

Thursday, May 9, 2024

**Ministry of Municipal Affairs and Housing**  
Provincial Land Use Plans Branch  
13th Floor, 777 Bay St  
Toronto, ON M7A 2J3 Canada

**RE: ERO File No: 019-8462**  
**Review Of Proposed Policies For A New Provincial Planning Statement Policy Instrument.**

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On behalf of the Upper West Side Landowners Group (UWSLG) (formerly Twenty Road West Landowners Group), Corbett Land Strategies Inc. (CLS) wishes to submit this letter in response to the Ministry of Municipal Affairs and Housing regarding the review of proposed policies for a new provincial planning policy. The UWSLG own lands within the block of Twenty Road West, Upper James Street, Dickenson Road West and Glancaster Road, located within the City of Hamilton.

It is understood that ERO File No. 019-8462 is seeking additional comments on an updated Provincial Planning Statement (NEW PPS) that incorporates feedback received through the previous consultation process (ERO No.019-6813). UWSLG wishes to submit the following in response to the current ERO as well as for consideration of future policy changes.

### **Executive Summary**

The following sets out a brief overview of our comments on the New Provincial Planning Policy instrument:

1. Make Land Available for Development – The New PPS is directing that municipalities are to base growth forecasts on Ministry of Finance population projections. We have concerns that without the lack of a prescribed methodology on land needs to accommodate the Ministry of Finance projections, there will be too much room for a municipality to conduct land needs exercises based on subjective criteria which may not achieve residential or employment targets. Instead, we recommend that the PPS maintain the market based land needs methodology based on standardized terms of reference set by the Province.
2. We are strongly supportive of Settlement Area boundary changes with no maximum area criteria (ie. 40 hectares) and which is enabled outside a municipal comprehensive review process.
3. We are supportive of the elimination of Provincially Significant Employment Zones.
4. We are supportive of the ability for municipalities to consider the removal of land from employment areas at any time (outside a municipal comprehensive review process).

5. Provide Infrastructure to support Development – We are supportive of the requirement for municipalities to consider allocation or potentially reallocation of unused servicing capacity to accommodate projected needs for housing. We further recommend that the Minister of Municipal Affairs Housing be empowered to issue orders to municipality to facilitate infrastructure allocations to affordable housing projects.
6. Request changes to Airport Noise policies to ensure consistency with other provincial and federal planning documents. Recommended wording has been prepared to assist in the consideration of the comments.

### **Subject Lands**

The UWSLG is committed to delivering a complete community consisting of infill housing opportunities on non-prime agricultural lands which are fully surrounded by the existing urban boundary. The community offers the City a strategic opportunity to deliver affordable housing and key development funded infrastructure (e.g. Garth Street extension) necessary to support the Subject Lands as well as the AEGD Employment Lands. The envisioned community features approximately 5,400 to 7,000 residential units with approximately 5 acres of land (approximately 500 to 600 units) committed to affordable housing providers including Indwell. The development of the Subject Lands will result in approximately 4 to 5 million square feet of employment space. Through supporting work, the UWSLG have assessed that the community concept will garner over \$327 million in development charge revenues and \$24.9 million in building permit revenues. Moreover, the community will generate approximately \$21.7 million in **net** fiscal revenues **annually**.

Following the Minister's decision on OPA No.167 (November 4, 2022), the UWSLG endeavored to update the land use disposition of the subject lands for the purposes of establishing a complete community. As part of these efforts, the UWSLG completed a formal consultation, conducted multiple public consultation events, advanced an overarching Terms of Reference, completed an exhaustive list of supporting and technical studies and submitted an Official Plan Amendment application to permit a Secondary Plan (UWS Secondary Plan) on the subject lands (November 2023).

### **ERO Comments**

#### *1. Make Land Available for Development*

The New PPS is requiring that municipalities base population and employment growth on forecasts prepared by the Ministry of Finance. While it may be beneficial that the prescribed forecasts be identified from a single ministry, we feel that further consideration much be made to the manner in which the forecasts are applied by individual municipalities.

Presently the Growth Plan establishes a prescribed land needs assessment methodology, which upon the Growth Plan's repeal and replacement by the New PPS, no single methodology will be in-effect. This will result in the ability for municipalities to interpret and establish land needs assessment processes based on internally set criteria

and objectives. Without the establishment of a consistent methodology, municipalities may seek to establish land needs on goals other than the immediate delivery of housing or employment, potentially resulting in an inability to achieve the Ministry of Finance targets within the prescribed planning timelines. We strongly recommend that this methodology be market driven under predetermined terms of reference set by the Ministry.

2. *We support Settlement Area boundary changes at any time*

The New PPS is proposing to facilitate greater opportunity to expand the settlement area on an as-needed basis. Currently, the Growth Plan permits settlement boundary expansions outside and or in advance of a Municipal Comprehensive Review. With the repeal of the Growth Plan and replacement with policies from the New PPS, the ability to expand the settlement area is established and is no longer limited to a maximum request of 40 hectares. Further, the criteria to consider when evaluating an expansion request has been appropriately updated.

3. *We support the elimination of Provincial Significant Employment Zones*

The repeal and replacement of the Growth Plan removes policies associated with Provincially Significant Employment Zones (PSEZ's). While in theory the added level of protection ensured the preservation of critical employment lands, in practice the overlay established by PSEZ's added little additional value to the overall protection and planning of employment areas. Instead, the protection of employment areas is maintained within the policies of the New PPS.

4. *We support the ability for municipalities to consider the removal of lands from employment areas.*

The New PPS proposes to include policies which facilitates the removal of lands from employment areas based on criteria which ensures the removal does not compromise the ability to achieve employment targets nor result in land use compatibility issues. This approach is appropriate and avoids the need to wait for a significant period of time to change employment lands. The ability to remove surplus lands from employment areas in favour of housing (where there is a demonstrated need) is an important process which should be made available at any time. However, without the ability to appeal there is no incentive or motivation for municipalities to consider such a request. Enabling language for such an appeal process should be incorporated within the PPS and implementation should be effected through parallel amendments to the Planning Act.

5. *Provide Infrastructure to support Development*

The New PPS is seeking to provide opportunities for municipalities to allocate or re-allocate unused servicing capacities to meeting current and projected needs for increased housing supply. This policy direction will be extremely important in ensuring the achievement of projected housing needs as the ability to allocate unused servicing

capacity may open up new areas for residential which otherwise may not be possible due to capacities which are allocated to employment uses that may not be realized due to market demand never materializing. If a municipality fails to provide allocation to affordable housing projects, the Minister should be empowered to issue an order to mandate such allocation.

6. *Request changes to Airport Noise policies with prepared policies from previous submission.*

Based on our review of the NEW PPS we recommend that additional modifications be made to ensure noise related policies remain consistent with other federal and provincial policies. We recommend that the following revisions to Section 3.4 occur to allow for residential development near airports where it has been demonstrated that the development is compatible with existing aircraft noise in accordance with Transport Canada Guidelines.

**Recommended Wording:**

**3.4 Airports, Rail and Marine Facilities**

1. *Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that:*
  - a) *their long-term operation and economic role is protected; and*
  - b) *airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 3.5.*
  
2. *Airports shall be protected from incompatible land uses and development by:*
  - a) *planning all new residential development and other sensitive land uses in areas near airports in accordance with Transport Canada Land Use in the Vicinity of Aerodromes Guideline TP1247, as amended.*
  - b) *ensuring that redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses will not have any negative impact on the long-term function of the airport; and*
  - c) *prohibiting land uses which may cause a potential aviation safety hazard.*

As set out in previous submissions, the NEW PPS should adopt language from Transport Canada with respect to aircraft noise as there is a current lack of consistency in how municipalities' official plans policies address airport noise. Municipalities' official plan policies should refer to the Transport Canada Land Use in the Vicinity of Aerodromes Guideline TP 1247 for the regulation of airport noise to ensure a uniform



approach throughout the Province. Transport Canada's guidelines are the appropriate standard since Transport Canada is responsible for the regulation of airports and their operations. Following Transport Canada Guidelines would allow for consistency and conformity amongst all airports, their master plans and the methods for making land use and planning decisions.

The Provincial Policy Statement's current restrictions on residential development and other sensitive land uses near airports do not allow for municipal authorities to appropriately consider the existing context and land use compatibility. The Provincial Policy Statement need not provide for its own prevailing standards when Transport Canada as the regulator of airport operations already sets out performance standards that can form the basis of provincial land use policy.

## **Conclusion**

Overall, the proposed New PPS is believed to be a strong next step in achieving an improved land use planning approval system and which will deliver on the need to resolve the housing crisis. There are several critical provisions proposed within the New PPS which provide clarity and direction in the achievement of many of the Province's interests.

Notwithstanding these supportive directions, further work is required to implement the proposed changes. This includes addressing related matters which fall out of the purview of the New PPS such as implementation requirements within the Planning Act. Specifically, it is recommended that the Province facilitate the permission to appeal employment land removals on the basis that it will achieve the policies within Section 2.8.2.5 and motivate municipalities to make decisions which otherwise will not occur.

Should there be any questions or a need for further information, feel free to reach out to the below.

Sincerely,

*John Corbett*

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