

**195 Davenport Road and 131 Hazelton Avenue  
Official Plan and Zoning Amendment Applications -  
Final Report**

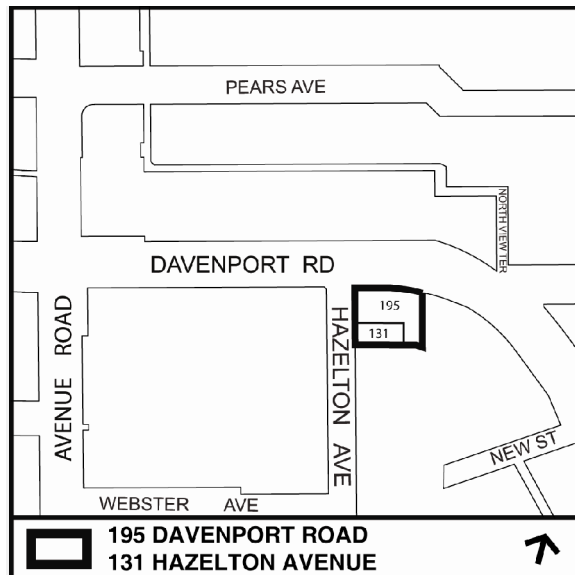
<b>Date:</b>	January 25, 2012
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	11 196104 STE 27 OZ

**SUMMARY**

This application proposes to construct a 9-storey mixed-use building (32 metres plus a 4-metre mechanical penthouse), with 38 residential units and one retail unit, at 195 Davenport Rd. and 131 Hazelton Ave. A total of 67 vehicular parking spaces are proposed, including 4 visitor spaces, in 4 levels of underground parking accessible from Davenport Rd.

The proposed development has been found to be substantially in compliance with the development criteria for the *Mixed Used Areas* and *Downtown* policies, but will require a site specific amendment to the Official Plan’s *Neighbourhoods* built form policies. Cumulatively, the development proposal meets the applicable policies and guidelines.

This report reviews and recommends approval of the 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 lands at 131 Hazelton Avenue substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 9 to the report of the Director of Community Planning, Toronto and East York District, dated January 25, 2012.
2. City Council amend Zoning By-law 438-86 for the lands at 195 Davenport Road and 131 Hazelton Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10 to the report of the Director of Community Planning, Toronto and East York District, dated January 25, 2012.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 195 Davenport Road and 131 Hazelton Avenue to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:
  - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
    - i. An indexed payment of \$100,000, payable prior to introducing the necessary Bills to City Council for enactment. Such payment will be deposited into the Planning Act Reserve Fund. The funds are to be used for streetscape improvements in the local area, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, with such amount 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.
    - ii. An indexed payment of \$400,000, prior to the registration of the proposed condominium. If a draft plan of condominium is not applied for, the payment must be made within 2 years of the first above grade building permit. Such payment will be deposited into the Planning Act Reserve Fund. The funds are to be used for streetscape improvements in the local area, as determined by the Chief Planner and Executive Director, City Planning in

consultation with the Ward Councillor, with such amount 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.

- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - i. The owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials, including but not limited to Indiana limestone and brick, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
  - ii. The Owner shall provide a Letter of Substantial Completion signed by the project architect and Heritage Consultant verifying that the development has been built as approved, prior to the issuance of an occupancy permit for the development, to the satisfaction of the Manager, Heritage Preservation Services.
5. Before introducing the necessary Bills to City Council for enactment, City Council require that the applicant shall have been issued a Notice of Approval Conditions as part of the Site Plan Control process under Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

In 2004, the Committee of Adjustment approved variances with conditions, to permit a previous proposal to build a 5-storey mixed-use building with a 6<sup>th</sup> storey penthouse at 195 Davenport Rd. Specifically, amongst other variances, the height limit was varied from 14.0m to 19.5m (including the mechanical penthouse). The decision was subject to conditions relating to environmental, building material /design, and street tree related matters. The Committee of Adjustment's decision was appealed and later approved by the Ontario Municipal Board as set out in their Decision/Order No. 1886 dated December 7, 2004. The proposed development was not built.

### **ISSUE BACKGROUND**

#### **Proposal**

The proposal calls for a new 9-storey mixed-use building with 38 residential units and one retail unit, located at 195 Davenport Rd. and 131 Hazelton Ave. The overall height of the proposed building is 32 metres plus a 4-metre mechanical penthouse, totalling approximately 36 metres. The overall density proposed is 5.73 times the area of the site (see Attachment No. 1).

Along Davenport Rd., the building is proposed to have a 5-storey streetwall with an entrance to the retail unit and vehicular access to the 4-level underground garage. There is a proposed stepback of 1.5 metres above the 5<sup>th</sup> floor and another 1.8 metre setback above the 8<sup>th</sup> floor to the 9<sup>th</sup> floor (see Attachment No. 3).

Along Hazelton Ave., the building is set back between 0.3m and 2.45m, with the greater setbacks at the corner of Hazelton Ave and Davenport Road and the south part of the Hazelton Ave. frontage. Along the Hazelton Ave. frontage, there is the residential lobby at the northern end and entrances to three grade-related two-storey residential units to the south. The profile of the three two-storey units is closer to the property line than the wrapped 5-storey streetwall. The stepback above the second floor varies from: 0.6 metres to the five storey streetwall (at the northern most unit); a 2 metre stepback to a four storey element (at the middle unit); to no building above the second storey (at the southern most unit). There are then a number of additional stepbacks up to the fourth, fifth, seventh, eighth and ninth floors.

The south wall of the building is comprised of a two-storey residential unit fronting onto Hazelton Ave. and a one-storey wall, behind which is the residential amenity for the building. There is a 0.5 metre setback to the one and two-storey portion of the building. Above the one and two-storey portions, the building setback from the south property line can be summarized as follows:

- 3<sup>rd</sup> and 4<sup>th</sup> floors is set back approximately between 5.65 and 4.5 metres
- 5<sup>th</sup> – 7<sup>th</sup> floors is set back between 5.7 to 6.7 metres
- 8<sup>th</sup> floor is set back between 8.5 and 10 metres
- 9<sup>th</sup> floor is set back approximately 12 metres

Along the east property line there is an 8-storey wall which steps down towards the south to 1 storey. Above the 8<sup>th</sup> storey is a 1.0m setback to the 9<sup>th</sup> floor.

The mechanical penthouse is located above the 9<sup>th</sup> floor with varying setbacks on all four sides (see Attachment No. 2).

Cantilevered balconies are proposed along the south façade. The remaining balconies are located within the building envelope. Generally, the south balconies do not project beyond a 4.3 and 4.6 metre setback from the south property line. As well, a number of the stepbacks described above are proposed to be used as terraces.

The building proposed consists of 38 residential units. The proposed residential unit breakdown is as follows:

<b>Residential Unit Type</b>	<b>Number of Units</b>
One-bedroom	9
Two-bedroom	28
Three-bedroom	1

Given the proposed number of units, a total of 76 square metres is required for both indoor and outdoor amenity space. The applicant is proposing a total of 245 square meters of indoor amenity space and 0.0 square metres of outdoor amenity space.

A total of 67 vehicular parking spaces are provided, including 4 spaces for visitors, in 4 levels of underground parking accessible from Davenport Rd. Bicycle parking is also provided for, with 30 residential spaces and 9 visitor spaces.

A type G loading space is required when there are more than 30 dwelling units proposed in a building. No loading space is proposed.

Revisions from the original application to the current proposal can be summarized as follows:

- The proposed setback from the south wall to the property line has been increased; the 7 storey portion setback has increased from 4.25 metres to 5.7 and 6.5 metres.
- The number of balconies along the south façade and their projections has been reduced.
- The west-facing projecting balconies above the middle grade-related unit have been eliminated.
- The seven storey wall above the middle grade-related unit has been reduced to four storeys for a depth of 2.5 metres.
- The building continues to be proposed as Indiana limestone, but the grade-related units are now proposed to be clad in brick.
- The total residential units have remained the same, but the proposed residential unit types have varied with an increase in 1-bedroom units and a reduction in 2-bedroom units.
- The proposed amount of indoor amenity space has been increased.
- The parking supply has been reduced from 79 to 67 spaces.
- The mechanical penthouse footprint has increased
- The total height of the building was increased by 0.5 m for engineering purposes

### **Site and Surrounding Area**

The site is made up of two properties, 195 Davenport Rd. and 131 Hazelton Ave. The lot at 195 Davenport Rd. is an irregular L-shaped lot and contains a one-storey building currently occupied by a sales centre for the proposed building. At 131 Hazelton Ave there is a 3-storey house-form building, which is currently vacant, which was previously used as medical offices.

North: of Davenport Rd. is Davenport Terrace, which consists of 3-storey house-form buildings used for commercial office and retail uses.

South: is 129 Hazelton Ave., a two storey detached house with a dormer, which forms part of the Yorkville-Hazelton Heritage Conservation District (YHHCD) and neighbourhood to the south.

East: is 185 Davenport Rd., a 3-storey mixed-use building. Further east is a 2-storey commercial building.

West: of Hazelton Ave. is a 3-storey non-residential building with a mix of retail and office uses. Further west is a 5-storey mixed-use building and a 6-storey commercial building at the southeast corner of Avenue Road and Davenport Road.

## **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. 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.

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 City of Toronto Official Plan designates the subject site *Mixed Use Areas* and *Neighbourhoods* and locates the site within *the Downtown and Central Waterfront*, as shown on Map 2, of the Official Plan's Urban Structure map. The subject site is made up of two properties, 195 Davenport Rd. and 131 Hazelton Ave. The property at 195 Davenport Rd. is designated *Mixed Use Areas*, and the property to the immediate south, 131 Hazelton Ave., is designated *Neighbourhoods*.

## **Mixed Use Areas**

The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings.

Development in *Mixed Use Areas* is subject to a number of development criteria. In *Mixed Use Areas*, developments will: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*; locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent

streets and residences; and, provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

### **Neighbourhoods**

*Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than 4-storied (Policy 4.1.1). 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 Official Plan is available on the City's website at:

[www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

### **Area Specific Policy 211 – Bloor Yorkville/North Midtown Area**

Area Specific Policy 211, in the Official Plan, 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.

A portion of the site is located within one of the *Neighbourhoods* identified in Policy 211, specifically the “Yorkville Triangle” neighbourhood. New development in the Yorkville Triangle will respect and reinforce the stability and existing low-rise character of the area. As well, new development will maintain and enhance the pedestrian amenity in the public realm.

### **Zoning**

The subject site has two zoning designations under Zoning By-law 438-86, as amended. The northern portion of the site (195 Davenport Rd.) is zoned CR T2.0 C2.0 R2.0 and the southern portion of the site (131 Hazelton Ave.) is zoned R3 Z1.0 (See Attachment No. 7).

The Commercial Residential (CR) zoning classification permits residential and commercial uses including apartment buildings, retail, office and other commercial uses. The total density permitted is 2.0 times the area of the lot. The maximum permitted height for this portion of the site is 14 metres.

The Residential (R) zoning classification permits a number of uses, including apartment buildings having a gross floor area of up to 1.0 times the lot area. The maximum permitted height for this part of the site is 12 metres.

In 2004, the Committee of Adjustment and subsequently the Ontario Municipal Board, approved variances with conditions, to permit a previous proposal to build a 5-storey mixed-use building with a 6<sup>th</sup> storey penthouse at 195 Davenport Rd. Specifically, amongst other variances, the height limit was varied from 14.0m to 19.5m (including the mechanical penthouse).

### **Yorkville – Hazelton Heritage Conservation District Plan**

The northern boundary of the Yorkville-Hazelton Heritage Conservation District (HCD) is drawn along the north property line of 131 Hazelton Ave. Therefore, the property at 195 Davenport Rd. is not in the HCD. The property at 131 Hazelton Ave is designated under the *Ontario Heritage Act* per By-Law 622-2002.

Council also endorsed a set of guidelines with regard to alterations, demolition and new construction within the district. Section 2 of the Yorkville – Hazelton Heritage Conservation District Plan defines the Heritage District Characteristics and sets out guidance for alterations and new development that will complement the existing character.

The Conservation District Plan is available on the City's website at:

[http://www.toronto.ca/heritage-preservation/pdf/hcd\\_yorkville\\_proposal.pdf](http://www.toronto.ca/heritage-preservation/pdf/hcd_yorkville_proposal.pdf)

### **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 Design Guidelines include:

- Enhancement of Areas of Special Identity and historic buildings;
- 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 site is split between the Davenport Bay Precinct and the Yorkville Triangle Precinct.

The Urban Design Guideline is available on the City's website at:

<http://www.toronto.ca/planning/urbdesign/blooryorkville.htm>

### **Site Plan Control**

The proposal is subject to Site Plan Control. The applicant submitted a site plan application (11 196119 27 SA), which is currently under review.



## **Reasons for Application**

The proposal calls for a 9-storey, 31.5-metre (excluding the mechanical penthouse) tall building with a density of 5.92 times the area of the subject site. The proposed density and height exceeds the permissions in Zoning By-laws 438-86 and the variances granted by the Committee of Adjustment. A Zoning By-law amendment is therefore required.

The Official Plan designates the subject site *Mixed Use Areas* and *Neighbourhoods*, as discussed earlier in this report. The proposal calls for a 9-storey mixed-use building which steps down to 8,7,5,4, 2 and 1-storeys within in the *Neighbourhoods* designation. The height and massing of the proposed development does not comply with the *Neighbourhoods* policies of the Official Plan, thus an Official Plan Amendment is required to permit the proposed built form.

## **Community Consultation**

A community consultation meeting was held in the neighbourhood to discuss this proposal on October 20, 2011. Approximately 60 members of the public attended the meeting. At this meeting, the applicant presented the 9-storey proposal. There were a range of comments and questions from those in attendance. Comments made at the meeting included: concern as to where the garbage would be stored; the number of parking spaces being provided; the impact on street parking; the proposed height and the possible precedent it would create; the building's transition down to the neighbourhood; the impacts on the YHHCD; and shadow impacts on the neighbourhood. There were a number of residents who spoke in favour of the development, its architecture, the materials proposed and the environmental remediation of the site.

Planning staff have received a number of letters and have met with local residents on a number of occasions during the review of this application. Issues which continue to be echoed are: the precedent concern; height; transition issues to the neighbourhood and impacts on the Heritage Conservation District. Staff also received a series of letters in support of the application.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

## **COMMENTS**

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

The proposal is consistent with the Provincial Policy Statement (PPS). The PPS sets the policy foundation for regulating the development and use of land. The PPS promotes additional density through intensification and redevelopment to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years (Policy 1.1.2). Policy 1.1.3.4

requires development to meet appropriate standards in intensification areas, which is discussed further in this report under subsections Density, Height and Massing.

In regards to efficient use of infrastructure and transportation systems; Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus. While this development provides a sufficient number of parking spaces to support the development, it is within walking distance to the Yonge-University and Bloor-Danforth subway lines and is serviced by the Bay St. bus route.

Policy 2.6 provides for the conservation of built heritage resources and allows for development adjacent to protected heritage properties, so long as it has been demonstrated that the significant heritage attributes of the property will be conserved.

This proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan provides a framework for managing future growth in order to build strong prosperous communities. Policy 2.2.2 directs a significant portion of new growth to built-up areas of the community through intensification to ensure and maximize the viability of existing and planned infrastructure.

Policy 2.2.3.6(c) requires municipalities to use Official Plans to identify intensification areas in order to support achievement of intensification targets. The City of Toronto Official Plan is consistent with the Growth Plan and identifies the Downtown, Centres and Avenues designations as Urban Growth Centres. This development is located within the Downtown Toronto Urban Growth Centre, and is designated to accommodate additional intensification because of the existing transit services and infrastructure available.

Policy 4.2.4(e) provides a framework for protecting cultural assets by granting Municipalities' the authority to develop and implement policies and strategies to support cultural heritage conservation as built-up areas become intensified.

## **Land Use**

The proposed land use is acceptable for this site. This site is designated *Mixed Use Areas* and *Neighbourhoods* in the Official Plan. The Zoning By-law 438-86, as amended, also permits a mix of uses. The proposed uses comply with the Official Plan and the Zoning By-law. The majority of the development is proposed to be residential. There is one retail unit proposed on the Davenport Rd. frontage, within the *Mixed Use Areas*. The mixed use development is proposed to extend into the *Neighbourhoods* area, but that portion of the development is to be residential only.

## **Density, Height, Massing**

The application proposes to replace a one-storey building and surface parking at 195 Davenport Rd. and the 3-storey house-form building currently vacant at 131 Hazelton Ave. with a nine-storey mixed use building. The building is massed with a five-storey

streetwall along Davenport Rd. stepping up to nine storeys and back down to 8, 7, 5, 4, 2 and 1 storeys in the *Neighbourhoods* area.

The Bloor Yorkville / North Midtown Urban Design Guidelines is comprised of a number of precincts and corridors, each defined by its attributes in terms of function, built form and character. The subject site is split between the Davenport Bay Precinct to the north, and the Yorkville Triangle Precinct to the south.

The Davenport Bay Precinct calls for new development along Davenport Road (excluding Davenport Terrace) to maintain a 3-5 storey streetwall built parallel to the street. The proposal meets this direction with the proposed 5 storey streetwall. The building then steps twice before reaching the 9<sup>th</sup> floor.

The proposed building is 32 metres tall, at its upper floor, and is set back approximately 3 metres from the streetwall. The Avenues and Mid-Rise Buildings Study performance standards call for a height limit, not including the mechanical penthouse, equal to that of the right-of-way. In this case, as a result of the “sweep” along Davenport Rd., the widest point of the right-of-way adjacent to this property is approximately 27 meters, a difference of 5 metres.

This site is not within an *Avenues* area as set out in Map 2 of the Official Plan. While the Avenues and Mid-Rise Buildings Study provides performance standards and recommendations for mid-rise buildings on the *Avenues*, they may also be appropriate and useful to guide the review of proposals for mid-rise buildings in *Mixed Use Areas* not on *Avenues*. Staff assessed the 5 metre height difference, between the right-of-way and building height, and find that given this site is located in a *Mixed Use Areas* in the *Downtown*, and given the particular context and site considerations, greater height is acceptable. The draft site-specific by-law permits an overall height of 32 metres at the 9<sup>th</sup> floor, with a step at the 5<sup>th</sup> and 8<sup>th</sup> floors.

Residents have raised the concern, that the approval of this development would set a precedent in terms of development on the north side of Davenport Rd. The existing character on south side is different than the north side of Davenport Rd. As explained in the Heritage Impact Assessment, prepared by ERA Architects Inc., dated May 13, 2011, Davenport Rd. was widened, to the south from 50 to 80 feet, between New St. and Avenue Rd., in the early 1930s. A number of buildings on the south side of Davenport Rd. were demolished to accommodate the widening. The resulting character difference is reflected in City policy. The north side of Davenport Rd. is identified as one of the Areas of Special Identity, called the Davenport Terrace. Development within the Davenport Terrace is to be consistent with the use, scale, front setback and architectural character of the existing three storey houseform buildings. This is also reinforced in the Bloor Yorkville / North Midtown Urban Design Guidelines.

There is an irregular lot pattern on the south side of Davenport Rd., likely as a result of the 1930s widening and “sweep” of Davenport Rd. The property at 131 Hazelton Ave. falls in the *Neighbourhoods* designation and makes up just over a quarter the size of the

entire development site. Specifically, 131 Hazelton Ave is 295 square meters of the overall 1073 square metre site. While the subject site is generally square, the *Neighbourhoods* policies of the Official Plan apply to the southwest portion of the subject development site, while the remaining portion is *Mixed Use Areas*. This relationship can be seen on the key map on the first page of this report.

The massing of the proposed building is designed to transition the 9 storey building down towards and within the *Neighbourhoods* designation (see Attachment No. 4). *Neighbourhoods* are considered physically stable areas made up of residential uses including apartments that are no higher than 4-storeys. In this case, there are small portions of the building that are 8, 7, 5, 4, 2, and 1 storey in the *Neighbourhoods* designation, thus the need for the Official Plan Amendment.

Rather than following the irregular pattern of the two designations, the proposed massing steps the entire south façade, rather than just the portions of the building within the areas designated *Neighbourhoods*. By relocating all the vehicular access from Hazelton Ave. to Davenport Road, the development is able to extend the low-rise character of the adjacent *Neighbourhoods* into the *Mixed Use Areas* designation, with three grade related residential units with access from Hazelton Ave. The profile of the grade related units project beyond the 5-storey streetwall. This revised proposal also increases the setbacks from the south property line, and minimizes the projection of the balconies, and improves the profile of the three grade related units.

The development balances the objectives of respecting the established low-rise character of the Yorkville Triangle, with varied setbacks with landscaped edges. The proposed development also provides sufficient step-downs in height and adequately limits negative impacts on the nearby residences with respect to traffic and location and visibility of access and service areas.

The application proposes to include windows and openings along the eastern façade of the building. The applicant has acknowledged their ownership of the lots to the east. To secure a proper separation, and light, view and privacy, between buildings with windows facing one another, staff will require a detailed façade plan of the proposed building and the existing building to the east. The applicants have advised that they intend to meet all Ontario Building Code requirements relating to windows in close proximity to the property line.

If deemed necessary, as part of the site plan review of this application, Staff may require the legal owners of the adjoining properties to enter into a Limiting Distance Agreement, or other agreements, to achieve the necessary separation of the proposed building to any future development to the east. Residents in the area have also raised the concern that, should any development occur to the east, careful attention be given to the impact of shadowing on the *Neighbourhoods*, in particular the houses along Pears Avenue in the winter months. Staff will review and report on shadow impacts resulting from future applications as they are submitted to the City.

Overall, staff find the height and massing of the 9 storey building, within the *Mixed Use Areas* and the proposed setbacks, stepping and transitioning within the *Neighbourhoods* designation, to be acceptable for all the reasons explained above.

With respect to the proposed indoor and outdoor amenity space, the proposal does not provide for any outdoor amenity space for the proposed 38 residential units. The zoning By-law requires 2 square metres of indoor and outdoor amenity space for each residential unit. Thus, 76 square metres is required for indoor amenity space and 76 square metres for outdoor amenity space. The application is proposing 245 square metres of indoor amenity space and no outdoor amenity space. Planning staff have find the amenity space being provided as acceptable given that the indoor amenity space exceeds the requirement for both combined.

## **Heritage**

The subject site is partially located in the YHHCD. Heritage Preservation Services (HPS) staff assessed the application in consultation with Community Planning staff in terms of its compliance with the guidelines as set forth in the Yorkville-Hazelton Conservation District Plan. The demolition and erection of a new structure requires the approval of City Council under Section 42 of the Ontario Heritage Act.

Staff find that the proposed design and massing of the proposal, including the demolition of the existing building at 131 Hazelton Ave., complies with the Yorkville-Hazelton Heritage Conservation District Plan guidelines for demolition and replacement structures.

HPS staff prepared a report for 131 Hazelton Ave. to the Toronto Preservation Board and Toronto and East York Community Council. The report can be accessed using the link below:

<http://www.toronto.ca/legdocs/mmis/2012/pb/bgrd/backgroundfile-44249.pdf>

The Toronto Preservation Board supported Staff's recommendation.

## **Sun, Shadow, Wind**

The *Mixed Use Areas* policies in the Official Plan, Section 4.5, provides development criteria (Policy 2(d)) which states that development will contribute to the quality of life by locating and massing new buildings to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes.

The built form policies of the Official Plan also states that new development (Policy 3.1.2.3) will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas.

A Pedestrian Level Wind Study was prepared by Gradient Microclimate Engineering Inc. on October 19, 2011 in support of the application. Planning staff are satisfied with the findings and conclusions in the wind study and find the measured impacts to be acceptable. The study concludes that the “wind conditions at all tested ground level areas around the development site will be acceptable for the intended pedestrian uses on an annual basis.” The study also found that there were no areas that “were found to experience conditions too windy for walking, or that could be considered unsafe for elderly persons.” As such, no wind mitigations measures were recommended.

The applicant submitted a shadow study, with the original application, illustrating the incremental shadows for spring/fall equinoxes (March/September 21) as well as the summer solstice (June 21). In response to inquiries from the local community, the applicant has also provided, in their resubmission, a shadow study illustrating the shadow impact on the 21<sup>st</sup> day on the months of October, November, December, January and February.

Planning staff are satisfied that the proposed development adequately limits shadow in the *Neighbourhoods*. With respect to the neighbourhood to the south, comprised of the Yorkville Hazelton Heritage Conservation District, no shadowing will occur on any day of the year. During the spring and fall equinoxes and the summer solstice, the proposed development does not cast any incremental shadow on the neighbourhood to the north, which is made up of the houses along the south side of Pears Ave., east of Avenue Rd.

The supplementary shadow study provided for the winter months shows some morning shadows cast onto the houses along Pears Ave. as the sun rises. These shadows vary by the month and time of day. The shadow moves from west to east along the properties along Pears Ave. in the winter months. At 9:18 a.m. on December 21, the shadow is cast over approximately 7 homes. At 10:18 a.m. on December 21, the shadow moves east, approximately 6 homes fall in the incremental shadow. During that time the shadow from the new Four Seasons Development passes over the shadow cast by this development. Since the Four Seasons Development is taller and longer at this point, the shadow moves faster than the shadow cast by this development. At some point between 9:18 a.m and 10:18 a.m. the two shadows overlap. At 11:18 a.m. on December 21, no shadow is cast over the houses on Pears Ave.

Staff find the shadow impacts to be acceptable. Policy 211 states that development in *Mixed Use Areas* adjacent or near to low-rise will be designed to adequately limit shadow. The shadows on the low-rise areas are limited to the morning hours during the winter months.

### **Traffic Impact, Access, Parking**

A Traffic Operations assessment, dated May 13, 2011, was prepared by the applicant’s traffic consultant, in support of this application. In this assessment, the consultant estimates that the proposed redevelopment will generate approximately nine two-way trips during the AM and PM peak hours, respectively. Given this level of trip generation, the consultant concludes that the projected site traffic will have minimal impacts on area

intersections, and therefore, can be acceptably accommodated on the adjacent road network. Staff have reviewed the documentation provided by the consultant and concur with this conclusion. As a result, the traffic impacts of the proposal are acceptable.

City staff have reviewed the location of the proposed vehicular access from Davenport Rd. Access to the site will be provided by a 6.0 metre wide driveway off Davenport Road. This driveway will be located approximately 35 metres east of Hazelton Avenue, which is acceptable. The access driveway is to be designed to comply with City of Toronto Standard No.T310-05-01 for combined curb and sidewalk entrances. Specifics relating to the driveway and streetscape design will be formalized through the site plan process.

Access to the underground parking garage will be controlled by an overhead gate, the location of which is generally acceptable. In order to prevent vehicles from queuing onto Davenport Road when accessing the site, the overhead gates must be equipped with automated access control devices (such as transponders or remote control devices). This matter is to be secured in the Site Plan Agreement.

The applicant is proposing a total of 67 parking spaces for this project, consisting of 63 resident spaces and four residential visitor spaces. Based on the parking space ratios, suggested by Traffic Planning staff, the applicant would be required to provide a minimum of 39 parking spaces, consisting of 33 residential, 5 visitor and 1 retail parking spaces. The proposed residential parking supply exceeds this requirement. However, the proposed visitor parking supply is one less than the requirement. In order to justify this parking deficiency, the applicant's transportation consultant (BA Group) submitted a letter, dated November 29, 2011, which reviewed the overall parking requirements of the site based on Bylaw 1156-2010 (repealed) and Bylaw 438-86 and concluded that the proposed overall parking supply exceeds the minimum requirements of the above-noted bylaws.

Staff have reviewed the documentation provided by the consultant and concur with the conclusion set out in the above-noted letter. Parking ratios are provided in the draft site-specific by-law to secure the appropriate parking supply for this site.

In accordance with the Toronto Green Standards (TGS), when providing more than the minimum parking requirement under the zoning bylaw for residential uses, any additional spaces must provide roughed-in conduits to allow for future electrical outlets for plug-in electric vehicles. Accordingly, 36 residential parking spaces must be provided with roughed-in conduits. According to the information provided by the applicant in the Toronto Green Standards checklist, the proponent will meet the requirements of the Toronto Green Standards.

## **Servicing**

The Zoning By-law requires every building that contains 30 or more *dwelling units* and which is located on a *lot* having an area of at least 1000 square metres to provide and maintain a *loading space - type G* on the same *lot* as the building. Type G loading spaces

are meant to provide space for refuse collection. This proposal calls for 38 residential units on a lot that is 1073 square metres, and no type G loading space.

The applicant is proposing a temporary garbage storage room on the ground level, in addition to the required residential garbage and recycling room located on the P1 level. The proposed temporary garbage storage room is to be located approximately 8 metres from the sidewalk, but located in a secure room, screened from the public realm.

The applicant has informed staff that there is no private waste hauler with vehicles small enough to navigate the site, as designed. The applicant is proposing a private waste hauler to provide curb-side pickup to be coordinated with trained staff to transfer the bins from the temporary storage facility to the curb. The intent is not to have any bins stored on the sidewalk.

Staff is satisfied that the temporary garbage facility on the ground floor, meets the intent of the Official Plan policy to locate service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences. There is a desire to minimize the number of residential and service vehicle access points, to minimize the impact on Hazelton Ave. and the Heritage Conservation District, and to provide a continuous and animated ground floor. Providing a Type G loading space on this site would compromise these objectives.

The temporary garbage storage room is a requirement found in the draft site specific zoning by-law. Staff will secure the owner requirement to provide a private waste hauler to provide curb-side waste removal services in the site plan agreement.

### **Open Space/Parkland**

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 0.78 to 1.55 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per City Wide Parkland Dedication By-law 1020-2010.

The application proposes 38 residential units and 50m<sup>2</sup> of non-residential uses on a site with a net area of 1,073m<sup>2</sup>. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.05 hectares or 47.2% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use, while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 107m<sup>2</sup>.

The application proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 107m<sup>2</sup> would not be a useable size and the site would be encumbered with below grade parking.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.



## **Streetscape**

The proposal calls for seven new street trees and the removal of three private trees protected under the City of Toronto's Private Tree By-law and one public tree along the Davenport Road frontage, which is protected under the City of Toronto's Street Tree By-law. Staff will review the proposed removal and replacement strategy as part of the Site Plan application.

Along Hazelton Ave., vehicular access is currently available to 195 Davenport Rd. All access points (curb cuts) will be removed and the curbs will be restored. Currently, other than the sidewalk, the remaining components of the public realm are asphalted and/or hardscaped, and are at times partially occupied by vehicles. The proposal calls for an expanded sidewalk at the corner of Hazelton Ave. and Davenport Rd, and a landscaped edge to the south. Staff are satisfied that the three grade related units, the proposed setbacks and landscaped elements will create a good transition to the well landscaped residential features of the Heritage Conservation District to the south.

The Davenport Rd. streetscape will comprise of sidewalk and proposed tree planting. Currently, there are two curb cuts along the Davenport Road frontage. The one further west will be restored to a standard curb and the curb cut to the east will be reconfigured to provide access the underground garage. The residential lobby entrance and proposed retail, at the base of the proposed 5 storey streetwall, will provide an animated streetscape which is currently used to park vehicles in association with the single-storey sales center.

## **Environment**

In the 1930s the property at 195 Davenport Rd. was occupied by a gas station and was later superseded by a dry cleaning business. The one-storey building on the site was until recently used as a furniture showroom and now it's used as a condominium sales centre.

The applicant submitted a letter dated August 19, 2011 from Peto MacCallum Ltd. Consulting Engineers, which advises that "based on some geotechnical and geoenvironment site investigations and a limited program of ground water sampling and chemical analyses undertaken by others in 2005 and 2008, the subject properties have been both impacted historically by petroleum hydrocarbons (PHCs) and various chlorinated solvents or volatile organic compounds (VOCs)."

The letter goes on to recommend a site remediation and cleanup work methodology, so the consultants can ultimately prepare a Record of Site Condition to be submitted to the Ministry of the Environment (MOE) to obtain their acknowledgement. The Record of Site Condition and MOE's acknowledgement is required for building permit issuance. The letter also notes, from a geoenvironmental standpoint, that the subject site remediation and obtaining a Record of Site Condition for the proposed redevelopment can only be achieved once the buildings are properly abated and demolished.

## **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS.) The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will reduce the negative impacts of development, while also improving air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The site specific zoning by-law will secure performance measures for the following Tier 1 development features: bicycle parking rates and weather protected bicycle parking.

Other applicable TGS performance measures will be secured through the Site Plan Approval process. The green roof, applicable law, will also be secured in the site plan drawings, furthermore, measures to reduce the urban heat island effect at grade, and materials of the building, will be secured through the site plan process.

## **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*. While the proposed development exceeds the height and density limits of the Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 agreement are as follows:

1. An indexed payment of \$100,000, payable prior to introducing the necessary Bills to City Council for enactment. Such payment will be deposited to the Planning Act Reserve Fund. The funds are to be used for streetscape improvements in the local area, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, with such amount 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.
2. An indexed payment of \$400,000, prior to the registration of the proposed condominium. If a draft plan of condominium is not applied for, the payment must be made within 2 years of the first above grade building permit. Such payment will be deposited to the Planning Act Reserve Fund. The funds are to be used for streetscape improvements in the local area, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, with such amount 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 following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. The owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials, including but not limited to Indiana limestone and brick, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
2. The Owner shall provide a Letter of Substantial Completion signed by the project architect and Heritage Consultant verifying that the development has been built as approved, prior to the issuance of an occupancy permit for the development, to the satisfaction of the Manager, Heritage Preservation Services.

### **Development Charges**

It is estimated that the development charges for this project will be \$314,567.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

### **CONTACT**

Oren Tamir, Planner  
Tel. No. (416) 392-7349  
Fax No. (416) 392-1330  
E-mail: otamir@toronto.ca

### **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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### **ATTACHMENTS**

- Attachment 1: Application Data Sheet
- Attachment 2: Site Plan
- Attachment 3: North Elevation
- Attachment 4: West Elevation
- Attachment 5: South Elevation
- Attachment 6: East Elevation
- Attachment 7: Official Plan Map
- Attachment 8: Zoning Map
- Attachment 9: Draft Official Plan Amendment
- Attachment 10: Draft Zoning By-law Amendment

## Attachment 1: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	11 196104 STE 27 OZ
Details	OPA & Rezoning	Application Date:	May 16, 2011
Municipal Address:	195 DAVENPORT RD & 131 HAZELTON AVE		
Location Description:	PLAN 411 PT LOTS 1 TO 3 RP 63R4877 PART 1 **GRID S2703		
Project Description:	OPA and Rezoning to permit the lands to redesignated as mixed use upon which a redevelopment of the lands consisting of 9 storey mixed use building containing ground floor retail and 38 residential units. Included in the proposal are 67 parking spaces located in a below grade parking facility, four for visitors.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
SHERMAN BROWN DRYER KAROL			MIZRAHI DEVELOPMENT GROUP (133 HAZELTON) INC.

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR T2.0 C2.0 R2.0	Historical Status:
Height Limit (m):	14	Site Plan Control Area:

### PROJECT INFORMATION

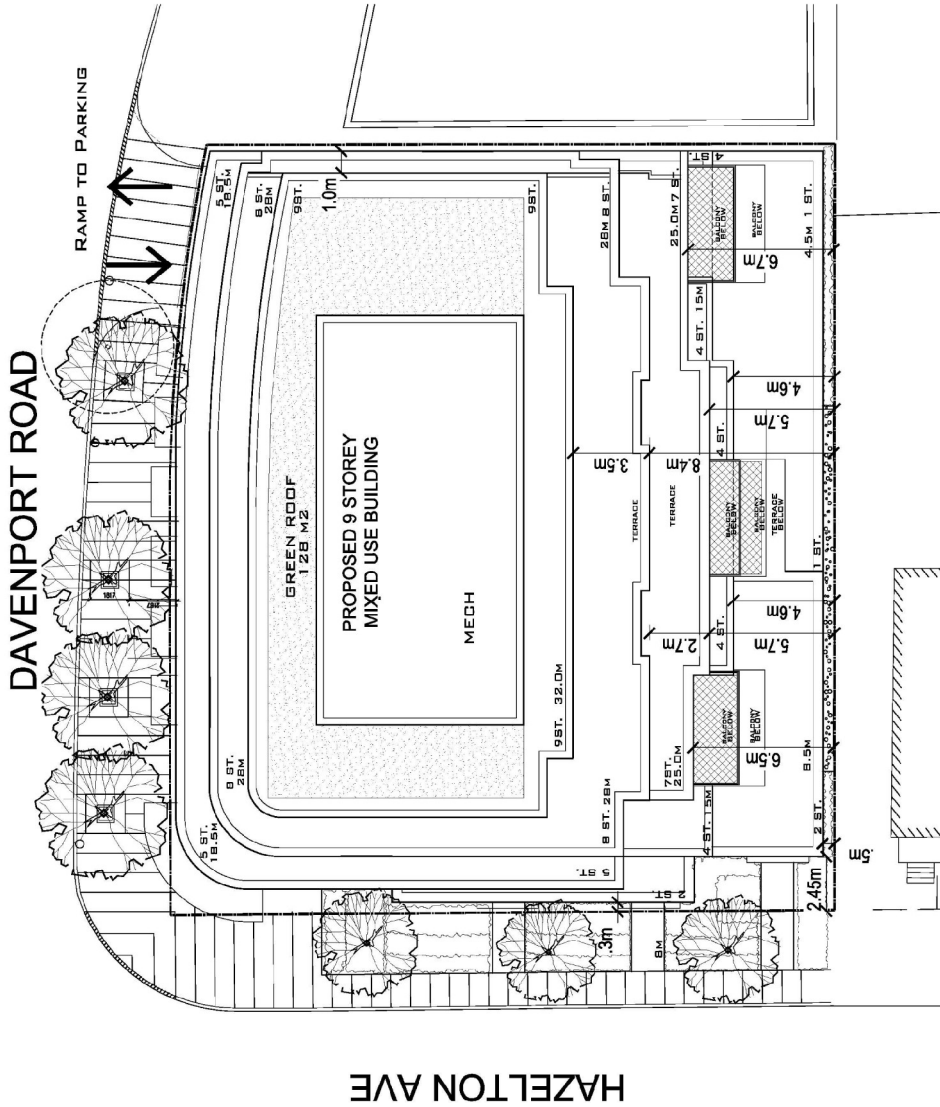
Site Area (sq. m):	1073	Height:	Storeys:	9
Frontage (m):	35.6		Metres:	32 (excludes mech. Penthouse)
Depth (m):	30.5			
Total Ground Floor Area (sq. m):	1000			<b>Total</b>
Total Residential GFA (sq. m):	6100		Parking Spaces:	67
Total Non-Residential GFA (sq. m):	50		Loading Docks	0
Total GFA (sq. m):	6150			
Lot Coverage Ratio (%):	93.2			
Floor Space Index:	5.73			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	6100
Bachelor:	0	Retail GFA (sq. m):	50
1 Bedroom:	9	Office GFA (sq. m):	0
2 Bedroom:	28	Industrial GFA (sq. m):	0
3 + Bedroom:	1	Institutional/Other GFA (sq. m):	0
Total Units:	38		

Attachment 2: Site Plan



195 Davenport Road and 131 Hazelton Avenue

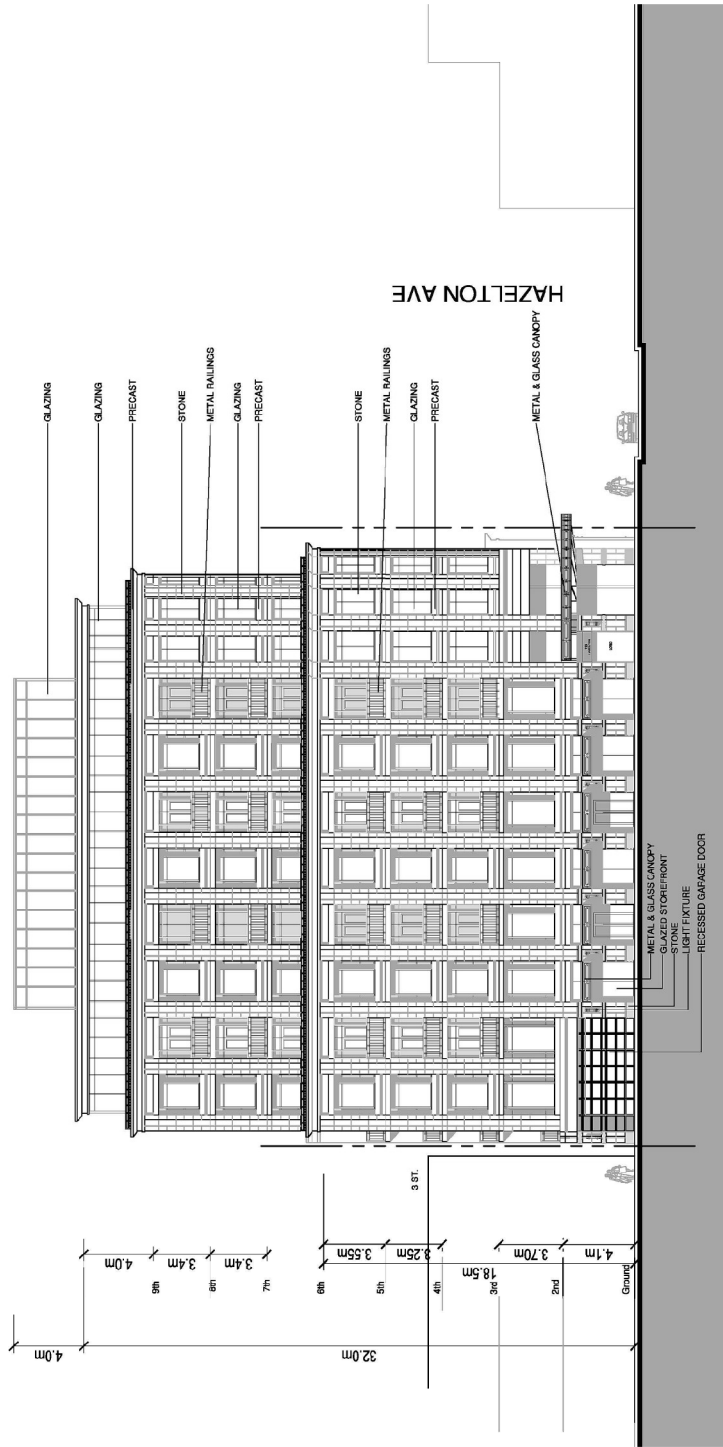
Site Plan

Applicant's Submitted Drawing

Not to Scale  
01/11/2012

File # 11 196104 02

### Attachment 3: North Elevation



North Elevation

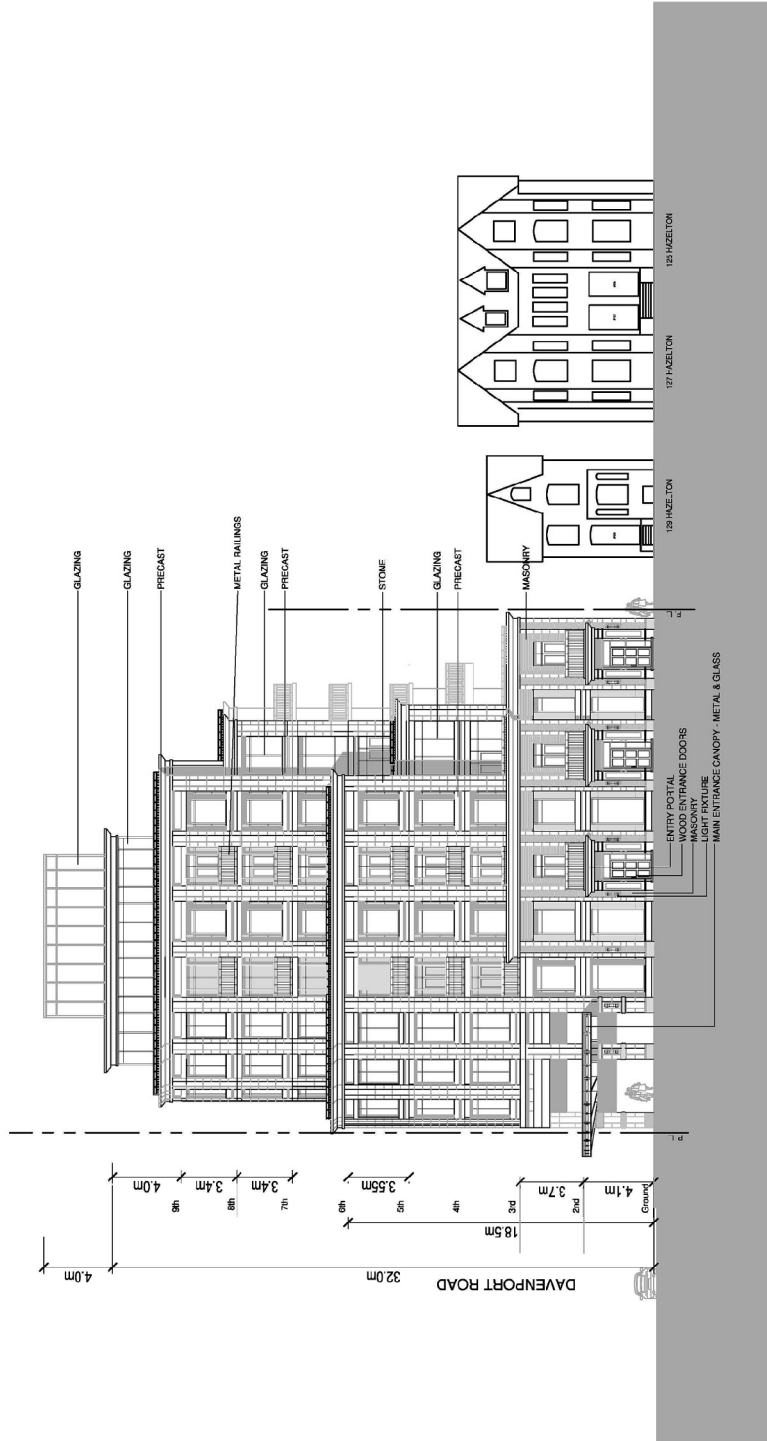
195 Davenport Road and 131 Hazelton Avenue

**Elevations**  
Applicant's Submitted Drawing

Not to Scale  
01/11/2012

File # 11 196104 02

# Attachment 4: West Elevation



West Elevation

195 Davenport Road and 131 Hazelton Avenue

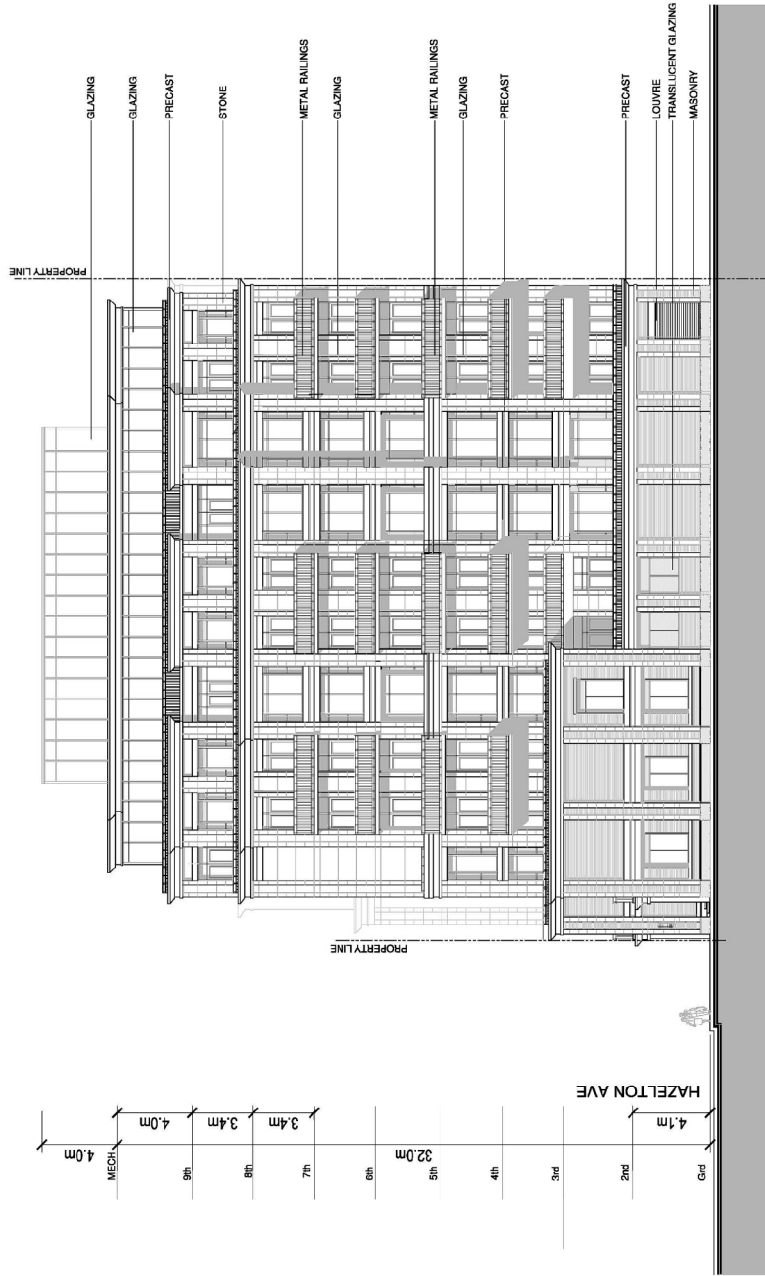
Elevations

Applicant's Submitted Drawing

Not to Scale  
01/11/2012

File # 11 196104 02

# Attachment 5: South Elevation



South Elevation

195 Davenport Road and 131 Hazelton Avenue

Elevations

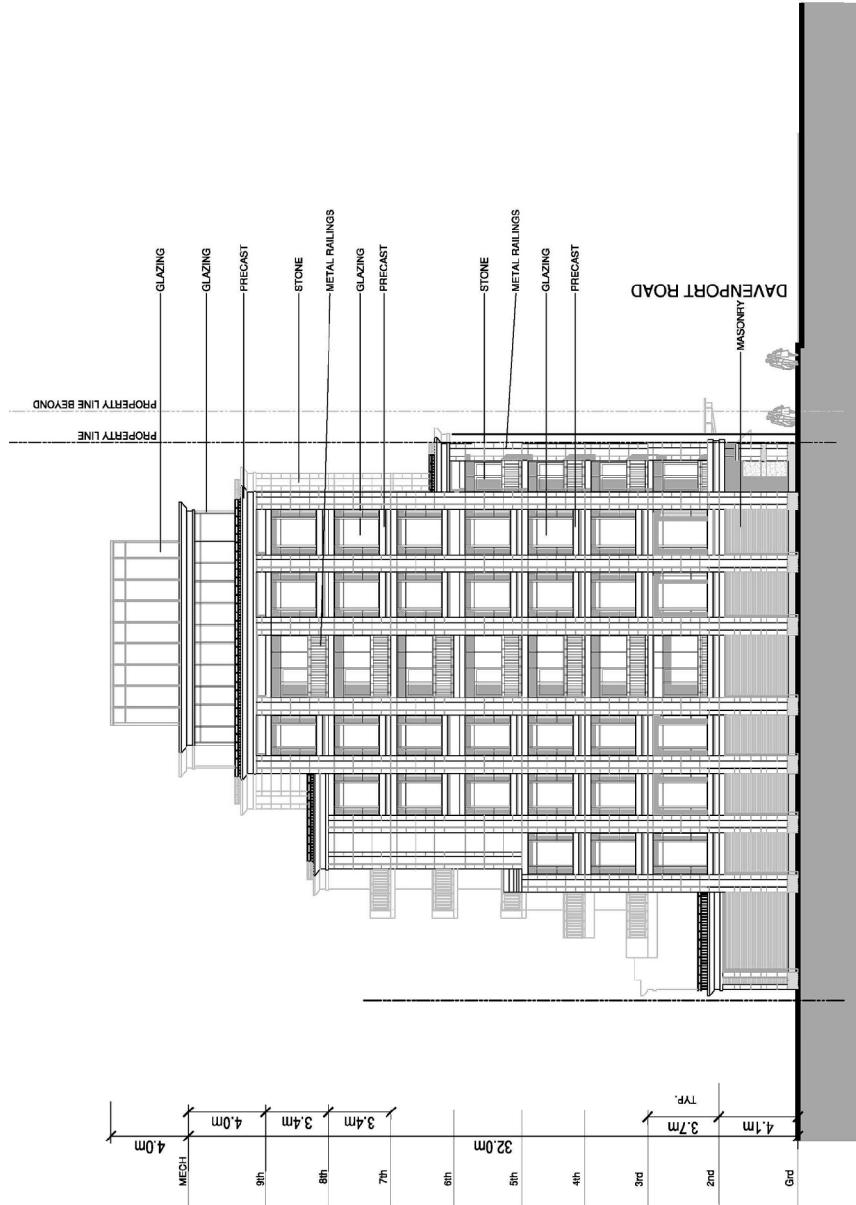
Applicant's Submitted Drawing

Not to Scale  
01/11/2012

File # 11 196104 02



# Attachment 6: East Elevation



East Elevation

195 Davenport Road and 131 Hazelton Avenue

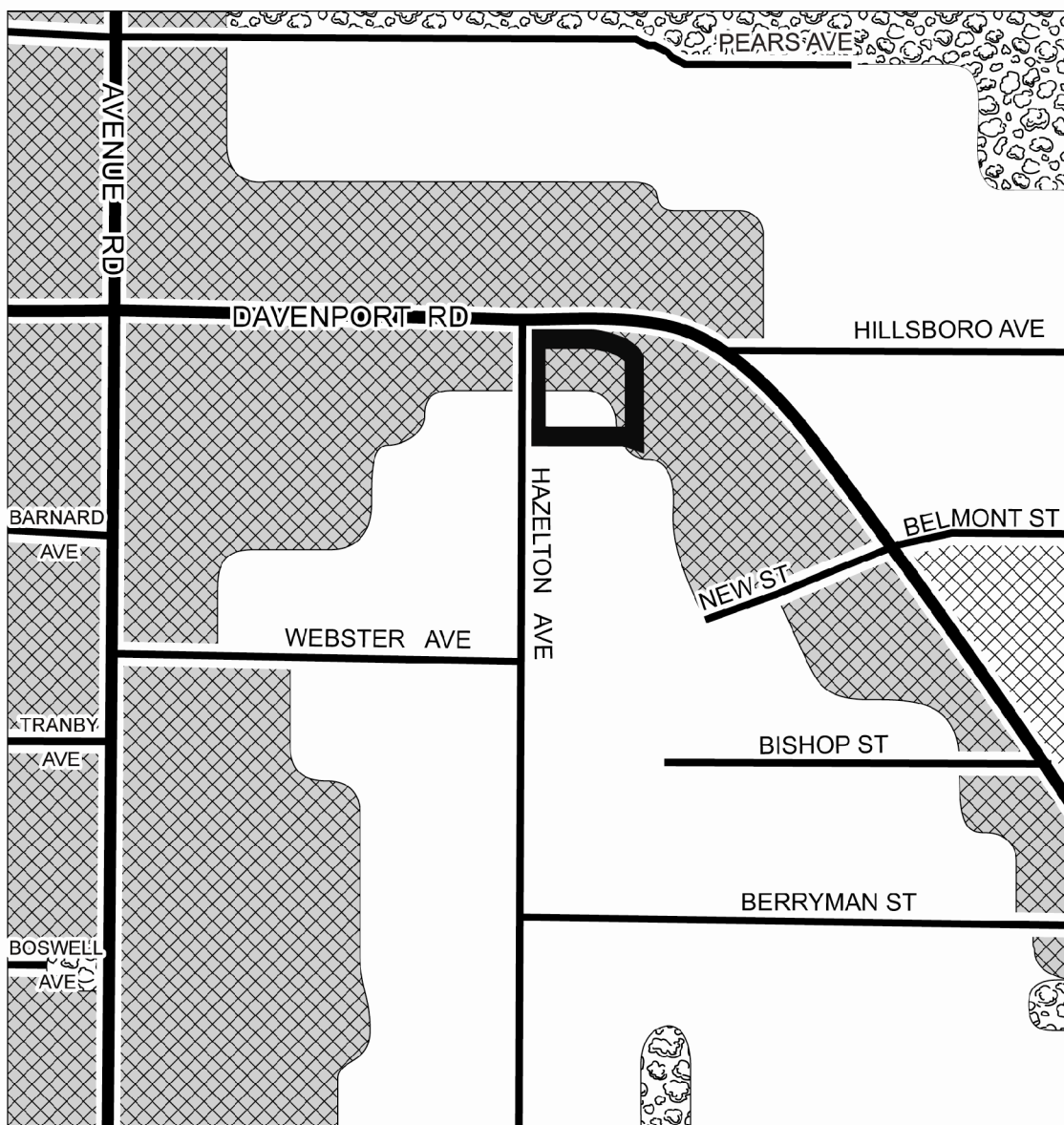
## Elevations

Applicant's Submitted Drawing

Not to Scale  
01/11/2012

File # 11 196104 02

## Attachment 7: Official Plan Map



**TORONTO** City Planning  
**Official Plan**

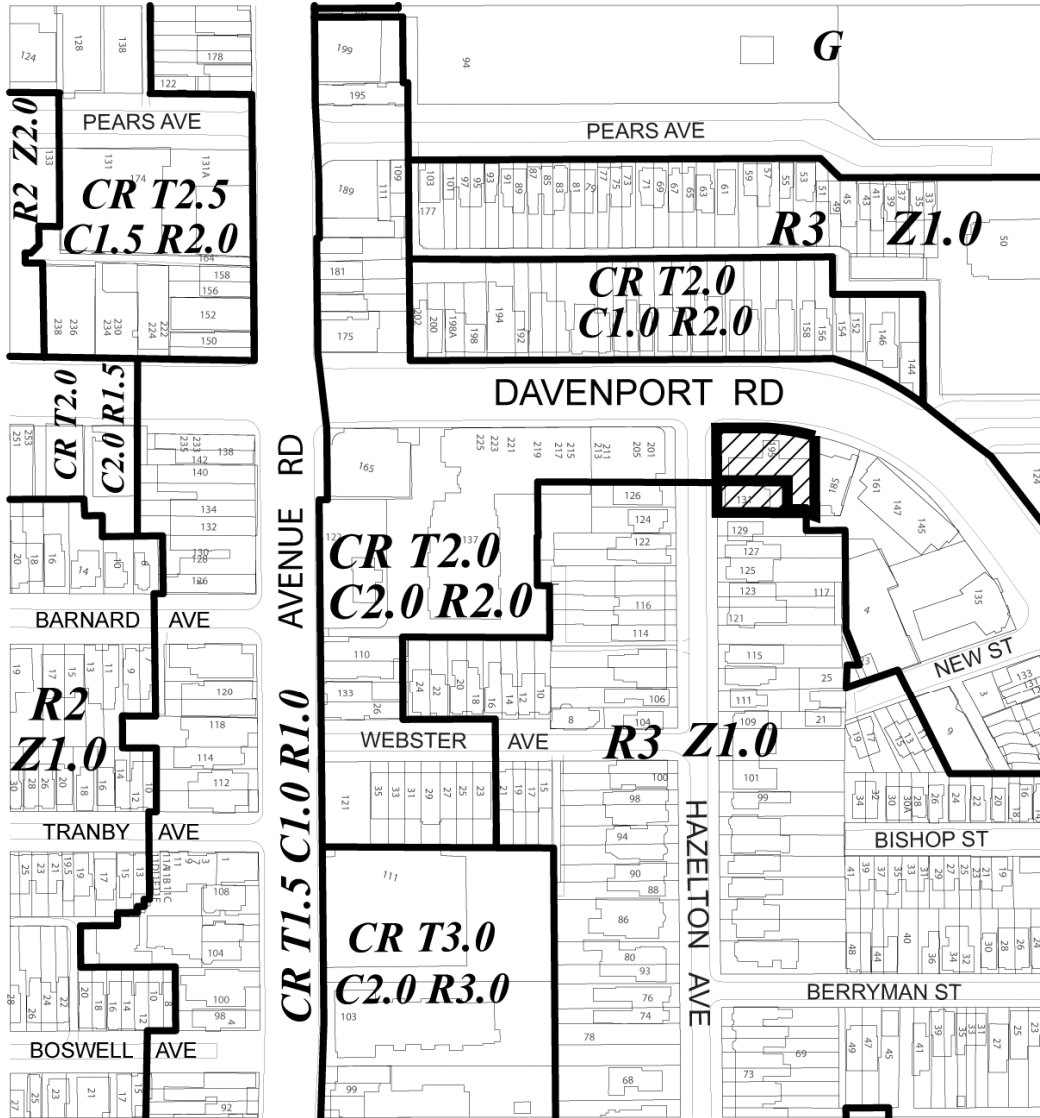
**195 Davenport Road**  
**131 Hazelton Avenue**

File # 11\_196104



  
 Not to Scale  
 08/03/11

# Attachment 8: Zoning Map



**Zoning City of Toronto By-law 438-86**

**195 Davenport Road  
131 Hazelton Avenue  
File # 11\_196104\_02**

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



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 08/03/2011

**Attachment 9: Draft Official Plan Amendment**

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To adopt an amendment to the Official Plan  
for the City of Toronto respecting the lands known municipally in the year 2011, as  
131 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;

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

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

1. The attached Amendment No. 175 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

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**AMENDMENT NO. 175**

**LANDS MUNICIPALLY KNOWN IN THE YEAR 2011 AS  
131 HAZELTON AVENUE**

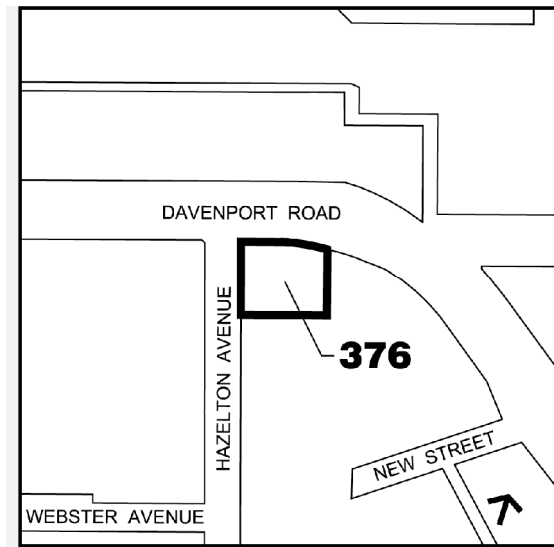
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The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 376 for lands known municipally in 2011 as 131 Hazelton Avenue, as follows:

**376. 131 Hazelton Avenue**

An 8-storey mixed-use building is permitted.



2. Chapter 7, Map 28, Site and Area Specific Policies, is revised to add the lands known municipally in 2011 as 131 Hazelton Avenue shown on the map above as Site and Area Specific Policy No. 376.

## Attachment 10: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of  
Toronto Council on ~, 201~  
Enacted by Council: ~, 201~

### CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-201~

**To amend the General Zoning By-law No. 438-86, as amended of the former City of Toronto with respect to the lands municipally known as 195 Davenport Road and 131 Hazelton Avenue**

WHEREAS authority is given to Council by 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*;

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

1. This By-law applies to the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
2. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 3 of this By-law.
3. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law. Building permit issuance with respect to the *lot* shall be dependent upon satisfaction of the provisions of this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
4. 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*, 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.

5. None of the provisions of Section 2(1) with respect to the definition of *bicycle parking space – visitor, grade, and height* and Sections 4(2)(a), 4(5)(b), 4(8), 4(12), 4(16), 6(1)(f), 6(3) Part I, 6(3) Part II 2, 6(3) Part II 3(i), (ii), A, and F, 6(3) Part II 4, 6(3) Part II 5, 6(3) Part II 8, 6(3) Part III 1, 8(3) Part I 1 and 2, 8(3) Part II 1(a), 8(3) Part II 2(a), 8(3) Part III 1.(a), and 12(2) 322 of 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 *mixed-use building* and *accessory* uses thereto on the lands municipally known as 195 Davenport Road and 131 Hazelton Avenue (hereinafter referred to as the *lot*), provided that:
- (a) the *lot* on which the building is to be located comprises at least those lands within the heavy line on Map 1, attached to and forming part of this By-law;
  - (b) the total aggregate *non-residential gross floor area* and *residential gross floor area* of any building or structure erected on the *lot* shall not exceed 6,150 square metres;
  - (c) the *non-residential gross floor area* of any building or structure erected on the *lot* shall not exceed 50 square metres;
  - (d) no portion of any building or structure on the *lot* shall have a *height* in metres greater than the *height* limits specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law, except for:
    - (i) parapets, terraces, terrace or balcony guards and dividers, planters, stairs, stair enclosures, elevator, heating, cooling or ventilating equipment or a fence, wall or structure enclosing such elements and railings extending to a maximum vertical projection of 1.2 metres above the *height* limits shown on Map 2;
    - (ii) window washing equipment, landscape elements, lighting fixtures, vents, flues, pipes, access roof hatch, outdoor furniture, and structures located on the roof used for outside or open air recreation, safety or wind protection purposes may extend above the *height* limits shown on Map 2;
  - (e) no portion of any building or structure erected and used above *grade* on the *lot* is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, subject to the following:

- (i) cornices, entry portals, eaves, guardrails, landscape elements, lighting fixtures, stairs, ramps, window washing equipment and vents may project beyond the heavy lines shown on Map 2; and,
  - (ii) awnings, and canopies may project beyond the heavy lines shown on Map 2 to a maximum of 2.5 metres beyond the wall to which they are attached;
- (f) notwithstanding section 5(e) above, the *western balcony*, *central balcony* and *eastern balcony* above the second *storey* shall be permitted to extend from any south facing wall beyond the heavy lines delineated on Map 2, to a minimum setback from the south *lot* line in accordance with the table below:

	<i>western balcony</i>	<i>central balcony</i>	<i>eastern balcony</i>
Third <i>storey</i>	n/a	2.1 metres	3.15 metres
Fourth <i>storey</i>	3.15 metres	3.15 metres	3.15 metres
Fifth <i>storey</i>	4.3 metres	4.3 metres	4.6 metres
Sixth <i>storey</i>	4.3 metres	4.3 metres	4.6 metres
Seventh <i>storey</i>	4.3 metres	4.3 metres	4.6 metres

- (g) a minimum of 4 square metres of *residential amenity space* shall be provided on the *lot* for each *dwelling unit* in accordance with the following:
- (i) the *residential amenity space* will be located indoors, on the ground floor and/or second floor, within a multi-purpose or contiguous multi-purpose room(s), at least one of which contains a kitchen and a washroom;
- (h) *parking spaces* shall be provided at the following rates:
- (i) a total of 0.7 *parking spaces* for each Bachelor *dwelling unit*;
  - (ii) a total of 0.8 *parking spaces* for each 1-Bedroom *dwelling unit*;
  - (iii) a total of 0.9 *parking spaces* for each 2-Bedroom *dwelling unit*;
  - (iv) a total of 1.1 *parking spaces* for each *dwelling unit* with 3 or more bedrooms;
  - (v) a total of 0.1 *parking spaces* for each *dwelling unit* shall be provided for residential visitors; and
  - (vi) no *parking spaces* shall be required for any portion of the *mixed-use building* that contains *non-residential gross floor area*.



- (i) for the portion of the *lot* within zone R3 Z1.0, *landscaped open space* shall be provided and maintained in a manner so that 100 per cent of the area of the land between the *lot* line that abuts a *street* and the exterior wall of the building facing such *street* as produced to the *side lot line* is provided and maintained as *landscaped open space*;
  - (j) windows for *dwelling units* shall be permitted at a minimum setback of:
    - (i) 0.5 metres from the south *lot* line; and
    - (ii) 0.0 metres from the east *lot* line.
  - (k) a *mixed-use building* is permitted provided that no direct access to *non-residential gross floor area* will be provided from Hazelton Avenue; and,
  - (l) a *loading space – type G* is not required, provided that a temporary garbage storage room located in a secure, enclosed facility at least 25 square metres in area is provided within 9 metres of the north property line.
6. For the purpose of this By-law:
- (a) “*bicycle parking space – visitor*” shall mean an area equipped with a bicycle rack for the purpose of parking and securing bicycles, and
    - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
    - (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
    - (iii) may be located outdoors or indoors on the ground or P1 level, but not within a bicycle locker.
  - (b) “*grade*” shall mean 118.6 metres Canadian Geodetic Datum;
  - (c) “*western balcony*” shall mean an elevated platform which projects from a wall located within the shaded area identified as Zone A on Map 3, attached to and forming part of this By-law, which is not a terrace and which may include piers, guards, dividers, railings and planters;
  - (d) “*central balcony*” shall mean an elevated platform which projects from a wall located within the shaded area identified as Zone B on Map 3, attached to and forming part of this By-law, which is not a terrace and which may include piers, guards, dividers, railings and planters;

- (e) “*eastern balcony*” shall mean an elevated platform which projects from a wall located within the shaded area identified as Zone C on Map 3, attached to and forming part of this By-law, which is not a terrace and which may include piers, guards, dividers, railings and planters;
  - (f) “*height*” shall mean the vertical distance between *grade* and the highest point of the building or structure, excluding permitted projections identified in section 1(d) of this By-law; and,
  - (g) each other word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.
7. Despite any existing or future severance, partition or division of the lot, the provisions of this by-law shall apply to the whole lot as if no severance, partition or division occurred.
8. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

ENACTED AND PASSED this ~ day of ~, A.D. 201~.

ROB FORD,  
Mayor  
(Corporate Seal)

ULLI S. WATKISS,  
City Clerk

## Appendix "1": Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense 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 no credit for development charges, indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, taxes, termination and unwinding, and registration and priority of the agreement:

1. Prior to the introduction of Bills in City Council, City Council require the owner of the lands at 195 Davenport Road and 131 Hazelton Avenue to enter into an Agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:
  - A. An indexed payment of \$100,000, payable prior to introducing the necessary Bills to City Council for enactment. Such payment will be deposited into the Planning Act Reserve Fund. The funds are to be used for streetscape improvements in the local area, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, with such amount 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.
  - B. An indexed payment of \$400,000, prior to the registration of the proposed condominium. If a draft plan of condominium is not applied for, the payment must be made within 2 years of the first above grade building permit. Such payment will be deposited into the Planning Act Reserve Fund. The funds are to be used for streetscape improvements, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, with such amount 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.
  - C. The owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials, including but not limited to Indiana limestone and brick, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
  - D. The Owner shall provide a Letter of Substantial Completion signed by the project architect and Heritage Consultant verifying that the development has been built as approved, prior to the issuance of an occupancy permit for the development, to the satisfaction of the Manager, Heritage Preservation Services.

2. The *owner* of the *site* entering into and registering on title to the *lot* one or more agreements with the *City* pursuant to Section 37 of the *Planning Act*, to the satisfaction of the *City* Solicitor, in consultation with the Chief Planner and Executive Director, *City* Planning Division, to secure the facilities, services and matters set forth in this Appendix 1.
3. 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.

