



STAFF REPORT ACTION REQUIRED

Request for Direction – Amendment to the Official Plan - Additional Site Plan Control Powers

Date:	June 16, 2008
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	All
Reference Number:	Pg080040

SUMMARY

This report seeks Planning and Growth Management Committee’s direction to conduct community consultation and give notice on a proposed amendment to the Official Plan to incorporate additional Site Plan Control provisions and related matters.

On January 1, 2007, the Province transferred the majority of the City’s Site Plan Control powers from Section 41 of the *Planning Act* to Section 114 the *City of Toronto Act*. The Act provides two additional Site Plan Control powers dealing with exterior design and sustainable design elements in the adjacent right-of-way, and requires provisions in the Official Plan to use these powers. This report reviews the proposed amendments to the Official Plan to implement these additional powers along with related matters including sidebars on the Green Development Standard and Accessibility Design Guidelines.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Notice for the public meeting under the *Planning Act* be given in accordance with the regulations under the *Planning Act*.
2. Staff schedule community consultation with interested representatives from the development community, ratepayer organizations and the public at-large to obtain their comments.
3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On May 23, 2006, Council adopted information reports from the Chief Planner advising Council of the contents and implications of Bill 51 - the Planning and Conservation Land Statute Law Amendment Act, 2006, and Bill 53 - the City of Toronto Act, 2006, as they pertain to land use planning matters. Both Bills were proclaimed on January 1, 2007.

BACKGROUND

On January 1, 2007, new Site Plan Control provisions in the *Planning Act* and the *City of Toronto Act* took effect.

New Site Plan Control provisions in the *Planning Act* include the exemption of school portables from Site Plan Control if the school site existed before January 1, 2007, and the ability to secure facilities designed to have regard for accessibility for persons with disabilities. These two matters apply to the City of Toronto, as per Section 41(16).

The majority of the City's Site Plan Control powers are now found in Section 114 of the *City of Toronto Act*. Under the Act, the City has been granted additional powers to approve drawings that contain:

- matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design; and
- the sustainable design elements on any adjoining highway under the City's jurisdiction, including without limitation trees, shrubs, hedges planting or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities.

The Act requires provisions in the Official Plan and a Site Plan Control by-law to implement these two new powers. These additional site plan powers have also been incorporated into the *Planning Act* and are available to other municipalities.

Both the *City of Toronto Act* and *Planning Act* state that interior design, the layout of interior areas excluding areas the public has access to, the manner of construction and standards for construction are not subject to Site Plan Control.

COMMENTS

City Planning staff propose to amend the Official Plan to address the additional Site Plan Control powers provided under the *Planning Act* and the *City of Toronto Act*. This section provides an overview of the policy and non-policy textual commentary (unshaded text and sidebars) in the proposed Official Plan Amendment in Attachment 1.

Exterior Design

New policies, unshaded text and a sidebar are proposed for Section 3.1.2, Built Form, to recognize the importance of the exterior design of a building's façade in contributing to a vibrant, desirable and safe urban environment. An amendment to the policy in Section 3.1.1, The Public Realm, is also proposed to recognize design review panels, which are used in certain areas by the City as part of the application review process for public works and new development.

Right-of-Way

In Section 3.1.2, Built Form, an amendment to Policy 5(a), which deals with improvements to adjacent streets provided by new development, is proposed to recognize sustainable design elements such as trees, permeable paving materials, waste and recycling containers, lighting and bicycle parking facilities.

Site Plan Control

Changes to the unshaded text in Section 5.1.3, Site Plan Control, are proposed to recognize the importance of reviewing both the on-site features of a development as well as the relationship of the development with its surroundings to ensure a good fit and a positive transition from public to private. Statements are also proposed regarding exterior design, consideration of sustainable design elements and that the City may request that facilities be designed to accommodate accessibility for persons with disabilities.

Proposed amendments to the policies in Section 5.1.3 would add a reference to both the *Planning Act* and *City of Toronto Act* that regulate Site Plan Control, and recognize the role of Site Plan Control to achieve well-designed and environmentally sustainable development that fits with its existing and/or planned context.

Sidebars describing the Green Development Standard and Accessibility Design Guidelines are also proposed. These Council-approved documents provide direction on how to address sustainability and accessibility in development.

Site Plan Control By-law

In addition to the Official Plan provisions, the *City of Toronto Act* requires provisions in a Site Plan Control by-law to implement the additional powers related to exterior design and sustainable design in adjacent rights-of-way. A Site Plan Control by-law is an

important planning tool for implementing the policies of the Official Plan. Proposed Site Plan Control By-law amendments will be brought forward once the proposed Official Plan policies are in effect.

Next Steps

This report requests direction for City Planning staff to consult with a range of stakeholders on the proposed amendments. A Final Report and a public meeting under the *Planning Act* are targeted for the fourth quarter of 2008.

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ATTACHMENTS

Attachment 1: Proposed Official Plan Amendment

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1. Chapter 3, Section 3.1.1, The Public Realm, Policy 1(b) is amended by adding the words “and design review panels” and “new development”, so that the policy will read as follows:

“b) using design competitions and design review panels to seek design excellence and promote public interest in design quality for public works and new development; and”

2. Chapter 3, Section 3.1.2, Built Form is amended by deleting the fourth paragraph in the unshaded text and replacing it as follows:

“Great cities are built one building at a time, with each new building making a contribution to the overall urban design of the City. Developers and architects have a civic responsibility to create buildings that not only meet the needs of the clients, tenants and customers, but also the needs of the people who live and work in the area who will encounter the building in their daily lives. Toronto’s streets, parks and open spaces are defined by the facades of many buildings. The façade presents the building to the public, telling people about the building, what it is, where to enter, and what the character and functions of interior uses are. The individual facades of buildings that form the edge of a street or a park are read together as the common wall that defines the public realm and are part of the physical expression of Toronto’s collective vision, identity and history. Developments must be conceived not only in terms of the individual building site and program, but also in terms of how that building and site fit within the existing and/ or planned context of the neighbourhood and the City. Each new building should promote and achieve the overall objectives of the Plan.”

3. Chapter 3, Section 3.1.2, Built Form, Policy 3 is amended by adding the words “and its exterior façade will be designed”, so that the policy will read as follows:

“3. New development will be massed and its exterior facade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, opens space and properties by:”

4. Chapter 3, Section 3.1.2, Built Form, Policy 3 is amended by renumbering Policy (b), (c), (d) and (e) as “Policy (c), (d), (e) and (f)” and adding a new Policy (b), as follows:

“b) incorporating exterior design elements, their composition, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development ;”

5. Chapter 3, Section 3.1.2, Built Form, Policy 3 is amended by adding the following sidebar:

“Exterior Design - Character, Scale and Appearance

The façade is the exterior parts of a building visible to the public, and its exterior design contributes to a more beautiful and engaging Toronto. The exterior design of a façade includes the composition and pattern of building elements and materials including its doors, roofs, windows and decorative elements, including cornices and belt-course. These can be copied, reflected or even inverted in new development to create a sense of fit and visual harmony between old and new.

The exterior design of a façade together with the general layout and organization of interior spaces, particularly on those floors closest to the pedestrian environment, are important design considerations to help new development support the public realm and fit with the existing or planned context. In particular, the nature, scale and placement of windows and doors play an important role in supporting a safe, accessible and vibrant public realm.

These aspects of the exterior design of a building are a fundamental part of the City’s review under Site Plan Control.

6. Chapter 3, Section 3.1.2, Built Form, Policy 5 is amended by deleting Policy (a) and replacing it as follows:

“a) improvements to adjacent boulevards and sidewalks and sustainable design elements including without limitation, trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities;”

7. Chapter 5, Section 5.1.3, Site Plan Control is amended by deleting the unshaded text and replacing it as follows:

“Site Plan Control is an important means of implementing the policies of this Plan including encouraging well-designed, functional and universally accessible development in Toronto. Site Plan Control is not only about the review of individual buildings, structures and spaces within a site, but about the relationship of the organization, massing and exterior design of buildings, structures and spaces on a site with its surroundings to ensure a “good fit” between new development and the existing and/or planned context, good pedestrian amenity and a positive transition from private to public space.

The City will review plans that show the location, design and massing of buildings, structures and spaces, public access areas, the layout of parking and service areas, site landscaping and other aspects of the project on a

site and the relationship to adjacent properties and the public realm. The City will also consider the exterior design including exterior architectural details and materials, which influence a project's character, scale and appearance. The City will also take the sustainable design elements of buildings into consideration, and may request that facilities be designed to accommodate accessibility for persons with disabilities.

Through approval of a Site Plan Control application, the City is also able to implement streetscape improvements within the adjacent public boulevard, such as landscaping, paving, street-furniture, curb ramps, waste and recycling containers and bicycle parking facilities.

For areas and types of development where Site Plan Control is applied, Council or delegated staff may approve the plans and drawings and the owner may be required to enter into an agreement to secure the construction of the project as shown in the plans.”

8. Chapter 5, Section 5.1.3, Site Plan Control, Policy 1 is deleted and replaced as follows:

- “1. The entire City of Toronto is a Site Plan Control Area. The area comprising the entire City of Toronto is designated as an area wherein Council may require submission of the drawings mentioned in Section 114(5) & (9) of the *City of Toronto Act*, and Section 41(16) of the *Planning Act* for a residential building containing less than 25 dwelling units. The Site Plan Control By-law will define classes of development that will be subject to Site Plan Control.”

9. Chapter 5, Section 5.1.3, Site Plan Control, Policy 2, is deleted and replaced as follows:

- “2. Site Plan Control will be used to implement the policies of this Plan and to achieve attractive, well-designed, functional, safe, environmentally sustainable and universally accessible development that fits with its existing and/or planned context.”

10. Chapter 5, Section 5.1.3, Site Plan Control, Policy 1 is amended by adding the following sidebar:

“Site and Accessible Design

For many people, the City's built environment provides opportunities and experiences free of limitations. For Torontonians with disabilities, however, this environment can impose obstacles that limit their ability to move about freely and safely. As part of its commitment to make Toronto a “barrier free” community, Council adopted a comprehensive set of *Accessibility Design Guidelines*, which

guide the design, planning and construction of accessible facilities and the preparation of accessibility audits.

The Planning Act stipulates that applicants seeking site-plan approval provide to the satisfaction of and at no expense to the City, “*facilities designed to have regard for accessibility for persons with disabilities*”. Examples of accessibility features the City may request include:

- accessible pedestrian route(s) or path(s) wide enough to accommodate wheelchairs, or other mobility devices;
- accessible entrances clearly marked with the International Symbol of Accessibility; and
- continuous handrails on both sides of ramps or exterior stairs.

Applicants are strongly encouraged, and may be required, to incorporate these and other accessibility features into the design and site layout of their projects.”

11. Chapter 5, Section 5.1.3.1, Site Plan Control, is amended by adding the following sidebar:

“Site Plan and Sustainable Design

Site Plan Control is one of the planning tools the City can use to secure sustainable design features in new development.

Sustainable design is the process and principles applied during the development review process that seeks to achieve energy and resource efficient, durable, barrier free and high quality buildings, site layouts, landscaping and off-site boulevard improvements.

The City's Green Development Standard sets performance targets for new construction to improve air and water quality, reduce green house gas emissions and enhance the natural environment. Some of these targets can be directly achieved by incorporating sustainable design features into the plans and drawings submitted as part of the site plan approval process. Features can include:

- Building orientation to take advantage of passive solar heating, shading for cooling and natural light;
- External renewable or recoverable energy systems, based on sun, wind or geothermal energy sources;
- Natural ventilation, such as operable or louvered windows;
- Energy efficient exterior cladding and window treatments;
- Green Roofs and Cool Roofs (low emissivity and high surface reflectance);
- Use of light coloured paving materials;
- Use of shade structures and shade trees;

- Planting native species and use of drought resistant plant material;
- Rainwater harvesting and bio-retention swales;
- On-site bike lockers; and
- Use of locally sourced external building and/or landscaping materials.”