

316-320 Dupont Street –Zoning Amendment Application – Preliminary Report

Date: June 7, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 11 - University-Rosedale

Planning Application Number: 18 270843 STE 11 OZ

Date of Complete Application Submission: December 20, 2018

Current Use(s) on Site: a two-storey office building with a three-storey addition at the rear, and a three-storey office building.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 316-320 Dupont Street. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. City Planning held a community consultation meeting with the Ward Councillor on April 9, 2019.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Additional mailing costs resulting from the expanded notification area for the community consultation meeting held on April 9, 2019 beyond 120 metres of the site, be borne by the applicant.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal Description

A new 9-storey (46.6 metres including a mechanical penthouse) office building is proposed for the site and will be integrated with the proposed mixed use development at 328-332 Dupont Street. The portion of the proposed building containing office use is setback 20 metres from the CP railway corridor. A 2-storey portion of the building containing parking, loading and servicing facilities on the ground level, a "studio" space on the second floor, and a green roof will be located less than 20 metres from the CP railway corridor. The total gross floor area is 2,938 square metres and the overall

density is 3.75 times the area of the lot. There is a 7.0 metre high reinforced concrete crash wall proposed along the northern property line.

Vehicular access to the site is provided underground from a driveway off of Dupont Street from the adjacent site and integrated building at 328-332 Dupont Street. The driveway continues to a ramp at the rear of the property and provides access to three levels of below grade parking which will be shared between the subject site and the adjacent site. A total of 39 vehicular parking spaces are proposed. A total of 21 bicycle parking spaces are proposed and are located on level P1. A Type B loading space will be shared and located on the adjacent site and a Type C loading space will be located on the subject site.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 1 and 2 of this report, for a three dimensional representation of the project in the existing context.

Provincial Policy Statement

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"). The PPS may be found on the Ministry of Municipal Affairs and Housing website.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;

- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The site is designated as *General Employment Areas* under Official Plan Amendment 231 (OPA 231). OPA 231 was adopted by Council in December 2013 and approved by the Minister of Municipal Affairs and Housing in July 2014. Portions of the amendment are under appeal at the Local Planning and Appeal Tribunal (LPAT). The subject site is

not subject to a site or area specific appeal to OPA 231, therefore, the *General Employment Areas* designation applies.

The site immediately west, which is integrated with the subject site application is subject to OPA 271 and Zoning By-law 1011-2014. OPA 271 and Zoning By-law Amendment 1011-2014 redesignated the front portion of the properties within the study area from *Employment Area* to *Mixed Use Area* and maintained the *Employment Area* designation at the rear of the sites. OPA 271 is not in full force and effect.

An Interim OMB Order dated December 7, 2017, approved OPA 271 and Zoning By-law 1011-2014, subject to the parameters below:

- a maximum building height of 42 metres and up to 50 metres to the top of any rooftop mechanical area;
- a front setback of 3.0 metres above the third storey;
- a setback from the front of the building to the rooftop mechanical;
- a 5.5-metre setback above the third storey along the eastern side of the building;
- and,
- sensitively designed balconies to accentuate rather than hide the setbacks.

The Final order will be issued when conditions of the Interim Order are satisfied.

Attachment 4: Official Plan Map does not reflect the land use designation change as per the Interim Order.

TOcore: Planning Downtown

City Council adopted OPA 406 on July 27, 2018. OPA 406 included amendments to the Downtown section of the Official Plan and Map 6 of the Official Plan and brought forward a new Secondary Plan for the entire Downtown area.

On August 9, 2018 the City's application under Section 26 of the Planning Act was sent to the Minister of Municipal Affairs and Housing (MMAH) for approval. The Ministry issued its decision regarding OPA 406 on June 5, 2019.

As part of the decision the Ministry revised the Plan to add the following transition policy: "This Plan does not apply to applications for official plan amendment, zoning by-law amendment, draft plan of subdivision or condominium approval, site plan approval, consent or minor variance which were complete prior to the approval of this Plan and which are not withdrawn. In-force site-specific official plan and/or zoning by-law amendments shall be deemed to conform with this Plan." Given that this application was complete prior to June 5, 2019, OPA 406, the new Downtown Secondary Plan, does not apply to this application.

Zoning By-laws

The site is is zoned IC D2 N2 with a maximum permitted height of 14 metres under Zoning By-law 438-86. This zone permits a range of non-residential uses including retail and office uses, institutional uses and light manufacturing and warehousing uses. The property is not subject to Zoning By-law 569-2013.

Design Guidelines

The following design guidelines will be used in the evaluation of this application:

- Mid-rise Buildings Guidelines 2010 & Addendum 2016.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Guidelines for Development Close to Rail Corridors and Yards

The Federation of Canadian Municipalities, in conjunction with the Railway Association of Canada, released the Guidelines for New Development in Proximity to Railway Operations (the "FCM Guidelines") in 2013. The guidelines have not been adopted by the Province of Ontario or Toronto City Council, however, they do provide guidance for planners and developers with respect to development in proximity to railways. These guidelines have also been taken into consideration in the City's study on rail adjacent development and the recommendations in the consultant's final report.

The FCM Guidelines consider the proposed office use as a "high-occupancy use", which requires a 30 metre setback from the rail corridor and a 2.5 metre high berm. Rail safety measures which deviate from this standard should demonstrate an equivalent level of protection through a Derailment Safety Report.

Site Plan Control

The application is subject to Site Plan Control. A Site Plan application has not been submitted.

Community Consultation Meeting

City Planning held a community consultation meeting on April 9, 2019 at 255 Spadina Road (Toronto Archives). The Ward Councillor, the applicant and approximately six members of the public attended the meeting. City staff and the applicant's consultant team presented on the planning framework, the site and area context, and the details of the proposal. The presentations were followed by a question and answer period.

The comments and concerns raised by residents with respect to the proposal were generally related to the following matters:

- Height and massing;
- Transition to lower scaled areas;

- Lack of 5.0 metre front setback above the third floor;
- Proposed built form on a shared easement;
- Traffic and congestion;
- Building material and fit into character of neighbourhood;
- Ensuring animation at ground level; and
- Ensuring green landscaping.

COMMENTS

Reasons for the Application

The application proposes to amend Zoning By-law 438-86 to vary performance standards including: height, density, and setbacks. Additional amendments to the Zoning By-law will be identified as part of the application review.

On May 24, 2019, the applicant submitted a letter withdrawing the Official Plan Amendment application. The applicant intends to submit revised plans which eliminate the residential elements that were proposed in the underground parking garage beneath the boundaries of the subject site.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

Staff will continue to evaluate this planning application to establish consistency with the PPS (2014) and conformity with the Growth Plan (2019).

- Given the explicit link between Provincial Policy and the Official Plan, conformity with the PPS (2014) and the Growth Plan (2019) will be largely determined by conformity with the Official Plan.

Official Plan Conformity

Staff have evaluated this planning application against the Official Plan to determine the application's conformity to the Official Plan.

- Staff have determined that the proposed residential uses in the below-grade garage are not permitted under the *General Employment Area* land use designation policies.
- The applicant has submitted a letter withdrawing the Official Plan Amendment application, however, revisions to the plans are required to eliminate or relocate all residential elements from the proposal.

Land Use

Staff will assess the suitability of the proposed land use based on the Growth Plan (2019) and the City's Official Plan policies.

- the proposed "studio" on the second floor at the rear located within the 20 metre CP Railway setback.
- Given that residential elements are not permitted within the below-grade garage, whether the required office parking can be relocated and accommodated in the parking garage beneath the proposed office building.

Built Form, Planned and Built Context

Staff will continue to assess the suitability of the proposed height, massing, and other built form issues based on Section 2 q) and r) of the *Planning Act*, the PPS (2014), the Growth Plan (2019), the City's Official Plan policies and Design Guidelines.

The following issues have been identified and Staff will continue to assess:

- The suitability of the proposed building height against the planned context; the City's Official Plan policies; the Mid-rise Buildings Guidelines & Addendum; and the Downtown Plan.
- The suitability of the built form measures proposed in order to provide transition to the low-scale adjacent property to the east.
- The compatibility and integration of the built form with the adjacent development proposal at 328-332 Dupont Street.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

The applicant has submitted an Arborist Report and Tree Preservation Plan which are currently under review by Urban Forestry. There are a total of 31 trees on and within 6 metres of the subject site. A total of 22 replacement trees are required. Two new street trees are proposed.

Staff will continue to assess:

- The appropriateness of the applicants proposal to remove 8 private trees and one City-owned street tree in order to accommodate the development, and the tree replacement plan.

Infrastructure/Servicing Capacity

The applicant has submitted the following studies and reports which are being reviewed by Engineering and Construction Services staff: a Functional Servicing and Stormwater Management Report; Combined Noise and Vibration Impact Feasibility Study; Geohydrology Assessment; Geotechnical Report; Phase 2 Environmental Assessment; and a combined Transportation Impact, Parking and Loading Study.

- Staff will continue to review the application to determine if there is sufficient infrastructure capacity (roads, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.

Archaeological Assessment

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites.

- An Archaeological Assessment was submitted and is currently under review by City staff.

Rail Safety and Mitigation

The site is adjacent to the CP rail corridor. The operation of rail corridors is under Federal jurisdiction, however, the City is responsible for land use decisions and development approvals on properties adjacent to rail corridors.

City Council has directed City Planning to require the submission of Derailment Safety Reports and Plans as part of any planning application for sites that abut a rail corridor. The Derailment Safety Reports and Plans are peer reviewed by a third-party railway safety consultant as well as CP Railway.

A Derailment Protection Report and Derailment Protection Plan and Section has been submitted for review by CP Railway and a third-party peer reviewer on behalf of the City. The following is being reviewed:

- The proposed office use set back of 20 metres from the CP railway corridor.
- Adequacy of a reinforced concrete crash wall is proposed that is 7.0 metres in height along the northern property line.
- Appropriateness of the proposed "studio" space within the 20 metres setback from the CP railway corridor.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement.

The applicant has submitted the required Toronto Green Standards Checklist for Non-Residential Development.

Staff will continue to assess:

- the TGS Checklist submitted by the applicant for compliance with Tier 1 performance measures and full compliance will be required prior to approval of the requested applications.

Other Matters

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

CONTACT

Sipo Maphangoh, Senior Planner, 416-338-2478, Sipo.Maphangoh@toronto.ca

SIGNATURE

Lynda H. Macdonald MCIP, RPP, OALA, FCCLA
Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Drawings:

Attachment 1 and 2: 3D Models of 316-320 Dupont St. proposal in existing context

Attachment 3: Location Map

Attachment 4: Site Plan

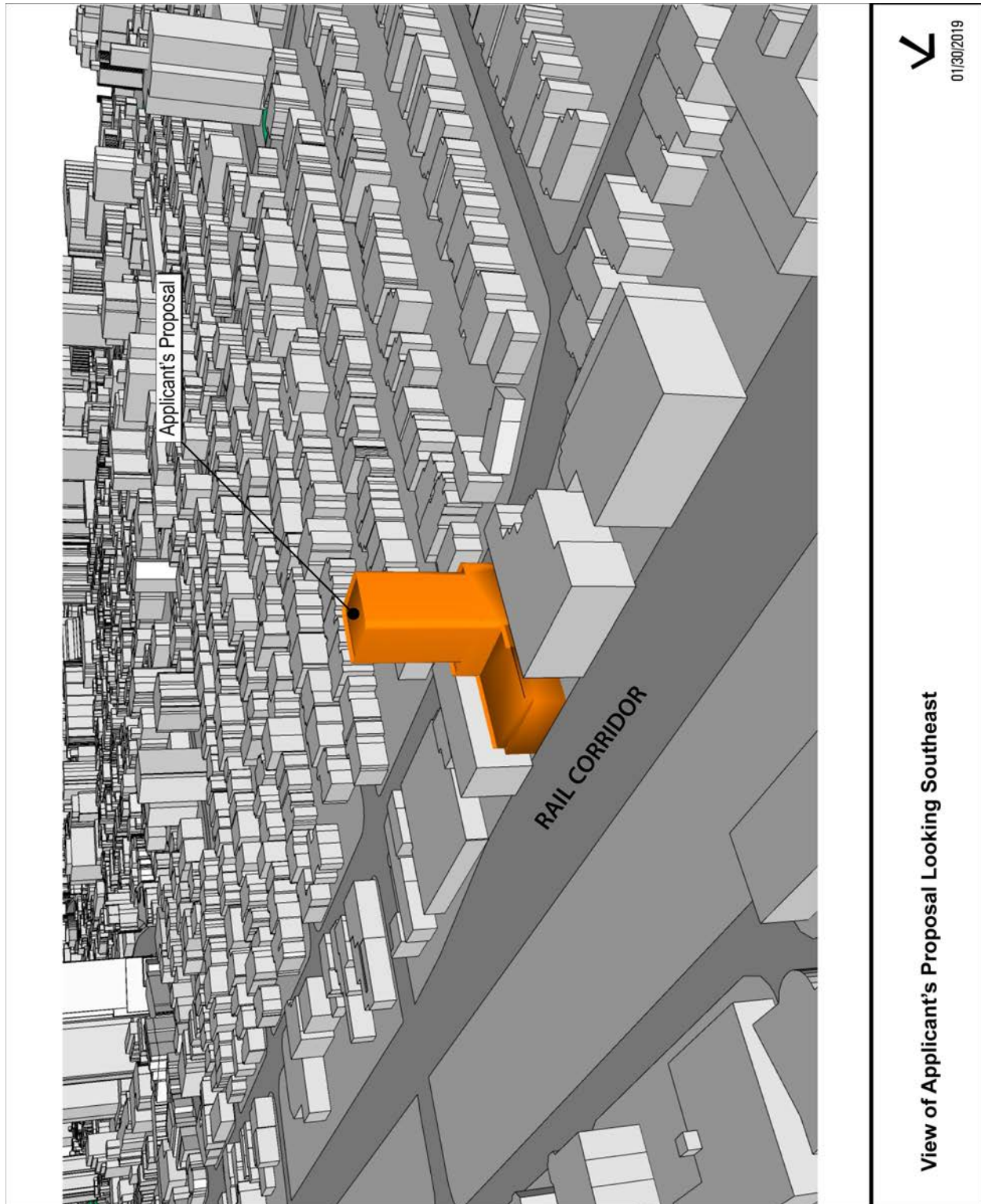
Attachment 5: Official Plan Map as per OMB decision dated January 20, 2017 (does not reflect OMB Interim Order dated December 7, 2017 for 328-332 Dupont St.)

Attachment 6: Application Data Sheet

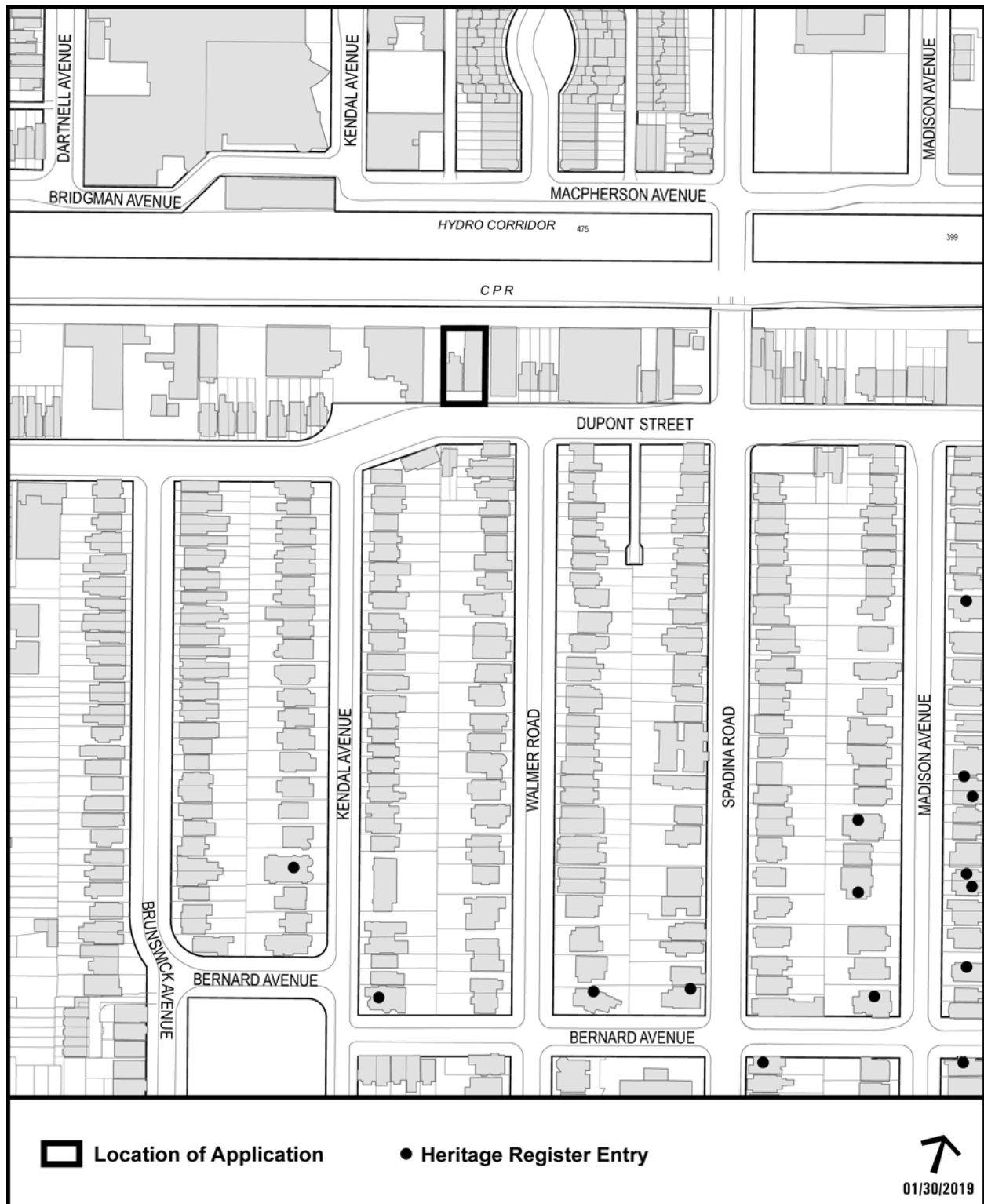
Attachment 1: 3D Model of 316-320 Dupont St. proposal in existing context



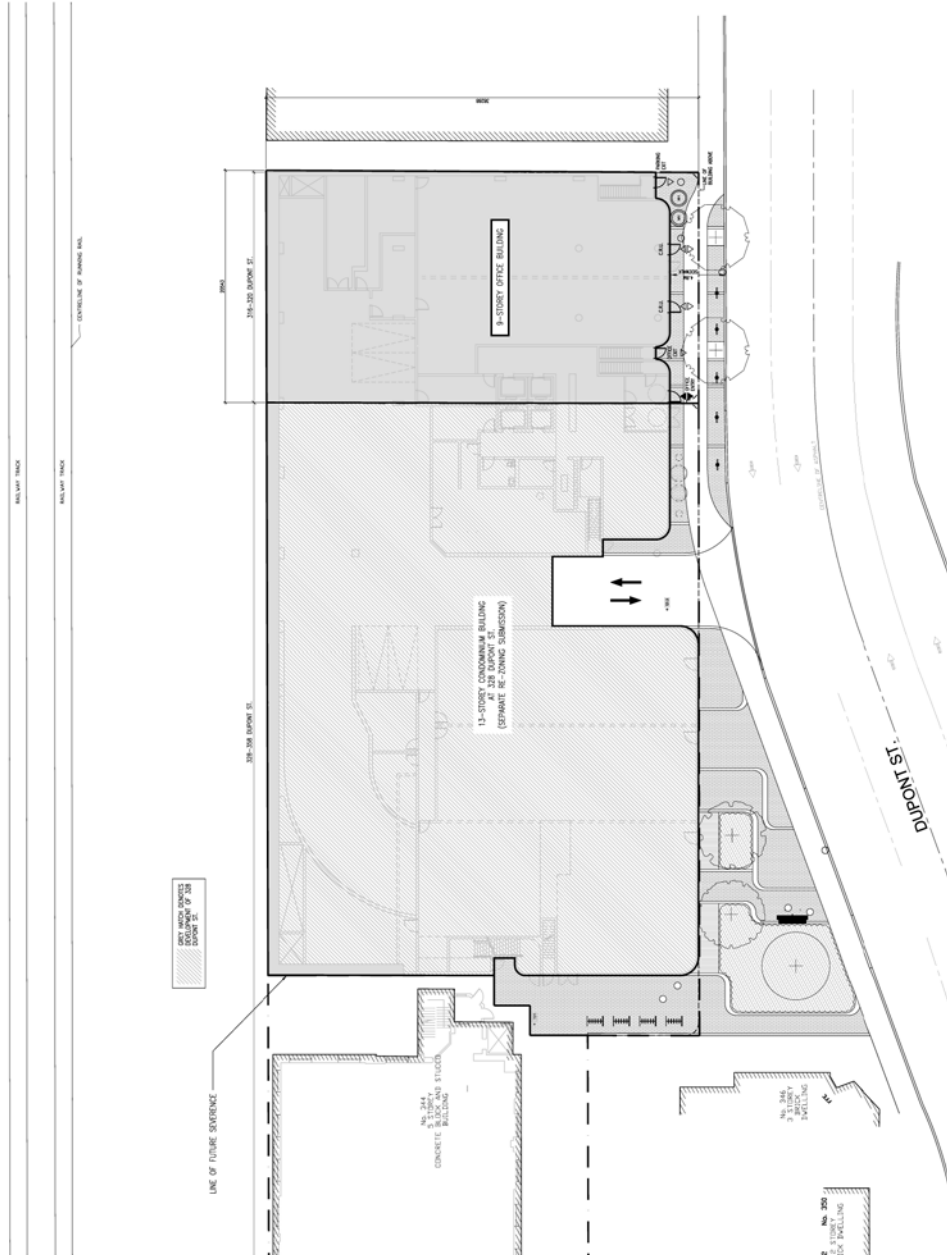
Attachment 2: 3D Model of 316-320 Dupont St. proposal in existing context



Attachment 3: Location Map



Attachment 4: Site Plan



Site Plan

Applicant's Submitted Drawing

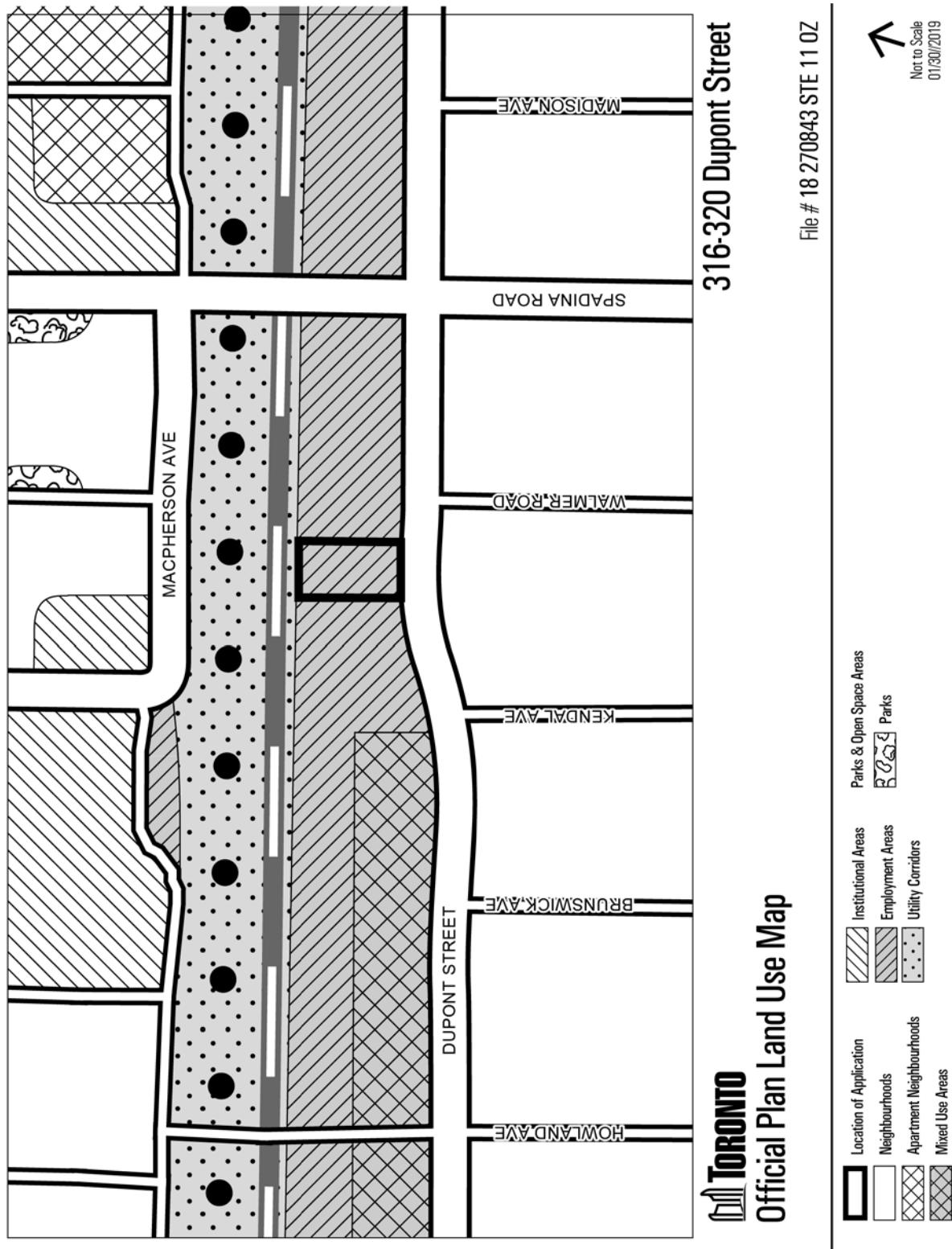
Not to Scale
01/30/2019



316-320 Dupont Street

File # 18 270843 STE 11 0Z

Attachment 5: Official Plan Map as per OMB decision dated January 20, 2017 (does not reflect OMB Interim Order dated December 7, 2017 for 328-332 Dupont St.)



Attachment 6: Application Data Sheet

Municipal Address: 316 Dupont Street **Date Received:** December 20, 2018

Application Number: 18 270843 STE 11 OZ

Application Type: OPA & Rezoning

Project Description: A 9-storey non-residential building: 822 square metres of commercial / retail space located at grade and on the 2nd level, and office use of approx. 2,115 square metres. The building would have a total gross floor area of approximately 2,938 square metres

Applicant	Agent	Architect	Owner
Mara Nicolau	Mara Nicolau	Teeple Architects	Freed (ANX) Ltd.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	N
Zoning:	Industrial (IC D2 N2)	Heritage Designation:	N
Height Limit (m):	14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 784 Frontage (m): 20 Depth (m): 38

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	397	0	559	559
Residential GFA (sq m):	0	0	0	0
Non-Residential GFA (sq m):	651	0	2,907	2,907
Total GFA (sq m):	651	0	2,907	2,907
Height - Storeys:	3	0	9	9
Height - Metres:			39	39

Lot Coverage Ratio (%): 71.3 Floor Space Index: 3.71

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	0	0
Retail GFA:	822	0
Office GFA:	2,085	0
Industrial GFA:	0	0
Institutional/Other GFA:	0	0

Parking and Loading

Parking Spaces: 39 Bicycle Parking Spaces: 21 Loading Docks: 2

CONTACT:

Sipo Maphangoh, Senior Planner
(416) 338-2478
Sipo.Maphangoh@toronto.ca