

Authority: Toronto and East York Community Council Item TE20.10, as adopted by City of Toronto Council on December 13, 14 and 15, 2016

CITY OF TORONTO

BY-LAW No. 1265-2016

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 126 and 128 Hazelton Avenue.

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

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

Whereas Council of the City of Toronto, at its meeting on December 13, 14 and 15, 2016, determined to amend the Zoning By-law 569-2013 for the City of Toronto with respect to lands known municipally in the year 2016 as 126 and 128 Hazelton Avenue; and

Whereas the Official Plan for the 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; and

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; and

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 569-2013 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;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. Unless otherwise noted within this By-law, the words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 2.0 (c1.0; R2.0) SS2 (x89), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number CR(89) so that it reads:

Exception CR(89)

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

Site Specific Provisions:

- (A) On 126 and 128 Hazelton Avenue, clause 5.10.40.70, and regulations 40.10.40.1(1), 40.10.40.10(1), 40.10.40.50(1), 40.10.40.60(1) and (2), 40.10.40.70(2), 40.10.50.10(2) and (3), 40.10.100.10(1)(B), 200.5.1.10(5), 200.5.1.10(12), 200.5.1.10(13), 200.5.10.1., 200.15.1(1), 200.15.1.5(1), 200.15.10(1) and 230.5.1.10(9) do not apply to prevent the erection or use of a **building, structure**, addition or enlargement if it complies with regulations (B) to (L) below;
- (B) Despite 40.10.40.10(2), any **building** or **structure** erected on the lands must not exceed the height in metres specified by the numbers following the symbol "H" on Diagram 3 of By-law 1265-2016, with the exception of the follow:
 - i. canopies, awnings, safety railings, architectural features, parapets, trellises, balustrades, swimming pools and associated structures, window sills, window washing equipment, privacy screens and fences, wheelchair ramps, architectural screens, guardrails, chimneys, vents, stacks, terraces, architectural elements, green roof elements, roof access hatches, planters, elevator overruns and elements or structures on the roof of the building used for outside or open air recreation, safety or wind protection purposes, heating, cooling or ventilating equipment; and
 - ii. swimming pools and associated structures may project a maximum of 3.0 metres beyond the heavy lines shown on Diagram 3 of By-law 1265-2016;
- (C) No portion of any **building** or **structure** above grade may be located otherwise than wholly within the areas delineated by the heavy lines on Diagram 3 of By-law 1265-2016. In addition to encroachments permitted in Section 40.10.40.60, the following encroachments are permitted to extend a maximum of 2.0 metres beyond the areas delineated by heavy lines on Diagram 3 of By-law 1265-2016:
 - i. cornices, light fixtures, ornamental elements, portico entrances, patios, decks, pillars, balconies, terraces, eaves, window sills, ventilation shafts, guardrails, balustrades, and awnings and canopies;

- (D) Despite 40.10.40.40(1), the total **gross floor area** of all **buildings** and **structures** on the lands as shown on Diagram 3 of By-law 1265-2016, must not exceed 5,760 square metres, of which:
- i. residential uses must not exceed 5,560 square metres; and
 - ii. non-residential uses must not exceed 370 square metres;
- (E) **Amenity space** must be provided at a minimum rate of 3.4 square metres for each **dwelling unit**, of which:
- i. at least 2.0 square metres for each **dwelling unit** is indoor **amenity space**;
 - ii. at least 30.0 square metres of outdoor **amenity space** is in a location adjoining or directly accessible to the indoor **amenity space**; and
 - iii. no more than 25 percent of the outdoor **amenity space** may be a **green roof**;
- (F) A minimum of 47 **parking spaces** must be provided and maintained as follows:
- i. A minimum of 40 **parking spaces** must be for the occupants of the building;
 - ii. A minimum of 3 **parking spaces** must be for the use of residential visitors; and
 - iii. A minimum of 4 **parking spaces** must be for non-residential uses;
- (G) Despite Section 200.5.1.10(5), a maximum of 8 required **parking spaces** may be a **tandem parking space**;
- (H) A maximum of 1 **parking space** that is obstructed is not required to comply with regulation 200.5.1.10(2)(A);
- (I) Despite Section 200.5.1(3), a portion of the drive aisle/driveway will be made up of a car elevator which does not comply with the minimum drive aisle width;
- (J) Despite Section 230.5.10.1(1), (2) and (5), a minimum of 22 **bicycle parking spaces** must be provided and maintained as follows:
- i. A minimum of 19 long-term **bicycle parking spaces** must be provided; and
 - ii. A minimum of 3 short-term **bicycle parking spaces** must be provided;

- (K) Despite Section 230.5.1.10(9), long-term **bicycle parking spaces** and short-term **bicycle parking spaces** can be located below grade and stored in an area with a bicycle rack that is not in a secured room;
- (L) For the purpose of regulation 40.5.40.10(1) and (2), height is measured from the Canadian Geodetic Datum elevation of 118.54 metres (CGVD28-Pre-1978 Adjustment);
- (M) Despite Section 40.10.40.10(5) the required minimum height of the first **storey**, is measured between the floor of the first **storey** and the ceiling of the first **storey**, is 4.2 metres;

5. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 2 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A 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.
- (C) 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 A are satisfied.

Enacted and passed on December 15, 2016.

Frances Nunziata,
Speaker

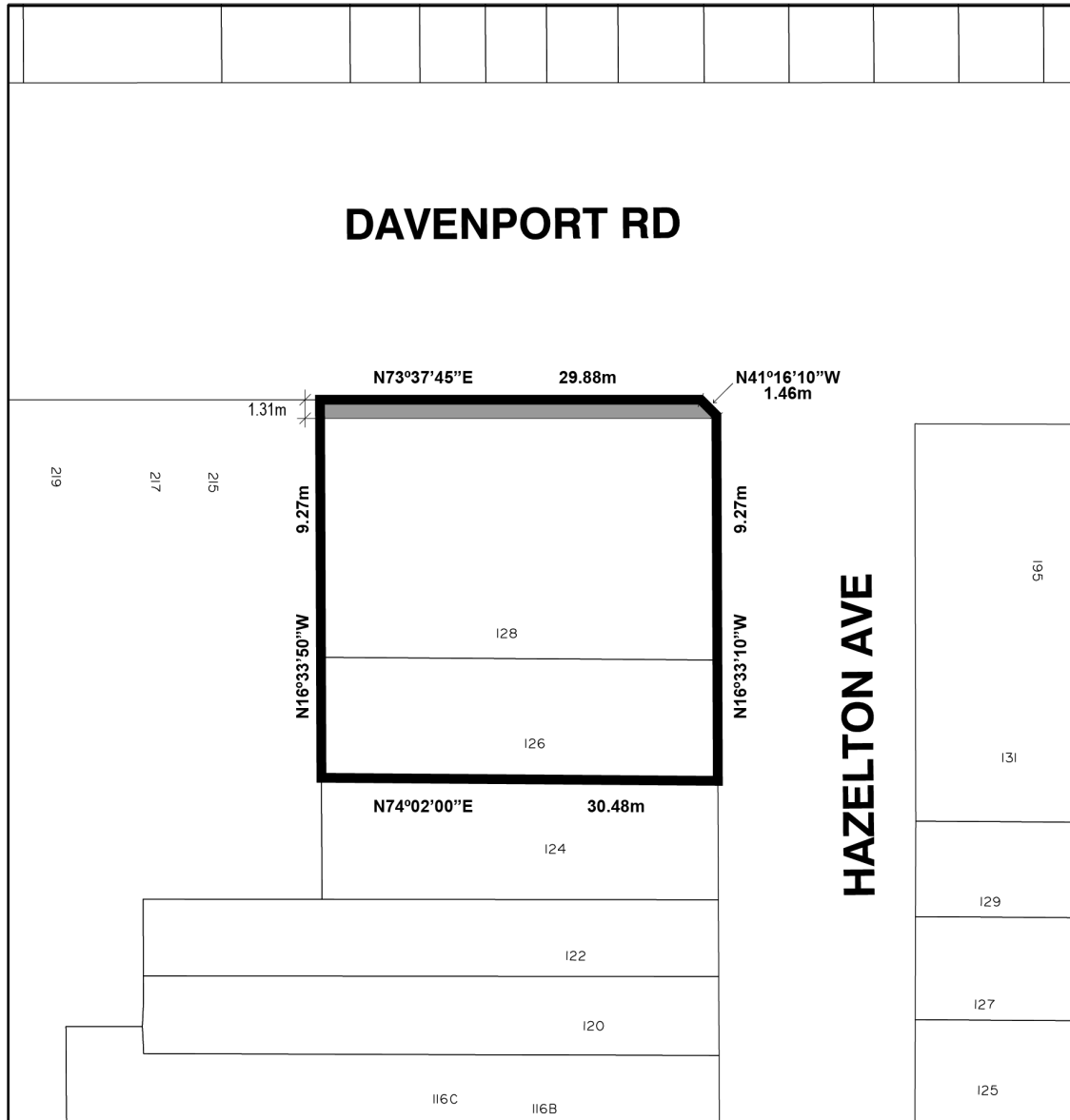
Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
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 lands as shown in Diagram 2 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:


1. An indexed cash payment of \$250,000.00 payable prior to issuance of the first above-grade building permit. The amount is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment. The funds shall be directed as follows:
 - a. \$200,000.00 towards capital improvements for new or existing Toronto Community Housing and affordable housing and/or cultural space in consultation with the local Councillor;
 - b. \$50,000.00 towards the streetscape improvements in close proximity to the subject site including, but not limited to, new planters and seating within the public realm, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division, in consultation with the local Councillor.



TORONTO
 Diagram 1

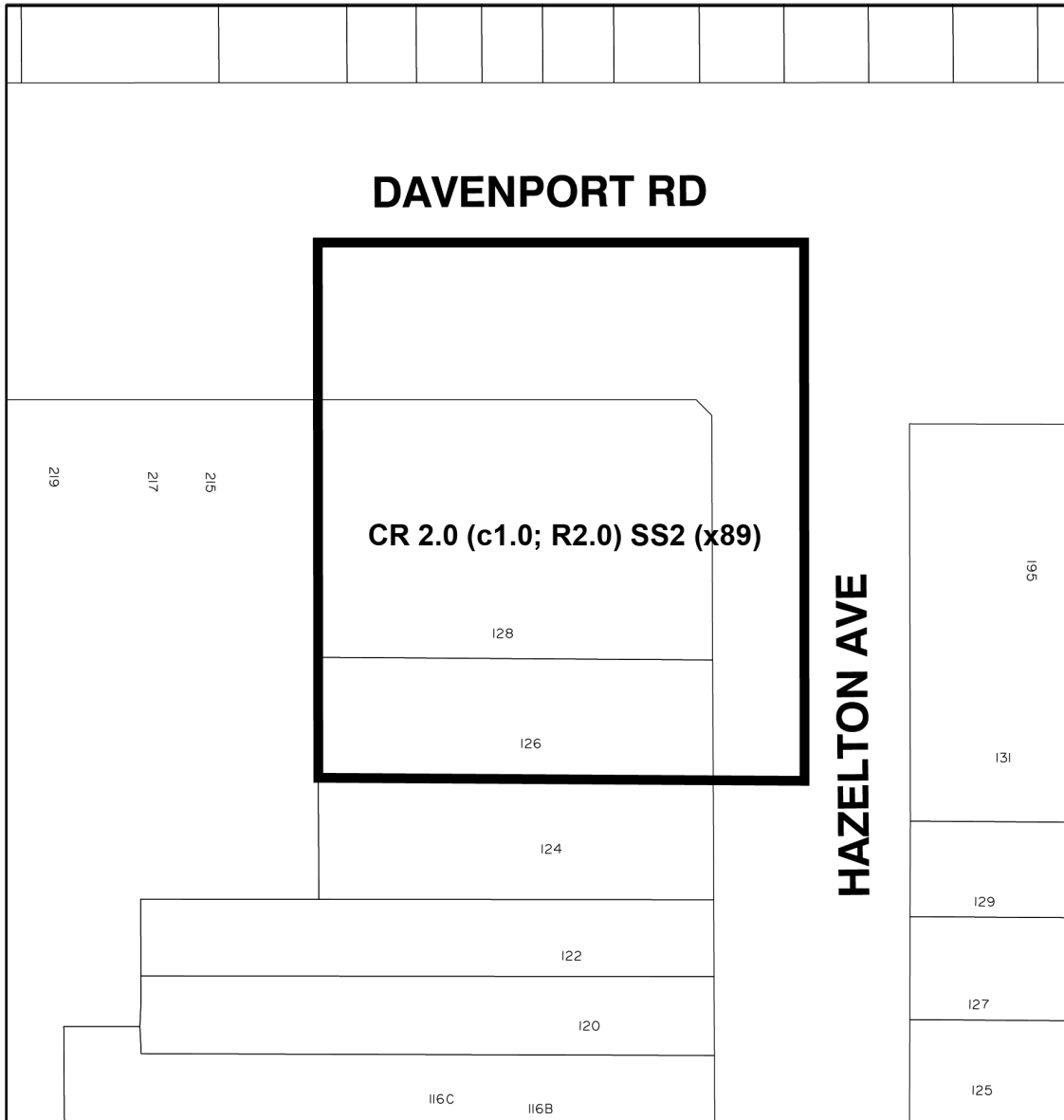
126-128 Hazelton Avenue

File # 15 257792 STE 27 0Z

 Lands to be conveyed to the City of Toronto



City of Toronto By-Law 569-2013
 Not to Scale
 10/25/2016



 **TORONTO**
Diagram 2

126-128 Hazelton Avenue

File # 15 257792 STE 27 0Z



City of Toronto By-Law 569-2013
Not to Scale
10/25/2016

