



**TO: MAYOR AND MEMBERS OF COUNCIL**

**FROM: LLOYD NORONHA, DIRECTOR OF FINANCIAL PLANNING AND DEVELOPMENT  
FINANCE AND DEPUTY CITY TREASURER  
HEATHER WILSON, DIRECTOR OF LEGAL SERVICES  
JASON SCHMIDT-SHOUKRI, DIRECTOR OF BUILDING STANDARDS**

**RE: FINANCE, ADMINISTRATION AND AUDIT COMMITTEE – December 5, 2016  
DEVELOPMENT CHARGE COMPLAINT**

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**Purpose**

The purpose of this Communication is to present Members of Council with additional information on the issue of the development charge complaint from Playacor Holdings Ltd.

**Background**

It is Staff's understanding that the complainant, Playacor, has advanced the argument that since the underground parking in question was established to comply with City zoning requirement, it should not be subject to development charges. City Staff reviewed the file in light of this argument, and Staff's recommendation remains the same. None of the underground parking spaces comply with By-Law 1-88 (the "Zoning By-Law"), and therefore Staff continue to be of the opinion that By-Law 045-2013 (the "Development Charge By-law") was correctly applied, and all of the underground parking spaces are subject to development charges. Staff's position on this issue is set out as follows:

- Playacor wished to develop 2 dealerships in 2 phases.
- Playacor was aware that it did not have enough space for parking to fulfill zoning requirements for this first dealership in question
  - As a result, Playacor wanted to establish parking spaces on the adjacent (north) lands to satisfy parking requirement on the surface.
- Playacor chose to consolidate the lots to meet the zoning requirements for parking and expedite site plan approval.
- None of the underground parking as currently designed complies with the Zoning By-Law
  - None of the underground spaces can be directly accessed from an aisle of appropriate width as set out under Sections 3.8 (f) and (g) of the Zoning By-Law. As a result, tandem or stacked spaces cannot be counted as parking spaces for zoning purposes.

**Conclusion**

Staff have continued to discuss the file with the complainant. Staff cannot support the position of the complainant and believe the Development Charge By-Law was correctly applied.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Lloyd Noronha'.

Lloyd Noronha, CPA, CMA  
Director of Financial Planning and Development Finance & Deputy City Treasurer

A handwritten signature in blue ink, appearing to read 'Heather Wilson'.

Heather Wilson  
Director of Legal Services

A handwritten signature in blue ink, appearing to read 'Jason Schmidt-Shoukri'.

Jason Schmidt-Shoukri  
Director of Building Standards