

1100 King Street West (20 Joe Shuster Way) – Zoning Amendment Application to Remove the Holding Symbol (“h”) – Final Report

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| Date: | January 4, 2012 |
| To: | Toronto and East York Community Council |
| From: | Director, Community Planning, Toronto and East York District |
| Wards: | Ward 14 – Parkdale-High Park |
| Reference Number: | 11 327555 STE 14 OZ |

SUMMARY

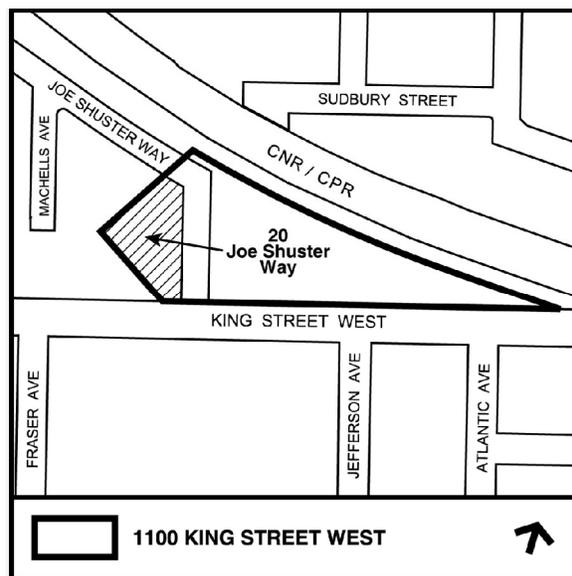
This application proposes the removal of the holding symbol (“h”) from the western portion of the East Lot of 1100 King Street West, which is municipally referred to as 20 Joe Shuster Way. The removal of the “h” will permit residential development with street related retail and service uses to proceed.

This report recommends approval of the amendment of Zoning By-law No. 1194-2010, to remove the holding symbol, subject to certain preconditions.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 1194-2010, by removing the holding symbol (“h”) from that portion of the East Lot known as 20 Joe Shuster Way as shown on the map at Attachment 1 to the report dated January 4, 2012, from the Director, Community Planning, Toronto and East York District.



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bill to City Council for enactment, City Council require the owner of the lands at 1100 King Street West to:
 - (a) enter into an agreement under Section 37 of the Planning Act to secure, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, those facilities, services and matters set out in Appendix 2 to Zoning By-law 1194-2010, including the following:
 - i. the environmental restoration of the site;
 - ii. the provision of improvements to, or securities for, the King Street West streetscape and the bicycle path to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - iii. all payments required prior to the issuance of the first above-grade building permit for the East Lot, and indexed from September 30, 2004, including: the public art contribution of \$66,240.00; \$661.00 per dwelling unit for child care; and the Park Shortfall for the East Lot as set out in Sections 13.10 to 13.12 of the West Lot Section 37 Agreement as modified by the Section 45(9) Agreement regarding 15 Machells St.; and
 - (b) demonstrate that it has made all payments required by the West Lot Section 37 Agreement and has entered into an agreement with each of CN and GO Transit, registered against title to the site, as required as a condition of the severance of the East Lot by and as found at Attachment "2" to the Ontario Municipal Board Order No. 0653, issued on March 26, 2004.
4. City Council authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On April 12, 2005 the Ontario Municipal Board approved a zoning by-law amendment to permit the redevelopment of the 1100 King Street West site. The Zoning By-law (By-law No. 1194-2010) approved by the OMB addresses the 1100 King Street West site as two lots, the East Lot and the West Lot. A Section 37 Agreement was executed in 2006 for the West Lot but not the East Lot. In addition to the requirement for a separate East Lot Section 37 Agreement, a holding ("h") provision was placed on the East Lot

preventing its development until the "h" is lifted. As the owner now wishes to have the "h" lifted from the westerly part of the East Lot, a Section 37 Agreement is required for this portion of the East Lot to secure the matters listed in Appendix 2 to Zoning By-law No. 1194-2010, which also include those matters required to lift the "h". In the event that a future application is made to remove the "h" from the balance of the East Lot, a further Section 37 Agreement will be required.

ISSUE BACKGROUND

Proposal

The applicant has submitted a Zoning By-law Amendment application to amend Zoning By-law 1194-2010, to remove the holding symbol ("h") from the most westerly portion of the East Lot municipally referred to as 20 Joe Shuster Way. The provision of the required Section 37 Agreement and the removal of the "h" will enable the construction of a 14-storey condominium building with grade-related retail as permitted by the underlying zoning.

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.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City of Toronto Official Plan designates the property as *Regeneration Areas*, which are intended to provide for a broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses in an urban form.

In addition, the Garrison Common North Secondary Plan applies to the site. Within the Secondary Plan the subject lands are located within the boundaries of one of the Site Specific Policy Area 2 locations. Within Site Specific Policy 2 areas a mix of employment and residential uses is permitted provided that employment uses are restricted to those compatible with adjacent and neighbouring residential uses in terms of emissions, odour, noise and generation of traffic.

The Toronto Official Plan is available on the City's website at:
www.toronto.ca/planning/official_plan/introduction.htm

Zoning

Zoning By-law 1194-2010 designates the East Lot, also referred to as Block G, as (h) CR T3.0 C1.5 R2.0. The CR zoning classification permits a wide range of residential and retail/commercial uses up to a total density of 3.0 times the area of the lot. The maximum permitted height for the site is 29.0 metres, however, a variance was approved by the Ontario Municipal Board on December 21, 2010 that increased the height to a maximum of 40.0 metres (Application No. A0545/10TEY).

Site Plan Control

An application for Site Plan Control approval for 20 Joe Shuster Way was submitted on October 15, 2010 and is under review.

Reasons for Application

The holding symbol ("h") needs to be removed to allow the lands to be developed in accordance with the zoning permissions for the site.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

As noted above, Zoning By-law No. 1194-2010 addresses the 1100 King Street West site as two lots, the East Lot and the West Lot. A Section 37 Agreement was provided in 2006 for the West Lot but not the East Lot. The OMB also placed a holding ("h") designation on the East Lot, preventing development from occurring on the lands until certain matters had been secured through an East Lot Section 37 Agreement, including improvements to the King Street West streetscape, a bicycle path and environmental remediation of the site.

With respect to environmental remediation, the applicants have submitted the following documents:

- The Environmental Site Restoration Plan;
- A Record of Site Condition; and
- The Ministry of the Environment acknowledgement of the Record of Site Condition.

These should now be secured in the required Section 37 Agreement together with any of the other environmental matters set out in Section 5 of the West Lot Section 37 Agreement as the Chief Planner and Executive Director may consider appropriate.

The Section 37 Agreement should also secure the other facilities, services and matters set out in Appendix 2 to Zoning By-law 1194-2010, to the satisfaction of the Chief Planner and Executive Director, City Planning Division. Other matters include the payments required prior to the issuance of the first above-grade building permit for the East Lot, all indexed from September 30, 2004, such as: the public art contribution of \$66,240.00; \$661.00 per dwelling unit for child care; and the Park Shortfall for the East Lot as set out in Sections 13.10 to 13.12 of the West Lot Section 37 Agreement as modified by the Section 45(9) Agreement regarding 15 Machells Street.

The owner should also demonstrate that it has made all payments required by the West Lot Section 37 Agreement and has entered into an agreement with each of CN and GO Transit, registered against title to the site, as required as a condition of the severance of the East Lot by and as found at Attachment "2" to the Ontario Municipal Board Order No. 0653, issued on March 26, 2004.

Conclusion

It is appropriate to amend Zoning By-law No. 1194-2010 to remove the holding symbol ("h") from the portion of the East Lot municipally referred to as 20 Joe Shuster Way, subject to the satisfaction of the preconditions as set out in this report.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment

Attachment 1: Draft Zoning By-law

Authority: Toronto and East York Community Council Item No. ~,
as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend Zoning By-law No. 438-86, as amended by 1194-2010(OMB),
to remove the holding symbol (h)
with respect to the lands known municipally in the year 2011 as 1100 King Street
West and 20 Joe Shuster Way**

WHEREAS authority is given to Council by Section 36 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, for use of a holding symbol (“h”) in conjunction with any use designation, to specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the zoning by-law;

WHEREAS there are official plan policies in effect addressing the use of the holding symbol in the subject lands;

WHEREAS it is appropriate that the “h” holding symbol be removed in relation to the subject lands; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. By-law No.1194-2010(OMB), being a by-law “To amend By-law No. 438-86, with respect to the East Lot, also referred to as Block G, including the lands municipally known in the year 2011 as 20 Joe Shuster Way:
 - (1) deleting the holding (h) symbol from that portion of the lands as shown on Schedule “1”.

ENACTED AND PASSED this ~ day of ~ , A.D. 20~.

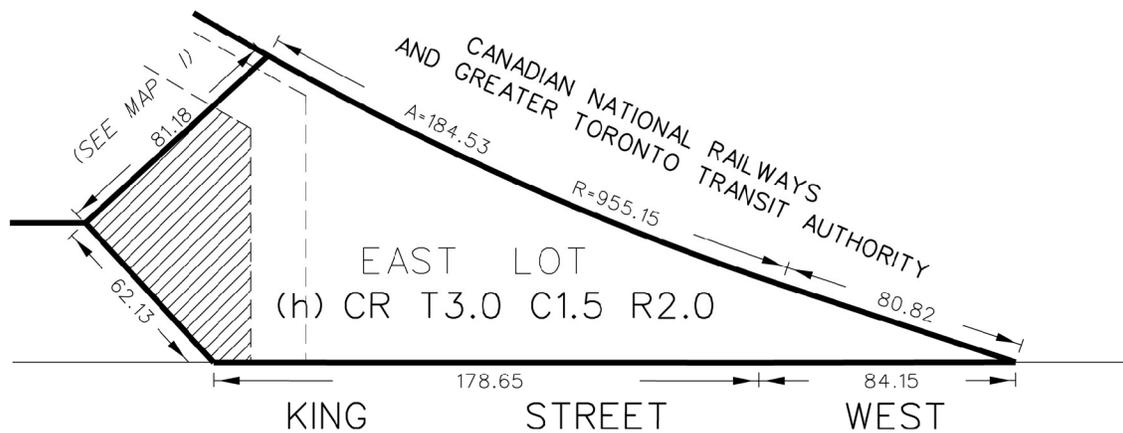
ROB FORD,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE '1'

MAP 2



-  LANDS REFERRED TO AS THE "SITE"
-  LANDS NOT SUBJECT TO THE (h)
-  PROPOSED ROADS



TORONTO CITY PLANNING
 GRAPHICS & VISUALIZATION
 DECEMBER, 2011
 11_327555_dz1.DGN
 FILE: 11_325777
 MAP No. 49G-321 DRAWN: A.K.