

**VIA EMAIL**

April 16, 2019

City of Toronto  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Mayor John Tory and Members of Council:

**Re: April 16, 2019 Council Meeting – Item PH4.1  
Don Mills Crossing Secondary Plan  
Preliminary Comments of Behalf of Loblaw Companies Limited  
825 Don Mills Road  
Toronto, ON**

**Our File: CHO/GEN/14-01**

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We are the planning consultants for Loblaw Companies Limited (Loblaw), the owners of the approximately 3.12 ha (7.71 ac) lands known municipally as 825 Don Mills Road in the City of Toronto (the subject lands). The subject lands are currently developed as a Real Canadian Superstore supermarket with other retail and service uses, as well as associated parking. A seasonal garden centre operates on the subject lands from approximately April 15 to August 15 of each year.

CP REIT and Loblaw have been participating in the ongoing Don Mills Crossing Study and provided preliminary feedback during meetings with Staff on November 24, 2017 and November 16, 2018. On behalf of Loblaw, we provided preliminary comments dated April 3, 2019 regarding our concerns with the March 15, 2019 Draft Don Mills Crossing Secondary Plan with regard to the above-noted property (see attached). On April 11, 2019, Staff provided a response dated April 9, 2019 to our April 3, 2019 letter (see attached). Based upon a review of the April 9, 2019 letter from Staff, at this time, our preliminary comments on behalf of Loblaw for the Draft Secondary Plan designations and policies are as follows:

- For Map 40-6, Development Density, in our April 3, 2019 letter, we submitted that opportunities should be introduced to the density framework in the form an increase if, to the satisfaction of the City, TDM measures are implemented or priority community services/facilities are provided. In their April 9, 2019 response letter, Staff indicated that no increase in maximum permitted FSI (outright or conditional) is being considered. We reiterate our concern with any policy that establishes a maximum permitted FSI for the subject lands that is lower than the permissions for other quadrants of the core area of the Secondary Plan. Additionally, we note that the maximum permitted FSI of 3.0 is not appropriate for the subject lands within the context of the adjacent proposed rapid transit interchange that could support a significant employment use in the future;
- For Section 3.6.1, Land Use, in our April 3, 2019 letter, we submitted that the policy be revised to permit new major retail development with 6,000 sq. m or more of retail gross floor area for the subject lands to ensure consistency with the policies of OPA 231. Staff did not provide a response to our submission in their April 9,

2019 letter. We continue to request that Section 3.6.1 be revised to permit new major retail development with 6,000 sq. m or more of retail gross floor area for the subject lands to ensure that, at a minimum, the existing retail gross floor area of 10,792 sq. m is carried-over as part of any comprehensive redevelopment plan. We note that Site and Area Specific Policy 394 of OPA 231 that prohibits new developments with 6,000 sq. m or more of retail floor area does not apply to the subject lands;

- For Section 3.6.3, Land Use, in our April 3, 2019 letter, we submitted that in addition to “infill retail development”, restaurant and service uses of less than 1,000 sq. m of gross floor area should be permitted in addition to retail uses of the same gross floor area. In their April 9, 2019 letter, Staff addressed only the first part of our comment on Section 3.6.3 and did not provide a response to our request that restaurant and service uses also be included. We continue to request that small-scale, stand-alone restaurant and service uses of less than 1,000 sq. m also be permitted;
- For Section 5.9.1 and Section 5.9.3, Built Form, in our April 3, 2019 letter, we submitted that the word “required” should be replaced with “encourage” to reflect the language of the parent policy (Section 5.9). Staff provided no response to our submission in their April 9, 2019 letter. We reiterate our concern that Section 5.9.1 and Section 5.9.3 do not reflect the language of Section 5.9;
- For Section 5.25.1, Built Form, in our April 3, 2019 letter, we submitted that the policy be rephrased to state “New development along the Don Mills Crossing and Eglinton Crossing will be...” to differentiate small-scale, low impact interim development from comprehensive redevelopment. Staff did not respond to this comment in their April 9, 2019 letter and we again express our concern regarding the potential lack of flexibility in Section 5.25.1;
- For Section 5.25.1.b, Built Form, in our April 3, 2019 letter, we submitted that a maximum width of 12 m for individual retail units may not be appropriate. In their April 9, 2019 letter, Staff did not provide a response. We reiterate our concern regarding the maximum width for individual retail units and submit that the desired rhythm of store fronts can be maintained through building design and note that establishing a maximum retail unit width of 12 m may be prohibitive for new development;
- For Section 5.25.1.c, Built Form, in our April 3, 2019 letter, we requested clarification as to how employment uses fronting Gervais Drive and Wynford Drive are expected to “respect and enforce the designed landscapes of the broader employment area”. In their April 9, 2019 letter, Staff suggested that views will generally be preserved through “appropriate massing and building setbacks and stepbacks”. We seek clarification and detail as to the meaning of “appropriate massing” and the expectation for setback and step-back depths;
- For Section 8.2 and Section 8.3, Mobility, in our April 3, 2019 letter, we submitted that the word “will” should be replaced with “may” to allow for flexibility and to reflect the potential for small scale infill stand alone retail development. In their April 9, 2019 response letter, Staff noted that Sections 8.2 and 8.3 provide sufficient flexibility and that the size and scale of an application and conformity with the existing Zoning By-law will be considered in the determination of any requirements related to Transportation Demand Management. We reiterate our concern with the lack of flexibility in these Sections and submit that if the intent off Section 8.2 and

Section 8.3 is to provide sufficient flexibility, then “will” and other language often associated with rigid, inflexible requirements should not be used;


- For Section 8.27, Mobility, in our April 3, 2019 letter, we submitted that the word “will” should be replaced with “may” to allow for flexibility and to reflect the potential for small scale infill stand alone retail development. In their April 9, 2019 letter, Staff did not provide a response. We reiterate our concern in the lack of flexibility and the possibility that Section 8.27 may be interpreted as a requirement for all types of development (including small-scale additions or infill);
- For Section 10.12, Implementation, in our April 3, 2019 letter, we submitted that the word “will” should be replaced with “may” to allow for flexibility and to reflect the potential for small scale infill stand alone retail development and small additions to existing buildings. Additionally, we requested clarification as to the scope of any context plan and whether the parcel to the south of the subject lands would need to be included. Staff did not address this comment in their April 9, 2019 response letter. We reiterate that Section 10.12 should be rephrased to allow for flexibility and again request clarification as to the scope of any context plan;
- For Section 10.15, Implementation, in our April 3, 2019 letter, we requested clarification as to whether a Context Plan would be required for a development application that does not require a Zoning By-law Amendment and as to whether the Context Plan for a development application that does not require a Zoning By-law Amendment would need to be endorsed by City Council. Staff provided no response in their April 9, 2019 letter. We again seek clarification as to the requirement for context plans; and
- For Section 10.19, Implementation, in our April 3, 2019 letter, we submitted that the word “will” should be replaced with “may” to allow for flexibility and to reflect the potential for small scale stand alone retail development and small additions to existing buildings. Staff provided no response in their April 9, 2019 letter. We again request that the language of Section 10.19 be reviewed to ensure that small scale infill stand alone commercial development and small additional are permitted without the requirement that Section 37 of the *Planning Act* be used to secure community benefits.

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

Please accept this correspondence as our request for notification of any decision(s) by City Council regarding this matter. 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, MScPl, MCIP, RPP  
Senior Associate

c. Loblaw Companies Limited (via email)

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April 9, 2019

Jonathan Rodger MScPI, MCIP RPP  
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VIA EMAIL

**Re:** Don Mills Crossing Secondary Plan, Item PH 4.1

City Planning is in receipt of your letter dated April 3, 2019 on Planning and Housing Committee item 4.1, Don Mills Crossing Recommended Secondary Plan and Final Report. This letter is in response to the comments provided as it relates to 825 Don Mills Road (the Loblaw site).

The Secondary Plan sets out land use designations in Chapter 3. The Loblaw site is designated *General Employment Areas 'A'*. The Secondary Plan directs that development on these lands shall support the economic function of lands designated *Employment Areas* to the northeast of the Secondary Plan Area and strengthen this key cluster of economic activity. The maximum density provided for on this site (as shown in Map 40-6) is therefore more typical for employment areas and is an increase over current permissions reflected in the Zoning By-law. To ensure appropriate flexibility in deploying the density provided for, no height limit is prescribed in the Secondary Plan for sites designated *General Employment Areas*, subject to meeting built form requirements necessary to animate the public realm and ensure appropriate sunlight conditions. Following our meeting on November 16, 2018, Map 40-7, was renamed to 'Potential Tall Building Locations and Heights Map in *Mixed Use Areas* and *Apartment Neighbourhoods*' to clarify that the locations identified are areas where the City expects tall and mid-rise buildings with a residential component.

With regard to Loblaw's potential interest to modify its existing building to construct small additions, or enclose the parking below the second floor of the SuperCentre store, this letter confirms that any modifications to the current structure, as permitted under the existing zoning, will not require an Official Plan Amendment or a Context Plan. Further, the existing zoning permits development up to 2.0 FSI, of which less than a quarter is currently constructed. The recommended Secondary Plan provides the opportunity to construct small-scale, stand-alone retail infill of less than 1,000 square metres of gross floor area. Policy 9.6 of the recommended Secondary Plan will not require small-scale, stand-alone retail infill to contribute towards community services and facilities.



Transportation Demand Management (TDM) is a key component of the recommended Secondary Plan policies and along with transit and active transportation infrastructure is an important support for the intensification goals provided for in the policy framework. The City will be reviewing all development against these policies in the plan. We note, however, that policy 8.2 and 8.3 provide sufficient flexibility for Loblaw related to infill development of small-scale retail uses. In particular, 8.3 directs that applications will be reviewed for an "acceptable strategy" to implement TDM requirements. As such the size and scale of the proposed development and conformity with existing zoning by-law requirements will be considered by staff during the development review process as to whether to require TDM measures to be secured. Policy 8.31, which addresses to below-grade parking for new development, relates to the TDM measures that are expected when parking is provided below grade, and does not state that all parking is to be provided below grade.

Under the recommended Secondary Plan, 825 Don Mills Road is not a property identified on Map 40-9 Views and Vistas and is therefore not required to provide a Heritage Impact Assessment as part of a development application. Map 40-9 does set out views and vistas that connect the public realm to significant natural and cultural heritage resources. The view cone located on Wynford Drive, in the right-of-way to the north of 825 Don Mills Road looking east will generally preserve the view of designed landscapes in the front yards of potential heritage properties east of the Loblaw site. This can be achieved through appropriate massing and building setbacks and stepbacks which would be reviewed if Loblaw were to submit a development application to comprehensively redevelop the site.

I trust this provides Zelinka Priamo Ltd. and your client with some clarity with regard to the policies in the recommended Secondary Plan. Please do not hesitate to contact us if you have any further questions.

Regards,

A handwritten signature in blue ink, appearing to read "Christian Ventresca".

Christian Ventresca MCIP RPP  
Manager, Community Planning

Cc:

Corwin Cambray, Manager Strategic Initiatives, City Planning  
John Andreevksi, Manager, Community Planning North York District  
Annely Zonena, Senior Planner, Strategic Initiatives