

888 Dupont Street - Official Plan Amendment and Zoning Amendment Application – Preliminary Report

Date: December 4, 2019

To: Toronto and East York Community Council

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

Ward: 11 - University-Rosedale

Planning Application Number: 19 243242 STE 11 OZ

Application Deemed Complete as of: October 30, 2019

Current Use(s) on Site: 3.5-storey commercial building (5,087 square metres).

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application for a 13-storey mixed-use building located at 888 Dupont Street. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 888 Dupont Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal Description

A new 13-storey (55 metres to the top of the roof structure including the mechanical penthouse) mixed-use building is proposed for the site. A total of 99 residential units, including 13 affordable rental units are proposed, and are intended to function as live/work units. Also proposed is 7,256 square metres of non-residential space containing a range of uses including office, commercial, retail and light industrial uses.

A one-level underground garage with 94 stacked parking spaces (including 51 residential spaces and one car share space) accessed from two car elevators is proposed. The proposed car elevators and two loading spaces will be accessed from a private driveway on the east side of the site from Dupont Street. Also proposed are 146 bicycle parking spaces on another underground level.

The total floor space index (FSI) for the development is 6.92 times the area of the lot. The proposed building contains a total of 346.6 metres of amenity space (153 square metres of indoor and 194 square metres of outdoor).

The site abuts the CP railway corridor to the north and the proposed building has no setback to the north property line. The north wall will incorporate a 1.4-metre wide rail crash wall element for rail safety purposes.

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_of this report, for a three dimensional representation of the project in context.

Decision History

In December of 2013, City staff was directed to undertake a study of the Dupont Street corridor for lands in former Wards 19 and 20 with a focus on land uses, streetscape improvements, urban design and built form guidelines, transportation, the function and design of Dupont Street and potential rail corridor adjacency issues.

On August 25, 2014, City Council adopted the recommendations in the Dupont Street Regeneration Study Final Report which proposed a new: Official Plan Site and Area Specific Policy (SASP) 212 as per Official Plan Amendment (OPA) 271; Zoning By-law Amendment 1011-2014, and; Urban Design Guidelines to guide development in the study area, which includes the north side of Dupont Street between Kendall Avenue and Ossington Avenue. OPA 271 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 and Zoning By-law 1011-2014 were appealed to the Ontario Municipal Board (OMB).

In June of 2015, the OMB issued a decision to consolidate the appeals for OPA 271 and Zoning By-law 1011-2014 with several sites specific development applications within the study area into one proceeding. On January 20, 2017, the OMB issued a decision approving amended versions of OPA 271 (SASP 212) and Zoning By-law 1011-2014. These amendments resulted in changes to the height permissions, land uses and requirements with respect to rail safety mitigation measures and separation distances along the corridor, among other matters.

The OMB decision can be found at this link: <http://www.omb.gov.on.ca/e-decisions/pl141134-Jan-20-2017.pdf>

Provincial Policy Statement and Provincial Plans

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 *Mixed-Use* at the front and *Employment* at the rear on Map 17 of the Official Plan.

The application is subject to Site and Area Specific Policy 212 which provides policies for land use, built form, transportation, streetscape, rail safety, noise and vibration,

among other matters, for properties on the north side of Dupont Street between Kendall Avenue and Ossington Avenue. There is a height limit of 9-storeys for the portion of properties within the *Mixed-Use* designation.

Zoning By-laws

The site is subject to area specific Zoning By-law 1011-2014 which amended the former City of Toronto Zoning By-law 438-86. The site is designated Mixed Commercial Residential (MCR) at the front of the property and Industrial Commercial (IC D2) at the rear measured up to 20 metres south of the CP rail corridor. The MCR designation has a maximum permitted height of 9-storeys or 35 metres and the IC designation has a height limit of 18 metres. The MCR designation permits a range of residential and non-residential uses including retail and office uses. The maximum density within the IC designation is 2.0 times the area. The IC designation permits a berm; storage warehouse; parking garage; loading spaces; open space; and any required rail safety, noise or vibration mitigation structures.

Design Guidelines

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

- Dupont Street Regeneration Study Urban Design Guidelines.
- Mid-rise Buildings Guidelines 2010 & Addendum 2016.
- Draft Growing up Guidelines: Planning for Children in New Vertical Communities.

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 Control application has not been submitted.

COMMENTS

Reason 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.

The Official Plan Amendment is required because the proposed building exceeds the maximum permitted height of 8-storeys in the *Mixed Use Areas* portion of the site as per SASP 212.

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

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.

Staff will evaluate:

- The application's consistency with the PPS (2014) and conformity with the Growth Plan (2019).

Heritage Impact & Conservation

In August 2014, City Council adopted final recommendations related to the Dupont Street Regeneration Area Study, which directed City staff to evaluate several potential heritage properties, including 888 Dupont Street, and report to Toronto and East York Community Council on options for the property's inclusion on the City's Heritage Register.

In the Dupont Street Regeneration Study Urban Design Guidelines (UDG), the property at 888 Dupont Street is identified as having "heritage character".

To date, Heritage Planning has not undertaken a study of the properties identified as having "heritage character" within the study area.

The applicant has submitted a Heritage Impact Assessment (HIA).

Staff will evaluate:

- The HIA submitted with the application and whether the property is considered a heritage resource and whether a conservation strategy will need to be implemented.

Official Plan Conformity

Staff will evaluate:

- The application's conformity to the Official Plan, including SASP 212.

Built Form, Planned and Built Context

Staff will evaluate the proposal for a 13-storey mixed-use building within a Mixed-Use Area that abuts the CP rail corridor. North of the CP rail corridor is Garrison Creek Park, and further north, houses that front on Acores Avenue serviced by a rear lane that abuts Garrison Creek Park. Staff will determine the suitability of the proposed massing and built form based on Section 2 q), and r) of the Planning Act, the PPS (2014) and the Growth Plan (2019), the City's Official Plan policies including SASP 212, the Zoning By-law, and Dupont Regeneration Study Urban Design Guidelines and the Growing up Guidelines.

Staff will evaluate:

- Whether the application is contextually appropriate and fits with the existing and planned context.
- Whether the existing building is a heritage asset.
- Appropriateness of the proposed built form, siting, height, massing and scale of the proposal.
- Desirability of the proposed unit type and mix.
- The relationships to adjacent properties, including setbacks, step backs and the resulting separation distance between properties and buildings.
- The transition in built form to low-rise *Neighbourhoods* to the south.
- The impact of the proposal on the public realm, including wind and shadow impacts.
- The relationship of the proposed building to the intersection as a corner site.

Additional built form issues may be identified through the review of the application including further review from City divisions and agencies and the public consultation process.

Public Realm and Streetscape

The site has frontages along both Dupont Street and Ossington Avenue. The Ossington Avenue frontage connects to a sidewalk that is raised above the street level and continues underneath a bridge for the CP railway. On the north side of the bridge is the provincially-owned hydro corridor where a planned linear park called the "Green Line" has been planned. Dupont Street is skewed as it crosses Ossington Avenue. The existing sidewalk along the Dupont Street frontage is very narrow. The application provides opportunities for substantial public realm enhancements.

Staff will evaluate:

- The proposed open space areas and streetscape with the aim to enhance and expand the public realm.
- The suitability of the proposed pedestrian realm and the relationship of the building to the intersection as a corner site.
- The adequacy and suitability of the amount, location and design of the proposed outdoor open spaces, and their ability to be appropriately landscaped.
- The opportunity to enhance the pedestrian connection under the CP railway bridge providing a connection to the Green Line.

Sun, Shadow and Wind

The Official Plan requires development to limit shadowing on streets, properties and open spaces and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility. It also requires new development to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Shadow studies were prepared in support of the proposal which show the extent of the shadow from the proposed building on March 21 and September 21. A Pedestrian Wind Study was also submitted.

Staff will evaluate:

- The potential for shadow impacts on nearby parks and open spaces, such as the Green Line, and wind impacts of the proposed building on outdoor amenity spaces and adjacent sidewalks.

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 Arborist Report and Tree Preservation Plan submitted in support of the application indicate there

are 11 trees (including 3-City-owned trees) both within and immediately adjacent to the subject site that qualify for protection. Of these, 11 trees are proposed to be removed.

Staff will evaluate:

- The removal of 11 trees as a result of the proposal and opportunities for new tree planting.

Housing

The applicant is proposing a unit mix of 36 one-bedrooms (of which 13 are affordable), 56 two-bedroom, and 7 three-bedroom units. All units are proposed to function as live/work units.

Staff will evaluate:

- Whether the proposed unit mix is suitable for a broad range of households, including families with children.
- Whether the proposed unit type and mix of the affordable units is appropriate.
- The ability of the units to function as live/work units.
- The locations, adequacy and functionality of the proposed amenity spaces.
- Opportunities for additional affordable housing units.

Infrastructure/Service 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 Study; Preliminary Hydrogeological Assessment; Geotechnical Report; and a combined Transportation Impact, Parking and Loading Study.

Staff will evaluate:

- If there is sufficient infrastructure capacity (roads, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.
- The effects of the development on the City's infrastructure, including the transportation system, and determine if improvements to the existing infrastructure are required.

Rail Safety and Mitigation

The site is adjacent to the CP railway 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 have been submitted for review by CP Railway and a third-party peer reviewer on behalf of the City.

The following is being reviewed:

- The adequacy of the proposed derailment safety measures given the site's proximity to the CP railway.
- Mitigation measures to address any noise and vibration impacts on the proposal due to the site's proximity to the CP railway.
- Appropriateness of the proposed uses and built form within the 20 metres set back from the CP railway corridor with a vertical crash wall.
- Assessment of whether proposed uses within the 20 metres set back from the CP railway corridor are low-occupancy.

Community Services and Facilities

A Community Services and Facilities report was not required as staff have already assessed the existing capacity of community and services in the area and are satisfied with the current capacity.

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 are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. 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 Mid to High Rise Residential and all New Non-Residential Development.

Staff will evaluate:

- The TGS Checklist submitted by the applicant for compliance with Tier 1 performance measures.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

- Further discussion with the Ward Councillor, City staff, residents, and the applicant will be required to determine the extent and nature of the required Section 37 community benefits should the application be approved in some form.

Other Matters

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

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Drawings

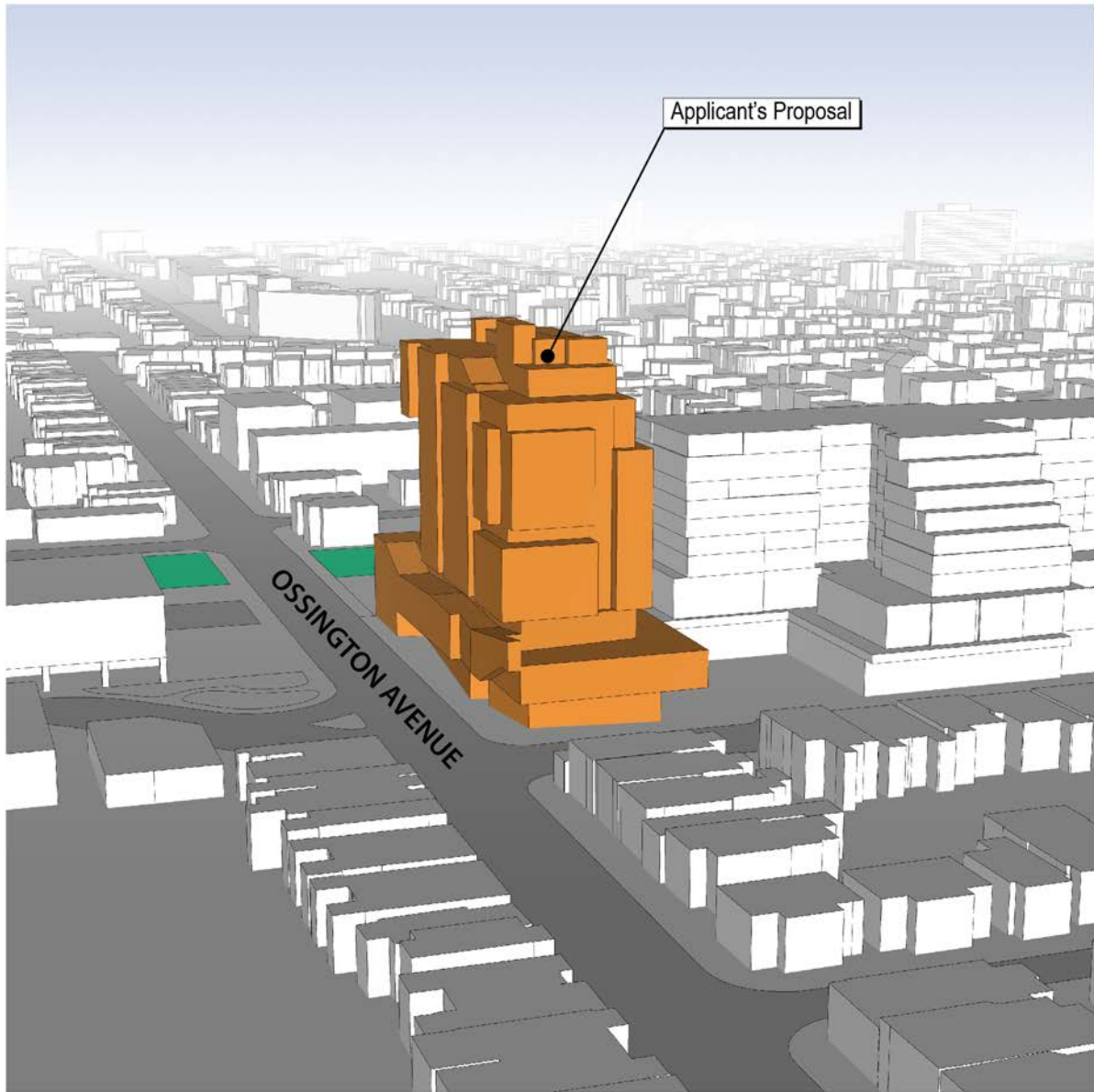
Attachment 1: 3D Model of Proposal in Context

Attachment 2: Location Map

Attachment 3: Site Plan

Attachment 4: Official Plan Map

Attachment 1: 3D Model of Proposal in Context

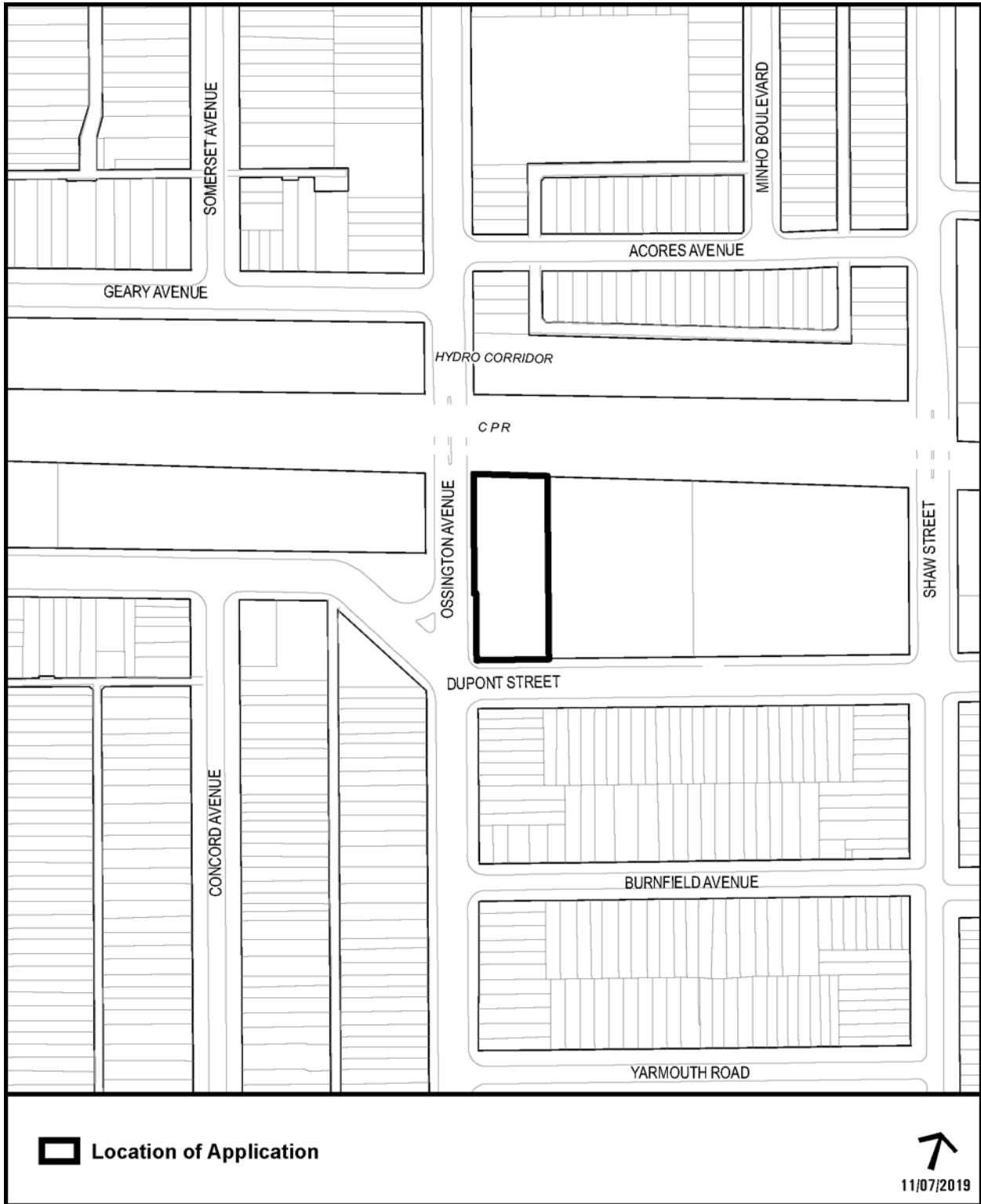


View of Applicant's Proposal Looking Northeast

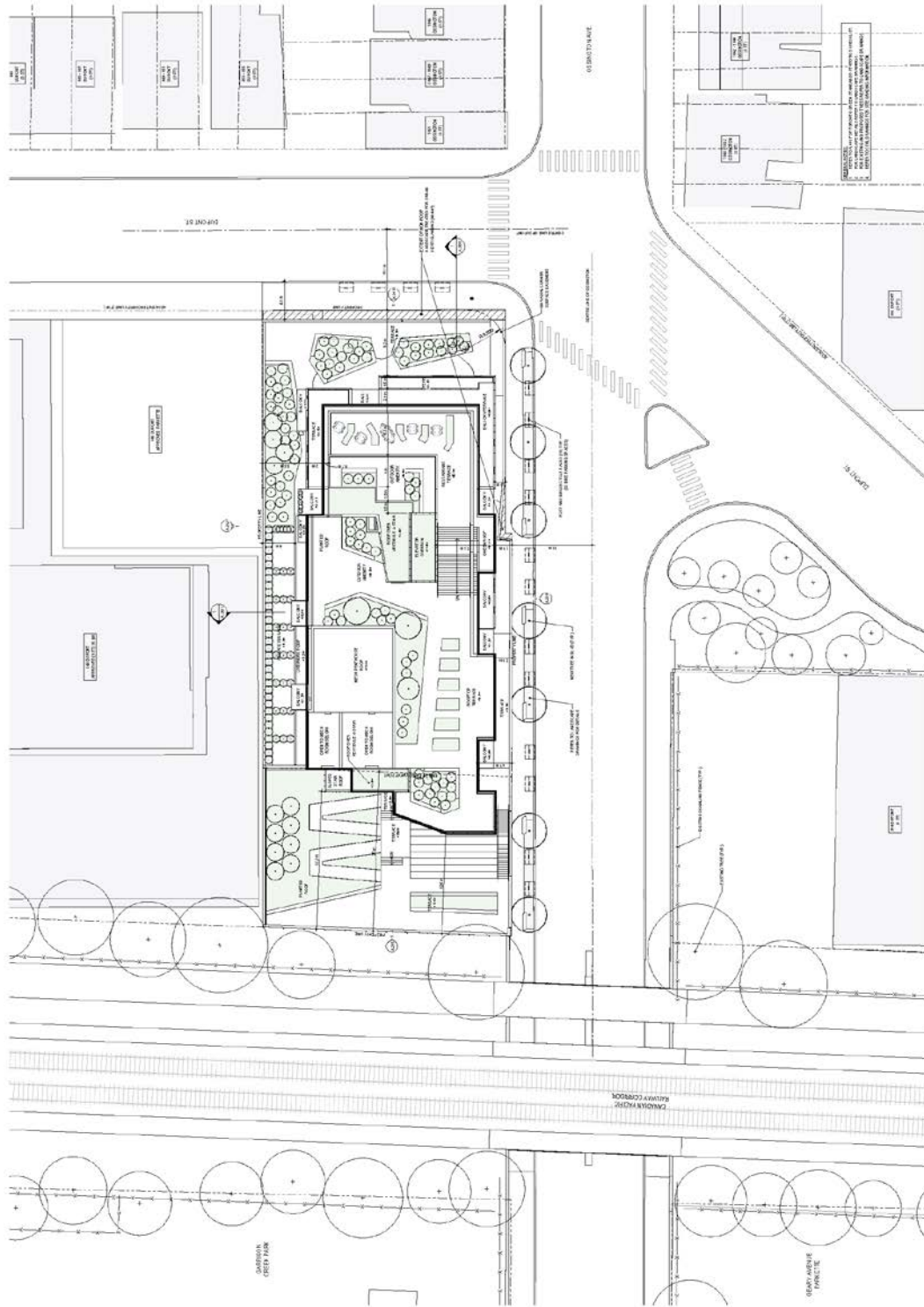


11/27/2019

Attachment 2: Location Map

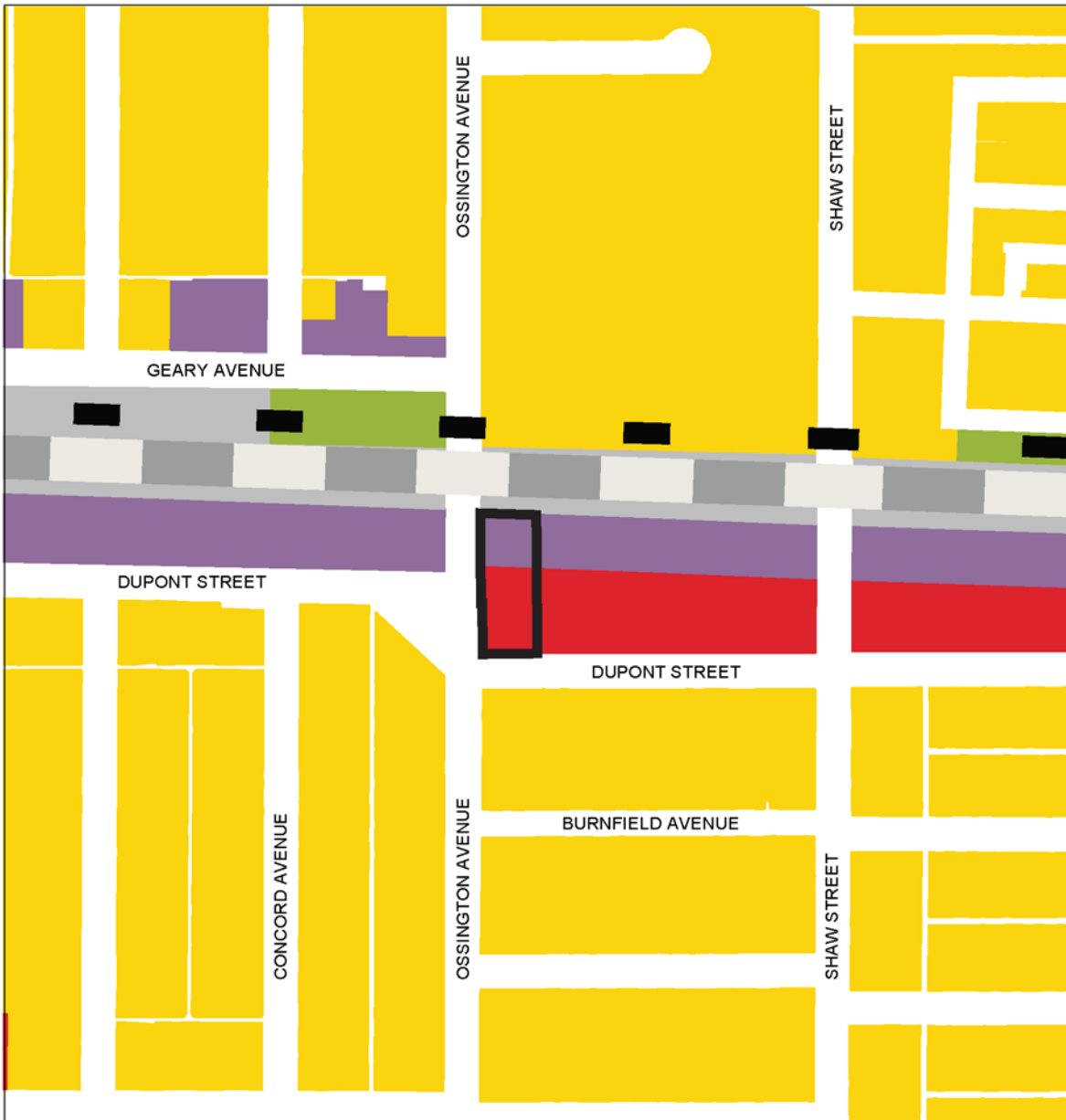


Attachment 3: Site Plan



Site Plan

Attachment 4: Official Plan Map



Official Plan Land Use Map #17

888 Dupont Street

File # 19 243242 STE 11 0Z



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Not to Scale
11/07/2019

Attachment 5: Application Data Sheet

Municipal Address: 888 Dupont Street **Date Received:** October 30, 2019

Application Number: 19 243242 STE 11 OZ

Application Type: OPA & Rezoning

Project Description: Official Plan & By-law Amendment application for a proposed 13-storey mixed-use building with 99 residential units, and 7,256 square metres of non-residential floor area. The proposal will also include 94 vehicular parking spaces within a below grade car stacker system.

Applicant

Mavi Developments
Inc.

Architect

Suulin Architects

Owner

88 DS TAS LP

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use and Employment Areas Site Specific Provision: SASP 212

Zoning: MCR & IC D2 Heritage Designation: Under review

Height Limit (m): 9-storeys/ 35m Site Plan Control Area: yes

PROJECT INFORMATION

Site Area (sq m): 2,415 Frontage (m): 31 Depth (m): 77

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,894		1,014	1,014
Residential GFA (sq m):			9,452	9,452
Non-Residential GFA (sq m):	5,380		7,256	7,256
Total GFA (sq m):	5,380		16,708	16,708
Height - Storeys:	4		13	13
Height - Metres:			55	55

Lot Coverage Ratio (%): 57.16 Floor Space Index: 6.92

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	9,452	
Commercial/Industrial GFA:	7,256	760

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			13	13
Freehold:				
Condominium:			86	86
Other: Live / Work				
Total Units:			99	99

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			36	56	7
Total Units:			36	56	7

Parking and Loading

Parking Spaces:	94	Bicycle Parking Spaces:	146	Loading Docks:	2
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