



STAFF REPORT ACTION REQUIRED

Downtown Tall Buildings Project – Outcome of further consultation with Councillors regarding the City's Height Incentives Policy and its relationship to this project

Date:	May 25, 2012
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward Numbers 20, 27 and 28
Reference Number:	10 134830 CPS 00 TM

SUMMARY

The purpose of this report is to report back to Toronto and East York Community Council on the outcome of consultation that took place with affected Councillors with respect to Consultant's recommendations reflected in a report entitled "Downtown Tall Buildings Project – Consultant's Study, Public Consultation and Implementation" dated January 27, 2012. That report was referred back to the Director, Community Planning, Toronto and East York by a motion at the February 14, 2012 meeting of Toronto and East York Community Council for further consultation.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Attachment No. 5, being the Downtown Tall Buildings Vision and Performance Standards Design Guidelines, which form part of the Downtown Tall Buildings Project – Consultant's Study, Public Consultation and Implementation report, dated January 27, 2012, be amended by adding new sub-sections "vi" and "vii" to the section of the Guideline entitled "How to Use these Guidelines" as follows:
 - "vi. The Guideline Maps and their stated height ranges along the "High Streets" and "Secondary High Streets" are based on built form considerations only and do not replace the in-force zoned maximum height limits within the Downtown area captured by these Guideline Maps.

- vii. This Guideline creates a vision for Downtown tall buildings, identifying where those buildings belong and setting out height ranges and performance standards relating to these buildings and to their relationship to neighbouring properties and to their surroundings from a built-form perspective. It focuses on enhancing the pedestrian environment; minimizing shadowing of sidewalks, parks and public squares; protecting landmark views and heritage resources and improving the quality of life (access to natural light, sky views and privacy) for people living and working Downtown. In considering whether to permit a tall building, on a site by site basis, many other planning issues must be taken into account, including, but not limited to, the availability of adequate infrastructure, public transit, parks, community and cultural services and facilities, and schools and child care facilities. If it is determined that a tall building is supportable, and represents "good planning", this Guideline should be considered in directing the height and built-form of that building."

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The report entitled Downtown Tall Buildings Project – Consultant's Study, Public Consultation and Implementation went before Toronto and East York Community Council on February 14, 2012. (Item 13.16). The purpose of this report was to inform City Council of the "Tall Buildings, Inviting Change in Downtown Toronto" Consultant's Study, including public consultation outcomes, and to seek City Council adoption of a set of Vision, Height and Typology Criteria and Performance Standards to guide Downtown Tall Buildings development. The report also identified and summarized further implementation options for the criteria and performance standards noted above, that would form the basis of a further report on this matter.

The report was referred back to the Director, Community Planning, Toronto and East York District, with a request that "consultation take place with the affected Councillors with respect to the recommendations of the consultant contained in the report under the heading "Height Incentives Related to Provision of Community Benefits in Downtown Toronto"; and that the Director, Community Planning, Toronto and East York District, report back to the April 17, 2012, meeting of the Toronto and East York Community Council".

ISSUE BACKGROUND

The January 27, 2012 report stated that the Consultant's Study had proposed a three-tiered approach to height within the study area. The Consultant's Study recommended that the "maximum" height should only be achieved through a site-specific zoning amendment that included the provision of Section 37 community benefits. This proposed approach, it was noted in the staff report, varies from the one currently in place for Downtown Toronto, in which, in accordance with the City's Official Plan height

incentive policy and Council adopted Section 37 procedures and protocols, the increase in property value is determined based on the added density achieved, and then an appropriate community benefit is provided, based on this evaluation and as determined on a development by development basis. The report concluded that no changes were being recommended to the current approach for securing community benefits in Downtown Toronto at this time. The report did, however, contain the recommendation that City Council direct the Chief Planner and Executive Director, City Planning to bring forward a further staff report which would identify future implementation options for the Downtown Tall Buildings Vision and Performance Standards Design Guidelines.

COMMENTS

City Planning Division and Legal Services Division staff met with the affected Councillors, as directed, and noted the following concern expressed by the Councillors: Map Attachment No. 2 in the January 27, 2012 City Planning Division report, entitled "Downtown Vision Height", which was recommended to form part of the Downtown Tall Buildings Vision Statement and Performance Standards Design Guidelines, provided suggested height ranges for certain streets within the Downtown identified as "High Streets" and "Secondary High Streets". For the most part, these proposed height ranges provided for maximum height limits that were higher than what is currently permitted by City of Toronto Zoning By-law, 438-86. The Councillors' concern centred around an inquiry as to whether the proposed height ranges might affect opportunities to negotiate meaningful Section 37 benefits for tall building proposals located along these streets.

Through the use of Section 37 of the *Planning Act*, the City of Toronto can pass a zoning by-law to grant a height and/or density increase for a particular project that is greater than the zoning by-law would otherwise permit, in return for community benefits. Agreements securing community benefits must promote the city-building objectives of the Official Plan and provide for the needs of the new residents, workers and local communities.

Any application for extra height and density must be evaluated on the basis of all of the policies of the Official Plan, including the development criteria for the respective designation area, the strategic Official Plan objectives in Chapter Two and the built, human and natural environment policies in Chapter Three of the Official Plan. The Guidelines are only intended to be applied once it is determined, based on a consideration of all relevant planning criteria, that a tall building may be appropriate on a particular site. The Maps included in the January 27, 2012 report are intended to be used as guidelines with respect to built form only and should not affect the current application of Section 37 in the Downtown. This will be reinforced by the recommended addition of sub-sections (vi) and (vii) to the section of the Downtown Tall Buildings Vision and Performance Standards Design Guidelines entitled "How to Use these Guidelines" as summarized in the concluding section of this report.

The Downtown Tall Buildings Vision and Performance Standards Design Guidelines do not constitute a zoning by-law amendment for additional height for the Downtown. Rather, they would be the first step in having Council adopt a clear built form direction

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for appropriate tall building heights and built form priorities in the Downtown. Adoption of this new direction could then trigger a thorough planning analysis and future report providing further options for Council to consider for implementing this "vision" and performance standards. This future report dealing with additional implementation options for the Guidelines, could, at that time, include a review of Section 37 Official Plan policies as they apply within the Downtown.

CONCLUSION

Until such time as further implementation options have been reported on with regard to the Downtown Tall Buildings Vision and Performance Standards Design Guidelines, several amendments are being proposed to the January 27, 2012 report. They include Attachment No. 5, being the Downtown Tall Buildings Vision and Performance Standards Design Guidelines, being amended by adding new sub-sections "vi" and "vii" to the section of the Guideline entitled "How to Use these Guidelines" to:

- vi. clearly state that the Guideline Maps and their height ranges along the "High Streets" and "Secondary High Streets" are not intended to replace in-force zoned maximum height limits within the Downtown area included in these Guideline Maps; and
- vii. to clarify that the Guideline is comprised of built-form recommendations only and in considering whether to permit a tall building, on a site by site basis, many other planning issues must be taken into account, including, but not limited to the availability of adequate infrastructure, public transit, parks, community and cultural services and facilities and schools and child care facilities. If determined that a tall building is supportable, the Guideline should be considered in directing the height and built-form of that building.

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SIGNATURE

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