

From: [Andrew Ferancik](#)
To: [Planning and Housing](#)
Subject: [External Sender] My comments for 2024.PH12.4 on May 9, 2024 Planning and Housing Committee
Date: May 8, 2024 3:53:23 PM

To the City Clerk:

Please add my comments to the agenda for the May 9, 2024 Planning and Housing Committee meeting on item 2024.PH12.4, Expanding Housing Options in Neighbourhoods - Neighbourhood Retail and Services Study Phase Two Proposals Report

I understand that my comments and the personal information in this email will form part of the public record and that my name will be listed as a correspondent on agendas and minutes of City Council or its committees. Also, I understand that agendas and minutes are posted online and my name may be indexed by search engines like Google.

Comments:

Thank you for the opportunity to provide comments on the above noted agenda item. We have reviewed the staff report and draft bylaw and would firstly like to commend staff and Council for undertaking this important initiative to further reform the policies and zoning permissions for Neighbourhoods.

We look forward to participating in the upcoming consultations; that being said, we would like to take this opportunity to provide some preliminary high-level recommendations for potential modifications to the permissions being proposed:

- Consider allowing office uses on sites in the “interior” of neighbourhoods that abut parks or are located on corner properties. We note that currently the draft regulations would only allow limited retail and quick-serve food permissions on the ground floor of buildings at these locations. Providing the opportunity for office uses would provide the option to use an entire building at these locations for non residential mixed uses (for instance retail on the ground floor with office above, instead of (or in addition to) residential).
- Consider more flexible use permissions on all residentially zoned properties that are located within MTSA's/PMTSA's, to facilitate their transition toward a greater mix of uses and densities over time, recognizing that these areas can accommodate a greater mix of non-residential uses given their proximity to rapid

transit.

- Consider amending the Official Plan to provide more explicit direction that where potential properties do not fully align with the zoning permissions being advanced, ***a minor variance process could be used to establish non-residential uses on such lots, as opposed to requiring a Zoning Amendment or even potentially an OPA.*** While OPA 612 removed the former policy requirement for ZBA's to allow small scale retail and non-residential uses in neighbourhoods, it did not provide any explicit clarity that such uses could be pursued by a minor variance approach, which is critical to support the viability of such small projects given that the rezoning process is a significant barrier due to application fees, studies, and process. We do note that the OPA 612 staff report (dated June 17, 2022) did contain the following quote: *"In removing the requirement for a Zoning By-Law Amendment on all projects, the Amendment does, however, create the possibility for certain new retail, service and office uses to proceed through a Minor Variance application to the Committee of Adjustment, subject to details of the specific project."* In practice, however, without more specific guidance in the OP, it is our experience that staff tend to default to requiring a ZBA process when use changes are proposed, which negates the effectiveness of OPA 612.

Please provide the undersigned with notice of any future meetings and consultations regarding this initiative.

Sincerely,

Andrew Ferancik, MCIP, RPP
Principal and President



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