



STAFF REPORT ACTION REQUIRED

Supplementary Report - Amendment to the Official Plan - Additional Site Plan Control Powers

Date:	January 20, 2009
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	All
Reference Number:	Cc090003

SUMMARY

At its January 8, 2009 meeting, Planning and Growth Management Committee requested the Chief Planner and Executive Director, City Planning to report to Council's January 27, 2009 meeting on how the City may be able to strengthen the section of the Site Plan Control policy relating to mandatory accessibility for persons with disabilities.

This report highlights existing Official Plan policies on accessibility for making development and public spaces accessible for persons with disabilities, recognizing that Site Plan Control is an important implementation tool. Based on this review, the report recommends revised wording for the proposed "Site Plan and Accessible Design" sidebar in the draft Official Plan Amendment consistent with the policy direction in the Official Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council delete and replace Recommendation 1 of Planning and Growth Management Committee's decision on PG22.3 with the following:

City Council amend the Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment 1.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The City of Toronto is proposing to amend its Official Plan to incorporate policies to implement new Site Plan Control powers dealing with exterior design of buildings and sustainable design elements in the public right-of-way adjacent to a development site as well as related matters, including adding sidebars on the Toronto Green Standard and Accessibility Design Guidelines.

The statutory public meeting on the proposed Official Plan Amendment was held by Planning and Growth Management Committee at its meeting on January 8, 2009. The Committee adopted the recommendations in City Planning's Final Report dated December 10, 2008. The report is available on-line at:

www.toronto.ca/legdocs/mmis/2009/pg/bgrd/backgroundfile-17965.pdf

The Committee also requested the Chief Planner and Executive Director, City Planning to report to City Council's January 27, 2009 meeting on how the City may be able to strengthen the Official Plan's section on Site Plan Control relating to mandatory accessibility for persons with disabilities.

ISSUE BACKGROUND

The majority of the City's Site Plan Control powers are now found in Section 114 of the *City of Toronto Act*. In addition, new Site Plan Control provisions in the *Planning Act* regarding the ability to secure facilities designed to have regard for accessibility for persons with disabilities on plans and as a condition of approval apply to the City of Toronto, as per Section 41(16).

COMMENTS

The Official Plan contains a number of policies as well as unshaded explanatory text and sidebars regarding the provision of universally accessible development and public spaces in Toronto. For example, Section 2.2.3, Avenues: Re-urbanizing Arterial Corridors, Policy 3c) states:

“In addition to satisfying all other policies of this Plan, including in particular the neighbourhood protection policies, development in *Mixed Use Areas* on an *Avenue* that precedes the completion of an *Avenue Study* will:

iv) provide universal physical access to all publicly accessible spaces and buildings;”

In Chapter Two a sidebar on public accessibility recognizes the importance of making public buildings and spaces accessible to all members of the public. The opening paragraph of the sidebar states:

“A key city-building principle is that public buildings, parks and open spaces should be open and accessible to all members of the public, including people with disabilities. New development and ongoing

maintenance and improvements of our public buildings and parks and open spaces should recognize this goal.”

In Section 4.2, Apartment Neighbourhoods, Policy 2 states:

“Development in *Apartment Neighbourhoods* will contribute to the quality of life by:

- h) providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities.”

The Official Plan recognizes that Site Plan Control is an important planning tool for implementing the Plan’s policies including those on accessibility. Section 5.1.3, Site Plan Control, Policy 1 states:

“Site Plan Control will be used to implement the policies of this Plan and to achieve attractive, functional, safe, environmentally sound and universally accessible development.”

New Site Plan Control provisions in the *Planning Act* enable the City to secure facilities designed to have regard for accessibility for persons with disabilities on plans and as a condition of approval. The draft Official Plan Amendment includes a new sidebar - “Site Plan and Accessible Design” - for the Site Plan Control section in the Official Plan. As highlighted above, existing Official Plan policies seek to achieve universally accessible development and public spaces in Toronto.

City Planning staff have reviewed the proposed sidebar in response to questions of staff at Planning and Growth Management Committee’s January 8 meeting regarding the words “and may be required” in the sidebar’s last sentence, which read:

“Applicants are strongly encouraged, and may be required, to incorporate these and other accessibility features into the design and site layout of their projects.”

City Planning staff recommend deleting this sentence and replacing it with:

“These and other accessibility facilities can be incorporated into the design and site layout of new development and public works. Site Plan Control will be used to secure accessibility facilities.”

Applicants need to design for how persons with disabilities will access sites and building(s), recognizing that the City now has the ability to secure such facilities on plans and as a condition of approval under Site Plan Control. The revised sentence is consistent with Official Plan policy to achieve universally accessible development and public spaces. City Planning staff also recommend replacing the word “features” with

“facilities” in the sidebar’s second paragraph so it reads, “examples of accessibility facilities the City may request include:” to be consistent with the wording in the *Planning Act*. Attachment 1 incorporates the updated wording into the draft Official Plan Amendment.

Other City Planning Tools:

In addition to the above, City Planning is also working on the following items related to making Toronto a “barrier free” community for persons with disabilities:

- a) preparation of an Accessibility Design Standards Checklist, which is part of the Planning Application Checklist resulting from the Official Plan Amendment for Complete Applications. Applications will include the Checklist documenting how the proposal addresses accessibility standards. Through the development review process City Planning staff will work with the applicant to address any deficiencies with the proposal;
- b) updates to the Building Toronto Together: A Development Guide to incorporate the Accessibility Design Standards Checklist; and
- c) addressing minimum standards for handicap accessible parking spaces as part of the new Zoning By-law for the City of Toronto.

CONCLUSION

This report highlights existing Official Plan policies on accessibility and other planning initiatives being undertaken to make development and public spaces accessible for persons with disabilities. The report also recommends revised wording for the proposed “Site Plan and Accessible Design” sidebar in the draft Official Plan Amendment consistent with the policy direction in the Official Plan.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Proposed Official Plan Amendment

Attachment 1: Proposed Official Plan Amendment

CITY OF TORONTO

BY-LAW No. XX-2009

**To adopt Amendment No. 66 to the Official Plan for the City of Toronto respecting
all lands in the City of Toronto**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

1. The attached Amendment No. 66 to the Official Plan is hereby adopted pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13, as amended.

ENACTED AND PASSED this XXth day of XXXX, A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI WATKISS
City Clerk

(Corporate Seal)

AMENDMENT No. 66
to the
OFFICIAL PLAN
of the
CITY OF TORONTO

All lands within the City of Toronto

The following text constitutes Amendment No. 66 to the City of Toronto Official Plan.

OFFICIAL PLAN AMENDMENT

The Official Plan is amended as follows:

1. Chapter 3, Section 3.1.1, The Public Realm, Policy 1(b) is amended by adding the words “and design review panels” and “new development”, so that the policy will read as follows:
 - “b) using design competitions and design review panels to seek design excellence and promote public interest in design quality for public works and new development; and”
2. Chapter 3, Section 3.1.2, Built Form is amended by deleting the fourth paragraph in the unshaded text and replacing it as follows:

“Great cities are built one building at a time, with each new building making a contribution to the overall urban design of the City. Developers and architects have a civic responsibility to create buildings that not only meet the needs of the clients, tenants and customers, but also the needs of the people who live and work in the area who will encounter the building in their daily lives.

Toronto’s streets, parks and open spaces are defined by the facades of many buildings. The façade presents the building to the public, telling people about the building, what it is, where to enter, and what the character and functions of interior uses are. The individual facades of buildings that form the edge of a street or a park are read together as a common wall that defines the public realm and are part of the physical expression of Toronto’s collective vision, identity and history. Developments must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its facades fit within the existing and/or planned context of the neighbourhood and the City. Each new building should promote and achieve the overall objectives of the Plan.”

3. Chapter 3, Section 3.1.2, Built Form, Policy 3 is amended by adding the words “and its exterior façade will be designed”, so that the policy will read as follows:

“3. New development will be massed and its exterior facade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, opens space and properties by:”

4. Chapter 3, Section 3.1.2, Built Form, Policy 3 is amended by renumbering Policy (b), (c), (d) and (e) as “Policy (c), (d), (e) and (f)” and adding a new Policy (b), as follows:

“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 ;”

5. Chapter 3, Section 3.1.2, Built Form, Policy 3 is amended by adding the following sidebar:

“Exterior Design - Character, Scale and Appearance

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 as it relates to the general layout and organization of interior spaces 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 and unobstructed clear glass windows, with little or no tint, on the facade 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.”

6. Chapter 3, Section 3.1.2, Built Form, Policy 5 is amended by deleting Policy (a) and replacing it as follows:

“a) improvements to adjacent boulevards and sidewalks and sustainable design elements including without limitation, trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities;”

7. Chapter 5, Section 5.1.3, Site Plan Control is amended by deleting the unshaded text and replacing it as follows:

“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 and spaces within a site, but about the relationship of the organization, massing and exterior design of buildings, structures and 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 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 streetscape improvements within the adjacent public boulevard, such as landscaping, paving, street-furniture, curb ramps, waste and recycling containers and bicycle parking facilities.

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.”

8. Chapter 5, Section 5.1.3, Site Plan Control, Policy 1 is deleted and replaced as follows:

“1. The entire City of Toronto is a Site Plan Control Area. The area comprising the entire City of Toronto is designated as an area wherein Council may require submission of the drawings mentioned in Section 114(5) & (9) of the *City of Toronto Act*, and Section 41(16) of the *Planning Act* for a residential building containing less than 25 dwelling units. The Site Plan Control By-law will define classes of development that will be subject to Site Plan Control.”

9. Chapter 5, Section 5.1.3, Site Plan Control, Policy 2, is deleted and replaced as follows:

“2. Site Plan Control will be used to implement the policies of this Plan and to achieve attractive, well-designed, functional, safe, environmentally sustainable and universally accessible development that fits with its existing and/or planned context.”

10. Chapter 5, Section 5.1.3, Site Plan Control, Policy 1 is amended by adding the following sidebar:

“Site Plan and Accessible Design

For many people, the City’s built environment provides opportunities and experiences free of limitations. For Torontonians with disabilities, however, this environment can impose obstacles that limit their ability to move about freely and safely. As part of its commitment to make Toronto a “barrier free” community, Council adopted a comprehensive set of *Accessibility Design Guidelines*, which guide the design, planning and construction of accessible facilities and the preparation of accessibility audits.

The Planning Act stipulates that applicants seeking site plan approval provide to the satisfaction of and at no expense to the City, “*facilities designed to have regard for accessibility for persons with disabilities*”. Examples of accessibility facilities the City may request include:

- accessible pedestrian route(s) or path(s) wide enough to accommodate wheelchairs, or other mobility devices;
- accessible entrances clearly marked with the International Symbol of Accessibility; and
- continuous handrails on both sides of ramps or exterior stairs.

These and other accessibility facilities can be incorporated into the design and site layout of new development and public works. Site Plan Control will be used to secure accessibility facilities.”

11. Chapter 5, Section 5.1.3.1, Site Plan Control, is amended by adding the following sidebar:

“Site Plan and Sustainable Design

Site Plan Control is one of the planning tools the City can use to secure sustainable design features in new development.

Sustainable design is the process and principles applied during the development review process that seeks to achieve energy and resource efficient, durable, barrier free and high quality buildings, site layouts, landscaping and off-site boulevard improvements.

The Toronto Green Standard sets performance targets for new construction to improve air and water quality, reduce green house gas emissions and enhance the natural environment. Some of these targets can be directly achieved by incorporating sustainable design features into the plans and drawings submitted as part of the site plan approval process. Features can include:

- Building orientation to take advantage of passive solar heating, shading for cooling and natural light;
- External renewable or recoverable energy systems, based on sun, wind or geothermal energy sources;
- Energy efficient exterior cladding and window treatments;
- Green Roofs and Cool Roofs;
- Use of high-albedo surface materials;
- Planting native species and use of water efficient material;
- Rainwater harvesting and bio-retention swales;
- Secure weather protected on-site bike areas;
- Energy efficient, shielded exterior lighting; and
- Bird friendly glass treatment.”