

Preliminary Report - 1370 Neilson Road – Zoning Amendment Application

Date: January 28, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 23 - Scarborough North

Planning Application Number: 20 220235 ESC 23 OZ

Related Applications: Site Plan Control Application 20 220246 ESC 23 SA

Notice of Complete Application Issued: January 18, 2021

Current Use(s) on Site: Vacant

SUMMARY

This report provides information on a Zoning By-law amendment application for lands at 1370 Neilson Road and identifies a preliminary set of issues regarding the proposal to permit a 6-storey self-storage facility with associated retail uses at grade. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 1370 Neilson Road together with the Ward Councillor.
2. Staff provide notice for the community consultation meeting to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

In 1992, the Ontario Municipal Board (OMB) approved amendments to the former City of Scarborough Official Plan and the Malvern Community Zoning By-law for the Malvern Town Centre lands to permit residential development in the form of apartment buildings and a limited number of townhouses and additional commercial uses in certain locations around the existing mall. One of the locations where residential development was permitted was the lands subject to this report on which the amendments contemplated up to 121 dwelling units. The subject lands were severed from the Malvern Town Centre land holdings incorporating servicing and access easement/right-of-way from Neilson Road over the Malvern Town Centre lands in favour of the subject lands.

In 2015, a Zoning Amendment application was filed for the subject site to permit a commercial development consisting of two, one-storey free-standing buildings. The application was approved by City Council at their meeting of July 7, 2015. The final report for this application can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.SC7.22>

The associated site plan applications for the contemplated developments were not finalized and the proposed developments from both 1992 and 2015 did not proceed.

ISSUE BACKGROUND

Application Description

This application proposes to amend former City of Scarborough Malvern Community Zoning By-law Number 14402, and City of Toronto Zoning By-law Number 569-2013 for the property at 1370 Neilson Road to permit a 6-storey self-storage facility with a total gross floor area of 12,118 square metres. Retail use accessory to the primary self-storage use is proposed at-grade. See Attachments 1 and 2 of this report, for a three dimensional representation of the project in context.

The main vehicular access is proposed through a private driveway off of Neilson Road. Truck access to the proposed loading areas is provided by a one-way driveway from the private driveway off Neilson Road exiting to McLevin Avenue.

18 parking spaces are proposed for the self-storage building, of which 5 are proposed within the interior of the building, while the remaining 13 are proposed at the rear and easterly side yard. A total of 8 bicycle parking spaces are proposed at-grade.

The western portion of the parcel is to be conveyed to the City as Open Space.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Provincial Policy Statement and Provincial Plans

Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These 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, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

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

The current application is located on lands designated as *Mixed Use Areas* on Map 22 - Land use Map of the Official Plan. The western portion of the subject site along the south property line is identified as being a part of the Natural Heritage System on Map 9 of the Official Plan. See Attachment 5 for an excerpt from the Official Plan Land Use Map.

Zoning By-laws

The subject lands are zoned Apartment Residential (A), Community Commercial (CC) and Major Open Space (O) within the former City of Scarborough Malvern Community Zoning By-law No. 14402. The Apartment Residential zone permits apartment buildings, day nurseries and group homes. The zoning by-law permits a maximum of 247 units per hectare which for the subject lands works out to 121 units. The Community Commercial zone permits a range of residential and commercial uses.

Toronto Zoning By-law 569-2013 zones the subject lands as Residential Apartment Zone (RA) which permits apartment buildings and Open Space (ON).

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The following design guideline(s) will be used in the evaluation of this application:

- 'Greening' Surface Parking Lots
- Bird-Friendly Guidelines; and
- Mid-rise Buildings Guidelines 2010 & Addendum 2016.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has been submitted under file number 20 220246 ESC 23 SA and is currently under review by City staff and partner commenting agencies.

COMMENTS

Reasons for the Application

A Zoning By-law amendment is required in order to rezone the majority of the parcel to establish an appropriate zoning category and performance standards to permit the self-storage and accessory retail uses, and to convey the western portion of the parcel, currently zoned as Open Space to the City.

Issues to be Resolved

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

Staff are evaluating this application for consistency with the PPS (2020) and conformity with the Growth Plan (2020). The application will be evaluated to determine whether the application is consistent with relevant PPS policies, including but not limited to: land use patterns and locations for intensification and redevelopment in settlement areas (1.1.3.2 and 1.1.3.3), promoting economic development and competitiveness (1.3.1), planning for stormwater management (1.6.6.7), transportation systems (1.6.7), supporting long-term economic prosperity (1.7), energy conservation, air quality and climate change (1.8), protecting natural heritage (2.1), and implementation and interpretation (4.6).

Key Growth Plan (2020) policies that will be used to evaluate this application include, but are not limited to: managing growth to support the achievement of complete communities (policy 2.2.1.4), intensification in delineated built-up areas (policy 2.2.2.3), employment (2.2.5), managing stormwater (3.2.7), and protecting natural heritage (4.2.2.6). Given the explicit link between provincial policy and the Official Plan, consistency with the PPS and conformity with the Growth Plan will be largely determined by conformity with the Official Plan.

Official Plan Conformity

Staff are evaluating this application against the Official Plan to determine the application's conformity to the Official Plan. Citywide Official Plan policies that will be used to evaluate this application include, but are not limited to: structuring growth (2.2), green space system policies (2.3.2), built form policies (3.1.2), parks and open spaces

policies (3.2.3), natural environment policies (3.4), and development criteria in *Mixed Use Areas* (4.5.2).

Built Form, Planned and Built Context

City staff will assess the suitability of the proposed site organization, height, massing, setbacks and stepbacks, and other built form issues based on Provincial policies, the City's Official Plan policies, and applicable Design Guidelines. Staff will continue to assess:

- the proposed building's height, density, setbacks, massing, and materials, in relation to the area's existing built form character and scale;
- the proposed streetscape along Neilson Road and McLevin Avenue; and
- the potential impacts associated with the proposed massing, including but not limited to privacy, wind, and incremental shadowing of nearby parks, and open spaces.

A shadow study has been submitted and will be reviewed to help assess the impacts of the proposed height and massing on the pedestrian environment and surrounding lands.

Ravine and Natural Heritage Protection

The western portion of the subject site is part of a Natural Heritage Area as identified on Map 9 of the Official Plan and within the City of Toronto Ravine and Natural Feature Protection By-law area. Staff are determining if the environmental features on the site will need protection and whether the planning application conforms to the Ravine and Natural Feature Protection By-law. A Natural Heritage Impact Study was submitted and is under review.

Ravine staff have indicated that the existing natural feature area, currently zoned as Open Space, be conveyed into public ownership.

Tree Preservation

The 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).

An Arborist Report and Tree Preservation Plan were submitted and are currently under review by City staff. As proposed, this project would require the removal of 30 trees. Staff will be evaluating the application to ensure that it supports the Official Plan policies of preserving existing mature trees wherever possible and incorporating them into landscape designs and increasing the amount of tree canopy coverage.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the *Planning Act* for 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, in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

While the proposed development exceeds 10,000 square metres, staff are reviewing the proposal to determine whether the increase in density constitutes a sufficient impact on community and capital infrastructure to necessitate requiring community benefits, given that the increase in density is proposed as commercial self-storage use. If it is determined that Section 37 benefits will be secured please refer to the Council approved Implementation Guidelines and Protocol for Negotiating Section 37 Community Benefits which are available here:

<https://www.toronto.ca/wp-content/uploads/2017/08/8f45-Implementation-Guidelines-for-Section-37-of-the-Planning-Act-and-Protocol-for-Negotiating-Section-37-Community-Benefits.pdf>.

Staff are also reviewing the development agreement registered on title pursuant to the 1992 OMB decision for the approved amendments to the former City of Scarborough Official Plan and the Malvern Community Zoning By-law for the Malvern Town Centre lands. The Minutes of Settlement between the then-owner and the City of Scarborough were secured in a development agreement registered on title and included a requirement for the owner to provide a one-time cash contribution of \$333,350.00 upon the issuance of the first residential building permit on either of the residential blocks subject to the agreement.

The agreement was registered on title and is binding on any future owners and was put in place because at the time the former City of Scarborough Official Plan did not contain Section 37 policies.

No residential development is proposed as part of the current applications on the subject site, and it is likely the stipulated payment should technically not be required at this time. However, as the agreement applies to other lands as well, City Planning staff in consultation with Legal Services, will evaluate whether alternative measures would be required to address matters in the existing development agreement.

Infrastructure/Servicing Capacity

Staff are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.

Staff are also reviewing a Servicing Report provided by the applicant with the submission, the purpose of which is intended to evaluate the effects of a proposed change in land use or development on the City's municipal servicing infrastructure and watercourses and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide for adequate servicing to the proposed change in land use or development.

Transportation

Staff are reviewing the Parking Study submitted by the applicant, the purpose of which is to ensure an adequate parking supply is provided.

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 intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Staff are reviewing the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures.

Other Matters

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

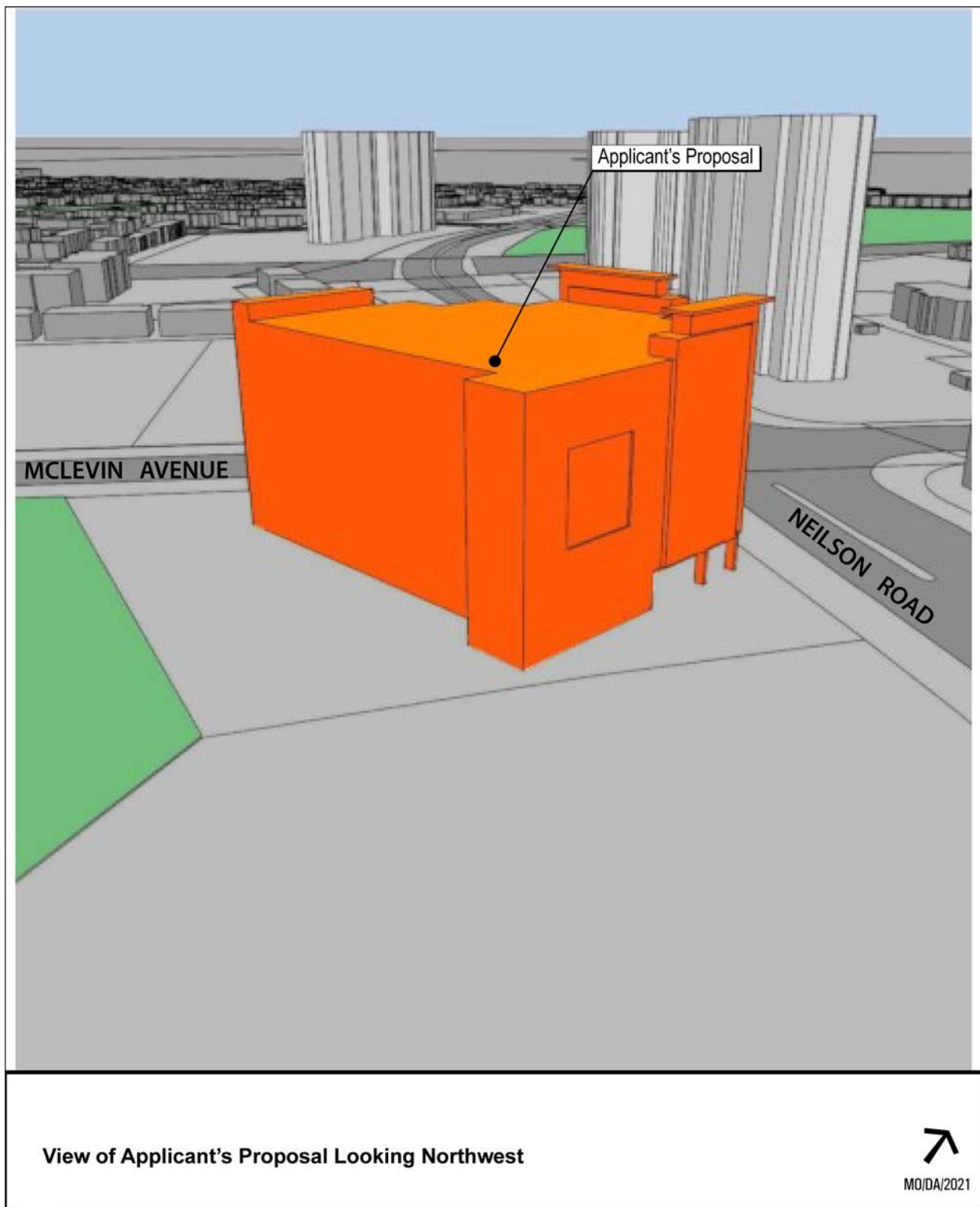
Paul Zuliani, Director, MBA RPP
Community Planning, Scarborough District

ATTACHMENTS

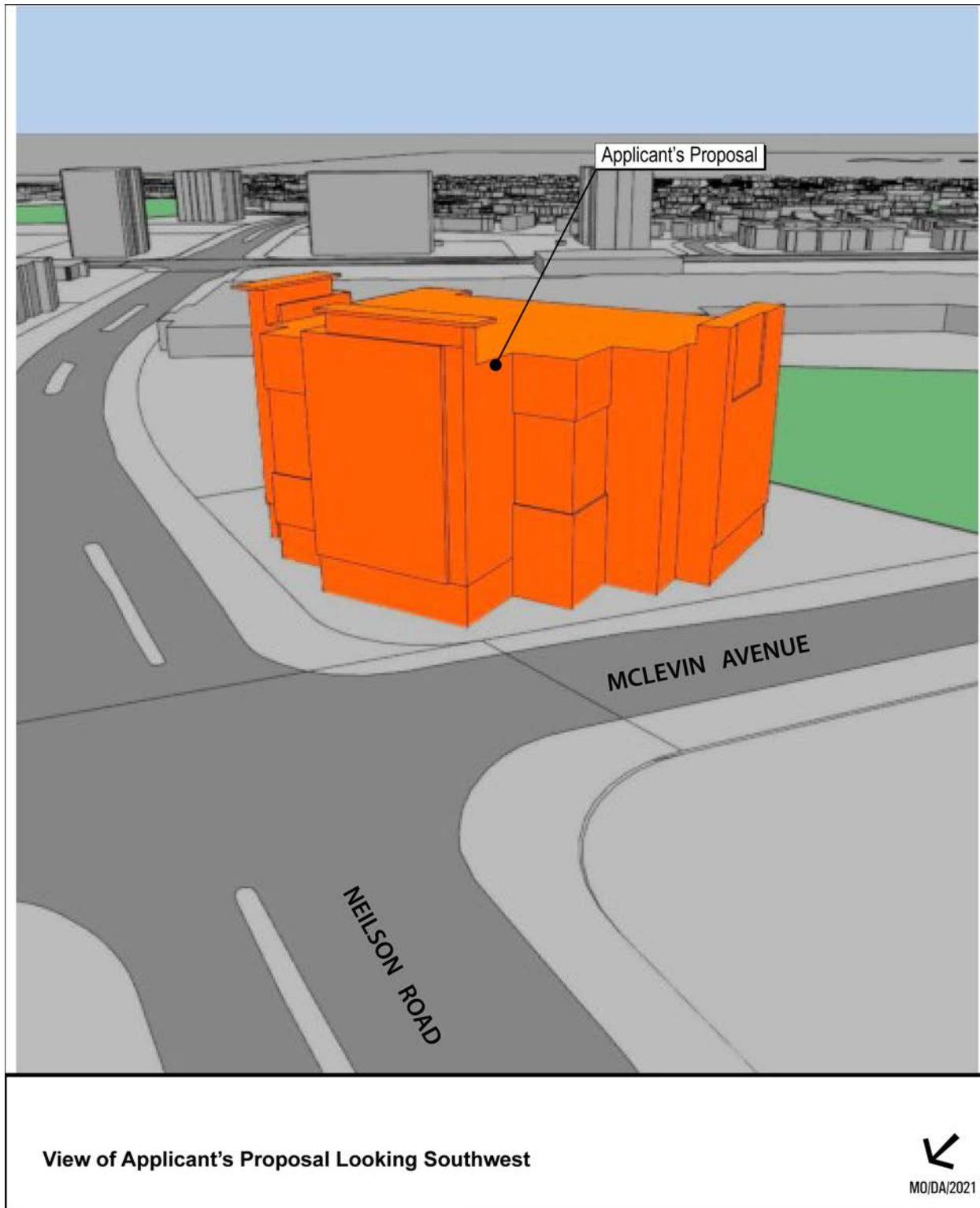
City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context Looking Northwest
Attachment 2: 3D Model of Proposal in Context Looking Southeast
Attachment 3: Location Map
Attachment 4: Site Plan
Attachment 5: Official Plan Map

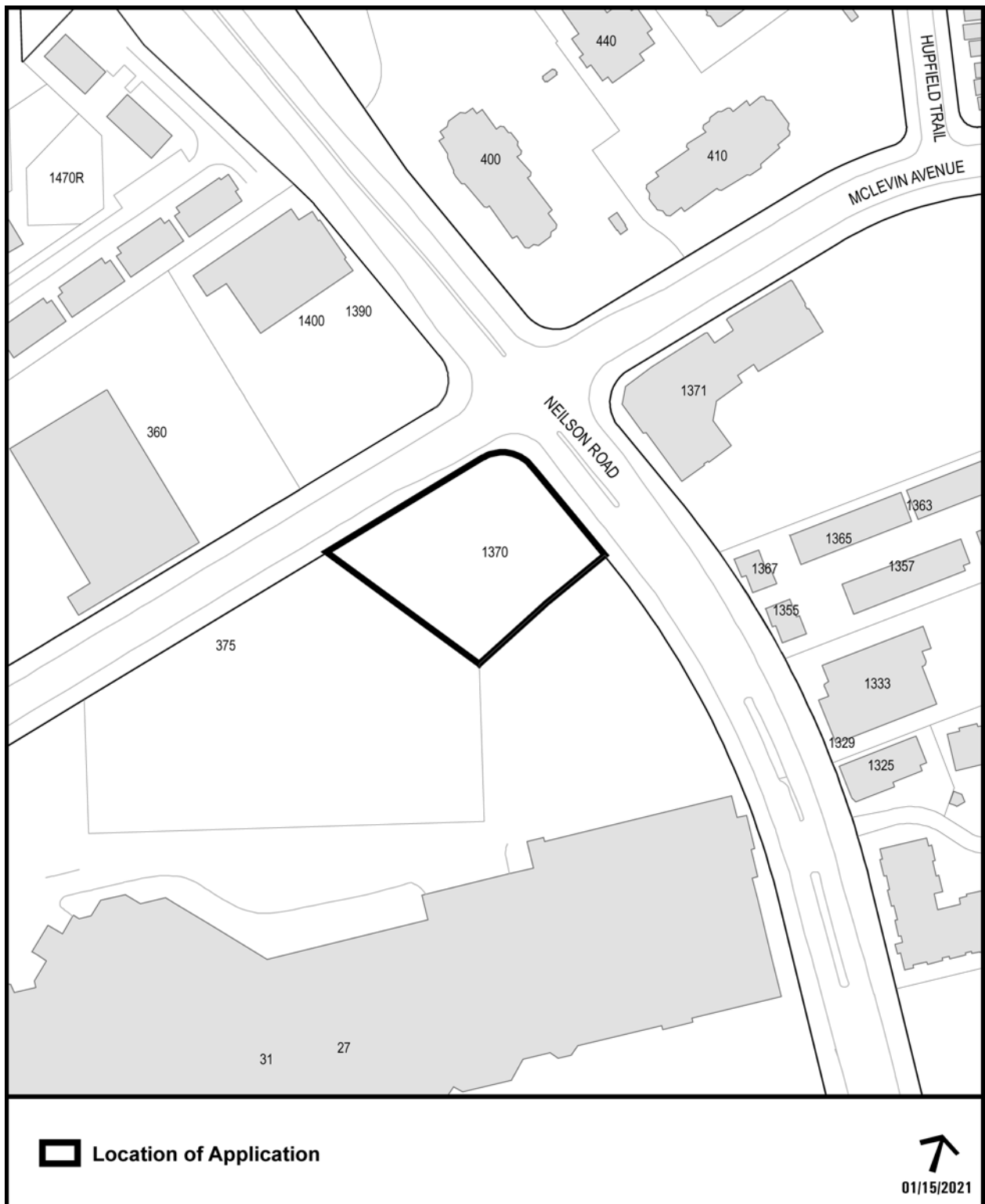
Attachment 1: 3D Model of Proposal in Context Looking Northwest



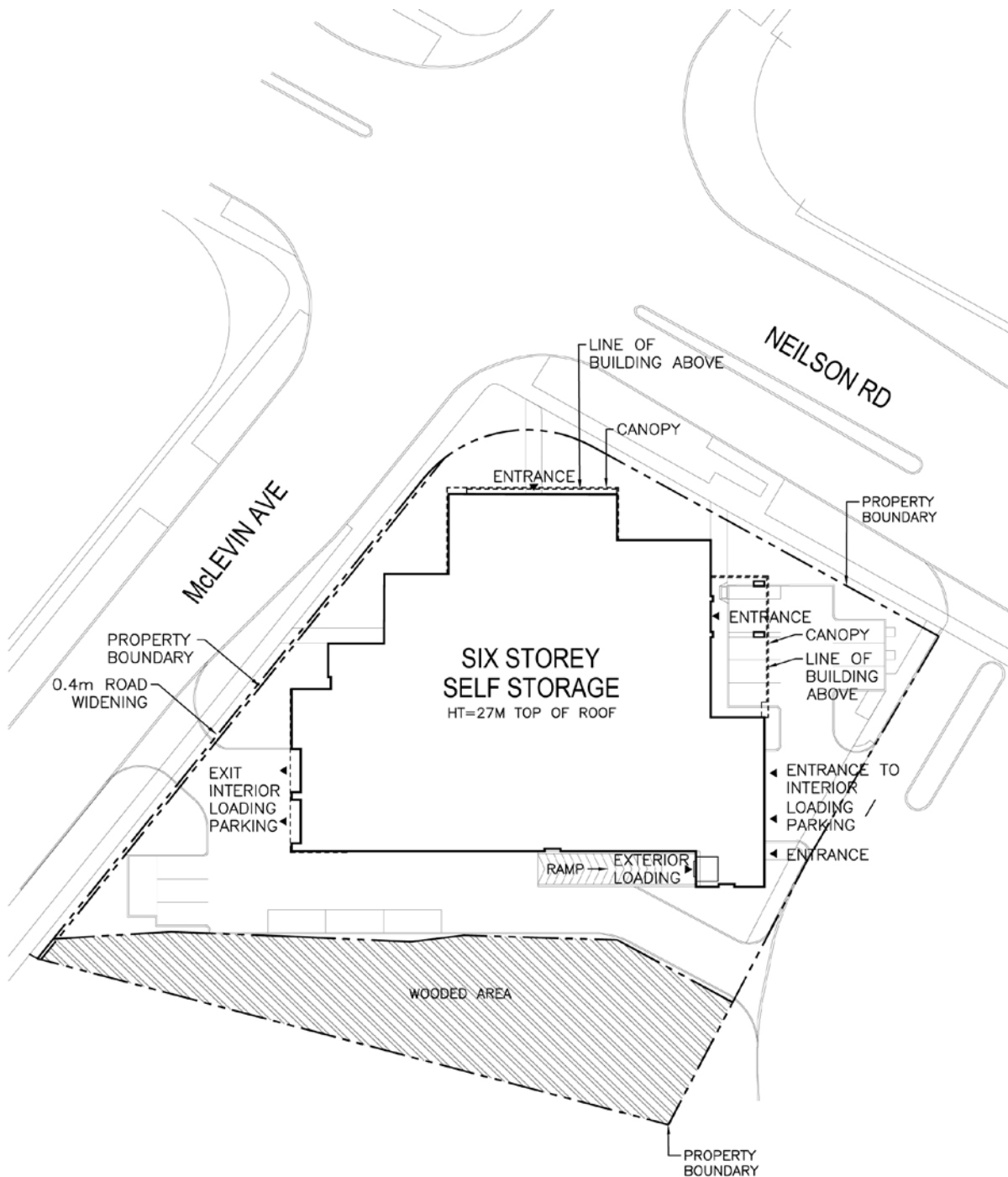
Attachment 2: 3D Model of Proposal in Context Looking Southeast



Attachment 3: Location Map



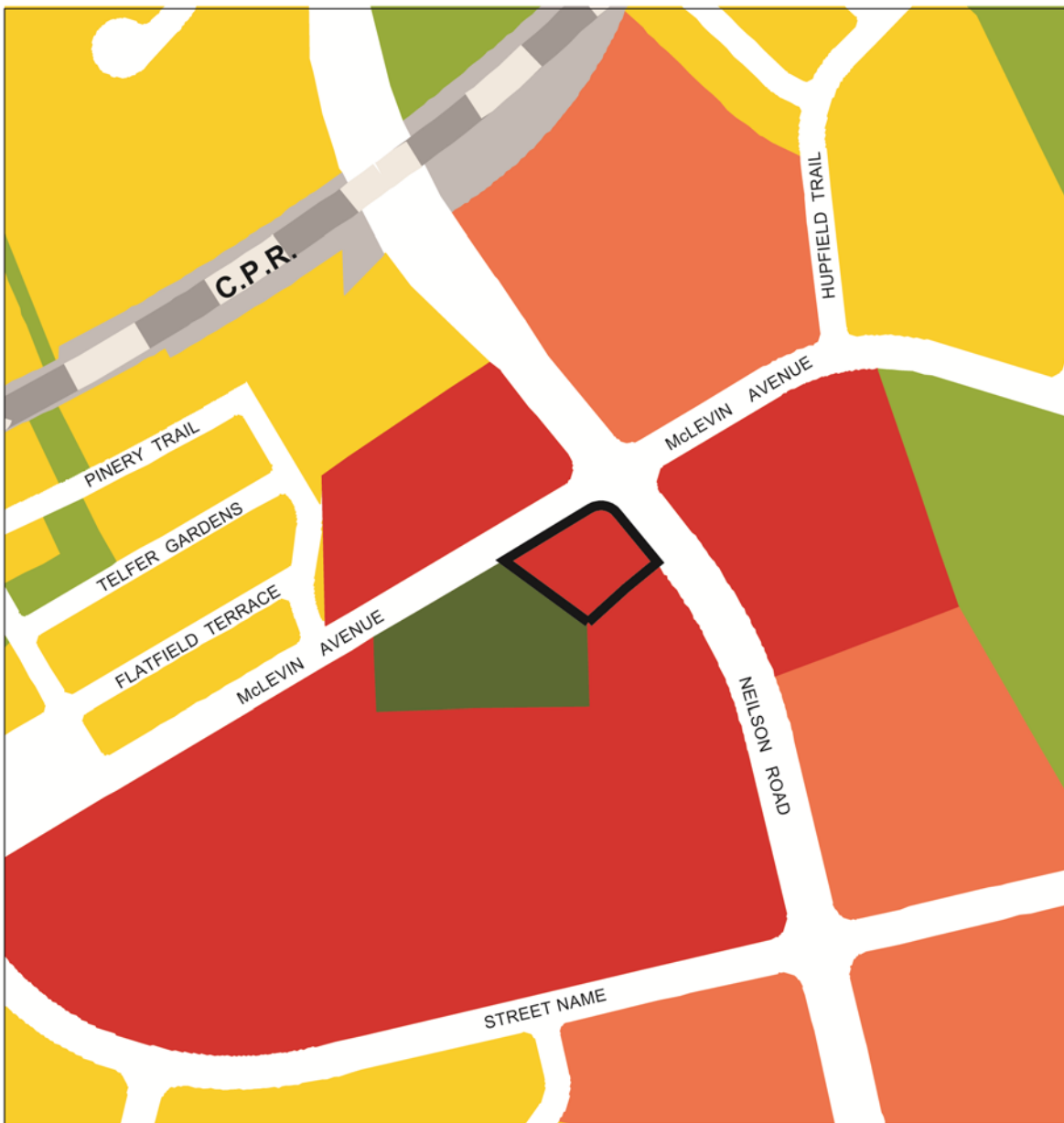
Attachment 4: Site Plan



Site Plan



Attachment 5: Official Plan Map



1370 Neilson Road

Official Plan Land Use Map #22

File # 20 220235 NNY 20 02

	Location of Application		Natural Areas
	Neighbourhoods		Parks
	Apartment Neighbourhoods		Utility Corridors
	Mixed Use Areas		



Not to Scale
01/15/2021