



ZELINKA PRIAMO LTD
A Professional Planning Practice

VIA EMAIL AND REGULAR MAIL

November 20, 2013

Planning and Growth Management Committee
City of Toronto
100 Queen Street West, 10th Floor, West Tower
Toronto, ON M5H 2N2

Attention: Ms. Merle McDonald, Administrator

Dear Ms. McDonald:

**Re: Proposed Official Plan Amendment No. 231
City of Toronto Official Plan/Municipal Comprehensive Reviews
November 5, 2013 Draft Policies and Designations for Employment
Preliminary Comments on Behalf of Loblaw Properties Limited
Toronto, ON**

Our File: LPL/TOR/11-03

We are the planning consultants for Loblaw Properties Limited (Loblaw) for the City of Toronto Official Plan/Municipal Comprehensive Reviews. Loblaw is the owner or lease holder of lands within the City of Toronto including:

- 825 Don Mills Road;
- 650 Dupont Street;
- 11 Redway Road;
- 330 Queens Plate Drive;
- 2549 Weston Road;
- 51 Gerry Fitzgerald Drive;
- 681 Silver Star Boulevard;
- 17 Leslie Street;
- 1455 McCowan Road;
- 3685 Keele Street;
- 1020 Islington Avenue; and
- 5661 Steeles Avenue.

In our letters dated February 13, 2013 and October 31, 2013, we provided preliminary comments on behalf of Loblaw for the Draft Policies and Designations for Employment related to the City of Toronto Official Plan/Municipal Comprehensive Reviews as they

pertain to the above-noted lands. We note that coincidentally on October 31, 2013, the City released a revised version of OPA No. 231 for public review.

On November 13, 2013, Loblaw was made aware of the November 5, 2013 Staff Report for the Official Plan/Municipal Comprehensive Reviews related to Employment Lands and the associated Draft OPA No. 231. It is our understanding that the November 5, 2013 Staff Report will go to a statutory Special Public Meeting of the Planning and Growth Management Committee on November 21, 2013.

According to our review of the proposed designations under OPA No. 231, with the exception of 650 Dupont Street and 1020 Islington Avenue, the Loblaw lands referenced above are proposed to be designated General Employment. Additional comments specific to 650 Dupont Street and 1020 Islington Avenue have been provided under accompanying letters.

At this time, our preliminary comments for the November 5, 2013 OPA no. 231 Draft Official Plan policies are as follow:

- Section 3.5.1.6: We reiterate our request for clarification as to the “promoted” terminology and whether “encouraged” is intended, how the City intends to promote new office development and what kind of minimum standards are proposed. Lastly, we reiterate that the “commercial” terminology should be clarified as “office commercial” in the context of the policy;
- Section 3.5.1.9: We reiterate our request for clarification as to what the amount of the increase in non-residential gross floor area used for office purposes is to entail. In addition, we request clarification as to how the policy will be implemented in situations where a land owner doesn’t have a second site and whether office development will be required on a second site owned by a different land owner, if the non-residential gross floor area used for office purposes cannot be accommodated elsewhere due to site conditions and context;
- Section 3.5.3.1.e): We reiterate our request for clarification as to how the policy to encourage stores selling fresh food will be implemented, what ratio of “fresh” to “non-fresh” will be encouraged and how the provision of fresh food stores will be regulated. Lastly, the terminology “pedestrian access” is undefined and entirely subjective;
- Section 3.5.3.2.d): We reiterate our request for clarification as to what is intended by “more intensive formats”. It is unclear what “more intensive” is meant to achieve and whether the policy is related to the requirement for two storey buildings under Section 4.6.4.g. We respectfully suggest that the policy also include language that recognizes “the operational needs and constraints of retail operators”;
- Section 3.5.3.3: We reiterate our request for clarification as to what the intention is for “Street related retail at the base of larger development with a fine grain of entrances...” and whether this includes large-scale stand-alone retail stores or power centres. In our submission, the wording should reflect encouragement. The policy as written is an urban design guideline and does not recognize the operational needs and constraints of retail. Will the City permit a reduction in

parking requirements in order to facilitate new infill street-related retail development?

- Section 3.5.3.4: We reiterate our request for clarification as to what constitutes a “large site” as the terminology is contextual and will depend on the location. In our submission, a larger retail building can “promote” street related retail, pedestrian and transit use as they provide a retail anchor. In terms of traffic impacts, in our submission the language should be changed to “Limit or mitigate”. Finally, we note that retail commercial is an employment use;
- Section 3.5.3.4.a): The policy does not contemplate nor make provision for large-scale stand alone retail stores, which are auto reliant and should not be divided up into smaller development blocks. The policy appears to seek the division of sites in anticipation of future development, which is neither realistic nor reasonable. We reiterate our request for clarification as to how the division of large sites is to occur. Is the expectation that public streets will be dedicated to the City? Will the City compensate owners? Will the City be pursuing expropriation for public streets through large sites? We reiterate our request for clarification as to what is meant by “appropriate scaled”, as the terminology is contextual and will depend on the location;
- Section 3.5.3.4.c): We reiterate that the terminology “safe and comfortable” is entirely subjective and cannot be properly operationalized as Official Plan policy;
- Section 3.5.3.4.d): While in our submission large buildings can define and support public streets and provide the retail anchor for large sites, we reiterate our request for clarification as to whether the intention is that larger buildings in power centres cannot be built in advance of smaller retail;
- Section 4.6.2: In our submission, the policy “... of a maximum size set out in the applicable Zoning By-law(s)...” provides inappropriate guidance. We reiterate our request for clarification as to what maximum size is contemplated;
- Section 4.6.4: We note that “Major retail developments with 6,000 square meters or more of retail gross floor area” has replaced the October 23, 2012 Draft Policy Section 4.6.8 reference to “Large-Scale Stand Alone Retail Stores and Power Centres”. Consequently, we reiterate our request for clarification as to whether the terminology and associated definitions for Large-Scale Stand Alone Retail Stores and Power Centres from the October 23, 2012 Draft Policies are no longer proposed and whether such terminology is being considered for removal elsewhere in the Official Plan (e.g., Sections 4.5 and 4.7). In addition, we request clarification as to existing permissions and retail uses within General Employment Areas. Policy 4.6.5 from the existing City of Toronto Official Plan (related to permitting Large-scale stand-alone retail stores and power centres legally established prior to the approval date of the Official Plan) is not found in the new policies. In our submission, Policy 4.6.5 should be carried forward into the new policies. Lastly, we reiterate our request for clarification that large-scale stand-alone retail stores and power centres will continue to be permitted in Mixed Use Areas. We note that the test for locations within a Mixed Use Area is different than the more rigorous tests under Section 4.6.4;

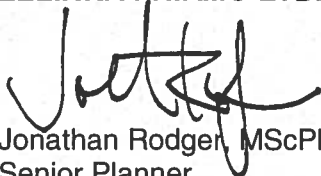
- Section 4.6.4.d): We reiterate that we have the same comments as for Section 3.5.3.4, including requesting clarification as to whether the City will acquire the new public streets and will pay for them. We note that there is no provision for when the division of a site for a new public street is premature or not appropriate;
- Sections 4.6.4.e), 4.6.4.f) and 4.6.4.g): We reiterate our suggestion for flexibility whereby site context and operational aspects should be incorporated into the “matters” or requirements related to retail buildings being located with street frontage and direct entrances from the sidewalks and public streets, the location of parking and minimum building heights. We suggest that the City consider the use of “encourage” instead. Lastly, we request clarification as to whether the minimum height is for built form or uses and whether a mezzanine would be interpreted as a second storey;
- Section 4.6.4.h): With regard to the requirement for below grade and/or structured parking, we reiterate our suggestion that the policy reflect encouragement, since land economics and site context may not justify the additional expense. We request clarification as to whether the City will provide financial incentives to help pay for underground or structured parking; and
- Section 4.6.5.h): Similar to our comments for Sections 4.6.4.e), 4.6.4.f) and 4.6.4.g), we respectfully suggest flexibility for site context and operational aspects should be incorporated.

We would welcome the opportunity to meet with Staff to discuss our preliminary comments.

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 Planner

- cc. Paul Bain, City of Toronto (via email)
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