



**SMARTCENTRES®**

3200 HIGHWAY 7 | VAUGHAN, ON. CANADA L4K 5Z5  
T 905 326 6400 F 905 326 0783

Delivered via email and mail

December 10, 2019

**Chair Ana Bailão and Members of Committee  
Planning & Housing Committee**

c/o Nancy Martins  
10th floor, West Tower, City Hall  
100 Queen Street West  
Toronto, Ontario  
M5H 2N2

Dear Chair Bailão and Members of Committee:

**RE: PH11.4, OFFICIAL PLAN REVIEW  
FINAL RECOMMENDATION REPORT  
AMENDMENTS TO THE BUILT FORM AND PUBLIC REALM POLICIES**

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SmartCentres (and their associated companies) is pleased to provide the following comments on the proposed amendments to the Built Form and Public Realm Policies of the Official Plan. SmartCentres owns dozens of properties throughout Toronto.

While we support the general direction of these policies, we believe that flexibility should be provided in the policies such that each development / redevelopment can be evaluated individually, and creativity in creating good, public spaces is not hampered. In our experience, this flexibility is required, especially when there are competing issues that need to be addressed.

We have reviewed the proposed amendments. Our comments include but are not limited to the following.

Public Realm Policies

1. **Policy 3.1.1.9:** While we appreciate the position of the City to request that all roads and streets be in public ownership, in numerous cases, the same general design principles (as set out in Policy 3.1.1.8) can be achieved with private roads and streets.

*In our opinion, the policy language of “should” instead of “will” in the first sentence should remain.*

2. **Policy 3.1.1.13:** Flexibility should be provided in this policy such that a balance can be achieved between the various requirements being sought within the pedestrian realm. For example, in some cases it may not be feasible or appropriate to provide for the various elements being requested in this policy to be provided for.

*We therefore request that the introductory statement in this policy be amended at the end of the statement to add “providing for and balancing the following design elements.”*

3. **Policy 3.1.1.15:** The addition of “and existing” to the introductory statement in this policy is unclear. Is it the intent of the City to require existing development to adhere to these policies where no significant redevelopment is proposed? This could create significant issues where incremental redevelopment, which does not warrant the introduction of new streets for example, occurs.

*We therefore request that “and existing” be deleted.*

4. **Policy 3.1.1.16:** While we agree with the protection, preservation and maintenance of trees, in some cases this is not possible in a development or redevelopment scenario.

*Policy direction should be provided for to allow for flexibility in how to address said scenarios (including but not limited to relocation, replanting or monetary compensation).*

5. **Policy 3.1.1.18:** Flexibility in Policy b) should be added, as not all locations are appropriate for the expansion of parks and open space in a redevelopment scenario.

*We request the words “on a case by case basis, where appropriate” be added to the end of Policy b).*

#### Built Form Policies

1. **Policy 3.1.2.1, Introductory Statement:** We are concerned with the removal of the word “New” at the beginning of this policy, which would imply that all development must meet the development criteria. This is may not be feasible in all existing development scenarios or may be impractical where only minor, incremental modifications to existing development occurs.

*We would therefore request that “new” be added back in and / or that “where feasible and appropriate” be added at the end of the introductory section of this policy.*

2. **Policy 3.1.2.1 d):** Clear windows and entrances may not be feasible in all development scenarios. Flexibility in the policy language should be provided for to allow for creative design solutions where clear windows and / or entrances may not be possible.

*We therefore request “where feasible and appropriate” be added to the beginning of this policy.*

3. **Policy 3.1.2.4, Introductory Statement:** Similar to our concern above for the introductory statement of Policy 3.1.2.1, we are concerned with the removal of the word “New” in Policy 3.1.2.4 for the same reasons noted above.

*We would therefore request that “new” be added back in and / or that “where feasible and appropriate” be added at the end of the introductory section of this policy.*

4. **Policy 3.1.2.4 e):** This policy would require the removal of existing parking areas. This is potentially onerous to a landowner and / or not feasible given tenant requirements, lease obligations, etc.

*We therefore request “where feasible and appropriate” be added to the beginning of this policy.*

- 5. Policy 3.1.2.4 f):** Given increasing costs of underground parking, above grade parking structures are an appropriate and reasonable alternative. We agree that they should be well designed and provide active uses facing streets, parks and other public areas, they should not be “limited” by this policy.

*In this respect, we request that the current wording be maintained.*

- 6. Policy 3.1.2.5, Introductory Statement:** Similar to our concern above for the introductory statement of Policy 3.1.2.1 and 3.1.2.4, we are concerned with the removal of the word “New” in Policy 3.1.2.5 for the same reasons noted above.

*We would therefore request that “new” be added back in and / or that “where feasible and appropriate” be added at the end of the introductory section of this policy.*

- 7. Policy 3.1.2.7:** This policy appears to be redundant (given Policy 3.1.2.6). Further, transition in scale can occur over multiple properties and should not necessarily be restricted to being provided for on a development site.

*We request deletion of this policy.*

- 8. Policy 3.1.2.10, Introductory Statement:** Similar to our concern above for the introductory statement of Policy 3.1.2.1, 3.1.2.4, and 3.1.2.5 we are concerned with the removal of the word “New” in Policy 3.1.2.5 for the same reasons noted above.

*We would therefore request that “new” be added back in and / or that “where feasible and appropriate” be added at the end of the introductory section of this policy.*

- 9. Policy 3.1.2.11:** We agree with the provision of necessary amenity space for residents. Additional flexibility, however, for different users and the requirements thereto should occur (i.e. in Seniors Buildings more indoor amenity space is required versus outdoor amenity space).

*This flexibility should occur through by adding “where appropriate” at the end of the policy.*

- 10. Policy 3.1.3, Introductory Language:** The policy refers to institutional buildings, shopping centres and employment uses having unique built form relationships and refers the reader back to the general policies found in Policy 3.1.2.

*Further clarification as to which policies apply should be added to the policy, or the language “where appropriate” should be added to the sentence.*

- 11. Mid-Rise Policy Introduction:** While mid-rise buildings should generally coincide with the right-of-way width upon which they face, in a number of instances it is appropriate to exceed the 11 storey maximum height set out in the policy and still be considered a mid-rise building rather than a tall building (i.e. at the corner of major intersections, rights-of-way exceeding 36 metres, etc.).

*We request that additional flexibility be added acknowledging the above request to the introductory language. Such language could state: “Notwithstanding the above heights, in some instances, such as rights-of-way greater than 36 metres or at the corner of major intersections, additional height (in storeys) may be warranted in a mid-rise built form provided the mid-rise built form policies below are generally adhered to.”*

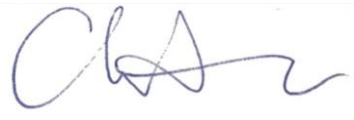
12. **Policy 3.1.3.5:** It is unclear how this policy will be implemented where substantially different right-of-way widths occur.

*Further clarification is required as to the implementation of this policy.*

**Based on the above comments, we believe additional discussion should occur and we respectfully request that a decision on the proposed policies be deferred to allow for further consultation to occur.**

Thank you.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ctrinh', is enclosed in a light blue rectangular box.

Christine Trinh  
Development Manager  
SmartCentres  
905-326-6400 x 7205  
Ctrinh@smartcentres.com