



**Confederation of Resident & Ratepayer  
Associations in Toronto**

Monday February 23<sup>RD</sup>, 2015

Planning and Growth Management Committee  
Committee Administrator, Nancy Martins  
10<sup>th</sup> Floor West Toronto City Hall, 100 Queen Street West  
Toronto, Ontario M5H 2N2

Sent via email: [pgmc@toronto.ca](mailto:pgmc@toronto.ca)

Dear Chair and Members of Planning and Growth Management Committee:

**PG2.1: Technical Amendments to City-wide Zoning By-law 569-2013 to  
Address Specific Appeals  
PGMC Meeting 2 – February 23<sup>RD</sup>, 2015**

CORRA, the Confederation of Resident and Ratepayer Associations in Toronto, is an independent incorporated confederation representing its member resident and ratepayer groups (unincorporated and incorporated) from the north, south, east, and central areas of the City of Toronto.

CORRA is an appellant to the City-wide Zoning By-law 569-2013 (ZBL569-2013). CORRA has responded to a number of "technical" amendments to this zoning by-law.

At this time, CORRA wishes to highlight for Planning and Growth Management Committee (PGMC) the impact and effect of Zoning By-law 1676-2013 (ZBL1676-2013) enacted by Council on December 17, 2013 that amended the "First Floor" definition and introduced a new regulation titled First Floor Location Requirement to Chapter 10.5.40.10. These amendments were considered at the time to be "technical".

CORRA has considered the amendments on existing buildings and proposed new construction within an existing neighbourhood context and conclude that the zoning amendments in ZBL1676-2013 are not technical but significant.

The amendments are most acutely felt on development proposals that combine the integrated garage with first floor levels that align to the top of these garages on narrow lots (generally 7.62m / 25 feet wide) that result in variance requests to main wall and overall maximum building heights in the new city-wide zoning by-law and to the heights of platforms/porches/decks under former Zoning By-law 438-86.

In summary, CORRA's recommended solution is asking:

1. **That the First Floor definition be restored** to its original intent to ensure the full intent of the regulation is consistently applied and to eliminate the manipulation of first floor height levels.
2. **That the platform height regulation related to the first floor be restored** as found in the former zoning by-laws. These platforms typically relate to grade level porches and decks and the regulation is needed to anchor the maximum first floor height of 1.2m from the specified grade and prevent overlook and structures that do not respect and reinforce the physical character of the area.
3. **That the minimum depth regulation of 0.9M of the basement level be restored or a related compensating regulation be introduced** to allow for the gross floor area (gfa) / floor space index (fsi) of such areas to be appropriately exempt from the calculation. This will stop development proposals with shallow basements to be exempt in areas where the gfa/fsi are used to control built form.

Recent cases at the OMB have revealed the gaps and CORRA is asking Planning and Growth Management Committee to request city planning staff to consider CORRA's attached assessment as a first step to help resolve the issue.

Sincerely,

*Eileen Denny*

Eileen Denny, Vice Chair

William Roberts, Chair

Confederation of Resident and Ratepayer Associations in Toronto

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Encls. CORRA's Assessment of the City's By-law 1676-2013 Amending the Definition of First Floor



CORRA is highlighting the impact and effect of Zoning By-law 1676-2013 enacted by Council on December 17, 2013 that amended the "First Floor" definition and introduced a new regulation titled First Floor Location Requirement to Chapter 10.5.40.10. CORRA has considered the amendments on existing buildings and proposed new construction within an existing neighbourhood context and conclude that the zoning amendments are not technical but significant.

The impact of amending the First Floor definition, Chapter 800.50 (255), and introducing a new regulation 10.5.40.10 (5) to address the required location and area of the first floor separately does not respect and reinforce the physical character of the City's established neighbourhoods according to the Official Plan Policies 4.1.5.

This is supported by the numerous issues raised by CORRA's members and associated resident and ratepayer groups that residential buildings are being approved for construction with very small "compliant" first floor areas. Depending on how these "first floor areas" are treated and the combination of other related requests to vary from the maximum permissions of first floor heights, main wall heights, overall building / ridge heights, and density; the combination of approvals or requests have and will result in residential buildings that present themselves differently on the street, in the rear yards and to nearby adjacent properties under the consolidated new City-wide Zoning By-law 569-2013.

The amendments involving the first floor level as contained in ZBL 1676-2013 also shine light onto the possible missing compensating regulations; regulations that existed in the former zoning by-laws to encourage buildings to respect and reinforce the physical character of the area.

### **CORRA RECOMMENDS THE FOLLOWING POTENTIAL SOLUTION:**

#### **1. Restoring the First Floor Definition:**

At a minimum, CORRA is seeking to restore the First Floor definition in ZBL 569-2013. The wording in the newly created regulation 10.5.40.10 (5) be removed and the removed words be used to restore the original definition of the First Floor. The amended restored First Floor definition would read as follows:

#### **CHAPTER 800.50 DEFINED TERMS**

##### **(255) First Floor**

means the \*above ground\* **[1]** floor of the **building**, other than an area used for a **parking space**, that

(A) is closest in elevation to the elevation of **established grade**

(B) has a floor area \*in excess of\* **[2]** 10 square metres; and

(C) must be within 4.0m of the front **main wall**.

##### **Notes:**

**[1]** a further amendment by inserting the words "above ground" to make clear what floor is being regulated; and

**[2]** replacing the words "a minimum of" with the original words "in excess of"



For additional information, Attachment A provides the original First Floor definition as originally enacted by ZBL569-2013, the consolidated ZBL569-2013 after incorporating the amending by-law 1676-2013, and the link to [By-law No. 1676-2013](#) for your reference.

In addition to amending and restoring the First Floor definition, additional amendments are required to reinforce the prevailing desired characteristic of near grade thresholds that is consistent with former zoning by-laws on which ZBL569-2013 is based. CORRA recommends:

## **2. Adding / Amending Platform Height:**

The maximum platform height is not specified in ZBL569-2013. Former ZBL483-86 under the definition of *landscaped open space*, stipulated a maximum height of 1.2m above the natural grade of the ground for uncovered platforms along the side main walls and rear main walls of residential buildings, while respecting setback requirements. Also under former ZBL483-86, not only was the maximum projection and setback requirements regulated for uncovered platforms along the main front walls of residential buildings, the platform height was stipulated to be 1.2m. Departures from the height of front and rear platforms generally resulted in variances to the building depth before permissions to build were granted under the former zoning by-law.

Without stipulating a height regulation for uncovered platforms in ZBL569-2013 replacement platforms for certain buildings where existing first floor heights are in excess of 1.2m would be as of right. The compensating regulation is platform height is missing and that regulation needs to be reinstated. CORRA suggests the following clauses addressing uncovered platforms at the rear/side and front main wall:

- (A) The maximum height of uncovered platforms above grade at the front main walls for residential buildings is not to exceed 1.2m from established grade.
- (B) The maximum height of uncovered platforms above grade at the rear or side main walls for residential buildings is not to exceed 1.2m above the ground at any point below the platform.

The added regulations can be located in Chapter 10.5, regulations that affect all residential zone categories, under 10.5.40.50 – Decks, Platforms and Amenities, or it can be inserted in the appropriate residential zones.

## **3. Amending Floor space index / Gross floor area:**

The gross floor area is the sum of the total area of each floor level of a building, above and below grade minus the areas listed in 10.5.40.40 (3). To ensure the appropriate basement area and floor level is exempt from the total gross floor area, CORRA suggests restoring a required measure of basement depth to allow for the basement floor area to be exempt from gross floor area (similar to wording from the definition of *residential gross floor area* in 438-86). The correction in combination with the basement definition in ZBL569-2013 would also address the issue of developments with shallow basements (1 foot below established grade) and thereby distorting the first floor level of the building and the overall number of storeys.

CORRA's suggested amendment would read as follows:

Chapter 10.5.40.40 (3) ... The gross floor area of a residential building, other than an apartment building, may be reduced by:

(A.1) the floor area of the basement, if the floor below the ground is at least 0.9m below established grade or 51% of the vertical clearance between the top of the floor below the ground and the ceiling immediately above it, whichever is greater.

Or alternatively, ZBL569-2013 could separately recognize the existing condition that allow existing basements at 0.9m below established grade to be exempt from the total gross floor area and the suggested above wording in (A.1) above would be amended accordingly.

#### **4. Properties with buildings limited by the No. of Storeys:**

For properties where residential buildings are limited by the maximum number of storeys, restoring the original definition of First Floor as noted in CORRA's recommendation No. 1 above and further inserting the words "above ground" will directly reference the appropriate floor to be the first floor for existing buildings and proposed new constructions rather than infer a previously exempt basement level as being the first floor (additional floor) and thereby suggesting a previously permitted 2-storey building to be described as a 3-storey building under the new zoning.

Many of the residential buildings regulated by a maximum permitted number of storeys are evaluated under lot coverage and as a result there would be no floor space index / gross floor area implications.

#### **SUMMARY:**

The unintended consequences of ZBL1676-2013 amending the First Floor definition highlights the absence of the compensating regulations that existed in the former zoning by-laws on which the new city wide zoning by-law is based and has resulted in development proposals with very small first floor areas with distorted first floor levels along the rear and front main walls that does not respect and reinforce the existing character of established neighbourhoods.

CORRA's recommendations to

- restore the First Floor definition with further refinements,
- reinstate platform height requirements at the front, side and rear main walls of residential buildings, and
- reinstate a required measure for basement depth or its equivalent to mitigate the impacts for residential buildings evaluated under floor space index / gross floor area

The collective recommendations will restore ZBL569-2013 to better implement the City's Official Plan Policies for Neighbourhoods.



ATTACHMENT A:

**A. ZBL569-2013 Original First Floor Definition:**

The original defined term in Chapter 800.50 (255) consisted of 3 parts that addressed the elevation as it relates to the established grade, the required interior floor area and its location relative to the front yard setback as provided below:

CHAPTER 800.50 DEFINED TERMS-ORIGINAL

(255) First Floor

means the floor of the **building**, other than an area used for parking, that:

(A) is closest in elevation to the elevation of the **established grade**;

(B) has an **interior floor area** in excess of 10 square metres; and

(C) is closest to the required **front yard setback**.

**B. Amending By-law 1676-2013 – First Floor definition:**

(<http://www.toronto.ca/legdocs/bylaws/2013/law1676.pdf>)

At the time of enactment, By-law 1676-2013 was considered to be a technical amendment to correct errors and omissions and to clarify regulation wording. Following the consolidation of Item numbers 8 and 9 from the amending By-law 1676-2013, the first floor definition retained the words related to the portion of a building's first floor as it relates to established grade, however the first floor interior floor area and its location relative to the front yard setback was reworded and was no longer part of the definition as noted below:

CHAPTER 800.50 DEFINED TERMS – FOLLOWING AMENDMENT

(255) First Floor

means the floor of the **building**, other than an area used for a **parking space**, that is closest in elevation to the elevation of **established grade**.

[By-law 1676-2013]

The reworded portion of the definition formed a new regulation under 10.5.40.10(5) First Floor Location Requirement and is applied to all residential zone categories. The amendment resulted in the following:

10.5 REGULATIONS APPLYING TO RESIDENTIAL ZONE CATEGORIES

10.5.40.10 (5) First Floor Location Requirement [New]

A minimum of 10 square metres of the **first floor** must be within 4.0m of the front **main wall**. [By-law 1676-2013]

The reworded floor area and the location relative to the front main wall of the first floor representing the new regulation 10.5.40.10 (5) can now be subjected to variance requests.