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July 5, 2014

Toronto City Council  
City Hall  
100 Queen Street West  
Toronto, ON  
M5H 2N2

*Sent via email*

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CITY CLERK'S OFFICE  
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**RE: Bloor West Village Residents' Association (BWVRA) request that City Council please support a motion to send the Official Plan DPS Policies back to Planning and Growth Management Committee for a comprehensive analysis and reconsideration.**

Dear Members of Toronto City Council:

The Bloor West Village Residents' Association (BWVRA) urges Council members to support a motion to send the Official Plan DPS Policies back to PGMC for further analysis and reconsideration, given the following point of contention:

- Top planning lawyers in the private sector have recently confirmed that the Planning Act permits site-specific amendments to DPS by-laws, and that Toronto's Official Plan Policies for implementing a DPS do not and legislatively cannot prohibit site-specific amendments. In contrast, City Planning has stated that the main benefit of a DPS is that this system would prevent site-specific amendments. In fact, Chief Planner Keesmaat has said that she would not recommend proceeding with the development permit by-law if it allows for site-by-site appeals. This difference in understanding must be resolved before any further action can be taken on DPS.

BWVRA is a non-profit corporation created to foster a well-balanced and livable community and to support and encourage participation of all residents in setting and meeting these goals. As stated above, we request that you support a motion to send the Official Plan DPS Policies back to PGMC for a comprehensive analysis and reconsideration. We also urge you to consider the many potential risks and disadvantages from a community perspective:

- **How will the City of Toronto resource the new DPS while, at the same time, ensure that existing planning tools such as HCDs continue to be resourced adequately?**  
DPS Studies appear to be resource-intensive undertakings that will require dedicated staff and dedicated funding to properly execute. BWVRA currently has an HCD Nomination submitted to the City of Toronto that would provide our community with all the benefits provided by a DPS (vision-based neighbourhood planning that is transparent and consistent and involves an extensive community consultation). However, this HCD Nomination has stalled due to a lack of adequate staffing at the

City. It is unclear how the City intends to resource the new DPS while also ensuring that existing viable planning tools already in place are adequately funded and staffed. Avenue Studies were, at one point, meant to provide neighbourhoods such as ours with a blueprint for future development. However, funding was not available to undertake a complete Avenue study for Bloor West Village and so, we find ourselves with few planning tools available to us as development pressure increases in our neighbourhood.

- **The DPS provides no guarantee to neighbourhoods that the community vision will be realized and then removes third-party rights to appeal.**
  - There does not appear to be a legal requirement for extensive community consultation in determining the DPS by-law for a neighbourhood. Furthermore, the process for community consultation in practice is unclear. Who will be invited to the community consultations? What weight will each stakeholder's opinions be given in the development of the DPS by-law? What will the community consultation process involve and look like? How will the criterion for "section 37 like benefits" and the actual benefits to the community be determined?
  - Even if the community consultation process does provide extensive input by the community, there is no guarantee that City Planning will write a DPS by-law that reflects the community's vision.
  - Even if City Planning writes a DPS by-law that reflects the community's vision, developers may appeal the by-law to the OMB and the OMB can change the by-law.
  - While developers retain their right to appeal, the community loses its right to appeal decisions on development applications.
  
- **The DPS, in general, appears to be of more benefit to developers than to communities.** The stated benefit of a DPS providing a streamlined development approval process appears to be of benefit to applicants but certainly not to communities. Since a DPS by-law combines zoning amendments and minor variance processes, we foresee that a DPS by-law will often be written to "upzone" an entire DPS area. We cite Vancouver as an example where DPS has led to "upzoning" and great citizen unrest.

Yours truly,  
Krista Wylie,  
On behalf of BWVRA – info@bwwra.ca