

**34 -38 Hazelton Ave - OPA & Rezoning Applications -
Refusal Report**

Date:	March 30, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	08 169177 STE 27 OZ

SUMMARY

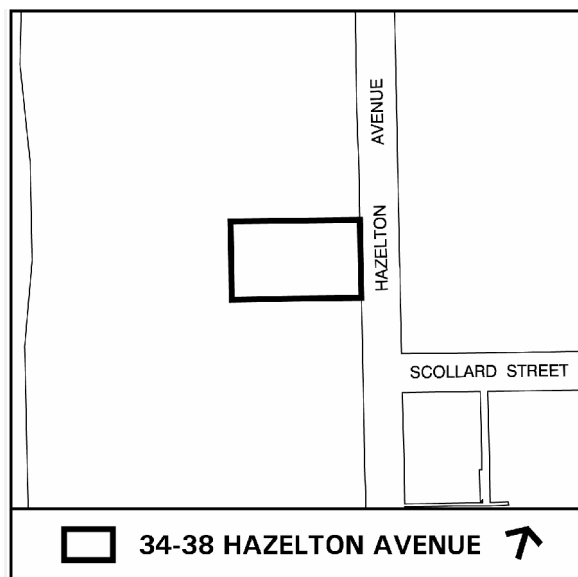
This report recommends refusal of the Official Plan and Zoning By-law amendment applications to develop an 8-storey residential building at 34-38 Hazelton Avenue, and seeks Council’s direction for staff to attend the Ontario Municipal Board in opposition to the development should the application be appealed.

The proposed development is inappropriate and out of context. The policies contained within the Official Plan provide the basis for refusing this proposal because it does not meet the intent of the Plan for development within or adjacent to stable residential *Neighbourhoods*. The application represents an inappropriate intensification of a site, where the Plan anticipates a sensitive infill project.

The height, massing and built form of the proposed development is inconsistent with the existing and planned built form context of this part of Yorkville.

The proposed development does not meet the guidelines for new development within the Yorkville – Hazelton Heritage Conservation District.

The proposal does not meet the Official Plan policies of adequately limiting the



impact of shadows nor is the new building massed in such a way as to mitigate view and privacy concerns on neighbouring properties.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the proposed Official Plan Amendment, Zoning By-law Amendment applications for the reasons outlined in this report.
2. In the case that the applications are appealed to the Ontario Municipal Board, the City Solicitor and City Staff be authorized to appear before the Ontario Municipal Board in support of Council's refusal.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The application is for an 8-storey, 38 unit residential condominium building with a 578 square metre (6222 sq. ft) gallery space on the ground floor. The proposal includes alteration of the existing designated schoolhouse building with the introduction of a new addition to the rear and partially above the remaining building façade.

The proposed development has an overall height of 33.6 metres including the mechanical penthouse. The 4th to 7th storeys of the new building are set back 6.7m from the eastern edge of the existing building façade, with the 8th floor set back a further 5.4 m.

A total gross floor area of 7, 227 square metres (77,793 sq. ft) is proposed, representing a density of 4.7 times the area of the lot. Parking for 67 vehicles is proposed in a 3-level underground garage. The parking garage is accessed via a single lane driveway at the south end of the site directly from Hazelton Avenue.

The applicant's proposed site plan and building elevations are shown on Attachment Nos.1 and 2. Further project statistics can be found in Attachment No.4.

Application History

On June 11, 2008 an application was made for Official Plan and Zoning By-law amendments to permit the alteration of the existing Designated Heritage Building and to construct a 9-storey, 39 unit residential building at the rear of the remaining building façade. The proposal included 60 parking spaces, located in 3 levels of underground parking accessed by a new two-way driveway at the northern end of the site.

For the reasons described later in this report, Planning Staff advised the applicant that the proposal as submitted represented an application that would receive a refusal recommendation by staff at the Preliminary report stage. The original proposal was a significant departure from the existing and planned context for this part of Yorkville. Substantial changes to the overall built form and extent of alteration to the existing heritage building would have to be made.

It was agreed with the applicant and the local Ward Councillor that prior to preparing a report to Council, staff would host a Community Consultation meeting. The meeting was held at the Jesse Ketchum Public School on October 2nd, 2008 and was attended by over 90 persons.

The revised application (described earlier under ‘proposal’) was received on January 2nd, 2009. The applicant advised staff that the revised proposal represented the final changes that the applicant was willing to make to the proposal. These final revisions have not addressed the main planning and heritage issues and further discussions with the applicant have proven unsuccessful. This the first planning report to Community Council on this application.

Other Relevant Applications

In December 2005, the same owner for this application received an approval from the Toronto and East York Committee of Adjustment for minor variances to permit the redevelopment of this same property into a pair of semi-detached dwellings. The proposal included the reuse of the existing heritage building and the construction of a 3-storey addition to the rear of, and partially on top of, the existing building.

The application received the support of Community Planning and Heritage Planning Staff subject to conditions including the requirement for the applicant to enter into and register a Heritage Easement Agreement with the City. The applicant appealed the requirement to fulfill this condition to the Ontario Municipal Board (OMB). The OMB deferred the appeal *Sine Die* in response to the appellant’s request on April 5, 2006 on the understanding that the applicants were in the final stages of settling with the City and withdrawing their appeal from the OMB.

A separate minor variance application to permit a 26 space commercial parking lot at the rear of the existing school building was approved by the Committee of Adjustment on March 4, 2006. The approval was conditional and for a temporary period of 2 years, expiring March 3, 2008 or until the existing site was developed, whichever came first. The existing site has not been developed and no further applications to maintain the commercial parking were made to the City before the expiration date. The use of the property as a commercial parking lot is not permitted.

Site and Surrounding Area

The site is located on the west side of Hazelton Avenue, just north of Scollard Street, one block east of Avenue Road and three blocks north of Bloor Street West. The property

has a lot area of 1, 538 square metres (0.38 acres) with a frontage of 30.5 metres (100 feet) on Hazelton Avenue and a depth of 50.7 metres (166 feet). The site is located in a mid-block location.

The property is currently occupied by a two-storey former school (St. Basil's School), constructed in 1928 in a Gothic Revival architectural style. The building is 10.84 metres in height (excluding parapets) which is the equivalent of a typical 3-storey building height. The rear portion of the property is currently being operated as a commercial parking lot (without approval) accessed via a driveway from Hazelton Avenue on the south side of the existing building.

The former school building is an individually listed structure (in addition to its designation under Part V of the *Ontario Heritage Act*). This listing predates the district designation and was adopted by Toronto City Council in February 2002. The property is specifically identified for its cultural heritage value and interest.

Uses and structures near the site include:

North: The adjacent property to the north at 40 Hazelton Avenue is a 4-storey residential condominium building. Further north, both the east and west sides of Hazelton Avenue are characterised by 2 and 2 ½ storey detached, semi-detached and row house dwellings.

East: On the northeast corner Hazelton Avenue and Scollard Street, (immediately opposite the subject property) is the former Olivet Congregational Church that has been converted to accommodate commercial uses and is the equivalent of a four-storey building. At 35 Hazelton Avenue is the Toronto Heliconian Hall. To the north of the Heliconian are a series of 2 and 2 ½ storey dwellings that have been converted into small scale retail and commercial uses. To the south of Scollard Street on Hazelton Avenue are more 2 and 2 ½ storey dwellings occupying small scale retail uses. A 4-storey office building is positioned on the northeast corner of Yorkville Avenue and Hazelton Avenue.

South: Office and retail boutiques in converted 2 to 3 storey dwellings line the Hazelton Avenue frontage. At the rear of the semi-detached property at 28/30 Hazelton Avenue (immediately to south of subject property) is a separate 4 storey building (30A Hazelton Ave) built to the property line with a blank wall facing the subject property. Further to the south at the corner of Yorkville Avenue and Hazelton Avenue is a 9 storey (33 metre) boutique hotel and residential condominium development known as The Hazelton.

West: Mid-rise and high-rise mixed-use buildings along the east side of Avenue Road, positioned on lots that back onto the properties fronting Hazelton Avenue. Immediately to the west of the subject property is the Hazelton Lanes mixed-use development at 55 Avenue Road which includes two commercial levels with three residential or mixed use complexes rising 6 to 8 storeys above the commercial

podium. The easterly edge of the Hazelton Lanes steps down and forms a two-storey blank wall where it abuts the lower scale residential properties.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. The PPS also provides that significant built heritage resources and significant cultural heritage landscapes be conserved. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation, including cultural heritage conservation. City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is at the north end of the *Downtown* area and is designated as *Neighbourhood*. In Chapter 2, the Plan outlines a growth strategy for the City that highlights the importance of the *Downtown* as one of a number of locations where growth in employment and residential uses are encouraged.

The Built Form policies of the Plan recognize the importance of good urban design as an essential ingredient of successful city building. The general built form policies of Section 3.1.2 of the Plan are to be reviewed in the context of this application.

The Heritage policies under section 3.1.5 provide for the conservation of significant heritage resources through the listing and designation of properties of architectural and/or historic interest and by designating areas with a concentration of heritage resources as Heritage Conservation Districts and adopting conservation and design guidelines to maintain and improve their character.

As previously state the subject property is located within a designated *Neighbourhood*. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than 4-storeys. Parks, low scale institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

The Plan identifies these established areas as physically stable in which development will respect and reinforce the existing physical character of the *Neighbourhood*. Policy 4.1.5 provides a series of development criteria for development in established *Neighbourhoods*.

The Plan further recognizes that throughout many neighbourhoods are sites of former non-residential uses such as industry, institution, retail stores, a utility corridor or lots passed over in first wave of urbanization. Special infill criteria are provided in Policy 4.1.9 for dealing with the integration of new development for these sites.

The Toronto Official Plan is available on the City's Website at:
www.toronto.ca/planning/official_plan/introduction.htm

Area Specific Policy 211 – Bloor Yorkville / North Midtown Area

Policy 211 applies to the entire Bloor-Yorkville/North Midtown Area, bounded by Avenue Road, Bloor Street, Sherbourne Street, Rosedale Valley Road, Yonge Street and CPR rail line to the north and sets out area specific policies that vary from the general provisions of the OP. The policies speak to the overall built form context, the character of specific areas, the public realm and urban design.

Policy 211 recognizes that the Bloor-Yorkville/North Midtown Area comprises a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. The area includes *Neighbourhoods*, *Apartment Neighbourhoods*, *Areas of Special Identity*, *Mixed Use Areas*, and open space provided by parks and ravines. It forms the north edge of the Downtown and provides for transition in density and scale towards the boundaries of the area from the more intensive use and development forms to the south and within the Height Peak at Yonge and Bloor Streets.

The key components of the area-specific policy as it relates to the subject site are that:

- new development in the Yorkville Triangle will respect and reinforce the stability and existing low-rise character of the area
- new development will implement the Heritage Conservation District Plan policies
- new development will maintain and enhance the pedestrian amenity in the public realm

In order to assist in meeting the objectives of this Plan and area specific policies, the Bloor-Yorkville/North Midtown Urban Design Guidelines were used to provide direction for reviewing development applications in this area. These guidelines were read in conjunction with the urban design policies in the Official Plan.

Zoning

The site is zoned R3 Z1.0 under By-law 438-86 (refer to Attachment No.3). This zoning category allows for a broad range of residential building types, with a maximum total density of 1.0 times the area of the lot. Maximum permitted building height is 12 metres.

Yorkville – Hazelton Heritage Conservation District Plan

The property is located within the Yorkville Hazelton Heritage Conservation District (HCD) and is designated under the Ontario Heritage Act per By-Law 622-2002. In designating the district, Council also endorsed a set of Guidelines with regards to alterations, demolition and new construction within the district. Section 2 of the Yorkville – Hazelton Heritage Conservation District (YHHCD) Plan defines the Heritage District Characteristics and sets out guidance for alterations and new development that will complement the existing character.

Bloor –Yorkville/North Midtown Urban Design Guidelines

The Bloor –Yorkville/North Midtown Urban Design Guidelines were approved by Council in July 2004 and are intended to give guidance to improve the physical quality of the area and ensure that its special character is respected in terms of new development.

The main planning objectives of these recently adopted Design Guidelines include:

- Enhancement of Areas of Special Identity and historic buildings;
- Protection of the low-rise, pedestrian –oriented mixed use area from the adverse impact of high-rise development;
- Protection of residential areas from adverse impacts of commercial and/or higher density development;
- Improvement of public realm and publicly accessible areas; and
- Excellence in urban design, architecture, and landscaping.

The Bloor-Yorkville/North Midtown area is comprised of a number of precincts and corridors, each defined by its attributes in terms of function, built form and character. The subject property is located within the Village of Yorkville Precinct.

Site Plan Control

The proposed development is subject to site plan control. A site plan approval application has not been received to date.

Reasons for the Application

An amendment to the Official Plan would have to be approved to permit the development at the proposed height of 8-storeys as the *Neighbourhoods* designation permits apartments with a maximum of 4 storeys.

An amendment to the Zoning By-law would be necessary because the proposed development exceeds permitted maximum density and height limits. The proposed density of 4.7 times the area of the lot exceeds the maximum permitted density of 1.0 times the lot area. The proposed building height is 33.6 metres (27.94 metres excluding mechanical penthouse), whereas the Zoning By-law permits a maximum building height of 12 metres.

The applicant is requesting an amendment to the Official Plan, re-designating the site to *Mixed Use Area*. The application states that an Official Plan Amendment has been submitted “out of an abundance of caution” as it is the applicant’s position that the subject site abuts a property to the south that is designated as *Mixed Use Areas*, and has suggested that a re-designation could be achieved through an adjustment to the land use designation boundaries as permitted under the Official Plan’s interpretation policies of Section 5.6.

Other areas of non-compliance with the Zoning By-law include: minimum indoor and outdoor amenity space; use of the ground floor as an art gallery; loading space requirements; minimum side lot line setback; minimum rear yard setback; maximum building depth; and minimum landscaped open space.

Community Consultation

A community consultation meeting was held at Jesse Ketchum Public School on October 2, 2008. The meeting was attended by over 90 residents and business persons. There was considerable comment and questions during the meeting focussed on the following issues:

- Overall building height and proposed development density;
- Proposed scale within the context of Heritage Conservation District;
- Impact on light, view and privacy;
- Design and proposed building materials; and
- Alteration to existing building façade.

It is clear from the comments received during the community meeting and in subsequent correspondence that there is a genuine desire to see the property restored and the introduction of a new infill addition to the rear of the existing building was generally supported. However, concern was expressed about the scale and general ‘fit’ of the new addition.

REASONS FOR REFUSAL

Provincial Policy Statement and Provincial Plans

Section 4.5 of the Provincial Policy Statement (PPS) states that the official plan is the most important vehicle for implementation of the PPS. Municipal official plans are required to identify provincial interests and set out appropriate land use designations and policies. The PPS also requires that official plans provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. The City of Toronto meets the requirements of the PPS through the areas identified for intensification in the Official Plan. The proposal represents inappropriate intensification of a site located outside of a land-use designation identified for intensification in the City of Toronto Official Plan.

Policy 2.6 of the PPS also provides that significant built heritage resources be conserved. The PPS states that development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

The Official Plan and Zoning By-law Amendments proposed are not consistent with the Provincial Policy Statement.

The proposed amendments are not consistent with sections 2.2.3.6 and 2.2.3.7 of the Greater Golden Horseshoe Growth Plan (The Growth Plan). The Growth Plan states that municipalities will develop and implement official plan policies and outline a strategy to phase in and achieve intensification targets. The City of Toronto Official Plan includes population targets and a framework to provide residential growth while still protecting the City's stable areas. The City of Toronto has sufficient residentially designated lands within the priority growth areas of the Official Plan to accommodate all the housing required to meet its population targets, without the need to re-designate stable *Neighbourhoods*.

Official Plan Designation

Although the applicant has stated that the Official Plan Amendment (OPA) was submitted 'out of an abundance of caution' to re-designate the lands from *Neighbourhoods* to *Mixed Use Areas*, it is staff's position that the interpretation policies of Section 5.6 of the Plan cited by the applicant are not applicable and that a re-designation of the boundaries would require an OPA.

Staff have reviewed the designation boundary in the context of the interpretation policies (reviewing existing zoning by-law for the site; prevailing lot depths; orientation of lot frontages; lot patterns; and land use patterns) and have concluded that the proposal does not meet the intent of the Plan and considering it to be in a *Mixed Use Area* would not be a minor boundary adjustment.

Sites with different lot features are not unusual in *Neighbourhoods*. There are a great number of schools and places of worship in *Neighbourhoods* with lot sizes that vary from the norm. As the un-shaded *Neighbourhoods* text in Section 4.1 of the Official Plan notes, many of these properties are either lots that were passed over in the first wave of urbanization, or were sites of former non-residential uses. The Plan recognizes that it may not be possible or desirable to apply the same standards to proposed development on these lots given their unique traits. Accordingly, the Plan provides special infill criteria under Policy 9 of the *Neighbourhoods* section.

The subject property is appropriately designated *Neighbourhoods*. The existing building has a height, massing and orientation that is consistent with adjacent *Neighbourhood* properties. The lot depth, orientation and pattern are also consistent with lots within the *Neighbourhood* designation. The scale of development throughout the *Yorkville Triangle*

neighbourhood and *Scollard-Hazelton* area of special identity is characterised by buildings no higher than 4-storeys.

Policy 2.2.4 (b) of the Official Plans' *Downtown* policies, states that a full range of housing opportunities will be encouraged through 'sensitive infill' within *Downtown Neighbourhoods*. This is to be noted in contrast to the objective of encouraging 'intensification' in the *Mixed Use Areas* and *Regeneration Areas of Downtown* (Policy 2.2.4.(a)). Given the substantial proposed density increase from the current as-of-right of 1.0 to 4.7 times the lot area and the proposed doubling of height to eight storeys from the maximum of four storeys permitted in *Neighbourhoods*, the proposal can clearly be considered to be an excessive and inappropriate level of intensification within a *Neighbourhood* and not sensitive infill development.

For the application to be supportable, Policy 3 of Section 5.3.1 of the Plan states that:

"Amendments to this Official Plan that are not consistent with its general intent will be discouraged. Council will be satisfied that any development permitted under an amendment to this Plan is compatible with its physical context and will not affect nearby *Neighbourhoods* or *Apartment Neighbourhoods* in a manner contrary to the neighbourhood protection policies of this Plan."

In the context of the comments to follow later in this report regarding fit within the neighbourhood context and Heritage Conservation District it is staff's opinion that the proposed development is not compatible with its physical context and will affect nearby *Neighbourhoods* and is therefore not consistent with the general intent of the Plan.

Fit within the Neighbourhood Context (Height, Massing and Built Form)

Height and density permissions in By-law 438-86 throughout Yorkville, decrease from the south (along the Bloor Street corridor), from the west (along the eastside of Avenue Road) and from the east (along Bay Street). Within the 'interior' of these higher and more intensively developed 'edges' to Yorkville, permissions decrease as you move northerly from Bloor Street through the more intense commercial areas centered on Cumberland Street and Yorkville Avenue, and to the more passive commercial areas of Scollard Street and lower parts of Hazelton Avenue, toward the residential area of the Yorkville Triangle.

Understanding how these underlying zoning permissions are arranged provides definition to the existing structure of Yorkville. For example, the commercial residential (CR) zoning centered on the intersection of Hazelton Avenue and Scollard Street (See Attachment No. 3) anticipates a less intense form of development in terms of massing in order to provide transition from the mixed use developments along Yorkville Avenue and the residential activities of the Yorkville Triangle. The development site at 76 and 100 Yorkville includes six, 3-storey townhouses fronting on the Scollard Street, in recognition of, and further reinforcing the low scale nature of this part of Yorkville.

The proposed development at 34-38 Hazelton Avenue has an overall height of 33.6 metres including the mechanical penthouse. The 4th to 7th storeys of the new building are set back 6.7m from the eastern edge of the existing building façade, with the 8th floor set back a further 5.4 m. In this regard, the proposed setbacks and location of height is incompatible with the massing of buildings in the immediate area.

For example, the Hazelton Lanes complex of buildings with frontage on Avenue Road and Yorkville Avenue, has a mixed use 8-storey building at its eastern boundary with a convenience address of 18A Hazelton Avenue. This building is located at the rear of the 2 - 2 1/2 storey house form buildings fronting Hazelton Avenue. The eastern edge of this 8-storey building is positioned 26 metres back from the Hazelton Avenue property boundary. This mixed-use building has a height of 26.5 meters which is deployed on the site in a manner that respects the character of the Hazelton Avenue streetscape and the Yorkville – Hazelton Heritage Conservation District.

The property immediately to the south of the subject site is characterised by a 2 ½ storey building at the Hazelton Avenue street line and a 4- storey (14 metre) office building at its rear (30A Hazelton Avenue). In a similar manner to 18A Hazelton Avenue described above, 30A Hazelton Avenue introduces additional height in the form a of a compatible infill building positioned 25 metres back from the Hazelton Avenue property boundary.

The 8-storey component of the redevelopment project at 76-100 Yorkville Avenue (Mount Sinai site) has an overall building height of 33.6 metres including mechanical penthouse. It should be noted that this building is positioned on a large through lot, where the building is massed so that the additional height of the site is setback some 50 metres from the Hazelton Avenue frontage and 38 metres from the Scollard Street frontage.

With the proposed development there has been no attempt to position the building mass or provide sufficient setback of the upper storeys towards the rear of the site to reflect the massing of neighbouring properties. The massing of the addition is positioned toward the front of the site in a manner anomalous to the streetscape and surrounding built form context. The proposal does not meet the Built Form policies of the Plan, as the new building does not create an appropriate transition in scale to neighbouring existing and/or planned buildings.

The proposed height, massing and built form does not meet the intent of the Site and Area Specific Policy 211 respecting development within the Bloor – Yorkville / North Midtown Area, nor does it meet the direction outlined in the applicable Urban Design Guidelines.

Heritage

In reviewing the proposed alteration and addition to the existing building, Heritage Preservation Services (HPS) staff have concluded that the project does not comply with the guidelines as set forth in the Yorkville Hazelton Heritage Conservation District Plan.

The scale and nature of the proposed project are not appropriate and will damage the heritage character of the property and streetscape character of Hazelton Avenue and the Heritage Conservation District. In particular, HPS staff concluded that the proposal does not comply with the guidelines relating to Design, Form and Massing (2.2.2 of the guidelines), cladding and trim (2.1.5) and foundations (2.1.6).

The Toronto Preservation Board at its meeting of March 27, 2009, considered this application and recommended that it be refused. A copy of the Heritage Preservation Services staff report can be viewed at the following link:

www.toronto.ca/legdocs/mmis/2009/pb/bgrd/backgroundfile-19571.pdf

In applying for its OPA to re-designating the subject property from *Neighbourhood* to *Mixed Use Areas*, the applicant relies on the heritage policies outlined in 3.1.5 of the Plan. Policy 8 allows for gross floor area in excess of what is permitted in the Zoning By-law for lands containing a conserved heritage building that are designated *Mixed Use Areas*. The site however is designated *Neighbourhoods* and staff do not support an OPA to re-designate the lands to *Mixed-Use Area*.

Even if the site were designated as a Mixed –Use Area, increases in density are only permitted under section 3.1.5 policy 8 of the Official Plan under various conditions including the restriction that the additional floor area (above zoning permissions) not exceed the floor area of the designated heritage building or structure being retained. As only the façade is being retained there would be no applicable heritage density bonus. Moreover, the policy explicitly states that no additional density will be granted for the incorporation of facades into new development.

Light, View and Privacy

The Official Plan requires that all new development in these areas be located and massed so as to adequately limit shadow impacts on adjacent *Neighbourhoods* and *Areas of Special Identity* during the spring and fall equinoxes.

The applicant has submitted a study showing existing, as-of-right and proposed shadows generated by the proposal. When reviewing shadow studies it is important to look at a number of factors, such as duration, reach, shape, as well as the nature of the features placed in shadow, such as open spaces and sidewalks.

At 9:18am during the September/March equinox incremental shadow from the proposed building is cast on the private outdoor amenity space of the condominium building at 77 Avenue Road to west of the subject property.

At 10:18 during September/March, incremental shadow over the as-of-right scenario will be experienced on the rear yards of adjacent residential properties to the north (40, 44, 46, 48, 50 and 52 Hazelton Avenue). Certain portions of these rear yard areas are used for parking purposes, however some of these properties do have clearly defined outdoor amenity areas to the rear of their properties. Shadowing of the rear yards continue to

varying degrees on adjacent residential properties until 4.18pm. Additional shadowing is experienced for approximately 6 hours in the rear yard and against the westerly elevation of the adjacent property at 40 Hazelton Avenue, a four storey residential condominium building with units having terraces and rooms with a westerly aspect.

Incremental shadowing on the eastern sidewalk of Hazelton Avenue is also experienced in the afternoon during the September/March equinox.

The first four floors (cumulative height of 14 metres) of the applicant's proposal are setback only 0.175m from the northern property line and 0.4m from the southern property. The rear yard setback is 0.3 metres. This minimum setback, particularly (but not exclusively) on the north side of the subject property, has the potential to create undesirable separation distances, view and privacy impacts between residents of the two adjacent buildings (34-38 and 40 Hazelton Avenue).

Cumulatively the additional shadowing experience on adjacent properties would have an adverse impact. Given the concerns outlined above with respect to reach and duration of shadowing, and potential impacts on view and privacy, staff are of the opinion that the proposal does not meet the Official Plan policy of adequately limiting the impact of shadows nor is the new building massed in such a way as to mitigate view and privacy concerns on neighbouring properties.

Traffic, Access, Parking and Loading

The application proposes three levels of underground parking accommodating 67 parking spaces. An at-grade circular pick-up and drop-off turnaround is positioned to the southwest corner of the site, accessed by a driveway off Hazelton Avenue at the southern end of the site. This is consistent with the existing access to the parking at the rear of the existing building. The driveway has a pinch point between the south end of the building facade and the southern property line where clearance is 2.3 metres wide. The narrow driveway width does not provide access by large or medium sizes trucks and therefore no loading space is proposed on the site.

Transportation Services staff have concerns about the operation of the site and have requested further information indicating what measures (on-site traffic control) would be required to be implemented to make the proposed 2.3 metres driveway work for the condominium and how loading operations, including refuse collection and recycling collection would be satisfactorily addressed.

The request by Transportation Services for further information on access and servicing was provided in the context of the most recent circulation of the application. At the time of writing this report, the Applicant has not provided the requested information and these issues remain outstanding.

Conclusion

The proposed development is inappropriate and out of context. The policies contained within the Official Plan provide the basis for refusing this proposal because it does not meet the intent of the Plan for development within or adjacent to stable residential *Neighbourhoods*. The application represents an inappropriate intensification of a site, where the Plan anticipates a sensitive infill project.

The height, massing and built form of the proposed development is inconsistent with the existing and planned built form context of this part of Yorkville.

The proposed development does not meet the guidelines for new development within the Yorkville – Hazelton Heritage Conservation District.

The proposal does not meet the Official Plan policies of adequately limiting the impact of shadows nor is the new building massed in such a way as to mitigate view and privacy concerns on neighbouring properties.

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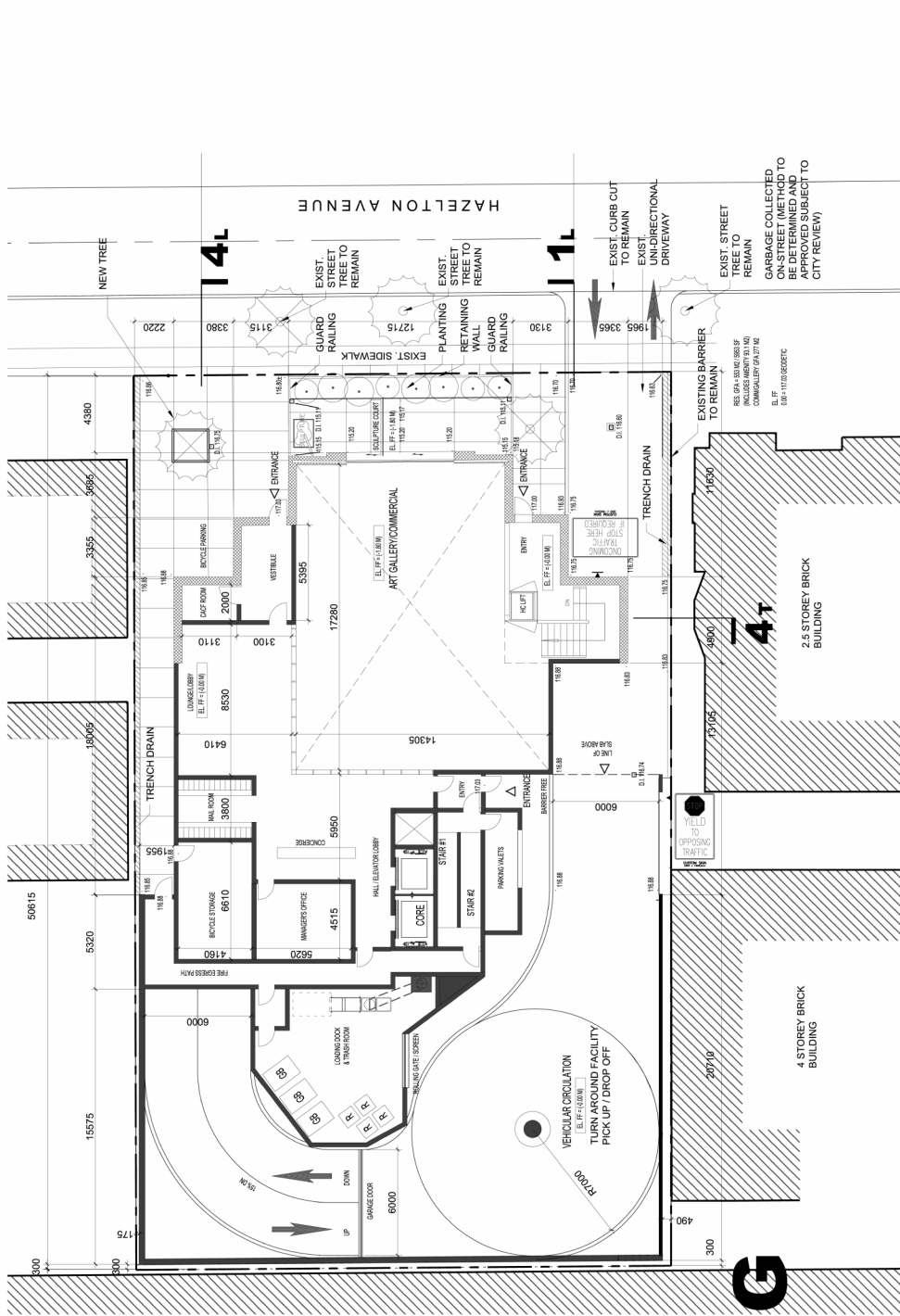
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning Map
Attachment 4: Application Data Sheet

Attachment 1: Site Plan



34 - 38 Hazelton Avenue

Site Plan

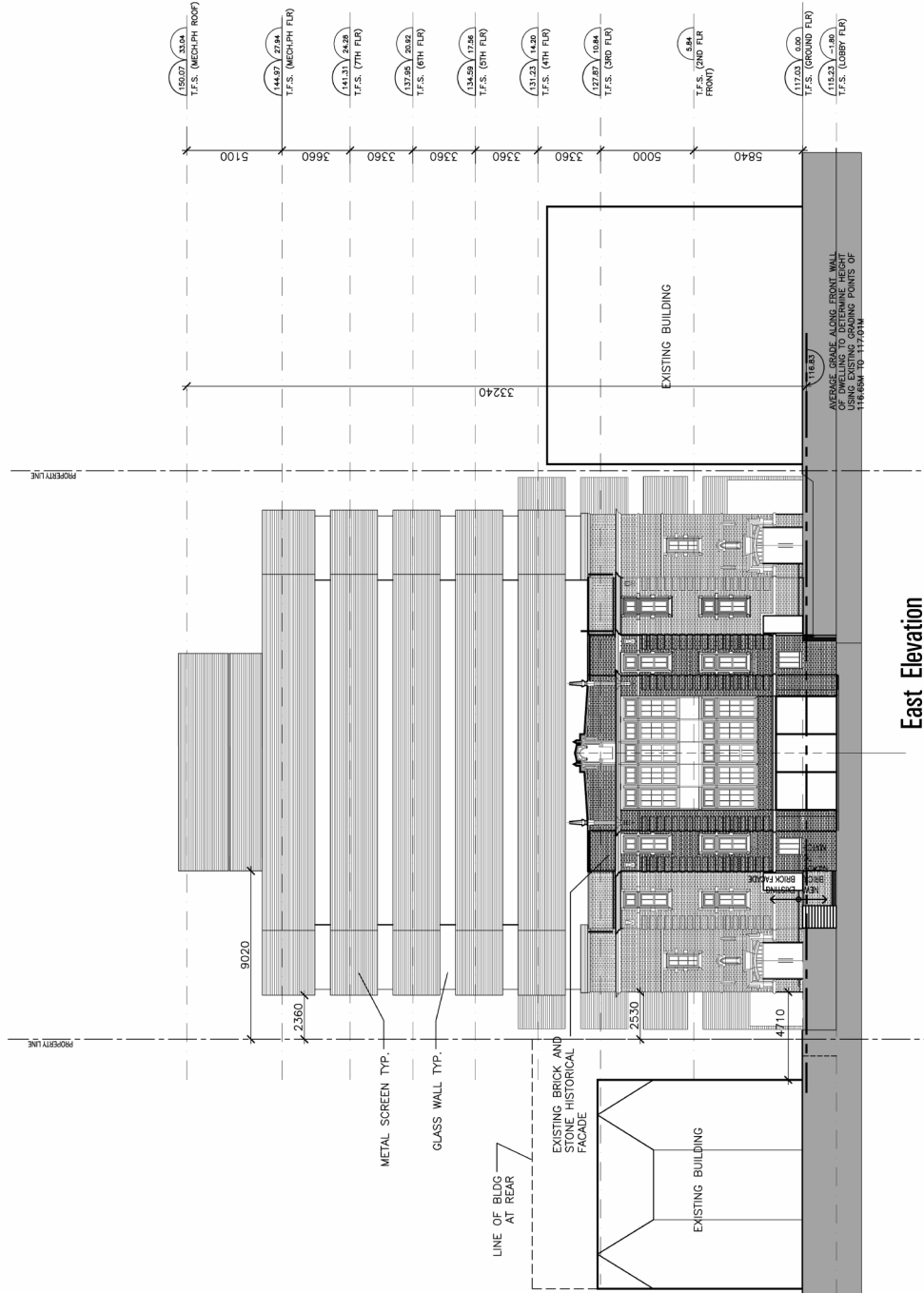
Applicant's Submitted Drawing

Not to Scale
03/06/09

File # 08 169177



Attachment 2: East Elevation



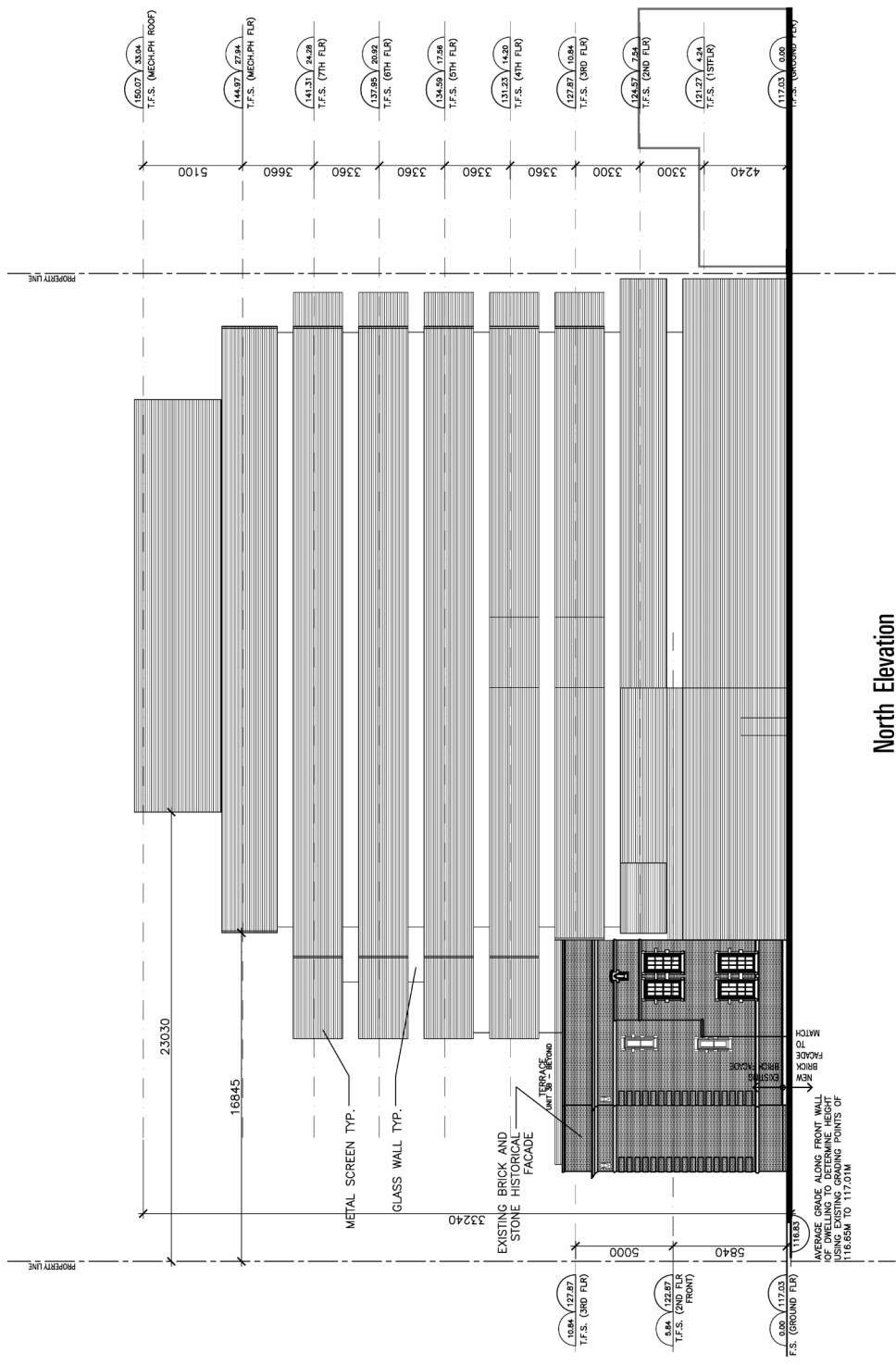
Elevation

Applicant's Submitted Drawing

Not to Scale
03/06/09

File # 08 169177

North Elevation



34 - 38 Hazelton Avenue

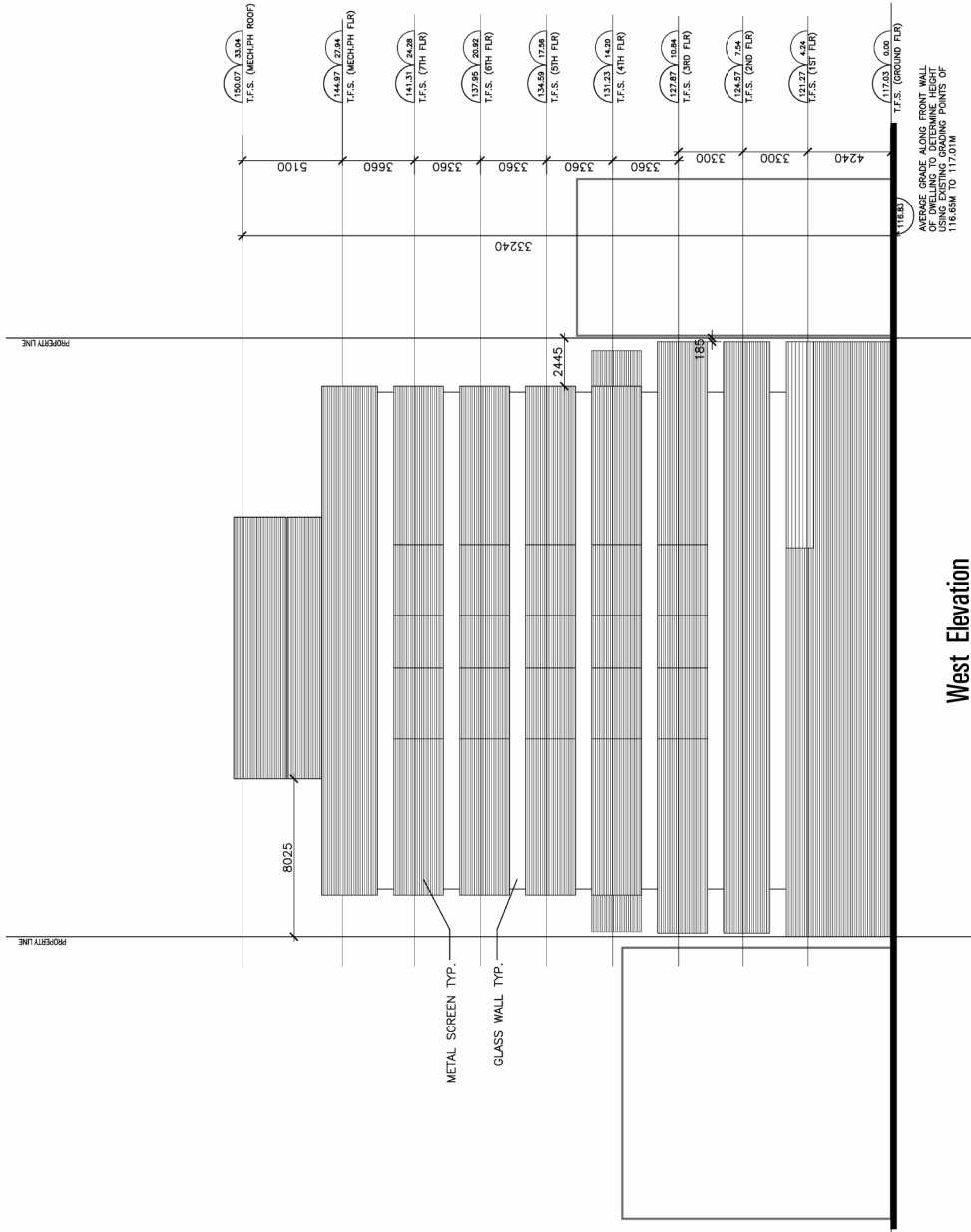
Elevation

Applicant's Submitted Drawing

Not to Scale
03/06/09

File # 08 169177

West Elevation



34 - 38 Hazelton Avenue

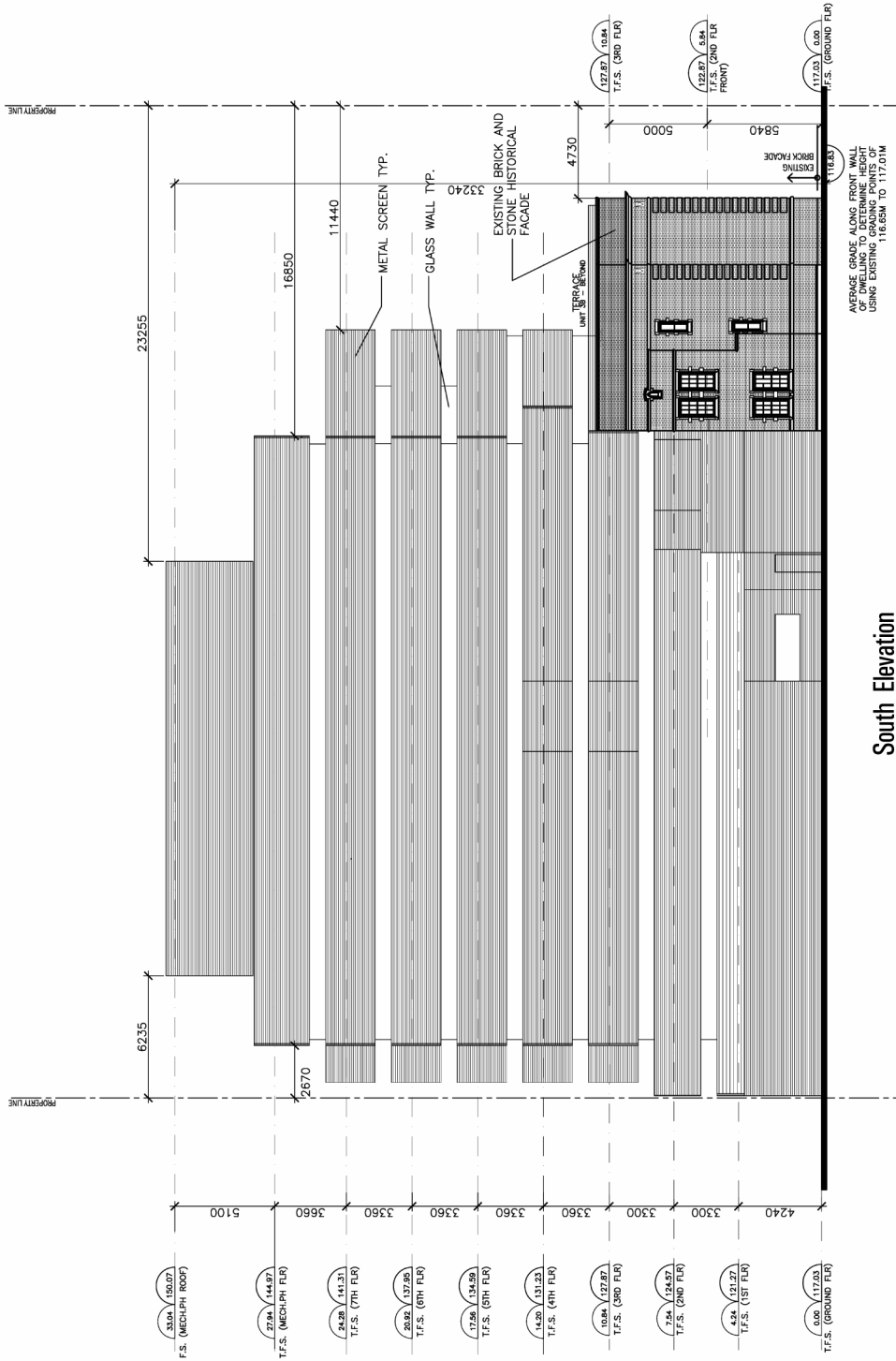
File # 08_169177

Elevation

Applicant's Submitted Drawing

Not to Scale
03/06/09

South Elevation



34 - 38 Hazelton Avenue

South Elevation

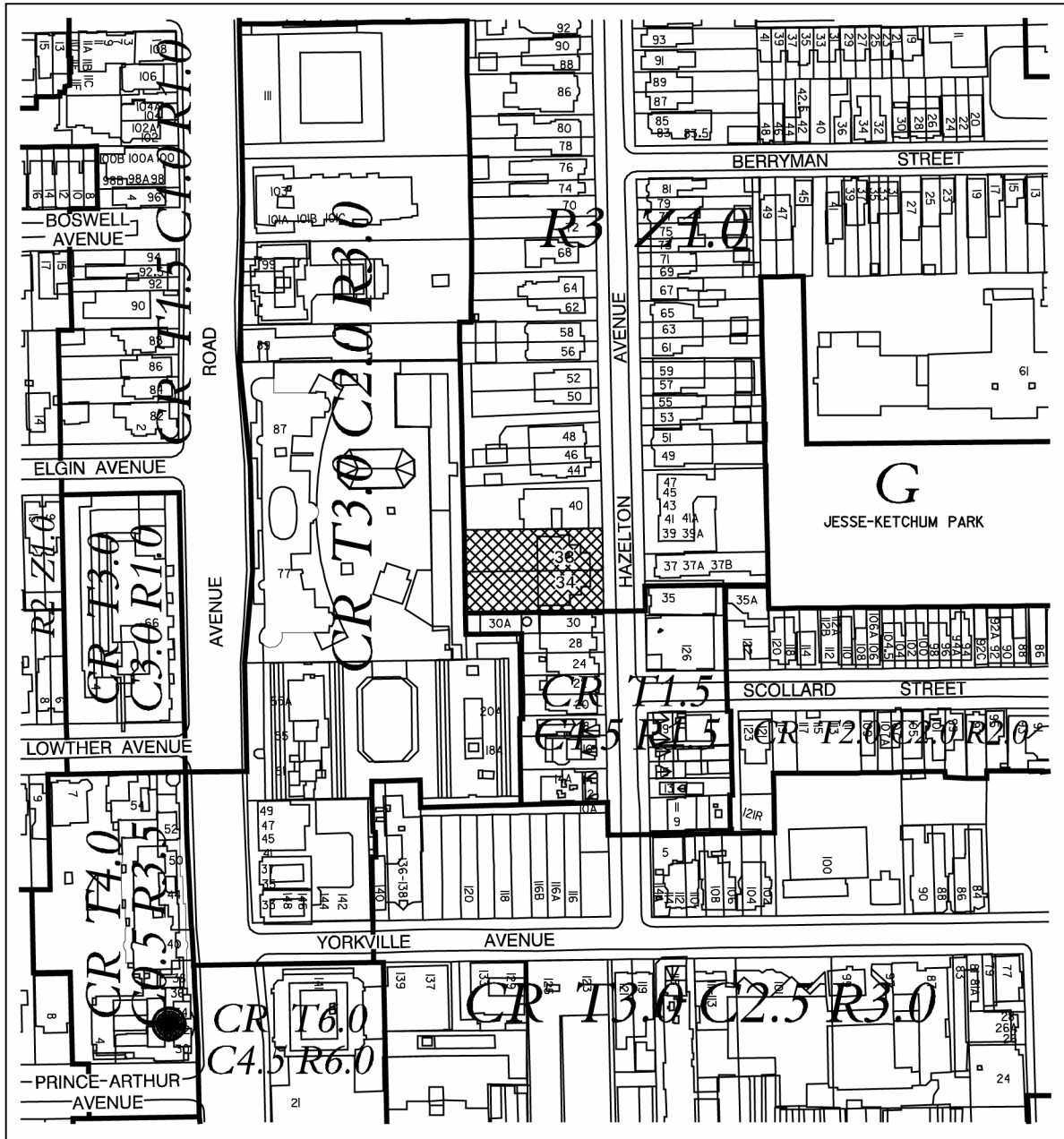
Elevation

Applicant's Submitted Drawing

Not to Scale
03/06/09

File # 08 169177

Attachment 3: Zoning



TORONTO City Planning
Zoning

34 - 38 Hazelton Avenue

File # 08_169177

- R2 Residential District
- R3 Residential District
- CR Mixed-Use District
- G Parks District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 07/24/08 - TA

Attachment 4: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	08 169177 STE 27 OZ
Details	OPA & Rezoning, Standard	Application Date:	June 11, 2008

Municipal Address: 34 HAZELTON AVE
 Location Description: PLAN 302 LOT 7 **GRID S2703
 Project Description: Proposal to construct an 8 storey condo with 38 residential units and 3 levels of below grade parking.

Applicant:	Agent:	Architect:	Owner:
ADAM J BROWN		PETER MARINO, ARCHITECT	2084362 ONTARIO LIMITED

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	192-69
Zoning:	R3 Z1.0	Historical Status:	Y
Height Limit (m):	12	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1537.71	Height:	Storeys:	8
Frontage (m):	30.48		Metres:	33.6
Depth (m):	50.8			
Total Ground Floor Area (sq. m):	1203.13			Total
Total Residential GFA (sq. m):	6,649		Parking Spaces:	67
Total Non-Residential GFA (sq. m):	578		Loading Docks	0
Total GFA (sq. m):	7,227			
Lot Coverage Ratio (%):	78			
Floor Space Index:	4.7			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	17
2 Bedroom:	21
3 + Bedroom:	0
Total Units:	38

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	6,649	0
Commercial GFA (sq. m):	578	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Louis Tinker, Planner
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