

## 1136 Dupont Street - Zoning Amendment Application - Preliminary Report

<b>Date:</b>	May 15, 2012
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Acting Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 18 – Davenport
<b>Reference Number:</b>	Pg12039 (File No. 12 146110 STE 18 OZ)

### SUMMARY

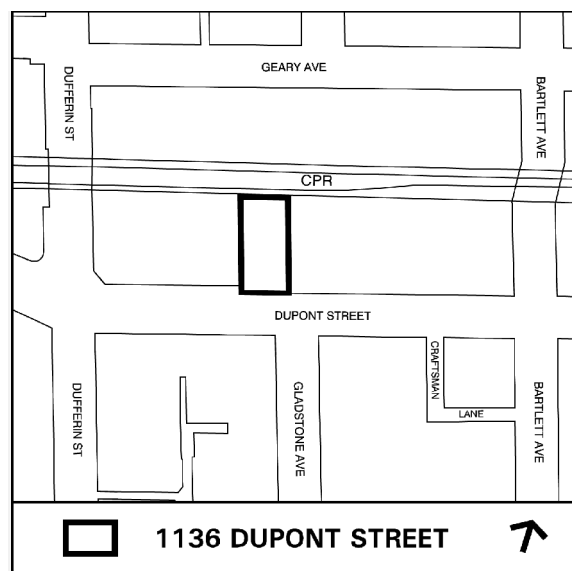
This application proposes to amend the former City of Toronto Zoning By-law No. 438-86, as amended, to legalize the 18 existing residential units and the place of worship on the site. These uses are located within an existing three-storey building with the place of worship on the ground floor and the residential units in the two-storeys above. Twelve at-grade parking spaces are provided on 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 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 1136 Dupont 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.
3. Staff be directed not to submit a Final Report on this application until the outstanding OP conformity issue has been addressed through the City –wide 5 Year Municipal Comprehensive Review.

### **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>

On January 5, 2012 Planning and Growth Management Committee approved recommendations directing City Planning staff to split the Five Year and Municipal Comprehensive Reviews into two phases to ensure an effective and manageable review process. Phase A (statutory) consists of the Growth Plan's Municipal Comprehensive Review and the Planning Act's statutory requirements for an Official Plan review. Phase B (non-statutory) consists of revisions to the Official Plan's policies and maps resulting from Council referrals, staff review and stakeholder consultations. The Five Year and Municipal Comprehensive Reviews of the Official Plan's employment area policies are part of Phase A, which is anticipated to be completed in the fall of 2012. The link to the Committee's decision can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG10.8>

There have also been a number of C of A applications on the site. They include the following:

- June 2000: To make interior alterations to convert the existing vacant office building into a monastery for the Church of Scientology. The three-storey building

has a footprint of 34.75 by 16.62 metres. This application was refused by the Committee.

June 2005: To permit the existing non-conforming place of worship use in the basement and ground floor and 18 non-conforming dwelling units on the second and third floor. This application was approved at the Committee with the condition that only the place of worship be approved, and that the residential units be removed from the building. The applicant subsequently appealed the Committee decision to the Ontario Municipal Board, but then withdrew their appeal.

### **Pre-Application Consultation**

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

## **ISSUE BACKGROUND**

### **Proposal**

The application is to permit the legalization of 18 residential units and a place of worship at 1136 Dupont Street. The units are located in an existing three-storey building which contains the place of worship on the ground floor (330 square metres) and residential units on the second and third levels (1210 square metres). No additions or renovations are proposed for the building. Twelve parking spaces are to be maintained at-grade on the property. See Attachments 1-3 for drawings of the proposal and Attachment 6 for the Application Data Sheet.

### **Site and Surrounding Area**

The site is 1,057 square metres, located on the north side of Dupont Street, east of Dufferin Street.

North: To the north of the subject site is the CPR rail corridor and on the north side of the rail corridor are lands designated as *Employment Areas* which contain light industrial uses.

East: To the east of the site are 2-3 storey industrially zoned buildings, most of which are occupied by car repair shops, and the Casa Do Alentejo Community Centre.

South: To the south of the site is a residential neighbourhood, and on the south side of Dupont, west of Dufferin in the Galleria Mall.

West: To the west of the site is a one-storey building containing car-related businesses, and further along Dupont Street is a one-storey strip plaza with a parking lot in front.

## 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:

- (k) the adequate provision of employment opportunities;
- (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 its 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 4).

This site is part of a long strip of lands designated as *Employment Area* in the Official Plan that runs along the north side of Dupont Street from St. Clarens Avenue (just east of Lansdowne) to Davenport Road. This strip is only interrupted by one block of *Neighbourhoods* between Bartlett and Salem Avenues.

*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**

The site is zoned I1 D2 (Industrial) and has a height limit of 18 metres in former City of Toronto Zoning By-law 438-86, as amended.

## **Site Plan Control**

Site Plan approval will be required, but no application has been submitted.

## **Reasons for the Application**

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**

A Notification of Incomplete Application issued on April 24, 2012 identifies the outstanding material required for a complete application submission as follows:

- Planning Justification Report
- Noise and Vibration Study
- Environmental Site Assessment
- Arborist Report
- Landscape Plans
- Toronto Green Development Checklist
- Additional information on the history of the building in terms of use, and information about the existing residential units including size (# of bedrooms and GFA) and tenancy

## **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.

## **Official Plan Conformity**

The applicant has not submitted an Official Plan Amendment application with this Zoning Amendment application. They have submitted a letter to the City Planning Division requesting that "the City include the subject land in the City initiated Official Plan Review." City staff cannot bring forward a Final Report that does not comply with the Official Plan. Since residential uses are not permitted in *Employment Areas* staff will not bring forward a Final Report until the Official Plan review with respect to this site is completed.

## **Issues to be Resolved**

- The appropriateness of introducing residential uses at this site in the context of the Five Year Official Plan Review.
- The appropriateness of locating residential units 11 meters from an active rail corridor.
- The availability and adequacy of community services and facilities to accommodate residential development.
- Traffic impact and parking for both the place of worship and the residential units.
- Servicing including garbage pick-up.
- Adequate landscaping and tree planting.
- Provision of on-site indoor and outdoor amenity space for the residents.

Additional issues may be identified through the circulation of the application and further review.

## **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**

Sarah Phipps, Senior Planner  
Tel. No. (416) 392-7622  
Fax No. (416) 392-1330  
E-mail: sphipps1@toronto.ca

## **SIGNATURE**

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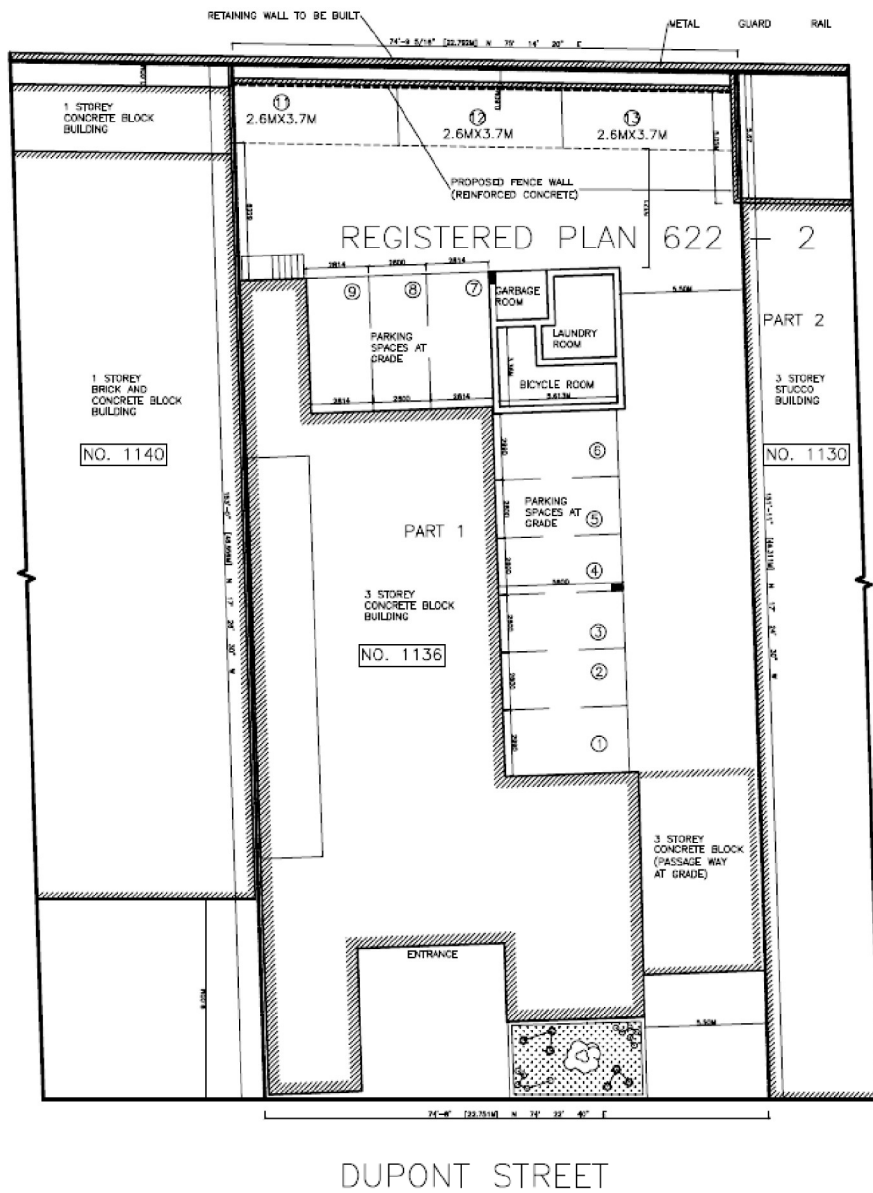
Gregg Lintern, MCIP, RPP  
Acting Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North and South Elevations  
Attachment 3: East and West Elevations  
Attachment 4: Official Plan  
Attachment 5: Zoning  
Attachment 6: Application Data Sheet



## Attachment 1: Site Plan



### Site Plan

1136 Dupont Street

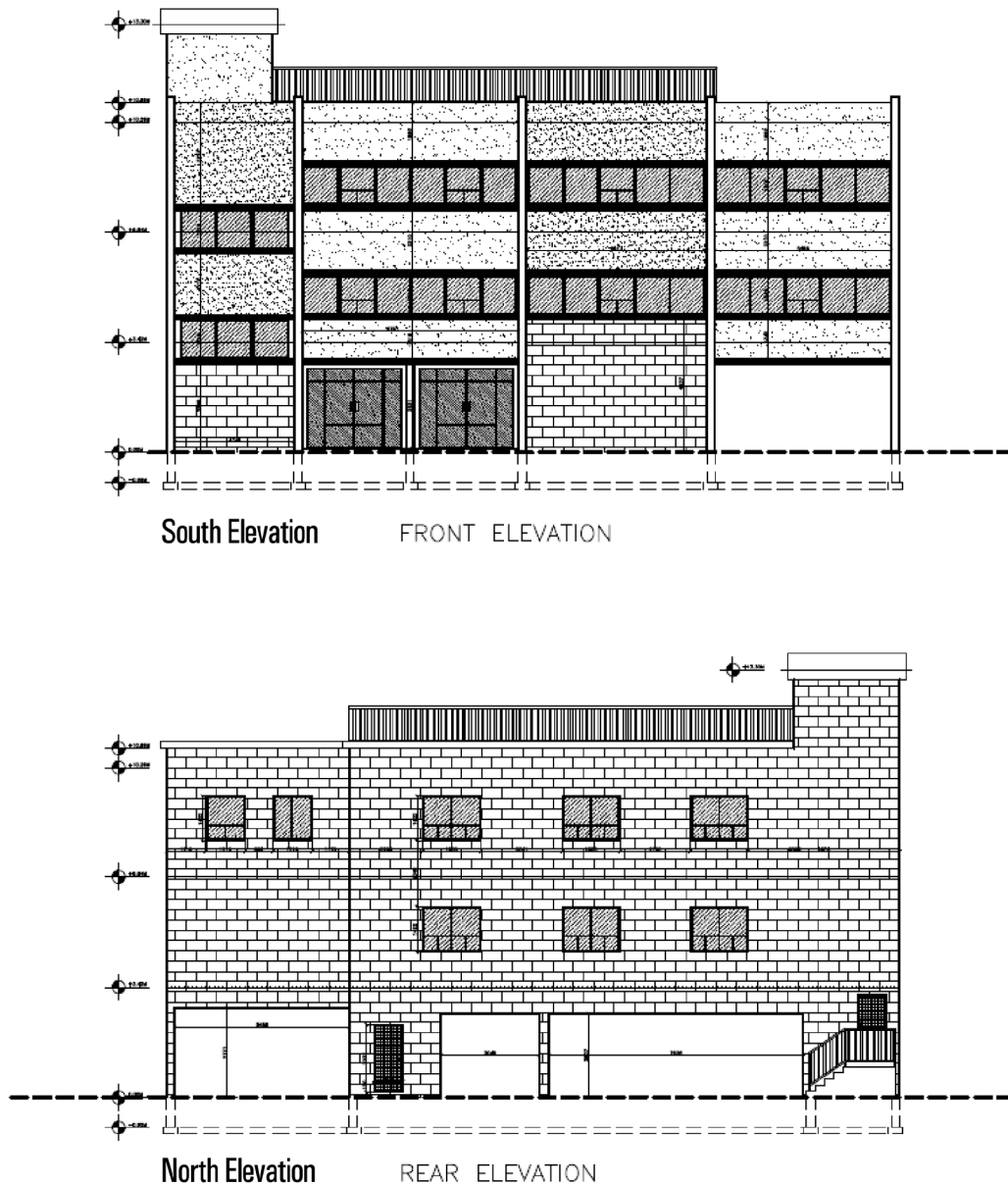
Applicant's Submitted Drawing

Not to Scale  
04/26/12



File # 12\_146110\_02

## Attachment 2: North and South Elevations



### North and South Elevations

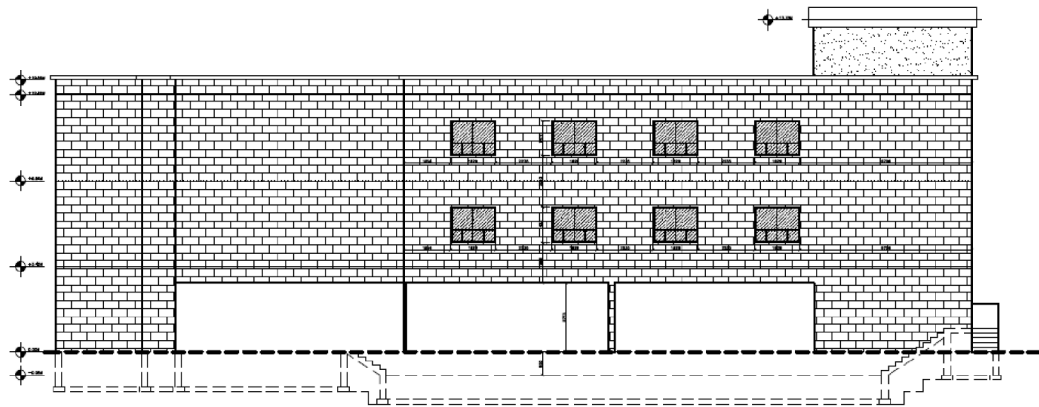
1136 Dupont Street

Applicant's Submitted Drawing

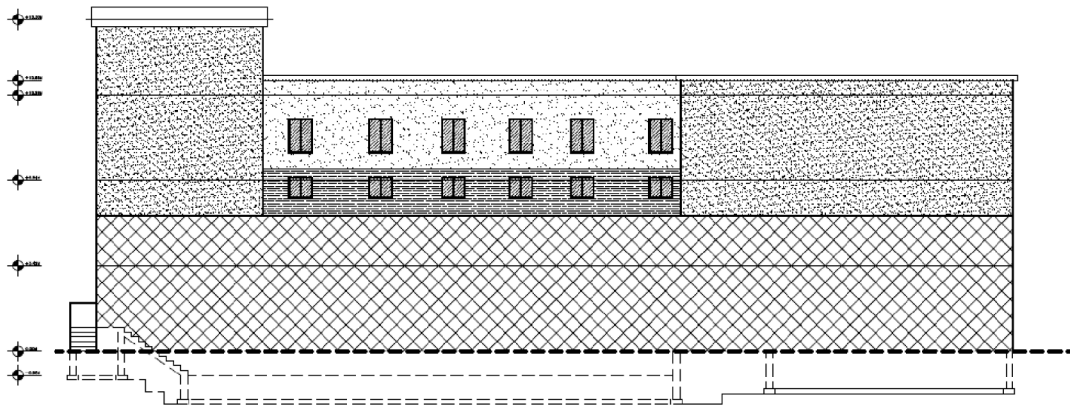
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### Attachment 3: East and West Elevations



East Elevation EAST ELEVATION



West Elevation WEST ELEVATION

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## East and West Elevations

Applicant's Submitted Drawing

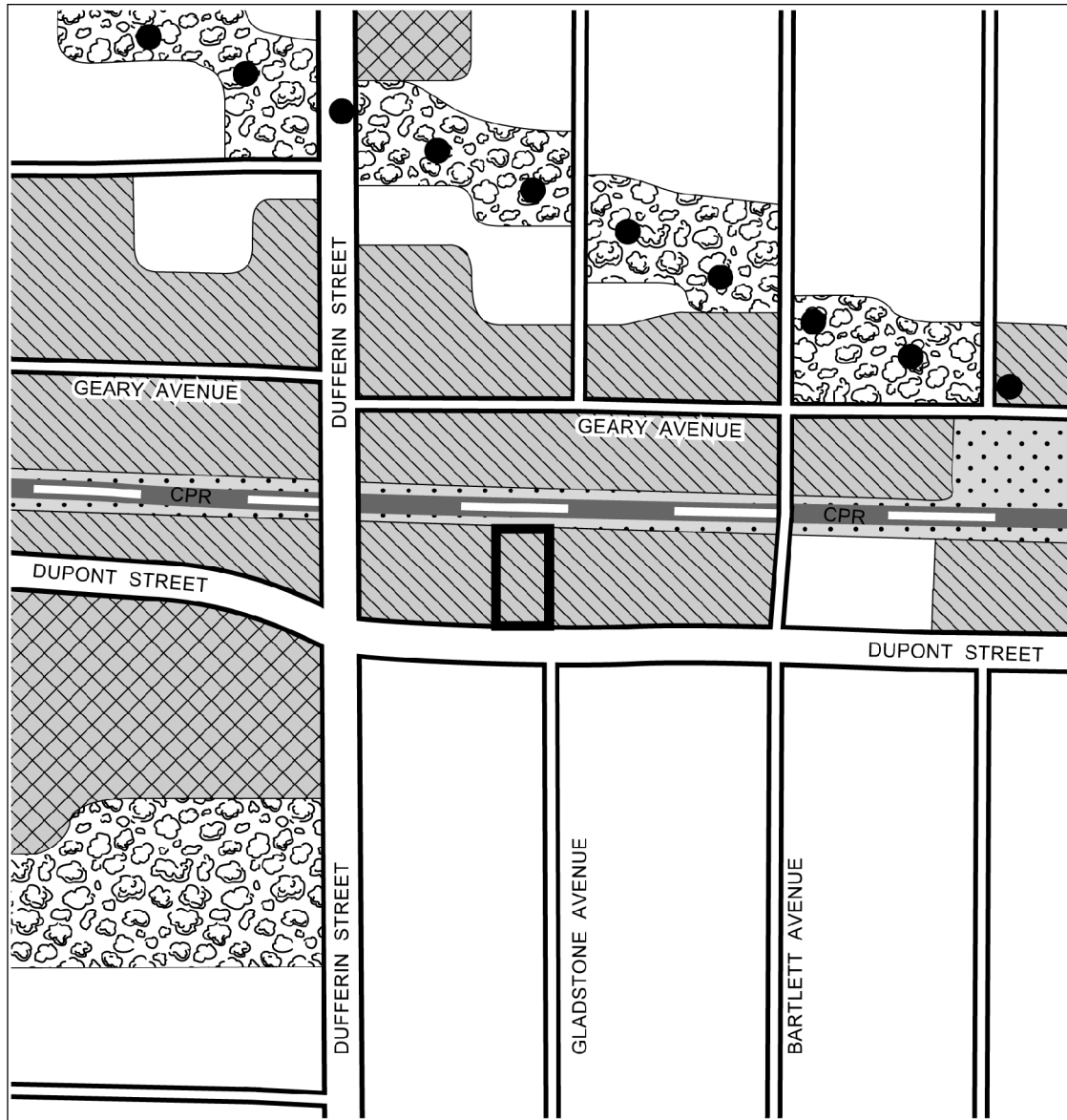
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1136 Dupont Street

File # 12\_146110\_02

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## Attachment 4: Official Plan



**TORONTO** City Planning  
Official Plan

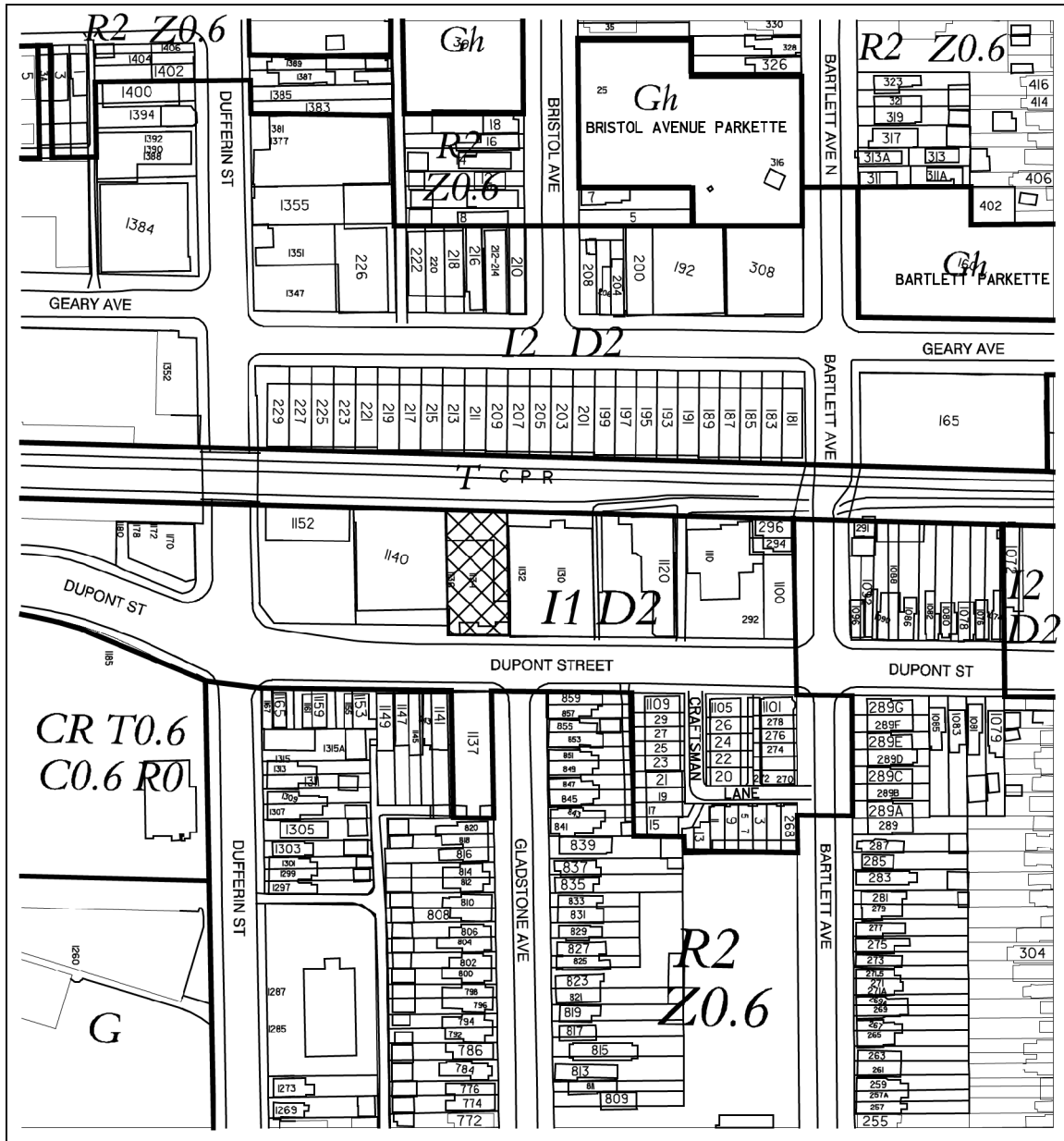
1136 Dupont Street

File # 12\_146110\_02

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

↑  
Not to Scale  
05/02/2012

## Attachment 5: Zoning



**Toronto** City Planning  
Zoning

1136 Dupont Street

File # 12\_146110\_02

G	Parks District	I1	Industrial District
Gh	Parks District	I2	Industrial District
R2	Residential District		



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 05/02/2012

## Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	12 146110 STE 18 OZ
Details	Rezoning, Standard	Application Date:	March 30, 2012

Municipal Address:	1136 DUPONT ST
Location Description:	PLAN 622 BLK Y LOT 6 & PT LOTS 5 & 7 64R15691 PART 1 **GRID S1803
Project Description:	Rezoning application to legalize existing 18 unit residential building - with 12 parking spaces at grade.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
RANDAL DICKIE			1358023 ONTARIO LIMITED

### PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	N
Zoning:	I1 D2	Historical Status:	N
Height Limit (m):	18 metres	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	1057.6	Height:	Storeys:	3
Frontage (m):	22.8		Metres:	11 metres
Depth (m):	46.6			
Total Ground Floor Area (sq. m):	329.7			<b>Total</b>
Total Residential GFA (sq. m):	1210.2		Parking Spaces:	12
Total Non-Residential GFA (sq. m):	429.8		Loading Docks	0
Total GFA (sq. m):	1640			
Lot Coverage Ratio (%):	31			
Floor Space Index:	1.6			

### DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	0
1 Bedroom:	15
2 Bedroom:	3
3 + Bedroom:	0
Total Units:	18

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	1210.2	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	429.8	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Sarah Phipps, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 392-7622</b>