

Kyle Knoeck
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

416-392-0413
coa.tey@toronto.ca

Wednesday, December 13, 2023

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

File Number: A0597/23TEY
Property Address: 316 BLOOR ST W
Legal Description: PLAN M2 PT LOT 4 RP 66R7561 PART 1
Agent: BOUSFIELDS INC
Owner(s): 316 BLOOR WEST TORONTO DEVELOPMENTS LTD
Zoning: CR 3.0 (c2.0; r2.5) SS2 (x378) (Waiver)
Ward: University-Rosedale (11)
Community: Toronto
Heritage: Not Applicable

Notice was given and a Public Hearing was held on **Wednesday, December 13, 2023**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To alter the development standards (as approved under Site Specific Zoning By-law 595-2021(OLT), as amended by City Wide By-law 569-2013), for a new mixed-use building.

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

- 1. Chapter 200.5.1.(3), By-law 569-2013**
The minimum required drive aisle width is 6 m if the centerline of a parking space is at an interior angle of 70 to 90-degrees to the centerline of the drive aisle providing vehicle access.
In this case, the minimum drive aisle width will be 3.4 m.
- 2. Chapter 220.5.20.1.(A), By-law 569-2013**
The minimum width of a driveway to a loading space is 6 m along its entire length.
In this case, the minimum drive aisle width will be 3.4 m along its entire length.

- 3. Chapter 230.5.1.10.(4)(A)(ii), By-law 569-2013**
The minimum required width of a bicycle parking space is 0.6 m.
In this case, bicycle parking spaces will have a width of 0.45 m.
- 4. Chapter 230.5.1.10.(10), By-law 569-2013**
A "long-term" bicycle parking space may be located in a stacked bicycle parking space.
In this case, "short-term" bicycle parking spaces will also be located in a stacked bicycle parking space.
- 5. Chapter 900.11.10.378.(B), By-law 569-2013 Exception Number 378, & Section 4(B), By-law 595-2021**
The maximum permitted gross floor area of buildings or structures on the lot must not exceed 22,450 m², of which the maximum permitted gross floor area for residential uses on the lot must not exceed 22,100 m², and the maximum permitted gross floor area for non-residential uses on the lot must not exceed 350 m².
In this case, the total gross floor area of buildings or structures on the lot will not exceed 28,336 m², the residential gross floor area of buildings or structures on the lot will not exceed 27,860 m², and the non-residential gross floor area of buildings or structures on the lot will not exceed 476 m².
- 6. Chapter 900.11.10.378.(C), By-law 569-2013, Exception Number 378, & Section 4(C), By-law 595-2021**
The maximum permitted height of a building or structure on the lot must not exceed the height in metres specified by the numbers following the symbol HT on Diagram 3 of By-law 595-2021(OLT).
In this case, height of a building or structure on the lot must not exceed the height in metres specified by the numbers following the symbol HT on the Revised Diagram 3.
- 7. Chapter 900.11.10.378.(D), By-law 569-2013, Exception Number 378, & Section 4(D), By-law 595-2021**
The projections listed in (D)(i) may exceed the height indicated by the numbers following the letter HT shown on Diagram 3 of By-law 595-2021(OLT), and that the only element permitted to exceed a height of 98 m shall be window washing equipment.
In this case, in addition to the elements permitted by Provision (D)(i), elevator overruns, inclusive of the elevator machine room and other elements required for the functional operation of the building and structures that enclose, screen or cover these elements, are permitted to exceed the heights indicated by the numbers following the letter HT shown on the revised Diagram 3. The only element permitted to exceed a height of 121.14 m will be window washing equipment.

- 8. Chapter 900.11.10.378.(E), By-law 569-2013, Exception Number 378, & Section 4(E), By-law 595-2021**

The portions of a building or structure above average grade must be located within the areas delineated by heavy lines on Diagram 3 of By-law 595-2021(OLT), except for the listed permitted encroachments.

In this case, the portions of a building or structure above average grade must be located within the areas delineated by heavy lines on the revised Diagram 3, except for the permitted encroachments listed in (E)(i).
- 9. Chapter 900.11.10.378.(F), By-law 569-2013, Exception Number 378, & Section 4(F), By-law 595-2021**

A minimum of 4 m² of residential amenity space per dwelling unit shall be provided, of which a minimum of 0.5 m² per dwelling unit is outdoor residential amenity space.

In this case, a minimum of 3.2 m² of residential amenity space per dwelling unit shall be provided, of which a minimum of 0.35 m² per dwelling unit is outdoor residential amenity space.
- 10. Chapter 900.11.10.378.(G), By-law 569-2013, Exception Number 378, & Section 4(G), By-law 595-2021**

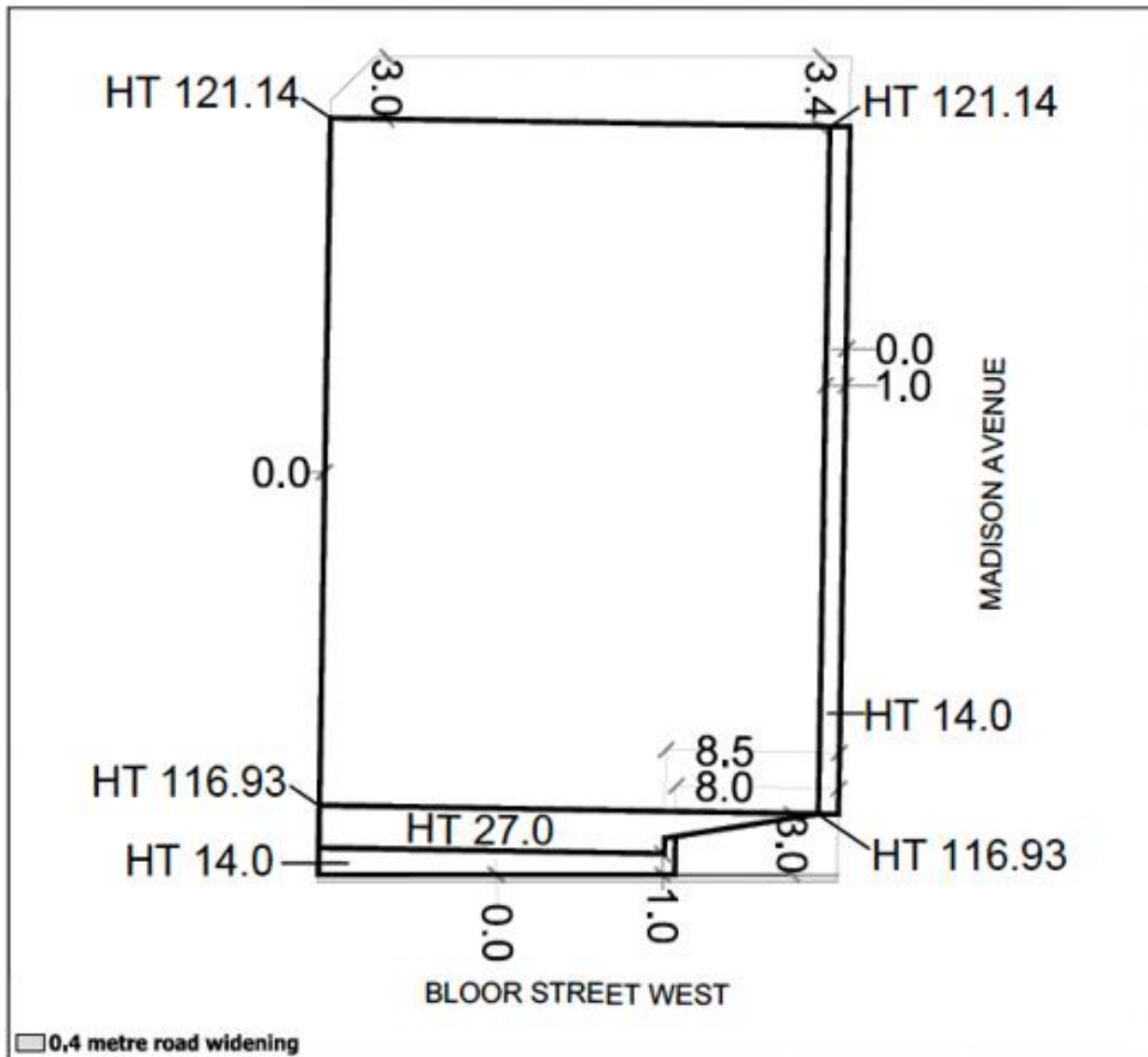
A minimum of 27 parking spaces including four car-share parking spaces shall be provided and maintained on the lot.

In this case, a minimum of 0 parking spaces shall be provided and maintained on the lot.
- 11. Chapter 900.11.10.378.(L), By-law 569-2013, Exception Number 378, & Section 4(L), By-law 595-2021**

Bicycle parking spaces may be provided on the first storey, second storey and second storey mezzanine levels.

In this case, the bicycle parking spaces may also be located on the first and second levels below-ground.

Revised Diagram 3



316 Bloor Street West, Toronto

Revised Diagram 3



Not to Scale
City of Toronto By-law 569-2013

Revised Diagram 3, By-law 595-2021(OLT)

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 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.

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

- (1) Prior to the earlier of registration of the Site Plan Agreement or the issuance of an amending conditional building permit for any portion of the building permitted pursuant to this minor variance application, the applicant/owner shall complete the following to the satisfaction of the Director, Community Planning, Toronto and East York District, City Planning:
 - a) The applicant/owner shall obtain a revised Notice of Approval Conditions from City Planning that updates all relevant drawings and technical reports to reflect the revised building, as approved through this minor variance decision;
 - b) The applicant/owner shall make a cash contribution to the City of Toronto, in the amount of \$1,000,000.00 to the satisfaction of the City Solicitor, to be allocated towards community facilities, recreation, cultural space, and/or streetscape improvements within Ward 11, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor. The financial contribution shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the minor variance application is final and binding to the date of payment; and,
 - c) The applicant/owner shall provide a letter from its solicitor confirming that it has provided to the City of Toronto, the cash contribution referred to in Condition 1 b) above.
- (2) The applicant/owner shall provide the detailed technical design documentation/specification for the short-term stacked bicycle parking spaces and 0.45 metre bicycle parking width, to the satisfaction of the Manager, Development Planning and Review, Transportation Services.

- (3) Prior to issuance of any building permits relating to any increase in gross floor area (GFA) proposed as part of this minor variance application, the applicant/owner shall complete a subsequent Toronto Transit Commission (TTC) Technical Review, which includes revisions to the proposed development and obtain the TTC's written acknowledgement that the applicant/owner has satisfied all conditions arising out of the review. As part of the Technical Review process, the applicant/owner shall provide the requisite information and pay the applicable review fee to the TTC.
- (4) Prior to the issuance of any building permits relating to any approved increase in gross floor area (GFA) proposed as part of minor variance application, the applicant/owner is required to revise the Construction Agreement entered into with the Toronto Transit Commission (TTC) in a form acceptable to TTC, as identified through the required Technical Review.
- (5) Prior to the issuance of a building permits relating to any new units approved as part of these revised plans, the applicant/owner shall provide its solicitor's undertaking to Toronto Transit Commission (TTC) in the form of a solicitor's letter, advising that an Interferences Warning similar to the warning clause noted in Condition 6 below, has been included in all applicable Offer(s) of Purchase and Sale, the Condominium Declaration, Leases and/or Rental Agreement(s) to ensure that future occupants are aware and accept the impacts of the possible Interferences.
- (6) Prior to issuance of any building permits relating to any approved increase in gross floor area (GFA) as part of this minor variance application, the applicant/owner shall submit a revised letter that acknowledges and accepts the following for any new units proposed as part of these revised plans:
 - a) the proximity of the proposed development, to Toronto Transit Commission (TTC) infrastructure may result in noise, vibration, electromagnetic interference, stray current, smoke and particulate matter, transmissions (collectively referred to as "Interferences") to the development;
 - b) the City and Toronto Transit Commission (TTC) will not accept responsibility for such effects on any of the development and/or its occupants;
 - c) it had been advised by Toronto Transit Commission (TTC) to apply reasonable attenuation/mitigation measures with respect to the level of the Interferences on and in the development;

- d) a Toronto Transit Commission (TTC) Interferences Warning clause, as provided below and satisfactory to TTC has been, or shall be inserted into all rental agreement(s), and/or offers of purchase and sale or lease applicable to the property:

*The Owner, Purchaser and/or Lessee specifically acknowledges and agrees that the proximity of the property of the lands municipally known as **316 Bloor Street West** to TTC operations, presently in existence or subsequently constructed or re-constructed, may result in transmissions of noise, vibration, electromagnetic interference, stray current, smoke, particulate matter or other interferences (collectively referred to as "Interferences") on or to the property and despite the inclusion of control features within the property, Interferences from transit operations or construction activity may continue to be of concern, occasionally interfering with some activities of the occupants in the property. Notwithstanding the above, the Owner, Purchaser and/or Lessee agrees to release and save harmless the City of Toronto, the Toronto Transit Commission, together with their Commissioners, officers, employees, successors and assigns, from all claims, losses, judgments or actions arising or resulting from any and all Interferences. Furthermore, the Owner, Purchaser and/or Lessee acknowledges and agrees that an Interferences clause substantially similar to the one contained herein shall be inserted into any succeeding lease, sublease or sales agreement, and that this requirement shall be binding not only on the parties hereto but also their respective successors and assigns and shall not die with the closing of the transaction.*

SIGNATURE PAGE

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ABSTAINED

YIM CHAN (CHAIR)



LOIS FIGG



DOUG WILKINS

DISSENTED

DYLAN REID

DATE DECISION MAILED ON: **Tuesday, December 19, 2023**

LAST DATE OF APPEAL: **Wednesday, January 3, 2024**

CERTIFIED TRUE COPY



Sabrina Salatino
Manager and Deputy Secretary-Treasurer
Committee of Adjustment, Toronto and East York District

Appeal Information

Only the applicant, the Minister, or a specified person or public body that has an interest in the matter may appeal this decision.

All appeals must be filed by e-mail with the Deputy Secretary-Treasurer, Committee of Adjustment to coa.tey@toronto.ca and Sabrina.Salatino@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 Ontario Land Tribunal (OLT) for the same matter.

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 should be submitted in accordance with the Ontario Land Tribunal (OLT) appeal instructions.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

To appeal this decision to the TLAB, you must submit 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.

ONTARIO LAND TRIBUNAL (OLT) APPEAL INSTRUCTIONS

To appeal this decision to the OLT, you must submit the following:

- A completed OLT Appellant Form (A1).
- \$400 for each appeal type with an additional fee of \$25 for each connected appeal of the same type filed by the same appellant.
- Fees are payable by certified cheque, money order, or credit card, and must be in Canadian funds. Certified cheques and money orders should be made payable to the Minister of Finance. If you would like to pay the fee by credit card, please indicate this on the appeal form and staff will phone you to complete the transaction – do not record any credit card details on the appeal form.

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the OLT website at <https://olt.gov.on.ca/appeals-process/>