

**City Council****Motion Without Notice**

MM29.28	ACTION			Ward:20
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**40, 46, 48, 50, 52 and 60 McCaul Street and 10 Stephanie Street - Zoning Amendment - by Councillor Joe Cressy, seconded by Councillor Gord Perks**

*\* 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.*

**Recommendations**

Councillor Joe Cressy, seconded by Councillor Gord Perks, recommends that:

1. City Council amend By-laws 112-2017 and 113-2017 for the lands at 40, 46, 48, 50, 52 and 60 McCaul Street and 10 Stephanie Street in accordance with the draft Zoning By-law Amendments attached as Attachments 1 and 2 to this Motion, respectively.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments 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 amendment to the Zoning By-laws.

**Summary**

At its meeting of March 10, 2016, Toronto City Council adopted Item TE14.2, approving draft Zoning By-laws Amendments to Zoning By-laws 569-2013 and 438-86 for 40, 46, 48, 50, 52 and 60 McCaul Street and 10 Stephanie Street, to permit a development which includes a mixed use building and related private art gallery. On January 31, 2017, Council further adopted Item MM24.27, amending Item TE14.2. By-laws 112-2017 and 113-2017 were thereby enacted to permit the development.

It has come to City Planning's attention that there are minor errors in the Zoning By-laws. As such, Zoning By-laws 112-2017 and 113-2017 should be amended by the attached Zoning By-law Amendments. No changes have been made to the proposal, as approved, and it is therefore the opinion of Planning and Legal Staff that the required changes are minor and technical in scope.

The proposed revision to Zoning By-law 113-2017 (which amends City of Toronto Zoning By-law 569-2013) is to correct the exemption of the site from the underlying height restriction. The proposal was exempted from the wrong height restriction. With respect to Zoning By-law 112-2017 (which amends former City of Toronto Zoning By-law 438-86), stair towers ought to have been excluded from the general height limitations set out in the approved Zoning By-law. As such, the amendment proposes to add stair towers to the list of items to be excluded from the height restrictions in Zoning By-law 112-2017.

Furthermore, the proposal was never intended to be subject to By-laws 1106 -2016 and 1107-2016 (regarding tall buildings setbacks in the downtown area of the City). As such, an exemption to the By-law is proposed to be added.

As there have been no changes to the original proposal and plans considered by City Council, of which the public was given notice, 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 since the by-law was enacted many months ago and further delay may cause hardship to the applicant.

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

Member Motion MM29.28

Attachments 1 and 2 - Draft Zoning By-law Amendments

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-104187.pdf>)