

Policy Documents and Sections Relevant to Committee of Adjustment
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Contents:

- 1) Provincial Documents
 - 2) City Official Plan
 - 3) Amendment 320 to the Official Plan
 - 4) Long Branch Character Guidelines
- NB Underlining emphasises key wording

1) Provincial Documents

- a) Provincial Policy Statement 2014- Consistency
- b) Growth Plan for the Greater Golden Horseshoe 2017 Conformity

NB The Minister of Municipal Affairs and the Minister of Housing have made it clear (in writing) that the City is free to spread development where it thinks fit. Therefore the documents are not relevant. Approval by the Province of OP Amendment 320 reinforces this.

2) CITY OF TORONTO OFFICIAL PLAN Conformity

Approved in an OMB decision of 26 June 2006

The most important OP sections which need to be referenced for conformity relating to severances and variances are:

MAKING CHOICES

Section 1.1

Introduction “The Plan’s land use designations covering about 75% of the City’s geographic will strengthen the exiting character of our neighbourhoods... “

“The vision of the plan is about creating an attractive and safe city that evokes pride, passion and a sense of belonging – a city where people of all ages can enjoy a good quality of life.

A City with ...

- vibrant neighbourhoods that are part of complete communities
- affordable housing choices that meet the needs of everyone throughout their life
- attractive , tree lined streets with shops and housing that are made for walking,
- beautiful architecture and excellent urban design that astonish and inspire.

Section 1 Sidebar. “It encourages decision making that is long range, democratic, participatory and respectful of all stakeholders.”

Section 1.2,

Toronto’s future as a city of leaders and stewards is one where

- individuals and communities actively participate in decisions affecting them
- people are inspired to become involved in positive change

-the private sector marshals its resources to help implement objectives

- people are engaged and invested in city living and civic life

2 Shaping the City

Introduction “The principles that follow are for steering of growth and change to some parts of the City, while protecting our neighbourhoods and green spaces from development pressures, are the first layer of a sound planning process for shaping the city’s future”.

NB As Jeffrey Cantos (who works for the City on Official Plan matters) stated to the TLAB briefing session in February 2018, “neighbourhoods are not intended for intensification”. The Chief Planner Jennifer Keesmaat is on record as saying all expected development can be accommodated in “The Avenues” with plenty of land left over in the Downtown, Waterfront, an underused area as large as the downtown) , Mixed Use Areas and various Centres.

2.1 “Our view of the quality of urban life tends to be based on local conditions in our own neighbourhood”

2.2 “...the approach to managing change in Toronto’s neighbourhoods and green space system, emphasises maintenance and enhancement of assets.

Sidebar “Almost three quarters of the City’s land area is ...residential neighbourhoods, watercourses, ravines and parks. These areas can expect little change.”

2.3.1.

Healthy Neighbourhoods

“The diversity of Toronto’s neighbourhoods, in terms of scale, amenities, local culture, retail services and demographic make-up, offers a choice of communities to match every stage of life. Our neighbourhoods are where we connect with people to develop a common sense of community. They are also an important asset in attracting new business to the City and new workers for growing businesses. Whether these neighbourhoods are low scale or predominantly apartments, the goals found here apply equally to all neighbourhoods and are to be considered in concert with the policies found in Chapter Four.”

(cross reference to key Section 4.1.5)

“By focusing most new residential development in the Centres, along the Avenues, and in other strategic locations, we can preserve the shape and feel of our neighbourhoods. However, these neighbourhoods will not stay frozen in time. The neighbourhoods where we grew up and now raise our children help shape the adults and the society we become. Some physical change will occur over time as enhancements, additions and infill housing occurs on individual sites. A cornerstone

policy is to ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood.”

NB Allowing lots 50 feet wide to be split will threaten all 50 feet wide lots in the City. Long Branch, with so many 50 feet wide lots has been destabilized for several years.

Policy

“Neighbourhoods and apartment neighbourhoods are considered to be physically stable areas. Development within Neighbourhoods and Apartment Neighbourhoods will be consistent with the objectives and will respect and reinforce the existing physical character of buildings, streetscapes and open spaces in these areas.”

3 Building a Successful City

Introduction

“All applications for development will be evaluated against the policies and criteria on this Chapter to ensure that we make the best possible development choices.”

“City-building involves balancing social, economic and environmental needs and priorities. As a result, change may sometimes emphasize or recognize one of these elements rather than the others. Such changes should be considered only after the trade-offs between clear social, economic and environmental impacts and benefits have been identified, acknowledged, analyzed and publicly debated .In order to remain economically competitive in today’s global economy, a city must be more than functional. It has to work well, but it also must be beautiful, vibrant, safe and inclusive. Great cities do not happen by accident – they are designed and orchestrated so that individual private and public developments work together to create cohesive blocks, neighbourhoods and districts. Good urban design is not just an aesthetic overlay, but an essential ingredient of city-building. Good urban design is good business and good social policy. Civic pride is infectious. “

“The City and the private sector should work together as partners in creating a great city and achieving Toronto’s architectural and urban design potential. The City can play its part by organizing, designing, maintaining and improving the streets, parks and public buildings. The private sector can do its part by building the structures and landscapes that define and support these public places. This Plan demands that both the public and private sectors commit to high quality architecture, landscape architecture and urban design, consistent with energy efficiency standards. “

3.1.1 The Public Realm. “The Plan recognizes how important good design is in creating a great city. Great cities are judged by the look and quality of their squares, parks, streets and public spaces and the buildings which frame and define them.”
...everywhere you look there is evidence that the place has been designed. The building, both public and private work together to form the “walls” for the City’s great outdoor “rooms”

3.1.1 Policy “Quality architectural, landscape and urban design and construction will be promoted by...c) ensuring new development enhances the quality of the public realm”

3.1.2

Introduction “Our personal enjoyment of our streets and open spaces depends largely on the visual quality, activity, comfortable environment, and perception of safety in those spaces. Most of the qualities are influenced directly by the built form of adjacent buildings.”

Developments must be conceived not only in terms of the individual site program, but also fit within the context of the neighbourhood...

Developers and architects have a civic responsibility to create buildings that not only meet the needs of the clients, tenants and customers, but also the needs of the people who live and work in the area who will encounter the building in their daily lives.

Toronto’s streets, parks and open spaces are defined by the façades of many buildings. The façade presents the building to the public, telling people about the building, what it is, where to enter, and what the character and functions of interior uses are. The individual façades of buildings that form the edge of a street or a park are read together as a common wall that defines the public realm and are part of the physical expression of Toronto’s collective vision, identity and history. Developments must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its façades fit within the existing and/or planned context of the neighbourhood and the City. Each new building should promote and achieve the overall objective.”

Policies

1.

“New development will be located and organized to fit with its

existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by:

- a) generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback. On a corner site, the development should be located along both adjacent street frontages and give prominence to the corner. If located at a site that ends a street corridor, development should acknowledge the prominence of that site;
- b) locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk;
- c) providing ground floor uses that have views into and, where possible, access to, adjacent streets, parks and open spaces; and
- d) preserving existing mature trees wherever possible and incorporating them into landscaping designs.

2.

New development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by:

- a) using shared service areas where possible within development block(s) including public and private lanes, driveways and service courts;
- b) consolidating and minimizing the width of driveways and curb cuts across the public sidewalk;

4.

New development will be massed to define the edges of streets, parks and open spaces at good proportion.

Existing and Planned Contexts - Sidebar

“The existing context of any given area refers to what is there now. The planned context refers to what is intended in the future. In stable areas, such as Neighbourhoods and Apartment Neighbourhoods, the planned context typically reinforces the existing context. In growth areas, such as Centres and Avenues, the planned context generally anticipates change. Height and density aspects of the planned context of new development will be assessed on the basis of the Plan’s policies, including Secondary Plans and site and area specific policies. Where there are no height and density limits in the Plan, height and density limits of area zoning that implements the

Plan will be a benchmark for assessment of those aspects of the planned context. Where there are no height and density limits in the Plan and no area zoning implementing the Plan, height and density aspects of the planned context will be determined on the basis of an area review such as that undertaken to implement Subsection 2.2.3.3 b) of the Plan. In this case, in determining an application, Council will have due regard for the existing and planned contexts. In instances of apparent inconsistency between existing and planned contexts when interpreting the built form policies as they relate to height and density, the planned context will prevail.

Transition

Appropriate transition in scale can be achieved with many geometric relationships and design methods in different combinations including angular planes, stepping height limits, appropriate location and orientation of the building, the use of setbacks and stepbacks of building mass. The larger the difference in scale of development the greater the need for transition.”

3.1.2.3 Policy

“New development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

a) massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;

b) incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development

d) providing adequate light and privacy

e) adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and

f) minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.”

3.4 Introduction

The urban forest is essential to the City’s character. More than three million trees dominate our ravines, line our boulevards and beautify our parks. They provide shade and habitat, help clean the air, contribute to the green links between our streets, neighbourhoods, employment areas and parks, and support ecosystem diversity. City-building and development pressures, however, can create a difficult environment in

which to sustain the urban forest canopy. We must not only protect the existing urban forest, but also enhance it, especially by planting native trees and trees that increase canopy coverage and diversity. Protecting Toronto's natural environment and urban forest should not be compromised by growth, insensitivity to the needs of the environment, or neglect. To this end, proposals for new development may need to be accompanied by a study assessing their impact on the natural environment.

3.4.1 Policies

"To support strong communities, a competitive economy and a high quality of life, public and private city building activities and changes to the built environment, including public works, will be environmentally friendly, based on...

d) preserving and enhancing the urban forest by

i) providing suitable growing environment for trees;

ii) increased tree canopy coverage and diversity, especially long-lived native and large shade trees.

iii) regulating the injury and destruction of trees."

NB Arthur Beauregard , (former) Manager of Urban Forestry regards neighbourhood intensification to be a major threat to the tree canopy. Long Branch has already lost over approaching 50 beautiful trees to development both legally and illegally.

The City's adopted policy is to increase the tree canopy from 25 to 40%

4. Land Use Designations

The distinctive character and contextural stability of neighbourhoods are to be preserved.

Development criteria in Neighbourhoods

“while communities experience constant social and demographic change, the general physical character of Toronto’s residential neighbourhood endures. Physical changes to our established neighbourhoods must be sensitive, gradual and generally “fit” the existing physical character. A key objective of this Plan is that new development respect and reinforce the general physical patterns in a Neighbourhood.

4.1.5

“Development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites
- b) size and configuration of lots
- c) heights, massing, scale and dwelling of nearby residential properties
- d) prevailing building type(s)
- e) setbacks of the buildings from the streets
- f) prevailing patterns of rear and side yard setbacks and landscaped open space
- g) continuation of special landscape or built form features that contribute to the unique physical character of the neighbourhood and
- i) conservation of heritage buildings, structures and landscapes

No change will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.”

5.5 “A fair, open and accessible public process for amending, implementing and reviewing this Plan will be achieved by:

- a) encouraging participation by all segments of the community, recognising the ethno racial diversity of the community and with special consideration to the needs of individuals of all ages and abilities.”

3) OFFICIAL PLAN AMENDMENT 320 Conformity

OPA 320, City policy adopted in December 2015, approved by Province in July 2016 and appealed to the OMB by 57 development interests. This document shows the way City Policy has developed and although not fully legalised is a document TLAB have used in evidence in a non

determinative way. It simply clarifies the meaning of the OP. The changes to the OP are shown bolded.

Comment. The Committee of Adjustment appears to act as though the OPA does not exist even as a non-determinative document. However this is City policy and a guide to general intent adopted over 2 years ago.

(Bold delineates addition)

4.1. 5. “Development in established Neighbourhoods will respect and reinforce the existing physical character of the **geographic** neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) prevailing size and configuration of lots;
- c) prevailing heights, massing, scale, **density** and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) prevailing location, design and elevations relative to the grade of driveways and garages;
- f) **prevailing** setbacks of buildings from the street or streets;
- g) **prevailing** patterns of rear and side yard setbacks and landscaped open space;
- h) continuation of special landscape or built form features that contribute to the unique physical character of a **geographic** neighbourhood; and
- i) conservation of heritage buildings, structures and landscapes.

A geographic neighbourhood for the purposes of this policy will be delineated by considering the context within the Neighbourhood in proximity to the development site, including: zoning; prevailing dwelling type and scale; lot size and configuration; street pattern; pedestrian connectivity; and natural and human made dividing features.

NB Long Branch Neighbourhood is the most well defined neighbourhood in Toronto and being a former cottage area has a Muskoka feel which is its distinctive character as listed in the defining character in the Long Branch Character Guidelines

The physical character of the geographic neighbourhood includes both the physical characteristics of the entire geographic area and the physical characteristics of the properties which face the same street as the development site in the same block and the block opposite the development site. A proposed development within a Neighbourhood will be materially consistent with the prevailing physical character of both properties which face the same street as the development site in the same block and the block opposite the development site and the entire geographic neighbourhood within which it is to be located.”

4) Long Branch Character Guidelines

Approved Unanimously by Council 31 January 2018_

Motions (City Council)1 - Motion to Amend Item (Additional) moved by Councillor Mark Grimes (Carried)

"That City Council request that the Long Branch Neighbourhood Character Guidelines adopted by Council be used by home builders, the community, City staff, committees and appeal bodies to provide direction in their decision making as they develop plans, review applications for redevelopment and/or enhance the public realm in the Long Branch Neighbourhood."

NB This document further refines policies on urban design matters and clarifies the general intent of intent of the OP and OPS 320. While the document gives many examples of how new development should be handled the most important features for urban design evaluation is the list of defined conditions and the (30 levels of analysis. These are the positive distinctive qualities mentioned in the Official Plan that new development needs to be sensitive to and harmonious with in order to conserve the character of the neighbourhood Urban design in principally about aesthetics , the third dimension and what you see on the ground in the street.

The first draft was issued by Urban Design Consultants SvN on February 2017 and is a further clarification of the general intent if th OP and OPa 320

Long Branch Character Defining Conditions Page 27

"a. Historic Long Branch houses dating back to original "villa" lots and corner lots of distinctive character.

b. Hipped or gabled roofs, front porches, ground-related first floor, prominent and grade-related entrance and window placement, and recessed or rear garages, to establish a strong street interface.

c. Consistent and generous front yard setbacks with exceptions where dictated through variations in the street and block network (i.e. Arcadian Circle), maintaining landscaping, mature trees, and accent planting while allowing for projections and recesses to articulate the primary façade, and minimizing the width of curb cuts in order to maintain the continuity of the pedestrian realm.

d. Consistent and generous side yard setbacks and rhythm of dwelling units, maintaining porosity between buildings, rear yard access for pedestrians and vehicles, and landscaping between buildings and adjacent open spaces.

e. Consistent and moderate rear yard setbacks and building depths, maintaining appropriate height transitions, privacy, sky view access, private amenity space, landscaping and mature trees.

f. 9.0m to 15.24m lot frontage and 35.0m to 45.0m lot depths, with exceptions where dictated through variations in the street and block network.

g. 1 to 2 storey building heights with massing, articulation and fenestration strategies which are complementary to the existing context.

h. Prominent and unobstructed views and access to the Lake Ontario shoreline, Long Branch Park, Marie Curtis Park, and other open spaces.

i. Distinct elements including estate residential dwellings along Lake Promenade, isolated apartment blocks, employment areas north of Lake Shore Boulevard, and commercial developments along Lake Shore Boulevard.

j. High quality materials, including brick or wood siding.”

2.2.1 3. Property in relation to the broader neighbourhood context:

At the scale of the Long Branch neighbourhood and perhaps the most significant impact of new development is the loss of the mature tree canopy. The mature trees throughout the neighbourhood are both invaluable environmental assets as well as character shaping elements. Trees provide environmental and health benefits by supporting wildlife habitat, reducing air pollution, and managing storm water. Throughout Long Branch, the large and distinctive tree canopy provides shade and cover from the elements, helps to moderate exterior and interior temperatures, and provides a visual signal of the change in seasons as well as serving to frame the streets by providing a visual buffer between the public walkway and the façades of houses. The maturity of the tree canopy is also indicative of the maturity of the Long Branch neighbourhood. New development should not result in the loss of mature trees.

“2.3.1 Character of the Neighbourhood today

Before & After Development – Quantifying Neighbourhood Character

The Official Plan states that one of its cornerstone policies is to “ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood.” However, due to a significant increase in development pressure and lot severances in Long Branch in recent years, both the character and the stability of the neighbourhood have been challenged. While it has been argued that character can be difficult to quantify, it is most effectively illustrated in the context of development. Figures 37 and 38 depict a typical lot in Long Branch before and after development and serve as a case study for a summary analysis of neighbourhood character, applying the three concentric scales of evaluation:

1. Property in relation to adjacent properties:

The massing of the original two storey dwelling, while taller than both adjacent houses, is articulated such that there are clear horizontal reference lines defined by the porch roof and the overhang of the front gable. The reference lines of the porch roof aligns with the front eave of the side gabled roof of the adjacent houses minimizing the change in height and roof massing. Similarly, the side-entry garages and driveways create generous side setbacks in the primary mass of the houses which aid the transition between differing adjacent volumes and create a perceived street rhythm. By contrast, as a result of developing two new houses on the severed lot, side yard setbacks are significantly minimized, breaking the established street rhythm and visually emphasizes the increased density along the street. In addition, the lack of articulation in the massing of the new buildings does not acknowledge reference lines and results in large, uninterrupted side walls tightly abutting the side lot lines which further stress the

discrepancy in height relative to the adjacent homes and may cause issues related to shadow and overlook.

2. Property in relation to the street and block segment:

The characteristic condition along the street and on the opposing block fronting the same street is a modest finished ground floor height of 4 to 5 steps above the grade of the street and described by a wide front landing or porch with planting along the base of the front façade to transition from the grade of the yard to the front entrance. Front yards are generously planted with grass lawns and hedges with driveways generally along the side of lots. By contrast, the new 25 foot lots both have driveways leading to integrated garages resulting in a significant loss of softscaping and resulting in finished floor heights double that of houses along the street. Unlike the plantings used to transition between yard and entrance, front entrances are articulated by large staircases that encroach on the front lawn and appropriately placed windows facing the street are replaced by the garage door which dominated the front façade at grade. Importantly, this diminishes the building's perceived connection to the public realm by reducing active uses and casual surveillance along the street.

3. Property in relation to the broader neighbourhood context:

At the scale of the Long Branch neighbourhood and perhaps the most significant impact of new development is the loss of the mature tree canopy. The mature trees throughout the neighbourhood are both invaluable environmental assets as well as character shaping elements. Trees provide environmental and health benefits by supporting wildlife habitat, reducing air pollution, and managing storm water. Throughout Long Branch, the large and distinctive tree canopy provides shade and cover from the elements, helps to moderate exterior and interior temperatures, and provides a visual signal of the change in seasons as well as serving to frame the streets by providing a visual buffer between the public walkway and the façades of houses. The maturity of the tree canopy is also indicative of the maturity of the Long Branch neighbourhood. New development should not result in the loss of mature trees.

In summation, while development will certainly continue to occur within Long Branch, there exists an opportunity to shape this development in a manner which acknowledges and is respectful of the established character of the neighbourhood, while promoting diverse design solutions and preventing homogenization, and are consistent with existing community character. New development must be responsive to its context."