

316-320 Dupont Street - Zoning Amendment Application – Final Report

Date: May 31, 2021

To: Toronto and East York Community Council

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

Ward: 11 - University-Rosedale

Planning Application Number: 18 270843 STE 11 OZ

SUMMARY

This application proposes a new 9-storey (48.6 metres including a mechanical penthouse) office building with retail uses on the ground floor at 316-320 Dupont Street. The proposed office building is to be integrated with the proposed mixed use building at 328-332 Dupont Street.

The proposal is consistent with the Provincial Policy Statement (2020), conforms with the Growth Plan for the Greater Golden Horseshoe (2020) and conforms with the Official Plan.

This report reviews and recommends approval of the application to amend the Zoning By-law. The application proposes a compact built form on a site within a built-up area that would take advantage of existing infrastructure, provide new commercial uses, and contribute to the vitality of the surrounding area. It would advance policy objectives to create complete communities, provide employment opportunities, and ensure a form of development that makes efficient use of land while limiting impacts on the character and function of the existing neighbourhood and enhancing the public realm.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 316-320 Dupont Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 to the report dated May 31, 2021 from the Director, Community Planning, Toronto and East York District.
2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

3. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development, according to the transportation report accepted by the General Manager of Transportation Services and the functional servicing report accepted by the Chief Engineer & Executive Director of Engineering and Construction Services.

FINANCIAL IMPACT

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.

DECISION HISTORY

A Preliminary Report on the application was adopted by Toronto and East York Community Council on June 25, 2019 authorizing staff to conduct a community consultation meeting. The issues raised during the community consultation are summarized in this report. The Community Council decision and Preliminary Report are available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE7.55>

SITE AND SURROUNDING AREA

The Site

The rectangular-shaped site ("the Site") is 784 square metres in size, has a frontage of 20.5 metres along Dupont Street, and a depth of approximately 38.3 metres. The Site is located west of Spadina Road, on the north side of Dupont Street, adjacent to the CP Rail corridor, and approximately 100 metres from the entrance to the Dupont subway station. The Site slopes upward from south to north, with a grade change of approximately 1.7 metres.

The Site is comprised of a 2-storey non-residential building with a 3-storey rear addition at 316 Dupont Street and a 3-storey non-residential building with a 1-storey and 3-storey rear addition at 318-320 Dupont street.

Surrounding Area

Uses and structures near the Site include:

North: of the Site is the CP Rail Corridor. North of the rail corridor is a large surface parking area extending from Howland Avenue to Spadina Road. Further north is a low-

rise residential neighbourhood called Castle Hill. To the west of the Castle Hill neighbourhood is the George Brown College Casa Loma Campus.

South: of the Site, on the south side of Dupont Street are, two 2.5-storey semi-detached house-form buildings. Further south is the Annex residential neighbourhood. In proximity to the Site, the south side of Dupont Street primarily consists of residential buildings with a few commercial buildings with office, restaurant, art gallery and a place of worship.

East: of the Site are a mix of commercial and residential buildings located on the north side of Dupont Street. Immediately east of the Site is a 4-storey office building and two house-form mixed-use buildings. Further east along Dupont street is a Shoppers Drug Mart, a café and a dry cleaner with residential units above, and the Dupont Subway station entrance at the northwest corner of Spadina Road and Dupont Street.

West: of the Site are 4- and 5-storey non-residential buildings at 328-332 and 344 Dupont Street and a one-storey building and associated parking lot at 358 Dupont Street. These properties are the subject of a rezoning application and a subsequent Ontario Municipal Board (now the Ontario Land Tribunal) Interim Decision permitting a 13-storey mixed-use building. Further west, on the north side of Dupont Street are six 2.5-storey semi-detached house-form buildings.

THE APPLICATION

Proposal

The Zoning By-law Amendment Application proposes a 9-storey (48.64 metres including a mechanical penthouse) office building. The proposal has a total gross floor area of 3,086 square metres resulting in a Floor Space Index of 3.9 times the area of the Site.

The proposed building containing office use is setback 20 metres from the CP railway corridor. A 2-storey portion of the proposed building containing parking, loading and servicing facilities on the ground level, a "studio" space on the second floor, and a green roof is located less than 20 metres from the CP railway corridor.

The Site is integrated with the proposed 13-storey mixed-use development at 328-332 Dupont Street by a shared driveway and underground garage ("the consolidated site").

The shared driveway leads to a ramp at the rear of the property and provides access to three levels of below grade parking. Proposed are 48 vehicular parking spaces, located on the Site. The 21 bicycle parking spaces, and loading spaces (one shared Type G/Type B and one Type C) required for the Site, are proposed to be provided on the adjacent site at 328-332 Dupont street.

The ground floor is set back approximately 2.4 metres from the front (south) lot line. The existing sidewalk width is also approximately 2.4 metres, providing a 4.8 metre wide pedestrian zone along the north side of Dupont Street. The ground floor extends to the

rear property line where a 7.0-metre high reinforced-concrete train derailment crash wall is proposed. No setback is proposed along the west and east edges of the ground floor.

Above the ground floor, the 2nd and 3rd levels cantilever above the ground floor to the front lot line (south), which aligns with the streetwall and base building of the adjacent mixed-use building. The 2nd floor is comprised of office uses within the front portion of the site, and a commercial studio space at the rear (within 20 metres from the north lot line), with a zero setback proposed to the side property lines (east and west) and the rear property line (north). The 3rd floor contains office uses only and is set back 20 metres from the rear lot line.

Above the base building (Floors 4 to 9), the building is set back 3.0 metres from the front (south) lot line, 5.5 metres from the east side lot line, and 20 metres from the rear lot line.

The main wall of the front façade generally aligns with the adjacent 13-storey mixed-use building to the west by providing a consistent streetwall including a 3.0-metre front setback above the 3rd storey.

The mechanical penthouse is located above the 9th floor and is setback an additional 6 metres. An office terrace amenity area is proposed on the roof of the 9th floor, with elevator access.

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 Attachment 2 of this report for application data, Attachment 6 for the proposed Site Plan, Attachments 7 for the proposed Elevations.

Reason for the Application

The application proposes to amend Zoning By-law 438-86 to vary performance standards including: height, density, and setbacks. Additional amendments to the Zoning By-law will be identified as part of the application review.

On May 24, 2019, the applicant submitted a letter withdrawing the Official Plan Amendment application. The applicant revised the architectural plans eliminating the residential elements that were previously proposed in the underground parking garage beneath the Site.

Agency Circulation

The application has been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application was submitted on September 4, 2019 and is currently under review. The Site Plan application can be viewed at the following link:

<http://app.toronto.ca/AIC/index.do?folderRsn=tRZoTHzSVj3FGmdyH7gSoQ%3D%3D>

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards.

Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) 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 (2020), 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 (2020), 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 (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

The Growth Plan (2020) 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 (2020) 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 MTSA's plan for the prescribed densities.

Toronto Official Plan

The City's Official Plan sets out a broad strategy for managing future growth by identifying areas where development is appropriate, and areas where little physical change is expected to occur.

The Site is designated as *General Employment Areas*.

Employment Areas are places of business and economic activities vital to Toronto's economy and future economic prospects.

Development in all *Employment Areas* will contribute to the creation of competitive, attractive, highly functional *Employment Areas* by:

- providing a high quality public realm with a connected, easily understood, comfortable and safe network of streets, parks and accessible open spaces;
- integrating the development into the public street network and systems of roads, sidewalks, walkways, bikeways and transit facilities, and establishing new segments where appropriate;
- mitigating the potential negative impacts from traffic generated by development within *Employment Areas* and adjacent areas;
- providing adequate parking and loading on-site; and
- sharing driveways and parking areas wherever possible.

General Employment Areas are generally located on the periphery of *Employment Areas* on major roads where retail, service and restaurant uses can serve workers in the *Employment Area* and would also benefit from visibility and transit access to draw the broader public.

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. This application was submitted to the City on December 20, 2018.

OPA 479 and 480

On September 21, 2020, the Minister of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. The decisions are final and not subject to appeal.

OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five Year Official Plan Review pursuant to Section 26 of the Planning Act. 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 to:

- promote a walkable city;
- clarify the role of the public realm and the need for new public streets;
- introduce development criteria for low-rise, mid-rise and tall buildings; and
- promote public squares and Privately Owned Publicly-Accessible Spaces.

The policies reflect the continuous evolution of the application of urban design principles to achieve critical city-building objectives, defining the roles and relationships of the public realm and new development to ensure that buildings and their surrounding public spaces work together to achieve a high standard of design and help to create a high quality of life for people of all ages and abilities.

OPA 271

OPA 271, does not apply to the Site but does apply to the site immediately west at 328-332 Dupont Street which is integrated with this proposal. The adjacent site to the west is subject to OPA 271 and Zoning By-law 1011-2014.

OPA 271 and Zoning By-law Amendment 1011-2014 redesignated the front portion of the properties within the study area from Employment Area to Mixed Use Area and maintained the Employment Area designation at the rear of the sites.

An Interim Order by the Ontario Municipal Board (now the Ontario Land Tribunal) dated December 7, 2017, approved OPA 271 and Zoning By-law 1011-2014. The Final Order for the Zoning Amendment Application for 328-332 Dupont Street will be issued when conditions of the Interim Order are satisfied.

Attachment 4: Official Plan Map does not reflect the land use designation change at 328-332 Dupont Street as per the Interim Order.

The City of Toronto Official Plan can be found here:

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

Zoning

The Site is zoned IC D2 N2 with a maximum permitted height of 14 metres under Zoning By-law 438-86. This zone permits a range of non-residential uses including retail and office uses, institutional uses and light manufacturing and warehousing uses. The property is not subject to Zoning By-law 569-2013.

Avenues and Mid-rise Buildings Study and Performance Standards

City Council adopted the Avenues and Mid-rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and stepbacks, sunlight and skyview, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites.

The link to the guidelines is here:

<https://www.toronto.ca/city-government/planning-development/official-planguidelines/design-guidelines/mid-rise-buildings/>.

City Council also adopted a revised Mid-rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-rise Building Design Guidelines. Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and

<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

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.

The FCM Guidelines consider the proposed office use as a "high-occupancy use", which requires a 30-metre setback from the rail corridor and a 2.5 metre high berm. Rail safety measures which deviate from this standard should demonstrate an equivalent level of protection through a Derailment Safety Report.

City Planning has undertaken the Development in Proximity to Rail study. The intent of the Study is to assess and provide recommendations regarding the City's practices with respect to reviewing development applications that are received for lands that are adjacent and or in proximity to rail infrastructure. The study is now complete and the final report is now available at this link:

<https://www.toronto.ca/wp-content/uploads/2019/05/960c-City-Planning-Final-Report-City-Wide-Land-Use-Study-Development-in-Proximity-to-Rail-Operations-Phase-2-March-21-2019.pdf>

COMMUNITY CONSULTATION

City Planning held a community consultation meeting on April 9, 2019 at 255 Spadina Road (Toronto Archives). The Ward Councillor, the applicant and approximately six members of the public attended the meeting. City staff and the applicant's consultant team presented on the planning framework, the site and area context, and the details of the proposal. The presentations were followed by a question and answer period.

The comments and concerns raised by residents with respect to the proposal were generally related to the following matters:

- Height and massing;
- Transition to lower scaled areas;
- Lack of 5.0-metre front setback above the third floor;
- Proposed built form on a shared easement;
- Traffic and congestion;
- Building material and fit into character of neighbourhood;
- Ensuring animation at ground level; and
- Ensuring green landscaping.

City Planning also held a Working Group meeting on Tuesday, November 5, 2019 at City Hall. Two members of the public attended. Key concerns discussed at the meeting and received in detailed emails from residents who could not attend the meeting, include:

- Building material and fit;
- Height and massing;
- Front setback at the podium level;
- Landscaping and animation for the public realm; and
- Rail safety measures.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given had an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

COMMENTS

Staff recommend approval of the Zoning By-law Amendment application. The applicant has redesigned the proposal to fit within the existing and planned context and to address concerns raised by staff and the community.

Provincial Policy statement (2020)

The proposal is consistent with the PPS. The proposal provides a mix of retail and employment uses and is integrated with the adjacent redevelopment site that provides housing and has retail space. Together the two development sites provide a range of uses that benefit the neighbourhood. It promotes the continued support and viability of the employment uses located along Dupont Street, as well as, ensuring compatibility with the abutting Mixed Use Areas and CP Railway corridor. Also, the Dupont subway station serves as a transportation option for workers.

Key policies applicable to this application include:

Policies 1.1.1(a, b and e) of the PPS directs that settlement areas promote development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term and which can accommodate an appropriate range and mix of residential, employment, recreation, park and open space to meet long-term needs and promote cost-effective development patterns and standards to minimize land consumption and servicing costs.

Policy 1.1.3.3 states that Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, and the suitable existing or planned infrastructure required to accommodate projected needs.

Policy 1.3.2.1 states that Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

Policy 1.5.1(a) states that healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.

Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation.

Growth Plan (2020)

The proposal conforms with the Growth Plan. The proposed development is located in close proximity to transit and: provides an employment use that contributes to a mix of land uses; provides for a more compact built form and a vibrant public realm; and makes more efficient use of existing employment areas.

Some relevant Growth Plan policies are:

Policy 2.2.1.3 c) directs municipalities to undertake integrated planning to manage forecasted growth which will provide for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form.

Policy 2.2.1.4 a) and e) state that applying the policies of the Growth Plan will support the achievement of complete communities that: feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; and provide for a more compact built form and a vibrant public realm.

Policy 2.2.5.1 a) promotes economic development and competitiveness in the Greater Golden Horseshoe by making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities; Policies 2.2.5.3 and 4 state that retail and office uses will be directed to locations that support active transportation and have existing or planned transit.

Municipal Policies and Guidelines

The proposal supports the Official Plan as it represents appropriate intensification in a strategic and appropriate location given the proximity to the Dupont subway station. It improves the existing public realm with widen sidewalks, new street tree plantings and streetscaping as per the Dupont Urban Design Guidelines.

The proposed office building with ground level retail is consistent with the *General Employment Area* designation. Given the existing and planned context for the subject property, the proposed employment use is appropriate.

Density, Height, Massing

The proposed 9-storey (38.6 metres to top of the ninth floor; 48.6 metres including the outdoor amenity area and mechanical penthouse) office building would be built to the western property line to maintain the streetwall created by the adjacent and integrated 13-storey mixed use building along Dupont Street West, with a consistent 5.5 metre setback from the east lot line above the third storey.

The proposed height and built form is compatible with the mid-rise building typology provided by the policies in OPA 271, SASP 212 and Zoning By-law Amendment 1011-2014; transitions to the lower scale buildings and uses east of the site and the *Neighbourhoods* to the south; incorporate rail safety built form measures; and presents a street presence that is pedestrian friendly and in keeping with the planned context.

The density of the proposed development is appropriate and in keeping with the range of other similar mid-rise developments in the area.

Sun, Shadow, Wind

The shadow impact resulting from the proposal is acceptable as it adequately limits shadow on the *Neighbourhoods*, the public realm, and open spaces.

The applicant submitted a Pedestrian Level Wind Study, dated December 18, 2018, prepared by Gradient Wind to assess pedestrian comfort and safety at key areas within and surrounding the Site. Based on the wind tunnel test results, and experience with

similar developments in Toronto, the Study finds the wind conditions within and surrounding the study area will be acceptable for the intended pedestrian uses on a seasonal basis.

Planning staff are satisfied with the wind conditions resulting from the proposed development, subject to further assessment during the Site Plan Control review process for additional mitigation strategies, if necessary.

Traffic Impact, Access, Parking

Trans-Plans Transportation Engineering, prepared a Transportation Impact, Parking and Loading study Reports, dated December 18, 2018 and September 4, 2019. The report considered both 316-320 Dupont Street and the separate but integrated site at 328-332 Dupont Street ("the consolidated site").

Traffic Impact

The reports conclude that the consolidated site will generate approximately 93, 168 and 177 two-way vehicular trips during the AM, PM and Saturday peak hours, respectively. Given this level of estimated trip generation, the consultant concluded that the proposed development is acceptable for traffic operations. Transportation Services staff generally concur with these findings but identified the need for a signalized traffic control for safer pedestrian crossing on Dupont Street in front of the consolidated site.

New Traffic Signal

On November 25, 2020, City Council passed a motion which authorized the installation of signalized traffic control at the intersection of Dupont Street and Kendal Avenue; directed that the installation be coordinated with the development of 316-320 Dupont Street; and directed that all implementation measures are made to install the signalized traffic control. The City Council Motion is available at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.MM26.4>

Given the City Council motion, Transportation Services required the preliminary design for the new traffic signal at Dupont Street and Kendal Avenue. The applicant provided a preliminary design (dated February 5, 2021). In principle, Transportation Services accepts the proposed preliminary design. Further comment as to the overall design and coordination of the installation of the traffic signal with the construction of the site, will be provided as part of the Site Plan Control application.

Access

Vehicular access is provided through a shared driveway off Dupont Street approximately in the middle of the consolidated site.

Additional comments related to site access arrangement, site circulation and layout and the design of the proposed site entrance driveways may be provided during the review of the Site Plan Control application.

Parking

A total of 48 non-residential spaces are proposed on the Site, including 2 accessible parking spaces. A combined total of 193 vehicular parking spaces (111 residential and

82 non-residential) are proposed for the consolidated site, which meets the Zoning By-law requirement. A combined total of 6 accessible spaces is proposed where the Zoning By-law requires 9 accessible spaces. Transportation Services accepts the proposed parking supply.

Additional comments related to the location of accessible parking spaces, parking supply layout, access to the parking spaces and other site design matters related to the parking will be provided during the review of the Site Plan Control application.

Bicycle Parking

The application proposes 21 bicycle parking spaces for office and retail uses, which meets the Zoning By-law requirement. Seven spaces are located on the adjacent site in the integrated underground garage on the P1 level, and 14 located at-grade on the west side of the adjacent site.

Loading

A minimum of one (1) Type G, two (2) Type B and two (2) Type C loading spaces are required for the consolidated site. The application proposed to satisfy the loading requirements by providing one shared Type G/Type B and one Type C loading spaces which will all be located on the adjacent site at 328-332 Dupont Street and secured through the draft Zoning By-law Amendment. Transportation Services has reviewed the proposed shared loading including manoeuvring diagrams and have determined that the loading provisions for both sites are acceptable.

Additional comments and/or requirements pertaining to the proposed loading space arrangement and swept path, will be provided during the review of the Site Plan Control application.

Servicing and Stormwater Management

A Functional Servicing and Stormwater Management Report was submitted by the applicant in support of the proposal. This report has been reviewed by Engineering and Construction Services staff who confirm there is adequate existing municipal infrastructure to service the development.

The provision of any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this development, will be at the cost of the applicant. Detailed functional servicing and stormwater management plans, and agreements, as necessary, will be entered into as part of the Site Plan Control application.

Solid Waste

Based on the information provided, the City of Toronto does not provide service to large non-residential, commercial and institutional developments. Therefore this development is ineligible for City of Toronto waste collection services and as such all garbage and recyclables must be collected privately. Garbage and other waste materials are not to

be placed on public property. Proper loading/storage facilities located on private property are required and must meet all applicable by-laws and legislation including Chapter 841 of the Municipal Code.

Additional comments and/or requirements related to Solid Waste Management Services may be provided during the review of the Site Plan Control application.

Streetscape

The current condition along Dupont Street is not conducive to a pedestrian-friendly environment. As part of the Dupont Study the community identified the need for improvements to the public realm along the length of the Dupont Street corridor, in particular the narrow width of sidewalks, lack of street trees and places to sit and rest

Through the redevelopment of the consolidated site, access to the site has been provided by a shared driveway minimizing the number of curb cuts from Dupont Street.

The proposal provides a minimum of 4.8 metres between the curb edge and the building face as per the Dupont Street Urban Design Guidelines. This set back allows for a 2.1 metre pedestrian clearway, a tree planting zone with 2 new street trees and room for seating and retail display.

The adjacent site provides a POPS along Dupont Street with additional tree plantings and seating. The hard landscaping and surface treatment of the public right-of-way is consistent along the frontage of the consolidated site.

Staff will secure the necessary pedestrian easements and explore any further opportunities for seating through the Site Plan Control application.

Staff are satisfied with the proposed public realm improvements related to the development.

Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the city. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The Site is in the lowest quintile of current provision of parkland. The Site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The non-residential component of this proposal is subject to a 2% parkland dedication.

The amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Archaeological Assessment

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. Whether a property has archaeological resource potential can be confirmed at the searchable database TO maps. An archaeological assessment may also be required if a property is identified on the City of Toronto's Inventory of Heritage Properties as part of the Heritage Impact Assessment process. Part of the subject site has archaeological resource potential according to City of Toronto mapping.

A Stage 1 Archaeological Assessment was submitted by the applicant that determined there are no further archaeological concerns regarding the subject property. Heritage Preservation Services staff have reviewed the Assessment and concur with this determination.

Rail Safety and Mitigation

A Derailment Protection Report and Derailment Protection Plan and Section has been reviewed by CP Railway and a third-party peer reviewer on behalf of the City.

A 20.4 metre long reinforced concrete, "deflection wall" is proposed extending from the east to west end of the Site with a 6.0-metre long return wall on the east end. The north face of the deflection wall along the north property line. The proposed deflection wall is 7.0 metres high, measured from ground elevation along the railway side of the north property line. The proposed deflection wall butts against an existing deflection wall at the west end.

The proposal meets the functionally equivalent FCM/RAC Guideline mitigation for high occupancy (residential and office) setback with a deflection wall.

The detailed structural design of the deflection wall design is to be provided with the Site Plan Application.

Noise and Vibration

A Noise and Vibration Impact Feasibility Study, prepared by J.E. Coulter Associates Ltd. And dated December 19, 2018 was submitted in support of the application. The study documents any potential noise impact from transportation and stationary noise sources and examines the possible noise impact of the proposal on the surrounding neighbourhood and future occupants of the building. Mitigation measures are recommended to ensure the current Ministry of the Environment, Conservation and Parks (MECP), CP Rail and the City of Toronto noise guidelines are satisfied.

The report found that while the site exceeds the MECP noise criteria, the following mitigation measures can be incorporated into the design of the proposal to meet the requirements of the MECP, the City of Toronto and CP Railway:

- Upgraded windows and walls;
- Examination of the mechanical system plans by an acoustical consultant for noise from the cooling tower, ventilation opening, parking exhaust, and generator sound; and
- All leasable suites be provided with air conditioning (not a MECP requirement).

The noise and vibration mitigation measures will be secured as part of Site Plan Control and are subject to peer review.

Tree Preservation

The applicant submitted a Tree Inventory and Preservation Report, prepared by Kuntz Forestry Consulting Inc. and dated July 31, 2019. The report considered the consolidated site at 316-320 Dupont Street and 328-332 Dupont Street.

There is a total of 31 trees on and within six metres of the consolidated site. Twenty-two (22) existing private trees will be maintained and protected and eight (8) private trees and one (1) existing City tree within the public right-of-way will be removed.

The Landscape Concept Plan for the Site shows two (2) new street trees along Dupont Street. The owner is required to submit the necessary application to Injure or Destroy Trees, and applicable fees, as well as submit a tree planting deposit to ensure the planting and survival of the new City tree on the road allowance. The details of the tree replacement plan will be secured through the Site Plan Control review process for this development.

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. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner.

Construction Management Plan

A Construction Management Plan (CMP) was submitted as part of the Site Plan application that is currently under review. Staff will consider the CMP and provide comments to the applicant as part of the Site Plan Control review process.

Conclusion

The application is consistent with the PPS and conforms with the Growth Plan. Furthermore, the proposal conforms with the applicable policies of the Official Plan and is generally consistent with the Avenues and Mid-Rise Buildings Study performance standards. Staff find that this proposal fits in with the existing and planned context and that the proposal is appropriate. City Planning recommends that Council approve the Zoning By-law Amendment subject to conditions.

CONTACT

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E-mail: Sipo.Maphangoh@toronto.ca

SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Location Map

Attachment 2: Application Data Sheet

Attachment 3: Official Plan Map as per OMB decision dated January 20, 2017 (does not reflect OMB Interim Order dated December 7, 2017 for 328-332 Dupont St.)

Attachment 4: Existing Zoning By-law Map

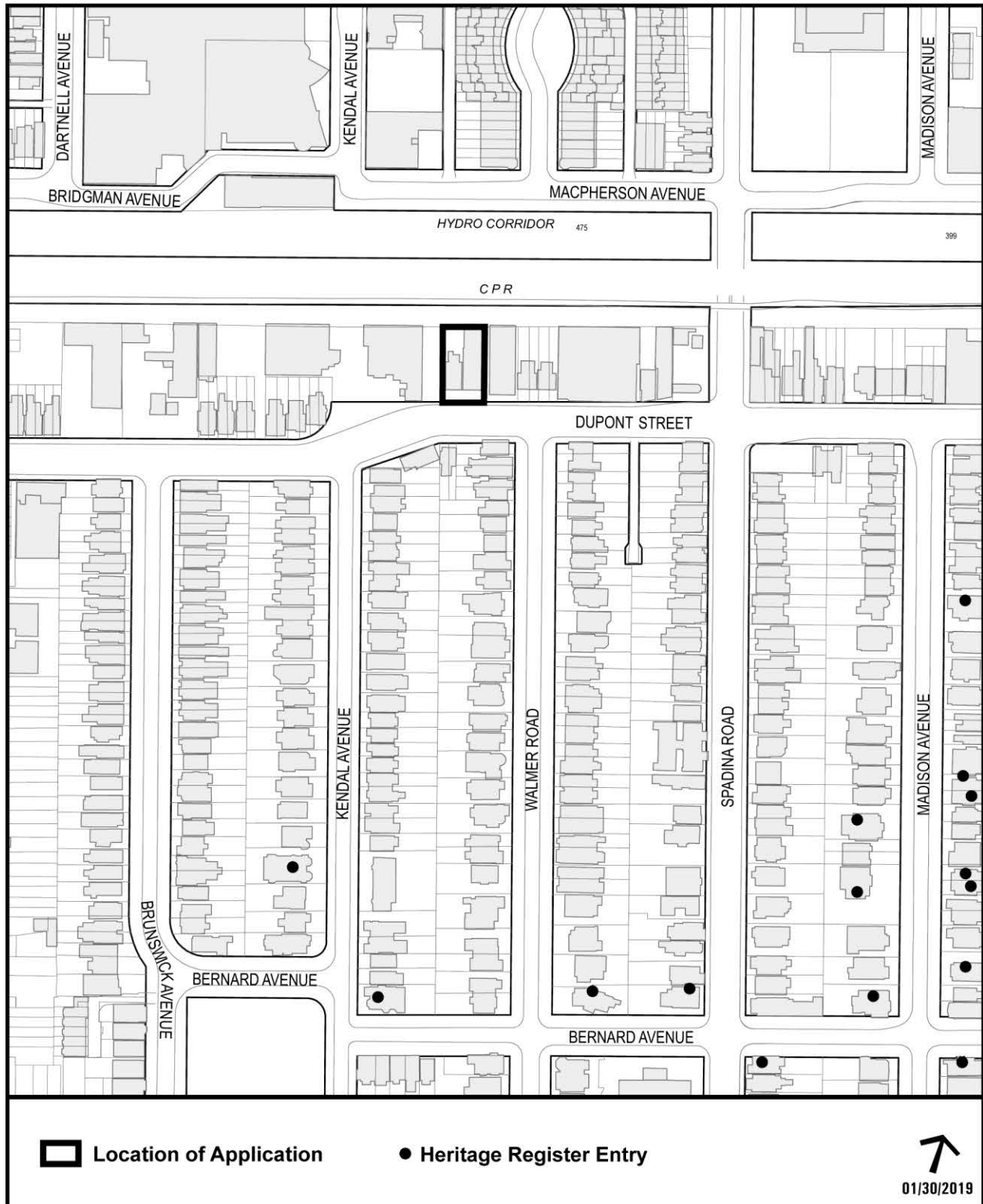
Attachment 5: Draft Zoning By-law Amendment

Applicant Submitted Drawings

Attachment 6: Site Plan

Attachment 7: Elevations

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 316-320 Dupont St. **Date Received:** December 20, 2018

Application Number: 18 270843 STE 11 OZ

Application Type: Zoning By-law Amendment

Project Description: A 9-storey non-residential building.

Applicant	Agent	Architect	Owner
FREED (ANX) LTD.		Teeple Architects	FREED (ANX) LTD

EXISTING PLANNING CONTROLS

Official Plan Designation: Employment Areas **Site Specific Provision:** SASP 212

Zoning: IC D2 N2 **Heritage Designation:** N

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

PROJECT INFORMATION

Site Area (sq m): 784 **Frontage (m):** 20 **Depth (m):** 38

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	426		720	720
Residential GFA (sq m):	0		0	0
Non-Residential GFA (sq m):	921		3,086	3,086
Total GFA (sq m):	921		3,086	3,086
Height - Storeys:	3		9	9
Height - Metres:	11		48.64	48.64

Lot Coverage Ratio (%): 91.86 **Floor Space Index:** 3.94

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

Residential GFA: 0

Retail GFA: 849

Office GFA: 2,237

Industrial GFA: 0

Institutional/Other GFA: 0

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	0		0	0
Freehold:	0		0	0

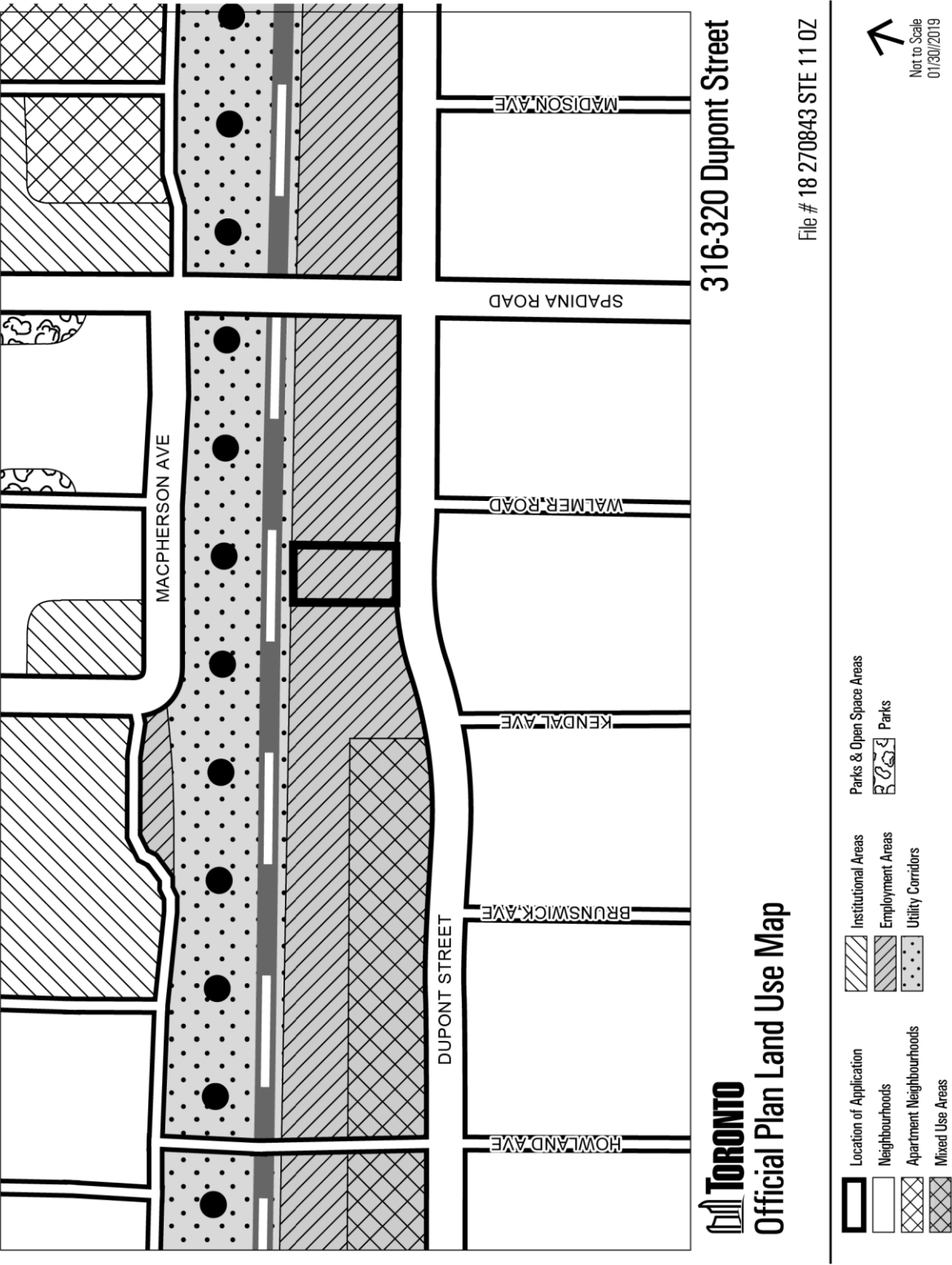
Condominium:	0	0	0
Other:	0	0	0
Total Units:	0	0	0

Parking and Loading

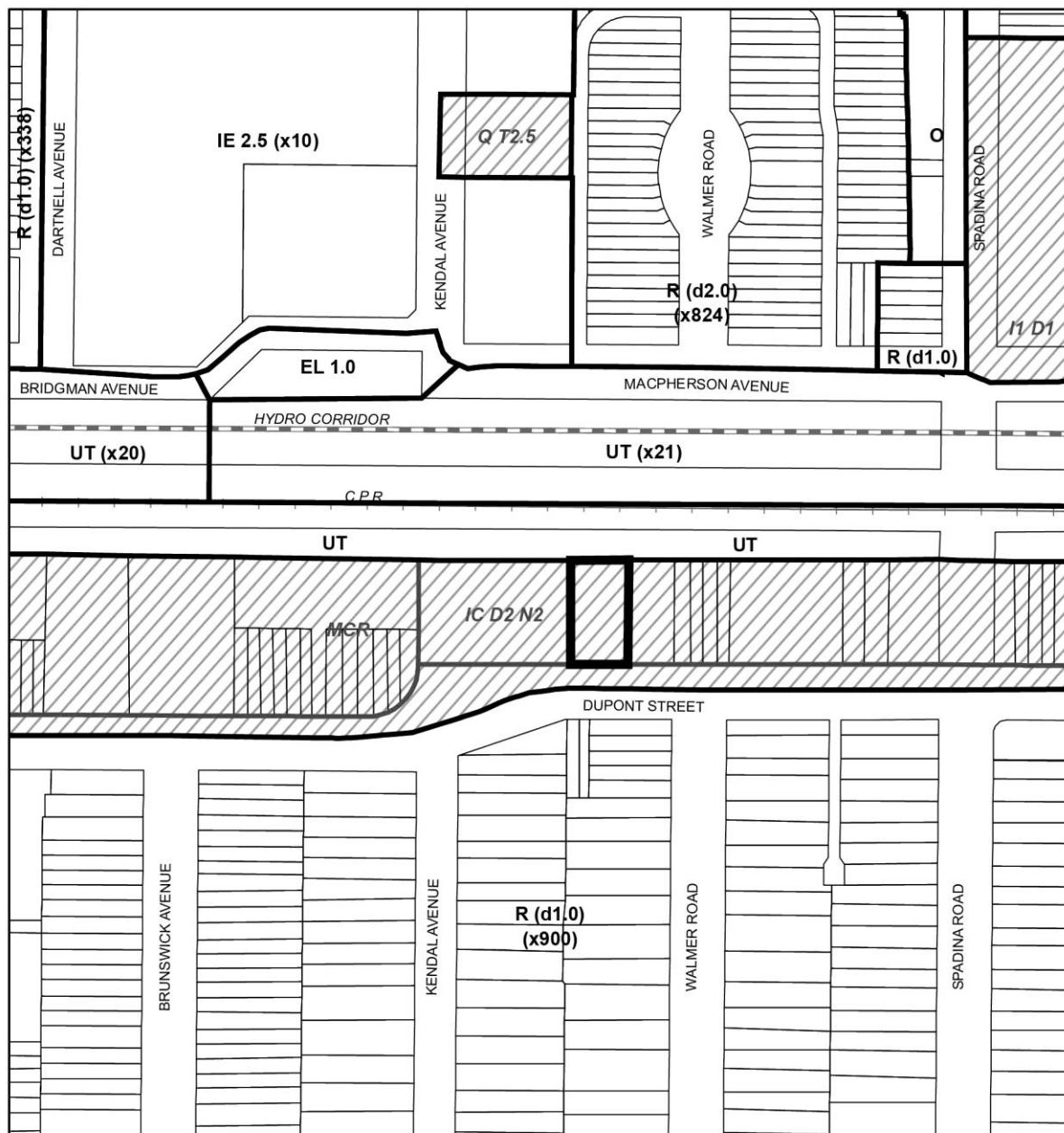
Parking Spaces:	48	Bicycle Parking Spaces:	21	Loading Docks:	2
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CONTACT:

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Sipo.Maphangoh@toronto.ca



Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

316-320 Dupont Street

File # 18 270843 STE 11 02



Location of Application

R

Residential

EL

Employment Light Industrial

IE

Institutional Education

O

Open Space

UT

Utility and Transportation



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

R2

Residential District

MCR

Mixed-Use District

Q

Mixed-Use District

I1

Industrial District

IC

Industrial District



Not to Scale
Extracted: 05/12/2021

Attachment 5: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 2021

CITY OF TORONTO

[Lands not in 569-2013 with no Section 37 Provisions]

Bill No. ~

BY-LAW No. [XXXX- 2021]

To amend the Zoning By-law No. 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*; and

By-law No. 438-86, as amended, is further amended by the Council of the City of Toronto:

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 No. 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 heights in metres specified by the numbers following the symbol “HT” on the attached 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;

v. train derailment safety walls;

(c) no portion of any building or structure erected above grade or used on the lot, shall be erected closer to a lot line than the heavy lines indicated 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;

iii. notwithstanding (c)(ii) above, terraces on level 4 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 "S" on the attached 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 the west adjacent lot municipally known as 328-332 Dupont Street and parking and storage lockers accessory to non-residential uses located on the west adjacent lot municipally known as 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 provided on the west adjacent lot municipally known as 328-332 Dupont Street, and may be shared with the uses permitted on 328-332 Dupont Street, and if provided on 328-332 Dupont Street, shall thereby not be required on the lot;

(h) a minimum number of *parking spaces* shall be provided and maintained at- and below grade on the *lot* 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 at- and below grade on the *lot*, provided that a minimum of 4.0 accessible *parking spaces* are provided and maintained on the west adjacent lot at 328-332 Dupont Street;

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 the west adjacent lot at 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;

(k) none of the provisions of By-law No. 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 No. 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 No. 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 meters by a length of 1.2 meters 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 property line of the *lot* and the west adjacent lot at 328-332 Dupont lands;

(d) "*height*" means the height above grade as shown on Map 2;

(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 parcel of land delineated by heavy dashed lines on Map 1 attached to and forming part of this By-law and known municipally as 316-320 Dupont Street in the year 2021;

(g) “*storey*” means the number of storeys above grade as shown on Map 2 as marked with a “S” and 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*;

(h) “*sales office*” means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* and non-residential units to be erected on the *lot*;

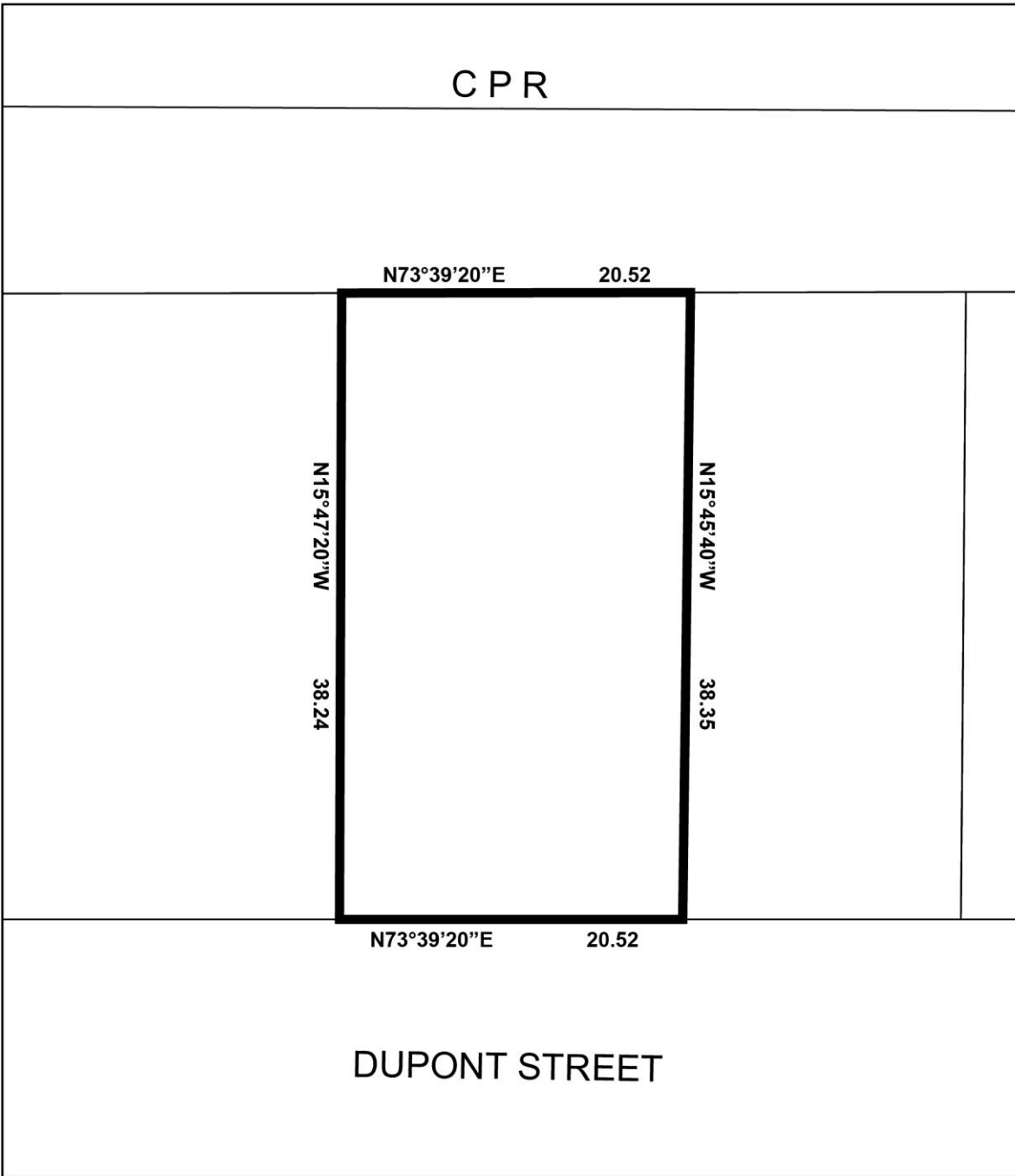
3. Despite any existing or future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.

ENACTED AND PASSED this ____ day of _____, A.D. 2020.

JOHN TORY
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



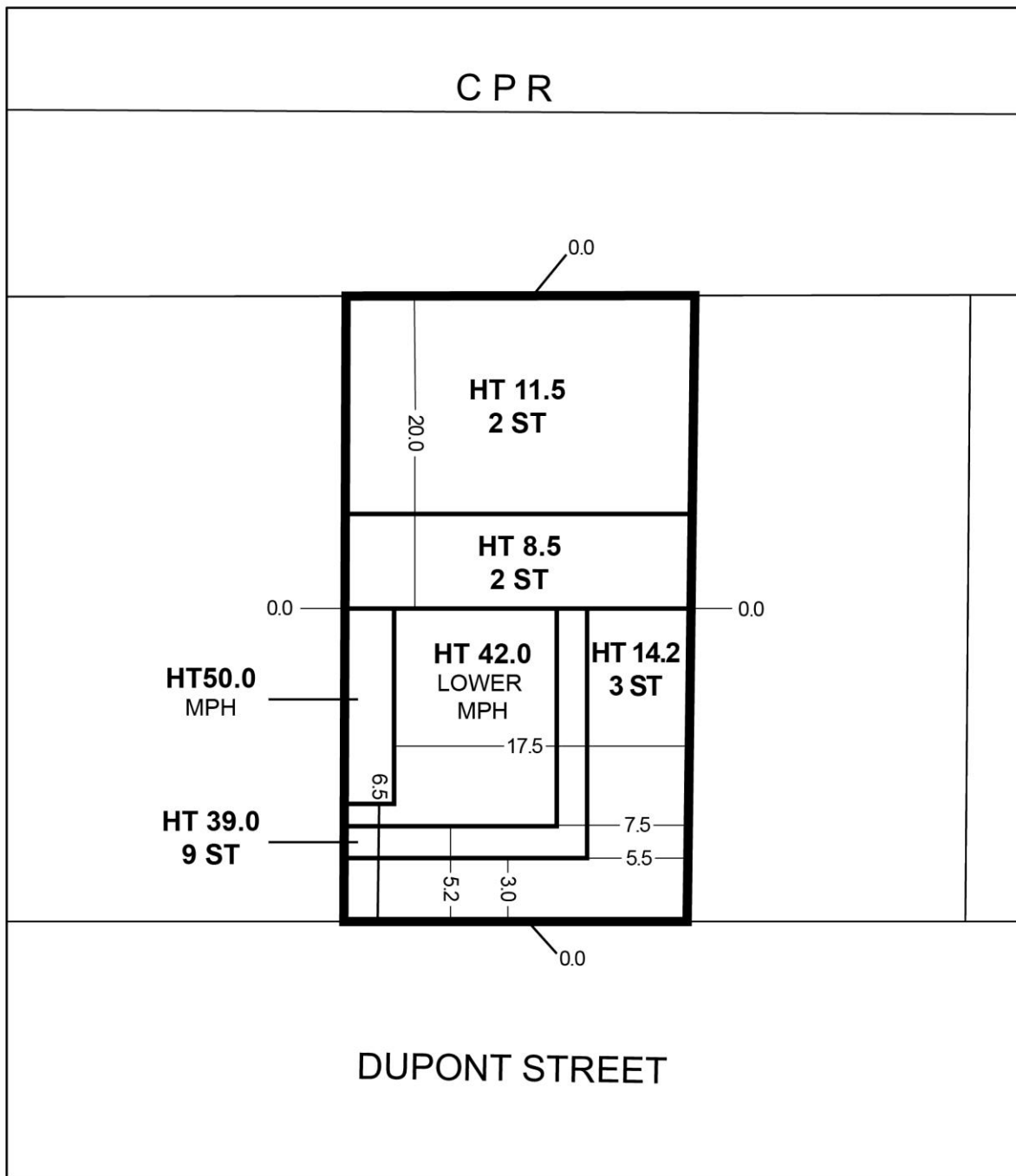
 **Toronto**
Map 1

316-320 Dupont Street

File # 18 270843 STE 11 OZ



Former City of Toronto By-law 438-86
Not to Scale
05/25/2021



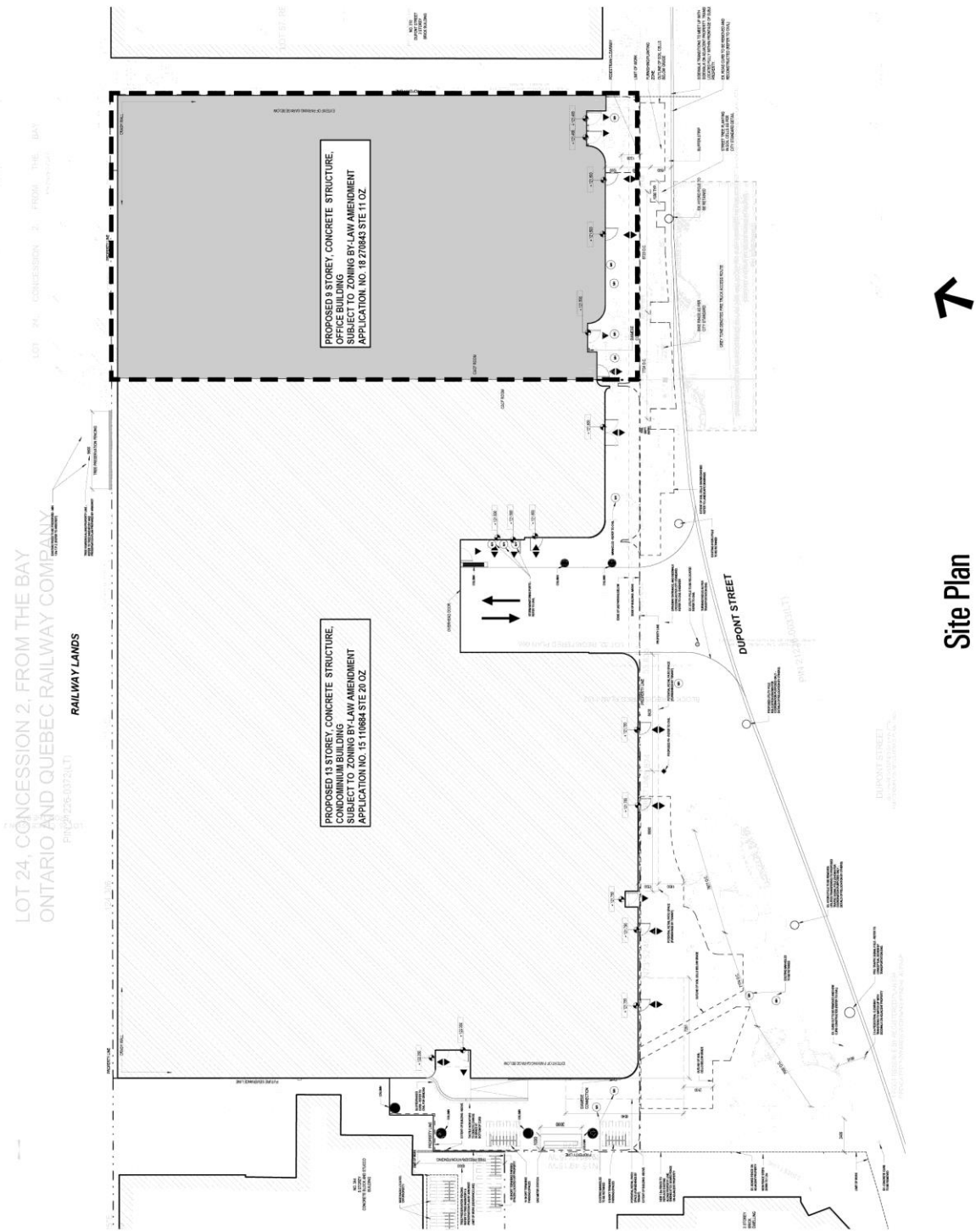
Toronto
Map 2

316-320 Dupont Street

File # 18 270843 STE 11 02



Former City of Toronto By-law 438-86
Not to Scale
05/25/2021



Attachment 7: Elevations

