



Confederation of Resident & Ratepayer
Associations in Toronto

May 10, 2016

Planning and Growth Management Committee
c/o Secretariat Support, Ms. Nancy Martins
Toronto City Hall, 100 Queen Street West
Toronto, ON M5H 2N2

Sent via Email: pgmc@toronto.ca

Dear Chair Shiner and Members of Planning & Growth Management Committee (PGMC):

<p>PG12.7: Mid-Rise Building Performance Standards Monitoring Planning and Growth Management Meeting No. 12 – May 11, 2016</p>
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CORRA, the Confederation of Resident and Ratepayer Associations in Toronto, is writing to Planning and Growth Management Committee (PGMC) to make the following request:

That performance standards / guidelines (whatever name one wishes to use) are not equivalent to policy or law and CORRA attaches our summary to Council's Referral of PG7.1; and

That planning staff from Strategic Initiatives, Policy and Analysis (SIPA) conduct the OP matters concerning Avenues and Built form Policies and to adhere to the established consultation and statutory requirements to make amendments to the OP.

The reasons for the request are:

- The official plan is the most important vehicle for implementation of the provincial policy statement. Comprehensive, integrated and long-term planning is best achieved through official plans as stated in provincial policy.
- Toronto's Official Plan (OP) sets out the general long range framework for future land use through written policy and land use designations to direct physical change and manage the effects on the social and economic and natural environment of the City, as required by the Planning Act.
- It is the Zoning By-laws, site and area specific zoning, that implement the OP's land use objectives. The Zoning By-laws contain specific and legally enforceable regulations.

- The OP also sets out the procedures for informing and obtaining the views of the public in respect of a proposed amendment to the OP or proposed revision of the plan or in respect of a proposed zoning by-law.

To effect change to the OP and Zoning By-laws, statutory requirements must be met. And the authority to make or amend these planning instruments is granted to Council. This authority cannot be delegated.

The current 5- year review of the OP was adopted by Council to come forward based on a 'themed' approach. Any OP considerations in this agenda item with respect Avenues and Mid-Rise must also adhere to the same process, as required by legislation.

To more specifically address the Performance Standards for Mid-Rise Buildings as found in Chapter 3 of the Avenues & Mid-Rise Buildings Study (The Study), CORRA re-confirms:

1. That the performance standards that form part of the Study or "guidelines" are not equivalent to policy or law.
2. That the applicability of the mid-rise building performance standards;
 - a) Ensure the performance standards are applied to and limited to the Avenues as originally intended;
 - b) Require the performance standards not be applied on a site by site basis unless the site is evaluated in the context of the area with equivalent area studies as provided in the Official Plan;
 - c) Remove all recommendations that the mid-rise standards override zoning, area zoning, area plans and secondary plans;
 - d) Remove all recommendations allowing for density ranges and not permit such standards to override applicable law – zoning and area zoning – and not to pre-determine the density without following the legislated requirements; and
 - e) As promised to all resident and ratepayer groups their context sensitive requests / corrections that includes an amendment to Height such that overall height of buildings in Character Areas be reduced to 0.8 : 1 of the road right of way, or lower as determined by existing context.
3. That Council's Referral of PG7.1 held on October 8, 2015 has not been fully considered. The amended chart does not set out the performance standards and intended proposed amendments.
4. That CORRA does not support the uneven treatment in addressing issues raised by the speakers / deputants for PG7.1 held on October 8, 2015 (PG7.1). This is administratively and procedurally unfair.

5. That Council's direction to monitor and report the effectiveness of the Mid-Rise Buildings Performance Standards as found in the Study remains outstanding even after requests for extension and now is being ignored entirely.
6. That proposed amendments to the OP under the 5-year review, that may be considered in this report should be reported separately and to follow Council's direction on the 5-year OP review. As such any potential OP amendments contained in this report fails the legislative due process for amending the OP.
7. That the reports lack the support of planning staff from the Strategic Initiatives, Policy & Analysis (SIPA).
8. It remains unclear what is being recommended and the reporting thus far demonstrates this confusion -- Staff Reports now comprise of,
 - (i) the Staff Report dated August 28, 2016,
 - (ii) Supplementary Report considered by Council in November 2015 dated October 27, 2015,
 - (iii) Supplementary Report 3a dated March 11, 2016, and now
 - (iv) Mid-Rise Building Performance Standards Monitoring dated April 20, 2016.

These reports are followed by numerous attachments and addendums.

9. That the reporting continues to lack continuity and the key direction remains with Council.
10. That Notice as repeatedly requested to ensure procedural fairness and meaningful participation remains unheeded. Five business days notice on a standing committee agenda to consider planning issues is not adequate.

Respectfully submitted,

Eileen Denny, Chair
Confederation of Resident and Ratepayer Associations in Toronto

Attachment A: CORRA's Mid-Rise Building Performance Standards Monitoring

**ATTACHMENT A: CONFEDERATION OF RESIDENT AND RATEPAYER ASSOCIATIONS (CORRA) RECOMMENDATIONS [SEE NOTES]
 PLANNING AND GROWTH MANAGEMENT COMMITTEE (PGMC) MEETING JANURAY 20TH, 2016 and May 11, 2016
 AGENDA ITEM PG9.8 and PG12.7: MID-RISE BUILDING PERFORMANCE STANDARDS MONITORING – COUNCIL REFERRAL**

COMMITTEE PG7.1 AND SUPPLEMENTARY REPORT PG7.1a RECOMMENDATIONS	COUNCIL MOTIONS Cllr DiGiorgio; Cllr Doucette; Cllr Matlow	CORRA’S RECOMMENDATIONS TO COMBINED COMMITTEE RECOMMENDATIONS & MOTIONS
RECOMMENDATION 1: City Council direct that Performance Standard #1 of the Mid-Rise Buildings Performance Standards be amended by:	1. City Council direct that Performance Standard #1 of the Mid-Rise Buildings Performance Standards be amended by:	CORRA’s RECOMMENDATION 1:
a. including a 0.8:1 ratio (or 16 metre height limit) in Character Areas as defined in the Avenues and Character Area Map, as revised, which have 20m right-of-ways, as shown on Map (3) of the Official Plan; and	a. including a 0.8:1 ratio (or 16 metre height limit) in Character Areas as defined in the Avenues and Character Area Map, as revised, which have 20m right-of-ways, as shown on Map (3) of the Official Plan, excluding areas that have a local planning study that speaks to different heights, or existing zoning permission that exceeds 16m;	a. including 0.8:1 maximum height ratio in Character Areas as defined in the Avenues and Character Area Map, as revised, <u>on the four prevailing right of ways, 20m, 27m, 30m and 36m</u> as shown on Map (3) of the Official Plan, and that the 0.8:1 ratio may be lowered as <u>determined by the existing local context.</u>
b. including a 0.8:1 ratio (or 21.6 metre height limit) in Bloor West Village, defined as the stretch of Bloor St. between Jane St. and Clendenan Ave.	b. including a 0.8:1 ratio (or 21.6 metre height limit) in Bloor West Village, defined as the stretch of Bloor Street between Jane Street and Clendenan Avenue;	b. No change.
	c. including a provision that the maximum density on major streets not designated as Avenues or mixed use areas not exceed eighty percent of the density available on the same lands if the lands were located on an Avenue;	c. CORRA <u>does not</u> support the inclusion of zoning by-law density in guidelines. The request should be considered as an amendment to zoning for certainty, application, and enforcement. Alternatively, it could be part of the OP review to differentiate the scale of intensification of Mixed Use Areas outside the <i>Avenues</i> .
	d. including a provision that the measurement of the 45 degree angular plane on the front of a building in a Commercial Residential zone or Apartment Residential zone with commercial at grade begin at a height that is equal to sixty	d. The motion be replaced with the following: “Overall height will be subject to a 45 degree angular plane on the front of the building facing the main street from a height of 60% of the right of way or the minimum height of 10.5m, whichever is higher that front the Avenue

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	percent of the street right-of-way on which the lot has frontage.	including buildings in the Character Areas, except where the angular plane in a local planning study or in the existing zoning permission is more restrictive.”
<p><u>1. Supplementary Report 7.1a:</u> 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.</p>	<p>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.</p>	<p>e. No change. CORRA supports this recommendation and denotes this as ‘1 (e)’ of the combined motions and recommendations.</p>
<p><u>RECOMMENDATION 2:</u> City Council authorize City Planning staff to make minor adjustments to the Mid-Rise Buildings Performance Standards, as amended by Recommendation 1, and as set out in Attachment 1, Chart of Comments and Recommended Actions, to the report (August 28, 2015) from the Chief Planner and Executive Director, City Planning.</p>	<p>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, and City Council direct City staff to report to the Planning and Growth Management Committee on the issues raised by the deputants as part of the larger Official Plan Review, anticipated in the third or fourth Quarter of 2016.</p>	<p><u>CORRA's RECOMMENDATION 2:</u> City Council direct planning 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 of the supplementary report (dated October 27, 2015), the written submissions received, the additional motions, as may be amended or augmented, and the report's 'Recommended Actions' section of Attachment 1 of staff report dated August 28, 2015, as part of Council's request for further consideration and to provide a report to Planning and Growth Management Committee no later than first quarter 2016 with Notice to residents, ratepayers and their groups and other interested members of the public that would allow the public to make representations on the revised recommendations to the Mid-Rise Performance Standards prior to making any changes.</p>
<p><u>2. Supplementary Report 7.1a:</u> 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</p>	<p>1. City Council request the Chief Planner and Executive Director, City Planning to consult with and inform Residents' Associations and other</p>	<p><u>CORRA's RECOMMENDATION 3:</u> City Planning Staff be directed to update the Avenue & Mid-Rise Buildings Study to the City of Toronto Urban Design Guideline to be used in the</p>
<p><u>RECOMMENDATION 3:</u> City Council authorize City Planning staff to stylistically format the updated guidelines into the City of Toronto urban design guideline</p>		

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<p>template to be used in the review of mid-rise building development proposals where appropriate.</p>	<p>interested community members on issues related to the implementation of the Midrise Buildings Performance Standards in the first quarter of 2016.</p>	<p>review of mid-rise buildings only following the release of a <u>draft version of such Guidelines</u> resulting from City Planning staff :</p> <p>a. Providing full and proper Notice to consult and inform Resident and Ratepayer groups and other interested community members on issues related to the implementation of the Mid-Rise Buildings Performance Standards in the first quarter of 2016.</p> <p>The issues related to implementation will include:</p> <ul style="list-style-type: none"> i. The applicability of the mid-rise guidelines being applied beyond the Avenues. ii. The applicability of the mid-rise guidelines being used on a site-by-site basis without appropriate area studies. iii. The applicability of the mid-rise guidelines being used to override or amend existing zoning, area zoning, and area plans without appropriate study, and secondary plans without comprehensive studies. iv. The applicability of the mid-rise guidelines being used to override applicable zoning by-laws such as density. <p>[issues i to iv, as noted in the Recommended Actions under the "Applicability of Performance Standards"]</p> <p>To implement any one of the above issues singularly or in combination and extending the use of mid-rise guidelines to areas outside the <i>Avenues</i> as originally intended, to areas with land use designations of <i>Mixed Use Areas</i>, <i>Employment</i>, <i>Institutional</i> and some <i>Apartment</i></p>

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		<i>Neighbourhoods</i> require appropriate area studies at a minimum and comprehensive studies when secondary plans are involved. All these studies require a decision making process that is outlined in and required by the City's OP and Planning Act.
	2. City Council request the Chief Planner and Executive Director, City Planning to consult with Residents' Associations and other interested community members on future locations for Secondary Plans, Area Plans and other comprehensive Planning frameworks.	b. No change.
	3. City Council request the Chief Planner and Executive Director, City Planning to report to the Planning and Growth Management Committee on the feasibility of including the initiatives in Recommendations 1 and 2 above in the City Planning 2016 work plan.	c. The request to report on feasibility to address CORRA's questions as noted in our November 2015 submission: What costs will be borne on the City's current and future taxpayers when tall (1:1 and more) and mid-rise buildings are permitted most everywhere outside areas designated for growth? Has the City considered the unintended and indirect costs of displacement, housing affordability, additional service requirements and the potential cannibalization of existing vibrant communities that work? Is the City going to continue to rely on the existing hard infrastructure in place to service this widespread buildout? And is this how the City proposes to manage growth?
RECOMMENDATION 4: City Council request the Chief Planner and Executive Director, City Planning to continue the development of draft built form policies for the purpose of public consultations that include	Councillor Doucette's motion no. 2 above could also be seen as modifying the Committee Recommendation 4.	CORRA's RECOMMENDATION 4: City Council request City Planning Staff to continue the development of draft built form policies with added consultation requirements should significant portions of the built form

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policies for mid-rise buildings and to report to the Planning and Growth Management Committee in the fourth quarter of 2016 with respect to such potential Official Plan policies		policies include policies for mid-rise buildings that were not part of the initial consultations. These additional consultations are to be scheduled well in advance of any release of draft OP policies for built form.

NOTES:

1. Motions are colour coded to make clear the motions have been considered jointly.
Blue for Cllr DiGiorgio; Red for Cllr Doucette; and Green for Cllr Matlow.
2. The summary chart was prepared to match the motions to the original Committee and Supplementary Report (PG7.1a) Recommendations for Agenda Item PG7.1 and to address the combined recommendations as part of the Council's decision to refer the matter back for further consideration. The summary chart is part of CORRA's written submission dated January 19, 2016.
3. CORRA's recommendations rests on the foundation that:
 - i. Proper and full due process including Notice is to be respected with all Council decisions and in particular when changes are contemplated to the OP policies and zoning;
 - ii. The Mid-Rise Performance Standards be limited to the *Avenues* as originally intended; and
 - iii. CORRA's position remains that *Avenues* and other relevant Area Studies are necessary prior to the application of guidelines. Such studies consider at the minimum, the whole of a segment, not simply the site; the studies are crucial for ensuring that any mid-rise intensification is context-sensitive; and the studies are crucial to ensuring that soft and hard infrastructure capable of supporting any mid-rise intensification is in place.

Source Information: Planning and Growth Management Committee Meeting Agenda Item PG9.8

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG9.8>