



Davies
Howe
Partners
LLP

Lawyers

The Fifth Floor
99 Spadina Ave
Toronto, Ontario
M5V 3P8

T 416.977.7088
F 416.977.8931
davieshowe.com

PG8.5.40

Please refer to: **Mark Flowers**
e-mail: markf@davieshowe.com
direct line: 416.263.4513
File No. 702663

December 8, 2015

By E-Mail

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

Attention: Nancy Martins, City Clerk's Office

Dear Ms. Martins:

**Re: Official Plan Five Year Review:
Amendments to the Healthy Neighbourhoods, Neighbourhoods
and Apartment Neighbourhoods Policies of the Official Plan
Agenda Item: PG8.5**

We are counsel to Parkset Developments Inc. ("Parkset"), the owner of lands municipally known as 41 Chatsworth Drive in the City of Toronto (the "Lands"). The Lands are designated *Neighbourhoods* in the City's Official Plan.

The Lands are currently vacant and were most recently used as a place of worship. The Lands also differ from most lots in the immediate area given both its irregular, largely triangular shape, and its size at 0.44 hectares with approximately 150 metres of frontage on the south side of Chatsworth Drive.

In December 2013, Parkset filed Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications (File Nos. 13 281456 NNY 16 OZ and 13 281459 NNY 16 SA) with the City to permit the development of a six-storey residential apartment building on the Lands (collectively, the "Applications").

In November 2014, Parkset appealed the Applications to the Ontario Municipal Board, based on the City's failure to make a decision on the Applications within the prescribed time periods set out in the *Planning Act*, and a hearing has been scheduled to commence on February 8, 2016.



Davies
Howe
Partners
LLP

We understand that at its meeting on November 16, 2015, the City's Planning and Growth Management Committee (the "Committee") considered a report from the Chief Planner and Executive Director, City Planning Division, recommending the adoption of an Official Plan Amendment that would, among other things, modify the policies in the Official Plan regarding lands designated *Neighbourhoods*. Further, we understand that the Committee amended the staff recommendations and that the Committee's recommendations will be considered by City Council at its meeting on December 9, 2015.

Although the proposed amendments to the *Neighbourhoods* policies would clearly not apply to the Applications given both the timing of the Applications and the status of the proposed amendments, we are writing to advise that Parkset nevertheless does not support the proposed amendments in their current form, as recommended by the Chief Planner and as amended by the Committee.

Among other things, the proposed policy amendments fail to strike an appropriate balance between respecting the existing physical character of lands designated *Neighbourhoods* on the one hand, and implementing the provincial policy direction for residential intensification within the built-up area on the other hand, particularly for sites that are in close proximity to rapid transit facilities and/or higher density development.

The proposed policy amendments also fail to provide sufficient clarity to ensure that when considering the existing and planned context of a proposed development site within the *Neighbourhoods* designation, the lands to be considered as part of that contextual analysis may include lands with other designations where they appropriately form part of the proposed development site's built form context.

Finally, the proposed amendments to policy 4.1.9 inappropriately focus on determining whether it is possible to replicate the existing prevailing lot pattern, and fail to include any consideration of whether it is actually desirable and appropriate to do so.



Davies
Howe
Partners
LLP

Kindly ensure that we receive notice of any decision(s) made by City Council concerning this matter.

Yours truly,

DAVIES HOWE PARTNERS LLP

Mark R. Flowers
Professional Corporation

copy: Parkset Developments Inc.
Michael Goldberg, Goldberg Group