



## STAFF REPORT ACTION REQUIRED

### Amendment to the Official Plan – Additional Site Plan Control Powers – Final Report

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| <b>Date:</b>             | December 10, 2008  |
| <b>To:</b>               | Planning and Growth Management Committee                     |
| <b>From:</b>             | Chief Planner and Executive Director, City Planning Division |
| <b>Wards:</b>            | All  |
| <b>Reference Number:</b> | Pg080072   |

#### SUMMARY

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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 of buildings and sustainable design elements in the public right-of-way adjacent to a development site. The Act requires provisions in the Official Plan to use these powers.

This report recommends an amendment to the Official Plan to incorporate policies with respect to the implementation of these additional Site Plan Control powers and related matters, including adding sidebars on the Toronto Green Standard and Accessibility Design Guidelines. The report also recommends that the Chief Planner and Executive Director bring forward the related Site Plan Control By-law amendments in the second quarter of 2009 upon the proposed Official Plan policies coming into effect.

#### RECOMMENDATIONS

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**The City Planning Division recommends that:**

1. City Council amend the Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment 1;
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment as may be required; and

3. City Council direct the Chief Planner and Executive Director to bring forward the Site Plan Control By-law amendments to implement the additional Site Plan Control powers dealing with exterior design and sustainable design in adjacent rights-of-way in the second quarter of 2009 upon the proposed Official Plan policies coming into effect.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

At its July 2, 2008 meeting, Planning and Growth Management Committee approved the recommendations in the Request for Direction Report dated June 16, 2008, directing staff to schedule community consultation meetings with interested representatives from the development community, ratepayer organizations and the public at-large to obtain their comments on the proposed amendment to the Official Plan. The report is available on-line at: [www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-13963.pdf](http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-13963.pdf)

### **ISSUE 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) of the *Planning Act*.

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 in Ontario.

## **COMMENTS**

This section summarizes the community consultation process and the refinements to the proposed Official Plan Amendment in response to consultation feedback.

### **Community Consultation**

Over the course of the last four months City Planning staff have carried out community consultation with interested representatives from the development community, ratepayer organizations and the public at-large. Three consultation meetings were held:

- a) Wednesday, August 27, 2008 – Building Industry and Land Development Association (Toronto Chapter) attended by approximately 30 members.
- b) Wednesday, September 24, 2008 – Community Consultation Meeting attended by approximately 20 people. Notice of the meeting was published in the Toronto Star on Wednesday, September 10, and mailed to interested parties and resident / ratepayer associations.
- c) Wednesday, October 15, 2008 – Toronto Society of Architects attended by approximately 10 members.

### **Consultation Feedback**

Comments received from the public were generally supportive of the proposed amendment. The public recognizes the importance of the exterior design of a building's façade in contributing to a vibrant, safe and sustainable urban environment. As well, incorporating sustainable design elements, such as drought resistant landscaping and better tree planting zones, in the public right-of-way abutting a development site was encouraged in order to create a more attractive public realm.

The ability of exterior design and sustainable design to contribute to pedestrian-friendly buildings, sites and neighbourhoods was also raised. In addition, comments were received about the opportunity to update standards (e.g. loading requirements) and more effectively use Site Plan Control to ensure development supports and enhances the pedestrian environment in keeping with policies in the Official Plan.

Comments were also received regarding how the new powers for exterior design relate to the work of the City's Design Review Panel Pilot Project. The public were interested in the function and role of the design review panel within the City's development review process as well as the types of projects considered. There was support for extending the Design Review Panel Pilot Project to other areas of Toronto.

The Task Force to Bring Back the Don submitted a letter in support of the proposed amendment. The Task Force indicates that the proposed policies will help to strengthen Toronto's sustainability and reduce its environmental footprint while improving the public realm. In addition, the proposed amendment helps to reinforce the link between the Toronto Green Standard (formerly referred to as the Toronto Green Development Standard) and the Site Plan Control process.

Comments from the Building Industry and Land Development Association (Toronto Chapter) ranged from the importance of encouraging architectural creativity and not going beyond the provisions of the Act with respect to regulating the layout of interior spaces, to whether certain Toronto Green Standard targets, such as mechanical systems, would be secured through the Site Plan Control process.

Comments from the meeting with The Toronto Society of Architects identified potential revisions to the proposed exterior design sidebar to better recognize how contemporary design could relate to its surrounding context, and the role of scale and proportion in the exterior design of a façade.

In general the community consultation process identified support for the City clarifying the public interest in the exterior design of buildings and sustainable design elements in the public right-of-way. There was also support for incorporating sidebars on the Toronto Green Standard and Accessibility Design Guidelines in the Official Plan.

## **Refinements to the Proposed Official Plan Amendment**

The proposed Official Plan Amendment has been revised in response to the feedback received during the community consultation. These changes are discussed below.

### **Exterior Design:**

Section 3.1.2, Built Form, proposed Policy (b) and the sidebar on exterior design have been refined to recognize that the exterior design of a façade includes the form, scale and proportion of building elements along with patterns and materials. As well, the proposed exterior design sidebar incorporates revised wording that better recognizes how a new façade's contemporary expression can achieve a harmonious relationship with its surrounding context.

### **Design Review Panels:**

The potential of design review panels to help elevate the exterior design of public and private development across Toronto was of significant interest to people attending the community consultation meeting. The proposed amendment to Policy 1(b) in Section 3.1.1, The Public Realm, recognizes the role of design review panels in helping to achieve design excellence in public works and new development. This policy coupled with the proposed exterior design policies, unshaded text and sidebar work together to reinforce the ability of the City and its design review panels to address important aspects of exterior design in Toronto.

### **Interior – Exterior Interface:**

Consultation feedback included concerns about the proposed exterior design sidebar's wording on the exterior design of a façade and the general layout and organization of interior spaces closest to the pedestrian realm.

Both the *City of Toronto Act* and *Planning Act* state that interior design, the layout of interior areas, excluding areas to which the public has access, the manner of construction

and standards for construction are not subject to Site Plan Control. Although the approval of drawings under Site Plan Control cannot regulate private interior layout, the proposed sidebar does acknowledge that understanding the interface between a proposal's interior space and exterior areas is an important design consideration. This interior-exterior interface ultimately contributes to, or detracts from, a safe, accessible and vibrant public realm as well as privacy and overlook. The proposed sidebar wording is consistent with the existing Policy 1(c) in Section 3.1.2, Built Form, of the Official Plan which states, "providing ground floor uses that have views into and where possible access to, adjacent streets parks and open spaces".

In response to other consultation feedback, wording has been added to the proposed sidebar to clarify that window and door placement refers to the placement on the façade of a building, as opposed to in interior spaces.

Toronto Green Standard Sidebar:

Consultation feedback included a comment about whether the Site Plan Control process was appropriate for securing certain Toronto Green Standard targets, such as the performance of mechanical systems.

In Section 5.1.3, Site Plan Control, the proposed sidebar on the Toronto Green Standard notes that some of the TGS targets can be achieved through the Site Plan Control process by incorporating sustainable design features into the plans and drawings. The sidebar also includes a sample list of potential features. It is recognized that other TGS targets are more appropriately secured by other means and processes.

## **Next Steps**

In addition to the Official Plan policies, 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. This report recommends bringing forward the Site Plan Control By-law amendments in the second quarter of 2009 upon the proposed Official Plan policies coming into effect. If the proposed Official Plan Amendment is appealed to the Ontario Municipal Board then the timing of the Site Plan Control By-law amendments will depend upon the timing and outcome of the OMB hearing.

Implementation of the new Site Plan Control powers under the *City of Toronto Act* also supports the new Toronto Green Standard. At its December 2008 meeting, City Council adopted a two-tier set of performance measures associated with the Toronto Green Standard. Tier 1 of the Toronto Green Standard will apply to all rezoning, site plan and plan of subdivision applications commencing in September 2009. City Planning's report, "Toronto Green Standard Update: Performance Measures for Sustainable Development", recognizes that the September 2009 target is dependant on the Official Plan and Site Plan Control provisions for the new Site Plan Control powers coming into effect. The report is available on-line at: [www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-16862.pdf](http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-16862.pdf)

## **CONCLUSION**

This report recommends an amendment to the Official Plan to incorporate policies implementing new Site Plan Control powers dealing with exterior design of buildings and sustainable design elements in the public right-of-way adjacent to a development site. The proposed amendment also includes related matters, including adding sidebars on the Toronto Green Standard and Accessibility Design Guidelines. The report also recommends that the Chief Planner and Executive Director bring forward the related Site Plan Control By-law amendments in the second quarter of 2009 upon the proposed Official Plan policies coming into effect.

## **CONTACT**

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## **SIGNATURE**

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Gary Wright, Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: Proposed Official Plan Amendment

**Attachment 1: Proposed Official Plan Amendment**

**CITY OF TORONTO**

**BY-LAW No. XX-2009**

**To adopt Amendment No. 66 to the Official Plan for the City of Toronto respecting  
all lands in the City of Toronto**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 66 to the Official Plan is hereby adopted pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13, as amended.

ENACTED AND PASSED this XXth day of XXXX, A.D. 2009.

SANDRA BUSSIN,  
Speaker

ULLI WATKISS  
City Clerk

(Corporate Seal)

**AMENDMENT No. 66**  
**to the**  
**OFFICIAL PLAN**  
**of the**  
**CITY OF TORONTO**

*All lands within the City of Toronto*

The following text constitutes Amendment No. 66 to the City of Toronto Official Plan.

**OFFICIAL PLAN AMENDMENT**

The Official Plan is amended as follows:

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 a 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 site, building and its facades 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 form, scale, proportion, 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 is the form, scale, proportion, pattern and materials of building elements including its doors, roofs, windows and decorative elements, such as cornices and belt-course. The harmonious relationship of a new façade to its context can be achieved with contemporary expression provided that the existing context, proportions, forms, sizes and scale are fully respected and appropriate materials are used. A new façade need not be a simple replication of adjacent building facades.

The exterior design of a façade at grade as it relates to the general layout and organization of interior spaces closest to the pedestrian environment, is an important design consideration to help new development support the public realm and fit with the existing and/or planned context. In particular, the nature, scale and placement of doors and unobstructed clear glass windows, with little or no tint, on the facade 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, sustainable 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, structures and a site 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 Plan 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 Toronto Green 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;
- Energy efficient exterior cladding and window treatments;
- Green Roofs and Cool Roofs;
- Use of high-albedo surface materials;
- Planting native species and use of water efficient material;
- Rainwater harvesting and bio-retention swales;
- Secure weather protected on-site bike areas;
- Energy efficient, shielded exterior lighting; and
- Bird friendly glass treatment.”