

Site Plan Control By-law – Additional Site Plan Control Powers – Final Report

Date:	July 15, 2010
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	All
Reference Number:	Pg10053

SUMMARY

Section 114 of the *City of Toronto Act* provides two additional Site Plan Control powers dealing with exterior design and sustainability of buildings, as well as sustainable design elements in the public right-of-way adjacent to a development site. The Act requires provisions in the Official Plan and a Site Plan Control By-law to use these powers.

Official Plan Amendment No. 66 incorporated policies, unshaded text and sidebars into the Official Plan with respect to these additional Site Plan Control powers. City Council directed the Chief Planner and Executive Director, City Planning to bring forward the required Site Plan Control By-law amendment once Official Plan Amendment No. 66 came into effect. The Ontario Municipal Board approved Official Plan Amendment No. 66, as modified, in April 2010.

This report recommends a Site Plan Control By-law containing exterior design and sustainability provisions applicable to development subject to Site Plan Control. A by-law must be enacted by City Council in order to use these additional Site Plan Control powers.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council adopt the Site Plan Control By-law substantially in accordance with the draft Site Plan Control By-law attached as Attachment 1; and

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Site Plan Control By-law as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On January 1, 2007, the Province transferred the majority of the City of Toronto's Site Plan Control powers from the *Planning Act* to the *City of Toronto Act*. The Act provides new Site Plan Control powers dealing with exterior design and sustainability of buildings, as well as sustainable design elements in the public right-of-way adjacent to a development site. The Act requires provisions in the Official Plan and a Site Plan Control by-law to implement these two new powers.

At its January 27 and 28, 2009 meeting, City Council adopted Official Plan Amendment No. 66 to incorporate policies, unshaded text and sidebars into the Official Plan to implement the additional Site Plan Control powers. City Planning's Final Report and Supplementary Report on the Official Plan Amendment are available at:
www.toronto.ca/legdocs/mmis/2009/pg/bgrd/backgroundfile-17965.pdf
www.toronto.ca/legdocs/mmis/2009/cc/bgrd/pg22.3a.pdf

City Council's adoption of Official Plan Amendment No. 66 was appealed to the Ontario Municipal Board by four appellants. After a series of meetings between June 2009 and March 2010, the City and the parties agreed to modifications to Official Plan Amendment No. 66 to address the appeals. At its March 31 and April 1, 2010 meeting, City Council approved the proposed settlement of the appeals to Official Plan Amendment No. 66. The City Solicitor's report on the proposed settlement is available at:
www.toronto.ca/legdocs/mmis/2010/mm/bgrd/backgroundfile-28842.pdf

The Ontario Municipal Board accepted the settlement between the City and the parties, and approved Official Plan Amendment No. 66, as modified, in its Decision dated April 9, 2010.

ISSUE BACKGROUND

The majority of the City's Site Plan Control powers are now found in Section 114 of the *City of Toronto Act*. Under the Act, the City has been granted additional powers to approve drawings that contain:

- matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design; and
- the sustainable design elements on any adjoining highway under the City's jurisdiction, including without limitation trees, shrubs, hedges planting or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities.

The Act requires provisions in the Official Plan and a Site Plan Control by-law to implement these two additional powers.

Official Plan Amendment No. 66 incorporates policies, unshaded text and sidebars into the Official Plan with respect to the additional Site Plan Control powers. In adopting the Amendment, City Council directed the Chief Planner and Executive Director, City Planning to bring forward Site Plan Control By-law amendments to implement the additional Site Plan Control powers once Official Plan Amendment No. 66 came into effect.

COMMENTS

Site Plan Control is an important planning tool for implementing the policies of the Official Plan. A Site Plan Control by-law enables the City to approve the design and technical aspects of a proposed development to ensure it is attractive, functional and compatible with the surrounding area or planned context.

Proposed By-law

The proposed Site Plan Control By-law introduces provisions with respect to exterior design and sustainability applicable to development subject to Site Plan Control. The proposed by-law provisions are consistent with the Official Plan policy, unshaded explanatory text and sidebars introduced by Official Plan Amendment No. 66 as highlighted in the follow sections.

Sustainability:

Official Plan Policy 5(a) in Section 3.1.2, Built Form, identifies improvements to adjacent boulevards and sidewalks respecting sustainable design elements (e.g. trees, plantings, bicycle parking, permeable paving material, lighting etc.) that development will provide.

Policy 3 in Section 5.1.3, Site Plan Control, references subsection 114(5)(2)(iv) and (v) of the *City of Toronto Act*, which the City may use to help achieve environmentally sustainable development, and links the use of these two subsections to a list of sustainable design features that address exterior building and site matters in Tier 1 of the Toronto Green Standard as adopted by City Council in October 2009. It is important to note that many of the Tier 1 standards can be secured under existing Site Plan Control provisions and other planning tools. Attachment 2 provides Official Plan excerpts of the above policies.

Sections 1(b)(i) and (ii) in the proposed Site Plan Control By-law incorporates the items identified in the above policies (see Attachment 1). Development subject to Site Plan Control will be required to display on drawings, improvements to the adjacent public right-of-way respecting sustainable design elements where requested by the City as well as sustainable design features that address exterior building and site matters in Tier 1 of the Toronto Green Standard.

Exterior Design:

Official Plan Policy 3(b) in Section 3.1.2, Built Form, and the “Exterior Design - Character, Scale and Appearance” sidebar recognize that the exterior design of a façade includes the form, scale and proportion of building elements along with patterns and materials, and that the exterior design of a building is a fundamental part of the City’s review under Site Plan Control. Likewise, Section 5.1.3, Site Plan Control, states that the City will also consider the exterior design including exterior architectural details and materials, which influence a project’s character, scale and appearance.

Section 1(a)(i) of the proposed Site Plan Control By-law addresses exterior design by enabling the City to approve drawings sufficient to display the exterior character, scale and appearance of a development including such matters as exterior materials, facades, doors, and roofs.

The Official Plan also recognizes that the exterior design of a building façade at grade, closest to the pedestrian environment, is an important design consideration to help new development support the public realm and fit with the existing and/or planned context.

To this end, Section 1(a)(ii) of the proposed Site Plan Control By-law requires development that is five storeys or greater to provide detailed colour elevation drawings to a scale of 1:50 for a minimum building width of three typical bays, including the main building entrance, for the first three-storeys of the development.

Small-scale, detailed drawings for the lower portions of larger buildings assist in reviewing and securing the urban design of the development and the quality of materials at the pedestrian scale. These drawings would be required in addition to the standard elevation drawings submitted under Site Plan Control, and are intended to provide additional information. Both the standard elevation drawings and the 1:50 scale drawings would be secured in the Site Plan Agreement.

The 1:50 scale drawing requirement builds on City Planning’s current practice of requesting these drawings for larger proposals, particularly in the Downtown. In recent years, the submission of these drawings has been secured in Section 37 Agreements as a matter of convenience; while in other instances, drawings have been voluntarily provided by applicants in conjunction with Site Plan Control applications. The Ontario Association of Architects (OAA) recognized the value of the 1:50 scale drawings with an honourable mention in the “Concepts and Presentations” category in its 2008 OAA Awards.

Transition Provision:

The proposed by-law includes a transition clause exempting submitted Site Plan Control applications from the 1:50 scale drawing requirement. Site Plan Control applications submitted on or after November 1, 2010 will be required to submit these drawings. This

transition date provides a sufficient window to advise applicants of the additional drawing requirement for Site Plan Control applications involving development that is five storeys or greater.

CONCLUSION

This report recommends a Site Plan Control By-law to implement two additional Site Plan Control powers dealing with exterior design and sustainability of buildings, as well as sustainable design elements in the public right-of-way adjacent to a development site, as directed by City Council.

The proposed Site Plan Control By-law is consistent with the amendments to the Official Plan introduced by Official Plan Amendment No. 66. Provisions in both the Official Plan and a Site Plan Control by-law are required in order to use the additional Site Plan Control powers under Section 114 of the *City of Toronto Act*.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Draft Site Plan Control By-law
Attachment 2: Official Plan Excerpts

Attachment 1: Draft Site Plan Control By-law

CITY OF TORONTO BY-LAW No. XXXX-2010

A by-law to regulate exterior design and sustainable design in development Subject: to Site Plan Control

WHEREAS authority is given to City Council by Section 114(5)(2)(iv) and (v) of the *City of Toronto Act, 2006*, S.O., 2006, c. 11, Schedule A, to require and approve drawings under site plan control depicting matters related to exterior design and their sustainable design, and sustainable design elements on any adjoining highway, if an official plan and a by-law, under Section 114(2) of the *City of Toronto Act*, that both contain provisions relating to such matters, are in effect; and

WHEREAS Official Plan Amendment No. 66 has been enacted to incorporate provisions related to exterior design and their sustainable design, and sustainable design elements on any adjoining highway into the City of Toronto Official Plan; and

WHEREAS Council deems it appropriate to incorporate said provisions into a Site Plan Control By-law under Section 114(2) the *City of Toronto Act, 2006*, applying to all lands subject to site plan control in the City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. In addition to any other general or specific provision in any site plan control by-law of the City of Toronto or its former municipalities, enacted under section 41 of the *Planning Act*, R.S.O. 1990, c.P 13, as amended, or its predecessor section, in approving a development subject to site plan control, no person shall undertake any development which is subject to the provisions of a site plan control by-law unless the person has submitted, and the City of Toronto or its delegated representative, or where a referral has been made under subsection 114(15) of the *City of Toronto Act*, the Ontario Municipal Board has approved drawings sufficient to display the following:

(a) Exterior Design – Character, Scale and Appearance

- (i) exterior character, scale and appearance of the development, including without limitation the exterior materials, facades, doors, roofs, windows and elements, such as cornices and belt-courses; and
- (ii) in addition, where development is five storeys or higher detailed colour elevation drawings to a scale of 1:50 for a minimum building width of three typical bays, including the main building

entrance, for the first three-storeys of the development shall be provided.

(b) Sustainability

- (i) improvements to adjacent public boulevards and sidewalks respecting sustainable design elements, which may include one or more of the following: trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities; and
- (ii) the following sustainable design features with respect to the site and the exterior of the building, where such development is subject to Tier 1 of the Toronto Green Standard as adopted by City Council in October 2009:
 - a. weather-protected, on-site bicycle areas and pedestrian-friendly infrastructure to encourage cycling and walking as clean-air alternatives;
 - b. high-albedo surface materials, open grid paving, shade trees, green and cool roofs to reduce ambient surface temperature to minimize the urban heat island effect;
 - c. building orientation to take advantage of passive solar heating, shading for cooling and natural light;
 - d. energy efficient exterior cladding and window treatments, which may be required to meet Tier 1 of the Toronto Green Standard as adopted by City Council in October 2009, to improve energy efficiency and reduce greenhouse gas emissions;
 - e. rainwater harvesting facilities, bio-retention swales, permeable paving and water efficient plant material to manage stormwater and reduce demand for potable water;
 - f. landscaping, including trees to enhance the urban forest and use of native species to protect, restore and enhance the natural heritage system;
 - g. bird friendly glass treatment to ensure that risk for migratory bird collisions is minimized;

- h. energy efficient, shielded exterior lighting to reduce night time glare and light trespass; and
 - i. dedicated areas for collection and storage of recycling and organic waste to reduce solid waste.
- 2. The requirement in Section 1(a)(ii) of this by-law with respect to the submission of 1:50 scale drawings shall not apply to Site Plan Control applications submitted prior to November 1, 2010.
- 3. This by-law shall come into force on the date of its passage.

ENACTED AND PASSED this XX day of, XXXXX A.D. 2010.

David R. Miller
Mayor

Ulli F. Watkiss
City Clerk

Attachment 2: Official Plan Excerpts

Chapter 3, Section 3.1.2, Built Form

Policy 3 New development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impacts on neighbouring streets, parks, open spaces and properties by:

- b) incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;

Policy 5 New development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing:

- a) improvements to adjacent boulevards and sidewalks respecting sustainable design elements, which may include one or more of the following: trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities

Exterior Design - Character, Scale and Appearance (sidebar)

The façade is the exterior parts of a building visible to the public, and its exterior design contributes to a more beautiful and engaging Toronto. The exterior design of a façade is the form, scale, proportion, pattern and materials of building elements including its doors, roofs, windows and decorative elements, such as cornices and belt-course. The harmonious relationship of a new façade to its context can be achieved with contemporary expression provided that the existing context, proportions, forms, sizes and scale are fully respected and appropriate materials are used. A new façade need not be a simple replication of adjacent building facades.

The exterior design of a façade at grade, closest to the pedestrian environment, is an important design consideration to help new development support the public realm and fit with the existing and/or planned context. In particular, the nature, scale and placement of doors as well as the placement, type and treatment of windows on the façade, taking into account the character and functions of interior uses, play an important role in supporting a safe, accessible and vibrant public realm.

These aspects of the exterior design of a building are a fundamental part of the City's review under Site Plan Control.

Chapter 5, Section 5.1.3, Site Plan Control

(unshaded text)

Site Plan Control is an important means of implementing the policies of this Plan including encouraging well-designed, functional, sustainable and universally accessible development in Toronto. Site Plan Control is not only about the review of individual buildings, structures, exterior open spaces within a site and interior walkways, stairs, elevators and escalators to which the public has access, but about the relationship of the organization, massing and exterior design of buildings, structures and exterior open spaces on a site with its surroundings to ensure a “good fit” between new development and the existing and/or planned context, good pedestrian amenity and a positive transition from private to public space.

The City will review plans that show the location, design and massing of buildings, structures and exterior open spaces, public access areas, the layout of parking and service areas, site landscaping and other aspects of the project on a site and the relationship to adjacent properties and the public realm. The City will also consider the exterior design including exterior architectural details and materials, which influence a project’s character, scale and appearance. The City will also take the sustainable design elements of buildings, structures and a site into consideration, and may request that facilities be designed to accommodate accessibility for persons with disabilities.

Through approval of a Site Plan Control application, the City is also able to implement the sustainable design of streetscape improvements within the adjacent public boulevard.

For areas and types of development where Site Plan Control is applied, Council or delegated staff may approve the plans and drawings and the owner may be required to enter into an agreement to secure the construction of the project as shown in the plans.

Policy 3 To help achieve environmentally sustainable development, the City may use subsection 114(5)(2)(iv) and (v) of the *City of Toronto Act, 2006* to secure the following sustainable design features in development that address exterior building and site matters in Tier 1 of the Toronto Green Standard adopted by City Council in October 2009:

- a) weather-protected on-site bicycle areas and pedestrian-friendly infrastructure to encourage cycling and walking as clean-air alternatives;

- b) high-albedo surface materials, open grid paving, shade trees, green and cool roofs to reduce ambient surface temperature to minimize the urban heat island effect;
- c) building orientation to take advantage of passive solar heating, shading for cooling and natural light; and energy efficient exterior cladding and window treatments, which may be required to meet the Standard, to improve energy efficiency and reduce greenhouse gas emissions;
- d) rainwater harvesting facilities, bio-retention swales, permeable paving and water efficient plant material to manage stormwater and reduce demand for potable water;
- e) trees to enhance the urban forest and use of native species to protect, restore and enhance the natural heritage system;
- f) bird friendly glass treatment to ensure that risk for migratory bird collisions is minimized;
- g) energy efficient, shielded exterior lighting to reduce night time glare and light trespass; and
- h) dedicated areas for collection and storage of recycling and organic waste to reduce solid waste.