

Authority: Toronto and East York Community Council
Item TE26.5, as adopted by City of Toronto Council on
July 14, 15 and 16, 2021

CITY OF TORONTO

BY-LAW 681-2021

To amend the former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2019 as 316, 318 and 320 Dupont Street.

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. None of the provisions of Sections 2(1) with respect to the definitions of "*bicycle parking space – occupant*", "*bicycle parking space – visitor*", "*commercial parking garage*", "*grade*", "*height*", "*lot*", and "*storey*", and Sections 4(2), 4(5), 4(8), 4(10), 4(13), 9(1)(a) and (f), 9(3) Part I (2) and (3), 9(3) Part XI (1), 12(2)132, 12(2)270, 12(2)380 (1)(c) and (3) of By-law 438-86, being "A by-law to regulate the use of land and the erection, use, bulk, height, spacing of land and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection or use of a *non-residential building* within the *lot* which may contain *accessory* uses thereto including a *private parking garage* and a *commercial parking garage* provided that:
 - (a) the total *non-residential gross floor area* on the *lot* shall not exceed 3,350 square metres;
 - (b) no portion of any building or structure erected above *grade* or used on the *lot*, shall exceed the *height* in metres specified by the numbers following the symbol "HT" identified on Map 2, with the exception of the following structures and elements:
 - i. cornices, balustrades, parapets and lighting fixtures to a maximum of 1.5 metres;
 - ii. planters, roof drainage, fences, partitions dividing outdoor recreation and amenity areas, architectural elements, ornamental elements, landscape elements, privacy screens, privacy walls, wind mitigation measures, noise mitigation measures, guardrails, railings, screens, vents and ventilating equipment, wheelchair ramps and ramps to underground, safety and wind protection/mitigation features, solar panels and equipment, landscape elements, green roof elements, structures used for outside or open-air

- recreation, chimney stack, exhaust flues, and train derailment mitigation measures, to a maximum of 3.0 metres;
 - iii. cooling towers, cooling tower perimeter walls, window washing equipment, ladders, lightning rods, stair enclosures, stairs, trellises, garbage chute overruns, mechanical distributions, mechanical equipment, enclosures of mechanical equipment, mechanical penthouse, elevator overrun, elevator access lobby, pool mechanical room, pool storage room, to a maximum of 5.0 metres;
 - iv. a rooftop pool, pool deck, deck, mechanical and storage rooms, and an elevator access lobby may also be located within the *height* area identified on Map 2 as LOWER MPH; and
 - v. train derailment safety walls;
- (c) no portion of any building or structure erected above *grade* on the *lot*, shall be located otherwise than within the *lot* and wholly within the heavy lines identified on Map 2, with the exception of the following structures and elements:
- i. ventilation shafts, windows sills, cornices, lighting fixtures, ladders, ornamental elements, building cladding, landscape elements, flutes, eaves, canopies, awnings, screens, parapets, window sills, railings, guardrails, fences, balustrades, retaining walls, planters, trellises, transformer vaults, wheel chair ramps, window washing equipment, air shafts, damper equipment to reduce building movement, wind mitigation measures, noise mitigation measures, and train derailment mitigation measures, train derailment safety wall;
 - ii. terraces, balconies, terrace or balcony platforms, terrace or balcony guards and dividers to a maximum of 1.6 metres; and
 - iii. notwithstanding (c)(ii) above, terraces on 4th *storey* and on the roof may project to a maximum of 3.0 metres the south, and a maximum of 5.5 metres to the east;
- (d) no portion of any building or structure erected or used on the *lot*, shall exceed the number of *storeys* specified by the numbers following the symbol "ST" identified on Map 2;
- (e) the minimum required setback from the west side lot line is 0 metres and the minimum required setback from the east side lot line for the portion of the building above the 3rd *storey* is 5.5 metres;
- (f) parking circulation, mechanical/electrical facilities, exit stairs, and loading access accessory to uses located on 328-332 Dupont Street and parking and storage lockers accessory to non-residential uses located on 328-332 Dupont Street are also permitted on the *lot*;

- (g) driveway access/egress, below-grade parking access, below-grade parking garage, loading, vehicular parking, bicycle parking, bicycle parking shower and change facilities, storage rooms, garbage storage, and mechanical and electrical services required for the building on the *lot* may be accommodated and provided for on 328-332 Dupont Street, and where so provided shall thereby not be required on the *lot*;
- (h) a minimum number of *parking spaces* shall be provided and maintained on the *lot*, at *grade* or below *grade*, in accordance with the following:
- i. for non-residential uses, other than office uses: 1.0 *parking spaces* per 100 square metres of *non-residential gross floor area*;
 - ii. for office uses: 0.35 *parking spaces* per 100 square metres of office *non-residential gross floor area*;
 - iii. for the purposes of parking space calculations, if the calculation of the number of required parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one *parking space*;
 - iv. a minimum of 2.0 accessible *parking spaces* shall be provided and maintained on the *lot*; and
 - v. the accessible *parking spaces* are not required to be the closest *parking spaces* to a barrier free entrance or a passenger elevator;
- (i) no *loading space* shall be required and maintained on the *lot*, provided that a shared off-site *loading space - Type "G"/"B"*, and a *loading space - Type "C"* are provided on 328-332 Dupont Street for the shared use by the building on the *lot*;
- (j) no *bicycle parking spaces* shall be provided and maintained on the *lot*, provided that a minimum number of off-site *bicycle parking spaces* shall be provided and maintained on 328-332 Dupont Street or 344 Dupont Street for the uses on the *lot*, in accordance with the following:
- i. for *non-residential* uses, other than office uses: minimum of 0.2 long-term *bicycle parking spaces* per 100 square meters of non-residential *interior floor area* and 3 short-term *bicycle parking spaces* plus 0.3 short-term *bicycle parking spaces* per 100 square meters of non-residential *interior gross floor area*;
 - ii. for office uses: a minimum of 0.2 long-term *bicycle parking spaces* per 100 square meters of office *interior floor area* and 3 short-term *bicycle parking spaces* plus 0.2 short-term *bicycle parking spaces* per 100 square meters of office *interior gross floor area*;

- iii. for the purposes of *bicycle parking space* calculations, if the calculation of the minimum *bicycle parking spaces* for all uses results in a fraction of a *bicycle parking space* being required, the number of required *bicycle parking spaces* must be rounded up to the next whole number; and
 - iv. a *bicycle parking space* may be provided in a bicycle rack or stacker; and
- (k) none of the provisions of By-law 438-86, as amended, shall apply to prevent a *sales office* on the *lot*, and a *sales office* shall be exempt from the requirements of By-law 438-86, as amended, and this By-law to provide motor vehicle parking facilities.
2. For the purpose of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86, as amended, with the exception of the following:
- (a) "*bicycle parking space*" means an area that is equipped for the purpose of parking and securing bicycles, and:
 - i. a "*bicycle parking space – occupant*" has a width of at least 0.6 metres by a length of 1.8 metres and a vertical clearance of at least 1.2 metres, or if placed in a vertical position on a wall, a width of at least 0.6 metres by a length of 1.2 metres and vertical clearance of at least 1.9; and
 - ii. a "*bicycle parking space – visitor*" has a width of at least 0.24 metres by a length of 1.8 metres and a vertical clearance of at least 1.1 metres;
 - (b) "*commercial parking garage*" means premises having an area for the parking of one or more vehicles as a principal use and the parking of a vehicle is available for public use with or without a fee;
 - (c) "*grade*" means 121.51 metres Canadian Geodetic Datum, measured as an average across the combined front *lot* line of the *lot* and the lands at 328-332 Dupont Street;
 - (d) "*height*" means the vertical distance between *grade* and the highest point of a building or structure on the *lot* except as otherwise prescribed by this By-law;
 - (e) "*interior floor area*" means the floor area of any part of a building, measured to:
 - i. the interior side of a main wall;
 - ii. the centreline of an interior wall; or
 - iii. a line delineating the part being measured;
 - (f) "*lot*" means the land delineated by heavy lines on Map 1 and known municipally in the year 2019 as 316-320 Dupont Street;

- (g) "*Map 1*" "*Map 2*" shall mean Map 1 and Map 2, respectively, each attached to and forming part of this By-law;
 - (h) "*storey*" means the number of storeys above *grade* as shown on Map 2 and illustrated by the symbol "ST" with the exception that the portion of a building on the roof top used for elevator access, elevator access lobby, elevated pool and deck, exit corridors, storage rooms and the accommodation and storage of mechanical equipment do not constitute a *storey*;
 - (i) "*sales office*" means a building, structure, facility or trailer on the *lot* used for the purpose of the sale or lease of *dwelling units* and non-residential units to be erected on the *lot* or on 328-332 Dupont Street; and
 - (j) "*328-332 Dupont Street*" means those lands municipally known in the year 2019 as 328-332 Dupont Street which are adjacent to and immediately west of the *lot*.
3. Despite any existing or future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.
4. Within the lands shown Map 1, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (i) any new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Enacted and passed on July 16, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)



