

## **COMMUNICATION 130202**

Received from Joanna Bowes, Manager of Development Services  
Addressed to Committee of the Whole  
Date November 12, 2019  
Topic Request to Re-open 50 Allan Street Application

### **SUMMARY**

The developer of 50 Allan Street has provided a letter to the Planning Department with a request to re-open the file at 50 Allan Street (attached). In a discussion with Ms. Batten on October 24, 2019, Planning staff noted that the file was deemed closed and could not be re-opened as the process was followed from pre-consultation through to a decision by committee, followed by a decision by the Local Planning Appeal Tribunal (LPAT).

As such, Ms. Batten is requesting 5 different items be reviewed and discussed.

1. That the file be re-opened and amended; or
2. That if a new planning application is required, that:
  - a. Planning and Engineering fees be waived for her new application;
  - b. No new studies be required for the new application;
  - c. No public consultation be required; and
  - d. The Interim Control By-law be waived for her property.

Her reasons for the above are discussed in the attached letter.

### **COMMENT**

The Planning Department recommends as follows:

1. That the application not be re-opened as the file has been through the process from pre-consultation through to a decision by LPAT. The correct time for amendment would have been during the commenting period.
- 2.a. Given that staff recommends the submission of a new application, the Developer is requesting the waiving of fees. The fees for a new application would be \$3,500 for planning and \$2,000 for engineering. The Engineering Department believes that if the engineering plans are not changed, and it is anticipated that they won't be, then no new fees would be required to be charged again, as a review of plans would not be required.

With respect to the Planning fee of \$3,500, it is collected to account for staff time to review the studies and reports, to write a report for Committee's consideration and for the circulation to neighbouring properties and the posting of a sign notice on site. Given that staff has reviewed the studies which are not anticipated to change significantly, a decrease in fees could be supported. However, the circulation and sign notice, as well as the time to prepare those notices should be taken into

consideration for staff time. Consideration should be given to the fact that it is possible that other developers within the Town may also ask for fees to be waived and should be looked at on a case by case basis. In this case, Staff recommends a fee of \$1,000 be charged to the applicant to cover the cost of postage, placement of a sign on the property and related collection and distribution of public comments as these costs should not be borne by the taxpayer.

- b. The Developer has asked that she not be requested to provide new studies for this development proposal. She noted that it comes at significant cost, even for minor amendments to wording such as making the change in a report from four (4) stories to three (3) stories. The Planning Department agrees with this assessment and notes that the majority of studies should not change, particularly with respect to Environmental Impact Studies, Archeological Studies, and Landscape Plans already provided. In conversation with the Engineering Department, it is also possible to waive the requirements for new studies/plans for engineering related items. The Planning Department can support this request for the most part, provided that there are no significant revisions which will precipitate new studies as part of the planning application. A new Site Plan, Coloured Elevation Drawings, Planning Rationale Report and Urban Design Brief will be required as these items will experience the most significant changes.
- c. The Developer has requested that the process for public notification be waived and has provided several reasons in her attached letter. Staff is unable to grant the waiving of public notification nor is it recommended that Council waive this requirement. While it is acknowledged that the community and staff have had significant input and the Developer has had multiple meetings with staff, the public and other commenting agencies, it is imperative that the process be followed, particularly for a new application. Ms. Batten has lowered the height to three (3) stories and is confident that she has made the changes requested. If all the Community's issues are indeed addressed by the applicant, the community may be more supportive of her new application.
- d. The Developer has asked to waive the requirements of the Interim Control By-law for her property specifically. She argues that this land was sold to her by the Town with an understanding of what was to be built. As part of her last application, staff supported three (3) stories and she has modified the plans as requested, after being denied at LPAT for a four (4) storey building. The developer notes that more than 80% of the structure is below the required 28' and in fact, the top floor is stepped back at 21 feet to provide the illusion of less height.

Interim Control By-law 51-2019 states: "Any complete application for Official Plan Amendment, Development Permit under the Planning Act within the Study area that exists on or before the date of passage of this By-law shall be exempt from the By-law and be eligible to apply for building permits in accordance with the approved Development Permit for the lands"

As noted above, a new application is required and given the proposed height of the building, the Interim Control By-law applies to this property and should not be waived. It is anticipated that the study will be completed by May 2020 at which time the Developer could make a new application if she chooses to.

**STAFF RECOMMENDATION**

**THAT** Council authorizes the following with respect to the application for a 3-storey apartment building for 50 Allan Street:

1. The application be deemed a new application;
2. The applicant be charged a reduced application fee of \$1,000 to recover the cost for posting a sign and circulating the application;
3. The requirements for studies be waived for the following studies:
  - a. Archeological Study;
  - b. Environmental Impact Statement;
  - c. Servicing and Stormwater Management Report;
  - d. Rock Elevations;
  - e. Landscape Plan; and
  - f. All engineering related plans provided no changes are made in the new application with respect to the engineering aspects of the project.