

PLANNING COMMENTS by David Godley for September 12 2019 Committee of Adjustment

Hello Nicole,

Here are my comments on this application which is for the increase in density for a new detached house from 0,35 to 0.64. Side yards and front yard set back are significantly reduced.

The loss of a mature trees is a reason in itself to refuse the application. Trees are fundamental to the decision to approve or accept applications. It is poor planning to separate tree issues from land use and urban design issues. They all come under the heading of planning which is a comprehensive approach to maintaining development which is in the public interest. The application should not be approved conditionally on trees being satisfactorily resolved. This would eliminate trees from the planning regime which clearly they are not. Strong tree protection policies in the Official Plan are listed below and quoted in Urban forestry's objection. Preservation of trees were the major issue when TLAB refused approval for a severance at 15 Stanley, Mimico. (type in address at TLAB website to view) Attached is a list of benefit of trees.

Information is provided below under the headings of

A) Recommendation

B) Conclusion

C D E) Planning Issues - Intent of Zoning, Minor in nature and Urban Design

F1,2,3) Planning Policy - Official Plan and Long Branch Character Guidelines

The applicant should revise the proposal to reflect the planning and legal framework.

Please notify me of any decisions.

Thanks and enjoy the rest of the summer weather.

David Godley

401 Lake Promenade

Toronto M8W 1C3

A) Recommendation: Refusal.

It does not meet the tests of Section 45 of the Planning Act:

a) Minor in size and impact,- the proposal is major in size and impact, disrupts the street rhythm,impinges on neighbours sky views, light and sunshine, privacy and creates long blank walls. The removal of significant trees runs against all policies of the City. One large blue spruce in the front and a huge silver maple in the back, both are private trees would be a wasteful loss to the tree canopy. Approval would open the floodgates to narrow lots in all areas of Long Branch.

b) General Intent of Zoning,- a small low density house on this lot is the character which the zoning bylaw intends.

c) General intent of the Official Plan as amended by OPA 320 and amplified by the Long Branch Character Guidelines.- Soldier houses are opposite to the character of Long Branch and breach almost all policies of the City.

d) Desirability and Appropriateness - not achieved

A) CONCLUSION The proposed new soldier house (narrow lot, 2 storeys above garage and about double density) represents overdevelopment on an undersized lot with consequent unacceptable and inappropriate impact on the street scene, the next door neighbours and the whole neighbourhood of Long Branch. The fundamental problem is that applicants design the house first and then try to make concessions to the Official Plan and Long Branch Guidelines, almost always unsuccessfully, as in this case. The intent of the Guidelines is to be the starting point of design. Future conflicts would be overcome if the correct procedure were followed. As a precedent it has a destabilisation effect on the neighbourhood which has already been destabilised by the COA and OMB. Using precedent just makes a bad situation worse. Any 25 feet wide lot can then be justified to have a similar construction to the proposal. Any soldier house in this zone may change the character of the street over time due to precedent. This amounts to planning by developers/builders which abolishing the OMB tried to stop. TLAB now considers a full range of planning issues. The application does not conform with the OP, as changed by OPA 320 and the Long Branch Character Guidelines, does not meet the tests in the Planning Act and does not represent sound planning

PLANNING ISSUES

B)

INTENT OF ZONING AND MINOR. The proposal is in an RM zone which allows detached houses up to 0.35 density. The proposal is to be 0.64 density, nearly double that permitted. To more than double the mass through this application is not in alignment with good planning principles, or the legal tests and is unfair to neighbours. Individually and combined the variances are major in relation to the De Gasperis definition which uses the English Dictionary in relation to size as confirmed by "The blue brochure" a public document issued by the Planning Department in about April 2019. The example given for minor is if you increase the height from 10m to 10.5m. A 100% body loss or gain in weight, as a parallel to density, for example, could not seriously be viewed as minor. The intent of the zoning bylaw is generally low density, lower than all other neighbourhoods in Lakeshore because of its unique and historical cottage persona. It is also designated a potential heritage area in Official Plan Special Policy area 305. Generally smaller lots have smaller houses in keeping with the bylaw. Minor in size matters. In around 2000 to 2010, a 10 percent increase for density was the informal guideline relating to minor. Since then, despite the De Gasperis ruling that variances need to be minor in size as well as impact (as laid down in the Superior Court ruling) quantitative matters have been ignored. That is until recently when TLAB started applying the principle more rigidly. Approved densities gradually increased in the last 10 years until double density was a standard approval by the COA and OMB, a clear abuse of power. The proposal does nothing to bring the lot closer to the zoning standard known as the restricted area zoning ordinance. The proposal represents overdevelopment on an undersized lot. Rather than gentle development, this represents aggressive development. The intent of the zoning bylaw is to allow a smaller detached house. A comment on "What is Minor" is attached.

C)

URBAN DESIGN. Little urban design evidence has been presented. The impacts are hidden because there is no 3D bird's eye view and no adequate urban design analysis of the built fabric to justify the proposal at the neighbourhood, block and nearby housing levels (the existing contexts as listed in OPA 320 and LBCG). This should be at the beginning of the process as with an arborists report so that a design can reflect policy. No appropriate analysis has been done on the Official Plan or Urban Design Guidelines defined character which should form the basis of all proposals of this nature prior to submission of the application. This also means that there is almost

no urban design for consideration by the Planning Department or the Committee of Adjustment. No explanation is given as to why such analysis is not undertaken. This indicates inadequate applications which means prematurity of the applications.

D)

URBAN DESIGN GUIDELINES Long Branch Urban Design Guidelines Approved by Council 31 January 2018

A motion of City Council was unanimously approved – “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.”

The LBCG amplify the OP Policies which were sometimes misinterpreted, especially by the OMB. For the overall neighbourhood, block and nearby buildings, the proposal is contrary to a number of features for the broad nearby and block features. (95 James character evaluation attached). For example the Guidelines are not followed on recessed or rear yard garages. Any claim that the Guidelines are generally followed is not rationalised and is false. To fully respect and reinforce the neighbourhood character all urban design defined character features need to be followed. The City specifically directed staff to apply the LBCG on all applications. In any case it is the proposal which is being reviewed, a combination of severance and zoning adjustment applications. That is why building design drawings are submitted. Otherwise it would be practically impossible to evaluate applications.

E 1) PLANNING POLICY, OP including OP 320 and Long Branch Character Guidelines

The general intent of the OP is the basis for decisions. Key points including robust urban design policies are (my comments in brackets):

Section 1. Making Choices (Vision)

Introduction "The Plan's land use designations covering about 75% of the City's geographic area will strengthen the existing character of our neighbourhoods..."

Last para page 1.1

"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. para 2 p 1.2

A City with ...- beautiful architecture and excellent urban design that astonish and inspire. Last para p 1.2

Section 2.3. "It encourages decision making that is long range, democratic, participatory and respectful of all stakeholders." Para 2 p 2.20

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.

Section 1.2

It is the community who prepares policy and the development industry that implements it. Recently it has been the development industry that has been dictating policy contrary to OP aims.

- people are engaged and invested in city living and civic life para 2 p 1.5

(People should shape their own neighbourhood where there are no overriding City wide policies and at this level there are not. In fact quite the reverse. It is City wide policy to conserve neighbourhood character especially as the occupants see it.)

2 Shaping the City (Strategy)

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". para3 p2.1 Community need is the basis of planning, not demand

2.1 "Our view of the quality of urban life tends to be based on local conditions in our own neighbourhood" para 6 p 2.1

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

Para 3 p2.3

2.3 "These areas can expect little change." P2.20 (Neighbourhoods)

2.3.1.

Healthy Neighbourhoods

"They are also an important asset in attracting new

business to the City and new workers for growing businesses."

"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. 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." Para 2,3 p 2.2

This is the underlying vision and strategy for the whole OP.

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." Para 6 p2.23

(Long Branch is changing to a suburban style from a traditional style despite Official Plan policies against this and strong neighbourhood opposition; around 70% of South Long Branch residents believe redevelopment is a major issue according to a survey by Iain Davies in the fall of 2018.)

3 Building a successful City Introduction (Urban Design)

"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."
Para 2.23

"City-building involves balancing social, economic and environmental

needs and priorities. para3 p3.1 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. para 5 p3.1

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. " last para p3.6

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" para4 p3.2

3.1.2 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."

Last para. P3.6

Policies

1. "New development will be located and organized to fit with its existing and/or planned context

b) consolidating and minimizing the width of driveways and curb

cuts across the public sidewalk; this is not done

4. New development will be massed to define the edges of streets, parks and open spaces at good proportion. para 2 p3.7

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 this case, in determining an application, Council will have due regard for the existing and planned contexts

P3.7

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."

Last para p3.7

3.4 Introduction

Protecting Toronto's natural environment and urban forest should not be compromised by growth, insensitivity to the needs of the environment, or neglect. Para3 p3.33

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

ii) increased tree canopy coverage and diversity, especially long-lived native and large shade trees. Parea1 p3.34

(The City's adopted policy is to increase the tree canopy from 25 to 40% in the document every tree counts. Long Branch has about average cover but is losing ground.

The environmental policies and the City evidence of destruction of trees was enough by itself to turn down the severance applications at 15 Stanley and the same is true here)

4 Land Use Designations

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

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. Last para p4.4

4.1.5

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

- c) heights, massing, scale, and dwelling type of nearby residential property (this is also Urban Design)
- f) prevailing patterns of rear and side yard setbacks and landscaped open space

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." Para 2 p4.4

The proposal is contrary to all these policies of the OP. It is the proposal that should be evaluated because that is what the separate severance and variances permit. The Official Plan from 2006 had sophisticated policies but were circumvented leading to clarifications and reinforcement in OPA 320, a composite of which is part of the material to follow.

E2) OPA 320, approved by LPAT 7 Dec 2018 after adoption by City 2015 and approval by Province 2016.

I was involved in the development of the OPA whose main aim was to amplify the intent of the parent OP from 2006. Because limited examples of incompatible development were being cited as reasons to approve additional incompatible proposals the word prevailing was added as well as additional criteria. The OPA defines prevailing as the most frequently occurring. See attachment for changes. The amendment also defines a process of measuring character which involves a 3 lens approach of concentric circles. first the neighbourhood whose character is defined in the Long Branch character Guidelines, Secondly the block and thirdly the nearby properties. No analysis has been done. The applications were submitted after OPA was approved although had been adopted and approved by the Province prior to submission. In a Citywide ruling related to 10 Lake Promenade, OPA can be used in a non determinative. since OPA 320 amplified rather than changed the meaning of the OPA it is very relevant.

So now Section 4.1.5 reads

- c) prevailing heights, massing, density and dwelling type of nearby properties
- e) prevailing location, design and elevations relative to the grade of driveways and garages

E3) Long Branch Character Guidelines (see attached urban design analysis)

Long Branch Urban Design 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."**

The Guidelines are fully relevant and determinative since the application was submitted after they came into force.

Page 27 - Long Branch Character Defining Conditions

- 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.

- 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

dwelling 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.

Note: Tree preservation guidelines are separate page 76 of LBCG.

95 James Street, Toronto, File B16, A471/18 EYK

URBAN DESIGN ANALYSIS

31 January 2018 - Long Branch Urban Design Guidelines Approved Unanimously by Council

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."

CHARACTER EVALUATION

Reference - Long Branch Neighbourhood Character Guidelines (Page 34)

- 1) The property in relationship to the NEARBY properties (*the micro-neighbourhood under OP policy 4.1.5*)
- 2) The property on relation to the STREET and BLOCK segment (*the block under the OP and 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*)

1) NEARBY AND 2) STREET AND BLOCK Predominant and Prevailing harmony

Pattern of Street/Width of Lot N/A,

Size and Configuration of Lots N/A

Zoning Heights NO

Massing NO

Density NO

Scale NO

Dwelling Type YES

Grade Elevation/Accessiblity NO

Garage Pattern NO

Sideyards/Landscaping NO

Rear Yard NO

Front Yard/Landscaping NO

Storeys/Elevation NO

Height/Elevation NO

Verandah/Elevation NO

Heritage N/A

Trees NO

In order to reinforce the character of the NEARBY and STREET AND BLOCK in accordance with the Official Plan, the proposal will need to meet all the criteria possible. In order to respect the character no element should exceed any of the characteristic in the block (as stated in Toronto OMB decisions 284 Hounslow Ave, PL151145 and 151 Airdrie Road PL15665. The existing character is a separate matter than what is allowed in the zoning which is the proposed character as specified in the Official Plan.

Continued page 2

3) BROADER NEIGHBOURHOOD

Page 27 - Long Branch Character Defining Conditions

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.

- A. Historic Long Branch houses dating back to original "villa" lots and corner lots of distinctive character. N/A
- B. Hipped or gabled roofs, YES
 - a. front porches, YES
 - b. ground-related first floor, NO
 - c. prominent and grade-related entrance and window placement, NO
 - d. recessed or rear garages, NO.
- 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.
NO
- D. Consistent and generous side yard setbacks and rhythm of dwelling units, NO
 - a. maintaining porosity between buildings, NO
 - b. rear yard access for pedestrians and vehicles, and landscaping between buildings and adjacent open spaces. N/A
- E. Consistent and moderate rear yard setbacks and building depths, NO
 - a. maintaining appropriate height transitions, NO
 - b. privacy, NO
 - c. sky view access, NO
 - d. private amenity space, landscaping and mature trees. NO
- 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. N/A

Continued page 3

G. 1 to 2 storey building heights NO

a. with massing, articulation and fenestration strategies which are complementary to the existing context. NO

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

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. N/A

J. High quality materials, including brick or wood siding. YES

CONCLUSION

The variances supporting the proposal are contrary to the Long Branch Character Guidelines and the Official Plan.

SUMMARY. At nearly double the density permitted for the new house represents overdevelopment with consequent severe impact on the street scene and next door neighbours. The fundamental problem is that applicants design the houses first and then try to make concessions to the Long Branch Guidelines, almost always unsuccessfully. The intent of the Guidelines was to be a starting point of design. Future conflicts would be overcome if the correct procedure is followed. As a precedent it has a destabilisation effect on the whole Long Branch neighbourhood because the Guidelines will be rendered ineffective.