

## 39 – 91 National Street – Part Lot Control Application – Final Report

<b>Date:</b>	January 19, 2009
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 36 – Scarborough Southwest
<b>Reference Number:</b>	08 224416 ESC 36 PL

### SUMMARY

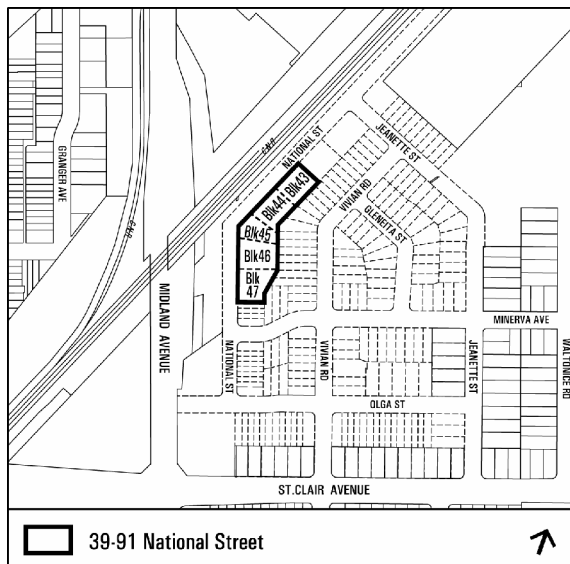
This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to lift part lot control on blocks 43 – 47 of Phase 1 of Monarch Corporation's Evergreen Subdivision to enable the separate conveyances of 26 townhouse units at 39-91 National Street. This report recommends that a part lot control exemption by-law be enacted for a period of two years.

### RECOMMENDATIONS

**The City Planning Division recommends that:**

1. City Council enact a part lot control exemption by-law with respect to the subject lands as generally illustrated on Attachment 1, to be prepared to the satisfaction of the City Solicitor and to expire two years after registration following enactment by City Council.
2. City Council require the owner to provide proof of payment of all current property taxes for the



subject lands to the satisfaction of the City Solicitor, prior to the enactment of the part lot control exemption by-law.

3. Prior to the introduction of the part lot control exemption Bill, City Council require the owner to register, to the satisfaction of the City Solicitor, a Section 118 Restriction under the Land Titles Act agreeing not to transfer or charge any part of the lands without the written consent of the Chief Planner or his designate.
4. City Council authorize and direct the City Solicitor to register the part lot control exemption by-law on title.
5. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft part lot control exemption by-law as may be required.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The subject lands are situated in the Phase 3 Scarborough Transportation Corridor (STC) Land Use Study area. The STC Study was approved by Council in 2004 with amendments to the former Scarborough Official Plan, modifications to the new Toronto Official Plan and a new community zoning by-law to allow residential development in this area. Urban design guidelines for future development were also adopted by Council.

The related Draft Plan of Subdivision Application 04 157926 ESC 36 SB and Zoning By-law Amendment Application 06 191014 ESC 36 OZ sought approval for development of this site including 132 residential units, parkland and two open space blocks for storm water management.

The Draft Plan of Subdivision Application was appealed to the Ontario Municipal Board (OMB). A settlement was reached between the owner and the City and the application was approved with conditions by the OMB in a decision issued on October 5, 2006. The subdivision is proposed to be developed in two phases.

By-law No. 335-2007 was approved by City Council on April 24, 2007, amending the former City of Scarborough Midland/St. Clair Community Zoning By-law 842-2004. This by-law addressed various items relating to building height, frontage and parking.

Phase 1 of the residential subdivision was registered September 30<sup>th</sup>, 2008. A site plan agreement for blocks 40 – 47 in the approved development was registered on title on October 23, 2008 as Instrument No. AT 1930447.

## **ISSUE BACKGROUND**

### **Proposal**

The applicant seeks exemption from part lot control in order to enable the division of land to create conveyable lots for the development of 26 townhouse dwellings (Attachment 1). This represents blocks 43 – 47 in the approved site plan and plan of subdivision currently under construction.

### **Site and Surrounding Area**

The overall subdivision is approximately 10.7 hectares (26.5 acres) and is situated between Midland Avenue and Brimley Road south of the CN rail line.

Blocks 43-47, the subject of this application, are within Phase 1 of this subdivision. They are approximately 0.64 hectares (1.59 acres) in area and are located on the south side of National Street approximately halfway between Minerva Avenue and Jeanette Street.

The CN Rail lands are located to the north and west of the development. There is also a storm water management pond west of the development. Single detached dwellings are under construction for the vacant lands to the south and east as part of the same plan of subdivision.

### **Official Plan**

The subject lands are designated Neighbourhoods in the Official Plan. Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings such as single and semi-detached dwellings, triplexes, townhouses and walk-up apartments.

There is a site specific policy in the Official Plan for this area that limits the types of dwellings in the Neighbourhood designation to single-detached, semi-detached and townhouses, and requires that the Midland/St. Clair Urban Design Guidelines be used when assessing development applications in the area. The townhouse design was approved through the site plan agreement.

### **Zoning**

This area is zoned S-Single Family Detached, SD-Semi-Detached and ST-Street Townhouse and is within the Midland/St. Clair Community Zoning By-law (see Attachment 2). The zoning permits single-detached dwellings on lots with minimum frontages of 9 metres (29.5 feet), semi-detached dwellings on lots with minimum frontages of 7.5 metres (24.6 feet), and townhouse dwellings on lots with minimum frontages of 6 metres (19.6 feet).

### **Site Plan Control**

Townhouse dwellings in the plan of subdivision are subject to site plan control. A site plan for this area was approved on October 23, 2008.

## **Reasons for Application**

A part lot control application is required in order to facilitate the creation of 26 separate lots within the approved subdivision and as shown on the approved site plan.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. No issues were identified as a result of the circulation.

## **COMMENTS**

Section 50(7) of the Planning Act, R.S.O. 1990, authorizes Council to adopt a by-law exempting lands within a registered plan of subdivision from part lot control. The release of part lot control would allow for the creation of each lot. In order to ensure that part lot control is not lifted indefinitely, it is recommended that the exempting by-law expire two years after being enacted.

The lifting of part lot control on the subject lands and the proposed by-law will enable the sale of the individual lots in a manner that fully complies with the Official Plan, zoning, and is considered appropriate for the orderly development of the lands.

## **CONTACT**

Alex Teixeira, Planner  
Tel. No. 416-396-5279  
Fax No. 416-396-4265  
E-mail: ateixei@toronto.ca

## **SIGNATURE**

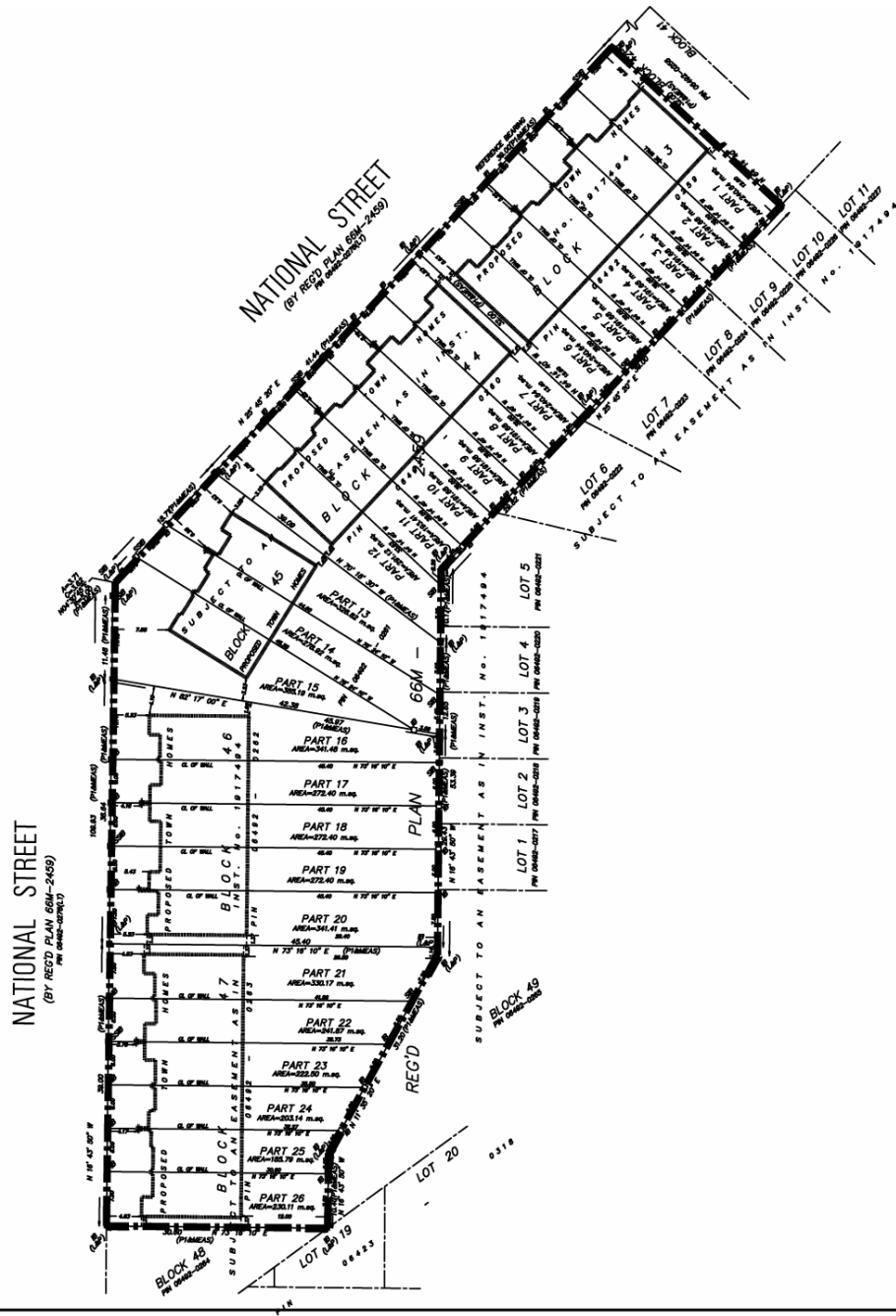
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Allen Appleby, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

Attachment 1: Part Lot Control Exemption  
Attachment 2: Zoning  
Attachment 3: Application Data Sheet

## Attachment 1: Part Lot Control Exemption



### Part Lot Control Exemption

Applicant's Submitted Drawing

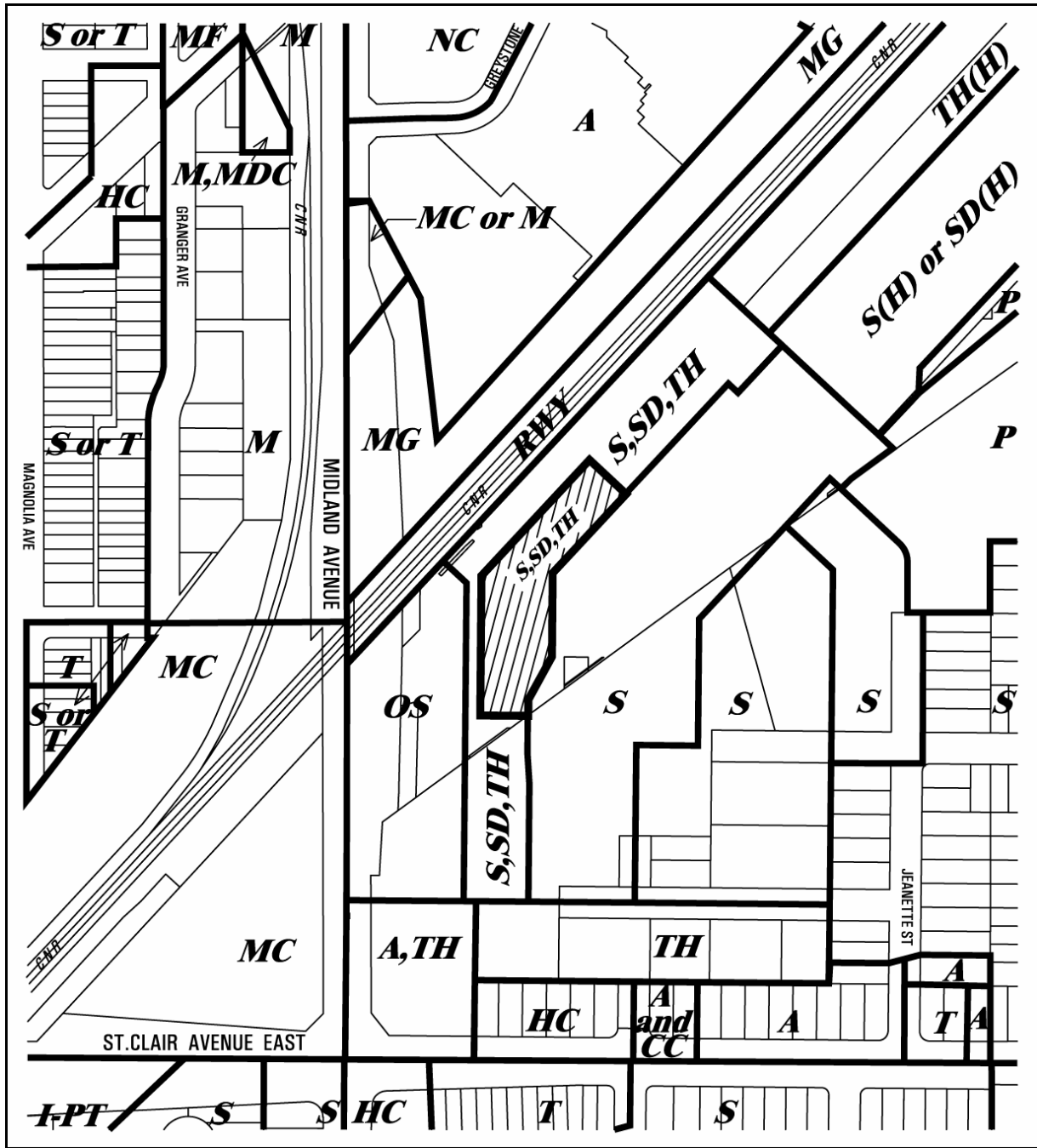
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01/20/09



39-91 National Street

File # 08-224416 PL

## Attachment 2: Zoning



**TORONTO** City Planning  
Division  
**Zoning**

39-91 National Street  
File # 08-224416 PL

**S** Single Family Residential  
**T** Two Family Residential  
**SD** Semi-Detached Residential  
**TH** Townhouse Residential  
**MF** Multiple-Family Residential

**A** Apartment Residential  
**I** Institutional Uses  
**I-PT** Institutional Uses- Public Transit  
**PW** Place(s) of Worship  
**P** Park

**OS** Open Space  
**NC** Neighbourhood Commercial  
**CC** Community Commercial  
**HC** Highway Commercial  
**RWY** Railway Zone

**(H)** Holding Provision  
**M** Industrial Zone  
**MC** Industrial Commercial Zone  
**MG** General Industrial Zone  
**MDC** Industrial DistrictCommercial Zone

Cliffcrest, Cliffside, Kennedy Park,  
Midland / St. Clair, Eglinton  
Comm.'s; Birchmount Park,  
Knob Hill Emp. Bylaws  
Not to Scale  
01/20/09

### Attachment 3: Application Data Sheet

Application Type	Part Lot Control	Application Number:	08 224416 ESC 36 PL
Details		Application Date:	November 25, 2008

Municipal Address:	39 – 91 National Street (Odd Numbers Only), TORONTO ON
Location Description:	PLAN 1664 2411 AND CON C PT LOT 25 NOW RP64R 14896 PART 1 TO 19, & 24 **GRID E3504
Project Description:	The purpose of the Part Lot Control Application is to permit the creation of 26 freehold townhouse units as part of Phase 1 of the Evergreen Plan of Subdivision.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
MONARCH CORPORATION			MONARCH CORPORATION

#### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	273
Zoning:	S-Single, ST-Street Townhouse & SD-Semi-Detached	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

#### PROJECT INFORMATION

Site Area (sq. m):	6,422.16	Height:	Storeys:	3
Frontage (m):	0		Metres:	
Depth (m):	0			
Total Ground Floor Area (sq. m):	0			<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	52
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	0			
Lot Coverage Ratio (%):	0			
Floor Space Index:	0			

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:		Above Grade	Below Grade
Rooms:	0		
Bachelor:	0		
1 Bedroom:	0		
2 Bedroom:	0		
3 + Bedroom:	26		
Total Units:	26		

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Alex Teixeira, Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 396-5279</b>