



Official Plan Review: Final Recommendation Report - Amendments to the Built Form and Public Realm Policies of the Official Plan

Date: November 7, 2019

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: All

SUMMARY

This report presents the recommended amendments to Section 3.1.1, Public Realm, Section 3.1.2, Built Form and Section 3.1.3, Built Form - Tall Buildings, of the Official Plan. The recommended changes are the result of extensive public and stakeholder consultations conducted as part of the Five Year Review of the Official Plan.

The recommended Official Plan amendments appended to this report as Attachments 1 and 2 are intended to strengthen the existing policies and provide greater clarity through new policies that describe the public realm, built form and built form types. The policies reflect the continuous evolution of the application of urban design principles to achieve critical city-building objectives, defining the roles and relationships of the public realm and new development to ensure that buildings and their surrounding public spaces work together to achieve a high standard of design and help create a high quality of life for people of all ages and abilities.

Attachments 3 and 4 to this report demonstrate how the proposed amendments will be incorporated into Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan. A proposed terms of reference for a Block Context Plan complete application requirement is appended as Attachment 5 to this report.

Pursuant to Section 26 of the *Planning Act* and in accordance with Planning and Housing Committee's direction, a statutory public open house was held on October 16, 2019 to discuss the revised policies tabled at the July 3, 2019 Planning and Housing Committee meeting. The recommended policies attached to this report have been refined to respond to additional stakeholder, public and provincial feedback received since July 2019.

The proposed policies are also intended to address the recently released A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), which includes new and revised policies and definitions for Complete Communities, Complete Streets, the Public Realm and Compact Built Form that emphasize a high-quality, vibrant public realm, the efficient use of land, the integration of green infrastructure, social equity and quality of life, and a well-connected network of walkable neighbourhoods and destinations that encourage active transportation.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council amend the Official Plan substantially in accordance with the recommended Official Plan Amendments appended as Attachments 1 and 2.
2. City Council adopt the Terms of Reference for the Block Context Plan complete application requirement appended as Attachment 5.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the recommended Official Plan Amendments and Terms of Reference as may be required.
4. City Council declare by resolution to the Minister of Municipal Affairs and Housing that these Official Plan Amendments conform with Provincial Plans or do not conflict with them; have regard to the matters of Provincial Interest in Section 2 of the *Planning Act*; and are consistent with policy statements issued under subsection 3(1) of the *Planning Act*.

FINANCIAL IMPACT

There are no financial impacts resulting from the adoption of this report.

DECISION HISTORY

At its meeting on February 6, 2012, City Council adopted the report from the Chief Planner and Executive Director, City Planning, summarizing the completed Stage 1 consultations for the Five Year Official Plan and Municipal Comprehensive Reviews, and identifying thematic areas for policy amendments to be considered as part of the work program for Stage 2 of the Official Plan Review. Council also requested the Chief Planner and Executive Director, City Planning, to prepare reports containing proposed Official Plan amendments by thematic areas and directed staff to first address matters required to be part of the Official Plan Review under S. 26 of the *Planning Act*, such as Growth Plan conformity, employment lands policies and heritage policies. The Decision History can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG10.8>

Since the inception of the Official Plan Review, a number of thematic policy amendments have been adopted by Council, including the following:

- Heritage Policies (OPA 199) – adopted April 2013 (in effect)
- Section 37 (OPA 214) – adopted July 2013 (in effect)
- Economic Health and Employment Lands (OPA 231) – adopted December 2013 (partially in effect)
- Transportation Policies (OPA 274) – adopted August 2014 (in effect)
- Environment (OPA 262) – adopted November 2015 (in effect)
- Neighbourhoods/Apartment Neighbourhoods (OPA 320) – adopted December 2015 (in effect)
- Greenbelt Conformity (OPA 346) – adopted May 2016 (in effect)

At their meetings on January 15, 2018 and June 7, 2018, PGMC endorsed draft official plan amendments containing revised public realm and built form policies and a draft terms of reference for a Block Context Plan as the basis for public consultation. The policy changes responded to Council's direction to update the policies in order to respond to the following adopted urban design directions:

- promoting a walkable city;
- clarifying the role of the public realm and the need for new public streets;
- introducing development criteria for low-rise, mid-rise and tall buildings; and
- promoting public squares and Privately Owned Publicly-Accessible Spaces.

PGMC directed staff to conduct open houses in each community council district, and meet with key stakeholders to obtain comments and feedback regarding the draft revisions. The Decision History can be accessed at these links:

Public Realm Policies and Block Context Plan:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG25.7>

Built Form Policies:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG30.1>

The policies were subsequently revised to respond to stakeholder and public feedback received through citywide consultation that took place from November 2018 to February 2019. At its meeting of July 3, 2019, Planning and Housing Committee directed staff to hold a statutory public open house to present the proposed policies and to prepare a final recommendation report containing the recommended Official Plan Amendments. The Decision History, including a summary of the stakeholder and public consultation, can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH7.10>.

October 16, 2019 Statutory Public Open House

On October 16, 2019 City Planning staff hosted an open house to present and receive feedback on the revised Official Plan policies for the Public Realm and Built Form. Information on the Open House was widely distributed via posting on the dedicated Official Plan Review webpage (www.toronto.ca/opreview) as well as through notices published in both the Toronto Sun and Novae Res Urbis. In addition, email invitations were sent to all organizations and individuals who requested to be notified of the reports and meetings related to this phase of the Official Plan Review. Approximately 15 people attended the open house.

Additional Feedback

Subsequent to the September 16, 2019 open house, additional submissions were received from both residents associations and the development industry. A letter from the Ministry of Municipal Affairs and Housing (the "Ministry") was also received following the July 3, 2019 Planning and Housing Committee meeting. Generally, the comments were focused on specific policy language and proposed a number of minor modifications to certain policies. Many of the suggested changes have been incorporated into the recommended policies.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement

The Provincial Policy Statement, 2014 ("PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The PPS recognizes that healthy, active communities are important and should be promoted through the provision of public streets and spaces that meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.

The PPS guides the development of official plan policies and informs decisions on other planning and development matters. All decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2019) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to an MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act*, all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

The Growth Plan (2019) includes policies pertaining to the development of a high quality public realm and a compact built form that promote pedestrian-friendly, walkable neighbourhoods and the use of transit and active transportation. The Growth Plan (2019) requires municipalities to "develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form".

Public Consultation and Stakeholder Engagement

City Planning has undertaken a comprehensive public engagement and stakeholder consultation process for the review of the public realm and built form Official Plan policies, including numerous public open houses, stakeholder meetings, and a social media photo call that asked Torontonians to submit photos of their favourite public spaces and buildings in the city.

Through the consultations, the City received a variety of comments and suggestions regarding the proposed public realm and built form policies. Generally, stakeholders, the public and the Province were supportive of the revised policies presented at the statutory public open house on September 16, 2019. A limited number of comments pertaining to specific policies were received by City Planning staff. The comments are summarized below in three sections: Ministry comments, public and ratepayer comments, and development industry comments.

1. Ministry of Municipal Affairs and Housing

The Ministry submitted a letter to staff on August 23, 2019 containing comments on the draft public realm and built form policies. The letter is appended to this report as Attachment 6. The Ministry recommended a small number of minor changes to the policies to provide greater clarity and better articulate the intent of the policies. City Planning staff have incorporated the Ministry's recommended changes to the policies. Overall, Ministry staff are supportive of the policy updates and their letter recognizes that the amendments have regard to matters of provincial interest, are consistent with the Provincial Policy Statement, 2014, and conform to the Growth Plan, 2019.

2. Public and Ratepayer Associations

Trees and Natural Areas

A number of comments pertaining to the protection of trees and natural areas were received at the statutory public open house, including both support for the proposed tree protection policies and suggestions to modify certain policies in order to clarify and further strengthen the level of protection for natural areas. Policy 3.1.1.17 pertaining to access and enjoyment of the City's natural features has been refined to require that building location, height, massing and organization be articulated to preserve and enhance access, views and vistas between Toronto's natural features and the public realm. The refined policy language better articulates the intent of the policy to preserve access, views and vistas both towards natural features, such as valleys and ravines, from the public realm, and towards the public realm from within the natural features.

Relationship to Neighbourhoods

A number of comments from ratepayer associations expressed a desire to incorporate more language pertaining to the protection of neighbourhoods through Section 3.1.2, Built Form and Section 3.1.3, Built Form - Building Types policies. The public realm and built form policies are not intended to replicate the *Neighbourhoods* policies, but rather provide an additional policy layer that must be read in conjunction with the applicable land use designation policies. The Official Plan must be read as a whole and policies from multiple sections of the Plan may apply in any given context. One of the objectives of the revised policy language was to remove redundancies, particularly where those redundancies may have had the unintended effect of suggesting that the general built form policies should have more policy weight for one type of land use over another. The recommended general built form policies in Section 3.1.2 apply to all buildings in all areas of the City. The policies in Section 3.1.3 provide additional requirements and objectives for townhouse and low-rise apartment buildings, mid-rise buildings and tall buildings.

New draft amendments introduced at the July 3, 2019 Planning and Housing Committee meeting introduced policies that require "good transition in scale" between areas with more intense development and areas with less intense development, including neighbourhoods, parks and open spaces. The amendments included a new sidebar explaining what transition in scale is and how good transition in scale can be achieved. Good transition in scale provides access to natural light and privacy and limits shadow and wind impacts on neighbouring properties and the public realm in all land use designations.

Refinements have been made to both the recommended sidebar text and Policy 3.1.2.6 to clarify that development must provide good transition in scale in consideration of both the existing and planned contexts of neighbouring properties and the public realm.

Comments pertaining to the overall planning process, including the existing policy regime and the need for effective zoning by-laws and enforcement to implement the intended policy outcomes, were raised both at the statutory public open house and through written submissions. The Five-Year Official Plan review process is intended to provide a stronger policy framework that will inform future studies and updates to a range of implementing documents. The recommended amendments will contribute to the achievement of a better public realm and built form outcomes that will contribute to a higher quality of life for users of all ages and abilities.

Letters from the Confederation of Resident & Ratepayer Associations and the Federation of North Toronto Residents' Associations are appended to this report as Attachments 7 and 8, respectively.

3. Development Industry

City Planning staff held a workshop with BILD on September 12, 2019 to review the July 3, 2019 public realm and built form policies. There was general consensus between BILD and staff that the policies had addressed the majority of their concerns and provided for an appropriate balance between the intended policy outcomes and the provision of an appropriate amount of design flexibility to respond to the varying contexts and development scenarios across the City.

Comments pertaining to the July 3, 2019 draft policies were submitted to City Planning staff on behalf of Loblaw Companies Limited and Choice Properties Ontario Properties Limited ("Choice Properties") on October 1, 2019. The comment letter is appended to this report as Attachment 9. Choice Properties requested a number of detailed policy modifications. While staff are of the opinion that not all of the requested modifications are appropriate or necessary to achieve the desired policy outcomes, certain changes are appropriate and help clarify the policy intent. In particular, Policy 3.1.2.7 and the preamble to Section 3.1.3 have been refined to remove language that was unclear or ambiguous.

Conclusions

The recommended Official Plan Amendments contained in Attachments 1 and 2 of this report are an important component of the work program to bring the Official Plan into conformity with the Growth Plan (2019).

The recommended policies reflect the continuous evolution of the application of urban design to achieve critical city-building objectives and contribute to a high-quality of life. They are consistent with the policies and intent of the Provincial Policy Statement, 2014 have regard for matters of Provincial interest listed in Section 2 of the *Planning Act* and they conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

This report recommends that Council adopt the attached recommended Official Plan Amendments and that the amendments be forwarded to the Ministry of Municipal Affairs and Housing for approval under Section 26 of the *Planning Act*.

Following approval of the recommended Official Plan Amendments, Strategic Initiatives, Policy & Analysis and Urban Design staff will provide education and training on the new policies to City Planning staff and other relevant divisions in the four City districts. This will help ensure an appropriate balance is achieved between the objectives of the public realm and built form policies and the efficient and timely review of development applications.

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SIGNATURE

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ATTACHMENTS

- Attachment 1: Recommended Public Realm Official Plan Amendment
- Attachment 2: Recommended Built Form Official Plan Amendment
- Attachment 3: Incorporated Public Realm Policy Revisions with the In-Force Official Plan
- Attachment 4: Incorporated Built Form Policy Revisions with the In-Force Official Plan
- Attachment 5: Terms of Reference for the Block Context Plan
- Attachment 6: Letter from the Ministry of Municipal Affairs and Housing
- Attachment 7: Letter from the Confederation of Resident and Ratepayer Associations in Toronto
- Attachment 8: Letter from the Federation of North Toronto Residents' Associations
- Attachment 9: Letter from Loblaw Companies Limited and Choice Properties Ontario Properties Limited