

## **234-250 King Street East and 162 Princess Street – Zoning By-law Amendment Application – Removal of Holding Symbol ("h") - Decision Report - Approval**

Date: January 31, 2023

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Wards: Ward 13 - Toronto Centre

**Planning Application Number:** 22 215914 STE 13 OZ

### **SUMMARY**

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This application proposes to remove the holding symbol ("h") from Zoning By-law 1151-2022 (OLT), which permits a mixed-use development including residential and retail uses in a 43-storey building on 234-250 King Street East and 162 Princess Street. The application to remove the holding symbol ("h") was submitted on October 12, 2022.

Zoning By-law 1151-2022 (OLT) includes a holding symbol ("h") on the lands subject to conditions. The conditions for the removal of the holding symbol require the City to be in receipt of updated Functional Servicing Report, Stormwater Management Report, and Hydrogeological Review subject to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water. Additional conditions include the requirement to enter into and register a Section 37 Agreement, as well as enter into and register a Heritage Easement Agreement. All of the above conditions have been satisfied, and the removal of the holding symbol ("h") is appropriate at this time to allow for the progression of the project.

The proposed development and request to lift the holding symbol are consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).

This report reviews and recommends approval of the application to amend Zoning By-law 1151-2022(OLT) to remove the holding symbol ("h").

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend Zoning By-law 1151-2022 (OLT), for the lands at 234-250 King Street East, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to this report (January 31, 2023) from the Director, Community Planning, Toronto and East York District.

2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

## **FINANCIAL IMPACT**

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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**

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On December 15, 2021 City Council considered a Request for Direction Report prepared by City Planning that set out a number of issues with the application as received. City Council adopted the staff recommendations, and the decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE29.7>

On April 6, 2022, City Council considered a Request for Direction Report prepared by the City Solicitor that sought a decision from Council Regarding a proposed settlement provided by the applicant. City Council adopted the staff recommendations, and the decision can be found at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.CC42.9>

## **PROPOSAL**

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The applicant has submitted a Zoning By-law Amendment application to amend Zoning by-law 1151-2023 (OTL) to remove the holding symbol ("h") from the lands at 234-250 King Street East. The properties are located on the north side of King Street East, and make up the majority of the block between Sherbourne Street and Princess Street. The site is bounded on the north by Duke Mews, a City owned lane.

The approved development on the land includes a 43-storey mixed use building consisting of 34,500 square metres of gross floor area, and 509 dwelling units. The proposal includes 537 square metres of retail floor area. The proposal includes the retention of heritage resources along King Street East which has been secured through a Heritage Easement Agreement. Vehicular access and loading to the site is provided from Duke Mews.

### **Reasons for Application**

A holding symbol ("h") was placed on the lands to limit the use of the lands until such time as the conditions for the removal of the "h" had been fulfilled to the satisfaction of

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City Council. Section 6 of Zoning By-law 1151-2022(OLT) includes the following condition for the removal of the holding symbol ("h"):

An amending by-law to remove the "(H)" symbol may be enacted by City Council when the following conditions have been fulfilled to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning and the Chief Engineer and Executive Director, Engineering and Construction Services:

- i. The owner submit a revised Functional Servicing Report and Stormwater Management Report, Hydrogeological Review ("Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water; and
- ii. The owner secure the design and provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water.
- iii. The receipt of all necessary approvals for the infrastructure which may be required and as described in paragraph (ii) above.
- iv. The owner entered into and registered on title to the lands a Section 37 Agreement pursuant to Section 37 of the Planning Act acceptable and satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor.
- v. The owner entered into and registered on title to the lands a Heritage Easement Agreement pursuant to Section 37 of the Ontario Heritage Act acceptable and satisfactory to the Chief Planner and Executive Director, City Planning, Senior Manager, Heritage Planning and the City Solicitor.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

The following reports/studies were submitted in support of the application:

- Complete Application Form
- Project Data Sheet
- Site Specific Zoning By-law No. 1151-2022 (OLT)
- Architectural Plans
- Survey Plans

## Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate the draft Zoning By-law Amendment to remove the holding symbol.

## Community Consultation

A Community Consultation Meeting is not required for a Zoning By-law amendment application to remove a Holding Symbol. Notice is given to the owner under the Planning Act for the Statutory Public meeting. Individuals who requested further notice as part of the original rezoning application were also provided notice of this application.

## POLICY CONSIDERATIONS

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### Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

The application has been reviewed to determine its consistency with the Provincial Policy Statement (2020) (PPS), conformity with a Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan), and conformity to the City's Official Plan. The 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 Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region.

### Toronto Official Plan

The site is located in the Downtown, and is designated as Regeneration Areas in the Official Plan. A broad mix of residential and non-residential uses are permitted within Regeneration Areas. The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

### Zoning

The site was zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended. The RA zone permits a range of residential uses, as well as commercial, institutional and limited industrial uses. A zoning by-law amendment application was approved by the Ontario Land Tribunal (OLT) in 2022 with the final form of the by-law approved by the OLT in August 2022 as by-law 1151-2022 (OLT). The amending by-law includes development standards for building heights, setbacks, gross floor area and other matters. A holding symbol ("h") was placed on the lands until such time as the City has confirmed to be in receipt of updated Functional Servicing Report, Stormwater Management Report, and Hydrogeological Review subject to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in

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consultation with the General Manager, Toronto Water. Additional conditions include the requirement to enter into and register a Section 37 Agreement, as well as enter into and register a Heritage Easement Agreement.

### **Downtown Secondary Plan**

The site is located within the Downtown Secondary Plan area and is designated as Mixed Use Areas 2. Development and intensification is encouraged within this designation in a manner that responds to and is compatible with existing and planner context. Development within Mixed Use Areas 2 will provide a range of uses, including retail and residential uses. The Downtown Secondary Plan can be found here: <https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

### **King-Parliament Secondary Plan**

The site is located within the Old Town policy area of the King-Parliament Secondary Plan review which was adopted by Council on May 5, 2021, and is currently under appeal. Development in the Old Town policy area will be responsive to the form and scale of surrounding buildings, and will support a balance of residential, commercial and institutional uses. The Council adopted King-Parliament Secondary Plan can be found here: <https://www.toronto.ca/legdocs/bylaws/2021/law0398.pdf>

Within the in-force King-Parliament Secondary Plan, the site is located within Mixed Use Area A (Jarvis Parliament) designation, and identified within the Old Town of York Area of Special Identity. This designation will be regarded as an area targeted for significant growth, having a mix of compatible land uses including commercial, industrial, institutional, residential, live/work and entertainment uses within new buildings and existing ones, including the numerous historically and architecturally significant buildings in the area. The in-force King-Parliament Secondary Plan can be found here: <https://www.toronto.ca/wp-content/uploads/2017/11/9063-cp-official-plan-SP-15-KingParliament.pdf>

### **Site Plan Control**

The applicant has submitted a Site Plan Control Application, file number 21 176715 STE 13 SA, on June 28, 2021. Staff have reviewed the application, and are preparing Notice of Approval Conditions which will be issued following the endorsement of the recommendations within this report.

### **Draft Plan of Condominium**

The applicant has submitted a Draft Plan of Condominium application, file number 21 228810 STE 13 CD, on October 21, 2021. The application is being reviewed by City Staff, and a decision on the file will be issued following the conclusion of the Site Plan Control Application process.

## **COMMENTS**

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The proposal has also been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Staff have determined that the proposal is also consistent with the PPS and conforms with the Growth Plan.

The applicant has worked with City Staff to ensure that all matters associated with the holding symbol have been resolved. City staff have confirmed that matters associated with functional servicing, stormwater management, and hydrogeology have been resolved to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water. This confirmation was provided via memo from Engineering and Construction Services on January 12, 2023. City staff have confirmed that all requirements have been satisfied for the purposes of this application.

City staff have confirmed that the Section 37 Agreement was executed on October 24, 2022, and has been registered on title.

City staff have confirmed that the Heritage Easement Agreement was executed on November 29, 2022, and has been registered on title.

## **Conclusion**

The application to amend Zoning By-law 1151-2022(OLT) to remove the holding symbol ("h") from the lands at 234-250 King Street East will facilitate the development of the mixed-use tower on the site.

As the condition for the removal of the symbol has been satisfied, it is appropriate to remove the holding symbol. A draft of the amending zoning by-law to remove the holding symbol is included in Attachment 2.

## **CONTACT**

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E-mail: [Jeremy.Humphrey@toronto.ca](mailto:Jeremy.Humphrey@toronto.ca)

## **SIGNATURE**

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Alex Teixeira MCIS, RPP, Acting Director  
Community Planning, Toronto and East York District

## **ATTACHMENTS**

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**City of Toronto Data/Drawings**

Attachment 1: Location Map

Attachment 2: Draft Zoning By-law Amendment

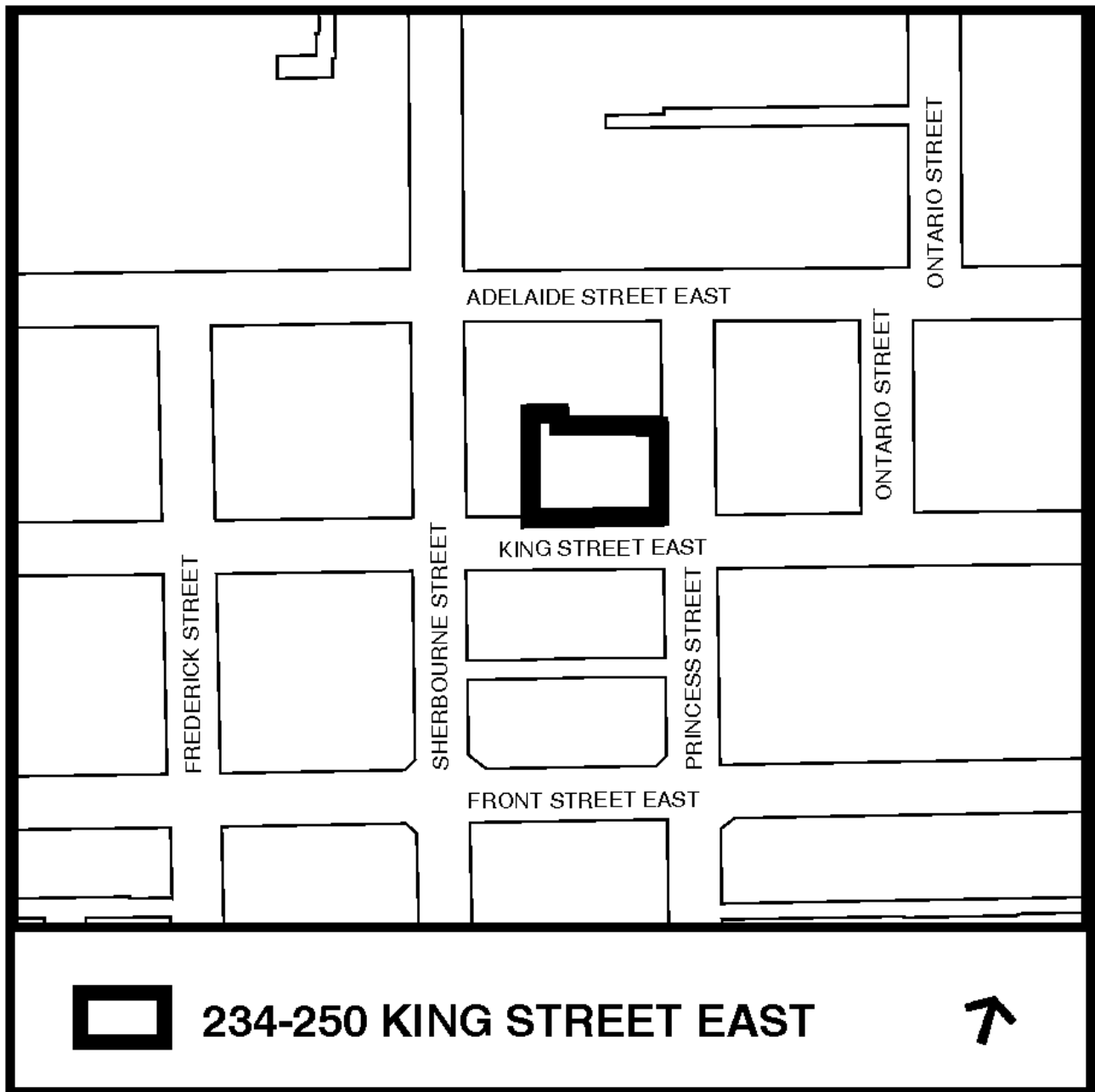
**Applicant Submitted Drawings**

Attachment 3: Site Plan

Attachment 4: Elevation Plans (South)

Attachment 5: Elevation Plans (East)

Attachment 1: Location Map



Attachment 2: Draft Zoning By-law Amendment

**CITY OF TORONTO  
DRAFT BY-LAW No. -2023 [Clerk to assign by-law number]**

**To amend ~ Zoning By-law No. 569-2013, as amended by 1151-2022 (OLT), to remove the holding symbol (H) with respect to the lands known municipally in the year 2022 as 234-250 King Street East and 162 Princess Street**

WHEREAS authority is given to Council by Section 34 and Section 36 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to impose the holding symbol (h) and to remove the holding symbol (h) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas there are official plan policies in effect addressing the use of the holding symbol ("h"); and

Whereas it is appropriate that the holding symbol ("h") be removed from the lands subject to this By-law; and

WHEREAS Council has provided notice of the intent to pass this By-law;

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

1. Diagram 2 of by-law 1151-2022 (OLT) is hereby is amended by removing the holding symbol (H) from the lands shown on the attached Diagram '2'.

ENACTED AND PASSED this ~ day of ~ , 2023.

JOHN TORY,  
Mayor

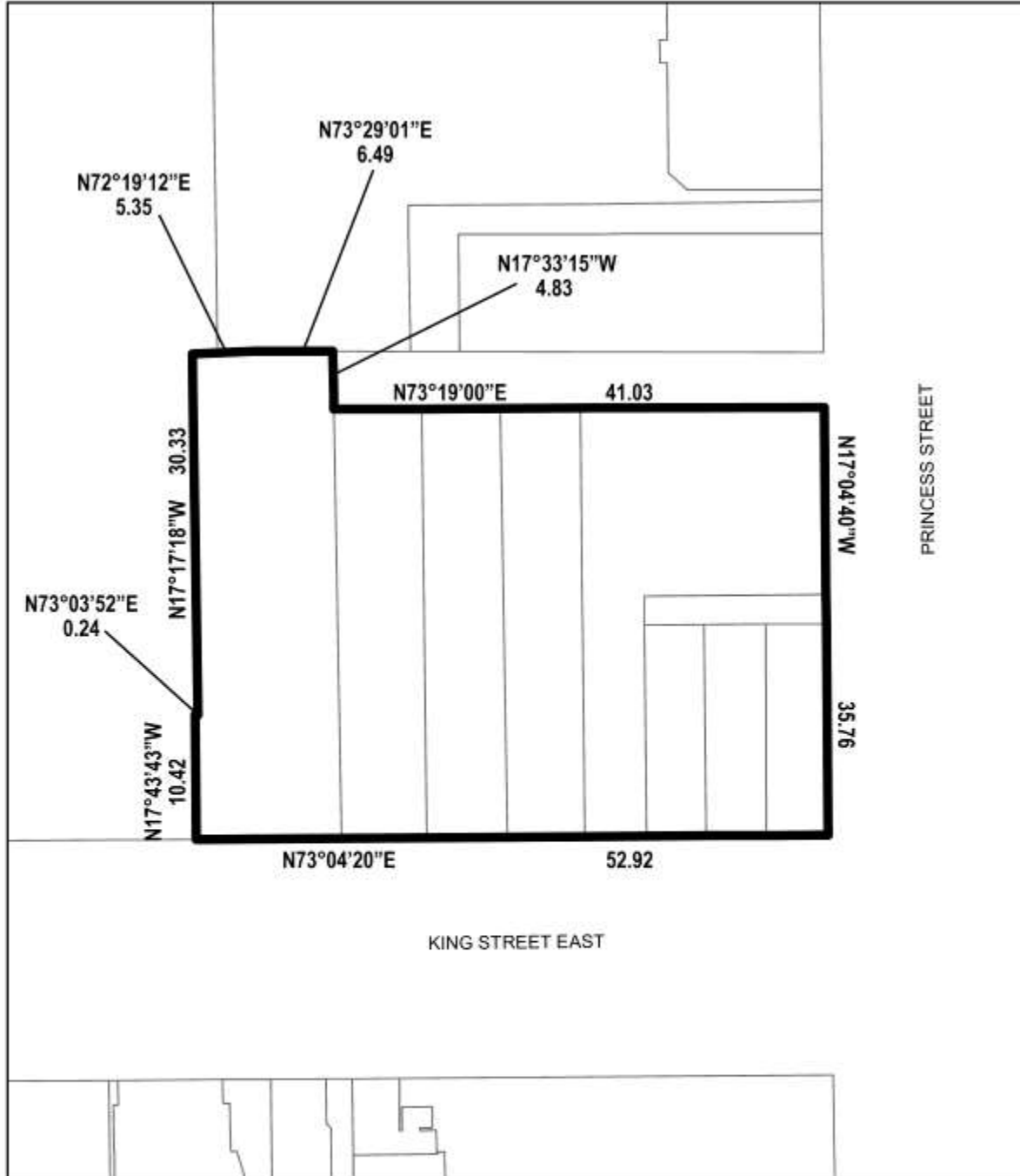
John D. Elvidge  
City Clerk

(Corporate Seal)





Diagram '1'

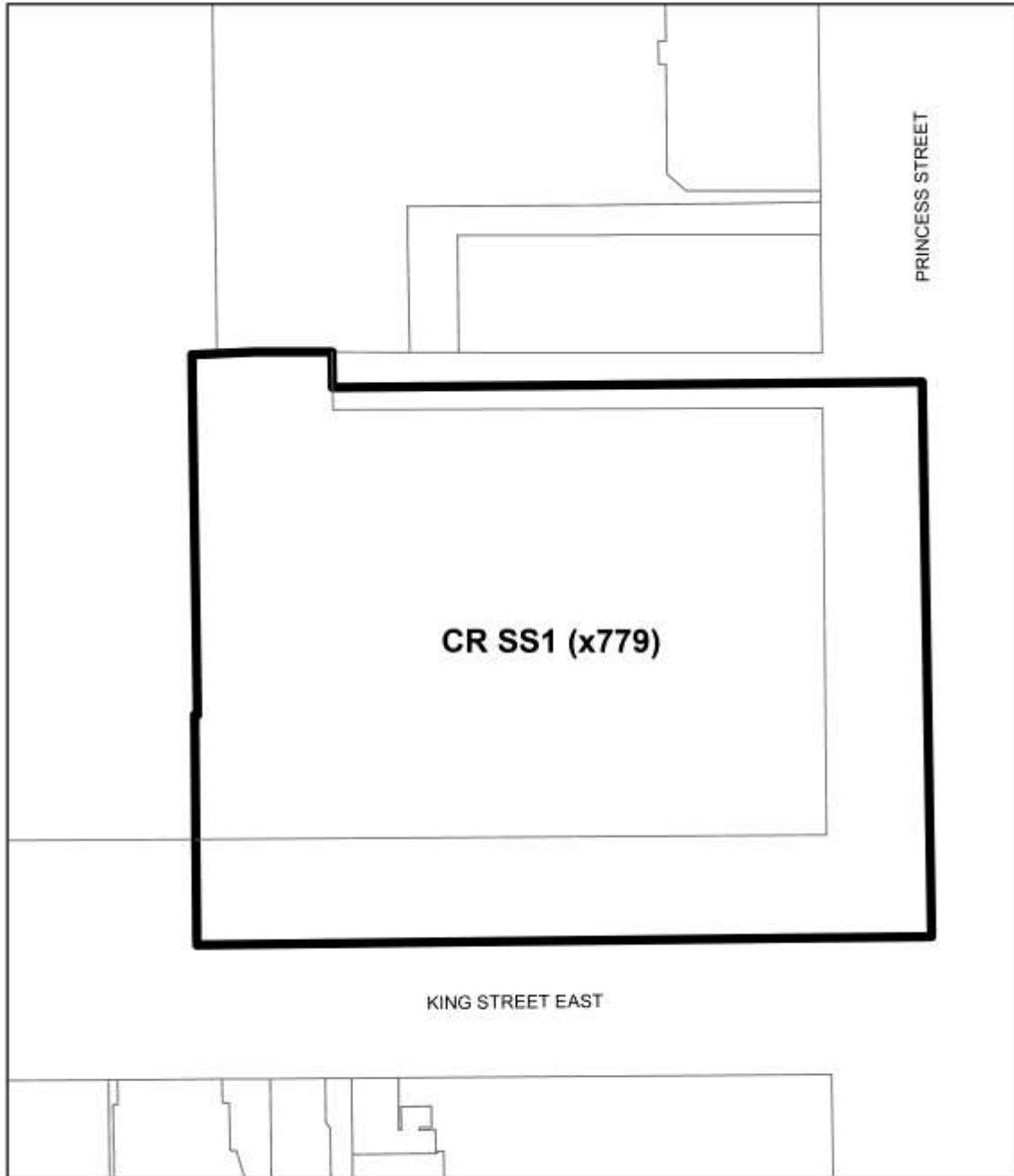


 **TORONTO**  
Diagram 1

**234-250 King Street East &  
162 Princess Street**  
File # 22 215914 STE 13 0Z

  
City of Toronto By-law 569-2013  
Not to Scale  
07/22/2022

Diagram '2'

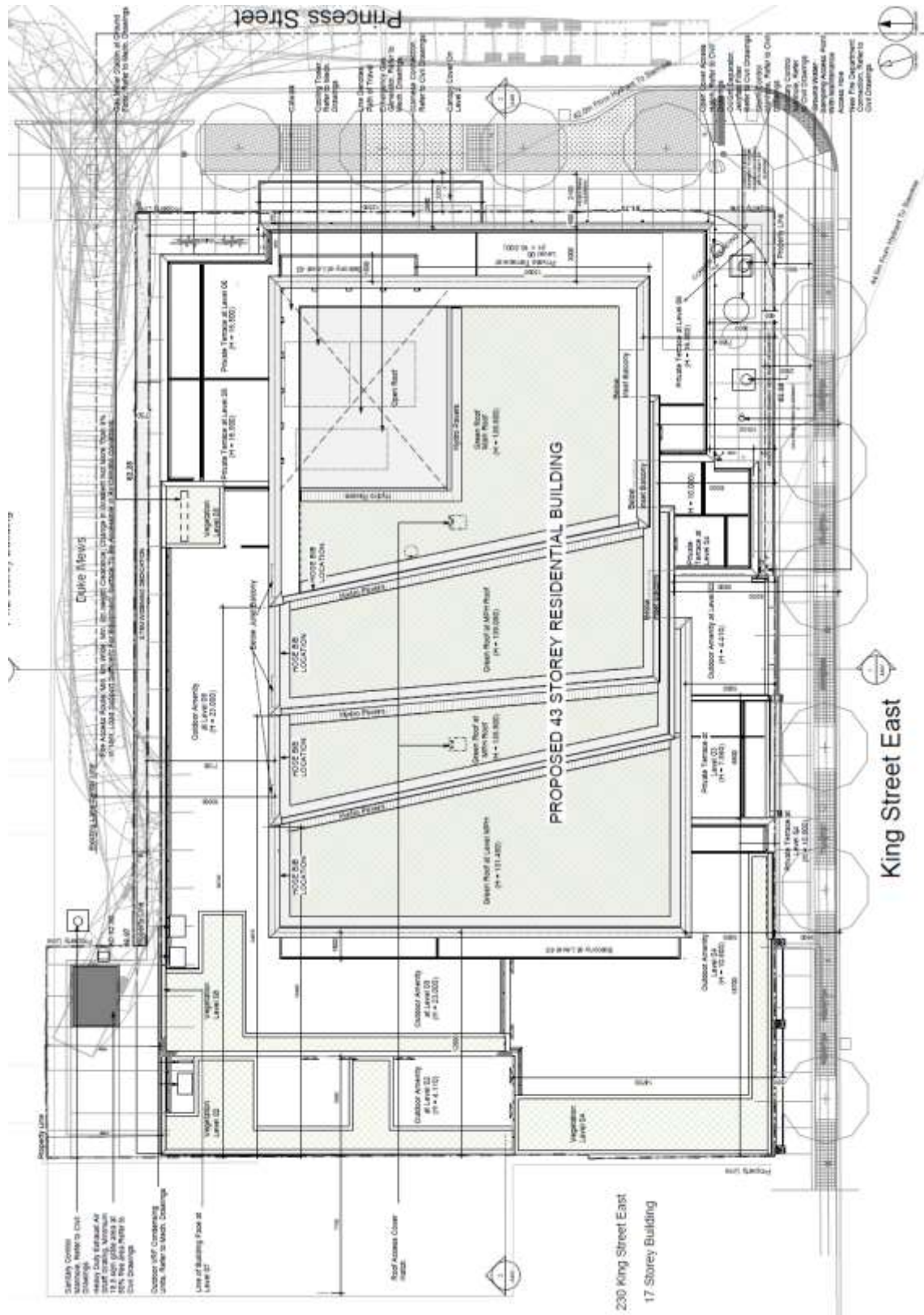


 **TORONTO**  
Diagram 2

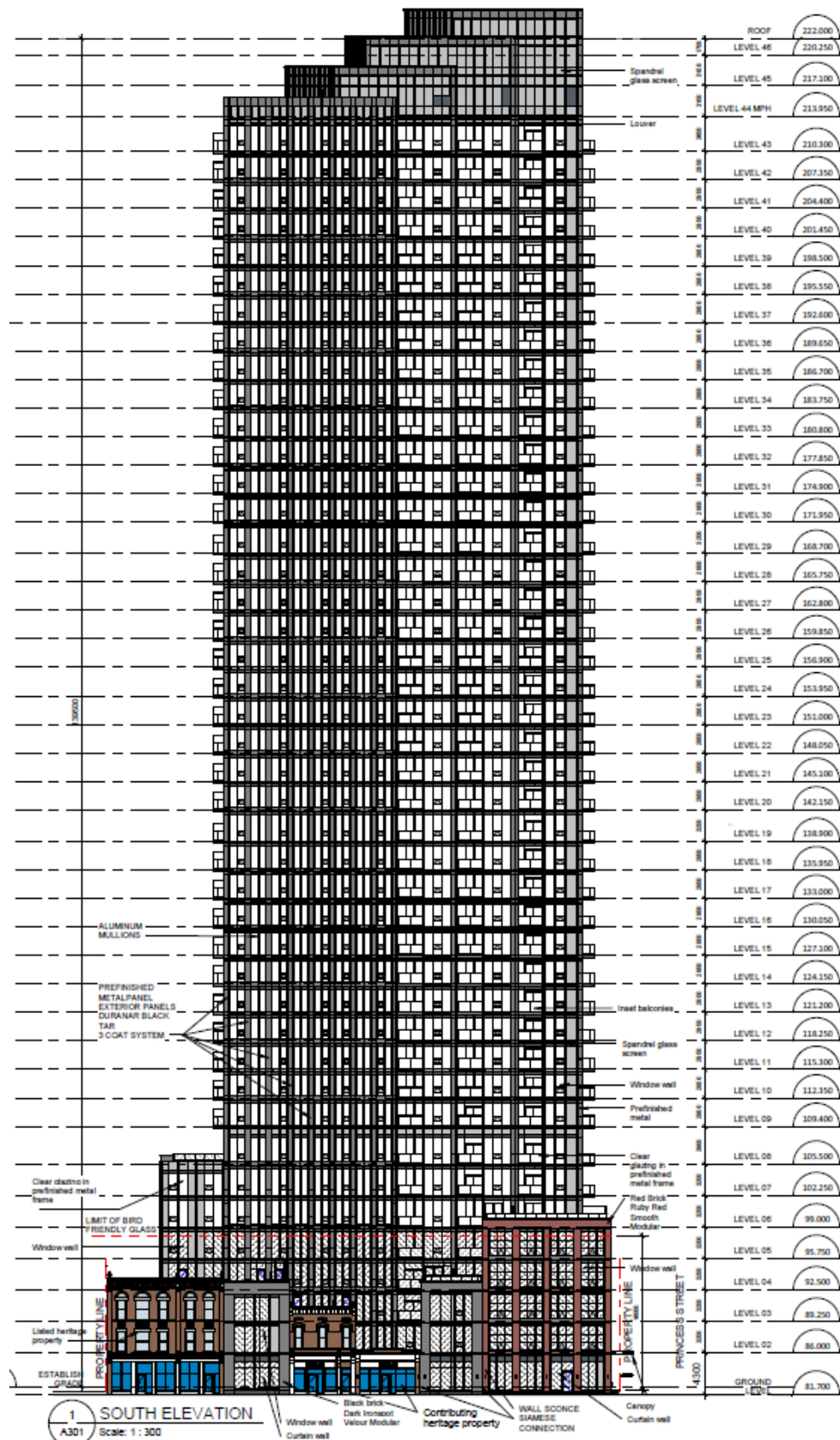
**234-250 King Street East &  
162 Princess Street**  
File # 22 215914 STE 13 0Z

  
City of Toronto By-law 569-2013  
Not to Scale  
01/30/2023

Attachment 3: Site Plan



Attachment 4: Elevation Plans (South)



Attachment 5: Elevation Plans (East)

