

Mid-rise guidelines conundrum

FLEXIBILITY VS. PREDICTABILITY

By Edward LaRusic

As the city reviews its mid-rise guidelines, both staff and developers say there is room for exceptions to the guidelines, but they are split on how much flexibility should be permitted.

On April 24, experts from both the city and development industry gathered with chief planner **Jennifer Keesmaat** to discuss how effective the mid-rise guidelines have been. At the forefront of the conversation is a debate as to when and where the city should allow exceptions to its guidelines.

Keesmaat noted there is a tension between the predictability that developers say they want and the flexibility they ask for.

“I’d like to point out that those two things are on opposite sides of the spectrum, flexibility and predictability are not very compatible. The place we’re at today is somewhere in the middle where we have [mid-rise] guidelines, and we try and negotiate around these guidelines, which leaves a tremendous amount of interpretation on the side of the development industry, residents associations and the city planner.”

The result has been planners caught between developers, who want flexibility from the guidelines, and residents, who demand strict adherence.

Two guidelines in particular have drawn [CONTINUED PAGE 5 >](#)

Real estate review

IMPROVING ASSET MANAGEMENT

By Leah Wong

Currently managed on a piecemeal basis, there is no city-wide real estate strategy to maximize the city’s assets. Toronto’s city manager says the city needs to increase coordination when it comes to its real estate activities.

A number of the city’s divisions, agencies and corporations—including Build Toronto, Toronto Port Lands Company, Toronto Community Housing Corporation and Toronto Transit Commission—manage their own real estate portfolios with in-house expertise. While each group’s real estate functions vary, they can include appraisals, acquisitions, leasing, sales, portfolio management and commercial development.

“I’ve been told there are 188 people involved in some type of real estate function, spread across our ABCs,” Ward 34 Don Valley East councillor **Denzil Minnan-Wong** told executive committee. “There is a need for us to look at a number of efficiencies.”

At its meeting next week council will consider recommendations from executive committee [CONTINUED PAGE 7 >](#)

INSIDE

Density déjà vu

Zoning development for transit dollars

p 2 >

Leaside rezoning

Mixed-use high-rise proposed east of Laird

p 3 >

Building-up

Yorkville
80-storey proposed at Yonge & Bloor

p 11 >

FLEXIBILITY VS. PREDICTABILITY

CONTINUED FROM PAGE 1

considerable disagreement: the maximum height of mid-rise buildings and the angular planes the guidelines suggest are appropriate.

Along the city's avenues, the maximum height of buildings is directly related to the adjacent right-of-way, which is typically 20 m. on most avenues. Mid-rise buildings are allowed an additional 5 m. for a mechanical unit, which developers often use to justify additional floors.

Buildings are expected to fit between 45 degree angular planes drawn from the streetwall and the rear property line or laneway. Often designs protrude into the angular planes.

Rockport Group president and CEO **Jack Winberg** said that the city shouldn't treat the guidelines as it they are policy. When a developer proposes something that breaks the guidelines, the city's concern should be the impact, not strict adherence to a performance standard. He illustrated his point with an example where he would need an extra metre of height and allow a balcony to protrude into the angular plane.

"Yes, I breached the rules, but I don't know if I breached what the guidelines and performance standards were meant to do," Winberg said. "What I say is let's go back to traditional planning principles and discuss the impact of the variation between the performance standards and what is being proposed by the developer to accommodate the market."

RAW Design director **Roland Rom Colthoff** echoed Winberg's concerns. He suggested there should be exceptions where mid-rise buildings are permitted to pierce the angular planes, particularly to make elements such as elevator cores work.

Rom Colthoff said he understands that city planners are reluctant to make exceptions for fear they become a precedent. However, he stressed the importance of understanding how angular planes impact elements such as elevator cores and stairwells. On mixed-use sites, he noted, the city's desire to have at-grade retail tends to result in the elevator core being located to the rear of the building. However, the way angular planes work means that the top floors will be closer to the front of the property hence the elevator core may not extend to the top floors.

"All of the projects that we've done, we've breached the height [guideline]. Typically the goal is to get eight storeys on a 20 m. right-of-way. The argument being, that we would have had a mechanical penthouse regardless in addition to the six storeys of height. And if we can prove, through planning principles,

that there is no impact—there's no additional shadow, there's no overlook—why not have that additional area, having those additional residents on the street contributing to that vital street economy?"

DTAH partner **Joe Lobko** suggested the city should quantify objectives it thinks are important—such as having a certain amount of sunlight on sidewalks—and provide flexibility as long as those objectives are achieved.

"You get flexibility of design and have performance standards that aren't hard and fast rules, but you've got to deliver on a quality of project that somehow works," said Lobko. "I appreciate that's not easy to achieve."

Urban design manager **Lorna Day** noted that in principle, allowing variations from the guidelines—much like how the committee of adjustment allows variations from the zoning by-law—is reasonable, but is not easy to achieve in practice.

"The problem is that I think some things are easier to measure than others. It's easy to measure 10 per cent of a height variation or 10 per cent of a shadow impact. It's much more difficult to measure a 10 per cent loss in sidewalk animation, or a 10 per cent loss in privacy... these are things which are very difficult to measure, but which we know through our policy discussions and public consultations are very dear to our neighbourhoods."

City urban design director **Harold Madi** said that applying the mid-rise guidelines consistently is a challenge for staff and that a rulebook saying when and where exceptions should be permitted would be helpful. The problem, however, isn't exceptions that allow a single balcony to project into an angular plane. The problem is allowing

CONTINUED PAGE 6 ▶

DESIGN REVIEW PANEL AGENDA

The Design Review Panel will consider the following items at its meeting Tuesday, May 5 at 12:00 p.m. in committee room 2, City Hall.

PRESENTATIONS

12:10 p.m.

1680 Brimley Road—The panel will undertake its first review of rezoning and site plan applications by **Brimley Progress Development Inc.** to permit four towers of 34, 34, 41 and 44 storeys at 1680 Brimley Road. Presentations will be made by city planner **Paul Johnson** and urban designer **Xue Pei, A & Associates Architects Inc.** architects **Ali Kafeai** and **Aphrodite Liaghat**, and **Walker, Nott, Dragicevic Associates Ltd.** planner **Andrew Ferancik**.

1:40 p.m.

3636 Bathurst Street—The panel will undertake its second review of rezoning and site plan applications by **Pinedale Properties** to permit nine and 11-storey additions to an existing 19-storey building at 3636 Bathurst Street. Presentations will be made by city planner **Andria Sallese** and urban designer **Dawn Hamilton**, and **Kirkor Architects & Planners** senior partner **Clifford Korman**.

3:00 p.m.

144 & 150 Berry Road—The panel will undertake its first review of a rezoning application by **Vandyk** to permit a two-storey commercial building, two six-storey and one 10-storey residential buildings and a 16-unit townhouse block at 144 & 150 Berry Road. Presentations will be made by city planner **Sabrina Salatino** and urban designer **Julie Bogdanowicz**, and **Kohn Partnership Architects** architect **Andrew Muffitt**.

4:20 p.m.

15-35 Mercer Street—The panel will undertake its first review of a rezoning application by **Madison Group** to permit a 67-storey mixed-use building with a hotel, retail and condominiums at 15-35 Mercer Street. Presentations will be made by city planner **Dan Nicholson**, urban designer **Nasim Adab** and heritage planner **Ragini Dayal**, and **Teeples Architects** principal **Stephen Teeples**. **nru**



Rendering of Madison Group proposal for 15-35 Mercer Street, looking south-west

FLEXIBILITY VS. PREDICTABILITY

CONTINUED FROM PAGE 5

things such as additional floors, which can create a precedent that undermines the guidelines and impacts the city’s ability to defend its guidelines at the Ontario Municipal Board.

“We have to stay somewhat consistent with respect to certain things where we know that extra flexibility begins to undermine the intent.”

Staff has been monitoring the 217 mid-rise applications it has received between council’s approval of the guidelines July 6, 2010 and December 31, 2014 to determine how effective the

guidelines have been in shaping mid-rise development. The majority of mid-rise applications have been for locations on the city’s avenues.

Also participating in the discussion were executive director and chief building official **Ann Borooah** and **N. Barry Lyon Consultants Limited** partner **Jasmine Cracknell-Young**. Staff will be reporting back to the planning and growth management committee in the fall with the results of the mid-rise monitoring period. **nru**