

October 10, 2023

Our File No.: 000031

Delivered Via Email

City of Toronto Council
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Sylwia Przewdziecki (councilmeeting@toronto.ca)

Dear Sirs/Mesdames:

Re: Item No. PH6.2 – Bill 109 Implementation, Phase 3 – Recommended Official Plan and Municipal Code Amendments Respecting Site Plan Control Proposed Official Plan Amendment No. 688

We are solicitors for Dream Asset Management, which has interest in various properties throughout the City. We are writing to provide our client's comments regarding Official Plan Amendment No. 688 (the "**Draft OPA**") and proposed revisions to the Municipal Code. At the September 28th Planning and Housing Committee meeting, which considered the Draft OPA and proposed Municipal Code revisions, many stakeholders requested that Planning and Housing Committee defer the matter to allow for appropriate consultation. Similarly, on behalf of Dream Asset Management (and its related entities), we are writing to urge City Council to defer the matter. As is set out further below, the Draft OPA and proposed Municipal Code revisions will prevent comprehensive consideration of development applications, resulting in a process that is not timely or efficient and will result in further development delays. Further consultation and consideration is necessary to ensure home building initiatives are not obstructed, while balancing City interests.

Our client appreciates City concerns related to certain aspects of Bill 109. However, the City's proposed new approach will lengthen the planning process in a manner contrary to the legislative intent of Bill 109. In particular, the Draft OPA and the proposed amendments to the Municipal Code would eliminate concurrent review and processing of zoning by-law amendment and site plan control applications, thereby leading to unnecessary and duplicative review and planning processes. These proposed changes are especially problematic when significant aspects of the City's planning process utilize complete site plan applications as a milestone for transition.

Our client is also concerned with certain statements made to Planning and Housing Committee regarding the planning process in other jurisdictions. We can confirm that rezoning and site plan

applications are processed concurrently in many municipalities because, as noted above, the applications inform each other and enable a more efficient planning process. While a site plan application may not always be filed with the initial rezoning application, it is typical for a site plan application to be filed while the rezoning application is still being considered. The Draft OPA would preclude this typical approach.

As a summary of our client's overall concerns:

- The Draft OPA would establish “in-effect zoning compliance” as a complete application for site plan control applications. Not only does this proposed approach eliminate the statutory right of our client to file a site plan control application, but it is also contrary to subsection 114(4.3) of the *City of Toronto Act, 2006*, which only allows the City to require “any other information or material that the City considers it may need”. In-effect zoning compliance is not “information or material” and nor is it needed. The City has historically processed zoning by-law amendment and site plan applications concurrently, which demonstrates “in-effect zoning compliance” is not required for a site plan control application to be deemed complete and processed by the City.
- The proposed amendments to Section 415-19.2 of Chapter 415 of the Municipal Code that would prohibit concurrent mandatory pre-application consultation are contrary to subsection 114(4) of the *City of Toronto Act, 2006*, which limits the City's jurisdiction only to requiring a pre-application consultation meeting as opposed to setting terms and conditions for such pre-application consultation.
- As noted above, significant aspects of the City's planning process utilize complete site plan applications as a milestone for transition. Examples include, but are not limited to, inclusionary zoning and Toronto Green Standards, meaning that the City's proposed approach will introduce greater financial uncertainty for proposed developments, and therefore increase the cost of housing overall, by eliminating the ability of an applicant to create certainty regarding significant conditions of approval and matters of implementation.
- The Draft OPA and proposed amendments to the Municipal Code are not accompanied by corresponding revisions to the zoning by-law amendment review process, in that the City will still require submission of detailed and duplicative zoning materials. This item should only move forward if the City also implements changes to its planning process to expedite review of rezoning applications.
- There is good reason to enable concurrent rezoning and site plan applications. The current practice enables the implementing zoning by-law amendment to be finalized concurrently with the site plan, or at least on the basis of a site plan application with potential resubmissions. This approach ensures that the rezoning and site plan applications are consistent and minimizes the potential for subsequent variance applications.



Our client is prepared to engage City staff in an effort to find improvements to the planning process that address the City's concerns while maintaining an efficient planning process. We urge Council to delay making a decision on this matter to allow these discussions to take place.

We ask that we be included on the notice list for any decision of City Council regarding this matter.

Yours truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read "Joe Hoffman", written over a faint, circular watermark or background.

Joe Hoffman
JBH/

cc. T. Medeiros, Dream Asset Management