

528 and 530 Birchmount Road, and 118 and 120 Newlands Avenue – Zoning Amendment – Decision Report – Approval

Date: May 27, 2024

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 20 - Scarborough Southwest

Planning Application Number: 20 152132 ESC 20 OZ

SUMMARY

This application proposes to amend current Residential Detached Zone (RD) development standards under Toronto Zoning By-law 569-2013, as amended, for the lands 528 and 530 Birchmount Road, and 118 and 120 Newlands Avenue.

The proposed rezoning would enable redevelopment of the four existing single detached residential properties with nine new single detached dwellings on smaller lots. The new lots are intended to be created through approval of a future consent application to sever the lands accordingly.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).

This report reviews and recommends approval of the application to amend the Zoning By-law. The proposal represents a modest residential intensification of lands currently designated *Neighbourhoods* under the Official Plan and will contribute to the City's housing stock while fitting into the existing and planned context.

RECOMMENDATIONS

The Director, Community Planning, Scarborough District recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 528 and 530 Birchmount Road, and 118 and 120 Newlands Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 4 to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment 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

A Preliminary Report for this application was considered by Scarborough Community Council ("SCC") at its meeting on September 15, 2020. Planning staff were authorized to conduct a community consultation meeting (with no expanded notice required). The Preliminary Report and decision of SCC can be found at the following link:

[Agenda Item History - 2020.SC17.3 \(toronto.ca\)](#)

THE SITE

Site Description

The subject lands are located at the northwest corner of Birchmount Road and Newlands Avenue in the Birchmount Park Community, approximately 400 metres south of St. Clair Avenue East. (Refer to Attachment 1: Location Map.)

The 2,370.7 square metre site is a rectangular shaped parcel comprising four existing properties, each containing an existing single-detached residential dwelling unit. The subject lands have a frontage of approximately 33.5 metres on the west side of Birchmount Road and 71.1 metres on Newlands Avenue.

Neighbourhood Context

The immediate neighbourhood contains a mix of housing options comprised of quite varied building types, massing, building heights and lot sizes.

Lands north of the subject property on Birchmount Road include an abutting 4-storey apartment building to the north with mid- to high-rise apartment buildings beyond. Lands to the east of Birchmount Road consist of one- and two-storey detached residential dwellings. South of the subject site are two-storey detached dwellings and street townhouse dwellings, and west along Newlands Avenue is a combination of one- and two-storey detached and semi-detached dwellings. To the southwest, in proximity to the subject site, is Danforth Gardens Public School at 20 Santamonica Boulevard. (Refer to Attachment 1: Location Map.) Warden Subway Station is approximately 1 kilometre to the west.

PROPOSAL

Description: This submitted proposes new minimum lot frontage, minimum lot area, height and a number of revised minimum building setback requirements under Zoning By-law No. 569-2013, as amended, for the lands at 528 and 530 Birchmount Road, and 118 and 120 Newlands Avenue.

Dwelling Units: The new zoning was originally intended to provide for replacement of four existing single-detached dwelling units with ten (10) new detached single-family dwelling units (i.e. four new units fronting Birchmount Road and six new units fronting Newlands Avenue). As now revised, the subject application deletes one of the proposed Newlands Avenue dwelling units, resulting in just five new units fronting that street. Refer to Attachment 5 to view the proposed concept plan.

Access and Parking: Each proposed detached dwelling is served by a private driveway taken from the street to which it has frontage, and provides the parking in an integrated garage.

Reasons for Application

The owner is proposing residential replacement and redevelopment of the subject four properties with nine single-detached dwellings on new smaller lots. Current zoning, however, limits residential permissions to one dwelling unit only per lot having the same minimum lot frontage and lot area existing as of the date Zoning By-law 569-2013 first enacted on May 9, 2013. In addition to new minimum lot area and lot frontage standards, the application also proposed revised development standards relating to building heights and setbacks to accommodate the development, as illustrated on Attachment 5: Proposed Concept Plan.

APPLICATION BACKGROUND

The subject application was submitted on June 4, 2020 and deemed complete on September 27, 2021.

Application Submission Requirements

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

- Arborist Report and Tree Protection Plan;
- Architectural and Landscaping Plans;
- Civil and Utilities Plans;
- Servicing Report;
- Stormwater Management Report;
- Geotechnical Study;
- Hydrogeological Report and Hydrological Review Summary;
- Planning Rationale; and

- Toronto Green Standards Checklist

All submission materials can be viewed at the City's Application Information Centre (AIC) at this link: [Application Information Centre - 528-530 BIRCHMOUNT RD AND 118-120 NEWLANDS AVE \(toronto.ca\)](#)

Agency Circulation

The application together with the applicable reports 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 formulate appropriate Zoning By-law standards.

POLICY CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020), and shall conform to provincial plans, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Greenbelt Plan, and others.

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan

As illustrated on Attachment 2: Official Plan Land Use Map, the subject lands are designated *Neighbourhoods*. *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. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

The Healthy Neighbourhoods policies of the Official Plan contained in Section 2.3.1, state that *Neighbourhoods* are considered to be physically stable areas. Development within *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas. Policies and development criteria aim to ensure that physical changes to established *Neighbourhoods* are sensitive, gradual and generally "fit" the existing physical character.

The Official Plan can be found here: [Official Plan – City of Toronto](#)

The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. The

outcome of staff analysis and review of relevant Official Plan policies and designations are summarized in the Comments section of this Report.

Zoning

The subject lands are zoned Residential Detached Zone (RD) under Zoning By-law 569-2013, as amended, and are subject to exception RD 230. The RD zone category permits detached houses, duplexes, triplexes, and fourplexes, while the applicable exception requires minimum lot frontage and minimum lot area requirements to be those which existed on the date of enactment of the by-law (May 9, 2013).

Site Plan Control

Pursuant to Chapter 415, Article V of the Toronto Municipal Code, the subject proposal is not subject to, and does not require, Site Plan Control approval. A Site Plan Control application has therefore not been submitted. See Attachment 5: Proposed Concept Plan which illustrates the siting for the new dwellings proposed to be constructed.

COMMUNITY CONSULTATION

A virtual community consultation meeting was conducted on December 14, 2020. Notice of the meeting was sent out to residents within a 120-metre radius of the subject site.

There were approximately 15 residents in attendance, plus the Ward Councillor, the owner of the subject lands and their consultant team. City Planning staff presented the planning policy framework, the application review process, and the reasons for the application, with the applicant presenting the development proposal.

Some support for the proposed development was expressed on the basis the new dwellings will potentially improve the neighbourhood and local property values through removal of homes on properties that have been allowed by the owner to fall into serious disrepair over recent years.

Resident concerns raised during and subsequent to the VCCM, however, also included:

- The proposal does not reflect the neighbourhood character;
- The additional homes will add to classroom overcrowding and lower student to teacher ratios in neighbourhood elementary schools already at capacity;
- Traffic and noise levels will increase significantly, particularly in a neighbourhood already experiencing significant conflicts between local traffic, school busses and infiltrating traffic shortcutting through this neighbourhood;
- The added density will impact on sewers and increase the possibility of back-ups into basements;
- In addition to added traffic congestion, the proposal will result in illegal on-street parking, and reduced safety for pedestrians; and
- Will the new units be rental or for sale, and when will they be built?

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2020). The proposal supports the achievement of complete communities through a more compact built form, with dwellings units that are high quality, attractive and contribute to the vitality and character of the neighbourhood. The proposed units provide additional housing options in the area consistent with the existing and planned context of the subject lands as provided for by local Official Plan policies.

Land Use

This application has been reviewed against the official plan policies described in the Policy Considerations section of the Report as well as the policies of the Toronto Official Plan as a whole.

The proposed creation of five additional detached, grade-related dwelling units suitable for families represents a modest and appropriate residential intensification on the subject lands. Planning staff find the proposal will properly implement the applicable policies of the Official Plan with respect to *Neighbourhoods* in a desirable and acceptable manner, and can be supported.

Built Form and Height

The proposed new lot widths and lot areas are suitable to accommodate the proposed single-detached residential dwelling forms. The proposed designs of the new dwelling units conceptually illustrated on Attachments 5 through 7 of this report would provide for integrated garages with each unit, accessible via driveways of sufficient width and length for access.

The proposed zoning would permit three-storey dwelling units, with a limitation of two-storeys applied to the westerly new building on Newlands Avenue to achieve an appropriate transition in building height downward toward the lower scale buildings in the neighbourhood to the west. Nonetheless, all buildings would present visually from the street as two-storey units above the main front entrance and garage. Such design reflects a residential built form increasingly common with new low density residential infill developments in southwest Scarborough particularly in recent years.

Excluding basements and garages, as currently proposed the westerly unit on Newlands Avenue would have a floor area of approximately 247 square metres, sufficient to accommodate four bedrooms. The remaining four new houses fronting Newlands Avenue would be the largest at approximately 331 square metres with five bedrooms each. The three northerly units proposed fronting Birchmount Road would be the smallest at approximately 235 square metres each, with the corner unit at approximately 250 square meters. All four units would also have five bedrooms.

Rear yard amenity space is prioritized through the layout of the proposed new units fronting Birchmount Road, meaning a reduction in front yard setback of 3.5 metres will be required. This is less than the currently required setback (22 metres from the centreline of Birchmount Road) but acceptable in a main street condition.

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, widening to 2.4 m between dwellings to the rear of the garages for those units fronting Newlands Avenue) 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 7.0 metre rear yard building setbacks compared to the general standard for this neighbourhood of 7.5 metres.

Planning staff acknowledge that the larger number of bedrooms in the proposed dwellings particularly would provide additional new opportunities to adequately house larger family households.

Traffic Impact, Access, Parking

Given the modest amount of residential intensification proposed, no further supporting transportation analyses were required. Transportation Services staff have not identified any issues with the current proposal.

The current proposal seeks to respond to community concerns related to potential on-street parking issues by providing each new dwelling with integral two-vehicle parking garages and driveway widths suitable for parking four vehicles overall on each of the new lots should secondary suites or other dwelling units be incorporated as permitted by the RD zone.

Servicing

Engineering and Construction Services staff have not identified any significant servicing limitations for the level of redevelopment being proposed. Some questions relating to a Sanitary Sewer Upgrade Exemption Request Brief, submitted in conjunction with the Functional Servicing and Stormwater Management Report, remain to be addressed by the applicant as set out in Development Engineering's memorandum to City Planning dated April 18, 2024. Engineering staff, however, advise there is no concern with the subject rezoning proceeding to enactment at this time, as the remaining matters can be satisfactorily addressed through the future consent application process to create the new lots.

Open Space/Parkland

Public parks and open spaces perform a variety of critical functions that improve and maintain community and environmental health. They offer recreational opportunities which support active lifestyles, host spaces for social events and organization, and accommodate natural infrastructure which provide vital ecosystem services and help mitigate the effects of climate change. In the context of a rapidly growing city, it is

imperative to enhance and expand the amount of public parkland provided to residents and visitors alike.

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

This proposal is to permit the construction of 9 single-detached dwelling units. In accordance Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication while the minimal; payment is no less than 5%.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission for the first above grade building permit and is valid for six months. Payment will be required prior to the issuance of the permit.

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. Tier 1 performance measures are usually secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision. Given the date of application, this proposal is subject to TGS Version 3.0.

The current redevelopment proposal will not actually be subject to either the site plan control agreement or draft plan of subdivision agreement approval processes. Securing Tier 1 performance measures will, however, be explored further through potential conditions on future consent approval to create the new lots.

Community Consultation

The comments raised through community consultation have been considered through the review of the subject application and have informed the Recommendations of this report.

School Boards

In terms of school capacity concerns, neither the Toronto Catholic District School Board nor the Conseil scolaire Viamonde School Board responded with any school capacity issues. The Toronto District School Board ("TDSB") advised that, while there may be insufficient capacity at the local Danforth Gardens elementary school currently to

accommodate students anticipated from this development, students from the new development will not displace existing students. Accordingly, the owner is strongly encouraged to include TDSB's standard warning clauses in all offers of purchase and sale/lease/rental/tenancy agreements advising that students from this development may be bussed to school facilities outside the neighbourhood

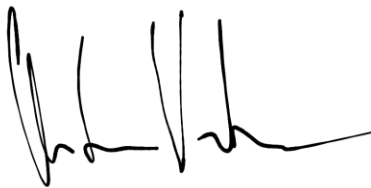
Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Greenbelt Plan (2017) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to the development criteria for *Neighbourhoods*. The subject proposal for nine single-detached dwelling units, a net increase of 5 additional units over existing, will add gentle density in a manner having limited impacts on the surrounding neighbourhood. Staff recommend that Council support approval of the application.

CONTACT

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SIGNATURE



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

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Location Map
- Attachment 2: Official Plan Land Use Map
- Attachment 3: Existing Zoning By-law Map
- Attachment 4: Draft Zoning By-law Amendment

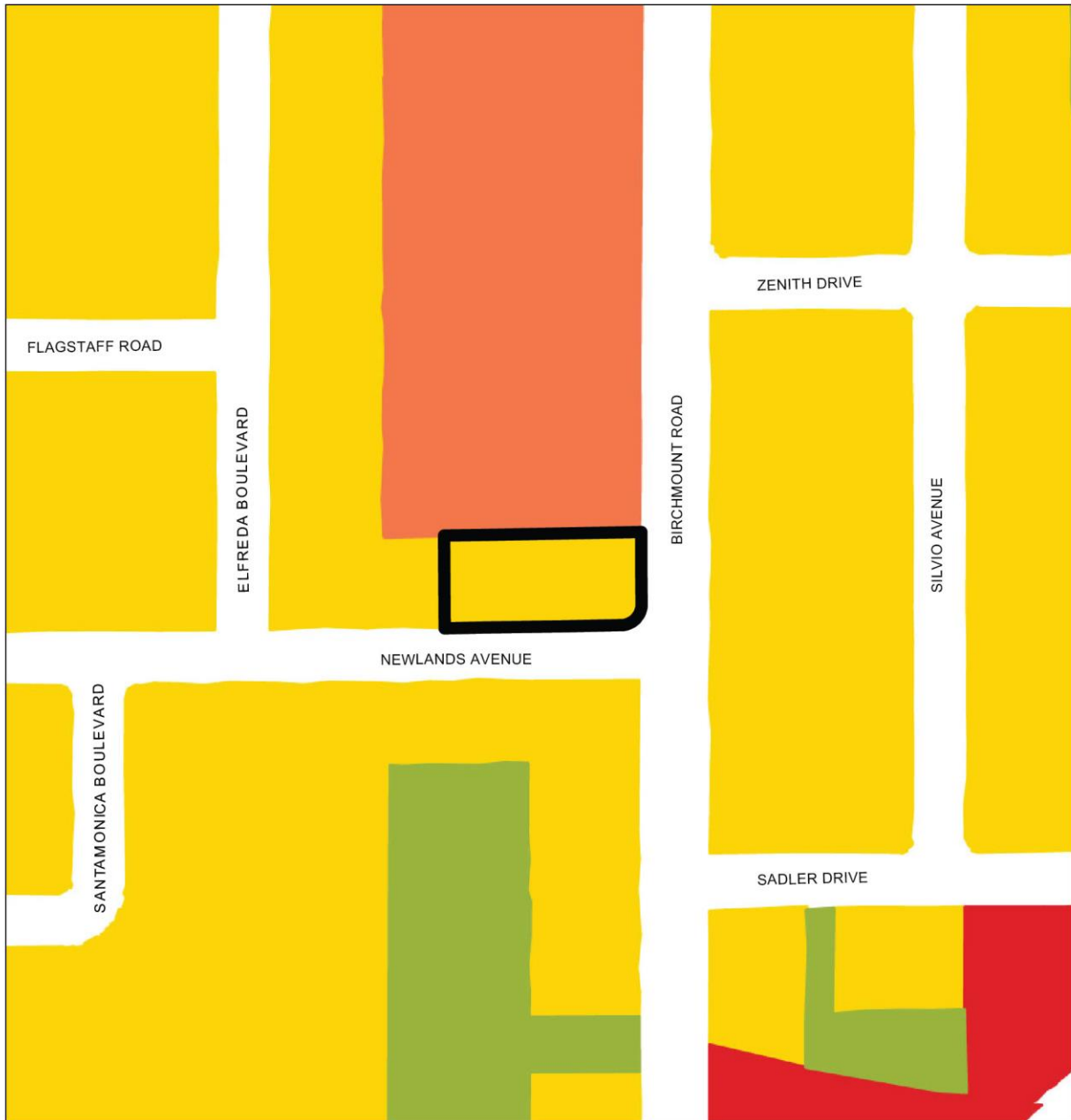
Applicant Submitted Drawings

- Attachment 5: Proposed Concept Plan
- Attachment 6: Birchmount Road East Elevations (Proposed)
- Attachment 7: Newlands Avenue South Elevations (Proposed)

Attachment 1: Location Map



Attachment 2: Official Plan Land Use Map



Official Plan Land Use Map 20

528-530 Birchmount Road and
118-120 Newlands Avenue

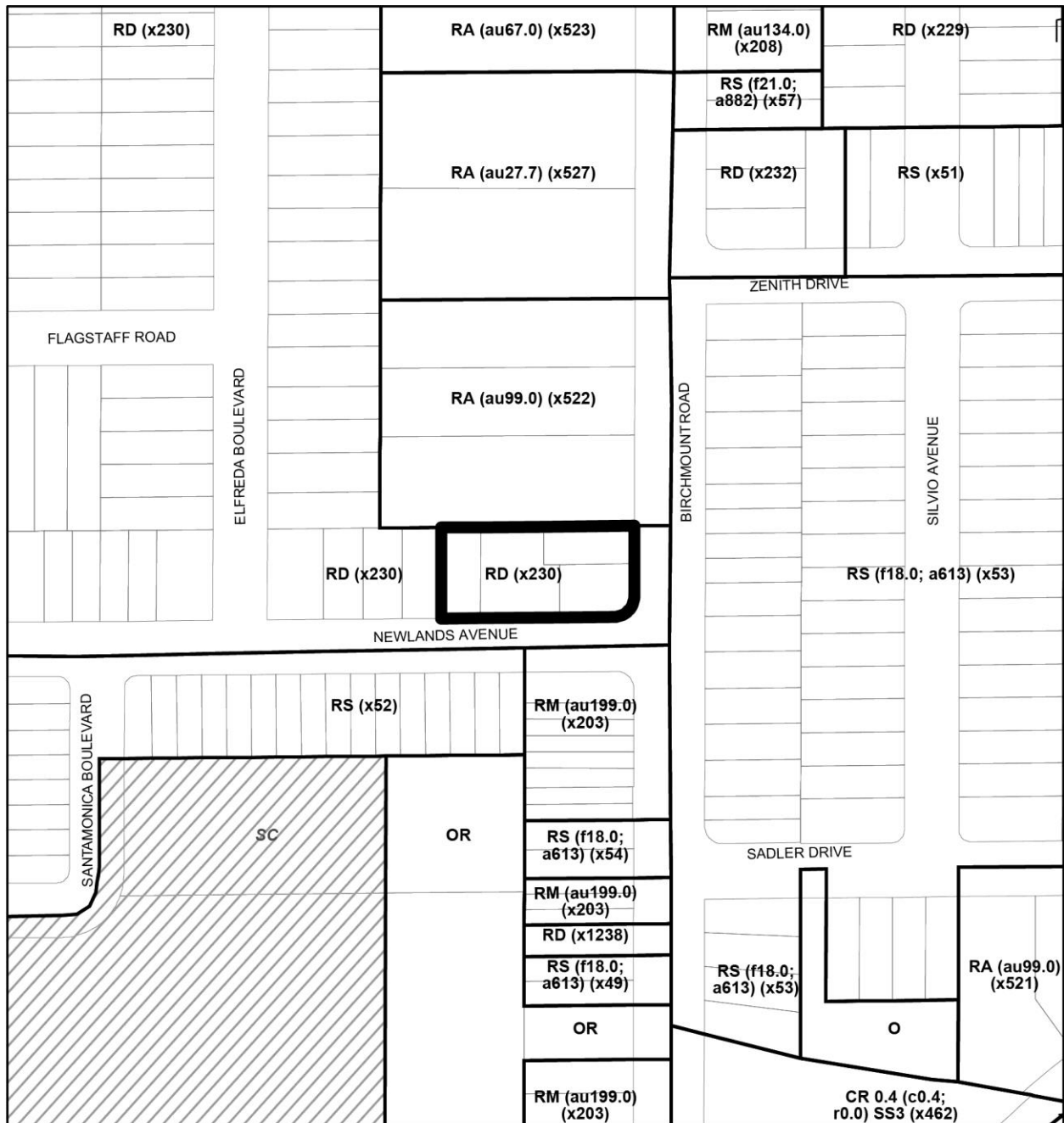
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- Location of Application
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- Parks



Not to Scale
05/02/2024

Attachment 3: Existing Zoning By-law Map



Zoning By-law 569-2013

528-530 Birchmount Road and
118-120 Newlands Avenue

File # 20 152132 ESC 20 0Z



Location of Application



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

RD
RS
RM
RA
CR

Residential Detached
Residential Semi-Detached
Residential Multiple
Residential Apartment
Commercial Residential



Open Space
Open Space Recreation

SC

School



Not to Scale
Extracted: 05/02/2024

Attachment 4: Draft Zoning By-law Amendment

Authority: Scarborough Community Council ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

BY-LAW No. [XXXX- 2024]

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 528 and 530 Birchmount Road, and 118 and 120 Newlands Avenue

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law;
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions;
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines, from a zone label of RD (x230) to a zone label of RD (x1313) and RD (x1314), as shown on Diagram 2 attached to this By-law;
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.3.10 Exception Number 1313 so that it reads:

(1313) Exception RD 1313

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

(A) On the portion of the lands municipally known as 530 Birchmount Road, and on lands municipally known as 118 and 120 Newlands Avenue, all as shown on Diagram 2 of By-law [Clerks to insert by-law Number], if the requirements of By-law [Clerks to insert by-law Number] are complied with, a **detached house** may be constructed, used or enlarged in compliance with Regulations (B) to (H) below;

(B) Despite Regulation 10.5.50.10(1)(B), for **lots** with a **lot frontage** of 6.0 metres to less than 15.0 metres, or a **townhouse dwelling unit** at least 6.0 metres wide, a minimum of 36% of the **front yard** must be **landscaping**;

(C) Despite Regulation 10.20.30.10(1), the required minimum **lot area** is 290.0 square metres;

(D) Despite Regulation 10.20.30.20(1) the required minimum **lot frontage** is 8.8 metres;

(E) Despite Regulation 10.20.30.40(1), the permitted maximum **lot coverage** is 45% of the **lot area**;

(F) Despite Regulation 10.20.40.10(1), the permitted maximum height of a **detached house** is as follows:

(i) 12.0 metres; and

(ii) despite (i) above, 9.2 metres on a **lot** abutting a **lot** zoned RD (x230);

(G) Despite Regulation 10.20.40.10(3), the permitted maximum number of **storeys** in a **detached house** is as follows:

(i) 3 **storeys**; and

(ii) despite (i) above, 2 **storeys** on a **lot** abutting a **lot** zoned RD (x230);

(H) Despite Regulation 10.20.40.70(3), the required minimum **side yard building setback** is 0.6 metres;

(I) A **detached house** not constructed, used or enlarged in compliance with Regulations (B) to (H) above, must comply with Regulation 900.3.10(230).

Prevailing By-laws and Prevailing Sections: (None Apply)

5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.3.10 Exception Number 1314 so that it reads:

(1314) Exception RD 1314

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

(A) On the portion of lands municipally known as 530 Birchmount Road, and on the lands municipally known as 528 Birchmount Road, all as shown on Diagram 2 of By-law [Clerks to insert this by-law Number], if the requirements of By-law [Clerks to insert this by-law Number] are complied with, a **detached house** may be constructed, used or enlarged in compliance with Regulations (B) to (K) below;

(B) Despite Regulation 10.5.50.10(1)(B), for **lots** with a **lot frontage** of 6.0 metres to less than 15.0 metres, or a **townhouse dwelling unit** at least 6.0 metres wide, the following **front yard landscaping** regulations apply:

- (i) a minimum of 27% of the **front yard** must be **landscaping**; and
- (ii) despite (i) above, for a **corner lot** a minimum of 41% of the **front yard** must be **landscaping**;

(C) Despite Regulation 10.20.30.10(1), the required minimum **lot area** is 200.0 square metres;

(D) Despite Regulation 10.20.30.20(1) the required minimum **lot frontage** is 7.6 metres;

(E) In addition to Clauses 10.5.40.70 and 10.20.40.70, a **detached house** may be no closer than 18.0 metres from the centreline on the original road allowance of Birchmount Road;

(F) Despite Regulation 10.20.30.40(1), the permitted maximum **lot coverage** is 50% of the **lot area**;

(G) Despite Regulation 10.20.40.10(1), the permitted maximum height of a **detached house** is 12.0 metres;

(H) Despite Regulation 10.20.40.10(3), the permitted maximum number of **storeys** in a **detached house** is 3 **storeys**;

(I) Despite Regulation 10.20.40.70(2), the required minimum **rear yard building setback** is 6.4 metres;

(J) Despite Regulation 10.20.40.70(3), the required minimum **side yard building setback** is 0.45 metres;

(K) Despite Regulation 10.20.40.70(6) and (J) above, for a **corner lot**, the required minimum side yard building setback from a **side lot line** abutting a **street**, is 3.0 metres;

(L) A **detached house** not constructed, used or enlarged in compliance with Regulations (B) to (K) above, must comply with Regulation 900.3.10(230).

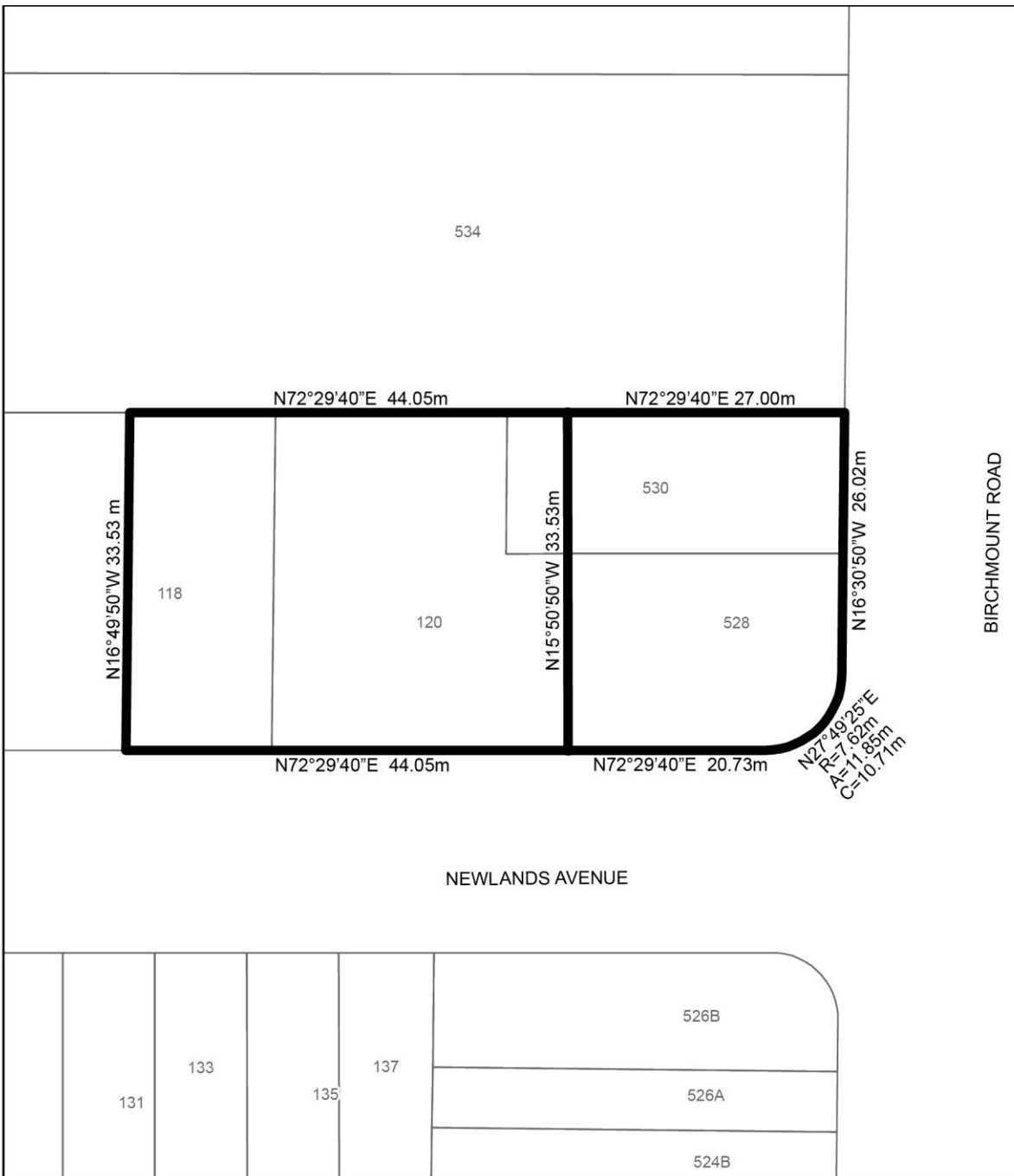
Prevailing By-laws and Prevailing Sections: (None Apply)

Enacted and passed on month ##, 20##.

Name,
Speaker

Name,
City Clerk

(Seal of the City)

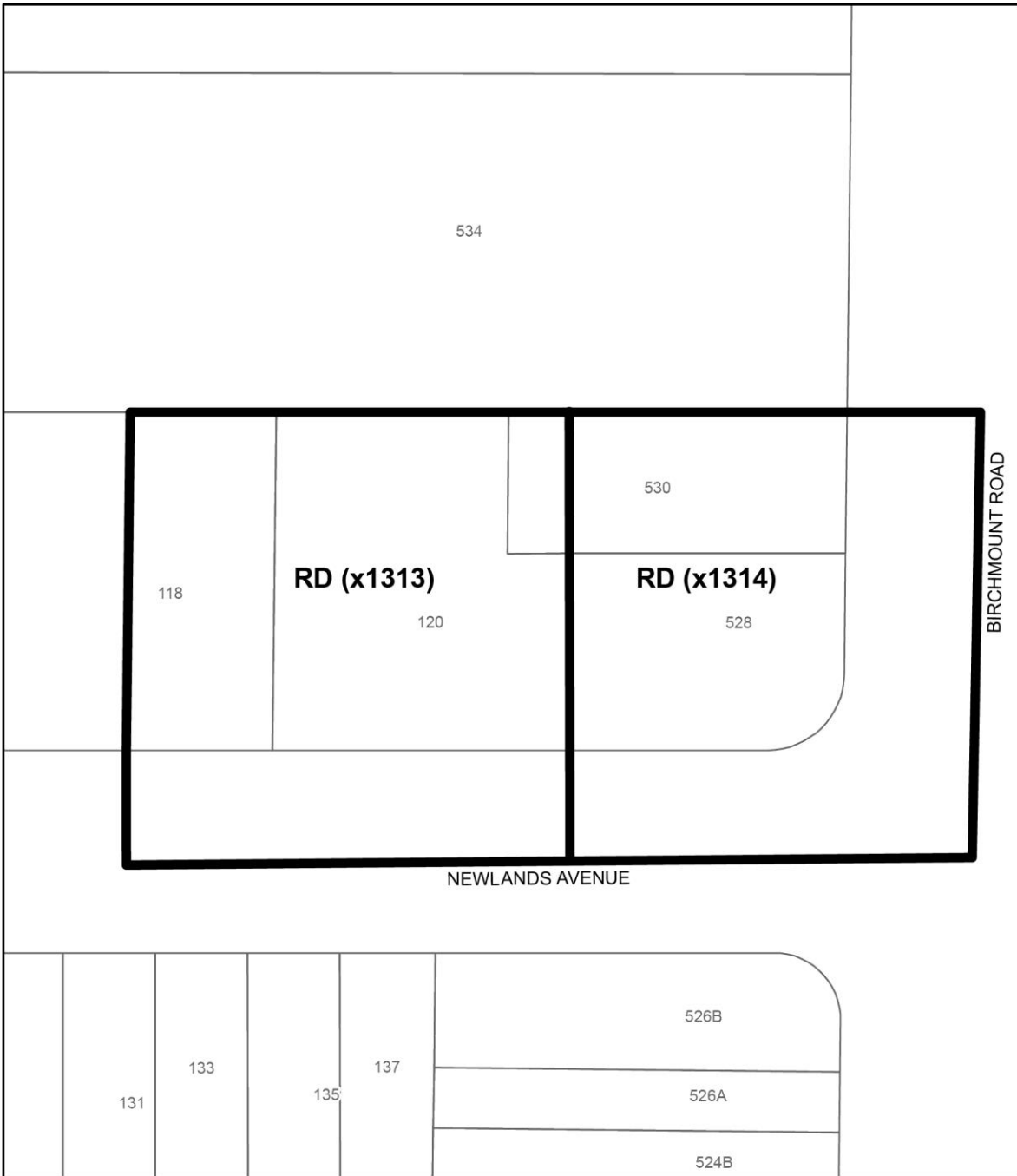


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 Diagram 1

**528-530 Birchmount Road and
 118-120 Newlands Avenue**

File # 20 152132 ESC 20 0Z

City of Toronto By-law 569-2013
 Not to Scale
 05/02/2024



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 Diagram 2

**528-530 Birchmount Road and
 118-120 Newlands Avenue**

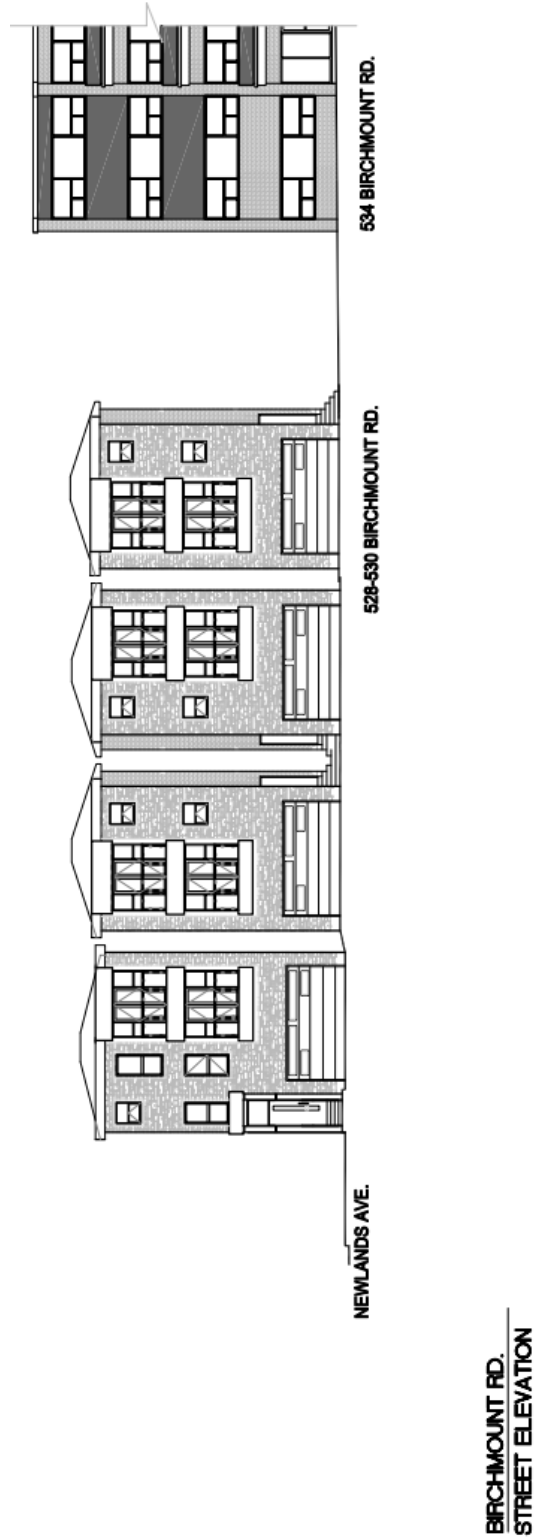
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City of Toronto By-law 569-2013
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Attachment 5: Proposed Concept Plan



Attachment 6: Birchmount Road East Elevations (Proposed)



Attachment 7: Newlands Avenue South Elevations (Proposed)

