

### **374-388 Dupont Street – Official Plan and Zoning By-law Amendment Application – Preliminary Report**

Date: February 5, 2021

To: Toronto and East York Community Council

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

Ward: University-Rosedale - 11

**Planning Application Number:** 20 233616 STE 11 OZ

**Current Use(s) on Site:** A two-storey commercial building and a one-storey commercial building at 374 Dupont Street; and, a two-storey commercial building at 388 Dupont Street.

#### **SUMMARY**

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This report provides information and identifies a preliminary set of issues regarding the application located at 374-388 Dupont Street. The application proposes an 11-storey mixed use building (36.5 metres plus 5.0 metre mechanical) with 230 residential rental dwelling units, and 756 square metres of retail space on the ground floor. The proposal also includes a 340 square metre Privately Owned Publicly-Accessible Space (POPS) in the form of a retail plaza.

The application has been circulated to all appropriate agencies and City divisions for comment. City Planning staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

#### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 374-388 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

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

## THE APPLICATION

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**Complete Application Submission Date:** This application has not been deemed complete. A Notification of Incomplete Application letter was sent to the Applicant on February 3, 2021. The submission of a an Archaeological Assessment, Derailment Safety Report and Plans, a Soil Volume Plan and a Block Context Plan is required before the application is deemed complete.

### Description

This application proposes an 11-storey (36.5 metres plus 5.0 metre mechanical) mixed use building with 756 square metres of ground floor retail and a 340 square metre POPS located between the public boulevard and the front of the building. A total of 230 rental dwelling units are proposed and 83 residential and 13 visitor parking spaces in one underground level of parking. 237 bicycle parking spaces are also proposed.

The proposal fits within a 45-degree angular plane taken from a height of 15.95 metres from Dupont Street. The rear of the building, with the exception of ground level and underground parking levels, will be setback 20 metres from the north property line in accordance with the rail separation policies of Site and Area Specific Policy 212.

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 Attachments 1, 3 and 6 of this report, for a three dimensional representation of the project in context, a site plan of the proposal, and the Application Data Sheet, respectively. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

### Reason for the Applications

An Official Plan Amendment is required to allow a building to be greater than 9 storeys, as specified in Site and Area Specific Policy 212.

A Zoning By-law Amendment is required to vary performance standards in the Zoning By-law including: building height; building setbacks; parking space and bicycle parking space provisions. Additional amendments to the Zoning By-law may be identified as part of the application review.

## **POLICY CONSIDERATIONS/PLANNING FRAMEWORK**

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### **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 (2020) (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 (2020) (the "Growth Plan"). The PPS and all provincial plans may be found on the Ministry of Municipal Affairs and Housing website.

### **Growth Plan for the Greater Golden Horseshoe (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan") came into effect on August 28, 2020. The Growth Plan 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 establishes policies that require implementation through a Municipal Comprehensive Review ("MCR"), which is a requirement pursuant to Section 26 of the *Planning Act*.

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, and better connected 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 builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan 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.

## **Planning for Major Transit Station Areas**

The Growth Plan as amended 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 MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs are planned for the prescribed 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.

The Official Plan contains policies related to building complete communities, heritage preservation, community services, transportation, and environmental stewardship.

The Official Plan also provides for the use of Section 37 of the Planning Act to pass bylaws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision of community benefits in the form of capital facilities and local improvements.

The site is split designated, with the southern portion of the site fronting onto Dupont Street designated *Mixed Use Areas* and the rear 20-metre northern portion of the site adjacent to the CP rail corridor designated *General Employment Areas* on Map 17 of the Official Plan.

See Attachment 4 of this report for the Official Plan Land Use Map.

## **Site and Area Specific Policy 212**

The site 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 Areas* designation.

## **The Downtown Plan**

City Council adopted OPA 406 at its meeting on May 22-24, 2018. OPA 406 included amendments to the Downtown section of the Official Plan and Map 6 of the Official Plan and brought forward a new Secondary Plan for the entire Downtown area.

On August 9, 2018, the City's application under Section 26 of the *Planning Act* was sent to the Minister of Municipal Affairs and Housing for approval. The Ministry issued its decision regarding OPA 406 on June 5, 2019. Since this application was submitted on June 3, 2020, OPA 406, the new Downtown Secondary Plan, applies to this application.

The southern portion of the site fronting Dupont Street is designated Mixed Use Areas 3 - Main Street in the Downtown Plan. Development in Mixed Use Areas 3 include buildings up to a mid-rise scale with good access to mid-day sunlight in the spring and fall to support a comfortable public realm.

## **Official Plan Amendment 479 and 480 – Public Realm and Built Form Official Plan Policies**

On September 21, 2020, the Ministry of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. The OPAs replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which respond to Council's direction to amend the urban design policies of the Official Plan.

OPA 479 and 480 can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.4>

The Toronto Official Plan can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/official-plan/>

## **Zoning By-law**

The site is subject to area specific Zoning By-law 1694-2019 which amended the former City of Toronto Zoning By-law 438-86. The site is designated Mixed Commercial Residential (MCR) for the southern portion of the site and Industrial Commercial (IC D2) for the 20-metre northern portion of the site adjacent to the CP rail corridor. The MCR designation has a maximum permitted height of 9 storeys and either 31.0 metres where a development has 1 storey of commercial uses, or 35.0 metres where a development has 2 storeys of commercial uses and the IC designation has a height limit of 14.0 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 of the lot. The IC designation permits a berm; storage warehouse; parking garage; loading spaces; open space; and any required rail safety, noise or vibration mitigation structures.

The site is not currently subject to Zoning By-law 569-2013.

## **Urban Forestry/Environment**

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).

## **Design Guidelines**

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

- Dupont Street Regeneration Study Urban Design Guidelines;
- Avenues and Mid-Rise Buildings Study and Mid-Rise Performance Standards Addendum;
- Growing Up: Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines for High Density Communities; and,
- Retail Design Manual.

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.

## **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, Draft Plans of Subdivision and Site Plan Control 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 intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Applications must use the documentation required for the version of the TGS in effect at the time of the initial application. TGS Version 3.0 applies to new applications submitted on or after May 1, 2018.

The TGS can be found here: <https://www.toronto.ca/city-government/planningdevelopment/official-plan-guidelines/toronto-green-standard/tier-1-planning-applicationrequirements/>

## **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted to date.

## **COMMENTS**

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### **ISSUES TO BE RESOLVED**

City Planning staff have identified a number of preliminary issues with the proposed development and will work with the applicant to address these concerns and achieve a proposal which is more compatible with its surrounding context.

### **Provincial Policies and Plans Consistency/Conformity**

Revisions may be required to ensure that the proposed development conforms with the Official Plan, conforms with the Growth Plan, and is consistent with the PPS.

### **Official Plan Conformity**

The application looks to amend the Official Plan. Staff will review and assess the appropriateness of the proposal to ensure that it meets the objectives of SASP 212 and other relevant policies in the Official Plan.

### **Height, Massing and Transition**

The proposal will be assessed to ensure that it fits into the planned built form context for the area. Also, City Planning staff will be reviewing the building's consistency with Official Plan policies and the Avenues and Mid-Rise Buildings Study and Mid-Rise Performance Standards Addendum with respect to height, streetwall height, stepbacks, angular plane, setbacks and separation distances.

### **Shadow and Wind**

City Planning staff will continue to assess whether the shadow and wind impacts of the proposal have been adequately limited.

### **Public Realm**

The proposal includes a POPS in the form of a retail plaza at-grade. The plaza would provide seating, landscape features and spaces associated with the at-grade commercial uses, in addition to a canopy that would provide weather protection. The proposal will also allow for wider sidewalks on Dupont Street. City Planning staff will assess additional opportunities to enhance the public realm in areas adjacent to the proposal.

## **Site Access, Circulation and Parking**

The proposal has a driveway off of Dupont Street, which utilizes the existing curb cut, for both parking and loading access. Staff will continue to assess the appropriateness of the driveway location off of Dupont Street.

## **Archaeological Assessment**

An archaeological resource assessment identifies and evaluates the presence of archaeological resources. The property has been identified as a site where there is archaeological resource potential.

An archeological resource assessment is required for this proposal, but it has not been submitted as part of the application.

## **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 Safety Report and Plans is required for this proposal, but it has not been submitted as part of the application.

## **Toronto Green Standard**

City Planning staff will review the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures. Staff will encourage the applicant to pursue Tier 2, 3 or 4.

## **Other Matters**

The application has been circulated to City divisions and public agencies for comment. Additional issues may be identified through the review of the application, agency comments and the community consultation process.

## **NEXT STEPS**

City Planning staff will host a Community Consultation Meeting.

City staff will work to resolve the issues raised in this report and additional issues that may be identified by staff and the public. Staff will report back at the appropriate time in the review of the application. If a Final Report is prepared, then the report will proceed to the Toronto and East York Community Council meeting which will serve as the



Statutory Public Meeting as required by the Planning Act before being considered at City Council for a decision.

## **CONTACT**

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Jason Tsang, Planner  
Tel. No. 416-392-4237  
E-mail: Jason.Tsang@toronto.ca

## **SIGNATURE**

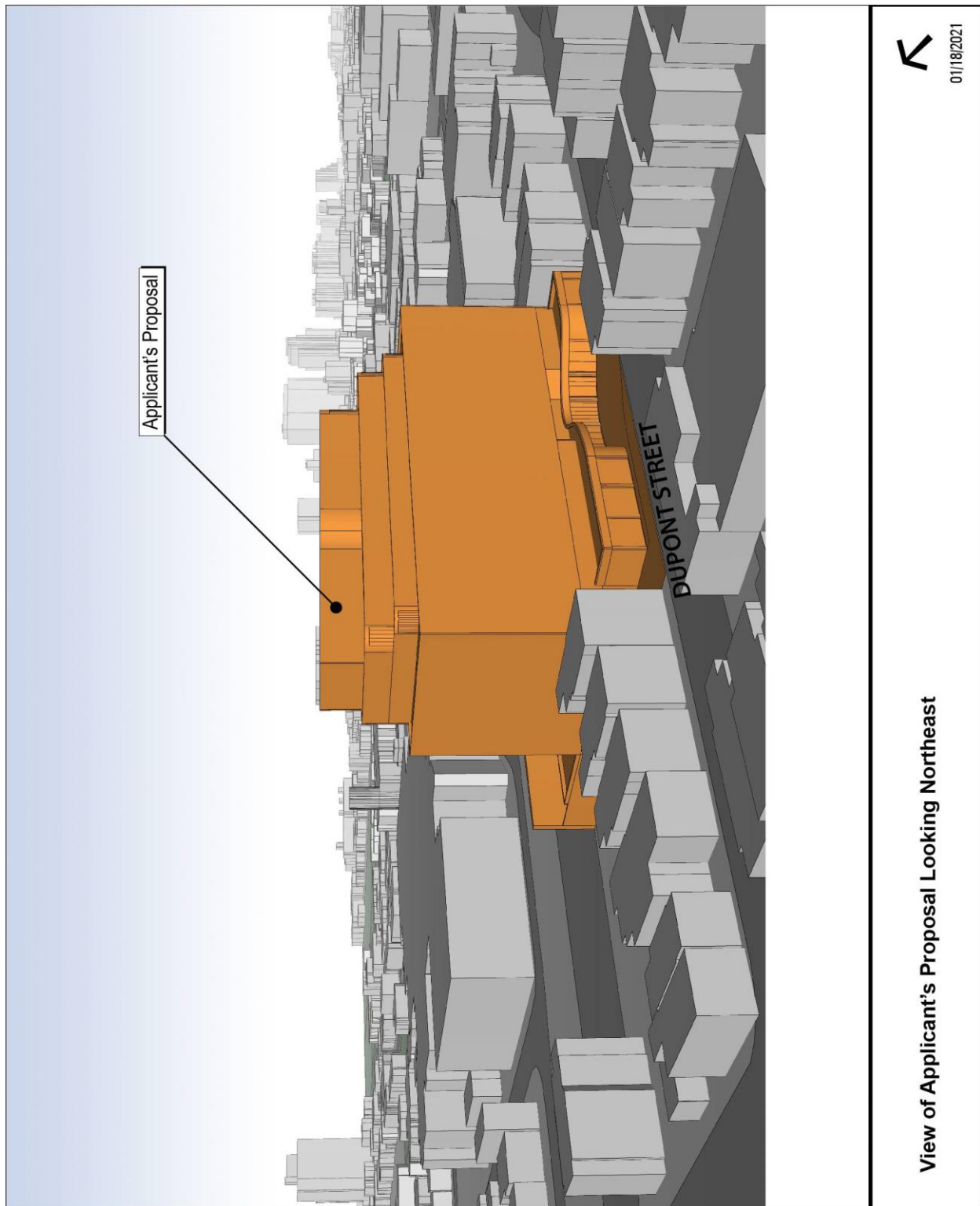
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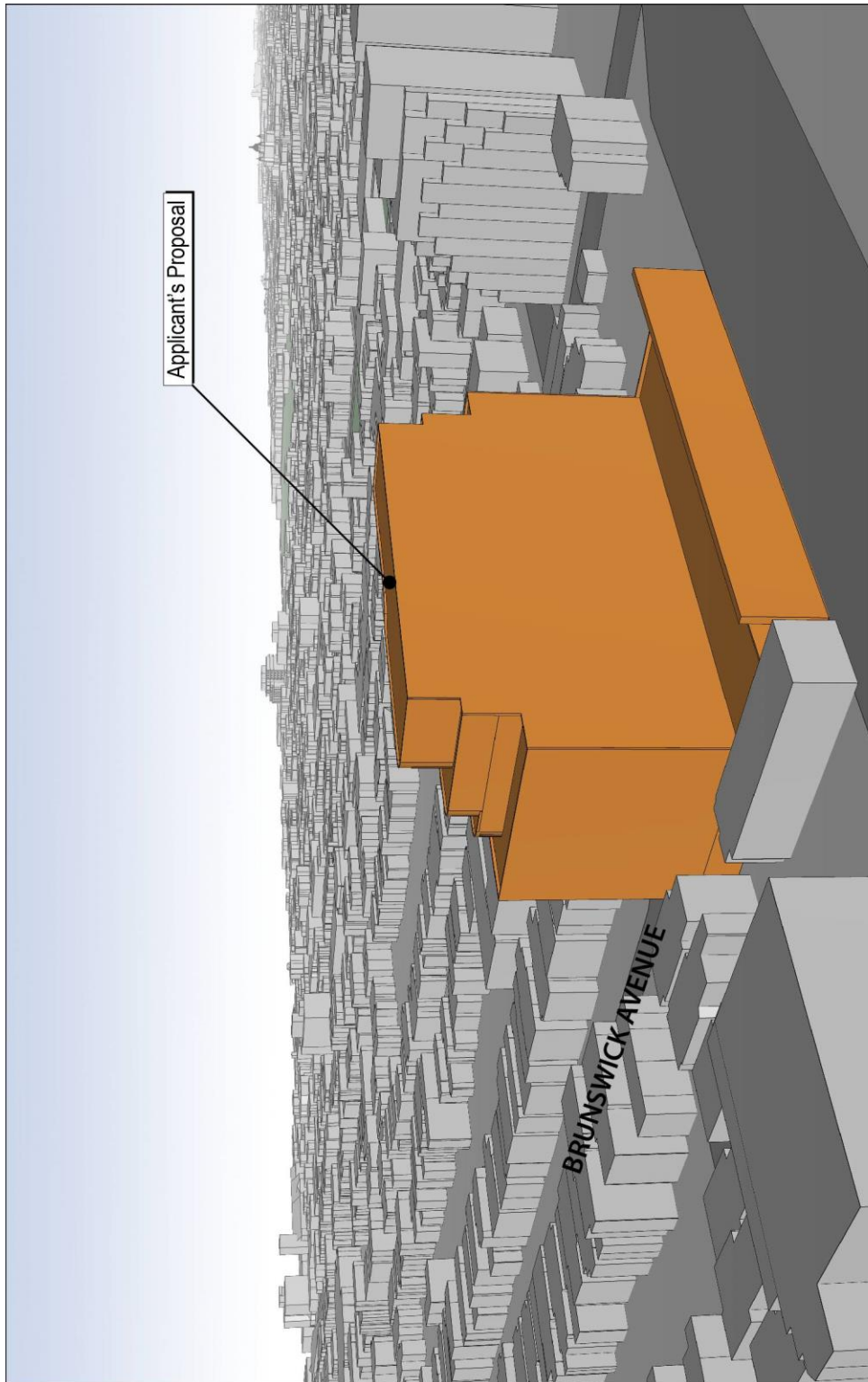
Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA  
Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

Attachment 1: 3D Models of Proposal in Context  
Attachment 2: Location Map  
Attachment 3: Site Plan  
Attachment 4: Official Plan Map  
Attachment 5: Zoning By-law Map  
Attachment 6: Application Data Sheet

## Attachment 1: 3D Model of Proposal in Context





Applicant's Proposal

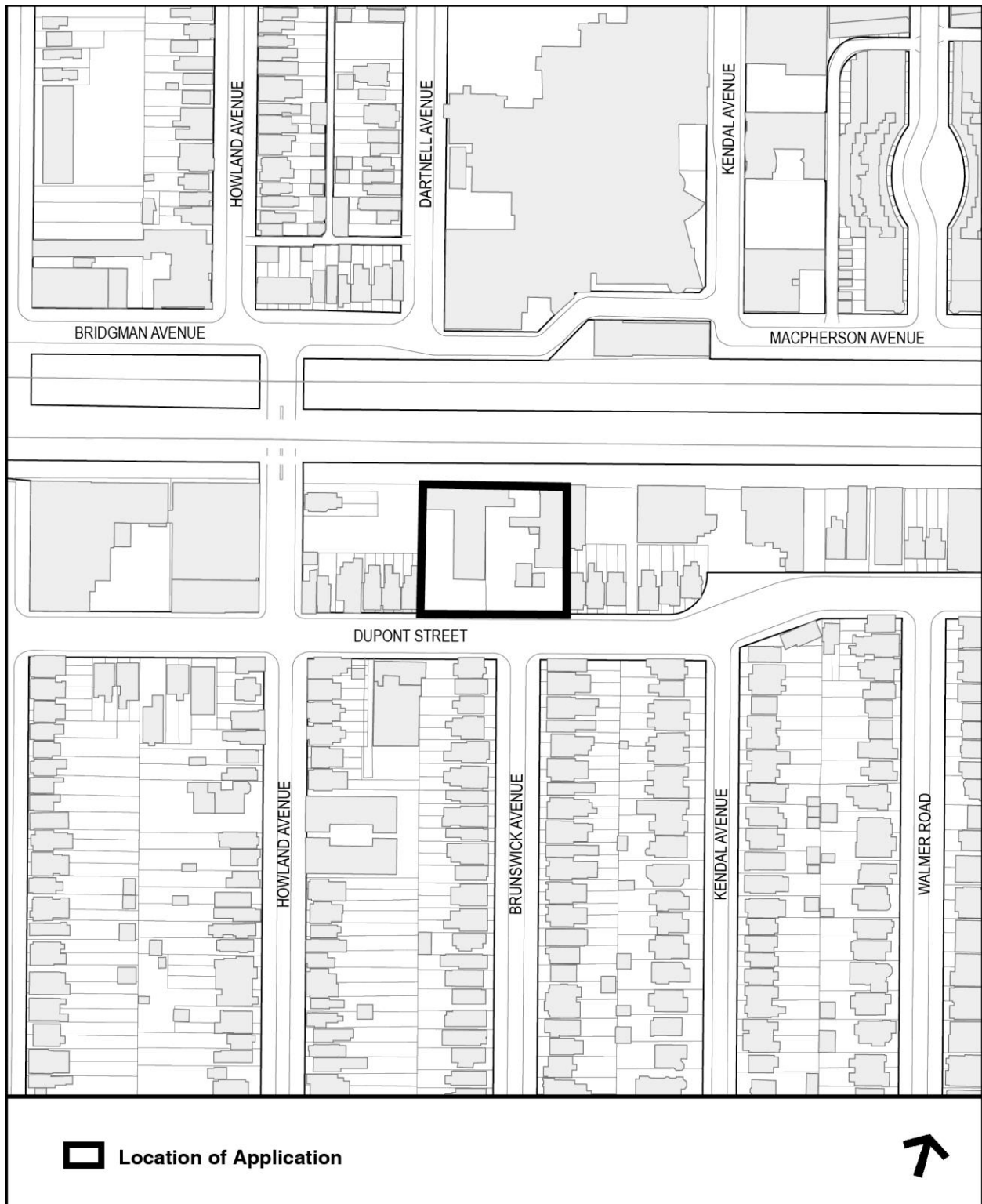
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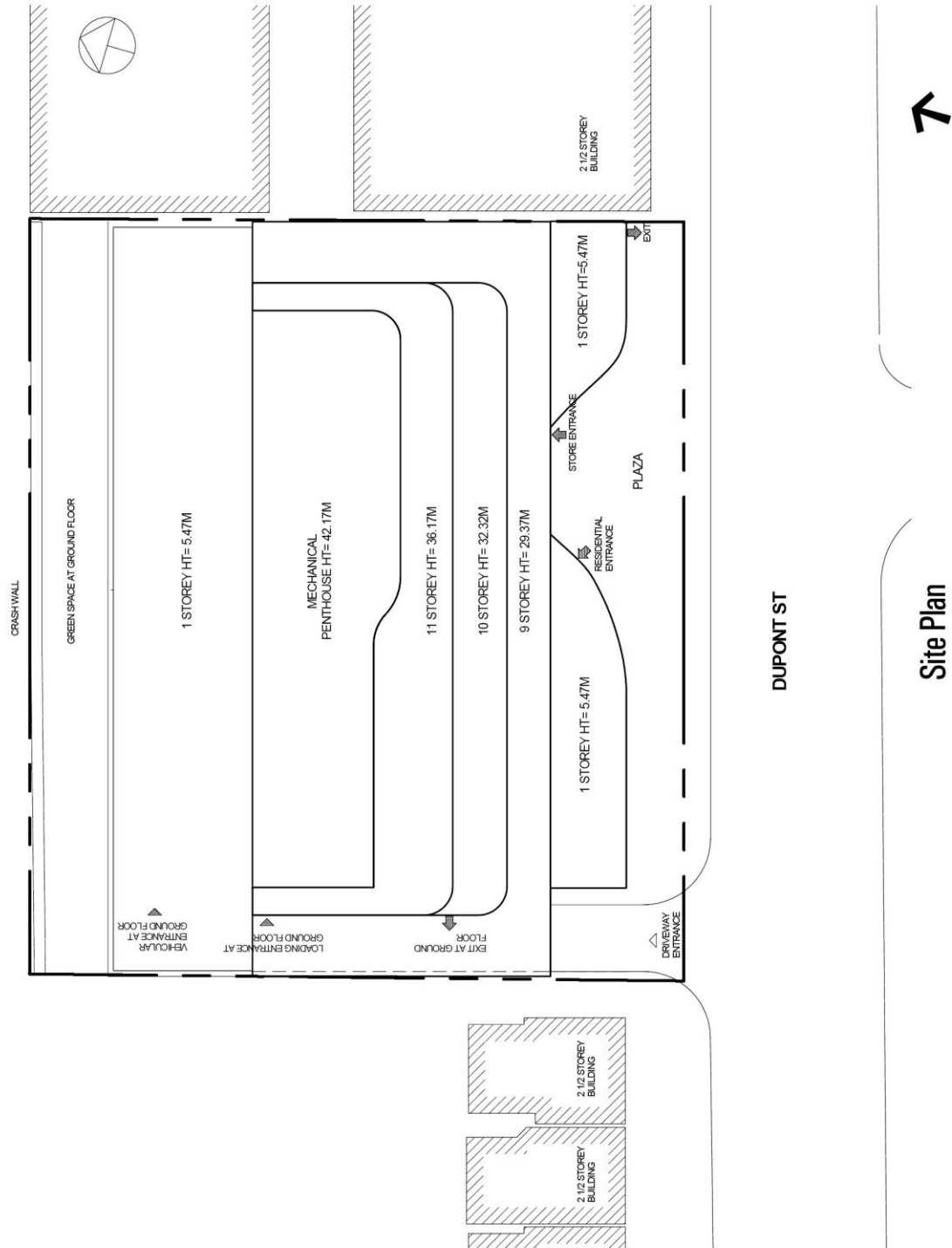
01/18/2021

View of Applicant's Proposal Looking Southwest

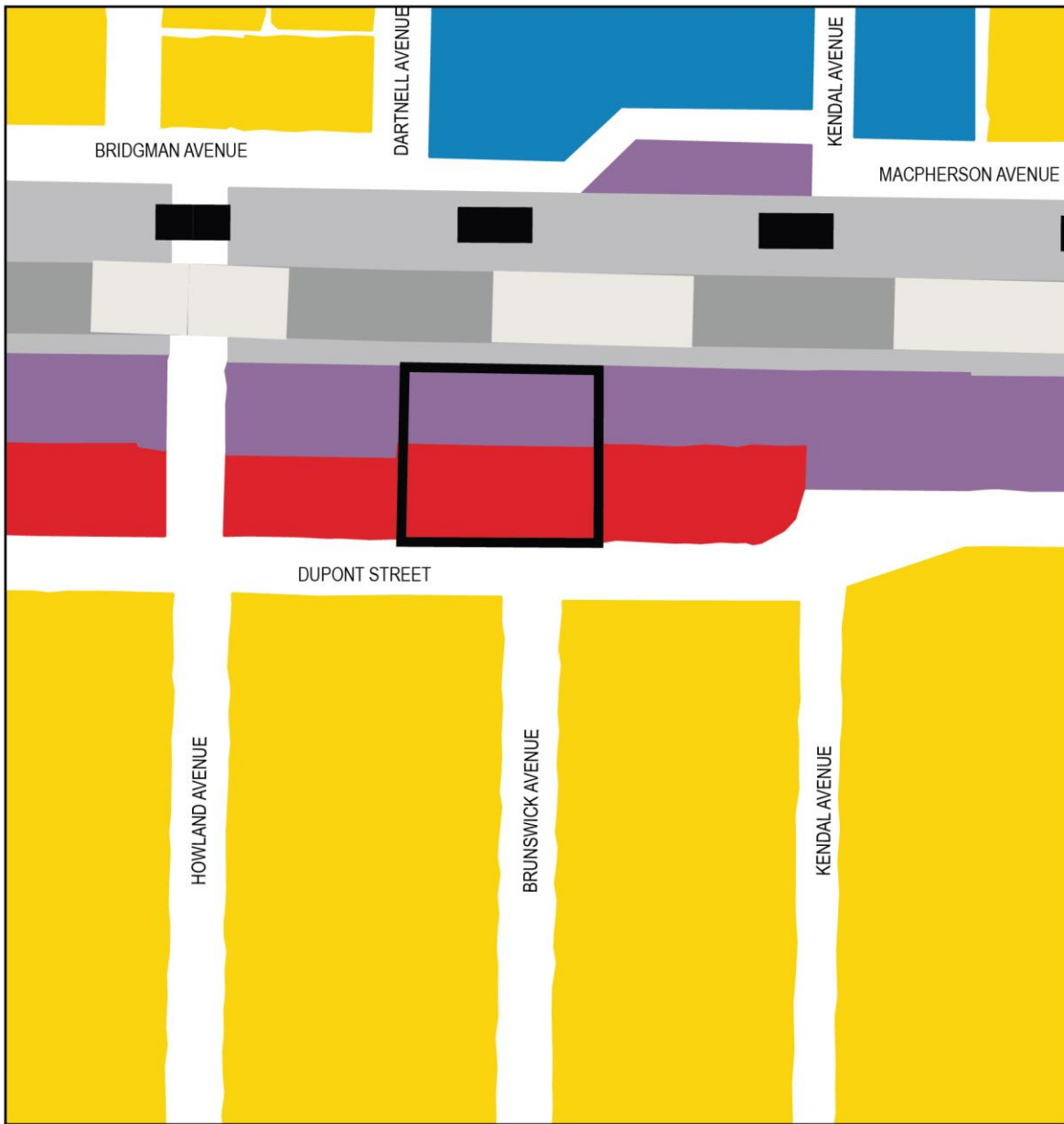
## Attachment 2: Location Map



## Attachment 3: Site Plan



## Attachment 4: Official Plan Map



 **TORONTO**

374-388 Dupont Street

Official Plan Land Use Map #17

File # 20 233616 STE 11 0Z



Location of Application

Neighbourhoods

Mixed Use Areas

Institutional Areas

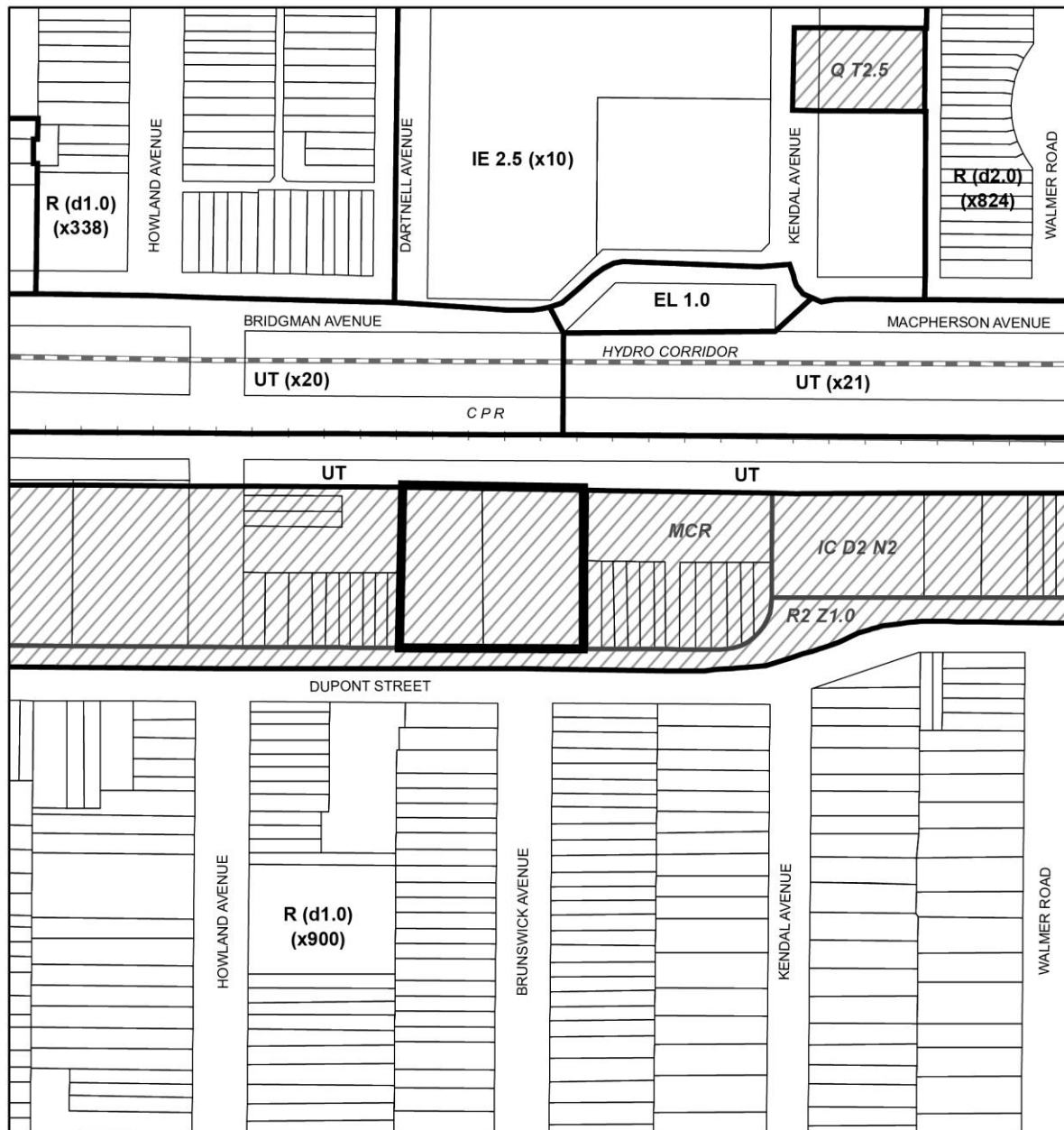
Utility Corridors

General Employment Areas



Not to Scale  
01/13/2021

## Attachment 5: Zoning By-law Map



Zoning By-law 569-2013

374-388 Dupont Street

File # 20 233616 STE 11 0Z



Location of Application

R

Residential

EL

Employment Light Industrial

IE

Institutional Education

UT

Utility and Transportation



See Former City of Toronto By-law No. 438-86

R2  
MCR  
Q  
IC

Residential District  
Mixed-Use District  
Mixed-Use District  
Industrial District



Not to Scale  
Extracted: 01/22/2021

## Attachment 6: Application Data Sheet

**Municipal Address:** 374-388 Dupont St      **Date Received:** December 23, 2020

**Application Number:** 20 233616 STE 11 OZ

**Application Type:** OPA & Rezoning

**Project Description:** An 11-storey mixed-use building.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
Bousfields Inc	Bousfields Inc	Quadrangle Architects Limited	388 Dupont Street Limited

## EXISTING PLANNING CONTROLS

**Official Plan Designation:** Mixed Use Areas      **Site Specific Provision:** By Law No. 1694-2019 (1011-2014)

**Zoning:** MCR & IC D2      **Heritage Designation:** N/A

**Height Limit (m):** 14      **Site Plan Control Area:** Y

## PROJECT INFORMATION

**Site Area (sq m):** 4,004      **Frontage (m):** 66      **Depth (m):** 59

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):	0	0	2,558	<b>2,558</b>
Residential GFA (sq m):	0	0	17,699	<b>17,699</b>
Non-Residential GFA (sq m):	2,517	0	756	<b>756</b>
<b>Total GFA (sq m):</b>	<b>2,517</b>	<b>0</b>	<b>18,455</b>	<b>18,455</b>
Height - Storeys:	2		11	<b>11</b>
Height - Metres:			36	<b>36</b>

**Lot Coverage Ratio (%)**: 63.89      **Floor Space Index:** 4.61



<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	17,462	237
Retail GFA:	756	0
Office GFA:	0	0
Industrial GFA:	0	0
Institutional/Other GFA:	0	0

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:	0	0	230	<b>230</b>
Freehold:	0	0	0	<b>0</b>
Condominium:	0	0	0	<b>0</b>
Other:	0	0	0	<b>0</b>
<b>Total Units:</b>	<b>0</b>	<b>0</b>	<b>230</b>	<b>230</b>

#### **Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:	0	0	0	0	0
Proposed:	0	17	123	67	23
<b>Total Units:</b>	<b>0</b>	<b>17</b>	<b>123</b>	<b>67</b>	<b>23</b>

#### **Parking and Loading**

Parking Spaces: 96      Bicycle Parking Spaces: 237      Loading Docks: 1

#### **CONTACT:**

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