

## City Council

### Motion without Notice

MM24.27	ACTION			Ward:20
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**40, 46, 48, 50, 52 and 60 McCaul Street and 10 Stephanie Street - Amendment to the draft Zoning by-laws - by Councillor Joe Cressy, seconded by Councillor Sarah Doucette**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

*Bills 113 and 114 have been submitted on this Item.*

### Recommendations

Councillor Joe Cressy, seconded by Councillor Sarah Doucette, recommends that:

1. City Council amend Item TE14.2 by replacing Part 7.b. as adopted by City Council at its meeting on March 10, 2016 with the following:
  7. Before introducing the necessary Bills to City Council for enactment, City Council require the owner(s) to enter into an Agreement pursuant to Section 37 of the Planning Act satisfactory to the City Solicitor to secure the following:
    - b. Prior to Condominium Registration the owner shall:
      - i. convey and register, for nominal consideration, a non-exclusive easement in perpetuity in favour of the City, for use by the City, University Settlement House and the general public for a pedestrian thoroughfare, as identified as Area B on Attachment 8 to the report (February 2, 2016) from the Director, Community Planning, Toronto and East York District. The pedestrian thoroughfare will be to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning, with the specific location, configuration and design to be determined to the satisfaction of the Chief Planner and Executive Director, City Planning, as part of the site plan approval process for all or any part of the site. The maintenance of this pedestrian thoroughfare is to be the responsibility of the owner; and
      - ii. convey and register, for nominal consideration, a non-exclusive easement in perpetuity in favour of the City, for use by the general public as publicly-accessible, privately-owned, open space at the south end of the site with a

minimum area of 195 square metres, as identified as Area A on Attachment 8 to the report (February 2, 2016) from the Director, Community Planning, Toronto and East York District, to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning. The specific configuration and design to be determined to the satisfaction of the Chief Planner and Executive Director, City Planning, as part of site plan approval, and to come into effect on the first residential or non-residential occupancy. The maintenance of this publicly-accessible, privately-owned, open space is to be the responsibility of the owner.

In the event that the Mixed Use Building does not proceed by way of Condominium tenure, the City shall have a right to require that the POPS Easement and Thoroughfare Easement be conveyed in the same manner and subject to the same conditions as described in this Section, on demand, provided that a minimum of two (2) years have elapsed since the first Above Grade Building Permit has been issued.

2. City Council replace the draft Zoning By-law Amendments attached as Attachments 9 and 10 to the report (February 2, 2016) from the Director, Community Planning, Toronto and East York District, with the draft Zoning By-law Amendments attached to this Motion.
3. City Council determine that no further notice is required in respect of the proposed by-law, pursuant to Section 34 (17) of the Planning Act.

### **Summary**

At its meeting of March 10, 2016, Toronto City Council adopted Item TE14.2 approving draft zoning by-laws for 40, 46, 48, 50, 52 and 60 McCaul Street and 10 Stephanie Street subject to certain pre-conditions to be fulfilled.

In the time since the Community Council meeting, Staff and the owners of the site have determined that the easements required to be conveyed to City as part of the development proposal and to be secured by way of a section 37 agreement should be tied to Condominium Registration rather than building permits.

In addition, certain errors on the schedules attached to the Zoning By-laws have been corrected. As such, the draft Zoning By-law Amendments attached to the report from planning dated February 2, 2016 should be replaced by the attached Zoning By-law Amendments. No changes have been made to the application. As such, it is appropriate for City Council to deem that no further notice be required pursuant to Section 34(17) of the Planning Act.

This is an urgent matter because the details of the zoning by-law and the Section 37 agreement must be corrected in order for the development to move forward in a timely manner.

### **Background Information (City Council)**

Member Motion MM24.27

Amend Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 40, 46, 48, 50, 52 and 60 McCaul Street and 10 Stephanie Street

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-100904.pdf>)

Amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 40, 46, 48, 50, 52 and 60 McCaul Street and 10 Stephanie Street

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-100905.pdf>)

