



BUILDING A GREATER GTA
Building Industry and Land
Development Association

PH7.10 Attachment 6B, Part 4

February 8, 2019

Ms. Kerri Voumvakis
Director, Strategic Initiatives, Policy & Analysis
City of Toronto
100 Queen Street West
Toronto, ON
M5H 2N2

Dear Ms. Voumvakis,

RE: City of Toronto's Official Plan Review – Draft Amendments for Built Form and Public Realm Policies

Thank you for meeting with our BILD Toronto Chapter Working Group on January 21, 2019 to discuss our thoughts and concerns regarding the Draft Official Plan Amendments (OPA) for Built Form and Public Realm Policies. We appreciate the time dedicated to work through the red-line version of the policies and collaboratively discuss potential revisions and more workable policy language.

Further to our January 5th letter, we submit the following additional comments, as expressed in our meeting:

3.1.1 The Public Realm

- Section 9 – The proposed language to have new streets be provided as a public street is too restrictive. BILD Toronto Chapter recommends maintaining the current policy language as not all streets can be provided as public streets due to certain circumstances and site specific considerations. As indicated by our Working Group, the City's public street requirements are not always achievable or suitable for a site.

As exemplified by the members in our discussions, the City's requirement for Draft Plan of Subdivision approval as the only mechanism for securing and conveying public roads is onerous and, in many instances, not well understood when being implemented by City staff and Divisions. Furthermore, the standard zoning template requires roads and services to be constructed before the issuance of any building permits, which is unworkable for smaller sites that may contemplate the construction of all buildings and roads at the same time. It is our members' experience that there is a disconnect with the City's policy requirements and how they are implemented on the ground.

In addition to the implementation concerns of this policy, our members believe this policy proposal contrasts the City's objective to encourage the development of 'missing middle' product. By prescriptively securing more 'suburban' road standards, it impedes our members' ability to provide more dense forms of 'missing middle' development such as back-to-back and stacked townhomes. Staff should be aware that suburban road standards, which is what is being proposed under this policy, ultimately reduces density yields in this form of housing.

For the above-noted reasons, City staff should maintain the existing policy while adding language that would give the industry more flexibility to provide alternatives to public streets.

- Section 11 – We recommend staff revise this policy to also consider shared driveways as a pick up/drop off area as well, and not just limited to service access to loading and parking facilities.

20 Upjohn Rd, Suite 100
North York, ON M3B 2V9

Tel: 416.391.3445
Fax: 416.391.2118

www.gthba.ca

- Section 20/21 – To be consistent with Section 21, c), staff should add language to Section 20 that considers POPS as spaces for programming. We understand from our discussions that in order to include this change, there may be additional language that would explicitly state that access for POPS programming will need to be unfettered.

3.1.2 Built Form

- Section 1, b) – Further to the comments of our previous submission, it is our understanding that the intent of proposed policy 3.1.2.1(b) is to support pedestrian activity in the public realm. Further consideration should be given to this policy to clarify what is meant by “public buildings” and to recognize that the pedestrian experience can be enhanced through at-grade setbacks.
- Section 7 – BILD Toronto Chapter recommend staff delete this policy proposal as the City has already reviewed its policies regarding cultural heritage, resulting in OPA No. 199, which was appealed and settled through mediation. It is our position that this policy proposal undermines the spirit of the prior settlement by attempting to use the Draft Policies to introduce new cultural heritage-related policies.
- Section 9, f) – We suggest softening the language under this policy by adding “where appropriate” as it may not always be practical and/or feasible to include all these requirements throughout a site or surface parking lot.
- Section 10/11 – As indicated in our previous comments on this policy proposal, we reiterate that staff should reconsider their proposed policies regarding amenity space. Proposed policy 3.1.2.10 has been revised to remove the reference to “significant.” This is a fundamental change to the current policy framework as it will now require all multi-unit residential developments to provide indoor and outdoor shared amenity space. Ultimately, this will make it harder to achieve better housing affordability and for to develop smaller multi-unit residential projects.

In addition, and as previously expressed, proposed policy 3.1.2.11 is overly prescriptive and provides no flexibility for the provision of outdoor amenity space. In particular, many intensification projects, including mid-rise projects, will find it challenging to satisfy all of these requirements, meaning that this policy will act as a disincentive to achieve the re-urbanization of many of the City’s main streets

3.1.3 Built Form – Building Typologies

Townhouse and Low-Rise Apartment Buildings

- Section 2 – We believe staff should add the word “generally” before 4-storeys in an effort to provide more flexibility, particularly to allow for rooftop access vestibules.

Tall Buildings

BILD Toronto Chapter find the draft Tall Building policies, as a whole, overly prescriptive and consideration should be given to build in more flexibility in the policy language, like that of OPA No. 352. This can be done by addressing the following policy areas:

- Section 7 – Proposed policy 3.1.3.7(b) would require a 12.5 metre tower setback to a side or rear lot line without consideration of the adjacent land use. As drafted, this policy would require 12.5 metres from a side lot line, even if that side lot line fronted on a public street. Similarly, proposed policy 3.1.3.7(a) is overly prescriptive and does not allow any flexibility for site-specific or contextual circumstances.

As iterated in our previous submission and in our discussions, the hard line this policy draws on minimum set backs is problematic and inflexible to the unique issues and/or contextual circumstances a project may face. Toronto Chapter members are very concerned that this policy, should you deviate from it's minimum standard out of necessity, will force an unnecessary OPA. We strongly recommend City staff to soften the language of this policy in the interest of efficient processes and affordability.

- Section 8, a) i. – Under this policy staff are suggesting base buildings or podiums of Tall Buildings should be designed to fit within the existing context. However, BILD Toronto Chapter recommends that the scope of this policy to be expanded, and that staff add “planned context” as a consideration.
- Section 9 – BILD members take issue with setbacks and step backs increasing as tower height increases. We believe this policy should be removed as it will render tall building projects economically unfeasible.

Thank you again for opportunity to be engaged in this process. We trust you will find our feedback helpful as you move forward in refining the Draft OPAs and look forward to seeing how they are taken into consideration. As you continue your work, we kindly ask that you keep us informed of key milestones.

Should you have any questions or require additional information, please contact the undersigned at ctupe@bildgta.ca.

Sincerely,



Carmina Tupe, MCIP RPP
Planner, Policy and Government Relations BILD

*Cc: Steven Dixon, City of Toronto
Gary Switzer, BILD Toronto Chapter Chair
BILD Toronto Chapter Members*



ZELINKA PRIAMO LTD
A Professional Planning Practice

VIA EMAIL AND COURIER

April 16, 2019

Strategic Initiatives, Policy & Analysis, City Planning
City of Toronto
100 Queen Street West, 10th Floor, West Tower
Toronto, ON M5H 2N2

Attention: Mr. Steven Dixon, Senior Planner, Official Plan, SIPA

Dear Mr. Dixon:

**Re: City of Toronto Official Plan Review
May 15, 2018 Draft Built Form Policies
Preliminary Comments on Behalf of Loblaw Properties Limited and
Choice Properties Ontario Properties Limited
Toronto, ON**

Our File: LPL/TOR/11-03

On behalf of our clients, Loblaw Properties Limited (Loblaw) and Choice Properties Ontario Properties Limited (CP REIT), we have undertaken a review of the Draft Built Form policies issued in a May 15, 2018 Staff Report as part of the ongoing Official Plan Review. As you may be aware, Loblaw is the owner or lease holder of a considerable number of land holdings within the City of Toronto. CP REIT is the owner of a considerable number of land holdings in the City of Toronto.

It is our understanding that the policies are intended for public consultation, which is ongoing.

General Comments

At this time, our preliminary general comments on behalf of Loblaw and CP REIT for the May 15, 2018 draft policies are as follows:

- Our clients' experience is that site context must be considered in applying any urban design policies; greater flexibility should be maintained or, where necessary, introduced into the draft policies to ensure this flexibility exists;
- In addition, the draft policies remove the existing wording "New" prior to "development" in a number of instances, relating to site layout (3.1.2.1), parking and loading/servicing areas (3.1.2.2), and landscaping (3.1.2.9). Such aspects would already be established for existing development, and in our submission are matters only appropriate to regulate for new development. The use of the word "New" should therefore be reinstated in the draft policies. Further, in our submission the use of the word "New" should be added before "development" for policies 3.1.2.3, 3.1.2.4 and 3.1.2.5; and
- The draft policies use the term "streetwall" on more than one occasion, however there is no definition or description of this term, resulting in several policies that

lack clarity. In our submission, greater clarity should be provided as to the interpretation of the term "streetwall" in a sidebar.

Policy Specific Comments

At this time, our preliminary policy specific comments on behalf of Loblaw and CP REIT for the May 15, 2018 draft policies are as follows:

- Policy 3.1.2.1: the wording "New" has been removed from the existing policy, which is further revised. We are concerned that with the removal of "New", as part of *Planning Act* applications, existing development will be required to conform to the policies. Policy 3.1.2.1 relates to the layout of a site and the location of buildings, entrances, setbacks, and views; such aspects would already be established for existing development. We respectfully suggest that the word "New" be reinstated;
- Policy 3.1.2.1b): we note that "providing additional setbacks or open spaces at street intersections" may be in contradiction with policy 3.1.2.1a), where it is stated "On a corner site, the development should be *located along* [emphasis added] both adjacent street frontages and give *prominence* [emphasis added] to the corner." This results in unclear or possibly competing expectations for intersections, and we respectfully suggest that Section 3.1.2.1b) be revised to remove "at street intersections or";
- Policy 3.1.2.1d): the addition of the phrase "and entrances" requires all entrances to allow views. In our submission, not all entrances to buildings are appropriate for transparency and we respectfully suggest that the wording "and entrances" be removed;
- Policy 3.1.2.2: the wording "New" has been removed from the existing policy, which is further revised. We are concerned that with the removal of "New", as part of *Planning Act* applications, existing development will be required to conform to the policies. Policy 3.1.2.2 relates to the layout of a site and its parking, access, servicing and utility locations/areas; such aspects would already be established for existing development. We respectfully suggest that "New" be reinstated;
- Policy 3.1.2.2c): the wording "where possible" has been removed from the existing policy. We are concerned that the policy no longer provides for flexibility and we respectfully suggest that the wording "where possible" be reinstated to allow a degree of flexibility in considering specific site context;
- Policy 3.1.2.4: we are concerned that the phrase "development will be required" is overly prescriptive. To provide certainty that these policies are only to be applied when transitioning is required, we respectfully suggest that the wording "Where appropriate," be added before "Development will be required", or alternatively that the "will" be changed to "should";
- Policy 3.1.2.7: it is unclear how development is expected to "lend prominence" to heritage resources. Further, considering the policies of OPA 199 relating to heritage, it is not clear as to the need for a built form policy of this nature and we have concerns that the language is not reflective of that approved under OPA 199. We respectfully suggest that this policy be removed or revised to provide clarity as

to the interpretation and for consistency with the heritage policies of the Official Plan, including Section 3.1.5.26;

- Policy 3.1.2.8: we are concerned with the interpretation of this draft policy as it relates to the other draft policies of Section 3.1.2 of the Official Plan. Policy 3.1.2.8 states that the organization, massing and height of a building is not to be considered as precedent for development, however this appears contradictory to several policies, specifically policy 3.1.2.6, which states: “The design of new buildings should consider and be informed by the existing or planned character and context, including the scale, proportion, materiality, rhythm, and fit of adjacent buildings.” The following policies of Section 3.1.2 also make reference to the consideration of the surrounding built or planned context: 3.1.2.1; 3.1.2.3a); 3.1.2.4; and 3.1.2.7. We respectfully suggest that policy 3.1.2.8 be removed as it conflicts with the intent of several other draft Built Form policies of the Official Plan;
- Policy 3.1.2.9: the wording “New” has been removed from the existing policy, which is further revised. We are concerned that with the removal of “New”, as part of *Planning Act* applications, existing development will be required to conform to the policies. Policy 3.1.2.9 relates to the layout of a site including landscaping treatment; such aspects would already be established for existing development. In our submission we respectfully suggest that the word “New” be reinstated;
- Policy 3.1.2.11: we have concerns related to several of the draft policies relating to outdoor amenity spaces, as follows:
 - Policy 3.1.2.11a): we are concerned that the wording “have direct access to sunlight” is overly prescriptive. We suggest alternative wording be implemented and suggest the following replacement language: “maximize access to sunlight”;
 - Policy 3.1.2.11c): we are concerned that the wording is overly prescriptive. We suggest the wording “, as appropriate” be added to the end of this policy, so that the policy reads: “mitigate impacts on the public realm and neighbours, as appropriate”;
 - Policy 3.1.2.11d): we are concerned that the wording “be physically separated and located away from loading and servicing areas” does not allow for flexibility in considering site specific context. We suggest the wording be revised to require impacts be minimized, so that the policy reads: “minimize impacts from loading and servicing areas”;
 - Policy 3.1.2.11e): we are concerned that the wording does not allow for flexibility in considering site specific context. We suggest the wording “, as appropriate” be added to allow for consideration of site context, so that the policy reads: “have generous and well-designed landscaped areas, as appropriate, to offer privacy and an attractive interface with the public realm”;
 - Policy 3.1.2.11f): we are concerned that the wording “comfortable” lacks clarity. We suggest the wording be revised to minimize impacts, and suggest the following replacement language: “minimize wind, shadow and noise conditions”;

- Policy 3.1.3: it is stated that “Other building types including institutional buildings, shopping centres and some employment buildings *may be informed by some of the following policies* [emphasis added], but generally have unique built form relationships.” It remains unclear what policies would be applicable to the other building typologies noted. We respectfully suggest that the policies applicable to other building typologies be more clearly identified or removed entirely;
- Policy 3.1.3.5a): it is stated that “a streetwall height consistent with the existing and/or planned context” is to be provided. We respectfully suggest that the word “generally” be added, so that the provision reads: “a streetwall height generally consistent with the existing and/or planned context”; and
- Policy 3.1.3.9: we are concerned with the lack of flexibility in the wording and issues of interpretation that could result. We respectfully suggest that the word “will” be replaced with “should” to provide greater flexibility.

We would welcome the opportunity to meet with Staff to discuss our preliminary comments. As Loblaw and CP REIT have considerable owned and leased land holdings in the City of Toronto, they are key stakeholders that have an interest in the review of the City of Toronto Official Plan. As per recommendation 2 of the May 15, 2018 Staff Report, Staff were directed to “meet with key stakeholders...to obtain comments and feedback regarding the draft revisions...” At this time, neither Loblaw nor CP REIT have been contacted to review the May 15, 2018 draft policies and the impact to landholdings and/or lessee operations.

We trust that the enclosed information is satisfactory. Should you have any questions, or require further information, please do not hesitate to call.

Yours very truly,

ZELINKA PRIAMO LTD.



Jonathan Rodger, MScPI, MCIP, RPP
Senior Associate

- cc. Loblaw Properties Limited (via email)
Choice Properties Ontario Properties Limited (via email)
Eileen Costello, Aird & Berlis LLP (via email)