



**STAFF REPORT  
ACTION REQUIRED**

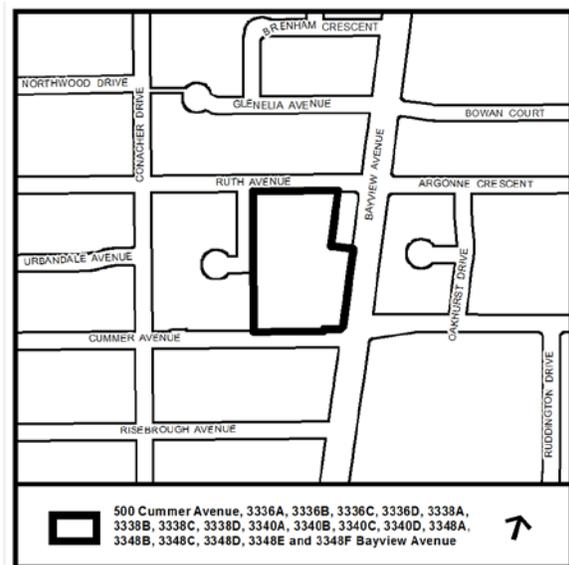
**500 Cummer Avenue and 3336A, 3336B, 3336C, 3336D, 3338A, 3338B, 3338C, 3338D, 3340A, 3340B, 3340C, 3340D, 3348A, 3348B, 3348C, 3348D, 3348E, 3348F Bayview Avenue – Technical Amendments to Zoning By-law**

<b>Date:</b>	October 4, 2017
<b>To:</b>	City Council
<b>From:</b>	Acting Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 24 – Willowdale
<b>Reference Number:</b>	16 117899 NNY 24 OZ

**SUMMARY**

The purpose of this report is to provide City Council with a revised Zoning Bill for enactment to permit a 2-storey secondary school at the properties known as 500 Cummer Avenue and 3336A, 3336B, 3336C, 3336D, 3338A, 3338B, 3338C, 3338D, 3340A, 3340B, 3340C, 3340D, 3348A, 3348B, 3348C, 3348D, 3348E, 3348F Bayview Avenue.

The Zoning By-laws for the proposed development were enacted by City Council at its meeting of March 9, 2017 and were not appealed to the Ontario Municipal Board. Since that time, it has been found that a parking provision was omitted in error from Zoning By-law 572-2017 (which amends City of Toronto Zoning By-law 569-2013). Zoning By-law 573-2017 (which amends former City of North York Zoning By-law 7625) does not amend the parking rate, but rather relies on the parking rate contained within the parent by-law. Since the parking rate was omitted in error from Zoning By-law 572-2017, the parking



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rate is dictated by its parent by-law, City of Toronto By-law 569-2013, which requires a higher number of parking spaces compared to former City of North York Zoning By-law 7625. Therefore, the two amending by-laws do not match.

The proposed parking supply conforms with former City of North York Zoning By-law 7625, but not City of Toronto Zoning By-law 569-2013, which requires an additional 27 parking spaces. No changes have been made to the drawings as approved or to the proposed parking supply. The intention of this report is only to ensure the required parking supply matches under both by-laws so building permits can be issued. It is therefore the opinion of staff that the required changes are technical in scope.

This report recommends repealing By-law Nos. 572-2017 and replacing it with the revised draft Zoning By-law Amendment, shown as Attachment 1 to this report, which reflect the approved proposal, and that no further public notice be required pursuant to Section 34 (17) of the *Planning Act* given the minor nature of the revisions.

## **RECOMMENDATIONS**

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**The Acting Chief Planner and Executive Director, City Planning recommends that:**

1. Council amend By-law No. 572-2017 for the lands at 500 Cummer Avenue, 3336A, 3336B, 3336C, 3336D, 3338A, 3338B, 3338C, 3338D, 3340A, 3340B, 3340C, 3340D, 3348A, 3348B, 3348C, 3348D, 3348E and 3348F Bayview Avenue in accordance with the draft zoning by-law amendment attached as Attachment 1.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. City Council determine that the changes contained within the revised By-laws are minor, technical in nature, and reflective of the original proposal and plans considered by City Council, and, pursuant to subsection 34(17) of the Planning Act, no further public notice is required in respect of the proposed zoning by-law.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

In February 2011, a portion of the former Lester B. Pearson Elementary School property was declared surplus by the Toronto District School Board (TDSB) and offered for sale to various public agencies, including other school boards and all three levels of government. No expressions of interest were received. A consent application to sever a portion of the lot for a future residential development was subsequently submitted by the TDSB. The application was approved by the Committee of Adjustment in November

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2011, appealed and later refused by the Ontario Municipal Board (OMB) in October 2012.

In October 2012, the Toronto District Catholic School Board (TCDSB) received permission from the Ministry of Education to purchase the site at 500 Cummer Avenue, for the construction of the new St. Joseph Morrow Park Catholic Secondary School. A Site Plan Control application was submitted in June 2013 for a 3-storey school. Approval for demolition of the former elementary school was issued in August 2014. A Minor Variance application was submitted in October 2014 to permit an increase in building height and number of storeys. The Minor Variance was refused by the Committee of Adjustment in November 2014 and appealed by the applicant in December 2014. The appeal was withdrawn in November 2015 as the TDCSB expropriated 18 adjacent (condominium) townhouses to increase the site area.

In February 2016, a new Zoning By-law Amendment application to permit a school use on the expropriated townhouse lands to facilitate the development of a secondary school was submitted. A revised Site Plan Application was also submitted.

A Final Report was prepared for the February 22, 2017 meeting of North York Community Council. The report was reviewed by Community Council and was sent to City Council. The decision of North York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY20.42>

At its March 9, 2017 meeting, City Council enacted Zoning By-law Nos. 572-2017 and 573-2017, respectively. The decision of City Council can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY20.42>

Notice of Approval Conditions can be issued by the Acting Chief Planner and Executive Director, once outstanding engineering issues are resolved.

## **COMMENTS**

In March 2017, City Council approved an application to permit a 2-storey secondary school at the properties known as 500 Cummer Avenue and 3336A, 3336B, 3336C, 3336D, 3338A, 3338B, 3338C, 3338D, 3340A, 3340B, 3340C, 3340D, 3348A, 3348B, 3348C, 3348D, 3348E, 3348F Bayview Avenue and enacted the necessary bills to permit the subject development.

Upon further review of the enacted Bills by City Planning and Buildings Division staff the parking provision was omitted in error from Zoning By-law 572-2017 (which amends City of Toronto Zoning By-law 569-2013). Zoning By-law 573-2017 (which amends former City of North York Zoning By-law 7625) does not amend the parking rate, but rather relies on the parking rate contained within the parent by-law. Since the parking

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rate was omitted in error from Zoning By-law 572-2017, the parking rate is dictated by its parent by-law, City of Toronto Zoning By-law 569-2013, which requires a higher number of parking spaces compared to former City of North York Zoning By-law 7625. Therefore, the two amending by-laws do not match with respect to the required number of parking spaces. Former City of North York Zoning By-law 7625 requires 2.0 parking spaces per classroom and per office, which results in 110 spaces. City of Toronto Zoning By-law 569-2013 requires a minimum rate of 1.5 parking spaces for each 100 square metres of gross floor area, which results in 137 parking spaces. The intention of the Zoning By-law Amendment Application was to provide 110 parking spaces, which is in compliance with former City of North York Zoning By-law 7625 and satisfied Transportation Services staff.

The following provision has been added to the Draft Zoning By-law (No. 569-2013):

- Despite Table 200.5.10.1, the required minimum number of parking spaces is:
  - (a) 110 parking spaces, plus
  - (b) 1.5 parking spaces for every 100 square metres greater than 9,200 square metres of gross floor area.

The changes required to the Zoning By-laws have been circulated to City Staff and relevant agencies and no concerns were raised.

It is recommended that Council determine that the revisions made to the proposed zoning by-laws are minor in nature, as the approved plans have not changed and, pursuant to subsection 34(17) of the *Planning Act*, require no further public notice. It is also recommended that City Council repeal By-law Nos. 572-2017 and enact the Draft Zoning By-law as contained in Attachment 1 to this report.

## **CONTACT**

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## **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Acting Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: Draft By-law

Staff report for action – Minor Amendments to Draft Zoning By-law – 500 Cummer Avenue and 3336A to 3348F Bayview Avenue

**Attachment 1:**

Authority: North York Community Council Item NY20.42, as adopted by City of Toronto Council on March 9, 2017

**CITY OF TORONTO**

**Bill**

**BY-LAW -2017**

**To amend Zoning By-law 572-2017 with respect to the lands municipally known in the year 2017 as 500 Cummer Avenue, 3336A, 3336B, 3336C, 3336D, 3338A, 3338B, 3338C, 3338D, 3340A, 3340B, 3340C, 3340D, 3348A, 3348B, 3348C, 3348D, 3348E and 3348F Bayview Avenue.**

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public;

The Council of the City of Toronto enacts:

1. Section 7 of By-law 752-2017 shall be amended by adding Section 7(E) so that Section 7(E) reads as follows:

7(E) Despite Table 200.5.10.1, the required minimum number of **parking spaces** is:

- (a) 110 **parking spaces**, plus; and
- (b) 1.5 **parking spaces** for every 100 square metres greater than 9,300 square metres of **gross floor area**.

Enacted and passed on 2017.

Frances Nunziata,  
Watkiss,  
Speaker

Ulli S.  
City Clerk

(Seal of the City)