

330 King Street West – Part Lot Control Application

Date:	May 31, 2007
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	File No. 07-224922 STE 20 PL

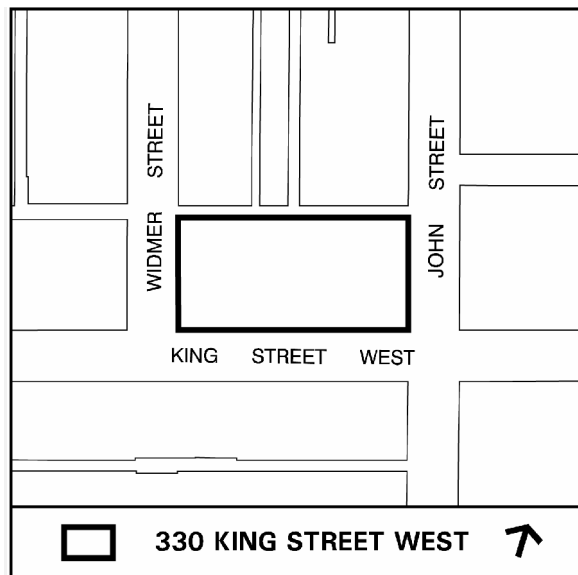
SUMMARY

This report reviews and recommends approval of an application to lift Part Lot Control for a mixed use development containing the Toronto International Film Festival offices and a residential condominium, thereby allowing the creation of separate lots.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the application for Part Lot Control and that a Part Lot Control Exemption By-law, with respect to the subject lands, be prepared to the satisfaction of the City Solicitor, and that such By-law shall expire August 31, 2010;
2. City Council authorize the City Solicitor to introduce the necessary Bill after such time that:
 - (a) all tax arrears and/or current taxes owing are paid in full;
 - (b) the owner has registered, satisfactory to the City Solicitor, a Section 118 restriction under the *Land*



Titles Act agreeing not to transfer or charge any part of the said lands without the prior written consent of the Chief Planner or his delegate;

- (c) the Site Plan Control agreement, pursuant to Section 41 of the *Planning Act*, has been registered; and
 - (d) the Chief Planner, in consultation with the City Solicitor, is satisfied that the staff comments received subsequent to the application circulation are able to be appropriately addressed;
3. the City Solicitor be authorized to take the necessary steps to release the Section 118 restriction at such time as either the Part Lot Control By-law expires or is repealed; and
 4. the appropriate City Officials be authorized and directed to register the By-law on title.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

The Festival Centre and Tower proposed for the northwest corner of John and King Streets is a joint project of the Toronto International Film Festival Group (TIFFG), a non-profit organization, and the King and John Festival Corporation. On April 7, 2004, Toronto and East York Community Council held a statutory public meeting to consider the proposal and approved the amendments to the Official Plan and Zoning By-law to permit the construction of a mixed-use development containing a 5-storey base building to house the new Film Centre and a 37 storey condominium. City Council enacted a by-law at its meeting of May 18, 19, 20, 2004 (By-law No. 454-2004), thereby rezoning the lands to permit the mixed use building. The Festival Centre portion of the building includes a number of small theatres and retail/restaurant uses. The tower portion is located on the south east corner of the building.

ISSUE BACKGROUND

Proposal

The applicant is requesting an exemption from Part Lot Control in order to create separate parcels for the Toronto International Film Festival Group portion of the building (the first five floors), the residential condominium (37 storeys), and the parking garage. A separate condominium application will be submitted to the City. A number of conditions will be required by the City as part of the approval of any Condominium Plan.

One of the purposes for this request is to allow separate financing of the TIFF portion of the site.

Site and Surrounding Area

The site is located on the north side of King Street West between Widmer and John Streets. A public lane runs across the north boundary of the site. Formerly used as a car wash, the lands are now vacant and are used as a parking lot. A small kiosk is located on the site to service the parking lot.

North of the lane is a narrow strip of land separating the lands facing onto John and Widmer Streets which is in the same ownership as this site.

The site is surrounded by the following uses:

North: a public lane and parking lots

South: low rise mixed commercial residential uses, Metro Hall

East: low rise mixed commercial residential uses, the Princess of Wales Theatre

West: mixed commercial residential uses

COMMENTS

Section 50(7) of the *Planning Act*, R.S.O., 1990, authorizes Council to adopt a by-law exempting lands within a plan of subdivision from Part Lot Control. The lands subject to this application are within Plans of Subdivision 84 and D255. The lifting of Part Lot Control on the subject lands is acceptable for the orderly development of the lands and will facilitate the development provided safeguards are put in place through the use of Section 118 of the *Land Titles Act*, ensuring only appropriate parcels with all necessary rights and obligations are created.

The applicant would like to proceed with the subject application. As such, Planning staff recommends the Part Lot Control Exemption By-law for the lands be brought forward for Council adoption once the Site Plan Control agreement has been registered, pursuant to Section 41 of the *Planning Act*.

In order to ensure that only appropriate lots are created and conveyed with all necessary obligations, it is recommended that the owner of the lands first register a Section 118 Restriction under the *Land Titles Act* prior to the introduction of the bill lifting Part Lot Control. The Restriction requires the owner to agree not to convey or mortgage any part of the lands without the prior written consent of the Chief Planner.

To ensure that Part Lot Control does not remain open indefinitely, it is recommended that the exemption by-law contain an expiration date. In this instance, the applicant has requested that the By-law expire August 31, 2010. This time frame should provide sufficient time for the completion of the project.

The Part Lot Control application has been circulated and is under review by the appropriate staff. Any issue arising during the circulation process will need to be resolved prior to the bills being introduced at Council.

CONCLUSION

The proposal complies with the Official Plan designation and Site Specific Zoning By-law. A full review by staff was conducted as part of the rezoning and site plan approval process. Conditions of approval with respect to the development will be secured by an agreement pursuant to Section 41 of the *Planning Act*. The lifting of Part Lot Control on the subject lands is considered appropriate for the orderly development of the lands and will complete the development.

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SIGNATURE

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