

**ZELINKA PRIAMO LTD***A Professional Planning Practice*

PH11.4 Attachment 9

VIA EMAIL AND COURIER

October 1, 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

Dear Mr. Dixon:

**Re: City of Toronto Official Plan Review
June 11, 2019 Draft Built Form and Public Realm Policies
Preliminary Comments on Behalf of Loblaw Companies Limited and
Choice Properties Ontario Properties Limited
Toronto, ON**

Our File: LPL/TOR/11-03

On behalf of Loblaw Companies Limited (Loblaw) and Choice Properties Ontario Properties Limited (CP REIT), we have undertaken a review of the Draft Built Form and Draft Public Realm policies issued with a June 11, 2019 Staff Report as part of the ongoing Official Plan Review. We provided preliminary comments on behalf of Loblaw and CP REIT in a letter dated April 16, 2019 based on the May 15, 2018 Draft Built Form policies.

As you may be aware, Loblaw is the owner or lease holder of a considerable number of properties within the City of Toronto. Additionally, CP REIT is the owner of a considerable number of properties in the City of Toronto.

It is our understanding from the June 11, 2019 Staff Report that the draft policies are intended for public consultation, which is ongoing.

In general, while many of the comments of our April 16, 2019 letter have been incorporated into the latest Draft Built Form policies, we continue to have a number of concerns on behalf of our clients. Our clients' experience is that site context must be considered in applying any urban design policies; accordingly as an overall comment it is our opinion that greater flexibility should be maintained or, where necessary, introduced into the draft policies to ensure such flexibility exists.

At this time, our preliminary comments on behalf of Loblaw and CP REIT in respect of the June 11, 2019 Draft Built Form policies are as follows:

- Policy 3.1.2.1: the word "New" has been removed from the existing policy, which is further revised. We remain concerned that with the removal of "New", as part of *Planning Act* applications, existing development will be required to conform to the policies in the event of applications such as site plan approval or minor variance for example. 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;

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- Policy 3.1.2.1d): the addition of the wording “clear windows and entrances” would require all windows and entrances to allow views. In our submission, not all entrances and windows for buildings are appropriate for transparency and the policy does not sufficiently allow for consideration of site specific context. In our clients’ experience these policies can have significant implications for store operations in certain contexts. We respectfully suggest that the wording “clear windows and entrances” be removed;
 - Policy 3.1.2.4: the word “New” has been removed from the existing policy, which is further revised. We remain concerned that with the removal of “New”, as part of *Planning Act* applications, existing development will be required to conform to the policies in the event of applications such as site plan approval or minor variance for example. 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 3.1.2.4e) requires the removal of existing surface parking and existing vehicular driveways. This policy is overly prescriptive for existing development and does not allow for consideration of site specific context. In our submission we respectfully suggest that “where appropriate” be added to ensure site specific flexibility is maintained;
 - Policy 3.1.2.7 requires transition be provided on sites adjacent to “low scaled areas”, requiring that the transition be provided on the larger-scaled development. The term “low scaled areas” lacks clarity and is inappropriately vague. Further, Policy 3.1.2.7 appears redundant as Policy 3.1.2.6 requires development to “provide good transition in scale between areas of different building heights and/or intensity of use...” In our submission, we respectfully suggest Policy 3.1.2.7 should be removed;
 - Policy 3.1.2.10: the word “New” has been removed from the existing policy, which is further revised. We remain concerned that with the removal of “New”, as part of *Planning Act* applications, existing development will be required to conform to the policies in the event of applications such as site plan approval or minor variance for example. 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 3.1.3 states that “Other building types including institutional buildings, shopping centres and some employment buildings, as well as public infrastructure, *may be informed by some of the Building Type policies* [emphasis added], but generally have unique built form relationships...” It remains unclear what policies would be applicable to the other building typologies noted, and as to what is intended by “some employment buildings.” We respectfully suggest that the policies applicable to other building typologies be more clearly identified or this reference removed entirely; and
 - Policy 3.1.3.5 requires that building heights for mid-rise buildings on corner sites have heights along the street edge that correspond to the right-of-way width. It is unclear how this is to be implemented on corner sites where the right-of-way width differs, and as such clarification with respect to implementation is requested.

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At this time, our preliminary comments on behalf of Loblaw and CP REIT in respect of the June 11, 2019 draft Public Realm policies are as follows:

- Policy 3.1.1.11 requires that private lands be publically accessible. The policy is unclear as to what instances it is appropriate for private lands to be required to be publically accessible, and if access points will be required to be designed to municipal road standards. In our submission, we respectfully suggest that Policy 3.1.1.11 be removed;
- Policy 3.1.1.15: The words "and existing" has been added so that the draft policy now reads, "New and existing city blocks and development lots within them be designed to..." In our submission it is not appropriate to apply this policy to existing blocks as these matters would already be established. For instance, Policy 3.1.1.15 directs that existing blocks minimize block lengths and to have an appropriate size. In our submission, we respectfully suggest that the wording "and existing" be removed; and
- Policy 3.1.1.16 requires the demonstration of the protection, provision, and maintenance of trees. The interpretation of this policy lacks clarity, as it may be interpreted that existing trees must be protected and preserved, whereas site specific context may require replacement of existing trees. Further, Policy 3.1.1.16 is redundant, considering the wording of Policy 3.1.2.1e), which requires the preservation of existing mature trees wherever possible. In our submission, we suggest that Policy 3.1.1.16 be removed.

As we have previously requested, we would welcome the opportunity to meet with Staff to discuss our preliminary comments. In particular, we believe that an opportunity to discuss the implications of the proposed draft policies on existing holdings would be beneficial and would inform our comments contained herein. 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..." As noted above, Loblaw and CP REIT have considerable interests in the City of Toronto, whereby they are key stakeholders that have an interest in the review of the City of Toronto Official Plan.

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 Companies Limited (via email)
Choice Properties Ontario Properties Limited (via email)
Eileen Costello, Aird & Berlis LLP (via email)