

# 2180 Lawrence Avenue East – Zoning By-law Amendment Application – Preliminary Report

Date: January 16, 2020

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: Ward 21 - Scarborough Centre

**Planning Application Number:** 19 262428 ESC 21 OZ

**Related Applications:** The applicant proposes to revise the previously submitted Site Plan Control Application No. 15 200160 ESC 37 SA, which remains under active review, to reflect this rezoning application.

**Notice of Complete Application Issued:** January 7, 2020

**Current Use on Site:** Vacant former auto dealership.

## SUMMARY

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This report provides information and identifies a preliminary set of issues regarding the application located at 2180 Lawrence Avenue East. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

## RECOMMENDATIONS

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The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 2180 Lawrence Avenue East together with the Ward Councillor.
2. Staff provide notice for the community consultation meeting to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

### **Pre-Application Consultation**

City staff met with the applicant a number of times prior to submission of the application to discuss the revised proposal for the site and identify complete application requirements.

## **DECISION HISTORY**

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City Council on July 27, 2018 approved Zoning By-law Amendment Application No. 17 274213 ESC 37 OZ and enacted By-law Nos. 1137-2018 and 1138-2018 to rezone the subject property to Commercial Residential (CR) permitting 286 dwelling units overall in a 21-storey mixed-use building at the northeast corner of Lawrence Ave East and Birchmount Road (maximum 156 apartment units and 564 square metres of ground floor retail space); a 7-storey mid-rise apartment building along Birchmount Road (maximum 66 units); 3 blocks of stacked townhouses (maximum 64 units) and a new 500 square metre public park to be dedicated at the north-east corner of the site on Dulverton Road.

## **ISSUE BACKGROUND**

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### **Application Description**

This application proposes to amend current zoning by-law provisions for the property at 2180 Lawrence Avenue East (see Attachment 3: Location Map) to permit an increase from 286 dwelling units previously approved in 2018 to 429 units as follows: 282 units in a 21-storey apartment building on Lawrence Ave. E., 102 units in a 7-storey apartment building on Birchmount Rd, and two blocks of townhouse units (24 and 21 units) interior to the site (whereas the previous approvals provided for three townhouse blocks). A total of 429 resident and 67 visitor parking spaces are proposed in 4 levels of underground parking. Vehicular and loading access will continue to be provided via a single driveway from Dulverton Road.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachments 1 and 2: 3D Model of Proposal in Context (as viewed toward the northeast and northwest respectively) and Attachment 4: Site Plan for additional information.

## **Provincial Policy Statement and Provincial Plans**

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act*, all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

## **Toronto Official Plan Policies and Planning Studies**

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The current application is located on lands shown as *Avenues* on Urban Structure Map 2 of the Official Plan and *Mixed Use Areas* on Land Use Plan Map 20 of the Official Plan.

See Attachment 5: Official Plan Land Use Map for the Official Plan land use designations of the subject site and adjacent properties.

## **Zoning By-laws**

The property is subject to the zoning provisions of Zoning By-law No. 569-2013, as amended, and the former City of Scarborough Wexford Community Zoning By-law No. 9511, as amended. The property is currently zoned Commercial Residential (CR) permitting a maximum of 286 dwelling units overall in a 21-storey mixed-use building at the northeast corner of Lawrence Ave East and Birchmount Road (maximum 156 apartment units and 564 square metres of ground floor retail space); a 7-storey mid-rise apartment building along Birchmount Road (maximum 66 units); and 3 blocks of stacked townhouses (maximum 64 units). A new 500 square metre public park to be dedicated at the north-east corner of the site on Dulverton Road is zoned Open space (O).

The City's Zoning By-law 569-2013 may be found here:

<https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

## **Design Guidelines**

The following design guidelines will be used in the evaluation of this application: Tall Building Guidelines, Mid-Rise Building Performance Standards and Addendum, Growing Up: Planning for Children in New Vertical Communities, Townhouse & Low-

Rise Apartments Guidelines, Accessibility Design Guidelines, and Bird Friendly Guidelines.

The City's Design Guidelines may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

### **Site Plan Control**

The application is subject to Site Plan Control. Site Plan Control application no. 15 200160 ESC 37 SA was submitted in conjunction with the previous rezoning application 17 274213 ESC 37 OZ and remains under City review. This site plan application will continue to be further reviewed based on the changes now being proposed under the subject rezoning application.

## **COMMENTS**

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### **Reasons for the Application**

The current proposal involves retaining the previously approved 21-storey apartment building on Lawrence Avenue East ("Building A") and the 7-storey apartment building on Birchmount Road ("Building B"), while consolidating the previous three blocks of stacked townhouse units into two blocks. The applicant, however, is now proposing to increase the number of apartment units by way of reduced unit sizes within similar general heights, gross floor areas and massing of the two apartment buildings previously approved. Building A would be increased from 156 apartment units previously approved to 282 apartment units (an increase of approximately 81% within this building). Building B would also be increased from 66 apartment units previously approved to 102 apartment units (an increase of approximately 54.5% within this building). The number of stacked townhouses would be reduced to 45 units from the 64 units previously approved. Where the previous rezoning approval permitted a total of 286 dwelling units on this site, the current proposals would now total 429 dwelling units representing an overall dwelling unit increase of 50%.

This rezoning application is required in order to both permit the increased number of dwelling units proposed, and to establish appropriate performance standards relating to building setbacks, lot coverage and parking requirements to facilitate the development as now revised.

### **Issues to be Resolved**

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

## **Provincial Policies and Plans Consistency/Conformity**

The proposed development will be evaluated using the Provincial Policy Statement (2014) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) to determine consistency with the PPS and conformity with the Growth Plan.

The application will be evaluated to determine whether or not the application supports and is consistent with relevant PPS policies, including but not limited to: land use patterns and locations for intensification and redevelopment in settlement areas (1.1.3.2 and 1.1.3.3), providing an appropriate range and mix of housing types and densities (1.4.3), transportation systems and transportation demand management (1.6.7.2 and 1.6.7.4), and implementation and interpretation (4.7).

Key Growth Plan policies that will be used to evaluate this application include, but are not limited to: managing growth (policy 2.2.1.4) which supports the achievement of complete communities, intensification in delineated built-up areas (policy 2.2.2.3 b, d, and f), and housing policies enabling municipalities to require multi-unit residential developments to incorporate a mix of unit sizes (2.2.6.3).

## **Official Plan Conformity**

Staff will evaluate this application to determine conformity with the relevant policies of the Official Plan. Key Official Plan policies that will be used to evaluate this application review include, but are not limited to: structuring growth (2.2); land use designations (chapter 4); Avenues policies for reurbanizing arterial roads (2.2.3); healthy neighbourhoods policies (2.3.1); transportation change policies (2.4), particularly those related to travel demand management and supporting active transportation; built form and tall building policies (3.1.2 and 3.1.3); and public realm policies (3.1.1).

## **Built Form, Planned and Built Context**

The current proposals maintain the overall 24,000 square metres of gross floor area and similar apartment building envelopes as approved in 2018. The continued suitability of the current built form proposals will be assessed against the City's Official Plan policies and the City's Design Guidelines (i.e. City-Wide Tall Building Design Guidelines; Mid-Rise Building Performance Standards and Addendum, Growing Up: Planning for Children in New Vertical Communities, Townhouse & Low-Rise Apartments Guidelines, Accessibility Design Guidelines, and Bird Friendly Guidelines) and having regard, in part, to the Sun/Shadow and Pedestrian Level Wind Studies also submitted with the application,

Staff will evaluate this application to ensure the current proposal remains contextually appropriate and fits with the planned or built context of the area, addresses transition impacts, if any, to adjacent areas, provides appropriately located indoor and outdoor amenity space, and minimizes impacts on the public realm. Such review for the 21-storey apartment building in particular will include achieving an appropriate base building podium and organizing ground floor uses to best animate the streetscape along Lawrence Avenue East.

## **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). A composite utility plan will be required that includes the locations of existing and proposed underground and above-ground utilities and their design to avoid conflicts with existing and proposed trees.

Official Plan policies have been adopted by City Council to increase tree canopy coverage. City Council has adopted the objective of increasing the existing 27 percent tree canopy coverage to 40 percent. Policy, 3.4.1 (d) states that "to support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly based on: d) preserving and enhancing the urban forest by: i) providing suitable growing environments for trees; ii) increasing tree canopy coverage and diversity, especially of native and large shade trees; and iii) regulating the injury and destruction of trees".

A Tree Inventory & Preservation Plan Report has been filed and is currently under review by staff and commenting partners.

## **Community Services and Facilities**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

A CS&F Study was filed with the subject application and is currently under review by City staff and commenting partners. The size, use, location of required community services and facilities will be determined through the review of the applications.

## **Proposed Housing Mix**

The current rezoning application to permit 429 dwelling units represents a 50% dwelling unit increase overall from the 286 dwelling units approved in 2018. As noted above, the number of apartment units permitted in Building A is proposed to be increased by approximately 81%, from 156 dwelling units under current zoning permissions to 282 units. Similarly, Building B is proposed to be increased by approximately 54.5%, from 66 dwelling units under current zoning permissions to 102 units.

Such substantial increases in the number of apartment units within similar general heights, gross floor areas and massing as the two apartment buildings previously approved, is proposed to be achieved through a combination of reduced unit sizes overall and a modified unit mix. This includes the introduction of 98 new 'studio' (i.e. 'bachelor) apartments, representing approximately 25.5% of the 384 apartment units now proposed in the two buildings, with such units having an average size of approximately 32.4 square metres (or 350 square feet). Similarly, one-bedroom units would be increased, from 71 units (32% of all apartment units) in 2018 to 169 units (approximately 44% of all apartment units).

The current application, however, proposes substantial reductions to the number, sizes and proportions of larger two- and three-bedroom apartment units. While 130 two-bedroom units (approximately 54.5% of all apartment units) were proposed in 2018, only 118 such units are currently proposed (33% of all apartment units). Similarly, where 21 three-bedroom units (approximately 9.5% of all apartment units) were proposed in 2018, only 7 such units (1.8% of all apartment units) are currently proposed. The three-bedroom units originally proposed in Buildings A and B in 2018 had an average size of 92 square metres, while the Project Data Sheet submitted with this application indicates the average size of all three-bedroom units in the current proposal to be 77 square metres.

Toronto continues to experience an increasing number of family households with children and youth living in apartment buildings greater than 5-storeys. Continued downsizing of units in new apartment developments, as evidenced by the current proposal, further challenges the suitability of such housing to adequately meet the changing needs of such families.

In developing the City's Growing Up: Planning for Children in New Vertical Communities guidelines, City Planning determined that townhouses alone, which by their nature are typically larger two- or three-bedroom units, cannot fully meet the growing needs of such families. The guidelines therefore specifically focus on new mid-rise and tall buildings, and seek to achieve 25% of all units in such new buildings as larger two- and three-bedroom units suitable for families, with 10% being three-bedroom units. Similarly, the guidelines also identify ideal minimum unit sizes to meet the changing needs of families with growing children of 87 to 90 square metres for two-bedroom units and 100 to 106 square metres for three-bedroom units.

While the 44 three-bedroom units in the current application do represent 10.25% of the overall 429 units proposed, 37 of these are actually townhouse units, with the remaining 7 three-bedroom units representing just 1.8% of the 384 apartment units proposed. With average three-bedroom unit sizes of just 77 square metres, the current proposal falls well short of the guidelines in both number and size of three-bedroom units being proposed.

Planning staff will therefore continue to advance with the applicant the need to increase both the proportionate number of three-bedroom units and the sizes of two- and three-bedroom units in Building A and B significantly to better achieve the associated targets under the guidelines.



## **Section 37 Community Benefits**

The Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

A total of \$500,000 in community benefits was secured under a now registered Section 37 Agreement through the 2018 approval of rezoning application 17 274213 ESC 37 OZ, given the increased height and density then proposed. As the current application proposes a 50% increase in the number of dwelling units over that approved in 2018, staff will continue reviewing the proposal, in consultation with the Ward Councillor, to determine if additional Section 37 community benefits may be required pursuant to the Council approved Implementation Guidelines and Protocol for Negotiating Section 37 Community Benefits which are available here:

<https://www.toronto.ca/wp-content/uploads/2017/08/8f45-Implementation-Guidelines-for-Section-37-of-the-Planning-Act-and-Protocol-for-Negotiating-Section-37-Community-Benefits.pdf>.

## **Infrastructure/Servicing Capacity**

Staff are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.

The applicant has submitted a Functional Servicing and Stormwater Management Report, Geotechnical Study and Hydrogeological Report that assess the existing and proposed water, sanitary and storm sewer services, including capacities to service the proposed development. The reports also assess the proposed development in relation to the City's Wet Weather Flow Guidelines. Engineering and Construction Services staff have advised that the June 2017 Hydrogeological Report submitted with the current application is now outdated, and will require updating to reflect expansion of the previously designed four-level underground parking structure required to provide parking for the additional 143 dwelling units now proposed.

Staff will review the submitted material to determine if infrastructure upgrades are required and will make recommendations as to how said upgrades are to be secured through the application.

## **Transportation Considerations**

The applicant submitted a Traffic Impact Study that assesses the adequacy of the local transportation network in relation to traffic generation anticipated from the proposed development. The Report is currently under review by City staff.

## **Open Space/Parkland**

For the previous 286 dwelling unit site redevelopment approved in 2018, a total parkland dedication of 930 square metres, or 9.8% of the area of the subject property, was required under Chapter 415, Article III of the Toronto Municipal Code. The applicant proposed an on-site park dedication of 500 square metres to be located at the north-east corner of the site on Dulverton Road, with the parkland dedication shortfall of 430 square metres to be provided through a cash-in-lieu payment.

The above arrangements were acceptable to Parks, Forestry and Recreation staff and approved by City Council through rezoning of the proposed new park space and authorization of a development charge credit for the design and construction of Above Base Park Improvements by the owner. Dedication of the proposed 500 square metre public park is to be secured through the still outstanding Site Plan Agreement to be registered on the property.

The previous 2017 rezoning application had proposed the design and construction by the owner of an approximately 395 square metre 'privately-owned publicly accessible open space' (POPS) fronting onto Lawrence Avenue East at the east end of Building A. Public pedestrian accessibility from Dulverton Road would also be available through the POPS space during the day and evening to enable neighbouring residents from the north to access Lawrence Avenue East, with the owner responsible for the maintenance and repair of these spaces. These commitments were secured through the above noted Section 37 Agreement now registered on the subject property.

The current application proposes to generally retain the same size, location and configuration of the new public park and POPS spaces previously proposed. The above noted 430 square metre parkland shortfall under the previous application, to be satisfied through a cash-in lieu payment, will increase slightly to approximately 448 square metres under the current application. Planning staff will ensure that current POPS commitments under the registered Section 37 Agreement also continue to be reflected in continuing discussions with the applicant on the rezoning and modified site plan now proposed.

## **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applications are pursuing Tier 1 for New Mid to High Rise Residential and all New Non-Residential Development under the TGS. The application was submitted, however, using TGS Version 2.0 as opposed to TGS Version 3.0 now required. Staff will pursue the correct TGS submission with the applicant to ensure an appropriate review for conformity with Tier 1 requirements can be undertaken. The applicant will

also be encouraged to explore opportunities for higher levels of performance with respect to energy efficiency strategies.

### **Other Matters**

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

### **CONTACT**

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### **SIGNATURE**

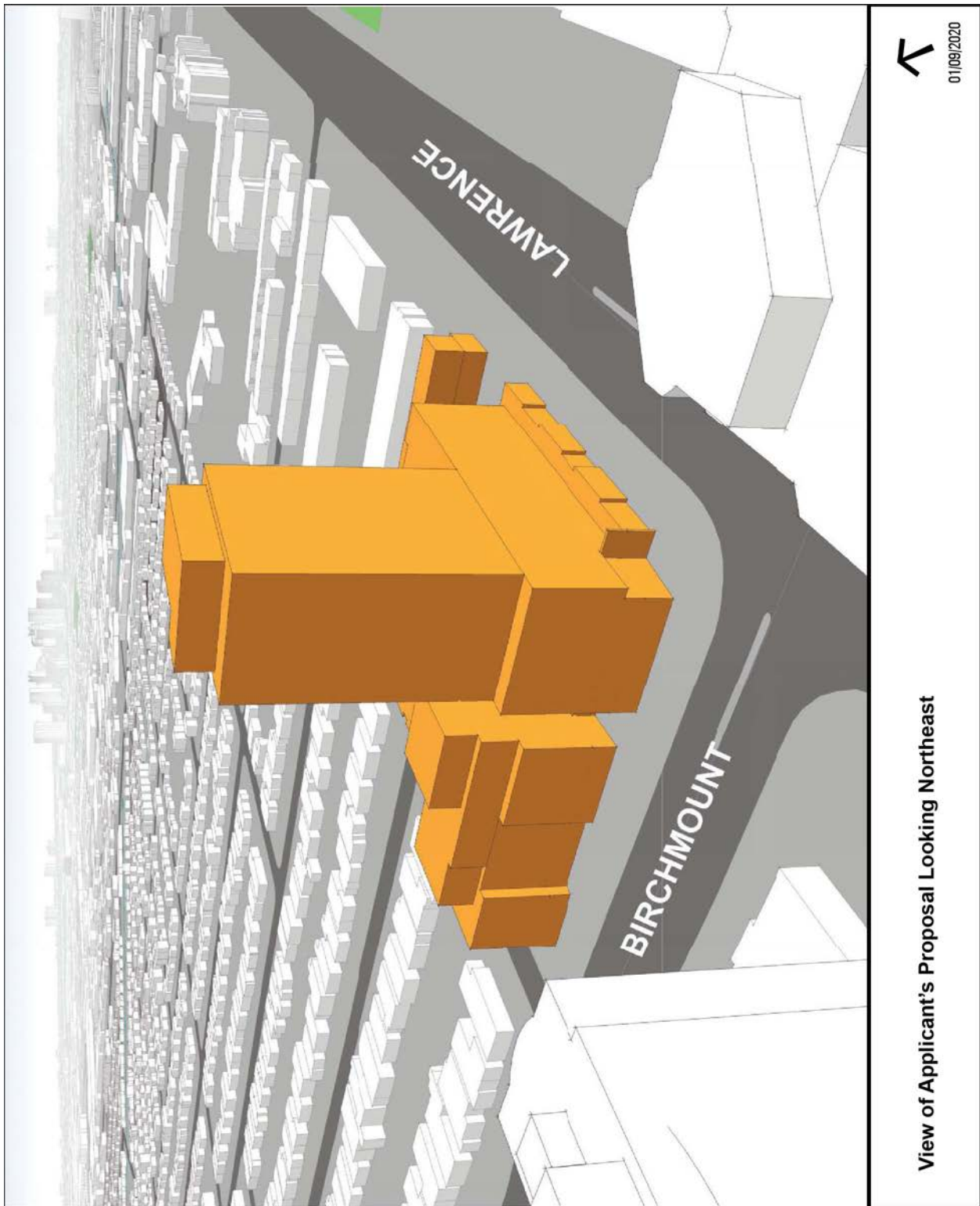
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Paul Zuliani, MBA, RPP, Director  
Community Planning, Scarborough District

### **ATTACHMENTS**

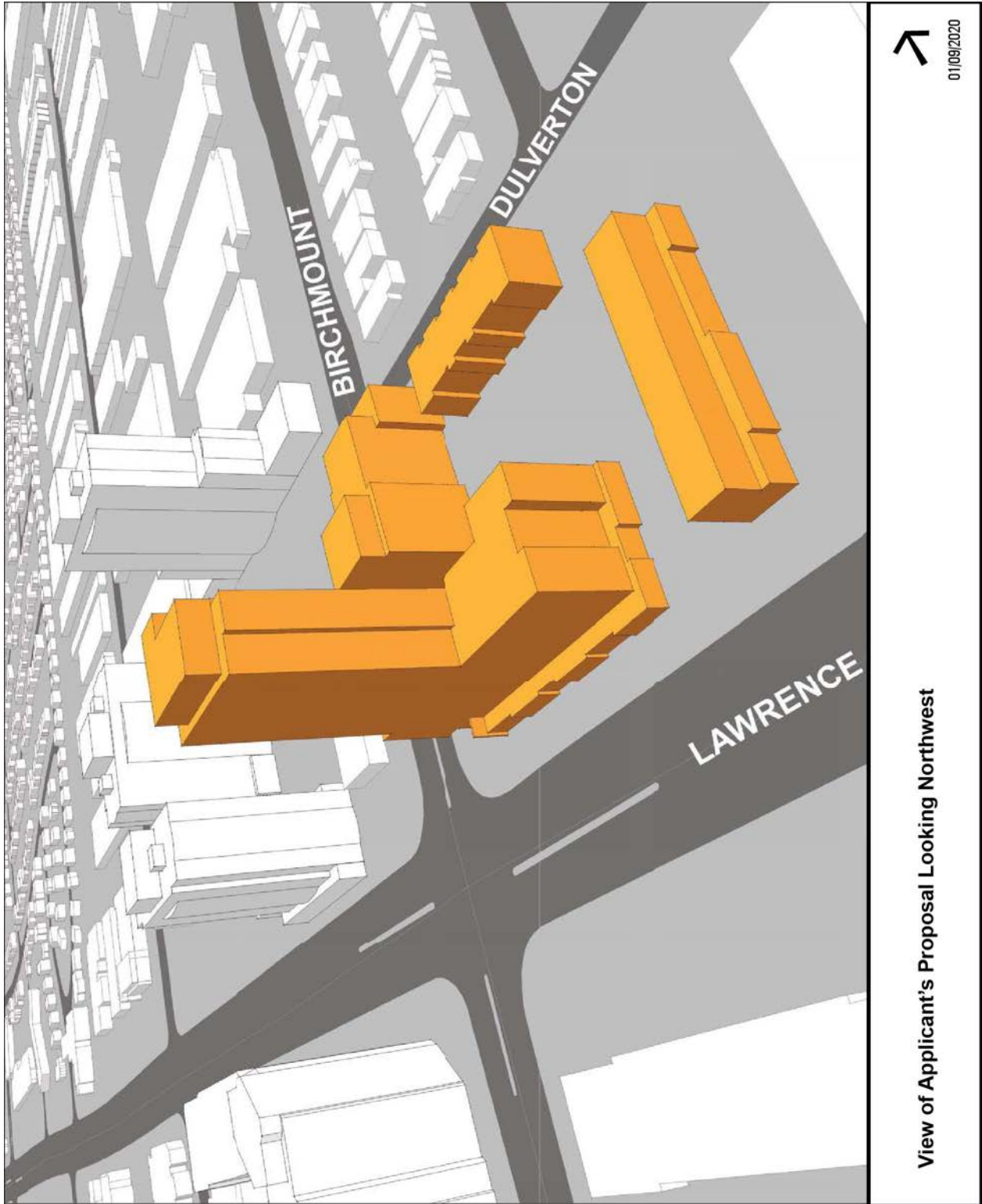
- Attachment 1: 3D Model of Proposal in Context (View toward the Northeast)
- Attachment 2: 3D Model of Proposal in Context (View toward the Northwest)
- Attachment 3: Location Map
- Attachment 4: Site Plan
- Attachment 5: Official Plan Map

**Attachment 1: 3D Model of Proposal in Context (View toward the Northeast)**



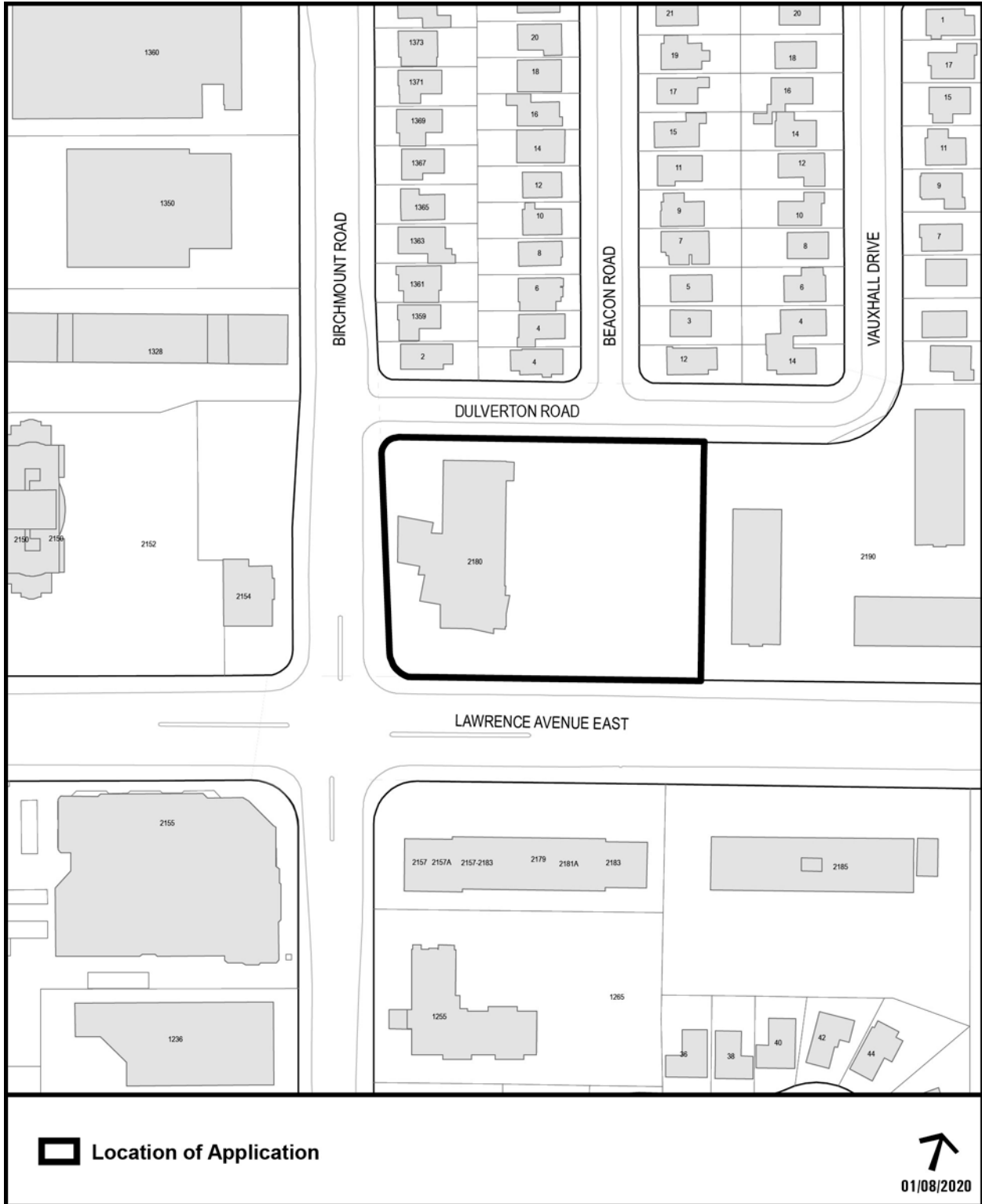
**View of Applicant's Proposal Looking Northeast**

**Attachment 2: 3D Model of Proposal in Context (View toward the Northwest)**

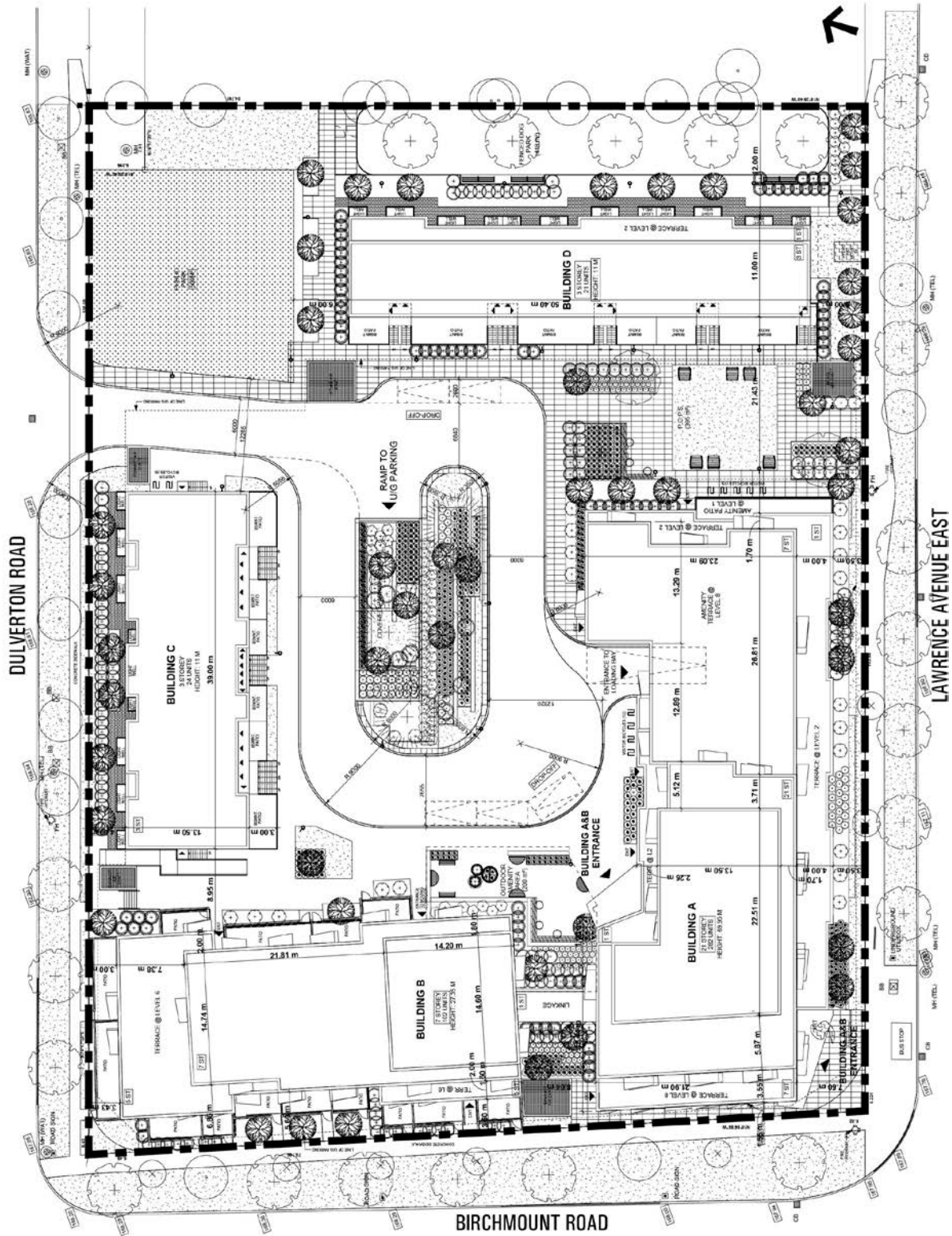


**View of Applicant's Proposal Looking Northwest**

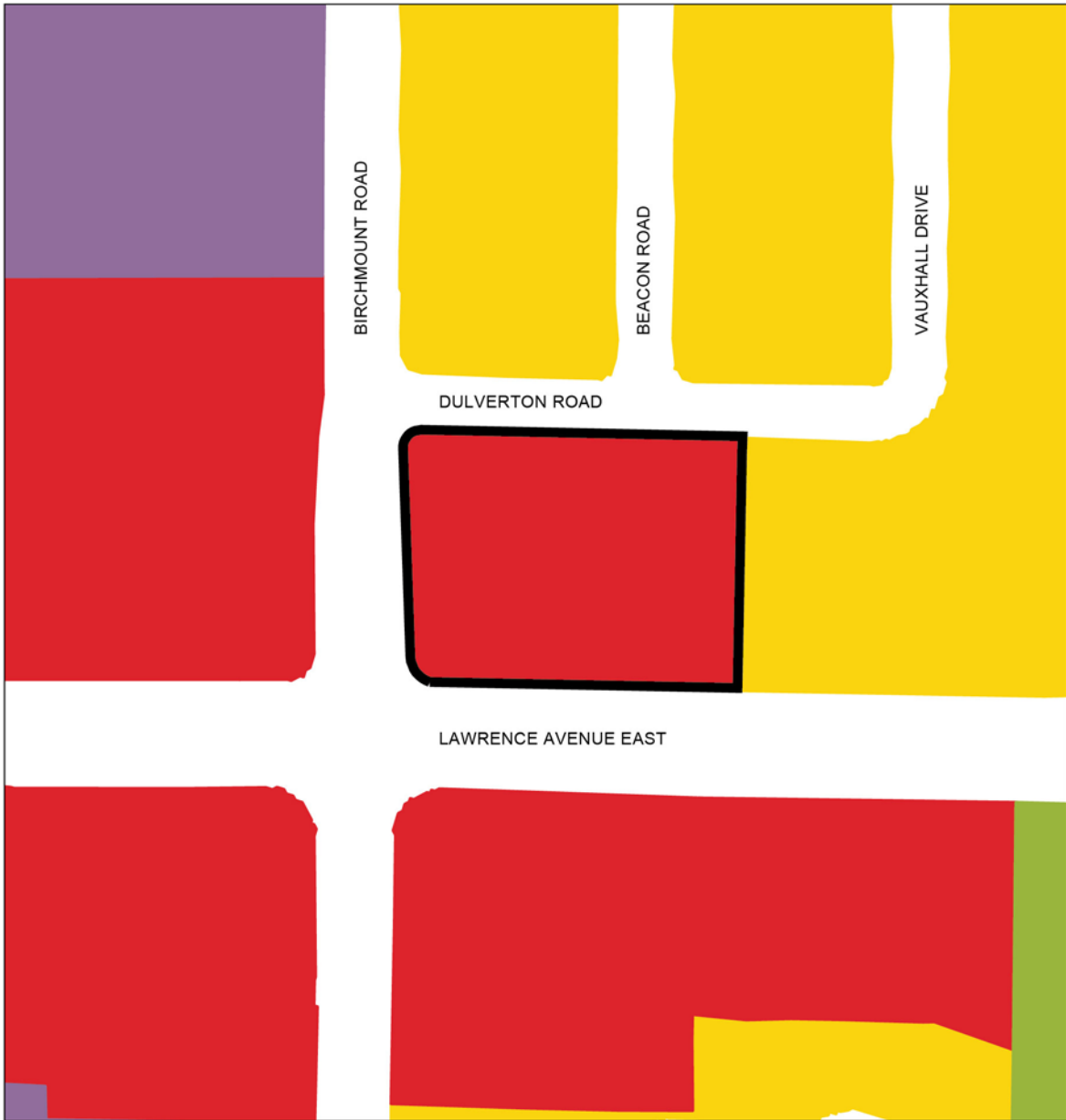
# Attachment 3: Location Map



# Attachment 4: Site Plan



# Attachment 5: Official Plan Map



Official Plan Land Use Map #20

2180 Lawrence Avenue East

File # 19 262428 ESC 21 0Z

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas
-  Parks
-  General Employment Areas

↑  
Not to Scale  
01/09/2020