

Authority: Ontario Municipal Board Decision/Order issued December 11, 2015 in Board File PL150654, PL141134 and PL140860

CITY OF TORONTO

BY-LAW 1116-2017(OMB)

To adopt Amendment 391 to the Official Plan of the City of Toronto respecting the lands known municipally as 740 Dupont Street.

Whereas the Ontario Municipal Board, by way of the Decision issued on December 11, 2015, amends the Official Plan as follows:

The Ontario Municipal Board orders:

1. The attached Amendment 391 to the Official Plan is adopted pursuant to the *Planning Act*, as amended.

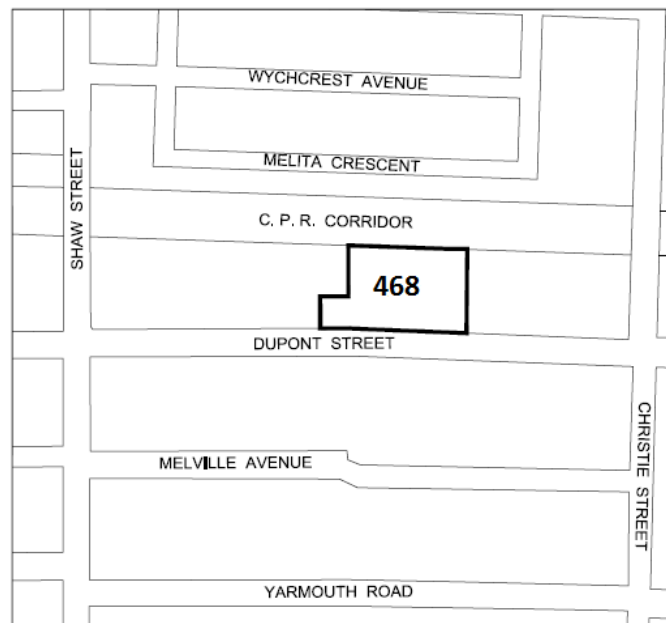
Ontario Municipal Board Decision/Order issued December 11, 2015 in Board File PL150654, PL141134 and PL140860

**AMENDMENT 391 TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2015 AS 740 DUPONT STREET**

The Official Plan of the City of Toronto is amended as follows:

1. Map 18, Land Use Plan, is amended by re-designating the portion of the lands known municipally as 740 Dupont Street that is located more than 30 metres south of the northerly property line of such lands, from *Employment Areas to Mixed Use Areas*, in accordance with Schedule A attached.
2. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 468 for the lands known municipally as 740 Dupont Street as follows:

391. 740 Dupont Street



1. Land Use

- 1.1 New residential, retail, service, office and institutional uses on the lands will be located and designed to mitigate impacts from, and be compatible with, the rail corridor and existing employment uses and not impede the continuation of the rail corridor and the existing employment uses within the Dupont Street study area.
- 1.2 New non-residential uses in the portion of the lands that is less than 30 metres from the northerly property line of such lands will be located and designed to mitigate impacts from and be compatible with the rail corridor and be compatible with new mixed use development in the adjacent portion of the lands to the south.
- 1.3 Retail, service, office and institutional uses which serve the local community as well as a larger area, including those which may be inappropriate to locate on

traditional main streets, will be encouraged in the portion of the lands that is more than 30 metres from the northerly property line of such lands.

- 1.4 The lands are not intended to experience significant intensification.

2. Built Form

- 2.1 Buildings on the lands will be set back from the Dupont Street property line to allow a minimum of 4.8 metres from the curb to the front face of the building in order to provide for a wide sidewalk and boulevard with enhanced pedestrian amenities and tree planting.
- 2.2 New buildings on the lands will provide a transition in height that respects the scale of low-rise residential *Neighbourhoods* on the south side of Dupont Street and is in proportion to the width of the Dupont Street right-of-way. New buildings within the portion of the lands that is located more than 30 metres from the northerly property line of such lands will be a maximum of 8-storeys in height.
- 2.3 Notwithstanding the provisions of Section 4.5.3 as they apply to the lands, the maximum gross floor area of any one retail or service use shall be 5,000 square metres.
- 2.4 New buildings in the portion of the lands that is located more than 30 metres from the northerly property line of such lands must be located, massed and designed to be compatible with the *Neighbourhoods* on the south side of Dupont Street including appropriate scale, signage and lighting and location of ingress and egress.
- 2.5 The north façade of new buildings on the lands must be designed to mitigate noise reflection from the rail corridor and the view of this façade from the lands on the north side of the rail corridor.
- 2.6 New buildings on the lands will provide adequate privacy, sunlight and sky views for new and existing residents through the location and orientation of buildings and by ensuring adequate separation distance between building walls.
- 2.7 A full range of housing in terms of tenure and affordability will be provided in the portion of the lands that is located more than 30 metres from the northerly property line of such lands. Every residential development should provide a mix of unit types including units that are suitable for families with children and units that are accessible for seniors.

3. Employment

- 3.1 In order to create a genuine mixed use area and maintain the employment base of the lands, a net increase of non-residential gross floor area will be provided in the redevelopment.

- 3.2 A variety of employment types, including a range of non-residential unit sizes and establishment of value-added creative uses will be encouraged in every redevelopment on the lands.

4. Transportation

- 4.1 Infrastructure for bicycles, including sheltered and easily accessible visitor bike parking spaces, will be required in all new developments.
- 4.2 Multiple bike rings will be located on any adjacent sidewalk at the front or side of new buildings.
- 4.3 Car sharing spaces will be required in every new development.
- 4.4 Any surface parking should be located at the rear or flank of the building and screened from views from the street. A majority of parking spaces should be located below-grade or in a parking structure with limited visibility from the street.
- 4.5 Any redevelopment of lands within the portion of the lands that is located more than 30 metres from the northerly property line of such lands will ensure that the adjacent portion of such lands is accessed from either Dupont Street or a side street, to ensure no lots become landlocked.

5. Streetscape

- 5.1 Improvements to the sidewalks and boulevards should include wider sidewalks, the installation of street furniture and the planting of trees. On the north side of Dupont Street, the widening of the sidewalk adjacent to the lands will be achieved through redevelopment.
- 5.2 Any façade of a new building on the lands which faces a public street will include design details which reinforce the pedestrian scale and rhythm of the street.
- 5.3 New buildings on the lands will include uses on the ground floor which animate the public realm, create places for the public to linger, and add to the vitality of the streetscape. Pedestrian entrances to new developments on the lands should provide direct access from the sidewalk on Dupont Street.

6. Open Space/Parks

- 6.1 The priorities of the City for cash payments in lieu of parkland dedication include the extension of the park system on the north side of the rail corridor within the Hydro corridor, new playgrounds, and off-leash areas for dogs.
- 6.2 Any part of the lands which is used for the purpose of rail safety and noise/vibration mitigation berms or structures will not be accepted by the City as parkland.

7. Rail Safety, Noise, Vibration and Air Quality

- 7.1 All noise studies for the lands will specifically review the noise that will be reflected from the rail to the properties on the north side of the tracks as a result of the redevelopment of any new building on the south side of the tracks. The noise study will recommend mitigation measures to mitigate against noise reflection and be implemented through the development by the applicant.
- 7.2 Any new development on the lands containing residential, institutional, recreational/ entertainment, hotel, or office or retail uses with a high number of employees and customers must be set back a minimum of 30 metres from the property line of the Canadian Pacific North Toronto rail corridor. A 2.5 metre high earthen berm will be constructed immediately south of the rail corridor with a noise wall on top for rail safety and noise/vibration mitigation purposes when these uses are developed in the portion of the lands that is located more than 30 metres from the northerly property line of the property.
- 7.3 Within the 30 metre set back adjacent to the rail corridor the following uses are permitted:
- i) rail safety and vibration/noise mitigation structures; and
 - ii) auxiliary building used for activities with low numbers of employees and visitors such as parking, storage, warehousing and loading.
- 7.4 An applicant may propose, through a Zoning Amendment Application, an alternative to the rail safety mitigation measures set out in Policies 7.2 and 7.3 above where those standards cannot be met due to topographical, geographical, or other physical constraints subject to the following conditions:
- i) the alternative will provide at least the same level of rail safety for nearby residents, workers, visitors and shoppers as the required 30 metre set back and berm;
 - ii) a development viability report bearing the stamp of a fully insured, qualified, professional structural engineer, in addition to the noise, air quality and vibration reports, is to be submitted to the City showing how at least the same level of rail safety is to be achieved;
 - iii) this report will be peer reviewed and accepted by a rail safety expert retained by and reporting to the City, at the expense of the applicant;
 - iv) the report will also be reviewed and accepted by the Canadian Pacific Railway;
 - v) appropriate uses on the site will be determined as part of the Zoning Amendment application, and will implement the policies for the Official Plan land use designation; and

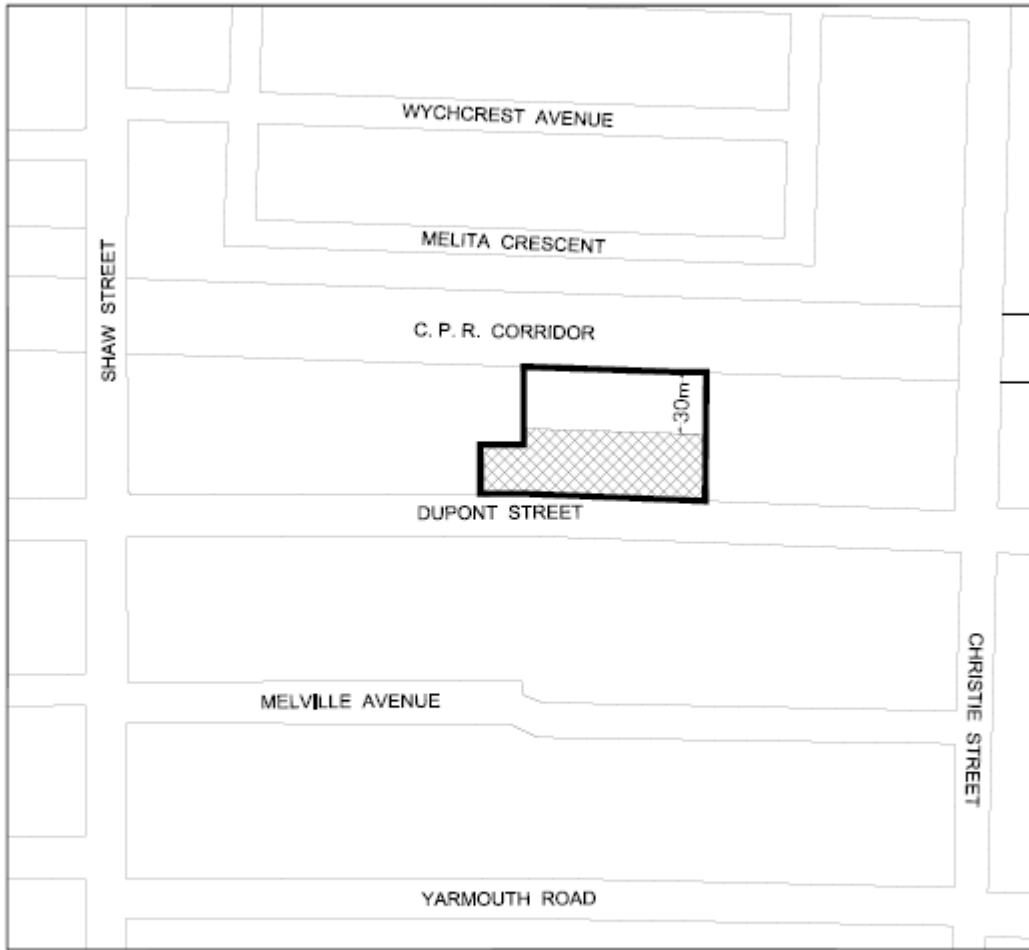
- vi) if the development viability assessment is accepted by the City and the Canadian Pacific Railway, and the proposal is approved:
 - a) construction and on-going maintenance of the alternative mitigation measure will be secured through an agreement between the City and the landowner;
 - b) warning clauses in all relevant documents should be registered on title to provide notice for future purchasers; and
 - c) the landowner will enter into an agreement with the City to be registered on title, whereby the landowner and the qualified professional engineer whose stamp appears on the drawings for the alternative rail safety mitigation measures assume responsibility for, and indemnify the City from, damages to the property resulting from a derailment on the Canadian Pacific North Toronto rail corridor.

7.5 Any required rail safety, air quality and noise/vibration mitigation structures or other measures such as berms and noise walls must be of a high design quality. Berms should be landscaped and maintained and opportunities for murals and community artwork should be pursued on the south face of noise walls and other structures.

8. Implementation

8.1 Where new developments on the lands generate community benefits under Section 37 of the Planning Act, the priorities should be: streetscape and pedestrian realm improvements on both sides of Dupont Street where development would not otherwise generate improvements; new day care centres and daycare spaces; and improvements to library branches serving the area.

Schedule A



 Mixed Use Areas