

276-294 Main Street – Part Lot Control Exemption Application – Decision Report – Approval

Date: October 30, 2023

To: Toronto and East York Community Council

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

Ward: 19 – Beaches-East York

Planning Application Number: 23 133834 STE 19 PL

SUMMARY

This report reviews and recommends approval of the Part Lot Control Exemption application at 276-294 Main Street, to permit the division of the site into four lots and to transfer ownership into stratified parcels.

The Part Lot Control Exemption application implements the site-specific Zoning By-law and Site Plan approval for the site and is associated with a Standard Condominium application for the residential component of the development. This report also recommends that the owner of the lands be required to register a Section 118 Restriction under the Land Titles Act against the lands to ensure that no part of the lands can be conveyed or mortgaged without prior consent of the Chief Planner and Executive Director, City Planning.

RECOMMENDATIONS

The Director, Community Planning Toronto and East York District recommends that:

1. City Council enact a Part Lot Control Exemption By-law with respect to the lands at 276-294 Main Street, as generally illustrated on Attachment 2 to this report 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. Prior to the introduction of the necessary bill(s) to City Council for enactment of a Part Lot Control Exemption By-law, City Council require the owner to:
 - a. Provide proof of payment of all current property taxes for the lands to the satisfaction of the City Solicitor; and
 - b. Register, to the satisfaction of the City Solicitor, a Section 118 Restriction under the Land Titles Act agreeing not to convey or charge any part of the

lands described in Schedule "A" in Attachment 3 to this report without the written consent of the Chief Planner and Executive Director, City Planning or their designate.

3. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from all or any portion of the lands in the City Solicitor's sole discretion after consulting with the Chief Planner and Executive Director, City Planning, but in any event, only after the owner provides fully executed copies of a certificate from the applicant's solicitor with respect to the creation of necessary easements.
4. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title to the lands or any portion thereof against which the Section 118 Restriction under the Land Titles Act has been registered.
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 City staff to take necessary steps, including the execution of agreements and documents which set out the implementation of the Part Lot Control Exemption By-law, to give effect to the above-noted recommendations.

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

The site was previously subject to a Zoning By-law Amendment application (17 190765 STE 32 OZ) and a Site Plan Control application (17 190775 STE 32 SA) to permit a new 30-storey mixed used building. These applications were appealed to the Ontario Land Tribunal (OLT) due to the City's failure to make a decision within the prescribed timelines outlined in the Planning Act. A settlement was reached between the City and the applicant, and the OLT issued its final order to approve the amendments to Zoning By-law 438-86 and Zoning By-law 569-2013. The Request for Direction report regarding the settlement is available here:

<https://secure.toronto.ca/council/agenda-item.do?item=2019.TE3.9>

THE APPLICATION

Description: The property is located south of Danforth Avenue, on the west side of Main Street. The current proposal divides the property into four stratified parcels to allow for transfer of ownership. The four stratified parcels on the property consist of the residential condominium, parking, office, and retail uses. Residential condominium usage is located on all levels of the development. Parking usage is located on the two (2) levels of underground parking, as well as the ground floor. Office and retail uses are

found on the ground level in the development. Office, retail, and commercial parking uses will be retained by the developer as freehold parcels to transfer ownership separately.

The retail lands are proposed to be subject to easements for access regarding construction, maintenance, and at-grade exterior walkways in favour of the office and commercial parking lands. The office lands are proposed to be subject to easements for access regarding construction, maintenance, and at-grade exterior walkways in favour of the retail and commercial parking lands. The commercial parking lands are proposed to be subject to easements for access regarding construction, maintenance, and the at-grade exterior walkway and lobby, in favour of the retail and office lands.

See Attachment 1 to this report for a map of the location of the lands. See Attachment 2 to this report for illustrations of the Part-Lot Control Exemption Plan.

Draft Plan of Condominium

A Draft Plan of Standard Condominium application for 371 residential units (23 117200 STE 19 CD) was submitted on February 24, 2023.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement and shall conform to provincial plans.

City of Toronto Official Plan: The site is designated as Mixed Use Areas as shown on Map 21-Land Use in the Official Plan. This site is within the boundaries for Character Area C in the in-force Site and Area Specific Policy 577 (SASP 577), which implements the Main Street Planning Study.

Zoning: The site is zoned Commercial Residential (CR2.0 and CR3.0) under Zoning By-law 569-2013.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. Staff find the proposal to be consistent with the PPS and in conformity with the Growth Plan for the Greater Golden Horseshoe.

Land Division

The proposal is appropriate because it conforms to the Official Plan and implements the site specific Zoning By-law and Site Plan approval for the site.

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 lands are within a registered plan of subdivision. The lifting of Part Lot Control on the 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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E-mail: Camryn.Chin@toronto.ca

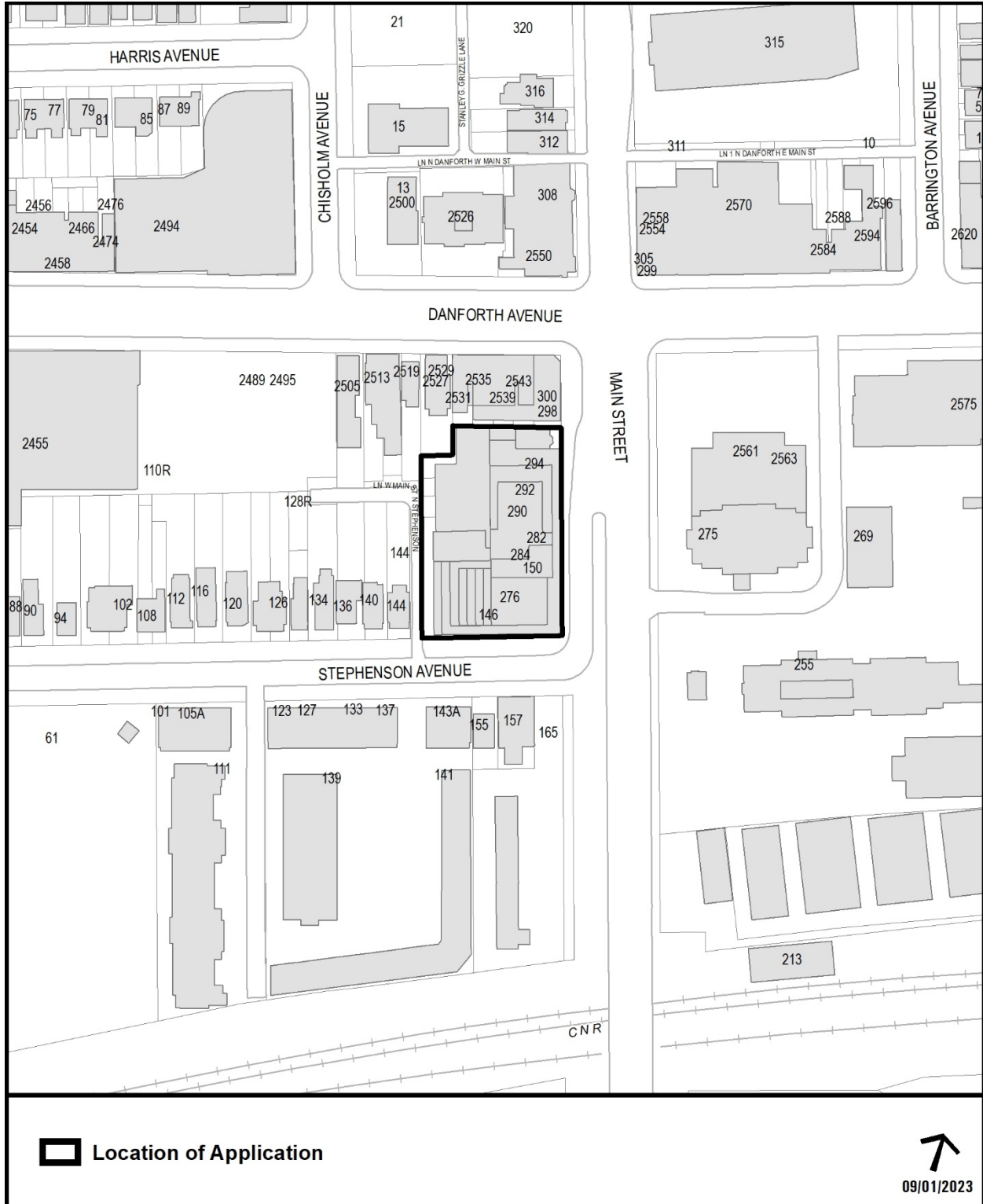
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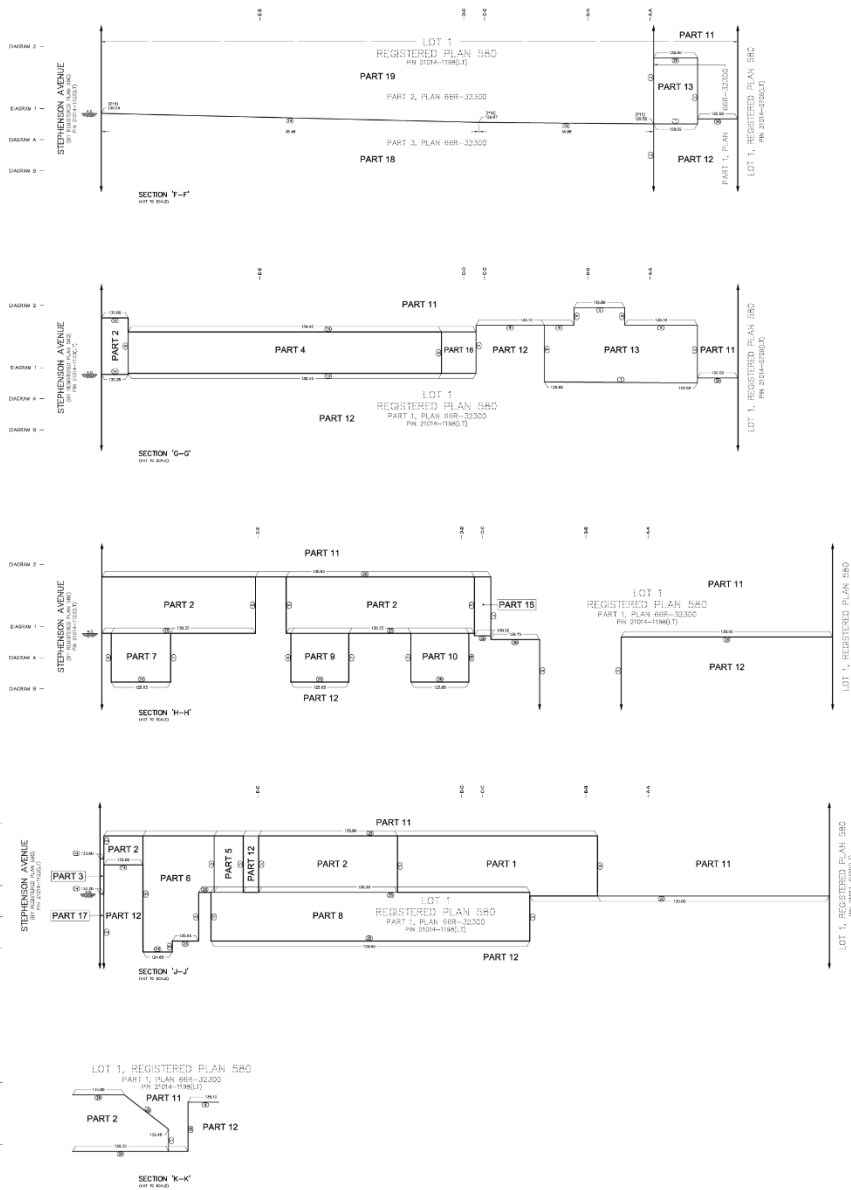
Carly Bowman, M.Sc.Pl., MCIP, RPP
Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Part Lot Control Exemption Plans
Attachment 3: Draft Part Lot Control Exemption By-law

Attachment 1: Location Map





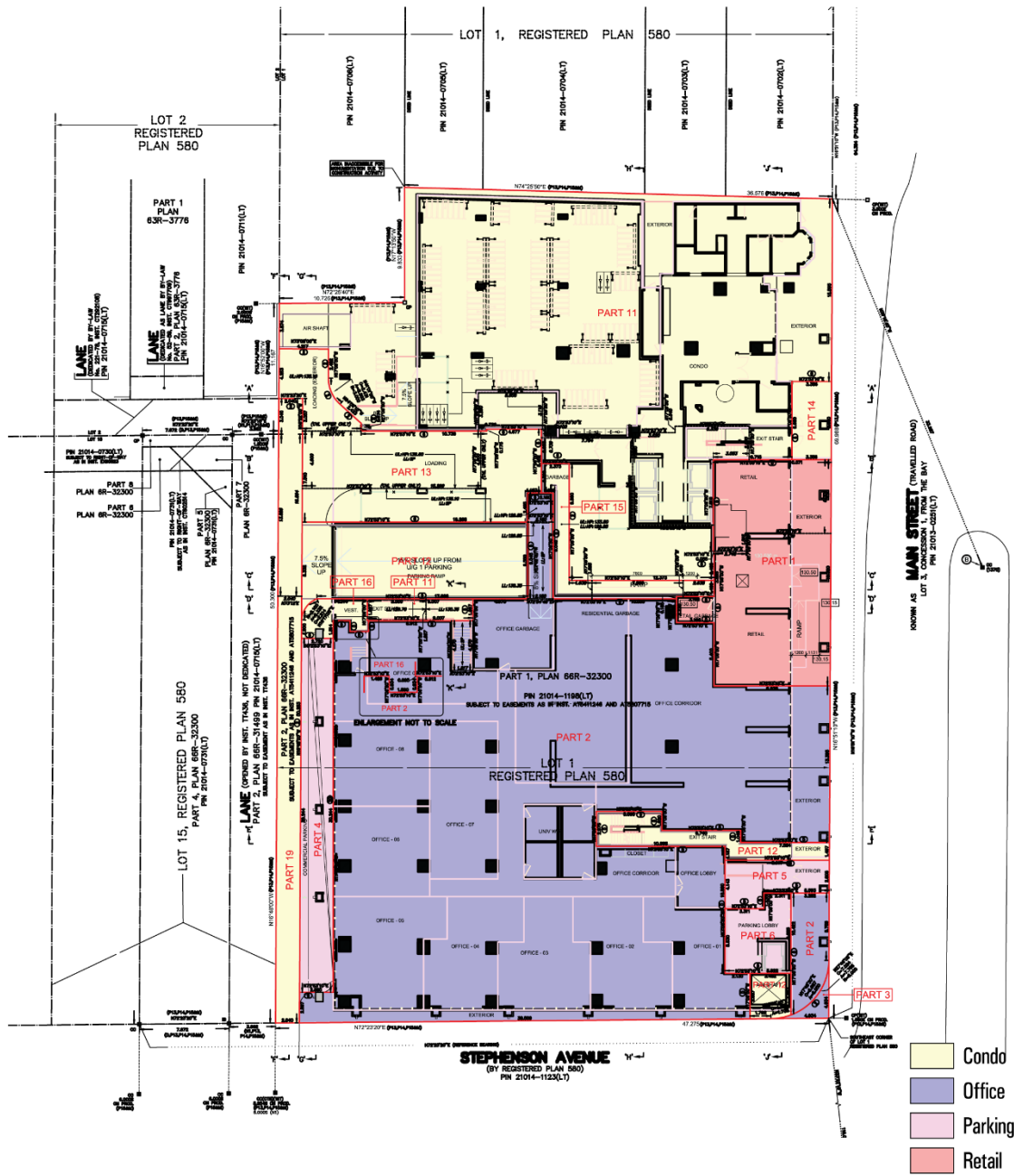
Part Lot Plan (Vertical 2)

276-294 Main Street

Applicant's Submitted Drawing

Not to Scale
09/05/2023

File # 23 133834 STE 19 PL



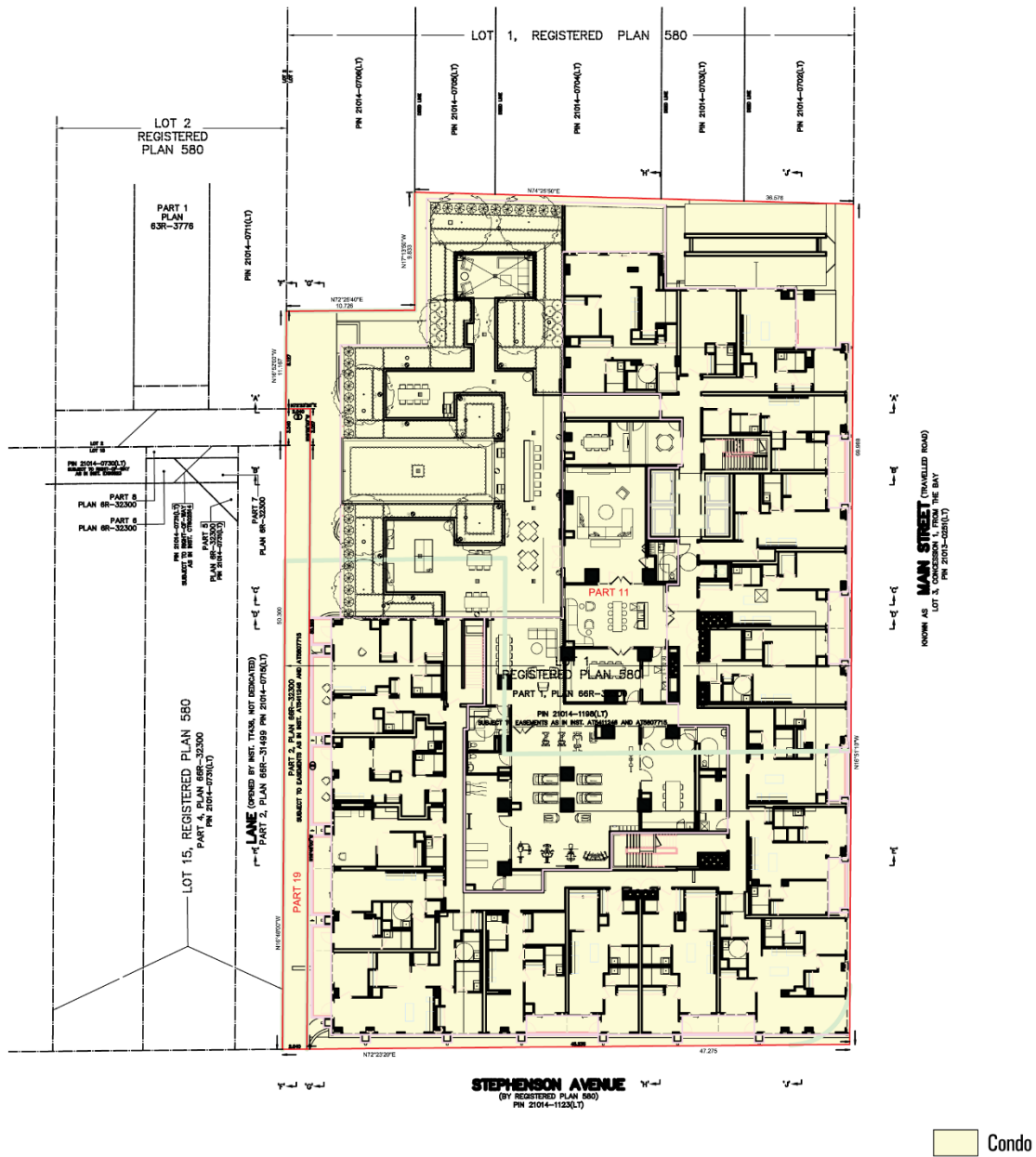
Part Lot Diagram 1 - Part Limits At Elevation 131.0 m (Ground Floor)

276-294 Main Street

Applicant's Submitted Drawing

Not to Scale
09/05/2023

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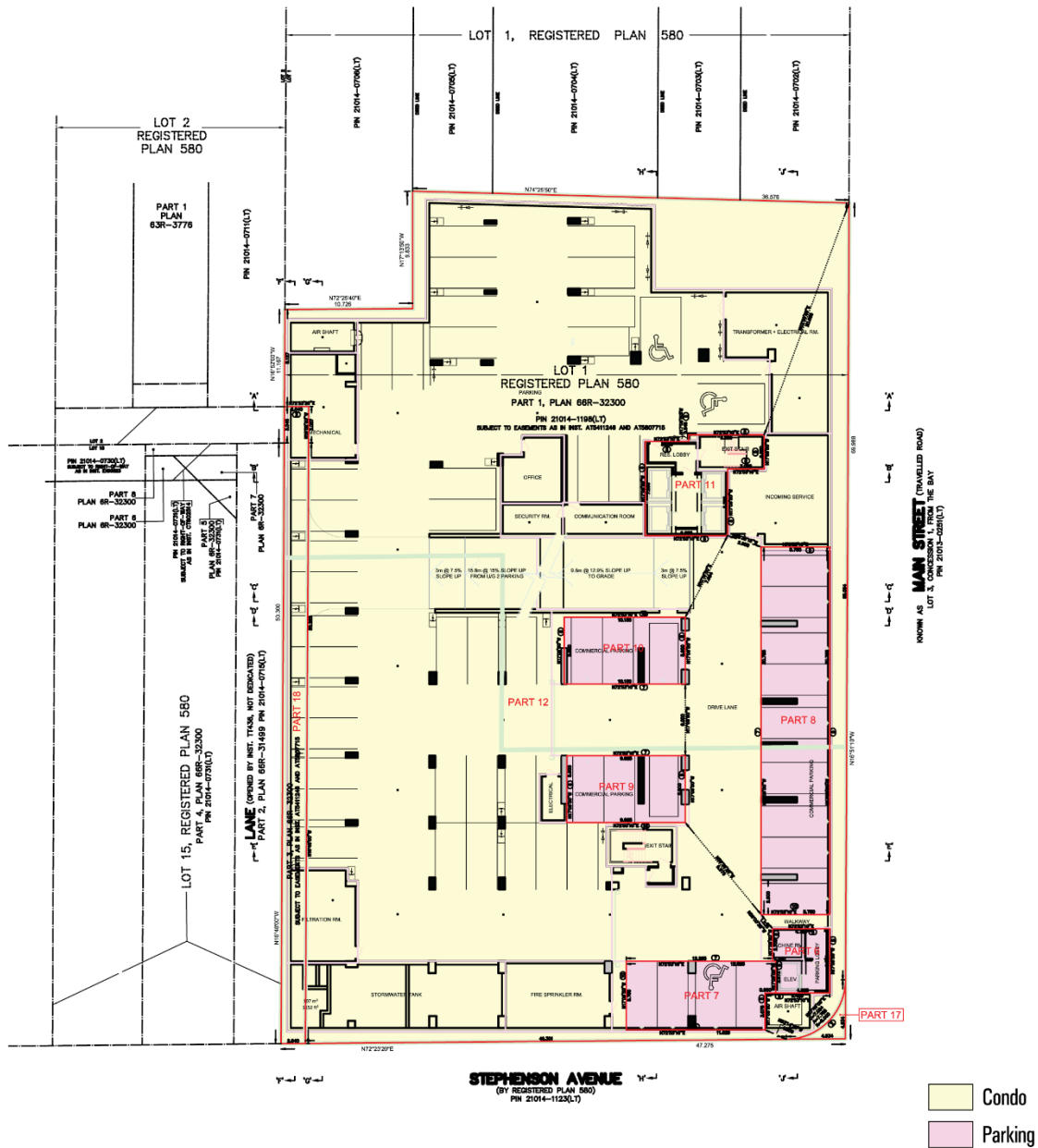
Part Lot Diagram 2 - Part Limits At Elevation 137.0 m (Second Floor)

276-294 Main Street

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Not to Scale
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Part Lot Diagram A - Part Limits At Elevation 128.0 m (P1 Parking)

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Not to Scale
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Part Lot Diagram B - Part Limits At Elevation 125.0 m (P2 Parking)

276-294 Main Street

Applicant's Submitted Drawing

Not to Scale
09/05/2023

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Attachment 3: Draft Part Lot Control Exemption By-law

Authority: Toronto and East York Community Council Community Council Item No. _____, as adopted by City of Toronto Council on _____, 2023.

CITY OF TORONTO

Bill _____

By-law _____-2023

To exempt a portion of the lands municipally known as 276-294 Main 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".
2. This By-law expires two years from the date of its enactment by Council.

Enacted and passed on, _____, 2023

Frances Nunziata, John Elvidge
Speaker City Clerk

(Seal of the City)

Schedule "A"

Municipal Address:

276-294 Main Street

Legal Description:

PART OF LOT 1 REGISTERED PLAN 580 CITY OF TORONTO