

WITNESS STATEMENT 15 Stanley Avenue, Toronto MV8 1M9

A proposal for (2) 2 storey detached houses on a 50 feet wide lot

TLAB, 18 126898 S53 06 Hearing Date: 4 September 2018

Evidence of David Godley 401 Lake Promenade, Toronto M8W 1C3

Recommendation: the severance be refused.

(1) INTRODUCTION

My name is David Godley, I live at 401 Lake Promenade and I am here to oppose the application.

I have been a planner for over 50 years and hold an MA in urban planning. Since retirement I have remained actively involved in planning including 2 terms on the Committee of Adjustment and after that acting much as a Neighbourhood Association advising residents and acting on their behalf for free. I now work alongside the Long Branch Neighbourhood Association. I specialised at university and throughout my 34 years planning career in urban design, the third dimension of planning concerned with aesthetics.

Principles from the OP

- 1) New development in neighbourhoods should respect and reinforce neighbourhood character is the fundamental strategy of the Official Plan. Areas designated “Neighbourhoods will see little change.”
- 2) Overall City density is important but neighbourhoods should be densified only where their distinctive character is respected and reinforced. The Minister’s of Housing and Municipal Affairs both affirm that Toronto is entitled to spread density where it wants. The OP policy is to divert it away from neighbourhoods,
- 3) Urban design is what you see at the site in relation to its context. The context is measured from 3 standpoints Neighbourhood, Block and nearby buildings. Taking anomalies from the surrounding area is irrelevant since you cannot see them.

Notes

- 1) The OP, restriction on land (Zoning) and lot configuration are key criteria for assessing suitability for severances under Section 53.
- 2) The irony of the Committee of Adjustment applications is that the issue is usually primarily urban design, yet there is no urban design input, except perhaps from neighbours.
The Committee of Adjustment do not understand their role or planning eg the general intent of the OP and zoning are routinely ignored as is minor in either size or impact
- 4) It is the applicant's job to justify approval and not anyone else's to prove inappropriateness. In other words the status quo is the starting point.

(2) PURPOSE OF TESTIMONY

Over the last 5 to 10 years various members of the Legal and Planning Profession have changed the previous framework for making decisions to one that is strongly biased towards development and against environmental protection outlined in City policies. Together they have changed words such as "minor" and "expert" to mean the opposite of dictionary definitions.

The abolition of the OMB was passed to bring back a level of trust, consistency, predictability and rationality to planning. That is also TLAB's role in Toronto – putting neighbourhood planning back on track.

(3) STATUS OF EVIDENCE

The land use is detached housing. So urban design is the chief topic to be discussed.

(4) EVALUATION OF URBAN DESIGN

The Long Branch Character Guidelines are indirectly related to Mimico and were prepared by SvN urban design consultants

They are important for codifying how to evaluate 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.” New development must be responsive to its context. The document outlines the three concentric scales of evaluation which is common to any neighbourhood evaluation:

1. Property in relation to adjacent properties: Nearby mentioned in 4.1.5c of the OP has not been addressed

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2. Property in relation to the street and block segment: Nearby mentioned in the OP has not been addressed

3. Property in relation to the broader neighbourhood context:

Urban Design Evaluation for 15 Stanley.

The further away a building is to the proposal the less context weight they should be given. The nearby or adjacent buildings are the most important because they can be seen most directly in the relation to the proposal. The next most important lens is the block that can be seen more obliquely in relation to the proposal. The least important but still of some significance is the broad neighbourhood which cannot be seen.

Broad:

Mimico is generally an older neighbourhood where the predominant form is individual style detached houses with hipped and gabled roofs. 2 storeys are predominant; there are a good number of bungalows and an occasional 3 storey house. Garages are predominantly in the back yard or non existent. The tenor of the neighbourhood is lower density, much less than permitted massing and with consistent front and back yards.

Building depths generally do not cause overshadowing and skyviews are maintained. There is a good canopy of mature trees and much natural landscaping.

Block and Street (This was accidentally not submitted so I had to describe the attached lot frontages, densities, storeys and facade garages)

The massing of the existing 1.5 storey dwelling is typical of the area with well articulated presence of living accommodation and a side driveway.

No lot on the street block is under 30 feet wide, setbacks are mainly consistent, density very low and most dwellings are bungalows. A majority of garages are at the rear or non existent. Only 3 garages (which are out of character and generally have a deadening effect in the street) are on the front façade of the 12 dwellings.

Respect and reinforcement of character under 4.1.5c for detached dwellings.

Fails on size and configuration of lots, nearby massing scale of nearby dwellings and prevailing patterns of rear yards. In addition under OPA 320 fails on prevailing density and prevailing pattern of garages.

The loss of significant foliage does not meet the urban design criteria. Consequently for all these reasons the severance does not conform..

5) OFFICIAL PLAN (Approved 2006)

Section 1 Making Choices

“- beautiful architecture and excellent urban design that astonish and inspire”

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”.

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.”

NB A decision from the OMB 40 years ago shows intent of the City ‘The Board finds that the proposed variances are not minor and that the general intent and purpose of the by—law is not maintained. To permit the equal splitting of a 50—foot lot in an area containing predominantly 50—foot lots would be a dangerous precedent. Any reduction of these standards ought to be by amendment to the zoning by—law, having in mind the effect of other 50—foot lots being split.’ (A 761475- P. 2-OMB Decision: 30 Fairfield)

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. 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.

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,

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

4.1.5

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

b) size and configuration of lots

c) heights, massing, scale and dwelling of nearby residential properties

f) prevailing patterns of rear and side yard setbacks and landscaped open space

6) OFFICIAL PLAN AMENDMENT 320 Adopted by City and Approved by Province but appealed to OMB by private interests.

OPA 320, City policy adopted in December 2015, approved by Province in July 2016 and appealed to the OMB

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

(Bold delineates addition)

b) **prevailing** size and configuration of lots;

c) **prevailing** heights, massing, scale, **density** and dwelling type of nearby residential properties;

e) **prevailing location, design and elevations relative to the grade of driveways and garages;**

7) OMB Parameter Rule

The parameters of the street are exceeded in terms of lot frontage and therefore configuration of the lots proposed. The buildings are longer than any on the street which again reinforces that a severance is no appropriate. According to OMB applications like this cannot be deemed to reinforce character. PL151154 284 Hounslow, Toronto, PL150665 151 Airdrie Toronto.

8) Precedence and Destabilisation

There are (60) 50 feet wide lots in TJ's study area which would be potential for redelvelpment which could lead to destabilisation as in Long Branch.

9) Conclusion .

The proposed severance does not conform to the the general intent of the Official Plan and zoning, would permit development which is not minor in nature and is not appropriate or desirable. The severance does not conform to lot configuration policies or to good planning principles or logic. The proposal is similar to the final TLAB decision on 9 38th St, Long Branch

9) Recommendation. Refuse