

May 31, 2023

Planning and Housing Committee  
City of Toronto  
100 Queen Street West  
Toronto ON M5H 2N2

Delivered electronically

#### **PH4.7 - Mid-Rise Buildings Rear Transition Performance Standards Review & Draft Update**

Dear Planning and Housing Committee Members,

I am an Architect and Urban Designer for Smart Density, an architecture and planning firm that has actively participated in various mid-rise building projects within the city. This involvement includes consulting housing advocacy groups, reviewing proposed projects, and engaging in extensive discussions with multiple stakeholders. On behalf of Smart Density, I am writing to provide feedback on the draft staff recommendations PH4.7.

We acknowledge and appreciate that the City of Toronto has recognized the deficiencies in the original Avenue & Midrise Building Study. These shortcomings have hindered the timely provision of crucial housing, and it is commendable that the City is willing to take steps to address these shortcomings.

While the improvements to the performance standards proposed in the draft are appreciated, particularly regarding rear transitions, we must highlight that several shortcomings still remain unresolved.

We believe that both the original shortcomings of the Study and the current limited scope of proposed changes stem from not recognizing a few major factors:

1. There is no moral or planning justification for treating "Neighbourhoods" (places where people live that have low-rise buildings) and "Apartment Neighbourhoods" (places where people live that have mid-rise or high-rise buildings) any different from each other. Additionally, most "Neighbourhood" properties close to "Avenues" are bound to be allowed to be redeveloped at higher densities eventually, making the concept of their "protection" questionable.
2. Excessive planning requirements have consequences that lead to real suffering due to insufficient and inadequate housing. The affordability crisis in Toronto also places immense pressure on smaller cities and towns in Southern Ontario. Furthermore, the complex building masses that result from the requirements of the guidelines make it impossible to design good unit layouts. It is crucial to consider these impacts and ensure that any regulations of this nature are justified by real positive impacts on the public realm and the well-being of residents.
3. It is important to distinguish between building articulation and building massing. The current policy heavily favours the use of articulation as a broad approach, resulting in various undesirable consequences.

#### **Our recommendations**

The proposed performance standards are an improvement to the existing guidelines. Despite this, the proposed changes still require significant irregularity in the building mass. It is worth noting that these irregularities may not necessarily contribute to the public good, thus raising questions about their justification.

**PF 5A.C**

For buildings exceeding 20 m in height, we believe that an additional separation distance of 2.5 m is appropriate. However:

1. It is essential to clarify that this separation is allowed to be achieved through a setback of 10 m rather than a stepback. This will emphasize that the purpose of this standard is to create separation and not articulation.
2. The mandated 10 m separation distance would be sufficient for all buildings up to 36 m in height. Considering that tall buildings, which can be much taller, are required to provide only a 12.5 m separation from the property line, a 10 m separation should be sufficient for an 11-storey building.

**PF 5A.E**

This option should always be permitted; managing wind in mid-rise buildings does not necessarily require the use of stepbacks. Therefore, allowing increased building setbacks from the rear property line without stepbacks should be a consistent possibility.

**PF 5C.D**

The comments above apply to this Performance Standard as well.

**PF 8C of the existing Mid-Rise Buildings Performance Standards**

While side stepbacks were not part of the scope of the review by Staff, they significantly impact the feasibility of mid-rise buildings above 6 storeys, and it is critical that they are reconsidered.

There is no justification for the existing requirement for side stepbacks at upper storeys for the following reasons:

1. Sky views and sunlight are accounted for by the relation between the building and the right-of-way; for the same reason, there is no concern for a "canyon effect".
2. The requirement penalizes smaller sites, where development is already more challenging, making only very large buildings viable.
3. The requirement has not been applied consistently in the past since Staff recognized it does not provide significant value.
4. Avoiding unattractive side walls:
  - In most locations, adjacent sites have similar development potential; this makes the concern about blank walls minor.
  - There are many design approaches to making side walls without windows attractive.
  - In places where adjacent development is improbable, side windows do make sense. However, the separation distance required by the building code is as little as 1.2 m; a requirement of 5.5 m is excessive where the units have windows on the main facades.

The existing performance standard applies a requirement for separation distance that was intended to limit overlook in conditions where the developer is interested in windows, not where windows are mandated by the City.

**PF 12 of the existing Mid-Rise Buildings Performance Standards**

Cantilevered balconies should be allowed to protrude about 2-2.5 m beyond the required rear setback since they have much less impact than the building mass.

### Secondary Plans and Site and Area-Specific Policies

The revised guidelines should override restrictions imposed by local plans, except in areas that are determined to be very unique. These plans often preceded the City-Wide guidelines, but in most cases, the areas where they apply have very typical conditions that do not justify the unique policy.

Regards,

Misha Bereznyak  
Architect, Urban Designer  
B.Arch, MUDS, OAA, LEED AP ND