

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** February 01, 2017

**CASE NO(S):** PL150838  
PL160135  
PL160220

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Sobeys Capital Incorporated
Subject:	Request to amend the Official Plan - Failure of City of Toronto to adopt the requested amendment
Existing Designation:	Employment Areas
Proposed Designated:	Site Specific (To be determined)
Purpose:	To permit the development of a mixed-use building
Property Address/Description:	840 & 860 Dupont Street
Municipality:	City of Toronto
Approval Authority File No.:	13 203675 STE 19 OZ
OMB Case No.:	PL150838
OMB File No.:	PL150838
OMB Case Name:	Sobeys Capital Incorporated v. Toronto (City)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Sobeys Capital Incorporated
Subject:	Application to amend Zoning By-law No. 1011-2014 and 438-86, as amended - Neglect of City of Toronto to make a decision
Existing Zoning:	IC D2
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit the development of a mixed-use building
Property Address/Description:	840 & 860 Dupont Street
Municipality:	City of Toronto

Municipality File No.: 13 203675 STE 19 OZ  
OMB Case No.: PL150838  
OMB File No.: PL150839

**PROCEEDING COMMENCED UNDER** subsection 114(15) of the *City of Toronto Act*, 2006, S.O. 2006, c. 11, Sched. A

Subject: Site Plan  
Referred by: Sobeys Capital Incorporated  
Property Address/Description: 840 & 860 Dupont Street  
Municipality: City of Toronto  
OMB Case No.: PL150838  
OMB File No.: MM160005

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 500 Dupont Street Holdings Limited  
Subject: Request to amend the Official Plan - Failure of City of Toronto to adopt the requested amendment  
Existing Designation: Employment  
Proposed Designated: Site Specific (To be determined)  
Purpose: To permit a 12-storey mixed use building  
Property Address/Description: 500 Dupont Street  
Municipality: City of Toronto  
Approval Authority File No.: 15 226388 STE 20 OZ  
OMB Case No.: PL160135  
OMB File No.: PL160272

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 500 Dupont Street Holdings Limited  
Subject: Application to amend Zoning By-law No.438-86 - Refusal or neglect of City of Toronto to make a decision  
Proposed Zoning: Site Specific (To be determined)  
Purpose: To permit a 12-storey mixed use building  
Property Address/Description: 500 Dupont Street  
Municipality: City of Toronto  
Municipality File No.: 15 226388 STE 20 OZ  
OMB Case No.: PL160135

OMB File No.: PL160135  
 OMB Case Name: 500 Dupont Street Holdings Limited v. Toronto (City)

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Deltera Inc.  
 Subject: Request to amend the Official Plan – Refusal of the City of Toronto to adopt the requested amendment  
 Existing Designation: Employment Areas  
 Proposed Designated: Mixed Use Areas  
 Purpose: To permit a 12-storey mixed-use building  
 Property Address/Description: 275 Albany Avenue and 420 Dupont Street  
 Municipality: City of Toronto  
 Approval Authority File No.: 15 256733 STE 20 OZ  
 OMB Case No.: PL160220  
 OMB File No.: PL160220  
 OMB Case Name: Deltera Inc. v. Toronto (City)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Deltera Inc.  
 Subject: Application to amend Zoning By-law No. 438-86 - Refusal of the City of Toronto to make a decision  
 Existing Zoning: IC D2 N2 (Industrial-Commercial)  
 Proposed Zoning: Site Specific (MCR)  
 Purpose: To permit a 12-storey mixed-use building with commercial uses on the ground floor and a total of approximately 296 residential units  
 Property Address/Description: 275 Albany Avenue and 420 Dupont Street  
 Municipality: City of Toronto  
 Municipality File No.: 15 256733 STE 20 OZ  
 OMB Case No.: PL160220  
 OMB File No.: PL160221

**Heard:** May 11, 2016 in Toronto, Ontario

**APPEARANCES:****Parties****Counsel**

City of Toronto

K. Matsumoto and A. Moscovich

Sobeys Capital Incorporated

S. Loiacono

500 Dupont Street Holdings Limited

S. Loiacono

Deltera Inc.

J. Dawson and B. Smith

David McKay

Self-represented

**MEMORANDUM OF ORAL DECISION DELIVERED BY M. A. SILLS ON MAY 11, 2016 AND INTERIM ORDER OF THE BOARD**

---

[1] This was a Settlement hearing respecting appeals by Sobeys Capital Incorporated (840 and 860 Dupont Street) and Deltera Inc. (420 Dupont Street and 275 Albany Avenue) of Amendment No. 271 to the Official Plan of the City of Toronto (“OPA 271”) and Zoning By-law Amendment No. 1011-2014, and the appeal by 500 Dupont Street Holdings Limited (500 Dupont Street) of Zoning By-law Amendment No. 1011-2014.

[2] The provisions of the proposed Settlements result in site-specific Official Plan Amendments (OPAs”) and Zoning By-law Amendments (ZBAs”); collectively, the “planning instruments”.

[3] David McKay, having been previously granted party status in the matter of the 500 Dupont Street lands, advised the Board he is satisfied with the provisions of the proposed settlement respecting that site. Accordingly, he confirmed he no longer requires party status, and asked to be excused from the hearing.

[4] Participant Richard Pauloski is a resident of the local residential neighbourhood (Shaw Gardens) which backs directly onto the Sobeys property to the north. Mr. Pauloski told the Board he is generally in favour of development along the Dupont corridor, and in particular, the Sobeys site, which he contends is in dire need of an update.

[5] However, he does have concerns about the Sobeys development proposal insofar as the height of the building, the reduction of the railway setback, noise and vibration impacts, increased traffic congestion and loss of surface parking is concerned.

[6] In terms of building height, he contends that the 36 metre ("m") height being proposed by the Settlement represents only a minor improvement over the 2013 and 2015 proposals, and is far from the 25 m maximum height established in the Dupont Plan.

[7] In regard to rail safety, Mr. Pauloski indicated that the 30 m rail setback is not only to protect buildings to the south of the tracks in the event of a rail accident, but also to provide a buffer space for residential homes backing onto the tracks to the north. It is his view that the proposed reduction of the rail setback to 20 m and the installation of a deflection/crash wall, does not contemplate the impact of a rail safety event on the residents or property on the north side of the tracks.

[8] He further contends that the sound and vibration plans do not properly address the associated concerns of the local residents. The impact of the peak sound of the trains reflecting off the proposed building and large crash wall will impact the quality of life of the neighbourhood residents to the north. He contends that homes in the area already experience significant train vibration, and the addition of a large underground parking garage and reinforced crash walls (as opposed to meeting the 30 m setback) will further direct vibration northward.

[9] Mr. Pauloski is also concerned about future traffic and parking impacts. He said Dupont Street already experiences slow-moving traffic during peak hours and the addition of hundreds of new parking spaces and associated vehicles trips will only make the situation worse. He maintains that traffic will become a major issue in the future.

[10] Finally, he is concerned that elimination of several free, ground-level parking spaces along Dupont Street will result in the Shaw Gardens being overwhelmed with vehicular traffic and local residents unable to secure parking spaces, despite having purchased street parking permits. It is his view that the proposed development should be required to provide new free parking spaces in an amount equal to what is being eliminated along Dupont Street.

## **PLANNING EVIDENCE**

[11] Peter Smith is a registered professional planner and a Full Member of the Canadian Institute of Planners and the Ontario Professional Planners Institute. He provided detailed contextual and expert planning evidence and opinion in support of the subject development proposals and proposed settlements.

[12] Mr. Smith prepared the Planning Rationale reports for the 500 Dupont Street site and the 420 Dupont Street and 275 Albany Avenue site. The Planning Rationale report for the 840 and 860 Dupont Street site was prepared by another partner of his firm. Mr. Smith's prepared Outline of Evidence reflects his combined planning analysis respecting the development proposals for all three sites (Exhibit 38).

[13] Overall, it is Mr. Smith's professional opinion that the mix of residential and commercial uses being proposed is appropriate and desirable in land use planning terms. The subject proposals will achieve the public policy objective of creating a genuine mixed use corridor that will provide for an increase in jobs/employment, and the proposed developments will have no unacceptable built form impacts on surrounding properties.

[14] It is also his opinion that the proposed rail safety mitigation measures are appropriate. A Derailment Protection Report (Development Viability Report) was submitted for each proposal to satisfy the conditions set out in Policy 8.4 of OPA 271, and as required in order to permit a crash wall as an alternative to the rail safety mitigation measures sets out in Policies 8.2 and 8.3 (OPA 271). Mr. Smith pointed out that the residential area referred to by Mr. Pauloski is located approximately 80 m away from the Sobeys site.

[15] In sum, it is Mr. Smith's opinion that the proposed site specific ZBAs as proposed for the (3) subject sites, and the site specific OPAs for the 840 and 860 Dupont Street site, and the 420 Dupont Street and 275 Albany Avenue site, which have been prepared in conjunction with City staff, appropriately implement the proposed developments and conform with the Official Plan, as amended by OPA 271. The site specific policies established and implemented through these planning instruments are consistent with the policies of the Provincial Policy Statement ("PPS") and are in conformity with the directives of the Growth Plan for the Greater Golden Horseshoe ("GP").

[16] The Board was also provided with the evidence of Messrs. Mark Levkoe, P.Eng. and Brian Chapnik, P. Eng. in respect to noise and vibration.

[17] The Board accepts and relies on the uncontested evidence and opinions of the expert witnesses to sustain its finding respecting the appropriateness of the proposed planning instruments. Specifically, the Board is satisfied that the directives of the GP are being adhered to, and the policies of the PPS and the intent of the OP is being appropriately maintained. Furthermore, the matters of the public interest and safety have been duly considered and are being appropriately safeguarded. The proposed planning instruments align with, and implement the principles of good land use planning.

## **ORDER**

[18] The Board, having been provided with uncontested land use planning and technical evidence in support of the proposed site-specific planning instruments, allows the appeals in part, and orders as follows:

**PL150838, PL150839 and MM160005**

1. Sobeys Capital Incorporated's appeal of its Official Plan Amendment application regarding the property municipally known as 840 and 860 Dupont Street is allowed in part such that the Official Plan of the City of Toronto is further amended in accordance with Exhibit 41 and appended as Attachment 1 to this Order; and further,
2. Appeal with respect to Sobeys Capital Incorporated of its Zoning By-law Amendment application for the lands municipally known as 840 and 860 Dupont Street is allowed in part, that Zoning By-law No. 438-86 is amended substantially in accordance with Exhibit 42 and appended as Attachment 2 to this Order. The Final Order of the Board is being withheld pending:
  - Confirmation that a Section 37 agreement has been executed by the Owner to the satisfaction of the City;
  - Confirmation that the conditions set out in section 8.4 of Official Plan Amendment No. 271 have been completed and accepted by the City; and
  - Confirmation of the City's concurrence to the final form of the Zoning By-law.
3. The referral of Sobeys Capital Incorporated of its Site Plan application be adjourned *sine die*.



**PL160135 and PL160272**

4. Appeal with respect to 500 Dupont Street Holdings Limited of its Zoning By-law Amendment application for the lands municipally known as 500 Dupont Street is allowed in part, that Zoning By-law No. 438-86 is amended substantially in accordance with Exhibit 43 and appended as Attachment 3 to this Order. The Final Order of the Board is being withheld pending:
  - Confirmation that a Section 37 agreement has been executed by the Owner to the satisfaction of the City;
  - Confirmation that the conditions set out in section 8.4 of Official Plan Amendment No. 271 have been completed and accepted by the City; and
  - Confirmation of the City's concurrence to the final form of the Zoning By-law.
5. Site Specific Official Plan Amendment Appeal of 500 Dupont Street Holdings Limited for the lands municipally known as 500 Dupont Street was withdrawn by letter dated May 12, 2016.

**PL160220 and PL160221**

6. Deltera Inc.'s appeal of its Official Plan Amendment application regarding the property municipally known as 420 Dupont Street and 275 Albany Avenue is allowed in part such that the Official Plan of the City of Toronto is further amended in accordance with Exhibit 44 and appended as Attachment 4 to this Order; and further,
7. Appeal with respect to Deltera Inc. of its Zoning By-law Amendment application for the lands municipally known as 420 Dupont Street and 275

Albany Avenue is allowed in part, Zoning By-law No. 438-86 is hereby amended substantially in accordance with Exhibit 45 and appended as Attachment 5 to this Order. The Final Order of the Board is being withheld pending:

- Confirmation that the Owner has received either conditional site plan approval, or in accordance with typical City of Toronto practice, “notice of approval conditions”;
- Confirmation that the Owner and the City have entered into a mutually satisfactory agreement pursuant to section 37 of the *Planning Act* in implementation of Exhibit 45;
- Confirmation that the requirements of section 8.4 of Official Plan Amendment No. 271 have been satisfied; and
- Confirmation of the City's concurrence to the final form of the Zoning By-law.

*“M. A. Sills”*

M. A. SILLS  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

A constituent tribunal of Environment and Land Tribunals Ontario  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

**AMENDMENT NO. XXX TO THE OFFICIAL PLAN  
LANDS MUNICIPALLY KNOWN IN THE YEAR 2015 AS  
840 AND 860 DUPONT STREET**

---

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

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. XXX for lands municipally known as 840 and 860 Dupont Street, as follows:

**XXX.        840 and 860 Dupont Street**

Despite Policy 3.1 of Site and Area Specific Policy 212:

- a) For new development of the site a portion of the second storey will be set back from Dupont Street a minimum of 4.2 metres from the curb, as existing on May 9, 2016.

**CITY OF TORONTO****BY-LAW No. XXX-2016****To amend the General Zoning By-law No. 438-86 for the former City of Toronto, as amended, respecting the lands known municipally as 840 and 860 Dupont Street.**

Whereas the Ontario Municipal Board pursuant to its Order issued on ● in relation to Board Case Nos PL ● determined to amend By-law 438-86 of the former City of Toronto; and

Whereas the Official Plan for the former City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act* may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law;

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto.

Therefore By-law No. 438-86, of the former City of Toronto, as amended, is further amended by the Ontario Municipal Board:

1. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *lot* contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule 1 hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* in a form, and registered on title to the *lot*, to the satisfaction of the City Solicitor.
2. Where Schedule 1 of this By-law requires the *owner* to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

3. The *owner* shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule 1 are satisfied.
4. None of provisions of Zoning By-law 1011-2014 shall apply to the lands delineated by heavy dashed lines on Map 1 attached to and forming part of this By-law.
5. Except as otherwise provided herein the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.
6. Map 49J-312 is amended to rezone the lands shown on Map 2 of this By-law from IC D2 N1 to MCR, IC D2 and G.
7. None of the provisions of sections 4(2)(a), 4(3), 4(4), 4(7), 4(12), 4(13), 8(3) Part I 1 and 3, 8(3) PART XI (2), 9(1)(a) and (f), 9(3) Part I (2) and (3), and 12(2)270 of By-law No. 438-86, being "A by-law to regulate the use of land and the erection, use, bulk, height, spacing of land and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection or use of a *mixed-use building* within the *lot* which may contain *dwelling units* and non-residential uses and *accessory* uses thereto including a *private parking garage* and a *commercial parking garage* provided that:
  - (a) the total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 35,500 square metres;
  - (b) the total *residential gross floor area* of buildings and structures shall not exceed 26,250 square metres;
  - (c) the total *non-residential gross floor area* of buildings and structures shall not exceed 9,000 square metres;
  - (d) the maximum *gross floor area* of any one retail or service use on any single floor shall not exceed 5,000 square metres excluding:
    - (i) galleria uses, and any room or enclosed area, including its enclosing walls, within the building or structure above grade used for washrooms, lunch rooms, change rooms, offices, storage, heating, cooling, ventilating, electrical, or mechanical uses;
    - (ii) stock rooms and back-of-house food preparation areas up to a maximum of 1000 square metres; and
    - (iii) mezzanines up to a maximum of 500 square metres;
  - (e) the maximum number of *dwelling units* shall be 331;

- (f) any new building or structure containing *dwelling units* shall be constructed to include a minimum of 10% 3-bedroom *dwelling units*, and a minimum of 20% 2-bedroom *dwelling units*;
- (g) no portion of any building or structure erected or used on the *lot*, shall exceed the heights in metres specified by the numbers following the symbol "H" on the attached Map 3, or be erected closer to a *lot* line than the heavy lines indicated on Map 3, with the exception of the following structures and elements:
  - (i) awnings, cornices, balustrades, underground garage ramps, landscape and public art features, lighting fixtures, trellises, eaves, window sills, wheel chair ramps, outdoor recreation and amenity area elements, partitions dividing outdoor recreation and amenity areas, wind mitigation, noise mitigation, train derailment mitigation measures;
  - (ii) elevator overruns, cooling towers, cooling tower perimeter walls, screens, window washing equipment, lightning rods, parapets, guardrails, railings, stairs, stair enclosures, vents and ventilating equipment, landscape and green roof elements, planters, chimney stack, exhaust flues, garbage chute overruns;
  - (iii) balconies which may project a maximum of 2.32 metres subject to 7(j) below;
- (h) no portion of any building or structure erected or used on the *lot*, shall exceed the number of *storeys* specified by the numbers following the symbol "S" on the attached Map 3;
- (i) the uses listed in 7(g)(ii) above may project above a *height* of 37.0 metres up to a maximum *height* of 40.5 metres, provided that:
  - (i) such uses shall be set back a minimum of 5.0 metres from the edge of the roof below, except that no setback shall be required along the north edge of the roof; and
  - (ii) the aggregate horizontal area of such uses, including the area contained within an enclosure, does not exceed 30% of the roof area;
- (j) *dwelling units* including residential balconies shall be set back a minimum of 20.0 metres from the north *lot* line;
- (k) within the IC zone, offices are not permitted;

- (l) within the IC zone, parking, loading, service, access and mechanical facilities accessory to residential uses are permitted;
- (m) *residential amenity space* shall be provided in accordance with the following:
  - (i) a minimum of 2 square metres of indoor *residential amenity space* for each *dwelling unit* shall be provided;
  - (ii) a minimum of 2 square metres of outdoor *residential amenity space* for each *dwelling unit* shall be provided;
  - (iii) the indoor *residential amenity space* shall include a kitchenette and a washroom; and
  - (iv) indoor *residential amenity space* shall be located above grade;
- (n) a minimum number of *parking spaces* shall be provided and maintained below grade on the *lot* in accordance with the following:
  - (i) 0.7 *parking spaces* for each bachelor *dwelling unit*;
  - (ii) 0.8 *parking spaces* for each 1-bedroom *dwelling unit*;
  - (iii) 0.9 *parking spaces* for each 2-bedroom *dwelling unit*;
  - (iv) 1.1 *parking spaces* for each 3-bedroom *dwelling unit*;
  - (v) 0.15 visitor *parking spaces* for each *dwelling unit*;
  - (vi) 1.5 *parking spaces* per 100 square metres of *non-residential gross floor area*;
  - (vii) non-residential *parking spaces* and residential visitor *parking spaces* may be provided on a non-exclusive basis from 9 a.m. to 9 p.m., and shared whereby a non-residential *parking space* can also satisfy the residential visitor *parking space* requirement on the *lot*;
  - (viii) for each on-site *car-share parking space* provided on the *lot*, the minimum resident parking required shall be reduced by 4 *parking spaces*, up to a maximum of 1 *car-share parking space* per 60 dwelling units;
  - (ix) for the purposes of *parking space* calculations, if the calculation of the number of required *parking spaces* results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one *parking space*; and

- (x) of the parking referenced in paragraph 7(n) above, a maximum of 39 *parking spaces* may be a minimum length of 5.1 metres;
- (o) a minimum of one *loading spaces - Type "A"*, two *loading space - Type "B"*, and one *loading space - Type "G"* shall be provided and maintained on the *lot*;
- (p) notwithstanding 7(o) above, the requirement for a *loading space - Type "B"* may be satisfied by the provision of a *loading space - Type "A"*.
- (q) a minimum number of *bicycle parking spaces* shall be provided and maintained on the *lot* for the residents of and visitors to the building in accordance with the following:
  - (i) for residential uses, a minimum of 1.0 *bicycle parking spaces* for each *dwelling unit*, comprised of 0.9 long-term *bicycle parking spaces* and 0.1 short-term *bicycle parking spaces*;
  - (ii) for *non-residential* uses a minimum of 0.2 long-term *bicycle parking spaces* per 100 square meters of non-residential *interior floor area* and 3 *bicycle parking spaces* plus 0.3 short-term *bicycle parking spaces* per 100 square meters of non-residential *interior gross floor area*;
  - (iii) for the purposes of *bicycle parking space* calculations, if the calculation of the minimum *bicycle parking spaces* for all uses results in a fraction of a *bicycle parking space* being required, the number of required *bicycle parking spaces* must be rounded up to the next whole number;
  - (iv) a *bicycle parking space* may be provided in a horizontal or vertical position, and/or in a bicycle stacker; and
  - (v) despite the definition of *bicycle parking space - visitor* in Section 2(1)(iii) of Zoning By-law No. 438-86, as amended, a *bicycle parking space* for visitors and non-residential uses may be provided within a secure room;
- (r) none of the provisions of By-law No. 438-86, as amended, shall apply to prevent a *sales office* on the *lot*, and a *sales office* shall be exempt from the requirements of By-law No. 438-86, as amended, and this by-law to provide motor vehicle parking facilities.

8. For the purpose of this By-law, all italicized words and expression have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:



- (a) *bicycle parking space* means an area that is equipped with a bicycle rack, locker or bicycle stacker for the purpose of parking and securing bicycles and:
  - (i) a horizontal *bicycle parking space* has a minimum length of 1.8 metres, a minimum width of 0.4 metres, and a minimum vertical clearance from the ground of 1.9 metres;
  - (ii) a vertical *bicycle parking space* has a minimum length or vertical clearance of 1.9 metres, a minimum width of 0.4 metres, and a minimum horizontal clearance from the wall of 1.2 metres; and
  - (iii) a *stacked bicycle parking space* has a minimum length of 1.6 metres, a minimum width of 0.4 metres, and a minimum vertical clearance from the ground of 1.2 metres;
- (b) *car-share* means the practice where a number of people share the use of one or more motor vehicles. Such car-share motor vehicles shall be made available for short term rental, including hourly rental. Car-share operators may require that the car-share motor vehicles be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing operator, including the payment of a membership fee that may or may not be refundable;
- (c) *car-share parking space* shall mean a *parking space* that is reserved and use for the *car-share* purpose;
- (d) *grade* means 121.85 metres Canadian Geodetic Datum;
- (e) *height* means the height above *grade* as shown on Map 3;
- (f) *interior floor area* means the floor area of any part of a building, measured to: (A) the interior side of a main wall; (B) the centreline of an interior wall; or (C) a line delineating the part being measured;
- (g) *lot* shall mean the parcel of land delineated by heavy dashed lines on Map 1 attached to and forming part of this By-law and known municipally as 840 and 860 Dupont Street in the year 2015;
- (h) *storey* means the number of storeys above grade as shown on Map 3 as marked with a “S” and does not include mezzanines;
- (i) *sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* and non-residential units to be erected on the *lot*;

- (j) *stacked bicycle parking space* means a horizontal *bicycle parking space* that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*;

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

PURSUANT TO THE ONTARIO MUNICIPAL BOARD ORDER/DECISIONS ISSUED ON ● IN BOARD FILE NOS.●.

**SCHEDULE 1**  
**Section 37 Provisions**

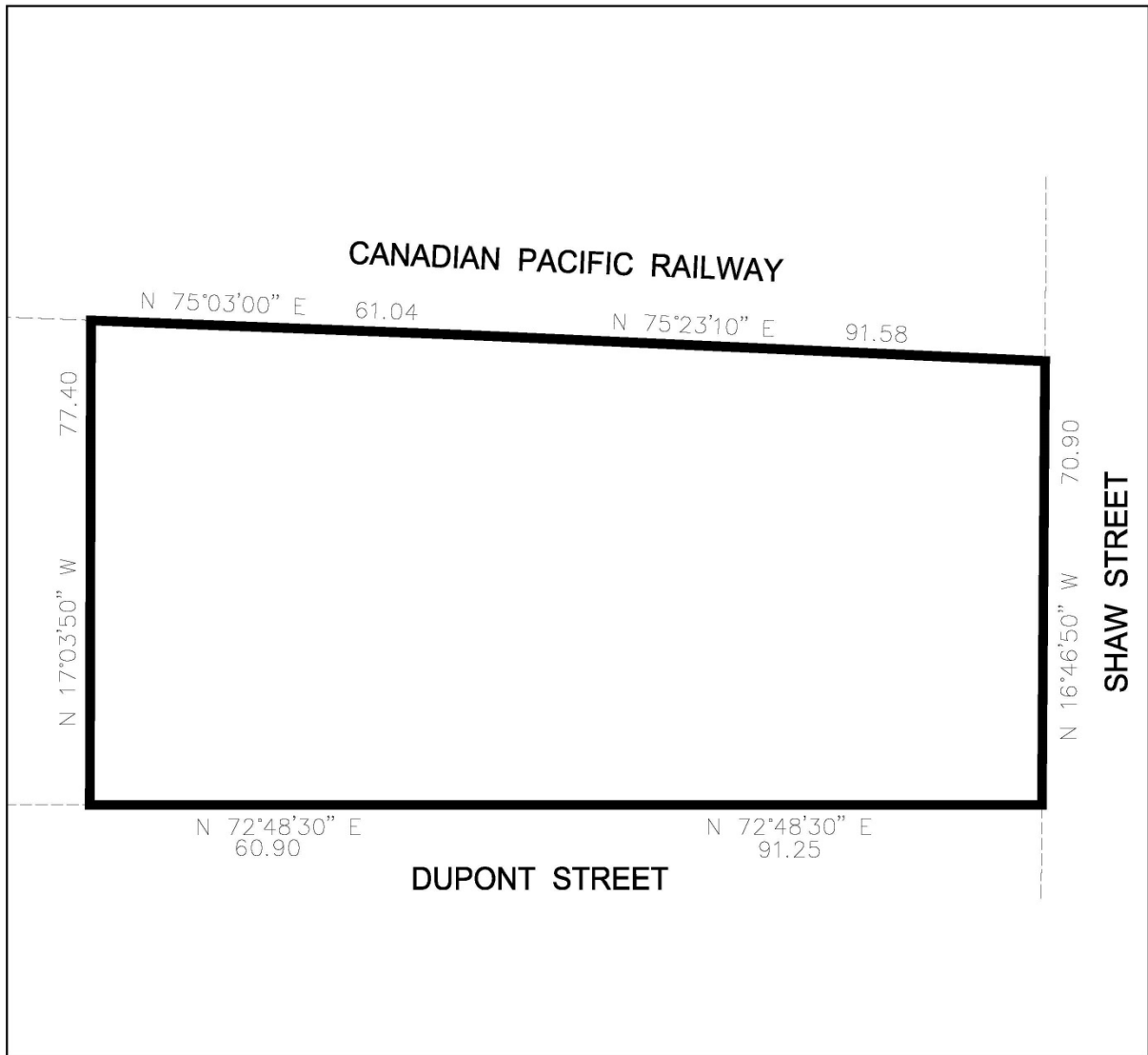
The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in height and density of the proposed development on the lot and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

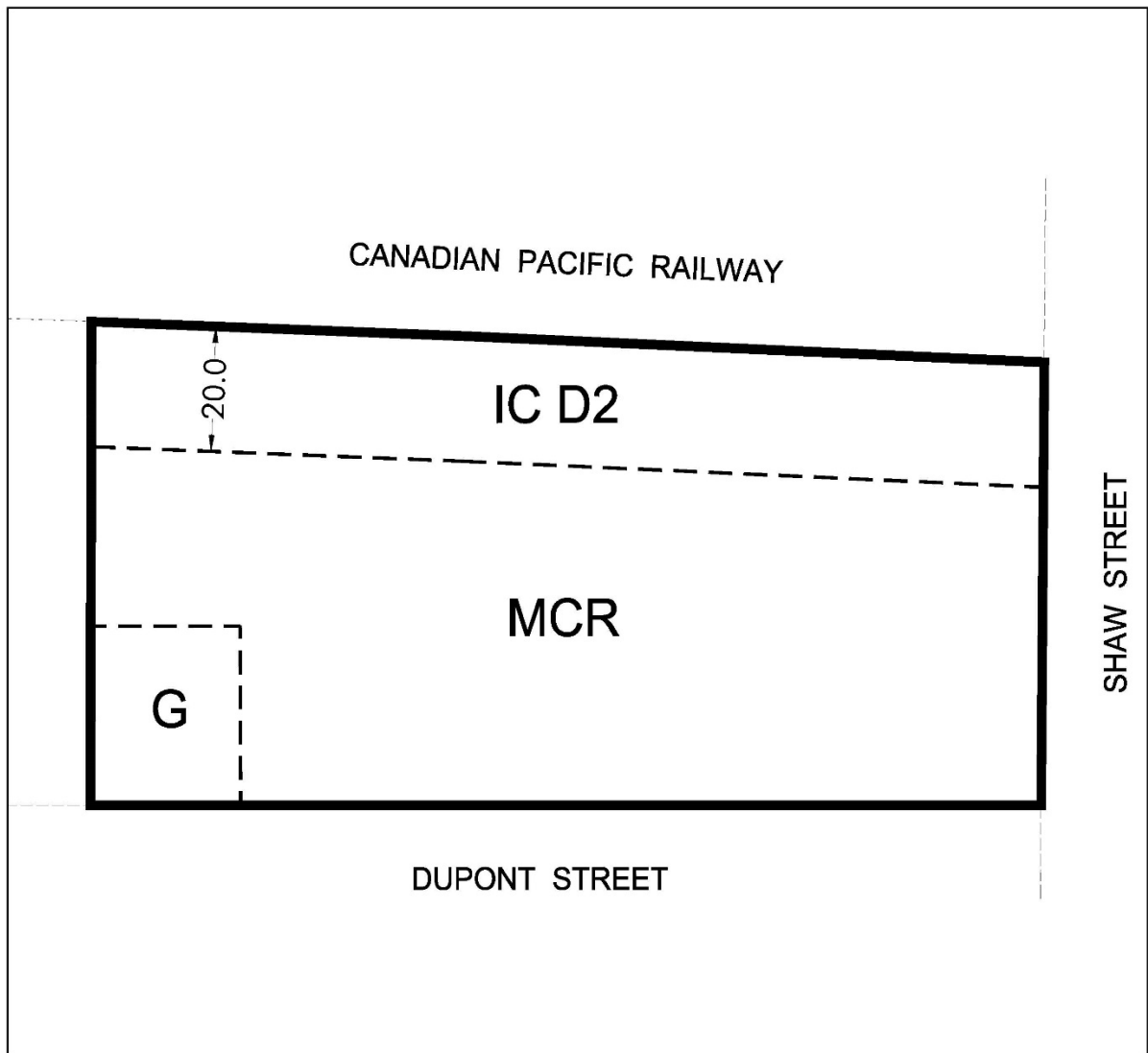
1. Prior to the issuance of the first above-grade building permit for the proposed development on the lot, other than a building permit for a temporary sales office/pavilion, the Owner shall pay to the City the sum of \$895,000 provided that:
  - a. 10% (\$89,500) to be allocated to the provision of new affordable housing in Ward 19;
  - b. 10% (\$89,500) to be allocated to capital improvements to existing Toronto Community Housing Corporation ("TCHC") buildings in Ward 19; and
  - c. 80% (\$716,000) be allocated to parkland improvements and/or public realm improvements, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Parks, Forestry and Recreation and/or the General Manager, Transportation Services, in consultation with the Ward Councillor and local community;with such amounts to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
2. The owner of the lot shall convey to the City an on-site parkland dedication of a minimum size of 700 square metres, to be conveyed to the City in partial fulfilment of the owner's required parkland dedication pursuant to section 42 of the Planning Act, and to be secured in the Section 37 Agreement required in this Schedule 1, all to the satisfaction of the Chief Planner, the General Manager, Parks Forestry and Recreation and the City Solicitor.
3. Prior to the issuance of the first above-grade permit for any portion of the lot, the owner of the lot shall provide a letter of credit to the City, to include provision for upwards indexing, in a form satisfactory to the City, in the amount of the remaining parkland dedication requirement, as determined by the City's Appraisal Services staff, which will be held as security by the City for the satisfactory completion, by the owner of the lot, of the construction of the required above-base park improvements.
4. Prior to the issuance of the first building permit, the owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official and Executive Director, Toronto Building, in

consultation with the Ward Councillor and thereafter in support of the development, will implement the plan during the course of construction. The Construction Management Plan will include, details regarding size and location of construction staging areas, dates and significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary.

**Other matter to support the development of the lot:**

5. As a condition of Site Plan Approval, the owner will provide, to the satisfaction of the City's Chief Planner and Executive Director of City Planning, detailed drawings which illustrate the proposed rail mitigation measures for the proposed development on the *lot*.







### Map 3

**File #16**



**Not to Scale**

**CITY OF TORONTO****BY-LAW No. XXX-2016****To amend the General Zoning By-law No. 438-86 for the former City of Toronto, as amended, respecting the lands known municipally as 500 Dupont Street.**

Whereas the Ontario Municipal Board pursuant to its Order issued on ● in relation to Board Case Nos PL ● determined to amend By-law 438-86 of the former City of Toronto; and

Whereas the Official Plan for the former City of Toronto contains provisions relating to the authorization of increases in *height* and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act* may authorize increases in the *height* and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law;

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the *height* or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in *height* and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto.

Therefore By-law No. 438-86, of the former City of Toronto, as amended, is further amended by the Ontario Municipal Board:

1. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in *height* and density of development on the lot contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule 1 hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* in a form, and registered on title to the lot, to the satisfaction of the City Solicitor.
2. Where Schedule 1 of this By-law requires the *owner* to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.



3. The *owner* shall not use, or permit the use of, a building or structure erected with an increase in *height* and density pursuant to this By-law unless all provisions of Schedule 1 are satisfied.
4. None of provisions of Zoning By-law 1011-2014 shall apply to the lands delineated by heavy dashed lines on Map 1 attached to and forming part of this By-law.
5. Except as otherwise provided herein the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.
6. Map 49J-313 is amended to rezone the lands shown on Map 2 of this By-law from IC D2 N1 to MCR and IC D2.
7. None of the provisions of sections 4(2)(a), 4(3), 4(4), 4(7), 4(10)(a), 4(12), 4(13), 4(14)(a)(ii), 8(3) Part I 1 and 3, 8(3) PART XI (2), 9(1)(a) and (f), 9(3) Part I (2) and (3), 12(2)270 and 12(2)321 of By-law No. 438-86, being "A by-law to regulate the use of land and the erection, use, bulk, *height*, spacing of land and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection or use of a *mixed-use building* within the *lot* which may contain *dwelling units* and non-residential uses and *accessory* uses thereto, including a *private parking garage* and a *commercial parking garage*, provided that:
  - (a) the total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 12,300 square metres;
  - (b) the total *residential gross floor area* of buildings and structures shall not exceed 10,500 square metres;
  - (c) the total *non-residential gross floor area* of buildings and structures shall not exceed 1,800 square metres;
  - (d) a *club* and a *place of assembly* are not permitted;
  - (e) a *bake-shop*, *place of amusement*, *restaurant* and *take-out restaurant* are permitted subject to the following:
    - (i) a maximum of two such uses shall be permitted;
    - (ii) the *non-residential gross floor area* for any individual such use shall not exceed 350 square metres; and
    - (iii) the *non-residential gross floor area* for any second such use shall not exceed 200 square metres;

provided that, for the purpose of this provision, the *non-residential gross floor area* of a *bake-shop*, *place of amusement*, *restaurant* or *take-out restaurant* means the aggregate of the areas of each floor and the spaces occupied by walls and stairs,

measured above and below *grade*, measured between the exterior faces of the exterior walls of the building at the level of each floor, exclusive of only a room or partially enclosed area that is used exclusively for a kitchen, food preparation, heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that services the building, storage or washrooms;

- (f) the maximum number of *dwelling units* shall be 150;
- (g) any new building or structure containing *dwelling units* shall be constructed to include a minimum of 10% 3-bedroom *dwelling units*, and a minimum of 20% 2-bedroom *dwelling units*;
- (h) no portion of any building or structure erected or used on the lot, shall exceed the *heights* in metres specified by the numbers following the symbol "H" on the attached Map 3, or be erected closer to a lot line than the heavy lines indicated on Map 3, with the exception of the following structures and elements:
  - (i) awnings, cornices, balustrades, underground garage ramps, landscape and public art features, lighting fixtures, trellises, eaves, window sills, wheel chair ramps, outdoor recreation and amenity area elements, partitions dividing outdoor recreation and amenity areas, wind mitigation, noise mitigation, train derailment mitigation measures;
  - (ii) elevator overruns, cooling towers, screens, window washing equipment, lightning rods, parapets, guardrails, railings, stairs, stair enclosures, vents and ventilating equipment, landscape and green roof elements, planters, chimney stack, exhaust flues, garbage chute overruns;
  - (iii) terraces, along the south and east walls only;
  - (iv) balconies and partially enclosed balconies, along the south and east walls only, which shall project a maximum of 1.6 metres subject to 7(k) below;
  - (v) notwithstanding 7(h)(iv) above, above the 3<sup>rd</sup> storey, balconies along the east wall may not project into the 4.5 metre setback to the east *lot* line shown on Map 3;
- (i) within the *height* area identified on Map 3 as MPH H 38.0, the only permitted uses above the *height* of H 33.0 shall be the uses listed in 7(h)(ii) above;
- (j) within the *height* area identified on Map 3 as 36.0, the only permitted uses shall be the mezzanine associated with of the *dwelling units* located directly below, with a total combined maximum *gross floor area* of 150 square metres;
- (k) notwithstanding 7(h)(ii), no portion of the building may project above a height of 38.0 metres;

- (l) no portion of any building or structure erected or used on the lot, shall exceed the number of *storeys* specified by the numbers following the symbol "S" on the attached Map 3;
- (m) *dwelling units* and balconies shall be set back a minimum of 13.9 metres from the north *lot* line;
- (n) within the IC zone, offices are not permitted;
- (o) within the IC zone, parking, loading, service, access and mechanical facilities accessory to residential uses are permitted;
- (p) *residential amenity space* shall be provided in accordance with the following:
  - (i) a minimum of 285 square metres of indoor *residential amenity space* shall be provided;
  - (ii) a minimum of 149 square metres of outdoor *residential amenity space* shall be provided;
  - (iii) the indoor *residential amenity space* shall include a kitchenette and a washroom;
  - (iv) a minimum of 50 m<sup>2</sup> of indoor *residential amenity space* shall be located immediately adjacent to the outdoor *residential amenity space*; and
  - (v) all *residential amenity space* shall be located above grade;
- (q) a minimum number of *parking spaces* shall be provided and maintained below grade on the *lot* in accordance with the following:
  - (i) 0.3 *parking spaces* for each bachelor *dwelling unit*;
  - (ii) 0.5 *parking spaces* for each 1-bedroom *dwelling unit*;
  - (iii) 0.8 *parking spaces* for each 2-bedroom *dwelling unit*;
  - (iv) 1.0 *parking space* for each 3-bedroom *dwelling unit*;
  - (v) 0.1 visitor *parking spaces* for each *dwelling unit*;
  - (vi) 1.0 *parking space* per 100 square metres of *non-residential gross floor area*;
  - (vii) non-residential *parking spaces* and residential visitor *parking spaces* may be provided on a non-exclusive basis from 9 a.m. to 9 p.m., and

shared whereby a non-residential *parking space* can also satisfy the residential visitor *parking space* requirement on the *lot*;

- (viii) for each on-site *car-share parking space* provided on the lot, the minimum resident parking required shall be reduced by 4 *parking spaces*, up to a maximum of 1 *car-share parking space* per 60 dwelling units; and
- (ix) for the purposes of *parking space* calculations, if the calculation of the number of required *parking spaces* results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one *parking space*;
- (r) a minimum of one *loading space - Type "B"* and one *loading space - Type "G"* shall be provided and maintained on the *lot*;
- (s) a minimum number of *bicycle parking spaces* shall be provided and maintained on the *lot* for the residents of and visitors to the building in accordance with the following:
  - (i) for residential uses, a minimum of 1.0 *bicycle parking space* for each *dwelling unit*, comprised of 0.9 long-term *bicycle parking spaces* and 0.1 short-term *bicycle parking spaces*; and
  - (ii) for *non-residential* uses, a minimum of 0.2 long-term *bicycle parking spaces* per 100 square metres of non-residential *interior floor area* and 3 *bicycle parking spaces* plus 0.3 short-term *bicycle parking spaces* per 100 square metres of non-residential *interior floor area*;
  - (iii) for the purposes of *bicycle parking space* calculations, if the calculation of the minimum *bicycle parking spaces* for all uses results in a fraction of a *bicycle parking space* being required, the number of required *bicycle parking spaces* must be rounded up to the next whole number;
  - (iv) a *bicycle parking space* may be provided in a horizontal or vertical position, and/or in a rack, bicycle stacker or bicycle locker; and
  - (v) despite the definition of *bicycle parking space – visitor* in Section 2(1)(iii) of Zoning By-law No. 438-86, as amended, a *bicycle parking space* for visitors and non-residential uses may be provided within a secure room;
- (t) none of the provisions of By-law No. 438-86, as amended, shall apply to prevent a *sales office* on the *lot*, and a *sales office* shall be exempt from the requirements of By-law No. 438-86, as amended, and this by-law, with respect to the provision of motor vehicle parking facilities.

8. For the purpose of this By-law, all italicized words and expression have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:

- (a) *car-share* means the practice where a number of people share the use of one or more motor vehicles. Such car-share motor vehicles shall be made available for short term rental, including hourly rental. Car-share operators may require that the car-share motor vehicles be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing operator, including the payment of a membership fee that may or may not be refundable;
- (b) *car-share parking space* shall mean a *parking space* that is reserved and use for the *car-share* purpose;
- (c) *grade* means 122.2 metres Canadian Geodetic Datum;
- (d) *height* means the height above *grade* as shown on Map 3;
- (e) *storey* means the number of storeys above grade as shown on Map 3 as marked with a “S” and does not include mezzanines;
- (f) *interior floor area* means the floor area of any part of a building, measured to: (A) the interior side of a main wall; (B) the centreline of an interior wall; or (C) a line delineating the part being measured;
- (g) *lot* shall mean the parcel of land outlined by delineated by heavy dashed lines on Map 1 attached to and forming part of this By-law and known municipally as 500 Dupont Street in the year 2015; and
- (h) *sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* and non-residential units to be erected on the *lot*.

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

PURSUANT TO THE ONTARIO MUNICIPAL BOARD ORDER/DECISIONS ISSUED ON ● IN BOARD FILE NOS. ●.

## **SCHEDULE 1**

### **Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in height and density of the proposed development on the lot and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

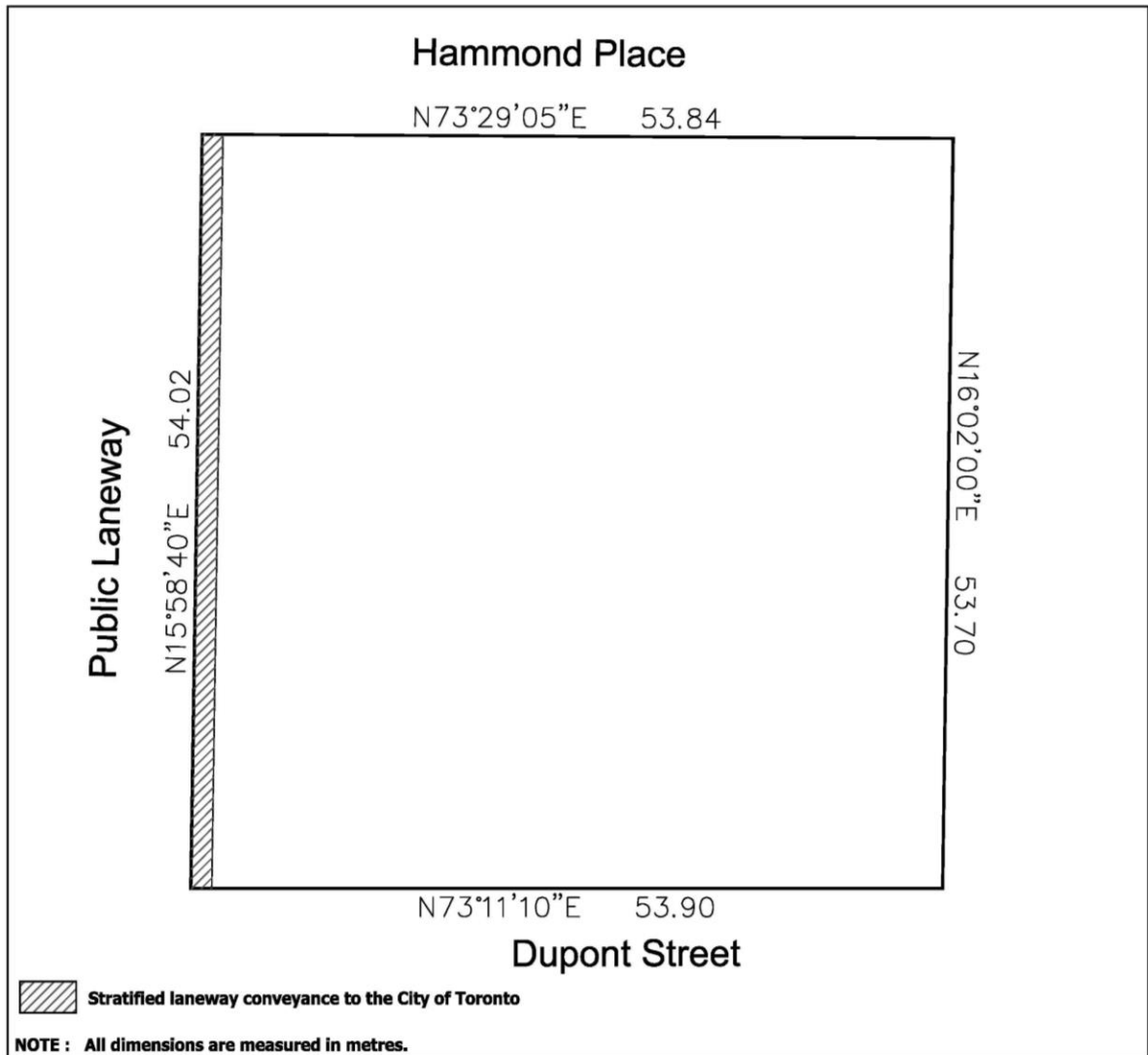
1. Prior to the issuance of the first above-grade building permit for the proposed development on the lot, other than a building permit for a temporary sales office/pavilion, the Owner shall:
  - a. pay to the City the sum of \$50,000, to be allocated to public realm improvements and/or parkland improvements in the neighbourhood to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the General Manager, Parks, Forestry and Recreation and/or the General Manager, Transportation Services, the Ward Councillor and local community; and

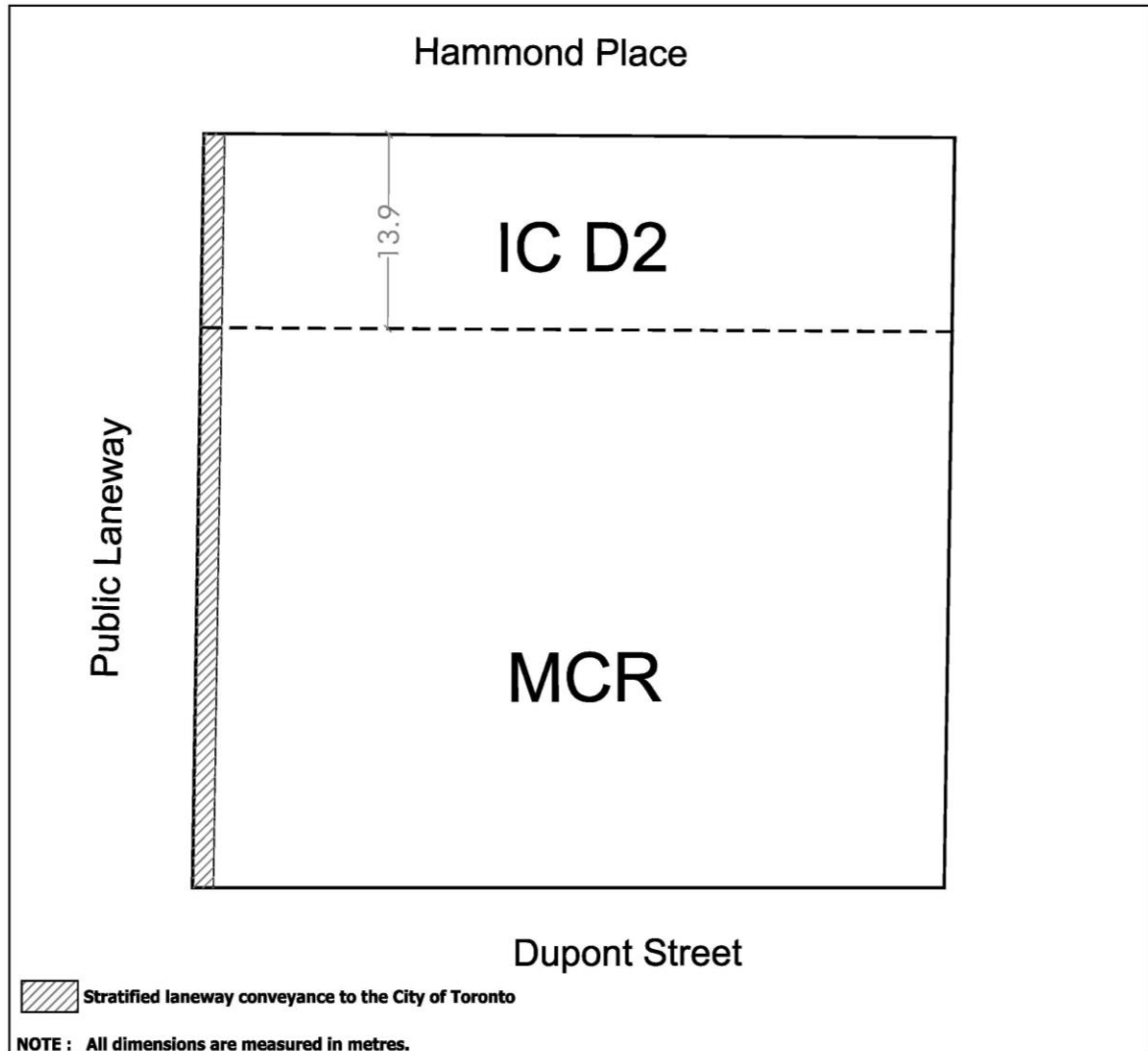
with such amounts to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

2. Prior to the issuance of the first building permit, the owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the plan during the course of construction. The Construction Management Plan will include details regarding size and location of construction staging areas, dates and significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary.

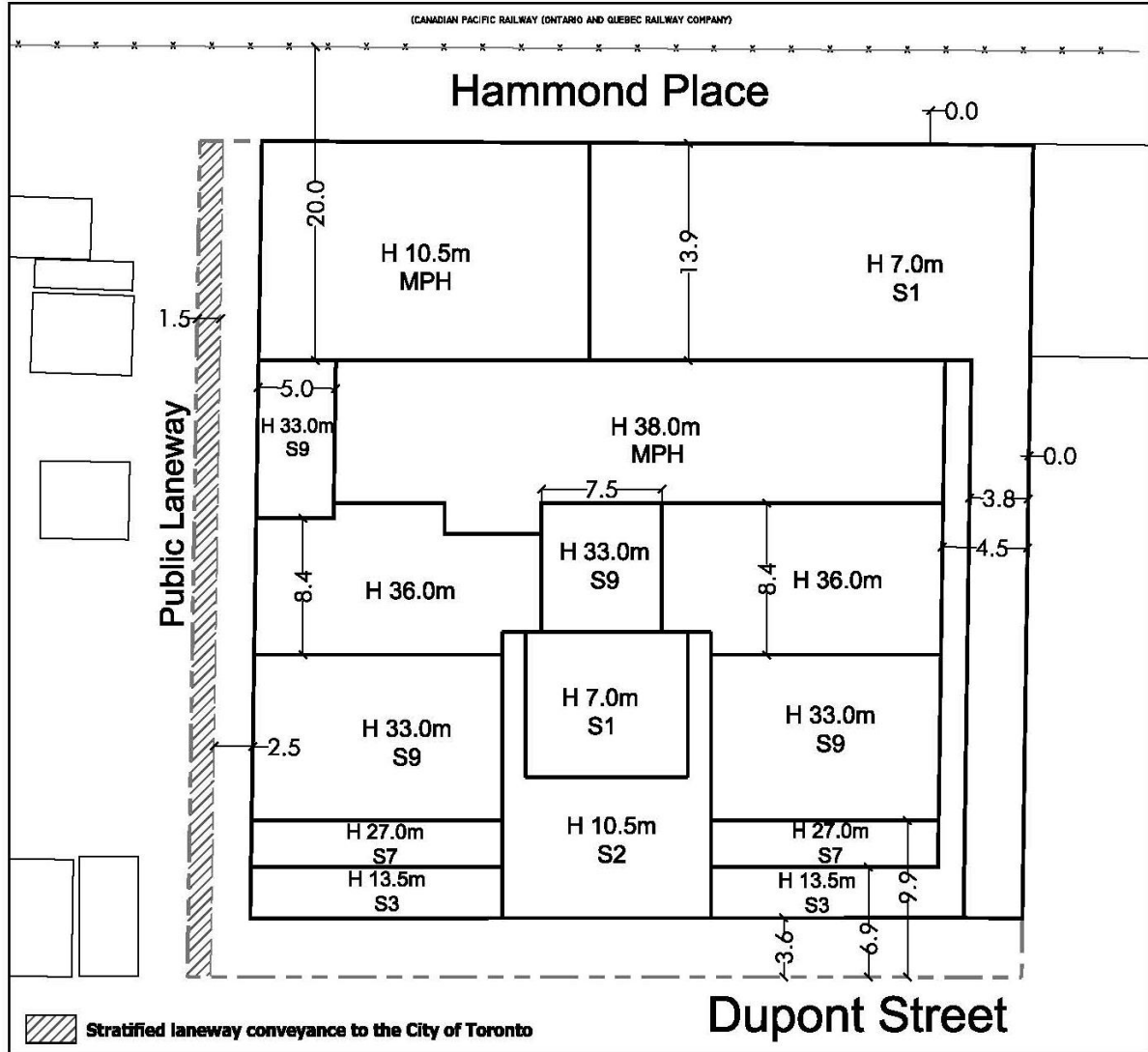
#### **Other matter to support the development of the lot:**

3. As a condition of Site Plan Approval, the owner will provide, to the satisfaction of the City's Chief Planner and Executive Director of City Planning, detailed drawings which illustrate the proposed rail mitigation measures for the proposed development on the *lot*.









500 Dupont Street, Toronto

Map 3

File #16 \_\_\_\_\_

Not to Scale



26137586.1

**CITY OF TORONTO  
BY-LAW No. XXX-2016**

**To adopt Amendment No. XXX to the Official Plan for the former City of Toronto  
with respect to lands known municipally as  
420 Dupont Street and 275 Albany Avenue.**

Whereas authority is given to the Ontario Municipal Board under the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law;

The Official Plan of the City of Toronto, as amended, is further amended by the Ontario Municipal Board as follows:

1. The attached Amendment No. XXX to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

PURSUANT TO THE ONTARIO MUNICIPAL BOARD ORDER/DECISIONS  
ISSUED ON ● IN BOARD FILE NOS.●.

**AMENDMENT NO. XXX TO THE OFFICIAL PLAN**  
**LANDS MUNICIPALLY KNOWN IN THE YEAR 2015 AS**  
**420 DUPONT STREET AND 275 ALBANY AVENUE**

---

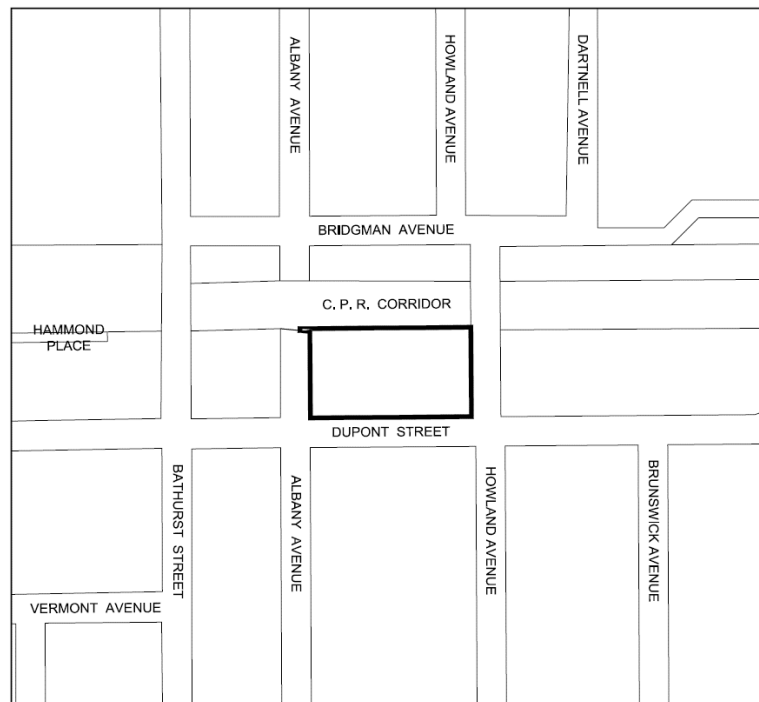
The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. XXX for lands municipally known as 420 Dupont Street and 275 Albany Avenue, as follows:

**XXX. 420 Dupont Street and 275 Albany Avenue**

Despite any policy of this Plan to the contrary:

- a) As part of any redevelopment of the site, full replacement of the existing non-residential gross floor area is not required provided that the redevelopment includes a minimum of 2,000 square metres of non-residential gross floor area.
- b) In order to provide for a wide sidewalk and boulevard with enhanced pedestrian amenities and tree planting, new development at or above grade will be set back from the Dupont Street property line to allow a minimum of 4.8 metres from the curb existing on May 9, 2016 to the front face of the building.



**KEY PLAN**

## ATTACHMENT 5

PL150838 et al

### CITY OF TORONTO

#### BY-LAW No. XXX-2016

**To amend the General Zoning By-law No. 438-86 for the former City of Toronto, as amended, respecting the lands known municipally as  
420 Dupont Street and 275 Albany Avenue.**

Whereas the Ontario Municipal Board pursuant to its Order issued on ● in relation to Board Case Nos PL ● determined to amend By-law 438-86 of the former City of Toronto; and

Whereas the Official Plan for the former City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act* may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law;

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto.

Therefore By-law No. 438-86, of the former City of Toronto, as amended, is further amended by the Ontario Municipal Board:

1. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *lot* contemplated herein is permitted in return for the provision by the *owner*, at the *owner's* expense, of the facilities, services and matters set out in Schedule 1 hereof subject to and as secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* in a form, and registered on title to the *lot*, to the satisfaction of the City Solicitor.
2. Where Schedule 1 of this By-law requires the *owner* to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such

permit shall be dependent on satisfaction of the same.

3. The *owner* shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule 1 are satisfied.
4. None of provisions of Zoning By-law 1011-2014 shall apply to the lands delineated by heavy dashed lines on Map 1 attached to and forming part of this By-law.
5. Except as otherwise provided herein the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.
6. Map 50J-311 is amended to rezone the lands shown on Map 2 of this By-law from IC D2 N2 to MCR and IC D2.
7. None of the provisions of sections 4(2)(a), 4(3), 4(5), 4(8), 4(12), 4(13), 8(3) Part I 1 and 3, 8(3) PART XI (2), 9(1)(a) and (f), 9(3) Part I (2) and (3), 12(2)132 and 12(2)270 of By-law No. 438-86, being "A by-law to regulate the use of land and the erection, use, bulk, height, spacing of land and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection or use of a *mixed-use building* within the *lot* which may contain *dwelling units* and non-residential uses and *accessory* uses thereto, including a *private parking garage* and a *commercial parking garage*, provided that:
  - (a) the total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 26,500 square metres;
  - (b) the total *residential gross floor area* of buildings and structures shall not exceed 24,760 square metres;
  - (c) the total *non-residential gross floor area* of buildings and structures shall not exceed 2,750 square metres;
  - (d) the maximum number of *dwelling units* shall be 266;
  - (e) any new building or structure containing *dwelling units* shall be constructed to include a minimum of 10% 3-bedroom *dwelling units*, and a minimum of 20% 2-bedroom *dwelling units*;
  - (f) no portion of any building or structure erected or used on the *lot*, shall exceed the heights in metres specified by the numbers following the symbol "H" on the attached Map 3, or be erected closer to a *lot* line than the heavy lines indicated on Map 3, with the exception of the following structures and elements:

- (i) awnings, cornices, balustrades, underground garage ramps, landscape and public art features, lighting fixtures, trellises, eaves, window sills, wheel chair ramps, outdoor recreation and amenity area elements, partitions dividing outdoor recreation and amenity areas, wind mitigation, noise mitigation, train derailment mitigation measures;
  - (ii) elevator overruns, cooling towers, screens, window washing equipment, lightning rods, parapets, guardrails, railings, stairs, stair enclosures, vents and ventilating equipment, landscape and green roof elements, planters, chimney stack, exhaust flues, garbage chute overruns;
- (g) the building shall be located within a 45-degree angular plane measured from a height of 16.0 metres above the front *lot* line adjacent to Dupont Street (the “45-degree angular plane”);
- (h) notwithstanding 7(f) and (g) above, the height of the building within the ‘stepback zone’ identified on Map 3 may project above the 45-degree angular plane by a maximum of 2.4 vertical metres, provided that the *building volume* located above the 45-degree angular plane line is less than or equal to one-third of the *volume* below the 45-degree angular plane line that is not occupied by buildings or structures;
- (i) balconies and terrace guardrails are not subject to the provisions of 7(g) and (h) above;
- (j) no portion of any building or structure erected or used on the *lot*, shall exceed the number of *storeys* specified by the numbers following the symbol "S" on the attached Map 3;
- (k) within the *height* area identified on Map 3 as MPH H 35.0 and MPH H 38.0, the only permitted uses above the *height* of H 32.0 shall be the uses listed in 7(f)(ii) above;
- (l) *dwelling units* and balconies shall be set back a minimum of 20.0 metres from the north *lot* line;
- (m) within the IC zone, offices are not permitted;
- (n) within the IC zone, parking, loading, service, access and mechanical facilities accessory to residential uses are permitted;
- (o) *residential amenity space* shall be provided in accordance with the following:
- (i) a minimum of 2 square metres of indoor *residential amenity space* for each *dwelling unit* shall be provided;

- (ii) a minimum of 2 square metres of outdoor *residential amenity space* for each *dwelling unit* shall be provided;
  - (iii) the indoor *residential amenity space* shall include a kitchenette and a washroom;
  - (iv) a minimum of 50 m<sup>2</sup> of indoor *residential amenity space* shall be located immediately adjacent to the outdoor *residential amenity space*; and
  - (v) all *residential amenity space* shall be located above grade;
- (p) a minimum number of *parking spaces* shall be provided and maintained either at grade or below grade on the *lot* in accordance with the following:
- (i) 0.3 *parking spaces* for each bachelor *dwelling unit*;
  - (ii) 0.5 *parking spaces* for each 1-bedroom *dwelling unit*;
  - (iii) 0.8 *parking spaces* for each 2-bedroom *dwelling unit*;
  - (iv) 1.0 *parking space* for each 3-bedroom *dwelling unit*;
  - (v) 0.1 visitor *parking spaces* for each *dwelling unit*;
  - (vi) 1.0 *parking space* per 100 square metres of *non-residential gross floor area*;
  - (vii) non-residential *parking spaces* and residential visitor *parking spaces* may be provided on a non-exclusive basis and shared whereby a non-residential *parking space* can also satisfy the residential visitor *parking space* requirement on the *lot*;
  - (viii) for each on-site *car-share parking space* provided on the *lot*, the minimum resident parking required shall be reduced by 4 *parking spaces*, up to a maximum of 1 *car-share parking space* per 60 dwelling units; and
  - (ix) for the purposes of *parking space* calculations, if the calculation of the number of required *parking spaces* results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one *parking space*;
- (q) a minimum of one *loading space - Type "B"* and one *loading space - Type "G"* shall be provided and maintained on the *lot*;

- (r) a minimum number of *bicycle parking spaces* shall be provided and maintained on the *lot* for the residents of and visitors to the building in accordance with the following:
  - (i) for residential uses, a minimum of 1.0 *bicycle parking space* for each *dwelling unit*, comprised of 0.9 long-term *bicycle parking spaces* and 0.1 short-term *bicycle parking spaces*;
  - (ii) for *non-residential* uses, a minimum of 0.2 long-term *bicycle parking spaces* per 100 square metres of non-residential *interior floor area* and 3 *bicycle parking spaces* plus 0.3 short-term *bicycle parking spaces* per 100 square metres of non-residential *interior floor area*;
  - (iii) for the purposes of *bicycle parking space* calculations, if the calculation of the minimum *bicycle parking spaces* for all uses results in a fraction of a *bicycle parking space* being required, the number of required *bicycle parking spaces* must be rounded up to the next whole number;
  - (iv) a *bicycle parking space* may be provided in a horizontal or vertical position, and/or in a rack, bicycle stacker or bicycle locker; and
  - (v) despite the definition of *bicycle parking space – visitor* in Section 2(1)(iii) of Zoning By-law No. 438-86, as amended, a *bicycle parking space* for visitors and non-residential uses may be provided within a secure room;
- (s) none of the provisions of By-law No. 438-86, as amended, shall apply to prevent a *sales office* on the *lot*, and a *sales office* shall be exempt from the requirements of By-law No. 438-86, as amended, and this by-law to provide motor vehicle parking facilities.

**8.** For the purpose of this By-law, all italicized words and expression have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:

- (a) *car-share* means the practice where a number of people share the use of one or more motor vehicles. Such car-share motor vehicles shall be made available for short term rental, including hourly rental. Car-share operators may require that the car-share motor vehicles be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing operator, including the payment of a membership fee that may or may not be refundable;
- (b) *car-share parking space* shall mean a *parking space* that is reserved and use for the *car-share* purpose;



- (c) *grade* means 121.58 metres Canadian Geodetic Datum;
- (d) *height* means the height above *grade* as shown on Map 3;
- (e) *interior floor area* means the floor area of any part of a building, measured to: (A) the interior side of a main wall; (B) the centreline of an interior wall; or (C) a line delineating the part being measured;
- (f) *lot* shall mean the parcel of land delineated by heavy dashed lines on Map 1 attached to and forming part of this By-law and known municipally as 420 Dupont Street and 275 Albany Avenue in the year 2015; and
- (g) *storey* means the number of storeys above grade as shown on Map 3 as marked with a “S” and does not include a mezzanine;
- (h) *volume* means the three-dimensional space calculated by multiplying the area shown as “stepback zone” on Map 3 by the height that is contained within the 45-degree angular plane;
- (i) *building volume* means the *volume* defined in 8(h) above that is occupied by buildings and structures, exclusive of balconies and terrace guardrails;
- (j) *sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* and non-residential units to be erected on the *lot*.

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

PURSUANT TO THE ONTARIO MUNICIPAL BOARD ORDER/DECISIONS ISSUED ON ● IN BOARD FILE NOS. ●.

## **SCHEDULE 1**

### **Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in height and density of the proposed development on the lot subject to and as secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

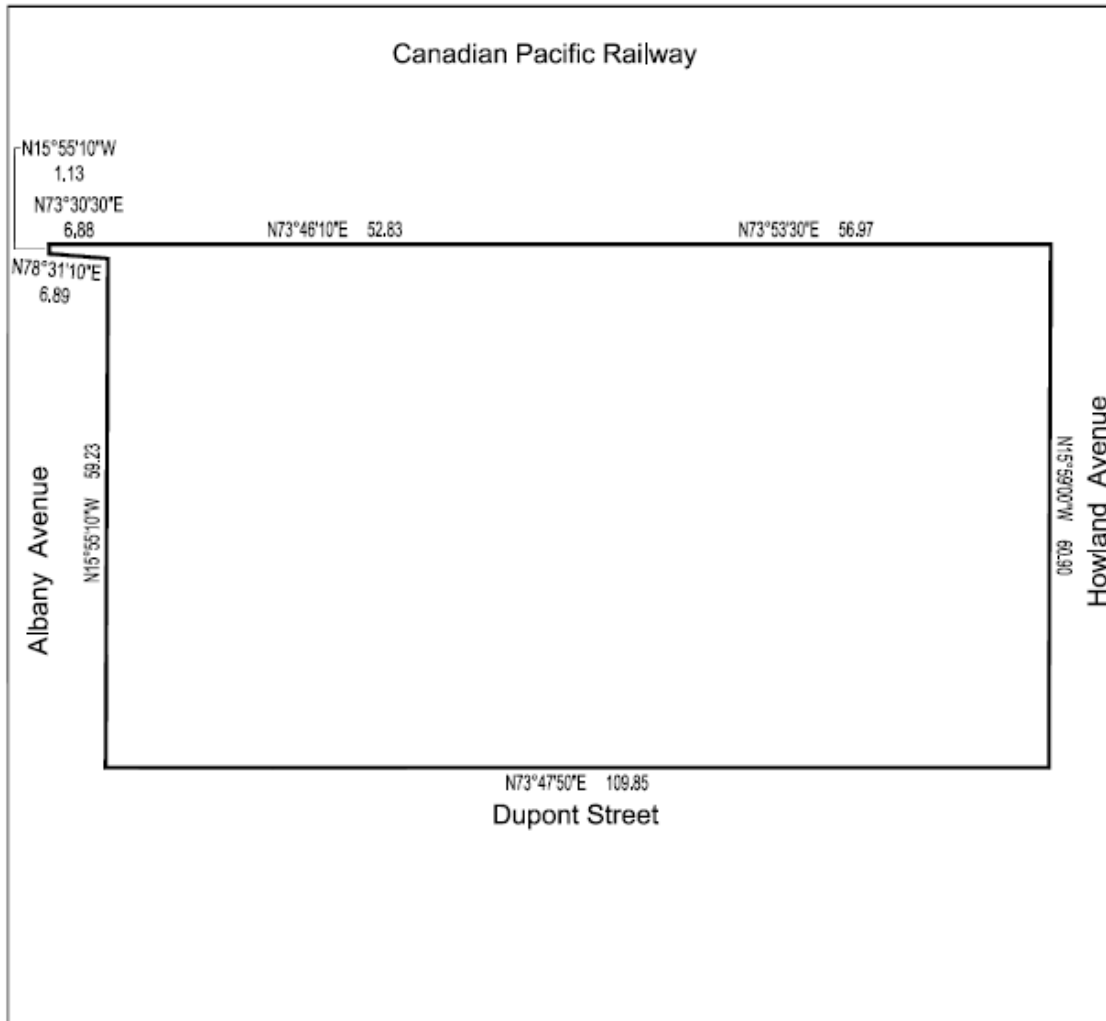
1. Prior to the issuance of the first above-grade building permit for the proposed development on the lot, other than a building permit for a temporary sales office/pavilion, the Owner shall pay to the City the sum of \$780,000 provided that:
  - a. 10% (\$78,000) to be allocated to the provision of new affordable housing in Ward 20;
  - b. 10% (\$78,000) to be allocated to capital improvements to existing Toronto Community Housing Corporation ("TCHC") buildings in Ward 20; and
  - c. 80% (\$624,000) be allocated to parkland improvements and/or public realm improvements, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Parks, Forestry and Recreation and/or the General Manager, Transportation Services, in consultation with the Ward Councillor and local community;

with such amounts to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

2. Prior to the issuance of the first building permit, the owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the plan during the course of construction. The Construction Management Plan will include, details regarding size and location of construction staging areas, dates and significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary.

#### **Other matter to support the development of the lot:**

3. As a condition of Site Plan Approval, the owner will provide, to the satisfaction of the City's Chief Planner and Executive Director of City Planning, detailed drawings which illustrate the proposed rail mitigation measures for the proposed development on the lot.



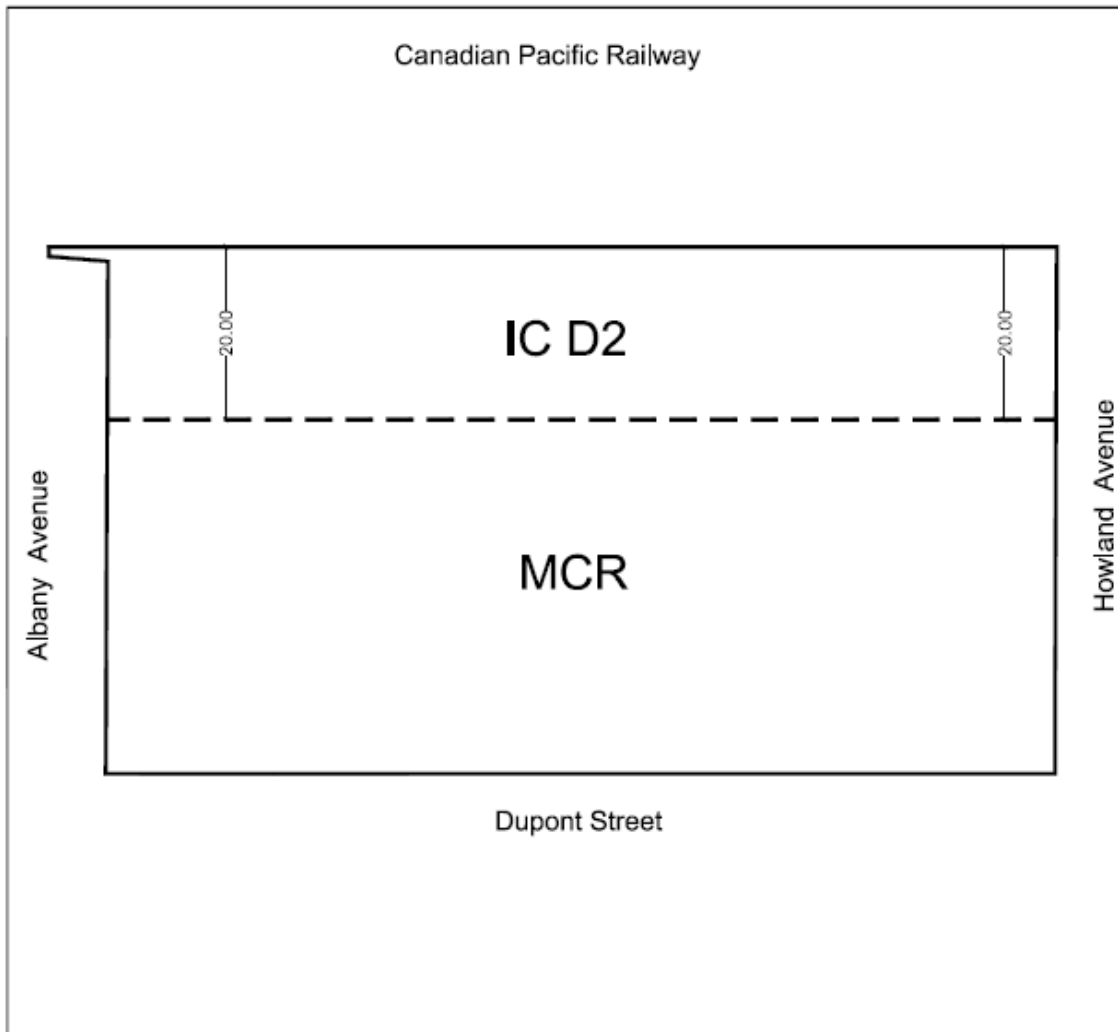
420 Dupont Street and 275 Albany Avenue, Toronto

Map 1

File #16 \_\_\_\_\_

Not to Scale





**420 Dupont Street and 275 Albany Avenue, Toronto**

**Map 2**

File #16 \_\_\_\_\_

Not to Scale



**Not to Scale**

