

3051 to 3079 Pharmacy Avenue and 10 to 30 Calamint Lane – Part Lot Control Exemption Application – Decision Report – Approval

Date: October 11, 2024

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: 22 - Scarborough-Agincourt

Planning Application Number: 24 185131 ESC 22 PL

Related Application Number: 24 185127 ESC 22 CD

SUMMARY

This application is requesting exemption from the Part Lot Control provisions of the *Planning Act* to permit the division of property and transfer of ownership into stratified parcels for residential and commercial units at 3051 to 3079 Pharmacy Avenue and 10 to 30 Calamint Lane. This application implements the site-specific Zoning By-law and Site Plan approval for the site.

The exemption request is to facilitate the creation of 85 Parcels of Tied Land (POTL) to the associated Common Elements Plan of Condominium that would result in 81 freehold townhouse condominium units and 4 commercial condominium units. The common elements parcel would also be created by this exemption request.

The related Common Elements Condominium application seeks to create a common elements condominium parcel on the lands consisting of a private driveway, a mechanical room, parking areas and a courtyard.

The proposed development is consistent with the Provincial Policy Statement (2020), the Provincial Planning Statement (2024), and conforms with a Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The proposed development also conforms to the City's Official Plan. The lifting of Part Lot Control is appropriate for the orderly development of these lands.

RECOMMENDATIONS

The Director, Community Planning, Scarborough District recommends that:

1. City Council enact a Part Lot Control Exemption By-law with respect to the subject lands at 3051 to 3079 Pharmacy Avenue and 10 to 30 Calamint Lane substantially in accordance with the draft Part Lot Control Exemption By-law attached as Attachment 8, and as generally illustrated on the Part Lot Control Exemption Plans on Attachments 2, 3, 4, 5, and 6 to be prepared to the satisfaction of the City Solicitor and to expire two (2) years following enactment by City Council.
2. Prior to the introduction of the Part Lot Control Exemption By-law, City Council require the owner to:
 - a. provide proof of payment of all current property taxes for the subject lands to the satisfaction of the City Solicitor; and
 - b. register, to the satisfaction of the City Solicitor, a Section 118 Restriction under the Land Titles Act agreeing not to transfer or charge any part of the subject lands described in Schedule "A" to this report, without prior written consent of the Chief Planner or his/her designate to the satisfaction of the City Solicitor.
3. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from all or any portion of the lands in the City Solicitor's sole discretion after consulting with the Executive Director, Development Review Division at such a time as confirmation is received that the Common Elements Condominium has been registered or upon expiry or repeal of the Part Lot Control Exemption By-law.
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.

FINANCIAL IMPACT

The Development Review Division confirms that there are no financial implications resulting from the recommendations included in this report.

DECISION HISTORY

On March 9, 2022, City Council approved Zoning By-law Amendment application (file no. 20 151071 ESC 22 OZ) to permit 81 4-storey stacked, back-to-back townhouses and standard townhouses, 4 commercial units, and 85 parking spaces. The decision of City Council is available here: <https://secure.toronto.ca/council/agenda-item.do?item=2022.SC30.1>.

On January 19, 2024, Scarborough Community Council approved the name "Calamint Lane" for a private laneway located at 3051-3079 Pharmacy Avenue. The decision of Scarborough Community Council is available here: <https://secure.toronto.ca/council/agenda-item.do?item=2024.SC10.7>.

PROPOSAL

Application Details

The application seeks exemption from the Part Lot Control provisions of the *Planning Act* to facilitate the creation of 85 parcels (81 residential units and 4 commercial units) that will be tied to the associated Common Elements Condominium. The units are contained within 5 blocks, of which four are stacked and back-to-back townhouse blocks consisting of 67 residential units and 4 commercial units, and one is a standard row of townhouses consisting of 14 residential units, as shown on the draft Part Lot Control Exemption Plans. Refer to Attachments 2, 3, 4, 5, and 6: Part Lot Control Exemption Plans.

Additionally, the application proposes to create Part 82 in the draft Part Lot Control Exemption Plans, which is intended to form the future Common Elements Condominium for the use of the freehold condominium units. This part consists of a private driveway named Calamint Lane, a mechanical room, at grade and below grade parking areas, and a raised courtyard.

Refer to Attachment 7 for the Application Data Sheet.

Site and Surrounding Area

The site is located at the south-east corner of Huntingdale Boulevard and Pharmacy Avenue. Refer to Attachment 1 for the Location Map.

The surrounding land uses include:

North: Across Huntingdale Boulevard is a 3-storey place of worship and a row of 2-storey semi-detached dwellings.

East: A 20-storey apartment building.

South: An 18-storey apartment building.

West: Across Pharmacy Avenue is an 18-storey apartment building that is also subject to approved Zoning By-law amendment and Site Plan applications for one 16-storey and one 15-storey apartment buildings, currently under construction.

POLICY & REGULATION 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) (PPS (2020)), and shall conform to provincial plans including A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan (2020)), the Greenbelt Plan and others.

On October 20, 2024 the Provincial Planning Statement (2024) (PPS 2024) comes into effect and combines the PPS (2020) and the Growth Plan (2020) into a single policy document. As of October 20, 2024, all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS (2024) and shall conform to provincial plans including the Greenbelt Plan (2017) and others.

Official Plan

The site is designated *Apartment Neighbourhoods* as shown on Land Use Map 19 of the Official Plan. *Apartment Neighbourhoods* are physically stable areas, made up of a range of residential building types, parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents.

Zoning

The subject site is zoned Residential Apartment (RAC) and is subject to exception (x183) in Zoning By-Law 569-2013, as amended. Site specific exception 183 permits a maximum of 81 dwelling units with a maximum building height of 12 metres.

Site Plan Control

The Site Plan Control Application to implement the approved Zoning By-law amendment for the site was submitted on December 24, 2021 (file no. 21 2511408 ESC 22 SA). The Statement of Approval was issued on June 13, 2024.

Draft Plan of Condominium

The Draft Plan of Common Elements Condominium application was submitted on July 22, 2024 (file no. 24 185127 ESC 22 CD) and is currently under review by city staff.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Provincial Policy Statement, Provincial Planning Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the *Planning Act*. Staff has reviewed the current proposal for consistency with the PPS (2020), the PPS (2024), and conformity with the Growth Plan (2020). Staff have determined the proposal is consistent with the PPS (2020), the PPS (2024), and conforms with the Growth Plan (2020).

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 Registered Plan 66M-1389. The lifting of Part Lot Control on the subject lands is considered appropriate for the orderly development of the lands, subject to a Section 118 Restriction under the *Land Titles Act*. The Part Lot Control exemption will facilitate the implementation of the development, including the creation of parcels and multiple ownerships.

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 two years following enactment by City Council. This time frame provides sufficient time for the completion of the proposed development.

Prior to enactment of the Part Lot Control Exemption By-law, it is recommended that the owner register a Section 118 Restriction under the *Land Titles Act*. The restriction requires the owner to agree not to convey or mortgage any part of the lands without the prior written consent of the Executive Director, Development Review Division. This enables the City to ensure that the Part Lot Control exemption is not unlimited and that appropriate mechanisms are secured to support the development as described in this report. The Section 118 Restriction is also used to prevent the conveyance of the future POTL, and the parcels intended for the residential and commercial units, until the common elements condominium is registered.

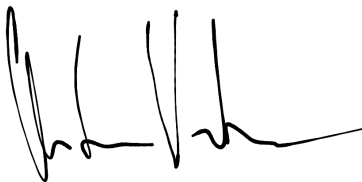
Conclusion

The proposal has been reviewed against the policies of the PPS (2020), PPS (2024), the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and PPS (2024), conforms with the Growth Plan (2020), and conforms with the Official Plan. Staff recommend that Council approve the application and enact a Part Lot Control Exemption By-law with respect to the subject lands.

CONTACT

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SIGNATURE



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

ATTACHMENTS

Attachment 1: Location Map

Attachment 2: Part Lot Control Exemption Plan (Basement and Ground Floor)

Attachment 3: Part Lot Control Exemption Plan (Second and Third Floors)

Attachment 4: Part Lot Control Exemption Plan (Fourth Floor)

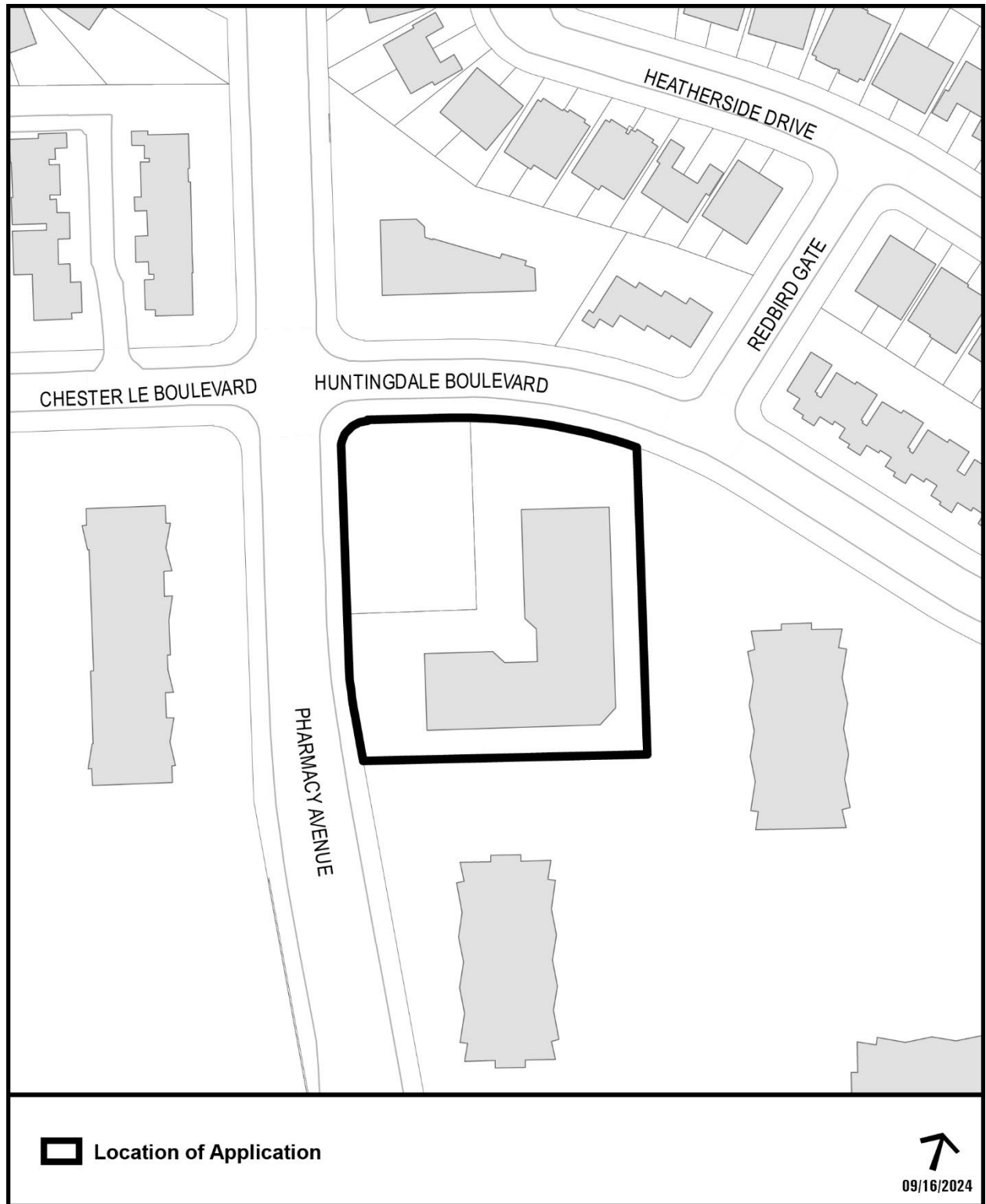
Attachment 5: Part Lot Control Exemption Plan (Stratified Plans 1)

Attachment 6: Part Lot Control Exemption Plan (Stratified Plans 2)

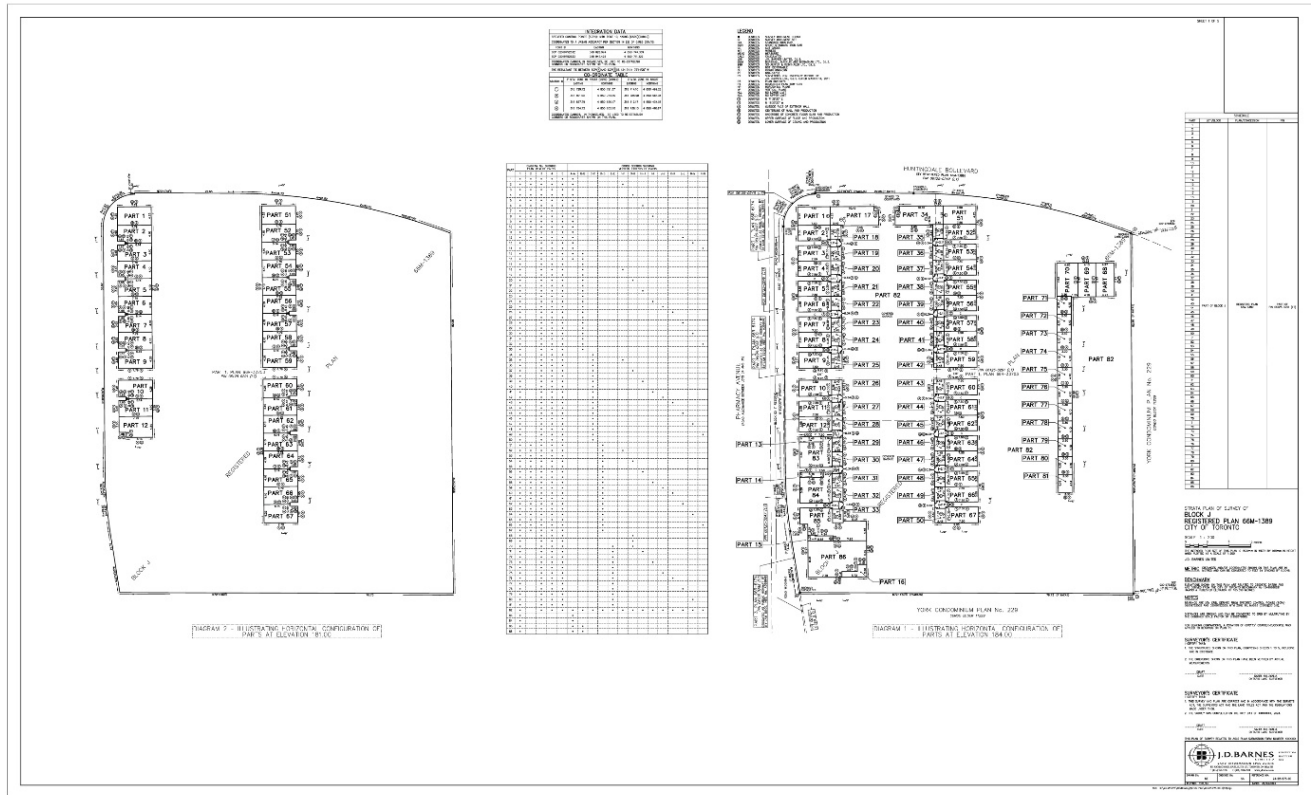
Attachment 7: Application Data Sheet

Attachment 8: Draft Part Lot Control Exemption By-law (and Schedule A)

Attachment 1: Location Map



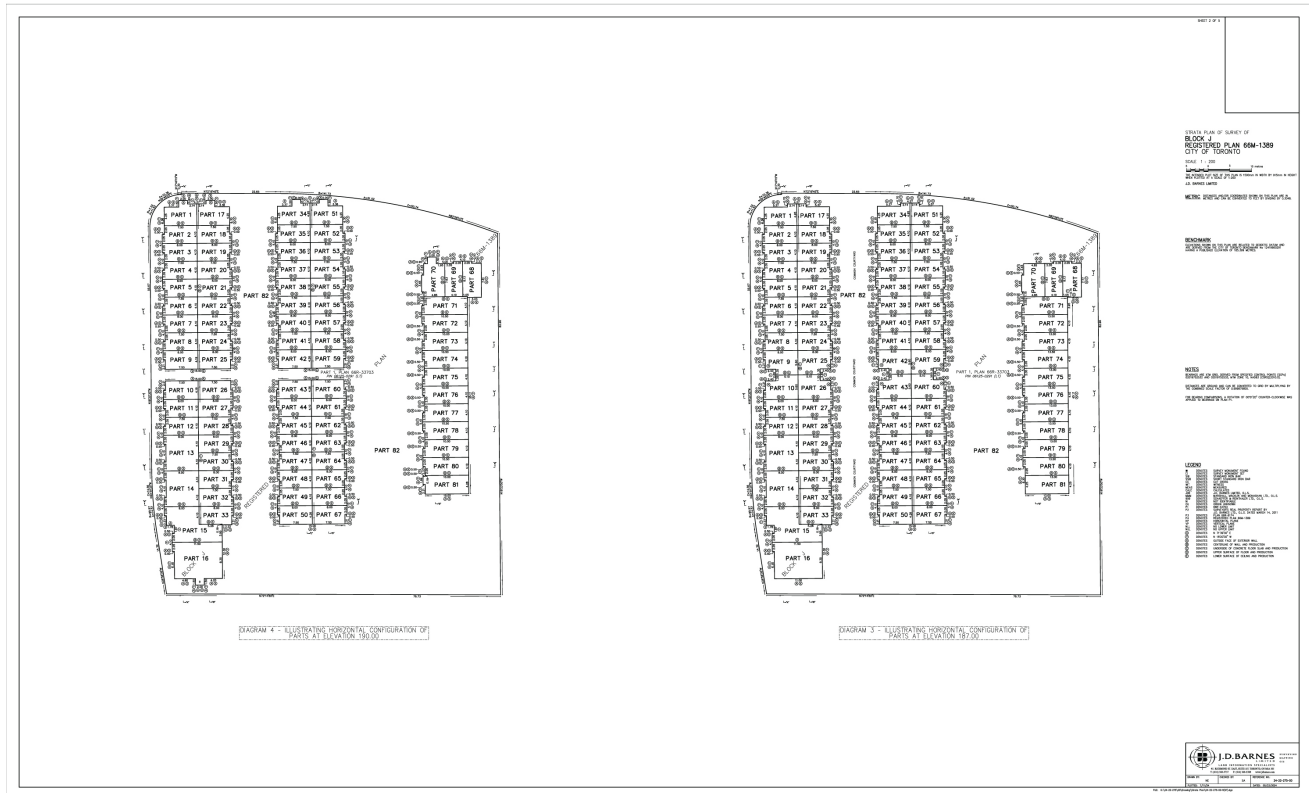
Attachment 2: Part Lot Control Exemption Plan (Basement and Ground Floor)



Part Lot Exemption Plan



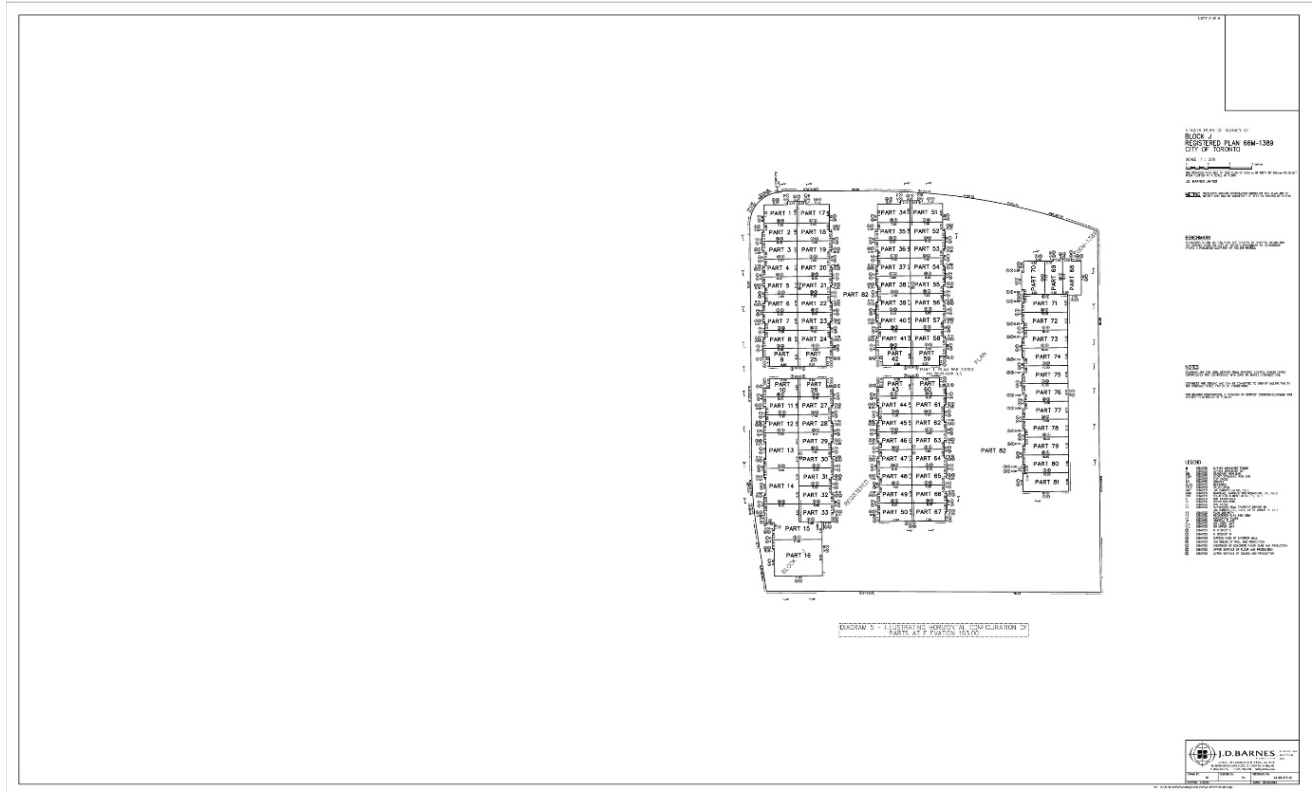
Attachment 3: Part Lot Control Exemption Plan (Second and Third Floors)



Part Lot Exemption Plan



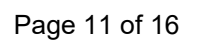
Attachment 4: Part Lot Control Exemption Plan (Fourth Floor)



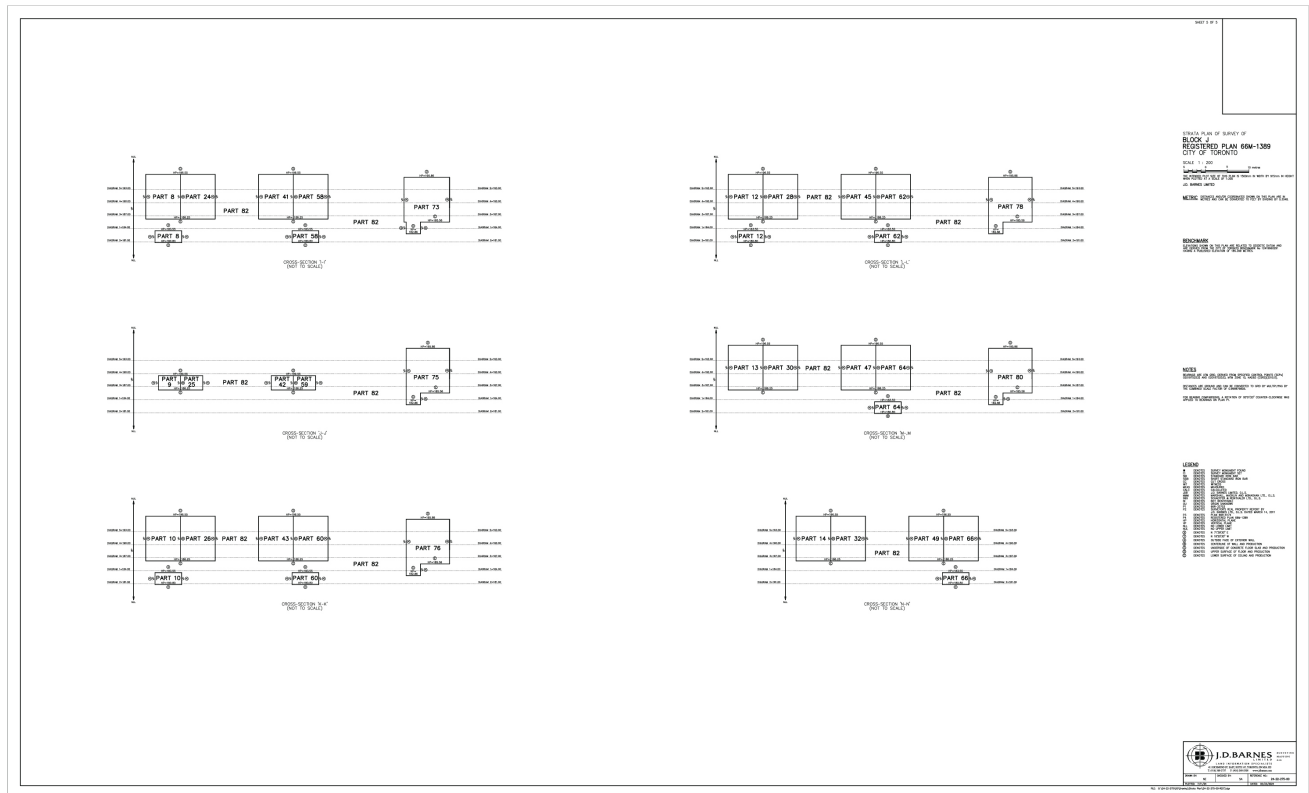
Part Lot Exemption Plan



Decision Report - Approval - 3051 to 3079 Pharmacy Avenue and 10 to 30 Calamint Lane



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Part Lot Exemption Plan

Attachment 7: Application Data Sheet

Municipal Address: 3051-3079 Pharmacy Avenue and 10-30 Calamint Lane

Date Received: July 22, 2024

Application Numbers: 24 185131 ESC 22 PL

Application Type: Part Lot Control Exemption

Project Description: Application for Part Lot Control Exemption with respect 81 residential units and 4 commercial units on the lands located 3051-3079 Pharmacy Avenue and 10-30 Calamint Lane.

Applicant Profile Developments INC.	Agent Yougendran Thiyagarajah	Architect N/A	Owner Profile (HT) INC.
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EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	161-2013
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Zoning: RAX (x183)	Heritage Designation:	n/a
Height Limit (m): 12	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 7,149.68 Frontage (m): 70.00 Depth (m): 76.73

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,612.57	0	10,121.80	10,121.80
Residential GFA (sq m):	0	0	9,854.75	9,854.75
Non-Residential GFA (sq m):	1,612.57	0	267.05	267.05
Total GFA (sq m):			10,34	10,349
Height - Storeys:	1	0	4	4
Height - Metres:			0	0
Lot Coverage Ratio:	50%	Floor Space Index	1.42	

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	9,854.75	844.83
Retail GFA:	267.05	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:	0	0	0	81
Condominium:	0	0	0	0
Other:	0	0	0	0
Total Units:			0	81

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:	0	0	0	0	0
Proposed:	0	0	0	32	49
Total Units:					81

Parking and Loading

Parking Spaces:	85	Bicycle Parking Spaces:	69	Loading Docks:	1
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CONTACT:

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Jacob.Naidoo@toronto.ca

Attachment 8: Draft Part Lot Control Exemption By-law (and Schedule A)

Authority: Scarborough Community Council Item SC , as adopted by City of Toronto Council on , 2024

CITY OF TORONTO

Bill No.
BY-LAW -2024

To exempt lands municipally known 3051-3079 Pharmacy Avenue and 10-30 Calamint Lane, 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 two years from the date of its enactment by Council.

Enacted and passed on, , 2024.

Frances Nunziata, John Elvidge
Speaker City Clerk

(Seal of the City)

Schedule “A”

Municipal Address:

3051-3079 Pharmacy Avenue and 10-30 Calamint Lane

Legal Description:

BLOCK J PLAN 66 M1389, SCARBROUGH; CITY OF TORONTO

Being PIN: 06125-0292 (LT)