



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

579-585 Lawrence Avenue West - Official Plan Amendment and Zoning By-law Amendment Application - Request for Directions

Date: July 8, 2019

To: City Council

From: City Solicitor

Wards: Ward 8 - Eglinton-Lawrence

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

The purpose of this report is to request further instructions for the Local Planning Appeal Tribunal hearing that is scheduled to commence on November 18, 2019.

SUMMARY

On August 24, 2017, the City received applications to amend the Official Plan and Zoning By-law for 579 - 585 Lawrence Avenue West to permit the construction of 12 freehold townhouses in 2 blocks fronting Lawrence Avenue West. The total gross floor area of the proposal was 2,885 square metres which resulted in a density of 1.62 times the lot area. The proposed height of the buildings was 16.06 metres for Block 1 at the eastern end and 15.78 metres for Block 2 at the western end. Each unit would be provided with one integral parking space at the rear of the unit and two visitor parking spaces would be provided on site to serve the 12 residential units. Vehicular access was proposed from Lawrence Avenue West with a two-way service driveway.

The applicant appealed City Council's neglect or failure to make a decision on its applications for the Official Plan and Zoning By-law Amendments (the "**Appeal**") to the Local Planning Appeal Tribunal (the "**LPAT**") on March 27, 2018.

On May 2, 2019, City Council directed the City Solicitor, along with appropriate staff, to oppose the applications, in their current form, and oppose the Appeal. City Council also directed that staff continue to work with the applicant and seek revisions to the applications and report back to City Council on the outcome of those discussions.

The applicant continued discussions with the City and submitted a "with prejudice" settlement offer to the City on July 5, 2019 for consideration by City Council found in Public Attachment 1 and Public Attachment 2 to this Report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the Report (July 8, 2019) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 to the Report (July 8, 2019) from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to the Report (July 8, 2019) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice and information, which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

A pre-application meeting was not held for this particular application. The current applications were submitted on August 24, 2017 and deemed complete as of September 14, 2017. A Preliminary Report on the applications was adopted by North York Community Council on November 14, 2017 authorizing staff to conduct a community consultation meeting with an expanded notification area. The Preliminary Report can be found here:

<https://www.toronto.ca/legdocs/mmis/2017/ny/bgrd/backgroundfile-108304.pdf>

The applicant has appealed the Official Plan and Zoning By-law Amendment applications to the LPAT, citing Council's lack of decision on the applications within the time frame specified in the *Planning Act*. A Pre-Hearing Conference was held on November 29, 2018. A second Pre-Hearing Conference was held on May 9, 2019. A Hearing has been scheduled for five (5) days commencing on November 18, 2019.

At its meeting of June 18 and 19, 2019, City Council adopted the recommendations in a Request for Directions Report dated May 2, 2019 from the Director, Community Planning, North York District, to oppose the appeal respecting the Official Plan and Zoning By-law Amendment Applications at the LPAT in the current form for the lands at 579 to 585 Lawrence Avenue West. The recommendations also authorized the City Solicitor and appropriate staff to continue discussions with the applicant in an attempt to resolve the issues outlined in the May 2, 2019 Request for Directions Report.

City Council's consideration and the Request for Directions Report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY6.7>

On June 18 and 19, 2019, City Council adopted the recommendations in a Final Report from the Chief Planner and Executive Director, City Planning, dated May 3, 2019 to adopt Official Plan Amendment No. 433 ("**OPA 433**") and Site and Area Specific Policy 559 ("**SASP 559**").

City Council's adoption of the Block Study Report, OPA 433 and SASP 559 can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY6.6>

The By-laws are anticipated to be brought forward to the July 16 and 17, 2019 meeting of City Council to bring OPA 433 and SASP 559 into full force and effect.

COMMENTS

The Development Site is located on Lawrence Avenue West and is designated *Neighbourhoods* on Map 17 (Land Use Map) of the Official Plan.

OPA 433 and SASP 559 provide specific policy direction so as to permit that form of intensification as contemplated by the Official Plan and in a manner that respects the policies of the Official Plan and the local context of the area of Lawrence Avenue West. Staff recommended, as part of those Official Plan Amendments, policy language in the SASP which provides for the housing typologies permitted in the Neighbourhoods designation alongside the required conditions respecting public realm; built form; site access, parking and servicing; and required infrastructure matters. Permitting these building typologies along Lawrence Avenue West within the lands subject to OPA 433 and SASP 533 provide clarity to applications and ensure that an Official Plan Amendment respecting building type is not required for each individual redevelopment application.

The Original Proposal

The original application proposed to amend the Official Plan and Zoning By-law at 579, 581, 583 and 585 Lawrence Avenue West to permit the construction of 12 four-storey, freehold townhouses (excluding staircase access to roof top terrace) in 2 blocks fronting Lawrence Avenue West. The total gross floor area of the proposal is 2,885 square

metres which results in a density of 1.62 times the lot area. The proposed height of the buildings is 16.06 metres for Block 1 at the eastern end and 15.78 metres for Block 2 at the western end. Each unit would be provided with one integral parking space at grade in the rear of the unit and two visitor parking spaces would be provided on site to serve all 12 residential units. Vehicular access is proposed from Lawrence Avenue West with a two-way access driveway.

The Revised Plans

On July 5, 2019, the applicant submitted a "with prejudice" revised development proposal for 579 - 585 Lawrence Avenue West for 12 freehold townhouses in 2 blocks fronting Lawrence Avenue West (the "**Revised Plans**"). The total gross floor area of the proposal is 3,185 square metres which results in a density of 1.78 times the lot area. The proposed height of the buildings is 16.06 metres for Block 1 at the eastern end and 15.78 metres for Block 2 at the western end. Each unit would be provided with one integral parking space at the rear of the unit and 2 visitor parking spaces would be provided on site to serve the 12 residential units. Vehicular access is proposed from Lawrence Avenue West with a two-way service driveway. The Revised Plans and Drawings - architectural plans prepared by Varacalli Architect Inc. dated June 26, 2019, and landscape plans prepared by Quinn Design Associates Inc. dated June 26, 2019 - are attached as Public Attachment "2" to this Report.

The Revised Plans propose a set of twelve (12) four-storey freehold townhouses (excluding staircase access to the roof top terrace) fronting onto Lawrence Avenue West and served by a common shared driveway. The Revised Plans propose two blocks of townhouses – a block consisting of 4 units to the east (Block 1) and a block consisting of 8 units to the west (Block 2).

Site Access, Parking and Circulation

The vehicular ingress/egress to the site for parking access and loading is proposed via a full-movement shared driveway, 6 metres in width, from Lawrence Avenue West. The access driveway would connect to a laneway that runs along the rear of the townhouse blocks which provides access to the at-grade single car garages that are integrated into each proposed townhouse unit. The Revised Plans propose a garage large enough to accommodate a single parking space as well as additional storage space for garbage bins, etc. The rear laneway would be proposed to be a minimum of 6 metres wide along the rear of the townhouse blocks. A 1.5 metre pedestrian sidewalk is proposed along the driveway, from Lawrence Avenue West to the rear of the townhouse units between Block 1 and Block 2.

At grade, Block 1 is proposed to be setback from the east lot line 1.5 metres and Block 2 is proposed to be setback from the west lot line 1.5 metres. These building setback areas would be landscaped to provide buffering from neighbouring properties.

The townhouse units are proposed to be parallel to Lawrence Avenue West with each unit having direct pedestrian access to the public sidewalk along Lawrence Avenue West. The main wall of both townhouse blocks is proposed to be set back at grade

from the Lawrence Avenue West property line approximately between 3 and 3.04 metres. This setback area would contain a covered porch, stairs to individual units (between 2 and 5 steps each) and a landscaped area. This setback area would also contain bay window projections of approximately 0.6 metre for the ground floor, the second floor and the third floor.

The townhouse blocks would have a minimum building setback of 9 metres from the rear lot line abutting the low-rise residential homes on lands designated Neighbourhoods. Within this setback area, a minimum 3 metre wide landscape strip would be provided along the length of the rear lot line. Abutting the 3 metre landscape strip along the south lot line, a visitor parking space zone of 2.6 metres would be provided. The two visitor parking spaces are proposed in an orientation parallel to the south lot line. The remainder of the visitor parking zone would be landscaped to augment the buffer provided by the 3 metre landscape strip along the south lot line. Effectively, the landscape area along the south lot line would be 5.6 metres deep for the majority of the length of the southern property line. Between the visitor parking space zone and the building, a 6.0 metre wide laneway (which provides access to the unit garages) would be located.

Built Form, Height and Massing

The Revised Plans provide a minimum unit width of 4.155 metres for units interior to each block of townhouses and 4.305 metres for the end units of each block of townhouses.

The Revised Plans provide a maximum building height to the top of the roof deck of 13.312 metres and to the top of the access stairs of 16.06 metres for Block 1 and a maximum building height to the top of the roof deck of 13.032 metres and a total maximum height to the top of the access stairs of 15.78 metres for Block 2.

The Revised Plans provide for private amenity space for each unit to be provided by the front yard porch and landscaped area, a second floor deck located at the rear with a depth of 1.6 metres by the width of the respective unit, and the private roof top deck accessed directly from the unit by an enclosed stair access.

All buildings and structures on-site would fall under a 45 degree angular plane taken from the southerly property line over the development site.

In the Revised Plans, no units will be provided below-grade space or basement areas. The purpose of this report is to request further instructions for the LPAT hearing that is scheduled to commence on November 18, 2019.

The City Solicitor requires direction on this matter in litigation.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Report from City Solicitor

Public Attachment 1 - Letter from Davies Howe LLP dated July 5, 2019 regarding 579-585 Lawrence Avenue West, Toronto

Public Attachment 2 - Plans and Drawings: architectural plans dated June 26, 2019 prepared by Varacalli Architect Inc., and landscape plans dated June 26, 2019 prepared by Quinn Design Associates Inc. (On file with the City Clerk for the purpose of the City Council meeting scheduled for July 16 and 17, 2019)