

**Michael Mizzi**  
Director, Zoning and Secretary-Treasurer  
Committee of Adjustment  
City Planning Division

Committee of Adjustment  
Toronto and East York  
Toronto City Hall  
100 Queen Street West  
Toronto, Ontario M5H 2N2

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**NOTICE OF DECISION  
MINOR VARIANCE/PERMISSION  
(Section 45 of the Planning Act)**

**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:** SASHA LAUZON  
**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

Notice was given and a Virtual Public Hearing was held on **Wednesday, December 2, 2020**, as required by the Planning Act.

**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 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.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

### **The Minor Variance Application is Refused**

It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land with respect to the inability to provide an adequate buffer to the west adjacent residential properties
- In the opinion of the Committee, the variance(s) is not minor.

**SIGNATURE PAGE**

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**Ward:** Davenport (09)  
**Community:** Toronto  
**Heritage:** Not Applicable



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AARON CHENG



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CARL KNIPFEL



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NIMROD SALAMON



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BRUCE MULLOCK (CHAIR)

DATE DECISION MAILED ON: **TUESDAY, DECEMBER 8, 2020**

LAST DATE OF APPEAL: **TUESDAY, DECEMBER 22, 2020**

CERTIFIED TRUE COPY



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Anita M. MacLeod  
Manager & Deputy Secretary-Treasurer  
Committee of Adjustment, Toronto and East York District

## Appeal Information

All appeals must be filed by email with the Deputy Secretary-Treasurer, Committee of Adjustment to [coa.tey@toronto.ca](mailto:coa.tey@toronto.ca) and [Anita.Macleod@toronto.ca](mailto:Anita.Macleod@toronto.ca) by the last date of appeal as shown on the signature page.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal\* to the Local Planning Appeal Tribunal (LPAT) for the same matter.

### TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

To appeal this decision to the TLAB you need the following:

- A completed TLAB Notice of Appeal (Form 1).
- \$300 for each appeal filed regardless if related and submitted by the same appellant.
- Fees are payable to the **City of Toronto**. Once your appeal has been received by e-mail by the Deputy Secretary –Treasurer you will receive payment instructions.

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB website at [www.toronto.ca/tlab](http://www.toronto.ca/tlab).

### LOCAL PLANNING APPEAL TRIBUNAL (LPAT) INSTRUCTIONS

To appeal this decision to the LPAT you need the following:

- A completed LPAT Appellant Form (A1) in digital format on a USB stick and in paper format.
- \$400 with an additional reduced fee of \$25 for each connected appeal filed by the same appellant.
- Fees are payable to the **Minister of Finance** by certified cheque or money order (Canadian funds).
- Due to the Covid-19 Emergency please contact the Deputy Secretary-Treasurer to make arrangements in submitting the appeal.

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Environmental & Lands Tribunals Ontario (ELTO) website at <http://elto.gov.on.ca/tribunals/lpat/forms/>

\*A **related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the Application Information Centre and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Local Planning Appeal Tribunal (LPAT)** should be submitted in accordance with the instructions above.

**NOTE:** Only individuals, corporations and public agencies may appeal a decision. The appeal may not be filed by an unincorporated association or group. However, the appeal may be filed in the name of an individual who is a member of the association or group on its behalf.