



**Mailing Address: 11 Atherton Crescent,  
Toronto, ON M8W 2Y2 LongBranchNATO@gmail.com**

Planning and Housing Committee  
City of Toronto

**RE: PH 28.01 - Inclusionary Zoning Official Plan Amendment, Zoning By-law Amendment and Draft Implementation Guidelines – One size does not fit all.**

Dear Committee Members

The LBNA does support the goal of affordable housing that is safe however, we do not agree with the “one size fits all” approach.

The inaccurate messaging that the Yellow Belt Zoning is too restrictive is not true in Long Branch. Long Branch has already addressed “Missing Middle” Housing through its RM zones and SASP. Rental vs home ownership is relatively split. Lodging houses are permitted, but are subject to minimum distances to ensure no concentrations of one type of housing such as student housing or halfway housing. Long Branch is in close proximity of Humber College and the Mimico Jail.

Long Branch also has a healthy mature tree canopy that is threatened by the activity of intensification in our neighbourhood. Lot severance and overbuilding has seen many healthy mature trees being removed or under threat. Providing as of right permissions for higher FSIs and density within Neighbourhoods will not help maintaining the existing tree canopy or grow it to the City’s goal of 40%.

The neighbourhood also has the following concerns

1. Infrastructure relative to the planned growth – There is no coordination between intensification and infrastructure such as schools, community centres or libraries. Long Branch does not have space in local schools for students existing in its catchment today, there is a two room one storey library and there is no community centre.
2. Large FSIs have been approved but never built – Applicants have been able to secure large FSIs through the Committee of Adjustment process however, no new housing has resulted and the land is more often sold with approved plans at an increased price.<sup>i</sup> Conversely, applicants that have been refused have readily built to the established FSI of .35.
3. Long Branch RM zones permit building semi, triplex and small apartment buildings<sup>ii</sup>, however Applicants largely applying to build single family dwellings. There is no tool in place that

guarantees this policy will house more people. We have attached **Applicant data that shows a sample in Long Branch of 95 COA Applications, only 3 applications created new missing middle housing units** between 2010 and 2020<sup>iii</sup> We are also aware of one severance that

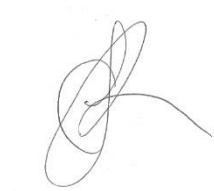
converted a Triplex into two single family homes therefore reducing Missing Middle Housing.

4. According to the most recent data, there is an even split between rental and homeownership. <sup>iv</sup>. Targeting Long Branch would upset this mixed housing balance.
5. Over building in a neighbourhood results in removal of significant and protected trees. Development pressure is the biggest controllable reason for tree removal.<sup>v,vi</sup>
6. What is being proposed in the PTMSA will completely devastate the tree canopy as we have seen throughout the rest of the neighbourhood with other development applications. There is no tree protection with what is being proposed.<sup>vii, viii, ix</sup>

Long Branch has an extensive Growth Plan along the Avenues and the SASPs that have not been realized. The undeveloped SASP 23 has been approved for 2200 units, but has not been included in the PMTSA. The Long Branch GO property itself can be home to intensified forms of housing with an environmental impact of zero to the Neighbourhood. These areas should be considered for higher densities before going into Neighbourhoods, The proposed PTMSA around Long Branch GO extends much further than 500-800m and will be harmful to the already struggling urban canopy. Your own Pipeline<sup>x</sup> report states that you have enough housing to fulfill provincial targets, what you need is affordable housing.

While we accept that the Yellowbelt may be restrictive in some areas of the GTA, it is not in Long Branch. It has permissive zoning, that permits all types of housing and affordability that you want to build that already exists. It is well regulated to avoid concentrations of any one type of housing. This policy is rewarding Applicants that have a history of only applying to build the least dense and least affordable housing type. This policy only encourages more of the same.

Sincerely



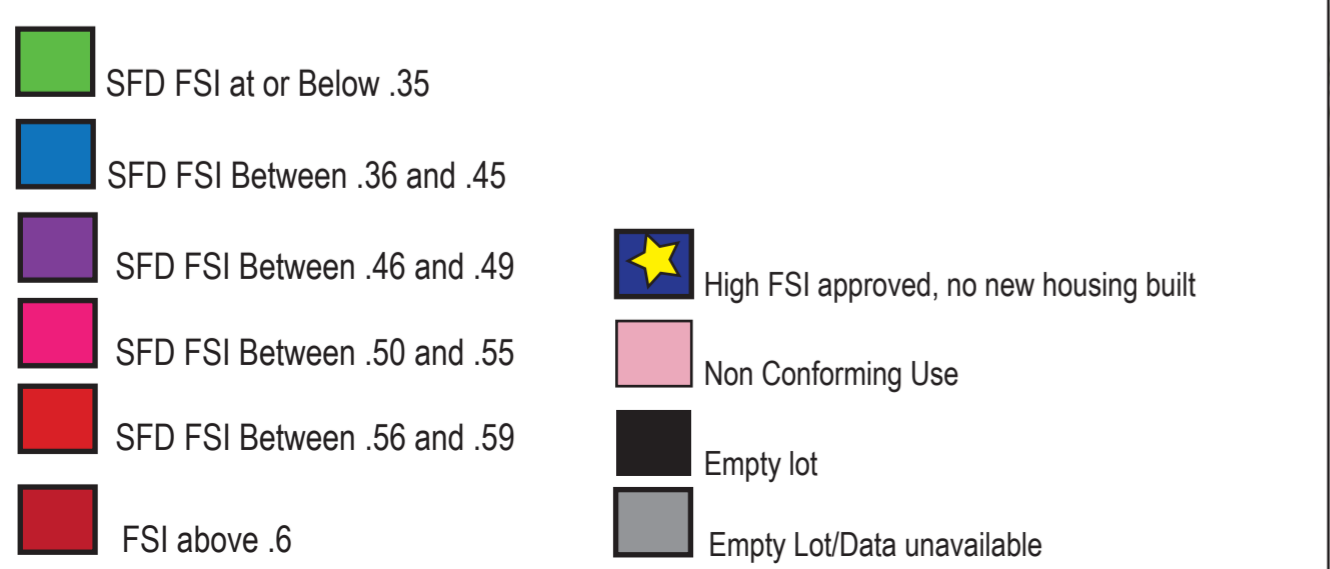
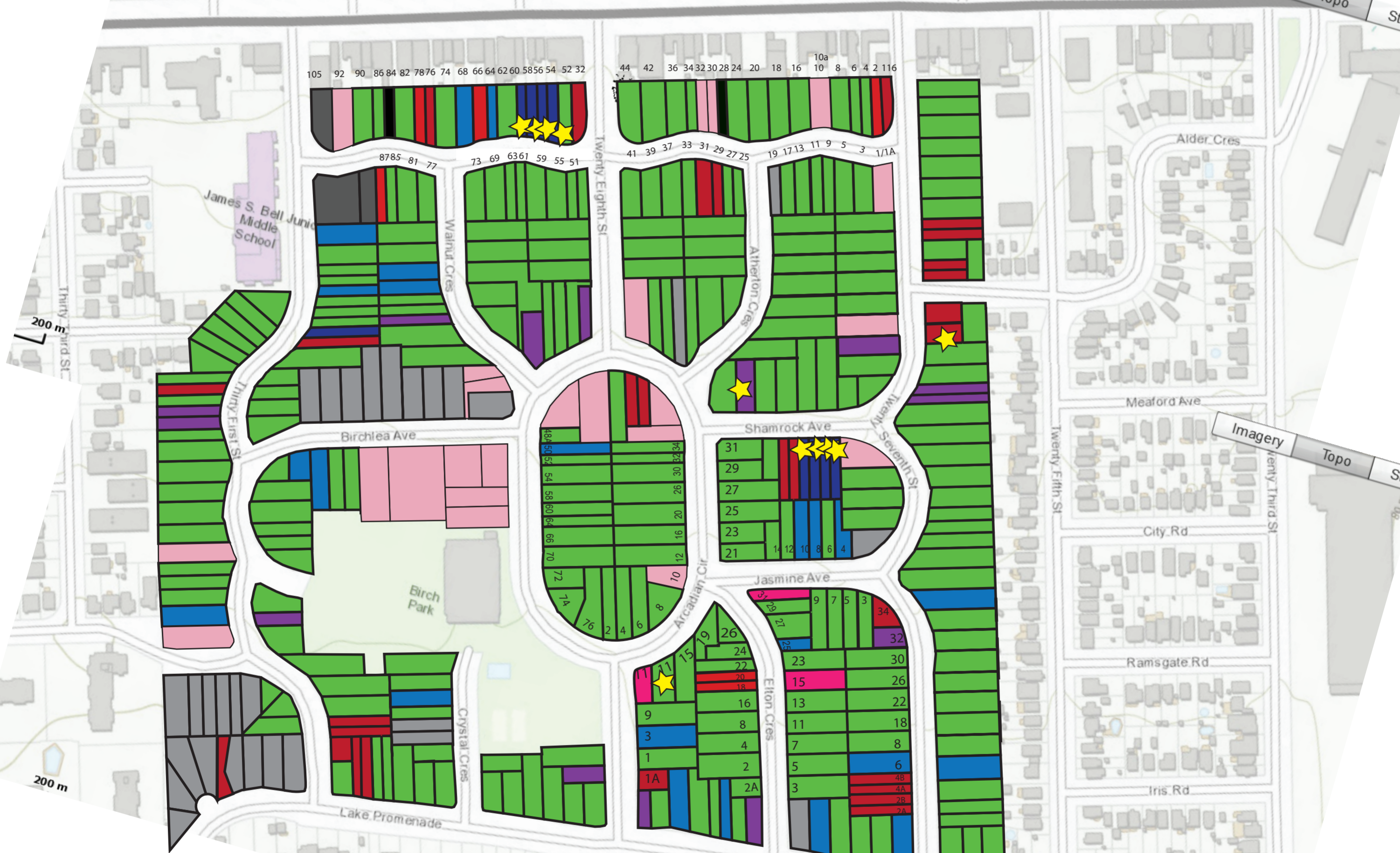
Christine Mercado  
Chair,  
Long Branch Neighbourhood Association

Cc Councillor Grimes

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- <sup>i</sup> Map of applications for large FSIs not built
  - <sup>ii</sup> Map of RM zone south of Lake Shore West of Thirty Third Street
  - <sup>iii</sup> Decision Summary Table – South of Lake Shore West of Long Branch Ave
  - <sup>iv</sup> 2016 Neighbourhood Profile – Long Branch – Households by tenure 53% rental 47% home ownership
  - <sup>v</sup> 80 Thirty Ninth Street – Trees slated for injury or removal due to high FSI and Lot Severance
  - <sup>vi</sup> TLAB decision – 80 Thirty Ninth Street
  - <sup>vii</sup> Page 225 2018 Tree Canopy Report
  - <sup>viii</sup> Page 256 2018 Tree Canopy Report
  - <sup>ix</sup> Impact of Residential Intensification on Urban Forest in the Long Branch Neighbourhood, Toronto – Capstone Study
  - <sup>x</sup> Page 31 – The Development Pipeline – Housing targets have been surpassed to 2041 at 150% and are at 95% for 2051.



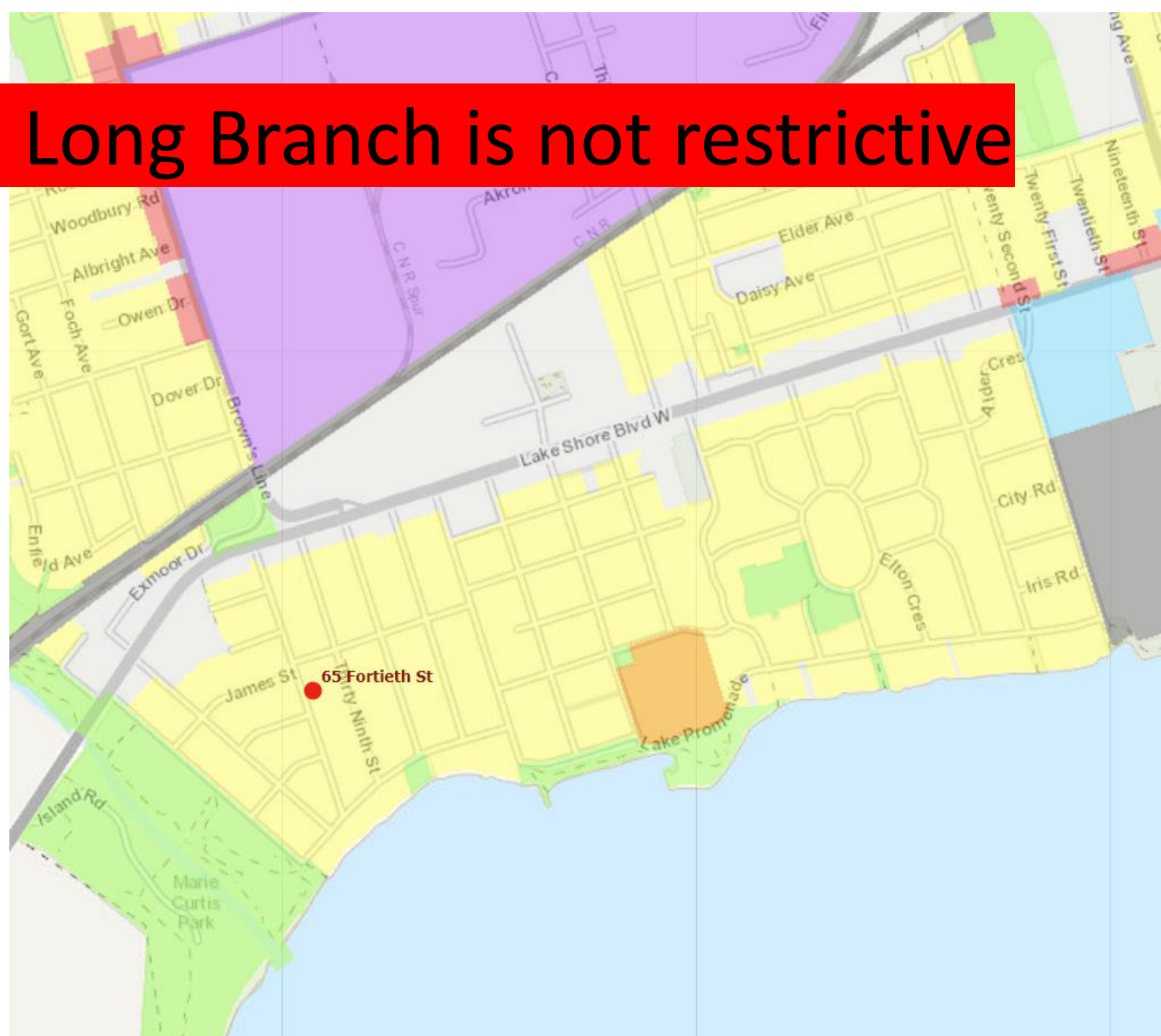
# High FSI approved but not built



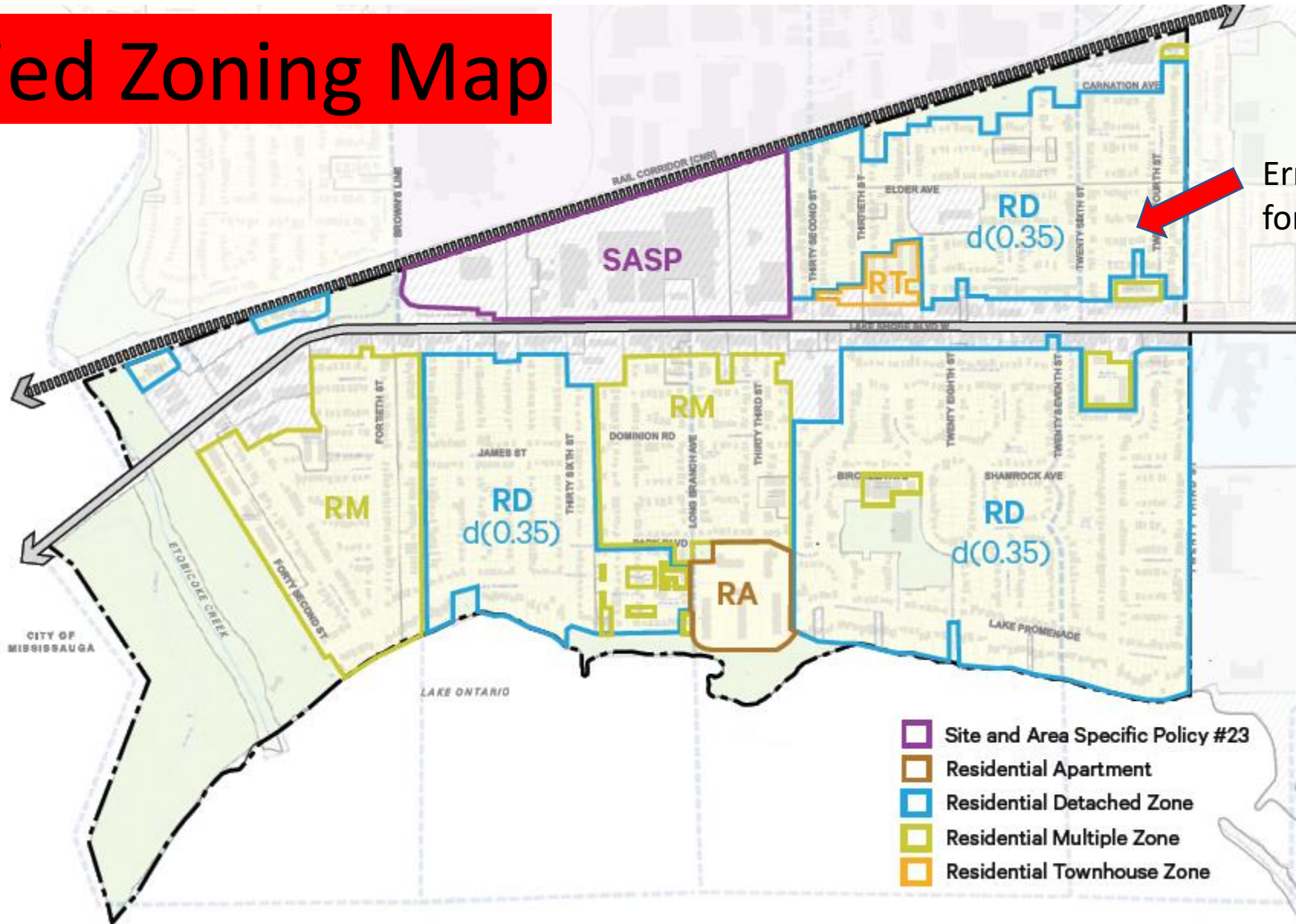


# The Yellow Belt in Long Branch is not restrictive

Long Branch captures Missing Middle Housing using their RM zones, Avenue and SASP



# Simplified Zoning Map



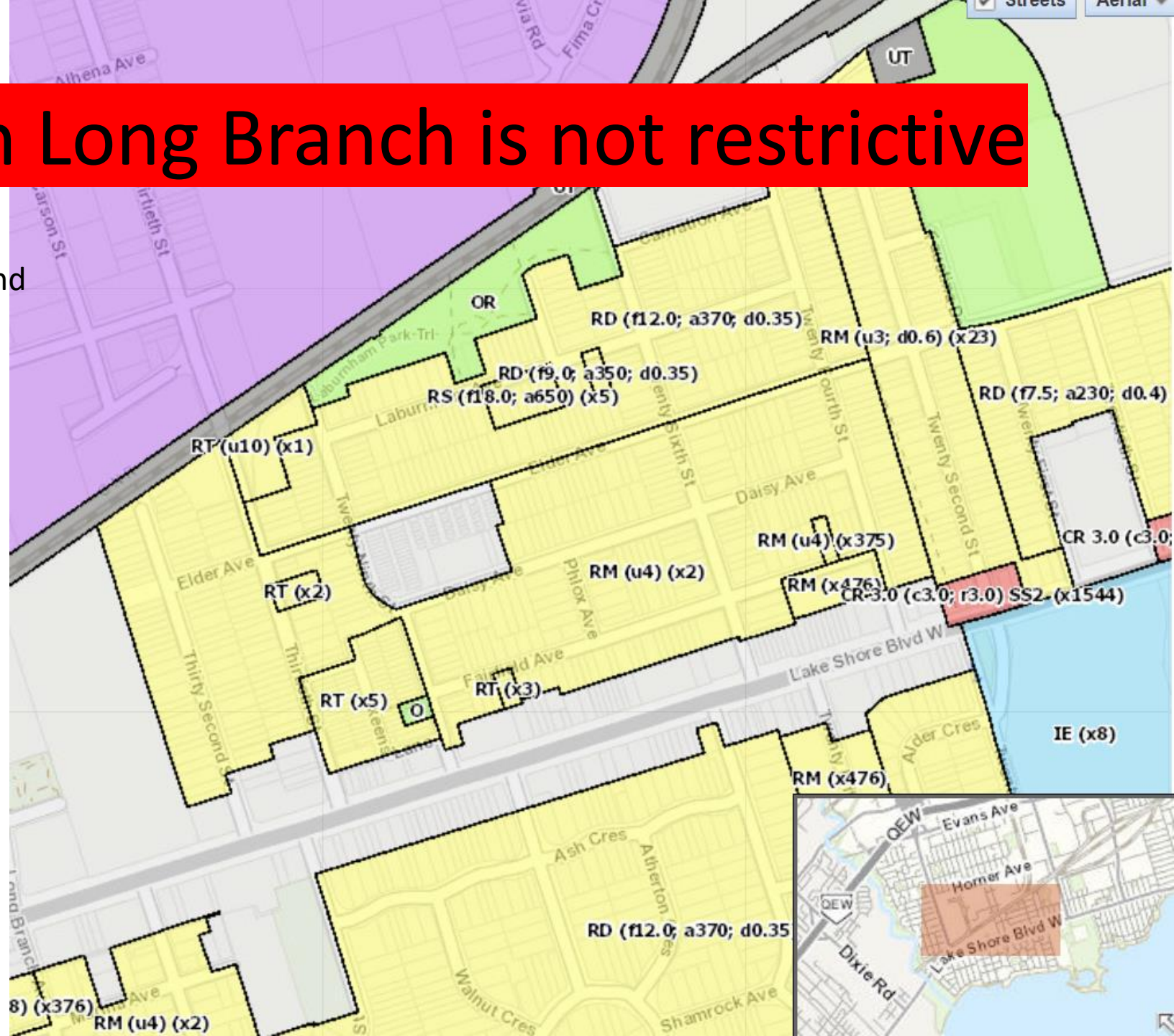
Error See next page for accurate zoning



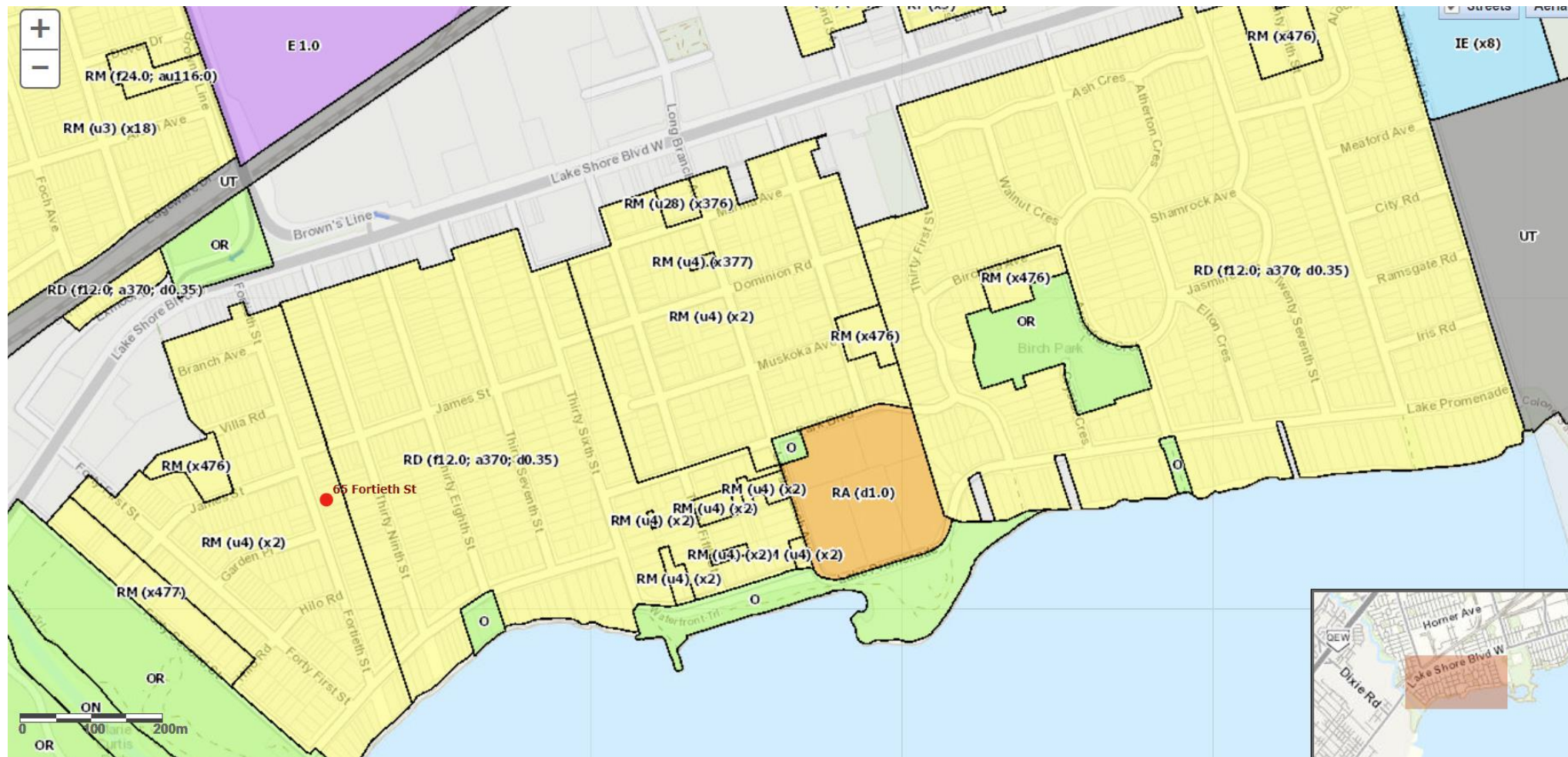
# The Yellow Belt in Long Branch is not restrictive

North of Lake Shore West of Twenty Second

Zoning is mostly RM.



# The Yellow Belt in Long Branch is not restrictive





Applicants are not applying to build missing middle housing. Just expensive housing in the form of single detached.



Decision summary table - South of Lake Shore West of Long Branch Ave

	FILE No./Year	ADDRESS	PROPOSAL	DECISION [APPEAL]	LOT FRONTAGE	FLOOR SPACE INDEX	
1	B28/17, A302, A303	8 Branch	sever site into two lots; new detached dwellings	approve	7.62m, 7.62m	0.71, 0.71	1
2	A143/09	1 Villa Rd.	2nd storey addition, front covered porch and rear detached garage	approve		0.37 [existing was 0.19]	2
3	B61/16, A0709, A0710	14 Villa Rd.	sever site into two lots for detached residential	approve [approve]	7.62m, 7.62m	0.7	3
4	A489/05	19 Villa Rd.	new front entrance addition and front yard parking pad	approve			4
5	A860/18	19 Villa	partial 2nd storey addition	approve		0.43	5
6	B26/04, A126, A127	28 Villa Rd. [now 28 & 26]	sever site into two lots for detached and duplex residential	refuse [approve]	7.62m, 7.62m	0.59, 0.601	6
7	A583/11	4 Fortieth St.	2nd storey addition to duplex	approve		0.75	7
8	A460/06	33 Fortieth St.	2nd storey addition and rooftop deck, rear 2 storey addition, new covered porch and bay window	approve		0.42	8
9	B16/18, A127, A137	65 Fortieth	sever one lot into two, construct new dwellings	approve [appealed]	7.62m, 7.62m	0.65	9
10	B82/16, A895, A896	75 Fortieth	sever site into two lots, maintain dwelling and construct new detached residential	approve	7.61m, 7.61m	0.44, 0.63 new	10
11	A118/06	87 Fortieth St.	rear 1 storey addition to dwelling	approve		0.54	11
12	B12/01, A96, A97	115 Fortieth St.	sever site into 2 lots for new semi-detached dwellings	approve	7.62m, 7.62m	0.62	12
13	A669/16	122 Fortieth	2nd storey addition above commercial building	approve			13
14	A670/16	124 Fortieth	2nd storey addition above commercial building	approve			14
15	A594/16	4 Forty First	2nd floor addition, front porch and rear deck	approve		0.5	15
16	A365/16	14 Forty First St.	new detached dwelling with integral garage	approve		0.51/0.48	16
17	A166/17	16 Forty First	second storey addition, side one storey addition	approve		0.61	17
18	B5/13, A65, A66	33 Forty First St.	sever site into 2 lots for new detached dwellings	approve	7.62m, 7.62m	0.65	18
19	B52/09, A362, A363	34 Forty First St.	sever site into 2 lots for new semi-detached dwellings	approve	7.62m, 7.62m	0.64	19
20	A173/05	37 Forty First St.	2nd storey addition to dwelling	approve		0.45	20
21	A148/08	32 Forty First St.	expand dwelling front wall and reconstruct front porch	approve			21
22	A42/10, A298, A299	46 Forty First St.	sever site into 2 lots for new detached dwellings	approve	7.62m, 7.62m	0.67	22
23	A499/10	46 Forty First St.- Part 1	new 2 storey detached dwelling	approve			23
24	A500/10	46 Forty First St.- Part 2	new 2 storey detached dwelling	approve			24
25	A302/14	50 Forty First St.	legalize and maintain residential building with 3 dwelling units	approve	13.72m	0.71	25
26	B51/09, A360, A361	69 Forty First St.	sever site into 2 lots for new detached dwellings	approve [approve]	7.62m, 7.62m	0.66	26
27	A753/17	82 Forty First	two storey rear addition and 2nd storey deck	approve		0.4	27
28	A154/07	1 Garden Place	expand front porch	approve			28
29	A331/16	10 Garden Place	rear 2 storey addition	approve		0.53	29
30	A747/15, A748/15, B85/15	20 Garden Place	sever site into 2 lots for new detached dwellings	refuse [approve]	7.6m, 7.6m	0.664	30
31	A145/07	7 Hilo Road	2nd storey addition to dwelling	approve		0.5	31
32	A7/04	63 JAMES STREET	new 2 storey detached dwelling with attached two car garage	approve		0.51	32



	FILE No./Year	ADDRESS	PROPOSAL	DECISION [APPEAL]	LOT FRONTAGE	FLOOR SPACE INDEX	
33	B23/11, A328, A329	73 JAMES STREET	Sever one lot into two lots; construct new dwellings; mutual driveway	approve	7.62m, 7.62m	0.61 & 0.65	33
34	A25/03	75 JAMES STREET	2nd storey addition to dwelling	approve			34
35	B69/10, A457, A458	4 JAMES STREET	Sever one lot into two lots; construct new dwellings; mutual driveway	refuse; (approve)	7.62m, 7.62m	0.53	35
36	B37/11, A402, A403	20 JAMES STREET	sever one lot into two lots; construct new dwellings	refuse; (refuse)	7.593m, 7.593m	0.66	36
37	B38/14, A364, A365	20 JAMES STREET	sever one lot into two lots; construct new dwellings	refuse; (approve)	7.59m, 7.59m	0.53, 0.54	37
38	A428/12	31 JAMES STREET	2nd storey addition to dwelling and rear deck	approve		0.598	38
39	A294/10	56 JAMES STREET	rear detached garage	approve			39
40	B28/04, A131, A132	61 JAMES STREET	Sever one lot into two lots; construct new dwellings	refuse; (approve)	7.62m, 7.62m	0.55	40
41	A105/18	23 THIRTY SIXTH STREET	one storey addition to dwelling	approve			41
42	B2/16, A14, A13	30 Thirty Sixth	sever site into two lots; new detached dwellings	refuse [approve]	7.62m, 7.62m	0.67 [refused]	42
42	A0673/16	35 THIRTY SIXTH STREE	replace front porch	approve			42
43	17 201219 et al	38 THIRTY SIXTH STREE	sever one lot into two lots; construct new dwellings	refuse (refuse)	7.62m, 7.62m	0.69 (0.62)	43
44	B12/16, A121, A122	50 THIRTY SIXTH STREET	sever one lot into two lots; construct new dwellings	approve	19.05m; 17.53m	0.69	44
45	A641/17	50 THIRTY SIXTH STREET	2nd storey addition to dwelling	approve		0.68	45
46	A290/14	53 THIRTY SIXTH STREET	2nd storey and 2 storey additions	approve		0.48	46
47	A77/10	63 THIRTY SIXTH STREET	rear one storey addition to dwelling	approve			47
48	A612/12	64 THIRTY SIXTH STREET	rear two storey addition	approve		0.49	48
49	A532/13	90 THIRTY SIXTH STREET	2nd storey and 2 storey additions	approve	9.14m	0.46	49
50	A634/11	16 THIRTY SEVENTH ST	new 2 storey dwelling	approve		0.4609	50
51	A84/07	3 THIRTY SEVENTH STREET	2nd storey addition to dwelling	approve		0.41	51
52	B0055-16, A0604, A0605	40 THIRTY SEVENTH STREET	sever one lot into two, construct new dwellings	refuse (approve)	7.93m, 7.93m	0.66	52
53	A590/10	75 THIRTY SEVENTH STREET	2nd storey and rear 2 storey addition to dwelling	approve		0.4	53
54	A507/14	78 THIRTY SEVENTH STREET	new detached dwelling with integral garage	approve		0.5	54
55	17 165404 etc	9 THIRTY EIGHTH STREET	sever one lot into two, construct new dwellings	approve [approve, refuse, appealed]	7.62m, 7.62m	0.56, 0.56	55
56	A187/16	29 THIRTY EIGHTH STREET	new detached dwelling with attached garage	approve		0.61, 0.59	56
57	B0073/16, A0762/16, A0763/16	30 THIRTY EIGHTH STREET	sever one lot into two; construct new dwellings; mutual right-of-way [sever one lot into two; construct new dwellings; integral garage]	refuse [approved]	7.62m, 7.62m [7.62m, 7.62m]	0.66, 0.66 [0.6734, 0.6696]	57
58	A649/17	35 THIRTY EIGHTH STREET	new detached dwelling	approve		0.63	58
59	B62/15, A531, A532	40 THIRTY EIGHTH STREET	sever one lot into two lots; construct new dwellings	approve	7.62m, 7.62m	0.61, 0.86	59

	FILE No./Year	ADDRESS	PROPOSAL	DECISION [APPEAL]	LOT FRONTAGE	FLOOR SPACE INDEX	
60	B19/13, A165, A166	52 THIRTY EIGHTH STREET	sever one lot into two lots; construct new dwellings	approve	7.62m, 7.62m	0.68	60
61	A14/06	56 THIRTY EIGHTH STREET	2nd storey addition and rear 2 storey addition to dwelling	approve		0.55	61
62	A478/08	57 THIRTY EIGHTH STREET	new two storey dwelling	approve		0.52	62
63	B16/07, A100, A101	59 THIRTY EIGHTH STREET	sever one lot into two lots; construct new dwellings	approve	7.62m, 7.62m	0.49 and 0.48	63
64	A599/07	63 THIRTY EIGHTH STREET	convert dwelling into full two storey dwelling and construct rear detached garage	approve		0.37	64
65	A228/12	70 THIRTY EIGHTH STREET	2nd storey and 1 storey rear additions	approve		0.53	65
66	A445/11	71 THIRTY EIGHTH STREET	2nd storey addition to dwelling	approve		0.51	66
67	A88/16	72 THIRTY EIGHTH STREET	2nd storey additions	approve		0.47	67
68	A4898/12	7A THIRTY NINTH STREET	new detached dwelling with integral garage	approve		0.579	68
69	A522/13	7A THIRTY NINTH STREET	new detached dwelling with integral garage	approve		0.61	69
70	B61/17, A578, A579	27 THIRTY NINTH STREET	sever one lot into two lots, new detached dwellings	approve [appealed]	7.62m, 7.62m	0.66, 0.68	70
71	A95/12	33 THIRTY NINTH STREET	2nd storey, rear 2 storey, side 1 storey additions	approve		0.5	71
72	A214/08	53 THIRTY NINTH STREET	2nd storey addition to dwelling and new front 2 storey addition	approve			72
73	A479/07	53 THIRTY NINTH STREET	2nd storey addition to dwelling	approve		0.44	73
74	B45/13, A289, A290	76 THIRTY NINTH STREET	sever one lot into two lots; maintain one dwelling and construct new dwelling	approve	10.67m, 7.62m	0.55	74
75	B79/17, A789, A790	80 THIRTY NINTH STREET	sever one lot into two lots; new detached dwellings	refuse [appealed]	7.62m, 7.62m	0.62	75
76	B65/11, A691, A692	27 DOMINION ROAD	sever one lot into two lots; construct 2 storey semi-detached dwelling	approve	7.07m, 7.07m	0.7	76
77	A13/11	30 DOMINION ROAD	convert basement into dwelling unit; building to contain 3 dwelling units	approve	14.62m/14.79m		77
78	A202/10	42 DOMINION ROAD	new 2 storey detached dwelling	approve		0.49	78
79	B45/07, A251/07, A252/07	39 DOMINON ROAD	sever one lot into two lots; construct new semi-detached dwelling	approve	7.32m, 7.32m		79
80	B85/05, A482, A483	26 LONG BRANCH AVE.	sever one lot into two lots; construct new semi-detached dwelling	approve	7.62m, 7.62m		80
81	A6/01	33 LONG BRANCH AVE.	construct three car garage in rear yard	approve			81
82	B43/08, A367, A368	41 LONG BRANCH AVE.	sever one lot into two lots; construct new semi-detached dwelling	approve	7.53m, 7.53m	0.7	82
83	B60/10, A385, A386	41 LONG BRANCH AVE.	sever one lot into two lots; construct new semi-detached dwelling	approve	15m, 15m	0.64	83
84	B22/11, A292, A293	61 LONG BRANCH AVE.	sever one lot into two lots; construct new semi-detached dwelling	refuse; (approve)	7.62m, 7.62m	0.75	84
85	A495/07	23 MARINA AVE	one and two storey building additions to dwelling	approve		0.47	85
86	B15/10, A105, A106	34 MARINA AVE.	sever one lot into two lots; construct new semi-detached dwelling	approve	7.09m, 7.09m	0.66	86
87	A140/10	25 MUSKOKA AVE.	legalize and maintain basement dwelling unit	approve	14.2m		87

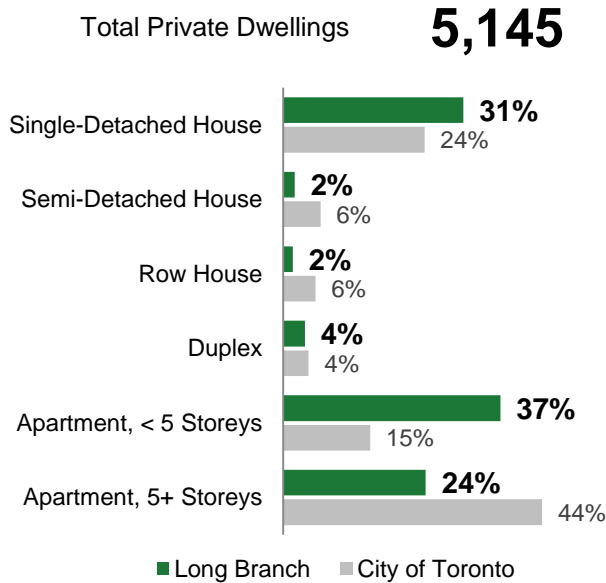


	FILE No./Year	ADDRESS	PROPOSAL	DECISION [APPEAL]	LOT FRONTAGE	FLOOR SPACE INDEX	
88	B37/14, A347, A348	30 MUSKOKA AVE.	sever one lot into two lots; construct new semi-detached dwelling	approve	7.08m, 7.08m		88
89	A0138/17	23 THIRTY FIFTH STREET	2nd storey addition to dwelling	approve		0.52	89
90	A380/10	27 THIRTY FIFTH STREET	legalize and maintain basement dwelling unit	approve	15.24m	0.76	90
91	A213/08	38 THIRTY FIFTH STREET	2nd storey addition to dwelling	approve		0.45	91
92	A83/01	48 THIRTY FIFTH STREET	one storey addition to dwelling	approve			92
93	B65/13, A475, A476	48 THIRTY FIFTH STREET	sever one lot into two lots; construct new detached dwellings	refuse (approve)	8.07m	0.73	93
94	A226/02	49 THIRTY FIFTH STREET	rear 2 storey addition and convert from duplex to fourplex	refuse; (approve)	16m	0.61	94
95	B40/08	53 THIRTY FIFTH STREET	sever to re-establish two lots	approve	7.77m, 8.53m		95
	FILE No./Year	ADDRESS	PROPOSAL	DECISION [APPEAL]	LOT FRONTAGE	FLOOR SPACE INDEX	

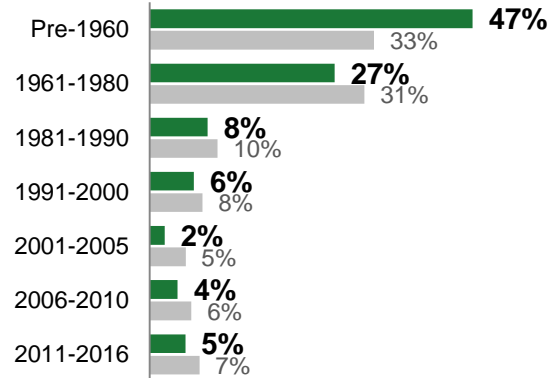
- Black font - RM zone Forty Second to Fortieth South of Lake Shore
  - Blue font - RD Zone - Thirty Ninth Street to Long Branch South of Lake Shore
- |    |   |
|----|---|
| 38 | creating Single detached dwellings                  |
| 3  | creating missing middle housing                     |
| 4  | maintaining but not increasing multi tenant housing |
| 3  | removing plantable space with addition of parking   |
| 47 | Variance for addition to existing homes             |

# Housing & mobility

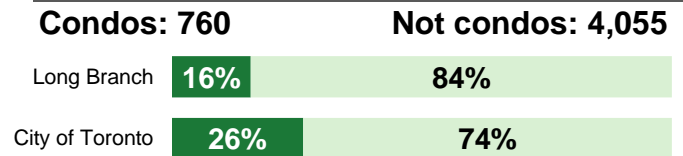
## Private dwellings by structure type



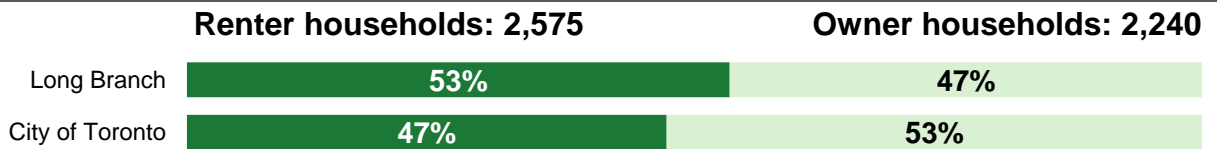
## Period of construction



## Occupied dwellings by condominium status



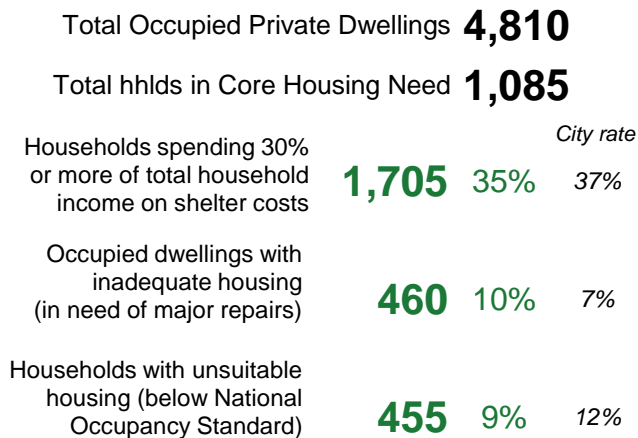
## Households by tenure



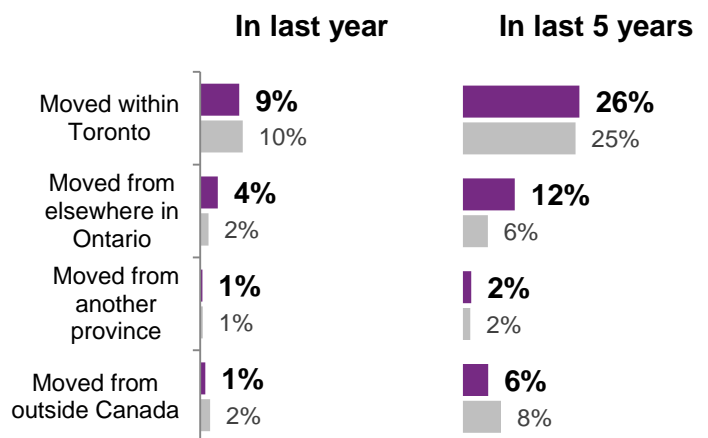
## Shelter costs

Renter Households			Owner Households		
	City Avg.			City Avg.	
Median Shelter Cost	\$1,034	\$1,201	Median Shelter Cost	\$1,586	\$1,496
Mean Shelter Cost	\$1,086	\$1,242	Mean Shelter Cost	\$1,649	\$1,682
Unaffordable Housing	44.3%	46.8%	Unaffordable Housing	25.0%	27.4%
Subsidized Housing	4.3%	15.1%	With a mortgage	61.8%	57.5%

## Core Housing Need



## Mobility





# DECISION AND ORDER

**Decision Issue Date**                      **Friday, June 4, 2021**

PROCEEDING COMMENCED UNDER Section 53, subsection 53(19), Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): Hamed Ismailzadeh

Applicant(s): Rubinoff Design Group

Property Address/Description: 80 Thirty Ninth St

Committee of Adjustment File

Number(s): 17 228728 WET 06 CO (B0079/17EYK); 17 228734 WET 06 MV (A0789/17EYK); 17 228731 WET 06 MV (A0790/17EYK)

**TLAB Case File Number(s): 18 152342 S53 06 TLAB; 18 152353 S45 06 TLAB; 18 152350 S45 06 TLAB**

**Hearing date: March 22, 2021**

**Deadline Date for Closing Submissions/Undertakings:**

**DECISION DELIVERED BY S. Makuch**

## REGISTERED PARTIES AND PARTICIPANTS

Applicant	Glenn Rubinoff Design Group
Appellant	Hamed Ismailzadeh
Appellant's Legal Rep.	Ron Kanter
Party	City of Toronto
Party	Long Branch Neighborhood Association
Party's Legal Rep.	Matthew Longo
Party's Legal Rep.	Adrienne deBacker

Participant	John Dennis Marshall
Participant	Alexander Donald
Participant	Ester Gomez
Participant	John MacDonald
Participant	Donna Donald
Participant	Dottie Irvine
Participant	Judy Gibson
Participant	Sandre Young MacDonald
Participant	Jacquelyn Wells
Participant	Raymond Wells
Expert Witness	Franco Romano
Expert Witness	Max Dida
Expert Witness	Ian Graham
Expert Witness	Ian Bruce

## **INTRODUCTION**

This is an appeal from decisions of the Committee of Adjustment refusing a consent to sever the subject property into two undersized lots and refusing variances to permit the construction of a detached dwelling with an integral garage on each lot. The application would have resulted in each lot having a frontage of 7.62 m and a lot area of 317.4m<sup>2</sup> and 317.7 m<sup>2</sup>. The remaining variances were similar for both buildings and related to: lot frontage and area; building height and gross floor area; side yard setbacks of walls and eaves; wall height; size and location of first floors; and location of front porches.

## **BACKGROUND**

The subject property is in the Long Branch Neighbourhood of the City, south of Lakeshore Boulevard West. The appeal is opposed by the Long Branch Neighbourhood Association (LBNA) as well as the City of Toronto and neighbours, including the immediate neighbour to the south. This is one of a number of appeals respecting consents and multiple variances in the area. This appeal took over 12 hearing days and

included a number of motions. One of the motions was to permit the applicant to revise the application. It was granted. The resulting revised variances are found in Appendix 1. The changes resulting from the revised plans were summarized by the applicant as follows:

For both dwellings (80A and 80 B)

1. the first floor component above the garage was removed. This reduces the gross floors area to .58
2. the first floor above the foyer is one level closer to grade level.
3. The sloped roof was redesigned eliminating the eaves variance.
4. A combination of the above changes resulted in a lower main wall and corresponding elimination of main wall height variances.
5. Rear decks were flipped to be close to internal side yards, closer to grade (per above; depending on the elevations between 1.22m and 1.25m above grade) and privacy screens were added.
6. The platform variances appear to be removed through combination of above.

In addition for the South dwelling 80A:

1. The driveway was moved to north side.
2. A slightly larger front yard setback was provided for so this variance was removed.
3. The above combination of alterations helps to protect front private, unregulated trees and continues to protect City tree.
4. A length variance was identified by the designer but may be calculated as depth in which case it is not a length variance, depending on zoning interpretation.

## **MATTERS IN ISSUE**

In spite of the revisions to the plans and the reduction in variances, the variances may be categorized as follows: (1) the size of dwellings and lot frontages; (2) the impact on tree canopy and tree protection, and (3) matters such as wall height and the size and location of the first floor and front porch as they affected the facade and minor elements of building appearance. The first two issues, in turn, are subsumed under the two broader issues of whether the revised proposal maintains the general intent and purpose of the Official Plan: by respecting and reinforcing the physical character of the neighbourhood; and by properly addressing the preservation of the tree canopy and the



urban forest. These issues also bring into consideration the Long Branch Neighbourhood Character Guidelines (LBNCG) and Official Plan requirements for the removal of trees. Although there was detailed evidence regarding the front facades, I did not find the front facades per se to be a significant issue once the plans were revised.

These are the fundamental questions on this appeal, although the applicant must also demonstrate that all variances meet the four tests under s. 45 of the *Planning Act* and comply with provincial requirements. It should be noted that if the variances for lot frontage are not approved then the consent cannot be granted.

## **JURISDICTION**

### **Provincial Policy – S. 3**

A decision of the Toronto Local Appeal Body ('TLAB') must be consistent with the 2014 Provincial Policy Statement ('PPS') and conform to the Growth Plan for the Greater Golden Horseshoe for the subject area ('Growth Plan').

### **Consent – S. 53**

TLAB must be satisfied that a plan of subdivision is not necessary for the orderly development of the municipality pursuant to s. 53(1) of the Act and that the application for consent to sever meets the criteria set out in s. 51(24) of the Act. These criteria require that " regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2 of the Planning Act;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
  - (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the

proposed subdivision with the established highway system in the vicinity and the adequacy of them;

(f) the dimensions and shapes of the proposed lots;

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

(h) conservation of natural resources and flood control;

(i) the adequacy of utilities and municipal services;

(j) the adequacy of school sites;

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Variance – S. 45(1)

In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

## **EVIDENCE**

The very lengthy hearing provided a full opportunity for all parties to submit their evidence. Indeed, the applicants and the City, under the direction of excellent legal counsel, and the LBNA and residents, under the guidance of exceptional leadership, all

submitted detailed and helpful evidence. The planners for both the City and the applicants provided evidence as did neighbours and residents.

The evidence regarding the front facades was clear as the elevations were revised to address the concerns of the City and the community. The facades largely complied with the LBNCG as a result of those revisions. For example, the front door entry was lowered, a window was added to face the street, the dwellings were two stories, and the facades had different treatment in terms of material. The evidence of the applicant's planner clearly addressed these changes. Therefore, the variances which dealt with the facade and minor elements of building appearance were all addressed and were not a basis for refusing the application.

The evidence which was important, however, related to two matters: (1) Lot frontage and whether the lot size and building size and width respected and reinforced the character of the neighbourhood, and (2) The care that was taken and would be taken to preserve the urban forest.

With respect to the first issue there was the evidence of two qualified urban planners, Mr. Romano for the applicants and Mr. Graham for the City. In addition, there was the evidence of the residents. Also, I have visited the neighbourhood and observed its physical characteristics.

Mr. Romano's evidence was clear. His study of the surrounding area as set out in his witness statement and presented orally, was that the area was eclectic; made up of many of different widths and sizes and buildings of different widths and sizes. He found that a substantial number of lots had the same frontage as proposed and many were narrower. He was less concerned about lot size as it is not discernable from the street. His conclusion was that the neighbourhood had a characteristic of a mix of lot and house sizes and that there is a mix of frontages and gross floor areas or floor space indices. In his opinion the proposal met the general intent and purpose of the Official Plan which is to protect and reinforce the character of the area as found in Policy 4.1.5. and in the policies of OPA 320.

Mr Graham's evidence was based on a smaller study area than that undertaken by Mr. Romano. His study focused on lot footage and size compared to building size and width. His conclusion was based on comparing the lot frontages and or sizes with the gross floor areas of a building on its lot. He opinion was that gross floor area was an useful indication of whether a building "fit" on a lot or was oversized for a lot. In his view the proposal resulted in dwellings which were too large for their lots. This conclusion was reinforced by the reduction in side yard setbacks and by a finding that the character of the area was one of smaller dwellings on larger lots which reinforced the green and treed character of the area.

Mr. Romano gave evidence that the determination of whether a dwelling fit on a lot and in turn fit in the neighbourhood was a subjective determination although he had ample examples of lots of similar frontage and area with dwellings of similar size as those proposed in the neighbourhood. Mr. Graham had statistics to demonstrate that



there were numerous large lots with small dwellings and that this was a characteristic of the neighbourhood. He agreed that the judgement on this issue was subjective.

The neighbours all gave evidence that in their opinion the dwellings were too large for the lots and did not fit the character of the neighbourhood. They also gave evidence that the LBNCG stated that the Guidelines should be applied to evaluate the proposal and that the proposal did not meet them. The Guidelines themselves, approved by City Council state on page 1 that they “will serve as an implementation tool for the City of Toronto Official Plan and zoning bylaw in the evaluation of development applications”. The Guidelines further state that “The objective of the Guidelines is to identify the neighbourhood’s key character defining qualities and to ensure that future developments are designed in a manner which is contextually sensitive and responsive to the neighbourhood character in keeping with policy 4.1.5 of the City’s official Plan.” At page 24 the Guidelines further state that (in Section 2.2.1, Neighbourhood Configuration, Frontage and Severances) “Recent lot severances, which are disbursed throughout the neighbourhood, produce... narrow frontages (6.0 m - 8.0 m) that do not meet the intent of the Zoning Bylaw.” In Mr. Romano’s opinion the Guidelines do not apply but, in any event, the proposal met them.

With respect to the issue of preservation of the urban forest it was clear that this was an issue that was not seriously addressed in the planning or designing of the development of the site. The impact of the proposal on the tree canopy and how to minimize destruction of trees did not appear to me to be seriously considered by the proponents until the issue was raised at the hearing. As a result, significant changes were made to the site plan and the proponent is to be commended for obtaining additional professional advice respecting this issue and for revising the plans. The evidence of three arborist was presented, two for the proponent and one for the LBNA . The evidence of the proponent’s second arborist ultimately outlined how the proposal was revised after being presented to TLAB to meet possible City requirements and concerns of the LBNA. The evidence was clear, however, that trees are a part of the character of the neighbourhood and that the tree canopy was important part of that character. Evidence respecting trees was also given that Official Plan policy 3.1 states that “building activities and changes to the built environment will be environmentally friendly based on:...(d) preserving and enhancing the urban forest by: i providing suitable growing environment for trees; ii increasing tree canopy and diversity; iii regulating the injury and destruction of trees.” It was, however, clear that trees would be destroyed and replaced with smaller trees and that the proposal would have an immediate impact on the tree canopy. Moreover, there was the additional issue of whether a boundary tree (a tree in the rear yard beside a garage) proposed to be removed can be removed given the opposition of the neighbouring property owner. It was also in question whether other trees were boundary tree along the southern property line of the subject property.

I visited the site and the neighbouring area. Based on that visit I found the neighbourhood to be one which is treed with a significant tree canopy. consistent with the testimonies of the neighbours and witnesses for the LBNA. It is also an area with a

cottage like atmosphere which is characterized by space between many of the homes and by small house on large lots. There is generally not overcrowding of houses close to each other but rather green space between houses that help create the cottage atmosphere. .

## **ANALYSIS, FINDINGS, REASONS**

This is indeed a difficult decision. The proponents have made significant improvements to their proposal during the course of the hearing. They attempted to address the concerns of the neighbours. The dwellings plans were altered in a number of positive ways. The height and stories were reduced. The materials altered. The roof pitch was changed. The facade was made to comply with the facade standards of the LBNCG.

However, this was insufficient. The fundamental problem raised by Mr. Graham and the residents was not addressed by these changes and remains. The proposal results in two dwellings which are too large for their narrow lots. Moreover, they would be placed beside a similar house on a similar sized lot and thus would create three dwellings in a row with a similar “overdevelopment” characteristic. The proposed lot frontages and areas are too small for the size of the buildings and reduced setbacks. A variance for lot frontage of 7.62 m from 12m is simply too substantial as pointed out in the LBNCG which state that a frontage of that size does not meet the intent of the bylaw. I find the Guidelines are useful, not only because they clearly indicate the general intent of the zoning bylaw but also because the proponents accepted their applicability by amending the proposal to meet them. The revisions, however, did not change the frontage which does not meet the intent of the zoning bylaw. A provision in the bylaw permitting existing frontages does not alter that intent as it is merely to legalize existing frontages..

In conclusion, based on my observations on the suggestion in the LBNCG and the magnitude of the frontage variance (12 m to 7.72 m), I find that the frontage variances do not maintain the general intent and purpose of the zoning bylaw. Moreover, such frontages do not maintain the intent of policy 4.5.1 of the Official Plan. The general intent and purpose of the Official is to ensure that new development respects and reinforces the physical character of the area. The character of the area is not one of dwellings with reduced frontages, and reduced side yard with dwellings that appear oversized. Indeed it is that type of development I find the Official Plan and zoning bylaw are enacted to prevent. In this case the building size being is reflected in a significant increase in density from .35 to .58 which will give the appearance of an overdevelopment of the lots. This maybe a subjective assessment, as Mr. Romano stated, but it is clearly not a character for the area which should be respected and reinforced and is not a character which is appropriate for the development of the site.


With respect to the preservation of the trees on the site it is clear that no attempt was made to design the development in a manner to preserve and enhance the urban forest in a neighbourhood where the forest and canopy are part of its character. Indeed, the proponent was not aware of a least one boundary tree which may not be able to be destroyed without permission of the neighbour. As a result, in spite of revisions to the plan to address concerns regarding the urban forest, I find it premature to approve a development when it is possible that a third party's permission is necessary to destroy a boundary tree for the development to proceed. Granting such permission may result in undue pressure for the destruction of the tree. It is important that proponents and their architects seriously consider preservation of the urban forest and tree canopy when beginning the preparation of their plans and not treat this issue as an afterthought. I find that this consideration may be fundamental in deciding whether variances are "desirable for the appropriate development or use of the land, building or structure". In this case there was no evidence of forethought being given to Official Plan policies respecting trees.

As stated, this was a difficult case. The proponents made a serious attempt to address the concerns of the City and of other opponents, all of whom presented an excellent case. Although the proponents ultimately presented a strong case, the revisions did not address the fundamental inadequacies of the proposal which were narrow frontages and oversized buildings and further a failure to address the issue of tree preservation adequately.

Since the footage and FSI variances, which are fundamental to the proposal, are not approved, all the other variances also fail as the dwellings cannot be constructed. Similarly without the frontage variance, the consent cannot be granted.

## **DECISION AND ORDER**

The appeals are dismissed, and the variances, revised variances, and consent are denied.

X 

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S. Makuch  
Panel Chair, Toronto Local Appeal

## Appendix 1

### 80 THIRTY NINTH STREET - PART 1

1. Section 10.20.30.10.(1)(A). By-law 569-2013

The minimum required lot area is 370 m<sup>2</sup>.

The new lot area will be 317.4 m<sup>2</sup>.

2. Section 10.20.30.20.(1)(A), By-law 569-2013

The minimum required lot frontage is 12 m.

The new lot frontage will be 7.62 m.

3. Section 10.20.40.40.(1)(A), By-law 569-2013

The maximum permitted gross floor area is 0.35 times the area of the lot (111.09 m<sup>2</sup>).

The new dwelling will have a gross floor area of 0.58 times the area of the lot (183.4 m<sup>2</sup>).

4. Section 10.20.40.70.(3)(C), By-law 569-2013

The minimum required side yard setback is 1.2 m.

The new dwelling will be located 0.6 m from the north side lot line and 0.9 m from the south side lot line.

5. Section 10.20.40.20.(1), By-law 569-2013

The maximum permitted building length is 17.0m.

The new dwelling will be 17.37m in length.

### 80 THIRTY NINTH STREET - PART 2

1. Section 10.20.30.10.(1)(A). By-law 569-2013

The minimum required lot area is 370 m<sup>2</sup>.

The new lot area will be 317.7 m<sup>2</sup>.

2. Section 10.20.30.20.(1)(A), By-law 569-2013

The minimum required lot frontage is 12 m.

The new lot frontage will be 7.62 m.

3. Section 10.20.40.40.(1)(A), By-law 569-2013

The maximum permitted gross floor area is 0.35 times the area of the lot (111.2 m<sup>2</sup>).

The new dwelling will have a gross floor area of 0.58 times the area of the lot (183.4 m<sup>2</sup>).

4. Section 10.20.40.70.(3)(C), By-law 569-2013

The minimum required side yard setback is 1.2 m.

The new dwelling will be located 0.9 m from the north side lot line and 0.6 m from the south side lot line.



## Supplement A - Summary of Potential Influences on Canopy Cover by Neighbourhood

Table 37: Summary of EAB Removals, Ice Storm Service Calls, Development Applications and Building Permits by Neighbourhood

Neighbourhood	Ash Removals due to EAB	Ice Storm Service Calls	Development Applications	Building Permits (2008-2018)
West Humber-Clairville (1)	854	1047	406	2706
Mount Olive-Silverstone-Jamestown (2)	605	292	28	379
Thistletown-Beaumont Heights (3)	257	219	97	495
Rexdale-Kipling (4)	241	250	36	982
Elms-Old Rexdale (5)	251	125	52	1411
Kingsview Village-The Westway (6)	246	376	95	3349
Willowridge-Martingrove-Richview (7)	163	751	190	1839
Humber Heights-Westmount (8)	148	159	163	953
Edenbridge-Humber Valley (9)	227	210	412	2609
Princess-Rosethorn (10)	163	232	338	272
Eringate-Centennial-West Deane (11)	420	289	178	1920
Markland Wood (12)	162	105	40	602
Etobicoke West Mall (13)	50	48	57	1854
Islington-City Centre West (14)	354	387	1286	500
Kingsway South (15)	197	384	557	1054
Stonegate-Queensway (16)	354	410	1011	446
Mimico (includes Humber Bay Shores) (17)	253	64	626	1587
New Toronto (18)	104	32	288	2451
<b>Long Branch (19)</b>	<b>129</b>	<b>53</b>	<b>700</b>	<b>2015</b>
Alderwood (20)	526	119	608	2214
Humber Summit (21)	285	192	186	773
Humbermede (22)	299	91	48	701
Pelmo Park-Humberlea (23)	248	85	210	1647
Black Creek (24)	266	163	22	175

2018 Tree Canopy Study

Neighborhood	Percent Canopy 2018	Standard Error Percent	Percent Canopy 2009	Standard Error Percent	Change
Kingsview Village-The Westway (6)	23.88	5.21	25.70	5.10	-1.82
Kingsway South (15)	42.55	7.21	46.90	7.10	-4.35
L'Amoreaux (117)	28.04	4.34	28.90	8.60	-0.86
Lambton Baby Point (114)	62.96	9.29	33.30	4.20	29.66
Lansing-Westgate (38)	47.06	5.41	48.10	5.60	-1.04
Lawrence Park North (105)	46.34	7.79	37.50	7.70	8.84
Lawrence Park South (103)	40.35	6.50	39.60	7.10	0.75
Leaside-Bennington (56)	39.66	6.42	47.90	5.80	-8.24
Little Portugal (84)	6.25	6.25	10.00	5.50	-3.75
Long Branch (19)	15.00	6.12	26.50	7.60	-11.50
Malvern (132)	27.87	4.06	25.90	3.70	1.97
Maple Leaf (29)	39.53	7.46	22.00	5.90	17.53
Markland Wood (12)	31.82	7.02	28.80	6.30	3.02
Milliken (130)	13.16	2.74	8.10	2.10	5.06
Mimico (includes Humber Bay Shores) (17)	16.49	3.77	13.40	3.50	3.09
Morningside (135)	52.69	5.18	53.80	5.60	-1.11
Moss Park (73)	5.56	5.56	13.30	6.20	-7.74
Mount Dennis (115)	39.29	9.23	25.60	7.00	13.69
Mount Olive-Silverstone-Jamestown (2)	25.71	5.22	31.60	5.30	-5.89
Mount Pleasant East (99)	44.90	7.11	54.80	7.70	-9.90
Mount Pleasant West (104)	30.00	12.25	30.00	8.40	0.00
New Toronto (18)	15.25	5.08	8.70	4.20	6.55





# Impact of Residential Intensification on Urban Forest in the Long Branch Neighbourhood, Toronto



*Jackie De Santis, Master of Forest Conservation Student, U of T*

Internal supervisor: Dr. Danijela Puric-Mladenovic  
External supervisors: Dr. Andy Kenney and Judy Gibson

December 10, 2019



# PLANNING RESILIENT, LIVABLE CITIES

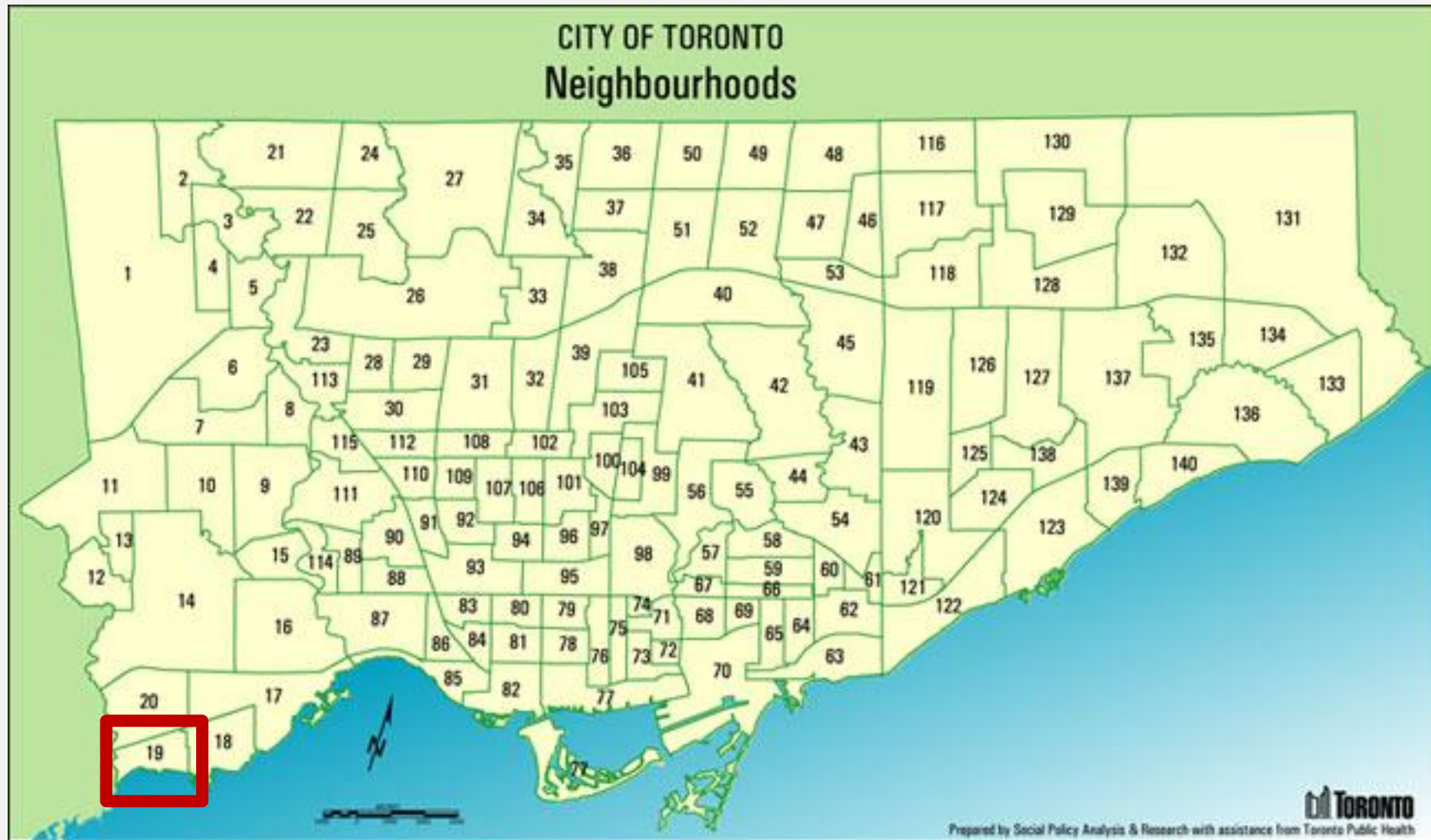
An aerial photograph of a city neighborhood. In the foreground, there is a large body of water (a lake or bay) with a sandy beach and a pier extending into the water. The middle ground shows a dense residential area with many houses and trees. In the background, there are more buildings and a road. The overall scene is lush and green, suggesting a focus on urban sustainability and livability.

RESIDENTIAL  
INTENSIFICATION

INCREASE TREE  
CANOPY



# STUDY SITE: LONG BRANCH





A scenic view of a lake surrounded by lush green trees and a sandy shore. A white text box is overlaid on the image.

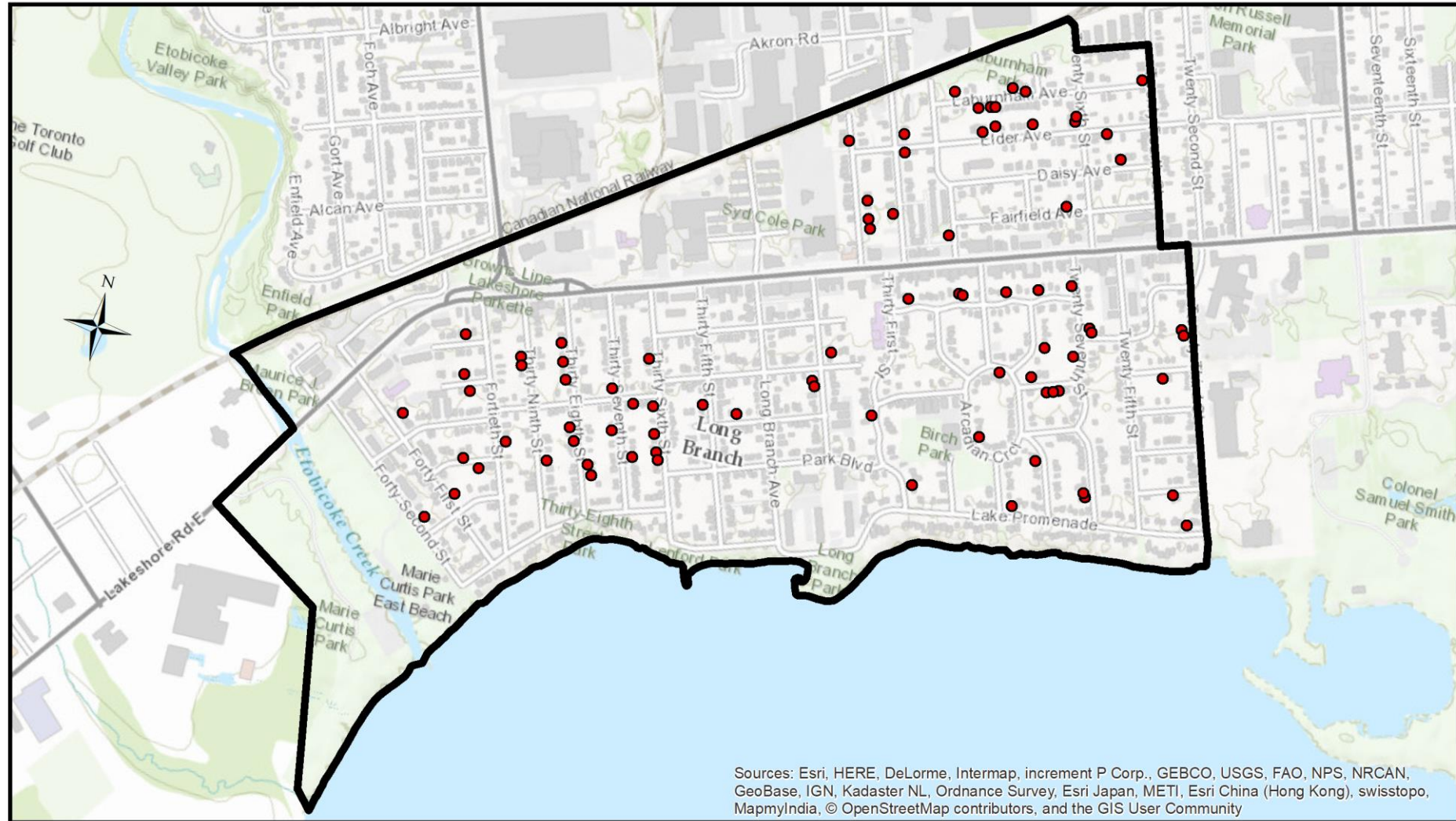
**STUDY SITE: LONG BRANCH**



**60% of Toronto's forest resource is on private land**

**In Long Branch, approved development applications are contributing to tree removals**

# Lot severance applications for properties in Long Branch, Toronto (2012-2018)



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

1:18,000



- Development applications submitted
- Long Branch boundary

World Geodetic System 1984  
WGS 1984 Web Mercator Auxiliary Sphere



Created by: Forests in Settled & Urban Landscapes group, Daniels Faculty of Architecture, Landscape, and Design, University of Toronto. Map made by Jackie De Santis, Masters of Forest Conservation (MFC) candidate using ArcMap 10.4.1 on August 22, 2019. Supervised by Judy Gibson, Vice Chair, LBNA and Dr. Danijela Puric-Mladenovic, Neighbourhood boundary retrieved from City of Toronto Open Data Library, ESRI Topographic BaseMap (2018). More information about the Neighbourhoods program can be found at <http://neighbourhoods.org/> and Forests in Settled & Urban Landscapes group <http://forests-settled-urban-landscapes.org/>



# **Canopy cover changes**

Between 2009 and 2018



## Objective 1:

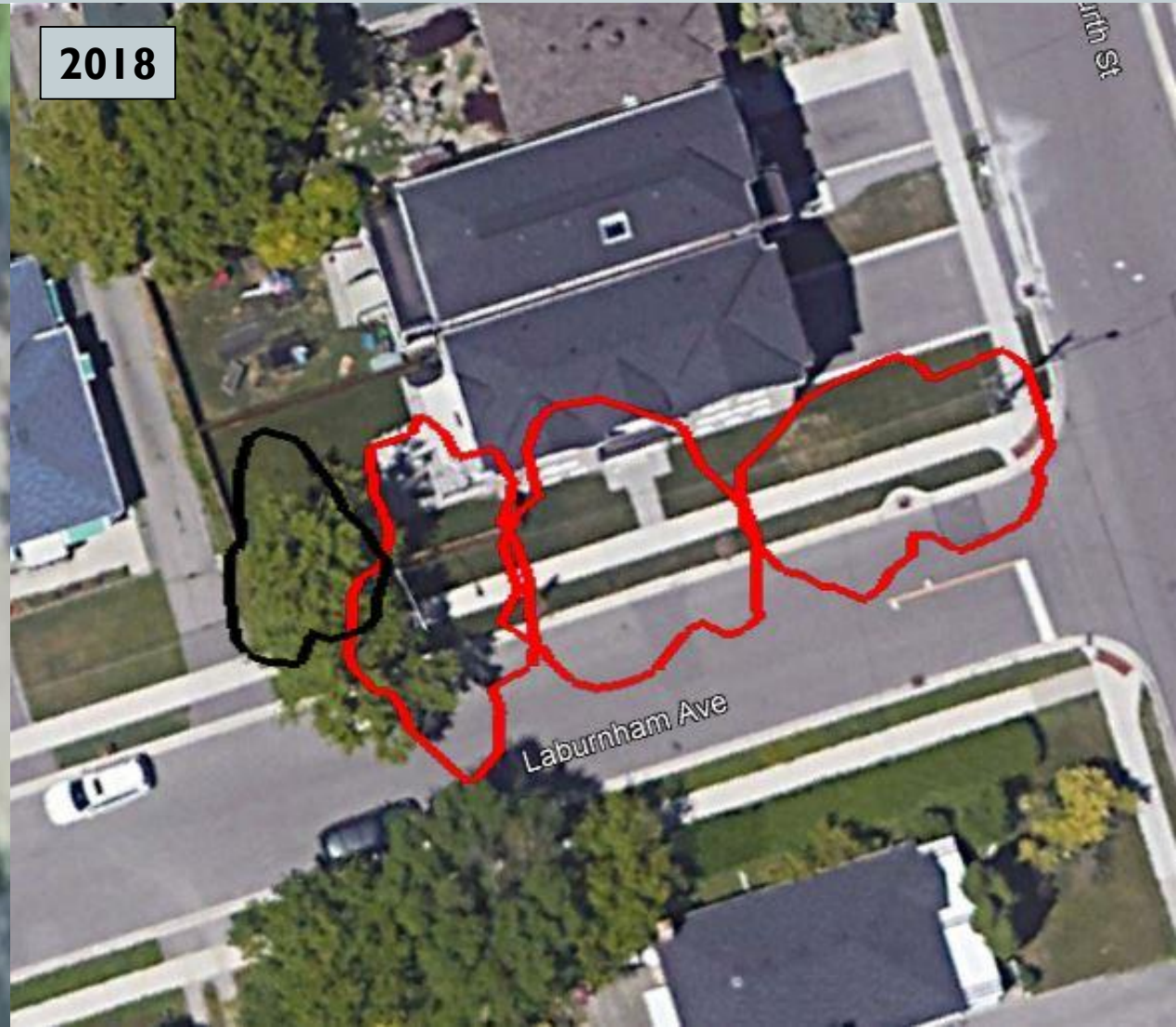
Measure the extent of canopy loss across individual properties approved for redevelopment

*Example: 84 Twenty Fourth Street*

2009



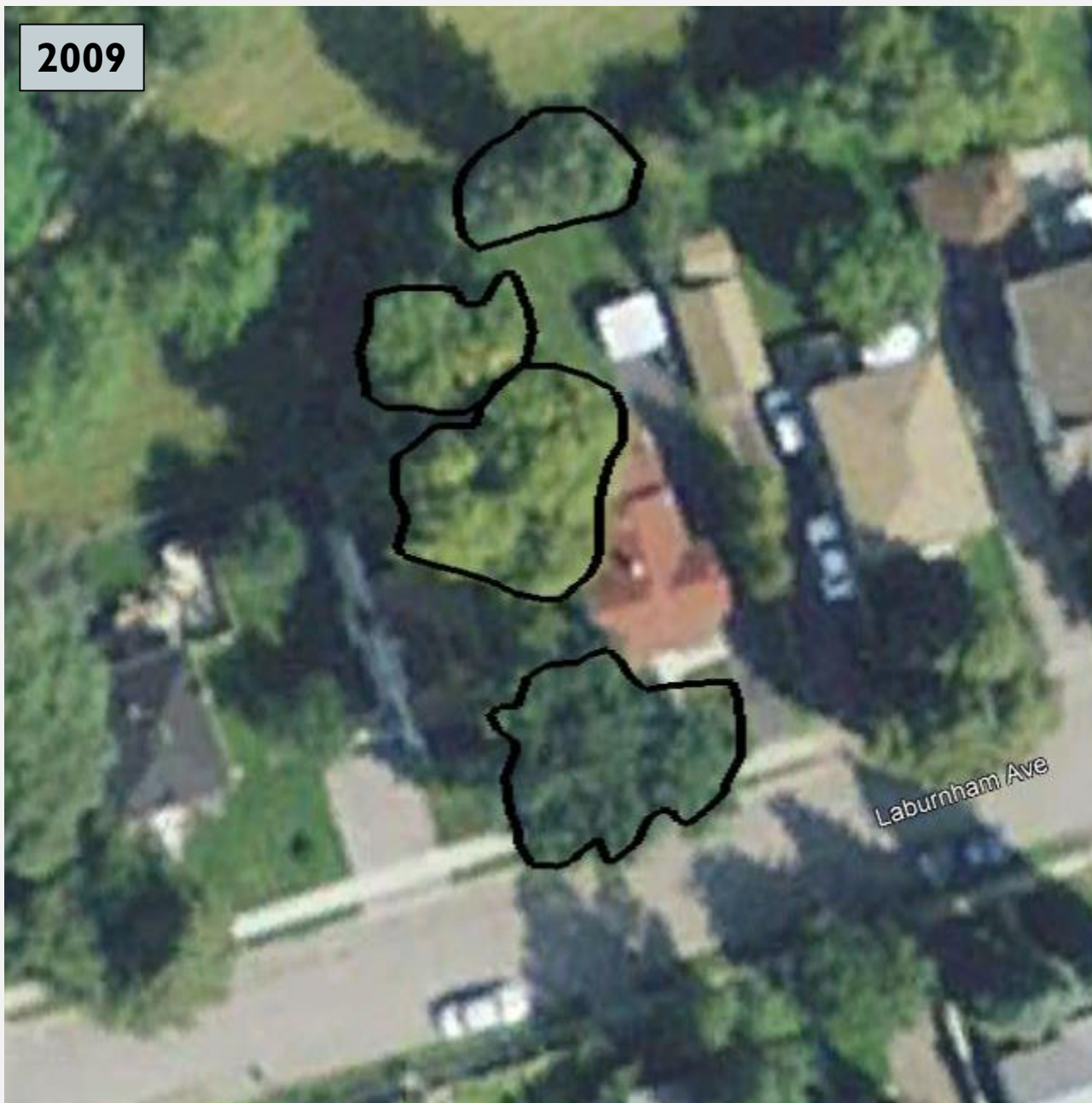
2018





**Objective 1: Results**

*Example: 88 Laburnham Avenue*





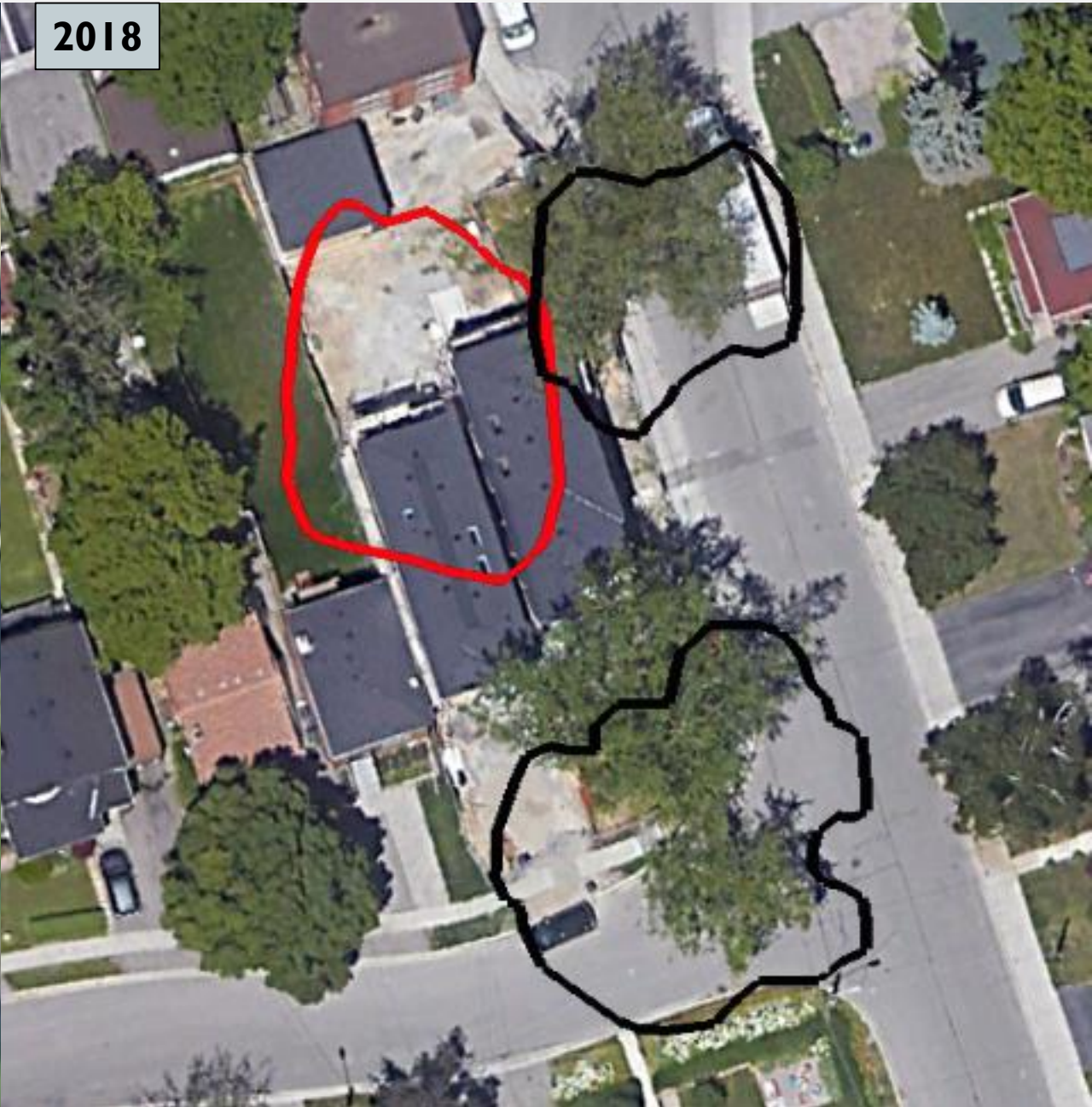
**Objective 1: Results**

*Example: 2 Ash Crescent*

2009

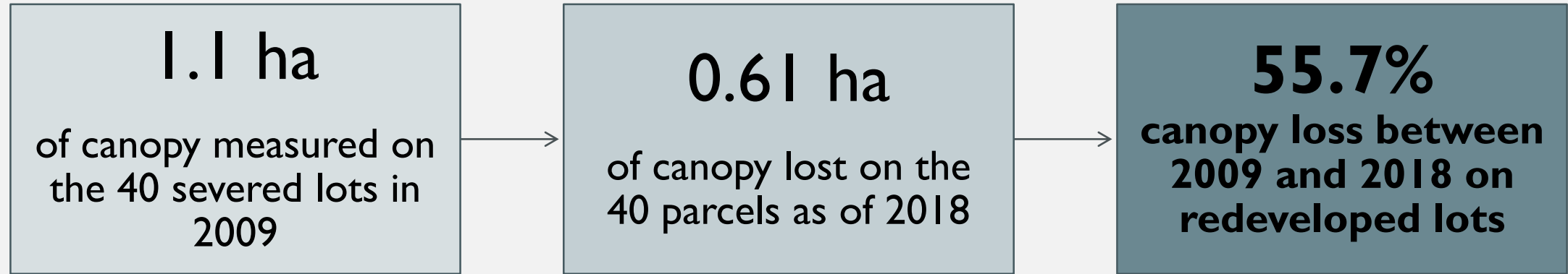


2018

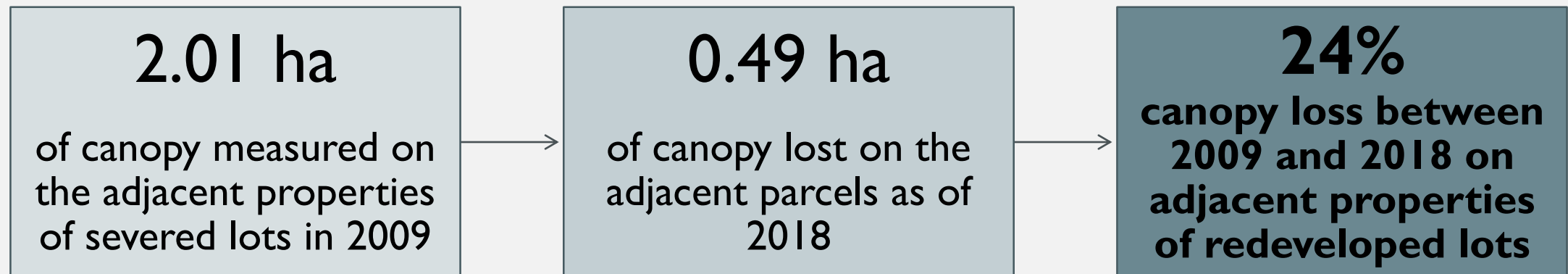


# Objective 1:

## Canopy loss on redeveloped properties

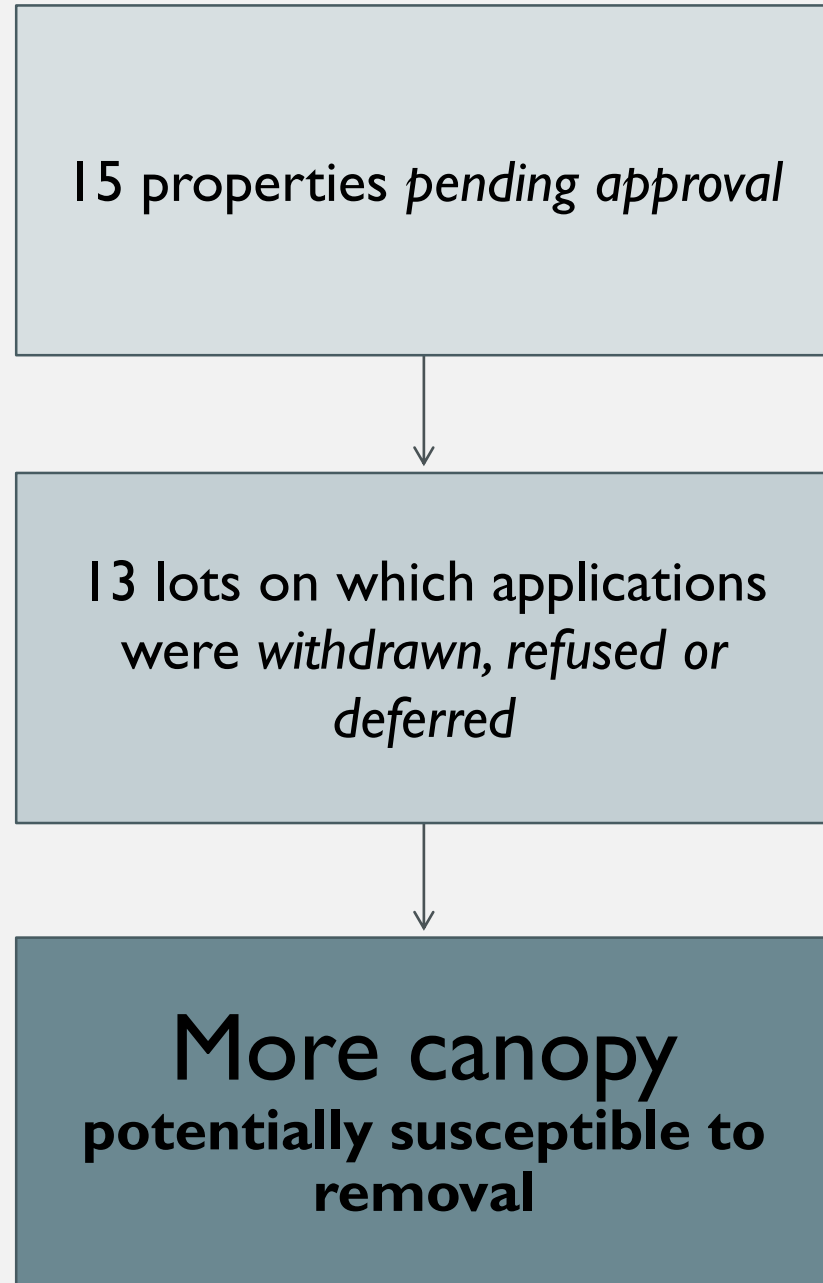


## Canopy loss on adjacent properties





## Objective 1: Results







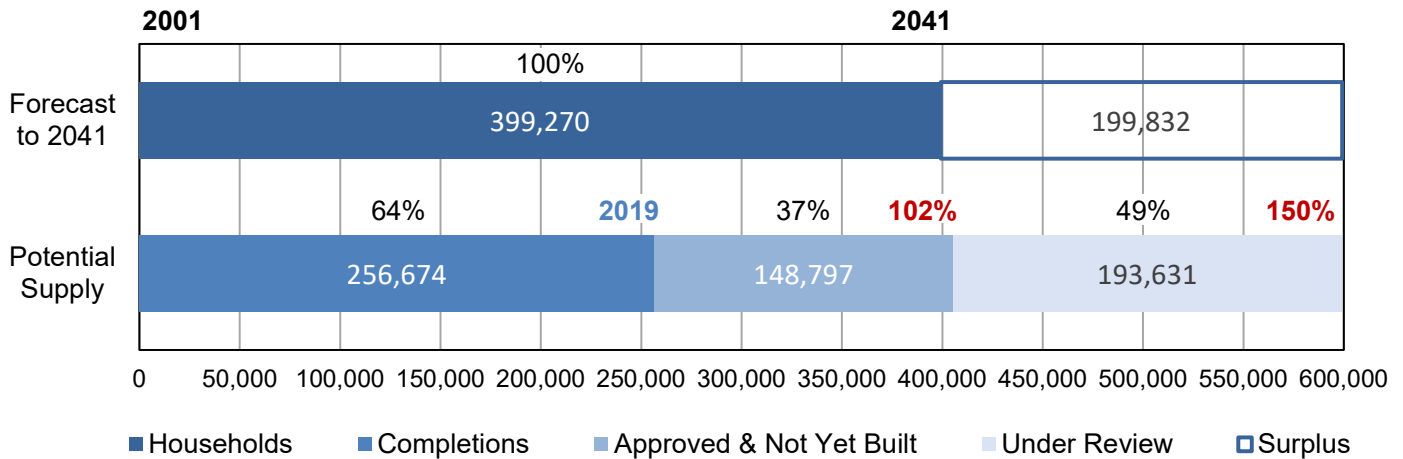
**RESIDENTIAL INTENSIFICATION  
CONTRIBUTED TO CANOPY LOSS IN  
LONG BRANCH**



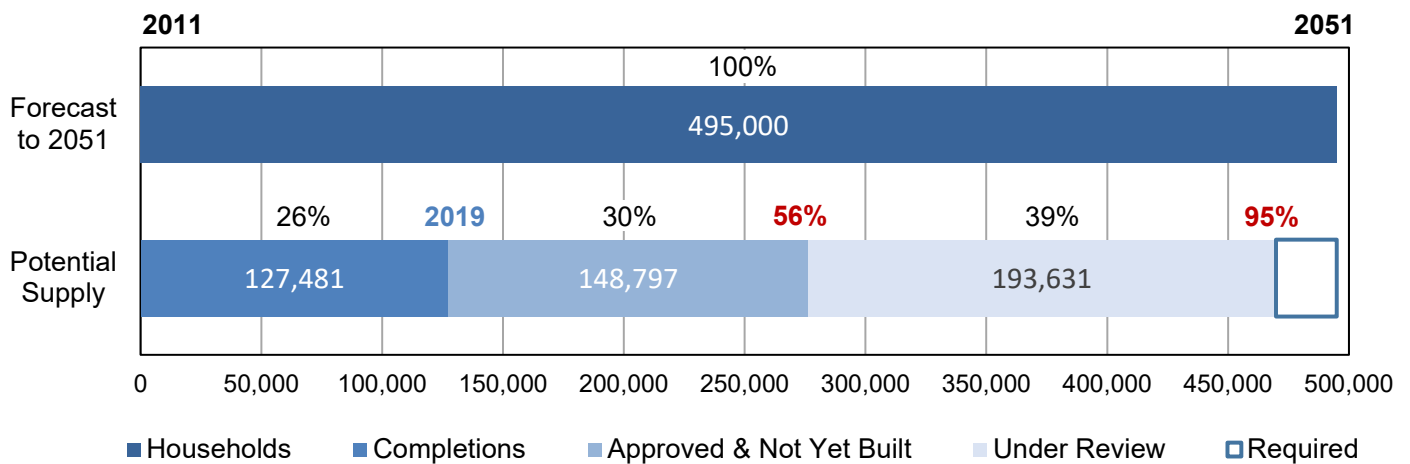
# ACKNOWLEDGEMENTS



**Figure 5a: Growth Plan Forecast to 2041**



**Figure 5b: Growth Plan Forecast to 2051**



Source: City of Toronto, City Planning : Land Use Information System II; CMHC : Housing Now, GTA Edition tables.

Development projects with activity between January 1, 2015 and December 31, 2019. Built projects are those which became ready for occupancy and/or were completed. Active projects are those which have been approved, for which Building Permits have been applied or have been issued, and/or those which are under construction. Projects under review are those which have not yet been approved or refused and those which are under appeal.