	Work Plan/Terms of Reference: City-Lead UEAs
2024	Q2 – Q3	Retain consultants to prepare Secondary Plans
2025 - ?		Preparation of multiple Secondary Plans

It has been noted that the City has not determined the cost of the City undertaking Secondary Plan reviews, nor establishing a phasing plan to undertake the Urban Expansion Area Secondary Plans.

Policy Review and Recommendations

The following is a preliminary review of the proposed policies and provides recommendations to improve the policies.

1) Terms of Reference

Whether City- or Privately-Lead, the intent of land use planning policies is the concept of equity, wherein it is not relevant who prepares reports or develops, the City’s interests and approach are upheld through the implementation of the same policy

Recommended Policy:

F.1.2.3 Prior to commencing the preparation of a secondary plan, the City shall prepare a terms of reference ~~shall be prepared in accordance with the City's Secondary Plan Guidelines which shall set out the need for the secondary plan, the intended scope, the process of plan preparation and the opportunities for public participation and involvement. Any privately initiated secondary plans shall require a terms of reference that is approved by the City prior to initiating work on any required studies, undertaking public consultations or initiating any other work related to the preparation of a Secondary Plan.~~ The terms of reference shall be to the satisfaction of the Director of Planning and Chief Planner."

2) Applications for Plans of Subdivision, Zoning By-Law Amendments or Consents

Containing a blanket policy that disallows any application that accommodates growth until such time as a Secondary Plan is completed, may result in lost opportunities for providing housing at different levels of affordability in the short to medium term. Situations where lands immediately abut Built Up Areas may be suitable, in some circumstances, for development.

Recommended Policy:

F.1.2.7 In addition to Policies F.1.2.1 to F.1.2.6 and Section A.2.4 – Growth Management - Hamilton, secondary planning shall be completed for ~~Designated Greenfield Areas lands shown as Urban Expansion Area Neighbourhoods and Urban Expansion Area Employment Areas on all Schedules to this Plan. An Applications for plans of subdivision, zoning by-law amendments or consents may be, in certain circumstances, approved by the Director of Planning/Chief Planner prior to the completion of to sever shall not be approved for lands within an Urban Expansion Area until a secondary plan is in effect.~~

3) Private vs Public-Lead Secondary Plan Preparation

Given that the City considers both private and public lead Secondary Plan preparation, and the City states in its Planning Report PED23144 that consultants will be hired to prepare the City's Secondary Plans, and in context of the premise of equity, policy F.1.2.9 should be rephrased to recognize that secondary plans may be prepared either entity. Similarly, the purpose of the Secondary Plan process is the development of applicable land use policies through an Official Plan Amendment. Given that the City approves Secondary Plans, the purpose of a landowner listing how the Secondary Plan Guidelines have been achieved is a redundant and unnecessary requirement.

Recommend Policy:

F.1.2.9 The following requirements shall apply to the preparation of secondary plans for the Urban Expansion Areas:

- a) ~~The City~~ **Secondary Plans** shall ~~be undertaken~~ **detailed secondary planning** for all Urban Expansion Areas.
- b) ~~Notwithstanding Policy F.1.2.9 a), should a privately initiated secondary plan process commence prior to the City undertaking detailed secondary planning for lands within an Urban Expansion Area or Areas, Policies F.1.2.9 c) to p) shall apply to the privately initiated~~ **preparation of Secondary Plans.**
- k) ~~Where a secondary plan process is privately initiated, the City shall identify the studies required to be submitted as part of a complete application for an Official Plan Amendment through the Formal Consultation process.~~
- e) ~~For privately initiated secondary plans, the City shall require the applicant to submit a final report demonstrating compliance with the Secondary Plan Guidelines for Urban Expansion Areas as part of a complete application for an Official Plan Amendment.~~

4) Landowners Group

While many Ontario municipal Official Plans have assumed that the formulation of a Landowners Group is required prior to any development occurring within a specific growth area, the intent is unclear other than cost-sharing. The policy of F.1.2.9.p states that the Terms of Reference for the preparation of a Secondary Plan will require the establishment of the 'expected role of any existing landowner group' and that will 'outline the management, structure and operational details of the landowner group and if applicable, procedures for sharing costs.' Then in policy F.1.2.10, wherein a Secondary Plan is completed, development cannot occur in absence of the establishment of a landowners group. It is unclear how policies could be prepared in a Secondary Plan without the full coordination and cooperation amongst landowners.

F.1.2.10 In addition to Policy F.1.2.7 and Section A.2.4 – Growth Management – Hamilton, development within an Urban Expansion Area with a completed secondary plan shall not proceed until a landowners group consisting of landowners within the Urban Expansion Area has been established. The members of the landowners group shall enter into a cost sharing agreement amongst themselves and coordinate the phasing and staging of development within the secondary plan area. The City shall not be party to the cost sharing agreement. The cost sharing agreement shall equitably allocate development costs associated with community and infrastructure facilities within the secondary plan area, including but not limited to parks, public spaces, roads, streetscape improvements, storm water management facilities, utilities and schools. Individual applications for draft plan of subdivision, zoning by-law amendment, and site plan approval within an Urban Expansion Area shall require confirmation that the applicant has become a party to the cost sharing agreement prior to the application being deemed complete."

It is also noted that:

- Increased the notification area for mailed notices that the first phase of a Secondary Plan has commenced from 120 metres to 240 metres of the boundary of a study area;
- The cost to review a landowner-lead Secondary Plan is to follow a process established for Quarry Expansions and proposes that the costs for staff to review may be:
 - \$30,000 for Terms of References (staff time across all disciplines);
 - \$150,000 for Stormwater Management reports and Subwatershed Study Review;
 - \$60,000 for Servicing Strategies; and,
 - \$100,000 for Class Environmental Assessments.
- Increase staff review of an Official Plan Amendment is also proposed to require a greater cost than the current fee.

As the purpose of undertaking a Secondary Plan is to establish policies, and it is unclear how City staff time will require increased time commitments than under current reviews, given that City staff are involved at all stages of the Secondary Plan processes, including the preliminary establishment of the Terms of Reference.

Conclusion

Overall, there is concern that the City intends to stop processing applications for Plans of Subdivision, Zoning By-law Amendments and Consents until such time as all Secondary Plans are completed and Landowners Groups have entered into Cost-Sharing Agreements. This may result in unintended consequences wherein much-needed residential housing supply is not provided to a generation of Hamilton residents.

We appreciate the opportunity to provide our input to the City's proposed Official Plan Amendment and are available to discuss the above-noted policy revisions and our interest in developing the Subject Lands. We would also request that we be included and notified on all other matters as it relates to this item.

Yours truly,

MHBC



Oz Kemal, BES, MCIP, RPP
Partner

cc. M.Riaz – Elite Developments