

# **TORONTO** STAFF REPORT

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April 25, 2006

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Subject: Final Report  
OPA & Rezoning Application 04 154072 ESC 37 OZ  
Proponent: Aldebrain Attendant Care Support Services of Toronto  
Architect: Robert Reimers Architect Ltd.  
1236 Birchmount Road and 2155 Lawrence Avenue East  
Ward 37 - Scarborough Centre

## Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and Zoning By-law, for properties at 1236 Birchmount Road and 2155 Lawrence Avenue East to permit the construction of a new, 14-storey, 156-unit apartment building at 1236 Birchmount Road and to establish policies and zoning standards that would apply to the new building and the existing apartment building at 2155 Lawrence Avenue East, as an integrated site.

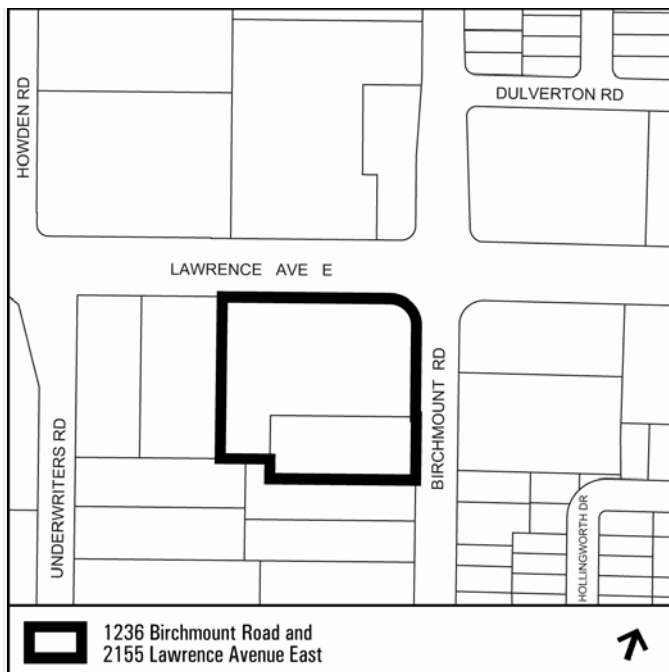
## Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

## Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Scarborough substantially in accordance with the draft Official Plan Amendment, attached as Attachment 7;



- (2) amend the Employment Districts Zoning By-law 24982 for the Wexford District substantially in accordance with the draft Zoning By-law Amendment, attached as Attachment 8;
- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required; and
- (4) before introducing the necessary Bills to City Council for enactment, require the owner to enter into one or more agreements with the City pursuant to Section 37 of the Planning Act to secure the provisions of facilities, services and matters identified in the draft Zoning By-law Amendment, outlined in Attachment 8.

### Background:

#### Site History

Aldebrain Attendant Care Support Services of Toronto (Aldebrain) is a registered charitable organization. Its purpose is to provide support services and housing to those persons with a disability, in a family and individual setting. Aldebrain is the owner and operator of a 12 storey, 243 unit residential building, with related ancillary uses and ground floor retail uses, at 2155 Lawrence Avenue East. This residential apartment building, known as Aldebrain Tower, was completed in 1993 with funding provided by the Ministry of Housing and provides rental housing and support services to individuals who are physically disabled and their families. All of the 243 units are affordable units under Canada Mortgage & Housing Corporation (CMHC) guidelines and 14 of the units are support service living units and 7 are wheelchair accessible units. The apartment building also includes a residential care component, operated by the Community Head Injury Rehabilitation Service (CHIRS) which provides specific services to resident adults with acquired brain injury. All levels and amenities of Aldebrain Tower are fully accessible. The building's amenities include indoor recreational space and activity/multi-purpose rooms. There is a landscaped, roof garden located off the second floor with a children's wheelchair accessible play area.

#### Proposal

Aldebrain has acquired the property immediately south of Aldebrain Tower (1236 Birchmount Rd.) and proposes to construct a second residential building that will link physically and functionally to Aldebrain Tower. The future target group for residents will be similar to the Aldebrain Tower, with a special sensitivity to those who are disabled who would benefit from ease of accessibility due to design and service availability. The intent is to provide additional opportunities for people with physical disabilities to access affordable rental housing, specifically geared to their needs and linked to support services from Aldebrain.

A 14-storey, (42 m (138 ft), height), 156-unit rental apartment building is proposed. All 156 units are intended to be affordable housing under CMHC guidelines. The City will secure the affordable rental units under a registered agreement with the Owner. Fourteen of the proposed

units are intended as support service living units. The new residential building and the existing Aldebrain Tower would result in a total of 399 units on the site.

The building would have a gross floor area of 16 332 m<sup>2</sup> (175,802 ft<sup>2</sup>) containing 13 bachelor units, 52 one-bedroom units, 78 two-bedroom units and 13 three-bedroom units and 534 m<sup>2</sup> (5,748 ft<sup>2</sup>) of grade-related commercial and office space, a 560 m<sup>2</sup> (6,028 ft<sup>2</sup>) daycare facility and 207 m<sup>2</sup> (2,228 ft<sup>2</sup>) of common indoor amenity space for use by residents.

Two physical links are proposed to integrate the new building and the existing Aldebrain Tower. First, a bridge on the second floor of the new building will connect to the outdoor amenity area of the existing Aldebrain Tower. This will enable residents of the entire campus to share all common outdoor and indoor amenity space. Secondly, a below grade physical connection is proposed for the existing and proposed underground parking areas.

Below the proposed new building, there would be parking for 79 vehicles. Together with the existing underground and surface parking areas, 481 parking spaces will be provided. The one-level parking area of the new building would be connected to the first level of the underground parking area of the Aldebrain Tower. Vehicle access to the new and existing buildings would be via the existing Aldebrain Tower ramp and driveway from Birchmount Road. The existing driveway at 1236 Birchmount Road, currently serving the industrial building, would be deleted.

Within the proposed building, a day nursery facility is proposed on the ground floor. A 1 077 m<sup>2</sup> (11,590 ft<sup>2</sup>) outdoor play and landscaped area for the use of the children enrolled in the day nursery facility, will be provided. It is anticipated that there would be approximately 30 to 35 pre-school aged children ranging in age from 18 months to approximately 4 years old. A separate group would be leasing the space to run the program.

The new building at 1236 Birchmount Road, together with the existing Aldebrain Tower at 2155 Lawrence Avenue, is intended to provide an integrated housing and programming “campus”. On-site parking, access, vehicle circulation, wheelchair accessible indoor and outdoor amenity space, garbage collection, and on-site security would be provided on a shared basis. Further, resident support programs and services for individuals with physical challenges would be available on an integrated and/or shared basis for the buildings.

### Site and Surrounding Area

The two properties are located on the southwest corner of Birchmount Road and Lawrence Avenue East and have a combined area of 13 440 m<sup>2</sup> (144,606 ft<sup>2</sup>). The Birchmount property is approximately 3 625 m<sup>2</sup> (39,000 ft<sup>2</sup>) in area and contains an existing one-storey industrial building (currently vacant). The existing industrial building occupies most of the lot with minimal on-site parking, predominantly located at the rear of the building. This building will be demolished as part of the redevelopment.

The subject site is surrounded by the following land uses:

North: The Aldebrain Tower is located on the north portion of the subject site at the corner of Lawrence Avenue and Birchmount Road. To the north, the lands are commercial (office/retail) uses.

East: Immediately across Birchmount Road, at the south-east corner of Lawrence Avenue East and Birchmount Road, is a commercial plaza. To the south of the plaza, is a 6-storey residential apartment building. Single storey residential homes are located further south.

South: Industrial buildings converted to Places of Worship.

West: Industrial/Commercial uses.

#### Scarborough Official Plan

The Official Plan provides for "Commercial Mixed Use" at the south-west corner of Lawrence Avenue East and Birchmount Road. The existing Aldebrain Tower at 2155 Lawrence Avenue is built under the Commercial Mixed-Use designation and numbered Policy 3 which permits a residential density to a maximum of 250 units per hectare. The "Commercial Mixed Use" designation encompasses the 1236 Birchmount Road property since the boundary of the 2155 Lawrence Avenue property wraps almost entirely around the western boundary of the 1236 Birchmount Road property.

South of the "Commercial Mixed Use" designation is a "General Industrial Uses with High Performance Standards" designation. An amendment to the Scarborough Official Plan is required to provide for the proposed (combined) density of the developments.

#### New Toronto Official Plan

At its meeting of November 26-28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. The hearing commenced on June 13, 2005 and will continue on June 5, 2006.

The Land Use Plan (Map 15) designates land at the south-west corner of Birchmount Road and Lawrence Avenue as "Mixed-Use Area" which provides for a broad array of residential, commercial and institutional uses. South of the "Mixed-Use Area" designation, lands are designated "Employment" which is also reflected on the Urban Structure Map (Map 2). This Map also shows lands along Lawrence Avenue East as an "Avenue". Avenues are important corridors along major streets where urbanization can create new housing and jobs while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit services for community residents. The 1236 Birchmount Road property is included within the "Mixed-Use Area" designation.

Housing policies within the new Official Plan call for providing and maintaining a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods to meet the current and future needs of residents. New housing supply will be encouraged through intensification and infill that is consistent with the Official Plan.

Section 3.2.1 of the new Official Plan provides policies respecting housing. Policy 1 states that “a full range of housing, in terms of form, tenure and affordability...will be provided...A full range of housing includes: ownership and rental housing, affordable and mid range rental and ownership housing...supportive housing...and housing that meet the needs of people with physical disabilities and housing that makes more efficient use of the existing housing stock...”. Policy 4 states that “where appropriate, assistance will be provided to encourage the production of affordable housing...”. Policy 5 states “significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development, will secure for as long as possible...the existing rental housing units...”.

### Zoning

The 1236 Birchmount Road property is zoned “Industrial (M)”. Residential uses are not permitted. The 2155 Lawrence Avenue property is zoned “Commercial/Residential (CR)” which permits the existing residential development and ground floor commercial uses.

### Site Plan Control

The properties are subject to site plan control. An application for site plan control approval has been submitted and is being processed in association with the official plan and zoning by-law amendment applications.

### Reasons for the Applications

The proposed residential use of the 1236 Birchmount Road property is not permitted by the Zoning By-law. An amendment to the Zoning By-law is proposed to permit the residential and commercial use of the 1236 Birchmount Road property; to establish development standards for this property; and to incorporate development standards applicable to both the 1236 Birchmount Road property and existing Aldebrain Tower that would recognize a campus approach for an integrated residential/commercial development with associated support services and shared amenities, services and facilities.

Currently, the Aldebrain Tower property is developed at a density of 247 units per hectare (uph). The site-specific policy for the site, as set out in the Official Plan, permits a density of 250 uph. Together, the proposed building and the existing Aldebrain Tower would result in an overall density of 297 uph. An amendment to the Scarborough Official Plan is required to provide for the density proposed.

## Community Consultation

A Community Consultation Meeting was held on October 18, 2004. Seven residents of the community attended. No opposition to the proposal was expressed. There were no written submissions received respecting this application.

## Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

## Comments:

### Land Use

By acquiring the adjacent 1236 Birchmount Road property, Aldebrain proposes to create an integrated housing and programming facility designed to provide additional rental housing and support services specifically geared to the needs of people with physical disabilities. In consideration of the configuration of the property relative to the mixed-use designation of lands at the south-west corner of Lawrence Avenue and Birchmount Road, Planning staff are of the opinion that the 1236 Birchmount Road property is included within the mixed-use designation and within an area identified as an "Avenue" where opportunities for new housing and employment can occur.

Since this application proposes to change the existing zoning that permits industrial employment to residential and commercial use, it is appropriate to consider both the impact of the loss of industrial employment lands and the compatibility of the proposed residential with the existing industrial uses.

The loss of lands zoned for industrial (employment) uses on this property is an issue noted by Economic Development staff. Specifically, Economic Development expressed concern that the rezoning of the 1236 Birchmount Road property would:

- i) remove employment lands from industrial/commercial use, set a precedent for future use and destabilize the Wexford Employment District;
- ii) bring residential uses closer to existing industrial uses and therefore impact upon their ability to operate; and
- iii) eliminate the potential for industrial/commercial property assessment on the lands.

In recent years, the 1236 Birchmount Road property has been used as a used garments, warehousing and distribution facility. Prior to its acquisition by Aldebrain, the property was used for electrical components assembly, employing two persons.

Redevelopment of the 1236 Birchmount Road property for residential/commercial purposes will include some employment on the property. Aldebrain advises that the proposed residential use

would result in a minimum of 10 full-time employment positions and at least 30 - 40 part-time employment positions associated with the Support Service Living Units (depending on the level of care necessary for the residents) and the potential need for 60 employment positions and 60 - 70 part-time employment positions associated with the Community Head Injury Rehabilitation Service (CHIRS) component of the residential proposal. In addition, the commercial component, located on the ground floor of the proposed building would create a variety of employment uses associated with the office, personal service shops and retail uses proposed. By comparison, Economic Development staff estimate that 50 employees could be employed here, should the lands remain zoned for industrial use.

### Compatibility with Adjacent Industrial Uses

When reviewing the Aldebrain proposal including the rezoning of the 1236 Birchmount Road property from industrial to residential, consideration was given to the interface between the Aldebrain (residential) proposal and the industrial uses to the south and west of the site. Compatibility of the proposed residential use with the industrial uses has focused on (i) Ontario Ministry of Environment (MOE) Land Use Compatibility Guidelines; (ii) the nature of the existing industrial uses; and (iii) the uses permitted under the industrial zoning.

#### i) Ministry of Environment Land Use Compatibility Guidelines

The MOE Compatibility Guidelines were established in 1996 to guide municipalities in their land use approval responsibilities when dealing with land use compatibility issues pertaining to the interface between industrial uses and more sensitive uses such as residential. These guidelines are not statute or regulation, and can be characterized as providing advice to planning approval bodies. The preferred MOE approach is that “incompatible land uses are to be protected from each other, in land use plans, proposals, policies and programs to achieve the Ministry's environmental objectives”. The MOE Guidelines recognize that various buffers, on either of the incompatible land uses or on intervening lands, may be used to prevent or minimize ‘adverse effects’. Distance is often the only effective buffer, however, and therefore adequate separation distance, based on a facility's influence area, is the preferred method of mitigating ‘adverse effects’.

The MOE Guidelines establish minimum separation distances, based on the class of industry. A Class I Industrial Facility is defined as a small-scale, self-contained plant or building which produces/stores a product which is contained in a package, has low probability of fugitive emissions including noise, odour, dust and/or vibration, and where there are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage. For a Class I Industrial Facility, a separation of 20 metres (66 ft) is recommended. Class II refers to a medium scale processing and manufacturing facility with outdoor storage of wastes or materials and/or periodic outputs of minor annoyance (noise, odour, dust and/or vibration), shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours. For Class II facilities, MOE guidelines recommend a 70 metre (230 ft) separation. The MOE guidelines also provide for exceptions in instances where infilling, urban redevelopment and or transition to mixed use is taking place. Municipalities are directed to consider anticipated adverse effects from each specific industry.

ii) Existing Uses

The existing uses surrounding the Aldebrain properties and current and proposed separation distances are shown on Attachment 5. The property at 1236 Birchmount Road is enveloped by the existing Aldebrain Tower (residential/commercial use) and the industrial zoned property known municipally as 1232 Birchmount Road. Approximately two-thirds of the west boundary of the 1236 Birchmount Road property abuts the existing Aldebrain property. The remaining one-third and its entire south boundary abuts 1232 Birchmount Road. This property, although zoned for industrial use, is not likely to be redeveloped for a future industrial use of considerable industrial activity due to its relatively small lot size. The property contains a one-storey building and is being used as a place of worship and therefore the nature of its current use would not fall under MOE's classification for industrial activities (Class I Industrial Facility). Further, the property south of 1232 Birchmount Road (1228 Birchmount Road) is also currently used as a Place of Worship.

The proposed residential building will incorporate side and rear yard setbacks as shown on Attachment No.5. A 22.5 metre (74 ft) rear yard setback is proposed for the new residential building and a 7.5 metre (24.6 ft) side yard setback would be provided on the south boundary adjacent to the 1232 Birchmount Road property. In light of the current use of the surrounding properties and the separation distances provided, the proposed residential use of the 1236 Birchmount Road property can be considered to be compatible with its immediate neighbouring uses.

Further west of both the 2155 Lawrence Avenue East and the 1236 Birchmount Road properties, the lands known as 2139 Lawrence Avenue East are zoned for commercial and industrial use. This property contains an automotive sales and servicing facility (rear portion of site) and an automotive speaker manufacturing and sales operation (front portion of site). As shown on Attachment No. 5, the existing Aldebrain Tower is setback 36 metres (118 ft) and the proposed new residential building would be setback 53 metres (174 ft) from the 2139 Lawrence Avenue East property. The intervening land at 1232 Birchmount Road (the rear yard of the existing Place of Worship) is used for parking. The proposed new residential use will be substantially further away from the industrial/commercial lands to west than the existing Aldebrain building. As there is no pattern of complaints arising from the existing interface, the proposed new interface is not expected to be problematic.

Southwest of the 2155 Lawrence Avenue East and 1236 Birchmount Road properties, are lands also zoned industrial. The property known as 65 Underwriters Road contains a restaurant supply facility, Demenz Hotel & Restaurant Supplies Ltd. which appears to warehouse food and general supplies for the restaurant industry. As shown on Attachment No. 5, the rear lot line of the 1236 Birchmount Road property is located approximately 15 metres (49 ft) from the rear lot line of the Demenz facility. These lands form part of the rear property of 1232 Birchmount Road (a parking area for the Place of Worship). The proposed residential building would be set back 22.5 metres (74 ft) from its rear lot line, creating a separation of approximately 37 metres (121 ft) from the Demenz facility. The applicant will construct a 1.8 metre (6 ft) wooden fence to screen the new residential building from the nearby rear yard of the Place of Worship parking area and the



Demenz facility located further west. Further south, at 55 and 59 Underwriters Road, there are two buildings owned by Durabond Products Limited which manufactures and supplies architectural wall coatings and construction products.

It should be noted that all properties south and west of the Aldebrain properties contain existing industrial uses which have operations that appear to occur during regular business hours, do not appear to involve shift work and their activities appear to be internal to the buildings with little or no outdoor storage. The exception is the Durabond operation at 55 and 59 Underwriters Road which has an outdoor storage tank, containing a liquid material used in the manufacture of their product. However, the 1236 Birchmount Road property is located approximately 20 metres from the rear lot line of the closest Durabond facility at 59 Underwriters Road. Further the new residential building would be setback a further 22.5 metres (74 ft). The applicant advises that both the Demenz and Durabond businesses have operated for a number of years, at least as long as the existing Aldebrain Tower has been in existence. Aldebrain advises that it has not experienced, at its existing Aldebrain Towers, any issues respecting noise or odour which would have prompted them to either contact the industry or initiate further investigations. Examination of the City's Municipal Licensing and Standards data base, over the past five years does not reveal any incompatibility complaints with respect to the existing residential/industrial interface.

### iii) Permitted Uses on Industrial Lands

Compatibility of the proposed residential use and industrial uses also focused on a review of permitted uses under Employment Districts Zoning By-law 24982, as amended. The Zoning By-law provides for a range of industrial uses that would be permitted on the lands zoned "General Industrial Zone (MG)", "Special Industrial Zone (MS)" and "Vehicle Service Zone (VS)". Permitted uses would include manufacturing, assembly, processing, warehousing chemical manufacturing, special industrial uses (within the VS Zone) and other uses including recreational uses, places of worship, open storage, day nurseries, educational and training facilities, offices, vehicle service and repair. Each of these zones could encompass industrial activities that could fall within the MOE definition of a Class I Industrial Facility. Notwithstanding these permissions, any use which is offensive by reason of the transmission of noise or vibration, or the emission of gas, fumes, heat, radiation, dust or odour, is specifically prohibited under the General Provisions of Zoning By-law 24982.

The hierarchy of industrial uses in Zoning By-law 24982, the "Industrial Zone (M)" is the category anticipated to have the least impact. All uses are to be conducted wholly within an enclosed building and no open storage is permitted. This zone applies to the lands west of 2155 Lawrence Avenue East. On the lands zoned "General Industrial (MG)", "Special Industrial (MS)" and "Vehicle Service (VS)" (65, 59 and 55 Underwriters Road), outdoor storage is permitted and chemical manufacturing, processing or warehousing is permitted. The MG and MS zones could permit uses that would fall within a Class II Industrial Facility under the MOE guidelines. The proposed residential use therefore would not meet MOE's recommended separation of 70 metres. The new residential use would be located approximately 37 metres (121 ft) from the nearest MG, MS and VS Zone. However, as noted above, for all industrial zones, the General Provision of Zoning By-law 24982 applies, setting out that any use which is offensive by reason of its transmission of noise or vibration, or the emission of gas, fumes, heat, radiation,

dust or odour, is prohibited. Further, the Aldebrain Tower currently shares its south boundary with the industrial zoned 1236 Birchmount Road property (being used for garment warehousing and distribution). As a result, there is 118 metres (388 ft) of direct (0 metre) interface of residential lands (Aldebrain Tower) with an industrial use. By converting the 1236 Birchmount Road property to permit residential and commercial uses, this entire direct interface is eliminated in favour of an interface with an established Place of Worship.

Given the net reduction of sensitive land use interface with industry, the lack of complaints and in consideration of the Zoning requirements currently in-place to prohibit offensive uses, the proposed residential use of the 1236 Birchmount Road property is considered to be appropriate. Further, the land use change complies with the Scarborough Official Plan and the new Toronto Official Plan.

#### On-Site Parking

The applicant intends to develop the new residential building and the existing Aldebrain Tower as an integrated, affordable housing and support services campus. As such, the applicant proposes that on-site vehicle parking spaces required for residents, tenants, retail/office and daycare users and visitors be shared between the two buildings.

A total vehicle parking supply of 481 spaces (402 existing and 79 new spaces) is proposed to meet the parking space requirements for the two buildings. To support this proposed shared-parking supply, the applicant retained Lea Consulting Ltd. (Consulting Engineers & Planners) to undertake a "Parking Utilization Study".

The study, completed in 2004 and updated in March 2006, examined the adequacy of existing parking supply for residents, tenants, retail/office users and visitors of the Aldebrain Tower and the expected demand for parking for the residents, tenants, retail/office and day-care users and visitors for the new building. Based on observed peak demands for the Aldebrain building and parking permits issued over a number of years, the Lea study concluded on-site parking demand for both buildings can be sufficiently accommodated with a total vehicle parking supply of 481 spaces.

The study considered the resident composition of the Aldebrain building and noted that the observed peak, on-site parking demand (224 parking spaces) was far less than the both the current on-site parking supply of 402 spaces (293 resident spaces, 50 visitor spaces and 59 spaces for the commercial uses) and the parking spaces required (398 spaces) under current zoning by-law requirements. It should be noted that the current parking space requirements of 1.4 parking spaces per dwelling unit plus parking spaces for commercial uses, results in a need to provide 398 spaces consisting of 292 resident spaces and 49 visitor spaces and 59 commercial parking spaces. This zoning requirement was prepared on the basis of a condominium development originally proposed for the site.

The new building proposes 156 dwelling units and ground floor commercial/day-care uses. Its function, and therefore resident composition, is the same as the existing Aldebrain Tower. Given these factors, the Lea study suggested that the expected demand for the new building would

reflect the observed parking demand for the existing building. As a result, the study determined that there is an opportunity to apply a parking standard as noted below:

Aldebrain Tower & New Building	Parking Utilization Study		Staff Recommended	
	Ratio	Spaces	Ratio	Spaces
Resident	0.93/unit	372	0.837/unit	334
Visitor	0.105/unit	42	0.2/unit	80
Subtotal	1.04/unit	414	1.037/unit	414
Day-Nursery	1.5/100 m <sup>2</sup> gfa	8	1.5/100 m <sup>2</sup> gfa	8
Retail/Office	2.44/100 m <sup>2</sup> gfa	59	2.44/100 m <sup>2</sup> gfa	59
Total On-Site Spaces		481		481

City staff (Planning & Technical Services – Transportation) have reviewed the Parking Utilization Study and concur with its findings. However, staff recommend that the visitor parking ratio remains as per City visitor parking guidelines (0.2 spaces per dwelling unit) and that the resident parking ratio be slightly reduced, resulting in a parking ratio as noted above. This ratio would provide for a total on-site parking supply of 481 spaces and would be secured in the implementing zoning by-law amendment for the two properties.

#### Integration of the Site/Shared Amenities and Services

The 1236 Birchmount Road property will be developed as a residential building similar in function to the existing Aldebrain Tower. It's proximity to the existing Aldebrain Tower represents a strategic opportunity for the owner to expand its mandate to provide support services and housing to people with physical challenges while, at the same time, realize economies of scale through integration of program delivery and a sharing of services and facilities.

The residents of the proposed building will have specialized needs similar to the residents of the existing Aldebrain Tower. The applicant proposes that the two residential buildings function as “campus”, creating a node of specialized residential use, program integration and shared services facilities and amenities.

The activities, services and amenities currently offered in the Aldebrain Tower, will be available to the new building's residents and vice versa. Its close proximity and its physical linkages including the second-floor bridge and a below grade connection in the underground parking, will enable the two buildings to share on-site parking, vehicle and pedestrian circulation and indoor and outdoor amenities.

#### Access

The existing driveway of the 1236 Birchmount Road property will be eliminated in favour of the continued use of the existing Aldebrain Tower vehicle and pedestrian access from Birchmount Road and Lawrence Avenue East. The new residential building will share the driveway and below grade parking access with Aldebrain Tower. A new control access gate will be incorporated into the driveway access, approximately 15 metres (49 ft) back from the public road, to ensure that any delivery vehicles will be wholly contained on the subject site and to

mitigate concerns with traffic flow on Birchmount Road. In addition, the two sites collectively will benefit from improved internal pedestrian access on well defined walkways. The integrated sites will continue to offer superior wheel trans access in close proximity to the main building access points, without impeding pass-by pedestrian or vehicular traffic.

### Built Form/Urban Design

The Official Plan policies respecting urban design policies promote a high level of urban design to encourage an attractive living and working environment, and a sense of community pride. Attractive streetscapes are to be promoted through the co-ordination of site, building and landscape design on and between individual sites. The applicant has worked with City staff to achieve a quality design concept for the site.

The proposed building is 14 storeys in height and is compatible with the existing 12-storey apartment building in terms of scale, siting and built form. A separation or facing distance of 55 metres (180 ft) has been provided between the proposed 14-storey building and the majority of the existing 12-storey building, above the 2<sup>nd</sup> floor (roof top) garden of the Aldebrain Tower. A separation distance of 16 metres (53 ft) is provided between the proposed new building and the closest end wall of the existing building. This separation distance is considered appropriate. A 6-metre (1-storey) podium is proposed for all sides of the building. The main, 13-storey portion of the building would be stepped back approximately 1 metre (3 ft) on all sides from the podium, providing an urban design feature that also acts to mitigate the effects of winds so as to create a more pleasant street level pedestrian environment in and around the building.

The main entrance to the building (for residents) is located adjacent to the driveway, on the north side of the building. A drop-off/pick-up area has been provided for wheel-chair and pedestrian use. A walkway leading to Birchmount Road and a pergola structure at the street edge will define the entrance to the building. Ground-floor retail/office uses, fronting Birchmount Road, with direct pedestrian entrances, will serve to animate the Birchmount Road streetscape.

### Shadow Analysis

The proposed residential building is oriented on an east-west axis. The applicant submitted shadow analysis for the proposed residential development. The study demonstrates that the shadows generated by the new building will not unduly impact the surrounding lands.

### Landscaping and Outdoor Amenities

A detailed landscape plan has been submitted which proposes significant landscaped areas, planting and pedestrian walkways throughout the site. The existing roof garden of the Aldebrain Tower will be maintained. The new building will have access to this garden by way of a second storey bridge between the buildings. In addition, the new building will have a children's playground area at the rear of the building that is associated with the day nursery. Further, existing and new residents will have access to a landscaped garden and walkways on the roof of the proposed residential building. These features will be secured under site plan approval.

## Density

Currently, the site (2155 Lawrence Avenue East) is developed at a density of 247 uph, whereas the site-specific Official Plan policy for the site permits a density of 250 uph. The proposed building and the existing Aldebrain Tower would result in an overall density of 297 uph. The acceptability of permitting additional density has been assessed relative to its impact upon the area context and relative to the City's planning and built-form objectives. And Planning staff are satisfied that it represents an appropriate level of development for this site at this location.

## Section 37

Section 37 of the Planning Act provides the authority to secure community benefits in return for any increases in height and/or density of development. In order to secure these benefits, in return for the increase in height and density proposed, the applicant will be required to enter into a Section 37 Agreement, to the satisfaction of the City, to secure the following matters:

### i) Preservation of Existing Rental Housing

The existing Aldebrain apartment building is to be retained. The rental tenure of this building will be secured for a minimum of 20 years from the date that any implementing by-law to permit redevelopment of the 1236 Birchmount Road property for residential use comes into effect. Further, the Section 37 agreement will stipulate that no applications to either demolish or convert the building to condominium will be made.

### ii) Provision of New Affordable Rental Housing

The proposed 156 units of the new building will be affordable rental units in accordance with CMHC affordable rent guidelines for a minimum of 20 years.

### iii) Net Benefits for Residents

On-site improvements will include new common indoor amenity space of at least 207 m<sup>2</sup>.

### iv) Construction Mitigation and Tenant Communication Plan

The owners have agreed to develop and implement construction mitigation and tenant communications plan for the existing tenants of 2155 Lawrence Avenue East. This strategy would mitigate the impacts of construction on the existing tenants and keep them informed about the construction timetable and rules that govern the construction such as the noise by-law, dust control and the provision of contact numbers for construction complaints, among other matters.

## Development Charges

The proposed 156 unit affordable rental building at 1236 Birchmount Road by Aldebrain Attendant Care Support Services of Toronto meets Council's exemption policies for non-profit housing and is therefore exempt from Municipal Development Charges.

Conclusions:

Aldebrain owns and operates Aldebrain Tower which provides support services and rental housing to persons with physical challenges. Aldebrain has acquired a property immediately south of its current facility which is designated for mixed use but zoned for industrial use. Aldebrain intends to construct a new rental building on this site, similar in function to the existing Aldebrain Tower. Together the two buildings are intended to provide an integrated housing and programming facility.

The proposal has been reviewed within the context of the Official Plan. Staff conclude that the proposal represents an appropriate intensification of the lands; the proposed use can co-exist with adjacent land uses; its built form will complement the mixed use nature of the area, and community benefits in terms of affordable rental housing will result from this proposal. Approval of the requested amendments to the Official Plan and Zoning By-law to implement the applicant's proposal is recommended.

Contact:

Russell Crooks, Senior Planner  
Ph: (416) 396-7040  
Fax: (416) 396-4265  
Email:rcrooks@toronto.ca

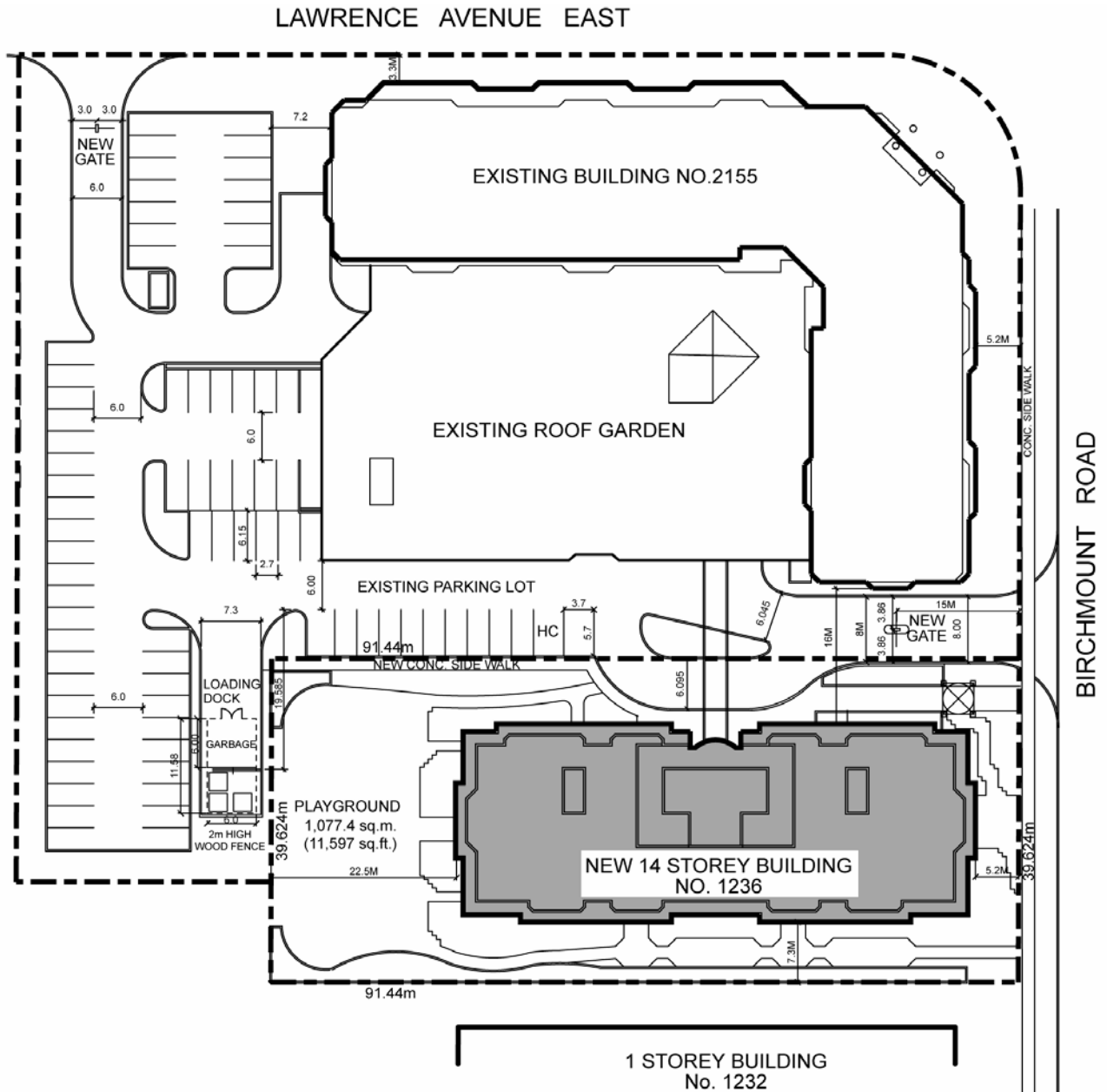
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Allen Appleby, Director  
Community Planning, Scarborough District

List of Attachments:

Attachment 1:	Site Plan
Attachment 2:	Elevations
Attachment 3:	Zoning
Attachment 4:	Official Plan
Attachment 5:	Separation Distances: Industrial & Residential
Attachment 6:	Application Data Sheet
Attachment 7:	Draft Official Plan Amendment
Attachment 8:	Draft Zoning By-law Amendment

Attachment No. 1 – Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale  
04/13/06



1236 Birchmount Rd. and  
2155 Lawrence Ave. E.

File # 04-154072 02

**Attachment No. 2 – Elevations**



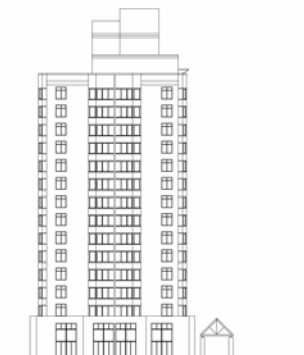
**South Elevation**



**North Elevation**



**West Elevation**



**East Elevation  
(Birchmount Road)**

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**Elevation Plan**

**Applicant's Submitted Drawing**

Not to Scale  
7/20/04

**1236 Birchmount Road and  
2155 Lawrence Avenue East**

File # **04-154072 OZ & 04-154078 SA**

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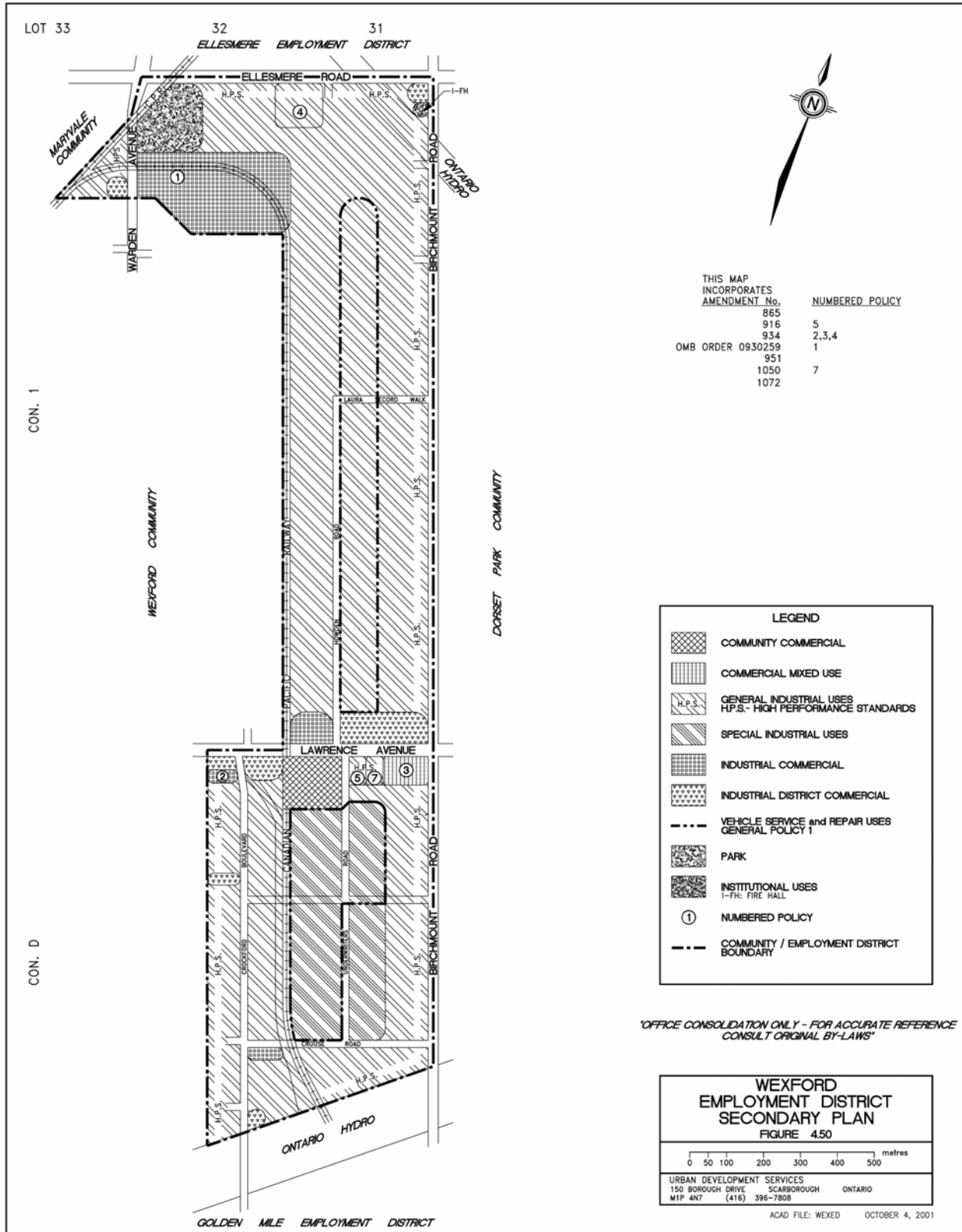


File # 04-154072 OZ & 04-154078 SA

<b>CC</b>	COMMUNITY COMMERCIAL ZONE	<b>MG</b>	GENERAL INDUSTRIAL ZONE	<b>S</b>	SINGLE-FAMILY RESIDENTIAL	Wexford Employment District Bylaw Not to Scale 8/9/04
<b>CR</b>	COMMERCIAL / RESIDENTIAL ZONE	<b>MS</b>	SPECIAL INDUSTRIAL ZONE	<b>T</b>	TWO-FAMILY RESIDENTIAL	
<b>M</b>	INDUSTRIAL ZONE	<b>VS</b>	VEHICLE SERVICE ZONE	<b>MF</b>	MULTIPLE-FAMILY RESIDENTIAL	
<b>MDC</b>	INDUSTRIAL DISTRICT COMMERCIAL ZONE	<b>S</b>	VEHICLE SERVICE ZONE	<b>A</b> <b>HC</b>	APARTMENT RESIDENTIAL HIGHWAY COMMERCIAL	

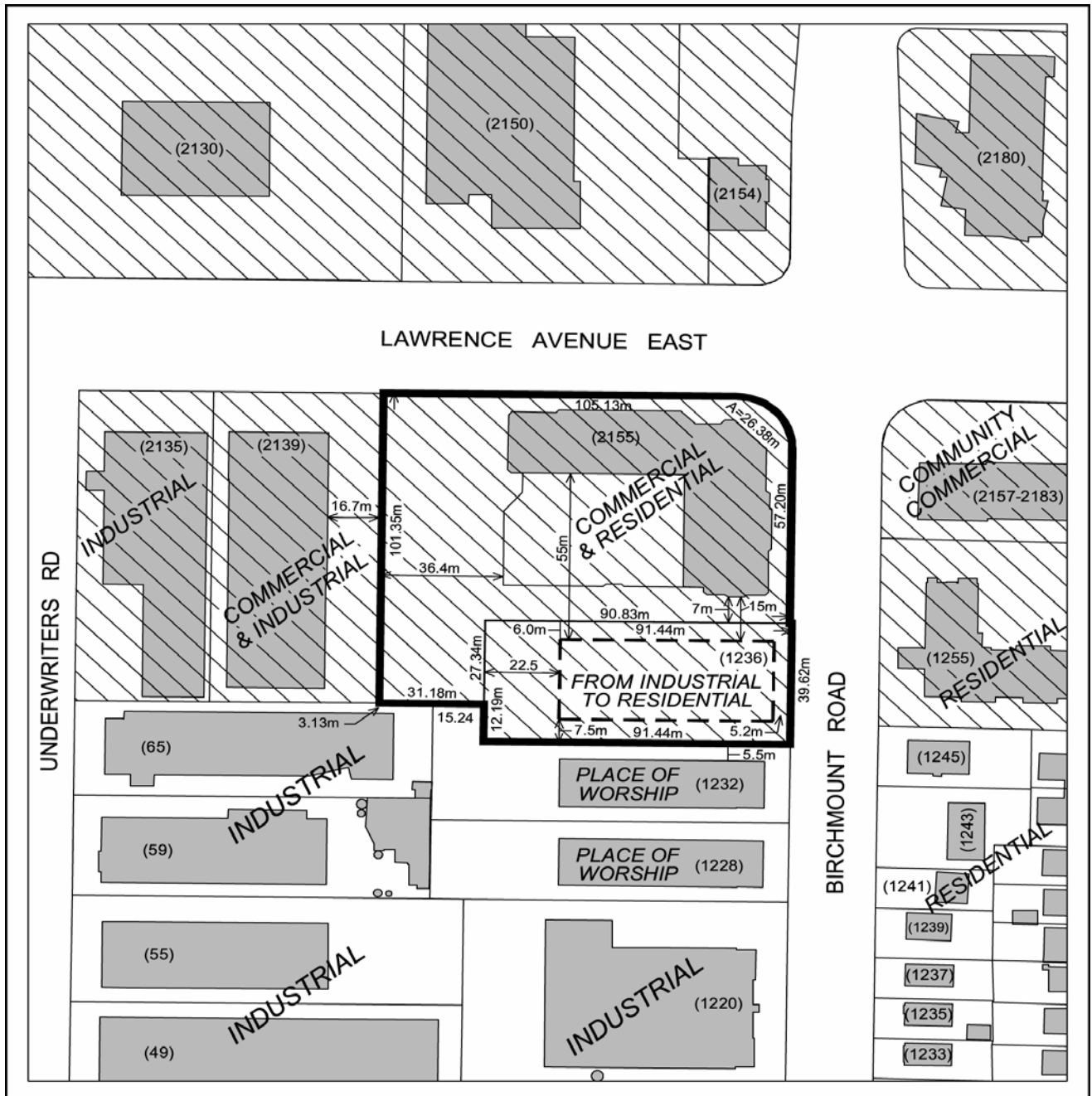
## Attachment No. 4 – Official Plan

### WEXFORD EMPLOYMENT DISTRICT SECONDARY PLAN



Attachment No. 5

Separation Distances Between Industrial & Residential Uses



Separation Distances between  
Industrial and Residential Uses

1236 Birchmount Rd and 2155 Lawrence Ave E

File # 04-154072 OZ



Location of Application



Mixed Use



Not to Scale  
04/25/06

**Attachment No. 6 – Application Data Sheet**

**APPLICATION DATA SHEET**

Application Type      Official Plan Amendment &      Application Number:      04 154072 ESC 37 OZ  
Rezoning  
Details      OPA & Rezoning, Standard      Application Date:      July 7, 2004  
Municipal Address:      1236 BIRCHMOUNT RD, TORONTO ON  
Location Description:      PLAN 4329 PT BLK A \*\*GRID E3707  
Project Description:      The applicant is proposing to develop a "campus" type residential apartment project. The "Aldebrain Tower" is an existing 12-storey, 243 unit residential facility with related ancillary uses and ground floor commercial and the "Birchmount property" is going to be a 14-storey, 156 unit apartment building.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
ALDEBRAIN SUPPORT SERVICES OF TORONTO		ROBERT REIMERS ARCHITECT LTD.	ALDEBRAIN SUPPORT SERVICES OF TORONTO

**PLANNING CONTROLS**

Official Plan Designation:	Special Industrial Use, Commercial Mixed Use	Site Specific Provision:
Zoning:	M (Industrial) & CR (Commercial/Residential Zone)	Historical Status:
Height Limit (m):	45	Site Plan Control Area:      Y

**PROJECT INFORMATION**

Site Area (sq. m):	13440	Height:	Storeys:	14
Frontage (m):	110		Metres:	51.24
Depth (m):	122.25			
Total Ground Floor Area (sq. m):	3843			<b>Total</b>
Total Residential GFA (sq. m):	40521		Parking Spaces:	0
Total Non-Residential GFA (sq. m):	3958.16		Loading Docks	0
Total GFA (sq. m):	44479.16			
Lot Coverage Ratio (%):	28.6			
Floor Space Index:	3.31			

**DWELLING UNITS**

Tenure Type:	Rental,
Rooms:	0
Bachelor:	13
1 Bedroom:	52
2 Bedroom:	78
3 + Bedroom:	13
Total Units:	399

**FLOOR AREA BREAKDOWN** (upon project completion)

	<b>Above Grade</b>	<b>Below Grade</b>
Residential GFA (sq. m):	40521	0
Retail GFA (sq. m):	1611.8	0
Office GFA (sq. m):	797.7	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	1548.6	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Russell Crooks, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 396-7040</b>

**Attachment No. 7 – Draft Official Plan Amendment**  
**AMENDMENT NO. 1152 TO THE OFFICIAL PLAN**  
**OF THE FORMER CITY OF SCARBOROUGH**

The following text designated as Schedule “A” constitutes Amendment No. 1152 to the Official Plan for the former City of Scarborough (being an amendment to the provisions of the Wexford Employment District Secondary Plan).

The sections head ‘Purpose and Location’ are explanatory only and shall not constitute part of this amendment.

**PURPOSE AND LOCATION:**

This Amendment affects two parcels of land located at the southwest corner of Lawrence Avenue East and Birchmount Road. The amendment provides for additional residential development on lands within the existing Commercial Mixed Use designation. A maximum density of 298 units per hectare would be permitted whereas the current policy permits a maximum density of 250 units per hectare.

**BASIS:**

The subject site is approximately 1.34 hectares (3.32 acres) and is situated on the southwest corner of Lawrence Avenue East and Birchmount Road. The owners propose to intensify the site which currently contains a 12 storey mixed-use building with 243 dwelling units and ground floor commercial/retail uses. A new building would be constructed on an adjacent parcel of land immediately south of the existing building. A 14 storey, 156 dwelling unit, mixed-use building with ground floor retail and office uses is proposed. A mixed-use development is appropriate in this location where transit services are available at the site. Local services are available in the immediate area.

**OFFICIAL PLAN AMENDMENT:**

Schedule "A"

- A. The Wexford Employment District Secondary Plan, Section 4.50.3, Numbered Policies, is amended by deleting the words: "250 units per hectare" and replacing these with the words "298 units per hectare" of Policy No.3(1) and by adding the words, "preservation of existing rental housing, provision of new purpose built rental housing, construction mitigation and tenant communication plan" to Policy No.3(2) so that the numbered policy now reads as follows:

**"3. South-West Corner of Lawrence Avenue East and Birchmount Road**

1. The maximum residential density shall be 298 units per hectare.
2. Amendments to the Zoning By-law to increase the height or density of development may, pursuant to Section 37 of the Planning Act, R.S.O. 1990, C.P.13, require the provision of facilities, services or matters to improve landscaping, transportation, pedestrian facilities, public utilities, preservation of existing rental housing, provision of new purpose built rental housing, construction mitigation and tenant communication plan and/or community facilities and services."

- B. The Wexford Employment District Secondary Plan, Section 4.50.3, Numbered Policies, is further amended by adding the following new text immediately following Policy No. 3(2):

- "3. Matters to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended:
- (a) The owner of the lands, at its expense and in accordance with, and subject to, an agreement pursuant to Section 37 of the *Planning Act*, shall provide the following facilities, services and matters:
    - (i) maintain the existing 243 social housing units at 2155 Lawrence Avenue as social housing until July 1, 2023 and make no application for demolition to construct anything other than social housing dwelling units or for the purpose of condominium registration until July 1, 2023;
    - (b) provide and maintain 100 - 156 new affordable rental apartment units for at least 20 years commencing from the date of initial occupancy of each unit subject to the following:

- (i) no application shall be made for condominium registration or for demolition to construct anything other than rental dwelling units during the 20 year period. If the property tax rate were to increase such that the owner is paying more tax than they would if the rental units were registered as a condominium, the owner will have the right to apply for an official plan amendment and zoning by-law amendment removing the requirement for the rental units to be maintained as rental units prior to the expiry of this 20 year period, provided that all of the rental units remain as rental dwelling units until the owner obtains approval for an official plan amendment and zoning by-law amendment removing the requirement that the owner provide and maintain the dwelling units as rental dwelling units;
  - (ii) all of the rental dwelling units in the new apartment buildings on the lands shall be affordable rental housing units;
  - (iii) the initial rent for any of the affordable rental units and the rents upon turnover for all these units during the 10 year period dating from the initial occupancy of each unit shall be no higher than the average rent for the same unit type for the City of Toronto as reported by Canada Mortgage and Housing Corporation in their most recent annual Rental Market Report prior to the month that the unit is first occupied by the new tenant;
  - (iv) annual rent increases to tenants who occupy the units in the initial 10 year period shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, for so long as the tenant remains in the same unit, until the expiry of the 20 year period securing the rental tenure for that unit; and
  - (v) rents charged to tenants newly occupying the units after the completion of the 10 year period set forth in paragraph (iii) above will not be subject to restriction from the City of Toronto under the terms of the Section 37 Agreement;
- (c) make additional improvements to the site and related facilities and provide new amenities at least as set out in the Section 37 Agreement for use by all tenants in both the existing social housing units and the proposed affordable rental housing units, and the owner agrees that it shall not pass through any of the costs of these improvements to the rents of the existing social housing units

arising from the cost of these improvements, which improvements shall include at least

- (i) common indoor amenity space in the proposed new residential building of a minimum of 207m<sup>2</sup>;
- (d) the owner of the lands shall provide a Construction Mitigation and Tenant Communication Plan to the satisfaction of the Director of Community Planning, Scarborough District, prior to the issuance of the first building permit for the proposed additional residential buildings; and
- (e) The owners of the lands shall enter into one or more agreements with the City of Toronto, provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to secure the facilities, services and matters referred to in Section (a) – (d), which agreement shall be registered as a first charge on title to the lands to which this By-law applies.



**Attachment No. 8 – Draft Zoning By-law Amendment**

Authority: Scarborough Community Council Report No. ~, Clause No. ~,  
as adopted by City of Toronto Council on ~, 2006  
Enacted by Council: ~, 2006

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2006**

**To amend the Employment Districts Zoning By-law No.24982 (Wexford Employment District), as amended,  
With respect to the lands municipally known as,  
1236 Birchmount Road and 2155 Lawrence Avenue East**

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. **Schedule “A”** of the Wexford Employment District is amended by deleting the current zoning and replacing it with the following zoning as shown on Schedule ‘1’.

CR – 173 – 187 – 663 – 666 – 668 – 673 – 799 –  
913 – 1717 – 2206 – 2368

202

231

833

CR – 250 – 251 – 252 – 253 – 710 – 711 – 915 –  
996 – 1074n – 1075s – 1848 – 2206 – 2376

202

231

833

465

2. **Schedule “B”, PERFORMANCE STANDARDS CHART**, is amended by adding the following Performance Standards:

**INTENSITY OF USE**

250. **Gross floor area** of all buildings shall not exceed 16,340 m<sup>2</sup>.

251 **Gross floor area** of all Offices shall not exceed 217 m<sup>2</sup>.

252 **Gross floor area** of Retail Stores and **Personal Service Shops** shall not exceed

317 m<sup>2</sup>.

253 **Gross floor area** of **Day Nurseries** shall not exceed 560 m<sup>2</sup>.

710 Minimum interior common amenity space to be provided - 205m<sup>2</sup>

711 Maximum – 156 **dwelling units**.

### **SIDE YARD**

1074n. Minimum **side yard** setback – 7m

1075s. Minimum **side yard** setback – 7m

### **HEIGHT**

1848 Maximum **height** – 43 m.

### **SECTION 37**

2376. Matters to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended:

- (a) The owners of the lands, at its expense and in accordance with, and subject to, an agreement pursuant to Section 37 of the *Planning Act*, shall provide the following facilities, services and matters:
  - (i) maintain the existing 243 social housing units at 2155 Lawrence Avenue as social housing until July 1, 2023 and make no application for demolition to construct anything other than social housing dwelling units or for the purpose of condominium registration until July 1, 2023;
- (b) provide and maintain 156 new affordable rental apartment units for at least 20 years commencing from the date of initial occupancy of each unit subject to the following:
  - (i) no application shall be made for condominium registration or for demolition to construct anything other than rental dwelling units during the 20 year period. If the property tax rate were to increase such that the owner is paying more tax than they would if the rental units were registered as a condominium, the owner will have the right to apply for an official plan amendment and zoning by-law amendment removing the requirement for the rental units to be

maintained as rental units prior to the expiry of this 20 year period, provided that all of the rental units remain as rental dwelling units until the owner obtains approval for an official plan amendment and zoning by-law amendment removing the requirement that the owner provide and maintain the dwelling units as rental dwelling units;

- (ii) all of the rental dwelling units in the new apartment buildings on the lands shall be affordable rental housing units;
  - (iii) the initial rent for any of the affordable rental units and the rents upon turnover for all these units during the 10 year period dating from the initial occupancy of each unit shall be no higher than the average rent for the same unit type for the City of Toronto as reported by Canada Mortgage and Housing Corporation in their most recent annual Rental Market Report prior to the month that the unit is first occupied by the new tenant;
  - (iv) annual rent increases to tenants who occupy the units in the initial 10 year period shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, for so long as the tenant remains in the same unit, until the expiry of the 20 year period securing the rental tenure for that unit; and
  - (v) rents charged to tenants newly occupying the units after the completion of the 10 year period set forth in paragraph (iii) above will not be subject to restriction from the City of Toronto under the terms of the Section 37 Agreement;
- (c) make additional improvements to the site and related facilities and provide new amenities at least as set out in the Section 37 Agreement for use by all tenants in both the existing social housing units and the proposed affordable rental housing units, and the owner agrees that it shall not pass through any of the costs of these improvements to the rents of the existing social housing units arising from the cost of these improvements, which improvements shall include
- (i) interior common amenity space in the proposed new residential building of a minimum of 205m<sup>2</sup>;
- (d) the owner of the lands shall provide a Construction Mitigation and Tenant Communication Plan to the satisfaction of the Director of Community Planning, Scarborough District, prior to the issuance of the first building permit for the proposed additional residential buildings;
- (e) The owners of the lands shall enter into one or more agreements with the

City of Toronto, provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to secure the facilities, services and matters referred to in Section (a) – (d), which agreement shall be registered as a first charge on title to the lands to which this By-law applies; and

- (f) building permit issuance for the proposed development shall be dependant upon satisfaction of items (d) and (e) above and the incorporation of items (a) to (d) in the Section 37 Agreement, including the provision of monetary payments and the provision of financial securities.

3. **Schedule “C”, EXCEPTIONS LIST**, is amended by adding the following Exception Numbers:

**PROHIBITED USES**

231. (a) Prohibited Uses
- **Financial Institutions**
  - **Places of Worship**
  - **Private Home Day Care**
  - **Restaurants**

**ADDITIONAL PERMITTED USES**

465. Additional Permitted Uses:
- Educational and Training Use
  - **Residential Care Facility**

833. The lands subject to this Exception shall be comprised of two parcels and residential or mixed-use development on these parcels may share facilities, access and parking. **Side yard, street yard and rear yard** standards otherwise applying to these two parcels shall not apply to the below-grade parking structure and vehicle/pedestrian connection; and to the above-grade pedestrian walkway connecting the two buildings on the two parcels. Parking spaces for vehicles shall be provided for both parcels collectively as follows:

- i) A minimum of 1.037 parking spaces per **dwelling unit** shall be provided of which:

- a minimum 0.837 parking spaces per **dwelling unit** shall be provided for residents; and
  - a minimum 0.2 parking spaces per **dwelling unit** shall be provided for visitors; and
- ii) A minimum of 2.44 parking spaces per 100 m<sup>2</sup> of gross floor area for all Retail Stores, **Personal Service Shops** and Offices uses.

ENACTED AND PASSED this ~ day of ~, A.D. 2006.

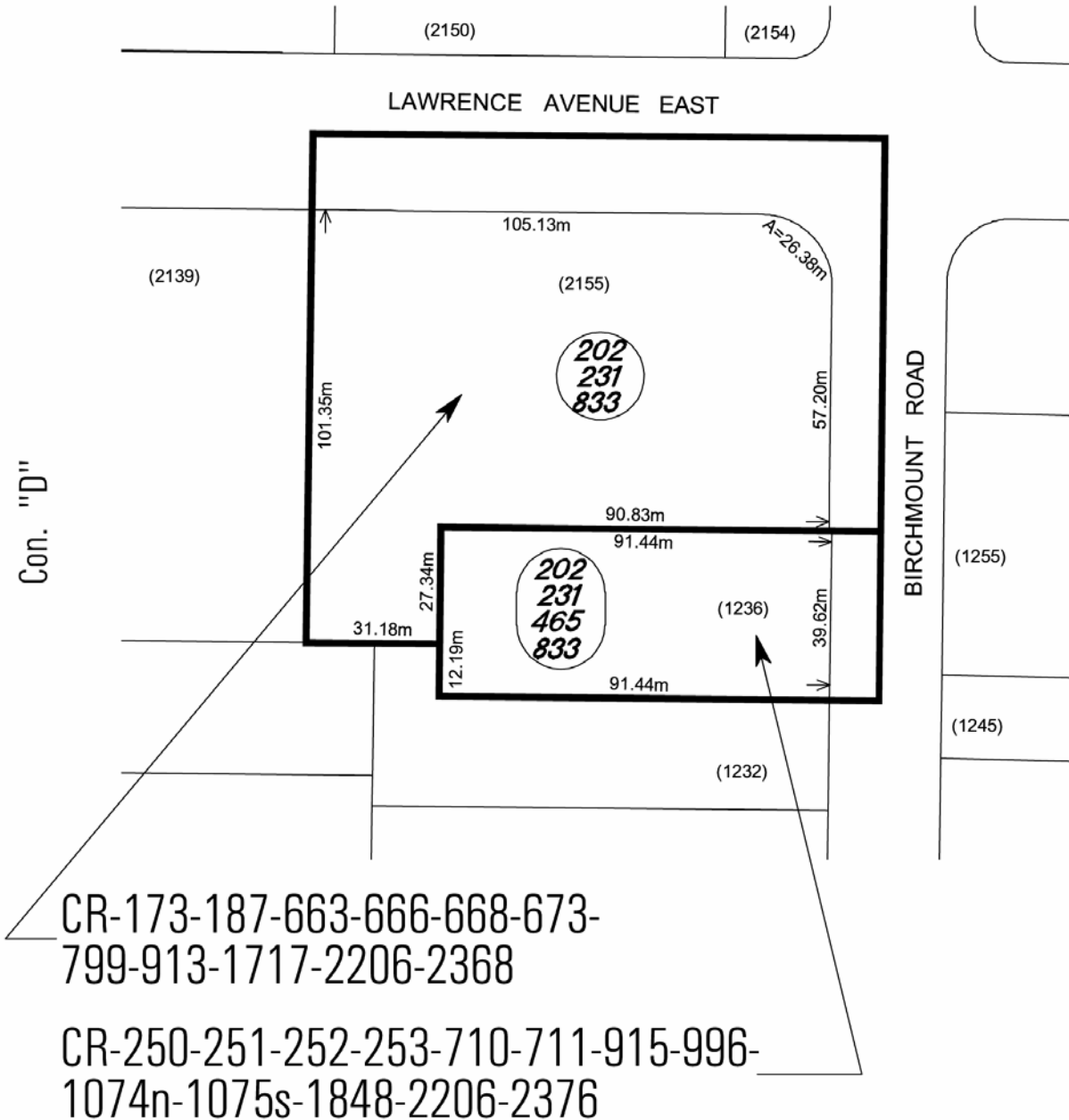
DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

## Schedule '1'

Lot 31



### Zoning By-Law Amendment

1236 Birchmount Rd and 2155 Lawrence Ave E

File # 04-154072 02



Area Affected By This By-Law

Wexford Employment District By-law  
Not to Scale  
04/25/06

