



REPORT FOR ACTION

340-376R Dufferin Street and 2 Melbourne Avenue – Official Plan and Zoning Amendment Applications – Preliminary Report

Date: May 12, 2020

To: Toronto and East York Community Council

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

Wards: Ward 4 - Parkdale-High Park

Planning Application Number: 19 244664 STE 04 OZ

Notice of Complete Application Issued: November 4, 2019

Current Uses on Site: 1- to 2-storey former industrial buildings containing office and commercial uses.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 340-376R Dufferin Street and 2 Melbourne Avenue. 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 340-376R Dufferin Street and 2 Melbourne Avenue 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

City Planning confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

Minor variance applications for 360-376R Dufferin Street (Files Nos. A1222/TEY and A0284/17TEY) seeking permissions for a retail store and outdoor patio in a craft brewery were refused by the Committee of Adjustment on April 26, 2017.

A minor variance application for 370 Dufferin Street (File No. A0616/18TEY) was approved by the Committee of Adjustment on October 24, 2018 to permit a restaurant on the ground floor of the existing building. The approval was conditional on the restaurant being restricted to the ground level and not exceeding a size of 231 m².

PRE-APPLICATION CONSULTATION

A pre-application consultation meeting was held with the applicant on September 17, 2019 to discuss the approvals history for the site and the proposed list of non-residential uses to be introduced to the property.

The Ward Councillor later held a pre-application consultation meeting on October 8, 2019 at the Parkdale Branch of the Toronto Public Library, with City Planning staff in attendance. Approximately 30 members of the public were present and the following concerns and comments were raised:

- Compatibility of light industrial uses with the adjacent neighbourhood and the potential of removing these zoning permissions from the site;
- Environmental contaminants on the property from the former industrial use of the building;
- The scale of future restaurants on the site and the desire to maintain these uses at a small, neighbourhood scale;
- Potential noise, light and vibration impacts resulting from proposed outdoor patios;
- Potential odour and air quality impacts should a large concentration of restaurants or industrial uses be introduced to the property;
- The adequacy of the current parking supply and loading arrangements;
- Traffic impacts on Dufferin Street resulting from the proposed uses; and
- Vacancies and current leasing trends for the building.

Staff will take these comments into consideration during the application review process.

ISSUE BACKGROUND

Application Description

The site consists of a series of 1-2 storey former industrial buildings which have been readapted and leased to various commercial tenants. The site is bound by Milky Way Lane to the north, Dufferin Street to the east and Melbourne Avenue to the south. An internal surface parking area with 28 vehicular parking spaces is located at the centre of the site, with access from Dufferin Street. No alterations are proposed to the existing buildings, on-site parking supply or loading facilities in the current application. See Attachments 4 and 5 to this report for the site plan and ground floor plan for the existing properties.

This application proposes to amend the Zoning By-laws and the Official Plan to modify the range of non-residential use permissions for the site. The current uses on the site consist primarily of offices and design studios for government, new media, architecture and software development. The application seeks to expand the range of permitted office, retail and service uses to better meet commercial leasing trends for the area. The proposed zoning by-law amendments also carry forward most use permissions from the current I1 D2 (Light Industrial) zoning, while removing uses which are incompatible with the surrounding residential context. The complete list of proposed and existing uses may be found in Attachment 6 to this report.

Detailed project information and application submission materials may found on the City's Application Information Centre at: <https://aic.to/340DufferinSt>

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"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

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

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 current application is located on lands shown as *Neighbourhoods* on Map 18 - Land use Plan of the Official Plan (see Attachment 2).

Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

New small-scale retail, service and office uses that are incidental to and support *Neighbourhoods* may be permitted through an amendment to the Zoning By-law for properties which front a major street, as shown on Map 3 of the Official Plan. These retail, service and office uses must be compatible with the area and not adversely impact adjacent residences.

To maintain the residential amenity of *Neighbourhoods*, new small-scale retail, service and office uses will:

- serve the needs of area residents and potentially reduce local automobile trips;
- have minimal noise, parking or other adverse impacts upon adjacent or nearby residents; and
- have a physical form that is compatible with and integrated into the *Neighbourhood*.

Official Plan Amendment 320

The Local Planning Appeal Tribunal issued an Order on December 7, 2018 to approve and bring into force Official Plan Amendment 320 (OPA 320). The approved policies reflect the policies endorsed by Council at its meetings of June 26 to 29, 2018 and July 23 to 30, 2018 in response to mediation and settlement offers from OPA 320

Appellants. In its Order that approved OPA 320, the LPAT found that the OPA 320 policies are consistent with the PPS and conform with the Growth Plan (2017), which was in force at the time.

OPA 320 was adopted as part of the Official Plan Five Year Review and contains new and revised policies on Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods*. The approved amendments uphold the Plan's goals to protect and enhance existing neighbourhoods that are considered stable but not static, allow limited infill on underutilized *Apartment Neighbourhood* sites and help attain Tower Renewal Program goals.

Zoning By-laws

The site is zoned I1 D2 in the former City of Toronto Zoning By-law 438-86 (see Attachment 3). The I1 zone permits primarily light industrial uses and some commercial uses, to a maximum density of 2.0 times the area of the lot. The maximum permitted height for the site is 14.0 metres. The site is also subject to a number of permissive and restrictive exceptions in Zoning By-law 438-86, including Section 12(1)52 which permits the property for use as a cartage yard and Section 12(2)270 which limits the size of any individual retail or service commercial use to a maximum of 8000 square metres.

The site is not subject to City of Toronto Zoning By-law 569-2013, however, the application seeks to include the property in this zoning by-law through the proposed site-specific amendment.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

COMMENTS

Reasons for the Application

Amendments to Zoning By-law 438-86 and Zoning By-law 569-2013 are required to add the requested office, retail and service use permissions outlined in Attachment 6 of this report. The permissions in the current in-force zoning are limited to light industrial uses and manufacturing, some of which may be incompatible with the residential neighbourhoods immediately west of the site. The application proposes to remove specific use permissions which are considered incompatible, due to the potential for adverse impacts (including, but not limited to, noise, overlook/privacy, vibration and odour etc.) on residential properties. The removal of incompatible uses in the site-specific zoning amendment is necessary for conformity with the Official Plan policies for *Neighbourhoods*.

As the site is currently not subject to Zoning By-law 569-2013, the application proposes that the properties be included, with a zoning category of EO (Employment Industrial Office Zone) through a site-specific amendment. The amendment proposes a broader range of commercial and service uses than what is currently permitted in the EO zone.

Policy 3.1.3 for *Neighbourhoods* in the Official Plan provides that small-scale retail, service and office uses that are incidental to and support *Neighbourhoods* are permitted for properties fronting major streets on Map 3 of the Official Plan, so long as they are compatible with the area. The retail, service and office uses must also serve the needs of area residents. The applicant has proposed an Official Plan amendment to acknowledge the broader range of employment use permissions being sought in the current application and that not all properties on the site front a major street.

Staff will review the application to ensure that the proposed range of office, retail and service uses maintain land use compatibility while serving the needs of the surrounding neighbourhood.

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 against the PPS (2014) and the Growth Plan (2019) to establish the application's 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 and the Growth Plan will be largely determined by conformity with the Official Plan.

Official Plan Conformity

Staff will continue to evaluate this planning application to determine the application's conformity to the Official Plan, including the policies for *Neighbourhoods* in Section 4.1 of the Plan and all other relevant policies.

Land Use and Site Layout

Planning staff have conducted a preliminary review of the proposed uses in the application and have identified the following issues:

- The appropriateness of carrying forward permissions for specific industrial uses in the current I1 D2 zoning, given the potential for adverse impacts (i.e. noise, vibration, odour etc.) on residential uses to the west;
- The appropriateness of manufacturing or light industrial uses and potential restrictions for these uses, should they be introduced to the site;
- The acceptable size, number and location of outdoor patios on the property;
- The size, number and location of restaurants appropriate for the site, given the potential for conflicts with residential properties; and
- Safe pedestrian access to commercial spaces which have primary entrances fronting the internal parking courtyard at the centre of the site.

Infrastructure/Servicing Capacity

Staff are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, etc.) to accommodate the proposed uses. The applicant has submitted the following studies and reports which are being reviewed by Engineering and Construction Services: a Functional Servicing and Stormwater Management Report, prepared by Counterpoint Engineering, dated October 2019, and a Traffic Impact, Parking and Loading Study, prepared by BA Group, dated October 2019.

Staff will continue to assess:

- The Servicing Report provided by the applicant, to evaluate the effects of the proposed uses on the City's municipal servicing infrastructure, as well as identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure necessary to provide adequate servicing to the proposed uses.
- The Transportation Impact, Parking and Loading Study submitted by the applicant, to evaluate the appropriateness of the existing parking supply and site access to support the proposed uses, and to identify any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the proposed uses; and
- The appropriateness of the existing loading arrangements to support the additional uses.
- Revisions and additional details may be requested of the applicant by Engineering Construction and Services staff.

Other Matters

On a preliminary basis, City Planning staff have identified concerns with a number of the proposed uses, in terms of compatibility with nearby residential properties. Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

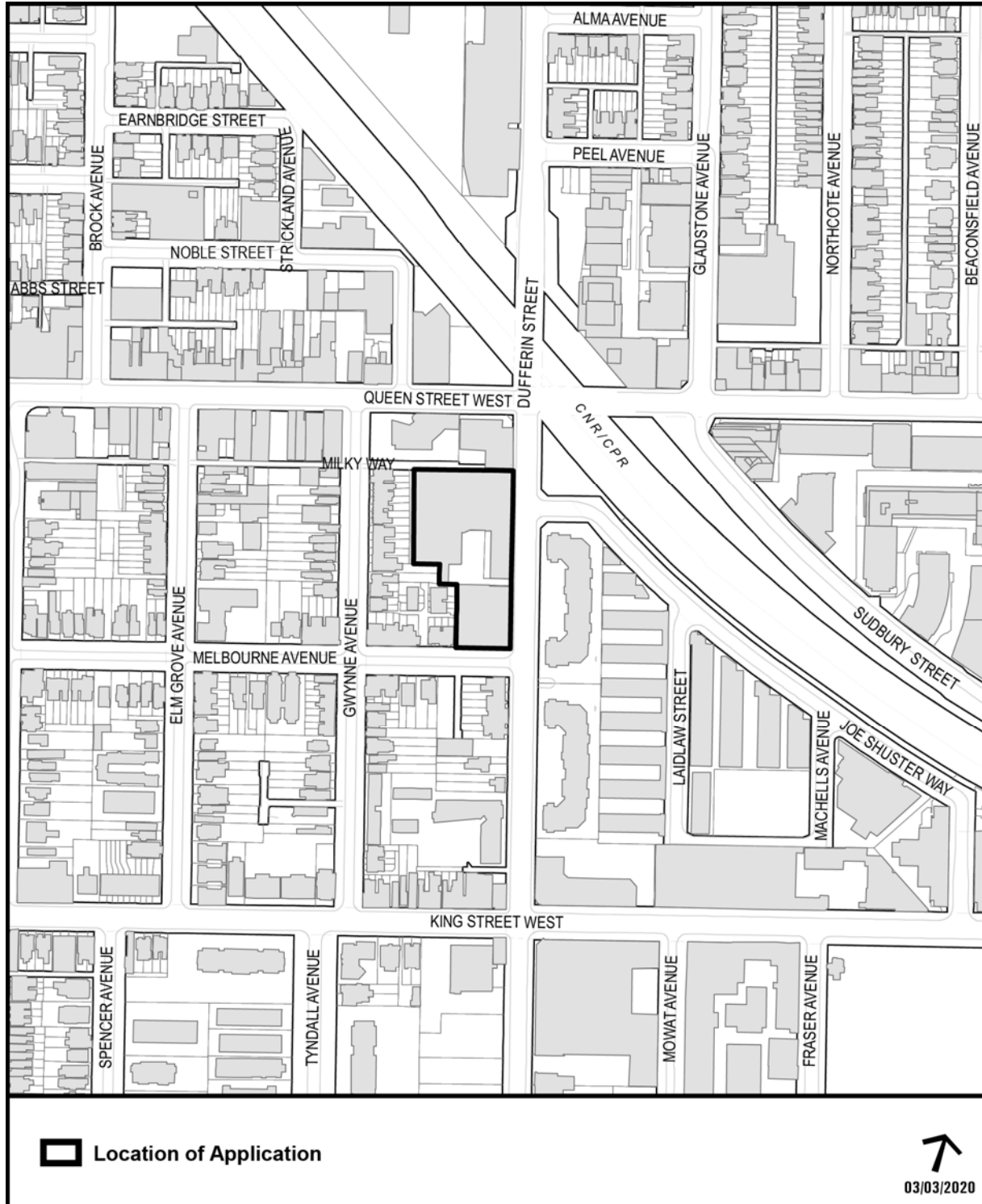
Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA
Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: Location Map
Attachment 2: Official Plan Map
Attachment 3: Zoning By-law Map
Attachment 4: Existing Site Plan
Attachment 5: Existing Ground Floor Plan
Attachment 6: List of Existing and Proposed Uses
Attachment 7: Application Data Sheet

Attachment 1: Location Map



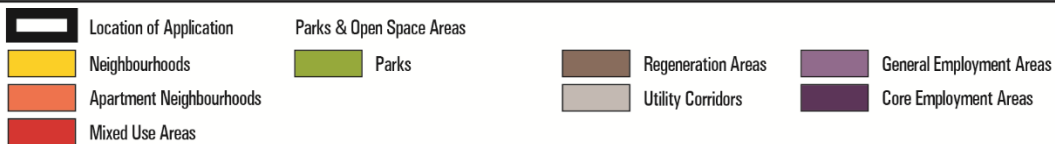
Attachment 2: Official Plan Map



340-376R Dufferin Street and 2 Melbourne Avenue

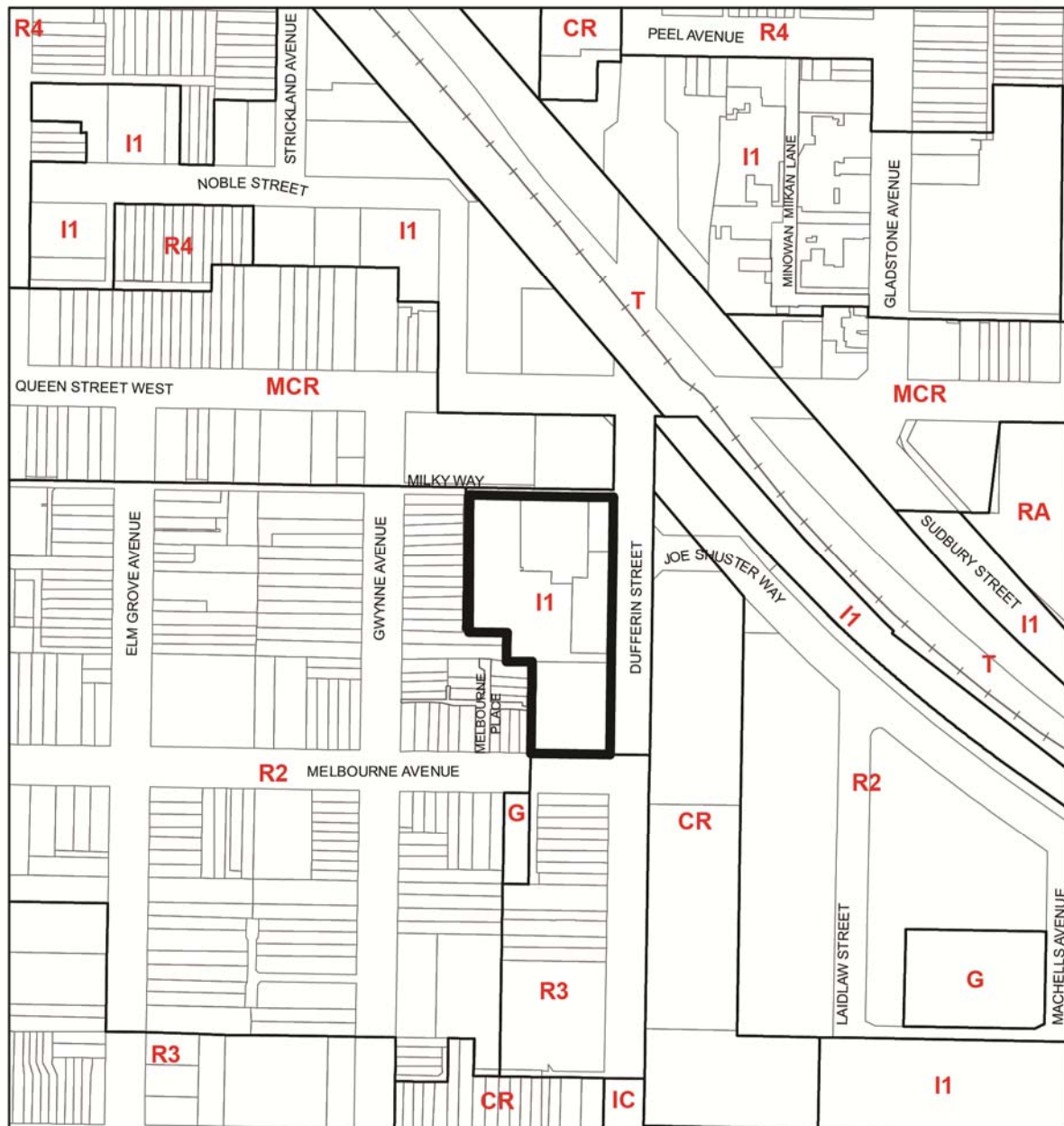
Official Plan Land Use Map

File # 19 244664 STE 04 02



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Not to Scale
03/03/2020

Attachment 3: Zoning By-law Map



340-376R Dufferin Street and 2 Melbourne Avenue

Zoning By-law 438-86

File # 19 244664 STE 04 02



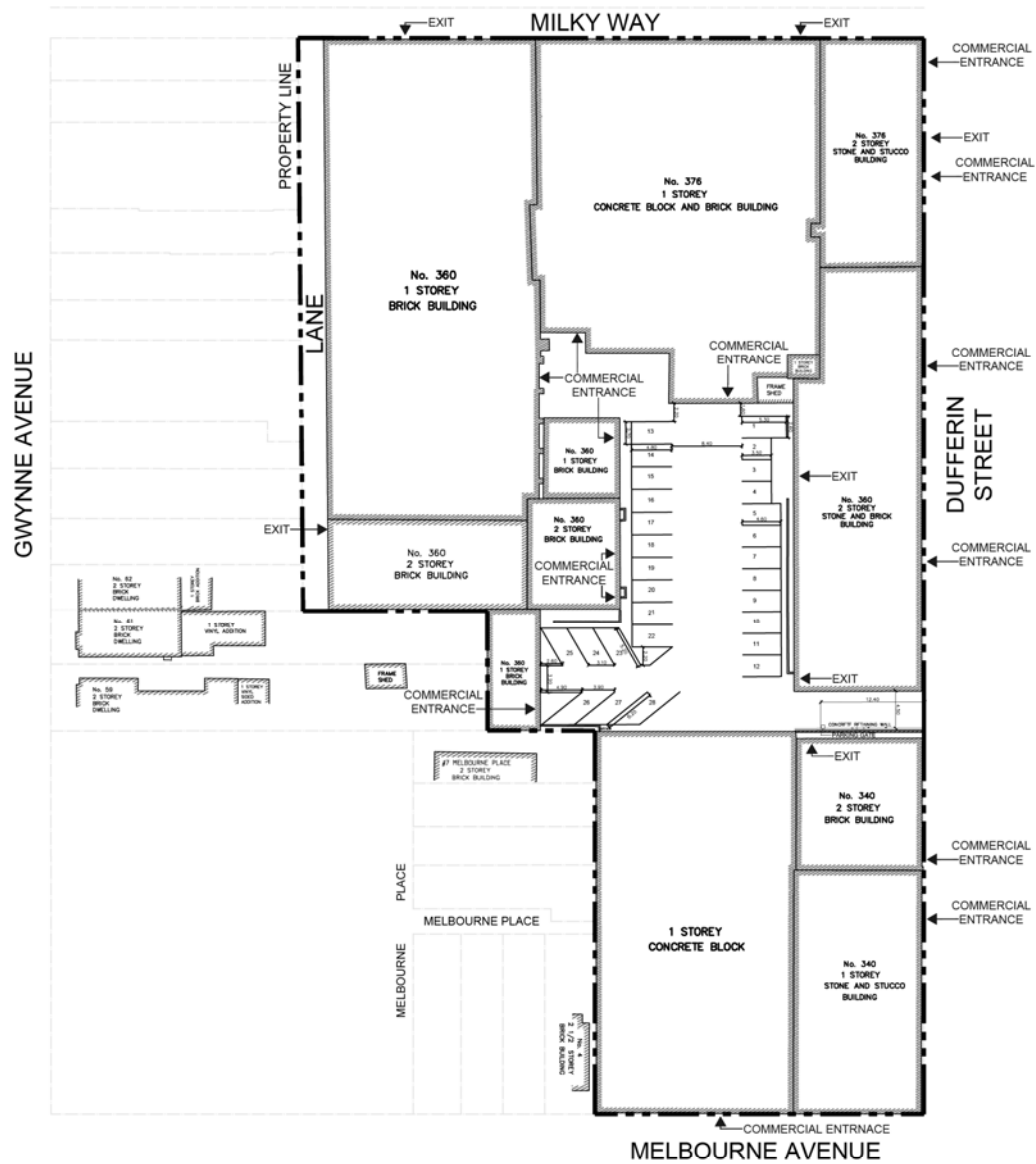
Location of Application

R2	Residential	G	Open Space	T	Employment Industrial
R3	Residential	I1	Employment Industrial	CR	Commercial
R4	Residential	IC	Employment Industrial	MCR	Commercial
				RA	Commercial



Not to Scale
Extracted: 03/11/2020

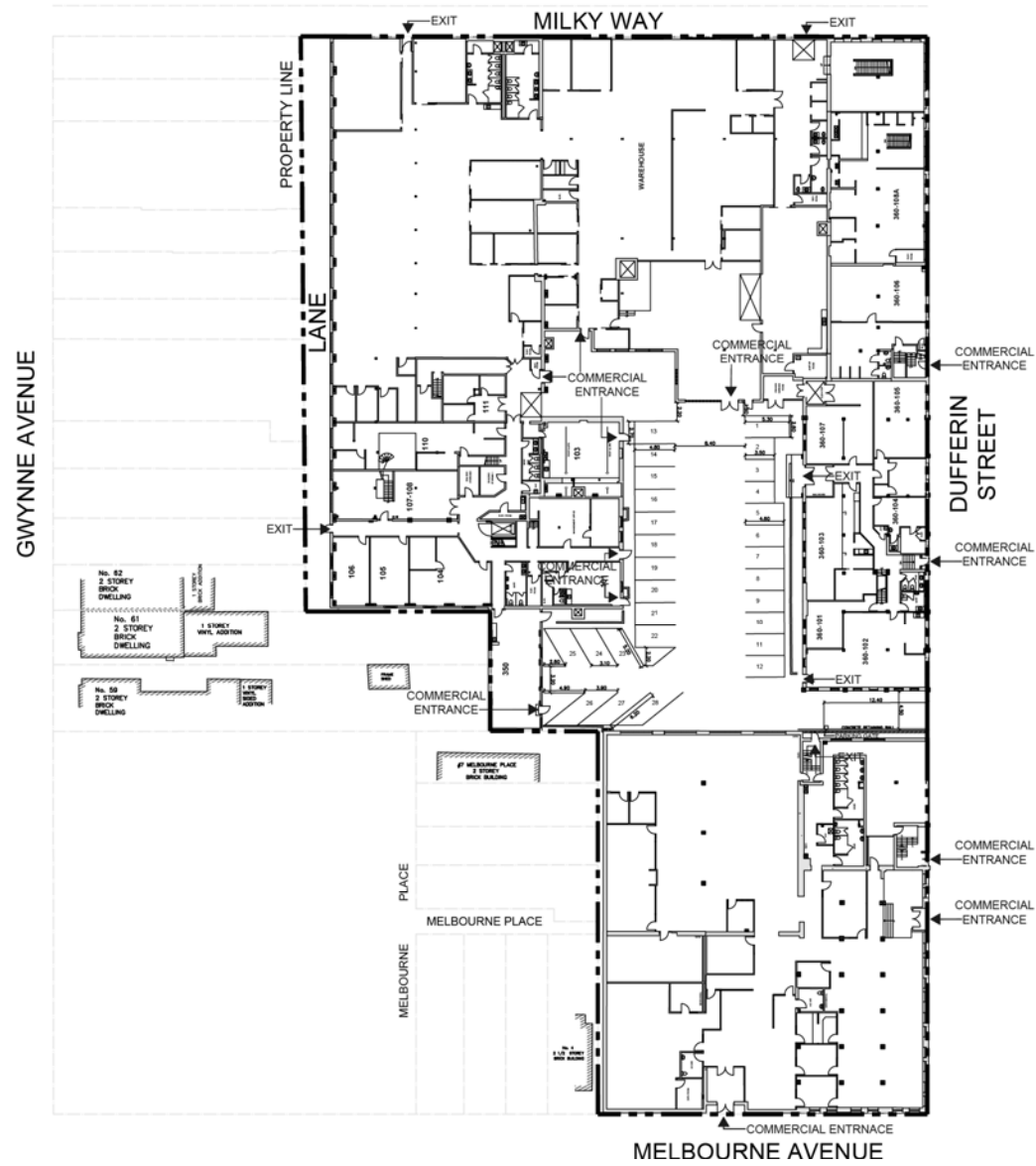
Attachment 4: Existing Site Plan



Site Plan



Attachment 5: Existing Ground Floor Plan



Ground Floor Plan



Attachment 6: List of Proposed and Existing Uses

I1 Zone – Existing Permitted Uses

* - qualification in I1 zone

Public Park
Clinic
Community Health Centre
Post Office* (not proposed to be carried forward)
Union Hall
Branch of a bank or financial institution*
Brew-on-premises establishment
Dry Cleaning Shop (not proposed to be carried forward)
Duplicating Shop
Newsstand*
Personal Grooming Establishment
Showroom
Service, Rental or Repair Shop*
Tailoring Shop*
Artist Live/Work Studio
Artist's or Photographer's Studio
Communications and Broadcasting Establishment
Custom Workshop
Designer's Studio
Industrial Computer Service
Laboratory, Class A
Performing Arts Studio
Publisher
Software, Design and Development Establishment
Commercial Parking Lot*
Parking Area
Parking Station*
Parking Garage
Waterworks (not proposed to be carried forward)
Cold Storage Plant
Storage Warehouse, Class A
Bookbinder's Shop
Carpenter's Shop
Contractor's Shop, Class A
Sheet Metal Shop (not proposed to be carried forward)
Welder's Shop
Public Transit (not proposed to be carried forward)
Railway Tracks (not proposed to be carried forward)
Brewery

Ceramics Factory
 Fur Goods Factory
 Garment Factory
 Manufacturing Plant
 Metal Wares Factory* (not proposed to be carried forward)
 Packaging Plant
 Pharmaceutical Factory – Secondary
 Plastic Products Factory – Secondary
 Printing Plant
 Winery
 Commercial School
 Crisis Care Facility
 Drive Through Facility* (not proposed to be carried forward)
 Market Gardening
 Ornamental Structure

New Uses to be Added		
Use	Source Zone	Notes
Premises of a Charitable Institution/Non-profit Institution	CR (438-86)	-
Public Art Gallery	EO (569-2013)	"Art Gallery" from EO
Private Academic Philanthropic or Religious School	EO (569-2013)	"Education Uses" from EO, including religion education
Vocational School	EO (569-2013)	"Education Uses"
Bake Shop	IC (438-86)	"Food Manufacturing" and "Retail Store" from EO
Caterer's Shop	IC (438-86)	"Food Manufacturing" and "Retail Store" from EO
Courier Service	EO (569-2013)	"Retail Service" permitted with conditions
Pet Shop	IC (438-86)	"Retail Store" and "Animal Shelter" from EO
Private Art Gallery	IC (438-86)	"Art Gallery" from EO

New Uses to be Added		
Restaurant / Take-out Restaurant	IC/EO (438-86 and 569-2013)	"Eating Establishment" and "Take-out Eating Establishment" from EO (with conditions). There is an existing, approved Minor Variance for Restaurant Use on-site.
Retail Store	IC/EO (438-86 and 569-2013)	With conditions
Club	IC (438-86)	Operated by non-profit; used for meetings and gatherings in EO
Data Processing Establishment	IC (438-86)	"Software Development and Processing" from EO
Research and Development Institute	CR (438-86)	"Office" from EO
Office	IC/EO	As well as "Medical Office" from EO
Cold Storage Locker Plant	IC (438-86)	"Cold Storage" from EO. Cold Storage Plant permitted in I1
Open Air Market	IC (438-86)	-
Bakery	I2 (438-86)	Does not include restaurant or sales on-site
Animal Hospital	IC (438-86)	"Animal Shelter" and "Veterinary Hospital" from EO
Commercial Bakery	CR (438-86)	Allows restaurant and sales or baked goods made on site. Similar to Bake Shop.
Hotel/Suite Hotel	EO (569-2013)	With conditions and "Suite Hotel" from RA

New Uses to be Added		
Massage Establishment	CR (438-86)	"Massage Therapy" and "Wellness Centre" from EO
Newspaper Plant	IC (438-86)	"Printing Establishment" from EO
Pinball or Electronic Game Machine Establishment	IC (438-86)	-
Sales or Hire Garage	IC (438-86)	-
Trade School	IC (438-86)	"Education Uses" from EO
Museum	EO (569-2013)	-
Outdoor Patio	EO (569-2013)	With conditions
Recreation Use	EO	Includes a fitness club

Attachment 7: Application Data Sheet

Municipal Address: 340-376R Dufferin St & 2 Melbourne Ave Date Received: November 4, 2019

Application Number: 19 244664 STE 04 OZ

Application Type: OPA / Rezoning

Project Description: Application to modify the range of permitted non-residential uses on the site.

Applicant Owner
Hullmark Hullmark Sun Life
Developments Ltd. (340 DUFFERIN) Ltd.

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision: No
Zoning: I1 D2 Heritage Designation: No
Height Limit (m): 14 Site Plan Control: Yes

PROJECT INFORMATION

Site Area (sq m): 7,445 Frontage (m): 129 Depth (m): 72

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	5,953	5,953		5,953
Residential GFA (sq m):				
Non-Residential GFA (sq m):	7,709	7,709		7,709
Total GFA (sq m):	7,709	7,709		7,709
Height - Storeys:	2	2		2
Height - Metres:				

Lot Coverage Ratio 79.96 Floor Space Index: 1.04
(%):

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA:

Retail GFA:

Office GFA:

Industrial GFA:

Institutional/Other GFA: 7,709

Parking and Loading

Parking 41 Bicycle Parking Spaces: 22 Loading Docks: 0
Spaces:

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