

Date:	October 24, 2008
To:	Chairman and Members of the Committee of Adjustment Toronto and East York Panel
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28, Toronto Centre-Rosedale
Reference:	A0759/07TEY 389 Berkeley Street; William Vasiliou To be heard on Wednesday November 5 th , 2008 at 3:30pm

APPLICATION

The applicant is seeking approval for three variances to Zoning By-law 438-86, to permit an increase in gross floor area to 1.34 times the lot area, a dwelling depth of 22.4 metres and a reduction in the required number of parking spaces.

COMMENTS

A previous application for 389 Berkeley Street was made in 2006 requesting a gross floor area of 1.3 times the lot area, which was refused by the Committee. The current application was submitted on September 6, 2007, and has been held in abeyance since that time to allow for staff to investigate the issue of rental replacement and to allow the applicant to address neighbour concerns. Planning staff have determined that Section 111 of the City of Toronto Act 2006 and Chapter 667 of the Municipal Code, relating to residential rental property replacement and conversion, are not applicable to this application.

Planning staff have reviewed the variances, conducted several site visits of the property and had on-going discussions with the Councillor's office, neighbours and the applicant. The most recent submission of this application reflects changes requested by both planning staff and area residents: each of the four units is self-contained and of sufficient size to be individual units, and there are no decks at the rear of the proposed addition.

There are still concerns with the proposal. By increasing the size of each unit, the applicant has significantly increased the proposed gross floor area of the building to 1.34 times the lot area. They have indicated that the existing gross floor area of the building is 1.21 times the lot area, although the previous public hearing notice from November of 2007 indicates that the existing gross floor area is 1.1 times the lot area. This is a

significant discrepancy, likely due to the applicant including the basement in the calculation. Other approvals along this section of Berkeley Street for gross floor area increases have been for up to 1.1 times the lot area, with one approval for the replacement of a solarium at 1.27 times the lot area.

The proposed 1.34 times the lot area represents an over-development of the lot. A reduction in gross floor area that is more closely aligned with previous approvals in the neighbourhood is recommended, ideally through a reduction in the number of units to three and a decrease in the size of the third floor area.

Staff also do not support the three proposed decks on the north side of the building, serving unit 3 on the 2nd and 3rd floor, and unit 4 on the third floor. Given the narrow lot widths in the area, these decks would create overlook and privacy issues for the adjacent dwelling to the north. Further, the two-storey garage area in the rear yard should remain as storage use only and not be converted to a dwelling unit.

We have no objection to the variances for dwelling depth (existing) and parking.

RECOMMENDATION

Planning staff respectfully recommend the following:

1. That the gross floor area of the proposal be reduced to be more in-keeping with previous approvals in the vicinity;
2. That the three proposed decks on the north side of the building not be permitted; and,
3. That the detached garage not have kitchen or washroom facilities, and be used for storage purposes only.

CONTACT

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SIGNATURE

Raymond David, Acting Director
Community Planning, Toronto and East York District

Copy: -Councillor Pam McConnell (Ward 28), Attn: Sean McIntyre