

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

Date: May 19, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: 23 - Scarborough North

Planning Application Number: 21 125257 ESC 23 OZ

Related Applications: 18 266753ESC 23 OZ

Notice of Complete Application Issued: March 10, 2021

Current Use(s) on Site: a one-storey commercial plaza with surface parking along Montezuma Trail

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 113 to 141 Montezuma Trail. The proposal seeks to amend the Zoning By-law to permit the development of the southern portion of the lands with two rows of back-to-back townhouses totalling 44 dwelling units and three retail units fronting onto Montezuma Trail.

A previous application to rezone the north part of the subject lands was approved by City Council in 2019 to permit the development of 37 dwelling units, retaining a portion of the existing plaza on the southern portion site. This approved development has yet to be constructed. The application subject to this report proposes to demolish the existing plaza including the portion to be retained under the 2019 approval, but does not contemplate any other adjustments to the previously enacted Zoning By-law.

Staff are currently reviewing this 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 113 to 141 Montezuma Trail 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

On November 26, 2019, the City Council approved the north half of the property to be rezoned to Apartment Residential to permit 37 back-to-back townhouse units with a gross floor area of 4,200 square metres.

City Council adaption decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.SC10.5>

ISSUE BACKGROUND

Application Description

This application proposes to amend the City of Toronto Zoning By-law 569-2013, as amended and former City of Scarborough Agincourt North Community By-law 12797, as amended for the property located at 113-141 Montezuma Trail. The application seeks to permit the construction of two rows of back-to-back townhouses units and three retail units at grade on the southern portion of the subject lands (see Attachment 1 and 2 of this report, for a three dimensional representation of the project in context and Attachment 4 for a proposed Site Plan).

The proposal is organized into two rows of back-to-back townhouses units on the south side of the site. The units facing Montezuma Trail and Brimley Road are 3 storeys (10.0 metres) tall and the interior units face a central courtyard which sits above a parking area making them 4 storeys (13.3 metres) tall. Three of the units facing Montezuma Trail will be two storeys in height as there will be three retail units at-grade. Also, one of the units along Brimley Road will be 2-storeys to accommodate a ground floor garbage room.

A total of 44 dwelling units are proposed consisting of 5,045 square metres of residential gross area. Three retail units is also proposed with 135 square metres of gross floor area, resulting of an overall gross floor area of 5,180 square metres. The form and scale of the development generally continues what is established by the proposed development of the northern part of the site that was previously approved by the City Council but has yet to be constructed.

The proposal includes 3 retail units at grade fronting on Montezuma Trail that have a gross floor area of 135 square metres. The retail units are located at the southwest corner of the site with direct access from Montezuma Trail. The retail is located near a small landscaped area and a pedestrian connection between Montezuma Trail and Brimley Road.

Vehicular access is proposed from a singular driveway midpoint along Montezuma Trail. A total of 53 parking spaces are proposed, including 43 residential parking spaces and 9 visitor parking spaces. Of this total, 34 parking spaces will be provided within a shared parking garage located on the ground floor, beneath the central courtyard and 17 surface parking are provided adjacent to the south face of the building and between the north and south blocks. The surface spaces are proposed to be screened by 1.8 metre brick fence and landscaping features.

Visitor parking will be provided in the surface parking area. Access to the parking area will be shared with the curb cut and driveway from the approval on the north half of the site to access the ground level parking garage. The driveway through that parking garage will allow access to the surface parking area to the south of the building.

One Type 'G' loading space has been provided and it is located immediately south of the row of townhouse fronting on Brimley Road. It is proposed that both townhouse blocks share the proposed Type 'G' loading space. Vehicular and loading access will be provided via one driveway off Montezuma Trail.

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), 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

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 shown as *Neighbourhoods* on Map 19 of the Official Plan. Please see Attachment 5 for an excerpt of the Official Plan Land Use Map.

Zoning By-laws

The southern portion of the subject property is zoned Commercial (CL) in the City of Toronto Zoning By-law 569-2013, as amended. The CL zone permits a number of uses including, but not limited to, financial institution, medical office, office, personal service shop, library, fire hall, education use, park, retail service and service shop.

Exception 8 to the CL zone, created during the previous application for rezoning, also applies to the property and states that the lands are subject to site specific provisions that were formulated to retain a portion of the existing plaza as the lands to the north were yet to be constructed and rezoned to permit townhouses. Exception 8 further refines the list of permitted uses to take-out eating establishment, retail store, personal service shop, office use, medical office use; and financial institution and limits retail gross floor area to 1,200 square metres. A number of performance standards are also in place related to setbacks and landscaping to ensure that a portion of the existing plaza could be retained without creating zoning compliance issues.

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/>

The property is also subject to the Agincourt North Community By-law No. 12797, as amended and is zoned Neighbourhood Commercial (NC). Permitted uses in the NC zone include, but are not limited to, day nursery, shoe repair, sale of household hardware, business and professional offices, automobile service station (excluding car wash), barber shop and beauty parlour, laundry and dry cleaning pick up, sale of drugs, cosmetics, pharmaceuticals and tobaccos, sale of food and soft drinks for consumption off the premises only in a store not exceeding 466 square metres. Exception 14 also applies to the property and impose specific retail and service uses that are permitted on the subject property, similarly enacted through the previously approved amendment to the Zoning By-law.

Design Guidelines

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

- Townhouse and Low Rise Apartment Guidelines.
- Retail Design Manual

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 not been submitted.

COMMENTS

Reasons for the Application

The application to amend both City of Toronto Zoning By-law 569-2013 and Agincourt North Community Zoning By-law 12797 are required to permit residential uses on site. The proposed townhouse development is not a permitted use.

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

The proposed development will be evaluated against the PPS (2020) and the Growth Plan for the Greater Golden Horseshoe (2020) to determine the application's consistency with the PPS and conformity with the Growth Plan.

Official Plan Conformity

Staff will review the proposed application for conformity with the Official Plan. The property is designated Neighbourhoods in the City of Toronto Official Plan. Neighbourhoods are considered physically stable areas made up of residential uses in lower scale building such as detached houses, semi-detached houses, duplexes, triplexes, and townhouses, as well as walk-up apartments that are no higher than four storeys in height. Parks, low scale institutions, home occupations, cultural and recreational facilities, and small-scale retail, service and office uses are also permitted on properties in *Neighbourhoods*.

The Official Plan sets out policies and development criteria aimed to ensure that physical changes to established neighbourhoods are sensitive, gradual and "fit" the existing physical character. Recent changes to the *Neighbourhoods* policies through Official Plan Amendment 320 (OPA 320) set out additional tests as to where council may consider additional intensification within *Neighbourhoods* along main streets.

Land Use

The proposal seeks intensification of the lands with residential land use on the southern block. When the rezoning of the northern portion of the site to permit residential uses was approved by Council, staff reviewed the retention of the retail use on the southern portion. The retention of a portion of the existing plaza on the southern lands was an appropriate outcome as the uses permitted in the retained plaza would continue to provide local retail amenity for the neighbourhood consistent with the land use permissions of the *Neighbourhoods* designation.

Even with the inclusion of a modest amount of retail use proposed by the subject application, the gross floor area available for non-residential uses on the lands is substantially reduced. The location and deployment of the proposed non-residential land use would also need to be reviewed against Official Plan policies about non-residential uses in *Neighbourhoods*. Through the review of this application, staff will look to determine if the local community will continue to be adequately served or if it will be impacted by the loss of commercial space should it not be replaced through the redevelopment.

Built Form, Planned and Built Context

Staff are reviewing the application against the Townhouse and Low-Rise Apartment Guidelines. In particular, staff are evaluating the appropriateness of the separation distance between the buildings and proposed setbacks from the property line.

Staff will also review the loading/garbage areas and utilities to ensure that they are appropriately located and screened from public view.

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).

The Arborist Report and Tree Preservation Plan submitted by the applicant and currently been reviewed by City Staff.

Infrastructure/Servicing Capacity

City Planning's commenting partners are currently 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.

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.

The TGS Checklist submitted by the applicant is currently under review by City staff 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, MBA, RPP, Director
Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context (Southeast)

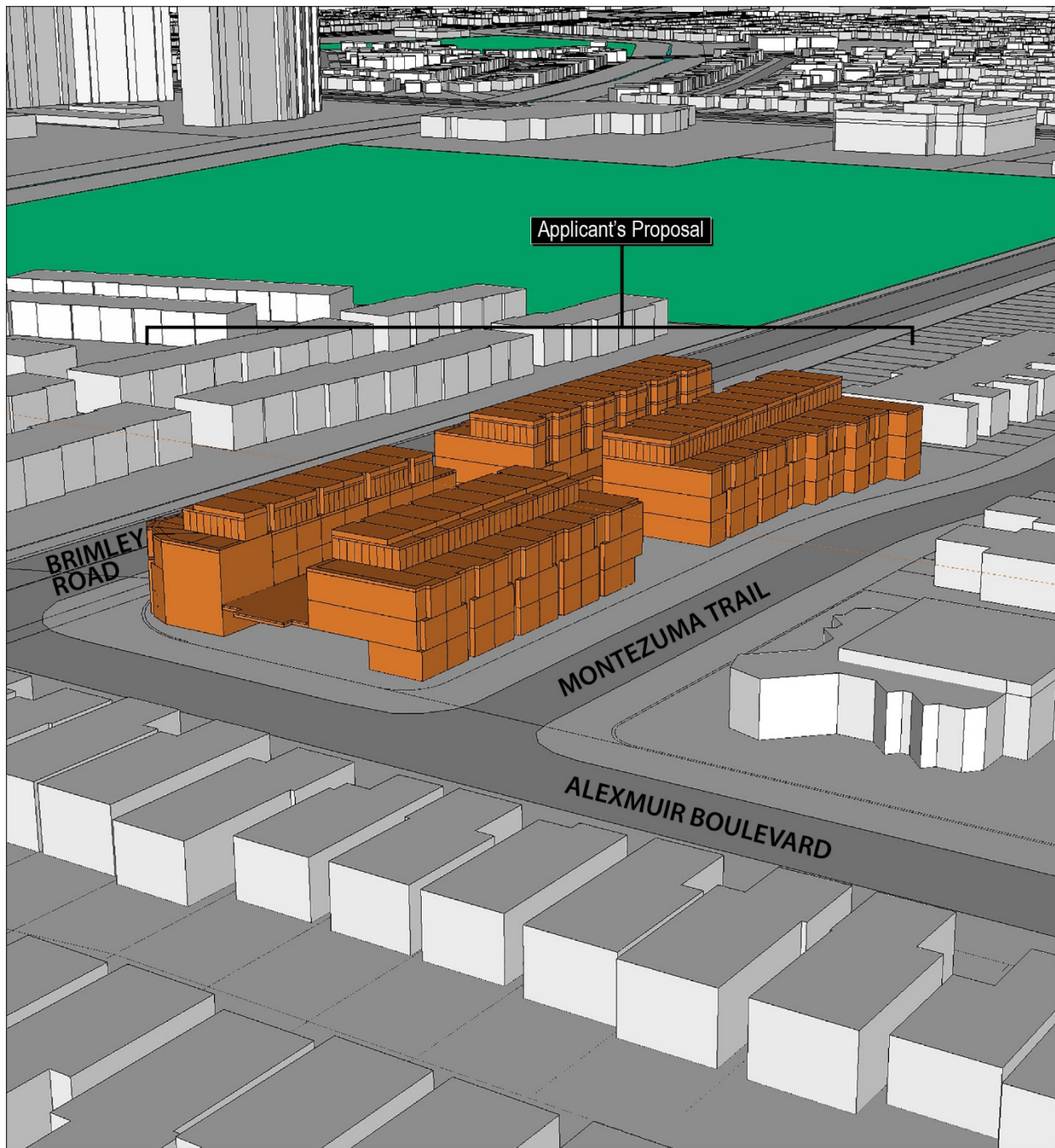
Attachment 2: 3D Model of Proposal in Context (Southwest)

Attachment 3: Location Map

Attachment 4: Site Plan

Attachment 5: Official Plan Map

Attachment 1: 3D Model of Proposal in Context (Southeast)

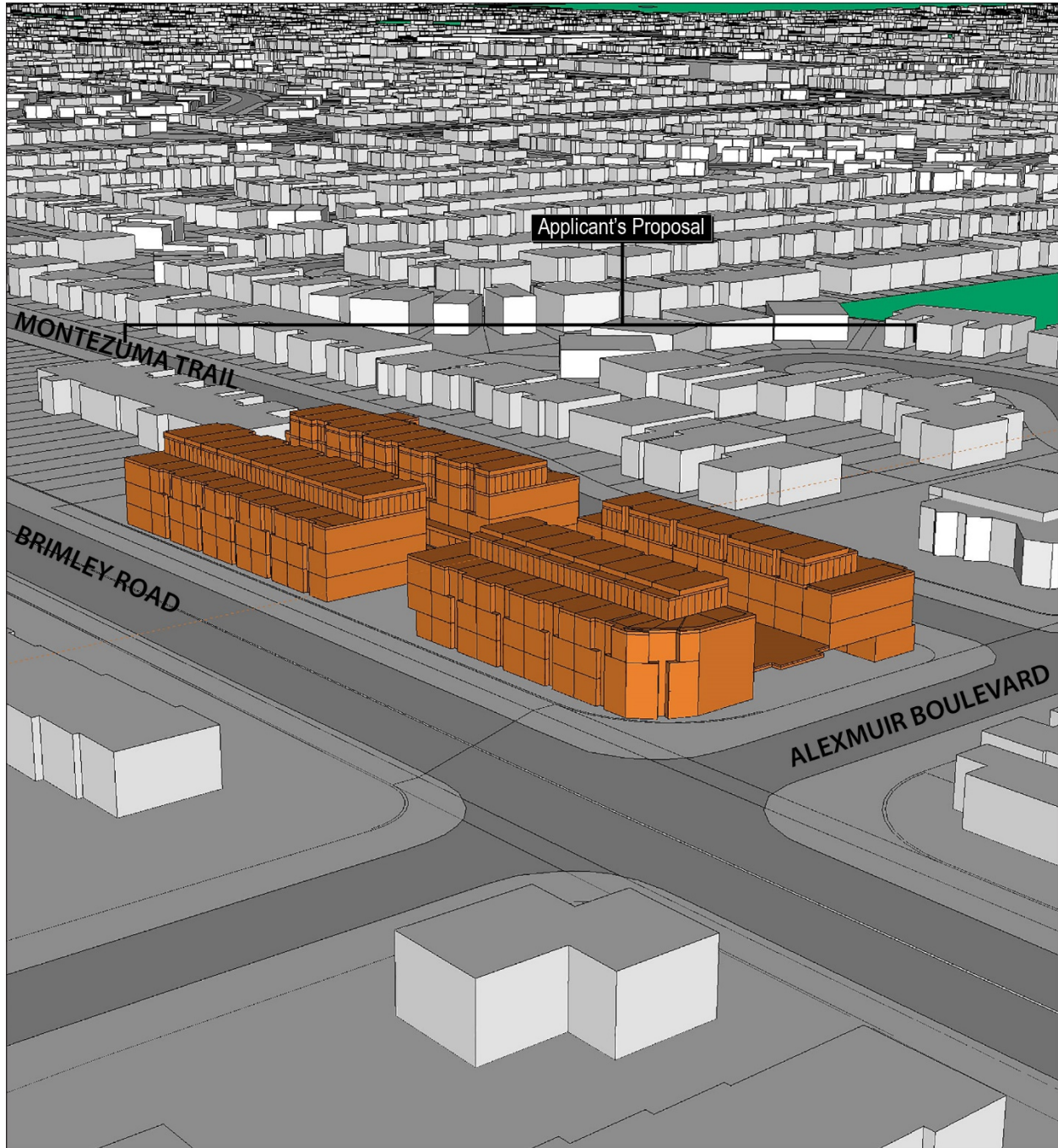


View of Applicant's Proposal Looking Southeast



05/17/2021

Attachment 2: 3D Model of Proposal in Context (Southwest)



View of Applicant's Proposal Looking Southwest



05/17/2021

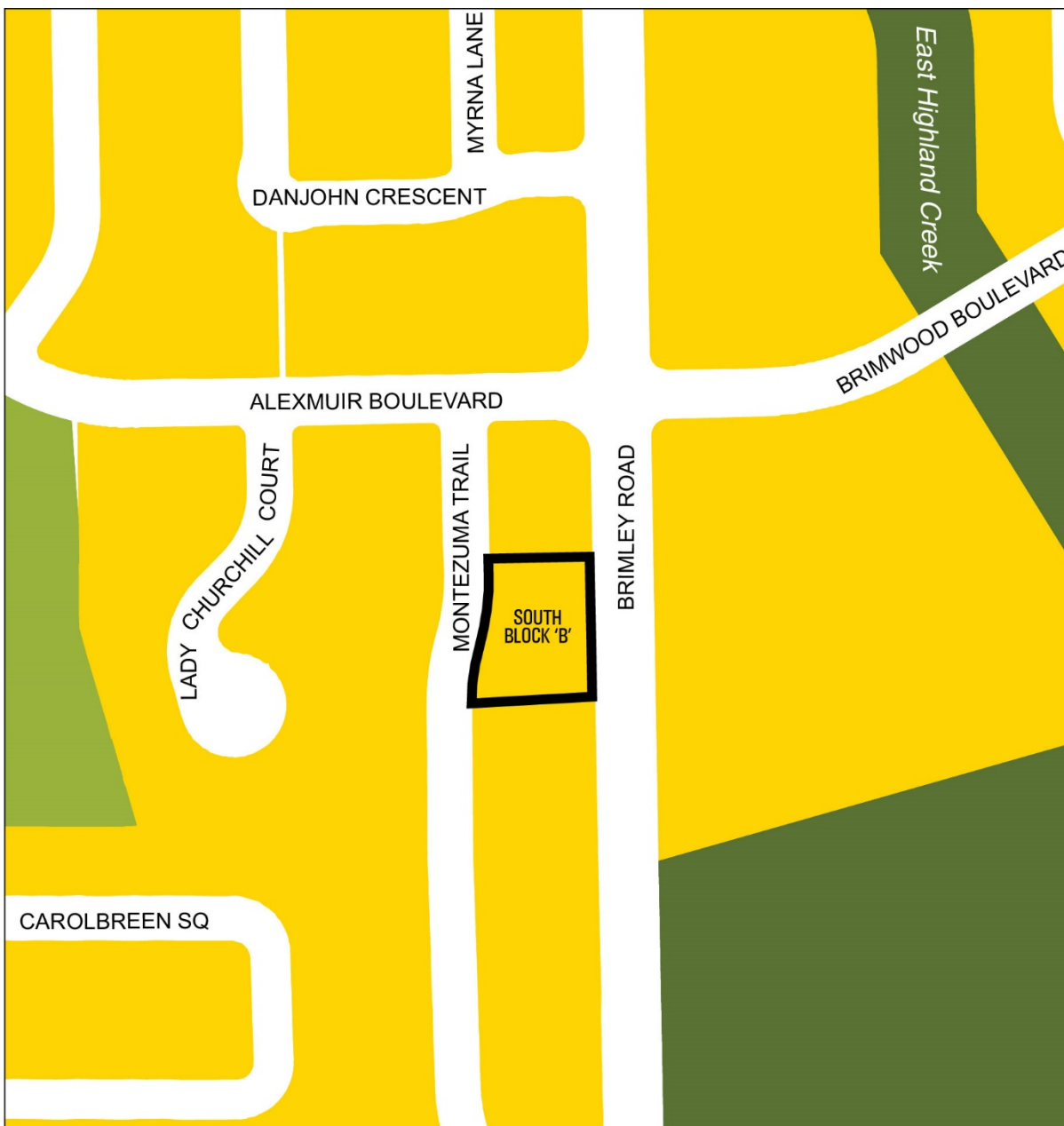
Attachment 3: Location Map



Preliminary Report - 125 Montezuma Trail



Attachment 5: Official Plan Map



Official Plan Land Use Map #19

113-141 Montezuma Trail
South Block 'B'

File # 21 125257 ESC 23 0Z



Location of Application

Neighbourhoods

Natural Areas
Parks



Not to Scale
Extracted: 03/15/2021