

3386-3398 Bayview Avenue & 32 Brenham Crescent – Zoning By-law Amendment — Supplementary Report

Date: April 24, 2025

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 18 - Willowdale

Planning Application Number: 24 235666 NNY 18 OZ

SUMMARY

On December 16, 2024, the City received a Zoning By-law Amendment application for fifty (50) (12.5 metre high) 4-storey townhomes at 3386-3398 Bayview Avenue & 32 Brenham Crescent.

On April 9, 2025 Staff submitted a report to North York Community Council titled 3386-3398 Bayview Avenue & 32 Brenham Crescent – Zoning By-law Amendment – Decision Report – Refusal (“the report”) which recommends that Council refuse the application to amend the Official Plan and zoning by-law .

On April 11, 2025, the applicant appealed the Zoning By-law Amendment application to the Ontario Land Tribunal (the “OLT”) due to Council not making a decision within the statutorily prescribed time frame in the *Planning Act*.

This report deletes the original recommendations and replaces them with new ones as set out in this report given the Zoning By-law Amendment application has been appealed and staff now recommend that the City Solicitor with the appropriate City staff attend the OLT hearing and oppose the application in its current form and to continue discussions with the applicant to resolve outstanding issues.

RECOMMENDATIONS

The Recommendations in the report from the Director of Community Planning North York dated April 9, 2025 (Item 23.13) be deleted in their entirety and replaced with the following:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current application regarding the Official Plan Amendment and Zoning By-law Amendment appeal for the lands at 3386-3398 Bayview Avenue & 32 Brenham Crescent and to continue discussions with the applicant to resolve outstanding issues.

2. In the event that the Ontario Land Tribunal allows the appeal, in whole or in part, City Council authorize the City Solicitor to request that the issuance of any Final Order be withheld until such time as the City Solicitor advises that:
 - a. the final form and content of the draft Zoning By-law Amendment is to the satisfaction of the City Solicitor and the Executive Director, Development Review;
 - b. the owner has submitted a revised Functional Servicing Report and Stormwater Management Report, Hydrogeological Review, including the Foundation Drainage Report ("Engineering Reports") to demonstrate that the existing sanitary sewer system and watermain and any required improvements to them, have adequate capacity and supply to accommodate the development of the lands and addressed outstanding issues in the Development Engineering memo dated January 24, 2025, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
 - I. If the Engineering Reports are accepted and are satisfactory and should they identify any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then either:
 - i. the owner or applicant has secured the design, construction, and provision of financial securities for any new municipal infrastructure, or any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, in a financial secured agreement, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; or,
 - ii. the required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted and satisfactory Engineering Reports in (i) above are constructed and operational, all to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services;
 - c. the owner has submitted a revised Transportation Impact Study, including the missing digital Synchro files for all scenarios and conditions (existing, future background, and future total), addressing outstanding issues in the Transportation Services memo dated January 24, 2025, or as may be updated in response to further submissions filed by the Owner, all to the satisfaction of Executive Director, Development Review and the General Manager, Transportation Services and that such matters arising from such Plan be secured as required; and
 - d. The Chief Planner has approved Rental Housing Demolition Application to permit the demolition of the existing rental housing and the owner has entered into and registered on title one or more agreements to secure an acceptable tenant assistance plan, all to the satisfaction on the Chief Planner.
3. Should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Engineering Reports and/or the Transportation

Impact Study, the City Council direct the City Solicitor and appropriate City staff to request that a Holding provision (H) be included in the final form of the site-specific Zoning By-law Amendment, including entering into appropriate agreement(s) with the City for required mitigation, as well as the design and construction of any improvements to the municipal infrastructure and the provision of financial securities to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Transportation Services.

4. City Council authorize the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

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.

COMMENTS

The applicant filed an appeal of the application on April 11, 2025, after staff had submitted a report to North York Community Council recommending refusal of the application but prior to the consideration of the report by North York Community Council at its meeting of April 30, 2025. The application was appealed on the basis that City Council did not make a decision within the statutorily prescribed time frame in the *Planning Act*.

As the appeal has been filed prior to Community Council considering the recommendations contained in the report, staff now require different direction from that outlined in the report.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues.

CONTACT

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SIGNATURE

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