

## **The Death and Life of Long Branch.**

### **PAST**

It is over a year since the May 4<sup>th</sup> Community meeting where strong concerns were expressed about the desecration of Long Branch. Certainly there have been some good initiatives (including the Urban Design Guideline Study) but the court-like COA and OMB processes are not conducive to sound planning.

Long Branch is the poster child for planning failure. The excellent Official Plan of 2006 has been routinely undermined or ignored. The development industry has had far too much sway and the neighbourhood is suffering.

Historically agricultural land has been sacrificed to lower density residential. New urbanism is twice the density and produces attractive walking neighbourhoods and was touted 30 years ago. But developers were allowed free rein. We are now paying for the lack of commitment to planning.

### **PRESENT**

Currently the undue influence of the building industry is destroying the enjoyment of neighbourhoods into which residents bought. It is also creating an intolerable burden on the Long Branch community. Citizens are continuously trying to fend off inappropriate development. Recently Long Branch has had by far the most severances according to Planning Department figures and stats. in Ward 6.

The main problem is the OMB, an arms' length creation of the Province which has become more development oriented and more rigid in its operation than previously. This partially appears to be because the development industry funds over 50% of party coffers for both Liberals and Conservatives. 70% of the time the OMB overrule the COA, the City, City staff and the public in our community according to stats. at the May 4<sup>th</sup> meeting. This is despite a Planning Act requirement that requires the OMB to take account of local decisions.

Ken Greenberg is a well respected and leading planner in Canada and was formerly head of the City of Toronto's Urban Design group. He says the OMB is the worst possible way to achieve orderly planning.

### **ISSUES**

Citizens are routinely dismissed by the OMB as irrelevant. COA's, City planners and the public view are overruled based on conflicted development planners whose evidence is used to follow the development industry's

wishes. Beautiful neighbourhoods are being sacrificed to the greed of developers both in terms of alien development and loss of tree canopy.

There is unlikely to be a fair hearing at the appeal level. This influences lower level decision makers and advisers negatively. To participate in the planning process fully at the OMB, citizens have to raise \$20,000 to \$30,000 to hire legal and planning expertise and also expose themselves to costs as well as loss of appeal.

The effect of all this is that the rich and powerful become richer and more powerful. This reflects the inequality of our times.

The appeal system favours those with resources, discourages exchange of information, dialogue and consensus. The system is highly adversarial encouraging underhand strategies and frustration and anger in the community. It hurts the fabric of society when there are an abundance of applications encouraged by the Board especially in such places as Long Branch. Objectivity and circumspection is replaced by emotion.

The situation at the application review level is also adversarial especially at the COA. However the COA is more open to pleas to save neighbourhoods than the more remote and elitist OMB. Without community presence at meetings the COA are inclined to approve anything as happened with 2 27<sup>th</sup> Street the most disastrous decision for the destruction of character so far. The community did not realise they had to repeat their objections at a second COA hearing. The tree issue was not considered at either level other than applying a condition. The OMB perversely removed the condition. 9 mature and healthy trees destroyed in one go partly. Two of the trees were lost because the COA allowed large increases in density leaving Urban Forestry no chance of saving them. The others were illegally removed on an adjacent property so that the developer could build close to the side lot line.

The legalistic nature of both bodies is another impediment to well thought out decisions.

The majority of the COA members do not seem to observe the Official Plan never mind Divisional Court rulings such as De Gasperis. There is a tendency to apply their own values rather than those of the City's. This is illustrated by the 80 23<sup>rd</sup> decision which cannot be further from the intent of the plan and zoning without being risible. Two members voted for approval.

Members seem to take little notice of advice from Staff on deferrals especially Urban Forestry. Flexibility is diminished. This risks the valued

tree canopy which the City is trying to expand. The large number of trees lost to inappropriate development in Long Branch is community vandalism.

### 32 27<sup>th</sup> STREET CASE

In another case the 32 27<sup>th</sup> Street application exposes difficulties with the Etobicoke York COA system. First residents had little basis on which to judge the application. They have to work hard to get any meaningful material. They have to go to the COA offices, (where they are always cooperative and cheerful,) to get details of the proposal.

Elevations (showing the sides of the house to scale) are not sent out so the material that is circulated means little to the lay person. The notices and variance list is gibberish to most people and discarded. Others have no time to deal with such stressful matters. There are no plans to give perspective. I have produced plans as attached to fill this gap. There are no plans to show the front elevation in relation to the nearby houses or potential outline under the zoning bylaw. There are no bird's eye views that were so useful for the 11 Lake Promenade application to show impacts on adjacent homes. All these are essential to interpret the Official Plan. And the development industry is awash with money gained from unfair approvals.

With the lightning rod application of 32 27<sup>th</sup> people were made to wait 4 hours before proceedings started. These included people with mobility issues and children. Two other major applications were 4 hours behind schedule. People were testy and fed up and filled with emotion. This is not the right atmosphere to make any planning decision. Such delays should be avoided. People also could only exit by the back door of the Civic Centre and had to make their way in the dark to the front parking lot.

Since the applicant had told both the planner and the COA that they would seek deferral this should have been dealt with much earlier. Using ruses to allow the application to be heard should be dealt with firmly. For some reason the COA seem duty-bound to follow whatever the applicant wants. This represents another inequity within a system biased towards development when it is the applicant that has the burden of proof.

The Planning Department is the bright light on the scene flowing down from the Chief Planner to her planning staff. They have seen the process is not working and their Official Plan is not achieving the desired effect. They have embarked on a process to try to create a made-in Long Branch solution. This involves deferring to have a round table discussion called by the Councillor with owner, agent, planning staff and those impacted. All should have access to helpful information. Wants and needs can be freely discussed and issues identified. Lots of options can be generated to reflect these. With

dialogue there is a greater chance of consensus. Both community meetings I have attended were able to resolve issues.

The applicant had agreed to revise the drawings with less density, less impact and in a traditional manner. With the undertakings from the applicant this looked like a suitable candidate especially as the drawings were uncommonly poor and needed to be upgraded. The COA followed the applicant's retraction of wanting to proceed and we now have the opportunity for full discussion. However there are many problems which need to be solved along the way for the future. The community meeting for Long Branch should have revised plans to complete the application.

#### NEED

First: Provide readable plans where the details have not been lost due to reductions and ensure that all elevations are circulated with the notice package. The latter is a basic requirement used by all other Toronto panels.

Second: double the time residents have notice of new builds and major additions. Residents may be away for the full time of notice. Often citizens have not been involved with such processes and need time to absorb the information, understand issues and formulate opinions as well as contacting neighbours outside the circulation area that are also impacted. The discordant nature of most proposed new builds affects the whole street and because precedent is the main reason used by the OMB, the whole neighbourhood is impacted. The nature of minor variances no longer reflects the City's definition "Small changes or exceptions to existing land use or development restrictions contained in the zoning bylaw". A different approach is needed for these neighbourhood changing proposals, something more like the Zoning Process.

Third: ensure that the street elevations of at least one house either side of the proposal are shown together with the zoning envelope outline as well as a bird's eye view.

Fourth: have explanatory material. The Long Branch Neighbourhood Association are working on a package which could be used as guidance. It is never explained that the Councillor's Office has to be contacted to ensure City provides legal and planning representation or to launch an appeal. Citizen's views against a qualified planner do not count for anything under current OMB practices. Currently as a pro bono planner I do many requests for appeals or City staff myself or advise people it should be done.

Fifth: Ensure that it is the building drawings which conform to the Official Plan. If the severance and variance allow a building which does not conform, then approval does not meet the Planning Act requirements. There are strong Urban Design OP policies which are never cited.

Sixth: Treatment of all members of the public as customers. This includes by the COA and the OMB. The City is supposed to serve the electorate not the whims of developers. Propaganda from the building industry has created the delusion that refusals are bad form rather than good planning.

#### FUTURE

These reforms have been discussed actively for over a year. They could be implemented immediately. It is not enough to follow the letter of the law. The spirit needs to be followed too. The system is out of step with reality.

Planning Staff are to be congratulated on their outside-the-box thinking. I believe the community will be supportive in their efforts. I also hope that they together with our helpful councillor will see the way to have community meetings prior to COA consideration. This would put the various interests on an even keel at the start of the planning process.

David Godley May 16 2016