



STAFF REPORT ACTION REQUIRED

1407 Military Trail – Zoning Amendment Application – Final Report

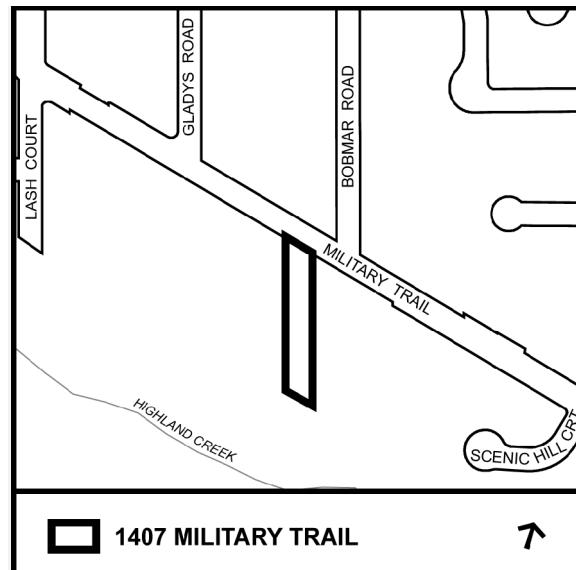
Date:	October 17, 2013
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 44 – Scarborough East
Reference Number:	13 120062 ESC 44 OZ

SUMMARY

This application proposes to amend the Highland Creek Community Zoning By-law to reduce the minimum lot frontage requirement from 21 metres (68.9 feet) to 15 metres (49.2 feet) and to establish minimum building setbacks to facilitate the severance of one existing lot at 1407 Military Trail into two new residential building lots. The application will also facilitate the conveyance of a portion of the lands to the Toronto and Region Conservation Authority, which will be zoned Major Open Spaces (O).

The proposed amendment to the minimum lot frontage requirements is compatible with existing lot frontages on Military Trail in the immediate area, and rezoning the rear portion of the subject lands which form part of the Natural Heritage System, the Ravine By-law Protected area, and Toronto and Region Conservation Authority's Fill Regulated Area to a Major Open Spaces (O) Zone is appropriate for the future protection of the lands.

This report reviews and recommends approval of the application to amend the Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 10827, as amended, for the lands at 1407 Military Trail substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to report dated October 17, 2013.
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 recommendations in this report have no financial impact.

DECISION HISTORY

There are no previous development applications pertaining to the subject property. Immediately to the west, however, there was a recently approved rezoning application for a similar redevelopment at 1383, 1385, 1389, 1399 and 1403 Military Trail (file No. 12 105496 ESC 44 OZ). That application amended the Highland Creek Community Zoning By-law, as amended, to reduce the minimum lot frontage requirement from 21 metres (68.9 feet) to 15 metres (49.2 feet) and to establish minimum building setbacks to facilitate the severance of five existing lots into 12 new residential building lots (refer to Attachment 3: Zoning). The application was approved by Scarborough Community Council at their May 14, 2013 meeting and the zoning amendment was enacted by City Council on June 13, 2013. The Final Report can be found on the City's web site at: <http://goo.gl/ckfPdc>.

ISSUE BACKGROUND

Proposal

This application proposes to amend the Highland Creek Community Zoning By-law, as amended, to reduce the minimum lot frontage requirement from 21 metres (68.9 feet) to 15 metres (49.2 feet), to reduce the minimum side yard building setback requirement from 1.8 metres (5.9 feet) for a two-storey building to 1.2 metres (3.9 feet), and to reduce the minimum rear yard building setback requirement from 7.5 metres (24.6 feet) plus 60% of the lot depth greater than 33.5 metres (109.9 feet) to 7.5 metres (24.6 feet) plus 30% of the lot depth greater than 33.5 metres (109.9 feet). The application also proposes a maximum driveway width of 3 metres (9.8 feet) within 5 metres (16.4 feet) of the front lot line, with a maximum setback of 1.2 metres (3.9 feet) from the edge of the driveway to one of the side lot lines. A consent application (file No. B010/13SC) has been submitted to the Committee of Adjustment to facilitate the severance of the existing lot at 1407 Military Trail into two new residential building lots and the conveyance of a 1,517.7 square metre (16,336.4 square foot) parcel to the Toronto and Region

Conservation Authority (TRCA). For more information, refer to Attachment 1: Concept Site and Landscape Plan and Attachment 4: Application Data Sheet.

Site and Surrounding Area

The subject lands are located on the south side of Military Trail directly across from Highland Creek Public School, and west of Old Kingston Road. The subject property is 0.39 hectares (0.96 acres) in size, and has a total frontage on Military Trail of 30.43 metres (100 feet). The subject lands currently support a one-storey single detached dwelling and a detached garage, both of which are proposed to be demolished. There is a sidewalk along the north side of Military Trail only.

The lands are deep, measuring 148 metres (486 feet) in depth, and slope gently southward towards the Highland Creek ravine at the rear of the subject property. The lands below the top-of-bank are steeply sloped. The majority of the front and rear yards are maintained as manicured lawns, with large mature trees found mostly within the ravine area at the southern portion of the lot.

Abutting uses include:

East and West:	Single detached dwellings on large lots;
South:	Ravine and Colonel Danforth Park and Highland Creek; and,
North:	Highland Creek Public School, and single detached dwellings on large lots.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated *Neighbourhoods*, and a portion of the southern edge of the lands are designated *Parks and Open Spaces Areas – Natural Areas*, within the Official Plan.

Neighbourhoods are physically stable areas providing for a variety of lower scale residential uses. Policies and development criteria aim to ensure that physical changes to established neighbourhoods be sensitive, gradual and generally “fit” the existing physical character. Development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular: size and configuration of lots; setbacks of buildings from the street or streets; prevailing patterns of rear and side yard setbacks and landscaped open space; and continuation of special landscape or built form features that contribute to the unique physical character of a neighbourhood. No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.

Military Trail is identified as a major street on Map 3 of the Official Plan. The intensification of properties on major streets within *Neighbourhoods* is not encouraged by the policies of the Official Plan. Where a more intense form of residential development than that permitted by the existing zoning on a major street in a *Neighbourhoods* designation is proposed, the application will be reviewed in accordance with the aforementioned policies, having regard to both the form of development along the street and its relationship to adjacent development in the residential neighbourhood.

Parks and Open Space Areas - Natural Areas are areas to be maintained primarily in a natural state while allowing for compatible recreational, cultural and educational uses and facilities that minimize adverse impacts on natural features and functions; and, conservation projects, public transit, public works and utilities for which no reasonable alternatives are available, and that are designed to have only minimal adverse impacts on natural features and functions.

A portion of the southern edge of the subject lands is identified as being part of the Natural Heritage System on Map 9 of the Official Plan. All proposed development in or near the natural heritage system will be evaluated to assess the development’s impacts on the natural heritage system and to identify measures to mitigate negative impacts on and/or improve the natural heritage system.

Highland Creek Community Secondary Plan

The subject property located within the Highland Creek Community Secondary Plan area. The lands are also located within an area identified as a Large Lot Area as illustrated on Map 2-1, Urban Structure Plan, which forms part of the secondary plan. Policy 1.2 of the secondary plan indicates that the *Neighbourhoods* designation will include only single detached dwellings, and that within specific areas identified as the Large Lot Areas within the Plan, a less intensive form of residential development will be accommodated, maintaining the existing residential character, on lots having a minimum area of 830 square metres (8,934.3 square feet). The subject property is not identified on Map 2-2, Tertiary Plan, which illustrates potential residential infill development opportunities in the Highland Creek Community Secondary Plan.

Zoning

The majority of the subject property is currently zoned Single-Family Residential (S) in the Highland Creek Community Zoning By-law No. 10827, as amended. Permitted uses include Single-Family Dwellings, Group Homes and Correctional Group Homes. Ancillary uses permitted include domestic or household arts and private home day care.

The southernmost portion of the lands are zoned Major Open Spaces (O). Major Open Spaces shall include areas where the topographical or physical nature renders these lands unsuitable for the sustenance of buildings. The erection or structural alteration of residential or commercial buildings is prohibited in this zone.

City-Wide Zoning By-law No. 569-2013

City Council enacted the City-Wide Zoning By-law No. 569-2013 on May 9, 2013. The lands at 1407 Military Trail are not subject to the new Zoning By-law.

Site Plan Control

The subject lands are subject to site plan control, however the form of development is not. A site plan control application is not required for the development of the proposed detached residential dwellings.

Ravine Control

The Ravine Control By-law is applicable to the subject property. The applicant has plotted the limits of the Ravine Control By-law on their drawings (refer to Attachment 1: Concept Site and Landscape Plan). The applicant has submitted a Ravine Stewardship Plan indicating that a total of seven trees are located within 10 metres of proposed construction on lands designated under the Ravine and Natural Feature Protection By-law. There is also a small shed straddling the top-of-bank, which is proposed to be removed without the use of mechanical equipment.

Reasons for Application

The rezoning application is required to permit a reduced minimum lot frontage, and reduced minimum side and rear yard building setbacks to enable the proposed severance of the lands into two lots for new single detached dwellings. The application also proposes to rezone the southernmost portion of the lands to Major Open Spaces (O), and convey these lands into public ownership.

Community Consultation

A community consultation meeting was held on July 3, 2013. The meeting was attended by City Planning staff, the Ward Councillor, the property owners and their planning consultant and arborist, and approximately 9 members of the public.

Several questions were asked regarding whether a new street intersecting Military Trail would be created to provide access to the proposed new dwellings and the recently-approved dwellings to the west.

Some residents inquired as to why the conveyance of the ravine lands to the Toronto and Region Conservation Authority (TRCA) was required.

Other questions and comments related to the timing of construction of both the proposed dwellings subject to this application and the dwellings subject to the recently approved rezoning application immediately to the west of the site.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe. Both the PPS and the Growth Plan encourage intensification and redevelopment in urban areas which provides a healthy, liveable and safe community, in this case by making efficient use of a large site that is already serviced by municipal utilities.

Neighbourhood Character

This area is characterized by one and two-storey residential detached homes on large lots set amidst mature trees bordering Military Trail and backing onto the heavily vegetated Highland Creek Ravine. The Highland Creek Public School is located immediately opposite the subject lands on the north side of Military Trail.

The subject property is among the largest in the area and significantly exceeds the minimum lot frontage and area requirements of the Zoning By-law. It also exceeds the minimum lot area of 830 square metres established in the Highland Creek Secondary Plan for lots within the Large Lot Area. While not yet under construction, recent rezoning and consent applications for the properties at 1383, 1385, 1389, 1399 and 1403 Military Trail were approved, resulting in lots that will have identical lot frontages to the ones proposed at 1407 Military Trail.

Given that the proposed lots will exceed the minimum required lot area as outlined in both the Zoning By-law and the Highland Creek Secondary Plan, and because similarly sized lots already exist along Military Trail in the immediate area, the proposed lot frontages of 15 metres are considered compatible with the existing lot fabric of the area, and the proposed form of development is consistent with the existing neighbourhood.

Servicing

A Functional Servicing Report was submitted by the applicant and has been reviewed by Engineering and Construction Services Division staff who are satisfied with the report.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows the local parkland provisions across the City. The lands which are the subject of this application are in an area with $1.57 + 2.99$ hectares of local parkland per 1,000 people. The site is in the fourth highest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The Owner of the above noted property has applied for consent to sever the land to create one additional lot and construct a single family dwelling. The site is in a parkland priority area therefore construction of a residential dwelling within the newly created lot development is subject to a parkland payment rate of 0.4 hectares for each 300 dwelling units proposed. For sites less than 1 hectare in size, the parkland dedication requirement will not exceed 10% of the development site, net of any conveyances for public road purposes. The minimum payable is not to be less than 5%.

The applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The parkland dedication for the subject site is too small to be functional; also the site is in close proximity to an existing City park. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the Planning Act, and is required as a condition of the building permit application process.

Streetscape

While streetscape compatibility was not raised as an issue by area residents during the consultation process with regards to this application, it was a significant issue in the rezoning application for the properties at 1383, 1385, 1389, 1399 and 1403 Military Trail (file No. 12 105496 ESC 44 OZ). The prevailing theme from discussions with area residents during the review of that application was that new development along Military Trail would need to deal sensitively with the existing development pattern with careful attention to building height, building separation distances and tree preservation. For that reason, the recommended zoning provisions for the proposed dwellings at 1407 Military Trail are identical to the performance standards applied to the properties to the west, except for the front yard setback requirements that were applied to 1383 and 1389 Military Trail, which were increased to enable the protection of existing trees in their front yards.

In keeping with the recently-approved developments to the west, the proposed zoning provisions would also restrict the maximum driveway width to 3 metres between the street and up to 8 metres in front of the integrated garages and requires that driveways be paired so that curb cuts are minimized and more space between the street and the front wall of the dwellings is available for tree planting and landscaping.

The applicant has submitted an arborist report that identifies twenty-four trees to be protected and nine that are proposed to be removed to facilitate the construction of the two proposed dwellings. The applicant has also developed a Concept Site and Landscape Plan (refer to Attachment 1: Concept Site and Landscape Plan), which illustrates both existing and 11 compensation tree plantings on private, non-ravine land. Both the Arborist Report and Concept Site and Landscape Plan are satisfactory to both the City's Urban Forestry Division and TRCA.

Side yard building setbacks are proposed to be a minimum of 1.8 metres (5.9 feet) on the exterior sides and a minimum of 1.2 metres (3.9 feet) on the interior so that a 2.4 metre (5.9 foot) setback exists between the two dwellings, in keeping with the approved dwellings to the west.

The proposed dwelling will conform to the existing zoning requirements, which permit a maximum height of 10 metres (32.8 feet) and two-storeys, excluding basements.

Environment

The application proposes to rezone the southernmost portion of the lands to a Major Open Spaces (O) Zone. Through a related consent application, this 1,517.7 square metre (16,336.4 square foot) portion of the site is proposed to be conveyed to the Toronto and Region Conservation Authority (TRCA), and the TRCA have requested that this land conveyance be required as a condition of approval for the consent.

Major Open Spaces (O) zoning will enable protection of lands that are a part of the Natural Heritage System, protected by the Ravine Protection By-law and are part of the TRCA's Regulated Area. The Major Open Spaces (O) Zone prohibits the use of the lands for residential or commercial purposes, recognizing the topographical or physical nature of the lands as being unsuitable to the sustenance of buildings. Permitted uses within the "O" zone are limited to Public Recreational Uses and buildings accessory thereto.

Conveyance of the lands to TRCA will provide for long term protection of the lands and the existing trees, which is an important component of the review of this application. The lands zoned "O" directly abut the Colonel Danforth Park, which is similarly zoned.

A portion of these lands form part of the Natural Heritage System as identified in the Official Plan. A Natural Heritage Impact Study was prepared by the applicant, and has been reviewed by appropriate City Divisions and Agencies. The report does not anticipate that there will be any impacts to the wooded feature and the adjacent portion of the Highland Creek Valley, and finds that the mitigation work associated with the proposed development will provide improvements to the quality and function of the

natural heritage features. The applicant also produced a Ravine Stewardship Plan which includes the planting of 450 shrubs in the Ravine Protected Area. This plan has been reviewed and found satisfactory by the City's Urban Forestry – Ravine Protection and Natural Feature Protection Group, and the TRCA.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The site specific zoning by-law will ensure that the proposed development will meet Tier 1 of the TGS by requiring tree protection for lands within the Ravine Protected Area and by establishing performance standards to encouraging tree growth and the preservation of landscaped open space.

CONTACT

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E-mail: cmay@toronto.ca

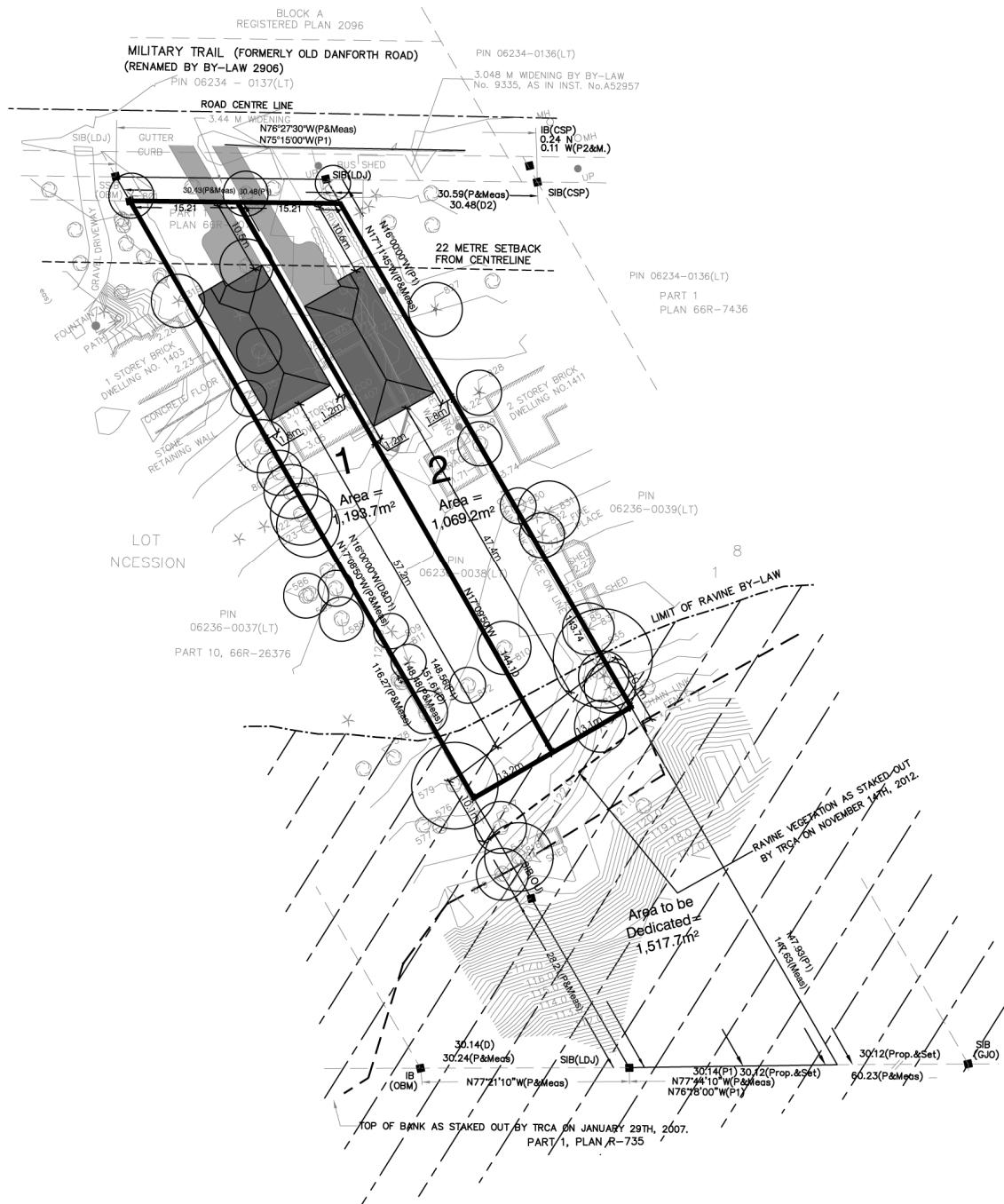
SIGNATURE

Raymond David, Director
Community Planning, Scarborough District

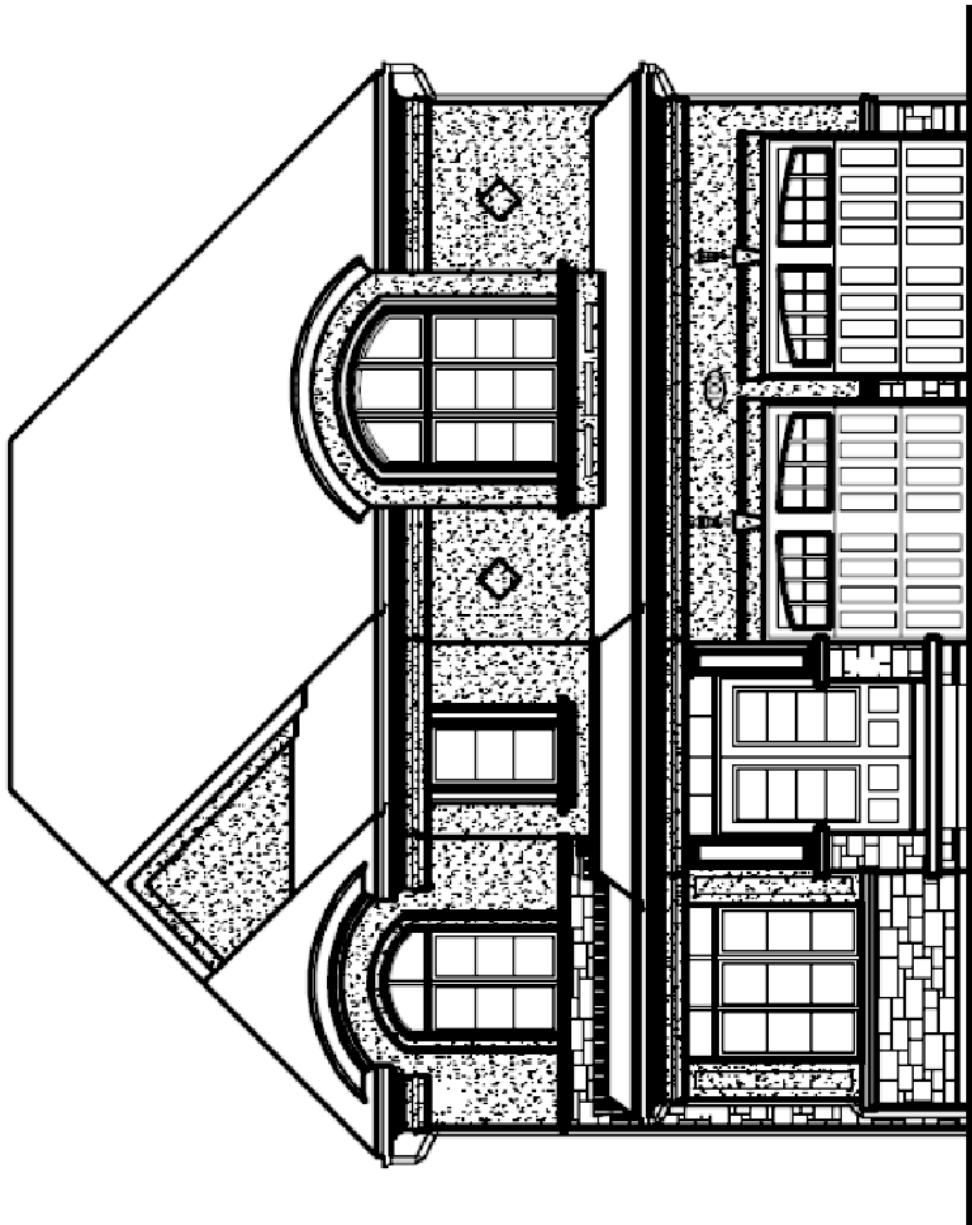
ATTACHMENTS

Attachment 1: Concept Site and Landscape Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Application Data Sheet
Attachment 5: Draft Zoning By-law Amendment

Attachment 1: Concept Site and Landscape Plan



Attachment 2: Elevations



North Elevation

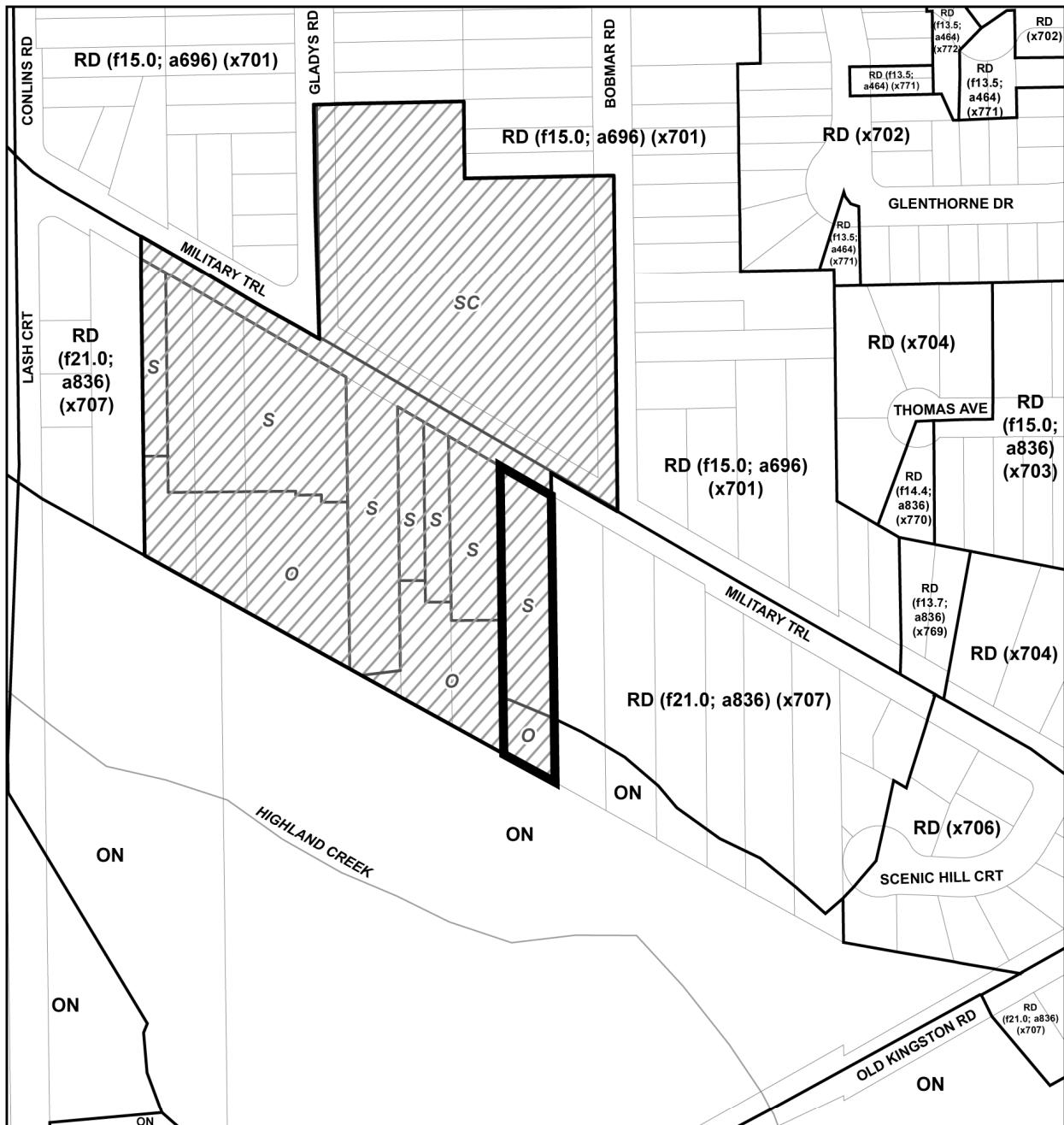
Applicant's Submitted Drawing

Not to Scale
WDR13

1407 Military Trail

File # 13 120062 ESC 44 0Z

Attachment 3: Zoning



TORONTO City Planning

Zoning By-law 569-2013

1407 Military Trail

File # 13 120062 ESC 44 0Z



Location of Application



See Former City of Scarborough Highland Creek Community Bylaw No. 10827

RD Residential Detached
ON Open Space Natural

S
SC
O

Single-Family Residential
School
Major Open Spaces



Not to Scale
Extracted 09/01/2013

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	13 120062 ESC 44 OZ
Details	Rezoning, Standard	Application Date:	February 14, 2013

Municipal Address: 1407 MILITARY TRL

Location Description: CON 1 PT LOT 8 **GRID E4404

Project Description: Two proposed single family detached dwellings, subject to proposed severance (file No. B010/13SC)

Applicant:

MACAULAY SHIOMI
HOWSON LTD

Agent:

Architect:

Owner:

GLEN ROUGE HOMES
(FAWNRIDGE) INC.

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	S	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	3884.6	Height:	Storeys:	2
Frontage (m):	30.43		Metres:	10
Depth (m):	148.1			
Total Ground Floor Area (sq. m):	250			Total
Total Residential GFA (sq. m):	500		Parking Spaces:	4
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	500			
Lot Coverage Ratio (%):	22.1			
Floor Space Index:	0.13			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	500
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	2	Institutional/Other GFA (sq. m):	0
Total Units:	2		

CONTACT: **PLANNER NAME:** Christopher May, Planner
TELEPHONE: (416) 396-7034

Attachment 5: Draft Zoning By-law Amendment

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

CITY OF TORONTO
Bill No. ~
BY-LAW No. ~-20~

**To amend the Highland Creek Community Zoning By-law No. 10827, as amended,
with respect to the lands municipally known as 1407 Military Trail**

WHEREAS authority is given to Council by 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*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. **SCHEDULE "A"** is amended by deleting the current zoning and replacing it with the following zoning as shown on the attached Schedule "1":

S - 24 - 270 - 278 - 279 -280 - 355 - 427 – 428

O

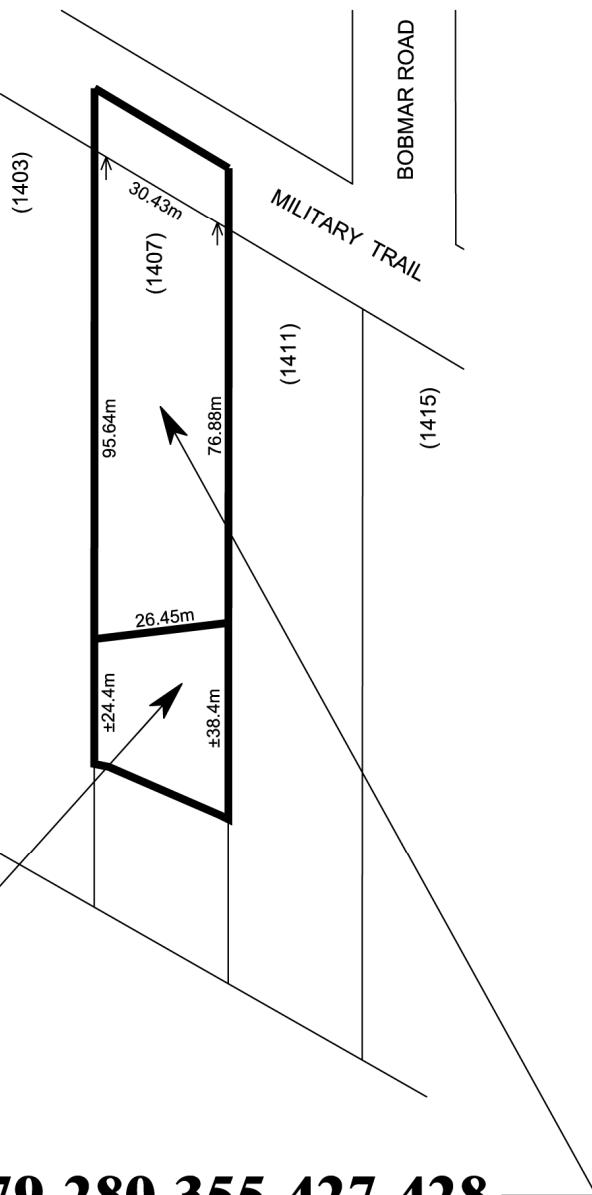
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

(Corporate Seal)

ULLI S. WATKISS,
City Clerk

Schedule '1'



O

S-24-270-278-279-280-355-427-428



Zoning By-Law Amendment



Area Affected By This By-Law

1407 Military Trail

File # 13 120062 ESC 44 OZ

Highland Creek Community By-law
Not to Scale
10/01/13