

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



**ISSUE DATE:** January 20, 2017

**CASE NO(S):** PL141134  
PL140860  
PL150658  
PL110543  
PL150838  
PL160135  
PL160220

**PROCEEDING COMMENCED UNDER** subsection 17(24) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellant: 1095909 Ontario Limited  
Appellant: AnX 1 GP Inc. (Freed Developments)  
Appellant: Choice Properties Limited Partnership  
Appellant: Sobeys Capital Incorporated; and others  
Subject: Proposed Official Plan Amendment No. 271  
Municipality: City of Toronto  
OMB Case No.: PL141134  
OMB File No.: PL141134  
OMG Case Name: AnX 1 GP Incorporated v. Toronto (City)

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 19 P.13, as amended

Appellant: 1095909 Ontario Limited  
Appellant: AnX 1 GP Inc. (Freed Developments)  
Appellant: Choice Properties Limited Partnership  
Appellant: Sobeys Capital Incorporated; and others  
Subject: By-law No. 1011-2014  
Municipality: City of Toronto  
OMB Case No.: PL141134  
OMB File No.: PL141135

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	1095909 Ontario Limited
Appellant:	RoseWater Management Group Limited
Appellant:	Sobeys Capital Incorporated
Appellant:	Leeken Investments (Deltera Inc.)
Appellant:	1753934 Ontario Limited
Appellant:	CP REIT Ontario Properties Limited
Appellant :	Loblaw Properties Limited
Appellant :	AnX 1 GP Inc. (Freed Developments)
Subject:	Dupont Specific appeals of Official Plan Amendment No. 231
Municipality:	City of Toronto
OMB Case No.:	PL140860
OMB File No.:	PL140860

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

Applicant and Appellant:	AnX 1 GP Inc. (Freed Developments)
Subject:	Application to amend Zoning By-law No. 438-86 - Refusal or neglect of City of Toronto to make a decision
Existing Zoning:	IC D2 N2
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit a mixed-use development with heights of 15 to 29 storeys
Property Address/Description:	328-358 Dupont Street
Municipality:	City of Toronto
Municipality File No.:	15 110684 STE 20 OZ
OMB Case No.:	PL150658
OMB File No.:	PL150658
OMB Case Name:	AnX 1 GP Inc. (Freed Developments) 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:	AnX 1 GP Inc. (Freed Developments) (formerly 1095909 Ontario Limited)
Subject:	Request to amend the Official Plan - Failure of the City of Toronto to announce a decision on the application

Existing Designation: Employment Areas  
 Proposed Designation: Site Specific (To be determined)  
 Purpose: To permit a mixed-use development with heights of 15 to 29 storeys  
 Property Address/Description: 328-358 Dupont Street  
 Municipality: City of Toronto  
 Municipality File No.: 10 184959 STE 20 OZ  
 OMB Case No.: PL110543  
 OMB File No.: PL110543

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

Applicant and Appellant: Sobeyes 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

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

Applicant and Appellant: Sobeyes 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

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

Applicant and Appellant:	Deltera Inc.
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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.: PL160221

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 9, 2016 in Toronto, Ontario

**APPEARANCES:**

**Parties**

**Counsel/Representative\***

City of Toronto

K. Matsumoto and A. Moscovich

AnX 1 GP Inc. (Freed Developments)

D. Bronskill and J. Hoffman

Loblaw Properties Limited

S. Loiacono and D. Neligan

1753934 Ontario Limited

A. Benedetti

Sobeys Capital Incorporated	S. Loiacono and D. Neligan
500 Dupont Street Holdings Limited (formerly RoseWater Management Group Limited)	S. Loiacono and D. Neligan
1109345 Ontario Ltd.	A. Forristal
Deltera Inc.	J. Dawson and B. Smith
David McKay	Self-represented*

**MEMORANDIUM OF ORAL DECISION DELIVERED BY M. A. SILLS ON MAY 9,  
2016 AND ORDER OF THE BOARD**

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[1] This was a Settlement hearing respecting appeals of Amendment No. 271 to the Official Plan of the City of Toronto (“OPA 271”), and Zoning By-law Amendment No. 1011-2014 (“ZBA”).

[2] As reported at a prehearing conference held on April 12, 2016, the City has reached a settlement with all but one of the appellants in these matters. These planning instruments are not applicable to the properties for which there are remaining appeals.

[3] The proposed OPA 271 and ZBA results from the Dupont Street Regeneration Area Study (the “Study”) and includes the lands on the north side of Dupont Street between Kendal and Ossington Avenues, extending for a stretch of approximately 2 kilometers (“Study area”).

[4] The Study area is currently designated Employment Lands in the Official Plan (“OP”) and zoned IC (Industrial) by Zoning By-law No. 438-86. OPA 271 redesignates a portion of the lands from Employment Area to Mixed Use Area.

[5] OPA 271 permits a greater mix of uses and allows for intensification of the Study area by articulating the type and scale of development in the “intensification area” east of Bathurst Street, and extends the zone of intensification to Ossington Avenue.

[6] This Study area currently maintains a wide range of uses and building types with varied lot patterns, including large industrial buildings, single family homes, townhouses, listed heritage buildings, mixed-use buildings, large format retail stores, offices and smaller retail establishments facing onto Dupont Street and other streets which intersect the Study Area.

[7] Of the individuals granted Participant status in these appeals, only Richard Pauloski and Elissa McBride were in attendance. Mr. Pauloski requested permission to make his statement at the site specific settlement hearings. Ms. McBride provided her statement at the outset of the current hearing.

### **Participant Statement – Elissa McBride**

[8] Ms. McBride has lived in the Dupont area for more than 15 years. She attended all of the Study public consultation meetings and participated in the Study's working group. She submitted comments to City Council regarding the Study and attended all follow-up community meetings.

[9] Ms. McBride told the Board she agrees that development can be a positive thing if the scale is reasonable and the end product enhances the community. However, in this case she does not feel that the community will be enhanced by all of the proposed developments.

[10] Initially, she had hoped that all new developments along the north side of Dupont Street would be limited to a maximum of five storeys. Instead, after extensive consultation with community members and developers, the Study established a maximum height of eight storeys (25 metres ("m")) including mechanical, and a 30 m setback from the rail corridor.

[11] Ms. McBride contends that given City planning staff indicated this was a practical, reasonable compromise, City Council approved these standards, and community members had no choice but to accept those heights and rail safety standards.

[12] However, settlements have now been reached that range from eight to nine storeys, with heights ranging from 31.85 m (plus 2.1 m mechanical) and 36.27 m (plus 3.5 mechanical), so local residents are already being confronted with buildings that reflect an increase over what was envisioned by the community. She contends rail safety could potentially be compromised as well.

[13] Essentially, Ms. McBride is concerned that the addition of thousands of condo residents and retail shoppers to this area will diminish the quality of life for current (and future) residents in terms of traffic, transit and infrastructure.

[14] It is her view that adding thousands of additional commutes to the Dupont corridor is ill-conceived. She told the Board that traffic in the area is already overly-congested, and the additional traffic volume will make driving through, in and out of this neighbourhood, completely untenable. Drivers trying to avoid congestion on Dupont/Ossington/Christie/Bathurst Streets will speed along the side streets, diminishing the safety and quality of life of the residents.

[15] It is her experience that the Toronto Transit Commission (“TTC”) is already overburdened and passengers have to battle to get onto the eastbound subway at Ossington and Christie Stations during the morning rush hour. The 63 Ossington buses are overloaded, the 126 Christie bus is packed, and the 26 Dupont bus has a lousy schedule and is mobbed during the morning and evening rush hours.

[16] Ms. McBride is also concerned about the impending loses of sky view and the impact that this will have on their quality of life. She said when she looks out her back window, instead of seeing sky she will be seeing RioCan’s condos at 740 Dupont Street. When sitting on her deck in the evening, she won’t see streaming sunshine and the sunset, but rather, will see the Sobeys building. These will be the future views for all residents south of Dupont as they peer north from their homes, and for anyone walking along Dupont Street.

[17] In concluding, Ms. McBride asserted that no potential streetscape improvements or tiny parks could make up for the negative ramifications of all of the proposed



development. She is asking the Board to take the wishes of the community into consideration.

### **Evidence of the Experts**

[18] Expert evidence was provided by City Senior Planner, Sarah Phipps, City Urban Designer, Shawna Ginsberg Bowen, and Patrick O'Connor, an Engineer with expertise in railway infrastructure.

[19] In sum, it is Ms. Phipps opinion that OPA 271 and the implementing ZBA establishes an appropriate framework for built form and public realm improvements for this portion of Dupont Street, and represents good planning.

[20] As proposed, OPA 271 and the implementing ZBA are consistent with the policies of the Provincial Policy Statement ("PPS"), the directives of the Growth Plan for the Greater Golden Horseshoe ("GP") and the intent of the OP, and represents good planning.

[21] Specifically, OPA 271 allows for intensification of the area by articulating the type and scale of development which should occur, and in effect, establishes an appropriate framework for built form and public realm improvements for this portion of Dupont Street.

[22] It is Ms. Ginsberg Bowen's opinion that the built form and public realm recommendations implemented through OPA 271, the ZBA and the accompanying Study Design Guidelines represent good planning and urban design principles, and establish an appropriate framework for built form and public realm improvements for this portion of Dupont Street.

[23] It is Mr. O'Connor's opinion that the Rail Safety, Noise, Vibrations and Air Quality measures implemented through the ZBA are appropriate.

[24] One the basis of the uncontested evidence and expert opinions of Ms. Phipps, Ms. Ginsberg Bowen, and Mr. O'Connor, the Board is satisfied that OPA 271 is

consistent with the PPS, and conforms to the directives of the GP and the OP. The planned context established by OPA 271 is appropriate for this area and the principles of good land use planning are being maintained. The ZBA implements the policy intent of OPA 271, and therefore, is appropriate.

[25] The Board has been mindful of the concerns expressed by Ms. McBride. She has dedicated considerable time and effort to the Study process, and understandably is genuinely passionate about maintaining the quality of life in her residential neighbourhood. At the same time, the Board cannot disregard the planning direction that City Council has decided is appropriate for this area, or the expert evidence in support of the proposed amendments.

## **ORDER**

[26] The Board orders that the appeals are allowed in part, and the Official Plan of the City of Toronto is amended in the manner established by Attachment 1 to this Order.

[27] And further, Zoning By-law No. 438-86 is amended in the manner set out in Attachment 2 to this Order. The Board authorizes the municipal clerk to assign a number to this by-law for record keeping purposes.

*"M. A. Sills"*

M. A. SILLS  
MEMBER

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

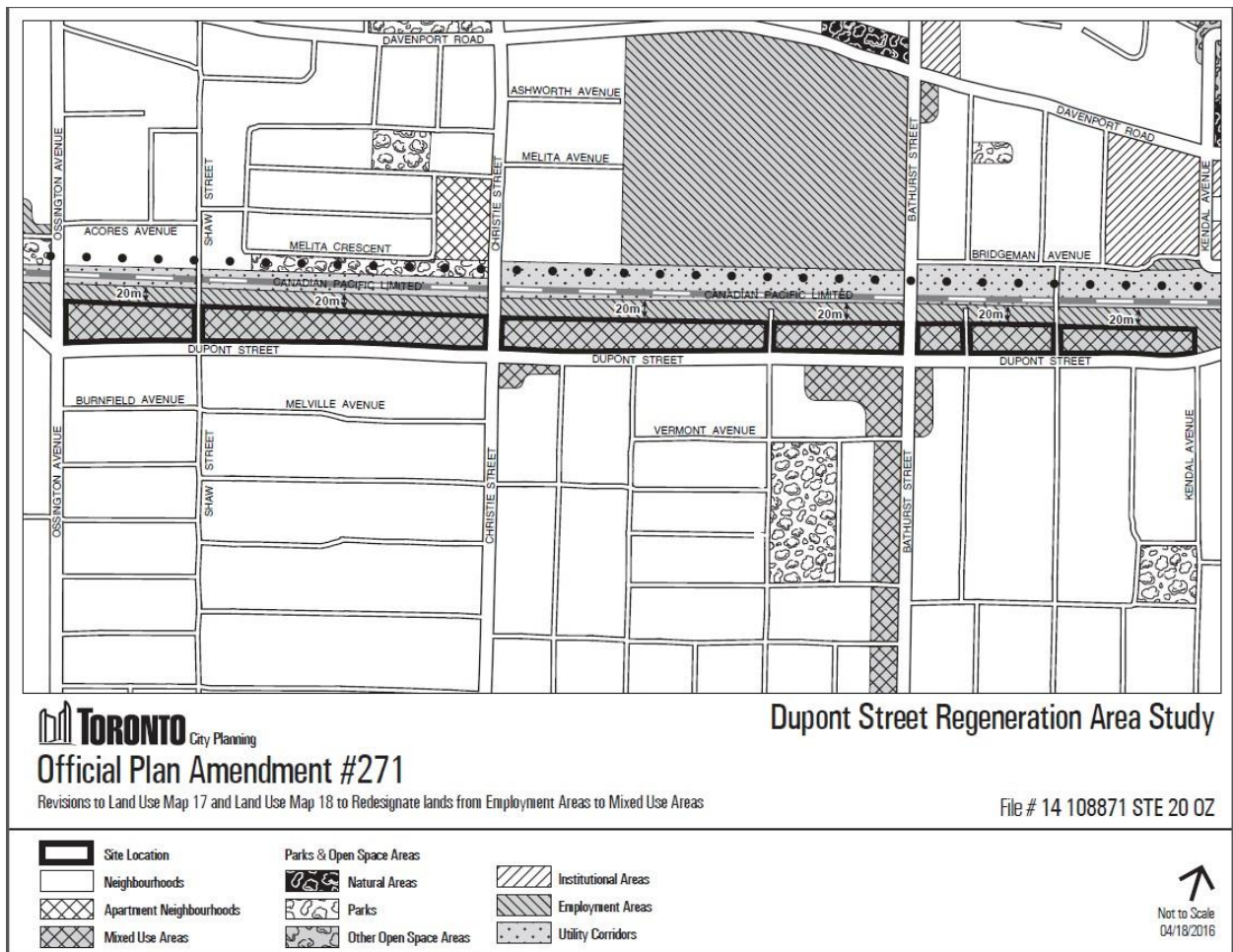
### **Ontario Municipal Board**

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Website: [www.elfto.gov.on.ca](http://www.elfto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

**AMENDMENT NO. 271 TO THE OFFICIAL PLAN  
LANDS LOCATED ON THE NORTH SIDE OF DUPONT STREET  
BETWEEN OSSINGTON AVENUE AND KENDAL AVENUE**

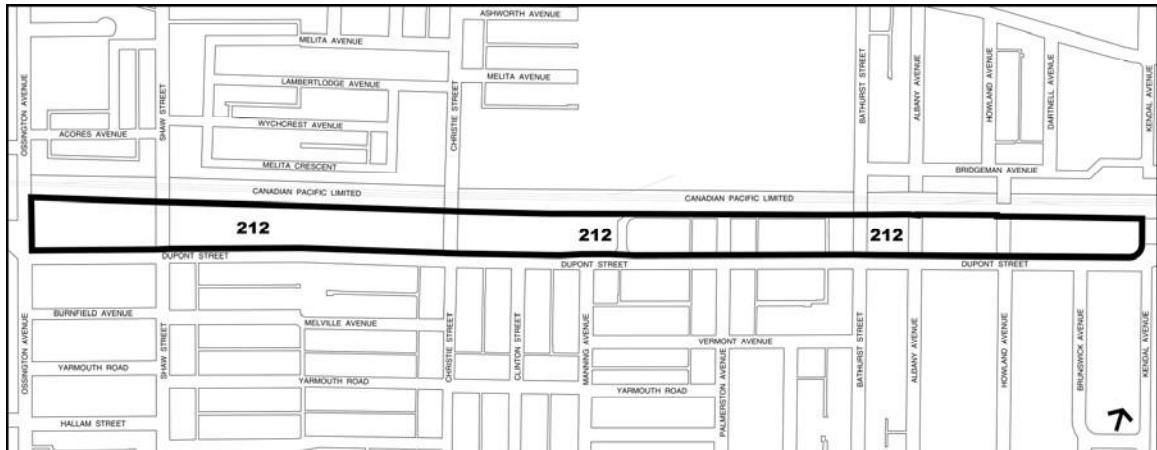
The Official Plan of the City of Toronto is amended as follows:

1. Map 17, Land Use Plan, and Map 18, Land Use Plan, are amended by re-designating a portion of the lands on the north side of Dupont Street from Ossington Avenue to Kendal Avenue located more than 20 metres south of the southerly property line of the CP North Toronto rail corridor from *Employment Areas* to *Mixed Use Areas*.



2. Chapter 7 Site and Area Specific Policies, including Map 29, is amended by deleting the existing Site and Area Specific Policy 212 and replacing it with a new Site and Area Specific Policy 212 as follows:

## 212. Dupont Street between Ossington Avenue and Kendal Avenue



### 1. General

- 1.1 Lands on the north side of Dupont Street, east of Bathurst Street, are shown as part of the Downtown on Map 2. The policies of Section 2.2.1 of the Plan apply except, where in the case of a conflict, the policies of this Site and Area Specific Policy will prevail.
- 1.2 This Policy area is not intended to experience significant intensification.
- 1.3 Any new development at the Bathurst-Dupont intersection will focus on the pedestrian realm, will contain entrances to retail, and will encourage public gathering through the provision of places to sit, weather protection and privately owned, publicly accessible spaces.

### 2. Land Use

- 2.1 New residential, retail, service, office and institutional uses on the north side of Dupont Street will be located and designed to mitigate impacts from, be compatible with, and allow for the continuation of the rail corridor and existing employment uses within the study area.
- 2.2 New non-residential uses in the lands designated as *Employment Area* will be located and designed to mitigate impacts from and be compatible with the rail corridor and be compatible with new mixed use development in the adjacent *Mixed Use Area* to the south.

- 2.3 Retail, service, office and institutional uses which serve the local community as well as a larger area, including those which may be inappropriate to locate on traditional main streets, will be encouraged.

### **3. Built Form**

- 3.1 New development will be set back from the Dupont Street property line to allow a minimum of 4.8 metres from the curb to the front face of the building in order to provide for a wide sidewalk and boulevard with enhanced pedestrian amenities and tree planting.
- 3.2 New development will provide a transition in height that respects the scale of low-rise residential *Neighbourhoods* on the south side of Dupont Street and is in proportion to the width of the Dupont Street right-of-way. New development within the *Mixed Use Area* designation will be a maximum of 9-storeys in height.
- 3.3 Notwithstanding the provisions of Section 4.5.3 as they apply to the north side of Dupont Street west of Bathurst Street, the maximum gross floor area of any one retail or service use shall be 5,000 square metres.
- 3.4 New development in the lands designated *Mixed Use Area* on the north side of Dupont Street must be located, massed and designed to be compatible with the *Neighbourhoods* on the south side of Dupont Street including appropriate scale, signage and lighting and location of ingress and egress.
- 3.5 The north façade of new development on the north side of Dupont Street, must be designed to mitigate noise reflection from the rail corridor and the view of this façade from the lands on the north side of the rail corridor.
- 3.6 New development will provide adequate privacy, sunlight and sky views for new and existing residents through the location and orientation of buildings and by ensuring adequate separation distance between building walls.
- 3.7 New development or properties with long frontages on the north side of Dupont Street will be articulated into multiple building elements in order to prevent the appearance of a continuous street wall. Individual articulated building elements along the north side of Dupont Street should not exceed the width of the blocks on the south side of the street between Christie and Manning Streets.

- 3.8 A full range of housing in terms of tenure and affordability will be provided in the *Mixed Use Area* along the north side of Dupont Street. Every residential development should provide a mix of unit types including units that are suitable for families with children and units that are accessible for seniors.

#### **4. Employment**

- 4.1 In order to create a genuine mixed use area and maintain the employment base of the lands, a net increase of non-residential gross floor area will be provided in every redevelopment.
- 4.2 A variety of employment types, including a range of non-residential unit sizes and establishment of value-added creative uses will be encouraged in every redevelopment.

#### **5. Transportation**

- 5.1 Infrastructure for bicycles, including sheltered and easily accessible visitor bike parking spaces, will be required in all new developments.
- 5.2 Multiple bike rings will be located on any adjacent sidewalk at the front or side of new buildings.
- 5.3 Car sharing spaces will be encouraged in every new development.
- 5.4 Any new surface parking should be located at the rear or flank of the building and screened from views from the street. A majority of new parking spaces should be located below-grade or in a parking structure with limited visibility from the street.
- 5.5 Access for new developments will be taken from streets other than Dupont Street, wherever possible, to enhance pedestrian safety and pedestrian and vehicular traffic flows on Dupont Street.
- 5.6 Any redevelopment of lands within the *Mixed Use Area* designation will ensure that adjacent lands designated *Employment Area* are accessed from either Dupont Street or a side street, to ensure no lots become landlocked.

#### **6. Streetscape**

- 6.1 Improvements to the sidewalks and boulevards should include wider sidewalks, the installation of street furniture and the planting of trees. On

the north side of Dupont Street, the widening of the sidewalks will be achieved through redevelopment. When Dupont Street is reconstructed, any undertaking will include consideration of narrowing the vehicular lanes, to allow the widening of the sidewalk on the south side of the street and the creation of the same pedestrian amenities.

- 6.2 Any façade of a new building which faces a public street will include design details which reinforce the pedestrian scale and rhythm of the street.
- 6.3 New buildings on Dupont Street will include uses on the ground floor which animate the public realm, create places for the public, and add to the vitality of the streetscape. Pedestrian entrances to new developments should provide direct access from the sidewalk on Dupont Street.

## **7. Open Space/Parks**

- 7.1 The priorities of the City for cash payments in lieu of parkland dedication include the extension of the park system on the north side of the rail corridor within the Hydro corridor, new playgrounds, and off-leash areas for dogs.
- 7.2 The provision of new publicly owned, and privately owned, publicly accessible open spaces, will be encouraged in all new developments.
- 7.3 Any part of a property which is used for the purpose of rail safety and noise/vibration mitigation berms or structures will not be accepted by the City as parkland.

## **8. Rail Safety, Noise, Vibration and Air Quality**

- 8.1 All noise studies will specifically review the noise that will be reflected from the rail to the properties on the north side of the tracks as a result of the redevelopment of any new building on the south side of the tracks. The noise study will recommend mitigation measures to mitigate against noise reflection and be implemented through the development by the applicant.
- 8.2 Any new development containing residential, institutional, recreational/entertainment, hotel, or office or retail uses with a high number of employees and customers must be set back a minimum of 30 metres from the property line of the Canadian Pacific North Toronto rail corridor. A 2.5 metre high earthen berm will be constructed immediately south of the rail corridor with a noise wall on top for rail safety and noise/vibration mitigation purposes when these uses are developed in the *Mixed Use Area* designation to the south.

- 8.3 For new development within the 30 metre set back adjacent to the rail corridor the following uses are permitted:
- i) rail safety and vibration/noise mitigation structures and open space; and
  - ii) auxiliary building and/or structures used for activities with low numbers of users such as parking, storage, warehousing and loading.
- 8.4 An applicant may propose, through a Zoning Amendment application, an alternative to the rail safety mitigation measures set out in Policies 8.2 and permitted uses set out in 8.3 above, subject to the following conditions:
- i) the alternative will provide at least the same level of rail safety for nearby residents, workers, visitors and shoppers as the required 30 metre set back and berm;
  - ii) a development viability report bearing the stamp of a fully insured, qualified, professional structural engineer, in addition to the noise, air quality and vibration reports, is to be submitted to the City showing how at least the same level of rail safety is to be achieved;
  - iii) this report will be peer reviewed by a rail safety expert retained by and reporting to the City, at the expense of the applicant;
  - iv) the report will be provided to the Canadian Pacific Railway for review;
  - v) appropriate uses in new development will be determined as part of the Zoning Amendment application, and will implement the policies for the Official Plan land use designation, but for lands designated *Employment Area* only the following uses may be permitted:
    - a) rail safety and vibration/noise mitigation measures, and
    - b) uses with low numbers of users such as parking, storage, warehousing, loading, service areas, access facilities, mechanical facilities, retail, service commercial, personal service uses and open space; and
  - vi) if the development viability assessment is accepted by the City:



- a) construction and on-going maintenance of the alternative mitigation measure will be secured through an agreement between the City and the landowner;
- b) warning clauses in all relevant documents should be registered on title to provide notice for future purchasers; and
- c) the landowner will enter into an agreement with the City to be registered on title, whereby the landowner and the qualified professional engineer whose stamp appears on the drawings for the alternative rail safety mitigation measures assume responsibility for, and indemnify the City from, damages to the property resulting from a derailment on the Canadian Pacific North Toronto rail corridor.

8.5 Any required rail safety, air quality and noise/vibration mitigation structures or other measures such as berms and noise walls must be of a high design quality. Berms should be landscaped and maintained and opportunities for murals and community artwork should be pursued on the south face of noise walls and other structures.

## **9. Implementation**

- 9.1 Where new developments generate community benefits under Section 37 of the Planning Act, the priorities should be: streetscape and pedestrian realm improvements on both sides of Dupont Street where development would not otherwise generate improvements; new day care centres and daycare spaces; and improvements to library branches serving the area.
- 9.2 The creation of a Site Specific By-law for the area covered by this Site and Area Specific Policy will work with this Policy to guide development in this Policy area.
- 9.3 Section 5.1.1 of the Official Plan will only apply to a proposed development that would permit a building or structure to be constructed with over 10,000 square metres of total gross floor area, including at least 1,500 square metres of residential gross floor area.
- 9.4 Urban Design Guidelines will be prepared for the area covered by this Site and Area Specific Policy and will function as a tool to inform the evaluation of development proposals, but such guidelines are not Official Plan policies unless they have been specifically included in whole or in part as policy.

- 9.5 Notwithstanding that space within a portion of a building situated within an *Employment Area* may be used for parking, loading, service, access and/or mechanical facilities that serve both the users of the *Mixed Use Areas* portion of the development and users of the *Employment Areas* portion of the development, the shared use of that space for these limited, functional facilities shall not be considered to be a conversion of lands within an *Employment Area*.

## **10. 650 Dupont Street**

- 10.1 Notwithstanding Maps 17 and 18 and the *Employment Area* and *Mixed Use Area* designations, nothing in SASP 212 shall prevent the continued operation of the existing retail store and any expansion thereof, to a maximum increase set out in Section 10.5 below, on the lands municipally known in 2015 as 650 Dupont Street (for the purpose of this section to be referred to as the “site”).
- 10.2 For the purposes of this Section, infill development means any development for retail, service commercial or personal service uses in a new building(s) on the site or within an expansion of the existing retail store on the site in 2015 until such time as a building permit for a residential use has been issued for any part of the site (for the purpose of this section to be referred to as “infill development”).
- 10.3 Infill development is expected on the site, consistent with the policies of this SASP and subject to the policies set out below.
- 10.4 Notwithstanding the provisions of Section 4.5.3 of the Official Plan and Section 3.3 of SASP 212, the maximum gross floor area of any one retail or service use of the site shall be the total gross floor area of the existing retail store on the lands in 2015 and any replacement structure consisting of a retail, service commercial or personal service uses can have the same maximum gross floor area.
- 10.5 Notwithstanding the provisions of Section 4.5.3 of the Official Plan, Section 3.3 of SASP 212 and Section 10.4 above, the existing retail store on the lands in 2015 may be expanded up to a maximum increase of 10 percent of the existing gross floor area in 2015.
- 10.6 Notwithstanding Section 8.2 and Section 8.3 of SASP 212, the existing retail store on the lands in 2015 and expansion thereto is permitted within the 30 metre set back adjacent to the rail without requiring the provision of additional rail safety measures.
- 10.7 Notwithstanding Section 8.2 and Section 8.3 of SASP 212, any infill development may be permitted without requiring the provision of additional rail safety measures provided that:
- i) the new building is located a minimum of 30 metres from the northerly edge of leased lands adjacent to 650 Dupont Street to the north and used as a drive aisle for as long as those lands are leased by the owner or tenant of 650 Dupont Street;

- ii) no building permit for a residential or other sensitive use on the lands has been issued; and
- iii) the retail store existing on the lands in 2015 continues to operate.

**11. 344, 358 and 374 Dupont Street**

- 11.1 This Official Plan Amendment remains under appeal with respect to the properties municipally known in 2015 as 344 and 358 Dupont Street and 374 Dupont Street and as such, this Official Plan Amendment does not apply to these properties.

**CITY OF TORONTO****BY-LAW No. -2016****To amend Zoning By-law No. 438-86, as amended, with respect to the lands on the north side of Dupont Street between Ossington and Kendal Avenues.**

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:

1. By-law 438-86, as amended, is further amended as follows:
  - (a) Except as otherwise provided herein, the provisions of Zoning By-law 438-86 shall continue to apply to the lands shown in Map 1, collectively referred to herein as the "*the study area*".
  - (b) None of the provisions of Sections 4(2), 4(3), 4(4), 4(5), 4(16), 8(3) PART I, 8(3) PART II 4I, 9(3) PART I of former City of Toronto By-law No. 438-86 shall apply to prevent the erection or use of one or more buildings and structures, within *the study area*, provided that all of the provisions of this By-law are complied with.
  - (c) Amending Maps 49J-312, 49J-313 and 50J-311 to rezone the lands shown on Map 2 of this By-law from IC D2 N1 and IC D2 N2 to MCR.
  - (d) Amending Maps 49J-312, 49J-313 and 50J-311 to rezone the lands shown on Map 2 of the By-law from IC D2 N1 and IC D2 N2 to IC D2.
  - (e) Notwithstanding the definition of *lot*, two or more buildings are permitted on each *lot* in *the study area*.

**PERMITTED USES**

- (f) Within the lands zoned IC, as shown on Map 2 only the following uses are permitted on the south side of the *berm* required in Section (j) of this By-law, in an *auxiliary building*:
  - (i) *berm*;
  - (ii) *storage warehouse*;
  - (iii) *parking garage*;
  - (iv) *loading space type A, type B, type C or type G*;
  - (v) *open space*; and
  - (vi) any required rail safety, noise or vibration mitigation structure.

- (g) Notwithstanding subsection 1(f) of this By-law, a *storage warehouse* or a *parking garage* is permitted within a building in the IC or MCR zone, as shown on Map 2, provided those are the only uses contained within such a building.
- (h) The total *non-residential gross floor area* of any one *retail store* on any *lot* in the *study area* may not exceed 5,000 square metres.
- (i) The total *residential gross floor area* on any *lot* may not exceed 1,500 square metres.

### **RAIL SETBACK**

- (j) Any *principal building* may only be constructed on the portion of a *lot* zoned MCR if a *berm* is constructed on the portion of the *lot* zoned IC.

### **HEIGHT**

- (k) The maximum *height* of any building or structure erected above *grade* within the *study area* has a maximum *height* in metres as shown following the symbol "H" on Map 3 of this By-law.
- (l) Notwithstanding Section (k) of this By-law, the maximum *height* shown on Map 3, in the area zoned MCR on Map 2 includes all mechanical equipment, elevator overruns, stair towers, guards and any other projections.
- (m) The minimum *height* of any new building or structure in the *study area* is 10.5 metres.

### **STEPBACKS**

- (n) Above the 3<sup>rd</sup> *storey*, a minimum 5 metre setback, from the edge of the building below for the entire Dupont Street façade.
- (o) Above the 3<sup>rd</sup> *storey*, a minimum 5.5 metre setback for the entire of the side facades (east and west), from the edge of the building below.

### **NET GAIN IN NON-RESIDENTIAL USES**

- (p) Any new building or structure within the *study area* must contain a greater amount of *non-residential gross floor area*, than what existed on the *lot* prior to the date of the passing of this By-law.

## PARKING

- (q) Parking shall be provided as follows:

<b>Residential Uses</b>		
<b>Unit Type</b>	<b>Minimum</b>	<b>Maximum</b>
Bachelor units	0.7 spaces/unit	1.3 spaces/unit
1-bedroom units	0.8 spaces/unit	1.2 spaces/unit
2-bedroom units	0.9 spaces/unit	1.3 spaces/unit
3+ bedroom units	1.1 spaces/unit	1.6 spaces/unit
Residential visitor	0.15 spaces/unit	
<b>Non-Residential Uses</b>		
Less than 200 square metres	0 required	
201-10,000 square metres	1.5 spaces per 100 square metres	
10,001-20,000 square metres	3.0 spaces per 100 square metres	
20,001 + square metres	6.0 spaces per 100 square metres	

## MAXIMUM BUILDING WIDTH

- (r) The maximum width of any part of a building or structure, above *grade*, facing Dupont Street cannot exceed 90 metres.

## AMENITY SPACE

- (s) Indoor *residential amenity space* shall be provided in no more than 2 separate areas one of which must contain a kitchen and a washroom, and must be directly adjacent to the outdoor *residential amenity space*.
- (t) All *residential amenity space* shall be provided above *grade*.

## UNIT MIX

- (u) Any new building or structure containing *dwelling units* shall include a minimum of 10% 3-bedroom *dwelling units*, and a minimum of 20% 2-bedroom *dwelling units*.

## DEFINITIONS

- (v) *auxiliary building* – is a building which is a separate building from the *principle building* on a lot.
- (w) *berm* – an earthen mound compacted to 95% modified Proctor, constructed parallel to the rail corridor, with returns at the ends. Must be a minimum height of 2.5 metres, from *grade* at the rail corridor property line, with side slopes not steeper than 2.5 to 1 (horizontal to vertical) on both sides.
- (x) *open space* – is an area absent of structures through which people move. May include bike trails, pedestrian pathways and parkland.

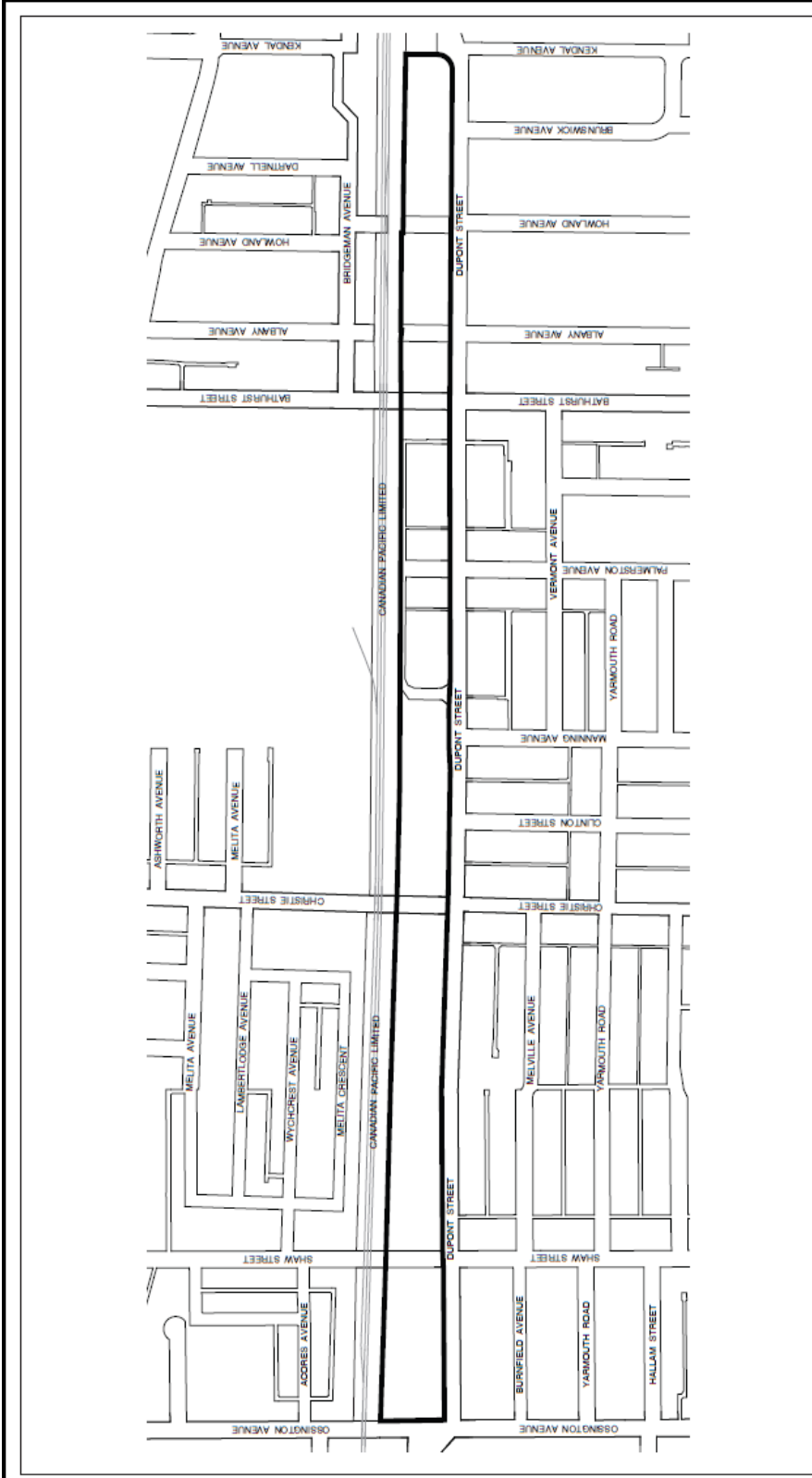
- (y) *principal building* – the primary building on the *lot*, located in the area zoned MCR, containing the uses permitted in that zone.
  - (z) *storage warehouse* – is a building or structure for the storage of non-offensive goods, wares, merchandise, substance, articles or things.
  - (aa) *the study area* – as defined by the heavy lines on Map 1.
2. Nothing in this By-law shall apply to prevent the erection or use on the lands municipally known as 524 Dupont Street and 903 Palmerston Avenue of a *mixed-use building*, *dwelling units* and uses *accessory* thereto that otherwise comply with the provisions of By-law No. 806-2006.
  3. This By-law remains under appeal with respect to the properties municipally known in 2015 as 344 and 358 Dupont Street, 374 Dupont Street, and 650 Dupont Street and, as such, despite the definition of *the study area*, or anything in this By-law that would indicate otherwise, this By-law does not apply to the properties municipally known in 2015 as 344 and 358 Dupont Street, 374 Dupont Street, and 650 Dupont Street.
  4. Each word or expression which is italicized in this By-law, shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended, unless otherwise defined in this By-law.

Enacted and passed on (**clerk to insert the date**), 2016.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



# Dupont Street Regeneration Area Study

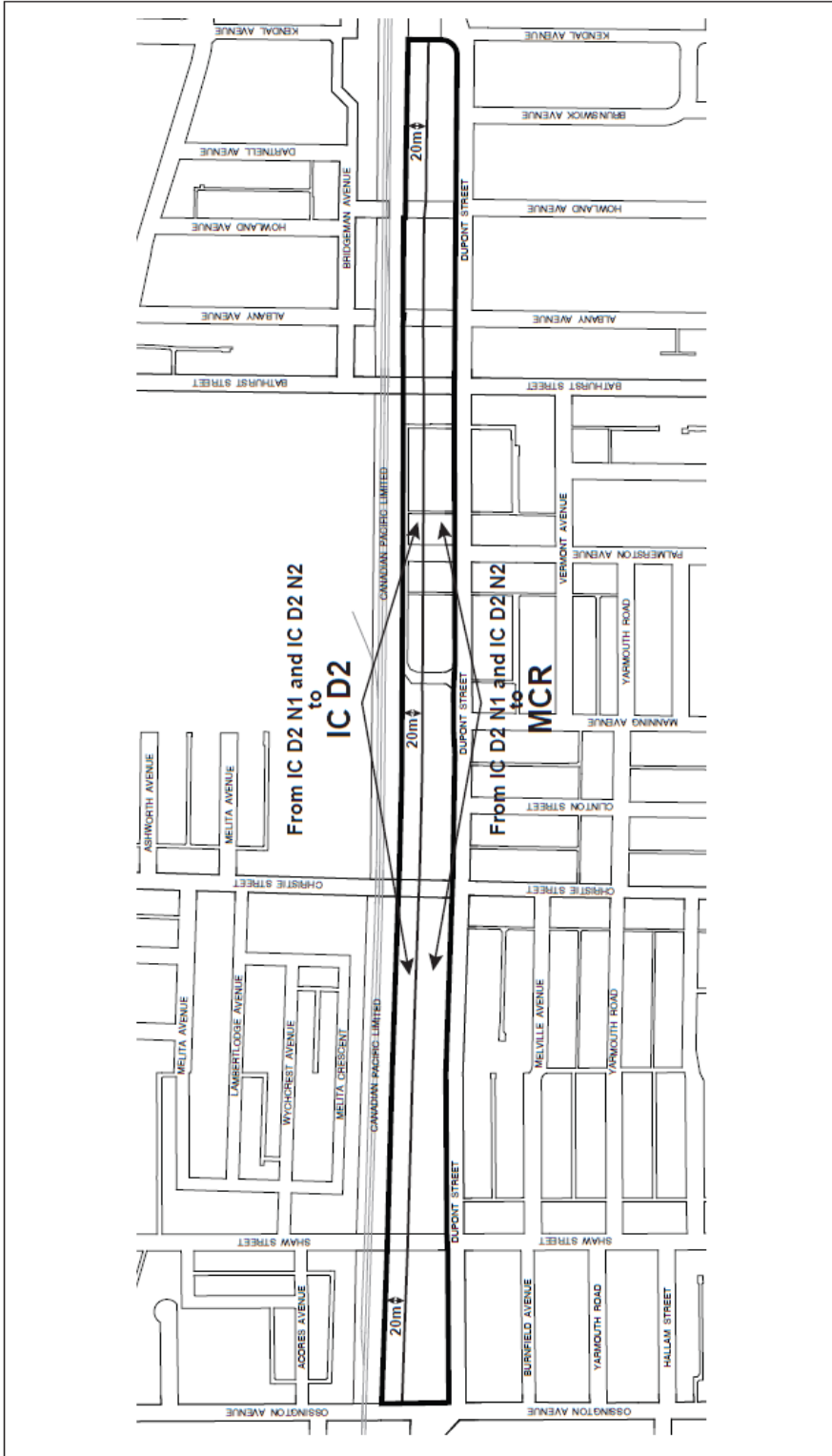
Map 1

File # 14 108871 STE 20 0Z

 Study Area Boundary

 Not to Scale  
04/18/2016





# Dupont Street Regeneration Area Study

## Map 2

File # 14 108871 STE 20 02

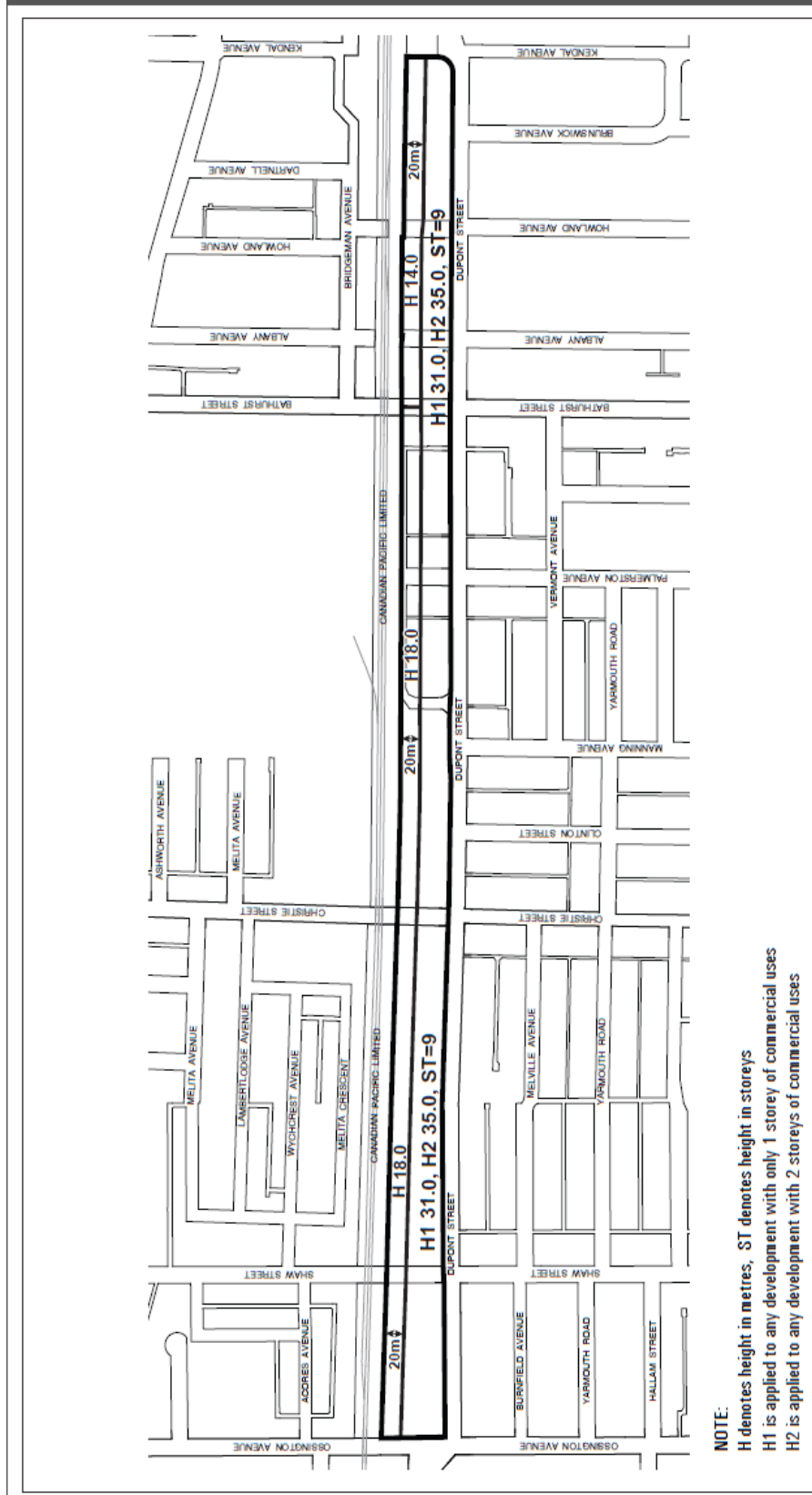


Study Area Boundary



Not to Scale  
04/18/2016

27487626.1



**NOTE:**

H denotes height in metres, ST denotes height in storeys  
 H1 is applied to any development with only 1 storey of commercial uses  
 H2 is applied to any development with 2 storeys of commercial uses



# Dupont Street Regeneration Area Study

## Map 3

File # 14 108871 STE 20 0Z



Study Area Boundary



Not to Scale  
04/18/2016