

**126-128 Hazelton Avenue
Official Plan Amendment and Zoning Amendment
Applications – Final Report**

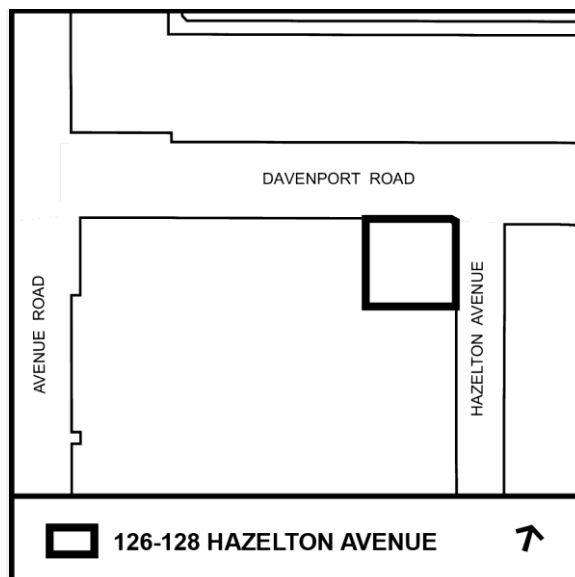
Date:	October 27, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	15 257792 STE 27 OZ

SUMMARY

This application proposes a 9-storey (37.8 metres including mechanical penthouse) mixed-use building at 126-128 Hazelton Avenue. The proposal includes up to 360 square metres of non-residential floor area on the first and second floors and a total of 21 residential units. A total of 39 vehicular parking spaces (35 resident, 2 visitor and 2 office) and 22 bicycle parking spaces (19 resident and 3 visitor) are proposed. The existing buildings would be demolished, including the 3-storey heritage detached dwelling at 126 Hazelton Avenue located within the Yorkville-Hazelton Heritage Conservation District.

The proposed development generally complies with the Official Plan policies and guidelines that apply to *Mixed Use Areas* and the *Downtown*. A site-specific amendment to the built form policies for *Neighbourhoods* will be required. The proposal is in keeping with the Council-approved policies in Official Plan Amendment (OPA) 320 regarding *Neighbourhoods* (currently under appeal).

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



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan for the lands at 126-128 Hazelton Avenue substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 15 to the report of the Director of Community Planning, Toronto and East York District dated October 27, 2016.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 126-128 Hazelton Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 16 to the report of the Director of Community Planning, Toronto and East York District dated October 27, 2016.
3. City Council amend Zoning By-law 438-86 for the lands at 126-128 Hazelton Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 17 to the report of the Director of Community Planning, Toronto and East York District dated October 27, 2016.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendments as may be required.
5. Before introducing the necessary Bills to City Council for enactment, require the Owner of the lands at 126-128 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 cash payment of \$250,000.00 payable prior to issuance of the first above-grade building permit. The amount is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment. The funds shall be directed as follows:
 - a. \$200,000.00 towards capital improvements for new or existing Toronto Community Housing and affordable housing and/or cultural space in consultation with the local Councillor.
 - b. \$50,000.00 towards the streetscape improvements in close proximity to the subject site including, but not limited to, new planters and seating within the public realm, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division, in consultation with the local Councillor.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Preliminary Report for this application dated December 11, 2015 was adopted by Toronto and East York Community Council on January 19, 2016, with amendments.

A copy of the report is available at:

<http://www.toronto.ca/legdocs/mmis/2016/te/bgrd/backgroundfile-87087.pdf>

ISSUE BACKGROUND

Proposal

The application proposes a 9-storey mixed-use building with 21 residential units and up to 360 square metres of non-residential floor area located at 126-128 Hazelton Avenue. The overall height of the proposed building is 37.8 metres (33.6 metres plus a 4.2-metre mechanical penthouse). The south portion of the building is massed in a 2-3 storey townhouse form with frontage on Hazelton Avenue.

The existing buildings, including the 3-storey detached dwelling at 126 Hazelton Avenue that is located within the Yorkville-Hazelton Heritage Conservation District, would be demolished. The proposed density is 6.37 times the area of the site.

A 1.3-metre wide strip of land along the north (Davenport Road) property line is required to be conveyed to the City for road widening purposes. The setbacks/stepbacks from Davenport Road listed below reflect the north property line once the land is conveyed to the City.

The proposed 9-storey building consists of a 5-storey streetwall along Davenport Road and Hazelton Avenue. There is a 2-storey feature along Hazelton Avenue that projects proud of the 5-storey streetwall and a 2-storey townhouse form at the south end on Hazelton Avenue set further back from the 5-storey streetwall.

The setbacks and stepbacks from Davenport Road and Hazelton Avenue are as follows:

Floors	Setback / Stepback
1-5	0.0 metres - Davenport Rd (after conveyance) 0.2 metres - Hazelton Ave
6-8	1.0 metre - Davenport Rd and Hazelton Ave
9	2.0 metres - Davenport Rd 2.2 metres - Hazelton Ave
townhouse form (2-storeys)	4.9 metres - Hazelton Ave 9.2 metres - west property line
townhouse form (3rd storey)	11.6 metres - Hazelton Ave 9.2 metres - west property line

The south façade includes the massing of 2-storey townhouse form with a stepback to a third floor. The townhouse form will have a similar depth to the adjacent residential property at 124 Hazelton Avenue. The setback and stepbacks from the south property line are as follows:

Floors	Setback / Stepback
1-3	4.0 metres
4	3.9 metres (terrace projection of 3.4 metres)
5	3.9 metres (balcony projections of 2.0 metres)
6	3.9 metres (balcony projections of 1.8 metres)
7-8	5.5 metres (terrace and balcony projections of approximately 1.4 metres)
9	5.5 metres (1.5-metre partially inset terraces)
townhouse form (2-3 storeys)	0.5 metres

The proposed 9-storey building is set back 0.1 - 0.3 metres from the west property line and includes windows (setback approximately 1 metre from the west property line) above the height of the adjacent "Dakota" building at 211-225 Davenport Road. A 9th floor stepback is proposed approximately 0.8 metres from the west property line and includes landscaping planters that would project 0.7 metres.

The mechanical penthouse is set back 4.7 metres from Davenport Road, 5.0 metres from Hazelton Avenue, 11.5 metres from the south property line and 2.5 metres from the west property line.

The application proposes 21 residential units: 3 one-bedroom; 12 two-bedroom; and 6 three-bedroom units. The application proposes a flexible site-specific zoning by-law to allow up to 360 square metres of commercial uses. The ground floor would contain 188 square metres of commercial uses. Two residential units on the second floor fronting Hazelton Avenue could be converted to commercial uses (reducing the total residential units to 19).

The application proposes approximately 123 square metres of indoor amenity space on the ground floor and 33 square metres of outdoor amenity space in the rear yard adjacent to the indoor amenity space.

A total of 39 vehicular (valet) parking spaces (35 resident, 2 visitor and 2 office) are proposed with an additional 8 tandem parking spaces on 3 levels of underground parking accessible from Davenport Road via 2 car elevators. Only right-in and right-out movements are proposed for vehicles entering and leaving the site. A total of 22 bicycle parking spaces (19 resident and 3 visitor) are also proposed.

No loading space is proposed for the building. The proposal calls for private garbage pick-up for both the residential and commercial uses to be loaded internally within the underground parking

levels. In the event that City garbage pick-up is required for the residential component, it will take place curbside on Hazelton Avenue.

The existing sidewalk widths are 2.8 metres along Davenport Road and 4.3 metres along Hazelton Avenue. A 1.3 metre sidewalk widening is required along Davenport Road which will widen the sidewalk to 4.1 metres. Further ground floor setbacks are provided at the corner and along Hazelton Avenue including a landscaped residential entrance.

Site and Surrounding Area

The site is located at the southwest corner of Davenport Road and Hazelton Avenue. The site has an area of 889 square metres and includes two properties: 126 and 128 Hazelton Avenue. The lot at 128 Hazelton Avenue is rectangular in shape and has a frontage of approximately 19.8 metres along Hazelton Avenue and 30.5 metres along Davenport Road. The lot contains a 3-storey brick building currently occupied by commercial uses. The lot at 126 Hazelton Avenue is rectangular in shape, has a frontage of 9.27 metres along Hazelton Avenue, a lot depth of 30.48 metres and contains a 3-storey detached dwelling that is within the Yorkville-Hazelton Heritage Conservation District.

North: of Davenport Road is Davenport Terrace, which consists of 3-storey house-form buildings used for commercial office and retail uses. Further north, at a lower elevation, is Pears Avenue and Ramsden Park.

South: of the site is 124 Hazelton Avenue, a 3-storey detached dwelling, that along with other low-rise residential buildings in the neighbourhood south of Davenport Road, form part of the Yorkville-Hazelton Heritage Conservation District.

East: of Hazelton Avenue is 133 Hazelton Avenue, a 9-storey mixed-use building. Further east is 147-185 Davenport Road, a 12-storey mixed-use building currently under construction.

West: of the site is the "Dakota" at 211-225 Davenport Road, a 5 and 6-storey mixed-use building. Further west is 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) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, 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, as the case may be, 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*. The site is also located within *the Downtown and Central Waterfront*, as shown on the Official Plan's Map 2 - Urban Structure. Growth is anticipated in the *Downtown* and due to the diversity of built form, such growth will not occur uniformly across the *Downtown*.

The property at 128 Hazelton Avenue is designated *Mixed Use Areas* and the abutting property to the south at 126 Hazelton Avenue is designated *Neighbourhoods*.

The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses. Development in *Mixed Use Areas* is subject to 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 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 storeys (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 *Neighbourhoods*. Policy 4.1.5 provides a series of development criteria for development in established *Neighbourhoods*.

Heritage policies are found under Section 3.1.5 of the Official Plan. The Official Plan states that impacts of development within or adjacent to Heritage Conservation Districts will be assessed to ensure that the integrity of the districts' heritage values, attributes, and character are conserved.

The Official Plan is intended to be read as a whole.

Area Specific Policy 211 – Bloor Yorkville / North Midtown Area

The City structure for the Bloor-Yorkville/North Midtown Area is provided in Area Specific Policy 211 of the Official Plan. Policy 211 recognizes that the Bloor-Yorkville/North Midtown Area comprises a broad mix of districts with differing intensities, scales and heights in a

diversity of building forms. The area includes *Neighbourhoods*, *Apartment Neighbourhoods*, *Areas of Special Identity*, *Mixed Use Areas*, and open space provided by parks and ravines.

The Bloor-Yorkville/North Midtown Area forms the north edge of the Downtown and provides for transition in density and scale to surrounding lower rise areas. This transition is important to reinforce the diversity of built form and use, to foster the stability of the *Neighbourhoods*.

The tallest buildings in the Bloor-Yorkville/North Midtown Area will be located in the Height Peak in the vicinity of the intersection of Yonge and Bloor Streets. Buildings will step down from the Yonge and Bloor Street intersection in descending ridges of height along Yonge Street, Bloor Street and along portions of Avenue Road, Bay and Church Streets called Height Ridges. The subject site is located within the Yonge Street Height Ridge.

The lowest heights in the Bloor-Yorkville/North Midtown Area are in the *Neighbourhoods* and a portion of *Areas of Special Identity*. The site is located within the north portion of the *Yorkville Triangle Neighbourhood* identified in Policy 211. 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

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013, which is currently under appeal at the Ontario Municipal Board. Zoning By-law 569-2013 applies to the 126 Hazelton Avenue portion of the site. Former City of Toronto Zoning By-law 438-86, as amended applies to the entire site.

Under Zoning By-law 438-86, as amended, the north portion of the site (128 Hazelton Avenue) is zoned CR T2.0 C2.0 R2.0 and the south portion of the site (126 Hazelton Avenue) is zoned R3 Z1.0.

At 128 Hazelton Avenue, the Zoning By-law permits residential and commercial uses including apartment buildings, retail, office and other commercial uses. The maximum permitted density and height is 2.0 times the area of the lot and 14 metres, respectively.

At 126 Hazelton Avenue, both Zoning By-laws permit a number of residential uses, including apartment buildings. The maximum permitted density and height is 1.0 times the area of the lot and 12 metres, respectively.

Yorkville – Hazelton Heritage Conservation District

The subject site is partially located within the Yorkville-Hazelton Heritage Conservation District (HCD) designated under the *Ontario Heritage Act* per By-Law 622-2002. The property at 126 Hazelton Avenue is within the HCD and the property at 128 Hazelton Avenue is outside of but adjacent to the HCD.

The three-storey brick residential building at 126 Hazelton Avenue, built in 1991, is proposed to be demolished. It is a reproduction Queen Anne Revival dwelling. The first floor is dominated by a garage door with shed roof and a long stair accessing the main entrance on the second floor.

Council has 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.

A Heritage Preservation Services (HPS) staff report dated October 18, 2016 to the Toronto Preservation Board advises that HPS staff have reviewed the revised proposal for the subject site and recommend approval of the subject proposal to demolish the existing building at 126 Hazelton Avenue and construct the proposed 9-storey mixed-use building.

The HPS staff report will be considered by the Toronto Preservation Board on November 2, 2016 and is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PB18.2>

Bloor –Yorkville/North Midtown Urban Design Guidelines

The Bloor-Yorkville/North Midtown Urban Design Guidelines were approved by City 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 the 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.

TOcore

On December 9, 2015, City Council adopted a staff report entitled 'TOcore: Planning Toronto's Downtown – Phase 1 – Summary Report and Phase 2 Directions'. The report outlined the deliverables of TOcore which will be a renewed planning framework through a Downtown Secondary Plan and a series of infrastructure strategies. The work for TOcore began on May 13, 2014 when Toronto and East York Community Council adopted a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'.

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary physical and social infrastructure to remain a great place to live, work, learn, play and invest. TOcore is in its second phase, which involves drafting policies, plans and strategies. A report back to Toronto and East York Community Council is targeted for November 2016 on the results of the second phase and the next steps on implementation. The issues considered under TOcore will inform the review of this application. The TOcore website is www.toronto.ca/tocore.

Site Plan Control

The proposal is subject to Site Plan Control. The applicant has submitted a Site Plan Control Application (No. 15 257797 27 SA), which is currently under review.

Reasons for Application

The application proposes a 9-storey (33.6 metres, plus a 4.2 metre mechanical penthouse) mixed-use building with a density of 6.37 times the area of the subject site. The proposed density and height exceed the permissions in the Zoning By-laws. A Zoning By-law Amendment is therefore required.

A portion of the building is located within in the *Neighbourhoods* designation and is proposed to be taller than the 4-storey limit in the Official Plan. The height of the proposed development does not comply with the *Neighbourhoods* policies of the Official Plan, thus an Official Plan Amendment is required.

Community Consultation

City Planning staff, in consultation with the Ward Councillor hosted a community consultation meeting on January 28, 2016 at 4 Avenue Road (Park Hyatt Hotel) to discuss the proposed 9-storey building. City Planning staff presented the policy framework and an overview of the application. The applicant provided further details with respect to the proposal and its planning rationale.

Following the presentations, City staff facilitated break-out sessions where attendees shared comments and asked questions regarding: Built Form, Public Realm and Transportation.

During the break-out sessions, attendees raised concerns and made comments as follows:

Relating to Heritage:

- insufficient transition to HCD, overwhelms the street
- proposed built form should respect the HCD plan
- concerns regarding shadowing impacts on the street, houses and gardens
- concerns regarding whether this type of development could happen further south on Hazelton Avenue
- concerns regarding impact on sight lines and views, proposal would darken the area
- proposal will enhance the corner
- concerns regarding whether a more modern building could be proposed for this site
- proposed "European" built form is compatible with character of the community
- size and design of the proposed building area positive
- the area has been improved
- support the demolition of 126 Hazelton Avenue
- proposal is compatible with height and character of buildings on Davenport Road

Relating to Transportation:

- congestion at Bloor Street West and Avenue Road
- safety concerns with increased traffic flow in the area
- safety concerns regarding westbound left turns into site, potential for conflicts between vehicles and pedestrians

- concerns regarding a "back up" of traffic on Davenport Road due to cars queuing up for left turns into site
- provide more visitor parking
- concern with reliance on car elevators and what happens if one/both break down
- research appears to show there is adequate resident parking being provided
- safety concerns with introduction of new driveway
- loss of on-street parking on Davenport Rd and Hazelton Ave
- insufficient room for storing cars for valet

Relating to Built Form and Public Realm:

- reduce the floor-to-ceiling height to reduce the overall building height
- this proposal and the two other buildings east of this site will have significant impact on views from Pears Avenue
- increase setback along Davenport Road
- scale is appropriate for the site
- proposed built form does not compliment the area
- scale of the building isolates the neighbourhood to the north and Yorkville
- character of Yorkville Triangle's Area of Special Identity is 3-storey buildings
- proposed height does not fit with low-rise HCD
- although the site is smaller than 133 Hazelton Avenue, the proposed density is larger
- building at 133 Hazelton Avenue has wider sidewalk width than this proposal
- need wider sidewalks for pedestrians along Davenport Road and Hazelton Avenue
- need more "green" along Davenport Road, consider trees rather than planters
- snow accumulation in the winter creates problems for sidewalk widths in the area
- colonnade inefficient to provide wider sidewalk due to retail space blocking pedestrian flow
- covered walkway would be better
- the two existing buildings on the south side of Davenport Road, east of Hazelton Avenue are too high
- reduce or modify the columns along Davenport Road to emulate the "Dakota" building
- allowing planters in front of the site reduces sidewalk width, planters were not included in front of 133 Hazelton Avenue

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 and conditions of Draft Plan Approval.

COMMENTS

During the review of the application, the applicant revised its proposal in response to City staff and community concerns. From a built form perspective, the proposal was modified on all facades to better fit within its context. Additional information was provided to assist in the evaluation of any potential impacts resulting from the proposal. The current submission is acceptable to City staff and this report recommends approval of the proposal.

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. It provides additional density within a settlement area through intensification and redevelopment to accommodate an appropriate range and mix of land uses in a manner in keeping with the Official Plan (Policy 1.1.2). The intensification will meet appropriate development standards (Policy 1.1.3.4) discussed further in this report.

Policy 2.6.1 states that significant built heritage resources shall be conserved. Policy 2.6.3 states that Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

This proposal conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It represents new growth in a built-up area that will ensure and maximize the viability of existing and planned infrastructure (Policy 2.2.2).

Land Use

The proposed land use is appropriate 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 proposed development is residential. Although the mixed-use development is proposed to extend into the *Neighbourhoods* area, that portion of the development would be primarily residential uses.

Planning staff find that the proposed lot depth, which includes one lot at the northern edge of *Neighbourhoods* designation in the *Downtown* is contextually appropriate. The proposed lot configuration is in keeping with the lot depths of mixed use buildings along the south side of Davenport Road, and in particular the 133 Hazelton Avenue property directly across Hazelton Avenue, which has a similar but greater lot depth.

The underlying zoning of the existing residential property at 126 Hazelton Avenue permits an apartment building use and its lot configuration is not in keeping with the prevailing lot pattern in the Yorkville Triangle Neighbourhood.

Density, Height, Massing

The application proposes to replace the 3-storey detached dwelling at 126 Hazelton Avenue and the 3-storey commercial building at 128 Hazelton Avenue. The proposed 9-storey mixed-use building would have a 5-storey streetwall with setbacks from Davenport Road and Hazelton Avenue at the 6th and 9th floors. The building steps down to a 2-3 storey townhouse form at the southern portion of the site as a transition to the adjacent residential property at 124 Hazelton Avenue and the HCD.

This 9-storey mixed use proposal attempts to mirror the height, built form, and design attributes of the recently built 9-storey mixed use building at 133 Hazelton Avenue, across the street on Hazelton Avenue. Like the building at 133 Hazelton Avenue, this proposal includes one property in the Yorkville Hazelton HCD at its northern edge.

The subject site is also the divide between the Davenport Bay Precinct to the north, and the Yorkville Triangle Precinct to the south, as illustrated in the Bloor Yorkville/North Midtown Urban Design Guidelines.

The Davenport Bay Precinct directs 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.

Planning staff find the proposed height acceptable. The proposal is contextually responsive to the existing and planned context for the area. The proposed building is 37.8 metres in height including the mechanical penthouse and a number of stepbacks along all façades. This is in line with the building at 133 Hazelton Avenue, though the height of that building is 36.0 metres. The proposed mid-rise building is taller than the 27 metre right-of-way but does step back from the streetwall and relates harmoniously to the building at 133 Hazelton Avenue.

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

The application proposes to include windows along the west façade of the building, above the adjacent "Dakota" building at 211-225 Davenport Road. The applicant has advised that it intends to meet all Ontario Building Code requirements relating to windows in close proximity to the property line.

Overall, staff find the height and massing of the proposed 9-storey building within the *Mixed Use Areas*, and the proposed setbacks, stepping and transitioning within the *Neighbourhoods* designation, to be acceptable. The proposed transition is also discussed in the Heritage section below.

Heritage

The subject site is partially located in the Yorkville-Hazelton HCD. 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 (YHACHD) Plan. The demolition and erection of a new structure requires the approval of City Council under Section 42 of the *Ontario Heritage Act*.

The HCD Plan includes the following guidelines for demolition within the District. Demolition is discouraged but to be considered for demolition a building in the district may be considered if it meets all of the following criteria;

1. Poor condition, and
2. Minimal heritage value, and
3. Not essential to the heritage character of the area, and
4. The replacement building complies with the Guidelines and Zoning By-law.

The HCD Plan also provides guidelines for replacement buildings in Section 2.4, including guidelines relating to location, design, form and massing, entrances, foundations, windows, exterior walls, roofs and parking. New buildings within the District must be compatible with District character, form, massing and location, and should be distinguishable yet in harmony with their neighbours.

The Heritage Impact Assessment (HIA) submitted with this application addresses the four criteria within the YHACHD Plan for demolition. Heritage consultant Goldsmith Borgal & Company Ltd. Architects (GBCA) reviewed the characteristics of the property and concluded that, "due to its recent date of construction (1989), modern building materials, intrusive masonry detailing and its street-facing double-car garage it does not possess any features that would reflect the heritage character of the HCD and is not a supportive infill building." HPS staff agree with the findings of the HIA.

The proposal's design is in keeping with the HCD guidelines. The proposed two-storey elevation fronting onto Hazelton Avenue will be primarily brick-clad with a stone foundation and stone trim. The proposed limestone porch will address the street and clearly define the entrance for this elevation. The proposed window openings on this elevation are in keeping with the existing window proportions and verticality of the adjacent heritage properties within the HCD.

The transition to the HCD is also addressed with the setback of the third storey above the two-storey streetwall. The flat roofline of this two-storey elevation will be compatible with the style and form of the adjacent property at 124 Hazelton Avenue.

The Toronto Preservation Board will consider the HPS staff report regarding 126 Hazelton Avenue at its meeting on November 2, 2016. The report recommends approval of the replacement structure for the heritage property.

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 state 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.

The applicant submitted a series of shadow studies, by AUDAX, illustrating the incremental shadows resulting from the proposal. In response to inquiries from the local community, the applicant has also provided in its resubmission a shadow study illustrating the shadow impact in a 3-Dimensional drawing which further illustrates the topography and rear yards and walls of the housing along Pears Avenue, east of Avenue Road.

Planning staff are satisfied that the proposed building would adequately limit the shadow on the north side of Davenport Road and on surrounding properties designated *Neighbourhoods*. With respect to the neighbourhood to the south, comprised of the Yorkville Hazelton HCD, 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 Avenue, east of Avenue Road.

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.

A Pedestrian Level Wind Assessment was prepared by RWDI, dated August 2, 2016. The Assessment's summary states that the proposed development consists of positive design features to mitigate wind impacts, including a stepped façade and recessed entrances. Suitable wind conditions are expected at all entrances and sidewalks, though higher-than-desired winds speeds are expected at the northeast corner of the building and the large terraces at the upper levels. Staff will evaluate the wind impacts further through the Site Plan Control process and require wind mitigation measures be provided as recommended by the consulting engineers.

Traffic Impact, Roadways, Access, Parking

The subject site abuts Davenport Road, which presently has a right-of-way width of 24.38 metres. To satisfy the Official Plan Requirement of a 27 metre wide right-of-way, the owner is required to convey a 1.31 metre strip of land to the City. The lands to be conveyed must be free and clear of all physical and title encumbrances.

City staff have reviewed the location of the proposed vehicular access via Davenport Road rather than Hazelton Avenue and find it acceptable. Hazelton Avenue is a one-way northbound local street. The proposed vehicular access to the site from Davenport Road limits the potential traffic impact on Hazelton Avenue and, like the building at 133 Hazelton Avenue, enables the proposal to be designed to fit within the Heritage Conservation District and residential neighbourhood.

The applicant's transportation consultant BA Group provided an Urban Transportation Considerations report (October 28, 2015 and updated on August 2, 2016) stating that the project will make use of two parking elevators in order to transport residential vehicles from the ground level to the three below-grade parking levels. One elevator is for inbound vehicles and the other is for outbound vehicles. A full time valet service will be present on-site to park or collect vehicles. The site has been designed to ensure all vehicles will enter and exit the elevators in a forward motion. Only right-in and right-out movements are proposed for vehicles entering and leaving the site.

The BA Group report reviews the elevator operations in both morning and afternoon peak periods to ensure any delays experienced by the residents will be reasonable and inbound vehicular queues in the afternoon peak period will not adversely impact traffic on Davenport Road.

The applicant is proposing a total of 39 vehicular (valet) parking spaces, consisting of 35 resident, 2 visitor and 2 office spaces on 3 levels of underground parking accessible from Davenport Road via 2 car elevators. An additional 8 tandem parking spaces are proposed. The proposed overall parking supply exceeds the minimum requirements of the zoning by-laws. 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.

Servicing

No loading space is proposed or required for the 21 residential unit, mixed-use 9-storey building. The proposal provides for private garbage pick-up for both the residential and commercial uses to be loaded internally within the underground parking levels. In the event that City garbage pick-up is required for the residential component, it will take place curbside on Hazelton Avenue. Staff find this arrangement to be acceptable.

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 subject lands are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people, the second highest quintile of current provision of parkland. The site is in a parkland acquisition priority area, per Chapter 415, Article III of the Toronto Municipal Code.

The application is to permit a 9-storey mixed use building with 21 residential units and 360 square metres of non-residential gross floor area, which includes office use at grade level.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 280 square metres or 35.28 percent of the site area. However, for sites that are less than 1 hectare in size, a cap of 10 percent of the development site is applied to the residential use while the non-residential use is subject to a 2 percent parkland dedication. In total, the parkland dedication requirement is 80.5 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The site is located approximately 300 metres away from Ramsden Park, a 55,522 square metre park fronting on Yonge Street and Avenue Road. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Streetscape

The Davenport Road streetscape will see significant improvements with the expanded public realm given the 1.3 metre conveyance to the City. The existing 2.8 metre wide sidewalk along Davenport Road will be widened to 4.1 metres. This will provide sufficient space for street trees and a pedestrian clearway.

A new access point (curb cut) will be constructed at the northwest corner of the site along Davenport Road. The existing access point (curb cut) at 126 Hazelton Avenue will be removed and the curbs will be restored. The proposal calls for an expanded sidewalk at the corner of

Hazelton Avenue and Davenport Road, and a landscaped edge to the south. Staff are satisfied that the residential lobby setback and landscaped elements along Hazelton Avenue provide good transition to the residential character of the HCD to the south.

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*. Section 37 may be used for development, excepting non-profit developments, with more than 10,000 square metres of gross floor area where the zoning by-law amendment increases the permitted density by at least 1,500 square metres and/or significantly increases the permitted height. While this proposal falls below the density threshold, the owner has elected to provide a Section 37 contribution.

The community benefits to be secured in the Section 37 agreement are as set out in recommendation 5 of this report.

CONTACT

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

SIGNATURE

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

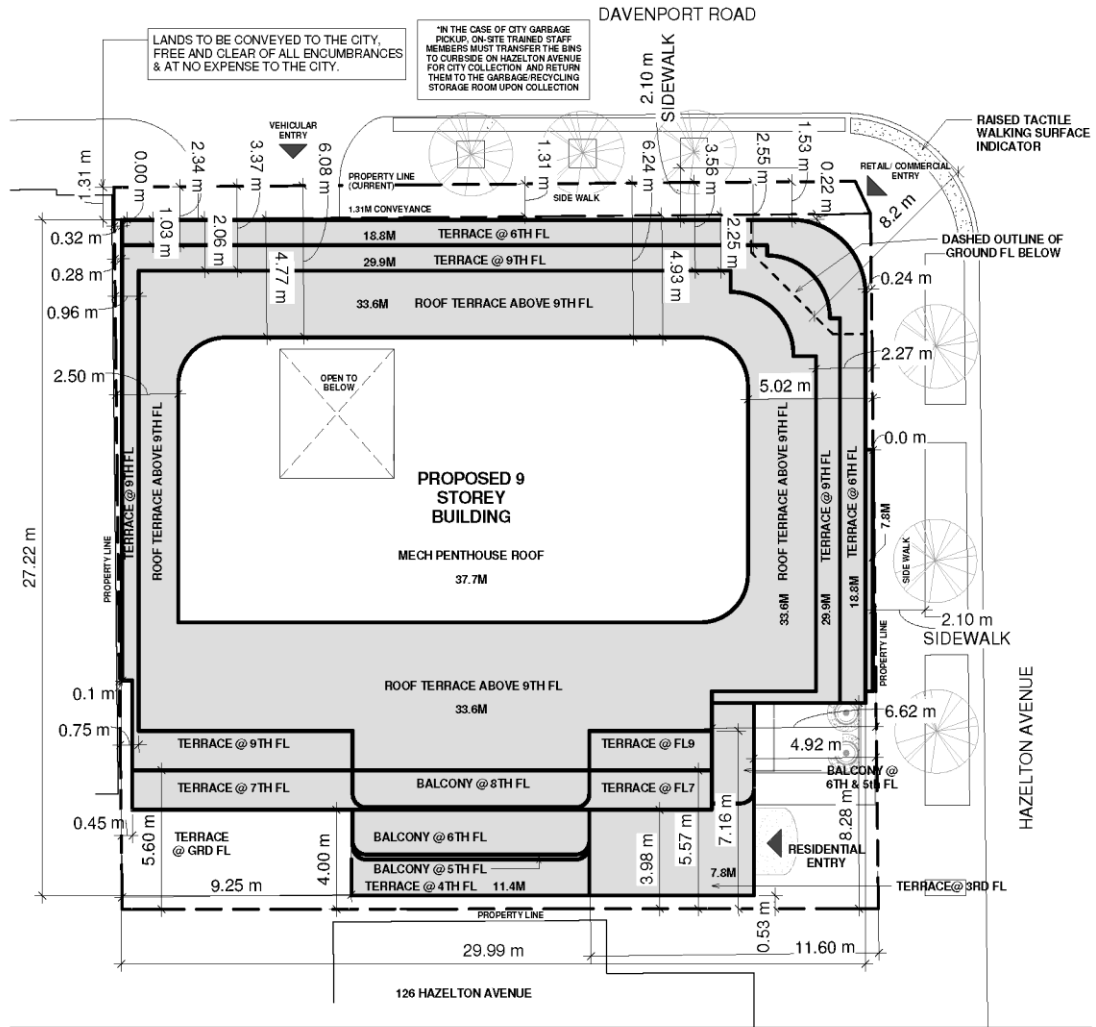
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ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: North Elevation
- Attachment 3: East Elevation
- Attachment 4: West Elevation
- Attachment 5: South Elevation
- Attachment 6: North East Axonometric
- Attachment 7: North West Axonometric
- Attachment 8: South East Axonometric
- Attachment 9: South West Axonometric
- Attachment 10: Street Frontage – Davenport Road
- Attachment 11: Street Frontage – Hazelton Avenue
- Attachment 12: Official Plan Map

- Attachment 13: Zoning Map
- Attachment 14: Application Data Sheet
- Attachment 15: Draft Official Plan Amendment
- Attachment 16: Draft Zoning By-law Amendment (569-2013)
- Attachment 17: Draft Zoning By-law Amendment (438-86)

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale 
10/12/2016

126-128 Hazelton Avenue

File # 15 257792 STE 27 OZ

Attachment 2: North Elevation



North Elevation

126-128 Hazelton Avenue

Applicant's Submitted Drawing

Not to Scale
10/12/2016

File # 15 257792 STE 27 0Z

Attachment 3: East Elevation



East Elevation

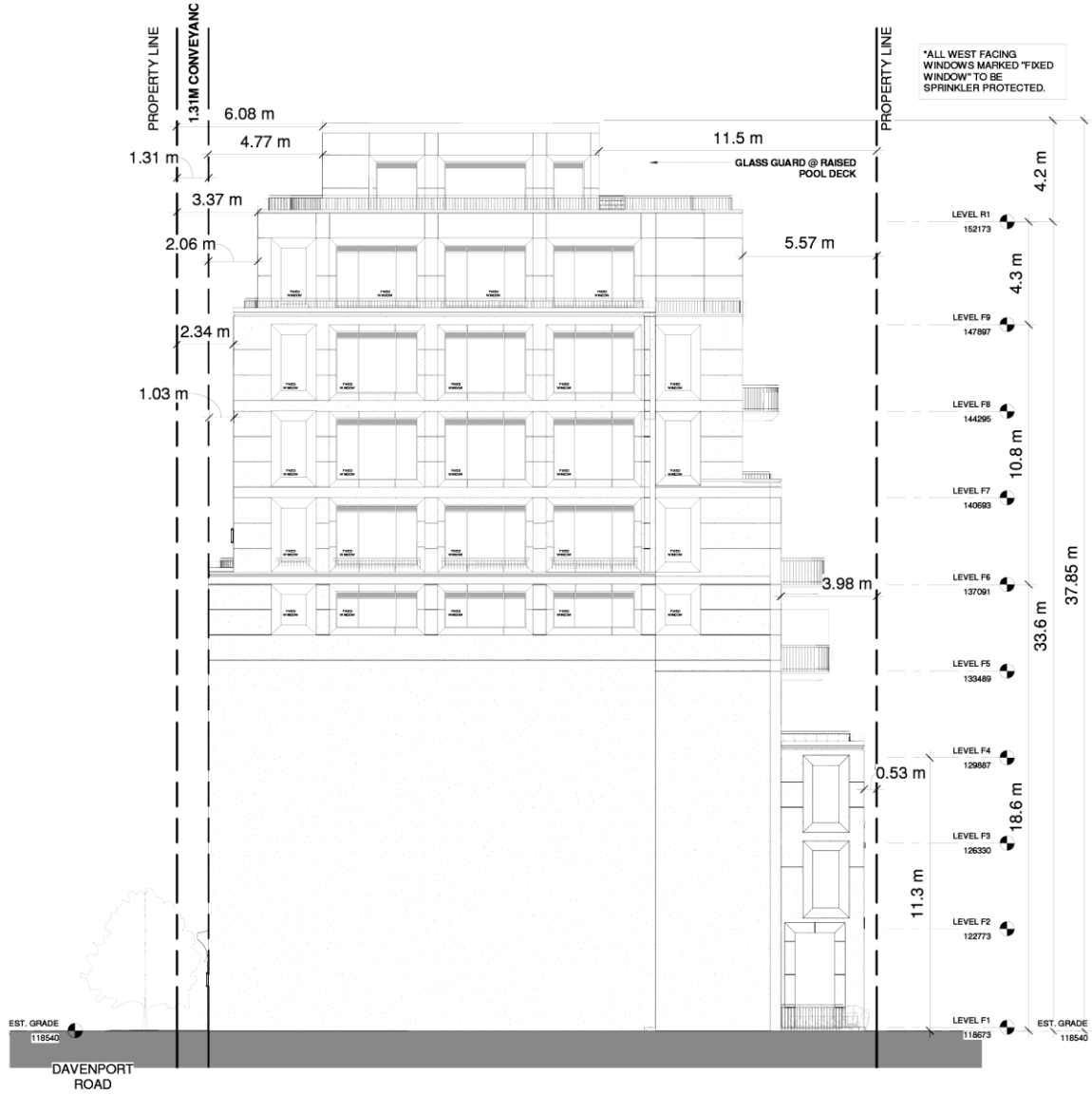
Applicant's Submitted Drawing

Not to Scale
10/12/2016

126-128 Hazelton Avenue

File # 15 257792 STE 27 OZ

Attachment 4: West Elevation



West Elevation

Applicant's Submitted Drawing

Not to Scale
10/12/2016

126-128 Hazelton Avenue

File # 15 257792 STE 27 0Z

Attachment 5: South Elevation



South Elevation

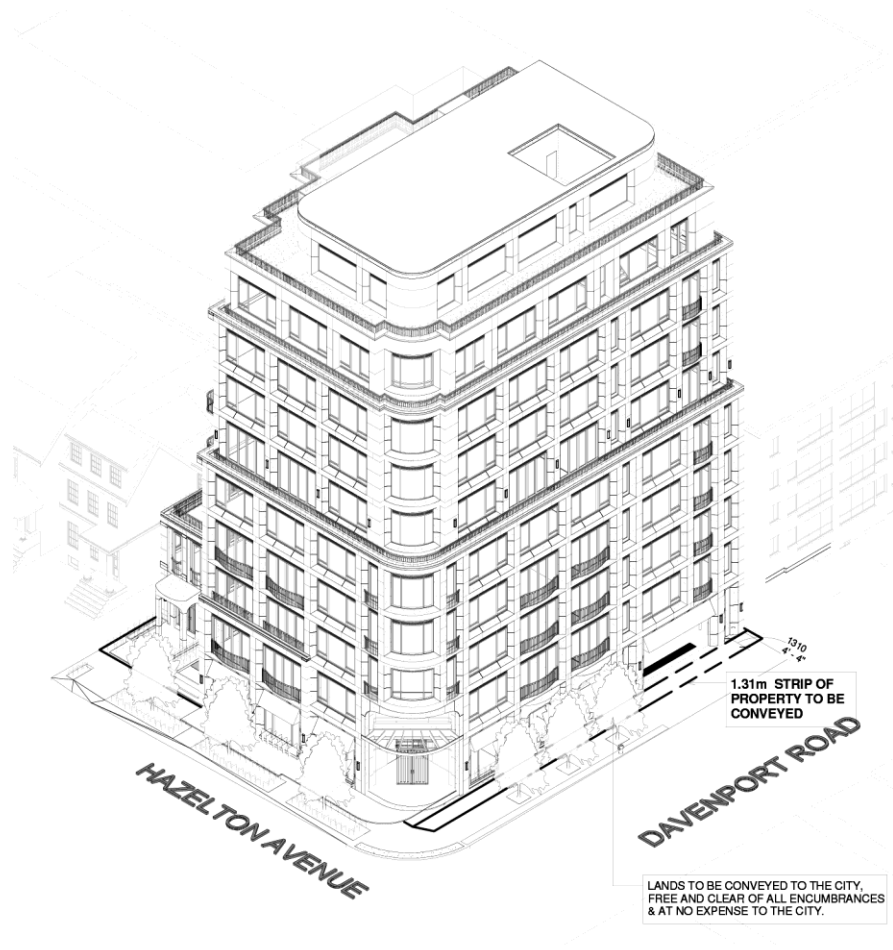
Applicant's Submitted Drawing

Not to Scale
10/12/2016

126-128 Hazelton Avenue

File # 15 257792 STE 27 OZ

Attachment 6: North East Axonometric



North East Axonometric View

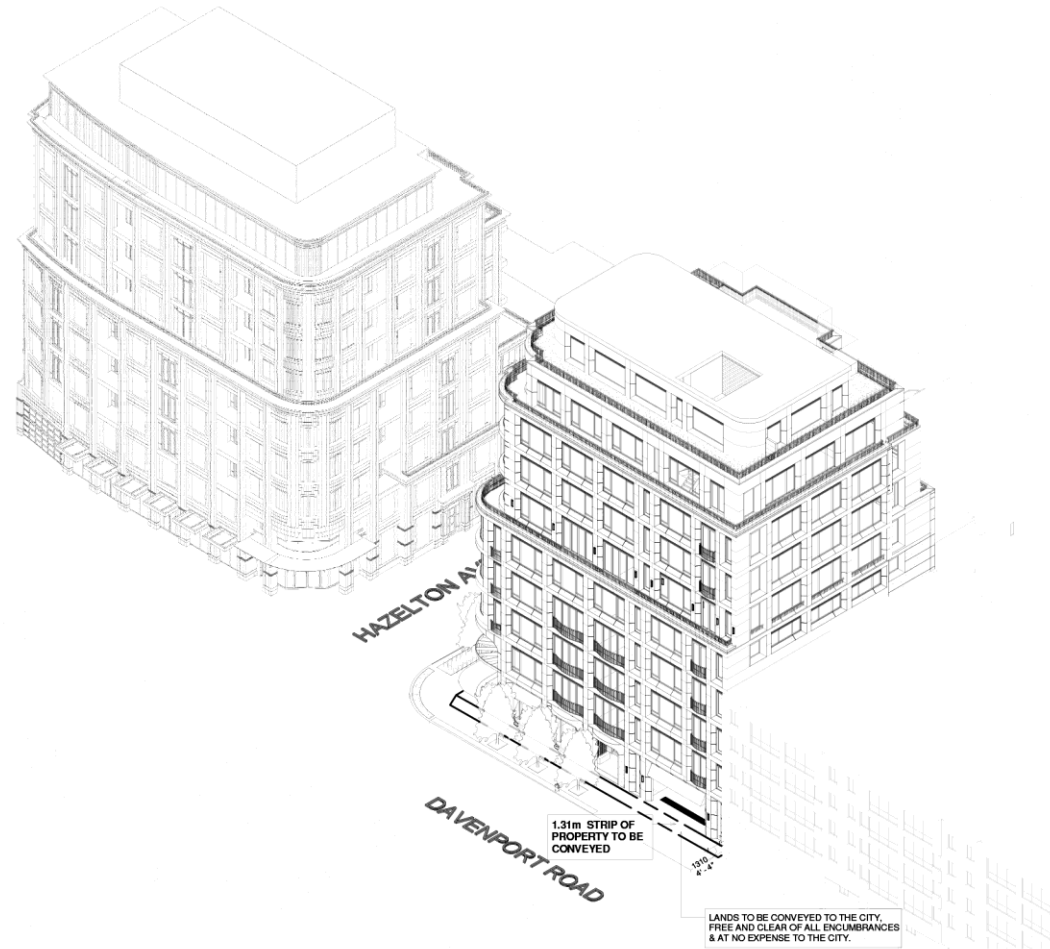
126-128 Hazelton Avenue

Applicant's Submitted Drawing

Not to Scale
10/12/2016

File # 15 257792 STE 27 0Z

Attachment 7: North West Axonometric



North West Axonometric View

Applicant's Submitted Drawing

Not to Scale
10/12/2016

126-128 Hazelton Avenue

File # 15 257792 STE 27 OZ

Attachment 8: South East Axonometric



South East Axonometric View

126-128 Hazelton Avenue

Applicant's Submitted Drawing

Not to Scale
10/12/2016

File # 15 257792 STE 27 0Z

Attachment 9: South West Axonometric



South West Axonometric View

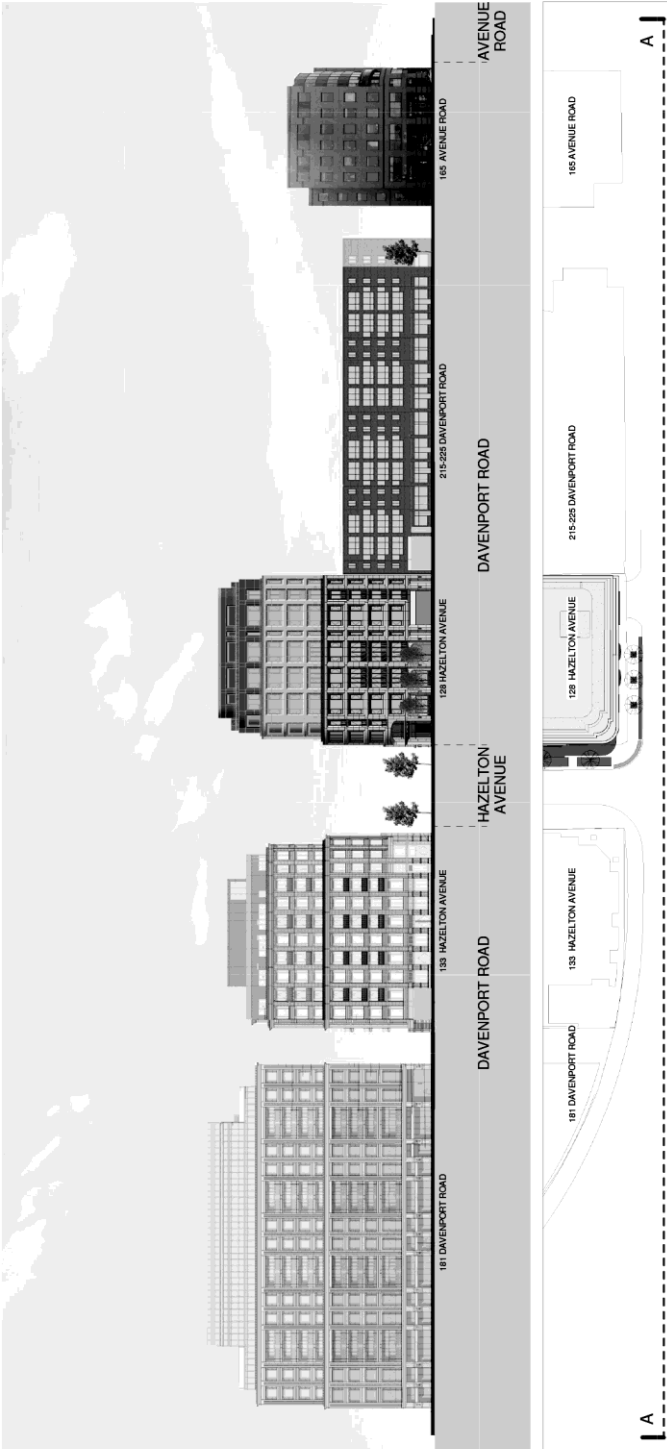
126-128 Hazelton Avenue

Applicant's Submitted Drawing

Not to Scale
10/12/2016

File # 15 257792 STE 27 0Z

Attachment 10: Street Frontage – Davenport Road



Street Frontage - Davenport Road

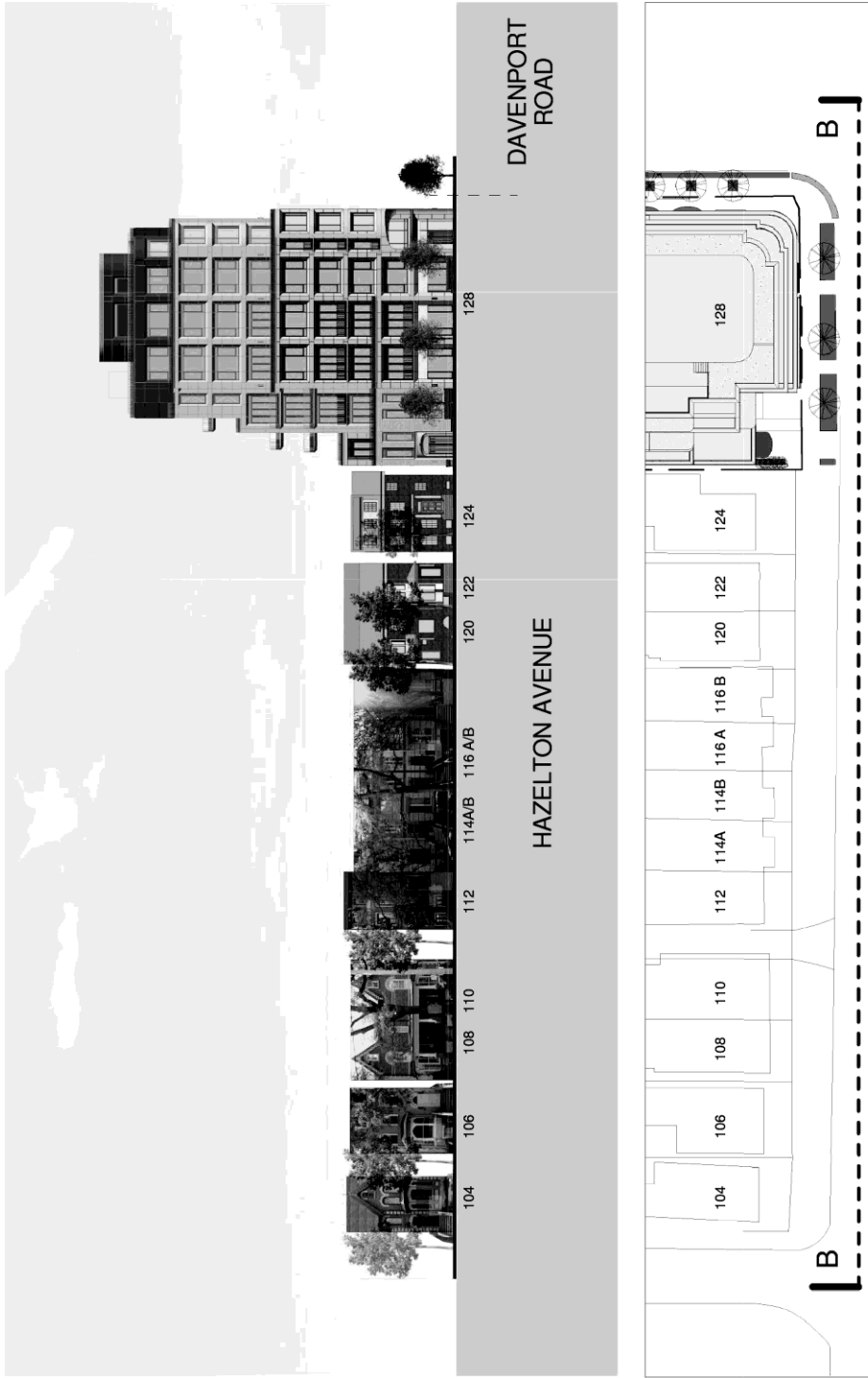
126-128 Hazelton Avenue

Applicant's Submitted Drawing

Not to Scale
10/12/2016

File # 15 257792 STE 27 0Z

Attachment 11: Street Frontage – Hazelton Avenue



126-128 Hazelton Avenue

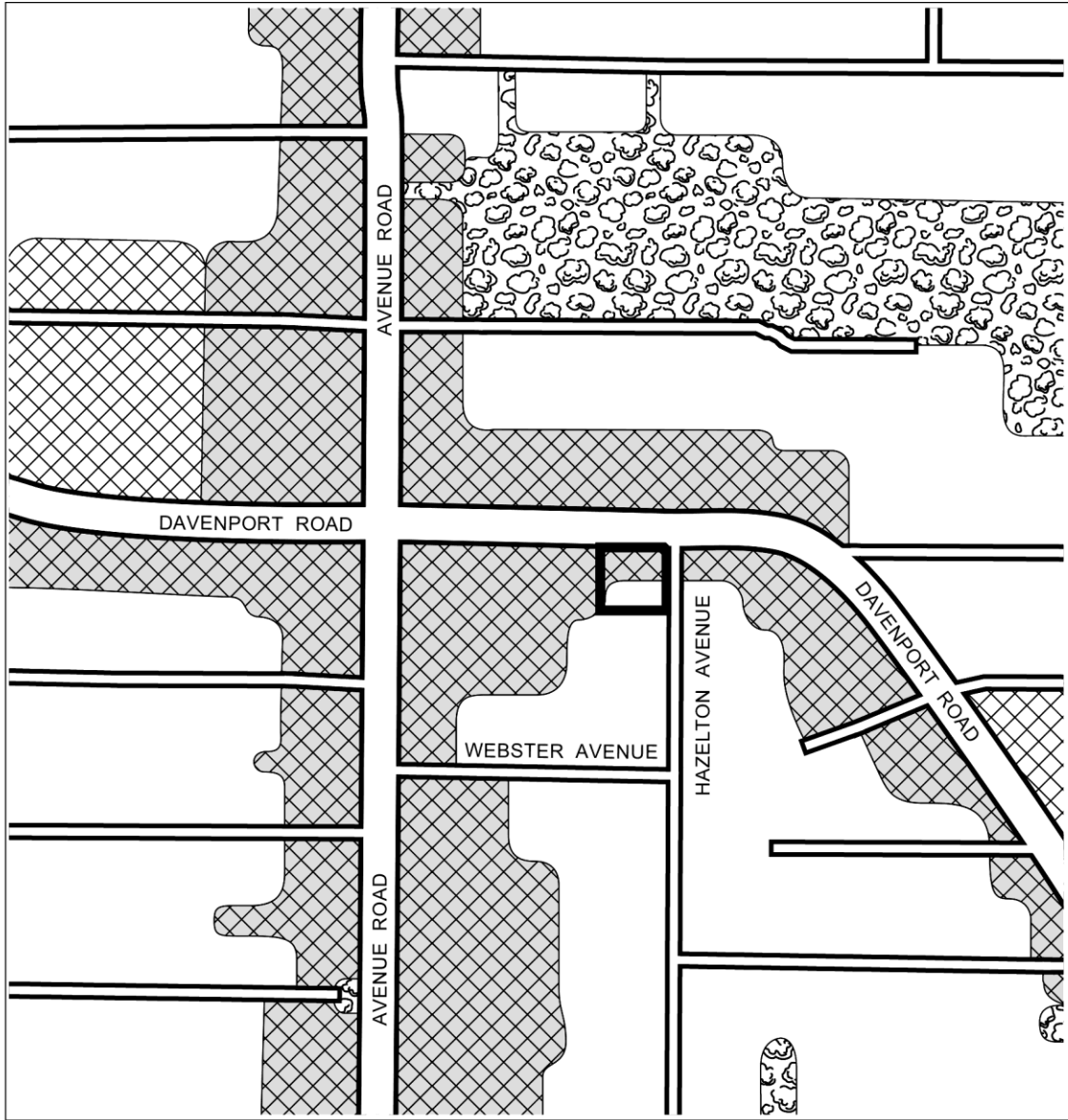
Street Frontage - Hazelton Avenue

Applicant's Submitted Drawing

Not to Scale
10/25/2016

File # 15 257792 STE 27 0Z



Attachment 12: Official Plan Map



126-128 Hazelton Avenue

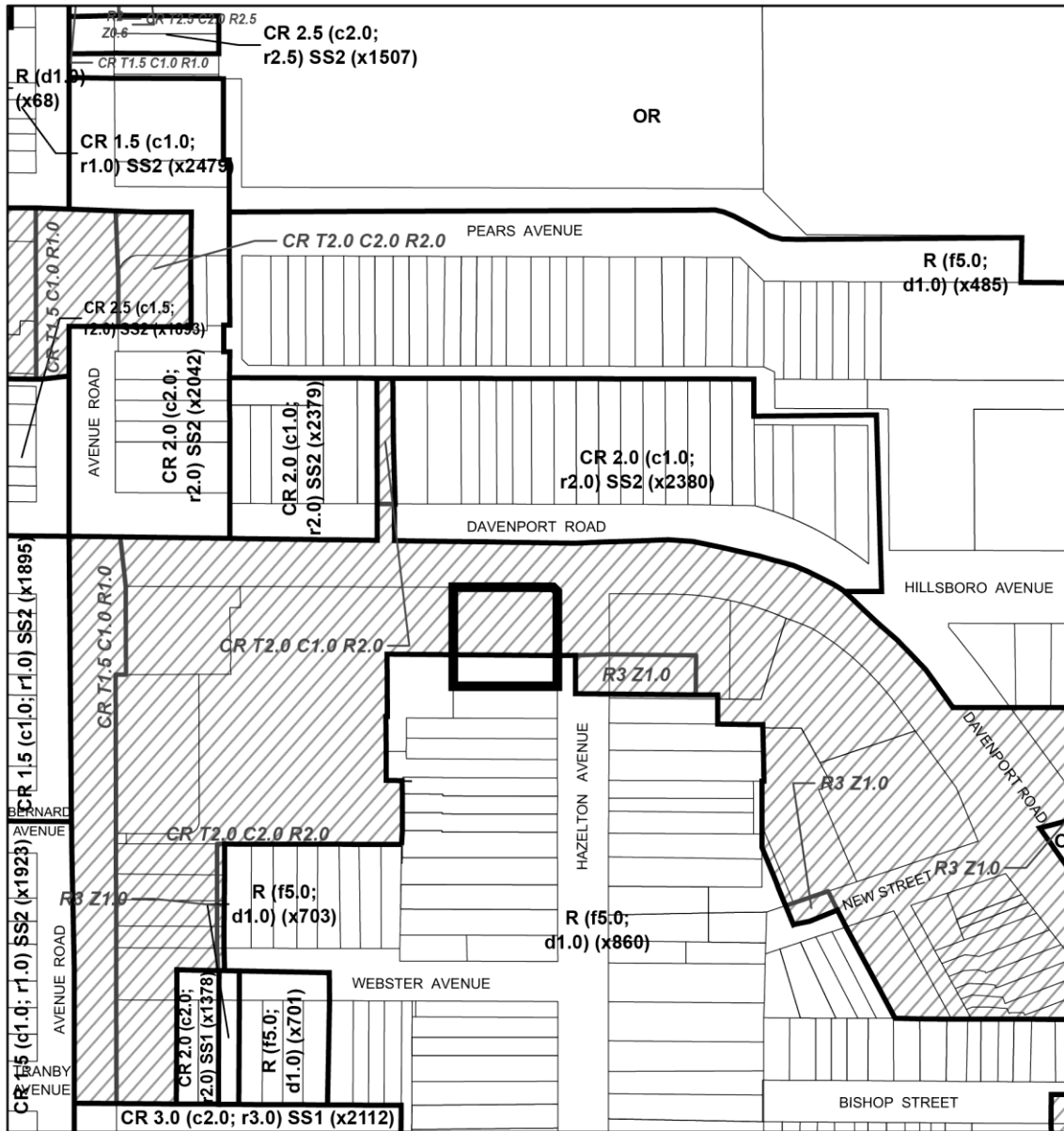
Official Plan

File # 15_257792 STE 27 0Z

 Site Location	 Parks & Open Space Areas	 Institutional Areas	 Utility Corridors
 Neighbourhoods	 Parks	 Regeneration Areas	
 Apartment Neighbourhoods	 Other Open Space Areas	 Employment Areas	
 Mixed Use Areas			


 Not to Scale
 12/01/2015

Attachment 13: Zoning Map




Zoning By-Law No. 569-2013

126-128 Hazelton Avenue
File # 15_257792 STE 27 0Z

-  Location of Application
-  See Former City of Toronto By-Law No. 438-86
- R** Residential
- CR** Commercial Residential
- O** Open Space
- OR** Open Space Recreation

-  See Former City of Toronto By-Law No. 438-86
- R3** Residential District
- CR** Mixed-Use District


 Not to Scale
 Extracted: 12/01/2015

Attachment 14: Application Data Sheet

Application Type Official Plan & Zoning Amendments Application Number: 15 257792 STE 27 OZ

Application Date: November 27, 2015

Municipal Address: 126-128 Hazelton Avenue

Location Description: PLAN 411 PT BLK A **GRID S2703

Project Description: A 9-storey mixed-use building with 360 m2 of non-residential floor area on the first and second floors. The development proposes a total of 21 residential units, 39 vehicular parking spaces and 22 bicycle parking spaces.

Applicant:	Architect:	Owner:
Adam Brown	Audax architecture + design	Mizrahi (128 Hazelton) Inc.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas / Neighbourhoods	Site Specific Provision: SASP 211
Zoning:	CR T2.0 C2.0 R2.0 / R3 Z1.0	Historical Status: Yorkville-Hazelton HCD
Height Limit (m):	14 / 12	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	849.4	Height: Storeys: 9
Frontage (m):	27.9	Metres: 37.85 (incl. mech.)
Depth (m):	30.4	
Total Ground Floor Area (sq. m):	745.6	Total
Total Residential GFA (sq. m):	5,472.8	Parking Spaces: 39 (and 8 tandem)
Total Non-Residential GFA (sq. m):	189-360	Loading Docks: 0
Total GFA (sq. m):	5,661.7	Bicycle Spaces 22
Lot Coverage Ratio (%):	88	
Floor Space Index:	6.37	

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	3
2 Bedroom:	12
3 + Bedroom:	6
Total Units:	21

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	5,472.8	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	189 - 360	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER:	Oren Tamir, Senior Planner
	TELEPHONE:	(416) 392-7349
	EMAIL:	otamir@toronto.ca

Attachment 15: Draft Official Plan Amendment

City of Toronto By-law No. ~~-20~

AMENDMENT NO. 354 ~ TO THE OFFICIAL PLAN

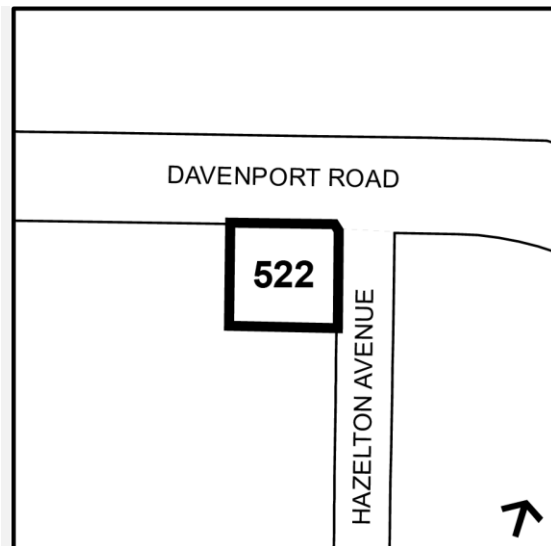
**LANDS MUNICIPALLY KNOWN IN THE YEAR 2015 AS
126 – 128 HAZELTON AVENUE**

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. 522 for lands known municipally in 2015 as 126 – 128 Hazelton Avenue, as follows:

522. 126 – 128 Hazelton Avenue

A 9-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 2015 as 126 – 128 Hazelton Avenue shown on the map above as Site and Area Specific Policy No. 522.

Attachment 16: Draft Zoning By-law Amendment (569-2013)

CITY OF TORONTO

BY-LAW No. XXX-2016

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

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

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

Whereas Council of the City of Toronto, at its meeting on _____, 2016, determined to amend the Zoning By-law No. 569-2013 for the City of Toronto with respect to lands known municipally in the year 2016 as 126 and 128 Hazelton Avenue;

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

2. Unless otherwise noted within this By-law, the words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 2.0 (c1.0; r2.0) SS2 (x89), as shown on Diagram 2 attached to this By-law;
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number CR(89) so that it reads:

Exception CR(89)

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

Site Specific Provisions:

- (A) On 126 and 128 Hazelton Avenue, regulations 5.10.40.70, 40.5.40.60(1), 40.10.40.1(1), 40.10.40.10(5), 40.10.40.10(1), 40.10.40.50(1), 40.10.40.60(1) and (2), 40.10.40.70(2), 40.10.50.10(2) and (3), 40.10.100.10(1)(B), 200.5.1.10(5), 200.5.1.10(12)(C), 200.5.1.10(13), 200.5.10.1., 200.15.1(1), 200.15.1.5(1), 200.15.10(1) and 230.5.1.10(9) do not apply to prevent the erection or use of a **building, structure**, addition or enlargement if it complies with regulations (B) to (L) below.
- (B) Despite 40.10.40.10(2), any **building** or **structure** erected on the lands must not exceed the height in metres specified by the numbers following the symbol “H” on Diagram 3 of By-law XXX-2016, with the exception of the follow:
 - i. canopies, awnings, safety railings, architectural features, parapets, trellises, balustrades, swimming pools and associated structures, window sills, window washing equipment, privacy screens and fences, wheelchair ramps, architectural screens, guardrails, chimneys, vents, stacks, terraces, architectural elements, green roof elements, roof access hatches, planters, elevator overruns and elements or structures on the roof of the building used for outside or open air recreation, safety or wind protection purposes; and
 - ii. swimming pools and associated structures may project a maximum of 3.0 metres beyond the heavy lines shown on Diagram 3 of By-law XXX-2016;
- (C) No portion of any building or structure above grade may be located otherwise than wholly within the areas delineated by the heavy lines on Diagram 3 of By-law XXX-2016. In addition to encroachments permitted in Section 40.10.40.60, the following encroachments are permitted to extend a maximum of 2.0 metres beyond the areas delineated by heavy lines on Diagram 3 of By-law XXX-2016:

- i. cornices, light fixtures, ornamental elements, portico entrances, patios, decks, pillars, balconies, terraces, eaves, window sills, ventilation shafts, guardrails, balustrades, and awnings and canopies;
- (D) Despite 40.10.40.40(1), the total **gross floor area** of all **buildings** and **structures** on the lands as shown on Diagram 3 of By-law XXX-2016, must not exceed 5,760 square metres, of which:
- i. residential uses must not exceed 5,560 square metres; and
 - ii. non-residential uses must not exceed 370 square metres;
- (E) **Amenity space** must be provided at a minimum rate of 3.4 square metres for each **dwelling unit**, of which:
- i. at least 2.0 square metres for each **dwelling unit** is indoor **amenity space**;
 - ii. at least 30.0 square metres of outdoor **amenity space** is in a location adjoining or directly accessible to the indoor **amenity space**; and
 - iii. no more than 25% of the outdoor **amenity space** may be a **green roof**;
- (F) A minimum of 47 **parking spaces** must be provided and maintained as follows:
- i. A minimum of 40 **parking spaces** must be for the occupants of the building;
 - ii. A minimum of 3 **parking spaces** must be for the use of residential visitors; and
 - iii. A minimum of 4 **parking spaces** must be for non-residential uses;
- (G) Despite Section 200.5.1.10(5), a maximum of 8 required **parking spaces** may be a **tandem parking space**;
- (H) A maximum of 1 **parking space** that is obstructed is not required to comply with regulation 200.5.1.10(2)(A)(iv);
- (I) Despite Section 200.5.1(3), a portion of the drive aisle will be made up of a car elevator which does not comply with the minimum drive aisle width;
- (J) Despite Section 230.5.10.1(1), (2) and (5), a minimum of 22 **bicycle parking spaces** must be provided and maintained as follows:
- i. A minimum of 19 long-term **bicycle parking spaces** must be provided; and
 - ii. A minimum of 3 short-term **bicycle parking spaces** must be provided;
- (K) Despite Section 230.5.1.10(9), long-term **bicycle parking spaces** and short-term **bicycle**

parking spaces can be located below grade and stored in an area with a

- (L) For the purpose of regulation 40.5.40.10(1) and (2), height is measured from the Canadian Geodetic Datum elevation of 118.54 metres (CGVD28-Pre-1978 Adjustment);

5. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 2 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on _____, 2016

JOHN TORY,
Mayor

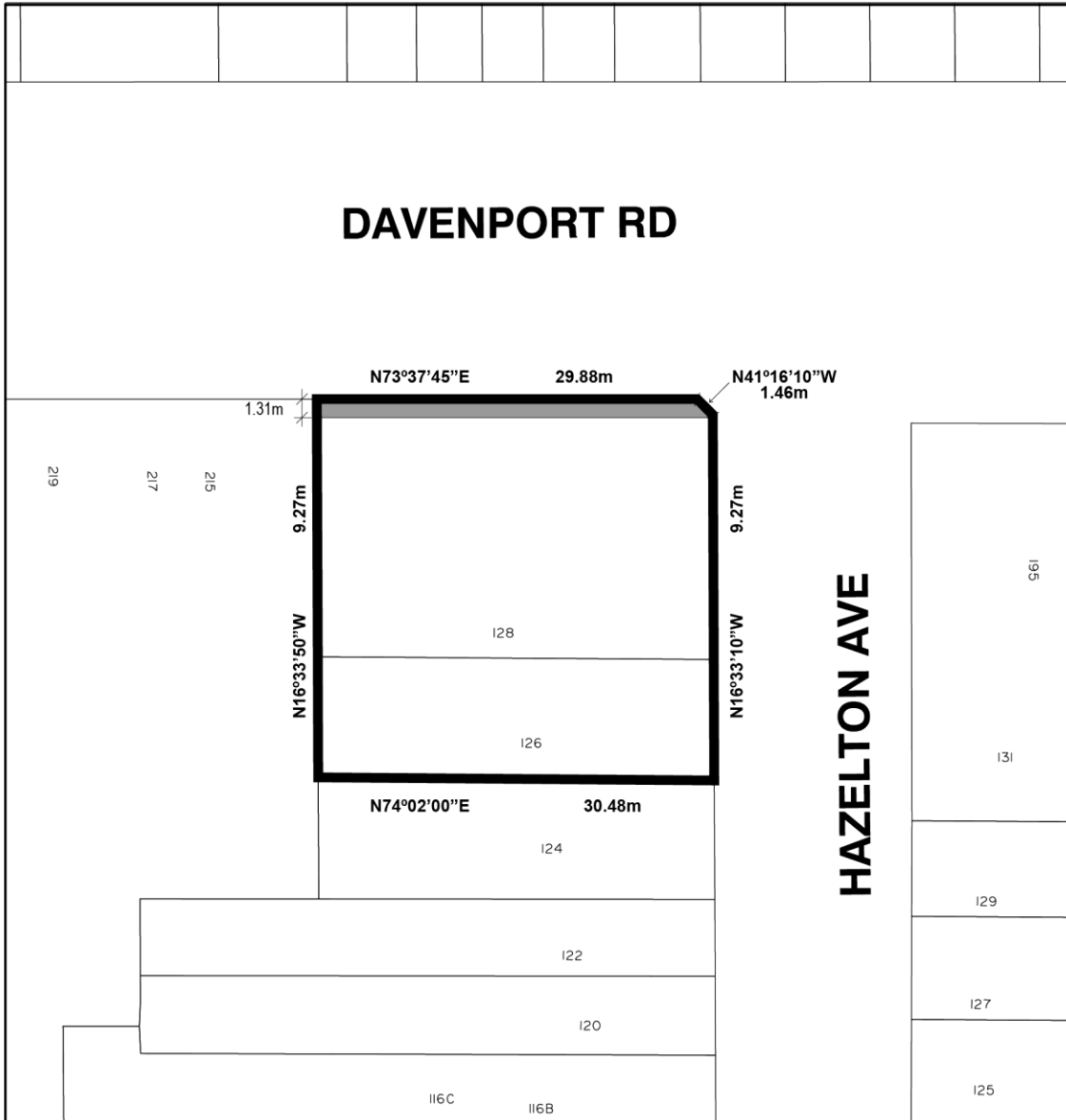
Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 2 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

Community benefits and matters of legal convenience will be inserted.




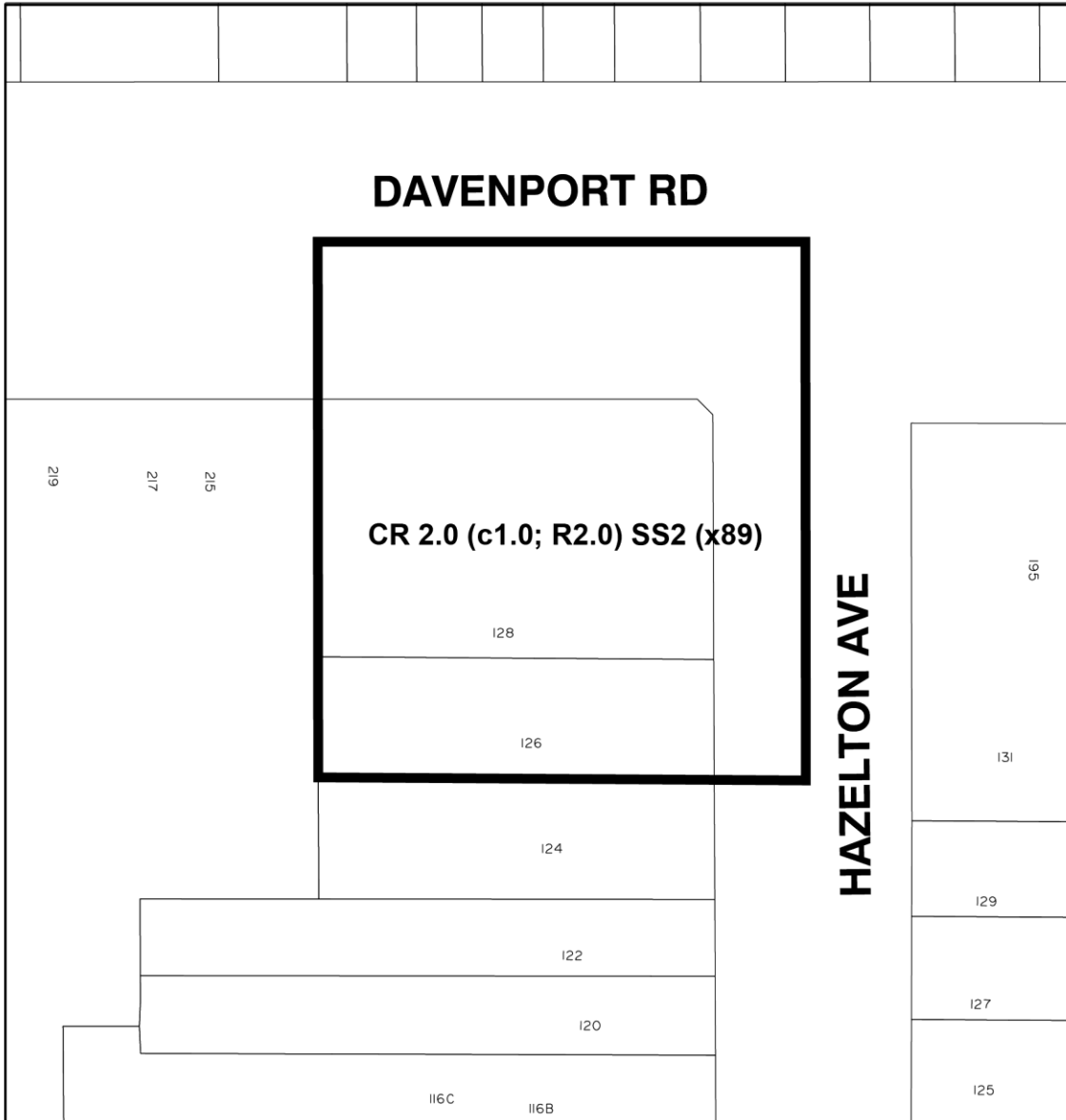
TORONTO
Diagram 1

126-128 Hazelton Avenue

File # 15 257792 STE 27 0Z

 Lands to be conveyed to the City of Toronto


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



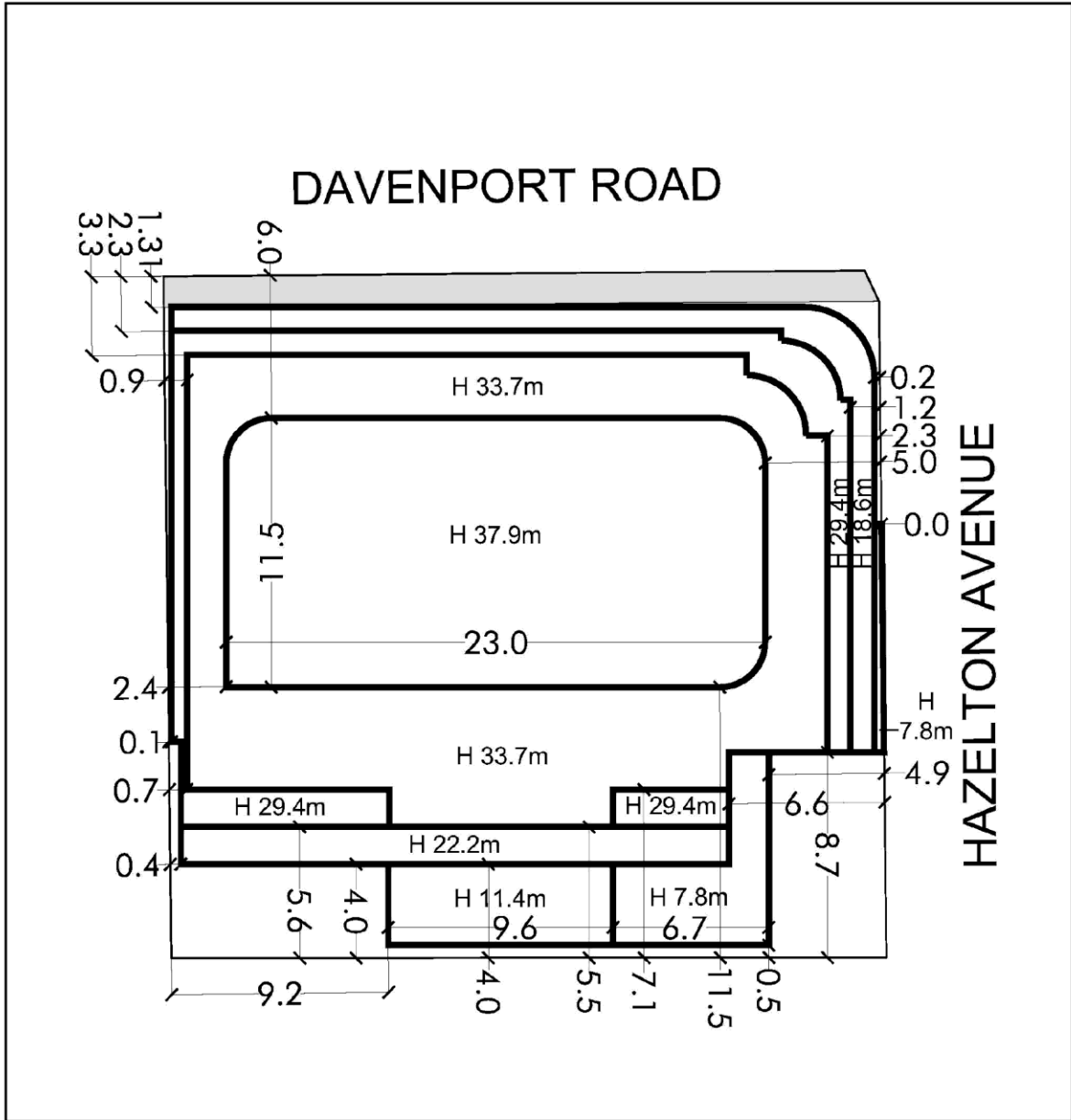
TORONTO
Diagram 2

126-128 Hazelton Avenue

File # 15 257792 STE 27 0Z




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



TORONTO
Diagram 3

126-128 Hazelton Avenue

File # 15 257792 STE 27 OZ

 Lands to be conveyed to the City of Toronto



City of Toronto By-Law 569-2013
 Not to Scale
 10/24/2016

Attachment 17: Draft Zoning By-law Amendment (438-86)

CITY OF TORONTO

BY-LAW No.XXX-2016

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 in year 2016, as 126 and 128 Hazelton Avenue and 201, 203 and 205 Davenport Road

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*; and

WHEREAS pursuant to Subsection 37(3) of the *Planning Act*, the Council of a municipality may, in a bylaw passed under Section 34 of the *Planning Act*, authorize increases in the height and/or density of development beyond that otherwise permitted by the zoning by-law, in return for the provision of such facilities, services and matters as are set out in the by-law; and

WHEREAS the increases in the density and heights permitted hereunder, beyond that otherwise permitted on the land by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of such land and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS the Official Plan of the former City of Toronto contains provisions relating to the authorization of the height and density of development; and

WHEREAS the *owner* of the land that is the subject of this By-law has elected to provide the facilities, services and matters as are hereinafter set forth; and

WHEREAS Council has required the *owner* of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid land as permitted in this By-law;

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

1. 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 referenced in Section 2 of this By law.

2. 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, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.

3. None of the provisions of Section 2(1) with respect to the definition of, *grade*, and *lot* and Sections 4(2)(a), 4(5)(b), 4(5)(i)(ii), 4(13)(c), 4(5)(l), 4(12), 4(13)(c), 4(16), 4(17)(a), 6(1), 6(3) Part I, 6(3) Part II 2, 6(3) Part II 3, 6(3) Part II 4, 6(3) Part II 5, 6(3) Part II 8, 6(3) Part III 1, 6(3) Part IV, 8(3) Part I 1, 2 and 3, 8(3) Part II 1(a), 8(3) Part II 2, 8(3) Part III 1(a), 8(3) Part XI 1, 12(1)232, 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 126 and 128 Hazelton Avenue and 201, 203 and 205 Davenport Road (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 *residential gross floor area* and *non-residential gross floor area* of buildings and structures on the *lot* shall not exceed 5,760 square metres, provided;
 - (i) the *residential gross floor area* does not exceed 5,560 square metres;
and
 - (ii) the *non-residential gross floor area* does not exceed 370 square metres;
 - (c) 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) a mechanical penthouse and screening having a maximum height of 5.0 metres shall be permitted within any area demarcated on Map 2;
 - (ii) eaves, canopies, cornices, lighting fixtures, awnings, fences and safety railings, architectural features, parapets, trellises, balustrades,

swimming pools and associated structures, decks, window sills, window washing equipment, privacy screens and fences, architectural screens, guardrails, chimneys, vents, stacks, terraces, platforms, transformer vaults, wheelchair ramps, retaining walls, ornamental elements, architectural elements, landscape elements, green roof elements, outdoor furniture, roof access hatches, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, underground garage ramps and their associated structures, stair landings, planters, and public art features, elevator overruns and elements or structures on the roof of the building used for outside or open air recreation, safety or wind protection purposes;

- (d) 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, light fixtures, ornamental elements, portico entrances, parapets, art and landscape features, patios, decks, pillars, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and underground garage ramps and associated structures;
- (e) a minimum of 1.4 square metres of outdoor *residential amenity space* per *dwelling unit* shall be provided on the *lot*, of which at least 30 square metres is to be provided in a location adjoining or directly accessible from the indoor *residential amenity space*;
- (f) a minimum of 47 *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) a minimum of 40 *parking spaces – occupant* shall be provided for the use of residents in the building;
 - (ii) a minimum of 3 *parking spaces* shall be provided for the residential visitors; and
 - (iii) a minimum of 4 *parking spaces* shall be provided for non-residential uses.
- (g) a maximum of 1 *parking space* that is obstructed is not required to comply with the requirements in Section 4(17);
- (h) despite the definition of *parking space*, a maximum of 8 *tandem parking spaces* may be provided and calculated as part of the parking requirements to a maximum of 16 *parking spaces*;

- (i) the *parking spaces* are not required to be readily accessible at all times;
 - (j) the *parking spaces* may be employed by a valet parking system;
 - (k) despite the definition of *bicycle parking space – occupant*, a *bicycle parking space – occupant* can be stored in an area with a bicycle rack not in a secured room;
 - (l) None of the provisions of By-law No. 438-86, as amended, or this By-law shall apply to prevent the erection and use of a *temporary sales office* on the *lot*;
 - (m) Notwithstanding any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
4. For the purpose of this By-law:
- (a) "*grade*" shall mean 118.54 metres Canadian Geodetic Datum (CGVD28-Pre-1978 Adjustment);
 - (b) "*lot*" means the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - (c) "*temporary sales office*" means a building or structure or part thereof on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*;
 - (d) "*tandem parking space*" means an area that includes two *parking spaces*, one of which is not readily accessible for parking and removal of a motor vehicle without the necessity of moving another vehicle; and
 - (e) each other word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended.
5. 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. 2016.

JOHN TORY,
Mayor

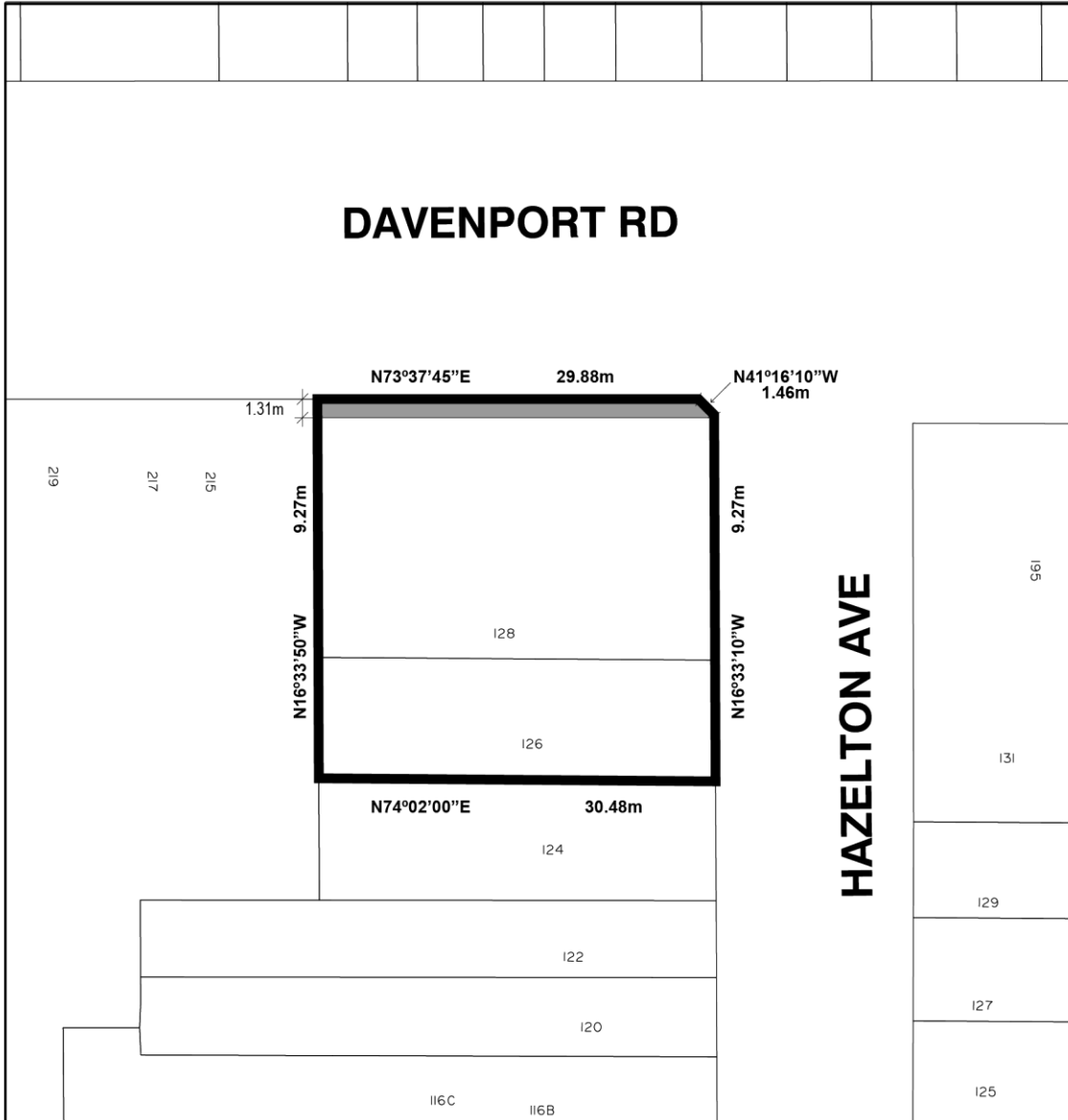
ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Appendix 1: Community Benefits

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Map 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

Community benefits and matters of legal convenience will be inserted.



TORONTO
Map 1

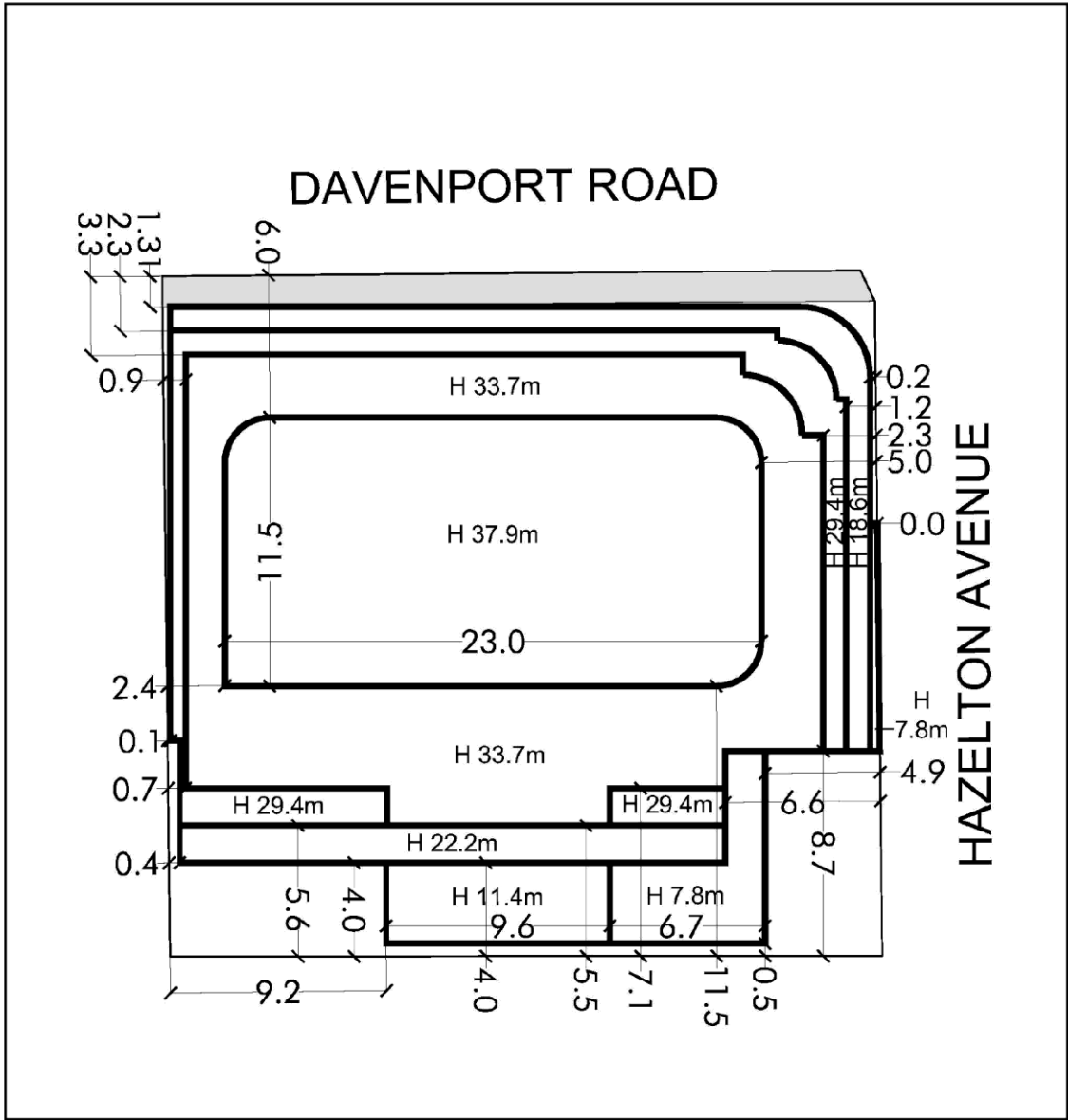
126-128 Hazelton Avenue

File # 15 257792 STE 27 0Z

 Lands to be conveyed to the City of Toronto



City of Toronto By-Law 438-86
Not to Scale
10/25/2016



Toronto
Map 2

126-128 Hazelton Avenue

File # 15 257792 STE 27 0Z

 Lands to be conveyed to the City of Toronto



City of Toronto By-Law 438-86
Not to Scale
10/24/2016