

4097 Lawrence Avenue East and 197 to 201 Galloway Road – Application to Lift Holding Provision Application – Final Report

Date: February 7, 2023

To: Scarborough Community Council

From: Acting Director, Community Planning, Scarborough District

Wards: Ward 24 - Scarborough-Guildwood

Planning Application Number: 22 229533 ESC 24 OZ

SUMMARY

This application proposes to lift the holding Symbol (H) for the lands municipally known as 4097 Lawrence Avenue East and 197 to 201 Galloway Road. This amendment would allow for the development of the subject lands with a 12-storey (37.8 metre) residential building comprised of 228 dwelling units, of which 15 units are configured as townhouse units at the base of the building. The proposal includes 230 vehicular parking spaces within a 3 level underground garage and a total of 175 bicycle parking spaces on the ground level and in the parking garage.

A holding provision was added to the lands through the enactment of site specific Zoning By-law 251-2022 to ensure outstanding sanitary servicing issues were resolved prior to development of the site. The Chief Engineer and Executive Director, Engineering and Construction Services has now been satisfied that the appropriate flow monitoring and downstream sanitary analysis was completed. This analysis demonstrated that the sufficient capacity exists in the City's municipal infrastructure to accommodate the sanitary flows generated by the proposed development.

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). This report reviews and recommends approval of the application to lift the holding ("H") provision for the lands at 4097 Lawrence Avenue and 197 to 201 Galloway Road.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 569-2013, as amended, to remove the holding (H) symbol 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 No.4 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.

FINANCIAL IMPACT

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

In July 2015, City Council approved a Zoning Bylaw Amendment application (File No.13 265839 ESC 43 OZ) in order to permit 37 units in four four-storey building blocks on the subject lands. City Council's decision can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.SC7.23>.

A Notice of Approval Conditions for the associated Site Plan Control application (File No. 13 265841 ESC 43 SA) was issued in July 2016 for the townhouse proposal, however, the file was closed due to inactivity and the project was never constructed.

At its meeting of March 9, 2022, City Council adopted staff recommendations to approve a new Zoning By-law amendment application (File No. 19 263719 ESC 24 OZ) to permit the construction of a 12-storey (37.8 metre), 228 unit, residential building including approximately 16,017 square metres of residential gross floor area resulting in an FSI of 3.94 times. The Zoning By-law Amendment included a holding (H) Provision restricting the development of the lands until appropriate flow monitoring and downstream sanitary analysis is completed to the satisfaction of the Chief Engineer and Executive Director of Engineering. City Council's decision can be found here: <http://secure.toronto.ca/council/agenda-item.do?item=2022.SC30.2>)

PROPOSAL

The request to lift the holding (H) symbol on the subject lands has been made to facilitate the construction of a 12-storey (37.8 metre) 228 unit, residential building incorporating approximately 16,017 square metres of residential gross floor area (g.f.a) and an FSI of 3.94 times approved by City Council in 2022. The approved "L"-shaped building orients building mass parallel to Lawrence Avenue East and Galloway Road. Grade-related units are provided along both street frontages with direct access from the public sidewalk. The mechanical penthouse on the twelfth storey is wrapped with units with minor projections beyond the envelope of the building. A total of 230 vehicular parking spaces within a three-level underground garage and a total of 175 bike parking spaces located on the P1 and ground levels. The development incorporates spaces for

pick up and drop off, access to loading as well as a landscaped amenity area at the southeast end of the site

The unit mix incorporates approximately 64% (1-bedroom units), 25% (56) 2-bedroom units and 11% (26) 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.

The building is deployed in a midrise form with step backs and terracing incorporated at the fourth floor to above the 10th floors along the public street frontages. The building also steps away from the east property line with no occupied space at the 4th floor terrace along the east elevation to address privacy and reduce overlook conditions towards the day care to the east. (For further information refer to Attachment 5: Site Plan, Attachments: 6 through 9: Elevations and Attachment 1: Application data Sheet)

Reasons for Application

On March 9, 2022, City Council enacted By-law 251-2022 which included a holding ("H") provision due to outstanding sanitary sewer servicing issues requiring resolution prior to the proposed development being serviced from Lawrence Avenue East. The subject "H" symbol can only be lifted at such time as appropriate flow monitoring and downstream sanitary analysis is completed to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services along with other measures, if necessary, (i.e. legal agreements) to secure design and construction of any required improvements to municipal infrastructure.

An amendment to Zoning By-law 569-2013, as amended, by Zoning By-law 251-2022 is required to lift the holding provision and allow the redevelopment of the lands to take place.

APPLICATION BACKGROUND

Application Submission Requirements

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

Functional Servicing Report

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

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.

Community Consultation

Community consultation is not required for an application to lift the Holding symbol (H) and, as such, a community meeting was not held for this application.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given had 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

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;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

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 August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. 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.

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, 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).

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan

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

This application has been reviewed against the policies of the City of Toronto Official Plan and as follows:

Chapter 2 - Shaping the City

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

Policy 2.2.9 (formerly numbered 2.2.5 in OPA 456), 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.

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.

Chapter 5 - Making things Happen

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 indicates that a Holding "H" provision may be placed lands where the ultimate desired use is appropriate but where development cannot occur until conditions set out in the Plan or by-law are satisfied. These conditions may include transportation or servicing improvements.

The outcome of staff analysis and review are summarized in the Comments section of the Report.

Zoning

The subject lands are zoned (H) CR 1.5 (c0.0; r1.5) SS3 (x463) by Site Specific Zoning By-law 251-2002. . The Commercial Residential Zone permits a range of uses such as dwelling units, financial institutions, offices, restaurants and retail stores and the site specific exception CR 463 sets out development standards to implement the proposed building. Of note, Zoning By-law 251-2022 indicates that an amending by-law to remove the "H" can be enacted by City Council when the following condition has been fulfilled:

"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.

Site Plan Control

The lands are subject to site plan control. A site plan control application has been filed (File No. 19263722 ESC 24 SA) and is currently under review.

Draft Plan of Condominium

The applicant has filed a related condominium application (File No. 21 230437 ESC 24 CD) which is currently under review by the City.

COMMENTS

Provincial Policy Statement and Provincial Plans and Land Use

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020) and Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2020). It conforms and does not conflict with the Growth Plan (2020). Furthermore, staff are of the opinion that it has already been demonstrated that redeveloping the site with the proposed residential building is in keeping with the intent of the Toronto Official Plan.

Lifting the Holding Provision

At its meeting of March 9, 2022, City Council considered and approved the rezoning associated with the proposal to develop the site with a 12 storey residential building. No changes to that proposal are being considered.

The Holding provision was placed on the lands due to existing sanitary sewer capacity issues. The application to lift the "H" has been circulated to appropriate staff in

Engineering and Construction Services. The appropriate flow monitoring and downstream sanitary analysis has now been completed to the satisfaction the Chief Engineer and Executive Director of Engineering & Construction Services (ECS). There are no improvements or upgrades to municipal infrastructure required to support the approved midrise development and ECS has noted no objection to lifting the holding provision.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020)

Furthermore, as noted earlier in this report, it has already been demonstrated that redeveloping the site with the proposed residential building meets the general intent of the Toronto Official Plan. The subject application has adequately addressed relevant policies speaking to development-related servicing impacts.

Lastly, staff are of the opinion that the condition for lifting the Holding Provision has been met and recommend that Council approve the lifting of the Holding ("H") Symbol application.

CONTACT

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SIGNATURE

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Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Draft Zoning By-law Amendment (Attached as a PDF)

Applicant Submitted Drawings

Attachment 5: Site Plan

Attachment 6: North Elevations

Attachment 7: South Elevations

Attachment 8: East Elevations

Attachment 9: West Elevations

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 4097 LAWRENCE AVE E AND 197 to 201 Galloway Road
Date Received: November 15, 2022

Application Number: 22 229533 ESC 24 OZ

Application Type: Rezoning

Project Description: Lifting of the holding provision to permit a 12 storey 228 unit development

Applicant	Agent	Architect	Owner
MALONE GIVEN PARSONS LTD			FIRMLAND (LE) INC

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning: Commercial Residential Heritage Designation:

Height Limit (m): Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m): 4,068 Frontage (m): 76 Depth (m): 61

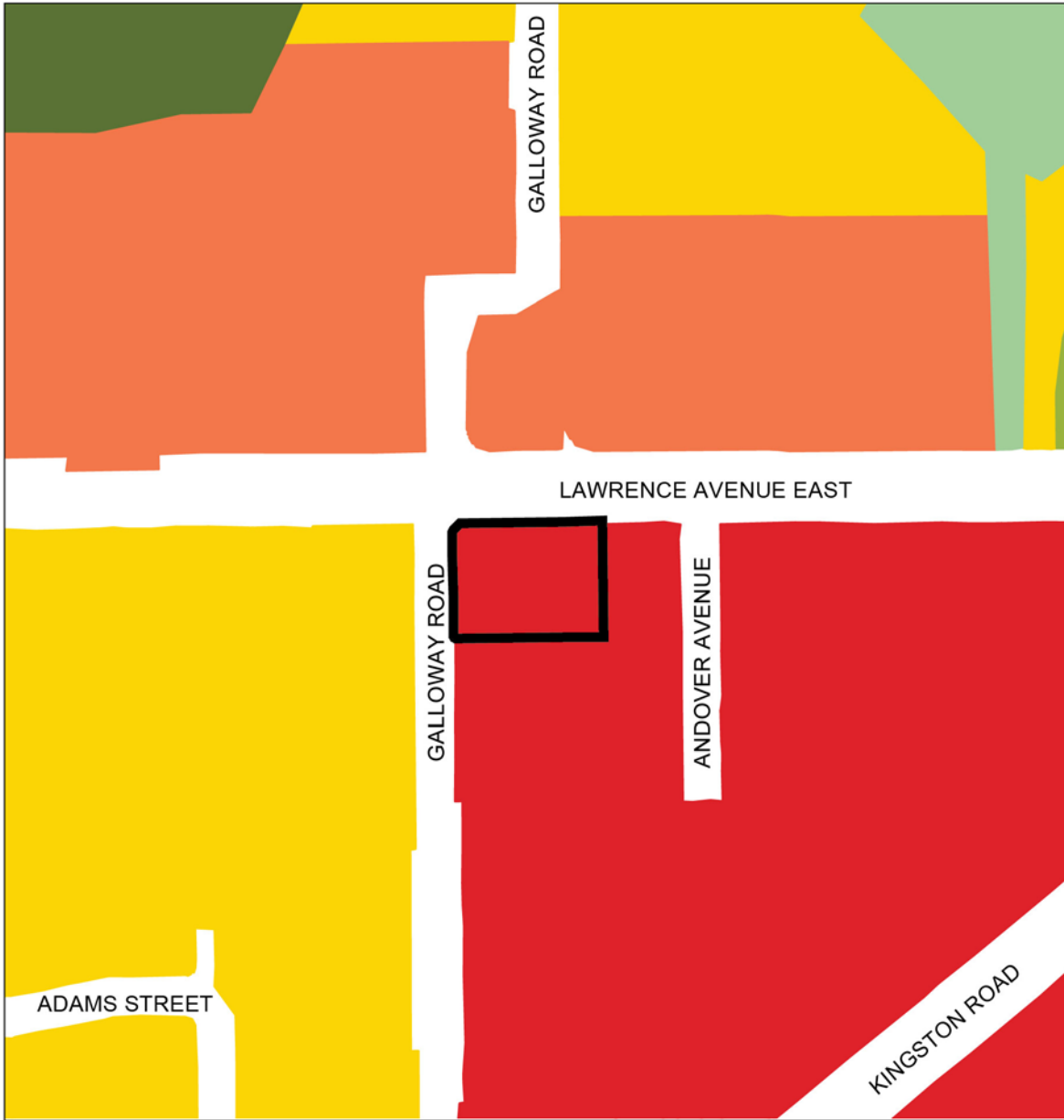
Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq. m):			2,045	2,045
Residential GFA (sq. m):			16,018	16,018
Non-Residential GFA (sq. m):				
Total GFA (sq. m):			16,018	16,018
Height - Storeys:	1		12	12
Height - Metres:			38	38

Lot Coverage Ratio (%): 50.28 Floor Space Index: 3.94

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

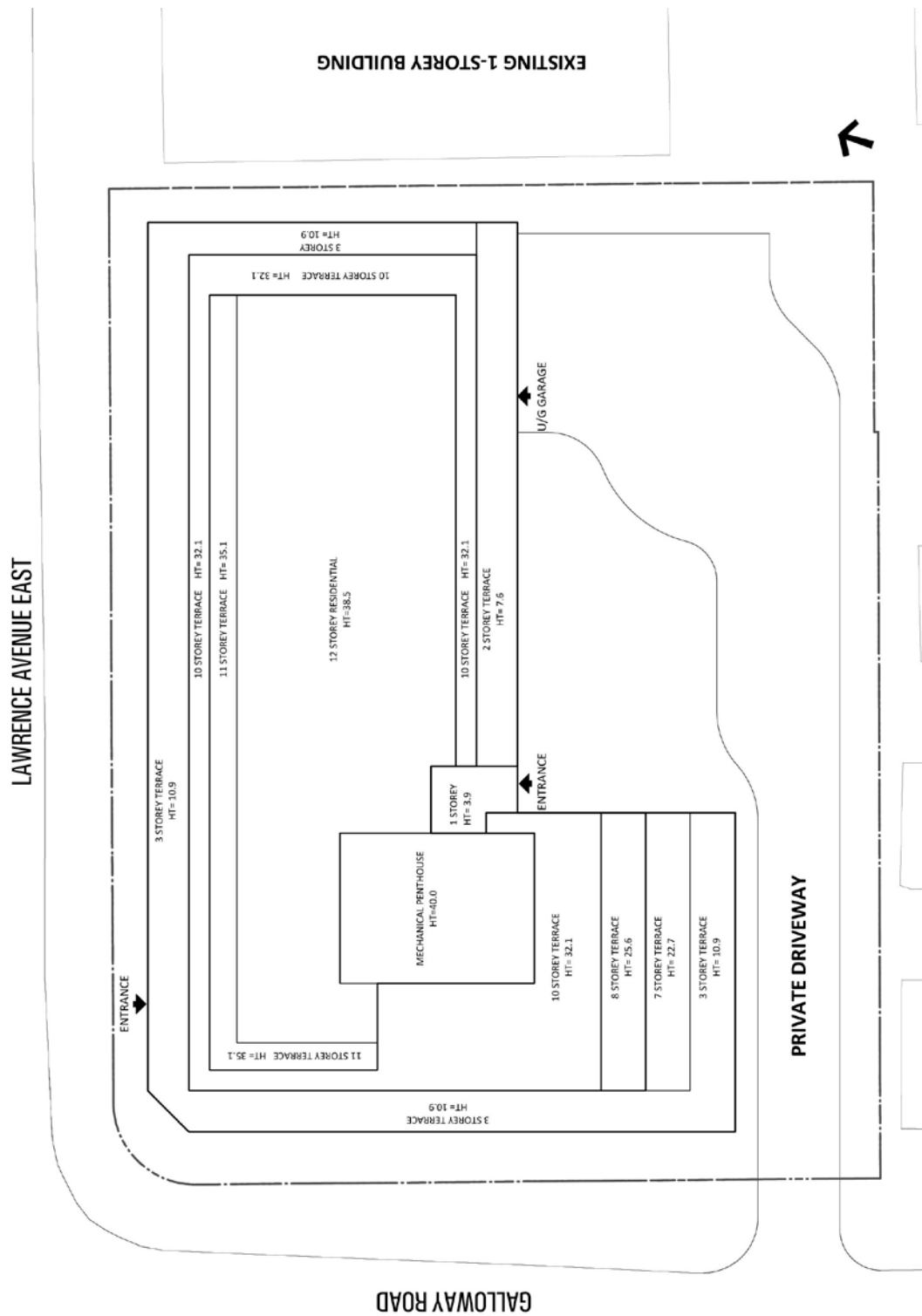
File # 19 263719 ESC 24 0Z

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

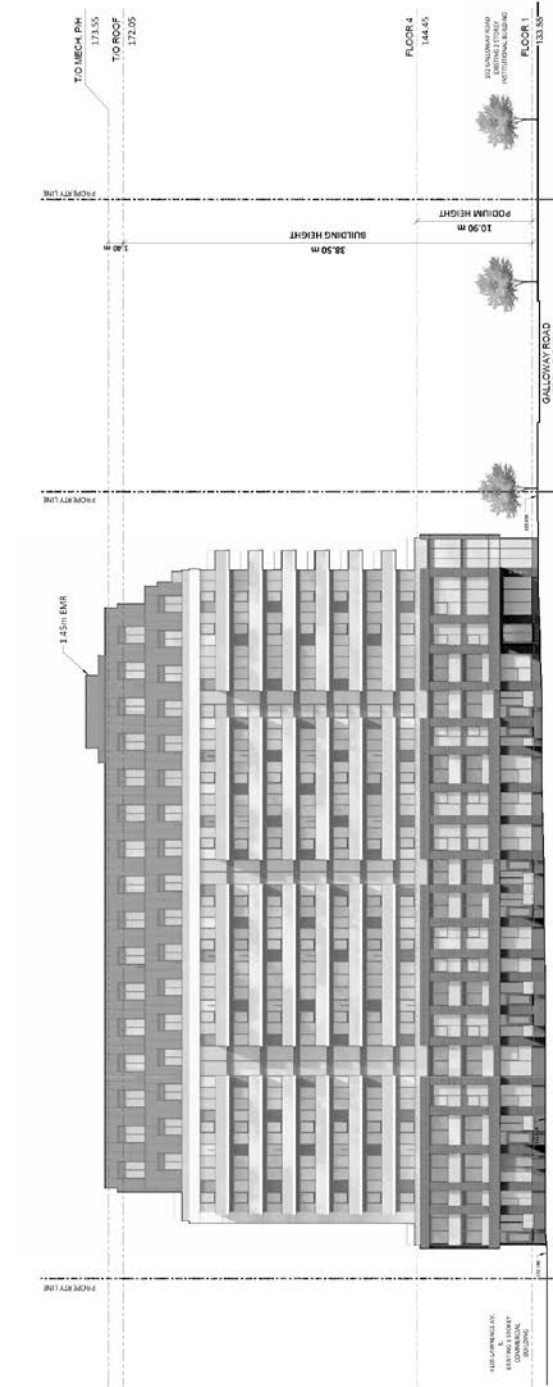
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Not to Scale
02/03/2022

**Attachment 4: Draft Zoning By-law Amendment
(Attached as a PDF)**

Attachment 5: Site Plan

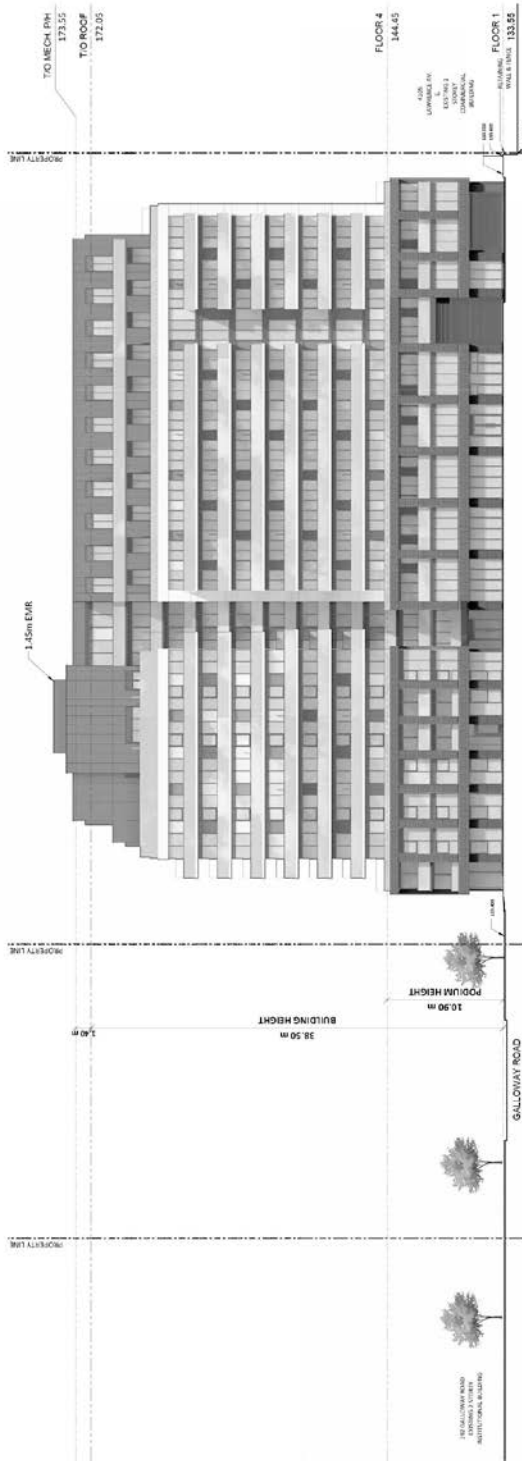


Attachment 6: North Elevation



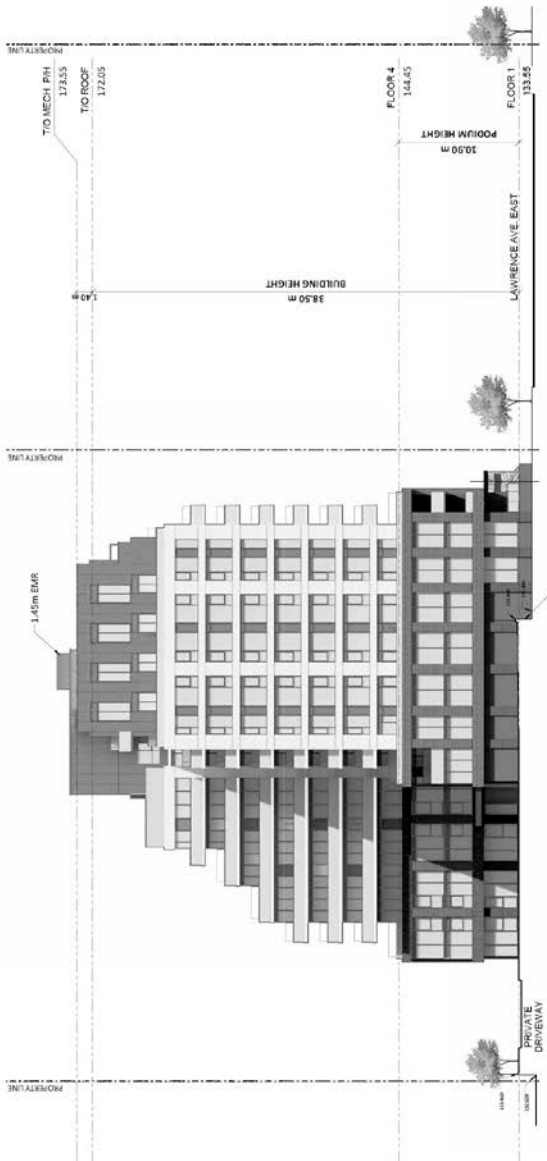
North Elevation

Attachment 7: South Elevation



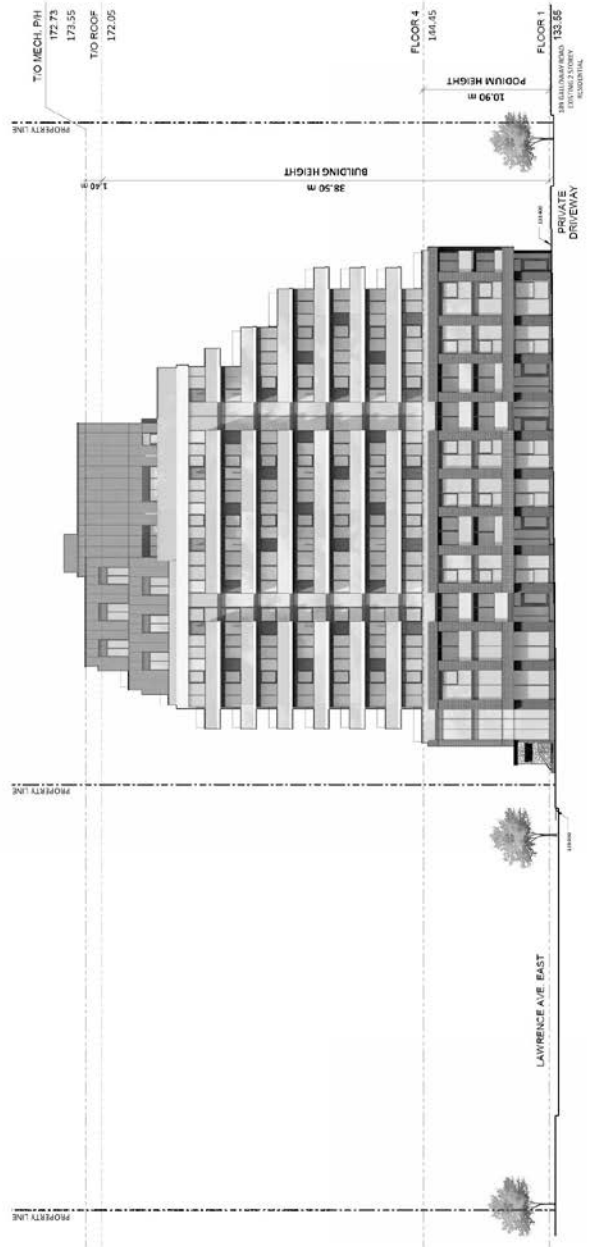
South Elevation

Attachment 8: East Elevation



East Elevation

Attachment 9: West Elevation



West Elevation