



Sent by email

July 24, 2023

Town of Gravenhurst
3-5 Pineridge Gate
Gravenhurst, Ontario
P1P 1Z3

Attention: Mayor and Councillors

Dear Mayor Lorenz and Councillors:

Re: Proposed Starboard/Cherokee Lane Development, OPA 01-2022 and ZA 11-2022 (the "Project")

We are writing to you on behalf of the Muskoka Lakes Association ("MLA") and the Muskoka Bay Property Owners' Association ("MBPOA") with respect to the Project. The following are our comments submitted in advance of the July 25, 2023 Planning Council meeting.

1. Boathouse complex in front of Lookout Park

We refer to our slide deck previously provided to you for illustrations of certain of our points.

Based on publicly available information, we have determined that the Town owned waterfront lands negatively impacted by the Project is comprised of Lookout Park having a shoreline of 41 m (135') and the unopened George Street road allowance (which essentially forms part of the park) having a shoreline of 20 m (66'), for a total shoreline of 61 m (201') (collectively, "Lookout Park").

The applicant is now proposing a maximum boathouse complex length of 104 m (341'), which is 7 times what is permitted in the currently in effect zoning by-law (ZBL 2010-04), being 15 m (49').

The applicant, unfortunately, has not provided an overlay of the proposed boathouse complex in relation to the relevant property lines (such as Lookout Park), but we have estimated that it extends 40 m (131') in front of the park, being roughly 2/3 of Lookout Park's 61 m (201') length.

Notwithstanding its ownership of the water lot, the applicant has no "as of right" entitlement to build the boathouse complex in front of Lookout Park.

The portion of the boathouse complex in front of Lookout Park will mean there will be an approximately 30' high wall impacting the view of Lake Muskoka from the waterfront. Lookout

Park is a valuable public asset, which includes not only the view from the top of the bluffs, but also from the waterfront and the ability to swim off the rocks along the shoreline. We would hazard a guess that 201' of unimpaired shoreline with several acres of land on Lake Muskoka would have a value of several million dollars. The City of Toronto is facing a public uproar over Ontario Place, a situation where the developer paid a substantial amount of money for access to, and the right to use, public assets.

As noted in the letter dated July 24, 2023 from our planner, Stephen Fahner of **Northern Vision Planning Ltd.**, **having this boathouse complex within 5 m of the shoreline in front of Lookout Park does not represent good planning.** We concur.

The solution is a simple one: Do not permit the boathouse complex in front of Lookout Park. We note that the applicant now proposes to have a 25 m (82') long bleacher as part of the boathouse complex. If the bleachers were eliminated, and the boathouse complex shifted to the south, this would uncover a substantial portion of the shoreline of Lookout Park. If all of Lookout Park were to be uncovered, we estimate the maximum boathouse complex length would still be 64 m (210'), more than 4 times what is permitted. We suggest that retail on the second floor of the boathouse would be challenging, in any event, due to the distance that patrons would have to walk from available parking (and having to climb two flights of stairs) and the fact that tourist related retail has proven to be extremely challenging in the Gravenhurst Wharf area (for example, a chiropractic clinic and hearing aid store has taken tourist retail space).

We recommend that the maximum length of the boathouse complex be limited so that it does not extend beyond the property line of Lookout Park, which we understand to be 64 m, still 4 times what is permitted.

Please do not vote for a private boathouse in front of a public park.

2. Deed back unused portion of the Water Lot

The staff report dated July 25, 2023 in respect of this matter (the "Staff Report") discusses Sections C7.7.2, C7.7.4, C7.7.5, C7.7.6 and C7.7.8 of the Official Plan, but says nothing about Section C7.7.7, dealing with the Water Lot.

We have mentioned the importance of Section C7.7.7 numerous times in our written submissions and oral deputations.

Section C7.7.7 states:

"There are a number of privately owned water lots adjacent to the shoreline. As a condition of development for use over water, including docks, the balance of the water lot that is not to be used should be deeded to the Town."

Shortly before the release of the Staff Report, staff specifically assured us this critical section of the Official Plan would be dealt with in their report. In fact, staff noted to us that deeding back the unused portion of the water lot was under discussion with the applicant and/or its planner and that this “may” be dealt with in the site plan agreement. As noted above, there was no reference to Section C7.7.7 in the Staff Report.

We submit that this Official Plan provision should be addressed in the proposed OPA and suggest that it would be preferable not to have the boathouse complex length discussion again several years from now.

Please consider adding the following to the proposed OPA language:

“C7.7.14.5 With reference to Section C7.7.7, the balance of the water lot that is not to be used at this time, as reflected in the concurrent Zoning By-law Amendment, shall be deeded to the Town for nominal consideration by the owner thereof.”

At the very least, we urge Council to give clear direction to staff that Section C7.7.7 must be dealt with in the site plan agreement.

3. Density and height of Principal Building

The maximum residential density permitted is 40 units per hectare. The requested density is 164 units per hectare, more than 4 times what is permitted.

The applicant relies on the overall density permissions for the Gravenhurst Wharf area. The fact of the matter is that the subject property is not located in the Gravenhurst Wharf area, as it is not included in Special Provision 331 or on Property Detail Schedule #18. Nor has the applicant requested the subject property be added to this special provision or the related schedule.

In addition, in order to achieve this density on the waterfront parcels, the applicant is adding two additional parcels across the road on Cherokee Lane, treating all of the parcels as one for planning purposes. Ignoring these two parcels would result in a density of approximately 5 times what is permitted.

The height of the principal building is still too tall. We suggest it should be limited to a maximum of 6 storeys and 22 m (72'), not 7 storeys and 25.4 m (83'), in order to be consistent with the number of storeys and height of the blue and yellow condo buildings further along the wharf and which are located much further from the waterfront. This would still be more than two times the maximum height permitted in the ZBL of 10.5 m (34.5').

4. Holding Provision and Transport Canada approval

We understand that Transport Canada has contacted the applicant and/or its planner to advise that approval is required under the Navigation Protection Program.

We therefore suggest that the proposed holding provision language in Section 3 of the ZBA be amended to include a reference to not only MNRF, MOECP and DFO, but also Transport Canada.

5. Opposition to the Project

The Staff Report refers to the relatively high level of public support for the Project. We understand approximately 10 to 15 letters of support were filed and a number of people spoke in favour of the project at the public meeting. What the Staff Report fails to acknowledge is that several thousand people registered their opposition to the Project. We understand the petition initiated by Richard Sellon now has over 1,600 signatures. The MLA and MBPOA represent many hundreds of members in the Gravenhurst area. There are also a number of other like-minded lake associations, including the Sunset Bay Cottagers' Association, South Lake Muskoka Community Association and the Gull & Silver Lakes Residents' Association.

6. Respect for the Environment

The Project has completely ignored potential impacts on the environment. As we previously noted in our letter of February 27, 2023 and comments echoed by others at the public meeting, the Project is attempting to develop every inch of the site. No rationale is provided for burying the creek along the north side of the property. With that comes the removal of all the trees lining its edges and the resulting infrastructure underground will severely limit the potential to replant - despite the renderings provided with the revised package. Every tree will be removed on the rest of the property to infill the floodplain, build underground parking and construct the large multi-storey building. Similarly, underground parking also limits the size of the vegetation that can be grown on top.

The docks and resultant boating introduced on top of Type 1 fish habitat will have an impact that cannot be easily compensated for - shallow weedy waters are reasonably rare in Muskoka and this damage is seemingly being accepted as inevitable rather than the Town guiding the protection of the most precious resource we have - our water quality and habitats.

The MLA provided many comments on the Official Plan through its development and we heartily agree with Section A1.1

The intent of this Official Plan is to guide future development to areas where it is most suited, to foster and protect the health, well-being and quality of life of its residents and visitors and to protect the environment of the Town, in order to preserve, protect and enhance the character and economy of the Town.

While development in the wharf area may be suitable, this Project does not protect or enhance the environment or character of the Town. Further this Project does not meet the environmental goals of the Official Plan. Type 1 fish habitat is significant. Reproductive habitat for fish is essential for sport fishing, fish eating wildlife - including our iconic loons, and maintaining water quality.

B2.1.1 Significant natural heritage features and areas and ecological functions in the Town will be protected and enhanced.

The business case for these oversized docks has not been made and the impacts will far outweigh their benefit. We also have concerns for potential water quality impacts where the boathouse complex will impede water circulation and potentially trap debris and runoff from the tributary. This may lead to algal blooms, including blue green algae. The EIS has not addressed this potential. The further the boathouse complex extends into Type 1 and 2 fish habitat, the more potential for damage to the vegetation and the fish community which rely on it. These conditions cannot just be re-created elsewhere. A thorough review and environmental analysis is required to demonstrate feasibility. Therefore, we recommend a holding provision be placed on this aspect of the proposal.

7. Number of boat slips and square footage

The proposed ZBA language does not contain any limit on the number of boat slips or the maximum square footage of development on the water lot. The applicant has referred to a maximum of 31 boat slips. This should be included in the ZBA. Density on the water lot should also be addressed.

We object to the Project as currently proposed and request to be notified of Council's decision on this matter.

We appreciate the opportunity to provide you with our comments.

Yours very truly,



Ken Pearce
Vice-President and Director
Muskoka Lakes Association

(Signed) "Wendy Rome"

Wendy Rome
Secretary and Director
Muskoka Bay Property Owners'
Association

cc. Melissa Halford, Director of Community Growth and Development, Town of Gravenhurst