

**939 Lawrence Ave East, 49 and 75 The Donway West
Part Lot Control Exemption Application – Final Report**

Date:	August 16, 2010
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 25 – Don Valley West
Reference Number:	10 181588 NNY 25 PL

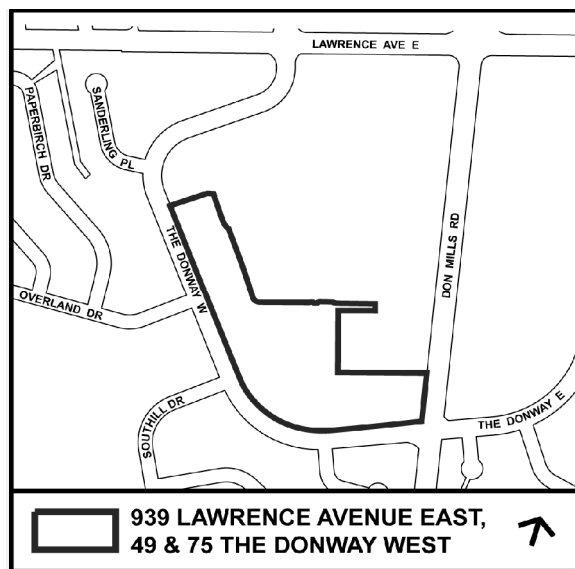
SUMMARY

This application was made on May 25, 2010 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act*, 2006.

An application has been submitted to permit exemption from part lot control for 939 Lawrence Avenue East, and 49 and 79 The Donway West. The requested exemption from the Part Lot Control provisions of the *Planning Act* is required to facilitate the financing and development of mixed use buildings and associated permanent easements relating to an internal road system.

The lifting of Part Lot Control on the subject lands will facilitate the proposed development of the lands.

This report reviews and recommends approval of Part Lot Control Exemption. In addition, this report recommends that the owner of the lands be required to register a Section 118 Restriction under the *Land Titles Act* agreeing not to convey or mortgage any part of the lands without the prior consent of the Chief Planner or his designate.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council enact a Part Lot Control Exemption By-law with respect to the subject lands as generally illustrated on Attachment 1, to be prepared to the satisfaction of the City Solicitor and to expire four years after registration following enactment by City Council.
2. City Council require the owner to provide proof of payment of all current property taxes for the subject lands to the satisfaction of the City Solicitor, prior to the enactment of the Part Lot Control Exemption By-law.
3. Prior to the introduction of the Part Lot Control Exemption Bill, City Council require the owner to register, to the satisfaction of the City Solicitor, a Section 118 Restriction under the Land Titles Act, with priority, agreeing not to transfer or charge any part of the lands without the written consent of the Chief Planner or his designate.
4. Prior to the transfer or charge of any part of the lands City Council require the finalization of the Official Plan Amendment and Zoning By-law Amendment and the owner to execute and register the related Section 37 Agreement to the satisfaction of the City Solicitor.
5. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from title upon the expiry or repeal of the Part Lot Control Exemption By-law.
6. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
7. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Part Lot Control Exemption By-law as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The related Official Plan and Zoning By-law Amendment Applications were appealed to the Ontario Municipal Board for Council's failure to make a decision within the timelines set out by the *Planning Act*. A settlement was reached between the Owner and the City, and was approved in principle by the OMB in its decision issued May 25, 2010. The settlement contemplates seven new mixed use buildings and the conversion of the existing 75 The Donway West to primarily residential condominiums, a local park, and a new community centre. A final order will issue following the finalization of

the Official Plan Amendment, the Zoning By-law Amendment and the execution and registration of the related Section 37 Agreement.

ISSUE BACKGROUND

Proposal

The parcels contemplated by this application will enable the subject lands to be transferred to a partnership on a sequential basis in order to facilitate the financing and development of the new buildings and existing building. The creation of permanent easements will facilitate access from each of the new parcels over privately owned roads for which ownership will be retained by Cadillac Fairview, the current owner.

Site and Surrounding Area

The site is bounded by Lawrence Avenue East, Don Mills Road, and The Donway West. Within this boundary, the Cadillac Fairview ownership comprises 155,684m² (15.5ha or 37 acres) of site area.

Construction has been completed on the Phase 1 ‘lifestyle’ retail and service commercial centre within the site. The southern portion of the site, is currently developed with a 4-storey office and retail building (49 The Donway West) and a 13-storey office building with ground floor retail and service commercial uses. Extensive surface parking exists throughout the Centre.

The Postal Station building at 169 The Donway West and Don Mills Civitan Arena are both situated within the block. Land uses surrounding the Centre are predominantly residential.

The following is a summary of the area context:

- East: a Petro Canada gas station; apartment buildings ranging from 4 to 7-storeys in height;
- South/West: 2-storey townhouses; 3 to 6-storey apartment buildings; 4-storey office building at 170 The Donway West; commercial shopping plaza; and
- North: apartment buildings ranging in height from 5 to 8-storeys in height; commercial shopping plaza; public library.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council’s planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to

grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

Official Plan

Pursuant to the Ontario Municipal Decision of the May 25, 2010, the current North York Official Plan Commercial designation of the site will be amended to designate the lands as *Mixed Use Areas* to accommodate the proposed commercial, residential, open space and community centre uses.

Zoning

As above, the current C3(8) (District Shopping Centre) zoning of the site will be amended to permit the proposed development.

Site Plan Control

On July 23, 2010 a site plan control application was filed for a 12-storey, 101-unit, condominium apartment building on the site immediately north of the existing office building at 75 The Donway West.

Agency Circulation

The application was circulated to all appropriate City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate approval conditions.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. It supports the principles in the PPS for building strong communities, provides for new housing in a location with suitable public infrastructure and services, and promotes the efficient use of land, infrastructure and services. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe by providing for intensification within a built-up area.

Land Division

Section 50(7) of the Planning Act authorizes City Council to adopt a by-law exempting lands within a registered plan of subdivision from Part Lot Control. The subject lands are within a registered plan of subdivision. The lifting of Part Lot Control on the subject lands is considered appropriate for the orderly development of the lands and will facilitate the development.

To ensure that the Part Lot Control Exemption does not remain open indefinitely, it is recommended that the By-law contain an expiration date. Due to the size of the proposed development, consisting of 7 buildings, 1,358 residential units, 158,550m² gross floor area and shared elements including parking and amenity space, the owner has requested that the By-law expire four years following enactment by City Council. This time frame should provide sufficient time for the completion of the proposed transactions.

It is recommended that a Section 118 Restriction be registered on title, in accordance with the Land Titles Act, which will prohibit the transfer or charge of any of the lands subject to the exemption without the express consent of the Chief Planner or his designate. This restriction will ensure that the City Planning division is able to monitor and approve the creation of new lots and easements.

The restriction will only be lifted upon the expiry or repeal of the subject by-law.

Conclusion

The application was circulated to all appropriate City divisions. No issues were identified as a result of the circulation. The proposed plan is consistent with the settlement reached between the Owner and the City, and OMB decision issued May 25, 2010. It is consistent with the PPS and would conform with the Growth Plan. As such, the exemption from Part Lot Control is considered appropriate for the orderly development of the property and is recommended for approval subject to the recommendations contained in this report.

CONTACT

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SIGNATURE

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Community Planning, North York District

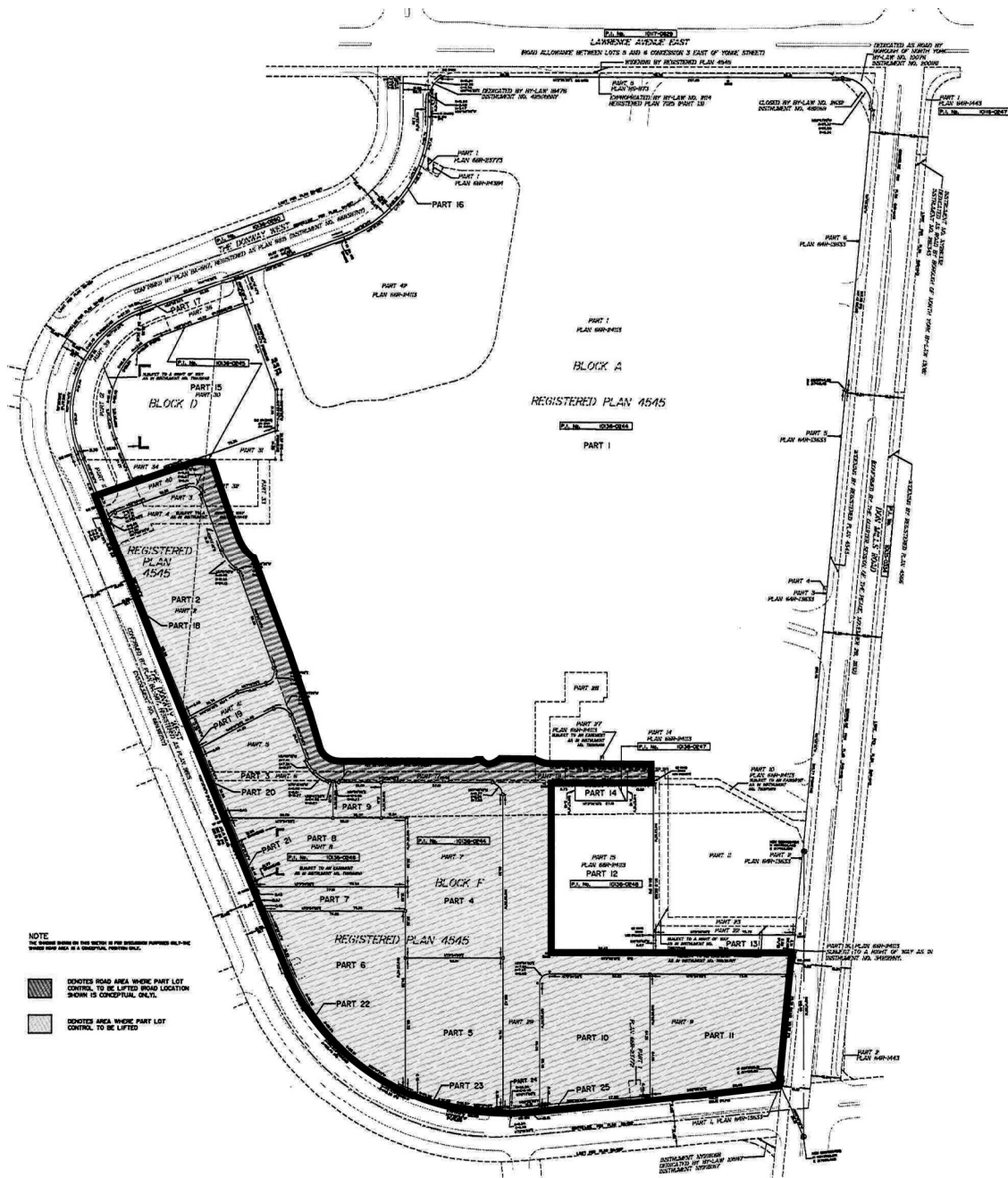
ATTACHMENTS

Attachment 1: Part Lot Control Exemption Plan

Attachment 2: Site Plan

Attachment 3: Application Data Sheet

Attachment 1: Part Lot Control Exemption Plan



Part Lot Control Exemption Plan

Applicant's Submitted Drawing

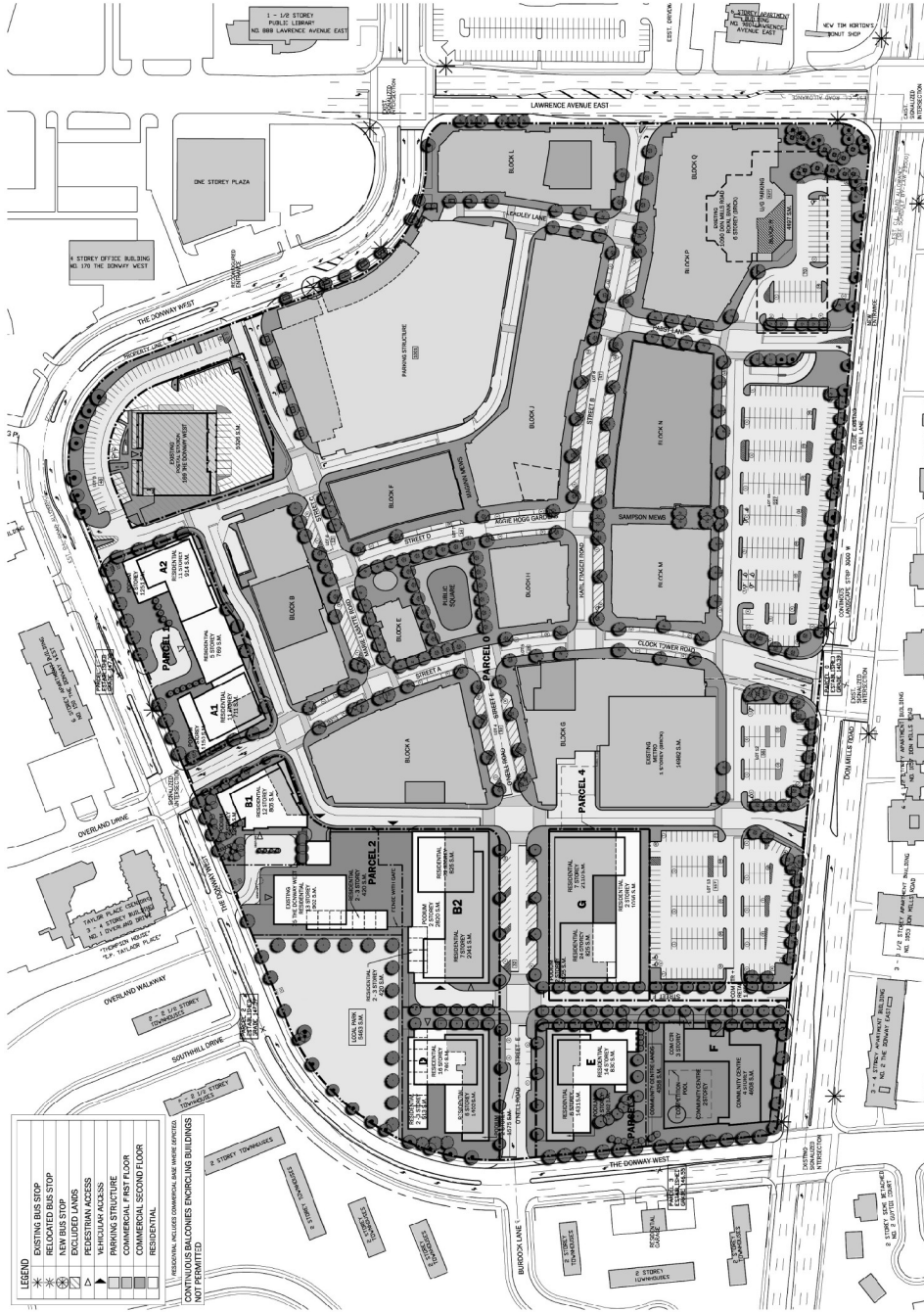
Not to Scale

08/12/2010

939 Lawrence Avenue East,
49 & 75 The Donway West

File # 10_181588

Attachment 2: Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale
08/06/2010

File # 10_181588

Attachment 3: Application Data Sheet

APPLICATION DATA SHEET

Application Type: Part Lot Control Exemption Application Number: 10 181588 NNY 25 PL
 Details: Application Date: May 25, 2010

Municipal Address: 939 LAWRENCE AVE E
 Location Description: PLAN 4545 PT BLK A PT BLK D PT BLK F 966 & 1090 DON MILLS RD 49 & 65 THE DONWAY W **GRID N2510
 Project Description: Application proposes exemption from part lot control over the Phase 2 mixed-use portion of the Don Mills Centre.

Applicant: KIMBERLY BECKMAN **Agent:** **Architect:** **Owner:** C F REALTY HOLDING INC

PLANNING CONTROLS

Official Plan Designation: Commercial Site Specific Provision:
 Zoning: C3(8) Historical Status:
 Height Limit (m): 0 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	155810	Height:	Storeys:	26
Frontage (m):	505		Metres:	82.2
Depth (m):	208			
Total Ground Floor Area (sq. m):	53344			Total
Total Residential GFA (sq. m):	151125		Parking Spaces:	4114
Total Non-Residential GFA (sq. m):	93083		Loading Docks:	27
Total GFA (sq. m):	244208			
Lot Coverage Ratio (%):	34.2			
Floor Space Index:	1.57			

DWELLING UNITS

Tenure Type: Condo
 Rooms: 0
 Bachelor: 0
 1 Bedroom: 0
 2 Bedroom: 0
 3 + Bedroom: 0
 Total Units: 1387

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	151125	0
Retail GFA (sq. m):	93083	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

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