

888 Dupont Street – Official Plan Amendment and Zoning Amendment Application – Final Report

Date: June 13, 2022

To: Toronto and East York Community Council

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

Ward: 11 - University-Rosedale

Planning Application Number: 19 243242 STE 11 OZ

SUMMARY

This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-laws to permit a 14-storey mixed-use building at 888 Dupont Street. The building is proposed to contain 155 dwelling units, including 20 affordable housing units and 2,028 square metres of non-residential uses including retail, commercial, and light industrial uses. All units will have expanded home occupation (live/work) permissions. A 179 square metres Privately Owned Publicly-Accessible space (POPS) is proposed along both the Dupont Street and Ossington Avenue frontages. A one-level underground parking garage is proposed with 18 vehicle parking spaces and 174 bicycle parking spaces. Also proposed is the preservation and relocation of the existing chimney stack with heritage value which will be integrated into the public realm at the building's entrance. The proposal is targeting Tier 2 of the Toronto Green Standards Version 3.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan for the property at 888 Dupont Street substantially in accordance with the draft Official Plan Amendment attached as Attachment 5 to the report (June 13, 2022) from the Director, Community Planning, Toronto and East York District.
2. City Council amend Zoning By-law 569-2013, for the property at 888 Dupont Street, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 6 to the report (June 13, 2022) from the Director, Community Planning, Toronto and East York District.

3. City Council authorize the City Solicitor to submit the necessary bill(s) to implement the foregoing recommendation(s) provided the City Solicitor is satisfied that the appropriate legal mechanisms are in place to ensure that no building permit will issue until such time as the Section 37 Agreement is executed and registered.

4. City Council authorizes the City Solicitor to make such stylistic and technical changes to the Official Plan and Zoning By-law Amendments as may be required.

5. City Council require the owner to enter into and register on title an agreement pursuant to Section 37 of the Planning Act and any other necessary agreement(s), in connection with 888 Dupont Street, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, as follows:

a) the community benefits to be secured in the Section 37 Agreement are as follows:

i. The owner shall provide and maintain twenty (20) new affordable rental housing dwelling units on the lands at 888 Dupont Street (the "Affordable Housing Units"), comprised of at least ten (10) percent of the total residential Gross Floor Area of the new 14-storey mixed use building, all to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Executive Director, Housing Secretariat, in accordance with the following terms:

A. at least forty (40%) per cent of the Affordable Housing Units shall be a two-bedroom or a three-bedroom rental dwelling unit;

B. one-bedroom Affordable Housing Units shall have a minimum unit size of 48.7 square metres and a minimum average unit size of 55 square metres and two-bedroom Affordable Housing Units shall have a minimum unit size of 60 square metres and a minimum average unit size of 67.3 square metres;

C. the general configuration, location and layouts of the Affordable Housing Units shall be to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Executive Director, Housing Secretariat, provided that the Affordable Housing Units will be located in contiguous groupings of at least six rental units and that all the Affordable Housing Units will be located on the third floor or higher;

D. the owner shall provide and maintain the Affordable Housing Units as rental dwelling units for a minimum period of forty (40) years beginning from the date that each such unit is first occupied, (the "Affordability Period"). During the Affordability Period, no Affordable Housing Unit shall be registered as a condominium or any other form of ownership housing such as life-lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application shall be made to demolish any Affordable Housing Unit or to convert any Affordable Housing Unit to a non-residential rental purpose. Upon the expiration of

the Affordability Period, the owner shall continue to provide and maintain the Affordable Housing Units as rental dwelling units, unless and until such time as the owner has applied for, and obtained, all approvals necessary to do otherwise;

E. the initial rent (inclusive of utilities) charged to the first tenants of any Affordable Housing Units shall not exceed 100% the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;

F. if an Affordable Housing Unit becomes vacant and is re-rented to a new tenant during the Affordability Period, the initial rent (inclusive of utilities) charged to the new tenant shall not exceed 100% the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;

G. after the first year of occupancy of any Affordable Housing Units, and for the duration of the Affordability Period, the rent (inclusive of utilities) charged to the first tenants or new tenants occupying such unit may be escalated annually by not more than the annual provincial rent guideline, regardless of whether such guideline is applicable to the units under the Residential Tenancies Act or any successor legislation governing residential tenancies in Ontario, until the tenancy ends;

H. notwithstanding the annual rent increases permitted in 5.a) i. G.. above, the rent (inclusive of utilities) charged to any first tenants or new tenants occupying an Affordable Housing Unit during the Affordability Period shall not be increased to an amount that exceeds 100% of the average rent for the same unit type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;

I. the City's Centralized Affordable Housing Access System will be used to advertise and select tenants, provided it is in place. In addition, at least six months in advance of any new Affordable Housing Units being made available for rent, the owner shall develop and implement an Access Plan, which will outline how units will be rented to eligible households in consultation with, and to the satisfaction of, the Executive Director, Housing Secretariat;

J. the new Affordable Housing Units to be constructed shall be made ready and available for occupancy no later than the date by which seventy (70) percent of the new dwelling units in the new mixed use building are available and ready for occupancy, or to the satisfaction of the Chief Planner and Executive Director, City Planning, and the Executive Director, Housing Secretariat;

K. the owner shall provide all tenants of the Affordable Housing Units with access to, and use of, all indoor and outdoor amenities in the new mixed use building at no extra charge and on the same terms and conditions as any other resident of the mixed use building, without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;

L. the owner shall provide all of the Affordable Housing Units with central air conditioning and ensuite laundry facilities at no extra charge;

M. the owner shall provide all tenants of the Affordable Housing Units with access to visitor parking and permanent and visitor bicycle parking/bicycle lockers on the same terms and conditions as any other resident of the building in which the Affordable Housing Units are located, and in accordance with the Zoning By-law;

N. prior to the issuance of the first building permit for a residential use on any part of the site, including permits for excavation and shoring, the owner shall enter into a municipal housing facility agreement with the City (the "Contribution Agreement"), for the Affordable Housing Units that are approved for Open Door incentives, on terms satisfactory to the Executive Director, Housing Secretariat and in a form satisfactory to the City Solicitor. The owner shall provide such Affordable Housing Units in accordance with such agreement(s);

b) the following be secured in the Section 37 Agreement as a legal convenience as matters required to support development:

i. the owner shall provide, prior to the earlier of Site Plan Approval or the issuance of any foundation permit, a more detailed Pedestrian Level Wind Study, including wind tunnel analysis report, to the satisfaction of the Chief Planner and Executive Director, City Planning, which shall include recommendations to mitigate wind impacts year-round for the pedestrian realm, including the POPS, new public park to the east, and the outdoor areas of the base buildings and outdoor amenity areas. The owner shall implement and maintain all recommended mitigation measures, in support of the development to the satisfaction of the Chief Planner and Executive Director, City Planning;

ii. the owner shall provide an Interpretation Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.

iii. the owner shall provide ten (10%) percent of all net new residential units in the proposed development on the Lands as three-bedroom units;

iv. the owner shall pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report, to be

submitted for review and acceptance by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development.

v. the owner shall provide a staging pad abutting the front of the Type G loading space of at least 13.6 square metres, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

vi. the owner shall submit documentation and/or cash contributions toward Transportation Demand Management measures, as listed below, and such cash contributions shall be paid by the owner prior to the issuance of the site plan approval for the development, in the form of certified cheques, to the satisfaction of the General Manager, Transportation Services, and such cash contribution shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date of payment:

A. The provision of a minimum of three (3) car-share parking spaces;

B. Written confirmation from a car-share operator that the allocated publicly-accessible car-share spaces, provided on-site, have been accepted and included in their services;

C. A payment of \$50,000 to provide a new bike-share station on-site or in the area;

D. One (1) car-share membership per unit, offered for the first year of occupancy;

E. One (1) bike-share membership per unit, offered for the first five (5) years of occupancy; and

F. One (1) Presto card per unit, pre-loaded with the value of a monthly pass, offered at the time of occupancy.

vii. Prior to site plan approval and issuance of the first building permit, the owner shall revise and submit to the City, Landscape Plan and plan details, for review and acceptance, to the satisfaction of the Supervisor, Tree Protection and Plan Review, and address all comments made in the Urban Forestry memo dated May 20, 2022.

6. City Council authorize the Executive Director, Housing Secretariat to negotiate and execute the Contribution Agreement with the owner for the development of twenty (20) Affordable Housing Units at 888 Dupont Street to secure the financial assistance being provided and set out the terms of the operation of the Affordable Housing Units, on terms and conditions acceptable to the Executive Director, Housing Secretariat, in a form satisfactory to the City Solicitor.

7. City Council approve the provision of financial incentives pursuant to the City's Open Door Affordable Housing Program in relation to the Affordable Housing Units as follows:

a) City Council exempt the twenty (20) new affordable rental dwelling units at 888 Dupont Street from taxation for municipal and school purposes for the 40-year term of the municipal capital facility agreement; and

b) City Council authorize the twenty (20) new affordable rental dwelling units at 888 Dupont Street to be eligible for waivers of fees for planning applications, building permits and parkland dedication, and for development charges exemptions, unless already paid.

8. City Council authorize the Executive Director, Housing Secretariat, on behalf of the City, to execute any security or financing documents, or any other documents required to facilitate the delivery of the Affordable Housing Units, including any documents required by the owner to complete pre-development activities, construction and secure conventional financing, where required, including any postponement, confirmation of status, discharge or consent documents where and when required during the term of the municipal housing facility agreement, as required by normal business practices, and provided that such documents do not give rise to financial obligations on the part of the City that have not been previously approved by Council.

9. City Council authorize the Controller to cancel or refund any taxes paid after the effective date of the exemption from taxation for municipal and school purposes, as set out in the Contribution Agreement.

FINANCIAL IMPACT

Affordable Housing

This report recommends City Council approval of financial incentives under the Open Door Affordable Housing Program of approximately \$1,576,595.00 for 20 affordable rental dwelling units to be created at 888 Dupont Street.

Were the City to accept the proposed affordable housing units solely as a Section 37 contribution, the anticipated affordability period would have been 25 years secured at 100% of average market rent. However, in exchange for receiving Open Door Program incentives for these affordable rental units, the applicant has agreed to extend the affordable rental period to 40 years. This extended affordability period reflects the value of these incentives.

The proposed incentives through the Open Door Affordable Housing Program includes exemptions from development charges, planning and building permit fees, and property taxes for 40 years. Based on applicable fees, charges, and tax exemption estimates, the average of these incentives is \$78,830.00 per unit, for a total of approximately \$1,576,595.00 in City incentives as outlined in Table 1 below.

These incentives are not a direct capital payment from the City but rather foregone revenues that the City waives or forgives under the Open Door Affordable Housing Program. Values are based on 2022 tax rates, 2022 AMR rates, November 2021 development charge rates, 2022 building permit fees and 2022 planning fees.

Table 1: Breakdown of Value of Open Door Program Incentives

Affordable Rental Homes	Estimated Affordability Period	Estimated Development Charges	Estimated Planning Fees and Charges	Estimated Net Present Value of Property Taxes	Estimated Total Value of Incentives
20	40	\$928,322	\$158,577	\$489,697	\$1,576,595

At current 2022 rates, the value of the annual property tax exemptions associated with this development is estimated at \$21,185. The net present value of this tax relief, over the 40-year term that the incentives would be in effect, is estimated at \$489,697, as summarized in Table 2 below.

A tax exemption would have no net present impact to the City for the educational portion of taxes remitted to the Province.

Table 2: Value of Property Tax Exemption

Property Tax	Annual	NPV: 40 Years
City	\$15,825	\$365,802
Education	\$5,129	\$118,563
City Building	\$231	\$5,332
Total	\$21,185	\$489,697

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

DECISION HISTORY

A Preliminary Report on the application was adopted by Toronto and East York Community Council on January 8, 2020 authorizing staff to hold a Community

Consultation Meeting with an expanded notification area. The Toronto and East York Community Council Decision is available here: [Agenda Item History - 2020.TE12.22 \(toronto.ca\)](#)

SITE AND SURROUNDING AREA

Description: The site is located at the northeast corner of Dupont Street and Ossington Avenue. It is rectangular in shape and approximately 2,417 square metres in size. The site has 30.5 metres of frontage on Dupont Street and 78.7 metres of frontage along Ossington Avenue. The site is also adjacent to the Canadian Pacific Railway "CP Rail". The site is currently occupied by a 3.5-storey former manufacturing building, with a history of residential use, which was most recently used as a commercial building with 40 units.

Official Plan Designation: *Mixed Use* at the front and *Employment* at the rear on Map 17 of the Official Plan. The application 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.

Zoning: The site is subject to area specific Zoning By-law 1011-2014 which amended the former City of Toronto Zoning By-law 438-86. The site is designated Mixed Commercial Residential (MCR) at the front of the property and Industrial Commercial (IC D2) at the rear measured up to 20 metres south of the CP rail corridor. The MCR designation has a maximum permitted height of 9-storeys or 35 metres and the IC designation has a height limit of 18 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.

Surrounding Land Uses:

North: is a 33.0-metre wide rail corridor which is owned and operated by CP Rail. Beyond the CP Rail corridor is a 26-metre wide utility corridor which contains open spaces, a recreational trail and park uses known as the Green Line. Further north is Garrison Creek Park and low-rise residential and apartment buildings.

South: is a 2-storey mixed-use building. Further south is a low-rise residential neighbourhood primarily comprised of 2-storey single and semi-detached dwellings and interspersed walk-up apartment buildings, places of worship, schools and Christie Pits Park which fronts onto Bloor and Christie Streets. Further south at Ossington Avenue and Bloor Street West is the Ossington subway station.

East: is an existing 1-storey large format commercial grocery store (Sobeys) with significant areas of surface parking facing both Dupont Street and Shaw Street (840-860 Dupont Street). This site is the subject of an OLT-approved

proposal for a 9-storey (39.8 metres) mixed use development which is currently in the Site Plan approval process (15 267085 STE 19 SA). A 701.7 square metre park will be immediately adjacent to the subject site.

West: is a 4-storey self-storage facility. The southwest corner of the intersection is occupied by a one-storey utility building. Further west, on the north side of Dupont Street is a 3-storey converted warehouse building with commercial uses, and other buildings with large-scale warehouse and light industrial uses. Along the south side of the street, west of the utility building is a 2-storey warehouse building and a 2-storey auto body shop. Further west, the south side of Dupont Street is primarily characterized by low-rise residential buildings.

THE APPLICATION

Description: A 14-storey (approximately 54 metres, inclusive of the mechanical penthouse) mixed-use building which steps down to a 4-storey building, with non-residential uses and located within 20 metres of the CP Rail corridor.

Density: 6.41 times the area of the lot.

Dwelling Units and Home Occupation Use: 155 residential dwelling units are proposed, including 20 affordable housing units. All units are proposed to allow for home occupation uses, sometimes called "live/work units".

Affordable Housing Units: 20 affordable housing units are proposed, representing approximately 10% of the residential gross floor area.

Amenity Space: A total of 542.5 square metres of amenity space (3.5 square metres per unit) is proposed, consisting of 232.5 square metres of indoor amenity space (1.5 square metres per unit) and 310.3 square metres of outdoor amenity space (2.0 square metres per unit).

Other Space: An additional 587.14 square metres of shared outdoor space is proposed on the Level 4 terrace, on the north end of the site, within the 20-metre railway setback.

Non-residential Uses: The proposal includes 2,028 square metres of non-residential gross floor area comprised of 217.3 square metres of commercial space, and 1,810.6 square metres of commercial/light industrial space. The commercial space is located on the ground floor, fronting onto Dupont Street, and is intended to function as a shared space used by residents, non-residential tenants and the community as commercial, amenity and public space. The commercial/light industrial spaces are located on the ground, second and third levels of the proposal, at the north end of the building, within the 20-metre railway setback, and within the designated *Employment Area*.

Privately Owned Publicly-Accessible Space (POPS): A 179.1 square metre privately owned publicly-accessible space (POPS) is proposed along both the Dupont Street and Ossington Avenue frontages.

Heritage Preservation: The existing chimney stack currently at the rear of the site, will be preserved and relocated within the public realm at the building's entrance on Ossington Avenue.

Access, Parking, and Loading: A 6.0-metre wide, covered driveway from Dupont Street, on the east end of the site, will provide access to a Type G loading space and ramp to 18 vehicular parking spaces (6 spaces for residents, 9 for non-residential tenants and 3 car share spaces), and 174 bicycle parking spaces within the one-level underground parking garage.

Additional Information

See Attachment 1 to this report for the project data, Attachment 2 for the location map, Attachment 6 for the site plan, Attachment 7 for the site plan. Attachment 8 for the ground floor plan and Attachment 9 for the elevations.

The current proposal incorporates numerous revisions from the original application as summarized below:

- Increase in unit count from 99 to 155;
- Increase in the affordable housing unit count from 13 to 20;
- Increase in number of storeys building height from 13 to 14 storeys;
- Decrease in building height from 55 to 54 metres, inclusive of the mechanical penthouse;
- Decrease in density from 6.9 to 6.4 times the area of the lot;
- Increased setback from south property line from 1.2 metres to a range of 4.5 to 6.4 metres;
- Increased setback from western property line from a range of 0.0 to 3.4 metres to a range of 1.8 to 5.0 metres;
- Increased setback from the Dupont Street curb from approximately 4.8 metres to 6.0 metres;
- Increased setback from the west property line from approximately 3.0 to 4.8 metres;
- Provision of a 5.5 metre setback from the east property line above the third level without any encroachment from balconies;
- Reduced parking count from 94 to 18 spaces;
- The provision of a 179.1 square metre POPS along the Dupont Street and Ossington Avenue frontages;
- Introduction of residential units on the ground floor along the Ossington Avenue frontage;
- The provision of a large shared space on the ground level that allows for a mix of uses including commercial, amenity and community; and
- The preservation and relocation of the existing brick chimney to the public realm at the Ossington Avenue entrance.

Reasons for Application

The Official Plan Amendment is required because the proposed building exceeds the 9-storey height limit for new buildings, within the *Mixed Use* designation, as stated in Section 3 in Site and Area Specific Policy 212.

The proposal requires an amendment to the Zoning By-law for an increase in density, and height, as well as site-specific provisions for setbacks, parking and bicycle parking to implement the development.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application has been submitted and is currently under review.

Provincial Land Use Policies

The application has been reviewed to determine its consistency with the Provincial Policy Statement (2020) (PPS), conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan), and conformity to the City's Official Plan. 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. 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 Greater Golden Horseshoe region.

Agency Circulation

The application together with the reports/studies submitted in support of the application have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate the Official Plan Amendment and draft Zoning By-law standards.

COMMUNITY CONSULTATION

A Community Consultation Meeting was held on January 23, 2020 at St. Mary of the Angels Catholic School gymnasium at 1477 Dufferin Street. A 30-minute open house preceded the meeting to allow members of the public to view plans and speak directly to City staff and the applicant team. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff facilitated multiple roundtable discussions. Comments and questions provided by the meeting attendees included:

- The scale of the building and how it compares to other recent approvals in the area;
- Whether the previous use of affordable live/work units would be provided for in the new proposal;

- Whether the existing use of affordable commercial units for artists and entrepreneurs would be provided for in the new proposal;
- Public realm enhancements including improvement to the narrow existing sidewalk;
- The provision of community space;
- Wind and shadow concerns on the public realm and low-scale areas;
- The preservation of the building;
- Impacts to existing traffic and congestion; and
- Linkage to Geary Avenue commercial/retail area;

The issues raised through community consultation have been considered through the review of the application. Comments with respect to the proposed height, massing, setbacks, wind, chimney preservation, and traffic are addressed in the Comments section below.

The applicant has agreed to provide a minimum of 10% of residential gross floor area as affordable units. The applicant has proposed that all units in the building, including affordable units, have home occupation (live/work) permissions. A shared indoor space at the ground level is intended to allow for public use, however it will be subject to the owner's discretion. The detailed building design, including proposed materials, and the construction management plan will be addressed during the Site Plan Control review process.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have 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

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

The proposal has been reviewed and evaluated against the PPS and the Growth Plan. Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan.

Land Use

The proposal is divided into two integrated and connected building components in response to the split Official Plan and Zoning By-law designations within and outside of the 20-metre railway setback. The southern portion of the building consists of a 14-storey mixed-use building. The northern portion of the building is restricted to 4-storeys of commercial and light industrial uses.

City Planning staff finds that the proposal conforms with the applicable Official Plan policies with respect to land use. On the southern portion of the site designated *Mixed-Use* in the Official Plan, both residential and commercial uses are proposed. On the northern portion of the site designated *Employment Area*, commercial and light industrial uses, as well as permitted uses to support the residential uses such as access, parking and waste storage are proposed. The proposed uses within the *Employment Area* are also "low-occupancy uses" and comply with rail safety guidelines.

Home Occupation

The 14-storey mixed-use building is proposed to comprise of dwelling units with expanded home occupation permissions. Home occupation is a residential use where certain non-residential uses are permitted within the residential unit. Traditionally dwelling units with home occupation permissions are located at street-level and within a house form building.

Proposed expansion to the home occupation permissions include allowing uses not currently permitted under home occupation, such as artist studios and workshops, allowing the employees to work within the dwelling unit, and allowing clients and customers to attend the premises for consultations or obtaining goods.

City Planning staff have had extensive discussions with the applicant on how dwelling units without frontage to a street can be appropriately designed and function with both residential and non-residential permissions. Staff have considered potential conflicts of certain uses, the need for additional shared spaces, and impacts to livability.

The proposal incorporates additional common spaces, including a shared ground floor space that can be used by the occupants of the building for commercial uses. The lobby has been configured to accommodate clients and customers visiting the building. The draft Zoning By-law Amendment restricts noxious uses and requires the dwelling unit to be the primary residence of the business owner above the ground floor to ensure a true "live/work" vertical community.

The proposed building is unique in that it is one of the first buildings with all units proposed with home occupation (live/work) permissions. Staff find the proposal is appropriately designed to accommodate dwelling units with expanded home occupation permissions.

Built Form

City Council adopted Dupont Street Regeneration Study Urban Design Guidelines (2014) was used in the evaluation of this application. They are intended to support vibrant, high quality, appropriately scaled, mixed-use and employment development and establish the planned character for the area. Key issues addressed include setbacks and step backs, sunlight and skyview, improvements to the pedestrian realm, and transition to *Neighbourhoods*.

The proposed height of 14-storeys (54 metres, inclusive of the mechanical penthouse) is acceptable given the site's location, at the intersection of two major streets, at the terminus of the Dupont Regeneration Study Area, approximately 950 metres from the Ossington subway station and adjacent to the CP Railway and utility corridor to the north and *Employment* uses to the west.

The 3-storey (10.5 metres) streetwall height on Dupont Street and Ossington Avenue will frame the street with good proportion and fits with the planned context as per the Dupont Regeneration Urban Design Guidelines. At the 3rd storey, the building steps back a minimum of 4.0 metres from the Dupont Street and 3.0 metres from Ossington Avenue. On the east side the building steps back a minimum of 5.5 metre above the 2nd storey, with no balcony projections.

Above the 6th storey to the 13th storey the building steps back an additional 5.1 metres providing approximately 11.55-metre setback from the south property line. At these levels the southeast corner of the building sets back at each level to further sculpt and articulate the building. The floor plates at levels 13 and 14 are further reduced and will not be perceived by pedestrians.

The proposed setbacks and stepbacks result in massing that is consistent with the policies of the Dupont Regeneration Urban Design Guidelines which call for front and side stepbacks to create a strong streetwall, responds to existing conditions, and respects the existing character, in particular, the low-rise context on the south side of Dupont Street. The setbacks and stepbacks at both the base and upper levels, sculpt the building to reduce the perceived height and massing from the sidewalk, reduce the shadow impact on the new planned park to the east, and provide an appropriate transition to the *Neighbourhoods* to the south.

Housing

The Official Plan as well as, provincial policies recognize the importance of providing a full range of housing with new development. The provision of affordable, secure, and diverse housing stock to meet housing needs of a wide range of people throughout their life cycle is important to achieving complete communities.

The application proposes 155 dwelling units of which the applicant has agreed to provide 20 affordable rental dwelling units through a Section 37 Agreement with the City as a community benefit. The affordable housing will be equivalent to 10% of the total residential gross floor area at 13% of the total residential units. The affordable rental units will be composed of at least 40% family-size units and unit sizes which reflect the minimum requirements of the Affordable Housing Design Guidelines.

An affordable rental dwelling unit is a rental dwelling unit that is provided and maintained at affordable rent, as currently defined in the Official Plan as being rent where the total monthly shelter cost, including utilities (heat, hydro and hot water but excluding parking and cable television charges), is at or below the average City of Toronto rent (average market rent or AMR) as reported annually by the Canada Mortgage and Housing Corporation in the Fall Market Report for the City of Toronto, by Unit type.

The applicant has agreed to extend the secured affordability period from 25 to 40 years, provided that the provision of such Affordable Housing Units will be supported in part through the City of Toronto's Open Door Affordable Housing Program and that such units will accordingly be exempt from development charges, and residential property taxes, and be eligible for waivers of planning application fees, building permit fees and parkland dedication fees. Extending the affordability period from 25 to 40 years represents an enhancement to the affordable housing contribution that would have not been secured through a Section 37 contribution alone, and justifies the fee waivers and development charge and tax exemptions recommended to be provided through the Open Door Program. The owner will also be required to enter into a municipal housing facility agreement (Contribution Agreement) which will include detailed requirements respecting the provision of affordable rental housing.

Unit Mix

A total of 155 residential units are proposed, consisting of 116 one-bedroom units (74.8%), 24 two-bedroom units (15.5%), and 15 three-bedroom units (9.7%), comprising of 13,471.7 square metres of residential gross floor area.

The unit mix and sizes generally meets the policy direction of the Official Plan to provide a full range of housing and meets the unit mix and size objectives of the Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines (Growing Up Guidelines).

Shadow Impact

The submitted Shadow Study shows the proposal casting no new shadows on the *Neighbourhoods* designated areas to the immediate south and north of the site. The proposal casts new shadows on the Green Line Park at 9:18 am, with shadows off the park by 10:18 am, during the spring and fall equinoxes. The proposal casts minimal shadows on the new planned park at 840-860 Dupont Street in the afternoon.

City Planning staff finds the proposal adequately limits shadow impacts on the adjacent and nearby parks, particularly during the spring and fall equinoxes, and are acceptable.

Wind Impact

A Pedestrian Level Wind Study reflecting the proposal was submitted in support of the application. The study indicates that the building entrances and surrounding public realm will experience wind conditions that are acceptable for the intended use (suitable for walking or better in the spring/fall/winter, and standing or better in the summer). The southwest corner of the site is the exception and the wind condition in this area will need to be mitigated. The POPS, rear outdoor common space, and roof outdoor amenity space will also require mitigation measures to achieve wind conditions that are suitable for sitting or sedentary activities throughout the spring and summer.

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

Amenity Space

The proposal includes 542.5 square metres of amenity space for residents on the ground floor, second floor, and mechanical penthouse level. A total of 232.5 square metres of indoor amenity space (1.3 square metres per unit) is proposed along with 310 square metres of outdoor amenity space (2.0 square metres per unit). A pet relief and washing area is also proposed on the ground level.

Detailed design of the amenity space, including provisions for households with children (Growing Up Guidelines) and pets (Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings) will be reviewed and secured through the Site Plan Control review process.

Other Common Spaces

City staff worked with the applicant to create additional spaces that would meet the distinct needs of a building with integrated residential and commercial uses.

The proposal includes two additional common spaces, a 587.1 square metre private outdoor space located on the Level 4 terrace, on the north end of the site, within the 20-metre railway setback, and a 217.3 square metre mixed-use shared space located on the ground floor, fronting onto Dupont Street. The Level 4 terrace is required to have low occupancy non-residential uses due to the proximity to the railway and therefore cannot be counted as residential amenity space however this outdoor space is accessible to all building residents and will be designed with soft landscaping and limited seating. The ground floor indoor common space is intended to provide a large flexible space that can be used by residential tenants, business owners, employees, clients/customers, and by members of the public.

Public Realm

At ground level, the building is set back from the Dupont Street property line, between 4.6 and 6.4 metres, resulting in a setback from building face to curb ranging from approximately 8.2 to 9.9 metres. The extent of the cantilever of the upper levels along Dupont Street is limited in order to maintain a 6.0-metre setback from the curb.

The proposed setback is compatible with the adjacent property to the east and will provide an improved public realm. On Ossington Avenue, the building is set back between 1.8 and 5.0 metres from the property, with a setback range of 4.8 to 8.9 metres from building face to curb. The building's massing on the ground floor is consistent with the policies of the Dupont Regeneration Urban Design Guidelines, with the proposed setback from the Dupont Street curb exceeding the Guidelines.

Privately Owned Publicly-Accessible Space (POPS) of approximately 179.1 square meters is proposed along both the Dupont Street and Ossington Avenue frontages, wrapping around the southwest corner of the building. Staff consider the proposed

POPS to be a positive element of the proposal. It will provide a generous amount of seating and will be a gathering place for the general public, residents, visitors, business owners and clients/customers. Staff recommend that the POPS be secured in the Section 37 Agreement. Its final design will be required to include both temporary and permanent seating, wind mitigation elements such as wind screens or umbrellas, and as many trees as possible, and will be secured through the Site Plan Control approval process.

A Landscape Concept Plan submitted in support of the application shows 10 new street trees along Ossington Avenue, benches, and bike rings within the public realm adjacent to the subject site. Along Dupont Street, a new 16-metre long TTC bus stop platform will be constructed to provide adequate room to operate the accessible ramp on buses and will prevent the planting of street trees along this portion of the public right-of-way. City staff will encourage tree planting within the adjacent POPS. A new curb with a tactile walking surface will be required at the southwest corner at the intersection improving accessibility. Further detailed design of the public realm will be addressed during the Site Plan Control review process.

Ground floor uses including the lobby, shared commercial common space, live/work units and entrances to the commercial industrial space will be located along Dupont Street and Ossington Avenue, allowing for access and views from the public realm. The proposed POPS will wrap around the shared commercial common space providing an interface of the interior and exterior ground floor along Dupont Street. The 2-storey live/work units fronting onto Ossington Avenue are required to have commercial uses at the ground level to further animate the public realm.

City staff are satisfied that the proposal is consistent with the applicable public realm policies of the Official Plan.

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 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second 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 a cash-in-lieu payment. The residential component of this proposal is subject to a 10% parkland dedication while the non-residential component is subject to a 2% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Corporate Real Estate Management division. Payment will be required prior to the issuance of the first above grade building permit.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813, Trees, Articles II (Trees on City Streets) and III (Private Tree Protection), commonly referred to as the 'Street Tree By-law' and the 'Private Tree By-law'.

The applicant submitted an Arborist Report in support of the application indicating three street trees and eight private trees on or adjacent to the site that will be negatively impacted by the proposal and require permits for removal.

The applicant has submitted applications to remove three public trees and two private trees. The owner is required to replace all public trees on the road allowance adjacent to the site, and plant replacement private trees at a three to one ratio. The applicant has proposed ten street trees to be planted in the Ossington Avenue right-of-way. The applications are under review.

Prior to site plan approval and issuance of the first building permit, the applicant will be required to revise and submit to the City, Landscape Plan and plan details, for review and acceptance, to the satisfaction of the Supervisor, Tree Protection and Plan Review and address all comments made in the Urban Forestry memo dated May 20, 2022.

Traffic Impact, Access, Parking and Loading

Vehicular access for parking will be from an enclosed driveway from Dupont Street on the southeast corner of the site. A driveway ramp will provide access to a proposed one-level underground parking garage containing 18 parking spaces (6 residential space, 9 residential visitor and commercial/retail spaces, and 3 car-share spaces). Access to a Type G loading space will also be from the driveway.

A total of 174 bicycle parking spaces are proposed, including 142 bicycle parking spaces for residents and 16 spaces for residential visitors on the P1 level and 16 bicycle parking spaces for visitors of the commercial uses located in the public right-of-way. The proposed bicycle parking spaces and loading space meet the Zoning By-law requirements.

Transportation Services staff have reviewed the updated Urban Transportation Considerations Report, prepared by BA Group, dated April 18, 2022, and accepted its conclusions. Transportation Demand Management measures will be secured as part of the Section 37 Agreement. Additional comments related to site access arrangements, site circulation and layout, design of the proposed site entrance driveway, layout of the proposed parking supply including ingress/egress provided thereto, and requirements for electric vehicle infrastructure will be provided through the Site Plan Control review process.

Servicing and Stormwater Management

The applicant has submitted a Functional Servicing and Stormwater Management Report, prepared by Lithos Group Inc., dated October 23, 2019 and revised on July 9, 2021 and April 18, 2022, and a Hydrogeological Review Report, prepared by ESP Services Inc. Inc., dated June 18, 2019, and revised on August 16, 2021, and April 18,

2022, all in support of the proposal. Engineering and Construction Services and Toronto Water staff have reviewed the submitted materials and determined they are acceptable.

The owner will also be required to pay for and construct any improvements to the municipal infrastructure in connection with the site servicing report, should it be determined that upgrades to such infrastructure are required to support this development.

Other issues identified by Engineering and Construction Services staff will be resolved as part of the Site Plan approval process.

Heritage Preservation

The applicant submitted a Heritage Impact Statement, prepared by ERA, dated October 29, 2019, and revised on July 21, 2021, in support of the application. The applicant also provided staff with additional information including a Heritage Conservation Feasibility Study, dated September 14, 2020, which included a Condition Assessment of the existing building.

Heritage Planning staff agree with the conclusions of the Feasibility Study that due to the poor condition of the existing building, replacement of approximately 95%-100% of the existing original exterior material with new material would be required and that the building cannot be reasonably conserved. Complete or partial conservation of the existing building is not required.

A Conservation Strategy for the existing chimney was submitted and a heritage interpretation strategy to commemorate the historic value of the site was proposed.

With regard to the chimney conservation, in-situ conservation is not possible and the chimney is proposed to be relocated and reconstructed within the public realm, at the building entrance, along Ossington Avenue to maximize visibility from the street.

Railway 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 reinforced concrete crash protection wall is proposed, measuring 31.2 metres in length and a minimum of 4.63 metres in height above the top of rail along the north property line. There is no return proposed on the east end due to the approved development at 840-860 Dupont Street and the construction of the ends of the respective crash walls for the subject site and adjacent site are to be coordinated to provide continuous protection. It is proposed that return walls on the west end of the crash wall are not required due to an existing development protecting most of the property and for the only exposed area. Energy balance calculations show that a train will not reach that area.

The proposal meets the functionally equivalent of the Federation of Canadian Municipalities/Railway Association of Canada Guidelines for the mitigation for high occupancy (residential and office) setback with a deflection wall. The detailed structural design of the deflection wall design has been provided as part of the Site Plan Application.

Noise and Vibration

A Noise and Vibration Impact Feasibility Study, prepared by HGC Engineering Ltd., and dated August 23, 2021 was submitted in support of the application. The study assesses the noise and vibration impact of the surrounding sources on the site. Road traffic on Dupont Street and Ossington Avenue generate moderate levels of noise, and rail traffic on the CP rail corridor to the north generates higher levels of noise. Vibration from rail pass-bys in the CP rail corridor will also impact the development. The criteria for both sound and vibration are considered to be reasonable standards for acceptability however vibration levels will be perceived and sound levels audible, therefore mitigation measures and warning clauses are required. The following mitigation measures are recommended:

- Central air conditioning for all residential units;
- An acoustic barrier 1.8 metres in height for the 4th floor outdoor terrace;
- Upgraded building construction for all facades of the building;
- Upgraded building components such as windows, doors and walls;
- Vibration isolation of the foundation wall (crash wall) at the north side; and
- The use of warning clauses in property and tenancy agreements.

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

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 has applied to provide higher levels of sustainability under TGS Tier 2. If the applicant can demonstrate that the proposal achieves higher levels of sustainable design beyond Tier 1, a partial development charge refund may be provided as per the Toronto Green Standard Development Charge Refund program.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Official Plan, particularly as it relates to the provision of an appropriate mix of residential and non-residential uses, and a built form

which provides an appropriate relationship to the surrounding public realm and a suitable transition to adjacent *Neighbourhoods*. Staff recommend that Council support approval of the application.

CONTACT

Sipo Maphangoh, Senior Planner
Telephone: 416-338-2478
E-mail: Sipo.Maphangoh@toronto.ca

Erik Hunter, Manager, Housing Development and Improvement, Housing Secretariat
Tel. No. (416) 397-4251
E-mail: Erik.Hunter@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 Land Use Map
Attachment 4: Existing Zoning By-law Map
Attachment 5: Draft Official Plan Amendment
Attachment 6: Draft Zoning By-law Amendment

Applicant Submitted Drawings

Attachment 7: Site Plan
Attachment 8: Ground Floor Plan
Attachment 9: Elevations

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 888 Dupont Street **Date Received:** October 30, 2019

Application Number: 19 243242 STE 11 OZ

Application Type: OPA & Rezoning

Project Description: A proposed 14-storey mixed-use building.

Applicant	Architect	Owner
Mavi Developments Inc.	Suulin Architects	888 DS TAS LP

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use and Employment Areas	Site Specific Provision:	SASP 212
Zoning:	MCR & IC D2	Heritage Designation:	No
Height Limit (m):	9-storeys/ 35m	Site Plan Control Area:	yes

PROJECT INFORMATION

Site Area (sq m): 2,415 Frontage (m): 31 Depth (m): 77

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,894		1,082	1,082
Residential GFA (sq m):			13,471	13,471
Non-Residential GFA (sq m):	4,785		2,028	2,028
Total GFA (sq m):	5,380		16,708	16,708
Height - Storeys:	4		14	14
Height - Metres:			54	54

Lot Coverage Ratio (%): 57 Floor Space Index: 6.41

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	13,471	
Commercial/Industrial GFA:	2,028	

Residential Units by Tenure	Proposed	Total
Rental:	155	155

Other: Affordable	16	16
Total Units:	155	155

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Proposed:			116	24	15
Total Units:			116	24	15

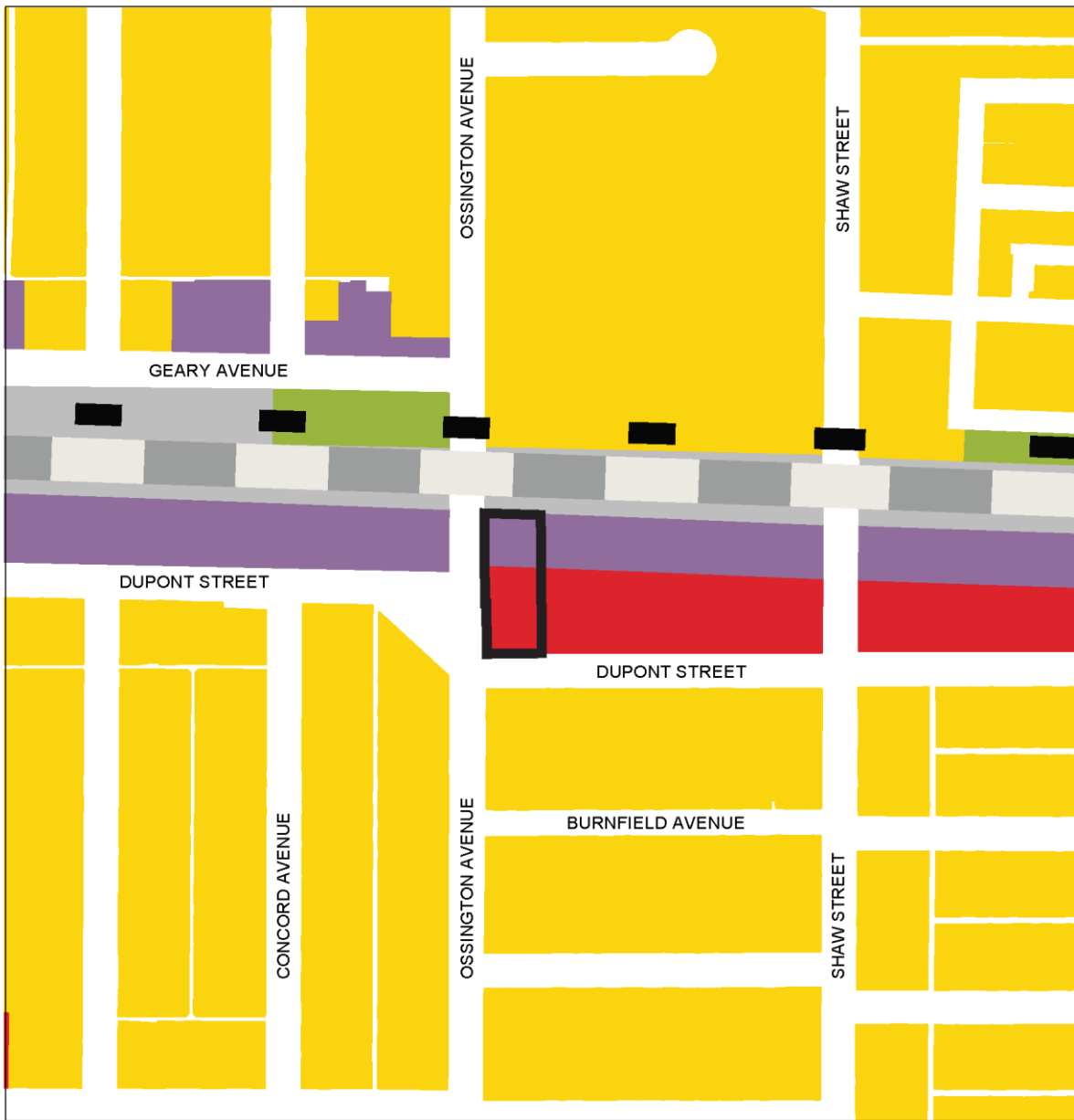
Parking and Loading

Parking Spaces:	18	Bicycle Parking Spaces:	174	Loading Docks:	1
-----------------	----	-------------------------	-----	----------------	---

CONTACT:

Sipo Maphangoh, Senior Planner
416-338-2478
Sipo.Maphangoh@toronto.ca

Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #17

888 Dupont Street

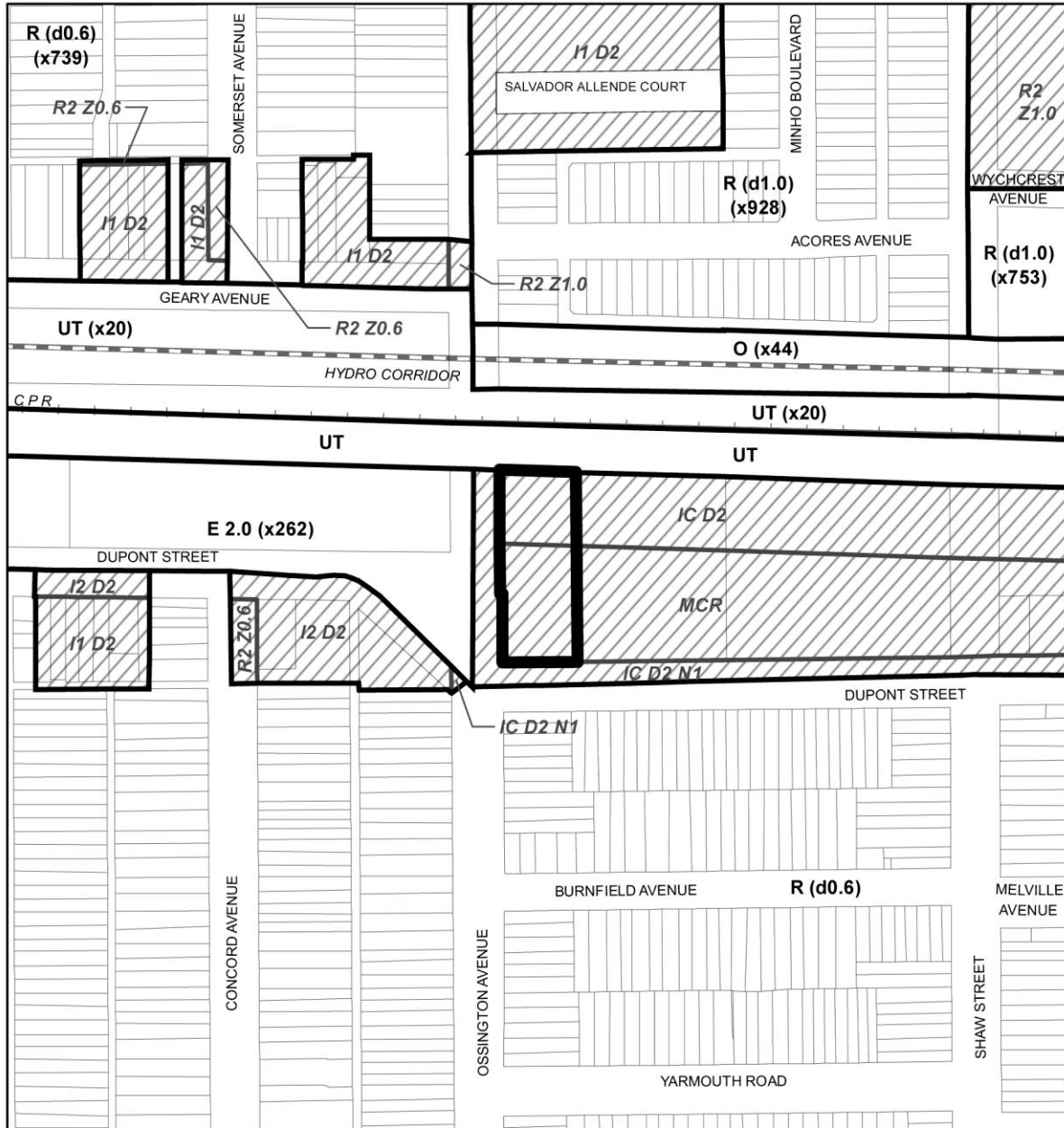
File # 19 243242 STE 11 OZ

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas
-  Parks & Open Space Areas
-  Parks
-  Utility Corridors
-  General Employment Areas



Not to Scale
11/07/2019

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

888 Dupont Street

File # 19 243242 STE 11 0Z



Location of Application

R Residential
E Employment Industrial O Open Space
UT Utility and Transportation

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

R2 Residential District
I1 Industrial District
I2 Industrial District
IC Industrial District



Not to Scale
Extracted: 05/13/2022

Attachment 5: Draft Official Plan Amendment

CITY OF TORONTO

BY-LAW No. ~-2021

To adopt an amendment to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2018 as 888 Dupont Street

WHEREAS authority is given to Council under the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

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 HEREBY ENACTS as follows:

1. The attached Amendment 587 to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY, JOHN ELVIDGE,
Mayor City Clerk

(Corporate Seal)

AMENDMENT NO. 587 TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2018 AS
888 Dupont Street

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

Chapter 7, Site and Area Specific Policy 212 is amended by removing the property municipally known in the year 2021 as 888 Dupont Street:



Official Plan Amendment #587

888 Dupont Street

File # 19 243242 STE 11 0Z

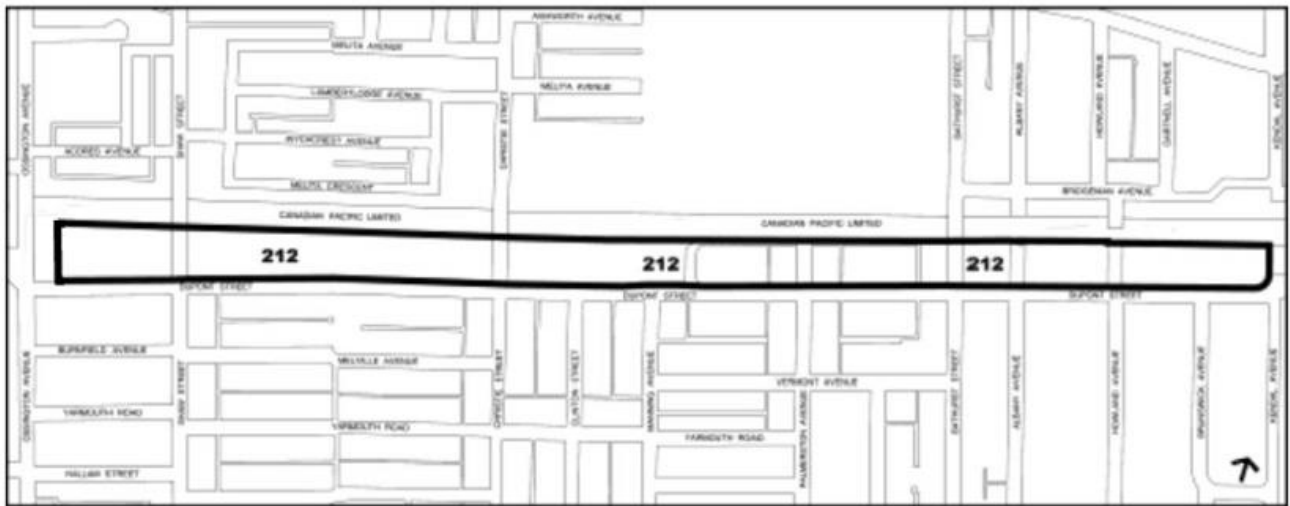
 OPASubject Site



05/20/2022

Key Map

Map 28, Site and Area Specific Policies, are amended by removing the lands municipally known in 2021 as 888 Dupont Street, as shown on the map below from Site and Area Specific Policy No. 212.

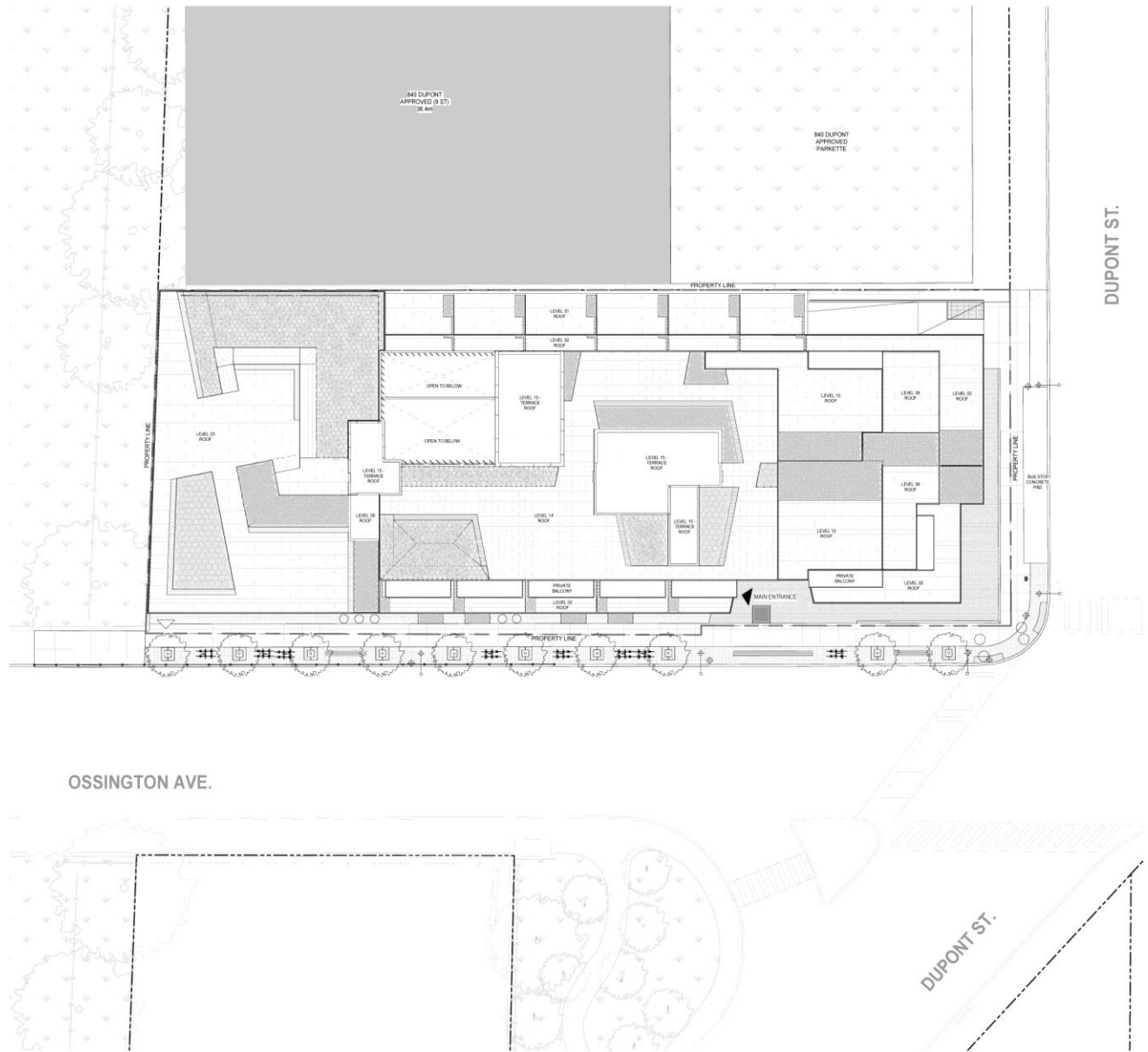


SASP 212 Map

Attachment 6: Draft Zoning By-law Amendment

To be available at the June 29, 2022 Toronto and East York Community Council Meeting.

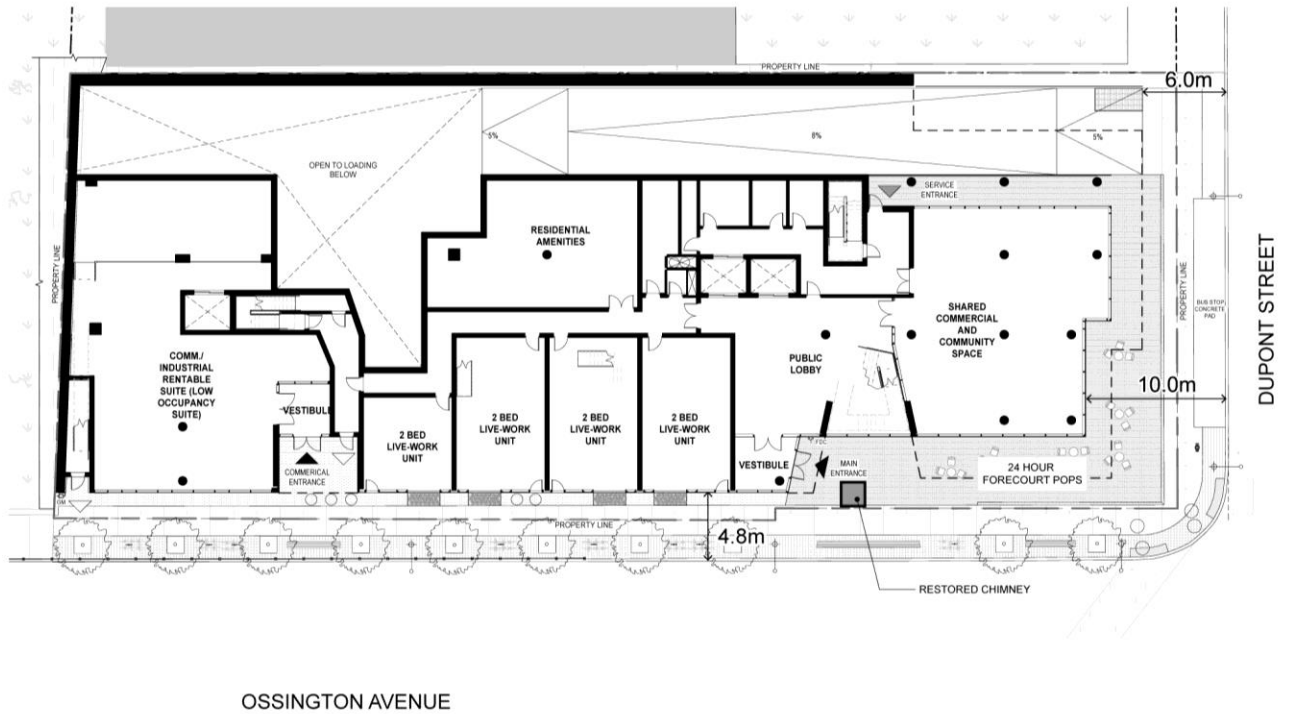
Attachment 7: Site Plan



Site Plan



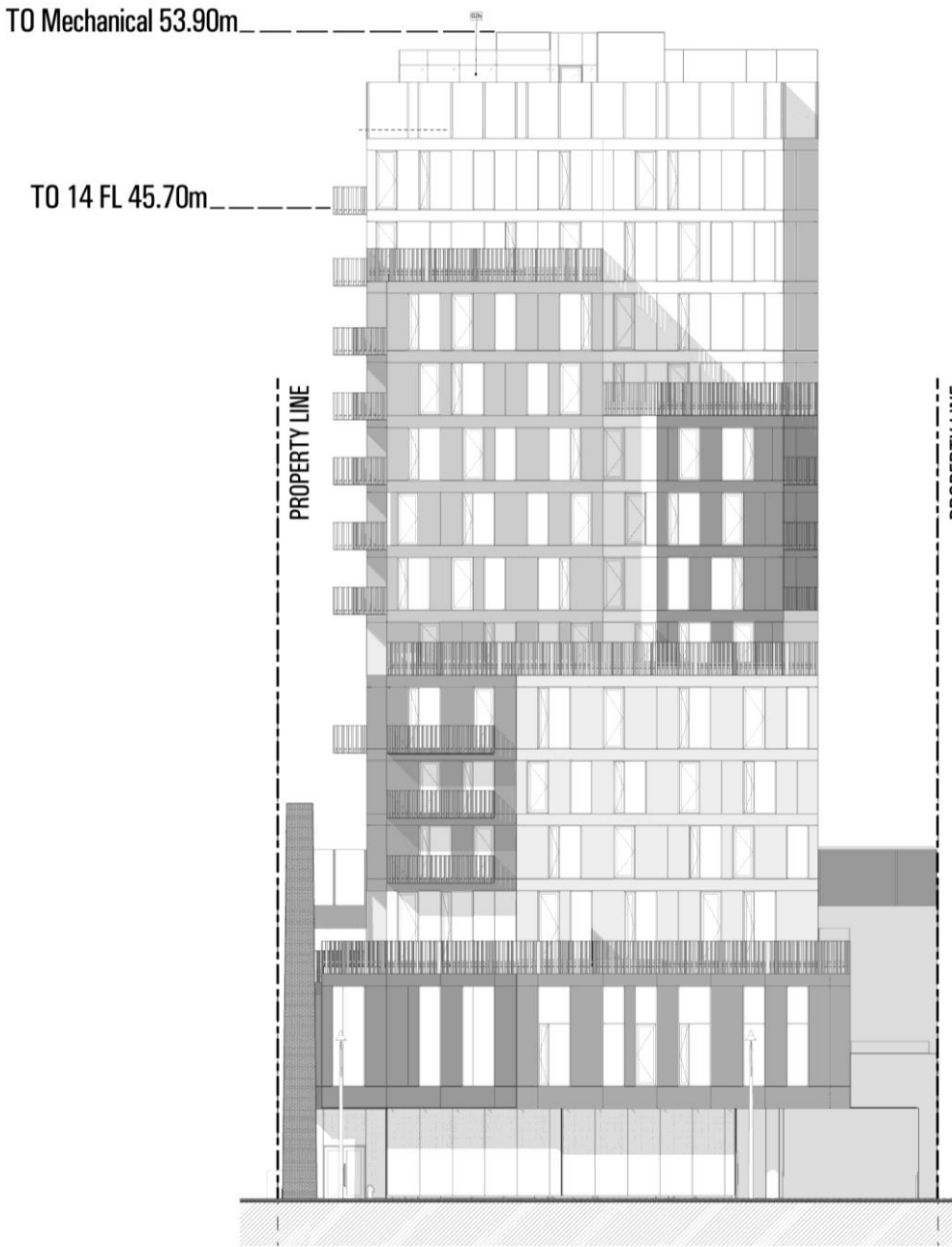
Attachment 8: Ground Floor



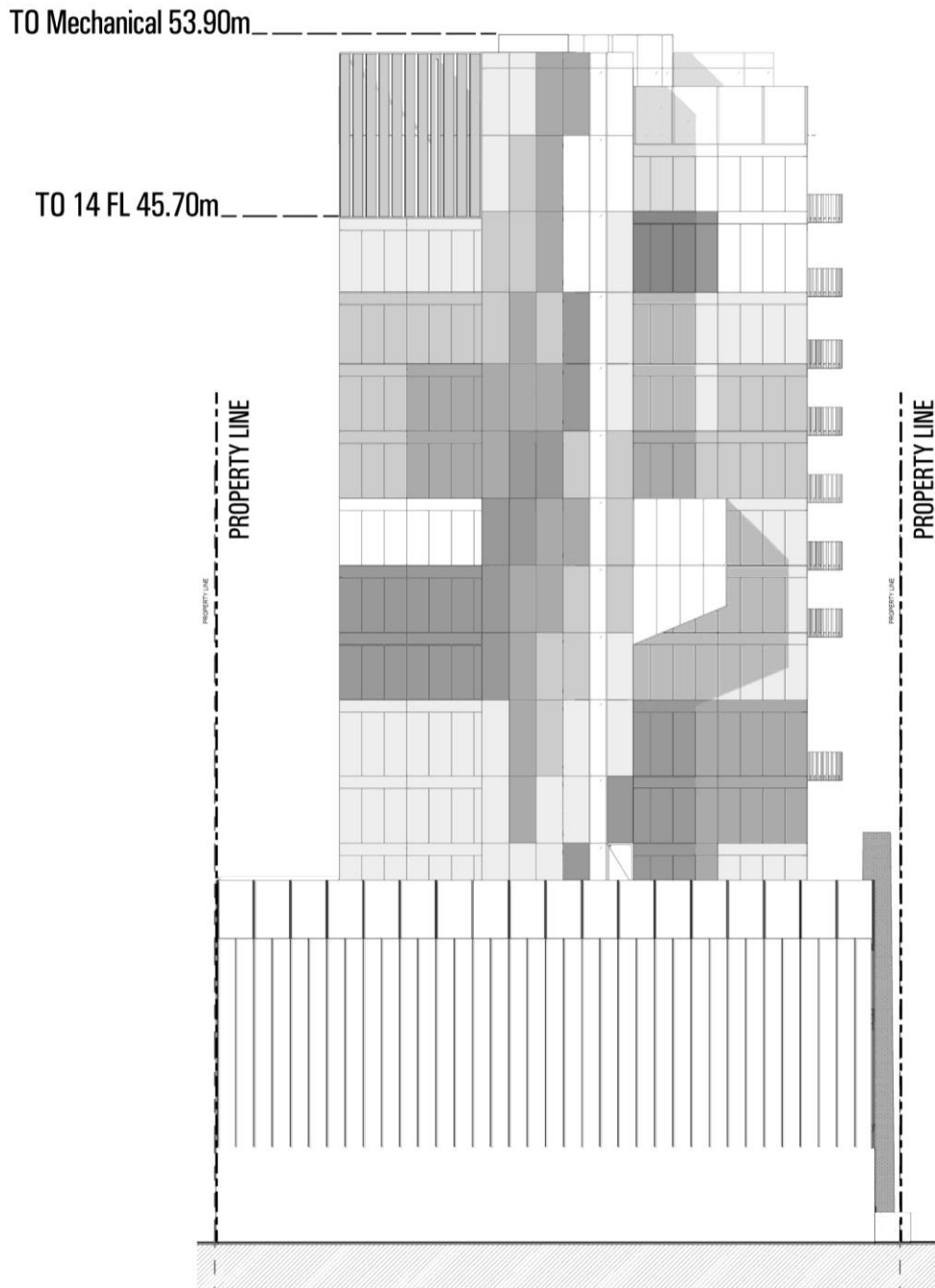
Ground Floor Plan



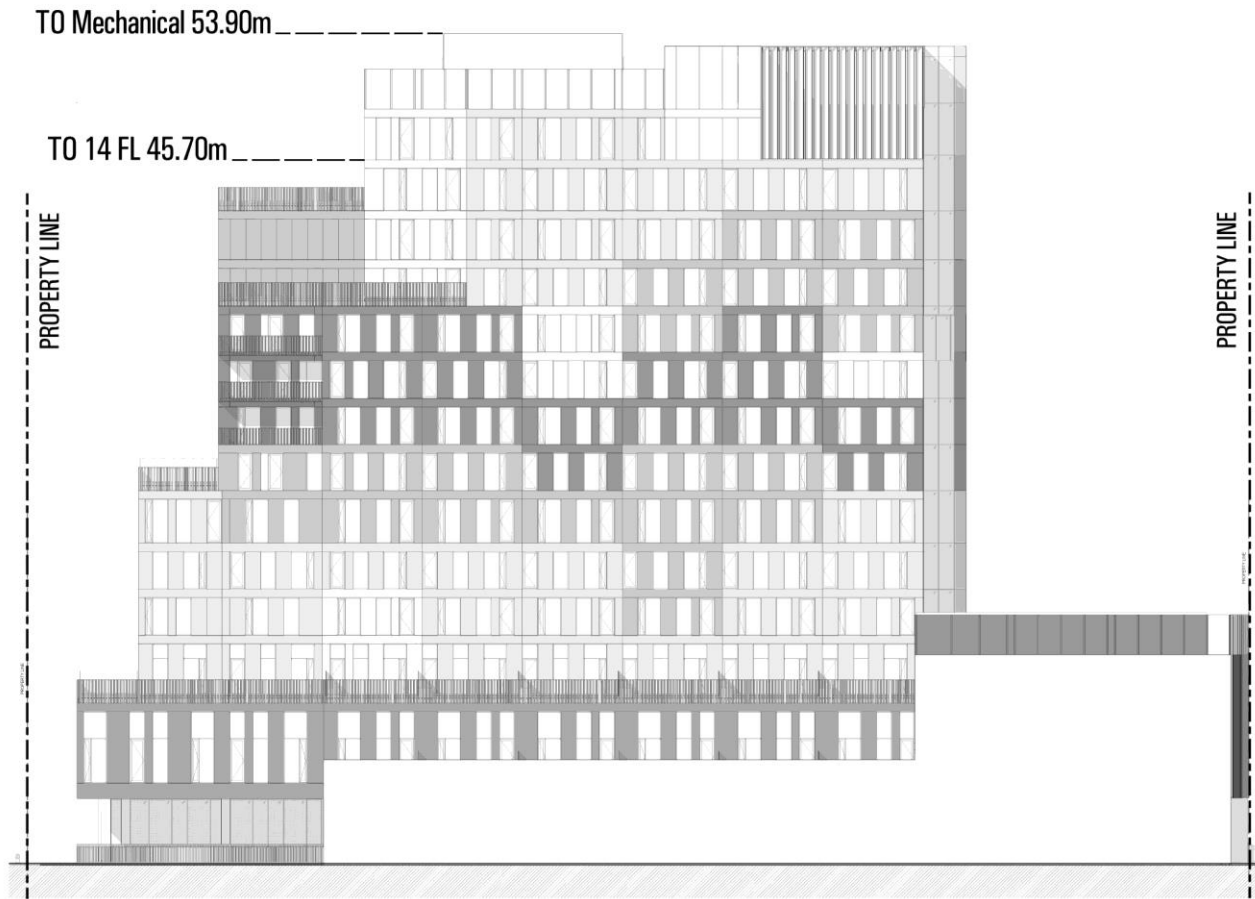
Attachment 9: Elevations



South Elevation



North Elevation



East Elevation



West Elevation