

Inclusionary Zoning Official Plan Amendment, Zoning By-law Amendment and Draft Implementation Guidelines - Supplementary Report

Date: November 2, 2021

To: City Council

From: Chief Planner and Executive Director, City Planning

Wards: All

SUMMARY

This Supplementary Report recommends the Official Plan Amendment and Zoning By-law Amendment attached to the report from the Chief Planner and Executive Director, City Planning dated October 15, 2021 be replaced with updated versions attached to this report.

In response to comments received in deputations and written comments to the Planning and Housing Committee, staff are proposing minor changes to the Official Plan and Zoning By-law Amendments to provide clarity around the transition and exemption provisions in the proposed Zoning By-law Amendment and the status of Map 37 as a statutory Official Plan map. All other provisions remain the same with these exceptions.

Staff continue to recommend approval of the proposed Official Plan Amendments and Zoning By-law Amendments, as revised in the following recommendations listed below.

Planning and Housing Committee's decision and the associated staff report (October 15, 2021) may be found at

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH28.1>

RECOMMENDATIONS

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

1. City Council delete recommendations 1 and 2 from the Planning and Housing Committee and replace them with the following:

"1. City Council adopt the Official Plan Amendment included as Attachment 1 to the November 2, 2021 report from the Chief Planner and Executive Director, City Planning.

2. City Council adopt the Zoning By-law Amendment included as Attachment 2 to the November 2, 2021 report from the Chief Planner and Executive Director, City Planning.

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.

DECISION HISTORY

At its meeting of October 28, 2021, Planning and Housing Committee considered item PH28.1, Inclusionary Zoning Official Plan Amendment, Zoning By-law Amendment and Draft Implementation Guidelines dated October 15, 2021. The staff report recommended adoption of the Official Plan Amendment and Zoning By-law Amendment for inclusionary zoning. Planning and Housing Committee submitted the item to City Council with recommendations and referred a motion to the City Solicitor with the request that the City Solicitor report directly to the November 9, 2021 meeting of City Council on the legal implications of the motion to adjust the set aside rates and phase-in schedule of the policy.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH28.1>

COMMENTS

This report recommends technical revisions to the proposed Official Plan Amendments and Zoning By-law Amendments in response to comments received in deputations and written comments to the Planning and Housing Committee. These revisions would provide clarity around mapping, exemptions and transition.

Mapping

The proposed revision to the Official Plan Amendment would add the following policy to include reference to Map 37 to give effect to policies described in subsection 16 (4) of the Planning Act (Inclusionary Zoning Market Areas Map):

"Section 5.6, Policy 2 of the Official Plan is deleted and replaced with the following which includes reference to Map 37:

Maps 2, 3, 4, 5, 6, 7A, 7B, 8(C), Maps 13-23 inclusive and Map 37 are part of the Official Plan. Maps contained in Chapters Six and Seven are part of this Plan with the

exception of Maps 24 to 35 inclusive. All other mapping is provided for information and is not part of this Plan."

This addition would clarify that Map 37, which gives effect to policies described in subsection 16 (4) of the Planning Act, will be a statutory Official Plan map, meaning that any revisions to the Inclusionary Zoning market areas would require an Official Plan Amendment adopted by City Council.

Exemptions

The proposed revisions to the Zoning By-law Amendment for inclusionary zoning would replace Regulation 600.30.10 Inclusionary Zoning Overlay (7)(A)(i) Exemptions so that it now reads:

"(7) Exemptions

Regulations 600.30.10(1), 600.30.10(2), 600.30.10(3), 600.30.10(4), 600.30.10(5) and 600.30.10(6) do not apply to:

(A) a development which:

(i) contains fewer than 100 dwelling units and 8,000 square metres of gross floor area for residential uses;"

The revisions would also add a new Regulation 600.30.10(13) as follows:

"(13) Definition of Development

For the purpose of applying Regulation 600.30.10(7), a development is the construction, erection or placing of one or more buildings or structures on lands or the making of an addition, alteration or change of use to a building or structure."

The revisions to the Zoning By-law Amendment would provide clarity to ensure that developments with a mix of tenure (both purpose-built rental dwelling units and condominium dwelling units) would only be exempt from inclusionary zoning requirements if there are fewer than 100 total dwelling units and fewer than 8,000 square metres of residential gross floor area in the development. These revisions align with the proposed Official Plan Amendment Policy 5.1.8.3a), which reads "Zoning by-laws for Inclusionary Zoning will not apply to: development or redevelopment containing less than 100 new residential units and less than 8,000 square metres of new residential gross floor area."

Transition

The proposed revisions to the Zoning By-law Amendment for inclusionary zoning would also replace Regulation 600.30.15.1 (1) (B) Transition: Zoning By-law Amendment and Site Plan Applications so that (B) will read:

"(B) A zoning by-law amendment came into force prior to the passing of a Community Benefits Charge by-law and an agreement was executed in accordance with Section 37 of the Planning Act on or prior to the later of September 18, 2022 or notice of approval of a "Protected Major Transit Station Area" by the Minister pursuant to the Planning Act; or"

The above minor revision would ensure that both privately-initiated and city-initiated zoning by-law amendments would benefit from transition provisions provided the zoning is in force prior to the passing of a Community Benefits Charge by-law and a Section 37 agreement is executed prior to the later of September 18, 2022 or approval of the Protected Major Transit Station Area by the Minister.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Proposed Official Plan Amendment
Attachment 2: Proposed Zoning By-law Amendment