

Authority: Toronto and East York Community Council Item TE20.10, as adopted by City of Toronto Council on December 13, 14 and 15, 2016

CITY OF TORONTO

BY-LAW No. 1264-2016

To amend former City of Toronto Zoning By-law No. 438-86, as amended, respecting the lands municipally known in year 2016 as 126 and 128 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*; and

Whereas pursuant to Subsection 37(3) of the *Planning Act*, the Council of a municipality may, in a By-law 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 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 enacts:

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(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 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 (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) 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, heating, cooling, or ventilating equipment and elements or structures on the roof of the building used for outside or open air recreation, safety or wind protection purposes;
 - (ii) swimming pools and associated structures up to 3.0 metres;

- (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, window washing equipment, 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 2.0 square metres of indoor *residential amenity space* per dwelling unit shall be provided on the *lot*;
- (g) 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; and
 - (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.
- (h) a maximum of 1 *parking space* that is obstructed is not required to comply with the requirements in Section 4(17);
- (i) Despite the definition of *parking spaces*, the *parking spaces* are not required to be readily accessible at all times;
- (j) 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*;
- (k) a portion of the driveway aisle/driveway will be made up of a car elevator which does not comply with the minimum driveway width;
- (l) 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;
- (m) the list of permitted uses outlined within Section 8(1) of By-law 438-86 shall apply to the *lot*;

- (n) none of the provisions of By-law 438-86, as amended, or this By-law shall apply to prevent the erection and use of a *temporary sales office* on the *lot*;
 - (o) 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 438-86, as amended.
5. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.

Enacted and passed on December 15, 2016.

Frances Nunziata,
Speaker

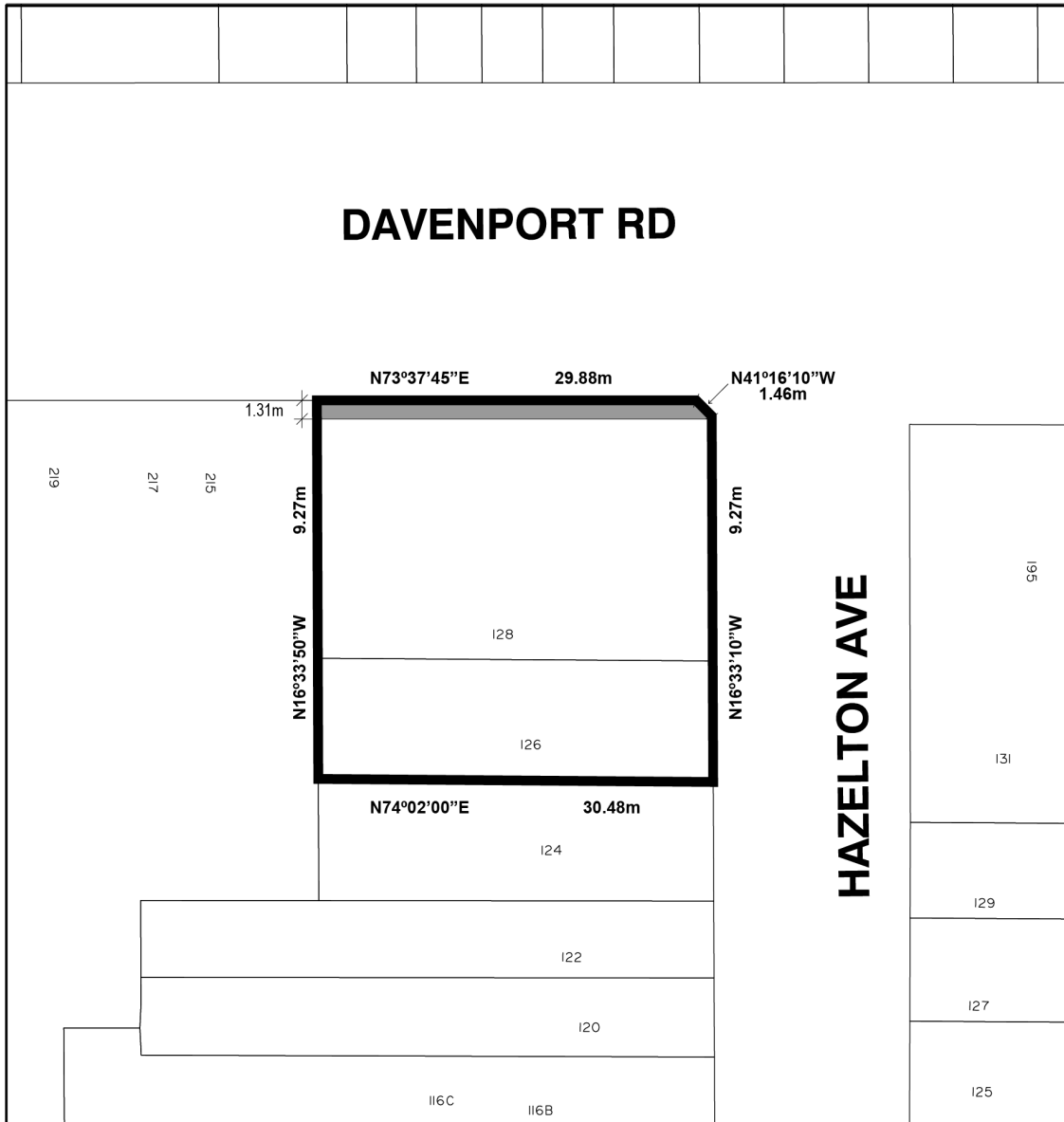
Ulli S. Watkiss,
City Clerk

(Seal of the City)

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:

1. 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.




 **TORONTO**
 Map 1

126-128 Hazelton Avenue

File # 15 257792 STE 27 OZ

 Lands to be conveyed to the City of Toronto


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

