



STAFF REPORT ACTION REQUIRED

Mid-Rise Building Performance Standards Monitoring

Date:	August 28, 2015
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	All
Reference Number:	P:\2015\Cluster B\PLN\PGMC\PG15098

SUMMARY

In July 2010, Council directed staff to use the Mid-Rise Building Performance Standards in the evaluation of mid-rise development proposals. Council also adopted a monitoring period to the end of 2014 in order to measure the effectiveness of the Standards.

This report represents the results of over five years of monitoring of the Performance Standards through data analysis of mid-rise building applications and consultation with city staff, City Council and external stakeholders (e.g. local residents and ratepayer groups, architects, urban designers, planners and developers), including experiences at the Ontario Municipal Board and advice from the Design Review Panel. Review of the data analysis coupled with feedback received guided the recommended changes to the Performance Standards set forth in this report.

This report recommends that the Planning and Growth Management Committee approve the proposed changes to the Performance Standards, and update the guidelines to be stylistically formatted into the City of Toronto urban design guideline template.

In general, the monitoring and consultations have indicated that the Performance Standards are working well, requiring only a few changes. The recommended changes include: additional guidelines for very deep lots; slight adjustments and guidance for grade related retail uses; maximum height in Character Areas with narrow right-of-ways; and more clarity and elaboration regarding the minimum 5 hours of sunlight and stepbacks requirements. Minor corrections to the Retail Priority and Character Area maps are also needed, and a few Performance Standards were deemed redundant and are suggested to be removed altogether. A summary of the feedback is documented in Attachment 1, while the data collected is presented in Attachment 2.

RECOMMENDATIONS

The City Planning Division recommends that Planning and Growth Management Committee:

1. Authorize City Planning staff to make minor adjustments to the Mid-Rise Buildings Performance Standards, as set out in Attachment 1, Chart of Comments and Recommended Actions, of the report; and
2. Authorize City Planning staff to stylistically format the updated guidelines into the City of Toronto urban design guideline template to be used in the review of mid-rise building development proposals where appropriate

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of July 6, 2010, City Council approved a Staff Report regarding the Avenues and Mid-Rise Buildings Study and Action Plan, which included the Mid-Rise Buildings Performance Standards. Council directed staff to monitor the Performance Standards over a 2 year period.

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PG39.9>)

On November 18, 2013, City Council extended the monitoring period to the end of 2014, and directed City Planning to include resident and ratepayer groups in consultations.

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG27.4>). Further decisions history is contained in the November 18, 2013 report.

In 2014 staff were requested to report on the impact of guidelines contained in the Mid-Rise Buildings Performance Standards on areas where City Council did not direct their application, and include in the report, the position City Planning staff have taken in such instances. (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG33.13>)

ISSUE BACKGROUND

This report follows the City's 2005 Mid-Rise Buildings Symposium, Council's adoption of the Mid-Rise Buildings Performance Standards in 2010, and various other reports and actions intended to encourage and guide the development of more and better designed mid-rise buildings in Toronto as part of the Official Plan vision.

Since City Council adopted the Mid-Rise Buildings Performance Standards in July 2010, there have been 156 development applications for buildings between 4-11 storeys as of December 2014. The development community has gained experience working with the

Performance Standards, and the citizens of the City have had some opportunity to see mid-rise buildings being built using the Performance Standards. This report summarizes information about the applications received and feedback from various residents and stakeholders about the developments.

In addition to monitoring the application of the Performance Standards, a number of other relevant initiatives pertaining to mid-rise development have been initiated.

Urban Design Matters

In the last quarter of 2014, as part of the 5 year review, Official Plan policies related to urban design and built form underwent a consultation program called 'Urban Design Matters'. Over 1,500 Torontonians engaged in this process, and feedback was received about clarifying criteria for mid-rise buildings. Staff received feedback on why the Official Plan contains specific policies for Tall Buildings but not equivalent policy guidance on low and mid-rise buildings. Staff also heard support for removing or changing the requirement for Avenue Segment Studies as part of the application process for developments on *Avenues*, as the use of the Performance Standards have reduced the need for these studies.

At its meeting on May 14, 2015, Planning and Growth Management Committee (PGMC) directed City Planning to continue the development of draft policies for public consultation. The first phase of draft policies will be considered by PGMC in the fall of 2015 and the second phase in 2016. The second phase will include a review of Section 2.2.3 policies of the Official Plan, along with the role of Avenue Studies and segment studies. Development criteria for mid-rise developments will also be drafted as part of the second phase, including policy direction on heights, where these forms are appropriate and design considerations.

<http://www.toronto.ca/legdocs/mmis/2015/pg/bgrd/backgroundfile-79741.pdf>.

This is consistent with Council's recommendations 8 (c) and (d) in the July 2010 staff report. Recommendation 8 (c) requested a review of the *Avenue* policies in Section 2.2.3 of the Official Plan and identification of any Official Plan amendments required to implement the *Avenues* and Mid-Rise Buildings Study recommendations, including the future role of Avenue Studies and segment studies. While 8 (d) requested the review of *Built Form* policies in Section 3.1.2 of the Official Plan to include the creation of new policies for mid-rise buildings and public realm improvements to implement the *Avenues* and Mid-Rise Buildings Study.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PG39.9>.

Official Plan Review – Heritage Policies

Council enacted new Heritage Official Plan policies, Official Plan Amendment 199, in April 2013 to strengthen the City's heritage policies and implement the Provincial Policy framework. The policies reflect changes to Provincial legislation and improve heritage resource conservation practices throughout the City. The proposed amendment also adds policies to the Public Realm section of the Official Plan to provide for the protection of important views to landmark buildings and structures, important natural heritage views

and the downtown/financial district skyline. A link to Official Plan Amendment 199 can be found here: <http://www.toronto.ca/legdocs/bylaws/2013/law0468.pdf>.

Eglinton Connects

City Council approved the Mid-Rise Buildings Performance Standards in 2010, and directed staff to use them in the evaluation of all new and current mid-rise development proposals on the *Avenues* and in the implementation of future *Avenues* studies, such as Eglinton Connects, so that the Official Plan's *Avenues* vision can be realized more quickly and effectively.

The Eglinton Connects Planning Study, which Council approved in 2014, further implemented the Performance Standards by putting into place as-of-right zoning for mid-rise buildings where appropriate including a consistent upper storey front setback and additional urban design guidelines to address local character conditions.

A link to the Study and Implementing Reports can be found here: <http://www.toronto.ca/legdocs/mmis/2014/pg/bgrd/backgroundfile-70189.pdf> (part1) and <http://www.toronto.ca/legdocs/mmis/2014/pg/bgrd/backgroundfile-72097.pdf> (part 2).

Mid-Rise Travel Survey

As part of the Eglinton Connects Planning Study, a Travel Survey for mid-rise buildings along the *Avenues* was undertaken. The results were published as Appendix D to Volume 2 of the Study (<http://www.toronto.ca/legdocs/mmis/2014/pg/bgrd/backgroundfile-68062.pdf>). The survey results provided data on automobile and bicycle ownership patterns, characteristics about the trips, and insights into the attitudes toward transportation modes for over 5,169 mid-rise building residents. General findings indicate that automobile and bicycle ownership is similar at 0.71 and 0.65 per household, and that the majority of trips to Downtown are by public transit.

Ontario Building Code Reform

On January 1, 2015, amendments to the Ontario Building Code took effect which permitted the construction of wood-framed buildings up to 6 storeys. These buildings may be wholly residential or office or may be mixed-use occupancies with uses such as restaurants, grocery stores, or parking garages below the 3rd floor.

Aside from the current fire safety standards applicable to 4-storey wood-framed buildings that have been extended to cover up to 6 storey buildings, the following requirements unique to 5 and 6-storey buildings have been added:

- Enhanced automatic sprinkler system as is applicable to all in the Large Buildings category;
- Exit stairwells must have a 1.5 hour fire resistance rating and must be of non-combustible construction;
- Top floor level is limited to 18 metres above first floor and 20 metres above the required fire access route;

- Residential combustible balconies 61 centimetres or greater require sprinklers
- All exterior cladding must be non-combustible or combustion resistant;
- Roof covering must be combustion resistant class A, or non-combustible;
- Large concealed spaces such as attics must be a different fire compartment and sprinklered;
- Plumbing must be combustion-resistant;
- A minimum of 10% of the building perimeter must be accessible to a fire access route within 15 metres of building exterior;
- The building must be complete and the fire safety systems operational before occupancy; partial occupancy permits will not be issued;
- If a five and six storey wood-frame building is constructed in direct contact with an existing unsprinklered building, the firewall separating them must be masonry or concrete; and
- Mid-rise buildings are to be designed to resist increased seismic loads.

To date, no data is currently available on the number of building permit applications that took advantage of these changes.

Public Laneways

In July, 2014, City Council adopted 'Feeling Congested', a report that proposed Official Plan Amendments (OPA) to address the City's transportation policies. Amongst the proposed policy changes, is general support for shared parking facilities and new or improved public laneways along *Avenues*.

(<http://www.toronto.ca/legdocs/mmis/2014/pg/bgrd/backgroundfile-71992.pdf>).

Also in 2014 as part of the implementation for the Eglinton Connects Study, City Council adopted OPA 253 and Site and Area Specific Policy No. 476 which requires new public laneways in conjunction with new development on specific blocks fronting on to Eglinton Avenue. This has the potential to result in up to five kilometres of new public lanes over time.

This is consistent with Council's recommendation 4(e) in the July 2010 staff report requesting 'a review of policies relating to the preservation and enhancement of public lanes on the *Avenues*'.

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PG39.9>).

Pembina Institute Report

In May of 2015, the Pembina Institute together with the Ontario Home Builders Association released a report entitled 'Make Way for Mid-Rise' which supports mid-rise development in Toronto. The report outlines five further actions which Ontario Municipalities should consider in order to advance a lighter form of intensification that can be achieved through mid-rise development. The five key recommendations are:

1. Require minimum densities along rapid transit lines;
2. Eliminate minimum parking requirements;
3. Pre-approve mid-rise development along avenues and transit corridors;

4. Require retail planning before mid-rise is built; and
5. Make parkland dedication rules more equitable.

'How Does the City Grow?'

The 2015 'How Does the City Grow?' update indicates more than 43,100 new residential units in 299 projects and 604,500 m² of non-residential GFA have been proposed along the *Avenues* between January 1, 2010 and December 31, 2014. This represents 22% of the City's proposed units and 12% of the proposed non-residential GFA. The Mid-Rise Buildings Performance Standards helped to inform both the projections and the applications.

Consultation

Consultation on the Performance Standards took place between January and June, 2015. Each consultation session generated valuable input, which was used to guide the recommendations. Feedback was received from the following groups and events:

Chief Planner Roundtable

Mid-Rise buildings were the focus of the April 24th 2015 Chief Planner Roundtable called "Mid-Rise Buildings: Growing Toronto's Neighbourhoods". The objective of the roundtable was to provide a forum for a city-wide conversation across disciplines and stakeholders about mid-rise buildings by discussing the role and issues facing mid-rise buildings in the city. The panel members comprised a diverse range of city builders, industry experts and City staff. Presentations are available on the website (<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=4a2946bca58c1410VgnVCM10000071d60f89RCRD>) and a summary of the discussion is included as Attachment 6.

Mid-Rise Open House

Following the Chief Planner Roundtable held on April 24th 2015, staff conducted a city wide public open house which was attended by approximately 20 people. Staff used display boards that explained the Performance Standards and showed examples of how they have been incorporated on recently built buildings. The open house allowed the public to review the Performance Standards, ask questions to staff, and provide comments for consideration.

Stakeholders

Staff also met individually with members of the development, architecture and planning community to gather insight from an industry perspective. In addition, staff attended the Canadian Urban Institute Mid-Rise Urbanism Seminar in May 2015, and provided a presentation to Building Industry and Land Development Association (BILD) representatives in December 2014.

Letters were received from the following stakeholders:

BILD
RAW Design, Bousfields Inc. and Rockport (joint letter)
Jessica Wilson (Ossington Community Association)

David Oleson
Bousfields Inc. (independent letter)
Marilyn Miller
Danforth East Community Association
Bloor West Village Residents Association

Additional letters were received from the Confederation of Residents and Ratepayers Association (CORRA) and Federation of North Toronto Residents' Associations (FONTRA) during the Eglinton Connects study that reference the Performance Standards.

Residents & Ratepayer Groups

As directed by City Council on November 18, 2013, City Planning staff included consultations with residents and ratepayer groups. Staff conducted a consultation meeting with CORRA as well as provided a presentation to the Junction Residents' Association in January. Residents and ratepayer groups were also encouraged to attend the open house, held on April 24th 2015, which was advertised through the City website, various social media platforms, and the Chief Planner Roundtable.

Online Survey

Approximately 300 people participated in the online survey that was available on the *Avenues* and Mid-Rise Buildings webpage from March to June of 2015. The survey was comprised of a mix of multiple-choice and open-ended questions intended to assess public opinion on the effectiveness of key Performance Standards by using current mid-rise buildings as examples. A summary of the survey results can be found in Attachment 5.

Interdivisional Team

An Interdivisional Team meeting was held in March 2015 to gather feedback on the impact the Performance Standards have had on each Division's and Agency's service delivery. Members were asked to update information since 2010 about the obstacles and opportunities facing the development of mid-rise buildings along *Avenues*. The Team was comprised of the following City Divisions and Agencies:

Legal Services
Economic Development, Culture & Tourism
Shelter Support & Housing Administration
Toronto Building
City's Manager's Office
Fire Services
Municipal Licensing & Standards
Solid Waste Management Services
Transportation Services
Toronto Water
Environmental Planning
Heritage Preservation Services

Facilities & Real Estate Services
Engineering & Construction Services
Toronto Association of Business Improvement Areas
Toronto Community Housing Corporation
Environmental Planning
Toronto Water
Transportation Services

City Planning Staff

Individual consultation meetings with City Planning Staff to gather feedback on the effectiveness of the Performance Standards in the evaluation of mid-rise development proposals initially began in 2012. In February of 2015, four group consultation meetings (one in each City District) were organized for all City Planning Division staff to attend. District meetings were well attended and provided invaluable feedback that was generally consistent through the Districts, and with the prior individual meetings.

Data Collection

In order to monitor the effectiveness of the Performance Standards, it was necessary to generate a set of data. In the period beginning July 2010 and ending December 2014, the City received 156 development applications for site-specific mid-rise buildings (defined as buildings that are between 4 and 11 storeys, excluding townhouses). The data is comprised of updated figures that were initially presented in the 2014 Mid-Rise Monitoring Staff Report, but have been vetted by City Planning staff to exclude applications that are not defined as mid-rise buildings. Of the 156 applications, 61 have received approvals to date. Comprehensive data on key performance measures was collected for the approved applications. The data was then used to evaluate the effectiveness of the Performance Standards and the geographical distribution of mid-rise buildings since the adoption of the Performance Standards. A detailed spreadsheet containing data for the approved applications and the accompanying maps can be found in Attachment 2.

COMMENTS

When City Council adopted the Mid-Rise Buildings Performance Standards (Section 3 of the Study) in July of 2010, they were to be used in the evaluation of all new and current mid-rise development proposals on the *Avenues* and in the implementation of future Avenue studies, such as Eglinton Connects, so that the Official Plan's *Avenues* vision can be realized more quickly and effectively. The Staff Report also stated that the Performance Standard may also be appropriate and useful to guide the review of proposals for mid-rise buildings in *Mixed Uses Areas* not on *Avenues*.

The purpose of the Monitoring Period was to answer the question 'are the Performance Standards effective in the creation of more and better designed mid-rise buildings?' To this end, research and consultations have been undertaken to better understand both the number of mid-rise proposals as well as the quality of these proposals. To determine

effectiveness, both an empirical analysis of data and the results of a comprehensive consultation process have been taken into consideration.

Summary of Performance Standard Specific Feedback

Feedback from consultations on the Performance Standards from the various sectors was generally positive, with criticism mostly related to their 'one size fits all' nature. The following section includes a brief summary of the comments and feedback received during the consultation process. Attachment 1 provides a summary chart organized by each Performance Standard detailing the comments received and recommended actions.

1. Site Context

1:1 Right-of-Way to Building Height Ratio

Feedback varied, with many participants stressing a lower limit (0.8:1), while others suggesting a more flexible approach to the height depending on the context. Concern was expressed about the 1:1 height limit, which is often exceeded by wrapping the mechanical penthouse with amenity space or residential space.

Deep Lots and Irregularly Shaped Buildings

Concern was also expressed that the Performance Standards do not adequately mitigate height and density impacts for sites with deep lots; more guidelines are needed (i.e. building massing and height transition, front and sideyard setback transition, etc.).

For irregularly shaped building configurations (often resembling 'T', 'U' and 'E' formations), more guidelines are needed on appropriate separation distances between wings and appropriate sideyard property line setbacks.

Rear Transition

Rear angular planes limit heights on shallow lots and push elevators and stairs closer to the front, limiting depth of retail units. Participants suggested the use of additional properties at the rear to form part of new mid-rise development, as well as considering using the 60-degree plane on *Avenues* with higher order transit.

Character Areas

Throughout the consultation process, staff noted multiple interpretations applied to the Character Areas Performance Standards. Further direction and clarity is desired.

Specifically, participants noted a pattern of buildings repeatedly exceeding the 1:1 ratio on 20 metre right-of-way streets in Character Areas. Finer grain retail fabric in Character Areas was also suggested, as was adding more neighbourhoods to the Character Area map and increasing setbacks in areas adjacent to Natural Areas and Parks.

2. Site Organization

Building to the front property line, or applicable setback, as required by the Performance Standards is bias to the Downtown context. Staff have heard that

setbacks should be more tailored to the local context, size of streets, and landscape objectives. Additionally, this requirement is incompatible with certain *Apartment Neighbourhood* typologies, such as courtyard buildings, which may be desirable in residential portions of the *Avenues*.

3. Mid-Rise Building Design

Upper storey step-backs

Concern was raised about the meaning of the 1.5 metre 'Pedestrian Perception Step-back' for buildings taller than 23 metres, and the height of the step-back has been difficult to determine.

Some participants felt that the 45-degree angular plane from 80% of right-of-way width does not work because it creates excessively tall facades in Character Areas.

More diagrams and explanation were suggested to explain the side step-back requirements and the difference between 'principle' and 'secondary' windows for both existing and new buildings.

Building Material

Staff participants suggested that the Performance Standards need more teeth to ensure buildings utilize high-quality materials, and that facades are designed to support the public and commercial function of the *Avenues* through articulation and appropriate scale.

Balconies

Further guidelines on balconies were suggested, including direction about how balconies could be designed to include landscaped planters to avoid overlook and privacy concerns. Balconies and projections (including railings) should not encroach into step-backs and rear yard setbacks.

Side Property Line

The Performance Standards require mid-rise buildings to be built to the side property lines, however concerns were raised that this Standard does not allow for landscaping at building edges.

Ground Floor

For buildings with residential at-grade uses, the requirement of a 4.5 metre setback beyond the sidewalk zone can negatively impact the overall design of buildings. Feedback was received that these areas should be flexible so the space can evolve from residential to retail over time. In addition, the requirement of a 4.5 metre minimum ground floor height, while suitable for most *Avenues*, may not be pertinent for buildings located in other areas.

4. Pedestrian Realm

Minimum sidewalk zones

Guidance is needed to determine in which areas the 4.8m/6m minimum sidewalk width is likely achievable and where it is not in order to avoid jagged setback conditions. In some instances, specifically on 36 metre right-of-ways, wider sidewalks may be more suitable. When underground utilities are located along the curb, trees can only be located in the middle of the sidewalk or at the base of the building.

Shadow Testing

More clarity on minimum five hours of sunlight was requested. Feedback also suggested that the minimum five hours of sunlight on adjacent sidewalks should be increased to seven hours of sunlight for areas outside of the Downtown.

5. General

Consistency

There was a preference to re-organize the order and formatting of the Performance Standards and documents to be consistent with that of the Tall Buildings Guidelines and emerging Townhouse and Low-Rise Apartment Buildings Guidelines. Participants also mentioned the inconsistency between Districts in applying the Performance Standards in development reviews.

Clarity

Greater clarity was requested on the role of the Performance Standards as a tool to implement the Official Plan, and how to deal with exceptions.

Applicability

Many participants wanted to understand how the Performance Standards are to be applied on mixed-use sites that are not on *Avenues*.

Flexibility

It was suggested that the Performance Standards should be ranked in order of priority, and that they should be used on a site-specific basis, with greater flexibility given to variances that breach the Performance Standards, but not their intent.

What We Learned: Summary of Data Review

Of the 156 applications received between July 1 2010 and December 31, 2014, a total of 61 approvals have been closely analyzed by staff to generate the findings. A detailed summary of the data can be found in Attachment 2. A Draft Visual Inventory of 23 approved applications is included as Attachment 3.

During this period, the City received approximately 80 site-specific development proposals (26 approved) for mid-rises on *Avenues*. An additional 76 site-specific applications (35 approved) for mid-rise buildings were received for areas of the city outside of the *Avenues*. A significant number of the applications were in the *Downtown and Central Waterfront*, and in the *Centres* as indicated in Map 2: Urban Structure in the Official Plan. These proposals were received in all Planning Districts of the City.

Tables 1 and 2 show the dispersion of total mid-rise building applications and approvals across the City's Districts and are organized by applications on designated *Avenues* and areas outside of the *Avenues*.

Table 1 - Number of **total applications** for 4 to 11 storey buildings between July 1 2010 and December 31 2014 (excludes townhouses and stacked townhouses).

District	Avenues	Downtown or Centres	Other Locations	Total
North York	23	2	10	35
Scarborough	10	0	8	18
Toronto - East York	30	12	33	75
Etobicoke - York	17	2	9	28
Total	80	16	60	156

Table 2 - Number of **approved applications** for 4 to 11 storey buildings between July 1 2010 and December 31 2014. Excludes townhouses and stacked townhouses.

District	Avenues	Downtown or Centres	Other Locations	Total
North York	7	0	6	13
Scarborough	2	0	4	6
Toronto - East York	12	5	16	33
Etobicoke - York	5	2	2	9
Total	26	7	28	61

Generally, the number of applications for 4-11 storey buildings has not decreased since the Performance Standards were adopted, as shown in Table 3.

Table 3 - Number of total applications for 4 to 11 storey buildings between July 1 2010 and December 31, 2014 over time (excludes townhouses and stacked townhouses).

	Jul-Dec 2010	Jan-Jun 2011	Jul-Dec 2011	Jan-Jun 2012	Jul-Dec 2012	Jan-Jun 2013	Jul-Dec 2013	Jan-Jun 2014	July-Dec 2014
North York	2	1	5	4	9	5	4	5	0
Scarborough	0	0	0	4	1	6	3	3	1
Toronto-East York	3	14	8	12	8	7	10	6	7
Etobicoke-York	2	3	1	3	0	3	4	5	7
Total	7	18	14	23	18	21	21	19	15

As adopted, mid-rise building development is predominantly targeted to *Mixed Use Areas*, especially along *Avenues*. However new mid-rise buildings may also be appropriate on other 'change' or 'growth' land use designations on or off the *Avenues*, such as *Employment Areas*, *Regeneration Areas*, or *Institutional Areas* (provided the mid-rise building contains the appropriate uses). Table 4 highlights the land use

designations of the approved mid-rise buildings. Consistent with their intention, these applications are mainly on *Mixed Use Areas* sites, with some in other growth designations. Of the 4 applications in *Neighbourhoods*, none were taller than 5 storeys.

Table 4 - Approximate number of approved applications by Official Plan Land Use Designation. Excludes townhouses and stacked townhouses

Land Use Designation	Count	Proportion
Apartment Neighbourhoods	6	10%
Employment Areas	5	8%
Institutional	2	3%
Mixed Use Areas	39	64%
Mixed Use Areas/Neighbourhoods	3	5%
Neighbourhoods	4	7%
Regeneration Areas	2	3%
Total	61	100%

Design Review Panel

Since July 2010, eleven applications have been before Toronto's Design Review Panel. In the majority of cases, the applications were evaluated against the Performance Standards. Comments from the Design Review Panel were provided in the context of the Performance Standards, and generally focused on issues related to transition to adjacent properties, built form articulation and creating comfortable public realms. The following is a list of all mid-rise developments that have been before the Design Review Panel:

- 3563-3567 Lake Shore Blvd. W.
- 4180-4190 Dundas St. W.
- 1844 Bloor St. W.
- 11 Superior Ave.
- 2229 Kingston Rd.
- 270 The Kingsway
- 4121 Kingston Rd.
- 1092-1118 Kingston Rd.
- 2800 Bloor St. W.
- 34445 Sheppard Ave. E.

Detailed comments by the Design Review Panel on each of these applications can be found on the website

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=4da652cc66061410VgnVCM10000071d60f89RCRD>).

Ontario Municipal Board Decisions

Of the sixty-one approved mid-rise development applications from July 2010 to December 2014, 23 applications have been appealed to the Ontario Municipal Board (OMB). In the Board hearings, the Performance Standards were consistently referred to as the basis for appropriate transitions from mid-rise buildings to lower scale neighbourhoods. As such, the Performance Standards were relied on to formulate

opinions on the appropriateness of proposals and have assisted in numerous decisions made by the OMB.

In the majority of the decisions, the Performance Standards were largely viewed as general guidelines that did not carry the weight of policies. The OMB was unpersuaded by what they deemed as the City's arbitrary use of the Performance Standards, in particular their use on developments outside of the *Avenues*. Therefore, while the Performance Standards were used as a starting point for the decision making process, the OMB ultimately stressed the importance of the site-specific context and the need for flexibility when applying the Standards.

ISSUES

Role of Performance Standards in Development Review

A number of questions arose during the consultations about intent and weighting of the Performance Standards. It is important to clarify that they were intended to be an implementing tool of the Official Plan, and that the policies contained in the Plan should be considered and interpreted prior to consideration of the Performance Standards. The proposed reorganization of the Performance Standards to allow them to be consistent with the Official Plan Built Form policies, as well as clarify how the Performance Standards support the implementation of more general Official Plan policy.

Furthermore it is critical to reinforce that, like all guidelines, they are intended to be considered in their entirety, together with the Official Plan and applicable Zoning, Secondary Plans, Heritage Conservation District Plans, the Toronto Green Standard, the Toronto Development Guide, flight paths, as well as all other applicable City policies, standards, guidelines and requirements. They are not intended to be blended with other sets of guidelines such as the Tall Buildings Guidelines unless specifically referenced. They are also not intended to be applied or interpreted independently of each other. Rather, each guideline should be weighed across the board with the others to produce a successful outcome.

Some Performance Standards have already been incorporated into Policy Areas 2 and 3 of Zoning By-Law 569-2013, such as:

- Minimum building height of 3 storeys or 10.5 metres;
- Minimum ground floor height of 4.5 metres;
- Front yard angular planes to ensure sunlight access to sidewalks;
- Rear yard setback of 7.5 metres and a 45 degree angular plane when the property abuts *Neighbourhoods*;
- Rear yard setback of 1.5 metres if the property abuts a public lane when the property abuts a residential zone;
- Front yard setback of 4.5 metres for residential uses if located at grade (as set out in Development Standard Set 2);
- 75 percent of the front building wall to be built to the property line or front setback line; and
- Parking rates for developments along the *Avenues*.

For these Performance Standards, the process for variances would be through the Committee of Adjustment or a rezoning.

As part of the Urban Design Official Plan Review, development criteria for mid-rise buildings, including policy direction on heights, where this form is appropriate and design considerations, will be created. The development criteria will be researched and evaluated to decide which criteria, if any, should become policy. As a result, a few of the Performance Standards may be included as Official Plan policies.

The rest of the Performance Standards are more qualitative design guidelines, such as streetscaping, balconies and responses to local character. They will all form part of the re-formatted urban design guidelines, but are also reinforced in other documents. Minor adjustments and variations to these guidelines may be appropriate and would be the subject of discussion at the time of a development application.

New buildings are not expected to maximize or replicate the envelope prescribed by the guidelines, but rather they are expected to respect the envelope and employ creative designs within it. Furthermore, the applicability of Performance Standards should not be subject to the use of the building, they are to be applied to mid-rise buildings regardless of what their at-grade and above-grade uses are.

Definition of Mid-Rise

Based on the consultation feedback from both the 'Urban Design Matters' process and the Mid-Rise Buildings Monitoring, staff recommend that new policies in the Official Plan give further clarity to the definition of a mid-rise building. The previous definition related the height of the building to its adjacent 'right-of-way' which resulted in buildings that are generally between 4 and 11 storeys depending on the width of the adjacent street and the height of each storey.

Mid-rise buildings are generally referred to as 'fabric buildings' as opposed to 'landmark buildings'. They are intended to be repeatable in order to create cohesive street walls that define and support the space of the street and *Avenues*. To ensure that mid-rise buildings fit into their existing and planned context, staff recommend that the definition of a mid-rise building be clarified to have a 'maximum of a 1:1 ratio between the *total building height* and the *width of the planned right of way*' as determined by Map 3 of the Official Plan. This proportional relationship will be refined through the Performance Standards to ensure adequate sunlight of adjacent streets, neighbours, as well as appropriate rear transition geometry and setbacks to ensure a fit of the new buildings in areas with existing lower scaled buildings.

Map 3 of the Official Plan, ROW Widths Associated with Existing Streets, indicates that the planned right of way for the City's *Avenues* and arterial roads is generally between 20 and 36 metres. For this reason, a mid-rise building should never have a total building height in excess of 36 metres. Building proposals that exceed 36 metres in total building height should refer to Council's Tall Building Guidelines.

On the streets and portions of streets in the city where the planned right of way exceeds 36 metres, and where mid-rise buildings are the appropriate form of growth in these locations, the Performance Standards should be applied as they would on a 36 metre right-of-way, in order to maintain a maximum total building height of 36 metres. Where site-specific bylaws permit heights beyond 36 metres in height, the Tall Buildings Guidelines should typically apply.

This recommendation will be included in the draft Built Form policies as part of 'Urban Design Matters' and will be the subject of further consultations.

Where they Apply

The City of Toronto's Official Plan directs and manages growth city-wide in a context that recognizes an enviable quality of life which is diverse, equitable and inclusive. Generally, incremental growth is anticipated in the *Centres, Downtown, the Avenues* and *Employment Areas*.

When Council adopted the Performance Standards in 2010, a Study Area Map 3 was included which indicated where they applied. This Study Area generally covered *Avenues* that had not yet been studied, however the staff report acknowledged that there may be other mixed-use areas in the city where it may be appropriate to use the Performance Standards.

When reviewing the data of applications for mid-rise buildings since then, a full 57% of the applications have not been within the Study Area as defined in 2010. Furthermore, staffs have generally tended to use the Performance Standards, in addition to other policies and guidelines and local context analysis, to help guide these applications in the absence of site-specific guidelines.

In instances where applications for mid-rise buildings were not on an *Avenue* or within the 2010 Study Area, staff have taken a variety of positions depending on context. Of the 61 approvals, 35 were not within this Study Area. In the majority of such instances, staff found the Performance Standards to be relevant and used them in the development review process. They noted that as a tool they were useful to help predict the built form outcome of the process. The results of non-*Avenues* mid-rise buildings can be seen in the Draft Visual Inventory, Attachment 3. The Mid-Rise data consists of all mid-rise building applications, regardless of whether the Performance Standards were used.

Staff recommends that the applicability of the Mid-Rise Buildings Performance Standards be expanded so that they may also be used on sites that meet all of these criteria:

- In areas with existing land use designations for *Mixed Use Areas, Employment, Institutional* or some *Apartment Neighbourhoods* where existing built form context supports mid-rise development AND
- Front onto Major Streets on Map 3 of the Official Plan AND

- Have planned right-of-ways 20 metres or wider.

As well, they may apply in some Secondary Plan Areas where the Plan may not be up to date or where they are specifically referenced through comprehensive studies.

Through the extensive consultation, staff have learned that there are sites where the Performance Standards clearly do not give sufficient guidance, and indeed they were not intended to apply to every condition across the city. Until additional work can be done to add this clarity, it is recommended that generally the Mid-Rise Buildings Performance Standards not apply to the following sites and conditions:

- Portions of extra-deep and irregular lots that are beyond the Ideal Lots Depths as defined in Table 7 from the Study;
- *Apartment Neighbourhoods* where local context and character does not support a repeatable street wall buildings such as tower-in-the-park areas;
- Base or podium conditions to Tall Buildings; and
- Secondary Plan Areas unless they are specifically referenced.

Table 7: Ideal minimum lot depths depending on ROW width.

ROW Width	Ideal Lot Depth
20m	32.6m
27m	41.0m
30m	44.6m
36m	51.8m

On sites that are very shallow, new proposals would not be able to reach the full 1:1 height potential, however redevelopment may still be appropriate and the Performance Standards should continue to apply for all other aspects of the building. This would also apply to vertical additions to existing buildings.

Co-ordination with Tall Buildings Guidelines and Townhouse & Low-Rise Apartment Guidelines:

City Council adopted Tall Building Guidelines in 2006 and Infill Townhouse Guidelines in 2003, which are currently being updated as Townhouse & Low-Rise Apartment Guidelines. Together with the Mid-Rise Building Performance Standards, these three sets of guidelines serve as a comprehensive handbook giving clarity to the vision and policies contained in the Official Plan.

The emerging Townhouse & Low-Rise Apartment Guidelines overlap with the Mid-Rise Building Performance Standards somewhat. This is to allow some contextual flexibility for 4 storey buildings.

The Mid-Rise Buildings Performance Standards as adopted in 2010 were formatted and ordered to be user-friendly for first-time property developers. Critical design decisions about height, organization and setbacks were at the beginning, and subsequent decisions

about materials and character followed. It is now recommended that the Performance Standards be re-ordered and reformatted to better align with the emerging Built Form policies and the other guidelines. The draft table of contents is included as Attachment 4.

Consistency:

Concern was raised regarding the consistent application of the Performance Standards across the four City Planning Districts. A proposed new requirement is to amend submission requirements to include diagrams illustrating how new applications compare to the building envelope created by the Performance Standards. This requirement would ensure more consistency in development review across Districts.

Recommendations for the Performance Standards:

In general, the monitoring and consultation have indicated that the Performance Standards are working well to give guidance without unnecessary restrictions to the development of new mid-rise buildings in areas of the city that are appropriate.

A detailed summary of comments received for each Performance Standard with the Recommended Action is included as Attachment 1. A number of the Performance Standards either need no change or minor adjustments while a few are suggested to be removed altogether. In a few cases, it is suggested that the Performance Standard be reinforced through new Official Plan policies.

A few Performance Standards require substantive change (such as retail entrances, additional sidewalk zones), and there is a need for an additional Performance Standard that addresses extra deep lots and irregularly shaped buildings.

There may also be a need in the future for a more nuanced approach to address heritage policies and the ‘Character Areas’ on the Avenues.

Highlights of the findings:

A. Performance Standard #1: Maximum Allowable Height

The most widely used Performance Standard is for a ‘Maximum Allowable Height’ which does not exceed the width of the fronting right-of-way. Staff heard conflicting feedback that this was too tall in some cases, too low in others, as well that it was both too prescriptive and too subjective. In many cases, additional storeys have been supported under the guise of ‘wrapped mechanical penthouses’ as they met other Performance Standards for angular planes.

The intent of this relationship between height and street right-of-way was to ensure that the form of new buildings could be repeated over time to create a cohesive public realm with a consistent relationship to neighbours without substantial impact on sunlight, sky view and other local characteristics.

Proposals on deep lots often apply for total building heights in excess of the 1:1 relationship with the street, while still meeting the rear angular planes and appropriate

transition to neighbourhoods to the rear. This has the potential effect of creating precedent for excessive heights on adjacent shallower lots and reducing sunlight on the streets. If repeated, this excess height could create an undesirable ‘canyon’ effect along the street and should be avoided.

Staff have recommended that this Performance Standard be included in the Built Form section of the Official Plan in order to ensure greater compliance and predictability.

Staff also suggest that further restrictions to this height may be appropriate in the older parts of the city where local character on the narrow historic main streets exist (see *Character Areas* below).

Further study and consideration for heights in excess of the 1:1 ratio should be given to very deep lots which contain a direct entrance to higher order transit within an existing context of higher buildings, where the rear angular plane can be achieved. On Eglinton Avenue, these sites were identified by Council as part of Recommendation #17 in the Eglinton Connects Study.

B. Density

As background to the 2010 Study a number of density case studies were conducted in order to understand the relationship between the mid-rise built form envelope and density or Floor Space Index (FSI). The findings indicated a range of 3-4.5x FSI was comfortably achievable within the envelope prescribed by the Performance Standards. As part of the 2014 monitoring, it was determined that 26% of approved applications exceeded 4.5x density. Not coincidentally, 79% of these also exceeded the 1:1 maximum allowable height. It is recommended that applications substantially in excess of 4.5x FSI may not be appropriate for mid-rise buildings.

C. Performance Standard #4A: Front Façade: Angular Plane

Performance Standard #4A: Front Façade Angular Plane did not give sufficient clarity about the need and location for five hours of sunlight. Staff recommend that this Performance Standard be strengthened in policy to ensure that new mid-rise buildings provide a combination of angular planes and setbacks to allow for a minimum of 5 hours of sunlight on public sidewalks. This 5 hours can be measured either on one side of the street, or in a combination with 2 sides of the street which the building fronts onto (this should apply to side streets when application is on corner lot).

D. Performance Standard #4B: Front Façade: Pedestrian Perception Step-back

Performance Standards #4B: Pedestrian Perception Stepback was the most misunderstood Performance Standard. It was intended to allow for flexibility in applying an additional stepback at the front of buildings higher than 6 storeys, depending on the local context. This was intended to recognize local character and context by aligning stepbacks on new buildings with existing buildings of character. It is now recommended that this stepback be given more certainty, as was done on Eglinton Avenue, by giving a minimum 1.5 metre stepback at specified heights in order to

create consistent datums, particularly in Character Areas. Details are contained in Attachment 1.

E. Amenity

Staff learned that residential units in mid-rise buildings have a greater tendency to appeal to the end user as opposed to the investor. Conflicting feedback was heard about the need for shared and private amenity space. Staff recommend that private balconies that meet Performance Standard #12 be encouraged for all units.

F. Extra Deep Lots

New guidelines are necessary for the lots that are deeper than 60 metres that front on to many of the City's *Avenues* and arterials. Of the 61 approved mid-rise buildings since July 2010, 23% have been on 'extra deep lots' (defined as lots deeper than 60 metres).

In most cases, it is appropriate to apply the Mid-Rise Buildings Performance Standards to the first 32.6-51.8 metres of lot depth (depending on the right-of-way, see Table 7 on pg. 15), however the Performance Standards lose their effectiveness when they are extruded beyond the ideal lot depths identified in the original study. In those cases, either area specific studies, guidelines or additional city-wide work on these large, deep sites are necessary. In many cases, these deep lots are generating irregularly shaped building configurations, or tall buildings in some instances, without guidance for building separation and transition. In the absence of additional study at this point, existing light, view and privacy guidelines should be utilized. Furthermore, in cases with irregularly shaped buildings, or when multiple mid-rise buildings are being proposed, the 1:1 ratio of open space (i.e., right-of-way or separation between buildings) to total building height should apply to help guide the configuration of building footprints within the same deep lot.

G. Retail Priority

Additional detail and guidance is recommended for grade related retail uses on the *Avenues*, in particular, in areas with existing fine grain storefronts. Performance Standard #3 does not allow for exceptions to the minimum 4.5 metre ground floor height where existing store fronts are much lower, and it does not give sufficient guidance about signage location or where recessed entrances may be appropriate.

As with the aforementioned recommended changes to Performance Standard #4B, detailed consultation with the Bloor West Village Residents Association and the Danforth East Community Association has resulted in the recommended changes to Performance Standard #10: At-Grade Uses Residential by requiring more detail for retail character, fine grain lot patterns and recessed entrances.

Further consideration should also be given to encouraging retail uses in *Apartment Neighbourhoods* on *Avenues* to take advantage of commercial permissions in a way that is consistent with the Performance Standards where appropriate.

H. Character Areas and Performance Standard 19G

The Character Areas identified in the 2010 Study were not intended to govern the height of a mid-rise building, but rather the detailed design of new buildings in a sensitive context such as materials, openings and cornice lines. Height continues to be guided by the 1:1 relationship between total building height and the planned right of way.

Staff suggest that further restrictions to the maximum permitted height may be appropriate in the older parts of the city where the established traditional 'main street' urban fabric remains intact. In these areas, the prevailing built character is generally comprised of 20-metre wide ROWs framed by continuous 2-storey, street-oriented, mixed-use buildings with narrow storefronts, and often of heritage significance. In these cases, height should be restricted to a ratio of 0.8:1 between total building height and planned right-of-way width, or 16 metres.

I. Corrections:

During the monitoring and consultation process errors in the original Study came to light and need to be corrected. Most are minor in nature.

The 2010 Study Area Map and Retail Priority Map needs to be amended to include the south side of Bloor Street West. It was omitted due to an error interpreting the extent of the Swansea Secondary Plan area. This area should also be included on the Retail Priority Map.

Bloor West Village, defined as the stretch of Bloor St. between Jane St. and Clendenan Ave., should be included in the Character Area map. While it was initially overlooked as a Character Area, Bloor West Village exemplifies a traditional or historic retail 'main street' dating from the 1920's with simple brick-clad architecture representative of this time period. Furthermore, its unique history as the first Business Improvement Area in the world reinforces its standing as a Character Area.

Additionally, the Ledburn/Bedford Park Character Area should be extended east to run along Yonge St. between Lawrence Ave. E and Snowden Ave. in order to capture the full extent of the Bedford Park neighbourhood.

CONCLUSIONS AND NEXT STEPS

In general, the feedback received and data reviewed suggests that the Mid-Rise Buildings Performance Standards are working well. A few Performance Standards will require some changes and clarification, and a few additional guidelines are recommended.

This report represents the result of over five years of monitoring of the Performance Standards through data analysis of mid-rise building applications and consultation with city staff, City Council and external stakeholders (e.g. local residents and ratepayer groups, architects, urban designers, planners and developers), including experiences at the Ontario Municipal Board and advice from the Design Review Panel. The feedback

that was received through the data analysis and consultation process guided the recommended changes to the Performance Standards set forth in this report.

This report recommends that the Planning and Growth Management Committee approve the recommended changes to the Performance Standards as detailed in Attachment 1, and that the guidelines be stylistically formatted into the City of Toronto urban design guideline template.

This report further recommends that City Planning staff continue the development of draft Built Form Official Plan policies for the purpose of public consultations that include policies for mid-rise buildings.

Some 'Next Steps' have been identified through this process, and they will depend upon staff resources. Consideration for further study should be given to:

- A categorization of the *Avenues* as identified on Map 2: Urban Structure of the Official Plan according to prevailing and/or desired character types;
- Additional study and guidelines for extra deep lots;
- An additional submission requirement for Site Plan Control Approval applications that illustrates in a standardized format, how proposals meet the envelope created by the Performance Standards;
- The identification of areas where a 10 metre sidewalk zone (curb to building face) may be appropriate such as areas with higher order transit and high pedestrian volumes; and
- Additional monitoring over the next 5 year period to measure the City's success in implementing policies such as:
 - Public Realm: Hours of sunlight and sidewalk widths ;
 - Built Form: Ratio of total building height to planned right-of-way width, and density; and
 - Growth: New residential units and jobs on the Avenues.

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ATTACHMENTS

Attachment 1: Chart of Comments and Recommended Actions

Attachment 2: Data Summary

Attachment 3: Draft Visual Inventory

Attachment 4: New Table of Contents

Attachment 5: Summary of Survey

Attachment 6: Chief Planner Roundtable Summary