

The information upon which the Zoning By-law amendment was made has been provided.

- *the Official Plan conformity analysis*
 - This has been provided in the August 21st document
- *the technical basis for permitting five units*
 - This has been provided in the August 21st document
- *the zoning interpretation used to allow tandem parking*
 - This has been provided in the August 21st document
- *the parking count methodology*
 - This has been provided in the August 21st document
- *the rationale for using public land as private parking*
 - This has been provided in the August 21st document
- *any safety or operational assessments completed before occupancy*
 - It is unclear what is meant by safety or operational assessments
 - The Zoning By-Law, Building Code, and Fire Code are used to determine compliance of a development prior to occupancy

1. Safety issues remain unaddressed

Since the building became occupied, the neighbourhood has experienced:

- *repeated police attendances*
 - Police attendance is an emergency response
- *hydrant obstruction*
 - The Parking By-law is being used to address fire hydrant obstructions
- *driveway blockages*
 - If a driveway is being blocked by a vehicle on the street, the Parking By-law can be used to address the issue
- *unsafe parking patterns*

- If vehicles are being parked in an unsafe way on the street, then the Parking By-law can be used to address the issue
- *tenants blocking each other in*
 - The Town does not have authority over the tenants and how they park on private property
- *destabilizing impacts on nearby homes*
 - The Town can work within the existing By-Law and Provincial legislation to address issues within our authority

2. Parking problems were foreseeable and remain unresolved

The Town reduced the parking requirement to one space per unit, relying on Official Plan flexibility intended for higher-density and affordable housing.

However, the Town also acknowledges:

“There is functionally space for 9 parking spaces using tandem parking...”

This confirms that the site relies on tandem parking in practice, even though tandem parking was not officially counted. The Town further states that homeowners may park on the boulevard portion of the road allowance, which has already contributed to hydrant obstruction and congestion.

Residents continue to experience unsafe and unpredictable parking behaviour that was not evaluated in the original approval.

- The conclusion drawn above is incorrect. There is a requirement for a minimum of 5 parking spaces which the development has met.
- The Parking By-law is used to address parking violations that are defined within the Parking By-law
- The Fire Hydrant is on the north side of the street.
- The portion of the driveway at 235 James Street West that is south of the sidewalk within the road right-of-way can be used as parking. This does not include the roadway itself.
- The parking on the area south of the sidewalk on the south side of the street does not contribute to the parking in-front of a fire hydrant on the north side of the street

3. Fire Services did not review real-world parking conditions

The Town states:

“The Fire Department reviewed the Site Plan... and did not have any comments.”

This review occurred before occupancy, and did not consider the actual parking patterns now occurring. Hydrant obstruction has already happened multiple times, creating a clear public safety risk.

Ticketing is not a substitute for proper planning.

Parking in front of Fire Hydrant is a Parking By-law violation not a planning matter.

4. Public concerns were not meaningfully addressed

Residents requested:

- Links to the recording of the meetings have been provided. Each item raised at the meeting was spoken to at the meeting.
- *exact by-laws*
 - The questions that have arisen have been answered including the exact by-laws
- *exact Official Plan policies*
 - The questions that have arisen have been answered including the exact Official Plan policies
- *exact Planning Act authorities*
 - The questions that have arisen have been answered including the exact Planning Act authorities
- *and clear justification for each decision*
 - I cannot speak on behalf of individual members of Committee and Council and how they came to their decisions
 - The Official Plan, Zoning By-law, and other rationales have been provided.

5. Governance and process concerns remain

The Town confirms that the Planning Advisory Committee includes three councillors and two residents. While this meets the minimum legal requirement, it does not address concerns about:

- *limited resident representation*
- *consistent voting patterns favouring intensification*
- *the appearance that public input carried limited weight*
 - The membership for the Planning Advisory Committee surpasses the minimum requirements set out under the Planning Act
 - The Official Plan speaks to intensification
 - I cannot speak on behalf of individual members of Committee and Council and how they came to their individual decisions

Residents also raised concerns about being discouraged from appealing to the Ontario Land Tribunal. The Town's response does not address this issue.

- The Town confirmed the individuals and organizations that can appeal a Zoning By-law amendment as set out on the Planning Act.
- A neighbour that does not agree with a Zoning By-law Amendment does not fit into the list of individuals or organizations that can appeal a Zoning By-law Amendment
- When asked we provide that feedback based on the list of individuals and organizations that are defined in the Planning Act.

6. Neighbourhood impact has not been reassessed

The Town states that neighbourhood impact was addressed in the original staff report and will not be revisited.

However, the neighbourhood has already experienced:

- *increased density pressures*
- *traffic and parking conflicts*
- *safety concerns*
- *destabilizing effects on nearby homes*

These impacts demonstrate that the original assessment was incomplete and that updated analysis is necessary.

- The Town can work within the existing By-Law and Provincial legislation to address issues within our authority
- There is no mechanism within the Planning Act to rescind or apply new zoning standards retroactively to a development. With each new change to a Zoning By-law, whether it applies to 235 James Street West or to a broader set of properties, it creates a legal non-conforming designation for those properties that do not meet the new standards. A municipality does not have the authority to implement new zoning standards and then force property owners to conform with those standards. The standards apply to new development on the affected properties and not past development.

In light of the Town's responses and the ongoing issues at 235 James Street West, residents respectfully request that Council:

. Direct staff to complete an updated safety and parking assessment reflecting real-world conditions since occupancy.

- It is unclear what is meant by a safety or parking assessment
- The Zoning By-Law, Building Code, and Fire Code are used to determine compliance of a development prior to occupancy
- There is no mechanism within the Planning Act to rescind or apply new zoning standards retroactively to a development. With each new change to a Zoning By-law, whether it applies to 235 James Street West or to a broader set of properties, it creates a legal non-conforming designation for those properties that do not meet the new standards. A municipality does not have the authority to implement new zoning standards and then force property owners to conform with those standards. The standards apply to new development on the affected properties and not past development.

2. Provide a full, written, point-by-point explanation of each public concern, supported by the exact by-law, Official Plan policy, or Planning Act authority.

- Links to the recording of the meetings have been provided. Each item raised at the meeting was spoken to at the meeting.
- The Official Plan, Zoning By-law, Parking By-law, and Planning Act authorities have been provided in my responses to questions

3. Clarify the intent and scope of the September 8 Notice of Motion, including the meaning of “deficiencies.”

- The Notice of Motion has only been tabled and has not been discussed by Council as outlined in the Procedural By-law. Once it is discussed at the September 8th Council Meeting the intent and scope of the Notice of Motion should be apparent.

4. Review the governance process to ensure meaningful resident participation in future intensification decisions.

- The process for a Zoning By-law Amendment as set out in the Planning Act was followed by the Municipality. This included a public meeting through which the neighbours participated.

5. Develop a communication plan to rebuild trust between the Town and affected residents.

- I am unable to speak on behalf of Council. Staff will follow the direction given by Council.

I have provided the information in relation to each question regarding the Zoning By-law amendment for 235 James Street West that permitted the development to move forward. References to the Official Plan, Zoning By-Law, and Planning Act authorities etc. have been provided in previous emails.