

528-530 Birchmount Road and 118-120 Newlands Avenue – Zoning Amendment Application – Preliminary Report

Date: August 12, 2020

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 20 - Scarborough Southwest

Planning Application Number: 20 152132 ESC 20 OZ

Current Uses on Site: Four (4) detached single-family dwelling units.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 528-530 Birchmount Road and 118-120 Newlands Avenue to redevelop the subject lands with 10 detached, two to three-storey single-family dwellings. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 528-530 Birchmount Road and 118-120 Newlands Avenue together with the Ward Councillor.
2. Staff will provide notice for the community consultation meeting to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

ISSUE BACKGROUND

Application Description

This application proposes to amend the required minimum lot frontage, minimum lot area and certain minimum required building setback provisions of Zoning By-law No. 569-2013, as amended, applying to 528-530 Birchmount Road and 118-120 Newlands Avenue to enable redevelopment of the lands with 10 detached single-family dwelling units (i.e. 4 new units fronting Birchmount Road and 6 new units fronting Newlands Avenue).

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 4: Site Plan which illustrates the proposed building sitings on the 10 new residential lots to be created.

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) Policy Statement and Provincial Plans

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, 2017. 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;
- 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 Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The current application is located on lands shown as *Neighbourhoods* on Land Use Plan Map 20.

Zoning By-laws

The subject lands are zoned Residential Detached Zone (RD) under Zoning By-law 569-2013. Minimum lot frontage and minimum lot area requirements are not currently specified, with the permission for one dwelling unit limited to the lot frontage and lot area existing on the date of enactment of the by-law. The proposed new units fronting Birchmount Road would require reduced front building setbacks approximately 3.5 metres less than the currently required 22 metres from the original centreline of Birchmount Road. All of the new dwellings are proposed with minimum side yard building setbacks of 0.6 metres (i.e. 1.2 metre separations between dwellings) while current by-law standards require minimum 0.9 metre side setbacks (i.e. 1.8 metres between adjacent dwellings). The proposed new units fronting Birchmount Road are also proposed with 6.5 metre rear yard building setbacks compared to the general standard for this neighbourhood of 7.5 metres. Most of the proposed new dwellings would be 3-storeys requiring additional relief from current 9.0 metre and 2-storey height limits.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Site Plan Control

The application is not subject to Site Plan Control.

COMMENTS

Reasons for the Application

The owner is proposing residential redevelopment and intensification of the subject four properties with 10 new detached single-family dwellings, however current zoning limits residential permissions to only the four residential lots as they existed when Zoning By-law 569-2013 was first enacted in May 9, 2013. The application also seeks necessary adjustment to applicable development standards for building heights and setbacks to accommodate the development proposed as illustrated on Attachment 4: Site Plan.

Issues to be Resolved

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

The application is being evaluated to determine its consistency with the Provincial Policy Statement (2020) and conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019). Given the explicit link between Provincial Policy and the Official Plan, conformity with the PPS and the Growth Plan will be largely determined by conformity with the Official Plan.

Official Plan Conformity

Staff are reviewing the application to determine conformity with the Official Plan. In particular, key Official Plan policies pertaining to this application include, but are not limited to, policies regarding Healthy Neighbourhoods (section 2.3.1), Public Realm (3.1.1), Built Form (3.1.2), and Neighbourhoods (4.1).

Policy 4.1.5 of the Official Plan provides criteria for development in *Neighbourhoods*, which states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) prevailing size and configuration of lots;
- c) prevailing heights, massing, scale, density and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) prevailing location, design and elevations relative to the grade of driveways and garages;
- f) prevailing setbacks of buildings from the street or streets;
- g) prevailing patterns of rear and side yard setbacks and landscaped open space;
- h) continuation of special landscape or built-form features that contribute to the unique physical character of the geographic neighbourhood; and
- i) conservation of heritage buildings, structures and landscapes.

In particular, Planning staff will continue to pursue a one lot reduction by the applicant from the six new lots proposed on Newlands Avenue, to improve on rear yard depths for the new units on Birchmount Road and to improve side yard setbacks for the units on Newlands. In this manner the current 1.2 metre building separations (i.e. 0.6 metre setbacks on each side) could be increase closer to a more desirable separation of 1.5 metres between dwellings (i.e. 0.9 metres on one side and 0.6 metres on the other side).

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

The Arborist Report and Tree Preservation Plan submitted by the applicant identified five bylaw protected trees and one city-owned tree that are proposed to be removed to facilitate the new construction.

The Arborist Report and Tree Preservation Plan are currently under review by City staff.

Housing

A Housing Issues Report is not required for a proposed site redevelopment of this scale.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

The subject application is proposing a total of 10 detached single-family dwelling units to replace 4 such units currently. The additional 6 new single-family dwellings would not meet the minimum height or density increase thresholds set out under Policy 5.1.1.4 of the Official Plan to warrant application of Section 37 requirements.

Infrastructure/Servicing Capacity

City Planning's commenting partners are currently reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development. Initial review of the application by Engineering & Construction Services Division indicates an easterly extension of the existing 250 mm existing sanitary sewer on Newlands Avenue will be required to fully service all 6 of the new houses being proposed on that street.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. While Tier 1 performance measures are usually secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision, in this case they will need to be secured through conditions of consent approval by Committee of Adjustment when a further severance application to create the proposed 10 new parcels is submitted. The TGS Checklist submitted by the applicant is currently under review by City staff for compliance with the Tier 1 performance measures.

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

CONTACT

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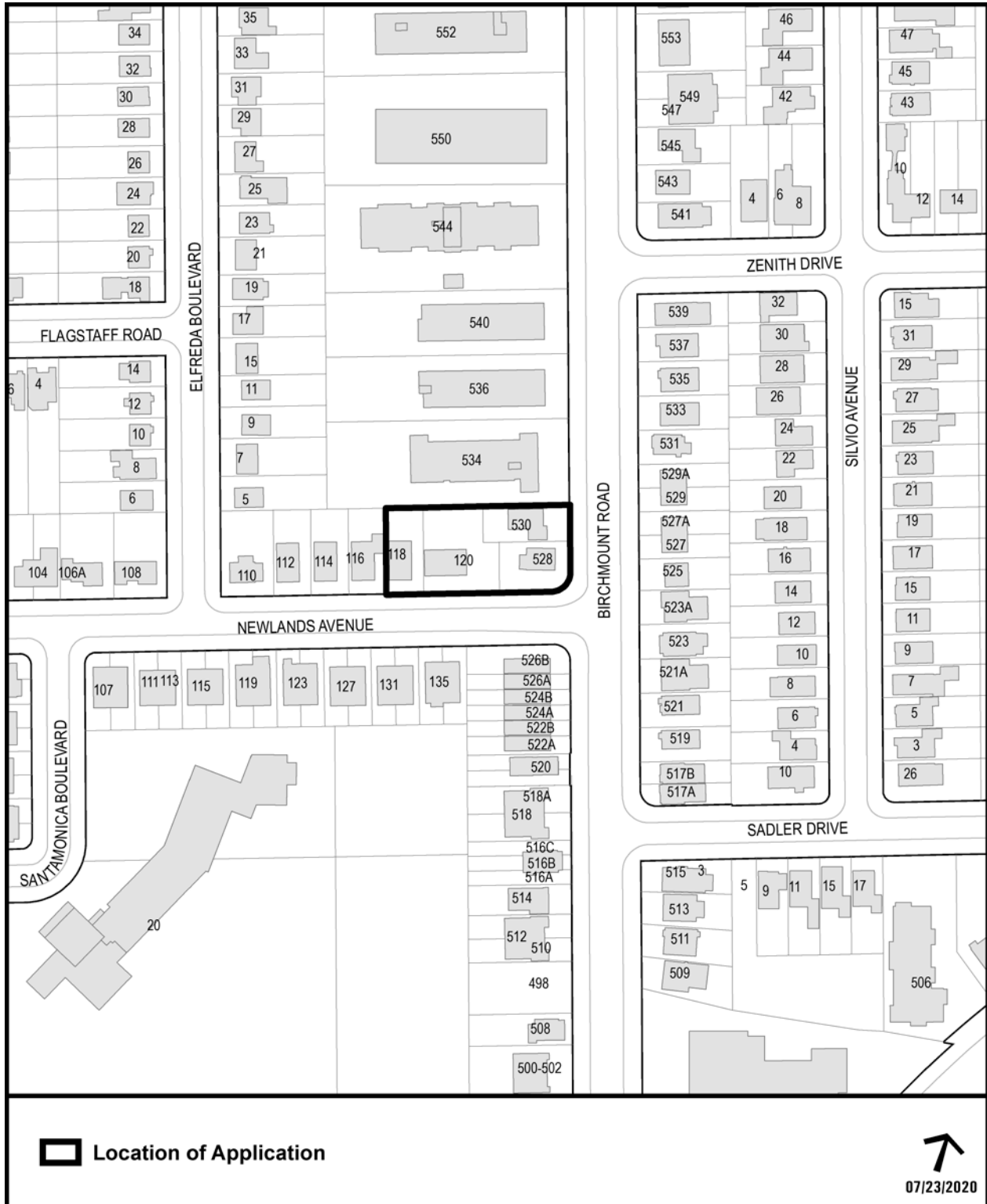
SIGNATURE

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

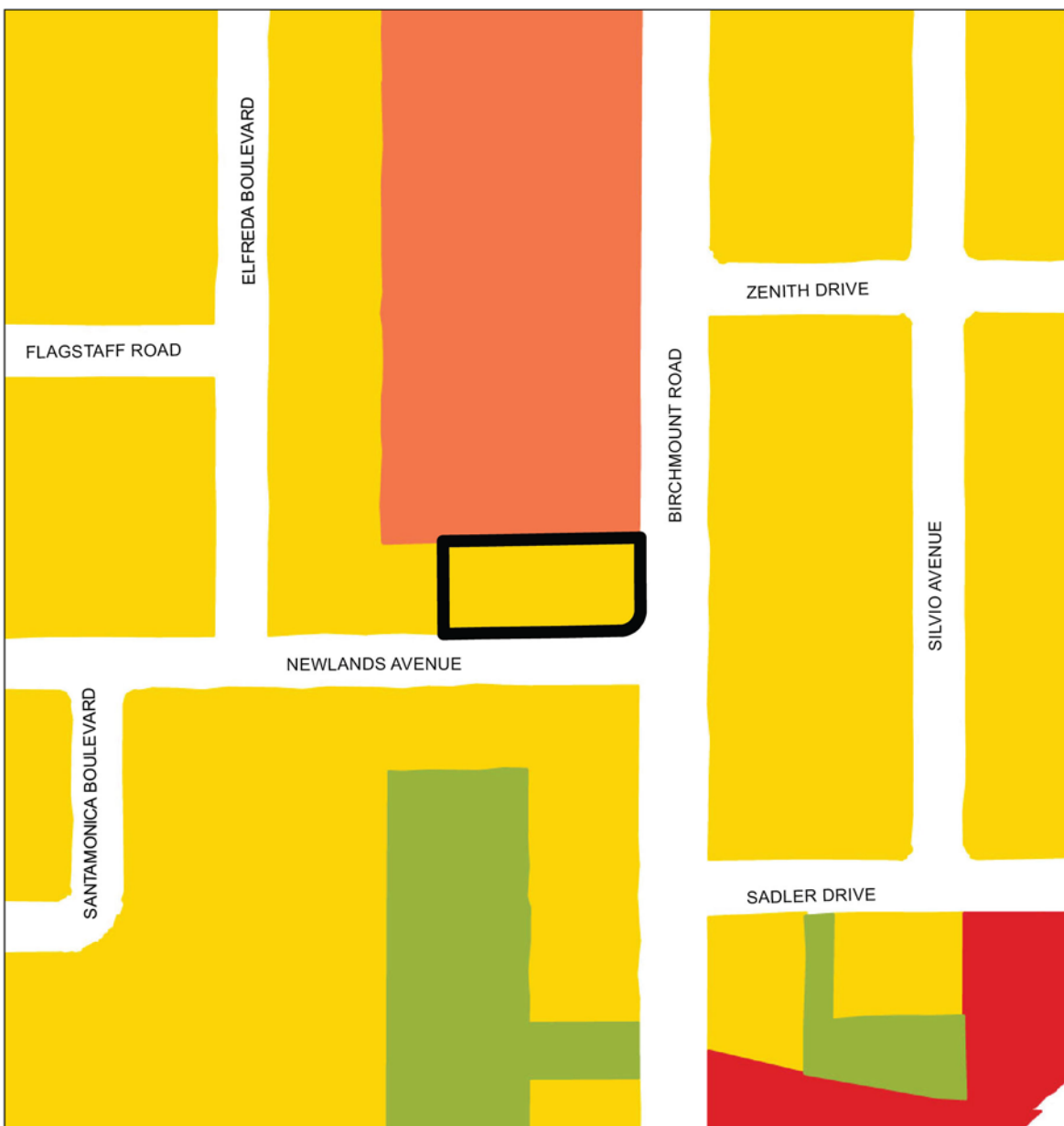
ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Official Plan Map
Attachment 3: Zoning Map
Attachment 4: Site Plan

Attachment 1: Location Map



Attachment 2: Official Plan Map



528-530 Birchmount Road and 118-120 Newlands Avenue

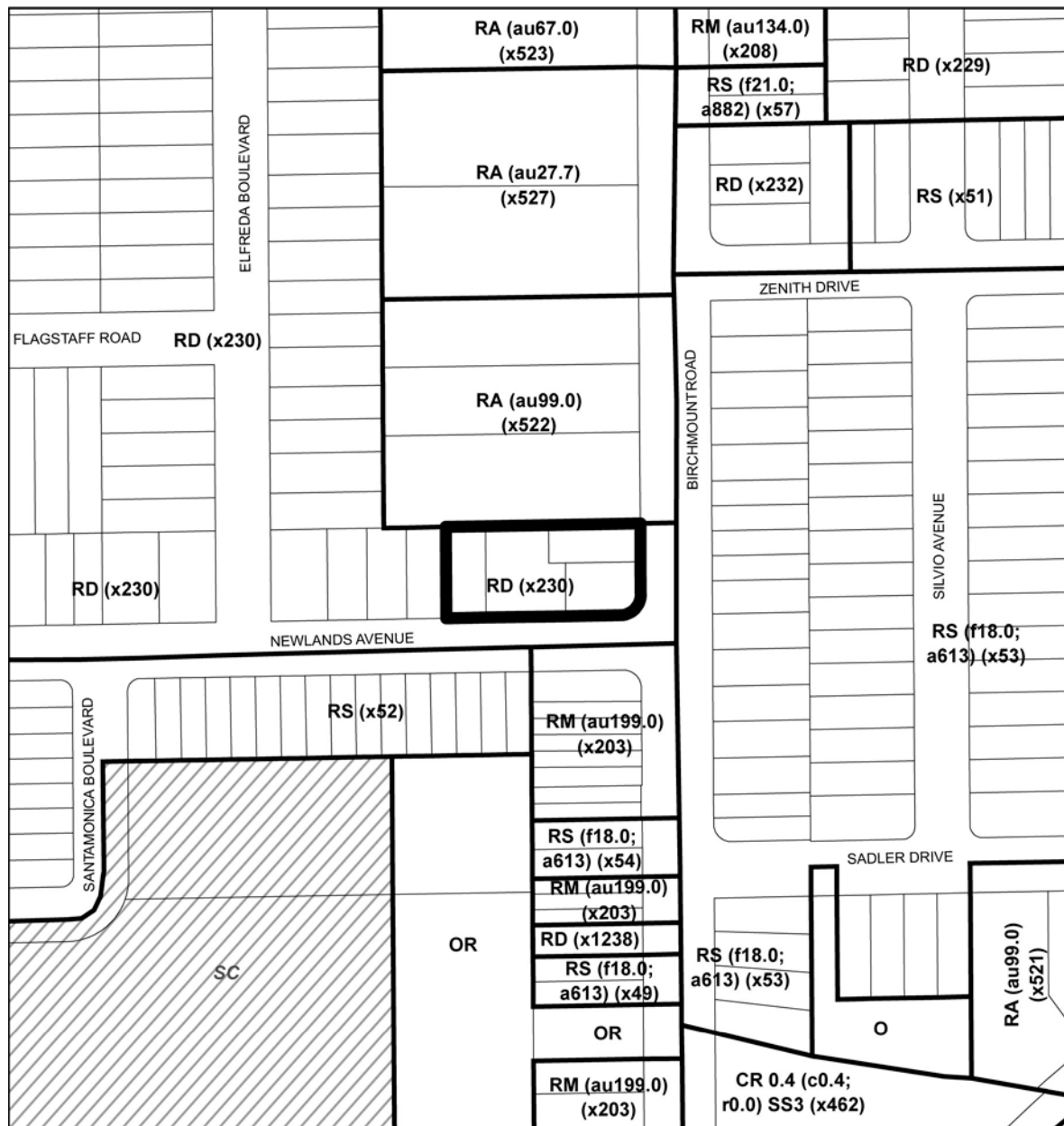
Official Plan Land Use Map #20

File # 20 152132 ESC 20 0Z




 Not to Scale
 07/24/2020

Attachment 3: Zoning Map



Zoning By-law 569-2013

528-530 Birchmount Road and 118-120 Newlands Avenue

File # 20 152132 ESC 20 02



Location of Application



See Former City of Scarborough
Birchmount Park Community By-law No. 9174

RD Residential Detached
RS Residential Semi-Detached
RM Residential Multiple

RA Residential Apartment
CR Commercial Residential
O Open Space
OR Open Space Recreation

SC School

↑
Not to Scale
Extracted: 07/23/2020

Attachment 4: Site Plan

