

## PUBLIC REALM AND BUILT FORM OPA'S 479 and 480. MEETING

Hello David,

This email is to confirm receipt of your comments below. I returned to the office on January 7<sup>th</sup> after the holidays and some time off due to illness, and am working through responses to the 100+ emails I received while I was away.

Once I've had time to read through your comments in detail I will provide a more fulsome response.

Steven

**Steven Dixon**

416-392-0189

**From:** David Godley [mailto:mhairig@pathcom.com]

**Sent:** January-07-20 10:56 AM

**To:** Steven Dixon <Steven.Dixon@toronto.ca>

**Subject:** PUBLIC REALM AND BUILDING FORM, Official Plan Amendments 479 and 480.

Hello and hope you had a good break Steven,

Please will you go through the documents below to answer all the concerns I have listed. I am available for a meeting other than Jan 21 to Feb 11.

In the meantime please acknowledge my letter.

## PUBLIC REALM AND BUILT FORM OPA'S 479 and 480. MEETING

To Aldo Manager of Plans Administration Division 9 January 2020

Hello Aldo,

I have kept you in touch with an issue where I seem to be getting nowhere with the City planners. From the point of view of neighbourhood residents and TLAB, **the Planning Department have made a hash of the proposed urban design policies** partly

because they give little weight to residents contrary to the Official Plan:

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

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."

**The Planning Department's non-action has serious consequences** unless corrected and would lead to further deviation from the general intent of the Official Plan. Ironically the changes to the "Neighbourhoods" section were done very well because the general public as well as the development sector were fully involved. My latest submission to Steven Dixon, the City planner involved, and a trail of emails follows below.

The changes are so complex that they are opaque to the Council members; the proposed policies become the domain of experts. Fortunately TLAB are smart enough to see through the wiles of proposals for over-development and the last 5 hearings I have attended (as a volunteer planner and TLAB local planning expert) have had a favourable outcomes for the neighbourhood. But **TLAB need all the help they can get with strong clear OP policies.**

(It should be noted that the Committee of Adjustment is dysfunctional since the Planning Department do not comment on urban design matters or follow the OP evaluation requirements. This is contrary to OPPI code of conduct. Usually urban design issues are key in applications and a majority of Adjustment Committee members have little or no understanding of urban design. Consequently they vote on gut feeling without giving reasons. Residents in Lakeshore are left to defend the strong Official Plan policies by themselves against top planning lawyers and

development planners. This is currently being handled separately through Councillor Grimes office.)

Due to the fact I am getting stonewalled by the Planning Department **I am asking you to set up a meeting to discuss these issues along with FONTRA and CORRA**, two umbrella organisations representing large numbers of citizens associations.

I look forward to hearing from you as soon as possible.

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

PS My resume and urban design experience are attached.

On 1/7/2020 10:55 AM, David Godley wrote:

Hello and hope you had a good break Steven,

Please will you go through the documents below to answer all the concerns I have listed. I am available for a meeting other than Jan 21 to Feb 11.

In the meantime please acknowledge my letter.

## **1) LATEST COMMENTS**

Despite objections by Umbrella Resident Associations these were recommended for adoption by Planning and Housing Committee on December 10 with only 20 days notice. (Legal but not in the spirit of the law). This is the same length of notice for a minor variance!

Council adopted them in substance and a bylaw will be passed at a future Council meeting. There is no appeal on planning grounds as the Ministry of Municipal Affairs are the final arbiters.

Unfortunately none of the TLAB issues were reviewed, incorrect urban design statements are included, presumably accidentally. Policies seem to have been eliminated on impacts

on neighbouring properties.(see attached urban design). Particularly damaging to good planning in neighbourhoods is the seeming elimination of Section 3.1.2.3. There is a strong lead in statement and this is the only section which deals with impacts on private property. The Department does not seem to be aware of the farcical interpretations that development planners invent so policies have to be strong and succinct. as the 2006 OP is. This is the key urban design policy which is relied on at TLAB hearings. The Planning Dept do not comment on urban design matters so the COA has no guidance on urban design other than from residents often contrary to whatever development planners say.

BUILDING A SUCCESSFUL CITY.

Policy 3.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;
- c)creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- d)providing for 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; andf)minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

David Godley, 401 Lake Promenade, Toronto, M8W 1C3 416 255 0492

**2) SUBMISSIONS TO PLANNING AND HOUSING COMMITTEE AN COUNCIL**

**These draft policies were adopted without amendment on Dec 10 by Planning and Housing Committee.**

**With so many objections and only 20 days notice I am letting you know these policies are not "oven ready".**

**As you can see from my submission the policies for protection of neighbourhoods are being weakened and key policies eliminated. (Yes useful policies have been added)**

**Definitions are wrong and the succinct Section 3 has been eliminated leaving the door open for poor urban design.**

**Urban design is not well understood and this is an opportunity to make it clear.**

**Residents and TLAB need better to support their hard work.**

Yours truly, David Godley, TLAB Area expert and urban design specialist

401 Lake Promenade Toronto M8W 1C3

On 12/6/2019 9:18 AM, David Godley wrote:

To Nancy Martins, Secretary, Planning and Housing Committee.

## **1 RECOMMENDATION**

**I recommend referral back to discuss issues of major importance with those who have raised them.**

Following our recent conversation I am submitting formal comments on the recommended versions of Section 3.1.1 the Public Realm and 3.1.2 Built Form. These are the two aspects which are central to urban design character at TLAB hearings. Using the forward looking 2006 Official Plan I have been able (as a volunteer) to counter development planner assertions and have the 5 latest TLAB decisions refuse highly inappropriate development. You indicated that Planning and Housing Committee members would be supplied with this material.

I am shocked that the Planning Department would recommend the current draft policies for adoption in such a weakened form although note improvements on issues added. 20 days notice is insufficient for the general public to comprehend the changes on a much misunderstood subject. Simply speaking urban design is planning for the third dimension from both the perspective of the public realm and what can be seen from it and impacts on private land. It is what can be seen with aesthetics at the heart of the matter, something

which the Canadian Institute of Planners supports. I also attach my evidence which covers a typical severance/variances application to show how complex the issues compared with only 5 minutes presentation time at the Committee of Adjustment . A typical TLAB hearing no3w averages 5 days.

## **2 REASONS FOR RECOMMENDATION**

I would note that the Planning Department did an excellent job on reviewing the Neighbourhoods Land Use Section. Adopting the current recommendation will cause problems at hearings, especially TLAB, and should be dealt with at the City level because, as Steven Dixon kindly informed me there is no appeal once approved by the Province. I note that the Neighbourhoods Land Use policies were agreed through consensus. I object to the Planning Department's recommendation because:

- 1) The 2006 Official Plan is not being followed as it is weakened and needs to have strength and clarity for decision making bodies. The Official Plan policy 5.5.1 b cites " A fair and accessible process for reviewing this plan by promoting awareness of planning issues and decisions through clear understandable language"
- 2) The policies are a step backwards when the trend over the life of the OP is strongly in favour of better urban design (See Toronto the Ugly, attached from the Toronto Star Editorial and supporting letter from an Architect)
- 3)Urban Design is integral to good planning and at the neighbourhood level usually the most significant issue. Official Plan Section 3.1 states that "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"
- 4) The policies do not conform to the Vision section of the OP for example "Beautiful architecture and excellent urban design that astonish and inspire"
- 5) The policies, only released on November 20th 2019, have not been reviewed by the public and the process is contrary to the OP (Policy 5.5.1 c)"providing adequate and various opportunities for those affected by planning decisions to be informed and contribute to the planning processes. While the letter of the law which also provides 20 days notice fro variances may be met, the spirit is not.. The Planning Act also emphasises fairness.
- 6) The policies help the development sector and add further to the David "Citizens"and Goliath "Building Industry" inherent in the current system.

Attached are my constructive comments to Stephen Dixon Senior Planner on this file.

Having recently been hospitalised I will not be able to be present at the meeting. The letters below include my previous concerns.

Thank you, David Godley 401 Lake Promenade, Toronto, M8W 1C3

### **3 MAIN SUBMISSION (December 2 2019)**

Dear Steven Dixon,

Thank you for the documents showing the changes proposed by the Planning Department.

I note they will be the subject of a Public Meeting of the Planning and Housing on December 10 2019 at 10am (or soon after).

Clearly a great amount of thought and time has been put into the 5 year review of these sections of the OP.

My comments are from the perspective of hearings I have attended on severances and variances. TLAB hearings are the only place these applications are tested and there are strong forces trying to undermine every element of the OP. (Read attached Star editorial and letters in the Star today). We have relied on the sophisticated policies of the 2006 plan with a few changes and there is scope for clarification which was so well done for the review of Neighbourhoods Land Use Designation policies in Section 4.1.5.

**The latest version appears generally to be a diluting of the existing policies both in terms of strength and clarity.** I note that much has been added on other relevant matters.

#### 3.1.1 Public Realm

While the non policy text is not a legal part of the OP, the current lead-in to the policies seems much stronger than any replacement. To add in a definition of public realm is helpful however there is no link to urban design which has a

three dimensional aspect. This will cause trouble at hearings and needs to be amended to reflect the reality that urban design concerns what is seen from the public realm. This means the building facades (as you point out) but also front yards, views through to back yards, vegetation and skylines, all which will be on private land. I suggest that the definition of public realm be changed by adding "and includes all that can be seen from the public realm". Further clarification should be added that states that "Urban design is the three dimensional aspect of planning which related to aesthetics, safety and comfort" In addition "Character is referred to features of an area which are worthy of conservation. Character is established through a three lens process outlined in Section 4." These are simple definitions which help both professional and lay people to comprehend urban design, a subject around which misunderstandings are common. We need simplicity since these hearings go on for 5 days or so because meanings are not clear.

Likewise under policies some meaning and clarity is lost by the changes to section 5 on page 3. Changing "seek" to "encourage" for example is a weakening. I would keep the text and enhance it d) instead of eliminating it by paralleling Section 4 by stating "No changes will be made through planning applications that are out of keeping with urban design principles. All such applications will enhance the public realm." As you know Long Branch has Character Guidelines adopted by Council and these such documents are increasingly being used as a way to tackle design excellence across Ontario. Such studies should be added to the list of policies as not only are they helpful for achieving OP aims they save time at hearings by defining the broad character of an area. At the moment the broad character outside Long Branch has to be analysed for every hearing. So I suggest adding "Urban Design Studies" as an additional way of promoting excellence in urban design.

On the application requirements I wonder why variances are not cited as needing tree related studies where trees are impacted by a proposal. COA applications are always accompanied by building drawings so that impacts can be gauged and as TLAB have pointed out is almost impossible to judge qualitative impacts without these. As well complete applications in areas which are subject to Character Guidelines need to be accompanied by an analysis of character through the methodology in Section 4.1.5.



An analysis using the 3 lens approach outlined in Section 4 Land Use Designations where required by City adopted Urban Design/Character guidelines should be part of a complete application. Such a provision should apply to all applications under Section 4 of the OP. An example of one is attached.

### 3.1.2 Built Form

My main comments are on the criteria for judging good urban design in Section 3 on Page 5. These appear to have been disaggregated and in terms of impact on neighbouring property eliminated. I oppose replacement of Section 3 starting "New development will be massed". This beginning is a strong statement introduced relatively recently which enables those defending the OP some impetus. Under d) I would add sunlight and separate from privacy. Privacy and overlook are common issues at TLAB. Another section should include views and skyviews and yet another dealing with large overbearing/oppressive walls and microclimate. This latter issue which comes up at most hearings where the applicant wants to double density of a proposal and it extends way back beyond the next door buildings. Elimination of this section would also eliminate "harmoniously" to apply to all matters not just height and setbacks as mentioned later on in the new text. Harmonious is a key word in all hearings.

Under 1e Preserving mature trees should be added to by "and limiting damage to trees to be preserved"

The OP should clarify what infilling means. Is it just different types of housing in a neighbourhood that is to be redeveloped or does it also mean adding a house within a row.

Smaller items include "materiality" which means importance so "materials" is fine.

At the top of Page 2 I think "inform" should read "create". Lower on the page walkways should be added after laneways. Page 12, 12a needs to be stronger so adding in "in a form that reflects overall architectural design."

While you may have good answers to the points I raise, from an initial review these policies seem to be a step back in an era that is giving greater attention to

urban design and is likely to do so in the future. It would be far better to resolve issues at this stage, before adoption, through consensus.

Please let me know asap how you intend to deal with these points.

Also please could you let me know how the appeal process works. Thank you.

Yours truly,

David Godley, retired Planner and Urban Design Specialist and Local Knowledge Expert under TLAB rules.

401 Lake Promenade

Toronto, M8W 1C3

Thanks Steven,

Regret I was not able to be at the meeting with William and Geoff. Thank you for responding to my letter of December 2.

Unfortunately it does not allay any of my criticism or fears. Because a stakeholders committee, which brings much broader perspectives, was not used, we have a bureaucrats plan rather than a plan of the people. I agree the policies are stronger because more issues are dealt with but the policies themselves are weaker and diffuse. Breaking up Section 3 is a major mistake because the effective lead-in appears lost entirely and we have to plough through all the policies at hearings instead of a focused, comprehensive policy. Clarity is lost and helps shut out the general public who are left to defend with less succinct policies. (The Planning Department has basically abandoned defending OP policy at TLAB and COA).

You need a definition of urban design; the public realm definition in urban design terms is incorrect. People need to know what urban design is, what character is and how to evaluate it with summary in this Section. It is not totally clear in the new Neighbourhoods Section because it open to too many interpretations as we have already found. The lack of definitions seems to indicate limited urban design understanding. The omission of limited damage to trees for example indicates limited insight into the subject. The rigours of cross examination do not seem to be taken into account.

The public had input on a blank sheet. The lack of input on the final draft is insulting to the general public given that a major policy amendment has only as much notice as a minor variance application. Local democracy is being hampered by a document which could have been a great opportunity to catch up on what is a growing concern.

You will be making my volunteer and TLAB's decision making on severances/variances more difficult and the powerful development lobby's life easier to create what Architect Harold B Smith objects to in the Toronto Star (Below)

I will therefore send my submission to the Planning and Housing Committee to express my concerns and hoping that the urban design picture can be improved by referral back.

Thank you

David

*Letter in the Toronto Star published November 2 2019  
More beautiful city something we should build toward.*

*"If Toronto City Council as in a recent motion is calling for ideas to help more a more beautiful and engaging city" reforming the Committee of Adjustments and Toronto Local Appeal Body would be a great place to start. These tribunals routinely approve new oversized homes that look out of place and create a visual dissonance with the existing streetscape and surrounding homes. In neighbourhoods where these monstrosities now dominate there is no "sense of place". The Toronto Official Plan policies in neighbourhoods "respect and reinforce the prevailing physical character" are routinely ignored by planning consultants who glibly persuade that these tribunals that their client's zoning requests represent "good planning" while the residents who object and live with the aftermath are frequently ignored. In our neighbourhood, this phenomenon has become an epidemic of bad taste. It's a scandal of Toronto's own making thanks to insufficient staff, bureaucratic indifference and powerful industry lobbyists.  
Harold B Smith, Architect, Toronto*

#### **4) LETTER FROM STEPHEN DIXON, TORONTO PLANNER FOR THIS PROJECT**

On 12/5/2019 11:05 AM, Steven Dixon wrote:

Hello David,

Thank you for your comments.

The latest version of the policies are the result of a broad public outreach from all parts of the City. They are intended to apply to all types of buildings at all scales and in all areas of the City. They are also to be read in conjunction with the applicable land use policies and work with those policies to determine the appropriate type and form of development. In other words, they are not standalone policies which determine the type of development (which can only be determined through application of the applicable land use policies), but rather the organization, location, form, etc. of development within the parameters of what is permitted. They do not replace the *Neighbourhoods* policies (including those respecting prevailing character) nor are they intended to be read in isolation of them.

The current Five Year Review of the Official Plan is not intended to be a restructuring of the plan. The in-force policies began a conversation about urban design and the revised policies elaborate on those broad city-building objectives and articulate the desired outcomes more clearly (such as the new policies and sidebars pertaining to role of the public realm, good transition in scale between different levels of intensity, public streets, etc.).

As we discussed recently with Messrs. Kettel and Roberts and Ms. Wynne, staff have modified the policies since the July, 2019 draft to address feedback from both CORRA and FoNTRA, including adding specific terms that are currently part of in-force Policy 3. Though in-force Policy 3 appears to be "deleted", it has actually been restructured/relocated into a number of new and revised policies that build upon and strengthen the original objectives. In short, the policy as currently written attempts to achieve a range of different objectives in a single policy. The revised policies strengthen and expand on each of those objectives and provide more clarity with respect to how the objectives can/should be achieved.

Our discussion with Messrs. Kettel and Roberts and Ms. Wynne was quite productive and my impression was that all parties left the table with a better understanding of the policies and how they will be applied to ensure good design outcomes that uphold the broader objectives of the Official Plan. It is my opinion that the policies address the concerns you've outlined below and that they provide the City with a greater "toolkit" for shaping our built form and public realm while maintaining enough flexibility to allow for creative design solutions that address the varying context across the City. As we discussed in our meeting, secondary plan or area-specific design policies supersede the city-wide policies in the event of a conflict and are an additional layer that can respond more directly to local contexts.

The latest version of the policies is the version that the Planning & Housing Committee will consider on December 10<sup>th</sup>. Should Council subsequently adopt the policies at their meeting of December 17<sup>th</sup> and 18<sup>th</sup>, the official plan amendments will be forwarded to the Ministry of

Municipal Affairs and Housing for final approval under Section 26 of the *Planning Act*. There is no appeal of policies approved under Section 26.

Best Regards,

**Steven Dixon**, MES, MCIP, RPP

Senior Planner, Official Plan

Strategic Initiatives, Policy & Analysis

City Planning Division

[City of Toronto](#)

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