

544 Birchmount Road – Rezoning Application – Final Report

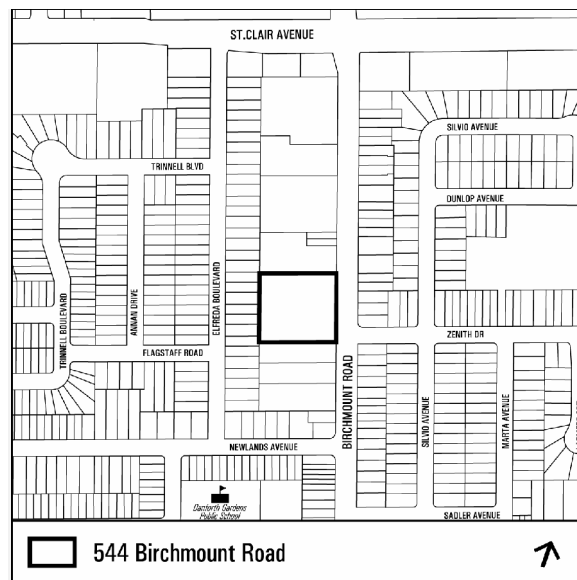
Date:	August 21, 2008
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 35 – Scarborough Southwest
Reference Number:	07 241104 ESC 35 OZ

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006. This application proposes to intensify the property at 544 Birchmount Road with the addition of a 10-storey apartment building with 153 dwelling units.

The proposed development represents the opportunity to add to the supply of affordable rental housing in the City. It represents an efficient use of land and existing and proposed public infrastructure and services. Community benefits will be secured including the preservation and improvement of the existing rental apartment building and site.

This report reviews and recommends approval of the application to amend the zoning by-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the zoning by-law for the Birchmount Park Community substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 10.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required.
3. Before the necessary Bill is introduced to City Council for enactment, the Owner be required to enter into an agreement pursuant to Section 37 of the Planning Act, to secure the provision of facilities, services and matters identified in the draft zoning by-law amendment outlined in Attachment 10.
4. Before the necessary Bill is introduced to City Council for enactment, the Owner be required to enter into a site plan agreement under Section 41 of the Planning Act and Section 114 of the City of Toronto Act, 2006.
5. Before the necessary Bill is introduced to City Council for enactment, the Owner must pay all costs associated with the improvements recommended in the accepted Traffic Impact Study, dated July 20, 2007, prepared by Lea Consulting Ltd. to the satisfaction of the Director of Transportation Services and submit a certified cheque payable to the City of Toronto in the total amount of \$15,000.00 to fund the signal timing optimization of the intersections of Birchmount Road at St. Clair Avenue, Newlands Avenue and Danforth Road, including the installation of a northbound left turn advance phase at the Birchmount Road and Danforth Road intersection.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 1995, the Committee of Adjustment approved a variance to permit the conversion of vacant space on the ground floor of the existing building at 544 Birchmount Road to create two additional apartments, which increased the number of dwelling units from 121 to the current 123. A subsequent application to permit 133 units was refused by both the Committee of Adjustment and the Ontario Municipal Board in 2003. On April 23, 2007, the Committee approved variances to the zoning by-law for the existing building to permit one dwelling unit per 60 square metres of lot area or a total of 131 units (with 8 new units to be created on the ground floor), to reduce the minimum required sizes of the 8 proposed units (to 40.4 square metres for 1-bedroom units and 55.2 square metres for 2-bedroom units), as well as to reduce the minimum size of the required ground floor recreation space to a minimum floor area of 97 square metres.

In December 2006, the Affordable Housing Committee issued a Request for Proposals (RFP) for Development of Affordable Housing. The proposal to construct an additional building at 544 Birchmount Road was one of the projects selected through the RFP process. In May 2007, Council approved the submission of the project to the Ministry of Municipal Affairs and Housing for consideration for affordable housing subsidy under a joint program between the City, the Province of Ontario, and the Government of Canada.

ISSUE BACKGROUND

Proposal

The applicant has filed a zoning by-law amendment application to permit the intensification of the site with a second apartment building, 6 and 10 storeys in height, to be constructed on the north portion of the site which is currently occupied by surface parking and a small amount of landscaped amenity space for the existing apartment building at 544 Birchmount Road. The original proposal was for 152 dwelling units (65 1-bedroom, 55 2-bedroom and 32 3-bedroom apartments) and a gross floor area of 12,152 square metres (130,802 square feet). Revisions to the design were made in March 2008 which increased the number of units to 154 (65 1-bedroom, 56 2-bedroom and 33 3-bedroom units), while reducing the gross floor area to 10,992.6 square metres (118,327 square feet). The revisions included reducing the width of the 6-storey portions at the front of the building and adding a setback above the sixth floor at the sides and rear of the building. Adjustments were also made to the unit sizes.

Further revisions were made in June 2008 to the situation of the building and the parkade to preserve existing trees, and to meet a 45 degree angular plane from the property lines of the adjacent low density residential community. The building was moved closer to the street and the rear yard setbacks to the 6 and 10 storey portions of the building were increased. The proposed gross floor area has been maintained at 10,992.6 square metres while reducing the number of proposed units to 153. The area available for landscaping has been increased by removing three surface parking spaces on the south side of the existing building.

Most of the surface parking would be eliminated and consolidated parking for residents of both apartment buildings provided in two underground levels with 210 parking spaces. Each of the underground levels also includes 2 additional “short stall” parking spaces measuring 2.6 by 5 metres, which do not comply with the minimum parking space dimensions of 2.6 by 5.6 metres required by the zoning by-law, and are not included in the 210 spaces. In addition, 11 resident spaces are proposed on the surface to the north of the existing building, and 26 visitor parking spaces are proposed on the surface, 25 of which would be located south of the existing building. A total parking supply of 247 parking spaces is proposed for the proposed total of 284 residential units in the two apartment buildings. Refer to Attachment 9 for the project data.

The applicant has provided an interim site plan indicating that during construction, 36 parking spaces for residents would be provided on the surface in the front and south yards

of the existing building, including two areas of pavement that will be removed upon completion of 550 Birchmount Road (refer to Attachment 5). A fire route and drop off will be provided on the north side of 544 Birchmount Road. To provide a turn around area for trucks, the parking spaces in front of 544 Birchmount Road will be vacated during the times solid waste is collected.

The 153 proposed apartment units would be rental in tenure and include a mixture of 1-bedroom (66 units), 2-bedroom (54 units) and 3-bedroom units (33 units). The majority of the proposed units meet the current minimum floor area requirements of the zoning by-law of 51 square metres for 1-bedroom units, 67 square metres for 2-bedroom units, and 76 square metres for 3-bedroom units. There are six 1-bedroom units with floor areas of between 46.1 and 48.65 square metres (the two smallest units are located on the ground floor with access to private terraces). There are also four 2-bedroom units proposed with a floor area of 60 square metres.

There will be four apartments on the ground floor at and near the front of the building, all of which will have a private terrace. Indoor and outdoor amenity space will be provided for the residents of both apartment buildings. The principal entry faces Birchmount Road with a secondary entry on the south side of the new building.

The new apartment building would have an address of 550 Birchmount Road and be known as “Birchmount Woods”. The Owner is proposing to sever the property into two parcels at a later date, solely for the purpose of registering the future affordable housing agreement on 550 Birchmount Road. For all other purposes the site will function as one property in single ownership.

Site and Surrounding Area

The subject lands are located on the west side of Birchmount Road, south of St. Clair Avenue East. The site is approximately 0.78 hectares (1.9 acres) in size, and is approximately square in shape, with a frontage of approximately 84 metres (276 feet) on Birchmount Road. The property is developed with an 11-storey rental apartment building located on the south part of the site, which contains 123 apartments including bachelor (1 unit), 1-bedroom (56 units), 2-bedroom (56 units) and 3-bedroom units (10 units). The plans submitted by the applicant indicate that the 8 additional units permitted by minor variance are proposed to include 1-bedroom apartments (7 units) ranging in size from 438 to 448 square feet (approximately 40.6 to 41.6 square metres), and one 2-bedroom apartment (approximately 623 square feet (57.8 square metres) in size. The building permit for the interior alterations for these new units was issued in May 2008.

The surrounding uses include:

North : apartment buildings ranging in height between 6 and 13 storeys including a 7-storey building immediately to the north at 552 Birchmount Road, semi-detached dwellings at 556 and 558 Birchmount Road.

- South: three 4-storey apartment buildings at 534, 536 and 540 Birchmount Road, single and semi-detached dwellings, Danforth Gardens Park and Public School.
- East: variety of low rise residential uses on the east side of Birchmount Road including single-detached, semi-detached, and fourplexes.
- West: single-detached dwellings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated Apartment Neighbourhoods in the Toronto Official Plan. Apartment Neighbourhoods are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents.

The Official Plan notes that Apartment Neighbourhoods are distinguished from low-rise Neighbourhoods because a greater scale of buildings is permitted and different scale-related criteria are needed to guide development. Built-up Apartment Neighbourhoods are stable areas where significant growth is not anticipated, but there may be opportunities for additional townhouses or apartments on underutilized sites.

The Official Plan provides development criteria to evaluate infill proposals in Apartment Neighbourhoods. These criteria address the relationship of the proposed development with its surroundings, its contribution to the public realm and amenities for its future residents. The Official Plan also provides more detailed requirements with respect to intensification projects proposing an additional building or buildings on sites which contain an existing building. These detailed requirements seek to ensure that a good quality of life is provided for both new and existing residents. These requirements address the physical characteristics of the site as they pertain to the needs of both existing and future residents.

The Housing policies of the Toronto Official Plan support a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods. New housing supply will be encouraged through intensification and infill that is consistent with the Official Plan.

Investment in new rental housing, particularly affordable rental housing will be encouraged by a co-ordinated effort from all levels of government. Where appropriate, assistance will be provided to encourage the production of affordable housing either by the City itself or in combination with senior government programs and initiatives, or senior governments alone. Municipal assistance may include, in the case of affordable rental housing and in order to achieve a range of affordability, measures such as loans and grants, land at or below market rate, fees exemption and other appropriate forms of assistance.

Significant new development on sites containing six or more rental units, where the existing rental units will be kept in the development, are to secure as rental the existing rental housing units which have affordable and mid-range rents, and may secure any needed improvements to the existing rental housing without pass-through of the costs to the tenants. Affordable maximum rent limits are CMHC average market rents for Toronto while mid-range rents are above the affordable maximum rent limits but below 1.5 times average rents.

The built form policies of the Official Plan specify that new development will be massed to fit harmoniously into its existing and/or planned context, and will limit its impacts on neighbouring streets, parks, open spaces and properties. Every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. Each resident of such development will have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

Zoning

The subject property is zoned Apartment Residential (A) in the Birchmount Park Community Zoning By-law No. 9174. The A zone category permits apartment buildings, day nurseries, group homes, nursing homes, and senior citizens homes, and private home day care as an ancillary use. A minimum of 125% off-street parking is required or five parking spaces to four suites (1.25 spaces per unit). Pursuant to the approval of Minor Variance A099/07SC, a maximum of one dwelling unit per 60 square metres of lot area is permitted.

Site Plan Control

Site Plan Approval Application 07 241073 ESC 35 SA has been submitted and has been reviewed concurrently with the zoning by-law amendment application.

Tree Preservation

The property is subject to provisions of the City of Toronto Municipal Code Chapter 813. The private tree by-law regulates injury or removal of privately owned trees which

measure 30 centimetres in diameter or more as measured 1.4 metres above the ground level. The by-law does not protect trees that are less than 30 centimetres in diameter.

Reasons for Application

A zoning by-law amendment is required to change the existing performance standards for the subject lands, including, but not limited to, unit sizes, density, setbacks, and parking.

Community Consultation

A community consultation meeting was held on November 6, 2007. Staff gave notice of the community consultation meeting to residents within the expanded notification area generally bounded by St. Clair Avenue East, Santamonica Boulevard, Trinnell Boulevard and Marta Avenue (approximately 240 metres). The Ward Councillor, Planning staff, Affordable Housing Office staff, members of the applicant's team, and approximately 40 members of the public attended the meeting.

Residents expressed a number of concerns at the meeting, and in the written submissions received by City Planning. Many residents expressed the view that the area already has its appropriate share of subsidized public rental housing and that affordable housing should be directed to other areas in the City with subway stations. There was also a concern that the proposed affordable housing will make the neighbourhood less safe and lower property values. A number of residents objected to government funding support for affordable housing, and voiced the opinion that it would be more cost effective to subsidize the rents for existing vacant rental apartments in the neighbourhood and throughout the City. In contrast, in a submission to City Planning, a resident expressed support for affordable housing, and suggested that the building and the landscaping proposed might be an incentive for other area owners to upgrade their properties.

There were concerns that an approval for this building will be a precedent for the intensification of other apartment sites fronting on Birchmount Road. Many residents felt that the area lacks adequate recreational and community facilities including parks, particularly in view of the population growth in the new Warden Woods Community to the west. In addition, there were concerns about increased traffic, and a view that the subway system is already overcrowded and cannot accommodate ridership generated by more development.

There was concern about the impact on Danforth Gardens Public School, including the potential need for portables or busing students to other schools, as well as the lack of funding for a snack program in operation at that school.

Many residents felt that the existing apartment building and property are not well maintained, and that this would extend to the new building. The adequacy of the proposed parking supply and the potential for overflow onto the local streets was also raised. There was some concern about the practicality of transporting garbage and recycling from 544 Birchmount Road to the storage room in the new building. Tenants of 544 Birchmount Road voiced concerns about views to the north, and the noise and disruption associated with construction, including alternative parking arrangements.

The concerns expressed by the community are addressed in the comments section of this report.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS). It supports the principles in the PPS for building strong, liveable communities. It provides for residential intensification in an urban area in a location with suitable public infrastructure and services, and promotes the efficient use of land, infrastructure and services. The provision of affordable rental housing supports the policies of the PPS that require provision for an appropriate range of housing types and densities.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposed development provides for residential intensification within the built-up area, and takes affordable housing needs into account.

Land Use

The subject property is designated Apartment Neighbourhoods, which is considered physically stable areas made up of residential uses in lower scale buildings, as well as parks, schools, local institutions and small-scale stores and shops serving the needs of area residents. The proposed housing form is in keeping with the policies of the Official Plan Apartment Neighbourhoods designation, and is compatible with adjacent uses and designations with regard to dwelling unit type, height, and setbacks.

Development Criteria for Apartment Neighbourhoods

Apartment Neighbourhoods are distinguished from low-rise Neighbourhoods because a greater scale of building permitted and different scale-related criteria are used to guide development. Significant growth is not intended within developed Apartment Neighbourhoods, however, there may be opportunities for additional townhouses or apartment buildings on underutilized sites.

Proposals for development in Apartment Neighbourhoods are reviewed in accordance with the policies in Section 4.2.2 of the Official Plan. These policies require that the proposal contribute to the quality of life within Apartment Neighbourhoods by:

- locating and massing new buildings to provide a transition between areas of different development intensity, and scale, through means such as setbacks from and/or stepping down of heights towards lower-scale Neighbourhoods;

- locating and massing new buildings so as to adequately limit shadow impacts on properties in Neighbourhoods particularly in the spring and fall;
- locating and massing new buildings to frame the edge of streets and parks with good proportion, and maintain comfortable sunlight and wind conditions for pedestrians;
- including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- providing indoor and outdoor recreation space for building residents;
- providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and
- providing buildings that conform to the principles of universal design and where possible contain units accessible to persons with physical disabilities.

Section 4.2.3 of the Official Plan provides additional development criteria for infill development on sites in Apartment Neighbourhoods that contain an existing apartment building, requiring new buildings to meet the development criteria in Section 4.2.2 and:

- maintain an appropriate level of residential amenity on the site;
- provide existing residents with access to community benefits where additional height and/or density is permitted and community benefits are provided;
- maintain adequate sunlight, privacy, and areas of landscaped open space;
- organize development to frame streets, parks and open spaces in good proportion, provide adequate sky views, and create safe and comfortable open spaces;
- front onto and provide pedestrian entrances from an adjacent public street where possible;
- provide adequate on-site below-grade, shared vehicular parking for both new and existing development, with any surface parking appropriately screened;
- preserve and/or replace important landscape features and walkways and create such features where they did not previously exist; and
- preserve or provide adequate alternative on-site recreational space for residents.

The details of how the applicant's proposal has addressed the criteria contained within Sections 4.2.2 and 4.2.3 of the Official Plan are discussed below. The fulfillment of the development criteria will be secured through zoning, a Section 37 agreement, and site plan approval.

Height, Massing & Built Form

The subject site fronts Birchmount Road, and is surrounded by a range of uses and built forms. Development in the vicinity of the site includes apartment buildings of various heights, and single detached dwellings in the neighbourhood to the west. The proposed 10-storey height of the new apartment building is generally compatible with adjacent development, including the 11-storey building at 544 Birchmount Road and the 7-storey

building at 552 Birchmount Road, as well as the other apartment buildings to the north which have heights of up to 13 storeys.

The existing and proposed apartment buildings on the subject site are virtually the same overall height. The existing building at 544 Birchmount Road is 11 storeys and 30.15 metres in height excluding the mechanical penthouse, while the proposed apartment building at 550 Birchmount Road is 10 storeys and 29.8 metres in height excluding the mechanical penthouse and parapets.

The proposed building fits into its context and is massed to limit impacts on the existing building on the site, as well as on neighbouring properties. The building appropriately addresses the public street, and an appropriate relationship with the neighbouring uses is achieved with stepbacks above the sixth storey and a greater rear yard setback than the existing buildings at 544 and 552 Birchmount Road. While the existing building at 544 Birchmount Road is setback approximately 12.3 metres from Birchmount Road, the proposed building is located within approximately 5.1 metres from the front property line. The existing building has a rear yard setback of approximately 14 metres. The new building would be setback a greater distance from the abutting low density neighbourhood to the west, with rear yard setbacks of approximately 18.3 metres for the 1-storey roof over the parking ramp, and 25.3 metres and 28.9 metres respectively for the 6-storey and 10-storeys portions of the building. The draft zoning by-law amendment requires the height of the proposed building to adhere to a 45 degree angular plane to ensure an appropriate relationship with the properties that back onto the site (illustrated on Attachment 3).

There should be a more visually interesting treatment of the masonry on the mechanical penthouse of the proposed building to integrate it into the design. This matter will be pursued through the site plan approval application.

The addition of a second building on the property will result in a higher density than that of the neighbouring apartment sites however the intensity of development is acceptable. The proposed building has been appropriately designed to fit its site.

Light, View, Privacy & Separation

There will be a separation of approximately 19 metres between 550 Birchmount Road and 544 Birchmount Road for the bulk of the 6-storey portion of the new building, which increases to approximately 20 metres for the 10-storey portion. There will be a separation of approximately 19 metres between the buildings at 550 Birchmount Road and 552 Birchmount Road. While these distances are less than those between the four existing apartment buildings to the north at 552, 560, 568 and 570 Birchmount Road, they will provide for adequate light, views and privacy for residents (refer to Attachments 6 and 7).

The community has expressed concern that approval of the intensification for 544 Birchmount Road will lead to similar proposals for other nearby apartment sites. Planning staff have examined all of the apartment sites along the west side of Birchmount

Road from Newlands Avenue to St. Clair Avenue. It is concluded that none of these properties are large enough to allow for the insertion of an additional apartment building while maintaining building spacing similar to that which can be achieved at 544 Birchmount Road. It is possible that some of these properties could accommodate some minor intensification in the form of townhouses as an addition to the existing apartment buildings.

Sun and Shadow

The new building has been designed to address shadowing impacts on adjacent properties. The shadowing study submitted by the applicant indicates that the new building will have minimal shadowing impacts on the adjacent single family neighbourhood to the west. Shadowing onto the neighbouring apartment properties at 544 and 552 Birchmount Road will be minimal in the summer. During the spring and fall, the proposed building will cast shadows onto the property at 552 Birchmount Road, and the existing building at 544 Birchmount Road will shadow 550 Birchmount Road, to midday. Two residential properties on the east side of Birchmount Road north of Zenith Drive will experience shadowing in the late afternoon during spring and fall. The shadowing impacts of the proposed development are considered to be acceptable.

Amenity Space and Landscaped Open Space

The Owner is proposing to provide a total of approximately 507.7 square metres (5,466 square feet) of indoor amenity space for the two buildings. The new apartment building would include approximately 406.9 square metres (4,380 square feet) of ground floor amenity space, comprised of a fitness room with basic equipment, a play room, a meeting room and a full kitchen, which will be available to the residents of both buildings.

In addition, in accordance with the Committee of Adjustment decision permitting 8 additional units in the existing building the Owner is also proposing to provide two recreation rooms on the ground floor, with a total area of approximately 100.9 square metres (1,086 square feet), intended to serve as meeting/card rooms for the sole use of the residents of 544 Birchmount Road. These rooms, which are currently used for storage and office space, will be refurbished with new flooring, lighting and paint. The draft zoning by-law amendment secures the indoor amenity space in both buildings.

The paved surface area on the site will be reduced from approximately 3,284 square metres to 2,268 square metres, largely through the elimination of the existing surface parking. The total amount of on-site landscaped open space will be reduced from that currently existing (from approximately 3,600 to 3,181 square metres), but the quality of the landscaped space will be improved. The proposed landscape plan includes the planting of additional street trees on the Birchmount Road right-of-way, as well as the planting of numerous trees on the private lands around the existing and proposed buildings. Approximately 1,482 square metres (15,952 square feet) of outdoor recreational amenity space (approximately 5.2 square metres per dwelling unit for 284 units) will be provided for the use of the residents of both buildings. The outdoor amenity space will include a fenced playground with a play structure and rubberized play surface to the rear of 550 Birchmount Road, as well as a play lot on the north side of the building

with direct access from the indoor amenity rooms, which is to be furnished with a gazebo, seating, planters and other landscape features. Pedestrian routes/walkways are provided leading to the entrances of both apartment buildings, and to the outdoor amenity space.

Landscaping elements will be further reviewed and secured through the site plan approval process. The draft zoning by-law amendment requires the provision of outdoor amenity space, and the outdoor recreational amenities will also be secured in the Section 37 agreement.

Tree Preservation and Planting

Urban Forestry advises that a revised Tree Preservation Plan is required to address tree removal and protection concerns. Tree protection hoarding must be corrected or relocated in some cases. The construction activity involving the underground garage as well as grading activity will breach the tree protection zone for two existing trees located on or shared with neighbouring properties to the west and north, which must be addressed. Where the trunk of a tree is straddling the property line or is wholly located on an adjacent property, the owner's authorization is required to submit an application to injure or destroy a tree. Removal and replacement of the existing property line fencing as proposed must be commented on in the arborist report. Urban Forestry also advises that protection of five existing ash trees located 1 to 1.5 metres south of the proposed visitor parking area south of the existing building is not feasible. The protection of these trees cannot be achieved without removing a significant number of the visitor parking spaces.

The Planting Plan proposes the planting of 71 new trees including a number of trees around the existing apartment building. Urban Forestry advises that all existing and proposed utilities and surface treatments must be shown, and adjustments should be made including the removal of the proposed shrubs within the City allowance. These issues will be addressed through the further review of the site plan approval application.

Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.42 hectares of local parkland per 1,000 people.

Parks, Forestry and Recreation staff advise that the development site is subject to the alternate rate park levy. The parkland contribution that would apply to this site is 0.079 hectares (787 square metres) or 10% of the development site, which would not be of a useable size. The required parkland dedication will be satisfied through cash in lieu.

The site is served by a number of existing and future parks. The closest local park to the site is Danforth Gardens Park, abutting the east side of the public school located just south of Newlands Avenue. Dunlop Park and Sadler Parkette are also within easy walking distance on the east side of Birchmount Road. The Warden Woods Community to the west will be served by two local parks, one south of St. Clair Avenue which will be

accessible to the Danforth Gardens neighbourhood via a pedestrian walkway on the south side of Santamonica Boulevard linking the existing and new neighbourhoods, and a second park north of St. Clair Avenue, which will include the Warden Woods Community Centre, scheduled to open in mid-2010.

Schools

The Community Services and Facilities Review submitted by the applicant notes that there are four public elementary and one separate elementary school located in the vicinity of the proposal.

The Toronto District School Board has advised that there is insufficient capacity at the local secondary school to accommodate students anticipated from this development. Children from new development will not displace existing students at local schools, and alternative arrangements will be identified consistent with optimizing enrolment levels at all schools across the system. The TDSB has requested that the applicant enter into an agreement to erect and maintain signs on the property warning that students may be accommodated in facilities outside the area.

The community has expressed concerns about the impact of the proposal on Danforth Gardens Public School in particular. The TDSB has advised that the school, which has capacity for 490 students and a current enrolment of 365 (as of December 2007) can accommodate the 41 elementary students the proposed apartment building with 153 units is projected to generate.

The Toronto Catholic District School Board and the French Language School Boards did not provide comments.

Other Community Facilities

Other community facilities located in the surrounding area include Albert Campbell Library, Providence Healthcare Centre, several childcare centres and places of worship, as well as fire and emergency services.

Traffic Impact, Access & Parking

Transportation Planning and Transportation Services have reviewed the submitted plans and Traffic Impact Study.

At its meeting of May 23-25, 2007, Council adopted the recommendation of the April 17, 2007, report of the Affordable Housing Committee that authority be granted to designate the listed affordable housing projects, including 544 Birchmount Road, as social housing accommodation, allowing part or all of the projects relief from normal parking standards, where applicable. The applicant is proposing to provide 247 parking spaces, a rate of approximately 0.86 parking spaces per unit for the proposed total of 284 dwelling units (including the 123 existing and 8 approved units for 544 Birchmount Road, and the 153 units proposed for 550 Birchmount Road). The proposed parking supply is supported by the applicant's parking survey, the location, and the availability of good surface transit connections to the subway system. There

are also 4 “short stall” parking spaces measuring 2.6 by 5.0 metres proposed in the underground garage which cannot be counted toward meeting the required parking standard in the proposed zoning by-law amendment. The north staircase structure near the elevators on the drawings for the underground parking levels appears to protrude by approximately 1 metre into the 6 metre driving aisle, which is not acceptable. This structure should be aligned with the row of columns. This issue will be addressed through the further review of the site plan approval application.

The applicant will be responsible for the cost of the improvements recommended in the Traffic Impact Study including the signal timing optimization of the intersections of Birchmount Road at St. Clair Avenue, Newlands Avenue and Danforth Road, and the installation of a northbound left turn advance phase at the Birchmount Road and St. Clair Avenue intersection. The applicant is required to pay for the implementation of the new phasing and signal timing hardware modifications as a pre-condition of the rezoning.

The applicant is proposing to provide a bicycle storage room on the ground floor of the new building, as well as bicycle lockers on the first level of the underground garage. These facilities will be available only to the residents of the two buildings. The recommended zoning by-law amendment requires the provision of bicycle parking spaces.

An outdoor rack for visitor’s bicycles should also be installed in a suitable location in the central area of the site. This matter will be addressed through the further review of the site plan approval application.

Solid Waste Management, Servicing & Storm Water Management

The existing outdoor bin storage area and metal shed on the south side of 544 Birchmount Road will be eliminated. The garbage and recycling bins from 544 Birchmount Road will be stored within the building and, on pick-up days, moved by tractor to the loading bay in 550 Birchmount Road for collection.

The applicant has submitted a Functional Servicing Report addressing servicing and stormwater management for review by Technical Services staff. All requirements will be secured through the site plan control approval application.

Affordable Rental Housing

This will be a private rental apartment building intended primarily for working families, not government-operated assisted housing. The purpose of the government funding allocation is to purchase the affordability of the units for a set period of time. The rents will be 80% of average market rents when the building is fully occupied.

The rents are protected through the Contribution Agreement between the City and the Owner and the protection of the affordable rental units from conversion to condominium is protected through the Municipal Capital Facilities By-law that only allows the waiving of property taxes for rental properties. Accordingly, it is not necessary to secure these matters using Section 37 of the Planning Act.

In response to the safety issues raised during the community consultation, studies have shown that affordable housing does not have an effect on property values in surrounding low density neighbourhoods. In addition, the Toronto Police Service has no issues or concerns with the proposed development, and recommends the application of Crime Prevention Through Environmental Design (CPTED) to ensure that the design of the built environment can lead to a reduction in the opportunity for crime through strategies of natural surveillance, natural and access control, and territorial reinforcement. The detailed design of the building is being reviewed through the site plan approval process.

Property Maintenance

The property at 544 Birchmount Road is generally well maintained. There are two current property standards orders, dealing primarily with the maintenance of the driveways and the underground garage, and requiring the submission of an engineers report, as well as a recent complaint about a lack of proper doors on the garbage room. Municipal Licensing and Standards advises that the required repairs are continuing.

Toronto Green Development Standard

The applicant is proposing to incorporate a number of features into the development consistent with the City's green development standards. Construction methods are proposed that will use local materials and at least 50% of the construction waste will be salvaged or recycled. The bird friendly design guidelines will be adhered to.

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 or 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:

Preservation of Existing Rental Housing

The existing rental apartment building at 544 Birchmount Road 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 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.

Net Benefits for Residents

On-site improvements will include new common indoor amenity space in the new building, including a fitness room, play room, meeting room, and kitchen, totalling 406.9 square metres, which will be available to the residents of both buildings. In addition, common outdoor amenity space is to be provided, equipped with a play lot, a play structure and play surface, a gazebo, and outdoor benches, also available to the tenants of both buildings.

The implementation policies in Section 5.1.1 of the Official Plan require Section 37 community benefits to be capital facilities and/or cash contributions toward specific capital facilities. The refurbishment of the two existing rooms in 544 Birchmount Road and their conversion from storage and office space to recreation use is not considered to be a net benefit as the zoning by-law already requires the owner to provide this space. It is recommended, however, that the renovation of these rooms for use as indoor amenity space be secured in the Section 37 agreement, to ensure that this work takes place in a timely fashion.

Construction Mitigation and Tenant Communication Plan

The Owner has agreed to develop and implement a construction mitigation and tenant communications plan for the existing tenants of 544 Birchmount Road. 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.

Recommended Zoning By-law Amendment

Staff support the proposed zoning by-law amendment application. The development is appropriate for the site and compatible with its context in keeping with the Official Plan. The proposal is also addressing the need for affordable rental housing. The recommended amendment will enable the use of Section 37 to secure the preservation of the existing rental units and the common indoor and outdoor amenity spaces, as well as the construction mitigation and tenant communication plan. The proposed zoning will regulate unit sizes, density and gross floor area, height, setbacks, amenity space, parking, and bicycle parking. The existing building will become legal non-conforming with respect to some of these new regulations, where applicable. A draft of the recommended zoning by-law amendment is included as Attachment 10.

Development Charges

At its meeting of May 23-25, 2007, Council adopted the recommendation of the April 17, 2007, report of the Affordable Housing Committee that authority be granted for exemption of all affordable housing projects not subject to a waiver under the Development Charges Act from payment of development charges. Thus, the proposed development at 544 Birchmount Road will not be subject to development charges.

CONTACT

Ruth Lambe, Senior Planner
Tel. No. (416) 396-7037
Fax No. (416) 396-4265
E-mail: rlambe@toronto.ca

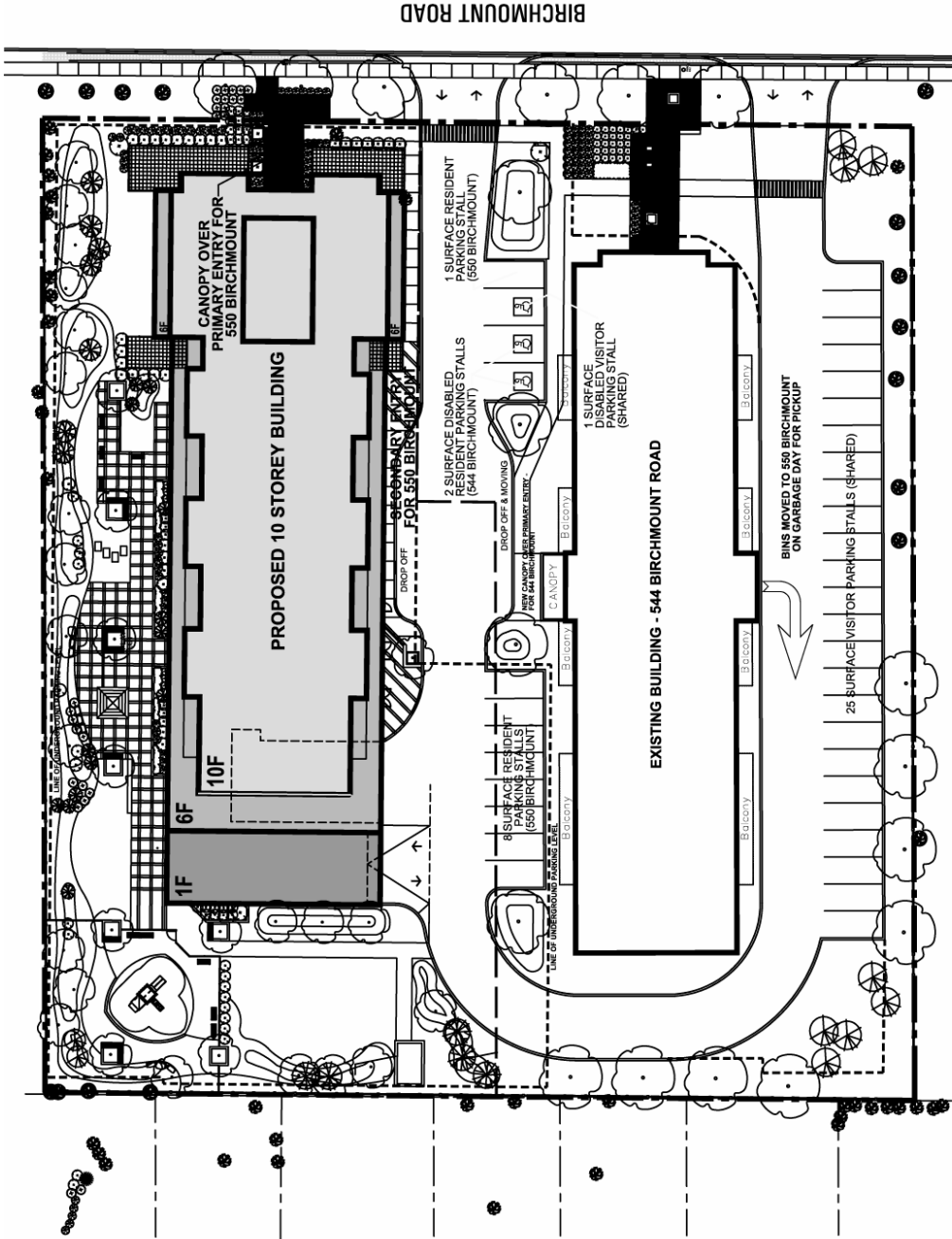
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Sections
Attachment 4: Perspective (View Toward Northwest)
Attachment 5: Interim Site Plan
Attachment 6: Aerial View/Montage (Before)
Attachment 7: Aerial View/Montage (After)
Attachment 8: Zoning
Attachment 9: Application Data Sheet
Attachment 10: Draft Zoning By-law Amendment

Attachment 1: Site Plan



544 Birchmount Road

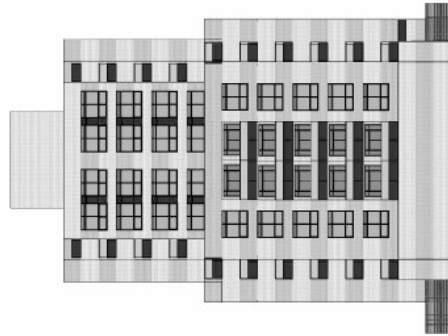
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Site Plan
 Applicant's Submitted Drawing

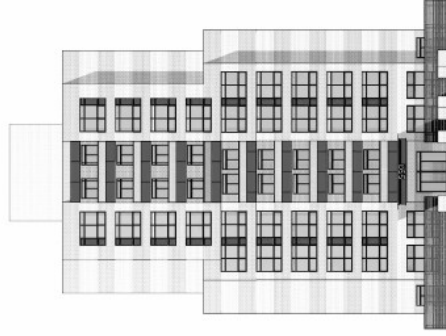
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Attachment 2: Elevations



West Elevation



East Elevation



North Elevation



South Elevation

544 Birchmount Road

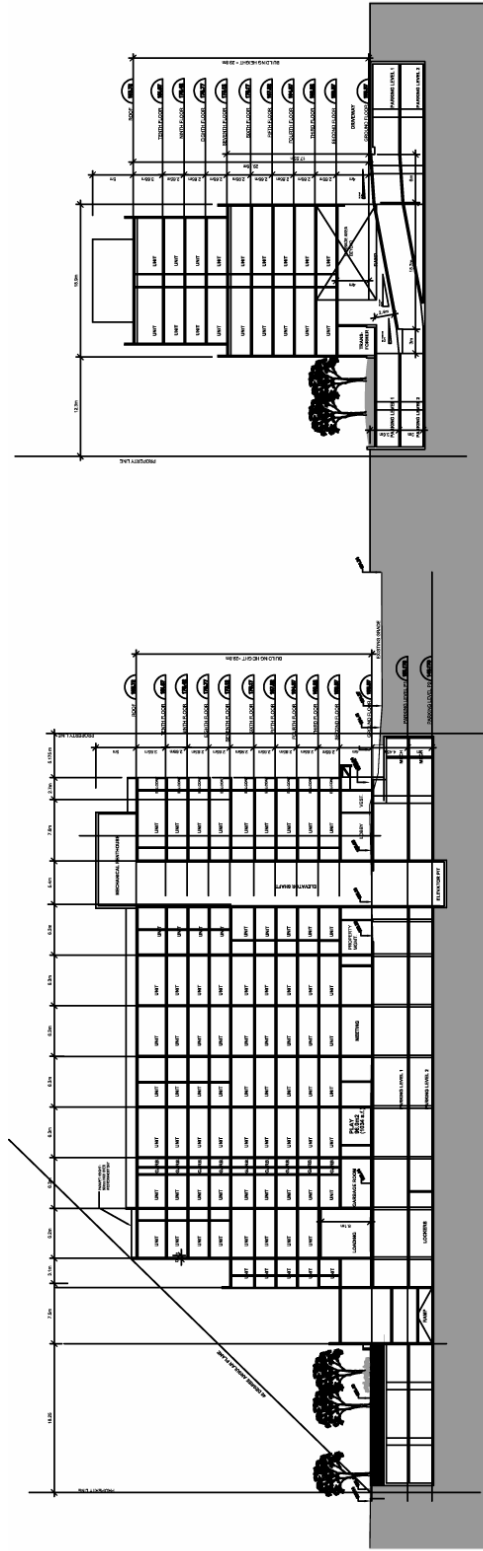
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Elevations

Applicant's Submitted Drawing

Not to Scale
07/14/08

Attachment 3: Sections



Sections

Applicant's Submitted Drawing

Not to Scale
08/01/08



544 Birchmount Road

File # 07-241104 0Z

Attachment 4: Perspective (View Toward Northwest)



Perspective (view toward northwest)

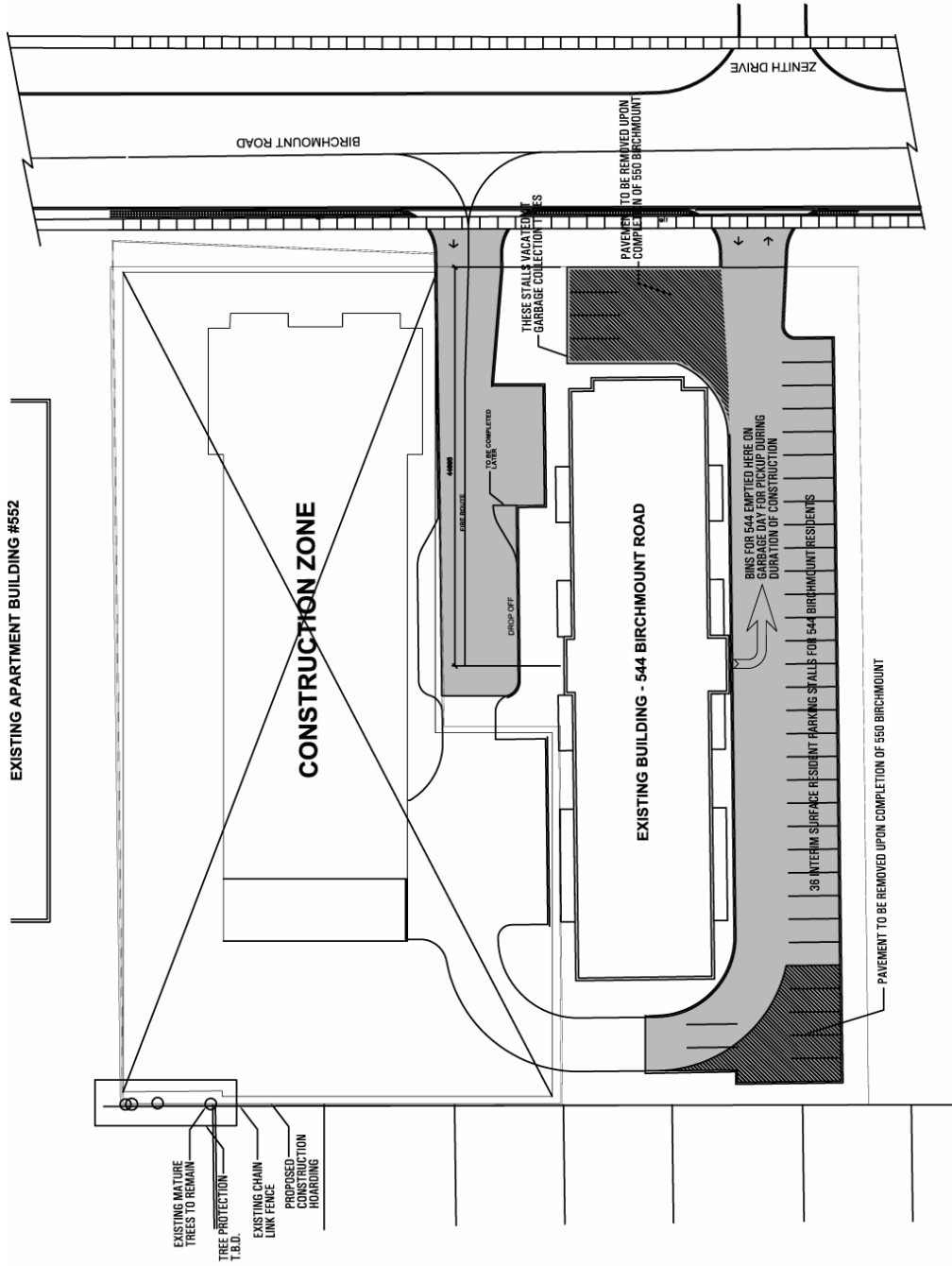
Applicant's Submitted Drawing

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544 Birchmount Road

File # 07-241104 OZ

Attachment 5: Interim Site Plan



544 Birchmount Road

File # 07-241104 0Z

Interim Site Plan
 Applicant's Submitted Drawing

Not to Scale
 08/20/08

Attachment 6: Aerial View/Montage (Before)



550 BIRCHMOUNT EXISTING STREET MONTAGE BEFORE PROPOSED DEVELOPMENT

Aerial View Montage (before)

544 Birchmount Road

Applicant's Submitted Drawing

Not to Scale
07/14/08

File # 07-241104_0Z

Attachment 7: Aerial View/Montage (After)



528 530 534 536 540 544 550 552 556 560 568 570

550 BIRCHMOUNT AERIAL VIEW AND STREET MONTAGE SHOWING BUILDING IN CONTEXT

Aerial View Montage (after)

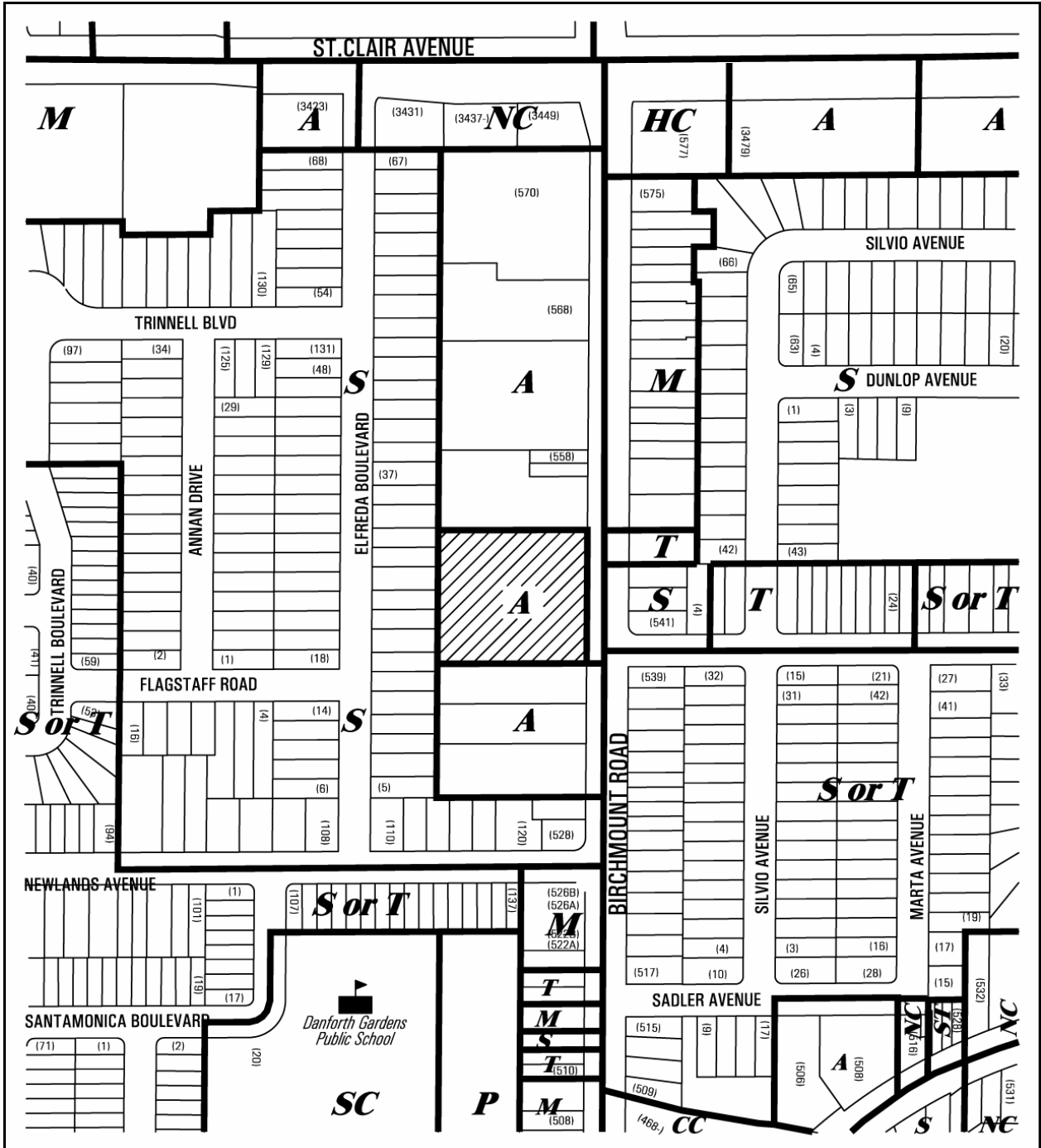
544 Birchmount Road

Applicant's Submitted Drawing

Not to Scale
07/14/08

File # 07-241104 0Z

Attachment 8: Zoning



Toronto City Planning
Division
Zoning

544 Birchmount Road
File # 07-241104 0Z

- | | | |
|--------------------------------------|------------------------------------|------------------|
| S Single-Family Residential | NC Neighbourhood Commercial | P Park |
| T Two-Family Residential | CC Community Commercial | SC School |
| M Multiple-Family Residential | HC Highway Commercial | |
| A Apartment Residential | | |

Birchmount Park Community Bylaw
Not to Scale
07/14/08



Attachment 9: Application Data Sheet

Application Type	Rezoning	Application Number:	07 241104 ESC 35 OZ
Details	Rezoning, Standard	Application Date:	July 9, 2007

Municipal Address: 544 BIRCHMOUNT RD
 Location Description: CON B PT LOT 31 **GRID E3507
 Project Description: Addition of 10-storey affordable rental apartment building with 153 units to site with existing 11-storey rental apartment building.

Applicant:	Agent:	Architect:	Owner:
MEDALLION PROPERTIES INC.	BOUSFIELDS INC.	PAGE & STEELE ARCHITECTS	544 BIRCHMOUNT HOLDINGS LIMITED

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:
Zoning:	A-Apartment Residential	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	7871	Height:	Storeys:	10
Frontage (m):	83.85		Metres:	29.8
Depth (m):	93.87			
Total Ground Floor Area (sq. m):	2529			Total
Total Residential GFA (sq. m):	22672.6		Parking Spaces:	247
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	22672.6			
Lot Coverage Ratio (%):	32			
Floor Space Index:	2.88			

DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	0
1 Bedroom:	66
2 Bedroom:	54
3 + Bedroom:	33
Total Units:	284

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	22672.6	0	0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT: PLANNER NAME: Ruth Lambe, Senior Planner
TELEPHONE: (416) 396-7037

Attachment 10: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto Council on ~, 2008
Enacted by Council: ~, 2008

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2008

**To amend Birchmount Park Community Zoning By-law No. 9174, as amended,
With respect to the lands municipally known as
544 Birchmount Rd**

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 Birchmount Park Community Zoning By-law No. 9174 is amended by substituting new zoning on the subject lands as shown on Schedule ‘1’ attached hereto and forming part of this By-law, together with the following letters and numerals:

A-30-49-50-82-105-107-108-109-110-111-112-113-203-204-205-302

2. **CLAUSE V – INTERPRETATION (f) Definitions** is amended by adding the following:

Bicycle parking space

means an area designed and equipped for the purpose of parking and securing a bicycle.

3. **SCHEDULE “B”, PERFORMANCE STANDARD CHART**, of the Birchmount Park Community Zoning By-law No. 9174, is amended by adding the following Performance Standards:

MISCELLANEOUS

107. All suite types permitted. Minimum floor areas:

Bachelor	39 m ²
One Bedroom	40 m ²

Two Bedrooms	55 m ²
Three Bedrooms	76 m ²

108. Minimum interior amenity space to be provided: 505 m² of which a minimum of 405 m² shall be located in the northerly most building and a minimum of 100 m² in the southerly most building.
109. Minimum outdoor amenity space to be provided: 1,475 m².
110. Minimum 0.86 **parking spaces** per **dwelling unit** including 0.09 visitor **parking spaces** per unit.
111. If the property abuts a “S”, “T” and/or “M” zone, no portion of any building shall exceed a 45 degree angular plane, exempting therefrom a parkade stair enclosure which may be located within 950 mm of the west property line and have a maximum height of 2.4 metres. For the purposes of this provision, 45 degree angular plane shall mean a plane extending at right angles to a line extending at a 45 degree angle from horizontal from the mid point of a lot line abutting one or more residential properties zoned "S", "T" and/or "M", and extending perpendicular to that lot line at the point of intersection. The resulting plane shall extend above the width and breadth of the lot.
112. Minimum number of **bicycle parking spaces** for occupant use: 42 spaces. **Bicycle parking spaces** shall not be provided within a **dwelling unit** or on a balcony associated thereto, and shall be provided in a secured area as follows:
- (a) where the bicycles are to be parked in a horizontal position, the space shall have horizontal dimensions of at least 0.6 metres by 1.8 metres per bicycle and a vertical dimension of at least 1.9 metres; and
 - (b) where bicycles are to be parked in a vertical position, the space shall have horizontal dimensions of at least 0.6 metres by 1.2 metres per bicycle and a vertical dimension of at least 1.9 metres.

A bicycle rack for visitors shall be provided outdoors.

113. 1.5 metre width strip along rear and side boundaries abutting S and T zones shall be used for landscaping, except that a parkade stair enclosure with a maximum height of 2.4 metres may encroach within the required landscape strip to a maximum of 0.6 metres.

INTENSITY OF USE

203. The definition of height in Clause V(f) Definitions shall not apply. Maximum building height of 30.15 metres, being the vertical distance measured from the mean grade at the intersection of the side lot lines and the minimum front yard setback to the highest point of the building, excluding chimneys, skylights, vents, antennae, elevator machine rooms, parapet walls and mechanical penthouses.
204. One suite (individual **dwelling unit**) per 27.7 m² of lot area.
205. **Gross floor area** of all buildings, minus the **gross floor area** of all **basements**, shall not exceed 22,700 square metres.

BUILDING SETBACKS

302. Minimum **Rear Yard**:
 - to a maximum height of one **storey** excluding **basements**: 18 metres
 - to a height greater than one **storey** and up to six **storeys** excluding **basements**: 25 metres
 - to a height greater than six **storeys** excluding **basements**: 28 metres.

FRONT YARD

30. Minimum **front yard setback** of 5 metres from the **main wall**. A canopy may project a maximum of 3 metres from the **main wall** into the required yard abutting a street.

SIDE YARD

49. Minimum north **side yard**: 10 metres.
 50. Minimum south **side yard**: 15 metres.
4. Schedule “C” of the Birchmount Park Community Zoning By-law No. 9174, **EXCEPTIONS LIST**, is further amended by adding the following Exception No. 6:
 6. On those lands identified as Exception No. 6 on the accompanying Schedule “C” map (Schedule ‘2’), the following provisions shall apply:

The density and height of development permitted by this By-law is subject to the owner of the lands at its expense and in accordance with, and subject to entering into one or more agreements with the City of Toronto, pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, as amended, and that such agreement(s) be registered against the title to the lands, to secure facilities, services and matters as follows:

- (a) The owner covenants and agrees to maintain the existing 123 rental units and any additional rental units constructed in the existing building as rental units for a minimum period of twenty (20) years commencing from the date an amending zoning by-law comes into effect and further covenants and agrees that it shall make no application for a demolition permit or a condominium conversion pursuant to the *Condominium Act* for the existing rental units during this period.
- (b) The owner covenants and agrees to 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 rental housing units and the new affordable rental building to be constructed on the site, and the owner agrees that it shall not pass through any of the costs of these improvements to the rents of the existing rental housing units arising from the cost of these improvements, which improvements shall include at least:
 - i. common indoor amenity space in the new affordable rental building of a minimum of 405 square meters, including a fitness room, play room, meeting room, and kitchen, which are to be provided, equipped and maintained, and available to the tenants of both the existing and new rental; and
 - ii. common outdoor amenity space on site of a minimum of 1,475 square metres, equipped with a play lot, a play structure and play surface, a gazebo, and outdoor benches, and available to the tenants of both the existing and new rental buildings.
- (c) The owner covenants and agrees to provide and maintain two common indoor amenity spaces within the existing rental building for tenant use, with a total minimum floor area of 100 square metres. The common indoor amenity space shall be refurbished by the owner in consultation with the tenants. The refurbishment will consist of at least new flooring, lighting and painting. No costs for providing and maintaining this space shall be passed through to the tenants of the existing building.

- (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, in consultation with the appropriate City divisions, prior to the issuance of the first building permit for the proposed additional residential building.
 - (e) Building permit issuance for the proposed additional residential building shall be dependant upon satisfaction of item (d) above and the incorporation of items (a) to (d) in a Section 37 Agreement executed by the owner and the City.
5. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 2008.

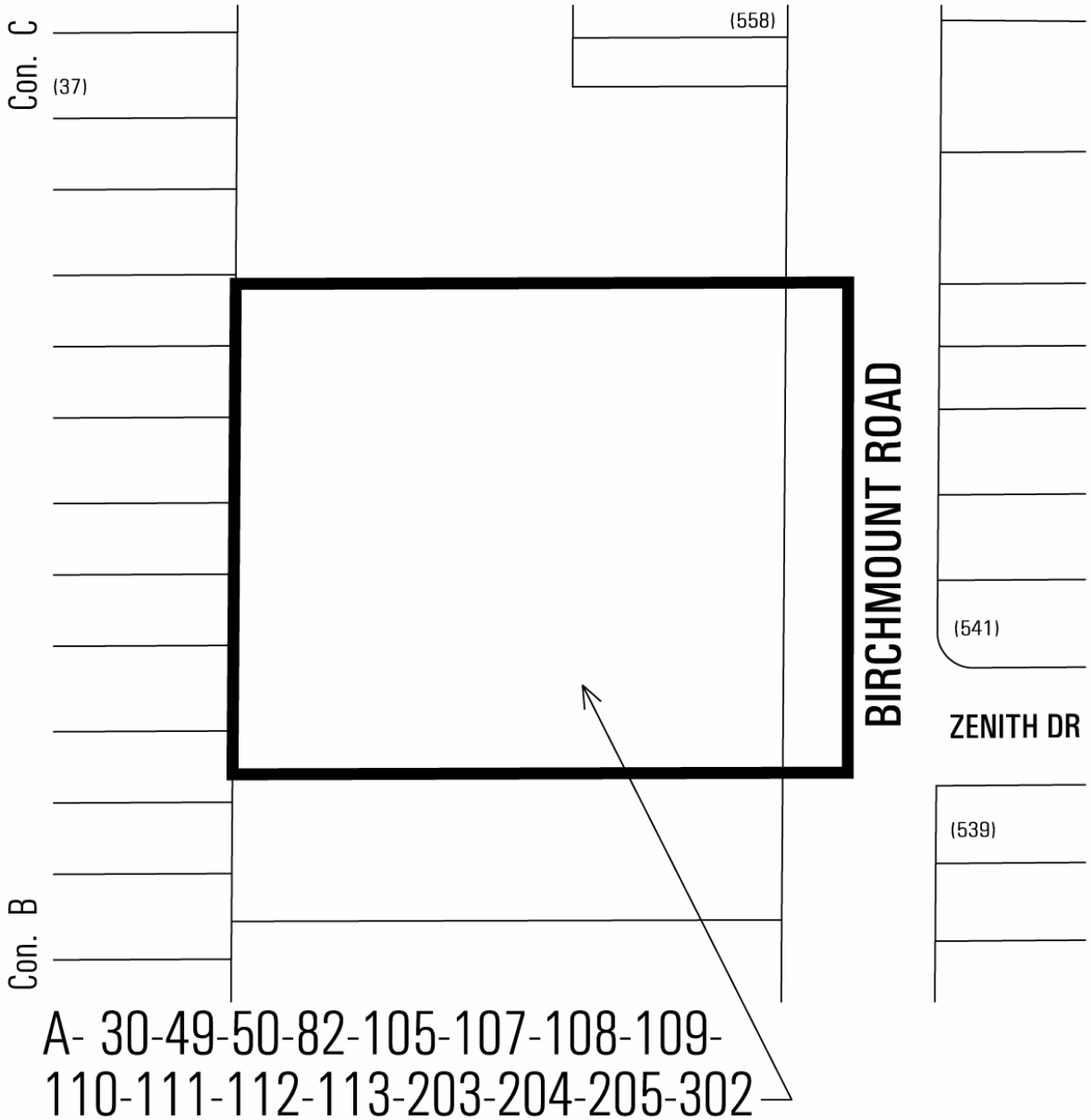
DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

Lot 31



TORONTO City Planning Division
Zoning By-Law Amendment

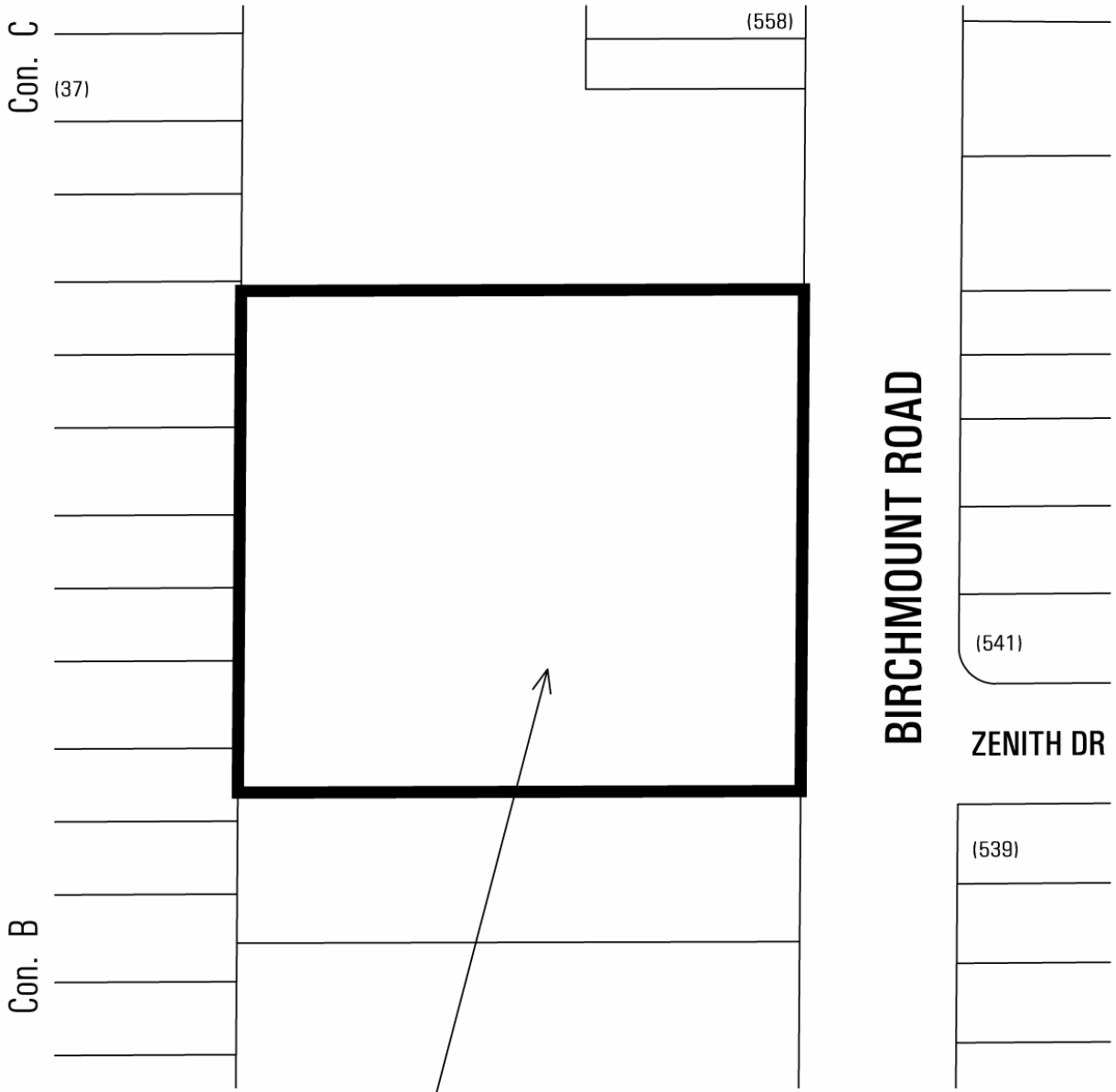
544 Birchmount Road
File # 07-241104 OZ

 Area Affected By This By-Law

Birchmount Park Community Bylaw
Not to Scale
08/01/08

Schedule '2'

Lot 31



Exception No. 6

TORONTO City Planning Division
Zoning By-Law Amendment

544 Birchmount Road
File # 07-241104 OZ

 Area Affected By This By-Law

Birchmount Park Community Bylaw
Not to Scale
08/01/08