

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

MM11.32	ACTION			Ward: 4
---------	--------	--	--	---------

**248 and 260 High Park Avenue - Minor Variance Application - by Councillor Gord Perks, 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 Gord Perks, seconded by Councillor Kristyn Wong-Tam, recommends that:

1. City Council authorize, pursuant to Subsection 45(1.4) of the Planning Act, submission of a Minor Variance application in regard to 248 and 260 High Park Avenue for relief from the By-law requirements of Site Specific Zoning By-laws 1397-2017 and 1398-2017.

**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".

With regards to the proposed development at 248 and 260 High Park Avenue, City Council at its meeting on July 4, 5, 6 and 7, 2017 approved Zoning By-law amendments to former City of Toronto By-law 438-86 and City of Toronto Zoning By-law 569-2013, to permit the redevelopment of the properties at 248 and 260 High Park Avenue with a 4-storey (19.8 m total, including a 5.2 m mechanical penthouse) residential apartment building, including the adaptive re-use of a vacant place of worship. A portion of the existing place of worship and a single-detached dwelling (248 High Park Avenue) would be demolished. Site Specific Zoning By-laws 1397-2017 and 1398-2017 were also adopted by City Council at its July 4, 5, 6 and 7, 2017 meeting.

On February 26, 2019, City Council authorized the submission of a Minor Variance application, pursuant to Subsection 45(1.14) of the Planning Act, for relief from the By-law requirements of Site Specific Zoning By-laws 1397-2017 and 1398-2017 (Item MM3.22) related to minor modifications made to the design of the site and corrections to a few oversights regarding the landscape width beside the driveway, the setback of the southwest stairwell to the below grade parking and vehicle access design.

Since this time, the owner has been continuing to work with staff on the Site Plan Control application. Through the ongoing review of the application, additional variances to permit the proposed redevelopment of

the site have been identified by Toronto Building staff in relation to the proposed vestibule and the separation distance between the building wings, as well as in relation to gross floor area. A variance is required for gross floor area as elements of the building, including areas of the stairwell corridors and the 'open to below' spaces, were excluded from the gross floor area calculation previously identified through the Zoning By-law Amendment application. Accordingly, the proposed change in density is technical due to a change in interpretation regarding the areas of an apartment building that are included in the gross floor area calculations. The variances requested will continue to not affect the overall built form or general layout of the site.

Under the Planning Act as amended, the owner will not be able to file for a Minor Variance application for zoning relief on these matters until December 8, 2019, thus delaying the site development further and causing the owner undue project delay and financial hardship. As the proposed variances do not modify the remaining development standards established through the rezoning of this property and would result in an improvement of the functioning of the proposed development, City Council's authorization for submission of a Minor Variance application at this time is warranted.

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

Member Motion MM11.32