



**STAFF REPORT  
ACTION REQUIRED**  
with Confidential Attachment

**1555 Midland Avenue – Zoning By-law Amendment,  
Draft Plan of Subdivision and Site Plan Application –  
OMB Hearing – Request for Directions**

<b>Date:</b>	June 9, 2015
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 37 – Scarborough Centre
<b>Reason for Confidential Information:</b>	This report contains advice or communications that are subject to solicitor-client privilege and pertains to litigation or potential litigation that affects the City
<b>Reference Number:</b>	13 218652 ESC 37 OZ, 13 218659 ESC 37 SB & 13 189360 ESC 37 SA

**SUMMARY**

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This report addresses zoning by-law and draft plan of subdivision appeals, which involve the demolition of the existing Bendale Business and Technical Institute school building in order to permit the construction of 111 single-detached, semi-detached and townhouse dwelling units, a new public road and lane system, and an expansion of Donwood Park at 1555 Midland Avenue. This report also addresses the referral of a proposed site plan application for a new secondary school (grades 9 to 12) to the east of the proposed residential subdivision on lands currently occupied by Bendale Business and Technical Institute and by David and Mary Thomson Collegiate Institute. The Municipal Board has not scheduled a hearing, pending Council's decision on this matter.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. Council adopt the confidential recommendations in Attachment 1 and authorize the public release of those recommendations, if adopted, with the balance of Attachment 1 to remain confidential.

## **Financial Impact**

The recommendations of this report will have no financial impact beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

In 2012, the Toronto District School Board, its real estate subsidiary Toronto Lands Corporation and the Ontario Ministry of Education approved the Lawrence-Midland Redevelopment Project. This project emerged as a response to recommendations from a Pupil Accommodation Review Committee, which is a Ministry of Education mandated process to determine the future of a group of schools or a single school.

The recommendations included the consolidation of Bendale Business and Technical Institute and David and Mary Thomson Collegiate Institute into a new secondary school building, along with the conversion of Donwood Park Public School to a Junior Kindergarten to Grade 8 school in a campus setting with the new secondary school. As part of the overall campus redevelopment plan, on June 20, 2012, the Toronto District School Board declared surplus the Bendale Business and Technical Institute site together with the David and Mary Thomson Collegiate Institute, totalling approximately 18 acres (7.3 hectares), to the needs of the Toronto District School Board and referred the lands to the Toronto Lands Corporation for circulation as per O. Reg. 444/98, Disposition of Surplus Real Property.

Scarborough Community Council (SCC) adopted a Preliminary Report for the subject applications at its meeting of November 19, 2013. The report provided background information on the proposal and recommended that a community consultation meeting be held, and that notice be given according to the regulations of the *Planning Act*. The preliminary report is available online at:

<http://www.toronto.ca/legdocs/mmis/2013/sc/bgrd/backgroundfile-63170.pdf>.

At its meeting of December 16, 17 and 18, 2013, City Council adopted a motion requesting a reassessment of the City's interest in the Midland/Lawrence redevelopment site. See: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EX36.11>.

At its meeting of June 10, 11, 12 and 13, 2014, City Council adopted a motion requesting the Executive Director, Social Development Finance and Administration, the Chief Executive Officer, Build Toronto, the Chief Planner and Executive Director, City Planning, and the Director, Toronto Office of Partnerships, to review and identify City building opportunities, in consultation with the Toronto District School Board and Toronto Lands Corporation, on the Bendale/David and Mary Thomson Toronto District School Board redevelopment site and report back to the Executive Committee; such review to include consideration of community partnerships to develop community/recreation facilities and services on the David and Mary Thomson portion of the site.

See: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EX42.19>.

At its meeting of July 8, 9, 10 and 11, 2014, City Council adopted a motion directing the Chief Planner and Executive Director, City Planning to undertake further consultation with the local community with regards to TDSB's Midland-Lawrence redevelopment and report back to Council in 2015 prior to proceeding with site plan approval for the new secondary school and prior to scheduling a Statutory Public Meeting for the proposed residential subdivision on the Bendale Business and Technical Institute school site. See: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM54.41>.

City representatives have met with the applicant in recent months to discuss the subject appeals of the proposed zoning amendment and subdivision proposal and referral of the site plan application for the new high school, and to discuss potential community/recreation facilities on the site. Additional community consultation meetings were conducted on April 15, 2015 and May 11, 2015 to solicit public input with respect to the proposed City building opportunities in this community. Arising from these discussions, Executive Committee on May 26, 2015 considered Item EX6.6, in which the Executive Committee recommended the acquisition of approximately 2 acres from the Toronto District School Board's lands from the David and Mary Thomson Collegiate site for the purposes of a new child care centre and parkland. The recommendations of this Committee are proposed to be considered by Council at its meeting on June 10, 2015. See link to Executive Committee Report – Item EX6.6 below: <http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-80022.pdf>.

On April 15, 2014 the Committee of Adjustment granted provisional consents for the TDSB lands (Application No. B035/13SC). Two parcels of land were conditionally severed from the TDSB site in order to establish lands for the proposed residential subdivision in the northwest quadrant of the site and the central lands proposed for the new high school. The Consent Agreement entered into in relation to this application addresses requirements for the construction of required roads to service the new school, among other considerations. The balance of the TDSB lands in the southeast quadrant, which were intended to be used by the Conseil scolaire Viamonde (a French public school board) in the David and Mary Thomson Collegiate Institute school, are the subject of a further consent application. Consent application B031/15SC was filed on May 15, 2015, in order to respond to the enlargement of the TDSB new school site and the potential for a proposed residential subdivision in the southeast quadrant.

## **ISSUE BACKGROUND**

### **Proposal**

The applicant has applied for an amendment to the zoning by-law to demolish the existing Bendale Business Technical Institute school building to permit the redevelopment of the site with 111 dwelling units. These dwelling units would consist of 7 detached dwellings, 8 semi-detached dwellings, 8 townhouses with integral garages and 88 rear lane townhouses. The detached dwellings, semi-detached dwellings and townhouses with integral garages are proposed on the north side of the Brockley Drive extension. The rear lane townhouses are proposed along the Midland Avenue frontage and south of the Brockley Drive extension. All units are proposed to include at least one

at-grade parking space in a garage. The rear lane townhouses are proposed to include outdoor amenity space on top of the garage roof.

The proposed plan of subdivision would create an extension of Brockley Drive, with a 20 metre (66 foot) right-of-way, west to Midland Avenue. Street A, a 16.5 metre (54 foot) right-of-way will terminate in a cul-de-sac at the northerly end of the subject site. Three 6 metre (20 foot) lanes (Lanes C, D and E) are proposed to service the garages of the 88 rear lane townhouse units. Street B, a 16.5 metre (54 foot) right-of-way and a single loaded 14.6 metre (48 foot) right-of-way, will be located along the southerly portion of the subject site, adjacent to the surface parking area located on the property to the south (2 and 4 Treewood Street).

The total gross floor area for the proposed residential development is 17,710 square metres (190,629 square feet), which equates to a gross density of 0.58 times the lot area. The proposed height of the single and semi-detached dwelling units is two storeys and the proposed height of the townhouse units are between three and four storeys.

A 0.102 hectare public park dedication is proposed at the northeast corner of the site, adjacent to Donwood Park. This park would provide pedestrian access from Norbury Crescent to Donwood Park and to the proposed new secondary school to the east.

A site plan application (Application No. 13 189360 ESC 37 SA) has also been submitted proposing a new secondary school (grades 9 to 12) to the east of the proposed residential development, on the existing shared property of Bendale Business and Technical Institute and David and Mary Thomson Collegiate Institute. The new school would consolidate students from both existing high schools. Approximately 1,500 students are to attend this new secondary school. The existing swimming pool in Bendale Business and Technical Institute will not be replaced.

The proposed 4 storey secondary school would have a total gross floor area of approximately 15,643 square metres (168,385 square feet). The main entrance to the school is proposed to be located on the extension of Brockley Drive, north of the existing terminus of Brockley Drive. A new running track and playing field are also proposed as part of the redevelopment.

The David and Mary Thomson Collegiate Institute school site was anticipated to be acquired by the Conseil scolaire Viamonde, a French-language public school board. It was intended that the French school board would use the existing school building as a new high school for their students. However, the Conseil has decided not to purchase the David and Mary Thomson school site. This decision altered the land use planning context that had informed consideration of the proposed rezoning and residential subdivision in the northwest quadrant of the TDSB lands and for site plan approval for the TDSB's new secondary school. Since that time, discussions involving the applicant and City representatives have resulted in a proposal that approximately 2 acres be acquired by the City from the TDSB's lands at this site for the purposes of a new child

care centre and parkland. This matter is also proposed to be considered by Council on June 10, 2015.

The community is now aware that the southeast quadrant of the site will not remain in use for school purposes and may be proposed by the TDSB as future residential subdivision lands (rather than continued use as school lands). However, the community is also aware of proposed acquisition of approximately 2 acres of land from the site by the City for the purposes of a new child care centre and parkland.

## **COMMENTS**

The community planning process for consideration of the proposed rezoning and residential subdivision in the northwest quadrant of the TDSB lands and for site plan approval for the TDSB's new secondary school occurred in a context which envisioned the former David and Mary Thomson school in the southeast quadrant being acquired by the Conseil scolaire Viamonde for continued school purposes. When that result did not materialize, City representatives were concerned that the ongoing community planning process should take into account the potential that the southeast quadrant might be proposed by the TDSB for residential subdivision purposes and that this change of direction should take into account the impact on open space and community facilities in the area. This report seeks directions with regard to those appeals in a planning context which now proposes that the site plan for the TDSB's new school will have additional fields, which will be adjacent to lands proposed to be conveyed to the City for a new childcare centre and parkland.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski, City Solicitor

## **ATTACHMENTS**

Attachment 1 - Confidential Information