

**STAFF REPORT**  
**Committee of Adjustment**  
**Application**

**Date:** Wednesday, November 25, 2020

**To:** Chair and Committee Members of the Committee of Adjustment, Toronto and East York District

**From:** Neil Cresswell, Director, Community Planning, Etobicoke York District

**Ward:** 9 (Davenport)

**File No:** A0296/20TEY

**Address:** 908-916 St Clair Avenue West and 166 Alberta Avenue

**Application to be heard:** Wednesday, December 2, 2020

**RECOMMENDATIONS**

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Planning staff recommend that should the Committee of Adjustment approve the application, the following condition be imposed:

1. The proposal shall be developed substantially in accordance with the ground floor plan and elevation drawings (Drawing Nos. A2.4, A3.1, A3.2, A3.3 and A3.4) submitted and held on file by the Committee of Adjustment, date stamped October 28, 2020, to the satisfaction of the Director, Community Planning, Etobicoke York District. Any other variances that may appear on these plans but are not listed in the written decision are not authorized.

**APPLICATION**

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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 m<sup>2</sup>).  
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 m<sup>2</sup>).
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 m<sup>2</sup>).  
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 m<sup>2</sup>).
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 m<sup>2</sup> and the required minimum amount of outdoor residential amenity space is 314 m<sup>2</sup> with at least 40 m<sup>2</sup> 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 m<sup>2</sup> of indoor residential amenity space and 92 m<sup>2</sup> 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 m<sup>2</sup>).  
 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 m<sup>2</sup>).
  
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 m<sup>2</sup>).  
 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 m<sup>2</sup>).
  
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 m<sup>2</sup>) 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 m<sup>2</sup>) 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 m<sup>2</sup>).  
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 m<sup>2</sup>).
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.

## COMMENTS

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### Official Plan

The subject site is located on the north side of St. Clair Avenue West, west of Alberta Avenue. The property is designated *Mixed Use Areas* in the City of Toronto's Official Plan. The *Mixed Use Areas* designation provides for a range of commercial, residential, and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

The Official Plan identifies St. Clair Avenue West as an Avenue, which are areas intended to accommodate additional growth and intensification. The southern portion of the site, south of Alberta Avenue, was included in the St. Clair Avenue Study which examined the mixed used corridor along St. Clair Avenue West between Old Weston Road and Bathurst Street. Area-specific Official Plan and Zoning By-law Amendments were adopted to implement the findings and recommendations of the St. Clair Avenue Study.

The southern portion of the site is subject to Site and Area Specific Policy No. 326 (SASP 326) which requires all development along St. Clair Avenue West between Old Weston Road and Bathurst Street to conform with the overall vision for change as identified through the St. Clair Avenue Study. This vision encourages an intensified, transit-oriented urban environment which promotes a vibrant pedestrian realm and experience.

The northern portion of the site, north of Alberta Avenue, is subject to Site and Area Specific Policy No. 36 (SASP 36), in conjunction with the lands south of Glenhurst Avenue. SASP 36 requires limited commercial uses be permitted on the ground level of buildings and near the south limit of the lands. It also requires the maximum gross density for residential uses be 2.0 times the lot area and 0.5 times the lot area for commercial uses.

### Zoning

The northern terminus of Alberta Avenue represents the boundary between the former cities of Toronto and York. Due to this former boundary, the zoning for the subject site is split. The

southern portion of the site, south of Alberta Avenue, is zoned Mixed Use – Commercial Residential (MCR T6.0 C2.0 R5.0) under the former City of Toronto Zoning By-law No. 438-86, as amended by By-law No. 1103-2009. The MCR zoning district permits both residential and non-residential uses, including a mixed use building having a maximum total gross floor area of 6.0 times the lot area and a building height of 39 metres.

The northern portion of the site, north of Alberta Avenue, is subject to the former City of York Zoning By-law No. 1-83 and is zoned Local Commercial/Residential (LCR). These lands are also subject to Prevailing By-law No. 14513 of the former City of York Zoning By-law, which also permits a marketaria as a use on the site, as well as the lands to the northeast. The northern (rear) portion of the site is also subject to the City-wide Zoning By-law No. 569-2013 and is zoned Commercial Residential [CR (c0.0; r2.0) SS2 (x982)]. This zoning permits a maximum residential gross floor area of 2.0 times the lot area and a maximum building height of 15 metres. Exception 982 refers to former City of York Zoning By-law No. 14513.

### **Comments**

As the subject site is split zoned, the requested variances do not pertain to the whole site. The variances requested to the City-wide Zoning By-law No. 569-2013 and the former City of York Zoning By-law No. 1-83 apply to the rear (northern) portion of the site and the proposed 4-storey component of the mixed use building. The variances requested to the former City of Toronto Zoning By-law No. 438-86 and amending By-law No. 1103-2009 apply to the southern portion of the site and the proposed 12-storey portion of the mixed-use building that would front onto St. Clair Avenue West.

The application requests a variance related to outdoor amenity space for the southern portion of the site. The southern portion of the site is deficient in providing the required outdoor amenity space. However, when considering the entire site including the northern portion of the proposed building where 237 square metres of rooftop amenity space is proposed, a total of 329 square metres of outdoor amenity space would be provided for the development, which meets the zoning requirements.

Variances are also requested for the northern portion of the site regarding the lack of access to a public street, as Alberta Avenue ends at the southern limit of this portion of the property. A 1.3-metre pedestrian walkway is proposed to extend north of Alberta Avenue, providing access to the live work units on the ground floor of the 4-storey component.

Furthermore, variances are requested in relation to landscaping along the west lot line of the site, abutting the adjacent Residential zone. A 0.5-metre soft landscaping strip is proposed, whereas a 1.5-metre wide strip is required. It is noted that this reduced width does not apply to the entire west lot line, as the width of the landscaping strip increases to 1.5 metres along the southern portion of the site.

A variance is also required to permit the main external wall to be located 3.7 metres from the St. Clair Avenue West curb line, whereas the external wall is to be located 4.5 metres from the curb line. This variance is attributed to the reduced width of the sidewalk at the northeast corner of the site. As shown on the ground floor plan, the balance of the main wall would be located 4.5 to 4.8 metres from the St. Clair Avenue West curb line.

The application requests variances to the Zoning By-law No. 1103-2009 in relation to building step-backs and angular plane. A 1.5-metre step-back at a height of 16.5 metres or above the fifth storey, whichever is lesser, is required as well as a 1.5-metre stepback at a height of 22.5

metres or above the seventh storey, whichever is lesser, facing St. Clair Avenue West. As shown on the east elevation drawing, 1.5-metre setbacks are proposed above the fifth and seventh storeys at heights of 19 metres and 25 metres in order to provide a receding street wall. The development proposes penetrations into the required 45 degree angular plane abutting St. Clair Avenue West. In review of the application, these projections are considered minor and are acceptable to Planning staff.

Should the Committee of Adjustment approve the application, particularly with respect to the variances requested regarding the angular plane, setbacks from St. Clair Avenue West and landscaped open space, it is recommended that the proposal be developed in accordance with the ground floor plan and elevation drawings.

## **CONTACT**

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## **SIGNATURE**

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Signed by Sarah Henstock, Manager, Community Planning, on behalf of  
Neil Cresswell, MCIP, RPP  
Director, Community Planning, Etobicoke York District