

Mailed on/before: Sunday, November 22, 2020

**PUBLIC HEARING NOTICE
MINOR VARIANCE/PERMISSION
(Section 45 of the *Planning Act*)**

MEETING DATE AND TIME: Wednesday, December 2, 2020 at 9:00 a.m.

LOCATION: This will be a virtual hearing.

- For those who wish to participate, by telephone, computer, smartphone or tablet by Webex (see pre-registration requirements below); and
- For those who wish to observe, by YouTube (Toronto City Planning channel) <https://www.youtube.com/channel/UCudbgOL5gua8MaaUXUpEISQ>

Note: During the Declared Emergency in the City of Toronto, Committee of Adjustment Public Hearings continue to be conducted publicly and are being conducted by electronic means through Webex, an on-line digital platform, and streamed on the Toronto City Planning YouTube Channel. These measures are necessary to comply with physical distancing requirements and a Provincial Order that limits attendance at public gatherings.

File Number: A0296/20TEY
Property Address: 908-916 ST CLAIR AVE W AND 166 ALBERTA AVE
Legal Description: YORK CON 3 FTB PT LOT 29 RP 66R26317 PART 1
Agent: BOUSFIELDS INC
Owner(s): 908 SCW PROPERTIES INC
Zoning: CR 2.0 (C2.; R2.0); LCR; MCR T6.0 C2.0 R5.0 (Waiver)
Ward: Davenport (09)
Community: Toronto
Heritage: Not Applicable

PURPOSE OF THE APPLICATION:

To construct a 12-storey mixed-use building with two levels of below grade parking, retail at grade and residential above.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

- 1. Chapter 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 m²).
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 m²).
- 2. Chapter 40.10.40.40.(1), By-law 569-2013**
The maximum permitted residential floor space index of a building in a Commercial Residential Zone is 2.0 times the area of the lot (1,305.2 m²).
The portion of the mixed use building located within this by-law will have a residential floor space index equal to 2.25 times the area of the lot (1,469.0 m²).
- 3. Chapter 230.40.1.20.(2), By-law 569-2013**
A short term bicycle parking space may be located no more than 30 m 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. Chapter 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.
- 5. Chapter 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. Chapter 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 m 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. Chapter 40.10.50.10.(2), By-law 569-2013**
If a lot abuts a lot in the Residential Zone category or Residential Apartment Zone category a fence must be installed along the portion of the lot 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.

1. Section 2(1), By-law 438-86

The by-law requires horizontal bicycle parking spaces to have horizontal dimensions of at least 0.6 m by 1.8 m and a vertical dimension of at least 1.9 m and occupant spaces are to be located in a secure room, and visitor spaces are to be located not within a secure room.

In this case, the horizontal bicycle parking spaces will be located in bicycle stackers with horizontal dimensions of at least 0.3 m by 1.6 m and a vertical dimension of at least 1.2 m and occupant and visitor spaces may be located within or not within a secure room.

2. 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.

3. Section 4(12), By-law 438-86

The required minimum amount of indoor residential amenity space is 314 m² and the required minimum amount of outdoor residential amenity space is 314 m² with at least 40 m² 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 m² of indoor residential amenity space and 92 m² of outdoor residential amenity in a location that is not adjoining or directly accessible from the indoor residential amenity space.

4. 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 7.2 times the area of the lot (11,800.00 m²).

5. 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 6.8 times the area of the lot (11,100.00 m²).

1. Section 8(A)(ii), Site Specific 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 m, whichever is the lesser, shall be built at the build-to-line (4.5 m of the curb line of the travelled portion of St Clair Avenue West) and occupy at least 80% (26.7 m) of the length of the portion of the abutting St. Clair Avenue West.

In this case, the proposed building will be located a minimum of 3.7 m from the curb line at a height of 16.5 m and will occupy at least 50% (16.7 m) of the length of the

lot abutting St. Clair Avenue West.

2. Section 4(A)(iii), Site Specific By-law 1103-2009

The maximum permitted height is 39.00 m.

The mixed use building will have a height of 39.95 m.

3. Section 4(E)(i), Site Specific 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.

4. Section 4(E)(i), Site Specific By-law 1103-2009

The aggregate horizontal area of the rooftop mechanical room may not exceed 30% (242 m²) of the area of the roof of the mixed use building.

In this case, the aggregate horizontal area of the rooftop mechanical room will not exceed 45% (363 m²) of the area of the roof of the mixed use building.

5. Section 5(A), Site Specific 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 m.

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.

6. Section 6(A)(i), Site Specific 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 19.0 m.

7. Section 6(A)(i), Site Specific By-law 1103-2009

The minimum required step back for a main external building wall facing a street, at a height of 22.5 m or seven storeys, whichever is the lesser, is 1.5 m, 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 m above the seventh storey facing St. Clair Avenue West, at a height no more than 25.0 m.

8. Section 9(A), Site Specific 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.

9. Section 7(A)(ii), Site Specific By-law 1103-2009

Where the height of the building or structure exceeds 30 m, 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 the 3.0 m setback at an elevation of 30 m 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.

10. Section 10(A), Site Specific By-law 1103-2009

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

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

11. Section 11, Site Specific By-law 1103-2009

A minimum of 99 resident parking spaces, excluding residential visitor spaces, are required to be provided.

In this case, 58 resident parking spaces will be provided within the portion of the mixed use building located within this by-law, excluding residential visitor spaces.

1. 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.

2. Section 11.3.1.(5), By-law 1-83

The maximum permitted floor space index is 2.0 times the area of the lot (1,305.2 m²).

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).

3. 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 located in the former City of York will not provide direct access to a public street.

THE COMMITTEE OF ADJUSTMENT AND MINOR VARIANCES

The role of the Committee of Adjustment is to provide flexibility in dealing with minor adjustments to zoning by-law requirements. To approve such variances, the Committee must be satisfied that:

- the variance requested is minor;
- the proposal is desirable for the appropriate development or use of the land and/or building;
- the general intent and purpose of the City's Zoning Code and/or By-law are maintained; and
- the general intent and purpose of the Official Plan are maintained.

The Committee of Adjustment forms its opinion through its detailed review of all material filed with an application, letters received, depositions made at the public hearing and results of site inspections.

MAKING YOUR VIEWS KNOWN

This notice has been mailed to you, as required by the *Planning Act*, to ensure that, as an interested person, you may make your views known by:

- **Sending an e-mail with your comments.** Written submissions (in pdf format) to the Committee of Adjustment must be e-mailed to coa.tey@toronto.ca no later than 4:30 pm on Wednesday, November 25, 2020.
- **Participating in the Webex public virtual hearing by telephone or computer/smartphone/tablet.** To participate in the public Webex virtual hearing, you must register in advance no later than 4:30 pm on Monday, November 30, 2020. To register, either call 416-392-7565 and leave a voicemail or send an e-mail to coa.tey@toronto.ca. Provide your name, address, phone number, e-mail address and file number(s) you wish to speak to. When we receive your registration request, we will confirm your attendance and provide you with a confirmation message and instructions for participating in the public hearing on Tuesday, December 1, 2020.

Information you choose to disclose in your correspondence will be used to receive your views on the relevant issue(s) to enable the Committee to make its decision on this matter.

This information will become part of the public record and will be posted online through the Application Information Centre: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

If you do not participate in the public Webex, or express your views in writing, the Committee may make a decision in your absence, and may recommend changes to the proposal.

TO VIEW THE MATERIALS IN THE APPLICATION FILE

Application plans and other related materials are available to be viewed **online** by visiting the Application Information Centre at <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

If you are not able to view plans online, copies of application submissions can be obtained by contacting the Committee of Adjustment office by e-mail at coa.tey@toronto.ca. Service fees may apply.

RECEIVING A COPY OF THE COMMITTEE'S DECISION

- The Committee will announce its decision on the application at the Public Hearing.
- To receive a copy of the Decision, contact the Committee of Adjustment office by e-mail at coa.tey@toronto.ca and provide the following: your name; address; e-mail address; date of hearing; file number; and address of the subject property.
- If you wish to appeal a Decision of the Committee, you must file your written

request for a decision with the Deputy Secretary-Treasurer.

- Be advised that the appeal body may dismiss an appeal of the minor variance Decision if the person or public body that filed the appeal did not make a submission to the Committee of Adjustment prior to the Decision having been made.

CONTACT

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