



Date: February 9, 2023

Report to: Board of Directors
CityHousing Hamilton Corporation

Submitted by: Adam Sweedland
Chief Executive
Officer/Secretary

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Subject: Jamesville - CN Appeal (Report 17007(f))

RECOMMENDATION:

That the Board of Directors approve the following resolutions to:

- (i) Direct staff to oppose Canadian National Rail's (CN) appeal to the Ontario Land Tribunal (OLT) and to support the Planning applications for the Jamesville lands before the Tribunal;
- (ii) Direct staff and CHH legal counsel to engage and coordinate with Jamesville Redevelopment Limited Partnership (JRLP), and the City of Hamilton, in discussions with CN to support the applications before the OLT; and
- (iii) Direct staff to formally request the City of Hamilton to provide legal, planning, and other relevant assistance, in support of CHH and the JRLP's defense against the CN appeal.

A handwritten signature in black ink that reads "Sweedland".

Adam Sweedland
Chief Executive Officer/Secretary

EXECUTIVE SUMMARY:

Jamesville is an existing 91 townhouse site originally developed as part of a string of urban renewal projects in the 1960-1970s. To help address the growing need for affordable housing, the CHH Board approved a revitalization project to create a mixed income development that replaces 46 deep affordability units on-site and incorporates an additional 114 supportive and affordable housing units, alongside approximately 315 private market ownership units. The plan also sees 45 CHH units relocated to a new site at 106 Bay St N where they are to be rebuilt as a mid-rise building with the addition of 10 net-new units.

In August 2022, Hamilton City Council unanimously approved the development application for the Jamesville project, including submissions for municipal planning approvals including an Official Plan Amendment (OPA) and a Zoning By-law Amendment (ZBA).

In September 2022, CN Rail submitted an appeal of the City's decision to approve the OPA and ZBA to the Ontario Land Tribunal (Tribunal) for reasons centred on concerns of odour, vibration and noise.

CHH staff recommend the City of Hamilton oppose CN's appeal and support the Planning applications for the Jamesville lands before the Tribunal.

BACKGROUND:

At the CHH Board of Directors meeting on September 20, 2016 (Report #16034) the redevelopment of the West Harbour properties of 500 MacNab, Jamesville and 10 Brock was discussed in detail and a direction determined for each site.

Staff were directed to prepare the criteria for an Expression of Interest (EOI) for the Jamesville property that included, but was not limited to, a medium density, mixed use, mixed income development.

In May 2017 CHH released a Request for Expressions of Interest (RFEOI) to identify development concepts that would allow CHH the opportunity to maximize



the social benefit of Jamesville lands while also contributing to the financial sustainability of the organization.

After subsequent redevelopment market and financial feasibility analysis, a competitive Request for Proposals (RFP) process (City of Hamilton RFP C18-07-19) was issued in April 2019 and closed in June 2019, resulting in Jamesville Redevelopment Limited Partnership (JRLP), a private development consortium, selected as the Preferred Proponent. To CHH's and the City's knowledge, CN did not object to the proposed plan at that time.

On October 27, 2020, CHH's Board of Directors approved the authorization to enter into a Master Development Agreement (MDA) with JRLP to redevelop and intensify the Jamesville property known as 405 James Street North, as well as, City-owned lands at 38 Strachan Street West and 344 Bay Street North. The MDA was formally executed with JRLP on December 10, 2021.

In July 2021, the development partner, JRLP, submitted a Planning application to the City for the re-development. CN provide comments during this process and City staff were satisfied the development could mitigate CN's concerns.

In August 2022, Hamilton City Council unanimously approved the development application for the Jamesville project. However, in September 2022, CN appealed Council's approved Planning Approval for the site to the OLT. CN was the sole appellant.

CityHousing Hamilton and the developer have paused demolition and remediation work while seeking a resolution with CN. By placing the demolition on hold CHH can mitigate the risk of any potential units being lost due the inability to rebuild due to this appeal.

DISCUSSION:

The goal of the Jamesville redevelopment is to replace an existing aging out-of-date residential complex with a new mixed-income community, that combines publicly owned social housing, non-profit affordable housing, and market units, in an intensified site adjacent to the West Harbour GO station.



CHH has paused demolition and remediation at this time pending an opportunity to fully understand any implications and options to move the project forward should the CN appeal be successful.

If CN is successful, it could impact the size of the development and the ability to rebuild on a portion of the site. By placing demolition on hold, CHH can mitigate the risk of any potential units being lost due the inability to rebuild due to this appeal.

CHH staff and the JRPL have coordinated and supported the City in understanding and navigating the appeal. Additionally, CHH is encouraging its developer partner to initiate settlement discussions with CN in an attempt to resolve the matter outside of the hearing process.

CONCLUSION:

The redevelopment of Jamesville addresses several planning and housing policies and strategic goals through providing residential intensification that achieves a mixed income, mixed tenure community, and one which enhances affordability system-wide in a financially sustainable way.

With the CN appeal and the potential impact to the approved site plan and related planning approvals, the demolition and remediation have been placed on hold while a resolution is sought.

Recommendations to coordinate and support the City of Hamilton in opposing the appeal will provide clear direction towards a resolution that will see the continuance of the Jamesville redevelopment.

ALIGNMENT TO THE 2023-2027 STRATEGIC PLAN:

This report implements:

FLOURISHING COMMUNITIES:

Empower tenants with the support and services they need to thrive.



NEIGHBOURHOOD REVITALIZATION:

Develop new and inclusive affordable mixed housing that builds strong and successful multi-generational communities.

AS/sb

Mission: We provide affordable housing that is safe, well maintained and cost effective and that supports the diverse needs of our many communities.