

VIA EMAIL

July 15, 2019

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

Dear Mayor John Tory and Members of Council:

**Re: July 16, 2019 Council Meeting – Item TE7.60
St. Clair Avenue West and Bathurst Street Area Planning Framework
Planning File Number 15 125200 STE 21 OZ
Preliminary Comments of Behalf of Loblaw Companies Limited
370 to 480 St. Clair Avenue West
Toronto, ON
Our File: LPL/TOR/18-02**

We are the planning consultants for Loblaw Companies Limited (“Loblaw”), the owners of the approximately 1.24 ha (3.06 ac) lands known municipally as 370 to 480 St. Clair Avenue West in the City of Toronto (the subject lands). The subject lands are currently developed with a Loblaws supermarket and a Joe Fresh retail store along with associated parking. A seasonal garden centre operates on the subject lands from approximately April 15 to August 15 of each year.

On July 5, 2019, Loblaw were made aware of the Staff Report dated June 18, 2019 for the proposed St. Clair Avenue West and Bathurst Street Area Planning Framework (“Planning Framework”), dated June 2019, prepared for consideration at the June 25, 2019 Toronto and East York Community Council.

Based upon a review of the Staff Report and Planning Framework, at this time, our preliminary comments on behalf of Loblaw are as follows:

- It is our understanding that Staff recommend that “City Council adopt the St. Clair Avenue West and Bathurst Street area Planning Framework and direct City staff to apply the Planning Framework during the review of current and future development applications” and that according to the Planning Framework Implementation Section 8.0 “A. The Planning Framework is to be used as a guideline in the review of all current and future planning applications in the St. Clair Avenue West and Bathurst Street area; B. The Planning Framework is to be read as a holistic document and considered comprehensively; C. The Planning Framework will be used as a basis for future policy development and/ or urban design guidelines within the Planning Framework Area; and D. Review and updates to this Planning Framework will be conducted in close consultation with the public and key stakeholders including ratepayer and tenant associations, *landowners* [emphasis added], BIAs and other interest Groups.” **We request confirmation that no city-initiated Official Plan Amendment, Site and Area**

Specific Policy or Zoning By-law Amendments are proposed at this time to implement the Planning Framework as there has been no Public Meeting and no draft instruments have been prepared;

- While the Staff Report and Planning Framework reference consultation with local and key stakeholders, we note that **Loblaw, a major landowner affected by the Planning Framework was not notified or consulted;**
- On Map 1: Public Realm Network Plan Map – General Features, the subject lands are shown with multiple “Mid-block connections”, an “Opportunity for New Parks and POPS”, “Opportunities for underground pedestrian connections” and “Main Street sidewalks”;
- On Map 2: Public Realm Network Plan Map – Special Features, the subject lands are shown with “Station District Connectors A & B”, a “Station District Green Line”, “Station District Sidewalks (9 m)”, “Station District Parks and POPS” and “Station District Underground Pedestrian Concourse”;
- On Map 3: Character Area Map, the subject lands are shown as within “Character Area D Station District”;
- In our submission, it is not clear as to whether the Planning Framework will be utilized in the review of *Planning Act* applications for minor expansions or additions to existing buildings where full redevelopment is not proposed;
- As there was no consultation with Loblaw and their consultants, we are concerned with the prescriptive nature of the use of the “will” as opposed to “encouragement” language in portions of the Planning Framework in the context of the subject lands including:
 - Section 5 states “The Public Realm Network Plan has been developed to support the review of development applications in the area and the future policy implementation of the Planning Framework”, with Area-Wide Public Realm Objectives including “F. Improving and formalizing existing mid-block connections and laneways with better illumination, widening, landscaping and animation; G. Adding new mid-block connections which shorten walking distances to key destinations such as the subway station entrances; ... I. Securing new POPS through redevelopment to expand the public realm”. In addition, relevant to the subject lands are the Special Features, which “*will* [emphasis added] be realized gradually in partnership with private land owners and developers”;
 - Section 5.1, Mid-Block Connections states “Mid-block connections found within the Planning Framework Area *will* [emphasis added]: A. Be provided as identified in the Public Realm Network Maps 1 and 2”;
 - Section 5.1, Special Feature No. 1: Station District Connector A and B states “All developments *will* [emphasis added] be required to provide their portion of Station District Connectors A and B so that the entire connection can be fully achieved in the future”;
 - Section 5.1, Special Feature No. 3: Station District Green Line states “A north-south, green, linear connection through the Station District *will* [emphasis added] be provided... The Green Line *will* [emphasis added] connect other special features on the block such as the parks and POPS and Station District path”;

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- Section 5.2, Main Street Sidewalks states “The Main Street sidewalks found within the Planning Framework Area *will* [emphasis added]: A. Be provided as identified in the Public Realm Network Map 1”;
 - Section 5.6, Parks, POPS and Other Open Spaces states “The Public Realm Network Map 1 identifies a number of specific open spaces that *should* [emphasis added] be considered for park land or POPS when redeveloped” and “The Parks, POPS and other Open Spaces within the Planning Framework Area *will* [emphasis added]: A. Be provided as identified in the Public Realm Network Maps 1 and 2; B. Not be limited by the number and location identified on the Public Realm Network Maps 1 and 2”;
 - Section 5.6, Special Feature No. 5: Station District Parks and POPS states “The Station District consists of very large development blocks where there is significant opportunity to provide both park land and POPS on each site”;
 - Section 5.7, Underground Connections / Interior Concourses states “The Underground Connections / Interior Concourses within the Planning Framework Area *will* [emphasis added]: A. Be located in close proximity to and connect to the St. Clair West subway station as identified in the Public Realm Network Map 1”;
 - Section 5.7, Special Feature No. 7: Station District Underground Pedestrian Concourse states “New development *will* [emphasis added] provide or secure these future connections and integrate them into their interior design of entrance and lobby areas”;
 - Section 6, Character Areas and Built Form Objectives and the Area-wide Built Form Objectives state “New Development in the Planning Framework Area *will* [emphasis added] ...”;
 - Section 6.4, Character Area D: Station District states “The Station District *will* [emphasis added] contain a number of pedestrian and public realm improvements ... The Station District *will* [emphasis added] also have a number of Special Features that are essential to defining this Character Area. A new Green Line *will* [emphasis added] bisect the entire block with a publicly-accessible multipurpose promenade that is landscaped and tree-lined and acts as a green connection between the Nordheimer and Cedarvale Ravines. New internal connections to the subway station or platform *will* [emphasis added] eventually be built from the St. Clair Avenue West and Bathurst Street intersection by way of interior above and underground paths within new development”; and
 - Section 6.4, Character Area D: Station District Built Form Objectives states “In the Station District character area, new development, *including infill development* [emphasis added], *will* [emphasis added]: ... D. Be strategically placed to allow for the implementation of the Public Realm Network Plan which contains numerous Special Features which will define the Station District”;
- In our submission, given the prescriptive nature of the “guideline” language, but the lack of process rights enjoyed by landowners where policy is adopted as guidelines, the City should either properly incorporate the prescriptive terms in instruments capable of amendment and appeal, or clarify that the provisions are not mandatory in the review of applications, but rather a statement of preference;
- **As we have a number of questions of clarification and concerns with the Planning Framework, we respectfully request that the consideration of the**

Planning Framework by Council be deferred to allow for discussions with Staff.

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. Should you have any questions, or require further information, please do not hesitate to call.

Yours very truly,

ZELINKA PRIAMO LTD.

A handwritten signature in blue ink, consisting of the letters 'JR' in a stylized, cursive font.

Jonathan Rodger, MScPI, MCIP, RPP
Senior Associate

c. Loblaw Companies Limited (via email)