

**1465 Lawrence Avenue West - Zoning By-law
Amendment Application - Preliminary Report**

Date:	February 6, 2013
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 12 – York South-Weston
Reference Number:	11 330266 WET 12 OZ

SUMMARY

This application proposes the construction of a new 23 storey residential building, containing 215 units at 1465 Lawrence Avenue West. A total of 291 parking spaces are proposed in three levels of underground parking.

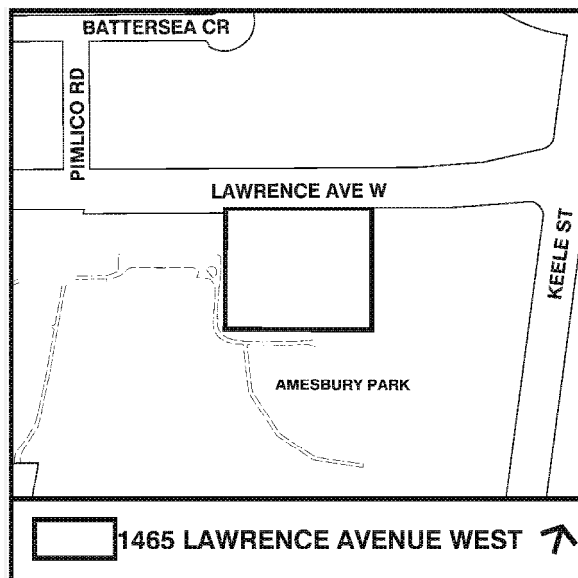
This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process. A second community consultation meeting will be held to present the proposal to the public and obtain public input in the first quarter of 2013.

A Final Report and Public Meeting under the *Planning Act* to consider this application is targeted for the third quarter of 2013 provided any required information is submitted by the applicant in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a second community consultation



- meeting for the lands at 1465 Lawrence Avenue West together with the Ward Councillor.
2. Notice for the second community consultation meeting be given to landowners and residents within 120 metres of the site.
 3. Notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

These lands were previously the subject of an Ontario Municipal Board (OMB) hearing and decisions/orders issued in January and May 2002 approving amendments to both the former City of North York Official Plan and North York Zoning By-law No. 7625. These amendments, which were supported by the City, permitted the development of a new 10 storey, 63 unit, apartment building, in addition to the retention of the 20 storey apartment building with 161 rental units on the west side of the same property. The Zoning By-law Amendment requires that the existing affordable rental building be retained as rental for a period of 20 years and that the new building must comprise rental units for a period of 20 years. These matters were to be provided pursuant to Section 37 of the *Planning Act*. The Site Specific By-law applies to the all the lands zoned RM6 (98) notwithstanding their future severance or division.

Subsequent to the 2002 amendments coming into force under the Board Order, the owner submitted a consent application to the Committee of Adjustment to sever the property into two lots, one for the existing 161 unit rental building and one for the proposed 63 unit building. The severance also created easements and rights-of-way on each lot to allow access to and from the site and the underground parking garage. The Committee approved the severance at its meeting of January 20, 2005.

After obtaining the severance, the owner submitted an application to convert the existing building to condominium tenure and also submitted an application for an Official Plan Amendment to the former North York Official Plan, which was the in force Official Plan at the time. At its meeting of February 5, 6, 7 and 8, 2007 City Council refused the Official Plan Amendment and Plan of Condominium applications to convert the 161 residential rental units to condominium in accordance with the recommendations of City Planning staff.

On March 7, 2007 the applicant appealed Council's refusal of the applications to the Ontario Municipal Board.

The hearing occurred during November and December, 2007. On June 17, 2008, the OMB issued its decision and order allowing the appeal and approving the Draft Plan of Condominium to give effect to the conversion of the rental units. The Board also determined that an Official Plan Amendment was not required. After reviewing the OMB decision, City Legal staff were of the opinion there were errors in law in the Board's decision and sought City Council's approval to apply for leave to appeal the OMB decision and order to the court.

Council at its meeting of July 15, 16 and 17, 2008 instructed the City Solicitor to proceed with the appeal if leave was granted by the court. The City Solicitor filed a motion with the Divisional Court seeking leave to appeal the OMB decision based on errors of law. The City was successful in obtaining leave to appeal and in a decision issued August 11, 2009, the Divisional Court issued a decision granting the City's appeal, setting aside the Board decision and order and remitting the matter back to the OMB for a new hearing on the original appeal by a Board differently constituted. Throughout this time the lot created for the proposed 10 storey, 63 unit rental building remained vacant.

In an effort to resolve the outstanding appeal, the owner filed the subject application in December 2011 for the vacant severed portion of the site, for its development with a revised apartment building proposal while holding the condominium conversion application in abeyance pending the outcome of the current application. The proposed apartment building is intended to be condominium in tenure.

Pre-Application Consultation

A pre-application consultation meeting was not held with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

The original application submitted on December 23, 2011 was for a 20 storey apartment building having an approximate gross floor area of 13,975 m² and containing 132 units. A shared driveway access with the condominium building at 1455 Lawrence Avenue West to the east was proposed to serve the new building. A total of 181 parking spaces were proposed in a three level below grade parking garage. A new swimming pool was proposed to replace the existing pool and to be made available to the residents of the proposed building and the existing building. As part of the application, the owner proposed to convert 50 percent of the units in the existing apartment building at 1465 Lawrence Avenue West from rental to condominium ownership at this time and the remaining 50 percent would be converted after 20 years. In addition, the owner proposed that 25 percent of the units in the condominium building would be retained by the owner and rented as mid-range rental units for a period of 20 years.

A Preliminary Report on this proposal was not prepared as discussions were ongoing between staff, the local Councillor and the applicant and all required supporting documentation was not submitted. The main issue under discussion was the proposal for the conversion of the existing rental building. It was agreed with the applicant and the Councillor that a Preliminary Report would not be prepared until further discussions were held on compliance with the housing policies of the Official Plan to prevent the loss of affordable rental housing units without replacement.

The applicant submitted a revised proposal on December 17, 2012. The current application includes modifications to the site plan and building height and removes the request to convert rental units to condominium units in the existing building. The current proposal is for the construction of a new 23 storey residential building, containing 215 units. The new building would have a total gross floor area of approximately 18,685 m². A total of 291 parking spaces are proposed in three levels of underground parking (see Attachments 1, 2 and 3). The applicant proposes that the tenure of the building be condominium ownership and the existing units in the rental building remain rental for a period of 15 years. The existing swimming pool is proposed to be replaced with a new pool to be made available to the residents of both the new and existing buildings.

For project information, refer to Attachment 5- Application Data Sheet.

Site and Surrounding Area

The site is located on the south side of Lawrence Avenue West just west of Keele Street. The site has an area of 1.02 ha and the western portion of the site with an area of approximately 5,830 m² is currently occupied by a 20-storey apartment building. The existing building contains 161 rental units, comprised of 38 three bedroom units, 76 two bedroom units, 45 one bedroom units, 1 bachelor unit and 1 superintendent's unit. The eastern portion of the site, on which the new building is proposed, has an area of approximately 4,375 m² and is currently vacant.

The surrounding area is described below:

North: on the opposite side of Lawrence Avenue West there are two 13-storey apartment buildings and semi-detached dwellings further to the west;

South and
West: Amesbury Park with a community centre and fire station; and

East: a 20-storey residential condominium building.

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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated *Apartment Neighbourhoods* on Map 17 - Land Use Plan in the 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 criteria to evaluate development in *Apartment Neighbourhoods* is set out in Policy 4.2.2, which requires that: "Development in *Apartment Neighbourhoods* will contribute to the quality of life by:

- a) locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*;
- b) locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
- c) locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- d) including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- e) locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;

- f) providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- g) providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and
- h) providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities."

The Built Form policies in section 3.1.2 of the Plan will also be utilized to assess the proposed development.

The Official Plan also contains policies addressing the need to preserve and increase the City's supply of rental and affordable housing. Policy 3.2.1 of the Official Plan includes housing policies that encourage the provision of a full range of housing in terms of form, tenure and affordability. Policy 3.2.1.5 states that for significant new development on sites containing six or more rental units, where existing rental units will be maintained, the existing units which have affordable and mid range rents will be secured as rental housing and any needed improvements and renovations to the existing rental housing may also be secured.

Criteria for Design of Tall Building Proposals

At its meeting of July 25-27, 2006 Council endorsed the Criteria for Design of Tall Building Proposals for use in evaluating tall building proposals.

The Criteria for Design of Tall Building Proposals study developed guiding performance standards for tall buildings to encourage the development of well designed tall buildings. The guiding performance standards will be utilized in the review of the proposed new tower on the site. The guidelines ensure that tall buildings fit within their context and minimize their impacts.

Zoning

The site specific zoning applying to the lands, RM6 (98), permits the addition of a second apartment building having a height of 10-storeys, and containing 63 units to the east of the existing 20-storey apartment building.

The site specific zoning also requires the owner "to ensure that for the period of twenty (20) years, the existing rental apartment house dwelling on the site will be preserved and maintained as rental housing stock". This zoning further states that "the provisions of this exception shall apply collectively to the lands zoned RM6 (98) notwithstanding their future severance, petition or division for any purpose."

Site Plan Control

The proposed development is subject to Site Plan Control. An application for Site Plan approval has not been submitted.

Tree Preservation

This application is subject to the provisions of By-law 780-2004, regarding tree protection. The applicant is required to submit an Arborist Report/Tree Preservation Plan.

Community Consultation

In consultation with the local Councillor, a community meeting was held on January 21, 2013. Notification for the community consultation meeting was arranged in consultation with the Ward Councillor and notices were mailed to landowners and residents within 200 m of the subject site. Approximately 40 residents attended the meeting. A brief history of the application was provided and the architect presented the current proposal for a 23 storey building.

Issues and concerns raised by the community on the current proposal include:

- increased density and height;
- increased shadow impacts;
- loss of views;
- negative impact on area schools, libraries and recreational facilities;
- increased vehicular traffic;
- negative impact on property values;
- increased impact on existing City infrastructure (stormwater, sanitary and water);
- loss of green space;
- location of the proposed garbage area;
- access to the existing pool; and
- impact on access to the loading and service areas of the property to the east.

The applicant has agreed to review the comments provided at the meeting and that a second community meeting would be held after a revised proposal has been submitted to the City.

Reasons for the Application

A rezoning application is required to permit the height and density of the proposed residential building. In addition, an amendment to the current Section 37 provisions of Zoning By-law 1206-2007 is required as these provisions require the new residential building to be rental for a period of 20 years. Other areas of non-compliance may be identified as a result of the zoning review currently being undertaken by Toronto Building staff.

COMMENTS

Application Submission

The following reports/studies were submitted with the application: a Cover Letter and a Servicing and Stormwater Management Report.

A Notification of Incomplete Application issued on January 22, 2012 identifies the outstanding material required for a complete application submission as follows:

- Planning Rationale
- Building Mass Model
- Pedestrian Level Wind Study
- Sun/Shadow Study
- Housing Issues Report
- Arborist Tree Preservation Report
- Toronto Green Standard Checklist
- Transportation Impact Study
- Parking Study
- Loading Study
- Traffic Operation Assessment
- Draft Zoning By-law Amendment (text and schedule)

The outstanding supporting studies and reports for the current proposal and an update to the Servicing and Stormwater Management Report submitted with the original proposal are required to enable staff to undertake a full evaluation of the revised application.

Issues to be Resolved

Once the required information is provided, it will be circulated to other City divisions and agencies for comment. Planning staff will review and discuss with the applicant the issues below that have been identified on a preliminary basis:

- conformity with Official Plan policies;
- height, scale and intensity of the proposed development and associated impacts;
- compatibility and fit with the physical character of the area;
- adequacy of the proposed parking supply;
- conformity with the Criteria for Tall Building Proposals performance standards;
- identification and securing of community benefits under Section 37 of the *Planning Act*, as a result of the proposed increased density and height of the proposal;
- identification and securing of possible improvements and/or renovations to the existing rental building;
- securing the existing rental housing units within the existing apartment building;

- impacts on the public open space to the south and the surrounding apartment buildings;
- review of the Toronto Green Standard Checklist for compliance with Tier 1 performance standards;
- the issues raised by the community at the January 21, 2013 meeting; and
- resolution of the appeals related to the condominium conversion application.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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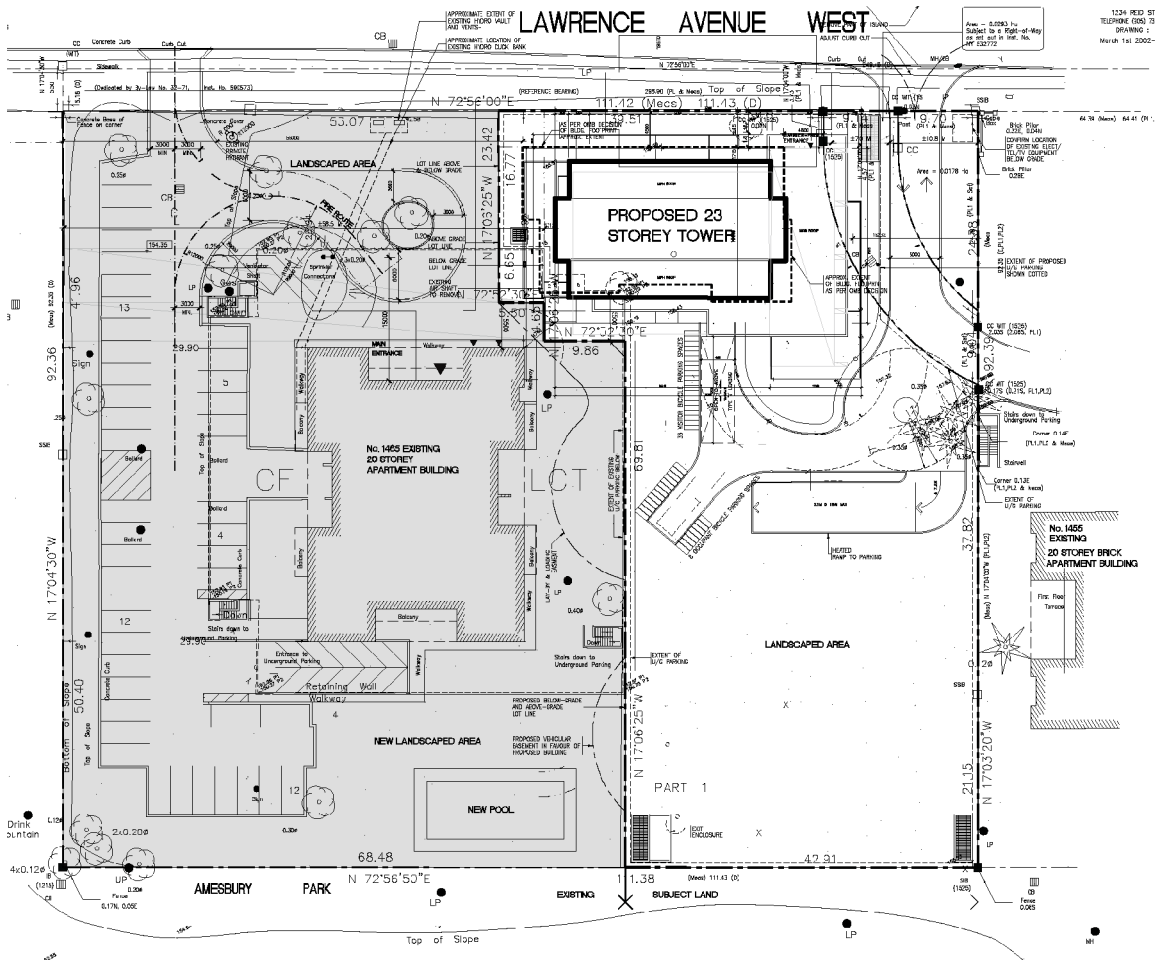
SIGNATURE

Neil Cresswell, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Elevations
Attachment 4: Zoning
Attachment 5: Application Data Sheet

Attachment 1: Site Plan



Site Plan

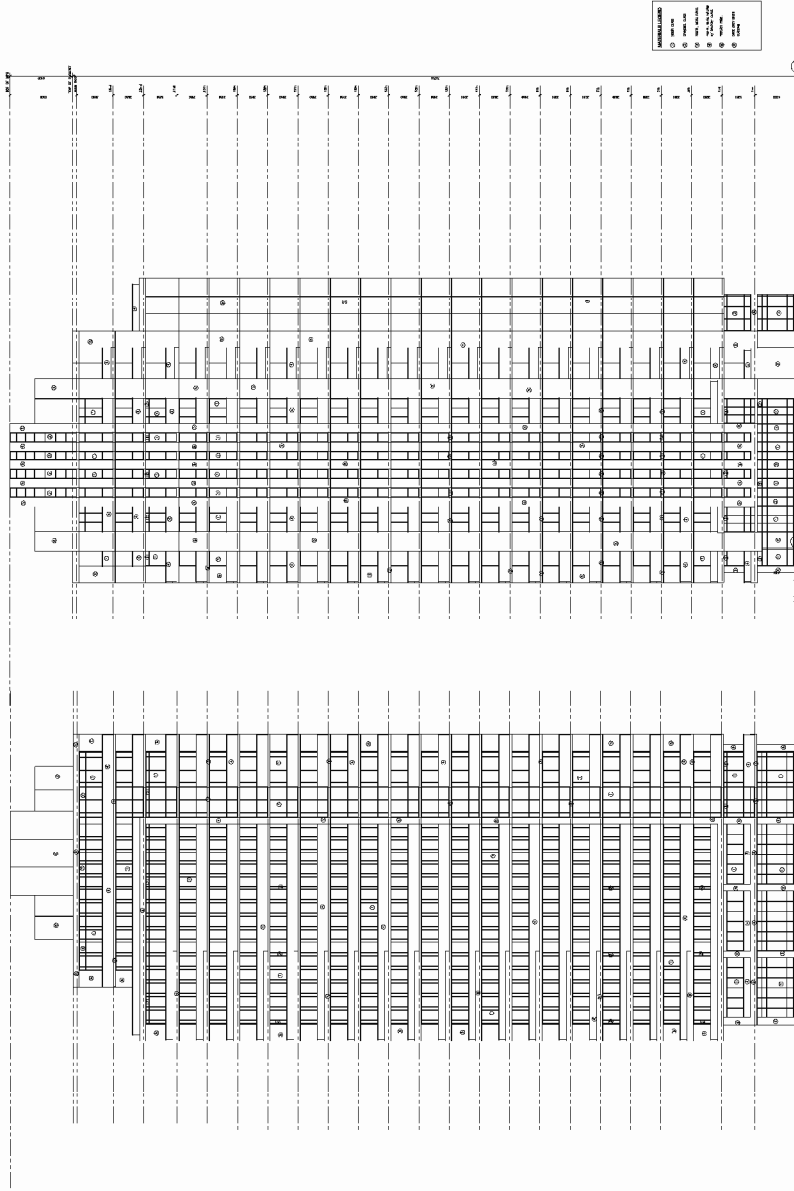
Applicant's Submitted Drawing
 Not to Scale
 01/08/2013



1465 Lawrence Avenue West

File # File # 11 330266 WET 12 OZ

Attachment 2: Elevations



West Elevation

East Elevation

Elevations

Applicant's Submitted Drawing

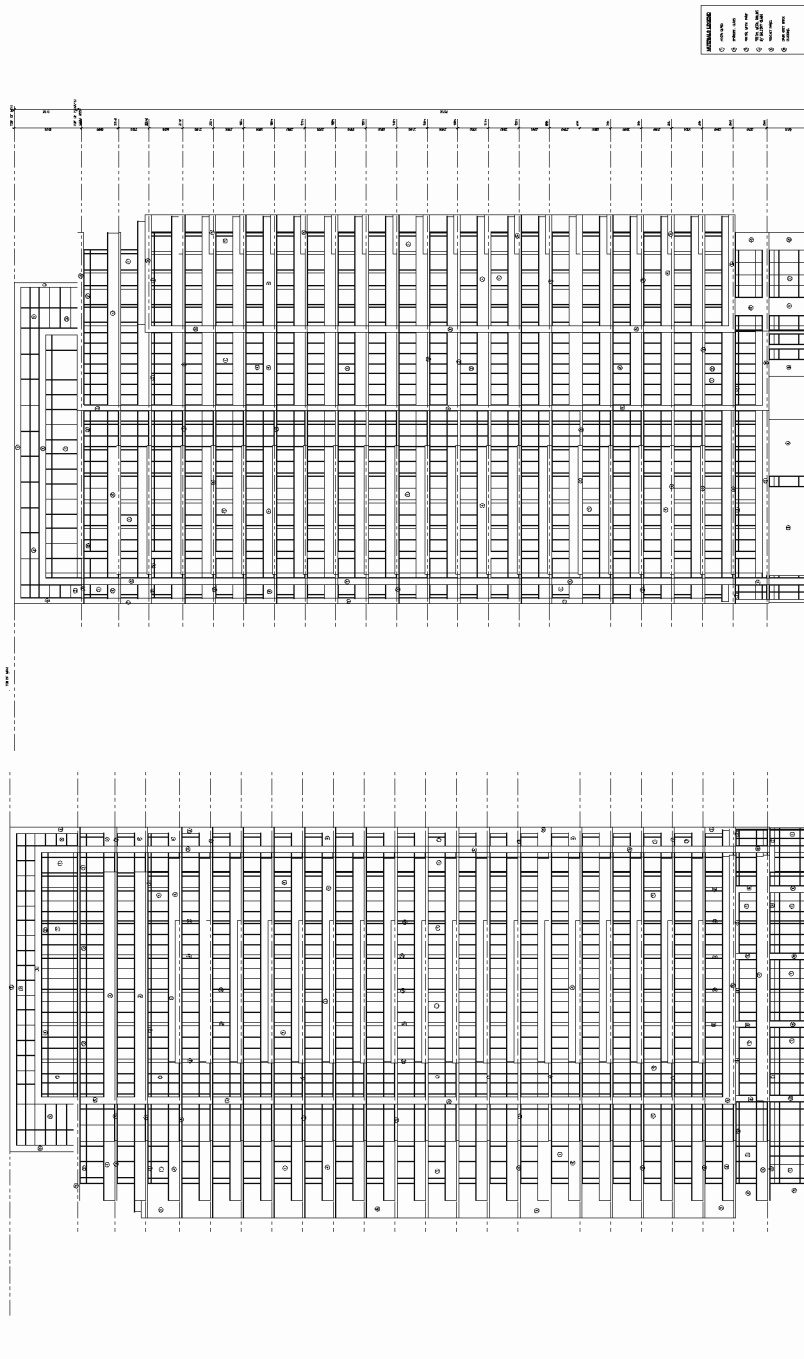
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1465 Lawrence Avenue West

File # 11 330266 WET 12 OZ

Attachment 3: Elevations



North Elevation

South Elevation

Elevations

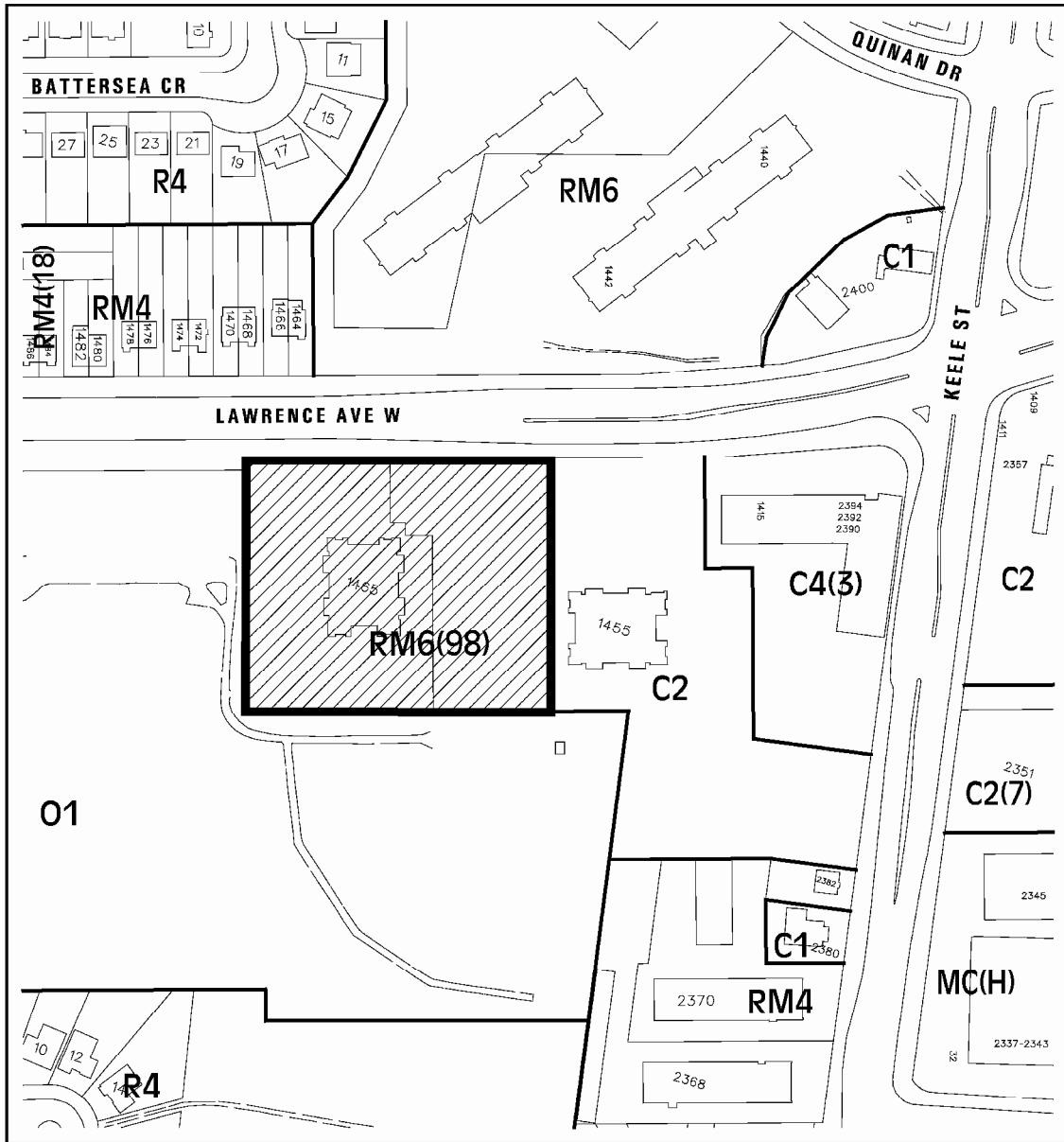
1465 Lawrence Avenue West

Applicant's Submitted Drawing

Not to Scale
01/08/2013

File # 11 330266 WET 12 OZ

Attachment 4: Zoning



TORONTO City Planning
Zoning

1465 Lawrence Avenue West

File # 11 330266 WET 12 OZ

R4 One-Family Detached Dwelling Fourth Density Zone
 RM4 Multiple-Family Dwellings Fourth Density Zone
 RM6 Multiple-Family Dwellings Sixth Density Zone
 O1 Open Space Zone
 MC Industrial-Commercial Zone

C1 General Commercial Zone
 C2 Local Shopping Centre Zone
 C3 District Shopping Centre Zone
 C4 Mixed Use Commercial Zone



Not to Scale
 Zoning By-law 7625 as amended
 Extracted 01/20/2012

Attachment 5: Application Data

Application Type	Rezoning	Application Number:	11 330266 WET 12 OZ
Details	Rezoning, Standard	Application Date:	December 22, 2011

Municipal Address: 1465 LAWRENCE AVE W
 Location Description: PLAN 804 PT LOT 1 RP 66R21757 PARTS 1, 6 TO 8 **GRID W1204
 Project Description: Proposal to construct new 23 storey apartment building.

Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN			R & G REALTY MANAGEMENT I

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	N/A
Zoning:	RM6	Historical Status:	N/A
Height Limit (m):		Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	4372.7	Height:	Storeys:	23
Frontage (m):	0		Metres:	0
Depth (m):	0			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	18683.4		Parking Spaces:	291
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	18683.4			
Lot Coverage Ratio (%):	0			
Floor Space Index:	4.27			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	166
2 Bedroom:	49
3 + Bedroom:	0
Total Units:	215

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	18683.4	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

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