

December 9, 2022

PlanningConsultation@ontario.ca
Ministry of Municipal Affairs and Housing

Re: ERO 019-6163 Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022)

To Whom It May Concern

Thank you for the opportunity to provide feedback on the Ministry of Municipal Affairs and Housing's **ERO 019-6163 Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022)**.

Rome was not built in a day, nor should we expect to build 1.5 million homes in ten years. We should not allow urgency to drive our decisions. When we panic, we make mistakes. We need to take the time to effectively engage and work together to resolve our shared housing challenge.

Encouraging roundtable problem-solving workshops, including representatives from the Residential Construction Council of Ontario (RESCON), Conservation Authorities of Ontario, Association of Municipalities of Ontario (AMO), Rural Association of Municipalities of Ontario (ROMA), Ontario Federation of Agriculture (OFA), Ontario Stone, Sand & Gravel Association (OSSGA), Municipal Finance Officers' Association of Ontario (MFOA), Canadian Environmental Law Association (CELA), Ontario Professional Planners Institute (OPPI), Ontario Association of Architects (OAA) and the Canadian Taxpayers Federation (CTF) may be an appropriate approach. Together, their understanding, knowledge, and expertise can help us identify solutions that engage rather than discourage, leading to a practical solution we can all embrace.

Addressing the Missing Middle

I support ending exclusionary zoning regulations to permit this "as-of-right" gentle intensification effort. At best, it clarifies what the Planning Act already requires, relieving municipalities from having to amend their zoning bylaws to allow such units if they haven't already.

These units are already exempt from DCs, CBCs, parkland dedication, and cash-in-lieu. The changes clarify the regulations.

The challenge is parked cars. Reduced parking minimums make sense in Major Transit Station Areas (MTSAs) and Protected Major Transit Station Areas (PMTSAs), with greater reliance on public transit.

In smaller towns without public transportation, most households have two cars. With three units per lot, there could be six vehicles. This bill would require a minimum of one car per unit. Where do the other vehicles go when many garages are for storage and driveways fit two? Modern streets are narrower, with many driveways and smaller lots, allowing one-sided parking. From November to March, overnight street parking is prohibited.

Municipalities may need to revise zoning bylaws to address onsite parking.

Higher Density Around Transit

"As-of-right" zoning makes sense to support transit-friendly densities in MTSA's and PMTSA's. These areas typically attract service industry jobs (e.g., retail, restaurant, tourism) that benefit from low-income workers. Why not have them live and work locally as a sustainable model? Wouldn't it make sense to house these workers near their workplaces, offsetting their public transit costs with household savings? This approach would benefit service industry workers and may attract more workers to counter post-COVID job losses.

Low-income workers ride public transportation more and own fewer cars. Unlike wealthy workers, they don't need parking. Increasing the minimum affordable housing percentage in Protected Major Transit Station Areas (PMTSA's) would reduce parking demands and possibly lessen construction costs by balancing underground parking spaces with more dwelling units. Developers spent \$80,000 to \$100,000 per underground parking space three years ago.¹ Depending on the property, it could cost \$165,000 in January 2022.²

Add more affordable housing to existing downtown residential buildings and repurpose their parking spaces as daily charged parking to compensate for lost rent revenue.

Given the trend of working from home, has the government considered incentives to repurpose downtown office space for affordable housing?

Forward-looking, small towns will become cities. To do so, they should designate MTSA's, PMTSA's, and traffic arteries early to direct future intensification.

¹ "Greenlighting new Toronto parking space requirement policy was right move." Richard Lyall. Canadian Real Estate Wealth. January 7, 2022. <https://www.canadianrealestatemagazine.ca/news/greenlighting-new-toronto-parking-space-requirement-policy-was-right-move-334978.aspx>

² "Greenlighting new Toronto parking space requirement policy was right move." Richard Lyall. Canadian Real Estate Wealth. January 7, 2022. <https://www.canadianrealestatemagazine.ca/news/greenlighting-new-toronto-parking-space-requirement-policy-was-right-move-334978.aspx>

Streamlining Municipal Planning Responsibilities

What is the rationale behind the Minister of Housing's decision to remove upper-tier approval powers from municipalities in the Greater Toronto Area, Waterloo, and Simcoe?

Replacing a perceived upper-tier bottleneck with a ministry bottleneck will not speed up the process, as experienced by many rural and northern communities awaiting provincial staff technical reviews of applications and traffic and environmental reviews.³ My own Township waited more than a year for permission to horizontally drill water and sewer utilities under a provincial highway for future development.

Removing planning policy and approval from seven upper-tier governments ignores their growth management role of coordinating land use planning with infrastructure, transit, and public service facilities.⁴ My upper-tier municipality has ensured equitable growth allocations among its seven lower-tier municipalities based on existing and planned infrastructure and transit needs through its Municipal Comprehensive Review process. The upper-tier municipality has also provided the resources to address planning and development staffing shortages in its lower-tier municipalities.

It's naive to think a Toronto-based Minister understands local issues better than a municipality. Imposing a decision without local context or perspective is disastrous.

I recommend keeping upper-tier approval powers due to their local benefit but removing the overlap. Ideally, there should be no duplication of effort. Instead, upper, and lower-tier municipalities should review all their planning policy and approval responsibilities, identifying who does what. The ministry should encourage all municipalities to digitize and upgrade their systems to reflect modern business practices. Automation and online portals can alleviate staffing shortages and difficulty finding staff while speeding up application and approval processes.

Promoting municipal use of Community Planning Permit Systems (CPPS) will also speed up the planning and approval process. Perhaps the province could develop a pool of planners to assist smaller communities in developing their CPPS.

Provincial efforts to identify lower-tier official plans and amendments that would not require approval by the Minister of Municipal Affairs and Housing are beneficial.

³ OPPI Comments on Housing Needs in Rural and Northern Municipalities (ERO 019-5287). Paul Lowes and Susan Wiggins. April 29, 2022

⁴ OPPI Commentary on Bill 23 and Supplementary ERO Postings. November 24, 2022. Ontario Professional Planners Institute. P.2

Third-Party Appeals

Will third-party appeals significantly hinder building 1.5 million homes in ten years? Where is the proof? How many development applications were appealed annually, and how many won? During my four years on Council, we had very few appeals. Is Bill 23's approach appropriate?

Bill 23 weakens the public's ability to challenge "all planning matters (official plans, official plan amendments, zoning bylaws, zoning bylaw amendments, consents and minor variances)."⁵ Small rural towns have irreplaceable heritage elements and must preserve their community character.⁶ Yet, rapid population growth in rural and northern communities affects culture, environment, and the space character. These communities deserve the right and need time to protect their natural heritage and farmland.⁷

Instead, only applicants, the province, and public bodies (e.g., Indigenous communities and utility providers) will appeal decisions. This position is unfair as the government forces a developer's vision onto an unwilling host community.

Third-party appeal rights have long been part of the Planning Act, and the provincial government has offered no evidence to justify their elimination.⁸ Given the public's role as a taxpayer, it is a fundamental right that they have standing.

Previous OMB chairmen have emphasized the importance of citizen participation at the Tribunal.

"In 2003, David J. Johnson, Chairman of the Ontario Municipal Board, stated:"⁹

"At the OMB, the impact of decisions can be far-reaching. People rightly hold strong opinions on questions of planning and development in their communities. Given such diverse viewpoints, making decisions on matters affecting people and their neighbourhoods is a significant challenge. Debate and media reports on the OMB tend to focus on large-scale development, sometimes questioning the very existence of the Board. This debate and

⁵ ERO 019-6163 Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022)

⁶ OPPI Comments on Housing Needs in Rural and Northern Municipalities (ERO 019-5287). Paul Lowes and Susan Wiggins. April 29, 2022

⁷ OPPI Comments on Housing Needs in Rural and Northern Municipalities (ERO 019-5287). Paul Lowes and Susan Wiggins. April 29, 2022

⁸ Appendix A CELA's Comments on Schedules 1 and 9 of Bill 23: Proposed Amendments to the Planning Act and the City of Toronto Act As Reflected in Environmental Registry of Ontario Number 019-6163 by Richard D. Lindgren, Kerrie Blaise, and Krystal-Anne Roussel, CELA Counsel. November 22, 2022 p.12

⁹ Appendix A CELA's Comments on Schedules 1 and 9 of Bill 23: Proposed Amendments to the Planning Act and the City of Toronto Act As Reflected in Environmental Registry of Ontario Number 019-6163 by Richard D. Lindgren, Kerrie Blaise, and Krystal-Anne Roussel, CELA Counsel. November 22, 2022 p.10

coverage is healthy, articulating and reinforcing the importance people place on the future of their communities."¹⁰

Public Meetings – Plans of Subdivision

Bill 23 eliminates public meetings for subdivision plans, forcing a developer's vision onto an unwilling host community. As a councillor, I valued public planning meetings with residents. All stakeholders could evaluate the project's benefits and challenges. The best decisions occur when diverse perspectives and areas of expertise collaborate. Despite developers' initial reservations, these meetings yielded better results.

In one case, the developer, at the public's request, moved the condo development driveway away from the property line to save a row of mature cedar trees. The change pleased everyone.

Site Plan – Exemption for Development of up to 10 units, Architectural Details and Landscape Design

Bill 23's exemption of architectural details and landscape design aesthetics and developments of up to 10 residential units from the scope of site plan control is a concern. We cannot overlook the emotional impact of architecture and landscape design. Evidence stresses the importance of creating housing and spaces that enrich people's lives, improve their moods, and make them feel better.¹¹ Reliance on a one style fits all approach that exemplifies plain and dull environments to offset construction costs will increase mental health issues and the ghettoization of neighbourhoods. Will we see a post-pandemic architectural style reminiscent of Soviet-era architecture and brutalist post-war reconstruction efforts in London? Is this what we want?

My community has local and GTA developers. The current GTA versions have a duller streetscape and architectural box style, foreshadowing future changes.

Nationally and internationally, municipal design review is the best practice.¹² Design isn't a surface-level aesthetic.¹³ It's fundamental to building quality and climate change mitigation. The design review process ensures safe, healthy, affordable, socially, and environmentally sustainable communities for Ontarians.¹⁴

¹⁰ David J. Johnson, Chairman of the Ontario Municipal Board and Board of Negotiation 2003, "Ontario Municipal Board and Board of Negotiation Annual Report 2001-2002", June 2003, online: <https://olt.gov.on.ca/wpcontent/uploads/2015/03/2001-2002-Report.pdf>

¹¹ <https://darnelltechnical.com/ugly-architecture-can-negatively-impact-our-mood-and-wellbeing/>

¹² Architects respond to Ontario's Bill 23 by Canadian Architect, Nov 28, 2022

¹³ Architects respond to Ontario's Bill 23 by Canadian Architect, Nov 28, 2022

¹⁴ Architects respond to Ontario's Bill 23 by Canadian Architect, Nov 28, 2022

I recommend not exempting all aspects of site plan control for residential development of up to 10 units.

Facilitating Aggregate Applications

The government hasn't said why the "2-year timeout" must be removed. Change is hard to justify without knowing why.

I recognize the need for pits and quarries near urban areas to support growth and maintain ageing infrastructure. Still, we need sufficient checks and balances and consultation as part of the approval process.¹⁵ We can't ignore gravel and quarry mining's environmental impacts and must rehabilitate these sites. Identifying all the risks (e.g., underwater gravel extraction impact on an aquifer, loss of farmland) and measures to mitigate them is essential before deciding whether to allow a new pit or quarry or extraction activities.

How can we address developed gravel sites' proliferation and underutilization while allowing land banking for future extraction of this finite resource?¹⁶ Can we restrict the opening of new pits until others in the area are permanently closed, and their rehabilitation is underway? We need to incentivize rehabilitation by associating it with opening new pits. The fundamental interest is prolonging farmland use until a pit needs to be developed. We need to ensure long-term food security associated with available farmland.

Reflecting on the 2017 Municipal Property Assessment Corporation ruling that decreased aggregate taxes paid to municipalities, how effective was this change in reducing housing costs? Supposedly, millions of dollars in collected taxes were refunded.¹⁷ Did this cost-saving result in decreased housing costs? Here municipalities bore the brunt of losing valuable revenue that helped pay for road maintenance associated with wear and tear from gravel trucks. Imagine the average person uses 14 tonnes of stone, sand and gravel each year.¹⁸

I do not support removing the "2-year timeout."

¹⁵ "Environmental groups unite against new gravel excavation in Ontario" TBNewsWatch.com Staff. Northern Ontario Business. Feb 1, 2022 <https://www.northernontariobusiness.com/industry-news/design-build/environmental-groups-unite-against-new-gravel-excavation-in-ontario-5014788>

¹⁶ "Environmental groups unite against new gravel excavation in Ontario" TBNewsWatch.com Staff. Northern Ontario Business. Feb 1, 2022 <https://www.northernontariobusiness.com/industry-news/design-build/environmental-groups-unite-against-new-gravel-excavation-in-ontario-5014788>

¹⁷ Municipalities push for changes to aggregate taxation. Greg Colgan. Woodstock Sentinel Review. Aug 25, 2020. <https://www.woodstocksentinelreview.com/news/local-news/municipalities-push-for-changes-to-aggregate-taxation>

¹⁸ Municipalities push for changes to aggregate taxation. Greg Colgan. Woodstock Sentinel Review. Aug 25, 2020. <https://www.woodstocksentinelreview.com/news/local-news/municipalities-push-for-changes-to-aggregate-taxation>

Conservation Authorities

Most Ontarians oppose weakening Ontario's conservation authorities (CAs), but the government persists in doing so. Why? No plausible explanations exist. Silence.

There should be no broad limitations on CAs' appeal rights, especially when serving as a public body. CAs should continue to review natural hazards, pollution, and land conservation, given their expertise and local knowledge. A challenge in my area is homeowners' hydro costs associated with running sump pumps in below-waterline basements built near wetlands. Hydro outages are incredibly challenging if there is no battery backup. Yet, this government would allow the development of wetlands, preventing CA oversight and ignoring this additional utility cost to homeowners.

Summarizing, I support ending exclusionary zoning regulations to allow increased density in existing urban areas, which uses existing infrastructure and reduces urban sprawl and agricultural land loss.

Urban sprawl's spiralling infrastructure maintenance costs provide a near-term cash advantage (growth pays for growth) for a long-term (unsustainable) financial obligation, the perfect Ponzi scheme.¹⁹ We need to focus on infill instead of subsidizing suburbia. We must also return to creating valuable, people-scaled neighbourhoods.²⁰

We need to adopt more sustainable four to five-story housing blocks with nearby greenspaces, recognizing farmland is a finite source we cannot risk losing. The COVID-19 pandemic and the ongoing Ukraine war have shown the importance of ensuring food security at home, which requires preserving farmland.

We should consider the largest homeowner generation – baby boomers – will start downsizing, freeing up many homes for young families. The boomers will seek smaller, more manageable, and fully accessible living spaces within walking proximity to services as their ability to drive or willingness to own more than one car lessens.

I also support efforts to expedite residential construction, but only through meaningful dialogue and problem-solving with key associations leading to collaboration, cooperation, and joint action. Yes, we can do a better job of expediting housing construction with their assistance and support.

I do not support removing the public's right to appeal nor removing the "2-year timeout" for the aggregate industry. Removing a municipality's site-plan control may create mental and

¹⁹ The Growth Ponzi Scheme by Charles Marohn. Strong Towns <https://www.strongtowns.org/the-growth-ponzi-scheme>

²⁰ The Growth Ponzi Scheme by Charles Marohn. Strong Towns <https://www.strongtowns.org/the-growth-ponzi-scheme>

physical health challenges increasing our healthcare funding costs. In solving one problem, we produce many potentially more damaging issues.

Weakening the Conservation Authorities' role in public planning and development does not serve anyone. Instead, their removal threatens our future well-being.

Yours truly