

Planning Act Tools to **Facilitate Development of Affordable Housing**

Council Information Session

March 18, 2024

Presentation Overview

- Purpose and Contents of White Paper
- Overview of Recommended *Planning Act* Tools to facilitate Affordable Housing
 - Inclusionary Zoning
 - Community Improvement Plan
 - Community Planning Permit System
- Staff Report Recommendations
- Appendix

Purpose of White Paper

A **reference document and resource** for staff, Council, stakeholders and the general public to understand certain *Planning Act* tools and how they can be used to facilitate the provision of affordable housing.

Planning Act Tools to Facilitate Development of Affordable Housing

Housing Strategy and Action Plan: White Paper

DRAFT v1

- **Supplements** Town of Oakville’s Housing Strategy and Action Plan (draft).
- **Explains** municipal *Planning Act* tools that can be used to facilitate the provision of affordable housing.
 - Inclusionary Zoning (IZ)
 - Community Planning Permit System (CPPS)
 - Community Improvement Plan (CIP)
 - Community Benefits Charge (CBC)
 - Community Infrastructure and Housing Accelerator (CIHA)
- **Identifies** their strengths and weaknesses
- **Identifies** Oakville specific opportunities and challenges that can be leveraged/addressed with one or more of these tools.
- **Provides** a range of options for their implementation.
- **Recommends** a path to enacting the preferred option.

Contents of White Paper

Sections

1. Introduction
2. Context and Key Messages
3. **Inclusionary Zoning**
4. **Community Planning Permit System**
5. **Community Improvement Plan**
6. Other Planning Act Tools
 1. Community Benefits Strategy
 2. Community Infrastructure and Housing Accelerator
7. Discussion Regarding Planning Act Tools
8. **Recommendations and Next Steps**

Appendices

1. Definition of Affordable Housing
2. Inclusionary Zoning Details
3. Municipalities Using/Contemplating IZ
4. Community Planning Permit System Details
5. Municipalities Using/Contemplating CPPS
6. Municipalities Using CIP In Support of Affordable Housing

References

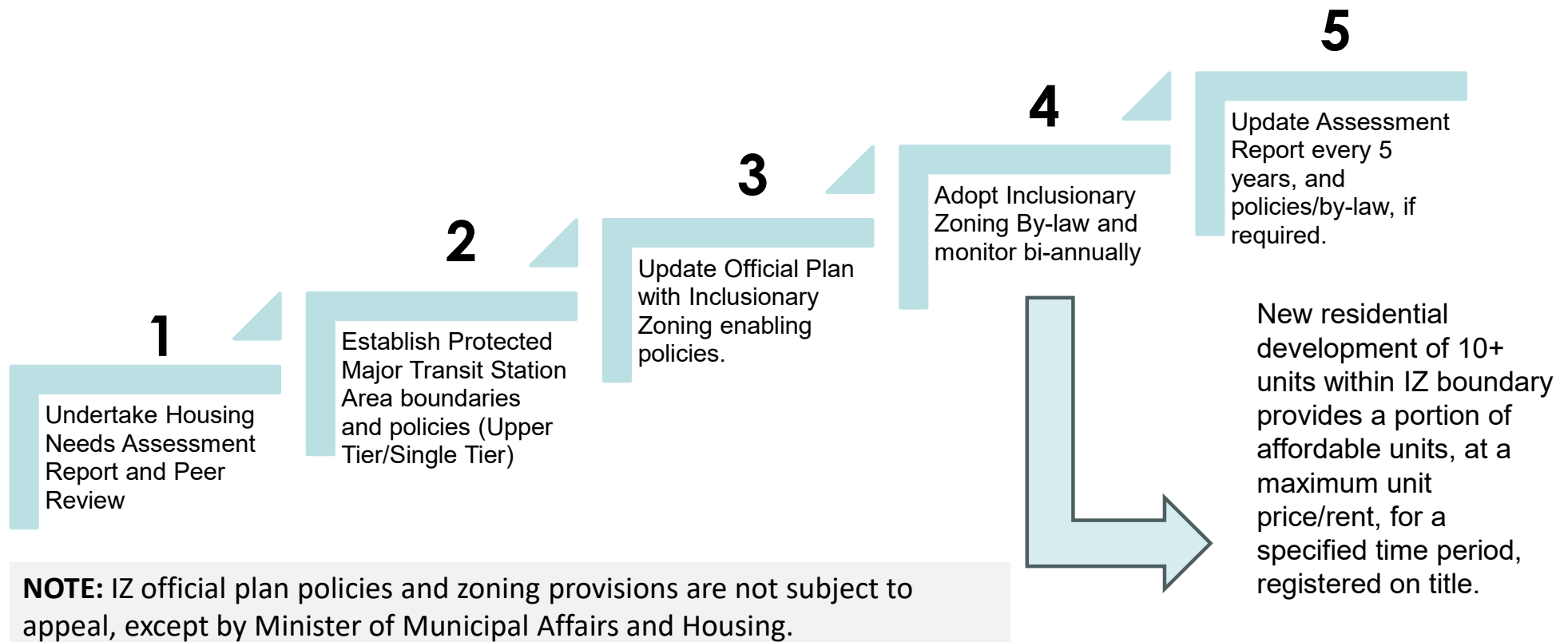
Inclusionary Zoning (IZ)



- Land Use Control to require provision of affordable housing.
 - Applies within **Protected Major Transit Station Areas**;
 - To new development that proposes 10 or more residential units.
 - Requires a certain percentage of housing development to be affordable over the long-term.
- Once in effect, and new housing units are approved, affordable units and their affordability price and period may be registered on title.

NOTE: O. Reg. 232/18 may provide limits that could override municipal OP policy and by-law provisions re: affordability period, maximum affordable units and minimum affordable price/rent, as presently proposed per ERO [019-6173](https://www.ero.on.ca/019-6173)

IZ By-law Implementation Steps



IZ supports affordable housing ...



Tempers Land Value



Mandates Long-term
Affordability



Tempers Overall
Housing Market over
the Long-term



May Provide
Funding for other
Affordable Housing
Programs

Community Planning Permit System (CPPS)

“The community planning permit system (CPPS) is a land use planning tool that municipalities can use when planning for the future of their communities.

This tool can help to:

- make development approval processes more streamlined and efficient
- get housing to market quicker
- support local priorities (for example, community building, developments that support public transit, and greenspace protection)
- create certainty and transparency for the community, landowners and developers.”

- Ministry of Municipal Affairs & Housing



Use of a Community Planning Permit System (CPPS) requires issuance of development permit for...

- the construction, erection or placing (or expanding/altering) of one or more buildings or structures on land,
- the laying out and establishment of commercial parking spaces, or 3 or more mobile/land lease community homes,
- site alteration, and/or
- the removal of vegetation...

...unless exempt from having to make an application.

The Community Planning Permit System (CPPS) conforms with official plan, replaces a zoning by-law and authorizes issuance of development permits in conformity with the Community Planning Permit By-law



A single **by-law** to control land use.



A single permit **application**.

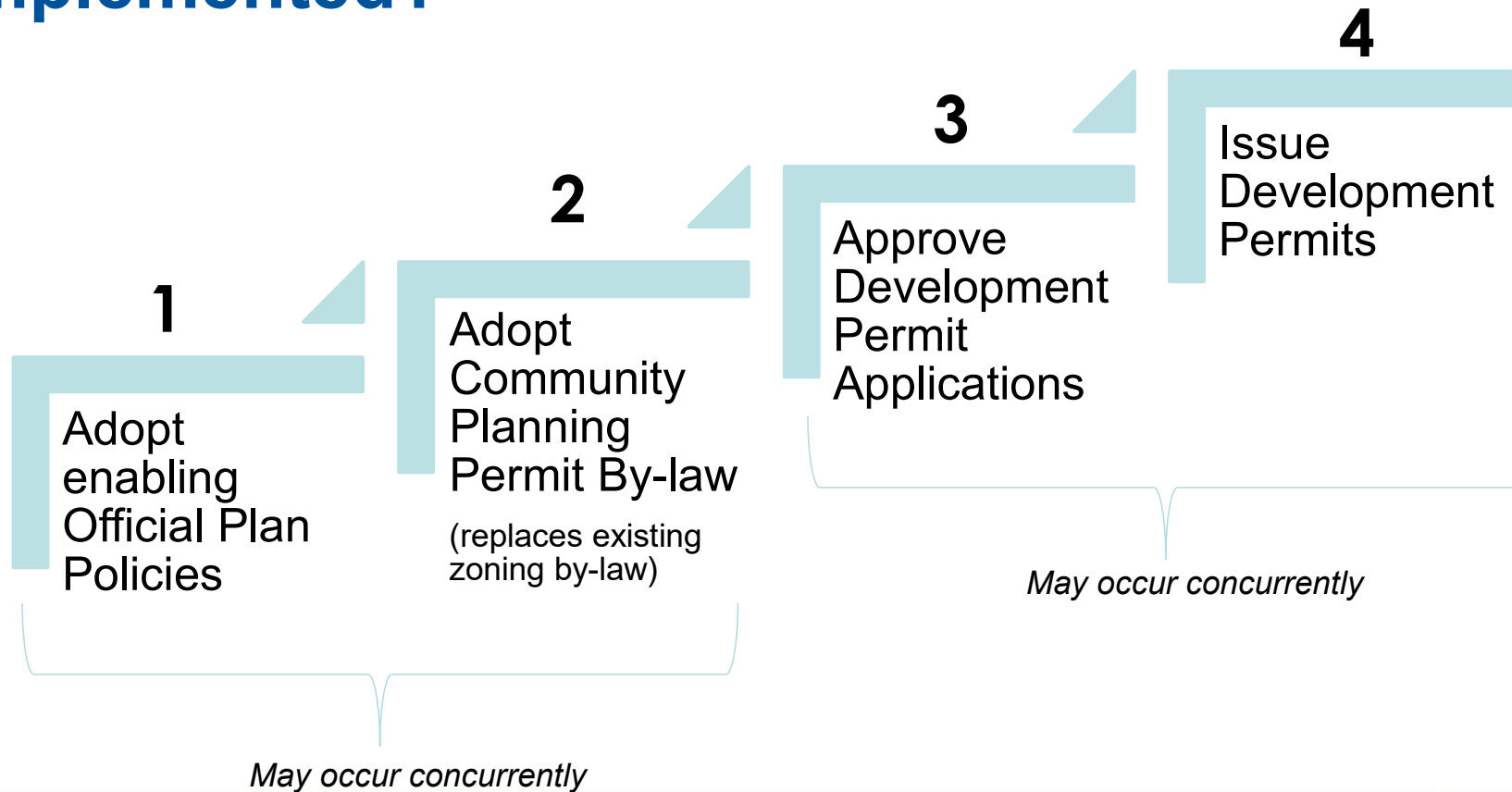


Permit approvals may be subject to **variances, criteria or conditions** provided in by-law.



One approval authority issues a **single permit**.

How is the Community Planning Permit System implemented?



CPPS Enabling OP Policies

Mandatory Policies



Purpose

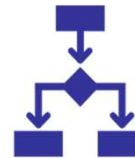


Location



Approval
Authority

Optional Policies



Decision
Making Criteria



Conditions



Affordable
Housing (IZ)
within PMTSA only



Complete Application
Requirements

Contents of CPPS By-law

Implement
Mandatory OP
Policies

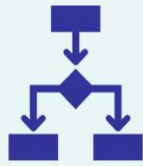


Location



Scope of Approval
Authority

Implement
Optional OP
Policies



Criteria



Conditions



Affordable Housing (IZ)
within PMTSA only

Incorporate
Zoning
Provisions



Permitted Uses



Prohibited Uses



Standards

Provide
Variance
Permissions



Range of
Variation

Address
Administrative
Matters



Class of
Development



Application
Exemption



Procedures for review and
change of permit



Notification Procedures

Implement official plan community building direction



Range of Condition Types, examples



s. 40 cash in lieu of required parking



s. 41 conditions in relation site plan control (i.e. road widening, walkway, fences, easements, agreements)



A condition that is related to site alteration



A condition that is related to **ongoing monitoring** related to
i. public health and safety, or
ii. the natural environment.



A condition that is related to provision of community benefit in exchange for height and/or density which may be within minimum and maximum standard or outside of variation from standards. By-law must establish proportional relationship.



s. 42 parkland dedication



Holding/Lapsing/Temporary



A condition that is related to the removal or restoration of vegetation.



Inclusionary Zoning Conditions



Enter in to and Register Agreement on title

Community Planning Permit System is subject to appeal/motion at the OLT



Ontario Land Tribunal

| CPPS Implementation | Ontario Land Tribunal Involvement |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Enabling OPA | Enabling policies are subject to appeal* |
| CPPS By-law | <ul style="list-style-type: none"> • Passing of by-law is subject to appeal* • Private applications to amend can be made <u>after 5-years</u> of by-law coming into effect* |
| Development Permit Application | <ul style="list-style-type: none"> • Applicant or Town make seek direction from OLT regarding complete application. • Applicant may appeal non-decision (after 45 days of complete application). • Applicant may appeal decision on application (within 20 days of notice) |
| Development Permit Issuance | Applicant may seek direction from OLT re: conditions being met. |

CPPS Supports affordable housing ...



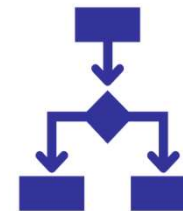
Development Cost
reduction through a
**Streamlined
Process**



Mandatory and
Long-term
affordability via
**Inclusionary
Zoning** (within a
PMTSA)



Negotiated Long-
term Affordability
(as a **condition** of
CPPS permit
approval).



Context Sensitive
Affordability
(criteria-based
decision making)

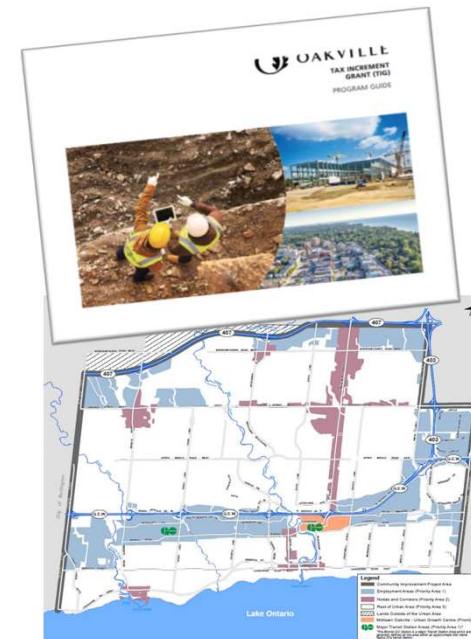


Mandatory
Housing
Affordability
Monitoring
(condition of
approval post
permit issuance)

Community Improvement Plan (CIP)

- A municipal financial tool to incentivize private investment in support of community improvement.
- Once a Plan is in effect, municipality may:
 - Buy, sell, lease, and/or improve land and buildings for community benefit purpose
 - Issue grants or loans to achieve community benefit
 - Require an agreement with the proponent to be registered on title
- Community benefits includes the provision of affordable housing.
- Adoption of CIP project area and plan follow same process as an official plan amendment.

NOTE: Adoption of Community Improvement Plan and Project area is subject to appeal.



NOTE: Oakville established Brownfield Community Improvement Project Area by-law and Plan in July 2018.

CIP supports affordable housing by...



Land



Grant



Loan



Forgivable
Loan

To offset costs associated with the creation of new, renovation of existing, and/or conversion to new affordable housing units.

RECOMMENDATIONS

Oakville Context

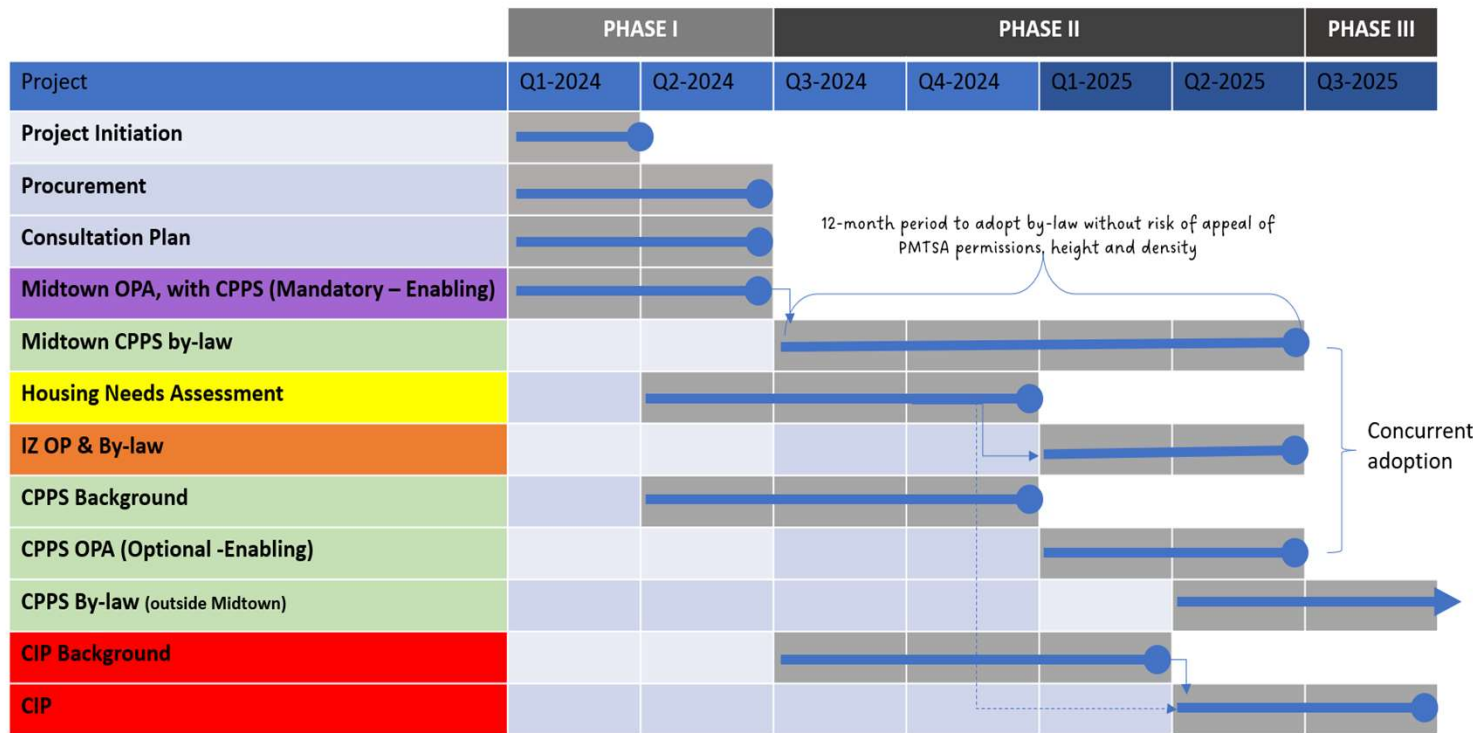
Opportunities

- Federal and Provincial Funding
- *Planning Act* Changes
- Midtown Oakville Program
- Comprehensive Zoning By-law Review
- Halton Region Support for Affordable Housing CIP and Current Town CIP
- Existing Community Benefits Charge By-law

Challenges

- Increasing cost/rent of housing
(Section 2.0 of White Paper)
- Housing Targets
- Multiple Priorities and Limited Resources
- Trail Blazing and Logistics

Implementation Path and Targets

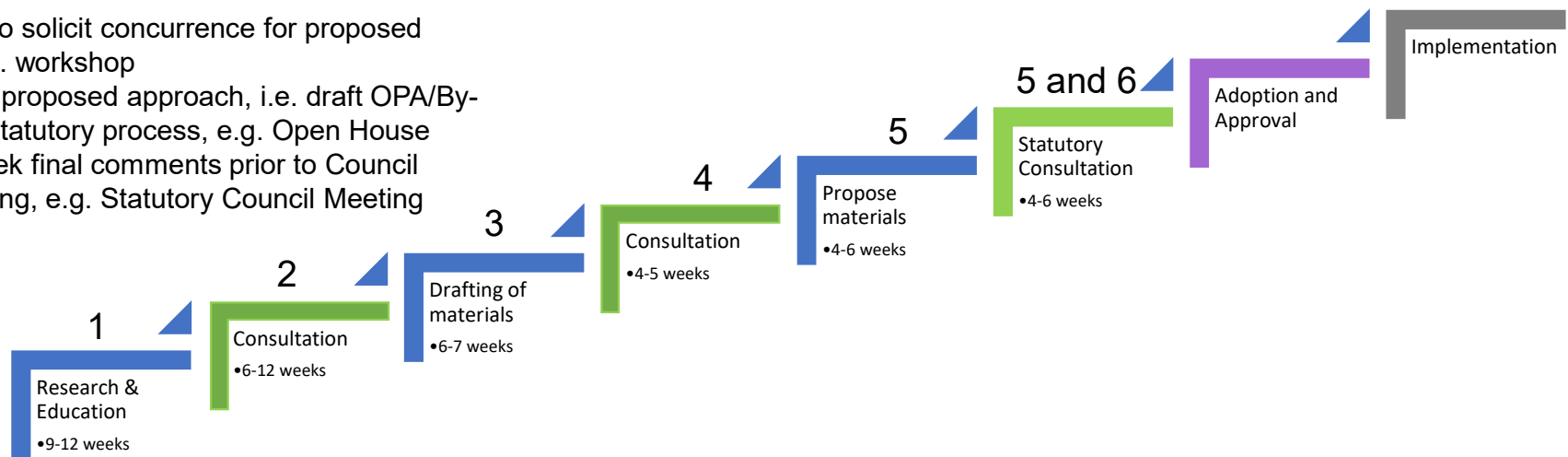


Recommended outcomes:

- Housing Needs Assessment
- 3 Official Plan Amendments
 - Midtown
 - CPPS
 - IZ
- 3+ By-laws:
 - Midtown CPP By-law
 - IZ By-law (other PMTSA)
 - CPP By-law (other areas)
- Community Improvement Plan

Undertake path to implementation through 6-step consultation process

1. **Educate** on tool/tools, e.g. Council education session/meeting and White Paper
2. **Consult** on objectives and key matters associated with initiative, e.g. workshop/stakeholder meeting
3. **Involve** to solicit feedback on proposed approaches to address objective/key matters, e.g. stakeholder meetings
4. **Collaborate** to solicit concurrence for proposed approach, e.g. workshop
5. **Inform** about proposed approach, i.e. draft OPA/By-law/Plan via statutory process, e.g. Open House
6. **Involve** to seek final comments prior to Council decision making, e.g. Statutory Council Meeting



Staff Report Recommendations

1. That the report entitled “White Paper: *Planning Act* Tools to Facilitate Development of Affordable Housing” be received for information.
2. That staff initiate and undertake work programs in an efficient, and where possible, concurrent manner to implement the following *Planning Act* tools:
 - a. Inclusionary Zoning within Protected Major Transit Station Areas
 - b. Community Planning Permit System within Midtown Oakville and with opportunity to do so in other parts of the Town
 - c. Community Improvement Plan to incentivize affordable housing across the Town.
3. That a new capital project be added to the 2024 budget in the amount of \$500,000 to be financed from the Capital Reserve to prepare a housing needs assessment and community improvement plan, and to oversee the concurrent undertaking of the initiatives listed in item 2.

APPENDIX

CPPS By-law use in Ontario

In effect:

- Township of Lake of Bays (townshipwide, as of 2021; shoreline since 2006)
- Town of Carleton Place (townwide, as of 2008)
- Town of Ganonoque (townwide, as of 2011)
- City of Brampton (Main Street North, as of 2015)
- Town of Innisfil (shore-line area, as of 2017)
- Town of Huntsville (townwide, as of 2022)

Draft/Adopted CPPS

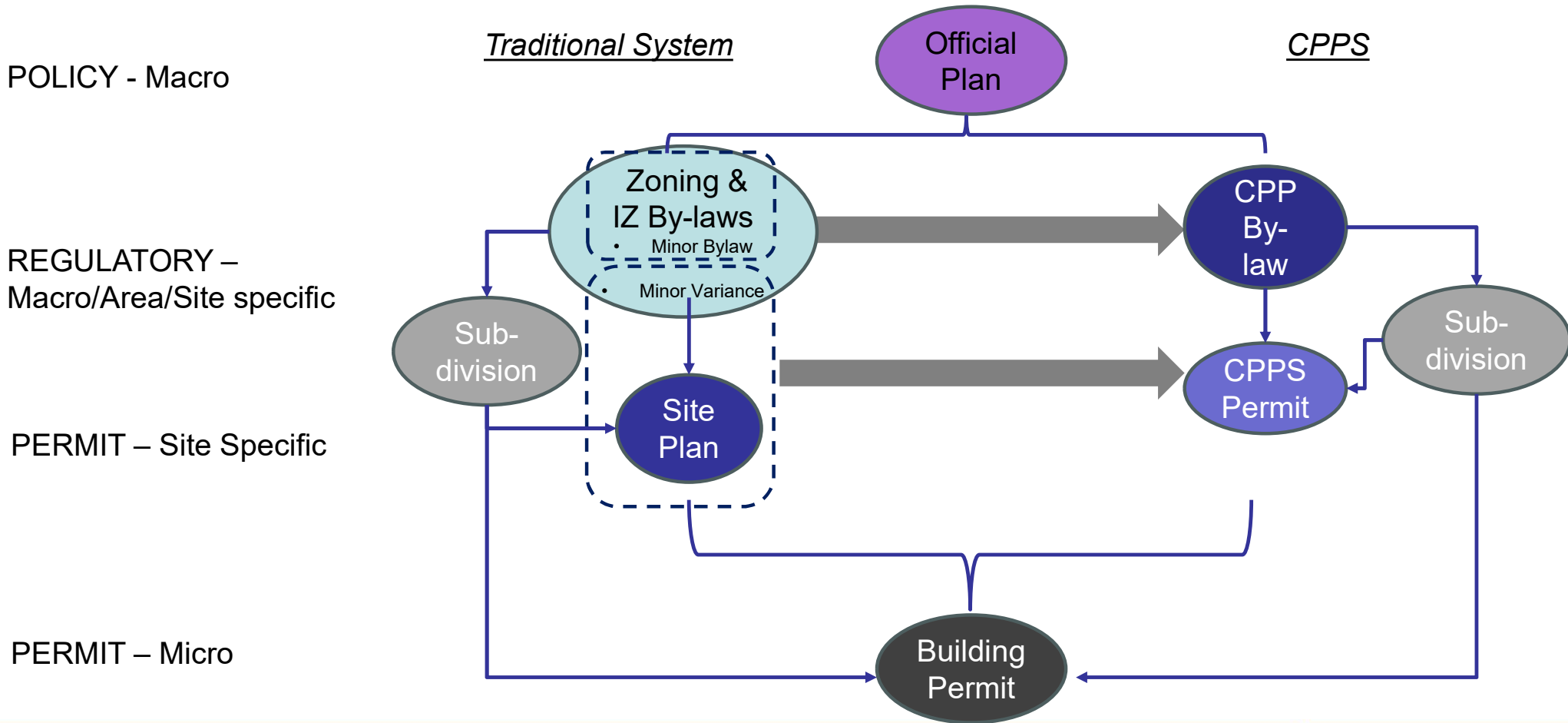
OPA/By-law

- City of Toronto (citywide, OPA 258 appeal adjourned at OLT)
- Town of Niagara-on-the-Lake (townwide, draft By-law since March 2020)
- City of Burlington (in MTSAs, OPA and by-law to go Council in Q2-2024)
 - see: [Major Transit Station Areas | Get Involved Burlington](#)
 - [Proposed OPA](#)
 - [Proposed CPPS By-law](#)

Underway:

- Town of Ajax (study)
- Town of Blue Mountains (study)
- Town of Innisfil (townwide, study)
- King Township (study)
- City of Markham (study)
- City of Peterborough (study)
- City of Richmond Hill (study)
- City of Ottawa (study, for Kanata North Economic District as a pilot)
- City of Waterloo (study for strategic growth areas)
- Town of Saugeen Shores (study)

Municipal Planning Instruments (in general)



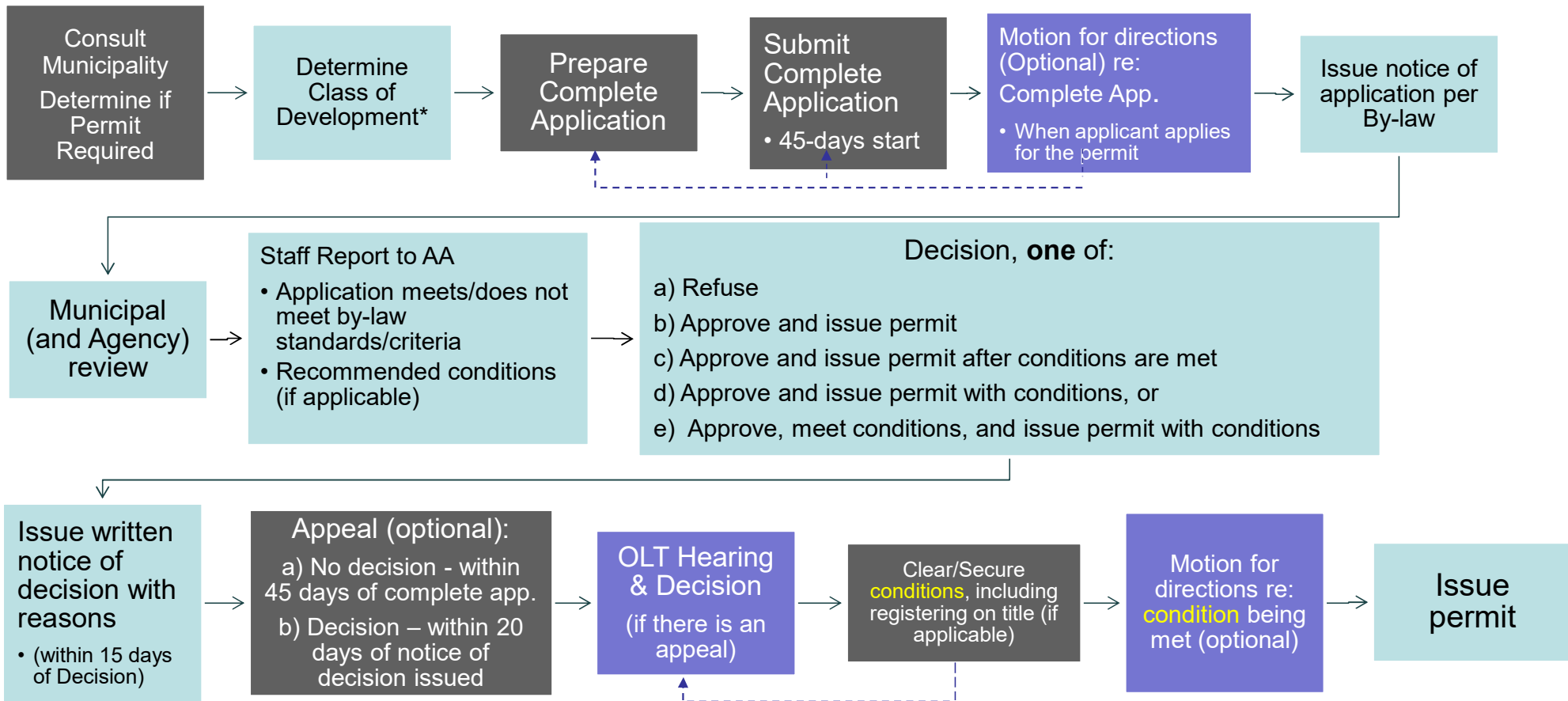
Planning Process Comparison

Traditional Process

CPPS Process

| Comparator | Zoning | | | | Site Plan | CPPS | |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------------------------------------------------------------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| | By-Law | Minor ZBLA | Variance | IZ By-law | Site Plan | By-law | Permit |
| Amendment Per PA/O. Reg | s. 34 | s. 39.2 | s. 45 | s. 35.2/ per s. 34 | n/a | Per s.34 | Per O. Reg 173/16 |
| Approval Authority | Council | Cmte or staff | CofA | Council | Staff | Council | Council/Cmte/ Staff |
| Development Application | Subject to complete app. | | Subject to 4 tests | (same as zoning by-law) | Subject to complete application | | |
| Decision Results | Specific standards, permissions, etc. are established to inform building permit issuance, zoning standards may be area-wide or site specific | | | Requires agreements regarding affordable housing to be registered on title | Approval of plans and drawings, subject to Site Plan Agreement including conditions | Specific standards, permissions, etc. are established to inform building permit issuance | Site specific development permit approved and issued, may include conditions and an agreement |
| Time re: App. Approval | 90 or 120 days | 90 days | 30 days to CofA hearing | (n/a - no appeal for non-decision) | 60 days | 90 or 120 days | 45 days |
| Right of Appeal | Minister, Person, Public Body, or Applicant Limited, in PMTSAs height & density, permitted uses not appealable, except by Minister | | Applicant, Minister, Public Body, "specified person" Same limits as per zoning | None, except Minister | Applicant | Same as zoning. No amendment for first 5 years, unless application is permitted by Council. Same limits as per zoning | Applicant |

Process to approve a CPPS permit application



Class of Development

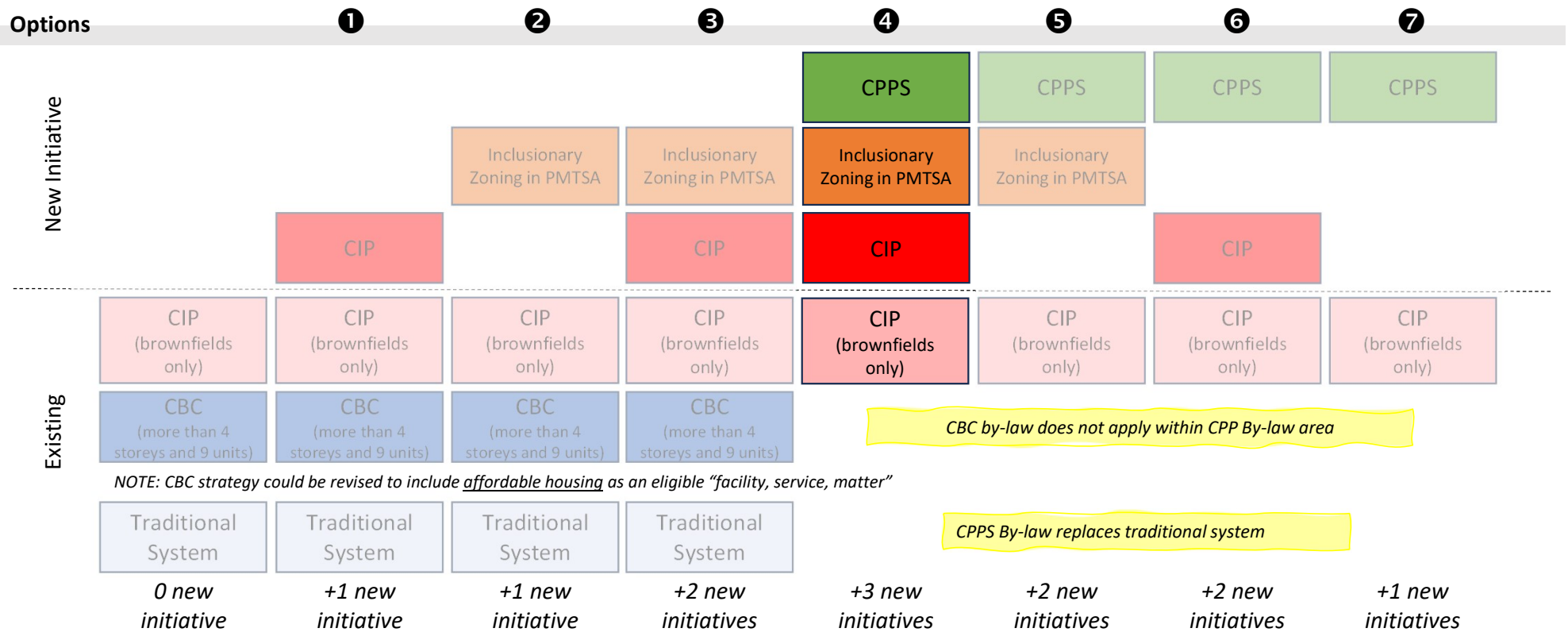
“Class of development” will determine:

- Approval authority for decision on application
- Application fees
- Range of circulation within municipality

For Example,

| Class | Description | Approval Authority | Fee |
|-------|--------------------------------------------------------------------------|--------------------|----------------------------------------|
| 0 | [matters that do not require a permit] | n/a | n/a |
| 1 | landscaping, site alteration matters only | Staff | (per Town fees for site alteration) |
| 2 | Development requiring variation from standard, in accordance with by-law | Staff | (per Town Minor Variance fee) |
| 3 | Development is within maximum standards, no bonusing is requested | Staff | (per Town site plan application) |
| 4 | Development is within maximum standards with bonusing | Council | (per Town site plan application + \$X) |

Options to facilitate affordable housing, achieve Midtown Oakville goals, and uphold housing pledges



NOTE: CBC strategy could be revised to include affordable housing as an eligible "facility, service, matter"

Key Questions for IZ, CPPS, and CIP

- Why should the Town adopt a CPPS, IZ, and/or CIP?
- Where should the Town apply the CPPS, IZ, and/or CIP?
 - Should the Town identify more PMTSAs? If so where?
- With whom and how should the Town consult?

| Inclusionary Zoning | Community Planning Permit System | Community Improvement Plan |
|----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| What is the affordable housing need in Oakville projected to be over the next 5 years? | What are as-of-right standards? | What incentives should be used? |
| What level of affordability should the Town strive to achieve using this tool? | What are criteria for determining whether standards/provisions should apply to certain class of development? | What type of development should be incentivized? |
| How long should units remain affordable? | What are conditions for certain classes of development? | How will the Town finance the CIP? (if applicable) |
| What proportion of a development should be affordable? | What classes of development should be exempt from having to seek a permit? | How and for how long will units remain affordable? |
| How will this be enforced? | Who should approve permits? | Who will manage the CIP? |
| | What information should be provided as part of complete application, beyond those that are prescribed? | Are there other matters that ought to be incentivized? |