

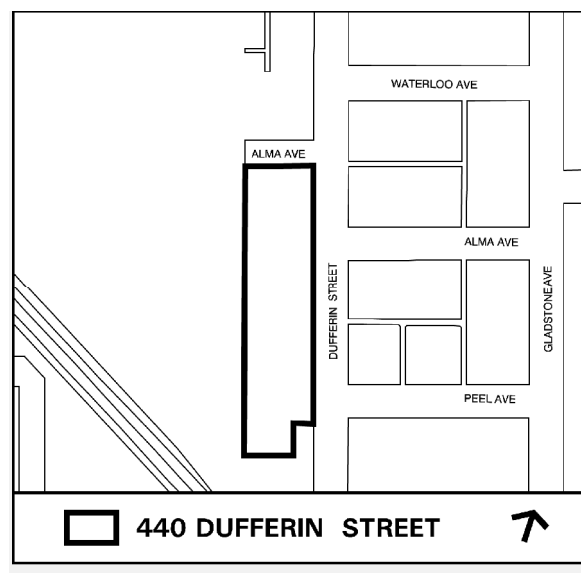
440 Dufferin Street - Official Plan Amendment and Zoning Amendment Applications - Preliminary Report

Date:	February 17, 2012
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning
Wards:	Ward 18 – Davenport
Reference Number:	Pg12016 (File No. 11-320041 STE 18 OZ)

SUMMARY

This application proposes to amend the Official Plan and the Zoning By-law to permit a mixed use development on lands currently designated *Employment Areas* in the Official Plan. The proposal contains 3 buildings ranging in height from 8 to 24 storeys with a 4-storey podium. The ground and second floors, a total of 5,385 square metres, would be non-residential gross floor area, and proposed above are 399 residential units with a total gross floor area of 32,253 square metres. Three hundred and forty parking spaces are proposed to be located below grade with access from a new private driveway running along the west side of the site.

This report provides preliminary information on the above-noted applications and seeks Planning and Growth Management Committees direction on further processing of the applications and on the community consultation process.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to review the application to add Site and Area Specific Policy #154 to the site, for the purpose of permitting residential development, concurrently, and in the context of, the statutory Five Year Review of the Official Plan which includes a Municipal Comprehensive Review that has been commenced by the City Planning Division.
2. The Chief Planner and Executive Director, City Planning, upon completion of the Municipal Comprehensive Review, be directed to:
 - (i) Schedule a community consultation meeting for the lands at 440 Dufferin Street together with the Ward Councillor.
 - (ii) Issue notice for the community consultation meeting to landowners and residents within 120 metres of the site.
 - (iii) Ensure that notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Section 26 of the *Planning Act* requires the City to review all of its Official Plan policies, including the designation of lands as areas of employment and the removal of land from areas of employment, every five years. This statutory review, which includes a Municipal Comprehensive Review as defined by the Growth Plan for the Greater Golden Horseshoe is now underway as directed by Planning and Growth Management Committee at its meeting on May 30, 2011. The link to the decision can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.PG5.2>

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements and to review and give feedback on the proposal. At this pre-application meeting staff informed the applicant that any application to permit residential uses on the site would be considered premature given that the City is currently undertaking the review of employment lands required under Section 26 of the *Planning Act* and the Municipal Comprehensive Review under the *Growth Plan for the Greater Golden Horseshoe*.

ISSUE BACKGROUND

Proposal

The application proposes to amend the Official Plan and the Zoning By-law to permit residential uses on the site. Please see Attachments 1-5 for drawings of the proposal and Attachment 8 for the Application Data Sheet.

The site is proposed to be broken up into three "blocks", each containing a mixed-use building, but all connected by an underground parking garage. A total of 399 residential units, or 32,353 square metres of residential gross floor area, and 5,385 square metres of non-residential gross floor area is proposed over the entire site. The proposed density is 5.5 times the area of the lot.

North Block – A four-storey (16 metre) podium facing Alma Avenue, rising towards the south to an eight-storey (28 metre) building, contains 66 residential units. A residential lobby off the new driveway at the south end of this block serves the residential units on the third to eighth floors. Workshops and offices are located on the ground and second levels with direct entrances off Dufferin Street for the at-grade units and a lobby for the second floor units off Alma Avenue.

Central Block – This block has a four-storey podium (16 metres), and a 12-storey (40 metre) tower in the middle of the block. The tower is twisted on the podium, so it is not parallel with Dufferin Street. One hundred and fifteen units occupy this building, with lobbies located off Dufferin Street, and the new driveway at the south end of the block. This block also contains the ramp that accesses the underground parking garage. The ramp is located off a driveway which runs down the west side of the site. Workshops and offices are located on the ground and second levels.

South Block - A small four-storey (16 metre) podium anchors a 24-storey (76 metre) tower on this block. Again, the tower is twisted from the podium to be perpendicular to the rail corridor. Lobbies for the 218 residential units are located on Dufferin Street and off the driveway and the north end of the block. Workshops and offices occupy the ground and second levels of the building.

A total of 340 parking spaces are proposed. Thirty-four are located at grade with access from the driveway along the west edge of the site, and the remainder are contained on two underground levels. This includes 48 visitor parking spaces, 54 spaces for the non-residential component of the project, and 238 for the residential units. Three hundred and seventeen bike parking spaces are also proposed. All loading and garbage collection is located at the west side of each block, with access from the driveway along the west edge of the site.

Site and Surrounding Area

The subject site is 6,847 square metres and runs along the west side of Dufferin Street from Alma Avenue to the Lower Galt Subdivision rail line. It is currently occupied by a

1 and 2-storey building which contains a variety of workshop and studio spaces totalling approximately 6,400 square metres of non-residential space.

North: To the north of the subject site is Alma Avenue. On the north side of Alma Avenue is a one-storey building containing a marketing firm, and further north along the west side of Dufferin are a series of two-storey residential rowhouses and a three-storey mixed use building at Florence Street.

East: To the east of the site, on the east side of Dufferin Street is a low rise, residential neighbourhood characterized by two-storey row and semi-detached houses.

South: Immediately south of the site is the Lower Galt Subdivision rail line. It is this line which is being expanded for rail service to the airport and improved GO Transit service, and which will contain a southerly expansion of the West Toronto Rail Path. The Dufferin Jog project, which connected Dufferin Street under the rail corridor, has also recently been completed.

West: To the west of the site is a large triangular property adjacent to the rail corridor, with access from Alma Avenue which is currently occupied by Riverview Produce Inc., a produce wholesaler. North of this site, along the south side of Florence Street is a mix of residential buildings and small scale employment uses.

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.

Section 26 of the *Planning Act* requires the City to review our Official Plan not less frequently than 5 years after the Official Plan comes into effect. Since the Toronto Official Plan came into effect in June 2006, the City commenced its statutory review of the Official Plan in May 2011 to comply with the *Planning Act*. The City is required to review policies and designations applying to areas of employment, and policies dealing with removal of land from areas of employment to confirm or amend these policies. City staff are in the midst of the review of employment lands required under Provincial statute.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS establishes the policy foundation for regulating the use and development of land. City Council's planning

decisions are required to be consistent with the PPS. The PPS requires the City to 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 taking into account the needs of existing and future businesses;
- c) planning for, protecting and preserving *employment areas* for current and future uses; and
- d) ensuring the necessary *infrastructure* is provided to support current and projected needs.

The PPS defines *employment areas* as those areas designated in an Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Section 1.3.2 of the PPS states that the City may only give consideration to converting lands within employment areas to non-employment uses when a *comprehensive review* has met the following two-part test:

- (i) the land is not required for employment purposes over the long-term; and
- (ii) that there is a need for the conversion.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan 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 to conform, or not conflict with, the Growth Plan.

The Growth Plan requires the City to maintain an adequate supply of lands providing locations for a variety of appropriate employment uses in order to accommodate the employment growth forecasts of the Plan. The Plan requires municipalities to 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
- d) ensuring the necessary infrastructure is provided to support current and forecasted employment needs.

The definition of an *employment area* in the Growth Plan is the same as that used in the PPS.

Official Plan

Map 18 of the City's Official Plan shows the subject lands designated as *Employment Areas* (see Attachment 6).

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.

Site and Area Specific Policy #154

Site and Area Specific Policy #154 applies to certain sites throughout the former cities of Toronto and York which were formerly designated with a mix of industrial and residential. Policy #154 does not currently apply to the subject property. The Policy states that:

"A mix of employment and residential uses are permitted provided that:

- a) if the property is designated *Employment Areas*, the building will provide for a satisfactory living environment compatible with the employment uses in the building and adjacent area; or

- b) if the property is designated as any designation other than *Employment Areas*, the employment uses are restricted to those compatible with residential uses in terms of emissions, odour, noise and generation of traffic."

The applicant is proposing to apply this Site and Area Specific Policy to the subject site. Since this policy relates to employment lands, the policy is subject to the ongoing Official Plan Review.

Zoning

The existing zoning on the site is I1 D2 (Industrial) with a height limit of 14 metres in former City of Toronto Zoning By-law 438-86.

Site Plan Control

A Site Plan approval application is required but has not yet been submitted.

Reasons for the Application

Official Plan Amendment Application - The proposed residential uses are not permitted on lands designated *Employment Areas* in the Official Plan.

Zoning Amendment Application – The proposed residential uses, density and height are not permitted. Additional areas of non-compliance with the Zoning By-law may be identified through the application process.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Arborist Report and Tree Preservation Plan
- Shadow Studies
- Transportation Assessment Study
- Urban Design Brief
- Green Development Standards Checklist
- Environmental Noise Feasibility Study
- Railway Vibration Analysis
- Functional Servicing and Stormwater Management Letter Report
- Pedestrian Level Wind Assessment
- Planning Rationale
- Phase II Environmental Site Assessment

A Notification of Complete Application was issued on January 3, 2012.

Planning Act/Five Year Review

Section 26 of the *Planning Act* requires municipalities to review all the policies contained

within their in-force Official Plans every five years. As part of the five year review process, Section 26 (1) (b) of the *Planning Act* requires municipalities to revise the Official Plan if it contains policies dealing with areas of employment, including, without limitation, the designation of areas of employment in the official plan and policies dealing with the removal of land from areas of employment, to ensure that those policies are confirmed or amended.

In May 2011, the City Planning Division commenced the statutory Five Year Review of the Official Plan, which includes a Municipal Comprehensive Review as set out in the Growth Plan. Until the Five Year Review process is complete, refusal or approval of the subject applications would be premature. It is therefore recommended that the applications be reviewed concurrently and in the context of the Five Year Review of the Official Plan and the Municipal Comprehensive Review.

Issues to be Resolved

On a preliminary basis, the following issues have been identified:

Land Use Issues

- The appropriateness of applying Site and Area Specific Policy #154 and introducing residential uses at this site in the context of the Five Year Official Plan Review.

Area Wide Issues

- Ensuring that the proposal fits and transitions into the existing built form context of the neighbourhood, including the area designated *Neighbourhoods* on the east side of Dufferin Street.
- The relationship of the application to the overall development potential of the entire block.
- The availability and adequacy of community services and facilities to accommodate residential development.
- The proposed unit mix if residential is considered.
- Traffic impact and parking.
- The applicability of Section 37 of the *Planning Act* to secure appropriate community benefits should the application be recommended for approval.

Site Specific Issues

- Impact of the proposal on the existing food warehouse business immediately to the west of the site.
- Impact of the proposal on the existing small businesses in the building currently on the site.
- The appropriateness of the proposed heights of the buildings.
- The appropriateness of the facing distances between the proposed buildings, among other built form guidelines.

- Review of the density, number and type of units to ensure an appropriate level of intensification and unit mix.
- Servicing including garbage pick-up.
- Adequate landscaping and tree planting.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

Toronto Green Standard

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. Several of the natural environment policies of the Official Plan encourage green development. These policies are geared to reduce the negative impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling. These policies also promote development that enhances the natural environment and support green industry.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Conclusion

Approval or refusal of the subject applications to convert employment lands to allow non-employment uses prior to the completion of the Five Year Official Plan and Municipal Comprehensive Reviews would be premature. As such City Planning staff recommend that this application be reviewed within the context of the ongoing Five Year Official Plan and Municipal Comprehensive Review, which are expected to be reported out on in the fall of 2012.

CONTACT

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SIGNATURE

Gary Wright
Chief Planner and Executive Director
City Planning

ATTACHMENTS

Attachment 1: Site /Ground Floor Plan

Attachment 2: Fifth Floor Plan (Tower Locations)

Attachment 3: North and South Elevations – South Block

Attachment 4: East Elevation

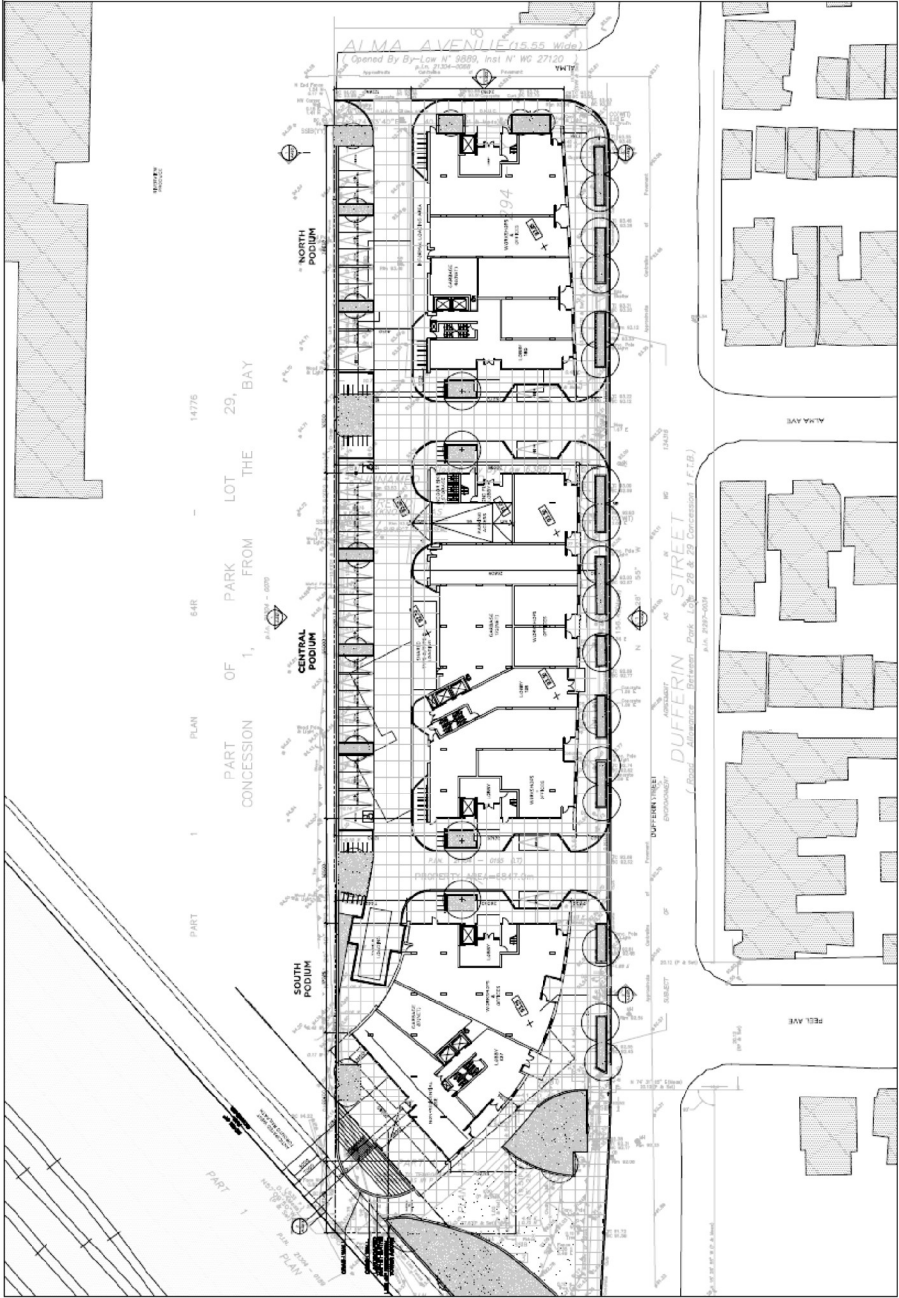
Attachment 5: West Elevation

Attachment 6: Official Plan

Attachment 7: Zoning

Attachment 8: Application Data Sheet

Attachment 1: Site/Ground Floor Plan



440 Dufferin Street

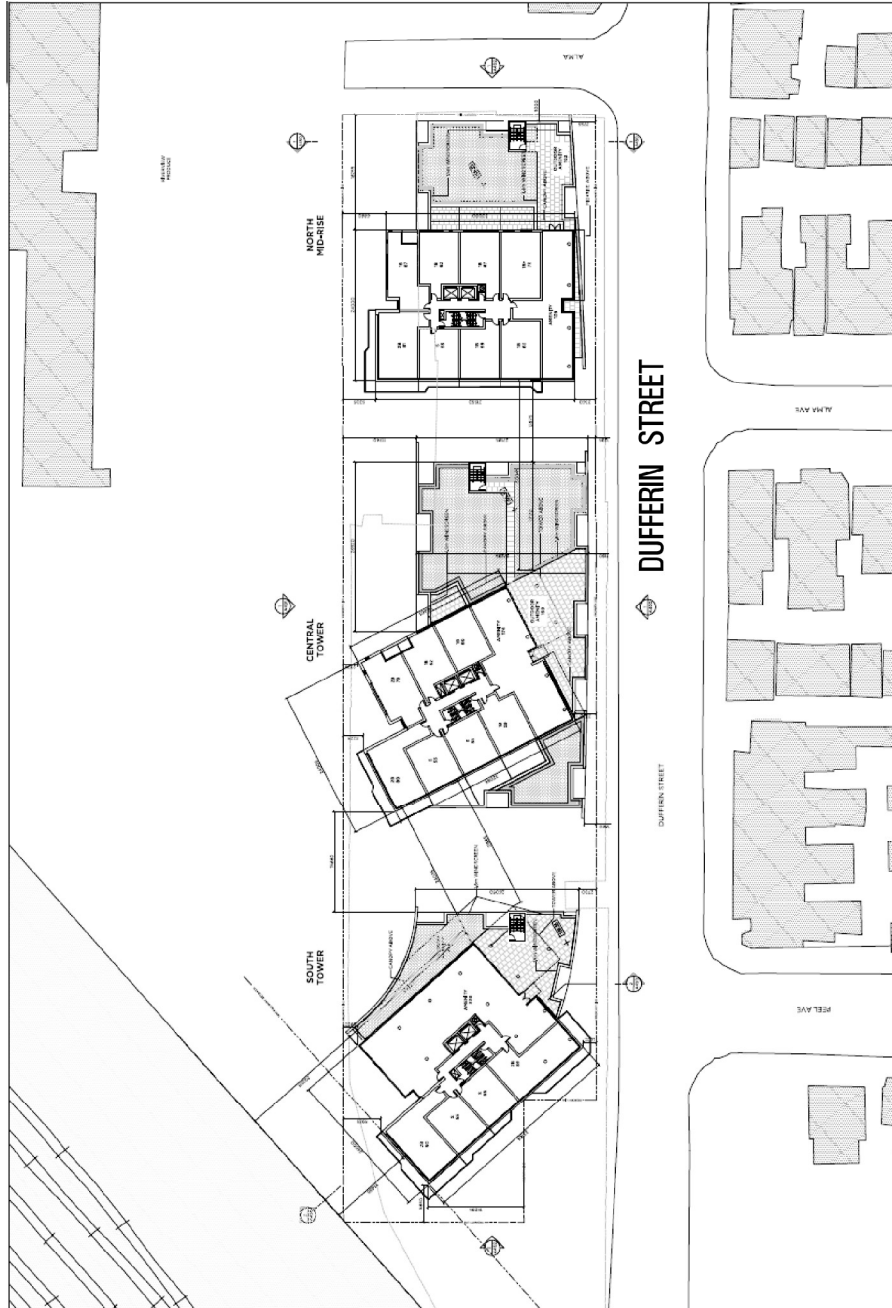
Site / Ground Floor Plan

Applicant's Submitted Drawing

Not to Scale
01/12/12

File # 11_320041

Attachment 2: Fifth Floor Plan (Tower Locations)



Fifth Floor Plan

440 Dufferin Street

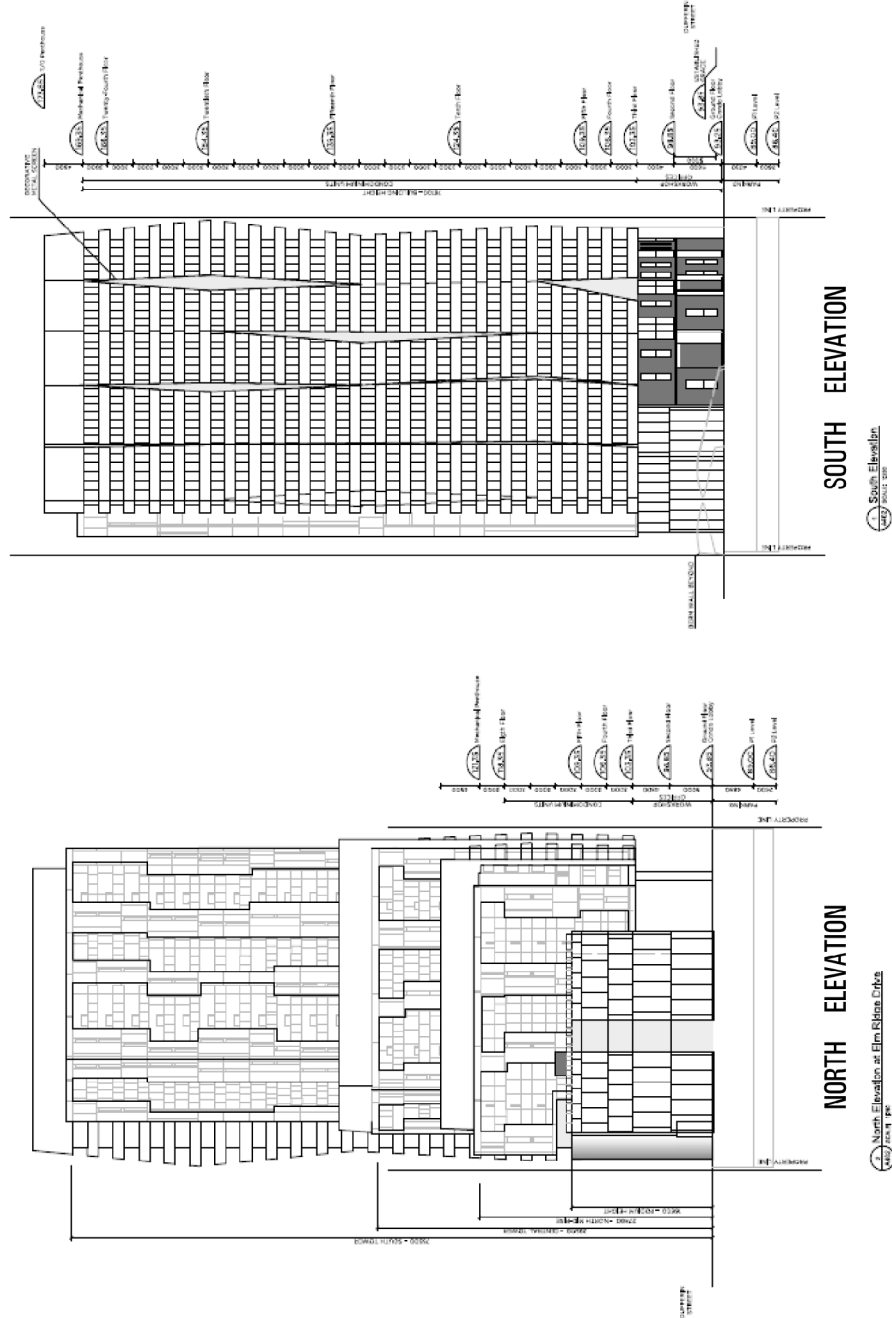
Applicant's Submitted Drawing

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Attachment 3: North and South Elevations – South Block



North and South Elevations

Applicant's Submitted Drawing

Not to Scale
01/12/12

440 Dufferin Street

File # 11_320041

This architectural elevation drawing depicts a long, multi-story building facade. The structure is characterized by a repetitive grid of windows across its length. A central section of the building features a distinct facade with a different window pattern and a small, protruding structure. The drawing includes a scale bar at the bottom, indicating a length of 0 to 100 feet. A north arrow is located in the bottom right corner, pointing towards the top of the page. The drawing is oriented horizontally, with the building's length running from left to right.

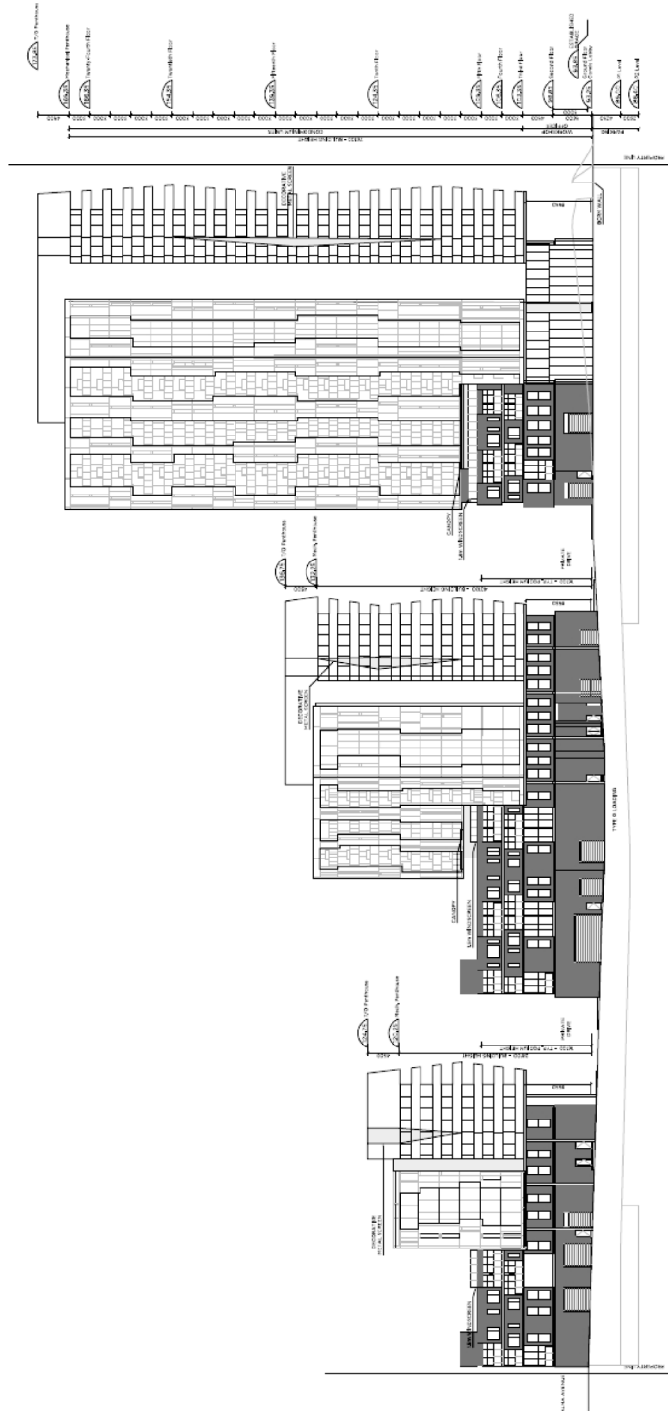
440 Dufferin Street

Applicant's Submitted Drawing

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File # 11_320041

Attachment 5: West Elevation



West Elevation

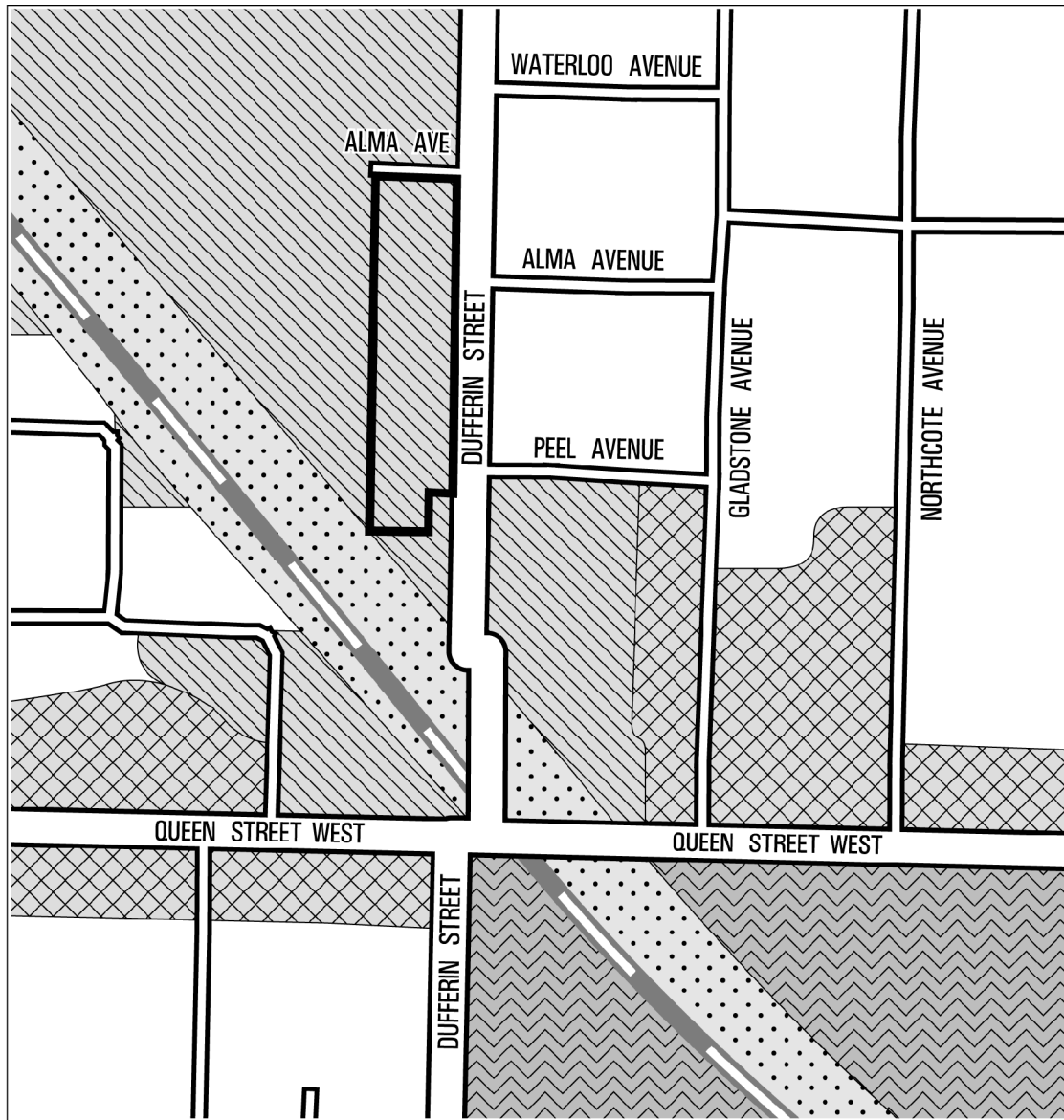
440 Dufferin Street

Applicant's Submitted Drawing

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File # 11_320041

Attachment 6: Official Plan



Toronto City Planning
Division
Official Plan

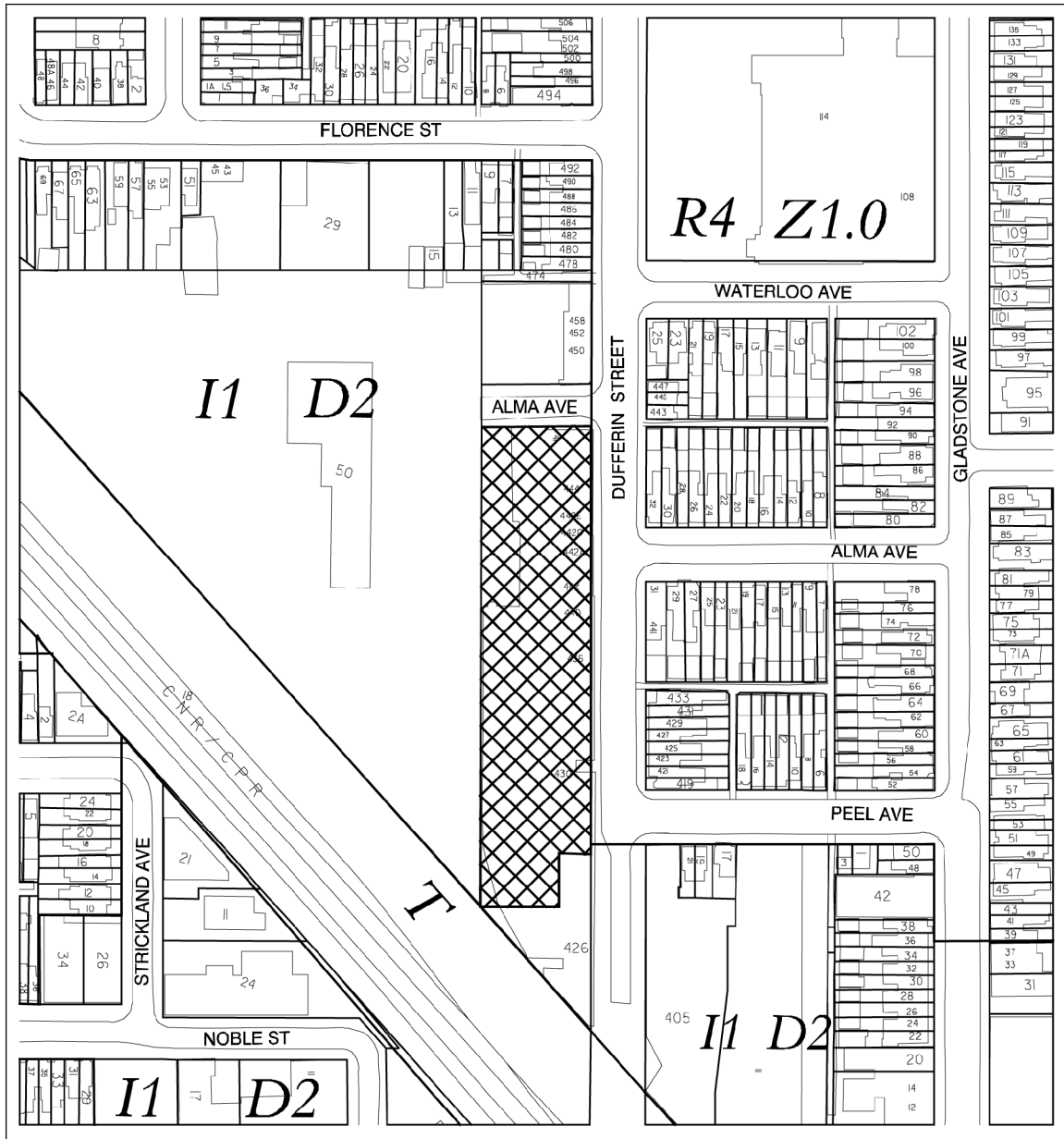
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File # 11_320041

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

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Not to Scale
01/12/12

Attachment 7: Zoning



TORONTO City Planning
Zoning

440 Dufferin Street

File # 11_320041

R4 Residential District
I1 Industrial District
T Industrial District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 01/11/2012

Attachment 8: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	11 320041 STE 18 oz
Details	OPA & Rezoning, Standard	Application Date:	December 2, 2011
Municipal Address:	440 DUFFERIN ST		
Location Description:	PLAN 294 LOT 7 PT LOT 8 **GRID S1806		
Project Description:	OPA and Rezoning application for 3 new mixed use buildings with common underground parking garage. All buildings have ground and second floor commercial / industrial uses and remaining floors are residential. - 399 residential units - buildings range between 8 and 24 stories - 340 parking spaces - 2 levels below grade parking - 246 bicycle parking spaces.		

Applicant:	Agent:	Architect:	Owner:
Aird & Berlis, Kim Kovar		RAW Architects	Topana Investments Ltd

Planning Controls

Official Plan Designation:	Employment Areas	Site Specific Provision: N
Zoning:	I1 D2	Historical Status: N
Height Limit (m):	14	Site Plan Control Area: Y

Project Information

Site Area (sq. m):	6847	Height:	Storeys:	24
Frontage (m):	156.42		Metres:	76.1
Depth (m):	40.23			
Total Ground Floor Area (sq. m):	2731			Total
Total Residential GFA (sq. m):	32253		Parking Spaces:	340
Total Non-Residential GFA (sq. m):	5385		Loading Docks	2
Total GFA (sq. m):	37638			
Lot Coverage Ratio (%):	39.9			
Floor Space Index:	5.5			

Dwelling Units

Floor Area Breakdown (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	32253	0
Bachelor:	170	Retail GFA (sq. m):	2695	0
1 Bedroom:	111	Office GFA (sq. m):	0	0
2 Bedroom:	118	Industrial GFA (sq. m):	2690	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	399			

Contact:	Planner Name:	Sarah Phipps, Senior Planner
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