



STAFF REPORT ACTION REQUIRED

Downtown Tall Buildings Project – Outcome of Further Consultation with BILD (Toronto Chapter)

Date:	June 11, 2012
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District Director, Urban Design
Wards:	Ward Numbers 20, 27 and 28
Reference Number:	10 134830 CPS 00 TM

SUMMARY

The purpose of this report is to respond to comments and concerns received from the Toronto Chapter of the Building Industry and Land Development Association (BILD), including their letter to City Planning Division staff dated May 28, 2012. Concern was expressed with regard to some matters stemming from the City Planning Division's staff report entitled "Downtown Tall Buildings Project – Consultant's Study, Public Consultation and Implementation" dated January 27, 2012 and which was before the February 14, 2012 Toronto and East York Community Council but subsequently referred back to the Director, Community Planning, Toronto and East York District, for a further report back to Community Council. In particular, BILD outlines some concerns with the Performance Standards identified in Attachment 5, Downtown Tall Buildings Vision and Performance Standards Design Guidelines, of the January 27, 2012 City Planning Division report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Attachment No. 5, being the Downtown Tall Buildings Vision and Performance Standards Design Guidelines, which forms part of the Downtown Tall Buildings Project - Consultant's Study, Public Consultation and Implementation report, dated January 27, 2012, by adding new sub-section "viii" (to fit sequentially) to the section of the Guideline entitled "How to Use these Guidelines" as follows:

"viii." The Downtown Tall Buildings Vision and Performance Standards are being presented as guidelines. As such, these guidelines are intended to provide a degree of certainty and clarity of common interpretation, however, as guidelines; they should also be afforded some flexibility in application, particularly when looked at cumulatively. The guidelines are not intended to be applied or interpreted independently of each other. Rather, the performance standards will work together to determine whether a tall building development application has successfully met the overall intent of these guidelines".

2. City Council amend Attachment No. 5, being the Downtown Tall Buildings Vision and Performance Standards Design Guidelines, which forms part of the Downtown Tall Buildings Project – Consultant's Study, Public Consultation and Implementation report, dated January 27, 2012, by revising Performance Standard No.15 – Tower Setback from the Podium, as shown in Attachment No. 2 of this report.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

In their past and most recent communications with City Planning staff, BILD has identified three main concerns with the Downtown Tall Buildings Vision and Performance Standards Design Guidelines, as presented in City Planning Division's report dated January 27, 2012:

- a. Concern with the use of prescriptive language such as “will” (instead of "should" or "best efforts will be made") in the fulfillment of the majority of the Performance Standards, which, in the opinion of BILD would result in such Performance Standards being too rigidly interpreted as either Official Plan type policy or zoning provisions, rather than as the more flexible guidelines they are intended to be. BILD has expressed the concern that compliance with each standard would be judged independently of each other, rather than as a package of built form standards, working together to determine the acceptability of a given tall building application. BILD's recommendation is to change or “soften” the language used in a number of the Performance Standards noted in the January 27, 2012 report.
- b. Concern with the merit of some of the Performance Standards, particularly the Performance Standards listed below, which, in the opinion of BILD, do not merit a blanket requirement but rather, need to be assessed on a case-by-case basis. BILD have also commented that certain of the Performance Standards contain arbitrarily derived separation or set-back distance requirements, while others conflict with in-force Official Plan policies or are redundant because they are already reflected in the Official Plan. Specific Performance Standards included under this set of concerns include:

- Performance Standard No. 15 – Tower Setback from the Podium
 - Performance Standard No. 16 – Tower Separation Distances
 - Performance Standard No. 17 – Small Sites
 - Performance Standard No. 19 – Transition to Lower Scale Areas
 - Performance Standard No. 20 – Sunlight Protection and Open Space
 - Performance Standard No. 21 – Protection of View Corridors
 - Performance Standard No. 22 – Protection of Heritage Resources
- c. Concern with the Performance Standards listed below, which in the opinion of BILD, are not clear in their intent or which require some degree of re-wording:
- Performance Standard No. 2 – Minimum Sidewalk Widths
 - Performance Standard No. 4 – Maximum Floor Plate Size
 - Performance Standard No. 15 – Tower Setback from the Podium
 - Performance Standard No. 18 – Placement of Balconies

COMMENTS

Use of directional language

BILD has been concerned that the syntax of the Downtown Tall Buildings Performance Standards is too prescriptive through the use of verbs such as "will" rather than "should" or "may", even though BILD acknowledges that these Performance Standards are embodied in Design Guidelines and not the City's Zoning By-law provisions or Official Plan policies. BILD's concern is that each performance standard will be literally applied and interpreted in isolation, rather than being weighed across the board with other performance standards to provide an overall positive or negative assessment of a tall building development application.

A City Planning staff review of directional language used for numerous other municipally based design guidelines and performance standards reveals the use of both approaches in the composition of such guidelines and performance standards. However, in order to provide some additional assurance to BILD as to the City's intention vis-à-vis the use and interpretation of these Performance Standards by City staff, the development industry and the public, the following statement is being recommended for inclusion into the "How to Use These Guidelines" section of Attachment 5 of the January 27, 2012 City Planning Division staff report as follows:

"viii) The Downtown Tall Buildings Vision and Performance Standards are being presented as guidelines. As such, these guidelines are intended to provide a degree of certainty and clarity of common interpretation, however, as guidelines, they should also be afforded some flexibility in application, particularly when looked at cumulatively. The guidelines are not intended to be applied or interpreted independently of each other. Rather, the performance standards will work together to determine whether a tall building development application has successfully met the overall intent of these guidelines."

The "How to Use These Guidelines" section found on pages 94 to 95, Attachment 5, forming part of the January 27, 2012 City Planning staff report would now read as shown in Attachment No. 1 of this report. Recommendation 1 of this report addresses this matter.

Providing Rationale for the Inclusion of Key Performance Standards

Tower setbacks, separation distances, small sites standards, transition to lower scale areas, sunlight protection of parks and open space and the protection of heritage resources are all key Performance Standards, the basis and rationale for which have been fully discussed and described in City Planning Division's January 27, 2012 report. None of these Performance Standards were derived in an arbitrary manner – rather they were the subject of an in-depth Consultant's Study, best practices research from across North America, public and stakeholder input and ongoing City Planning staff consultation. Having the downtown be the focus of intensification activity does not mean that tall buildings are appropriate everywhere or on every downtown site. Some sites are simply more suitable, particularly when tall buildings can be built in a way that achieves certain standards which work together to lessen negative impacts on adjacent buildings and the public realm, and which have regard for issues that are commonly pursued when discussing new development proposals in downtown neighbourhoods such as sunlight on parks, important views, and accommodation of heritage resources.

In several instances, the Performance Standards provide more specific guideline direction than that contained in the Official Plan, however, none of the Performance Standards contradict the Plan. Additionally, the January 27, 2012 City Planning Division report states that the Downtown Tall Buildings Vision and Performance Standard Design Guideline is an evolving document which may be revised, from time to time, to reflect new findings or recommendations made by further studies which will have an impact on the effective review of Downtown tall building development applications, such as the City's Five-Year-Review of its Official Plan.

Clarifying Intent with Regard to several of the Performance Standards

Sidewalk Widths

BILD had concerns with regard to the rationale or criteria used to develop the minimum sidewalk widths noted as part of Performance Standard No. 2, noting that they would not support blanket setbacks. A full rationale for encouraging minimum sidewalk widths is contained in the January 27, 2012 City Planning Division staff report on pages 28 and 29. Performance Standard No. 2 does not anticipate setbacks in every instance as it is important to align podiums with those of adjacent buildings in order to achieve a continuous street wall and avoid a saw tooth pattern. However, where opportunities do arise to establish a new sidewalk width, especially when the length of an entire block is being redeveloped, this Performance Standard addresses that opportunity.

Maximum Floor Plate Size

BILD wanted to see the Performance Standard dealing with the maximum floor plate size per floor of a tall building tower to be one that measures floor plate size by way of a

gross floor area calculation rather than one which "includes all the built area within the building measured from the exterior of the main walls at the level of each floor, but excluding balconies". The term "gross floor area" has had different definitions applied to it in the City's zoning by-law(s). In past definitions of gross floor area, certain areas have been excluded (such as parking and loading) from the definition.

City Planning staff did not want to tie a performance standard dealing with limiting maximum floor plate size per floor to a definition of this type, when the intent of the performance standard is to limit overall building mass and bulk and not just the habitable space contained within the building.

Tower Setback from the Podium

Performance Standard #15 - Tower Setback from the Podium, states that the tower portion of a tall building, including balconies, will be set back from the podium a minimum of 3 metres for a minimum of two-thirds of the length of the tower facing the street and that one-third of a Tower-Podium Form tower may extend straight down to the ground at the front property line. This may take the form of balconies or the tower itself. BILD has interpreted the one-third of a Tower-Podium Form tower extending straight down to the ground, as a requirement rather than an option, which it is intended to be.

City Planning Division staff recommend that Performance Standard No. 15 be revised to clarify the intent as follows: "As an option, up to one-third of a Tower-Podium Form tower may extend straight down to the ground at the front property line". Please refer to Attachment 2 for the revised text. Recommendation 2 of this report addresses this matter.

Placement of Balconies

BILD recommends that the following sentence be deleted from Performance Standard No. 18, as it is their opinion, balcony standards should not be analyzed in isolation but rather the architectural context of an entire building should be considered: "Wrap-around balconies and corner balconies will be discouraged when they are arranged in a manner which increases the physical and apparent visual building mass, to the detriment of the intent of Performance Standard No. 14" (Performance Standard No. 14 addresses maximum floor plate size). As noted on p. 54 of the January 27, 2012 City Planning Division staff report, the placement and design of balconies can have a major impact on the perceived bulk of the building. City Planning Staff agree that the placement of balconies ought to be considered on a building by building basis and that the intent of this standard is simply to discourage wrap-around balconies, where appropriate, upon that assessment being done.

CONCLUSION

City planning staff have had an opportunity to meet with BILD representatives on several occasions and to review their written comments, including comments made in response to recommendations put forward by the Director of Community Planning, Toronto and East York District and the Director, Urban Design in the January 27, 2012 City Planning Division report entitled "Downtown Tall Buildings Project – Consultant's Study, Public Consultation and Implementation". The report and recommendations in question elicited

a plethora of varying responses from stakeholders and the public, both in support and in opposition to its recommendations. In the end, City Planning Division staff have tried to balance and accommodate everyone's concerns and interests, including those of BILD, while staying true to the principles and purpose of the proposed guidelines.

The Downtown Tall Buildings Vision and Performance Standards are being brought forward as design guidelines and as such are intended to provide a degree of certainty and clarity of common interpretation. However, as guidelines, they are also afforded some flexibility in application, particularly when looked at cumulatively. The guidelines are not intended to be applied or interpreted independently of each other. Rather, the performance standards will work together to determine whether a tall building development application has successfully met the overall intent of the guidelines. The City of Toronto already has city wide tall building policies in the Official Plan and in the form of built form guidelines. However, it has been important to validate these city wide guidelines in the context of the Downtown and to add them to the City Planning Division's toolkit to aid in providing clear direction to City staff, the development industry, downtown residents and other stakeholders around important built form issues relating to the desired character of development in the Downtown.

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ATTACHMENTS

- Attachment No. 1 Revised - "How to Use These Guidelines" section of the Downtown Tall Buildings Vision and Performance Standards Design Guidelines
- Attachment No. 2 Revised - Performance Standard No. 15

Attachment No. 1 – Revised - "How to Use These Guidelines" section of the Downtown Tall Buildings Vision and Performance Standards Design Guidelines

- i. The Downtown tall building performance standards apply across the entire area covered by this Guideline:* This is not intended to imply that tall building development is encouraged to locate in the "white areas" shown on the Guideline Maps rather than being directed along the High and Secondary High Street areas, but rather that Downtown tall building applications are likely to continue being filed by applicants outside the High Street areas. Having performance standards in place for these applications will provide applicants, staff and the public with consistent guidance with regard to the assessment of tall building applications everywhere within the Guideline area.
- ii. Tall building development within the Guideline boundaries must address all performance standards noted in the Guideline, even if the impact of the given tall building application falls outside the Guideline boundary area:* An example of this would be shadow impacts that affect neighbourhoods within the secondary plan areas or in other areas bordering the Study area, needing to be mitigated in accordance with Performance Standard #20, or views to significant buildings outside the Study area needing to be addressed in keeping with Performance Standard #21.
- iii. This Guideline is an evolving document which may be revised, from time to time, to reflect new findings or recommendations made by further studies which will have an impact on the effective review of Downtown tall building development applications:* Performance standards described above include reference to matters that are currently under further review by City staff or outside consultants. These include the Yonge Street Planning Studies, the View Corridor Studies pertaining to Old City Hall, New City Hall and the Ontario Legislature Buildings and the Heritage Study being conducted in association with the City's Five Year Review of its Official Plan. Upon their completion and adoption by Council, revisions to this Guideline might be required.
- iv. While there are no perceived conflicts between any of the pre-existing area specific urban design guidelines located within the Guideline boundaries and performance standards proposed by this Guideline, should conflict arise, the most restrictive of the two sets of guidelines will prevail:* An example of a pre-existing design guideline which will prevail, is the Bloor Corridor Visioning Study (May 2009) which includes specific numerical provisions relating to particular street wall heights within the Bloor Corridor Study area.
- v. In the interim, Downtown Secondary Plan Areas will be excluded from the Downtown Tall Buildings Design Guidelines:* These areas will continue to be covered by the citywide tall buildings design guidelines until both guidelines are consolidated.
- 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. (Please note: As per Recommendation No. 1 of the May 25, 2012 Planning Division staff report also on the June 13, 2012 Toronto and East York Community Council agenda, entitled: “Downtown Tall Buildings Project – Outcome of further consultation with Councillors regarding the City’s Height Incentives Policy and its relationship to this project”, sub-section vi is recommended as an amendment to the “How to Use These Guidelines” section of Attachment 5, which formed part of the January 27, 2012 City Planning Division staff report).

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. (Please note: As per Recommendation No. 1 of the May 25, 2012 Planning Division staff report also on the June 13, 2012 Toronto and East York Community Council agenda, entitled: “Downtown Tall Buildings Project – Outcome of further consultation with Councillors regarding the City’s Height Incentives Policy and its relationship to this project”, sub-section vii is recommended as an amendment to the “How to Use These Guidelines” section of Attachment 5, which formed part of the January 27, 2012 City Planning Division staff report).

viii. The Downtown tall buildings vision and performance standards are being presented as guidelines. As such, these guidelines are intended to provide a degree of certainty and clarity of common interpretation, however, as guidelines, they should also be afforded some flexibility in application, particularly when looked at cumulatively. The guidelines are not intended to be applied or interpreted independently of each other. Rather, the performance standards will "work together" to determine whether a tall building development application has successfully met the overall intent of these guidelines. (Please note: Sub-section viii is being added as per Recommendation No. 1 of this report).

Attachment No. 2 – Revised Performance Standard No. 15

Performance Standard #15

Tower Setback from the Podium

The tower portion of a tall building, including balconies, will be set back from the podium a minimum of 3 metres for a minimum of two-thirds of the length of the tower facing the street.

As an option, up to one-third of a Tower-Podium Form tower may extend straight down to the ground at the front property line. This may take the form of balconies or the tower itself.

Exception: The tower portion of a tall buildings will be set back a minimum of 10 to 20 metres from the Yonge Street property line along those portions of Yonge Street between the north side of Front Street and the south side of Bloor Street and on the west side between Cumberland Street and Yorkville Avenue identified as being part of the Yonge Street - Special Policy Character Street, as follows:

- Twenty metre tower setback for those street portions fronting onto Yonge Street which contain heritage resources and /or contributing building fabric that contextually supports these resources;
- Ten metre tower setback for those street portions that do not contain heritage resources; and
- The one-third of the tower extending straight down to the ground permission will not apply.