

Authority: Toronto and East York Community Council Item 13.6, adopted as amended, by
City of Toronto Council on March 5 and 6, 2012

Enacted by Council:

CITY OF TORONTO

Bill No. 380

BY-LAW No. -2012

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(5)(i), 4(8), 4(12), 4(16), 6(1)(a), 6(1)(f), 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(a), 8(3) Part III 1(a), 8(3) Part XI 1, 12(1)232 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* above *grade* 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> above <i>grade</i>	n/a	2.1 metres	3.15 metres
Fourth <i>storey</i> above <i>grade</i>	3.15 metres	3.15 metres	3.15 metres
Fifth <i>storey</i> above <i>grade</i>	4.3 metres	4.3 metres	4.6 metres

Sixth storey above grade	4.3 metres	4.3 metres	4.6 metres
Seventh storey above grade	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 th day of March, A.D. 2012.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

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 within thirty (30) days following the Zoning By-law Amendments becoming final and binding with all appeal periods having expired. 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 or not pursued by the owner, 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.





