

840 and 860 Dupont Street - Official Plan and Zoning By-law Amendment Application - Preliminary Report

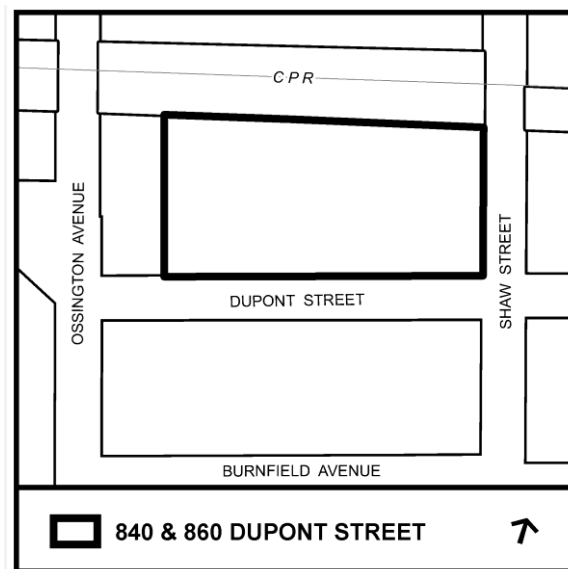
Date:	March 17, 2014
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	P:\2014\Cluster B\PLN\PGMC\PG14025 13 203675 STE 19 OZ

SUMMARY

This application proposes amendments to 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 two 13-storey mixed use buildings with a two-storey connecting podium at 840 and 860 Dupont Street. The proposal contains retail and office uses in the two-storey podium and a total of 393 residential units above. The proposed buildings contain a residential gross floor area of 27,873 m² and a non-residential gross floor area of 10,862 m², for a total gross floor area of 38,735 m². A total of 734 vehicle parking spaces are proposed on four levels including two underground levels, one at grade and one on the second level.

This report provides preliminary information on the above-noted application and seeks Planning and Growth Management Committee's directions on further processing of the application and on the community consultation process.

This report recommends that the Chief Planner schedule a community consultation meeting and submit the Final Report for 840 and 860 Dupont Street to Planning and Growth Management Committee after the Minister of Municipal Affairs and Housing issues a decision on Official Plan Amendment (OPA) 231, subject to the



progress or completion of the on-going Dupont Street Regeneration Area Study and subject to the applicant submitting all required information in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to review the application for 840 and 860 Dupont Street within the context of Official Plan Amendment 231 and the ongoing Dupont Street Regeneration Area Study.
2. Staff be directed to schedule a community consultation meeting for the lands at 840 and 860 Dupont Street together with the Ward Councillor after the Minister of Municipal Affairs and Housing issues a decision on Official Plan Amendment 231 and the Dupont Street Regeneration Area Study has progressed to a state where the general development framework for the area is clear.
3. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
4. Notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.
5. The Chief Planner and Executive Director, City Planning be directed to submit the Final Report on 840 and 860 Dupont Street to Planning and Growth Management Committee after the Minister of Municipal Affairs and Housing issues a decision on Official Plan Amendment 231 and the Dupont Street Regeneration Area Study has been completed.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Official Plan Amendment (OPA) 231

At its meeting of December 16, 17 and 18, 2013, City Council considered a request to convert these employment lands for non-employment purposes as part of the Municipal Comprehensive Review. Under Section 2.2.6.5 of the Provincial Growth Plan for the Greater Golden Horseshoe, the City may convert employment lands for non-employment uses only through such a Municipal Comprehensive Review.

In addition to adopting revised city-wide employment land policies and land use designations, OPA 231 retains all lands on the north side of Dupont Street between Kendal and Ossington Avenues within 30 m of the rail corridor for employment uses and designates them *General Employment Areas*. Lands beyond 30 m of the rail corridor on the north side of Dupont Street between Kendal and Ossington Avenues are converted

from employment uses and are to be designated *Regeneration Areas*. OPA 231 also directed City Planning staff to undertake a *Regeneration Areas* study of the Dupont Street corridor including the subject lands and report back with recommendations regarding, among other matters, appropriate land uses, potential streetscape improvements, urban design and built form guidelines, transportation options and the possibility of utilizing a development permit system.

In January 2014, the City submitted OPA 231 to the Minister of Municipal Affairs and Housing for approval. The Minister has 180 days to issue a decision on the Official Plan Amendment. The decision of City Council and OPA 231 can be found at the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>
<http://www.toronto.ca/legdocs/bylaws/2013/law1714.pdf>

Information regarding the Dupont Street Study can be found at this link:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=efa15886289e3410VgnVCM10000071d60f89RCRD&vgnextchannel=4b4452cc66061410VgnVCM10000071d60f89RCRD>

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on August 30, 2012 to discuss complete application submission requirements. The application was filed on July 12, 2013.

ISSUE BACKGROUND

Proposal

The applicant is proposing to construct two 13-storey mixed used buildings (46.4 m in height excluding mechanical penthouse, 51 m including mechanical penthouse), connected by a two-storey podium (13.4 m in height). The proposed 11-storey tower portions of the buildings will contain 393 residential dwelling units and the two-storey podium will contain retail and office uses on both levels. The 393 proposed residential units consist of 39 bachelor units (10%), 275 one-bedroom units (70%) and 79 two-bedroom units (20%).

The proposed building will have a residential gross floor area of approximately 27,873 m² and a non-residential gross floor area of approximately 10,862 m² for a total of 38,735 m², which results in a Floor Space Index of 3.4 times the area of the lot. No information has been provided at this time as to the proposed amount of indoor and outdoor amenity space.

The proposed building setbacks are set out in the following table (all numbers are minimums and from the property line). These setbacks are significant as there is a requirement by the Railway Association of Canada for a 30 m setback, for residential uses, from the rail corridor to the north. In addition, City guidelines require stepbacks for the tower portion of any new development.

	Ground Floor to 2nd Floor	3rd Floor	4th Floor	5th Floor to 11th Floor	12th Floor	13th Floor
North Setback	1 m	30 m	30 m	30 m	31.5 m	31.5 m
South Setback (Dupont Street)	1 m	3.4 m	5 m	20.3 m	23.3 m	26.3 m
East Setback (Shaw Street)	0.85 m	0.9 m	0.9 m	0.9 m	5.9 m	5.9 m
West Setback	15.9 m	17.8 m	17.8 m	17.8 m	22.8 m	22.8 m

The minimum separation distance between the two tower portions of the building is approximately 22 m.

A total of 734 vehicle parking spaces are proposed, consisting of 393 spaces for residential use, 284 spaces for retail use and 57 for office use. A total of 572 spaces will be located in two levels of underground parking with 90 spaces located at grade and 72 spaces on the second level. Visitor parking will be provided, however the proposed amount of visitor parking has not been provided. Vehicular access is proposed from Dupont Street at the west end of the site and from Shaw Street at mid-block. The proposal also includes two Type A loading spaces, three Type B loading spaces and 1 Type G loading space.

Site and Surrounding Area

The subject site is located at the northwest corner of Dupont Street and Shaw Street. The site is rectangular in shape with frontages of 152.5 m along Dupont Street and 74.6 m along Shaw Street, for a total area of 11,331 m² or 1.13 ha.

The site is currently occupied by a 1-storey commercial grocery store (Sobeys) in the northeastern portion of the site and a gas station in the southwestern portion of the site. The existing grocery store has a gross floor area of 2,957 m² and the gas station building has a gross floor area of 46.5 m², which results in a FSI of approximately 0.26 for the site. Surface parking occupies the remainder of the site, including along the street edges of Dupont and Shaw Streets. The site currently contains a total of 148 surface parking spaces.

Surrounding the site are:

North: The Toronto North Subdivision Rail Corridor, beyond which is a linear green space from Shaw Street to Ossington Avenue. Further north is a neighbourhood comprised of predominately low-rise residential dwellings.

East: Shaw Street, beyond which is a one-storey hardware store and surface parking lot. Further east is a one to two-storey auto body repair shop.

South: Dupont Street, beyond which are two-storey semi-detached houses along the south side of Dupont Street from Shaw Street to just east of Ossington Avenue. Further south is a low-rise residential neighbourhood.

West: A 4-storey warehouse building that has been illegally converted to live/work loft units. Further west is Ossington Avenue and 3 to 4-storey warehouse buildings west of Ossington Avenue.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 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.

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. The Growth Plan allows municipalities to permit conversion of lands within employment areas to non-employment uses only through a 'municipal comprehensive review' where key criteria have been met. A Municipal Comprehensive Review is an Official Plan review initiated by a municipality that comprehensively applies provincial policies.

City Council's planning decisions are required to be consistent with the PPS and to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Map 18 of the City's Official Plan shows the subject lands designated as *Employment Areas* (see Attachment 4).

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. Uses that detract from the economic function of these lands will not be permitted to locate in *Employment Areas*.

Official Plan Amendment 231

OPA 231 retains all lands on the north side of Dupont Street between Kendal and Ossington Avenues within 30 m of the rail corridor for employment uses and designates them *General Employment Areas*. Lands beyond 30 m of the rail corridor on the north side of Dupont Street between Kendal and Ossington Avenues are converted from employment uses and are to be designated *Regeneration Areas*. The subject lands at 840 and 860 Dupont Street are on the north side of the street, between Kendal and Ossington Avenues and as such under OPA 231 are split designated *General Employment Areas* and *Regeneration Areas*.

Under OPA 231, lands designated *General Employment Areas* are lands where in addition to all uses permitted under the *Core Employment Areas*, additional uses such as retail and service uses, restaurants, fitness centres and ice arenas may also be established. Additional uses such as parking, roads, utilities and rail safety measures are also permitted on the subject lands under Site and Area Specific Policy (SASP) 212 also enacted through OPA 231. An excerpt of OPA 231 containing the City Council adopted SASP 212 is provided in Attachment 6 to this report.

Regeneration Areas

The policies of Section 4.7.2 for *Regeneration Areas* require that the framework for new development in these areas be set out in a Secondary Plan. Section 5.2.1.1 provides that Secondary Plans are intended to apply to defined areas and should adapt and implement the objectives, policies, land use designations, and overall planning approach of the Official Plan to fit the local context. Section 5.2.1.3 of the Official Plan provides that Secondary Plans will promote a desired type and form of physical development for the area, and plan for an appropriate transition in scale and activity between neighbouring districts. In this case, City Council's adoption of OPA 231 requires 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*.

Zoning

The site is zoned IC D2 (Industrial-Commercial) under the former City of Toronto Zoning By-law 438-86, with a maximum building height of 18 m. The IC Zone permits a range of non-residential uses, including institutional, retail and service commercial, office and a limited range of light manufacturing and warehousing uses.

The site is not currently subject to the new city-wide Zoning By-law 569-2013.

Site Plan Control

The proposed development will be subject to site plan control. A site plan control application has not been submitted to date.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated City-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The City-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Tree Preservation

There are fourteen City-owned trees located on the City boulevard along Dupont Street adjacent to the subject site. The applicant's Arborist Report recommends the retention of all of these trees based on their condition and being clear of proposed construction. Urban Forestry staff have recommended that all fourteen trees be removed as they meet the requirements for removal. Through the application process, Urban Forestry will recommend the number of new trees that should be planted.

Reasons for the Application

The proposed development requires an Official Plan Amendment to permit residential uses.

The proposal also requires a Zoning By-law Amendment to permit the proposed residential use, density and height. 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
- Community Services and Facilities Study
- Pedestrian Level Wind Study
- Planning Rationale
- Shadow Study
- Toronto Green Standard Checklist
- Noise Impact Study
- Vibration Study
- Transportation Considerations Study
- Stormwater Management and Servicing Study
- Phase I Environmental Site Assessment Study
- Phase II Environmental Site Assessment Study
- Geotechnical Study
- Tree Preservation Plan

A Notification of Complete Application was issued on August 22, 2013.

Dupont Street Regeneration Area Study

OPA 231 directed Planning staff to undertake a *Regeneration Areas* study of the Dupont Street corridor including the subject lands and report back with recommendations regarding, among other matters, appropriate land uses, potential streetscape improvements, urban design and built form guidelines, transportation options and the possibility of utilizing a development permit system. In addition to the Official Plan policies of Section 4.7.2 for *Regeneration Areas*, additional directions for the study are contained within a revised SASP 212 as adopted through OPA 231 (see Attachment 6).

The revised SASP 212 contains a prohibition on development that includes residential uses until the area study is complete and a Secondary Plan or a Site and Area Specific Policy is in-force. The prohibition applies to all lands on the north side of Dupont Street between Kendal Avenue and Ossington Avenue that are outside the 30 m setback from the rail corridor, which includes portions of the subject site. As such, the subject application will be reviewed in tandem with the area study and a final recommendation will not be made to the Planning and Growth Management Committee until the study has been completed. The Dupont Street Regeneration Area Study is currently ongoing and is expected to be completed in summer, 2014.

Issues to be Resolved

- Conformity with applicable provincial legislation particularly as it relates to *Employment Areas* policies and their conversion.
- Conformity with Official Plan policies, including OPA 231 and Site and Area Specific Policy 212.
- The appropriateness of locating residential in proximity to an active freight rail corridor.
- Other issues that may arise as a result of the Dupont Street Regeneration Area Study.
- Adequate landscaping and tree planting.
- Provision of on-site indoor and outdoor amenity space for the residents.
- Provision of adequate visitor parking.
- Provision of adequate bike parking for residents and visitors.
- Potential provision of on-site parkland dedication.
- Provision of adequate streetscape and public realm improvements.
- Submission of all outstanding materials as requested by various City divisions through the circulation process.
- The applicability of Section 37 of the *Planning Act* to secure appropriate community benefits should residential units be permitted on these lands.

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.

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

CONTACT

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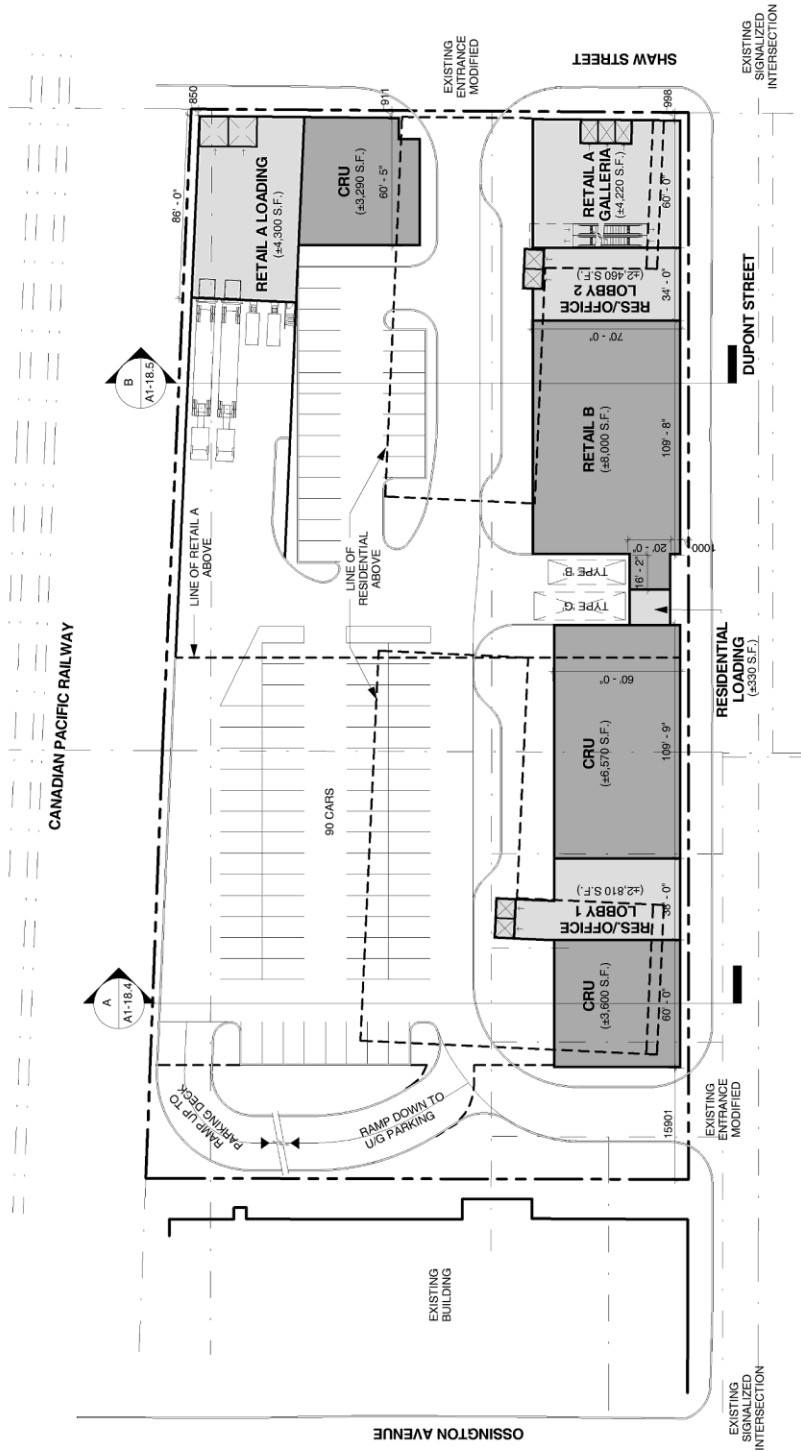
SIGNATURE

Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2A: North and South Elevations
Attachment 2B: West and East Elevations
Attachment 3: Zoning
Attachment 4: Official Plan
Attachment 5: Application Data Sheet
Attachment 6: Excerpt of OPA 231 - Lands North of Dupont Street between Kendal Avenue and Ossington Avenue

Attachment 1: Site Plan



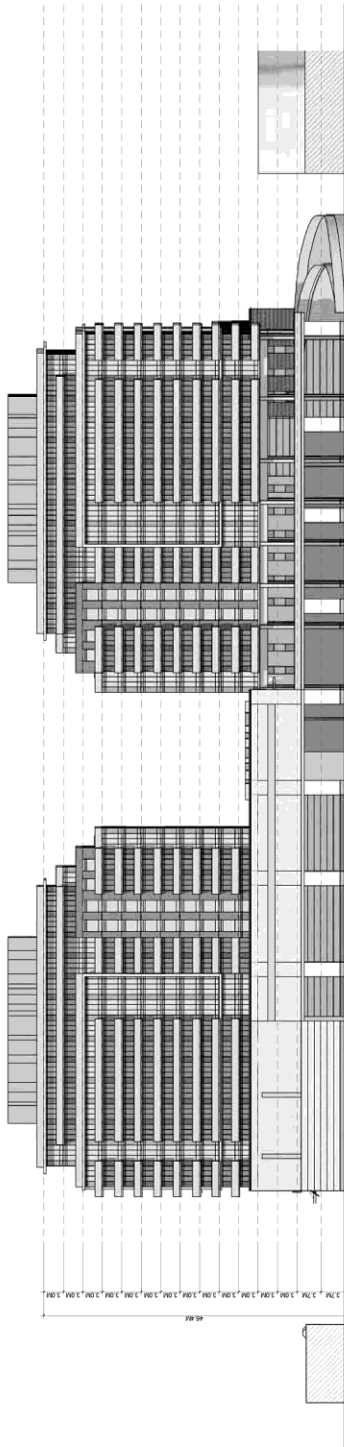
840 & 860 Dupont Street

Site Plan
 Applicant's Submitted Drawing

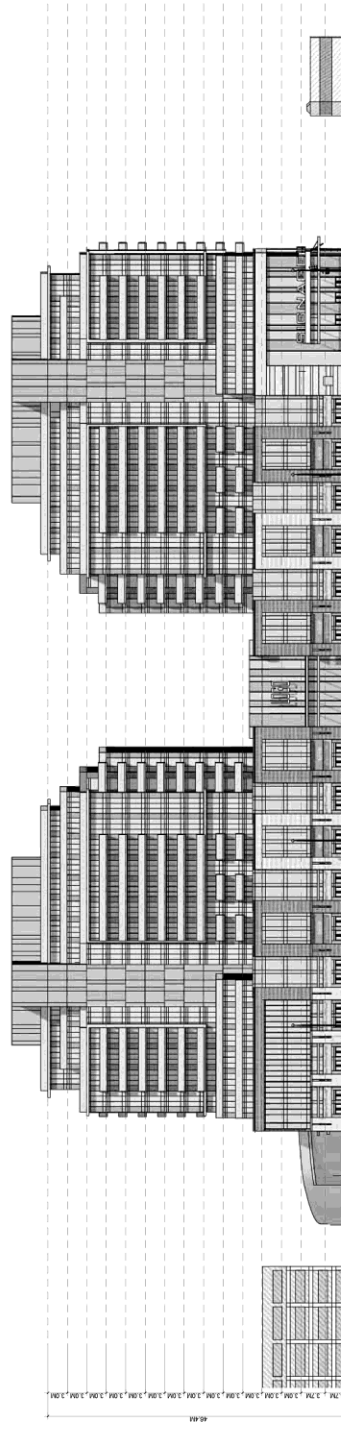
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File # 13 203675 0Z

Attachment 2A: North and South Elevations



North Elevation



South Elevation

Elevations

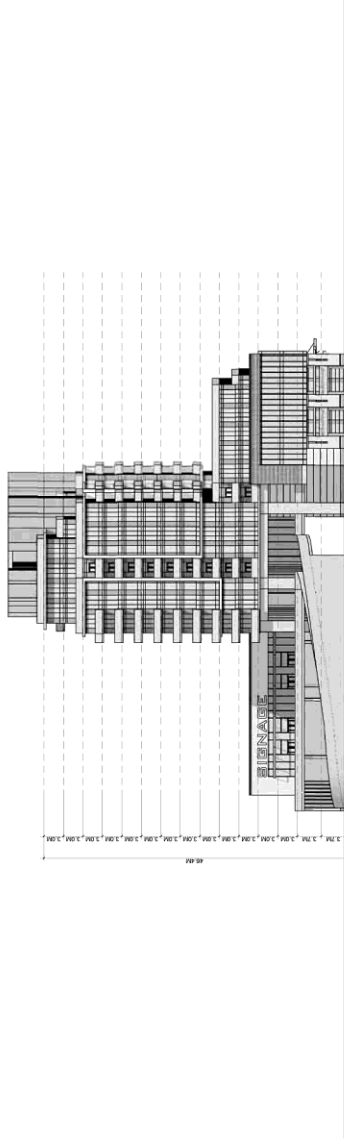
Applicant's Submitted Drawing

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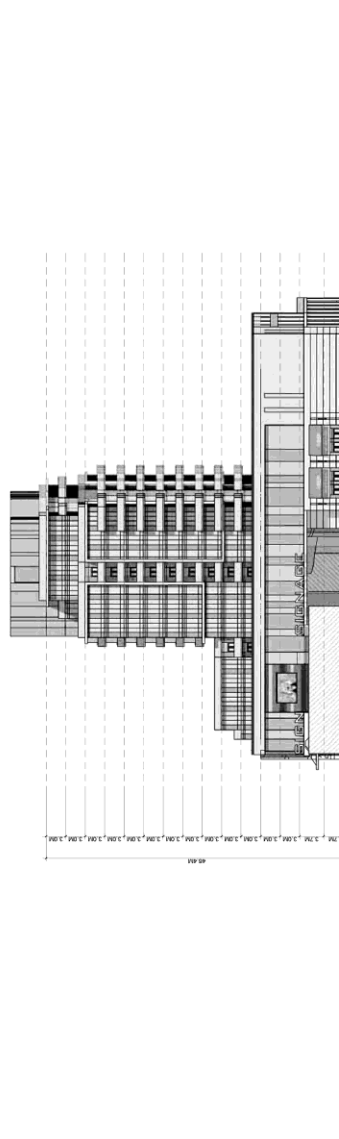
840 & 860 Dupont Street

File # 13 203675 0Z

Attachment 2B: West and East Elevations



West Elevation



East Elevation

Elevations

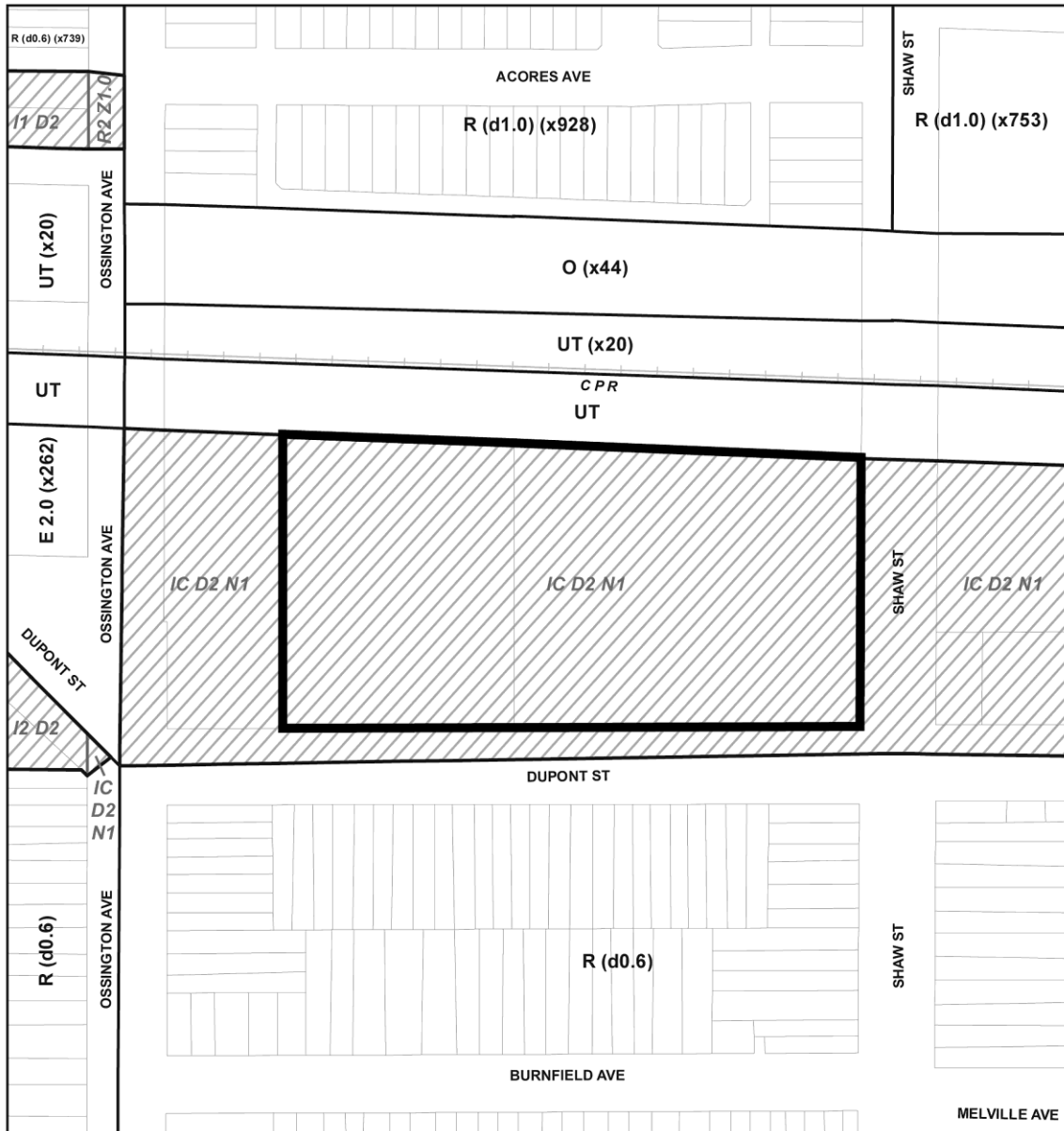
Applicant's Submitted Drawing

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840 & 860 Dupont Street



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Attachment 3: Zoning



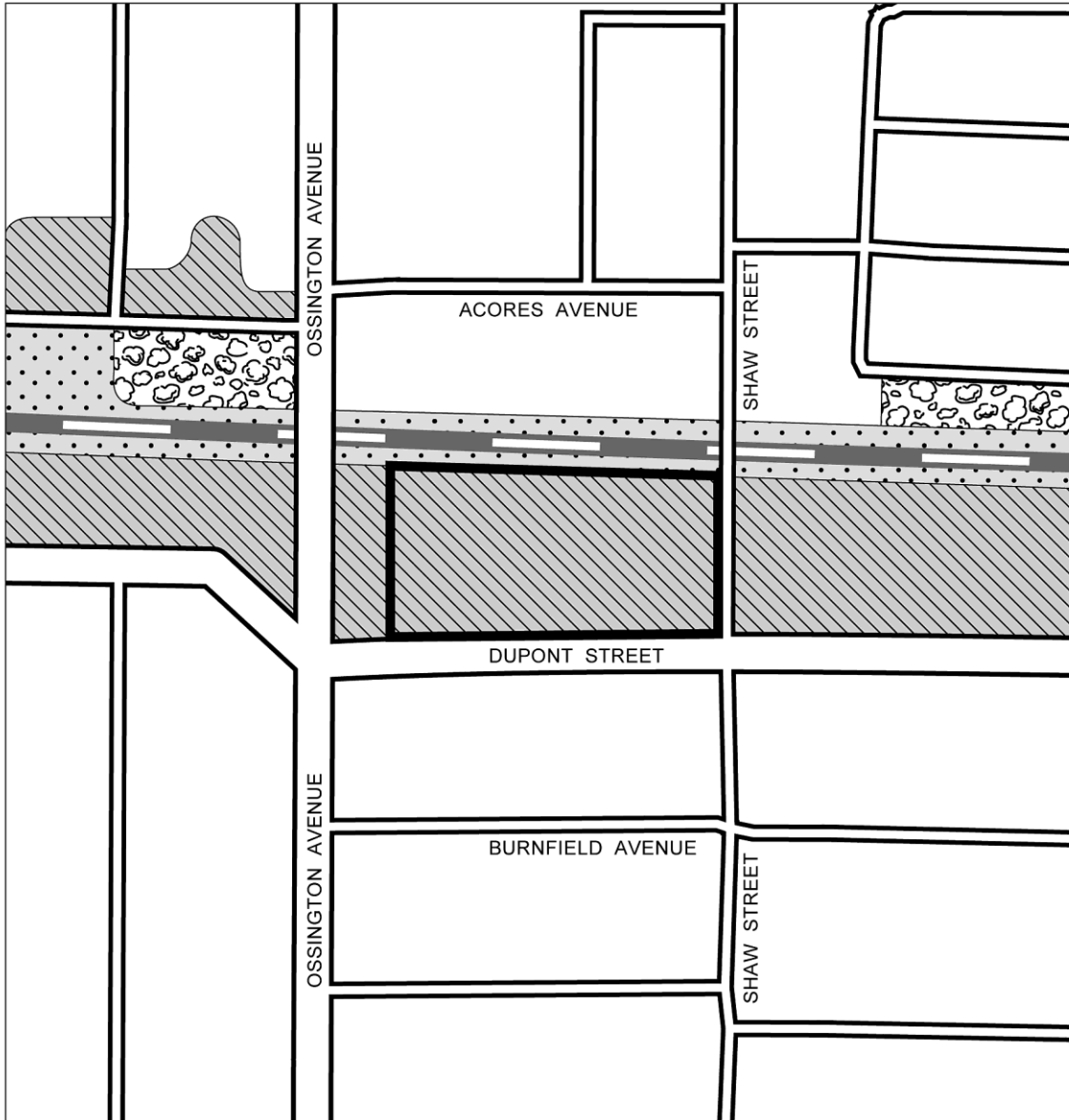
TORONTO City Planning
Zoning By-law 569-2013

840 & 860 Dupont Street
 File # 13 203675 STE 19 0Z

- | | | | |
|---|----------------------------|---|---|
|  | Location of Application |  | See Former City of Toronto Bylaw No. 438-86 |
| R | Residential | I1 | Industrial District |
| E | Employment Industrial | I2 | Industrial District |
| UT | Utility and Transportation | IC | Industrial District |


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Attachment 4: Official Plan



TORONTO City Planning
 Extract from Official Plan

840 & 860 Dupont Street

File # 13 203675 STE 19 0Z

- | | |
|---|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Employment Areas | |
|  Utility Corridors | |

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Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	13 203675 STE 19 OZ
Details	OPA & Rezoning, Standard	Application Date:	July 12, 2013

Municipal Address: 840 DUPONT ST

Location Description: PLAN 197Y LOT 48 PT LOTS 47 & 51 RP 64R16044 PART 2 **GRID S1901

Project Description: Official Plan Amendment and Re-Zoning application to permit a mixed use development including office, retail, and residential uses. The total proposed residential gross floor area will be 27,873 square metres and the non residential gross floor area proposed is 10,862 square metres.

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC. PETER SMITH		TURNER FLEISHER ARCHITECTS INC.	OSHAWA PROPERTY HOLDING INC.

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	IC D2 N1	Historical Status:
Height Limit (m):	18	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	11331.2	Height:	Storeys:	13
Frontage (m):	152.5		Metres:	46.4
Depth (m):	74.6			
Total Ground Floor Area (sq. m):	8022			Total
Total Residential GFA (sq. m):	27873.05		Parking Spaces:	734
Total Non-Residential GFA (sq. m):	10862.22		Loading Docks	6
Total GFA (sq. m):	38735.27			
Lot Coverage Ratio (%):	70.8			
Floor Space Index:	3.42			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	39
1 Bedroom:	275
2 Bedroom:	79
3 + Bedroom:	0
Total Units:	393

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	27873	0
Retail GFA (sq. m):	8201	0
Office GFA (sq. m):	2661	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Avery Carr, Planner	
	TELEPHONE:	416-392-0423	E-MAIL: acarr2@toronto.ca

Attachment 6: Excerpt of OPA 231– Lands North of Dupont Street between Kendal Avenue and Ossington Avenue

Chapter 7, Site and Area Specific Policies, is amended by deleting Site and Area Specific Policy No. 212 and replacing it with the following for the lands shown on the attached map.

212. Dupont Street Corridor

- 1) A Secondary Plan or Site and Area Specific Policy (SASP) to guide the revitalization of Dupont Street between Kendal and Ossington Avenues will be enacted for lands that are located 30 metres south from the Toronto North Subdivision rail corridor and are designated *Regeneration Areas* on Map 17 of the Official Plan. In addition to the matters identified in Policy 2 of Section 4.7 of the Official Plan, the area study leading to the Secondary Plan or SASP will:
 - a) Apply the mid-rise guidelines for development and provide appropriate scale transition to the low scale residential uses along the southern frontage of Dupont Street and to the lands designated *General Employment Areas* to the rear as well as consider possible impacts on any low scale residential uses located north of the rail corridor;
 - b) Explore the use of a Development Permit system within the lands along the northern frontage of Dupont Street;
 - c) Assess and where appropriate establish maximum limits on the size of retail developments and floor plates within the study area;
 - d) Identify transportation and transit options and policies for the Dupont corridor;
 - 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 setbacks from Dupont Street in order to accommodate streetscaping initiatives;
 - f) Ensure there is a net gain in employment floor space for any developments that include residential units;
 - g) Identify and enact any required polices and/or measures to ensure appropriate access from Dupont Street to the lands designated *General Employment Areas* is maintained;

- h) Identify appropriate rail corridor buffering measures to the satisfaction of the relevant railway authorities;
 - i) Identify potential locations for additional pathways and pedestrian links between the low scale residential uses to the south and the employment and rail corridor to the north within the study area;
 - j) Identify the appropriate location for new parks, open space and green corridors including exploring the opportunity of locating a greenway recreational path along the southern edge of the abutting rail corridor;
 - k) Identify strategies to enhance the public realm and streetscaping on both the north and south side of Dupont Street within the Secondary Plan or SASP area;
 - l) Explore and identify measures to improve the overall business environment of the area; and
 - m) Bring forward an enacting zoning by-law or development permit system for the study area.
- 2) Until the study is completed and the Secondary Plan or SASP is in force, development that includes residential and/or other sensitive uses is not permitted.
- 3) Uses provided for in *General Employment Areas* that are compatible with nearby residential uses are permitted on all sites and lands along the northern side of Dupont Street between Kendal and Ossington Avenues. Additional uses are permitted in the *General Employment Areas* designated lands within the 30 m rail corridor setback zone as follows:
- a) Parking that supports the employment uses of the area either at grade or in a structure;
 - b) Roads and utilities; and
 - c) Rail safety measures (i.e.: berms, crash walls etc.).
- 4) Until the Secondary Plan or SASP is in force, any proposals for employment use development will:
- a) Provide appropriate buffering and rail safety measures as required to the satisfaction of the appropriate rail authorities and the City;
 - b) Be sufficiently set-back from Dupont Street to accommodate streetscaping improvements and initiatives; and

c) Contribute to streetscaping improvements along both the north and south sides of Dupont Street.