

August 6, 2014

Our File No.: 100305

**By Email**

Chair and Members of Planning and Growth Management Committee  
10<sup>th</sup> Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Nancy Martins, Committee Administrator**

Dear Sirs/Mesdames:

**Re: Item PG35.6: Dupont Street Regeneration Area Study - Official Plan Amendment  
and Zoning Amendment  
740 Dupont Street, RioCan Holdings Inc.**

We are solicitors for RioCan Holdings Inc. (“RioCan”), the owner of the property known municipally as 740 Dupont Street in the City of Toronto (the “Site”). The Site is located on the north side of Dupont Street, west of Christie Street.

RioCan and its advisors have reviewed the Dupont Street Regeneration Area Study Final Report, and the proposed Official Plan Amendment 271 (the “Draft OPA”) and Zoning Amendment which are intended to implement the recommendations of the Dupont Street Regeneration Area Study (the “Dupont Street Study”). We are writing on their behalf to express concerns with certain aspects of the proposed Official Plan policies and Zoning provisions.

**Background:**

RioCan was an active participant in the Dupont Street Study process as a member of the Dupont Street Study working group and was in attendance at all of the Study’s public consultation meetings. In addition, RioCan shared preliminary plans and information related to its proposed development of the Site with the Study team to assist in the development of the Study’s policies and recommendations.

RioCan agrees with City of Toronto Planning staff’s conclusion that there is an opportunity to intensify the land uses on the north side of Dupont Street between Kendal and Ossington Avenues (the “Dupont Corridor”), while maintaining and growing current levels of employment. Further, RioCan supports many of the policies proposed in the Draft OPA and believes that with

a number of modifications, the Draft OPA would provide appropriate policy direction for the development of the Site and the Dupont Corridor.

### **Draft Official Plan Amendment 271:**

#### **Land Use Designation:**

Despite numerous requests that the entirety of the Dupont Corridor be redesignated as *Mixed Use Areas*, the draft OPA proposes to redesignate only the southerly portion of the Lands from *Employment Areas* to *Mixed Use Areas*, while retaining the *Employment Areas* designation on the northerly 30 metres of the area.

It is preferable from a comprehensive site planning and land use perspective for the Site and the Dupont Corridor to be within one single *Mixed Use Areas* land use designation. This single designation would provide the flexibility to develop the Site and the Dupont Corridor with an appropriate mix of uses, including employment uses, suitably deployed across the property.

Further, all of the policy goals set out in the July 8, 2014 Staff Report from the Chief Planner (the “Staff Report”) could be achieved under this single designation, including the maintenance of a certain level of employment uses and appropriate rail safety and mitigation measures, while avoiding the arbitrary imposition of an inflexible barrier to appropriate redevelopment in the form of a bright line division between the southerly *Mixed Use Areas* designation and the northerly *Employment Areas* designation.

#### **Intensification:**

Section 1.2 states that the Policy area is “not intended to experience significant intensification”. This statement is in potential conflict with the Staff Report , which notes on page 5 that Staff concluded that “there was an opportunity to intensify land use on the north side of Dupont Street while maintaining or growing current levels of employment.” This policy should be clarified as follows, to note that intensification of the Dupont Corridor is anticipated and encouraged:

This Policy area is intended to experience intensification while maintaining and growing current levels of employment.

#### **Minimum and Maximum Heights:**

Section 3.2 of the Draft OPA specifies that new buildings in the *Mixed Use Areas* designation will be a maximum of 8-storeys in height. While 8-storeys may be an appropriate general height estimate for the Dupont Corridor, a prescriptive maximum height limit does not provide any flexibility for appropriate intensification in the form of taller mid-rise buildings that provide a transition in height on larger properties in accordance with appropriate building siting, setbacks and stepbacks. The second sentence of this policy should be amended to read:

New buildings within the *Mixed Use Areas* designation will be predominantly 8 storeys in height, with taller mid-rise buildings located on sites that can accommodate additional height while maintaining an appropriate transition in height that respects the scale of the low-rise residential *Neighbourhoods* on the south side of Dupont Street.

#### Retail Size:

The Staff Report recognizes that larger retail unit sizes are both appropriate and common along the Dupont Corridor. Further as set out in Section 2.3 of the Draft OPA, retail, service office and institutional uses which serve both the local community and the larger area are appropriate for the Corridor.

Section 3.3 proposes 5,000 square metres as the maximum gross floor area for any one retail or service use. The Staff Report notes that this proposed number is partially based on the size of the existing Loblaws store at the northeast corner of Dupont and Christie Street. Rather than a proposed maximum size based on one currently existing retail store in the area, it would be more appropriate to choose 6,000 square metres as a maximum store size in accordance with the policies of Official Plan Amendment 231, if a maximum gross floor area per retail or service unit is even required for an area that is acknowledged to be appropriate for larger retail unit sizes.

#### Increase in Employment Uses:

Section 4.1 requires a net increase in non-residential gross floor area in every development. RioCan agrees that an appropriate goal for the revitalization of the Dupont Corridor is maintaining and growing current levels of employment, and in fact its proposed development of the Site would meet the requirements of Section 4.1. Notwithstanding this, the arbitrary application of Section 4.1 on a site by site basis could be a barrier to revitalization. It places different requirements on each property in the Dupont Corridor depending on what may be the specific size of the buildings on the property at a particular moment in time. This policy should be removed or revised to more appropriately and generally address the policy goal of maintaining and growing current levels of employment.

#### Alternative Rail Safety Mitigation Measures:

Section 8 of the Draft OPA provides a number of policies aimed at providing rail safety and mitigation measures to address the relationship between new development in the Dupont Corridor and the existing CP Rail line. Appropriate rail safety and mitigation measures are an acknowledged necessity for the Dupont Corridor. The application of prescriptive rail setbacks and excessive limits on the uses permitted within these setbacks, however, is unnecessarily restrictive and is not in accordance with accepted planning and architectural practice in the City of Toronto, nor does it accord with the purposes of the May 2013 Federation of Canadian Municipalities /Railway Associations of Canada “Guidelines for New Development in Proximity

to Railway Operations,” which include a desire to establish a balance between railway operational needs and the objective to facilitate residential and other intensification in existing built up areas such as the Dupont Corridor.

In addition, Section 8.4 only provides an opportunity for an applicant to propose alternative mitigation measures in very limited circumstances. The application of alternative rail mitigation measures should be an option in a wide range of situations and should not be limited to sites where the “standards cannot be met due to topographical, geographical or other physical constraints”.

**Draft Zoning By-Law:**

The draft Zoning By-law should be revised to be consistent with a revised version of the Draft OPA that incorporates the above suggested modifications and commentary.

**Conclusion:**

Modifications to the Draft OPA would be appropriate to address the concerns listed above. Further corresponding changes to the draft Zoning By-law would also be appropriate.

Please also accept this letter as our request for notice of any meeting or decision made in respect of this matter.

Yours truly,

Goodmans LLP



Mark Noskiewicz

MRN/ab

cc: Jordan Robins, RioCan Holdings Inc.  
Barry Brooks, Community Planning

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