

DECISION AND ORDER

Decision Issue Date Monday, January 13, 2020

PROCEEDING COMMENCED UNDER Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): KEN ZUCKERMAN

Applicant: KEN ZUCKERMAN

Property Address/Description: 121 AVENUE RD

Committee of Adjustment Case File: 18 153123 STE 27 MV (A0462/18TEY)

TLAB Case File Number: 18 246813 S45 27 TLAB

Hearing date: October 29, 2019 & October 30, 2019

DECISION DELIVERED BY S. GOPIKRISHNA

APPEARANCES

| NAME | ROLE | REPRESENTATIVE |
|-------------------------------|----------------------------|--------------------------|
| ALDERGREEN ESTATES INC | OWNER | |
| KEN ZUCKERMAN | APPLICANT/APPELLANT | MARY FLYNN |
| | | GUGLIETTI |
| EXPERT WITNESS | | LOUIS TINKER |
| ABC RESIDENTS ASSOC. | PARTY (TLAB) | ANDREW BIGGART |
| DANIEL LUBLIN | PARTY (TLAB) | ANDREW BIGGART |
| AARON MITCHELL | PARTY (TLAB) | ANDREW BIGGART |
| CHRISTOPHER WEIN | PARTY (TLAB) | ANDREW BIGGART |
| MARIE FOSS | PARTY (TLAB) | ANDREW BIGGART |
| RONALD FREIMAN | PARTY (TLAB) | ANDREW BIGGART |
| HEATHER RIDER | PARTY (TLAB) | ANDREW BIGGART |
| ELEANOR HIRSHFELD | PARTY (TLAB) | ANDREW BIGGART |
| CITY OF TORONTO | PARTY (TLAB) | MARC HARDIEJOWSKI |

INTRODUCTION AND BACKGROUND

Aldergreen Estates and Zinc Developments are the owners of 121 Avenue Rd., located in Municipal Ward Toronto Centre-Rosedale, in the City of Toronto. They applied to the Committee of Adjustment (COA), to alter the redevelopment plan for a mixed-use building approved under Site Specific Bylaw 1279-2007 (OMB), by increasing the permitted height to 8-storeys, including a mechanical penthouse, modifying the building envelope, adding ground floor commercial space, increasing the gross floor areas, and by reducing the parking stacker dimensions. The COA heard the application on July 18, 2018, and refused the same in its entirety.

The owners then appealed the COA's decision to the Toronto Local Appeal Body(TLAB), which scheduled a Hearing on March 20, 2019. This TLAB Hearing was converted to a Mediation meeting facilitated by the Chair of the TLAB, Mr. Ian James Lord. The parties to the mediation were Aldergreen and Zinc Developments represented by Ms. Mary Flynn-Guglietti, the City represented by Messrs Nathan Muscat and Marc Hardiejowski, and Parties ABC and Lublin, represented by Mr. Andrew Biggart- it is important to note that all the representatives are lawyers. The Mediation was not

successful- so the TLAB subsequently scheduled Hearings on October 29, 2019, and October 30, 2019, to hear the Appeal.

MATTERS IN ISSUE

The property is located in the former municipality of Toronto and is subject to Zoning By-law No. 438-86, as amended and By-law 1279-2007(OMB). Based on Zoning By-law No. 438-86, the property is zoned CR T2.0 C2.0 R2.0.

1. By-law 1279-2007(OMB), Section 1(2) requires a building to be located within the areas delineated by heavy lines on Map 2.

The new building will be located within the areas delineated by heavy lines as shown on the revised Map 2.

2. By-law 1279-2007(OMB), Section 1(3) allows a building to have a height not exceeding the heights shown on Map 2.

The new building will have a height as indicated by the H symbol as shown on the revised Map 2.

3. By-law 1279-2007(OMB), Section 1(4) requires that the combined non residential gross floor area and residential gross floor area be not more than 2,509.0 square metres.

The new building will have 2,977 square metres of combined non-residential gross floor area and residential gross floor area.

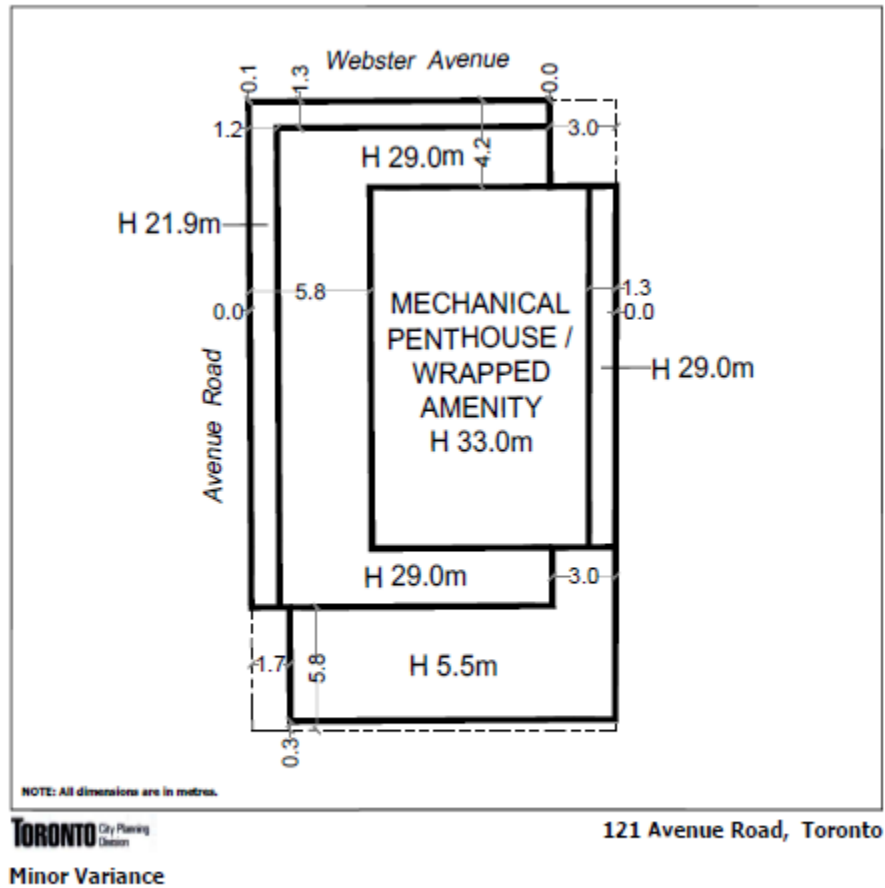
4. By-law 1279-2007(OMB), Section 1(6) requires that the residential gross floor area be not more than 702.0 square metres.

The new building will have a residential gross floor area of 2,508 square metres (floors two through eight).

5. By-law 1279-2007(OMB), Section 1(14) requires a parking stacker to have minimum dimensions of at least 5.6 metres in length by 2.7 metres in width.

The parking stackers will have dimensions of 2.17 metres by 5.31 metres

Map 2, as discussed above, is illustrated below:



Not to Scale



JURISDICTION

Provincial Policy – S. 3

A decision of the Toronto Local Appeal Body ('TLAB') must be consistent with the 2014 Provincial Policy Statement ('PPS') and conform to the Growth Plan for the Greater Golden Horseshoe for the subject area ('Growth Plan').

Minor Variance – S. 45(1)

In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

EVIDENCE

At the commencement of the Hearing on October 29, 2019, Ms. Mary Flynn-Guglietti, Counsel for the Appellants, informed me, that her clients, and the other Parties, namely the City of Toronto, ABC Residents Association, and Mr. Daniel Lublin, had reached a Settlement in principle, and needed to “iron out a few details”, before bringing forward the final Settlement to the Toronto Local Appeal Body. They requested that the Hearing be adjourned in order to allow them to complete their negotiations, and that we reconvene on October 30, 2019. I granted the request, and agreed to reconvene at 9:30 AM on October 30, 2019.

On October 30, 2019, the Parties informed me that they had a final Settlement drafted amongst themselves, and that “all remained were the signatures of the Parties”. Ms. Flynn-Guglietti drew my attention to the fact that while almost all the variances requested by the Appellant were more modest than what had originally been applied for, the GFA variance had ostensibly increased, because the elevator shaft, and the stairwells which had not been included in the original calculations due to an oversight, were now included in the calculation. Given the fact that the variances had changed numerically, she discussed the issue of whether notice had to be given. Ms. Flynn-Guglietti’s position was that no new notice had to be given under Section 45.18.1.1 of the Planning Act, because:

- All variances excepting the GFA variances had been reduced
- The ostensible increase in the GFA variance was the result of a miscalculation, as opposed to an actual change in the design of the proposal.

In support of her reasoning, she brought forward a few decisions from the former Ontario Municipal Board (OMB) . Of particular interest, is the Appeal respecting 35 McCaul Street, where Member Jason Chee- Hing waived notice under Section 45.18.1.1 , notwithstanding a number of technical changes were made to the design being appealed, including the inclusion of a new variance by the City. She also discussed the OMB decisions respecting 426 Markham Street, and 399 Adelaide Street (both of which are in Toronto) where the OMB had waived notice under conditions where there were changes to the variances, including increases to some, as a result of technical changes to the variances.

Given the similarity of the fact bases of the cases cited by Ms. Flynn-Guglietti, and the fact base before me, and the fact that the other Parties were in support of the waiving of the notice, I waived the need for notice under Section 45.18.1.1. enabling the Parties to present the Settlement to me.

Mr. Louis Tinker, a land use planner, was sworn in, and recognized as an expert in the area of land use planning.

Mr. Tinker provided a brief overview of the Subject site, and said that the subject site was formerly part of a larger property containing St. Paul’s Methodist Church, which was destroyed by a fire in 1995. In 1999, the easterly portion of the former church

property has been redeveloped with a 3-storey townhouse development (Nos. 23 to 35 Webster Avenue). The westerly portion of the former church property (Subject site) has remained vacant and has been the subject of various potential development concepts.

In 2004, a Site specific Official Plan Amendment and Rezoning Application was submitted to develop the subject site, with a seven storey (26.6 metre) mixed use building accommodating 3 floors of office space (1,476.4 square metres total), 3 floors of residential space for 3-residential units, two grade-related retail spaces (approximately 80 square metres). metres total) and 12 stacked vehicular parking spaces at grade. The City's Planning Department prepared a Preliminary Report on December 6, 2004, and a subsequent Refusal Report was prepared on October 24, 2005.

Upon appeal to the former Ontario Municipal Board (OMB) site-specific By-law Nos. 1278-2007 (OPA 375) and 1279-2007, permitting a 6-storey plus mezzanine mid-rise mixed use building, with a larger floor to floor height, and with an overall height of 26.6 metres to the top of the mechanical penthouse were approved. In 2007, the owner of the property entered into a Site Plan Agreement with the City; however, the development of the site did not proceed. He then described a few other proposals, which also did not proceed forward.

Mr. Tinker then proceeded to describe the proposal before the TLAB. The proposal is for an 8-storey mid-rise building with an overall height of 29.84 metres (34 metres to the top of the mechanical penthouse). The building contains 222.60 square metres of retail space on the ground floor, and 2,236 square metres of residential gross floor area on floors 2 through 8. A total 11 two-bedroom units are proposed. Total gross floor area is 2,977 square metres representing an FSI of 5.7 times the area of the lot. He described the retail at the street level, and said that the increase in retail, and the resultant "activation" at the street level, was one of the distinguishing features between the former proposal, and what was in front of the TLAB

The ground floor of the building contains 222.60 square metres of retail space extending along the entire Avenue Road frontage. The ground floor is setback 4.0 metres from the Avenue Road curb line. Pedestrian access to the retail space will be from an entrance on Avenue Road.

Along Webster Avenue, the ground floor retail use and residential entrance is setback 3.3 metres from the north property line and 7.0 metres from the curb along Webster Avenue. The entrance to the proposed car elevator is set further back with an overall setback from the curb of 9.7 metres

The elevator core, stairwell and mechanical spaces (the "mechanical core") that extend up through each level of the building have been positioned towards the east side of the lot with a zero rear yard setback. Mr. Tinker said that this portion of the building was carefully located to align with the north south dimension of the abutting townhouses.

On levels 2 to 4, with the exception of the mechanical core, the setback from the east (rear) property line from the building face is 3 metres at the south end and 5.73 metres at the north end. On level 5, the east setback at the south end increases to 5.2 metres, on level 6 the setback further increases to 5.5 metres. Up to level 6, from the north, east and south, the building is built to the property line. At level 7, the building is stepped back 3.0 metres from the north, and south frontages, and introduces a 1.5 metres setback from the west frontage (facing Avenue Road). At level 8, the building continues to provide the same 3.0 metre setback from the north and south frontages and a 1.5 metre setback from the west frontage (facing Avenue Road).

Mr. Tinker said that the overall result of the setbacks and design of the building is to create a 22.1 metres street wall height, with a generous setback at grade along Avenue Road, and Webster Avenue. Above this street wall height, which is less than the 23.0 metres right-of-way width of Avenue Road, is an additional two storeys setback 1.5 metres.

Mr. Tinker recited the variances, as stated in the “Matters Under Consideration” Section, before discussing the area surrounding the Site.

The Subject Site is located at the southeast corner of Avenue Road, and Webster Avenue, between Bloor Street West, and St. Clair West. The character of Avenue Road north of Bloor Street West, to Davenport Road is characterized by a wide street right-of-way (23.0 metres in front of the subject site), framed by mixed-use and residential buildings with a general transition in building heights moving north from Bloor Street, with various building typologies fronting the Yorkville neighbourhood to the east and the Annex neighbourhood to the west. Mr. Tinker provided a detailed overview of the neighbouring buildings on Avenue Road, with specific reference to 111 Avenue Road, 131 Avenue Road, 143 Avenue Road, 195 Davenport Road, 164 Avenue Road, as well as how the proposal interacted with its immediate context, including the residential townhouses on Webster Avenue. These townhouse properties are designated as *Mixed Use Areas* in the Official Plan, a To the east, Webster Avenue intersects with Hazelton Avenue, which is lined with a mix of detached, semi-detached and row houses predominantly with residential uses and some non-residential use closer to Scollard Steet. The properties along Hazelton avenue are largely designated as *Neighbourhoods* in the Official Plan. Mr. Tinker pointed out that building heights increase along the west side of Avenue Road south of Elgin Avenue to more than 5-storeys. Low-rise residential uses locate further west along Elgin, Boswell and Tranby Avenues within the Annex neighbourhood Based on his review of the immediate surroundings, Mr. Tinker said that the Subject site has the same lot and block orientation, as the properties which front onto Avenue Road, and the existing pattern of development is one of modest front yard setback, commercial or retail uses at grade with residential uses above.

Mr. Tinker described how the proposal was consistent with the higher level policies, including the Provincial Policy Statement (2014), and the Growth Plan for the Golden Horseshoe (2017), through facilitating a modest level of intensification, and will add to the range of residential unit types and sizes for the neighbourhood as a whole. It would

introduce, at grade commercial opportunities, thereby supporting the achievement of complete communities, at a Subject site within an *Urban Growth Centre*.

Mr. Tinker then discussed how the proposal was consistent with the intent, and purpose of the Official Plan. He referred to Policy 4.5.2 of the former Official Plan (which was in place, when the application was originally filed), which aimed to “locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, though means such as provided appropriate setbacks and/or stepping down of heights.” Particular emphasis is placed on lower scale *Neighbourhoods*. In this case, the closest *Neighbourhoods* area are those to the northeast of the subject site, on the northside of Webster Avenue, and further east along Webster Avenue, towards Hazelton Avenue, east of the abutting townhouses. Mr. Tinker then reviewed the sun/shadow study prepared in connection with this application, which shows that the proposed location and massing of the building adequately limits shadow impact on adjacent *Neighbourhoods*. The shadow impacts on the abutting townhouses in the adjacent *Mixed Use Areas* designation are largely shadowed by the existing 8-storey residence to their immediate south. In his opinion, the incremental shadow impact on *Neighbourhoods* designated properties is minimal and adequately limited.

Mr. Tinker reviewed other pertinent policies, such as Site and Area Specific Policy (SASP 211), OPA 406 (the Downtown Secondary Plan), and demonstrated the compatibility between these policies, and the proposal. Policy 211 recognizes that the Bloor-Yorkville/North Midtown area is composed of a broad mix of districts, with different intensities, scales, and heights in a diversity of building forms, and aims to provide a transition in density and scale from the more intensive use and development forms to the south, and within the height peak at the intersection of Yonge Street and Bloor Street. Mr. Tinker opined that the proposed development conforms with the Downtown Secondary Plan. OPA 406, which identifies the subject site as being designated *Mixed Use Areas 3- Main Street*, where the development will be in the form of low-rise, and mid-rise buildings, as was proposed by the Appellants.

Based on this discussion, Mr. Tinker concluded that the proposal satisfied the test of being consistent with the intention of the Official Plan (OP).

Mr. Tinker discussed how the proposal was consistent with the intent, and purpose of the applicable By-Laws 438-86, and 1279-2007- the latter is a Site specific By-Law, approved by the OMB, permitting a 6-storey plus mezzanine mid-rise mixed use building, with an overall height of 26.6 metres to the top of the mechanical penthouse.

He first discussed the height and massing variance, and its relationship to the By-Laws. He said that the proposed variances would result in modifications to the Site Specific By-law, to create a building envelope that would continue to be compatible with adjacent lower scale townhouses to the east, while being consistent with the height and massing of buildings, which constitute the existing and emerging context along Avenue Road, through appropriate height transitions.

Discussing the GFA variance, Mr. Tinker said that By-law 1279-2007(OMB) permits a mixed use building with a total gross floor area not exceeding 2,509.0 square metres, comprising a maximum of 702.0 square metres residential gross floor area and 1,807 square metres of non-residential GFA. He said that the intent and purpose of establishing a total Gross Floor Area is to ensure that the overall massing and scale of the building, is compatible with its surrounding, and does not create any adverse built form impacts. In this case, the requested increase in total gross floor area results in a building envelope, which is sensitive to its surrounding context and, does not result in any additional built form impacts than what be experienced under the Site Specific Bylaw. The increase in the amount of residential gross floor area, represents a change in the mix of uses, within the mixed use building, but does not result in any land use compatibility impacts on surrounding properties.

Mr. Tinker said that there is a four metre setback from the curb to the building face, and an extra two metres from Avenue Road, and 3.4 m from Webster Avenue. He then discussed the parking arrangements for the project- the parking is located two floors below the ground level, and consists of 35 parking spots. He described how each car looking to access the underground parking, would be placed on a platform, with the capacity for revolving through a 360 degree angle. The cars can descend, or ascend through an elevator, between the parking spaces at the B1 and B2 levels, and the ground level. He described the parking arrangement as being “non-traditional” with respect to Zoning, but said that the system was becoming common in the downtown area, since there is a dearth of parking space. He said that because of the efficiency of the space, without two way traffic, it was possible for the vehicles to work with a driveway width narrower than the standard width, which was the purpose of the requested variance.

Based on this discussion, Mr. Tinker concluded that the variances upheld the intent and purpose of the applicable By-laws.

Mr. Tinker next discussed how the proposal was desirable for the appropriate development or use of the land.

He said that the requested variances are appropriate and desirable, because they will allow for the development of the mixed-use development on the subject site, which will achieve the policy objectives of the Official Plan, as well as Provincial policies, particularly promoting intensification in an area well-served by existing and planned transit services in the *Downtown*. The variances will provide for the efficient use of the land, a design that continues to be sensitive to the residential dwellings immediately to the east, improves the at-grade retail component, reinforces the existing and emerging built form character along Avenue Road, enhances the pedestrian realm and improves vehicular access and parking.

Lastly, Mr. Tinker spoke to how the proposal satisfied the test of minor.

Mr. Tinker stated that the consideration of whether a variance is minor, is based on an analysis of fit, and impact on the immediate context, and surrounding neighbourhood. He said that, in this regard, the proposed development will not create any significant additional adverse impacts onto the surrounding area. While the total gross floor area and height have increased, the proposed building “performs in a similar manner to the previously approved design”, and will not result in any undue built form impacts on the surrounding area.

Based on this evidence, Mr. Tinker concluded that the proposal satisfied all four tests listed under Section 45.1 of the Planning Act.

Mr. Tinker then spoke generally to the conditions to be imposed, and indicated that the recommended conditions, would be finalized, after which it would be sent to the other Parties for comment, and due diligence. The final conditions to be imposed were sent to me on December 6, 2019 and are listed below:

1. Aldergreen and Zinc agree to construct a development proposal in compliance with the plans at Schedule “A” to the Minutes of Settlement unless otherwise agreed by ABC, acting reasonably.
2. The glass railing on the roof of the building to be constructed shall be made of glass or another similarly transparent material.
3. No balconies on the Site shall extend beyond the boundaries shown in the plans attached as Schedule “A” to Exhibit 2.
4. All terraces and balconies on the Site that face east shall have an opaque privacy screen at least 1.8 metres in height.
5. The number of proposed on-site parking spaces is 35. The on-site parking cannot be used as a commercial parking lot.
6. Variances 1 & 2 on Exhibit 6, being the October 30th, 2019 Examiner’s Notice (**Attachment “A”**), references that “the proposed building will be located outside of the heavy lines on Map 2” and that the “proposed building will have a height exceeding the heights shown on Map 2”. The reference to Map 2 in variances 1 & 2 is Map 2 that forms part of By-law 1279-2007 (OMB) and not Map 2 attached (**Attachment “B”**). For greater certainty the proposed building must be located entirely within the heavy lines on amended Map 2 attached at Attachment “B” as agreed by the parties and the proposed

Ms. Flynn-Guglietti then provided a brief closing statement, where she emphasized how hard all the Parties had worked, in order to arrive at a Settlement, and described the latter as a “miracle”. She emphasized the need to concentrate on the lack of adverse impact of the proposal, rather than the ostensible increase in the area respecting the GFA, and provided authorities delineating this approach, notwithstanding the ostensible departure from the reasoning of the *De Gasperis* case.

I congratulated the Parties for their patience, and hard work in negotiating a Settlement on a complex site, and stated that I would reserve my Decision, until the submissions were submitted. The submissions, as stated in the previous page, were completed on December 19, 2019.

ANALYSIS, FINDINGS, REASONS

The proposal at 121 Avenue Road is unusual for a number of reasons, including the development of a Site subject to unique Site specific policies, as well as Site Specific By-Law. As a result of the Settlement, I understand that the Parties arrived at a design that minimized adverse impact on the neighbouring properties, while allowing the Appellants to develop the Site as a mixed commercial and residential use.

The reasoning behind my waiving the need for notice, as specified in Section 45.18.1 of the Planning Act, as explained in the Evidence Section, is a consequence of the fact that the ostensible increase in the GFA is not the result of a real increase, or an expansion, but more the result of recalculating the existing GFA more accurately.

The evidence from Mr. Tinker demonstrated that the proposal satisfied Policy 4.5.2 of the Official Plan, SASP 2011, and OPA 406, through achieving proper height and mass transitions. Mr. Tinker then reviewed groups of variances, related to the height and massing, followed by the GFA, and parking, and demonstrated that they satisfied the performance standards, and would not result in adverse impact on the neighbouring properties.

Given that the Site has been vacant for a long time, the proposed development is appropriate for the Site through its efficient use of the land, enhancing the pedestrian realm and improving vehicular access and parking. The lack of unacceptable adverse impact on the neighbouring properties was demonstrated through the Shadow Studies, resulting in the proposal being consistent with the test of minor.

Given that the evidence has satisfied all the four tests under Section 45.1, I find that the proposal should be approved, and that the Appeal should consequently be allowed in part, to account for the variances' being changed substantially in view of the terms of the Settlement.

The proposed conditions were agreed by the Parties on mutual consent, and speak to protecting the privacy of the neighbours, and ensuring adequate parking. I regard these conditions as being acceptable, and therefore impose the same as part of the same approval.

I take this opportunity to commend the planners and lawyers for their hard work and perseverance to arrive at the Settlement discussed in this Decision. I would also like to thank Ms. Flynn-Guglietti, and Messrs. Hardiejowski and Biggart for their coordination as reflected in their finalizing the Settlement on October 29, 2019, and presenting it to me on October 30, 2019- the sensitivity to my time is acknowledged, and appreciated.

DECISION AND ORDER

1. The Appeal is allowed in part, and the decision of the Committee of Adjustment, dated July 18, 2018, is set aside.

2. The following variances are approved:

1. By-law 1279-2007(OMB), Section 1(2) requires a building to be located within the areas delineated by heavy lines on Map 2.

The new building will be located within the areas delineated by heavy lines as shown on the revised Map 2.

2. By-law 1279-2007(OMB), Section 1(3) allows a building to have a height not exceeding the heights shown on Map 2.

The new building will have a height as indicated by the H symbol as shown on the revised Map 2.

3. By-law 1279-2007(OMB), Section 1(4) requires that the combined non residential gross floor area and residential gross floor area be not more than 2,509.0 square metres.

The new building will have 2,977 square metres of combined non-residential gross floor area and residential gross floor area.

4. By-law 1279-2007(OMB), Section 1(6) requires that the residential gross floor area be not more than 702.0 square metres.

The new building will have a residential gross floor area of 2,508 square metres (floors two through eight).

5. By-law 1279-2007(OMB), Section 1(14) requires a parking stacker to have minimum dimensions of at least 5.6 metres in length by 2.7 metres in width.

The parking stackers will have dimensions of 2.17 metres by 5.31 metres

3. No other variances are approved.

4. The following conditions are imposed on the approval:

1. Aldergreen and Zinc Properties agree to construct a development proposal in compliance with the plans at Schedule "A" to the Minutes of Settlement unless otherwise agreed by ABC, acting reasonably.

2. The glass railing on the roof of the building to be constructed shall be made of glass or another similarly transparent material.

3. No balconies on the Site shall extend beyond the boundaries shown in the plans attached as Schedule "A".


4. All terraces and balconies on the Site that face east shall have an opaque privacy screen at least 1.8 metres in height.

5. The number of proposed on-site parking spaces is 35. The on-site parking cannot be used as a commercial parking lot.

6. Variances 1 & 2 on the October 30th, 2019 Examiner's Notice (**Attachment "A"**), references that "the proposed building will be located outside of the heavy lines on Map 2" and that the "proposed building will have a height exceeding the heights shown on Map 2". The reference to Map 2 in variances 1 & 2 is Map 2 that forms part of By-law 1279-2007 (OMB) and not Map 2 attached (**Attachment "B"**). For greater certainty the


proposed building must be located entirely within the heavy lines on amended Map 2 attached at Attachment "B" as agreed by the parties and the proposed building height cannot exceed the heights shown on Map 2, and on the attached elevations as shown on **Attachment "C"**.

So orders the Toronto Local Appeal Body



X

S. Gopikrishna
Panel Chair, Toronto Local Appeal Body



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PROJECT:

8-Storey Residential-Commercial Building
 121 Avenue Rd Toronto, ON M5R 2H4

| Rev | Issue | Revised for | Revised by | Revised on |
|-----|-----------------------------------|-------------|------------|------------|
| 3 | Issued for Architectural Review | | | 05/19/2025 |
| 2 | Issued for Construction Documents | | | 05/19/2025 |
| 1 | Issued for Site Preparation | | | 05/19/2025 |

TITLE:

Floor Plan - Level B2

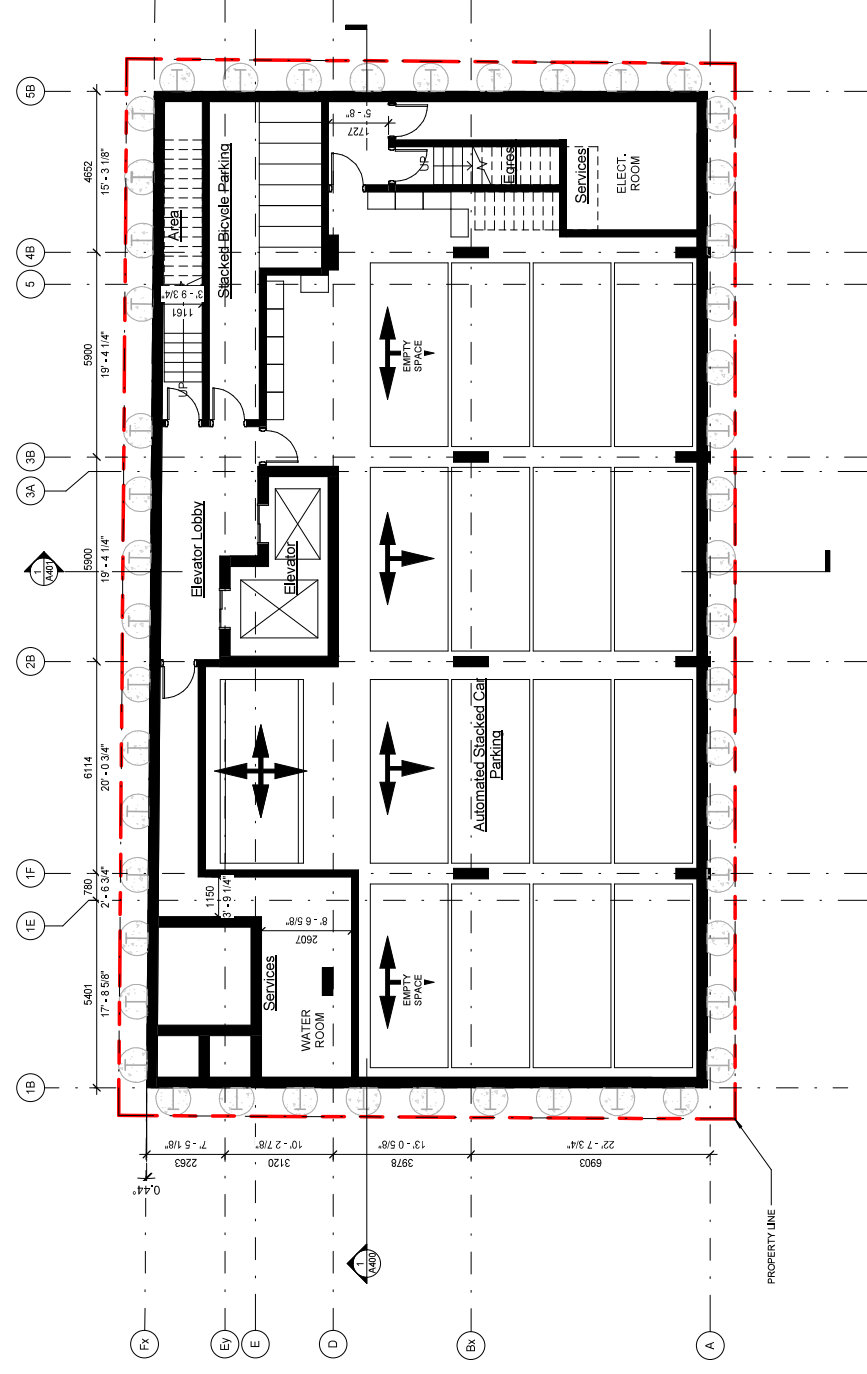
PROJECT NO:

18001

CHECKED:

AG

A100



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| 3 | Revised For Settlement Hearing | 2019-05-09 |
| 2 | Revised For Settlement Hearing | 2019-05-09 |
| 1 | Revised For Settlement Hearing | 2019-05-09 |
| 0 | Revised For Settlement Hearing | 2019-05-09 |
| Rev | Revised For Settlement Hearing | 2019-05-09 |

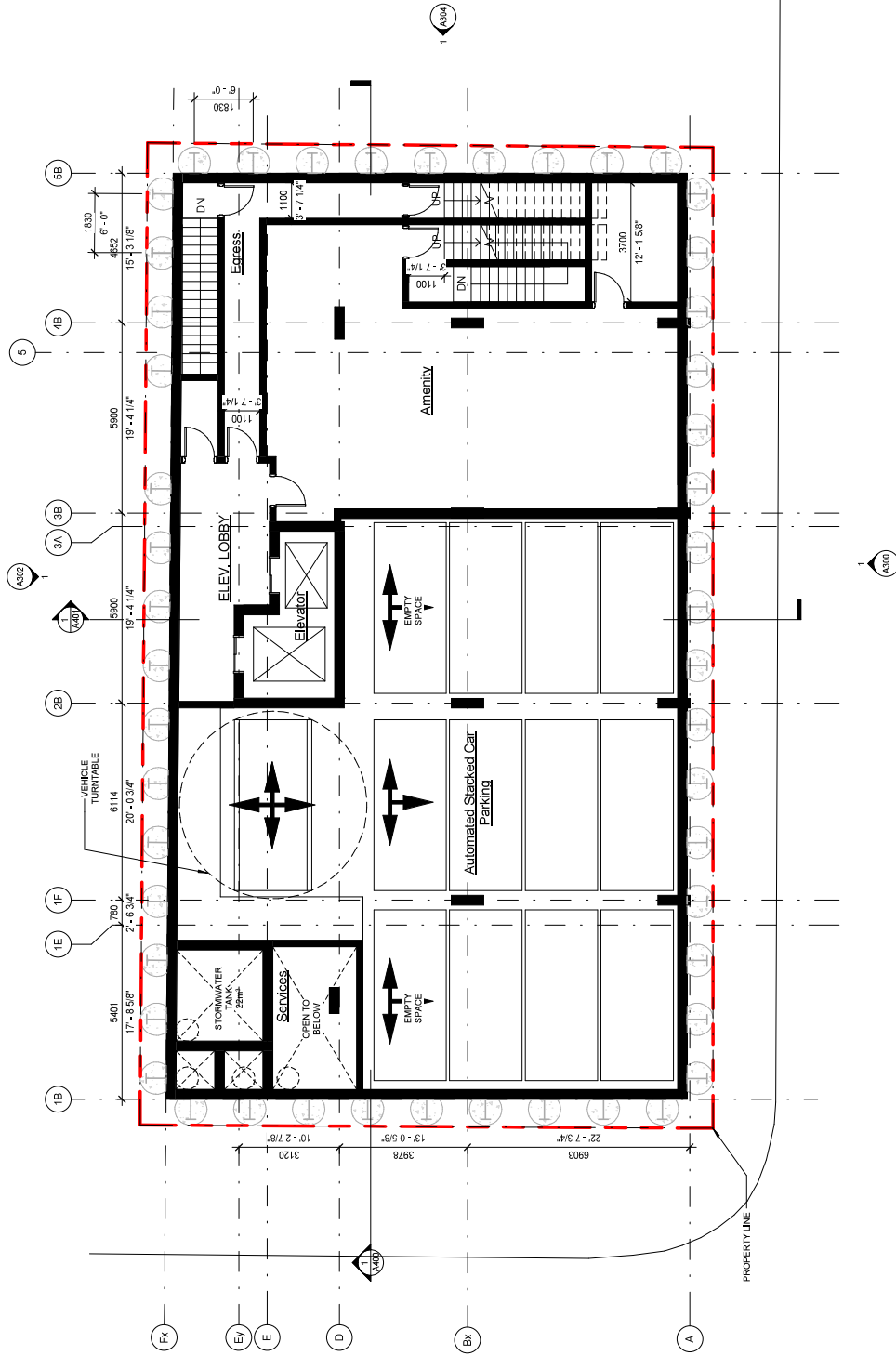
PROJECT:
8-Storey Residential-Commercial Building
121 Avenue Rd Toronto, ON M5R 2H4

TITLE:
Floor Plan - Level B1

PROJECT NO:
18001

DRAWING NO:
A101

CHECKED:
AG



1 Level B1 Floor Plan
1 : 100

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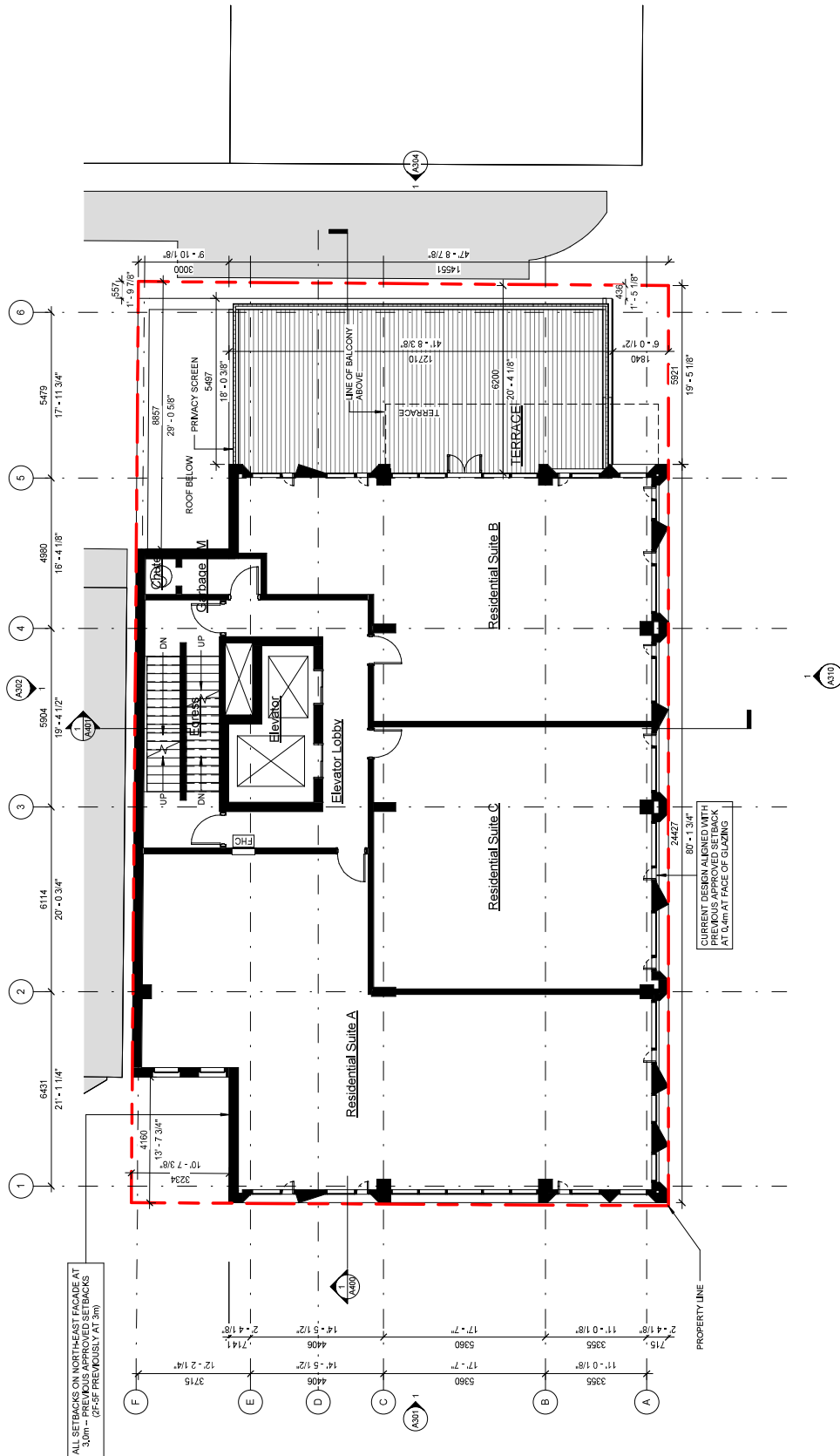
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| 3 | Revised For Settlement Hearing | 2019-05-05 |
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| 98 | Revised For Settlement Hearing | 2019-05-05 |
| 99 | Revised For Settlement Hearing | 2019-05-05 |
| 100 | Revised For Settlement Hearing | 2019-05-05 |

PROJECT:
8-Storey Residential-Commercial Building
121 Avenue Rd Toronto, ON M5R 2H4

TITLE:
Floor Plan - Level 2

PROJECT NO:
18001
DRAWING NO:
A103
CHECKED:
AG



1 Level 2 Floor Plan

1 : 100

CLIENT:

Suite 1010, 430 Yonge St
Toronto, ON M4Y 1G7
416-439-0783
www.zincdevelopments.com

ARCHITECT:

Suite 300, 160 Bloor Ave
Toronto, ON M5S 3P8
416-439-0783
www.cumulusarch.com

SEAL:

NOTES:

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| | | |
|---|-----------------------------------|------------|
| 1 | Drawn By: Cumulus Architects Inc. | 20/09/2020 |
| 2 | Revised By: Site Plan Approval | 20/09/2020 |
| 3 | Checked By: | |

PROJECT:
8-Storey Residential-Commercial Building
121 Avenue Rd Toronto, ON M5R 2H4

TITLE:
Floor Plan - Level 4-6

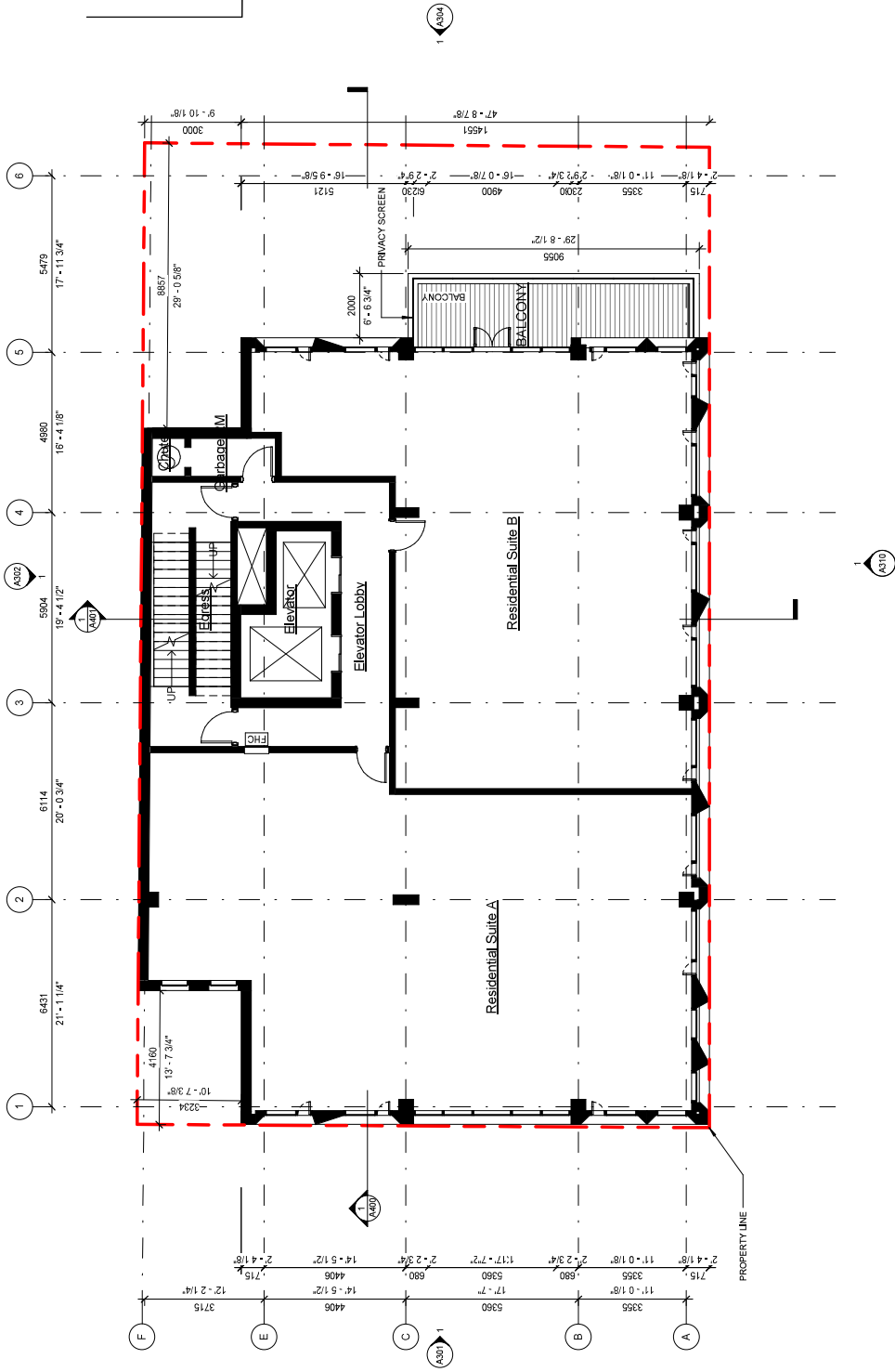
PROJECT NO:
18001



DRAWING NO:
A105

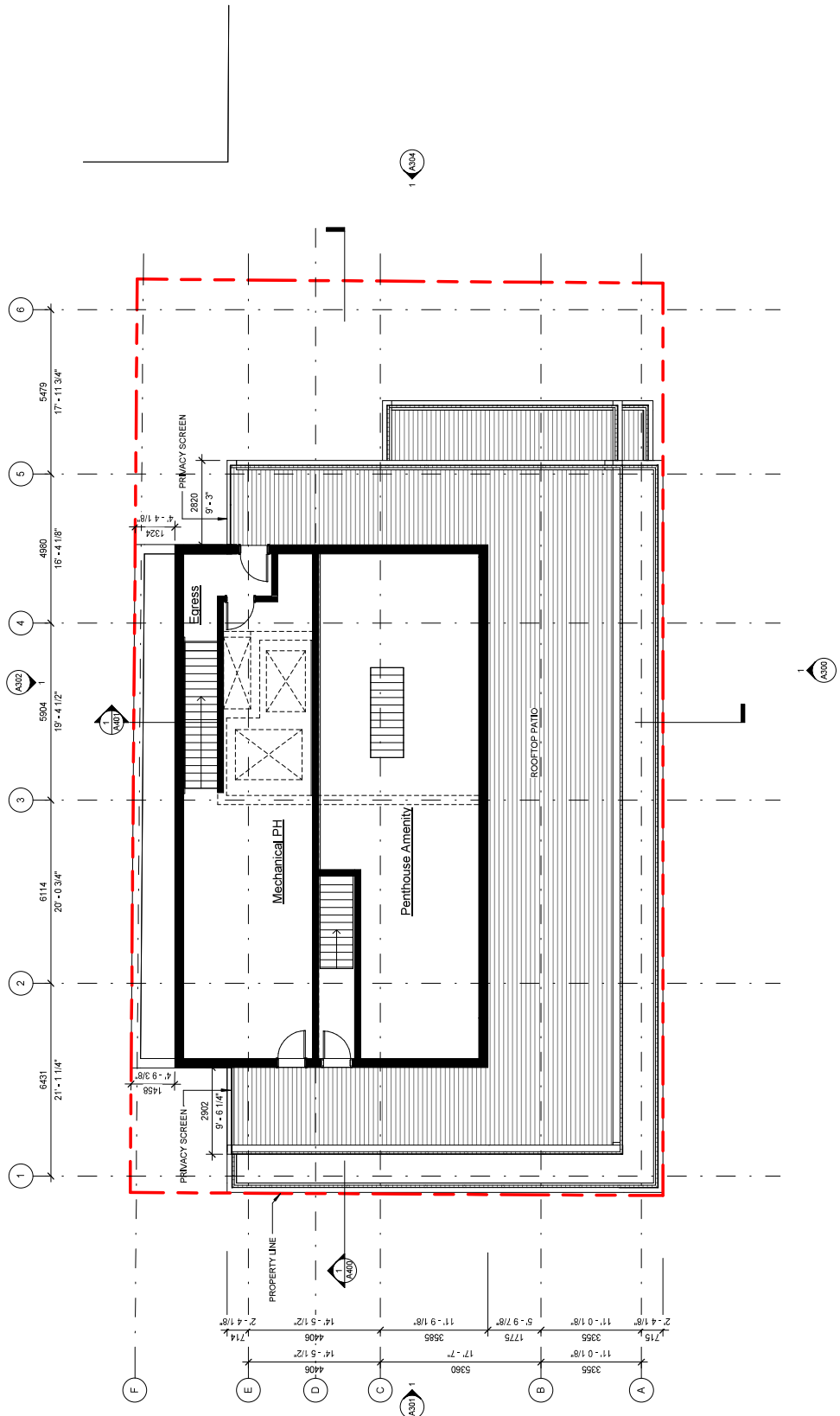
CHECKED:
AG

Level 4-6 Floor Plan

1 : 100



| | |
|---|--|
| CLIENT: | |
| <div><div>ZINC DEVELOPMENTS</div><div>- EAST -</div></div> <div>Suite 1010 - 600 Yonge St Toronto, ON M4W 3C7 416-539-0783 www.zincdevelopments.com</div> | |
| ARCHITECT: | |
| <div><div>CUMULUS ARCHITECTS INC.</div></div> <div>Suite 300 - 160 Pears Ave Toronto, ON M6R 3P8 416-539-0783 www.cumulusarch.com</div> | |
| SEAL: | |
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| PROJECT: 8-Storey Residential-Commercial Building 121 Avenue Rd Toronto, ON M5R 2H4 | |
| TITLE: Floor Plan - Main Roof | |
| PROJECT NO.: 18001 | |
| CHECKED: AG | |
| A110 | |



Main Roof Floor Plan



Suite 1010 - 920 Yonge St
Toronto ON M4W 3C7
416-539-0763
www.zincdevelopment.com

CLIENT:



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Toronto, ON M5R 3P8
416-539-0763
www.cumulusarch.com

ARCHITECT:

SEAL:

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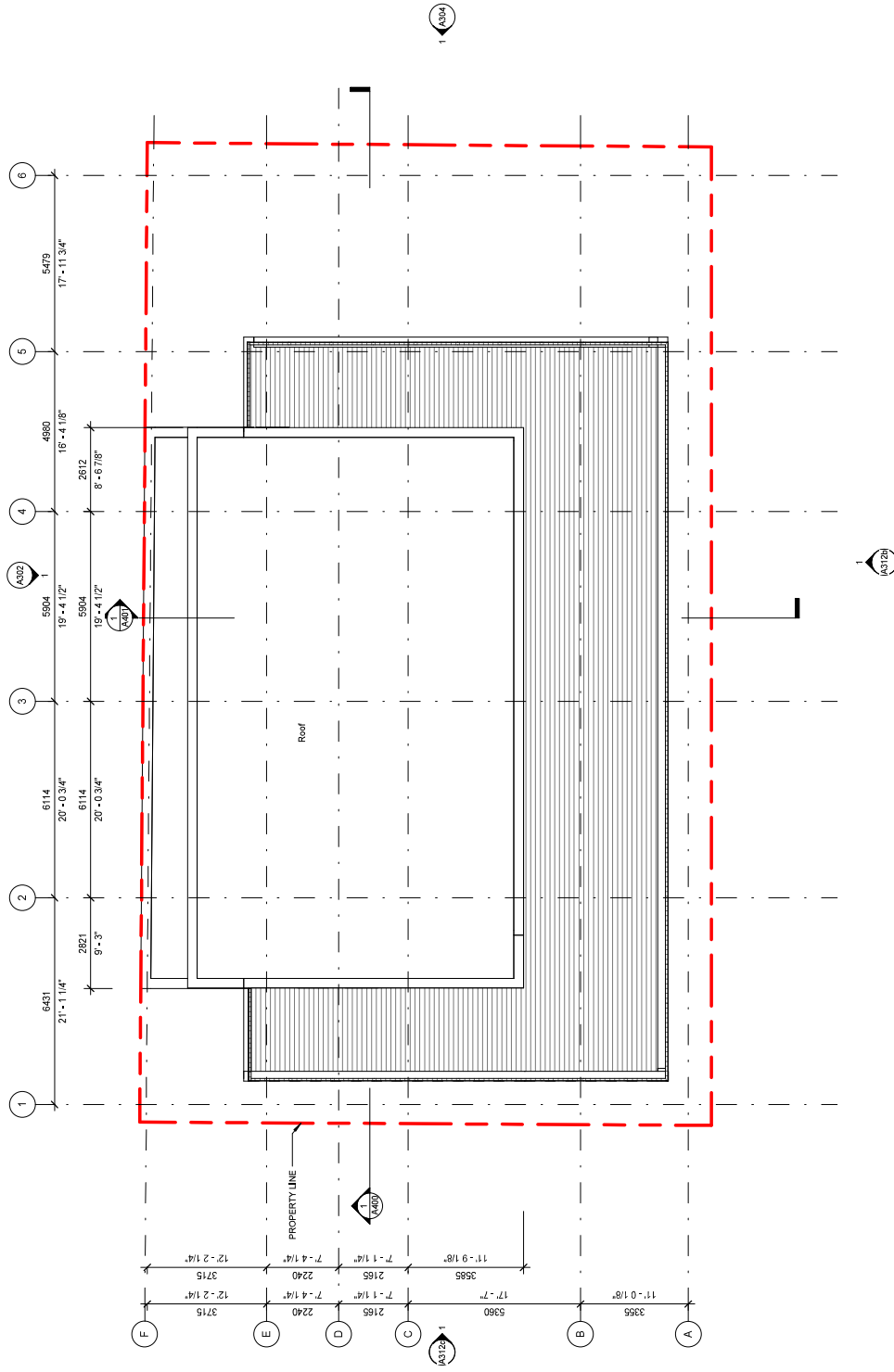
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| 1 | Issued for Site Plan Application | 2018/04/26 |
| | Issue No. | Date |
| | Description | |

| Asset No. | Description | Value |
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| PROJECT | | |

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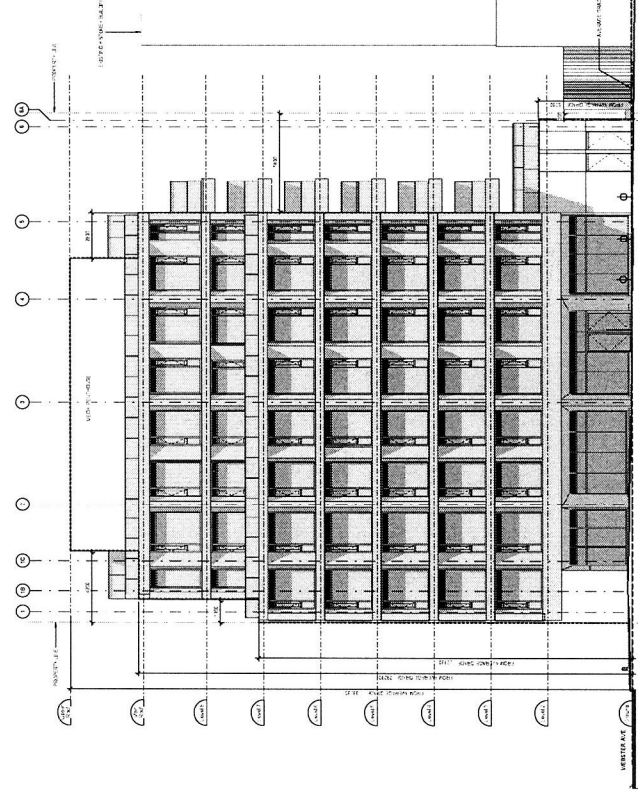
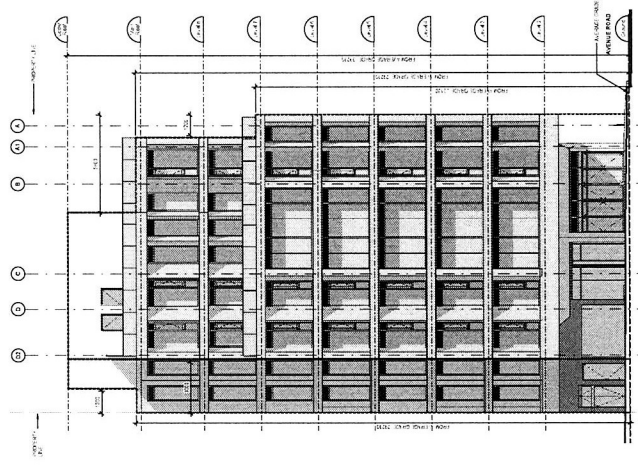
Floor Plan - Upper Roof

| | |
|----------------------|----------------------------|
| PROJECT NO: 18001 | DRAWING NO: A111 |
| CHECKED: Checker | |



Upper Roof Floor Plan

1 : 100



2 North Elevation
1:100

1 West Elevation
1:100



① East Elevation
1 : 100

Attachment “A”

Examiner’s Notice, dated October 30, 2019 (Exhibit “6”)

**ZINC DEVELOPMENTS
C/O KENNETH ZUCKERMAN
160 PEARS AVE UNIT 312
TORONTO ON M5R 3P8**

Examiner's Notice

Wednesday, October 30, 2019

Preliminary Project Review No: 18 263099 ZPR 00 ZR FolderRSN: 4493763

Multiple-Use Building - New Building

Proposed Use: commercial/residential

121 AVENUE RD

University-Rosedale (11)

Examination of your Request for a Preliminary Project Review has revealed that certain requirements of the Zoning Bylaw Municipal Applicable law have not been satisfied. The attached Zoning Municipal Applicable law Notice provides the details of the review.

Should compliance with the City's Zoning By-law not be possible, you may apply to amend the Zoning By-law by way of a Zoning Amendment or Committee of Adjustment application. For more information on the Planning process or which application may be more appropriate, you may visit the City of Toronto Web site @ www.toronto.ca/developing-toronto or discuss the matter with City staff by calling (416)392-7565.

Subsequent reviews will require the submission of a new Project Review Request along with payment of the applicable fees.

The Notice is based on plans and documents submitted and the Zoning By-Law in force at the time.

The plans and documents will be held on file for one year from the date of the Notice after which time they be discarded and the Notice becomes invalid.

Should there be changes to the Zoning By-Law or other applicable law prior to the issuance of a building permit you will be required to comply with those changes.

Please refer to your PPR number when you phone in, submit subsequent reviews or submit your building permit application.

Ray Tamondong
Zoning Examiner

Your property is located in the former municipality of Toronto and is subject to Zoning By-law No. 438-86, as amended and By-law 1279-2007(OMB). Based on Zoning By-law No. 438-86, the property is zoned CR T2.0 C2.0 R2.0.

Project Description: Construct an 8-storey mixed-use building containing 16 dwelling units and commercial at grade.

The by-law requires a building to be located within the areas delineated by heavy lines on Map 2. The proposed building will be located outside of the heavy lines on Map 2.

[By-law 1279-2007(OMB), Section 1(2) - Building Envelope]

The by-law allows a building to have a height not exceeding the heights shown on Map 2. The proposed building will have a height exceeding the heights shown on Map 2.

[By-law 1279-2007(OMB), Section 1(3) - Building Height]

The by-law requires a parking space to be readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle. The proposed parking spaces will be located in an automated parking system which will need to move motor vehicles in order to access another.

[2(1) - Parking Space Dimensions]

The by-law requires that the combined non-residential gross floor area and residential gross floor area be not more than 2,509.0 square metres. The proposed building has 3,293.0 square metres of combined non-residential gross floor area and residential gross floor area.

[By-law 1279-2007(OMB), Section 1(4) - Combined Density]

The by-law requires that the residential gross floor area be not more than 702.0 square metres and shall be restricted to the fifth and sixth floors. The proposed residential gross floor area of the building is 3,034.0 square metres and will be located on the second to eighth floor plus the mechanical floor.

[By-law 1279-2007(OMB), Section 1(6) - Residential Gross Floor Area]

The by-law requires a maximum of 8 parking spaces to be provided on the site. The number of proposed parking spaces is 35 on site spaces.

[By-law 1279-2007(OMB), Section 1(13) - Maximum Parking Spaces]

The by-law requires a parking stacker to have minimum dimensions of at least 5.6 metres in length by 2.7 metres in width. The proposed parking stackers will have dimensions of 5.31 metres in length by 2.17 metres in width.

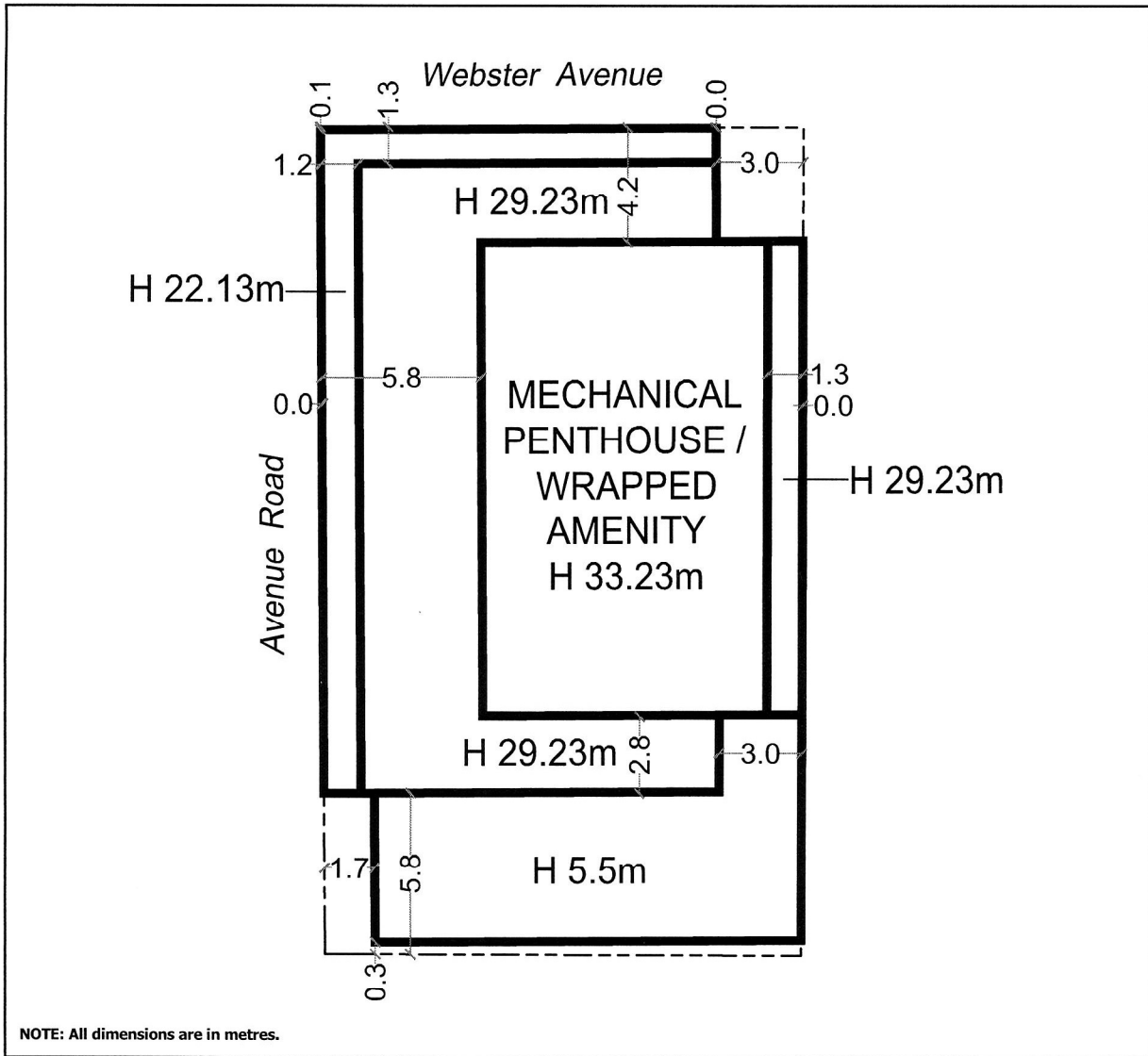
[By-law 1279-2007(OMB), Section 1(14) - Parking Space Dimensions]

The by-law requires a parking facility to be accessible by a driveway having a minimum width of 5.5 metres, for two-way operation. The proposed parking facility will be accessed by a passageway (car elevator) with a width of 3.5 metres.

[By-law 1279-2007(OMB), Section 1(7) - Driveway, 5.5 m Width]

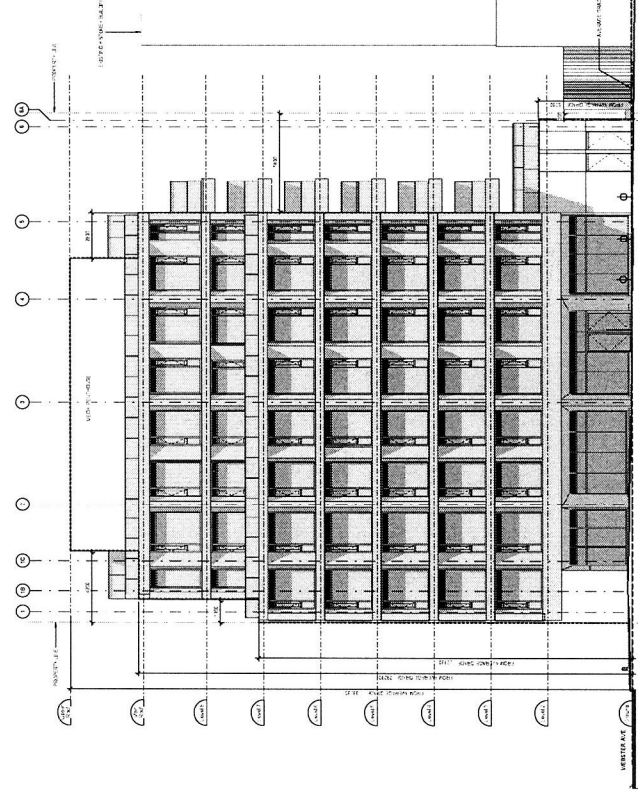
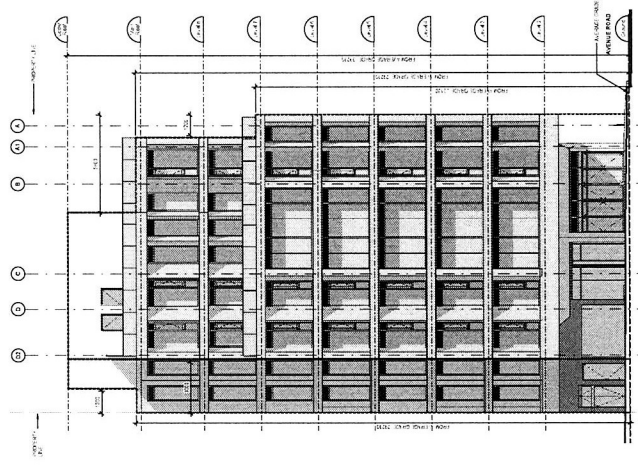
Attachment “B”

Amended Map 2



Attachment “C”

Elevations



2 North Elevation
1:100

1 West Elevation
1:100



East Elevation
1 : 100