

## Summary of Written and Oral Submissions

**Note: This is a draft Summary of the Written and Oral Submissions received in respect of Zoning By-law Amendment – 266 and 270 Byron Avenue (ACS2017-PIE-PS-0111), prior to City Council’s consideration of the matter on 25 October 2017.**

**The final Summary will be presented to Council for approval at its meeting of 8 November 2017, in the report titled ‘SUMMARY OF ORAL AND WRITTEN PUBLIC SUBMISSIONS FOR ITEMS SUBJECT TO BILL 73 ‘EXPLANATION REQUIREMENTS’ AT THE CITY COUNCIL MEETING OF 8 November 2017 (ACS2017-CCS-OCC-0017)’. Please refer to the ‘Bulk Consent’ section of the Council Agenda of 8 November 2017 to access this item.**

### **Zoning By-law Amendment – 266 and 270 Byron Avenue (ACS2017-PIE-PS-0111)**

In addition to those outlined in the Consultation Details section of the report, the following outlines the written and oral submissions received between the publication of the report and prior to City Council’s consideration:

- **Number of delegations at Planning Committee: 1**
- **Number of Submissions received by Planning Committee between 3 and 25 October 2017: 3**
- **Primary arguments in support**
  - A low rise apartment building is an appropriate use for this site, which is in a desirable location, on the edge of an established community. This form of housing provides a buffer between collector/arterial streets and interior neighbourhoods.
  - Immediately to the west there are three legal non-confirming low rise apartment buildings, which have six to 12 units, and this proposal would finish off the block.
  - This is a discrete form of intensification, where one or two units are added to an existing building and the change cannot be perceived from the street.
  - The reason that small builders proceed in this manner, building first and seeking site plan approval, minor variances and/or zoning amendments to add additional units at a later date, is because those processes frequently incur long delays and are costly, and most small builders cannot afford the associated carrying costs. Instead, they build three unit buildings, generate revenue and then apply for the required approvals for the desired fourth unit.

- **Primary concerns and arguments in opposition**

- There is little certainty or predictability with respect to planning decisions and adherence to planning processes and procedures in Westboro.
- Since the building permit for the existing building was for 3 units only, the City should be inspecting the units to see to what extent the building permit was actually followed. This type of inspection should be a standard requirement in these types of situations as it would serve to identify those developers who were seeking to truly add a basement unit after the fact and those developers who merely seek approval for an already constructed basement unit which they never had approval to build in the first place. It would also give the City at least an opportunity to earn some revenue by fining developers who do not follow their building permits and the approved zoning.
- The method by which the builder is seeking rezoning to allow for a basement is a gross violation of the normal approval process, regardless of whether a fourth unit meets planning principles or not. The final zoning for a new building should be decided before the developer is given their building permit and developers should have to build to that zoning.
- It is unclear what the final parking provisions for the building will be for each unit and whether the site plan has been followed.
- The owner should be required to construct a solid fence along the back of the 266/270 Byron in order to minimize the impact of the car lights on neighbouring homes on Wesley Avenue.
- The rationale that the zoning amendment should proceed in order to satisfy the recommendations of the Provincial Policy Statement (PPS) does not stand up because the existing building already meets those requirements.
- The rationale that the zoning amendment should proceed because it aligns with the City's Official Plan is not justified because the City has demonstrated its support for intensification by granting the original building permit to the applicants enabling construction of 6 units in place of 3 (attached row houses). Further, the assertion that a low-rise apartment dwelling is not out of character with the existing pattern and scale of development in the area is inaccurate because the current structure is a full floor higher than the adjacent low-rise buildings.
- Approval of this zoning amendment would likely set a precedent and lead to many similar requests in the neighbourhood which would be difficult to

contest if the same rationale is applied. This would lead to long-term and regrettable consequences for the area.

- This is a prime example of either "poor planning" or "dishonest development" since it is hard to believe that the developers did not intend to add the 4th unit all along. They just finished this project this year.
- The neighbourhood has been disturbed by construction and noise pollution over the past two years, during which the activity regularly spilled over to Kensington, since there is no parking on Byron, adding to congestion and parking hazards. The construction also led to a loss of heritage trees behind the abutting property.
- The staff responses to public feedback (Document 3- Consultation Details) were disappointing and seemed dismissive.

**Effect of Submissions on Planning Committee Decision:**

Debate        The Committee spent 23 minutes on this item.

Vote:         The item was CARRIED as presented.

**Effect of Submissions to both committees on Council Decision:**

Council considered all written and oral submissions in making its decision, and CARRIED this item as presented.