



**Acronym**  
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**Acronym Urban Design and Planning/Mark Sterling Consulting Inc.**  
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**Witness Statement of Mark Sterling OAA, MRAIC, MCIP, RPP**

**CITY OF TORONTO ZONING BY-LAW 569-2013**

**OMB FILE: PL130592**

**PREPARED FOR: THE ONTARIO ASSOCIATION OF ARCHITECTS**

**DATE: 2 JUNE 2017**

02 June 2017

**WITNESS STATEMENT OF:  
Mark Sterling, OAA MRAIC MCIP RPP**

**QUALIFICATIONS:**

1. I, Mark Sterling, am an architect registered to practice in the Province of Ontario, a registered professional planner, and the principal of Acronym Urban Design and Planning / Mark Sterling Consulting Inc. My experience is focused on urban design for both private and public sector clients. Until January of 2014, I was a partner with the firm Sweeny Sterling Finlayson & Co. (“&Co Architects”) a position that I held for 10 years during which I was engaged in a wide spectrum of projects. Prior to founding &Co Architects I was a partner in Sterling Finlayson Architects and Sterling+James Architects.
2. I was the Director of Architecture and Urban Design for the former City of Toronto prior to amalgamation.
3. I am a lecturer at the University of Toronto’s John H. Daniels Faculty of Architecture Landscape and Design where I have taught in the architecture and urban design programs since 1987 and in the Department of Geography’s Program in Planning where I have taught since 2011.
4. In September 2014, I was appointed as the Director of the Master of Urban Design Program at the University of Toronto’s John H. Daniels Faculty of Architecture Landscape and Design.
5. I am a member and Vice Chairman of the City of Mississauga Urban Design Review Panel and past member of the Design Review Panel for the City of Ottawa.
6. My experience includes Official Plan policy and Zoning By-law drafting including the development and implementation of design guidelines for a variety of municipalities. I have also assisted private sector clients in responding to emerging urban design objectives and implementing existing urban design initiatives.
7. I am a full member of the Ontario Association of Architects (OAA) Ontario, Ontario Professional Planners Institute (OPPI) and the Canadian Institute of Planners (MCIP). I am a Registered Professional Planner (RPP). My CV is attached to this document as Appendix “A”.
8. I have previously been qualified on numerous occasions to give professional architecture, urban design and land use planning evidence at the Ontario Municipal Board. I have completed an Acknowledgement of Expert’s Duty that is attached to this document as Appendix “B”.

## RETAINER

9. I was originally retained in November 2013. At that time, I was contacted by representatives of the Ontario Association of Architects (the “OAA”) to provide urban planning services in respect of an appeal of the Residential provisions of the City of Toronto’s Harmonized Zoning By-law 569-2013.

10. The Ontario Association of Architects is a self-regulating organization governed by the Architects Act, which is a statute of the Government of Ontario. The Association is dedicated to promoting and increasing the knowledge, skill and proficiency of its members, and administering the Architects Act, in order that the public interest may be served and protected.

11. The membership of the OAA currently comprises: 3,842 architects; 114 Licensed Technologist OAA; 1487 Intern Architects; 551 Student Associates for a total of more than 5,990 people. There are 1,770 architectural practices in Ontario.

The OAA has a Zoning By-law Task Group (“the Task Group”) which is comprised of a group of members of the OAA whose primary area of practice is the design of buildings in the city of Toronto that are subject to the Residential provisions of By-law 569-2013.

12. Prior to accepting the retainer, I reviewed the appeal letter, background material summarizing the OAA’s involvement in discussions and correspondence with the City of Toronto on this matter, City reports on the process that led to the adoption of By-laws 1156-2010 (the original and ultimately repealed Harmonized Zoning By-law) and 569-2013 (the majority of which I was already familiar because of my involvement with the By-law approval process for other clients) and the contents of By-law 569-2013 itself.

13. On the basis of this review I concluded that the appeal filed by the OAA had merit from a planning and urban design perspective – and accepted a retainer as the urban planner on the file, with the understanding that I would eventually provide expert witness testimony if the appeal were to proceed to an OMB hearing.

14. Since my retainer, I have met regularly with members of the Task Group and members of the administration of the OAA. I have provided planning advice in the development of responses to the issues raised by the OAA appeal and participated in a number of meetings between the OAA and City of Toronto Planning and Legal staff regarding concerns with By-law 569-2013 raised by the OAA.

15. As part of my work with the OAA and its Task Group on this matter since 2013, I prepared, and forwarded to City staff, a number of proposals for potential amendments to By-law 569-2013 that would, in my opinion, address some of the OAA’s concerns with the By-law. To date the OAA has not received any response from City staff regarding the merits of any of these suggestions.

16. In preparation of this witness statement, I have reviewed the relevant City of Toronto documents and reports as well as the correspondence between the City and the OAA. I

have had the opportunity to review the statement prepared by the Mr. Michael Goldberg of Goldberg Group on planning matters and on his specific experience with minor variances generated by the application of By-law 569-2013. I will endeavor not to overlap or repeat evidence that the Board will hear from him.

## **Chronology**

17. At amalgamation, the creation of a new Official Plan was identified as a high priority. Work on the draft new zoning by-law began soon after the approval by City Council of the Official Plan in November 2002.
18. A report from the Planning and Growth Management Committee dated 27 March 2009 summarized the major features of the draft new zoning by-law and requested that public consultation begin in April 2009.
19. A report dated 21 October 2009 on the results of the consultation process was considered by the Planning and Growth Management Committee and subsequently endorsed by City Council.
20. The new Draft Zoning By-law 1156-2010 was adopted by City Council at its meeting of 27 August 2010.
21. Subsequent to the adoption of the Draft Zoning By-law numerous appeals were filed on both site specific and city-wide issues.
22. Zoning By-law 1156-2010 was repealed by City Council at its meeting of 17, 18, 19 May 2011.
23. Consultations with the public and other stakeholders, including representatives of the OAA took place over the summer and early autumn of 2011. These consultations included a meeting between then Chief Planner Gary Wright and members of the OAA Council and OAA staff on 5 July 2011, during which the OAA raised concerns regarding the proliferation of minor variances under By-law 1156-2010 while it was operating. A suggestion was made during this meeting that a Design Roundtable Discussion with the City and OAA participating should be convened to advance the discussion of appropriate residential By-law provisions. No such roundtable took place.
24. The Ontario Association of Architects, although not formal appellants to By-law 1156-2010, requested a meeting with City staff to discuss their concerns with the Residential provisions of the emerging revised Draft Zoning By-law and submitted a letter of concern dated 16 May 2012.
25. A report from the Acting Chief Planner and Executive Director, City Planning Division to Planning and Growth Management Committee dated 04 June 2012 outlined New Draft City-wide Zoning By-law Resulting from Meetings with Appellants of the Former By-law 1156-2010. The report noted that *“There were a few changes to the Residential Zone category, mostly exemptions for existing buildings and changes to the main wall height to allow*

*greater flexibility in design.*” The OAA’s concerns with the residential provisions of the Draft By-law were summarized in the report as:

- *“The City-wide Zoning By-law would diminish the quality of residential architecture in the City.”;*
- *“The By-law would not reduce the need for variances nor help improve the already unacceptable wait times for Committee of Adjustment.”;* and
- *“The By-law would conflict with the Official Plan.”*

26. The revised Draft Zoning By-law was submitted to the Planning and Growth Management Committee on 8 October 2012.
27. The OAA submitted a letter to City staff on 11 October 2012 pointing out that the OAA’s concerns with the draft Zoning By-law that were expressed in previous correspondence and deputations before the Planning and Growth Management Committee were not reflected in the 27 September 2012 staff report.
28. The revised 8 November 2012 draft of the City-wide Zoning Bylaw was recommended for adoption by the Growth Management Committee on subject to a number of changes proposed by a City staff report dated 22 January 2013.
29. OAA President Sheena Sharp and Executive Director Kristy Doyle met with new Chief Planner Jennifer Keesmaat on 12 November 2012 to update the City on the City’s concerns with the Harmonized Zoning By-law.
30. OAA Executive Director Kristy Doyle corresponded on 9 January 2013 with City By-law team staff (Joe D’Abramo) who indicated that changes were beyond the mandate of “phase one” of the By-law review which were then about consolidation and creating one single bylaw with common language. He went on to explain that a subsequent “phase two” of the By-law project would then review and update very specific sections and details of the bylaw.
31. The OAA reiterated its long-standing concerns with the Draft Zoning By-law in letter to the City Clerk dated 29 February 2013 and delivered an oral deputation to the Planning and Growth Management Committee on 6 March 2013.
32. The OAA submitted a letter outlining its concerns with the Draft Zoning By-law to Mayor Rob Ford dated 26 March 2013.
33. The revised 8 November 2012 draft of the Draft Zoning By-law was adopted by City Council at its meeting of 3 April 2013, with a number of amendments.
34. The Ontario Association of Architects filed an appeal of the residential provisions of Draft Zoning By-law 569-2013 on 3 June 2013.

35. I was retained by the OAA to provide planning advice and assist with the appeal in October 2013.
36. I attended a meeting with City staff, accompanying members of the OAA's Task Group, on 19 November 2013 to discuss its ongoing concerns with the residential zoning provisions and to review a number amendments proposed in a letter that I wrote dated 19 November 2013.
37. The OAA submitted a follow up letter that I wrote dated 19 December 2013 that made additional suggested amendments based on the discussion with City staff that took place 19 November 2013.
38. The OAA submitted a further follow up letter that I wrote dated 6 October 2014 that responded to questions that the City had regarding OAA proposals including: the use of Angular Planes as a primary built form control rather than the emphasis on Peaked roofs contained in Bylaw 569-2013; and hardships created by the application of a restrictive definition of "void" spaces.
39. The City responded to the OAA in a letter dated 4 February 2015 with information on the then upcoming Pre-hearing scheduled for 23 and 24 March 2015 and provided a synopsis of the issues the City considered to be raised by the OAA appeal – requesting comments.
40. A Pre-hearing took place on 23 and 24 March 2015.
41. A second Pre-hearing took place on 3 July 2015.
42. A meeting between the City and the OAA to discuss potential narrowing of issues took place on 24 March 2016.
43. The OAA submitted a letter dated 30 June 2016 written by Mr. Ronald Kanter clarifying the provisions of the By-law appealed by the OAA as discussed in the 24 March 2016 meeting.
44. On 1 March 2017, The OAA submitted a letter written by Mr. Ronald Kanter withdrawing the OAA's appeal of: the definition of Gross Floor Area set out in Section 800.50 (320) and clarifying the OAA's that if S. 5.10.40.70 (2) will not be advanced by the City in Phase I of the OMB hearing, but can be argued in Phase 2, the OAA would not participate in Phase I. This letter also requested that the City and the OAA agree to exchange witness statements regarding the OAA's appeal no later than 28 April 2017. This did not take place and ultimately it was agreed that witness statements would be exchanged on 2 June 2017.

## **The Appeal**

45. The Ontario Association of Architects appealed Zoning By-law 569-2013 ("the City-wide ZBL or the By-law") on 3 June 2013, objecting to:

*“...those parts of the City-wide ZBL which would dictate architectural design for residential buildings, for the reason that those provisions exceed the City’s jurisdiction, do not conform to the Official Plan (“the OP”), and do not represent good planning or the public interest. It also objects to those provisions in the City-wide ZBL which change zoning requirements in force and effect in the whole or parts of the City without studies demonstrating the need or rationale for such changes.”*

The appeal letter identified a number of objections to specific provisions of Chapters: 5 Regulations Applying to all Zones; 10 Residential; and 800 Definitions while reserving the right at the time to “...object to other provisions of the City-wide ZBL which directly or indirectly, restrict architectural design.”

46. The restriction or dictation of architectural design of residential buildings referred to in the appeal letter is the product of very specific and new City-wide residential zoning provisions (“Principal Building Requirements”) that have at their core, the explicit objective of favouring buildings with pitched roofs over those with flat roofs. This is accomplished through the imposition of what amounts to a reduced maximum building height for a residential building with a flat roof – lower than a building with a certain kind of pitched roof.
47. The OAA’s appeal of what, on the surface, seems to be a fairly simple declaration of a “desired” built form outcomes for parts of the City, is founded upon:
  - i. the basic unfairness of restriction that it places on decisions that can be made by individual homeowners as to the design and configuration of their homes;
  - ii. the fact that this particular set of zoning regulations goes far beyond the original intentions of the original “New Zoning By-law Project” – “to allow the existing zoning provisions to “speak the same language””<sup>1</sup> (emphasis added);
  - iii. the newly established City-wide residential zoning system, to advance this now explicitly favoured or preferred built form, included a suite of residential Principal Building Requirements that were untested at the time of their creation and have resulted in a number of unintended consequences.
  - iv. the Task Group’s advice that application of untested, generic new residential Principal Building Requirements of the By-law would result in appropriately context sensitive proposed new buildings or renovations not being permitted. In some cases, new buildings or renovations that replicate existing, prevailing building types and their associated built form would not be permitted. In this way, the By-law would not conform to the policies Official Plan regarding *Development in established Neighbourhoods*; and

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<sup>1</sup> New Zoning By-law Project - report to Toronto Council (and the Community Councils) from the Planning and Transportation Committee dated 07 June 2004

- v. the Task Group's assessment that rather than, eliminating "...redundancies and address(ing) obsolete requirements resulting in fewer minor variance applications" (emphasis added)<sup>2</sup>, the consequence of the application of the residential Principal Building Requirements of the By-law would actually be increases in the complexity and cost of typical residential planning approvals and the requirement for many more minor variances.

### **Original Objectives of the New Zoning By-law Project**

- 48. The report to Council (and the Community Councils) from the Planning and Transportation Committee dated 07 June 2004 recommending a public consultation strategy provides a convenient overview of the New Zoning By-law Project. It noted that:

*"The task, at least initially, is largely an effort to create a by-law that allows the existing zoning provisions to "speak the same language". This 'harmonization' effort is needed because: 1) most of the City (75%) is considered stable in the new Plan and no substantial change is expected; and 2) before changes can be made to some zones or zone provisions, we have to first understand what we are changing from, and that is vastly easier to do when there is only one by-law.*

*Consequently, the Project approach focuses on finding and comparing similar provisions in the existing by-laws and replacing them in a new By-law with a single, new provision. This concept of a 'common language' for zoning across the City will capture the intent of existing by-laws. In this process, the existing 'standards' governing matters of height, density and other measurable quantities will be incorporated without substantive change. Once a new By-law that represents a single "translation" is constructed, changes to zone standards can be addressed, where these are needed. Such changes, and the need for these changes, will be identified through the public consultation process as well as flowing from city-wide changes requested by Council." (emphasis added)*

- 49. This report also noted that:

*"The Zoning By-law Project's design, approach and work plan are based on Council's decision to use mainly staff instead of consultants to complete the work."*

- 50. And also, noted that the expected benefits of the new Zoning By-law included among others:

*"The new zoning by-law will also eliminate redundancies and address obsolete requirements resulting in fewer minor variance applications". (emphasis added)*

- 51. In discussing the project's approach to consultation, the 07 June 2004 Report notes that:

*"The existing regulations governing matters of height, density and other measurable quantities will be incorporated without substantive change in stable areas of the City. In residential zones*

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<sup>2</sup> Ibid



the basic regulations would not be changed unless it is determined, through the public consultation process, that some adjustment is warranted, for example, to strengthen features protecting neighbourhood character. Similarly, with other zones, standards may be revised, for example, in employment areas to enhance economic activity and to improve compatibility among industrial zones.

“Involving and consulting the public is key to achieving acceptance of a single zoning by-law for the City. The objective, and greatest challenge, of the consultation program is to ensure that members of local communities, professional associations, local business and industry associations and the building industry all have adequate opportunities to offer their own perspectives on the existing by-laws and that they are satisfied the new ‘common language’ adequately reflects existing provisions”. (emphasis added)

52. In discussing “Challenges of Consultation” the report noted that:

“Part of the challenge of this type of complex project is ensuring that the information and work product needed for informed discussion is “digestible”, helpful and available prior to launching consultation. To this end, two levels of quality assurance have been incorporated in the Project work plan. First, Urban Development Services staff involved with zoning (Planning, Buildings and MLS) review new provisions and revisions are then made, as appropriate. The new by-law provisions are then circulated to staff in all the Departments that might have an interest in zoning. Again, revisions will be made, as appropriate. Only then would these new provisions be considered consultation “ready””.

53. In discussing the “Description of the Stakeholder Groups” the report noted that a number of different stakeholder groups will be contacted. Among these were:

- a) Ratepayers and Tenants Associations;
- b) Community Associations;
- c) Business Improvement Area Associations;
- d) Local Business and Industry Associations;
- e) Professional Associations (a group of which the Ontario Association of Architects is a member)

54. A report from the Planning and Growth Management Committee dated 27 March 2009 provides a summary of the “Approach to Creating the Draft New Zoning By-law” at a point in time when the draft was almost complete. This report states:

“The Zoning By-law Project (the “Project”) is essentially a harmonization exercise with the principal emphasis of developing a common terminology, structure and set of defined zoning terms that apply across the City. In terms of the development standards, the Project tries to respect the existing differences across the City. However, while continuing to accommodate the more important variations in standards, a ‘best practices’ approach was used to resolve a number of significant definitional issues such as: the height of buildings; the density of buildings, and how to calculate ‘grade’ on any given property. By incorporating the best elements of the existing municipal zoning by-laws, the draft new City zoning by-law represents the intent of its predecessors to the greatest extent possible.” (emphasis added)

55. The report outlines “Key Features of the Draft New Zoning By-law” stating that:

*“For most areas, especially neighbourhoods, the draft zoning by-law does not substantially alter the in-force standards but rather how they are expressed. The draft new zoning bylaw contains all the content of the existing by-laws in a similar but nevertheless slightly different structure and organization. This results largely from adopting a ‘best practices’ approach but also because it was difficult to capture all the differences among the existing by-laws. The report describes some of the key organizational features of the draft new zoning by-law and how they differ from the existing by-laws.” (emphasis added)*

56. The report outlines “New Standards and Provisions Added to the Draft New Zoning By-law” stating that:

*“The draft zoning by-law includes some new standards that were requested as part of the Project mandate or are in response to issues that have developed since the Project’s start. These matters include: new parking and loading standards; large format, stand-alone retail in Employment-Industrial Zones; zoning for Places of Worship; regulations for new ‘tall’ buildings; regulations for uses that store dangerous substances; and, the minimum height of buildings along Avenues and Main Streets.”*

No mention is made in this report of any new built form regulations applying to residential properties that were contained in the Draft Zoning By-law at this point in time.

57. The report outlines “Key Features of the Draft New Zoning By-law”. In “Residential Standards for grade related housing” in that section of the report, while there is some detail given regarding the harmonization of the measurements of heights, grade etc., no mention is made of the institution of a new “system” of built form controls dealing with main walls and roof configurations that were not to be found in any of the pre-existing “source” By-laws.

58. This section of the report does note that:

*“The existing height requirements that use a different approach, such as measuring to the mid-point between the eaves and the ridge of the roof, will be adjusted to an equivalent value when compared to the draft new zoning by-law approach.”*

This adjustment has not been incorporated into the residential provisions of By-law 569-2013.

59. On the basis of this report, Council authorized Eight Open Houses be held (two at each of the four District offices) allowing the public an opportunity to ask questions and provide comments on the draft new zoning by-law.
60. Planning and Growth Management Committee received a report dated 21 October 2009 on the Draft Zoning By-law: Results of the Public Consultation Process.

61. This report recounted detailed comments received from the public regarding among many items, the residential provisions of the Draft By-law. In particular, the method of measuring maximum height and the determination of what that maximum height would be was discussed. It appears that it is at this point in the process where a concern regarding the height of buildings with flat roofs is first raised.
62. In the section of this report on the method of determining residential roof heights (p.17) the report notes that *“Measuring to the peak will allow 3-storey flat roof buildings in areas where the predominant form is a 2-storey pitched roof building. With a 10-metre height limit, it is possible to build a 3-storey flat roofed building. Currently, the North York zoning by-law places a 2-storey, 8 metre limit on flat roof buildings. This is a good solution to this concern and is equitable in that both designs result in a 2-storey building. It is proposed that the 2-storey, 8 metre limit on flat roofed buildings be applied in RD zones across the City.”* (emphasis added)
63. This appears to be the “root” of the flat roof “problem” that results in the inclusion of a suite of residential built form controls including complex new “main wall” and “roof slope” Principal Building Requirements in By-law 1156-2010, the first version of the City-wide By-law. A similar suite of residential built form controls is included in By-law 569-2013.

### **Process of Creating By-law 569-2013**

64. As noted in the chronology, By-law 1156-2010 was repealed in May 2011. Subsequent to the repeal, City staff were directed to consult again with the public and other stakeholders. The OAA participated in this round of post repeal consultations even though the organization was not a formal appellant to By-law 1156-2010.
65. The OAA formed a Task Group for the Toronto Harmonized Zoning Bylaw, (the “Task Group”) in order to bring the views of interested members of the organization forward. The Task Group raised a number of concerns regarding the residential provisions of the repealed By-law and requested that in bringing a new By-law forward *“the Planning and Growth Committee take these issues seriously in the formulation of the revised Zoning Bylaw, and consult with the Architects in our Task Group to gain a better understanding of the serious flaws in the repealed version of the HZB.”*<sup>3</sup>
66. A number of meetings and discussions between members of the Task Group and City staff took place between 2011 and the 3 April 2013 adoption of By-law 569-2013. No changes were made to the residential zoning provisions during this period in response to recommendations made by the OAA.
67. Following the appeal of By-law 569-2013 by the OAA and in response to Council’s direction to Staff to meet with appellants, a series of meetings between the Task Group and City staff took place. I was retained in October 2013 to assist the Task Group with these discussions. Meetings and associated correspondence took place between December 2013 and March 2017.

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<sup>3</sup> OAA Letter to the Planning and Growth Committee 16 May 2012

68. There was no substantial response from City staff in response to the detailed recommendations provided by the Task Group during this period.

### **Planning and Urban Design Opinion**

69. In my opinion, there are three fundamental problems with the residential provisions of By-law 569-2013:
- i. The inappropriate adoption of a new, singular, generic built form assumption for future development in the City's very diverse neighbourhoods - effectively encouraging new houses to have a narrow range of building forms by penalizing the allowable height for buildings with other forms;
  - ii. The residential provisions of are not a "harmonization". They are a restructuring of the residential zoning provisions in order to "solve" certain "problems" raised by local residents' groups and councillors; and
  - iii. The creation of an overly complex system of previously untested By-law measures that result an increased number of minor variances – many of which are technical in nature and, in my opinion, have no effect on matters of public interest.

### **A Generic "Ideal"**

70. In my opinion, rather than achieving the stated objective of harmonization of the language of the former By-laws, the residential Principal Building Requirements of By-law 569-2013 (and By-law 1156-2010) have proposed a new "ideal", but highly generic, built form for future development in Toronto's *Neighbourhoods*.
71. Such a generic approach to the description of potential residential built form, in my opinion runs counter to a number of fundamental policy directions found in Toronto's Official Plan. These are discussed in detail in my opinion on the issues.
72. This new "ideal" built form was arbitrarily established, not based on the wide variety of building types and property configurations that are found in the existing city. This occurred without sufficient testing to inform the public consultation as to the applicability or effectiveness of the zoning provisions.
73. The adoption of this untested "ideal" has generated a myriad of consequences – some unintended and others, in my opinion, inappropriately intended. Many of these have come to light in the form of increased complexity and time in the approval processes for typical new Toronto residential buildings and renovations of existing residential buildings and, in my experience, it has resulted in an increase in the number of minor variances that are required in order to achieve approval for the wide range of residential design solutions for which Toronto's *Neighbourhoods* are already known.

74. Minor zoning variances are – and have been for a long time - a part of most residential approvals processes throughout the City of Toronto. However, in my experience, since the adoption of By-law 569-2013 the number of variances required for an individual “typical” residential project in Toronto has increased dramatically – especially in the former pre-amalgamation City of Toronto and North York as well as the older parts of the other former municipalities that now make up the City.
75. The necessity for multiple minor variances to achieve residential projects - which are eventually determined to represent good planning in a Committee of Adjustment hearing - is, in my opinion, evidence that the residential provisions of By-law 569-2013 are not effective in capturing or codifying the character and the prevailing building typologies of Toronto’s existing stable residential neighbourhoods. Nor do they effectively respect the process by which these neighbourhoods have evolved over the past decades through development under the Zoning By-laws (and associate culture of minor variance approvals) of the former pre-amalgamation municipalities.
76. The By-law includes very few provisions for the achievement of “fit”, something that is normally achieved through the application of “averaging” or other measures designed to derive or make reference to existing physical characteristics of the neighbourhood in the immediate vicinity of a proposed development.
77. The result of the lack of such mechanisms in By-law 569-2013 means, in my opinion that almost all of the local “flavour” of a proposed new residential development in a neighbourhood will be determined through a Committee of Adjustment process, one which is arguably subject to subjective interpretations of this question of “fit”. This is instead of the use of a sufficiently flexible set of zoning provisions that tested and calibrated to allow the extraction or reflection of the physical characteristics of a place.

### **Restructuring Is Not Harmonization**

78. In my opinion the residential zoning provisions of By-law 569-2013 are not a “harmonization”. They are a restructuring of the zoning provisions in order to “solve” certain “problems” apparently raised by local residents’ groups and councillors.<sup>4</sup>
79. A key “problem” seems to stem from the perception that the provisions of previous zoning by-laws (By-law 438-86 in particular) resulted in some buildings that had “excessive” massing visible above the 2nd storey. The solution of this “problem” has been the creation of new regulations in By-law 569-2013, the effect of which is to limit flat roofed buildings to two storeys in height and to require that three storey buildings have two opposite main walls at a two-storey height and a sloped roof - thus limiting the extent of any permitted third storey space to the footprint which will fit under the resulting permitted sloped roof.

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<sup>4</sup> 21 October 2009 Report to Planning and Growth Management Committee - Draft Zoning By-law: Results of the Public Consultation Process.

80. As I understand it, a primary concern addressed by the built form control measures found in By-law 569-2013 is the mitigation of the potential visual impact of a third storey as viewed from the street. and to limit the potential for “modern” infill or replacement houses with flat roofs in favour of more “traditional” houses with pitched roofs – a planning approach the basis for which is found nowhere in the intentions set out for the new By-law in any of the documents that I have been able to review.
81. Ironically, the application of the residential provisions of By-law 569-2013 – which apply city wide – sometimes makes it impossible to “replicate” the form of existing housing stock or provide appropriate contextual design responses in many of the City’s varied *Neighbourhoods* without resorting to a complex series of minor variances.
82. In my opinion, the identification of such zoning and stylistic “problems” through virtually undocumented and primarily anecdotal “research” and the adoption of an new, untested set of zoning provisions to then solve the “problems” exceeds the mandate and intent of the original New Zoning By-law Project, results in a number of technical variance the resolution of which does not serve any understandable public good and as a result is not good planning and is not in the public interest.

### **Coordination of Principal Building Requirements**

83. In addition to the concern for the mismatch between the generic qualities of the residential zoning regulations and the form of the City as it actually exists, and the underlying misplaced concern for the visibility of third storeys and “modern” buildings; the OAA’s appeal of By-law 569-2013 is also concerned with a suite of specific zoning measures, how they work (or don’t work) together and whether they address matters of reasonable concern.
84. Over the several years of our involvement in the By-law process, the OAA Task Group and I have provided City staff with a number of suggested adjustments or revisions to the Principal Building Requirements that in my opinion could result in a By-law that: better reflects the varied character of the City’s neighbourhoods; result in fewer minor variances being required in order to achieve appropriate contextual design responses; and provide an appropriate degree of flexibility in the design of individual buildings within *Neighbourhoods*.
85. To date there has been no substantial response from the City to any of these suggested adjustments or revisions to the Principal Building Requirements.

### **Issues List**

86. I have provided my planning opinion on issues 1 through 9 below:
  - 1) *Are the “Principal Building Requirements” of By-law 569-2013 for the Residential Zone Ch. 10.10.40, RD Zone Ch. 10.20.40 and RS Zone 10.40.40 in conformity with the City’s Official Plan? Specifically:*

- a) 2.3.1 Healthy Neighbourhoods;
  - b) 3.1.2 Built Form;
  - c) 4.1 Neighbourhoods;
  - d) 4.1.5 Development Criteria in Neighbourhoods;
  - e) 5.3.1 The Official Plan Guides City Actions.
87. No. In my opinion, the abovementioned residential Principal Building Requirements of By-law 569-2013, which apply to properties in the City that are designated *Neighbourhoods* are not in conformity with a number of the policies found in the Official Plan.
88. The non-policy text in Chapter 2.3.1 Healthy Neighbourhoods cites the diversity of Toronto's neighbourhoods, and notes that, "*Some physical change will occur over time as enhancements, additions and infill housing occurs on individual sites. A cornerstone policy is to ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood.*"
89. Policy 2.3.1 (1) states that "*Neighbourhoods and Apartment Neighbourhoods are considered to be physically stable areas. Development within Neighbourhoods and Apartment 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.*"
90. In my opinion the adoption of a "one size fits all" approach to the residential Principal Building Requirements of By-law 569-2013 runs counter to the creation of additions and infill housing on individual sites that will be able to respect and reinforce the existing physical character of the wide variety and diversity of built form that exists in the City's neighbourhoods. By-law 569-2013 treats all neighbourhoods the same in terms of the combination of heights, setbacks and descriptions of the upper portions of residential buildings contained in the Principal Building Requirements of the By-law. It treats a Victorian neighbourhood in downtown in the same way that it treats a recently constructed neighbourhood in Scarborough or North York. It contains insufficient provisions that allow for the merging or "averaging" of the requirements of the basic building envelope that would assist in the reinforcement of the existing physical character of individual neighbourhoods.
91. The non-policy text in Chapter 3.1.2 notes that "*Most of Toronto is already built with at least one generation of buildings. For the most part, future development will be built on infill and redevelopment sites and will need to fit in, respecting and improving the character of the surrounding area.*" and "*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 façades fit within the existing and/or planned context of the neighbourhood and the City.*"
92. Policy 3.1.2 (3) states among many things that, "*New development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:*
- a) *massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;*

- 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;*
- c) creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;”*
93. In my opinion the adoption of a “one size fits all” approach to the residential Principal Building Requirements of By-law 569-2013 runs counter to the creation of context sensitive residential design responses that make specific physical responses in order to respect the existing or planned street proportion, scale and character of the neighbourhood – without recourse to the Committee of Adjustment for large number of variances.
94. A sidebar in the general discussion on Land Uses contains the following text regarding the role of the new Comprehensive Zoning By-law: *“A new comprehensive Zoning By-law will be the key regulatory instrument that implements the Official Plan policies and provides regulations and standards that shape the City’s built form and land use. The Zoning By-law will create a framework of regulatory certainty, consistency and clarity. The Zoning By-law regulations will be carefully balanced to identify the commonalities and recognize the differences of the City’s various neighbourhoods.”* (emphasis added)
95. The non-policy text in Chapter 4.1 Neighbourhoods contains a sidebar that discusses the concept of Prevailing Building Types. It states: *“Many zoning by-laws currently permit only single detached houses. The type of dwellings permitted varies among neighbourhoods and these detailed residential use lists are contained in the established zoning by-laws which will remain in place and establish the benchmark for what is to be permitted in the future. If, for example, an existing zoning by-law permits only single detached houses in a particular neighbourhood and the prevailing (predominant) building type in that neighbourhood is single detached dwellings, then the Plan’s policies are to be interpreted to allow only single detached dwellings in order to respect and reinforce the established physical character of the neighbourhood, except where the infill development polices of Section 4.1.9 would be applicable. While most Neighbourhoods will have one prevailing building type, some may have more. For example, multiples may prevail at the edge, along major streets, while singles prevail in the interior, along local roads.”*
96. The non-policy text on Development Criteria in Neighbourhoods in Chapter 4.1 states that, *“Physical changes to our established Neighbourhoods must be sensitive, gradual and generally “fit” the existing physical character. A key objective of this Plan is that new development respect and reinforce the general physical patterns in a Neighbourhood.”*
97. Policy 4.1.5 states that *“Development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular:*
- c) heights, massing, scale and dwelling type of nearby residential properties;*
- d) prevailing building type(s);*



- e) *setbacks of buildings from the street or streets;*
- f) *prevailing patterns of rear and side yard setbacks and landscaped open space; ...”*

98. Policy 4.1.8 goes on to state that, “Zoning by-laws will contain numerical site standards for matters such as building type and height, density, lot sizes, lot depths, lot frontages, parking, building setbacks from lot lines, landscaped open space and any other performance standards to ensure that new development will be compatible with the physical character of established residential Neighbourhoods.”
99. In my opinion, the generic formula for determination of the permitted building envelope that is contained within the residential Principal Building Requirements runs counter to the concerns expressed Section 4. and 4.1 of the Official Plan. The By-law offers no way to reflect the local physical context, local topographical differences, nor the form of the prevailing building type in a particular neighbourhood as directed by the Official Plan - other than applications for a plethora of minor variances to the By-law standards.
100. In Chapter 5.3.1 The Official Plan Guides City Actions, Policy 5.3.1(1) states that “Municipal by-laws, including zoning by-laws, public works and public undertakings will conform to this Plan”. In my opinion the Principal Building Requirements of By-law 569-2013 which apply to properties in the City that are designated Neighbourhoods are not in conformity with the policies found in the Official Plan that I have outlined above, all of which speak to the importance of respecting the diversity of built form found across Toronto’s Neighbourhoods.
- 2) *Do the height provisions of the “Principal Building Requirements” of By-law 569-2013 for the RD Zone found in Ch. 10.20.40.10 which explicitly prohibit flat roofed buildings more than two storeys in height and require that three storey buildings have two opposite main walls at a two-storey height and a sloped roof:*
    - a) *unfairly or unreasonably restrict residential development?*
    - b) *exceed the mandate and intent of the original New Zoning By-law Project?*
  - 3) *Do the height provisions of the “Principal Building Requirements” of By-law 569-2013 for the Residential Zone Ch. 10.10.40.10 and RS Zone Ch. 10.40.40.10, the effect of which is to limit the construction of flat roofed buildings more than two storeys in height and to require that three storey buildings have two opposite main walls at a two-storey height and a sloped roof:*
    - a) *unfairly or unreasonably restrict residential development?*
    - b) *exceed the mandate and intent of the original New Zoning By-law Project?*
101. Yes. In my opinion it is unreasonable to have adopted a blanket restriction on the height of buildings with flat roofs to two storeys in both of these cases. There are sufficient limitations on the overall size of proposed development in the combination of typical minimum setbacks, maximum building length and depth, overall maximum height etc. in the By-law to restrict the scale of buildings with flat roofs without limiting the number of floors of such buildings to two. These provisions seem to be more about restricting the

potential for “modern” building forms in more “traditional” neighbourhoods by artificially restricting the number of floors (and potentially the amount of gross floor area) that can be achieved – unless the proposed development adopts a peaked roof.

102. In my opinion, Sections 10.10.40.10 (4) and (5) are examples of arbitrary and unnecessarily specific Principal Building Requirements included in the Bylaw. These two requirements specify that no roof on a house can have a slope greater than 5.0 vertical units for every 3.0 horizontal units (a slope of approximately 59 degrees above the horizontal) and that dormers can occupy no more than 40% of the total width of the building's main walls on the same front, rear or side as the dormers, measured at the level of the uppermost storey below the roof. I have seen no evaluation done by the City in the preparation of the By-law to demonstrate that these requirements reflect any of the wide range of prevailing building types and forms that have existed since the neighbourhoods in Toronto were built or when properties within the neighbourhood were redeveloped with replacement dwellings or additions.
- 4) *Given that the pre-existing maximum permitted building heights were not modified on a City-wide basis in the creation of By-law 569-2013, do the provisions of Chapter 10.5.40.10 regarding Determining the Height of a Building and Chapter 10.5.60.40 regarding Determining the Height of Ancillary Buildings or Structures, both in the Residential Zone Category, adequately reconcile the differences in the ways in which the determination of the height of a building that are found in the Zoning By-laws of the former municipalities? Specifically, is development in the parts of the City, where maximum permitted building heights were previously measured to the mid-point of a sloping roof unfairly or unreasonably restricted by By-law 569-2013?*
103. There are many areas of the City in which the point of measurement of the maximum height of a building was taken to be the mid-point of a peaked roof and others where it was measured to the top or peak of a peaked roof. Despite early direction to the make adjustments to equivalent values, the harmonization exercise that created By-law 569-2013 adopted the maximum building heights from the pre-amalgamation By-laws without any changes.
104. Because under By-law 569-2013, maximum height is now always measured from the top of the peak on peaked roofs, in many areas of the City the maximum height limit has been effectively reduced – which clearly was not the intention of the harmonization exercise when it started out. In my opinion a harmonized By-law should include measures that would not disadvantage one neighbourhood over another. Instead a method for dealing with this unintended consequence of the simplification of the method of measuring height should have been included in the By-law – and it was not.
- 5) *Do the provisions of Chapter 10.5.40.20 (1) Portion of Building to which Building Length Applies and 10.5.40.30 (1) Portion of Building to which Building Depth Applies unnecessarily restrict construction of parts of a building or structure above and below ground?*

105. Yes. As constituted in By-law 569-2013, these provisions inconsistently register the presence of certain below grade space as part of the Building Length or Building Depth – resulting in the need for technical variances which serve no public purpose. For example – a cold room in a basement that is covered by a deck that itself meets the By-law requirements for length and height above grade counts as additional Building Depth and Building Length, when the same deck without the cold room below does not – resulting in one or two more variances for something that has no impact. In my opinion it would be more efficient to eliminate below grade space from the calculation of Building Depth and Building Length in the residential zones.

6) *Do the provisions of Chapter 10.5.40.40 (1) Inclusion of Attic Space as Gross Floor Area in a Residential Building Other Than an Apartment Building inappropriately result in the inclusion of floor area that is not considered to be habitable space in the Ontario Building Code in the calculation of the Gross Floor Area in a residential building?*

106. The By-law does not define an Attic. By convention, an attic is a secondary space in a building under areas with sloping roofs – That is not considered a floor in terms of height. The inclusion of the Attic space as described in this Section, in the calculation of Gross Floor Area (“GFA”) is problematic in two ways. Firstly, the criteria adopted in the By-law includes floor area in the calculation, that would not be considered to be habitable space under the Ontario Building Code (“OBC”). The OBC considers spaces with a clear height of 2.1 metres as habitable floor area. In my opinion it is unreasonable to consider attic floor area which would not satisfy the OBC as being habitable as part of the By-law Gross Floor Area calculation. Secondly, there is the question of what public purpose is served by considering Attic Floor Area as Gross Floor Area at all? Such space being secondary and in the space of a sloped roof that is under the By-law - is there whether it is used or not. In my opinion, such attic space need not contribute to a residential building’s GFA – it does not contribute to the visual presence of the building from the public realm or form private spaces on nearby residential properties.

7) *7) Do the provisions of Chapter 10.5.40.40 (3) Gross Floor Area Calculations for a Residential Building Other Than an Apartment Building inappropriately result in the inclusion of floor area in a basement in the calculation of the Gross Floor Area in a residential building?*

107. Yes. In certain circumstances, such as sloping sites with walk out potential the rear the addition of such basement area as would be captured by this By-law provision can have the effect of counting GFA in a way that is either invisible from the public realm or similar to existing buildings approved under previous By-laws where this might not have been counted or both.

8) *Do the height provisions and the height exemptions provisions of the “Principal Building Requirements” of By-law 569-2013 for the Residential Zone, RD Zone and RS Zone, provide adequate flexibility in the derivation of contextually appropriate residential built form? In particular, should By-law sections 10.10.40.10 Height, 10.10.40.11 Height Exemptions, 10.20.40.10 Height, 10.20.40.11 Height Exemptions, 10.40.40.10 Height,*

*10.40.40.11 Height Exemptions be rewritten to include a more flexible and contextually responsive approach to the description of potential built form on a lot?*

108. No, they do not provide adequate flexibility for the derivation of contextually responsive built form – without recourse to lengthy and in many cases, combative Committee of Adjustment hearings and subsequent appeals. In my opinion, a process should be entered into that would facilitate a reconsideration of the combination of height provisions as they are described in these sections. The results of such a reconsideration could be rewriting of the generic built form By-law sections: to create “building envelopes” that exhibit more flexibility and a range of “fitting” provisions; or to arrive at a series of more specific neighbourhood by neighbourhood provisions that are tailored to the diverse range of building types in the City - along the lines of the concept of prevailing building types in neighbourhoods found in Chapter 4.1 of the Official Plan.

### **Conclusion and Recommendations**

109. Taken together, the current residential Principal Building Requirements of By-law 569-2013 do not efficiently or effectively predict contextually appropriate built form results for development within Toronto’s *Neighbourhoods*.
110. The Principal Building Requirements are a combination of highly specific, architectural directions applied in a generic way across the City’s very diverse neighbourhood patterns. In my experience, since their approval by Council their application has resulted in an increase in the number of minor variances that are required in order to achieve approval for the wide range of residential design solutions for which Toronto’s *Neighbourhoods* are already known.
111. The By-law includes very few provisions for the achievement of “fit”, something that is normally achieved through the application of “averaging” or other measures designed to derive or make reference to existing physical characteristics of the neighbourhood in the immediate vicinity of a proposed development.
112. In my opinion, therefore, the residential Principal Building Requirements of By-law 569-2013 that are the subject of the OAA’s appeal, do not represent good planning and are not in the public interest.
113. I recommend that the provisions under appeal be returned to the City for reconsideration, including consultation with the OAA and other stakeholder groups, with respect to what is required for development to fit within the very different neighbourhoods found in the City including detailed consideration of:
- differing lot and house sizes;
  - relevant impacts on the public realm; and
  - the influence those factors have on different architecture and design solutions for renovations and infill and replacement houses in those neighbourhoods.

Respectfully submitted,

Acronym Urban Design and Planning  
Mark Sterling Consulting Inc.

A handwritten signature in black ink that reads "Mark Sterling". The signature is written in a cursive, flowing style.

Mark Sterling BES, B.Arch., OAA, MRAIC, MCIP, RPP

Appendix A: Curriculum Vitae

Appendix B: Acknowledgement of Expert's Duty

Documents to which I may refer in my testimony before the OMB include:

- City of Toronto Official Plan - Extracts;
- City of Toronto Zoning By-law 438-86 - Extracts;
- City of Toronto Zoning By-law 569-2013 – Extracts;
- City of Toronto Staff Reports; and
- Various examples of the application of the appealed sections of the By-law.

## Appendix A: CV of Mark Sterling

# Mark Sterling

BES, B.Arch, OAA, MRAIC, MCIP, RPP

Principal



The founder of Acronym Urban Design and Planning, Mark is an architect, urban designer and professional planner with over 30 years of experience. Mark is a leading thinker on how cities work. His focus is on the role of urban design as a bridge between the multiple forces, disciplines and people that shape our cities today. He is the Director of the Master of Urban Design program at the University of Toronto's John H. Daniels Faculty of Architecture landscape and Design.

Major, infrastructure and intensification projects in the Greater Toronto Area include the Newmarket Built Form Study (responding to the VIVA system on Yonge Street and Davis Drive), the Lawrence Heights Revitalization (City of Toronto Priority Neighbourhood), the Urban Design Lead for the Public Realm Plan for the West Don Lands and the City of Toronto "Avenues Studies" for St. Clair West, Lake Shore Boulevard and O'Connor Drive.

Mark directed the urban design of the Highway 7 Land Use Futures Study in Vaughan and subsequent York Region Urban Design Futures study that accompanied new rapid transit proposals, and created strategies to increase density around transit corridors for the cities of Markham, and Vaughan.

As Director of Architecture and Urban Design for the former City of Toronto, Mark led the development of civic improvement projects and new urban design and planning frameworks.

Mark led the Saskatoon Public Space, Activity + Public Space Strategic Framework, the University of Toronto at Mississauga Campus Master Plan and OCAD University's Campus Capital Master Plan.

## Education

- \_ Bachelor of Architecture, University of Waterloo. 1981
- \_ Bachelor of Environmental Studies, University of Waterloo. 1979.

## Registrations

- \_ Member, Ontario Association of Architects.
- \_ Member, Royal Architectural Institute of Canada.
- \_ Member, Toronto Society of Architects.
- \_ Member, Canadian Institute of Planners.
- \_ Registered Professional Planner, Ontario Professional Planners Institute.
- \_ Member, Lambda Alpha International.

## Professional Experience

- \_ Acronym Urban Design and Planning Principal, Toronto, Canada, 2013 - present.
- \_ Sweeny Sterling Finlayson & Co Architects Inc., Principal. Toronto, Canada. 2005-2013.
- \_ Sterling Finlayson Architects Inc., Principal. Toronto, Canada. 1996-2005.
- \_ City of Toronto, Director of Architecture and Urban Design, Planning and Development Department. Toronto, Canada. 1996-1997.
- \_ The Kirkland Partnership Inc., Director of Urban Design, Senior Associate. Toronto, Canada. 1991-1995.
- \_ Sterling & James Architects, Partner. Toronto, Canada. 1987-1991.
- \_ Jones and Kirkland Architects, Associate. Toronto, Canada. 1983-1987.
- \_ A.J. Diamond and Partners Architects, Staff Architect. Toronto, Canada. 1981-1983.

## Design Review Panel Membership

- \_ Inaugural Urban Design Advisory Panel, City of Mississauga, Founding Member.
- \_ City of Ottawa Urban Design Review Panel, Past Member 2013-2016.

## Recent Awards

- \_ IDA Merit Award in Planning, 2012. International Downtown Association.
- \_ New and Emerging Planning Initiatives Award 2012, Canadian Institute of Planners
- \_ Premier's Award for Excellence in Community Planning, 2011. Saskatchewan Design Council, Saskatoon, Canada.
- \_ Toronto Urban Design Awards, 2011, 2009 and 2007. Toronto, Canada.



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Urban Design & Planning

## Academic Experience

- \_ Director, Master of Urban Design Program, John H. Daniels Faculty of Architecture Landscape and Design, University of Toronto. 2014-present.
- \_ Lecturer, Master of Architecture and Urban Design Programs, John H. Daniels Faculty of Architecture Landscape and Design, University of Toronto. 1987-present.
- \_ Lecturer, Graduate Program in Planning, Faculty of Geography, University of Toronto, 2012 - present.
- \_ Adjunct Lecturer, University of Waterloo. 1985-1991.
- \_ Tutor, Graduate Degree Program in Architecture, State University of New York at Buffalo. 1987.
- \_ Adjunct Lecturer, University of Waterloo study abroad program (Rome, Italy), University of Waterloo. 1984.

## Selected Presentations

- \_ Toronto Made, Toronto Found - Documentary by Ian Garrick Mason 2016
- \_ Paradox in Practice - The City as a Work of Art and the Open Source Metropolis, Ottawa Urban Forum 2016
- \_ Building on Downtown - "Limapolis", Lima, Peru 2015
- \_ Urbanism for a Sunny Day, CNU Winter Cities, 2015
- \_ Transforming and Revitalizing Downtown Summit, Edmonton, Canada. 2013.
- \_ Canadian Institute of Planners "Deep Roots in a New Energy City". St. John's Canada. 2012
- \_ OPPI Conference "Tangible Speculation, Urban Design Futures", Ottawa. 2011.
- \_ The Globe and Mail "David Pecaut Square: First a new name, next a new look" John Lorinc, July 2011.
- \_ Canadian Institute of Planners "Grow Ops- New Transit Cities in Ontario", Montreal. 2010.
- \_ Canadian Urban Institute, "Designing the City of Tomorrow", Toronto. 2010.
- \_ The Toronto Star. "Rebuilding the 'Jungle'", Feb 26, 2010.
- \_ The National Post. "100 Acres to be levelled in Lawrence Heights", Natalie Alcoba, Feb 26, 2010.
- \_ The Globe and Mail. "Nothing modest about Lawrence Heights plan", A. Paperny, Feb 26, 2010.

# Mark Sterling

BES, B.Arch, OAA, MRAIC, MCIP, RPP

Principal



**Acronym**

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## Highlighted Experience

### Newmarket Built Form Study\*

**Client:** Town of Newmarket

**Role:** Project Director and Urban Design Lead

**Scope:** Urban Design Study for the Town of Newmarket in response to approval of new VIVA transit facilities for Yonge Street and Davis Drive. *Community Master Plan, Development Economics, Visual Impact Analysis, Built Form Testing, and Urban Design Guidelines.*

### West Don Lands Public Realm Master Plan, Toronto\*

**Client:** Waterfront Toronto

**Role:** Urban Design Lead

**Scope:** Public Realm Plan for a new transit supportive waterfront neighbourhood. *Streetscape Design, Public Consultation, and Urban Design Guidelines, LEED ND Gold.*

### Steeles West Urban Design and Streetscape Master Plan\*

**Client:** City of Vaughan

**Role:** Partner-in-charge and Lead Planner

**Scope:** Public Realm Plan for a new transit supportive waterfront neighbourhood. *Streetscape Design, Public Consultation, and Urban Design Guidelines,*

### Public Spaces, Activity and Urban Form Strategic Framework.\*

**Client:** City of Saskatoon

**Role:** Partner-in-charge and Lead Planner

**Scope:** Public Space Study of Downtown carried out in association with the University of Saskatchewan. *Urban Quality Plan.*

### Liberty Village Collector Road EA. Toronto, Canada.\*

**Client:** City of Toronto

**Role:** Partner-in-charge and Lead Planner

**Scope:** Complete Street designs and visualizations for EA options including on and off-street cycle lanes

### Avenue Studies: Long Branch, St. Clair West and O'Connor Drive.\*

**Client:** City of Toronto

**Role:** Partner-in-charge and Lead Planner

**Scope:** Complete Street designs and visualizations for EA options including on and off-street cycle lanes

### Lawrence Heights Revitalization, Toronto\*

**Client:** Toronto Community Housing

**Role:** Project Lead and Urban Design Lead

**Scope:** Revitalization of an existing 50 ha. low density social housing neighbourhood to a mixed tenure transit-oriented neighbourhood. *Community Master Plan, Development Economics, Public Consultation, Official Plan and Zoning By-law Amendments, and Urban Design Guidelines.*

\* Led by Mark Sterling at Sweeny Sterling Finlayson & Co Architects Inc.

## Selected Planning and Urban Design Experience

### 2016

\_331-335 Yonge Street - High Rise Residential Urban Design

\_49 Front Street - Mid Rise Commercial Urban Design

\_495-517 Wellington St W - High Rise Mixed Use Urban Design

\_40 Moccasin Trail - Mid Rise Residential Urban Design

\_64 Prince Arthur - High Rise Residential Urban Design

\_Lakeshore and East, Oakville - High Rise Residential Urban Design

\_6 Noble Street, Mid Rise, Mixed Use Residential Planning and Urban Design

\_8 Elm Street - High Rise Mixed Use Residential Urban Design

### 2015

\_Trinity College in the University of Toronto - Campus Master Plan

\_4853 Thomas Alton Blvd., Burlington - Mid/High Rise Mixed Use Residential Urban Design

\_150 The Donway West - Mid/High Rise Mixed Use Residential Urban Design and Planning

\_374 Martha Street, Burlington - Mid/High Rise Mixed Use Residential Urban Design (OMB)

\_Progetto Flaminio, Rome, Italy - Urban Design Competition

\_577 Sheppard Avenue East - Mid/High Rise Mixed Use Residential Urban Design (OMB)

\_604 Richmond Street West - Mid/High Rise Mixed Use Residential Urban Design (OMB)

### 2014

\_Centennial College Downsview Campus - Campus Planning

\_3100 Keele Street - Mid/High Rise Mixed Use Residential Urban Design (OMB)

\_City of Ottawa, "Small Moments" Publicly Accessible Private Open Space Policy Study

\_213-216 St. Clair Avenue West - Mid Rise Mixed Use Residential Urban Design (OMB)

\_375-379 Queen St W- Mid Rise Mixed Use Urban Design and Land Use Planning (OMB)

\_77-81 Mutual Street - High Rise Mixed Use Residential Urban Design

\_489-499 King St W - Mid Rise Mixed Use

Urban Design and Land Use Planning

\_8890 Yonge Street, Richmond Hill - High Rise Mixed Use Residential Urban Design (OMB)

- Urban Design and Land Use Planning

\_81 Wellesley Street East - High Rise Mixed Use Residential Building - Urban Design

### 2013

\_2376 Dundas Street West - Mid Rise Mixed Use Residential Urban Design (OMB)\*

\_Branksome Hall School Campus Rezoning

\_50 Bloor Street West - High Rise Mixed Use Commercial Retail Residential Urban Design\*

### 2012

\_Port Credit Strategic Master Plan (City of Mississauga)\*

\_Steeles Avenue Corridor Urban Design and Streetscape Master Plan (City of Vaughan)\*

### 2011

\_Waterloo Northdale Land Use and Community Improvement Plan Study (City of Waterloo)\*

\_297 College Street - Mid Rise Mixed Use Urban Design\*

\_University of Toronto St. George Campus Border Lands Development Feasibility Analyses\*

### 2010

\_Saskatoon Public Spaces, Activity and Urban Form Study (City of Saskatoon)\*

\_Toronto Liberty Village Collector Road Environmental Assessment, Urban Design and Streetscape (City of Toronto)\*

\_Dufferin Street Bridge Environmental Assessment (City of Toronto)\*

\_Birchcliff Quarry Lands Redevelopment, Mid Rise Mixed Use Community Plan and Zoning By-law Amendment (Build Toronto)\*

### 2009

\_St. Clair West Avenue Study, Mid Rise Mixed Use Urban Design (City of Toronto)\*

\_Markham Centre Precinct Plan, Mid Rise Mixed Use Urban Design (City of Markham)\*

\_OCADU Campus Capital Master Plan\*



# Mark Sterling

BES, B.Arch, OAA, MRAIC, MCIP, RPP

Principal

## 2008

\_ Markham Urban Design Plan and Guidelines (City of Markham)

\_ Newmarket Visualization Transformation Exercise (Town of Newmarket)\*

\_ Lawrence Heights Revitalization - Mid Rise Mixed Use Community Plan (TCHC)\*

\_ West Don Lands - Cherry Street Detail Design (Waterfront Toronto)\*

\_ York University Keele Station Urban Design Consultation (Toronto Transit Commission)\*

\_ Hamilton Airport Employment Growth District - Mid Rise Mixed Use Urban Design (City of Hamilton)\*

\_ 2 Neville Park - Mid Rise Residential Building Urban Design and Land Use Planning (OMB)

## 2007

\_ West Don Lands Public Realm Master Plan Urban Design (Waterfront Toronto)\*

\_ Kaohsiung (Taiwan) Waterfront Design Competition (Finalist)\*

\_ Union Station to Exhibition Place Street Car Environmental Assessment - Urban Design\*

\_ Kelvingrove - Mid Rise Mixed Use Residential Urban Design (OMB)\*

## 2006

\_ 620 King Street West - Mid Rise Mixed Use Retail Residential Building (OMB)\*

\_ Don Mills Centre - Design Control Architects\*

\_ WCD Mississauga - High Rise Mixed Use Hotel, Residential, Retail Open Space Urban Design\*

\_ 164 Avenue Road - High Rise Residential Urban Design (OMB)\*

\_ College Park (Aura) - High Rise Mixed Use Residential Urban Design\*

\_ Waterfront West Streetcar Extension Environmental Assessment - Urban Design\*

## 2005

\_ Port Lands Strategic Implementation Plan (Waterfront Toronto)

\_ 77 Charles Street - Mid Rise Mixed Use Institutional Residential Urban Design (OMB)\*

\_ Gathering - a New Gateway to the City of Toronto\*

\_ King Spadina Secondary Plan Review - Urban Design\*

## 2004

\_ Lake Shore Boulevard Avenue Study (City of Toronto)

\_ Humbertown Shopping Centre Redevelopment - Urban Design and Land Use Planning

\_ 20 Gothic Residential Redevelopment - Urban Design (OMB)

## 2003

\_ Canadian National Institute for the Blind Headquarters

## 2002

\_ OCAD University Sharp Centre for Design, Planning and Urban Design

\_ Keele Street Revitalization Study - Urban Design and Land Use Planning

\_ St Joseph Boulevard, Ottawa - Urban Design



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## 2001

\_ Highway 7 Land Use Futures, Vaughan, ON - Urban Design

## 2000

\_ University of Toronto at Mississauga Campus Master Plan

\_ Toronto Central Waterfront Secondary Plan - Urban Design and Land Use Planning

## 1999

\_ Dundas Square - Invitational Design Competition - Finalist

## 1998

\_ 26 Duncan Street - Offices for Communiqué Inc. Commercial Office Building Design

## 1996

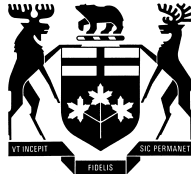
\_ King Parliament / King Spadina Secondary Plans - Urban Design (Director of Architecture and Urban Design, City of Toronto)

\_ St. George Street Revitalization - Urban Design (Director of Architecture and Urban Design, City of Toronto)

## 1990

\_ City of Toronto's Housing on Main Streets Design Competition (Award Winner)

Appendix B: Expert Witness Duty Form of Mark Sterling



Ontario

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

**ACKNOWLEDGMENT OF EXPERT'S DUTY**

Case Number	Municipality
PL130592	City of Toronto

1. My name is Mark Sterling.  
I live in the City of Toronto in the Province of Ontario
2. I have been engaged by or on behalf of the Ontario Association of Architects to provide evidence in relation to the above-noted Board proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
  - a. to provide opinion evidence that is fair, objective and non-partisan;
  - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
  - c. to provide such additional assistance as the Board may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date: 02 June 2017

.....  
Signature