

September 22, 2023

Via Email

Planning and Housing Committee
City of Toronto
100 Queen Street West
Toronto, ON M5H 2N2

RE: PH6.2 – Bill 109 Implementation, Phase 3 - Recommended Official Plan and Municipal Code Amendments respecting Site Plan Control

Dear Chair Perks and Committee Members,

Please accept this letter in support of proposed OPA 688 which would add a new requirement for in-effect zoning compliance as part of a complete Site Plan Control application.

Tenblock is a high-density housing developer committed to sustainability, active transportation, design excellence, and complete communities. With over 7,000 apartments in development, we are an experienced planning applicant in Toronto. We have participated in all industry consultations relating to Bill 109 Implementation, including the May, June, and August 2023 meetings on Phase 3.

The current system in which SPC applications advance concurrently with OPA/ZBA applications 84% of the time leads to significant scope confusion among applicants, consultants, City and agency commenters, Council members, and the public. Although some applicants may initially hesitate to embrace the separation of these applications due to their projects' specific circumstances, ultimately the change will increase clarity, efficiency, and value for money for all participants in the planning process.

Every experienced applicant has experienced the waste and blind guesswork of generating 1:50 elevations, an energy model, a construction management plan, civil plans and profiles, QL-A utility investigations and more, before even the broadest components of an OPA/ZBA application have stabilized. We have all experienced the excruciating process of convincing Staff or agency commenters that certain technical comments on a combined application OPA/ZBA and SPC should be cleared for the OPA/ZBA approval and held back for SPC review and NOAC at a later time. There are many other examples of how the current application overlap is confusing, wasteful, and antithetical to a high-quality, progressive design evolution for projects.

Importantly, the proposed change to separate OPA/ZBA from SPC applications will align the City's and applicants' interests in timely processing and decision-making on OPA/ZBA applications. Applicants who cannot start SPC review without in-force zoning will be newly motivated to resolve OPA/ZBA issues decisively, a motivation now shared by the City under its new review timelines.

We encourage all industry participants to consider this proposed change within its legislative context and the City's budget risks, and to read and understand the September 14, 2023, Report for Action for this Item PH 6.3 prior to forming an opinion or commenting. In particular, the Report summarizes the compelling reasons for this change as follows:

In the case of a concurrent OPA/ZBA/SPC or ZBA/SPC application, to mitigate risks to cost recovery for Site Plan Control application fees, staff would have to issue the Notice of Approval Conditions (NOAC) in support of the SPC application *prior to* a decision of Council on the OPA and/or ZBA application. This approach does not align with the order of consideration for public consultation, decision-making and approval outlined above, nor does it support conformity with the City's Official Plan and zoning by-laws (p. 5).

Additionally, changes to Official Plan policy and/or a site-specific zoning by-law, has implications for site plan, including the submitted plans and drawings prepared by an applicant. Sequential review also better supports scope management for each application type by better aligning the process with the intent and scope of legislation (p. 5).

The purpose of the requirement is to ensure that the development sought in the Site Plan Control application is permitted in the in-effect zoning by-law applicable to the site. This requirement supports the City's ability to meet the legislated requirement to make decisions on Site Plan Control applications within 60 days. It ensures that any necessary relief from and compliance with the in-effect zoning by-law have already been achieved and that site plan drawings are ready for detailed review and approval (p. 9).

We agree with the City's analysis and conclusions on this matter. It is logical to separate these application types for the overall proper functioning and sustainability of the City's review function and the planning process in general.

During consultations we made suggestions regarding implementation including:

1. Accelerate consultation and finalize the Terms of Reference for the new requirement created by OPA 688, as implementation and transition are critical concerns for applicants.
2. Clarify the process for and implications of obtaining Minor Variances during or after an SPC application, and how this affects application completeness.
3. Ensure Staff are trained and supported to process OPA/ZBA and SPC applications in a timely, professional, and consistent manner, preventing extensive delays and costs of OLT appeals.
4. Accelerate the passage of OPA/ZBA applications through the Community Council and Council schedules, currently taking up approximately half of the statutorily permitted 90- to 120-day timeline for decision-making with little collaboration or resolution possible during this phase.

Thank you to Staff for their continued commitment to improving the planning application process in Toronto. This period of transformational change will be worth the effort.

Sincerely,

Tenblock



Stephen Job, AICP
Vice President

