

2023-11-09



**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address:	395 Slater Street
Legal Description:	Part of Lot 14 (South Albert Street) and Part of Lots 12, 13 and 14 (North Slater Street), Plan 3922
File No.:	D08-02-23/A-00252
Report Date:	November 9, 2023
Hearing Date:	November 15, 2023
Planner:	Margot Linker
Official Plan Designation:	Downtown Core Transect, Mainstreet Corridor, Evolving Neighbourhood Overlay
Zoning:	R5Q[242] S89-h (Residential Fifth Density Zone, Subzone Q, Urban Exception 242, Schedule 89, Holding Zone)

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns with** the application.

DISCUSSION AND RATIONALE

This site is part of a multi-phase development encompassing the majority of the city block bounded by Albert, Lyon, Slater, and Bay Streets. An associated Building Permit application (A23-003620) and Site Plan Control application (D07-12-21-0167) have been submitted, with the Site Plan Control application recently receiving approval. The applicant has been in discussions with staff regarding the required minor variance to facilitate this phase of the proposal.

Staff have reviewed the subject minor variance application against the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended. Staff are satisfied that the requested minor variance(s) meet(s) the “four tests”.

The subject site is zoned R5Q[242] S89-h (Residential Fifth Density, Subzone Q, Urban Exception 242, Schedule 89, subject to a Holding provision). The R5 zone permits various residential forms, ranging from detached houses to high-rise apartment dwellings. The zoning schedule limits development to a maximum building height of 118 metres or 35 storeys.

The subject site is within the Downtown Core Transect Policy Area (Schedule A), and is located along a Mainstreet Corridor (Schedule B1) within the Downtown Protected Major Transit Station Area (Schedule C1). Development within this designation is intended to accommodate both residential and non-residential development, supporting a mix of uses that contribute to 15-minute neighbourhoods and activate the Mainstreet frontage.

Further, the site is within the Upper Town Character Area of the Central and East Downtown Core Secondary Plan, and is designated Corridor by Schedule B. Development in this area is intended to accommodate a dense, mixed-use environment, with design that animates the public realm and supports pedestrian use. The greatest permitted heights and densities are intended to be situated closest to the abutting Corridor.

Planning staff have no concerns with the requested variance. Staff note that the 13.6 metre separation distance is a corner-to-corner condition, rather than a face-to-face condition, which minimizes the impact of a reduced tower separation. Section 2.26 of the Urban Design Guidelines for High-rise Buildings supports reduced tower separation distance where towers are staggered with minimal façade overlap. Moreover, Policy 3.2(12)(c) of the Official Plan states that to meet growth targets, different maximum-built form permissions may be determined based on proximity to Hubs, Corridors, rapid transit, and amenities. The requested variance does not compromise the policies of the Secondary Plan applicable to this site.

Staff do not anticipate any negative impacts as a result of this minor variance request. The variance sought relates to the separation distance between buildings within the same development project. Since the adjacent tower is encompassed within this multi-phase development, the site design shows regard for the interface between these buildings. The proposal maintains the required separation distance between the remaining towers. Additionally, since this development project covers the majority of the city block bounded by Albert, Lyon, Slater, and Bay Streets, staff have no concerns about the impact of this variance on the development potential of the adjacent lands.



Margot Linker
Planner I, Development Review, Central
Planning, Real Estate and Economic
Development Department



Erin O'Connell
Planner III, Development Review, Central
Planning, Real Estate and Economic
Development Department