



ZELINKA PRIAMO LTD
A Professional Planning Practice

PH11.4.6

VIA EMAIL

December 9, 2019

Mayor and Members of City Council
City of Toronto
100 Queen Street West, 10th Floor, West Tower
Toronto, ON M5H 2N2

Dear Sirs and Mesdames:

**Re: December 10, 2019 Planning and Housing Committee Meeting
Item PH11.4, Official Plan Review: Final Recommendation Report -
Amendments to the Built Form and Public Realm Policies of the
Official Plan
Preliminary Comments on Behalf of Loblaw Companies Limited and
Choice Properties Ontario Properties Limited
Toronto, ON**

Our File: LPL/TOR/11-03

We are the planning consultants for Loblaw's Companies Limited (Loblaw) and Choice Properties Ontario Properties Limited (CP REIT) for the City of Toronto Official Plan Review. 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.

Loblaw and CP REIT have been participating in the ongoing Official Plan Review process and provided preliminary comments to the City April 16, 2019 and October 1, 2019 related to the Draft Built Form policies and October 1, 2019 related to the Draft Public Realm policies. We met with City Staff November 4, 2019 for further discussion regarding our concerns and comments.

In general, while many of the comments of our April 16, 2019 and October 1, 2019 letters have been incorporated into the draft 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 Draft Built Form policies attached to the November 7, 2019 Staff Report 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;

- 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 access. 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; and
- 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.

At this time, our preliminary comments on behalf of Loblaw and CP REIT in respect of the Draft Public Realm policies attached to the November 7, 2019 Staff Report 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; and
- 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.

At this time, our preliminary comments on behalf of Loblaw and CP REIT in respect of the Draft Block Context Plan Terms of Reference attached to the November 7, 2019 Staff Report are as follows:

- It is our understanding that the Block Context Plan is to be context sensitive and appropriately scoped: "During pre-application consultation, City Planning staff will work with the applicant's consultant team to determine if a Block Context Plan is required and the specific requirements of the Plan, based on the nature of the proposed application and the context of the application." Flexibility in the required context should be introduced to reflect the intent. We propose the following modifications to reflect the intent that the Block Context Plan be scoped:
 - The required contents notes that "The plan will include an inventory, assessment..." and we suggest the word "will" be revised to "may";
 - The required contents notes that "The study will include an inventory of planned context..." and we suggest the word "will" be revised to "may";
 - The required contents notes that "The plan will demonstrate how..." and we suggest the word "will" be revised to "may"; and
 - The required contents notes that "Items to be addressed in the Block Context Plan include but are not limited to:" and we suggest flexibility be introduced as follows: "Items to be addressed in the Block Context Plan may include..."; and;
- The description of the Block Context Plan notes that the "Block Concept Plan is prepared in cooperation with adjacent landowners." It is our opinion that it should not be inferred that cooperation of landowners is required in all instances. We suggest language be considered that promotes flexibility: "The Block Concept Plan may be prepared in cooperation with adjacent landowners, and should show how..."

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.



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- cc. Loblaw Companies Limited (via email)
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Steven Dixon, City of Toronto (via email)