

1555 Midland Avenue – Part Lot Control Exemption Application – Final Report

Date: May 29, 2023

To: Scarborough Community Council

From: Acting Director, Community Planning, Scarborough District

Wards: 21 – Scarborough Centre

Planning Application Number: 23 120780 ESC 21 PL

SUMMARY

This application requests exemption from Part Lot Control for a portion of 1555 Midland Avenue to create 8 residential semi-detached lots and 95 townhouse parcels with maintenance easements for a total of 103 conveyable parts.

The subject lands were part of a subdivision application for the larger lands at 1555 Midland Avenue that also included 7 single-detached dwellings, blocks encompassing the above-noted semi-detached and townhouse units, as well as a public parkland dedication, new public streets and rear public lanes, including the extension of Brockley Drive westerly to Midland Avenue. The plan of subdivision was registered on November 18, 2021 as Plan 66M-2579.

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 (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2020). The lifting of the Part Lot Control for a period of two years 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 1555 Midland Avenue as generally illustrated on Attachment 1 to report dated May 29, 2023, from the Acting Director, Community Planning, Scarborough District, to be prepared to the satisfaction of the City Solicitor and to expire two years 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. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
4. 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 City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

On November 24, 2020, Committee of Adjust approved four minor variance applications for four of the proposed new lots within this subdivision to adjust for technical errors in the lot frontage requirements as zoned.

By Order dated May 26, 2021, the Ontario Land Tribunal approved the final form of the zoning by-law amendment for the subject lands, which updated and revised an earlier by-law amendment it approved in 2015. This final by-law amendment is now referenced as By-law 326-2018(OMB). The Tribunal also approved a revised draft plan of subdivision with updated conditions of approval. The plan of subdivision was registered on November 18, 2021, as Plan 66M-2579.

Site Plan Control Application 19 242195 ESC 21 SA submitted in this regard for the 95 new townhouse units received City Planning's final Statement of Approval on March 11, 2022.

PROPOSAL

The subject application seeks exemption from the Part Lot Control provisions of the *Planning Act* to facilitate the creation of 103 conveyable lots comprised of 8 semi-detached freehold dwellings on 4 lots and 95 freehold townhouse dwellings on 13 blocks on Registered Plan 66M-2579. The parcels to be created are as illustrated with associated details on the submitted draft Reference Plans contained in Attachments 3 to 9 inclusive to this report.

The purpose of this report is to recommend approval of the application and request that City Council enact a by-law to lift Part Lot Control for the subject lands, subject to the conditions recommended herein.

Link to Application Details:

<http://app.toronto.ca/AIC/index.do?folderRsn=NfMH2h%2BR19hUSk93aD0%2B6Q%3D%3D>

Site and Surrounding Area

The subject lands are approximately 3.07 hectares (7.6 acres) in size and the site of the former Bendale Business and Technical Institute which has been demolished. The site is generally level and constructions of the new subdivision housing is nearing completion.

Nearby land uses include:

North: Single-detached low-rise residential development in the Midland Park Neighbourhood;

East: Parkland and the recently constructed Bendale-Thomson Secondary School.

South: Two 7-storey apartment buildings on Treewood Street, with the Midland-Lawrence retail plaza beyond on the north side of Lawrence Avenue East; and

West: Industrial and commercial uses within Dorset Park Employment District.

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. As the current application is consistent with the recently registered subdivision plan, no new concerns have been identified.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the Planning Act sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of a full range of housing, including affordable housing; and the appropriate location of growth and development. Section 51 (24) of the Planning Act sets out criteria that City Council shall have regard to in making decisions regarding land division including: the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and

future inhabitants; the effect of development of the proposed subdivision on matters of provincial interest; whether the plan conforms to the official plan and adjacent plans of subdivision; the dimensions and shapes of the proposed lots; the restrictions on the land proposed to be subdivided and on adjoining land; the adequacy of utilities and municipal services; and the interrelationship between the design of the proposed plan and site plan control matters.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

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, site plan agreements, and part-lot control.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (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:

- Managing and directing land use to achieve efficient and resilient development patterns;
- Planning for, protecting and preserving employment areas;
- Providing for an appropriate range and mix of housing options and densities to meet projected requirements of current and future residents;
- Providing infrastructure and public service facilities in an efficient manner that prepares for climate change impacts and projected needs;
- Conserving significant cultural heritage and archaeological resources; and
- Directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex interrelationships 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 4.6 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."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) ("Growth Plan") came into effect on August 28, 2020. The Growth Plan 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 (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*. 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 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, and better connected 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 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 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.

City of Toronto Official Plan

The subject lands are designated *Neighbourhoods* as shown on Official Plan Map 20 - Land Use Plan. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings 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.

Neighbourhoods Policies 4.1.5 and 4.1.9 provide guidance for new development in *Neighbourhoods*. Policy 4.1.5 requires new development to respect and reinforce the existing physical character of each geographic neighbourhood, including the prevailing size and configuration of lots. Policy 4.1.9 of the Official Plan provides policies for infill development in established *Neighbourhoods* on properties that vary from the local pattern in terms of lot size, configuration and/or orientation. Policies and development criteria aim to ensure that physical changes to established neighbourhoods are sensitive, gradual and "fit" the existing physical character.

The subject semi-detached and townhouse development fully conforms to the *Neighbourhood* policies.

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 under the former City of Scarborough Bendale Community Zoning By-law No. 9350, as amended, and are not currently subject to City-wide Zoning By-law No. 569-2013, as amended. Under the Bendale Community By-law No. 9350 the subject 8 semi-detached dwellings are currently zoned Two-Family Residential (T), while the remaining 95 townhouse dwelling units are zoned Multiple-Family Residential (M).

The proposed development complies with all zoning requirements as varied by Committee of Adjustment in November 2020.

Site Plan Control

The townhouse portions of the subject lands are subject to Site Plan Control approval. Site Plan Control Application 19 242195 ESC 21 SA submitted in this regard for the 95 new townhouse units received City Planning's final Statement of Approval on March 11, 2022.

COMMENTS

Planning Act

The application has regard for relevant matters of provincial interest and the criteria for land division as set out in the *Planning Act*.

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS (2020). In particular, the proposed land division will enable infill development consistent with the provincial policy objective of efficient development patterns and will facilitate the provision of additional housing options.

The proposal conforms to the Growth Plan (2020) by enabling intensification within appropriate existing settlement areas, making more efficient use of existing urban land, services and infrastructure through infill development in a more compact built form than previously existed on the subject lands.

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 Part Lot Control Exemption By-law contain an expiration date. In this case, the By-law should expire two years following enactment by City Council. This time frame provides sufficient time for the completion of the proposed development.

CONCLUSION

The application is consistent with the PPS and conforms to the Growth Plan, Official Plan, and performance standards established through the applicable zoning by-laws. Staff consider the exemption from Part-Lot Control to be appropriate for the orderly development of the lands. Staff recommend that the Part Lot Control Exemption application be approved by City Council.

CONTACT

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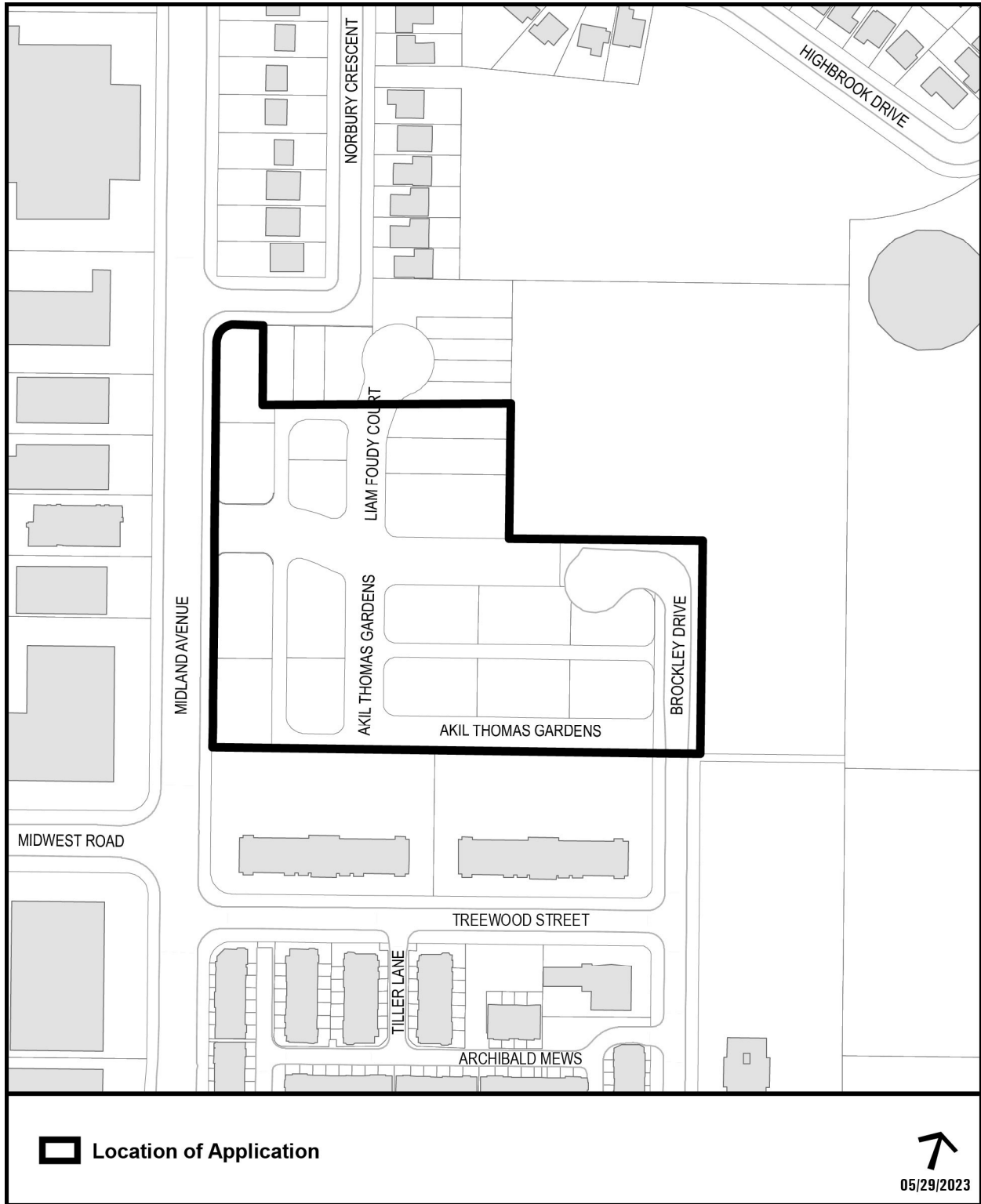
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Renrick Ashby, Acting Director
Community Planning, Scarborough District

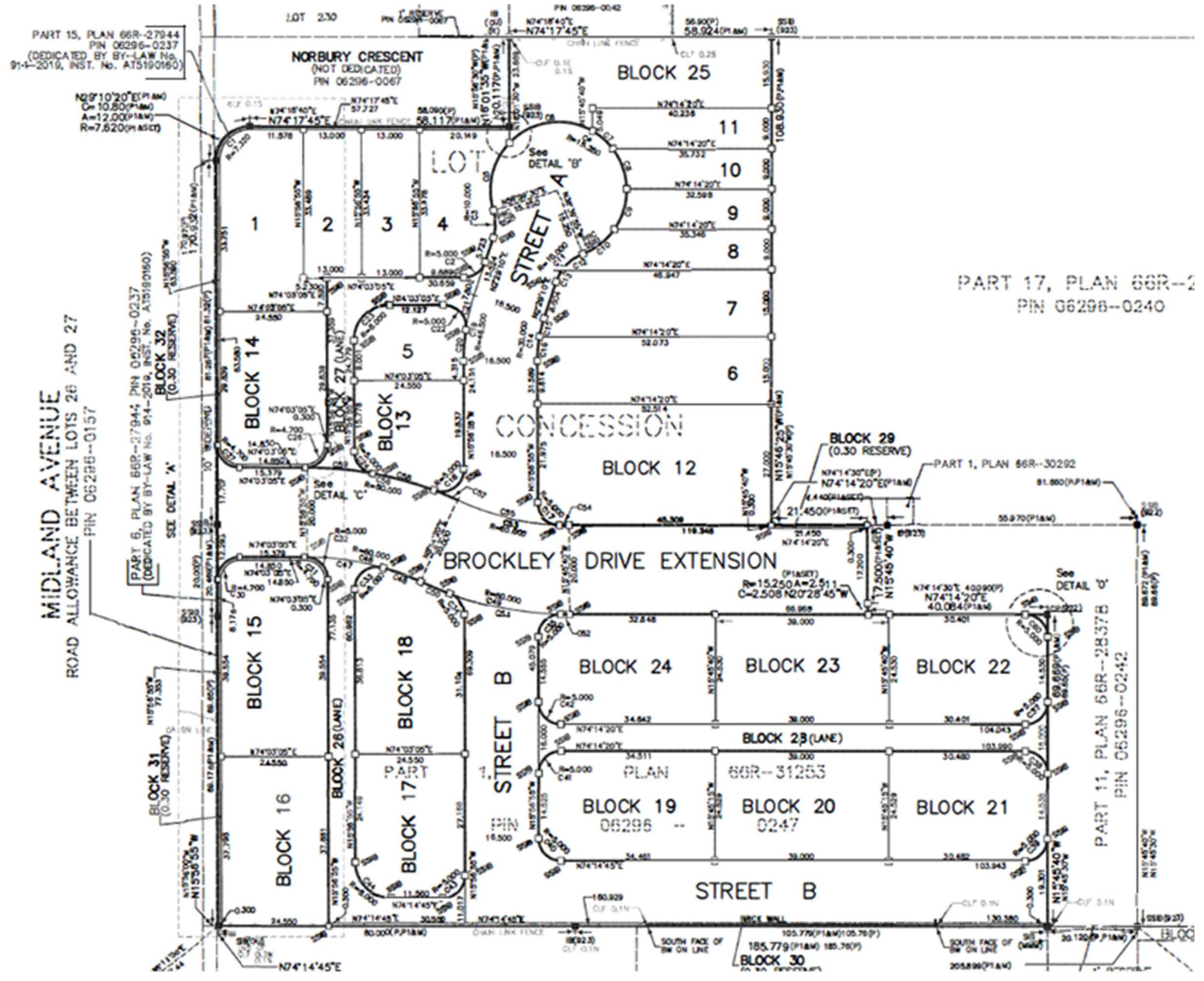
ATTACHMENTS

- Attachment 1: Location Map
- Attachment 2: Plan of Subdivision
- Attachment 3: Part-Lot Control Exemption Plan – Lots 1, 5, 6, 7 and Blocks 12, 13 and 14
- Attachment 4: Part-Lot Control Exemption Plan – Lots 1, 5, 6, 7 and Blocks 12, 13 and 14 (Details)
- Attachment 5: Part-Lot Control Exemption Plan – Blocks 15, 16, 17 and 18
- Attachment 6: Part-Lot Control Exemption Plan – Blocks 15, 16, 17 and 18 (Details 1)
- Attachment 7: Part-Lot Control Exemption Plan – Blocks 15, 16, 17 and 18 (Details 2)
- Attachment 8: Part-Lot Control Exemption Plan – Blocks 19, 20, 21, 22, 23 and 24
- Attachment 9: Part-Lot Control Exemption Plan – Blocks 19, 20, 21, 22, 23 and 24 (Details)
- Attachment 10: Draft Part-Lot Control Exemption By-law

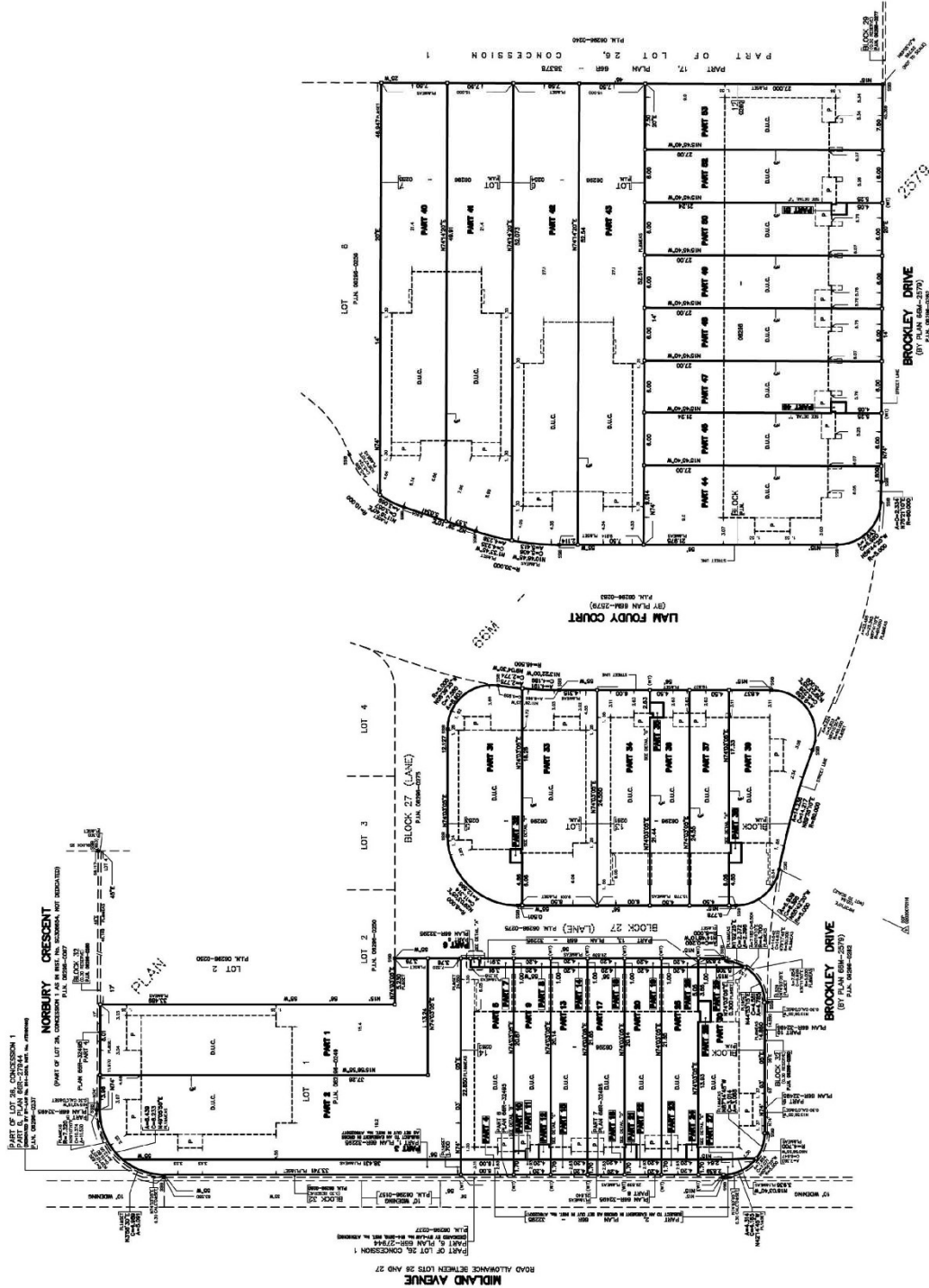
Attachment 1: Location Map



Attachment 2: Plan of Subdivision

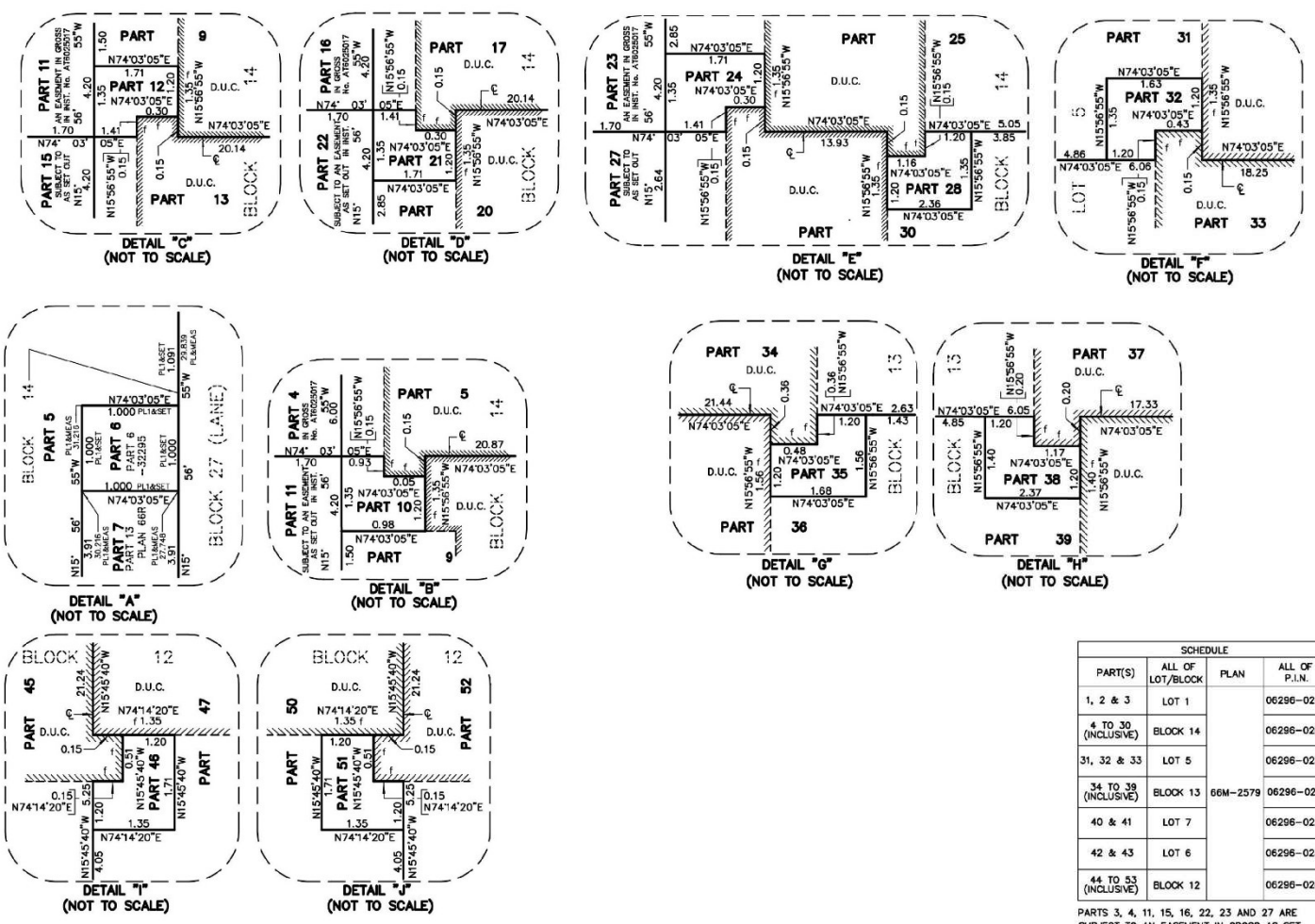


Attachment 3: Part-Lot Control Exemption Plan – Lots 1, 5, 6, 7 and Blocks 12, 13 and 14



Lots 1, 5, 6, 7 and Blocks 12, 13 and 14 Plan of Survey ↗

Attachment 4: Part-Lot Control Exemption Plan – Lots 1, 5, 6, 7 and Blocks 12, 13 and 14 (Details)

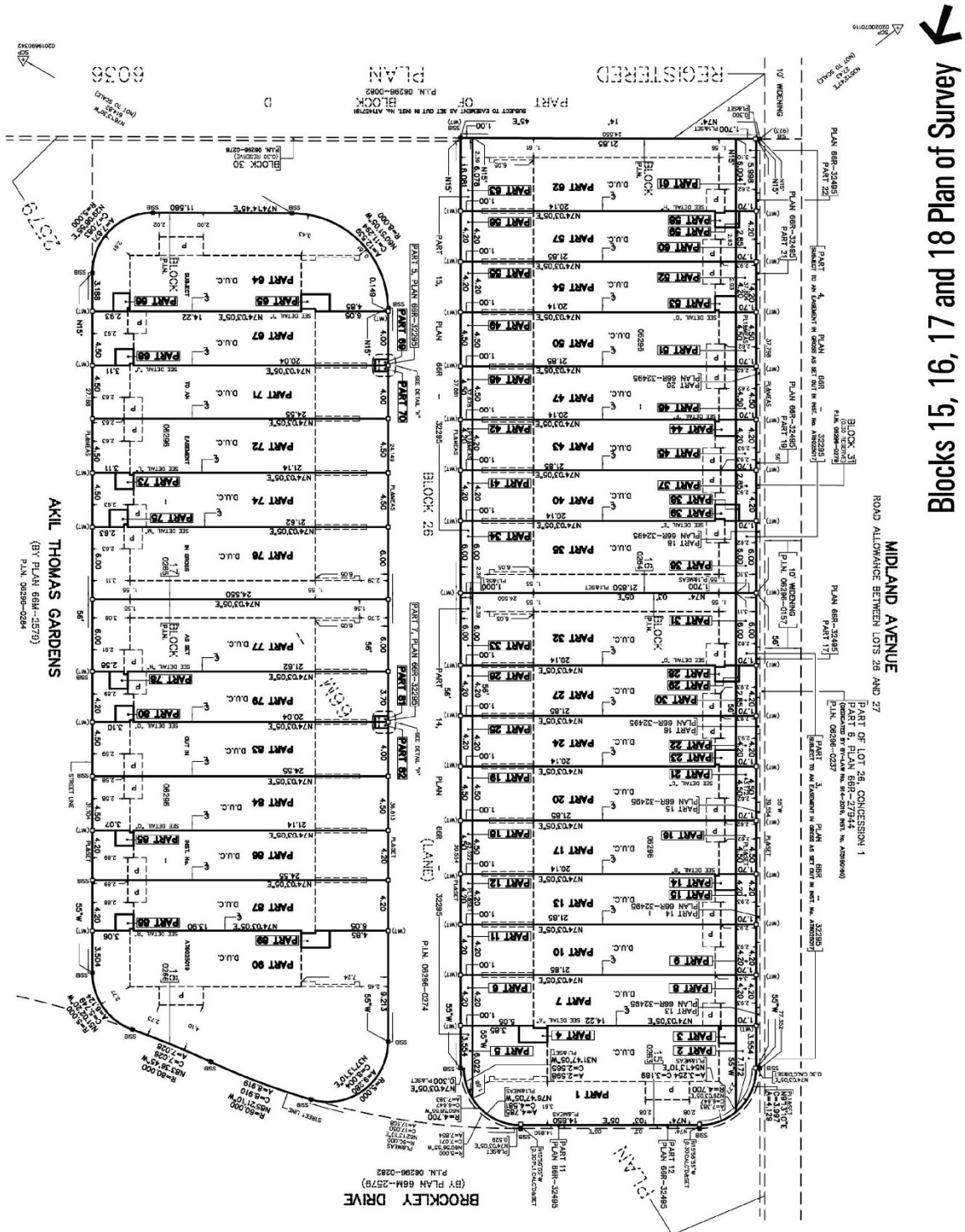


SCHEDULE			
PART(S)	ALL OF LOT/BLOCK	PLAN	ALL OF P.I.N.
1, 2 & 3	LOT 1		06296-0249
4 TO 30 (INCLUSIVE)	BLOCK 14		06296-0262
31, 32 & 33	LOT 5		06296-0253
34 TO 39 (INCLUSIVE)	BLOCK 13	06M-2579	06296-0261
40 & 41	LOT 7		06296-0255
42 & 43	LOT 6		06296-0254
44 TO 53 (INCLUSIVE)	BLOCK 12		06296-0260

PARTS 3, 4, 11, 15, 16, 22, 23 AND 27 ARE SUBJECT TO AN EASEMENT IN GROSS AS SET OUT IN INST. No. A76025017

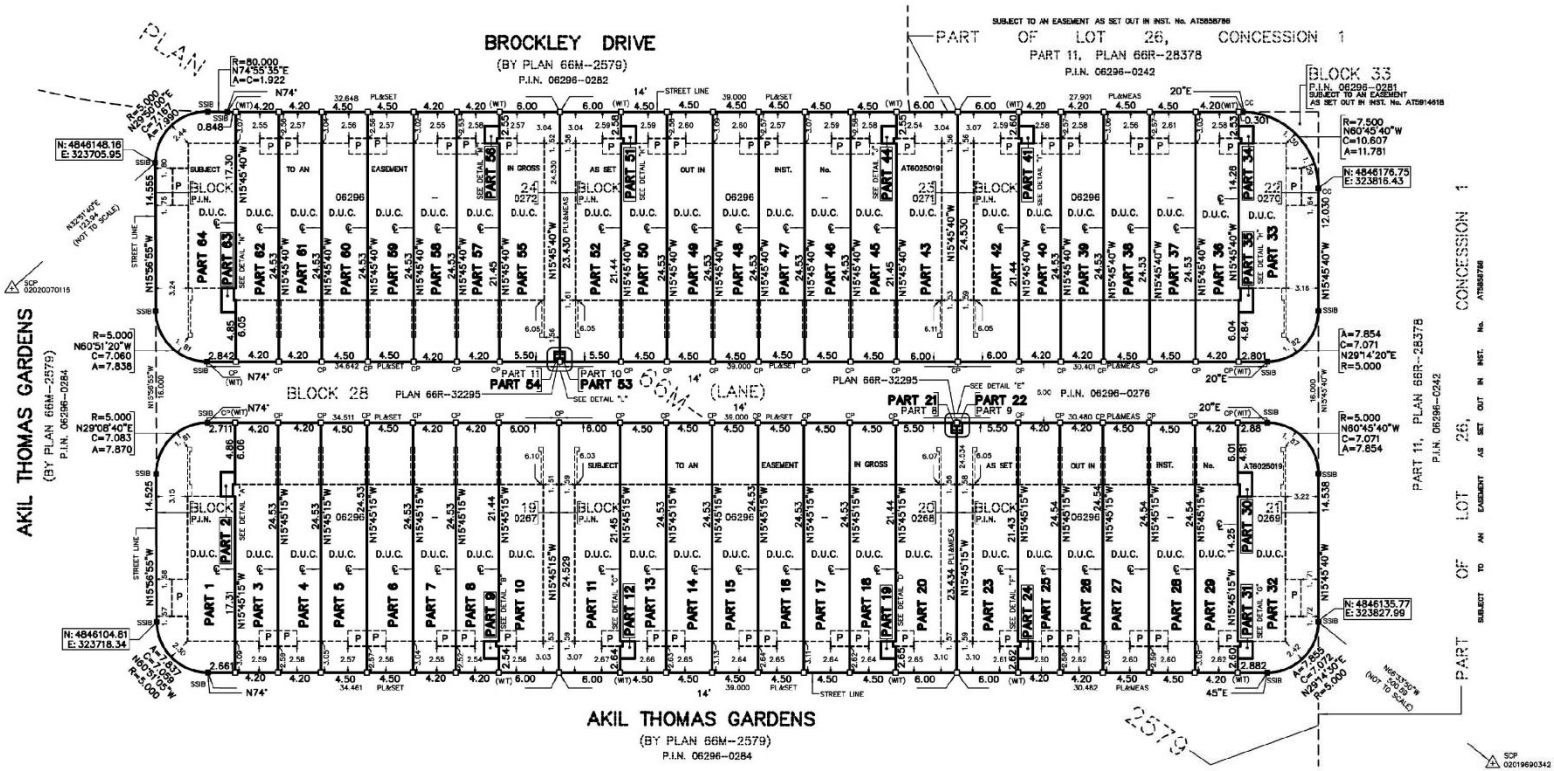
Lots 1, 5, 6, 7 and Blocks 12, 13 and 14 Plan of Survey

Attachment 5: Part-Lot Control Exemption Plan – Blocks 15, 16, 17 and 18



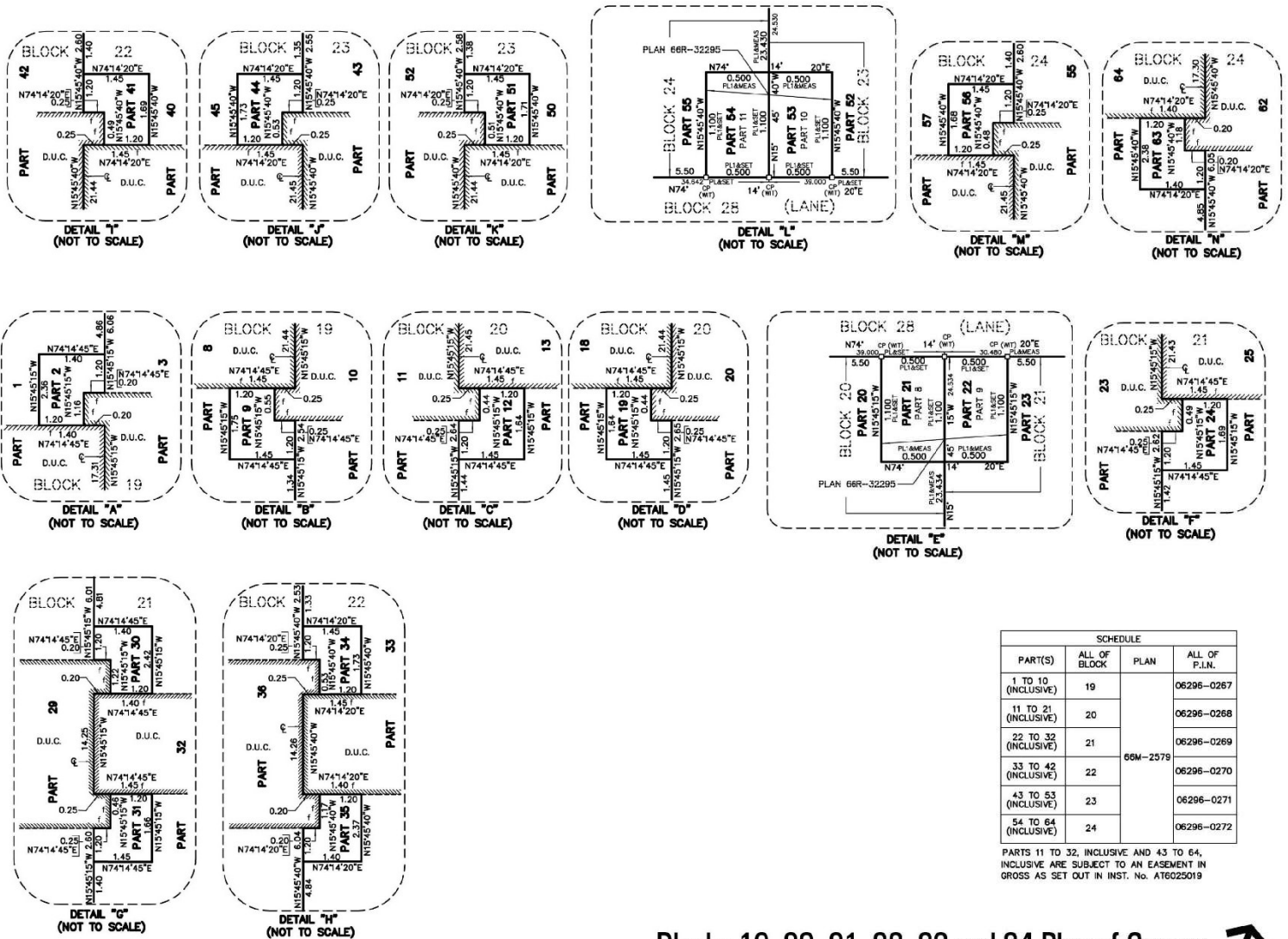
Blocks 15, 16, 17 and 18 Plan of Survey

Attachment 8: Part-Lot Control Exemption Plan – Blocks 19, 20, 21, 22, 23 and 24



Blocks 19, 20, 21, 22, 23 and 24 Plan of Survey

Attachment 9: Part-Lot Control Exemption Plan – Blocks 19, 20, 21, 22, 23 and 24 (Details)



SCHEDULE			
PART(S)	ALL OF BLOCK	PLAN	ALL OF P.I.N.
1 TO 10 (INCLUSIVE)	19	66M-2579	06296-0267
11 TO 21 (INCLUSIVE)	20		06296-0268
22 TO 32 (INCLUSIVE)	21		06296-0269
33 TO 42 (INCLUSIVE)	22		06296-0270
43 TO 53 (INCLUSIVE)	23		06296-0271
54 TO 64 (INCLUSIVE)	24		06296-0272

PARTS 11 TO 32, INCLUSIVE AND 43 TO 64, INCLUSIVE ARE SUBJECT TO AN EASEMENT IN GROSS AS SET OUT IN INST. NO. A76025019

Blocks 19, 20, 21, 22, 23 and 24 Plan of Survey

Attachment 10: Draft Part Lot Control Exemption By-law

Authority: Scarborough Community Council Item No. SC##, as adopted by City of Toronto Council on _____, 2023

CITY OF TORONTO

Bill _____ BY-LAW ____-2023

To exempt a portion of lands municipally known as 1555 Midland Avenue 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* does not apply to the lands described in the attached Schedule "A".
2. This By-law expires two years from the date of its enactment by Council.

Enacted and passed on, _____, 2023.

Frances Nunziata,
Speaker

John Elvidge
City Clerk

(Seal of the City)