

## **2180 Lawrence Avenue East, Zoning Amendment – Final Report**

Date: June 26, 2018  
To: Scarborough Community Council  
From: Director, Community Planning, Scarborough District  
Wards: Ward 37 - Scarborough Centre

**Planning Application Number: 17 274213 ESC 37 OZ**

### **SUMMARY**

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This application proposes a mixed-use development at 2180 Lawrence Avenue East consisting of 286 dwelling units overall in a 21-storey mixed-use building at the northeast corner of Lawrence Ave East and Birchmount Road (156 apartment units and 564 square metres of ground floor retail space); a 7-storey mid-rise apartment building along Birchmount Road (66 units); and 3 blocks of stacked townhouses (64 units) with a new 500 square metre public park to be dedicated at the north-east corner of the site on Dulverton Road.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017). Planning staff have considered the application within the context of applicable Official Plan policies and the City's 'Tall Buildings', 'Mid-Rise Buildings', and 'Townhouse & Low-Rise Apartments' Design Guidelines. The proposal integrates all three building forms on one site in a manner which is compatible with adjacent and nearby land uses. The proposal is now acceptable to the City Planning Division.

This report reviews and recommends approval of the application to amend the Zoning By-law.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend former City of Scarborough Wexford Community Zoning By-law No. 9511, as amended, for the lands at 2180 Lawrence Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4 to the report dated June 26, 2018.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 2180 Lawrence Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to the report dated June 26, 2018.

3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:
  - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
    1. Upon the effective date of the zoning by-law amendments, a cash contribution of \$90,000 to be used by Parks, Forestry and Recreation Services Division for the installation of a rubberized surface for the reconstructed playground at Maidavale Park.
    2. Prior to issuance of the first above-ground building permit:
      - i. \$145,000 for capital upgrades/improvements (such as but not limited to upgraded washrooms and air circulation equipment) to McGregor Park Toronto Public Library at 2219 Lawrence Avenue East;
      - ii. \$15,000 for capital upgrades/improvements to the Birchmount Hub; and
      - iii. \$250,000 for the provision of an on-site public art installation at the north-east corner of Lawrence Avenue East, to be further determined in accordance with the City of Toronto Percent for Public Art Program Guidelines (August 2010).
  - b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
    - i. Construction and maintenance of the development in accordance with Tier 1 performance measures of the Toronto Green Standard;
    - ii. The owner shall design and construct, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a privately owned publicly-accessible (POPS) courtyard area of not less than 395 square metres, located on Lawrence Avenue East immediately east of Building 'A', and shall convey, prior to the registration of the first condominium, an easement along the surface of the lands which shall constitute the POPS, for nominal consideration, to the City. The specific location, configuration and design of the POPS shall be determined in the context of site plan approval pursuant to Section 41 of the Planning Act and Section 114 of the *City of Toronto Act, 2006* and secured in a Site Plan Agreement with the City. The owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 11:59 p.m., 365 days of the year; and

iii. The owner shall design and construct, at its own expense, to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway between the POPS and Dulverton Road which shall have a minimum 2.1 metre pedestrian clearway and a minimum height of 4.5 metres. The owner shall convey, prior to the registration of the first condominium, an easement to the City, for nominal consideration, along the surface of the lands which shall constitute the pedestrian walkway, to the satisfaction of the City Solicitor. The specific location, configuration and design of the pedestrian walkway shall be determined in the context of site plan approval pursuant to Section 41 of the *Planning Act* and Section 114 of the *City of Toronto Act, 2006* and secured in a Site Plan Agreement with the City. The owner shall own, operate, maintain and repair the walkway and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the walkway from 6:00 a.m. to 11:59 p.m., 365 days of the year.

5. If the owner is agreeable to undertaking Above Base Park Improvements to the proposed 500 square metre on-site public parkland dedication, City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry & Recreation (PF&R). The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, PF&R, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may amended from time to time.

6. Before introducing the necessary Bills to City Council for enactment, require the owner to provide a financial guarantee in the amount of \$200,000.00 for a new Traffic Control Signal at the intersection of Birchmount Road and Dulverton Road, and \$402.99 for signal timing optimization to the Lawrence Avenue East/Birchmount Road intersection as recommended in the Transportation Impact Study, December 8, 2017 by BA Group, to the satisfaction of the General Manager, Transportation Services.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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The subject site was rezoned as part of By-law Nos. 1119-2008 and 1121-2008 enacted on October 30, 2008 pursuant to City Council's approval of the recommendations of the Lawrence Avenue East 'Avenue' Study on October 29, and 30, 2008. The Final Report on this 'Avenue' Study and associated Final Consultant's Report can be viewed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.SC19.18>.

The applicant previously filed a site plan application for the proposed redevelopment of the subject property in 2016. Through continued discussions by Planning staff with, and further revisions to the proposal by, the applicant, City staff determined that a rezoning

application would also be required. The current application was submitted on December 11, 2017 and was deemed complete as of that date.

A Preliminary Report dated January 23, 2018 on the application(s) was adopted by Scarborough Community Council on February 21, 2018. The report advised that a community information meeting had been held on January 23, 2018 at the McGregor Park Community Centre in consultation with the Ward Councillor and recommended that the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*. The Preliminary Report and Community Council decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.SC28.2>

## ISSUE BACKGROUND

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### Proposal

The subject application proposes a mixed-use redevelopment of a former car dealership site at 2180 Lawrence Avenue East consisting of 286 apartment dwelling units overall in a 21-storey mixed-use building incorporating a 7-storey podium base oriented east to west along Lawrence Avenue East (156 apartment units with 564 square metres of ground floor retail space); a 7-storey mid-rise apartment building oriented north/south along Birchmount Road (66 units); and 3 blocks of stacked townhouses (64 units). Overall, the proposed development represents a housing density of 318.3 units per hectare.

The application also proposes a new 500 square metre on-site public park dedication (approximately 5.3% of the site area) at the north-east corner of the site on Dulverton Road, and the inclusion of a 395 square metre (approximately 4% of the site area) Privately Owned Public Space (POPS) on Lawrence Avenue East, on the east side of the 21-storey mixed-use apartment building, which will be secured through the Site Plan Approval process. A 6.0 metre wide private driveway will provide vehicular access from Dulverton Road (opposite Beacon Road) for all buildings.

The 7-storey podium base of the 21-storey apartment building (Building 'A') would provide a continuous east/west building edge 53.2 metres in length along the Lawrence Avenue East frontage. The ground floor will consist of a lobby for the residents, 4 units of retail space facing Lawrence Avenue East, resident amenity space, one Type G loading space and the vehicular access ramp to the underground parking on the north side of the building. The façades at the south-westerly corner of the building at Birchmount Road would be set back further, approximately 9 metres for the height of the building, to achieve an open plaza space at the main building entrance which could also potentially accommodate a piece of public art.

Buildings 'C', 'D' and 'E' comprise 'back-to-back' stacked townhouses consisting of lower floors partially below grade with three floors above, together with enclosed interior stairwells providing access to rooftop terraces for the upper units.

A total of 322 vehicle parking spaces for all buildings would be provided entirely underground on four shared levels. One Type 'G' loading space serving the two apartment buildings would be provided within Building 'A'. A total of 194 long-term and 20 short-term bicycle parking spaces would be provided for residents, with 1 long-term

and 4 short-term bicycle parking spaces provided for users of the 564 square metres of ground floor retail space.

The proposed development also incorporates 222 square metres of Green Roof at the 8th floor atop of the east end of the 7-storey podium, and 259 square metres of rooftop Green Roof for Building 'A'. Building 'B' will also incorporate a 45 square metre Green Roof on the 6th floor and a further 124 square metres on the rooftop. Overall, 650 square metres of Green roof will be provided.

Further development details for the two apartment Buildings 'A' and 'B' and the interior three blocks of stacked townhouses (Buildings 'C', 'D' and 'E'), are provided in Tables 1 and 2 below. (Also refer to Attachment 1: Application Data Sheet, Attachment 6: Site Plan, Attachments 7a to 7f: Elevations; Attachment 8: North East Aerial Perspective and Attachment 9: South West Aerial Perspective, for additional project information.)

**Table 1: Proposed Height and Density**

Bldg.	Height		Proposed Gross Floor Area In Square Metres (Floor Space Index)		Lot Coverage In Square Meters (Percent of Lot* Area)
	Storeys [Podium]	Metres [Podium] (Mechanical Penthouse)	Under Wexford Community Zoning By-law No. 9511	Under Toronto Zoning By-law No. 569-2013	
'A'	21 [7]	67.6 m [23.4 m] (72.6 m)	15,820 m <sup>2</sup> (1.76 times lot* area)	13,627 m <sup>2</sup> (1.52 times lot* area)	1,355 m <sup>2</sup> (15.1%)
'B'	7 [5]	22.8 m [16.4 m] (27.3 m)	5,508 m <sup>2</sup> (0.61 times lot* area)	4,931 m <sup>2</sup> (0.55 times lot* area)	833 m <sup>2</sup> (9.3%)
'C'	3 <sup>1/2</sup> floors above ground	13.8 m	2,249 m <sup>2</sup> (0.25 times lot* area)	2,249 m <sup>2</sup> (0.25 times lot* area)	1,296 m <sup>2</sup> (14.4%)
'D'	3 <sup>1/2</sup> floors above ground	14.3 m	1,547 m <sup>2</sup> (0.17 times lot* area)	1,547 m <sup>2</sup> (0.17 times lot* area)	
'E'	3 <sup>1/2</sup> floors above ground	14.3 m	1,547 m <sup>2</sup> (0.17 times lot* area)	1,547 m <sup>2</sup> (0.17 times lot* area)	
Total			26,671 m <sup>2</sup> (2.97 times lot* area)	23,901 m <sup>2</sup> (2.66 times lot* area)	3,484 m <sup>2</sup> (38.8%)

\*Based on net lot area of 8,891 m<sup>2</sup> (after parkland dedication)

**Table 2: Proposed Residential Details**

Bldg.	Number of Units	Unit Size By Bedrooms		
		1	2	3
'A'	156	43	94	19
'B'	66	28	36	2
'C'	24	0	18	6
'D'	20	8	8	4
'E'	20	8	8	4
Total	286	87 (30.4%)	164 (57.4%)	35 (12.2%)

### Site and Surrounding Area

The subject 9,481 square metre site is located at the northeast corner of Lawrence Avenue East and Birchmount Road within the Dorset Park Community, approximately 1.1 kilometres west of the Lawrence East Scarborough Rapid Transit station. The rectangular site is generally level with landscaping strips of varying widths along the property boundaries. The site has frontages on Lawrence Avenue East (approximately 109 metres), Birchmount Road (approximately 81 metres) and Dulverton Road (approximately 113 metres).

The subject site is currently occupied by a vacant one and two-storey concrete and glass block commercial building previously used as a Chrysler car dealership. There is currently construction hoarding along all frontages of the subject site.

While there is limited existing vegetation on the subject site, grassed landscaped strips of varying widths are located along all property lines. Within the landscaped strip on Lawrence Avenue East are two mature trees, with a number of trees and shrubs along the east property line abutting the adjacent townhouse complex. Additional street trees are located along the Birchmount Road and Dulverton Road frontages within the municipal boulevard between the existing sidewalk and the road. There is an existing chain-link fence located along both the north and south property lines.

Surrounding uses include:

North: On the north side of Dulverton Road immediately opposite the subject site are four single-detached 1-storey dwellings with attached garages and front yard landscaping (2, 4, 12 and 14 Dulverton Road). North of Dulverton Road within the Dorset Park Community is an established residential neighbourhood comprising predominantly 1-storey detached single family dwellings, with building heights increasing to 1½ to 2-storeys generally north of Merryfield Drive. On the west side of Birchmount Road north of Dulverton Road are employment uses.

South: Immediately opposite the subject site on the south-east corner of Lawrence Avenue East and Birchmount Road is a 1 and 2-storey commercial plaza with surface

parking areas directly adjacent to both streets (2157-2183 Lawrence Avenue East). To the south of this plaza on the east side of Birchmount Road is a 6-storey residential apartment building (1255 Birchmount Road), two 2½-storey low-rise apartment buildings (1245 and 1243 Birchmount Road), with 1-storey single-detached dwellings beyond. East of the corner plaza on the south side of Lawrence Avenue East is a 12-storey apartment building (2185 Lawrence Avenue East), with McGregor Park Public Library, McGregor Park Community Centre and Winston Churchill Collegiate Institute beyond (2219, 2231 and 2239 Lawrence Avenue East respectively).

East: To the immediate east of the subject site on the north side of Lawrence Avenue East is a townhouse complex (2190 Lawrence Avenue East) consisting of three 2-storey back-to-back townhouse blocks. To the east of this complex is a separate block of 2-storey townhouse units fronting onto Canlish Road (10 Canlish Road), and beyond this a third townhouse complex (15 Canlish Road) consisting of 7 blocks of two-storey townhouse units. Further east are St. Lawrence Martyr Church (2210 Lawrence Avenue East) and St. Lawrence Catholic School (2216 Lawrence Avenue East), with 5 to 7-storey apartment buildings beyond.

West: At the south-west corner of Lawrence Avenue East and Birchmount Road is a 12-storey mixed use apartment building (2155 Lawrence Avenue East) owned and operated by the Aldebrain Attendant Care Support Services of Toronto. West of this building on the south side of Lawrence Avenue East are two 1-storey retail outlet stores (2135 and 2139 Lawrence Avenue East), with additional retail uses beyond.

At the north-west corner of Lawrence Avenue East and Birchmount Road, is a one-storey Scotiabank building (2154 Lawrence Avenue East). To the west of this is the VHL Developments (215) Inc. site at 2150 Lawrence Avenue East currently under redevelopment with three 14, 17 and 19-storey apartment buildings (one currently occupied), with a 4-storey office building and auto-related businesses beyond.

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and

- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- 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 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 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.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

## **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan. The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

### Chapter 2 - Shaping the City

Section 2.2 Structuring Growth in the City: Integrating Land Use and Transportation: The Official Plan states that future growth within Toronto will be steered to areas which are well served by transit, the existing road network and which have a number of properties with redevelopment potential. Growth areas in the City are locations where good transit access can be provided along bus and rapid transit routes. Areas that can best accommodate this growth are shown on Map 2 of the Official Plan. Map 2 designates Lawrence Avenue East from Victoria Park Avenue to east of Birchmount Road as an *Avenue*.

Section 2.2.3 Avenues: Reurbanizing Arterial Corridors: The Official Plan recognizes that the *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. The *Avenues* will be transformed incrementally, and these changes to benefit new and established community residents may be gradually implemented as funding and opportunities present themselves and development proceeds.

Each *Avenue* is different in terms of lot sizes and configuration, street width, existing uses, neighbouring uses, transit service and streetscape potential, with no “one size fits all” program for reurbanizing the *Avenues*. A framework for change will be tailored to the situation of each *Avenue* through a local *Avenue* Study that will contain a vision and an implementation plan to show:

- how the streetscape and pedestrian environment can be improved;
- where public open space can be created and existing parks improved;
- where trees should be planted; and
- how use of the road allowance can be optimized and transit service enhanced.

The subject property was considered as part of the Lawrence Avenue East *Avenue* Study initiated in 2006, the recommendations of which, including comprehensive implementing rezoning, were approved by City Council in October 2008.

### Chapter 3 - Building a Successful City

Section 3.1.1 The Public Realm: The Official Plan recognizes the essential role the City's streets, open spaces, parks, ravines, natural areas and other key public assets play in creating a great city. The policies are designed to ensure that a high standard is achieved through urban design, landscaping, and architecture for both public and private development and works. Public Realm policies also provide for new streets to be public; new development blocks to be appropriately sized; and parks and open spaces to be well designed and appropriately located.

Section 3.1.2 Built Form: The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and provide ground floor uses that have views into and access from the streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

In addition to the policies identified above, new development will also be massed to define the edge of streets, parks and open spaces to ensure adequate access to sky views for the proposed and future uses. New development will provide public amenity, and enhance the public realm through improvements to adjacent boulevards and sidewalks through tree plantings.

Section 3.1.3 Built Form – Tall Buildings: The Official Plan notes that the City's taller buildings come with larger civic responsibilities and obligations than other buildings. Tall buildings will contribute to and reinforce the overall City structure, including its relationship to its existing and/or planned context and the provision of high quality, comfortable and usable publicly accessible open space areas. This section of the Plan provides direction respecting Tall Buildings, addressing key urban design considerations, including:

- meeting the built form principles of the Official Plan;

- demonstrating how the proposed buildings and site designs will contribute to and reinforce the overall City structure;
- demonstrating how the proposed buildings and site designs relate to the existing and/or planned context;
- taking into account the relationship of the topography and other tall buildings; and
- providing high quality, comfortable and usable publically accessible open space areas.

Section 3.1.4 Public Art: The Official Plan recognizes the importance of Public Art to reflect the City's cultural diversity and history. Public art is encouraged to be included in all significant private sector developments.

Section 3.2.2 Community Services and Facilities: The Official Plan states that strategies for providing new social infrastructure or improving existing community service facilities will be developed for areas that are inadequately serviced or experiencing major growth or change, and will be informed through the preparation of a community services strategy. The inclusion of community service facilities are encouraged in all significant private sector development.

#### Chapter 4- Land Use Designations

The subject property is designated *Mixed Use Areas* on Map 20 – Land Use Map of the Official Plan. The *Mixed Use Areas* designation provides for a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks, open spaces and utilities. The policies of this land use designation include development criteria which direct, in part, that new development:

- create a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale by providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and
- provide an attractive, comfortable and safe pedestrian environment;

#### Chapter 5 - Implementation: Making Things Happen

Section 5.1.1 Height and/or Density incentives: The Official Plan contains policies to secure public benefits in exchange for increased height and density for new development pursuant to Section 37 of the *Planning Act*. Section 37 may be used to secure community benefits, provided the proposal represents good planning and is recommended for approval.

### **Official Plan Amendment 320**

As part of the City's ongoing Official Plan Five Year Review, Council adopted Official Plan Amendment No. 320 ("OPA 320") on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhood* sites and implement the City's Tower Renewal Program.

In addition, OPA 320 adds new criteria to existing Healthy Neighbourhoods policy 2.3.1.2 in order to improve the compatibility of new developments located adjacent and close to *Neighbourhoods* and in Mixed Use Areas, *Apartment Neighbourhoods* and *Regeneration Areas*. The new criteria address aspects in new development such as amenity and service areas, lighting and parking.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found here: [www.toronto.ca/OPreview/neighbourhoods](http://www.toronto.ca/OPreview/neighbourhoods).

The outcome of staff analysis and review of relevant Official Plan policies are summarized in the Comments section of the Report.

## Zoning

Two Commercial Residential (CR) zones apply to the subject property under Zoning By-law 569-2013, as amended. While the Commercial Residential Zone (CR) generally permits a wide range of uses, the current site specific zoning in this case permits only dwelling units, day nursery, education use, financial institution club, hotel, office, nursing home, personal service shop, entertainment place of assembly, private home daycare, recreation use, sports place of assembly, eating establishment, take-out eating establishment, retail store, retail service, retirement home, private school, public school, municipally owned public parking, transportation use, ambulance depot, fire hall, police station, and public utility. Vehicle dealerships, fuelling stations, washing establishments and service shops are expressly prohibited.

As indicated on Attachment 3: Existing Zoning By-law Map, the southerly two-thirds of the subject site are zoned Commercial Residential (CR 3.0 (c3.0; r2.5) SS2 (x713), with a permitted density of 3 times the zone area, building height of 20.0 metres and 6 storeys. The northerly one-third of the site toward Dulverton Road is zoned Commercial Residential (CR 1.0 (c1.0; r1.0) SS2 (x726), with a lesser permitted density of 1 times the zone area, building height of 10.0 metres and 3 storeys.

The two Exceptions (713 and 726) noted above generally apply the same development standards previously established for the subject site in 2008, pursuant to the Lawrence Avenue East 'Avenue' Study referenced earlier, under the former Scarborough Wexford Community Zoning By-law No. 9511, as amended. Exception 713 in particular therefore

permits the maximum height on the southern two-thirds of the site to be increased up to 12 storeys and 38 metres provided that the owner provides one or more of the following specified Section 37 benefits:

- Fully furnished and equipped non-profit child care facilities, including start-up funding;
- Public art;
- Other non-profit arts, cultural, community or institutional facilities;
- Streetscape improvements not abutting the site;
- Purpose built rental housing with mid-range or affordable rents, land for affordable housing, or, at the discretion of the owner, cash-in-lieu of affordable rental units or land; and
- Parkland, and/or park improvement.

## **Design Guidelines**

### **City-Wide Tall Building Design Guidelines**

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>

### **Avenues and Mid-rise Buildings Study and Performance Standards**

City Council adopted the Avenues and Mid-rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites. The link to the guidelines is here:

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

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and  
<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

### **Townhouse and Low-rise Apartment Guidelines**

City Council adopted city-wide Townhouse and Low-Rise Apartment Guidelines and directed City Planning staff to use these Guidelines in the evaluation of townhouse and low-rise apartment development applications. These new Townhouse and Low-Rise

Apartment Guidelines replace the Infill Townhouse Guidelines (2003) and are intended to be used in the review of an application when the proposed built form meets the City's Official Plan policies. The new Guidelines identify strategies to enhance the quality of these developments, provide examples of best practices, and improve clarity on various development scenarios. The link to the Guidelines is here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/>

## **Site Plan Control**

Prior to submission of the subject rezoning application, the owner filed Site Plan application 16 242481 ESC 37 SA in October 2016. The application at that time proposed 289 residential units comprised of one 12-storey mixed-use building along the Lawrence Avenue East frontage having 164 units, 378 square metres of retail space and 777 square metres of 'fraternal' meeting space on the second underground parking level, with four blocks of stacked townhouses having 116 units.

Due to continuing discussions between the owner and City staff regarding many aspects of the development proposal, including Parks, Forestry and Recreation requirements for an on-site parkland dedication and Planning staff's suggestion that a mid-rise building be considered on the Birchmount Road frontage of the site, the application has since been formally amended to reflect the current rezoning application.

## **Reasons for Application**

As a result of the site plan discussions noted above, the redevelopment proposal for this site as currently developed will now not comply with currently applicable zoning provisions relating primarily to building heights and density. An amendment to the Wexford Community Zoning By-law 9511, as amended for the former City of Scarborough and the City of Toronto Zoning By-law 569-2013, as amended, is required to permit the development now proposed and to establish appropriate development standards including: building height, massing, stepbacks and setbacks; density of development; and vehicular and bicycle parking amongst others.

## **Application Submission**

The following reports/studies were submitted in support of the application:

- Planning Rationale, including a Community Services and Facilities Study;
- Draft Zoning By-law amendments to the two applicable zoning by-laws;
- Architectural plans including floor plans, building elevations, perspective drawings and building section plans;
- Computer-Generated Building Mass Model;
- Landscape plans;
- Arborist Report and Tree Preservation Plan;
- Accessibility Design Standards checklist;
- Sun/Shadow Study;
- Pedestrian Level Wind Study;
- Public Consultation Strategy;
- Transportation Impact Study;
- Energy Strategy Report;

- Geotechnical Investigation Report;
- Hydrogeological Study;
- Functional Servicing and Stormwater Management Reports;
- Phase II Environmental Site Assessment; and
- Toronto Green Standard Checklist.

The above information materials are available for review through the Application Information Centre (AIC) at:

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

A Notification of Complete Application was issued on January 5, 2018.

### **Agency Circulation**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards and conditions of Site Plan Control approval.

### **Community Consultation**

The owner requested an early community information meeting to consult with area residents on the proposed rezoning of the subject site. With the concurrence of the Ward Councillor, Planning staff convened a community information meeting held on January 23, 2018 at the McGregor Park Community Centre. Notice for the meeting was provided to landowners and residents within 120 metres of the subject site.

Approximately 15 residents attended the meeting. In addition to questions on specific details of the proposed development, concerns raised by the residents focussed primarily on the sole driveway access to be provided via Dulverton Road, possible overloading of the Birchmount Road intersection and whether a second access directly from Lawrence Avenue East should also be considered

## **COMMENTS**

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

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

The proposed development provides for a well-integrated, well-designed higher density mix of residential/commercial land uses and built forms which, together with an on-site public park dedication and excellent access to surface transit. The proposal, would contribute positively to the efficient use of land and public infrastructure in keeping with the City's Official Plan and growth targets as contemplated under Policies 1.1.1 and 1.1.2 of the PPS.



Similarly, the proposal provides for an appropriate range and mix of housing types, unit sizes and densities, suitable for a range of household needs including families, at a location well-served by public infrastructure and service facilities, which supports active transportation and public transit in a compact form and which would contribute to public health and safety in keeping with Policy 1.4.3 of the PPS.

The subject proposal will also contribute to healthy active communities by providing public street edges, a new on-site public park benefitting future and neighbouring residents, and a publicly accessible POPS space to meet the needs of pedestrians, foster social interaction and improve community connectivity in keeping with Policy 1.5.1 of the PPS.

The proposed development will efficiently utilize available municipal sewage, water and stormwater services in keeping with Policy 1.6.6.1 of the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) encourages development of compact, complete communities which include the provision of options for safe non-motorized travel, and by offering a balance of transportation options that reduces reliance upon any single mode and promotes transit, cycling and walking. The proposed development includes provisions for bicycle storage, and opportunities to provide on-site commercial services for the new residents to reduce the need for off-site travel.

The proposed infill form of development is consistent with Policy 2.2.1.3 c), as the proposed development "supports the achievement of complete communities through a more compact built form." Similarly, the proposal furthers the policy objective in 2.2.1.4 c) to "provide a diverse range and mix of housing options" by providing a mix of building forms and range in unit types by size and number of bedrooms to accommodate households of varying sizes and needs.

Finally, direction in Policy 2.2.1.4 e) supports the achievement of complete communities that "ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards." The proposed development meets these objectives through the implementing policies of the Official Plan.

Based on the above-noted reasons, staff are of the opinion that the proposed development application is consistent with the Provincial Policy Statement (2014) and conforms (and does not conflict) with the Growth Plan for the Greater Golden Horseshoe (2017).

## **Land Use**

This application has been reviewed against the Official Plan policies, including the *Avenues* policies and findings of the Lawrence Avenue East Avenue Study, described in the Issue Background Section of the Report, as well as the policies of the Toronto Official Plan as a whole. Planning staff conclude, having regard to the existing and planned context for the subject property and the surrounding area, that the mixed use



residential apartment development is an appropriate use of the subject lands and can be supported by staff.

### **Density, Height, Massing**

This application has been reviewed against the Official Plan policies and design guidelines described in the Issue Background Section of this Report. The proposed building heights are generally consistent with the objectives of the Lawrence Avenue East Avenue Study. While the proposed apartment building fronting Lawrence Avenue East would have a height of 21 storeys, the subject property is at the eastern limit of that study area and would not set an undue precedent for the remainder of this Avenue. Given the existing and the planned context for the subject property and the surrounding area, as well as the proposed development density, building forms and heights having regard to applicable Design Guidelines for the three building forms proposed (including floor plate limits and angular plan requirements), the proposed development is appropriate and can be supported by staff.

### **Sun, Shadow, Wind**

Planning staff provisionally accept the findings of the applicant's submitted Sun/Shadow and Pedestrian Level Wind Studies that resulting conditions from the proposed development will be acceptable, and that the application can be supported from this perspective. Urban Design staff believe some additional investigation into wind conditions for the proposed outdoor amenity spaces should be undertaken, which can be further addressed through the Site Plan Approval process.

### **Traffic Impact, Access, Parking**

The proposed development will be provided with a single access driveway from Dulverton Road (opposite Beacon Road). Transportation Services accepts the findings of the December 2017 Transportation Impact Study prepared by BA Group that the area road network can adequately accommodate the proposed development if traffic signals are installed at the Birchmount Road/Dulverton Road intersection. Transportation Services requires that this improvement be secured prior to enactment of the amending Zoning By-laws, as is reflected in the Recommendations section of this report. The parking requirements to be applied through the proposed Zoning By-law Amendments attached to this report are consistent with those of Toronto Zoning By-law No. 569-2013, as amended, for Policy Area 4 in which the subject property is located.

### **Road Widening**

No road widening dedications along the Lawrence Avenue East or Birchmount Road frontages of the subject site are required to achieve the planned rights-of-way for these streets as indicated on Map 3 of the Official Plan. Some adjustments to the existing corner roundings at the Lawrence/Birchmount and Birchmount/Dulverton may be required, and can be secured as necessary through the Site Plan Approval process.

### **Servicing**

Engineering and Construction Services advise that the existing municipal infrastructure is adequate to accommodate the storm water runoff, sanitary flow and water supply

demand resulting from this development, and are satisfied that the site can be adequately serviced. Further detailed requirements relating to the alterations to the public right-of-way (i.e. sidewalk widenings), Fire Services and Solid Waste Management requirements, and site servicing can be adequately addressed through the Site Plan Approval process.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded.

Map 8B of the City of 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 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The parkland dedication required is based on a site area of 9,484 square metres. At an alternative rate of 0.4 hectares per 300 units, as specified in Chapter 415, Article III of the Toronto Municipal Code, the residential component will generate a parkland requirement of 926 square metres while the non-residential component will generate a parkland requirement of 4 square metres. In total, the parkland dedication requirement will be 930 square metres, or 9.8% of the area of the subject property.

The applicant is proposing an on-site park dedication of 500 square metres to be located at the north-east corner of the site on Dulverton Road. In contrast to the parkland dedication of 930 square metres required under the Toronto Municipal Code as noted above, a parkland dedication shortfall of 430 square metres would result. The applicant will be required to satisfy this shortfall on parkland dedication through a cash-in-lieu payment. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the first above-grade building permit. This parkland payment is required under Section 42 of the *Planning Act*, and is required as a condition of the building permit application process. Dedication of the proposed 500 square metre public park will be secured through the site plan approval process.

For the proposed new park, Parks, Forestry and Recreation staff are interested in securing the design and construction, by the owner, of Above Base Park Improvements. There may be opportunities to use the Parks and Recreation component of the Development Charges for this work. City Council's authorization for a development charge credit for this purpose is included as a recommendation in this report.

### **Privately-Owned Publicly Accessible Open Space (POPS)**

Privately-owned publicly accessible open space (POPS) of approximately 395 square meters is being proposed. The space would front onto Lawrence Avenue East between the east end of Building 'A' and the easterly Building 'E'. The applicant is also proposing to provide public pedestrian accessibility from Dulverton Road through this space to enable neighbouring residents from the north to access Lawrence Avenue East.

Staff considers the proposed POPS to be a key element of this proposal that will contribute positively to public realm enhancements along this portion of Lawrence Avenue East. Staff propose that the POPS be secured through the Section 37 Agreement (as detailed further below under Section 37), whereby the owner will provide surface easements to the City over the POPS and related walkway spaces for nominal consideration. The POPS and walkway should be publicly accessible throughout the day and evening, with the owner continuing to be responsible for their maintenance and repair. The final design and construction of the POPS space and walkway will then be secured through the Site Plan Control approval process.

### **Tree Preservation**

As proposed, this project would require the removal of seven (7) by-law protected privately owned trees, and the removal of twelve City street trees, located adjacent to Lawrence Ave East, Birchmount Road and Dulverton Road.

The seven (7) by-law protected private trees include seven Manitoba maple trees having a diameter of 75, 30, 31, 41, 50, 42, and 30 centimetres. The planting of three (3) replacement trees for each bylaw-protected private tree removed would be a condition of Urban Forestry's permit issuance. If an application to remove the subject trees is approved, the owner will be required to provide 21 replacement trees.

The twelve (12) City owned street trees include eight (8) Ivory silk lilac trees (diameters of all stems range between 9 and 12 centimetres), one (1) Norway spruce having a diameter of 12 centimetres and three (3) Little leaf linden trees having a diameter of 4, 35 and 40 centimetres. The proposed construction of the new public sidewalks adjacent to Lawrence Ave East and Dulverton Road, will encroach upon the minimum Tree Protection Zone of these trees and the trees will not survive the injury associated with the proposed construction. Approval by Urban Forestry of any application to remove a tree is based upon assessment that the removal of the subject tree(s) is unavoidable, if the project is to proceed as proposed and the tree(s) will not withstand the injury and continue to survive well.

The application is also required to comply with the tree planting elements of the Toronto Green Standard (TGS), which based on the area of the site, require 57 trees to be planted on the site and the adjacent road allowance. The submitted landscape plans specify the planting of 46 acceptable new trees, including 15 shade trees on City road allowance and 31 trees on private property. These tree planting plans will, with minor modifications and details, be satisfactory to Urban Forestry. The submission of satisfactory plans/revisions will be a condition of Urban Forestry's approval of the concurrent Site Plan Control application.

### **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.

Performance measures for the Tier 1 development features will be secured through the Section 37 provisions of the draft zoning by-laws attached to this report (as noted further below).

## **Community Services Assessment**

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

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 CS&F 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.

City Planning SIPA staff reviewed and concur with the applicant's December 2017 Community Services and Facilities Study and Addendum Letter dated April 20, 2018, prepared by Bousfields Inc. The Bousfields CS&F Addendum Letter responds to SIPA Policy's comments dated January 17, 2018 by incorporating the requested information respecting:

1. Sector analysis and findings for recreation centres, child care centres; public libraries; and human services/community agency space. Findings highlight the need for facility improvements and/or expansions for the recreation, library and human services sectors.
2. Identification of CS&F priorities which reflect the service and facility gaps (noted in Item 1 above) to inform potential Section 37 contributions. Future discussions with the relevant City Divisions will be required to determine the appropriate Section 37 benefits associated with the evaluation of the subject application.

In light of the foregoing, these submissions are now acceptable to Planning staff.

## **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. Upon the effective date of the zoning by-law amendments of this By-law, being the first day upon which all of the provisions of the By-law have come into force and in effect, with all applicable appeal periods having lapsed, the owner to pay to the City a cash contribution of \$90,000 to be used by the Parks, Forestry and Recreation Division for the installation of a rubberized surface for the reconstructed playground at Maidavale Park.

2. Prior to the issuance of an above grade building permit, the owner to pay to the City a cash contribution of:

i. \$145,000 for capital upgrades/improvements (such as but not limited to upgraded washrooms and air circulation equipment) to McGregor Park Toronto Public Library at 2219 Lawrence Avenue East;

ii. \$15,000 for capital upgrades/improvements to the Birchmount Hub; and

iii. \$250,000 for the provision of an on-site public art installation at the north-east corner of Lawrence Avenue East, to be further determined in accordance with the City of Toronto Percent for Public Art Program Guidelines (August 2010).

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

3. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

4. The owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a privately owned publicly-accessible (POPS) courtyard area of not less than 395 square metres, located on Lawrence Avenue East immediately east of Building 'A', and shall convey, prior to the registration of the first condominium, an easement along the surface of the lands which shall constitute the POPS, for nominal consideration, to the City. The specific location, configuration and design of the POPS shall be determined in the context of site plan approval pursuant to Section 41 of the *Planning Act* and Section 114 of the *City of Toronto Act, 2006* and secured in a Site Plan Agreement with the City. The owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 11:59 p.m., 365 days of the year.

5. The owner shall construct, to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway between the POPS and Dulverton Road which shall have a minimum 2.1 metre pedestrian clearway and a minimum height of 4.5 metres. The owner shall convey, prior to the registration of the first condominium, an easement to the City, for nominal consideration, along the surface of the lands which shall constitute the pedestrian walkway, to the satisfaction of the City

Solicitor. The specific location, configuration and design of the pedestrian walkway shall be determined in the context of site plan approval pursuant to Section 41 of the *Planning Act* and Section 114 of the *City of Toronto Act, 2006* and secured in a Site Plan Agreement with the City. The owner shall own, operate, maintain and repair the walkway and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the walkway from 6:00 a.m. to 11:59 p.m., 365 days of the year.

## **Zoning**

The proposed by-law amendments to the former Scarborough Wexford Community Zoning By-law No. 9511, as amended, and Toronto Zoning By-law 569-2013, as amended, attached to this report will amend the current Commercial Residential (CR) zone provisions to establish appropriate new land use permissions and development standards to accommodate the low-, mid- and hi-rise building forms being proposed. The proposed development standards address site densities by maximum number of dwelling units, gross floor areas, total floor areas and building coverages permitted; required building setbacks and additional building setbacks for higher floors in the apartment buildings; building separation and amenity space requirements: maximum permitted building heights; vehicle, loading and bicycle parking space requirements in accordance with current standards under By-law 569-2013, as amended; and matters to be secured through Section 37 of the *Planning Act*.

The storey and linear height limits being proposed for the three stacked townhouse Buildings 'C', 'D' and 'E' described in the Issue Background - Proposal section of this report warrant further clarification. Again, the proposed buildings consist of 4 floors plus enclosed stairwells to access rooftop terraces which in terms of Scarborough's zoning by-laws constitute an additional storey, effectively yielding 5 storeys overall. So as to not otherwise allow for greater building heights than those illustrated on Attachments 7d to 7f - Elevations, Planning staff are not proposing that a 5-storey height limit be applied. Rather, the new zoning will establish that the lower floors partially below-grade (which in terms of Scarborough's zoning by-laws are considered to be both 'basements' and a 'storey'), and the enclosed rooftop stairwells are not counted as 'storeys' for the application of the 3-storey height limit to be applied through the zoning by-law amendments being proposed through this report. Proposed maximum building heights also expressed in linear metres to provide additional certainty as well.

## **Conclusion**

The subject proposed development has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2017). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to matters set out under Policy 4.5.2 with respect to *Mixed Use Areas*, Healthy Neighbourhoods Policy 2.3.1.2 and Built Form Policy 3.1.2. The proposed development discussed in this report is appropriate for the context of the subject property and represents good planning.

Planning staff recommend that Council approve the subject rezoning application and enact the draft Zoning By-law Amendments attached to this report, provided the outstanding matters discussed in the Servicing section of this report are addressed by the applicant to the satisfaction of Engineering & Construction Services.

## **CONTACT**

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E-mail: Rod.Hines@toronto.ca

## **SIGNATURE**

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Paul Zuliani, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Existing Zoning By-law Map
- Attachment 4: Draft Zoning By-law Amendment (Wexford Community Zoning By-law No. 9511)
- Attachment 5: Draft Zoning By-law Amendment (Toronto Zoning By-law No. 569-2013)

### **Applicant Submitted Drawings**

- Attachment 6: Site Plan
- Attachments 7a to 7f: Elevations
- Attachment 8: North East Aerial Perspective
- Attachment 9: South West Aerial Perspective

## Attachment 1: Application Data Sheet

Municipal Address: 2180 LAWRENCE AVE E Date Received: December 11, 2017

Application Number: 17 274213 ESC 37 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Proposal for a mixed-use development consisting of a 21 storey building including 559 sm of retail space (at the northeast corner of Lawrence Ave E and Birchmount Rd.), a 7 storey mid-rise building (along Birchmount Rd.), 3 blocks of stacked townhouses (for an overall total of 288 dwelling units), a 395 sm Privately Owned Public Space (POPS) on the Lawrence Ave. East frontage, and a new 500 sm public park at the north-east corner of the site on Dulverton Rd. A total of 322 parking spaces would be provided underground on 4 levels.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC		KOHN PARTNERSHIP ARCHITECTS	2504639 ONTARIO INC

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	No
Zoning:	CR	Heritage Designation:	No
Height Limit (m):	N/A	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq m): 9,481 Frontage (m): 109 Depth (m): 79

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	Unknown	0	3,434	3,434
Residential GFA (sq m):	0	0	23,337	23,337
Non-Residential GFA (sq m):	0	0	564	564
Total GFA (sq m):			23,901	23,901
Height - Storeys:			21	21
Height - Metres:			67.6	67.6

Lot Coverage Ratio (%): 36.21 Floor Space Index: 2.66



Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	23,170	
Retail GFA:	559	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	0	0	0	0
Freehold:	0	0	0	0
Condominium:	0	0	286	286
Other:				
Total Units:			286	286

#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			87	164	35
Total Units:			87	164	35

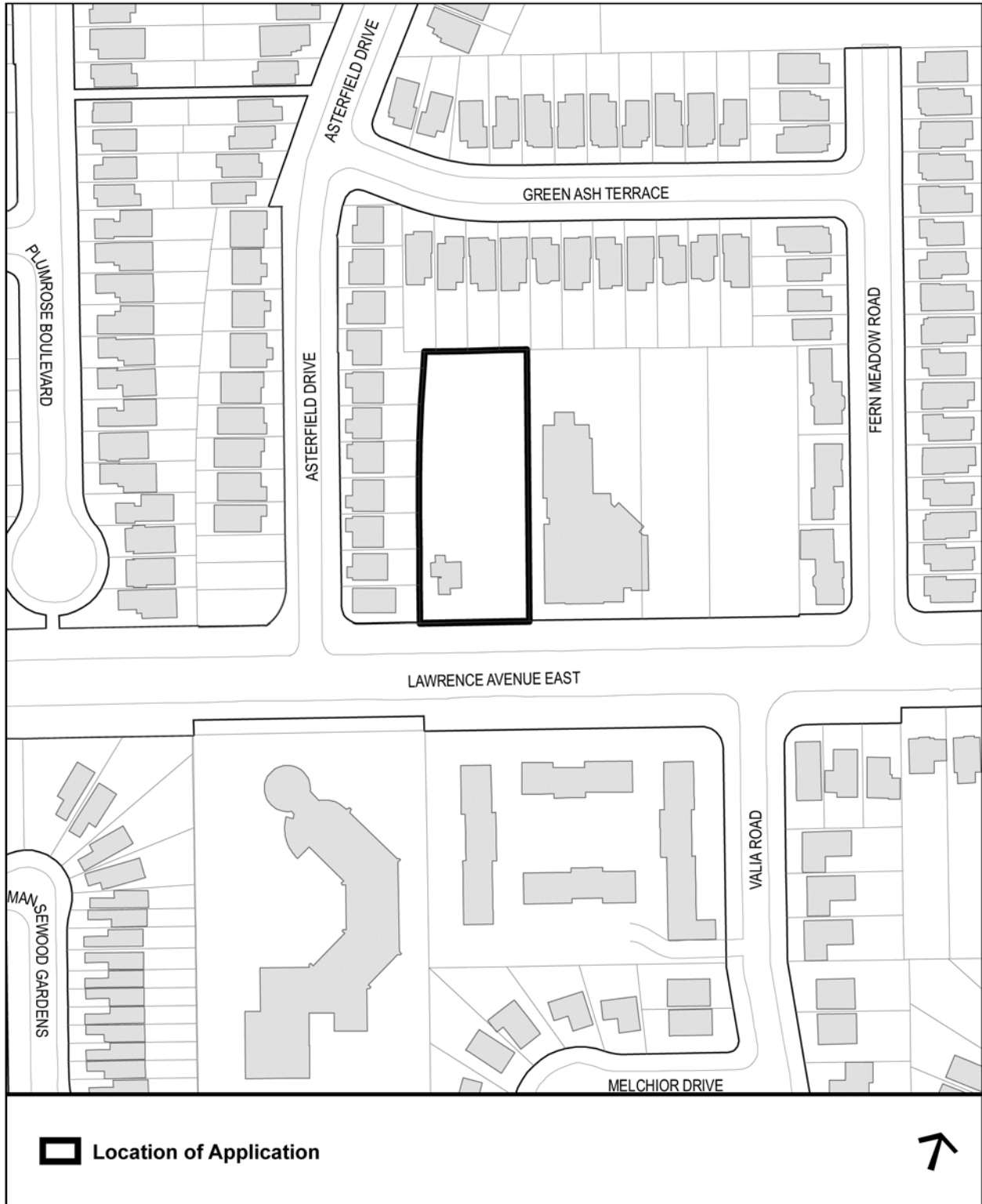
#### Parking and Loading

Parking Spaces:	322	Bicycle Parking Spaces:	218	Loading Docks:	1
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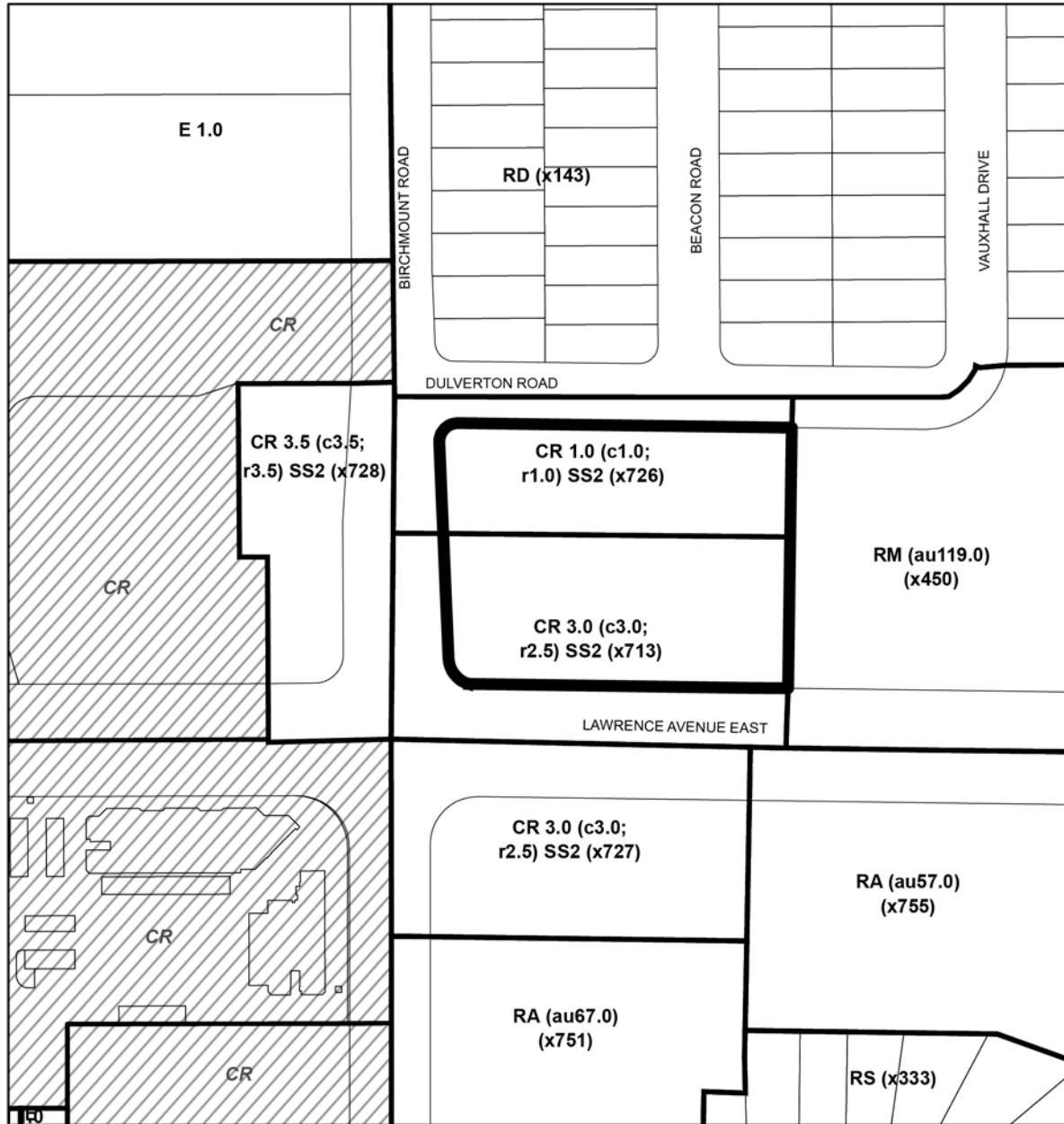
#### CONTACT:

Rod Hines, Principal Planner  
(416) 396-7020  
Rod.Hines@toronto.ca

Attachment 2: Location Map



Attachment 3: Existing Zoning By-law Map



Zoning By-Law No. 569-2013

2180 Lawrence Avenue East

File # 17 274213 ESC 37 02



Location of Application



See Former City of Scarborough Wexford Community By-Law No. 9511

RD Residential Detached  
RS Residential Semi-Detached  
RM Residential Multiple

RA Residential Apartment  
CR Commercial Residential  
E Employment Industrial  
EH Employment Heavy Industrial

CR Commercial-Residential



Not to Scale  
Extracted: 01/03/2018

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. --20~**

To amend former City of Scarborough Wexford Community Zoning By-law No. 9511, as amended, with respect to the lands municipally known as, 2180 Lawrence Ave E

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; and

WHEREAS the Official Plan for the city of Toronto contains provisions relating to the authorization of increases in height and density of development; and

WHEREAS pursuant to Section 37 of the Planning Act, the Council of a municipality may in a By-law under Section 34 of the Planning Act, authorize increases in height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS Subsection 37 (3) of the Planning Act, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the land hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the height or density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 9511, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. **Schedule "A"** of the Wexford Community Zoning By-law No. 9511, as amended, is amended by deleting the current zoning and replacing it with the following zoning as shown on Schedule '1':

CR – 110 – 122 – 136 – 217 – 218 – 219 – 281 – 300 – 350 – 351 -352 – 353 –  
354 – 355 – 356 – 357 – 358 – 359 – 360 - 400 – 401  
P

2. **Schedule "B" PERFORMANCE STANDARD CHART** is amended by adding the following Performance Standard Nos. 136, 217, 218, 219, 281, 300, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 400 and 401 as follows:

## **SECTION 37 BENEFITS**

136. Pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended and subject to compliance with the provisions of this By-law, the increase in height and/or density of development on the lands is permitted in return for the provision by the owner of the following facilities, services and matters to the City at the Owner's expense:

(1) The owner shall make a financial (cash) contribution to the City of \$500,000 to be allocated as follows, with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made:

a. Upon the effective date of the zoning by-law amendments of this By-law, being the first day upon which all of the provisions of the By-law have come into force and in effect, with all applicable appeal periods having lapsed, the owner to pay to the City a cash contribution of \$90,000 to be used by the Parks, Forestry and Recreation Division for the installation of a rubberized surface for the reconstructed playground at Maidavale Park.

b. Prior to the issuance of an above grade building permit, other than for a temporary sales office/pavilion, the owner to pay to the City a cash contribution of:

i. \$145,000 for capital upgrades/improvements (such as but not limited to upgraded washrooms and air circulation equipment) to McGregor Park Toronto Public Library at 2219 Lawrence Avenue East;

ii. \$15,000 for capital upgrades/improvements to the Birchmount Hub; and

iii. \$250,000 for the provision of an on-site public art installation at the north-east corner of Lawrence Avenue East, to be further determined in accordance with the City of Toronto Percent for Public Art Program Guidelines (August 2010).

(2) The owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O., 1990, c.P. 13 as amended, to secure the facilities, services and matters referred to in Section (1) herein, which agreement shall be registered as a first charge on title to the lands to which this By-law applies.

(3) In the event the cash contribution(s) referred to in Section (1)a. has not been used for the intended purpose within three (3) years of this By-law coming into full force

and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.

(4) Where Section (1) above requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and

(5) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to the by-law unless all provisions of Section 1. above are satisfied.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

(6) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

(7) The owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a privately owned publicly-accessible (POPS) courtyard area of not less than 395 square metres, located on Lawrence Avenue East immediately east of Building 'A', and shall convey, prior to the registration of the first condominium, an easement along the surface of the lands which shall constitute the POPS, for nominal consideration, to the City. The specific location, configuration and design of the POPS shall be determined in the context of site plan approval pursuant to Section 41 of the *Planning Act* and Section 114 of the *City of Toronto Act, 2006* and secured in a Site Plan Agreement with the City. The owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 11:59 p.m., 365 days of the year.

(8) The owner shall construct, to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway between the POPS and Dulverton Road which shall have a minimum 2.1 metre pedestrian clearway and a minimum height of 4.5 metres. The owner shall convey, prior to the registration of the first condominium, an easement to the City, for nominal consideration, along the surface of the lands which shall constitute the pedestrian walkway, to the satisfaction of the City Solicitor. The specific location, configuration and design of the pedestrian walkway shall be determined in the context of site plan approval pursuant to Section 41 of the *Planning Act* and Section 114 of the *City of Toronto Act, 2006* and secured in a Site Plan Agreement with the City. The owner shall own, operate, maintain and repair the walkway and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the walkway from 6:00 a.m. to 11:59 p.m., 365 days of the year.

## PARKING

217. Notwithstanding **Clause VII – GENERAL PARKING REGULATIONS FOR ALL ZONES, Section 1, General Parking Requirements**, Sub-Section 1.1, Table of Required Parking Rates, the requirements in the following **Table of Required Parking** shall apply:

**Table of Required Parking**

Use	Unit Size	Minimum Parking Required	Maximum Parking Permitted
<b>Dwelling units</b>	Bachelor Units	0.7 spaces per unit	1.0 spaces per unit
	1-Bedroom Units	0.8 spaces per unit	1.2 spaces per unit
	2- Bedroom Units	0.9 spaces per unit	1.3 spaces per unit
	3+ Bedroom Units	1.1 spaces per unit	1.6 spaces per unit
	Residential Visitors	0.15 space per unit	
Non-residential Uses		1.0 spaces per 100 m <sup>2</sup> of <b>gross floor area</b>	4.0 spaces per 100 m <sup>2</sup> of <b>gross floor area</b>

218. **Bicycle parking spaces** shall be provided in accordance with the following:

a. A minimum of 0.75 **bicycle parking spaces** per **dwelling unit**, allocated as 0.68 "long-term" **bicycle parking spaces** per **dwelling unit** and 0.07 "short-term" **bicycle parking spaces** per **dwelling unit**, where:

i. "long-term" **bicycle parking spaces** are for use by the occupants or tenants of a building and are located in a building; and

ii. "short-term" **bicycle parking spaces** are for use by visitors to a building.

b. Minimum **bicycle parking space** requirements for non-residential uses:

i. Minimum 0.137 "long-term" **bicycle parking spaces** per 100 m<sup>2</sup> for use by the occupants or tenants of a building and are located in a building; and

- ii. Minimum "short-term" **bicycle parking spaces** for use by visitors to a building: 3 **bicycle parking spaces** plus 0.25 **bicycle parking spaces** per 100 m<sup>2</sup>.
- c. Where bicycles are to be parked in a horizontal position, the **bicycle parking spaces** shall have minimum dimensions of 0.6 m width by 1.8 m length per bicycle and minimum vertical clearance from the ground of 1.9 m.
- d. Where bicycles are to be parked in a vertical position, the **bicycle parking spaces** shall have minimum dimensions of 0.6 m width, minimum length or vertical clearance of 1.9 m and minimum horizontal clearance from the wall of 1.2 m.
- e. **Bicycle parking spaces** shall not be provided within a **dwelling unit** or on a balcony associated thereto, or in a storage locker.

219. A minimum of one Type G loading space, meaning a loading space that is a minimum of 4 m wide, 13 m long and has a minimum vertical clearance of 6.1 m, shall be provided within Building 'A'.

## COVERAGE

281. Maximum permitted building **coverage** (not including roof portions of an underground parking structure): 41% of the area of the lot/parcel, of which:

- (a) Maximum **coverage** of **apartment buildings**: 25.5% of the area of the lot/parcel; and
- (b) Maximum **coverage** of stacked townhouse **dwelling units** and **accessory buildings**: 15.5% of the area of the lot/parcel; and

## HEIGHT

300. Maximum **height** of 3 **storeys** (excluding **basements**, underground parking structures, and enclosed stairwells to access the roof including mechanical room) and 14.5 m, except:

- (a) Building 'A': Maximum **height** of 21 **storeys** (excluding **basements** and mechanical penthouse) and 73 m (including mechanical penthouse), except maximum height of the podium base-building shall be 7 **storeys** and 25 m.
- (b) Building 'B': Maximum **height** of 7 **storeys** (excluding **basements** and mechanical penthouse) and 27.5 m (including mechanical penthouse).

301. Minimum floor to ceiling height for the first floor shall be as follows:

- (a) Building 'A': 4.5 m; and
- (b) Building 'B': 4 m.



## MISCELLANEOUS

350. Where referenced in Performance Standards applicable to the same lands to which this standard applies, the following terms shall mean:

- (a) Building 'A': An **apartment building** located within 30 m of the Lawrence Avenue East streetline and within 66 m of the Birchmount Road streetline;
- (b) Building 'B': An **apartment building** located within 24 m of the Birchmount Road streetline and within 48 m of the Dulverton Road streetline; and
- (c) Stacked townhouse **dwelling units**: Buildings containing three or more **dwelling units**, in which **dwelling units** are separated from each other vertically and horizontally, and each of which has a separate entrance directly from outside.

351. 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.

352. For **dwelling units** within an **apartment building**, a minimum of 4 m<sup>2</sup> per **dwelling unit** of amenity space, meaning indoor or outdoor space on a lot that is communal and available for use by the occupants of **apartment buildings** on the lot for recreational or social activities, shall be provided as follows:

- (a) Minimum 2 m<sup>2</sup> per **dwelling unit** of indoor amenity space or spaces, at least one of which contains a kitchen and washroom and at least one of which is adjoining and directly accessible to a minimum of 40 m<sup>2</sup> of outdoor amenity space. Indoor amenity space may be provided solely within Building 'A' to be shared by residents of Building 'B', provided such amenity space is completed and available for use prior to first residential occupancy of Building 'B'; and
- (b) Minimum 2 m<sup>2</sup> per **dwelling unit** of outdoor amenity space.

353. Minimum building **setback** requirements:

- (a) Minimum 4 m from the Lawrence Avenue East streetline, except minimum 3.5 m for Building 'A' plus an additional 3 m building **setback** above the 7<sup>th</sup> **storey**;
- (b) Minimum 1.4 m from the Birchmount Road streetline for Building 'A' plus an additional 3 m building **setback** above the 7<sup>th</sup> **storey** and a further 6.6 m building **setback** for the mechanical penthouse;
- (c) Minimum 3 m from the Birchmount Road streetline for Building 'B' plus an additional 2 m building **setback** above the 5<sup>th</sup> storey and a further 1.8 m building

**setback** for the mechanical penthouse, except a minimum 1.5 m building **setback** is permitted from a streetline corner rounding;

(d) Minimum 4.5 m from the Dulverton Road streetline, except minimum 3.0 m for Building 'B' (minimum 1.5 m permitted from a streetline corner rounding) plus an additional 7 m above the 5<sup>th</sup> **storey** and a further 22 m building **setback** for the mechanical penthouse;

(e) Minimum 12 m from the east lot line;

(f) Minimum 6 m from a **Park Zone (P)**; and

(g) Notwithstanding **Clause VI – PROVISIONS FOR ALL ZONES, Sub-section 13, Underground Structures in "NC", "CC", "CR" and "HC" Zones**, underground parking structures may have a minimum **setback** of 1 m from any streetline or **Park Zone (P)**, and minimum 12 m from the east lot line.

354. Minimum required **main wall** building separations (excluding **basements** and underground parking structures):

(a) Between **apartment buildings**, excluding balconies: 8 m.

(b) Between buildings facing Lawrence Avenue East: 18.9 m.

(c) Between buildings facing Dulverton Road, excluding balconies: 8.7 m.

(d) Between the end walls of buildings containing stacked townhouse **dwelling units**: 3 m.

355. A minimum 5.8 m strip of land immediately abutting a **Multiple-Family Residential (M)** zone shall not be used for any purposes other than **landscaping**.

356. Notwithstanding **Clause V – INTERPRETATION, Sub-section (f) Definitions of Main Wall**, balconies and/or sills with railings (i.e. 'Juliet' balconies) may only project a maximum of 0.3 m into required building setbacks from the streetline for Building 'A' below the 8<sup>th</sup> **storey**, and from the streetline for Building 'B' below the 6<sup>th</sup> **storey**;

357. Notwithstanding **Clause VIII – ZONE PROVISIONS, Sub-section 16. Commercial-Residential (CR) Zone**, clause (c) Supplementary Regulations does not apply.

358. Maximum **gross floor area** of each **storey** in Building 'A' over 7 **storeys** above grade: 545 m<sup>2</sup> per floor.

359. All waste and recyclable materials to be stored within a wholly enclosed building.

360. **Clause VI – PROVISIONS FOR ALL ZONES, Section 15, Use of Basements** does not apply to stacked townhouse **dwelling units**.

## INTENSITY OF USE

400. Maximum 286 **dwelling units**, of which:

- (a) A maximum 222 **dwelling units** may be within **apartment buildings**; and
- (b) A maximum 64 **dwelling units** may be stacked townhouse **dwelling units**.

401. **Gross floor area** of all buildings shall not exceed 24,000 m<sup>2</sup> (excluding **basements**, including below-grade parking structures and associated parking spaces, ramps, driveways and aisles; amenity rooms; **utility rooms**; elevator and mechanical shafts; garbage handling and storage areas including garbage shafts; mechanical penthouse; and exit stairwells in the building or from the underground parking garage), of which a maximum 564 m<sup>2</sup> located within Building 'A' only may be permitted uses other than **dwelling units**.

3. **Schedule "C", EXCEPTIONS LIST and EXCEPTIONS MAP** are further amended by adding the following Exception No. 61 to the lands shown outlined on Schedule '2' as follows:

61. On those lands identified as Exception No. 61 on the accompanying Schedule 'C' map, the following provisions shall apply:

(a) Only the following uses shall be permitted:

- **Dwelling Units**

- Art Gallery, being premises used for the exhibition, collection or preservation of works of art for public viewing
- Artist Studio, being premises used for creating art or craft
- Automated Banking Machine, being a device at which customers can complete self-serve financial transactions
- Community Centre, being premises operated by or on behalf of a government or non-profit organization providing community activities, such as arts, crafts, recreational, social, charitable and educational activities
- Custom Workshop, being premises used for producing or making custom-made goods in limited quantities, using techniques that do not involve mass-production
- Eating Establishment, being premises where food or beverages are prepared and offered for sale to patrons for immediate consumption on the premises while they are seated, and which may include an incidental take-out service
- Home Occupation, being a business use within a **dwelling unit**, where the **dwelling unit** is the principal residence of the business operator
- Library
- Massage Therapy, being premises providing massage therapy by persons who are medical or health professionals licensed or registered under Province of Ontario legislation
- Municipal Shelter, being premises in which short-term emergency accommodation and associated support services are provided and supervised, and is operated by or for the City of Toronto, or an agency of the City of Toronto
- Offices, including medical and dental offices

- Outdoor Patio, being an outdoor patron area that is ancillary to a non-residential use
- **Park**
- **Personal Service Shop**
- Pet Services, being premises used to provide for the grooming of domestic animals.
- **Private Home Day Care**
- Religious Education Use, being premises used by a religious organization for religious education, other than a post-secondary school or school regulated under the Education Act, R.S.P. 1990, c.E.2, as amended
- Renewable Energy, being energy obtained from solar energy, wind energy, or geo-energy
- Retail Store, being premises in which goods or commodities are sold, rented or leased
- Retail Service, being premises in which photocopying, printing, postal, or courier services are sold or provided.
- Take-out Eating Establishment, being premises where food or beverages are prepared and offered for sale to patrons for consumption off the premises
- Wellness Centre, being premises providing services for therapeutic and wellness purposes

(b) Notwithstanding the foregoing, one temporary residential sales pavilion is permitted prior to completion and first occupancy of Building 'A', provided all applicable performance standards are complied with.

Enacted and passed on month ##, 20##.

Name,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

# Schedule '1'



**CR-110-122-136-217-218-219-281-300-350-351-  
352-353-354-355-356-357-358-359-360-400-401**

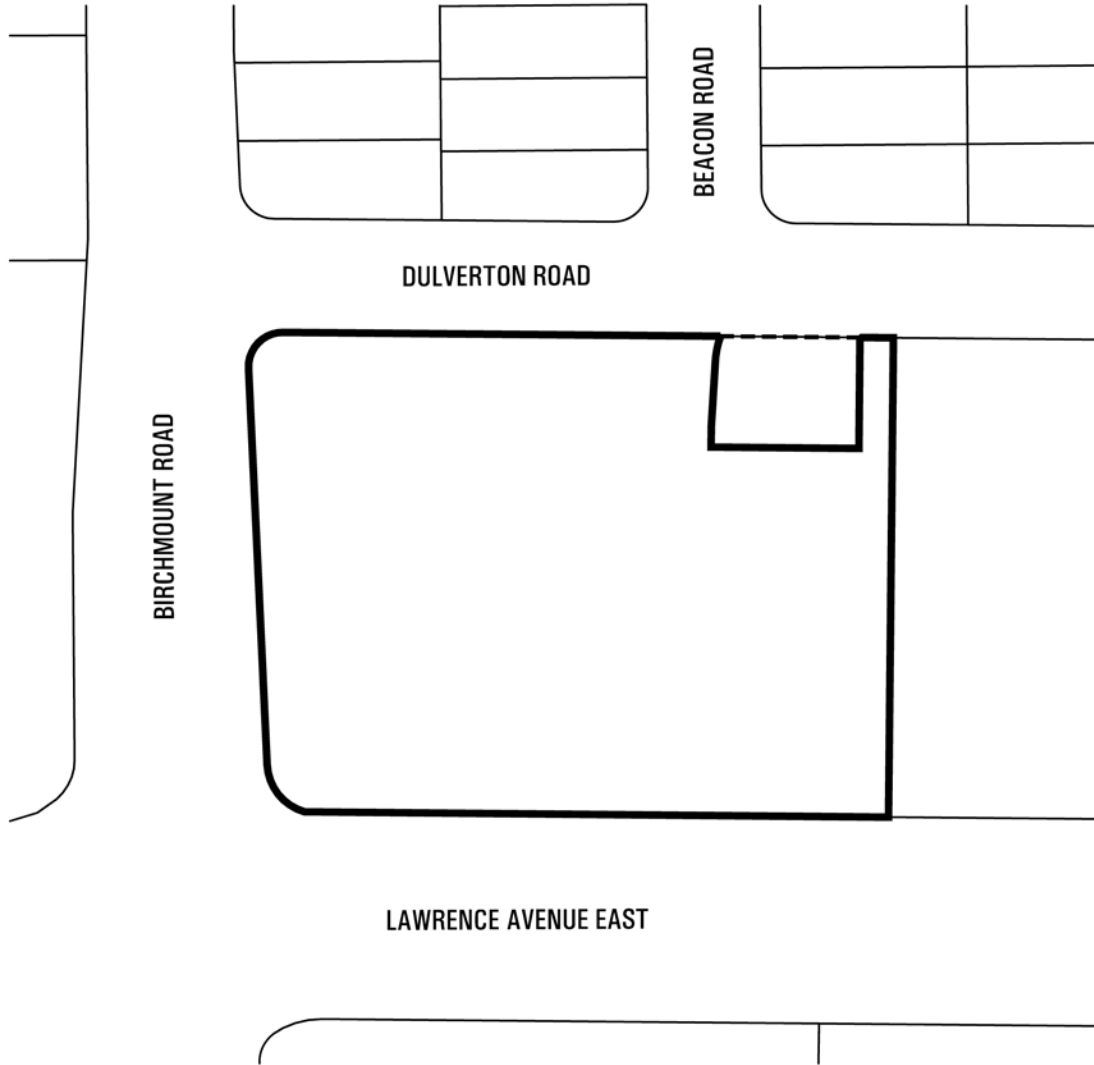
**Toronto**  
**Zoning By-Law Amendment**

2180 Lawrence Avenue East  
File # 17 274213 ESC 37 0Z

 Area Affected By This By-Law

Wexford Community Bylaw  
Not to Scale  
06/22/18  


# Schedule '2'



## Exception No. 61

**Toronto**  
Zoning By-Law Amendment

2180 Lawrence Avenue East  
File # 17 274213 ESC 37 0Z

 Area Affected By This By-Law

Wexford Community Bylaw  
Not to Scale  
06/11/18  


CITY OF TORONTO

Bill No. ~  
BY-LAW No. XXXX-2018

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2018 as, 2180 Lawrence Ave E

Whereas Council of the City of Toronto has the authority to pursuant to 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; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.

3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 3.0 (c3.0; r2.5) SS2 (x152), CR 1.0 (c1.0; r1.0) SS2 (x152) and (O), as shown on Diagram 2 attached to this By-law; and

4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number (152) so that it reads:

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

#### Site Specific Provisions

(A) On 2180 Lawrence Avenue East, if the requirements of Section 5 and Schedule 'A' of By-law [Clerks to supply by-law ##] are complied with, a **building** or **structure** is permitted if it complies with the following regulations;

(B) Despite the permitted uses listed in Regulations 40.10.20.10(1) and 40.10.20.10(2), the only uses permitted from those lists are: **Dwelling Units** in a **building** type permitted by Clause 40.10.20.40., **Art Gallery, Artist Studio, Automated Banking Machine, Community Centre, Custom Workshop, Eating Establishment, Home Occupation, Library, Massage Therapy, Municipal Shelter, Office, including Medical and Dental Office, Outdoor Patio, Park, Personal Service Shop, Pet Services, Private Home Daycare, Retail Store, Religious Education Use, Renewable Energy, Retail Store, Retail Service, Take-out Eating Establishment, and Wellness Centre;**

(C) A maximum **gross floor area** for all uses of 24,000.0 square metres is permitted;

(D) Permitted non-residential uses are only permitted within Building 'A', if the total **gross floor area** of all these uses does not exceed a maximum of 565 square metres;

(E) Despite (B) and (C) above, one temporary residential sales pavilion is permitted prior to completion and first residential occupancy of Building 'A', if all applicable regulations are complied with.

(F) Despite the Coverage Overlay Map in Section 995.30.1, the maximum permitted **lot coverages** as a percentage of the **lot area** are:

(i) Buildings 'A' and 'B': 25.5% of the area of the **lot** for both **buildings** combined; and

(ii) Buildings 'C', 'D', 'E' and ancillary **buildings**: 15.5% of the area of the **lot** for all **buildings** combined;

(G) Despite the Height Overlay Map in Section 995.20.1 and Regulation 40.5.40.10(2), (4) and (5), the maximum permitted height is:

(i) Building 'A': Maximum height of 21 **storeys** (excluding items listed in regulation 40.5.40.10(4)(B) and (C)) and 73.0 metres (including items listed in regulation



40.5.40.10(4)(B) and (C)), except maximum **height** of the podium base-**building** is 7 **storeys** and 25.0 metres;

(ii) Building 'B': Maximum height of 7 **storeys** (excluding items listed in regulation 40.5.40.10(4)(B) and (C)) and 27.5 metres (including items listed in regulation 40.5.40.10(4)(B) and (C)); and

(iii) All other **buildings**: 3 **storeys** (excluding enclosed stairwells to access the roof) and 14.5 metres;

(H) Despite Regulation 40.10.40.10(5), the minimum height of the first **storey** for Building 'B' is 4.0 metres;

(I) Regulation 40.10.40.10(5) does not apply to Buildings 'C', 'D' and 'E';

(J) The permitted maximum **gross floor area** of each **storey** in Building 'A' more than 7 **storeys** above grade is 545 square metres;

(K) A maximum of 286 **dwelling units** are permitted, of which:

(i) A maximum 222 **dwelling units** must in Buildings 'A' and 'B'; and

(ii) A maximum 64 **dwelling units** must be in Buildings 'C', 'D', and 'E';

(L) Despite Regulation 40.10.40.50(1), **amenity space** must be provided for Building 'A' and Building 'B' at a minimum rate of 4.0 square metres for each **dwelling unit**, of which:

(i) A minimum 2.0 square metres per **dwelling unit** is indoor **amenity space**, and:

(a) at least one **amenity space** area contains a kitchen and washroom;

(b) at least one **amenity space** area is adjoining and directly accessible to a minimum of 40.0 square metres of outdoor **amenity space**; and

(c) the indoor **amenity space** may be provided solely within Building 'A' to be shared by residents of Building 'B', if such **amenity space** is completed and available for use prior to first residential occupancy of Building 'B'; and

(ii) A minimum 2.0 square metres per **dwelling unit** is outdoor **amenity space**;

(M) Despite Regulation 40.10.40.70(2), the following minimum **building setback** requirements apply:

(i) 3.5 metres from the Lawrence Avenue East **street** line for Building 'A', plus an additional 3.0 metre **building setback** above the 7<sup>th</sup> **storey**, and 4.0 metres for Building 'E';

(ii) 1.4 metres from the Birchmount Road **street** line for Building 'A', plus an additional 3.0 metre **building setback** above the 7<sup>th</sup> **storey**, and a further 6.6 metre **building setback** for the building elements listed in Regulation 40.5.40.10(4)(B) and (C);

- (iii) 3.0 metres from the Birchmount Road **street** line for Building 'B', plus an additional 2.0 metre **building setback** above the 5<sup>th</sup> **storey**, and a further 1.8 metre **building setback** for the **building** elements listed in Regulation 40.5.40.10(4)(B) and (C);
- (iv) 3.0 metres from the Dulverton Road **street** line for Building 'B' plus an additional 7.0 metre **building setback** above the 5<sup>th</sup> **storey** and a further 22.0 metre **building setback** for the **building** elements listed in regulation 40.5.40.10(4)(B) and (C);
- (v) Despite (iii) and (iv) above, a minimum 1.5 metre **building setback** is required from the Birchmount Road/Dulverton Road **street** line corner rounding;
- (vi) 4.0 metres from the Dulverton Road **street** line for Building 'C';
- (vii) 12.0 metres from the east **lot line** for Buildings 'D' and 'E';
- (viii) 6.0 metre **building setback** from an Open Space Zone (O); and
- (ix) For underground parking **structures**, a minimum 1.0 metre **building setback** from any **street** line or an Open Space Zone (O), and minimum 12.0 metre **building setback** from the east **lot line**;
- (N) Regulation 40.10.40.70(2)(E) does not apply to Building 'D' in regard to **angular plane** requirements abutting an Open Space Zone (O);
- (O) Regulation 40.10.40.70(4) does not apply to **dwelling units** located in the first **storey** of Building 'B';
- (P) Despite Regulation 40.10.40.80(2), minimum required **main wall building** separations are:
  - (i) Between Building 'A' and Building 'B': 8.0 meters;
  - (ii) Between Building 'A' and Building 'E': 18.9 metres;
  - (iii) Between Building 'B' and Building 'C': 8.7 metres; and
  - (iv) Between the end walls of Buildings 'C', 'D' and 'E': 3.0 metres;
- (Q) Despite Clause 40.10.40.60, balconies and/or sills with railings may encroach a maximum of 0.3 metres into required **building setbacks** from the **street** line for Building 'A' below the 8<sup>th</sup> **storey**, and from the **street** line for Building 'B' below the 6<sup>th</sup> **storey**;
- (R) Despite Regulation 40.10.50.10(3), a minimum 5.8 metre wide strip of land used only for **soft landscaping** must be provided along the part of the **lot line** abutting a Residential Multiple Dwelling Zone (RM);

- (S) Despite Clause 220.5.10.1, 1 Type "G" **loading space** is required, and may be shared by both Building 'A' and Building 'B';
- (T) Despite Regulation 200.5.1.10(1), **parking spaces** must be provided as follows:
- (i) for all **dwelling units** in **apartment buildings**, at the rates required for lands in Policy Area 4; and
  - (ii) for all permitted non-residential uses, at a rate of minimum of 1 and a maximum of 4 **parking spaces** per 100 square metres of **gross floor area** of such uses; and
- (U) Where referenced in this Exception, the following terms mean:
- (i) Building 'A': An **apartment building** located within 30 metres of the Lawrence Avenue East **street** line and within 66 metres of the Birchmount Road **street** line;
  - (ii) Building 'B': An **apartment building** located within 24 metres of the Birchmount Road **street** line and within 48 metres of the Dulverton Road **street** line; and
  - (iii) Buildings 'C', 'D' and 'E': **Apartment buildings** where each **dwelling unit** has a separate entrance directly from outside;

Prevailing By-laws and Prevailing Sections: (None Apply)

## 5. Section 37 Provisions

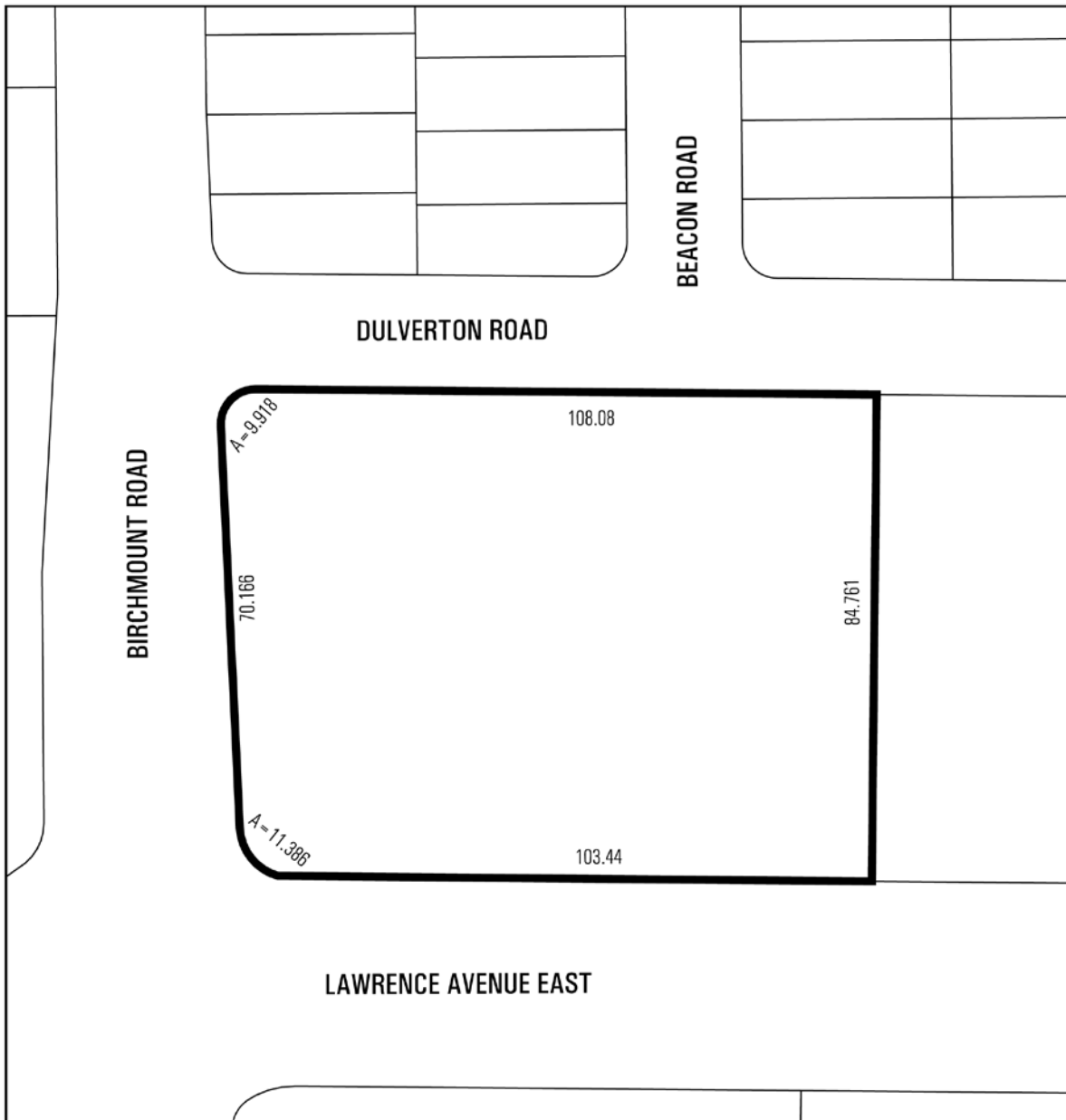
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on month ##, 20##.

Name,  
Speaker

Ulli S. Watkiss,  
City Clerk


(Seal of the City)

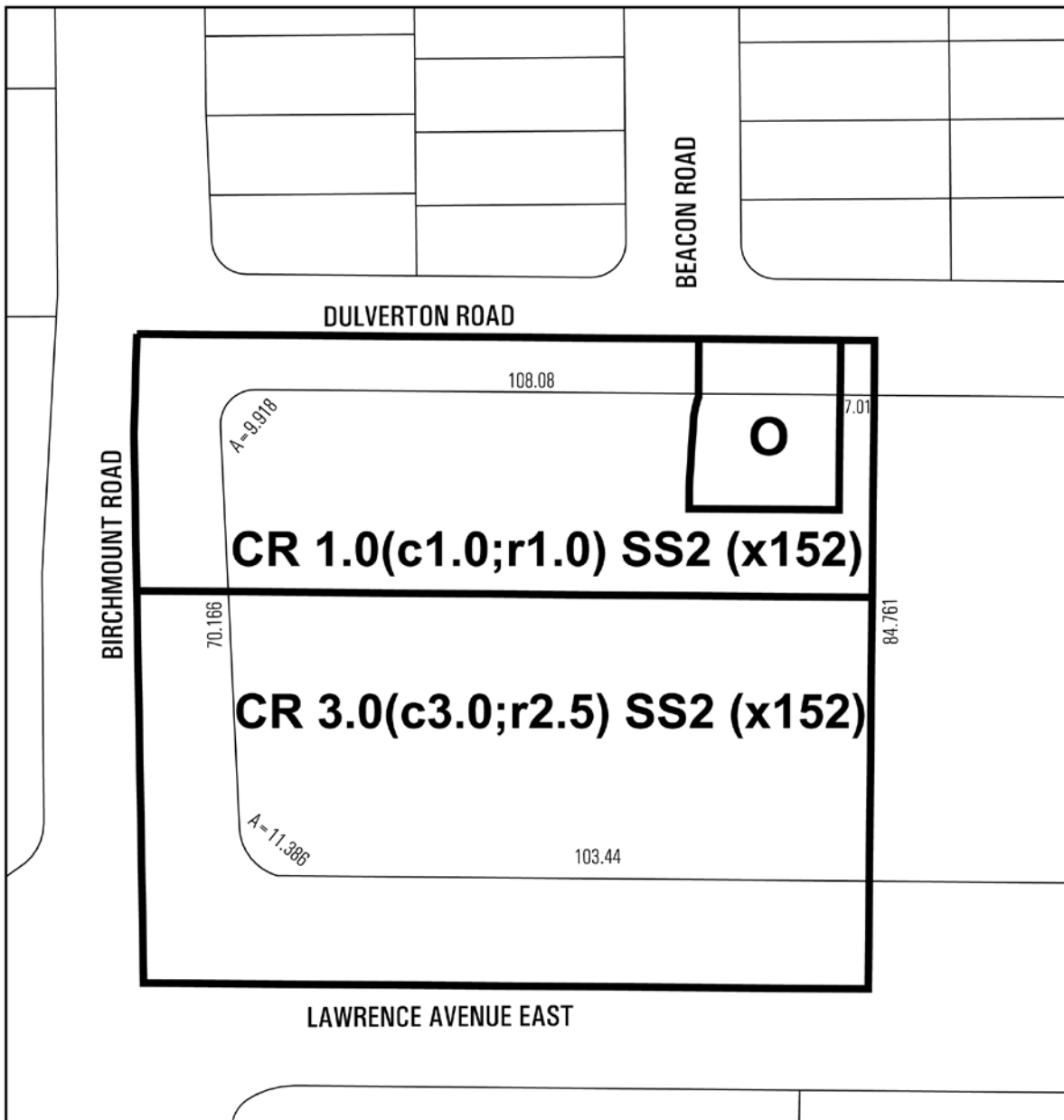


**TORONTO**  
 Diagram 1

**2180 Lawrence Avenue East**

File # 17 274213 ESC 37.0Z

  
 City of Toronto By-Law 569-2013  
 Not to Scale  
 06/11/2018



**TORONTO**  
 Diagram 2

2180 Lawrence Avenue East

File # 17 274213 ESC 37.0Z

City of Toronto By-Law 569-2013  
 Not to Scale  
 06/22/2018

## SCHEDULE A

### Section 37 Provisions

1. The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

a. Upon the effective date of the zoning by-law amendments of this By-law, being the first day upon which all of the provisions of the By-law have come into force and in effect, with all applicable appeal periods having lapsed, the owner to pay to the City a cash contribution of \$90,000 to be used by the Parks, Forestry and Recreation Division for the installation of a rubberized surface for the reconstructed playground at Maidavale Park.

b. Prior to the issuance of an above grade building permit, other than for a temporary sales office/pavilion, the owner to pay to the City a cash contribution of:

i. \$145,000 for capital upgrades/improvements (such as but not limited to upgraded washrooms and air circulation equipment) to McGregor Park Toronto Public Library at 2219 Lawrence Avenue East;

ii. \$15,000 for capital upgrades/improvements to the Birchmount Hub; and

iii. \$250,000 for the provision of an on-site public art installation at the north-east corner of Lawrence Avenue East, to be further determined in accordance with the City of Toronto Percent for Public Art Program Guidelines (August 2010).

with such amounts to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

(2) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

(3) The Owner shall provide and maintain the following to support the development of the lands;

a. The owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a privately owned publicly-accessible (POPS) courtyard area of not less than 395 square metres, located on Lawrence Avenue East immediately east of Building 'A', and shall convey, prior to the registration of the first condominium, an easement along the surface of the lands

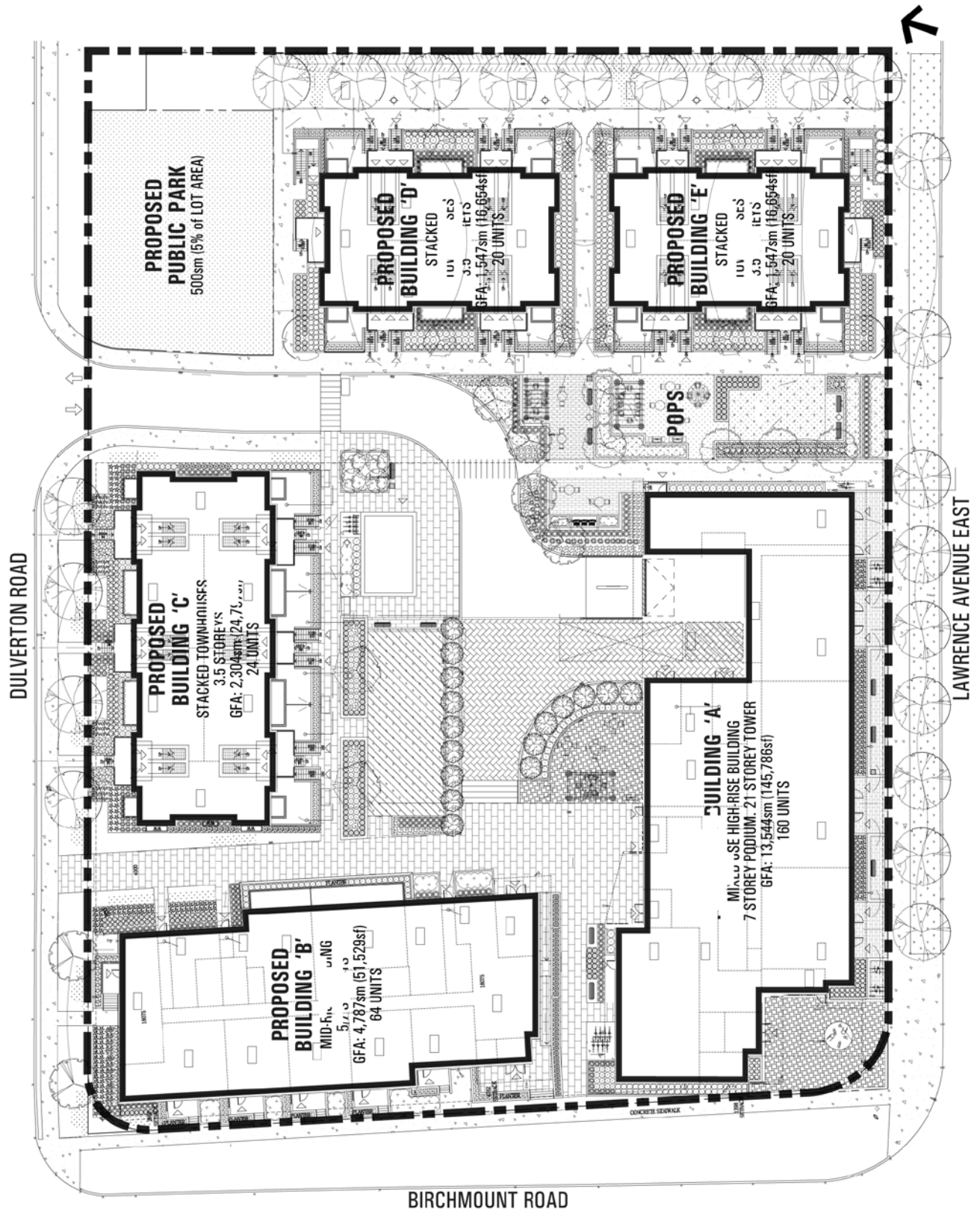
which shall constitute the POPS, for nominal consideration, to the City. The specific location, configuration and design of the POPS shall be determined in the context of site plan approval pursuant to Section 41 of the Planning Act and Section 114 of the City of Toronto Act, 2006 and secured in a Site Plan Agreement with the City. The owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 11:59 p.m., 365 days of the year.

b. The owner shall construct, to the satisfaction of the Chief Planner and Executive Director, City Planning, an accessible public pedestrian walkway between the POPS and Dulverton Road which shall have a minimum 2.1 metre pedestrian clearway and a minimum height of 4.5 metres. The owner shall convey, prior to the registration of the first condominium, an easement to the City, for nominal consideration, along the surface of the lands which shall constitute the pedestrian walkway, to the satisfaction of the City Solicitor. The specific location, configuration and design of the pedestrian walkway shall be determined in the context of site plan approval pursuant to Section 41 of the Planning Act and Section 114 of the City of Toronto Act, 2006 and secured in a Site Plan Agreement with the City. The owner shall own, operate, maintain and repair the walkway and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the walkway from 6:00 a.m. to 11:59 p.m., 365 days of the year.

(5) In the event the cash contribution(s) referred to in Section 1 have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



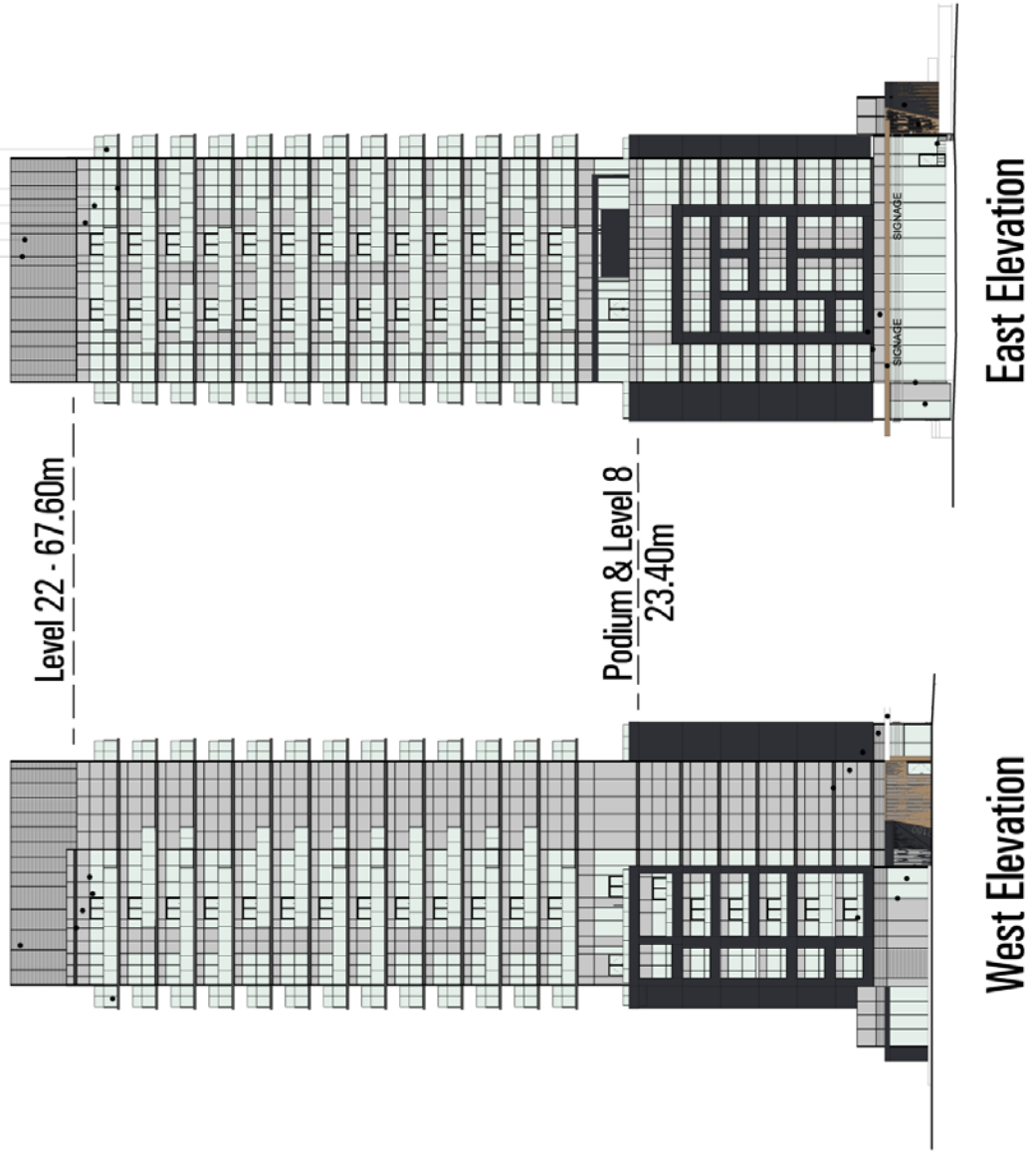
Attachment 6: Site Plan



Attachment 7a: Building 'A' Elevations (South and North)



Attachment 7b: Building A Elevations (West and East)



Building 'A' Elevations



Building 'B' Elevations

Attachment 7d: Building 'C' Elevations



Attachment 7e: Building 'D' Elevations

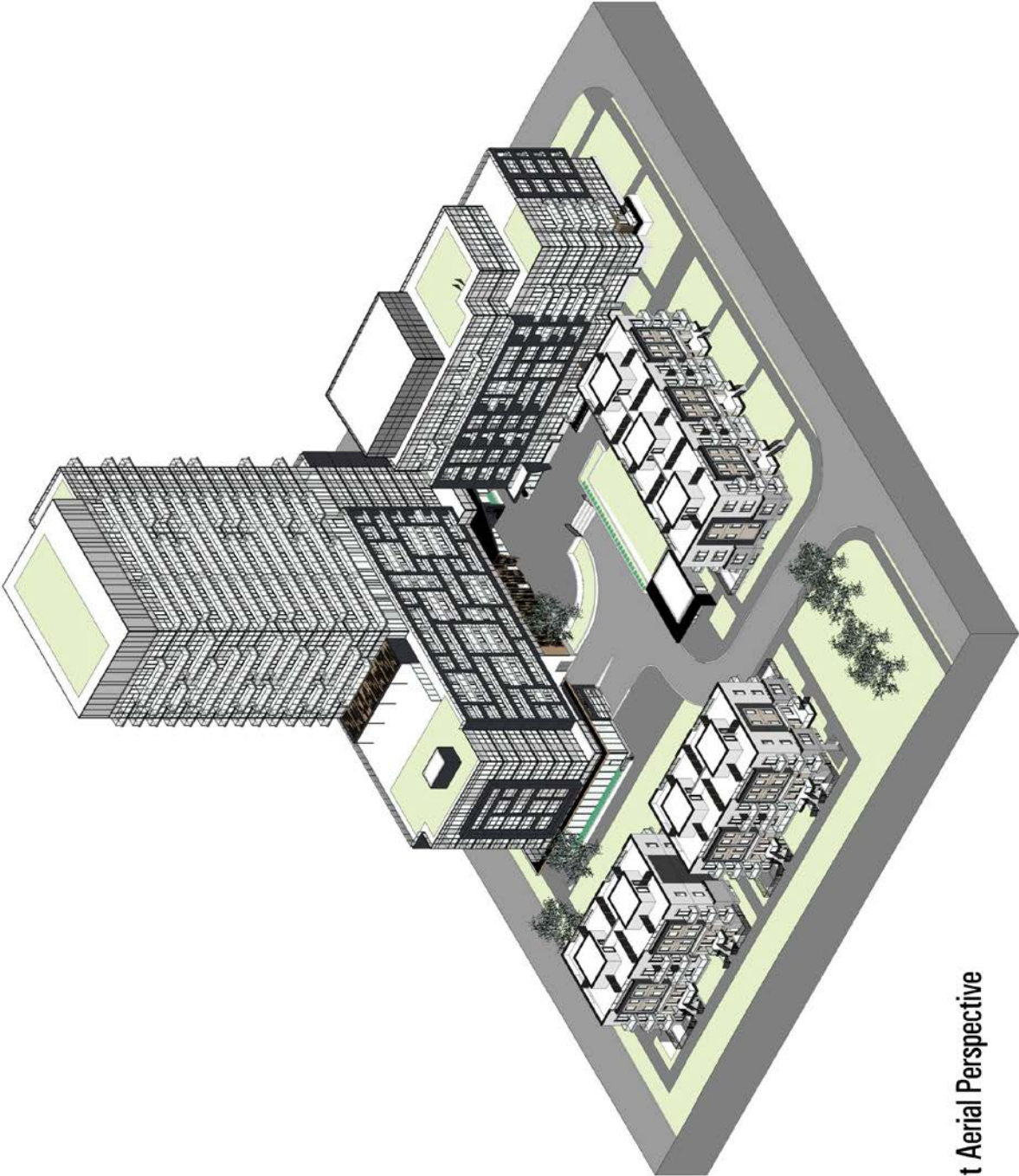




Attachment 7f: Building 'E' Elevations



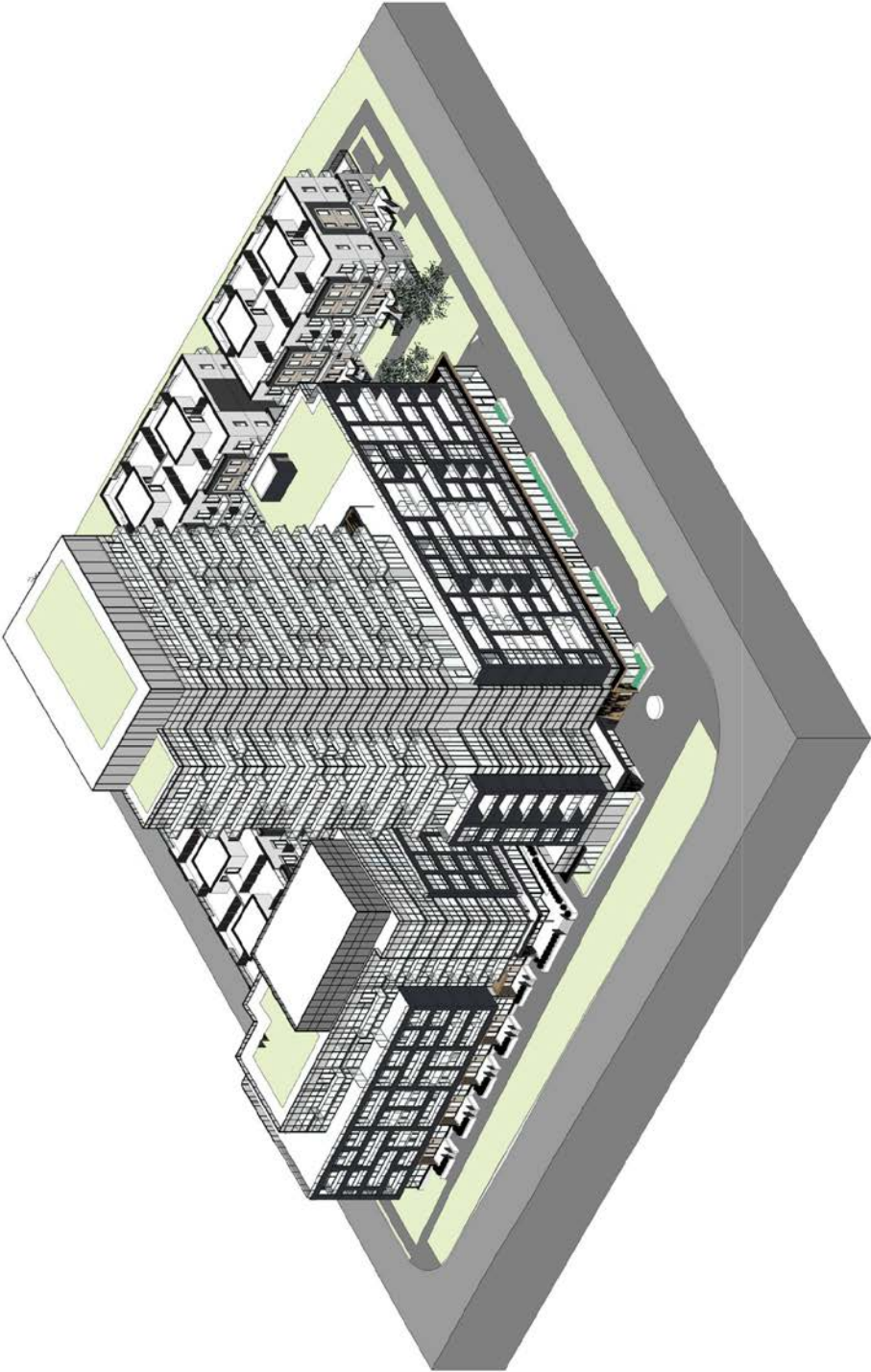
Attachment 8: North East Aerial Perspective



North East Aerial Perspective



Attachment 9: South West Aerial Perspective



South West Aerial Perspective