



STAFF REPORT ACTION REQUIRED

328 Dupont St (also includes 330, 332, 344, 358 and 374 Dupont Street) – Official Plan Amendment Application – Refusal Report

Date:	May 12, 2011
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	Pg11027 (File No. 10 184959 STE 20 OZ)

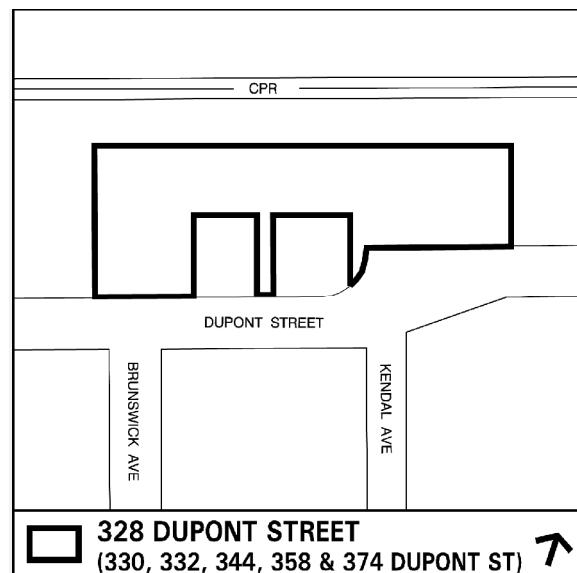
SUMMARY

This application is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to amend the Toronto Official Plan designation at 328, 330, 332, 344, 358 and 374 Dupont Street to permit a mixed use development through conversion of the *Employment Areas* designated property to a *Mixed Use Areas* designation to accommodate two residential towers, with retail/office on the lower four floors and a mid-rise live/work building directly abutting the Canadian Pacific Rail(CPR) corridor.

The proposal does not conform with the Province's Growth Plan for the Greater Golden Horseshoe; it is not consistent with the Provincial Policy Statement, nor does it conform to the City's Official Plan. It also fails to address serious rail safety matters.

This report reviews and recommends refusal of the application to amend the City's Official Plan.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application for the following reasons:
 - a. the proposal conflicts with the Growth Plan for the Greater Golden Horseshoe;
 - b. the proposal is inconsistent with the Provincial Policy Statement;
 - c. the proposal does not conform to the City's Official Plan; and
 - d. the proposal's abutting to the CPR mainline railway traffic carrying dangerous goods, abutting residential intensification.
2. Should the Official Plan Amendment application be appealed to the Ontario Municipal Board, the City Solicitor and the appropriate City staff be authorized to appear before the Ontario Municipal Board in support of Council's refusal.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The application was filed on May 31, 2010. The owner, Jeffrey Wynn, Trustee of the Wynn Family Trust is requesting that the subject site located at 328, 330, 344, 358 and 374 Dupont Street be re-designated from *Employment Areas* to *Mixed Use Areas* to accommodate primarily a residential intensification of the property.

The proposal is to develop the subject site with predominantly residential uses with office/retail/service on the lower four floors, located behind the six house form buildings fronting on Dupont Street. The owner does not currently own the buildings fronting onto Dupont Street and they are not included in this application. The current proposal is for two buildings in phase one and a third building in phase two. In phase one; Building A is proposed to have 4 floors of commercial /retail space and 25 floors of residential units. Building B is proposed to have 8 floors of live/work units. In phase two, Building C is proposed to have 4 floors of office/commercial space and 12 floors of residential units.

The combined density of the proposed two phased project according to the architect's site statistics is approximately 6.69 times the area of the lot, of which 4.6 x is residential and 2.08 x is non-residential. The current non-residential density on site is 1.20 times the area of the lot. The zoning on the lot currently permits 2 times the area of the lot.

Access to the site is from three existing curb cuts on the north side of Dupont Street, that lead to existing surface parking lots, including an existing driveway located in the centre of the site between the six existing houses. See Attachment No. 5 for project data.

Site and Surrounding Area

The site is located on the north side of Dupont Street, two blocks west of Spadina Road and is approximately 0.645 hectares (1.593 acres) in size. The site is U shaped with three frontages on Dupont Street. Between two site frontages there are six semi-detached house-form buildings containing 12 units that front on Dupont Street with the addresses of 346-356 and 360-370 Dupont Street.

The existing site contains six buildings, which include: a four-storey commercial building at the eastern end of the site; a five-storey commercial building also at the eastern end of the site; a two storey auto repair garage; and three commercial buildings on the western end of the site. The buildings are setback from the Dupont Street frontage, with related surface parking lots located closer to the street. The four and five storey commercial buildings at 328-332 and 344 Dupont Street are collectively referred to as the "Annex Centre".

Surrounding land uses include:

South: south side of Dupont Street, Annex residential neighbourhood, abutting the site are (six pairs of semi-detached buildings, some with mixed uses)

East: employment areas, 316-320 Dupont St., two and three-storey converted dwellings used for office/institutional use (Centre for Training in Psychotherapy)

West: employment areas, 388-390 Dupont Street, contains retail, service and office uses, including the Dish Cooking Studio, Creeds, Yoga Studio, Emblem Florists.

North: utility corridor, (CPR land and train tracks), further north is Bridgeman Avenue, abutting George Brown College, Casa Loma Campus

The Planning Act

The Planning Act's Section 2, which deals with Provincial Interests requires councils of municipalities to have regard to matters of provincial interest such as:

- (l) the protection of the financial and economic well-being of the province and its Municipalities;
- (o) the protection of health and safety; and
- (p) the appropriate location of growth and development.

Provincial Policy Statement (2005) and Growth Plan

The Provincial Policy Statement (PPS) 2005 provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, and/or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is within the *Downtown and Central Waterfront* area as shown on Map 2 of the Official Plan. As stated in Policy 1 of Section 2.2.1 the *Downtown* will continue to evolve as a healthy and attractive place to live and work. Development is expected to build on the strength of the *Downtown* as one of the premier employment centres in the GTA.

Map 18 of the City's Official Plan shows the subject lands are designated as *Employment Areas*.

Employment Areas are described in Section 4.6 as hothouses where we grow our enterprises and jobs. It goes on to state that business increasingly requires flexibility in order to compete effectively in the global economy. This need for flexibility extends to a firm's lands and building, and to what is available to support that business activity in the immediate area. A broad and inclusive approach to employment uses in *Employment Areas* is needed for the City's economic future. Uses that support the prime economic function of *Employment Areas*, such as parks, small scale retail stores and services to meet the daily needs of business and employees, workplace daycare and restaurants, must also be readily accessible within *Employment Areas*. Uses that detract from the economic function of these lands will not be permitted to locate in *Employment Areas*.

Policy 1 of Section 4.6 states that *Employment Areas* are places of business and economic activity. Uses that support this function consist of : offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area businesses and workers.

Zoning

Under the former City of Toronto Zoning By-law 438-86 the subject site is zoned IC D2 N2. The IC zoning classification permits a wide range of light industrial and commercial uses up to a total of 2 times the area of the lot. The maximum height is 14 metres. The new Zoning By-law 1156-2010 zoning does not apply to the industrial-commercial zoned lands for the subject site or along this section of the north side Dupont Street.

Residential uses are not permitted on the site. The proposed live-work use is not permitted unless it's artist live-work and it's provided as part of a *social housing program*. The owner's architect did indicate at the public meeting that the owner has been in contact with Artscape regarding the proposed mid-rise building.

In addition, the proposed development does not comply with other zoning requirements such as maximum building height. An application to amend the zoning by-law to permit the proposed development has not been filed.

Site Plan Control

The site is subject to Site Plan Control. A Site Plan Control application has not yet been submitted because there is no detailed development proposal submitted for review as part of this Official Plan Amendment.

Reasons for Application

The proposed residential use(s) is/are not permitted on lands designated *Employment Areas* in the Official Plan. Depending upon the type of uses that comprise the non-residential portion of the proposed "mixed use development," an amendment may additionally be required for some of the proposed non-residential uses.

Community Consultation

A Community Information meeting was held at Royal St. George's College's Chapel on May 3, 2011. Approximately 100 members of the public attended the meeting. At this meeting, City planning staff provided background information on the planning process and restrictions that apply to the site. The owner's consultant planner described the subject site, the local area and the planning proposal. The owner's architect presented the built form vision for the site. It was explained that the final height and density have not been established, but the current proposal submitted with the re-designation application was for 7 times the area of the lot for a mixed use development.

Residents and business owners had questions regarding: maintaining rear vehicular access to the semi-detached houses in front of the project; providing sufficient parking on site; the height of the proposal; safety concerns for residential units abutting the rail corridor; the need for a vision type study for Dupont Street to look at appropriate uses; built form and streetscape improvements before this or other applications are approved; setting a precedent with this application; the loss of future manufacturing employment opportunities if residential uses are permitted; safety of vehicular access to Dupont Street from the site; increase in local vehicular traffic; the availability of municipal

infrastructure for this scale of expansion; the need for more local parks and school space for residential intensification.

A number of residents sent e-mails and came to view the planning file and had concerns regarding the scale of the development and its impact on the surrounding areas. They also had concerns about the loss of privacy and overlook on the rear yards of the six pairs of semi-detached properties, which front the subject site on Dupont Street.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Provincial Policy Statement (2005)

Protection of employment areas is a key policy objective of the Provincial Policy Statement (2005). Policy 1 of Section 1.3 of the PPS states that:

Planning authorities shall promote economic development and competitiveness by:

- a. Providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long term needs;
- b. Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; and
- c. Planning for, protecting and preserving *employment areas* for current and future uses.

The current uses and the current employment land designation on the subject site meet the objectives and intent of the above PPS policy as follow:

Policy 1.3.1 a) requirement for an appropriate mix of uses is occurring currently on the subject site as the site contains office, service, retail and institutional uses. The policy excludes residential as a permissible use on the site.

Policy 1.3.1 b) requirement of providing opportunities for an economic base is being met by the current use of the site for a diversified mix of retail, office, service and institutional uses. One third of the all commercial employees in the applicant's study area, which includes all the properties on the north side of Dupont Street, between Davenport Road and Bathurst Street, are employed on the subject site.

Policy 1.3.1 c) requirement for protecting and preserving employment areas for current and future uses needs to be met. According to the applicant's consultant's Planning Rationale, Table 5, page 23 the proposed future non-residential density would be 2 times the area of the lot, however, the residential density would be 5 times the areas of the lot.

UrbanMetrics inc., the owners' economic consultant claims that the number of employees on site would increase from 200 up to 800, based on the proposed new non-residential floor area being substantially for office employees (over 600) and about 50-60 live-work unit owners.

Staff from the Economic Development Division have commented that the UrbanMetrics inc. employment projections appear to use high end averages for both office and retail space at a site with a less than optimal location, even though it is walking distance to the subway. (ie. outside the downtown core and adjacent to a busy rail corridor).

The applicant's proposed office/retail positions should not be dependent on a new residential component as all of the current employment positions exist without any on-site residential development at this time. The site currently has a stable employment base to build on. Given the overall health of the broader *Employment Area*, additional office/retail space should not be dependent on major residential intensification as proposed in the application. Any future additional non-residential employment uses and any required density and/or height increases could be considered through appropriate Official Plan and Zoning Amendment applications that do not include a residential component.

The application is also subject to the conversion criteria of the 2005 PPS, which under Policy 1.3.2 permits planning authorities to convert lands within employment areas to non-employment uses via a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

No strong justification has been demonstrated by the applicant or determined by City staff that all of the types of employment uses currently permitted in this *Employment Area* cannot survive on the subject site without the introduction of residential intensification. Given the relative health of employment in the area, the lands are still required and are currently being used for employment purposes. As such there is no new need for the proposed conversion through an Official Plan Amendment.

In addition, to the above policies, Part IV: Vision of Ontario's Land Use Planning System on page 3, of the PPS in paragraph two, states that "It is equally important to protect the overall health and safety of the population. The PPS directs development areas from areas of natural and human-made hazards, where these hazards cannot be mitigated." The applicant has not demonstrated how they can make the site safe for redevelopment from the adjacent CPR rail corridor. The railways normal setback requirement is a 30 metre from the rail corridor for residential development.

Part V of the PPS has policies that support "1.1 Managing and Directing Land Use to Achieve Efficient Developments and Land Use Patterns." Section 1.1.1 supports the City Planning staff's concern about the proximity to the railway corridor to the proposed

residential intensification of the site. The policy is to avoid c)"development and land use patterns which may cause environmental or public health and safety concerns."

Part V of the PPS deals with Transportation and Infrastructure Corridors. Policy 1.6.6.1 states that Planning authorities shall plan for and protect corridors and rights-of-way for transportation, transit and *infrastructure* facilities to meet current and projected needs. This policy focus is to protect the rail corridor from adjacent physical development that may affect the future of transportation corridors and their train operations.

Part V of the PPS deals with Long-Term Economic Prosperity, and states in section 1.7.1 that Long-term economic prosperity should be supported by: e) planning so that major facilities (such as ... transit/rail infrastructure and corridors, ...) and *sensitive land uses* are appropriately designed, buffered and/or separated from each other to prevent *adverse effects* from odour, noise and other contaminants, and minimize risk to public health and safety. The buffering and separation of the subject site's residential sensitive uses from the rail corridor impact has not been dealt with to any significant degree with the (exception of a recommendation for warning clauses, central air systems, brick veneer, and upgraded windows for future buildings to deal with noise and vibration.) There have been no proposed measures put forward in terms of a setback, a berm or crash barriers to deal with the potential for a train derailment.

Section 4.5 of the Provincial Policy Statement provides that the official plan is the most important vehicle for implementation of the PPS. In addition, the PPS requires that official plans shall also provide clear, reasonable and attainable policies to protect the provincial interest. Municipalities are required to keep their official plans up-to-date with the Provincial Policy Statement. The approval of an official plan amendment which results in the loss of employment lands which impacts rail corridors and which have potential safety concerns as well as it would be contrary to provincial policies and interests.

For the reasons stated above, and outlined on page 3 with respect to the Planning Act, the proposed development is not consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe

The proposal does not conform with the Growth Plan for the Greater Golden Horseshoe.

Protection of employment lands is also a key policy objective of the provincial Growth Plan for the Greater Golden Horseshoe. Policy 2 of Section 2.2.6 of the Growth Plan, states:

"Municipalities will promote economic development and competitiveness by -

- a. providing for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs;
- b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses

- which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c. planning for, protecting and preserving *employment* areas for current and future uses; and ..."

The Growth Plan's employment land protection policies set out above apply and are consistent with the Policy 1 of Section 1.3 of the PPS, 2205.

As the application seeks to introduce residential uses on to employment designated lands, it does not conform to the Policy 2 of Section 2.2.6 of the Growth Plan.

Official Plan

The City's Official Plan represents Toronto's long term growth management strategy and as such conforms to and meets the intent of both the 2005 Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

Accordingly, the Official Plan provides a policy framework that accommodates the City's provincially assigned population and employment growth forecasts through appropriate intensification and sensitive infill development. The Official Plan's growth management approach which is shown on Map 2, illustrates the Plan's overall urban structure.

With respect to residential growth, the Plan's urban structure (in conjunction with the implementing land use designations of Chapter 4) directs residential growth to the *Centres* and the mixed use areas of the *Avenues*. Residential intensification is also envisioned for the *Downtown and Central Waterfront*; however as Policy 4 of Section 2.2.1 of the Official Plan states that such development is intended to occur within the *Mixed Use and Regeneration Areas* of the *Downtown*. The subject property is located in the *Downtown*; however, it is not located within a *Mixed Use Area*, or in a *Regeneration Areas*. The site is designated *Employment Areas*.

Residential growth is not permitted, envisioned or planned in areas designated as *Employment Areas*. Policy 1, Section 4.6 of the Official Plan, states, lands designated *Employment Areas* are places of businesses and economic activity. Such lands have not been identified as being needed to accommodate residential growth. They are required to ensure the City's future economic prosperity and to accommodate the City's projected employment forecasts. As such residential uses are not permitted.

The subject site is designated *Employment Area* on map 18 of the Official Plan. While "Employment Areas" that are not within "Employment Districts" only comprise 7 to 8 per cent of all "Employment Areas" they were still home to 2155 establishments and 31,476 employees in 2009. They provide a significant proportion of employment activity in the City.

In addition to the above, Chapter 3, Section 3.4 "The Natural Environment" deals with a high quality of life and public and private city-building activities and changes to the built environment in its policies. Policy Number 21 states that "Major facilities such as

transportation/rail infrastructure, corridors and yards, industries and sensitive land uses such as residences and educational and health facilities will be appropriately designed, buffered and/or separated from each other to prevent adverse effects from noise, vibration, odour and contaminants, and to promote safety. To assist in identifying impacts and mitigative measures, the proponent may be required to prepare studies in accordance with guidelines established for this purpose. The proponents will be responsible for implementing any required mitigative measures." To date the applicant has submitted a noise and vibration study, with more details to follow with a rezoning application, however, no mitigation plan for dealing with rail safety has been prepared. Rail safety is a substantial concern in terms of proximity and volume of rail traffic.

Probability of Replacement of Existing Employment

The subject site, as earlier mentioned, currently has 1.2 x the area of the lot of existing non-residential density, which consists of office, retail, institutional and services uses that occupy the buildings on-site, of which at least two were previously used for warehousing/manufacturing purposes.

The owner's planning consultant's Planning Rational is inconsistent with respect to the future non-residential floor space. It proposes a requirement of 1.2 times the area of the lot of non-residential replacement space in the draft official plan amendment, while at the same time stating that the proposal is to build 2 times the area of the lot of non-residential space.

The applicant wants to provide substantial residential intensification by proposing 5 times the area of lot, but not providing information on how rail corridor safety can be achieved on the site for that scale of residential density. The developer's lawyer assured the public at the City Councillor's community meeting that there is no fixed residential density requirement. However, it is understood that there is a substantial cost to new construction and underground parking garages for the new non-residential component. This may push the owner to consider a greater intensification of residential density, if the re-designation of official plan is approved.

Dupont Street Employment Areas Review

As required under policy 1.3.2 of the Provincial Policy Statement (2005) a *comprehensive review* of the Dupont Street *Employment Areas* was undertaken by City Planning staff.

Information Gathering

The background research was undertaken during the fall of 2010 and the winter of 2011. City Planning and Policy staff did a door to door walking survey to determine the current trend of land uses and vacancies along the *Employment Areas* designated portions of Dupont Street that extends west from Davenport Road to Lansdowne Avenue. The applicant's planner did a similar review which focused on their *Employment Areas Study Area* located between Davenport Road and Bathurst Street, which included the subject

site and all the *Employment Areas* designated properties located in the Downtown section of the Dupont Street strip.

City Planning staff, however, chose to undertake a review of the full extent of *Employment Areas* designated strip that predominantly ends at Lansdowne Avenue. The other planning/policy rationale for reviewing the entire Dupont Street strip is the precedent setting nature of this application. Whatever is permitted to occur on the subject site, could be applied for anywhere else along these *Employment Areas* lands.

Dupont Street (North side) Sub-Areas Reviewed – Land Uses Inventory

Davenport Road to Spadina Road

- retail uses (9)
- service uses (5)
- office uses (6)
- residential (13), semi-detached dwellings and second floor residential units
- vacant buildings (2), one a former service (restaurant) use and a retail use.

Spadina Road to Bathurst Street

- service uses (18)
- office uses (7)
- retail uses (3)
- residential (23), consisting of detached, semi-detached and rows of semi-detached homes, second floor residential with office/retail at grade, primarily fronting on Dupont Street
- vacant (2) residential buildings
- manufacturing/warehouses (1)
- vacant (1), a large manufacturing building with an associated large parking lot
- transportation use (1), TTC station
- other use (1)
- institutional (1)

Bathurst Street to Ossington Avenue, west of the *Downtown* boundary

- retail uses (10), including grocery and beer stores
- service uses (7), that are mainly gas and auto repair stations
- office use (1)
- a parking lot (Loblaws)
- residential (26), detached, semi-detached and loft/warehouse residential conversions fronting on Dupont Street
- other use (1), indoor tennis courts

Ossington Avenue to Dufferin Road

- retail uses, (3), construction supplies and furniture stores,
- service uses (3), auto related and storage
- office use (1)
- manufacturing (4), upholstery related, public storage, glass
- utility use, (1), hydro-substation
- residential uses (4), detached or semi-detached dwellings
- other use (2)

Dufferin Road to Lansdowne Avenue

- retail uses (2), mini mart and car alarms sales
- service uses, (10), auto repair and rental
- office use (1), property management
- institutional (1)
- warehouse/manufacturing, (2) kitchen cabinets and electrical parts
- parking lot (1), related to electrical manufacturing
- vacant(2), warehouse previously a manufacturing building and service business
- residential (16), rows of semi-detached houses, fronting on Dupont Street

Conclusions

In conclusion, the *Employment Areas* Study Area appears to be quite healthy with only five non-residential vacant buildings in fourteen blocks surveyed. One of those vacancies will soon be re-opening (1278 Dupont St.). Overall, the predominant non-residential uses are as follows, service uses, (43), retail uses (26), office uses (17) and warehouses/manufacturing uses (7) located in our overall study area. There are two vacant warehouse/manufacturing buildings, of which one is used for temporary filming uses. With respect to residential uses (82), most are detached or semi-detached houses fronting on Dupont Street while some are mixed-use house form buildings, with residential units above. The average age of these residential structures fronting Dupont Street is 1906. The location of these houses predate the prevailing land use pattern and do not represent current zoning approvals or recognize railroad safety concerns. There are no purpose built mid or high rise building for commercial-residential purposes along the study area. The door-to- door study reflects the comments from the City's Economic Development staff indicating little change in the last ten years. Although non-residential uses such as service, office and retail uses predominate, warehouses/ manufacturing are still present and reflect the IC zoning for the area.

Two Employment Establishment maps can be found as (Attachment 8 and 9) based on the Planning Division's Policy and Research's 2010 employment survey information and plotted on maps that cover City Planning staff's 2010-2011 study area review.

Traffic Impact, Access, Parking

A review of both The Planning Rationale, prepared by Bousfields Inc., dated May 2010, and 328-374 Dupont St. Traffic Impact Study, prepared by HDR/iTRANS Consulting, was undertaken by the City's Development Engineering staff of the Technical Services

Division. Their comments were based on these two documents and the architectural concept plans prepared by Regional Architects. As a result of no rezoning application being submitted along with the Official Plan Amendment application, no additional information was requested at this time or conditions imposed. However, comments will be provided under separate cover regarding the Traffic Impact Study, in the future if a rezoning application is submitted.

Servicing and Solid Waste

If a rezoning application is submitted in the future, a site servicing assessment in support of the development will need to be submitted as well as stormwater management plan. Comments on solid waste collection and fire services will be provided at a later date as well in connection with any future rezoning and/or site plan application.

Economic Impact

The planning application, included a consultant study entitled the "Dupont Street Employment Area Economic Impact Analysis", dated April 26, 2010, prepared by urbanMetrics inc. which has been reviewed by the City Planning and Economic Development- Business Services-Business Retention & Expansion staff. The owner's economic consultant concluded that Official Plan Amendment would create additional employment opportunities in modern purpose-built facilities rather than the fewer number of jobs currently accommodated in the older retrofitted buildings now on the site. The consultant stated that the proposal would also add housing opportunities and may perhaps act as a catalyst for further regeneration in the area.

City Economic Development-Business Service staff's assessment of the proposed Official Plan Amendment is that, it could preclude additional development of employment uses at this location in the future, as well as create conflicts between commercial employment on lower floors and upper floor residential uses.

The applicant's economic consultant examined the employment statistics from 1986 to 2009 in a selected Study Area on the north side of Dupont Street, located between Davenport Road to the east and Bathurst Street to the west. The results for the segment of the Study Area excluding the subject site show that the office and service sectors accounted for the largest numbers of employees and employers in 2009, followed by the retail sector. Although manufacturing and warehousing employed 40 people in this area in 2009, or about 9.2 % of all employees in this area, there was only a single employer in this sector in the balance of the Study Area. The owner's consultant concludes that the nature of employment in their smaller study area has changed significantly in the past 25 years. The bulk of employment is in office, service and retail sectors while only a minimal amount is in manufacturing and warehouse sectors.

City Economic Development-Business staff have concluded that the overall *Employment Area* is stable and has maintained its employment base and total number of firms over the past decade. The mix of employment uses has followed national and regional economic trends showing an increase in institutional uses with a decrease in manufacturing and warehousing uses. Retail, service and office uses have remained constant throughout the

past decade. It is reasonable to assume that these employment uses will continue and be accommodated on the subject site. The location provides a good inner city land resource for employment uses that serve the needs of both businesses and residents locally.

Therefore, based on the above noted assessment, the Economic Development- Business Service staff recommend refusal of this application.

Railway Proximity, Vibration and Risk

The applicant was requested to and submitted a Railway and Subway Vibration Analysis, prepared by Valcoutics. It concluded that based on the measurement of pass-bys by five trains ranging in speed from 40 to 60 kph and in length from 15 to 86 cars, as well as the proximity of the proposed buildings to the railway lands, the potential exists to exceed CPR's vibration guidelines. The guidelines would be further exceeded by two trains passing by at the same time, in the vicinity of the site. The report recommended that below grade foundations walls of all the proposed buildings be isolated from the surrounding soil/fill with a layer of insulation. The design details were recommended to be determined in conjunction with the architect and a structural engineer.

With respect to risk, the Canadian Pacific Railway (CPR) advised that they are not in favour of residential uses adjacent to their right-of-way. They stated that the proposed land use is not compatible with railway operations. (Attachment 6) The proposed buildings directly abut the CPR property line. A 30 metre set-back for residential development is normally required from a railway property line. This would be extremely difficult to accomplish on this site as it is only 58.8 metres deep.

CPR's staff believe the health, safety and welfare of future residents could be adversely affected by railway activities. The subject property is located adjacent to their North Toronto Subdivision which is classified as a principle main line and has a volume of up to 60 trains a day. The applicant's Planning Rationale prepared by the planning consultant firm Bousfields, notes that mitigation is possible through the use of safety berms, noise/vibration attenuation measures, set-backs and warning clauses. The physical characteristics of the subject lands preclude the implementation of most of these measures and CPR staff are not convinced that adequate mitigation can be achieved given the shallow nature of the site. This is the kind of land use incompatibility that the PPS, Official Plan *Employment Areas* designation and Zoning By-law 438-86, as amended IC industrial-commercial zoning seeks to avoid. The permitted IC uses are more compatible with adjacent rail corridor.

Therefore, based on CPR's staff advice, and City Planning staff consideration of provincial policy and risk related the possibility of a future train derailment, we are recommending refusal of this residential intensification proposal at the current proposed location, directly abutting CPR's high volume railway traffic carrying hazardous goods.

CONCLUSION

In conclusion, both Provincial and City Official Plan policies have been considered in the review of this official plan re-designation application. In addition, staff have undertaken a comprehensive review of current land use trends and vacancies in the Dupont Street study area from Davenport Road to Lansdowne Avenue. Staff have found no compelling planning rationale to introduce residential development in the Employment Areas by permitting a re-designation to a Mixed Use-Area. Further, the close proximity of this site and the entire Dupont Street strip employment area to the Canadian Pacific (CPR) Railway rail corridor creates a safety concern for both CPR and City planning staff. Therefore, we are recommending refusal of this application.

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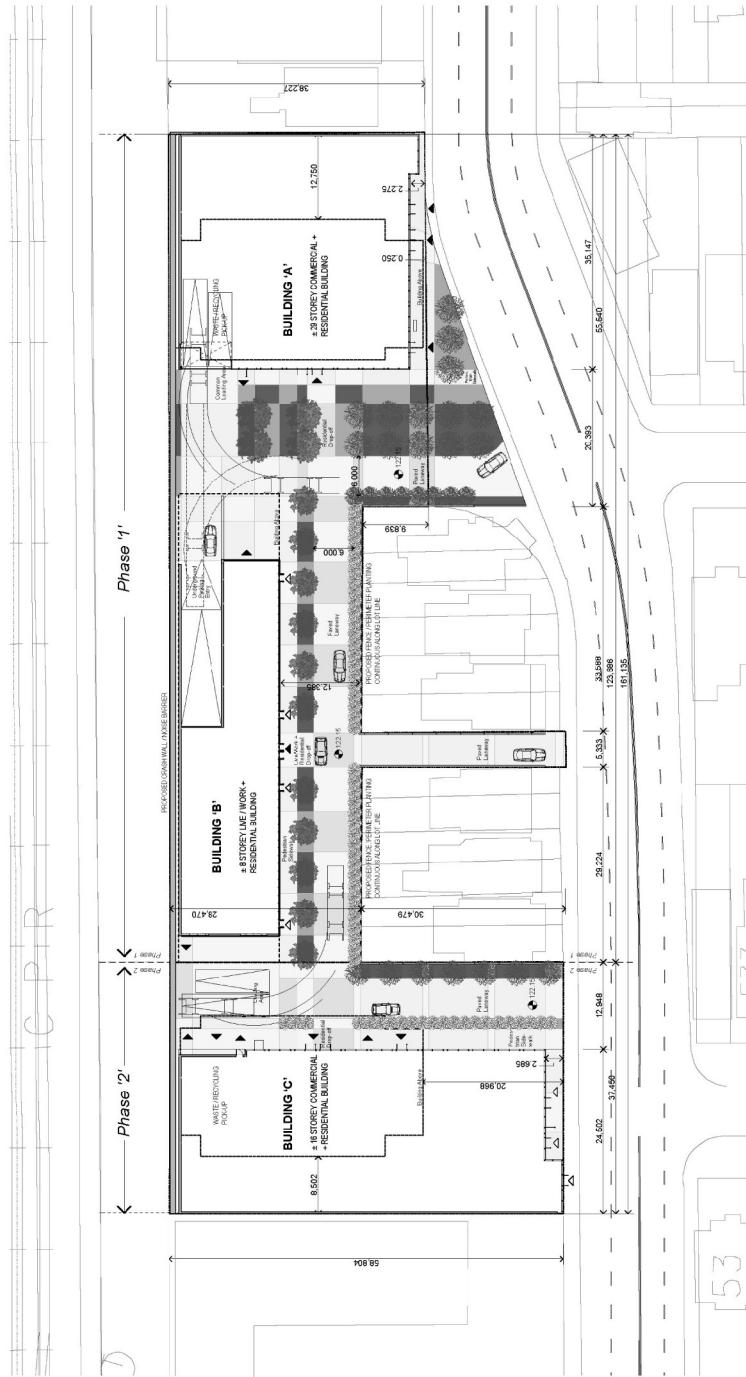
SIGNATURE

Gary Wright, Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: Official Plan
- Attachment 3: Zoning (By-law 1156-2010)
- Attachment 4: Zoning (By-law 438-86)
- Attachment 5: Application Data Sheet
- Attachment 6: Agency Comment - Canadian Pacific Railway (CPR) (e-mail)
- Attachment 7: Agency Comment - Economic Development (e-mail)
- Attachment 8: Employment Establishment Map (1) Davenport to Christie
- Attachment 9: Employment Establishment Map (2) Christie to Lansdowne
- Attachment 10: Land Use Survey Charts

Attachment 1: Site Plan



A-1.05
1:500
Monday, April 5, 2010

Concept Site and Landscape Plan

328 Dupont Street
328 - 374 Dupont Street

mapandarchitects
205-317 Adelaide Street West
(416)593-5953
(416)593-9911

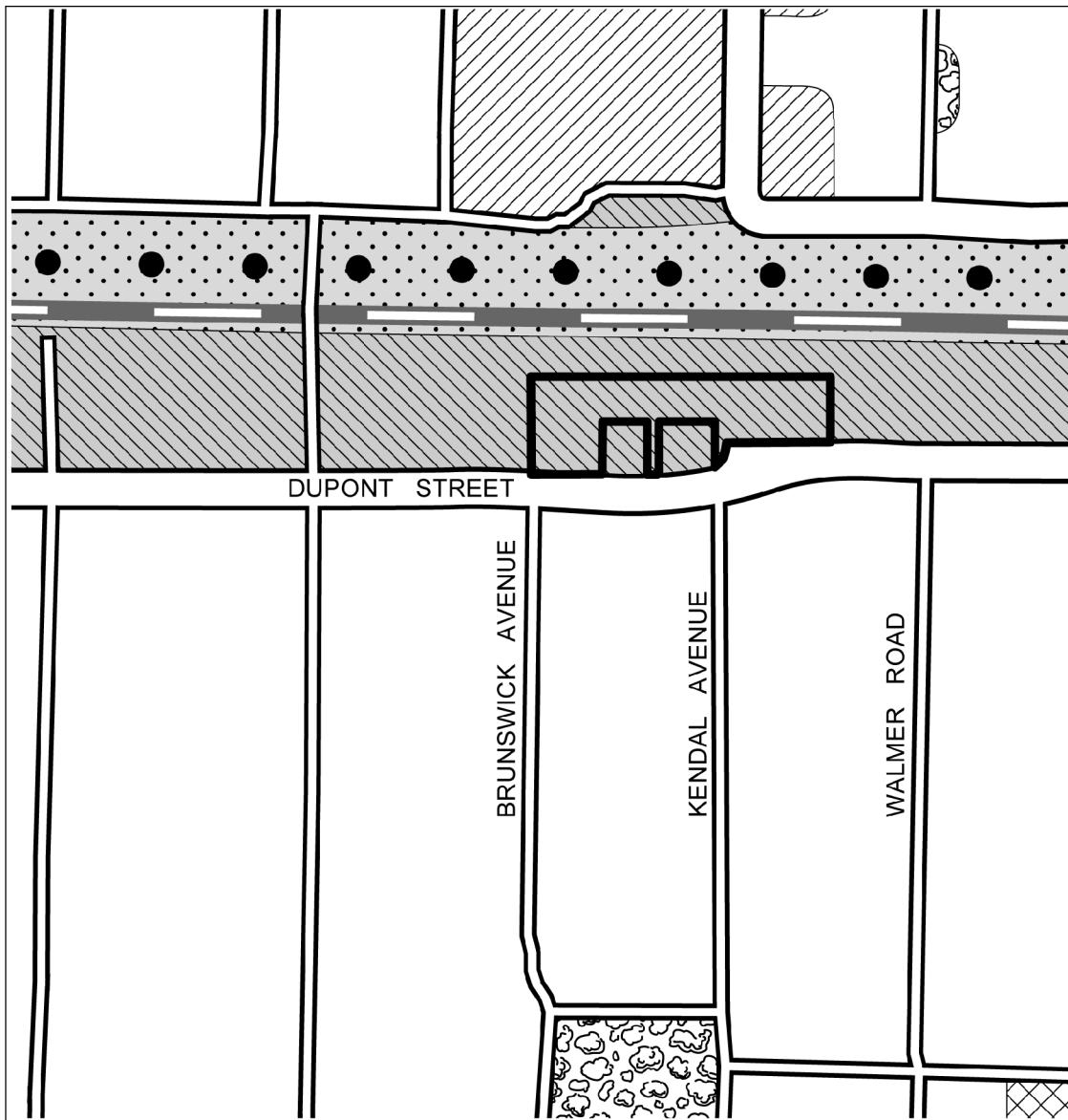
rA

328 Dupont Street
(330, 332, 344, 358 & 374 Dupont Street)

Site Plan
Applicant's Submitted Drawing
Not to Scale
03/31/11

File # 10_184959_02

Attachment 2: Official Plan



TORONTO
City Planning
Official Plan

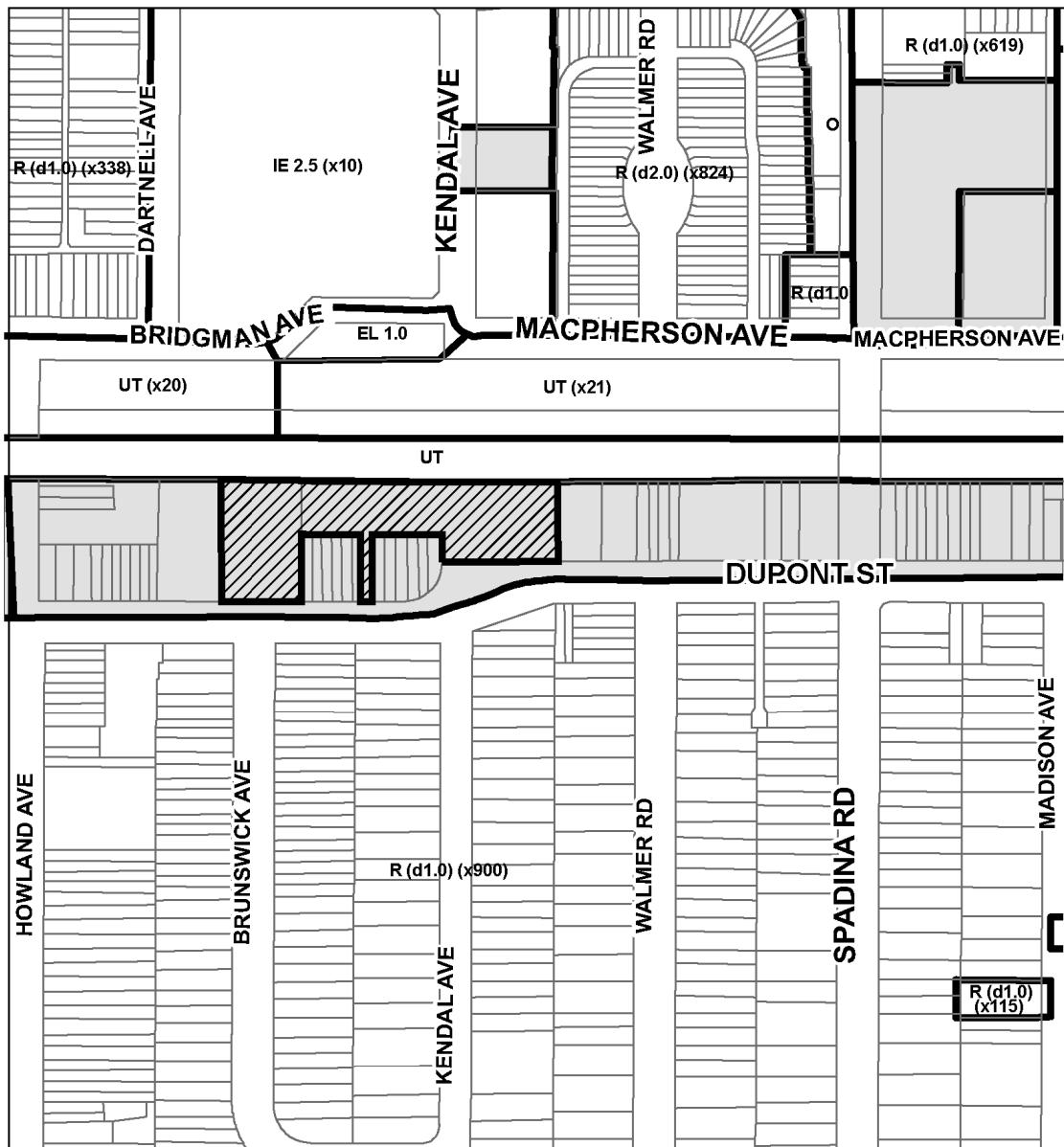
328 Dupont Street
(330, 332, 344, 358 & 374 Dupont Street)

File # 10_184959_0Z

	Site Location		Parks & Open Space Areas		Institutional Areas		Utility Corridors
	Neighbourhoods		Natural Areas		Regeneration Areas		Employment Areas
	Apartment Neighbourhoods		Parks		Other Open Space Areas		
	Mixed Use Areas						

Not to Scale
03/29/11

Attachment 3: Zoning (By-law 1156-2010)



TORONTO
City Planning

Zoning City of Toronto By-law 1156-2010

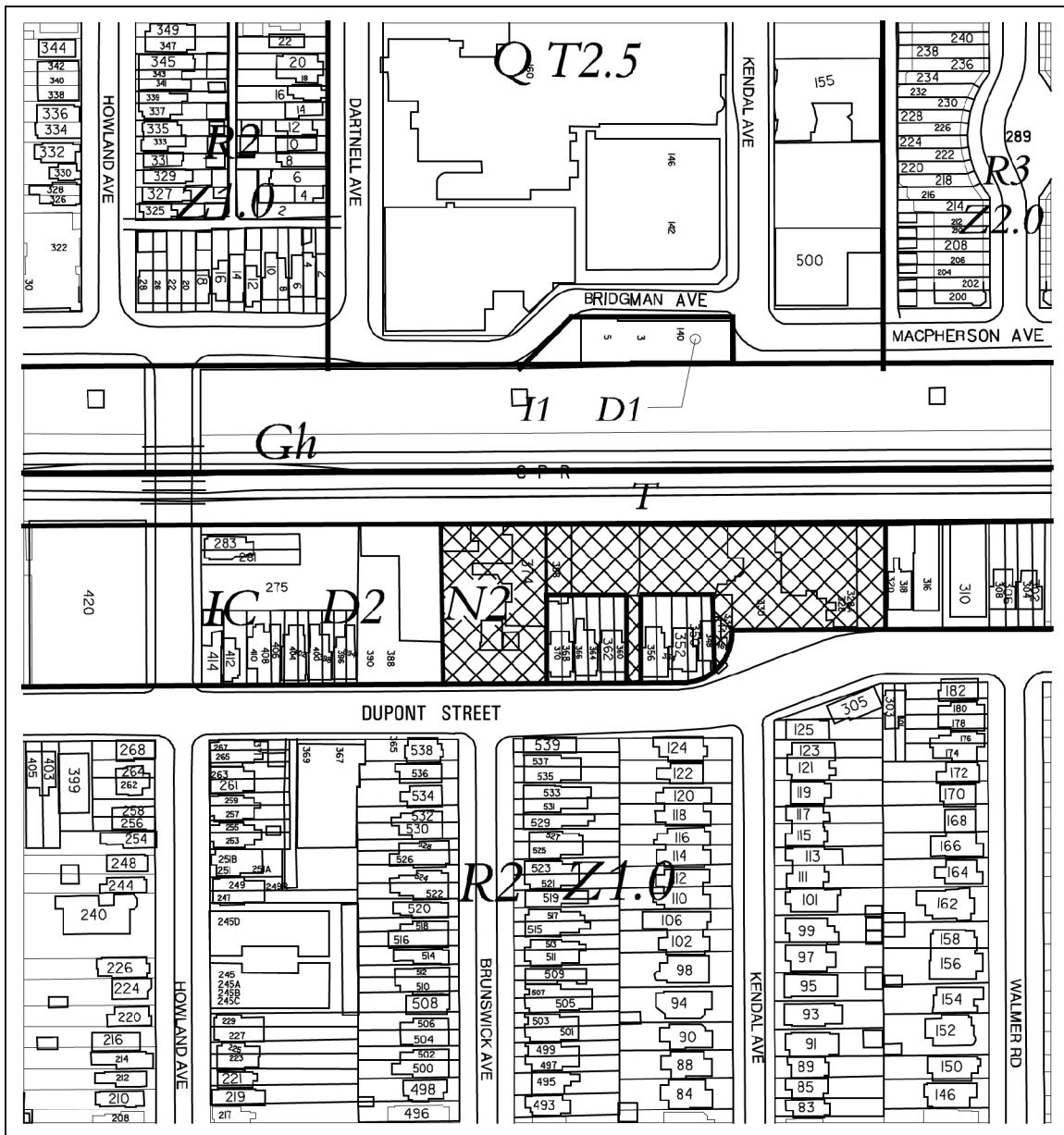
328,330,332,344,358,374 Dupont Street

File # 10 184959 0Z

- Location of Application
- Not Part of Zoning By-law 1156-2010
- R Residential Zone
- UT Utility & Transportation Zone
- EL Employment Light Industrial Zone
- IE Institutional - Educational Zone

Not to Scale
03/21/2011

Attachment 4: Zoning (By-law 438-86)



TORONTO
City Planning
Zoning

328 Dupont Street
(330, 332, 344, 358 & 374 Dupont Street)

File # 10 184959 0Z

Gh	Parks District	I1	Industrial District
R2	Residential District	IC	Industrial District
R3	Residential District	T	Industrial District
Q	Mixed-Use District		

Not to Scale
Zoning By-law 438-86 as amended
Extracted 03/28/11



Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment	Application Number:	10 184959 STE 20 OZ
Details	OPA, Standard	Application Date:	May 31, 2010
Municipal Address:	328 DUPONT ST		
Location Description:	PLAN 698 LOTS 52-54 PT LOT 55 PLAN 1152 PT BLK B **GRID S2002		
Project Description:	Standard OPA application to change Official Plan designation from employment area to mixed use areas. No accompanying rezoning application.		

Applicant:	Agent:	Architect:	Owner:
1095909 ONTARIO LIMITED			PAUL WYNN TRUSTEE

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	IC D2 N2	Historical Status:
Height Limit (m):	14	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	6450.1	Height:	Storeys:	29
Frontage (m):	98.3		Metres:	0
Depth (m):	58.8			
Total Ground Floor Area (sq. m):	3285			Total
Total Residential GFA (sq. m):	31400		Parking Spaces:	0
Total Non-Residential GFA (sq. m):	9900		Loading Docks	0
Total GFA (sq. m):	41300			
Lot Coverage Ratio (%):	50.9			
Floor Space Index:	6.69			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo, Other	Above Grade	Below Grade
Rooms:	48	Residential GFA (sq. m):	31400
Bachelor:	25	Retail GFA (sq. m):	9900
1 Bedroom:	160	Office GFA (sq. m):	0
2 Bedroom:	111	Industrial GFA (sq. m):	0
3 + Bedroom:	37	Institutional/Other GFA (sq. m):	0
Total Units:	381		

CONTACT: **PLANNER NAME:** **Barry Brooks, Senior Planner**
TELEPHONE: **(416) 392-1316**

Attachment 6: Agency Comment Canadian Pacific Railway (CPR)

From: Orest Rojik <Orest_Rojik@cpr.ca>
To: "bbrooks@toronto.ca" <bbrooks@toronto.ca>
Date: 03/11/2011 3:27 PM
Subject: TORONTO 10 184959 STE 20 OZ - 328 Dupont St

Official Plan Amendment 10 184959 STE 20 OZ - 328 Dupont St

Canadian Pacific Railway is not in favour of residential uses adjacent to our right-of-way as this land use is not compatible with railway operations. The health, safety and welfare of future residents could be adversely affected by railway activities. The subject property is located adjacent to our North Toronto Subdivision which is classified as a principle main line and has a volume of up to 60 trains per day.

As noted in Planning Rationale prepared by Bousfields, mitigating as much as possible the inherent adverse environmental factors of being situated next to a railway can be accomplished by the use of safety berms, noise/vibration attenuation measures, set-backs and warning clauses. That being said, the physical characteristics of the subject lands preclude the implementation of most of these measures and we are skeptical that adequate mitigation can be achieved given the lack of set-back afforded by this site.

Orest Rojik | Area Manager RE Support | 800-1290 Central Parkway West, Mississauga, ON L5C 4R3 |
905-803-3425
Canadian Pacific Driving the Digital Railway

Attachment 7: Agency Comment - Economic Development



Rebecca Condon, MCIP, RPP, AICP
Economic Development Officer

Business Services
77 Elizabeth Street
2nd Floor
Toronto, Ontario M5G 1P4

Memorandum

Tel: 416-392-0626
Fax: 416-392-1380
recondon@toronto.ca
www.toronto.ca

Date: August 27, 2010
To: Barry Brooks, Senior Planner
From: Rebecca Condon, MCIP, RPP, AICP
Economic Development Officer
cc: Eva Pyatt, Director, Business Services
George Spezza, Manager, Business Retention and Expansion
Elizabeth Sissakis, Economic Development Officer
Re: ED&C- Business Services –BR&E Comments – 328 Dupont Street et al
10 184959 STE 20 OZ

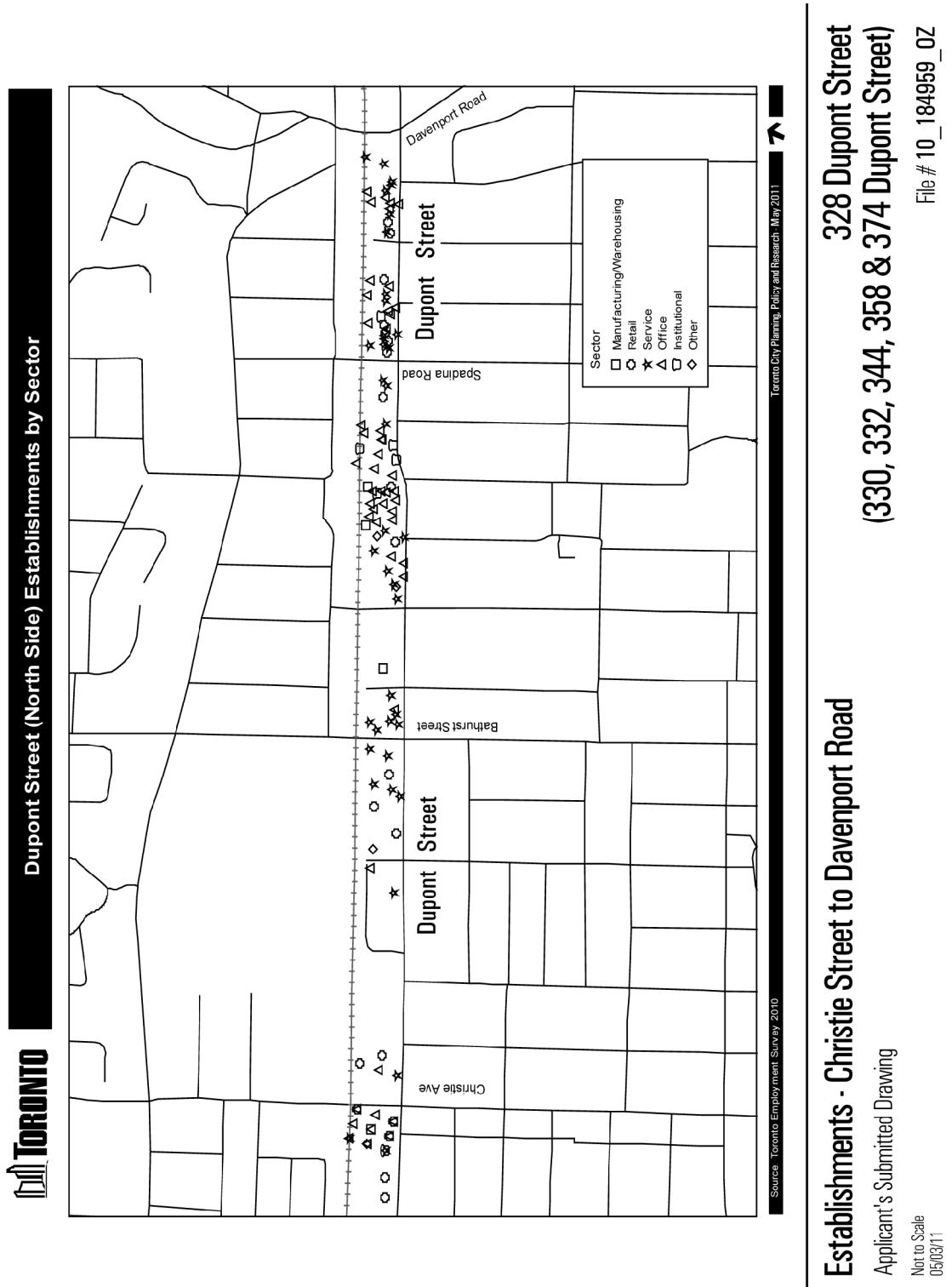
ED&C-Business Services-Business Retention & Expansion recommends refusal of the application for an Official Plan Amendment by Jeff Wynn (Trustee of the Wynn Family Trust) for 328 Dupont Street et al.

The applicant has applied for an Official Plan Amendment to change the designation from Employment Area to a Mixed Use Area for 328, 330, 332, 344, 358 and 374 Dupont Street. This will enable them to proceed with a Phase 1 and Phase 2 Development to replace two 4 storey commercial buildings and one single storey commercial building with three mixed use, (combined commercial/residential) at 12, 8 and 25 storeys respectively. These buildings would offer 4 storeys of commercial/retail uses with residential condominium units stacked on top for the remaining storeys. The site is located in an Employment Area as shown on Map 20 of the Official Plan and is Zoned IC (D2, N2- Height-14 metres).

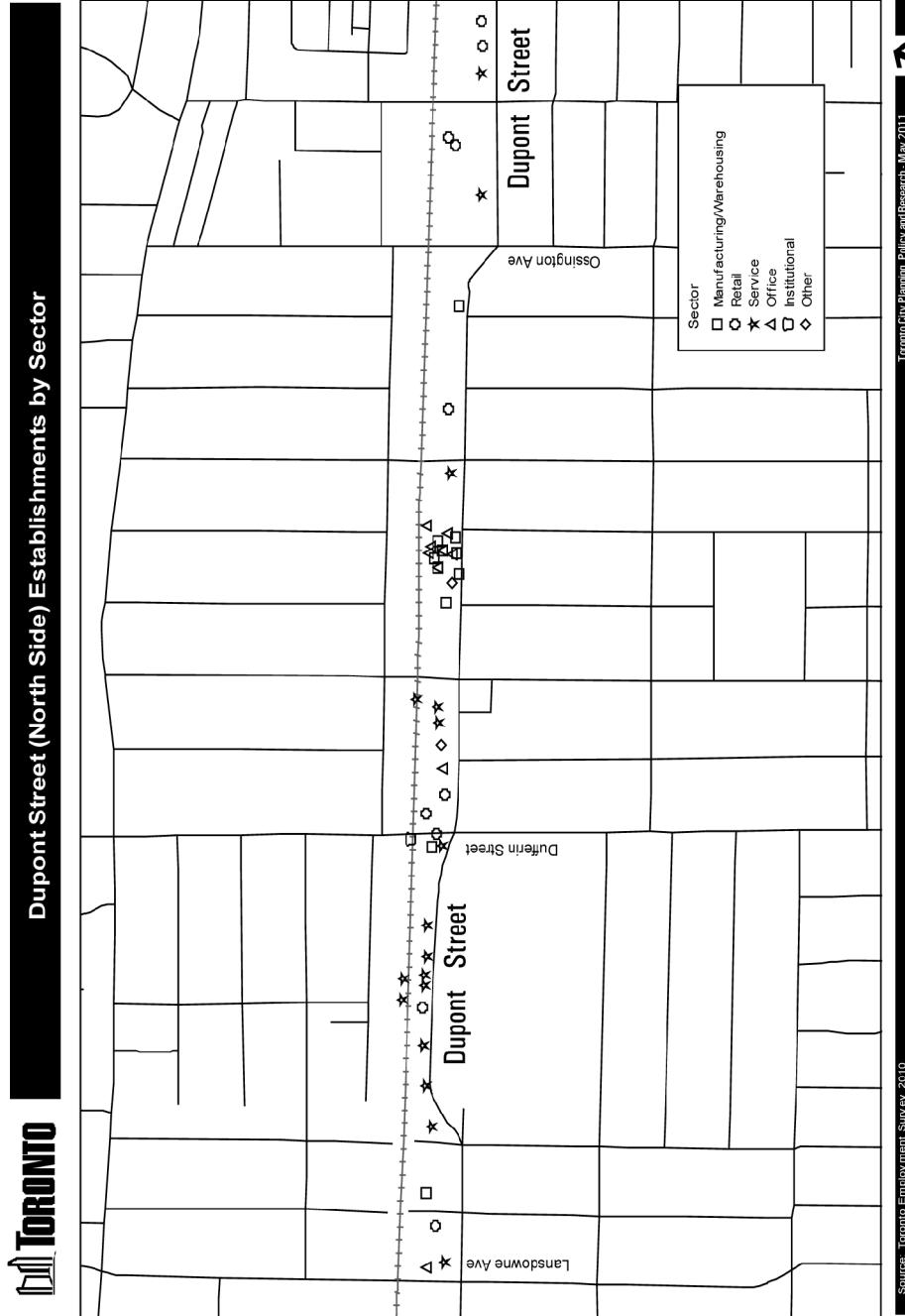
This Employment Area is stable and has maintained its employment base and total number of firms over the past decade. The mix of employment uses has followed national and regional economic trends showing an increase in institutional uses with a decrease in manufacturing and warehousing uses. Retail, service and office uses have remained constant throughout the past decade. It is reasonable to assume that these employment uses will continue.

At this location there is a cluster of medical services and medical institutional uses including a Massage Therapy School, Mid-Wife Clinic, several Homeopathy Offices and a dental office. There is no reason to believe that these uses would not continue and/or expand given existing demographic trends. Any residential development may preclude additional development of employment uses at that location.

Attachment 8: Land Uses Map (1)



Attachment 9: Land Use Map (2)



**328 Dupont Street
(330, 332, 344, 358 & 374 Dupont Street)**

Establishments - Lansdowne Avenue to Christie Street

Applicant's Submitted Drawing

Not to Scale
05/03/11

File # 10_184959_02

Attachment 10: Dupont Land Use Survey Chart

Dupont Street (North Side) Addresses	Use	Description
146 Dupont St.	Vacant (formerly retail)	Vacant - 2 storey
150 Dupont St.	Service	Esso Service Station/Tim Hortons
176-178 Dupont St.	Retail / Resid.	Rest. At grade/resid. above
182-184 Dupont St	Retail / Resid.	Rest. (Pour House Pub)
186 Dupont St.	Office	Dental office
188 Dupont St.	Office	Dental Office
192-194 Dupont St.	Office / Resid.	Dental on 1st/Office 2 nd fl.
196 Dupont St.	Service / Resid.	Dupont Laundry/Resid. 2 nd fl.
200 Dupont St.	Retail	Furniture Store
202-204 Dupont St.	Retail / Resid.	Flower Shop/resid. above
206 Dupont St.	Service	Dry Cleaners/ resid. above
232 Dupont St.	Retail	LCBO
238 Dupont St.	Service	Ezra Pound Cafe
240-246 Dupont St.	Residential	Semi-detached Houses
248 Dupont St.	Office/Resid.	Office/ resid. on 2 nd floor
250 Dupont St.	Office	Office at grade/resid. 2 nd fl.
252 Dupont St.	Vacant (formerly Service)	Former rest. (vacant)
256-266 Dupont St.	Retail / Resid.	Retail/resid. on 2 nd fl.
268 Dupont St.	Service / Resid.	Dry Cleaner/resid. 2 nd fl.
270 Dupont St.	Retail /Resid.	Retail/resid. on 2 nd fl.
272 Dupont St.	Retail / Resid.	Food market/ resid on 2 nd fl.

Spadina Rd.

278 Dupont St.	Transportation	TTC Dupont Station
282 Dupont St.	Service / Resid.	Dry Cleaner/resid. 2 nd fl.
284 Dupont St.	Service /Resid.	Rest./resid on 2 nd fl.
292 Dupont St.	Retail	Shoppers Drug Mart
302-306 Dupont St.	Residential	Row of 3 semi-detached
308 Dupont St.	Service/Resid.	Rest./resid. on 2 nd fl.
310 Dupont St.	Office	Office (Baxter Publishing)
316-320 Dupont St.	Office	Psychotherapy Centre
328-374 Dupont St. Subject Site	Office, Service, Retail, Institutional	Some existing warehouse bldgs. and auto garages
346-348 Dupont St.	Retail / Resid.	Retail / resid. on 2 nd fl.
350 Dupont St.	Service	Office on both floors
352-356 Dupont St.	Residential	Semi-detached houses
360 Dupont St.	Office /Resid.	Office/resid. on 2 nd fl
362 Dupont St.	Office / Resid.	Office/resid. on 2 nd fl

364 Dupont St.	Residential	Residential Semi-detached
368 Dupont St.	Office	Naturopathic Clinic/ resid.
370 Dupont St.	Residential	Residential Semi-detached
388-390 Dupont St.	Service/Retail/Office/Other	Disk Cooking Studio/Emblem Florists /Yoga Studio/Creeds/The Feldenkrais Centre
394-398 Dupont St.	Residential	Semi-detached houses
400 Dupont St.	Service/ Resid.	Therapy Centre/resid. above
402-404 Dupont St.	Residential	Semi-detached houses
406 Dupont St.	Service / Resid.	Rest./resid. on 2 nd fl.
408 Dupont St.	Service/ Resid.	Flow Yoga/resid. 2 nd fl.
412 Dupont St.	Residential	Detached House
414 Dupont St.	Service/Resid.	Rest./resid. on 2 nd fl.

Howland Ave.

275 Howland Ave.	Parking Lot	Mono Lino Typesetting Parking Lot
281-283 Howland Ave.	Vacant	Vacant Semi-detached houses
420 Dupont St.	Vacant (Formerly Manufacturing/Office)	Vacant (industrial/office) Former Mono Lino Typesetting building

Albany Ave.

275 Albany Ave.	Manufacturing /Warehouse	Wings Food Products
246 Albany Ave.	Service	Research Office-house form
248 Albany Ave.	Residential	Semi-detached house
458 Dupont St.	Service	Dry Cleaners/Martial Arts
460 Dupont St.	Residential	Semi-detached house
462 Dupont St.	Service / Resid.	Hair Studio/resid. on 2 nd fl.
464 Dupont St	Residential	Semi-detached house
466 Dupont St.	Service / Resid.	Lawyer/resid. on 2 nd fl.
468-470 Dupont St.	Service /Vacant Residential	Psychic Reader/resid. vacant
472 Dupont St.	Service	Vesta Lunch Rest. / Coin Laundry
1105 Bathurst St.	Service	CNC Electronics
1109 Bathurst St.	Service	Car Wash

Bathurst St.

1110 Bathurst St.	Service	Esso Service Station
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1116 – 1120 Bathurst St.	Office	RDK Office/storage
488 Dupont St.	Retail	Bathroom Fixtures
490 Dupont St.	Service	Sisca's Ok Tire/Alarm Auto
500 Dupont St.	Retail/Resid.	Beer Store
522 Dupont St.	Retail / Resid.	Retail/resid. on 2 nd fl.

Palmerston Ave.

903 Palmerston Ave.	Residential	Detached House form bldg.
905-925 Palmerston Ave.	Residential	Semi-Detached houses
918-924 Palmerston Ave.	Residential	Warehouse type bldg. conversion/semi-detached
532-544 Dupont St.	Residential	Semi-detached houses
546-548 Dupont St.	Service	Auto Repair
550-550R Dupont St.	Service	Auto Repair Garage
552-556 Dupont St.	Residential	Semi-detached houses
566-568 Dupont St.	Other	Indoor Tennis Courts(2)
610 Dupont St.	Parking lot	Loblaws Parking Lot
650 Dupont St.	Retail	Loblaws Store

Christie St.

672 Dupont St.	Retail/Office/Service	Blockbuster/Faema Espresso Machines
700 Dupont St.	Retail	Bently Showroom/Sales
720-764 Dupont St.	Service/Retail	Grand Touring Auto
770 Dupont St.	Retail	Lotus Dealership
810 Dupont St.	Service	Dupont Auto Collision
804 Dupont St.	Retail	Home Hardware

Shaw St.

840 Dupont St.	Retail	Sobeys Grocery Store
860 Dupont St.	Service	Pioneer Gas Station
888 Dupont St.	Residential	Residential Loft Bldg.

Ossington Ave.

914-934 Dupont St.	Warehouse/Manufacturing	Public Storage
950 Dupont St.	Retail	Furniture Store

Dovercourt Road

1000 Dupont St.	Utilities	Hydro-Substation
1020 Dupont St.	Manufacturing	Da Silva Upholstery

1024 Dupont St.	Manufacturing/Office/Other	Design by Glass
1060 Dupont St.	Warehouse/Manufacturing	Dupont Construction Supplies
1072 Dupont St	Service	Dupont Carburetor Rebuilders
1074 – 1096 Dupont St.	Residential	Detached House – 2 storey
291 Bartlett Ave.(eastside)	Residential	Detached House

Bartlett Ave.

294-296 Bartlett Ave. (west side)	Residential	Semi-Detached houses
1100 Dupont St.	Service	Dupont Automotive/Affinity Car Truck Rental
1120 Dupont St.	Service	Harry's Motors
1130 Dupont St.	Other	Claims and Disability Mgt./ Portuguese Community Centre
1134 Dupont St.	Office	Jones des Lauriers Insurance Broker
1140 Dupont St.	Retail	Newport Fish Importers Co.
1152 Dupont St.	Retail	Modern Furniture Knock Off

Dufferin Road

1170 Dupont St.	Manufacturing/Warehouse Retail/ Institutional	Portugal Kitchen Cabinets Manufacturing/Car Alarms Installation /Vacant 2 nd Fl. World Mission Centre Church
1212 Dupont St.	Service	Dupont-Dufferin Car Wash
1220 Dupont St.	Service	Auto Repair
1228 Dupont St.	Service	Auto Repair
1234 Dupont St	Service	Public Auto Engine Rebuilders
1250 Dupont St.	Service	Aire One Heating & Cooling
1280 Dupont St.	Service	Ventures Car/Truck Rental
1272 Dupont St.	Service	Avenue Marble Restoration
1278 Dupont St.	Vacant	Pumps & Motors (Business Opening Soon)
1286 Dupont St.	Service	West Toronto Auto Leasing
1292 Dupont ST.	Service	Shell Service Station

Emerson Ave.

250 Emerson Ave.	Vacant (previously Mfg/Warehouse)	Formerly Royal Railing Ltd.
260 Emerson Ave.	Parking Lot	Parking Lot for Jamar Electric
1314 – 1344 Dupont St.	Residential	Semis and Row houses

St. Clarens Ave.

730 St. Clarens Ave.	Retail	Min-o-mart
777 St. Clarens Ave.	Mfg/Warehouse	Jomar Electric Railing Ltd.
1005 Lansdowne Ave.	Service	Coffee Time
1011 Lansdowne Ave.	Office	Lansdowne Property Mgt.

Lansdowne Ave.