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HOSPITAL REDEVELOPMENT:

IT TAKES MORE THAN PATIENCE

Competition for infrastructure dollars for hospital expansions and redevelopment in Ontario is intense. One of the advantages a hospital can promote when seeking to improve its standing for funding is to demonstrate that it has the required municipal approvals in hand, or well under way. Obtaining municipal approvals, including various approvals required under the Planning Act, is not a core hospital competency; and unless the hospital has recently been through the process, the complexity and duration of the process may be underestimated. Below are a few observations on municipal matters

which may arise and should be contemplated when planning and executing a redevelopment program.

Layers of Approval

Planning in Ontario is a provincial policy led regime, governed by the Planning Act and a variety of policy documents including the Provincial Policy Statement, 2005, the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, and the Niagara Escarpment Plan. Municipalities will typically have in place an official plan, which sets the broad vision for managing

growth in the municipality; a comprehensive zoning by-law, which regulates use of property; and other approval regimes such as site plan approval, a Committee of Adjustment for minor variances and severances, and subdivision control.

A hospital expansion or redevelopment may trigger the need for several approvals from the municipality, which must be consistent with the provincial policy regime. For example, a major redevelopment may require an official plan amendment, a zoning by-law amendment, and site plan approval. The complexity of the approval

regime should not be underestimated, nor should the time required to obtain these approvals. Depending on the complexity of the development, and external factors such as local opposition (and the attendant risk of appeals to the Ontario Municipal Board), the municipal approval process may take from 6 to 24 months.

Consultant Team

In my experience, hospitals typically begin the process by hiring an architectural firm with expertise in the health sector. The architects, associated specialists, and hospital staff may undertake a master program review, space analysis, and early design and costing work. The architect may also provide preliminary views

on the various municipal approvals required. However, an architectural firm alone cannot provide all of the supporting documentation required to obtain municipal approvals such as official plan amendments, zoning by-law amendments, and site plan approval—some or all of which may be required before a building permit can be issued.

Depending on the circumstances and the filing requirements of the municipality, additional consultants will need to be engaged, including almost certainly a land use planner and a traffic engineer, and possibly environmental engineers, municipal servicing engineers, heritage consultants, landscape architects, and ecologists. Most municipalities

require certain reports to be filed in support of the approval applications such as a planning justification report to support the application in the context of applicable provincial policy, a heritage impact assessment, an environmental site assessment, and a traffic impact study.

Aside from the mandatory nature of these reports, the Planning Act makes it critical that the full suite of expert opinions and reports in support of the application is available to municipal council when it makes its decision. Finally, legal counsel experienced in the planning process can handle the various legal agreements that municipalities can require, can ensure the supporting reports are complete and litigation

ready (in case of OMB appeal), and can direct the team of consultants to the extent the hospital or architects desire.

Master Plans

Some municipalities require or encourage large institutional facilities to prepare master plans for the institutional campus. In the land use planning sense, master plans are not to be confused with master program planning that the hospital must conduct as part of its quest to obtain infrastructure funding. A master plan engages the institution in an exercise of anticipating broad space requirements over the long-term so that the layout of building blocks and the use of available land is efficient and coherent, and external impacts are minimized.

Many hospital campuses—in their current form—reflect decades of piecemeal additions as space and funds dictated, and therefore lack an overall vision and associated functional efficiency. The master plan may be documented as a component of a municipal approval, typically either an official plan amendment or a zoning by-law amendment, covering the entire campus. This may be an unanticipated pre-condition to approvals, and can add to the time and expertise needed to advance a redevelopment.

Range of Uses

Modern hospitals now seek to provide a wide range of

amenities for patients, staff, and visitors. The uses may include a variety of retail outlets; food sales and service; convenience services, including a post office, courier desk, or mobile phone store; and medically-related convenience services, such as a pharmacy and various forms of laboratories. These amenities may also provide an important source of revenue for the hospital. The scope of uses desired by the hospital may be beyond typical municipal expectations. These issues require careful attention in working with municipal staff and in drafting applicable land use controls.

Heritage

What may be a functionally obsolescent building to healthcare providers and administrators may alternatively be viewed as a heritage facility worthy of protection, in whole or in part, by municipal staff and possibly the community. Situations where the desire to provide modern healthcare in a state of the art facility clashes with competing values of heritage preservation need to be handled carefully.

Designation under the Ontario Heritage Act has significant ramifications. Heritage preservation can become a cause célèbre if not addressed appropriately from the outset (and indeed, even with best efforts to do so), leading to a significant delay in the process of obtaining approvals, and potentially an adverse outcome.

This is one of those situations where having the correct consulting team is critical.

Public Consultation

Significant redevelopment projects are more likely to go smoothly where the interested public is engaged early, kept informed, consulted in a meaningful manner, and is ultimately on side with the project. A supportive community often means supportive municipal councillors. After all, it is the councillors who will vote on the requested approvals.

Many hospitals have neighbourhood committees and senior staff members assigned to a community liaison role. These resources can be employed in a variety of ways in the context of land use planning, both before an application is made and during the processing of an application by the municipality. The Planning Act mandates various forms of public engagement in the processing of approval applications, which makes early and effective outreach by the hospital essential. The hospital may also have “friends” in the community who can be called upon to play a strategic role in the process.

Nobody Likes Construction

As much as any other concern, the issue which always seems to arise from the community is the anticipated disruption during the construction period. It is difficult

during the early land use planning process to address such concerns with specifics about construction staging, schedules and mitigation. Public assemblies dislike hearing general platitudes in response to questions about construction. To the extent possible, consideration should be given to these inevitable questions as early as possible.

In our experience with past hospital redevelopment projects, there have always been complaints about construction disruption, including breaches of municipal noise by-laws, blocked access and so forth. Such complaints are obviously not unique to this sector, but the general experience of the public makes construction disruption one of the early issues to arise, even if it is not a valid basis for challenging approvals sought.

The municipal approval process, whether apparently simple or complex at first blush, can take on a life of its own if not carefully managed. A tremendous amount of time, and goodwill, can be lost in an approvals process that goes sideways. Even in the best of cases, the process takes time, patience, and experienced direction. ■



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