



BOUSFIELDS INC.

Project No. 19106

June 3, 2020

Committee of Adjustment - Toronto and East York District
City of Toronto, City Hall
100 Queen Street West, 18th floor
Toronto, ON M5H 2N2

Dear Chairperson and Members of the Committee:

Re: *Application for Minor Variance (20 122874 STE 09 MV)*
908 – 916 St. Clair Avenue West, Toronto

We are the planning consultants for Canderel, owner of the above noted property, located on the north side of St. Clair Avenue West, east of Oakwood Avenue at the northwest corner of St Clair Avenue West and Alberta Avenue (the “subject site”). The subject site is an assembly of 1- and 2- storey commercial buildings and surface parking, municipally known as 908 – 916 St. Clair Avenue West.

We would like to note that the client and their consulting team have worked closely with Planning Staff to incorporate elements that Planning Staff requested, which in some cases resulted in additional variances. Planning Staff have reviewed the requested variances and have no objections. The client has also met with Councillor Ana Bailao who is supportive and has not expressed any objections.

On behalf of our client, we are pleased to submit this planning rationale letter to the Committee of Adjustment in support of an application to permit variances to the applicable zoning by-laws. The application seeks to redevelop the subject site with a residential mixed-use building with retail units at grade. The proposed building will be comprised of two distinct built form elements; a 12-storey mixed-use element on the southerly portion of the site, fronting St. Clair Avenue West, and a 4-storey plus mezzanine residential element on the northerly portion of the site with live-work units at grade fronting Alberta Avenue.

As the subject site is split zoned and governed by several current and former zoning by-laws, multiple variances are required to permit the proposed development however, many of the variances are the same type of variance under more than one by-law and generally relate to four categories: 1) height and density, 2) massing and setbacks/stepbacks, 3) access and parking/loading, and 4) landscaping. The proposal will introduce new residential uses to an underutilized site along St. Clair Avenue West and revitalize the public realm with active retail uses fronting St. Clair Avenue West, and live-work grade-related units fronting Alberta Avenue.

It is our opinion that the Committee of Adjustment should approve the application as the requested variances, both individually and cumulatively, meet all the four tests set out under Section 45(1) of the *Planning Act*.

SITE AND SURROUNDINGS

Subject Site

The subject site is located at the northwest corner of St. Clair Avenue West and Alberta Avenue with an area of approximately 2,293 square metres and frontage of approximately 33.4 metres along St. Clair Avenue West and a frontage of approximately 50.5 metres along Alberta Avenue, beyond which the street becomes private driveway for 243 Alberta Avenue to the rear. Alberta Avenue is a north-south local road and St. Clair Avenue West is an east-west major arterial road that includes a dedicated lane for TTC Streetcar service. The subject site is generally rectangular in shape and oriented perpendicular to St. Clair Avenue West.

Prior to amalgamation in 1998, the northerly and southerly portions of the subject site were governed by two different municipalities, the former City of Toronto and City of York (see **Figure 1** in **Appendix “A”**). The northern terminus of Alberta Avenue represents the boundary between the former municipalities.

The southerly (front) portion of the subject site is has an area of approximately 1,640.3 square metres and has an approximate 33.4 metre frontage onto St. Clair Avenue West and depth of approximately 50.5 metres. The south portion is currently occupied by a series of commercial buildings which range in height from 1- to 2-storeys. There are no residential dwelling units on the subject site. To the north of the buildings is a small storage shed and surface parking lot.

The northerly portion of the subject site has an area of approximately 653 square metres and fronts onto the private driveway extension of Alberta Avenue. This portion of the subject site is occupied entirely by surface parking (connected to the lot to the south). It should be noted that this portion of the site is at a lower elevation than the residential dwellings fronting Robina Avenue.

Surrounding Area

The subject site is located along the St. Clair Avenue West corridor, a vibrant main street containing a diversity of mixed-use, residential and institutional buildings. The existing and approved buildings along the corridor generally range between 1- and 12-storeys in height (including the approved 12-storey building to the immediate east, at

the northeast corner of St Clair Avenue West and Alberta Avenue at 898-900 St Clair West). In 2009, Council adopted By-law 1103-2009 as a result of the City-initiated St. Clair Avenue Study. The objective of the Study and corridor-wide Zoning By-law were intended to facilitate growth and intensification along the avenue and encourage transit usage.

Immediately west of the site is a 2-storey medical services building (“Garrison Creek Toronto Western Family Health Team”, 918-928 St. Clair Avenue West and 1 Robina Avenue) with 3-storey row-house buildings to the north fronting Robina Avenue and backing onto the subject site. Further north is a mix of 1- to 4-storey residential dwellings/buildings. To the east, on the east side of Alberta Avenue is a 12-storey mixed-use building under construction at 898-900 St Clair Avenue West. To the south of the subject site, along the south side of St. Clair Avenue West, are several residential and mixed-use buildings that range between 2- and 4-storeys in height.

DEVELOPMENT PROPOSAL

The proposed development seeks to demolish the existing buildings and construct a new 12-storey residential mixed-use building. The development will have a total gross floor area (“GFA”) of 13,254 square metres, of which 709 square metres will be for retail uses at-grade fronting onto St. Clair Avenue West. As such, the development will have a density of 5.78 FSI. The remainder of the building will be occupied by 173 residential units, comprised of a mix of studio, one-, two-, and three-bedroom units, and four live-work units.

The proposed building is comprised of two built form elements. On the southerly (front) portion of the site will be the 12-storeys mixed-use component with retail at-grade and residential units above. On the northerly (rear) portion of the site will be the 4-storey plus mezzanine element, with live-work units at-grade with direct access to the sidewalk, and residential units above.

At-grade, the 12-storey mid-rise portion of the development will provide a setback along St. Clair Avenue West in order to provide a 4.5- to 4.8-metre deep public realm, and will provide a 1.5-metre setbacks along Alberta Avenue in order to provide a 4.3-public realm. Street trees are proposed along St. Clair Avenue West and Alberta Avenue. The residential lobby access will be from Alberta Avenue. Building setbacks and step backs will be incorporated into the upper levels of the mid-rise building to mitigate built form impacts on the adjacent properties. In particular, along the south and east building façades, a 1.5-metre step back will be provided above Levels 5 to achieve a street wall height of 18.5 metres. An additional 1.5-metre step back will be provided above Level 7 along the south and east façades, and an additional 6.6-metre stepback is provided along the south façade above Level 9. Only the balcony guardrail

and an exceedingly minor portion of the building at Level 9, and a small portion of the building at Level 12, encroach into the front angular plane as prescribed by By-law 1103-2009.

Further to this, along the west building façade, an additional 6.5 metre step back is provided above the ground floor to achieve an 8.1-metre setback from the west lot line for the majority of the building. At Level 10, the southwest corner of the building will also stepback to achieve an 8.1-metre setback from the west lot line.

The rooftop mechanical penthouse will generally be well set back from all façades in order to minimize its appearance.

The 4-storey plus mezzanine element of the proposed building will be comprised of residential units with the proposed live/work units located at-grade, along the northerly private extension from Alberta Avenue. Setbacks to the west and east are provided to accommodate landscaping, driveway access and pedestrian access, including a 14.3-metre setback at-grade to the west. Above the ground floor, a 7.5-metre setback is provided to the west. Above Level 4, on the rooftop of this portion of the building, will be an outdoor amenity area. Seven at-grade parking stalls will be located to the rear of the live-work units.

Vehicular access is provided via Alberta Avenue within the central portion of the building, dividing the 12-storey element from the 4-storey plus mezzanine element. The driveway provides vehicular access to the enclosed loading area and below-grade parking ramp.

A minimum of 2 square metres of indoor and outdoor amenity space will be provided, in accordance with the zoning by-law.

POLICY AND REGULATORY CONTEXT

City of Toronto Official Plan

The subject site is located on an *Avenue* as identified on Map 2. The Official Plan recognizes that growth will be directed to the *Centres, Avenues, Employment Districts* and the *Downtown*. As set out in Section 2.2.3 of the Official Plan, reurbanization along *Avenues* is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. As mentioned above, the City conducted a study of the St. Clair Avenue, which concluded in 2009 and resulted in area-specific Official Plan and Zoning By-law Amendments. The policy instruments

are intended to guide new mid-rise development along the Avenue while mitigating impacts on adjacent *Neighbourhoods* and provide contextually appropriate as-of right zoning provisions that relate to permitted uses, maximum density and height. In accordance with the Avenue Study, a mixed-use building with a height of 39.0 m is permitted.

The subject site is designated as *Mixed Use Areas* on Map 17, one of four designation intended for population and growth. As set out in Section 4.5 of the Official Plan, these areas are intended to achieve a multitude of planning objectives by combining a broad array of residential, office, retail and service, institutional, entertainment, recreational, cultural uses, as well as parks and open space. The Official Plan provides that development within *Mixed Use Areas* is intended to provide a balance of high-quality commercial, residential, institutional, and open space uses in both single and mixed-use buildings that reduce automobile dependency and meets the needs of the local community. In this regard, proposed mixed-use building is permitted as-of-right in accordance with the *Mixed Use Areas* policies of the Official Plan. Further to this, the Official Plan encourages new development in *Mixed Use Areas* to provide transition in scale and mitigate shadow impacts on adjacent *Neighbourhoods* as well as achieve compatibility.

With respect to transportation, the segment of St. Clair Avenue West adjacent to the subject site is identified as a “Transit Corridor” (Official Plan Map 4) and as a “Transit Priority Segment” (Official Plan Map 5). As discussed above, St. Clair Avenue West contains a dedicated lane for TTC Streetcar service (Route 512).

In terms of housing, the Official Plan encourages a full range of housing, in terms of form, tenure and affordability, across the City, will be provided and maintained to meet the current and future needs of residents.

Site and Area Specific Policy 326

Official Plan Amendment (“OPA”) 84 introduced new Site and Area Specific Policy (“SASP”) 326 for the segment of St. Clair Avenue West between Bathurst Street and Old Weston Road. The OPA was introduced through the City’s St. Clair Avenue Study. Policies within the SASP encourage development along the Avenue to confirm with the overall vision, as identified through the St. Clair Avenue Study, which encourages intensified, transit-oriented urban environment which promotes a vibrant pedestrian realm and experience.

Zoning

As a result of the former governance structure of the subject site, it is currently regulated by (4) zoning by-laws (see **Figure 2** in **Appendix “A”**). The new City-wide Zoning By-law 569-2013, which applies to northern portion of the subject site, is now largely in effect. For those provisions that remain under appeal, the regulations of the former City of York By-law 1-83, as amended, continue to apply. The southern portion of the site is subject By-law 1103-2009, an amendment to the former City of Toronto By-law 438-86 that introduced zoning regulations for the St. Clair Avenue West corridor. However, sections of By-law 438-86 not amended by By-law 1103-2009 continue to apply to the southern portion of the subject site.

City-wide Zoning By-law 569-2013

The north portion of the subject site is zoned CR 2.0 (C2.0;R2.0) SS2 (x982). The Commercial Residential (CR) zoning category provides for a wide range of residential and non-residential uses in single or mixed use buildings. The zone permits a maximum height of 15 metres and density of 2.0 FSI. As it relates to the minor variance application, the by-law requires residential portions of the building to be located above non-residential uses and landscaping to be provided adjacent to residential zones. The by-law also includes regulations for the location of bicycle parking.

Site-specific exception CR x982 carries forward the use permissions of By-law 14513, which is discussed in more detail below.

Former City of York Zoning By-law 1-83

Under By-law 1-83, the north portion of the subject site is zoned Local Commercial/Residential (LCR). The height and density permissions of By-law 1-83 were carried forward into By-law 569-2013. As it relates to the requested variances, By-law 1-83 includes regulations related to site access.

By-law 1103-2009

Under By-law 1103-2009, the south portion of the subject site is zoned MCR T6.0 C2.0 R5.0, with a maximum height of 39 metres (12-storeys) and density of 6.0 FSI. The Mixed Commercial Residential (MCR) zoning category uses are prescribed by By-law 438-86 below.

The By-law includes a number of development standards respecting floor plate sizes, heights and storeys, setbacks, building step-backs, angular planes, build-to-lines, landscaping, window placement, parking, and access, among various other matters in

a manner which implements the vision, intention for development, and general recommendations of the City of Toronto initiated.

Former City of Toronto Zoning By-law 438-86

By-law 438-86 zones the south portion of the subject site MCR T6.0 C2.0 R5.0. As it applies to the south portion of the subject site, the maximum permitted height is 39 metres and density of 6.0 FSI. The Mixed Commercial Residential (MCR) zoning category provides for a wide range of residential, retail, office and other uses in single or mixed-use buildings. Most of the development standards provided for the subject site have been superseded by the provisions of By-law 1103-2009, discussed below. Where development standards were not amended by By-law 1103-2009, the provisions of By-law 438-86 continue to apply, which include permitted density limits, parking and amenity space standards.

Site Specific By-laws

The northern portion of the site is subject to site-specific By-laws 13249 and 14513, which are amendments to the Former Township of York Zoning By-law. By-law 13249 restricts the use of lands in that area to a detached or semi-detached private residence, duplex, triplex, double duplex, or Apartment House. By-law 14513 introduced a “marketaria” as a permitted use on the subject site, as well as the lands occupied by the “No Frills” to the northeast.

REQUESTED VARIANCES

Through the submission of a Preliminary Project Review (“PPR”), generally the following requested variances were identified on the Zoning Notice dated January 9, 2020. Due to the number of variances being sought, we have grouped the variances into five like-themes: height and density, massing and setbacks/stepbacks, access and parking/loading, landscaping, and amenity space. A detailed outline of the requested variances is contained within **Appendix “B”**.

PLANNING ANALYSIS

In our opinion, the requested variances satisfy the four tests set out in Section 45(1) of the *Planning Act* namely: (1) they maintain the general intent and purpose of the Official Plan; (2) they maintain the general intent and purpose of the Zoning By-law; (3) they are minor in nature; and (4) they are desirable for the appropriate development and use of the lands.

(1) Maintains the intent and purpose of the Official Plan

With respect to conformity with the general intent and purpose of the Official Plan, new development along the City's *Avenues* is intended to support growth through the revitalization and reurbanization of underutilized sites, while improving the pedestrian environment and supporting the needs of the local community. The policy directions that emerged from the St. Clair Avenue Study further encourage intensification along the *Avenue* in the form of transit supportive mid-rise developments. Further to this, the subject site is designated *Mixed Use Areas*, a designation that is intended to absorb most of the anticipated increases in housing, retail, office, and employment growth throughout the City of Toronto.

In our opinion, the requested variances meet the general intent and purpose of the Official Plan and will facilitate the overarching policy objectives that apply to *Mixed Use Areas* and the *Avenue*. In particular, the requested variances will allow for the revitalization and intensification of an underutilized site with a new mid-rise mixed-use building while appropriately responding to site-specific considerations. At-grade, the retail uses and live-work units will animate the public realm along both St. Clair Avenue West and Alberta Avenue, and the residential units above will provide new forms of housing in proximity to public transit and municipal infrastructure. The proposed development provides for a mix of uses that are permitted under the *Mixed Use Areas* designation and is located within a transit-supportive area where growth and intensification is encouraged and anticipated.

The requested variances are in conformity with Site and Area Specific Policy 326 (OPA 84), which do not establish numerical limits on heights or densities for properties along the *Avenue*. The proposed development is in keeping with the emerging pattern and form of mid-rise development along St. Clair Avenue West while providing appropriate transition in scale and massing to the low-rise *Neighbourhoods* to the north and northwest.

Based on the foregoing, it is our opinion that proposed development and variances maintain the general intent and purpose of the Official Plan.

(2) Maintains the intent and purpose of the Zoning By-laws

In our opinion, the proposed variances maintain the general intent and purpose of the applicable Zoning By-laws, both individually and cumulatively.

Height (Variances #5, 13 & 14) & Density (#1, 2, 10, 11 & 24)

As it relates to Variance #5, it is our understanding that the intent of regulation 40.10.40.10(5) of By-law 569-2013 is to allow for a sufficient floor height in order to accommodate commercial and retail uses at-grade. The proposed development is achieving the intent of the by-law by providing a retail space fronting onto St. Clair Avenue West that has a floor-to-ceiling height of approximately 6.1 metres, greater than 4.5-metre standard. However, the portion of the site subject to By-law 569-2013 is not located on St. Clair Avenue West, it is located along Alberta Avenue where the two-level live-work units are located which have a ground floor height of 2.5 metres.

With respect to Variance #13 and 14, the intent of the Zoning By-law 1103-2009 is to set out the appropriate standards, including height, for properties along a portion of the St. Clair West corridor based on an analysis of the site-specific conditions. The subject site is permitted a height of 39.0 metres or 12-storeys. The proposed development meets the intent of the zoning by-law by proposing a building that is 12-storey in height, with a proposed variance for a minimal absolute height in metres.

In terms of Variances #1,2, and 24, they relate to the density of “all uses” and “residential uses” on the rear portion of the site. The proposed variances of 2.25 times the area of the lot are incrementally more than the permitted densities of 2.0 times the area of the lot.

With respect to Variances #10 & 11, they relate to the combined gross floor area of all uses and the residential gross floor area on the front portion of the site. The requested variances are from the 6.0 FSI permission to 7.2 FSI for combined uses, and from 5.0 FSI permission to 6.8 FSI in order to accommodate the proposed building and provide intensification along the corridor. The requested variances are in the range of other approvals along the corridor.

On the foregoing basis, the variances are technical in nature and the proposed variances maintain the intent and purpose of the by-laws.

Massing & Setbacks/Stepbacks (Variances #12, 15, 16, 17, 18, 20 & 21)

With respect to Variance #12, due to the inset balconies, the required proportion of the building to be located at the built-to-line along St. Clair Avenue West is proposed to be reduced, resulting in a variance.

With respect to Variance #15, By-law 1103-2009 sets out a maximum area for a mechanical penthouse in order to limit the size of this component of the building and minimize its visual impact. The proposed mechanical penthouse has been minimized

and designed to support the functions of the building. As the detailed design of the building progresses, the area of the mechanical penthouse will likely reduce further in size than the variance requested. The proposed building has a relatively small rooftop area given the stepped massing of the building and therefore, the mechanical penthouse occupies a larger area of the roof than the 30% set out in the zoning by-law. The proposed mechanical penthouse is located centrally on the rooftop and has been setback in order to limit its visual impact. As such, it is our opinion that the proposed configuration of the mechanical penthouse meets the intent of the zoning by-law.

Variance #16 is require as a small portion of the upper levels of the building at one corner of the site are set back less than the required 4.5 metres however, the ground floor maintains a 4.5 to 4.8 metre setback from the curb to the front face of the building.

In terms of Variance #17 & 18, the proposed building will step back the required dimensions of 1.5 metres above the 5th floor and 3.0 metres above the 7th floor however, due to the slightly taller building height, these stepbacks will occur at slightly taller heights than what the zoning by-law requires.

With respect to Variance #20, it is our understanding that the intent of the angular plane requirements from a street lot line is to regulate massing and to ensure appropriately scaled development on a lot and mitigate built form impacts. The proposed development generally meets the front yard 45-degree angular plane taken from the height of 30 metres. A guard rail at Level 9 and the upper portion of Level 12 encroach into the angular plane. In our opinion, the proposed built form has incorporated step backs into the south façade to maintain the intent of the by-law by limiting built form impacts.

Variance #21 relates to the setback of the main wall of the building containing windows from the side lot line. Where a setback of less than 5.5 metres is provided, only secondary windows are permitted along that wall. The proposed building generally provides an 8.1 metre to 10.7 metre setback from windows to the side lot line along the west façade however, for a single unit at the southwest corner of the building, fronting St. Clair Avenue West, a minimum of a 2.0 metre setback is provided for a single unit at the 6th through 9th Levels which may contain primary or secondary windows.

On the foregoing basis, the variances are technical in nature and the proposed variances maintain the intent and purpose of the by-laws.

Access (Variances #4, 23 & 25) & Parking and Loading (Variances #3, 8 & 22)

In terms of the access variances #4, 23 and 25, it is our understanding that the intent of regulations 40.10.40.1(1) of By-law 569-2013 and regulations 3.1.3 and 11.3.1(9) of By-law 1-81 is to ensure direct and public access to a property. The proposed variances were triggered due to the fact the Alberta Avenue is only a public street for a portion of the frontage along the east side, and becomes a private driveway beyond therefore, the site doesn't not technically provide direct access from a public street for the rear portion of the site. The proposed development meets the intent of the zoning by-laws by providing a direct connection from the live/work units to the adjacent sidewalk.

As it relates to Variance #3, the location of short-term bicycle parking spaces, it is our understanding that the intent of Regulation 230.40.1.20(2) is to ensure guests and visitors to the building are able to readily access bicycle parking spaces. Due to the split zoning, the short-term bicycle parking spaces on this portion of the site are located below-grade however, the proposal provides 7 short-term spaces adjacent to the residential lobby at grade on the front portion of the site. The total number of short-term bicycle parking spaces provided on the combined front and rear portions of the site meets the zoning by-law requirement. In our opinion, the proposed location of short-term bicycle parking spaces meets the intent of the by-law in terms of accessibility. As well, it should be noted that additional City bicycle parking rings are proposed along St. Clair West and Alberta Avenue that are not being counted as part of the proposed number of spaces as they are outside of the property line.

With respect to Variance #8, the proposed loading will satisfy the zoning by-law requirements in terms of the number and size of loading spaces however, a variance is required to allow the sharing of the loading space for a shared Type G/B space. Retail deliveries will be scheduled in a manner that do not conflict or overlap with City of Toronto waste collection, as to ensure that the shared loading space functions acceptably.

In terms of parking, Variance #22 applies only to the front portion of the site, which requires 108 parking spaces (99 residential and 9 visitor), however it is important to note that as the site is proposed to be developed with one building, a total of 86 resident and 14 visitor spaces will be provided across the entire site. The intent of the zoning by-law is to ensure that there is sufficient parking for the proposed uses on a property. As the subject site is located along an Avenue, in a walkable community that has access to surface transit, the proposed reduction in parking is supportable. Furthermore, the transportation consultant, LEA Consulting, found that the resident parking supply is reasonable when compared to proxy developments in the area that were found to be approved with similar or lower parking supply ratios.

The total required number of parking spaces for the redevelopment is 129 whereas 100 are proposed. LEA Consulting has concluded that the proposed reduction in resident parking is appropriate when considering the transit accessibility and walkability of the area. Moreover, providing a reduced resident parking supply will allow the proposed redevelopment to align with City transportation planning goals of reducing private auto usage and increasing transit ridership and rates of walking.

On the foregoing basis, the variances are technical in nature and the proposed variances maintain the intent and purpose of the by-laws.

Landscaping (Variances #6, 7 & 19)

The intent of the zoning by-law regulations related to landscape buffers and fencing is to mitigate noise, privacy and overlook impacts on abutting residential properties.

With respect to variance #6 and 19, the proposal will provide a soft landscape buffer adjacent to the R zone however, it is proposed to be slightly reduced in width.

In terms of Variance #7, there are existing fences along the property line between the proposal and the R district, and a retaining wall will be built along this portion of the lot line. The existing retaining wall will be moved back towards the residential properties and extend up past the grade change but will be lower than the existing fence.

On the foregoing basis, the variances are technical in nature and the proposed variances maintain the intent and purpose of the by-laws.

Amenity Space (Variance #9)

The intent of Section 4(12) of By-law 438-86 is to secure indoor and outdoor amenity space for residential units in a building. The proposed development will exceed the amount of indoor and outdoor amenity required for the subject site from zoning by-law perspective. However, this variance applies to the front portion of the site only and the majority of the outdoor amenity space for the building will be located on the rear portion of the site. As the proposal will operate as a single building, all dwelling unit will have access to the amenity areas provided in the development. It is our opinion that the proposal meets the intent and purpose of the zoning by-law as it relates to amenity space.

(3) Minor in Nature

An assessment of the requested variances against the test of “minor” is not solely a numerical assessment but rather predominantly involves an assessment of impact. In particular we note and emphasize that the assessment of impact in the ‘minor’ variance test is an assessment of the impact of the variance itself, that is the impact of the proposed deviation relative to the impact of the as-of-right condition.

In this regard, the incremental impact of the requested variances beyond the approved 12-storey building height and building envelope are minor.

With respect to the overall height of the building, the proposed development will have a height of 39.95 metres, plus a 5.0 metre mechanical penthouse, resulting in a total height of 44.95 metres, slightly exceeding the permitted maximum height of 44.0 metres including mechanical penthouse. It is our opinion that the variances related to overall building height are minor as the increase in height will not result in any unacceptable built form impacts and will be discernible from street level.

The variances related to access, parking, loading and amenity space should be considered minor as they are technical in nature and the majority are triggered due to the split zoning of the site. The variance related to the parking reduction is minor as the subject site is in a highly walkable area and well served by the public transit along St. Clair Avenue West.

The variances related to the reduced width of the landscape buffer along the western property line should be considered minor. The reduction in soft landscaping will not result in additional built form impacts on the residential properties to the west. The residential use portions of the proposed building (Level 2 and up), that are adjacent to the residential zone to the west, will be setback a minimum of 8.1 m from the west property line.

(4) Desirable for the Appropriate Development and Use of the Land

The requested variances are appropriate and desirable, as they will permit a mid-rise building which will add to the diverse mix of housing types in the surrounding neighbourhood, as well as animate the frontage along St Clair Avenue West and Alberta Avenue, by providing retail space along St. Clair Avenue West and grade-related live-work units along Alberta Avenue.

The proposal provides contextually appropriate height, massing, and built-form relationships and meets the intent of the Avenues identification and the Mixed Use Areas designation, and it will appropriately implement the desired uses and built form

envisioned by the St Clair Avenue Study and accompanying zoning by-law. Specifically, the proposal will provide 173 dwelling units of various sizes including 55% family-sized units (10% 3-bedrooms and 45% 2-bedrooms) in an area that is well served by frequent higher-order transit.

Overall, the mixed-use development will allow for a well-designed building which conforms to the Official Plan and generally conforms to the applicable zoning framework (subject to the minor deviations discussed above) with no unacceptable impacts on the abutting or surrounding lands. As such, the variances are appropriate and desirable and will permit the development and intensified use of the land as provided for in the applicable policy framework.

Conclusion

In our opinion, the requested variances, would meet the four tests set out in Section 45(1) of the *Planning Act*, in that (1) they maintains the intent of the Official Plan; (2) they maintains the intent of the Zoning By-law; (3) they are minor in nature; and (4) they are desirable for the appropriate development and use of the lands.

It is our opinion that the requested variances would allow for construction of a mid-rise mixed-use building, in keeping with the land use and built form objectives of the St Clair West Avenue Study. Accordingly, it is our opinion that the Committee should approve the application.

Should you require any additional information or clarification, please do not hesitate to contact the undersigned.

Yours truly,

Bousfields Inc.



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*cc: Pedro Saavedra, Senior Project Manager, Canderel
Helen Xie, Assistant Project Manager, Canderel*

APPENDIX A



Figure 1: Subject Site, boundary



Figure 2: Applicable Zoning By-laws

APPENDIX B

Requested Variances

1. SECTION 40.10.40.40.(1), BY-LAW 569-2013

The maximum permitted floor space index of a building in a Commercial Residential Zone is 2.0 times the area of the lot (1,305.2 square metres). The portion of the mixed use building located within this by-law will have a floor space index equal to 2.25 times the area of the lot (1,469.0 square metres).

2. SECTION 40.10.40.40.(1), BY-LAW 569-2013

In the CR zone, the maximum permitted floor space index for residential uses on the lot is 2.0 times the area of the lot (1,305.2 square metres). The floor space index for the residential uses in the portion of the building located in this by-law is 2.25 times the area of the portion of the lot located in this by-law (1,469 square metres).

3. SECTION 230.40.1.20.(2), BY-LAW 569-2013

A short-term bicycle parking space may be no more than 30 metres from a pedestrian entrance to the building on the lot. In this case, the short term bicycle parking spaces will not be located on the same level as a pedestrian entrance to the building on this portion of the lot.

4. SECTION 40.10.40.1.(1), BY-LAW 569-2013

On a corner lot in the Commercial Residential Zone, dwelling units may be located in the first storey of the building if the dwelling units have direct access to a street which is not a major street on the Policy Area Overlay Map and the dwelling units are located to the rear of the non-residential uses on the first storey.

In this case, the dwelling units located in the first storey of the portion of the mixed use building located within this by-law will not have direct access to a street.

Note: The portion of the lot in this by-law does not abut a street.

5. SECTION 40.10.40.10.(5), BY-LAW 569-2013

The minimum height of the first storey is 4.5 m, measured between the floor and the ceiling of the first storey.

In this case, the portion of the first storey located within this by-law will have a minimum height of 2.5 m.

6. SECTION 40.10.50.10.(3), BY-LAW 569-2013

If a lot abuts a lot in the Residential Zone category or Residential Apartment Zone category, a minimum 1.5 metre wide strip of land used only for soft landscaping must be provided along the part of the lot line abutting the lot in the Residential Zone category or Residential Apartment Zone category.

In this case, a 0.5 m wide strip of soft landscaping will be provided along the west side lot line.

7. SECTION 40.10.50.10.(2), BY-LAW 569-2013

If a lot abuts a lot in the Residential Zone category or the Residential Apartment Zone category a fence must be installed along the portion of a lot line abutting the lot in the Residential Zone category or Residential Apartment Zone category.

In this case, no fence will be provided along the west side lot line abutting the lots in the Residential Zone category.

8. SECTION 4(6), BY-LAW 438-86.

Two loading spaces are required to be provided: one Type B loading space for the retail store component and one Type G loading space for the dwelling unit component.

In this case, the mixed use building will have one loading space (Type B/G) used for both the retail store and dwelling unit components simultaneously.

9. SECTION 4(12), BY-LAW 438-86

For the portion of the mixed use building located in this by-law, the required minimum amount of indoor residential amenity space is 314 square metres and outdoor residential amenity space is 314 square metres with at least 40 square metres provided in a location adjoining or directly accessible from the indoor residential amenity space.

In this case, the portion of the mixed use building located within this by-law will have 340 square metres of indoor residential amenity space and 92 square metres of outdoor residential amenity in a location that is not adjoining or directly accessible from the indoor residential amenity space.

10. SECTION 8(3) Part I (1), BY-LAW 438-86

The maximum permitted combined non-residential gross floor area and residential gross floor area is 6.0 times the area of the lot (9841.80 m²).

The portion of the mixed use building located within this by-law will have a combined non-residential gross floor area and residential gross floor area equal to 7.20 times the area of the lot (11,800.00 m²).

Note: The area of the portion of the lot in this by-law is 1,640.3 square metres.

11. SECTION 8(3) Part I 3(A), BY-LAW 438-86

The maximum permitted residential gross floor area of a mixed use building is 5.0 times the area of the lot (8201.50 m²).

The portion of the mixed use building located within this by-law will have a residential gross floor area equal to 6.80 times the area of the lot (11,100.00 m²).

Note: The area of the portion of the lot in this by-law is 1,640.3 square metres.

12. SECTION (8)(a)(ii), BY-LAW 1103-2009

Where the height of a building or structure is greater than 3 storeys, the main external building wall of the first 5 storeys or 16.5 metres, whichever is the lesser, shall be built at the build-to-line (4.5 metres from the curb line of the

travelled portion of St Clair Avenue West) and occupy a least 80% (26.7 metres) of the length of the portion of the lot abutting St. Clair Avenue West. In this case, the proposed building will be located a minimum of 3.7 metres from the curb line at a height of 16.5 metres and will occupy at least 50% (16.7 m) of the length of the lot abutting St. Clair Avenue West.

13. SECTION 4(a)(iii), BY-LAW 1103-2009

The permitted maximum height of the building is 39.00 metres.

The proposed height of the building is 39.95 metres.

14. SECTION 4(e)(i), BY-LAW 1103-2009

The maximum permitted height of a mixed use building, including mechanical penthouses, stair towers, elevator shafts and other such elements is 44.00 m.

The mixed use building, including the mechanical penthouses, stair towers, elevator shafts and other such elements will have a maximum height of 44.95 m.

15. SECTION 4(e)(i), BY-LAW 1103-2009

The aggregate horizontal area of the roof top mechanical room may not exceed 30% (242 square metres) of the area of the roof top of the building.

In this case, the aggregate horizontal area of the roof top mechanical room will be 45% (363 square metres) of the area of the roof top of the building.

16. SECTION 5(A), BY-LAW 1103-2009

No person shall erect or use a building or structure on a lot in an MCR District having any part of the building or structure closer to the curb line of the travelled portion of St. Clair Avenue West than 4.5 metres.

In this case, the mixed used building, above the ground floor, will be located a minimum of 3.7 m from the curb line of the travelled portion of St. Clair Avenue West.

17. SECTION 6(A)(i), BY-LAW 1103-2009

The minimum required step back for a main external building wall facing a street, at a height of 16.5 m or five storeys, whichever is the lesser, is 1.5 m.

In this case, the mixed use building will have a step back of 1.5 m above the fifth storey facing St. Clair Avenue West, at a height no more than 18.5 m.

18. SECTION 6(A)(i), BY-LAW 1103-2009

The minimum required step back for a main external building wall facing a street, at a height of 22.5 metres or seven storeys, whichever is the lesser, is 1.5 metres, measured from the face of the external wall directly below.

In this case, the mixed use building will have a step back of 1.5 metres above the seventh storey facing St. Clair Avenue West, at a height no more than 24.5 metres.

19. SECTION 9(A), BY-LAW 1103-2009

A minimum 1.5 m wide strip of soft landscaping shall be provided along the part of the lot line abutting a Residential District.

In this case, a 0.5 m strip of soft landscaping will be provided along the west side lot line.

20. SECTION 7(A)(ii), BY-LAW 1103-2009

Where the height of the building or structure exceeds 30 metres, measured above the average elevation of the ground abutting St. Clair Avenue West, all parts of such building or structure shall be contained within a 45 degree angular plane projected over the lot from a 3.0 metre setback at an elevation of 30 metres above the average elevation of the ground abutting St. Clair Avenue West.

In this case, the mixed use building will penetrate the angular plane above the ninth floor.

21. SECTION 10(A), BY-LAW 1103-2009

Only secondary windows shall be located on a sidewall of a building located less than 5.5 metres from a side lot line that does not abut a street.

In this case, a portion of the sidewall located 2.0 metres from the west side lot line, within a depth of 13.0 metres from the front lot line, will have primary and secondary windows on floors six through nine.

22. SECTION 11, BY-LAW 1103-2009

A minimum of 99 resident parking spaces are required to be provided.

In this case, 60 resident parking spaces will be provided within the portion of the mixed use building located within this by-law.

23. SECTION 3.1.3, BY-LAW 1-83

No building shall be erected or used on any lot which does not abut a highway.

In this case, the portion of the lot located in the former City of York will not abut a highway.

24. SECTION 11.3.1.(5), BY-LAW 1-83

The maximum floor space index shall be 2.0 times the area of the lot (1,305.2 square metres).

The portion of the mixed use building located in the former City of York will have a floor space index equal to 2.25 times the area of the lot (1,469.0 m²).

25. SECTION 11.3.1.(9), BY-LAW 1-83

At least one major building entrance shall provide direct access to a public street.

The portion of the mixed use building in the former City of York will not provide direct access to a public street.

Note: The portion of the lot located in the former City of York does not abut a public street or highway.