

Good morning Nicole, 95/97 40th Street, COA 7 November

Thank you for your ongoing diligent work for the Committee of Adjustment and speed at which you supply information.

My comments on these 2 applications are basically the same so are done together.

The proposals are similar to 65 40th Street which will in January enter its 6th day of hearing at TLAB.

The difference is that these lots are already split and the density is significantly higher (0.75 instead of 0.65 from 0.35 FSI)

The Middletons, (who have submitted a letter of objection to both applications) and I are both away for the hearing.

Recommendation - Refusal

There are glaring problems with the proposal. Major issues are minor in size and the Long Branch Character Guidelines which amplify the Official Plan (OP). The OP now incorporates OPA 320 by providing that developments reflect the most frequently occurring neighbourhood features. Full reasons are provided in the attached evidence base (6540TLA) for 65 40th which I presented to TLAB. These are also the reasons to refuse the applications.

Minor in Nature.

The Superior Court of Ontario has ruled that minor in size is a factor for the test of minor for variances in the Planning Act. TLAB follow this ruling. Impact is also a factor and increases with size. Over doubling the size and therefore over doubling the mass and density of what is permitted therefore cannot be seen as minor under the Court's definition of comparatively small in size. Minordegas.doc gives the full background. The Blue Brochure attached gives the Planning Department's publicity on minor variances, among other things, and gives an example of increasing the height of a roof from 10m to 10.5m

Long Branch Character Guidelines

This City policy requires an analysis at the broad i.e. the Long Branch lens, the block lens and the nearby lens. The defined character of Long Branch has been defined as you can see in the 95,97 document. Because of the closeness of neighbouring houses an architectural design to mitigate impacts would be needed to ensure sensitivity and harmony. Instead this a formulaic house that might be found in a dull suburb reflecting the optimum benefit to the applicant.

General Intent of OP and zoning Bylaw

Small houses on small lots.

Definition of Planning,

Planning is an intervention in the market for the benefit of the community and is defined by the Canadian Institute of Planners "as Planning means the scientific, aesthetic, and orderly disposition of land, resources, facilities and services with a view to securing the physical, economic and social efficiency, health and well-being of urban and rural communities."

Planning Department Role

It should be recognised that the Planning Department do not generally comment on:

- 1)urban design (the third dimension) specifically the Long Branch Character Guidelines evaluation (which is essential for redevelopment applications in Long Branch),
- 2) trees,
- 3)impacts on neighbours,
- 4)minor in size

5)general intent of the Official Plan policies and zoning or

6)lot surveys on dwelling type, frontages, densities, front façade garages, size, set backs, heights and configuration of lots.

Fallibility of Current Process

I am concerned that similar files have been rubber stamped by the Committee of Adjustment without reference to the Planning and Legal framework. Preservation of trees is an important consideration and is a major criteria for judging the appropriateness and desirability of the proposals. Conditioning approvals for trees to be considered under a separate process is not sound planning. These type of applications creates a log jam at TLAB when the issues should be dealt with locally. this can be done by having the applicant using the Long Branch Guidelines as a starting point and ensuring they are followed to work up a proposal as part of a complete application. The way things are now everyone's time is wasted.

Local Expertise

I am a designated Local Planning Expert by TLAB. All 5 of the hearings I have attended have followed my advice against that of the developer's planner who often appear to lack objectivity. There are 2 more hearings I have given evidence to whose decisions have not been rendered yet.

David Godley, Member of the Royal Town Planning Institute (Retired)

401 Lake Promenade

Toronto, M8W 1C3

416.255.0492

95,97 Fortieth Street, Toronto, Files A475/476 19 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 NO,

Size and Configuration of Lots NO

Zoning Heights YES

Massing NO

Density NO

Scale NO

Dwelling Type YES

Grade Elevation/Accessibility YES

Garage Pattern NO

Sideyards/Landscaping NO

Rear Yard NO

Front Yard/Landscaping NO for 97

Storeys/Elevation NO

Height/Elevation NO

Verandah/Elevation NO

Heritage N/A

Trees NO for 97

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. 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, NO
 - b. ground-related first floor, YES
 - 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 on trees for 97 and curb cuts
- 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.NO
- E. Consistent and moderate rear yard setbacks and building depths, NO
 - a. maintaining appropriate height transitions, YES
 - 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. NO

Continued page 3

G. 1 to 2 storey building heights YES

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 are contrary to the Long Branch Character Guidelines and the Official Plan. The main reason is the loss tree canopy, over double density massing in relation to existing and planned context (Immediate area built form and zoning) which severely impacts the street scene and next door neighbours due to the elongated forms. The proposal along with the severance makes little effort to blend with the streetscape or the historic and traditional nature of Long Branch. The property is modern suburban in nature mainly because of the front façade garages and overdevelopment. The massing on the front building line almost entirely with built form including two garages is directly in conflict with the Guidelines. The Official Plan indicates no severances should be approved that enables development which would lose protected trees.

(* See Page 29, Figure 36 and Page 33, Figure 41, Long Branch Neighbourhood Character Guidelines)

SUMMARY. The proposed new houses represent overdevelopment on undersized lots 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 Official Plan and 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 neighbourhood.

APPROPRIATE DEVELOPMENT An ideal housing form would be a detached house on both lots with a second suite to address affordability issues. If individual lots are retained the existing mutual driveway would be retained or less desirably front yard parking lots. Density would be something in order of the permitted density of 0.35

David Godley 30 October 2019