

May 10, 2024

Ministry of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, ON
M7A 2J3

****SUBMITTED ELECTRONICALLY****

RE: Environmental Registry of Ontario Posting 019-8369 Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes (Schedules 4, 9, and 12 of Bill 185 - the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024)

Please accept this letter in response to the Environmental Register of Ontario (ERO) proposal 019-8369 regarding the proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes (Schedules 4, 9, and 12 of Bill 185 - the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024)

Proposal Summary

Proposed changes to the Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 through Bill 185, the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024

Comments

Reduce Parking Minimums

Transit-oriented design is important, and the City of Barrie is generally supportive of allowing the market needs of home buyers and home builders to determine the appropriate number of residential parking spaces. However, the ability to mandate parking minimums such as: on-site visitor parking for medium and high-density residential buildings (that are not ground-oriented with private driveways), including provision of accessible parking spaces, short-term delivery/taxi spaces, electric vehicle charging stations, and shared vehicle parking should be maintained.

Enhancing Framework for Additional Residential Units (ARUs)

The City of Barrie has responded quickly to previous *Planning Act* amendments respecting ARU policies to ensure our comprehensive zoning by-law is consistent with provincial direction. In principle, we support adding further provincial guidance regarding ARUs, but we want to further emphasize the importance of remaining respectful of local context. We have provided further suggestions and comments regarding our experience with ARUs in response to ERO Posting 019-8366.

Community Infrastructure and Housing Accelerator (CIHA)

The City of Barrie supports the proposed repeal of Section 34.1 of the *Planning Act* and the introduction of a revised, more transparent process for requesting a Minister's Zoning Order (MZO). In particular, we support that the new

framework for requesting an MZO requires justification as to why the standard municipal processes cannot be used, and a description of public consultation and Indigenous engagement undertaken.

“Use It or Lose It” Tools

Existing Planning Act permissions to impose lapsing dates on plans of subdivisions are a useful tool for preventing stalled development and are currently utilized in the City of Barrie. We support the changes that would require lapsing provisions for plans of subdivision and would permit municipalities to impose similar lapsing provisions for site plan approval. We are also supportive of the change that would see draft plans of subdivision approved before March 27, 1995, lapse if they are not registered within three years of the bill passing.

While these changes will facilitate the efficient use of housing-enabling infrastructure and accelerate housing development, we also encourage the Province to extend this action further by allowing municipalities to impose conditional approval and lapsing provisions on site-specific zoning by-law amendments. We believe that doing so could reduce the instance of up-zoning and land speculation while simultaneously enabling municipal staff to prioritize the review of development applications that intend to move through the approvals process expeditiously.

We also support the proposed allocation policies; these changes will empower municipalities to shift servicing allocation to projects that will deliver the development of homes and employment growth opportunities faster. Furthermore, it provides more transparency on the expectations of servicing for future development applications.

Third Party Appeals

The proposed changes to appeal rights respecting official plans, official plan amendments, zoning by-laws, and zoning by-law amendments would limit general third-party appeals. Such changes to third-party appeals should not be made without a comprehensive review of the legislated public engagement process, to ensure that appropriate, meaningful public consultation opportunities are maintained and bring value to the development review process. We would also recommend a review of the current provincial development appeal process, given the status quo approach is lengthy and costly. By reviewing the public engagement and appeal processes holistically, more effective ways to reduce the length, cost, and number of appeals could be explored.

We have no concerns in principle with the proposed changes that would allow an applicant to make a motion for directions from the Ontario Land Tribunal (OLT) respecting complete application requirements following a pre-application consultation, but before application submission. This demonstrates that pre-application processes provide a valuable opportunity for applicants to scope complete submission requirements in a formalized way and, as discussed further below, that municipalities should continue to be able to mandate them.

Fee Refund Provisions

The City of Barrie strongly agrees with the proposed amendments that would repeal the refund provisions for development applications. The refund provisions did little to incent accelerated review of applications, was difficult to implement, and posed financial uncertainty to municipal operating budgets.

Municipal Pre-Application Process

Pre-application processes have been a long-standing part of the development review process at the City of Barrie, and it is our opinion that it is a highly valuable tool for mutually establishing clear complete application requirements, an understanding of how local development policies apply to the subject proposal, early revisions that improve project outcomes, and project certainty; this in turn also reduces resubmissions once a formal application is made, resulting in faster review timelines. We believe early consultation provides value to applicants, and an opportunity to scope

required supporting materials to eliminate unnecessary or redundant reports or studies. We believe that many applicants will continue to engage in pre-development consultation despite the proposed changes, because it provides certainty to applicants and streamlines the review of their applications. We recognize that pre-application processes vary between municipalities and would encourage the Province to consider standardizing the pre-application process and submission requirements through regulations as an alternative to removing the ability for a municipality to mandate it.

Facilitating Standardized Housing Designs

The City of Barrie supports in principle the development of standardized housing designs to streamline development review and approvals and are aware of initiatives to develop these by both municipalities and the federal government. Further clarification regarding the prescribed criteria for standardized housing to better understand how this would be implemented as well as to understand if potential future modifications to the building or property made after initial approval (e.g. additions, further accessory structures, or accessory uses) could be reviewed under Part V or section 70.2 provisions. For example, we would like to retain the ability to regulate through zoning things such as permitted uses on the property, including accessory uses such as home occupations. We request further opportunity to comment on the proposed regulations and prescribed criteria to ensure that review and approval processes (e.g. building permit application reviews) for standardized housing designs would in fact be more streamlined and efficient initially and in the long-term.

Expedited Approval Process for Community Service Facility Projects and Exempt Universities from the Planning Act

In principle we support the streamlining of approvals for community service facility projects and university-led student housing projects by publicly assisted universities. The City of Barrie is committed to working with our community partners, including school boards, long-term care providers, and hospitals to ensure the provision of these essential services to our residents, and with post-secondary institutions to ensure adequate student housing is provided on and off-campus. We caution that full exemptions from planning processes may result in unanticipated consequences, such as delays due to growth management or servicing issues that would have been noted and addressed through consultation with the City.

Thank you for providing the opportunity to comment on this proposal.

Respectfully,



Michelle Banfield, RPP,
Executive Director of Development Services

cc Mayor Alex Nuttall
Michael Prowse, CAO, City of Barrie
Wendy Cooke, Clerk, City of Barrie