

City Council**Notice of Motion**

MM36.10	ACTION			Ward: 4
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2946-2968 Dundas Street West- Technical Amendments to Zoning By-law - by Councillor Gord Perks, seconded by Councillor Mike Layton

** Notice of this Motion has been given.*

** This Motion is subject to a re-opening of Item TE23.9. A two-thirds vote is required to re-open that Item. If re-opened, the previous Council decision remains in force unless Council decides otherwise.*

Recommendations

Councillor Gord Perks, seconded by Councillor Mike Layton, recommends that:

1. City Council amend Item TE23.9 by:

- a. deleting Part 1; and
- b. deleting Part 12.b.v.:

Part to be deleted:

12. b.v. prior to issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, an access easement in favour of the City in perpetuity, including support rights as applicable, for public pedestrian and vehicular use of the rear access having a width of not less than 3.05 metres from the north property boundary at the north east corner of the site and a length of 6.10 metres from the east property boundary to the west then widening to a width of not less than 4.57 metres for the remaining full width of the site, all to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the City Solicitor; such access easement shall include use associated with properties adjacent to the east to provide a pedestrian and vehicular link to Jackson Lane and public connection from Jackson Lane to Pacific Avenue.

and adopting instead the following new part 12.b.v.:

12.b.v. prior to issuance of the first above-grade building permit, owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, an access easement in favour of the City in perpetuity, including support rights as applicable, for public pedestrian and vehicular use of the rear access having a width of not less than 3.05 metres

from the north property boundary at the north east corner of the site and a length of 6.10 metres from the east property boundary to the west then widening to a width of not less than 3.66 metres for the remaining full width of the site, all to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the City Solicitor; such access easement shall include use associated with properties adjacent to the east to provide a pedestrian and vehicular link to Jackson Lane and public connection from Jackson Lane to Pacific Avenue.

3. City Council authorize a revision to the draft Zoning By-law Amendment to By-law 569-2013 for the lands at 2946-2968 Dundas Street West, attached as Attachment 6 to the report (January 29, 2021) from the Director, Community Planning, Toronto and East York District [Item 2021.TE23.9] in accordance with Part 1.b. above.

4. City Council determine that no further notice is to be given in respect of the proposed by-law under Section 34(17) of the Planning Act.

Summary

At its meeting held on March 10, 2021, City Council adopted Toronto and East York Community Council Item 2021.TE23.9 entitled "2946-2968 Dundas Street West – Zoning By-law Amendment and Rental Housing Demolition Applications – Final Report". The item recommended amendments to former City of Toronto Zoning By-law 438-86 and City of Toronto Zoning By-law 569-2013 to permit a new 8-storey mixed-use building (approximately 28 metres in height, including mechanical penthouse, with a slight pop-up for the elevator overrun) with a total of 120 residential units, 1,973 square metres of retail space and 1,660 square metres of office space. A total of 119 vehicular parking spaces and 144 bicycle parking spaces are proposed.

A further review of Zoning-law compliance through the Site Plan Control application determined that the dimensions of the proposed access easement in favour of the City set out in the Section 37 provisions of the Draft Zoning By-law Amendment, attached as Attachment 6 to the report from the Director, Community Planning, Toronto and East York District (January 29, 2021) are inconsistent with the dimensions shown on the associated Diagram 1. The dimensions shown on Diagram 1 of the Draft Zoning By-law Amendment are the appropriate dimensions.

Additionally, it has been determined that the rezoning application does not require amendment to the former City of Toronto Zoning By-law 438-86 for the subject site. Per Section 1.5.6 (2) of Zoning By-law 569-2013, the Former General Zoning By-laws are superseded by the Zoning By-law 569-2013 where it applies. The subject site is located within the Commercial-Residential zone, where all applicable regulations under Zoning By-law 569-2013 are no longer under appeal.

This Motion is brought forward to authorize the correction of the easement dimensions to be consistent with what is shown in Diagram 1, to remove the recommendation to amend former City of Toronto Zoning By-law 438-86, and to determine that no further notice is to be given in respect of the proposed by-law under Section 34(17) of the Planning Act. These changes are not the result of any modifications to the proposal.

This Motion is urgent as the Bill cannot be introduced until this technical amendment is approved.

REQUIRES RE-OPENING:

Toronto and East York Community Council Item TE23.9 (March 10, 2021 City Council) only as it pertains to Parts 1 and 12 b.v.

Background Information (City Council)

Member Motion MM36.10

<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-171096.pdf>