



Official Plan Review: Public Consultation Comments and Revised Policies on Built Form and Public Realm

Date: June 11, 2019

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: All

SUMMARY

This report presents proposed changes to Section 3.1.3, Public Realm, Section 3.1.2, Built Form and Section 3.1.3, Built Form - Tall Buildings, of the Official Plan following public and stakeholder consultation conducted as part of the Five Year Review of the Official Plan.

The proposed policy changes are intended to strengthen the existing policies and provide greater clarity through new policies that describe the public realm, built form and built form types. The policies reflect the continuous evolution of the application of urban design to achieve critical city-building objectives, defining the roles and relationships of the public realm and new development to ensure that buildings and their surrounding public spaces work together to achieve a high standard of design and help create a high quality of life for people of all ages and abilities.

Proposed Official Plan Amendments for the Public Realm and Built Form sections of the Official Plan are appended as Attachments 1 and 2 to this report, respectively. Attachments 3 and 4 show how the proposed amendments would be incorporated into Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan. A proposed terms of reference for a Block Context Plan complete application requirement forms Attachment 5 to this report.

The proposed policies have been revised to respond to stakeholder and public feedback received through citywide consultation that took place from November 2018 to February 2019. A summary of the stakeholder and public consultation forms Attachment 6 to this report and is discussed below.

The proposed policy changes respond to Council's direction to update the policies in order to respond to the following adopted urban design directions:

- promoting a walkable city;
- clarifying the role of the public realm and the need for new public streets;
- introducing development criteria for low-rise, mid-rise and tall buildings; and
- promoting public squares and Privately Owned Publicly-Accessible Spaces.

The proposed policies are also intended to address the recently released A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), which includes new and revised policies and definitions for Complete Communities, Complete Streets, the Public Realm and Compact Built Form that emphasize a high-quality, vibrant public realm, the efficient use of land, the integration of green infrastructure, social equity and quality of life, and a well-connected network of walkable neighbourhoods and destinations that encourage active transportation.

RECOMMENDATIONS

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

1. The Planning and Housing Committee direct City Planning staff to hold a statutory public open house to present the proposed Official Plan Amendments containing Public Realm and Built Form policies, and the proposed Terms of Reference for the Block Context Plan complete application requirement, appended to this report in Attachments 1, 2 and 5 respectively.
2. The Planning and Housing Committee request the Chief Planner and Executive Director, City Planning to prepare a Final Recommendation Report with Official Plan Amendments containing revised policies for the Public Realm and Built Form sections of the Official Plan and a Terms of Reference for the Block Context Plan complete application requirement to the Planning and Housing Committee in Q3, 2019 for a special meeting in fulfilment of Section 26 of the *Planning Act*.

FINANCIAL IMPACT

There are no financial impacts resulting from the adoption of this report.

DECISION HISTORY

At its meeting on February 6, 2012, City Council adopted the report from the Chief Planner and Executive Director, City Planning, summarizing the completed Stage 1 consultations for the Five Year Official Plan and Municipal Comprehensive Reviews, and identifying thematic areas for policy amendments to be considered as part of the work program for Stage 2 of the Official Plan Review. Council also requested the Chief Planner and Executive Director, City Planning, to prepare reports containing proposed Official Plan amendments by thematic areas and directed staff to first address matters required to be part of the Official Plan Review under S. 26 of the Planning Act, such as Growth Plan conformity, employment lands policies and heritage policies. The Decision History can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG10.8>

Since the inception of the Official Plan Review, a number of thematic policy amendments have been adopted by Council, including the following:

- Heritage Policies (OPA 199) – adopted April 2013 (in effect)
- Section 37 (OPA 214) – adopted July 2013 (in effect)
- Economic Health and Employment Lands (OPA 231) – adopted December 2013 (partially in effect)
- Transportation Policies (OPA 274) – adopted August 2014 (in effect)
- Environment (OPA 262) – adopted November 2015 (in effect)
- Neighbourhoods/Apartment Neighbourhoods (OPA 320) – adopted December 2015 (in effect)
- Greenbelt Conformity (OPA 346) – adopted May 2016 (in effect)

At their meetings on January 15, 2018 and June 7, 2018, PGMC endorsed draft official plan amendments containing revised public realm and built form policies and a draft terms of reference for a Block Context Plan as the basis for public consultation. The Decision History can be accessed at these links:

Public Realm Policies and Block Context Plan:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG25.7>

Built Form Policies:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG30.1>

PGMC directed staff to conduct open houses in each community council district, and meet with key stakeholders to obtain comments and feedback regarding the draft revisions.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement

The Provincial Policy Statement, 2014 ("PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The PPS recognizes that healthy, active communities are important and should be promoted through the provision of public streets and spaces that meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.

The PPS guides the development of official plan policies and informs decisions on other planning and development matters. All decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2019) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

The Growth Plan (2019) includes policies pertaining to the development of a high quality public realm and a compact built form that promote pedestrian-friendly, walkable neighbourhoods and the use of transit and active transportation. The Growth Plan (2019) requires municipalities to "develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form".

Public Consultation and Stakeholder Engagement

City Planning has undertaken a comprehensive public engagement and stakeholder consultation process for the review of the Public Realm and Built Form Official Plan policies, including numerous public open houses, stakeholder meetings and a social media photo call that asked Torontonians to submit photos of their favourite public spaces and buildings in the city. Attachment 6 describes the detailed consultations that have taken place throughout the course of the study, including a summary of the feedback received.

Through the consultations, the City received a variety of comments and suggestions about the draft public realm and built form policies. Generally, stakeholders and the public were supportive of the revised policy framework and intent. Some policies were identified as needing further clarification while others received divergent opinions from general public and stakeholder groups. Policies that have been substantially revised following the consultation are discussed below.

1. Public Realm

Reconciliation

The Official Plan contains policies in Chapter 3 pertaining to the development of a protocol for matters related to identifying, evaluating and protecting heritage resources that may be of interest to First Nations or Métis communities. During consultation, it was recommended that the Public Realm policies should speak directly to indigenous reconciliation. Planning staff have introduced a new Policy 4 that is similar to the policies recently approved as part of the Downtown and Yonge-Eglinton secondary plans.

Streets

In-force Policy 17 of the Public Realm section states that new streets should be public streets. It further states that private streets, where they are appropriate, should be designed to integrate into the public realm and meet the design objectives for new streets. The intent of this policy is to ensure that new streets contribute to the development of the public street network in order to achieve the broader public realm objectives, and to permit private streets only in limited circumstances.

Public streets are a defining feature of the public realm. In addition to providing the organizing element of the City and its neighbourhoods, public streets are vitally important because they preserve access and connectivity for essential public services and ensure that these public services can be provided in an efficient, safe and secure manner over the long term. Public streets can also be managed, maintained and upgraded to respond to growth and development. The introduction of public transit, cycling or pedestrian infrastructure, the increase or reduction of vehicular traffic lanes, revised routing options, the planting of trees and installation of public art and green infrastructure are examples of changes to public streets that may be appropriate or necessary over time.

Although private streets may be publicly accessible, appear as public streets and provide connections with the public realm, they lack this inherent flexibility. Given their limitations, the draft policy revisions replaced Policy 17 with a new policy requiring streets to be public, with limited exception for shared private driveways for servicing access to loading and parking facilities. The effect of the draft policy change was to require an official plan amendment for new private streets.

The draft policy change was discussed extensively during stakeholder consultation, particularly with the development community. Private streets can be appropriate for certain types of development such as properties with problematic environmental remediation or physically constrained sites that require development below the street. It was determined that although public streets are preferred to private streets for the reasons outlined above, requiring an official plan amendment for every new private street was not desirable. Therefore, Policy 17 (renumbered as Policy 9 in Attachment 3) is proposed to be revised to require that new streets be public, "unless otherwise deemed appropriate by the City." Further, the proposed policy requires that where private streets are deemed to be appropriate, they will be designed to connect to and integrate into the broader public street network and meet the design objectives for new public streets. This balanced policy approach maintains the intent of the previous draft policy revision, while providing flexibility for alternative solutions to complex development proposals.

POPS and Public Squares

Discussions around the role, design, accessibility and ownership of Privately Owned Publicly-Accessible Spaces (POPS) and Public Squares occurred at a number of public open houses and stakeholder consultations. The need to refine the policies to better articulate the differences between POPS and Public Squares was also identified. Planning staff have revised the policies (Proposed Policies 20 and 21) to address these concerns by simplifying the POPS policy language and providing clearer direction on the role and design of Public Squares.

2. Block Context Plan

There was general support for the draft terms of reference for the Block Context Plan as a new complete application requirement, though some clarification was required as to when the Block Context Plan might apply. Planning staff clarified that the Block Context Plan will not be required for all developments, but is intended to demonstrate how certain developments - as described in the proposed Terms of Reference forming

Attachment 5 to this report - will be designed and planned to fit in the existing and/or planned public realm and built form contexts.

3. Built Form

Policy Organization

The Proposed Policies have been reorganized under four policy headings: Site Organization & Location; Building Shape, Scale & Massing; Improving the Public Realm through Building Design; and Private & Shared Amenity Space. This format helps to clarify the intended outcome of the Built Form policies and provides a structured approach to applying the policies to new development such that development sites and buildings will contribute to an enhanced public realm.

General Simplification/Clarification of Policy Language

Feedback received through both public and stakeholder consultation was that some policies contained language that was too technical or complex and therefore unclear in its intent. Planning staff have reviewed the policies to simplify the language and clarify the policy intent. Additional language has also been incorporated to clarify certain terms and the intended outcome, such as the new and revised sidebars and policies for Street Proportion and Transition in Scale.

Building Types

The policies pertaining to building types - townhouse and low-rise apartment buildings, mid-rise buildings, and tall buildings - received varied feedback at both the public open houses and stakeholder meetings. On the one hand, some members of the public wanted greater certainty with respect to permitted building heights and other numerical standards presented in the draft policies. On the other hand, a number of stakeholders, including developers and some professional stakeholders, wanted clarity around how the policies containing numerical requirements - such as tower separation distances and floorplate sizes - would be applied in different development scenarios and whether or not an official plan amendment would be required should a particular standard not be achievable or appropriate.

Planning staff considered all of the input received from the public and stakeholder groups in conjunction with the intended policy outcomes. The Building Types policies provide additional policy direction that is specific to certain buildings types and that builds upon the general built form policies. The primary intent of the Building Types policies is to enhance the public realm and limit the impacts on adjacent properties by protecting access to sunlight and privacy. These objectives are achieved by maintaining good street proportion and transition in scale between areas of different intensities. The Proposed Policies have been revised to focus on the objectives of sunlight, access and privacy while providing flexibility in how the design of buildings can achieve those outcomes. To that end, the policies have been simplified with respect to the intended outcomes without relying on specific numerical standards that may not be applicable or appropriate in all development scenarios.

Conclusions

The proposed Official Plan Amendments contained in Attachments 1 and 2 of this report are an important component of the work program to bring the Official Plan into conformity with the Growth Plan (2019).

The proposed policies reflect the continuous evolution of the application of urban design to achieve critical city-building objectives and contribute to a high-quality of life. They are consistent with the policies and intent of the Provincial Policy Statement, 2014 have regard for matters of Provincial interest listed in Section 2 of the *Planning Act* and they conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

This report recommends that staff take the attached revised policies and Official Plan Amendments to a statutory public open house under Section 26 of the Planning Act, followed by a Final Recommendation Report in Q3, 2019.

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SIGNATURE

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ATTACHMENTS

- Attachment 1: Proposed Public Realm Official Plan Amendment
- Attachment 2: Proposed Built Form Official Plan Amendment
- Attachment 3: Incorporated Public Realm Policy Revisions with the In-Force Official Plan
- Attachment 4: Incorporated Built Form Policy Revisions with the In-Force Official Plan
- Attachment 5: Terms of Reference for the Block Context Plan
- Attachment 6A: Public Consultation Summary Report
- Attachment 6B: Public Consultation Summary Report Appendices