

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** December 07, 2018

**CASE NO(S):** PL160771

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	100 Broadway Developments Inc.
Appellant:	100 Ranleigh Inc.
Appellant:	117 Broadway Holdings Inc.
Appellant:	1330192 Ontario Inc.; and others
Subject:	Proposed Official Plan Amendment No. OPA 320
Municipality:	City of Toronto
OMB Case No.:	PL160771
OMB File No.:	PL160771
OMB Case Name:	Akbari v. Toronto (City)

**Heard:** October 10, 2018 in Toronto, Ontario

**APPEARANCES:**

**Parties**

**Counsel/Representative\***

City of Toronto

K. Matsumoto and N. Muscat

Preston Group, H-M Apartment  
Moccasin Inc., and Starlight Group  
Property Holdings

S. Lampert

BILD, Greater Toronto Apartments  
Association, TDSB and Minto

J. Dawson

Communities Canada Inc., Minto Properties Inc.

Babak Sarshar and Parkset Developments Inc. I. Kagan

Dunpar Developments Holdings Inc. and BILD K. Sutton

CAPREIT Ltd. J. Shapira

Small Builders Group A. Stewart

Confederation of Resident and Ratepayer Associations in Toronto ("CORRA") E. Denny\*

## **DECISION DELIVERED BY HUGH S. WILKINS AND ORDER OF THE TRIBUNAL**

---

[1] The purpose of City of Toronto ("City") Official Plan Amendment No. 320 ("OPA 320") is to update the Healthy Neighbourhoods, Apartment Neighbourhoods, and Neighbourhood policies in the City's Official Plan. It is part of the City's five-year Official Plan review. City Council adopted OPA 320 on December 9 and 10, 2015 and the Minister of Municipal Affairs approved it (with one modification) on July 4, 2016. There were 57 appeals of this decision.

[2] Procedural matters in this proceeding were addressed by the Local Planning Appeal Tribunal ("Tribunal") at a series of pre-hearing conferences ("PHCs"). Both private and Tribunal-facilitated mediation efforts were also undertaken in an effort to resolve the matters in dispute. Through these mediation efforts, issues regarding the broad application of the policy modifications under OPA 320 were settled. The proposed settlement was approved by City Council in June and July 2018. At a PHC on August 15, 2018, the Tribunal directed that Parties with non-site-specific appeals of OPA 320, which are not resolved by the proposed settlement, were to advise the City of their issues by August 22, 2018. None were received.

[3] At that PHC, the Parties agreed that any remaining site-specific appeals of OPA 320 would be heard at a later date based on the understanding that after the general policies are determined by the Tribunal, it will be easier to determine site-specific impacts and address them accordingly.

[4] On October 10, 2018, the Tribunal convened a settlement hearing at which it heard land-use planning evidence in support of the proposed settlement of the non-site-specific appeals.

### **EVIDENCE, SUBMISSIONS AND FINDINGS**

[5] At the settlement hearing, Paul Bain was qualified and provided land-use planning opinion evidence on behalf of the City. He opined that the proposed modifications to OPA 320 are consistent with the Provincial Policy Statement, 2014 (“PPS”), conform with the Growth Plan for the Greater Golden Horseshoe, 2017 (“Growth Plan”), conform with the City’s Official Plan, and represent good planning.

[6] Mr. Bain comprehensively reviewed each of the proposed modifications to OPA 320. He described the Healthy Neighbourhoods section of the City’s Official Plan, stating that it sets out goals for enhancing and maintaining the physical characteristics of the City’s Neighbourhood and Apartment Neighbourhood areas. He stated that the proposed modifications to OPA 320 add policies to address each designation distinctly and to distinguish between the different scales of development of Neighbourhood and Apartment Neighbourhood designated areas.

[7] He said the proposed modifications to the Healthy Neighbourhoods section recognize that there are sites in Apartment Neighbourhood areas with existing apartment buildings where compatible infill development and additions to existing buildings may appropriately take place. He said the proposed modifications recognize that compatible infill development and additions on these sites can provide means of improving site conditions, by improving, among other things, amenity areas and

landscaped open space.

[8] He said the proposed modifications in the Healthy Neighbourhoods section also address the compatibility of new development in Apartment Neighbourhood areas with adjacent or nearby Neighbourhood areas by addressing location, orientation, screening and other factors to minimize impacts. He said the proposed modifications also include provisions to improve the functioning of the local network of streets in Neighbourhoods and Apartment Neighbourhoods.

[9] Mr. Bain stated that the proposed modifications to the Healthy Neighbourhoods policies include updates to the Official Plan to reflect the City's Tower Renewal Program. The Tower Renewal Program focuses on the City's high-rise apartment buildings with the aim of improving building stock and properties through reinvestment, renovations, retrofits and programmes to improve the lives of residents. He said the proposed modifications permit infill on Apartment Neighbourhood sites that have poorly utilized open space areas and that such development will support renovations to existing buildings and improve facilities and amenities.

[10] Mr. Bain said the proposed modifications enhance community facilities through partnerships to better use common spaces on apartment sites. He stated that the proposed modifications to the Healthy Neighbourhoods policies also address the retrofitting and renovating of existing apartment buildings through building rehabilitation by way of, among other things, improved conservation of energy and water and through improved waste diversion. He said the proposed modifications also include policies that promote food security by encouraging the use of vegetable gardens in open space areas on Apartment Neighbourhood sites and permitting new small-scale non-residential uses at many residential tower sites, such as food markets, to serve area residents.

[11] Mr. Bain stated that the proposed modifications also include changes to the Official Plan's chapter on Housing, including provisions to support diverse households

with safe and appropriate housing, services, environments and streets and to maintain and improve the City's existing housing stock by encouraging the renovation and retrofitting of existing apartment buildings. He said it also adds language to protect existing rental units with affordable and mid-range rents where there are developments on sites containing six or more rental units and existing rental units will be kept in the new development.

[12] Mr. Bain reviewed proposed modifications to the Apartment Neighbourhoods section of the Official Plan. He said the proposed modifications include language clarifying that significant growth is not intended within Apartment Neighbourhood areas, but compatible infill may be permitted on an existing apartment building site with sufficient underutilized space. He said the proposed modifications set out criteria to consider when addressing such applications. He said the proposed modifications also set out new urban design criteria for proposed additions to existing apartment buildings with specific requirements for horizontal and vertical additions. He said the modifications include a framework that could be required on larger sites where multiple apartment buildings are proposed so that public streets, shared driveways and new parks and open spaces are properly planned.

[13] Regarding the proposed modifications to the Official Plan's Neighbourhoods policies, Mr. Bain stated that they provide clarification on different types of dwelling units in Neighbourhoods by addressing the characterization of walk-up apartment buildings and townhouses. He said they also clarify development criteria for development proposals in established Neighbourhoods requiring development to respect and reinforce the existing physical character of a neighbourhood. He said they address the extent of neighbourhoods by requiring consideration of both the geographic neighbourhood and the immediate context within the neighbourhoods in proximity to the development site. He said the proposed modifications require that a proposed development must be materially consistent with the prevailing physical character of the properties in both the broader geographic neighbourhood and the properties that face the same street as the proposed development in the same block and in the block

opposite. To assist in interpretation, he stated that the proposed modifications clarify the definition of the term “prevailing” in this context.

[14] Mr. Bain stated that the proposed modifications allow for more intense development on major streets in Neighbourhood areas; provide specific development criteria for infill development proposed on atypical properties; and address situations where development on a larger or irregularly configured lot does not replicate the prevailing lot pattern but still represents good planning.

[15] Mr. Bain opined that the proposed modifications conform with the City’s Official Plan and are consistent with the PPS in that they sustain healthy, liveable and safe communities by accommodating a range and mix of residential development and a mix of housing to meet long-term needs. He opined that they also support long-term economic prosperity by encouraging a sense of place in communities through the promotion of well-designed built form and the conservation of features that help define local character. He further opined that they conform with the Official Plan and are consistent with the PPS in that they identify appropriate locations and promote appropriate opportunities for intensification and redevelopment.

[16] Mr. Bain opined that the proposed amendments to the Healthy Neighbourhoods and Apartment Neighbourhoods sections of the Official Plan further conform with the Official Plan and are consistent with the PPS in that they support energy conservation through policies that encourage the retrofitting and renovation of existing apartment buildings. He opined that they conform with the Official Plan and the Growth Plan by fostering community health and individual well-being and supporting the achievement of complete communities by encouraging the planting of gardens for growing food and by supporting diverse communities and enhanced community and neighbourhood amenities.

[17] Mr. Bain opined that these proposed modifications conform with the Official Plan and the Growth Plan in that they support the achievement of complete communities by

providing a diverse range and mix of housing, expand convenient access to healthy, local and affordable food options by, among other things, encouraging retail on the ground floor of apartment buildings, mobile vendors, and community gardens on apartment sites. He opined that they ensure the development of high quality compact built form through site design standards and they help adapt to climate change impacts and to integrate green infrastructure through the retrofitting and renovation of existing apartment buildings.

[18] None of the parties in attendance opposed the proposed settlement. Eileen Denny, representative for the Confederation of Resident and Ratepayer Associations in Toronto, raised process and jurisdictional concerns, but did not specifically oppose the proposed settlement on its merits.

[19] Having considered the uncontradicted opinion evidence of Mr. Bain, the Tribunal finds that the proposed modifications to OPA 320 are consistent with the PPS, conform with the Growth Plan and the City's Official Plan, and represent good planning. Based on the submissions of counsel and the authority given to the Tribunal under the *Planning Act*, the Tribunal finds that it has the jurisdiction and sufficient evidence to approve the proposed modifications to OPA 320 and that all statutorily required procedural steps have been properly taken in this proceeding. The Tribunal approves the proposed modifications.

## **OTHER MATTERS**

[20] As noted above, any remaining site-specific appeals of OPA 320 will be heard at a later date. The Tribunal directed that a one-day PHC for those appeals will be held in Toronto on **Friday, January 18, 2019** commencing at **10 a.m.** to address scheduling and other procedural matters relating to that hearing. The PHC will be held at:

**Local Planning Appeal Tribunal  
655 Bay Street,  
16<sup>th</sup> Floor  
Toronto, Ontario**

[21] No further notice for the January PHC will be given.

**ORDER**

[22] The Tribunal orders that:

- a. the official plan amendment appeal is allowed in part, and the proposed modifications to Official Plan Amendment No. 320 to the City's Official Plan are approved in the form appended as Attachment 1 to this Decision;

*"Hugh S. Wilkins"*

HUGH S. WILKINS  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.



ATTACHMENT 1

Authority: Local Planning Appeal Tribunal Decision/Order issued on \_\_\_\_\_  
with respect to Case No. PL160771

**CITY OF TORONTO**

**BY-LAW No. (LPAT)**

**To adopt Amendment 320 to the Official Plan of the City of Toronto respecting the Healthy  
Neighbourhoods, Housing, *Neighbourhoods* and *Apartment Neighbourhoods* Sections**

Whereas authority is given to the Local Planning Appeal Tribunal under the *Planning Act*,  
R.S.O. 1990, c.P.13, as amended, to approve this By-law;

The Official Plan of the City of Toronto, as amended, is further amended by the Local Planning  
Appeal Tribunal as follows:

1. The text attached to Amendment No. 320 is hereby adopted as an amendment to the  
Official Plan of the City of Toronto.

Local Planning Appeal Tribunal Decision/Order issued on \_\_\_\_\_  
with respect to Case No. PL160771

---

**AMENDMENT NO. 320 TO THE OFFICIAL PLAN  
OF THE CITY OF TORONTO**

The following text constitutes Amendment No. 320 to the Official Plan of the City of Toronto:

1. Section 2.3.1, HEALTHY NEIGHBOURHOODS, is amended by:

- a) Deleting from the first sentence of the first paragraph of the unshaded introductory text the words 'a choice of' and replacing them with the words 'options within';
- b) Adding to the first sentence in each of the second and third paragraphs of the unshaded introductory text the words and punctuation '*Downtown*, the' prior to the word '*Centres*';
- c) Deleting from the final sentence of the third paragraph of the unshaded introductory text the words 'mixed use area' and replacing them with the words 'growth areas' and deleting from this same sentence the words 'residential area' and replacing them with the words 'neighbourhood areas';
- d) Adding to the first sentence of the eighth paragraph of the unshaded introductory text the words 'promoting walking and cycling by' prior to the words 'improving streets';
- e) Adding at the end of the eighth paragraph of the unshaded introductory text the following sentence:

'Gardens for growing food are encouraged in *Apartment Neighbourhoods*.'
- f) Adding at the end of the unshaded introductory text the following paragraphs:

'Toronto has over a thousand older apartment buildings, many of which are in need of physical renewal, greening and in some instances, social transformation. The City has established the Tower Renewal Program to encourage the retrofit of these older apartment buildings and improve the quality of life of their residents.

Most of Toronto's existing apartment buildings are located within built up *Apartment Neighbourhoods* where significant growth is not anticipated on a city-wide basis. Often, apartment building(s) together with ancillary outdoor recreation facilities, pedestrian walkways, parking lots, service areas and landscape space take up/occupy the entire site. In some areas these sites are located in proximity to each other and form clusters or larger apartment neighbourhoods. There may be sites within *Apartment Neighbourhoods* that contain space that is not well-utilized by the residents of existing apartment buildings. In some instances these sites could be improved through the addition of infill development that will provide additional housing options, including new rental housing while maintaining and/or improving on-site amenities and conditions for both new and existing residents. In other instances, redevelopment of vacant or underutilized sites in *Apartment Neighbourhoods* that meets the Plan's policies can create new housing options in Toronto.'

- g) Deleting Policy 1, replacing it with the following new Policies 1 and 2, and renumbering existing Policies 2 to 7 as Policies 3 to 8 accordingly:
1. *Neighbourhoods* are low rise and low density residential areas that are considered to be physically stable. Development in *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.
  2. *Apartment Neighbourhoods* are residential areas with taller buildings and higher density than *Neighbourhoods* and are considered to be physically stable. Development in *Apartment Neighbourhoods* will be consistent with this objective and will respect the criteria contained in Section 4.2.2 and other relevant sections of this Plan. While *Apartment Neighbourhoods* are not areas of significant growth on a city-wide basis, there are sites containing one or more existing apartment building(s) where compatible infill development may take place. This compatible infill development may take place where there is sufficient space on a site to accommodate additional buildings or building additions while providing a good quality of life for both new and existing residents and improving site conditions by maintaining or substantially replacing and improving indoor and outdoor amenity space; improving landscaped open space; maintaining adequate sunlight and privacy for residential units; and adequately limiting shadowing on outdoor amenity space and landscaped open space. Such infill will be in accordance with the criteria in Section 4.2 and other policies of this Plan. *Apartment Neighbourhoods* contain valuable rental apartment buildings that often need physical and social renewal and transformation to achieve an improved living environment.'
- h) Adding to renumbered Policy 3 the following new subsections d) and e), deleting the word 'and' at the end of subsection c), and renumbering existing subsection d) as subsection f):
- 'd) orient and screen lighting and amenity areas so as to minimize impacts on adjacent land in those *Neighbourhoods*;
  - e) locate and screen service areas, any surface parking and access to underground and structured parking so as to minimize impacts on adjacent land in those *Neighbourhoods*, and enclose service and access areas where distancing and screening do not sufficiently mitigate visual, noise and odour impacts upon adjacent land in those *Neighbourhoods*; and'
- i) Adding to renumbered Policy 5 the following new subsection e) after subsection d), deleting the word 'and' at the end of subsection c), and adding the word and punctuation '; and' at the end of subsection d):
- 'e) providing new streets that extend the local street network into larger sites, where the new streets would provide access and frontage for existing and future development, improve pedestrian and bicycle circulation and improve the prominence, visibility and safe access to parks, open spaces, transit, schools and pedestrian destinations.'

- j) Adding to renumbered Policy 7 the following new subsection c) after subsection b), deleting the word 'and' at the end of subsection a), and deleting the period at the end of subsection b) and replacing it with the word and punctuation '; and':
- 'c) encouraging and developing partnerships to better utilize common indoor and outdoor amenity areas for the use of residents in apartment properties to supplement public facilities.'
- k) Adding the following new Policies 9 and 11, after renumbered Policy 8 and Policy 10 respectively:
9. The owners of existing apartment buildings will be encouraged to renovate and retrofit older apartment buildings in order to:
- a) achieve greater conservation of energy and reduce greenhouse gas emissions;
  - b) achieve greater conservation of water resources;
  - c) improve waste diversion practices;
  - d) improve safety and security;
  - e) improve building operations;
  - f) improve indoor and outdoor facilities for social, educational and recreational activities; and
  - g) improve pedestrian access to the buildings from public sidewalks and through the site as appropriate.
11. Gardens for growing food are encouraged on portions of open space in sites within *Apartment Neighbourhoods*, particularly in areas where residents do not have convenient walking access to sources of fresh food.'
- l) Adding the following new sidebar:

**Tower Renewal**

Toronto is home to approximately 1,200 high-rise apartment buildings, largely constructed in the three decades following World War II, which house over 500,000 renters. Many were originally constructed as 'tower in the park' communities with ample open space and surface parking areas. By the early years of this century, many of these towers were in need of physical reinvestment and a number of their residents were experiencing economic and social challenges.

The City has established the Tower Renewal Program as an agent of change to drive the implementation of environmental, social, economic and cultural improvements to transform these tower sites and neighbourhoods. The City has created programs to support apartment building owners in implementing retrofits, programming and investments to improve the lives of tower residents. The Provincial and Federal governments are following suit in these efforts. The City has also enacted a special RAC zone applicable to almost 500 of these residential tower sites in order to permit new small-scale non-residential uses to serve area residents in these locations, such as food markets, small businesses and community facilities.

Tower Renewal works collaboratively within the City (e.g. City Planning, TCHC and Environment and Energy) and with external parties (e.g. United Way, Centre for Urban Growth & Renewal and Toronto Foundation) to achieve change in these tower neighbourhoods.'

2. Section 3, BUILDING A SUCCESSFUL CITY, is amended by:

- a) Adding after the second sentence in the first paragraph of the unshaded introductory text the following sentence:

'All our communities will be planned to support Toronto's diverse households with safe and appropriate housing, services, environments and streets where we can raise and care for children and others we care for, earn a living and transition from one phase in life to another.'

3. Section 3.2.1, HOUSING, is amended by:

- a) Deleting from the second sentence of the third paragraph of the unshaded introductory text the word 'large' and replacing it with the word 'larger';
- b) Deleting from the last sentence of the third paragraph of the unshaded introductory text the words 'no new' and replacing them with the words 'little new affordable', and deleting from this same sentence the words 'in quantity';
- c) Deleting from the fifth paragraph of the unshaded introductory text the word 'no' and replacing it with the word 'insufficient', and deleting from this same paragraph the word 'losses' and replacing it with the words 'the loss or deterioration of the units';
- d) Deleting Policy 2 and replacing it with the following new Policy 2:
- '2. The existing stock of housing will be maintained, improved and replenished. The City will encourage the renovation and retrofitting of older residential apartment buildings. New housing supply will be encouraged through intensification and infill that is consistent with this Plan.'
- e) Deleting subsection b) in Policy 5 and replacing it with following new subsection b):
- 'b) should secure needed improvements and renovations to the existing rental housing to extend the life of the building(s) that are to remain and to improve amenities, without pass-through costs to tenants. These improvements and renovations should be a City priority under Section 5.1.1 of this Plan where no alternative programs are in place to offer financial assistance for this work.'

4. Section 4.1, *NEIGHBOURHOODS*, is amended by:

- a) Adding to the last sentence of the first paragraph of the unshaded introductory text the words 'various forms of' prior to the word 'townhouses', and adding to this same sentence the words 'with or without elevators' after the words 'walk-up apartment buildings';
- b) Deleting from the second sentence of the sixth paragraph of the unshaded introductory text the word 'generally';
- c) Amending Policy 5 by:
  - i) deleting from the first sentence the word 'the' prior to the word 'neighbourhood' and replacing it with the words 'each geographic';
  - ii) adding to subsection b) the word 'prevailing' prior to the word 'size';
  - iii) adding to subsection c) the word 'prevailing' prior to the word 'heights' and adding to this same subsection the word and punctuation ', density' prior to the words 'and dwelling type';
  - iv) adding the following new subsection e) and renumbering existing subsections e) to h) as subsections f) to i) accordingly:
    - 'e) prevailing location, design and elevations relative to the grade of driveways and garages;'
  - v) adding to renumbered subsection f) the word 'prevailing' prior to the word 'setbacks';
  - vi) deleting from renumbered subsection h) the word 'a' and replacing it with the words 'the geographic'; and
  - vii) deleting the two existing paragraphs after renumbered subsection i) and replacing them with the following new paragraphs:

"The geographic neighbourhood for the purposes of this policy will be delineated by considering the context within the *Neighbourhood* in proximity to a proposed development, including: zoning; prevailing dwelling type and scale; lot size and configuration; street pattern; pedestrian connectivity; and natural and human-made dividing features. Lots fronting onto a major street shown on Map 3 and designated *Neighbourhoods* are to be distinguished from lots in the interior of the block adjacent to that street in accordance with Policy 6 in order to recognize the potential for a more intense form of development along major streets to the extent permitted by this Plan.

The physical character of the geographic neighbourhood includes both the physical characteristics of the entire geographic area in proximity to the proposed development (the broader context) and the physical characteristics of the properties that face the same street as the proposed development in the same block and the block opposite the proposed development (the immediate context). Proposed

development within a *Neighbourhood* will be materially consistent with the prevailing physical character of properties in both the broader and immediate contexts. In instances of significant difference between these two contexts, the immediate context will be considered to be of greater relevance. The determination of material consistency for the purposes of this policy will be limited to consideration of the physical characteristics listed in this policy.

In determining whether a proposed development in a *Neighbourhood* is materially consistent with the physical character of nearby properties, only the physical character of properties within the geographic neighbourhood in which the proposed development is to be located will be considered. Any impacts (such as overview, shadowing, traffic generation, etc.) of adjacent, more intensive development in another land use designation, but not merely its presence or physical characteristics, may also be considered when assessing the appropriateness of the proposed development.

Lots fronting onto a major street, and flanking lots to the depth of the fronting lots, are often situated in geographic neighbourhoods distinguishable from those located in the interior of the *Neighbourhood* due to characteristics such as:

- different lot configurations;
- better access to public transit;
- adjacency to developments with varying heights, massing and scale; or
- direct exposure to greater volumes of traffic on adjacent and nearby streets.

In those neighbourhoods, such factors may be taken into account in the consideration of a more intense form of development on such lots to the extent permitted by this Plan.

The prevailing building type and physical character of a geographic neighbourhood will be determined by the most frequently occurring form of development in that neighbourhood. Some *Neighbourhoods* will have more than one prevailing building type or physical character. The prevailing building type or physical character in one geographic neighbourhood will not be considered when determining the prevailing building type or physical character in another geographic neighbourhood.

While prevailing will mean most frequently occurring for purposes of this policy, this Plan recognizes that some geographic neighbourhoods contain a mix of physical characters. In such cases, the direction to respect and reinforce the prevailing physical character will not preclude development whose physical characteristics are not the most frequently occurring but do exist in substantial numbers within the geographic neighbourhood, provided that the physical characteristics of the proposed development are materially consistent with the physical character of the geographic neighbourhood and already have a significant presence on properties located in the immediate context or abutting the same street in the immediately adjacent block(s) within the geographic neighbourhood.

Development of a less intensive building type than that which already exists in the immediate context will be permitted in all geographic neighbourhoods.

No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the overall physical character of the entire *Neighbourhood*.

Except for apartment buildings and larger townhouse developments with common underground garages, driveways to below-grade garages that are integral to residences will be discouraged.'

d) Amending Policy 9 by:

- i) relocating the existing words 'in established *Neighbourhoods*' to the beginning of the sentence and adding a comma, so that the beginning of the sentence reads 'In established *Neighbourhoods*, infill development on properties...';
- ii) deleting from subsection a) the words that follow after the words 'have heights, massing and scale' and replacing them with the words and punctuation 'that are respectful of those permitted by zoning for nearby residential properties, while taking into account the existing form of development on the infill property;'
- iii) adding the following new subsection b) and renumbering existing subsections b) and c) as subsections c) and d) accordingly:
  - 'b) have setbacks from adjacent residential properties and public streets that are proportionate to those permitted by zoning for adjacent residential properties, while taking into account the existing form of development on the infill property;'
- iv) deleting from renumbered subsection c) the word 'residents' and replacing it with the word 'occupants'; and
- v) deleting from renumbered subsection d) the word 'and', deleting existing subsection d) and adding after renumbered subsection d) the following new subsections e) and f):
  - 'e) provide safe, accessible pedestrian walkways from public streets; and
  - f) locate, screen and wherever possible enclose service areas and garbage storage and parking, including access to any underground parking, so as to minimize the impact on existing and new streets and on residences.'

e) Adding the following new Policy 10 after Policy 9, and renumbering existing Policy 10 as Policy 11 accordingly:

- '10. Residential infill development applications on properties that vary from the local pattern in terms of lot size, configuration and/or orientation as a result of the assembly of lots that previously had adhered to the local pattern will be evaluated applying Policy 5. In all other situations where residential infill development can replicate the existing prevailing lot pattern, Policy 5 and/or Policy 9 will be applied



to evaluate development applications. The applicable policy will be determined based on the evaluation of the development application and having regard for potential impacts on other properties within the *Neighbourhood*.'

- f) Amending the existing sidebar by:
- i) adding at the end of the title the words 'and Lot Patterns' so that the title reads 'Prevailing Building Types and Lot Patterns';
  - ii) adding to the second sentence the word 'geographic' prior to the word 'neighbourhoods', and adding to this same sentence a comma after the word 'by-laws';
  - iii) adding to the third sentence the word 'geographic' prior to the word 'neighbourhood', and deleting from this same sentence the word and punctuation '(predominant)'; and
  - iv) adding at the end of the sidebar the following new paragraph:

'Policies 4.1.9 and 4.1.10 are not to be interpreted so as to encourage, facilitate or justify the assembly of lots within a geographic neighbourhood that adhere to the prevailing lot pattern in that neighbourhood for the purpose of intensification.'

5. Section 4.2, *APARTMENT NEIGHBOURHOODS*, is amended by:

- a) Deleting the second and third sentences of the second paragraph of the unshaded introductory text and replacing them with the following sentences:

'While built up *Apartment Neighbourhoods* are stable areas of the City where significant growth is not anticipated on a city-wide basis, opportunities exist for additional townhouses or apartments on underutilized sites, including new rental housing. This Plan sets out criteria to evaluate these situations.'

- b) Adding at the end of the unshaded introductory text the following new paragraphs:

'On smaller sites infill opportunities in *Apartment Neighbourhoods* can be as simple as a building addition or a new building on an underutilized part of the lot, such as a surface parking lot. On larger sites, infill opportunities may require planning for new and extended public realm including new streets or shared driveways, and may require preserving significant existing landscape and recreation features as part of integrating older apartments with new development in a manner that improves the quality of life for all.

Development in *Apartment Neighbourhoods* may also include redevelopment of underutilized or vacant sites. This Plan sets out criteria to evaluate these situations.'

c) Deleting existing Policy 3 and replacing it with the following new Policies 3, 4, 5 and 6:

3. Although significant growth is not intended within developed *Apartment Neighbourhoods* on a city-wide basis, compatible infill development may be permitted on a site within a developed *Apartment Neighbourhood* with one or more existing apartment buildings which improves the existing site conditions by means such as:
- a) meeting the development criteria set out in Section 4.2.2;
  - b) being compatible with the scale, including height and massing, of the existing apartment building(s) on and adjacent to the site;
  - c) providing separation distances between buildings on and adjacent to the site so as to achieve adequate sunlight and privacy;
  - d) maintaining or replacing and improving indoor and outdoor residential amenities on the site, including, where achievable, equipping and managing indoor and outdoor amenity space to encourage use by residents;
  - e) improving upon the quality of landscaped open space and outdoor amenity space for new and existing residents, including the preservation or replacement of significant landscape features and walkways and creating such features where they did not previously exist;
  - f) providing adequate on-site structured shared vehicular parking for both new and existing development;
  - g) consolidating and where achievable, relocating parking and servicing areas where they are not visible from streets, parks and landscaped open spaces;
  - h) placing parking ramps within the building where achievable;
  - i) providing all residents, including existing residents with access to the community benefits where additional height and/or density is permitted and community benefits are provided pursuant to Section 5.1.1 of this Plan;
  - j) providing privacy and areas of landscaped open space, and maintaining adequate sunlight to units, outdoor amenity spaces and open spaces, for both new and existing residents;
  - k) organizing development on the site to frame streets, parks and open spaces at good proportion, providing adequate sky views from the public realm, and creating safe and comfortable open spaces;
  - l) promoting grade-related dwellings at the edge of public streets, parks and landscaped open spaces where achievable, that front onto and provide pedestrian entrances from those public spaces, and provide a generous pedestrian realm adjacent to public streets;
  - m) promoting, on the lower floors of midrise and tall apartment buildings, grade-related units with front gardens, stoops and porches that take direct access from public sidewalks, accessible open spaces and park edges;
  - n) improving pedestrian access to the buildings from public sidewalks and through the site;
  - o) minimizing curb cuts;

- p) improving waste storage and waste diversion facilities including enclosure of outdoor waste storage areas and enclosed waste storage facilities within a building where achievable;
- q) providing needed improvements, renovations and retrofits to the existing rental housing to extend the life of the existing building(s) that are to remain; and
- r) encouraging improved energy and water efficiency in existing buildings through renovations, retrofits and changes to management practices.

Any application for infill development on a site containing one or more existing apartment building(s) will be considered in the context of these evaluative criteria, and other relevant policies of this Plan. A discussion of how the development addresses these criteria should be included in any Planning Rationale Report accompanying the application.

4. Infill development may be permitted on a site within a developed *Apartment Neighbourhood* that creates a horizontal addition to an existing apartment building provided:
  - a) the development meets the criteria set out in Section 4.2.2 and is considered in the context of the evaluative criteria in Section 4.2.3;
  - b) the horizontal addition, which should be low-rise or mid-rise in form, will:
    - i) frame and support existing and new streets and parks and open spaces;
    - ii) promote grade-related dwellings with direct access from adjacent streets or mid-block pedestrian connections;
    - iii) adequately limit shadows on the site, the adjacent public realm and nearby properties;
    - iv) improve pedestrian access to the existing residential building;
    - v) provide improved landscaped open space and amenity space for new and existing residents;
    - vi) mitigate wind effects and improve the safety and attractiveness of the public realm, the property and surrounding properties; and
    - vii) provide setbacks from adjacent streets, parks or other public lands that reflect the existing context and are, at a minimum, sufficient in order to maintain privacy, provide space for pedestrian amenities and landscaping, and promote grade-related dwellings at the edge of streets and parks.

While a horizontal addition should be low-rise or mid-rise in form, an addition in the form of a tall building may also be considered and will also meet the criteria set out in a) and b) above.

5. Infill development may be permitted on a site within a developed *Apartment Neighbourhood* that creates an addition on top of an existing apartment building provided the vertical addition:
  - a) meets those criteria set out in Section 4.2.2 that can be addressed by the development of a vertical addition only, and will be considered in the context of the evaluative criteria in Section 4.2.3;

- b) is sufficiently stepped back from the edges of the existing building roof where required in order to minimize the visual bulk of the additional building mass from the street, adjacent parks, open spaces and mid-block pedestrian connections, minimize the loss of skyview and mitigate additional wind effects at ground level;
  - c) does not have projecting balconies that contribute to an undesirable visual bulk, reduce skyview and/or increase wind effects at ground level; and
  - d) creates minimal additional shadows on the public realm and nearby properties.
6. On larger sites which have the opportunity for more than one new building, a framework of additional public streets, shared driveways, new parkland and shared open space may be required to create infill development that meets the objectives of this Plan.'