

**635 King Street East – Part Lot Control Exemption
Application – Final Report**

Date:	December 20, 2012
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	12-262830 STE 28 PL

SUMMARY

This application proposes lifting of part lot control on the lands municipally known as 635 King Street East.

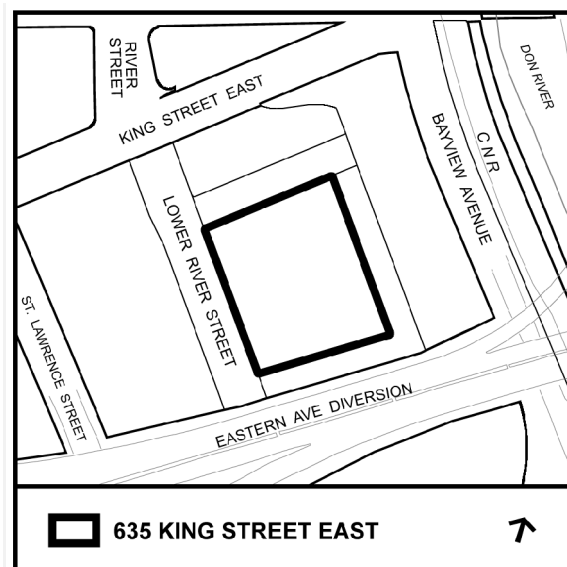
The proposed exemption from the part lot control provisions of the *Planning Act* has been requested by the owner to facilitate ownership requirements within the River City Development for this two-phased development. Phase I is currently under construction and occupancy is expected to commence in early 2013. Phase II is currently under review.

This report reviews and 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 635 King Street East as generally illustrated on Attachment 1 to the report dated December 20, 2012, from the Director, Community Planning, Toronto and East York



- District, to be prepared to the satisfaction of the City Solicitor and to expire two years 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. City Council authorize the City Solicitor to introduce the part lot control exemption by-law in Council after the owner of the subject lands has registered to the satisfaction of 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 Director of Community Planning, Toronto and East York District.
 4. Prior to obtaining the written consent of the Director of Community Planning, Toronto and East York District, as provided for in Recommendation 3 above, City Council require that the owner of the subject lands shall provide a Reference Plan to the satisfaction of the Director which identifies the proposed new lot lines and easements requested by the owner.
 5. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
 6. 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.
 7. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction at such time as appropriate.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The subject lands are part of the West Don Lands and are located on the southeast corner of King Street East and River Street. The site is approximately 5,423 square metres in size and comprises of Block 3 and 4 of the West Don Lands registered Plan of Subdivision 66M-2473.

The site is being developed as a two-phased development and consists of a total of three buildings with a total of 598 units and 410 metres of commercial space.

Phase I has undergone site plan review (File No. 09 194999) and consists of two buildings within Block 3 and part of Block 4, including a 7-storey residential building on the west portion of Block 4 with 98 units and a 15-storey (plus a residential penthouse) mixed use building on Block 3 with 251 units and 410 square metres of commercial space.

The Site Plan Approval application (File No. 11 309775) for Phase II was submitted in November 2011 and is currently undergoing review. Phase II will consist of an 11-storey (plus a residential penthouse) residential building with a total of 249 within the east portion of Block 4.

ISSUE BACKGROUND

Proposal

This two-phased development will consist of a total of three buildings. Phase I is currently under construction and occupancy is expected to commence in early 2013. The Site Plan Approval application for Phase II is currently under review and the applicant is taking the steps towards completing the process and commencing construction in 2013. The applicant is securing construction financing for Phase II that will require that Phase I and Phase II blocks be subdivided (Block 4). In addition, each of the two phases will be subject to access, servicing, maintenance and construction easements in favour of the other phase.

Site and Surrounding Area

The site is part of the West Don Lands and is bounded by King Street East to the north, Don River Park to the east, the Richmond-Adelaide ramps to the south and Lower River Street to the west.

Surrounding land uses are as follows:

North: King St. E. and Queen St. E. ramps that join at the Don River bridge to the east.

South: Richmond Adelaide viaduct with Underpass Park beneath the viaduct. Further south are two other blocks, which are the next phases of the River City development.

East: The Flood Protection Landform (FPL) and Don River Park are immediately adjacent to the eastern portion of the site. Further to the east is the new Bayview Avenue and then the Don River.

West: The block west of Lower River Street is being redeveloped as non-profit housing by Toronto Community Housing Corporation.

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.

Under the *Planning Act*, there are tools for land division including: plan of subdivision, part lot control, consent to sever and 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 for which it is to be subdivided and the dimensions and shapes of the proposed lots.

Central Waterfront Secondary Plan

The Central Waterfront Plan was passed as an Official Plan Amendment No. 257 by City Council on April 16, 2003. Although the Waterfront Plan was appealed to the Ontario Municipal Board, it was approved on December 9, 2005, as it pertains to the West Don Lands with the exception of the housing policies. It identifies the West Don Lands as a "Regeneration Area".

King Parliament Secondary Plan

The King-Parliament Plan Policy 10.1 identifies the West Don Lands as a Regeneration Area. This designation provides for a broad mix of residential, live/work, commercial, industrial, light industrial and institutional, including recreational and open space uses.

West Don Lands Precinct Plan

The West Don Lands Precinct Plan was endorsed by City Council in May 2005. The Precinct Plan provides an important framework for the West Don Lands and generally determines the built form development, public realm plan, parks and open spaces, sustainability measures, transit, public infrastructure and phasing and implementation initiatives for the area.

West Don Lands Block Plan and Design Guidelines

The West Don Lands Block Plan and Design Guidelines were endorsed by City Council in May 2006. The main objectives of the guidelines are to reinforce the vision of the West Don Lands Precinct Plan by defining height and massing of the development, setbacks and stepbacks and the scale and character of building facades.

Zoning

A site specific Zoning By-Law Amendment 588-2006 was enacted by City of Toronto Council in June 2006 for Phase I of the West Don Lands where the subject site is located. This By-Law (No. 588-2006) allows for a range of permitted uses and performance standards including maximum heights, permitted tower areas, and building setbacks.

Site Plan Control

A Site Plan Approval application (File No. 09 194999) was submitted for Phase I of River City and the Statement of Approval was issued on June 15, 2012. The Site Plan Control application for Phase II (File No. 11 309775) was submitted in November 2011 and is currently under review.

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 and 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.

To ensure that the Part Lot Control Exemption does not remain open indefinitely, it is recommended that the By-law contain an expiration date. In this case, the By-law should expire two years following enactment by City Council. This time frame provides sufficient time for the completion of the proposed development.

CONTACT

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SIGNATURE

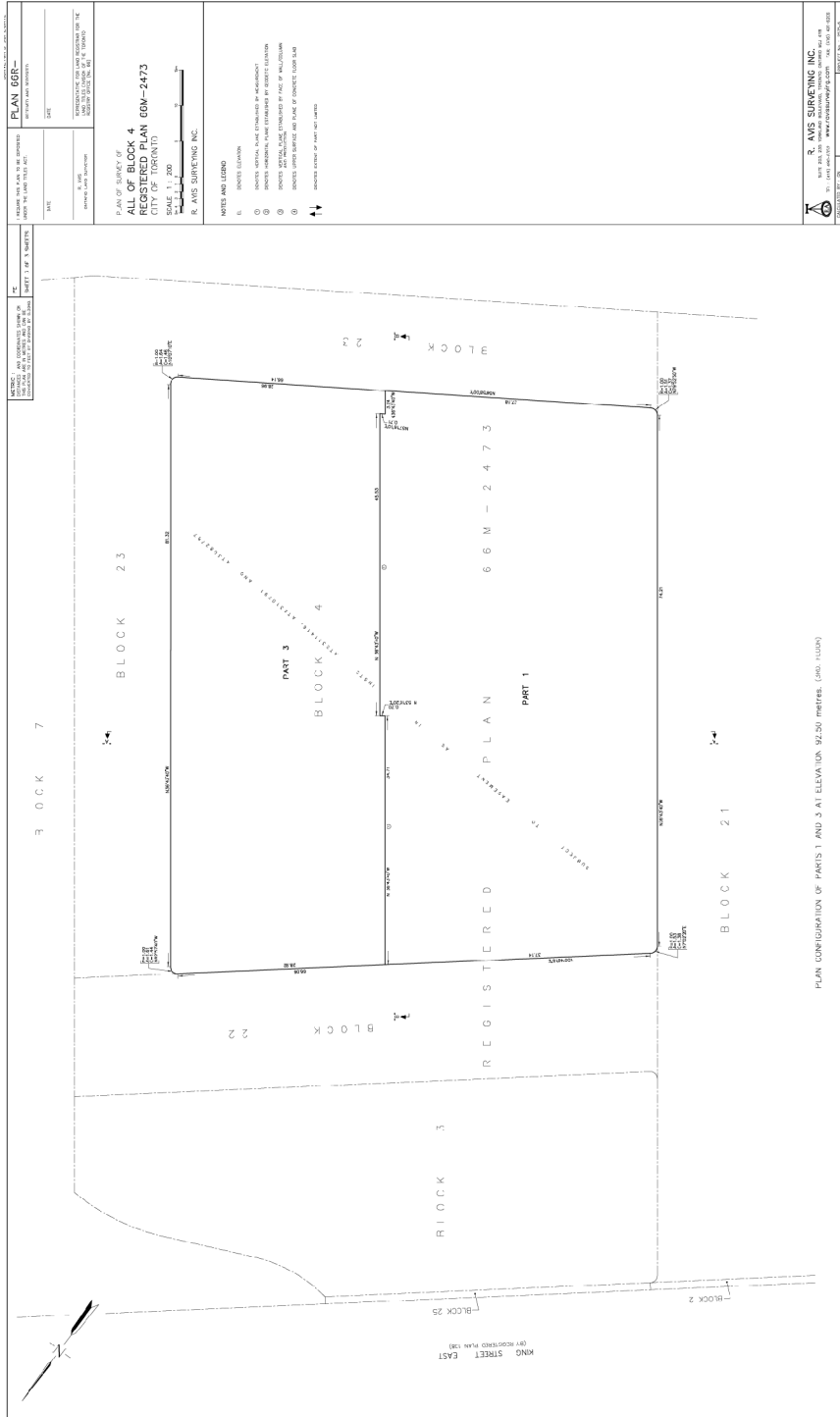
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Plan of Survey
Attachment 2: Draft Part Lot Control Exemption By-law

Attachment 1: Plan of Survey



Plan of Survey - Block 4 Registered Plan 66M-2473 - Sheet 2/3

635 King Street East

Applicant's Submitted Drawing

Not to Scale
 12/06/2012

File # 12 262830 PL

Attachment 2: 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 635 King Street East 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 January, 2013.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule "A"

Legal Description:

Plan 66M-2473, Block 4