

From: clerk@hamilton.ca
To: [Kolar, Loren](#); [Carson, Katie](#)
Subject: FW: Submission for Mayor's Task Force on Transparency, Access and Accountability
Date: Monday, December 2, 2024 9:18:05 AM

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From: Stephanie Card [REDACTED]
Sent: Saturday, November 30, 2024 6:49 PM
To: clerk@hamilton.ca
Cc: Office of the Mayor <Officeofthe.Mayor@hamilton.ca>; McMeekin, Ted <Ted.McMeekin@hamilton.ca>; Scally, Maureen <Maureen.Scally@hamilton.ca>; [REDACTED]
[REDACTED]
[REDACTED]
Subject: Submission for Mayor's Task Force on Transparency, Access and Accountability

External Email: Use caution with links and attachments

Re: Mayor's Task Force on Transparency, Access and Accountability

Nov. 30, 2024

Dear Office of the Clerk,

Please accept this letter as our submission for the Mayor's Task Force on Transparency, Access and Accountability. As residents who opposed a now approved development at 173-177 Dundas Street East in Waterdown, we have several

concerns regarding transparency, access and accountability at City Hall after going through the process of interacting with the Planning Department, Planning Committee and the Office of the Mayor throughout the planning and approvals process. Since we all share the same concerns we are submitting this letter as a group rather than doing individual submissions.

Concerns with Transparency, Access and Accountability: Planning Department

-despite being in regular contact with the Planning Department over six years, residents only received two weeks notice of the Public Meeting for the development. The developer received notice earlier than the residents did. There should be a minimum of 60 days notice to residents for public meetings and emails or letters should be issued to all residents who have commented on or made a submission regarding the application;

-six years ago when the proposed development was announced the Planning Department gave residents a specific deadline to submit concerns or opposition to the development. The file sat mostly dormant for five years while the developer, Hawk Ridge Homes worked on other projects. Despite being in regular contact with the Planning Department during that time period, they did not give residents an updated date to receive submissions and made their decision to recommend approval of the project prior to considering any submissions from 2024. When a file sits dormant for this long, the City should issue a new deadline for submissions and also declare a date that the Planning Department will make its decision. We felt like there was very little transparency for residents during this process;

-the Planning Department omitted two detailed written submissions from 2019 from the package submitted for review by the Planning Committee. One of the submissions pointed out inconsistencies, erroneous data and contradictions in the developer's application but the Planning Department acted as if it didn't exist and offered no explanation or apology for it not being included;

-Planning Department members should have to declare any conflicts of interest between themselves and the developer. Perhaps there were no conflicts in this case but the optics are concerning to residents when the developer and his representative sit on the same side as the Planning Department in City Council chambers and were observed on more than one occasion leaving chambers together and talking and laughing like close friends. This was unprofessional at best and leaves residents wondering if there's more than just a working relationship. It also leaves the impression that the Planning Department and developer are on the same side or team and the residents are on the other. Shouldn't the Planning Department be working for taxpayers as well and considering the impact a development will have on residents? We truly felt like we were in a David vs Goliath battle and it was them against us. Is that how residents/taxpayers should be feeling after an interaction with City employees?

-the General Manager of Planning did not reply to our emails or resident requests to meet with us prior to the Planning Department making a decision on the development;

-we did not have access to many of the plans and submissions for several months due to the ransomware attack despite requesting them. We were only sent some of them two weeks before the meeting and when the Planning Department

had already made its decision. If these documents aren't publicly available on the website they should be shared with the interested parties upon request;

-there were some Planners assigned to this file over the past six years who replied to emails in a timely manner. With others it would take a couple of weeks to receive a reply or we would have to email again before receiving a reply. In some instances, residents did not receive a reply. Perhaps a system of assigning a ticket number for each email received would help so that there is more accountability and ownership taken by City staff;

-there were still many questions the developer and Planning Department couldn't answer even after recommending approval of the development. Residents asked for an updated traffic study since the one presented by the developer was more than six years old and contained outdated data. Residents asked how the 45cm space between the our fences and the retaining wall will be maintained and were told it would be maintained by the townhouse residents. The 45cm space will be two meters below the ground level of the townhouses (and below the nearly four meters combined of retaining wall and fence) and the developer and the Planning Department were unable to tell us how the space would be accessed for maintenance. They were also unable to tell us how the two-meter high retaining wall would be maintained when it won't be visible or accessible from the development. There is a lack of transparency and accountability within the Planning Department when they recommend approval of a development when key issues like this have not been answered. This also goes for the Planning Committee who should not vote on a proposed project when there are still outstanding questions the Planning Department and

developer haven't answered;

-the traffic study for this project was contested by residents due to its outdated data and concerns with the location it was taken from. There should be an expiration date on studies and studies should not be paid for by the developer, they should be conducted by a third party who is not being paid to make a favorable report for the developer. The City traffic department should conduct its own independent study for transparency;

-the Planning Department treated this as an all or nothing proposal instead of finding a solution in the middle that would allow for intensification of this property while not creating the traffic, overlook and retaining wall issues that residents were concerned about. The Planning Department granted the developer several variances for this project all of which served the sole purpose of allowing him to fit 18 units on two single-residential lots. For example, two different departments recommended saving some of the mature trees including a maple that is over a hundred years old, but the developer said no because "the location of the existing trees conflicts with the proposed townhouse units." There seems to be no accountability to residents by the Planning Department who seem to be working for and on behalf of the developer by granting so many variances and not requesting the developer submit modified plans that would allow for a number of units to fit onto the property within the bylaw requirements.

Concerns with Transparency, Access and Accountability:
Planning Committee

-it was quickly apparent that the councillors on the Planning Committee had not read the written submissions by residents. The written submissions went into greater detail than we were

able to do in our five-minute presentations and included photos, diagrams and data to back up our concerns and also represented the many residents who were unable to attend the meeting on such short notice during summer holidays. Had the councillors read the submissions, they would have had a better understanding of our concerns with traffic and the size of the retaining wall, for example. One councillor told us that they don't read the submissions prior to the meeting due to time constraints. Not reading these submissions is insulting and demeaning to the 30 people who took the time to send in their concerns with an objection to the development. What is the point in holding a public meeting if the committee voting on the proposal hasn't even read resident concerns? Planning Committee members should be required to read all submissions prior to voting on a proposal.

-we understand that councillors have very busy schedules, but it is very disheartening to residents when at any point during the oral delegations and presentations up to six members of the committee are gone from the table at any given time. Combined with the councillors not reading our submissions, and witnessing several of them doing other work on their laptops not related to the issue before them, it made us believe they had already decided how to vote and were uninterested in hearing what we had to say. Councillors should not be allowed to use their laptops or leave the table while delegations are ongoing;

-it was very apparent during the meeting that most members of the Planning Committee have never been to Waterdown or have spent very little time here. A comment by Councillor Danko that the developer should've gone for higher density and put in an apartment building on these two single-residential lots in the middle of a mature single-residential

neighbourhood illustrated just how out of touch the downtown councillors are with our neighbourhood and its residents;

-our current councillor and our former councillor (who was in office when the development was first announced) both strongly opposed this development and agreed with resident concerns. When voting on a contested project outside of their wards, councillors should either defer to the councillor whose ward the project is in (as Councillor Francis did in this case) or be required to visit the site and residents to better understand the area, neighborhood and the concerns of residents. When the ward councillor is on public record stating: "I have never seen a project proposal in Ward 15 that is less compatible in an existing neighbourhood than this one" and other councillors still vote to approve it, it seems like the entire process is broken and there's zero accountability to residents;

-there should be accountability by Planning Committee members for their treatment of and accusations against residents who oppose a proposed development. Despite councillors not having read our submissions or listen to some of the delegations, we were made to feel like councillors were accusing us of NIMBYism and blaming us for homelessness in downtown Hamilton. Councillor Maureen Wilson's comment that it is "fundamentally unjust" for existing residents to "exercise a veto on who gets to move into their neighbourhood" was completely inappropriate and potentially slanderous. Not one resident mentioned anything regarding who can or should move into our neighbourhood, we simply shared our concerns that with development as proposed. The Committee Chair or another councillor should have asked Councillor Maureen Wilson to be accountable for these statements and to issue a public apology;

-the Planning Department and Planning Committee seemed

overly concerned with pressure from the Province to build 47,000 new homes by 2031. This mandate should not force the Planning Department and Planning Committee to arbitrarily approve every single development proposal that comes across their desks. When Councillor Danko stated that a “protracted debate” over an 18-unit townhouse proposal is “sending the wrong message” it makes residents believe that this is not a transparent nor just process. Just because the Province has put pressure on municipalities to build more homes should not give developers carte blanche to build irresponsible developments that create safety and privacy concerns and have them readily approved by planning departments and committees who are too scared to have an application sent to the Ontario Land Tribunal.

Concerns with Transparency, Access and Accountability: Mayor’s Office

-in the weeks leading up to the Planning Committee vote, we sent the Mayor two very detailed emails outlining our concerns with the proposed development and lack of transparency with the Planning Department. We also invited the Mayor to come out to see the proposed site firsthand and hear resident concerns. We did not receive acknowledgment of our emails or a response which made us feel like the Mayor was uninterested in hearing resident concerns.

In conclusion, during this entire process we felt like the City does not care about or listen to resident concerns and gives developers preferential treatment. We felt like there was no transparency with the Planning Department approvals process and no accountability for their decision. In the beginning of this

entire process we truly believed that our voices would be heard and taken into account and a rational fact-based decision would be made and in the end we were left feeling like we wasted a huge amount of time, money and energy on something that was going to be approved no matter what. We believe the policies and procedures of the Planning Department need an overhaul and the department and its decisions need to be less driven by fulfilling the wishlists of developers and more based on working together with residents, councillors and developers so that projects are not looked at in such black and white terms and there's room for compromise. Anyone in the Planning Department or the Planning Committee who arbitrarily signed off on this should take some time to reflect upon their professionalism and the processes and tools they use to determine their support of a project.

Perhaps in the future the City could have a resident liaison available to residents to help them navigate this process. It was an overwhelming and stressful experience for all of us and we felt like the developer was given preferential treatment throughout while we had to jump through hoops to obtain the information we needed. Constituents should not be left feeling like their process was rigged. It's too late for those of us who will be so negatively impacted by this irresponsible development approval, but perhaps in the future the City will make meaningful changes so residents will have a fighting chance when a developer arbitrarily chooses to build 18 units on two small lots irrevocably negatively impacting adjacent residents and the neighbourhood as a whole.

For the record, we were seriously considering filing an appeal with the Ontario Land Tribunal regarding the decision on this development. However, in the end we chose not to because

the lack of transparency and accountability we experienced with this development at the municipal level led us to believe it would be even worse at the Provincial level. The toll that this process with the City of Hamilton took on our mental and physical health as well as our families left us with nothing left to give. We hope this letter and the concerns contained within it will actually be read and considered by City staff and used to make meaningful changes to the way the City, the Planning Department and the Planning Committee approach the approvals process for proposed developments.

Sincerely,

Stephanie & Brent Card

Kimberlee & Steve Hallmark

Jennifer & Brett Gallant