



Zelinka Priamo Ltd.

LAND USE PLANNERS

VIA EMAIL

July 31, 2023

Honourable Steve Clark, Minister of Municipal Affairs and Housing
C/O Municipal Services Office – Central Ontario
777 Bay Street, 16th Floor
Toronto, ON
M7A 2J3

Attention: Andy Doersam

Dear Minister Clark:

**Re: Comments and Request to Modify Durham Regional Official Plan
ERO # 019-7195 / Ministry Reference 18-OP-237796
Comments on Behalf of Choice Properties REIT**
Our File: CHO/BOW/21-01

We are the planning consultants for CP REIT Ontario Properties Limited (“CP REIT”) for Envision Durham, the Region of Durham Official Plan Review and the associated Municipal Comprehensive Review (MCR). CP REIT are the owners of lands throughout the Region of Durham, including the approximately 2.43 ha (6.02 ac) lands known municipally as 2375 Highway 2 in Clarington and the approximately 4.86 ha (12.02 ac) lands known municipally as 1792 Liverpool Road in Pickering, which are both developed with a Loblaws supermarket and associated parking.

CP REIT has participated in the Region of Durham Official Plan Review (Envision Durham) process. Based upon our review of the new Durham Regional Official Plan, on behalf of CP REIT, we have the comments and a request for modifications to the new Durham Regional Official Plan as outlined below.

REGION OF DURHAM OFFICIAL PLAN REVIEW

As part of the Region of Durham Official Plan Review process, on behalf of CP REIT, we provided comments dated March 31, 2023 (see Appendix A). We previously provided comments to the Region of Durham including for ROPA 186, followed by comments dated January 24, 2023 to the Ministry of Municipal Affairs and Housing (ERO # 019-5147 / Ministry Reference # 18-OP-216166).

The Region of Durham adopted the new Durham Regional Official Plan by By-law No. 38-2023, on May 17, 2023. Based upon our review of the new Durham Regional Official Plan, several of our comments in our letter dated March 31, 2023 were not addressed. **As detailed within this letter, we respectfully request that the Province consider modifications to the new Durham Regional Official Plan policies as outlined below for the reasons outlined herein.**

COMMENTS AND REQUESTED MODIFICATIONS

We have the following comments and requested modifications for the new Durham Regional Official Plan:

- Adopted ROP Policy 3.3.4 states “Require area municipal official plans and secondary plans to include: ... d) parking management policies and standards in accordance with the policies in Policy 8.3.4, including: ... iv) building designs that orient main pedestrian entrances to face the public street, provide a pedestrian-friendly urban form and discourage the placement of surface parking spaces between the main building entrance and the adjacent major street, where appropriate;” **For part iv), in our submission flexibility should be clarified to account for site context and operational aspects by moving “where appropriate,” before “building designs that ...”;**
- Adopted ROP Policy 5.2.5 states “Allow Strategic Growth Areas to achieve their planned potential by protecting these areas from uses and activities that should be accommodated in other designations, including low-density residential uses, automobile-oriented uses and low-density employment uses, such as warehousing, self-storage, car washes, gas stations and similar single storey buildings. Existing uses may continue but are encouraged to intensify consistent with the policies of this Plan.” **In our submission, Policy 5.2.5 does not sufficiently support interim infill development within Strategic growth Areas. Interim infill development provides for intensification to a site in a near-term and cost-effective manner, and as such, should be contemplated within the Strategic Growth Areas policies in order to permit additions and expansions to existing buildings or infill development prior to full scale redevelopment. Accordingly, we suggest that “, including minor additions and renovations, new ancillary buildings and stand-alone infill development for non-residential uses,” be added after “Existing uses ...”;**
- Adopted ROP Policy 5.2.6 states “Require area municipalities to update official plans, secondary plans and zoning by-laws to: ... b) designate appropriate: i) land uses; ii) establish residential and employment density targets; iii) identify permissible built forms; iv) provide minimum and maximum building heights”; c) include transition policies to guide appropriate building heights, siting, land use compatibility, and scale of new development in relation to surrounding neighbourhoods and areas”. **In our submission, permissible built forms and minimum building heights should not preclude additions and expansions to existing buildings or infill development prior to full scale redevelopment. Accordingly, we suggest that “and to permit minor additions and renovations, new ancillary buildings and stand-alone infill development for non-residential uses” be added after “surrounding neighbourhoods and areas”;**
- For Adopted Policies 5.2.15 to 5.2.23 related to Protected Major Transit Station Areas under ROPA 186, we note that we provided comments dated January 24, 2023 to the Ministry of Municipal Affairs and Housing (ERO # 019-5147 / Ministry Reference # 18-OP-216166), which remain under review;
- Adopted ROP Policy 5.2.26 states “Require area municipal official plans to include detailed policies for Rapid Transit Corridors that: ... b) permit a full range and mix of uses including residential, commercial, compatible employment uses such as offices, and other uses, in a higher density, compact and pedestrian-oriented built form”. **In our submission, the permissions for such uses in a “higher density” built form**

should not preclude additions and expansions to existing buildings or interim infill development prior to full scale redevelopment. Accordingly, we suggest that “and permit minor additions and renovations, new ancillary buildings and stand-alone infill development for non-residential uses” be added after “... built form.”; and

- Adopted ROP Policy 8.1.4 states “Achieve transit-supportive development for existing and future transit services within Urban Areas outside of Strategic Growth Areas, particularly along Regional Corridors served by the High Frequency Transit Network, through the following principles: ... c) limit surface parking, especially in front of buildings, and supporting the potential redevelopment of existing surface parking where appropriate;”. **In our submission flexibility should be clarified to account for site context and operational aspects by moving “where appropriate,” to before “limit surface parking”.**

In our submission, the proposed modifications are consistent with the Provincial Policy Statement, conform with the Growth Plan and represents good planning.

Please kindly ensure that the undersigned is notified of any further studies, modifications, approvals and/or notices with respect to this posting. We reserve the opportunity to provide further comments in the event that additional information becomes available.

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

Yours very truly,

ZELINKA PRIAMO LTD.



Jonathan Rodger, MScPI, MCIP, RPP
Principal Planner

cc. Choice Properties REIT (via email)

APPENDIX A

Letter dated March 3, 2023 Re: Draft New Regional Official Plan, File: D12-01



Zelinka Priamo Ltd.

LAND USE PLANNERS

VIA EMAIL

March 31, 2023

Envision Durham
Planning and Economic Development
Regional Municipality of Durham
605 Rossland Road East, PO Box 623
Whitby, ON L1N 6A3

Attention: Envision Durham C/O Planning and Economic Development Department

**Re: Draft New Regional Official Plan, File: D12-01
Region of Durham Official Plan Review – Envision Durham
Comments on Behalf of CP REIT Ontario Properties Limited**

Our File: CHO/BOW/21-01

We are the planning consultants for CP REIT Ontario Properties Limited (“CP REIT”) for Envision Durham, the Region of Durham Official Plan Review and the associated Municipal Comprehensive Review (MCR). CP REIT are the owners of or have interest in lands throughout the Region of Durham.

CP REIT have been participating in the Envision Durham process. On behalf of CP REIT, we provided comments dated February 25, 2021 for the Major Transit Station Areas (MTSAs) – Proposed Policy Directions and discussed our comments with Staff on April 19, 2021. In addition, we provided comments dated August 31, 2021 and November 25, 2021 for Draft ROPA 186.

It is our understanding from Region of Durham Staff Report 2023-P-6 dated March 7, 2023 that as part of the Region’s Official Plan Review and MCR, that all submissions received on the Draft Regional Official Plan will be referred to the Planning Division for consideration. Based upon our review of Staff Report 2023-P-6 and the Draft Regional Official Plan (“Draft ROP”), on behalf of CP REIT we have preliminary comments as outlined below. We will continue to review the documents in more detail and may provide further comments as required.

At this time, our preliminary comments for the Draft ROP are as follows:

- Draft ROP Policy 3.2.18 states “Encourage area municipalities to: a) require supporting information from proponents that addresses green infrastructure, net-zero ready development, district energy readiness and proposed building practices; and to request that proponents demonstrate how the development or redevelopment application would help support the relevant policies of this section”. In our submission requiring supporting information from proponents may not be appropriate under all circumstances and the items to address may not be

- applicable in the context of all development applications. Accordingly, in our submission, we suggest that “where appropriate,” should be added before “require” and that “aspects such as” be added before “green infrastructure”;
- Draft ROP Policy 3.3.4 states “Require area municipal official plans, and secondary plans to include: ... c) parking management policies and standards in accordance with the policies in Policy 8.3.4, including: ... iv) site designs that orient main building entrances to face the public street, provides a pedestrian-friendly urban form and discourages the placement of surface parking spaces between the main building entrance and the major street, where appropriate; v) the design of surface parking lots to enable further development;” For part iv), in our submission flexibility should be clarified to account for site context and operational aspects by moving “where appropriate,” before “site designs that ...”. For part v), we request clarification as to what aspects of the design of surface parking lots to enable further development are intended to be shown on a site plan in order to address the policy;
 - Draft ROP Policy 3.3.4 states “Require area municipal official plans, and secondary plans to include: ... d) street designs that: ... iv) divide larger sites into smaller development blocks where possible”. As specific uses such as commercial or employment (warehousing) uses may require larger sites, in our submission a requirement for the division of larger sites where possible does not provide sufficient flexibility. We suggest that “as appropriate” be added before “divide larger” and the “where possible” be deleted;
 - Draft ROP Policy 4.1.12 states “Encourage area municipalities to include in their official plans, requirements for comprehensive stormwater management and erosion and sedimentation control plans that are prepared in the context of subwatershed plans, or other similar plans and that stormwater management facilities be implemented as part of the pre-servicing of development proposals.” In our submission, requirements for comprehensive stormwater management and erosion and sedimentation control plans may not be appropriate or needed for all development proposals. Accordingly, “, as appropriate,” should be added after “requirements”;
 - Draft ROP Policy 5.2.5 states “Allow Strategic Growth Areas to achieve their planned potential by protecting these areas from uses and activities that should be accommodated in other designations, including low-density residential uses, automobile-oriented uses and low-density employment uses, such as warehousing, self-storage, car washes, gas stations and similar single storey buildings. Existing uses may continue but are encouraged to intensify consistent with the policies of this Plan.” In our submission, Policy 5.2.5 does not sufficiently support interim infill development within Strategic growth Areas. Interim infill development provides for intensification to a site in a near-term and cost-effective manner, and as such, should be contemplated within the Strategic Growth Areas policies in order to permit additions and expansions to existing buildings or infill development prior to full scale redevelopment;
 - Draft ROP Policy 5.2.6 states “Require area municipalities to update official plans, secondary plans and zoning by-laws to: ... b) designate appropriate land uses,

- residential and employment density targets, built form and minimum building heights.” In our submission, minimum building heights should not preclude additions and expansions to existing buildings or infill development prior to full scale redevelopment;
- For Draft Policies 5.2.15 to 5.2.22 related to Protected Major Transit Station Areas, we note that our comments dated November 25, 2021 for Draft ROPA 186 have not been addressed. We note that Draft ROPA 186 remains under review (Environmental Registry of Ontario File No. 019-5147);
 - Draft ROP Policy 5.2.25 states “Require area municipal official plans to include detailed policies for Rapid Transit Corridors that: ... b) permit a full range and mix of uses including retail, institutional, residential, personal services, offices and other uses, in a higher density, compact and pedestrian-oriented built form”. In our submission, the permissions for such uses in a “higher density” built form should not preclude additions and expansions to existing buildings or infill development prior to full scale redevelopment;
 - Draft ROP Policy 5.3.3 states “Require area municipalities, in consultation with the Region, to include policies for Rural Regional Centres in their respective official plans which: ... d) include appropriate mix of contextually appropriate uses including commercial, residential, office, institutional, entertainment, public service facilities and other community and recreational uses such as parks, museums and places of worship”. In our submission, retail uses should be referenced as well as permitted uses;
 - Draft ROP Policy 5.5.19 states “Permit, on a limited basis, standalone uses that support and serve the overall function of the Employment Area including but not limited to restaurants, personal service and retail uses. Such uses shall be limited in size and scale in area municipal official plans and zoning by-laws to ensure they only form a minor component of the overall Employment Area (e.g. 10% of the gross floor area), with individual uses not exceeding 500 square metres”, which represents revised language based upon existing Policy 8C.2.12 that states “Limited personal service and retail uses, serving the immediate designated Employment Area may be permitted as a minor component (e.g. 10%) of the aggregate gross floor area of the uses in the designated Employment Area, subject to the inclusion of appropriate provisions in the area municipal official plan and/or zoning by-law. In any case, a single use shall not exceed 500 m2.”

We request clarification if the intention for the inclusion of the “stand alone” language, and if it is intended to differentiate uses that are not associated with an employment use as opposed to reflecting a built form where a use would only be permitted in a stand alone building; and

- Draft ROP Policy 8.1.4 states “Achieve transit-supportive development for existing and future transit services within Urban Areas outside of Strategic Growth Areas, particularly along Regional Corridors served by the High Frequency Transit Network, through the following principles: ... c) limit surface parking, especially in front of buildings, and supporting the potential redevelopment of existing surface parking;”. In our submission flexibility should be clarified to account for site context

- and operational aspects by moving “where appropriate,” before “limit surface parking”;
- Draft ROP Policy 8.3.3 states “Support commuters by including end of trip active transportation facilities, such as showers and change rooms, for office, commercial and industrial developments.” In our submission, flexibility should be provided in the Policy with the addition of “Where appropriate,” before “Support commuters” as such facilities may not be appropriate in all circumstances;
 - Draft ROP Policy 8.3.4 states “Encourage area municipalities to implement parking management policies and zoning by-laws in consultation with the Region and related agencies to support the implementation of TDM measures that detail: d) site designs that orient main building entrances to face the public street, provides a pedestrian-friendly urban form and discourages the placement of surface parking spaces between the main building entrance and the major street, where appropriate; e) the design of surface parking lots to enable further development;” In our submission, site design aspects such as the orientation of main building entrances and discouraging surface parking spaces between main building entrances and major streets should be design guidelines in order to ensure flexibility to account for site context and operation aspects as opposed to zoning by-law regulations.

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

Please kindly ensure that the undersigned is notified of any further meetings with respect to this matter as well as notice of the adoption of the Official Plan Amendment.

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

Sincerely,

ZELINKA PRIAMO LTD.



Jonathan Rodger, MScPI, MCIP, RPP
Principal Planner

cc. CP REIT (Via Email)