



REPORT FOR ACTION

113-141 Montezuma Trail – Zoning By-law Amendment Application – Final Report

Date: September 23, 2019

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: Ward 23 - Scarborough North

Planning Application Number: 18 266753 ESC 23 OZ

SUMMARY

This application proposes to amend the Zoning By-laws to permit the construction of 37 back-to-back townhouse units on the northern portion of 113-141 Montezuma Trail while retaining the southern portion of the existing plaza for commercial uses. The back-to-back townhouse units are arranged into 2 rows and have a total gross floor area of 4,191 square metres. The retained commercial building will have a total gross floor area of 1,077 square metres. The proposed redevelopment of the subject property results in a floor space index (FSI) of 0.93. While originally submitted as a combined Official Plan and Zoning By-law amendment application, staff have determined that an amendment to the Official Plan is no longer required during the evaluation of the proposal.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

The proposed development represents an orderly development for the site that is appropriately scaled for lands designated *Neighbourhoods*. It is compatible with and provides an appropriate transition to adjacent land uses. The two rows of four-storey townhouses provide an appropriate level of intensification for the site. This report reviews and recommends the approval of the proposed application to amend the Zoning By-laws.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of Scarborough Zoning By-law No. 12797, Agincourt North Community Zoning By-law, as amended, for the lands at 113-141 Montezuma Trail substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to the report dated September 23, 2019, from the Director, Community Planning, Scarborough District.

2. City Council amend City of Toronto Zoning By-law 569-2013, as amended, for the lands at 113-141 Montezuma Trail substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to the report dated September 23, 2019, from the Director, Community Planning, Scarborough District

3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

4. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* to secure the following facilities, services and matters at the owner's expense:

- a. Prior to issuance of an above grade building permit, other than a building permit for a temporary sales office, the owner shall pay to the City a cash payment of one hundred twenty-five thousand dollars (\$125,000.00) to be allocated towards area park improvements in Ward 23 to be determined by the Chief Planner and Executive Director of City Planning in consultation with the local Councillor.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

A Preliminary Report on the application was adopted by Scarborough Community Council on February 14, 2019 authorizing staff to conduct a community consultation meeting with an expanded notification area. The Decision of Community Council can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.SC3.3>

PROPOSAL

This application proposes to amend the Zoning By-law to redevelop the northern half of the existing plaza at 113-114 Montezuma Trail with 37 back-to-back townhouse units. The portion of the existing commercial building on the north part of the site would be demolished while the southern portion of the existing plaza and the commercial uses within would be retained (See Attachment 8: Site Plan). The back-to-back townhouse units are arranged into two rows, each fronting along Brimley Road and Montezuma Trail and have a total gross floor area of 4,191 square metres. The proposal would be accessed via a two-way vehicular access from Montezuma Trail close to the midpoint of the site. A total of 44 parking spaces are provided for the townhouse development, consisting of 37 resident parking spaces and 7 visitor parking spaces that will include one accessible parking space. The retained portion of the existing commercial building

will have a total gross floor area of 1,077 square metres. A total of 32 parking spaces will be retained for the commercial uses. The proposed redevelopment of the entire subject property results in a floor space index (FSI) of 0.93.

The current residential proposal for the northern half of the property incorporates numerous revisions from the original application as summarized below:

- The number of townhouse units was reduced from 43 to 37;
- The overall density for the entire site was reduced from 1.2 times the lot area to being 0.93 times the lot area (a reduction of approximately 530 square metres of residential gross floor area);
- With the reduction of units, the number of required residential parking spaces was also reduced from 52 to 44. Additionally, the visitor parking spaces for the residential development are now located entirely on the northern half of the property to be clearly associated with the proposed townhouses.

The units facing Montezuma Trail and Brimley Roads are 3 storeys (10.0 metres) tall and the interior units facing the central courtyard are 4 storeys (13.3 metres) tall. The taller massing of the interior units is to allow space for a shared parking garage located on the ground floor beneath the central courtyard and the interior townhouse units as illustrated in Attachment 10 (Building Section). The parking garage contains 28 of the proposed resident parking spaces with the remainder accommodated as surface parking spaces adjacent to the main vehicular entrance on Montezuma Trail. There is a 2 metre setback proposed from Montezuma Trail and Brimley Road and a 1 metre setback from Alexmuir Boulevard. The townhouse units have pedestrian entrances via shared interior corridors accessed from Montezuma Trail, Brimley Road and Alexmuir Boulevard.

One type 'G' loading space is proposed to serve the residential development and is located immediately south of the row of townhouses fronting on Brimley Road. The application proposes to use the existing service lane located on the commercial plaza lands for trucks and service vehicles to access the loading space that is intended to serve the residential townhouse development.

The site will be severed through a future consent application to separate the residential lot from the commercial lot. The two new lots will function independently and enter into an easement agreement to share the service drive aisle along Brimley Road.

Site and Surrounding Area

The subject lands are located at the southwest corner of Brimley Road and Alexmuir Boulevard, one block north of Finch Avenue East. The lot fronts onto Montezuma Trail, backs onto Brimley Road, and is bounded by Alexmuir Boulevard to the north. The site is currently occupied by a one-storey commercial plaza surrounded by parking spaces. The existing plaza has a gross floor area of 1,877 square metres, of which 1,077 square metres will be retained. See Attachment 2: Location Map. Surrounding uses are as follows:

North: To the north of the site, across Alexmuir Boulevard, are two-storey detached dwellings.

East: To the east, across Brimley Rd, are 2-storey townhouses with partially underground parking spaces accessed from Brimwood Boulevard.

West: To the west, across from Montezuma Trail, is the Calvary Logos Baptist Church surrounded by two-storey semi-detached and detached dwellings.

South: To the south are two-storey semi-detached dwellings.

Reasons for Application

Amendments to both the City of Toronto Zoning By-law 569-2013 and Agincourt North Community Zoning By-law 12797 are required as the commercial zones in each By-law that apply to the site do not permit residential uses. The rezoning application is also required to re-establish appropriate development standards for the retained commercial plaza on the southerly portion of the property as a result of the proposed residential development.

An Official Plan Amendment application was originally submitted by the applicant. Through the evaluation of the application, staff determined that an Official Plan Amendment was not required as discussed in the Policy Considerations section of this report.

APPLICATION BACKGROUND

Application Submission Requirements

The current application was submitted on December 10, 2018 and deemed complete on January 8, 2019. The following reports/studies were submitted in support of the application:

- Survey Plan;
- Architectural Plans, Elevations and Sections;
- Landscape and Lighting Plans;
- Tree Inventory and Assessment Report;
- Tree Preservation Plan;
- Arborist Report;
- Geotechnical/Hydrogeological Report;
- Transportation Impact Assessment;
- Planning and Urban Design Rationale;
- Public Consultation Strategy;
- Draft Zoning By-law Amendments;
- Draft Official Plan Amendments;
- Functional Servicing and Stormwater Management Report;
- Toronto Green Standard Checklist and Template; and

- Digital copy of the Building Massing Model.

All submission materials can be found at the [Application Information Centre \(AIC\)](#).

Agency Circulation Outcomes

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.

Community Consultation

A Public Consultation Strategy was provided by the owner, which proposed an open house and public meeting to gather public input.

The Community Consultation Meeting (“CCM”) was held on April 30, 2019 at the Alexmuir Junior Public School. Concerns of the community raised at the CCM and through other correspondence with City Staff include the following:

- Building massing issues, including height, impact on views, and impact on sun/shadows;
- Traffic impacts;
- Exacerbating existing parking issues;
- Appropriateness of the proposed typology and density;
- Compatibility with the existing community character;
- Appropriateness of the proposed setbacks from streets; and
- Loss of employment and commercial uses.

Staff have taken these comments into account through the review of the application and subsequent resubmissions, as discussed in the subsequent sections of this report.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have had an opportunity to view the oral submissions made at the statutory public meeting held by the Scarborough Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: 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 and site plans.

The Provincial Policy Statement (2014)

The Provincial Policy Statement (2014) (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:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships 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 is 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 4.7 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 (the "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 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 (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) 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 (2019) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

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 policies 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 that better connect 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 (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan (2019) 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 (2019). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2019).

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan

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

The subject site is designated *Neighbourhoods* as shown on Map 19 of the Official Plan. *Neighbourhoods* are made up of a broad range of low-scale uses such as detached houses, semi-detached houses, duplexes, triplexes, and townhouses as well as walk up apartments 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 permitted.

Chapter 2 - Shaping the City

Policy 2.3.1.1 states that of the Official Plan states that *Neighbourhoods* and *Apartment Neighbourhoods* are considered 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.

Chapter 3 - Building a Successful City

The Section 3.1.2 Built Form of the Official Plan, relates to ensuring that new development will be located and organized to fit with its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development. This includes locating the development along adjacent street frontages, and giving prominence to the corner on a corner lot, locating building entrances so that they are visible and directly accessible from the public sidewalk, and preserving mature trees wherever possible.

New development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the public realm. This includes using shared service areas where possible, minimizing the curb cuts across the public sidewalk, and integrating above-ground parking structures, where permitted or appropriate, with building designs, such that usable building space is at grade facing adjacent streets, parks and open spaces. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadow on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

The housing policies of the Official Plan support a full range of housing in terms of form, tenure and affordability, across the City and within *Neighbourhoods*. New housing supply will be encouraged through intensification and infill that is consistent with the Official Plan.

Chapter 4 - Land Use Designations

According to Policy 4.1.5 of the *Neighbourhoods* designation, development in established *Neighbourhoods* will respect and enforce the existing physical character of each geographic neighbourhood, defined by:

- Patterns of streets, blocks and lanes, parks and public building sites;
- Prevailing size and configuration of lots;
- Prevailing heights, massing, scale, density and dwelling type of nearby residential properties;
- Prevailing building type(s);
- Prevailing location, design and elevations relative to the grade of driveways and garages;
- Prevailing setbacks of buildings from the street or streets;
- Prevailing patterns of rear and side yard setbacks and landscaped open space;
- Continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- Conservation of heritage buildings, structures and landscapes.

Policy 4.1.5 also distinguishes lots that front onto a major street from those located in the interior of the Neighbourhood. The following factors may be taken into account in the consideration of a more intense form of development on such lots:

- Different lot configuration;
- Better access to public transit;
- Adjacency to developments with varying heights, massing and scale; or
- Direct exposure to greater volumes of traffic on adjacent and nearby streets.

Policy 4.1.7 of the *Neighbourhoods* section states that proposals for intensification of land on major streets in *Neighbourhoods* are not encouraged by the policies of this Plan. However, where a more intense form of residential development than that permitted by existing zoning on a major street in a *Neighbourhood* is proposed, the application will be reviewed in accordance with Policy 5, having regard to both the form of development along the street and its relationship to adjacent development in the *Neighbourhood*.

Policy 4.1.9 of the *Neighbourhoods* section sets out additional development criteria for infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation and/or orientation, including that development should:

- Have heights, massing and scale that are respectful of those permitted by zoning for nearby residential properties, while taking into account the existing form of development on the infill property;
- Have setbacks from adjacent residential properties and public streets that are proportionate to those permitted by zoning for adjacent residential properties, while taking into account the existing form of development on the infill property;
- Provide adequate privacy, sunlight and sky views for occupants of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;

- Front onto existing or newly created public streets wherever possible, with no gates limiting public access;
- Provide safe, accessible pedestrian walkways from public streets; and
- Locate, screen and wherever possible enclose service areas and garbage storage and parking, including access to any underground parking, so as to minimize the impact on existing and new streets and on residences.

Chapter 5 - Implementation

The Official Plan provides for the use of Section 37 of the *Planning Act* to secure community benefits in exchange for increased height and density for new development, provided it first meets the test of good planning and is consistent with the policies and objectives of the Plan. The Section 37 community benefits are capital facilities and/or cash contributions toward specific capital facilities, above and beyond those that would otherwise be provided under provisions of the *Planning Act* or the Development Charges Act or other statute. Section 37 may be used, irrespective of the size of the project or increase in height and/or density as a mechanism to secure facilities required to support development.

In addition to the policies referenced above, the Official Plan will be considered as a whole through the review of this application. The [City of Toronto Official Plan](#) can be found on the City's website.

Official Plan Amendment 320

In December 2015, the City of Toronto City Council adopted Official Plan Amendment No. 320 (OPA 320), which strengthens and refines the Healthy Neighbourhoods and *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods. In July of 2016, the Minister of Municipal Affairs and Housing approved OPA 320 and the decision was subsequently appealed.

The Local Planning Appeal Tribunal (LPAT) issued an order to approve OPA 320 on December 7, 2018 bringing the policies in force for all lands except for properties that remain subject to site-specific appeals. The subject applications were made after the LPAT Order brought OPA 320 into force and is subject to these new policies. The summary of *Neighbourhoods* policies above include language brought into force through the enactment of OPA 320.

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

Zoning By-Laws

The lands are subject to the former City of Scarborough Zoning By-law No. 12797, as amended, and the City-wide Zoning By-law 569-2013, as amended.

Under the former City of Scarborough Zoning By-law No. 12797, Agincourt North Community, the site is zoned as Neighbourhood Commercial (NC) as shown on Attachment 5 of this Report. Permitted uses in NC zone include day nurseries and

neighbourhood commercial uses. Exception No. 14 also applies to the property and imposes specific retail and service uses that are permitted including, but not limited to, business and professional offices, barber shop and beauty parlour, sale of foods and soft drinks for consumption off the premises if the store does not exceed 465 square metres, and sale of drugs, cosmetics, pharmaceuticals and tobaccos.

The property is zoned Commercial Local (CL) in the City of Toronto Zoning By-law 569-2013, as amended (see Attachment 4). The CL zone permits a number of uses including, but not limited to, financial institution, medical office, office, personal service shop, retail service and service shop. Exception 268 to the CL zone also applies to the property and states that despite the listed uses permitted under the CL zone, the only uses permitted on the subject site are retail stores with less than 465 square metres of gross floor area, office use but not including medical or dental office use, financial institutions, and personal services shops. Exception 268 also imposes a maximum gross floor area of 0.33 times the lot area.

[Zoning By-law 569-2013](#) may be found on the City's Website.

Townhouse and Low-rise Apartment Guidelines

City Council adopted city-wide Townhouse and Low-Rise Apartment Guidelines and directed City Planning staff to use these Guidelines in the evaluation of townhouse and low-rise apartment development applications. These new Townhouse and Low-Rise Apartment Guidelines replace the Infill Townhouse Guidelines (2003) and are intended to be used in the review of an application when the proposed built form meets the City's Official Plan policies. The new Guidelines identify strategies to enhance the quality of these developments, provide examples of best practices, and improve clarity on various development scenarios. The [Townhouse and Low-Rise Apartment Guidelines](#) can be found on the City's Website.

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not yet been submitted.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2019). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan (2019) as described in the Issue Background section of the Report.

Staff have determined that the proposal is consistent with the PPS. The application proposes densities and land uses that efficiently use land and resources. The proposal is appropriate for the efficient use of planned and existing infrastructure and public service facilities as provided for by the PPS. Consistent with the direction of the PPS, the application represents an appropriate level of intensification and redevelopment for

the subject lands while contributing to the range and mix of housing types and densities necessary to meet projected requirements of current and future residents.

Staff have determined that the proposal conforms with the Growth Plan (2019). The application supports the achievement of complete communities by contributing to a mix of land uses, by adding residential and retaining commercial uses; providing convenient access to transportation options; and providing for a compact built form and vibrant public realm. The proposal would achieve an appropriate level of intensification for the subject lands aligned with the availability of infrastructure and access to transit.

Land Use

This application has been reviewed against the Official Plan policies described in the Issue Background Section of this report as well as the policies of the Toronto Official Plan as a whole.

The originally submitted Official Plan Amendment application was deemed not necessary as the current application conforms with the Official Plan policies.

The subject lands are designated *Neighbourhoods* in the Official Plan. The subject lands are distinguishable from the lots located in the interior of the neighbourhood to the west as it fronts onto Brimley Road, which is a major street as shown on Map 2 of the Official Plan. The subject lands are characterized by a different lot configuration, better access to transit, and direct exposure to greater volumes of traffic along Brimley Road. As such and pursuant to the *Neighbourhood* policies, Council may consider additional levels of intensification for the subject lands. Furthermore, there is a mix of building types in the surrounding context, including townhouses to the east and semi-detached dwellings to the west. As such, the built form of back-back townhouses can be supported as it represents an appropriate intensification of the site and a land use that is compatible with the existing and planned context. Moreover, the retained local commercial uses continue to provide local retail amenity for the neighbourhood consistent with the land use permissions of the *Neighbourhoods* designation.

Density, Height, Massing

This application has been reviewed against the Official Plan policies and design guidelines described in the Issue Background Section of this report.

The height of the building is 3-storeys (9 metres) facing Montezuma Trail and Brimley Road and 4-storeys (13.3 metres) for the interior units facing the central courtyard. The proposed density is 0.93 times the area of the lot. The proposed townhouse units facing Montezuma Trail and Brimley Road have a 0.6 metre step back on the third floor, and 5 metre step back on the fourth floor to accommodate for private rooftop terraces. The step backs and massing of the building provides appropriate transition to the two storey semi-detached dwellings to the west, north and south, as well as the 2-storey townhouses to the east. The setbacks also limit pedestrian perception of the building height from Brimley Road and Montezuma Trail. Setbacks and landscape enhancements are also provided along all street frontages to provide a comfortable pedestrian environment.

The interior facing townhouse units have a separation distance of 10 metres on the first floor and 11 metres from the second floor and up. A landscape screen will be provided on the terrace platform to provide additional privacy. The separation distances and the landscape screen will ensure an appropriate level of privacy for the dwelling units is provided while allowing for adequate sunlight.

The development is organized to support the adjacent public realm by screening servicing and parking areas from adjacent street frontages. Residential building entrances for all units are safely accessible at grade through secure interior corridors. There are 4 entrances on Brimley Road, 5 entrances on Alexmuir Boulevard and 4 entrances from Montezuma Trail. The garbage and recycling storage areas are located inside the building and the garbage collection area will be screened by landscaping features along Brimley Road.

Given the existing and planned context of the site, the proposed density, height and massing of the building are appropriate and compatible with the low rise character of the surrounding area.

Traffic Impact, Access, Parking

A Transportation Impact Study (TIS) was submitted in support of the application. The analysis indicated that the proposal will result in a net increase of approximately 5 two-way trips during the weekday a.m. peak hour and a net decrease of approximately 18 and 23 two-way trips during each of the weekday p.m. and Saturday peak hours, respectively. This decrease is attributable to the decline of commercial uses on the property that generally create more trips than residential uses. The changes in trips generated by the proposed development is not expected to have an impact on the local road network.

There are two existing vehicular accesses along Montezuma Trail to serve the existing commercial plaza. The northerly access is proposed to be closed and relocated towards the midpoint of the site to accommodate the proposed residential development. The existing southerly access will remain at its current location to service the retained half of the commercial plaza.

The proposed 37 resident parking spaces and 7 residential visitor parking spaces satisfy the minimum parking requirements of Zoning by-law 569-2013. The 32 retail parking spaces to be retained exceeds the minimum by-law requirement for commercial uses of 17 spaces. A Type "G" loading space is also provided for the residential development to meet the requirements of Zoning By-law 569-2013. Although not required by either of the Zoning By-laws, 12 bicycle parking spaces are proposed as part of the residential development.

Road Widening

In order to satisfy the Official Plan requirement of a 27 metre right-of-way for this segment of Brimley Road, a 0.01 metre road widening along Brimley Road is required to be dedicated and conveyed to the City with this proposal. A 5.0 metre corner rounding

at the northwest corner of the subject site will also be provided at the request of Transportation Services. These lands are proposed to be secured and conveyed through the forthcoming application for Site Plan Control approval.

Streetscape

The proposed development will improve the streetscape of Brimley Road, Alexmuir Boulevard, and Montezuma Trail. The public realm along these streets are currently fronted by surface parking spaces serving the existing commercial plaza and there are no direct pedestrian connections from the public sidewalks to the main entrances of the existing uses. The proposal will provide a 2 metre setback on Brimley Road and Montezuma Trail for front yard patios and landscaping. The main entrances to the proposed townhouse units are directly accessible from the public sidewalk through the front doors described above. Additional trees and new landscaping along the streets will contribute to an improved pedestrian environment. Through the forthcoming application for Site Plan Control approval, opportunities can be explored to provide improved pedestrian access from the sidewalk to the retained commercial uses.

Servicing

The applicant has provided a Functional Servicing and Stormwater Management Report. This material has been reviewed by Engineering and Construction Services staff. Matters related to stormwater management will be addressed through the Site Plan Control approval.

Open Space/Parkland

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 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second 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.

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 of an application for the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

Tree Preservation

This application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). The applicant has provided a Tree Inventory and Assessment Report in support of the application. The Tree Inventory identifies trees within and immediately surrounding the site. A total of 38 trees were inventoried. The report indicates that there are 10 private trees and 1

City street tree subject to the City's Private Tree By-law that will require removal to facilitate construction of the proposed development. All of these trees are in good to fair condition.

The applicant will be required to submit a tree planting deposit to ensure the planting and survival of 2 new City trees along Montezuma Trail. The submission of satisfactory landscape plans will be addressed through the Site Plan Control application.

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 secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the zoning by-law process include vehicular and bicycle parking. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvement above and beyond the parkland dedication; public art; streetscape improvements; and other works detailed in Section 5.1.1.6 of the Official Plan.

Policy 5.1.1.4 provides for Section 37 to be used for development, excepting non-profit developments, with more than 10,000 square metres of gross floor area where the zoning by-law amendment increases the permitted density by at least 1,500 square metres and/or significantly increases the permitted height. Despite the above noted policy, Policy 5.1.1.5 provides that Section 37 may be used, irrespective of the size of the project or the increase in height and/or density to secure matters that are otherwise agreed upon. The applicant has advised a willingness to make a contribution of \$125,000 towards improvement of park space in Ward 23 - Scarborough North.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2019). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan. In particular, the site is distinguishable from the interior of the neighbourhood and the

development represents an appropriate level of intensification on lands on a major street that is designated *Neighbourhoods*. The proposed development is of a height, massing and scale that fit within the existing and planned context of the area. Staff worked with the applicant and the community to address and resolve concerns related to landscaping improvements along public streets, the provision of adequate privacy and sunlight for occupants, and providing appropriate setbacks along streets. The revisions to the proposal resulted in a development of an appropriate scale and density to fit within the neighbourhood context. Staff recommend that Council support the application and adopt the proposed zoning by-law amendments.

CONTACT

Desiree Liu, Assistant Planner
Tel. No. (416) 396-5004
E-mail: Desiree.Liu@toronto.ca

SIGNATURE

Paul Zuliani, Director
Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Data/Drawings
Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Existing City-Wide Zoning By-law No. 569-2013 Map
Attachment 5: Existing Former City of Scarborough Zoning By-law No. 12797 Map
Attachment 6: Draft Zoning By-law Amendment - Agincourt North Community Zoning By-law No. 12797
Attachment 7: Draft Zoning By-law Amendment - Zoning By-law No. 569-2013

Applicant Submitted Drawings
Attachment 8: Site Plan/Ground Floor Plan
Attachment 9: Elevations
Attachment 10: Building Section

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 113-141 MONTEZUMA TRL Date Received: December 10, 2018
Application Number: 18 266753 ESC 23 OZ
Application Type: OPA / Rezoning, OPA & Rezoning
Project Description: Proposed development comprising of 37 back-to-back residential units in two blocks of townhomes. A portion of the existing retail building to be retained.
Applicant Agent Architect Owner
BOUSFIELDS INC. MONTEZUMA PLAZA INC

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision:
Zoning: NC and CL Heritage Designation:
Height Limit (m): Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq m): 5,670 Frontage (m): 40 Depth (m): 122

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,877	1,077	1,815	2,892
Residential GFA (sq m):		4,191		4,191
Non-Residential GFA (sq m):	1,877	1,077		1,077
Total GFA (sq m):	1,877	5,799		5,268
Height - Storeys:	1	1	4	4
Height - Metres:			13.5	13.5

Lot Coverage Ratio 51 Floor Space Index: 0.93
(%):

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	4,191	
Retail GFA:	1,077	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			37	37
Other:				
Total Units:			37	37

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					37
Proposed:					
Total Units:					37

Parking and Loading

Parking Spaces:	76	Bicycle Parking Spaces:	12	Loading Docks:	1
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CONTACT:

Desiree Liu, Assistant Planner
416-396-5004
Desiree.Liu@toronto.ca

DANJOHN CRESCENT

MYRNA LANE

EAST HIGHLAND CREEK

BRIMLEY ROAD

BRIMWOOD BOULEVARD

ALEXMUIR BOULEVARD

LADY CHURCHILL COURT

MONTENZUMA TRAIL

CAROLBREEN SQUARE

Location of Application

7

Attachment 3: Official Plan Land Use Map



Extract from Official Plan

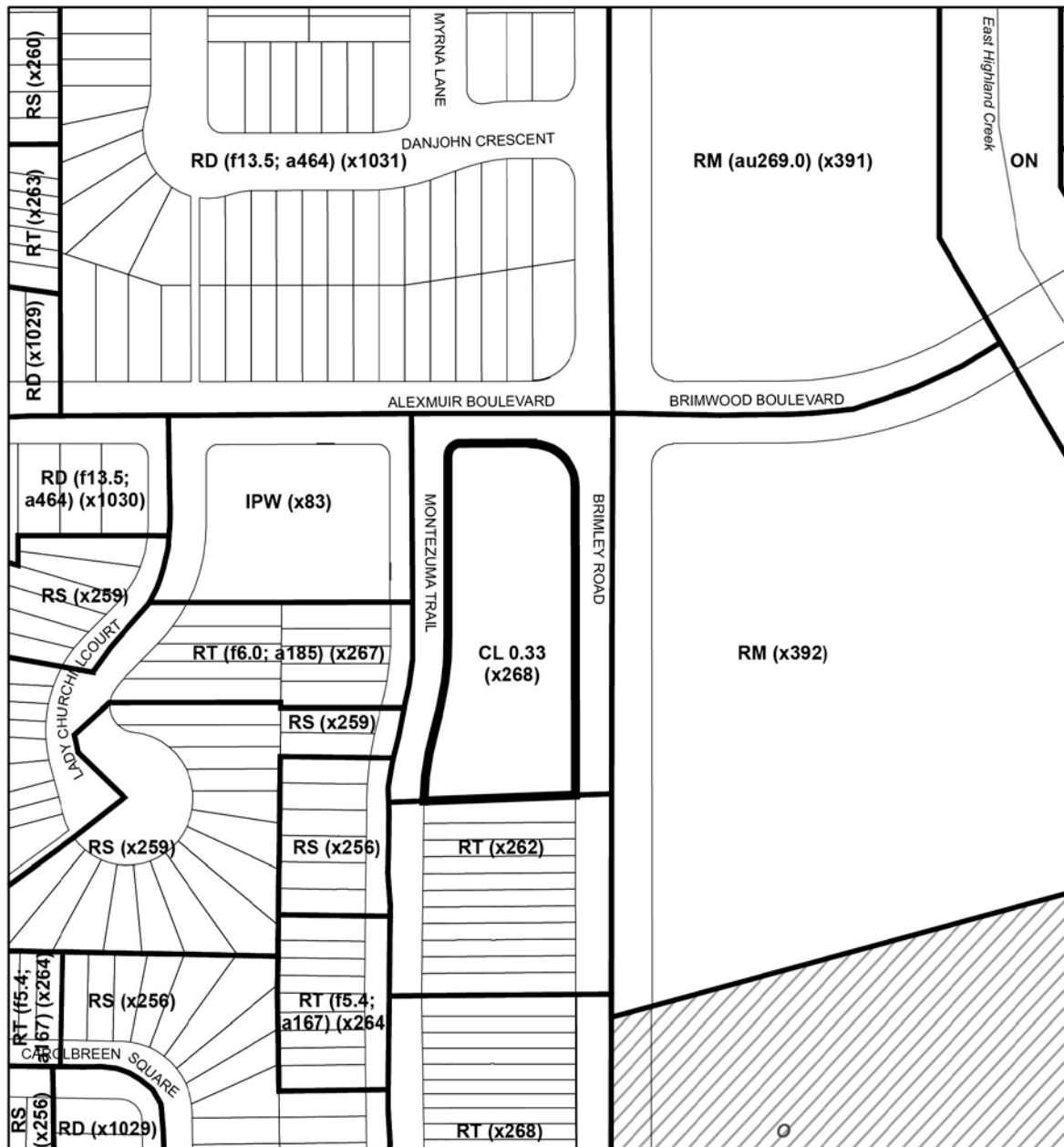
125 Montezuma Trail

File # 18 266753 ESC 0Z



↑
Not to Scale
01/15/2019

Attachment 4: Existing City-Wide Zoning By-law No. 569-2013 Map



Zoning By-law 569-2013

113-141 Montezuma Trail

File # 18 266753 ESC 23 02



Location of Application

RD Residential Detached
RS Residential Semi-Detached
RT Residential Townhouse

RM Residential Multiple
CL Commercial Local
IPW Institutional Place of Worship
ON Open Space Natural

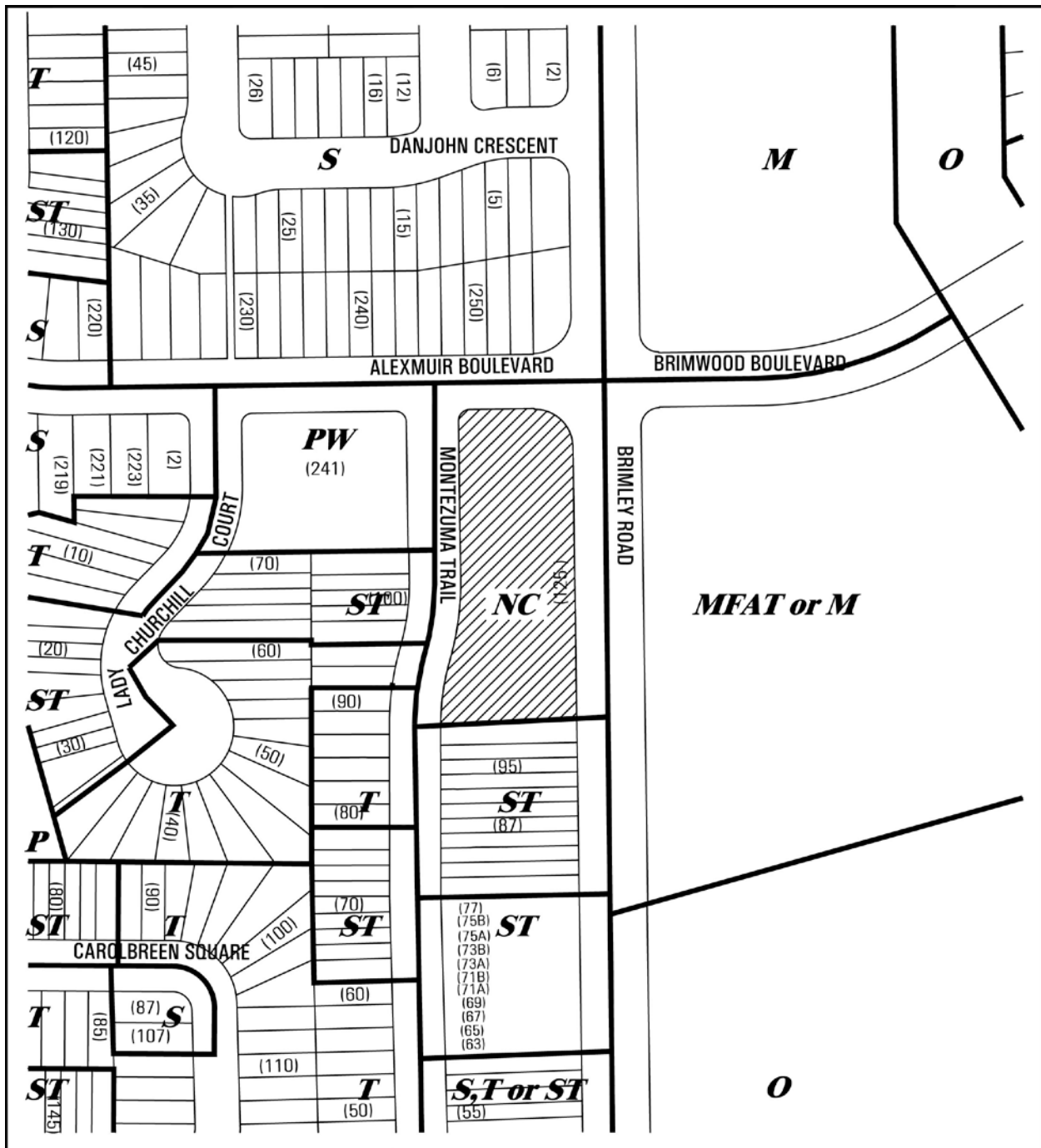


See Former City of Scarborough Agincourt North
Community By-law No. 12797
O Major Open Spaces



Net to Scale
Extracted: 08/06/2019

Attachment 5: Existing Former City of Scarborough Zoning By-law No. 12797 Map



Zoning Agincourt North Community

113-141 Montezuma Trail

File # 18 266753 ESC 23 OZ

Location of Application

S Single-Family Residential
T Two-Family Residential
M Multiple-Family Residential
ST Street Townhouse Residential

MFAT Multiple-Family Apartment Terrace Residential
NC Neighbourhood Commercial
PW Place(s) of Worship

O Major Open Spaces
P Parks

Not to Scale
 08/07/19

Attachment 6: Draft Zoning By-law Amendment - Agincourt North Community Zoning By-law No. 127977

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto Council on ~, 2019

Enacted by Council: ~, 2019

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2019

To amend the former City of Scarborough Zoning By-law No. 12797, Agincourt North Community Zoning By-law, as amended, with respect to the lands municipally known as, 113, 115, 117, 119, 121, 123, 129, 131, 133, 135, 137, 139 and 141 Montezuma 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*; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development beyond those otherwise permitted by the By-law in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS subsection 37(3) of the *Planning Act* provides that, where an Owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the Owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

WHEREAS the Owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS Council has required the Owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. **SCHEDULE 'A'** of the Agincourt North Community By-law No. 12797, as amended, is amended by deleting the current zoning and replacing it with the following zoning as shown on the attached Schedule '1':

A – 40H-169-170A-199-211-212-213-214-216

NC – 125-169-170B-215

2. **PERFORMANCE STANDARDS CHART – SCHEDULE 'B'**, of the Agincourt North Community By-law No. 12797, as amended, is amended by adding the following Performance Standards:

SETBACK FROM STREET

- 40H. The required minimum building setbacks and the required minimum separation distances between main walls of buildings or structures are shown on Schedule 3 of By-law [clerks to provide by-law number];

PARKING

169. CLAUSE VII - GENERAL PARKING REGULATIONS FOR ALL ZONES, Sub-clause 1.2.2. Sum of Requirements, shall not apply. If the calculation of the number of required **parking spaces** result in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one **parking space**.
- 170A. Vehicle **parking spaces** shall be provided at the rate of Minimum 1.0 **parking space** per **dwelling unit** shall be provided for residents, and 0.2 **parking spaces** per **dwelling unit** shall be provided for visitors.
- 170B. Vehicle **parking spaces** shall be provided at the following rates:
- a) Minimum 1.5 **parking space** for each 100 square metres of gross floor area for Retail Uses, Office Use, and Services Uses, except for Banks where a minimum of 4 spaces per 100 square metres is required.
 - b) Minimum of 3.0 for each 100 square metres of **gross floor area** for Medical Offices.

INTENSITY OF USE

199. Maximum 37 **dwelling units**.
211. The maximum **height** of the building is 13.5 metres.
212. CLAUSE V – INTERPRETATION, Sub-Clause (f) Definitions: The definitions of **Height** shall not apply. **Height** shall mean the vertical distance measure from the established grade of 187.8 metres Canadian Geodetic Datum to the highest point on the building, excluding stairs and stair enclosures, enclosures or vestibules providing rooftop access, rooftop mechanical equipment, trellises, terraces, chimneys, guard rails, pergolas, eaves, parapets, columns and beams, screens, roof drainage, architectural features, landscaping, skylights, vents, antennae, an

accessory building, and a mechanical/electrical room to a maximum of 1.5 metres.

213. The **gross floor area** shall not exceed 4200 square metres.
 214. Maximum building coverage shall not exceed 66% of the lot area.
 215. Maximum building coverage shall not exceed 40% of the lot area.
 216. **CLAUSE V – INTERPRETATION**, Sub-Clause (f) Definitions: The definitions of **Gross Floor Area** shall not apply. **Gross floor area** shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the **main wall** of each floor level. The **gross floor area** of a mixed use or residential building is reduced by the area in the building used for:
 - i) Enclosed parking structure, loading and bicycle parking located above-ground;
 - ii) Elevator and garbage shafts;
 - iii) Garbage and recycle rooms, enclosed driveways and drive aisles;
 - iv) Mechanical or electrical rooms; and
 - v) Exit stairwells in the building.
3. **SCHEDULE "C", EXCEPTION MAP**, is amended as shown outlined on the attached Schedule '2'.
 4. **SCHEDULE "C", EXCEPTIONS LIST and EXCEPTION MAP**, are amended by amending Exception number 14 to the lands outlined on Schedule '2' as follows:
 14. On those lands identified as Exception 14 on the accompanying Schedule "2" map, the following provisions shall apply:
 - (i) Only the following uses shall be permitted:
 - (a) Domestic Retail
 - Sale of foods and soft drinks for consumption off the premises
 - Sale of Household Goods
 - Sale of Drugs, Cosmetics, Pharmaceuticals and Tobaccos
 - (b) Service Uses
 - Bank
 - Barber Shop and Beauty Parlour
 - Business and Professional Office
 - Laundromats
 - Laundry and Dry-Cleaning Pick-ups
 - Shoe Repair Shop
 - (c) Medical Office Uses

- (d) Temporary sales office for the sale/lease of residential dwelling units and non-residential gross floor area on the lands.
5. **SCHEDULE “C”, EXCEPTIONS LIST AND MAP**, are amended by adding the following **EXCEPTION 37** to the lands outlined on Schedule ‘2’ as follows:
- 37. On those lands identified as Exception 37 on the accompanying Schedule "2" map, the following provisions shall apply:
 - (i) In addition to the uses permitted in **CLAUSE VIII – ZONE PROVISIONS**, Sub-Clause 4. Apartment Residential (A) a temporary sales office for the sale and/or lease of residential or non-residential units is permitted;
 - (ii) **Apartment building** shall mean a building that has five or more dwelling units, with at least one dwelling unit entirely or partially above another, and each dwelling unit has a separate entrance directly from outside or through a common inside area;
 - (iii) **Permitted Projections:**
The following projections shall not be considered part of the **main wall**, except that no such projection shall extend into a public street or lane:

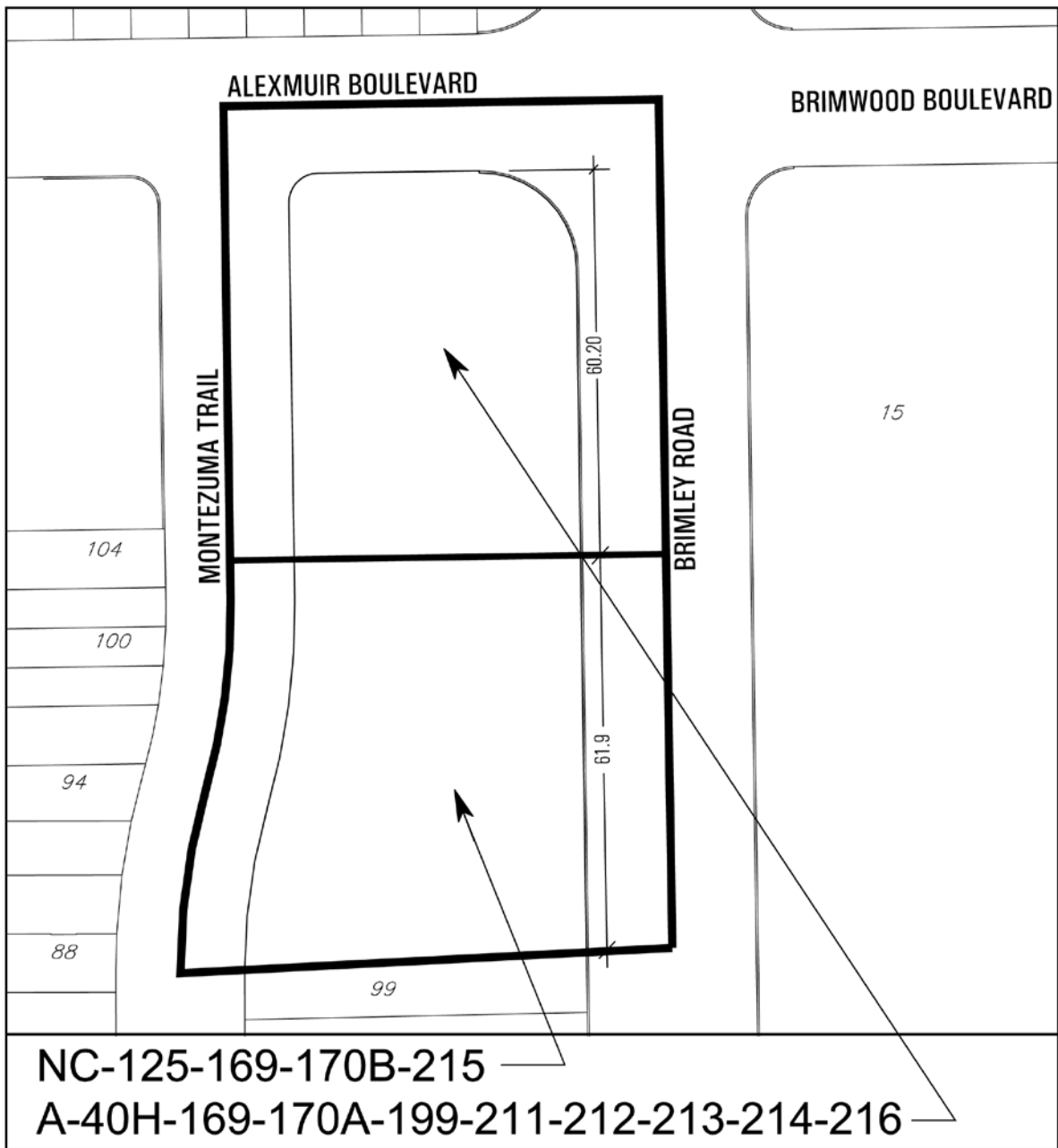
Deck, porch, platforms, terrace, canopies, balcony, decorative or screen wall, exterior steps or ramps, bay window, box window or other projecting window, roof overhang, eave, or roof of dormer window, pilaster, projecting columns, architectural features, railings, privacy screens, columns and beams to a maximum of 2.0 metres;
 - (iv) **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub-Clause 18 Lands Not Covered by Buildings shall not apply;
 - (v) **CLAUSE VII – GENERAL PARKING REGULATIONS FOR ALL ZONES**, Sub-Clause 2.1.1 Street Yard Parking shall not apply; and
 - (vi) Pursuant to Section 37 of the *Planning Act* and subject to compliance with the provisions of this By-law, the increase in height and/or density of development on the lands is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's expense.
 - a) Prior to issuance of an above grade building permit the owner shall submit cash contribution totaling \$125,000 for local park improvements in Ward 23 in consultation with the Ward Councillor with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made;

- b) The owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters referred to in Section a) herein, which agreement shall be registered on title to the lands to which this By-law applies;
- c) In the event the cash contribution(s) referred to in Section a) has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands;
- d) Where Section a) above requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- e) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to the by-law unless all provisions of Section a) of this by-law above are satisfied.

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

JOHN TORY, ULLI S. WATKISS,
Mayor City Clerk

(Corporate Seal)

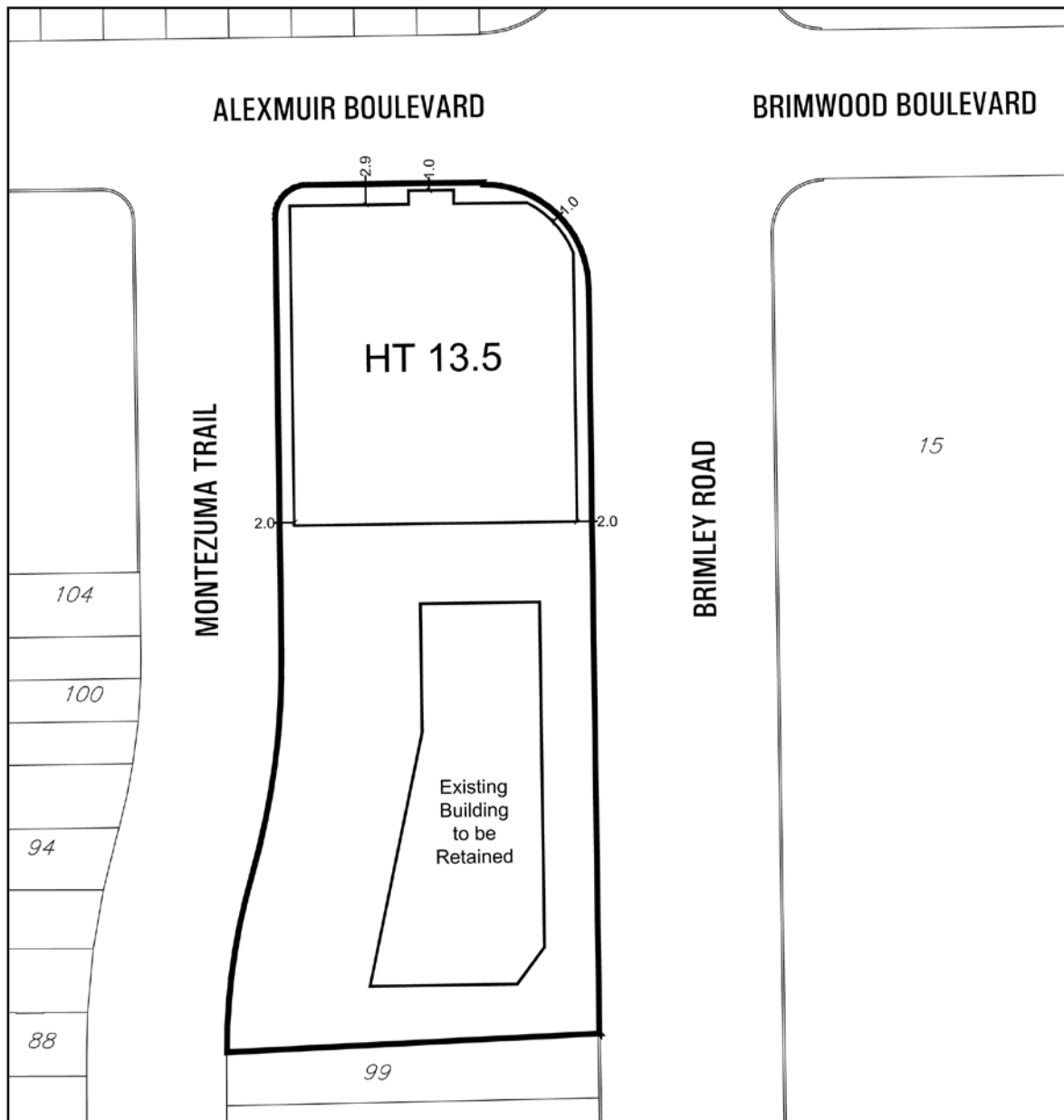


Toronto
Schedule 1

113-141 Montezuma Trail

File # 18 266753 ESC 23 0Z

↑
Agincourt North Community By-law
Not to Scale
09/23/2019



Toronto
Schedule 3

113-141 Montezuma Trail

File # 18 266753 ESC 23 0Z

City of Toronto By-Law 569-2013
Not to Scale
08/06/2019

Attachment 7: Draft Zoning By-law Amendment - Zoning By-law No. 569-2013

Authority: Scarborough Community Council ##, as adopted by City of Toronto Council on ~, 2019

CITY OF TORONTO

Bill No. ~

BY-LAW No. [XXXX- 2019]

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2019 as, 113, 115, 117, 119, 121, 123, 129, 131, 133, 135, 137, 139 and 141 Montezuma Trail.

WHEREAS Council of the City of Toronto has the authority 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

WHEREAS pursuant to Section 39 of the *Planning Act*, the Council of a Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS subsection 37(3) of the *Planning Act* provides that, where an Owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the Owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

WHEREAS the Owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS Council has required the Owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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 No. 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 to RT (u37; d1.6) (x188) and CL 0.37 (x8), 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 900.5.10 Exception Number RT 188 so that it reads:

(188) Exception RT 188

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 lands municipally known in the year 2019 as 113-141 Montezuma Trail, identified as Part 1 on Diagram 1 of By-law [clerks to provide by-law number], a **building, structure**, addition or enlargement may be constructed or used if it complies with (B) to (Q) below;
- (B) For the purposes of this exception, the **lot** comprises the lands outlined by heavy lines and identified as Part 1 on Diagram 1, attached to By-law [clerks to provide by-law number];
- (C) For the purposes of this exception, **established grade** is the Canadian Geodetic Datum elevation of 187.8 metres;
- (D) Despite regulation 10.60.40.40, the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 4,200 square metres;
- (E) Despite regulations 10.60.40.10 (1), no portion of any **building** or **structure** on the lands must have a **height** greater than the **height** in metres specified by the number following the "HT" symbol as shown on Diagram 3 attached to By-law [clerks to provide by-law number];
- (F) Despite (E) above and regulations 10.5.40.10(3) and (4), the following **building** elements may project above the permitted maximum **height**:
 - (i) stairs and stair enclosures, enclosures or vestibules providing rooftop access, rooftop mechanical equipment, trellises, terraces, guard rails, pergolas, eaves, parapets, columns and beams, screens, roof drainage, skylights, vents, antennae, and a mechanical/electrical room may exceed the permitted maximum height up to a maximum of 1.5 metres;

- (G) Despite Clause 10.60.40.70, the required minimum **building setbacks** and the required minimum separation distances between **main walls** of **buildings** or **structures** are shown on Diagram 3 of By-law [clerks to provide by-law number];
- (H) Despite the encroachments permitted in Clause 10.5.40.60, the following **building** elements are permitted to encroach into the required minimum **building setbacks**:
 - (i) Deck, porch, platforms, terrace, canopies, balcony, decorative or screen wall, exterior steps or ramps, bay window, box window or other projecting window, roof overhang, eave, or roof of dormor window, pilaster, projecting columns, architectural features, railings, privacy screens, columns and beams to a maximum of 2.0 metres;
- (I) Despite regulation 10.5.80.1(2)(C) the surface area used for the parking of **vehicles** may be located 0 metres from a fence;
- (K) Despite regulation 200.5.10.1(1), the required minimum number of **parking spaces** is:
 - (i) 1.0 **parking space** for each **dwelling unit** for the use of residents; and
 - (ii) 0.2 visitor **parking spaces** for each of the **dwelling units**.
- (L) Despite Clause 10.5.40.40, the **gross floor area** of a residential building is reduced by the area in the building used for:
 - (i) Enclosed parking structure, loading and bicycle parking located above-ground;
 - (ii) Elevator and garbage shafts;
 - (iii) Garbage and recycle rooms, enclosed driveways and drive aisles;
 - (iv) Mechanical and electrical rooms; and
 - (v) Exit stairwells in the building.
- (M) Despite regulation 10.60.40.1(3), the required minimum width of a **dwelling unit** in a **townhouse** is 4.0 metres;
- (N) Despite regulation 10.60.40.80(1)(B), the required minimum above-ground separation distance between those **main walls** facing each other is 10.0 metres at the second **storey**; 11.0 metres between windows facing each other at the third and fourth **storeys**;
- (O) Regulations 10.60.30.10(1), 10.60.30.20(1), and 10.60.30.40(1) do not apply;
- (P) Despite regulation 10.5.50.10 (3), no rear yard **soft landscaping** is required; and

- (Q) Despite regulation 10.5.80.1 (2), the ancillary outdoor area used for parking can be 0 metres away from the residential building and fence, and 0.3 metres away from a lot line that abuts a street.

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

5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.10.10 Exception Number 8 so that it reads:

(8) Exception CL 8

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 lands known in year 2019 as 113 - 141 Montezuma Trail, identified as Part 2 on Diagram 1 of By-law [Clerks to insert this by-law Number], a **building, structure**, addition or enlargement may be constructed or used if it complies with (B) to (J) below;
- (B) Despite Article 30.20.20, only the following uses are permitted: **take-out eating establishment, retail store, personal service shop**, office use, medical office use; and **financial institution**;
- (C) Despite regulation 30.20.30.40(1), the maximum **lot coverage** permitted on lands identified as Part 2 on Diagram 1 to the By-law [Clerks to insert this by-law Number] is 0.37%;
- (D) Despite regulation 30.20.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the lands identified as Part 2 on Diagram 1 to the By-law [Clerks to insert this by-law Number] is 1,200 square metres;
- (E) Despite regulation 30.20.40.70(2), the minimum required **building setback** from the north **side lot line** is 0 metres;
- (F) Despite regulation 30.20.80.20(1), **parking spaces** and a **drive aisle** may be located in the required **front yard setback** that abuts Montezuma Trail and the north **side yard setback**;
- (G) Despite regulation 30.20.80.20(2), no **soft landscaping** is required between the **parking spaces** and the **front lot line** of the property;
- (H) Despite 30.20.80.20 (3), **parking spaces** are permitted to be set back 0 metres from the **front lot line**;
- (I) Despite regulation 220.5.10.1(3) and (5), no **loading space** is required; and

- (J) Despite regulation 30.20.50.10(1) and 30.20.80.20(2) no **soft landscaping** needs be provided along the part of the **lot line** abutting the **lot** in the Residential Zone.

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

6. Section 39 Provisions

None of the provisions of By-law No. 569-2013, as amended, apply to prevent a temporary sales office on the lands subject to this by-law used exclusively for the initial sale or initial leasing of dwelling units or the leasing of commercial units on the same lands for a period not to exceed 3 years from the date of this by-law coming into full force and effect.

7. Section 37 Provisions

- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on month ##, 2019.

Name, Ulli S. Watkiss,
Speaker City Clerk

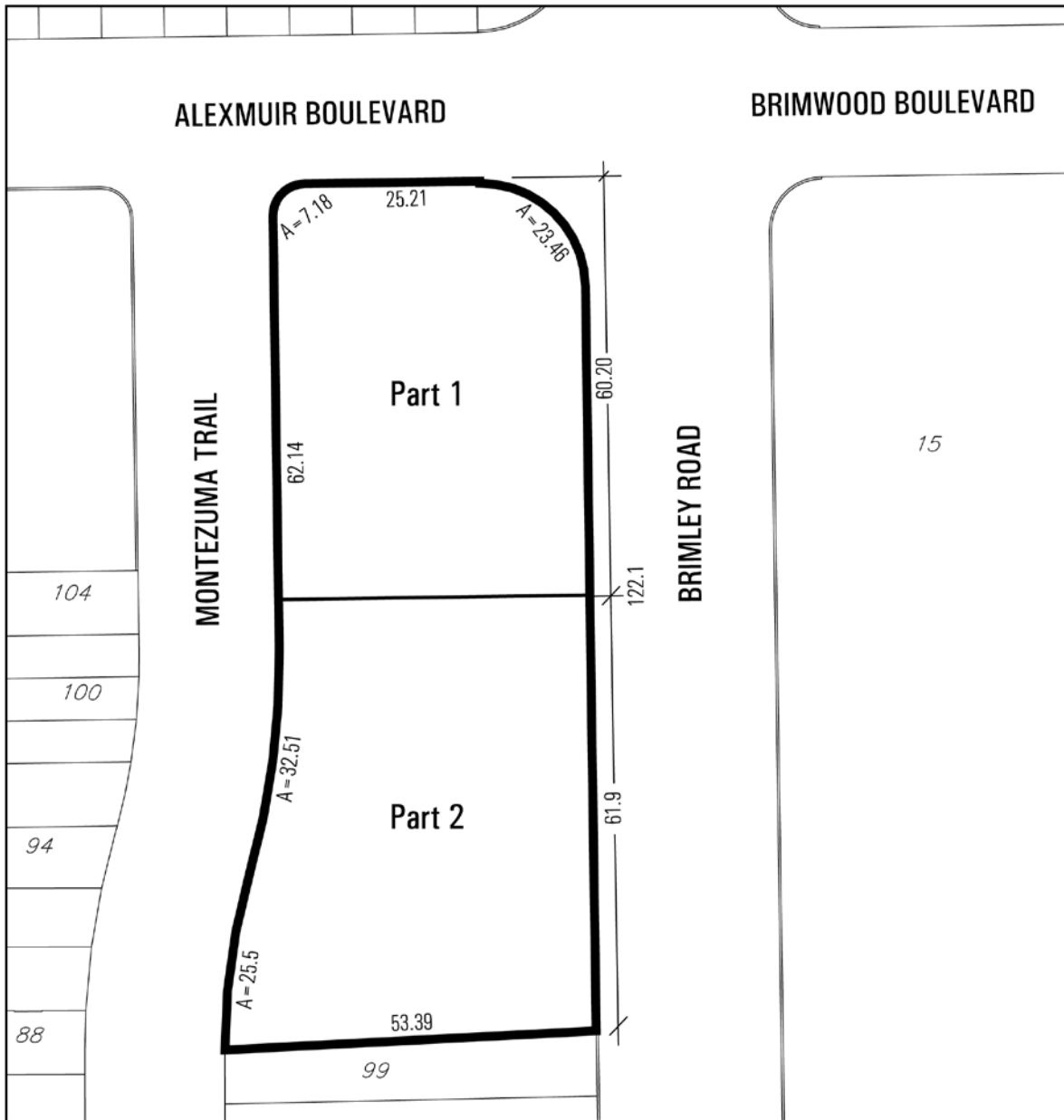
(Seal of the City)

SCHEDULE A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (1) Prior to issuance of an above grade building permit the owner shall submit a cash contribution totaling \$125,000 for local community benefits for park improvements in Ward 23 to be determined in consultation with the Ward Councillor with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
- (2) In the event the cash contribution(s) referred to in Section 1 has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

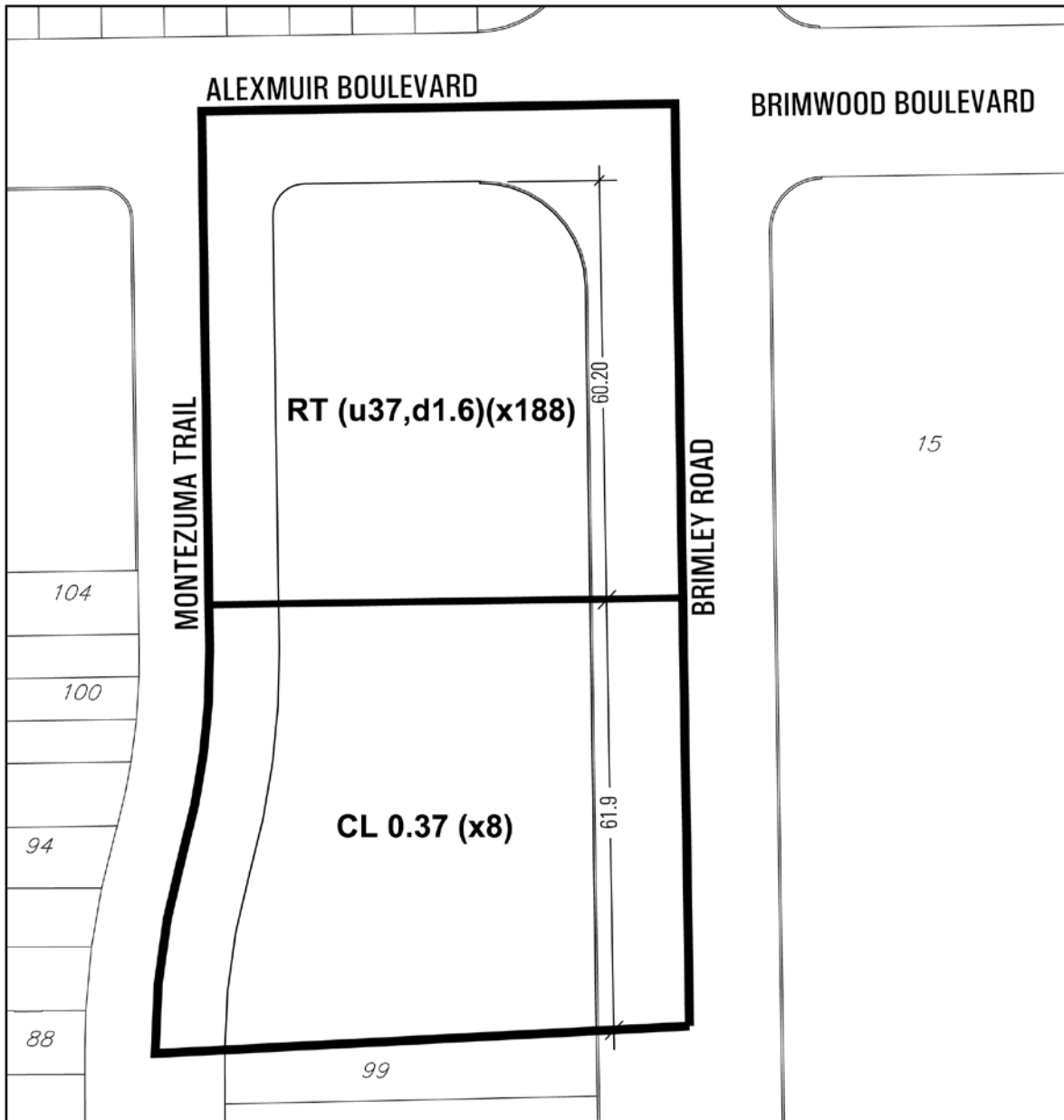


Toronto
Diagram 1

113-141 Montezuma Trail

File # 18 266753 ESC 23 0Z

City of Toronto By-Law 569-2013
Not to Scale
09/27/2019

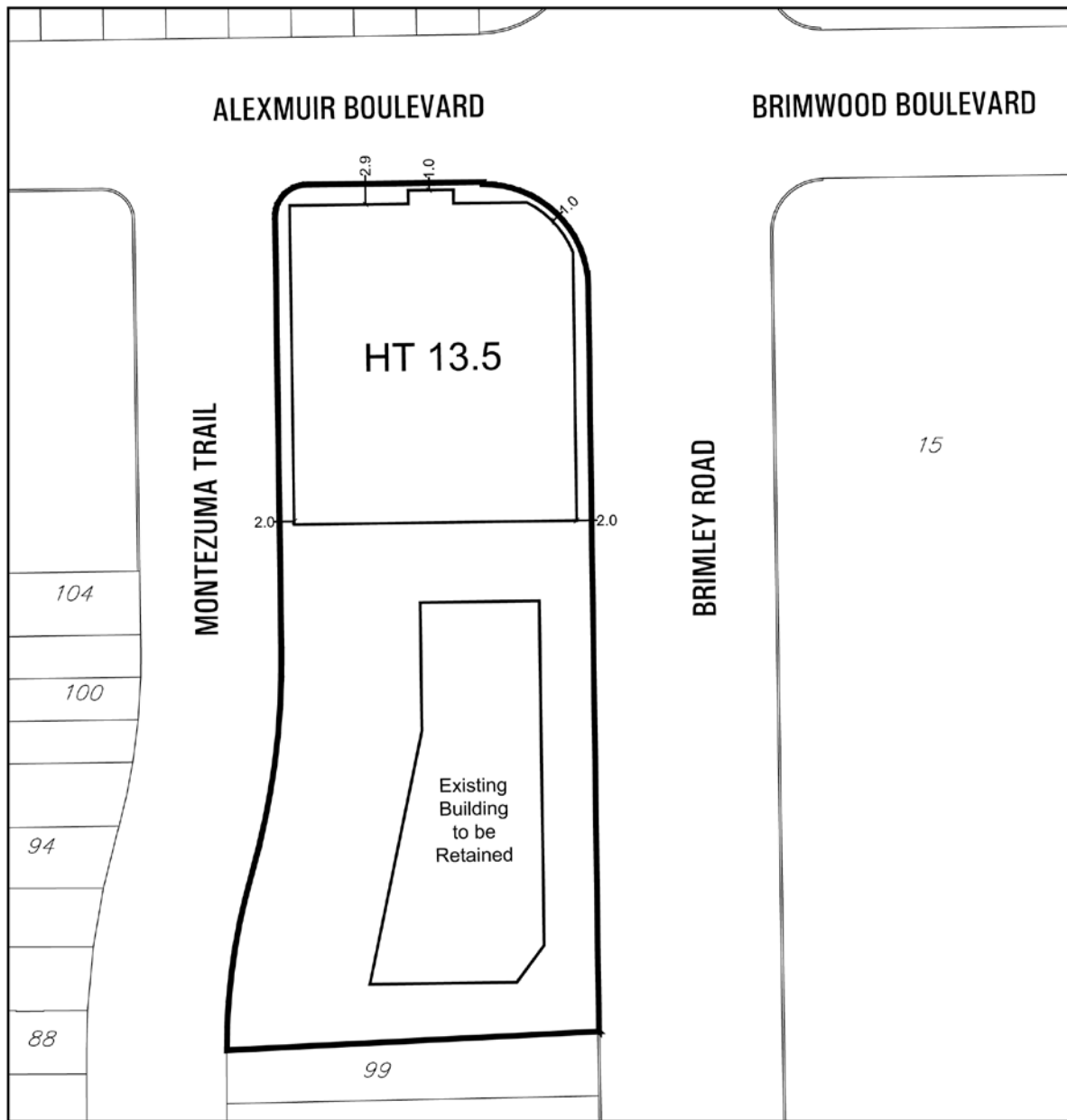


Toronto
Diagram 2

113-141 Montezuma Trail

File # 18 266753 ESC 23 0Z

City of Toronto By-Law 569-2013
Not to Scale
09/23/2019



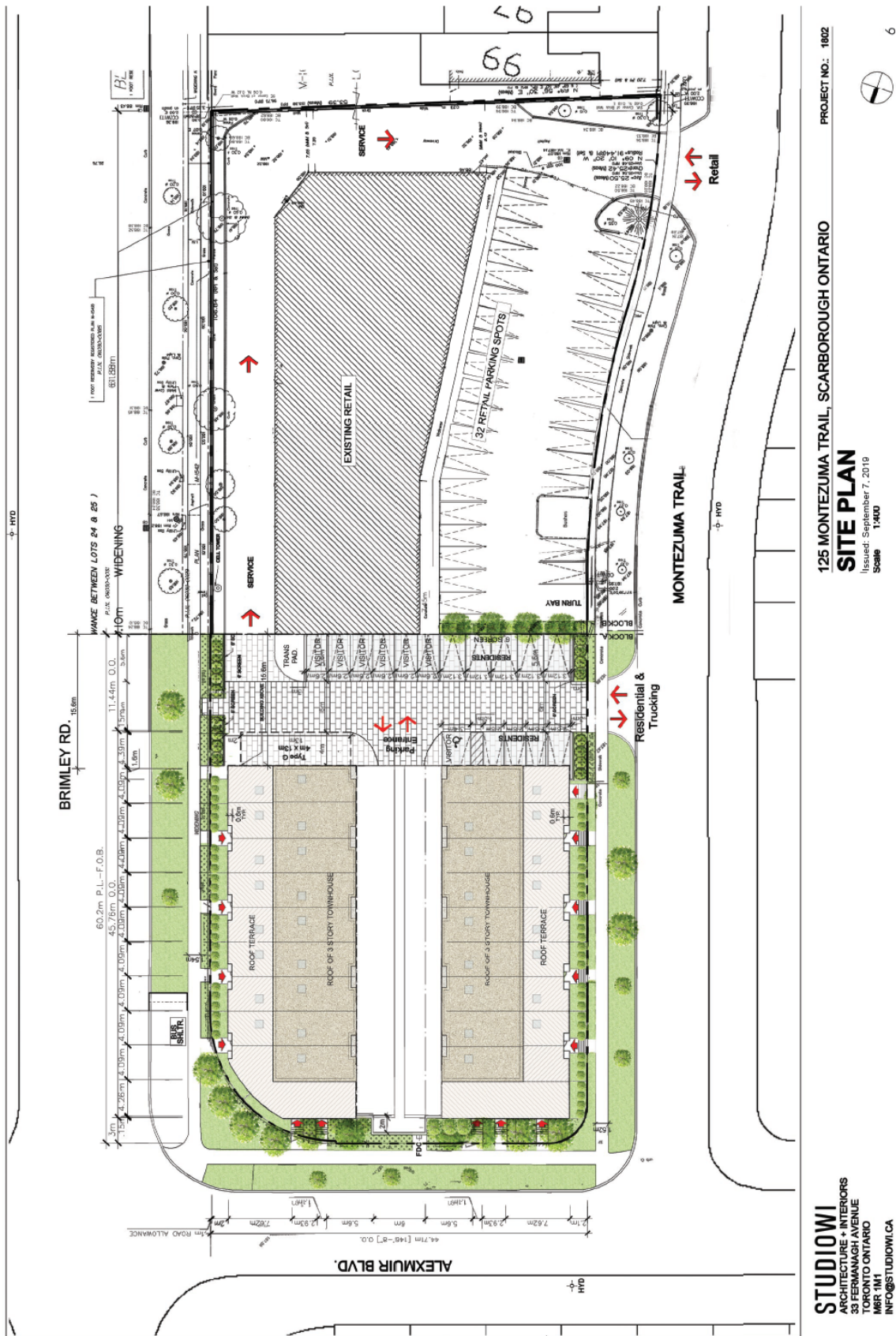
Toronto
Diagram 3

113-141 Montezuma Trail

File # 18 266753 ESC 23 02

City of Toronto By-Law 569-2013
Not to Scale
08/06/2019

Attachment 8: Site Plan/Ground Floor Plan



Final Report - 113-141 Montezuma Trail



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125 MONTEZUMA TRAIL, SCARBOROUGH ONTARIO
BRIMLEY ROAD ELEVATION BLOCK A
Issued: June 18, 2019
Scale: 1:200

PROJECT NO.: 1802

14



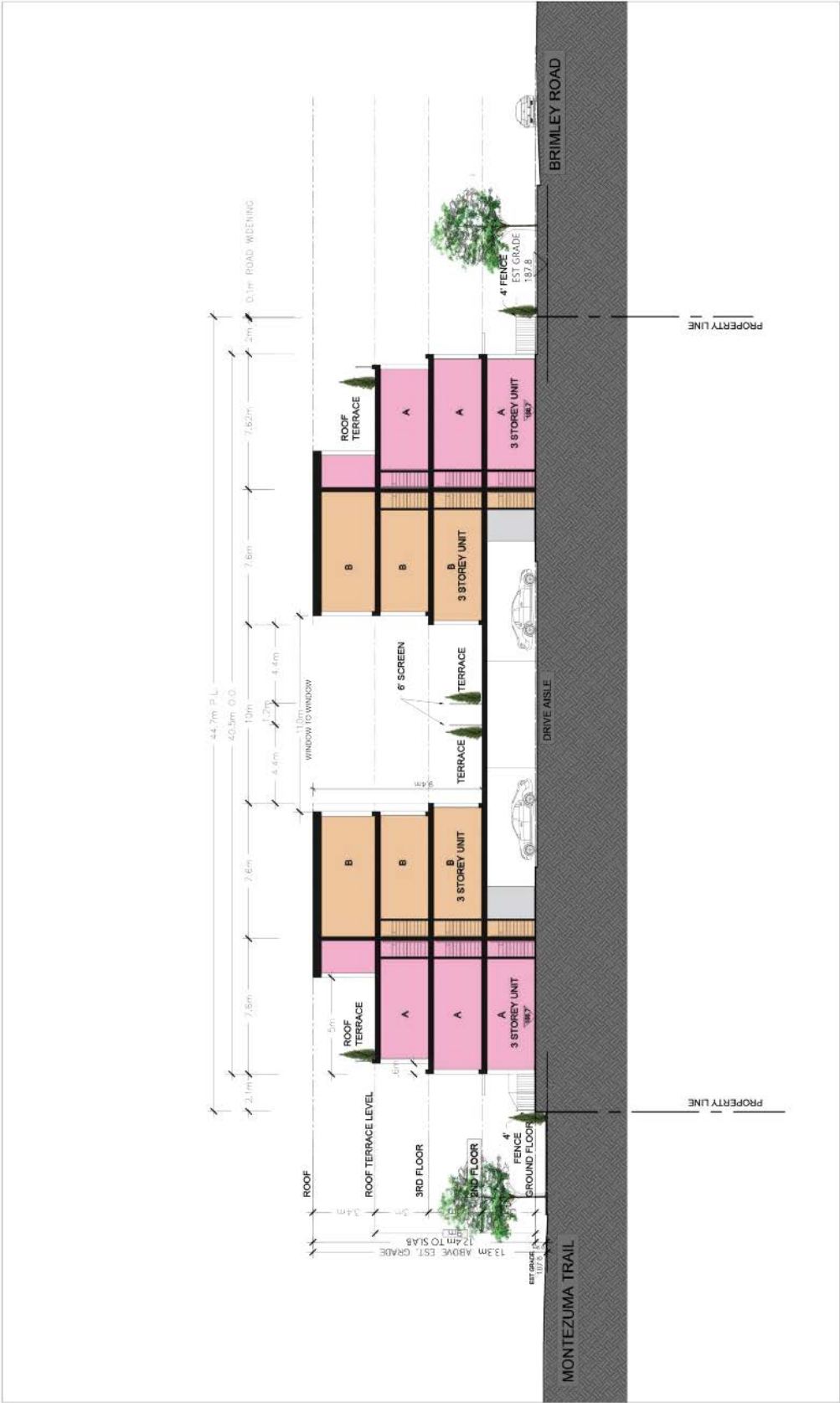
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125 MONTEZUMA TRAIL, SCARBOROUGH ONTARIO
SOUTH ELEVATION BLOCK A
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Attachment 10: Building Section



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SECTION BLOCK A
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