

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

Date: September 9, 2024

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**

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On June 14, 2023, City Council adopted staff recommendations, with amendments, to approve an Official Plan and Zoning By-law Amendment application to permit a 12-storey mixed-use building at 374-390 Dupont Street.

City Council required the owner to submit a revised Rail Safety Report for review and acceptance to the satisfaction of the Director, Community Planning, Toronto and East York District before introducing the necessary Bills to City Council for enactment.

The revised Rail Safety Report and peer review resulted in modifications to the proposal and the draft Zoning By-law Amendment.

This report recommends rescinding the previous City Council decision and carries forward the recommendation to amend the Official Plan along with a modified draft Zoning By-law Amendment in response to the revised Rail Safety Report and peer review, and recommends revised parking requirements.

### **RECOMMENDATIONS**

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The Director, Community Planning, Toronto and East York District recommends that:

1. City Council rescind its previous decision on Item 2023.TE5.45.
2. City Council amend the Official Plan, for the lands at 374-390 Dupont Street in accordance with the draft Official Plan Amendment included as Attachment 1 to this report.
3. 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 2 to this report.

4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
5. City Council direct the Chief Planner and Executive Director, City Planning, in consultation with the local Ward Councillor and the City Solicitor, to continue to work with the applicant to explore an in-kind community benefit package pursuant to Subsection 37(6) of the Planning Act that includes:
  - a. streetscape improvements on Dupont Street in the vicinity of the lands at 374-390 Dupont Street, including wider sidewalks, bump outs, street trees and similar public realm improvements; and
  - b. public realm improvements that enhance the Dupont Toronto Transit Commission Subway Station entrances at the northwest and southeast corners of Spadina Road and Dupont Street, including seating, vegetation, wider sidewalks and public art;

and to report back to City Council for further instruction on any offer of in-kind community benefits made by the owner.

6. City Council request the owner to make reasonable commercial efforts to convey off-site parkland to the City equal to the value of the on-site parkland dedication, in fulfilment of the parkland dedication requirements pursuant to Section 42 of the Planning Act, with the off-site parkland dedication to be acceptable to the General Manager, Parks, Forestry and Recreation and free and clear of any above or below grade encumbrances, with the exception of any encumbrances as may be otherwise approved by the General Manager, Parks, Forestry and Recreation, to be conveyed prior to the issuance of the first above grade building permit; and
  - a. in the event that the off-site parkland dedication is less than the value of the on-site parkland dedication, then the owner will pay cash-in-lieu of parkland to make up for the shortfall in parkland dedication, prior to the issuance of the first above grade building permit; and
  - b. in the event that the owner is unable to provide an acceptable off-site parkland dedication to the City, the owner will be required to satisfy the parkland dedication requirement through the payment of cash-in-lieu;

and the value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services and payment will be required prior to the issuance of the first above grade building permit.

## FINANCIAL IMPACT

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

## DECISION HISTORY

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On June 14, 2023, City Council adopted staff recommendations, with amendments, to approve an Official Plan and Zoning By-law Amendment application to permit a 12-storey mixed-use building at 374-390 Dupont Street (Toronto and East York Community Council Item 2023.TE5.45). The City Council Decision and supporting report are available here: <https://secure.toronto.ca/council/agenda-item.do?item=2023.TE5.45#>

## THE APPLICATION

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**Description:** A 12-storey (42-metre excluding the mechanical penthouse) mixed-use building containing 253 dwelling units and 1,000 square metres of non-residential gross floor area.

**Dwelling Units:** The proposed 253 dwelling units include 44 studio (17%), 134 one bedroom (53%), 49 two-bedroom (19%), and 26 three-bedroom (10%) units. 256 units were previously proposed.

**Access, Parking, and Loading:** The proposal contains a total of 79 vehicular parking spaces (14 visitor and 65 resident), one Type G loading space, and 254 bicycle parking spaces. The number of vehicular parking spaces has been revised from the previously proposed 94 spaces, in accordance with recent amendments to the parking standards and the in-force Zoning By-law prescribing no parking minimums for new developments.

**Additional Information:** See the attachments of this report for the site plan, elevations of the proposal and 3D views in context. 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](http://www.toronto.ca/388Dupont).

## COMMENTS

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This report recommends approval of a modified draft Zoning By-law Amendment in response to the peer review and revised Rail Safety Report and recommends approval of changes to the proposed parking.

The previous Decision Report, including comprehensive background information and planning justification, are available here: <https://secure.toronto.ca/council/agenda->

## **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. In response to comments by the City's peer reviewer, the design of the reinforced concrete crash protection wall along the northern property line has been revised and an updated Rail Safety Report has been provided. In addition to the 7.0-metre-tall crash wall, and 3.0-metre return, a 20.0-metre building separation is proposed between the rail corridor property line and the closest sensitive use (high-occupant residency and retail). The draft Zoning By-law Amendment has been updated to reflect the structure of the crash wall.

## **Access, Parking, Loading**

Vehicular access for loading and parking will be from Dupont Street on the west side of the site. The number of parking spaces, provided in a below-grade parking garage, have been reduced from 94 to 79, resulting in a ratio of 0.26 parking spaces per dwelling unit. A total of 4 accessible parking spaces have also been proposed, which is in keeping with By-law 579-2017. The proposed parking rate, with 14 visitor spaces and 64 resident spaces, is consistent with the required parking rates of Zoning By-law 569-2013. A Type-G loading space will also be provided.

## **Engineering**

A revised Functional Servicing Stormwater Management Report was submitted. Engineering and Construction Services staff have reviewed the submitted materials and accepted its conclusions.

## **CONTACT**

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## **SIGNATURE**

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Oren Tamir  
Director, Community Planning  
Toronto and East York District



## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

Attachment 1: Draft Official Plan Amendment

Attachment 2: Draft Zoning By-law Amendment

### **Applicant Submitted Drawings**

Attachment 3: Site Plan

Attachment 4: North Elevation

Attachment 5: South Elevation

Attachment 6: West Elevation

Attachment 7: East Elevation

Attachment 8: 3D Model of Proposal in Context – Northwest

Attachment 9: 3D Model of Proposal in Context – Southeast

## Attachment 1: 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 2023 as 374-390 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 2023 AS 374-390 DUPONT STREET**

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

1. Chapter 7, Site and Area Specific Policy 212 is amended by adding new Policy 12 as follows:

**12. 374-390 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 374-390 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 374-390 Dupont

## Attachment 2: Draft Zoning By-law Amendment

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

### CITY OF TORONTO

#### BY-LAW ###-2024

#### **To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 374-390 Dupont Street.**

Whereas Council of the City of Toronto has the authority 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;

Whereas pursuant to Section 39 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law; and

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10 and applying a zone label of CR 2.5 (c1.0; r2.0) SS2 (x1034) and EL (x23) as shown on Diagram 3 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10 and applying no value.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20 and applying a height and storey label of HT 14.0 and HT 35.0, as shown on Diagram 6 attached to this By-law.
6. Zoning By-law 569 -2013, as amended, is further amended by adding the lands subject to this By-law the Lot Coverage Overlay Map in Section 995.30 and applying no value.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40 and applying no value.
8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number (x1034) that it reads:

(1034) Exception CR 1034

The lands, or a portion thereof as noted below, are subject to the following Site-Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On the portion of 374-390 Dupont Street shown as Part A on Diagram 2 to By-law [Clerks to insert By-law ##], if the requirements of By-law [Clerks to insert By-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (S) below:
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 121.43 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.1(1), residential use portions of the **building** are permitted to be located on the same **storey** as non-residential use portions of the **building** below grade and on the first **storey**;
- (D) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 6 of By-law [Clerks to insert By-law ##];
- (E) Despite Regulations 40.5.40.10(3) to (8) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 6 of By-law [Clerks to insert By-law ##]:
  - (i) mechanical and electrical equipment, structures that enclose, screen or cover equipment, elevator overruns, parapets, terrace or balcony guardrails, railings and dividers, window washing equipment, vents, lightning rods, wind screens, privacy screens, light fixtures, architectural features, roof assembly, roof drainage, vents, and elements of a **green roof**, by a maximum of 4.0 metres; and
  - (ii) **landscaping** features, pergolas, trellises, and planters, by a maximum of 2.1 metres;
- (F) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot**, shown as Part A and Part B on Diagram 2 of By-law [Clerks to insert By-law ##] is 17,800 square metres, of which:
  - (i) the permitted maximum **gross floor area** for residential uses is 16,700 square metres;
  - (ii) the permitted minimum **gross floor area** for non-residential uses is 1,000 square metres;
- (G) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 6 of By-law [Clerks to insert By-law ##];
- (H) Despite Clause 40.10.40.60 and (G) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:

- (i) architectural features, patios, balconies, terraces, ventilation shafts, guardrails, balustrades, stair enclosures, accessible ramps, site servicing features, awnings and canopies, window washing equipment and underground garage ramps and associated structures, by a maximum of 1.8 metres;
  - (ii) despite (i) above, no balconies are permitted on the rear main wall of the **building**;
  - (iii) eaves, light fixtures, parapets, art and **landscaping** features, trellises, windowsills, mullions, ventilation shafts, mechanical equipment and screens, architectural screens, ornamental elements, balustrades, by a maximum of 0.5 metres; and
- (I) Despite Regulation 200.5.1.10(2)(A)(iv), a maximum of ten (10) percent of the **parking spaces** may be obstructed as described in Regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**;
- (J) Despite Regulation 970.10.15.5(5) and 200.5.10.1(1) and Table 970.10.15.5 and 200.5.10.1, **parking spaces** must be provided in accordance with the following:
  - (i) a minimum of zero (0) residential occupant **parking spaces**, but not exceeding a maximum of 65 residential occupant **parking spaces**;
  - (ii) a minimum of 10 residential visitor **parking spaces**, but not exceeding a maximum of 14 residential visitor **parking spaces**; a minimum of 0.05 residential visitor **parking spaces** for each **dwelling unit**; and
  - (iii) a minimum of zero (0) **parking spaces** for non-residential uses;
- (K) Despite Regulation 200.15.1(1) and (3), an accessible **parking space** must have the following minimum dimensions:
  - (i) length of 5.6 metres;
  - (ii) width of 3.4 metres; and
  - (iii) vertical clearance of 2.1 metres; and
  - (iv) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre accessible barrier free aisle or path;
- (L) Despite Regulation 200.15.10(1) and (2), a minimum of 4 **parking spaces** on the **lot** are required to be accessible **parking spaces**;
- (M) Despite Regulation 200.5.10.1(1), "**car-share parking spaces**" may replace **parking spaces** otherwise required for residential occupants, excepting accessible **parking spaces**;
- (N) Despite Regulations 220.5.10.1(1) to (9), a minimum of one Type "G" **loading space** must be provided;
- (O) Despite Regulation 230.5.1.10(4)(A), the required minimum dimension of a **stacked bicycle parking space** is:
  - (i) length of 1.8 metres;
  - (ii) width of 0.35 metres; and

- (iii) vertical clearance of 1.2 metres;
- (P) Despite Regulation 230.5.1.10(10), "long-term" and "short-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**, and in a secured room, enclosure or bicycle locker;
- (Q) Despite Regulations 230.5.10.1(5), **bicycle parking spaces** for **dwelling units** must be provided in accordance with the following minimum rates:
  - (i) 0.9 "long-term" **bicycle parking spaces** for each **dwelling unit**;
  - (ii) 0.1 "short-term" **bicycle parking spaces** for each **dwelling unit**;
- (R) The provision of **dwelling units** is subject to the following:
  - (i) a minimum of fifteen percent (15%) of the total number of **dwelling units** on the **lot** must contain a minimum of two (2) bedrooms or more;
  - (ii) a minimum of 10 percent (10%) of the total number of **dwelling units** on the **lot** must contain a minimum of three (3) bedrooms or more; and
  - (iii) an additional minimum of 15 percent of the total number of **dwelling units** will be any combination of two bedroom and three bedroom dwelling units, or dwelling units that can be converted into any combination of two and three bedroom dwelling units;
  - (iv) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the calculation of the required **dwelling units** with two or more bedrooms or convertible **dwelling units** in accordance with (i) or (iii) above;
  - (v) any **dwelling units** with two bedrooms provided to satisfy (i) above are not included in the calculation of the required convertible **dwelling units** in accordance with (iii) above;
  - (vi) convertible **dwelling units**, as described in (iii) above, may be converted using accessible or adaptable design measures such as knock-out panels; and
  - (vii) if the calculation of the number of required **dwelling units** in accordance with (i), (ii), and (iii) above, results in a number with a fraction, the number shall be rounded down to the nearest whole number.
- (S) For the purpose of this exception, each word or expression that is in bold font will have the same meaning as such word or expression as defined in Chapter 800 of Zoning By-law 569-2013, as amended, except for the following:
  - (i) "**car-share**" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
  - (ii) "**car-share parking space**" means a **parking space** exclusively reserved and actively used for car-sharing;

Prevailing By-laws and Prevailing Sections: (None Apply)

9. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.21.10 Exception Number (23) so that it reads:

(23) Exception EL 23

The lands, or a portion thereof as noted below, are subject to the following Site-Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On the portion of 374-390 Dupont Street shown as Part B on Diagram 2 to By-law [Clerks to insert By-law ##], if the requirements of By-law [Clerks to insert By-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (G) below:
- (B) Despite Regulations 60.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 121.43 metres and the elevation of the highest point of the **building** or **structure**;
- (C) In addition to the uses permitted in Clauses 60.10.20.10 and 60.10.20.20, the following uses are also permitted:
  - (i) Uses that are **ancillary** to the residential and retail uses on the lands shown as Part A on Diagram 2 of By-law [Clerks to insert By-law ##], such as required rail safety and noise or vibration mitigation structures;
- (D) Despite Regulation 60.10.40.10(1) and (2), the permitted maximum height of a **building** or **structure** is the number on metres following the letters “HT” as shown on Diagram 6 of By-law [Clerks to insert By-law ##];
- (E) Despite Regulation 60.5.40.10(3) to (6) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 6 of By-law [Clerks to insert By-law ##]:
  - (i) enclosed stairwells, roof access, maintenance equipment storage, chimneys, vents, architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 3.0 metres;
  - (ii) despite (i) above, projections are permitted within the area labelled “train safety derailment wall zone” on Diagram 6 of [Clerks to insert By-law ##]; as;
  - (iii) crash walls or structures related to railway safety mitigation, by a maximum of 2 metres measured from the Canadian Geodetic Datum of 121.43 metres and the elevation of the highest point of such structures.
- (F) Despite Clause 60.10.40.70 the required minimum **building setbacks** are as shown in metres on Diagram 6 of By-law [Clerks to insert By-law ##];
- (G) Despite Clause 60.5.40.60 and (F) above, the following elements may encroach into the required minimum **building setbacks** as follows:



- (i) eaves, light fixtures, parapets, art and **landscaping** features, trellises, window sills, mullions, ventilation shafts, mechanical equipment and screens, architectural screens, ornamental elements, balustrades, by a maximum of 0.5 metres; and
- (ii) train safety derailment walls;

Prevailing By-laws and Prevailing Sections: (None Apply)

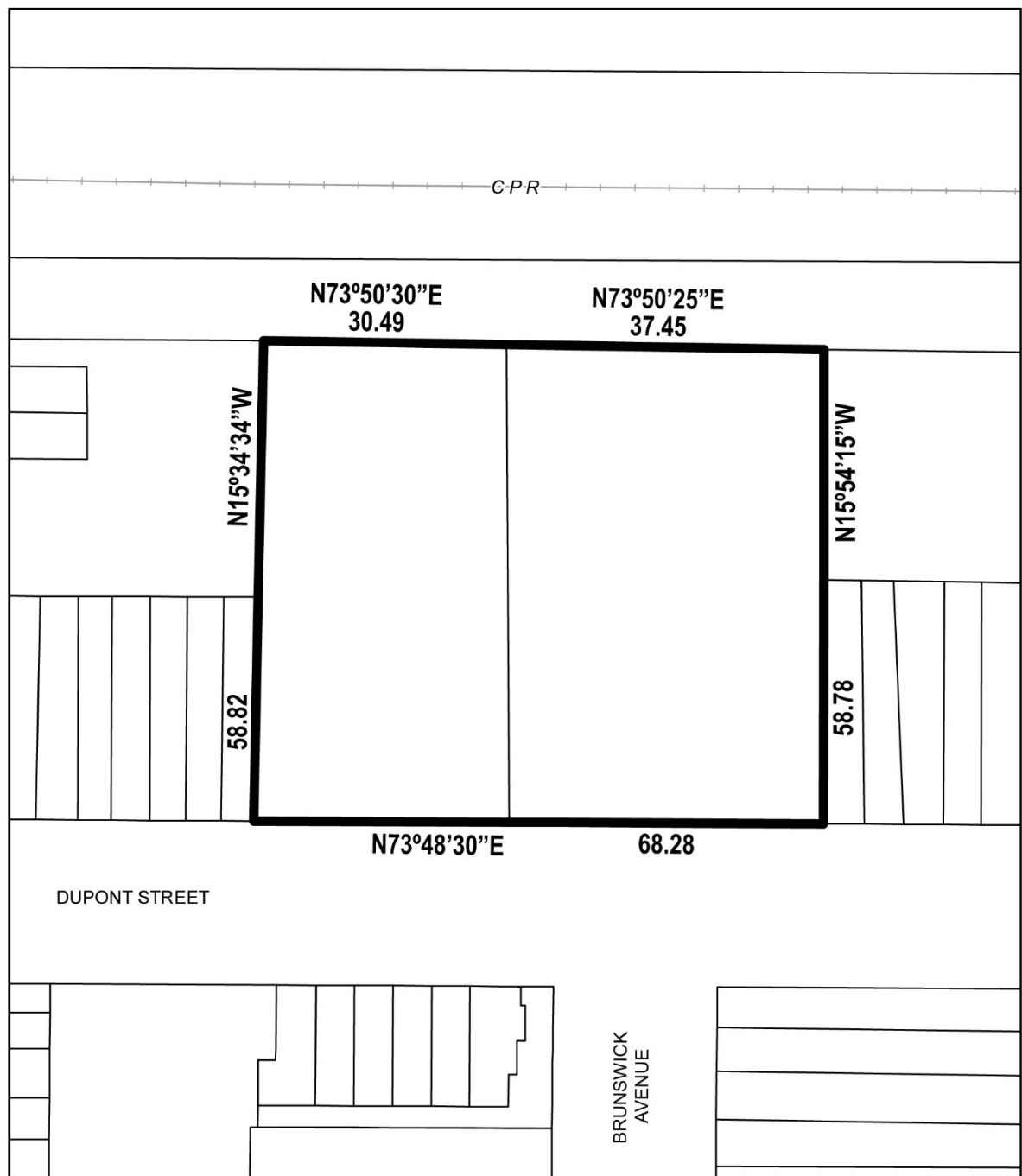
10. Despite any future severance, partition or division of the lands as shown on Diagram 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.

Enacted and passed on [month day, year].

[full name],  
Speaker

[full name],  
City Clerk


(Seal of the City)

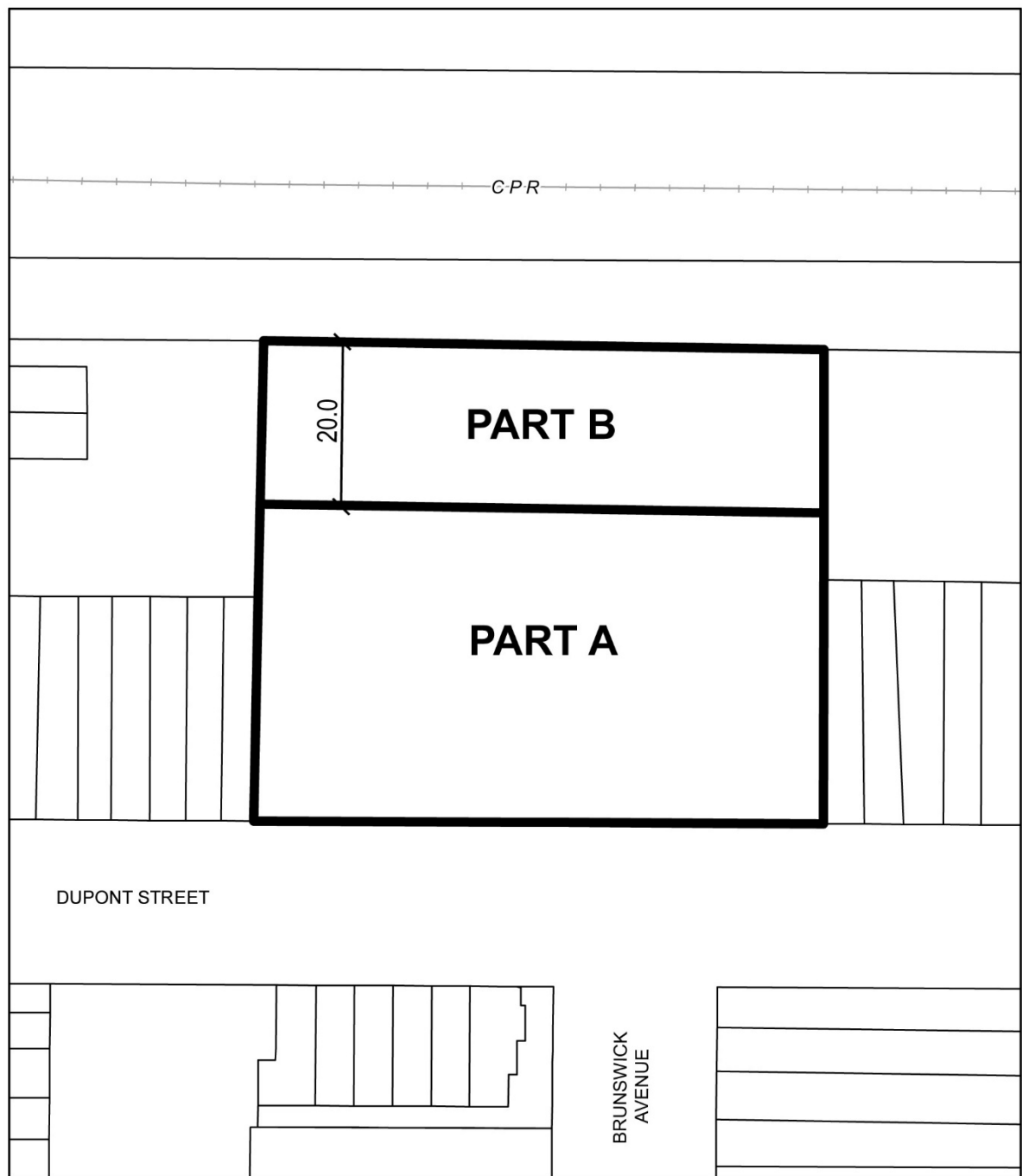


**Toronto**  
Diagram 1

374 & Dupont Street

File #: 20 233616 STE 11 0Z


  
 City of Toronto By-law 569-2013  
 Not to Scale  
 05/29/2023

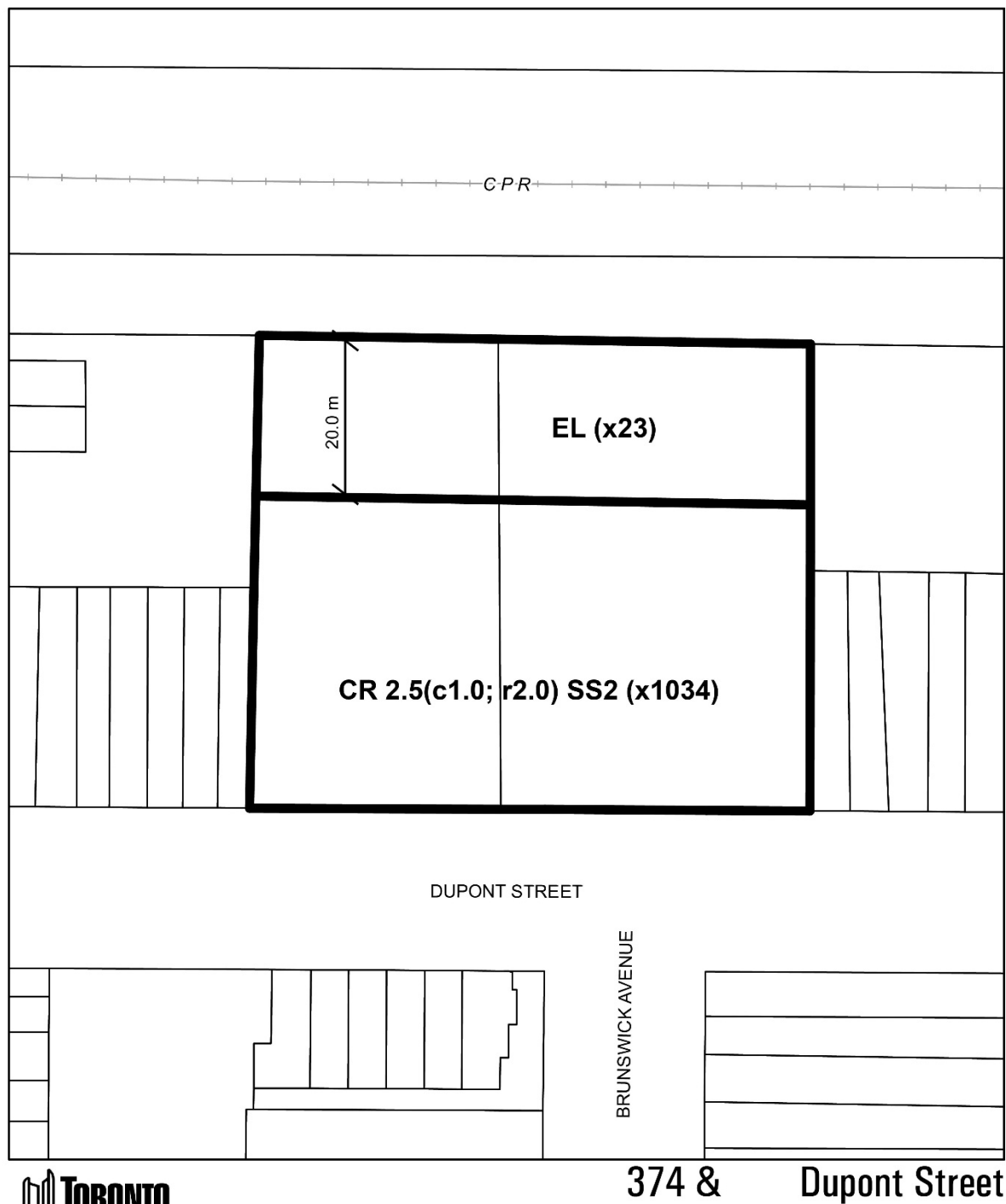


**Toronto**  
Diagram 2

374 & Dupont Street

File #: 20 233616 STE 11 0Z

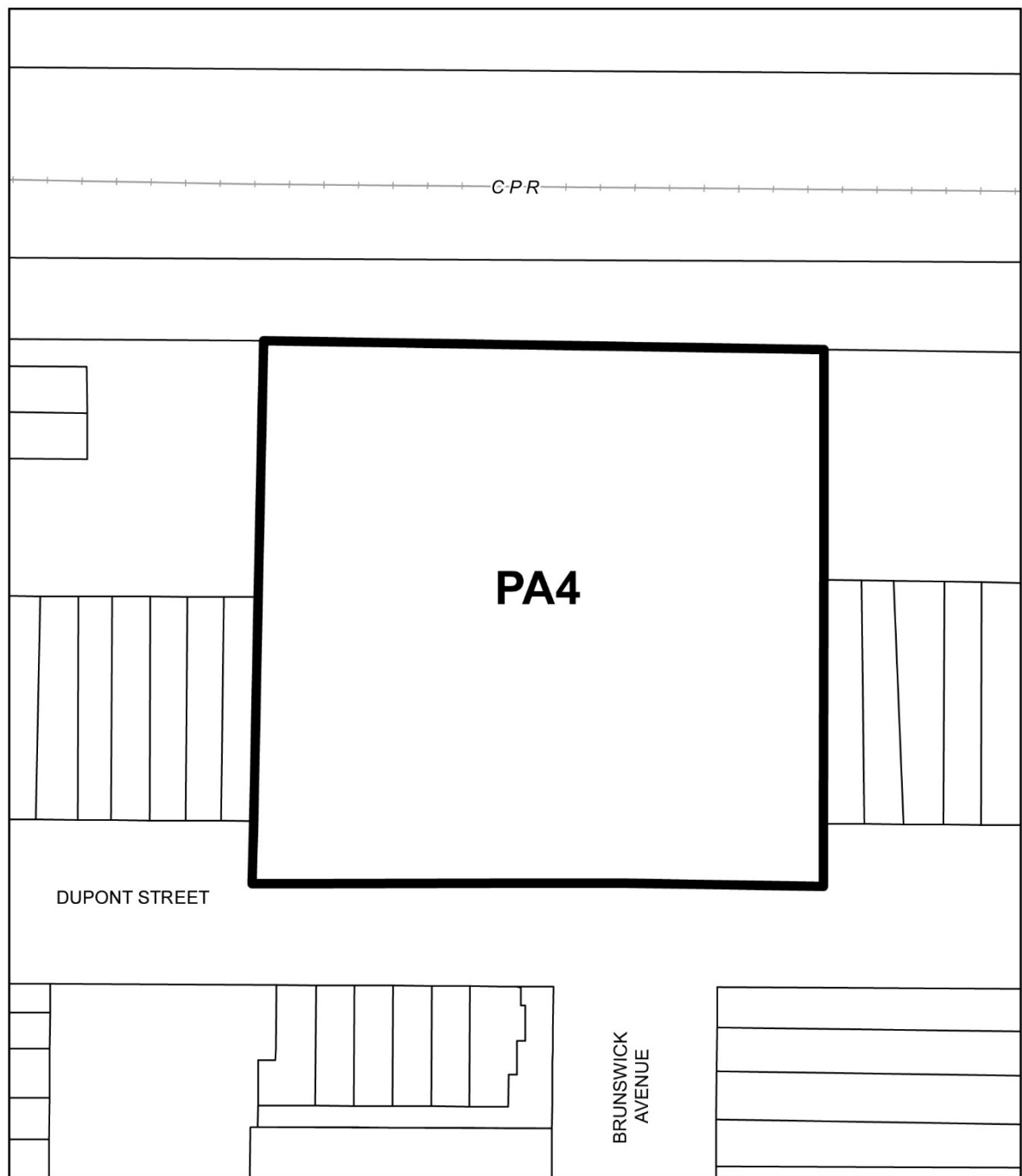
  
 City of Toronto By-law 569-2013  
 Not to Scale  
 05/29/2023



**Toronto**  
Diagram 3

File #: 20 233616 STE 11 OZ


City of Toronto By-law 569-2013  
Not to Scale  
05/05/2023

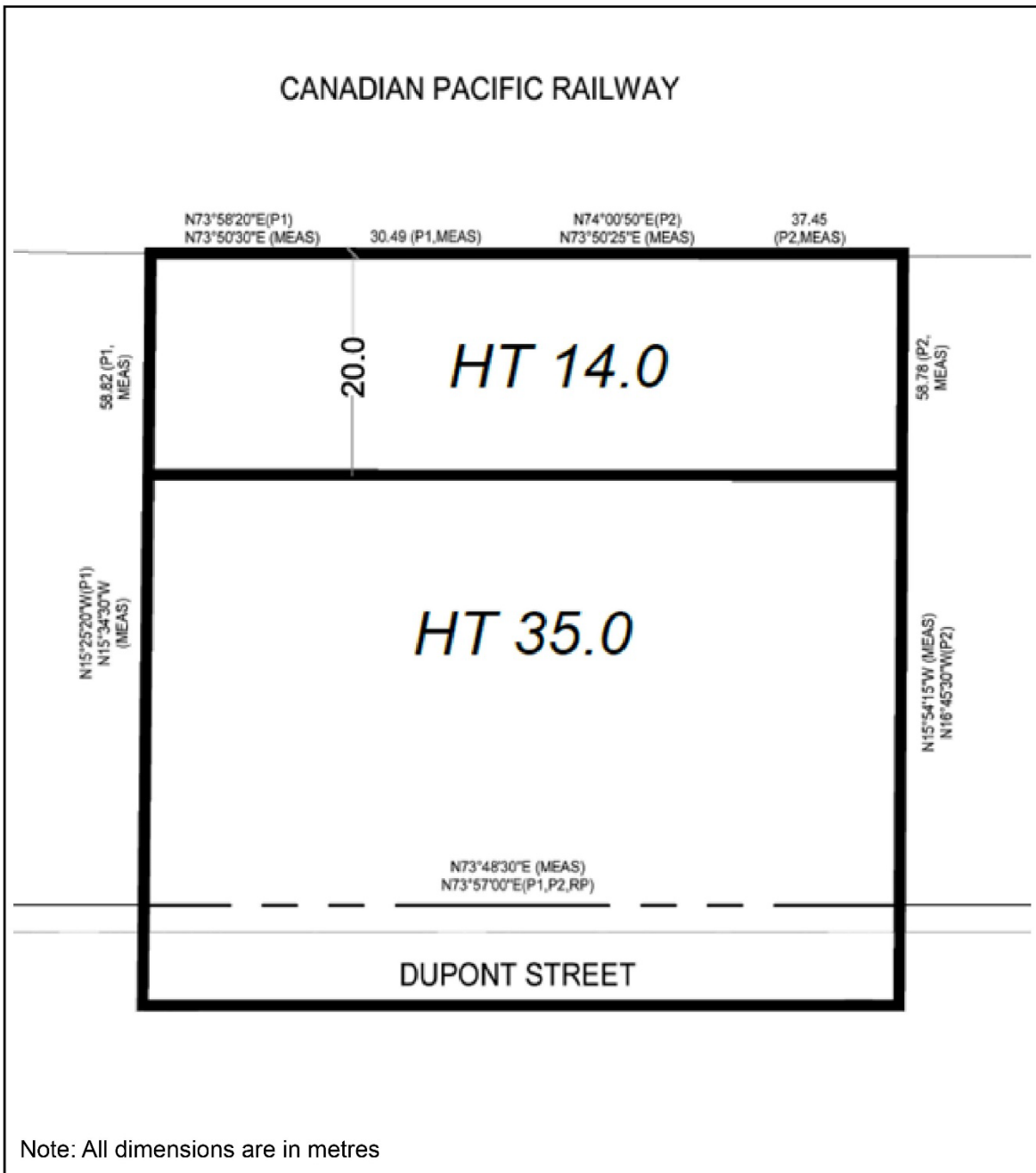


**Toronto**  
Diagram 4

374 & Dupont Street

File #: 20 233616 STE 11 OZ

  
 City of Toronto By-law 569-2013  
 Not to Scale  
 05/29/2023

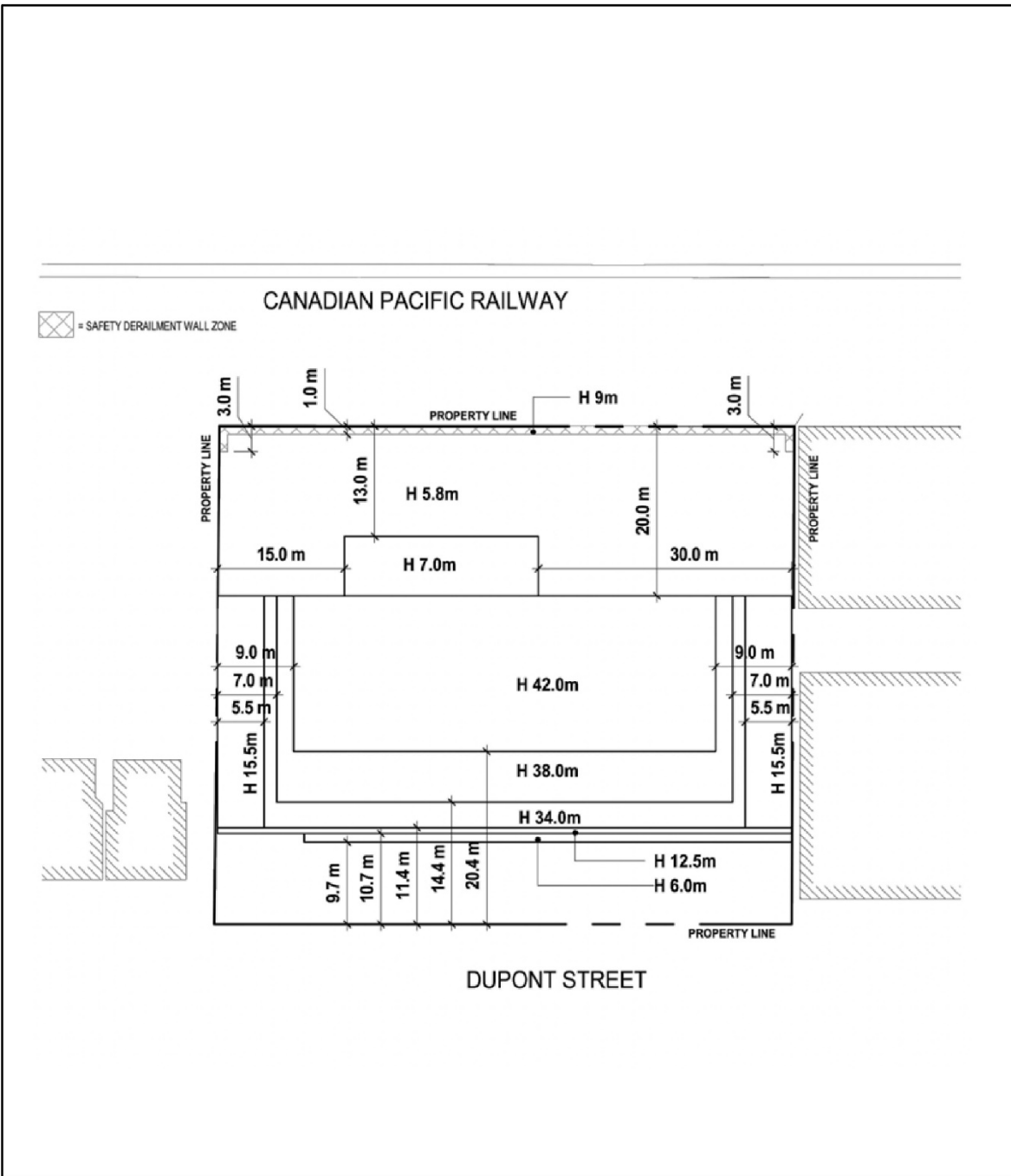


**Toronto**  
Diagram 5

**374 & Dupont Street**

File # 20 233616 STE 11 OZ

  
 City of Toronto By-law 569-2013  
 Not to Scale  
 08/28/2024



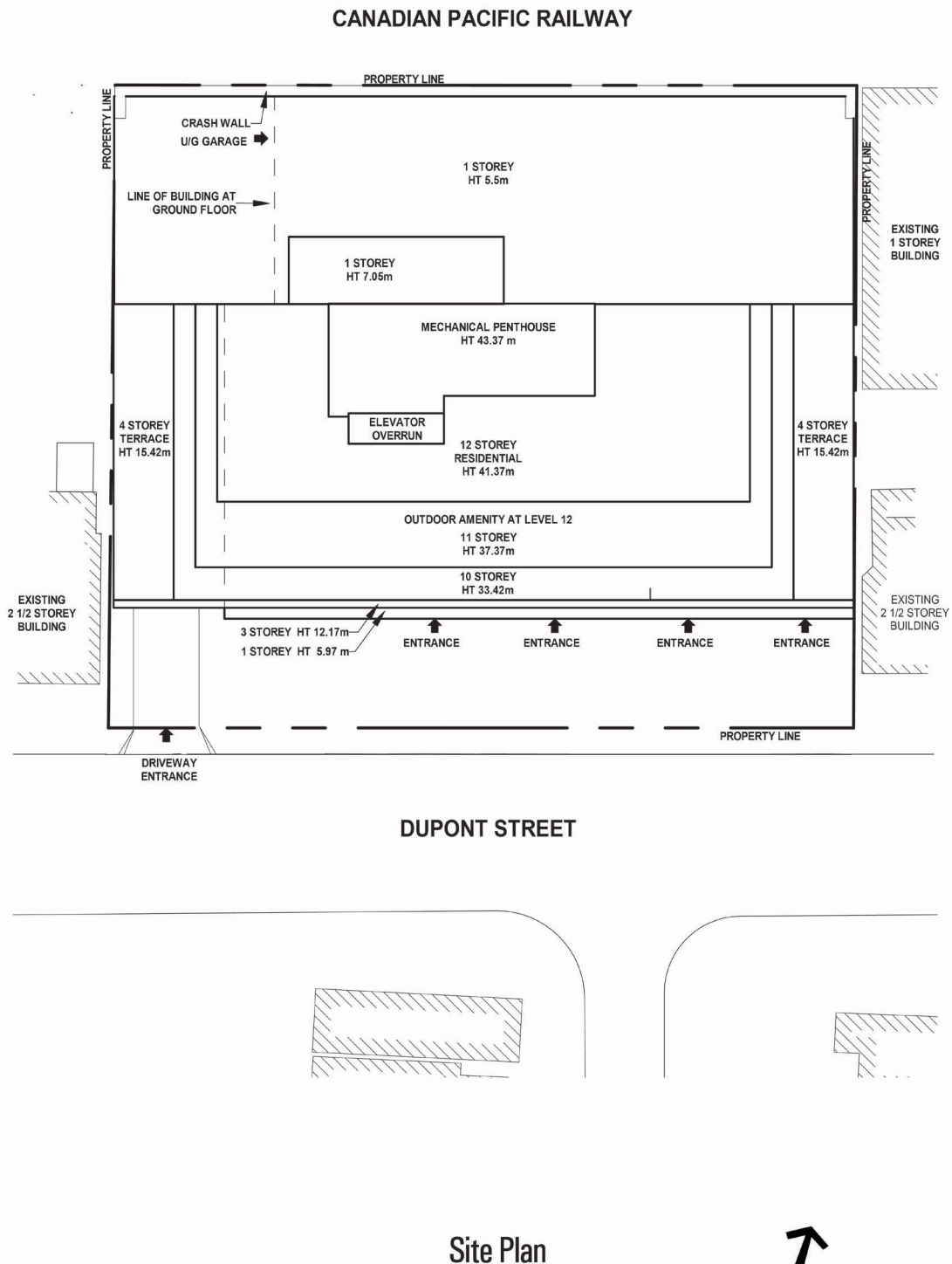
**Toronto**  
Diagram 6

**374 - 390 Dupont Street**

File #: 20 233616 STE 11 OZ

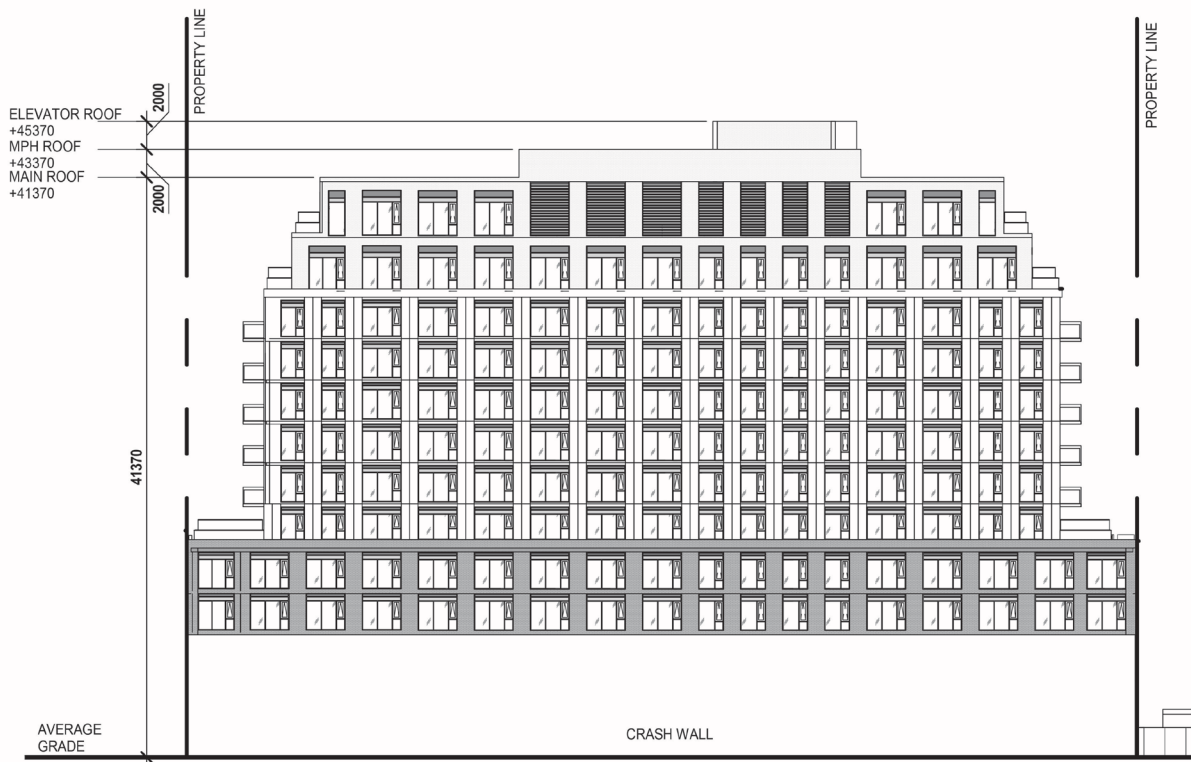
City of Toronto By-law 569-2013  
Not to Scale  
08/13/2024

## Attachment 3: Site Plan



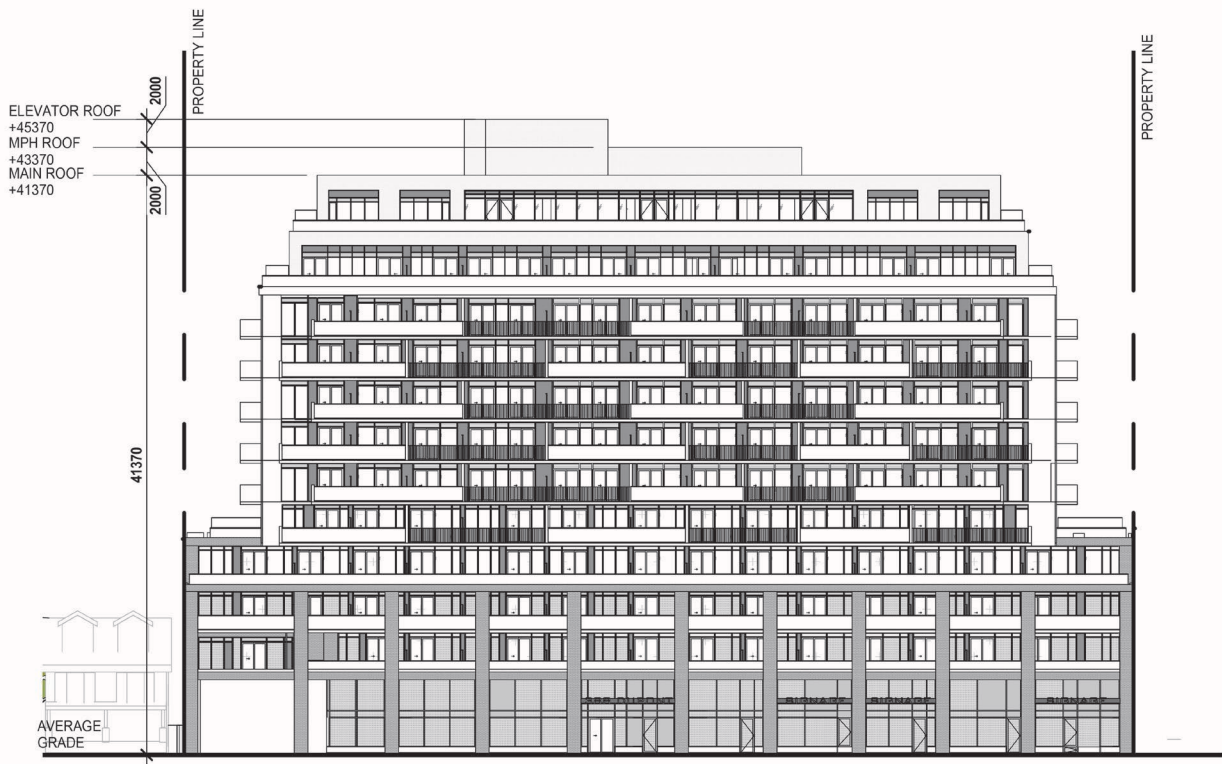


## Attachment 4: North Elevation



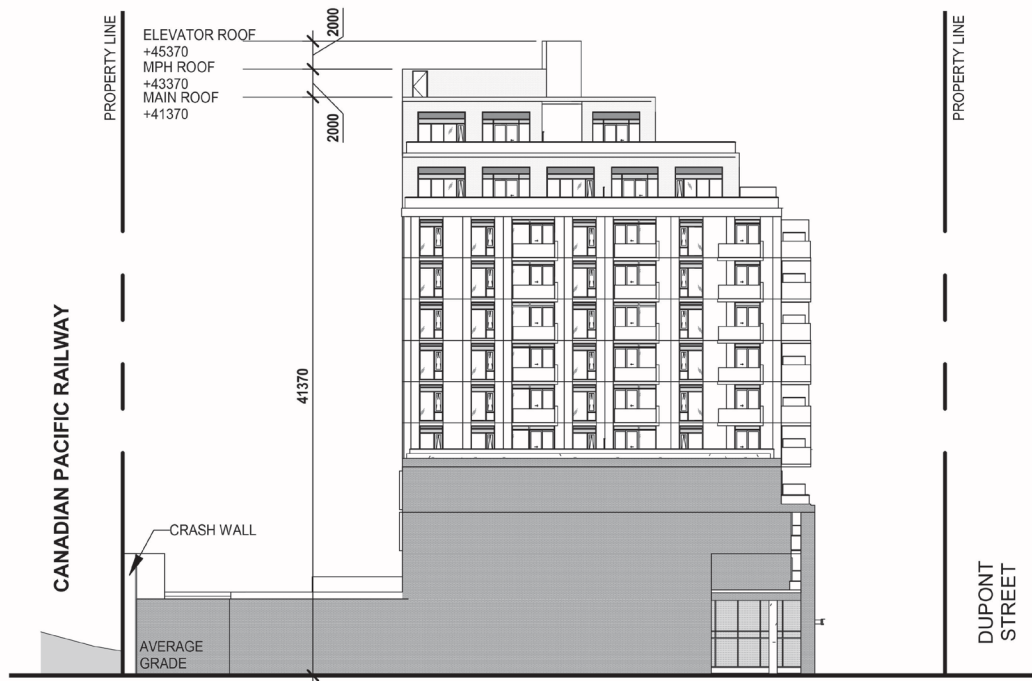
North Elevation

## Attachment 5: South Elevation



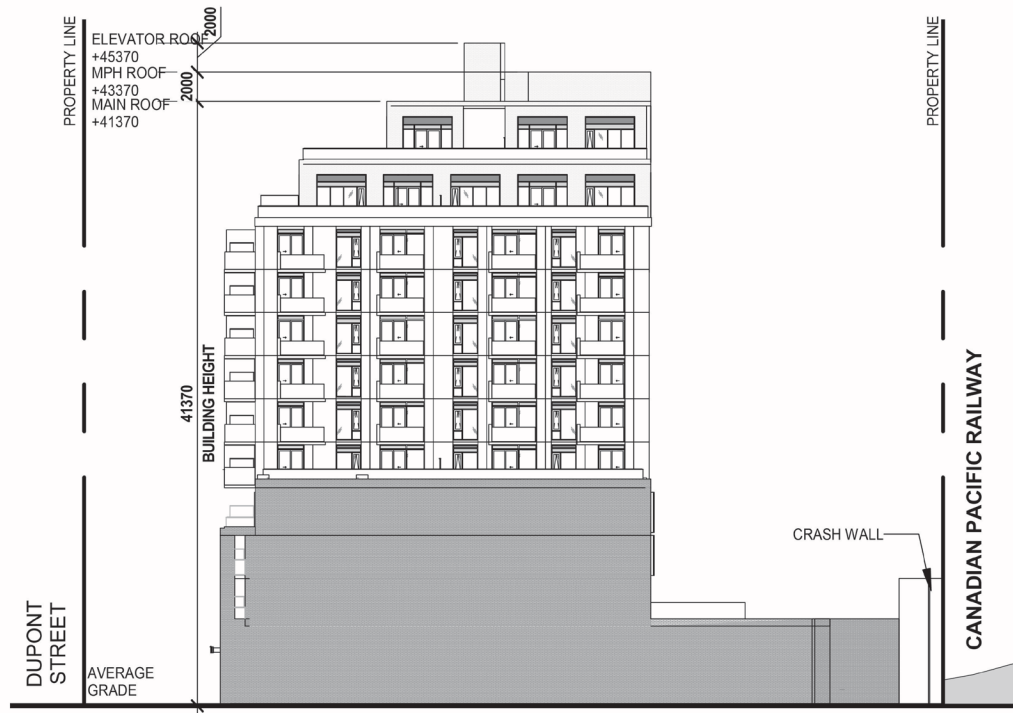
South Elevation

## Attachment 6: West Elevation



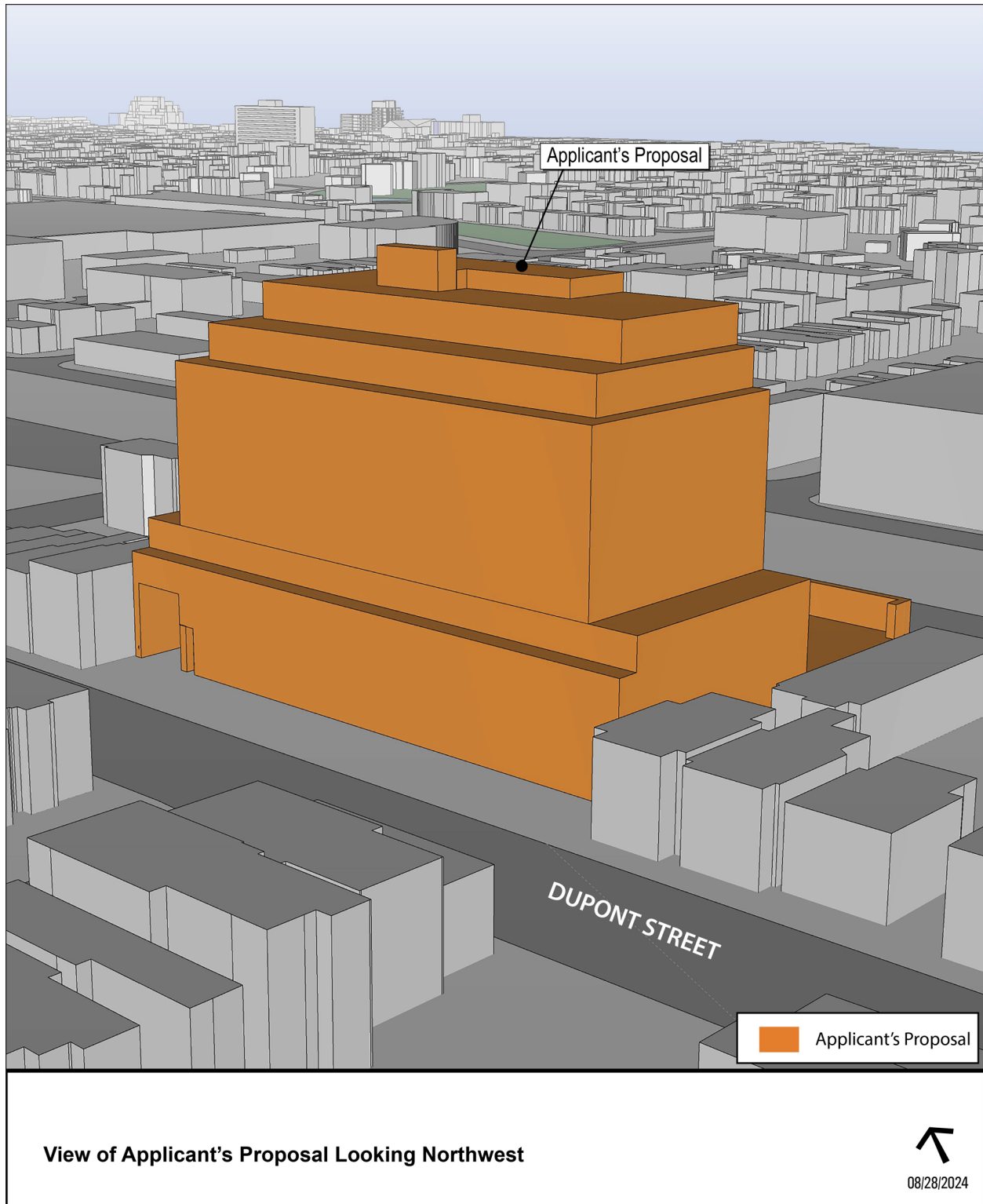
West Elevation

## Attachment 7: East Elevation



East Elevation

## Attachment 8: 3D Model of Proposal in Context – Northwest



## Attachment 9: 3D Model of Proposal in Context – Southeast

