

**Revised Settlement - King Spadina Part II Plan -  
354 Wellington Street West and 36 Blue Jays Way  
(Downtown)**

*(City Council on November 23, 24 and 25, 1999, adopted this Clause, without amendment.)*

**The Toronto Community Council recommends the adoption of the following report (October 21, 1999) from the Acting Commissioner of Urban Planning and Development Services:**

Purpose:

This report outlines the basis for a revised settlement of an appeal to the Ontario Municipal Board by the owners of 354 Wellington Street West, of the King Spadina Part II Plan and Zoning By-law amendment. This revision is a result of a development proposal by the owner.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) The Commissioner of Urban Planning and Development Services, the City Solicitor and other appropriate City officials, be authorized to settle the appeal to the Ontario Municipal Board in accordance with the revised building height envelope set out on Map 1 (attached), and subject to the owner agreeing to the following requirements:
  - (a) withdrawal of the related appeals to the King Spadina By-laws by the owner;
  - (b) the enactment of a building envelope as set out on Map 1, with the height limits indicated to include the mechanical penthouse (i.e. there is no additional height permitted to accommodate mechanical space);
  - (c) the owner providing a Public Art contribution equal to one percent of the gross construction costs of the project, to be secured through a Section 37 Agreement; and
  - (d) the owner agreeing to cease parking operations on the west portion of the surface parking lot as part of the first phase of any development on the lot.
- (2) The City Solicitor be instructed to seek approval by the Ontario Municipal Board of the revised settlement, independent, if necessary, of the other appeals still outstanding to the King Spadina Part II Plan and implementing Zoning By-law.

- (3) City Council amend the authority of the former Council for the City of Toronto contained in Clause 5 of Report No. 8 of the Land Use Committee as it applies to the terms of settlement for 354 Wellington Street West, so that the building envelope to be secured is that referred to in recommendation 1 above.

Background:

The King Spadina Part II Plan and implementing Zoning By-law were passed in 1996. There are four outstanding appeals to these by-laws that have not been resolved. One of these affects the site at 354 Wellington Street West and 36 Blue Jays Way. The Ontario Municipal Board has approved the implementing By-laws for all of the King Spadina area excluding the lands under appeal. While the Ontario Municipal Board requested that settlement of the appeals be brought forward as a package, two of these sites do not have active development proposals which may be the basis of a settlement; two of the appeals are proceeding independently to the Ontario Municipal Board as authorized by City Council.

A settlement on this site was adopted by the Land Use Committee of the former City of Toronto (Clause 5 of Report No. 8) in 1997. Since that time the owners have revised the design of the project to reflect the uses and building program they are now bringing forward. An application for the site is expected in the near future.

#### Comments:

The 354 Wellington Street West/36 Blue Jays Way site is proposed to be developed in two phases. The first phase would be residential with commercial space at grade. The second phase would be for non-residential uses. Parking, loading and access points would be integrated to serve both phases.

Discussions with the owner's representatives have resulted in changes to the building envelope which reflect the planning and design objectives for this portion of the block. A major improvement has been the proposed massing for the portion of the lot facing Clarence Square and the row houses along the north side of the park.

The changes from the previous settlement are minor, and result in acceptable modifications to the permitted building heights across the site. The revised height envelope is shown on Map 1, while the previous height envelope is shown on Map 2.

#### Section 37 Agreement

As part of the existing settlement there is a requirement for the owner to enter into a Section 37 Agreement. This agreement is currently being finalized. It will require funds to be paid at the building permit stage for the purposes of public art. City staff will ensure that the Section 37 Agreement forms part of the settlement.

#### Surface Parking

The current use of the site is for surface parking. Originally this parking lot was restricted to the eastern portion of the site. In April 1996, the owner demolished the building on the western half of the site, and extended the parking lot onto those lands. This use extension was not permitted under the zoning by-law as surface parking lots are prohibited in the King Spadina area. The City started proceedings to close this portion of the parking lot. However, City Council of the former City of Toronto approved the parking lot on a temporary basis.

The phasing of the development proposes construction on the west half of the site where the extension to the parking lot is located. Any settlement of the appeal should ensure that this parking lot is removed.

## Elements of Settlement

I am recommending that Council authorize settlement of the appeals of the King Spadina planning by-laws for this site at the Ontario Municipal Board. This settlement is subject to the owner's agreement to the following:

- (a) withdrawal of the related appeals to the King Spadina By-laws by the owner;
- (b) the enactment of a building envelope as set out on Map 1, with the height limits indicated to include the mechanical penthouse (i.e. there is no additional height permitted to accommodate mechanical space);
- (c) the owner providing a Public Art contribution equal to one percent of the gross construction costs of the project, to be secured through a Section 37 Agreement; and
- (d) the owner agreeing to cease parking operations on the west portion of the surface parking lot as part of the first phase of any development proposal on the lot.

## Conclusions:

Discussions with the owner of 354 Wellington Street West and 36 Blue Jays Way have resulted in a proposed settlement of an outstanding appeal to the Ontario Municipal Board. Subject to the conditions outlined above, I am recommending that Council approve a revised settlement agreement which will result in minor changes to the built form requirements applied to this site.

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Insert Table/Map No. 1  
Wellington / Blue Jays

Insert Table/Map No. 2  
Wellington / Blue Jays

Insert Table/Map No. 3  
Wellington / Blue Jays

*(Councillor Shiner, at the Council meeting held on November 23, 24 and 25, 1999, declared an interest in the foregoing Clause, in that a member of his family owns property in the subject area.)*