

November 15, 2013

Planning and Growth Management Committee  
c/o Ms. Nancy Martins  
10<sup>th</sup> Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, Ontario M5H 2N2

Dear Chair and Committee Members:

**Re: *November 21 Special Public Meeting*  
*Five-Year Official Plan Review/Municipal Comprehensive Review*  
*840 and 860 Dupont Street***

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We are planning consultants to Sobeys Developments Limited Partnership, the owners of the lands at 840 and 860 Dupont Street, located on the northwest corner of Dupont Street and Shaw Street (the "subject site").

On October 23, 2012, we submitted a letter behalf of our client in respect of the subject site as input into the Five-Year Official Plan Review/Municipal Comprehensive Review. On July 12, 2013, applications for an Official Plan Amendment and Zoning By-law Amendment were filed to redesignate the lands from *Employment Areas* to *Mixed Use Areas*.

We have reviewed the Draft Official Plan Amendment (OPA) 231, which was released on October 31, 2013, and the accompanying staff report dated November 5, 2013 (Official Plan and Municipal Comprehensive Reviews: Amendments to the Official Plan for Economic Health and Employment Lands Policies and Designations and Recommendations on Conversion Requests) which will be considered by the Planning and Growth Management Committee on November 21, 2013.

We note that the draft Official Plan Amendment proposes the following changes with respect to the subject lands:

- redesignation of the subject lands from *Employment Areas* to *Regeneration Areas* along the Dupont Street frontage and to *General Employment Areas* for the portion of the lands within 30 metres of the CP Rail corridor; and
- introduction of Site and Area Specific Policy 212, with new provisions that would require to require the creation of a Secondary Plan or a Site and Area Specific Policy (SASP) for the Dupont Street Corridor for that part of the lands which are designated as *Regeneration Areas*, to set out matters to be addressed during the process to create the Secondary Plan or SASP and to set out interim development criteria including a prohibition on development

that includes residential uses until the study is complete and the Secondary Plan or SASP is in-force.

We wish to note our client's objection to the proposed changes described above, for the following reasons:

1. We are of the opinion that a *Mixed Use Areas* designation, as requested, is preferable to a *Regeneration Areas*, as recommended by staff. In our opinion, the appropriate policies can and should be put in place for the Dupont Street corridor now through the policies applying to the *Mixed Use Areas* designation and any appropriate site and area specific policies. Given the long, narrow configuration of the Dupont Street corridor and the resulting inability to introduce new streets and blocks, there is limited rationale for the type of further study that would typically be required pursuant to a *Regeneration Areas* designation.
2. Notwithstanding the foregoing, if a *Regeneration Areas* designation were to be applied, it should be applied across the full depth of the Dupont Street corridor from Dupont Street to the CP rail line. In our opinion, staff's proposal for a split-designation of *Regeneration Areas* and *General Employment Areas* is contrary to fundamental planning objectives related to comprehensive planning and the efficient use of land.

In our experience, a variety of approaches to rail setbacks have been approved across the City, including the use of crash walls and a variety of intervening buffer uses and vertical as well as horizontal separation from the rail corridor. Staff's recommendation with respect to the imposition of two discrete land use designations appears to be pre-judging the outcome of discussions regarding such approaches, rather than taking a comprehensive approach to the planning of the corridor. In our opinion, the preferable approach is as articulated in proposed Policy 1(h) ("identify appropriate rail corridor buffering measures to the satisfaction of the relevant railway authorities") and Policy 1(e) i.e.

*"Assess the feasibility of locations for mixed use development. Any mixed use development that proposes to introduce sensitive and/or non-employment uses shall only occur on sites that can accommodate the appropriate buffering and/or rail safety measures as may be required along with any required set-backs from Dupont Street in order to accommodate streetscaping initiatives . . ."*

3. In this regard, the imposition of two separate land use designations within a narrow corridor will constrain comprehensive and efficient site design by dividing the Dupont Street corridor into two separate and discrete land use precincts, each with limited depth.
4. Furthermore, staff's proposal to restrict the uses in the *General Employment Areas* designation to those permitted in the underlying designation and "parking

that supports the employment uses of the area” (either at grade or in a structure), roads and utilities, and rail safety measures (i.e. berms, crash walls, etc.) is overly restrictive and is, in fact, less permissive than the permissions indicated in the November 5<sup>th</sup> staff report (i.e. including “rail safety measures, parking and roads for the portion of the site designated as a *Regeneration Area*”).

5. Similarly, staff’s proposal in Policy 1(a) to require the application of “the mid-rise guidelines” appears to unnecessarily pre-judge the outcome of the *Regeneration Area* study. Depending on the resolution of the rail setback approach as described above, buildings taller than what may be permitted by a strict application of the City’s current mid-rise guidelines may be determined to be appropriate and desirable within the corridor. As well, it is our opinion that it is inappropriate for Official Plan policies to require the application of non-statutory design guidelines, particularly ones such as the mid-rise guidelines, which are currently in a test period and have not yet been adopted by Council in their final form.

As mentioned previously in this letter, we understand that staff’s recommendations as set out in draft Official Plan Amendment 231 will be considered at the Special Public Meeting of Planning and Growth Management Committee on November 21, 2013. Please include this letter as our official objection on behalf of Sobeyes Developments Limited Partnership regarding staff’s recommendations for the subject lands at 840 and 860 Dupont Street.

Thank you for your consideration of the foregoing comments. Should you require any additional information, please do not hesitate to contact me or Kate Cooper of our office.

Yours very truly,  
**Bousfields Inc.**



Peter F. Smith B.E.S., MCIP, RPP

cc: Kerri Voumvakis – Director, Strategic Initiatives, Policy & Analysis  
Christine Yee - Director, Real Estate Planning, Sobeyes Developments Limited Partnership  
Steven A. Zakem – Aird & Berlis LLP  
Alan J. Slobodsky – Development Consultant