

October 10, 2023

Delivered Via Email

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

Attention: Sylwia Przedziecki

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 counsel to 2778754 Ontario Ltd. We are writing to provide our client's comments regarding the above-noted matter, including but not limited to proposed Official Plan Amendment No. 688 (the "**Draft OPA**"). Given the concerns expressed by many regarding this matter, our client suggests that this matter be deferred to allow for consultation regarding the Draft OPA and the proposed amendments to the Municipal Code.

While our client appreciates City concerns related to certain aspects of Bill 109, our client disagrees with the City's proposed new process, which 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.

Particular concerns with the proposed amendments include the following:

- The Draft OPA would establish "in-effect zoning compliance" as a complete application for site plan control applications. Not only does this proposed approach effectively eliminate the statutory right 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 "information and material" for the purposes of a complete application.
- The proposed amendments to Section 415-19.2 of Chapter 415 of the Municipal Code that would prohibit concurrent mandatory pre-application consultations are contrary to

subsection 114(4) of the *City of Toronto Act, 2006*, which only permits the City to require a pre-application consultation meeting; it does not permit the City to set terms and conditions for such pre-application consultation.

- As noted above, significant aspects of the City's planning process rely upon complete site plan applications as a milestone for transition, including inclusionary zoning, calculation of development charges and Toronto Green Standards. The City's proposed approach will introduce greater financial uncertainty for proposed developments. Without an ability to establish certainty regarding important implementation matters and conditions of approval, the proposed amendments are likely to contribute to increases in the costs of delivering housing.
- 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 zoning materials that duplicate the level of detail provided with site plan control applications. Put another way, if the City insists on eliminating concurrent rezoning and site plan applications, then the City must propose corresponding changes to its planning process to expedite review of rezoning applications.
- There is good reason to permit 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.

Given the significant issues identified with the Draft OPA and the proposed amendments to the Municipal Code, our client respectfully requests deferral to allow for additional consultation to consider amendments that address the City's concerns while maintaining an efficient planning process.

Please include us on the notice list for any decision of City Council regarding this matter.

Yours truly,

Goodmans LLP



Max Laskin
MXL/
cc. Client