

## 34 – 38 Hazelton Ave – OPA & Rezoning Applications – Final Report

<b>Date:</b>	June 12, 2009
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale [or All]
<b>Reference Number:</b>	08 169177 STE 27 OZ

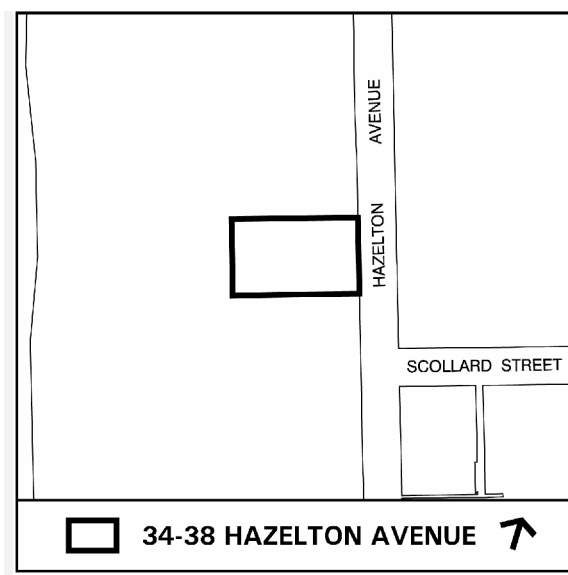
### SUMMARY

This report is a continuation of the staff report dated June 1st, 2009 and replaces the refusal report (Item TE27.29) submitted by Staff to the April 21, 2009 Toronto East York Community Council meeting.

At its meeting of April 21, 2009 Toronto and East York Community Council (TEYCC) deferred consideration of a refusal report from Planning Staff, in response to the presentation of a revised proposal by the Applicant at that same meeting. Planning Staff were directed to review the revised proposal and report back on any further recommendations.

As a result of additional meetings with staff, the applicant has made additional revisions to the proposal. The application is now for a partial 7-storey, 30 unit residential condominium building that includes the alteration of the existing designated schoolhouse building with the introduction of a new addition to the rear and partially above the retained building façade.

The proposed development has an overall height of 26.72 metres including the mechanical penthouse. A total gross floor area of 5,610 square metres (60,387 sq. ft)



is proposed, representing a density of 3.6 times the area of the lot.

This supplementary report reviews and recommends approval of the revised application to amend the Official Plan and Zoning By-law.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council amend the Official Plan for the City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 5;
2. City Council amend Zoning By-law 438-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6;
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan and/or draft Zoning By-law Amendments as may be required;
4. City Council require the owner, before introducing the necessary Bills to City Council for enactment, to enter into a Section 37 Agreement to the satisfaction of the City Solicitor, to secure the following public benefits:
  - (i) prior to the issuance of the first above-grade permit, the owner shall provide a contribution in the amount of \$175,000.00 to be used for streetscape and park improvements in the Yorkville neighbourhood, said amount to be indexed in a form satisfactory to the *City*;
  - (ii) the owner shall provide a detailed Heritage Impact Assessment, prepared by a qualified heritage consultant, describing the conservation and mitigation strategies to be employed during the construction of the proposal. The Heritage Impact Assessment must be approved to the satisfaction of the Manager, Heritage Preservation Services, prior to the issuance of any permit including a permit for the demolition, excavation and/or shoring of the property;
  - (iii) the owner shall provide a detailed Conservation Plan, prepared by a qualified heritage architect to the satisfaction of the Manager, Heritage Preservation Services that includes: documentation through photographs of the as-found condition of the heritage structure; detailed descriptions/specifications for the proposed heritage conservation work; a detailed landscape plan; an exterior lighting and signage plan; an estimate of costs for the implementation of the Conservation Plan; and the measures to be taken to protect the heritage resource during construction. The Conservation Plan shall be provided prior to the issuance of any permit including a permit for the demolition, excavation and/or shoring of the property;

- (iv) the owner shall enter into a Heritage Easement Agreement with the City for 34-38 Hazelton Avenue, which shall include the revised Heritage Impact Assessment, approved Conservation Plan, descriptions, plans and drawings appended as approved alterations, prior to the issuance of any permit including a permit for the demolition, excavation and/or shoring of the property;
- (v) the owner shall provide written confirmation that it shall not object to the designation of the building under Part IV of the *Ontario Heritage Act*, prior to the issuance of any permit including a permit for the demolition, excavation and/or shoring of the property;
- (vi) prior to the issuance of any building permit for 34-38 Hazelton Avenue, including a permit for the demolition, excavation and/or shoring of the property, the owner shall:
  - a. provide a Letter of Credit in a form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure all work included in the Conservation and Restoration Plan;
  - b. complete all required archaeological assessments and clearances, satisfactory to the Manager, Heritage Preservation Services;
  - c. provide building permit drawings, satisfactory to the Manager, Heritage Preservation Services;
- (vii) prior to the release of the Letter of Credit listed at item (vi) (a) above, the owner shall complete the heritage conservation and restoration work, satisfactory to the Manager, Heritage Preservation Services;
- (viii) the *owner* shall retain a consultant archaeologist, licensed by the Ministry of Culture under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 1- 2 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the Final Draft – Standards and Guidelines for Consulting Archaeologists, September 2006, Ministry of Culture, prior to the issuance of any permit including a permit for the demolition, excavation and/or shoring of the property;
- (ix) should the consultant archaeologist recommend that the archaeological assessment process continue beyond a Stage 1 - 2 assessment, any recommendations for additional archaeological assessment ie. Stage 3 - 4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation;

- (x) no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) confirming in writing that all archaeological requirements have been satisfied;
  - (xi) The owner shall provide 1:50 scale drawings detailing and labelling the exterior materials to be used in the construction of the building with their site plan submission, to the satisfaction of the Chief Planner and executive Director and the Manager, Heritage Preservation Services. The owner shall incorporate the exterior materials identified in the drawings in the construction of the building;
  - (xii) the owner shall develop and implement, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division, an appropriate Construction Mitigation Plan and Resident Communication Strategy prior to the issuance of any permit including a permit for the demolition, excavation and/or shoring of the property; and
  - (xiii) the owner shall pay for any improvements / upgrades to the municipal infrastructure in connection with a Functional Servicing Report, as accepted by the Executive Director of Technical Services, should it be determined that improvements / upgrades to such infrastructure is required to support this development.
5. City Council authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **Proposal**

The application is for a partial 7-storey, 30 unit residential condominium building. The proposal includes the alteration of the existing designated schoolhouse building with the introduction of a new addition to the rear and partially above the retained building façade.

The proposed development has an overall height of 26.72 metres including the mechanical penthouse. The 4<sup>th</sup> floor of the new addition is setback 4 metres from the eastern face of the existing facade. The 5<sup>th</sup> and 6<sup>th</sup> floors are setback an additional 7 metres 12.5 metres respectively. The mechanical penthouse and partial seventh storey are setback over 20 metres from the front facade.

A total gross floor area of 5,610 square metres (60,387 sq. ft) is proposed, representing a density of 3.6 times the area of the lot. Parking for 62 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.

## **COMMENTS**

At the TEYCC meeting held on April 21, 2009, Planning Staff provided a report on a previous proposal for the site consisting of an 8 storey mixed use building with an overall building height of 33.6 metres and a density of 4.7 times the area of the lot. The staff report recommended refusal of this previous proposal for the site.

As a result of the Applicant presenting a revised proposed at the April 21 meeting, TEYCC deferred consideration of the report and directed staff to report back to the June Community Council Meeting on the revised proposal. Since that time, staff held a number of meetings with the Applicant resulting in further changes to the project as described in the background section of this report.

The previous staff report highlighted a number of reasons for refusal of the application. These included: conformity with PPS and Provincial Plan(s); the proposed Official Plan re-designation from *Neighbourhoods* to *Mixed-Use*; lack of 'fit' within the neighbourhood context (height, massing and built form); compliance with the development guidelines outlined in the Yorkville – Hazelton Heritage Conservation District Plan; mitigating light, view and privacy concerns; and failure to address technical issues with respect to vehicular access, parking and loading. The revised proposal has addressed these concerns, as set out below.

## **Provincial Policy Statement and Provincial Plans**

The proposal is now consistent with the Provincial Policy Statement (PPS). The development promotes intensification through a compact building form utilizing existing infrastructure. The PPS requires that planning authorities provide for an appropriate range of housing types and densities to meet the projected requirements of current and future residents. Policy 2.6 of the PPS requires the conservation of significant built heritage resources. The revisions made to the proposed building envelope comply with this policy. The proposal conforms, and does not conflict, with the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan.

## **Official Plan**

The Official Plan designates the subject property *Neighbourhoods*, a designation that is intended to protect and reinforce the existing physical character of, in this case, the surrounding low scale residential area. The stability of the physical character is one of the keys to Toronto's success and there are a number of policies that must be respected by development proposals in *Neighbourhoods*. Physical changes to established *Neighbourhoods* must be sensitive, gradual and generally 'fit' the existing physical character.

While a key objective of the Official Plan is that new development respect and reinforce the general physical patterns in a *Neighbourhood*, the Official Plan acknowledges that

scattered throughout many established *Neighbourhoods* are lots that differ from the prevailing patterns of lot size, configuration and orientation. The Plan further notes it is often not possible or desirable to provide the same site standards and pattern of development in these infill projects as in the surrounding *Neighbourhood*. Policy 4.1.9 provides special infill criteria to integrate new development on these sites into the *Neighbourhood*.

The subject property differs from the existing pattern of lot size in that it is significantly larger than is typical in this neighbourhood. The lot has a frontage of 30.4 metres (99.7 feet) on Hazelton Avenue with a total area of 1,538 square metres (16,555 sq.ft.). In contrast, other residential lots in the surrounding neighbourhood, have a range of frontages from 3.3 to 22.90 metres and lot sizes of 65 to 696 square metres.

As noted above, the subject property is an infill site as described by Policy 4.1.9. This policy requires that a proposed building have a height, massing and scale appropriate for the site and be compatible with that permitted by the zoning for adjacent and nearby residential properties. The development must provide adequate privacy, sunlight and sky views for residents of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed. The policy requires that the building front onto existing or newly created public streets wherever possible and finally, that service areas and garbage storage must be located and screened to minimize the impact on existing and new streets and residences.

The following sections of this report will describe how the project has been revised to meet with these infill criteria.

## **Land Use**

The site is designated *Neighbourhoods* in the City of Toronto Official Plan. Lands so designated are intended to accommodate a full range of residential uses within lower scale buildings, as well as parks, schools, local institutions and small-scale stores. The applicant is proposing a condominium building containing 30 residential units in a mid-rise building form. The proposed use is also permitted by the existing Zoning By-law. The proposed residential use on this site is appropriate.

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

The previous proposal for this site was characterised by setbacks and location of height that staff considered to be incompatible with the massing of buildings in the immediate area. The massing of the addition was positioned toward the front of the site in a manner anomalous to the streetscape and surrounding built form context. There was insufficient building setback from the north property line to provide for an appropriate separation from the adjacent residential apartment building.

There have now been a number of built form revisions to the proposal that address the concerns regarding massing as follows:

- The overall building height (including mechanical penthouse) has been reduced from 33.6 metres to 26.7 metres (from 8 storeys plus mechanical to 7 storeys including mechanical penthouse);
- Floors 2 through 7 have been setback a minimum of 4 metres from the north property line; and
- The additional massing above the existing facade has been positioned further towards the rear of the site through a series of increased stepping back of each subsequent floor. The eastern face of the 4th floor is setback 4 metres from the eastern face of the existing facade. The 5th floor will be set back 11 metres, while the 6th floor will be set back 16.5 metres. The 7th / mechanical floor will be set back slightly over 20 metres.

The overall massing has been reduced in volume and has been deployed on the site in a manner that is compatible with abutting properties and is consistent with the scale and massing of buildings along the Hazelton Avenue streetscape.

## Heritage

The previous design for the site proposed alterations and additions to the existing building which Heritage Preservation Services (HPS) staff concluded did not comply with the guidelines as set forth in the Yorkville Hazelton Conservation District Plan.

The revised proposal retains a substantial portion of the existing building visible from Hazelton Avenue and employs a series of step backs to minimize the effect of the building mass being added to the rear. Additionally, the applicant has agreed to provide a comprehensive restoration plan for the building exterior and will not be altering any portion of the visible and architecturally significant façade.

During site plan review, the applicant will be required to submit a Heritage Impact Statement, prepared by a qualified heritage consultant that describes the approved project design and details the conservation and mitigation strategies to be employed during construction. Additionally, the applicant must prepare a detailed Conservation and Restoration Plan, prepared by a qualified heritage consultant, detailing the restoration of 34- 38 Hazelton Avenue to the satisfaction of the Manager, Heritage Preservation Services. The former school building will be designated under Part IV of the Ontario Heritage Act and Heritage Easement Agreement will be secured to ensure future protection.

It should be noted that staff approval under existing delegated authorities is only possible because the alterations do not require the removal or alteration of architecturally significant portions of the building and are compatible with the heritage conservation district guidelines. Therefore, this approval is conditional upon the applicant not making any material change to the plans and providing an approved conservation strategy (during site plan review) that retains the entire remaining portion of the heritage building *in situ*

during the period of construction. Façade reconstruction is not considered to be an acceptable conservation strategy and is not compatible with the *Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada* or the *Guidelines for the Conservation of Historic Places in Canada*. Any proposal to demolish and reconstruct any portion of the façade visible from the public right of way must be submitted as a request to demolish pursuant to Section 42 of the Ontario Heritage Act.

Finally, Heritage Preservation Services staff have reviewed the application with respect to archaeology and, based upon the information supplied, and using the heritage databases and mapping available within our office, it has been determined that any development of this property has the potential for causing impacts to archaeological resources and an archaeological assessment of the site will be required.

### **Light, View and Privacy**

The Official Plan requires that all new development 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.

Staff were of the opinion that the previous proposal did not meet the Official Plan policy of adequately limiting the impact of shadows. The building was not massed in such a way as to mitigate view and privacy concerns on neighbouring properties. The first four floors of the previous proposal were setback 0.175m from the northern property line. This minimal setback had the potential to create undesirable separation distances, view and privacy impacts between residents of the two adjacent buildings (34-38 and 40 Hazelton Avenue).

The project has now been revised to include: a reduced ground floor building footprint on the north side of the property; a reduction in the overall building height; a 4 metre setback for floors 2 through 7 on the north side of the property; and a reduction in the size and placement of exterior balconies.

The applicant has submitted a revised shadow study to illustrate the shadows created by the proposed building on the equinoxes of March 21<sup>st</sup> and September 21<sup>st</sup> between the hours of 10:00am and 4pm. The shadow impacts of the development on adjacent properties have been adequately limited. The changes to the building's massing have mitigated view and privacy concerns on neighbouring properties.

### **Traffic, Access, Parking and Loading**

The application proposes three levels of underground parking accommodating 62 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 2.5 metres wide. The narrow driveway width does not provide access by large or medium sized trucks. An informal loading space is proposed on the site.



The applicant has submitted a Transportation Impact Study and an Access and Loading Management Plan. The proposed on-site circulation and signing plan has been review by Transportation Services staff and has been determined to be acceptable.

The informal loading area which was previously intended for the north end of the site has been relocated to the south end of the site and combined with the proposed vehicular access. A previously proposed second curb cut has therefore been removed. Transportation Services Staff are satisfied that the informal loading area and the circular drop-off facility will be able to accommodate the estimated loading trip generation, which has now been reduced with the elimination of non-residential uses on the site.

The proposed provision of 62 parking spaces, including 4 visitor spaces, exceeds the minimum parking requirement for residential uses (29 spaces) and is acceptable. Indoor and secure parking for 23 bicycles will be provided in accordance with the minimum requirement.

### **Parkland Levy**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The parkland dedication would be 0.0154 hectares (154m<sup>2</sup>). The applicant proposes to satisfy this parkland dedication requirement through cash-in-lieu. This is appropriate as the on-site parkland dedication requirement of 154m<sup>2</sup> would not provide a park of a useable size. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

### **Toronto Green Development Standard**

The Green Development Standard contains performance targets and guidelines that relate to the site and building design to promote better environmental sustainability of development in Toronto.

The Green Development Standards Checklist submitted by the applicant indicates that the proposed development is intended to meet or exceed 15 of 34 performance targets related to air, energy, water and ecology, including the following:

- Air Quality: Sourcing of local materials, minimization of air and dust emissions, 75% of the available roof space is covered by a combination of cool and green roof, pedestrian infrastructure;
- Energy Efficiency: Energy efficient appliances, systems commissioning;
- Water Efficiency: Erosion Control, stormwater retention, drought resistant plant materials, high efficiency water fixtures;
- Solid Waste: recycling and organic materials collection facilities; and

- Ecology: no invasive species.

## **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the Planning Act.

The community benefits recommended to be secured in the Section 37 agreement as well as other facilities, services and matters to be secured as a legal convenience are appended to the Draft Zoning By-law Amendment found in Attachment 6.

## **Tenure**

The residential units are proposed as condominium.

## **Development Charges**

It is estimated that the development charges for this project will be \$182,946.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **CONTACT**

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City Planning Division  
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Mary MacDonald, Acting Manager  
Heritage Preservation Services  
City Planning Division  
Tel. No. (416) 392-1079  
Fax No. (416) 392-1973  
E-mail: [mmacdon7@toronto.ca](mailto:mmacdon7@toronto.ca)

## **SIGNATURE**

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

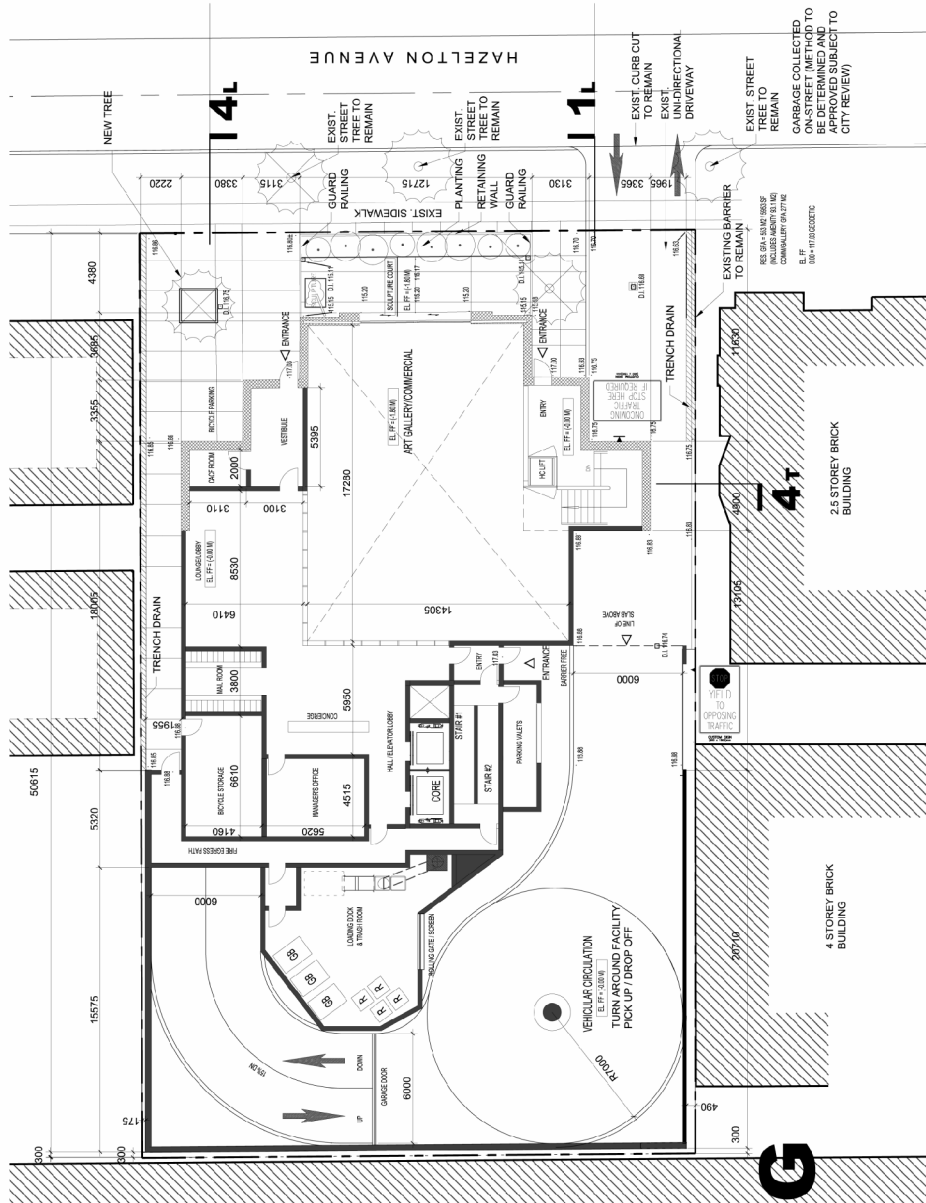
## **ATTACHMENTS**

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

Attachment 5: Draft Official Plan Amendment  
Attachment 6: Draft Zoning Bylaw Amendment

Appendix 1: Section 37 Provisions

# Attachment 1: Site Plan



## Site Plan

Applicant's Submitted Drawing

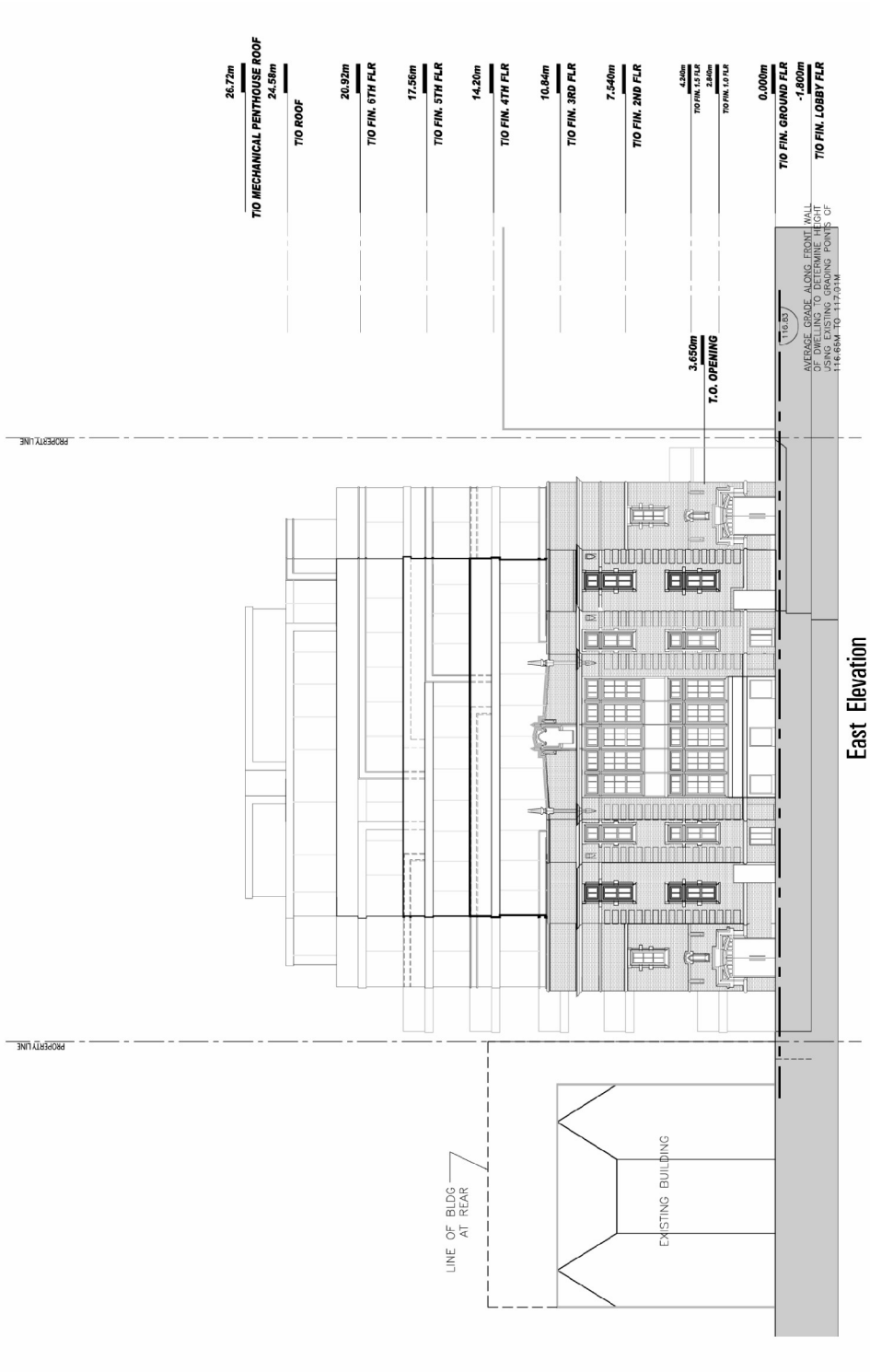
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## 34 - 38 Hazelton Avenue

File # 08\_169177

Attachment 2: East Elevation



34 - 38 Hazelton Avenue

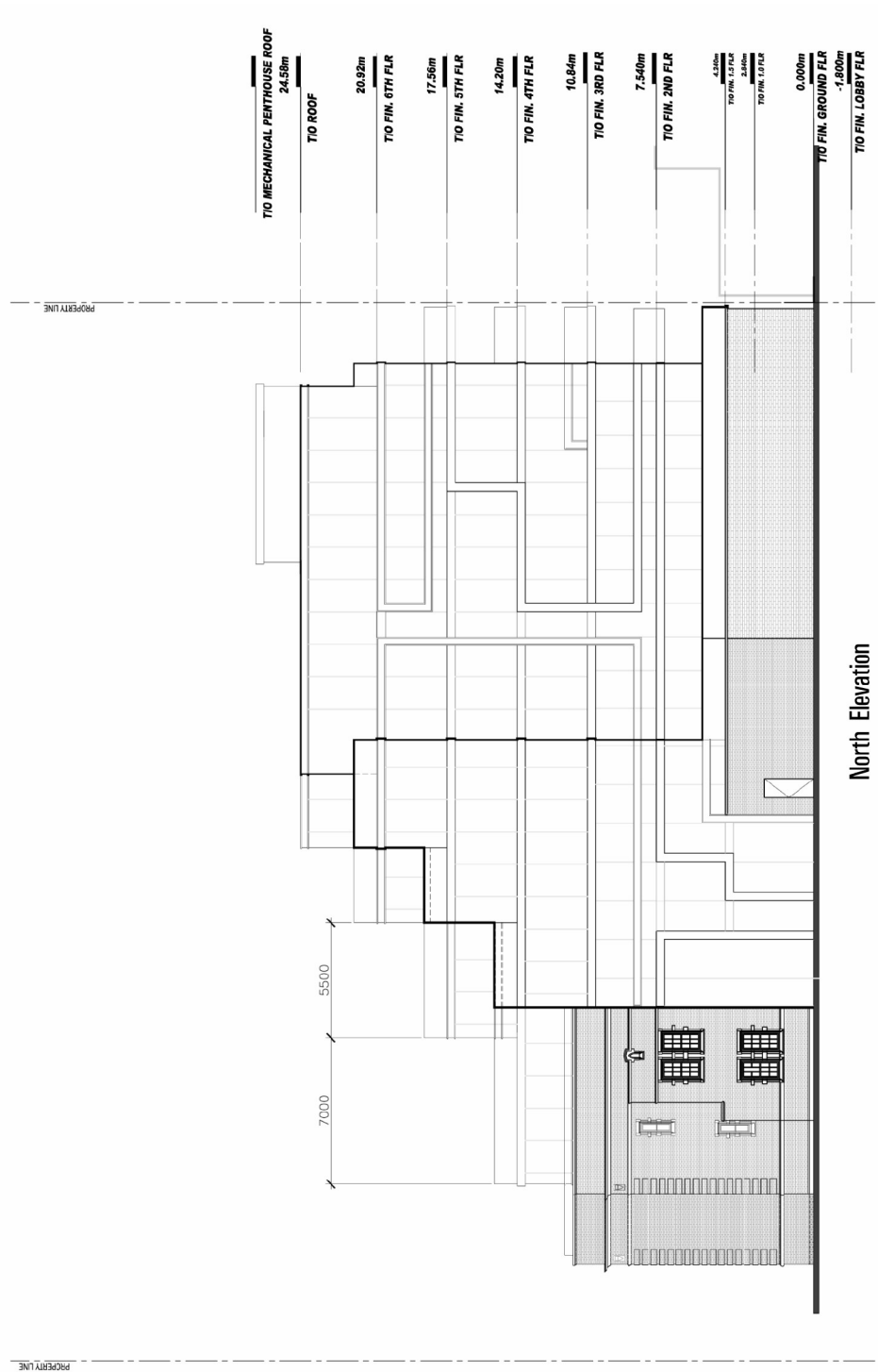
Elevation

Applicant's Submitted Drawing

Not to Scale  
06/16/2009

File # 08\_169177

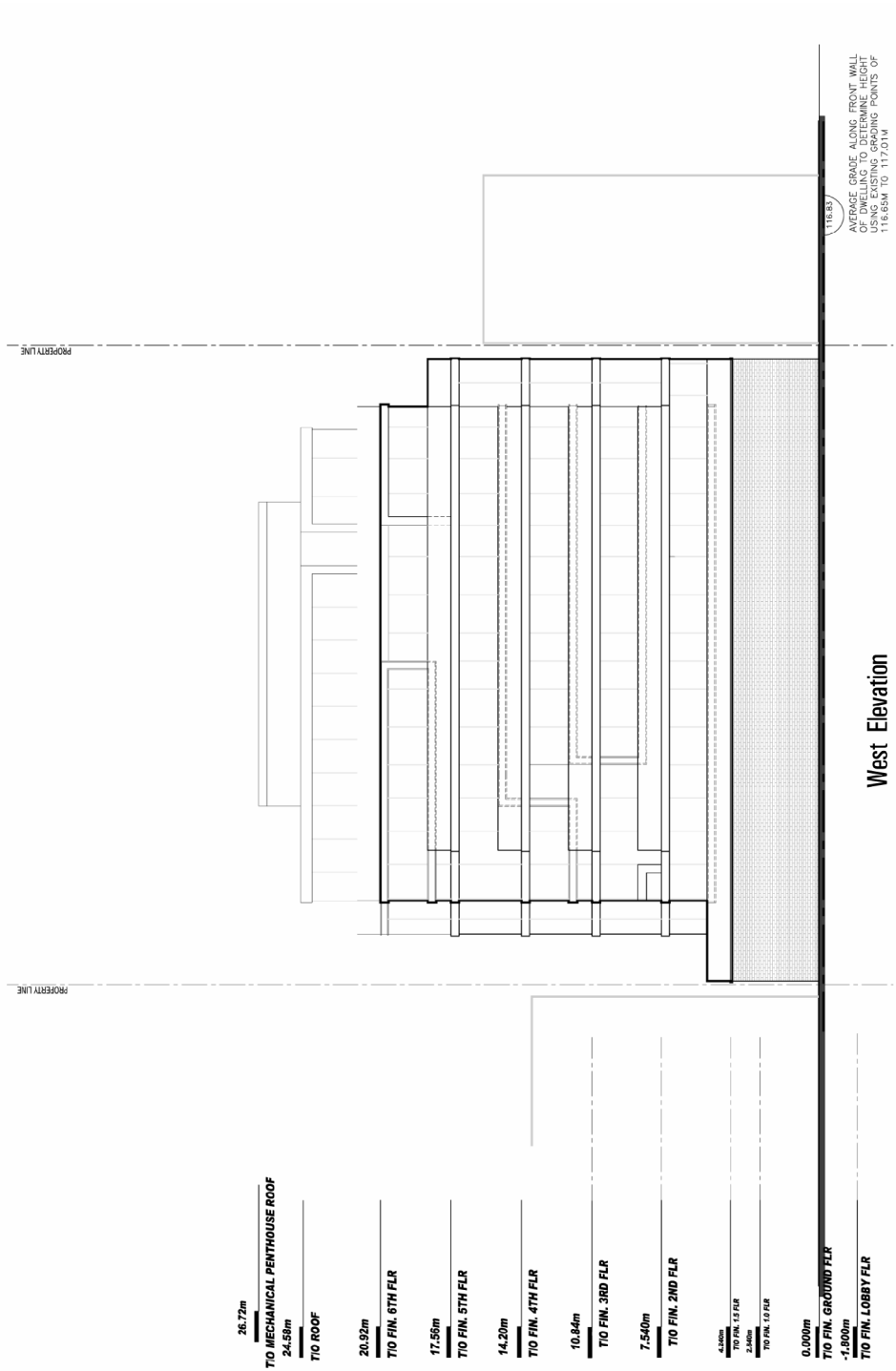
North Elevation



Elevation 34 - 38 Hazelton Avenue

Applicant's Submitted Drawing  
Not to Scale  
06/16/2003  
File # 08 169177

West Elevation



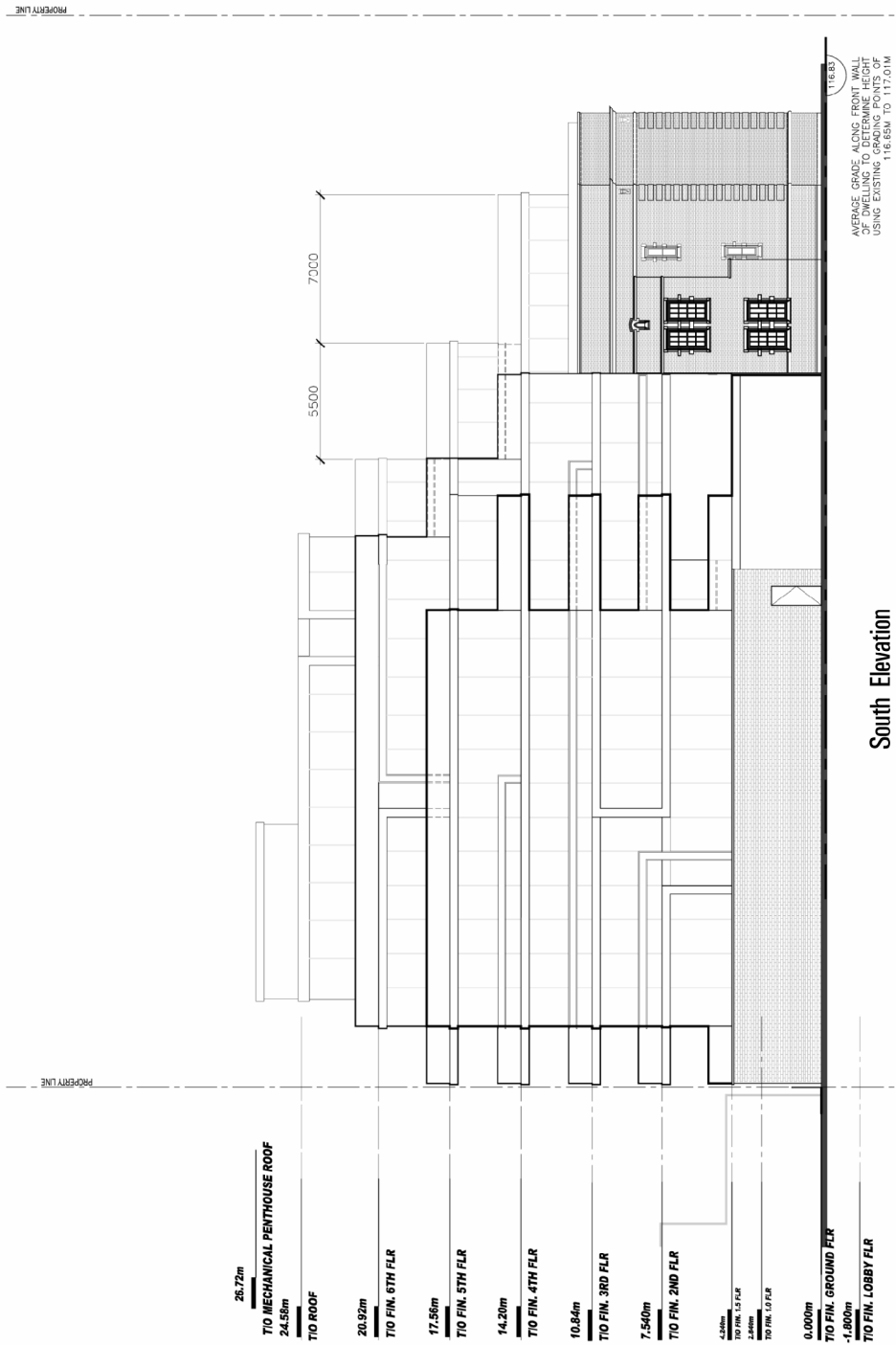
Elevation

Applicant's Submitted Drawing

Not to Scale  
06/16/2009

File # 08 169177

South Elevation



Elevation

Applicant's Submitted Drawing

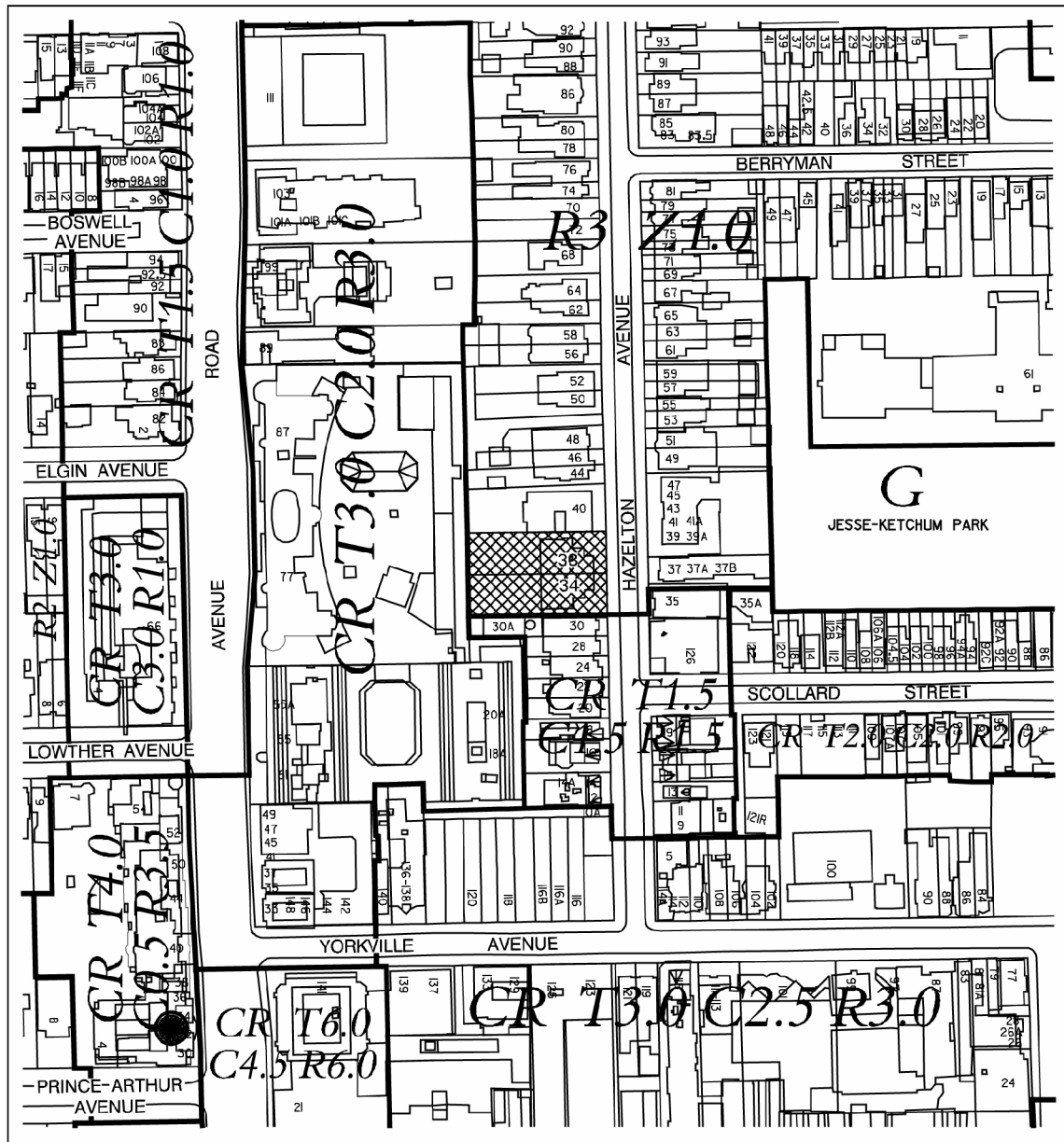
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34 - 38 Hazelton Avenue

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 a partial 7 storey condo with 30 residential units and 3 levels of below grade parking.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
ADAM J BROWN		RALPH GIANNONNE 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: 7
Frontage (m):	30.48		Metres: 26.72
Depth (m):	50.8		
Total Ground Floor Area (sq. m):	1203.13		<b>Total</b>
Total Residential GFA (sq. m):	5,610	Parking Spaces:	62
Total Non-Residential GFA (sq. m):	0	Loading Docks	0
Total GFA (sq. m):	5,610		
Lot Coverage Ratio (%):	78		
Floor Space Index:	3.6		

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	19
2 Bedroom:	11
3 + Bedroom:	0
Total Units:	30

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	5, 610	0
Commercial GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	Louis Tinker, Planner
	<b>TELEPHONE:</b>	(416) 392-0420

## **Attachment 5: Draft Official Plan Amendment**

### **CITY OF TORONTO**

#### **BY-LAW No. xx-2009**

To adopt an amendment to the Official Plan respecting the lands municipally known as  
34 – 38 Hazelton Avenue.

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13,  
as amended, to pass this By-law; and

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

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The text and maps attached hereto as Schedule ‘A’ are hereby adopted as Official  
Plan Amendment No. 93 to the Official Plan of the City of Toronto.

## SCHEDULE 'A'

### AMENDMENT NO. 93 TO THE OFFICIAL PLAN OF THE CITY OF TORONTO

#### 34 – 38 HAZELTON AVENUE

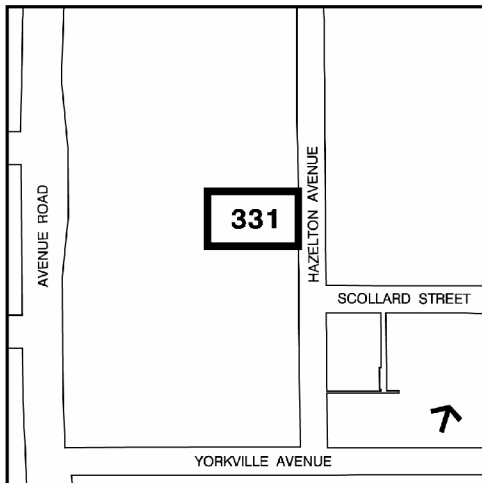
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The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7 – Site and Area Specific Policies is amended by adding the following:

#### 331. 34-38 Hazelton Avenue

A residential building with a maximum of 7 storeys is permitted.



## **Attachment 6: Draft Zoning By-law**

### **CITY OF TORONTO BY-LAW No. \_\_\_\_ - 2009**

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto, as amended, with respect to lands municipally known in the year 2009 as 34 and 38 Hazelton Avenue.**

WHEREAS the Council of the City of Toronto has been requested to amend its by-law pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, with respect to lands known municipally in the year 2009 as 34 and 38 Hazelton Avenue; and

WHEREAS the Council of the City of Toronto has provided adequate information to the public and conducted at least one public meeting in accordance with Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

THEREFORE, the Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 4(2)(a), 4(5)(b), 4(5)(i)(ii), 4(8)(b), 4(12), 4(13), 4(16), 6(3)(PART I), 6(3)(PART II), 6(3)(PART III)(1) and 12(2)322 of Zoning By-law No. 438-86, as amended, being By-law No. 438-86 of the former City of Toronto, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of 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 building containing any R3 use on the lands municipally known as 34 to 38 Hazelton Avenue (hereinafter referred to as the *lot*), provided that:
  - (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) the *total residential gross floor area* of any building or structure erected on the *lot* shall not exceed 5,700 square metres;
  - (c) no portion of the building or structure erected or used above *grade* on the *lot* shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following:
    - (i) canopies, awnings, building cornices, lighting fixtures, ornamental elements, parapets, trellises, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheelchair ramps, underground garage ramps, landscape and public art features may extend up to 2 metres beyond the heavy lines shown on Map 2;

- (iii) balconies may only be located within the areas shown in hatching on Map 2 and may extend up to 2.7 metres beyond the heavy lines shown on Map 2;
- (d) the *height* of any building or structure, or portion thereof, on the *lot* shall not exceed those *heights* as indicated by the numbers following the symbol H on the attached Map 2, with the exception of the following:
  - i) the maximum height for parapets, terrace guards and dividers, planters, railings, decorative screens, window washing equipment, and ornamental architectural features shall be the sum of 1.8 metres and the applicable height limit shown on Map 2; and,
  - ii) the maximum height for chimney stacks and elevator mechanical equipment shall be the sum of 2.5 metres and the applicable height limit shown on Map 2; and,
- (e) a minimum number of *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
  - i) 0.3 *parking spaces* for each bachelor *dwelling unit*;
  - ii) 0.7 *parking spaces* for each one bedroom *dwelling unit*;
  - iii) 1.0 *parking spaces* for each two bedroom *dwelling unit*;
  - iv) 1.2 *parking spaces* for each three bedroom *dwelling unit*; and
  - v) 0.06 parking spaces for each *dwelling unit* shall be provided for visitors.
- (f) a minimum of 23 *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 residents, not less than 18 *bicycle parking spaces - occupant*; and,
  - (ii) for visitors, not less than 5 *bicycle parking spaces – visitor*.
- (g) no less than of 10% of the area of the *lot* shall be *landscaped open space*.
- (h) ingress and egress to and from the building shall be provided by means of a driveway or passageway providing access to a public highway and having a minimum width of 2.5 metres for two-way operation.

2. Pursuant to Section 37 of the Planning Act, the height and density of development permitted on the land by this By-law, are permitted in return for the provision by the owner of the following facilities, services and matters to the City at the owner's sole expense:

#### Agreement

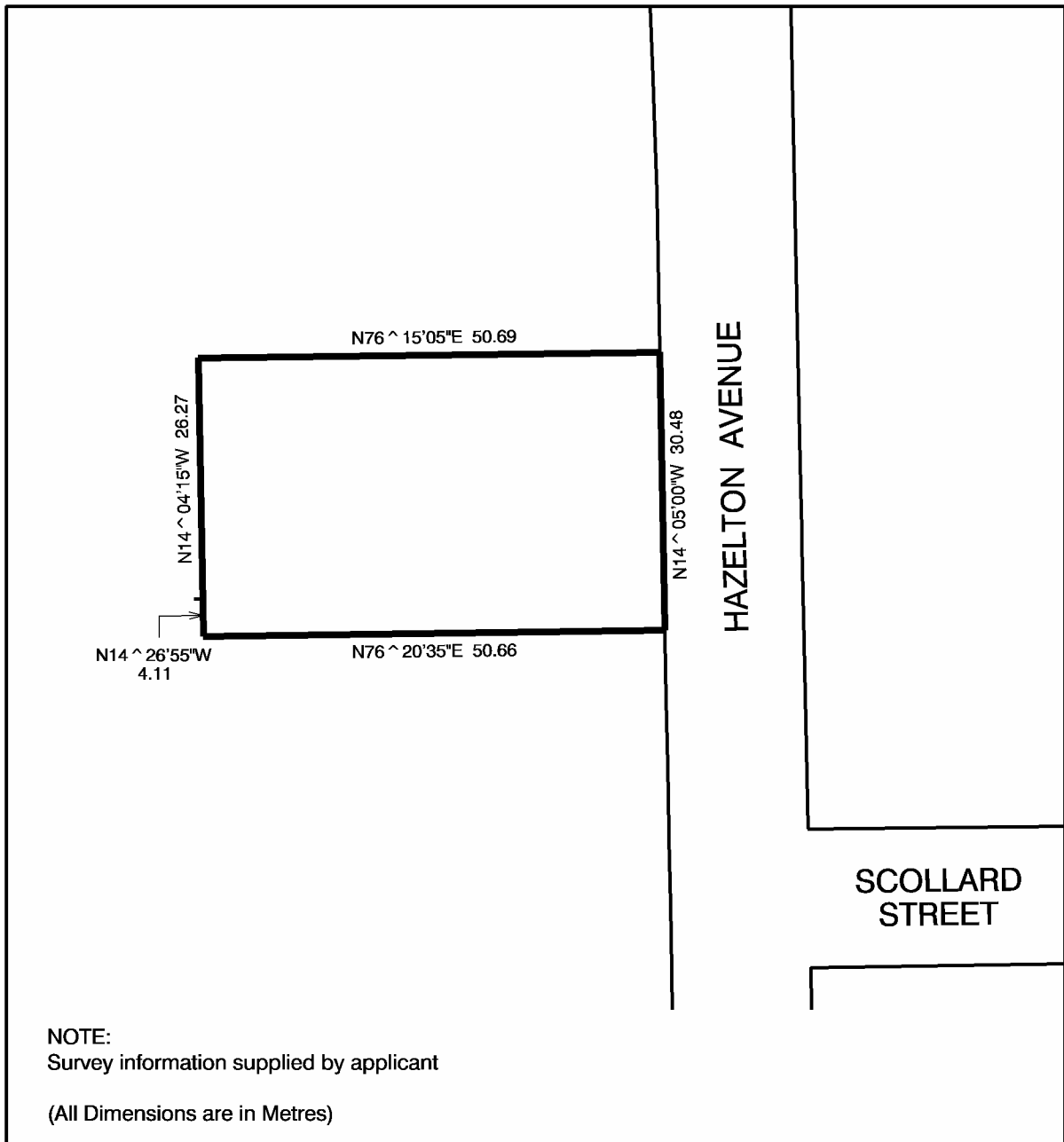
- (a) the owner enters into one or more agreements with the City pursuant to Section 37 of the Planning Act which shall be registered on title to the land by the City to secure the facilities, services and matters required to be provided by this Section X and consents to the registration of such agreement or agreements against title to the land;

#### Building Permits

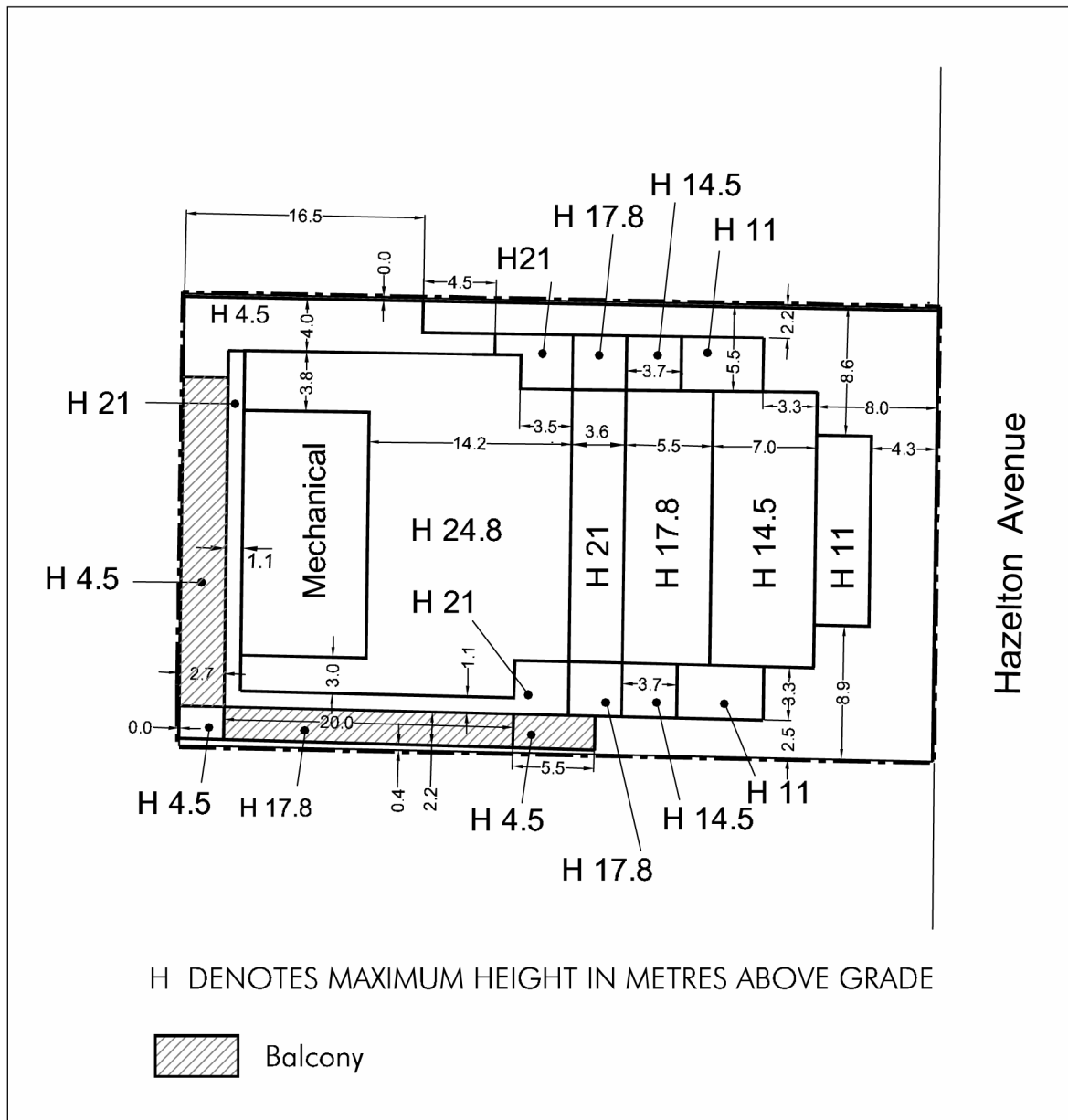
- (b) prior to issuance of the first above-grade permit, the *owner* shall provide items (i) & (xiii) outlined in Appendix 1 of this By-law
  - (c) prior to issuance of a any permit, including a permit for the demolition, excavation and/or shoring of the property the *owner* shall provide items (ii) to (ix), (x) & (xi) outlined in Appendix 1 of this By-law
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act* in accordance with the provisions of Section 2 (a) hereof, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Notwithstanding any of the foregoing provisions, where the provisions of this By-law or an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, require the provision of facilities, services and matters prior to issuance of a *building permit* for the proposed development of the *land*, the *owner* may not erect or use any building or structure on the *land* until the *owner* has satisfied the said requirements and *building permit* issuance shall be dependent on the same.
5. For the purposes of this by-law all words, terms and phrases appearing in italics shall have the same meaning as they have for the purpose of the aforesaid By-law No. 438-86, as amended, except as herein provided. The following definitions shall apply:

“*grade*” means 116.83 metres Canadian Geodetic Datum;

“*height*” means the vertical distance between *grade* and the highest point of the building or structure.







## Appendix 1

### Section 37 Provisions

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the owner of the site to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

- (i) prior to the issuance of the first above-grade permit, the *owner* shall provide a contribution in the amount of \$175,000.00 to be used for streetscape and park improvements in the Yorkville neighbourhood, said amount to be indexed in a form satisfactory to the *City*;
- (ii) the *owner* shall provide a detailed Heritage Impact Assessment, prepared by a qualified heritage consultant, describing the conservation and mitigation strategies to be employed during the construction of the proposed. The conservation strategy must be approved to the satisfaction of the Manager, Heritage Preservation Services, prior to the issuance of any permit in connection with the development;
- (iii) the *owner* shall provide a detailed Conservation Plan, prepared by a qualified heritage architect to the satisfaction of the Manager, Heritage Preservation Services that includes: documentation through photographs of the as-found condition of the heritage structure; detailed descriptions/specifications for the proposed heritage conservation work; a detailed landscape plan; an exterior lighting and signage plan; an estimate of costs for the implementation of the Conservation Plan; and the measures to be taken to protect the heritage resource during construction. The Conservation Plan shall be provided prior to the issuance of any permit including a permit for the demolition, excavation and/or shoring of the property;
- (iv) the *owner* shall enter into a Heritage Easement Agreement with the City for 34-38 Hazelton Avenue, with the revised Heritage Impact Assessment, approved Conservation Plan, descriptions, plans and drawings appended as approved alterations, prior to the issuance of any permit including a permit for the demolition, excavation and/or shoring of the property;
- (v) the *owner* shall agree to the designation of the building under Part IV of the *Ontario Heritage Act*, prior to the issuance of any permit including a permit for the demolition, excavation and/or shoring of the property;
- (vi) prior to the issuance of any building permit for 34-38 Hazelton Avenue, including a permit for the demolition, excavation and/or shoring of the property, the owner shall:

- a. provide a Letter of Credit in a form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure all work included in the Conservation and Restoration Plan;
  - b. complete all required archaeological assessments and clearances;
  - c. provide building permit drawings, satisfactory to the Manager, Heritage Preservation Services;
- (vii) prior to the release of the Letter of Credit, the owner shall complete the heritage conservation and restoration work, satisfactory to the Manager, Heritage Preservation Services;
- (viii) the *owner* shall retain a consultant archaeologist, licensed by the Ministry of Culture under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 1- 2 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the Final Draft – Standards and Guidelines for Consulting Archaeologists, September 2006, Ministry of Culture, prior to the issuance of any permit including a permit for the demolition, excavation and/or shoring of the property;
- (ix) should the consultant archaeologist recommend that the archaeological assessment process continue beyond a Stage 1 - 2 assessment, any recommendations for additional archaeological assessment ie. Stage 3 - 4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation;
- (x) no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) confirming in writing that all archaeological requirements have been satisfied;
- (xi) The *owner* shall provide 1:50 scale drawings detailing and labelling the exterior materials to be used in the construction of the building with their site plan submission, to the satisfaction of the Chief Planner and executive Director and the Manager, Heritage Preservation Services. The owner shall incorporate the exterior materials identified in the drawings in the construction of the building;
- (xii) the *owner* shall develop and implement, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division, an appropriate Construction Mitigation Plan and Resident Communication Strategy prior to the issuance of any permit including a permit for the demolition, excavation and/or shoring of the property; and

- (xiii) the *owner* shall pay for any improvements / upgrades to the municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Executive Director of Technical Services, should it be determined that improvements / upgrades to such infrastructure is required to support this development.

Notwithstanding the foregoing, the owner and the City may modify or amend the said agreement(s), from time to time and upon the consent of the City and the owner, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.