TORONTO

REPORT FOR ACTION

3377 Bayview Avenue, Draft Plan of Subdivision Application – Decision Report – Approval

Date: March 17, 2025

To: North York Community Council

From: Director, Community Planning, North York District, City Planning

Ward: 17 - Don Valley North

Planning Application Number: 21 169804 NNY 17 SB

Related Planning Application Number: 21 169802 NNY 17 OZ

SUMMARY

The draft plan of subdivision application proposes to create a total of 10 blocks which includes six residential development blocks, two park blocks, one green space natural heritage block, and one block which will be retained by Tyndale University. The green space natural heritage block will have an area of 13.764 hectares. The proposal includes a new public road that will loop through the subject site and will have a width of 18.5 metres. The new public road will extend eastwards into the subject site from Bayview Avenue, where the existing northern driveway is located, loop through the site and reconnect to Bayview Avenue in the south at Benham Crescent. The centre most block will be retained by Tyndale University and the university will continue to operate as a university on the subject site.

The proposed development is consistent with the Provincial Planning Statement (2024). The proposed development also conforms to the City's Official Plan and Zoning by-law (to be issued by the Ontario Land Tribunal) and has regard for the criteria in Section 51(24) of the Planning Act, subject to addressing outstanding matters from the ongoing technical review of the application. The Draft Plan of Subdivision creates necessary blocks and infrastructure to support the implementation of the OPA/ZBA development via an Ontario Land Tribunal (OLT) decision.

This report advises that the Executive Director of Development Review or their delegate, the Director of Community Planning-North York intends to approve the draft plan of subdivision, subject to conditions as set out below, after outstanding matters arising from the technical review of the application, as set out in this report, have been addressed.

RECOMMENDATIONS

The Director, Community Planning recommends that:

- 1. In accordance with the delegated approval under By-law 1112-2024, as amended, City Council be advised that the Executive Director, Development Review or their designate the Director of Community Planning, North York, intends to approve the Draft Plan of Subdivision for 3377 Bayview Avenue as generally illustrated in Attachment 3 to this report subject to:
 - a. the conditions as generally listed in Attachment 5 to the report, which, except as otherwise noted, must be fulfilled prior to final approval and the release of the Plan of Subdivision for registration;
 - b. resolution of outstanding matters arising from the technical review of the application, as set out in this report, to the satisfaction of the City; and
 - c. any such revisions to the proposed subdivision plan or any such additional or modified conditions as the Executive Director, Development Review or their designate, the Director of Community Planning, North York may deem to be appropriate to address matters arising from the on-going technical review of this development.

FINANCIAL IMPACT

The Development Review 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

An Application for Official Plan Amendment and Zoning By-law Amendment was determined to meet the complete application submission requirements of the Planning Act and the Toronto Official Plan on July 14, 2021. The purpose of the OPA was to redesignate certain lands from *Neighbourhoods* to *Natural Areas, Parks* and *Apartment Neighbourhoods*. The purpose of the ZBA was to permit the proposed height and density, among other built form matters, on the subject site.

A Preliminary Report was adopted by North York Community Council on September 13, 2021, authorizing staff to conduct a community consultation meeting with an expanded notification area as well as establishing a Working Group. The decision of the North York Community Council can be found here:

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY26.11

On March 3, 2022, the Applicant appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frame prescribed in the Planning Act. A Case Management Conference was scheduled on July 20, 2022, at which time a 15 day hearing was scheduled, set to commence on July 10, 2023. The plan of subdivision application was not appealed to the OLT.

A Request for Direction Report on the application was adopted by City Council on June 15 and 16, 2022, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Zoning By-law and Official Plan Amendment application, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Request for Direction Report can be found at:

https://secure.toronto.ca/council/agenda-item.do?item=2022.NY32.6

At its meeting of February 28, 2023, Planning and Housing Committee adopted the recommendation of the Toronto Preservation Board and recommended that City Council state its intention to designate the property at 3377 Bayview Avenue under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value at its meeting of March 29, 2023. The report was adopted by City Council at its meeting of March 29, 2023, and can be found at this link:

https://secure.toronto.ca/council/agenda-item.do?item=2023.PH2.14

A Settlement Offer for the Official Plan and Zoning By-law Amendment application was brought to City Council for approval on March 29, 2023. The Settlement Offer included the extension of the public road into a continuous loop with two access points from Bayview Avenue, the conveyance of lands below the top-of-bank into public ownership, the relocation of density and units across the site, and revisions in heights and massing to certain buildings among other items. City Council adopted the Settlement Offer on March 29, 2023, and can be found at this link:

Agenda Item History - 2023.CC5.29

The OLT issued an Interim Order on August 11, 2023, approving the OPA and ZBA applications in principle. The Interim Order provides conditions that the applicant must satisfy prior to the OLT issuing its final Order. The conditions include among other matters, satisfying technical requirements, entering into a Section 37 Agreement and the Owner obtaining draft plan of subdivision approval.

THE SITE AND SURROUNDING LANDS

Description

The Site is located on the east side of Bayview Avenue, between Steeles Avenue East and Cummer Avenue. The site is irregular in shape, having an overall site area of 22.75 hectares. See Attachment 2 for the Location Map.

Surrounding Uses

North: Immediately north of the subject site is 1 Garnier Court, a residential property with a development application currently under review for the construction of a 3-storey townhouse building containing a total of 9 units. Further north along Bayview, the area consists of low density residential development, Garnier Park, and Creekside Park. The southeast corner of Bayview Avenue and Steeles Avenue East includes three apartment buildings with heights of 12-storeys.

South: Immediately south of the subject site is a low density residential neighbourhood.

East: Immediately east of the subject site is the German Mills Creek ravine. Further east, the area is comprised of low density residential development.

West: Immediately west of the subject site is Bayview Avenue with a low density residential neighbourhood.

THE APPLICATION

Description

The Draft Plan of Subdivision application proposes to implement the OLT approved in principle Official Plan and Zoning By-law Amendment application by way of creating six residential development blocks, two public park blocks, one green space natural heritage block, and one block to be retained by Tyndale University for the purpose of continuing university operations. The approved redevelopment proposal will be broken down into two subdivision phases (Phase 1 and Phase 2) and four construction phases. The proposed subdivision phasing plan is shown on Attachment 4.

Please see the chart below describing the use and area for each block and it's respective phase.

Block Number	Use	Area	Phase
Block 1	Residential	0.9117 ha	2
Block 2	Residential	0.5275 ha	2
Block 3	Residential	1.1240 ha	2
Block 4	Residential	0.4004 ha	1
Block 5	Residential	0.5744 ha	1
Block 6	Residential	0.9431 ha	2

Block Number	Use Area		Phase
Bock 7	Tyndale University	2.3327 ha	1
Block 8	Green Space Natural Heritage System	13.7646 ha	1
Block 9	Public Park	0.4451 ha	1
Block 10	Public Park	0.2070 ha	2

Phase 1 of the proposed development includes residential Blocks 4, 5, and 6, on the Draft Plan of Subdivision along with public park Block 9 and the delivery of the first phase of Street A which will terminate in a temporary cul-de-sac. Phase 1 also includes the creation of the Green Space/Natural Heritage block (Block 8) and the block to be retained by Tyndale University (Block 7). Block 8 will be conveyed to the TRCA.

Phase 2 includes the extension of Street A into Street B and Street C which loops around the subject site and reconnects to Bayview Avenue. This Phase includes residential Blocks 1, 2 and 3 along with the second public park being Block 10.

For construction phasing purposes, the first construction phase will consist of residential Blocks 4, 5 and parkland Block 9, located on the south side of Street A. Construction phase 2 will be comprised of residential block 6 located on the north side of Street A. Construction phase 3 will include residential Blocks 1 and 2 along with Block 10 being the public park. Construction phase 4 will consist of residential Block 3 only.

A total of 1,511 dwelling units are proposed. This includes 343 dwelling units in construction phase 1, 610 dwelling units in construction phase 2, 299 dwelling units in construction phase 3, and 256 dwelling units in construction phase 4. The proposal also includes affordable units in each phase. A full description of this can be found in the Affordable Housing section below.

Reasons for Application

An application for a Plan of Subdivision is required under Section 51 of the Planning Act in order to create a new public street, new public parks, natural heritage and open space blocks, and development blocks that will accommodate the redevelopment as approved by the OLT.

This meeting at North York Community Council represents the statutory public meeting required for the Draft Plan of Subdivision application.

APPLICATION BACKGROUND

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

- Angular Plane Views
- Arborist Report
- Architectural Plans
- Civil and Utilities Drawings
- Engineering Feasibility Report
- Functional Servicing and Stormwater Management Report
- Geotechnical Report
- Ground Water Review
- Hydrogeological Assessment
- Landscape Plans
- Phasing Plan
- Draft Plan of Subdivision
- Sun/Shadow Studies
- Topographical Survey
- Toronto Green Standards Checklist
- Urban Transportations Consideration Report
- Heritage Impact Statement
- Natural Heritage Impact Statement

The reports, studies and plans submitted in support of this application are available on the Application Information Centre:

https://www.toronto.ca/city-government/planning-development/application-details/?id=4944091&pid=444577&title=3377-BAYVIEW-AVE

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 conditions of Draft Plan of Subdivision approval.

Statutory Public Meeting Comments

Council members will be given an opportunity to view oral submission at North York Community Council, which constitutes the Statutory Public Meeting for the subdivision application pursuant to 51(20)(b) and O. Reg 544/06 s. 5 of the Planning Act.

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Planning Statement (2024), and shall conform to provincial plans.

The PPS (2024) continues to direct planning authorities to support the achievement of complete communities by accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses, such as child care centres, parks and open spaces, ensure continued accessibility, and improving social equity for persons of all ages and abilities.

The PPS (2024) also continues to require municipalities to promote a mix of densities to efficiently use land, resources, infrastructure and public service facilities and to support the use of active transportation.

The PPS (2024) states that infrastructure and public service facilities shall be provided in an efficient manner and shall be coordinated and integrated with land use planning and are available to meet current and projected needs. The PPS (2024) also states planning authorities should establish and implement phasing policies to ensure that development is orderly and aligns with the timely provision of infrastructure and public service facilities.

The Draft Plan of Subdivision creates appropriate block patterns that provide for healthy and active communities. The creation of a new public streets, two new public parks, and conveyance of a large natural heritage block into City ownership, will support and extend the existing transportation and open space network and will improve the multimodal travel options. The new street will allow for enhancement of the subject site to support the approved development proposal along with the operations for the existing Tyndale University. The new residential blocks provide for appropriate development blocks that support a range of housing types, affordability, and unit sizes.

The proposed Draft Plan of Subdivision will facilitate orderly development that supports the key objectives of the PPS for building strong healthy communities, wise use and management of land, infrastructure, public services and public investments. The Draft Plan of Subdivision is consistent with the PPS.

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.

The Toronto Official Plan policies may be found here: Official Plan – City of Toronto

The western portion of the subject site is designated Neighbourhoods and the eastern portion is designated Natural Areas in the Official Plan. The Official Plan Amendment

approved by the Interim OLT order allows for the redesignation of the Neighbourhood lands to Apartment Neighbourhoods and Parks.

Draft Plan of Subdivision

Section 51(24) of the Planning Act outlines the criteria for determining whether or not a proposed subdivision is appropriate. These criteria include conformity to provincial plans, whether the plan conforms to the Official Plan and adjacent plans of subdivision, the appropriateness of the proposed land use, the dimensions and shapes of the proposed blocks, and the adequacy of utilities and municipal services.

The Executive Director, Development Review has delegated authority for Plans of Subdivision under By-law 1112-2024 as amended. The Plan of Subdivision application is reviewed against the relevant matters under Section 51(24) of the Planning Act, including, but not limited to:

- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (d.1) the suitability of the proposed units for affordable housing;
- (f) the dimensions and shapes of the proposed lots;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites; and
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes.

The Draft Plan of Subdivision conditions, attached to this report (Attachment 5), and the draft Plan of Subdivision (Attachment 3) are both subject to further refinement as Transportation and Development Engineering staff complete their final review. In particular, matters that are still outstanding relate to timing of signal installation at Bayview Avenue, details related to storm water management, and details on the size and specific location for easements. Minor changes to the Draft Plan of Subdivision (Attachment 3) will be required prior to final approval as they relate to details for the existing and proposed easements and are currently only generally shown on the Draft Plan of Subdivision. In addition, aside from changes from Development Engineering and Transportation Services staff, other minor changes to the draft conditions (Attachment 5) may be necessary as staff continue to finalize their review. The applicant will be required to submit a final updated Transportation Impact Study and Functional Servicing Report to satisfy these final outstanding comments.

Public Street

The Draft Plan of Subdivision provides for a new 18.5 metre wide public street that will loop through the subject site and connect to Bayview Avenue both in the north and the south. This new public street will be comprised of Street A, Street B and Street C as shown on the Draft Plan of Subdivision (Attachment 3) and is subject to phasing. Phase 1 will include the Street A portion which terminates in a temporary cul-de-sac until

Phase 2 provides for the remainder of the connection to Bayview Avenue to the south with Street B and Street C.

The new street meets Official Plan objectives. It will provide appropriate access to future residential development within the subject site, providing for appropriate building entrances, addresses on public streets, pedestrian amenities, street tree planting, landscaping and new sidewalks.

The conditions of Draft Plan of Subdivision approval, as outlined in Attachment 5, represents the City's typical standard conditions for new street construction. Staff note that further detailed conditions of approval will be included to address more site specific conditions through a detailed review by Transportation staff as related to the timing of a new signalized intersection. The necessary land conveyances and required easements in favor of the City related to the new public street are also in the Conditions of Draft Plan of Subdivision approval in Attachment 5. The Draft Plan of Subdivision meets the criteria under Section 51(24)(k) as the proposed public roads will be conveyed into public ownership.

Servicing

Development Engineering staff have determined that capacity is available in the existing municipal sewers and watermains to service the subject site. The engineering consultants for the applicant are currently working to address outstanding comments from Development Engineering Staff in relation to proposed phasing, site servicing and stormwater management. Additional conditions may need to be included prior to finalizing the draft Plan of Subdivision to reflect any further comments from engineering staff.

As such, the proposed Draft Plan of Subdivision meets the criteria under Section 51(24)(i) of the Planning Act with respect ensuring adequate municipal services utilities are available to service the lands subject to subdivision.

Parkland

In the context of a rapidly growing city, the importance of public parkland being available to enhance and expand the amount of park spaces provided to residents and visitors alike becomes ever more relevant. The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded.

The Draft Plan of Subdivision (Attachment 3) demonstrates that the Owner has proposed to dedicate Block 9 (0.4551 ha) and Block 10 (0.207 ha) to the City for public parkland purposes. The Block 9 public parkland will be conveyed as part of Phase 1 in the first construction phase, while the Block 10 public parkland will be conveyed in Phase 2 as part of the third phase of construction. Both public parks will have frontage on Bayview Avenue.

The proposed parkland dedication is acceptable to Parks and Recreation. The obligations for the proposed parkland and conveyance to the City will be secured through the Draft Plan of Subdivision Conditions (Attachment 5). The Draft Plan of

Subdivision meets the criteria under Section 51(24)(k) as the two proposed public park blocks will be conveyed into public ownership.

Green Space/Natural Heritage Feature

The subject site contains natural heritage features that are within the City's Natural Heritage System. The site is adjacent to a slope feature associated with the German Mills Creek Valley corridor comprised of a mix of maintained turf and a naturally vegetated canopy associated with the ravine. The forested valley lands associated with German Mills Creek are mapped as a Ravine and Natural Feature Protection Area and are contiguous with the larger Don River corridor. The lands are also within the Toronto and Region Conservation Authority (TRCA) regulated area.

The Draft Plan of Subdivision (Attachment 3) identifies Block 8 as a Green Space/Natural Heritage area which is the area located below top-of-bank, within the natural heritage system, and the 10 meter buffer from the top-of-bank. Block 8 is being created to protect this important natural feature and to be conveyed to the Toronto and Region Conservation Authority (TRCA). The obligations for the proposed blocks and conveyance to the City will be secured through the Draft Plan of Subdivision Conditions (Attachment 5).

As such, the proposed Draft Plan of Subdivision meets the criteria under Section 51(24)(d) and (h) of the Planning Act with respect to suitability of the land for the purposes of which it is to be subdivided (transferring natural heritage feature in TRCA ownership) and conserving natural heritage resources and managing flood control.

Affordable Housing

Each construction phase will include affordable housing. A total of 34 affordable units were secured as an in-kind contribution through the Community Benefit Charges (CBC) By-law. In addition, in December 2024 the applicant was approved for incentives under the Purpose-Built Rental (PBR) stream of the Rental Housing Supply Program for a total of 205 affordable dwelling units across the whole site.

Construction phase 1 (comprised of residential Blocks 4 and 5) includes a total of 343 rental dwelling units, of which 154 rental dwelling units will be affordable as per approval under PBR. An additional 17 affordable rental dwelling units will be secured through CBC. This provides for a total of 171 affordable rental dwelling units in construction phase 1.

Construction phases 2, 3 and 4 will also include affordable housing. This includes distribution of the remaining 51 affordable housing units as secured through PBR along with the remaining 17 affordable CBC units. In total, the overall subject site will provide for 239 affordable dwelling units. The affordability term is 99-years and the affordability rate is based on the current City of Toronto income-based definition. As such, the proposed Draft Plan of Subdivision meets the criteria under Section 51(24)(d.1) of the Planning Act with respect to providing affordable housing units.

Schools

The Toronto District School Board (TDSB) schools currently assigned to this development are Steelesview Public School, Zion Heights Middle School, and AY Jackson Secondary School. TDSB staff determined that there is insufficient capacity to accommodate students from the new residential development at AY Jackson Secondary School. In addition, there may be insufficient capacity to accommodate students at Steelesview Public School and Zion Heights Middle School by the time this development is occupied.

To address accommodation challenges that may arise, the TDSB may need to use portables to accommodate students or engage in studies to explore options for creating space at local schools. These options include changing school boundaries, moving programs, or bussing new students to another school, among others.

The TDSB has requested that as a condition of approval, the applicant enter into an agreement to place warning clauses in all offers of purchase and sale/lease/rental/tenancy agreements of residential dwelling units for a period of ten years advising that students may be accommodated in facilities outside the area until space in local schools becomes available and also include warning clauses in all offers of purchase and sale of residential units, to the effect that students may be accommodated in facilities outside the area and policies on bussing. Therefore, the proposed Draft Plan of Subdivision meets the criteria under Section 51(24)(j) of the Planning Act with respect to having adequate school facilities in the area.

Conclusion

The proposed Draft Plan of Subdivision has been reviewed against the policies of the PPS (2024) and the criteria set out in Section 51(24) of the Planning Act. The Draft Plan of Subdivision will create new development blocks that will support new residential development, including maintaining the existing University uses, will create two new public park blocks, a natural heritage block, and a new public street.

The proposed Draft Plan of Subdivision is consistent with the PPS (2024) and conforms to the Toronto Official Plan and Zoning By-law, has regard for criteria set out in Section 51(24) of the Planning Act, and is in the public interest. The proposal implements the Official Plan and Rezoning Application approved at the Ontario Land Tribunal. The Director, Community Planning, North York District, intends to approve the Draft Plan of Subdivision, as generally illustrated in Attachment 3 to this report, subject to conditions, after the outstanding matters arising from the technical review of the application, as set out in this report, have been addressed to the satisfaction of the City.

CONTACT

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SIGNATURE

David Sit, MCIP, RPP Director, Community Planning North York District

ATTACHMENTS

Attachment 1: Application Data Sheet Attachment 2: Location Map

Attachment 3: Draft Plan of Subdivision

Attachment 4: Phasing Plan

Attachment 5: Draft Plan of Subdivision Conditions

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 3377 BAYVIEW AVE Date Received: June 13, 2021

Application Number: 21 169804 NNY 17 SB

Application Type: Subdivision Approval

Project Description: This application, along with an application for Official Plan and

Zoning By-law Amendment (21 169802 NNY 17 OZ), proposes 13 residential buildings, most of which would range in height from 5 to 8 storeys, with three buildings from 10 to 24 storeys. These buildings will accommodate 1511 units, of which 239 will

be secured as affordable units. Non-residential uses are

included at grade in buildings along Bayview Avenue. A network

of public and private streets, shared streets and a publicly accessible open space are proposed along with two public park. Tyndale University would own the residential components and

would remain operational.

Applicant Agent Architect Owner

MARKEE TYNDALE DEVELOPMENTS UNIVERSITY

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision:

Zoning: R4 Heritage Designation:

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

PROJECT INFORMATION

Site Area (sq m): 227,584 Frontage (m): 371 Depth (m): 616

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	11,327	8,547	13,647	22,194
Residential GFA (sq m):			87,104	87,104
Non-Residential GFA (sq m):	35,804	31,711	1,079	32,790
Total GFA (sq m):	35,804	31,711	88,182	119,893
Height - Storeys:	4	4	24	24
Height - Metres:	22	22	72	72

Lot Coverage Ratio

9.75

Floor Space Index: 0.53

(%):

Floor Area Breakdown Above Grade (sq m)

Below Grade (sq m)

Residential GFA:

87,104

Retail GFA:

1,079

Office GFA:

Industrial GFA:

Institutional/Other GFA:

31,711

Residential Units

Existing F

Bachelor

89

89

Retained Proposed

Total

Rental:

900

900

Freehold:

by Tenure

Condominium:

611

611

Other:

Total Units:

1,511

1,511

Total Residential Units by Size

Rooms

1 Bedroom

2 Bedroom

3+ Bedroom

7

Retained:

Proposed:
Total Units:

900 900

408 408

114

114

Parking and Loading

Parking Spaces:

1,289

Bicycle Parking Spaces:

1,531

Loading

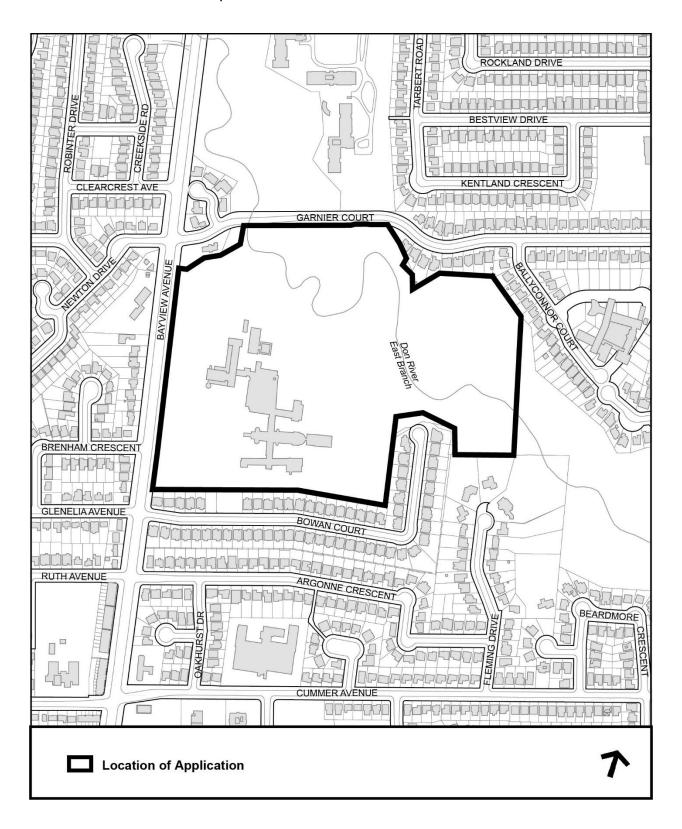
Docks:

CONTACT:

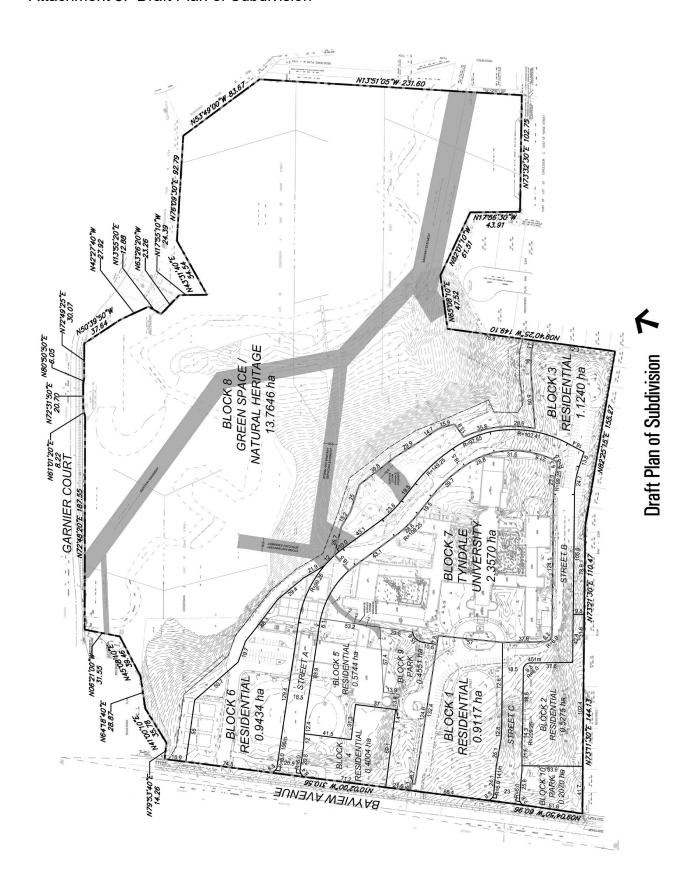
Michelle Charkow, Senior Planner

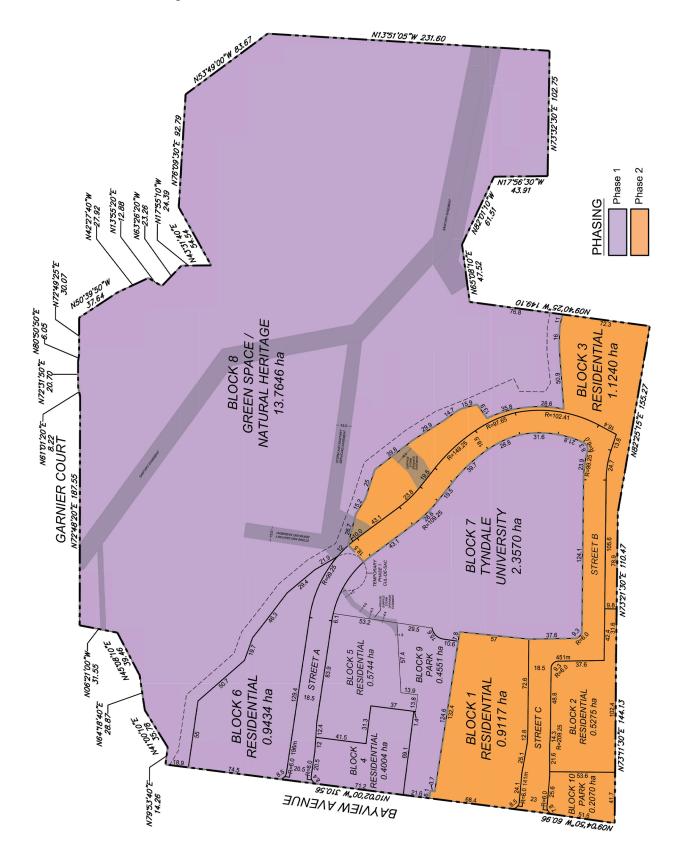
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Attachment 3: Draft Plan of Subdivision





Attachment	5. Dra	ft Plan	of Sub	division	Conditions
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(To be provided under separate PDF)