

Reasons to Refuse Soldier House Proposals in Long Branch

1) Appropriateness of Soldier Houses – the Rational View

All soldier houses (standard design, narrow lots, 3 storey, street garages and about double density) in Long Branch have been incorrectly approved, probably illegally. Here is one reason out of many that proves that they do not conform to the general intent of the OP.

1 The OP says a dozen times that neighbourhood character has to be reinforced.

2 Soldier houses of standard “optimise profit” design are found in most older wards in many contexts.

3 Neighbourhoods are therefore becoming more similar.

4 All soldier houses therefore dilute neighbourhood character

5 Soldier houses in Long Branch, as well as other parts of the City, therefore cannot be considered to conform to the reinforcement of character OP policies.

David Godley, 3 July 2018

2) Community Architectural Critic – the Architect’s View

“Good urban manners. What a concept, especially in the rush to cash in on the real estate gold mine has left the City disrespected and brutalised. Toronto is up for sale to the highest bidder” Christopher Hume, Architectural Critic, Toronto Star 26 June 2018.

3) Peter Milczyn, Minister of Housing – the Provincial View

“The City of Toronto has the authority to plan where it wishes to accommodate growth. It also has the authority to establish zoning bylaws and planning policies that support and sustain stable neighbourhoods May 2018.” Therefore the Province do not require density in neighbourhoods.

4) Jeffrey Cantos, Manager, Strategic Planning, City of Toronto, February 2018.

Address to TLAB - The OP Planner’s view

“Neighbourhoods are not for Intensification”

(5) Zoning, the City of Toronto view

The general intent of the zoning is both to protect neighbourhood quality of life while allowing sensitive, harmonious and gradual development to take place. Any deviation from the zoning is intended for small adjustments to enable orderly development. Long Branch at 0.35 density has one of the lowest densities in Etobicoke, for example Alderwood has 0.40 and New Toronto and Mimico 0.60. Low density was the original general intent as well as the intent in the current zoning by law of 2013 because of the unique cottage character of the area. The Blue Guide issued in 2017 states “Whenever your project or development largely complies with the rules in the Zoning Bylaw, but does not quite, you need to apply for a minor variance. Example “The maximum permitted height for this building is 10m. The altered building is proposed to have a height of 10.5 m”

(6) Precedent - the development sector’s view

All soldier houses in Long Branch have been approved on precedent as illustrated in OMB decisions, partially because the study area (of a hundred or so houses) has been used for evaluation. Any new soldier houses will provide reason for further applications.

However this means where trees are destroyed there is an invitation to destroy more trees across the neighbourhood and City-wide. Where neighbourhood character is scarred it is an invitation to disfigure further neighbourhood areas. Where impact on the nearby neighbours reduces the quality of life it is an invitation to reduce the quality of life for any residents near a lot with about 50 feet frontage. And where affordable housing is to be knocked down it encourages more demolition About 60 approvals for severances with a dozen more in the pipeline has created destabilization in Long Branch for at least 3 years.

7) Minor Variances - the Lawyers View

The De Gasperis Superior Court decision of 2006 stated that both impact and size was relevant. This was universally accepted and stood the test of time until about 2012. The North Barrie Divisional Court case was used as an excuse to say that size was not important. This was despite the fact it had nothing to do with size of variance. It had to do with whether size had to be mentioned in a decision.

8) Reinforcement of character - the OMB View

The OMB in decisions PL151154 and PL150665 say that new development with features beyond the existing street parameters cannot be reconciled with reinforcing the neighbourhood character

9) Demand – the Builder’s View.

Builders feel demand is the primary consideration in planning. However demand is not a consideration for overriding policy or other planning documents. The OP specifically states demand be resisted. Community need has primacy and is the essence of urban planning. At the moment urban planning hardly exists because development led management is at the heart of most adjudicators’ decisions. TLAB’s mandate is to approve only what is good for the community such as affordable housing, accessible housing, harmonious, gradual and sensitive redevelopment, preserving mature trees and what the local community support to shape their neighbourhood. That is providing there are no wider implications (which there are not in Long Branch). The OMB and COA rarely use intellectual analysis or critical thinking and simply use convention/conviction. The intention of the City of Toronto is that TLAB change this, as in their decision on 38 36th Street.

10) The Law Professor’s View

“the two planning bodies (COA and OMB) are neglecting the relevant legislative context that is supposed to govern their decisions, that they fail to provide reasons for their decisions, and that they fail to consider seriously the evidence of those who object to what could arguably be considered illegal housing development.

What we have been seeing in our neighbourhoods is the destruction of trees and perfectly functional, affordable housing and its replacement with homes that are less affordable and which are completely at odds with the character of the neighbourhoods. This kind of development is occurring in numerous parts of the city and is slowly eroding the uniqueness and diversity of our city's neighbourhoods.” Mark Davidson, Law Professor, Long Branch.

(11) The Citizen’s view Citizen Participation

The Planning Act is full of requirements to have community participation so that those affected can shape their neighbourhood. The OMB literature contained the comment that Public Participation is the cornerstone of planning (although never actually implemented) and the OP contains similar language. Because the development side has so many resources and the general public almost none, residents are reliant on the Planning Dept to promote good planning. There are enormous costs to hire a lawyer/planning duo to appeal a severance and variances as well as significant time and stress. No one in Long Branch has ever done this to oppose severance/variances applications. And if they tried they may be unsuccessful since nearly all the planning experts have migrated to the development side.

The Planning Department do not get involved in commenting on impacts on neighbours (shadowing, privacy, sky views etc) despite the Official Plan policies. Nor do they comment on trees, this is done separately by Urban Forestry. No formal urban design input is included in the comments despite this being over a third of the OP and usually the only subject at issue. Citizens are left to protect

the impacts of the proposals by themselves. The OMB has never given recognition to the imbalance and has usually treated citizens with contempt. That is why FONTRA have promoted the idea that Local Knowledge Experts be given similar weight to other experts. There are many ways to give the public the due process influence they are supposed to have. At the moment it is up to TLAB to incorporate the citizen's point of view. A citizen's charter for TLAB has been suggested that would embody this.

12) Urban Design Evaluation – Urban Design Experts' View

Urban Design (the third dimension, aesthetics and what you see built on the ground) appears unfamiliar to adjudicators. Nor do development planners appear to have any appreciation. Therefore these two groups have no mechanism to judge appropriateness and therefore ignore it. Since this is usually the only issue before a hearing this means the blind are leading the blind!

According to SvN, urban design consultants with aesthetic expertise, evaluation is a three phase approach. (see bold below) This was stipulated in the Long Branch Character Guidelines adopted by City Council in January 2018. Each level is evaluated by criteria such as number of storeys, prominence of garages, widths of lots, setbacks, floor datums, mass/density, trees etc. Clearly the houses nearest the proposal need to exert most influence on the design because they provide the nearby/immediate context.

1) The property in relationship to the adjacent properties (the micro-neighbourhood under OP policy 4.1.5c)

2) The property on relation to the street and block segment (the block under OPA 320)

3) The property in relation to the broader neighbourhood context (the distinctive character to be conserved through respect and reinforcement and listed in the Long Branch Character Guidelines on page 27)

The process or similar process is standard Urban Design practice.

CONCLUSION

The severance/variance review process has been changed out of all recognition over the last few years after being static for about 60 years. Citizen's are being steamrolled by having their property rights removed for the sake of speculator's profit. They have no way to defend themselves unless TLAB is able to help. TLAB were appointed by the City of Toronto to prevent unfair practices and promote sound planning. Justice should not only be done but seen to be done.

David Godley July 2018