

10, 12, 16, 18, 20 and 22 Bluebird Place – Part Lot Control Exemption Application – Final Report

Date: November 27, 2019

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: Ward 25 - Scarborough-Rouge Park

Planning Application Number: 19 242703 ESC 25 PL

SUMMARY

This application requests exemption from Part Lot Control for 10, 12, 16, 18, 20 and 22 Bluebird Place (lands formerly known as 67 Kirkdene Drive) to create six (6) conveyable lots with a semi-detached dwelling unit on each lot.

The subject lands were part of a subdivision application that was approved for 6 semi-detached dwellings fronting onto a new public road. The plan of subdivision was registered on August 30, 2017 as Plan 66M-2540.

A previous application for Part Lot Control Exemption for the lots legally described as Lots 1-3 (all inclusive) on Plan 66M-2540 was approved by Council on April 24, 2018, and enacted through By-law 1073-2018 on July 27, 2018. The Part Lot Control By-law subsequently expired on July 27, 2019, however Lots 1 and 2 have yet to be sold and conveyed to their future purchasers, and the whole of Lot 3 was incorrectly conveyed to a single purchaser. As a result, a new Part Lot Control Exemption application is required for all the original lots (1-3) on Plan 66M-2540, to permit the creation of conveyable lots.

This report reviews and recommends approval of the Part Lot Control Exemption By-law. The proposal complies with the Official Plan and Zoning By-law, is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019). The lifting of the Part Lot Control for a period of one year is considered appropriate for the orderly development of the lands.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council enact a Part Lot Control Exemption By-law with respect to the subject lands at 10, 12, 16, 18, 20 and 22 Bluebird Place (Lots 1, 2 and 3 on Plan 66M-2540) as generally illustrated on Attachment 2 to this report, to be prepared to the satisfaction of the City Solicitor and to expire one year 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*, with priority, agreeing not to transfer or charge any part of the lands subject to the Part Lot Control Exemption By-law without the written consent of the Chief Planner and Executive Director, City Planning or their 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.
6. City Council authorize the City Solicitor to release, or partially release, the Section 118 Restriction from title to all or a portion of the lands in her sole discretion after consulting with the Chief Planner and Executive Director, City Planning.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

City Council approved a Zoning By-law Amendment Application on July 8, 2014 (File No. 13 196243 ESC 44 OZ) and By-law 1020-2014 and 1021-2014 was enacted on August 28, 2014 to permit the development of the subject lands with 6 two-storey semi-detached dwellings on a new public road. A technical amendment was enacted on December 11, 2014 (By-law 89-2015) to address typographical issues. The Council Decision and final report for the Zoning Amendment and associated Draft Plan of Subdivision applications can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.SC33.22>

A Draft Plan of Subdivision Application was approved on August 15, 2017 (File No. 13 196239 ESC 44 SB) to allow the redevelopment of the subject lands with three lots consisting of three pairs of semi-detached dwellings, for a total of 6 units fronting onto a new public road terminating in a cul-de-sac.

City Council approved a City-Initiated Technical Zoning By-law Amendment (File No. 17 106083 ESC 44 OZ) on March 9, 2017. By-law 446-2017 and By-law 447-2017 were enacted on April 28, 2017. The Council Decision and report for the City-Initiated Technical Amendment can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.SC20.18>

A previous application for Part Lot Control Exemption for the lots legally described as Lots 1-3 (all inclusive) on Plan 66M-2540 was approved by Council on April 24, 2018. The Council Decision and report for the previous Part Lot Control Exemption can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.SC29.5>

PROPOSAL

This application requests exemption from the Part Lot Control provisions of the *Planning Act* to create 6 lots each containing a semi-detached dwelling unit fronting onto Bluebird Place. The lot areas for each unit range from 198.4 square metres to 378.6 square metres and the lot frontages range from 4.5 metres to 24.3 metres. Refer to Attachment No. 3 to report dated November 22, 2019 for project data.

The subject lands consist of a 0.31 hectare (0.77 acre) irregular 'L'-shaped parcel on the south side of Kirkdene Drive east of Rouge Highlands Drive and west of East Avenue. A new public road terminating in a cul-de-sac (Bluebird Place) provides access to the new lots. The six semi-detached dwelling units have been constructed.

Abutting uses include:

East: A two-storey place of worship. Further east of the site are two-storey detached dwellings.

West: One and two-storey detached dwellings.

North: One storey detached dwellings. Northeast of the site is Kirkdene Park.

South: One and two-storey detached dwellings.

Reasons for Application

The subdivision of the lots containing semi-detached dwellings through a Part Lot Control Exemption will allow the creation and conveyance of individual lots to purchasers as freehold units.

City Council had enacted by-law No. 1073-2018 on July 27, 2018, to exempt the lands from the Part Lot Control provisions of the *Planning Act* to permit the creation of conveyable lots for the development of 6 semi-detached dwelling units. Part Lot Control exemption was granted for a one year period ending on July 27, 2019. Due to the incorrect conveyance of Lot 3 as a whole instead of 2 parts, and delays in having Lots 1-2 conveyed to the public by the applicant, a new part lot control exemption is required in order to transfer title of all the lots, to members of the public.

Application Submission Requirements

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

- Plan of Survey
- Part Lot Control Exemption Plan

The current planning information for the application can be found on the Application Information Centre (AIC):

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

Agency Circulation Outcomes

The application together with the applicable plans noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to draft the Part Lot Control Exemption By-law.

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 (2014)

The Provincial Policy Statement (2014) (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 and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

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."

The Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2019) 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, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

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 that better connect 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 (2019) 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 (2019) 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. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Toronto Official Plan

The subject site is designated as *Neighbourhoods* on Map 23 - Land Use of the Official Plan. *Neighbourhoods* are physically stable areas providing for a variety of lower scale residential uses, such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Policies and development criteria aim to ensure that physical changes to established neighbourhoods are sensitive, gradual and “fit” the existing physical character.

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

Zoning

The subject lands are zoned Two-Family Residential (T) with associated performance standards under the Centennial Community Zoning By-law No. 12077. The subject lands are zoned "Residential Semi-Detached (RS)" with associated performance standards under the City of Toronto Zoning By-law No. 569-2013. Semi-detached dwellings are permitted uses under both zoning by-laws.

Site Plan Control

The proposed form of development is not subject to site plan control under City of Toronto By-law No. 774-2012, as amended.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2019).

Both the PPS and the Growth Plan encourage intensification and redevelopment in urban areas. In accordance with Policy 1.1.3.6 of the PPS, the proposed semi-detached dwellings promote intensification through a compact urban form. Policy 1.1.3.2 of the PPS states that development shall make efficient use of land and resources, infrastructure and public service facilities. Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2019).

Official Plan

The proposal has been reviewed and evaluated against the policies of the Official Plan. The proposed development is of a height, massing and scale that fit within the existing and planned context of the area. Staff are of the opinion that the proposed semi-detached dwellings represent an appropriate level of intensification on lands designated *Neighbourhoods*.

Land Division

Section 50(7) of the *Planning Act, R.S.O. 1990*, as amended, authorizes City Council to adopt a by-law exempting lands within a registered plan of subdivision from Part Lot Control. The subject lands are within a registered plan of subdivision. The lifting of Part Lot Control on the subject lands is considered appropriate for the orderly development of the lands and will facilitate the development.

To ensure that the Part Lot Control Exemption does not remain open indefinitely, it is recommended that the By-law contain an expiration date. In this case, the By-law should expire one year following enactment by City Council. This time frame provides sufficient time for the completion of the proposed development.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014), does not conflict with the Growth Plan (2019), and conforms to the Official Plan. The lifting of Part Lot Control is appropriate for the orderly development of these lands. Staff recommend that Council support approval of the application.

CONTACT

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SIGNATURE

Paul Zuliani, Director, RPP, MBA
Community Planning, Scarborough District

ATTACHMENTS

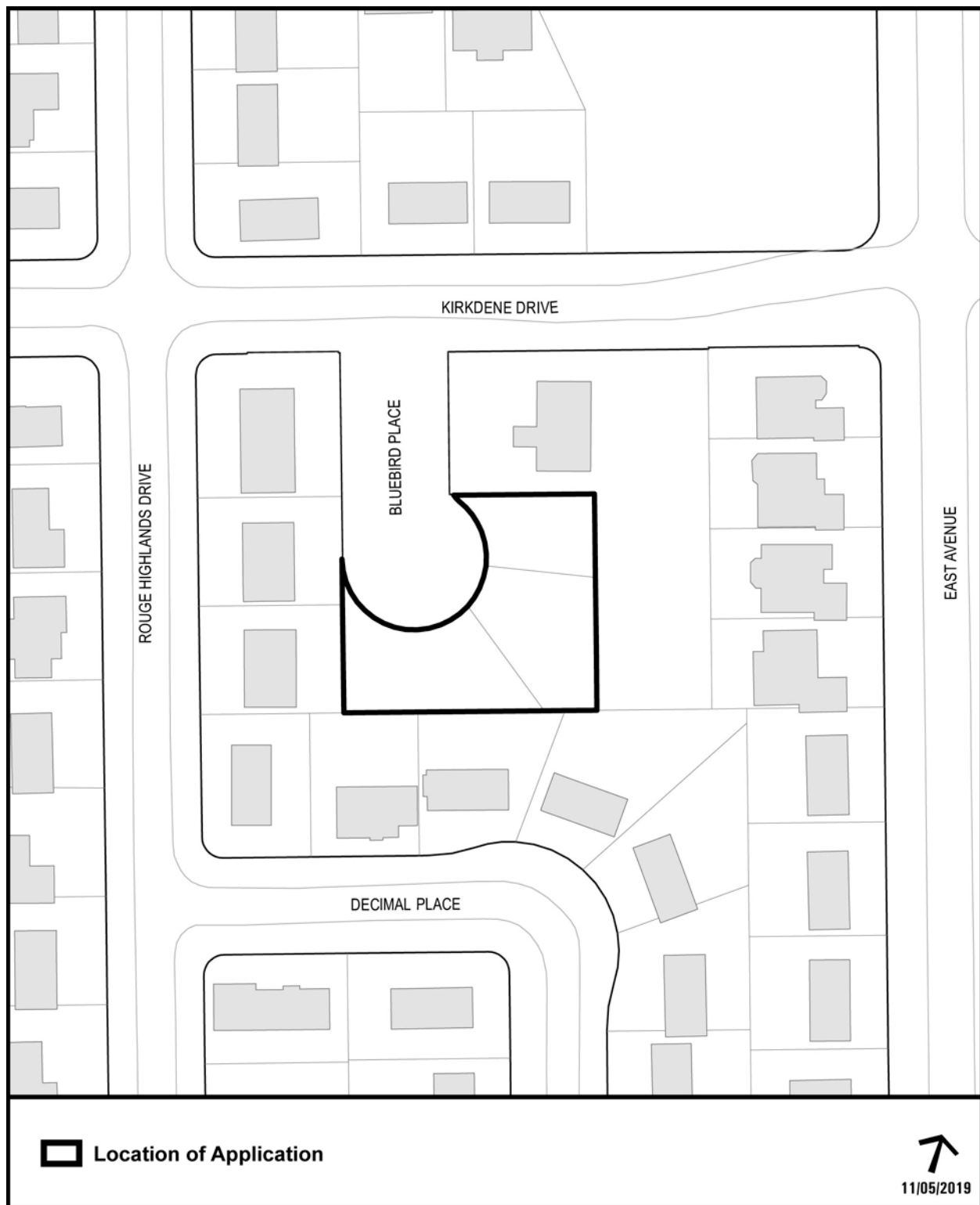
Attachment 1: Location Map

Attachment 2: Part Lot Control Exemption Plan

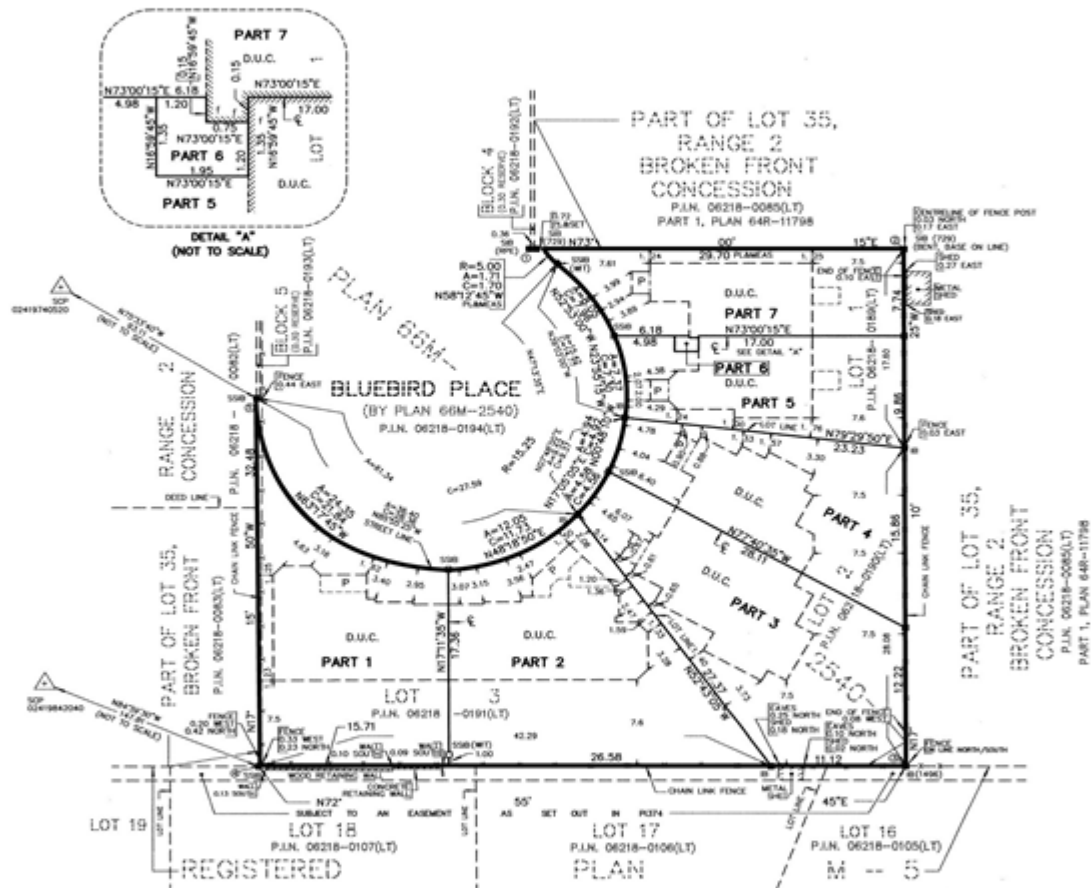
Attachment 3: Application Data Sheet

Attachment 4: Draft Part Lot Control Exemption By-law

Attachment 1: Location Map



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Attachment 3: Application Data Sheet

Municipal Address: 10, 12, 16, 18, 20 AND 22 BLUEBIRD PLACE Date Received: October 29, 2019

Application Number: 19 242703 ESC 25 PL

Application Type: Part Lot Control Exemption

Project Description: Application for exemption from Part Lot Control to create six (6) lots consisting of three (3) pairs of semi-detached dwellings on Bluebird Place.

Applicant	Agent	Architect	Owner
YOUR HOME DEVELOPMENTS			STEWART TURK & EVETT PATRICIA LINDSAY

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	Two-Family Residential (T) and Residential Semi-Detached (RS)	Heritage Designation:	N
Height Limit (m):	10 m	Site Plan Control Area:	N

PROJECT INFORMATION

Site Area (sq m): 3,145 Frontage (m): 23 Depth (m): 76

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			638	638
Residential GFA (sq m):	167		1,056	1,056
Non-Residential GFA (sq m):			0	0
Total GFA (sq m):	167		1,056	1,056
Height - Storeys:	2		2	2
Height - Metres:			10	10

Lot Coverage Ratio (%): 20.3 Floor Space Index: 0.34

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	1,056	0
Retail GFA:	0	0
Office GFA:	0	0
Industrial GFA:	0	0
Institutional/Other GFA:	0	0

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	0	0	0	0
Freehold:	1	0	6	6
Condominium:	0	0	0	0
Other:	0	0	0	0
Total Units:	1	0	6	6

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:	0	0	0	0	0
Proposed:	0	0	0	0	6
Total Units:	0	0	0	0	6

Parking and Loading

Parking Spaces:	6	Bicycle Parking Spaces:	0	Loading Docks:	0
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CONTACT:

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Yishan.Liu@toronto.ca

Attachment 4: Draft Part Lot Control Exemption By-law

Authority: Scarborough Community Council Item SCXX.XX as adopted by City of Toronto Council on XX, 2020

CITY OF TORONTO

Bill No. ~

BY-LAW --20~

To exempt lands municipally known in 2020 as 10, 12, 16, 18, 20 and 22 Bluebird Place from part lot control.

WHEREAS authority is given to Council by subsection 50(7) of the *Planning Act*, R.S.O. 1990, C. P.13, as amended, to pass this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Subsection 50(5) of the *Planning Act*, R.S.O. 1990, C. P.13, as amended, does not apply to the lands described in the attached Schedule "A"
2. This By-law expires one year from the date of its enactment by Council.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

Frances Nunziata, Ulli S. Watkiss,
Speaker City Clerk

(Seal of the City)

Schedule “A”

Legal Description:

Municipal Address

10, 12, 16, 18, 20 and 22 Bluebird Place

Lots 1, 2, and 3 on Plan 66M-2540