

## **Housing Action Plan: As-of-Right Zoning for Mid-rise Buildings on Avenues and Updated Rear Transition Performance Standards – Final Report**

**Date:** October 15, 2024

**To:** Planning and Housing Committee

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

**Wards:** All

### **SUMMARY**

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The recommended As-of-right Zoning for Mid-rise Buildings on Avenues is one of 54 Housing Action Plan initiatives to make changes to the City's Official Plan, Zoning By-law and Urban Design Guidelines to enable more housing in neighbourhoods, along major streets and avenues. Other related action items include: the Expanding Housing Options in Neighbourhoods (EHON) Major Streets Study, As-of-Right Zoning for Avenue Studies with no Implementing Zoning, the Avenues Policy Review, Expanding Mixed Use Areas, and Implementing Zoning for new Mixed Use Areas. City Planning has either reported out on the actions such as the Major Streets Study or is working to advance these action items in a comprehensive and integrated manner.

This report recommends a zoning by-law amendment to permit as-of-right heights and densities for mid-rise buildings on lands identified as Avenues and designated Mixed Use Areas in the Official Plan. The recommended zoning by-law amendment implements urban design performance standards, including updated standards for rear transition alongside the increases to height and density permissions. These changes will enable and expand mid-rise development on the Avenues without the need for a site-specific zoning approval. Property owners would continue to be able to seek additional height or density through a minor variance where appropriate. The recommended changes have the potential to unlock an increase of almost 61,000 dwelling units above the approximately 21,500 dwelling units achievable under existing zoning standards.

The recommended zoning by-law amendment would remove barriers, ease administration, and support the creation of more housing as part of the Housing Action Plan to achieve or exceed the provincial housing target of 285,000 new homes over the next 10 years.

City Planning has also been conducting a comprehensive review of the Mid-Rise Building Performance Standards Urban Design Guidelines and has completed initial

updates to the performance standards for Rear Transitions between mid-rise buildings and other buildings or open space uses. The final updated Rear Transition Performance Standards 5A and 5B will be formally incorporated in the consolidated Mid-rise Building Urban Design Guidelines document and presented to Planning and Housing Committee in Q4 2024.

## **RECOMMENDATIONS**

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

1. City Council amend Zoning By-law 569-2013, as amended, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 2 to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

## **FINANCIAL IMPACT**

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

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

## **EQUITY IMPACT STATEMENT**

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The City of Toronto recognizes that housing is essential to the inherent dignity and well-being of a person and to building sustainable and inclusive communities. Access to safe, good quality, and affordable housing is an important determinant of physical and mental health, and a fundamental goal of the City's Housing TO 2020-2030 Action Plan. Adequate and affordable housing is also a cornerstone of inclusive neighbourhoods, supports the environment, and improves the socio-economic status of individuals, families and communities as a whole.

The provision of an appropriate range and mix of housing options is a matter of Provincial interest and a key tenet of the City's Official Plan policies. The City's Housing Action Plan takes a multi-pronged approach to increasing housing supply, housing choice and affordability for current and future residents. To this end, the updates to the Mid-Rise Buildings Performance Standards are intended to make it easier to build well-designed housing in a mid-rise form across the city. The proposed zoning by-law amendment will eliminate the need for site-specific rezoning to construct mid-rise buildings in many areas along the City's Avenues, removing barriers and accelerating approvals for this form of housing. Expanding housing options by facilitating timely mid-rise intensification in existing communities is an important step towards enabling both

market, non-market, and mixed housing production to exceed the provincial housing target of 285,000 new homes over the next 10 years.

These initiatives support the creation of a diverse range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes, leading to more equitable and inclusive communities.

## **CLIMATE IMPACT**

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In 2019, City Council declared a Climate Emergency for the purpose of "naming, framing and deepening our commitment to protecting our economy, our ecosystems and our community from climate change" ([Item MM10.3](#)). This was followed up more with the adoption of TransformTO Net Zero Strategy, which includes targets to achieve net-zero emissions in Toronto by 2040 ([Item IE26.16](#)).

Provincial policy, including the Provincial Planning Statement, supports intensification and building "compact and complete communities" as a strategy to help reduce greenhouse gas emissions and plan more adaptive communities that are resilient to the impacts of climate change. Facilitating the construction of mid-rise buildings is an important intensification strategy that promotes a more efficient use of land and resources. Density within built up areas supports low carbon transportation choices, such as walking, cycling, and public transit.

Intensification within Toronto can reduce the extension of sprawl to accommodate housing needs in the region, helping to protect agricultural lands, water resources and natural areas. Increasing density in built up areas maximizes the use of existing infrastructure, which avoids requiring carbon-intensive infrastructure built elsewhere. As part of the review of the Rear Transition performance standards, a life cycle analysis of prototypical mid-rise buildings was conducted, and determined that the proposed updates to the Mid-Rise Building Performance Standards Urban Design Guidelines with a reduction in step-backs would simplify the mid-rise structures and forms, provide more options for sustainable structural systems and construction methods, and reduce total areas of complex assemblies that have higher carbon intensities. The recommended zoning updates to enable as-of-right mid-rise development will facilitate a shift towards buildings designed to achieve net zero operational emissions and use low carbon materials for construction.

## **DECISION HISTORY**

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At its meeting of July 6, 2010, City Council approved a staff report regarding the "Avenues and Mid-Rise Buildings Study and Action Plan", which included the Mid-Rise Buildings Performance Standards. Council directed staff to monitor the Performance Standards over a two-year period. Council's decisions can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PG39.9>

At its meetings on November 13, 2013, May 29, 2014, and November 3, 2015, City Council received reports monitoring the implementation and effectiveness of the Performance Standards. The Council items can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2013.PG27.4>  
<https://secure.toronto.ca/council/agenda-item.do?item=2014.PG33.13>  
<https://secure.toronto.ca/council/agenda-item.do?item=2015.PG7.1>

In June 2016, City Council adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Performance Standards. Council's decisions can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7>

On December 14, 2022, City Council adopted Item CC2.1 – “2023 Housing Action Plan”, which directed the City Manager to develop a Housing Action Plan for the 2022-2026 term of Council that will support the City in achieving or exceeding the provincial housing target of 285,000 new homes over the next 10 years. The Housing Action Plan is to include targeted timelines for the approval and implementation of a range of policy, program, zoning, and regulatory actions to increase the supply of affordable housing in support of complete communities. Council's decisions can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC2.1>

On March 21, 2023, Executive Committee endorsed Item EX3.1 - “Housing Action Plan 2022-2026- Priorities and Work Plan” including direction to City Planning to review and update the Rear Transition Performance Standards from the Avenues & Mid-Rise Buildings Study (Standards 5A through 5D) as an initial project and bring subsequent reports with recommended zoning by-law amendments establishing city-wide zoning performance standards to implement as-of-right mid-rise development on Avenues.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EX3.1>

On June 1, 2023, Planning and Housing Committee received Item PH4.7 a preliminary report on the “Mid-Rise Buildings Rear Transition Performance Standards Review & Draft Update”, and directed the Chief Planner and Executive Director, City Planning to undertake public and stakeholder consultation on the Draft Performance Standards, as well as other existing Mid-Rise Buildings Performance Standards, in the third and fourth quarter of 2023 and report back with final recommendations on the Rear Transition Performance Standards, as well as any additional feedback from the consultation by November 30, 2023. <https://secure.toronto.ca/council/agenda-item.do?item=2023.PH4.7>

On November 8, 2023, City Council adopted Item EX9.3 - "Generational Transformation of Toronto's Housing System to Urgently Build More Affordable Homes" which included an update on the Housing Action Plan workplan items. Council's decisions can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2023.EX9.3>

On November 30, 2023, Planning and Housing Committee received Item PH8.4 a status report on the “Housing Action Plan: Mid-Rise Buildings Rear Transition Performance

Standards Review & Update”, and directed the Chief Planner and Executive Director, City Planning to report back in Q2 2024 with the final updated Rear Transition Performance Standards and Zoning By-law Amendments to implement as-of-right permissions, and to make best efforts to report back by Q4 2024 with draft consolidated Mid-rise Building Urban Design Guidelines incorporating recommendations from monitoring, public and stakeholder consultation, and analysis that amend the performance standards with the goal of encouraging mid-rise developments that are more economical to build and more environmentally sustainable.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH8.4>

On December 13, 2023, City Council adopted Item MM13.27 – “Federal Housing Accelerator Fund - Supporting Generational Transformation of Toronto’s Housing System” including direction to the Deputy City Manager, Development and Growth Services, to receive receipt of the Housing Accelerator Fund program funds, in accordance with the terms and conditions of the Contribution Agreement and any related agreements, directives or program guidelines. Council’s decisions can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2023.MM13.27>

On February 28, 2024, Planning and Housing Committee received Item PH10.3 – “Housing Action Plan: Avenues Policy Review – Proposals Report”, and requested the Chief Planner and Executive Director, City Planning to undertake broad public and stakeholder consultation on proposed policy directions for updating Official Plan Avenues policies, and report back with recommended Official Plan Amendments in Q4 2024; to explore policy and mapping changes for certain City-owned sites adjacent to existing Avenues with potential to support the delivery of housing; and to consider redesignation of lands identified as areas of transition from Neighbourhoods to Mixed-Use to better facilitate mid-rise development on Avenues.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH10.3>

On June 13, 2024, Planning and Housing Committee received Item PH13.4 – “Housing Action Plan: As-of-Right Zoning for Mid-rise Buildings on Avenues and Updated Rear Transition Performance Standards - Proposals Report”, and directed the Chief Planner and Executive Director, City Planning, to consult stakeholders and the public on the proposed draft zoning by-law amendment and report back with the final recommended zoning by-law amendment in the third quarter of 2024, and to incorporate the updated Rear Transition Performance Standards in the draft consolidated Mid-Rise Building Urban Design Guidelines in the fourth quarter of 2024.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH13.4>

## **RECOMMENDED AMENDMENTS**

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### **Updated Mid-rise Building Rear Transition Performance Standards**

The June 2024 Proposals Report recommended initial updates to the Mid-rise Building Performance Standards Urban Design Guidelines (UDG). That report included direction regarding how mid-rise buildings should transition to other buildings at their rear, as well as to park or open space uses in adjoining areas. The draft updated Rear Transition Performance Standards remain unchanged from the June 2024 Proposals Report and inform the recommended zoning by-law amendment.

The draft updated Rear Transition Performance Standards 5A and 5B provide opportunities for buildings up to 6 storeys to achieve rear transition through a single 7.5-metre setback rather than requiring the building to fit below a 45 degree angular plane measured from the rear lot line.

Above the 6th storey, to a maximum of 11 storeys, an additional step-back of 2.5-metres and/or separation distances are recommended to achieve a consistent transition to low-rise, mid-rise, tall and non-residential buildings, as well as parks, open spaces or natural areas. This recommended step-back replaces the previous guidelines respecting use of an angular plane to achieve transition.

The draft updated Rear Transition Performance Standards 5A and 5B replace the existing performance standards for Rear Transition to Neighbourhoods, Employment Areas and Apartment Neighbourhoods in the 2010 and 2016 Mid-rise Building Performance Standards UDG and should be read together with these Urban Design Guideline documents.

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

This report recommends amendments to city-wide Zoning By-law 569-2013 to implement as-of-right zoning permissions for mid-rise buildings along Avenues in the Commercial Residential (CR) zone. The amendments implement the updated urban design performance standards for rear transition and recommend as-of-right height and density permissions.

The recommended zoning by-law amendment has three primary components:

- First, it amends the regulations of the CR Zone to add two new suites of development standard sets that reflect the updated rear transition urban design Performance Standards 5A and 5B. These replace the existing requirements for the rear of the building to fit beneath a 45 degree angular plane.
- Second, it amends the Height Overlay Map for the subject areas to increase the permitted maximum building heights to align with the fronting planned right-of-way widths.
- Third, it amends the Zone Labels on the Zoning Map for the subject areas, to apply the new development standards and to increase the permitted maximum density.

The amendments would apply to those portions of the Avenues that do not have conflicting built form direction resulting from a Secondary Plan, Site and Area Specific Policy (SASP), Avenue Study or similar planning study, or where the amendments might impact an existing site-specific development approval.

The recommended zoning by-law amendment has been revised from the June 2024 proposal to clarify how setbacks are applied, address use conditions, provide guidance on the application of setback requirements to heritage properties, and to no longer apply to lands within a regulatory flood plain.

The recommended draft Zoning By-law Amendment forms Attachment 2 to this Report.

## BACKGROUND

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The City's Official Plan envisions Avenues as "important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents." Historically, guiding this evolution has been advanced using Avenue Studies initiated by the City in collaboration with local residents and businesses, to produce local area-specific policies, design guidelines and, in many areas, implementing zoning. In the absence of a completed Avenue Study, development proponents are required to prepare more limited Avenue Segment studies in support of individual development applications, with only the development site receiving implementing zoning.

Recognizing that the process of studying every Avenue would take many years, the City conducted the Avenues and Mid-Rise Buildings Study in 2010 resulting in a set of generalized urban design guidelines to help catalyze the re-urbanization of the Avenues while providing transition to adjacent areas. Zoning By-law permissions along the Avenues were not updated as part of that work, and as a result many development proposals that were in keeping with the direction of the urban design guidelines have required site-specific zoning by-law amendments.

Detailed background on the Mid-Rise Building Performance Standards UDG can be found in the June 2024 Proposals Report.

### Housing Action Plan

The Housing Action Plan (HAP) priorities for the 2022-2026 term of Council was approved by Council in December 2022, and sets targeted timelines for the approval and implementation of a wide range of actions, policies and programs to increase the supply of housing within complete, inclusive and sustainable communities with the critical infrastructure to support growth.

The HAP actions focus on removing policy and zoning barriers to building housing; leveraging public lands to increase housing supply; preserving existing rental homes; supporting the development of a range of purpose-built rental homes (including market and non-market) through new and strengthened housing policies and programs; and supporting the community sector (including non-profit and co-op housing providers) to modernize and grow their stock.

The HAP's Avenues, Mid-Rise and Mixed Use Areas group of action items direct staff to identify policy, mapping, zoning and guideline changes that would simplify approvals and facilitate development along Avenues and in Mixed Use Areas. City Planning is actively working to advance these action items in a comprehensive and integrated manner. Collectively, these planning studies and initiatives will expand the areas of the city identified as Avenues, put in place updated Official Plan policies for Avenues to guide intensification and change along Avenues, provide zoning permissions for mid-rise development along Avenues, and update urban design guidelines for mid-rise development on Avenues:

### *Official Plan Policy initiatives:*

- Avenues Policy Review
  - Study of Official Plan policies exploring opportunities to streamline study requirements; extend and potentially introduce new Avenues; update the vision and policy direction for how Avenues will develop; and examine options for creating areas of transition between Avenues and Neighbourhoods to enable more housing.
- Expanding Mixed Use Areas Designations
  - Review of the Official Plan's Land Use maps to explore opportunities to expand the Mixed Use Areas designation in certain geographies.

### *Zoning initiatives for Avenues:*

- As-of-Right Zoning for Mid-rise Buildings on Avenues (Avenues without Avenue Studies)
  - Zoning amendments to increase permitted heights and densities for Avenues where an Avenue Study defining area-specific built form policies has not been completed.
- As-of-Right Zoning for Mid-rise Buildings on Avenues (Avenues with completed Avenue Studies but no implementing zoning)
  - Project preparing implementing zoning for Avenues where an Avenue Study has been completed to enable as-of-right development that conforms to the adopted Area-Specific Policies and Urban Design Guidelines
- As-of-Right Zoning for Mid-rise Buildings on Avenues (New Avenues and Mixed Use Areas)
  - Project to update zoning permissions for any new or extended Avenues and expanded Mixed Use Areas designated by the HAP Official Plan Policy projects.

### *Urban Design Guideline updates:*

- Updated Mid-Rise Building Rear Transition Performance Standards
  - A focused review of these performance standards to create additional opportunities to facilitate the development of mid-rise buildings, supporting increased housing supply in walkable, complete communities.
- Updated Consolidated Mid-Rise Building Urban Design Guidelines
  - A broader review to update and consolidate the existing Mid-Rise Building Urban Design Guidelines that incorporate recommendations from mid-rise monitoring, public and stakeholder consultation, and further analysis to promote economical and sustainable mid-rise development.

Attachment 1 to this report illustrates the areas currently identified as Avenues in the Official Plan, and their existing policy frameworks. The map identifies the portions of the Avenues that would be affected by the recommended zoning by-law amendment, as well as areas previously studied through Avenue Studies or other planning studies (resulting in either secondary plans or site and area-specific policies) and provides an overview of the current permissions. As a result of the Housing Action Plan work program described above, both the extent of existing Avenues and the extent of lands designated Mixed Use within the Avenues may grow.



Further details about the Housing Action Plan and related initiatives can found in the June 2024 Proposals Report.

## **POLICY & REGULATION CONSIDERATIONS**

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### **Provincial Land Use Policies**

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020) (PPS (2020)), and shall conform to provincial plans including A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan (2020)), the Greenbelt Plan and others.

On October 20, 2024, the Provincial Planning Statement (PPS (2024)) comes into effect and combines the PPS (2020) and the Growth Plan (2020) into a single policy document. As of October 20, 2024, all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Planning Statement and shall conform to provincial plans including the Greenbelt Plan (2017) and others.

The PPS (2024) directs planning authorities to support complete communities by accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses, recreation, parks and open space, and other uses to meet long-term needs.

Section 2.2 of the PPS (2024) directs planning authorities to permit and facilitate all housing options to meet the needs of current and future residents and promote densities for new housing which efficiently use land, resources, infrastructure, and public service and support the use of active transportation. This includes supporting all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites for residential use, development, and introduction of new housing options within previously developed areas.

Sections 2.3 and 2.4 of the PPS (2024) require planning authorities to support general intensification and redevelopment within settlement areas, strategic growth areas and in proximity to transit, by:

- making more efficient use of land, resources, and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form;
- identifying the appropriate type and scale of development for areas, including built form transitions;
- engaging in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process; and
- achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreational and cultural uses, that better connect transit to where people live and work.

## City of Toronto Official Plan

The City's Official Plan (2006) is founded on a growth management strategy which steers growth and change to the Centres, Employment Districts, the Downtown and Central Waterfront and the Avenues, while generally limiting significant change in other areas. As Identified on [Map 2 "Urban Structure"](#) of the Official Plan, the Avenues are areas of Toronto that will "reurbanize" to create new housing and job opportunities, improve transit service, create more shopping opportunities, and gradually improve the public realm. The Avenues are generally intended to perform a "main street" role by being a focal point for the local community and having a vibrant public realm.

The Avenues are not a land use designation, and areas within them may be designated for Mixed Use Areas, Apartment Neighbourhoods, Neighbourhoods, or Parks and Open Space Areas, among others. The Official Plan policies for the relevant land use designation apply to and prevail on lands within the Avenues, to ensure that any new development respects and reinforces the general physical character of established neighbourhoods, and that parks and open spaces are protected and enhanced. The proposed zoning by-law amendment would apply only to lands within the Avenues designated Mixed Use Areas.

Sections 3.1.3 and 3.1.4 of the Official Plan contain policies guiding Built Form, requiring that development be located and organized to fit with its existing and planned context. Buildings will frame and support adjacent streets, lanes, parks and open spaces to promote civic life and the use of the public realm, and to improve the safety, pedestrian comfort, interest and experience, and casual views to these spaces. Development is required to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of the existing and planned contexts of neighbouring properties and the public realm.

Built Form Policy 3.1.4.4 requires that mid-rise buildings be designed to:

- have heights generally no greater than the width of the right-of-way that it fronts onto;
- maintain street proportion and open views of the sky from the public realm by stepping back building massing generally at a height equivalent to 80 percent of the adjacent right-of-way width; and
- allow for daylight and privacy on occupied ground floor units by providing appropriate facing distances, building heights, angular planes and step-backs.

[Map 3 "Right-of-Way Widths Associated with Existing Major Streets"](#) of the Official Plan identifies the planned right-of-way width of each major street, providing the reference point for determining the maximum height for a mid-rise building, as well as direction and authority to obtain the dedication of land needed to achieve the ultimate planned corridor width as conditions of development.

Further background on the relevant Official Plan policies can found in the June 2024 Proposals Report.

## **Secondary Plans, and Site and Area Specific Policies**

The Official Plan contains almost fifty Secondary Plans, and hundreds of Site and Area-Specific Policies (“SASPs”), that establish local development policies to guide growth and change in a defined area of the City. Many of these are located along or contain Avenues and are generally the result of a detailed planning study in the form of a Secondary Plan Study or an Avenue Study. When development is proposed within the area of a Secondary Plan or SASP, the policies of the Secondary Plan or SASP prevail.

In accordance with the *Planning Act*, zoning by-laws must conform to the policies of the Official Plan, including any applicable Secondary Plans and SASPs. An implementing zoning by-law is intended to be prepared concurrently with Secondary Plans or Avenues Studies where appropriate; however, at this time not all Avenues that have been studied have implementing zoning.

## **Major Transit Station Areas and Protected Major Transit Station Areas**

The Growth Plan (2020) and the PPS (2024) define Major Transit Station Areas (MTSAs) as the area around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. The *Planning Act* sets out the ability for municipalities to establish Protected Major Transit Station Areas (PMTSAs), which are a subset of station areas that specify targets for minimum residents and jobs per hectare, permitted land uses, and required minimum densities, by delineating these MTSAs and PMTSAs in the Official Plan. Approval of the PMTSA delineations is a prerequisite for the use of inclusionary zoning, through which certain developments above a specified size threshold may be required to include a proportion of residential units as affordable units.

To date, City Council has adopted Official Plan Amendments (OPAs) that delineate 29 MTSAs and 105 PMTSAs, many of which overlap with the Avenues. These OPAs have been submitted to the Ministry of Municipal Affairs and Housing for approval. At the time of writing of this report, the Minister has not yet issued a decision on any of these OPAs.

## **Zoning By-law 569-2013**

The city-wide Zoning By-law 569-2013 harmonized the 43 former municipal zoning by-laws to comprehensively regulate all land uses, buildings and structures, and applies to most of the City of Toronto. As some lands are not covered by the city-wide Zoning By-law, the comprehensive zoning by-laws from former municipalities remain in effect on some lands in the city.

In the city-wide Zoning By-law, the Commercial Residential (CR) Zone Category, contains regulations that implement the policies of the Mixed Use Areas designation of the Official Plan. This Zone Category permits a broad mix of residential and non-residential uses and regulates the built form of mixed-use development using Development Standard Sets (SS) that relate to the existing and planned context within an area.

Further details about the relevant provisions of Zoning By-law 569-2013 can be found in the June 2024 Proposals Report.

## Urban Design Guidelines

The Mid-Rise Building Performance Standards adopted by City Council on July 6, 2010, introduced urban design guidance for Mid-Rise Buildings on Avenues. The Mid-Rise Building Performance Standards Addendum adopted by City Council on April 20, 2016, expanded the applicability by introducing additional performance standards applicable to Mixed-Use, Employment, Institutional or some Apartment Neighbourhoods where the existing built form context supports mid-rise development, among other criteria.

The Mid-Rise Building Performance Standards address building typologies for Mixed-Use areas and those portions of major streets that have been identified as Avenues as part of the Urban Structure of the Official Plan.

The City's Design Guidelines may be found at: <https://www.toronto.ca/city-government/planning-development/official-planguidelines/design-guidelines/>

## CONSULTATION

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Engagement and consultation on the Zoning By-law Amendment and the Rear Transition Performance Standards Urban Design Guidelines occurred from Spring 2023 to Spring 2024 prior to the preparation of the June 2024 Proposals Report. The consultation included a diverse range of parties and stakeholders to ensure as many voices as possible were represented in this process.

A dedicated website for the HAP's Avenues, Mid-Rise and Mixed Use Areas group of action items was created at <https://www.toronto.ca/HAPAvenues>, which provides a centralized resource for background information on the Housing Action Plan, descriptions of the various projects, copies of reports, information on upcoming and past consultation events, and contact information for the City Planning teams. An email account ([HAP.Avenues@toronto.ca](mailto:HAP.Avenues@toronto.ca)) was also created to provide the public with a first point of contact for making inquiries and comments about this group of HAP projects.

A summary of the consultation findings can be found in the June 2024 Proposals Report.

## Public Consultation – Summer-Fall 2024

Following the introduction of the draft proposed Zoning By-law Amendment at the June 2024 Planning and Housing Committee meeting, staff continued consultation to finalize the recommended Zoning By-law Amendment. This included reaching out to parties who had deputed at the June 2024 meeting, posting of the draft proposed Zoning By-law Amendment and Mapping on the project website, and a virtual public consultation meeting on September 10, 2024.

Seventy participants attended the September 2024 consultation session. Overall, enabling more mid-rise developments along Avenues was supported. Input received during this final round of consultation was similar to that received during consultation events in September 2023 and March 2024. For example, some participants commented that the proposed setbacks and stepbacks continue to be a barrier to development. Other participants indicated that the angular plane requirement should be

retained to control shadow impacts and provide for sunlight, especially on parks, schools, and open spaces. Participants also raised concerns about the availability of parking and adequate servicing capacity.

During the final consultation, several participants identified concerns about how the proposal would affect heritage buildings and heritage conservation districts, and in-progress heritage studies. These comments were focused on supporting the protection and preservation of existing heritage buildings, and the distinctive characteristics of heritage conservation districts. This included questions about how the increased height and density permissions would impact built form requirements in heritage conservation district plans, and current or proposed heritage studies.

The comments received from consultation participants, as well as in deputations and from internal stakeholders, were considered during preparation of the recommended Zoning By-law Amendment attached to this report.

## **COMMENTS**

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The approaches set out in the Mid-rise Building Performance Standards have resulted in many successful mid-rise buildings over the last 14 years, with over 136 mid-rise buildings completed, representing over 22,000 residential units across the city. A further 600 mid-rise buildings are in the development pipeline. These mid-rise buildings have provided a context-sensitive built form along the Avenues, supporting their intensification with a range of housing and mix of uses that contributes to complete communities. These successes highlight the key role of mid-rise development in accelerating the supply of housing within complete, inclusive and sustainable communities, but also emphasize the need to reduce physical and regulatory barriers to implementing the vision of mid-rise buildings along the city's Avenues.

The recommended changes implement updated rear transition standards that simplify the design and construction of mid-rise buildings, and establish as-of-right zoning permissions along the Avenues that would enable mid-rise development projects to proceed without requiring individual site-specific rezoning processes. Staff estimate that the changes potentially unlock as-of-right development permissions for an additional 61,000 dwelling units above the approximately 21,500 dwelling units achievable in the subject areas under the existing zoning standards. These zoning permissions will enable the as-of-right development of mid-rise buildings, and property owners would continue to be able to seek additional height or density through a minor variance.

Development proposals would continue to be subject to planning tools like Site Plan Control to ensure that buildings are functional and appropriately address the public realm, and the changes have been designed to ensure that matters like servicing capacity are addressed before development proceeds.

### **Updated Rear Transition Performance Standards**

The June 2024 Proposals Report recommended initial updates to the Mid-rise Building Performance Standards UDG guiding how mid-rise buildings transition to other buildings at their rear, and to park or open space uses in adjoining areas. The draft updated Rear

Transition Performance Standards remain unchanged from the June 2024 Proposals Report and inform the proposed as-of-right zoning standards for mid-rise buildings.

The draft updated Rear Transition Performance Standards 5A and 5B provide opportunities for buildings up to 6 storeys to achieve rear transition through a single 7.5-metre setback rather than requiring the building to fit below an angular plane measured from the rear lot line. Above the 6th storey to a maximum of 11 storeys, an additional step-back of 2.5-metres and/or separation distances are recommended to achieve a consistent transition to low-rise, mid-rise, tall and non-residential buildings, as well as parks, open spaces or natural areas. This replaces the previous guidelines' direction for use of an angular plane to achieve transition.

The draft updated Rear Transition Performance Standards are summarized below:

### **5A Rear Transition to Buildings**

The performance standards guiding rear transition of mid-rise buildings towards other buildings are as generally outlined below:

- A minimum rear yard setback of 7.5-metres, allowing space for access and landscaping;
- No rear step-backs for mid-rise buildings of up to 6 storeys (20-metres);
- For taller mid-rise buildings, a rear step-back of 2.5-metres above 6 storeys (20-metres).

To other mid-rise buildings or to tall buildings:

- A minimum 20-metre separation distance between mid-rise buildings and other mid-rise or tall buildings for all facing conditions, including where there is a shared base building;
- Separation may be reduced to 15-metres at lower levels, where tall buildings have a low-scaled (up to 6 storey) base building.

### **5B Rear Transition to Parks and Open Spaces**

The performance standards guiding rear transition of mid-rise buildings towards parks and other public spaces are as generally outlined below:

- A minimum 10-metre setback from building face to property line, allowing space for access through a rear public lane or private driveway and associated landscaping;
- A reduced minimum 6-metre setback from building face to property line where the building provides active edges to frame parks, open spaces;
- Above 6 storeys, further transition considerations based on the location of the building relative to the adjacent park, open space, or natural area, and minimizing shadowing on these spaces.

## **Recommended Zoning By-law Amendments**

The recommended zoning by-law amendment would amend the Commercial Residential (CR) Zone in the city-wide Zoning By-law 569-2013, and has three primary components:

- New CR Zone development standard sets SS4 & SS5
- Height Permissions by amending the Height Overlay Map

- Density Permissions by amending Zone Labels on the Zoning Map

Additional details of the rationale for this approach can found in the June 2024 Proposals Report.

### **New Development Standard Sets SS4 & SS5**

The recommended zoning by-law amendment would amend the Commercial Residential (CR) Zone provisions to create new Development Standard Sets SS4 and SS5, for the lands along the Avenues that are subject to the amendment to implement the new rear transition performance standards. This approach leaves intact the current permissions for properties zoned CR SS2 or SS3 that are located outside of the subject Avenues segments and where amendments would impact an existing site-specific development approval.

In general, the SS4 standard set reuses the existing SS2 standard set's regulations for uses, building design and setbacks, except rear yard setbacks. The SS5 standard set reuses the existing SS3 regulations for uses, building design and setbacks, except front yard and rear yard setbacks. To ensure mid-rise buildings face the public street, both the new SS4 and SS5 standard sets adapt the SS2 standard set's requirements for a maximum front yard setback. The SS5 standards include exemptions to accommodate the gradual infill of larger commercial front yard parking areas.

### **Rear Transition Building Setbacks and Associated Regulations**

The recommended SS4 and SS5 standard sets contain consistent requirements for rear Building Setbacks, which implement the updated urban design performance standards for mid-rise buildings and respond to the abutting context, as summarized below.

General rear transition requirement:

- 7.5-metre setback from the rear lot line to a height of 20-metres (6 storeys);
- 2.5-metre step-back (total 10.0-metre rear yard setback) above a height of 20-metres (6 storeys).

Corner Lot with no public lane abutting a zone in the Residential Zone category:

- 7.5-metre setback from the rear lot line to a height of 20-metres (6 storeys);
- 2.5-metre step-back (total 10.0-metre rear yard setback) above a height of 20-metres (6 storeys);
- a rear building extension with a height of no more than 14-metres (four storeys) is permitted to extend to a rear yard setback of 2.5-metres, to step down towards the Residential Zone;
- the depth of a rear building extension, measured perpendicularly from the flanking street, is limited to the permitted building depth for a residential building on the abutting lot, which is generally between 17 to 19-metres.

Corner Lot abutting Parks or an Open Space (O), Open Space - Natural (ON) or Open Space - Recreation (OR) Zone, where the building's servicing and vehicular access areas face the Park:

- 10.0-metre setback from the rear lot line to a height of 20-metres (6 storeys);

- 2.5-metre step-back (total 12.5-metre rear yard setback) above a height of 20-metres (6 storeys).

Corner Lot abutting Parks or an O, ON or OR Open Space Zone, where the building contains residential entrances, amenity or commercial uses facing the Park:

- 6.0-metre setback from the rear lot line to a height of 20-metres (6 storeys);
- 6.5-metre step-back (total 12.5-metre rear yard setback) above a height of 20-metres if the building is located south of a Park, to enhance sunlight conditions;
- 2.5-metre step-back (total 8.5-metre rear yard setback) above a height of 20-metres, if the building is not located south of a Park.

Where a property backs on to a public lane, setbacks would be measured from the opposite side of the public lane rather than the rear lot line.

## Height Permissions

The recommended zoning by-law amendment would update as-of-right height permissions based on the planned right-of-way width for the Avenue set out on Map 3 of the Official Plan, as summarized in the table below. Where lands do not currently have a height (HT) or storey (ST) value on the Height Overlay Map in the city-wide zoning by-law, the amendment would permit a maximum height of 20-metres for SS4, and 27-metres for SS5, reflecting the narrowest planned ROW width along the relevant Avenues. This approach is consistent with the Official Plan's direction that mid-rise buildings will have heights generally no greater than the width of the right-of-way onto which they front. The intent is to create an appropriate pedestrian scale and relationship to the street while ensuring access to sunlight and sky views.

<b>Planned Right-of-Way Width Official Plan Map 3 (metres)</b>	<b>Recommended Building Height Permission (metres)</b>	<b>Recommended Building Height Permission (storeys)</b>
20 metres	20 metres	6 storeys
23 metres	23 metres	7 storeys
27 metres	27 metres	8 storeys
30 metres	30 metres	9 storeys
33 metres	33 metres	10 storeys
≥ 36 metres	36 metres	11 storeys

## Density Permissions

The recommended zoning by-law amendment updates the maximum density permissions, expressed as Floor Space Index (FSI) values within the zone labels, based on the lot characteristics and context of the subject area, including adjacencies to



Parks, O, ON or OR zones and the presence of a public lane, as summarized in the below table. The FSI values were determined by modelling the anticipated interior floor areas resulting from the updated rear transition standards and building heights, combined with analysis of historical approvals of mid-rise buildings from 2010 onwards.

Building Height		Proposed Floor Space Index (FSI) by Context			
Building Height (metres)	Building Height (storeys)	Existing Public Lane	No Existing Public Lane	Abutting Park or O, ON, OR Zone	Located south of a Park or O, ON, OR Zone
20 m	6	5.0	4.0	4.0	4.0
23 m	7	5.5	4.4	4.6	4.4
27 m	8	6.5	5.0	5.2	4.9
30 m	9	7.0	5.6	5.8	5.4
33 m	10	7.5	6.2	6.4	6.0
36 m	11	8.2	6.7	7.0	6.5

The density values in the zone labels set out the overall permitted maximum FSI, as well as the maximum FSI for non-residential uses and residential uses. This limits the encroachment of residential uses in areas where they may not be appropriate and helps achieve other planning objectives such as the inclusion of non-residential space at street level.

The zoning by-law amendment would retain this approach when setting out the permitted maximum FSI to be dedicated to non-residential uses and residential uses. Increasing the density permissions for SS4 and SS5 lots ensures that the development potential permitted through the recommended building height permissions may be achieved.

### **Where the Recommended Amendment will apply**

The zoning by-law amendment will apply to lands:

- designated Mixed Use Areas in the Official Plan and identified as an Avenue;
- subject to the city-wide Zoning By-law 569-2013; and
- located in the Commercial Residential (CR) zone and subject to the SS2 or SS3 Development Standard Sets.

The zoning by-law amendment would not apply to certain areas where it would contradict other established City policy directions: those portions of the Avenues that are subject to area-specific policy frameworks—such as an approved Secondary Plan, Avenue Study, or similar planning study—that contains conflicting built form direction; to lands within a regulatory flood plain; or to lands where the amendments would impact

an existing site-specific development approval. A map providing an overview of the subject areas forms Attachment 1 to this Report, and detailed maps can be found in the draft zoning by-law amendment forming Attachment 2 to this Report.

## **Changes Since Proposals Report**

As a result of stakeholder consultation, the recommended draft Zoning By-law Amendment has been revised from the June 2024 proposal as described below.

## **Additional Use-Specific Regulations**

A new regulation has been added to apply existing conditions about the size and location of outdoor patios to the SS4 and SS5 standard sets.

## **Interpretation of Front Yard Setback in Relation to Planned Road Widening**

A new regulation has been added to clarify the location of the front lot line in relation to required setbacks. This change is recommended to protect for future road widenings in keeping with the planned right-of-way widths identified on Official Plan Map 3: Right-of-Way Widths Associated with Existing Major Streets.

## **Guidance on Relationship between Zoning Standards and Heritage Permits**

A new regulation has been added, and heritage-related definitions have been updated, to provide interpretation guidance in the event of conflict between zoning standards and a heritage permit issued under the *Ontario Heritage Act*.

Under the *Ontario Heritage Act*, designated heritage properties are required to obtain heritage permits for alterations that would affect a property's cultural heritage values and heritage attributes. The heritage permit process secures property-specific building design requirements, such as setbacks and streetwall heights, to conserve identified heritage attributes in keeping with designation by-laws, heritage easement agreements, and policies and guidelines in Heritage Conservation District plans. Under the *Ontario Heritage Act*, these heritage requirements prevail over inconsistencies in a municipal zoning by-law to the extent of any conflict.

The recommended zoning standards do not create new inconsistencies. However, the introduction of as-of-right mid-rise zoning permissions is expected to reduce the need for site-specific rezoning approvals, through which a detailed building envelope consistent with the heritage permit can be secured. The recommended new regulation provides interpretation clarity about how zoning standards would be applied or superseded in such situations, and applies to all zones.

## **Removal of properties within a regulated flood plain**

Changes have been made to which parcels are recommended to be subject to the recommended zoning by-law amendment, when compared to the proposals report brought to Planning and Housing Committee in June 2024. These changes ensure that the increased as-of-right zoning permissions for mid-rise development are not provided

on lands located within a regulatory flood plain under the jurisdiction of the Toronto and Region Conservation Authority.

The policies of the PPS (2024) and the Official Plan generally do not permit development or site alteration within areas of flooding hazard. Limited development and site alteration may be permitted within provincially-approved Special Policy Areas however, these are not intended to allow for new or intensified development where feasible opportunities exist outside the floodplain.

### **Removal of additional properties with Site-Specific Zoning Approvals**

Similar to the flood plain changes above, additional updates have been made to the extent of the lands subject to the recommended zoning by-law amendment to remove properties which have received approval of a site-specific zoning by-law amendments since the June 2024 Proposals Report.

### **General edits for clarity and consistency**

Various regulations have been revised since the June 2024 Proposals Report to clarify how required setbacks are measured and applied, and to correct numbering and labelling errors.

## **Additional Considerations**

### **Land Use Compatibility**

The recommended zoning by-law amendment applies the recommended built form standards, and as-of-right height and density permissions to all subject areas but does not introduce residential use permissions to areas where residential uses are not currently permitted. City-wide Zoning By-law 569-2013 brought forward the use permissions contained in the former municipalities' General Zoning By-laws, which took into account each area's context of uses. The introduction of residential or other sensitive land uses in these areas would continue to require demonstration of land use compatibility by the landowner, or through more focused area-specific reviews.

The PPS (2024) directs planning authorities to ensure that the planning and development of sensitive land uses is only permitted where potential land use compatibility impacts are avoided, minimized and mitigated. The City's Official Plan policies require that development proponents demonstrate land use compatibility through a Compatibility/Mitigation Study where a landowner proposes or seeks to introduce sensitive land uses, including residential uses, adjacent to or near to Employment Areas or within the influence area of major facilities. This ensures that they are appropriately designed, buffered and/or separated from Employment Areas and major facilities, and provide for appropriate mitigation of environmental and health impacts to residents.

### **Water and Wastewater Servicing**

The recommended zoning by-law amendment includes a regulation requiring confirmation of adequate local servicing capacity to support applications proposing to

develop more than 10 dwelling units, which aligns with threshold at which Site Plan Control approval is required. This regulation acknowledges the potential for occasional challenges related to ensuring adequate municipal servicing capacity for development of this scale proceeding under as-of-right zoning permissions. Currently, the city-wide Zoning By-law 569-2013 requires demonstration of servicing connections to the lot line but does not contain a mechanism to confirm adequate capacity.

The recommended regulation introduces a mechanism to require site-specific servicing capacity analysis before a building permit is issued for development applications with as-of-right zoning land use permissions, in keeping with the approach taken for zoning implementation of the Yonge-Eglinton Secondary Plan and the EHON Major Streets study. City Planning will continue to work with Toronto Water to monitor its effectiveness and impacts on the financing and timelines for new development.

## **CONCLUSION**

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### **Provincial Planning Statement and Provincial Plans**

The proposal has regard for the relevant matters of provincial interest set out in the *Planning Act*. Staff have reviewed the current proposal for consistency with the Provincial Policy Statement (2020), the Provincial Planning Statement (2024), and conformity with the Growth Plan (2020).

The recommended zoning by-law amendment would support intensification and redevelopment along Toronto's Avenues, in a type and scale that transitions appropriately to adjacent lower scale areas. The recommended as-of-right permissions would support the achievement of complete communities in a compact built form that is transit-supportive and supports active transportation. In the opinion of staff, the proposal is consistent with the PPS (2020) and the PPS (2024) and conforms with the Growth Plan (2020).

### **Official Plan**

This proposal has been prepared with consideration of the official plan policies relating to density, height and massing described in the Policy and Regulation Considerations section of the Report.

The recommended zoning by-law amendment would facilitate the reurbanization of the City's Avenues in a main street role with a vibrant mix of commercial and residential uses and would contribute to providing a full range of housing options in areas that are suitable for intensification and accessible by transit. The proposed built form standards and heights reflect an environmentally sustainable mid-rise form that maintains good street proportion and provides appropriate transition to neighbouring properties and the public realm. The recommended building envelope adequately limits shadow impacts on Neighbourhoods and adjacent parks and public open spaces, particularly during the shoulder seasons. In the opinion of staff, the proposal conforms to the Official Plan.

## Summary

The recommended zoning by-law amendment would facilitate the re-urbanization of the City's Avenues with a vibrant mix of commercial and residential uses performing a main street role. In addition, the recommended changes contribute to providing a full range of housing options in areas that are suitable for intensification and accessible by transit. Staff have analysed the density uplift provided by the recommended amendment and estimate that it would enable approximately 82,500 dwelling units, representing an increase of almost 61,000 dwelling units above the approximately 21,500 dwelling units achievable under the existing zoning standards.

The recommended zoning by-law amendment implements the updated Rear Transition Performance Standards and increases the as-of-right maximum height and density permissions on Avenues that do not have conflicting policy directions and have not undergone a detailed study. These zoning permissions will enable the as-of-right development of mid-rise buildings, and property owners would continue to be able to seek additional height or density through a minor variance. This advances the objectives of the Housing Action Plan by optimizing development potential in a mid-rise form that enables the delivery of housing along the City's Avenues in an environmentally sustainable manner.

The recommended built form standards and heights reflect an environmentally sustainable mid-rise form that maintains good street proportion and provides appropriate transition to neighbouring properties and the public realm. The resulting building envelope adequately limits shadow impacts on Neighbourhoods and adjacent parks and public open spaces, particularly during the shoulder seasons. The simplified building envelope provides opportunities for easier and faster construction of mid-rise buildings, including through the use of mass-timber technologies, and has the potential to reduce long-term operating and maintenance costs and carbon emissions.

The recommended zoning by-law amendment, would secure heritage requirements, remove barriers, ease administration, and support the creation of more housing as part of the Housing Action Plan to achieve or exceed the provincial housing target of 285,000 new homes over the next 10 years.

## CONTACT

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## SIGNATURE

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Kyle Knoeck  
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City Planning Division

## ATTACHMENTS

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Attachment 1: Illustrative Map of Current Policy Framework for Avenues and Subject  
Areas for Zoning By-law Amendment  
Attachment 2: Draft Zoning By-law Amendment

## Attachment 1: Illustrative Map of Current Policy Framework for Avenues and Subject Areas for Zoning By-law Amendment

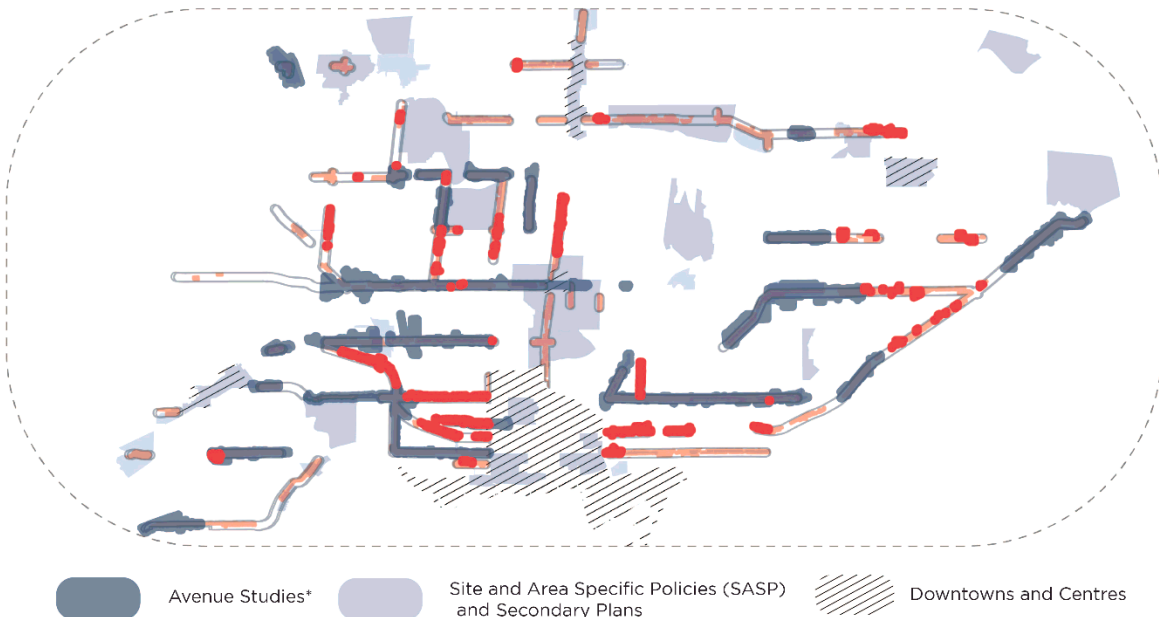
### RESULT OF RECOMMENDED CHANGES

Proposed Changes affect  
48% of CR Zoned Avenues

**Additional residential units enabled: 60,859**

Residential units enabled with Current zoning permissions: 21,684

Residential units enabled with Recommended zoning permissions: 82,543



### \*Completed Avenue Studies Mid-rise Permissions

**61%** permit mid-rise heights at 1:1 of right-of-way width or greater

**26%** permit mid-rise heights of at least 6 storeys but less than 1:1 of right of way width

## Attachment 2: Draft Zoning By-law Amendment

(Under Separate Cover)