

# DECISION AND ORDER

**Decision Issue Date**      Monday, October 03, 2022

PROCEEDING COMMENCED UNDER Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): STEPHANIE SHARON BENAICH

Applicant(s): ARCA DESIGN INC.

Property Address/Description: 647 & 649 ST CLAIR AVE W

Committee of Adjustment File

Number(s): 20 170417 STE 12 MV (A0636/20TEY)

**TLAB Case File Number(s): 22 125631 S45 12 TLAB**

**Hearing date: Thursday, September 22, 2022**

**DECISION DELIVERED BY TLAB Panel Member G. Swinkin**

## REGISTERED PARTIES AND PARTICIPANTS

Appellant	Stephanie Sharon Benaich
Appellant's Legal Rep	Martin Mazierski
Applicant	Arca Design Inc.
Participant	Linda Hew
Participant	Daniel Choi
Participant	Michael Katsevman
Participant	Nathan Duyck
Expert Witness	David Igelman

## **INTRODUCTION AND CONTEXT**

Stephanie Sharon Benaich, principal of Brick and Beam Property Developments Ltd. (the “Owner”), brought an application for variance relief from Zoning By-law 438-86, as amended (the “Zoning By-law”) to the Committee of Adjustment (the “Committee”) with respect to the properties municipally known as 647 & 649 St. Clair Avenue West (collectively “the Property”).

The Property is located on the south side of St. Clair Avenue West, east of Oakwood Avenue and west of Vaughan Road, specifically between Christie Street and Wychwood Avenue. It is within the neighbourhood referred to as Wychwood.

The Property is currently improved with a two-storey mixed-use commercial and residential building containing two dwelling units and two commercial units. There is a one-storey addition with an attached garage at the rear of the building which is located entirely on the 649 St. Clair Avenue West portion of the Property.

The Property abuts a rear public lane known as Bishop Arthur Brown Lane, which provides access out to Wychwood Avenue to the east. The lane is less than the standard designated width for a public lane and has no westerly outlet.

The Owner proposes to construct a one-storey rear addition at the rear main wall of the existing mixed-use building as well as a rear three-storey addition between the proposed one- storey rear addition and the laneway at the rear. This will result in an altered mixed-use building with two commercial units on the ground floor and a total of six residential units with two being above the ground floor commercial units and four being located within the proposed rear three-storey addition.

The constituent portions of the Property are rectangular in shape, with 5.95 metres and 6.32 metres of frontage along St. Clair Avenue West for 647 and 649 St. Clair Avenue West respectively. They have a depth of 35.95 metres and a combined area of 439.99 square metres.

The land uses to the east and west, and on the north side of the street, include mixed-use buildings along St. Clair Avenue West. The land uses to the south are residential neighbourhood consisting of a mix of residential building types including single detached dwellings, semi-detached dwellings and townhouses.

St. Clair Avenue West runs east to west across a large portion of the City of Toronto and is a major arterial road with typical traffic lanes and a dedicated streetcar right-of-way.

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There is a streetcar transit stop located at the intersection of St. Clair Avenue West and Wychwood Avenue. Furthermore, the Property is apparently approximately 730 metres from the St. Clair West subway transit station.

St. Clair Avenue West in this district is characterized by a mix of low and mid-rise mixed-use buildings.. There are a number of places of worship located within the area, including St. Matthew's United Church, The Church of St. Michael & All Angels and The Chabad of Midtown Shul and Community Centre.

St. Michael's College School and Oakwood Collegiate Institute are both located in proximity to the Property, and St. Michael and All Angels Anglican Church also operates as a school.

There is a public parking lot located directly north of the Property north of St. Clair Avenue West, as well as on-street parking available along both sides of St. Clair Avenue West.

Wychwood Barns Park, which is a public park, is located southeasterly of the Property.

The Official Plan designation for the Property is "Mixed Use Areas" as shown on the Toronto Official Plan Map #17. The Property is also identified as being within "Site and Area Specific Policy Area 326" as shown on the Toronto Official Plan SASP Map 28 (which policies have much less relevance to the properties on the south side of St. Clair Avenue West).

The Property is zoned as "MCR T5.5 C2.0 R4.5" Mixed-Use under the Former City of Toronto Zoning By-law 438-86, which permits a mix of uses, and is also subject to Exception section 12(479).

The application to the Committee was originally scheduled for a Committee hearing on December 4, 2020 but was deferred in order to deal with concerns expressed by Transportation Services and Community Planning Divisions of the City. As a result of the deferral and discussions which took place between the Owner and City staff, the proposal was revised to the satisfaction of both of the Transportation Services and Community Planning Divisions and was subsequently rescheduled for a Committee hearing on March 2, 2022.

The following were the variances sought by the Owner:

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

Section 8(3) Part II 1(B)(I), By-law No. 438-86

The window of a dwelling unit must be at least 11 metres from the window of another dwelling unit located on the same lot.

The altered mixed-use building will have windows of dwelling units separated by a distance of 3.096 metres.

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Section 8(3) Part II 4(A), By-law No. 438-86

The building must be set back a distance of at least 7.5 metres from a lot in a residential or park district.

The altered mixed-use building will be located 5.05 metres from a lot in a residential or park district.

Section 8(3) Part II 4(C)(III), By-law No. 438-86

The building must be within the 45 degree angular plane projected over the lot from an elevation of 10 metres above the average elevation of the ground at a distance of 7.5 metres from a lot in a residential or park district.

In this case, the altered mixed-use building will penetrate the 45 degree angular plane.

Section 4(4)(B), By-law No. 438-86

A minimum of 6 parking spaces for dwelling units, and 1 parking space for visitors, is required to be provided on-site.

In this case, 2 parking spaces will be provided on-site.

The Committee heard the application. Despite the resolution of City staff concerns, there were a number of local resident objections to the application. The Committee refused the requested relief.

The Owner appealed, which triggers this hearing before the Toronto Local Appeal Body (the "Tribunal").

The Tribunal heard evidence tendered through the land use planning consultant called by counsel for the Owner, David Igelman, as well as evidence from two residential neighbour Participants from Ellsworth Avenue, whose properties abut the southerly limit of the public lane.

## **THE LEGISLATIVE AND POLICY FRAMEWORK**

### **Provincial Policy – S. 3**

A decision of the Toronto Local Appeal Body ('TLAB') must be consistent with the 2020 Provincial Policy Statement ('PPS') and conform to the Growth Plan for the Greater Golden Horseshoe for the subject area ('Growth Plan').

### **Variance – S. 45(1)**

In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;

- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

## **SUMMARY OF EVIDENCE**

Mr. Igelman provided a comprehensive background of the aspects of the proposal, the nature of the area in which the Property is located, the relevant policy and regulatory instruments and his analysis and opinion as to the compliance of the requested variances with the tests in Section 45(1) of the *Planning Act*, all set out in his expert witness statement and in his oral testimony.

In that evidence, Mr. Igelman offered the opinion that approval of the requested variances would be consistent with the Provincial Policy Statement 2020 and would conform with the policies of the Growth Plan for the Greater Golden Horseshoe 2020. Without here enumerating his canvas of the relevant policies, suffice it to say that the Tribunal accepts that opinion.

The principal planning policy instrument to be considered here is the City Official Plan (the "OP"). For the purpose of reviewing the policies of the OP against the proposal, it is necessary to establish a study area.

Mr. Igelman established his study area based on a variety of factors, which included and was guided by the boundaries of Site and Area Specific Policy 326, similarly zoned lands, similar mixed use building types, and parcels of similar lot size and configuration. This comprehended primarily lands along St. Clair Avenue West which were also in the Mixed Use designation,.

Mr. Igelman referred to Section 2.2 of the OP, which is the section titled "Structuring Growth in the City: Integrating Land Use and Transportation".

Policy 2.2.3.1 says that reurbanizing the Avenues will be achieved through the preparation of Avenue studies for strategic mixed use segments of the corridors shown on Map 2, and he advised that an Avenue study for St. Clair Avenue West had been prepared, which has resulted in the adoption of an Official Plan amendment, Zoning By-law amendment and Urban Design Guidelines to guide development along the St. Clair Avenue West corridor.

The St. Clair Avenue Study and associated Official Plan Amendment, Zoning By-law Amendment and Urban Design Guidelines were intended to help facilitate intensification that supports the existing and future retail uses along St. Clair Avenue West, as well as encourage transit usage by better leveraging the transit services along St. Clair Avenue West.

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The desired built form for St. Clair Avenue West is intended to create a balance between new developments on the Avenue and the low-rise neighbourhoods to the north and south of St. Clair West. The north and south sides of St. Clair Avenue West are dealt with slightly differently in terms of overall built-form and massing in recognition of the fact that sun/shadow impacts differ on the north and south sides. Specifically, the OP and Zoning By-law recognize the potential for greater sun/shadow impacts on the north side of St. Clair Avenue West to the residential zones to the north as compared to the south side of St. Clair Avenue West to the residential zones to the south.

In his view, the proposed alteration to the existing mixed-use building on the Property will implement the goals and policies brought forward through the St. Clair Avenue Study by providing modest intensification in close proximity to transit and by providing an appropriate transition to the low-rise neighbourhood to the south.

Of the buildings within his study area, there are many similar styles of front facades and buildings that are three storeys or greater.

He then went on to discuss Section 3.1.2 of the OP, which is the “Built Form” section. In the second paragraph of the preamble, the second sentence reads - “future development will be built on infill and redevelopment sites and will need to fit in, respecting and improving the character of the surrounding area.”

His opinion is that the proposal will result in the alteration of the existing mixed-use building and that the proposed altered mixed-use building will fit in with the surrounding area which consists mostly of mixed-use buildings.

Policy 3.1.2.3 addresses the protection of privacy within adjacent buildings by requiring setbacks and separation distances from neighbouring properties and adjacent building walls containing windows.

Mr. Igelman explained that the proposed altered mixed-use building will be setback 5.05 metres to the rear lot lines of the residential dwellings to the south. This is a reduction of only 2.45 metres than what is required. The residential dwellings to the south are required to provide a rear yard setback of 7.5 metres, which results in a total distance between the proposal and the residential dwellings to the south of 12.55 metres. It is noted that the lane functions as a buffer. Moreover, the residential dwellings to the south have privacy fencing and/or rear detached garages as well as mature trees and other vegetation that abut the rear laneway, which will contribute to mitigating any impacts on privacy associated with the proposal. The proposal does not include windows on either of the side exterior main walls, which further reduces any impacts on privacy for adjacent building walls containing windows.

He spoke to Policy 3.1.2.5, which addresses new development and requires that it will be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm by providing streetwall heights and setbacks that fit harmoniously with the existing and/or planned context;

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In his view the proposed altered mixed-use building is similar in height and proportion to other recently redeveloped properties in the area as well as existing buildings within the study area as was shown in his photo study. The proposed altered mixed-use building will be of a larger massing than the existing building on the Property but the proposal will fit with the existing buildings within the study area.

He was of the opinion that as there are no variances for the overall height, the proposal will fit within the planned scale and character of the street and study area. It will also respect the existing street proportion in that the proposed height is permitted and proportionate to the width of the street in a similar manner as to what already exists within the study area. The right-of-way width of St. Clair Avenue West is approximately 30 metres and as such, the proposed building height of 10.878 metres respects the existing street proportion of St. Clair Avenue.

Mr. Igelman spoke to Policy 3.1.2.6, which addresses new development and that it will be required to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm.

He advised that although the proposed altered mixed-use building will be of a larger scale than the existing building on the Property, there will nonetheless be an appropriate transition in scale to the existing low-rise residential neighbourhood to the south.

In this regard, the proposal includes a three-storey rear addition which will result in a good transition to the residential neighbourhood to the south as most dwellings located on Ellsworth Avenue are two-storeys in height with some dwellings appearing as three-storeys due to dormers in the roofline.

As noted above, Bishop Arthur Brown Lane at the rear of the Property acts as an open space buffer between the mixed-use buildings fronting onto St. Clair Avenue West and the low-rise residential neighbourhood to the south.

The permitted height of the residential dwellings directly south of the Property is 12 metres whereas the proposed three-storey rear addition will be 10.878 metres in height to the roofline. Therefore, the proposal will not only be in keeping with the existing and planned context of St. Clair Avenue West but will also be in keeping with the existing and planned context of the residential neighbourhood to the south.

In this regard, Mr. Igelman wished to underline for the Tribunal that the height variance being sought was related strictly to the treatment by the Zoning Examination section of the staircase as part of the structure. This is an open staircase railing feature intended to provide safety to those who may access the roof. The plans show the roof strictly as a roof and not intended as an amenity area. Although there is a short parapet, the plans do not show any railing around the edge of the roof. It is presumed that the stair structure is intended to accommodate access for maintenance purposes. As such, despite the suggestions by the neighbours that this height may give rise to an intrusion on their privacy, the Tribunal sees no practical basis for such suggestions. Nor does the Tribunal see this stair structure as being visually dominant so as to make the building look higher than a three storey structure.

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Mr. Igelman engaged in a discussion of Section 4.5 of the OP, which deals with lands designated as Mixed Use Area. This discussion canvassed the specific development criteria which are found in Policy 4.5.2, which are as follows:

- a) create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- b) provide for new jobs and homes for Toronto's growing population on underutilized lands in the Downtown and Central Waterfront, Centres, Avenues and other lands designated Mixed Use Areas, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;
- c) locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale Neighbourhoods;
- d) locate and mass new buildings so as to adequately limit shadow impacts on adjacent Neighbourhoods, particularly during the spring and fall equinoxes;
- e) locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- f) provide an attractive, comfortable and safe pedestrian environment;
- g) have access to schools, parks, community centres, libraries and childcare;
- h) take advantage of nearby transit services;
- i) provide good site access and circulation and an adequate supply of parking for residents and visitors.

Regarding these criteria, Mr. Igelman pointed out that the proposal will provide much needed additional housing in this area, while bolstering the current retail use. Given the limited height of the new structure, which will not cast shadow on the Neighbourhoods lands to the south, there will be entirely appropriate transition to the lands to the south. No change is proposed to the facade of the building, which currently fits into the streetscape in a completely compatible way. The presence of community facilities was described in his evidence, as well as the immediate presence of the streetcar on St. Clair Avenue and the proximity of the St. Clair West subway station.

On the matter of parking supply, although the Owner will not be supplying the number of spaces mandated by the Zoning By-law, the City currently has planning initiatives which are aimed at reducing the number of parking spaces which are to be supplied for uses such as this. This is in keeping with the City's desire to minimize automobile use in the City and transition people to greater transit use, which this site is well positioned to offer.



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Accordingly, Mr. Igelman was of the opinion that the proposal fully satisfied the development criteria set forth in Policy 4.5.2.

There was discussion of Site and Area Specific Policy 326 but it is of little relevance to the Property being as it is on the south side of St. Clair Avenue.

Mr. Igelman ultimately offered the opinion that the proposal will be in keeping with the general intent and purpose of the OP.

Mr. Igelman then turned to a consideration of the general intent and purpose of the Zoning By-law.

With respect to the first variance, regarding window separation between windows on the same lot, this concerned the windows and door of the existing two residential units and the introduction of facing windows from the proposed new residential units at the rear. The affected windows on the existing units give onto bathroom and kitchen spaces. In order to obviate invasion of privacy to these spaces, the Owner intends to replace these windows and use frosted glass, which appears as notes on the plans.

The second variance request relates to the required minimum separation between the mixed use and the residential properties to the south. Mr. Igelman advised that to his understanding this was largely to accommodate a greater magnitude of development than was here contemplated. He said that the intent of the set back from a lot in a residential or park district requirement is, in large part, to provide for an appropriate buffer between the residential neighbourhoods and parks located north and south of St. Clair Avenue West and the mixed use mid-rise (7-9 storeys) developments with frontage along St. Clair.

The proposal in this instance is to alter the existing two-storey mixed-use building to create a one-storey and three-storey rear addition to the existing mixed-use building and as such, the proposal is not for a mid-rise building, as contemplated by the Official Plan and Zoning By-law (7-9 storeys).

The proposal will be very similar to the existing setback condition to the residential neighbourhood to the south on the Property as the existing rear addition and attached garage is setback at a distance of approximately 6.33 metres.

The existing laneway at the rear of the Property serves the function of an open space buffer between the Property and associated MCR district fronting onto St. Clair Avenue West and the residential neighbourhood to the south.

Combined with the minimum required setback for the residential dwellings to the south, there will be a combined distance between the proposal and the residential dwellings to the south of at least 12.55 metres. He points out that the proposal is compliant with, and in fact 19.12 metres less than the maximum permitted height, and is compliant with the maximum permitted gross floor area for both residential and commercial uses. To his view, this demonstrates that the proposal will be in keeping with the existing and planned context of St. Clair Avenue West and will have little to no impact on the residential neighbourhood further than what is contemplated by the By-law.

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Mr. Igelman produced a number of examples of lesser setbacks within the study area, all the way from no setback to many examples of lesser setbacks than requested here.

The third variance concerned the penetration of a prescribed angular plane to be observed in cases of mixed uses in proximity to residential uses. Mr. Igelman produced a diagram which depicted the construction of the angular plan as prescribed under the Zoning By-law as applied to the proposed structure. The 45 degree angle begins at a point 10 metres above grade measured into the Property 7.5 metres from the residential zone. The diagram makes plain that the features penetrating the angular plane are the roof parapets and the rear approximately half of the stairwell.

Finally, the fourth variance relates to the provision of on-site parking spaces. The Zoning By-law would require seven spaces for this development proposal. The Owner will be providing three actual parking spaces, however the Zoning By-law only recognizes them as two since the one garage provides two spaces in tandem. This deficiency did not trigger objection from either the Transportation Services or City Planning Divisions as it is in keeping with current City trends and legislative amendments to reduce on-site parking requirements in these areas where intensification is sought, this area being in fact transit rich.

As such, Mr. Igelman found all of the requested variances to be in keeping with the general intent and purpose of the Zoning By-law.

Without fully detailing his reasons in this Decision, Mr. Igelman was also of the opinion that the proposed variances were desirable for the appropriate development and use of the Property and that, in the context and circumstances of this case, they represented minor variances from the Zoning By-law.

As noted above, the Tribunal heard oral evidence, and received filed witness statements, from two neighbour Participants to the south of the Property.

The Tribunal received evidence from Nathan Duyck, who owns and resides at 130 Ellsworth Avenue. He articulated various concerns which essentially turned on built form and its potential impact on insufficient transition and consequential overlook and invasion of privacy of the residential lots to the south. He also addressed what he believed was a safety issue in that the future occupants of the new residential units would be required to use the lane as their access to their units, which may be unsafe under winter conditions since the lane is not on the City's list for winter maintenance and there are often accumulations of snow that make it hard to navigate not only for vehicles but also for pedestrians.

On the question of transition, he was of the view that the penetration of the angular plane demonstrated that the proposed structure was too close to the residential properties to the south and too high. He viewed the proposal as not a three storey structure as described by the Applicant but rather a four storey structure due to the measured height of the stairwell structure. He advised that at present, there are only two buildings which have heights that do not respect the prescribed angular plane, being the commercial building right at the entrance to the lane and the Salvation Army

store at the west end of the lane. As such, it was his view that this proposal was out of character with the built form on this lane,

He suggested that the lots on the north side of Ellsworth Avenue were less deep than the lots elsewhere on Ellsworth Avenue and that this also lessened that transition intended by the Zoning By-law.

With regard to the statement from the Appellant's planner that the trees in the rear yards of the residential properties would function as a visual screen, he advised that these trees are for the most part deciduous trees which are not in leaf in the winter.

He concluded by saying that due to the anticipated impacts, the requested variances could not be considered minor.

The other neighbour witness was Michael Katsevman, who owns and resides at 136 Ellsworth Avenue. Mr. Katsevman largely echoed the concerns and comments of Mr. Duyck and indicated his support for Mr. Duyck's comments. He asserted that there was no similar laneway as busy as this one. He characterized the proposal as a laneway house attached to a commercial property. He thought that a better design could be had.

## **ISSUES AND ANALYSIS**

As the Owner effectively resolved the issues which the City had raised prior to the Committee hearing, the issues before the Tribunal emerged from the Participants' witness statements and from their oral testimony at the hearing.

Those issues could be summarized as follows:

1. Insufficient separation is provided between the proposed new structure and the residential uses to the south.
2. As a consequence, there may be an invasion of privacy and overlook on the residential lots on the south side of the lane.
3. The proposed structure is unlike other structures in the area.
4. The currently undersized lane is not easy to navigate and does not receive winter maintenance, resulting in unsafe passage for pedestrians in the circumstances of heavy snowfall.
5. The proposed building will be too tall.

The Tribunal is persuaded by the evidence of Mr. Igelman that the proposal and its required variances will meet the general intent and purpose of both the OP and the Zoning By-law, that they are desirable for the development and use of the Property and that they are minor.

The intention behind the window separation provisions of the Zoning By-law will be adequately met here by the use of frosted glass on the existing units' south windows.

Given the nature of the structural feature which is penetrating the angular plane, being the stairway structure, and its limited extent, the Tribunal rejects the characterization by the residential neighbours that this will give rise to any material overlook or invasion of privacy issues. The stairway provides access to the roof for roof maintenance, which one would expect to be a limited activity. Furthermore, given its open character, the Tribunal does not see this feature as a fourth storey. The proposed structure will thus fall well within the planned height limits for these lands.

Given that the Property lies north of the residential lands, there is no shadow issue whereby any material adverse shadow effect would affect the residential lands.

The proposed structure is properly treated as a mixed use building and will provide an additional four residential dwellings units in proximity to transit, commercial and community services, all as encouraged by Provincial policy and the OP.

The Tribunal accepts the observations of the Participants as to the currently limited width of the lane and the navigational difficulties which are generated as a result, and that in the absence of winter maintenance, this problem may be exacerbated. However, the Tribunal does recognize that the Appellant was in direct communication with the Transportation Services Division of the City and cooperated with them in agreeing to convey a 2 metre wide lane widening. That Division did not communicate any recorded objection to this proposal based upon the current state of the lane.

Finally, the Tribunal is satisfied that the provision of parking is entirely in keeping with the policy direction being pursued by the City and will in fact represent a transit supportive feature of this development proposal.

## **CONCLUSION**

In the result, the Tribunal will allow the appeal and authorize the variances as set forth above, on the conditions as set forth below.

Even though the photographic evidence shows street lighting in the lane, in the interest of enhancing personal safety, the Tribunal believes it to be appropriate to impose a condition on the approval which will require the Owner to install private lighting over the laneway entry to the new residential units with control devices that will cause the lighting to come on after the sun has set.

## DECISION AND ORDER

The Tribunal ORDERS that the appeal is allowed and the following variances are approved, on the conditions noted below:

Section 8(3) Part II 1(B)(I), By-law No. 438-86

The window of a dwelling unit must be at least 11 metres from the window of another dwelling unit located on the same lot.

The altered mixed-use building will have windows of dwelling units separated by a distance of 3.096 metres.

Section 8(3) Part II 4(A), By-law No. 438-86

The building must be set back a distance of at least 7.5 metres from a lot in a residential or park district.

The altered mixed-use building will be located 5.05 metres from a lot in a residential or park district.

Section 8(3) Part II 4(C)(III), By-law No. 438-86

The building must be within the 45 degree angular plane projected over the lot from an elevation of 10 metres above the average elevation of the ground at a distance of 7.5 metres from a lot in a residential or park district.

In this case, the altered mixed-use building will penetrate the 45 degree angular plane.

Section 4(4)(B), By-law No. 438-86

A minimum of 6 parking spaces for dwelling units, and 1 parking space for visitors, is required to be provided on-site.

In this case, 2 parking spaces will be provided on-site.

### Conditions:

1. Receipt by the Secretary-Treasurer of written confirmation from the City that an approximately 2 metre wide lane widening (as specifically directed by the Transportation Services Division) in a configuration satisfactory to the City has been transferred to the City at the cost of the Owner including the preparation and deposit of the required reference plan of survey.
2. Installing frosted glass in the windows and door of the two existing dwelling units as noted on the filed plans.

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3. Installing outdoor lighting with automatic operating controls over the laneway entry door to the new units so as to illuminate the entrance to the units but shielded so as to avoid glare on the residential properties to the south.
4. That the building be constructed substantially in accordance with the site plan and elevation drawings prepared by ARCA Planning & Design, dated as revised on 2021-12-08.

A rectangular box containing a handwritten signature in black ink. The signature is cursive and appears to read 'G. Swinkin'.

X

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G. Swinkin  
Panel Chair, Toronto Local Appeal Body