



## Public Meeting Report

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<b>Report To:</b>	<b>Planning and Development Committee</b>		
<b>Date of Meeting:</b>	December 5, 2022	<b>Report Number:</b>	PDS-058-22
<b>Submitted By:</b>	Carlos Salazar, Director of Planning and Development Services		
<b>Reviewed By:</b>	Mary-Anne Dempster, CAO		
<b>File Number:</b>	PL 1817-020-040-03700	<b>Resolution#:</b>	PD-107-22, C-218-22
<b>Report Subject:</b>	<b>200 Baseline Road West – Request for Community Infrastructure and Housing Accelerator order</b>		

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### Recommendations:

1. That Report PDS-058-22 and any related communication items, be received for information only;
2. That Council support a request to the Province for a Community Infrastructure and Housing Accelerator (CIHA) order at 200 Baseline Road West in Bowmanville for the provision of non-profit housing;
3. That Council support a CIHA request for relief from the Zoning By-law (Attachment 1) for the purpose of expediting the development of non-profit housing;
4. That comments received at the public meeting be incorporated as part of the Site Plan review process as considered appropriate by the Director of Planning and Infrastructure Services.
5. That Council only consider requests for ministerial orders that support affordable and non-profit housing as well as job creation projects.
6. That Council add the Community Infrastructure and Housing Accelerator (CIHA) to the Municipality's Affordable Housing toolkit for non-profit housing.
7. That the Durham Regional Planning and Economic Development Department and the Ministry of Municipal Affairs and Housing be forwarded a copy of Report PDS-058-22 and Council's decision; and
8. That all interested parties listed in Report PDS-058-22 and any delegations be advised of Council's decision.

## Report Overview

The Municipality, in partnership with Habitat for Humanity and Durham Region Non-Profit Housing Corporation, are seeking a request for a ministerial order (Community Infrastructure and Housing Accelerator) from the Provincial Minister of Municipal Affairs and Housing to permit an 84-unit non-profit residential development at 200 Baseline Road West in Bowmanville to bring affordable non-profit housing to Clarington.

## 1. Context and History Behind Current Request

### Site History

- 1.1 The subject site, which is 1.34 hectares (3.31 acres) was originally purchased by the Municipality in 1989 to construct a new firehall (Figure 1). In 1997 the lands were declared as Municipal surplus lands. Then, in late 2004, Council authorized the Chief Administrative Officer to make an application for draft plan of subdivision and rezoning of the property.

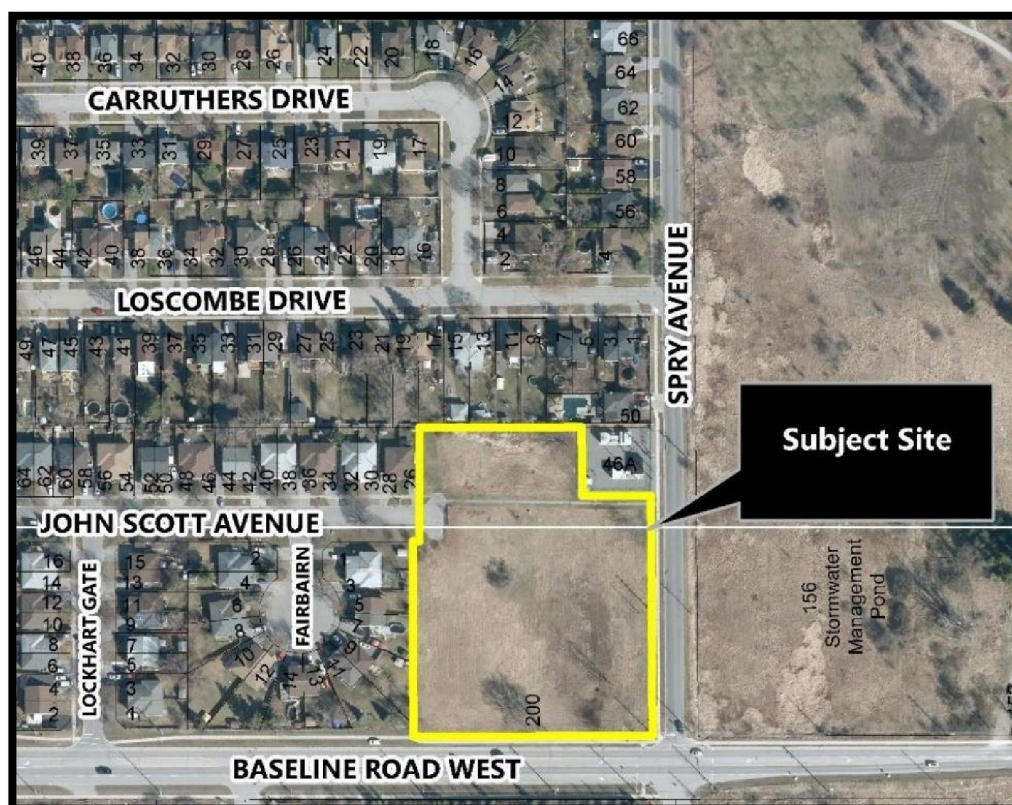


Figure 1: Subject Site

- 1.2 In 2005, the Municipality initiated both draft plan of subdivision and rezoning applications (S-C-2005-005, and ZBA2005-051) on the subject property. Draft approval was issued and has been extended on the property since 2008. The existing 19 lot Draft Plan of Subdivision layout is similar to the development to the west along John Scott Avenue, it also includes a cul-de-sac adjacent to Baseline Road. In the draft plan access to the site is from the extension of John Scott Avenue.
- 1.3 To facilitate the development of the lands, the Central Lake Ontario Conservation Authority (CLOCA) indicated that the site would need to be floodproofed. A permit for cut and fill associated with the construction of a stormwater pond on the east side of Spry Avenue and to floodproof the site is a requirement of the draft plan.

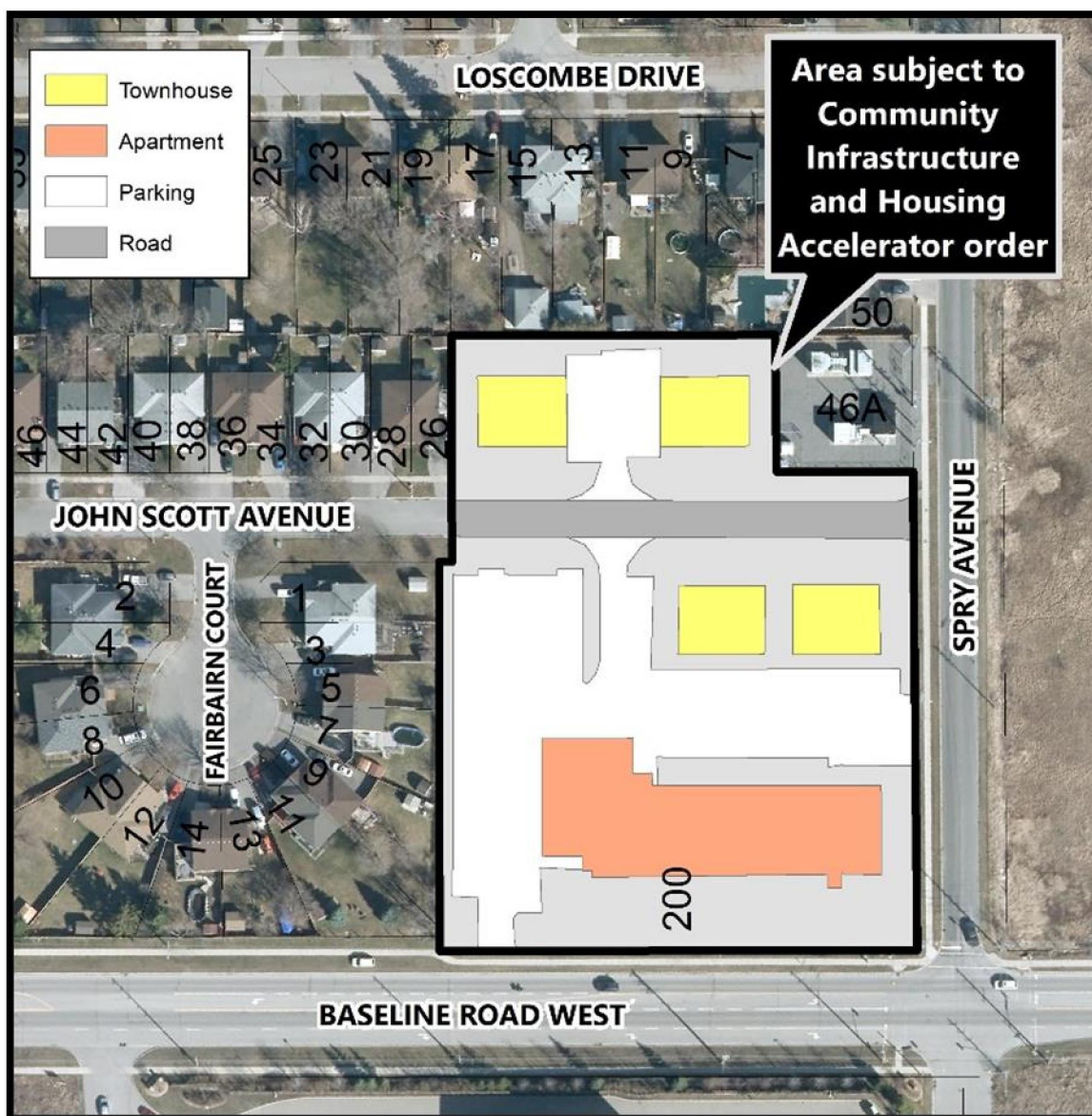
### **Affordable Housing Priority**

- 1.4 Clarington Council has prioritized housing affordability and embedded this as a key pillar in the 2019-2022 Strategic Plan. To help with this strategic priority, the Municipality formed the Clarington Task Force on Affordable Housing and developed an Affordable Housing Toolkit that provides a suite of incentives to not-for-profit developers looking to build new residential developments in our community (CAO-013-19).
- 1.5 In 2021, Council directed staff to list 200 Baseline Road West for sale on MLS, with the listing to include language that affordable housing would be encouraged. Council reviewed the offers and directed staff to enter negotiations with Habitat for Humanity and Durham Region Non-Profit Housing Corporation.

### **Current Request**

- 1.6 In November 2021, a pre-consultation meeting was held between municipal staff, Habitat for Humanity, and Durham Region Non-Profit Housing Corporation to discuss their proposed affordable housing development.
- 1.7 Habitat for Humanity and Durham Region Non-Profit Housing Corporation are proposing a three-storey apartment building with 52 units and 4 three-storey stacked townhouses with a total of 32 units for a total of 84 units (Figure 2). The proposal includes visitor parking areas and amenity space. The development will require the extension of John Scott Avenue to Spry Avenue.





**Figure 2: Proposal**

- 1.8 An amendment to the original Draft Plan of Subdivision is required based on the new proposal and layout. A Zoning By-law Amendment is also required to permit the apartment and stacked townhouses and any additional exceptions to the Zoning By-Law that may be required. Site Plan Approval and a Plan of Condominium are also required.
- 1.9 To expedite development on these lands, the Municipality, in partnership with Habitat for Humanity and Durham Region Non-Profit Housing Corporation, are seeking a request for a ministerial order from the Provincial Minister of Municipal Affairs and Housing to



use the Community Infrastructure and Housing Accelerator tool to permit the proposed development.

### **Clarington Housing Supply and Provincial Target**

- 1.10 Currently, the Municipality has a supply of over 5,000 residential units based on approved applications over the last 10 years. Approved applications include units that are within a draft approved plan of subdivision, registered vacant lots within a subdivision, or site plan approved units. This does not include the supply of units that may have received development approvals prior to 2011, which is being calculated.
- 1.11 Close to 9,000 residential units have recently been approved in three of Clarington's Secondary Plans (Brookhill, Southeast Courtice and Southwest Courtice) for which development applications are now being received. In addition, the Region has forecasted approximately 13,000 units for the Courtice MTSA and approximately 9,000 units for the Bowmanville MTSA.
- 1.12 However, although the housing targets allocated to Clarington can be met, none of these units provide affordable non-profit housing for the community.

## **2. Community Infrastructure and Housing Accelerator (CIHA)**

- 2.1 On March 30, 2022, the Province took it's first steps in implementing the recommendations of Ontario's Housing Affordability Task Force (OHATF) by introducing the More Homes for Everyone Plan, and Bill 109 the More Homes for Everyone Act, 2022. It received Royal Assent on April 14, 2022
- 2.2 The More Homes for Everyone Act, 2022 created a new minister's order authority referred to as the Community Infrastructure and Housing Accelerator (CIHA) order. This change authorizes the Minister of Municipal Affairs and Housing to make orders to respond to municipal requests for expedited zoning outside of the Greenbelt Area. Types of development that may be considered eligible for a CIHA order request include community infrastructure such as long-term care facilities, market-based housing, affordable housing, buildings that facilitate employment and economic development, and mixed-use developments.
- 2.3 A CIHA differs from a Minister's Zoning Order (MZO). Only local municipalities can make a CIHA request to the Minister. The formal request must include a resolution passed by Council. A CIHA request also requires public and First Nation consultation. Conversely, an MZO request can be made by the Minister, without resolution from Council, and does not require any public consultation.
- 2.4 The Minister will consider making a CIHA order on the request of the Council of a lower or single tier municipality. A CIHA order can be used to regulate the use of land and the

location, height, size and spacing of buildings and structures to permit certain types of development.

- 2.5 It should be noted that the CIHA order does not have to be consistent with the Provincial Policy Statement, Provincial Plans, or Official Plans. The Minister may impose conditions on the order, and the order is not subject to appeal. However, the request being made in this report does conform to all these Plans. Staff would not recommend a ministerial order that would have the effect of changing the Durham Region and/or the Clarington Official Plan.
- 2.6 As explained in section 1.10, Clarington has and is in the process of expanding the supply of market-based housing including mix used developments; as a result, requests for ministerial orders for these types of developments are not needed.
- 2.7 To avoid any public confusion about the request for any provincial orders, staff is recommending that any provincial order request by Clarington be limited to affordable and non-profit housing and job creation projects through economic development efforts.

### **Requirements for CIHA Request**

- 2.8 Should the Municipality seek to make a CIHA order request to the Minister, they must adhere to the Council resolution, notice and consultation requirements now prescribed for CIHA orders in the Planning Act, as well as the CIHA order guidelines issued by the Province on October 25th, 2022.
- 2.9 More specifically, as per section 34(1) of the Planning Act, CIHA order requests are required to include the following:
- A copy of the Municipal Council's resolution;
  - A description of the consultation undertaken;
  - A description of any licences, permits, approvals, permissions, or other matters that would be required before a use that would be permitted by the requested order could be established;
  - Any prescribed information and material; and
  - Any information or material that the Minister considers necessary.
- 2.10 The CIHA order guidelines issued by the Province on October 25th, 2022, requires that within 15 days of passing the Council resolution for the CIHA order, the Municipality provide the Minister with the following:
- A copy of the Municipal Council's resolution;

- A description of the consultation undertaken including engagement with Indigenous communities;
- A map showing the location of the lands to which the order would apply;
- A description of any licenses, permits, approvals, permissions, or other matters that would be required before a use that would be permitted by the order could be established;
- A copy of a draft zoning by-law amendment to facilitate provincial consideration of the request; and
- Any prescribed information and material.

### **3. Policy Considerations**

#### **Provincial Policy Statement**

- 3.1 The PPS requires Planning authorities to provide an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents. The proposed development is consistent with the direction of the PPS.

#### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe**

- 3.2 The Growth Plan directs municipalities to support housing choice through the achievement of the minimum intensification targets to the plan by identifying a diverse range and mix of housing options and densities, including affordable housing to meet projected needs of current and future residents and by establishing targets for affordable ownership housing and rental housing.
- 3.3 The proposed development will help Clarington achieve its intensification, affordable and rental housing targets. As such, the proposal conforms to A Place to Grow.

#### **Durham Region Official Plan (ROP)**

- 3.4 The subject site is designated "Living Areas" and adjacent to Baseline Road, a designated Type 'A' Arterial Road in the ROP. Living Areas are to be developed in a compact form through higher densities and by intensifying and redeveloping existing areas, particularly along arterial roads. Type 'A' Arterial Roads are designed to efficiently move large volumes of traffic and provide the highest level of service.
- 3.5 Communities shall be developed to incorporate the widest possible variety of housing types, sizes, and tenure to provide living accommodations that address various socio-economic factors. Regional Council shall require at least 25% of all new residential units



produced within each area municipality to be affordable to low- and moderate-income households.

- 3.6 The proposed development will contribute to the Region's affordable housing target, as well as intensify and redevelop an existing area adjacent to an arterial road. The proposal conforms to the policies of the ROP.

### **Clarington Official Plan**

- 3.7 The lands are designated "Urban Residential" within the Clarington Official Plan. The "Urban Residential" designation allows residential development containing a variety of housing forms, size, and tenure. A minimum of 30% of all new housing is encouraged to be affordable in Urban Areas.
- 3.8 The property is currently partially located within the floodplain of Westside Creek. A condition of the Draft Plan of Subdivision required a cut and fill of the property to bring the lands outside of the floodplain.
- 3.9 The proposed non-profit housing development conforms to all the Provincial Plans, the Regional Official Plan, and the Clarington Official Plan.

### **Clarington Zoning By-law**

- 3.10 Zoning By-law 84-63 zones the subject lands "(Holding) Urban Residential Exception (R2-30) Zone" and "(Holding) Urban Residential Exception (R2-52) Zone." These two zones allow for single detached dwellings based on a 15-metre minimum lot frontage. The Holding provision is in place until cut and fill to bring the property outside the floodplain is complete.
- 3.11 The current zoning does not permit the proposed development. The ministerial order will speed up the process to bring the non-profit housing units to our community in more effective manner.
- 3.12 A draft Zoning by-law has been prepared by the applicant (Attachment 1) that specifies the requested relief from the Zoning By-law. The draft Zoning By-law is subject to refinement by staff, in co-ordination with the applicant and is required as part of the CIHA request.

## **4. Public Notice**

- 4.1 Notice of this public meeting was mailed to all property owners within 120 meters of the subject site and was mailed out 14 days prior to the non-statutory public meeting. Advertisement was also placed in both the Clarington This Week and Orono Times a

week prior to the public meeting, on social media and on the Municipality's website. Notice was also emailed to agencies and First Nations.

- 4.2 At the time of writing this report, staff have not received comments from agencies, First Nations or members of the public. It is anticipated that comments will be received after the report has been publicized and after the non-statutory public meeting occurs on December 5th, 2022.

## **5. Next Steps**

- 5.1 As the ministerial order does not exempt the proponents from the site plan process, comments from the public, as appropriate, will be implemented through the site plan process.
- 5.2 Staff will continue communication with the Minister of Municipal Affairs and Housing to ensure requirements of the CHIA order are being met and the process is documented in the follow up report to Council.
- 5.3 The draft Zoning By-law (Attachment 1) to permit the development will be refined through the CIHA process by staff, in co-ordination with the applicants.
- 5.4 The CIHA order does not preclude the requirement for technical review of the site plan process. Technical review of the proposed development is required. The applicants will be required to apply for Site Plan Approval. The required technical reports and studies, such as a Functional Servicing Report and Traffic Impact Study, will need to be submitted and reviewed. Further detail will be outlined in a follow up report to Council.

## **6. Financial Considerations**

- 6.1 Staff resources to prioritize the CHIA order request for 200 Baseline Road West and prepare associated notice materials and staff report.
- 6.2 A 50% reduction in planning applications fees, for registered not-for-profit housing, in association with the development proposal.
- 6.3 Based on current rates, it is estimated that the Municipal Development Charge would be approximately \$1,399,200. As a result of recent changes to legislation, the development would be exempt from development charges. As exempt charges must be made up by non-DC sources, this would require the Municipality to fund \$1.4 million towards the project through grants, utilization of reserves, other fees, or the tax levy.

## 7. Concurrence

This report has been reviewed by the Deputy CAO/Solicitor and the Deputy CAO/Treasurer who concur with the recommendations.

## 8. Conclusion

- 8.1 The Municipality, in partnership with Habitat for Humanity and Durham Region Non-Profit Housing Corporation, are proposing an 84-unit non-profit residential development at 200 Baseline Road West in Bowmanville to bring affordable, non-profit housing to Clarington.
- 8.2 It is respectfully recommended that Council support the request for a Minister's Community Infrastructure and Housing Accelerator (CIHA) order at 200 Baseline Road West in Bowmanville.

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Attachments:

Attachment 1 – Draft Zoning By-law

Interested Parties:

List of Interested Parties available from Department.



**ONTARIO REGULATION XXX/22**

made under the

**PLANNING ACT**

Made: XXXXXX, 2022

Filed: XXXXXX, 2022

Published on e-Laws: XXXXXX, 2022

Printed in *The Ontario Gazette*: XXXXXXXX, 2022

**ZONING ORDER –**

**MUNICIPALITY OF CLARINGTON, REGIONAL MUNICIPALITY OF DURHAM**

**Definition**

1. In this Order,
- “Zoning By-Law” means Municipality of Clarington Zoning By-law 84-63, as amended.

**Application**

2. This order applies to lands in the Municipality of Clarington, Regional Municipality of Durham, in the Province of Ontario, being the lands on a map numbered XXX filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

**Zoning By-law**

3. That the Zoning By-law, as amended from time to time and in its entirety, applies to those lands being the lands on a map numbered XXX filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

**Lands North of Future John Scott Avenue**

4. (1) This section applies to lands located north of Future John Scott Avenue as shown on the map referred to in section 2 of this Order.
- (2) The Zoning By-law is amended by rezoning the lands to R3-XX.
- (3) Every use of land and every erection, location or use of any building or structure is limited on the lands described in clause 4 (1) to the following,
- (a) a linked townhouse dwelling;
  - (b) a back-to-back townhouse dwelling;
  - (c) a stacked townhouse dwelling; and
  - (d) a home occupation, in accordance with the provisions of Section 3.11 of the Zoning By-law.
- (4) Subject to the following, the zoning requirements for the uses permitted under clause 4 (3) are the zoning requirements for the R3 Zone set out in Section 14.4 of the Zoning By-law:
- |                                 |                 |
|---------------------------------|-----------------|
| (a) Density (maximum)           | 80 units per ha |
| (b) Yard Requirements (minimum) |                 |
| (i) Front Yard                  | 5.5 metres      |
| (ii) Side Yard                  | 4.5 metres      |
| (iii) Rear Yard                 | 7.5 metres      |

- (c) Landscaped Open Space (minimum) 20 percent
- (d) Building Height (maximum) 12 metres
- (e) There is no minimum Dwelling Unit Area.

(5) Despite Section 3.16 of the Zoning By-law, a minimum of 0.5 parking spaces shall be provided for each dwelling unit, plus an additional 0.2 spaces per unit for visitors.

**Lands at the Northwest Corner of Baseline Road West and Spry Avenue**

5. (1) This section applies to lands located at the northwest Corner of Baseline Road West and Spry Avenue on the map referred to in section 2 of this Order.

(2) The Zoning By-law is amended by rezoning the lands to R4-XX.

(3) Every use of land and every erection, location or use of any building or structure is limited on the lands described in clause 5 (1) to the following,

- (a) a linked townhouse dwelling;
- (b) a back-to-back townhouse dwelling;
- (c) a stacked townhouse dwelling;
- (d) an apartment building; and
- (e) a home occupation, in accordance with the provisions of Section 3.11 of the Zoning By-law.

(4) Subject to the following, the zoning requirements for the uses permitted under clause 5 (3) are the zoning requirements for the R4 Zone set out in Section 15.2 of the Zoning By-law:

- (a) Density (maximum) 100 units per ha
- (b) Yard Requirements (minimum)
  - (i) South (Baseline Road West) 6.0 metres
  - (ii) North (Future John Scott Avenue) 5.0 metres
  - (iii) East (Spry Avenue) 7.5 metres
  - (iv) West 20 metres
- (c) Landscaped Open Space (minimum) 20 percent
- (d) Building Height (maximum) 15 metres
- (e) There is no minimum Dwelling Unit Area.

(5) Despite Section 3.16 of the Zoning By-law, a minimum of 0.5 parking spaces shall be provided for each dwelling unit, plus an additional 0.2 spaces per unit for visitors.

(6) The zoning requirements specified in clauses 5 (4) and 5 (5) apply collectively to the lands described in clause 5 (1), despite any future severance, partition or division of the lands.

### **Terms of use**

6. (1) Every use of land and every erection, location and use of buildings or structures shall be in accordance with this Order.
- (2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.
- (3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased and its original use is not altered.
- (4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

### **Deemed By-law**

7. This Order is deemed for all purposes, except the purposes of section 24 of the Act, to be and to always have been a by-law passed by the council of the Municipality of Clarington.

### **Commencement**

8. **This Regulation comes into force on the day it is filed.**

Made by:

STEVE CLARK

*Minister of Municipal Affairs and Housing*

Date made: XXXXXXXX, 2022