



**VIA EMAIL**

March 21, 2024

The Honorable Paul Calandra  
Minister of Municipal Affairs & Housing  
777 Bay Street, 17th Floor  
Toronto, ON M5G 2E5

Attention: Minister Paul Calandra and Staff

**Re: Bill 162, Get It Done Act, 2024 –  
Amending the Official Plan Adjustments Act, 2023  
Preliminary Comments on Behalf of CP REIT Ontario Properties Limited and  
Loblaw Companies Limited  
Various Properties  
Barrie, Ontario  
Our File: CHO/BAR/19-01**

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We are the planning consultants for CP REIT Ontario Properties Limited (“Choice”) and Loblaw Companies Limited (“Loblaw”) for the City of Barrie Official Plan Review. Choice and Loblaw collectively are the landowner and/or leaseholder of a number of sites within the City of Barrie, including the following:

- 319 Blake Street;
- 620 Yonge Street;
- 472 Bayfield Street;
- 201-211 Cundles Road East; and
- 307 – 637 Cundles Road East.

On behalf of Choice and Loblaw, we have been monitoring the City of Barrie Official Plan Review process and provided preliminary comments dated December 15, 2020, June 2, 2021, November 9, 2021 and January 17, 2022, and met with Staff on March 23, 2021. On March 7, 2022, Council adopted the City of Barrie Official Plan, which was forwarded to the Ministry of Municipal Affairs and Housing (the “Ministry”) for approval. Based upon our review dated May 13, 2022, Borden Ladner Gervais LLP submitted comments to the Ministry on December 12, 2022 (see comment letter enclosed), and on April 11, 2023 the Ministry approved the Official Plan with modifications to 73 policies.

On October 23, 2023, the Ministry announced they would be introducing legislation that would reverse the Official Plan decisions made by the previous Minister, relating to 12 municipalities, including the City of Barrie. On November 16, 2023, the Ministry introduced *Bill 150, the Planning Statute Amendment Act, 2023*, which was passed on December 5, 2023.

The City of Barrie held a Town Hall to request public feedback on November 22, 2023. We provided preliminary comments on behalf of Choice and Loblaw on November 23, 2023 (see enclosed). We reviewed the letter prepared by City of Barrie Mayor Alex Nuttal, which was sent to the Ministry of December 6, 2023. We understand that Mayor Nuttal is

supporting all of the previous Minister's Modifications we included in our letter submitted to Council on November 23, 2023, with the exception of Modification 64.

The Ministry requested comments regarding the impact of *Bill 150, the Planning Statute Law Amendment Act, 2023*, which we submitted comments to the Ministry on December 14, 2023. The Ministry announced on February 20, 2024, that they would be introducing *Bill 162, Get It Done Act, 2024 – Amending the Official Plan Adjustments Act, 2023* which proposes to retroactively reinstate municipally requested modifications to the City of Barrie Official Plan, which excludes Modification 64.

Based upon our comments throughout the Official Plan review process, the preliminary comments dated November 23, 2023, and the preliminary comments submitted to the Ministry on December 14, 2023, we reiterate our request that Modification 64 be maintained. We believe that if the policy reverts back to the original language, it will result in creating a maximum threshold of 40 units for future developments, which is counterproductive to the policy and the goals of the Province. Through Modification 64, the 40 dwelling unit threshold was removed entirely, **which we believe is consistent with the Provincial Policy Statement, conforms with the applicable policies in the Growth Plan and represents good planning.**

**Accordingly, Modification 64 made by the previous Minister should be maintained.**

Thank you for the opportunity to provide comments for the City of Barrie Official Plan.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Robert MacFarlane, MPL, MCIP, RPP  
Senior Associate

cc. CP REIT Ontario Properties Limited (via email)  
Loblaw Companies Limited (via email)  
Borden Ladner Gervais LLP (via email)

encl. Letter to Municipal Services Office – December 12, 2022  
encl. Letter to the City of Barrie Mayor and Members of Council – November 23, 2023  
encl. Letter to the Ministry of Municipal Affairs & Housing – December 14, 2023



**VIA EMAIL**

December 14, 2023

The Honorable Paul Calandra  
Minister of Municipal Affairs & Housing  
777 Bay Street, 17th Floor  
Toronto, ON M5G 2E5

Attention: Minister Paul Calandra and Staff

**Re: *Bill 150, the Planning Statute Law Amendment Act, 2023*  
Preliminary Comments on Behalf of CP REIT Ontario Properties Limited and  
Loblaw Companies Limited  
Various Properties  
Barrie, Ontario  
Our File: CHO/BAR/19-01**

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- 319 Blake Street;
- 620 Yonge Street;
- 472 Bayfield Street;
- 201-211 Cundles Road East; and
- 307 – 637 Cundles Road East.

On behalf of Choice and Loblaw, we have been monitoring the City of Barrie Official Plan Review process and provided preliminary comments dated December 15, 2020, June 2, 2021, November 9, 2021 and January 17, 2022, and met with Staff on March 23, 2021. On March 7, 2022, Council adopted the City of Barrie Official Plan, which was forwarded to the Ministry of Municipal Affairs and Housing (the “Ministry”) for approval. Based upon our review dated May 13, 2022, Borden Ladner Gervais LLP submitted comments to the Ministry on December 12, 2022 (see comment letter enclosed), and on April 11, 2023 the Ministry approved the Official Plan with modifications to 73 policies.

On October 23, 2023, the Ministry announced they would be introducing legislation that would reverse the Official Plan decisions made by the previous Minister, relating to 12 municipalities, including the City of Barrie. On November 16, 2023, the Ministry introduced *Bill 150, the Planning Statute Amendment Act, 2023*, which was passed on December 5, 2023.

The City of Barrie held a Town Hall to request public feedback on November 22, 2023. We provided preliminary comments on behalf of Choice and Loblaw on November 23, 2023 (see enclosed). We reviewed the letter prepared by City of Barrie Mayor Alex Nuttal, which was sent to the Ministry of December 6, 2023. We understand that Mayor Nuttal is

supporting all of the previous Minister's Modifications we included in our letter submitted to Council on November 23, 2023, with the exception of Modification 64.

The Ministry requested comments regarding the impact of *Bill 150, the Planning Statute Law Amendment Act, 2023*. Based upon our comments throughout the Official Plan review process as well as the preliminary comments dated November 23, 2023, we reiterate our request as to the implementation of flexible language within various Community Design and Affordable Housing policies, including through language changes to "should" and "may" from "shall" and through clarified language. The use of flexible language within the policies (i.e., "should" and "may") allows for consideration of site-specific context and operational needs. **In our opinion, modifications numbers 4, 16, 27, 28, 29, 30, 32-37, 39-41, 43-45, 51, and 52 are consistent with the Provincial Policy Statement, conform with the applicable policies of the Growth Plan and represent good planning.**

Regarding Modification 64, based on our comments throughout the Official Plan review process, we request the modification be maintained. We believe that if the policy reverts back to the original language, it will result in creating a maximum threshold of 40 units for future developments, which is counterproductive to the policy and the goals of the Province. Through Modification 64, the 40 dwelling unit threshold was removed entirely, **which we believe is consistent with the Provincial Policy Statement, conforms with the applicable policies in the Growth Plan and represents good planning.**

**Accordingly, Modification numbers 4, 11, 16, 25, 27, 32-37, 39-41, 43-45, 51, 52 and 64 made by the previous Minister should be maintained.**

Thank you for the opportunity to provide comments for the City of Barrie Official Plan.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Robert MacFarlane, MPL, MCIP, RPP  
Senior Associate

cc. CP REIT Ontario Properties Limited (via email)  
Loblaw Companies Limited (via email)  
Borden Ladner Gervais LLP (via email)

encl. Letter to Municipal Services Office – December 12, 2022  
encl. Letter to the City of Barrie Mayor and Members of Council – November 23, 2023



**VIA EMAIL**

November 23, 2023

Mayor and Members of Council  
City of Barrie  
City Hall  
70 Collier Street  
Barrie, ON L4M 4T5

Attention: Wendy Cooke, City Clerk / Director of Legislative & Court Service

Dear Sirs/Mesdames:

**Re: November 22, 2023 Town Hall – Item 1.1  
City of Barrie Official Plan and Provincial Modifications  
Preliminary Comments on Behalf of CP REIT Ontario Properties Limited and  
Loblaw Companies Limited  
Various Properties  
Barrie, Ontario  
Our File: CHO/BAR/19-01**

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We are the planning consultants for CP REIT Ontario Properties Limited (“Choice”) and Loblaw Companies Limited (“Loblaws”) for the City of Barrie Official Plan Review. Choice and Loblaw collectively are the landowner and/or leaseholder of a number of sites within the City of Barrie, including the following:

- 319 Blake Street;
- 620 Yonge Street;
- 472 Bayfield Street;
- 201-211 Cundles Road East;
- 307 – 637 Cundles Road East

On behalf of Choice and Loblaw, we have been monitoring the City of Barrie Official Plan Review process and provided preliminary comments dated December 15, 2020, June 2, 2021, November 9, 2021 and January 17, 2022, and met with Staff on March 23, 2021. On March 7, 2022, Council adopted the City of Barrie Official Plan, which was forwarded to the Ministry of Municipal Affairs and Housing (the “Ministry”) for approval. Based upon our review dated May 13, 2022, Borden Ladner Gervais LLP submitted comments to the Ministry on December 12, 2022 (see comment letter enclosed), and on April 11, 2023 the Ministry approved the Official Plan with modifications to 73 policies.

On October 23, 2023, the Ministry announced they were reversing the decisions made by the previous Minister regarding Official Plan decisions for 12 municipalities, including the City of Barrie.

It is our understanding from the Media Release dated November 10, 2023 that the City held a Town Hall of Town Hall to request public feedback. The Staff Presentation for the Town Hall categorized the Minister’s decision into five themes: Wording of Policies,

Increasing/Decreasing Density, Site Specific Modifications, Phasing Plan Adjustments in the Hewitt's Secondary Plan Area, and Clarifying Language.

Our preliminary comments on behalf of Choice and Loblaw relate to the Theme of Wording of Policies, as outlined below. We will continue to review the Ministry's modifications and may provide future comment.

### **Preliminary Comments**

*Theme: Wording of Policies*

Based upon our comments throughout the Official Plan review process, comments to the Ministry were submitted on behalf of Choice and Loblaws, including requesting the implementation of flexible language within various Community Design and Affordable Housing policies (see comment letter enclosed). The Minister addressed many of our comments as well as in other instances through modifications to the Official Plan policies, including through language changes to "should" and "may" from "shall" and through clarified language. The use of flexible language within the policies (i.e., "should" and "may") allows for consideration of site-specific context and operational needs. **In our opinion, modifications numbers 4, 16, 27, 28, 29, 30, 32-37, 39-41, 43-45, 51, 52, and 64 are consistent with the Provincial Policy Statement, conform with the applicable policies of the Growth Plan and represent good planning. Accordingly, Modification numbers 4, 11, 16, 25, 27, 32-37, 39-41, 43-45, 51, 52 and 64 made by the Minister should be maintained.**

We welcome a meeting with Staff to discuss Choice's and Loblaws' concerns further.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Jonathan Rodger, MScPI, MCIP, RPP  
Principal Planner

cc.

CP REIT Ontario Properties Limited (via email)  
Loblaw Companies Limited (via email)  
Borden Ladner Gervais LLP (via email)  
Tomasz Wierzba, City of Barrie (via email)

encl. Letter to Municipal Services Office – December 12, 2022

**Katie Butler**  
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**031202/000243**

December 12, 2022<sup>1</sup>

**Delivered via Email ([Julianna.Zhuo@ontario.ca](mailto:Julianna.Zhuo@ontario.ca)) (ERO # 019-5530)**

Ministry of Municipal Affairs and Housing  
Municipal Services Office - Central Ontario  
777 Bay Street, 16<sup>th</sup> Floor  
Toronto, ON M7A 2J3  
Attention: Julianna Zhuo, Municipal Services Office – Central Ontario

Dear Minister and Ms. Zhuo:

**Re: Consultation: Ministry’s Review of the City of Barrie Official Plan  
Request for Modifications to Address Outstanding Comments submitted by  
CP REIT Ontario Properties Limited (“Choice Properties”) and Loblaw  
Companies Limited (“Loblaw”)  
ERO # 019-5530 | Ministry reference # 43-OP-20296**

We represent Choice Properties and Loblaw in connection with the City of Barrie (the “City”) draft new Official Plan, which was adopted by the City on March 7, 2022 (the “**Barrie Official Plan**”) and is currently with the Ministry for review.

Please consider the enclosed opinion from our clients’ planning consultants, Zelinka Priamo, dated May 13, 2022 (the “**Planning Opinion**”), and its proposed Barrie Official Plan modifications.

As described in the Planning Opinion, Choice and Loblaw are the landowner and/or leaseholder of a number of sites<sup>2</sup> within the City, and they participated in the City’s Official Plan Review consultation process, including by providing comments to the City on December 15, 2020, June 2, 2021, November 9, 2021 and January 17, 2022, and by meeting with City Staff on March 23, 2021. The planning concerns that were identified to the City in its consultation process remain outstanding in the Barrie Official Plan. Those outstanding concerns are outlined in the attached Planning Opinion and summarized below.

To address those outstanding issues in a matter consistent with Provincial plans and policies (as described in more detail in the Planning Opinion), our clients request that the Ministry make modifications to the Barrie Official Plan policies as set out below:

- **Policy 2.3.3f)** should provide more flexibility. Currently it requires that development “will incorporate winter city design elements, in accordance with the City-Wide Urban Design

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<sup>1</sup> The Ministry reopened this consultation on December 5, 2022. This is a re-issued copy of our October 7, 2022 letter.

<sup>2</sup> As identified in the Planning Opinion, our clients’ lands in the City include: 319 Blake St, 620 Yonge St, 472 Bayfield St, 201-211 Cundles Rd E, 547 Cundles Rd E, 289 Yonge St, and 380 Mapleview Dr W.

Guidelines” in Strategic Growth Areas. It is unclear what winter city elements are required to be implemented; there are only 7 references to “winter” in 6 different guidelines.

- **Suggested Modification:** “2.3.3f) Development in *Strategic Growth Areas* will be planned as transit-oriented, shall maximize the use of existing and planned transit infrastructure with appropriate *transit-supportive* densities and mix of uses, and be pedestrian-friendly to support *active transportation*. This will be achieved through comprehensive design in accordance with the policies in Section 3 of this Plan and will, where appropriate, incorporate winter city design elements, generally in accordance with the City-Wide Urban Design Guidelines.”
- **Policy 2.6.1.3f) i) and ii):** Policy 2.6.1.3f) requires 5 overly complex implementation criteria to permit development up to 8 storeys along *Intensification Corridors* in Neighbourhood Areas. The criteria include requirements that development is (i) no more than 50% higher or (ii) 50% denser than the tallest or densest building within 450m. It is unclear how the municipality will enforce or measure such a standard, or how applicants are to gain sufficient information for what is required to satisfy the policy. We suggest that the standard be removed so as not to unnecessarily restrict growth based on metrics that are difficult to determine, measure and enforce.
  - **Suggested Modification:** Remove subsection i) and ii) of Policy 2.6.1.3f)
- **Policy 3.1.3.1a)** establishes how the urban design policies are to be applied and interpreted, but it is contradictory. It says that the terms “will” and “shall” and the use of the active voice are used in “many”, but *not all*, of the policies, but then mandates that *every* new development in the City must be in full conformity with the relevant policies of Sections 3.2, 3.3 and 3.4. This contradicts the numerous policies that use permissive and flexible language, such as “where appropriate” (e.g. 3.2.1a), 3.2.2a), 3.2.4.5c), 3.2.5d), 3.3.5d) & i), 3.4b)), “may” (e.g. 3.2.1b), 3.2.4.2, 3.2.4.7b), d) & h), 3.3.4b)), “shall generally” (e.g. Policy 3.2.2a), 3.2.4.7h), 3.3.2e)), “should” (e.g. 3.2.4.3a), 3.2.4.5b), 3.2.4.5d) & e), 3.2.4.7c), 3.2.4.7a), e) & f), 3.2.5a) & c), 3.3.2d) & g), 3.3.3, 3.3.4a)i), 3.3.6a, b), c), f), g), h)), 3.4c), d), e), f) & g)) “encourage” (3.2.4.4d), 3.2.4.5a), 3.2.4.6a) & b), 3.2.4.8, 3.2.4.9a), c), d) & e), 3.3.1c), 3.3.2g), 3.3.5a), 3.3.6d), 3.4a)), and “wherever possible/feasible” (3.2.4.5c), 3.2.4.5e), 3.2.5b), 3.3.6e) & i), 3.4h)). The mandatory interpretation direction in 3.1.3.1a) does not sufficiently reflect the flexibility afforded in the policy framework and revised wording should be considered.
  - **Suggested Modification:** “3.1.3.1a) The urban design policies shall be applied and interpreted as follows: a) Many of the urban design policies are phrased with the terms “will” or “shall,” or phrased in the active voice (rather than the passive voice), which means that every new development approved by the City must be in full conformity with the relevant policies provided in sections 3.2, 3.3 and 3.4, except where those policies are phrased to provide for flexibility.”
- **Policy 3.2.3.1a)** provides 14 green development standards that must be addressed through a report for OPA, ZBA and SPA applications. The policy provides that the report “shall demonstrate” how the application addresses the criteria, in contradiction to the statement in



the policy that certain best practices may not be pursued for some applications. It is inappropriate to require those items for every application. Rather, the need for a report and the applicable criteria should be evaluated on a case-by-case basis. For example, a modest expansion to an existing building triggering a site plan application would be required to provide such a report. Introducing flexibility as to when this policy applies is appropriate and would provide Staff with discretion to make that determination.

- **Suggested Modification:** “3.2.3.1a) The City will establish green development standards in consultation with the building and construction industry, and until such time as green development standards are adopted by City Council, applications for an Official Plan amendment, Zoning By-law amendment and/or plan of subdivision or site plan approval ~~are required to~~ shall, where appropriate, submit a Sustainable Development Report, indicating how sustainable design best practices are being addressed. While justification can be made for why certain best practices are not being pursued, the report shall demonstrate how the development proposal intends to: ...”
- **Section 3.3** provides direction for specific building types that are expected to be developed City-wide. It is unclear whether the policies Low-Rise Development and/or Shopping Malls and *Major Retail* are applicable to commercial/retail buildings that do not qualify as shopping malls or major retail. Clarification should be introduced to the introduction of Section 3.3.
  - **Suggested Modification:** Add to the Section 3.3 introduction: “3.3 The following section identifies urban design policies for the main built form types expected to be developed across the city. The urban design policies may not be applicable to all built form types, such as retail that is not classified as major retail. The built form types listed shall also be subject to further design guidance in the City-Wide Urban Design Guidelines and the Zoning By-law, with locations where each type is permitted identified in the Zoning By-law. Building types covered in this section include: ...”.
- **Policy 3.3.6b)ii)** requires a variation in built form for *Major Retail* uses. Mandating this development standard is inefficient and highly prescriptive, contrary to Provincial Policy Statement (PPS) Policy 1.1.3.4 as it relates to appropriate development standards that facilitate intensification and redevelopment.
  - **Suggested Modification:** “3.3.6 b) Shopping malls and *major retail* stores shall have a distinctive architectural design, so that: ... ii) For a *major retail* development that groups together multiple stores, each individual store shall, where appropriate, vary its built form to create visual interest and avoid monotony. For instance, individual stores should vary in height and roofline, and different stores should have exterior materials indicative of the store/merchant/ tenant.”
- **Policy 3.3.6f)** provides that private streets should be designed to a similar standard as public streets. This is an inefficient development standard that is not necessarily appropriate for shopping malls and *major retail* (the type of built form to which this policy applies). This

inefficient standard is contrary to PPS Policy 1.1.3.4, in that the PPS policy provides that appropriate development standards should be promoted that facilitate *intensification* and *redevelopment*.

- **Suggested Modification:** Remove Policy 3.3.6 f);
- **Policy 6.4.2e)iii)** sets a 40 dwelling unit threshold for when affordable housing is to be required. As suggested in the Planning Opinion, this creates an arbitrary 40-unit soft cap that future developments may seek to not surpass, which may be counterproductive to the intent of the policy and to the City and Province’s intentions to encourage housing supply. Policy 6.4.2e)iii) should be modified to avoid such a threshold.
  - **Suggested Modification:** “6.4.2e) The City shall encourage the provision of an appropriate range and mix of *housing options* and densities to meet the social, health, economic, and well-being requirements of current and future residents. Further to this: ... iii) All development proposals with more than 40 residential dwelling units proposed ~~will be required to demonstrate the provision of~~ are encouraged to provide affordable housing units;”
- **Policies 2.7.1a), 8.4.3a), and Map 8 – Cultural City Features:** Map 8 blankets the City in “Historic Neighbourhoods” that are overbroad in that they do not appear to align with Heritage Conservation Districts or other heritage assets established by the *Heritage Act*. As drafted, the sweeping neighbourhood mapping and policies would apply additional heritage evaluation requirements universally in those neighbourhoods, even on lands not identified in the *Heritage Act*. To illustrate, Policy 2.7.1 requires that development on lands in Historic Neighbourhoods satisfy applicable policies in Sections 3 and 8. In particular, anywhere that a cultural heritage value or interest is identified, a Heritage Impact Assessment or equivalent (**Policy 8.4.2a**) and a Historic Neighbourhood Character Impact Evaluation (**Policy 8.4.3c**) would be required. The difficulty is that Policy 8.4.3a) broadly identifies the entirety of the Historic Neighbourhoods on Map 8 as having “cultural heritage character that are recognized as *cultural heritage resources*”, notwithstanding that lands in those neighbourhoods are not all identified as having heritage value under the *Heritage Act*. For example, the Choice/Loblaws Lands at 319 Blake Street are developed as a grocery store in an existing plaza and are not appropriate to consider for heritage value. This generalized approach is inappropriate at a time when the Province is considering recommendations by the Housing Affordability Task Force that speak specifically to this issue. Recommendation 16 of the Housing Affordability Task Force is as follows: “*Prevent abuse of the heritage preservation and designation process by: a) Prohibiting the use of bulk listing on municipal heritage registers*”. Clarity should be introduced to the policies to ensure that they only apply to lands that actually contain or are adjacent to lands with heritage value or interest, to avoid overbroad identification of heritage resources outside of the *Heritage Act* process.
  - **Suggested Modification:** “2.7.1a) Development on lands subject to the historic neighbourhood overlay identified as having cultural heritage value or interest shall satisfy the applicable Section 3 and Section 8 policies of this Plan.”

- **Suggested Modification:** Remove Policy 8.4.3a), OR revise it as follows: “8.4.3a) By virtue of their groupings of historic buildings and streetscapes, historic neighbourhoods are areas **with that may have** cultural heritage character ~~that are recognized as valuable cultural heritage resources~~, but have not yet been individually evaluated nor considered appropriate for designation under the Ontario Heritage Act. The city’s historic neighbourhoods are identified on Map 8 of this Plan.”
- **Map 5 – Right-of-Way Widths:** The road widths on Map 5 have been substantially modified from early drafts of the Barrie Official Plan and the in-force official plan, without a demonstrated need or justification for such an increase. In particular, no rationale was provided for the following changes: (i) the road width at 319 Blake St, identified in prior drafts and the in-effect Official Plan as 27m along Blake St, which increased to 30m without rationale; (ii) the road width at 472 Bayfield St, identified in prior drafts and the in-effect Official Plan as 41m along Bayfield St, which increased to 46m without rationale; and (iii) the road width at 547 Cundles Rd E, identified in prior drafts as 41m for portions of Cundles Rd E, which increased to 43m without rationale.
  - **Suggested Modification:** revert Blake St to 27m at 319 Blake St;
  - **Suggested Modification:** revert Bayfield St to 46m at 472 Bayfield St; and
  - **Suggested Modification:** revert Cundles Rd E to 41m at 547 Cundles Rd E.

**Summary of Suggested Modifications:**

1. Policy 2.3.3f): add the words “where appropriate” and “generally”, as shown above;
2. Policy 2.6.1.3f): remove subsection i) and ii);
3. Policy 3.1.3.1a): add “except where those policies are phrased to provide for flexibility” to the end of the policy, as shown above;
4. Policy 3.2.3.1a): replace “are required to” with “shall, where appropriate” regarding submission of a Sustainable Design Report, as shown above;
5. Section 3.3: add to introduction, “The urban design policies may not be applicable to all built form types, such as retail that is not classified as *major retail*”, as shown above;
6. Policy 3.3.6b)ii): add “where appropriate” to the phrase “shall vary its built form”, as shown above;
7. Remove Policy 3.3.6f);
8. Policy 6.4.2e)iii): replace “will be required to demonstrate the provision of” with “are encouraged to provide”, as shown above;
9. Policy 2.7.1a): add “identified as having cultural heritage value or interest”, as shown above;
10. Policy 8.4.3a): remove this policy OR revise it as shown above;
11. Map 5: revert Blake St width to 27m at 319 Blake St;
12. Map 5: revert Bayfield St width to 46m at 472 Bayfield St; and
13. Map 5: revert Cundles Rd E width to 41m at 547 Cundles Rd E.

As outlined in the attached Planning Opinion, these modifications would be appropriate and would further the goals of the Province and the City, including by,

- providing necessary and appropriate flexibility, clarity and predictability;
- ensuring consistency with the PPS, including in particular Provincial policies supporting efficient land use and promoting appropriate standards to facilitate *intensification, redevelopment* and compact form (e.g. PPS policy 1.1.3.4);
- ensuring conformity with the Growth Plan, including policies that encourage intensification and facilitate the achievement of a complete community;
- facilitating appropriate housing supply in accordance with the Barrie Official Plan's intent;
- delivering on the Province's Housing Affordability Task Force Recommendation 16; and
- ensuring that policy changes are appropriately justified and supported.

Our clients and their planners would welcome the opportunity to speak with you or Ministry Staff to discuss the proposed modifications and the Planning Opinion. We are subscribed to the ERO posting but if the decision is otherwise released, please notify us of the Ministry's decision and/or modifications on the Barrie Official Plan.

Yours very truly,

**BORDEN LADNER GERVAIS LLP**



Katie Butler

KB

Encls.: Planning Opinion of Zelinka Priamo Ltd dated May 13, 2022  
Zelinka Comment Letter to City dated January 17, 2022

cc.: Choice Properties (via email)  
Loblaw (via email)  
Robert MacFarlane, MPL, MCIP, RPP, Senior Planner, Zelinka Priamo (via email)



**VIA EMAIL**

May 13, 2022

Borden Ladner Gervais  
Bay Adelaide Centre - East Tower  
22 Adelaide Street West  
Toronto, ON  
M5H 4E3

Attention: Katie Butler

**Re: Draft New Official Plan – City of Barrie  
Adoption March 7, 2022  
Comments on Behalf of Choice Properties REIT and Loblaw Companies  
Limited  
Barrie, Ontario  
Our File: CHO/LRE/BAR/19-01**

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We are the planning consultants for Choice Properties REIT (“Choice”) and Loblaw Companies Limited (“Loblaw”) for the City of Barrie Official Plan Review. Choice and Loblaw collectively are the landowner and/or leaseholder of a number of sites within the City of Barrie, including the following:

- 319 Blake Street;
- 620 Yonge Street;
- 472 Bayfield Street;
- 201-211 Cundles Road East;
- 547 Cundles Road East;
- 289 Yonge Street; and
- 380 Mapleview Drive West.

On behalf of Choice and Loblaw, we participated the City of Barrie Official Plan Review process, and provided preliminary comments to the City dated December 15, 2020, June 2, 2021, November 9, 2021 and January 17, 2022 and met with Staff March 23, 2021. We reviewed the Council Adopted Official Plan dated February 15, 2022 and the associated Schedules/Maps in the context of the Choice and Loblaw Lands.

Concerns that we identified to the City under our preliminary comments remain outstanding. Our outstanding concerns with the Official Plan are summarized below based on our letter dated January 17, 2022, which is enclosed.

**Comments on Council Adopted City of Barrie Official Plan**

We have the following outstanding comments:

- Policy 2.3.3f) provides a *requirement* for development to incorporate winter city elements in Strategic Growth Areas. In our review of the most recent draft urban design guidelines, there are only 7 references to “winter”, related to 6 different guidelines. It is unclear what is required to be implemented as it relates to Winter City elements. We suggest that flexibility should be added to the policy;

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- Policy 2.6.1.3 establishes criteria for types of development that in our submission are overly complex for implementation. Policy 2.6.1.3f) speaks to a number of criteria for development up to 8 storeys along intensification corridors in Neighbourhood Areas. The criteria include a requirement that development is no more than 50% higher or 50% denser than the tallest or densest building within 450m. It is unclear how the municipality will enforce or measure such a standard, or how applicants are to gain sufficient information for what is required to satisfy the policy. We suggest that the standard be modified to remove subsection i) and ii), as the implementation is unclear;
  - Policy 3.1.3.1a) provides direction for interpreting the Urban Design policies of Sections 3.2, 3.3 and 3.4, indicating a required conformity where the terms 'will' or 'shall' are used. In our review, there are a number of instances where the policies use the terms 'will' or 'shall', but also specify 'where appropriate'. In our opinion, the direction to interpret the urban design policies does not sufficiently reflect the flexibility afforded in the policy framework and we suggest that revised wording be considered;
  - Section 3.2.3.1 provides 14 criteria of green development standards that applications for OPA, ZBA and SPA are required to address through a report. Such items, in our submission, are inappropriate for every application to be required to address, and should be evaluated on a case by case basis. For example, a modest expansion to an existing building that would trigger a Site Plan application, would be required to provide such a sustainable development report. Flexibility in when this policy applies, is appropriate;
  - Section 3.3 provides direction for specific building types. It remains unclear whether certain building typologies including for low-rise development, is applicable to commercial/retail buildings not including shopping malls or major retail. We suggest clarification be introduced;
  - Policy 3.3.6b)ii) requires a variation in built form for Major Retail uses. We suggest that this is a development standard that is inefficient and highly prescriptive, contrary to PPS Policy 1.1.3.4 as it relates to appropriate development standards that facilitate intensification and redevelopment. We suggest that the policy be revised to introduce flexibility;
  - Policy 3.3.6f) encourages private streets to be designed to a similar standard as public roads. We suggest that this is a development standard that is inefficient, and not necessarily appropriate for this type of built form, contrary to PPS Policy 1.1.3.4 as it relates to appropriate development standards that facilitate intensification and redevelopment. We suggest that subsection f) be removed;
  - Policy 6.4.2e)iii) establishes a 40 dwelling unit threshold for when affordable housing is to be required. We suggest that this creates an arbitrary 40 unit soft cap that future developments may seek to not surpass, which may be counterproductive to the intent of the policy and to the intent of encouraging housing supply. We suggest that revisions be considered to avoid such a threshold;
  - The Official Plan is proposing a number of Historic Neighbourhoods, which in our review do not align with Heritage Conservation Districts or other Heritage assets as established by the *Heritage Act*. Within those identified areas, the Official Plan would require a Heritage Impact Assessment or equivalent (Policy 8.4.2a)), and Policy 8.4.3c) states that a Historic Neighbourhood Character Impact Evaluation would be required. Such requirements of heritage evaluation are imposed on lands

- not identified by the *Heritage Act*, including the Choice/Loblaw Lands, which are developed as a grocery store in an existing plaza. These additional heritage evaluation requirements are being implemented at a time when the Province is considering recommendations by the Housing Affordability Task Force that speak specifically to this issue. We note recommendation 16 by the Housing Affordability Task Force is as follows: “*Prevent abuse of the heritage preservation and designation process by: a) Prohibiting the use of bulk listing on municipal heritage registers*”. We suggest that revisions be considered that avoid the broad identification of heritage areas outside of a typical *Heritage Act* process, and suggest that 319 Blake Street is not appropriate to consider for heritage value;
- Map 5 Road widening has been substantially modified from early drafts of the Official Plan and the in-effect Official Plan. Justification for the need of such an increase was not provided and we suggest that the municipality provide rationale for the following changes, prior to implementation:
    - 319 Blake Street identified in prior drafts and in the in-effect Official Plan as 27m along Blake Street, proposed to increase to 30m;
    - 472 Bayfield Street identified in prior drafts and in the in-effect Official Plan as 41m along Bayfield Street, to 46m; and
    - 547 Cundles Road East identified in prior drafts as 41m for portions of Cundles Road, which are proposed to increase to 43m.

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

Zelinka Priamo Ltd. hereby requests to be notified of the decision of the approval of the Barrie Official Plan, adopted by Barrie Council on March 7, 2022 and as outlined on the attached Notice dated March 17, 2022.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Rob MacFarlane, MPL, MCIP, RPP  
Senior Planner

- cc. Choice Properties REIT (via email)  
Loblaw Companies Limited (via email)
- encl. Notice of Adoption – March 17, 2022  
Comment Letter – January 17, 2022



**VIA EMAIL**

January 17, 2022

City of Barrie  
City Hall  
70 Collier Street  
Barrie, ON  
L4M 4T5

Attention: Wendy Cooke, City Clerk

Dear Wendy Cooke:

**Re: Draft New Official Plan – Final Draft  
Preliminary Comments on Behalf of Choice Properties REIT and Loblaw  
Companies Limited  
Various Properties  
Barrie, Ontario  
Our File: CHO/LRE/BAR/19-01**

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We are the planning consultants for Choice Properties REIT (“Choice”) and Loblaw Companies Limited (“Loblaw”) for the City of Barrie Official Plan Review. Choice and Loblaw collectively are the landowner and/or leaseholder of a number of sites within the City of Barrie, including the following:

- 319 Blake Street;
- 620 Yonge Street;
- 472 Bayfield Street;
- 201-211 Cundles Road East;
- 547 Cundles Road East;
- 289 Yonge Street; and
- 380 Mapleview Drive West.

On behalf of Choice and Loblaw, we have been monitoring the City of Barrie Official Plan Review process, and provided preliminary comments dated December 16, 2020, June 2, 2021 and November 9, 2021 and met with Staff March 23, 2021. We reviewed the Fourth Draft Official Plan (“Draft OP”) and the associated Schedules/Maps in the context of the Choice and Loblaw Lands and we have preliminary comments as outlined below. We will continue to review the Urban Design Guidelines and may provide future comment.

We continue to have outstanding comments and concerns. Our preliminary comments are outlined below. We will continue to review the draft Official Plan in more detail and may provide further comments as required.



## **Preliminary Comments on Draft City of Barrie Official Plan**

As noted in our prior letters, at this time Choice and Loblaw do not have specific plans for the redevelopment of their sites, and are seeking to maintain existing operations while allowing for short and medium term modest infill or expansion to respond to the market demand. Further, it is the intent to consider and protect for potential redevelopment scenarios, should this be contemplated in the future.

We have the following preliminary comments:

- Policy 2.3.3f) requires the incorporation of winter city elements in Strategic Growth Areas. In our review of the most recent draft urban design guidelines, there are only 7 references to “winter”, related to 6 different guidelines. It remains unclear what is required to be implemented as it relates to Winter City elements. We suggest that flexibility should be afforded to Policy 2.3.3f);
- Under Policy 2.5c), there is a policy for calculating residential density targets, which is separate from Policy 2.4.2.1. It is unclear which policy prevails to measure density, and why multiple policies are required. We suggest clarification to simplify interpretation for measuring density;
- Policy 2.6.1.3 allows development in historic neighbourhoods, as one of the sites is considered, up to 4 storeys, subject to a number of criteria that includes being no more than two storeys of adjacent buildings. Policy 2.6.1.3e) speaks to a number of criteria for development up to 8 storeys along intensification corridors in Neighbourhood Areas. The criteria in our review are awkward for implementation, including a requirement that the site be located along an intensification corridor (which would be a fact already), and that development is no more than 50% higher or 50% denser than the tallest or densest building within 450m. The implementation of the policy remains unclear in our review including under future zoning amendments. It is unclear how these criteria were established, and why development would be regulated on this basis;
- Policy 2.6.5.3c) notes a minimum residential density of 125 units per hectare, whereas Policy 2.4.2.1d) specifies that density is generally to be measured as a metric of persons and jobs per gross hectare. For clarity, we suggest revisions so that a consistent metric is used to measure density throughout the City;
- Policy 3.1.3.1a) provides direction for interpreting the Urban Design policies of Sections 3.2, 3.3 and 3.4, indicating a required conformity where the terms ‘will’ or ‘shall’ are used. In our review, there are a number of instances where the policies use the terms ‘will’ or ‘shall’, but also specify ‘where appropriate’. In our opinion, the direction to interpret the urban design policies does not sufficiently reflect the flexibility afforded in the policy framework and we suggest that revised wording be considered;
- We suggest that Section 3.2.3.1 continues to be overly onerous for requiring demonstration of the noted green development criteria through OPA, ZBA, Subdivision or SPA applications;
- Section 3.3 provides direction for specific building types. It continues to be unclear whether certain building typologies including low-rise development, is to apply to commercial/retail buildings not including shopping malls or major retail. We continue to suggest clarification in this regard;

- Policy 3.3.6b)ii) requires a variation in built form for Major Retail uses. We continue to suggest that this is a development standard that is inefficient and flexibility is appropriate;
- Policy 3.3.6f) encourages private streets to be designed to a similar standard as public roads. We suggest that this is a development standard that is inefficient, and not necessarily appropriate for this type of built form;
- Policy 6.4.2e)iii), we continue to have concerns that the phrasing of this policy will create an arbitrary 40 unit threshold that future developments may seek to not surpass, which may be counterproductive to the intent of the policy. We continue to suggest that revisions be considered to avoid such a threshold; and
- Map 5 Road widening has been substantially modified from prior iterations without prior justification that we are aware of. We seek clarity on the following proposed road width changes:
  - 319 Blake Street identified in prior drafts and in the in-effect Official Plan as 27m along Blake Street, proposed to increase to 30m;
  - 472 Bayfield Street identified in prior drafts and in the in-effect Official Plan as 41m along Bayfield Street, to 46m; and
  - 547 Cundles Road East identified in prior drafts as 41m for portions of Cundles Road, which are proposed to increase to 43m.

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 matters as well as Notice of the approval of the Official Plan.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Rob MacFarlane, MPL, MCIP, RPP  
Senior Planner

- cc. Choice Properties REIT (via email)  
Loblaw Companies Limited (via email)  
Tomasz Wierzba, City of Barrie (via email)