

Final Report - 113 - 141 Montezuma Trail - Zoning By-Law Amendment Application

Date: April 4, 2022

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: Ward 23 - Scarborough North

Planning Application Number: 21 125257 ESC 23 OZ

SUMMARY

This application proposes to amend the City of Toronto Zoning By-law No. 569-2013 as amended, and to amend Agincourt North Scarborough Zoning By-law No. 12797, as amended, to permit the construction of 81 residential dwelling units and 296 square metres of commercial uses at 113-141 Montezuma Trail.

A previous application to rezone the subject lands was approved by City Council in 2019 to permit the development of 37 dwelling units on the north part of the site (Block A) while retaining a portion of the existing plaza on the southern portion of the site (Block B). Through the approval of the development, a Section 37 contribution of \$125,000 was secured to be directed towards area park improvements in Ward 23. This approved development has yet to be constructed.

Through this proposal, the applicant is seeking to extend the permission for a similarly composed townhouse development onto the southern portion of the site (Block B) and amending the approval for Block A to allow commercial units fronting on Alexmuir Boulevard. A total of 81 units are proposed over the entire site having a gross floor area of 9,486 square metres. The north portion of the site will include five commercial units at grade fronting onto Alexmuir Boulevard

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The subject application contemplates a modest intensification of the site with residential and non-residential uses. The non-residential uses are intended to provide opportunities for day-to-day retail/commercial functions to serve the surrounding community. The proposal conforms to the applicable Official Plan policies and complies with the City's Townhouse and Low-Rise Apartment Guidelines through a built form that is compatible with the surrounding context.

This report recommends approval of the application to amend the Zoning By-laws. It also recommends that the City Solicitor be authorized to enter into a new Section 37

Agreement to ensure that the amount of money secured in the existing Section 37 Agreement registered on title will continue to apply to the subject lands.

RECOMMENDATIONS

The City Planning Division recommends that:

1. 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. 6 to the April 4, 2022 report from the Director, Community Planning, Scarborough District, and authorize the repeal of Zoning By-law 1777-2019.
2. City Council amend Agincourt North Scarborough Zoning By-law No. 12797, 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 April 4, 2022 report from the Director, Community Planning, Scarborough District, and authorize the repeal of Zoning by-law 1776-2019.
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. City Council authorize the City Solicitor to enter into an Agreement pursuant to Section 37 of the Planning Act, to ensure that the \$125,000 secured in the existing Section 37 Agreement registered on title will continue to apply to the subject lands.
5. City Council direct that before introducing the necessary Bills to City Council for enactment, the applicant be required to:
 - a) submit a revised Functional Servicing & Stormwater Management Stage 1 Report and Site Servicing Plan to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
 - b) enter into a Section 37 Agreement with the City, and that the Agreement is registered on title to the satisfaction of the City Solicitor.

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

Previous Application

On November 26, 2019, the City Council approved the north half (Block A) 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. This approved development has not been built.

City Council's decision can be found here:

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

Current Application

A pre-application meeting was held on December 17, 2020 to review application requirements. The subject Zoning By-law amendment application was submitted March 10, 2021 and deemed complete April 13, 2021.

A Preliminary Report on the application was adopted by Scarborough Community Council June 25, 2021 authorizing staff to conduct a community consultation meeting with expanded notification paid for by the applicant. The Preliminary Report and Community Council decision can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2021/sc/bgrd/backgroundfile-167439.pdf>

PROPOSAL

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 blocks of back-to-back, stacked townhouse units organized in two rows per block. The current application proposed to amend the previously adopted Zoning By-law Amendment for the north portion of the site to include five retail units at grade fronting on Alexmuir Boulevard. The non-residential gross floor area totals 296 square metres

A total of 44 residential dwelling units are proposed on the south part of the site (Block B) consisting of 5,185 square metres of residential gross area. The proposal retains 37 residential dwelling units that were approved in 2019 on the north part (Block A). Combined, a total of 9,782 square metres of gross floor area are proposed across the site (including the non-residential uses).

Vehicular access for both Block A and Block B is proposed to be taken from a driveway near the midpoint of the site along Montezuma Trail. A total of 90 parking spaces are proposed on the entire site, including 81 residential parking spaces, 8 visitor parking spaces, and 1 parking space exclusively for retail/commercial uses. The visitor parking spaces would also be made available to service patrons of the non-residential uses. Most of the parking spaces are incorporated within the built form of the two townhouse blocks. The surface spaces provided are proposed to be screened by 1.8 metre high brick fence and other landscaping features. (Please see Attachment 9 - Site Plan).

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Additional information on the proposal can be found in Attachment 1 - Application Data Sheet.

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. They are bordered by Montezuma Trail (to the west), Brimley Road (to the east) and Alexmuir Boulevard to the north. The site is currently developed with a one-storey commercial plaza surrounded by parking. The existing plaza has a gross floor area of 1,877 square metres (see Attachment 2 - Location Map).

Surrounding land uses are as follows:

North: Across Alexmuir Boulevard, two-storey detached dwellings.

East: Across Brimley Road, two-storey townhouses with partial underground parking spaces accessed from Brimwood Boulevard.

West: Across Montezuma Trail, the Calvary Logos Baptist Church surrounded by two-storey semi-detached and detached dwellings.

South: Two-storey semi-detached dwellings.

Reasons for Application

The application to amend both City of Toronto Zoning By-law 569-2013 and Agincourt North Community Zoning By-law 12797, as amended are required to permit residential uses on the south part of the site (Block B) and retail/commercial uses on the north part of the site (Block A).

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

Draft Zoning By-law Amendment
Transportation Impact Study
Planning Rational
Stormwater Management Report
Arborist/Tree Preservation Report and/or Declaration
Waste Management Report
Hydrogeological report
Digital copy of the Building Massing Model.
Transportation Addendum
Toronto Green Standards Checklist
Toronto Green Standard Statistics

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 and conditions of Site Plan Control approval.

Community Consultation

A Community Consultation Meeting was held via WebEx on October 14, 2021 and was attended by approximately 24 members of the public, the Ward Councillor, City Planning Staff, the applicant, owner and project architect. Matters raised by the community at the meeting and through correspondence included:

- Potential traffic impacts on local streets;
- Concerns that the proposed parking supply is inadequate, particularly the visitor parking;
- Questions relating to the design details of the proposed buildings;
- Questions relating to the loss of the commercial/retail units;
- Concerns with the change in their community;
- Concerns with the loss of commercial uses in their neighbourhood.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given 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 were broadcasted 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 (2020)

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- Protecting people, property and community resources by directing development away from natural or human-made hazards.

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 are 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 4.6 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 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 be consistent with the PPS and 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 (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the 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

This application has been reviewed against the policies of the City of Toronto Official Plan and Provincial Policy Statements and Provincial Plans.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

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 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

The subject lands are designated *Neighbourhoods* in the Official Plan as illustrated in Attachment 3. 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

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, 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. Toronto Official Plan policies may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Zoning

In 2019, the northern portion of the subject property was rezoned for Residential Townhouse Zone (RT) under the City of Toronto By-law 569-2013, as amended. The

RT zone permits a number of uses including, but not limited to, fire hall, Group Home, Ambulance Depot, Day Nursery, Community Centre, Place of Worship, Laneway Suite, Secondary Suite, Library, Renewable Energy, Short-term Rental, and Public Utility. Exception 188 to the RT zone, created during the rezoning of the site stating that the lands are subject to site specific provisions which authorized the approved back-to-back townhouse uses.

Under the Agincourt North Community By-law No. 12797, the northern portion of the subject property was also rezoned in 2019 to Apartment Residential (A), as amended. Permitted uses in the A zone, including, but not limited to, Domestic Retail, Service Uses, Medical Office Uses, and temporary sales office for sale/lease of residential dwelling units and non-residential gross floor area of the lands. Performance standards were adopted pursuant to the site specific rezoning application to allow for the back-to-back townhouse development.

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 Southern portion of the subject 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.

See Attachment 5 for an excerpt from the former City of Scarborough's Agincourt North Community Zoning By-law No. 12797, as amended, and Attachment 4 for an excerpt from City of Toronto Zoning By-law 569-2013.

Design Guidelines

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 link to the Guidelines is here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/>.

Site Plan Control

The lands are subject to site plan control approval. A Site Plan Control approval application was submitted for Block A prior to the request to rezone Block B but was put on hold pending the outcome of the rezoning process. Should the proposal be approved as recommended, the Site Plan Control application would need to be amended to encompass the additional development permissions and requirements.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020).

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2020) as follows:

The proposal is consistent with Policy 1.1.3.2 of the PPS (2020) which directs that land use patterns be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for and efficiently use infrastructure which are planned or available; are transit supportive and support active transportation.

The proposed townhouse development is consistent with Policy 1.1.3.3 as this level of intensification can be accommodated on the site given the surrounding context and

suitable existing or planned infrastructure and public services facilities are available to accommodate projected needs.

The proposed townhouse development intensifies the site in a compact built form that uses land efficiently and optimizes available infrastructure, and is thus consistent with Policy 1.6.6.1 of the PPS.

The proposal conforms to the Growth Plan (2020) by directing growth to an appropriate site within a settlement area; and making efficient use of land, existing services and infrastructure; and intensifying in proximity to public transit and active transportation route. It advances a high quality site design and built form.

As directed by the Growth Plan (2020), the proposal supports the achievement of complete community through a more compact built form, with dwellings units that are high quality, attractive and contribute to the vitality and character of the neighbourhood. The retention of a small amount of non-residential uses ensures that an opportunity for date-to-day retail and commercial function remains on site.

The City has advanced these objectives through the implementing policies of the Official Plan, including Public Realm policies in Section 3.1.1 and Built Form policies in Section 3.1.2.

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 subject lands are designated *Neighbourhoods*. However, they are distinguishable from the lots located in the interior of the neighbourhood to the west as they have frontage onto Brimley Road, a major street as shown on Map 2 of the Official Plan. The subject lands are characterized by a different lot configuration with better access to transit and direct exposure to greater volumes of traffic along Brimley Road. As such and pursuant to the *Neighbourhoods* 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.

The retail commercial uses that are proposed on Alexmuir Boulevard will continue to provide local retail amenity consistent with the land use permissions of the *Neighbourhoods* designation. These uses promote and support walking and transit use as they are located with direct access from a public sidewalk and exposure to Brimley Road with nearby transit stops.

Density, Height, Massing

This application has been reviewed against the Official Plan policies, planning studies and design guidelines described in the Policy Consideration Section of the Report.

The height of the 3 storey townhouse development is approximately 13.9 metres on the north part of the site (Block A) and 13.5 metres on the south part of the site (Block B) and provide adequate separation distances that conforms with the applicable urban design guidelines.

At a proposed density of 1.72 times the area of the lot, the development is compatible with the surrounding area and represents a modest intensification of the subject lands.

The development proposes a minimum front yard setback of 2 metres along Brimley Road and Montezuma Trail. The proposed minimum front yard for the retail portion at the northwest corner of the site of 0.3 metres and 0 metres at the north-east corner of the site along Alexmuir Boulevard is acceptable.

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 stepbacks 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 ground level commercial units are proposed to front Alexmuir Boulevard and this would give prominence to that part of the site with maximum visibility from Brimley Road and the transit stops at the intersection. Building entrances for all the commercial units will be accessible at grade from Alexmuir Boulevard with opportunities to enliven and support the public realm. Residential building entrances for all units are safely accessible at grade through secure interior corridors with access directly to the adjacent public sidewalks.

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. As previously noted, surface parking areas are incorporated into the built form of the townhouse blocks and otherwise screened by walls and landscaped features lessening its impact on the adjacent public realm as provided for by the Official Plan. 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.

Transportation, Access and Parking

A Traffic Impact Study has been submitted by the applicant in support of the application and reviewed by staff. It should be noted that future vehicle trips will be similar to those generated by the existing plaza and can be accommodated by the local transportation 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.

A total of 90 parking spaces have been provided of which, 8 spaces are intended for visitor parking and 1 exclusively for retail/commercial parking though the visitor spaces are also able to be shared for uses of the commercial space. The parking rates are appropriate for the local context and will be secured as proposed in the attached Draft Zoning By-law.

A Type "G" loading space is also provided for the residential development to meet the requirements of Zoning By-law 569-2013, as amended. Also, 12 bicycle parking spaces are proposed as part of the residential development.

Transportation Services staff reviewed and accepted the findings of the Traffic Impact Study and concur with the proposed parking and loading strategy.

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. The corner rounding and road widening will 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 proposal will provide a 2 metre setback from Brimley Road and Montezuma Trail to provide for front yard patios and landscaping. The main entrance 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

Engineering and Construction Services staff reviewed the submitted Functional Servicing & Stormwater Management Stage 1 Report and Site Servicing Plan. This material has been reviewed by Engineering and Construction Services staff.

Engineering and Construction Services staff have reviewed the reports and advise that in principle the site can be serviced adequately and there are no issues preventing approval of the application, but details as to the potential for local infrastructure improvements need to be confirmed and secured. The applicant and Engineering and Construction Services Staff are still working through some final details. As such, this report recommends that the enacting Bills be held until the applicant submits required revisions to the Functional Servicing & Stormwater Management Stage1 Report and Site Servicing Plan to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

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 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest 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.

In accordance with 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 non-residential component is subject to a 2% parkland dedication.

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 building permit issuance

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.

For the northern portion, 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 new City trees along Montezuma Trail. The submission of satisfactory landscape plans will be addressed through the Site Plan Control application.

For the southern portion, the report indicates the removal of 6 privately owned trees located on site. Urban Forestry has determined 898 cubic metres of soil volume has been provided whereas, the site requires 1,031 cubic metres of soil volume. During site plan control, staff will examine further opportunities to meet the requirement minimum soil volume.

Also, staff will require additional information in order to determine the effectiveness of the proposed soil cells in meeting the required soil volumes.

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. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Performance measures for the Tier 1 development features will be secured through the zoning by-law process: Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Staff are advised that the applicant will be pursuing Tier 1 of the TGS.

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.

As part of the 2019 approval, the applicant proposed a contribution of \$125,000 towards improvement of park space in Ward 23 - Scarborough North which was accepted by City Council and secured on title through a Section 37 Agreement. Staff are not recommending any additional Section 37 contributions be made with the expanded development approval to Block B as the site continues to be a modest form of intensification that is right at the 10,000 square metre threshold referenced above. However, staff recommend that the City Solicitor be authorized to enter into a Section 37 Agreement to ensure that the amount secured in the existing Section 37 Agreement registered on title will continue to apply to the subject lands.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020).

Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, provide a compatible level of intensification within Neighbourhood that conforms with applicable urban design guidelines and meets the development criteria on a site well serviced by buses and near active transportation routes. The proposal would also provide much needed family-size dwelling units compatible with the surrounding context and provide an acceptable level of commercial uses to serve the surrounding neighbourhood.

Staff worked with the applicant and the community to address and resolve key concerns related to the retention of some local commercial uses and improving the quality of the built form. These concerns were considered in the review of the application and the applicant revised their plans to include non-residential uses and improved the design quality of the proposal. Staff have reviewed concerns on traffic and parking and have found them satisfactory as noted previously in this report

Staff recommend that Council support approval of the application and amend the Zoning By-law to permit its construction subject to the Recommendations in this Report.

CONTACT

Marian Barsoum, Assistant Planner
Tel. No. (416) 396-5004
E-mail: Marian.Barsoum@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 of Toronto Zoning By-law Map
Attachment 5: Existing Agincourt North Community By-law
Attachment 6: Draft Zoning By-law Amendment 569-2013
Attachment 7: Draft Zoning By-law Amendment Agincourt North Community
Attachment 8: Summary of Public Consultation

Applicant Submitted Drawings

Attachment 9: Site Plan
Attachment 10: Elevations

Attachment 1: Application Data Sheet

Municipal Address: 125 MONTEZUMA TRL Date Received: March 10, 2021

Application Number: 21 125257 ESC 23 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Proposed development comprising of 81 townhouse units.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC.			MONTEZUMA PLAZA INC

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision:

Zoning: CL 0.37 (x8) Heritage Designation:

Height Limit (m): Site Plan Control Area: Y

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		2,049	2,049
Residential GFA (sq m):			9,486	9,486
Non-Residential GFA (sq m):	1,877		296	296
Total GFA (sq m):	1,877		9,782	9,782
Height - Storeys:			3	3
Height - Metres:			13.5	13.5

Lot Coverage Ratio (%) 36.14 Floor Space Index: 1.7

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	9,486	

Retail GFA: 296
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			81	81
Other:				
Total Units:			81	81

Total Residential Units by Size

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

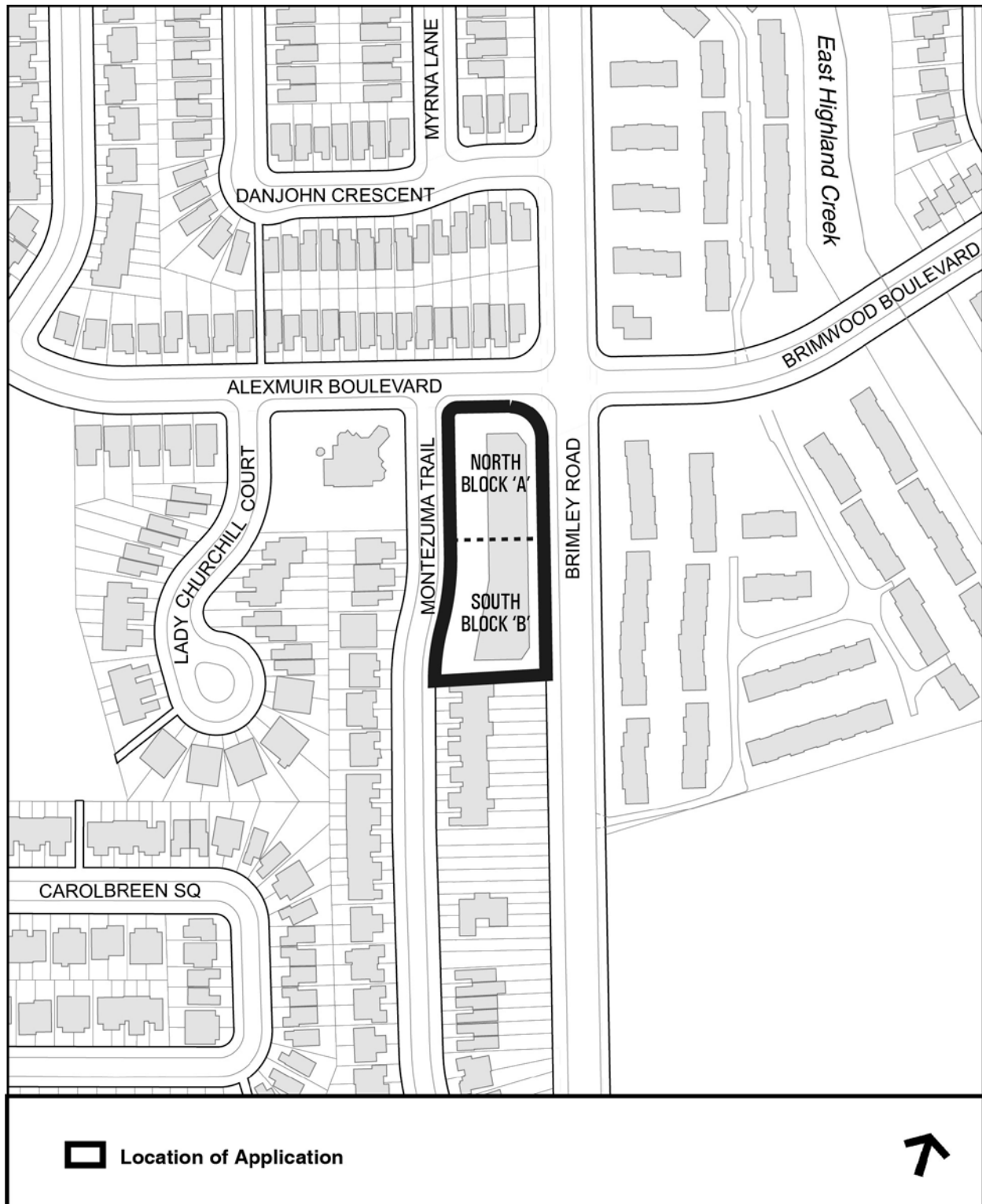
Parking and Loading

Parking Spaces: 90 Bicycle Parking Spaces: 12 Loading Docks:

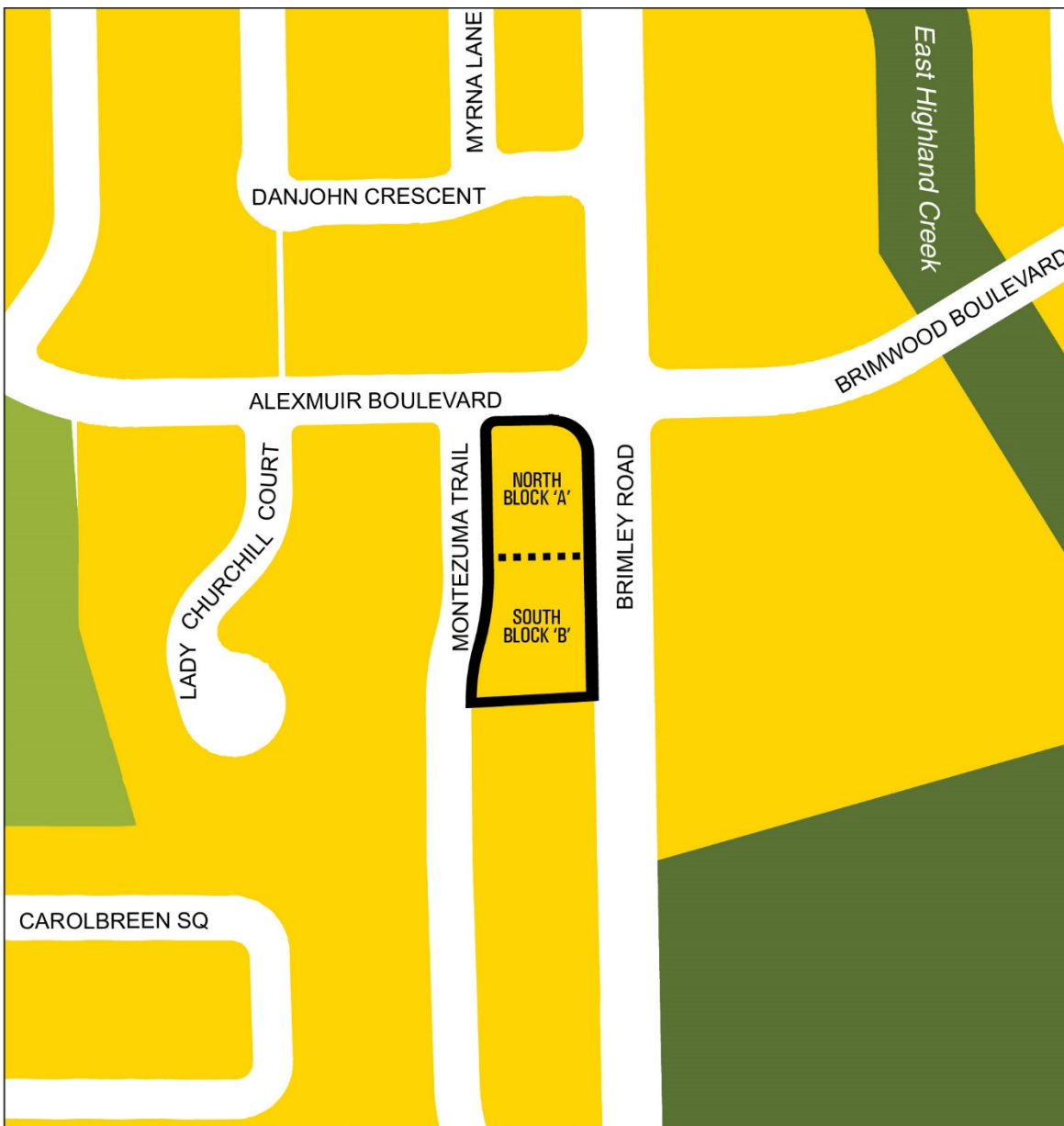
CONTACT:

Marian Barsoum, Assistant Planner
 (416) 396-5004
 Marian.Barsoum@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #19

113-141 Montezuma Trail
South Block 'B'

File # 21 125257 ESC 23 02



Location of Application

Neighbourhoods



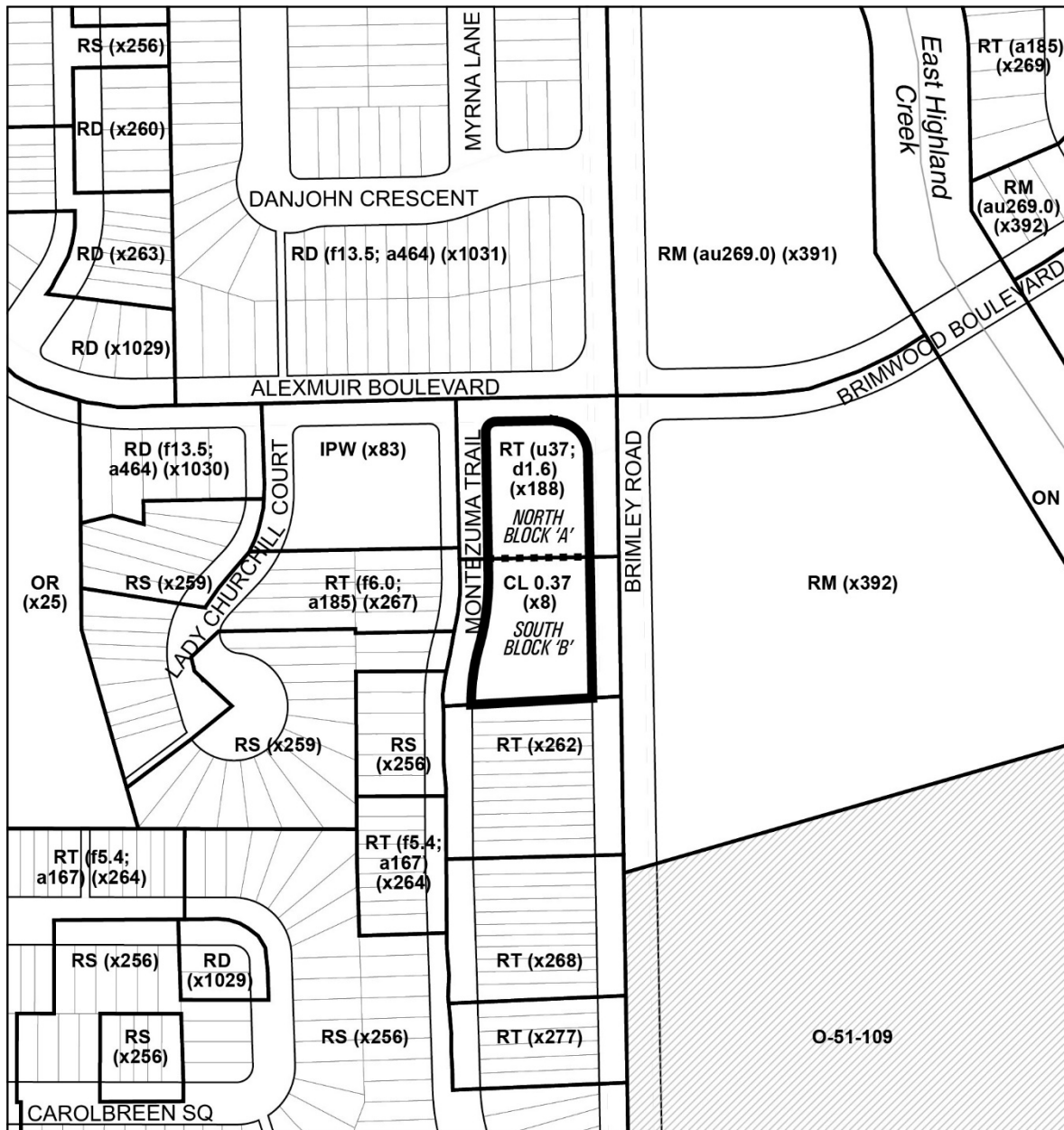
Natural Areas

Parks



Not to Scale
Extracted: 03/15/2021

Attachment 4: Existing City of Toronto Zoning By-law Map



Zoning By-law 569-2013

113-141 Montezuma Trail
South Block 'B'

File # 21 125257 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
OR Open Space Recreation



See Former City of Scarborough Community By-laws

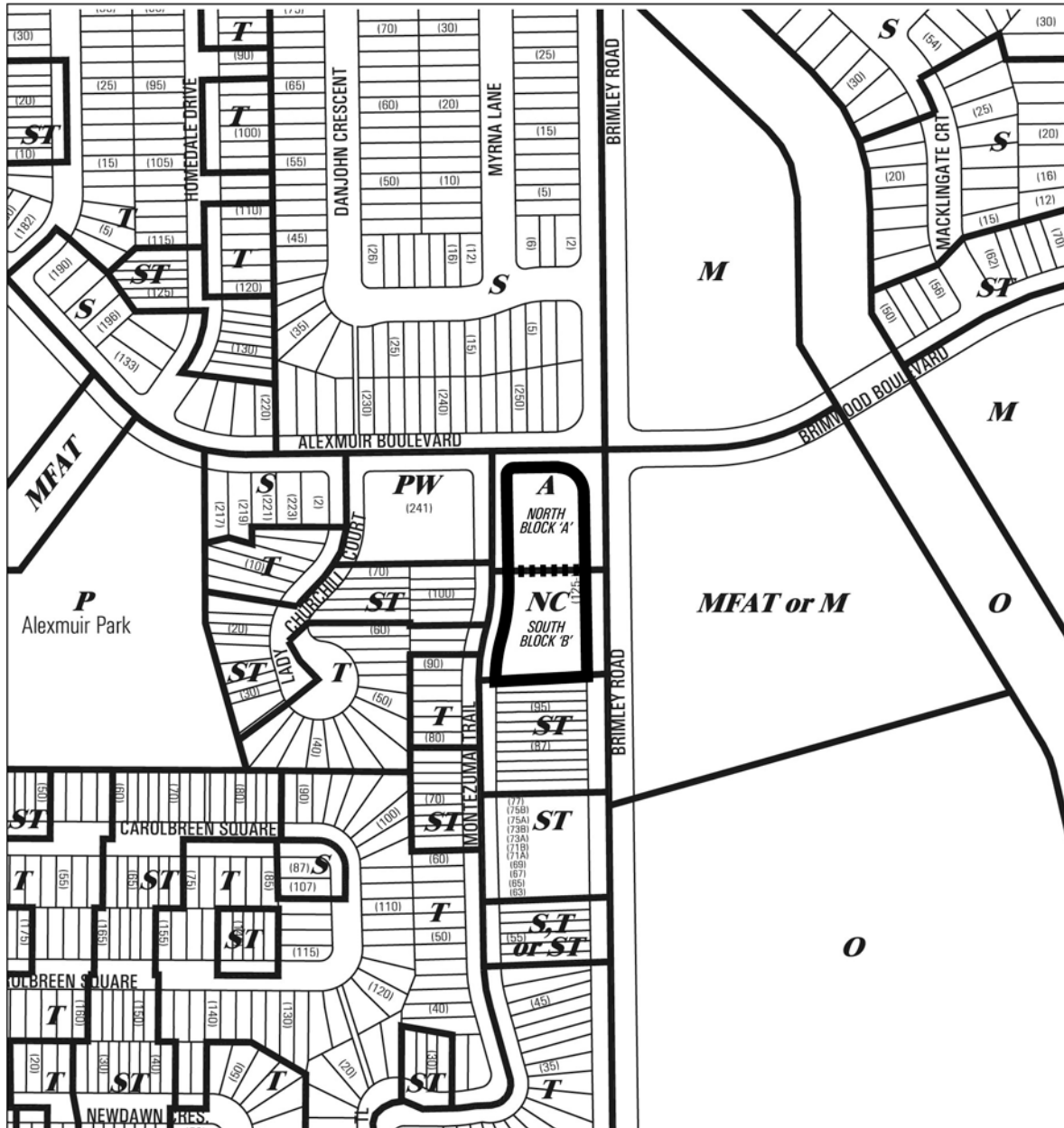


Major Open Spaces



Not to Scale
Extracted: 03/15/2021

Attachment 5: Existing Agincourt North Community By-law



Agincourt North Community By-law No.12797

113-141 Montezuma Trail
South Block 'B'

File # 21 125257 ESC 23 02



Location of Application

S Single-Family Residential
T Two-Family Residential
M Multiple-Family Residential
A Apartment 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
Extracted: 03/15/2021

Attachment 6: Draft Zoning By-law Amendment 569-2013

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

CITY OF TORONTO **[Lands In 569-2013 with Section 37 Provisions]**

Bill No. ~

BY-LAW No. XXXX-2022

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2022 as, as 113 141 Montezuma Trail.

Whereas Council of the City of Toronto has the authority to 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 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or 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 and 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 aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in **height and density** permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. By-law No. 1777-2019 is hereby repealed
2. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

3. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
4. 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 (u81; d1.72 (x188) as shown on Diagram 2 attached to this By-law.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.5.10 Exception Number RT [Clerks to provide Exception Number] so that it reads:

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 as 113-141 Montezuma Trail, identified as on Diagram 1 of By-law [clerks to provide by-law number], if the requirements of Section 5 and Schedule A of by-law [clerks to insert] are complied with, an **building** or **structure** may be constructed, used, or enlarged in compliance with (B) to (T) below;
- B. For the purposes of this exception, the **lot** is as shown on Diagram 1, attached to By-law [clerks to provide by-law number];
- C. Despite regulations 10.5.40.10(1) the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 187.8 metres (North Block – Block A) and 188.2 metres Canadian Geodetic Datum (South block – Block B) and the highest point of the **building** or **structure**;
- D. In addition to the permitted uses listed in Regulation 10.60.20.10(1), the following additional uses are permitted:
 - i. **personal service shop**;
 - ii. office;
 - iii. medical office;
 - iv. **financial institution**;
 - v. **pet services**;
 - vi. **retail service**;
 - vii. **retail store**; and
 - viii. **take out eating establishment**
- E. Non-residential uses are permitted in subsection (D) above are permitted in the shaded area on the ground floor as shown on Diagram 3

- F. Despite regulation 10.60.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 10,000 square metres of which:
- i. 9,600 square metres is residential; and
 - ii. 400 square metres is non-residential;
- G. Despite regulation 10.60.40.10 (1), the permitted maximum height of a **building** or **structure** is the number following the "HT" symbol in metres as shown on Diagram 3 attached to By-law **[clerks to provide by-law number]**;
- H. 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;
- I. Despite Clause 10.5.40.60 and (G) above, the following **building** elements are permitted to encroach into the required minimum **building setbacks**:
- i. Deck, porch, 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, railings, privacy screens, columns and beams to a maximum of 2.0 metres;
- J. Despite regulation 10.5.80.1(2)(C) the surface area used for the parking of **vehicles** may be located 0.0 metres from a fence;
- K. Despite regulation 200.5.10.1(1) and Table 200.5.10.1, the required minimum number of **parking spaces** is:
- i. 1.0 residential occupant **parking space** for each **dwelling unit**;
 - ii. 0.1 residential visitor **parking spaces** for each **dwelling unit**.
 - iii. 0.1 **parking spaces** per every 100 m² of non-residential **gross floor area**.
- L. Despite regulation 10.60.40.1(3), the required minimum width of a **dwelling unit** in a **townhouse** is 4.0 metres on the second and third **storey**. The minimum width does not apply to the first **storey**;

- M. Despite regulation 10.60.40.80(1)(B), the required minimum above-ground separation distance between **main walls** facing each other is 10.0 metres, and 11.0 metres with an opening to a **dwelling unit** on the third and fourth **storeys**;
- N. Despite Regulations 10.60.30.10(1), the required minimum **lot area** does not apply;
- O. Despite Regulation 10.60.30.20(1), the required minimum **lot frontage** does not apply;
- P. Despite Regulation 10.60.30.40(1), the required minimum **lot coverage** does not apply;
- Q. Despite regulation 10.5.50.10 (3), no rear yard **soft landscaping** is required;
- R. Despite regulation 10.5.80.1 (2), the **ancillary** outdoor area used for parking **vehicles** may be located 0.0 metres away from the **residential building** and fence, and 0.3 metres away from a **lot line** that abuts a **street**,
- S. Despite 230.5.10.1(5)(b), the minimum bicycle parking spaces do not apply.

6. 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; and

(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.

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

ENACTED AND PASSED this ____ day of _____, 2021.

JOHN TORY,
Mayor
(Corporate Seal)

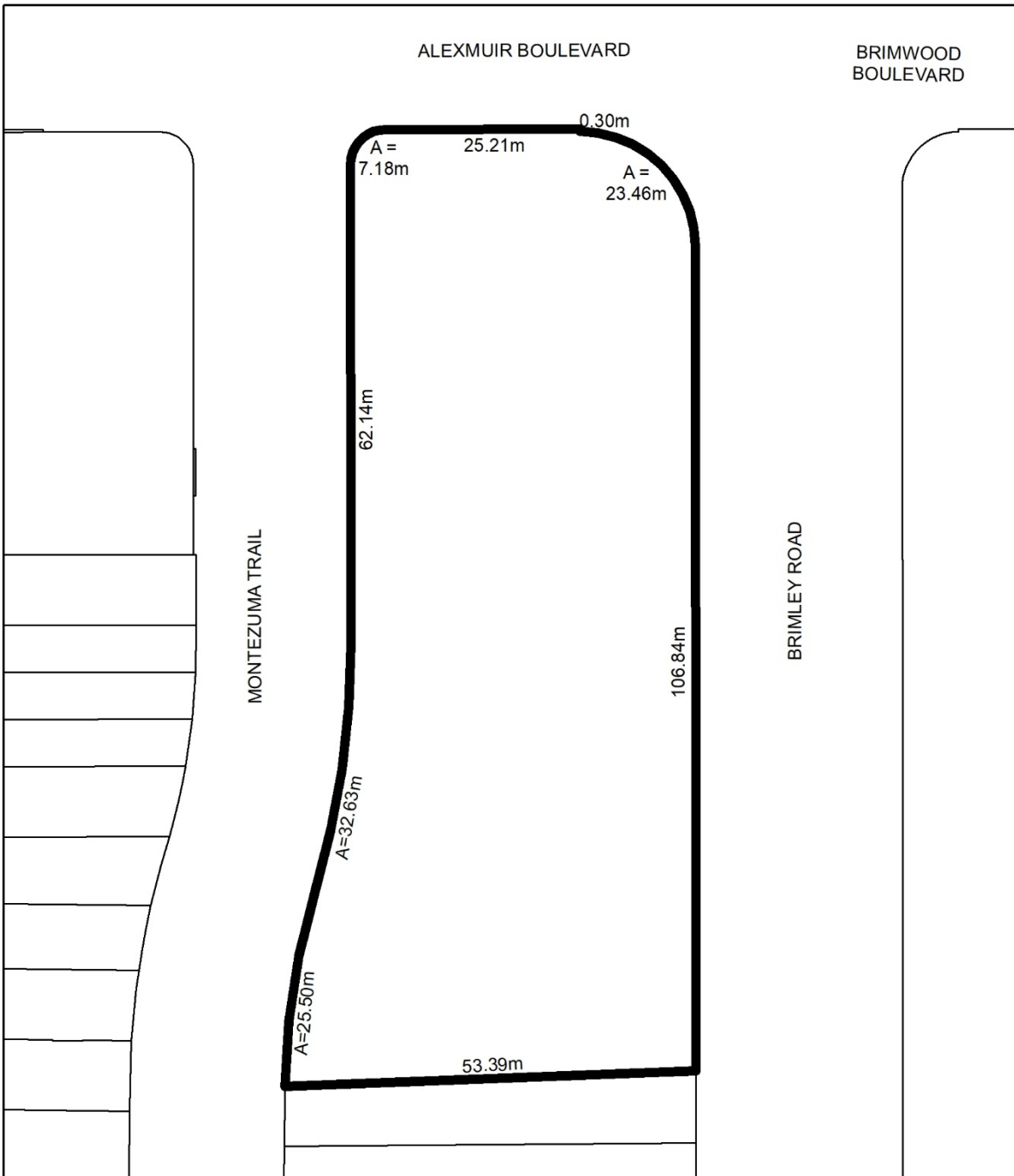
ULLI S. WATKISS
City Clerk

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

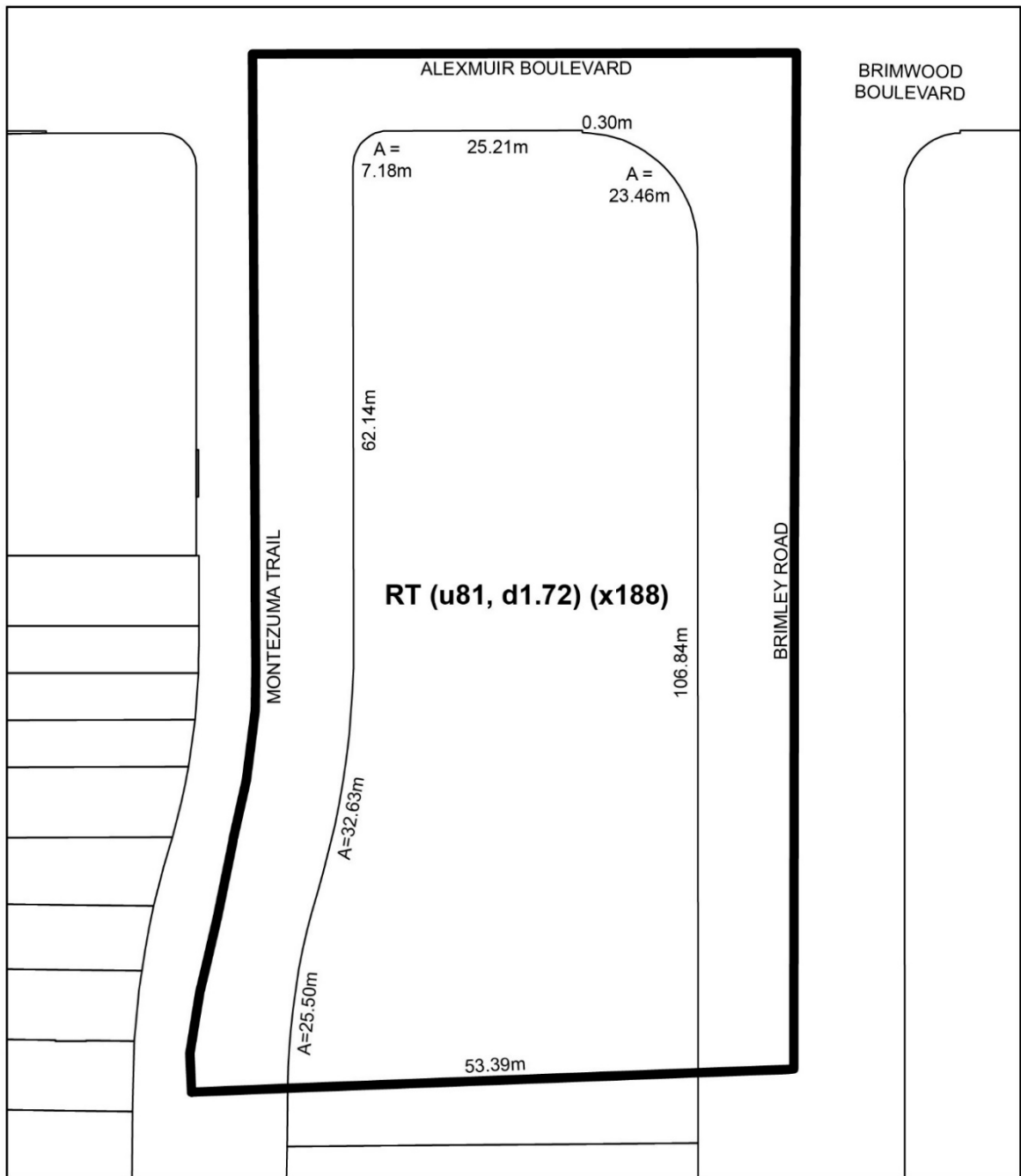


Toronto
Diagram 1

113-141 Montezuma Trail

File # 18 266753ESC 23 02

City of Toronto By-law 569-2013
Not to Scale
03/23/2022

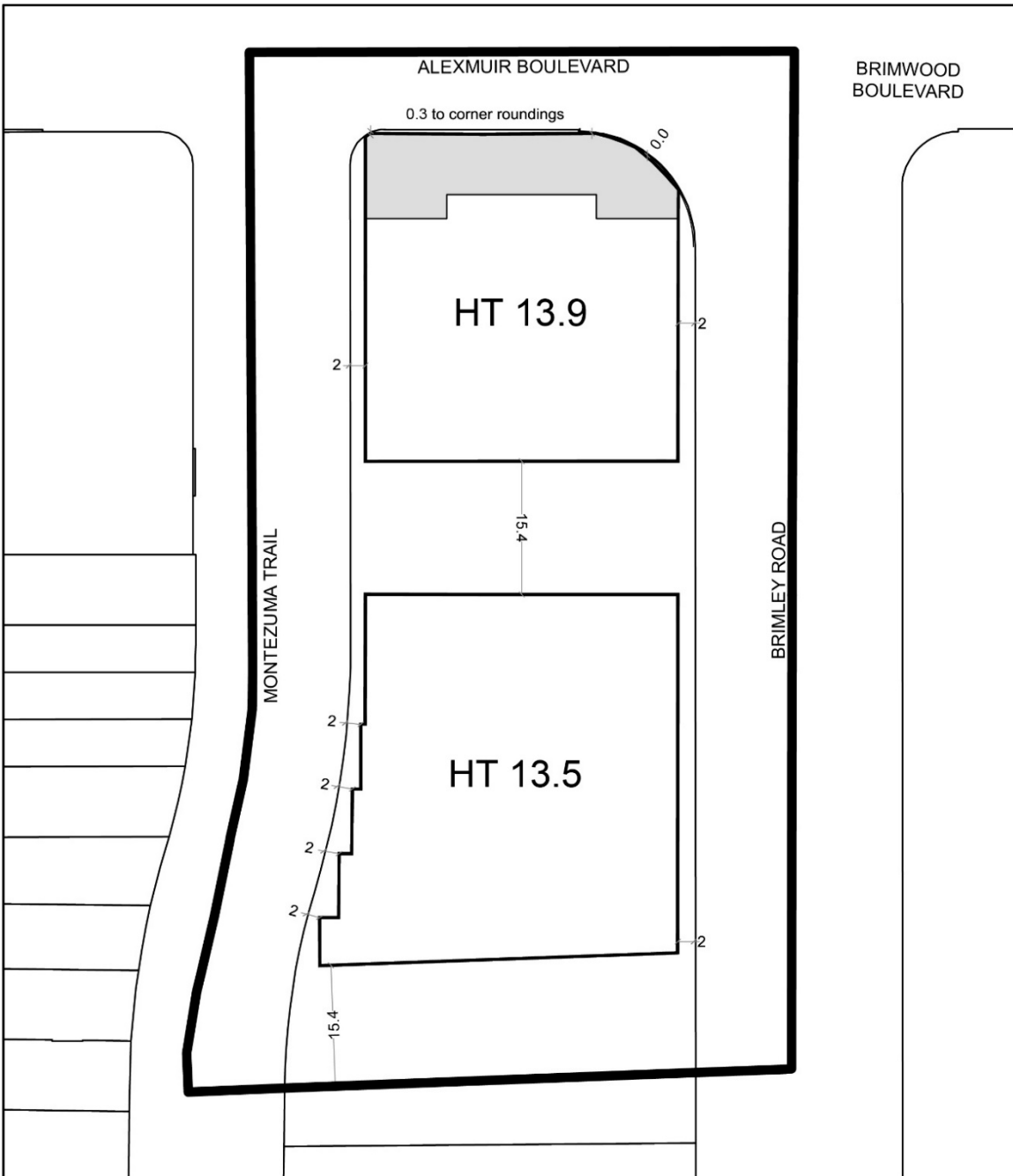


Toronto
Diagram 2

113-141 Montezuma Trail

File # 18 266753ESC 23 0Z

City of Toronto By-law 569-2013
Not to Scale
03/23/2022



Toronto
Diagram 3

113-141 Montezuma Trail

File # 18 266753 ESC 23 0Z

North Parcel: Established grade of 187.8 metres Canadian Geodetic Datum

South Parcel: Established grade of 188.2 metres Canadian Geodetic Datum

Area Affected By This By-law

Location of Non-residential Uses (Non-residential uses are permitted in shaded area on the ground floor)

City of Toronto By-law 569-2013
Not to Scale
04/01/2022

Attachment 7: Draft Zoning By-law Amendment Agincourt North Community

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

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend the former City of Scarborough Zoning By-law No. 12797, Agincourt North Community Zoning By-law, as amended, with respect to the lands municipally known in the year 2021 as, 113, 115, 117, 118, 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. Former City of Scarborough By-law No. 1776-2019 is hereby repealed.

2. **SCHEDULE ‘A’** of the Agincourt North Community Zoning By-law 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
3. **PERFORMANCE STANDARDS CHART - SCHEDULE ‘B’**, of the Agincourt North Community Zoning By-law 12797 is further amended by adding the following Performance Standards:

SETBACKS FROM STREETS

- 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 supply By-law #];

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** resulting in a number with a fraction, the number is rounded down to the nearest whole number, but there may not less than one **parking space**.
- 170A. Vehicle **parking spaces** shall be provided at a Minimum 1.0 **parking space** per **dwelling unit** shall be provided for residents, 0.1 **parking spaces** per **dwelling unit** shall be provided for visitors and 0.1 **parking spaces** shall be provided per every 100 m2 of gross floor area for retail uses.

INTENSITY OF USE

199. Maximum 81 **dwelling units**.
211. The maximum **height** of the building is 13.9 metres above the established for the North Block – Block A and a 13.5 metres for the South Block – Block B.
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 (North block – Block A) and 188.2 metres Canadian Geodetic Datum (South block – Block B) 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 10,000 square metres.
214. Maximum building coverage shall not exceed 40 percent of the lot area, excluding the covered parking garage.
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/covered parking structure, loading and bicycle parking located above-ground;
 - ii. garbage and recycle rooms, storage, enclosed driveways and drive aisles;
 - iii. mechanical and recreational service rooms; and
 - iv. exit stairwells in the building.
4. **SCHEDULE "C", EXCEPTION MAP**, is amended as shown outlined on the attached Schedule 2.
5. **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 "C" 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. Retail Stores
- e. Service Shops and Agencies
- f. Temporary sales office for the sale/lease of residential dwelling units and non-residential gross floor area on the lands.

Non-residential uses permitted in subsection (14) above are permitted in the shaded area on the ground floor as shown on Schedule 3.

6. **SCHEDULE "C", EXCEPTIONS LIST AND MAP**, are amended by adding the following **EXCEPTION 37** to north portion of the lands as shown outlined on the attached Schedule 2 as follows:

37. On those lands identified as Exception 37 on the accompanying Schedule "C" 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, terrace, 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, 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

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; and

(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 this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

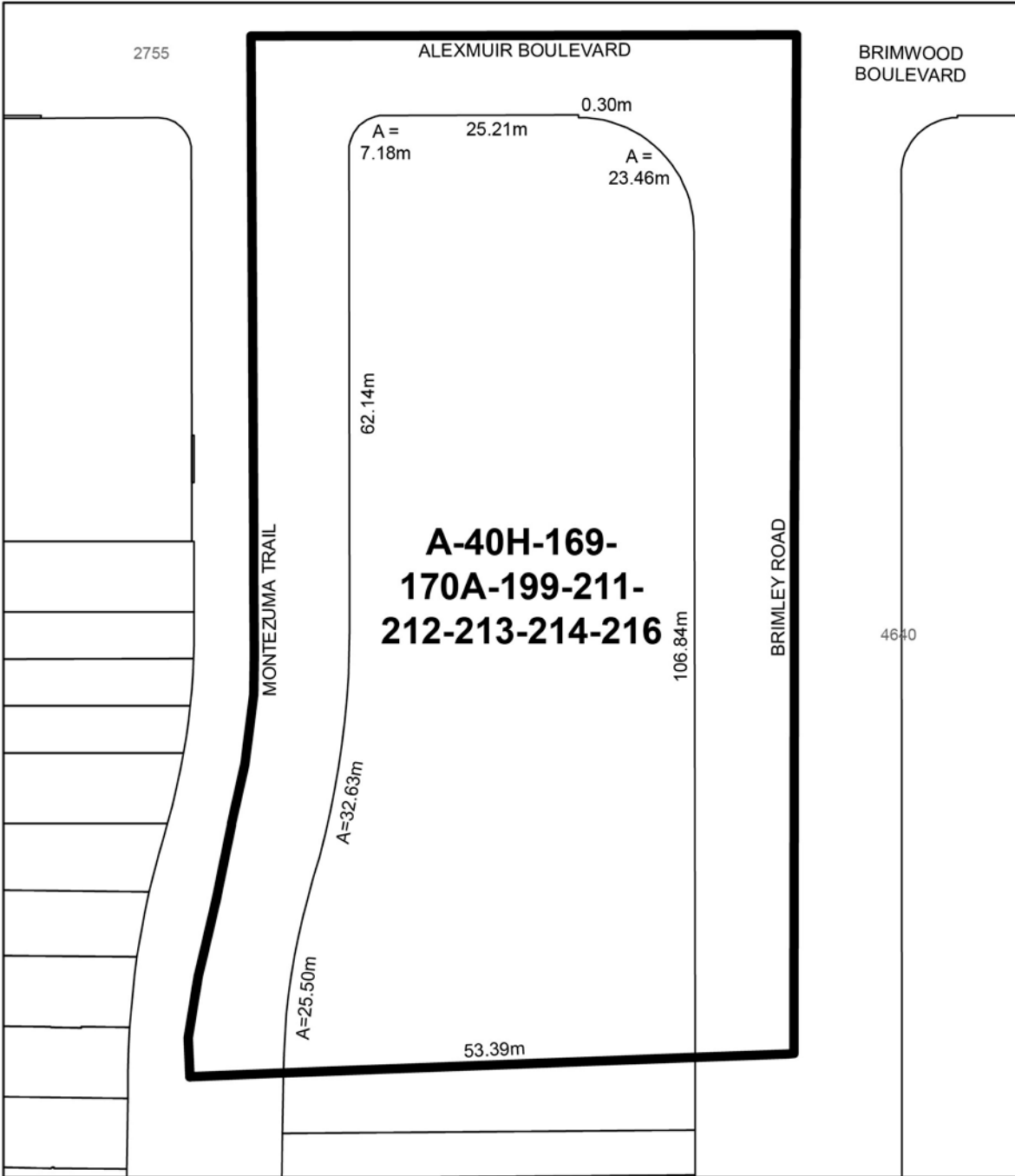
ULLI S. WATKISS,
City Clerk

(Corporate Seal)

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



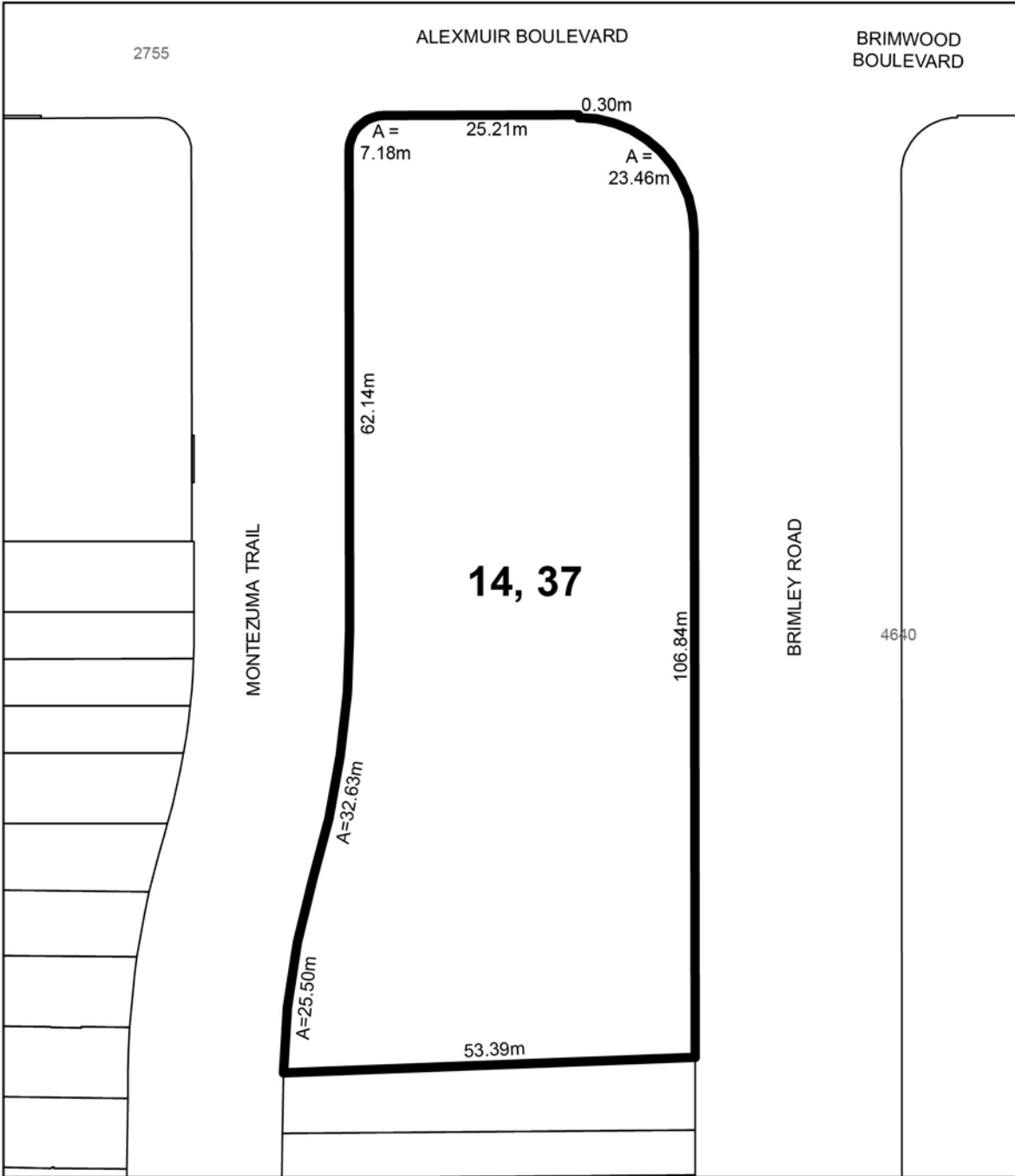
Toronto
Zoning By-law Amendment
Schedule 1

113-141 Montezuma Trail

File # 18 266753ESC 23 0Z



Agincourt North Community By-law
Not to Scale
03/23/2022



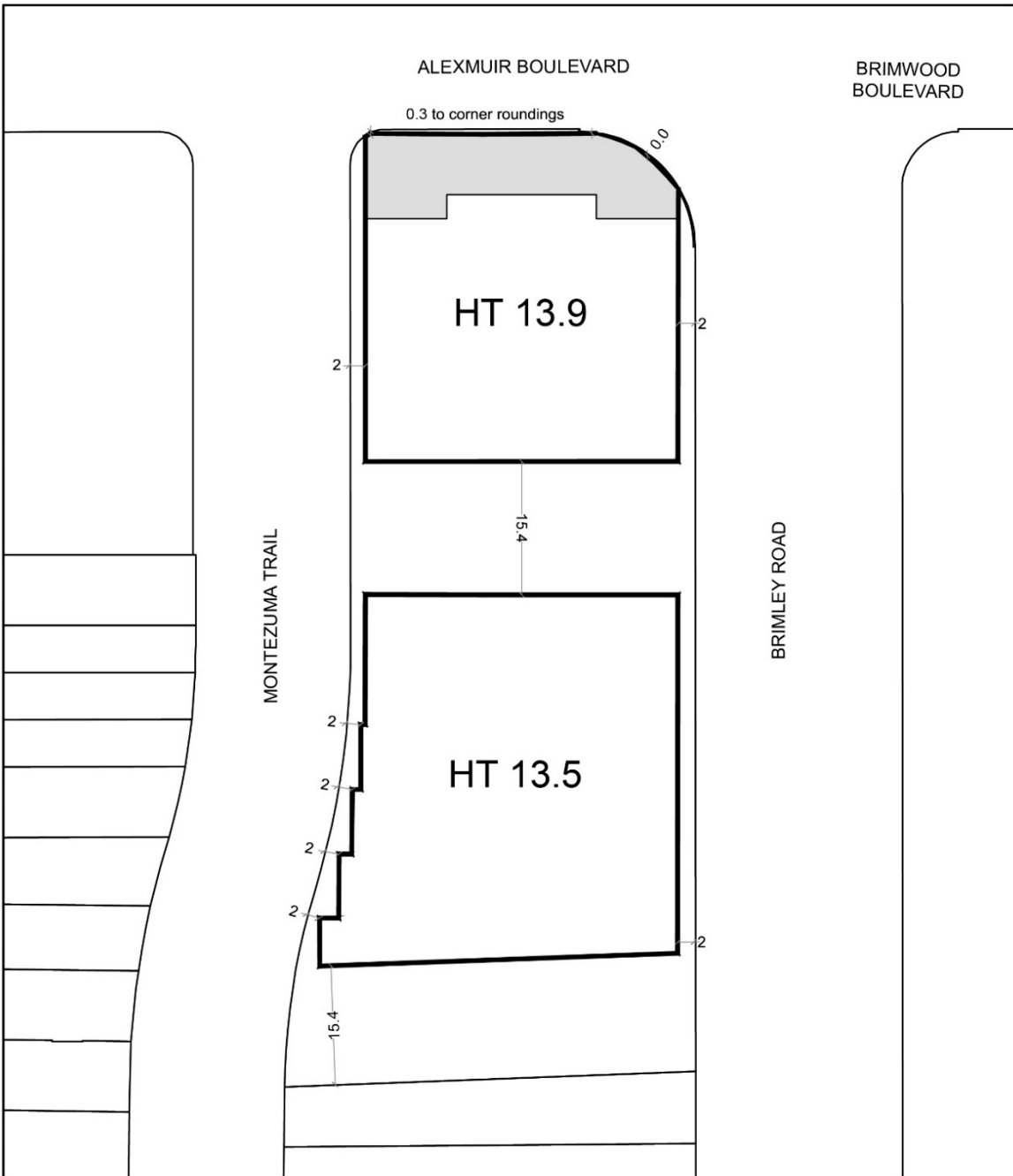
**Zoning By-law Amendment
Schedule 2**

113-141 Montezuma Trail

File # 18 266753ESC 23 0Z



Agincourt North Community By-law
Not to Scale
03/23/2022



Zoning By-law Amendment Schedule 3

113-141 Montezuma Trail

File # 18 266753 ESC 23 02

North Parcel: Established grade of 187.8 metres Canadian Geodetic Datum
South Parcel: Established grade of 188.2 metres Canadian Geodetic Datum

Area Affected By This By-law

Location of Non-residential Uses (Non-residential uses are permitted in shaded area on the ground floor)

City of Toronto By-law 569-2013
Not to Scale
04/01/2022



Attachment 8: Summary of Public Consultation

One virtual Community Consultation Meeting to consult with area residents on the proposed rezoning of the subject site was held on October 14, 2021.

The virtual Community Consultation Meeting was hosted on the City's WebEx platform from 6:00 - 7:45 PM. The meeting was attended by the Ward Councillor, the applicant team, City Planning staff and approximately 24 members of the public.

Questions, comments and concerns raised during the community consultation meeting included:

- Potential traffic impacts on local streets;
- Concerns about the existing retails
- Questions about School Capacity
- Concerns that the proposed parking supply is inadequate, particularly the visitor parking;
- Questions relating to design details of the proposed buildings; such as: height of the townhouse, etc.
- Question relating to the loss of the commercial retails;

Final Report - 125 Montezuma Trail



Attachment 10: Elevations



North Elevation - North Block 'A'



East Elevation - North Block 'A' - Brimley Road



South Elevation - North Block 'A'



West Elevation - South Block 'B' - Montezuma Trail



East Elevation - South Block 'B' - Brimley Road