

382 Yonge Street – Part Lot Control Exemption Application – Final Report

Date:	October 11, 2012
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	12 230842 STE 27 PL

SUMMARY

This application proposes lifting of part lot control on the lands municipally known as 382 Yonge Street and the small portion of the privately owned lane at the rear.

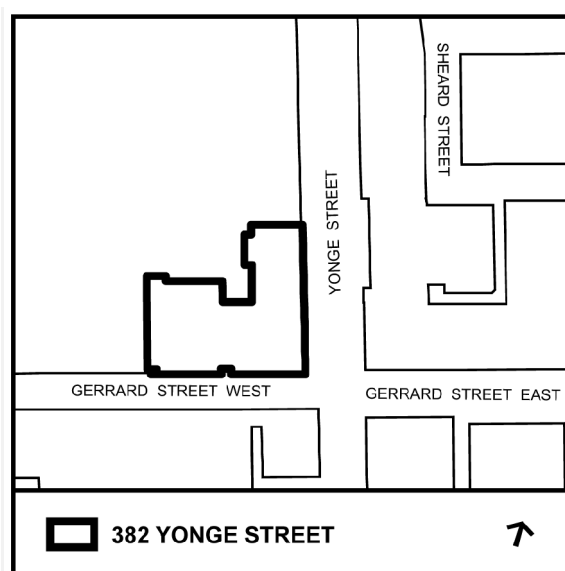
The proposed exemption from the part lot control provisions of the *Planning Act* has been requested by the owner to facilitate ownership and easement interests within the Aura building, part of which is within, and part of which is outside, the existing part lot control exemption By-law 435-83.

This report recommends approval of Part Lot Control Exemption.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council enact a Part Lot Control Exemption By-law with respect to the subject lands at 382 Yonge Street and the portion of the rear lane generally illustrated on Attachments 1, 2 and 3 to the report to the report (October 11, 2012) from the Director, Community Planning, Toronto and East York District, to be prepared to the satisfaction of the City Solicitor.



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. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
4. 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 subject lands are part of a larger area known as the College Park Block, bounded by Yonge Street, Bay Street, College Street and Gerrard Street West. The College Park Block is comprised of five existing buildings and one building that is under construction. The five existing buildings are:

- 444 Yonge Street, College Park, located at the southwest corner of Yonge Street and College Street, with a height of 13 storeys;
- 777 Bay Street, the Maclean-Hunter Building, located at the southeast corner of Bay Street and College Street, with a height of 30 storeys;
- 763 Bay Street, Residences of College Park North, located on Bay Street between Gerrard Street West and College Street, with a height of 51 storeys;
- 761 Bay Street, Residences of College Park South, located on Bay Street between Gerrard Street West and College Street, with a height of 46 storeys; and
- 711-717 Bay Street, Liberties on Bay, located at the northeast corner of Bay Street and Gerrard Street West, with a height of 19 storeys.

The one building under construction is known as the Aura and located on the northwest corner of Gerrard Street and Yonge Street at 382-388 Yonge Street. In 2006, an Official Plan Amendment and Rezoning Amendment application (File No. 04 130483 STE 27 OZ) was submitted for a 75-storey residential condominium tower. The application was approved by the Ontario Municipal Board. The Board's decision was to amend the College Park Block By-law 20623 (as amended by By-law 840-78) and the Zoning By-law 483-86 under the Site Specific By-law 1330-2008, which permitted the height and density of the 75-storey mixed-use condominium proposal.

Since the Ontario Municipal Board's approval, the lands comprising the Aura have been subject to a Site Plan application (File No. 2006 199924 STE 27 SA); to a Site Plan Amendment application (2010 234950 STE 27 SA), for which a Notice of Approval

Conditions has been issued to the applicant; to two minor variance applications (File Nos. A0731/10TEY and A0788/11TEY) for three additional storeys, which has been approved; to a condominium application (File No. 2012 201253 STE 27 CD), which is currently under review; and to the Part Lot Control Exemption application that is discussed in this report.

The existing Part Lot Control Exemption By-law for the College Park Block began in 1978 with a Land Exchange and Development Agreement entered into between Toronto College Street Centre Ltd. (the corporate predecessor of Toronto College Park Ltd.) and the former City of Toronto. Toronto College Street Centre Ltd. owned the land in the block bounded by College Street, Yonge Street, Gerrard Street West, and Bay Street, but did not own either the parcel at the northwest corner of Gerrard Street West and Yonge Street municipally known as 382 Yonge Street or the portion of the former public lane behind 382 Yonge Street.

A planning report was before the City of Toronto Executive Committee dated September 29, 1978 regarding the Land Exchange and Development Agreement for the College Park Block. The Staff report recommended enactment of a by-law to exempt the College Park Block from part lot control. Part lot control By-law 841-78 was enacted on October 24, 1978.

In September 28, 1982, a report to the Land Use Committee from the Commissioner of Planning and Development was brought forward in regards to the part lot control exemption for the College Park Block. The report corrected an error in the legal description in By-law 841-87, which included lots on the west side of Bay Street, outside the College Park development area. In addition, Toronto College Street Centre Limited had also registered a Plan of Subdivision (M-1938). Part lot control exemption was extended to include Plan M-1938, the parcel at the southeast corner of Bay Street and College Street, as this parcel of land had originally been excluded from By-law 841-78.

By-law 841-78 was repealed and the corrected By-law, with the added extension from the registered Plan of Subdivision, was enacted as By-law 435-83 on July 27, 1983. By-law 435-83 exempted part lot control from all of the parcels in the College Park Block except for the parcel municipally known as 382 Yonge Street and the privately owned rear lane at 382 Yonge Street.

On December 21, 1983, the transfer of land for 382 Yonge Street was acquired by Toronto College Street Centre Ltd. More recently, these lands were then transferred to The Residences of College Park Tower III Inc. and The Residences of College Park Tower IV Inc. as part of the Aura development.

ISSUE BACKGROUND

Proposal

The subject site contains part of the Aura development, specifically part of the retail podium and the below grade parking garage. As the Aura development is presently under

construction, the owners anticipate the need for numerous ownership and easement interests that include vertical penetrations for stairwells, mechanical elements, ventilation shafts, shared access, utilities and loading facilities. The owners have applied for Part Lot Control Exemption to allow them to complete these transactions without going before the Committee of Adjustment. The owners seek the same status of Part Lot Control Exemption for the subject site as the existing Part Lot Control Exemption (By-law No. 435-83) for the rest of the College Park Block.

Site and Surrounding Area

The subject site includes part of the Aura development bounded by Gerrard Street West, Yonge Street, Hayter Street, and the privately owned rear lane. The Aura project is currently under construction.

The surrounding uses are as follows:

North: College Park, office and residential buildings, and on the north side of College Street is a 4-storey designated heritage building (Oddfellows' Hall) and a rezoning amendment application for a 60-storey mixed use condominium tower (File No. 11 296426 STE 27 OZ). Farther west is St. Luke Lane and the Upper Canada Bible Society Building.

South: Gerrard Street West and beyond the Delta Chelsea Hotel.

East: Yonge Street and beyond are commercial and mixed residential/commercial uses with a variety of building forms as well as the 19-storey Federal Trust building.

West: a walkway to College Park, beyond which is the 19-storey Liberties building with a residential tower and retail uses at-grade.

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.

Under the *Planning Act*, there are tools for land division: a plan of subdivision, part lot control, consent to sever and a plan of condominium. The principles of land division are set out in S. 51(24) of the *Planning Act* and include the suitability of the lands for the purposes of which it is to be subdivided and the dimensions and shapes of the proposed lots.

Official Plan

The site is designated *Mixed Use Areas* and subject to Site Specific Policy 174 setting out general planning objectives and built form principles for lands generally fronting on Yonge Street between Queen Street and just north of Gerrard Street West. *Mixed Use Areas* allow for a mix of residential, office, retail, services and institutional uses.

Zoning

In 2008, a Site Specific Zoning By-law (1330-2008) was approved by the Ontario Municipal Board, which allowed for a 75-storey mixed use building. A 2010 Committee of Adjustment application permitted alterations to the mechanical component of the Aura project (File No. A0731/10TEY). A 2011 Committee of Adjustment application permitted 3 additional storeys in the middle of the tower portion of the Aura project (File No. A0788/11TEY).

Site Plan Control

A Site Plan application was submitted on December 28, 2006 (File No. 2006 199924 STE 27 SA) and a Site Plan Amendment application was submitted on August 6, 2010 (File No. 10 234950 STE 27 SA) and a Notice of Approval Conditions has been issued to the applicant.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement.

The proposal conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Division

Section 50(7) of the *Planning Act*, R.S.O. 1990, as amended, 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.

The applicant has requested a part lot control exempting by-law for the part of the Aura lands that are outside the existing part lot control exemption by-law for the College Park Block as a more efficient means of addressing the ongoing need for consent approvals. For similar reasons, the remainder of the College Park Block in its entirety was exempt from part lot control under By-law 435-83. The site-specific approvals for the Aura, including the site-specific zoning by-law, Section 37 Agreement, and Site Plan Agreement, satisfactorily secure the City's interests and policy objectives with respect to the development of these lands. The subject site, 382 Yonge Street and the portion of the rear lane, are fully integrated with the rest of the Aura development.

The Part Lot Control Exemption By-law 435-83 for the College Park Block does not have an expiration date which may be provided under section 50(7.3) of the *Planning Act*, R.S.O. 1990, as amended. Planning Staff recommend that the requested Part Lot Control Exemption By-law for the property at 382 Yonge Street share the same status as By-law 435-83 by not having an expiration date given the complexity of finalizing this redevelopment and the various ownership interests that will require appropriate resolution.

CONTACT

George Pantazis, Assistant Planner

Tel. No. 416-392-0776

Fax No. 416-392-1330

E-mail: gpantaz@toronto.ca

SIGNATURE

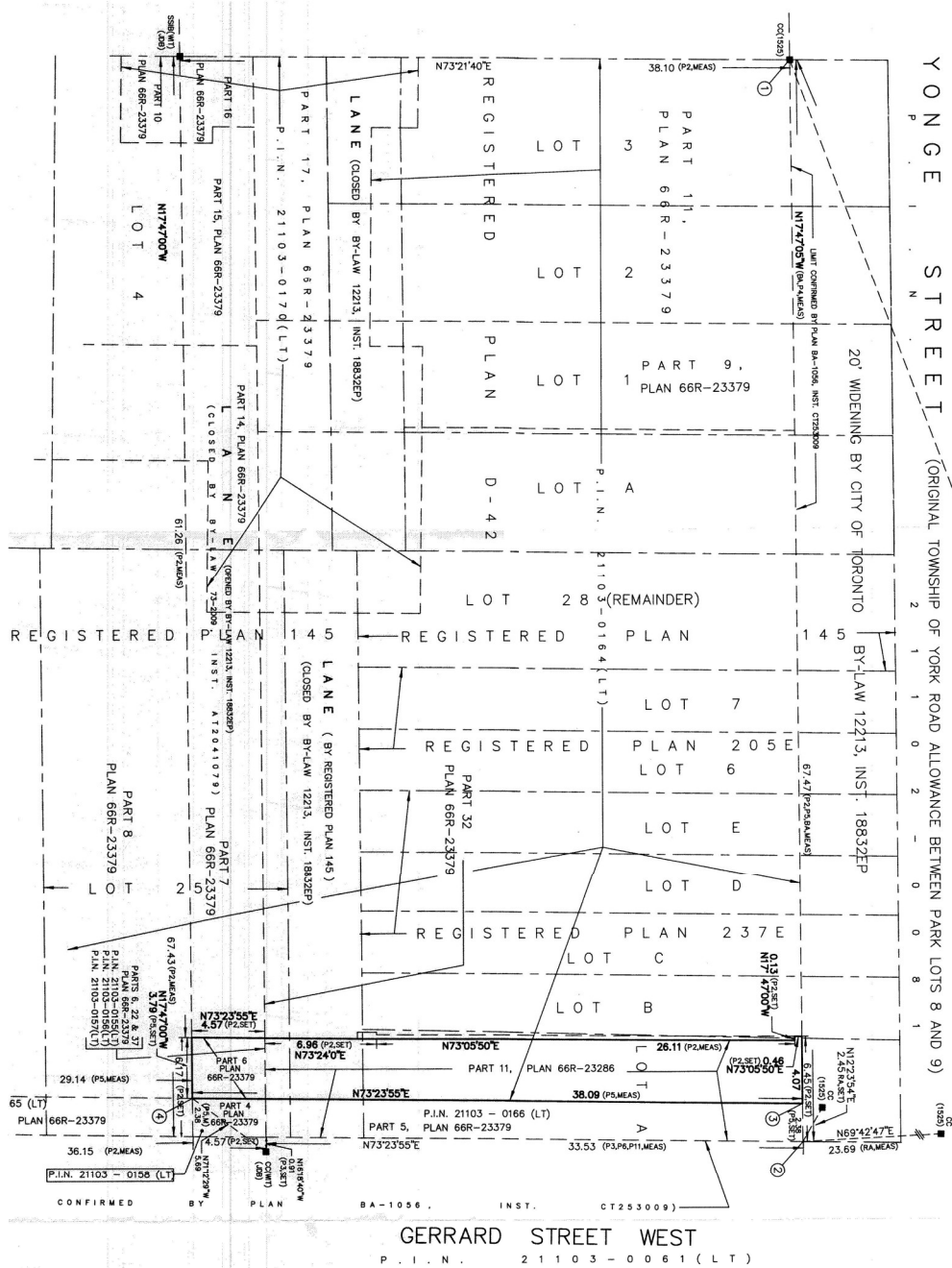
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1:	Plan of Survey
Attachment 2:	Plan 66R-23286
Attachment 3:	Plan 66R-23379
Attachment 4:	Application Data Sheet
Attachment 5:	Draft Part Lot Control Exemption By-law

Attachment 1: Plan of Survey



Plan of Survey

Applicant's Submitted Drawing

Not to Scale
10/03/2012

382 Yonge Street

File # 12 230842 PL

Y O N G E S T R E E T (ORIGINAL ROAD ALLOWANCE BETWEEN PARK LOTS 8 AND 9)



Reference Plan 66R-23286

Not to Scale
10/05/2012

Not to Scale
10/05/2012

File # 12 230842 PL



Attachment 4: Application Data Sheet

Application Type	Part Lot Control Exemption	Application Number:	12 230842 STE 27 PL
Details		Application Date:	August 16, 2012
Municipal Address:	382 YONGE ST		
Location Description:	**GRID S2711		
Project Description:	Application to lift part lot control on the lands municipally known as 382 Yonge Street and the small portion of the privately owned lane at the rear. The proposed exemption from the part lot control provisions of the Planning Act has been requested by the owner to facilitate ownership and easement interests within the Aura building (388 Yonge Street), part of which is within and part of which is outside the existing part lot control exemption By-law 435-83.		

Applicant:	Agent:	Architect:	Owner:
BLAKE CASSELS GRAYDON LLP 119 Bay Street, Suite 4000 Commerce Court West Toronto ON M5L 1A9	BLAKE CASSELS GRAYDON LLP 119 Bay Street, Suite 4000 Commerce Court West Toronto ON M5L 1A9		RESIDENCES OF COLLEGE PARK TOWER III INC.; RESIDENCES OF COLLEGE PARK TOWER IV INC. 1075 Bay Street, Suite 400, Toronto ON M5S 2B1

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	840-78, 41-79, 245-79, 834-79, 71-91
Zoning:	CR T7.8 C2.0 R7.8, CR T4.0 C4.0 R1.5, G	Historical Status:	Y
Height Limit (m):	272.3	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	6513	Height:	Storeys:	78
Frontage (m):	67		Metres:	272.3
Depth (m):	112			
Total Ground Floor Area (sq. m):	5960			Total
Total Residential GFA (sq. m):	90803.5		Parking Spaces:	713 + 246 (off site)
Total Non-Residential GFA (sq. m):	19376		Loading Docks	0
Total GFA (sq. m):	110179.5			
Lot Coverage Ratio (%):	91.5			
Floor Space Index:	16.34			

DWELLING UNITS

Tenure Type:	Condo
Rooms: (Guest Suite)	3
Bachelor:	0
1 Bedroom:	403
2 Bedroom:	477
3 + Bedroom:	54
Total Units:	937

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):		87062.5	0
Retail GFA (sq. m):		16382	2994
Office GFA (sq. m):		0	0
Industrial GFA (sq. m):		0	0
Institutional/Other GFA (sq. m):		0	0

CONTACT:	PLANNER NAME:	George Pantazis, Assistant Planner
	CONTACT:	Tel. (416) 392-0776 Email. gpantaz@toronto.ca

Attachment 5: Draft Part Lot Control Exemption By-law

Authority: Toronto and East York Community Council Report No., as adopted
by City of Toronto Council on , 2012

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No. -2012

To exempt lands municipally known as 382 Yonge Street from Part Lot Control.

WHEREAS authority is given to Council by subsection 50(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law;

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

1. Subsection 50(5) of the *Planning Act* does not apply to the lands described in the attached Schedule “A”.

ENACTED AND PASSED this day of November, 2012.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule "A"

Legal Description:

In the City of Toronto and Province of Ontario, in the Land Titles Division of the Toronto Registry Office (No. 66) being composed of:

P.I.N.: 21103-0155 (LT)

Part of Lot 25, Plan 145, being part of a public lane as opened by Instrument No. EP18832, closed by City of Toronto By-law No. 73-2009 (Instrument No. AT2041079), designated as Part 22 on Plan 66R-23379, City of Toronto;

P.I.N.: 21103-0156 (LT)

Part of Lot 25, Plan 145, being part of a public lane as opened by Instrument No. EP18832, closed by City of Toronto By-law No. 73-2009 (Instrument No. AT2041079), designated as Part 37 on Plan 66R-23379, City of Toronto;

P.I.N.: 21103-0157 (LT)

Part of Lot 25, Plan 145, being part of a public lane as opened by Instrument No. EP18832, closed by City of Toronto By-law No. 73-2009 (Instrument No. AT2041079), designated as Part 6, Plan 66R-23379, City of Toronto;

Part of P.I.N. 21103-0164 (LT) and Part of P.I.N. 21103-0170 (LT)

Part of Lots A and B, Plan 237E; Part of Lot 25 and part of the lane east of Lot 25, closed by City of Toronto By-law 12213 (Instrument No. EP18832), Plan 145, designated as Part 11, Plan 66R-23286, City of Toronto SAVE AND EXCEPT Part 5 on Plan 66R-23379.