

PLANNING REPORT

**RE: PROPOSED BRIDAY HOUSING DEVELOPMENT
12433 DILLON DRIVE, TECUMSEH, ONTARIO**

**PREPARED FOR
TAMRA AND TONY TENO**

██████████ LITTLE RIVER BOULEVARD, TECUMSEH, ONTARIO

Date: March 29, 2021

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Further to my initial report dated August 29, 2019, I offer the following commentary on the proposed development application, including the Addendum by Briday, for 12433 Dillon Drive, Tecumseh.

I have reviewed the following documents:

- The initial documents prepared for the first public meeting held Sept. 10/19 – the Planning Justification Report (PJR) by Zelinka Priamo (ZP); the first Briday Report Aug. 13/19 by the Planning Dept. (Briday 1); and my own report prepared on your behalf Aug. 29/19 (Storey 1).
- The ZP Addendum Report Dec./20 (Addendum)
- The second Briday Report by the Planning Dept. March 30/21 (Briday 2)
- The 2014 and 2020 Provincial Policy Statements (PPS). Note that there is no significant difference between the 2 regarding this specific project so I will be referencing the 2020 version.
- The County of Essex Official Plan (COP)
- The existing Tecumseh Official Plan (TOP)
- The adopted draft Tecumseh Official Plan (DOP)
- Various DOP background discussion papers

It is not my intention at this time to draft a full-blown planning report but to simply highlight what I consider to be the main issues.

OVERVIEW

The Addendum Report in addressing the concerns raised at the first public meeting – compatibility, scale and density – made only minor changes which in my view did not affect these concerns. In doing so the Addendum Report stated that the existing surrounding neighbourhood had “no character” which would influence the density and scale of the project. The Briday 2 Report by the Planning Dept. supported these findings.

The principal justification for the project as proposed is based on the concept of residential intensification, which is broadly promoted by the PPS, the COP and the DOP, and also supported by the TOP. I agree that these policy documents emphasize this approach which is generally desirable. However, ZP and the Planning Department appear to believe that residential intensification means redevelopment at a density and scale greater than the area where the project is located. In fact, while the definition does not exclusively rule that out, it does state that the greater density would apply to the subject property only, and the eventual scale of the project should take into account the nature or character of the existing residential neighbourhood and the adequate presence or provision of public facilities to support the project. The PPS definition of public facilities includes park land. Below I deal with these twin matters: the scale, density and character of the existing neighbourhood; and the provision of parkland in this particular area of Tecumseh.

NEIGHBOURHOOD CHARACTERISTICS

For background purposes in my Storey 1 report, I noted that within a substantial radius of the Briday site the existing neighbourhood consisted almost entirely of modest single detached dwellings, mostly single storey. The Briday project density was 240% greater and the entirety of the buildings was 2 or more storeys, compared to 28% of the existing dwellings. The governing policy documents state the following:

- The PPS in 1.1.3.4 requires that “appropriate development standards” should be prepared promoting intensification subject to mitigating risks to public health and safety.
- The COP in 3.2.7 stated that “new development in older established neighbourhoods of historic, architectural, or landscape value shall be encouraged to develop in a manner consistent with the overall character of these areas”
- The TOP in 3.3.8 effectively states that residential intensification must occur at a similar density, scale and use as the neighbouring built-up area.
- The DOP has several policies which apply. Foremost is 4.2.2 (vi) under Residential which noted that residential intensification in “stable residential areas” must meet the criteria of 3.18 Compatibility and under certain conditions “modest increases” in density “may be approved”. 3.18.1 describes matters to be assessed which may impact character to include loss of enjoyment of property; and built form in terms of scaling and massing.

There are several terms in the DOP such as “character”, “modest increase” and “close proximity” which are imprecise and subjective in nature. By comparison the TOP is more precise in its policy direction regarding residential intensification where density and scale must

be similar to the neighbouring area. In my Storey 1 report I included examples of municipalities which have attempted to protect stable mature neighbourhoods through special area wide OP policies, zoning standards and the use of site plan control based on such attributes as existing neighbourhood scale, height, massing, architecture and building separation for instance. In other words they attempt to identify attributes of character which are easily measurable.

Also, in my Storey 1 report I included excerpts from the *Housing and Residential Discussion Paper March 2015* prepared by Mr. Chad Jeffery, Manager of Planning Services for Tecumseh. Mr. Jeffery provided three overlapping tests by which we should judge the appropriateness of a residential intensification proposal namely:

1. The standard of residential amenity of the area is maintained or enhanced.
2. The proposed development must fit within and enrich the existing context.
3. The proposed development should respect the local context and contribute to it.

Consistency with the PPS and conformity with the various official plan policies are considered in conjunction with findings of the section below at the conclusion of this email.

PUBLIC FACILITIES (PARKLAND)

Schedule "D", Community Development Plan, to the TOP establishes 5 community areas or neighbourhoods in the former Town of Tecumseh. The subject lands are in the center of Community Area 1 which is bounded by Little River Blvd to the South, Windsor to the west, Lake St. Clair to the north and Barry Ave. to the East. Community 1 (83 hectares) had significant undeveloped land area at the time it was last updated (1988) and projected a population at full buildout of 2425. It also projected this population would require a minimum of 9.8 hectares for recreational purposes, primarily parkland of one sort or another. It is now virtually built out and we estimate that its population is approximately 1500. Using the same per capita standard for demand for recreational area we calculate the requirement, based on this plan, to be 6.0 hectares.

According to the Town Park inventory there are 2 parks in Community 1 – Chippewa classified as a neighbourhood park – 0.34 ha, and Colonel Paul Poisson Park, classified as a specialized park – 0.07 ha. To this I am adding Arrowhead Park which is adjacent to Community 1 even though not in it. This is also a neighbourhood park and 0.49 ha. This totals 0.9 ha. We estimate that there was a de facto recreational area of 1.65 ha associated with the Victoria school site when it was open, raising the total to 2.55, a little less than half of what the Community 1 plan says was the minimum necessary. The Briday project includes a 0.12 ha park but at the expense of the 1.65 ha available when it was still a school site. The net result is that approval of the Briday development in its present form will result in a parkland inventory of 1.02 ha or about 17% of the minimum necessary in the TOP. The governing policy documents state the following:

- The PPS in 1.1.1 (g) healthy sustainable communities are sustained by ensuring that necessary public facilities are available to meet current and projected needs. 1.1.3.2 (b) states that densities in settlement area shall be based on availability of appropriate public service facilities. 1.1.3.3 states that intensification should take into account the availability of suitable existing public service facilities.
- The COP in 3.2.6 (g) encourages local plans to make provision that public service facilities will be available to accommodate projected growth. The COP uses the same definition for public service facilities as the PPS.
- The TOP as described above can be used to determine the actual shortfall of recreational area in the Briday development neighbourhood. In the text 6.4 Community Development (a) Recreational Facilities states that parkland acquisition “will be by direct purchase when the amount is in excess of the 5% obtained by dedication under the Planning Act”. It also states that “allowance shall be made for the amount of playground ... available ... at school sites”. Development approvals in the past for Community 1 may have relied on the Victoria school site to provide part of the necessary recreational area for this neighbourhood.
- The DOP has not broken the former Town into community areas as the TOP has. It has allowed for a hierarchical classifications of parks, something missing in the TOP. This breakdown is found in 4.8.2 (ii) which lists neighbourhood parks – 1.0 hectare per 1000 population; community parks – 2.0 hectares per 1000 population; and specialized parks 3.5 hectares per 1000 population. As noted in the preamble the population of Community 1 is 1500 meaning the park demand would be 1.5 ha for neighbourhood park (0.83 provided); 3.0 hectares for community parks (this requirement is met by Lacasse Park); and 5.25 acres for specialized parks (0.19 provided including the Briday parkette). Using the DOP standards there is an overall shortfall of 5.73 hectares in neighbourhood and specialized parkland. Other relevant DOP policies are:
 - 4.2.1 (vi) promotes intensification where a full range of community facilities are available
 - 4.7.2 (ii) wherever possible schools should be available for use by the surrounding neighbourhood for recreational purposes
 - 4.7.2 (vii) “the Town assess opportunities for the purchase of excess school lands ... with a view to retaining parkland for existing ... populations in underserved areas of the Town
 - 4.8: Recreational Land Use 4.8.1 Goals (ii) “to ensure that recreational uses are located in suitable locations so as to maximize their accessibility to area residents

CONCLUSION

The ZP and Planning Dept. reports rely on their own interpretation of imprecise terms such as “modest increase”, “close proximity” and “character” to justify the scale and density of the Briday project. I do not share their understanding. I was particularly startled by the claim that the neighbourhood surrounding the former Victoria School has “no character”. I suspect the

local residents have a different opinion. The various policy documents share similar approaches encouraging residential intensification but subject to conditions which protect existing stable neighbourhoods from adverse effects. Of particular importance is the provision of parkland on a neighbourhood basis. The TOP is quite explicit regarding the need for intensification to be similar in scale and density to adjacent built-up areas and is specific in the land needed for recreational purposes in the neighbourhood in which Briday is central. Also, it is clear that school sites play an important role in the provision to the community of parkland, based on policies in both Tecumseh official plans. Under the Neighbourhood Characteristics Section above I finished with three tests arising from Mr. Jeffery's discussion paper on Housing which I repeat here:

1. The standard of residential amenity of the area is maintained or enhanced
2. The proposed development must fit within and enrich the existing context.
3. The proposed development should respect the local context and contribute to it.

In my Storey 1 report I stated that the Briday proposal as configured at that time did not pass these tests. The revisions to the plan have not changed my opinion regarding these tests, nor its failure to be consistent with the PPS and in conformity with the various OP's.