

**Preliminary Report
Zoning By-Law Amendment Application
770 Lawrence Avenue West and 3081 to 3101 Dufferin
Street**

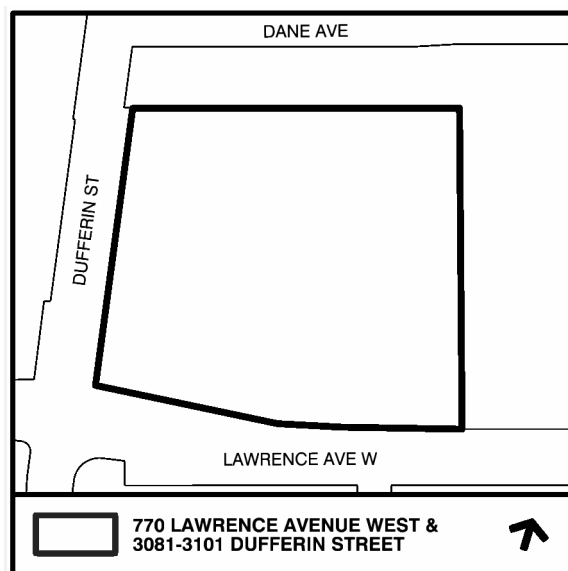
Date:	May 25, 2012
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 15 – Eglinton-Lawrence
Reference Number:	12 140740 NNY 15 OZ

SUMMARY

This application proposes to amend Zoning By-law 617-2012 (OMB) for the lands at 770 Lawrence Avenue West and 3081 to 3101 Dufferin Street approved by the Ontario Municipal Board in December 2011. The proposal is to redistribute the approved density within the site from Block 2 to Block 1 which would result in increased residential tower heights of 24 storeys to 29 storeys and 20 storeys to 25 storeys on Lawrence Avenue West. The proposal also seeks to relocate the existing Shoppers Drug Mart store to Block 2 and allow it remain at that location on a permanent basis rather than the 3 years permitted by Zoning By-law 617-2012(OMB).

This report provides preliminary information on the above-noted application and seeks Community Council's direction on further processing of the application and on the community consultation process.

It is intended that a community consultation meeting be scheduled in consultation with the Ward Councillor. A Final Report and Public Meeting under the *Planning Act* to consider the application is targeted for the Staff report for action – Preliminary Report - 770 Lawrence Avenue West and 3081 to 3101 Dufferin Street



first quarter of 2013 provided all required information is submitted by the applicant in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 770 Lawrence Avenue West and 3081 to 3101 Dufferin Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Applications were submitted on November 20, 2007 (Zoning By-law Amendment) and December 20, 2007 (Draft Plan of Subdivision) to permit a mixed-use redevelopment of the subject lands including 15,200m² of non-residential space and 1,880 residential units in a series of point towers and mid-rise buildings. The applications also sought to establish a public road through the site connecting Lawrence Avenue West to Dufferin Street and create a public park in the centre of the site.

A Preliminary Report was prepared for these applications dated March 6, 2008 and considered by North York Community Council on April 8, 2008. The report can be found at:

<http://www.toronto.ca/legdocs/mmis/2008/ny/bgrd/backgroundfile-11453.pdf>

The applicant appealed the proposed Zoning By-law Amendment and Subdivision applications to the Ontario Municipal Board, citing Council's lack of decision on the applications within the time frame specified by the *Planning Act*. A Request for Direction Report dated November 3, 2009 was prepared by City Planning staff for the North York Community Council Meeting of November 10, 2009. The report can be found at:

<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-25260.pdf>

The Request for Direction report described the proposal as having a total of 1,700 residential units and 7,500m² of commercial space over the entire 3.8 hectare site, which Staff report for action – Preliminary Report - 770 Lawrence Avenue West and 3081 to 3101 Dufferin Street

reflected the revised proposal being reviewed by City Planning staff at the time. The overall Floor Space Index of this proposal was 3.7 times the lot area.

At its meeting of December 1, 2, 4 and 7, 2009, City Council directed the City Solicitor and appropriate staff to attend the Ontario Municipal Board hearing to oppose the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications in their current form. In addition, City Council directed the City Solicitor and City Staff to meet with the applicant and the community to scope out a possible settlement for the matter.

A copy of the Council direction can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.NY29.33>

As a 9-day Ontario Municipal Board hearing was scheduled to commence on February 23, 2010, a community meeting was held on January 21, 2010. As a result of the discussions between City staff, the applicant and members of the community at this meeting, Legal Division staff required further direction from City Council in advance of the February 23, 2010 hearing. A report was prepared by the City Solicitor dated January 25, 2010 recommending that Council accept a proposal by the owner to settle the outstanding issues with the City.

This settlement proposed that the City and owner would jointly request that the Board allow the appeals and approve a Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Subdivision Conditions to permit the proposed development of the lands in accordance with the following:

- A maximum gross floor area of 122,667 m² (reduced from 139,700 m²);
- A maximum of 1,500 dwelling units (reduced from 1,700 units);
- Maximum tower heights of 15 storeys on Dufferin Street, 24 storeys at the corner of Dufferin Street and Lawrence Avenue West and 20 storeys on Lawrence Avenue West (reduced from 26, 31 and 25 storeys, respectively);
- Maximum tower floor-plates of 750 m² gross floor area (reduced from 800 m²);
- The two storey building on Block 1 to be replaced with a 12-storey building;
- The east/west portion of the future public street, and its associated driveway, to be shifted approximately 11-12 metres northward;
- A minimum of 6% of the dwelling units constructed on the site to have three or more bedrooms; and
- The area of the new public park dedication to be a minimum of 6,985.6 m².

The proposed settlement also contained a number of other details relating to Section 37 and conditions relating to the Draft Plan of Subdivision. The settlement proposal attached to the City Solicitor's report and adopted by City Council can be found at:

<http://www.toronto.ca/legdocs/mmis/2010/cc/bgrd/backgroundfile-27064.pdf>

By its Decision issued on March 19, 2010, the Ontario Municipal Board allowed the appeals to amend Zoning By-law No. 7625 of the former City of North York and to approve the associated Draft Plan of Subdivision, subject to conditions. The Board withheld its Order until it is was advised by the City Solicitor that the Section 37 Agreement was completed and that the Technical Services Director was satisfied that water pressures and flows were adequate to service the development.

Acting upon a request from the owner, in an Interim Order dated November 8, 2010 the Board exercised its authority pursuant to s. 43 of the *Ontario Municipal Board Act*, to alter its previous Decision and make revisions to the proposed Zoning By-law to enable the applicant to erect a temporary sales presentation centre on the site. This presentation centre is currently located at the corner of Lawrence Avenue West and Dufferin Street and is marketing the development under the name “Treviso”.

On November 30, 2011 the City Solicitor advised that Board that the Board could issue its Final Order in this matter.

As a result of a further request by the owner, the Board again exercised its authority pursuant to s. 43 of the *Ontario Municipal Board Act* to alter its previous Decision and made the following revisions to the proposed Zoning By-law:

- a) To modify By-law No. 7625 to allow an existing retail store including accessory medical professional offices, to be relocated within the lands for a three year period; and
- b) To clarify the requirement that the owner register a plan of subdivision prior to the issuance of a building permit for the 511th dwelling unit to specify that the plan of subdivision must be registered by the owner prior to the issuance of an above grade building permit for the 511th dwelling unit.

Zoning By-law 617-2012 (OMB) is the resulting By-law that implements the Ontario Municipal Board decision dated December 16, 2011.

Pre-Application Consultation

A pre-application consultation meeting was not held with the applicant to discuss complete application submission requirements. However the applicant did inquire by email as to the completeness of a proposed submission package.

ISSUE BACKGROUND

Proposal

The applicant proposes to amend Zoning By-law 617-2012 (OMB) for the subject site to redistribute the approved density over the site from Block 2 to Block 1. This results in tower heights increasing from 24 storeys to 29 storeys and 20 storeys to 25 storeys along Lawrence Avenue West. The applicant is also proposing to relocate the existing

Shoppers Drug Mart store to Block 2 and request that the zoning amendment enable the relocation of the retail store on a permanent basis rather than the 3 years permitted by Zoning By-law 617-2012 (OMB).

By-law 617-2012 (OMB) permits the transfer of density between Blocks 1 and 2, allowing the approved residential density on Block 1 to be increased by up to 10% provided the overall permitted density on Blocks 1 and 2 (120,667m²) is not exceeded. This application seeks to transfer residential density from Block 2 to Block 1, as previously permitted, without exceeding the overall 120,667m² limit, but increasing the density on Block 1 by 14% instead of 10%. This would be accommodated by adding 5 storeys to the two towers fronting Lawrence Avenue West (Phases 1 and 2), as shown on Attachment 1. The actual building height would be increased on these two towers by 10.5 metres and 9.5 metres, respectively. This will be accomplished by reducing the interior floor to ceiling heights of all floors throughout each tower. The height of the base building is not being increased, nor are the sizes of the proposed floor plates changing.

This application seeks to amend the zoning with respect to Blocks 1 and 2 only. No changes are proposed for Block 3 (the townhouse block) and Block 4 (the park block). The amendment also seeks to permit a 1,600m² retail use on Block 2 (the Shoppers Drug Mart store) to remain permanently. Block 2 was approved for 13,960m² of residential gross floor area with an additional temporary (3 year) permission for the Shoppers Drug Mart store. This application seeks to remove the temporary limitation on that retail use.

The following table summarizes the request:

	Approved Zoning By-law 617-2012 (OMB)	Requested by Current Application
Block 1	99,500m ² of residential floor area, 8,000m ² of non-residential floor area but permitting an increase in residential floor area of up to 10% provided the total residential floor area for Blocks 1 and 2 does not exceed 120,667m ² . Tower heights of 24 storeys (75m) and 20 storeys (63m) along Lawrence Avenue West permitted	To permit an increase in residential floor area of up to 14% with the total residential floor area for Blocks 1 and 2 not to exceed 120,667m ² . To permit tower heights of 29 storeys (84.5m) and 25 storeys (73.5m) along Lawrence Avenue West
Block 2	13,960m ² of residential floor area with a permission to have a retail store on a temporary (3 year basis) basis	1,600m ² retail store on a permanent basis
Block 3	12 townhouses (maximum 2,000m ²)	No change requested
Block 4	Park	No change requested

The site statistics are presented on the Application Data Sheet (Attachment 7).

Site and Surrounding Area

The 3.8 hectare site is located at the northeast corner of Dufferin Street and Lawrence Avenue West. The site has a frontage of 167 metres on Dufferin Street and 220 metres on Lawrence Avenue West.

The site contains several one-storey buildings that are used for retail purposes with extensive surface parking areas separating the buildings from Lawrence Avenue West and Dufferin Street. The site also contains the Treviso sales centre.

Land uses surrounding the subject site are as follows:

North: Dane Parkette and detached residential dwellings; a low-rise commercial building is located on Dufferin Street immediately north of the subject lands.

South: 3-storey walk-up apartments across Lawrence Avenue West.

East: a recently-constructed townhouse development (Liberty Walk) immediately adjacent, mid-rise commercial/office buildings beyond on Lawrence Avenue West.

West: highway commercial uses and low-rise industrial uses across Dufferin Street; a 3-storey church and the Columbus Centre along Lawrence Avenue West and mid-rise apartment buildings along Dufferin Street south of the church. An application for a Zoning By-law Amendment has recently been submitted for the property known as 3130 Dufferin Street for a mixed use development containing 374 dwelling units and 1,379m² of non-residential floor space with a maximum building height of 24 storeys.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan identifies areas that are well-served by public transit and the existing road network and which have a number of properties with redevelopment potential that can best accommodate growth. These areas are shown on Map 2, Urban Structure and are identified by four categories including the *Avenues* identification. *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit service for community residents. Both the Dufferin Street and Lawrence Avenue West frontages in this area are identified as *Avenues* on Map 2 of the Official Plan.

The Official Plan designates the site as *Mixed Use Areas*, one of four land use designations intended to accommodate growth. The *Mixed Use Areas* designation encourages a broad range of commercial, residential, institutional and open space uses to accommodate increases in population and jobs along transit lines.

Development in *Mixed Use Areas* prior to an Avenue Study being completed by the City has the potential to set a precedent for the form and scale of reurbanization along the *Avenue*. For this reason, proponents of such proposals are required to address the larger context and examine the implications for the segment of the *Avenue* in which the proposed development is located. Section 2.2.3, Policy 3(b) sets out the criteria that must be examined in such an Avenue Segment Study. The applicant has submitted an Avenue Segment Study and it is presently being reviewed.

The Official Plan establishes criteria for development in *Mixed Use Areas* including a requirement for buildings to be located and massed to provide a transition between areas of different development intensity, providing setbacks from, and stepping down of, building heights towards existing lower scale development. The Plan also contains requirements to locate and mass new buildings to 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.

The Official Plan contains a policy that encourages the inclusion of public art in all significant private sector developments across the City. The Percent for Public Art program recommends that a minimum of one percent of the gross construction cost of each significant development be contributed to public art. The governing principle for the Percent for Public Art Program is that art is a public benefit to be enjoyed and experienced by residents and visitors throughout the City.

The Plan provides for the use of Section 37 of the *Planning Act* to secure the provision of community benefits in return for an increase in height and/or density of a development. The City may require the owner to enter into an agreement to secure these matters.

Zoning

As a result of the recent Ontario Municipal Board approval, there are four zones on the property as shown on Attachment 5.

Block 1 is zoned “RM6(188)”, a Residential zone which permits apartment house dwellings and a variety of non-residential uses. A maximum of 1,305 dwelling units are permitted. This permission may be increased by up to 10% provided that the total number of dwelling units on the “RM6(188)” and “RM6(189)” lands do not exceed 1,488. The RM6(188) zone permits a maximum residential gross floor area of 99,500m², a maximum non-residential gross floor area of 8,000m² and a maximum total gross floor area of 106,707m². Increases of up to 10% of the maximum permitted residential gross floor area are permitted provided the total gross floor area on the lands zoned “RM6(188)” and “RM6(189)” do not exceed 120,667m². The schedule for the “RM6(188)” zone also sets out the maximum building heights in storeys and metres. The tower at the corner of Lawrence Avenue West is permitted to be a maximum of 24 storeys and 75 metres in height while the tower to the east is permitted to be a maximum of 20 storeys and 63 metres in height.

Block 2 is zoned “RM6(189)”, a Residential zone which permits an apartment house dwelling with a maximum building height of 8 storeys and 24 metres and a maximum number of dwelling unit of 183 with the provision that the unit count could be increased by up to 10 percent provided the total number of units on Blocks 1 and 2 shall not exceed 1,488 units. An increase in gross floor area is also permitted on Block 2 provided the maximum amount of gross floor area on both Blocks 1 and 2 does not exceed 120,667 m². Also permitted is a temporary retail store including accessory medical professional office, for a three year period ending no later than November 30, 2014.

Block 3 is zoned “RM1(82)”, a Residential zone permitting 12 multiple attached dwellings.

Block 4 is zoned “O1”, an Open Space zone permitting a variety of recreational uses, uses accessory to the recreational uses and a limited number of institutional uses.

Site Plan Control

The development of this multi-building project will be phased and each individual building will be subject to Site Plan Control Approval. An application for Phase 1 has been submitted and is under review.

Tree Preservation

City of Toronto By-laws provide for the protection of trees situated on both private and City property. According to the Arborist Report submitted by the applicant, there are three trees on the subject site and a number of trees on City-owned parkland adjacent the site having a diameter equal to or greater than 30 cm (12 in.). There are also two trees on abutting private property within 6.0 metres of the development site. All are in fair condition. The applicant will be required to undertake appropriate retention and protection measures as determined through the review of the individual Site Plan Control applications.

Reasons for the Application

The applicant is seeking an amendment to By-law 617-2012 (OMB) with respect to Blocks 1 and 2 only. No changes are proposed to Block 3 (the townhouses) or Block 4 (the park).

By-law 617-2012 (OMB) permits 99,500m² of residential floor area and 8,000m² of non-residential floor area on Block 1. In addition, the By-law permits the transfer of density between Blocks 1 and 2, allowing the approved residential density on Block 1 to be increased by up to 10%, provided the overall permitted density on Blocks 1 and 2 (120,667m²) is not increased. This application seeks to transfer residential density from Block 2 to Block 1 without exceeding the overall 120,667m² limit, but increasing the density on Block 1 by 14% instead of 10%. The application also seeks to increase the maximum building heights of the towers fronting Lawrence Avenue West from 24 storeys to 29 storeys and from 20 storeys to 25 storeys.

The amendment also requests to permit a 1,600m² retail use on Block 2 (the Shoppers Drug Mart store) to remain permanently. Block 2 was approved for 13,960m² of residential floor area with an additional temporary (3 year) permission for the Shoppers Drug Mart store. This application seeks to remove the temporary limitation on that retail use.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

Updated Planning Rationale (including Avenue Segment Study and Sun/Shadow Study)
Updated Pedestrian Level Wind Analysis
Updated Transportation Considerations Memorandum
Updated Functional Servicing Addendum No. 1
Computer Generated Building Mass Model
Toronto Green Standard Checklist

A Notification of Complete Application was issued on April 27, 2012.

Issues to be Resolved

On a preliminary basis, the following issues have been identified:

- Development intensity, density distribution and building heights;
- The appropriateness of removing the density from Block 2 and of establishing a new retail store with street-front surface parking at the southeast corner of the site on a permanent basis;
- Assessing the impacts of additional building heights on streets, parks and abutting *Neighbourhoods*;
- The assessment of the Avenue Segment Study and the built form policies on *Avenues*; and

- A review of the floor to ceiling heights in the project given that, as proposed, the addition of 5 floors to each of the two towers on Lawrence Avenue would result in an additional 10 metres of height to each tower, accomplished by reducing the floor to ceiling heights throughout each tower.

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

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

CONTACT

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E-mail: cfergus@toronto.ca

SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Proposed Master Plan
Attachment 2: Permitted Master Plan
Attachment 3: Draft Plan of Subdivision
Attachment 4a: North and South Elevations
Attachment 4b: West and East Elevations
Attachment 5: Zoning
Attachment 6: Official Plan
Attachment 7: Application Data Sheet

Attachment 1: Proposed Master Plan



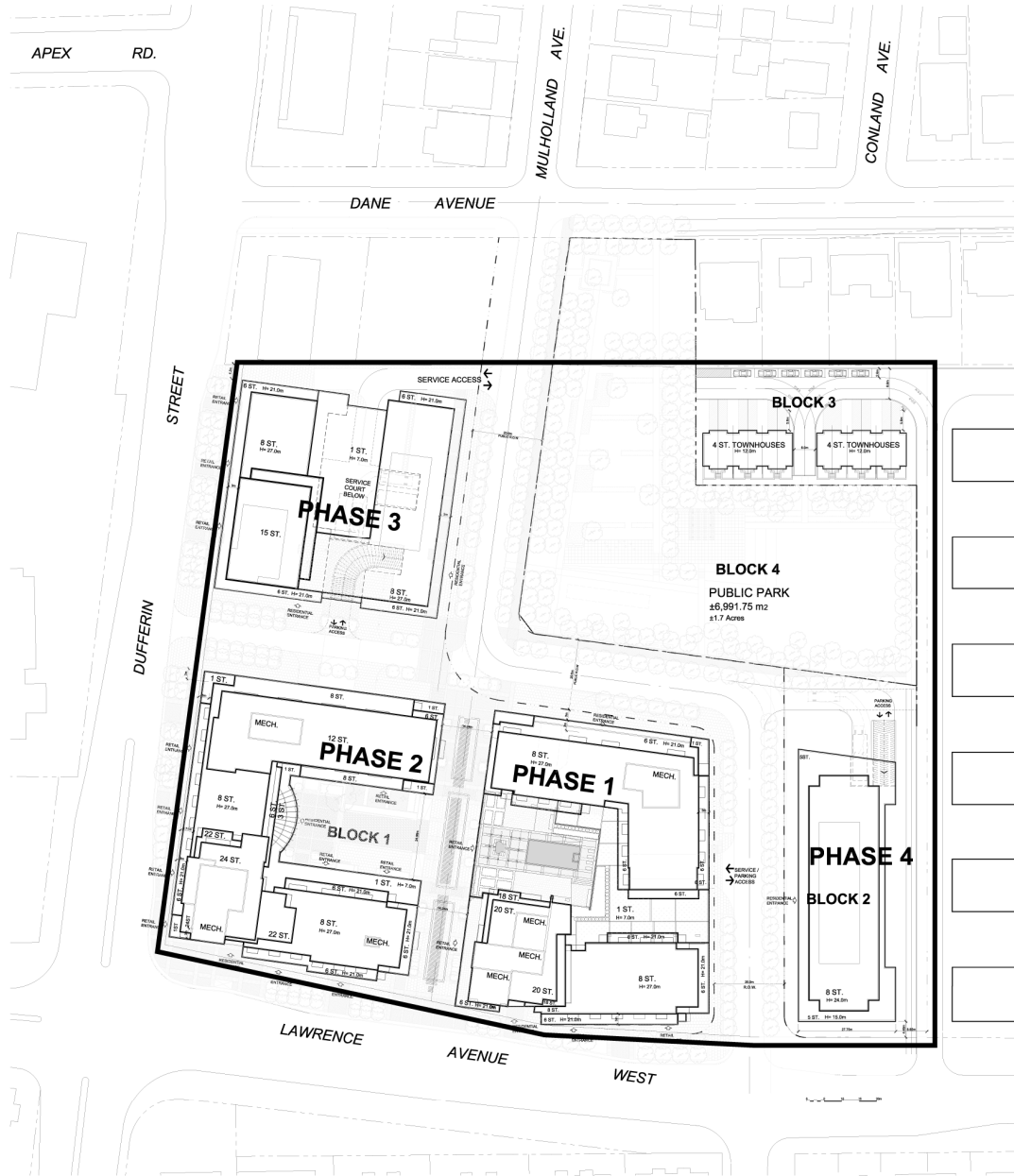
Proposed Master Plan 770 Lawrence Avenue West & 3081-3101 Dufferin Street

Applicant's Submitted Drawing

Not to Scale 
05/17/2012

File # 12 140740 NNY 15 0Z

Attachment 2: Permitted Master Plan



Permitted Master Plan

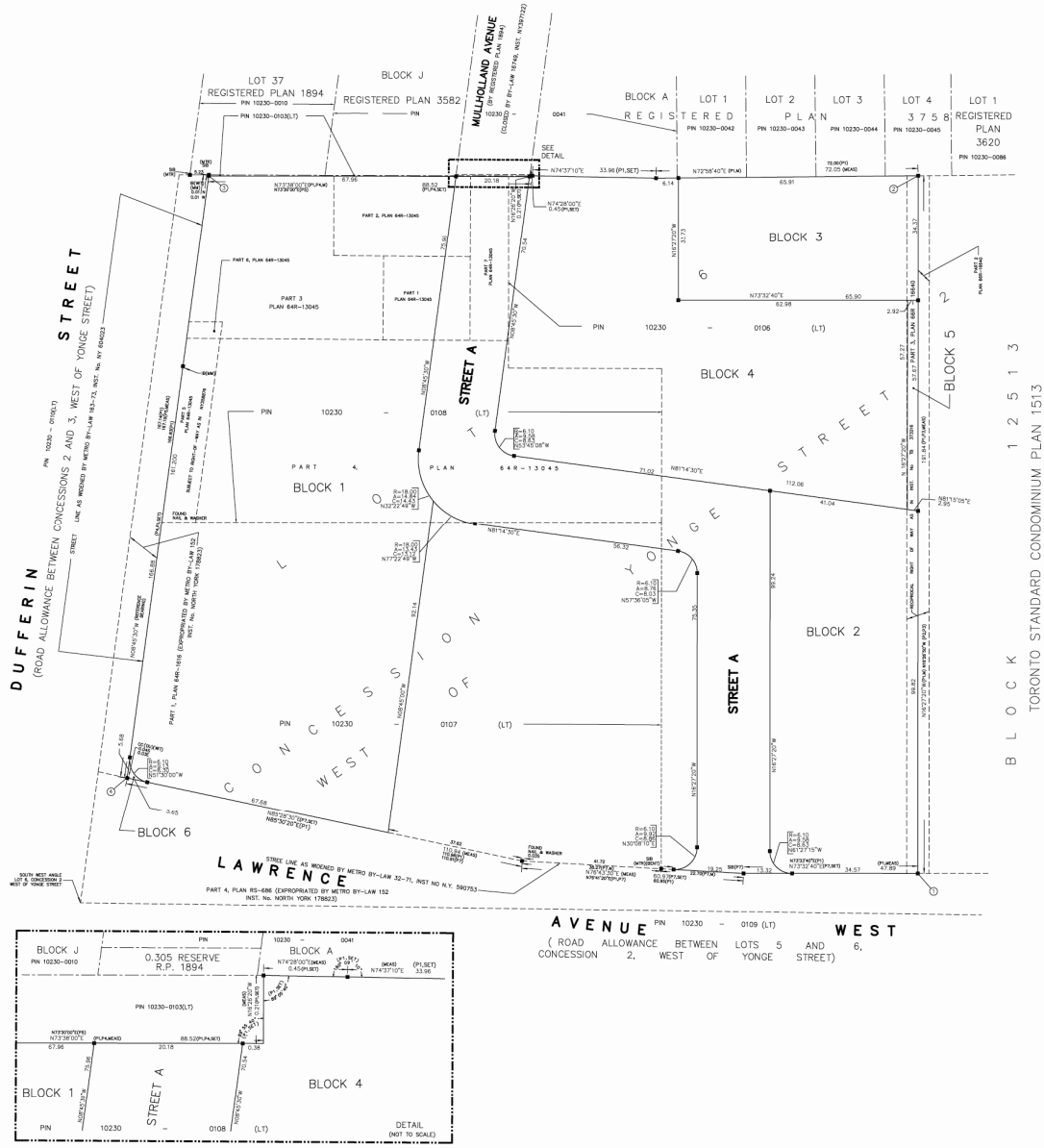
Applicant's Submitted Drawing

Not to Scale 05/08/2012

**770 Lawrence Avenue West &
3081-3101 Dufferin Street**

File # 12 140740 NNY 15 0Z

Attachment 3: Draft Plan of Subdivision



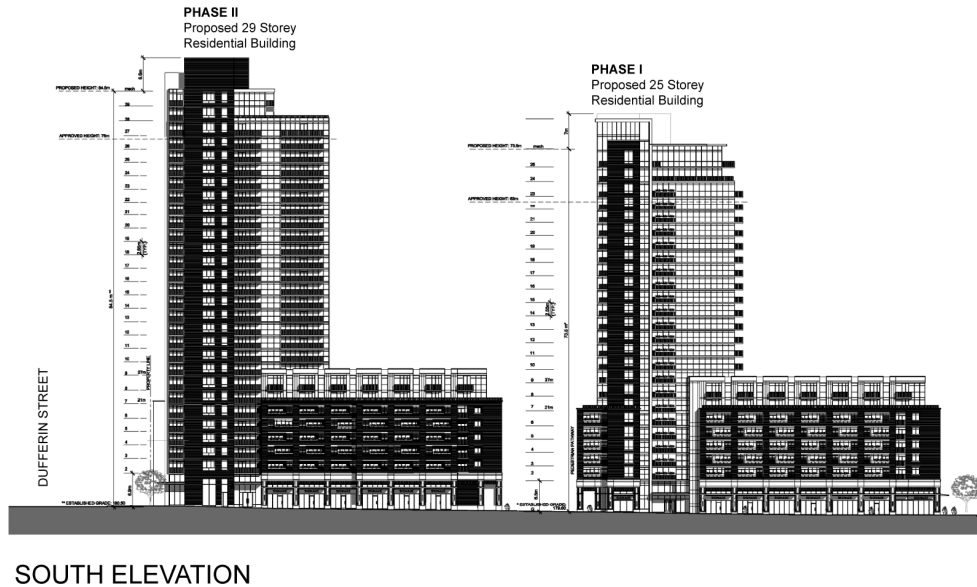
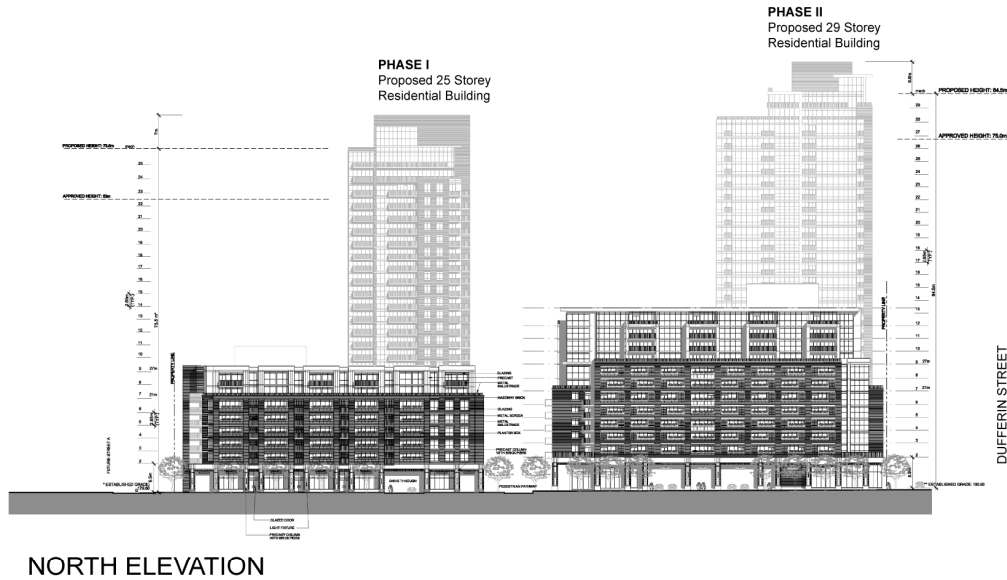
Plans of Subdivision 770 Lawrence Avenue West & 3081-3101 Dufferin Street

Applicant's Submitted Drawing

Not to Scale

File # 12 140740 NNY 15 0Z

Attachment 4a: North and South Elevations



Elevations

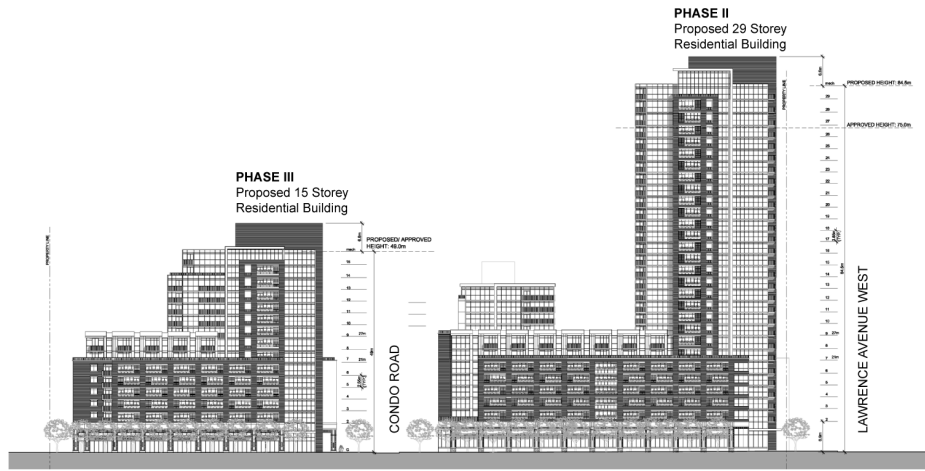
770 Lawrence Avenue West & 3081-3101 Dufferin Street

Applicant's Submitted Drawing

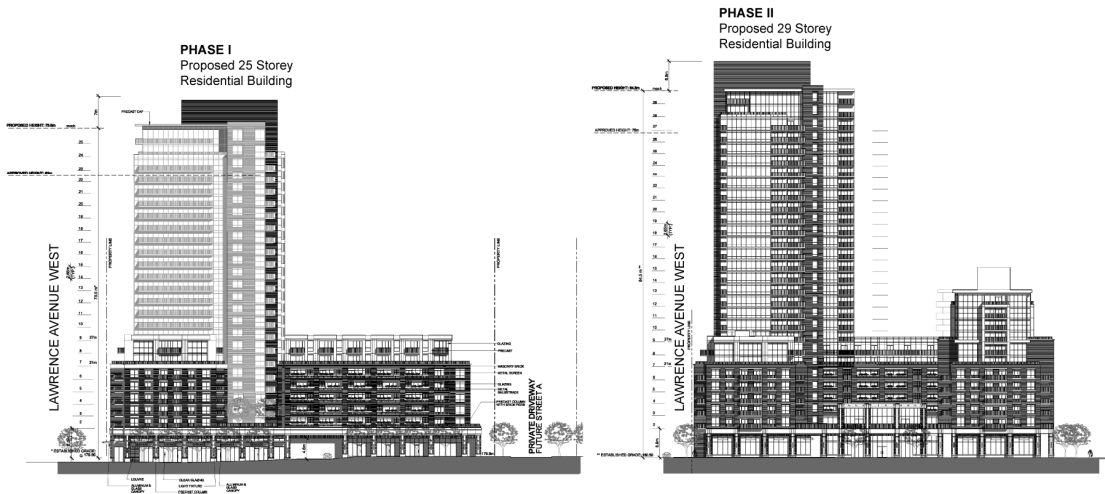
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Attachment 4b: West and East Elevations



WEST ELEVATION



EAST ELEVATION - PHASE I

EAST ELEVATION - PHASE II

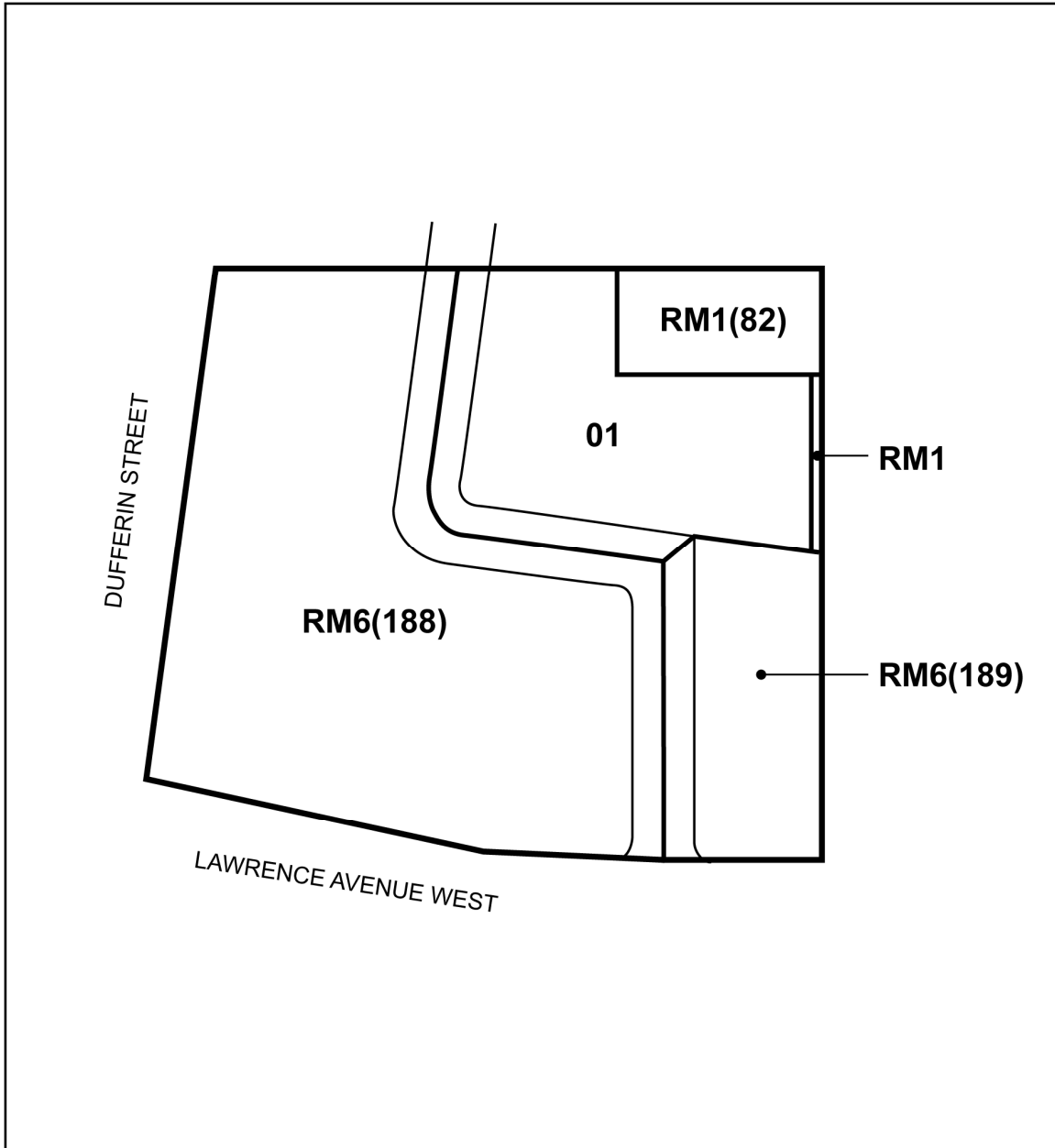
Elevations 770 Lawrence Avenue West & 3081-3101 Dufferin Street

Applicant's Submitted Drawing

Not to Scale
05/23/2012

File # 12 140740 NNY 15 0Z

Attachment 5: Zoning



Schedule 1

Part of Lot 6 Concession 2, west of Yonge st, City of Toronto.
Survey information from Plan of Survey dated 3rd January, 2007 by R AVIS Surveying Inc.

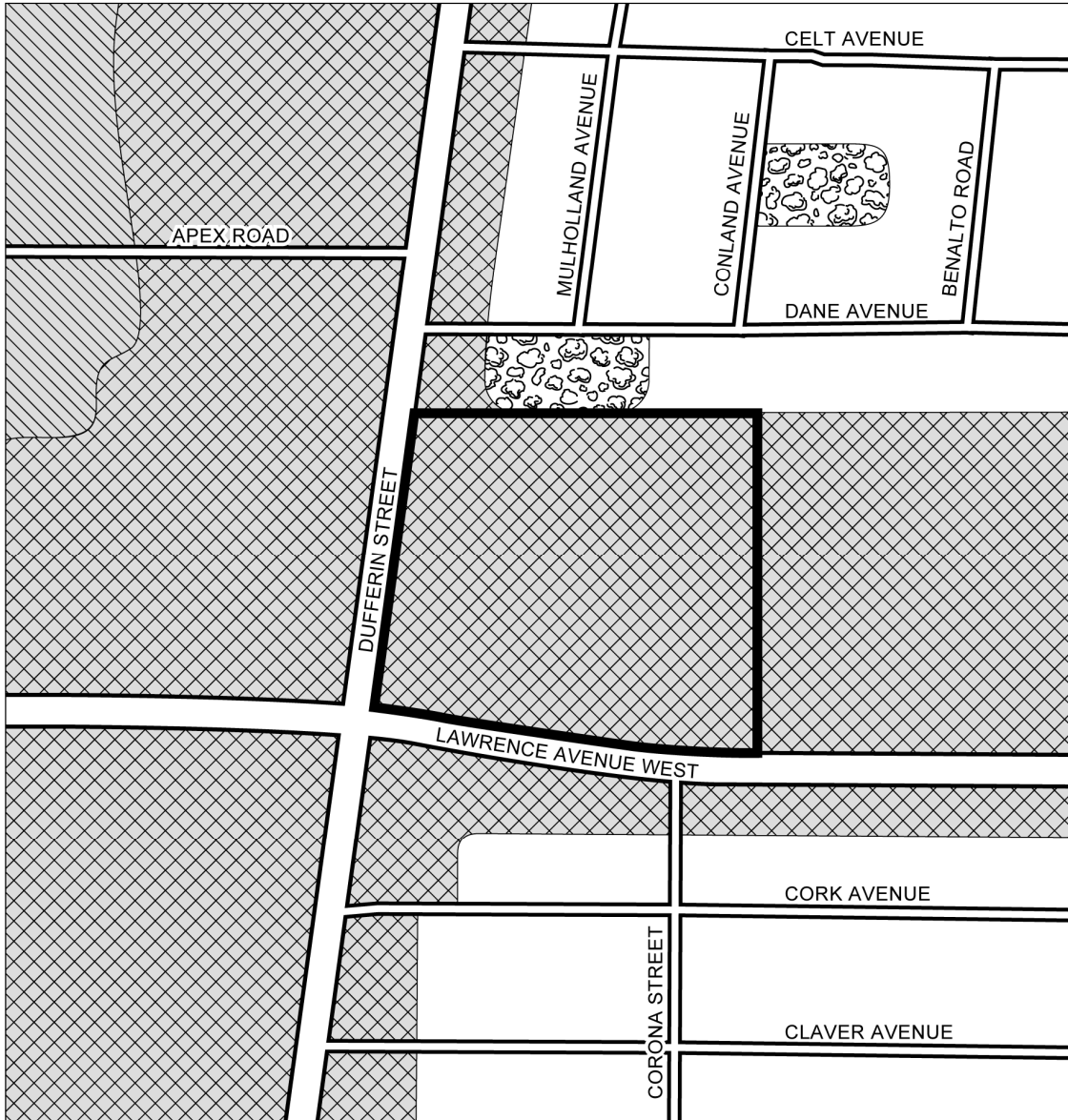
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Date: 04/27/2012
Approved by: CF



Not to Scale

Attachment 6: Official Plan



TORONTO City Planning
Official Plan

770 Lawrence Avenue West & 3081-3101 Dufferin Street

File # 12 140740 NNY 15 0Z

- | | | |
|---|--|--|
|  Site Location |  Parks & Open Space Areas |  Employment Areas |
|  Neighbourhoods |  Parks | |
|  Mixed Use Areas | | |


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Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	12 140740 NNY 15 OZ
Details	Rezoning, Standard	Application Date:	March 22, 2012

Municipal Address: 770 LAWRENCE AVENUE WEST & 3081 TO 3101 DUFFERIN STREET

Location Description: CON 2 WY PT LOT 6 **GRID N1502

Project Description: Redistribution of approved density over site from Block 2 to Block 1. Increase in height of two of the towers on Block 1 from 24 and 20 storeys to 29 and 25 storeys. Also relocation of Shoppers Drug Mart to Block 2 on a permanent basis rather than the 3 years permitted by the approved Zoning By-law.

Applicant:	Agent:	Architect:	Owner:
AIRD & BERLIS LLP			DUFLAW REALTY LTD

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	RM6(188),RM6(189), RM1(82), 01	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (ha):	3.8ha	Height:	Storeys:	29	
Frontage (m):	166.8		Metres:	84.5	
Depth (m):	219.8				
Total Ground Floor Area (sq. m):	14,150				Total
Total Residential GFA (sq. m):	113,297		Parking Spaces:	1,742	
Total Non-Residential GFA (sq. m):	7,370		Loading Docks	8	
Total GFA (sq. m):	120,667				
Lot Coverage Ratio (%):	60.24				
Floor Space Index:	3.16 FSI gross site, 4.68 (net of road, park)				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	113297
Bachelor:	23	Retail GFA (sq. m):	7370
1 Bedroom:	967	Office GFA (sq. m):	0
2 Bedroom:	409	Industrial GFA (sq. m):	0
3 + Bedroom:	89	Institutional/Other GFA (sq. m):	0
Total Units:	1,488		