

## **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 – 1385 WELLINGTON STREET WEST (ACS2017-PIE-PS-0084), prior to City Council’s consideration of the matter on 12 July 2017.**

**The final Summary will be presented to Council for approval at its meeting of 23 August 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 12 July 2017 (ACS2017-CCS-OCC-0012)’. Please refer to the ‘Bulk Consent’ section of the Council Agenda of 23 August 2017 to access this item.**

### **ZONING BY-LAW AMENDMENT – 1385 WELLINGTON STREET WEST (ACS2017-PIE-PS-0084)**

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: 11**

**Number of Submissions received between 13 June and 12 July 2017: 15**

#### **Primary arguments in support:**

- The restaurant is a family oriented dining establishment and, as such, a family-oriented patio there would respond to a community need
- The patio is an important component in the destination marketing and economic prosperity of the neighbourhood
- Applicant is willing to build what is needed for noise mitigation.
- Promotes the vibrancy of the neighbourhood
- Supports small local business
- The patio is small in scale and will have minimal impact because of limited seating and seasonal operation
- There are already nearby restaurant patios but this one responds to the need for family-oriented patio options

## Primary concerns and arguments in opposition:

- Health issues of a neighbouring property owner will be exacerbated by the noise of patrons from the proposed patio and Insufficient measures have been proposed by the owner to mitigate the noise and light impact on the residential neighbourhood
- Neighbours have objected to two previous applications to the Committee of Adjustment for a patio, and an appeal to the Ontario Municipal Board, after which they assumed the issue, would not be brought forward again
- The process leading to the proposal has not been democratic and fair in respect of: the repeated consideration of the application by differing bodies and processes, lack of meaningful public consultation without pre-determined outcomes; the ability for developers to alter implementation from what is considered to be an approved plan
- How the noise impact will be addressed and enforced
- Whether a zoning by-law amendment, versus an application to the Committee of Adjustment, is the proper channel for dealing with patio applications
- Possible consequences of granting exceptions to the City's by-law
- The possibility of setting a precedent for future patio applications
- Incorrect application of policy and rationale to permit an exemption that is not compatible with the adjacent residential area
- Concerns about the number of patrons that would be permitted on the proposed patio
- The temporary exemption means that a permanent exemption could be considered in a year and residents would need to repeat this process to object
- There have been no material changes in circumstance or geography which have mitigated any of the reasons for denial cited by the Committee of Adjustment and Ontario Municipal Board in the time since those applications were first made
- Residents have been financially burdened by having to hire experts to support their repeated objections to the proposal
- There has been a history of bad behaviour in this case that seems to have been rewarded
- Lack of meaningful public consultation

- Proposed patio will be on a residential street, not a traditional main street, and is not appropriate at this location in accordance with existing by-laws and guidelines

**Effect of Submissions on Committee Decision:**

Debate        The Committee spent one hour and thirty minutes on this item

Vote:         The Committee CARRIED this item as presented

**Effect of Submissions on Council Decision:**

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