

VIA EMAIL

April 3, 2019

City Clerk's Office
Planning and Housing Committee
West Tower, 10th Floor
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ms. Nancy Martins, Administrator

Dear Ms. Martins:

**Re: Draft 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

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 our meetings with Staff on November 24, 2017 and November 16, 2018. On March 15, 2019 we were made aware of the Staff Report dated March 14, 2019, including the most recent draft of the Don Mills Crossing Secondary Plan. At this time, our preliminary comments on behalf of CP REIT and Loblaw for the Draft Secondary Plan designations and policies are as follows:

- For Map 40-6, Development Density, the subject lands are shown with a lower maximum FSI than the other quadrants of the Study Area. We submit that opportunities 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;
- For Map 40-7, Potential Tall Building Locations and Height Map, we submit that the subject lands be clearly designated as a Potential Tall Building Location to reflect the intent of a number of policies in the Draft Secondary Plan, including Section 3.3 that states "non-residential development will be concentrated within the Core Area...", Section 5.21 that states "tall buildings are provided for in parts of the Core Area...with the greatest height in the Core Area" and Map 40-6 that shows a maximum permitted FSI of 3.0 for the subject lands;
- For Section 3.6.1, Land Use, we note that Section 4.6.4 of OPA 231 (under LPAT appeal) states that major retail developments with 6,000 sq. m or more of retail gross floor area may be considered in General Employment Areas on lots that front onto and have access to major streets. Additionally, 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. We submit that the policy should be revised to reflect the policies of OPA 231 and permit new major retail development with 6,000 sq. m or more of retail gross floor area for the subject lands or the carry-over of the gross floor area of the existing supermarket (10,792 sq. m);

- For Section 3.6.3, Land Use, we submit that the requirement for “City Council approval of an appropriate Context Plan” should be triggered only by a minimum gross floor area. We express concern that a loading dock enclosure or small bump out representing a small increase in gross floor area should not require approval from Council. In addition to “infill retail development”, we submit that restaurant and service uses of less than 1,000 sq. m of gross floor area should also be permitted;
- For Section 5.9.1 and Section 5.9.3, Built Form, we submit that the word “required” should be replaced with “encourage” to reflect the language of the parent policy (Section 5.9);
- For Sections 5.21 and 5.22, Built Form, where the policy states “Tall buildings are provided for... on lands within the shaded areas on Map 40-7...” it is unclear if tall buildings are permitted for the subject lands whereas, as confirmed with Staff, tall buildings are permitted on the subject lands. As noted in our comments above for Map 40-7, we submit that the subject lands be clearly designated as a Potential Tall Building Location to ensure clarity;
- For Section 5.25.1, Built Form, we submit that the policy should be rephrased to state “New development along the Don Mills Crossing and Eglinton Crossing will be...”;
- For Section 5.25.1.b, Built Form, we submit that a maximum width of 12 m for individual retail units may not be appropriate for every site in the Study Area and the desired rhythm of store fronts can be maintained through building design. We 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, we seek 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”;
- For Sections 6.2, 6.5 and 6.5.5, Cultural Heritage, we seek confirmation as to whether these policies apply to the subject lands;
- For Section 8.2 and Section 8.3, Mobility, in our submission, 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 that may have a negligible impact on transportation capacity;
- For Section 8.27, Mobility, in our submission, 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 that may have a negligible impact on transportation capacity;
- For Section 8.31, Mobility, in our submission, the Policy should be rephrased to clearly state that below-grade parking is not required in all circumstances (reflective of the language of Section 5.12);
- For Section 9.6, Housing & Community Services and Facilities, we submit that the policy should be revised to differentiate new small-scale development (such as a

minor expansions or stand-alone infill building) from large-scale development. Community services and facilities should not be required for minor expansions or stand-alone infill buildings;

- For Section 10.12, Implementation, in our submission, 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, and to maintain consistency with Section 10.14, which states that “sites subject to an application for redevelopment are required to deliver street network improvements, non-residential gross floor area, community services and facilities or public parks as required...” Additionally, we seek 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;
- For Section 10.15, Implementation, we seek clarification as to whether a Context Plan would be required for a development application that does not require a Zoning By-law Amendment. If so, we seek clarification 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; and
- For Section 10.19, Implementation, in our submission, 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.

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 the Committee and/or 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, MScPI, MCIP, RPP
Senior Associate