

## **1202-1204 Avenue Road – Zoning Amendment Application – Final Report**

Date: April 4, 2019

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 8 – Eglinton-Lawrence

**Planning Application Number:** 16 254034 NNY 16 OZ

### **SUMMARY**

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This application proposes to amend the former City of North York Zoning By-law 7625 and the new City-wide 569-2013 Zoning By-law at 1202 and 1204 Avenue Road to permit a seven unit, three-storey townhouse development at the north-west corner of Avenue Road and Hillhurst Boulevard. Access to seven rear parking spaces is proposed via a driveway entering and exiting from Hillhurst Boulevard.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017).

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

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend Zoning By-law 7652, for the lands at 1202 and 1204 Avenue Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 1202 and 1204 Avenue Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to this report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. City Council authorizes the City Solicitor, prior to introducing the necessary Bills to City Council for enactment, to enter into an Agreement with the Owner pursuant to

Section 37 of the Planning Act, which agreement shall be registered against title to the lands at 1202-1204 Avenue Road, all to the satisfaction of the City Solicitor, to secure as a community benefit at the Owner's expense a cash contribution from the Owner of \$35,000 to be directed to the Capital Revolving Fund for Affordable Housing and to be put towards the provision of new affordable housing.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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Pre-application consultation discussions were held on August 2, September 1 and 23, 2016. Matters discussed included; building setback from Avenue Road and adjacent buildings, vehicular access, number of proposed units, sidewalk width and relocation of a transit shelter and traffic control box located at the northwest corner of Avenue Road and Hillhurst Boulevard. Staff also expressed concerns with the proposed massing and density of the proposed development. In addition, staff worked with the applicant to identify complete application submission requirements.

The applicant submitted the application on November 21, 2016 proposing a 7 unit 3-storey townhouse development, with a driveway access from Avenue Road.

On January 19, 2017 the applicant amended the application and submitted revised plans proposing a 6 unit, 3-storey townhouse development with a one way 4.5 metre wide inbound driveway access from Hillhurst Boulevard and a 4.5 metre wide outbound driveway onto Avenue Road.

A Preliminary Report on the application was adopted by the North York Community Council on April 4, 2017 authorizing staff to conduct a community consultation meeting on April 20, 2017.

The Community Council decision and the Preliminary Report can be viewed at the following link: [1202 and 1204 Avenue Road April 2017 Community Council decision](#)

## **ISSUE BACKGROUND**

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### **Proposal**

This application has been further revised since the January 2017 submission to demolish the existing 2-storey residential rental building at 1202-1204 Avenue Road and to construct a 7 unit 3-storey townhouse development, with driveway access that enters and exits from Hillhurst Boulevard. Each townhouse unit would consist of three

bedrooms and include one parking space in an at-grade garage located at the rear of the units. One of the units has been modified to allow for the inclusion of a secondary suite. This secondary suite would have independent access and be a fully self-contained residential rental unit. Three new City trees are proposed along Hillhurst Boulevard as part of the landscape plan for the proposal.

The total proposed gross floor area of the seven units, which includes the lower basement floor, would be 1,344 square metres, resulting in a Floor Space Index (FSI) of 1.90. The lower floor, excluding the area for the parking spaces, is included in the gross floor area because it is closer to established grade than the main floor. If the lower floor is not included in the gross floor area, the gross floor area would be 1,169 square metres, resulting in a FSI of 1.66. The By-law amendment proposes 1,375 square metres of gross floor area.

Access is proposed from a 4.2 metre wide driveway that would enter and exit at Hillhurst Boulevard.

The proposed townhouse units would have third floor terraces looking onto either Avenue Road or Hillhurst Boulevard.

The existing residential building is used for residential rental purposes and currently has 5 rental units comprising four 2-bedroom units, and one 1-bedroom basement unit. There was a sixth rental dwelling unit in the building as recently as 2016, which was built without approvals.

#### Site Statistics

Residential Gross Floor Area	1,344.0 m <sup>2</sup>
Floor Space Index	1.90
Lot Coverage	47.6%
Storeys (Height)	3 (12.39 metres under By-law 569-2013, 12.87 metres under By-law 438-86)
Residential Townhouse Units (condominium tenure)	7 units in total (3-bedroom units)
Residential Townhouse Parking/ Visitor Parking	7 (1 per unit in attached garage at rear) 0 Visitor Parking
Proposed minimum setbacks	East side (Avenue Road) - 1.2 metres South side (Hillhurst Blvd.) - 1.68 metres West side - 4.88 metres North side - 1.22 metres
Landscape Open Space	211.4 sq. metres
Soft landscape Open Space	42.3 sq. metres

Refer to Attachment No. 1 for project data.

## **Site and Surrounding Area**

This corner lot is located at the north-west intersection of Avenue Road and Hillhurst Boulevard, and has a frontage along Avenue Road of 18 metres and a depth along Hillhurst Boulevard of 38 metres. The site is relatively flat and is occupied by a two-storey detached dwelling that was converted into multiple rental units. A detached two car garage is located at the rear of the lot with driveway access onto Hillhurst Boulevard.

The corner of Avenue Road and Hillhurst Boulevard is a signalized intersection. The area is characteristic of a stable residential neighbourhood, with many of the dwellings along Avenue Road containing multiple unit buildings. Land uses surrounding the subject site include:

North: Immediately to the north is located a 2-storey residential building, with rear yard parking served by a driveway at Avenue Road. Further north are 2-storey residential buildings, and a 6 unit, 3-storey residential townhouse development at the southeast corner of Avenue Road and Lytton Boulevard at 1239 Avenue Road.

North on Avenue Road, is also located a 6 unit, 3-storey residential townhouse development at the southwest corner of Avenue Road and Lytton Boulevard at 1238 - 1240 Avenue Road.

West: on Hillhurst Boulevard is located a residential neighbourhood comprised of two-storey detached dwellings.

South: Hillhurst Boulevard and beyond along Avenue Road is generally comprised of 2-storey residential buildings including detached, semi-detached, duplex and fourplexes.

East: Avenue Road and beyond along Hillhurst Boulevard is a residential neighbourhood generally comprised of two-storey detached dwellings.

## **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;

- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

### **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

Section 2.3 acknowledges neighbourhoods as stable areas that will not be the focus of major growth. However, it is recognized that some physical change will occur such as infill housing on individual sites. In these contexts, new development will respect and reinforce the existing physical character of the area and the stability of the neighbourhood.

Section 3.1.1 - The Public Realm recognizes the essential role of streets, open spaces, parks and other key shared public assets in creating a great City. These policies aim to ensure that a high level of quality is achieved in architecture, landscape architecture and urban design in public works and private developments to ensure that the public realm is functional, beautiful, comfortable, safe and accessible. Policies within this section require sidewalks to be designed to provide safe, attractive, interesting, and comfortable spaces for pedestrians.

Section 3.1.2 - Built Form states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and provide ground floor uses that have views into and access from the streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Massing and exterior facades are also recognized as important factors in ensuring new development fits harmoniously with the existing and/or planned context. New buildings will be massed to frame adjacent streets, and will incorporate exterior design elements to influence character, scale and appearance. Furthermore, new development will ensure appropriate transition in scale to adjacent properties and will limit shadow and wind impacts on neighbouring streets, properties, and open spaces.

Section 3.2.1 - Housing includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. Policy 3.2.1.6 states that new development that would result in the loss of six or more rental housing units will not be approved unless all rental housing units have rents that exceed mid-range rents at the time of application or relocation.

The site is designated as Neighbourhoods, on Map 18 – Land Use Plan of the Official Plan. The Neighbourhoods designation indicates areas which are considered physically stable, and made up of up 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 four storeys. Parks, low scale institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in Neighbourhoods.

Section 4.1 provides further policy direction on the Neighbourhood Areas designation for the site, including development criteria to ensure stability of Neighbourhoods' physical character. Physical changes in established Neighbourhoods must be sensitive, gradual and generally "fit" the existing physical character. A key objective for new development is to respect and reinforce the general physical patterns in a Neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the street or streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;

- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- (i) conservation of heritage buildings, structures and landscapes.

Policy 4.1.5 further states that no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of a Neighbourhood.

Staff have reviewed this application against all relevant policies of the Official Plan.

The City of Toronto Official Plan can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

### **Official Plan Amendment 320**

The Local Planning Appeal Tribunal issued an Order on December 7, 2018 to approve and bring into force Official Plan Amendment 320 (OPA 320). The approved policies reflect the policies endorsed by Council at its meetings of June 26 to 29, 2018 and July 23 to 30, 2018 in response to mediation and settlement offers from OPA 320 Appellants.

OPA 320 was adopted as part of the Official Plan Five Year Review and contains new and revised policies on Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods. The approved amendments uphold the Plan's goals to protect and enhance existing neighbourhoods that are considered stable but not static, allow limited infill on underutilized Apartment Neighbourhood sites and help attain Tower Renewal Program goals.

In its Order that approves OPA 320, the LPAT found that the OPA 320 policies are consistent with the Provincial Policy Statement (2014) and conform with the Growth Plan for the Greater Golden Horseshoe (2017).

The outcome of staff analysis and review of relevant Official Plan policies and designations are summarized in the Comments section of the Report.

## **Design Guidelines**

### **Townhouse and Low-rise Apartment Guidelines**

City Council adopted city-wide Townhouse and Low-Rise Apartment Guidelines and directed City Planning staff to use these Guidelines in the evaluation of townhouse and low-rise apartment development applications. These new Townhouse and Low-Rise Apartment Guidelines replace the Infill Townhouse Guidelines (2003) and are intended to be used in the review of an application when the proposed built form meets the City's Official Plan policies. The new Guidelines identify strategies to enhance the quality of these developments, provide examples of best practices, and improve clarity on various development scenarios. The link to the Guidelines is here:



## **Zoning**

The site is subject to the former City of Toronto Zoning By-law 438-86 and City-wide By-law 569-2013.

Under the former City of Toronto Zoning By-law 438-86, the site is zoned as a R2 Z0.6 (Residential Districts zone). Various building types are permitted in an R2 zone, including an apartment building, detached house, semi-detached house, duplex, row house or triplex.

Under City-wide Zoning By-law 569-2013, the site is zoned R (f15.0; d0.6) (X761) (Residential zone). A Dwelling Unit is permitted in the following building types; detached house; semi-detached house; townhouse; duplex; triplex; fourplex; and apartment building.

## **Tree Preservation**

This proposal is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). The applicant has submitted an Arborist Report, Tree Preservation Plan, and Landscaping Plan in support of the proposal.

## **Site Plan Control**

The proposal is subject to Site Plan Control. A Site Plan application has been submitted and is being reviewed concurrently with this application (File # 16 254041 NNY 15 SA).

## **Rental Housing Demolition**

On December 19, 2016, City Planning staff conducted a site visit with the applicant to determine the number of dwelling units and the number of rental dwelling units in the existing building.

Based on the site visit, staff determined that five rental dwelling units exist on site. Based on a review of City records and sales records, it was further determined that a sixth rental dwelling unit existed in the building some time in the last two years, but had been constructed without approvals.

## **Reasons for Application**

The proposed townhouse use is permitted within both the existing former City of Toronto Zoning By-law 438-86 and City-wide Zoning By-law 569-2013. Amendments to the Zoning By-laws are required to implement development standards to regulate the new development such as: setbacks, height, lot depth and frontages, vehicular access and parking, landscaping and overall coverage and density.

## **Application Submission**

The following reports/studies were submitted in support of the application:

- All required architectural and landscaping plans;
- Planning Rationale Report;
- Stormwater Management Report;
- Traffic Impact and Parking Study;
- Arborist Report;
- Servicing and Grading Plan;
- Hydrogeological Report;
- Geotechnical Study Report; and,
- Draft Zoning By-law Amendments.

These reports/studies for this application are available at the Application Information Centre (AIC)

<https://www.toronto.ca/city-government/planning-development/application-information-centre>

## **Agency Circulation**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

## **Community Consultation**

City staff hosted a Community Consultation Meeting on April 20, 2017. Approximately 40 members of the public were in attendance as well as the Ward Councillor. Following a presentation by City staff and the applicant, the following issues for the proposed development were raised by community members:

- Traffic impacts;
- Driveway location;
- Parking requirements;
- Rental unit replacement;
- Height and massing;
- Number of townhouse units;
- Setbacks along Avenue Road and Hillhurst Boulevard;
- Location and elevation of entrances to Avenue Road and Hillhurst Boulevard,
- Precedents for more townhouse development on Avenue Road; and,
- Construction impacts.

## **COMMENTS**

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

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

The PPS (2014) requires provisions to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents. This policy for healthy, livable and safe communities is achieved, amongst other means, by accommodating a range of residential, employment, institutional and other uses to meet long-term needs, facilitating all forms of residential intensification and redevelopment, promoting densities for new housing which effectively use land, resources, infrastructure and public services, and support the use of public transit. Specifically, the PPS requires growth and development to focus in settlement areas, and promotes the use of appropriate development standards to support intensification and redevelopment while mitigating risks to public health and safety.

Policy 1.4.3 outlines that one of the ways planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents is by directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs.

Policy 4.7 of the PPS refers to the Official Plan as the most important vehicle for implementing the PPS and as such the development standards in the Toronto Official Plan have particular relevance. The Toronto Official Plan section of this Report further evaluates the appropriateness of the subject site for intensification.

The proposed development supports Provincial policy objectives to focus growth in existing settlement areas. The proposal would also support efficient land use, mix of housing types, reduced land consumption related to residential development, efficient use of existing infrastructure, and would be transit supportive. The proposed development is therefore consistent with the PPS.

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe. Section 2.2.1.2 of the Growth Plan directs the vast majority of growth to occur within settlement areas that have a delineated built boundary, have existing or planned municipal infrastructure including water and waste water systems, and that can support the achievement of complete communities.

Section 2.2.1.4 of the Growth Plan provides further direction on the achievement of complete communities. It articulates a set of objectives including a diverse mix of land uses, and range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes. Convenient access to a range of transportation options, public service facilities, and open spaces and recreational facilities is also highlighted as a key component for complete communities. Furthermore, this section directs complete communities that ensure the

development of high quality, compact built form, an attractive and vibrant public realm, including open spaces, through site design and urban design standards.

The proposed development is consistent with the above section and other relevant sections of the Growth Plan. The proposal provides for high quality compact built form and meets applicable urban design standards. The proposed development conforms to the Growth Plan.

### **Land Use**

This application has been reviewed against the Official Plan policies described in the Issue Background Section of the Report.

The subject site is located in an area designated Neighbourhoods in the Official Plan. The policies of the Neighbourhoods designation permit a range of residential uses including townhouses. This is reflected in the existing context along Avenue Road which includes single and semi-detached dwellings, and townhouses.

### **Density, Height, Massing**

This application has been reviewed against the Official Plan policies and design guidelines described in the Issue Background Section of the Report.

The proposed residential development is appropriate for this site. The Neighbourhoods designation in the Official Plan permits the proposed townhouse development. The Official Plan also speaks about compatibility with the existing built form.

Section 3.1.2 - Built Form states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and provide ground floor uses that have views into and access from the streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Policy 4.1.5 requires that new development in established neighbourhoods respect and reinforce the existing physical character of the neighbourhood. This includes street and block patterns, size and configuration of lots, height, massing and scale of dwellings, setbacks and landscaped open space.

The Townhouse and Low-rise Apartment Guidelines apply to the design, review, and approval of new low-rise, multi-unit building developments that are four storeys or less. This application has been assessed as a townhouse building type.

Planning staff had concerns with the original proposal, particularly with the siting and orientation of the townhouses and the relationship of the building to the adjacent neighbouring low density residential dwellings. There was also concern with the appropriateness of the setbacks for the proposed development.

The applicant has made changes which result in a more appropriate setback at the front of the site along Avenue Road, while maintaining the symmetrical feel of the houses that front along Avenue Road. Due to Avenue Road not meeting the east-west streets at a perpendicular angle, the lots on the west side of Avenue Road are longer at its north property line compared to the south property line. The applicant has moved the front of the building back by 0.6 metre to provide a greater setback at the front along Avenue Road compared to the original application. The setback from Avenue Road at the northern extent of the building would be 4.43 metres, which is in line with the house to the north. The setback from Avenue Road at the southern extent of the building would be 1.2 metres.

Revisions to the west setback and transition to the adjacent neighbouring detached residential dwelling have been incorporated. The proposed development is now 4.85 metres from the west property line. The townhouse units that front Hillhurst Boulevard have a setback of 1.67 metres to the south property line, with the dwelling unit closest to 38 Hillhurst Boulevard having an increased setback of 2.76 metres from the south property line along Hillhurst Boulevard. The previous one-storey two-car garage was located on the west property line, with a setback of 3.66 metres from the south property line along Hillhurst Boulevard. The proposed setback is acceptable.

For the units along Hillhurst Boulevard, with the exception of the dwelling unit closest to 38 Hillhurst Boulevard, the third storey is stepped back 1.09 metres. Terraces are proposed for these units along Hillhurst Boulevard within this step back area.

The maximum height proposed is 12.39 metres under By-law 569-2013 or 12.87 metres under By-law 438-86. Each townhouse unit would have a height of 3 storeys. While the height at the top of the building is the same under both By-laws, the reason for the differing number is due to the difference in where the number is measured from at ground level. The proposed development has a height similar to other approved townhouse developments in the area and compatible with the heights along Avenue Road and Hillhurst Boulevard.

The amount of stairs and the ground floor elevation was determined to be appropriate and consistent with the Townhouse and Low-Rise Apartment Guidelines. The proposed development shows four steps up to the entry porch level for each main entrance for the townhouse units from the property line.

The gross floor area of the proposed development has been revised to be reduced to 1,344.00 square metres. This is generally similar to the gross floor area of townhouse developments that have been approved at the Ontario Municipal Board at 1238-1240

Avenue Road and 1239 Avenue Road. The width of the two townhouse units along Avenue Road is approximately 7.70 metres, while the width of five townhouse units along Hillhurst Avenue is approximately 4.85 metres.

The development has been designed to satisfy the built form and Neighbourhoods policies within the Official Plan, the Townhouse and Low-rise Apartment Guidelines and to respond to comments from both the community and Planning staff. Based on the revised plans, Planning staff are satisfied with the proposed height, massing and density.

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

During the community consultation process, concern was expressed with incremental traffic impact, and impact to traffic due to construction from this application and several adjacent applications in the immediate vicinity.

The applicant submitted a Traffic Impact Study to assess the potential traffic impacts of the proposed development. It is estimated that the proposed development will generate approximately five two-way trips during each of the AM and PM peak hours. It was concluded that the site traffic will have a negligible impact on the street system.

Access to the development will be provided by one all-movement 4.2 metre wide driveway on Hillhurst Boulevard. A total of seven spaces are provided for the seven townhouse units. Each space is located within individual garages located generally beneath each townhouse unit. Additional measures such as traffic signage to ensure the safety of the 4.2 metre wide driveway, will be secured through the Site Plan Approval process.

The seven spaces comply with the parking provisions in Zoning By-law 438-86. Zoning By-law 569-2013 would have required an additional single visitor parking space. The visitor parking requirement was waived in lieu of the relocation and enlargement of the bus shelter and stop/platform on the northwest corner of Avenue Road and Hillhurst Avenue as proposed by the applicant.

Transportation Services staff accepts the conclusions of the Traffic Impact Study and the proposed parking supply.

The applicant will be required to provide a Construction Management Plan for each stage of the construction process.

### **Servicing**

Engineering and Construction Services staff have reviewed the Hydrogeological Report, Functional Servicing Report and Stormwater Management Report and concurred with the consultant's conclusion that the proposed development can be serviced through the utilization of existing infrastructure without any adverse impact to the municipal services of the surrounding areas.

## **Housing Issues**

Based on a review of information provided by the applicant, historical property records, and a site visit, Staff have determined that at the time of application there are five existing rental dwelling units located on the site. All rental units are currently vacant. As there are less than six residential units a Rental Housing Demolition Application is therefore not required.

In order to acknowledge the long standing rental use of the property, the applicant has proposed to include a secondary suite within the basement of one of the units facing Avenue Road. The suite would not be able to be separately conveyed from the principal dwelling, thereby contributing to the stock of rental housing. In addition, the applicant has proposed to provide a cash contribution of \$35,000 for the purposes of new affordable housing, which shall be secured by way of a Section 37 Agreement.

## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectare of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The proposed development consists of 7 townhouse units within a site area of 704.5 square metres. At the alternative rate of 0.4 hectare per 300 units, as specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement would be 70.4 square metres.

The applicant will be required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as a dedication of 70.4 square metres is not of a suitable size to develop a programmable park. In addition, the site is in close proximity to existing City parkland. The site is 270 metres from Lytton Park, a 1.7 hectare park which features a children's playground, tennis courts and a public washroom.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

## **Tree Preservation**

An Arborist Report, Tree Preservation Plan, and Landscaping Plan has been reviewed by Urban Forestry - Tree Protection and Plan Review Staff.

There are currently two public street trees along Hillhurst Boulevard, and one tree is proposed to be removed. Urban Forestry has advised that this tree meets the criteria for protection under the City's Street Tree By-law. The Landscaping Plan proposes to plant three new public street trees along Hillhurst Boulevard. This exceeds the replacement

ratio of 1:1 that Urban Forestry typically requires. The second public street tree was recently planted, and an application to injure or remove the tree will be required.

There are currently 3 private trees on the site, and 3 are proposed to be removed. Urban Forestry has advised that these trees meet the criteria for protection under the City of Toronto's Private Tree By-law. Urban Forestry typically requires tree planting to replace trees removed at a ratio of 3:1. Where it is this not physically possible on site, Urban Forestry will accept a cash in lieu payment in an amount equal to 120 percent of the cost of replanting and maintaining the trees for a period of two years. The applicant has proposed a cash-in-lieu payment.

The applicant is required to apply for and complete the necessary permits for tree removal as required by the City of Toronto's Private Tree By-law and the City's Street Tree By-law.

### **Landscaping and Amenity Areas**

Landscaping is provided along both Avenue Road and Hillhurst Boulevard within the subject site in the form of planters that contain various shrub species. Along the Hillhurst Boulevard right-of-way, between the property line and the new proposed 2.1 metre sidewalk, sod is also proposed.

Amenity areas are proposed for six of the seven units in the form of third floor terraces. The unit closest to 38 Hillhurst Boulevard will not have a terrace in order to provide a greater setback to Hillhurst Boulevard to provide a transition to the house at 38 Hillhurst Boulevard.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured in Zoning By-law Amendments, on site plan drawings and through a Site Plan Agreement.

The applicant is required to meet Tier 1 of the TGS.

Applicable TGS performance measures such as tree planting and species-type, soil volumes and stormwater management will be secured through the site plan approval process.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), the Greenbelt Plan (2017) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2017). Furthermore, the proposal is in keeping with the intent of the



Toronto Official Plan, particularly as it relates to new development in designated Neighbourhoods.

The proposal presents an appropriate redevelopment of the site which currently contains an existing a two-storey detached dwelling that was converted into multiple rental units. Through a number of iterations to the proposal, improvements have been made to the building location and organization, massing, setbacks and exterior façade to ensure a harmonious relationship with the surrounding context. The applicant has agreed to a reduced footprint, increased setbacks, the addition of a secondary suite to maintain the potential for a rental unit and to provide a cash contribution of \$35,000 for the purposes of new affordable housing.

Staff recommend that Council support approval of the application subject to the conditions set out in the Recommendations Section of this Report.

## **CONTACT**

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Jason Tsang, Planner  
Tel. No. : 416-392-4237  
E-mail: Jason.Tsang@toronto.ca

## **SIGNATURE**

---

Joe Nanos, Director  
Community Planning, North York District

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map (438-86)
- Attachment 5: Existing Zoning By-law Map (569-2013)
- Attachment 6: Draft Zoning By-law Amendment (438-86)
- Attachment 7: Draft Zoning By-law Amendment (569-2013)

### **Applicant Submitted Drawings**

- Attachment 8: Site Plan
- Attachment 9: East Elevation

Attachment 10: South Elevation  
Attachment 11: West Elevation  
Attachment 12: North Elevation

## Attachment 1: Application Data Sheet

Municipal Address: 1202-1204 AVENUE RD Date Received: November 21, 2016

Application Number: 16 254034 NNY 16 OZ

Application Type: Rezoning

Project Description: REVISED proposal for a 7-unit, 3-storey townhouse development on a lot at the north-west corner of Avenue Road and Hillhurst Blvd. Access to 7 rear parking spaces via a driveway from Hillhurst Blvd. Concurrent Site Plan application - File # 16-254041 NNY 16 SA

Applicant	Agent	Architect	Owner
BOUSFIELDS INC. 3 CHURCH ST, SUITE 200 TORONTO ON M5E 1M2	BOUSFIELDS INC. 3 CHURCH ST, SUITE 200 TORONTO ON M5E 1M2	PETER HIGGINS ARCHITECT INC 124 MERTON ST, SUITE 204 TORONTO ON M4S 2Z2	3ARC DEVELOPMENT INC 6 MARIE CRT THORNHILL ON L3T 2G2

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	R (f15.0; d0.6)(x761)	Heritage Designation:	N
Height Limit (m):	11	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m): 704                      Frontage (m): 18                      Depth (m): 38

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	362		335	335
Residential GFA (sq m):	663		1,344	1,344
Non-Residential GFA (sq m):	0		0	0
Total GFA (sq m):	663		1,344	1,344
Height - Storeys:	2		3	3
Height - Metres:	7		12.87	12.87

Lot Coverage Ratio (%): 47.6                      Floor Space Index: 1.90

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	1,344	0
Retail GFA:	0	0
Office GFA:	0	0
Industrial GFA:	0	0
Institutional/Other GFA:	0	0

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	5	0	0	0
Freehold:	0	0	7	7
Condominium:	0	0	0	0
Other:	0	0	0	0
Total Units:	5	0	7	7

#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:	0	0	0	0	0
Proposed:	0	0	0	0	7
Total Units:	0	0	0	0	7

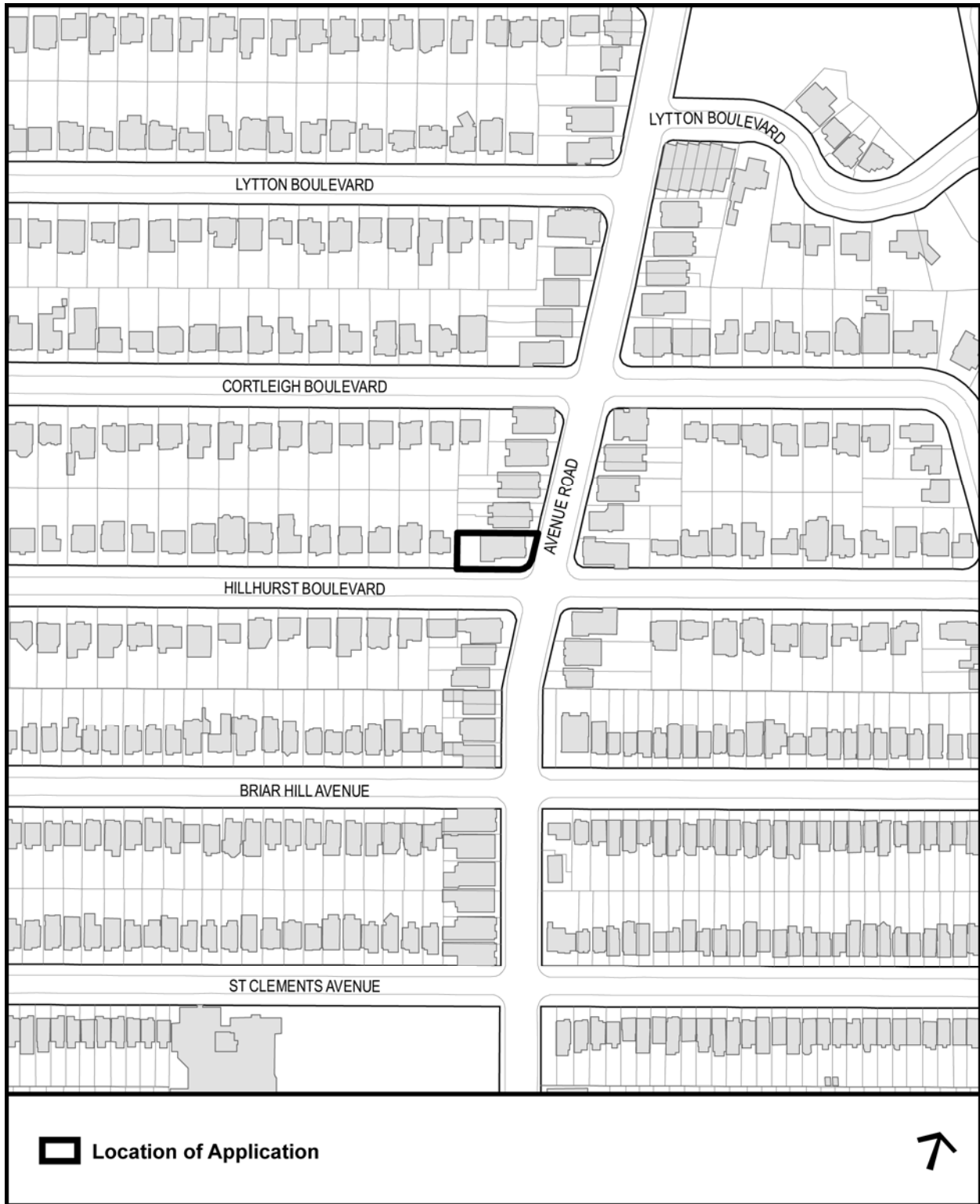
#### Parking and Loading

Parking Spaces: 7      Bicycle Parking Spaces: 0      Loading Docks: 0

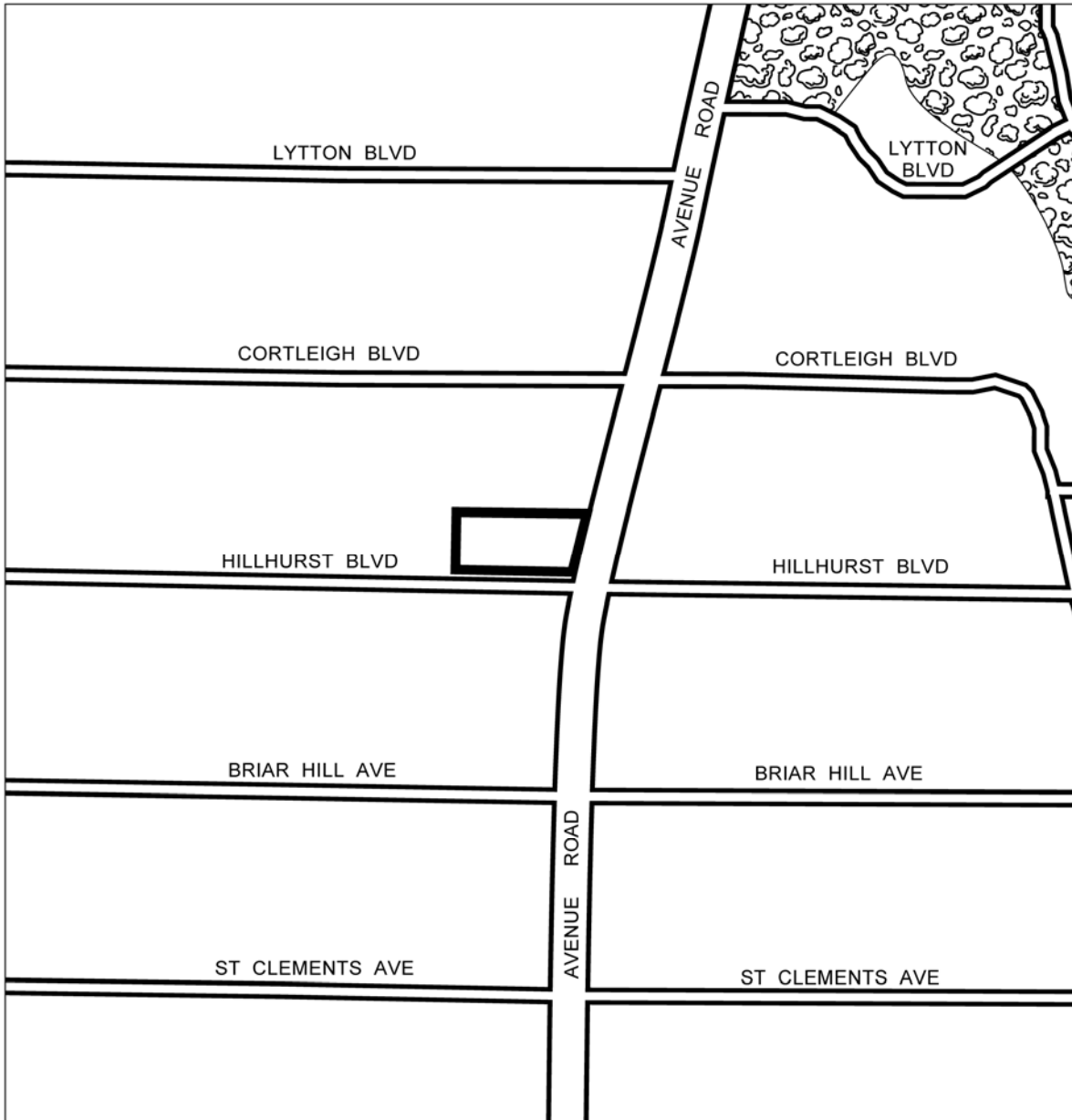
#### CONTACT:

Jason Tsang, Planner  
416-392-4237  
Jason.Tsang@toronto.ca

## Attachment 2: Location Map



### Attachment 3: Official Plan Land Use Map



**TORONTO**  
 Extract from Official Plan

1202 & 1204 Avenue Road

File # 16 254034 NNY 16 0Z

-  Site Location
-  Neighbourhoods
-  Parks & Open Space Areas
-  Parks

  
 Not to Scale  
 12/08/2016

**Attachment 4: Existing Zoning By-law Map (438-86)**



**Zoning By-Law No. 438-86**

**1202 & 1204 Avenue Road**

File # 16 254034 NNY 16 02

Location of Application

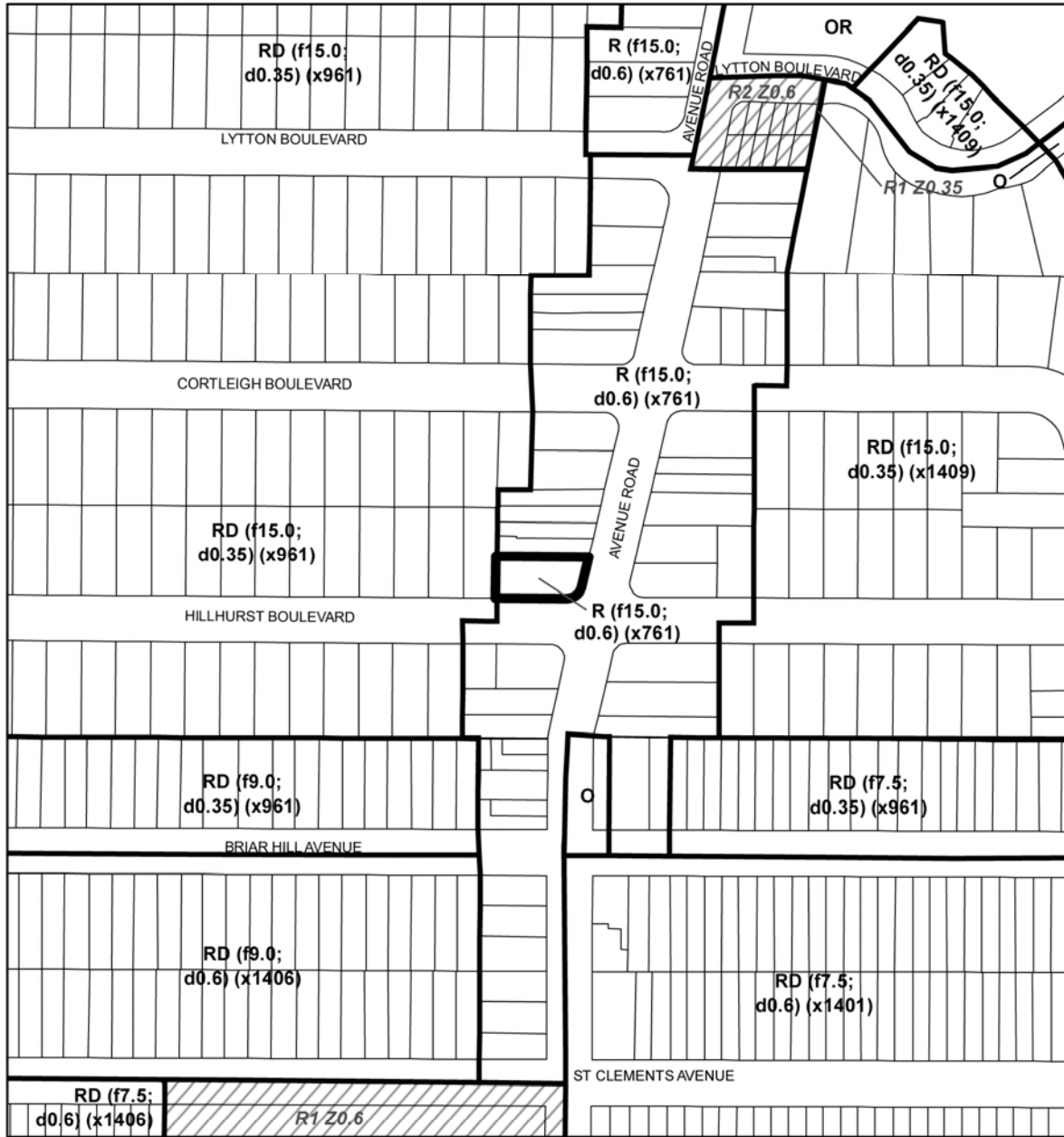
- R1 Residential District
- R2 Residential District
- G Parks District

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale  
Extracted 12/07/2016

# Attachment 5: Existing Zoning By-law Map (569-2013)



## Zoning By-Law No. 569-2013

1202 & 1204 Avenue Road

File # 16 254034 NNY 16 0Z

Location of Application

See Former City of Toronto By-Law No. 438-86

- R** Residential
- RD** Residential Detached
- O** Open Space
- OR** Open Space Recreation

- R1** Residential District
- R2** Residential District



Not to Scale  
Extracted: 12/07/2016



## **Attachment 6: Draft Zoning By-law Amendment (438-86)**

Authority: North York Community Council ##, as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 2019

### **CITY OF TORONTO**

#### **BY-LAW No. XXX-2019**

**To amend the former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands municipally known in the year 2018 as 1202-1204 Avenue Road.**

Whereas Council of the City of Toronto has the authority 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*; and

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

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 or 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 matter 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, a 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 increases in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, is 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 the land and the City of Toronto (hereinafter referred to as the "*City*"); and

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

Whereas pursuant to Section 39 of the *Planning Act*, the council of a Municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the 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 by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the lot of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements between the *City* and the *owner* of the *lot* on title to the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and 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*, such building may not be erected or used until the *owner* of the *lot* has satisfied the said requirements.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) 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.
4. This by-law applies to the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
5. Except as otherwise provided herein, the provisions of By-law 438-86 shall continue to apply.
6. None of the provisions of Section 2 with respect to the definitions of the terms *grade*, *height*, *row house* and *lot* and Section 4(2)(a), Section 4(4)(b), 6(3) Part I 1, 6(3) Part II 2, 3, 4, 5 and 8 and 6(3) Part III of Zoning By-law No. 438-86, as amended, shall apply to prevent the erection on the lot of *row houses*, provided that:
  - (A) the *lot* comprises at least the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
  - (B) notwithstanding the permitted uses included in Section 6(1) of By-law No. 438-86, a *row house* is a permitted use on the *lot*;
  - (C) the *residential gross floor area* on the *lot* shall not exceed a maximum of 1,375 square metres, excluding any *residential gross floor area* located below *grade*;
  - (D) the maximum number of *dwelling units* on the lot is 7;

(E) one *secondary suite* is permitted;

(F) no portion of the *building* shall have a greater *height* than the *height* in metres specified by the numbers following the symbol H on Map 2, attached to and forming part of this By-law;

(G) no portion of the *building* shall be located otherwise than wholly within the heavy lines identified on Map 2 attached to and forming part of this By-law, with the exception of the following, to a maximum of 0.5 metres:

- i. Bay windows;
- ii. Architectural banding;
- iii. Canopies; and,
- iv. Other ornamental elements;

(H) exterior stairs providing access to a *building* may encroach into a beyond the heavy lines identified on Map 2 if the stairs are no longer than 2.0 horizontal units for each 1.0 vertical unit above the ground at the point where the stairs meet the *building* and no closer to a lot line than 0.0 metres;

(I) a minimum of 7 *parking spaces* shall be provided and maintained on the *lot* for residential use; and,

(J) a minimum of 30% of the *lot* shall be used as *landscaped open space*.

7. For the purpose of this By-law each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:

(A) "*front lot line*" means the lot line along Avenue Road;

(B) "*grade*" means 171.98 metres Canadian Geodetic Datum;

(C) "*height*" means the vertical distance between *grade* and the highest point of the buildings or structures on the *lot*, except for those elements otherwise expressly permitted in this By-law;

(D) "*lot*" means the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law;

(E) "*row house*" shall mean one of a series of more than two attached buildings, each building comprising one *dwelling unit* and each building divided vertically from another by a party wall;

(F) "*secondary suite*" shall mean a self-contained living accommodation for an additional person or persons living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the suite, located in and subordinate to a *dwelling unit*.

**8.** None of the provisions of By-law 438-86, as amended, apply to prevent the erection and use of a temporary sales office on the *lot* for a period of not more than 3 years from the date this by-law comes into full force and effect, exclusively for the purposes of marketing and sales of the *dwelling units* on these lands.

**9.** 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.

**10.** Within the *lot*, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

(A) all public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and

(B) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Speaker Name,  
Speaker

ULLI S. WATKISS  
City Clerk

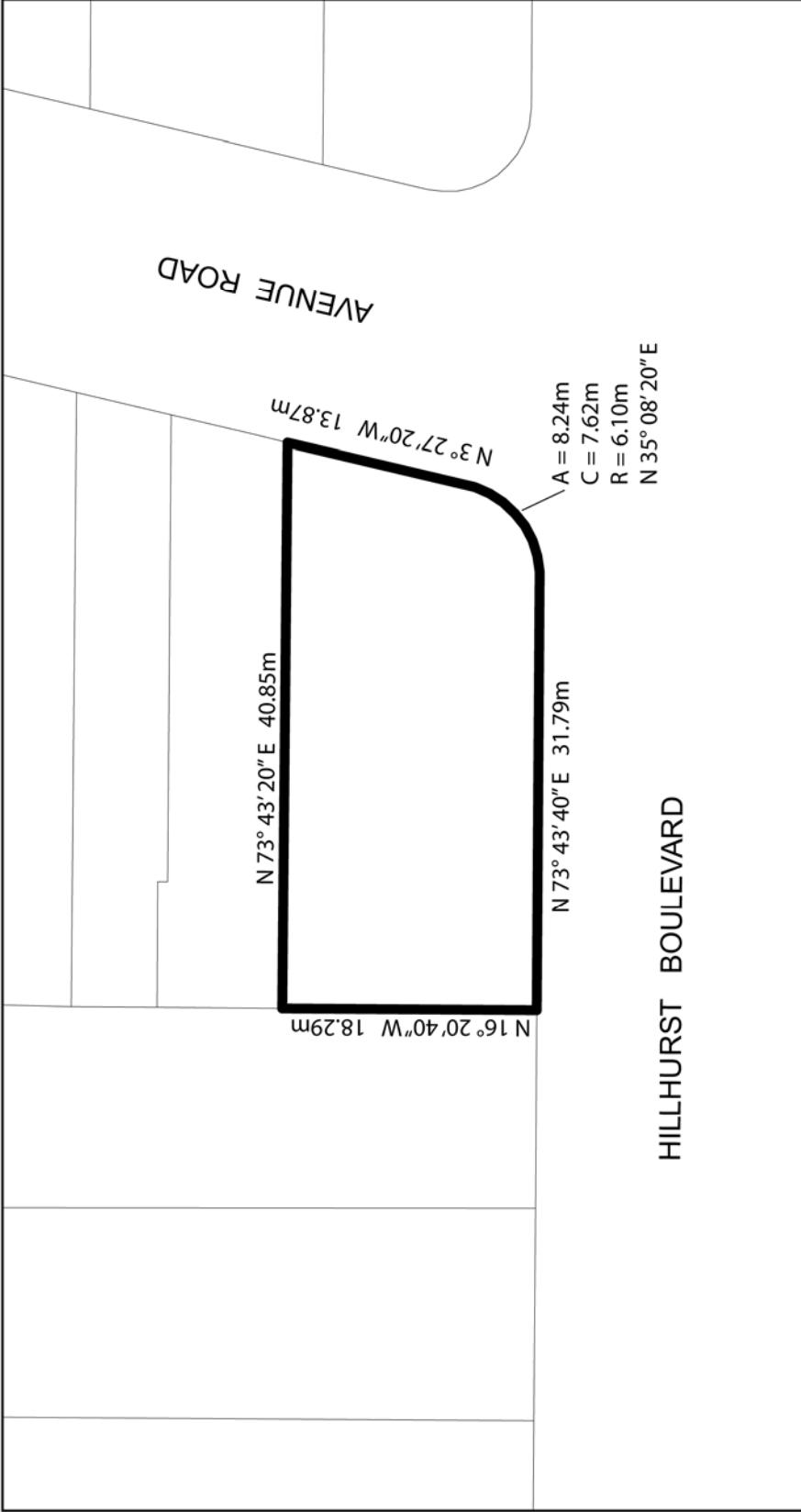
(Corporate Seal)

## **APPENDIX 1**

### Section 37 Provisions

The facilities, services and matters set out herein are 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 indexing escalation of the financial contributions and letters of credit, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

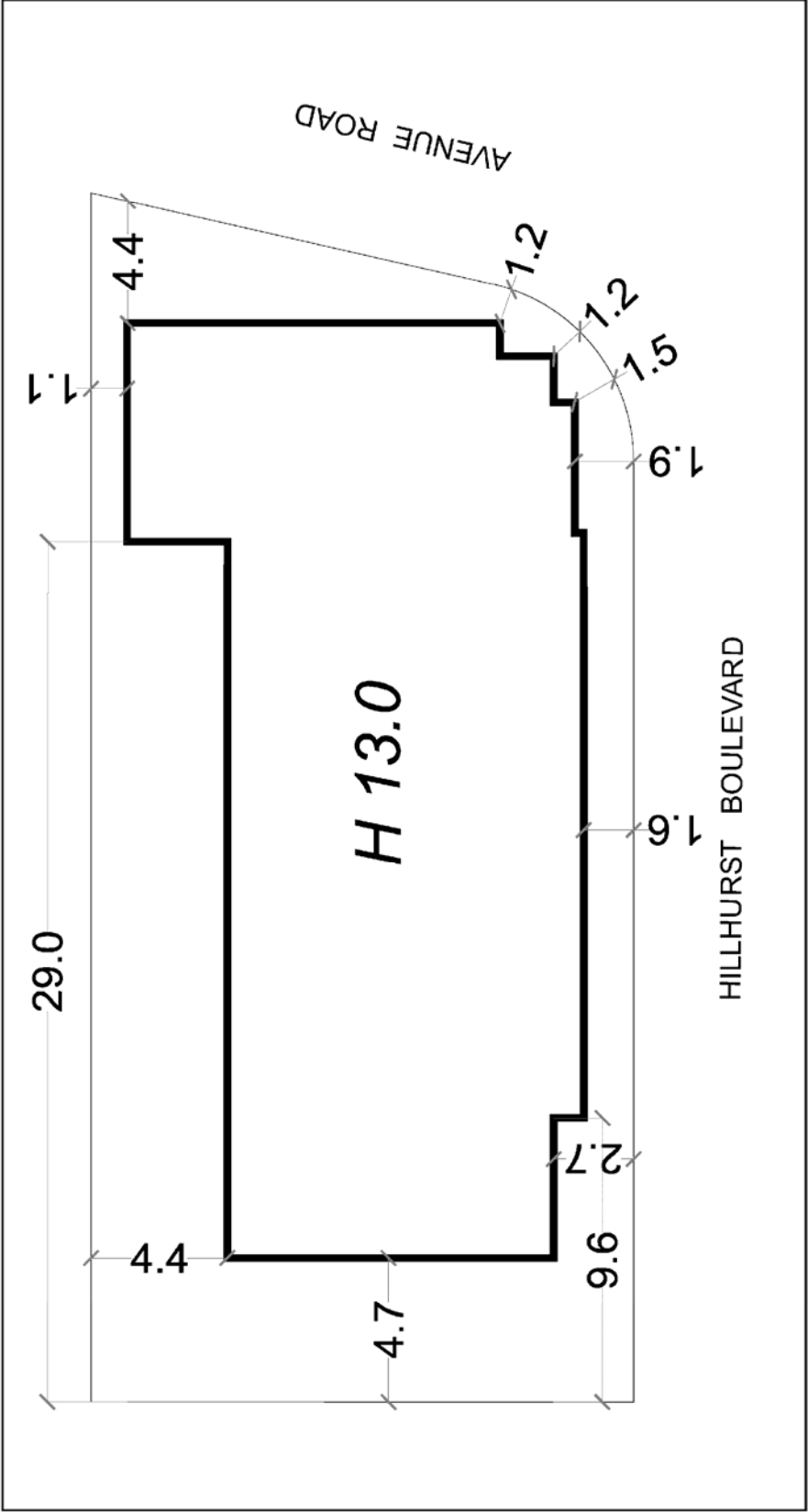
1. Prior to introducing the necessary Bills to City Council for enactment, the Owner shall provide a cash contribution of \$35,000 to be directed to the Capital Revolving Fund for Affordable Housing and to be put towards the provision of new affordable housing.



1202 & 1204 Avenue Road

File # 16 254034 MNY 16 0Z

City of Toronto By-law 438-86  
Not to Scale  
1/4/2019



1202 & 1204 Avenue Road

File # 16 254034 NNY 16 0Z

City of Toronto By-law 438-86  
Not to Scale  
03/22/2019

## **Attachment 7: Draft Zoning By-law Amendment (569-2013)**

Authority: North York Community Council ##, as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 2019

### **CITY OF TORONTO**

#### **BY-LAW No. XXX-2019**

#### **To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 1202-1204 Avenue Road**

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

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

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

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/or 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; and

Whereas pursuant to Section 39 of the *Planning Act*, the council of a Municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the By-law;



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. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 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 R (f15.0; d0.6) (x62), 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 900.2.10 Exception Number [62] so that it reads:

**(62) Exception R 62**

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

Site Specific Provisions:

(A) On 1202-1204 Avenue Road, if the requirements of Section (6) and Schedule A of by-law [clerks to insert] are complied with, a **building** or **structure** may be erected or constructed in compliance with (B) to (R) below;

(B) For purposes of this exception, the **established grade** is the Canadian Geodetic Datum elevation of 171.98 metres;

(C) Maximum number of **dwelling units** is 7;

(D) Despite Regulation 150.10.40.1(1), one **secondary suite** is permitted at the time of construction.

(E) Despite Regulation 5.10.30.20(1), the **front lot line** is the **lot line** abutting Avenue Road;

(F) Despite Regulation 10.10.40.1(4), the required minimum width of a **dwelling unit** in a **townhouse** is 4.85 metres;

(G) Despite Regulation 10.10.40.10(1) and (2), the permitted maximum height of a **building** or **structure** must not exceed the height in metres specified by the numbers followed by the symbol "HT" shown on Diagram 3, attached to this By-law;

(H) Despite regulation 10.5.40.50(4), the floor of the platform at a **front wall** may be no higher than 1.55 metres above **established grade**;

(I) Regulation 10.10.40.10(6) regarding the height of a main pedestrian entrance does not apply;

(J) Regulation 10.10.40.30(1) regarding **building depth** does not apply;

(K) Despite Regulation 10.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 1,375 square metres;

(L) Despite Clause 10.10.40.70, the required minimum building setbacks for all above ground portions of any **building** or **structure** are as shown on Diagram 3 attached to this By-law;

(M) Despite Clause (L) above and regulations 10.5.40.60(5) and (6), the following **building** elements and **structures** are permitted to encroach into the required **building setbacks** shown on Diagram 3, attached to this By-law, a maximum of 0.5 metres;

- (i) Bay windows;
- (ii) Architectural banding;
- (iii) Canopies; and,
- (iv) Other ornamental elements;

(N) For the purposes of regulation 10.5.40.60(1) a platform providing access to a **building** or **structure** will be located on the storey closest to the floor height of 173.30 metres Canadian Geodetic Datum;

(O) Despite regulation 10.5.40.60(3)(A) (i) and (iii), exterior stairs providing access to a **building** or **structure** may encroach into a required minimum **building setback** if the stairs are no longer than 2.0 horizontal units for each 1.0 vertical unit above the ground at the point where the stairs meet the **building** or **structure** and no closer to a lot line than 0.0 metres;

(P) Despite Regulation 10.5.50.10(1), (2) and (3), a minimum of 30% of the area of the **lot** shall be for **landscaping**, of which 20% shall be for soft landscaping;

(Q) Despite Regulation 200.5.10.1(1), a minimum of 7 **parking spaces** for residential use and no visitor **parking spaces** shall be required and maintained on the **lot**;

(R) Despite regulation 200.15.10(1), no accessible **parking spaces** are required for the **lot**;

5. None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office on the **lot** for a period of not more than 3 years from the date this by-law comes into full force and effect, exclusively for the purposes of marketing and sales of the **dwelling units** on these lands.

## 6. 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 1 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/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Prevailing By-laws and Prevailing Sections: (None Apply)

ENACTED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

SPEAKER NAME,  
Speaker

ULLI S. WATKISS  
City Clerk

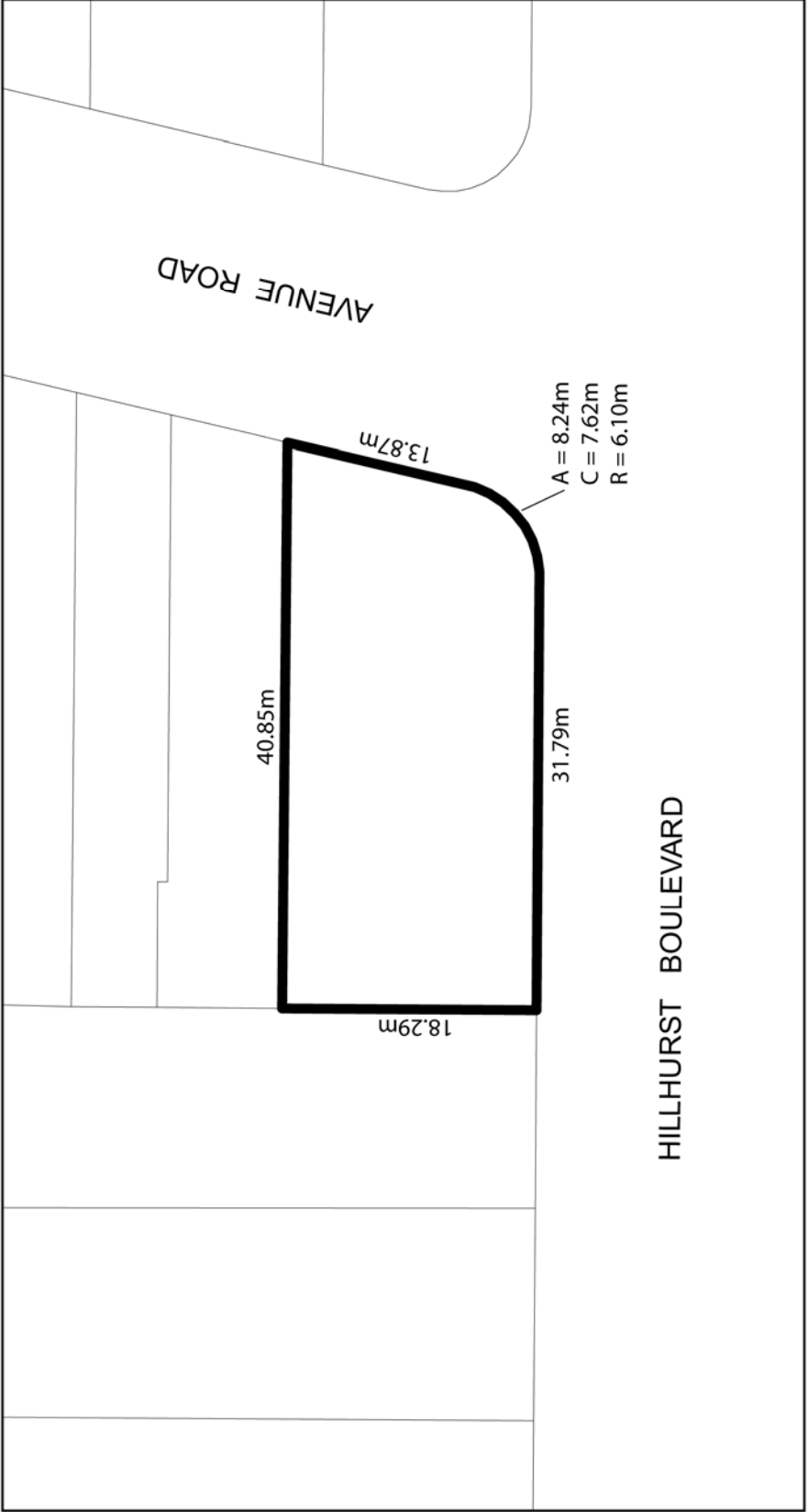
(Corporate Seal)

## **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 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

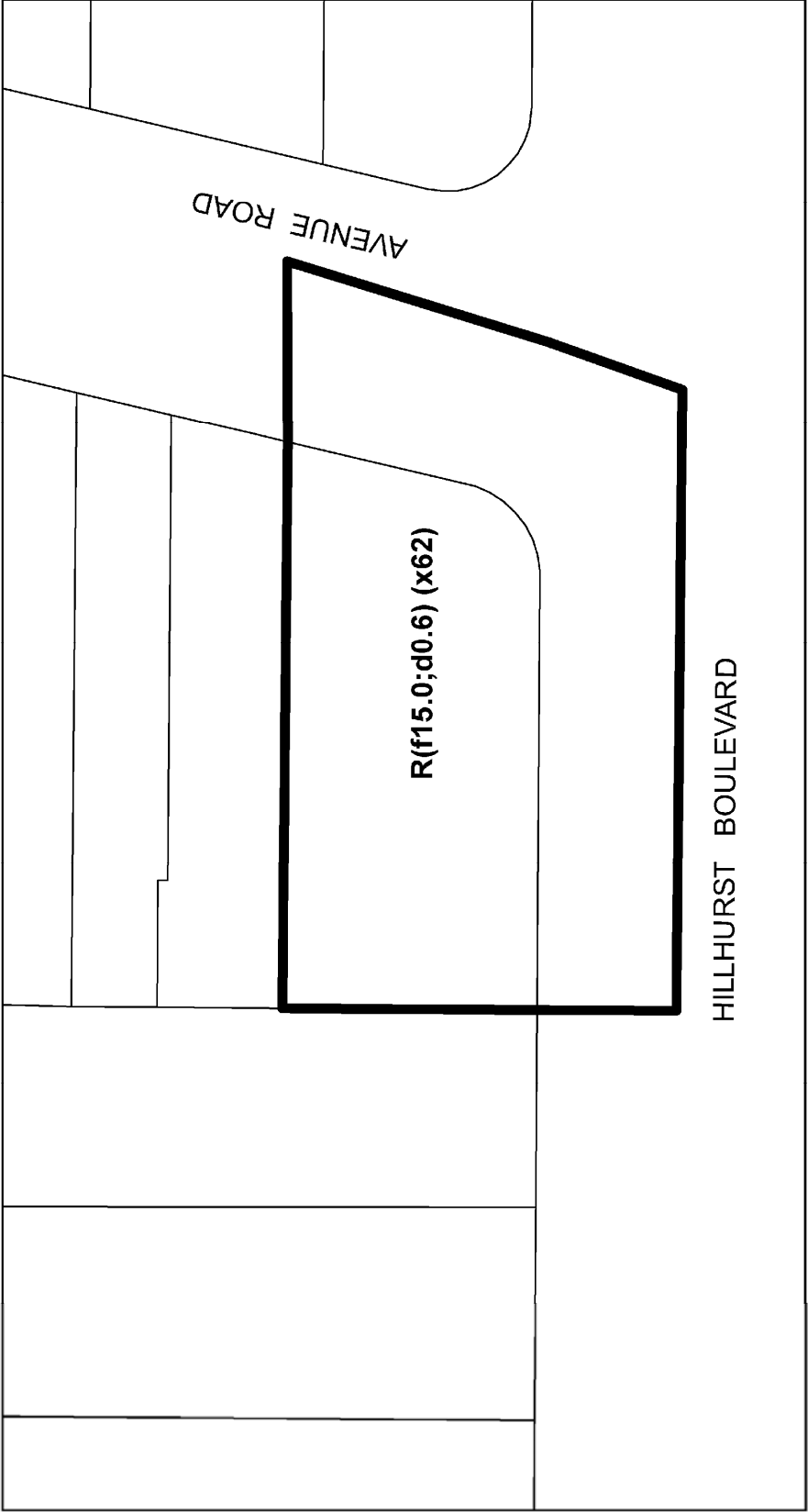
1. Prior to introducing the necessary Bills to City Council for enactment, the Owner shall provide a cash contribution of \$35,000 to be directed to the Capital Revolving Fund for Affordable Housing and to be put towards the provision of new affordable housing.



**1202 & 1204 Avenue Road**

File # 16 254034 MNY 16 0Z

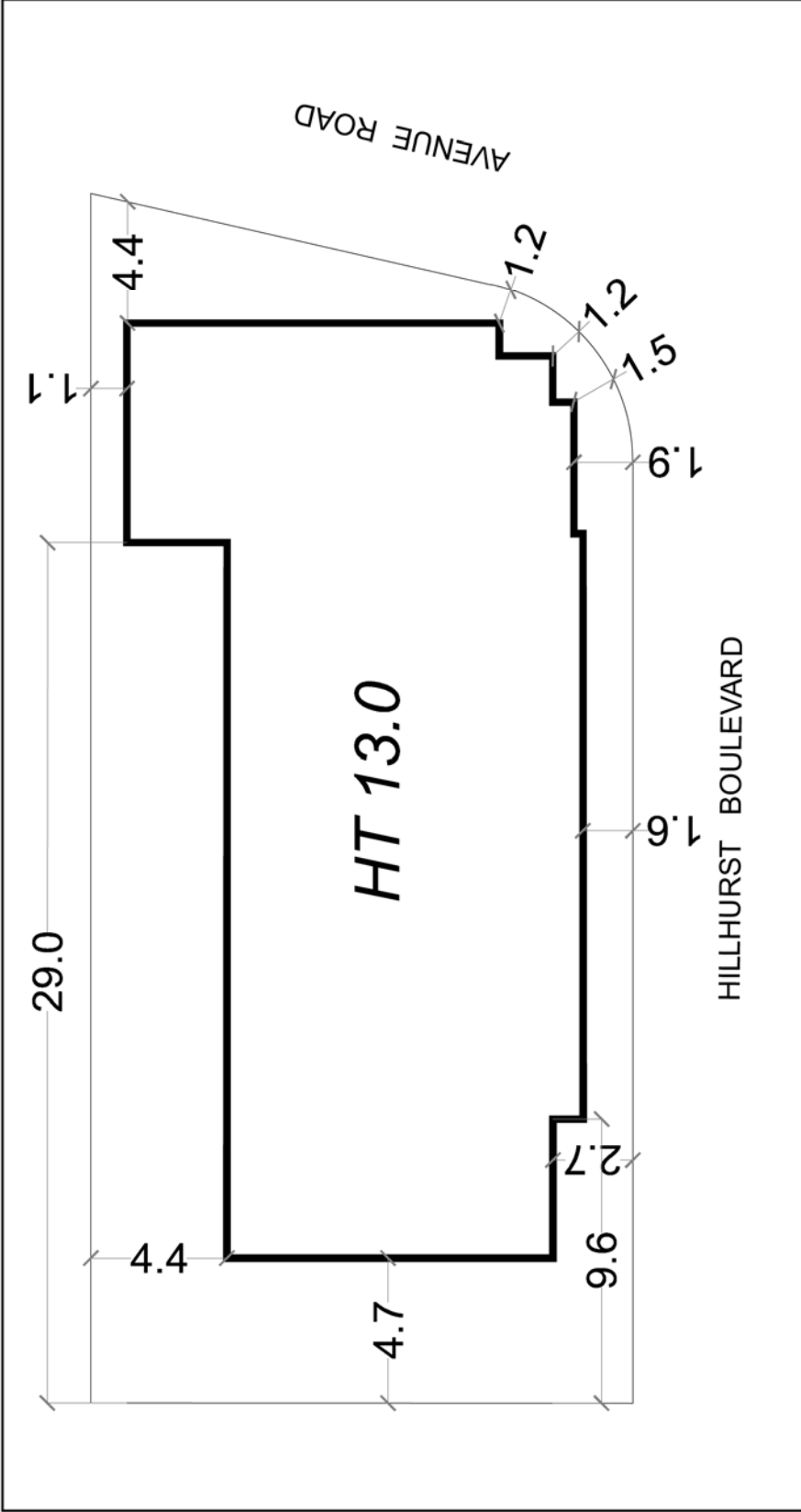
City of Toronto By-law 569-2013  
Not to Scale  
1/4/2019



1202 & 1204 Avenue Road

File # 16 254034 NNY 16 0Z

City of Toronto By-law 569-2013  
Not to Scale  
1/4/2019



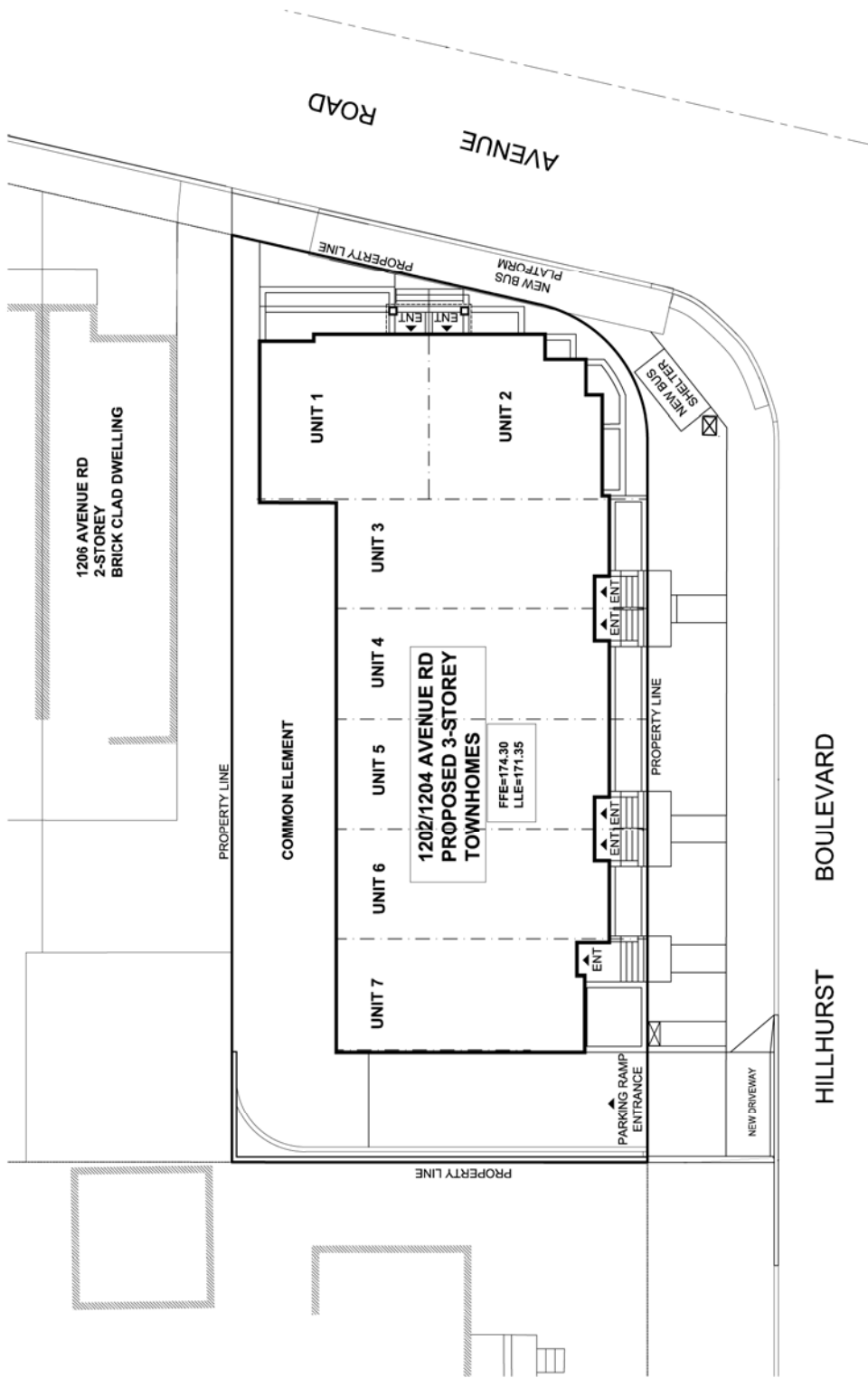
**Toronto**  
Diagram 3

1202 & 1204 Avenue Road

File # 16 254034 MNY 16 0Z

City of Toronto By-law 569-2013  
Not to Scale  
03/22/2019

**Attachment 8: Site Plan**



**1202 & 1204 Avenue Road**

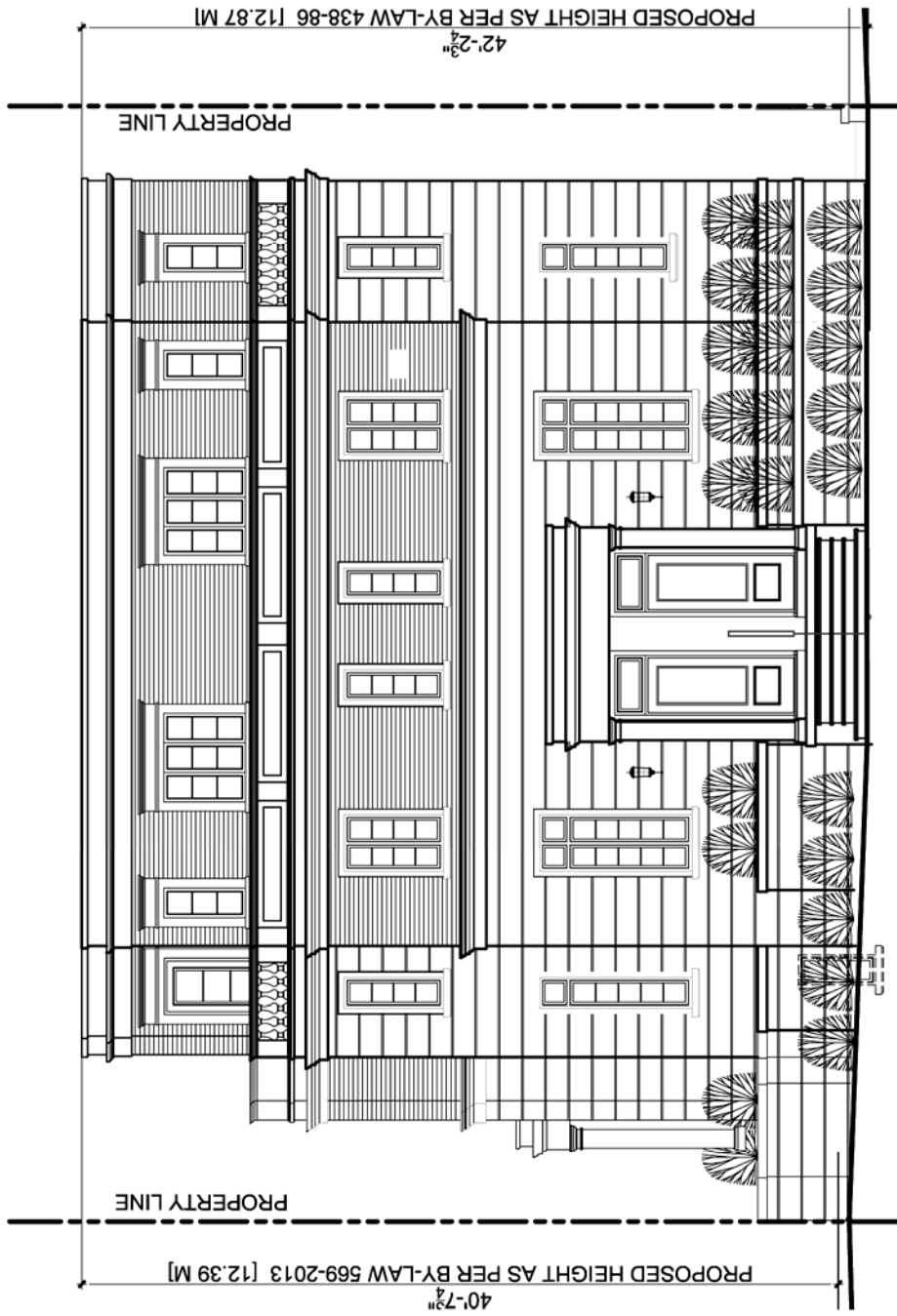
**Site Plan**  
Applicant's Submitted Drawing

File # 16 254034 NNY 16 0Z

Not to Scale  
03/13/2019



**Attachment 9: East Elevation**



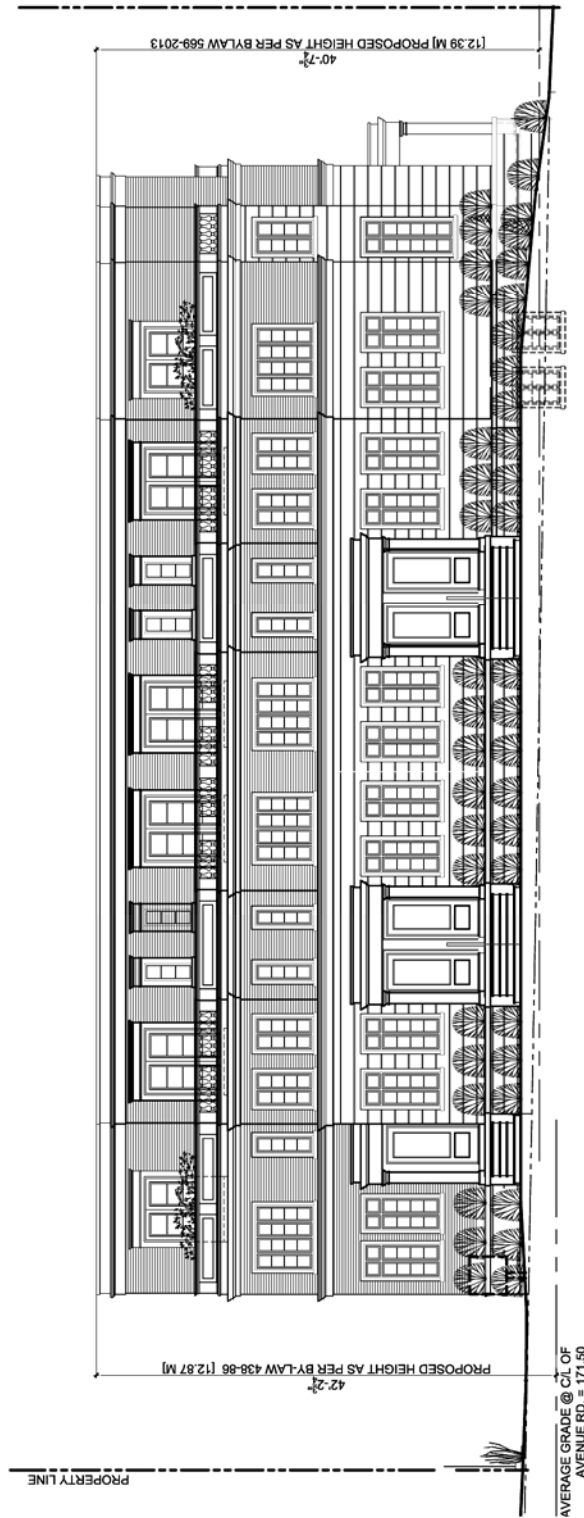
**1202 & 1204 Avenue Road**

**East Elevation**  
Applicant's Submitted Drawing

File # 16 254034 NNY 16 0Z

Not to Scale  
03/14/2019

# Attachment 10: South Elevation



## South Elevation

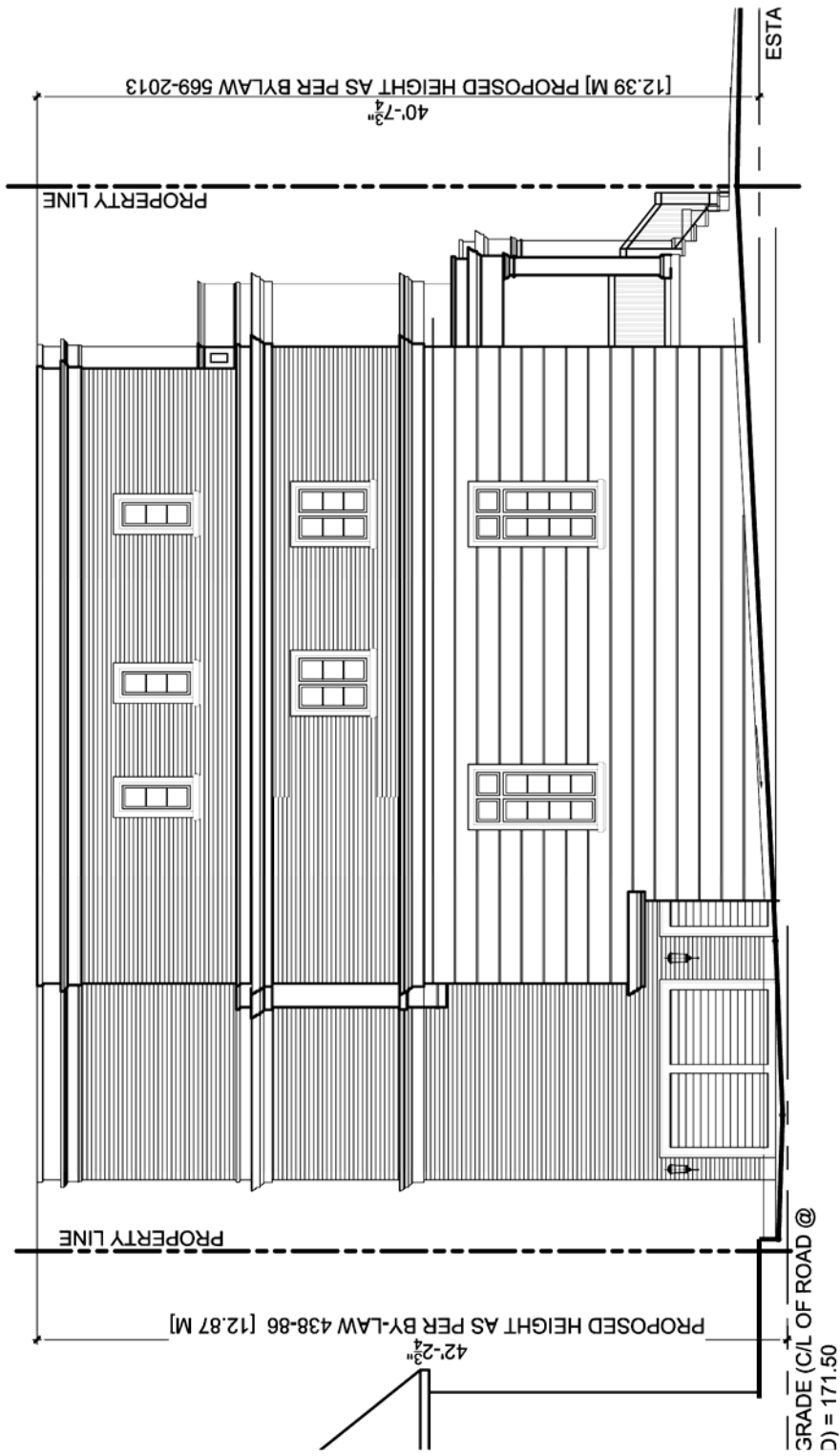
## 1202 & 1204 Avenue Road

Applicant's Submitted Drawing

Not to Scale  
03/14/2019

File # 16 254034 NNY 16 0Z

# Attachment 11: West Elevation



1202 & 1204 Avenue Road

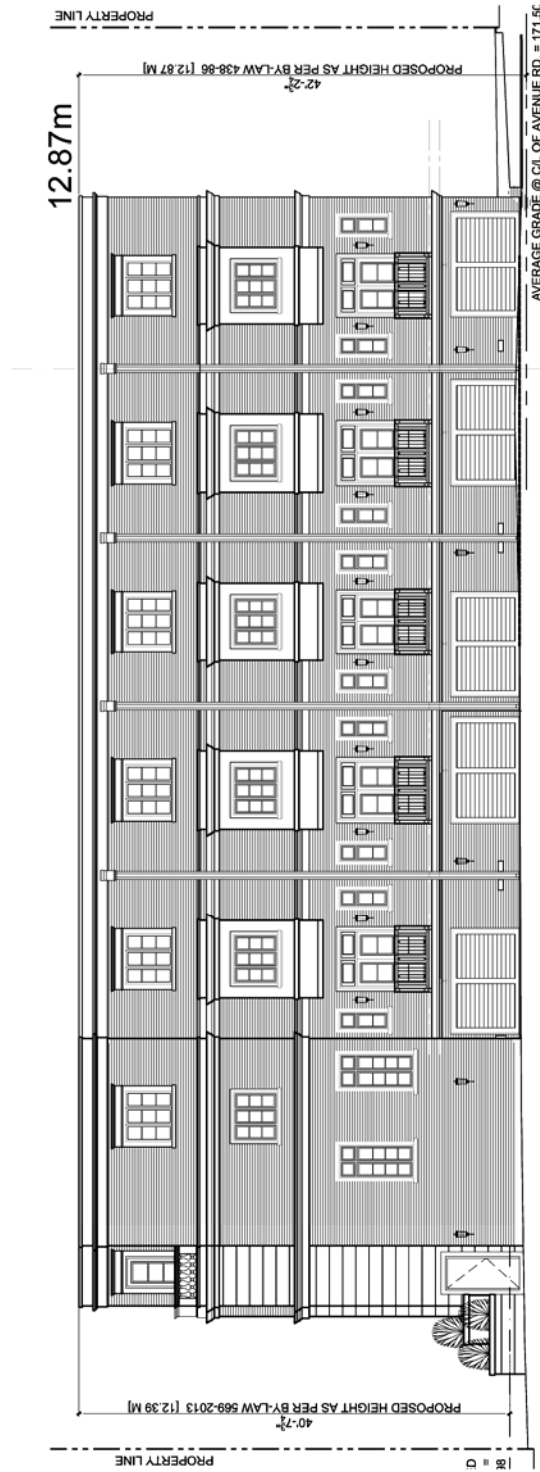
West Elevation

Applicant's Submitted Drawing

Not to Scale  
03/14/2019

File # 16 254034 NNY 16 0Z

# Attachment 12: North Elevation



## North Elevation

1202 & 1204 Avenue Road

Applicant's Submitted Drawing

Not to Scale  
03/14/2019

File # 16 254034 NNY 16 0Z