

## **Review of Definition of Grade**

*(City Council on December 14, 15 and 16, 1999, amended this Clause by adding thereto the following:*

*“It is further recommended that the Acting Commissioner of Urban Planning and Development Services be requested to submit a report to the Toronto Community Council on the merits of applying the definition of grade embodied in this Clause to the Zoning By-law as it affects the Toronto Community Council area.”)*

**The Etobicoke Community Council, after considering the deputation, and based on the finding of fact, conclusions and recommendations in the report (September 7, 1999) from the Director of Community Planning, West District, recommends that amendments to the definitions of grade and height in the Etobicoke Zoning Code, be adopted.**

The Etobicoke Community Council reports having held a statutory public meeting in accordance with Section 34 of the Planning Act, and that appropriate notice of this meeting was given in accordance with the Planning Act and the regulations thereunder.

**The Etobicoke Community Council submits the following report (September 7, 1999) from the Director of Community Planning, West District:**

### Purpose:

To discuss issues associated with the definition of grade contained in the Etobicoke Zoning Code.

### Funding Sources, Financial Implications and Impact Statement:

City funding is not required. There are no impacts on capital or operating budgets.

### Recommendation:

Should Council wish to amend the definitions of grade and height in the Etobicoke Zoning Code, as proposed in this report, Council should direct staff to schedule a formal public meeting under the Planning Act and to prepare the appropriate amending by-law as discussed in this staff report.

### Background:

At its meeting of June 14, 1999, the Planning and Transportation Committee requested the Commissioner of Urban Planning and Development Services to bring, to a future meeting of the Committee, a by-law amendment to harmonize the manner in which building height is calculated. Planning staff met with representatives of the Building Division to discuss height and grade definitions used in the zoning by-laws of the former municipalities. It was determined that the issue

determining how building heights are calculated is the existing definitions of "grade". This is due to the use of "grade" as the starting point for the measurement of height in the zoning by-laws.

It also became apparent that agreement on a comprehensive and common approach to building height across the whole City is not possible at this time due, to the different ways in which height and grade are calculated in the various by-laws. Therefore, in the short term, staff focussed efforts on the definitions of grade and height contained within the Etobicoke Zoning Code, and are reporting to the Etobicoke Community Council on this matter. A City-wide approach may be considered at a future time by the Planning and Transportation Committee.

### Discussion:

#### Existing Etobicoke Zoning Code:

Concerns about building heights have occurred on a number of developments where the finished grade at the front of a dwelling has been raised in order allow a greater portion of the basement to be exposed, while still complying with the Zoning Code's height requirements. Staff were requested to review the definitions of grade and height to ensure that grades could not be artificially altered to circumvent the calculation of height, which is based on a measurement using grade as the starting point.

The Etobicoke Zoning Code defines grade as "the elevation of the finished ground level at the midpoint of the wall or walls in question."

For single-detached dwellings, height is defined as "the perpendicular distance measured from the average finished grade level of the street frontage building elevation to the highest point of the roof, or soffit of the eaves overhang." For all other development, height the vertical distance from grade at the front main wall of the building to the highest point of the roof surface in the case of flat roofs or to the point halfway up the roof in the case of pitched roofs." Both definitions base the calculation of height on a measurement taken from grade at the front wall of the building.

#### Other Definitions of Grade:

Staff reviewed a number of by-laws in use in the City to see how grade was defined, and if there were other definitions of grade that are appropriate to the Etobicoke situation. Of the by-laws reviewed, most measured grade at the finished elevation in the vicinity of the exterior wall of the building (usually the front wall).

Other by-laws such as the former City of North York's By-law and certain provisions within the former Toronto By-law take grade from a fixed point measured at the centre line of the street, or the average elevation of the front sidewalk, respectively.

Using the centre line of the street as the fixed measuring point can be successful if there are no or only subtle changes to the naturally occurring grades. In those situations where a property rises from the street, then the permitted height, measured from grade, would effectively be reduced by the amount that grade changes, resulting in a lower allowable height. Conversely, if a property drops

away from the street, then these properties could be allowed to build up to the level of the streetline without that area being included in the calculation of height and the permitted building will be higher.

While this approach provides a consistent height when viewed from the street, it does not provide any assurances of what the actual permitted height of a property would be within a specific zoning category. In a zone where two-storey dwellings would normally be permitted, individual site topographic conditions could potentially limit development to a single storey, or potentially allow three or more stories to be constructed. In order to address this issue, appropriate controls have been included in the North York by-laws including a provision which regulates the height of the first floor, the maximum number of stories, in addition to an absolute height in metres.

Given changing topography and the very specific height limitations contained in the Preservative Zoning By-laws throughout Etobicoke, staff are concerned that the approach used in the North York definition would not allow for equitable application within individual zoning categories. This could necessitate a review of the height standards for each zone and/or Preservative Zoning By-law.

In order to implement a definition similar to that of North York, a more detailed review of the other applicable residential standards would also be required, including the definition of height, where it would be measured from and to, and the introduction of a maximum number of storeys within each zone. This would require a specific review of the general provisions, as well as, the various Preservative Zoning By-laws.

In some of Scarborough's by-laws, grade is measured at a point where the side lot lines intersect with the minimum front yard setback requirement. The use of this definition of grade would prevent the alteration of established grades as a means of increasing actual building height. It would also not require a comprehensive review of building heights throughout Etobicoke's preservative zoning areas.

#### Implementation of a New Definition of Grade:

By using the Scarborough definition of the natural, unaltered grade along a common property line as the base reference for the calculation of height, there are fewer opportunities for on-site grade changes to impact on the allowable height. This approach would allow for a consistent application within zones, by employing a single, fixed standard. There would also be no penalty or benefit derived from topographic variations of a site. The proposed wording using this approach is as follows:

#### Grade -

- the average of the natural, unaltered elevation of the ground level at the intersection of the side lot lines and the minimum front yard setback.

In conjunction with this proposed change, modifications to the definitions of height could also be introduced to better reflect the intent of the proposed definition of grade, as follows:

Height – Single, Detached Dwellings:

- the perpendicular distance measured from the average of the natural, unaltered grade at the intersection of the side lot lines and the minimum front yard setback to the highest point of the roof, or soffit of the eaves overhang.

Height – General:

- the perpendicular distance measured from the average of the natural, unaltered grade at the intersection of the side lot lines and the minimum front yard setback to the highest point of a flat roof surface or to the point halfway up the surface of a pitched roof.

It should be noted that the changes discussed in this report are not likely to affect certain grading issues associated with townhouse developments arising out of attempts to address specific Building Code requirements. Planning Staff are currently preparing draft Design Guidelines for Townhouse/Rowhouse development, which will speak to this matter. This report should be available for consideration by the Etobicoke Community Council later this fall.

Conclusions:

Staff have been requested to review Etobicoke's definition of grade in order to respond to concerns with respect to the altering of natural grades on-site. Two possible options have been identified; however, staff are concerned that implementing a definition similar to North York's would likely require a much more detailed examination of other applicable standards and definitions within the Etobicoke Zoning Code and Preservative Zoning By-laws, which rely on the general policies of the Code.

This report has been prepared for the information and consideration of Community Council and has been reviewed by the Director of Building and Deputy Chief Building Official, West District, who concurs with its contents. In the event that Council chooses to amend the definitions of grade and height contained in the Etobicoke Zoning Code, then a formal public meeting would be required, and staff should be authorized to prepared the appropriate amending by-laws.

Contact:

Richard Kendall, Principal Planner  
Community Planning, West District  
Tel.: (416) 394-8227; Fax: (416) 394-6063

---

Mr. Wes Peaker appeared before the Etobicoke Community Council requesting that buildings, other than singledetached dwellings, be considered in the determination of height.