

Ready, Set, Midtown: Zoning Review – Status Report

Date: November 8, 2021

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: Wards 8 Eglinton-Lawrence, 12 Toronto-St Paul's, and 15 Don Valley West

SUMMARY

The Midtown Zoning Review is one of three initiatives currently underway to implement the Yonge-Eglinton Secondary Plan (Official Plan Amendment 405), collectively known as "Ready, Set, Midtown". The other initiatives are the Midtown Infrastructure Implementation Strategy (MIIS) and the Midtown Parks and Public Realm Strategy. The purpose of this report is to provide an update on the Midtown Zoning Review, directions for the development of an updated Zoning By-law, and a summary of consultation undertaken to date. The report outlines next steps and timing for completion of a draft Zoning By-law for consultation and a final recommended Zoning By-law in Q2 2022.

RECOMMENDATIONS

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

1. Planning and Housing Committee request the Chief Planner and Executive Director, City Planning Division to consider feedback obtained through the ongoing consultation process in the preparation of a draft Zoning By-law, and to undertake further consultation with the public and key stakeholders, including landowners and renters, businesses and agencies, on the resulting draft Zoning By-law.
2. Planning and Housing Committee request the Chief Planner and Executive Director, City Planning Division to report back in the second quarter of 2022 with a recommended Zoning By-law.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

EQUITY STATEMENT

The Yonge-Eglinton Secondary Plan and Midtown Infrastructure Implementation Strategy provides a holistic approach to managing growth and change in the area, while considering potential impacts on equity-seeking groups and vulnerable residents of Toronto. The Secondary Plan provides a framework for establishing a complete community in Midtown that supports overall quality of life for people of all ages, abilities, and incomes. This will be achieved through improved access to a range of mobility options, community service facilities, local stores, services and employment, housing including affordable housing, an attractive and vibrant public realm and publicly accessible parks, open spaces and recreational facilities.

In the development of an updated Zoning By-law, Staff are keeping this in mind with an aim of supporting complete and inclusive communities. To this end, input from diverse individuals and groups in the development of an updated Zoning By-law is important. Staff are making efforts to involve diverse voices through the consultation practices being deployed as outlined in this report.

DECISION HISTORY

Midtown Infrastructure Implementation Strategies

At its July 23, 2018 meeting, City Council adopted OPA 405 pursuant to Section 26 of the *Planning Act*. As part of its decision on the final report associated with OPA 405, City Council also endorsed the Midtown Parks and Public Realm Plan and Community Services and Facilities Strategy, and directed City Staff to coordinate and prepare Infrastructure Implementation Strategies for parks and public realm improvements, community services and facilities, transportation and municipal servicing. City Council also directed staff to undertake a zoning review of Midtown's 22 Character Areas, and consider applying holding provisions, where necessary, as part of the Midtown zoning review and/or the review of development applications.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG31.7>

Minister's Decision on OPA 405

On June 5, 2019, the Minister of Municipal Affairs and Housing issued its decision on the Midtown Official Plan Amendment (OPA 405). As part of the Decision, modifications were made to OPA 405. Some of the modifications could result in greater height and/or density than envisioned through the Council adopted version of OPA 405. The Secondary Plan contains policy directions associated with the provision of infrastructure, Public Realm Moves, the Midtown Mobility Network, and the need for Infrastructure Implementation Strategies.

City staff reported to City Council on the Minister's modifications to OPA 405 and the Downtown Official Plan Amendment (OPA 406) at its July 16, 2019 meeting. City Council directed staff to complete a Zoning By-law for OPA 405 in coordination with City Planning Division's Midtown Multi-Modal Access Study and the Toronto Transit

Commission's Surface Transit Operational Improvement Study. City Council also directed staff to expeditiously advance a review of the Zoning By-law permissions in relation to existing and planned infrastructure and other matters.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.MM8.16>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC9.8>

Midtown Infrastructure Implementation Strategies - Interim Report

On July 14, 2021, Toronto City Council adopted the Midtown Infrastructure Implementation Strategies - Interim Report, which provided an update on progress toward Council-directed implementation strategies in the Midtown area. Council adopted the Eglinton Green Line Landscape and Public Realm Standards, and directed staff to report back in the second quarter of 2022 on the status of the Midtown Zoning Review.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH24.8>

POLICY CONSIDERATIONS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS 2020) provides province-wide policy direction 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.

The preamble to the PPS states that zoning by-laws "are also important for implementation of this Provincial Policy Statement. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and this Provincial Policy Statement."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan") came into effect on August 28, 2020. The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. 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.

Official Plan

The Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. The vision of the City's Official Plan centres on the creation of an attractive and safe city that evokes pride, passion, and a sense of belonging; a city where people of all ages and abilities can enjoy a good quality of life in vibrant neighbourhoods that are part of complete communities. The vision also outlines the importance of providing affordable housing choices across Toronto that meet the needs of everyone in their communities throughout their life.

Section 5.2.1 of the Official Plan covers Secondary Plans, and indicates the Secondary Plans establish local development policies in a defined area of the city. Policy 5.2.1.5. states that "an implementing zoning by-law and/or development permit by-law will be prepared concurrently for new Secondary Plans unless Council determines that development is to proceed by site specific zoning." Council has directed staff to advance a review and update to Zoning By-law permissions in the Yonge-Eglinton Secondary Plan area.

Official Plan Amendment 405 (the Yonge-Eglinton Secondary Plan)

Official Plan Amendment 405 was the result of an inter-divisional response and public engagement process concerning the rapid intensification and change in parts of the Yonge-Eglinton area, building on the 2014 Midtown in Focus: Parks, Open Space and Streetscape Plan. The Yonge-Eglinton Secondary Plan provides an up-to-date planning policy framework and prioritized improvements related to local transportation, parks, municipal servicing and community infrastructure. The Plan sets out a vision for Midtown that emphasizes the importance of complete communities and the diversity of Midtown's character areas. It envisions Midtown as a green, resilient, connected and prosperous place. The Plan also provides detailed direction on the appropriate scale and location of future growth and links growth with the provision of infrastructure.

COMMENTS

The Yonge-Eglinton area continues to be a focus for growth, investment and new development activity within a complex, urbanized context. As of October 2021 there were 37 sites with rezoning applications under review within the Character Areas of the Yonge-Eglinton Secondary Plan, of which 24 were received or resubmitted following the Provincial approval of the Secondary Plan through OPA 405 in June 2019. As the City is required to process, review and evaluate development applications received, cross-divisional efforts to coordinate implementing zoning, public realm improvements and infrastructure strategies remain an ongoing priority to inform development application review and ensure that growth is appropriately managed. Staff will continue to review and process development applications in the area, while working to implement the intent and purpose of the Plan, and its associated infrastructure requirements.

Inputs in Developing an Updated Zoning By-law in Midtown

The general approach at this stage of the Midtown Zoning Review is to discuss high-level inputs to a future update to the Zoning By-law (which staff are referring to as a 'zoning framework') while additional inputs and technical evaluation continue. Three primary areas of work must be completed to achieve an updated Zoning By-law to implement OPA 405:

- A zoning background report regarding the existing conditions and challenges;
- A built form study to evaluate the modifications made to the Secondary Plan by the Province; and
- An infrastructure assessment based on the highest potential growth estimates anticipated through the built form study.

The zoning background report entitled "Midtown Zoning Review Phase 1 - Background Report" was completed in 2020 and is available on the project website at www.toronto.ca/readyssetmidtown. The background report includes a detailed account of the current zoning in Midtown by Character Area. It also identifies a number of challenges, including the complexity and layering of existing zoning. The area is subject to three comprehensive zoning by-laws: City of Toronto Zoning By-law 569-2013, former City of North York Zoning By-law 7625, and former City of Toronto Zoning By-law 438-86. There are hundreds of zoning exceptions and prevailing by-laws. As a result, the existing zoning in Midtown is challenging to understand and interpret, and is challenging also to update. As expected, there are areas of inconsistency between OPA 405 and the in-force zoning, necessitating updates to zoning to ensure conformity with OPA 405. Additional study is needed to determine appropriate regulations for height, density, transition, and tower separation in order to interpret and respond to OPA 405 as modified.

A built form study is being undertaken by a consultant hired by the City, in coordination with staff and with input from the public. The primary purpose of the built form study is to evaluate the modifications made to the Secondary Plan by the Province, including modification or elimination of some policies, and increased height permissions in some areas. The consultant has been directed to conduct their evaluation to achieve conformity with OPA 405, and is considering appropriate application of the anticipated height ranges, shadow impact on parks and open spaces, tower separation distances, floor plate sizes, setbacks and stepbacks, based on the identification of soft sites that have the potential to be redeveloped. The consultant's preliminary recommendations were presented for feedback to a meeting of the Midtown Planning Group, which consists of local residents, representatives of business improvement areas and stakeholders, on June 22, 2021. Staff anticipate a final report from the consultant in the fourth quarter of 2021.

In total, there were an estimated 62,000 residents and 34,000 jobs in the Yonge-Eglinton Secondary Plan area in 2016, based on the census and Toronto Employment Survey. The estimated build-out of the Secondary Plan would result in growth over time to an estimated 156,000 residents and 40,000 jobs. This includes a roughly 15% increase in estimated residential population, with modest changes to job growth, as compared with the staff-recommended Secondary Plan. This additional potential growth is being evaluated along side original infrastructure assessments through the Midtown Infrastructure Implementation Strategy (MIIS). The MIIS is underway and will evaluate infrastructure needs and delivery mechanisms for matters including parkland, Community Services and Facilities, municipal servicing, and transportation. A report is anticipated in the second quarter of 2022.

Zoning Framework

In response to the challenges identified through the work completed to date, including the background report, Staff developed objectives to guide the zoning update in the Midtown area. These objectives are:

- Implement the intent and purpose of the Yonge Eglinton Secondary Plan;
- Simplify the complex and layered zoning where possible;

- Keep user experience in mind to ensure the updated zoning is clear and understandable (which are elements of being equitable and transparent); and
- Ensure that the by-law works for the future, but does not predict the future.

The objectives are the lens through which the zoning framework was developed. Staff identified a series of questions; the answers to which will form a series of directions for updating zoning in Midtown. Collectively, Staff are referring to these directions as the draft zoning framework.

The draft zoning framework includes high-level directions regarding the basis for an updated zoning by-law, outlines some of the required changes to zoning that are necessary to implement the Secondary Plan, and describes the mechanics of how some of the regulations are proposed to work. This includes the mechanics of regulations for office replacement and tower separation.

In summary, the draft zoning framework includes twelve categories, and provides direction that:

- The basis of the zoning by-law is proposed to be City of Toronto Zoning By-law 569-2013, rather than creating a new comprehensive zoning by-law from scratch;
- Recent development applications be brought into an updated by-law with site-specific permissions;
- Land uses be modified as required by the Secondary Plan (e.g. setting a maximum size, and minimum depth of retail uses), but otherwise be based on City of Toronto Zoning By-law 569-2013;
- Building form be regulated through elements of Zoning By-law 569-2013 such as setbacks, angular planes, and height limits, as adjusted to implement the Secondary Plan. New regulations will be introduced to implement policy directions regarding the typological elements of buildings described in the plan, such as the base and tower portions of tall buildings;
- Building size be regulated through form, including height limits, maximum floor plate sizes, angular planes, setbacks, stepbacks, and other form-based regulations.
- Minimum heights remain the same where they already meet the intent and purpose of the Plan, and be modified elsewhere as required;
- Minimum ground floor retail height be set at 4.5 metres due to the area-specific minimum height policy of the Secondary Plan, despite the ongoing OLT appeal to this minimum height in the parent Zoning By-law. In addition, a general (as opposed to site-specific) provision be introduced to reduce this minimum height on retail blocks with a current average retail height of less than 4.5 metres;
- Maximum height be regulated through a maximum height overlay map and built form based regulations (e.g. angular planes), with the proposed addition of a minimum lot size requirement for tall buildings, to ensure tall buildings are on sites that are large enough to appropriately accommodate them. Permissions for maximum height in metres will be informed by outcomes of the built form study;
- Height transition be informed by the results of the built form study and regulated as described above;
- Separation distances between the tower portion of tall buildings be regulated through a two-step process of defining a base building in relation to its adjacent

right-of-way, and setting minimum setback distances to any portion of a building above the base building. Two exceptions are proposed to be introduced to make this work for midrise buildings and for those limited portions of the Secondary Plan area which include provisions for base buildings that vary from the remainder of the area;

- Office replacement be regulated through a three step process. First, the term "office" will be defined for the purpose of replacement. Then, proposals for development on sites including buildings taller than the adjacent right-of-way width, and/or development on sites exceeding a lot size limit in square metres, will be required to replace all defined office uses. Finally, the amount of office to be replaced will be determined using existing City data regarding office uses; and
- Other regulations be introduced, such as elements of the Council-adopted-recommended Secondary Plan that were removed through modifications by the Province.

Through consultation, it is expected that the number and content of the directions set out above may be refined. A detailed outline of the draft zoning framework is available for review in Attachment 2.

Targeted Exercise for the Chaplin Crescent Transit Station Area and Avenue Road Transit Station Area

The zoning framework is intended to provide general direction for the development of a revised zoning by-law in the Midtown Character Areas, including the Eglinton Way Character Area (roughly located between Oriole Parkway and Chaplin Crescent along Eglinton Avenue West). Unlike much of the Secondary Plan area, zoning in the Eglinton Way Character Area was revised within the last 5 years to be form-based, coming into force in 2017 as a result of the Eglinton Connects Planning Study. In addition, modifications made to the Yonge-Eglinton Secondary Plan through the Minister's Decision include an increase in the required minimum density targets around the Chaplin Crescent and Avenue Road transit station areas from the Council-adopted target of 160 people and jobs per hectare, to a minimum target of 200 people and jobs per hectare. For these reasons, a targeted review will be undertaken for these two transit station areas in consideration of the increased density targets. Outcomes of the ongoing Expanding Housing Options in Neighbourhoods (EHON) study will also inform this approach.

Public Consultation

In October 2021, staff initiated public engagement on a draft zoning framework to ensure that input into the development of a draft zoning by-law is considered early in the process. The study and consultation were promoted using the following methods:

- A two-page flyer, including meeting details and a discussion guide, was mailed to over 59,000 addresses, covering the entire Secondary Plan Area and a 200 metre buffer beyond that area;
- Updates to the dedicated project website were made at www.toronto.ca/readyssetmidtown;
- Emails were sent from the dedicated listserv;

- A bulletin was posted at the Northern District Library and flyers were left at the library for patrons; and
- Other means of promotion, such as informing local community groups, posting to City social media accounts and word-of-mouth.

Two public consultation sessions held on October 27, 2021. There were a total of 346 unique sign-ins to the event, which provides a reasonable estimate of the number of people in attendance. In general, participants were engaged in the meeting, with comments and questions received on a variety of topics with varying degrees of alignment with zoning. Some key messages received included:

- interest in complete communities where a variety of uses are permitted close to, or within the same building;
- interest in seeing more parks, green and open spaces, and wider sidewalks;
- interest in accommodating more housing, along with 'non-luxury' and affordable housing;
- conflicting comments on whether to include or exclude setbacks and stepbacks;
- desire for transition between taller and denser areas to lower and less dense areas;
- concern about minimum height provisions;
- concern about infrastructure, including the ability to accommodate increased density (e.g. water, transportation, community services and facilities, etc.)
- concern about the provision of schools in the areas;
- interest in slowing, delaying, or 'freezing' development;
- concern about development expanding beyond the areas to which it is planned (e.g. west of Duplex Avenue)
- concern about disruption due to construction, including noise, dust and transportation concerns; and
- questions about geography, process, timelines, and further consultation.

Numerous phone calls and emails were also received from members of the public in response to promotional materials. Staff will consider all feedback received, along with further consultation on a proposed draft by-law, in the development of updated zoning for the Midtown area.

A more detailed summary of consultation to date is included as Attachment 3.

Holding By-laws

A Holding By-law is a tool to assist in instances where the intended use and zoning is known for lands, but development should not take place until specific facilities or conditions are met. Policies for Holding By-laws must first be described in an Official Plan. Toronto's Official Plan includes policies related to Holding By-laws in section 5.1.2. Policy 5.1.2.2. sets out the conditions to be met prior to the removal of a holding provision, which include:

- transportation or servicing improvements;
- parks and open space, recreational, and community services and facilities;
- environmental protection, remediation or mitigation measures;

- measures to protect a natural heritage area or environmentally sensitive natural features;
- professional or technical studies to assess potential development impacts;
- phasing of development;
- entering into agreements, including subdivision agreements or agreements pursuant to Section 41 of the Planning Act, to secure any of the matters required to satisfy the conditions for removal of the holding provision; and
- measures to protect heritage buildings, properties with archaeological potential and archaeological sites.

A Holding By-law must be specific, bear a reasonable relationship to a potential development, and provide clear direction on how the provision can be satisfied (e.g. the provision of a satisfactory transportation study, soil remediation, or construction of a street). A Holding By-law should not be used to delay development that would otherwise represent good planning, and generally can only apply to items that can be delivered by a proponent or the City. Should outcomes of the MIIS indicate a specific infrastructure need that can be addressed via a Holding By-law, such a By-law will be considered through the Midtown Zoning Review.

Inclusionary Zoning and Major Transit Station Areas

As part of the Municipal Comprehensive Review process, known as "Our Plan Toronto" (www.toronto.ca/ourplan), City Planning staff are advancing draft Major Transit Station Area (MTSA) delineations. Over the course of the Q4-2021 and Q1-2022, Planning staff will continue to report to Planning and Housing Committee with draft delineations for the basis of consultation. These draft delineations include MTSA boundaries, minimum density targets, and permitted land uses.

In November 2021, City Council adopted a policy and zoning framework for inclusionary zoning (IZ), a planning tool that allows the City to require affordable housing in new development to create mixed-income housing. Beginning in 2022, inclusionary zoning will require 5-10% of new condominium developments to be secured as affordable housing if the development is located in both a Protected Major Transit Station Area and an IZ market area. The Secondary Plan is located within an IZ market area and all of the transit station areas in the Secondary Plan area are being advanced as PMTSAs. This PMTSA framework will be advanced outside of the Midtown Zoning Review.

Indigenous Engagement

Staff have reached out to 11 First Nations and the Metis Nation via email and letter regarding the Midtown Zoning Review. The purpose of the letter is to invite direct participation with the City, and to also inform the First Nations and the Metis Nation of the City's intent to update zoning in the Midtown area. As of the date of writing of this report, an acknowledgement has been received by the Mississaugas of Alderville First Nation, and further follow up has been requested by the Metis Nation. In response, Staff have offered to provide a project briefing at a time that is convenient to the Metis Nation. Staff will continue to offer direct participation and provide updates to the First Nations and Metis Nation through the lifetime of the zoning review.

Anticipated Timeline and Next Steps

City Planning, together with partner divisions and agencies, continue to advance the Midtown Zoning Review, and anticipate the following sequence of events:

- The built form study and zoning framework will be finalized in 2021;
- Based on the zoning framework and input from consultation, staff will prepare a draft Zoning By-law;
- The draft zoning by-law is anticipated to be released for consultation in the first quarter of 2022;
- The MIIS will continue to advance, with inputs received from that Strategy to be coordinated with the draft Zoning By-law as needed;
- Based on input received through the consultation program and internal circulation, the draft Zoning By-law will be revised; and
- A final recommended Zoning By-law is anticipated to be brought forward for Council's consideration in the second quarter of 2022.

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SIGNATURE

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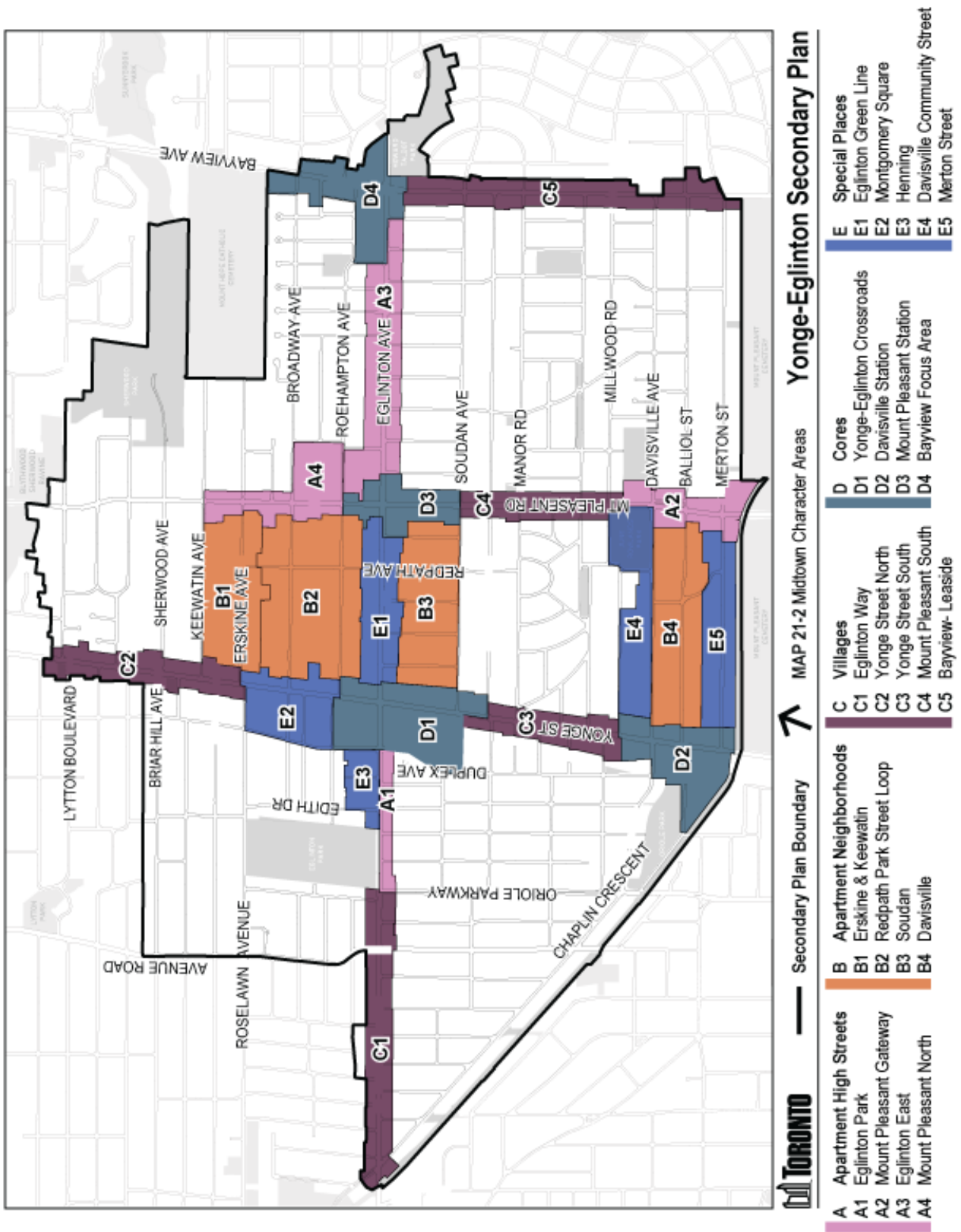
ATTACHMENTS

Attachment 1: Yonge Eglinton Secondary Plan Character Areas, within which updates to zoning are being considered

Attachment 2: Objectives and Draft Zoning Framework (provided separately)

Attachment 3: Public Consultation Summary to date (provided separately)

Attachment 1: Yonge Eglinton Secondary Plan Character Areas, within which updates to zoning are being considered



Attachment 2: Objectives and Draft Zoning Framework

The following outlines the objectives for the Midtown Zoning Review, and directions for zoning discussed as part of two public consultation sessions held on October 27, 2021. The directions are described below as answers to a series of questions. The answers collectively represent a framework from which to develop an updated zoning by-law for the Midtown area to implement OPA 405.

Objectives

1. Implement the intent and purpose of the Yonge Eglinton Secondary Plan.

Updates to the Zoning By-law should implement the intent and purpose of the Yonge Eglinton Secondary Plan, to ensure that zoning regulations reflect and support the vision and direction of the Plan.

2. Simplify where possible. Zoning in the Midtown area is complex and layered. There is an opportunity in developing updated zoning to simplify where possible. Through the Midtown Zoning Review, staff will seek to avoid or eliminate duplication, avoid adding unnecessary layers, and incorporate or reduce prevailing zoning by-laws where possible (e.g. by integrating them in 569-2013). Further, staff will seek to not re-litigate issues that are either currently before the Ontario Land Tribunal or have recently been decided at the Tribunal.

3. Keep user experience in mind. In developing updated Zoning, staff will consider how the zoning will be used and by whom. Staff will aim to ensure the zoning is as clear and understandable as possible, unambiguous and simple to interpret. As a Zoning By-law is a public document, aiming to make it easier to understand is one way to be more equitable and transparent.

4. Ensure the by-law works for the future, but does not predict the future. The Yonge Eglinton Secondary Plan has a long term horizon in the order of decades. Through an updated Zoning By-law, Staff will provide clear direction on key elements, without trying to predict all future scenarios or development outcomes given the impact of land assembly and other market dynamics. It is conceivable that the zoning may need to be revisited over the life of the Secondary Plan.

Draft Zoning Framework

The Draft Zoning Framework consists of a series of high-level response statements, each introduced by a question, which serves as a user guide in understanding the framework. Each response is based on a combination of research, technical assessment, and public input, along with professional expertise and an understanding of best practices. Further, Staff have considered recent area- and city-wide zoning in Toronto, such as the Residential Apartment Commercial (RAC) zone, and the updated zoning put in place through Eglinton Connects.

1. What forms the basis of an updated zoning by-law for Midtown? Updated zoning in Midtown will use OPA 405 as its direction, and City of Toronto Zoning By-law 569-2013 as its basis (rather than creating a new comprehensive zoning by-law from scratch).

The zoning will also be informed by many factors, including outcomes of technical analysis (e.g. the built form study and infrastructure study), City Urban Design Guidelines, decisions of the Ontario Land Tribunal (OLT), previous work undertaken, and consultation with stakeholders and the public.

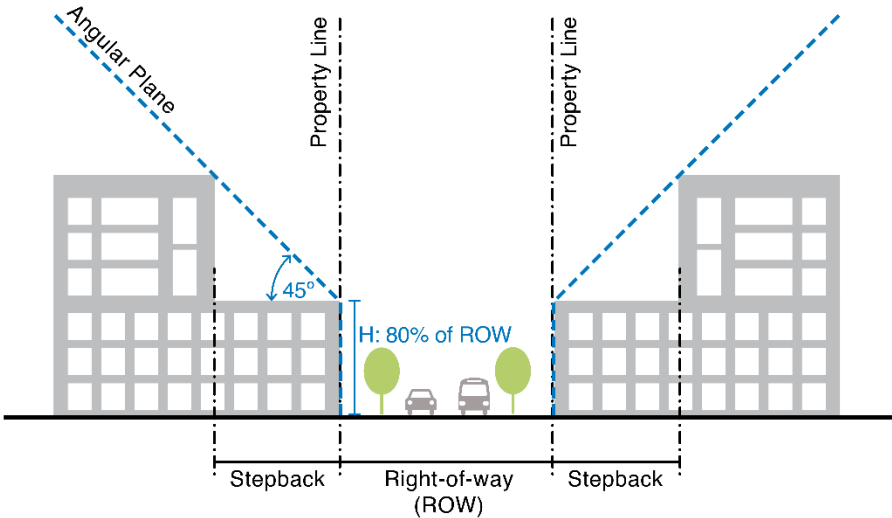
2. How will recent development applications be handled? The intent is to bring the entire area that is under review into the updated zoning by-law. Existing development applications will be evaluated through the development review process, with any conflicts resolved in site-specific permissions, if appropriate. Recently in-force site-specific zoning will continue to apply on a site-specific basis. To ensure this all works, the updated zoning will state that site specific zoning by-laws continue to apply.

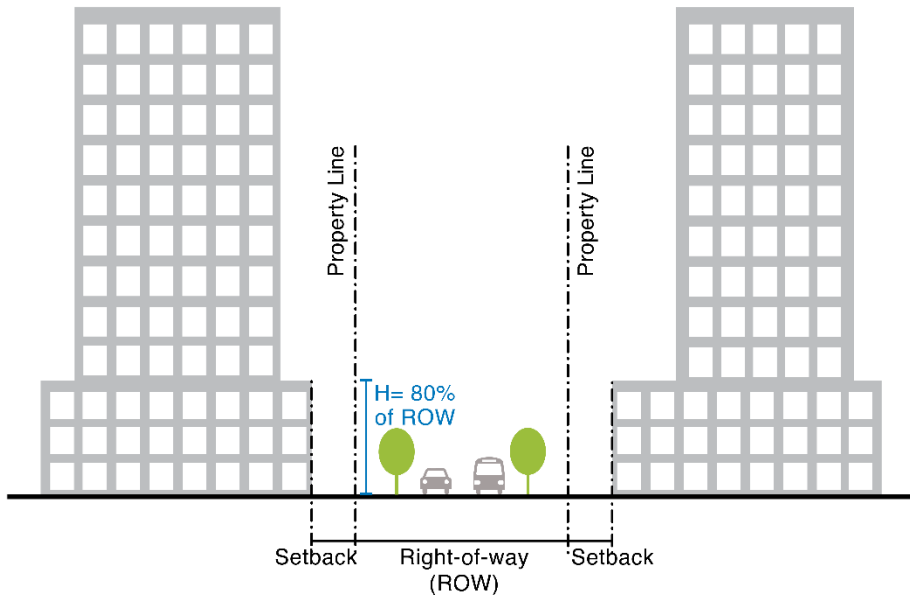
3. How will land uses be determined in the updated zoning by-law? As the basis for this updated zoning is city-wide Zoning By-law 569-2013, the definitions and regulations in that by-law will apply wherever possible. However, there are some directions in the Secondary Plan that require area-specific regulations for Midtown that differ from the city-wide By-law, such as:

- Setting a maximum size, and a minimum depth of retail uses;
- Not permitting single-use, residential-only buildings on priority retail streets; and
- Defining office uses for the purpose of implementing office replacement policies in the Secondary Plan.

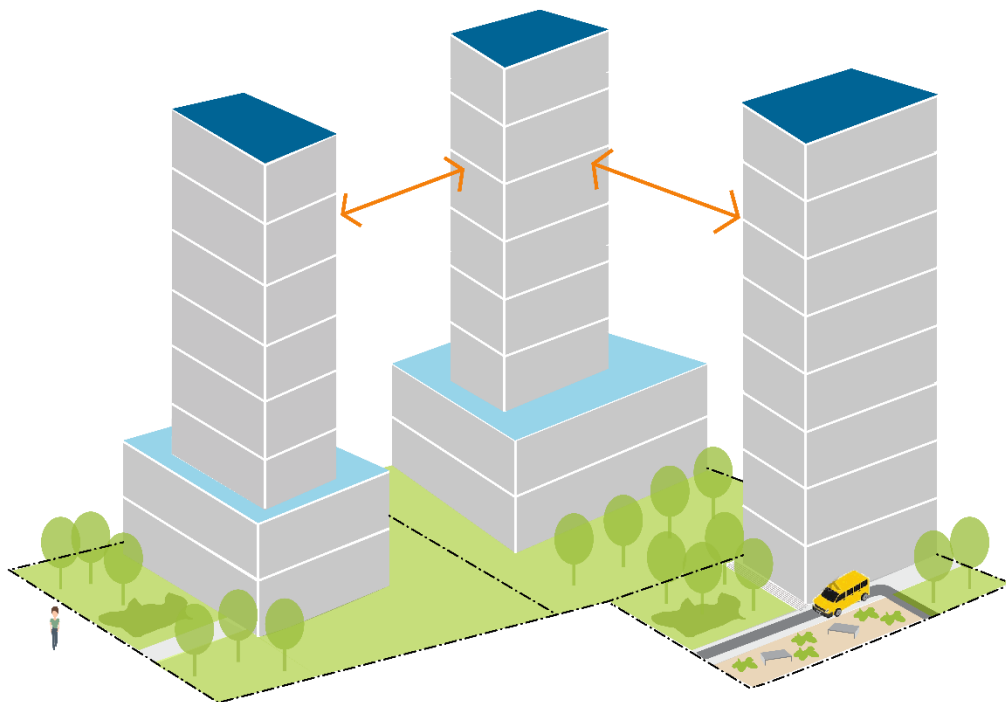
4. How will the form of buildings be regulated? Building form will be regulated through elements in Zoning By-law 569-2013, including setbacks, angular planes, and height limits, as may be adjusted to reflect the intent and purpose of the Secondary Plan. The by-law will also regulate stepbacks, which are a version of setbacks above grade level. New regulations will need to be introduced to implement the Secondary Plan, including definitions for different portions of tall buildings. For example, an updated zoning by-law will need to define regulations for base buildings, and the tower portion of tall buildings, including a maximum permitted floor plate size for towers.

Please refer to the images below which are provided for illustration of these concepts.





- Building Base
- Floor Plate (Tower)
- Distance between Towers



5. How will building size be regulated? Building form, including height limits, maximum floor plate sizes, angular planes, setbacks, stepbacks, and other form-based regulations go a long way to determining the ultimate size of a building. These regulations ensure appropriate built form, including transition, a comfortable public realm, and sunlight on streets and open spaces. It is these elements that will be the primary means by which building size will be regulated in an updated zoning by-law.

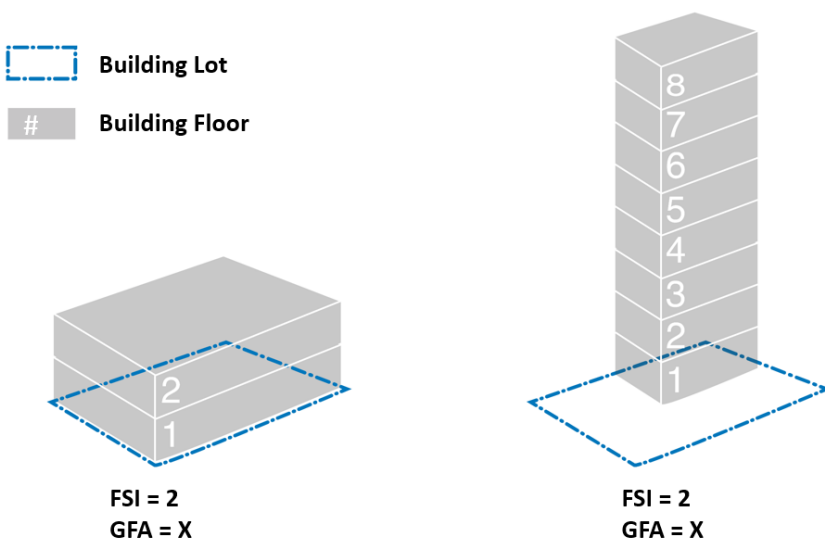
This type of building regulation is called 'form based zoning', and is the type of zoning that is already in place along portions of Eglinton Avenue through updates to zoning that came into force in 2017. For example, all of the properties fronting onto Eglinton Avenue West between Chaplin Crescent and Avenue Road have this type of zoning.

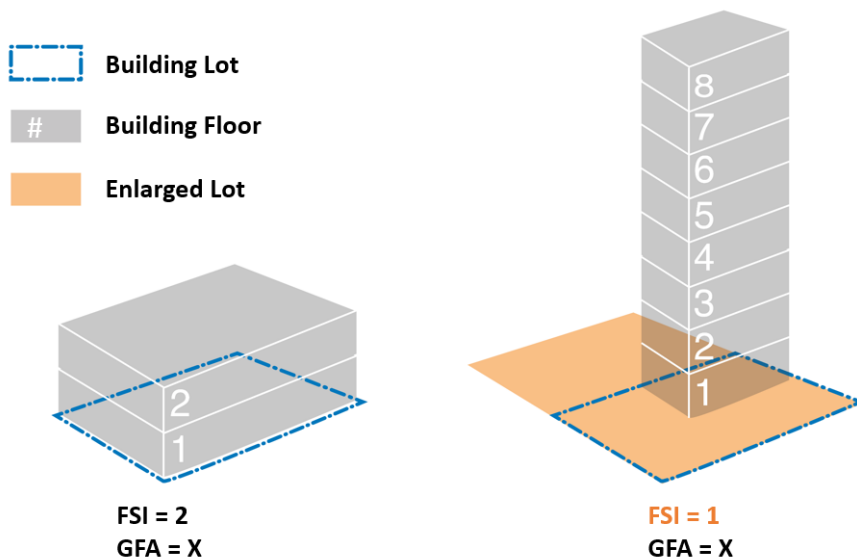
The total size of a building in gross floor area (GFA) can be calculated by combining these form-based regulations with the remaining elements, such as the number of floors, floor-to-ceiling heights, the presence or absence of mezzanines, etc.

The total GFA can be divided by the total area of the lot on which the building is proposed to stand. This results in a ratio known as floor space index (FSI). In form-based zoning, FSI (should it be calculated) is a result.

For the majority of properties in Zoning By-law 569-2013, a maximum FSI is set as a regulation. However, the detailed form-based directions of OPA 405 make it possible to move forward with form-based zoning. Further, anticipated lot consolidation makes the determination of reasonable future FSI limits challenging and time consuming to calculate. Moving forward with form-based zoning in Midtown supports the objectives of simplifying where possible, keeping user experience in mind, and ensuring the by-law works for the future, but does not predict the future.

The illustrations below demonstrate how the same amount of gross floor area (represented as "X") can result in different FSIs depending on the built form and lot dimensions.





6. How will minimum height be regulated? Regulations in Zoning By-law 569-2013 already include a minimum height of 10.5 metres and 3 storeys in many Commercial Residential areas along main streets. Where this minimum aligns with the minimums of the Secondary Plan, no changes will be made. This includes the Midtown Villages and portions of the Eglinton Park Character Areas in the Secondary Plan.

There are some policies of the Secondary Plan that require changes to minimum heights. These include:

- A minimum of 2 storeys for lands designated Neighbourhoods A and Neighbourhoods B in the Plan. These areas are geographically small relative to the total size of the plan area;
- A change to a minimum of 2 storeys in lands designated Apartment Neighbourhoods for institutional and cultural uses;
- A change to a minimum of 3 storeys in the remaining portions of the Eglinton Park Character Area; and
- A minimum of 4 storeys in all other Character Areas.

7. How will retail ground floor heights be regulated in mixed-use buildings?

Zoning By-law 569-2013 includes a minimum height requirement of 4.5 metres for the first floor of properties within the Commercial Residential (CR) zones. However, this regulation is currently under appeal to the Ontario Land Tribunal. The Secondary Plan sets out an area-specific minimum ground floor retail height of a minimum of 4.5m metres (generally), except where the historic character of a block has a lesser height. Through zoning, this will be implemented on a general, rather than site- or area-specific basis. For example, the regulation may include a provision whereby the minimum retail ground floor height may be less than 4.5 metres provided it is not less than the average retail ground floor height of the existing block.

8. How will maximum height be regulated? Maximum height will be regulated using Zoning By-law 569-2013 as a basis for low-rise and mid-rise areas (e.g. Neighbourhoods A and Neighbourhoods B, and for certain 'Villages' Character Areas in the Secondary Plan). This means that a combination of a maximum height overlay map,

and form-based regulations (e.g. angular planes) will form the primary way by which maximum height is regulated.

For areas where tall buildings are permitted, maximum height will also be regulated using a maximum height overlay, and form based regulations. In addition, Staff anticipate a requirement for a minimum lot size. A minimum lot size requirement can help ensure that tall buildings are only permitted as-of-right on sites that are large enough to accommodate them, which may require lot consolidation to allow for appropriate development. This minimum lot size requirement is anticipated to be a value in square metres.

A determination about metric heights in metres and the anticipated lot size requirement will be informed by the outcomes of the Built Form Study, including the interpretation of height ranges introduced by Provincial modifications.

9. How will height transition be regulated? The recommendations of the built form study will help identify approaches to transition between areas of differing scale and intensity in the Secondary Plan area. This will be implemented as described in the response to question 8 above.

10. How will minimum separation between the tower portion of tall buildings be regulated? A two step process is proposed in response to this question:

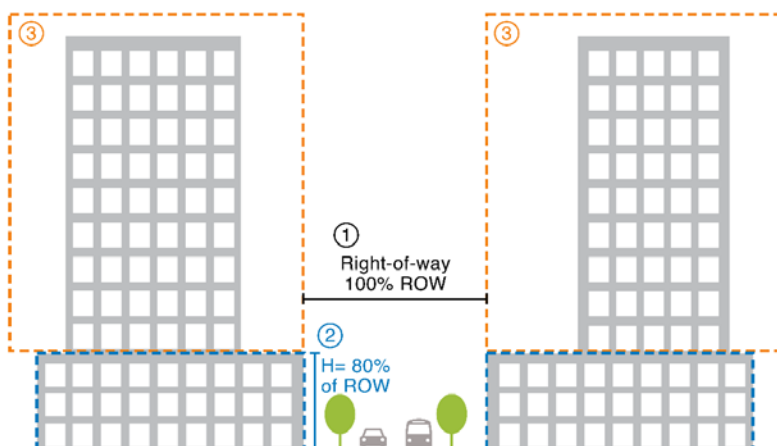
1. The base building (also sometimes referred to as the 'podium') will be defined in relation to the adjacent right-of-way (ROW) width. A ROW encompasses all the elements of a street from property line to property line, including the asphalt, sidewalks, bike lanes or tracks, lighting, landscaping, etc.

2. Minimum setbacks on a horizontal plane will then be defined for any portion of a building above that defined in 1 above, including:

- Setbacks from a lot line; and
- Setbacks from any other structure.

See the diagram below, which explains this for the purpose of illustrating the concept.

- ① Planned street Right-of-way width (ROW)
- ② Base Building Max. H = 80% ROW
- ③ Tower (Middle + Top) Min. Setback and X metres distance from other buildings/property lines



While the image above is for illustration purposes related to a tall building only, it is important to note that the image shows a base building maximum height of 80% of the right-of-way width. This is based on best practices and the City's Tall Building Design Guidelines (Guideline 3.1.1.). However, the City's Midrise Building Performance Standards set a maximum height for mid-rise buildings equal to the planned right-of-way width (Standard 1). Midrise buildings are not bases to tall buildings. Therefore, the proposed regulation would need to include an exception for buildings with a total height equal to or lesser than the planned right-of-way width.

In addition to the exception for midrise buildings, an additional exception may be needed where the Plan indicates consideration of a base building of 8 storeys through policy 5.3.34.d. The exception would be geographically based within the Yonge-Eglinton Crossroads, Davisville Station, and Eglinton Green Line Character Areas.

11. How will office replacement be regulated? A three step process is proposed in response to this question:

1. The term "office" will need to be defined for the purposes of office replacement. It will need to be clear what an office is and what is not an office.
2. In response to policies 2.5.4 and 2.5.7 of the Secondary Plan, office replacement will apply if a proposal includes a tall building or if a site is larger than a defined value in square metres. For the purposes of this regulation, a "tall building" is one that is taller than the adjacent right-of-way width (see policy 3.1.3.7. of the parent Official Plan).
3. If item 2 applies, then (using existing City data), the minimum amount of office gross floor area (GFA) will be set on a site-by-site basis, and would be cumulative if sites are consolidated.

12. Are there any other regulations that will need to be introduced? Yes, further regulations that will be considered through the Midtown Zoning Review include:

- Policies of the Secondary Plan that were removed by the Province that are appropriate to reintroduce through zoning. For example, a minimum amount of outdoor area for Apartment Neighbourhoods, and minimum setbacks adjacent to certain streets;
- Regulations to support the transition of Secondary Retail streets from non-retail to retail/commercial in the future, such as a minimum ground floor height;
- The potential for Holding By-laws, should a need be identified through the Midtown Infrastructure Implementation Strategy;
- A minimum setback for circumstances where an existing building with primary doors and windows faces a new development site. This will help ensure reasonable light and air, and transition between the existing building and new building; and
- Additional regulations that may be identified through further study and public consultation.

Attachment 3: Public Consultation Summary to date
(provided separately)