

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

MM44.117	ACTION			Ward:15
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**2433 Dufferin Street - Zoning By-law Amendment - Request for Directions - by Councillor Josh Colle, seconded by Councillor Ana Bailão**

*\* 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 Josh Colle, seconded by Councillor Ana Bailão, recommends that City Council adopt the following recommendations in the report (July 25, 2018) from the Chief Planner and Executive Director, City Planning:

1. City Council authorize the City Solicitor, together with City Planning staff and other staff as appropriate, to attend the LPAT hearing to oppose the Zoning By-law Amendment application and associated Site Plan Control application in their current form for the property at 2433 Dufferin Street.
2. City Council direct City staff to continue discussions with the applicant, and authorize the City Solicitor, in consultation with the Chief Planner, Executive Director, City Planning and the Ward Councillor, to accept a revised proposal, subject to resolution of the outstanding issues identified in this report.
3. Should the Local Planning Appeal Tribunal approve the applications, City Council direct the City Solicitor to advise the Tribunal that the Zoning By-laws should not be approved without the provisions of such services, facilities or matters pursuant to Section 37 of the Planning Act, as may be considered appropriate by the Chief Planner in consultation with the applicant and the Ward Councillor.
4. Should the LPAT allow the appeal of the Zoning By-law Amendments in whole or in part, City Council authorize the City Solicitor to request the LPAT to withhold its Order approving the application until such time as:
  - a. The Tribunal has been advised by the City Solicitor that the proposed Zoning By-law Amendments are in a form satisfactory to the Chief Planner and the City Solicitor;
  - b. The owner has submitted revised technical reports and plans, to the satisfaction of the

Executive Director, Engineering and Construction Services, and satisfied all other comments and issues of other City Divisions and agencies; and

c. A Section 37 Agreement has been executed to the satisfaction of the City Solicitor.

5. Should the LPAT allow the Site Plan appeal, in whole or in part, City Council authorize the City Solicitor to request the LPAT to withhold its Order on the Site Plan Control application pending the following matters being addressed:

a. The conditions of Site Plan approval being finalized to the satisfaction of the Chief Planner and Executive Director, City Planning; and

b. The applicant satisfying all pre-approval conditions, including entering into and registering a Site Plan Agreement pursuant to Section 41 of the Planning Act and Section 114 of the City of Toronto Act, 2006 with such Agreement to include Conditions of Site Plan approval.

## **Summary**

On June 11, 2014, the City received an application to amend the former City of York Zoning By-law No. 1-83 and the City of Toronto Zoning By-law No. 569-2013 for the land at 2433 Dufferin Street to permit the construction of a 5-storey (18.5 metre height) mixed use building with retail/commercial uses at grade. The applicant has appealed their application for Zoning By-law Amendments and Site Plan Control to the Local Planning Appeal Tribunal due to City Council's failure to make a decision for the Zoning By-law Amendment application within the prescribed time period under the Planning Act. On May 16, 2018 the City received a revised submission for a 9-storey (27 metre high plus mechanical) mixed use building with retail/commercial uses at grade, and the review of the revised submission could not be completed and reported on prior to the North York Community Council meeting on July 4, 2018, therefore a Member Motion is required to enable City Council to consider the Request for Direction Report (July 25, 2018) from the Chief Planner and Executive Director, City Planning.

This matter is considered urgent as a pre-hearing at the Local Planning Appeal Tribunal is scheduled on August 3, 2018.

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

Member Motion MM44.117

(July 25, 2018) Report from the Chief Planner and Executive Director, City Planning on 2433 Dufferin Street - Zoning By-law Amendment - Request for Directions  
(<http://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-119468.pdf>)