



PH11.4 Attachment 8

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VIA E-MAIL: gregg.lintern@toronto.ca

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Chief Planner and Executive Director
City Planning Division
Toronto City Hall
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Official Plan Review: Public Realm and Built Form Policy

Dear Mr. Lintern:

The *Federation of North Toronto Residents' Associations* ("FoNTRA") - an umbrella organization representing over 30 residents' associations in central Toronto - has followed with interest the City's review of urban design policies since the beginning in 2014 and various member organizations have participated in the stakeholder engagement. FoNTRA is less concerned about the nature of the proposed substantive changes to the urban design policies than the role and effectiveness these policies, given both Toronto's somewhat unorthodox use of available planning tools and the changed legislative environment imposed by Bill 108 and other provincial initiatives. FoNTRA offers the following observations:

1. FoNTRA recognizes the importance of the public realm in providing both an essential organizing framework for the development of the urban fabric and for supporting place-making that fosters social interaction. The proposed new policies on new public streets, public squares, privately owned publicly-accessible spaces, as well as the protection and enhancement of the City's natural amenities, in FoNTRA's view, should make a positive contribution to life in the City.
2. Many residents represented by FoNTRA experience on a daily basis the public realm around the Yonge-Eglinton area – a designated Growth Centre undergoing rapid change and already exceeding the 2041 intensification target. It is an understatement to say that the public realm created by new developments on the basis of the existing Official Plan policies is less than impressive. With respect to substantive issues, insufficient attention seems to be paid – both in the existing and the proposed policies – to adverse wind impacts and inclement weather considerations. The proposed language to “provide weather protection such as canopies, and awnings” and to “mitigate pedestrian level wind impacts through step backs and articulation” is far too general to provide meaningful and enforceable direction to approval authorities.
3. What FoNTRA questions is the appropriateness and effectiveness of guiding urban design through very general policies in a long-range planning document since, under Section 24 of the *Planning Act*, a municipality is not required to implement Official Plan policies but simply prohibited from adopting any by-law or performing any public work not in conformity. The respective roles assigned to the Official Plan, Secondary Plans, Zoning By-laws, Design Guidelines, Design Review Panels and now even Block Context Plans to ensure superior urban design able to withstand scrutiny by the reinvigorated LPAT remain unclear.
4. The 2019 *Growth Plan for the Greater Golden Horseshoe* imposed by the Province requires the City to bring its Official Plan in conformity, for example, with the minimum density targets for the 270 Major Transit Station Areas across Toronto. The City is being forced to do what FoNTRA has called for consistently since 2001 when the new Official Plan was adopted – to provide measurable targets for both population allocations and development densities in the Official Plan. This task will require

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detailed area planning by the City which should substitute for the contemplated private Block Context Plans that lack legitimacy.

5. While, perhaps at first blush, the new requirement of a Block Context Plan may seem reasonable, its implementation would completely reverse planning responsibilities and shift the onus for carrying out planning from the City to the private landowner. Such an outsourcing of a public process defending the public interest to developers, in FoNTRA's view, is bound to lead to ill-informed and self-serving plans and, hence, is not advisable. In this context, the proposed policy that the "*organization, massing and height of a building on one site will not be a precedent for development on an adjacent or nearby site*" raises also question about the equitable treatment of property owners.
6. Bill 108, among other initiatives, returns the Province to the old-style OMB-hearings. This involves *de novo* hearings where any ambiguities in Official Plan language will again be exploited by applicants to the detriment of residents who often lack professional support. Most design guidelines are weak instruments with no legal standing and have routinely been ignored by the OMB. This increases the need for up-to-date zoning regulations that incorporate urban design principles with appropriate volumetric definitions of building envelopes that contribute to a coherent built form. Bill 108 also replaces Section 37 contributions and parkland dedications with an ill-defined Community Benefit Charge which may reduce the City's ability to invest in the public realm.
7. Finally, Toronto's Official Plan was adopted by Council in 2001, approved by the Minister in 2002, and substantially brought into force by the OMB in 2006. The then mandatory 5-year Official Plan Review was started in 2011 and now, 8 years later, it has still not been completed. Simultaneously in 2001, Council authorized the preparation of a harmonized zoning by-law which, after fits and starts, was finally adopted in 2013 and now, six years later, is still before the OMB with only certain sections in force. The preparation of a comprehensive Zoning By-law to implement the Official Plan (of 2001), as required by the *Planning Act*, has not even been authorized. As a result, the City muddles along with an Official Plan that has not been fully updated and contains no density targets and with obsolete zoning regulations that do not reflect and implement the Official Plan policies – after having sold the Official Plan to the public as providing the 'vision' and the Zoning By-law the 'precision'. Given this policy and regulatory vacuum, the City continues to engage in site-by-site *ad hoc* planning processes in reaction to development proposals brought forward by individual landowners. This non-typical approach to planning consumes excessive resources which, in FoNTRA's view, would be better spent updating the planning tools on a timely basis and conducting detailed planning studies in areas undergoing change with area-specific refinements.

FoNTRA is available to discuss these issues and looks forward to your response.

Sincerely Yours,

Federation of North Toronto Residents' Associations

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FoNTRA Members and Others

The Federation of North Toronto Residents' Associations (FoNTRA) is a non-profit, volunteer organization comprised of more than 30 member organizations. Its members, all residents' associations, include at least 170,000 Toronto residents within their boundaries. The residents' associations that make up FoNTRA believe that Ontario and Toronto can and should achieve better development. Its central issue is not *whether* Toronto will grow, but *how*. FoNTRA believes that sustainable urban regions are characterized by environmental balance, fiscal viability, infrastructure investment and social renewal.