Pre-Zoning Corridor Lands to a Higher Density-
A Necessary but Not Sufficient Prerequisite for Increasing Housing Supply Elasticity

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*The opinions expressed in this research report are those of the authors only and do not represent the opinions and views of either CUR or Ryerson University.
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Executive Summary

Serviced land supply in the Greater Toronto Area (GTA) has a weak responsiveness to changes in housing demand, that is, the supply of new housing is slow to respond as demand (prices) changes. Thus, the GTA’s housing supply is relatively inelastic. Given the City of Toronto’s dominance in the region’s housing market, it seems likely that the same holds true for the city itself.

The Kingston Road Revitalization Study for the Birchcliff community corridor, launched by the City of Toronto in 2004, was similar in scope to the more common Avenue Studies launched in 2000. The Study resulted in a number of zoning changes permitting higher densities for the Birchcliff corridor meant to encourage new development. The experience of the zoning changes along this corridor is used in this report as a case study as to whether pre-zoning land has increased the price elasticity of housing supply in response to increased demand.

Conclusions

Pre-zoning avenues for higher density is no panacea for ensuring that serviced sites are available for development in response to increased market demand. It alone does not do enough to ensure that housing supply is able to respond quickly to demand.

The Kingston Road Revitalization Study and the corresponding zoning changes in the Birchcliff corridor were a step in the right direction by the City of Toronto. However, projects are still taking considerable time to go through the development application process.

There have been four projects completed or under construction since the revised zoning went into effect in 2010 that worked within the permitted zoning densities. For these, the average time from application to the issuance of a building permit was 38 months.

Pre-zoning, as other researchers have argued, needs to be combined with other policy incentives, including a more streamlined approvals process and greater development application assistance for builders. The option of pre-application meetings with city staff for developers is a good step in this direction.

It will also be interesting to see if the current zoning is flexible enough to meet future changes in the market place in the Birchcliff corridor.

The housing market is not static, and development opportunities will be a function of what happens to land values in the future and the willingness of the existing community and City Council to allow denser zoning than under the 2010 planning regime. Already there are applications for greater than permitted zoning. City planners, local communities, landowners and developers should be having an ongoing dialogue on how best to update zoning as the market evolves.

1. Introduction

Serviced land supply in the Greater Toronto Area (GTA) has a weak responsiveness to changes in housing demand, that is, the supply of housing is slow to respond as demand (prices) changes (see Figure 1). Thus, the GTA’s housing supply is relatively inelastic. Given the City of Toronto’s dominance in the region’s housing market, it seems likely that the same holds true for the city itself.

This supply inelasticity is in part due to an onerous regulatory system. For instance, many areas in the city are under-zoned in terms of maximum height and density permissions. There has been an incentive for this to occur, as with rezonings for increased height and density the City has been able to extract Section 37 contributions. Further, the Fraser

![Figure 1: Estimate of the Long-Run Price Elasticity of New Housing Supply, Select Metropolitan Areas*](source: CUR, based on data from CMHC (2018), "Examining Escalating House Prices in Large Canadian Metropolitan Centres").

*Elasticity is defined as percentage change in housing stock for given percentage change in prices
Institute’s survey of land-use regulations found that, among 48 Canadian municipalities, Toronto is the most regulated, has the longest and most complex approvals process for new developments and has the highest compliance costs. This has also been confirmed in a report regarding supply elasticity in large Metropolitan areas.22

Pre-zoning sites for higher densities to better match current and future market demand is often proposed as a useful tool to increase the elasticity of land supply, as it would thus allow sites to be better able to accommodate demand as it emerges. The Kingston Road Revitalization Study, launched by the City of Toronto in 2004, was similar in scope to the more common Avenue Studies launched in 2000. The Study resulted in a number of zoning changes for the Birchcliff corridor, meant to encourage new development (see Figure 2). This corridor is used here as a case study as to whether pre-zoning land can increase the price elasticity of supply in response to increased demand.

The zoning changes enacted by the City took effect the length of Kingston Road, between Victoria Park Avenue and Birchmount Road and between Fallingbrook Road and Woodland Park Road. (An exception was made for a couple of blocks that contained single-detached neighborhoods.)

Figure 2: Boundary Map - Birchcliff Community and the Kingston Road Revitalization Area
Developers seeking approval for new projects in Toronto must submit a Site Plan Control application to the City, even if the proposed development conforms to existing zoning (see Figure 3). If a proposal diverges from the relevant zoning by-law, the developer must also apply for either a minor variance, a zoning by-law amendment (rezoning or ZBL), or an official plan amendment (OPA) in addition to the Site Plan Control application. Minor

Figure 3: Development Application Process, City of Toronto, 2019

Source: CUR, based on City of Toronto documents
variances are required for small deviations from the by-law (such as setbacks or parking requirements), while rezoning is used to allow for land-use changes or significant increases in the permitted building heights or densities.

The City of Toronto’s objective is to issue the Notice of Approval Conditions (NOAC) within 9 months from the submission of a complete development application. This the first of a two-stage approval process for site plans. Once all pre-approval conditions have been met, the City issues the Statement of Approval, which signifies the final site plan approval.

Decisions rendered by the Committee of Adjustment (CoA) regarding minor variances, by the City Council regarding rezoning and official plan amendments, and by the Local Planning Appeal Tribunal (LPAT) regarding formal appeals are final and binding following the resolution of all appeals.

2.2. Planning issues

The Kingston Road Revitalization Study targeted the revitalization of an older arterial strip. While Kingston Road is the “main street” of the Birchcliff community, it has been in decline since the 1970s and lacks the vibrancy of more successful main streets in Toronto. It is notable for commercial vacancies, auto shops, and low-rise residential properties, including a large number of storefront conversions to apartments.

The Revitalization Study was launched in 2004, shortly after Avenue Studies were formalized in the City of Toronto’s Official Plan. The City of Toronto initiated a Terms of Reference (ToR) to assess the area and develop a strategy for reinvestment, densification and revitalization.

2.2.1 Planning framework and study process

The Kingston Road Revitalization Study consisted of three phases. The first was to create a Study Area Profile to be included in the ToR, ultimately adopted by Council in 2005. The ToR identified issues, obstacles and opportunities for the corridor’s revitalization, and concluded that zoning and land-use patterns were key factors in slowing its rejuvenation.

During the second phase, the City consulted with members of the Birchcliff community to create a Vision Report for Kingston Road. This report, adopted by Council in 2008, identified key sites for redevelopment, noted the actions necessary to promote revitalization, and set priorities for the next phase.

The third and final phase of the Revitalization Study, the Implementation Plan (2009), laid out a strategy for the Birchcliff community’s portion of Kingston Road. The strategy for revitalization included amendments to the zoning by-law and the Official Plan, the creation of urban design guidelines and a streetscape improvement plan.

The proposed amendments to the Birchcliff Community Zoning By-Law (No. 8786) were contained in a new area-specific zoning by-law (No. 222-2010), adopted by Council in 2010. The approved zoning changes were intended to make the sites along the corridor development ready (and thus more responsive to changes in demand), as only site plan approval (as opposed to approval for changes to the zoning by-law or the Official Plan) would be required.

Three rounds of technical amendments to the new zoning by-law were enacted in 2010, 2013, and 2014. The amendments were all minor in nature (such as correcting for conflicting performance standards design guidelines) and maintained the Council’s original intent for the area.

3. Zoning Changes Accompanying the Kingston Road Revitalization Study

Prior to the zoning change, the most prevalent designation along the Birchcliff corridor was that of Highway Commercial (HC), while other designations included Neighbourhood Commercial (NC) and a variety of lower density residential uses. The permissible uses were spatially separated by the zoning, as some areas of the corridor only allowed for low-density residential units, while others allowed for larger retail and commercial establishments, such as auto dealerships.

The portion of the corridor subject to the new zoning by-law has now been designated Commercial-Residential (CR) and allows for and encourages a mix of uses in each area. Further,
the updated zoning now prohibits new single- and two-family residential or auto-related developments along the corridor.\textsuperscript{6}

For the most part, height and density permissions were not specified in the previous zoning by-law.\textsuperscript{7} Most buildings along the corridor were 1 or 2 storeys, and the buildings making up the retail clusters were mainly single-storied (see Figure 4).\textsuperscript{8}

The revised zoning now requires a minimum height of 2 storeys (7.5 metres) and permits a maximum height between 4 and 6 storeys (14 to 20 metres) for most locations. It also permits a maximum of 8 storeys (27 metres) in key locations (see Figure 5). These key locations include the core commercial areas of Victoria Park (between Victoria Park Avenue and Fallingbrook Road); Birchcliff Common (between Cornell Avenue and Manderley Drive); and Birchmount (between Harding Boulevard and Birchmount Road).

Other zoning changes included a newly required 45-degree angular plane (measured from adjacent low density residential neighbourhoods), building setbacks, bicycle parking standards, requirements for Section 37 community benefit contributions and reduced parking requirements.\textsuperscript{9} (Section 37 contributions have since been eliminated by the Provincial government and have been in part replaced by the new Community Benefit Contributions). These changes are consistent with the recommendations and guidelines from the Avenues and Mid-Rise Buildings Study, 2010.\textsuperscript{10}

3.1. Other strategies for revitalization accompanying the zoning changes

The 2009 Implementation Report also included a proposed streetscape improvement plan for the Birchcliff corridor, meant to increase the value of the public realm and encourage new residential development. These improvements were initiated in 2013 and completed in 2015.\textsuperscript{11} They included sidewalk restoration, new street trees, street furniture, and community identifier signage.\textsuperscript{12} This portion of Kingston Road also saw significant road reconstruction, due to upgrades to existing water mains and sanitary and storm sewers.\textsuperscript{13}

However, due to a lack of funding, other infrastructure improvement recommendations have yet to materialize, such as upgrades to public transit, bike lanes, new pedestrian crossings and changes to the right of way.\textsuperscript{14}

Figure 4: Approximate Actual Building Heights Along Kingston Road Within the Birchcliff Community, 2016

Figure 5: New Zoning Height Permissions for Kingston Road Within the Birchcliff Community
Altogether, the Birchcliff area of Kingston Road was rezoned to encourage more market-supportive land-uses and allow for greater building heights. These changes were made in an attempt to revitalize the main street by encouraging redevelopment in the area.

4. Market Response

4.1. Applications

Since the zoning changes were enacted in 2010, five developments have been built or are currently under construction in the Birchcliff area along Kingston Road (see Figure 6). Two additional projects have been given a Notice of Approval Conditions (NOAC), including the Birchcliff Urban Towns project. Another two projects are currently in the application process. This makes for a total of 610 new residential units, assuming no changes to the proposed projects are made (see Figures 7 and 8). The projects range in height from 3.5 to 11 storeys, and primarily consist of mid-rise condominiums, along with two townhome projects (see Figure 8).

4.1.1 Timing from submission of development application to issuance of building permit

Four of the new development proposals were submitted in 2013, three years after the new zoning was approved by Council.

Since the rezoning of Kingston Road in the Birchcliff area in 2010, a total of 9 development applications have been submitted (see Figure 7). In contrast, between 2001 and 2010, only two building permits (both in 2009) had been issued for new residential buildings along this corridor. The rezoning, therefore, can be said to have helped facilitate redevelopment along the corridor when demand rose.
4.1.2 Comparison of the timing of redevelopment along the Birchmount Corridor to that in a benchmark survey

In 2017, the Centre for Urban Research and Land Development (CUR) and the Residential Construction Council of Ontario (RESCON) surveyed a sample of builders in Ontario about the development application process.\(^5\) As a result of the survey, CUR found that the average length of the approval process (from application to the issuance of the building permit) was 25.5 months. Roughly 85% of the time spent on this process (about 21 months) was attributed to delays caused by planning regulations, 9% (3 months) related to time spent obtaining approvals from other applicable authorities, (such as from local Conservation Authorities), and the remaining 6% (1.5 months) represented the time spent obtaining building permits (see Figure 9).

The building approval process was quicker than average for only one of the five approved projects along Kingston Road in the Birchcliff area (see Figure 10, Project #6). Rather, the average approvals process timeframe for completed developments along the study corridor was 38 months (13 months longer than the average found in the Ontario survey).\(^6\) Only one of the projects was held up at the Toronto Local Appeal Body (TLAB) due to an appeal to a minor variance decision by a neighbourhood resident (see Figures 7 and 10, Project #5). Some of the other delays can be attributed to applicants having to resubmit minor variance or site plan applications as a result of relatively minor technical errors or changes.

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**Figure 9: Breakdown of Average Development Timelines, Ontario**

<table>
<thead>
<tr>
<th>Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>85%</td>
</tr>
</tbody>
</table>

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**Figure 8: Development Statistics for New Developments in Birch Cliff’s Rezoned Area**

<table>
<thead>
<tr>
<th>Number on Key Map*</th>
<th>Storeys (2-6 storeys allowed)</th>
<th>Floor-Space Index (FSI) / Density (Up to 3.5 allowed)</th>
<th># of Units</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6</td>
<td>2.9</td>
<td>16</td>
<td>Mid-Rise Condo with Ground Floor Commercial</td>
</tr>
<tr>
<td>2</td>
<td>10**</td>
<td>5.4***</td>
<td>144</td>
<td>Mid-Rise Condo with Ground Floor Retail</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
<td>1.9</td>
<td>12</td>
<td>Townhomes</td>
</tr>
<tr>
<td>4</td>
<td>9</td>
<td>3.4</td>
<td>80</td>
<td>Mid-Rise Condo + Townhomes</td>
</tr>
<tr>
<td>5</td>
<td>7</td>
<td>3.2</td>
<td>30</td>
<td>Mid-Rise Condo with Ground Floor Retail</td>
</tr>
<tr>
<td>6</td>
<td>8</td>
<td>3.1</td>
<td>41</td>
<td>Mid-Rise Condo</td>
</tr>
<tr>
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<td>2.2</td>
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<td>4.7</td>
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<td>Mid-Rise Condo</td>
</tr>
<tr>
<td>9</td>
<td>11</td>
<td>7.0</td>
<td>185</td>
<td>Mid-Rise Condo with Ground Floor Retail</td>
</tr>
</tbody>
</table>

*Order based on date of first application
**Up to 8 storeys allowed with Section 37 contributions
***Up to 4.5 FSI allowed with Section 37 contributions
****Birchcliff Urban Towns case study site

Source: CUR, based on documents obtained from the City of Toronto’s Development Application Portal
It is clear that obtaining final site plan approval can be a lengthy even with pre-zoning already in place.

4.1.3 Suitability of zoning

The projects generally adhere to the revised zoning, though all still required minor variance permissions before they could proceed, and the two newest proposals will require a rezoning (see Figure 10). The developer of one of the latest projects has requested a substantial increase in the allowable density (see Figure 8, Project #9), which could signal that the revised rezoning had been sufficient until recently but that market demand is beginning to outpace it.

5. Birchcliff Urban Towns Case Study

The Birchcliff Urban Towns development, located on Kingston Road between Birchcliff Avenue and Harding Boulevard, is one of the more recent projects being built in the rezoned area (Figure 10, Project #7).

The developer, Birchcliff Core-Harbour Inc., first submitted a development application on June 28, 2017, after they had assembled five lots on the block. Their project only required Site Plan Control approval and did not require a Zoning By-law or Official Plan amendment, though their application to demolish the buildings on the sites before the Site Plan was approved did require a Minor Variance approval. (This was submitted in November 2018 and approved January 2019.) Their Site Plan application was then re-submitted on January 23, 2019 and a Notice of Approval Conditions (NOAC) was issued by the City on April 26, 2019. The project is expected to be completed in November 2020. Though it is set to be the second quickest of the projects to obtain all its approvals and building permit, the approval process has already taken 30 months since the date Birchcliff Core-Harbour Inc. first submitted a Site Plan Control application.

Current zoning for the site allows up to 20 metres, or about 5 storeys, as reflected in the Kingston Road Birchcliff Urban Design Guidelines and Concept Plan, which envisions buildings between 4 and 6 storeys along the corridor. The eastern portion of the corridor, beginning at Birchcliff Avenue, is envisioned to...
have lower heights due to the historic character of the existing pre-war buildings in the area.\textsuperscript{19} The design of the Birchcliff Urban Towns calls for 13.7 metres and 3.5 storeys, thus falling only slightly below the Revitalization Study’s desired design. The project has no retail or commercial component and a floor-space index (FSI) of 2.2, well below the upper limit of 3.5. This means the project does not completely meet the development potential of the site.

Nevertheless, the project is a positive addition to the area and meets the market demand for “missing middle” housing in Toronto more generally. Though it still took much longer than the City’s 9-month target for development approvals, the process for this project was much quicker than for others along the corridor, helped by the fact that the project as proposed did not exceed the height or density permissions.

6. Conclusion

6.1 Pre-zoning is a necessary but not sufficient prerequisite for accelerating development approvals

There is no question that the City of Toronto, and the larger GTA region, needs more robust responsiveness in land supply. This would allow for a more timely response to market demands for a range of housing types and densities, including “missing middle” housing (e.g. townhouses, stacked townhouses and other forms of low-rise apartments) and mid-rise apartments. The key is to ensure an ample supply of development sites for these types of housing, both to meet demand and to encourage housing affordability.

The Kingston Road Revitalization Study and the corresponding zoning changes to allow increased densities in the Birchcliff corridor were a step in the right direction by the City of Toronto. However, projects are still taking considerable time to go through the development application process. For the five projects completed or under construction since the revised zoning went into effect in 2010, the average time from application to the issuance of a building permit was 38 months.

In addition, there are indications that demands in the market place are already surpassing densities currently allowed by the revised zoning of 2010 as a result of rising land prices. Addressing this added development pressure in upcoming projects will likely require more complicated and comprehensive appeals of the 2010 zoning, which will further lengthen the time frame from application to building permit.

Pre-zoning avenues for higher density is no panacea for ensuring that appropriate land is available for development in response to increased market demand. It alone does not do enough to ensure that housing supply is able to respond quickly to demand.

6.2 Streamlining the approval process, including for rezoning, is also needed

Pre-zoning, as other researchers have argued, needs to be combined with other policy incentives, including a more streamlined approvals process and greater development application assistance for builders.\textsuperscript{19}

The option of pre-application meetings with city staff for developers is a good step in this direction. Applicants for the two newest proposals in the Birchcliff corridor have already participated in pre-application meetings with the City. It will be interesting to see if this process of pre-application meetings between developers and the City will hasten the progress of these proposals through the approval process.

It will also be interesting to see if the current zoning is flexible enough to meet future changes in demand in the Birchcliff corridor.

The housing market is not static, and development opportunities will be a function of what happens to land values in the future and the willingness of the existing community and City Council to allow denser zoning than under the 2010 planning regime. Already there are applications for greater than permitted zoning. City planners, local communities, landowners and developers should be having an ongoing dialogue on how best to update zoning as the market evolves.
Endnotes


3 Site Plan control is a planning tool under the Provincial Planning Act that municipalities may choose to use to have additional land use control beyond the zoning by-law. Municipalities must specify where this tool will be applied in their Planning Act and developers must gain approval from the municipality via a site plan application. In the City of Toronto property adjacent to most major arterial roads has been designated for Site Plan Control.


13 Ibid.


REFERENCES


