



**STAFF REPORT
ACTION REQUIRED**

**Mid-Rise Building Performance Standards
Monitoring – Supplementary Report**

Date:	October 27, 2015
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	All
Reference Number:	P:\2015\Cluster B\PLN\City Council\CC15134

SUMMARY

On October 8, 2015, the Planning and Growth Management Committee adopted the Mid-Rise Building Performance Standards Monitoring report from the Chief Planner and Executive Director, City Planning. The 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 internal and external stakeholders. The report recommended that staff make the minor adjustments to the Mid-Rise Buildings Performance Standards outlined in the report, and for the updated guidelines to be stylistically formatted into the City of Toronto urban design guideline template to be used in the review of mid-rise building development proposals where appropriate.

This supplementary report responds to a motion made by the Planning and Growth Management Committee on October 8, 2015, that staff report to City Council with a supplementary report on ways to mitigate, or best address, rooftop mechanical and other concerns raised by the public speakers on mid-rise buildings.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Council direct City staff to reinforce the intent of Zoning By-Law 569-2013 provisions by stating in the Mid-Rise Building Performance Standards that habitable space is discouraged above the maximum allowable building height.
2. Council direct City staff to include the list of issues raised by deputants at the October 8, 2015 Planning and Growth Management Committee meeting, as

summarized in Attachment 1, to the report's 'Recommended Actions' section of Attachment 1 as part of a future work plan that further evaluates the success of the Mid-Rise Performance Standards.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A report was prepared for the October 8, 2015 meeting of the Planning and Growth Management Committee on the Mid-Rise Buildings Performance Standards Monitoring. The report was reviewed by the Committee and was adopted with amendments, including a request for City staff to prepare this supplementary report (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG7.1>).

COMMENTS

In July 2010, Council directed City staff to use the Mid-Rise Building Performance Standards in the evaluation of mid-rise development proposals and report on their effectiveness after a monitoring period. The most widely used Performance Standard is for a 'Maximum Allowable Height,' which requires that mid-rise buildings maintain a 1:1 right-of-way width to building height relationship. The intent of the 1:1 ratio is 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.

The Mid-Rise Building Performance Standards Monitoring report (August 28, 2015) identified many cases in which the 1:1 right-of-way width to building height ratio has been exceeded by wrapping residential units around the mechanical penthouse. This practice has created a need for City Planning staff to clarify how rooftop mechanical penthouses are addressed in relation to the building height. The purpose of this Supplementary Report is to clarify existing zoning provisions for mechanical penthouses and the Mid-Rise Building Performance Standards Monitoring report's intent on habitable space above the 1:1 total building height, as well as other concerns raised by the public speakers.

Under the City of Toronto's Zoning By-Law 569-2013, the height of buildings in Commercial Residential Zones is defined as the distance between the average elevation of the ground along the front lot line and the elevation of the highest point of the building. The Zoning By-law's definition of a building height excludes equipment and structures located on the roof of a building, such as electrical, utility, mechanical and ventilation equipment. As stipulated in the Zoning By-Law, equipment and structures located on the roof of a building, such as the mechanical penthouse, may exceed the maximum height of the building by 5 metres. Mechanical penthouses may also cover no more than 30% of the area of the roof, and may not exceed 20% of the width of the building's main walls facing a street. The Performance Standards further address mechanical penthouses by requiring them to fall within the prescribed front and rear angular planes.

The purpose of By-Law 569-2013 is to provide a modest amount of space on the rooftop of buildings to accommodate various functional components, such as mechanical equipment or access stairwells. It is not the intent of the By-Law to permit additional building height for habitable space and dwelling units. To maintain consistency with the intent of the By-Law, this Supplementary Report recommends that the Performance Standard #13: Roofs & Roofscapes be revised to clearly state that habitable space above the 1:1 right-of-way width to building height ratio is discouraged.

During the Planning and Growth Management Committee meeting on October 8, 2015, deputants raised additional concerns related to the Mid-Rise Building Performance Standards Monitoring report. City staff have already addressed some of these concerns by crossing out the 'Enhancement Zones' section of Performance Standard 5b on the online version of the document, and correcting the Ledbury/Bedford Park Character Area boundary by extending it further north to Yonge Boulevard. Fully addressing other concerns, such as applying the Performance Standards to non-*Avenue* sites and in some secondary plan areas, will require more time and resources. It is recommended that these concerns as outlined in Attachment 1 be added to the report's 'Recommended Actions' section of Attachment 1 as part of a future work plan that further evaluates the success of the Mid-Rise Performance Standards

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ATTACHMENT

Attachment 1: Full List of Deputant Issues

ATTACHMENT 1: FULL LIST OF DEPUTANT ISSUES

The following is a list of the unresolved issues and recommendations that were expressed by the deputants for the Mid-Rise Building Performance Standards Monitoring report at the October 8th, Planning & Growth Management Committee meeting:

- Objections to the Performance Standards being applied beyond the *Avenues*, and recommends deleting staff's recommendation extending the policies to *Mixed Use Areas, Employment Areas, Institutional Areas* or some *Apartment Areas*;
- Objections to applying the Performance Standards in areas with Secondary Plans where the plan may not be up-to-date.
- Request that the City do full infrastructure studies throughout the City prior to considering any City-wide intensification beyond the *Avenues*;
- Request that the Performance Standards for flanking streets include statements for setbacks, stepbacks, and appropriate transition be provided that apply 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;
- Request that the building height to right-of-way width ratio in Character Areas not exceed 0.8:1, and that the Performance Standards specifically flag that a lower number may be more appropriate given the local context;
- 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;
- Request that the Performance Standards 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”;
- Request that the committee/staff note and place on record that the Confederation of Resident Ratepayer Associations in Toronto 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;

- Recommend 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 Business Improvement Area's, tenant associations, ratepayer & resident associations, and property owners be fully consulted and involved.
- Request 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.