

# ANALOGICA

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Planning and Growth Management Committee  
City of Toronto  
Toronto City Hall – 10th Floor West  
100 Queen Street West  
TORONTO M5H 2N2

Attention: Nancy Martins, Committee Administrator, City Clerk's Office

Members of the Planning and Growth Management Committee:

**Re: Draft OPA 320 – Recommended Amendments to Various Neighbourhood Policies  
Statutory Public Meeting to be held on Monday 16 November 2015**

I act on behalf of the Edithvale-Yonge Community Association (incorporated as the Edithvale Yonge Residents' Association) in the above-captioned matter. A copy of the proposed Official Plan Amendment (OPA 320) has recently been obtained, courtesy of planning staff, prior to release of the staff report, and reviewed on behalf of the EYCA. Kindly note the following comments on Policies 5 and 9 in Section 4.1 NEIGHBOURHOODS:

**A. POLICY 5.** Staff's formulation of the two added paragraphs contains logical (jurisdictional) flaws that effectively vitiate this ostensible enhancement: the Official Plan cannot lawfully require a proposed development to be materially consistent with the physical character of a geographic neighbourhood nor can it require consistency with both nearby and more distant physical characteristics when those two sets of characteristics materially differ with each other (as, in practice, is frequently the case). The staff wording also contains a number of grammatical errors (including but not limited to faulty parallel structure) and other syntactical defects that likewise should be corrected in order for the revised policy to be sufficiently well formulated to withstand adjudicatory scrutiny.

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**B. POLICY 9.** Staff's retention of the wording "... appropriate for the site and compatible with that permitted by ..." in subsection "a)", is unproductive since similar wording already ineffectually governs approval of large scale developments located at the edge of Mixed Use areas detrimentally abutting single detached housing in adjacent *Neighbourhoods*. In addition, the last sentence contains the same sort of vitiating flaw as that noted above: the Official Plan cannot lawfully require development applications to conform with the policy referenced. Consequently, as currently formulated, the proposed policy will in practice allow stacked townhouses and walk up apartments to be located on oversized lots (including but not limited to land assemblies) within *Neighbourhoods* throughout the City, rather than appropriately regulate the location of such anomalous developments.

**These flaws have been corrected in the appended document relating to Policies 5 and 9 – the first two pages contain the wording recommended by staff (as per the actual draft OPA) and the second two pages incorporate modifications that remedy the above noted deficiencies while embodying apparent policy intent.**

In addition, attention is called to the following:

**C.** The staff material contains various other syntactical deficiencies.

**D.** The contextual illustrative text does not exactly match the actual draft OPA text.

*Accordingly, the draft OPA should be referred back to staff for further refinement in collaboration with representatives of those ratepayer groups who have actively participated in the consultative process to date, particularly CORRA and FoNTRA as well as the EYCA, before being brought back for substantive consideration by the Committee, preferably at a continuation of the statutory public meeting.*

Kindly notify the undersigned of any further consideration of this matter, including but not limited to adoption or refusal of the proposed Official Plan Amendment.

Sincerely,



G.S. Belza

c Edithvale-Yonge Community Association  
c Confederation of Resident and Ratepayer Associations in Toronto  
c Federation of North Toronto Residents' Associations

# STAFF RECOMMENDATIONS

*Status of each item indicated in boldface italics*

A. Policy 5, including *proposed staff revisions* as of 27 October 2015.

5. Development in established *Neighbourhoods* will respect and reinforce the existing physical character of the **geographic** neighbourhood, including in particular:
  - a) patterns of streets, blocks and lanes, parks and public building sites;
  - b) **prevailing** size and configuration of lots;
  - c) **prevailing** heights, massing, scale, **density** and dwelling type of nearby residential properties;
  - d) prevailing building type(s);
  - e) **prevailing location, design and elevations relative to the grade of driveways and garages;**
  - f) **prevailing** setbacks of buildings from the street or streets;
  - g) prevailing patterns of rear and side yard setbacks and landscaped open space;
  - h) continuation of special landscape or built-form features that contribute to the unique physical character of a **geographic** neighbourhood; and
  - i) conservation of heritage buildings, structures and landscapes.

**A geographic neighbourhood for the purposes of this policy will be delineated by considering the context within the *Neighbourhood* in proximity to the development site, including: zoning; prevailing dwelling type and scale; lot size and configuration; street pattern; pedestrian connectivity; and natural and human-made dividing features. Lots fronting onto a major street shown on Map 3 and designated *Neighbourhoods* are to be distinguished from lots in the interior of the block adjacent to that street in accordance with Policy 6.**

**The physical character of the geographic neighbourhood includes both the physical characteristics of the entire geographic area and the physical characteristics of the properties in the same block that also face the same street as the development site. A proposed development within a *Neighbourhood* will be materially consistent with the prevailing physical character of both properties on the same block facing the same street and the entire geographic neighbourhood within which it is to be located.**

No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the **geographic** neighbourhood.

The prevailing building type **and physical character of a geographic neighbourhood** will be **determined by** the predominant form of development in **that** neighbourhood. Some *Neighbourhoods* will have more than one prevailing building type **or physical character**. In such cases, a prevailing building type **or physical character** in one **geographic** neighbourhood will not be considered when determining the prevailing building type **or physical character** in another **geographic** neighbourhood.

**Except for apartment buildings and larger townhouse and stacked townhouse developments with common underground garages, driveways to below-grade garages that are integral to residences will be discouraged.**

***Outstanding item***

B. Policy 9, including **proposed staff revisions** as of 27 October 2015.

9. Infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established *Neighbourhoods* will:
  - a) have heights, massing and scale **that are** appropriate for the site and compatible with that permitted by the zoning for adjacent and nearby residential properties;
  - b) provide adequate privacy, sunlight and sky views for residents of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;
  - c) front onto existing or newly created public streets wherever possible, with no gates limiting public access;
  - d) provide safe, accessible pedestrian walkways from public streets; and**
  - e) locate, screen and wherever possible enclose** service areas and garbage storage **and parking, including access to any underground parking, so as** to minimize the impact on existing and new streets and residences.

**In situations where infill development can replicate the existing prevailing lot pattern to respect and reinforce the existing physical character of the geographic neighbourhood, the infill development application will be reviewed under and conform with Policy 5.**

***Outstanding item***

2015.11.04

# SUGGESTED MODIFICATIONS

*Status of each item indicated in boldface italics*

## 4.1 NEIGHBOURHOODS

A. Modifications to Policy 5, including *proposed staff revisions* as of 27 October 2015.

5. Development in established *Neighbourhoods* will respect and reinforce the existing physical character of the **geographic** neighbourhood, including in particular:
- a) patterns of streets, blocks and lanes, parks and public building sites;
  - b) **prevailing** size and configuration of lots;
  - c) **prevailing** heights, massing, scale, **density** and dwelling type of nearby residential properties;
  - d) prevailing building type(s);
  - e) **prevailing location, design and elevations relative to the grade of driveways and garages;**
  - f) **prevailing** setbacks of buildings from the street or streets;
  - g) prevailing patterns of rear and side yard setbacks and landscaped open space;
  - h) continuation of special landscape or built-form features that contribute to the unique physical character of a **geographic** neighbourhood; and
  - i) conservation of heritage buildings, structures and landscapes.

A **geographic neighbourhood for the purposes of this policy will be delineated by considering the context within the *Neighbourhood* in proximity to a proposed development, including zoning, prevailing dwelling type and scale, lot size and configuration, street pattern, pedestrian connectivity, and natural and human-made dividing features. Lots fronting onto a major street shown on Map 3 and designated *Neighbourhoods* are to be distinguished from lots in the interior of the block adjacent to that street in accordance with Policy 6.**

The physical character of a geographic neighbourhood includes the physical characteristics of the entire area comprising that neighbourhood as well as properties in the same block that face the same street as a proposed development. New development within a *Neighbourhood* will be materially consistent with the prevailing physical character of the entire geographic neighbourhood within which it is to be located.

No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the **geographic** neighbourhood.

The prevailing building type **and physical character of a geographic neighbourhood** will be **determined by** the predominant form of development in **that** neighbourhood. Some *Neighbourhoods* will have more than one prevailing building type **or physical character**. In such cases, a prevailing building type **or physical character** in one **geographic** neighbourhood will not be considered when determining the prevailing building type **or physical character** in another **geographic** neighbourhood.

Except for apartment buildings and larger townhouse and stacked townhouse developments with common underground garages, driveways to below-grade garages that are integral to residences will be discouraged.

*Outstanding item*

B. Modifications to Policy 9, including *proposed staff revisions* as of 27 October 2015.

9. Infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established *Neighbourhoods* will:
  - a) have heights, massing and scale **that are proportionate to and respectful of** that permitted by the zoning for adjacent and nearby residential properties;
  - b) provide adequate privacy, sunlight and sky views for residents of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;
  - c) front onto existing or newly created public streets wherever possible, with no gates limiting public access;
  - d) **provide safe, accessible pedestrian walkways from public streets; ^**
  - e) locate, screen **and wherever possible enclose** service areas, garbage storage **and parking, including access to any underground parking, so as** to minimize the impact on existing and new streets and residences; **and**
  - f) **limit stacked townhouses and walk up apartments no higher than four storeys to sites fronting onto the major streets shown on Map 3 and to geographic neighbourhoods that already have four storey buildings permitted by the Zoning By-law.**

**In situations where infill development can replicate the existing prevailing lot patterns to respect and reinforce the existing physical character of the geographic neighbourhood, infill development will conform with Policy 5.**

*Outstanding item*

2015.11.04