

From: David Godley

Date: Wednesday, January 9, 2019 at 11:20 AM

Subject: 65 40th Street. Severance and variances, B16, A127/37 EYK Process deficiencies

Dear Glenn Rubinoff

I note that revised plans for 65 40th Street are to be considered by the Committee of Adjustment at or soon after 1pm on January 24 2019. This is a comment on the process.

The basic change of design from the last COA meeting (which deferred the applications) are 3 storey to 2 storey detached houses with a small reduction in density from 0.69 to 0.65 when 0.35 is the limit under zoning.

While 2 storeys are less dominating than 3, the essence of the proposal is similar. The application is ill-considered because:

1) No justification for density is given as required by TLAB in the decision on 15 Stanley, attached. Ian Lord, head of TLAB, stated in an NRU (August 24) issue interview that "the Neighbourhoods designation does not support intensification - rather it allows gradual change which respects the area's character." In the 9 38th Street final TLAB decision, also by Ian Lord, eclecticity does not mean any type of building fits. The OP states Neighbourhoods "can expect little change"

2) No urban design matters have been considered including the Long Branch Character Guidelines which apply since they were approved before the severance/variance application were submitted. The proposal has no comparisons on 40th Street, one of the few streets that has not yet had aesthetics compromised.

3) No facades showing the impacts on neighbours from a bird's eye view or street facade in relation to abutting street houses, so the impacts on both the street scene and abutting neighbours are hidden, contrary to transparency required.

4) No reference has been made to the term "minor" which under the germane De Gasperis Divisional Court ruling means both minor in size as well as impact.

Without this data the Committee of Adjustment will not be able to make an informed decision.

Councillor Grimes previously objected as did Forestry and Community Planning. There is no reason why their positions should change especially as there is a clear breach of the Character Guidelines in terms of lower density, wide lots, porosity of views, front facade garages and tree protection. There is strong opposition from the community for the applications and according to a survey 70 % of low density households in South Long Branch think redevelopment (like the proposed) is a major issue which needs to be dealt with.

Over the last 7 years Long Branch has been the subject of the most concentrated effort in the City to alter its character. It has been an extremely stressful situation, wasting countless hours of resident's and staff time and money defending City Policy. Highly paid lawyers and planners (supported by the COA and the OMB) build an almost impregnable wall to defend their interests.

Residents have had the enjoyment of their property and quality of life removed unjustly to the extent of health problems and fleeing the neighbourhood.

On the Official Plan I attach planning rationale for the severance for 15 Stanley. This is an almost identical proposal although the context is a little different.

I also attach my presentation on 11 Stanley which clearly enunciates how planning in neighbourhoods has been skewed in the past to favour development over good planning. Fortunately TLAB with its local knowledge and powers of critical analysis are righting the ship and generally preventing further character deterioration of Long Branch.

Submitting an application without background support wastes everyone's time and money, including the owners. The Long Branch Guidelines were specifically produced so that applicants could know what was expected to meet the criteria of good planning. Applications are supposed to be based on the defined character of the neighbourhood found on page 29.

Since applications for severance must be deemed "not premature" in the Planning Act, I submit the applications should be refused on prematurity alone.

You have not followed due process. The justifications are supposed to be submitted with the application so all concerned are reading from the same book.

I would ask that you consider these points and withdraw the application since it stands no chance of approval if the matter goes to TLAB, as it certainly will if approved by COA.

Yours sincerely

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(selected urban design experience attached)