

# **City Planning/FoNTRA Forum on Neighbourhood Planning June 1, 2017**

## Foreword

The Federation of North Toronto Residents Associations (FoNTRA) thanks City Planning (including Joe Nanos, Gregg Lintern, Daniel Fusca, and other staff and interns) for the opportunity to discuss the important planning issues of neighbourhoods in a comprehensive manner. We also appreciated the opportunity for FoNTRA participants to report on the breakout sessions, and hope the attached report will contribute to improvements to neighbourhood planning in Toronto.

Attendees gave high ratings to this Forum. The program was well organized and the break out sessions worked well. The North Toronto Memorial Community Centre location allowed for good discussion. The evening time frame also worked well.

The report consists of a consolidated list of Key Recommendations, followed by reports of the discussions in each of the four breakout sessions: Neighbourhood Design Guidelines, Heritage Designation and Heritage Conservation Districts, Davisville Village Zoning Study, and Committee of Adjustment.

We look forward to working with City Planning on Forum 2018.

Geoff Kettel and Cathie Macdonald,  
Co-Chairs,

June 28, 2017

## **KEY RECOMMENDATIONS**

### 1. Neighbourhood Design Guidelines

- Clarify the legal basis for guidelines to ensure enforceability.
- Establish a process and templates for communities to use in developing guidelines for their areas, including providing prioritization for such initiatives.
- Incorporate funding in the City Planning budget the development of templates and reporting on the resulting proposals for neighbourhood design guidelines submitted by communities for approval by City Council.

### 2. Heritage Designation

- Develop a faster process for listing and designation of individual properties and heritage conservation districts.
- Develop a process to work with communities to complete the inventory for their neighbourhood.

### 3. Davisville Zoning Study

- Ensure timely approval by City Council of recommended changes to Zoning bylaw to resolve issues of incompatible development.
- Develop guidelines for review of Committee of Adjustment applications based on the information provided in the Study process.
- After completion of the Study, apply the proposed Zoning changes to other neighbourhoods with similar issues.

### 4. Minor Variances Criteria

- Neighbourhood guidelines could be the basis for criteria given that context is the most relevant consideration but they need to be legally enforceable.
- Give priority to improving the current Committee of Adjustment processes to be more efficient, fair and consistent between Committees including better training of Committee of Adjustment members, better scheduling of items, elimination of waivers, fast tracking truly minor variances, such as the Ottawa process.
- Update current Zoning in areas where Committee of Adjustment applications for particular variances are regularly supported by their communities,

## **NEIGHBOURHOOD DESIGN GUIDELINES**

“The City is creating a template to allow communities to develop their own Neighbourhood Design Guidelines to better define neighbourhood character. Discuss this project and its implications with staff from Urban Design”.

Staff: Jack Krupnick, Urban Design, Toronto and East York District  
FoNTRA Reporter: Geoff Kettel, Leaside Property Owners Association and Co-Chair, FoNTRA

**Background:**

Community Pilot Projects in Long Branch and Willowdale are developing neighbourhood design guidelines specific to those areas, and informing the development of a template. Staff expect draft Guidelines for Long Branch to come forward for approval in the Fall 2017, and the draft template itself for City Council approval in 2018.

**1. What’s driving this?**

The Neighbourhoods policy in the Official Plan defines several planning and architectural elements making up “character” such as height, setbacks. Area specific neighbourhood protection guidelines would complement the Official Plan, especially since OPA 320 - Neighbourhoods and Apartment Neighbourhoods (which is currently under appeal at the OMB), strengthens the protections for Neighbourhoods.

**2. How will neighbourhood guidelines be used?**

Presently there are few tools available to preserve neighbourhood character, and residents often feel helpless to meaningfully affect decision-making by committees of adjustment and the OMB. Area specific guidelines should be much more effective in dealing with development applications at the committee of adjustment, and on appeal to the OMB or the TLAB. And more generally the template will introduce a consistent language and vocabulary that can help residents articulate and advocate for their neighbourhood.

**3. How do you define a neighbourhood?**

For this purpose, a neighbourhood is defined based on physical characteristics. As such there may be more than one area of similar characteristics within a “community”. The Willowdale Pilot Project identified three sub-areas, so the design prescriptions would be different for each of them.

**4. How will the guidelines be enforced?**

To be effective at the committee of adjustment and OMB/TLAB, neighbourhood guidelines would need to be approved by City Council.

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**5. How will development of neighbourhood design guidelines be funded?**

While City Planning is developing a template and two Community Pilot Projects, City Planning anticipates that development of neighbourhood specific guidelines based on the approved template will be up to the communities concerned to organize and fund.

NOTE: Under discussion is the suggestion that FoNTRA should request that City Planning incorporate a budget item for development of character guidelines for specific neighbourhoods. In addition, there may be a need to develop a prioritization process for the neighbourhoods wishing to pursue development of such area guidelines.

## HERITAGE DESIGNATION & HERITAGE CONSERVATION DISTRICTS

“Learn how buildings are designated and how Heritage Conservation Districts work with staff from Heritage Preservation Services”

Staff: Mary MacDonald, Senior Manager, Heritage Preservation Services  
FoNTRA reporter: Linda McCarthy, Lytton Park Residents Organization

### **1. What is heritage designation and what are heritage conservation districts?**

Heritage designation is intended to protect and conserve properties and areas considered to be historically or culturally significant and require special care and attention in the planning process. Heritage designation of properties is approved by City Council under Part IV of the Ontario Heritage Act (OHA) and heritage conservation districts under Part V of the OHA.

There are 29 HCDs in the city including North and South Rosedale, Cabbagetown (TEY District), and Blythwood Road (North York District). Within the HCD boundary every property is subject to the HCD by-law except those deemed to be “non-contributing”. A HCD Plan provides guidelines and criteria for how change should be managed to protect the heritage attributes identified in the plan.

### **2. Who pays for HCD studies?**

Three years ago, City Council agreed to allocate \$1 million per year for the next 10 years to Heritage Preservation Services for HCD studies. Previously it was up to the community to fund and lead efforts for heritage conservation district studies.

### **3. Why should heritage be protected and what are the impacts on property values?**

HCDs are designated because they reflect what a community values. They serve to ensure that historically significant neighbourhoods and areas are protected and reflect Toronto as a place and people through their cultural heritage values and characteristics. Studies have shown that heritage districts hold their economic value and generally increase property values by 10 per cent.

### **4. How can I nominate my neighbourhood for heritage?**

Communities can nominate a building or an area and work with Heritage Preservation Services to define what is important about the neighbourhood or area. There are two stages (1) authorization of the district as eligible for heritage protection by City Council and (2) prioritization for funding.

### **5. How is heritage dealt with at the Committee of Adjustment?**

Committee of adjustment applications involving heritage listed or designated properties or districts are flagged by CofA staff and HPS prepares a staff report to the committee

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of adjustment. However currently the CofA does not take “potential” heritage status into account in its decision-making.

**6. What about demolition of commercial buildings?**

For residential buildings to be demolished a development application for a replacement building has to be approved. Commercial buildings with 6 residential units or more, apartments and homes require a complete application before a demolition permit is issued.

However, for commercial properties with 5 units or less, the City is required to issue a demolition permit within 20 days. (i.e. Bank of Montreal). Although it was hoped that this could be amended via Council’s request for changes as part of the Bill 68 Modernizing Ontario's Municipal Legislation Act, 2016, the City has been told that it will require a change to the Planning Act to remedy.

**7. Is heritage part of Midtown in Focus?**

Heritage is now a regular component of Area Planning Studies such as Midtown in Focus (MIF). MIF has identified approximately 200 potential heritage properties for which Heritage staff are working to get paperwork completed and approved to protect them. Addresses of properties will be kept confidential until applications are complete;

Detailed heritage evaluation reports are required to ensure proper ability to protect consideration at the OMB; Ward Councillor support is normally required for designation. The Midtown in Focus Report should be available in the next few weeks.

**8. How can residents get more engaged in the process?**

Residents and Residents Associations are welcome to nominate a property or area for consideration (there is a nomination form). There seems to be a growing interest by City Council in Heritage issues. However there is currently a huge backlog of potential heritage properties and districts for assessment.

## DAVISVILLE VILLAGE ZONING STUDY

“The Davisville Village Study is a review of zoning provisions in that community, specifically as they relate to infill housing. Learn about this study and the progress to date with staff from Community Planning.”

Planning Staff: Kevin Friedrich, Community Planner, Toronto and East York District  
FoNTRA Reporter: Al Kivi, SERRA

### 1. What is the issue that led to the study?

Tall infill houses that do not fit in with the existing character of the area are being approved at the Committee of Adjustment. The study is looking at the context, scope (for our purposes the SERRA geographical area), relationship to the secondary plan further to the identified issue. Key reference documents included a 30 page Powerpoint presentation and a project overview datasheet. The next community consultation meeting is to be held on June 27<sup>th</sup>. The planning report is expected to will be submitted to TEY Community Council and City Council for approval in the Fall, 2017.

### 2. What zoning parameters has the study determined are the key issues?

Zoning parameters creating impacts on massing and floor levels that are different than the existing character of houses are as follows:

- **Definitions for first floor, basement, etc.**  
Definition of Ground Floor Area (GFA) does not include basements  
The new consolidated by-law has standardized the definition of GFA but does not recognize how basements are currently used in new Tall Infill Home. Given the definitions of first floor and grade, the basement is in effect, “above grade” so is highly functional (natural light and easy access to the backyard), so has a major impact on the liveable space of the house. Such basement areas should be included in the GFA calculation.
- **Impact of high ceiling heights on overall height and massing**  
New houses tend to have much higher ceiling heights. The current FSI metric does this in part ... but does not treat a 9 foot ceiling differently from an 11 foot ceiling. If the measurement of Height, Width and Depth are each increased by a factor of 10%, the total mass of the building increases by over 30%. The new measure for height limit allows for flat roofs so houses get much higher.
- **Reduction of Front Yard Landscaping**  
The typical front yard landscaping is reduced when a private driveway is added beside an existing mutual driveway. There does not seem to be an effective

control on the soft landscaping area (i.e., what is proposed vs. what is built). Soft landscaping is important.

It is observable that older homes survive the sudden rainstorms well but there are large torrents of water stream down the driveways of the new builds. The increased roof areas gather more storm-water feeding it to the various driveways and to the street sewers. Permeable pavers can work (when installed) but cannot handle torrential rain.

- **Integral garages on narrow lots are not part of the character of the area.** Integral garages on properties with narrow lots take up too much of the house frontage and “do not fit”. The defining limit seems to be about 25 feet. Less than 25 feet and integral garages do not fit.

There have been several cases in Davisville Village where an integral garage is proposed but there is already an existing garage and a driveway with sufficient width to navigate with a modern car. In these cases, the integral garage is a personal preference.

### **3. Parking Issues**

Cars are mainly parked in the driveway, even when there is an integral garage. Is it fair that a homeowner with a parking pad pays an annual parking fee, yet a homeowner using the driveway in front of an integral garage does not pay any fee?. In most cases, the introduction of a new driveway for a new home will require a curb cut.

On many of the streets in the SERRA area, tall infill homes require an additional curb cut and this reduces the availability of street parking. This disadvantages current residents who depend upon street parking. One possible solution is to mandate that each house must have room for at least one car length between the curb cuts.

### **4. Loss of porch friendliness**

Semi-detached homes predominate in a part of Davisville village. Semis tend to have porches that are used for sitting and entertainment. Tall infill homes do not include opportunities for a porch-friendly designs, reducing the opportunity for social interaction.

### **5. What is the future for residential neighbourhoods like these?**

We are beginning to see subtle changes in use of cars and bicycles. Today, Uber is introducing a more affordable and flexible way to travel. A short term car rental service (Car2Go) parks its inventory of cars on city streets. There is a Uber-like service that allows homeowners to rent out their driveways when they are not in use. Bicycle lanes are being introduced. How might these changes (and others) impact our residential streets?



**6. Why should the Davisville Study be of interest to Neighbourhoods across the City?**

While the study is focussed on Davisville Village (aka the SERRA district), the Study's findings would be generally applicable to other areas with similar issues. "Tall Infill Homes" in Davisville Village are associated with lots of a width of 25 feet and less, and the proposed zoning changes would involve lot width, such as driveway widths, and landscaping.

The Zoning By-law 569-2013 appeal process with respect to definitions includes some of these considerations. Fixing the "first floor" definition and its adverse impacts on the Tall Infill Homes, will be helpful in making Tall Homes more compatible with existing houses.

## **MINOR VARIANCE CRITERIA**

“Join staff from Strategic Initiatives, Policy & Analysis and the Committee of Adjustment for a discussion around the criteria the City should use to define a Minor Variance”

Staff: Helen Bulat (Project Manager, Strategic Initiatives, City Planning) and Michael Mizzi, Director of Zoning and Secretary Treasurer, Committee of Adjustment  
FoNTRA reporter: Cathie Macdonald, Deer Park Residents Group and Co-Chair, FoNTRA

### **Background**

The Province recently amended the Planning Act to allow municipalities to develop criteria for “what is minor” for consideration with Committee of Adjustment applications. This followed a series of working group discussions with stakeholders held by the Ministry of Municipal Affairs to develop generally applicable criteria. Membership included Helen Bulat, representing City Planning, and Geoff Kettel and Cathie Macdonald, representing FoNTRA. This group was not successful given the variety of contexts across the country; the new approach appears to be more appropriate.

The Forum discussion focussed on whether the City should develop criteria and if so what should they be, or whether the four tests are sufficient, and looked at these options in light of the current development context and Committee of Adjustment operations.

### **1. What’s happening with Committee of Adjustment applications generally?**

- 85% of applications are for low density residential areas.
- Particularly the central part of the City has been subject of a development boom with more applications and more pushing by many applicants for larger buildings
- In areas with the “old City” by-laws the residential buildings predate the by-laws and virtually all changes fail to comply with the current by-laws.
- Provincial policies for intensification are broadly applied despite being in conflict with Official Plan policies, with the rationale that City policies are out of date.
- The harmonized By-law will be in effect shortly following OMB approval and the previous by-laws will no longer apply.
- The TLAB is just beginning to operate and we will need to see how its decisions affect Committee decision-making, given that previously the potential of what the OMB would approve appeared to hover over the Committee’s decision-making.
- While the Province added built form as a consideration (OPA 320), there is no provision for how urban design guidelines can be legally applied. Currently the Committee of Adjustment ignores them.

**2. What is happening with Committee of Adjustment operations?**

- Judgment with respect to the four tests has to be applied by Committee members as applications and their contexts differ. Panels are therefore better than a single person as adjudicator and members need to be knowledgeable.
- All applications have to be accepted whether they are reasonable or not. Some applicants ignore Planning's advice to make changes.
- Committee members are helped by planning reports on some applications, but more reports are needed, especially ones that have several variances.
- Better training is needed to improve judgement of Committee members – for example, to understand the objectives of the Official Plan, such as impacts on stormwater, not just the policies for Neighbourhoods, and of zoning by-law provisions. Well trained members can make good decisions.
- Better training is needed to ensure consistency of decision making across the different Committees.
- Committee members have insufficient time to adequately review and discuss the applications before them. Agendas contain too many applications (instead of 35 max. there can be up to 47), meetings go on too long, it is hard to schedule items, and applications that have no objectors are sometimes automatically approved when they should not be.
- Many residents attend to oppose applications they believe are inappropriate for their neighbourhoods and have to wait hours as items do not come up as scheduled on the agenda, and they are limited to speaking once and only 5 minutes only whereas the applicant can "rebut".

**3. How can the use of City-defined criteria improve current decision-making?**

- Better rigour and fairness for Committee members, applicants, planners and residents
- Better clarity of reasons for members decisions
- Assists members who are not knowledgeable enough to make fair and consistent decisions – but some judgement will still be required.
- Reduction in inappropriate applications that waste time for staff and residents.
- Improves consistency of decision-making across the different Committees.

Note that criteria would have to be approved by way of a by-law which can be appealed and that the criteria cannot be conditional.

**4. What should the criteria be ....character, cumulative impacts, effect, change to a prohibited use, size and intensity?**

- Criteria need to be area specific as the context/character of a site is critical, for example, height increases and reduction of setbacks, front yard green space. Height and density are the most destabilizing. Context is more important than zoning.
- Numerical criteria are difficult to establish as context will vary. The new criteria can become the new base.
- The rigour of the criteria should increase with magnitude of the variance.
- Develop environmental impact criteria using OP environmental policies
- Use Council approved urban design guidelines as criteria, as they deal with the key objective of compliance with prevailing character – but are they legally applicable? Do they have to be zoning requirements or in the Official Plan? What happens if design guidelines call for a smaller building than the zoning allows?

Note that FoNTRA's submission to the Ministry of Municipal Affairs working group to develop criteria for minor variances focused on use of character criteria.

- Limit number of variances allowed.
- Courts have said that each variance must be considered separately.
- Consideration of applications with proposed changes to buildings that were built prior to the ZBL provisions vs applications for new buildings. Allow more variances for changes to buildings that predate the Bylaw and cannot comply.

**5. Any other suggestions for improving Committee of Adjustment operations?**

- Fix the problems with the current By-laws that result in so many variances. Update the Official Plan and Zoning By-law on an area by area basis to better reflect existing buildings and their character.
- Use of Ottawa's strategy of major/minor split to take pressure off the Committees. Ottawa created criteria to separate major and minor applications so that only truly minor applications go to the Committee of Adjustment, and fast tracked major applications by use of delegated approval. What were they?
- Use Ottawa's strategy of creating zoning bylaw provisions for central neighbourhoods that require using 21 properties around an application site to determine key aspects of character.
- Have applicants provide reasons why variances are needed, such as for alternations to an old house, not just "I want bigger".
- Eliminate "waivers" which allow applicants to submit variances which are unverified by the zoning examiner.