



# STAFF REPORT ACTION REQUIRED

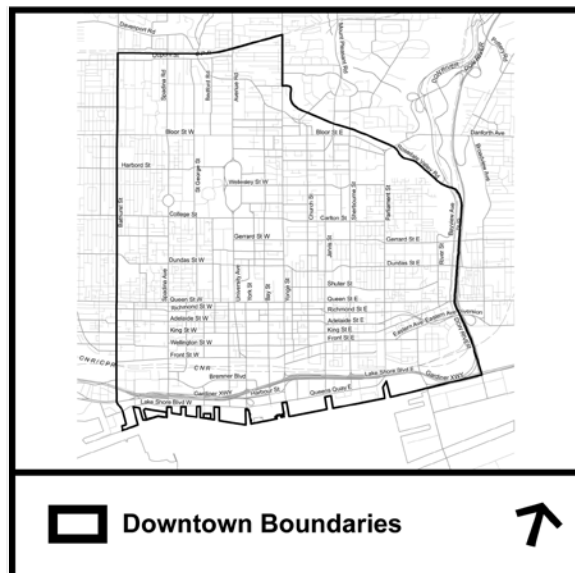
## TOcore: Updating Tall Building Setbacks in the Downtown – City-initiated Official Plan Amendment and Zoning By-law Amendments – Final Report

<b>Date:</b>	May 27, 2016
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward Nos. 20, 27 and 28
<b>Reference Number:</b>	File No. 16-103066 SPS 00 OZ

### SUMMARY

This report recommends that City Council adopt the proposed City-initiated Official Plan and Zoning By-law Amendments to update the policies and performance standards for front, side and rear lot line setbacks for tall buildings in the Downtown.

This report and body of work is part of TOcore: Planning Toronto's Downtown, a three-year, inter-divisional study led by City Planning. The purpose of TOcore is to ensure growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how and where future growth will be accommodated, shaped and managed and b) what physical and social infrastructure will be needed, where it should be located and how it will be secured.



This report presents the outcomes of a six-month study and recommends amendments to the Official Plan and two Zoning By-laws to update the setback requirements for tall buildings in the Downtown. The direction for this report arose from the TOcore Phase 1 Summary Report and Phase 2 Directions Report adopted by City Council on December 9, 2015 and is further discussed in the Decision History section of this report.

Since 2006, Planning Staff have reviewed property line setback requirements for tall building development using a series of guidelines, starting with Design Criteria for Review of Tall Building Proposals (2006) and later with the current Tall Building Design Guidelines (2013) and supplementary Downtown Tall Buildings Guidelines (2012). Increasing use of guidelines has assisted in implementing the Official Plan intent and was due in part to the absence of performance standards in the Zoning By-law which spoke directly to tall building proposals. This report recommends updating zoning provisions for lot line setbacks which date back to 1996, a decade before the first tall building design guidelines were adopted by City Council.

The proposed Official Plan and Zoning By-law amendments will apply within the Downtown and provide a policy and regulatory framework to ensure appropriate separation distance between tall buildings. The proposed Zoning By-law amendments establish minimum required front, side and rear lot line setbacks and the policies provide the planning policy framework for those setbacks. The setbacks will apply to the tower portion of a tall building on sites that can support tall buildings. These updated setbacks protect important planning principles such as providing access to sky views, light, and privacy, enhancing a development site's ability to provide high-quality public realm improvements, and protecting the development potential of adjacent sites.

These policies and performance standards are a starting point in updating the Downtown planning framework and ensuring that future growth positively contributes to the liveability, sustainability and health of Toronto's Downtown. Further amendments will be made through the TOcore study.

## **RECOMMENDATIONS**

---

### **The City Planning Division recommends that:**

1. City Council amend the Official Plan for the lands Downtown in accordance with the draft Area Specific Official Plan Amendment attached as Attachment No. 1 to this report from the Director, Community Planning, Toronto and East York District.
2. City Council amend Zoning By-law 438-86 for the lands Downtown in accordance with the draft Area Specific Zoning By-law Amendment attached as Attachment No. 2 to this report from the Director, Community Planning, Toronto and East York District.
3. City Council amend Zoning By-law 569-2013 for the lands Downtown in accordance with the draft Area Specific Zoning By-law Amendment attached as Attachment No. 3 to this report from the Director, Community Planning, Toronto and East York District.

4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Area Specific Official Plan Amendment and Area Specific Zoning By-law Amendments as may be required.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

### **TOcore: Planning Toronto's Downtown**

TOcore was initiated in response to a series of motions from City Council related to the intensification of growth in the Downtown, the need to update the parkland acquisition strategy and the desire to identify policy options related to tall buildings.

At its May 2014 meeting Toronto and East York Community Council considered a staff report entitled "Comprehensive to the Core: Planning Toronto's Downtown". This report launched TOcore and the report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE32.47>

In addition to the staff report, a background report entitled, "Trends, Issues, Intensification – Downtown Toronto" was presented which provided background information and data on TOcore's building blocks. This background study can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2014/te/bgrd/backgroundfile-69192.pdf>

At its meeting of December 9, 2015, City Council adopted the recommendations in the staff report entitled "TOcore: Planning Toronto's Downtown – Phase 1 Summary Report and Phase 2 Directions". This report summarized the work completed for Phase 1 of TOcore and provided directions for Phase 2. This report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE12.43>

One of the recommendations in this report requested City Staff to begin stakeholder and public consultation on tower separation requirements for the Downtown and bring forward a proposed Official Plan Amendment and/or Zoning By-law Amendment to Toronto East York Community Council in 2016.

### **Tall Buildings Guidelines**

In June 2006, City Council adopted "Design Criteria for Review of Tall Building Proposals," which identified the key urban design criteria that should be brought to bear in the evaluation of tall building applications and applicants could demonstrate that these criteria had been satisfactorily addressed.

At its meeting of July 2012 City Council adopted the report "Tall Buildings, Inviting Change in Downtown Toronto" which set out a vision, building heights, typologies and other performance standards to guide Downtown tall buildings development. Contained in that report was a recommendation that directed the Chief Planner and Executive Director, City Planning, to bring forward future implementation options related to the consultant's study including, but not limited

to, amendments to the City's Official Plan and Zoning By-law as well as use of other planning tools. That report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE17.19>

On May 7, 2013, City Council adopted the "Updated City-wide Tall Building Design Guidelines" report which updated the 2006 "Design Criteria for the Review of Tall Building Proposals" and consolidated it with the 2012 "Downtown Tall Buildings Vision and Performance Standards Design Guidelines". Contained in that report was a recommendation that directed the Chief Planner and Executive Director, City Planning, to make administrative updates to the "Tall Building Design Guidelines" that reflect changes that may be made related to City policies, plans, guidelines and planning implementation tools. That report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG23.5>

## **BACKGROUND**

During the past decade residential and mixed-use development in Downtown Toronto has increased dramatically, mainly through buildings which are much taller than the City's as-of-right Zoning By-law maximum height limits. The typology and character of tall buildings has also evolved from one with shorter and bulkier, or longer slab floor plates, to include taller "point" towers with smaller floor plate sizes on top of streetwall base buildings.

Tall buildings can and do present many opportunities that meet both municipal and provincial city building goals and objectives. To realize these goals and objectives, tall buildings must be planned and built in a way that recognizes and responds to their surrounding existing and planned context. Building tall buildings that do not respond in this way will not fully realize the full range of benefits and opportunities and may create a city that is less attractive and liveable. More tall buildings are being sited closer to each other. Due to the smaller lot sizes downtown and the fragmented nature of land ownership, land assembly becomes difficult. In addition, the somewhat irregular laneway system causes challenges for servicing of multi-storey buildings and the important and sensitive historic context, has resulted in special locational objectives for assessing and reviewing tall building development in Downtown Toronto.

Generally, the current Zoning By-law requires a 5.5-metre setback from the side lot lines of most mixed-use properties where the wall of the building has windows. This results in an 11-metre facing distance between buildings on adjacent lots when windows are proposed. The Zoning By-law currently allows buildings without windows on a given wall to be built to the side property line on many sites. In some areas, such as the Kings (King-Spadina and King-Parliament), these existing Zoning By-law setbacks are slightly larger at 7.5 metres to a side property line. These requirements are more than two decades old and were intended to provide appropriate setbacks and facing distances for lower scale buildings. The Zoning By-law does not currently have a zoning by-law performance standard for separation distances between towers, to be achieved through side and rear lot line setbacks. As the Downtown continues to grow denser through tall building development, an updated standard is needed to maintain the liveability of the Downtown.

In June 2006, the "Design Criteria for the Review of Tall Building Proposals" was adopted by City Council to provide guidance on the assessment of tall building applications. These guidelines underwent a period of testing and stakeholder consultation, and were used by staff to evaluate tall building development proposals across the City.

Building on those guidelines, City Planning undertook a separate study known as the Downtown Tall Buildings Project that looked comprehensively at tall buildings in the Downtown context, where intensification and growth was occurring in the form of tall building development. A consultant was hired to work with staff to continue studying tall building development in the Downtown and how the planning and design of these buildings should continue in the future.

After a period of testing and stakeholder consultation, the updated city-wide "Tall Buildings Design Guidelines" were adopted by City Council in May 2013, which were consolidated with the "Downtown Tall Buildings Vision and Performance Standards Design Guidelines" (originally adopted by City Council in 2012). These consolidated guidelines are currently used in the Downtown to review tall building proposals by establishing a unified set of performance measures to ensure proposals fit within their context and minimize local impacts. When both urban design guidelines were adopted, City Council directed staff to consider bringing forward parts of the guidelines as Official Plan policy or a Zoning By-law standard.

One of the key performance measures in the guidelines is setbacks for the tower portion of a tall building. This includes a minimum 3-metre setback from the base building of a tall building when facing a street, and a 12.5-metre or greater setback for all tall buildings from the side and rear property lines or centre line of an abutting public lane. Between two or more towers on the same site, the guidelines recommend 25 metres or greater, measured from the exterior wall of the buildings, excluding balconies. Providing adequate space between tall buildings and the property line minimizes impacts such as the blockage of sky view, pedestrian-level wind, and shadowing, while helping to maximize privacy and natural light for building occupants. Moreover, providing space between tall buildings protects the development potential of adjacent sites where appropriate.

## **Stakeholder Consultation and Public Engagement**

A community consultation meeting was held on March 29, 2016 and approximately 20 people attended. The consultation was an open house format with display boards and several staff members were available to answer questions and listen to feedback. Examples of existing tall buildings and the separation distance between the neighbouring tall buildings were presented, showing examples of distances between tall buildings of 13 metres, 20 metres, 25 metres, and 30 metres. A survey was also provided to members of the public who attended the community consultation. Most attendees were supportive of updating the setback requirements in the zoning by-law, citing that their favourite tall buildings had enough room for an open space and that setbacks could improve the scale and impact of tall buildings on surroundings.

In addition to the community consultation meeting, City staff consulted with Building Industry and Land Development Association (BILD) and their members who represent the development community. Two separate consultations were held. The first consultation with BILD was held on April 11, 2016, giving BILD an opportunity to present some of their comments and concerns with regard to the direction of the Official Plan and Zoning By-law amendments. The main concern raised was that any numerical performance standards should be placed in the Zoning By-law whereas the Official Plan should include the desired outcome of the numerical performance standards.

Following that meeting, a second stakeholder meeting was held with BILD on May 19, 2016, wherein BILD was given a draft copy of the Official Plan amendment and a summary of the Zoning By-law performance standards. At that meeting, BILD provided their comments on the content of the Official Plan amendment and the Zoning By-law amendments, which City staff considered in the proposals found in this report.

## **COMMENTS**

The Official Plan states that the Downtown will continue to evolve as a healthy and attractive place to live and work. It is anticipated that the Downtown will continue to grow, but that this growth will not be spread uniformly across the whole of Downtown. One of the ways that the Downtown grows is through tall building development, particularly in *Mixed Use Areas* and *Regeneration Areas* where a lot is large enough to accommodate a tower. Today, tall buildings are being proposed at higher heights than in the past. An updated performance standard in the Zoning By-law and a new Official Plan policy is required to provide an evaluative framework to ensure desirable outcomes to maintain the liveability of the Downtown.

Since 2006, City staff have consistently requested tower setbacks from the lot lines as recommended in the guidelines, essentially 3 metres on a street and 12.5 metres for an interior lot line. The exact same standards are now being proposed to be put in the Zoning By-law. Over the past 10 years, Staff have recommended modest reductions to the setbacks for tall buildings where appropriate. These exceptions were determined on a site-by-site basis and included certain conditions such as towers being offset from each other, or being adjacent to an open space or an office building. These exceptions will continue to be considered where it is justifiable on a site-by-site basis. However, it is expected that most tall building proposals will comply with the proposed Zoning By-law performance standard and maintain the intent of the proposed Official Plan policy.

The proposed Area Specific Official Plan and Zoning By-law Amendments will apply to the Downtown, the boundaries of which are: Lake Ontario to the south, Bathurst Street to the west, the rail corridor and Rosedale Valley Road to the north, and the Don River to the east. This boundary of the Downtown reflects the existing boundary identified in the Official Plan.

## **Analysis**

### ***Origin and Intent of the 5.5-metre setback***

The current Zoning By-law generally requires a 5.5-metre setback from the side lot lines of mixed-use properties where the wall of the building has windows. This results in an 11-metre facing distance between buildings on adjacent lots when windows are proposed. This

requirement was added in 1994 through By-law No. 1994-0178 amending Cityplan By-law No. 425-93 when the former City of Toronto was introducing Main Streets zoning provisions. A July 6, 1993 planning report entitled “Main Streets: Introduction of MCR Districts, including zoning for small sites and general provisions” speaks to the recommended 5.5 metre setback from the property line as applying to lower-scale buildings on Main Streets. This standard was deemed appropriate for the permitted lower-scaled buildings, which would take the form of midrise buildings but not for tall buildings, particularly at the heights the Downtown is experiencing today.

As part of the development of Cityplan, the previous Official Plan for the former City of Toronto, a consultant’s study, entitled “A Review of Daylight, View and Privacy Standards” was conducted in 1992 to update the City’s light, view and privacy standards. This study, conducted by Baird / Sampson Architects, compared regulations for daylight, view and privacy standards in other municipalities, investigated case studies, and provided recommendations on appropriate standards. According to the report, the Toronto Zoning By-law at the time required residential properties in CR zones with the main window of a dwelling unit to be setback 7.5 metres from a wall or a property line that was not on a street or a park. When the dwelling unit faced another dwelling unit on the same lot, a 15 metre separation distance was recommended.

In addition, guidelines for light, view and privacy had been developed for the former City of Toronto in 1977 requiring a setback of 15 metre from the property line for buildings above 30 metres in height for primary windows facing side or rear lot lines, the centre line of a street or lands zoned G (parks). The standard was less for secondary windows, lowering the standard from 15 metres to 7.5 metres above a height of 18 metres. Using the standards recommended in these 1977 guidelines, a total separation of 30 metres was required between buildings taller than 30 metres. These setbacks applied to residential tall buildings. The study looked at other municipality standards as well, some which included numerical standards and others which did not. For example, it was reported at that time that tall buildings in Calgary required side and rear property line setbacks of 12 metres. In Boston, for buildings taller than 47 metres, the separation distance between tall buildings was 38 metres, both for residential and non-residential buildings.

The consultant study by Baird / Sampson Architects recommended that new setback requirements be incorporated in the Zoning By-law. The study included a chart illustrating two sets of standards, one which was less restrictive and another which was more restrictive. The less restrictive standard generally recommended a side or rear lot line setback of 13 metres when facing a residential building or mixed-use building with a residential component. This requirement would equate to a tower separation of 26 metres between two towers. The more restrictive standard recommended a side or rear lot line setback of 15 metres when facing a residential building or mixed-use building with a residential component. This requirement would equate a tower separation of 30 metres between two towers.

Baird / Sampson Architect recommended that: "as a first step, the former, less restrictive set be introduced, and that careful monitoring of their impact be undertaken, such as to lead to an assessment over time, as to whether or not an even more restrictive set of By-law requirements out to be introduced, in which further consideration could be given to the second set." In the end, the now recommended Official Plan and Zoning By-law Amendments would incorporate a

standard similar to the former, less restrictive standards recommended in the 1992 consultant study discussed above.

***2006 Design Criteria for the Review of Tall Building Proposals***

June 2006 saw the first more specific design guidelines for the review of tall building proposals. These guidelines were intended to implement the built form policies of the City's Official Plan, particularly the tall buildings policies of Section 3.1.3. The study directed applicants for tall building proposals to provide additional information as a supplement to the regular application submission requirements. These guidelines were the result of a consultant study which included a worldwide review of tall building policies and best practices, including the use of design review panels in other jurisdictions.

***2012 Downtown Tall Buildings Project***

The 2012 Downtown Tall Buildings Project, a review of other municipalities similar to Toronto that experience tall building growth (called precedent cities) and analysis was completed on a series of 25 test sites in the Downtown Toronto.

Six precedent cities were evaluated, which included Boston, Calgary, Chicago, New York, San Francisco and Vancouver. Of these six precedent cities, the following requirements for minimum front, side and rear lot line setbacks for tall buildings were identified:

	<b>Min. Stepback above Podium along Front Lot Line</b>	<b>Min. Side and Rear Setbacks</b>	<b>Min. Separation Between Tall Buildings</b>
<b>Boston</b>	3-metres and skyplane setbacks	Not regulated	38-metres for elements above 47 metres in height
<b>Calgary</b>	Not regulated	6 metres from 5-8 storeys 12 metres above 8 storeys	24-metres
<b>Chicago</b>	Not regulated	No side 9 metres setback from rear property line	Not regulated
<b>New York</b>	3-metres and skyplane setbacks	6-metres with a blank wall 9-metres with windows	12-metres wall-to wall 15-metres wall-to-window 18-metres window-to-window
<b>San Francisco</b>	3-metres	11-metres in the downtown	35-metres for Rincon Hill
<b>Vancouver</b>	Not regulated	12.5-metres	25-metres



Of the 25 test sites in the Downtown, the consultant's study showed that less than 20% of the tall buildings provided a 12.5 metre side and rear setback from the property line. This analysis, however, measured the 12.5 metre setback from the balcony-to-balcony as opposed to building face to building face which is what the Tall Buildings Design Guidelines currently recommend.

Given the analysis of the precedent cities and the test sites, the Downtown Tall Buildings Project consultants, in 2010, recommended a side and rear lot line setback of 10-metres, which would create a 20-metre wide separation distance between two tall buildings. The 20-metre separation distance was determined based on the width of an average Downtown right-of-way, which is 20-metres wide, but would be free and clear of any kind of structure, including balconies (which are typically 1.5 metres to 2.5 metres deep, depending on where a building is located within Downtown). This recommendation was not brought forward by staff to City Council.

The current Tall Buildings Design Guidelines recommend a 12.5 metre setback or 25-metres between tall buildings using the same logic, only that the distance between two tall buildings across from each other from the street would actually be 26-metres and not 20-metres when factoring in the 3-metre front lot line setback of each of the tall buildings. In addition, unlike the 10-metre setback recommended in the Downtown Tall Buildings Project, the 12.5-metre setback allows for balconies to project into the setback.

### ***Case Studies from 2014 and 2015***

Staff recently conducted analysis on tall buildings proposed in 2014 and 2015 to evaluate achievement of the Tall Building Design Guidelines performance standards: the 3-metre setback from the podium when facing a street and the 12.5 metre tower setback from when adjacent to a neighbouring lot or public laneway. The proposals that were reviewed demonstrated a typical base building and tower built form typology. The analysis was based on a pass/fail criteria.

A total of 58 tall building applications were reviewed from 2014 and 2015. Approximately one-third of developments achieved all tower setbacks or provided greater setbacks than the recommended Tall Buildings Design Guidelines performance standard, and approximately two-thirds required relief from at least one tower setback. Approximately half of the developments required relief from either the side or rear lot line tower setback.

Several of the projects that were studied from 2015 are still under review within the development review process and may not reflect the final outcome of the project. Other projects that have provided less than the recommended setbacks but were approved at City Council or the Ontario Municipal Board were approved on the basis of good planning reasons.

### **Official Plan Amendment**

The Official Plan Amendment (“OPA”) is a Site and Area Specific Policy and is designed to express the purpose, intent and desired outcomes of the minimum tall building setbacks for the planning and design of tall buildings in the Downtown. The OPA does not contain specific numerical standards; rather, these standards are placed within the Zoning By-law Amendments (“ZBA”). The OPA and the ZBAs are intended to work together. When there is a proposal that does not fully comply with the minimum required setbacks as per the ZBAs, the OPA will

provide an evaluative framework to be used to determine whether or not the non-compliance meets the intent of the OPA and therefore represents good planning.

The OPA is split up into two sections. Section A defines certain terms for the purposes of the OPA to provide additional clarity. Section B sets out the desired objectives/outcomes of the minimum required tall building setbacks.

### ***Section A***

Section 2 of the OPA includes definitions for clarity. The current Official Plan and the Tall Buildings Design Guidelines state that a tall building has a base (the podium), middle (the tower) and top (the mechanical penthouse). In the draft OPA, a "tall building" is typically defined as having a base building component and a tower component. This definition speaks specifically to tall building proposals that have a base building and tower typology. However, tall buildings can take a variety of forms that may represent different typologies which may be appropriate given the context within a block or neighbourhood. Some tall buildings, for example, are bulkier and do not have a base building. The OPA acknowledges those differing tall building typologies and all those tall buildings will be subject to the intent of the OPA. The OPA does not differentiate between residential and non-residential or mixed-use buildings.

"Base building" is also a defined term in the OPA, and are defined as the lower storeys of a tall building. By contrast, the "tower" portion of a tall building is another defined term and is defined as the storeys above the base building.

### ***Section B***

The Downtown is an area where tall building development is anticipated, generally within *Mixed Use Areas* and *Regeneration*. Tall buildings come with opportunities to improve the liveability of the Downtown; however, not every site in the Downtown can accommodate a tall building. Not all sites are large enough to accommodate a tall building that fits in with the existing and/or planned context and provides sufficient setbacks to ensure adequate light, sky view and privacy. Land assembly may be required in order to create a lot large enough to support a tall building. Tall buildings proposed on sites that are too small can detract from building strong healthy communities in the Downtown, which is one of the primary goals in the Provincial Policy Statement's vision for Ontario's land use planning system.

The OPA speaks to the intent of the lot line setbacks as prescribed in the Zoning By-laws. This is to ensure that individual tall buildings and the cumulative effect of multiple tall buildings within a block, contribute to building strong healthy communities by fitting in with their existing built and/or planned context with adequate space between tall buildings within the block. Adequate space provided between tall buildings protects for fundamental planning and design principles that are part of building strong healthy communities. These include:

- *Enhancing the ability to provide high-quality, comfortable public realm.* A site for a tall building that provides for high-quality and comfortable public realm contributes to the liveability and sustainability of the Downtown's urban fabric. A site that can provide the lot line setbacks for the tower portion of the tall building proposal allows enough space for the enhancement of the public realm.

- *Protecting development potential of other sites within the block.* When tall buildings are constructed too close to the side or rear property lines, the result is a "first-to-the-post" development scenario. This scenario limits other sites on the block from development where that site is itself appropriate for tall building development and should be avoided by proposed development providing tall building setbacks on the subject site.
- *Providing access to sunlight on surrounding streets, parks, open spaces, schools yards and other public or civic properties.* Tall buildings that are clustered too close together can create a "wall" of shadow. The more towers which appear on any single block that are located closely together can cast shadows on sensitive areas perpetually throughout the day as opposed to intermittent times of sun and shade. Spacing tall buildings apart from one another improves this condition. One benefit of tall but slender buildings has been to allow for sunlight access. Spacing buildings too close together limits these benefits.
- *Providing access to natural light and a reasonable level of privacy for occupants of tall buildings.* Units within tall buildings typically have windows only on one side of their unit which may limit the amount of natural light available to the unit. While protecting access to natural light for units in tall buildings for all hours of the day is challenging, providing setbacks between tall buildings can increase the access to natural light for building occupants. In addition, providing space between two tall buildings means increasing the privacy for these occupants.
- *Providing pedestrian-level views of the sky between tall buildings particularly as experienced from adjacent streets, parks and open spaces, and views between towers for occupants of tall buildings.* The ability to retain adequate sky view in between building masses is essential to maintain the character, usability, and quality of streets, parks, open space, and neighbouring properties. Lack of sky view can also negatively affect the microclimate and sense of pedestrian scale at grade.
- *Limiting the impacts of uncomfortable wind conditions on streets, parks, open spaces and surrounding properties.* Adequate tall building setbacks can help mitigate the impacts on the public realm from down drafts from buildings or from accelerated winds from tunnelling between buildings. These adverse wind conditions can be mitigated through the siting, massing, orientation and articulation of the base and the tower.

The OPA also includes a policy which relates to "super" tall buildings. As the height of tall buildings increase, greater lot line setbacks may be required in order to achieve the intent of the tower setbacks. This policy recognizes that "super" tall buildings may have a different sense of perception and degree of impact and therefore require greater lot line setbacks and tower-to-tower separation distances. Further study on "super" tall buildings is currently underway and additional information and policies are forthcoming.

The policy regarding base building height in the OPA relies on the existing and/or planned streetwall height context of the block in which the tall building proposal is situated; therefore, the appropriate scale of the base building will be determined depending on the context of the site. Where there is no consistent streetwall height context for the block, the streetwall height is established in a manner that maintains a comfortable pedestrian scale and appropriate street proportion.

The proposed OPA provides a set of desirable outcomes of the tower setback from the lot lines. However, tall buildings may be proposed which provide less than the numerical performance standard as prescribed in the Zoning By-law. In these instances, exceptions may be provided if the tall building proposal maintains the intent of the OPA. Such exceptions have been recommended for tall building proposals in the past and will continue to do so where it is considered appropriate.

### **Zoning By-law Amendment**

Two Zoning By-law Amendments are being brought forward. One is for the former City of Toronto Zoning By-law 438-86 which is still in effect on many sites within the Downtown. The second amendment will add an Overlay District Map to Zoning By-law 569-2013. The Zoning Bylaw Amendments include minimum numerical standards and are applicable in the Downtown area. Both By-laws bring forward the same updated setback requirements for taller buildings.

The numerical standards include minimum required tower setbacks from a lot line that abuts a street, a public lane or a neighbouring lot. These include:

- (a) 3.0 metres to a lot line that abuts a street, other than a public lane
- (b) 12.5 metres to the centre line of an abutting street, other than a public lane;
- (c) 12.5 metres to a lot line which neither abuts a street, nor a public lane; and
- (d) 12.5 metres to the centre line of a public lane, where the lot abuts a lane.

In addition, if more than one tall building is proposed on a site a minimum 25-metre separation distance is required from building face to building face, excluding balconies.

Although the current setback requirements in the Zoning By-law differ depending on whether windows are proposed or not proposed, this distinction has not been included in the proposed performance standard. These proposed setbacks assume that the proposed tower would have windows on all sides as a tower with a blank wall is less likely and does not typically represent good planning or urban design; however, should a tower be proposed with a blank wall, while privacy may be addressed, this does not adequately respond to the other criteria set out in the evaluative framework in the proposed OPA. Other situations such as tall party wall conditions in a canyon typology would have to be addressed on a site specific basis.

These setbacks will apply to any portion of a building above 24 metres from grade. The 24 metres was chosen as the height at which the setbacks apply as it is the maximum base building height as defined in the city-wide Tall Building Design Guidelines. However, the OPA and ZBAs brought with this report are not indicating in any way what an appropriate base building height may be on any given site. Many base building heights will be less than 24-metres in order to maintain the consistent street wall character of the block in which the tall building is proposed, or will be based on 80% of the width of the right-of-way. Other streets within the Downtown have streetwall heights that are taller than 24 metres.

Additionally, the proposed ZBAs do not confer additional height permissions in any way to properties throughout Downtown. The permitted heights for each lot continue to be prescribed in either By-law 438-86 or By-law 569-2013. The proposed zoning by-law amendment creates a separate performance standard for the setbacks on the portion of a building that exceeds 24 metres in height. In fact, many areas of Downtown will not have any buildings that reach a height above 24 metres. Any increases of height will need to be considered through either the usual minor variance or zoning by-law amendment application processes. When site specific applications are submitted staff will continue to review any proposed increase in height in the context of the Official Plan, read as a whole, other Council policy and guidelines as well as the existing height permissions in the Zoning By-law.

This amendment supersedes the previous setback requirements only for portions of buildings that are over 24 metres in height. For all portions of buildings that are less than 24 metres in height, the existing performance standards continue to apply. As is the typical structure of the Zoning By-law certain types of exceptions and by-laws will prevail over these Zoning By-law Amendments. These include: existing exception and/or prevailing by-laws within either Zoning By-law 438-86 or Zoning By-law 569-201; existing site and area specific zoning by-laws; and Heritage Conservation District by-laws.

### ***Transition***

Transition for projects currently in the development pipeline will be considered based on the planning framework that applied at the time of application and will be looked at on a case-by-case basis. Factors that will be considered may include site specific zoning by-laws which have received approval; acknowledgement of planning applications that have been received that are deemed complete as per the *Planning Act*; and acknowledgement of building permit applications currently under review.

### **Land Use**

The OPA and ZBA do not differentiate between land uses. A tall building containing non-residential uses will be required to meet the intent of the OPA policies as well as the Zoning By-law performance standards as will a tall building with residential uses. While office towers next to a residential tower may not present privacy issues, consideration of sunlight access and sky views, limiting impacts of uncomfortable wind conditions, enhancing the ability to provide a high-quality, comfortable public realm, and protecting the development potential of other sites within the block are among considerations for good urban design and planning regardless of use.

## **Conclusion**

City staff recommend approval of the proposed City-initiated Area Specific Official Plan and Zoning By-law Amendments for tall building setbacks in the Downtown. The increase in the minimum required setbacks for tall buildings updates the current existing zoning By-law requirements, which were in place to respond to buildings of a much lower height, scale and massing. The update is a response to tall building proposals in the Downtown and has been contemplated by City Council following the adoption of the Tall Buildings Design Guidelines and the Downtown Tall Buildings: Vision and Supplementary Design Guidelines.

These amendments introduce an evaluative framework and zoning performance standard to improve the planning and design of tall buildings in order to improve their liveability, sustainability and to contribute to the Downtown's continued success and building strong healthy communities.

## **CONTACT**

Elise Hug  
Senior Planner  
Tel. No. 416-338-2560  
E-mail: ehug@toronto.ca

George Pantazis  
Planner  
Tel. No. 416-392-3566  
E-mail: gpantaz@toronto.ca

## **SIGNATURE**

---

Gregg Lintern, MCIP RPP  
Director, Community Planning  
Toronto and East York District

(P:\2016\Cluster B\pln\TEYCC\12585471038.doc) - vc

## **ATTACHMENTS**

Attachment 1: Official Plan Amendment  
Attachment 2: Zoning By-law 438-86 Amendment  
Attachment 3: Zoning By-law 569-2013 Amendment

**Attachment 1: Official Plan Amendment**

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To adopt an Amendment to the Official Plan of the City of Toronto respecting the area generally bounded by Bathurst Street, Lake Ontario, the Don River, Rosedale Valley Road and the CPR tracks**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 352 to the City of Toronto Official Plan is hereby adopted pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

**AMENDMENT NO. 352 TO THE OFFICIAL PLAN**

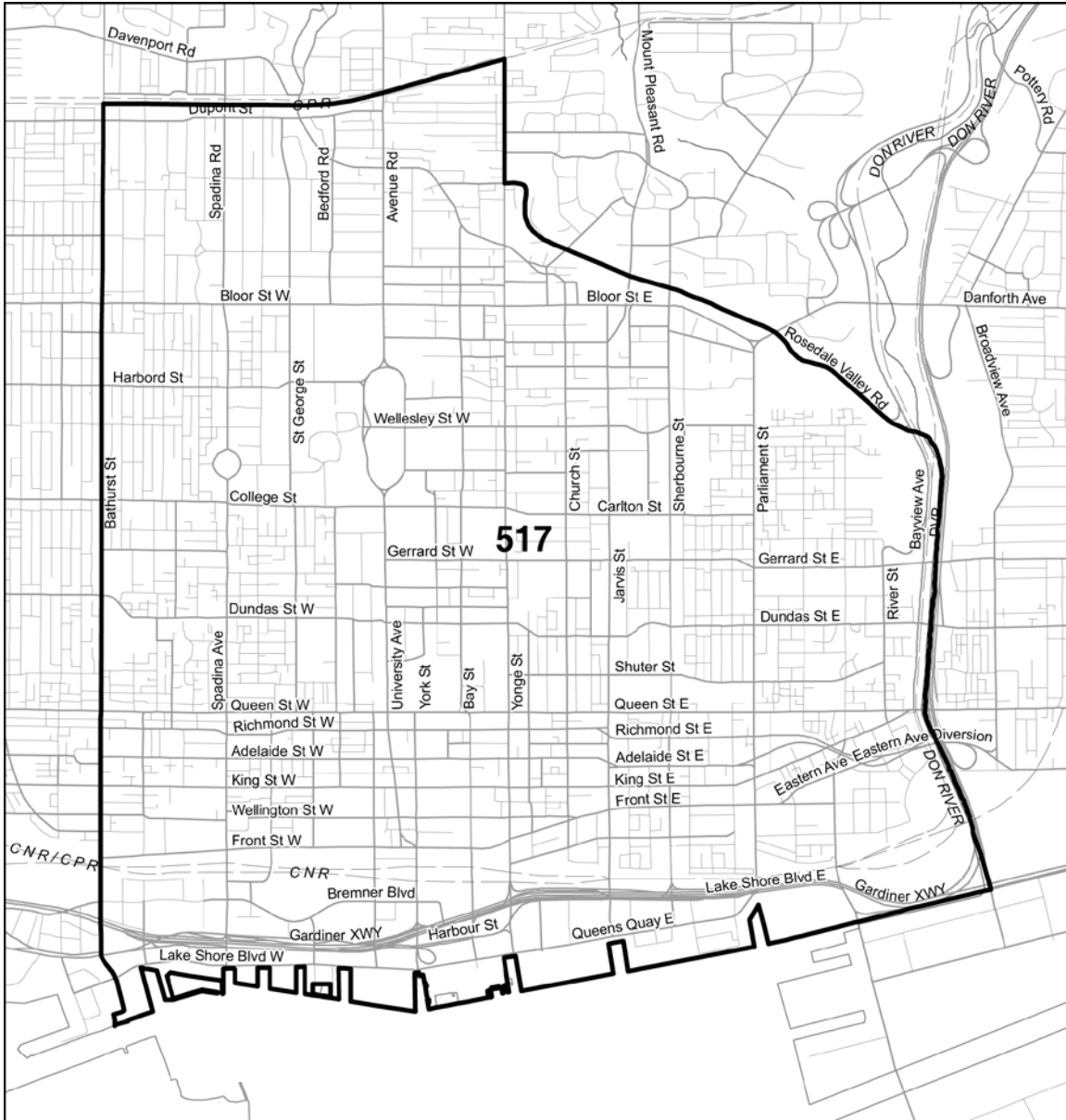
**LANDS GENERALLY BOUNDED IN THE YEAR 20~ AS  
BATHURST STREET, LAKE ONTARIO, THE DON RIVER,  
ROSEDALE VALLEY ROAD AND THE CPR TRACKS**

---

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 517 for lands generally bounded in the year 20~ as Bathurst Street, Lake Ontario, the Don River, Rosedale Valley Road and the CPR tracks, as follows:  
  
**"517 Downtown Tall Buildings Setback Area Specific Policy, located generally bounded by Bathurst Street, Lake Ontario, the Don River, Rosedale Valley Road and the CPR Tracks:**





## **DOWNTOWN TALL BUILDINGS**

- A) For the purpose of this Site and Area Specific Policy:
- i) a tall building is typically defined as having a base building component and a tower component. The policies will also apply to other typologies of a tall building;
  - ii) a base building is defined as the lower storeys of a tall building which are intended to frame the public realm with good street proportion and pedestrian scale, articulate entrances, and assist in the creation of an attractive and animated public realm; and

- iii) a tower is defined as the storeys above the base building.
- B) i) Tall building development that occurs in the Downtown will provide setbacks from the lot line to the building face of the tower. These lot line tower setbacks will ensure that individual tall buildings within a block and the cumulative effect of multiple tall buildings within a block contribute to building strong healthy communities by fitting in with the existing and/or planned context.
- Providing adequate space between towers within the block will:
- a) enhance the ability to provide a high-quality, comfortable public realm;
  - b) protect development potential of other sites within the block;
  - c) provide access to sunlight on surrounding streets, parks, open spaces, school yards, and other public or civic properties;
  - d) provide access to natural light and a reasonable level of privacy for occupants of tall buildings;
  - e) provide pedestrian-level views of the sky between towers particularly as experienced from adjacent streets, parks and open spaces, and views between towers for occupants of tall buildings; and
  - f) limit the impacts of uncomfortable wind conditions on streets, parks, open spaces and surrounding properties.
- ii) Not every site in the Downtown can accommodate a tall building. Proposed tall buildings that do not meet the intent of Policy B (i) present significant concern for building strong healthy communities in the Downtown and as such those sites are not considered suitable for tall building development.
  - iii) As building heights increase, greater lot line setbacks may be required from the tower to the lot line to achieve the intent of Policy B (i).
  - iv) Base building height for tall building development will respect and reinforce a pedestrian scale and the existing and/or planned streetwall height context of the block in which the tall building proposal is situated. Base buildings may be required to setback at grade to achieve good street proportion, access to sunlight on sidewalks, parks and open spaces, and public realm improvements. Where there is no consistent streetwall height context for the block, the streetwall height shall be established in a manner that maintains a comfortable pedestrian scale and appropriate street proportion.
  - v) Zoning By-laws will contain minimum numerical standards for tall buildings in the Downtown.
  - vi) Any Area Specific Official Plan Amendment within the Central Waterfront Secondary Plan Area will prevail over this Site and Area Specific Policy."

3. May 29 in Chapter 7 of the City of Toronto Official Plan, entitled Site and Area Specific Policies, are amended by adding the lands shown above to the "Areas affected by the Site and Area Specific Policies" as Policy No. 517.

**Attachment 2: Zoning By-law 438-86 Amendment**

***\*\*\*to be provided on or before the June 14, 2016 Toronto and East York Community Council\*\*\****

**Attachment 3: Zoning By-law 569-2013 Amendment**

***\*\*\*to be provided on or before the June 14, 2016 Toronto and East York Community Council\*\*\****