

289 and 291 The Kingsway, and 1, 3, 5 and 7 St. Stevens Court – Part Lot Control Exemption Application – Final Report

Date: May 4, 2022

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 2 - Etobicoke Centre

Planning Application Number: 22 101619 WET 02 PL

Related Application: 20 230173 WET 02 CD

SUMMARY

This application requests an extension to the exemption from the Part Lot Control provisions of the *Planning Act* to permit the division of land to create five residential lots for four proposed residential apartment buildings (Buildings A, B, C and D) and one existing residential apartment building on the lands located at 289 and 291 The Kingsway, and 1, 3, 5 and 7 St. Stevens Court. The exemption from the Part Lot Control provisions of the *Planning Act* would also allow for boundary and easement adjustments based upon the as-built condition of the constructed buildings, construction mortgage financing for Building C, and for mortgage financing for Buildings A and B.

The proposal complies with the existing Official Plan and site specific Zoning By-law 1618-2019. The previous lifting of Part Lot Control for a period of three years, enacted as By-law 1190-2019, is set to expire on July 18, 2022. Additional time is needed for the applicant to convey and complete the development on the subject lands. The extension to lift Part Lot Control for a period of two years is considered appropriate for the orderly development of these lands.

This report reviews and recommends approval of the extension for 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 prior consent of the Chief Planner and Executive Director, City Planning or 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 at 289 and 291 The Kingsway, and 1, 3, 5 and 7 St. Stevens Court substantially in accordance with the draft by-law in Attachment 5 to this report for the lands generally shown in Attachment 1, 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 direct the Chief Planner and Executive Director, City Planning or designate to withhold their consent under paragraph 118 (1) 2 of the *Land Titles Act* until the owner provides fully executed copies of the following certificates satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services:
 - a. From the applicant's solicitor with respect to the creation of necessary easements;
 - b. From the applicant's surveyor with respect to the identification of necessary easements; and,
 - c. From the applicant's engineer with respect to the identification of necessary easements.
4. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
5. 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.
6. City Council authorize the City Solicitor to release, or partially release, the Section 118 Restriction from title to all or a portion of the lands in the City Solicitor's discretion after consulting with the Chief Planner and Executive Director, City Planning.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

On September 10, 2013, Etobicoke York Community Council (EYCC) adopted the Preliminary Report dated August 23, 2013 on the Zoning By-law Amendment and Rental Housing Demolition applications seeking to replace five rental residential buildings with six new apartment buildings ranging in height from six to 16 storeys and maintaining the existing 17-storey rental apartment building on the subject site.

Community Council's decision can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY26.11>

On July 23, 2015, the owner appealed the Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) citing City Council's failure to make a decision within the prescribed time frame set out in the *Planning Act*.

On February 3, 2016, City Council adopted the Request for Directions Report dated December 16, 2015 to authorize the City Solicitor, together with appropriate staff, to attend any OLT hearings in opposition to the appeal. City Council also directed City staff to continue discussions with the applicant on a revised proposal. Council's decision can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY11.2>

On April 24, 2017, the OLT approved in principle the site specific zoning appeal, in part, for four new residential apartment buildings ranging in height from six to nine storeys and the retention of the existing 17-storey rental apartment building. On September 4, 2019, the OLT issued its Final Order.

On April 24, 2018, City Council approved the Rental Housing Demolition permit in accordance with Toronto Municipal Code Chapter 667 to allow the demolition of 156 rental dwelling units. City Council's decision can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EY29.1>

On July 16, 2019, City Council approved the previous Part Lot Control Exemption application on the subject site. By-law 1190-2019 is set to expire on July 18, 2022. City Council's decision can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EY7.7>

ISSUE BACKGROUND

Proposal

This application requests an extension to the exemption from the Part Lot Control provisions of the *Planning Act* to permit the division of land to create five residential lots for four proposed residential apartment buildings (Buildings A, B, C and D) and one existing residential apartment building on the lands located at 289 and 291 The Kingsway, and 1, 3, 5 and 7 St. Stevens Court. The exemption from the Part Lot Control provisions of the *Planning Act* would also allow for boundary and easement adjustments

based upon the as-built condition of the constructed buildings, construction mortgage financing, and for mortgage financing.

Refer to Attachment 1 for the location of the subject lands, and Attachments 2 to 4 for the Part Lot Control Exemption Plans.

Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020) (PPS) provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The Growth Plan 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.

All decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

The subject lands are designated *Apartment Neighbourhoods* in the Official Plan on Map 14 - Land Use Plan in the Official Plan. *Apartment Neighbourhoods* are comprised of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. This designation does not anticipate significant growth within these areas. However, compatible infill development may be permitted provided such development improves the existing site conditions and contributes towards a good quality of life for both new and existing residents. The Official Plan includes criteria that direct the form and quality of development in this land use designation.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Site and Areas Specific Policy 500

In 2016, City Council adopted Official Plan Amendment 298, which established Site and Area Specific Policy 500 (SASP 500) for the lands generally north of the Humbertown Shopping Centre. SASP 500 directs new development to be compatible with the low rise character of the area, with a maximum building height of six storeys. City Council also adopted the area specific Edenbridge Humber Valley Apartment Neighbourhood Design Guidelines to assist in implementing the policies of SASP 500.

The previous owner of the subject lands appealed City Council's decision on OPA 298 to the OLT. As part of the OLT's Final Order on September 9, 2019, the subject lands were removed from SASP 500.

Zoning

The subject lands are zoned Fourth Density Residential Zone (R4) in the former City of Etobicoke Zoning Code, as amended by site specific By-law 1618-2019. The site specific provisions for the subject lands permit four additional residential apartment buildings with maximum building heights of six and nine storeys.

Site Plan Control

Final Site Plan Approval was issued in 2020, under file number 18 126601 WET 04 SA, to permit the development of four new residential buildings and the retention of the existing 17-storey residential building.

Agency Circulation

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

Draft Plan of Condominium

A Draft Plan of Condominium application for the new residential building (Building D) proposed on the property municipally known as 291 The Kingsway has been submitted and is currently under review, under file number 20 230173 WET 02 CD.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. The PPS encourages healthy, liveable and safe communities that are sustained by efficient development and land use patterns, accommodating an appropriate range and mix of residential uses including affordable housing, promoting cost-effective land use patterns and standards to minimize land

consumption and servicing costs, as well as those which conserve biodiversity and consider the impacts of a changing climate.

The proposal also conforms to and does not conflict with the Growth Plan. The guiding principles of the Growth Plan include: to build compact, vibrant and complete communities; to protect, conserve, enhance and wisely use the valuable natural resources of land, air and water for current and future generations; and to optimize the use of existing and new infrastructure to support growth in a compact, efficient form.

The exemption from Part Lot Control would allow for the orderly development of the proposed residential buildings.

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 OLT-approved development.

The proposed Part Lot Control Exemption complies with the Official Plan and Zoning By-law. The Part Lot Control Exemption application was circulated to various Divisions and agencies for comment and no issues were identified.

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 would provide sufficient time for the completion of the proposed development.

CONTACT

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SIGNATURE

Michael Mizzi, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Location of Application

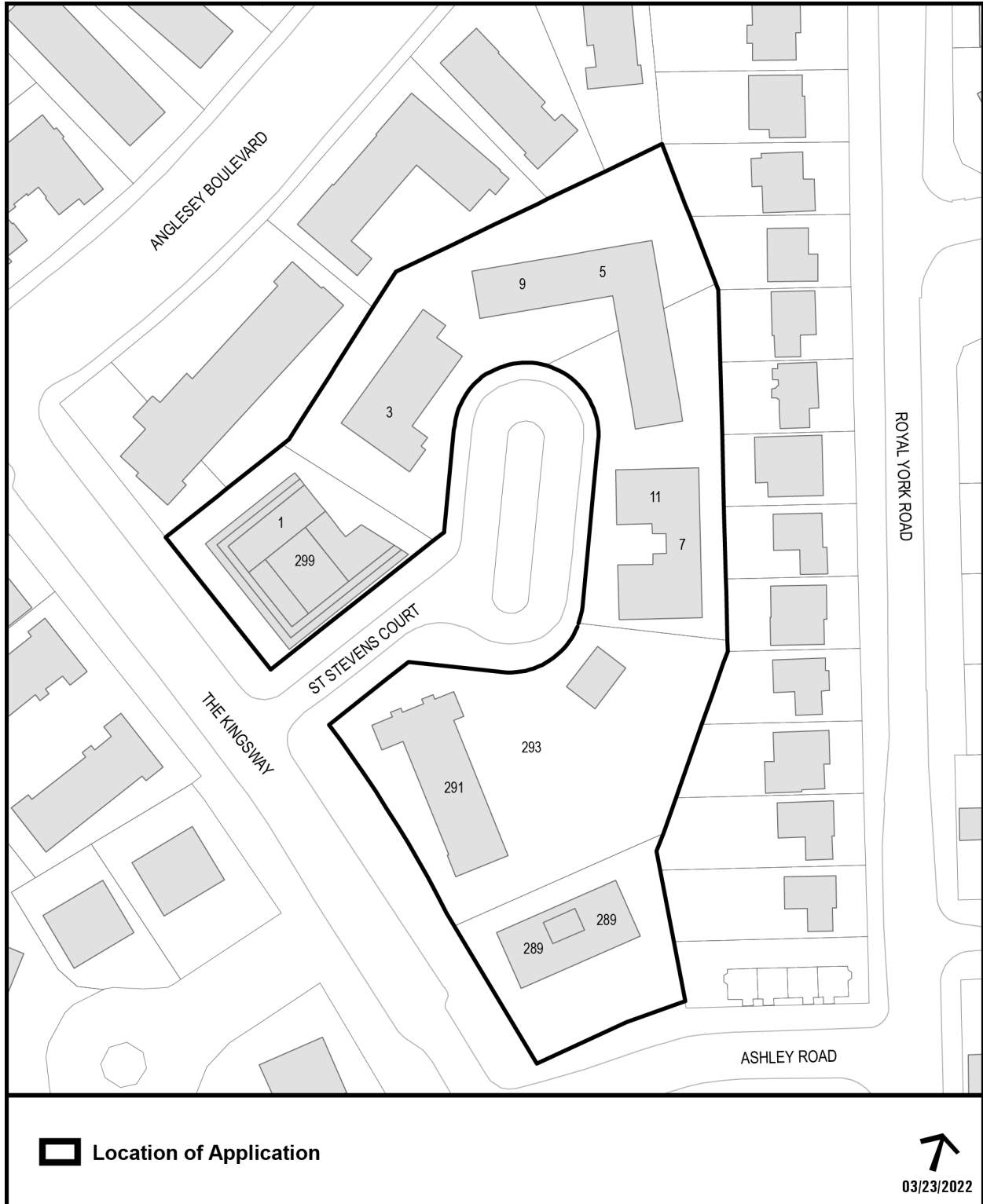
Attachment 2: Part Lot Control Exemption Plan (Ground Floor Plan)

Attachment 3: Part Lot Control Exemption Plan (P1 Parking Plan)

Attachment 4: Part Lot Control Exemption Plan (P2 Parking Plan)

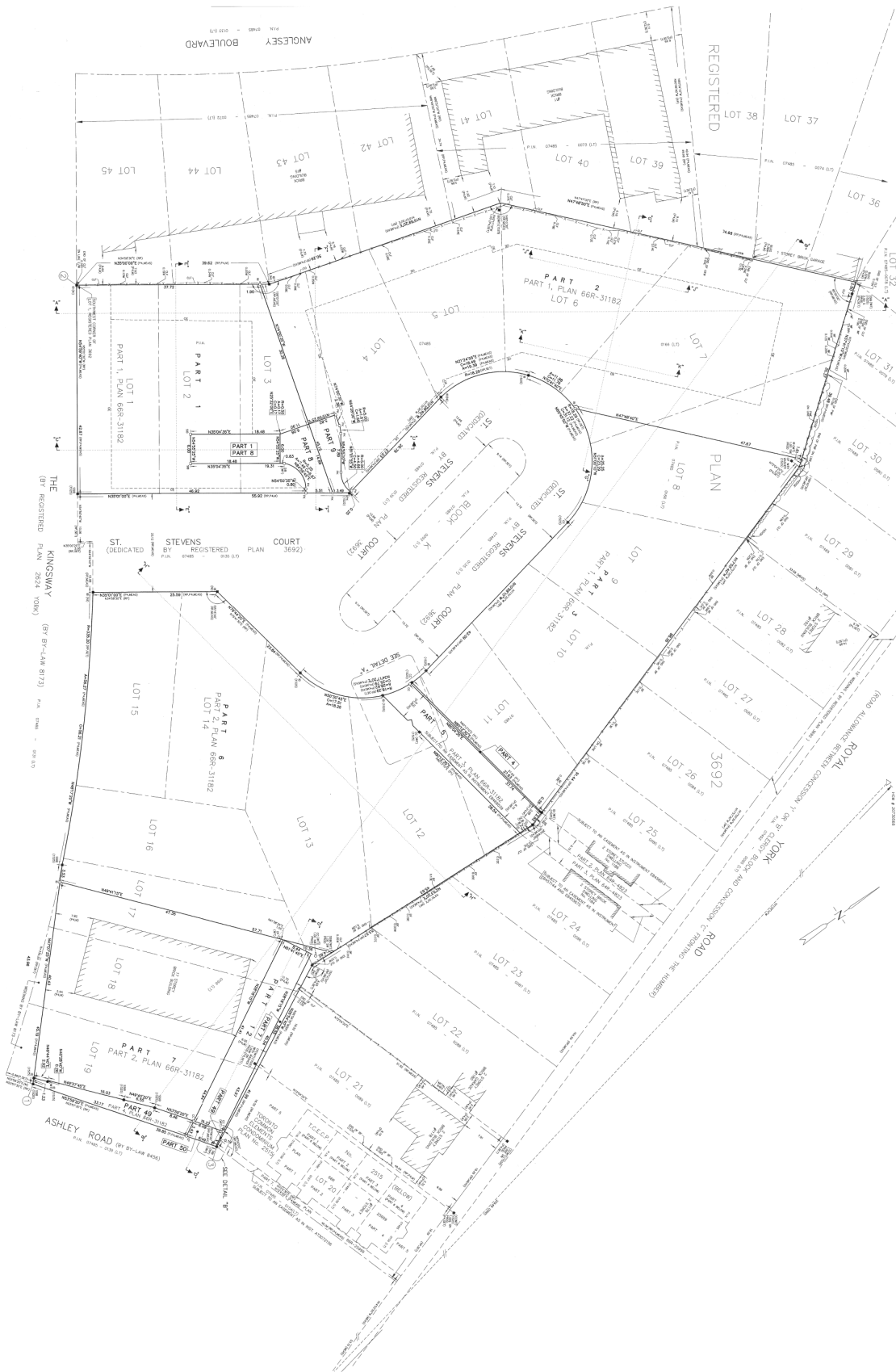
Attachment 5: Draft Part Lot Control Exemption By-law

Attachment 1: Location of Application



Attachment 2: Part Lot Control Exemption Plan (Ground Floor Plan)

Part Lot Control Exemption Plan



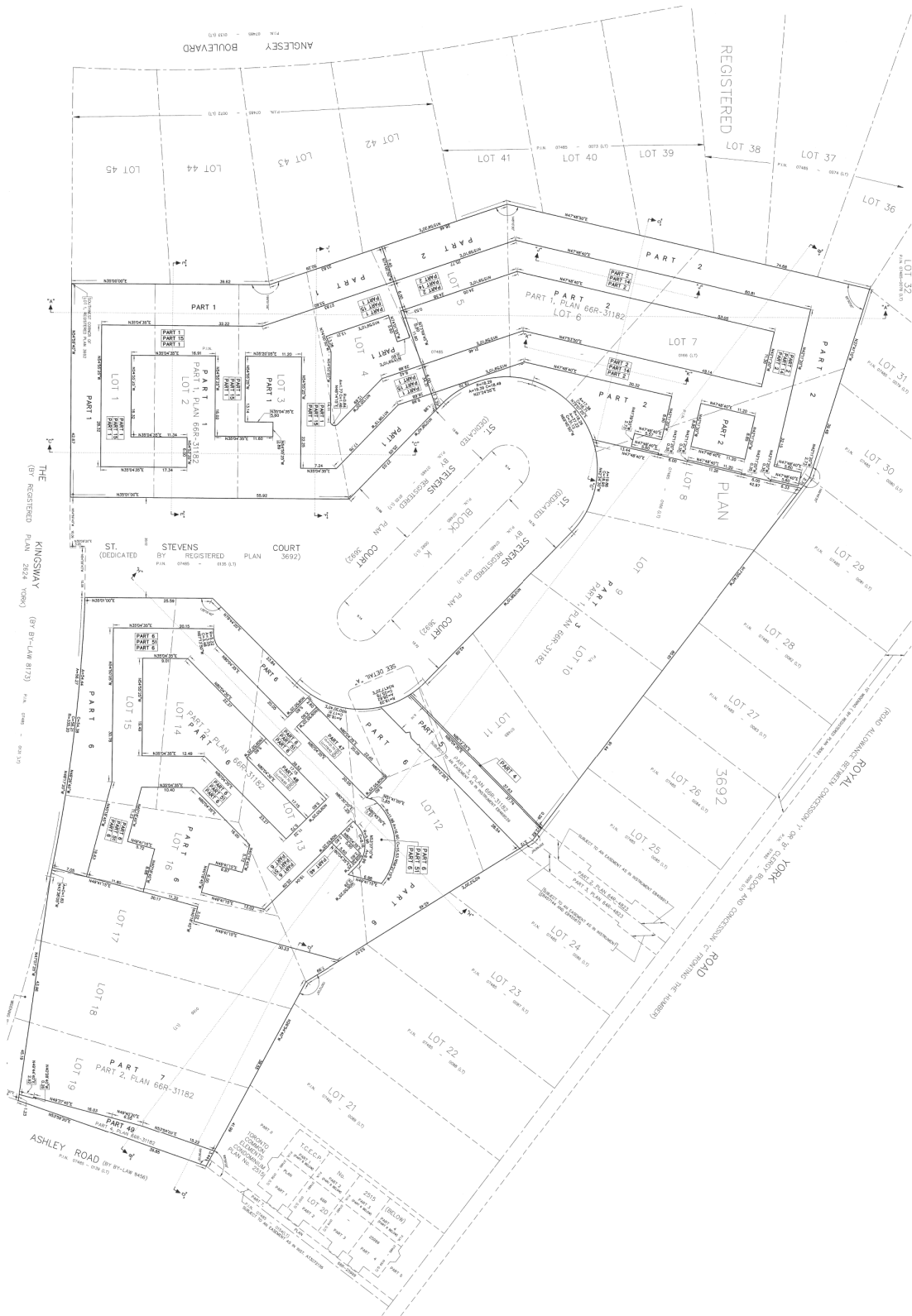
Attachment 3: Part Lot Control Exemption Plan (P1 Parking Plan)

Part Lot Control Exemption Plan



Attachment 4: Part Lot Control Exemption Plan (P2 Parking Plan)

Part Lot Control Exemption Plan



Attachment 5: Draft Part Lot Control Exemption By-law

Authority: Etobicoke York Community Council Item ~~ adopted by City of Toronto Council on ~~, 2022

CITY OF TORONTO

Bill ###

BY-LAW _____ - 2022

To exempt the lands municipally known in 2022 as 289 and 291 The Kingsway, and 1,3, 5 and 7 St. Stevens Court from part lot control.

Whereas authority is given to Council by Section 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 enacts:

1. Subsection 50(5) of the Planning Act, R.S.O. 1990, c. P.13, as amended, does not apply to the lands described in Schedule A attached hereto.
2. This By-law expires two years after its enactment by Council.

Enacted and passed on this ~~ day of ~, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Schedule "A"

Legal Description:

Building "A" Lands

PART LOTS 1, 2, 3, 4 AND 5, REGISTERED PLAN 3692 (ETOBICOKE) PARTS 1,8,15,16,17,18,19 AND 20 PLAN 66R31214; SUBJECT TO EASEMENTS IN FAVOUR OF PART LOTS 1,2,3,4,5,6,7 AND 8 REGISTERED PLAN 3692 PARTS 2,9,10,14,21,22,23,24,25,26 AND 27 PLAN 66R31214 AS IN AT5431174, TOGETHER WITH EASEMENTS OVER PART LOTS 1,2,3,4,5,6,7 AND 8 REGISTERED PLAN 3692 PARTS 2,9,10,14,21,22,23,24,25,26 AND 27 PLAN 66R31214 AS IN AT5431174, SUBJECT TO EASEMENTS IN FAVOUR OF PART LOTS 6,7,8,9,10,11 AND 12 REGISTERED PLAN 3692 PARTS 3,4,11,28,29 AND 30 PLAN 66R31214 AS IN AT5431174, TOGETHER WITH EASEMENTS OVER PART LOTS 6,7,8,9,10,11 AND 12 REGISTERED PLAN 3692 PARTS 3,4,11,28,29 AND 30 PLAN 66R31214 AS IN AT5431174; TOGETHER WITH AN EASEMENT OVER PART LOT 19 REGISTERED PLAN 3692 PART 4, 66R31182 AS IN AT5411772; CITY OF TORONTO

Building "B" Lands

PART LOTS 1, 2, 3, 4, 5, 6, 7 AND 8, REGISTERED PLAN 3692 (ETOBICOKE) PARTS 2,9,10,14,21,22,23,24,25,26 AND 27 PLAN 66R31214; TOGETHER WITH EASEMENTS OVER PART LOTS 1,2,3,4 AND 5 REGISTERED PLAN 3692 PARTS 1,8,15,16,17,18,19 AND 20 PLAN 66R31214 AS IN AT5431174, SUBJECT TO EASEMENTS IN FAVOUR OF PART LOTS 1,2,3,4 AND 5 REGISTERED PLAN 3692 PARTS 1,8,15,16,17,18,19 AND 20 PLAN 66R31214 AS IN AT5431174, SUBJECT TO EASEMENTS IN FAVOUR OF PART LOTS 6,7,8,9,10,11 AND 12 REGISTERED PLAN 3692 PARTS 3,4,11,28,29 AND 30 PLAN 66R31214 AS IN AT5431299, TOGETHER WITH EASEMENTS OVER PART LOTS 6,7,8,9,10,11 AND 12 REGISTERED PLAN 3692 PARTS 3,4,11,28,29 AND 30 PLAN 66R31214 AS IN AT5431299; TOGETHER WITH AN EASEMENT OVER PART LOT 19 REGISTERED PLAN 3692 PART 4, 66R31182 AS IN AT5411772; CITY OF TORONTO

Building "C" Lands

PART LOTS 6, 7, 8, 9, 10, 11 AND 12, REGISTERED PLAN 3692 (ETOBICOKE) PARTS 3,4,11,28,29 AND 30 PLAN 66R31214; TOGETHER WITH EASEMENTS OVER PART LOTS 1,2,3,4 AND 5 REGISTERED PLAN 3692 PARTS 1,8,15,16,17,18,19 AND 20 PLAN 66R31214 AS IN AT5431174, SUBJECT TO EASEMENTS IN FAVOUR OF PART LOTS 1,2,3,4 AND 5 REGISTERED PLAN 3692 PARTS 1,8,15,16,17,18,19 AND 20 PLAN 66R31214 AS IN AT5431174, TOGETHER WITH EASEMENTS OVER PART LOTS 1,2,3,4,5,6,7 AND 8 REGISTERED PLAN 3692 PARTS 2,9,10,14,21,22,23,24,25,26 AND 27 PLAN 66R31214 AS IN AT5431299, SUBJECT TO EASEMENTS IN FAVOUR OF PART LOTS 1,2,3,4,5,6,7 AND 8 REGISTERED PLAN 3692 PARTS 2,9,10,14,21,22,23,24,25,26 AND 27 PLAN 66R31214 AS IN AT5431299, SUBJECT TO EASEMENTS IN FAVOUR OF PART OF LOTS 11,12,13,14,15,16 AND 17 REGISTERED PLAN 3692 PARTS

5,6,13,33,35,44,46,47,48 AND 51 PLAN 66R31214 AS IN AT5431469, TOGETHER WITH EASEMENTS OVER PART OF LOTS 11,12,13,14,15,16 AND 17 REGISTERED PLAN 3692 PARTS 5,6,13,33,35,44,46,47,48 AND 51 PLAN 66R31214 AS IN AT5431469; SUBJECT TO AN EASEMENT OVER PART 4 ON 66R31214 AS IN EB468539; TOGETHER WITH AN EASEMENT OVER PART LOT 19 REGISTERED PLAN 3692 PART 4, 66R31182 AS IN AT5411772; CITY OF TORONTO

Building “D” Lands

PART LOTS 11, 12, 13, 14, 15, 16, AND 17, REGISTERED PLAN 3692 (ETOBICOKE) PARTS 5,6,13,33,35,44,46,47,48 AND 51 PLAN 66R31214; TOGETHER WITH EASEMENTS OVER PART LOTS 6,7,8,9,10,11 AND 12 REGISTERED PLAN 3692 PARTS 3,4,11,28,29 AND 30 PLAN 66R31214 AS IN AT5431469, SUBJECT TO EASEMENTS IN FAVOUR OF PART LOTS 6,7,8,9,10,11 AND 12 REGISTERED PLAN 3692 PARTS 3,4,11,28,29 AND 30 PLAN 66R31214 AS IN AT5431469, SUBJECT TO EASEMENTS IN FAVOUR OF PART LOTS 12,13,14,15,16,17,18 AND 19 REGISTERED PLAN 3692 PARTS 7,12,31,32,34,36,37,38,39,40,41,42,43 AND 45 PLAN 66R31214 AS IN AT 5431592, TOGETHER WITH EASEMENTS OVER PART LOTS 12,13,14,15,16,17,18 AND 19 REGISTERED PLAN 3692 PARTS 7,12,31,32,34,36,37,38,39,40,41,42,43 AND 45 PLAN 66R31214 AS IN AT5431592; SUBJECT TO AN EASEMENT OVER PART 5 ON 66R31214 AS IN EB468539; TOGETHER WITH AN EASEMENT OVER PART LOT 19 REGISTERED PLAN 3692 PART 4, 66R31182 AS IN AT5411772; CITY OF TORONTO

Building “E” Lands

PART LOTS 12, 13, 14, 15, 16, 17, 18 AND 19 REGISTERED PLAN 3692 (ETOBICOKE) PARTS 7,12,31,32,34,36,37,38,39,40,41,42,43 AND 45 PLAN 66R31214; TOGETHER WITH EASEMENTS OVER PART LOTS 11,12,13,14,15,16 AND 17 REGISTERED PLAN 3692 PARTS 5,6,13,33,35,44,46,47,48 AND 51 PLAN 66R31214 AS IN AT5431592, SUBJECT TO EASEMENTS IN FAVOUR OF PART LOTS 11,12,13,14,15,16 AND 17 REGISTERED PLAN 3692 PARTS 5,6,13,33,35,44,46,47,48 AND 51 PLAN 66R31214 AS IN AT5431592; TOGETHER WITH AN EASEMENT OVER PART LOT 19 REGISTERED PLAN 3692 PART 4, 66R31182 AS IN AT5411772; CITY OF TORONTO