

Authority: Ontario Municipal Board Decision/Order issued on January 20, 2017 in Board Files PL141134, PL140860, PL150658, PL110543, PL150838, PL160135 and PL160220

CITY OF TORONTO

BY-LAW 1693-2019(OMB)

To adopt Amendment 271 to the Official Plan of the City of Toronto in respect of lands located on the north side of Dupont Street from Ossington Avenue to Kendal Avenue

Whereas the Ontario Municipal Board pursuant to its Decision/Order issued on January 20, 2017 in relation to Board Files PL141134, PL140860, PL150658, PL110543, PL150838, PL160135 and PL160220 determined to amend the Official Plan of the City of Toronto;

Therefore the Official Plan for the City of Toronto is amended by the Ontario Municipal Board as follows:

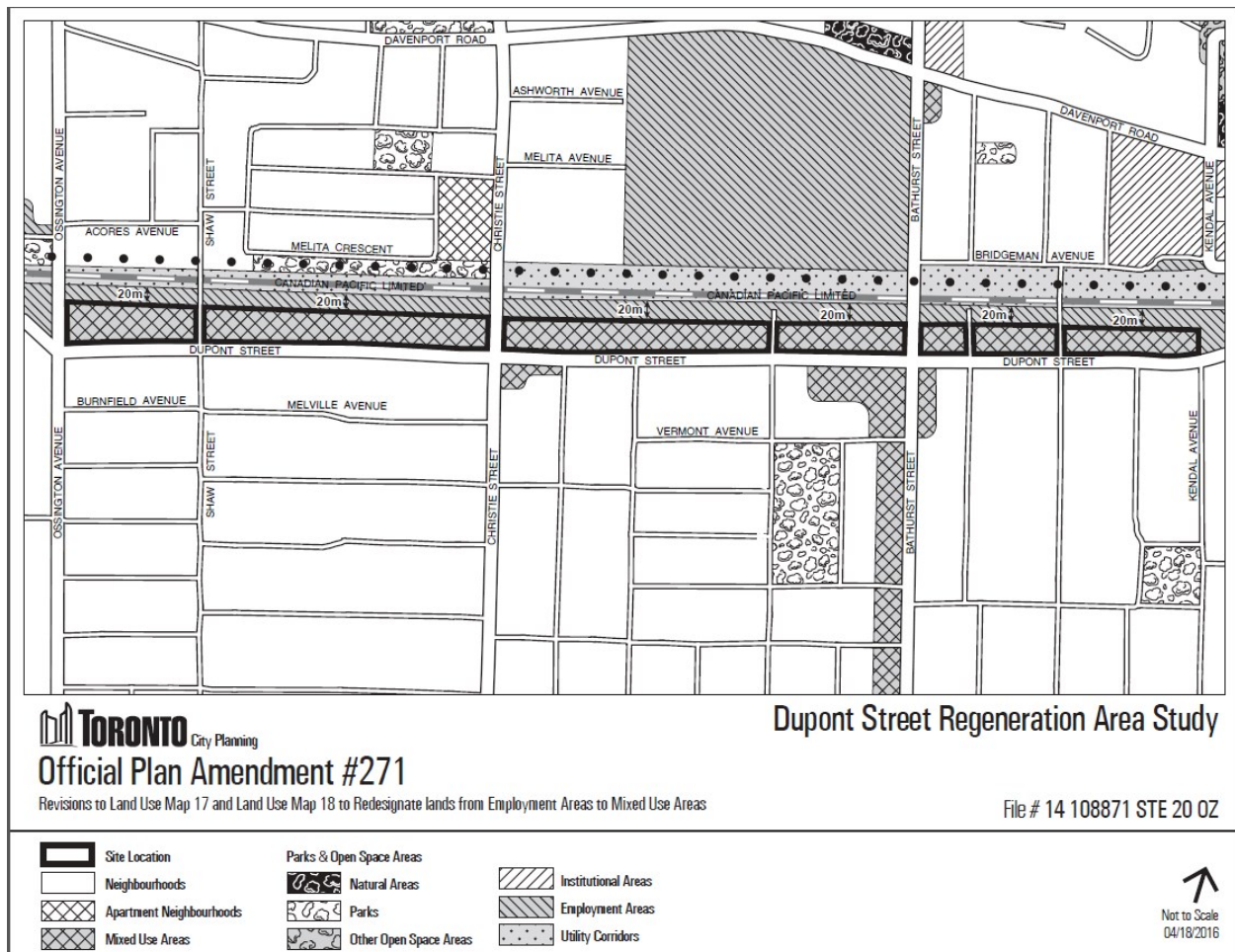
1. The attached Amendment 271 to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

Ontario Municipal Board Decision/Order issued on January 20, 2017 in Board Files PL141134, PL140860, PL150658, PL110543, PL150838, PL160135 and PL160220.

**AMENDMENT 271 TO THE OFFICIAL PLAN
LANDS LOCATED ON THE NORTH SIDE OF DUPONT STREET
BETWEEN OSSINGTON AVENUE AND KENDAL AVENUE**

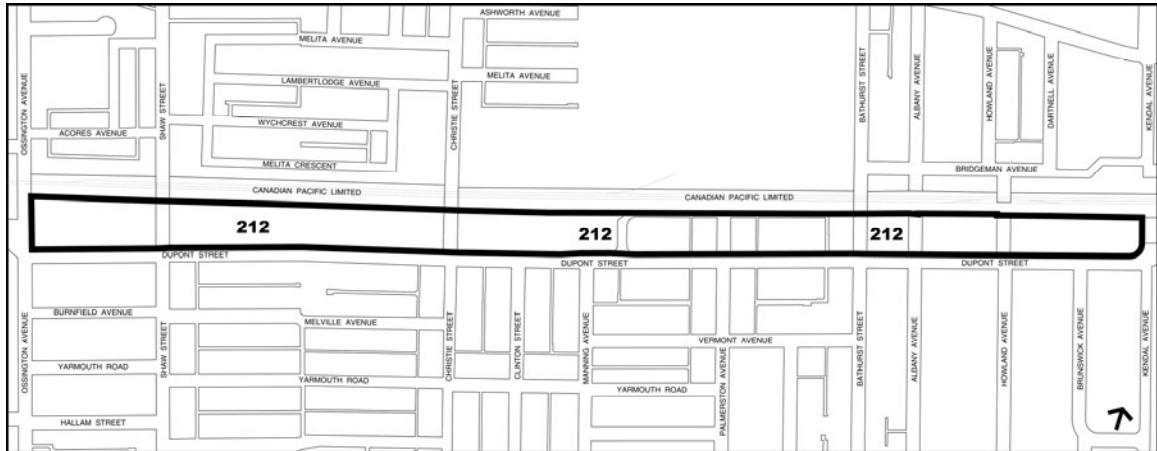
The Official Plan of the City of Toronto is amended as follows:

- Map 17, Land Use Plan, and Map 18, Land Use Plan, are amended by re-designating a portion of the lands on the north side of Dupont Street from Ossington Avenue to Kendal Avenue located more than 20 metres south of the southerly property line of the CP North Toronto rail corridor from *Employment Areas* to *Mixed Use Areas*.



- Chapter 7 Site and Area Specific Policies, including Map 29, is amended by deleting the existing Site and Area Specific Policy 212 and replacing it with a new Site and Area Specific Policy 212 as follows:

212. Dupont Street between Ossington Avenue and Kendal Avenue



1. General

- 1.1 Lands on the north side of Dupont Street, east of Bathurst Street, are shown as part of the Downtown on Map 2. The policies of Section 2.2.1 of the Plan apply except, where in the case of a conflict, the policies of this Site and Area Specific Policy will prevail.
- 1.2 This Policy area is not intended to experience significant intensification.
- 1.3 Any new development at the Bathurst-Dupont intersection will focus on the pedestrian realm, will contain entrances to retail, and will encourage public gathering through the provision of places to sit, weather protection and privately owned, publicly accessible spaces.

2. Land Use

- 2.1 New residential, retail, service, office and institutional uses on the north side of Dupont Street will be located and designed to mitigate impacts from, be compatible with, and allow for the continuation of the rail corridor and existing employment uses within the study area.
- 2.2 New non-residential uses in the lands designated as *Employment Area* 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 *Mixed Use Area* to the south.
- 2.3 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.

3. Built Form

- 3.1 New development 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.
- 3.2 New development 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 development within the *Mixed Use Area* designation will be a maximum of 9-storeys in height.
- 3.3 Notwithstanding the provisions of Section 4.5.3 as they apply to the north side of Dupont Street west of Bathurst Street, the maximum gross floor area of any one retail or service use shall be 5,000 square metres.
- 3.4 New development in the lands designated *Mixed Use Area* on the north side of Dupont Street 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.
- 3.5 The north façade of new development on the north side of Dupont Street, 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.
- 3.6 New development 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.
- 3.7 New development or properties with long frontages on the north side of Dupont Street will be articulated into multiple building elements in order to prevent the appearance of a continuous street wall. Individual articulated building elements along the north side of Dupont Street should not exceed the width of the blocks on the south side of the street between Christie and Manning Streets.
- 3.8 A full range of housing in terms of tenure and affordability will be provided in the *Mixed Use Area* along the north side of Dupont Street. 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.

4. Employment

- 4.1 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 every redevelopment.
- 4.2 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.

5. Transportation

- 5.1 Infrastructure for bicycles, including sheltered and easily accessible visitor bike parking spaces, will be required in all new developments.
- 5.2 Multiple bike rings will be located on any adjacent sidewalk at the front or side of new buildings.
- 5.3 Car sharing spaces will be encouraged in every new development.
- 5.4 Any new surface parking should be located at the rear or flank of the building and screened from views from the street. A majority of new parking spaces should be located below-grade or in a parking structure with limited visibility from the street.
- 5.5 Access for new developments will be taken from streets other than Dupont Street, wherever possible, to enhance pedestrian safety and pedestrian and vehicular traffic flows on Dupont Street.
- 5.6 Any redevelopment of lands within the *Mixed Use Area* designation will ensure that adjacent lands designated *Employment Area* are accessed from either Dupont Street or a side street, to ensure no lots become landlocked.

6. Streetscape

- 6.1 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 sidewalks will be achieved through redevelopment. When Dupont Street is reconstructed, any undertaking will include consideration of narrowing the vehicular lanes, to allow the widening of the sidewalk on the south side of the street and the creation of the same pedestrian amenities.
- 6.2 Any façade of a new building which faces a public street will include design details which reinforce the pedestrian scale and rhythm of the street.

- 6.3 New buildings on Dupont Street will include uses on the ground floor which animate the public realm, create places for the public, and add to the vitality of the streetscape. Pedestrian entrances to new developments should provide direct access from the sidewalk on Dupont Street.

7. Open Space/Parks

- 7.1 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.
- 7.2 The provision of new publicly owned, and privately owned, publicly accessible open spaces, will be encouraged in all new developments.
- 7.3 Any part of a property 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.

8. Rail Safety, Noise, Vibration and Air Quality

- 8.1 All noise studies 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.
- 8.2 Any new development 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 *Mixed Use Area* designation to the south.
- 8.3 For new development 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 open space; and
 - ii) auxiliary building and/or structures used for activities with low numbers of users such as parking, storage, warehousing and loading.

- 8.4 An applicant may propose, through a Zoning Amendment application, an alternative to the rail safety mitigation measures set out in Policies 8.2 and permitted uses set out in 8.3 above, 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 by a rail safety expert retained by and reporting to the City, at the expense of the applicant;
 - iv) the report will be provided to the Canadian Pacific Railway for review;
 - v) appropriate uses in new development will be determined as part of the Zoning Amendment application, and will implement the policies for the Official Plan land use designation, but for lands designated *Employment Area* only the following uses may be permitted:
 - a) rail safety and vibration/noise mitigation measures, and
 - b) uses with low numbers of users such as parking, storage, warehousing, loading, service areas, access facilities, mechanical facilities, retail, service commercial, personal service uses and open space; and
 - vi) if the development viability assessment is accepted by the City:
 - 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.

- 8.5 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.

9. Implementation

- 9.1 Where new developments 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.
- 9.2 The creation of a Site Specific By-law for the area covered by this Site and Area Specific Policy will work with this Policy to guide development in this Policy area.
- 9.3 Section 5.1.1 of the Official Plan will only apply to a proposed development that would permit a building or structure to be constructed with over 10,000 square metres of total gross floor area, including at least 1,500 square metres of residential gross floor area.
- 9.4 Urban Design Guidelines will be prepared for the area covered by this Site and Area Specific Policy and will function as a tool to inform the evaluation of development proposals, but such guidelines are not Official Plan policies unless they have been specifically included in whole or in part as policy.
- 9.5 Notwithstanding that space within a portion of a building situated within an *Employment Area* may be used for parking, loading, service, access and/or mechanical facilities that serve both the users of the *Mixed Use Areas* portion of the development and users of the *Employment Areas* portion of the development, the shared use of that space for these limited, functional facilities shall not be considered to be a conversion of lands within an *Employment Area*.

10. 650 Dupont Street

- 10.1 Notwithstanding Maps 17 and 18 and the *Employment Area* and *Mixed Use Area* designations, nothing in SASP 212 shall prevent the continued operation of the existing retail store and any expansion thereof, to a maximum increase set out in Section 10.5 below, on the lands municipally known in 2015 as 650 Dupont Street (for the purpose of this section to be referred to as the "site").
- 10.2 For the purposes of this Section, infill development means any development for retail, service commercial or personal service uses in a new building(s) on the site or within an expansion of the existing retail store on the site in 2015 until such time as a building

permit for a residential use has been issued for any part of the site (for the purpose of this section to be referred to as "infill development").

- 10.3 Infill development is expected on the site, consistent with the policies of this SASP and subject to the policies set out below.
- 10.4 Notwithstanding the provisions of Section 4.5.3 of the Official Plan and Section 3.3 of SASP 212, the maximum gross floor area of any one retail or service use of the site shall be the total gross floor area of the existing retail store on the lands in 2015 and any replacement structure consisting of a retail, service commercial or personal service uses can have the same maximum gross floor area.
- 10.5 Notwithstanding the provisions of Section 4.5.3 of the Official Plan, Section 3.3 of SASP 212 and Section 10.4 above, the existing retail store on the lands in 2015 may be expanded up to a maximum increase of 10 percent of the existing gross floor area in 2015.
- 10.6 Notwithstanding Section 8.2 and Section 8.3 of SASP 212, the existing retail store on the lands in 2015 and expansion thereto is permitted within the 30 metre set back adjacent to the rail without requiring the provision of additional rail safety measures.
- 10.7 Notwithstanding Section 8.2 and Section 8.3 of SASP 212, any infill development may be permitted without requiring the provision of additional rail safety measures provided that:
 - i) the new building is located a minimum of 30 metres from the northerly edge of leased lands adjacent to 650 Dupont Street to the north and used as a drive aisle for as long as those lands are leased by the owner or tenant of 650 Dupont Street;
 - ii) no building permit for a residential or other sensitive use on the lands has been issued; and
 - iii) the retail store existing on the lands in 2015 continues to operate.

11. 344, 358 and 374 Dupont Street

- 11.1 This Official Plan Amendment remains under appeal with respect to the properties municipally known in 2015 as 344 and 358 Dupont Street and 374 Dupont Street and as such, this Official Plan Amendment does not apply to these properties.