

WITNESS STATEMENT OF

Steve Ottaway

REGARDING THE APPEAL OF
COUNCIL'S REFUSAL OR NEGLECT TO ENACT
PROPOSED AMENDMENTS TO THE OFFICIAL PLAN AND
PROPOSED ZONING BY-LAW
OF THE FORMER CITY OF TORONTO
RESPECTING 2 -4 NEVILLE PARK BOULEVARD AND
438 – 440 LAKEFRONT LANE

Case No. PL081443
File No. PL081234
July 29, 2009.

Involvement

1. I am a resident of 22 Neville Park Blvd., which is owned by My wife Lee-Ann Ottaway. Our home is nine houses north of the proposed development.

Other than time spent away for university, I have been a resident of the Beach area since the age of 5. I am a fourth generation Beacher - my Great Grand Parents (from 1926), Grand Parents and Parents all lived the majority of their lives in the Beach and were actively involved in many of the community organizations, local politics (School Trustee 1983 - 1995) and have served in official roles (Chairman of the Board of Directors Ted Reeve Arena for approximately 20 years ending in 2007) on behalf of the community.

2. I have lived at 22 Neville Park Blvd. with my wife and two sons (now 8 and 10 years old) since July 2004.
3. My wife and I were drawn to Neville Park Blvd as a result of its distinctive character, being a short, dead-end street between Queen Street and the lakefront with generally larger, older residences on large lots set within a canopy of large trees and other vegetation. Neville shares this distinctive character with Munro Park (also a dead-end street) and to a lesser degree Nursewood (also a dead-end street but which has houses only on one side of the street and with smaller lots) . Neville Park is unusual in that the road is wider than normal giving the street a majestic feeling.
4. Of course, the fact that our house is located in the Beach means that we can enjoy the wonderful natural environment along the lakefront and the local shopping along Queen Street. So, we have some of the elements of living in a quiet small town yet it is in close proximity to the downtown core, where I commute to work.
5. The character of the lakefront between Nursewood and Silverbirch is unique in the Beach because the private properties abut the beach with no intervening board-walk or park area. With the exception of two historical anomalies, these properties have attractive single family-type homes built on them; the anomalies being the 4 storey walk-up apartment on Glenfern dating from the 1920s and the 4 story apartment built in the late 60s or so at the foot of Nursewood. Our research confirmed that these two apartment buildings were constructed on original lots and were not the result of the combining of previously created lots.

6. Of real significance to me and my family (and, I believe, to others who visit the beach, whether residents or visitors), is the magnificent tree canopy along the part of the lakefront between Munro Park Avenue and Nursewood Avenue that frames the residences that sit on the escarpment along that part of the beach. To me, this contributes to a distinctive character which should be preserved in the public interest.

The BLNA

7. When my wife and I (along with others on the streets) first learned of a possible multi-storey apartment development on the lakefront properties between Munro Park and Neville Park, we hosted, at our home, a meeting of our neighbours on Neville Park Blvd. and Munro Park to discuss the proposal and people's opinions as to how it would fit into our neighbourhood.
8. During that initial meeting, which was attended by most of the residents of Neville Park and Munro Park, we discussed and explored potential implications of the project. Overall, it was concluded that such a development did not fit the character of our neighbourhood, and, if approved, would have significant negative implications for the future of our neighbourhood.
9. As a result, it was decided that we should form a group to voice our concerns when the development was considered at City Hall. At the conclusion of that meeting, volunteers stepped forward to form a committee that would represent the interests of area residents.
10. In order to have a legal identity, the Committee formed at that initial meeting arranged for the incorporation of the Beach Lakefront Neighbourhood Association ("BLNA").
11. I am a Vice-Chairman of the BLNA. The rest of the BLNA executive is comprised of property owners on Neville Park and Munro Park
12. Both prior to and after the developer made its applications in May 2007, our Ward Councilor, Sandra Bussin, organized meetings at a local Church hall to allow the developer to present its plans and to advise the public of the processes which would apply. I attended these meetings along with my wife and many of my neighbours. Once it was incorporated, the BLNA provided comments at the meetings. There were large numbers of people attending these meetings; most of whom did not appear to be supportive of the proposal(s) being presented by the architect for the developer.
13. The BLNA communicates with neighbours on Munro Park and Neville Park by email and pamphlets delivered by hand, and communicates with the larger Beach area through a website, through an email list, by a public meeting held in a local school in September 2007 and by a concert produced by a member of the BLNA Executive and held in September 2008. The BLNA prepared for the hearing by raising funds in order to retain expert advice.
14. Of particular interest to the BLNA was the fact that the public meeting that it sponsored in September 2007 (to which residents of the wider Beach community were invited) indicated that there was general opposition to the concept of an apartment building along the lakefront, and a concern that its approval could be a significant precedent for similar types of buildings in proximity to other parts of the lakefront in the Beach.
15. To complete the history, although the developer began with a 5 story apartment proposal and related detached dwelling, it ultimately filed a revised proposal which reduced the height of the apartment building by one floor. After considering this change, the BLNA concluded that such a change to the proposal did not address the fundamental concern regarding the type of residential use, its overall mass (inclusive of height and width), its architectural look, the loss of the significant treed canopy on the site and, in general, its lack of fit with the character of the neighbourhood.

16. The fact that the project could only proceed on the basis of a land assembly and the demolition of existing, generally well maintained, detached dwellings was also of serious concern. The BLNA was concerned that the project, if approved, would become a precedent for similar kinds of land assemblies and redevelopment within its neighbourhood and the larger Beach area which was designated Neighbourhood in the Official Plan. Certainly, the project would change the character of the neighbourhood and encourage other developers to think of the area as open for similar kinds of residential intensification.
17. Based on my involvement with the BLNA and my history of living in the Beach, it was determined by the BLNA that I would be an appropriate person to speak at the hearing on behalf of the BLNA and those persons who oppose the proposed development who live on Munro Park and Neville Park. I believe that I speak for a much larger constituency who live in the Beach on the basis of the response received at the 2007 public meeting at the local school and through our email list.
18. In giving my evidence I will refer to the matters discussed in my witness statement and the photographs and documents that are provided to the Board. I may also respond to matters discussed by the appellant's witnesses at the hearing.

Heritage Conservation District Study

19. As the matter of the Heritage Conservation District study conducted by Wayne Morgan at the request of the BLNA is to be discussed at the hearing, the following may be helpful.
20. After serious consideration of the policies of the City's newly approved Official Plan, the BLNA concluded that if a landowner on the lakefront between Munro Park and Neville Park could conclude that a 4 storey apartment building would be consistent with the policies of the Official Plan for an area designated *Neighbourhood*, then the Official Plan did not truly offer the protection in regard to the character of our neighbourhood that the BLNA thought that such policies should provide.
21. Judged in the context of the application, it appeared as if the policies regarding the preservation of the character of the neighbourhood and neighbourhood stability might not be as strong as we thought and might not provide the assurance of stability and protection of the character of the neighbourhood which we were relying on.
22. We reasoned that if a serious challenge as to the character of the neighbourhood as a single family house-form neighbourhood of largely heritage buildings could be mounted largely on the basis of a couple of historical anomalies, the two 4 storey apartment buildings mentioned earlier in my Witness Statement, then better protection of the character of the neighbourhood should be investigated.
23. Furthermore, we concluded that if the proposal were successful, future applications for more intensive residential development, whether apartment buildings or various forms of townhousing would be difficult to resist. The BLNA foresaw the prospect of an endless series of opportunistic developer applications for redevelopments that would be incompatible with the existing built-form and heritage character of the neighbourhood, but which would slowly change that character, one application at a time.
24. It was concluded that the approach which would produce finality in regard to the matter of the character of the neighbourhood, in particular its heritage character, was to conduct a heritage conservation district study with a view to obtaining council approval for a Heritage Conservation District Plan. We understood that such an approach would be controversial

with some of our neighbours, given the opposition of some to it in the past. On the other hand, perceptions in the past had been formed on the assumption that the kind of development being proposed on the lakefront was inconceivable.

25. It was concluded that even if an HCD plan was not ultimately approved, the study of the two streets would be useful in establishing the character of the streets (and their stability) for the purposes of the inevitable OMB hearing.
26. As a result, the BLNA undertook a canvass of property owners on Munro Park and Neville Park and obtained majority support for conducting the HCD study on the basis of a commitment to consult further on any Guidelines which would be included in the HCD Plan.
27. Following the canvass, the BLNA contracted a heritage planner, Mr. Wayne Morgan, to confirm that the two streets along with the linking related lakeshore properties were an appropriate area for an HCD study and to undertake such a study, to assess whether the area within the boundaries had sufficient merit to be considered as a Heritage Conservation District.
28. It was assumed that the HCD approval process would not be completed by the time a hearing would be held in regard to the proposed development.
29. Although Mr. Morgan's study confirmed the appropriateness of proceeding with an HCD within the boundaries, the HCD process has not proceeded at the City beyond a request by the Preservation Board that staff process Mr. Morgan's study. We understand that City staff have recommended that a further local public process occur before the matter is formally considered at a statutory public meeting of Community Council.
30. The BLNA recognizes that this hearing is independent of any consideration of an HCD for the study area; however, it believes that Mr. Morgan's work (and evidence) should be helpful to the Board in determining the character of the neighbourhood comprised of the properties within the Morgan HCD study area.
31. It is my opinion, as a resident of Neville Park, that the properties within the Morgan HCD study do constitute a distinctive heritage neighbourhood fabric. I realize that the land use planners at the hearing, including Mr. Di Macio, conclude that for the purposes of the official plan policies, the properties on Nursewood should be included in the "neighbourhood", in part as those properties share the same zoning as does Neville Park and Munro Park. While I understand this view, I simply believe that the character of Nursewood is different if one is to judge by the size of lots and the relationship of buildings to the lot. On the other hand, Nursewood is similar, with the exception of the apartment building at No. 2 Nursewood, in terms of single family house-form buildings.

BLNA Concerns

32. When I refer to the BLNA in this witness statement I am referring to the legal entity that is the BLNA but really to the BLNA as the representative for the views of most of the people who live on Munro Park and Neville Park. Based upon past OMB practice, the BLNA has proceeded on the basis that its voice would be heard as being representative of these views and for this reason other residents on Munro Park and Neville Park did not appear at the Board's earlier proceeding and sign up as participants. Having said that, there are two residents, Mr. Wake and Mr. Shapira, who share the BLNA views about the inappropriateness of the proposal but are not supportive of the HCD initiative and they are

participants. Ms Heuchendorff, a lakefront property owner within the neighbourhood, is also a participant.

33. As noted earlier, in general, the BLNA has fundamental concerns regarding the type of residential use, its overall mass (inclusive of height and width), its architectural look, the loss of the significant treed canopy on the site and, in general, its lack of fit with the character of the neighbourhood.
34. As noted earlier, the BLNA is also concerned about the fact that the project could only proceed on the basis of a land assembly and the demolition of existing, generally well maintained, detached dwellings. The BLNA was concerned that the project, if approved, would become a precedent for similar kinds of land assemblies and redevelopment within its neighbourhood and the larger Beach area which was designated Neighbourhood in the Official Plan. Certainly, the project would change the character of the neighbourhood and encourage other developers to think of the area as open for similar kinds of residential intensification.
35. The proposed development is inconsistent, incompatible, and incongruent with the surrounding neighbourhood, whether that neighbourhood is defined as the HCD study area, a larger area including Nursewood or an even larger area over to Silverbirch on the west. It is incomprehensible to me that this project could be approved. As outlined in the City of Toronto's Official Plan, "A cornerstone policy is to ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood" (page 2-21 Toronto OP).
36. In my view as a resident of this area, an approval of the proposed apartment building will not respect the existing physical character of the area, as is confirmed by Mr. Di Macio and Mr. Morgan in their Witness Statements, and will undermine, not reinforce, the stability of the neighbourhood. It will certainly undermine my piece of mind about the stability of my neighbourhood.
37. The Location of the proposed apartment development is inappropriate:
 - 37.1. The City's Official Plans identifies areas where redevelopment like the proposed development is to be directed.
 - 37.2. City's OP Section 2.2, Policy 2, stipulates that "growth will directed to Centres, Avenues, Employment Districts and Downtown in order to protect Neighbourhoods".
 - 37.3. This neighbourhood is not one of the identified areas for growth. Our neighbourhood is an extremely quiet residential area comprising two and, at most, three streets that dead end on the Beachfront characterized by homes in good shape and who are well maintained. There is no evidence of any need for renewal of the type proposed by the appellant.
 - 37.4. Queen Street, which is adjacent to the northern perimeter of the neighbourhood, or some other Avenue would be an appropriate location for the proposed development, but it is not appropriate to put it in the heart of our neighbourhood..
 - 37.5. In my experience, I live in a neighbourhood that visitors and neighbours go to get away from the busy higher intensity Centres, Avenues, Employment Districts and Downtown of Toronto.
 - 37.6. The extent of any residential "intensification" that might be achieved by this development does not, in and of itself, justify the threat to the stability of the

neighbourhood; being at most two or three residential units over the number of units which would conform with the existing zoning as to number of units per house (assuming 4 houses).

38. The Building Mass is out of proportion with the building mass of detached homes in the neighbourhood. It is out of keeping with the physical character of our neighbourhood and this area of the Beach in general.
- 38.1. I understand that the City's Official Plan is intended to protect neighbourhoods and preserve the waterfront. I cannot see how it is possible that the proposed apartment development conforms within the City's OP given policies such as those in
- Section 2.3.1, Policy 1, "that Neighbourhoods are considered physically stable areas, and development will be consistent with this objective and will respect and reinforce the existing physical character",
 - Section 4.1 policy 5 "Development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular (a) - (h). 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 neighbourhood." or
 - Section 2.3.2, Policy 6, "Increased public enjoyment and use of the lands along the water's edge will be promoted by ensuring that future development and action on the part of both the public and private sectors,...will help to achieve the following objectives (a) minimize physical and visual barriers between the City and Lake Ontario".
- 38.2. It is my belief that the Developer's "artist's rendering" of the project does not provide a realistic indication of the buildings actual size and mass. The proposed apartment building is a huge massive rectangular block, which will dwarf the surrounding structures and create an overwhelming visual barrier between the waterfront and the neighbourhood. This contrasts with the existing tree canopy that blends in with the tree canopy that characterizes Neville Park and Munro Park
- 38.3. The proposed development is in complete contrast to what currently exists in the neighbourhood. It is not consistent with the built form of detached homes on neighbouring lands and within the rest of the neighbourhood. Even when compared with the historical anomaly apartment buildings at No 2 Nursewood, and on Glenfern (although not part of the neighbourhood, as I see it), the mass of the proposed apartment building is completely out of character. This difference is accentuated by the style of architecture which is not reflective of the look and feel of the dwellings in the neighbourhood. This matter is elaborated upon by Mr. Morgan in his witness statement.
39. The heights of the proposed apartment building and the dwelling at 4 Neville Park Blvd are not consistent with the characteristic height of the area .
- 39.1. The maximum height characteristic of the area is 2-½ storeys with the heights of the closest homes being between 1 ½ and 2 storeys.
- 39.2. The building plans show two large buildings on top of the fourth floor. I appreciate that these are intended to enclose mechanical equipment, amongst other things;

however, they are the size of two small houses and result in an effectively higher building mass than would otherwise be the case. They cannot be ignored as being out of character with the existing built form in the neighbourhood.

- 39.3. I appreciate that the zoning by-law permits heights of dwellings which are higher than many in the neighbourhood now; however, given the quality and general standard of the existing homes, it is unlikely that renovations are going to occur that will significantly increase the height profile on Munro Park, Neville Park and Nursewood. So, it is appropriate to compare the proposal's height with the prevailing heights in the neighbourhood.

40. The proposal would introduce a Built Form that does not exist in the neighbourhood.

- 40.1. The roof shapes for the apartment building and the single detached dwelling are flat with roof terraces and, on the apartment building, two large rectangular box shaped mechanical rooms. This is in complete contrast to the characteristic roof design and use of the surrounding neighbourhood roofs. Furthermore, the proposal for roof terraces on the flat roof means that the neighbours to the north of the apartment will be over-viewed by persons on this terrace to a much greater extent than would be the case from a detached dwelling on the property. Their sense of privacy will be more seriously impinged upon.
- 40.2. Our Neighbourhood is comprised of detached single-family homes. In our neighbourhood, because it is mainly detached dwellings, neighbours often meet each other while maintaining and enjoying their yards, or while sitting on the front verandas. In this context, I am thinking, as well, about the relationship of the dwellings along the lakefront that would exist if the proposal were not approved.
- 40.3. An apartment building does not provide for the same feel as detached homes. For example, by definition apartment units within an apartment building do not have side yards between the units like detached houses do. Side yards soften the visual effect of built form, provide sightlines, and afford neighbors another location where they can connect. Again, in this context, I am thinking, as well, about the relationship of the dwellings along the lakefront that would exist if the proposal were not approved.
- 40.4. The apartment building does not include verandas, entrance canopies or similar features that are characteristic of the buildings in the neighbourhood. These are all areas where neighbours connect with one and other in an impromptu setting. Again, in this context, I am thinking, as well, about the relationship of the dwellings along the lakefront that would exist if the proposal were not approved.
- 40.5. Similarly, most of the units in the proposed apartment would be above the first floor. As such, residents with upper floor balconies would not have any opportunities to connect with their neighbours in the same way that homeowners enjoying their yard or veranda can. Again, in this context, I am thinking, as well, about the relationship of the dwellings along the lakefront that would exist if the proposal were not approved.

41. The combining of lots to create a development parcel is of concern.

- The proposed development would take place on either three or four existing lots by combining them. The resulting lot size and configuration would be entirely out of character with the lot sizes and shapes in the neighbourhood.

- If the appellant is successful in combining lots which, once approved, would become part of the lotting “character” in the neighbourhood for the purposes of the Official Plan policies, I am concerned that this will provide an incentive to other developers to acquire properties in the neighbourhood for the purpose of combining them to facilitate other apartment development, townhouse development or other residential development that is not in the form of single detached dwellings.
- In this manner, the proposed development will contribute to undermining the stability of the neighbourhood.

42. The architectural character of the building is of concern

- Mr. Morgan has addressed the lack of compatibility between the architecture of the proposed apartment building and the other buildings in the neighbourhood (with the sole exception being the square block apartment building at No. 2 Nursewood). I concur with his comments.

43. The effect on the natural character of the development site is of concern.

- The impressive tree canopy is one of the features which distinguishes our neighbourhood from other areas of the Beach. This proposal will destroy the largest trees on the development site, leaving a void in the tree canopy that will take many decades to replace, assuming that the new apartment building will not prevent the remaining trees from growing that large. Retaining the existing dwellings (and rebuilding a dwelling where the present owner demolished one) would continue to preserve and respect this canopy. Even if the present dwellings were to be replaced some time in the future, the placements of those dwellings would have to respect the tree canopy because the tall red oaks are protected by the City’s tree by-law.

44. The effect on sightlines from the north to the Lake and from the Lake to the north is of concern.

- Construction of the proposed buildings will block the sightlines and views of residents of Munro Park and Neville Park, to the lake from their backyards. Although it is understood that residents do not have any right to a view, they do have a reasonable expectation that they would live in a neighbourhood of single-family type homes which would provide separation and some light and views between the houses.
- The view of people on the beach below the proposed development will change from one of homes nestled in attractive foliage to a massive structure that dwarfs the nearby vegetation and housing due to its overall bulk.

45. Development of this nature creates instability in a neighbourhood and nearby areas, and should not be viewed in isolation. Development which introduces new larger buildings forms into existing neighbourhoods has a far reaching impact on life within the neighbourhood.

- Aside from changing the feel of the neighbourhood, precedent setting development such as the proposal encourages speculators and the continual harassment of existing property owners. This undermines the confidence existing owners have as to the nature of future development on their street and makes them more amenable to selling

in order to seek another location which is not perceived to be a hot redevelopment area.

- The wear and tear on the neighbourhood which would result from having to co-exist while a major construction project is underway at the end of two dead end streets will be considerable and may encourage neighbours to move rather than have to tolerate a possible several year construction project. Heavy construction vehicles will be a constant irritation as they move soil from the site and bring in materials. The impact will be borne by all of the residents on the streets not just those living in proximity to the site. Only a very compelling public interest in the construction of the proposal could justify this kind of daily intrusion on the neighbourhood.

46. The BLNA is concerned that this kind of instability and disruption will be the result of the approval of the proposal.

History of Protection of the Character of the Neighbourhood

47. Residents of the neighbourhood have a long history of taking action to protect its character.

48. In the 1980s, residents opposed an attempt by a previous owner of 440 Lakefront to build a larger building on the property and succeeded in an appeal to the Ontario Municipal Board on it. As a result of this process, those in the neighbourhood learned of the permissive nature of the zoning applying to the area at that time which would have permitted a range of residential uses, including apartment buildings. As a result of this finding, a representative of the neighbourhood, Mr Sheridan, the owner of No 1 Neville Park (a lakefront property) made application for a rezoning applicable to Munro Park, Neville Park and Nursewood to remove any permissions for apartments and other forms of higher intensity residential use, such as townhouses. Council ultimately enacted such an amendment. This restrictive zoning has remained in place since then and is the best evidence of the neighbours' intentions as to the character of the neighbourhood which is sought to be preserved.

49. An approval for an apartment building in the proposed location will be shocking to all of us who live in this neighbourhood and will represent a remarkable reversal of the planning policies which have been applied, and supported actively by my neighbours, for decades.

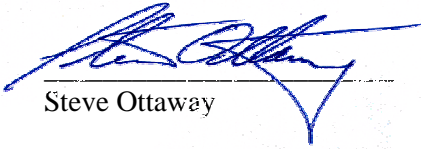
50. It is my opinion that an approval will seriously undermine the stability of our neighbourhood. No longer will we have confidence that a For Sale sign will lead to another single family neighbour; rather it could lead to a stressful rezoning battle with no confidence of success.

51. Our neighbourhood is undergoing gradual, manageable renewal as houses are renovated or, in some instances, demolished to be replaced by another single family home. Our neighbourhood is not in need of the kind of redevelopment that is proposed by the appellant.

Conclusion

52. The character of a neighbourhood changes one building at a time. The proposed apartment building, if approved, will become part of the character of the neighbourhood so that the next time a similar structure is proposed, the character of the neighbourhood will have already been changed and it will be argued that the new proposal is consistent with this new character. As a result, the community will be significantly weakened in its ability to oppose such development.

53. I believe that the approval of the proposed development will create an undesirable precedent for the neighbourhood that is contrary to the policy intent of the Official Plan for Neighbourhoods and out of character with our neighbourhood.
54. If the appeal(s) are allowed, our neighbourhood will no longer be a physically stable area. It will certainly no longer be stable in the sense that that landowners can rest easy about incompatible development occurring in the future.
55. I request, on behalf of the BLNA and most of the landowners on Munro Park and Neville Park, that the Board support the decision of the City of Toronto and dismiss the appellant's appeals.



Steve Ottaway

August 24, 2009