
Planning and Growth Management Committee

Meeting No.	20	Contact	Merle MacDonald, Committee Administrator
Meeting Date	Thursday, November 13, 2008	Phone	416-392-7340
Start Time	9:30 AM	E-mail	pgmc@toronto.ca
Location	Committee Room 1, City Hall	Chair	Councillor Norman Kelly

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Location	Committee Room 1, City Hall	Chair	Councillor Norman Kelly

PG20.2	Amended			Ward: All
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Municipal Code Chapter 363, Construction and Demolition By-law: Technical and Fee Schedule Amendments

City Council Decision

City Council on December 1, 2 and 3, 2008, adopted the following motions:

1. City Council adopt the amendments to Chapter 363 of the Municipal Code, largely itemized in the form attached (Appendix A) to implement necessary technical and administrative changes required as a result of the 2006 Ontario Building Code, as outlined in the report, including fees to recover the costs of:
 - a. the review and approval of alternative solutions and building materials under the objective based code format (effective January 1, 2009);
 - b. administrative work related to remediating former marijuana grow operation properties (effective January 1, 2009); and
 - c. public requests for the disclosure of plans and records (effective April 1, 2009).

2. The funding outlined in the report, in the amount of \$779.0 thousand gross, \$0 net, be referred to the Budget Committee for consideration with the 2009 Operating Budget process to permit Toronto Building:
 - a. to conduct inspections of former marijuana grow operations, as required by the City of Toronto Act, 2006; and
 - b. to provide expanded routine disclosure of building permit records and plans.

3. The “alternative solution” fee (\$2,000.00) and “evaluation of alternative material or

solution” fee (\$5,000.00) be also applied to applications where the building permit fee is more than \$50,000.00 and such revenues be used to offset or reduce these fees for smaller properties.

4. The Chief Building Official and Executive Director, Toronto Building, report to the Planning and Growth Management Committee on this matter in one year, including recommended fee adjustments.
5. The Chief Building Official and Executive Director, Toronto Building, be requested to develop a schedule of “innovative solutions and alternative methods” that prove successful over a period of time, with a view to allowing them to be used without additional fees.

Committee Recommendations

The Planning and Growth Management Committee recommends that:

1. City Council adopt the amendments to Chapter 363 of the Municipal Code, largely itemized in the form attached (Appendix A) to implement necessary technical and administrative changes required as a result of the 2006 Ontario Building Code as outlined in the report including fees to recover the costs of:
 - a. the review and approval of alternative solutions and building materials under the objective based code format (effective January 1, 2009);
 - b. administrative work related to remediating former marijuana grow operation properties (effective January 1, 2009);
 - c. public requests for the disclosure of plans and records (effective April 1, 2009).
2. The funding outlined in the report, in the amount of \$779.0 thousand gross, \$0 net, be referred to the Budget Committee for consideration with the 2009 Operating Budget process to permit Toronto Building:
 - a. to conduct inspections of former marijuana grow operations, as required by the City of Toronto Act, 2006; and
 - b. to provide expanded routine disclosure of building permit records and plans.

Committee Decision Advice and Other Information

The Planning and Growth Management Committee:

1. held a public meeting on November 13, 2008, and notice was given in accordance with the Municipal Code and Ontario Building Code;
2. requested the Chief Building Official and Executive Director, Toronto Building, to

report and address the issue of Public Health Charges in the by-law when it is considered by City Council on December 1 and 2, 2008, with a mechanism to co-ordinate with Toronto Public Health the fees collected for the administrative work related to remediating former marijuana grow operation properties;

3. requested Deputy City Manager Richard Butts and the Chief Building Official and Executive Director, Toronto Building, to report to the Committee in a year's time on the resources required and the workload of any new staff.

Origin

(October 30, 2008) Report from Chief Building Official and Executive Director, Toronto Building

Summary

The purpose of this report is to recommend Council approval of amendments and additions to Municipal Code Chapter 363 that would:

- Introduce necessary technical and administrative amendments resulting from changes made in the 2006 Ontario Building Code, including a cost recovery fee to facilitate approval of "alternative solutions" under the objective based code format.
- Provide Toronto Building with the ability to recover the cost of administering remedial work to former marijuana grow operation properties.
- Enable Toronto Building to improve the efficiency and timeliness to public requests for the disclosure of plans and records, and provide the authority to recover costs.

Municipal Code Chapter 363 has not been significantly revised since the Building Code Statute Law Amendment Act (Bill 124) came into force at the end of 2005. Following these amendments to Municipal Code Chapter 363, the revised Ontario Building Code came into force.

It is necessary to make a number of administrative and technical changes to the Municipal Code to ensure consistency with the provincial regulations. The other changes pertaining to fees are consistent with the requirements of the Building Code Act. The Act requires that building permit fees be used for the purpose of administering and enforcing the Act and Code. The level of service associated with the marijuana grow operations and routine disclosure will support increased staffing levels required to deliver on the new service levels.

Background Information (Committee)

Municipal Code Chapter 363, Construction and Demolition By-law: Technical and Fee Schedule Amendments

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-16863.pdf>

Appendix A

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-17483.pdf>

PG20.5	Withdrawn			Ward: All
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Zoning Review of Reverse Slope Driveway Regulations

City Council Decision

This Item was ruled out of order at City Council on December 1, 2 and 3, 2008.

City Council Decision Advice and Other Information

Speaker Bussin ruled that the recommendations of the Planning and Growth Management Committee pertaining to reverse-sloped driveways were out of order because they were contrary to a decision of City Council made on September 24 and 25, 2008. The Planning and Growth Management Committee recommendations pertaining to boarding and lodging houses were also ruled out of order because they were contrary to a decision of the North York Community Council made on July 7, 2008.

Committee Recommendations

The Planning and Growth Management Committee recommends that:

1. City Council direct that no general zoning amendments be considered for the North York District prior to consideration of a comprehensive draft city-wide zoning by-law with respect to:
 - a. the definition of Boarding or Lodging Houses; and
 - b. reverse slope driveways.
2. City Council direct that no statutory public hearing be held with respect to the above.

Committee Decision Advice and Other Information

The Planning and Growth Management Committee directed that the report be forwarded to the North York Community Council for information at its meeting of November 18, 2008.

Origin

(October 30, 2008) Report from Chief Planner and Executive Director, City Planning

Summary

The purpose of this report is to advise on two separate requests concerning reverse slope driveways. One request from Council directs a report to this Committee. The other is from North York Community Council to amend the North York zoning by-law.

A further request involves amending the definition of boarding and lodging house. Both these matters are of city-wide concern being addressed in the city-wide zoning by-law that is now being prepared.

To amend one zoning by-law and not all the current zoning by-laws that share the issue jeopardizes the City's ability to defend such an amendment at the Ontario Municipal Board. It will give appellants a convenient argument of inconsistent treatment of similar properties across the City. In addition, appellants will have another opportunity to appeal as each successive existing zoning by-law is amended.

Further, such action will take away staff resources needed to complete the city-wide zoning by-law work. Amending the existing zoning by-laws is time-consuming work owing to the fact that there are 43 of them. In addition, should there be an appeal of any one of them, more staff resources will be required to defend the appeals.

The early part of 2009 is the target date for producing the draft city-wide by-law for public consultation. In the interim, steps will be taken to highlight the basement flooding implications of reverse slope driveways for Committee of Adjustment panel members in their consideration of relevant variance applications.

Background Information (Committee)

Zoning Review of Reverse Slope Driveway Regulations

(<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-16861.pdf>)

Background Information (City Council)

(November 21, 2008) Transmittal from the North York Community Council, headed "Local Measures to Reduce Basement Flooding in the North York Community Council Area" (PG20.5a)

(<http://www.toronto.ca/legdocs/mmis/2008/cc/bgrd/backgroundfile-17582.pdf>)

(November 21, 2008) Transmittal from the North York Community Council, headed "Definition of Boarding or Lodging House - North York Zoning By-law 7625" (PG20.5b)

(<http://www.toronto.ca/legdocs/mmis/2008/cc/bgrd/backgroundfile-17583.pdf>)

PG20.6	Amended			Ward: All
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Toronto Green Standard Update: Performance Measures for Sustainable Development

City Council Decision

City Council on December 1, 2 and 3, 2008, adopted the following motions:

1. City Council adopt the two-tiered set of performance measures associated with the Toronto Green Standard (revised Toronto Green Development Standard), as presented in Appendix A, with Appendix A amended by deleting the following Tier 2 requirement from the sector headed "Automobile Infrastructure":

“Provide a 1-year Metropass to all purchasers of residential units.”.

2. All divisions involved in the approval of development under the Planning Act apply the performance measures found in Tier 1 of the Toronto Green Standard to all rezoning, site plan and plan of subdivision applications, commencing September 2009.
3. All agencies, boards, commissions, divisions and corporations apply Tier 1 of the Toronto Green Standard commencing at the next capital budget cycle.
4. City Council request the Province to amend the City of Toronto Act to provide the ability for the City to require energy efficiency measures that exceed the levels set out in the Ontario Building Code (OBC).
5. The Chief Planner and Executive Director, City Planning, in consultation with other divisions involved in development review, prepare an implementation protocol for the application of the Toronto Green Standard by September 2009.
6. The Chief Planner and Executive Director, City Planning, undertake the next review of the Toronto Green Standard in two years' time, in anticipation of changes to the Ontario Building Code.
7. City Council confirm that the implementation of the Tier 2 Development Charge Refund Program will be reviewed as part of the Development Charges By-law at the February 2009 Executive Committee meeting.

Committee Recommendations

The Planning and Growth Management Committee recommends that:

1. City Council adopt the two-tiered set of performance measures associated with the Toronto Green Standard (revised Toronto Green Development Standard), as presented in Appendix A.
2. All divisions involved in the approval of development under the Planning Act, apply the performance measures found in Tier 1 of the Toronto Green Standard to all rezoning, site plan and plan of subdivision applications, commencing September 2009.
3. All Agencies, Boards, Commissions, Divisions and Corporations apply Tier 1 of the Toronto Green Standard commencing at the next capital budget cycle.
4. City Council request the Province to amend the City of Toronto Act to provide the ability for the City to require energy efficiency measures that exceed the levels set out in the Ontario Building Code (OBC).
5. The Chief Planner and Executive Director, in consultation with other Divisions involved in development review, prepare an implementation protocol for the application of the Toronto Green Standard by September 2009.

6. The Chief Planner and Executive Director undertake the next review of the Toronto Green Standard in two years' time, in anticipation of changes to the Ontario Building Code.

Committee Decision Advice and Other Information

The Planning and Growth Management Committee requested the Chief Planner and Executive Director of City Planning to:

1. report to City Council on December 1, 2008, on the anticipated lost revenue to the City if the Development Charge refund were applied for Tier 2 buildings;
2. report to the Committee in January 2009, on a possible energy efficiency rating system for large residential condominium projects that would be easily understandable to potential purchasers, and whether the City would require that this information be available to potential purchasers prior to the signing of purchase agreements; and
3. report to the Committee as soon as possible on a policy of incentives for Geo-Thermal projects and further, staff report on how roadways, parks and City-owned parking lots could be used to enhance geo-thermal opportunities.

Origin

(October 30, 2008) Report from Chief Planner and Executive Director, City Planning

Summary

The purpose of this report is to provide City Council with a comprehensive update on the results of a two-year review of the Toronto Green Standard (formerly referred to as the Toronto Green Development Standard), since adoption by Council in July 2006. This report presents the new and revised, two-tiered Green Standard for new construction and the supporting results from an extensive legal review and the Toronto Green Standard Cost-Benefit Study undertaken by the University of Toronto Faculty of Architecture, Landscape and Design (a,l&d, Cost-Benefit Study).

In July 2007, City Council adopted the Climate Change, Clean Air and Sustainable Energy Action Plan. The plan included recommendations towards making the Toronto Green Standard mandatory, to account for the effects of proposed construction on Toronto's energy supply, consumption and greenhouse gas emissions. The Toronto Green Standard (TGS) is a first step in establishing better development practices. There has been substantial input into strengthening the standard from City staff and the private sector.

The Green Standard is a set of performance measures that promote sustainable development. They represent Toronto's approach to greening development practices in multi-unit highrise residential buildings, institutional, commercial and industrial buildings and low-rise residential and non-residential development. Tier 1 is mainly secured through the planning process and will be validated in-house; Tier 2 is achieved by way of incentives and will be validated by a third party review. A Development Charge Refund is proposed for Tier 2 to encourage high levels of energy efficiency and greenhouse gas reductions.

Background Information (Committee)

Toronto Green Standard Update: Performance Measures for Sustainable Development
<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-16862.pdf>

Background Information (City Council)

(November 27, 2008) supplementary report from the Chief Planner and Executive Director,
 City Planning Division (PG20.6a)
<http://www.toronto.ca/legdocs/mmis/2008/cc/bgrd/backgroundfile-17605.pdf>

Speakers (Committee)

Paula J. Tenuta, MCIP, RPP
 Greg Bonser, Village Technologies
 Elio Di Iorio, Onesun Group
 Steve Daniels, Tridel
 Paul Scrivener, Toronto Industry Network

PG20.7	Adopted			Ward: All
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By-law to Require and Govern the Construction of Green Roofs in Toronto

City Council Decision

City Council on December 1, 2 and 3, 2008, adopted the following motions:

1. City Council direct the Chief Planner and the Chief Building Official to consult with affected stakeholders about the proposed approach, to require and govern the construction of green roofs as outlined in this report.
2. City Council direct the Chief Planner and the Chief Building Official to report back to the next meeting of the Planning and Growth Management Committee with the results of the consultation and technical review and a draft by-law containing a green roof construction standard for implementation in January 2009.
3. Proposed amendments or additions to the technical requirements of the Toronto Green Roof Construction Standard undergo review by the Green Roof Technical Advisory Group, prior to consideration by Council.
4. City Council direct the Chief Planner and the Chief Building Official to review and report to the January 8, 2009 meeting of the Planning and Growth Management Committee on requiring green roofs for larger sites developed with low density or low-rise (four floors or less) residential built forms.

Committee Recommendations

The Planning and Growth Management Committee recommends that:

1. City Council direct the Chief Planner and the Chief Building Official to consult with affected stakeholders about the proposed approach, to require and govern the construction of green roofs as outlined in this report.
2. City Council direct the Chief Planner and the Chief Building Official to report back to the next meeting of the Planning and Growth Management Committee with the results of the consultation and technical review and a draft by-law containing a green roof construction standard for implementation in January 2009.
3. Proposed amendments or additions to the technical requirements of the Toronto Green Roof Construction Standard undergo review by the Green Roof Technical Advisory Group prior to consideration by Council.
4. City Council direct the Chief Planner and the Chief Building Official to review and report to the January 8, 2009 meeting of the Planning and Growth Management Committee on requiring green roofs for larger sites developed with low density or low-rise (four floors or less) residential built forms.

Origin

(October 29, 2008) Report from Chief Building Official and Executive Director, Toronto Building and the Chief Planner and Executive Director, City Planning

Summary

The purpose of this report is to provide Planning and Growth Management Committee with a content summary of the proposed Green Roof By-law prior to public consultation in late November. This by-law is proposed for implementation in January 2009.

A Toronto Green Roof By-law, enacted under the authority of Section 108 of the City of Toronto Act (COTA), would require green roofs on certain types of new buildings and regulate the design and construction of green roofs in Toronto. Toronto would be the only municipality in North America to have a by-law of this nature.

In 2007, Toronto Building and City Planning reported to this committee providing an overview of the technical research completed for Toronto Building to provide design requirements for a Toronto green roof standard for renovation and new construction of residential, industrial, commercial and institutional buildings. Due to cost containment, further development and public consultations on the proposed By-law were delayed until this year.

This green roof by-law will be an integral element in the implementation of the City's Climate Change and Clean Air Action Plan and in the implementation of the Toronto Green Standard (formerly the Toronto Green Development Standard). Toronto will be the only city in North America with a by-law that both requires green roofs and establishes the construction standards they must meet.

Background Information (Committee)

By-law to Require and Govern the Construction of Green Roofs in Toronto

(<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-16784.pdf>)

Attachment

(<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-17247.pdf>)

PG20.8	Adopted			Ward: All
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Eco-Roof Incentive Program

City Council Decision

City Council on December 1, 2 and 3, 2008, adopted the following motions:

1. City Council approve the terms of reference set out in Appendix I to the report as the selection criteria for the Eco-Roof Incentive Program.
2. City Council authorize the Director of the Toronto Environment Office to award funds under the Eco-Roofs Incentive Program according to the terms of reference set out in Appendix I.
3. For the purposes of the Eco-Roof Incentive Program, a financial incentive of:
 - a. \$50.00 per square metre of green roof installed, be paid to eligible industrial, commercial and institutional property owners as per the terms of reference set out in Attachment I to this report, to a maximum of \$100,000 per award; and
 - b. \$2.00 - \$5.00 per square metre of cool roof installed, be paid to eligible industrial, commercial and institutional property owners as per the terms of reference set out in Attachment I to this report, to a maximum of \$50,000 per award.
4. City Council request the Director of the Toronto Environment Office to provide an annual report to the Executive Committee on the status of the Eco-Roof Incentive Program and any proposed refinements to the incentives and program terms of reference.

Committee Recommendations

The Planning and Growth Management Committee recommends that:

1. City Council approve the terms of reference set out in Appendix I to the report as the selection criteria for the Eco-Roof Incentive Program.

2. City Council authorize the Director of the Toronto Environment Office to award funds under the Eco-Roofs Incentive Program according to the terms of reference set out in Appendix I.
3. For the purposes of the Eco-Roof Incentive Program, a financial incentive of:
 - a. \$50.00 per square metre of green roof installed, be paid to eligible industrial, commercial and institutional property owners as per the terms of reference set out in Attachment I to this report, to a maximum of \$100,000 per award; and
 - b. \$2.00 - \$5.00 per square metre of cool roof installed, be paid to eligible industrial, commercial and institutional property owners as per the terms of reference set out in Attachment I to this report, to a maximum of \$50,000 per award.
4. City Council request the Director of the Toronto Environment Office to provide an annual report to the Executive Committee on the status of the Eco-Roof Incentive Program and any proposed refinements to the incentives and program terms of reference.

Origin

(October 30, 2008) Report from Director, Toronto Environment Office

Summary

The purpose of the Eco-Roof program is to provide incentives to commercial, industrial and institutional (ICI) property owners so that Toronto's building stock becomes more sustainable and better adapted to climate change. The program is intended to complement the proposed Toronto Green Roof By-law and the Green Standard (formerly the "Toronto Green Development Standard") by encouraging owners to take advantage of their roof space. An "eco-roof" would include green roofs that support vegetation and cool roofs that reflect the sun's thermal energy.

Direction to establish the program comes from the 2007 Climate Change, Clean Air and Sustainable Energy Action Plan. The program builds on Toronto's Green Roof Strategy adopted in 2006 and the 2008 Climate Change Adaptation Strategy by taking increased action on storm water management and urban heat island mitigation.

The Eco-Roof program would provide incentives for the retrofit of ICI buildings in Toronto's designated employment areas. On a one year pilot basis, the program would also provide incentives for new large ICI buildings city-wide that are subject to the proposed Green Roof By-law requirements. The program would provide incentives of \$50 / square metre of green roof up to \$100,000 per award and \$2-\$5 / square metre of cool roof up to \$50,000 per award. Initial funding for Eco-Roofs was approved in 2007, totalling \$2.4 million over 5 years. Additional funding of \$200,000 per year would be provided by Toronto Water to be specifically allocated to green roof projects.

This report recommends terms of reference for the incentive program, including environmental performance, eligibility criteria and administration details. The incentive amounts and program terms would be reviewed annually.

Background Information (Committee)

Eco-Roof Incentive Program

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-16869.pdf>

Communications (City Council)

(December 3, 2008) letter from Colin Viebrock, Green Garage (CC.New.PG20.8.1)

Submitted Thursday, November 13, 2008

Councillor Norman Kelly, Chair, Planning and Growth Management Committee