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Via Email (pgmc@toronto.ca) and Courier

Planning and Growth Management Committee
City of Toronto
Toronto City Hall
100 Queen Street West
Toronto ON M5H 2N2

Attention: **Nancy Martins**
Administrator, Planning and
Growth Management
Committee, 10th Floor West

Chair and Members of the Committee:

Re: Meeting Scheduled for November 16, 2015
Agenda Item PG8.5
Proposed Official Plan Amendment No. 320 ("OPA 320")

We are counsel to Building Industry and Land Development Association ("BILD") in the above-captioned matter. BILD is already on record in this regard in its letter dated December 3, 2014 to Mr. Paul Bain and has continued to monitor the development of the City's proposed policy amendments. At this point BILD remains concerned with a number of the changes proposed, and respectfully requests that the Committee defer consideration of OPA 320 and direct city staff to meet with BILD representatives and other interested parties to determine if a consensual resolution to these concerns may be reached.

Rather than outline each element of the proposed wording which gives rise to a concern, below we set out a simplified articulation of BILD's key principles in the hope that the wording to implement them, once agreed upon, would not be the subject of dispute.

With respect to the policies related to *Neighbourhoods*, it is BILD's submission that "stable" should not be a synonym for "stagnant". The City's stock of singles and semis has been actually decreasing to the detriment of objectives supporting housing choice. *Neighbourhoods* should renew and revitalize, albeit in a manner which acknowledges the existing context and the city structure. BILD submits that the overall thrust of OPA 320 is that development in *Neighbourhoods* should replicate the existing. BILD acknowledges that appropriate infill often requires sensitivity, but this does not necessitate replication. Instead, the thrust of the policies should be to create a framework which ensures contextual compatibility, as opposed to unrelieved sameness in all circumstances. Related to this concern is the proposed language

describing the context in which proposed development is to be considered: it effectively acknowledges that the street and neighbourhood can be inconsistent, but then directs that development be consistent with both these inconsistent contexts, and without any regard for the broader community context. BILD is seeking a policy framework which rationalizes these potential contextual inconsistencies while acknowledging that each of the street, neighbourhood and community may be relevant in a given circumstance.

With respect to the proposed new policies respecting *Apartment Neighbourhoods*, at the outset it is necessary to emphasize the change in context from the dialogue attending the *Neighbourhoods* policies. BILD submits that it should be acknowledged that in *Apartment Neighbourhoods* many circumstances commonly present which are not typical in *Neighbourhoods*, for example, large expanses of at-grade parking or more exposure to higher order roads. Further, the relationship of the dwelling units to their surroundings in general, including to outdoor amenity space (including the distinction between private and public space in each instance) is substantially different as between the grade-related housing which typifies *Neighbourhoods* and the apartments in *Apartment Neighbourhoods*. Therefore, at a very fundamental level, the nature of what constitutes “sensitive” and “compatible” development varies as between these two designations.

Accordingly, the concept of stability or what constitutes “significant growth” in the Official Plan should be acknowledged to be relative: sites within *Apartment Neighbourhoods* can in some instances appropriately accommodate significant intensification while maintaining area character and adequate area amenity. To paraphrase Official Plan provisions respecting the Avenues, one size does not fit all.

Further, it is desirable to intensify in appropriate circumstances: it is now well accepted that the efficient use of each of land, infrastructure, and public services are critical to the future well-being of City residents.

Accordingly, BILD submits that it is not good policy to suggest, as is currently the case with OPA 320, that the purpose of infill in *Apartment Neighbourhoods* is to “improve” site conditions, or that existing conditions constitute a benchmark to which any new development should generally adhere. The policy framework should instead encourage intensification, including redevelopment, on sites which can accommodate balanced requirements for city building based on functional considerations for new and existing area residents in a manner consistent with other official plan policies. Good city building improves the larger community: on a site by site basis there will always be a balancing of objectives.

BILD would welcome the opportunity to discuss OPA 320 further with staff and undertake a “wordsmithing” exercise with a view towards resolving its concerns. The comments above refer to topics which manifest themselves in a number of policies so the collaborative process which could take place with a deferral of this matter is likely to be the most efficient and effective. That said, BILD is of the view that such modifications are necessary for OPA 320 to be supportable public policy.

Thank you for your attention in this regard.

Yours truly,

McCarthy Tétrault LLP

Per:

A handwritten signature in blue ink, appearing to read 'John A.R. Dawson', with a long horizontal flourish extending to the right.

John A.R. Dawson

JAD/sc