



**REPORT FOR ACTION**

**Final Report - 4097 Lawrence Avenue East and 197 to  
201 Galloway Road – Zoning By-law Amendment  
Application**

Date: February 8, 2022

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 24 - Scarborough-Guildwood

**Planning Application Number:** 19 263719 ESC 24 OZ

**SUMMARY**

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This application proposes to amend the Zoning By-law to permit the construction of a 12-storey (37.8 metre) residential building at 4097 Lawrence Avenue East and 197 to 201 Galloway Road. The proposed 16,017.6 square metres of residential gross floor area results in an FSI of 3.94. The residential building is comprised of 228 dwelling units, of which 15 units are configured as townhouse units at the base of the building with direct access from the public sidewalk. The building would include 230 parking spaces within a three-level below ground garage and 175 bicycle parking spaces on ground level and in the parking garage.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The proposal conforms with the Official Plan as it intensifies a site designated *Mixed Use Areas* in a way compatible with existing and planned context. The 12 storey building conforms to the appropriate midrise performance standards. It provides the necessary transition to adjacent low scale uses while introducing additional housing options, including units suitable for larger households within a contextually appropriate built form.

The draft zoning by-law recommended for approval includes a holding provision ("H"), limiting development of the site until such time as a Functional Servicing and Stormwater Management Report is submitted to the satisfaction of the Chief Engineer and Executive Director that confirms appropriate downstream capacity is available to service the development. It is also recommended that City Council enter into an agreement pursuant to Section 37 of the *Planning Act* securing a financial contribution of \$665,000 towards park and playground amenities for the St. Margarete's parkette.

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 City of Toronto Zoning By-law 569-2013 for the lands at 4097 Lawrence Avenue East and 197 to 201 Galloway Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 to this report.
2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. 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. Prior to the issuance of the first above-grade building permit, a cash contribution in the amount of \$665,000 towards playground/park amenities for St. Margaret's Parkette located at 4138 Lawrence Avenue East;
    2. The cash contribution referenced above shall to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment; and
    3. In the event the cash contribution referred to in subsection 1 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 Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands;
  - b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
    1. 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.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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In November 2013, applications for Zoning By-law Amendment (13 265839 ESC 43 OZ) and Site Plan Control (13 265841 ESC 43 SA) were submitted for a townhouse development on the subject lands. In July 2015, City Council approved the Zoning By-law Amendment to permit 37 units in four four-storey building blocks. City Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.SC7.23>

The Notice of Approval Conditions for the above referenced Site Plan Control application was issued in July 2016. However, the project was not constructed and the ownership has changed. The new owners have put forward the subject application.

Pre-application consultation meetings were held on December 1, 2017 and July 18, 2019 with the applicant to discuss a new form of development and to review the complete application submission requirements. A Planning Application Checklist was issued on January 23, 2018 and a revised Checklist was issued on December 20, 2019 to reflect the changes in the preliminary proposal.

A complete submission for the subject application was made on December 20, 2019. A Preliminary Report on the application was adopted by Scarborough Community Council on February 5, 2020 authorizing staff to conduct a community consultation meeting. Community Council's decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC13.8>

## **PROPOSAL**

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The application proposes a 12-storey (37.8 metre) residential use building that consists of 228 dwelling units within 16,017.6 square metres of residential gross floor area (FSI 3.94) and 230 parking spaces within a three-level underground garage. As illustrated in Attachment 6 (Site Plan), the proposal is deployed in an "L"-shaped building, oriented such that the long segment is parallel with Lawrence Avenue East and the short segment is parallel with Galloway Road. Grade-related units are provided along these street frontages with direct access from the public sidewalk. The mechanical penthouse on the twelfth storey is wrapped with units and only projects slightly beyond the envelope of the building. Open areas for pick up and drop off, access to loading and landscaped amenity areas are located at the southeast corner of the site.

The application has undergone a thorough development review resulting in the proposal currently detailed by this report. Revisions include a reduction in floor area and an increase in unit count to accommodate larger (3 bedroom) units. Nearly 25% of the proposed unit count is 2-bedroom units and 11% of the total unit count is proposed as 3-bedroom units. Amenity space is provided at a combined rate of 4.24 square metres per unit with an over-provision of indoor amenity space provided relative to outdoor amenity space. Through the process, staff worked to generally increase the number and size of private balconies in the proposal and reconfiguring the entrances to better support the adjacent public realm.

The building is well deployed in a midrise form with step backs and terracing incorporated at the fourth floor to beyond the 10th floors along the public street frontages to comply with the applicable angular planes. The building also steps away from the east property line with no occupied space at the 4th floor terrace projecting from the east façade to preserve privacy and reduce overlook conditions towards the property to the east (a day care). Please see Attachments 7 through 12 for three-dimensional representations and elevations of the proposal

Additional information can be found in the Application Data Sheet found at Attachment 1.

### **Site and Surrounding Area**

The site is located on the southeast corner of the intersection of Lawrence Avenue East and Galloway Road. The segment of Lawrence Avenue East, adjacent to the site, is designated in Map 3 of the Official Plan as a Major Street with a planned/existing right-of-way width of 36 metres.

The site is generally flat, with a slight slope that descends from the west to east. The site has a frontage of approximately 76 metres along Lawrence Avenue East and a frontage of approximately 56 metres along Galloway Road. The site area is 4,067.7 square metres. The site is vacant, except for a temporary sales centre.

The surrounding uses are as follows:

**North:** across Lawrence Avenue East, two 11-storey apartment buildings.

**South:** A townhouse development with three storey buildings fronting Galloway Road and four storey buildings located internally to the site.

**West:** across Galloway Road right-of-way; detached dwellings and Galloway Public School to the south of these dwellings.

**East:** A day care centre, and apartment building; and further along Lawrence Avenue East on the east side of Andover Crescent is a large vacant parcel of with an approval for a 10-storey apartment building which has not been constructed.

## Reasons for Application

The proposal requires an amendment to Zoning By-law 569-2013 to vary performance standards, including but not limited to: lot coverage, number of dwelling units, gross floor area, building height, setbacks, rear angular plane, permitted encroachments, dwelling-to-dwelling separation distances, amenity space rates, and parking standards.

## APPLICATION BACKGROUND

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### Application Submission Requirements

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

- Architectural Plans, Elevations and Sections
- Building Massing Model (digital copy)
- Civil Plans
- Community Services and Facilities Study
- Contaminated Site Assessment
- Draft Zoning By-law Amendment
- Environmental Site Assessment
- Functional Servicing and Stormwater Management Report
- Garage load support letter
- Geotechnical Investigation
- Hydrogeological Review Summary and Report
- Landscape Plans
- Pedestrian Level Wind Study
- Planning Rationale Report
- Public Consultation Strategy Report
- Renderings/Perspective Drawings
- Survey Plan
- Sun/Shadow Study
- Toronto Green Standards Checklist
- Transportation Impact Study
- Tree Preservation Plan
- Tree Preservation Report

These reports/studies can be viewed through the Application Information Centre (AIC) here: <http://aic.to/4097LawrenceAveE>

### Agency Circulation Outcomes

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.

## **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the Scarborough Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

## **POLICY CONSIDERATIONS**

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### **Planning Act**

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including but not limited to the following:

- adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- orderly development of safe and healthy communities;
- adequate provision of a full range of housing, including affordable housing;
- appropriate location of growth and development;
- promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and
- promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

### **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 (2020)**

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing; and
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs.

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 recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 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."

### **Provincial Plans**

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.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on May 16, 2019, with Amendment 1 to the Growth Plan coming into effect on August 28, 2020 (the "Growth Plan (2020)").

The Growth Plan (2020) 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 (2020), establishes policies that require implementation through a Municipal Comprehensive Review ("MCR"), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2020), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of employment areas, 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. This includes

directing strategic growth areas as nodes, corridors, and other areas that have been identified by municipalities or the Province to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form;

- 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, and better connected 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 (2020), 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 (2020), 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

### **Toronto Official Plan**

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. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

It should be noted that this application was submitted prior to the September 2020 decision from the Minister of Municipal Affairs approving Official Plan Amendments ("OPAs") 479 (Public Realm) and 480 (Built Form) The OPAs replaced Sections 3.1.1, 3.1.2, and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which respond to Council's direction to amend the urban design policies of the Official Plan. While not subject to these OPAs, this application was reviewed against the new public realm and built form policies to ensure consistency with Council's direction on these matters.

Other Official Plan policies reviewed are highlighted as follows:

## **Chapter 2 - Shaping the City**

### **Section 2.2 - Structuring Growth In The City: Integrating Land Use And Transportation**

Policy 2.2.5 states that the City's servicing for water, wastewater and stormwater management infrastructure will be maintained and developed to support the city building objectives by providing adequate facilities to support new development and maintaining the infrastructure in a state of good repair.

#### **Section 2.3.1 - Healthy Neighbourhoods**

Policy 2.3.1.3 requires developments in *Mixed Use Areas*, *Regeneration Areas*, and *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods*, to be compatible with those *Neighbourhoods*. Development will gradually transition in scale and density through step-downs and setbacks, maintaining adequate light and privacy of the *Neighbourhoods*. Development will mitigate impacts on *Neighbourhoods* as follows: orientation and screening of lighting and amenity areas; attenuation of traffic and parking impacts on adjacent streets; and placement and screening of parking, servicing, and access areas in underground and above-grade structures.

## **Chapter 3 - Building a Successful City**

### **Section 3.1.1 - The Public Realm**

Policy 3.1.1.1 defines the public realm as all public spaces and private-spaces that are publicly accessible, while Policy 3.1.1.2 directs the public realm to be the organizing framework for development and to foster and contribute to complete and walkable communities and the physical character of the City and its neighbourhoods.

Policies 3.1.1.6 and 3.1.1.13 state that city streets are significant public open spaces, of which sidewalks and boulevards play a prominent component, and the design of city streets needs to balance the needs and priorities of various users and uses. Design of streets must also contemplate provision of view corridors, sky views, sunlight, as well as good active transportation and public gather places and destinations.

Policy 3.1.1.16 states that all development will prioritize the preservation, long-term growth, and numerical increase of trees, and new development proposals must demonstrate how this will be achieved.

#### **Section 3.1.2 - Built Form**

Policies 3.1.2.1, 3.1.2.5, and 3.1.2.6, direct that development be located and organized within its existing and planned context. Development is to transition in scale between areas of different building heights and intensities of use while considering the existing and planned context of neighbouring properties and the public realm. The massing of new development is required to frame and define the public realm while ensuring appropriate levels of sunlight on public sidewalks and parks.

Policy 3.1.2.3 provides greater specifics on transition by stating that development will provide setbacks and separation distances from neighbouring properties and adjacent windowed walls, in order to protect privacy.

Policies 3.1.2.7, 3.1.2.2, 3.1.2.4, and 3.1.2.11 state that development should be organized to transition in scale within the site, and provide well-designed private amenity spaces for multi-unit residential developments and where appropriate, accessible open spaces. Vehicular access, servicing, and other ancillary spaces and elements should be located to minimize impact on the public realm and adjacencies.

### **Section 3.1.3 Built Form - Building Types (Mid-Rise Buildings)**

Policy 3.1.3.4 states that mid-rise buildings are to be developed to be generally no taller than the width of the front-abutting right-of-way and setback at a height equal to 80% of the right-of-way width in order to maintain street proportion and skyviews from the public realm. Design must allow for daylight and privacy for ground floor oriented units.

Policy 3.1.3.6 requires mid-rise buildings on deep sites to provide and frame accessible and well-proportioned open spaces that have access to sunlight and daylight.

### **Section 3.2.1 - Housing**

Policy 3.2.1 provides policy direction with respect to housing. Policy 3.2.1.1 states a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes: social housing, shared and/or congregate-living housing arrangements.

## **Chapter 4 – Land Use Designations**

### **Section 4.5 - Mixed Use Areas**

The subject lands are designated *Mixed Use Areas* on Map 23 of the Official Plan. Please see Attachment 3 for an excerpt from the Official Plan Land Use Map. *Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings.

Policy 4.5.2(c) and (d) states development will locate and mass new buildings to provide a transition between areas of different intensity and scale through means such as setbacks and/or stepping down of heights, particularly lower scale *Neighbourhoods*. Configuration of massing will adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

Policy 4.5.2(e) states development will 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. As for the residents of every multi-unit residential development, Policy 4.5.2.(k) directs for development to provide indoor and outdoor recreation space.

Policies 4.5.2(i) and 4.5.2(j) refers to development that will provide an adequate supply of parking for residents and visitors; while locating and screening service areas, ramps, and garbage storage to minimize impact on adjacent streets and residences.

## **Chapter 5 – Implementation**

### **Section 5.1.1 - Height and/or Density Incentives**

This section refers to Section 37 of the *Planning Act* and establishes the provisions under which Section 37 may be used.

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a project that is greater than the zoning by-law would otherwise permit in return for community benefits. The Official Plan Policy 5.1.1.1 and City Council's approved Section 37 protocol requires that the proposed development represent good planning and meet a minimum size requirement of 10,000 square metres and an increase in density of at least 1,500 square metres.

### **Section 5.1.2 - Holding By-laws**

Under the *Planning Act*, City Council may pass a Holding by-law and Policy 5.1.2.1 explains that a Holding provision may be placed on the lands where the ultimate desired use is appropriate but that development cannot occur until conditions set out in the Plan or by-law are satisfied. These conditions may include transportation or servicing improvements.

## **Zoning**

Under Zoning By-law 569-2013, the site is zoned Commercial Residential and subject to a maximum height of 13.5 metres and 4 storeys. The site is also subject to Exception CR 433, which further regulates the site through site-specific performance standards including: setbacks, permitting only residential uses, limiting residential gross floor area to 1.5 times the site area, limiting the number of dwelling units, among others.

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

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

## **Design Guidelines**

### **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 skyviews, pedestrian realm conditions, transition to *Neighbourhoods and Parks and Open Space Areas* and corner sites. The Study can be found at:

<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 (2016), 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.

The Addendum recommends that the Performance Standards apply to evaluate mid-rise developments on *Mixed Use Areas*-designated sites that front onto Major Streets with planned width of at least 20 metres, as shown on Map 3 of the Official Plan. The addendum further states that the Performance Standards are flexible, their importance varies by site, and the measure of its effectiveness is whether it achieves the relevant and appropriate goals and principles in the Official Plan.

Council's decision can be found at:

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

The Avenues and Mid-Rise Building Study Performance Standards and its Addendum will be referred in the proceeding sections of the report, as the "Mid-Rise Performance Standards."

### **Other guidelines**

Other guidelines that are relevant to the review of this application include:

- Growing Up Urban Design Guidelines; and
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Building.

### **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application (File Number 19 263722 ESC 24 SA) has been submitted and is being reviewed concurrently with this application.

## **COMMUNITY CONSULTATION**

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### **Community Consultation Meeting**

A virtual community meeting was held on December 9, 2020 and attended by approximately 9 members of the public, City staff, the Ward Councillor, and the applicant's team. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the original building proposal. Following the presentations, City staff led a town hall format question and answer period. The attendees asked questions and expressed a number of

comments, issues and concerns, including:

- Reason for change from the previously approved townhouse development.
- Snow removal management in the new development.
- Rationale behind the proposed parking supply.
- Accommodation of parking spaces for electric-powered vehicles.
- Impact of traffic generated from the proposal on Galloway Road, particularly at the intersection of Galloway Road and Lawrence Avenue East.
- Mitigation measures to address traffic impacts generated by the proposal.
- Concern with proposal being higher than existing buildings at the intersection, and its aesthetic impact.
- Support for development that revitalizes the area, with new residents and businesses.
- Provision of affordable housing.
- Tenure of the proposed development.
- Timing of approval and construction timeline.

## **COMMENTS**

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### **Provincial Policy Statement (2020) and Growth Plan (2020)**

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2020) as follows.

The proposal appropriately intensifies lands designated for intensification in the municipal Official Plan, and is thus consistent with the PPS (2020) and conforms with Growth Plan (2020) policies on intensification in appropriate areas. It is serviced by a frequent bus route and is appropriately scaled for the area context, particularly as new transit options emerge along the nearby Kingston Road Corridor through the City's implementation of the Eglinton East LRT.

The proposal also addresses PPS (2020) and Growth Plan (2020) policies on housing options and providing dwelling units with different bedroom types, particularly multi-bedroom units, which is conducive for a diverse demographic cross-section including larger households.

Consistent with PPS (2020) policies on the public realm and active transportation, the proposal maintains and improves the boulevard sidewalks along both Lawrence Avenue East and Galloway Road. This also conforms with Growth Plan (2020) policies.

### **Land Use**

This application has been reviewed against Official Plan policy and planning studies described in the Policy Considerations Section of the Report as well as the policies of the Official Plan as a whole.

The site is along a segment of Lawrence Avenue East, on the south side of Lawrence Avenue East and between Galloway Road to Kingston Road, that is entirely designated as *Mixed Use Areas*. *Mixed Use Areas* are expected to absorb most of the anticipated increase in development of various uses, including new housing. The introduction of residential units in a mid-rise built form on the subject site is desirable and appropriate, and conforms with the *Mixed Use Areas* land use designation.

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

This application has been reviewed against the official plan policies and design guidelines described in the Policy Consideration Section of the Report.

The proposal is adequately transitioned to adjacent properties and fits within its existing and planned context as follows:

- Along the Lawrence Avenue East frontage, a 3.0 to 3.3 metres wide building setback to the property line along Lawrence Avenue East, with appropriate ground-level landing projections; adequate setbacks with only minor protrusions by the mechanical penthouse into the required front angular plane.
- Along the Galloway Road Frontage, a 4.0 to 4.35 metres wide building setback is provided extending the public realm and allowing adequate space for landscaping and direct entrances to grade related units. Adequate setbacks with only minor, localized protrusions by the mechanical penthouse into the 45-degree angular plane taken from the *Neighbourhoods*-designated lands west of Galloway Road.
- To the south, the building is set back approximately 11 metres from the south property line, and progressively setbacks starting at the 4th floor, to provide adequate visual and privacy separation to low-rise buildings in adjacent *Mixed Use Areas*-designated lands.
- To the east an appropriate setback of 3 metres has been secured with a step back at the fourth and eleventh floors. Terraces and balconies facing east are avoided to ensure appropriate privacy and minimize overlook on the adjacent daycare use.
- Setbacks beginning at the 4th floor establishing a datum line that responds to the adjacent lower-rise buildings, and contributes to pedestrian-scale streetscapes along both Lawrence Avenue East and Galloway Road. Projecting balconies on the fifth to tenth floors have been broken up to mitigate visual impacts.

The proposed 12 storey height is contextually appropriate as nearby lands contain multiple apartment buildings of similar scale (10 and 11 storeys). The density is appropriately deployed as described above and meets the intent of the built form policies and Official Plan that require fit and transition that support the public realm and is compatible with the existing/planned built form context. Given the midrise context and adjacent right of way widths, the proposed built form is appropriate.

## **Sun, Shadow, Wind**

As shown in the revised shadow study dated October 15, 2020 and prepared by Turner Fleischer Architects Inc. The shadows cast on the surrounding streets and sidewalks, as well as neighbouring properties were evaluated at various times throughout the year. It is noted that the proposal maintains the required 5 hours of sunlight on the sidewalk of the north side of Lawrence Avenue East and adequately limits shadowing on adjacent properties during the spring and fall equinoxes.

The wind impacts of the proposal are detailed by Gradient Wind Engineers & Scientists, in the Pedestrian Level Wind Study dated December 23, 2019. The studies concluded that wind comfort at most grade-level locations in the pedestrian realm and its interface with the building will not need mitigation to be comfortable. Two areas were identified for measures to mitigate wind impacts. These include recessing the northwest entrance and raising guards on the 11th floor amenity terrace. In the October 22, 2020 resubmission, the applicant responded to these concerns in its detailed revision list.

Planning staff accept the conclusions of the respective studies and the recommended measures to lessen wind conditions resulting from the proposed development. The proposal will be subject to further assessment during the Site Plan Control process to secure the detailed mitigation strategies.

## **Streetscape**

On south side of Lawrence Avenue East, a line of new street trees is proposed in the City boulevard along the public sidewalk, while the proposed north setback is designed to accommodate a line of private trees and other landscaping to line the other side of the public sidewalk. Ground-oriented units will have direct access to the improved streetscape on Lawrence Avenue East.

On the east side of Galloway Road, the proposal is set back so that new private trees which will line the public sidewalk, and an expanded frontage with landscaping leads to ground-oriented units.

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

A Transportation Impact Study (TIS) dated December 2019 and prepared by TMIG, was submitted and subsequently revised to address various staff comments, including those from Transportation Services. The 1st resubmission also presented a revised proposal comprised of 230 dwelling units and 230 parking spaces. The Study concluded that the traffic generated by the proposal would not necessitate intersection improvements, and the local street network could accommodate the incremental increase in vehicular trips. Transportation Services staff reviewed the revised study and were satisfied with this analysis and conclusion.

Vehicular access and egress to the site is proposed to be from Galloway Road, with vehicles moving through a private driveway to various facilities: a pick-up and drop-off area, outdoor maneuvering area for loading, an internalized Type "G" loading space, and a ramp to three levels of underground parking. Parking is proposed at 196 resident

parking spaces and 34 visitor parking spaces. The proposed parking and loading space are acceptable and have been incorporated into the implementing draft by-law.

## **Servicing**

The applicant submitted a Functional Servicing Report in support of the application which demonstrated some sanitary servicing constraints should the application be serviced from infrastructure located along Lawrence Avenue East.

The analysis was undertaken as a desktop exercise as Toronto Water currently does not have an up-to-date model of the local drainage areas. However, in 2019, the City initiated sewer capacity assessment engineering studies for the local area as part of the City-wide Basement Flooding and Sewer Improvement Environmental Assessment process. This accelerated process is part of a broader look at measures which could identify sewer improvement (upsized and storage) and catch basin management plans within the City's right-of-way (roads).

Through the completion of this broader capacity assessment, the applicant could evaluate with greater precision if the development will impact the local area sewers and need to implement upgrades to the servicing system. Alternatively, while awaiting the results of the City-initiated sewer capacity analysis, the applicant could undertake a scoped flow monitoring assessment along the drainage path for the development to determine if upgrades to municipal infrastructure are required to accommodate the flows from this proposal.

Due to outstanding sanitary servicing issues for the subject lands, staff are recommending the subject lands be zoned with a Holding provision ("H") to limit the development of the site until the completion of the Basement Flooding Study for the area and/or an updated Functional Servicing Report demonstrates to the satisfaction of the Chief Engineering and Executive Director, Engineering and Construction Services that sufficient capacity exists to accommodate the sanitary flows generated by the proposed development.

A separate application to lift the "H" from the Zoning By-law will be required for approval by City Council, at which time satisfactory arrangements will be made with Engineering & Construction Services that could include appropriate financially secured agreement(s) between the applicant and the City for the design and construction of any necessary improvements to municipal infrastructure.

## **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 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest 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.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through the payment of cash-in-lieu of parkland. The residential component is subject to a cap of 10% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

### **Tree Preservation**

An Arborist Report and Tree Preservation Report was submitted by the applicant. The proposal seeks to injure and remove the following protected trees: 3 City trees, and 30 private trees. Urban Forestry requires the submission of an application to injure and remove these trees. Urban Forestry has also commented that through the review of the Site Plan application, the applicant needs to provide revisions and information that among other things addresses replacement of trees approved to be removed, soil volumes, and potential conflicts with utility assets.

### **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 applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner. Performance measures for the Tier 1 development features will be secured through the Section 37 Agreement and the Site Plan Control Process.

### **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 community services and facilities supports healthy, safe, liveable, and accessible. Providing for a full range of community services and facilities in areas experiencing

major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

A CS&F study was submitted as part of the application, and was reviewed by City Planning staff. Planning staff found that the surrounding neighbourhood is well served by a number of existing community services and facilities, including child care facilities and community recreation centres, and libraries. Staff also raised two areas in need of improvement in the community as identified in the 2020 South East Scarborough Neighbourhood Action Plan. These improvements include the delivery of outdoor recreation facilities and upgrades to the community kitchen and community room at 4175 Lawrence Avenue East.

Through the application circulation process, a number of external and internal partners provided comments. The Toronto District School Board noted that its schools are at capacity and cannot guarantee that additional students anticipated from the proposal can be accommodated. As such, appropriate warning clauses will be required to be incorporated into purchase and sale agreements for the proposed units. The Toronto Catholic District School Board has local schools that are able to accommodate students anticipated from the proposal. The Toronto Public Library identified the improvements to the Morningside branch library, including a new children's literacy centre, and updated teenager space, and a tech hub.

### **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*. The Official Plan Policy 5.1.1.1 and City Council's approved Section 37 protocol requires that the proposed development represent good planning and meet a minimum size requirement of 10,000 square metres and an increase in density of at least 1,500 square metres. 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. Prior to the issuance of the first above-grade building permit, a cash contribution in the amount of \$665,000 towards playground/park amenities for St. Margaret's Parkette located at 4138 Lawrence Avenue East;
2. The cash contribution referenced above shall to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment; and
3. In the event the cash contribution referred to in subsection 1 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 Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

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

1. 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.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020). It conforms and does not conflict with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to transition to lower-scale existing built form context on lands designated *Neighbourhoods*, and intensification of *Mixed Use Areas* sites on Major Streets.

Staff worked with the applicant and the community to address and resolve concerns related to the proposal's interface with the public realm such as visual massing impacts and ground-oriented unit design. Through the development review process, staff also worked with the applicant to adjust the building's deployment along the east property line to limit overlook and ensure adequate privacy for the adjacent daycare use. Traffic, shadowing and other matters raised by the community were addressed as commented on throughout this report.

The proposal will add housing options to the neighbourhood and intensify an underutilized site with a contextually appropriate built form. Staff also recommend City Council require the owner to enter into a Section 37 Agreement to secure a financial contribution of \$685,000 towards playground/park amenities for St. Margaret's Parkette located at 4138 Lawrence Avenue East.

Staff are generally satisfied with the proposal, however, the recommended draft zoning by-law includes a Holding provision ("H") which may be removed at such a time as a Functional Service Report is filed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services demonstrating appropriate downstream sanitary sewer capacity exists to accommodate the flows from this development.

Staff recommend that Council support approval of the draft Zoning By-law Amendment.

## **CONTACT**

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Jason Xie, Planner, Community Planning, Tel. No. 416-338-3004, E-mail:  
Jason.Xie@toronto.ca

## **SIGNATURE**

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Paul Zuliani, MBA, RPP, 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: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map, City of Toronto By-law 569-2013

Attachment 5: Draft Zoning By-law Amendment, City of Toronto By-law 569-2013

### **Applicant Submitted Drawings**

Attachment 6: Site Plan

Attachment 7: 3D Model of Proposal in Context, Looking Southeast

Attachment 8: 3D Model of Proposal in Context, Looking Northwest

Attachment 9: North Elevation

Attachment 10: South Elevation

Attachment 11: West Elevation

Attachment 12: East Elevation

## Attachment 1: Application Data Sheet

**Municipal Address:** 4097 LAWRENCE AVENUE EAST      **Date Received:** December 20, 2019

**Application Number:** 19 263719 ESC 24 OZ

**Application Type:** Rezoning

**Project Description:** Application to amend the Zoning By-law to allow a 12 storey residential building, comprised of 228 dwelling units and 230 parking spaces.

Applicant	Agent	Architect	Owner
MALONE GIVEN PARSONS LTD		TURNER FLEISCHER ARCHITECTS INC.	BROWNSTONES ON LAWRENCE INC

### EXISTING PLANNING CONTROLS

<b>Official Plan Designation:</b>	Mixed Use Areas	<b>Site Specific Provision:</b>	
<b>Zoning:</b>	Commercial Residential	<b>Heritage Designation:</b>	
<b>Height Limit (m):</b>	13.5	<b>Site Plan Control Area:</b>	Y

### PROJECT INFORMATION

Site Area (sq m): 4,067.7      Frontage (m): 76      Depth (m): 61

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,892.5	1,892.5
Residential GFA (sq m):			16,017.6	16,017.6
Non-Residential GFA (sq m):				
Total GFA (sq m):			16,017.6	16,017.6
Height - Storeys:	1		12	12
Height - Metres:			37.8	37.8

<b>Lot Coverage Ratio (%):</b>	46.5	<b>Floor Space Index:</b>	3.94
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<b>Floor Area Breakdown</b>	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	15,884.7	132.9

Retail GFA:  
 Office GFA:  
 Industrial GFA:  
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	2			
Condominium:			228	228
Other:				
Total Units:	2		228	228

**Total Residential Units by Size**

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			146	56	26
Total Units:			146	56	26

Parking and Loading  
 Parking Spaces: 230      Bicycle Parking Spaces: 175      Loading Docks: 1

**CONTACT:**

Jason Xie, Planner  
 416-338-3004  
 Jason.Xie@toronto.ca

## Attachment 2: Location Map



### Attachment 3: Official Plan Land Use Map



### Official Plan Land Use Map 23

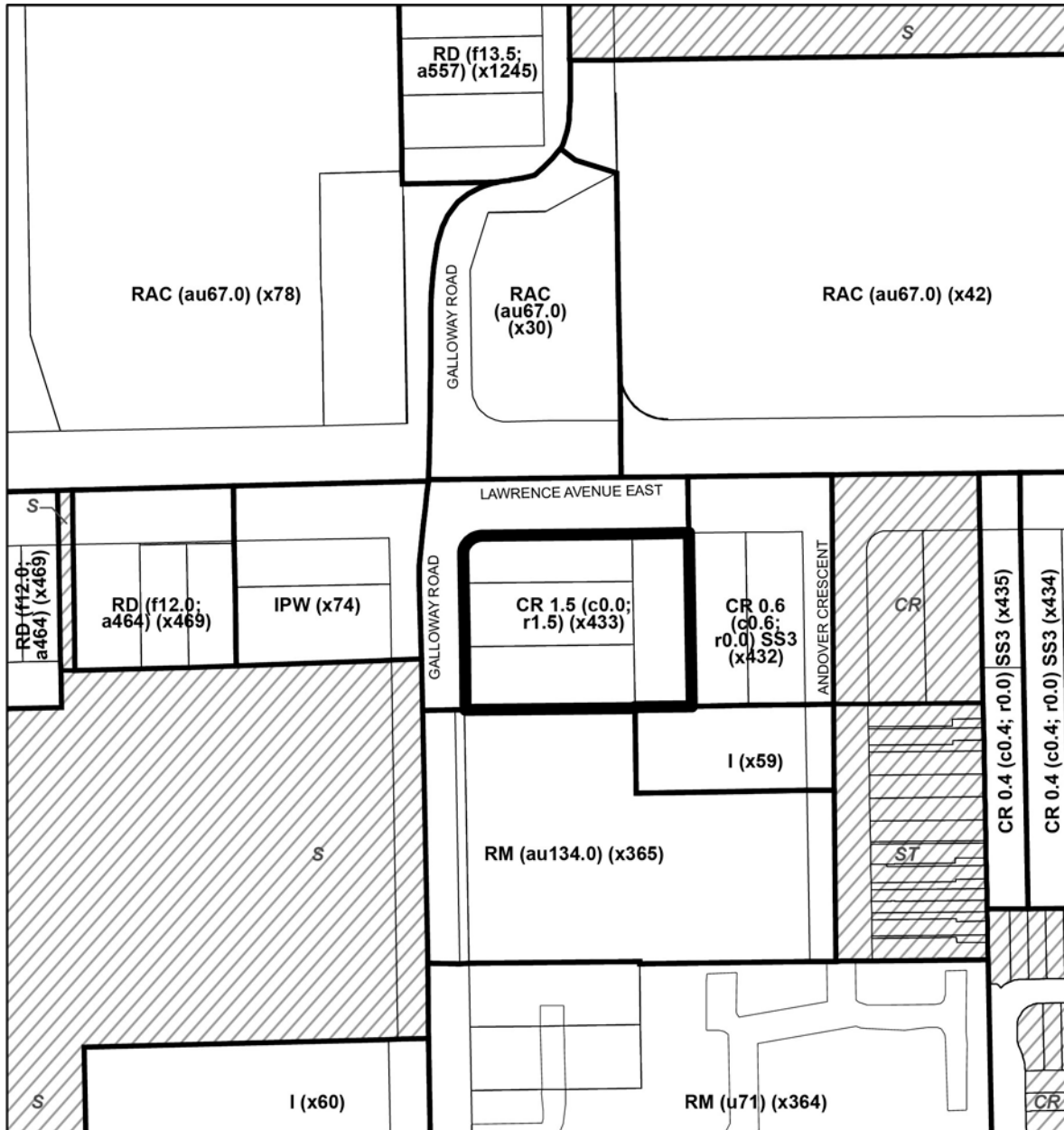
4097 Lawrence Avenue East and  
197-201 Galloway Road

File # 19 263719 ESC 24 0Z

- Location of Application
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- Natural Areas
- Parks
- Other Open Space Areas

Not to Scale  
 02/03/2022

Attachment 4: Existing Zoning By-law Map, City of Toronto By-law no. 569-2013



Zoning By-law 569-2013

4097 Lawrence Avenue East  
and 197-201 Galloway Road  
File # 19 263719 ESC 24 0Z

- |   |  |
|---|--|
| Location of Application                     | See Former City of Scarborough<br>West Hill Community By-law No. 10327 |
| <b>RD</b> Residential Detached              | <b>S</b> Single-Family Residential                                     |
| <b>RM</b> Residential Multiple              | <b>ST</b> Street Townhouse Residential                                 |
| <b>RAC</b> Residential Apartment Commercial | <b>CR</b> Commercial-Residential                                       |
| <b>CR</b> Commercial Residential            |  |
| <b>I</b> Institutional                      |  |
| <b>IPW</b> Institutional Place of Worship   |  |

Not to Scale  
Extracted: 02/03/2022

## **Attachment 5: Draft Zoning By-law Amendment, City of Toronto By-law 569-2013**

Authority: Scarborough Community Council Item ##, as adopted by  
City of Toronto Council on ~, 20~

### **CITY OF TORONTO**

#### **Bill**

#### **BY-LAW No. XXX-2022**

**To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 197, 199 and 201 Galloway Road and 4097 Lawrence Avenue East.**

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;

Whereas authority is given to Council by Section 34 and Section 36 of the Planning Act, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (H) symbol with conditions in the zoning by-law; 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, 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 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 Bylaw 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 in heavy black lines to (H) CR 1.5 (c0.0; r1.5) SS3 (x463), as shown on Diagram 3 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands municipally known in the year 2021 as 197, 199 and 201 Galloway Road and 4097 Lawrence Avenue, to the Policy Area Overlay Map in Section 995.10.1, and applying the following Policy Overlay label to these lands: PA4, as shown on Diagram 2 attached to this By-law.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 463 so that it reads:

### **Exception CR 463**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 197, 199 and 201 Galloway Road and 4097 Lawrence Avenue East, if the requirements of Section 8 and Schedule A of By-law (clerks to insert) are complied with, an **apartment building** may be constructed and used in compliance with (B) to (P) below;
- (B) Despite Regulation 40.10.30.40(1)(A), the permitted maximum **lot coverage** is 52 percent;
- (C) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** must not exceed 16,350 square metres;
- (D) The permitted maximum number of **dwelling units** is 230, of which:
  - (i) a minimum of 10 percent must contain three or more bedrooms; and
  - (ii) a minimum of 20 percent must contain two bedrooms;
- (E) Despite Regulation 40.10.40.50(1), **amenity space** must be provided at a minimum rate of 4.2 square metres for each **dwelling unit**, of which:
  - (i) a minimum of 2.7 square metres per **dwelling unit** is indoor **amenity space**; and

- (ii) a minimum of 1.5 square metres per **dwelling unit** is outdoor **amenity space**;
- (F) Despite Regulation 40.10.40.10 (5), the required minimum height of the first **storey** is 3.5 metres, measured between the top of the finished floor of the first **storey** to the top of finished floor of the second **storey**;
  - (G) Despite Regulation 40.10.40.70(4)(B), the floor level on the first **storey** may be located a maximum of 1.5 metres above the average elevation of the ground directly in front of the **dwelling unit**, along the **lot line** abutting a **street**;
  - (H) Despite Regulations 40.5.40.10(1) and 40.5.40.10(2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 133.55 metres and the highest point of the **building** or **structure**;
  - (I) Despite Regulation 40.10.40.10(3) and 40.10.40.10(7) the permitted maximum height of a **building** is the number following the symbol “HT”, and the permitted maximum number of **storeys** is the number following the letters “ST” as shown on Diagram 4 of By-law (clerks to insert);
  - (J) Despite Regulation 40.5.40.10(4) and (I) above, equipment and **structures** located on the roof of a **building** may exceed the permitted maximum height as shown on Diagram 4 of the By-law (clerks to insert) to a maximum of 3.0 metres, or 4.0 metres in the case of elevator overrun and elevator associated equipment and **structures**;
  - (K) Despite Regulations 40.10.40.70(3) and 40.10.40.70(4), the required minimum **building setbacks** are as shown in metres on Diagram 4 of By-law (clerks to insert);
  - (L) Despite Regulation 40.10.40.60(1) and (K) above, a platform, balcony or terrace attached to the **main wall** of a **building** may encroach into the required minimum **building setbacks** shown in metres on Diagram 4 of By-law (clerks to insert), as follows:
    - (i) on the same floor level of the first **storey**, up to 1.1 metres into the required minimum **building setback** to a **lot line** adjacent to Lawrence Avenue East, and may be located between the **building** and the **lot line** adjacent to Lawrence Avenue East;
    - (ii) on the fourth **storey**, up to 3.0 metres;
    - (iii) with a floor level higher than the fourth **storey**, up to 1.9 metres;
      - (a) with a floor level higher than the fourth **storey**, or a portion thereof, that encroaches into a required minimum **building setback** to a **lot line** adjacent to a **street**, may have up to a maximum width of 13.5 metres, and must have a minimum horizontal separation distance of 1.5 metres from each adjacent

- platform, balcony or terrace on the same **storey**; and
- (b) despite (L)(iii)(a) above, on each **storey** above the fourth **storey**, a maximum of one platform, balcony or terrace or portion thereof that encroaches into a required minimum **building setback** to a **lot line** adjacent to a **street**, may have up to a maximum width of 15.0 metres;
  - (c) despite (L)(iii)(a) above and in addition to (L)(iii)(b) above, on each **storey** above the fourth **storey**, a maximum of one platform, balcony or terrace that encroaches into required minimum building setbacks to **lot lines** adjacent to two **streets**, may have up to a maximum combined width of 25.5 metres;
- (M) Despite Regulation 40.10.40.80(2)(A), the required minimum above-ground distance between two **main walls** with windows is 5.9 metres;
- (N) Despite Regulation 40.10.50.10 (3), the required minimum 1.5 metre wide strip of **soft landscaping**, may include an air ventilation shaft, transformer and a gas meter;
- (O) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, required minimum **parking spaces** for **dwelling units** must be provided and maintained on the **lot** in accordance with the following:
- (i) 0.7 **parking spaces** for each bachelor **dwelling unit**;
  - (ii) 0.8 **parking spaces** for each one bedroom **dwelling unit**;
  - (iii) 0.9 **parking spaces** for each two bedroom **dwelling unit**;
  - (iv) 1.1 **parking spaces** for each three bedroom **dwelling unit**;
  - (v) 0.15 **parking spaces** for visitor **parking spaces** for each **dwelling unit**;
- (P) Despite Regulation 200.15.1(4), an accessible **parking space** must be located no more than 11.0 metres, unobstructed by walls and parking curb stops, from the nearest door of a vestibule or lobby which leads to a barrier-free passenger elevator that provides access to the first **storey** of the **building**;

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

6. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

7. Holding Provisions:

Prior to the lifting of the (H) holding in whole or in part, the following applies:

- (A) The lands zoned with the "(H)" symbol delineated by heavy lines on Diagram 3 attached to and forming part of this By-law shall not be used for any purpose other than the uses and buildings as existed on the site as of the date of the passing of this by-law until the "(H)" symbol has been removed.
- (B) An amending by-law to remove the Holding provision in (A) above, in whole or in part, shall be enacted by City Council when the following condition(s) has been fulfilled to the satisfaction of Council:

Appropriate flow monitoring and downstream sanitary analysis is completed to the satisfaction the Chief Engineer & Executive Director of Engineering and Construction Services, and appropriate agreement(s) are entered into with the City to secure the design and construction of any required improvements to the municipal infrastructure resulting from the analysis, which may include obtaining MOECP Environmental Compliance Approval and upgrading the existing municipal infrastructure off site.

8. 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/or 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; and
- C. The owner shall not use, or permit the use of, a building or structure erected with an increase in height or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed this \_\_\_ day of \_\_\_\_\_, 2022.

Frances Nunziata,  
Speaker

John D. Elvidge  
City Clerk

(Seal of the City)

## **SCHEDULE A**

### **Section 37 Provisions**

The facilities, services and matters set out below are required to be provided by 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:

#### Community Benefits:

- A. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City a cash contribution of six hundred and sixty-five thousand (\$665,000.00) dollars towards playground/park amenities for St. Margaret's Parkette located at 4138 Lawrence Avenue East;
- B. The cash contribution referenced in this Schedule shall to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the execution of the Section 37 Agreement to the date of payment; and
- C. In the event the cash contribution referred to in this Schedule 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 Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

#### Matters Required to Support the Development:


- D. 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.

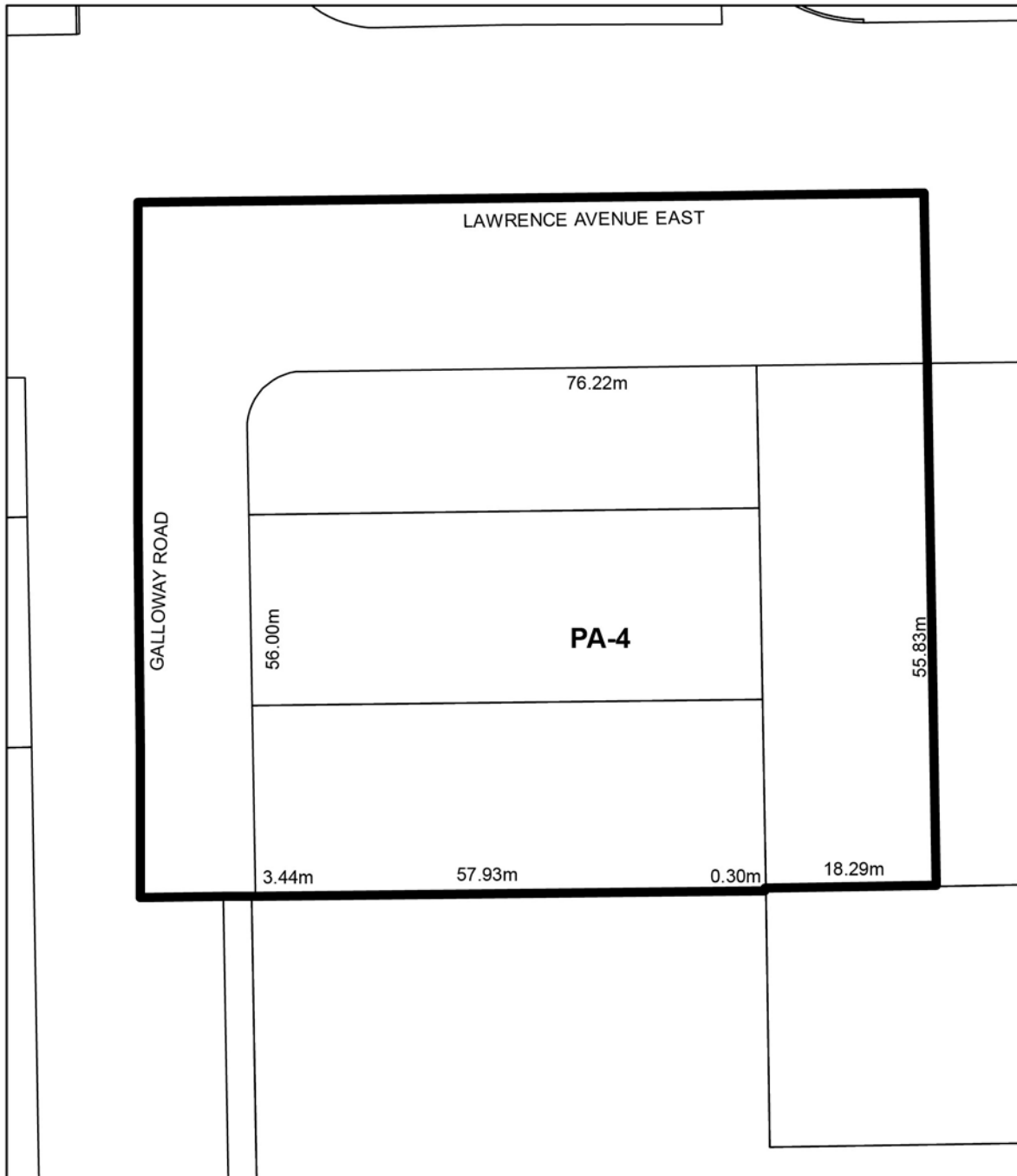


 **TORONTO**  
Diagram 1

**4097 Lawrence Avenue East  
and 197-201 Galloway Road**

File # 19 263719 ESC 24 02


  
City of Toronto By-law 569-2013  
Not to Scale  
02/24/2022

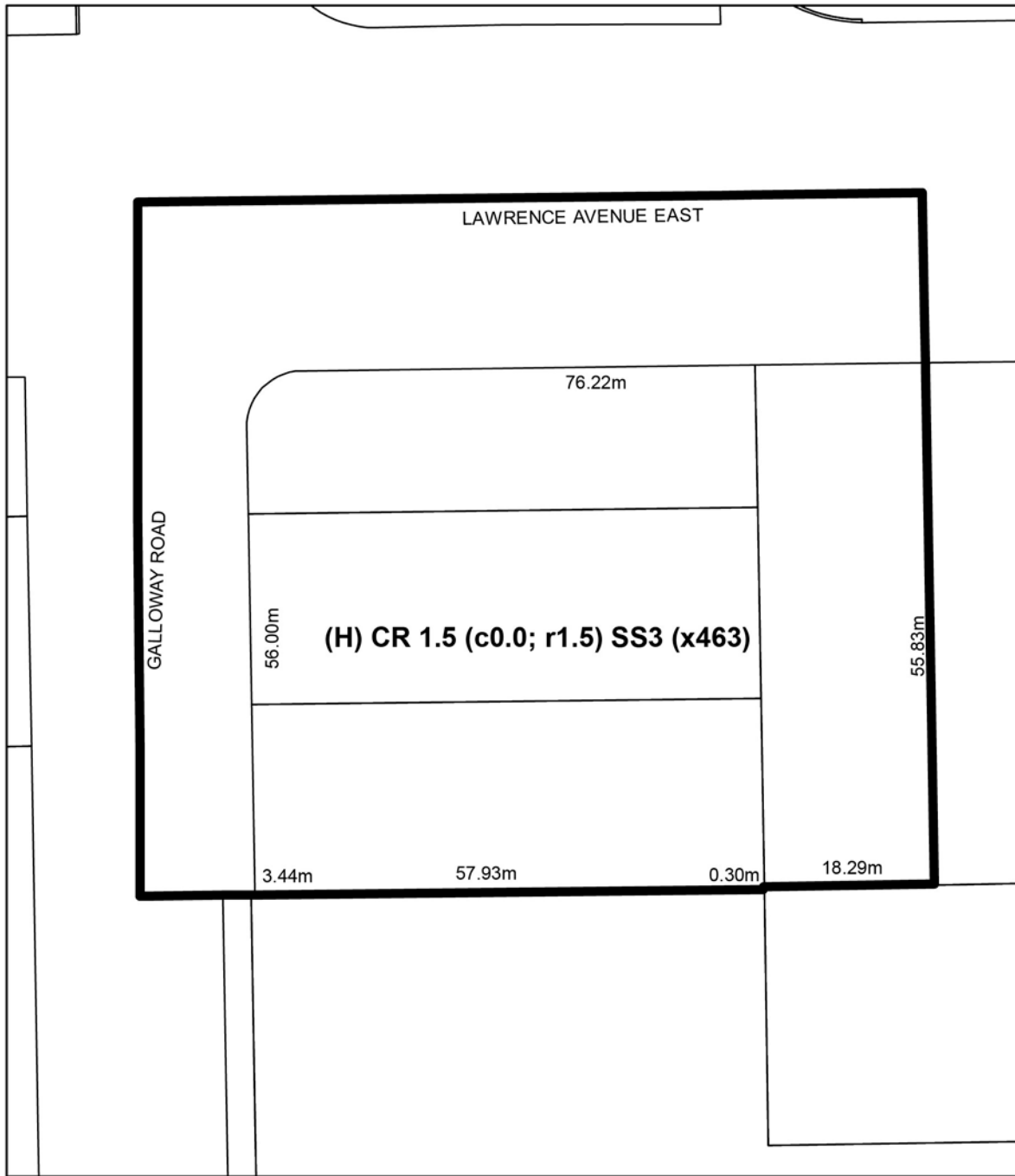


 **TORONTO**  
Diagram 2

**4097 Lawrence Avenue East  
and 197-201 Galloway Road**

File # 19 263719 ESC 24 02


  
City of Toronto By-law 569-2013  
Not to Scale  
02/24/2022



 **TORONTO**  
Diagram 3

**4097 Lawrence Avenue East  
and 197-201 Galloway Road**

File # 19 263719 ESC 24 02

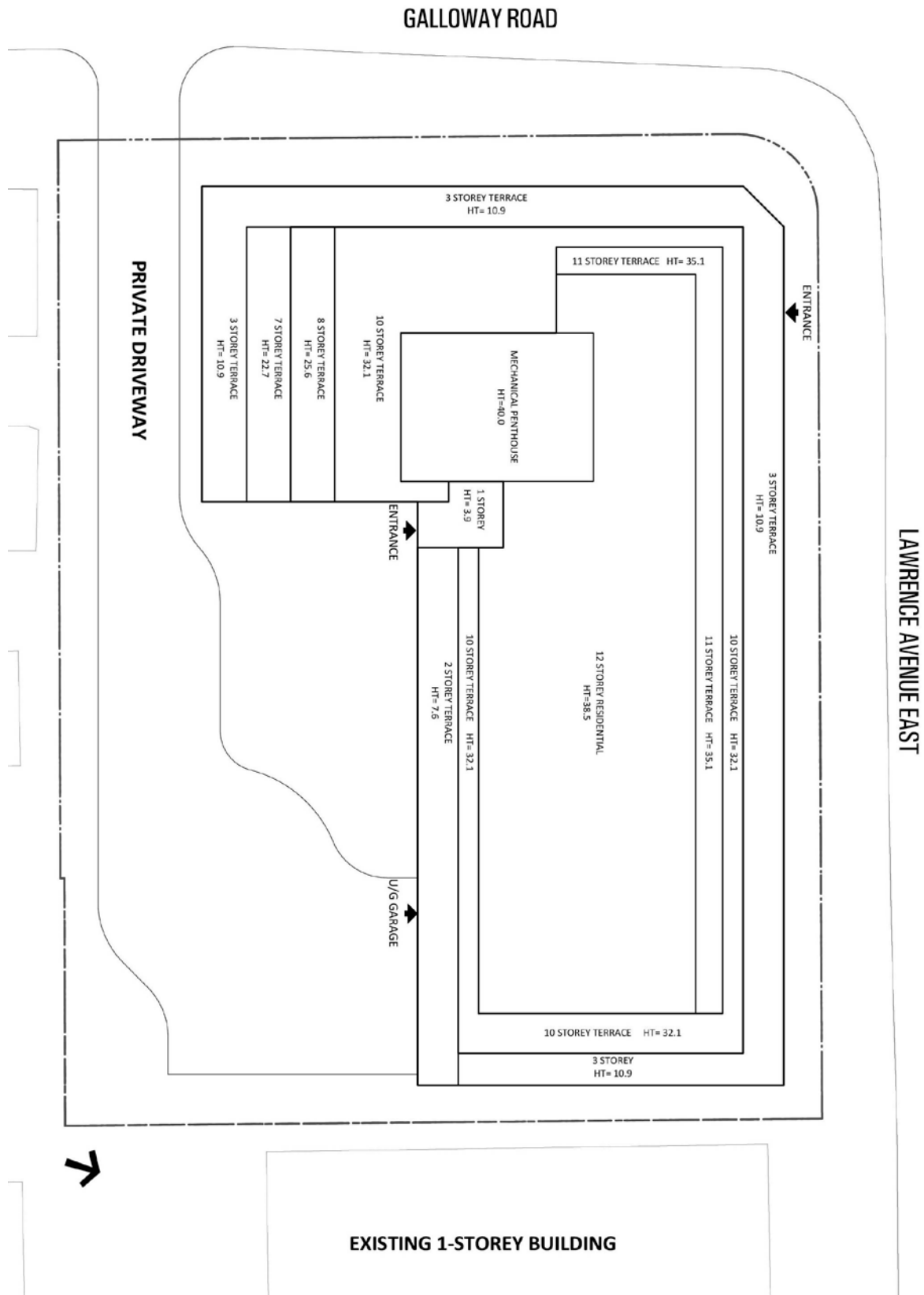
  
City of Toronto By-law 569-2013  
Not to Scale  
02/24/2022



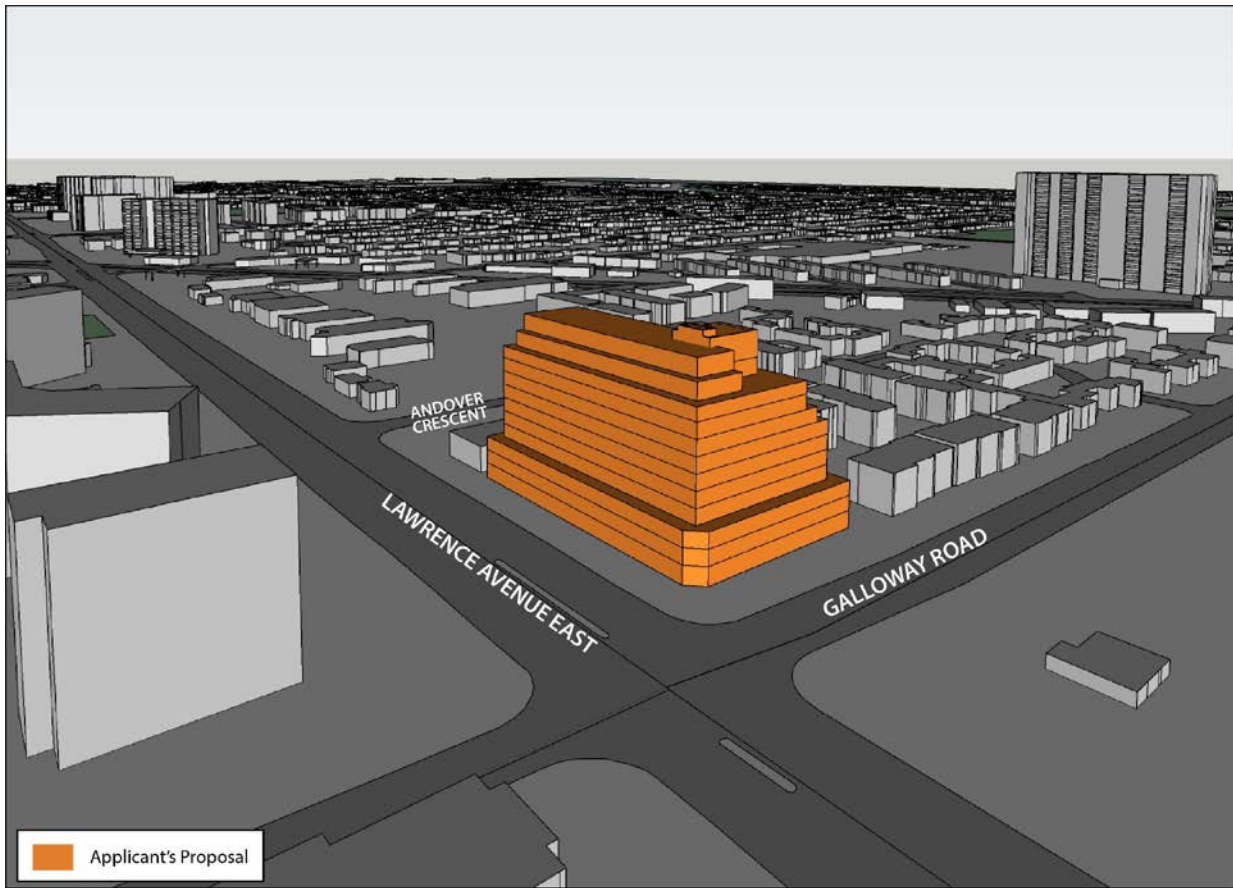
**Attachment 5: Draft Zoning By-law Amendment, City of Toronto By-law 569-2013**

To be provided prior to February 25, 2022 Scarborough Community Council.

# Attachment 6: Site Plan



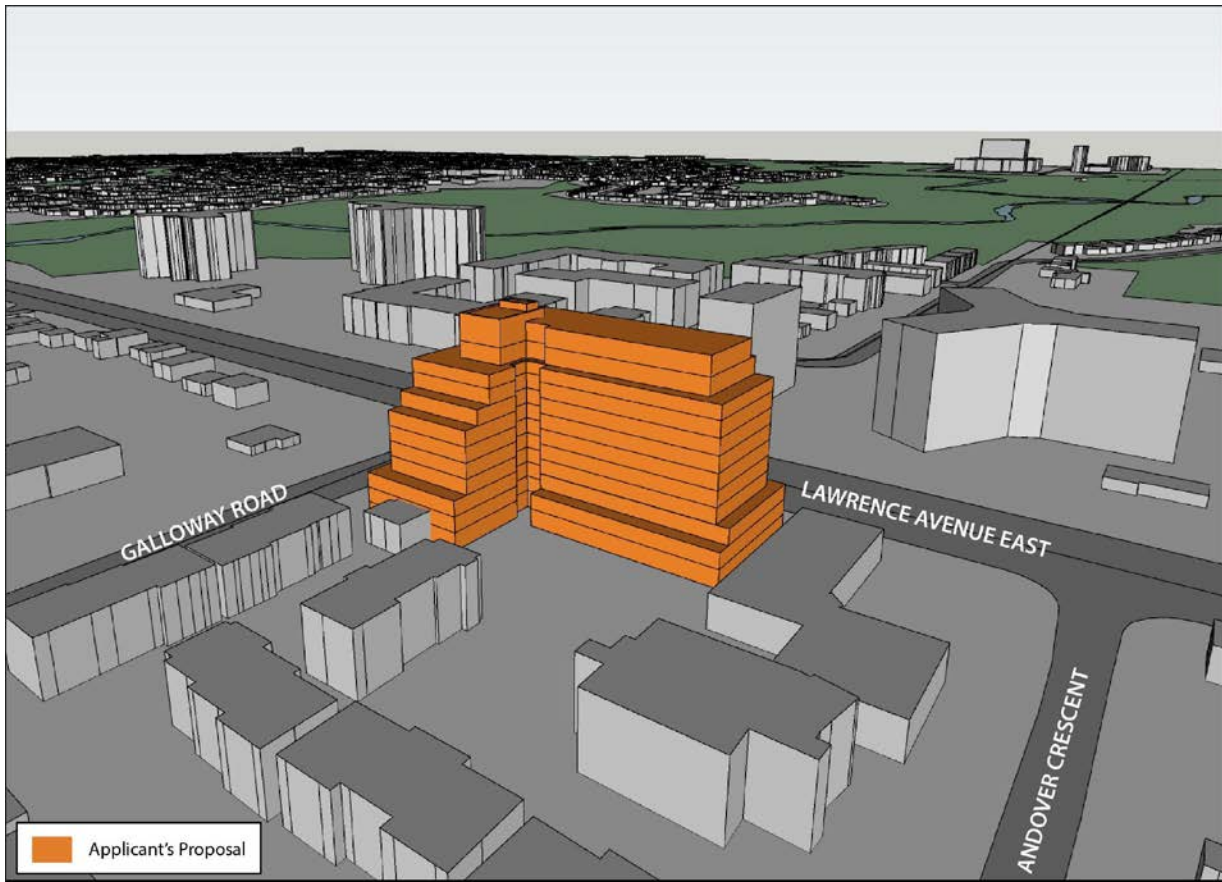
# Attachment 7: 3D Model of Proposal in Context, Looking Southeast



View of Applicant's Proposal Looking Southeast

02/04/2022

# Attachment 8: 3D Model of Proposal in Context, Looking Northwest



View of Applicant's Proposal Looking Northwest

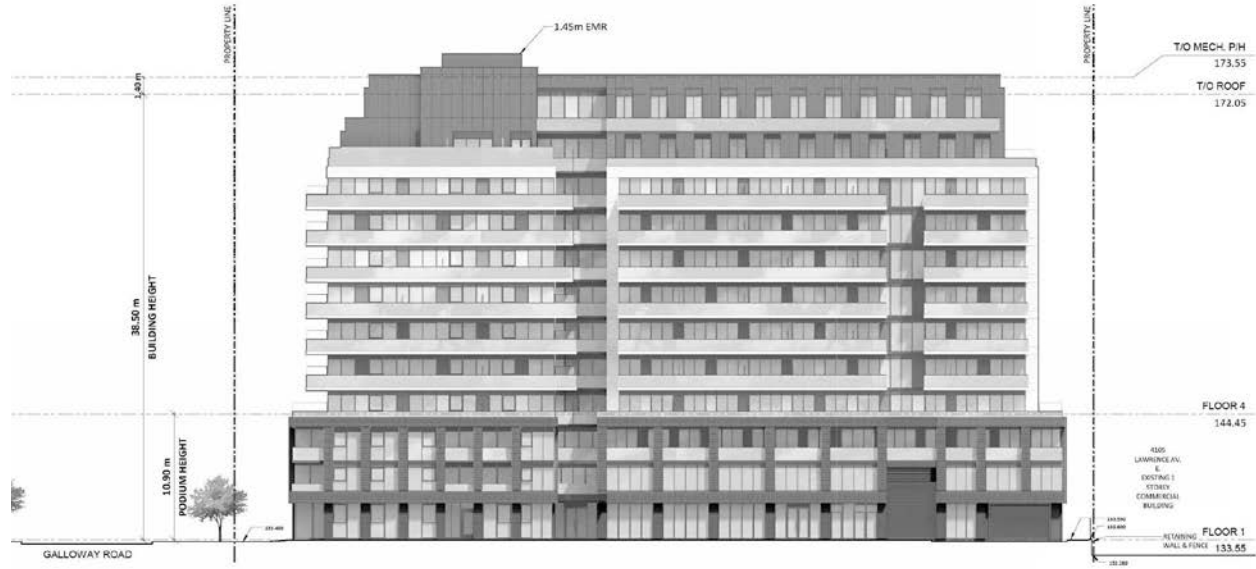
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01/09/2019

# Attachment 9: North Elevation



North Elevation

# Attachment 10: South Elevation



South Elevation

# Attachment 11: West Elevation



West Elevation

# Attachment 12: East Elevation



East Elevation