

August 6, 2014

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: August 7, 2014 Public Meeting – Item PG35.6  
Dupont Street Regeneration Area Study***

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We are the planning consultants to Freed Developments Ltd. with respect to its proposed AnX development located at 328-388 Dupont Street, on the north side of Dupont Street, west of Spadina Road (the “AnX site”). Our client has actively participated in the Dupont Street Regeneration Area study and has attended at all of the working group meetings and community meetings conducted as part of the study.

While we are appreciative of staff’s efforts in completing the study within a very tight timeframe and the opportunity to have been actively involved throughout the process, we are disappointed with the study’s recommendations in a number of respects.

Most particularly, it is our opinion that the proposed policies applying to the rail corridor setback represent an undesirable approach to city-building within the middle of an urban area and are not in keeping with the more forward-thinking approach set out in the recent Guidelines for New Development in Proximity to Railway Operations (May 2013) published by the Railway Association of Canada and the Federation of Canadian Municipalities.

Although proposed Policy 8.4 of the draft Official Plan Amendment (OPA 271) affords some potential flexibility as an exception, the policy approach set out in OPA 271 is otherwise not supportive of the efficient use of urban land and infrastructure and is, in this respect, is not in keeping with the objectives of either the Provincial Policy Statement or the Growth Plan for the Greater Golden Horseshoe. Furthermore, the effect of the proposed rail corridor setback policies would be to push the building mass further south on the properties, thereby bringing it closer to the low-rise *Neighbourhoods* on the south side of Dupont Street.

In this regard, proposed Policy 8.2 would require that any new development containing residential, institutional, recreational/entertainment, hotel, or office or retail uses “with a high number of employees and customers” be set back a minimum of 30 metres from the rail corridor, with a 2.5 metre high earthen berm to be constructed immediately south of the rail corridor with a noise wall on top. Furthermore, Policy 8.3 proposes to restrict permitted uses in the 30 metre rail corridor setback to only rail safety and vibration/noise mitigation structures and auxiliary buildings used for “activities with low numbers of employees and visitors”, such as parking, storage, warehousing and loading. In other words, employment uses such as offices and retail would not be permitted.

On its face, as noted above, proposed Policy 8.4 would appear to offer some flexibility, however, its potential value in this regard is diminished by the following considerations:

1. Policy 8.4 is unnecessarily restricted to circumstances where “standards cannot be met due to topographical, geographical, or other physical constraints”;
2. the proposed land use designation applying to the 30 metre rail corridor setback would be *Employment Areas (Core Employment Areas* under proposed OPA 231), which would not permit residential uses even if the conditions in Policy 8.4 were satisfactorily addressed; and
3. the proposed height limit in Policy 3.2 (8-storeys) is in large part predicated on a built form that assumes a 30 metre setback and pushes the building massing close to Dupont Street.

The result is that the policy framework proposed in OPA 271 is potentially contradictory and does not ultimately provide for a flexible urban approach to built form, massing and rail proximity, contrary to the intent of the May 2013 guidelines.

At a minimum, the following revisions to proposed OPA 271 would help to address the above-noted concerns:

1. Amend Policy 8.4 to delete the words “where those standards cannot be met due to topographical, geographical, or other physical constraints”.
2. Designate all of the lands within the Dupont Street Corridor as *Mixed Use Areas* i.e. address land use and proximity considerations through policies rather than through a “split-designation”.

3. Delete the 8-storey height limit in Policy 3.2, and instead adopt a policy-based approach to height and massing based on the policies set out in Section 3 of the proposed Site and Area Specific Policy, subject to the additional comments set out below.

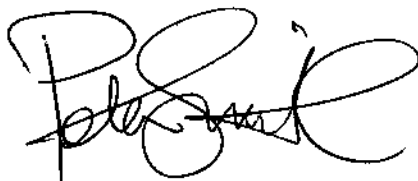
In addition to the concerns noted above with respect to the rail corridor setback, the other significant concern specifically related to the AnX site has to do with the failure of the staff report or the recommended amendments to take into account the site's location within the Downtown Toronto urban growth centre and within a "major transit station area" (within convenient walking distance of the underutilized Dupont subway station). In fact, the staff report includes no mention whatsoever of either the Dupont subway station or the urban growth centre boundaries relative to the Dupont Street Corridor study area.

As a result, it appears that the staff recommendations have failed to consider or give effect to Provincial policy as it applies to the site. It is our opinion that greater heights and densities are appropriate on the AnX site than elsewhere throughout the Dupont Street Corridor as a result of these Provincial policy directions. Furthermore, it is noted that, despite our request that the easterly portion of the AnX site (328 Dupont Street) be included within the Dupont Street Regeneration Area study and the implementing Official Plan and Zoning By-law Amendments, it has not been so included. Accordingly, the proposed development plans for this portion of the site will need to be considered within a different policy context.

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: Sarah Phipps – City of Toronto Community Planning  
Peter Freed/Barry Gula – Freed Developments Ltd.  
Adam Brown/Jessica Smuskowitz – Sherman Brown Dryer Karol

