TORONTO
City Planning Division
Committee of Adjustment
Toronto and East York District
100 Queen Street West, 1st Floor
Toronto, Ontario M5H 2N2
Tel: 416-392-7565
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NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)

File Number:	A0703/16TEY	Zoning	CRE (x1) Site Specific By-laws 819-2015 & 820-2015 & CRE(x57) (ZZC)
Owner(s):	BERKELEY PARLIAMENT INC	Ward:	Toronto Centre-Rosedale (28)
Agent:	GIOVANNI TASSONE	Heritage:	Designated
Property Address:	**93-95 BERKELEY ST & 112, 114, 116, 118, 120, 122 & 124 PARLIAMENT ST**	Community**:**	Toronto
Legal Description:	PLAN 7A LOT 24 PT LOTS 17 AND 18 PLAN D136 LOT 5 PT LOTS 6 AND 7 PLAN 189E LOTS 1 TO 4 AND RP 63R2841 PART 1		

Notice was given and a Public Hearing was held on **Wednesday, January 18, 2017**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To alter the 21-storey mixed-use development, approved under Site Specific Zoning By-laws 819-2015 and 820-2015, by increasing the building height and gross floor areas; decreasing the amount of indoor and outdoor amenity space; and altering the building tower setbacks.

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

1. Chapter 900.12.10 CRE(1)(B), By-law 569-2013
The maximum permitted gross floor area on the lots is 20,680 m².
In this case, the gross floor area of the building will be 22,693 m².

2. Chapter 900.12.10 10 CRE(1)(B)(i), By-law 569-2013
The maximum permitted residential gross floor area is 19,630 m².
In this case, the residential gross floor area will be 21,750 m².

3. Chapter 900.12.10 CRE(1)(C), By-law 569-2013
The whole of the building must be located within the area delineated by heavy lines on Diagram 2.
Decision A1014/15TEY permitted the building to be located within the area delineated by heavy lines on Revised Diagram 2.
In this case, parts of the building located below grade and a portion of the roof level west of the mechanical penthouse will be located as delineated by heavy lines on the attached revised Diagram 2.

4. Chapter 900.12.10 10 CRE(1)(E), By-law 569-2013
The maximum number of storeys in a building must not exceed the number following symbol ST on Diagram 2.
Decision A1014/15TEY permitted the number of storeys as shown on Revised Diagram 2.
In this case, the height of the tower portion of the building will not exceed the number following symbol ST on the attached revised Diagram 2.

5. Chapter 900.12.10 10 CRE(1)(D), By-law 569-2013
The maximum height of a building or structure is measured from the Canadian Geodetic Datum elevation of 82.11 metres and must not exceed the height in metres specified by the numbers following the symbol HT on Diagram 2.
Decision A1014/15TEY permitted building heights as shown on Revised Diagram 2.
In this case, the height of the tower portion of the building will be specified in metres by the number following the symbol HT on the attached revised Diagram 2.

6. Chapter 900.12.10 CRE(1)(H)(i) & (ii), By-law 569-2013
The minimum indoor amenity space provided on the lot shall be 2.3 m² per dwelling unit (752.1 m²) and the minimum outdoor amenity space provided on the lot shall be 1.25 m² per dwelling unit (408.75 m²).
In this case, the indoor amenity space will be 668.83 m² and the outdoor amenity space will be 363.75 m².

7. Chapter 600.10.10(1)(A)(iii), By-law 569-2013
Every tower must be set back at least 12.5 m from a lot line having no abutting street or lane.
In the case, the tower floors will be setback 0.5 m from the north lot line, 2.5 m from the south lot line and 6.6 m from the west lot line not abutting a street.

1. Section 2(c), Site Specific By-law 819-2015
The maximum permitted gross floor area on the lot is 20,050 m².
In this case, the gross floor area of the building will be 23,564 m².

2. Section 2(c)(i), Site Specific By-law 819-2015
The maximum permitted residential gross floor area is 21,020 m².
In this case, the residential gross floor area will be 22,534 m².

3. Section 2(d), Site Specific By-law 819-2015
The minimum yard setbacks for all buildings and structures shall be as set out on Map 2.
Decision A1014/15TEY permitted building and structure setbacks as specified on Revised Map 2.
In this case, the west parking access will be setback 0.475 m from the west lot line, the building adjacent to the parking access will be 3.3 m from the north lot line as shown on the attached revised Map 2.

4. Section 2(e), Site Specific By-law 819-2015
The heights of the building shall not exceed the height in metres and the number of storeys specified on Map 2.
Decision A1014/15TEY permitted the building heights and number of storeys as shown on Revised Map 2.
In this case, the maximum building height and number of storeys will be specified on the attached revised Map 2.

5. Section 2(h), Site Specific By-law 819-2015
Indoor amenity space shall be provided at the rate of 2.3 m² per dwelling unit (752.1 m²) and outdoor amenity space at the rate 1.25 m² per dwelling unit (408.75 m²).
In this case, the indoor amenity space will be 668.83 m² and the outdoor amenity space will be 363.75 m².

6. Section 12(2) 380(1)(c), By-law 438-86
The setbacks for towers higher than 24 m is 12.5 m from a lot line having no abutting street.
In this case, the tower floors will be setback 0.5 m from the north lot line, 2.5 m from the south lot line and 6.6 m from the west lot line not abutting a street.

The Committee of Adjustment considered any written and oral submissions in making its decision. For a list of submissions, please refer to the minutes.

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.
- In the opinion of the Committee, the variance(s) is not minor.

SIGNATURE PAGE

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	ABSTAINED	**DISSENTED**
Alex Bednar (signed)	Michael Clark	Donald Granatstein

Carl Knipfel (signed)

DATE DECISION MAILED ON: **Tuesday, January 24, 2017**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, February 7, 2017**

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 $300.00, 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.