



City Planning Division  
Gary Wright, Chief Planner and Executive Director

Committee of Adjustment  
100 Queen Street West  
Toronto ON M5H 2N2  
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Wednesday, June, 25, 2008

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

File Number:	A0564/08TEY	Zoning	RA (Waiver)
Owner(s):	GREAT GULF (KING STREET) LTD	Ward:	Trinity-Spadina (20)
Agent:	ROSLYN HOUSER GOODMANS		
Property Address:	<b>430 KING ST W</b>	Community:	
Legal Description:	PL D160 PT BLK 1		

Notice was given and a Public Hearing was held on Wednesday, June 25, 2008, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a 36-storey mixed-use building with retail uses at grade and 314 dwelling units above.

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

**1. Section 1(b), By-law 1349-2007**

The combined residential gross floor area and non-residential gross floor area of the mixed use building shall not exceed 26990.00 m<sup>2</sup>.

The building will have a combined gross floor area of 30001.00 m<sup>2</sup>.

**2. Section 1.(c), By-law 1349-2007**

The residential gross floor area of the mixed use building shall not exceed 26,280.00 m<sup>2</sup>.

The building will have a residential gross floor area of 28847.00 m<sup>2</sup>.

**3. Section 1.(d), By-law 1349-2007**

The by-law requires that no portion of the building above grade be located otherwise than wholly within the area delineated by heavy lines on the attached Plan 2 with the exception of cornices, lighting fixtures, awnings, canopies, ornamental elements, parapets, trellises, balconies, eaves, window sills, guardrails, balustrades, railings, stair enclosures, wheel chair ramps, underground garage ramps and their associated structures and landscape features.

Portions of the rear wall of the building at grade and a portion of the floor area above the 32<sup>nd</sup> floor will extend outside the heavy lines on Plan 2.

**4. Section 1.(e), By-law 1349-2007**

No person shall erect or use a building or structure on the lot having a greater height in metres than the height limits specified by the numbers following the symbol H on the attached Plan 2.

The proposed heights are 112.62 m and 117.14 m (123.32 m for the mechanical penthouse), exclusive of those roof top facilities permitted by Section 1(e)(ii).

**5. Section 2.(a), By-law 1349-2007**

The by-law requires that a financial contribution pursuant to Section 37 of the Planning Act be used for the purpose of public realm and parks improvement in the surrounding area.

It is proposed that any financial contributions required by Section 2(a) may also be used for the additional purpose of the provision of affordable housing, and may be secured through Section 37 or 45 of the Planning Act.

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

The definition of “bicycle parking space – visitor” requires that shall not be located within a secured room and/or an enclosure.

The proposed “bicycle parking spaces – visitor” are located within a secured room and/or an enclosure.

**IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

**The Minor Variance Application is Approved on Condition**

It is the decision of the Committee of Adjustment to approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

The applicant/owner shall comply, to the satisfaction of the Chief Planner and City Solicitor, City of Toronto, with the following:

- (1) Prior to the registration of the plan of condominium, the Owner shall have entered into an agreement of purchase and sale to convey the following four condominium units (collectively, the “Units”) to a non-profit housing provider acceptable to the City, acting reasonably, (the “Housing Provider”) for nominal consideration:
  - (i) A bachelor unit of approximately 408 square feet;
  - (ii) A one-bedroom unit of approximately 544 square feet;
  - (iii) A one-bedroom unit with den of approximately 706 square feet; and
  - (iv) A two-bedroom unit of approximately 747 square feet.

This requirement shall be a condition of draft condominium plan approval.

- (2) The Units shall be conveyed to the Housing Provider with a Torion warranty, and at the time of the conveyance shall be free of any liens, mortgages, charges or executions.
- (3) The Units shall be used as affordable housing and rented to tenants at *affordable rents*, as defined in the City of Toronto Official Plan as of the date of this variance approval. All condominium common expenses shall be paid by the Housing Provider.
- (4) The Housing Provider shall cause to be registered on title to the Property a restriction provided for under Section 118 of the *Land Titles Act* (Ontario), in favour of the City of Toronto prohibiting the transfer or

charge of the property without the consent of the City (the “Restriction”) and the Housing Provider agrees to accept title subject to the said Restriction.

- (5) In the event that the Housing Provider is wound-up, dissolved or otherwise ceases to exist, the City of Toronto shall have the right to cause title to the Units to be conveyed to either the City of Toronto or to another provider of affordable housing acceptable to the City of Toronto. This right shall be protected by the registration of the Restriction and shall govern the giving of consent, pursuant to that document, by the City of Toronto.
- (6) The applicant/owner shall comply, to the satisfaction of the Director, Community Planning, Toronto & East York District, with the following:
  - (i) The total gross floor area of the building shall not exceed 30,001 m<sup>2</sup>.
  - (ii) A maximum of 314 dwelling units shall be permitted; and
  - (iii) The building heights shall be built essentially in accordance with the height schedule on file.

## SIGNATURE PAGE

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Robert Brown (signed)

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Gillian Burton (signed)

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George Vasilopoulos  
(signed)

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Sheila Pin (signed)

DATE DECISION MAILED ON: Wednesday, July 2, 2008

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, July 15, 2008

CERTIFIED TRUE COPY

Anita M. MacLeod  
Manager & Deputy Secretary Treasurer  
Toronto and East York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at [www.omb.gov.on.ca](http://www.omb.gov.on.ca).