

Thursday, February 15, 2018

**NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)**

File Number:	A0159/17SC	Zoning	Commercial Residential (CR) Zone [Waiver]
Owners:	BIRCHMOUNT GREEN INC	Ward:	Scarborough Centre (37)
Agent:	STIKEMAN ELLIOTT LLP	Heritage:	Not Applicable
Property Address:	1236 BIRCHMOUNT RD	Community:	Wexford Community
Legal Description:	PLAN 4329 PT BLK A		

Notice was given and a Public Hearing was held on Thursday, February 15, 2018, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

The applicant is seeking relief from the provisions of the Zoning By-law to construct a 14-storey apartment building with 220 dwelling units.

REQUESTED VARIANCES TO THE ZONING BY-LAW:

By-law No. 24982 & Zoning By-law No. 817-2006:

1) Clause V, 5

To permit the following projections from a main wall of the building, including any projections from a main wall of the building into any street, rear or side yard:

Chimneys, pilasters and projecting columns:	0.5 m
Eaves, or roof overhang:	1.0 m
Exterior steps or ramps:	No limit
Canopies:	6.0 m

Whereas the following projections from the main wall of a building are permitted, except that no such projection shall extend into a street yard:

Chimneys, pilasters and projecting columns:	0.5 m
Eaves, or roof overhang:	1.0 m
Exterior steps or ramps:	No limit

2) Clause V, 7.3.1

To permit minimum parking space dimensions of 5.6 m by 2.6 m, with no increase in the width dimension for obstructions

Whereas the minimum required width of a parking space must be increased by 0.3 m for each side of the parking space that is obstructed by a fixed object such as, but not limited to, a wall, column, bollard, fence or pipe is situated: (i) within 0.3 m of the side of the parking space, measured at right angles, and (ii) more than 1.0 m from the front or rear of the parking space

- 3) **Schedule "B" Performance Standard 250**
To permit a maximum gross floor area of 17,870 m²
Whereas the maximum permitted gross floor area of all buildings is 16,340 m²

- 4) **Schedule "B" Performance Standard 711**
To permit 220 dwelling units
Whereas the maximum permitted number of dwelling units is 156

- 5) **Schedule "B" Performance Standard 833**
To permit the following total parking space requirement for 1236 Birchmount Road:
 - (i) A minimum of 0.425 parking spaces per dwelling unit shall be provided of which:
 - a minimum 0.330 parking spaces per dwelling unit is required for residents; and
 - a minimum 0.094 parking spaces per dwelling unit is required for visitors; and
 - (ii) A minimum of 2.44 parking spaces per 100 m² of gross floor area for each of the following uses: Retail Stores, Personal Service Shops and Offices uses, with no parking spaces required for each use where the gross floor area for each use is below 100 m².
 Whereas parking spaces are required to be provided collectively for both 1236 Birchmount Road and 2155 Lawrence Avenue East 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 is required for residents; and
 - a minimum 0.2 parking spaces per dwelling unit is required for visitors; and
 - (ii) A minimum of 2.44 parking spaces per 100 m² of gross floor area for all Retail Stores, Personal Service Shops and Offices uses.

- 6) **Schedule "B", Performance Standard 1074n**
The proposed minimum side yard (north) setback is 4.6 metres
Whereas the minimum required side yard (north) setback is 7 metres;

- 7) **Schedule "B", Performance Standard 1848**
The proposed building height is 51 metres
Whereas the maximum permitted building height is 43 metres

- 8) **Schedule "B", Performance Standard 2376**
It is proposed that the Section 37 matters that reference or relate to 2155 Lawrence Avenue East will not apply to the Property, including the requirement to provide and maintain common interior amenity space
Whereas there are matters to be secured pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, that relate to 2155 Lawrence Avenue East, including the maintenance of social housing and common amenity space at 2155 Lawrence Avenue East, and the provision of site and facility improvements and new amenity space to be shared among the tenants at both 2155 Lawrence Avenue and the Property

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

The Minor Variance Application is Approved

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variances are considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variances are minor.

This approval is subject to the following condition:

1. A minimum of 2.0 square metres of interior common amenity space per dwelling unit is to be provided on the Property;
2. The applicant submit a construction mitigation and tenant communication strategy, to the satisfaction of the Director, Community Planning, Scarborough District, prior to the issuance of any building permits to mitigate the impact of construction on the tenants of 2155 Lawrence Ave E; and
3. The applicant and the owner of 2155 Lawrence Avenue East are each required to enter into a separate Section 37 Agreement with the City of Toronto, to the satisfaction of the Acting Chief Planner and Executive Director, City Planning and the City Solicitor, with each new Agreement being registered on title, in order to replace the existing Section 37 agreement registered on title for 1236 Birchmount Road and 2155 Lawrence Avenue East on February 11, 2008 as Instrument No. AT1708760.

For clarity, the new Section 37 Agreements shall secure the following obligations:

2155 Lawrence Ave East:

Maintenance of existing 243 social housing units until July 1, 2023 and no application to demolish or condo registration until July 1, 2023; and

1236 Birchmount Road:

Provision and maintenance of 156 affordable rental units for 20 years.

SIGNATURE PAGE

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David Peacock

Eden Gajraj



Hena Kabir



Nimrod Salamon



Sean Karmali

DATE DECISION MAILED ON: Tuesday, February 20, 2018

LAST DATE OF APPEAL: Wednesday, March 7, 2018

CERTIFIED TRUE COPY



Andre Robichaud
Manager & Deputy Secretary Treasurer
Scarborough Panel

Appeal Information

All appeals must be filed with the Deputy Secretary Treasurer, Committee of Adjustment by the last date of appeal as shown on the signature page.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal* to the Ontario Municipal Board (OMB) for the same matter.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

To appeal this decision to the TLAB you need the following:

a completed TLAB Notice of Appeal (Form 1) in **digital format** on a CD/DVD

\$300 for each appeal filed regardless if related and submitted by the same appellant

Fees are payable to the **City of Toronto** by cash, certified cheque or money order (Canadian funds)

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB web site at www.toronto.ca/tlab.

ONTARIO MUNICIPAL BOARD (OMB) APPEAL INSTRUCTIONS

To appeal this decision to the OMB you need the following:

a completed OMB Appellant Form (A1) in **paper format**

\$300.00 with an additional reduced fee of \$25.00 for each connected appeal filed by the same appellant

Fees are payable to the **Minister of Finance** by certified cheque or money order (Canadian funds).

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.omb.gov.on.ca.

*A **related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the [Application Information Centre](#) and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Ontario Municipal Board** should be submitted in accordance with the instructions above.

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**NOTICE OF DECISION
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File Number:	A0161/17SC	Zoning	Commercial Residential (CR) Zone [Waiver]
Owners:	ALDEBRAIN ATTENDANT CARE SERVICES OF TORONTO	Ward:	Scarborough Centre (37)
Agent:	STIKEMAN ELLIOTT LLP	Heritage:	Not Applicable
Property Address:	2155 LAWRENCE AVE E	Community:	Wexford Community
Legal Description:	PLAN 4329 PT BLK A NOW RP 66R-16199 PARTS 1 & 2		

Notice was given and a Public Hearing was held on Thursday, February 15, 2018, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

The property at the southwest corner of Lawrence Avenue East and Birchmount Road is developed with a 12-storey, 243-unit residential building with at-grade commercial uses. This development was originally intended to be integrated with a development on the property to the south at 1236 Birchmount Road, including shared parking facilities. A by-law passed by City Council in 2006 (By-law No. 817-2006) required parking for residents, visitors and commercial uses to be provided collectively on both properties. At the time, the two properties were under affiliated ownership. The properties are now owned by separate entities.

The owners of 2155 Lawrence Avenue are requesting a variance to require parking facilities to be provided on their property only, instead of collectively on both properties. The parking spaces currently provided on the property comply with the zoning requirements, and the number of parking spaces will not change.

REQUESTED VARIANCE TO THE ZONING BY-LAW:

Zoning By-law No. 24982 and Zoning By-law No. 817-2006:

1) Schedule "B", Performance Standard 833

Parking spaces for vehicles are proposed to be provided for the property at 2155 Lawrence Avenue East only 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 m² of gross floor area for all Retail Stores, Personal Service Shops and Offices uses;

WHEREAS parking spaces for vehicles are required to be provided collectively for both 1236 Birchmount Road and 2155 Lawrence Avenue East at the above rates.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

The Minor Variance Application is Approved

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variances are considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variances are minor.

This approval is subject to the following condition:

- 1) The applicant and the owner of 1236 Birchmount Road are each required to enter into a separate Section 37 Agreement with the City of Toronto, to the satisfaction of the Acting Chief Planner and Executive Director, City Planning and the City Solicitor, with each new Agreement being registered on title, in order to replace the existing Section 37 agreement registered on title for 1236 Birchmount Road and 2155 Lawrence Avenue East on February 11, 2008 as Instrument No. AT1708760.

For clarity, the new Section 37 Agreements shall secure the following obligations:

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David Peacock (signed)

Eden Gajraj (signed)

Hena Kabir (signed)

Nimrod Salamon (signed)

Sean Karmali (signed)

DATE DECISION MAILED ON: Tuesday, February 20, 2018

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