

Section 4: Recommendations

4.1

Introduction

Relatively few mid-rise buildings have been developed on Toronto's Avenues to-date. The existing zoning does not always permit mid-rise buildings on the Avenues and can create a lengthy and expensive approvals process that has been identified as a major obstacle by the development community. There is a need to update zoning on the Avenues to be consistent with Official Plan policies, and implement a process that will encourage developers to build more and better mid-rise buildings. The following section recommends the implementation of the Performance Standards either through zoning or urban design guidelines, as well as other recommendations effecting City policies and processes. This section summarizes these recommendations.

4.2

Implementing the Performance Standards

To realize the vision for the Avenues, updated zoning is required. As of right zoning will shorten the process which presently discourages mid-rise development on Avenues and will provide certainty to both the development community and public. Zoning which reflects the recommended Performance Standards from Section 3 of this document will provide greater certainty and will help catalyze mid-rise reurbanization on the Avenues.

4.2.1 As-of-Right Zoning

The development community has cited “certainty in the process” as an important factor in creating the conditions that will catalyze mid-rise building development in Toronto. The time and costs associated with obtaining approvals in the context of zoning that is out-of-date with the Official Plan can be lengthy and considerable enough to dissuade developers from considering mid-rise building development as viable. As a result, the development community has recently focused its attention on either low-rise townhouse projects which may fall within the existing zoning permissions or high-rise projects which involve the same costly approvals process as mid-rise projects - but costs can be better absorbed within these larger projects. When initiating a project requires an Avenue Segment Study and rezoning a property, mid-rise developments on the Avenues is considered a high risk - low return proposition.

Through new as-of-right zoning, the City can provide a positive environment to the development community by removing this uncertainty. Developers will be able to develop projects of a size that, while moderate compared to high-rise projects, can be designed, approved, built and marketed in a straightforward and profitable manner. As-of-right zoning will provide a higher level of certainty to the development process and will mitigate the inherent risks associated with any development project. Developers working within this regulatory environment will now know how much they can build and general timeframes for approvals. By forgoing the rezoning process, the benefit to developers will be a significantly reduced approvals timeframe, if development is built within the new as-of-right permissions.

The adoption of as-of-right mid-rise zoning across the applicable Avenues should alleviate bottlenecks in the approvals process. It would create an incentive for developers to develop mid-rise buildings not only in the established market areas but also along the outlying Avenues.

4.2.2 Character Areas

As part of this study, the Consultant Team undertook a Character Area study which looked closely at the different built, natural and cultural characteristics that define the City's diverse and varied Avenues. Section 2.3.1 identifies these Character Areas and suggests how they should be treated, and Appendix A provides a summary of the historical context of each of the Character Areas that overlap with the Avenues. This study recommends that development within Character Areas should respond to the unique features of the area – both those that have been identified in a preliminary way through the Character Area Study and Character Area Performance Standards (19A - G) and through further consideration at the time of application.

To ensure that developments contextually fit with the various characteristics found along the Avenues, this Study recommends an addition to the Site Plan submission requirements for buildings within Character Areas. Following a preliminary meeting with City Planning Staff, developers (owners, architects) should be asked to submit a brief narrative - "Character Area Response Statement" that outlines how the design integrates with or reflects important elements of the existing or planned context. The Character Area summaries may provide a basis for this. This statement should accompany drawings submitted for the Site Plan Review Process.

The intent is not to create an onerous process, but to encourage the applicant to consider how a mid-rise building will "fit" within the context of an area.

4.3

Official Plan

The City's Official Plan review will commence in 2011. This study involved an examination of the Avenues identified in the Official Plan Map 2 - Urban Structure. During the Official Plan review, opportunities to strengthen and expand the Avenues policies should be considered, including the potential to amend existing designations if they are inconsistent with the function and vision of the Avenues.

4.3.1 Reconsidering the Avenues

While the scope of the Avenues and Mid-Rise Buildings Study does not include recommendations for amendments to existing Avenues' land use designations, certain areas and/or policies should be reviewed during the City's statutory Official Plan review.

- Transit service has an impact on growth and vice versa. As described earlier in this document, there are only certain land use designations on the Avenues that are identified for growth, and others, such as Neighbourhoods, are not intended for intensification. With the potential phase-in of future Transit City routes, the land use designations along the Avenues may need to be reconsidered. For example, there are significant stretches of Eglinton Avenue West and Lakeshore Boulevard West, that are currently designated as Neighbourhoods. Certain segments of these Transit City routes contain single family houses, with multiple driveways along the street. The City should review how those segments could be intensified within the Neighbourhoods land use designation or consider a new land use designation for those areas.
- A number of Transit City routes have been identified, for example, Jane Street and Finch Avenue West, that are not currently identified as an Avenue in the Official Plan Map 2 - Urban Structure. These routes may become important locations for intensification, and should be studied to see if intensification is warranted.
- The implementation of Transit City will effect the public realm on Avenues where a dedicated LRT line will be located. The City will need to widen sidewalks on these streets to ensure the safety and comfort of pedestrians using these dedicated routes. Further study should be undertaken to determine where setbacks, in addition to those proposed in this study, will be required along Transit City lines.
- Avenue Segment Studies should not be required for Avenues or portions of the Avenues that receive as-of-right zoning as a result of this study.

4.4

City Administration & Processes

Implementation of updated Avenues zoning and design guidelines requires a concerted effort from City Staff, in all Divisions, to adopt a holistic city-wide system for public education, development application review and approval for mid-rise buildings. Such a system could reduce the approvals time for applicants, which has been identified as a major barrier to mid-rise development.

4.4.1 Mid-Rise Interdivisional Team

The City should extend the mandate of the Mid-Rise Interdivisional Team (MRIT) to address the lengthy rezoning and Site Plan approval process. Developers have indicated that this process can take up to eighteen months which is generally just as long as the process for a tall building. A dedicated MRIT, that is familiar with the challenges developers face when developing mid-rise projects, could help identify ways in which to shorten the process. The MRIT will be most effective if the review period is kept to a minimum, thereby shortening the timelines currently experienced by developers.

An application that meets the Performance Standards (zoning and urban design guidelines) should move through the Site Plan process quickly. If developers are provided certainty in the process and the knowledge that they will have a reduced wait time for approvals, they will be more inclined to develop according to City standards. To facilitate an on-going efficient approvals process, it is recommended that the MRIT created to facilitate this Study be permanently established as a review mechanism for all future Avenues mid-rise applications. The final decision whether an application generally meets the mid-rise Performance Standards should be that of the Chief Planner or his/her designate.

The MRIT is comprised of representatives from the following divisions/departments:

- Affordable Housing Office
- City Planning
- Corporate Finance
- Deputy City Manager's Office, DARP Team
- Economic Development, Culture & Tourism
- Facilities & Real Estate
- Fire Services
- Legal Services
- Municipal Licensing & Standards
- Office of the Mayor
- Parks, Forestry & Recreation
- Social Development, Finance and Administration
- Solid Waste Management
- Technical Services
- Toronto Building
- Toronto Association of Business Improvement Districts
- Toronto Community Housing Corporation
- Toronto Parking Authority
- Toronto Transit Authority
- Toronto Water
- Transportation Services

The recommended Avenues mid-rise development application process envisioned would be as follows:

- After preliminary review by City Planning Staff, issues of site plan control should be dealt with through a ‘sitting’ of the MRIT, augmented when necessary, by the Design Review Panel.
- Projects meeting the Performance Standards but requiring minor deviations or amendments to ensure viability, may employ the Compliance Alternatives or develop other acceptable alternatives that reflect the intent of the standards.

The MRIT could be empowered as a functional unit to:

- a) expedite the review and approval of Avenues mid-rise building applications;
- b) expedite acceptable minor amendments, for example, forward a ‘recommendation to approve’ letter to the Committee of Adjustment where applications meet the intent of the Performance Standards but not the letter of the zoning. The Design Review Panel may serve as a resource to assist the MRIT where issues of design require a minor amendment;
- d) create and adopt additional compliance alternatives that can act as templates for applications on constrained sites; and,
- e) assist the City in seeking amendments and compliance alternatives to provincial boards and agencies.

However, proposals that seek significant exemptions to the height and angular plane provisions of the Performance Standards will not have access to this expedited approvals process and will be required to follow the regular planning process, that may require rezoning.

4.4.2 Design Review Panel

The Design Review Panel is suggested as a means of assisting applicants and the MRIT in its review of applications – particularly where issues of design become obstacles in the site plan review process or where innovative design concepts do not comply with the Performance Standards. The Design Review Panel would assist in promoting high-quality design and creating a design-culture for the Avenues that embraces innovation and sustainability.

The City has updated their ‘mandate’ for the Design Review Panel to include qualified projects on the Avenues:

- 2) The application is located along an “Avenue”, as identified in OP Map 2, and contains significant public realm impacts as a result of its location, scale, form or architectural quality; and
- 3) The application is for a mid-rise or tall building, shopping and leisure complex, or mixed use scheme and is located along a Transit Priority route as identified in OP Map 4 and Map 5.

(See the City’s website: <http://www.toronto.ca/legdocs/mmis/2009/pg/bgrd/backgroundfile-24383.pdf>)

4.4.3 Site Plan Approvals Process

The City should utilize Official Plan Amendment 66 to secure high-quality building materials and streetscapes. Submissions for the Site Plan Approvals process should include 1:50 scale detailed building elevations to ensure quality of design and begin discussions with the City.

4.5

Other Recommendations

A series of other recommendations have been developed through this process, and are outlined below.

4.5.1 Compliance Alternatives

Many, if not most, of the challenges for mid-rise buildings on the Avenues arise as a result of the smaller sites typical of mid-rise development, which do not enjoy the economies of scale of larger sites. Certain municipal and provincial regulations also work against mid-rise solutions, such as the parking and loading requirements of the zoning bylaw and provisions of the Ontario Building Code which further add costs to construction. Furthermore, some smaller sites have size and access constraints which negatively impact the efficiency of the construction process (especially parking, loading and staging). The economic viability of these smaller projects can also be negatively impacted by a long and complex approvals process. This indicates a need for the City to recognize the constraints inherent to many Avenue sites and develop a series of compliance alternatives that developers can refer to when traditional solutions are not possible.

The Mid-Rise Interdivisional Team responsible for reviewing Site Plan submissions for all mid-rise projects on the Avenues, will enable the City's divisions to be familiar with the acceptable compliance alternatives for issues like parking and loading.

As part of this Study, a series of Compliance Alternatives have been recommended that can be applied when reviewing development applications

that do not meet the precise requirements of City regulations. These are currently under review by the City.

Some of the compliance alternatives are derived from past projects that have been approved using acceptable alternative solutions. They should act as a resource for all City divisions and departments included in the application review and approvals process.

Examples of some of the proposed compliance alternatives include:

- Permitting laneway loading or garbage pickup, or shared loading between buildings could be considered as an alternative for mid-rise buildings. Currently, standard loading and garbage pickup methods are sometimes not feasible on mid-rise sites on the Avenues. Enforcement of such methods often results in major negative impacts on the ground floor and upper floor layouts of the buildings, and reduces the economic and construction viability of the structures.
- Innovative solutions for parking, including stackers or car elevators; and
- Changes to the parking requirements on the Avenues such as eliminating the requirement for on-site visitor parking; provision of car-sharing spaces in lieu of resident spaces; and eliminating any parking requirements for retail or office uses (up to a maximum size of retail or office unit).

The compliance alternatives for parking, loading and servicing would still require a minor variance if they do not meet the zoning by-law.

To be of the most benefit to developers and architects, the compliance alternatives should be made available at the early stages of review and as soon as it is determined that a development will have difficulty achieving typical City standards.

4.5.2 Parking Requirements

The Avenues are generally located to coincide with a good level of transit service, thereby reducing dependency on cars in many locations. Parking constraints for mid-rise buildings need to be holistically examined along the Avenues. The City should be able to lower the parking and visitor requirements for new development if developers can justify that they can meet their parking needs in creative ways (e.g. adjacent to subway or LRT stations, auto share opportunities, sharing parking between commercial and residential uses on the same site, or using surplus parking in existing developments).

4.5.3 Bicycle Parking Requirements

Development on the Avenues should encourage cycling as a primary mode of transportation. The creation of ample and convenient bicycle parking will help to encourage this.

Where retail units require bicycle parking, bicycle posts in the adjacent public realm should be counted towards the bike parking requirements.

4.5.4 Indoor Amenity Space Requirements

Many of the Avenues have a high level of community and public-oriented services such as community centres, fitness facilities, parks, religious and cultural centres, among other similar uses.

The City's requirement for indoor amenity space can be prohibitive, and reduce the leasable floor space that is better suited to public uses such as retail. There should be some flexibility built into the requirements.

The amenity space required for mid-rise developments, particularly small mid-rise buildings with few units, can be an obstacle. The City should consider whether amenity spaces that are currently required in each individual building (e.g. fitness or meeting rooms), would be better allocated to more public improvements such as cash in-lieu or improvements to nearby community centres or other similar amenities.

A potential solution to this could be for developers to submit something similar to a "Community Services Report" (as required in Avenue Segment Studies) that outline the existing amenities in the area that would meet the needs of future development.

4.5.5 Outdoor Amenity Space Requirements

The Avenues are often close to parks, and other outdoor spaces. Often the Avenues themselves are the "public amenities". Rather than providing outdoor amenity space as a part of small mid-rise developments, specifically in areas with an abundance of park space nearby, developers could provide cash in-lieu of providing outdoor amenity space on-site, or contribute to local streetscaping enhancements.

4.5.6 Ontario Building Code Issues

Mid-rise buildings on the Avenues often fall just above certain thresholds of size and height identified in the Ontario Building Codes. Buildings above 600 square metres in building area and three storeys in height fall under the more stringent Part 3 of the code (rather than Part 9 which governs low-rise buildings and allows lower-cost combustible construction techniques to be used). There are also thresholds at 18 and 36 metre heights that require additional life and fire safety measures to be incorporated into the building, both of which can affect mid-rise buildings as defined by this study.

Given the relatively small scale of mid-rise buildings on the Avenues, the life and safety requirements often add up to a “belt and suspenders” approach that is costly without providing much measurable improvement to life and fire safety. A new requirement for installation of sprinklers in residential buildings (including mixed-use structures that include retail and/or office uses) comes into effect in 2010. Sprinklers will aid in early fire suppression and reduce need for duplication of measures.

The City of Toronto Building Department has indicated that they are open to considering compliance alternatives that would reduce the cost burden on mid-rise buildings with respect to certain requirements of the Ontario Building Code. Many mid-rise buildings on the Avenues could be expected to be located in close proximity to a fire station, and should be provided with smoke and heat detectors that have a direct connection to a central fire alarm

and to the fire department. Given these factors and the additional fire suppression mechanism of sprinklers, cost-saving measures such as allowing floors to be served by one exit stair only could be considered. Such a measure would free up more valuable space for residential and retail uses and improve the efficiency of the buildings. The savings would accrue even if some additional conditions are imposed, such as maximum distances between suite entry door and stairwell; requiring all units to have balconies or other places of refuge; and specifying a maximum building height based on the height that a ladder truck or other rescue vehicles could safely access.

Additionally, the Province of British Columbia has recently amended their building code to allow buildings up to six storeys to be built with wood frame construction. If Ontario were to make a similar change to its building code, this would provide further incentive to developers to develop mid-rise buildings up to 6 storeys, as it provides an opportunity to use a less expensive method of construction.

Refer to the following Ontario Building Code sections:

- For exiting refer to section *3.4.2.1 Minimum Number of Exits*
- For wood frame construction up to six storeys for residential and commercial uses, refer to sections *3.2.2.43 Group C, up to 6 Storeys* and *3.2.2.51 Group D up to 6 Storeys, Sprinklered*

4.5.7 Areas for Further Study

Through our review of the Avenues, it is obvious that the corridors are vastly different. The character and function can differ even between blocks on the same Avenue. The recommendations and Performance Standards outlined in this document are intended to be used in many, but not all, situations along the Avenues.

a. Subway Nodes & Lines

Although this study has not recommended a different treatment or height rationale for areas adjacent to, or in proximity of subway or LRT stations, previous Avenue Studies have suggested that these areas should be considered for additional height. In these Avenue Studies, proximity to a subway station has not been the only consideration for additional height, i.e. these sites (whether potential sites or current application sites) were considered based on a number of other factors (e.g. could the height transition to adjacent properties, what were the surrounding uses and form, etc). Additionally, new buildings in these areas must still fit into the surrounding context, regardless of proximity to a subway station or node.

It is therefore reasonable to consider that sites on a subway line or in proximity to a subway or LRT station may have a different set of standards. These sites should be considered on an individual basis or become priorities for future Avenue Studies.

b. Very Large Sites

Similar to the subway areas described above, very large sites, or sites that are so large they require new streets and blocks, have so far been treated differently in both Avenue Studies and through approved applications. For example, the Bloor-Dundas Avenue Study identified one site that was over 250 metres deep and bordered by a rail line at the rear, and was identified as being an appropriate location for buildings that were wider than the R.O.W. provided they were setback from the street. A recent development application for Sheppard Avenue East on a site that is approximately 150 metres deep was also approved for a taller building because of the separation distance and ability to fit within an angular plane from the rear.

These sites should be considered on an individual basis or become priorities for future Avenue Studies.

c. Sites Adjacent to Utilities

Similar to subway nodes and lines and very large sites, sites that border utilities may also be considered under a different set of built form standards. These sites may have utilities that “buffer” development from surrounding neighbourhoods by physical elements or separation such as rail lines, wide hydro corridors, or other similar features. These features often result in very wide distances between the rear of a site and existing developments, providing adequate separation distances.

These sites should be considered on an individual basis or become priorities for future Avenue Studies.

d. Eglinton Avenue West (between Martin Grove & Jane Street)

This portion of Eglinton Avenue West is the only segment of an Avenue that has a 45 metre R.O.W. width. As noted in Section 2.2, most of the Avenues fall between 20 and 36 metre R.O.W.s. Using the recommendations presented in Performance Standard 1, a 45 metre R.O.W. could result in a maximum building height of 14 – 15 storeys. As this falls outside of the typical mid-rise definition, this study has not dealt specifically with a 45 metre R.O.W. Given that this is an extremely wide R.O.W., there is potential for taller buildings that could be massed to have an appropriate transition to the street.