

PLANNING AND DEVELOPMENT COUNCIL MEETING 22 JAN 2024

RECOMMENDATION REPORT – OFFICIAL PLAN AMENDMENT
(FILE NO. 1715.25) AND
ZONING BY-LAW AMENDMENT (FILE NO. 1715.25)
42 LAKESHORE ROAD WEST

APPLICATION & APPROVAL PROCESS

WHO IS THE PROPONENT, FORMAT OR THE PLANNING SERVICES DEPARTMENT?

- Planning Services Dept seem to have crossed the line giving the appearance of representing the developer/applicant.
- The Developer filed an application knowing it was not compliant with current By-laws and Official Plan hence the request to have them changed.
- Now the Town's Planning department seems to be themselves justifying why this change should be permitted.
- Is their role not to ensure compliance with the Town's own by-laws rather than to support the Developers' efforts to have them changed?
- This suggests a conflict of interests.

TIMING AND RUSH TO RECOMMEND A DECISION

- Planning Services Department seems to be justifying their leap to a Recommendation Report on the basis that there is now insufficient time for the Developer to submit a new application before the 120-day deadline of 31 January.
- It is not clear why the current application for a 10 (actually 11) storey building shouldn't be denied with the recommendation that the developer **themselves** submit a new application for a building which is more keeping with the Town's by-laws.
- It seems that the Town's own Planning Department is doing the Developer's job for them.
- Why is this acceptable? Is this a good use of the Town's time and resources?
- A planning Services Department recommendation provided at the last minute, apparently under 120-day deadline, seeks far reaching amendments to the Town's Plan and By-laws that casually sets an alarming precedent.

VAGUE HOLDING PROVISIONS

Planning Services Department Recommendation 4 on page 1 states:

That the notice of the Council's decision reflect that Council has fully considered all of the written and oral submissions relating to these matters and that those comments have been appropriately addressed."

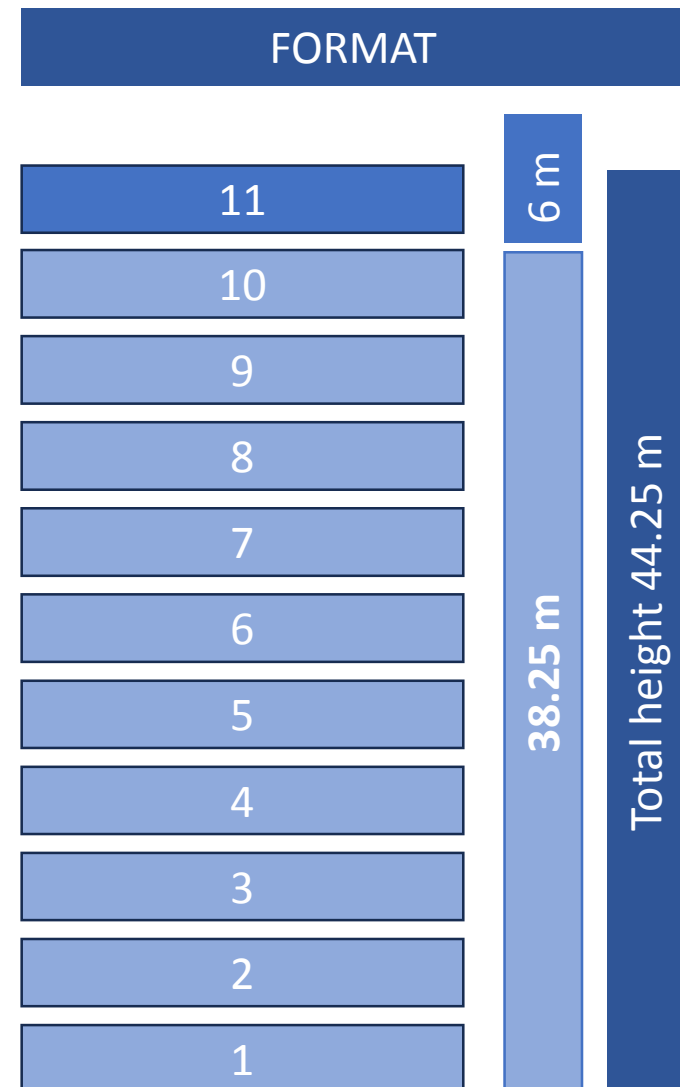
- This cannot be “fully considered” where approval is predicated on required revised and updated studies and decisions not yet made.
- The “holding provisions” for further studies are vague and unspecific.
- And the Planning Services Department **themselves** are included in those who will be adjudicating the unspecified standards for the revised studies. How is this good practice?
- One example, a revised Transportation Impact Study with a change in scope and a new parking plan is required. However, the holding provision does not indicate what the bar is for approval of this study or what requirements should be met for the transportation impacts to be deemed acceptable. Is the mere submission of an updated study sufficient. How much traffic is too much?

BUILDING HEIGHT

IS THE DEVELOPER PROPOSING A BUILDING OF 10 OR 11 STOREYS?

- In their October 2023 application the Developer states a building of 10 storeys at a height of 38.25 metres.
- However, a footnote in the Planning Department states:
“For consistency this report will refer to a proposed mixed use building as 10 storeys however it is technically 11 storeys when accounting for the rooftop amenity space.”
- It is concerning that this important “technicality” is tucked into the small print in a footnote.
- For the existing residents of the area, it is a **material issue**.

COMPARISON DEVELOPER'S 10/11 STOREYS VS PLANNING DEPARTMENT'S 8/9 STOREYS



Regulations (page 24 of report):
c) Currently zoned for 5 storeys and 18 m high so,
 $18 \div 5 = 3$ metres

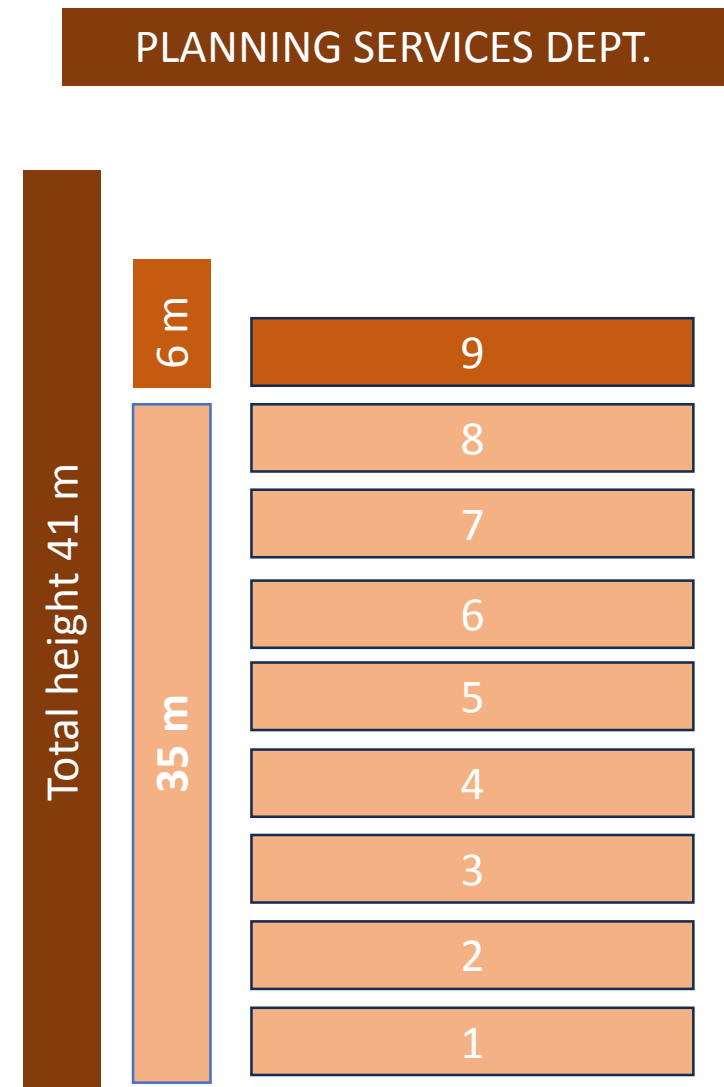
m) Maximum height includes mechanical penthouse of no more than 6 m.

Using the same ratio:

10 storeys \times 3 m = 30 m
Plus 6 m penthouse = 36 m
Why apply for 38.25 m?

8 storeys \times 3 m = 24 m
Plus 6 m penthouse = 30

How do they get to 35 m for 8 storeys? Do we add 6 metres to this for penthouse 9 th floor making it 41 metres high?



CONCLUSION

- It is not clear to us how high the final building will be.
- We do not believe the Council can honestly state that they have “*fully considered all of the written and oral submissions*” and that those comments have been “*appropriately addressed*” because the holding provisions **do not** set out clear requirements to be fulfilled before approval.
- Neither the Developer’s application, nor the Planning department’s proposal is “*consistent with*” all applicable plans or regulations since they are seeking an amendment to the Official Plan and By-laws. If this was indeed consistent, no amendment would be necessary.
- We do not support the Developer’s application nor the Planning Department’s recommendation.