

1940 Lawrence Ave East – Zoning Amendment Application – Preliminary Report

Date: May 27, 2020

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 21 - Scarborough Centre

Planning Application Number: 20 113400 ESC 21 OZ

Notice of Complete Application Issued: February 7, 2020

Current Use(s) on Site: **Single Storey** Commercial (Restaurant) use with associated surface parking

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 1940 Lawrence Avenue East. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 1940 Lawrence Avenue East together with the Ward Councillor.
2. Staff provide notice for the community consultation meeting to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

At its meeting held on October 29, 2008, City Council adopted a series of recommendations of staff, enacted Zoning By-law amendments and adopted urban design guidelines associated with the City Initiated 'Avenue' Study of Lawrence Avenue East between Victoria Park Avenue to east of Birchmount Road. The decision of City Council related to the Study can be found at the following hyperlink <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.SC19.18>

ISSUE BACKGROUND

Application Description

The application proposes the redevelopment of the subject lands with an 11 storey, 9,941 square metre, mid-rise building comprised of 611 square metres of commercial gross floor area on the first and second floor and 9,329 square metres of residential space on the remaining floors. The proposed Floor Space Index (FSI) is 4.8 times the area of the lot.

The unit mix consists of 47, 1 bedroom units; 34, 2 bedroom units; and 9, 3 bedroom units totalling 90 new dwellings units. The development incorporates two levels of underground vehicular parking comprised of 85 resident vehicular parking spaces, 6 shared commercial and visitor vehicular parking spaces and 4 car share spaces. A total of 58 bicycle parking spaces are proposed on the ground floor and in the 1st level of the underground parking garage. The Type "G" loading space and underground parking ramp is proposed to be accessed from the 6 metre drive aisle extending north along the west property line.

The proposed development incorporates a series of stepbacks on the 7th, 9th and 10th storeys along the Lawrence Avenue East frontage, above the 2nd and 6th storey along the north property line and above the 9th storey along the west property line. No stepbacks are proposed along the east property line abutting the hydro corridor. The applicant proposes the following building setbacks: 0 metres from the west property line; a minimum of 3 metres from the east property line and a minimum of 2 metres from the north property line and Lawrence Avenue East streetline. The development incorporates approximately 361 square metres of indoor amenity space consisting of 10.5 square metres on the ground floor, 214 square metres on the second floor and 136 square metres on the 9th floor. A total of 328 square metres of outdoor amenity is provided consisting of 90 square metres on the 2nd floor and 193 square metres on the 9th floor. The proposal also contemplates the provision of an approximately 99 square metre green roof. See Attachment 3: Location Map and Attachment 4: Site Plan.

Of note, the applicant has indicated that they intend on exploring opportunities with staff to incorporate affordable housing units within the proposal.

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

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

See Attachment 1 and 2: View of 3D model in Context (Views looking Northeast and Northwest).

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas ("MTSA"s) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review ("MCR"), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

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

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

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;

- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) works in conjunction with the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

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

Toronto Official Plan Policies and Planning Studies

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

Toronto Official Plan policies may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The current application is located on lands identified as an Avenue on Map 2 - Urban Structure of the Official Plan and the lands are designated as *Mixed Use Areas* on Land Use Plan - Map 20. See Attachment 5: Official Plan Map.

Zoning By-laws

The subject site is zoned Commercial Residential (CR) Zone in the Wexford Zoning By-law No. 9511, as amended. Permitted uses within the CR Zone include land uses such as dwelling units, retail stores, offices and restaurants. Among other matters, the applicable performance standards regulate stepback locations, amenity space requirements, and main wall separation distances. The zoning by-law permits a maximum Floor Space Index (FSI) of 2.5 times and a maximum height of 6 storeys which may be increased to a maximum height of 8 storeys provided that Section 37 benefits are provided.

The site is not subject to City-wide Zoning By-law 569-2013, as amended.

Design Guidelines

The following design guideline(s) will be used in the evaluation of this application:

- Avenues and Mid-Rise Buildings Study 2010 and the associated Performance Standards Addendum (2016);
- Urban Design Guidelines from the City-Initiated 'Avenue' Study of Lawrence Avenue East between Victoria Park Avenue to east of Birchmount Road (2008);
- Draft Growing Up: Planning for Children in New Vertical Communities;
- Toronto Green Standards (TGS) Version 3.0;
- Guidelines for the Design and Management of Bicycle Parking Facilities; and
- Pet Friendly Guidelines.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

The application is subject to Site Plan Control and a Site Plan Control application (File No. 20 113405 ESC 21 SA) has been submitted and is being reviewed by staff concurrently with this application.

COMMENTS

Reasons for the Application

Though the Commercial Residential (CR) Zone permits both the residential and non-residential land uses proposed, the rezoning proposal is required to permit the proposed increase in FSI, maximum height, minimum parking requirements and stepback locations as well as to establish all relevant performance standards to regulate the development proposed.

Issues to be Resolved

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

Provincial Policies and Plans Consistency/Conformity

Staff are evaluating this application against the PPS and the applicable Provincial Plans to establish the application's consistency with the PPS and conformity with the Growth Plan (2019). Given the explicit link between Provincial Policy and the Official Plan, consistency and conformity with the PPS (2020), and the Growth Plan (2019) will be largely determined by conformity with the Official Plan.

Official Plan Conformity

The application is being assessed by staff to determine conformity with all relevant Official Plan policies such as those pertaining to *Avenues*, *Mixed Use Areas*, *Healthy Neighbourhoods*, Housing, Parkland, Built form and the Public realm.

Built Form, Planned and Built Context

The proposal will be assessed to determine the appropriateness of the height and massing of the proposal as it contemplates an 11 storey (39 metres) building nearby a number of existing lower scale buildings to the north and west. The zoning by-law permits 6 to 8 storey buildings fronting Lawrence Avenue East in this area. The planned context is also informed by the *Avenues and Mid-Rise Buildings Study (2010)* and *Addendum (2016)* which generally directs that buildings can be as high as the street is wide. In this case, Lawrence Avenue East is 36 metres wide.

Provincial policies in the "PPS" (Section 1.7.1) indicate that built form is to be well designed. Section 3.1.2 of the Official Plan states that development should be massed to provide appropriate transition in scale to neighbouring existing or planned buildings; reinforces the need to provide adequate light and privacy, and notes that development should limit shadows and uncomfortable wind conditions on neighbouring streets, properties and open spaces. The above noted matters and any other built form issues that may arise will be addressed through the review process.

The applicant has submitted both 'Pedestrian Level Wind' and 'Sun/Shadow' Studies in support of the application which have been circulated for review and acceptance by relevant staff.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

The applicants submission materials, inclusive of an Arborists Report and Tree Preservation Plan, were circulated to the relevant staff for review and comment. Urban Forestry staff indicate that 8 trees qualify for protection under the City's Private Tree By-law. Of the protected trees, the applicant proposes to remove 3 trees and to provide 9 replacement trees on private property. There are no existing City Owned trees currently located in the road allowance.

Urban Forestry staff have raised preliminary concerns related to TGS compliance and in particular, the adequacy of soil volume associated with proposed tree replacement plantings, proposed tree planting species and spacing, and adequacy of the analysis in materials. Planning Staff and Urban Forestry staff will work with the applicant to resolve these issues through the review process.

Housing

Affordable Housing and Smart Urban Growth are key Strategic Actions for the City of Toronto. Section 3.2.1 of the Official Plan states that a full range of housing will be provided and maintained to meet the needs of current and future residents. The Growth Plan, 2019, also contains policies 2.2.1.4, 2.2.4.9 and 2.2.6.3 to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes.

The applicant has proposed a unit mix which incorporates 34, two bedroom units and 9, three bedroom units. Of note, the planning rationale submitted in support of the proposal notes that the application will include affordable housing units where feasible. Planning staff will work with the applicant to explore opportunities to secure such unit types in the project through the development review process.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

As noted earlier in this report, the segment of Lawrence Avenue East was the subject of a Planning Study finalized in 2008 and may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.SC19.18>. Through the study process a number of gaps in programs and services were identified such as a general lack of child care facilities, TDCSB and TDSB capacity issues and lack of rent-geared to income, independent apartments for seniors. Staff will work with the applicant to evaluate the impact of the proposed development and local development activity on community services and facilities, including assessing the existing capacity to support the proposed future population.

Land Use Compatibility

At its meeting on July 15, 16, 17, 2008, Council adopted a policy related to reducing electromagnetic Field Exposure from Hydro Corridors. The relevant policy is of 'prudent avoidance' to reduce childhood exposure to electromagnetic fields (EMF) in and adjacent to hydro corridors with transmission lines. When applications are received for official plan and zoning bylaw amendments or plan of subdivisions for residential, school or day nursery uses on property that abuts a hydro corridor, the Chief Planner and Executive Director, City Planning, is to request the applicant to undertake an EMF

management plan which outlines low or no-cost measures to minimize the increase in yearly average exposure to EMF for young children and to provide a copy of the plan to the Medical Officer of Health.

The subject lands abut a hydro corridor to the immediate east of the site. Given the residential land uses proposed on site, City staff have requested that the applicant provide an EMF study to ensure matters related to EMF exposure have been adequately addressed.

Section 37 Community Benefits

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

Given the proposed increase in height and density, staff will be reviewing the proposal to determine the appropriate Section 37 community benefits.

Staff will utilize the Council approved Implementation Guidelines and Protocol for Negotiating Section 37 Community Benefits which are available in the following hyperlink to advance Section 37 negotiations : <https://www.toronto.ca/wp-content/uploads/2017/08/8f45-Implementation-Guidelines-for-Section-37-of-the-Planning-Act-and-Protocol-for-Negotiating-Section-37-Community-Benefits.pdf>.

Infrastructure/Service Capacity

Relevant City staff have reviewed the proposal and raise preliminary concerns such as the adequacy of water supply, pressures and flows, sanitary sewer capacity and proposed groundwater discharge. Staff note that additional materials to facilitate a fulsome review are required. Staff will work with the applicant to resolve these issues and evaluate the effects of the proposed change in density on the City's municipal servicing infrastructure and watercourses and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure necessary to adequately service to the proposed development.

Planning Staff have circulated the Transportation Impact Study submitted by the applicant for review and comment to facilitate evaluation of the effects of the re-development on the transportation system, but also to suggest any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are

voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The TGS Checklist submitted by the applicant is currently under review by staff in order to address compliance with the Tier 1 performance measures.

More information regarding the TGS can be found at: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

Other Matters

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

CONTACT

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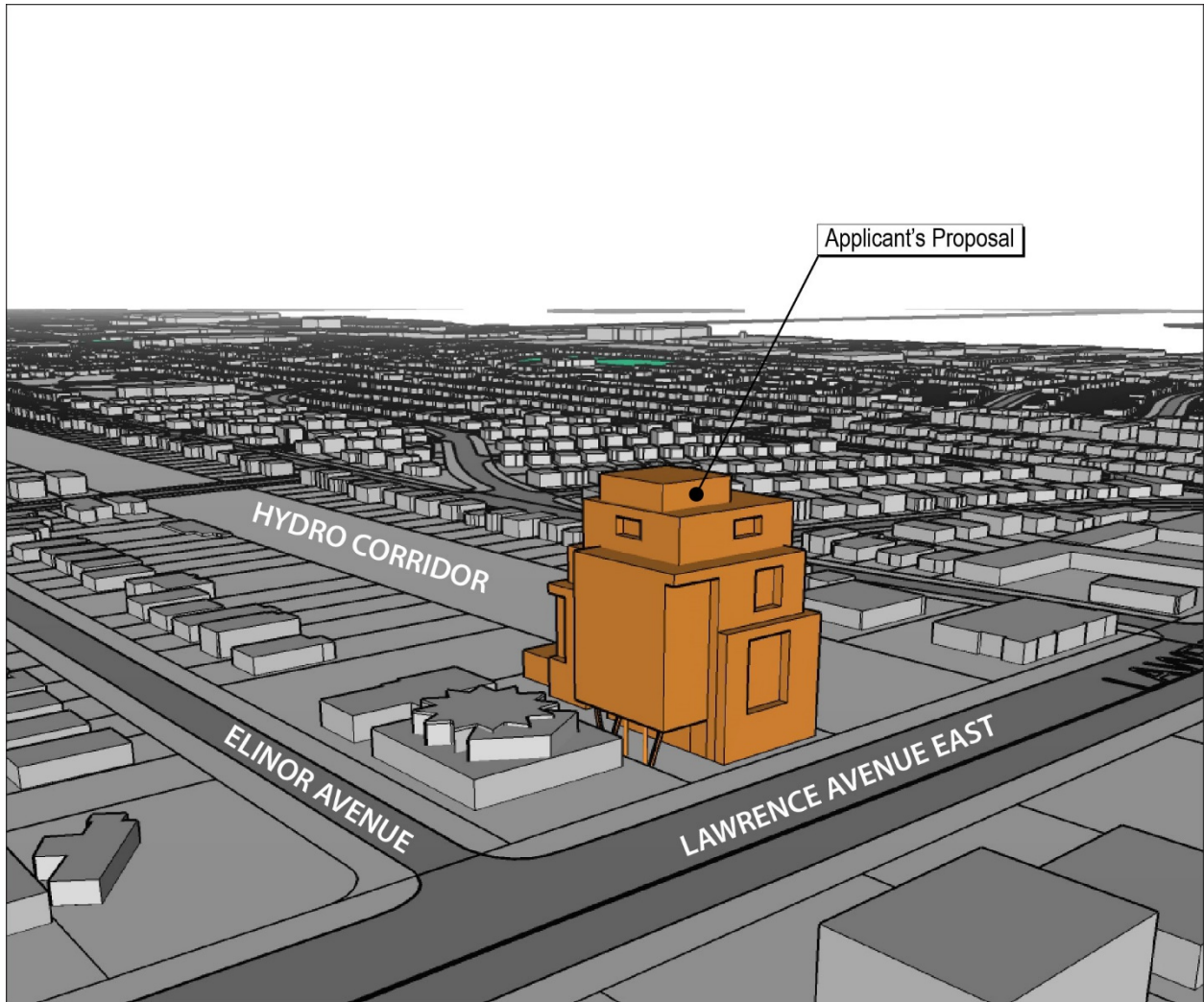
SIGNATURE

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

ATTACHMENTS

Attachment 1: 3D Model of Proposal in Context (View looking northeast)
Attachment 2: 3D Model of Proposal in Context (View looking northwest)
Attachment 3: Location Map
Attachment 4: Site Plan
Attachment 5: Official Plan Map

Attachment 1: 3D Model of Proposal in Context (View looking northeast)

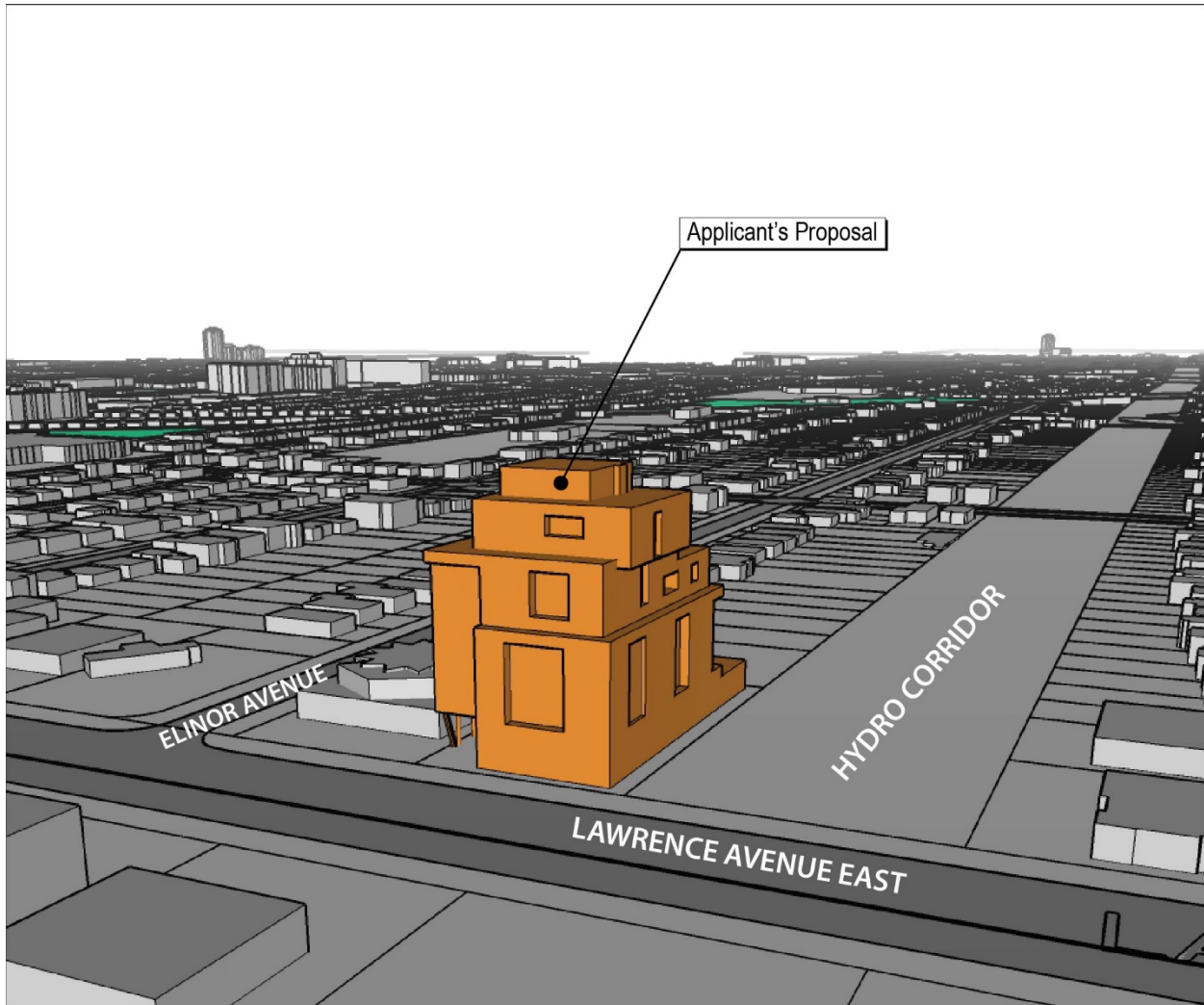


View of Applicant's Proposal Looking Northeast



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Attachment 2: 3D Model of Proposal in Context (View looking northwest)



View of Applicant's Proposal Looking Northwest

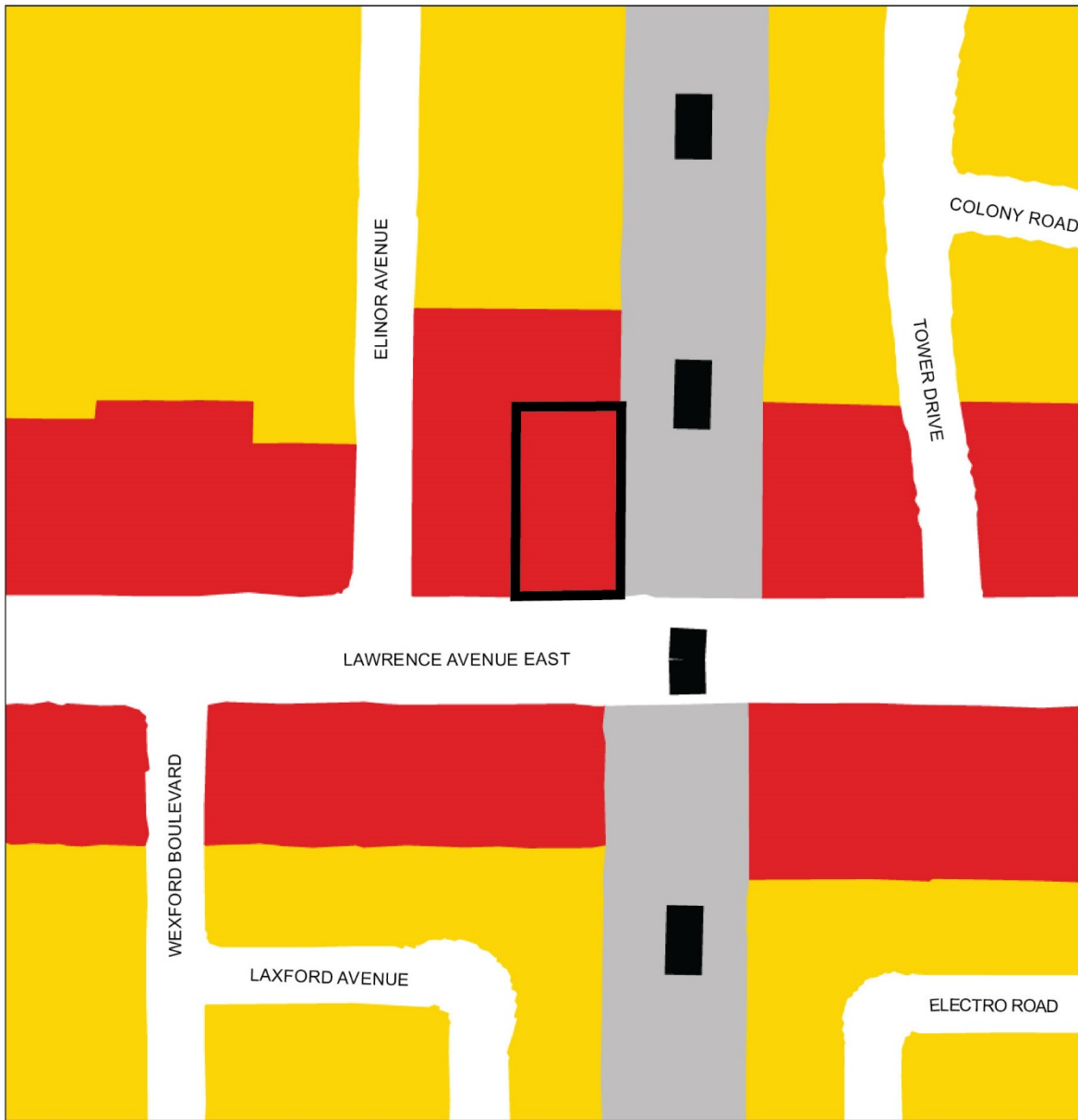


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Attachment 3: Location Map



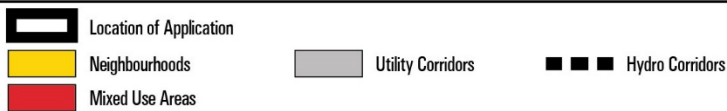
Attachment 5: Official Plan Map



1940 Lawrence Avenue East

Official Plan Land Use Map #20

File # 20 113400 ESC 21 0Z



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Not to Scale
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