



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

**Committee of Adjustment**  
**Toronto and East York District**

100 Queen Street West, 1<sup>st</sup> 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:** A0454/18TEY  
**Property Address:** 100 EDWARD ST  
**Legal Description:** PLAN 243 PT LOTS 38 TO 40 RP 63R4133 PARTS 2 & 3  
**Agent:** TOMMY CHANG  
**Owner(s):** SMYE HOMES LTD  
**Zoning:** CR 7.8 (c2.0; r7.8) SS1 (x2308) & CR T6.0 C2.0 R6.0 & CR T7.8 C2.0 R7.8 (ZPR)  
**Ward:** University-Rosedale (11)  
*Toronto Centre-Rosedale (27)*  
**Community:** Toronto  
**Heritage:** Not Applicable

Notice was given and a Public Hearing was held on **Wednesday, April 17, 2019**, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new 19-storey (Building 'A' - 100 Edward Street) and 22-storey (Building 'B' - 70 Edward Street & 636 Bay Street) mixed use condominium building located on seven-storey podiums connected at the second storey with five levels of below grade parking.

**Notes:**

*This development, Building 'A' and Building 'B', will be treated as one building on one lot. Despite any existing or future severance, partition or division of the lot, the provisions of this by-law shall apply to the whole lands known as 70 & 100 Edward Street and 636 Bay Street, as if no severance, partition or division occurred.*

*Building 'A' – 100 Edward Street is not subject to By-law 569-2013.*

*Building 'B' - 70 Edward Street & 636 Bay Street is subject to By-laws 569-2013 and 438-86.*

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

- 1. Chapter 10.10.40.40.(1)(A), By-law 569-2013**  
The maximum permitted floor space index for all uses on the lot is 7.80 times the area of the lot (20,099.82 m<sup>2</sup>).  
The mixed-use condominium building will have total floor space index for all uses equal to 8.98 times the area of the lot (23,151.40 m<sup>2</sup>).
- 2. Chapter 40.10.40.40.(1)(C), By-law 569-2013**  
The maximum permitted floor space index for residential uses on the lot is 7.8 times the area of the lot (20,099.82 m<sup>2</sup>).  
The mixed-use condominium building will have a floor space index for residential uses equal to 8.57 times the area of the lot (22,090.90 m<sup>2</sup>).
- 3. Chapter 600.10.10.(1)(A)(ii) Development Standard Set 1, By-law 569-2013**  
The minimum required setback for a tower is 12.5 m from the centre line of an abutting lane.  
The mixed-use condominium building will be located 9.47 m from Barnaby Lane.
- 4. Chapter 600.10.10.(1)(A)(iii) Development Standard Set 1, By-law 569-2013**  
The minimum required setback for a tower is 12.5 m from a lot line having no abutting street or lane.  
The mixed-use condominium building will be located 5.38 m from the north lot line.
- 5. Chapter 230.5.1.10.(9(B)(iii), By-law 569-2013**  
The required long-term bicycle parking spaces for the dwelling units may be located on levels of the building below-ground, commencing with the first level below-ground and moving down, in one level increments provided that at least 50% of the area of that level is occupied by bicycle parking spaces until all required bicycle parking spaces have been provided.  
In this case, the required long-term bicycle parking spaces for the dwelling units will occupy 9% of the area of the first level below-grade and continue onto the second level below-grade.
- 6. Chapter 40.10.40.10.(1)(A) Development Standard Set 1, By-law 569- 2013**  
The maximum permitted height is 61.0 m.  
The mixed-use condominium building will have a height of 72.25 m.
- 7. Chapter 40.10.40.50.(1)(A), By-law 569-2013**  
A building with 20 or more dwelling units must provide 2.0 m<sup>2</sup> of indoor amenity space for each dwelling unit, for a total of 644.0 m<sup>2</sup> of indoor amenity space.  
The mixed-use condominium building will have 621.20 m<sup>2</sup> of indoor amenity space.

8. **Chapter 40.10.40.70.(1)(A), Development Standard Set 1, By-law 569-2013**  
A minimum of 75% of the main wall of the building facing a front lot line must be located at or between the front lot line and a maximum of 3 m from the front lot line. The main walls of the mixed-use condominium building will be located 4.5 m from the Bay Street lot line and 4.71 m from the Edward Street lot line.
9. **Chapter 40.10.40.70.(1)(B), Development Standard Set 1, By-law 569-2013**  
Where the main wall of a building has windows or openings, the main wall must be setback at least 5.5 m from a lot line that is not adjacent to a street or lane. The main wall of the mixed-use condominium building will be located 5.38 m from the north lot line.
1. **Section 4(2)(a) and Section 12(2) 260(II)&(III), By-law 438-86**  
The maximum permitted height of Building 'B' is 61.0 m, and the building must not penetrate a 60 degree angular plane at the permitted height. Building 'B' will have a height of 72.4 m and will penetrate the 60 degree angular plane.
2. **Section 4(2)(a) and Section 12(2) 260(II)&(III), By-law 438-86**  
The maximum permitted height of Building 'A' is 46.0 m and the building must not penetrate a 60 degree angular plane at the permitted height. Building 'A' will have a height of 63.8 m and will penetrate the 60 degree angular plane.
3. **Section 8(3) Part I 1, By-law 438-86**  
The maximum permitted combined non-residential and residential gross floor area is 7.8 times the area of the lot (20,099.82 m<sup>2</sup>). Building 'B' will have a combined non-residential and residential gross floor area equal to 8.99 times the area of the lot (23,153.7 m<sup>2</sup>).
4. **Section 8(3) Part I 3(A), By-law 438-86**  
The maximum permitted residential gross floor area is 7.8 times the area of the lot (20,099.82 m<sup>2</sup>). Building 'B' will have a residential gross floor area equal to 8.57 times the area of the lot (22,093.20 m<sup>2</sup>).
5. **Section 12(2) 111(a)(i), By-law 438-83**  
The minimum required above-grade setback from the Bay Street lot is 4.5 m. Building 'B' will be located 2.76 m from the Bay Street lot line.
6. **Section 12(2) 111(a)(ii), By-law 438-83**  
The exterior face of the exterior wall of the building or structure must be set back no less than 7.5 m from the Bay Street lot line for a height of not less than 3.0 m above grade. Building 'B' will be setback 3.48 m from the Bay Street lot line, measured from the column.

- 7. Section 12(1) 386, By-law 438-86**  
The maximum permitted combined non-residential and residential gross floor area is 11,186 m<sup>2</sup>.  
Building 'A' will have a combined non-residential and residential gross floor area equal to 13,475.6 m<sup>2</sup>.
- 8. Section 12(1) 386(ii), By-law 438-86**  
The maximum permitted residential gross floor area is 10,697 m<sup>2</sup>.  
Building 'A' will have a residential gross floor area equal to 13,144.9m<sup>2</sup>.
- 9. Section 12(1) 386(v), By-law 438-86**  
A maximum of 165 dwelling units are permitted, of which not fewer than 19 may be one-bedroom units, and not more than 6 may be bachelor dwelling units.  
Building 'A' will have 204 dwelling units, of which 171 will be one-bedroom units.
- 10. Section 12(1) 386(vi), By-law 438-86**  
The maximum permitted height of Building 'A' is 46.0 m.  
Building 'A' will have a height of 63.55 m.
- 11. Section 12(2) 380(1)(b), By-law 438-83**  
The minimum required setback for a tower is 12.5 m from the centre line of an abutting lane.  
Building 'A' will be located 9.29 m from Barnaby Lane, and Building 'B' will be located 9.47 m from Barnaby Lane
- 12. Section 12(2) 380(1)(c), By-law 438-83**  
The minimum required setback for a tower is 12.5 m from a lot line having no abutting street or lane.  
Building 'A' will be located 6.53 m from the north lot line, and Building 'B' will be located 5.38 m from the north lot line.
- 13. Section 4(12), By-law 438-83**  
A minimum of 408.0 m<sup>2</sup> of indoor residential amenity space and 408.0 m<sup>2</sup> of outdoor residential amenity space is required to be provided.  
Building 'A' will have 442.0 m<sup>2</sup> of indoor residential amenity space, and 368.4 m<sup>2</sup> of outdoor residential amenity space.
- 14. Section 4(12), By-law 438-83**  
A minimum of 644.0 m<sup>2</sup> of indoor residential amenity space and 644.0 m<sup>2</sup> of outdoor residential amenity space is required to be provided for Building 'B'.  
Building 'B' will have 621.2 m<sup>2</sup> of indoor residential amenity space, and 686.5 m<sup>2</sup> of outdoor residential amenity space.

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

**SIGNATURE PAGE**

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R7.8 (ZPR)  
Ward: University-Rosedale (11)  
*Toronto Centre-Rosedale (27)*  
Community: Toronto  
Heritage: Not Applicable

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Nancy Oomen (signed)

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Joanne Hayes (signed)

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Worrick Russell (signed)

DATE DECISION MAILED ON: **TUESDAY, APRIL 23, 2019**

LAST DATE OF APPEAL: **TUESDAY, MAY 7, 2019**

CERTIFIED TRUE COPY

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

## Appeal Information

All appeals must be filed with the Deputy Secretary-Treasurer, Committee of Adjustment 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) in **digital format** on a CD/DVD or USB;
- \$300 for each appeal filed regardless if related and submitted by the same appellant;
- Fees are payable to the **City of Toronto** by cash, certified cheque or money order (Canadian funds).

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB web site 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 **paper format**;
- \$300.00 with an additional reduced fee of \$25.00 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).

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.