



Confederation of Resident & Ratepayer
Associations in Toronto

**RESPONSE TO STAFF MID-RISE REPORT CHART OF COMMENTS & RECOMMENDED ACTIONS
(Amended following CORRA's Special Meeting held October 4, 2015)**

OPENING COMMENTS

The mid-rise guidelines have already been used to support intensification not only on *Avenues* but in other areas, such as Ossington Avenue, and now staff is recommending these guidelines be applied in even more areas. This expansion of the guidelines contradicts the cornerstone Official Plan policy set out in part 2.2.2 which stipulates that growth will be directed to the *Centres, Avenues, the Downtown area, and Employment Districts*.

The issue of infrastructure has been given short shrift. The connection between infrastructure and proposed growth is not being reinforced by the guidelines despite Official Plan policies set out in parts 5.3.3.1 through 4.

The Planning staff report says it represents the results of various consultations and advice from the Design Review Panel. In fact, no presentation was made to the Design Review Panel until two weeks after the staff report was already completed and given to the Planning & Growth Management Committee.

Representatives of CORRA and our member ratepayer groups who attended a meeting with City Planning on April 24, 2015, were told that we and they would be advised and receive notice when the guidelines were finalized. CORRA has contacted our member groups and other groups have contacted us indicating that they did not receive notice that the guidelines were going to Planning and Growth Management.

Consequently on September 14th, we asked the Planning & Growth Management Committee to defer consideration of staff's recommended actions until we could study them, which they did.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG6.6>

We are forwarding our observations and suggestions here to assist your own analysis of the impact of the proposals on your area in particular and the City in general.

The report should be read in its entirety. However, we address the *Recommended Actions* associated with the *Feedback* sections of the Chart since most of the specific staff recommendations are set out in the Chart.

<http://www.toronto.ca/legdocs/mmis/2015/pg/bgrd/backgroundfile-83198.pdf>

We are following the headings in the Chart and are providing comments on those parts to assist you.

Flexibility

This is a positive step forward and could be viewed as an appropriate response to concerns raised and listed in the City's Chart of Comments.

The nub of the issue is: "Is this sufficient and/or appropriate, **given the recommendations in chart section 5: Applicability of Performance Standards?**" In particular we question the recommendation that these standards be applied across the City except for *Neighbourhoods, Parks and Natural Areas*. Our commentary on this point is below.

Definitions

Until the specific wording is provided, this could be positive or negative. The issue turns on the breadth of the areas the guidelines will now be directed to. The "new statements for what defines a mid-rise building" should be included in the guidelines and in the chart.

Applicability of Performance Standards

Suggesting that the guidelines be applied to *Employment, Institutional, and Apartment Neighbourhoods* extends intensification into areas which are supposed to be stable or areas where jobs are being created. Limiting the Performance Standards to Major Streets on Map 3 may not be a sufficient. Nor may a 20m width be the correct limiter.

In addition there is an inherent contradiction in the suggestion the guidelines can override plans that are not up-to-date. This will be in the eye of the beholder and contradicts Official Plan Policy 5.6.6 which stipulates where there is a conflict the Secondary Plans will prevail over general policy. If it is deemed a Secondary Plan is not "up-to-date" then there should be a whole review of the Secondary Plan and not a site specific amendment bolstered by the guidelines. This also runs counter to Policy 5.3.1.1 to 4 and 5.4.1 and .2.

In the end this is really makes the OMB the eye of the beholder.

While this part of the chart is an attempt to rein in inappropriate intensification, it may well have the opposite effect. It presumes there will be additional work on the wording, but the experience of ratepayer groups near *Avenues* and in the Ossington context is that the development industry treats the guidelines as gospel to the extent it supports the push for greater intensification, but treats the specifics of angular planes, etc., as optional.

Secondary Plans should not be indirectly amended by using the Guidelines and such action should not form the basis for a site specific OPA.

Allowing residential uses in *Employment Areas* where they are not presently permitted is problematic. It will put manufacturing jobs at risk since the environmental standards to be met will be increased. Driving out higher paying and in many cases union jobs to provide housing should be a nonstarter. This should not be encouraged in the guidelines. This is an issue of land use planning and not design.

Similarly the term “local context” as a limiter in *Apartment Neighbourhoods* will be left to be defined by the Ontario Municipal Board and the land use planners hired by the developer to support the proposition that the proposal does match the “local context,” whatever that is.

Mixed Use areas that are not shown as *Avenues* are problematic. There should be a requirement for the equivalent of Segment Studies before such intensification is allowed, as set out in the side bar in the Official Plan chapter 3, headed *Existing and Planned Contexts* which is referenced in 3.1.2.1, 3.1.2.2, and 3.1.2.3. At a minimum the maximum height in these additional areas should be .8:1.

Parking Standards

A reduction on parking requirements is contentious, and should be phased in over a period of years to avoid an immediate, unacceptable impact on neighbourhood parking (as, for instance, it had in the Asquith Avenue neighbourhood). In the meantime the city should support the creation of a neighbourhood market for underused parking spaces in new developments. In particular, there should be a recommendation to explore ways to provide for market parking to support the surrounding businesses and the area in general.

Amenity Space

Private balconies should not be encouraged for all units (as they are in recommendation #12 below). Developers say that they are popular, but in practice they are little used. Attractive alternatives (as in the preliminary designs by Hariri Pontarini for 540 King Street East, using sliding glass “walls” with glass balustrades) are available that both increase useable indoor space and give residents immediate access to “outdoors.”

Avenue Studies

While the chart appears neutral, the thrust of the attached report is to question, since the guidelines exist, why are Avenue Studies and Segment Studies still being done? The obvious answer is that a significant component of those studies is infrastructure (if there is any failing with the Segment Studies it is that they only list infrastructure and do not do the necessary analysis of whether the infrastructure can actually support proposed development). Smart Growth is predicated on sustainable development, and development is not smart if the

Mid-Rise Buildings – Performance Standards - Continued

supporting infrastructure does not exist or is not planned to anticipate the proposed growth. For that reason site by site development is not sufficient to identify future needs. It was for that reason Avenue Studies or Segment Studies were deemed necessary prior to the approval of a development which would have implications not only in the area immediately around the site but demands to the entire area if the development were replicated.

Deep Lots & Irregularly Shaped Buildings

We agree further study needs to be done. However, in the interim these guidelines will be used to develop those lots. It is not clear that the limitation in the “Applicability of Performance Standards” section prohibits using the remainder of the lot to meet angular planes.

Ontario Municipal Board Hearings

The feedback section of the chart states, “Performance Standards are helpful in early stages of Ontario Municipal Board hearings.” What is meant is “early stages of planning negotiations.”

We support including performance standards in the Official Plan, but the devil will be in the detail. Since this can cut two ways, we cannot sign off on whether such standards are appropriate, without seeing the specifics.

We now address the *Recommended Actions* in the 19 numbered sections pertaining to the 2010 Performance Standards:

#1 Maximum Allowable Height

It would be better to state that tall buildings are normally those whose height exceeds the 1:1 right-of-way ratio which is the maximum height for mid-rise buildings. (That can only be achieved based on a full analysis as set out in Official Plan chapter 3.1.)

The idea that a 36m building could be called “mid-rise” would astonish most residents. Such a building would be *higher* than 11 stories. Thus, the upper limit of a mid-rise building should be the metric equivalent of 11 stories, even if on a very wide street the 1:1 ratio would allow a taller building.

Mechanical penthouses should be included in the total building height, not excluded. Perhaps it is reasonable not to include mechanical penthouses in floor space index figures, but it is untrue that they are invisible or really don’t exist. This should be recognized with respect to mid-rise building and all others as well.

#3 Minimum Ground Floor Height

No objection to the correction, subject to the comments of the area ratepayers.

Including the minimum of 5 hours sunlight in the Official Plan is acceptable, but this number first occurred in the City of Toronto's Official Plan for the Central Area. There may be a question whether this is the appropriate standard outside the Central Area. Indeed we would recommend a higher standard for areas that affect parks and areas outside the Downtown.

#4A Front Angular Plane

No objection to the corrections.

The requirement for a 4.5m ground floor height is onerous and is not appropriate in all locations, especially on 20m right-of-ways. The report should be exploring the creation of exception criteria. This is necessary in particular in order to respect the physical character of an area and even more so in Character Areas. Specific exemption criteria should be part of this document.

#4B: Pedestrian Perception Stepback

This is a minimal improvement.

The recommendations include: "Buildings on 36m right-of-ways should have a 1.5m stepback at a height of 16.5m." We do not believe that a stepback at 16.5m has any meaning for a pedestrian. A more appropriate standard for all areas with right-of-ways above 30m would be a stepback at 13.5m.

#4C: Front Façade Alignment

Façade alignments at the property line are not always appropriate. Until criteria for requirements (or not) for front façade alignment are articulated, we cannot comment.

#5A-D: Rear Transition

Subject to seeing the specifics, these changes appear beneficial, except for extra deep and irregularly shaped lots – which vary so greatly that rigid standards may not be feasible. Further, with respect to #5B: we presume, based on Council's direction of July 6, 2010, that Enhancement Zones no longer form part of the guidelines. If the recommendations are to adopt the provisions of Enhancement Zones as shown in the Consultant's report, then CORRA opposes this.

#7A: Minimum Sidewalk Zones

We endorse the recommendations that new ideas need to be generated about “sawtooth” front yard setbacks, although we recognize the difficulty in accomplishing this in already highly-developed areas.

#8A: Side Property Line: Continuous Street Walls

The recommendation that continuous street walls are not needed adjacent to the set areas while at the same time creating exceptions to this is awkward. In fact continuous street walls often negatively impact on these areas. One ratepayer group specifically raised this issue at the Planning meeting that was held. Continuous street walls, while an excellent idea in places like downtown Niagara on the Lake, do not always create a good pedestrian experience. The continuous street wall standard should remain a guideline, not a requirement.

Six stories as the start of a stepback may not be appropriate.

#8C: Stepbacks at Upper Stories

While referencing the need to discourage slab buildings, the reality is that tower-in-the-parks high-rises were encouraged to get away from 6-storey slab buildings.

#8D: Side Property Line: Existing Side Windows

The specifics matter greatly, and should be part of this document. We therefore cannot comment on whether this recommendation is supportable.

#8E: Side Property Line: Side Street Setbacks

Subject to the specifics, we may comment in the future.

#10: At-Grade uses: Residential

The suburban context is often different than the inner City. This appears to be supportable.

There is no need for allowance in residential buildings for future conversion to retail uses. Presumably this means patios at least 4.5m deep, for future restaurant use. The mid-rise buildings studied for this report do not do this, and it should not be a requirement.

#s 11, 14, 15, 16A-B, 17, 18

No comment.

Mid-Rise Buildings – Performance Standards - Continued

#12: Balconies & Projections

These should be neither encouraged nor discouraged. This is not a planning issue. Architectural ingenuity should be encouraged because most balconies are already too narrow for any reasonable use except storage.

#13: Roofs and Roofscapes

“Total building height” should include (not exclude) mechanical penthouses because, in fact, it does.

#19 A-G: Heritage & Character Areas

We support the recommendation to correct the areas to be covered by the character areas without reservation. We further support applying certain aspects of the character standards beyond character areas. We question why the .8:1 standard may be applied. It is our position that it should be applied. If anything in some character areas even the .8:1 height to right-of-way ratio may be excessive, resulting in buildings that are out-of-scale.

*** End ***

CORRA’s SUMMARY OF RECOMMENDATIONS

(as extracted from CORRA’s written submission dated October 6, 2015 to PGMC)

What follows are CORRA's specific responses to the staff commentary and recommendations in the chart in appendix 1 of the staff report. CORRA's responses were endorsed by over a dozen resident and ratepayers groups at CORRA's October 4, 2015 meeting.

Concerning the proposed recommendations, CORRA

1. objects to the mid-rise guidelines' being applied beyond the Avenues, and recommends deleting staff's recommendation extending the policies to Mixed Use Areas, Employment, Institutional or some Apartment Areas;
2. objects to a clause, under the performance standards, that begins "As well, they may apply in some secondary plan areas where the plan may not be "up to date," and recommends that the clause be deleted;
3. requests that the City do full infrastructure studies throughout the City prior to considering any City-wide intensification beyond the Avenues;
4. requests that Guideline 5b (concerning "Enhancement Zones") be deleted from the guidelines, as per Council's decision of July 16, 2010 which directed staff to not apply this standard;

5. requests that the guidelines for flanking streets include statements for setbacks, stepbacks, and appropriate transition be provided applying not just to low-rise residential buildings across from the proposed mid-rise building, but also to the flanking low-rise residential buildings on the same side of the street;
6. requests that the height-to-ROW ratio in character areas not exceed 0.8:1, and that the guidelines specifically flag that a lower number may be more appropriate given the local context;
7. requests that application of the guidelines within character areas require replication of fine-grained retail and any other contextual features relevant to preservation of the associated character;
8. requests that the guidelines reference the content set out in the side bar in Chapter Three of the Official Plan on page 3-7, which stipulates that

“Where there are no height and density limits in the Plan and no area zoning implementing the Plan, height and density aspects of the planned context will be determined on the basis of an area review such as that undertaken to implement Subsection 2.2.3.3 b) of the Plan. In this case, in determining an application, Council will have due regard for the existing and planned contexts”;

9. requests that the committee/staff note and place on record that CORRA disagrees with any suggestion that Avenue or other relevant Area Studies are not needed prior to application of the guidelines. Such studies consider, at a minimum, the whole of a segment, not simply the site; they are crucial for ensuring that any mid-rise intensification is context-sensitive; and they are crucial for ensuring that soft and hard infrastructure capable of supporting any mid-rise intensification is in place;
10. recommends that the proposed staff recommendations be amended generally to require that any amendments to the Official Plan or other documents and any further meetings reviewing the guidelines by City staff will follow the notice requirements for such meetings, and that all stakeholders including BIAs, tenant associations, ratepayer & resident associations, and property owners be fully consulted and involved.
11. requests deletion of the staff recommendation noted in the Avenues & Mid-Rise Buildings Study, Section 4.5.5, which allows for the consideration of cash-in-lieu of amenity space in cases where lots are near parks.

CORRA is requesting that consideration of this agenda item be deferred until the November PGMC meeting, in order to allow all groups time to more fully digest the staff report and its recommendations (which time is especially crucial for groups that are just now learning about how staff is recommending that the mid-rise buildings performance standards be used), and in order to provide the Committee time to consider the material submitted by CORRA, as well as other groups and members of the public.

Substantive Issues – Response to Specific Staff Comments / Recommendations:

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Thank you for your consideration.

Sincerely,

CORRA Executive Team
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