

374-390 Dupont Street – Official Plan and Zoning By-law Amendment Application – Decision Report – Approval

Date: May 5, 2023

To: Toronto and East York Community Council

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

Ward: 11 - University-Rosedale

Planning Application Number: 20 233616 STE 11 OZ

SUMMARY

This report reviews and recommends approval of an application to amend the Zoning By-law to permit a 12-storey mixed use building at 374-390 Dupont Street. The building is proposed to contain 256 dwelling units and 1,000 square metres of non-residential gross floor area.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 374-390 Dupont Street substantially in accordance with the draft Official Plan Amendment included as Attachment No. 6 to this report.
2. City Council amend Zoning By-law 569-2013, for the lands at 374-390 Dupont Street substantially in accordance with the draft Zoning By-law Amendment included as Attachment No. 7 to this report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment or draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the owner to:
 - a) submit a Functional Servicing and Stormwater Management Report for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and

b) submit a revised Rail Safety Report for review and acceptance to the satisfaction of the Director, Community Planning, Toronto and East York District.

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 February 24, 2021. The Toronto and East York Community Council Decision is available here: <https://secure.toronto.ca/council/agenda-item.do?item=2021.TE23.48>

THE SITE

Description: The site is located on the north side of Dupont Street, west of Spadina Road, east of Bathurst Street, and south of the Canadian Pacific Railway corridor. It is generally rectangular and has an area of 4,004 square metres with a frontage of 68 metres on Dupont Street and a depth of 59 metres.

Existing Use: Four single- to two-storey commercial buildings, including a fitness studio, vehicle rental outlet, garage, and a commercial building containing retail, service, and office uses. The site has an existing non-residential gross floor area of approximately 2,520 square metres.

THE APPLICATION

Description: A 12-storey (42-metre excluding the mechanical penthouse) mixed-use building containing 256 dwelling units and 1,000 square metres of non-residential gross floor area.

Density: 4.4 times the area of the lot.

Non-Residential: A total of 1,000 square metres of grade-related retail.

Dwelling Units: The proposed 256 dwelling units include 2 studio (1%), 179 one-bedroom (70%), 49 two-bedroom (19%), and 26 three-bedroom (10%) units.

Amenity Space: The proposal includes 4 square metres per unit of combined indoor and outdoor amenity space (1,034 square metres total).

Parking, Loading and Access: The proposal contains a total of 94 vehicular parking spaces (15 visitor and 79 resident), one Type G loading space, and 256 bicycle parking spaces.

Additional Information: See Attachment 1 to this report for the location map, Attachment 2 for the application data sheet, Attachment 8 for the site plan, Attachments 9-10 for three-dimensional representations of the proposal in context, and Attachments 11-14 for elevations.

Detailed project information, including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at:
www.toronto.ca/388Dupont

Reasons for Application: The proposal requires an amendment to Site and Area Specific Policy 212 of the Official Plan to permit the height and minimum non-residential gross floor area requirements.

The proposal requires an amendment to the Zoning By-law to vary performance standards, including maximum building height, maximum gross floor area, minimum ratios of larger dwelling units, maximum projections and encroachments, permitted uses in the Employment Light Industrial (EL) zone, the location of amenity space, minimum vehicular and bicycle parking spaces and dimensions, and minimum loading space requirements.

Site Plan Control: A Site Plan Control application was submitted on October 31, 2021.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement, and shall conform to provincial plans.

Official Plan: The site is split designated. Along Dupont Street, the site is designated Mixed Use Areas and adjacent to the rail corridor it is designated Employment Areas. See Attachment 3 of this report for the Official Plan Land Use Map.

Downtown Plan: The southern portion of the site is designated Mixed Use Areas 3, which generally are in the form of mid-rise buildings, with some low-rise and tall buildings permitted based on compatibility.

The Downtown Plan also designates this section of Dupont Street as a Priority Retail Street.

Site and Area Specific Policy (SASP) 212: SASP 212, as amended by the Ontario Land Tribunal in 2017, establishes policy requirements for new development on the north side of Dupont Street between Kendal Avenue and Ossington Avenue, including that new development:

- Be focused on the pedestrian realm, containing entrances to retail, places to sit, weather protection, privately owned publicly-accessible spaces, and include animated ground floor uses;
- Provide a minimum curb to building setback of 4.8 metres;
- Provide a transition in height that respects the scale of low-rise residential Neighbourhoods on the south side of Dupont Street and is in proportion to the width of the Dupont Street right-of-way, to a maximum of 9-storeys in height;
- Provide adequate privacy, sunlight, and sky views for new and existing residents by ensuring adequate separation distance between building walls;
- Provide a net-increase of non-residential gross floor area;
- Include infrastructure for bicycles, car sharing spaces; and
- Provide acceptable rail safety mitigation measures and mitigate noise and vibration impacts from the rail corridor.

Zoning: The site is split zoned under former City of Toronto Zoning By-law 438-86. The southern portion of the site is zoned MCR with a height limit of 31 metres if the development has only 1 storey of commercial uses or 35 metres if the development has 2 storeys of commercial uses. The northern portion of the site is zoned IC D2 with a height limit of 14 metres and a density of 2 times the area of the lot.

The site is not subject to Zoning By-law 569-2013. See Attachment 5 of this report for the Zoning By-law Map.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Performance Standards for Mid-Rise Buildings and Addendum;
- Dupont Street Regeneration Study;
- Growing Up Guidelines Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines.

The City's Design Guidelines can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Toronto Green Standard

The Toronto Green Standard (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 TGS. The TGS can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION

A virtual community consultation meeting was hosted by City staff on March 29, 2021. Approximately 54 people participated, as well as the former Ward Councillor. Following a presentation by City staff and the applicant, the following comments and issues were raised:

- Concern over the height and massing of the proposal;
- Conformity with the Dupont Street Regeneration Study;
- Appropriate building setbacks to ensure that the north side of Dupont Street does not become a solid wall of new development;
- Appropriate unit mix and size;
- Adequate setbacks from Dupont Street;
- Adequate soft landscaping and open space on the site;
- Concern over the loss of significant retail space (specifically the coffee shop and fitness facility);
- Need for more trees on Dupont Street;
- Mitigation of impacts on neighbours;
- Concern over increased traffic on Dupont Street and in the surrounding residential street network;
- Adequate provision of vehicular parking spaces;
- Rail safety and mitigation of noise and vibration impacts;
- Appropriate mitigation of shadow and wind impacts; and
- Appropriate construction management.

Following the Community Consultation Meeting, a working group was established which met several times to discuss revisions to the proposal. The issues raised through community consultation have been considered through the review of the application.

COMMENTS

Provincial Land-Use Policies

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the proposal for consistency with the Provincial Policy Statement (PPS), and conformity with the Growth Plan. Staff find the proposal to be consistent with the PPS and in conformity with the Growth Plan.

Land Use

The proposed Official Plan Amendment to permit a reduction in the amount of non-residential floor area currently on the site is acceptable. The proposal will provide an appropriate mix of uses on the site including a minimum of 1,000 square metres of non-residential gross floor area. All non-residential floor area is grade-related and the building has been design so as to permit additional outdoor patio space fronting onto Dupont Street which will function as a further extension of the commercial space.

On the north side of the property within 20 metres of the rail corridor, no high occupancy uses, such as residential dwelling units or retail space, are proposed. This is to ensure safety in the event of a derailment along the rail corridor. Low occupancy uses are proposed within the 20 metre setback area, including a parking garage, bicycle storage room, garbage room, and a landscaped area including a dog run.

Built Form

The massing of the building fits within the existing and planned context and conforms with the applicable Official Plan and SASP 212 policies. It also meets the intent of the Dupont Street Regeneration Study Urban Design Guidelines.

The overall height of the building is 42 metres, excluding the mechanical penthouse. This height is in keeping with recent decisions along the northern side of the Dupont Street corridor within the SASP 212 area.

The Dupont Street frontage will have a 9.5-metre setback to the building face and a 12.5-metre (3-storey) base building. Above the base, the proposed building rises to a height of 34 metres (ten storeys) and then steps back a further 3 metres to the eleventh storey, and 6 metres at the twelfth storey.

The east and west sides of the proposed building are built to the property line up to a height of 15 metres (four storeys), where the massing steps back 5.5 metres to a height of 34 metres (ten storeys). Above 34 metres in height (10 storeys), the building steps back a further 1.5 metres at the eleventh storey and another 2 metres at the twelfth storey on both the east and west sides.

The front and side step backs at the eleventh and twelfth storeys reduce the impact of the upper levels of the proposed building on the public realm and provide an appropriate transition to the Neighbourhoods on the south side of Dupont Street. The step back from the east and west property lines above the fourth storey further ensure that massing along Dupont Street will be appropriately separated and that adequate privacy, sun light, and sky views will be provided.

Adjacent to the rail corridor along the northern property line, a train safety derailment wall is proposed for the full width of the site. A landscaped area and single-storey base building containing only low-occupancy uses is proposed within 20 metres of the northern property line to ensure safety in proximity to the rail corridor. Beyond the 20 metre setback, the building rises without any further step backs to its full 42-metre height.

Public Realm

The proposal conforms with the applicable public realm policies of the Official Plan, the Downtown Plan, and Site and Area Specific Policy 212.

The proposal provides a 12.2-metre curb to building face setback along Dupont Street, which will allow for an enhanced streetscape with a forecourt that includes ten new

street trees, soft landscaping, seating, and retail patio spaces. The setback will contribute to pedestrian comfort along the north side of Dupont Street and is a significant improvement to the existing surface parking areas on the site. The creation of a soft landscaped and tree-planted edge zone along the curb will be explored through the site plan process.

The proposed brick on the base building and the articulation of the retail bays creates interest reflects the industrial character of the corridor as outlined in the Dupont Street Regeneration Study Urban Design Guidelines.

Shadow and Wind Impact

The shadow and wind impacts resulting from the proposal are acceptable. The applicant submitted a shadow study that shows the extent of the new shadow cast by the proposed building on the spring and fall equinoxes (March 21 and September 21). The proposal has no shadow impacts on any Neighbourhoods or parks from 9:18 am to 5:18 pm during the equinoxes.

A pedestrian-level wind study for the proposal was also submitted in support of the application. The study indicates that wind conditions for pedestrians in the vicinity of the site and over the proposed amenity terraces are all suitable for their intended uses throughout the year.

City Planning staff have reviewed the shadow and pedestrian-level wind studies and are satisfied with their conclusions.

Unit Mix

The Growing Up Guidelines indicate that a building should provide a minimum of 25% large units, of which 10% should be three-bedroom units, and 15% should be two-bedroom units. The proposed development meets these requirements with the provision of 49 two-bedroom units and 26 three-bedroom units.

The Downtown Plan further requires that an additional 15% of units be a combination of 2-bedroom and 3-bedroom units, or units that can be converted to 2 and 3 bedroom units through the use of accessible or adaptable design measures. While the architectural plans for this proposal do not currently show convertible units, the Zoning By-law Amendment includes the additional 15% convertible units.

Site Access, Parking, and Loading

A Transportation Impact Study was submitted to assess the traffic impact, access, parking and loading arrangements for this development. Vehicular access for loading and parking will be from Dupont Street on the west side of the site. A total of 94 vehicular parking spaces will be provided in a below-grade parking garage. A Type G loading space will also be provided.

Rail Safety and Mitigation

A Rail Safety Report 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 to extend the full length of the northern property line of the site along with a 20-metre setback to any high occupancy uses.

The City's peer reviewer has recommended modifications to the crash protection wall. The applicant has agreed to resolve these recommendations to the satisfaction of the peer reviewer. The draft by-law permits the necessary modifications to the crash protection wall and a revised Rail Safety Report is required to be submitted for the review and acceptance of the Director, Community Planning, Toronto and East York District prior to the enactment of the Bill.

Parkland

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is to satisfy the parkland dedication requirement through a cash-in-lieu payment. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above-grade building permit.

Servicing

Engineering and Construction Services staff have reviewed the submitted materials and have identified several outstanding items for review, and require the Functional Servicing and Stormwater Management Report to be revised and submitted to the City for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, prior to the enactment of the Bill.

Community Services and Facilities

The Official Plan establishes and recognizes that the provision of an investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods and include matters such as recreation, libraries, childcare, local schools, public health, and human and cultural services. Providing for a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

Toronto Green Standard

The Toronto Green Standard (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 encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

CONTACT

Corinna Prior, Senior Planner
Tel. No. 416-392-5651
E-mail: Corinna.Prior@toronto.ca

SIGNATURE

Oren Tamir, Acting Director
Community Planning, Toronto and East York District

ATTACHMENTS

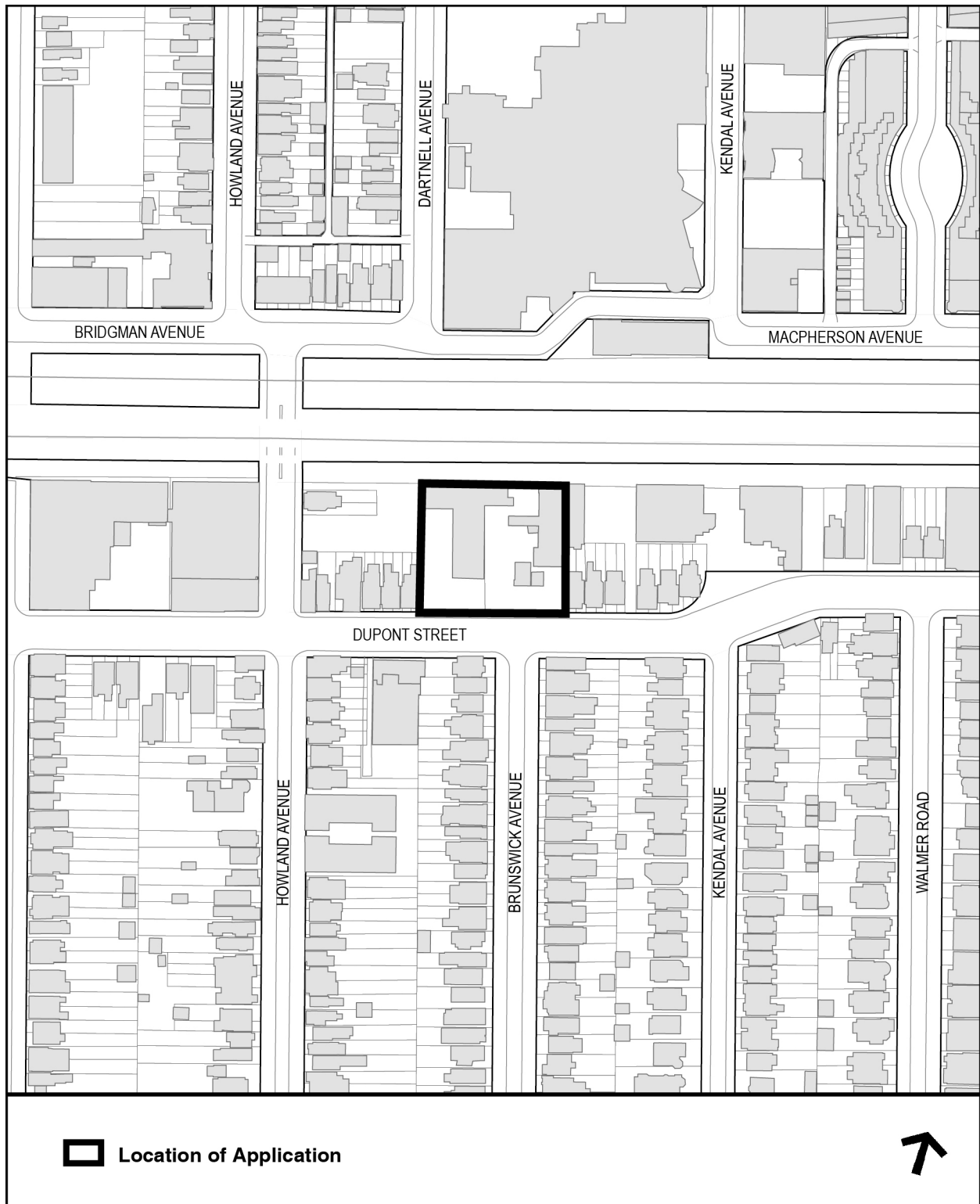
City of Toronto Data/Drawings

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: Official Plan Land Use Map
Attachment 4: Downtown Plan Mixed Use Areas Map
Attachment 5: Existing Zoning By-law Map
Attachment 6: Draft Official Plan Amendment
Attachment 7: Draft Zoning By-law Amendment

Applicant Submitted Drawings

Attachment 8: Site Plan
Attachment 9: 3D Model of Proposal in Context - Northeast
Attachment 10: 3D Model of Proposal in Context - Northwest
Attachment 11: East Elevation
Attachment 12: South Elevation
Attachment 13: West Elevation
Attachment 14: North Elevation

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 374-390 Dupont Street **Date Received:** February 24, 2021

Application Number: 20 233616 STE 11 OZ

Application Type: Rezoning

Project Description: A 12-storey mixed-use building, containing 256 dwelling units and 1,000 square metres of non-residential gross floor area.

Applicant	Agent	Architect	Owner
Bousfields c/o Michael Bisset		BDP Quadrangle	374 Dupont Street Limited & 388 Dupont Street Limited

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas and Employment Areas	Site Specific Provision:	Y
Zoning:		Heritage Designation:	N
Height Limit (m):	14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 4,004 Frontage (m): 68 Depth (m): 59

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,717	1,717
Residential GFA (sq m):			16,687.0	16,687.0
Non-Residential GFA (sq m):			1,022	1,022
Total GFA (sq m):			17,709.0	17,709.0
Height - Storeys:			12	12
Height - Metres:			42	42

Lot Coverage Ratio (%): 59 Floor Space Index: 4.4

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	16,539	148
Retail GFA:	1,022	
Office GFA:		

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			256	256
Other:				
Total Units:			256	256

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		2	179	49	26
Total Units:		2	179	49	26

Parking and Loading

Parking Spaces:	94	Bicycle Parking Spaces:	Loading Docks:	1 (Type G)
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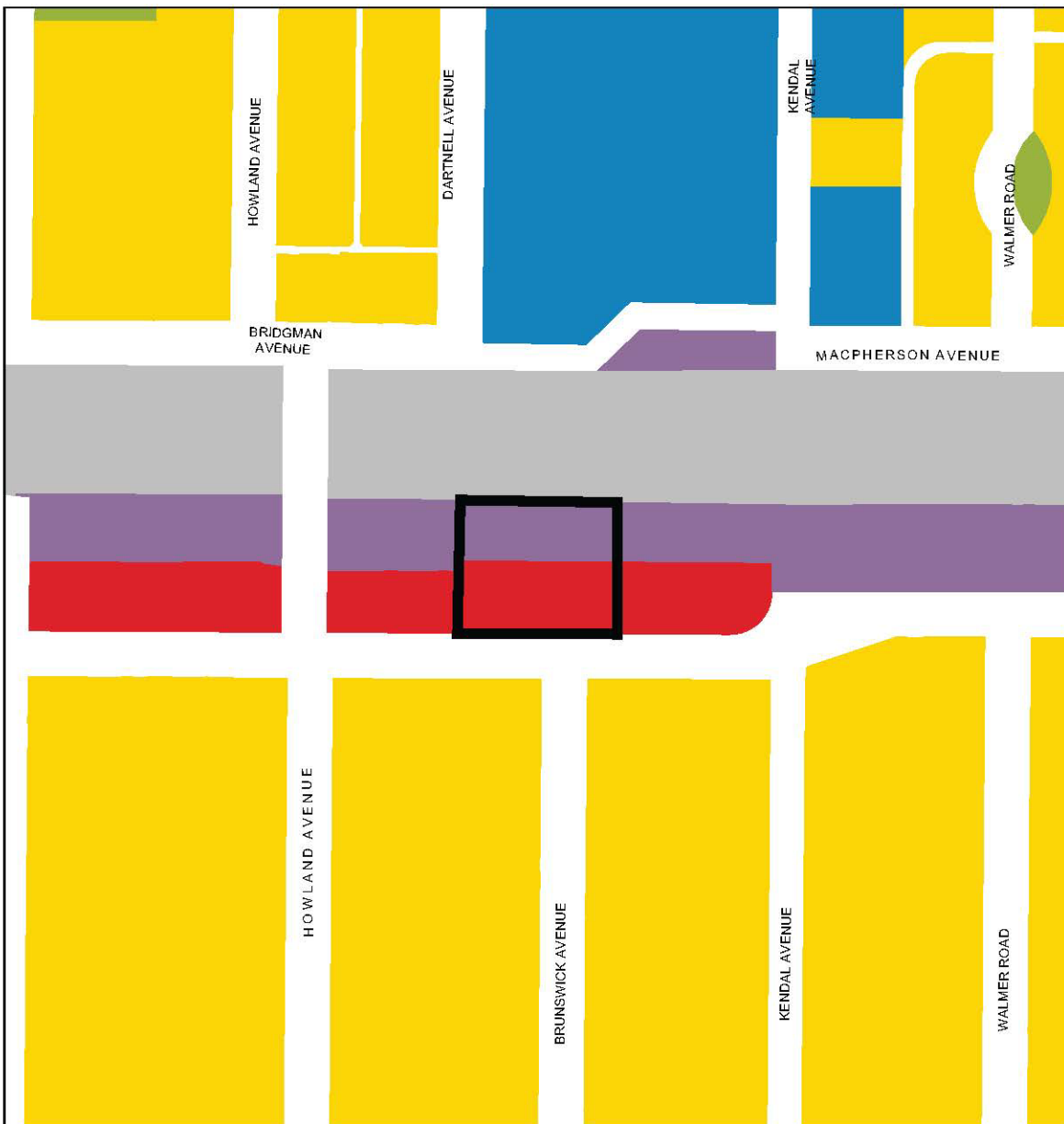
CONTACT:

Corinna Prior, Senior Planner

Tel. 416-392-5651

Corinna.Prior@toronto.ca

Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #17

374-388 Dupont Street

File # 20 233616 STE 11 02



Location of Application

Neighbourhoods

Mixed Use Areas

Parks & Open Space Areas

Parks

Institutional Areas

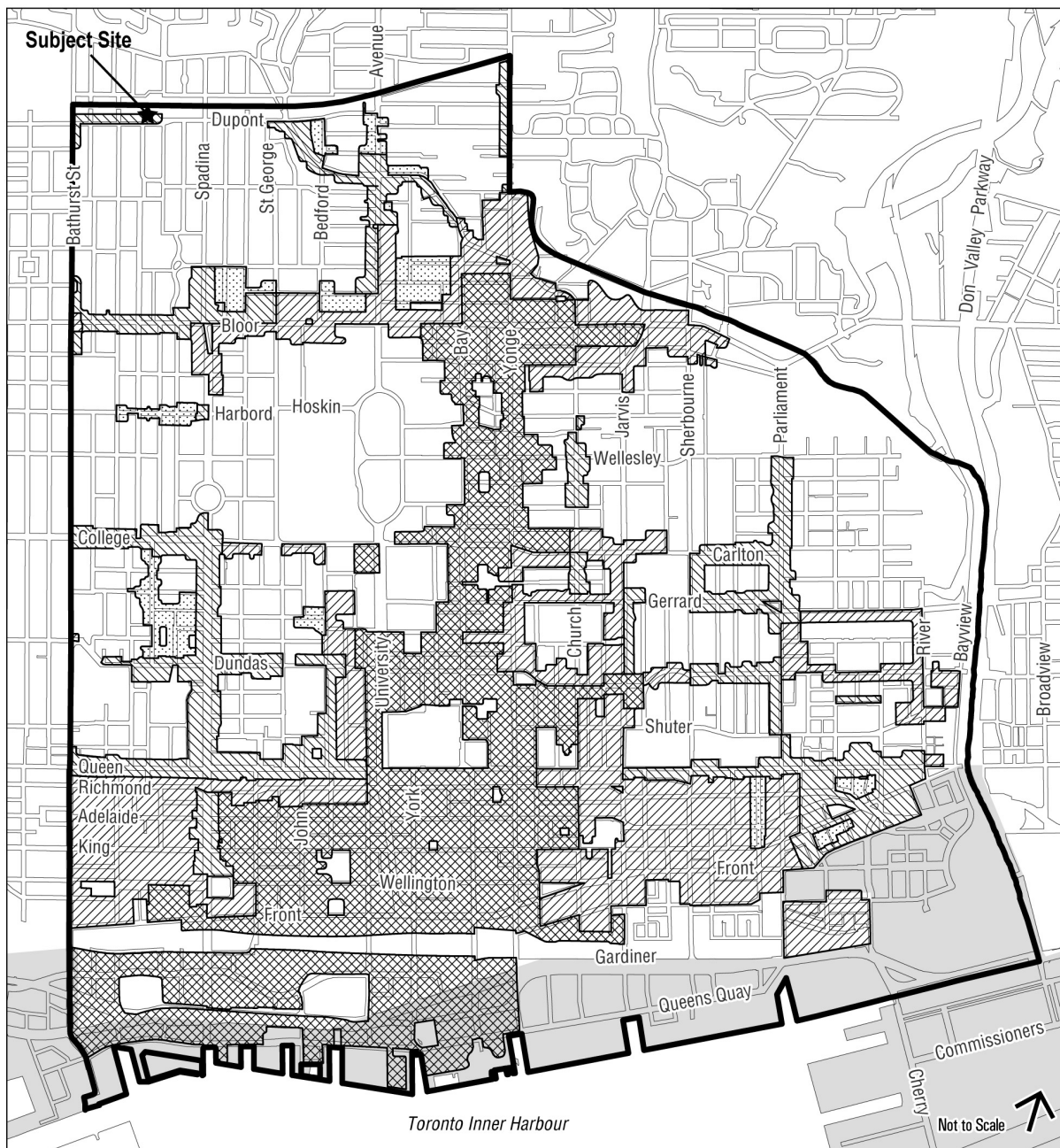
Utility Corridors

General Employment Areas



Not to Scale
Extracted: 01/13/2021

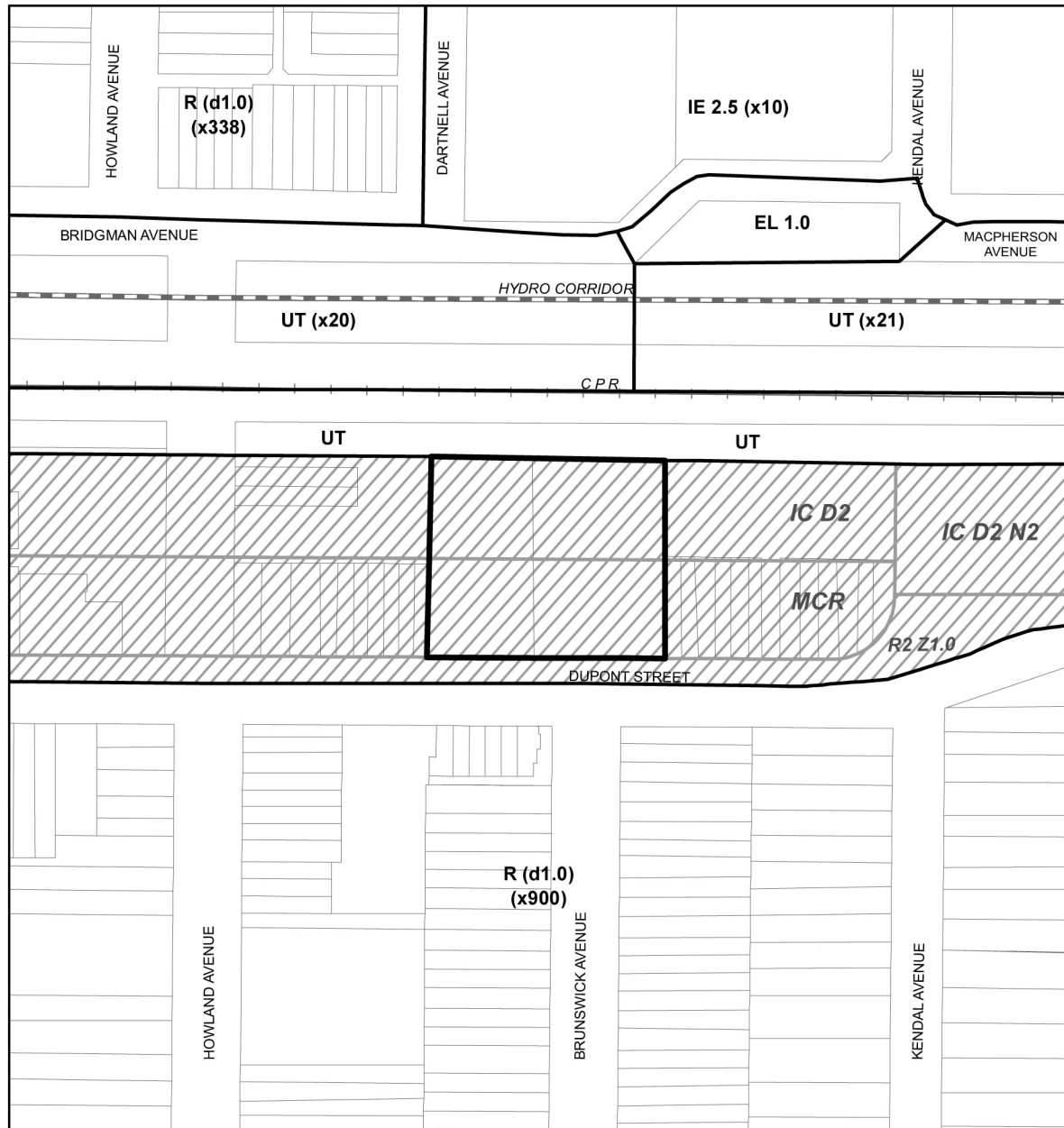
Attachment 4: Downtown Plan Mixed Use Areas Map



Downtown Plan MAP 41-3 Mixed Use Areas

- | | |
|----------------------------------|-----------------------------------|
| Downtown Plan Boundary | Central Waterfront Secondary Plan |
| Mixed Use Areas 1 - Growth | Subject Site |
| Mixed Use Areas 2 - Intermediate | |
| Mixed Use Areas 3 - Main Street | |
| Mixed Use Areas 4 - Local | |

Attachment 5: Existing Zoning By-law Map



Zoning By-law 569-2013

374-388 Dupont Street

File # 20 233616 STE 11 OZ



Location of Application

R
EL

Residential
Employment Light Industrial

IE
UT

Institutional Education
Utility and Transportation



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

R2
MCR
IC

Residential District
Mixed-Use District
Industrial District



Not to Scale
Extracted: 05/01/2023

Attachment 6: Draft Official Plan Amendment

Authority: Toronto and East York Community Council, Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

BY-LAW No. ~ -20~

To adopt Official Plan Amendment 656 to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2022 as 374-388 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; and

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

The Council of the City of Toronto enacts:

1. The attached Amendment 656 to the Official Plan is adopted pursuant to the Planning Act, as amended.

Enacted and passed on xxx, 20 ~.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

AMENDMENT 656 TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2022 AS 374-388 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 adding new Policy 12 as follows:

12. 374-388 Dupont Street

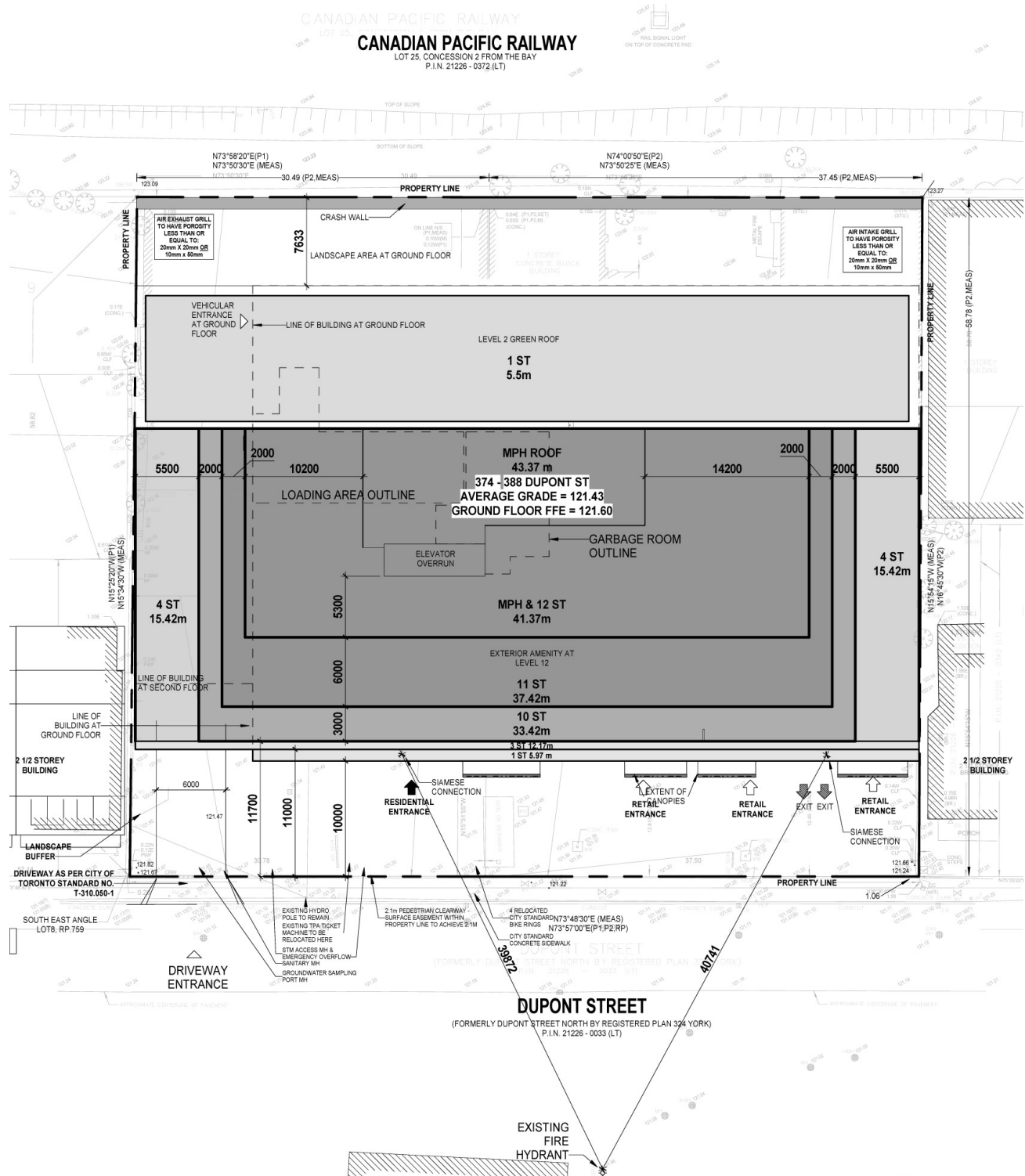
12.1 Notwithstanding Policy 3.2 of Site and Area Specific Policy 212, new buildings within the Mixed-Use Areas portion of the on the lands municipally known as 374-388 Dupont Street shall have a maximum height of 12-storeys.

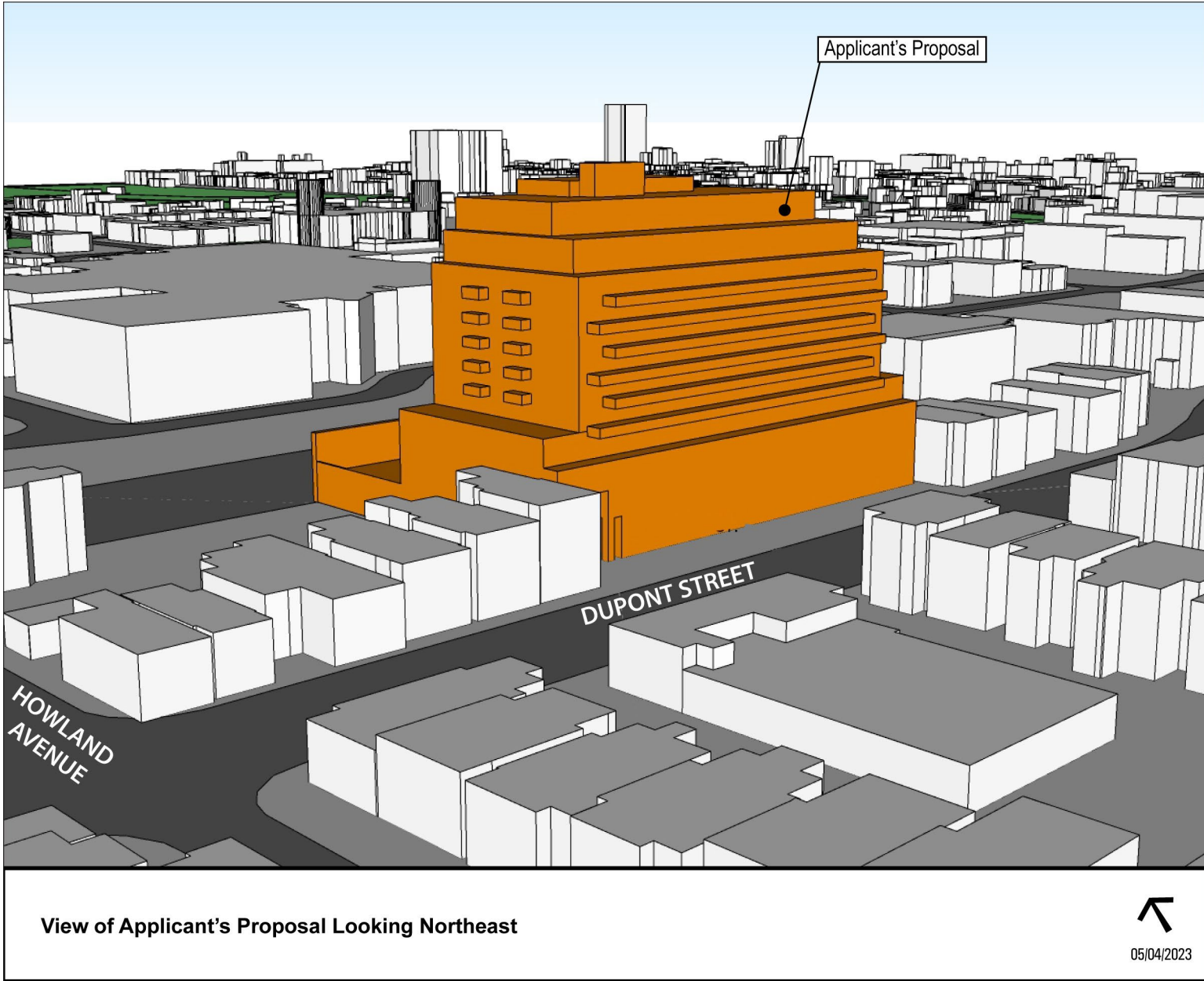
12.2 Notwithstanding Policy 4.1 of Site and Area Specific Policy 212, a minimum of 1,000 square metres of non-residential gross floor area is required on the lands municipally known as 374-388 Dupont Street.

Attachment 7: Draft Zoning By-law Amendment

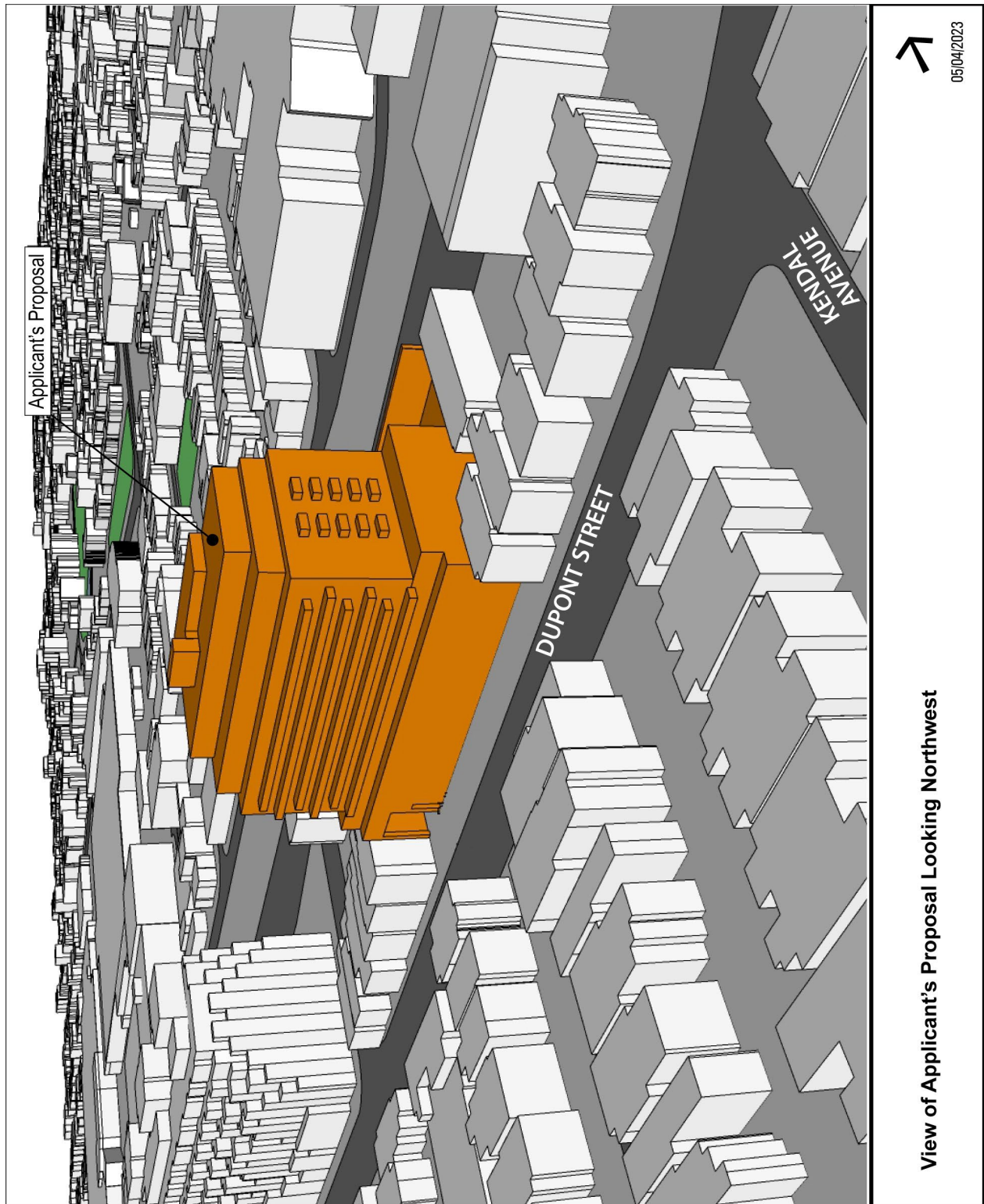
The draft By-law Amendment will be made available on or before the May 24, 2023, Toronto and East York Community Council Meeting.

Attachment 8: Site Plan

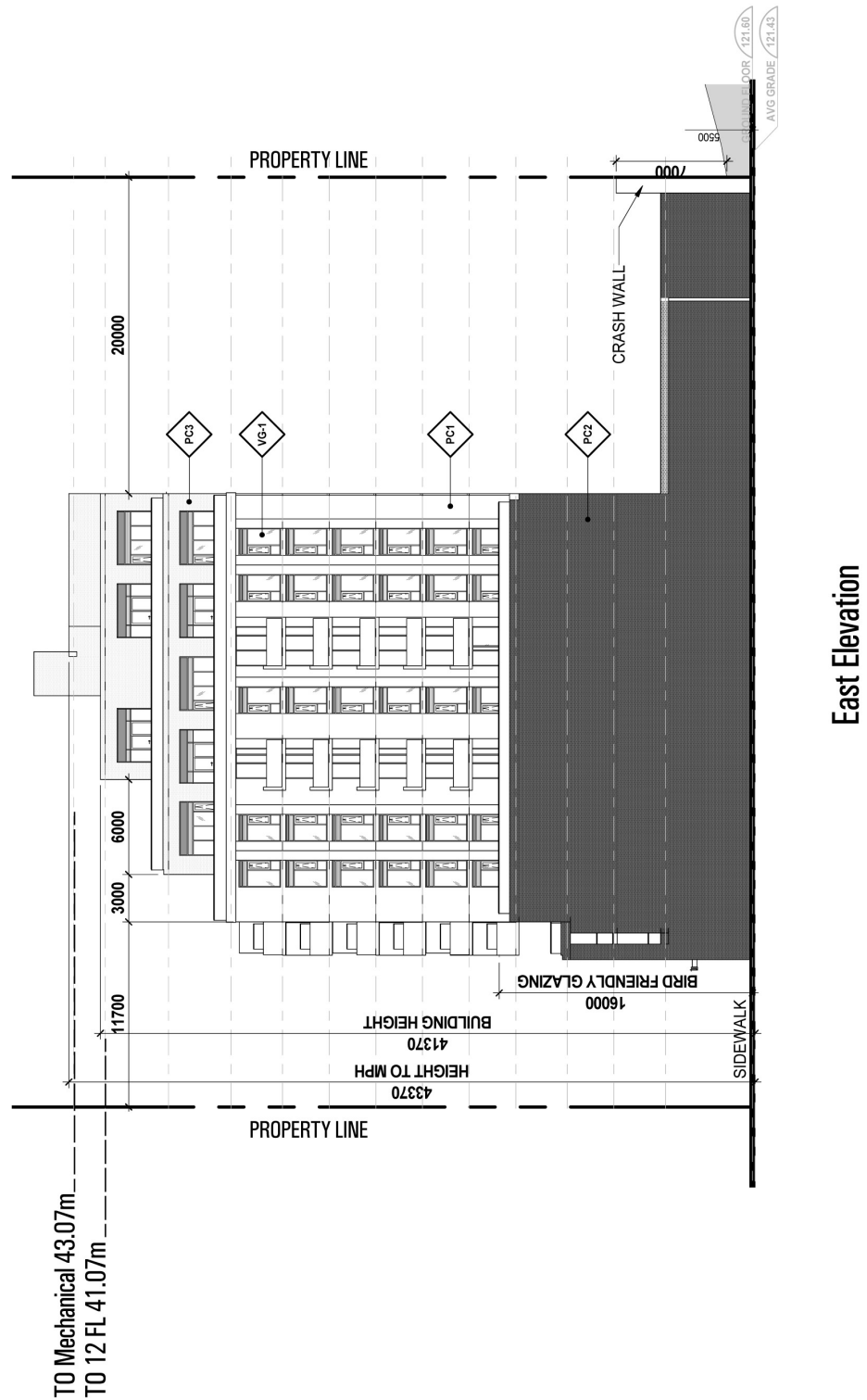




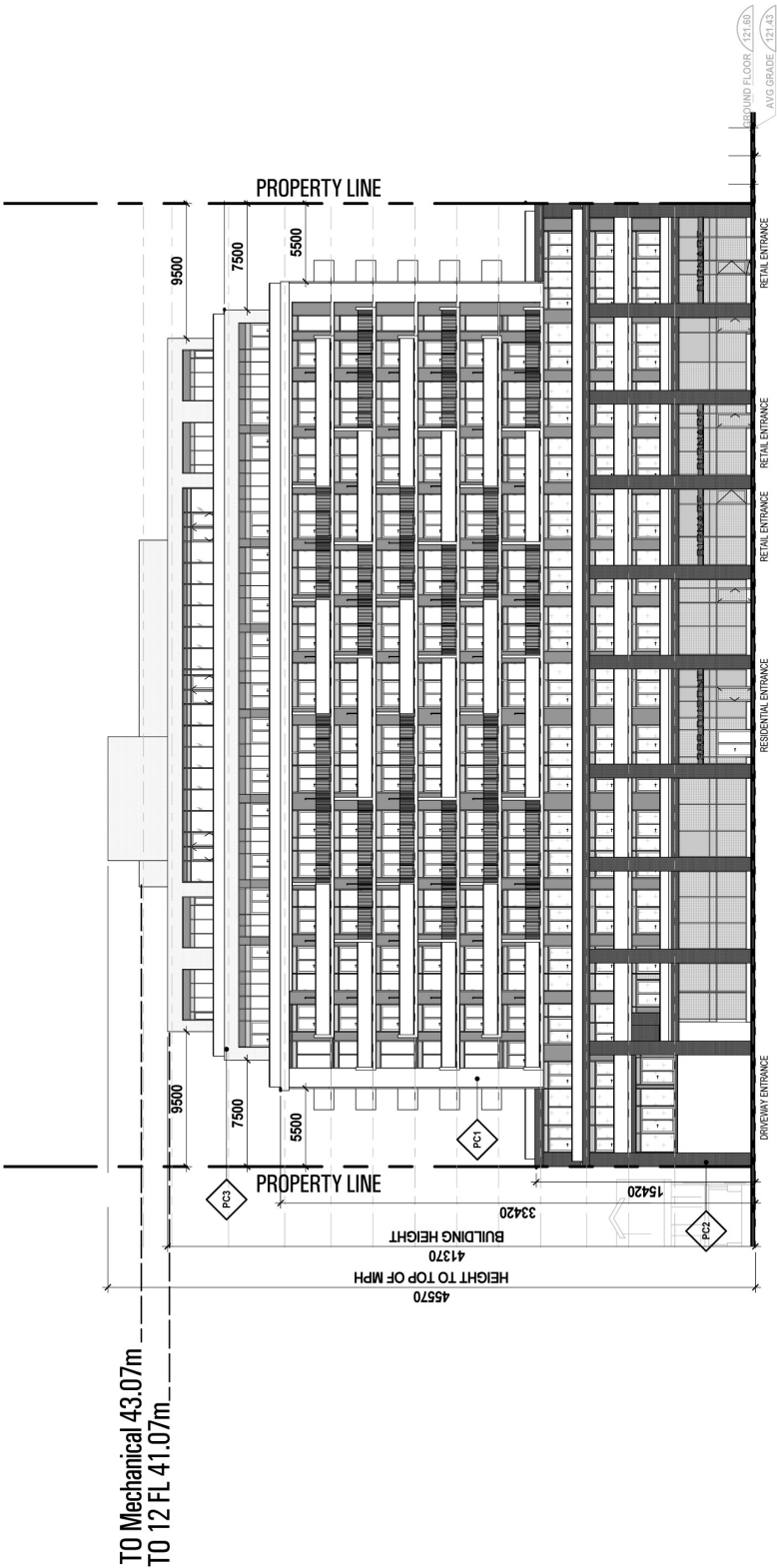
Attachment 10: 3D Model of Proposal in Context - Northwest



Attachment 11: East Elevation

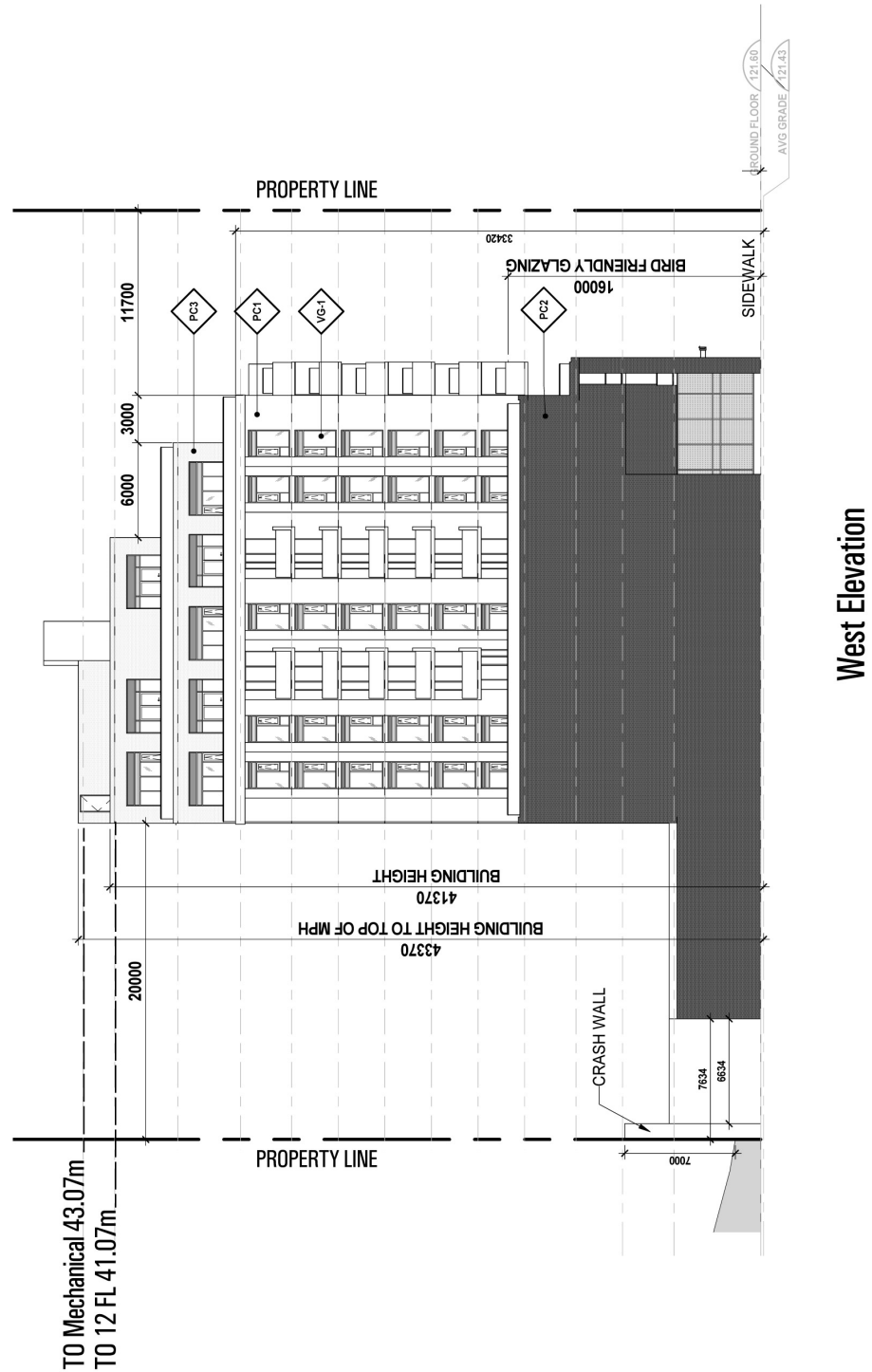


Attachment 12: South Elevation



South Elevation

Attachment 13: West Elevation



Attachment 14: North Elevation

