

## **TOcore: Downtown Plan Official Plan Amendment Supplementary Report**

**Date:** May 14, 2018

**To:** City Council

**From:** Chief Planner and Executive Director, City Planning Division

**Wards:** 20, 27 and 28

### **SUMMARY**

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At its meeting on May 1, 2018, Planning and Growth Management Committee (PGMC) held a Statutory Special Public Meeting for the TOcore: Downtown Plan Official Plan Amendment (Downtown Plan OPA). PGMC adopted staff recommendations, with amendments, to amend the Official Plan to bring forward a new planning framework for Downtown. PGMC requested that City Planning staff meet, as appropriate, with deputants regarding issues raised in their deputations and report directly to City Council with any further recommendations.

This supplementary report summarizes staff-recommended additional amendments to the Downtown Plan, as a result of further discussions with deputants. The proposed revisions are described in the Comments section and itemized in Attachments 1 and 2 of this report. Attachment 3 of this report, included for information only, itemizes amendments to the recommended Downtown Plan adopted by PGMC.

### **RECOMMENDATIONS**

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The Chief Planner and Executive Director, City Planning recommends that:

1. City Council amend the Downtown Plan Official Plan Amendment in Attachment 1, Schedule 5 to the report TOcore: Downtown Plan Official Plan Amendment (April 17, 2018) from the Chief Planner and Executive Director, City Planning, by adopting the Policy Revisions and Map Revisions in Attachments 1 and 2 of this report.
2. City Council amend Planning and Growth Management Committee Recommendation 6 by deleting reference to "Schedule 2" and replacing it with "Schedule 5."
3. City Council direct the Chief Planner and Executive Director, City Planning, Chief Medical Officer of Health, and Executive Director of Social Development, Finance and Administration, to support the Toronto Central Local Health Integration Network

(TCLHIN) and Downtown hospitals in advancing long-range planning for hospitals and other related health services and facilities in coordination with the Ministry of Health.

## **FINANCIAL IMPACT**

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This report has no financial impact.

## **DECISION HISTORY**

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At its May 1, 2018 meeting, Planning and Growth Management Committee held a Special Public Meeting pursuant to Section 26 of the Planning Act and adopted the staff report entitled 'TOcore: Downtown Plan Official Plan Amendment' with amendments. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>

The report recommended adoption of the Downtown Plan Official Plan Amendment (OPA), which includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. Five associated infrastructure strategies were considered and adopted as separate items. Planning and Growth Management Committee directed staff to meet as appropriate with deputants and report directly to City Council, with any further recommendations.

<http://app.toronto.ca/tmmis/decisionBodyProfile.do?function=doPrepare&decisionBodyId=1039#Meeting-2018.PG29>

## **COMMENTS**

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The Comments section of this report summarizes proposed amendments to the recommended Downtown Plan, which are itemized in Attachments 1 and 2 to this report. This section also addresses other topics identified in communications received from deputants, as appropriate.

### **1. Process and Engagement**

A number of communications received identify matters regarding process, statutory requirements and the public release of documents. This section provides an overview of the process staff undertook regarding notice, public release of information and materials related to the Downtown Plan OPA, and consultation.

The proposed Downtown Plan was publicly released in August 2017. It was considered and adopted by PGMC on September 7, 2017 and by City Council at its meeting on October 2-4, 2017. At this meeting, Council directed staff to use the proposed Downtown Plan as a basis for stakeholder and public consultation. From September 2017 to March 2018, staff held over 30 stakeholder meetings to discuss and gather input on the proposed Downtown Plan. Staff hosted a public Open House on December 2, 2017, which was advertised in the Toronto Star Newspaper on November 25, 2017

and NOW Magazine on November 30, 2017. In addition to the proposed Downtown Plan, summaries of the five supporting infrastructure strategies were made publicly available in December 2017. Online surveys on the proposed Downtown Plan and the summaries of each of the five infrastructure strategies provided an additional way in which the public and stakeholders could provide input.

### **Statutory Notice**

A combined Notice of Open House and Notice of Special Public Meeting to be held by PGMC (pursuant to subsections 26(3)(b) of the *Planning Act*) was issued by the City Clerk's Office to Interested Parties via Canada Post on March 21, 2018. The combined Notice was also published in the Toronto Sun Newspaper on March 21 and March 28, 2018, in accordance with Section 26(4) of the *Planning Act*.

### **Public Release of Documents and Statutory Open House**

The *Planning Act* requires that a Special Public Meeting (in this case, the May 1st meeting of PGMC) be held on any proposed amendment to the Official Plan under Section 26. Information and material relevant to the amendment must be made publicly available at least 20 days before the Public Meeting. In addition, a Statutory Open House must be held no later than seven days before the Special Public Meeting to ensure that the public has an opportunity to review and ask questions about information and material relevant to the proposed amendment.

In compliance with *Planning Act* requirements, on April 11, 2018 the Downtown Plan OPA was released to the public both in hard copy and online on the TOcore project website: [www.toronto.ca/tocore](http://www.toronto.ca/tocore)

In addition to the Downtown Plan OPA, several supporting, non-statutory documents including the Downtown Community Services and Facilities Strategy, the Downtown Energy Strategy and the Downtown Water Strategy were released in hard copy and online on April 11, 2018. The Downtown Parks and Public Realm Plan was released in hard copy on April 11, 2018 and subsequently posted online on April 18, 2018. The Downtown Mobility Strategy was released in hard copy and posted online on April 18, 2018. There are no statutory requirements with respect to the adoption of these implementation strategies.

On April 23, 2018 City staff held the Statutory Open House to review the proposed Downtown Plan OPA and to answer questions about the proposed policies and any related information and material. Copies of the Downtown Plan OPA and five supporting infrastructure strategies were made available at the Statutory Open House. Staff provided a presentation on the Downtown Plan OPA as well as highlights of the five infrastructure strategies. A question and answer period followed the presentation. Approximately 70 people attended the Statutory Open House.

On April 24, 2018 the City Clerk's Office posted the agenda for the May 1, 2018 PGMC meeting to the Toronto Meeting Management Information Site (TMMIS). The Downtown

Plan OPA staff report and associated infrastructure strategies could be found at: (<http://app.toronto.ca/tmmis/decisionBodyProfile.do?function=doPrepare&meetingId=13042#Meeting-2018.PG29>).

## 2. Complete Community Assessment

Some communications received relate to the implementation of the Complete Community Assessment identified in Section 5 of the recommended Downtown Plan. A number of Downtown institutions identified the policies and their applicability to institutional developments. *Institutional Areas* are not identified as one of the land use designations where a Complete Community Assessment is required. In order to clarify the policy intent, staff are recommending a new policy after policy 5.3, to read as follows:

"Development in *Mixed Use Areas 1, Mixed Use Areas 2, Mixed Use Areas 3* and *Regeneration Areas* containing only institutional uses that are owned and operated by an institution, with related ancillary uses, will be exempt from the Complete Community Assessment requirement under Policy 5.3".

This revision is included in Attachment 1.

## 3. Land Use and Economy

### Mixed Use Areas Designations

There were a number of communications and deputations from property owners or their representatives, as well as some Residents' Associations, with requests to revise the *Mixed Use Areas* designations on various properties Downtown. Each of these requests was reviewed in the context of the recommended Downtown Plan and alongside existing planning frameworks including Secondary Plans, Site and Area Specific Policies and the Zoning By-law. In response to these communications, staff is recommending one change to the *Mixed Use Areas* mapping. This change ensures concordance with the existing Zoning By-law. Maps 41-3, 41-3-B and 41-3-C will be updated so that the area generally bounded by Church Street, Richmond Street East, Jarvis Street and generally following the alignment of Richard Bigley Lane (north of Queen Street East) is revised from *Mixed Use Areas 3* to *Mixed Use Areas 2*. This revision to the mapping is detailed in Attachment 2.

### Institutional Areas Designation

Several institutions, including Ryerson University, University of Toronto, St. Michael's Hospital and University Health Network, provided communications and deputations regarding the recognition of institutions and their potential for growth Downtown. The recommended Downtown Plan speaks to growth in *Institutional Areas* in policy 4.2: "Growth is targeted to lands designated *Mixed Use Areas 1, Mixed Use Areas 2, Mixed Use Areas 3, Regeneration Areas* and *Institutional Areas*."

Through further consultation with institutions, staff is recommending a revision to policy 6.13 of the recommended Downtown Plan to remove the words "not designated *Institutional Areas*" so that policy 6.13 now reads:

"Lands owned by an institution will be prioritized for institutional uses to support the growth of health, educational and/or government institutional campuses."

This policy change clarifies the recommended Downtown Plan's intent to support institutional growth Downtown and is included in Attachment 1.

### **Health Sciences District**

In order to clarify the University of Toronto's role in the *Health Sciences District*, staff is recommending a minor addition to the non-policy text for the *Health Sciences District* section. Adding the word "academic" is proposed so that the first sentence of non-policy text now reads:

"A significant number of hospitals, treatment, academic, education, research and related commercial functions are clustered within close walking distance of one another in an area centred on University Avenue."

This revision is included in Attachment 1.

### **Priority Retail Streets and Institutions**

In addition to the items raised by the institutions noted above, several of the institutions suggested that the Priority Retail Streets policies do not allow for programmatic flexibility that institutions require. In recognition of this, and to provide for institutions to be able to deliver animated spaces at grade through retail as well as other uses, staff is recommending a revision to policy 6.37 to provide for some flexibility in this regard. This revised policy allows for some flexibility at grade for institutional or community-related uses to also front onto Priority Retail Streets, while still requiring that the ground floor be designed to be animated and publicly-accessible. Staff is also recommending a minor wording change by replacing "buildings" with "development" in this policy, to be consistent with the other policies of the recommended Downtown Plan. As revised, policy 6.37 now reads:

"6.37. Where development fronts onto one or more Priority Retail Street(s), the ground floor frontage will include only retail and service commercial space with exceptions for:

6.37.1. lobbies;

6.37.2. publicly accessible institutional or community uses that animate the space at grade; and/or

6.37.3. parking entrances, servicing spaces and other service exits where no secondary street or laneway access exists."

This revision is included in Attachment 1.

## 4. Parks and Public Realm

### Parkland Provision

Correspondence was received requesting clarification on policy 7.46.2 regarding cash-in-lieu of land to be conveyed through the alternative rate provision. To specify that cash-in-lieu payments will not exceed the alternative rate, staff is recommending policy 7.46.2 be revised to include the words "and up to the rate established by by-law."

The policy now reads:

"7.46.2 any payment in excess of 5 per cent of the site area and up to the rate established by by-law will be used to implement parkland acquisition and improvements within the *Downtown* and in the vicinity of the development, and/or that contributes to a park initiative identified in policies 7.5 through 7.33 inclusive."

This revision is included in Attachment 1.

## 5. Built Form

### Setbacks

Policy 9.6 has been revised to clarify that it is the curb to building face distance that is 6 metres, not the setback requirement. The policy now reads as follows:

"9.6. The City may reduce the 6-metre curb to building face requirement where:...".

This revision is included in Attachment 1.

Additionally, a minor wording matter was identified through the deputations regarding a subsequent policy related to setbacks. Staff have revised policy 9.7.5 so that it ends with "and/or" instead of "and" to allow for application of some or all of the sub-policies. The policy now reads:

"9.7.5 there is a need to improve access to or space for public transit and transit users; and/or...".

This revision is included in Attachment 1.

### Floorplate Size

In addition to the policies in Section 6 of the recommended Downtown Plan, several institutions and non-residential developers provided feedback on Policy 9.16 that provides direction on non-residential floorplate size. Through review of the correspondence and additional consultation with institutions, the policy has been revised to recognize the programmatic needs for non-residential development for larger floorplates, including institutional and offices uses. Policy 9.16 now reads:

"Non-residential buildings may have floorplate sizes greater than 750 square metres above the base building, provided it is demonstrated to the City's satisfaction that the impacts of the larger floorplate, including but not necessarily limited to pedestrian comfort, shadow, transition, sky-view and wind, can be addressed."

This revision is included in Attachment 1.

A change is recommended to Policy 9.15 to ensure alignment with the revisions to policy 9.16 pertaining to addressing impacts. Policy 9.15 now reads:

"Mixed-use and residential buildings will have a maximum floorplate size of 750 square metres above the base building. Increases to the 750 square metre floorplate size may be considered when it is demonstrated to the City's satisfaction that the impacts of the larger floorplate, including but not necessarily limited to pedestrian comfort, shadow, transition, sky-view and wind, can be addressed."

This revision is included in Attachment 1.

### **Sky-view, Sunlight and Building Scale**

The following is in response to PGMC Decision Advice and Other Information item 2, which reads: "The Planning and Growth Management Committee requested the Chief Planner and Executive Director, City Planning to examine adding additional policies to address sky view, sunlight and scale of buildings and consider opportunities to improve and support this planning framework."

There are a number of policies in the recommended Downtown Plan, as well as other components of the TOcore study that together provide direction for achieving sky-view and sunlight Downtown. One of the significant updates to the Downtown planning framework included the update for Tall Building Setbacks. This includes a City-initiated Official Plan Amendment and two area-specific Zoning By-laws that introduced a separation distance requirement (25 metres between tall buildings or 12.5 metres from property lines) between the tower portions of new buildings, and was adopted by City Council in October 2016. The report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.7>

Section 9 of the Downtown Plan provides a number of policies that shape built form to provide for light, view, privacy and to minimize shadows. Some of these policies include:

- Development will: contribute to liveability by minimizing uncomfortable wind conditions and providing access to sunlight, natural light, openness and sky-view; expanding and improving the public realm; ensuring privacy; providing high-quality amenity spaces; and conserving heritage (Policy 9.1.2);
- Improving and expanding the public realm through minimum setbacks (Policies 9.2 through 9.7);
- Shaping and scaling base buildings (Policies 9.8 through 9.11);
- Identifying maximum floorplate sizes and addressing the impacts of larger floorplates (Policies 9.15 and 9.16);

- Minimizing shadows and providing no net-new shadow policies (Policies 9.17 through 9.19);
- Built form transition policies that provide direction for setbacks, step-backs, angular planes and separation distance (Policies 9.22 through 9.28); and
- Mid-rise building policies with direction on height, setbacks, step-backs and angular planes (Policy 9.29).

The recommended Downtown Plan also includes a refinement to the *Mixed Use Areas* mapping. Four *Mixed Use Areas* designations have been developed for Downtown to provide finer-grained policy direction with respect to the general scale of development that is appropriate in a given area: 'growth' (*Mixed Use Areas 1*), 'intermediate' (*Mixed Use Areas 2*), 'main street' (*Mixed Use Areas 3*) and 'local' (*Mixed Use Areas 4*). *Mixed Use Areas 3* are intended to be generally up to a mid-rise scale and *Mixed Use Areas 4* are intended to be low-rise, no higher than four storeys. These two *Mixed Use Areas*, by virtue of their scale and design, will allow for good sunlight and sky-view.

Additionally, the background report supporting the built form direction in the recommended Downtown Plan (the "Building for Liveability" study) provided a number of recommendations for sky-view and openness. Some of the recommendations included are as follows:

- Identify opportunities to provide increased sky-views or openness. Suggestions for appropriate locations include:
  - Infill within apartment building neighbourhoods where the open space context should be retained;
  - In areas where there is a low- to mid-rise streetwall that should be retained;
  - On deep lots that do not have a pre-existing tall building character; and
  - Development applications that include or are adjacent to a heritage building/structure.
- Identify the appropriate level of sky-view and openness for different blocks or neighbourhoods through local area plans.

The "Building for Liveability" study can be found under the "Material Supporting the Downtown Plan" tab at:

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/tocore-planning-torontos-downtown/tocore-studies-reports/tocore-background-reports/>

A number of sections in the Official Plan include policies that refer to matters of light, view, privacy, and limiting shadows, including Sections 3.1.1 Public Realm, 3.1.2 Built Form, 3.1.3 Built Form - Tall Buildings, 4.1 Neighbourhoods, 4.2 Apartment Neighbourhoods and 4.5 Mixed Use Areas. As part of City Planning's five-year review of the Official Plan, and specifically through the upcoming review of Section 3.1.2 Built Form, there will be additional city-wide Official Plan policies that deal with sunlight and sky-view, as well as policies around the different scales of buildings. The Official Plan can be found at:

<https://www.toronto.ca/wp-content/uploads/2017/11/99b3-cp-official-plan-volume-1-consolidation.pdf>



Council-adopted guidelines for both Mid-Rise and Tall Buildings (City-Wide and Downtown) also provide direction on achieving sky-view and sunlight through setbacks, step-backs, separation distances (from low-rise areas and other tall buildings) and angular planes.

Drawing on the above noted planning framework, and to further clarify the importance for buildings to frame the public realm and provide for sky-view, staff is recommending an additional policy be added to Section 9 of the recommended Downtown Plan after policy 9.14 to read:

"Development will be located and massed to define and frame the edges of the public realm with good street proportion, ensuring comfortable sun and wind conditions on the *public realm* and neighbouring properties by stepping back building mass and/or limiting building footprints above the streetwall height to allow daylight and sunlight to penetrate to the street and lower building levels."

This revision is included in Attachment 1.

Based on the above noted policies and guidelines that apply Downtown, there is an extensive planning framework that provides for sky-view and sunlight. Staff recognizes that it is appropriate to provide site-specific guidance for achieving sky-view through built form recommendations for smaller scale planning areas, as has been done in other Site and Area Specific Policies (SASPs). One example of this is the North Downtown Yonge SASP, which included a 10 - 20 metre step-back to maintain the consistent low-rise quality of Yonge Street.

Additional built form work within Downtown for the King-Parliament Secondary Plan area, north side of Queen Street East (Jarvis Street to River Street) and east of Yonge Street between Jarvis Street, Gerrard Street East and the Gardiner Expressway, is anticipated to be undertaken as part of the follow-on work for TOcore, and is identified in PGMC Recommendations 10, 11 and 12.

## **6. Community Services & Facilities**

Communications were received from Downtown institutions regarding the Community Services and Facilities policies in Section 10 of the recommended Downtown Plan. Post-secondary institutions in particular commented in regard to the requirement to provide *community service facilities* through individual applications, and separate from the services and facilities post-secondary institutions already provide within the community. In response to these communications, as well as further discussion, and to provide an opportunity for institutions to provide individualized responses to this suite of policies, staff is recommending that the words "as appropriate" be added to policy 10.3, which now reads:

"Development will contribute to the delivery of *community service facilities*, as appropriate, through:..."

This revision is included in Attachment 1.

## 7. Housing

### Unit Types and Sizes & Institutional Housing

Communications were received requesting clarification on the application of policy 11.1, to new residential development versus the redevelopment of existing residential units. Policy 11.1 has been revised to read:

"11.1 To achieve a balanced mix of unit types and sizes, development containing more than 80 new residential units will include:..."

This revision is included in Attachment 1.

Communications were received from post-secondary education and health care institutions requesting consideration of an exception to the unit size and type requirements defined in policy 11.1 for residences housing students, patients or employees on a short-term basis. The intent of the suite of policies included in Section 11 of the recommended Downtown Plan is to provide housing to a wide range of residents that is affordable, secure, of an appropriate size, and located to meet the needs of people throughout their life cycle as part of complete communities.

To provide flexibility to social and other publicly funded housing, or specialized housing such as institutional residences, a new policy is recommended in Section 11. The recommended policy addition facilitates the creation of specialized housing, recognizing that the unit mix for these housing types depends on the specific needs of the people they serve. The City's Growing Up guidelines will continue to inform unit mix and sizes. A new policy is recommended to be added to Section 11, following policy 11.1, as follows:

"The City may reduce the requirements for Policy 11.1 where development is providing:

- a. social housing or other publicly funded housing; or
- b. specialized housing such as residences owned and operated by a post-secondary institution or a health care institution to house students, patients or employees."

This revision is included in Attachment 1.

### Dwelling Rooms

Communications were received from the building industry with regard to policies 11.3 and 11.4 addressing dwelling room replacement. Specifically, the industry suggests that the policy allow for off-site replacement or the replacement of dwelling rooms with rental units, or cash-in-lieu, if practical. The industry also provided comments on the potential replacement of illegal rooming houses.

The policies as recommended do not require the replacement of dwelling rooms in the form of dwelling rooms/rooming houses. The policies specifically state that at least the same amount of residential gross floor area as the existing dwelling rooms is replaced

and maintained as rental housing. The intent of the policy is to provide flexibility for replacing dwelling rooms with rental units or dwelling rooms. With respect to the licensing regime for rooming houses, the policy speaks specifically to gross floor area which enables a dwelling room to be replaced with a rental unit. This addressed the matter of replacing unlicensed or non-permitted dwelling rooms.

## **8. Culture**

### **Live Music Venues**

A number of communications and deputations were received regarding policies related to live music venues Downtown. In PGMC Recommendations 19 through 21, the Committee recommends addressing programmatic and zoning responses to noise related to live music venues. The following highlights the City's current approach to noise mitigation, both Downtown and city-wide.

#### *Agent of Change*

To address the matters faced by Downtown's music venues, the recommended Downtown Plan contains policies which will encourage the retention of live music venues. It also introduces new measures based on the "Agent of Change" principle used in other cities around the world to ensure that music venues can continue to function without impact on, and from, increasing residential development.

The "Agent of Change" principle stipulates that those responsible for making the change should bear the cost of the effects of that change. This may mean that when a developer proposes residential dwelling units in close proximity to an existing live music venue, the developer is responsible for identifying the risk of potential conflict due to noise issues and then take steps to mitigate these issues (e.g. by soundproofing the residential development). "Agent of Change" also applies in reverse, meaning that if a music venue is seeking to locate in close proximity to existing residential dwelling units, the owner of the music venue bears the cost of managing the impact of the music venue on the neighbouring residents through soundproofing and other measures.

Typically, when new residential developments are built next to existing businesses or music venues, it is the business or music venue that has to deal with the impacts – and potential costs – of complaints made by their new neighbours. The "Agent of Change" policies within the recommended Downtown Plan will provide music venues a degree of protection from the change in the local environment and from the claims of new neighbouring residents. New residents will also gain the protections they need to live in reasonable quiet (e.g. soundproofing) because issues will be addressed before they arise, rather than at the end of a drawn-out complaints process after they move in. Employing the "Agent of Change" principle is anticipated to improve resident satisfaction while also mitigating issues currently facing the city's music industry.

The recommended Downtown Plan requires that residential units located within 120 metres of a live music venue include an advisory clause within the Site Plan Agreement

or Condominium Declaration ensuring that new and future purchasers are made aware that noise may arise from being in close proximity to a live music venue.

### *Events in Parks and Public Spaces*

The recommended Downtown Plan contains policies related to the planning, design and development of parks and the public realm and accommodating community and special events, as appropriate, within parks and the public realm. Nathan Phillips Square, Yonge Dundas Square, David Pecaut Square and other outdoor public spaces host live music and other cultural events that draw the local community together, bring in residents from across the city and attract visitors into the core. The recommended Downtown Plan seeks to ensure that these spaces are able to continue providing gathering spaces for important cultural events.

### *Noise By-law and Amplified Sound*

Currently, Chapter 591, Noise sets out restrictions for loudspeakers and other amplified sound projected on streets or public places. The existing by-law prohibits individuals from causing or permitting amplified sound, at any time, that projects beyond the lot line of the property and into any street or public space.

The by-law also includes specific time prohibitions for amplified sound in quiet and residential zones. Amplified sound is prohibited at any time in a quiet zone. In a residential zone, amplified sound is prohibited overnight from 11 p.m. to 7 a.m. on Monday through Saturday mornings and from 11 p.m. to 9 a.m. on Sunday and statutory holiday mornings.

In their January and May 2016 staff reports Municipal Licensing and Standards (MLS) proposed removing the specific prohibition for amplified sound projected into any street or public space and introduced time constraints and quantitative noise limits (decibel limits) for amplified sound by time and place.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.LS9.1>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.LS11.2>

### *Noise By-law Review*

Regulating noise is a complex undertaking due to the vast array of sources of noise, competing interests, and the natural occurrence of noise that exists in a growing and vibrant city like Toronto. For many, the city is not only a place to work and rest, but also to enjoy music, festivals, and outdoor cafés. Toronto is a dense urban environment where neighbours reside in very close proximity to each other. The City is also experiencing a high volume of construction activity as housing and transportation infrastructure are built to meet the needs of a growing population.

MLS began reviewing the noise by-law in 2015. In 2016, MLS reported on proposed amendments to the noise by-law to Licensing and Standards Committee. The Committee referred the report back to MLS with a request to convene a Noise Working Group (NWG) and report back with proposed amendments once the NWG had

completed its review and Toronto Public Health had completed its noise monitoring study.

Over the past year, MLS has met nine times with the NWG to review the current and proposed amendments to the noise by-law. The NWG included a diverse group of stakeholders including members from the Toronto Noise Coalition (TNC), representatives from the construction, manufacturing and music industries, acoustical noise engineers and staff from different City divisions.

MLS is planning to report on proposed changes to Chapter 591, Noise by the third quarter of 2019, once additional research, analysis, and consultation has been completed. It is through this review that the noise-related matters raised through the communications to PGMC on the recommended Downtown Plan are best addressed.

## 9. Implementation

### Community Benefit Agreements

Decision Advice and Other Information item 3 refers a motion regarding Community Benefit Agreements (CBAs) to Council. The motion proposes an amendment to policy 14.15 of the Downtown Plan to identify the land use designations where Community Benefit Agreements will be encouraged, as follows: "Community Benefit Agreements will be encouraged as part of development within *Mixed Use Areas 1*, *Mixed Use Areas 2* and *Regeneration Areas* to achieve social and economic benefits commensurate with the intensity of development in communities within which the development is located."

There are significant opportunities to achieve social, economic and environmental benefits for local communities impacted by proposed development and infrastructure projects, including social procurement initiatives and CBAs.

CBAs are a mechanism to leverage social and economic outcomes for local communities and equity-seeking groups impacted by large development projects. CBAs are often driven by community efforts to leverage the opportunity for the benefit of the community and protect community interests<sup>1</sup>. CBAs are typically legally binding contractual agreements between developers and government and/or community, and are negotiated on a project-by-project basis. CBAs are not intended to compromise sound planning and land use regulation<sup>2</sup>.

In 2016, the City of Toronto adopted the Social Procurement Policy and Program<sup>3</sup>, which focuses on leveraging the City's purchasing power to create social impact and inclusive economic growth through two streams, including supply chain diversity in lower dollar value purchases (less than \$100,000) and workforce development opportunities in large-scale City RFPs and Tenders. While CBAs achieve many of the

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1 Van Ymeren, J. & Ditta, S. (2017). Delivering Benefits: Achieving Community Benefits in Ontario. [https://mowatcentre.ca/wp-content/uploads/publications/153\\_delivering\\_benefit.pdf](https://mowatcentre.ca/wp-content/uploads/publications/153_delivering_benefit.pdf)

2 Been, V. (2010). Community Benefits Agreements: A New Local Government Tool or Another Variation on the Exactions Theme? *The University of Chicago Law Review*, 77(5), 5-35.

3 Social Procurement Program <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX14.8>

same outcomes as the City's social procurement program, the main difference is CBAs apply to private development, whereas social procurement refers to the City's public procurement process.

In April 2018, City Council adopted its first CBA through expanded gaming at Woodbine Racetrack<sup>4</sup>. The Woodbine CBA is the first of its kind in Ontario that contains hard targets such as local and social hiring, full-time positions, annual procurement opportunities, and community access to space.

In 2019, SDFA staff will report to City Council on a Community Benefits Framework that will support and guide the City in its future efforts to use CBAs to achieve social and economic benefits for local communities impacted by proposed developments. It is expected the Framework will include analysis regarding what type of private development proposals would maximize the impact of CBAs. The legislative, staff capacity and financial impact to administer and implement CBAs requires further review.

It is City staff's opinion that any amendment to the recommended Downtown Plan policy on CBAs is premature prior to the completion of the Community Benefits Framework. Among other matters, the Framework will include an analysis of what type of development proposals are suitable for CBAs. Following the completion of the Community Benefits Framework, sufficient analysis and information will be available to inform decision-making regarding the application of the CBA policy (policy 14.15) included in the recommended Downtown Plan.

## **10. Other Matters**

### **Hotel replacement**

One deputation addressed the matter of a hotel accommodation replacement policy Downtown. The recommended Downtown Plan contains policies to strengthen the hotel, tourism, hospitality and convention industries by prioritizing the development of non-residential uses, which include hotel facilities, in an expanded *Financial District* and in a new *Health Sciences District*. In addition to the Downtown planning framework, at its January 2018 meeting, Council requested the General Manager of Economic Development and Culture (EDC) and the Chief Planner and Executive Director, City Planning to review the potential for the implementation of a hotel accommodation replacement policy and/or strategy to protect the existing amount of hotel space in *Mixed Use Areas* and *Regeneration Areas* and report back to Economic Development Committee in April 2018. This report has been held as staff are awaiting the outcome of ongoing mediation on Official Plan Amendment 231 regarding office replacement policies in *Employment Areas* prior to considering similar policies for hotel accommodation replacement.

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4 Expanded Gaming at Woodbine Racetrack – City Conditions  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX33.2>

## Accessibility

The matter of outreach to and participation of people with disabilities and accessibility advocacy organizations in the TOcore study process was raised at PGMC. Throughout the study, staff have strived to reach as broad an audience as possible and to ensure the participation of persons of all abilities. Staff used a range of engagement tools including email, phone, accessible surveys, Social Pinpoint commenting tools, in-person events, Twitter, text messaging, and mail-in community engagement toolkits to reach a broad audience. All material posted to the TOcore website is provided in an accessible format. Staff have also provided information in hard copy where requested for accessibility reasons.

Earlier in the study process, staff developed the TOcore Avatars to help the public relate the study to their lives and to encourage engagement from a diverse cross-section of the population. The Avatars also helped the team to understand the varying needs of the diverse populations who live, work, and visit Downtown. Two of the Avatars (Marilyn and Fred) represent persons who use mobility aids. The perspectives shared during our Avatar campaigns fed into the TOcore Proposals Report, which later shaped both the proposed and recommended Downtown Plan. Throughout the TOcore study, the team has engaged with persons with disabilities through meetings with stakeholder groups, as well as at public events including open houses and Downtown Parks and Public Realm Plan (PPRP) events. All of the team's public events have been held at accessible venues.

Engagement activities to support the development of the recommended Downtown Plan's five supporting infrastructure strategies also included broad outreach and participation. The stakeholders and service providers who participated in the development of the PPRP, Downtown Community Services and Facilities Strategy (CS&F Strategy), and Downtown Mobility Strategy advocated for improved accessibility of the public realm and City facilities for people of all abilities and varying needs. Specifically, staff consulted on the PPRP with the Canadian National Institute for the Blind, the Canadian Association for Retired Persons, and the Toronto Accessible Sports Council. In developing the CS&F Strategy, the team also engaged with community services providers, many of whom work with persons with disabilities and were able to provide insight into the needs of their clientele including those who are not able to speak for themselves. These stakeholders emphasized the upgrades required to make City facilities more accessible to their client groups. Similarly, the Downtown Mobility Strategy identifies the need for safe and universally accessible streets for people of all ages and abilities, especially the most vulnerable: children, seniors and people with disabilities through a complete streets approach.

Staff incorporated this feedback into several policies in the recommended Downtown Plan that speak to building a core that is accessible, inclusive and welcoming to all people who live, work, learn and visit Downtown. These policies include:

- Goals (Policies 3.4, 3.7): Recognize the need for accessible public spaces in the creation of *complete communities* and prioritize accessible and safe networks for pedestrians, cycling and surface transit.

- Parks and Public Realm (Policies 7.2, 7.3.1, 7.29.3, 7.51.2): Ensure an accessible, inclusive and welcoming public realm; the creation of spaces that accommodate people of all ages and abilities year round; and accessible pedestrian connections.
- Mobility (Policies 8.1, 8.3, 8.4.1, 8.8.1, 8.11): Ensure a transportation system that improves mobility and accessibility for all people; provides safe, comfortable, functional and accessible streets in all seasons for pedestrians of all ages and abilities; and improve pedestrian safety, comfort and accessibility, especially for the most vulnerable.
- Built Form (Policy 9.32.4): Require amenity space to provide elements and programming that respond to a variety of users of all ages and abilities.
- Community Services and Facilities (Policy 10.4.3): Provide *community service facilities* that provide for flexible, accessible, multi-purpose spaces to meet the varied needs of different user groups.

While the recommended Downtown Plan sets the stage to create an accessible Downtown, the Ontario Building Code, the *Accessibility for Ontarians with Disabilities Act* (AODA) and the City of Toronto Accessibility Guidelines provide the action plan and standards for implementation.

Toronto's Official Plan also contains policies that support universal accessibility to publicly accessible buildings and open spaces and through the current Official Plan Review, additional supportive wording will be included.

### **Engagement with Toronto Central Local Health Integration Network (LHIN)**

Communications were received requesting ongoing engagement with the City to support planning for the specialized needs of major health care institutions within Downtown. Through the TOcore planning process, the City has engaged with the Toronto Central Local Health Integration Network (TCLHIN) to advance shared interests with respect to planning for health facilities and factors influencing social determinants of health in high growth areas. The impact of population growth on access to health services and the importance of long-term planning for hospitals, health services and facilities is a priority Downtown. Given growth pressures, the TCLHIN and the hospitals are initiating long-range planning efforts to determine the necessary infrastructure and services required to meet growth, as well as changing demographics Downtown.

Broader discussions between the City and all GTA LHINs focused on how to best integrate health care planning with City Planning studies and development review in all areas of the city. As a result of a series of discussions commencing in late 2014, the City and the Toronto Central LHIN signed a partnership agreement in 2017: 'A Partnership for a Healthier Toronto'. The agreement was based on meetings with senior staff at the City and the TCLHIN, facilitated through the City Manager's Office. The intent of the agreement is to expand collaborations to promote healthy communities from two perspectives: the City as a municipal government with the highest point of leverage on social determinants of urban health, and the LHIN as the planner and funder of local health care services. The Partnership is built on the understanding that a sustained and coordinated strategic partnership between the City and the TCLHIN will enable improved service delivery, greater resource efficiency, and a healthier Toronto. The objectives of the partnership agreement are to:



- plan for population growth through enhancing integration of planning for City and Health Infrastructure;
- develop effective program delivery by leveraging City and TCLHIN resources to provide comprehensive health and social services; and
- advance overall population health by jointly identifying shared priorities to address specific health and health system issues to improve outcomes for specific populations and neighbourhoods.

This report recommends that staff support the TCLHIN and hospitals in advancing the planning for health care facilities and services Downtown.

## 11. Changes to Downtown Plan Maps

In addition to policy changes noted in this report, staff are recommending three mapping changes to the recommended Downtown Plan, itemized in Attachment 2 to this report and shown below:

- Map 41-2: Revise the northern boundary of the *Health Sciences District* to follow the alignment of Queen's Park Crescent;
- Map 41-3, Map 41-3-B and Map 41-3-C: Change the area generally bounded by Church Street, Richmond Street East, Jarvis Street and generally following the alignment of Richard Bigley Lane (north of Queen Street East) from *Mixed Use Areas 3* to *Mixed Use Areas 2*; and
- Map 41-14: Revise the John Street Cultural Corridor to extend south to Queens Quay (along Rees Street).

## CONTACT

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## SIGNATURE

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Chief Planner and Executive Director  
City Planning Division

## ATTACHMENTS

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Attachment 1: Downtown Plan Policy Revisions Recommended in Response to Deputations, Letters and Further Meetings

Attachment 2: Downtown Plan Map Revisions Recommended in Response to Deputations, Letters and Further Meetings

Attachment 3: Downtown Plan Policy Revisions through PGMC Recommendations