

2655 Lawrence Avenue East – Zoning By-law Amendment – Decision Report – Approval

Date: March 18, 2025

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: 21 - Scarborough Centre

Planning Application Number: 08 153889 ESC 37 OZ

SUMMARY

This Report recommends approval of the application to amend the Zoning By-law for lands at 2655 Lawrence Avenue East to permit the construction of two residential buildings of 18 and 28-storeys respectively and a block of eight townhouses for a total of 412 residential units, along with 1,609 square metres of ground floor commercial space. A total of 519 vehicular parking spaces are proposed in two-levels of underground parking.

The application was previously considered and approved pursuant to recommendations in a Decision Report dated June 6, 2018 from the Director, Community Planning, Scarborough District for the same development permissions. In addition to amending the Zoning By-law, the recommendations from staff were to hold enactment of implementing Bills until a Section 37 Agreement was entered into. The package of recommendations was adopted by City Council at its meeting on July 23, 24, 25, 26, 27 and 30, 2018 as item 2018 SC 32.2. However the Zoning By-law Amendment was never enacted by City Council as the required agreement was not executed and registered. In the intervening period, amendments to the *Planning Act* have changed the Section 37 regime under which community benefits are secured. These amendments removed the ability of municipalities to secure community benefits through the approval of additional height and density, instead implementing to the new Community Benefit Charge (CBC) framework currently in use.

While the application was approved the fact that the Bills were not enacted and brought into force means the previously recommended Zoning By-law Amendment needs to be adjusted to reflect the current *Planning Act* provisions. Furthermore, while no additional development permissions are sought, since a new decision of City Council is required to approve the Zoning By-law Amendment and enact the Bills, the matter must be reviewed against the current in-force Provincial Planning Statement 2024 (PPS 2024).

Staff can confirm that the proposal has been reviewed against the policies of the PPS (2024) and the Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2024). The recommended Zoning By-law Amendment has been adjusted to remove the previously secured Section 37 provisions as the *Planning Act* no longer allows them to be secured in the recommend matter. The applicant has elected not to provide in-kind contributions and the required CBC payment will be made to the City prior to building permit issuance.

The development is otherwise unchanged from what was recommended for approval in 2018. For other matters pertaining to staff's opinion related to Official Plan conformity, particularly as it relates to the development criteria for *Mixed Use Areas* the analysis is adopted as provided in the previous staff report:

<https://secure.toronto.ca/council/agenda-item.do?item=2018.SC32.2>

Staff recommend the Draft Zoning By-law Amendment be approved by City Council to allow for the delivery of the proposed development.

RECOMMENDATIONS

The Director, Community Planning, Scarborough District recommends that:

1. City Council amend the Bendale Community Zoning By-law No. 9350 as amended, for the lands municipally known as 2655 Lawrence Avenue East substantially in accordance with the draft Zoning By-law Amendment included as Attachment 1 to this Report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

FINANCIAL IMPACT

The Development Review 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

On July 6, 2018, Scarborough Community Council approved this Zoning By-law Application although the implemented Bills were held for enactment as described above. The decision document can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2018.SC32.2>

On August 15, 2022, City Council enacted By-law 1139-2022, a CBC By-law for the City of Toronto that replaced the former Section 37 height and density bonusing in the

Planning Act. The decision document can be found here:
<https://www.toronto.ca/legdocs/bylaws/2022/law1139.pdf>

COMMENTS

Previous Application

Scarborough Community Council, at its statutory public meeting on July 4, 2018 adopted staff recommendations to amend this Zoning By-law application for the subject lands to permit the redevelopment of the lands with two residential buildings at 18 and 28-storeys respectively and a block of eight townhouses, along with 1,609 square metres of ground floor commercial/retail space. A total of 412 residential units are proposed and a total of 519 vehicular parking spaces are proposed in two-levels of below grade parking.

Recommendation 3 of the Decision Report, item 2018.SC32.2, recommended that prior to the Bills being introduced to City Council for enactment, the Owner was required to enter into an Agreement pursuant to previous Section 37 regime of the *Planning Act* which was based on height and density bonusing.

The Owner never entered into the required Agreement.

Planning Act Changes

On June 6, 2019, Bill 108 came into force which included changes to municipal authority whereby Section 37 of the *Planning Act*, height and density bonusing was repealed and replaced with a CBC contribution requirement. Section 37 of the *Planning Act* now provides for the council of local municipalities to impose community benefits charges against lands to pay for capital costs of facilities, services and matters required because of development or redevelopment in the area by way of by-laws.

At its meeting on August 15, 2022, City Council enacted By-law 1139-2022, a CBC By-law for the City of Toronto that replaced the former Section 37 height and density bonusing in the *Planning Act*.

As per the transition provisions in the *Planning Act* related to the implementation of the CBC, the application is now subject to the City's CBC By-law. The amount of the community benefit charge payable is 4 percent of the value of the land that is the subject of the development or redevelopment on the day before the day the first building permit is issued in respect of the development. The community benefit charge is payable prior to the issuance of the first building permit issued for the development.

Changes to the Draft Zoning By-law

While no additional development permissions are sought, the previously recommended Zoning By-law Amendment needs to be adjusted to remove provisions related to community benefits secured via Agreement pursuant to Section 37 of the *Planning Act*. The Draft Zoning By-law attached to this report removes those provisions related to the

Section 37 Agreement but is otherwise identical to that which was recommended and approved by City Council in 2018.

Provincial Land-Use Policies

The new Draft Zoning By-law with the changes incorporated to reflect the adjustments to Section 37 described above requires a new decision of City Council to authorize the amendment and enact the Bill. All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Planning Statement (2024), and shall conform to provincial plans, including the Greenbelt Plan (2017), and others.

City staff have reviewed the proposal for consistency with the PPS (2024). City staff find the proposal consistent with the PPS (2024).

Other Planning Considerations

As the development is unchanged, staff adopt the analysis and findings related to the City's Official Plan and implementing guidelines outlined by the previous Approval report.

Conclusion

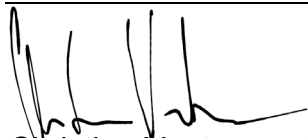
The proposal has been reviewed against the policies of the PPS (2024) and the Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2024) and conforms to the Official Plan, particularly as it relates to the development criteria for *Mixed Use Areas*. The proposal will permit two residential buildings at 18 and 28-storeys respectively and a block of eight townhouses, with a total of 412 residential units, along with 1,609 square metres of ground floor commercial space. The development will introduce residential uses to an otherwise underutilize site while ensuring provisions for new commercial uses are implemented.

The development is otherwise unchanged from what was recommended for approval in 2018. Staff continue to hold that view and recommend Council advance the Draft Zoning By-law amendment attached to this report.

CONTACT

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SIGNATURE



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Scarborough District

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment

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Attached separately as a PDF