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■ BILL 23 PROPOSALS CREATING QUESTIONS AROUND THE FUTURE OF TORONTO'S GREEN STANDARD

NOT EASY BEING GREEN

Rahul Gupta

In the wake of the province's announcement earlier this week of proposed sweeping changes to the *Planning Act* aimed at boosting the speed of housing development in Ontario, sustainability experts are raising concerns about what the draft legislation could mean for the future of the Toronto Green Standard (TGS) if passed.

On Tuesday, the Ontario government introduced Bill 23, the *More Homes Built Faster Act* with proposals designed to accelerate the speed of residential housing construction through the removal of 'red tape.' The bill, which has not yet been passed at Queen's Park, seeks to address Ontario's housing crisis by reducing government fees and speeding up development approval processes that can slow down housing construction and increase costs.

However, there is anxiety among some sustainability

experts that several proposed changes to the legislation could severely undermine the ability of municipalities like **City of Toronto** to mandate carbon-neutral building development — a key plank of the city's long-term climate change strategy.

Green design standards

are considered important municipal planning tools to enable cities to lower carbon emissions created through new building development. Now in its fourth version, the TGS is credited with influencing other GTHA municipalities to follow suit and establish their own green standards for building

design.

Initially implemented by the city 12 years ago, the Toronto Green Standard is implemented through the site plan control application process, requiring the inclusion of building design features that will reduce a new development's carbon footprint and will help improve the city's sustainability outcomes. In addition to delineating required baseline performance standards for new buildings, higher tiers of standards further incentivize even more sustainable design choices, with the intention of eventually making those voluntary higher tier measures industry-wide standards.

Newer, updated versions of the Toronto Green Standard are introduced periodically, with each new set of guidelines incorporating stronger mandatory sustainability requirements. The City intends

Rendering of Canary Landing (125 Mill Street), which received a Waterfront Design Review Panel award for excellence in residential design at a ceremony in Toronto earlier this week. See In Brief, page 9.

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NOT EASY BEING GREEN

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to introduce the next version of the Toronto Green Standard in 2025, with a plan to make all sustainability performance standards mandatory by 2028 (see ‘Going Greener’, *NRU Toronto*, May 6, 2022).

As part of the Bill 23’s proposed changes, the province would remove municipal site plan control from exterior building design and would remove other architectural and landscaping design requirements currently required for new development approvals. Also included within that proposed change is a proposal to exempt new residential developments accommodating up to 10 dwelling units entirely from the site plan control process. There are concerns that if those proposed changes to the *Planning Act* are approved, they could spell the end of Toronto’s ability to mandate sustainable design requirements.

“I think it’s a very real possibility — in fact, probably a likelihood — that [the proposed changes to the *Planning Act*] have killed the Toronto Green Standard,” **Sajecki Planning** principal **Blair Scorgie** told *NRU*, noting that there is still time to reverse course and that the province has yet to respond to

concerns being raised in the wake of the proposed changes being announced.

“I think [Toronto] legal staff is going to have a very significant uphill battle to try and rationalize continuing to regulate the [TGS] program.”

Scorgie points to the province’s proposed removal of a line in the *Planning Act* referencing the right of municipalities to establish mandatory guidelines for sustainable design. Removing that reference, Scorgie fears, will lead to the end of the ability of municipalities to ensure that new building designs have sustainable features.

“That specific sort of language is proposed to be removed from the *Planning Act*, and it’s the only clear link to anything in provincial legislation that allows municipalities to regulate exterior design control and sustainable building design,” Scorgie said.

“So, if you take it out, there’s a very significant risk that legal staff won’t be able to find a solid foundation upon which to recommend the City of Toronto...to continue to regulate these types of things through the Toronto Green Standard.”

City of Toronto chief

planner **Gregg Lintern** told *NRU* that staff is reviewing the proposed legislative changes for impacts to the TGS and other city programs.

“City staff are reviewing the draft legislation to understand how the proposed changes support both housing affordability and the creation of housing supply, make the approvals process work better, maintain capacity to build complete communities and infrastructure and any other impacts to City programs and services, such as the Toronto Green Standard,” Lintern said in a written statement.

Sustainability advisor **Jade Schofield** has worked on green development standards for several GTHA municipalities including the **Town of Whitby**. Like Scorgie, Schofield is concerned that removing the *Planning Act* language governing exterior design control and sustainable building design will remove a powerful planning tool for municipalities looking to meet long-term carbon reduction goals.

According to Schofield, the Toronto Green Standard has succeeded in driving up the quality and implementation of sustainable design features in new buildings industry-wide through its various iterations by gradually increasing the requirements of standards.

“Every four years, the standards ramped up, which means that we had a linear path to understanding how we were going to get to

net-zero in a way that the development community could notice,” Schofield said. “It was accountable, it was transparent, and it was also leveraging technology that was assured to work in our communities.”

Environmental Defence

Ontario environment program manager and Toronto land use planning lawyer **Phil Pothén** is also concerned about the proposed *Planning Act* changes removing municipal site plan control for exterior building design. If the province proceeds with the change, Pothén believes that municipalities like Toronto can still protect key requirements of the green standard by making green design standards mandatory within the rezoning approval process.

Not only could existing sustainable guidelines be preserved through such a change, Pothén says, it could also allow for stricter green design standards overall.

“[Zoning] is actually a much tougher and more aggressive way of implementing the green standard,” Pothén told *NRU*. “It could be that the softer [voluntary] requirements that are currently implemented through site plan control could be made into hardline mandatory requirements in many cases that are part of zoning.”

Pothén suggests that folding green standard requirements

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into zoning approvals would aid the province's stated objective of accelerating housing construction since it could potentially shorten application review timelines for complying with multiple tiers of design requirements.

"There's not really any reason why the province should — based on its own rationale — object to municipalities simply rolling [green design standards] into

zoning," Pothen said.

Scorgie says recommendations in a recent third-party consultant [report](#) he co-authored for the City — that provided advice for integrating climate strategies within official plan documents — included migrating aspects of the Toronto Green Standard into the purview of zoning. While zoning is a potential remedy for municipalities seeking to preserve their

ability to achieve sustainable buildings designs, Scorgie says a more comprehensive approach could include updating the Ontario Building Code so that it reflects the more up-to-date requirements of municipal green standards province-wide.

"Ultimately, what needs to happen is that the Ontario Building Code needs to catch up to where we are currently in the City of Toronto," Scorgie said.

"None of this is a slam-dunk solution, but you can capture a lot of what's in the TGS through building code reform." 🌱

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