

August 6, 2014

Our File No.: 132885

## **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  
275 Albany Avenue and 420 Dupont Street, City of Toronto: Leeken Investments**

We are solicitors for Leeken Investments (“Leeken”), the owners of the property known municipally as 275 Albany Avenue and 420 Dupont Street (the “Site”). The Site is located on the north side of Dupont Street between Howland Avenue and Albany Avenue.

Leeken and its advisors have reviewed the Dupont Street Regeneration Area Study Final Report, and the proposed Official Plan Amendment (“Draft OPA 271”) and the draft Zoning By-law 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 Staff’s recommendation #7 concerning the Site.

### **Recommendation Re: City of Toronto’s Heritage Inventory:**

Leeken was taken aback and was very concerned to read that staff are recommending that City Council direct Planning staff to report to Community Council on the heritage attributes of the Site (275 Albany Avenue and 420 Dupont Street), and on options for including the Site on the City’s heritage inventory.

As an active participant in the Dupont Street Study process and a member of the Study working group Leeken was not consulted in any way in regard to the potential heritage attributes of the Site, nor was the potential heritage value of these buildings raised at any meeting of the working group or the larger Dupont Street Study.

Further, it is unclear what Staff believe are the potential heritage attributes of 275 Albany Street and 420 Dupont Street. Currently, neither the Staff Report nor the proposed Dupont Regeneration Study Urban Design Guidelines include any specific information on the potential heritage attributes of the Site, other than to note that the community referenced the “industrial heritage character” as being a desirable feature of the Dupont Street Corridor.

This complete lack of consultation is extremely disappointing and disheartening.

It is inappropriate for staff to propose such a recommendation without any consultation with Leeken and any suggestion of the proposed heritage attributes, despite Leeken’s extensive good faith participation in the Dupont Street Study process. We would respectfully ask that this recommendation be removed by the Planning and Growth Management Committee.

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

##### Land Use Designation:

The decision to split the Site by designating the northerly 30 metres as *Employment Areas* is extremely problematic for the ongoing evolution of the area and the Site and is undesirable in land use planning terms. Unlike a *Mixed Use Areas* designation applying to the entire Site, which would provide flexibility to develop the Site with a mix of uses, (including employment uses) suitably deployed across the Site, the bright line imposition of a *General Employment Areas* designation on the northerly portion of the Site imposes an inflexible and arbitrary barrier to redevelopment and revitalization.

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 a single *Mixed Use Areas* designation, including the maintenance of a certain level of employment uses and appropriate rail safety and mitigation.

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.

##### 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 to note that intensification of the Dupont Corridor is anticipated and encouraged.

##### Minimum and Maximum Heights:

Section 3.2 of the Draft OPA provides 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 the intensification of appropriate sites with taller mid-rise building that provide a transition in height in accordance with appropriate building siting, setbacks and stepbacks.

#### Retail Size:

The Staff Report recognizes that larger retail unit sizes are both appropriate for and common along the Dupont Corridor. Section 3.3 currently proposes 5,000 square metres as the maximum gross floor area of any one retail or service use.

Instead of basing the maximum store size on the existing Loblaws store which was developed a number of years ago, it would be more appropriate to choose a 6,000 square metre maximum store size in line with the policies of Official Plan Amendment 231 if a maximum store size is even warranted.

#### Increase in Employment Uses:

Section 4.1 requires a net increase in non-residential gross floor area in every development. The application of this policy is arbitrary and unfair in its application to this Site. This policy would make the redevelopment of the Site more difficult and complicated than other neighbouring sites based solely on the size of the existing building on the Site, even though the actual number of employees or jobs on site is not directly related to the proposed GFA. This policy should be removed or revised to focus on the actual amount of employment created and not solely on the amount of gross floor area occupied by a building at a point in time.

#### 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 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. In contrast, 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

A handwritten signature in blue ink, appearing to read 'AB', followed by a long horizontal line extending to the right.

Anne Benedetti

AKB/

cc: Cynthia Lee, Leeken Investments

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