

## **1001 Ellesmere Road – Part Lot Control Exemption Application – Decision Report - Approval**

Date: October 31, 2023

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 21 – Scarborough Centre

**Planning Application Number:** 23 172257 ESC 21 PL

### **SUMMARY**

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This application requests exemption from Part Lot Control for a portion of 1001 Ellesmere Road to create 24 separately conveyable townhouse parcels. The subject lands comprise Block 3 within a plan of subdivision that was registered on June 12, 2019 (See Attachment 2: Plan of Subdivision 66M-2555). The subdivision also created an approximately 1,320 square metre new public park on Block 5 abutting the west end of the subject Block 3.

Part Lot Control Exemption applications previously approved within the same subdivision also established 45 townhouse lots within a common elements condominium on Block 1 and 22 standard townhouse lots on Block 2.

This report reviews and recommends approval of the Part Lot Control Exemption By-law for this final phase of residential site redevelopment. The proposal conforms 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 Part Lot Control for a period of two years is considered appropriate for the orderly development of the lands.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council enact a Part Lot Control Exemption By-law with respect to the subject lands at 1001 Ellesmere Road as generally illustrated on Attachment 1 to report dated May 29, 2023, from the 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. Prior to the enactment of the Part Lot Control Exemption By-law, 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.

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**

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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**

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In 2014, the previous owner of the larger landholding that included the subject lands at 1001 Ellesmere Road made a series of applications to redevelop this former industrial site with townhouses and a 4-storey commercial building. The Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications were subsequently appealed to the Ontario Municipal Board ("the OMB") which is now the Ontario Land Tribunal (the "Tribunal") due to the City's lack of decision within the statutory timeframe.

On March 31, 2015, City Council supported a settlement with the Owner, which was ultimately approved by the OMB. The OMB's approval re-designated a portion of the Site to Mixed Use Area (Blocks 1, 2, 3), while maintaining the Employment Areas designation for the west portion of the site (Block 4).

As a result, townhouses are currently permitted on Blocks 1, 2 and 3, whereas only certain commercial uses are permitted on Block 4. The settlement also phased the development, requiring substantial completion of commercial uses on Block 4 prior to any residential townhouse development on the subject Block 3. The approved Zoning By-law Amendments (By-law 1109-2015 (OMB) and By-law 892-2016 (OMB)), the Section 37 Agreement and the Subdivision Agreement required the same phasing.

On December 21, 2018, the Director, Community Planning, Scarborough District issued Notice of Approval Conditions ("NOAC") approving site plan application 15 200160 ESC 37 SA for townhouses on Blocks 1 and 2 only due to the above phasing requirements.

The final Statement of Approval for those two blocks was issued on July 10, 2019, and the site plan agreement was registered on October 30, 2019.

On July 18, 2019, Council enacted Part Lot Control Exemption By-law No. 1185-2019 for Blocks 1 and 2.

After a number of years trying unsuccessfully to market Block 4 for commercial development, the owner on July 13, 2021 requested a conversion of the Block 4 lands from General Employment Areas to Mixed Use Areas through the Municipal Comprehensive Review (“MCR”). The owner also requested revisions to the applicable zoning, and the Section 37 and Subdivision Agreements to delete phasing requirement. The December 15, 2021 Council decision to uncouple timing of Block 3 development from any development of Block 4 can be viewed at this link: [Agenda Item History - 2021.CC38.10 \(toronto.ca\)](https://secure.toronto.ca/council/agenda-item.do?item=2021.CC38.10) (<https://secure.toronto.ca/council/agenda-item.do?item=2021.CC38.10>).

The Section 37 and Subdivision Agreements were amended and registered on August 24, 2022.

On August 31, 2022, the owner filed a further Site Plan Control application (22 197994 ESC 21 SA) to amend the 2019 site plan agreement noted above, to develop the 24 townhouse units on Block 3.

On November 22, 2022, the Director, Community Planning, Scarborough District issued a NOAC approving the application. The amending site plan agreement with respect to Block 3 was registered on January 18, 2023, and the final Statement of Approval was issued on February 6, 2023.

The subject Part Lot Control Exemption application for Block 3 was submitted on July 10, 2023.

On September 6, 2023, City Council adopted Official Plan Amendment 653 implementing, in part, the above noted 2021 conversion request under the MCR to redesignate the Block 4 lands from General Employment Areas to Mixed Use Areas.

## **PROPOSAL**

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The subject application seeks exemption from the Part Lot Control provisions of the *Planning Act* to facilitate the creation of 24 conveyable townhouse lots on Block 3 on Registered Plan 66M-2555. The parcels to be created are as illustrated with associated details on the submitted draft Reference Plans contained in Attachments 3 to 5 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:**

[Application Information Centre - 1001 ELLESMERE RD \(toronto.ca\)](https://www.toronto.ca/city-government/planning-development/application-details/?id=5299230&pid=31204&title=1001%20ELLESMERE%20RD)  
(<https://www.toronto.ca/city-government/planning-development/application-details/?id=5299230&pid=31204&title=1001%20ELLESMERE%20RD>)

**Site and Surrounding Area**

The subject Block 3 lands are located on the south side of the Ellesmere Service Road, east of Kennedy Road. The lands are generally level, and approximately 2,582 square metres in area and comprise part of a larger 2.76 hectare (6.8 acre) site previously occupied by a 17,744 square metre metal-stamping assembly plant which ceased operations in 2008 and was subsequently demolished. The construction of the approved townhouse redevelopment on Blocks 1 and 2 is now complete. Vehicular access to Block 3 is provided via a rear through public lane (Block 6) which connects via the new Jolly Way to the Ellesmere West Service Road at two locations and then Ellesmere Road in both directions.

**Nearby land uses include:**

*North:* On the north side of Ellesmere Road are the Fieldstone Commons Care Community nursing home, with the Roadsport Honda car dealership to the west.

*East:* Beyond the former SRT and GO Transit line to the east is a 162-unit townhouse subdivision recently constructed by the same owner, with industrial uses on Midwest Road to the south.

*South:* Immediately south of Block 3 are freehold townhouses on Block 2 along the north side of Jolly Way which share the same rear public lane, with a townhouse common elements condominium on Block 1 along the south and east sides of Jolly Way, all by the same developer (Mattamy Homes). Further south are multi-tenanted industrial building at 1399 Kennedy Road. Kingsmill Foods occupies the rear portion of this building.

*West:* To the west of the site are commercial uses including Green+Ross Auto Tires on Ellesmere Road, a used car lot at the south-east corner of Kennedy Road and Ellesmere Road with an RBC bank to south. The property at 1415/1417 Kennedy Road contains a 26-unit commercial condominium.

**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**

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### **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**

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

The current application is located on lands indicated as Mixed Use Areas on Land Use Map No. 20. The Mixed Use Areas designation provides for a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks, open spaces and utilities.

The City of Toronto Official Plan can be found here:

[Official Plan – City of Toronto](#)

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

### **Zoning**

The subject Block 3 lands at 1001 Ellesmere Road are zoned Residential Townhouse Zone (RT) which permit a maximum of 24, 3-storey (14.0 metre high) townhouse-only dwelling units. All remaining applicable zoning criteria and performance standards relating to such matters as required building setbacks, permitted building projections, minimum frontage and building separation requirements, etc. are satisfied consistent with the above noted site plan approval.

The proposed development complies with all zoning requirements.

## **Site Plan Control**

The townhouse development on Block 3 is subject to Site Plan Control approval. As detailed under the Decision History section above, City Planning's final Statement of Approval was issued on February 6, 2023.

## **COMMENTS**

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### **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.

### **Official Plan**

The subject townhouse development fully conforms to the Mixed Use Areas policies. The proposal conforms to the Official Plan by advancing the intensification of underutilized 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-law. 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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Andrew Castaneda, Assistant Planner, Community Planning, Tel. No. (416) 396-7692,  
E-mail: [andrew.castaneda@toronto.ca](mailto:andrew.castaneda@toronto.ca)

## **SIGNATURE**

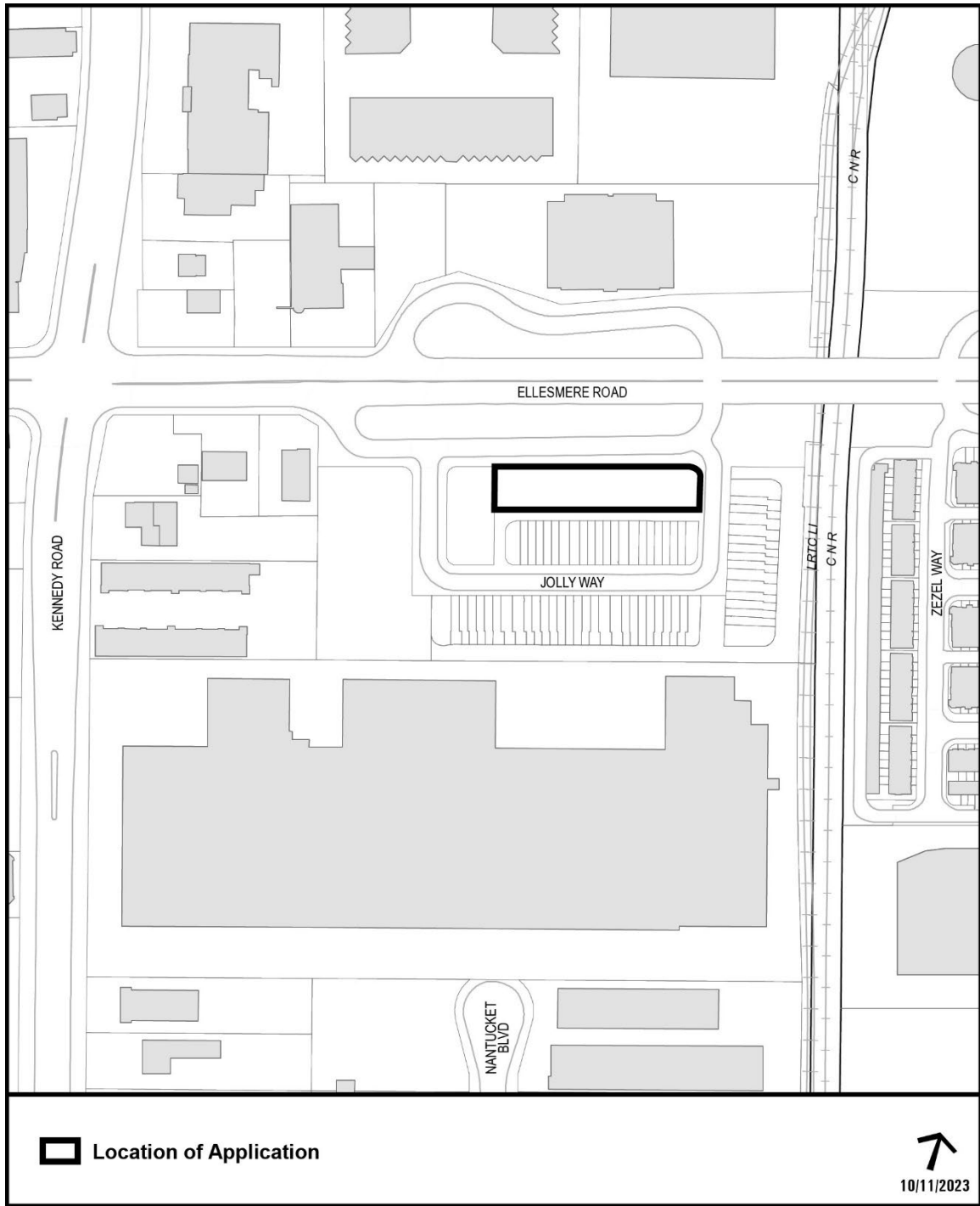
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Christian Ventresca, MScPL, MCIP, RPP  
Director, Community Planning, Scarborough District

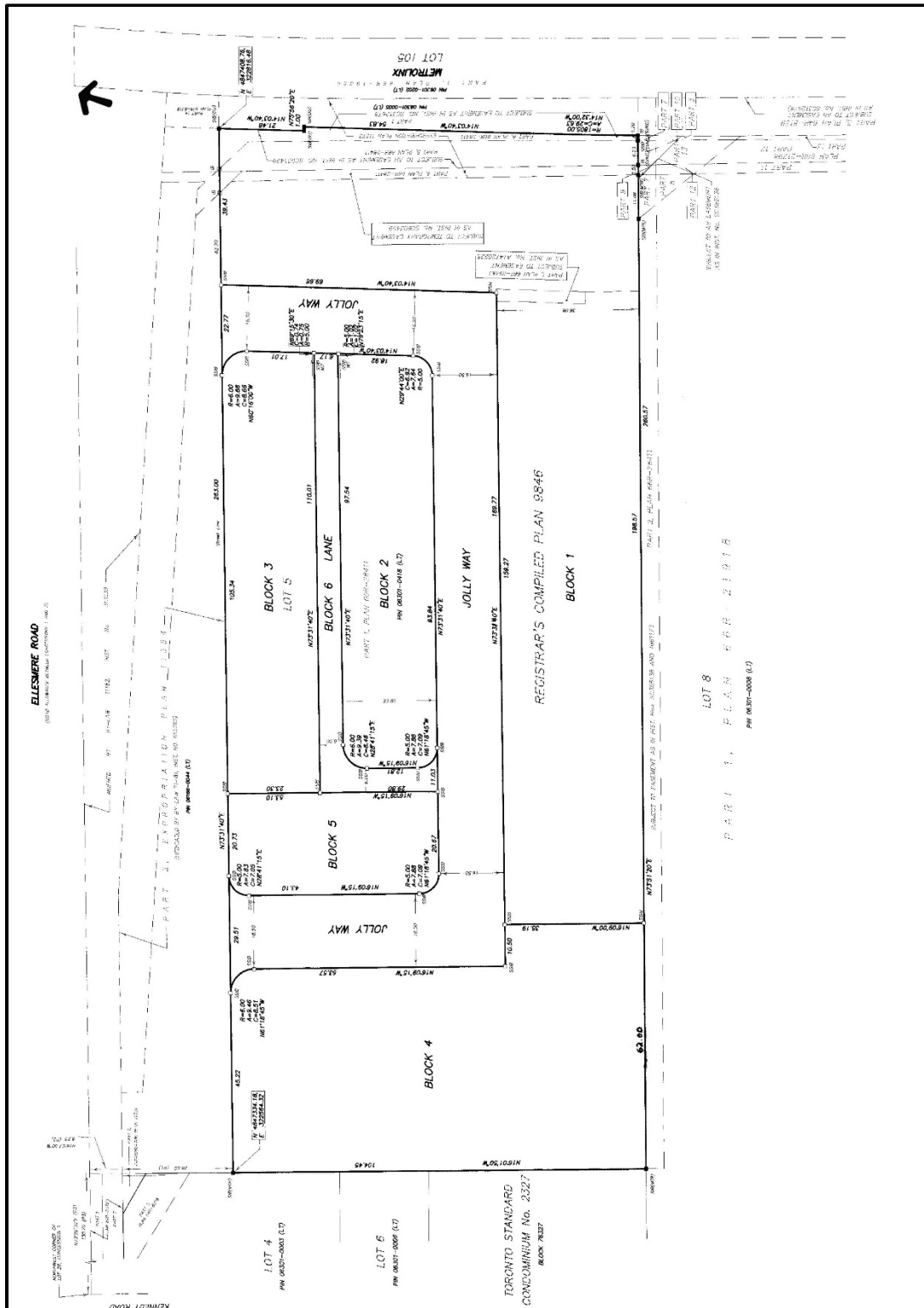
## **ATTACHMENTS**

- Attachment 1: Location Map
- Attachment 2: Plan of Subdivision 66M-2555
- Attachment 3: Part Lot Control Exemption Plan – Block 3 (West Portion)
- Attachment 4: Part Lot Control Exemption Plan – Block 3 (East Portion)
- Attachment 5: Part Lot Control Exemption Plan – Block 3 (Details)
- Attachment 6: Draft Part-Lot Control Exemption By-law

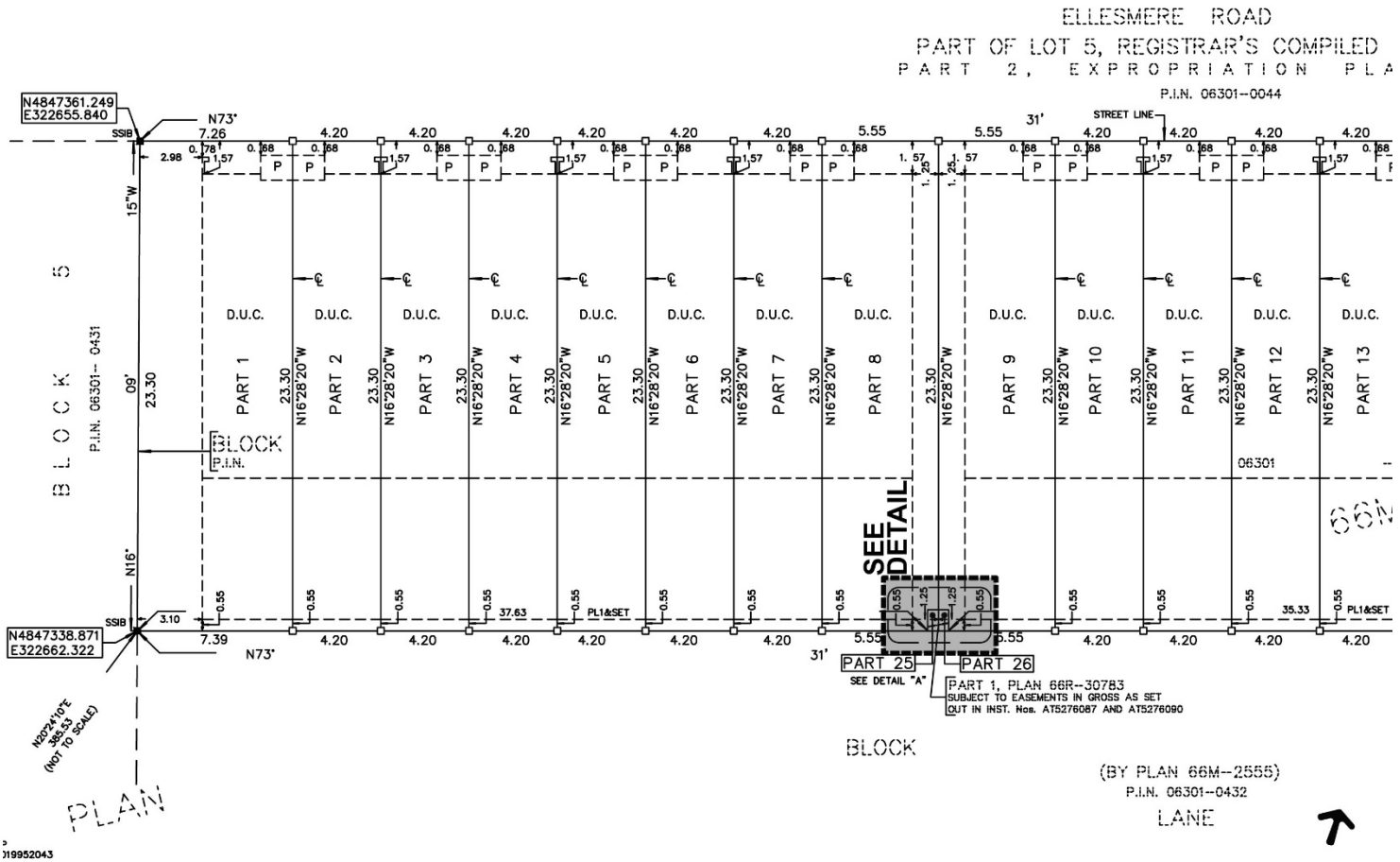
# Attachment 1: Location Map



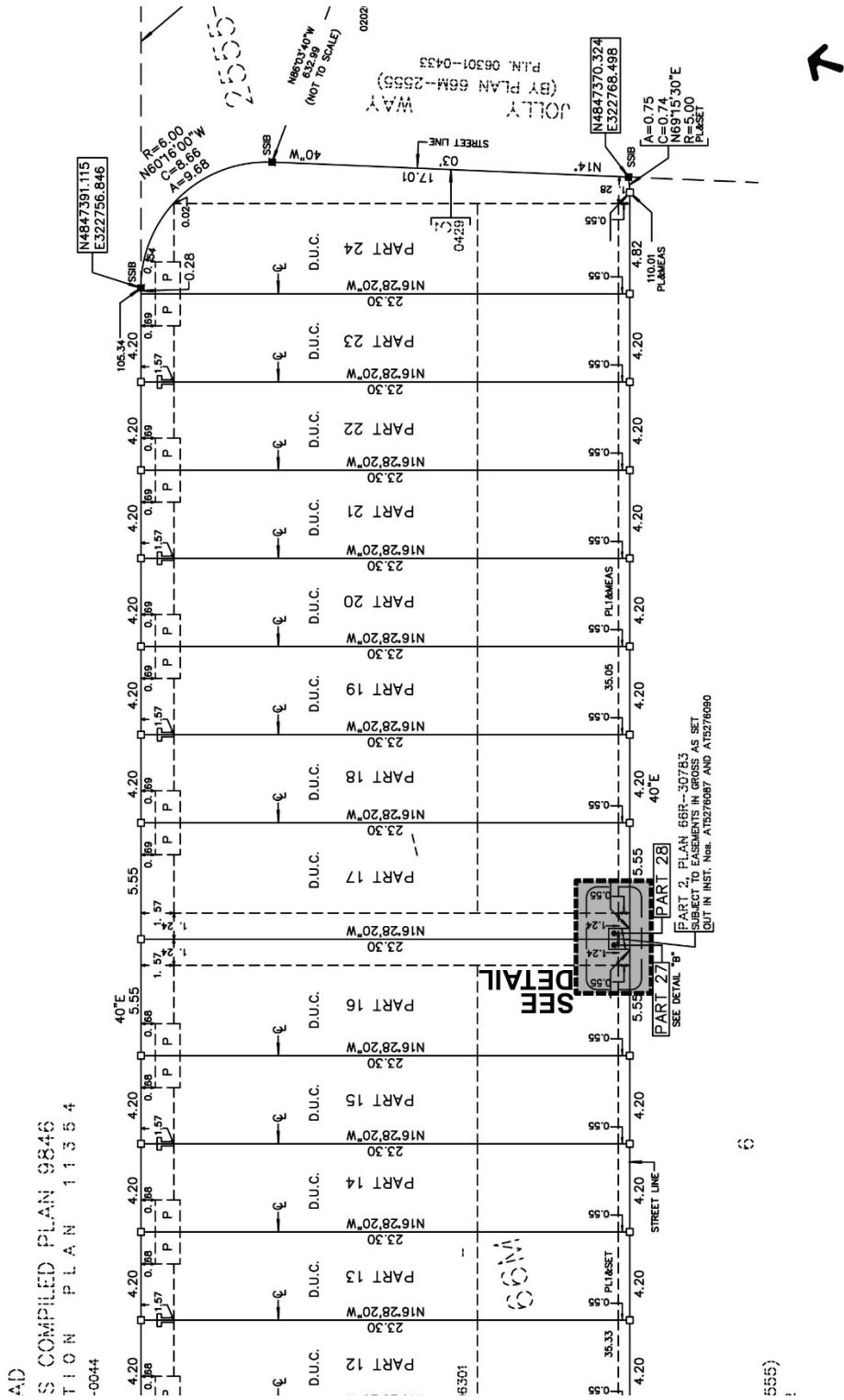
# Attachment 2: Plan of Subdivision 66M-2555



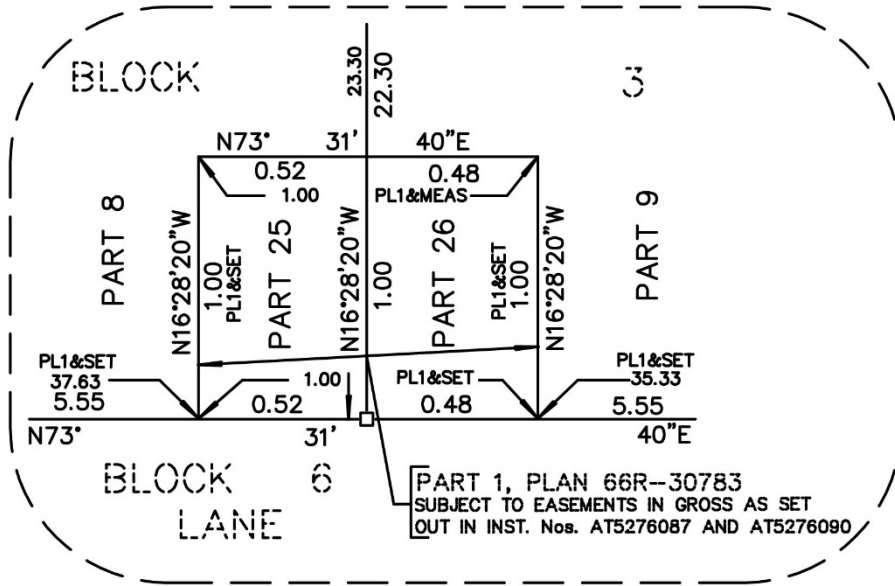
Attachment 3: Part Lot Control Exemption Plan – Block 3 (West Portion)



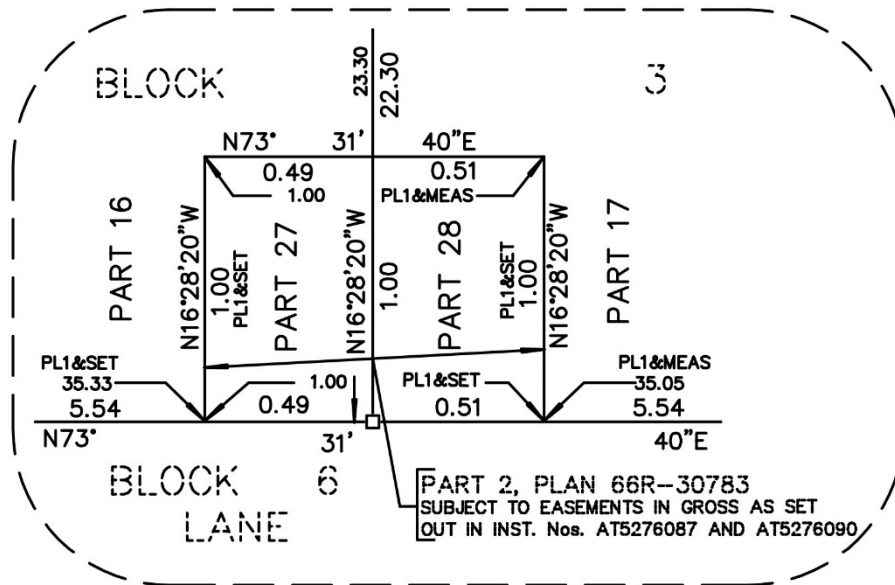
# Attachment 4: Part Lot Control Exemption Plan – Block 3 (East Portion)



# Attachment 5: Part Lot Control Exemption Plan – Block 3 (Details)



DETAIL "A"  
(NOT TO SCALE)



DETAIL "B"  
(NOT TO SCALE)

## Attachment 6: 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 1001 Ellesmere Road 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)