

# SAHRA



South Armour Heights Residents' Association

Website - [sahratoronto.com](http://sahratoronto.com)  
Email - [sahratoronto@rogers.com](mailto:sahratoronto@rogers.com)

---

Apr 19, 2106

Ben DiRaimo ([bdiraimo@toronto.ca](mailto:bdiraimo@toronto.ca))  
Planning, City of Toronto

Committee of Adjustment  
Olivia Antonel ([oantone@toronto.ca](mailto:oantone@toronto.ca))

Councillor C. Carmichael Greb ([councillor\\_carmichaelgreb@toronto.ca](mailto:councillor_carmichaelgreb@toronto.ca))

File Number: A0186/16NY; Property Address: 1780 Avenue Road on Apr 21, 2016

The South Armour Heights Residents' Association ("SAHRA") is an incorporated non-profit association founded in 1988 that represents 850 households in the area from the 401 down to Brooke/Yonge Blvd over to Avenue Road.

SAHRA is writing to advise the Planner responsible for this file (Ben DiRaimo), the Committee of Adjustment and Ward 16 Councillor Carmichael Greb that we believe this application should be **Deferred** until such time that a complete Zoning Examination is completed which will identify ALL the variances required for this commercial development.

The application to the Apr 21, 2016 Hearing of the Committee of Adjustment has been submitted under Waiver and, in our opinion, there are missing variances.

SAHRA also feels that some of the variance requests are not Minor in nature – they are Major and as such, may require review by parties other than the Committee of Adjustment.

The application does not list a variance request for the height of the mechanical penthouse. Chapter 900.11.10(1543)(A), By-law No. 569-2013 and Section 64.26.(12)(c)(i), By-law No. 7625 states:

*The maximum height as per regulation 40.10.40.10.(2) is 5 storeys or 16.5m, whichever is lesser in height applies, a mechanical penthouse or other rooftop structures is not included in the permitted maximum height and the mechanical penthouse or other rooftop structure must not exceed this height limit by more than 2m.*

The proposed building, although only three storeys, appears to be 13m to the top (vs 16.5m maximum) but the mechanical penthouse is 3.64m above the roof (vs 2m maximum).

This is not a minor variance – it is a 1.82 times greater than the allowed maximum for a mechanical penthouse.

The application has been submitted under Waiver and this is a missing variance. We feel that the Application should be Deferred and that a Zoning Examination should be completed which will identify ALL the required variances.

1500 Avenue Road, PO Box 1373, Toronto, Ontario M5M 0A1



SAHRA has also discovered a by-law related to outdoor patio requirements which states:

*“An outdoor patio located above the first storey of the building must be at least 40.0 metres, measured horizontally, from a lot in the Residential Zone category or Residential Apartment Zone category.”*

The rear property lot line is approximately only 11m from the first residential home (367 Melrose, the first home, is zoned commercial).

This is not a minor variance – it is a **Major** variance which likely calls for by-law/zoning review and amendments.

Another missing variance. Again, we feel that the Application should be Deferred and that a Zoning Examination should be completed, *encompassing all restaurant related bylaws*, which will identify ALL the required variances.

This proposed development is intended to host a major restaurant operation which is over 1000m<sup>2</sup> (approximately 12,000 square feet) plus an outdoor patio area as well as a large balcony restaurant area on the third floor, overlooking Melrose which is a residential street. These outdoor areas will invade residents' privacy. Could the balcony area not be positioned facing Avenue Road?

This size of restaurant seems out of scale for this Neighbourhood. The by-laws that control restaurants need to be reviewed. Type of restaurant, noise, patio curfews, parking, traffic, hours of operation, signage and lighting are also issues of concern for a restaurant operation that could accommodate up to 400 customers. The community is concerned that this could be anything from a fine dining restaurant to a karaoke bar.

SAHRA and the community are also concerned about the size of the patio operation on the ground floor and the balcony restaurant area on the third floor, overlooking Melrose. What are the sizes of these areas? What by-laws control the various issues listed above?

A variance included in the CofA application related to By-law No. 569-2013 and 7625 states that:

*An eating establishment with an interior floor area greater than 1000m<sup>2</sup> must be at least 300m from a lot in the Residential Zone category.*

The application states that an eating establishment will be located less than 300m from a Residential Zone category. In fact, the rear property lot line is approximately only 11m from the first residential home (367 Melrose, the first home, is zoned commercial).

This is not a minor variance – it is a very **Major** variance which likely calls for by-law/zoning review and amendments.

Parking for such a large restaurant operation is a very major concern for both local businesses and residents, in combination with the other major developments on Avenue Road.

The Parking and Loading Study prepared by MMM Group Limited does not provide any projection of the demand during various hours of the day and night that the restaurant operation will create nor the number of office workers and their parking requirements. They rationalize using existing transit services but it is unlikely that a large number of the customers for this restaurant operation will use the bus service. They have used other developments with reduced parking with only one instance on Avenue Road. They state

# SAHRA



South Armour Heights Residents' Association

Website - [sahratoronto.com](http://sahratoronto.com)  
Email - [sahratoronto@rogers.com](mailto:sahratoronto@rogers.com)

---

that the commercial parking lots which are located 3 and 4 blocks north of Melrose can deal with the demand of this development (further away than many customers will want to walk). But 1912-1914, Benjamin Paints and Tutto Pronto expansions are also dependent on these two lots.

The parking requirement in By-law No. 569-2013 for an eating establishment in policy area 4 are as follows:

(C) in Policy Areas and 3 (PA3) and 4 (PA4):

(i) at a minimum of 0; and

(ii) at a maximum rate of 5.0 for each 100.

Why are they seeking the minimum and not something like at least 2.5 spaces per 100 square metres? Given the size of this restaurant operation (over 1000m<sup>2</sup> plus patio and balcony areas), the limited public transportation (not on a subway line) and the fact that parking lots are located 3 and 4 blocks north of Melrose, further away than many customers will want to walk. They should provide some parking spaces for the restaurant operation.

Only 6 parking spaces have been provided although the requirement for the Office space alone is 11 spaces. If they cannot provide parking, Payment-in-Lieu of Parking should be applicable for 5 spaces. This could be somewhere in the neighbourhood of \$200K to \$300K. We have asked for the Staff Report by Transportation Services but the CofA has not been able to provide it as yet. The CofA should not consider this application until the Transportation Report is available. The Report should recommend Payment-in-Lieu of Parking and the CofA should make this a condition of any approval. It states in the Harmonization of the Fees Schedules for Payment-in-Lieu of Parking "advise Committees of Adjustment that relieving an applicant of a payment in lieu of parking is not considered a minor variance and is considered by Council to be entirely within the prerogative of Council."

Is this development going to be done as a 'renovation' managed by Building or a 'new build' managed by Planning?

Is a Community Meeting going to be held for this proposed development? We feel that the Community Meeting should be held **prior to** an Application being submitted to the Committee of Adjustment for variances.

We would ask Planning and the Committee to Defer this application until these questions/issues have been reviewed.

We would appreciate receiving a response from Planning, the Committee of Adjustment and Councillor Carmichael Greb on this request.

Yours truly

Sheila Dunlop, Secretary

Email: Jennifer Keesmaat, Chief Planner & Executive Director, City of Toronto  
John Heggie, Acting Chief Building Official & Executive Director, City of Toronto  
Joe Nanos, Will Johnston (City of Toronto)  
Dan Antonacci, Committee of Adjustment  
Ron Johnson, Bob Williams, Jim Sadler (SAHRA)  
G. Kettel, Cathie Macdonald (FoNTRA)  
France Rochette, OOGRA  
G. T. Ronan, William Dolan, James LeNoury, Heather Crawford, Gordon Lee, J. Ballard,  
S. Gladstone, Larissa Stefaruk, J. Ilkiw, Cassie Black, Debra Satok

1500 Avenue Road, PO Box 1373, Toronto, Ontario M5M 0A1