

## City Council

### Motion without Notice

MM44.81	ACTION			Ward:20
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### **260-270 and 274-322 King Street West - Authorization for Submission of Minor Variance Application - by Councillor Joe Cressy, seconded by Councillor Kristyn Wong-Tam**

*\* 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 Kristyn Wong-Tam, recommends that:

1. City Council, pursuant to subsection 45(1.4) of the Planning Act, R.S.O. 1990, c. P.13, permit applications for minor variances from the former City of Toronto Zoning By-law 438-86 and City-wide Zoning By-Law 569-2013 in respect of a mixed-used development at 260-270 and 274-322 King Street West.

#### **Summary**

Among changes under the Smart Growth for Our Communities Act, 2015 (Bill 73) that came into final effect on July 1, 2016, Sub-sections 45.(1.3) and 45.(1.4) of the Planning Act as now amended prevent submission of minor variance applications on properties subject to a privately-initiated zoning by-law amendment within two years of by-law enactment, unless the municipal council has otherwise "declared by resolution that such an application is permitted".

In this case, the former Ontario Municipal Board, on July 28, 2017 issued an order bringing into force By-laws 1480-2017 and 1481-2017 approving owner-initiated amendments to former City of Toronto Zoning By-law 438-86, as amended, and City-wide Zoning By-law 569-2013, as amended, respectively. The new zoning provides for redevelopment of this site with a mixed-development including two towers of 82 and 92 storeys.

The current owner of the site has advised that design of the development is ongoing and that changes to the zoning by-laws will be needed to address these design changes. Under the Planning Act as now amended, the owner will not be able to file for a minor variance application until July 28, 2019.

Many aspects of the development are also defined in Site and Area Specific Policy 2 of the King-Spadina Secondary Plan, a section of the Official Plan, including the height of each tower measured in both metres and storeys. The Committee of Adjustment cannot vary the Official

Plan, so if any changes to matters secured in the Site and Area Specific Policy are contemplated by the new owner, an Official Plan Amendment Application would be necessary, which includes a process of public consultation and the final decision would rest with City Council.

This Motion is urgent in order to allow for submission and review of the minor variance application without excessive delay.

**Background Information (City Council)**

Member Motion MM44.81