

409 Front Street East – Part Lot Control Exemption Application – Final Report

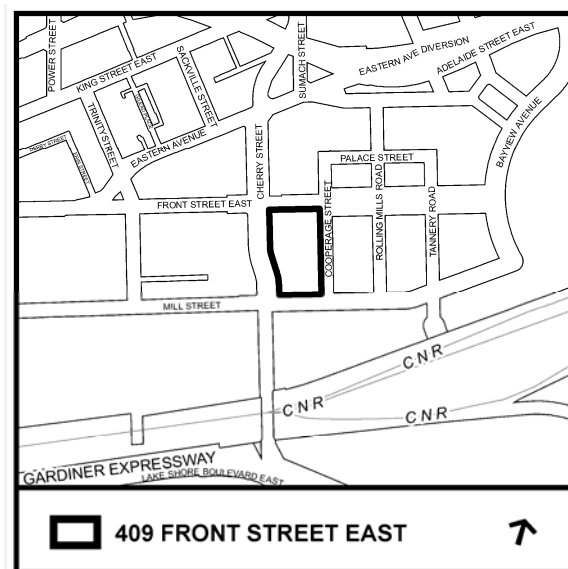
Date:	May 26, 2020
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 13 – Toronto Centre
Reference Number:	20 112399 STE 13 PL

SUMMARY

This application requests exemption from the Part Lot Control provisions of the *Planning Act* on the lands municipally known at 409 Front Street East to facilitate the development of Block 10 (the “Subject Lands”) of the West Don Lands. Five (5) conveyable lots will be created through this application. Block 10 is within a registered plan of subdivision.

The proposed development will include five buildings each on their own separately conveyable parcel: an indigenous health centre, a training/education/employment facility, a heritage commercial and retail building, a residential condominium, and a residential rental building. The entire site will be serviced by one level of below-grade parking which will provide parking for the visitors of the various buildings and the residents of the two residential buildings.

The proposed exemption from the part lot control provisions of the *Planning Act* has been requested by the owner to permit the division of the lands into a number of parcels that will enable the applicant to transfer or mortgage title



for portions of the lands along with easements to facilitate the implementation of the project.

This report reviews and recommends approval of Part Lot Control Exemption by-laws to be enacted for a period of up to 4 years on Block 10 of the West Don Lands. In addition, this report recommends that the owner of the Subject Lands be required to register a Section 118 Restriction under the Land Titles Act agreeing not to convey or charge any part of the Subject Lands without prior consent of the Chief Planner and Executive Director or their 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 409 Front Street East as generally illustrated on Attachments 1 and 2 and substantially in accordance with the Draft Part Lot Control Exemption By-law attached as Attachment No. 3 to the report from the Director Community Planning, Toronto and East York District, to expire 4 years following enactment by City Council.
2. Prior to the introduction of the Part Lot Control Exemption Bill for enactment, City Council require the owner:
 - a. to provide proof of payment of all current property taxes for the subject lands to the satisfaction of the City Solicitor; and
 - b. to 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 without the written consent of the Chief Planner or her designate.
3. 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.
4. 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.
5. City Council authorize City officials 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

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

DECISION HISTORY

The West Don Lands Precinct Plan was endorsed by City Council in 2005. The plan provides the framework for future development which was further refined by the Block Plan and Design Guidelines, the Public Realm Master Plan, and through a zoning by-law to implement the precinct vision.

In June 2005, Waterfront Toronto as the master developer for the West Don Lands, submitted applications for the Draft Plan of Subdivision, a Zoning By-law Amendment and the Lifting of the "h" holding symbol for the entire West Don Lands. The Zoning By-law Amendment was adopted by City Council in June, 2006. After discussions with City staff, it was determined that these applications should proceed in phases.

In August 2010, City Council approved the removal of the Phase 2 "h" holding symbol subject to the criteria in the King-Parliament Secondary Plan being satisfied and following the registration of the Plan of Subdivision Agreement. The Plan of Subdivision received Draft Approval on December 30, 2010 and was registered September 9th, 2011 (66M-2488). The "h" holding symbol was removed by City Council at its meeting on September 21st & 22nd, 2011 (By-law 1131-2011).

A Site Plan application for Block 10 was submitted on September 27, 2019 (File no. 19 215798 STE 13 SA) and consists of two sub-phases. Phase A applies to the Anishnawbe Health Toronto (AHT) health centre while Phase B applies to the remainder of the lands. The Site Plan application is currently under review. A Minor Variance has also been submitted to receive relief from the applicable zoning requirements. The Minor Variance is currently under review.

ISSUE BACKGROUND

Proposal

The application proposes a mixed-use project composed of two phases. Phase A is the four-storey Anishnawbe Health Toronto Indigenous Community Health Centre (AHT ICHC). Phase B is composed of a five-storey training, education, and employment facility; the restored three-storey Canary Building (heritage Listed); a 12-storey residential condominium building with retail at grade; an 11-storey residential rental building; and one level of below-grade parking. The

overall project will be comprised of 205 condo dwelling units, 238 rental dwelling units, 1,097 square metres of retail, 4,425 square metres of office, and 5,492 square metres of institutional space.

The site also features a number of open spaces which are allocated to the five ownership entities including: a publically accessible plaza at the southwest corner of the block; a pedestrian mews between the Canary Building and the training, education, and employment facility; a central courtyard space that connects to the AHT ICHC and the training facility; and outdoor amenity space located on the roofs of the rental and condo buildings.

The Site Plan application for both phases is currently under review. The proposed exemption from the Part Lot Control provisions of the *Planning Act* has been requested by the owner to permit flexibility for financing and construction purposes. The five ownership components will also be subject to access, servicing, maintenance, and construction easements in favour of the other owners.

Site and Surrounding Area

The site is known as Block 10 of the West Don Lands, a 0.97 hectare block bounded by Front Street East to the north, Cooperage Street to the east, Mill Street to the south, and Cherry Street to the west.

Surrounding land uses are as follows:

North: On the north side of the Front Street East Promenade is the Cooper Koo YMCA and the George Brown College Student Residence. Further east, there are additional mid-rise residential buildings with retail at-grade along Front Street East.

South: On the south side of Mill Street is the Cherry Street streetcar loop, the USRC rail corridor, and development Block 8 (approved and currently under construction).

East: One the east side of Cooperage Street is an 11-storey mid-rise residential building, with retail along Front Street East (Block 11).

West: On the west side of Cherry Street are development Blocks 3/4/7 whose rezoning application is currently under review.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: 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)

The Provincial Policy Statement (2020) (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. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

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.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of 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.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe ("GGH") region, of which the City forms an integral part. The Growth Plan (2019) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;

- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) 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 policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities. At the time of the MCR, municipalities can make a request to the Province for alternative targets to those set out in the Growth Plan. Major Transit Station Area boundaries will not be delineated until such time as the City initiates and completes an MCR in conformity with the Growth Plan (2019).

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Official Plan

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The application is located on lands within the Downtown and Central Waterfront area on Map 2, and designated Regeneration Areas on Map 18 of the Official Plan.

The application is also located within the King-Parliament Part II Plan and the Central Waterfront Secondary Plan. The policy direction of both Secondary Plans are applicable to the subject application.

West Don Lands Precinct Plan and Supporting Documents

In May 2005, City Council adopted the West Don Lands Precinct Plan, 2005 ("The Precinct Plan") as a non-statutory plan. A partial update was completed in 2011. The Plan area is generally bordered by Eastern Avenue, Bayview Avenue, the railway corridor and Parliament Street. The Precinct Plan sets out a vision for the area, and identifies the public investment required for redevelopment, includes a development plan and guidelines, and a phasing and implementation approach. A Class Environmental Assessment Master Plan was also adopted by City Council in May 2005 in conjunction with the Precinct Plan that addresses the planning of the infrastructure needed for the area.

The application is located on lands identified as Blocks 10 of the Precinct Plan.

Zoning By-laws

The site is zoned RA "Reinvestment Area" in Zoning By-law 438-86. Zoning By-law Amendment 4-2011 also applies to the site, which outlines the heights, setbacks and stepbacks, permitted uses, and other performance standards for the development blocks in Phase 2 of the West Don Lands.

Maximum heights vary across Block 10, with the following height limits as follows: 14 metres on the northwest corner of the site (the Canary Building); 30 metres along Cherry Street; 26 metres along Mill Street; 20 metres along Cooperage Street, and 36 metres on the northeast corner of the block at Cooperage and Front Street East.

Site Plan Control

A Site Plan Control application was submitted on September 27, 2019 and is currently under review by City staff. A Minor Variance application has been submitted and is currently under review.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2019).

Both the PPS and the Growth Plan encourage intensification and redevelopment in urban areas. In addition, there is a mix of various housing types and includes both rental and market housing. The indigenous health centre and learning centre will become valuable community benefits for the West Don Lands community and the broader indigenous community. Staff have determined that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2019).

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, subject to the Section 118 Restriction under the *Land Titles Act*. The Part Lot Control Exemption will facilitate the development of the site including the creation of lots and multiple ownerships, and the establishment of easements and rights-of-ways to ensure appropriate pedestrian, servicing and vehicular access between properties.

Prior to enactment of the Part Lot Control Exemption By-law it is recommended that the owner register a Section 118 Restriction under the *Land Titles Act*. The restriction requires the owner to agree not to convey or mortgage any part of the lands without the prior written consent of the Chief Planner. This enables the City to ensure that the Part Lot Control exemption is not unlimited and that appropriate mechanisms are secured to support 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, given the scale of the project, it is recommended that the By-law expire 4 years following enactment by City Council. This time frame is expected to provide sufficient time for the completion of the proposed development.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2019), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020), does not conflict with the Growth Plan (2019), and conforms to the Official Plan. The lifting of Part Lot Control is appropriate for the orderly development of these lands. Staff recommend that Council support approval of the application.

CONTACT

Megan Rolph, Planner
Tel. No. (416) 392-3479
E-mail: Megan.Rolph@toronto.ca

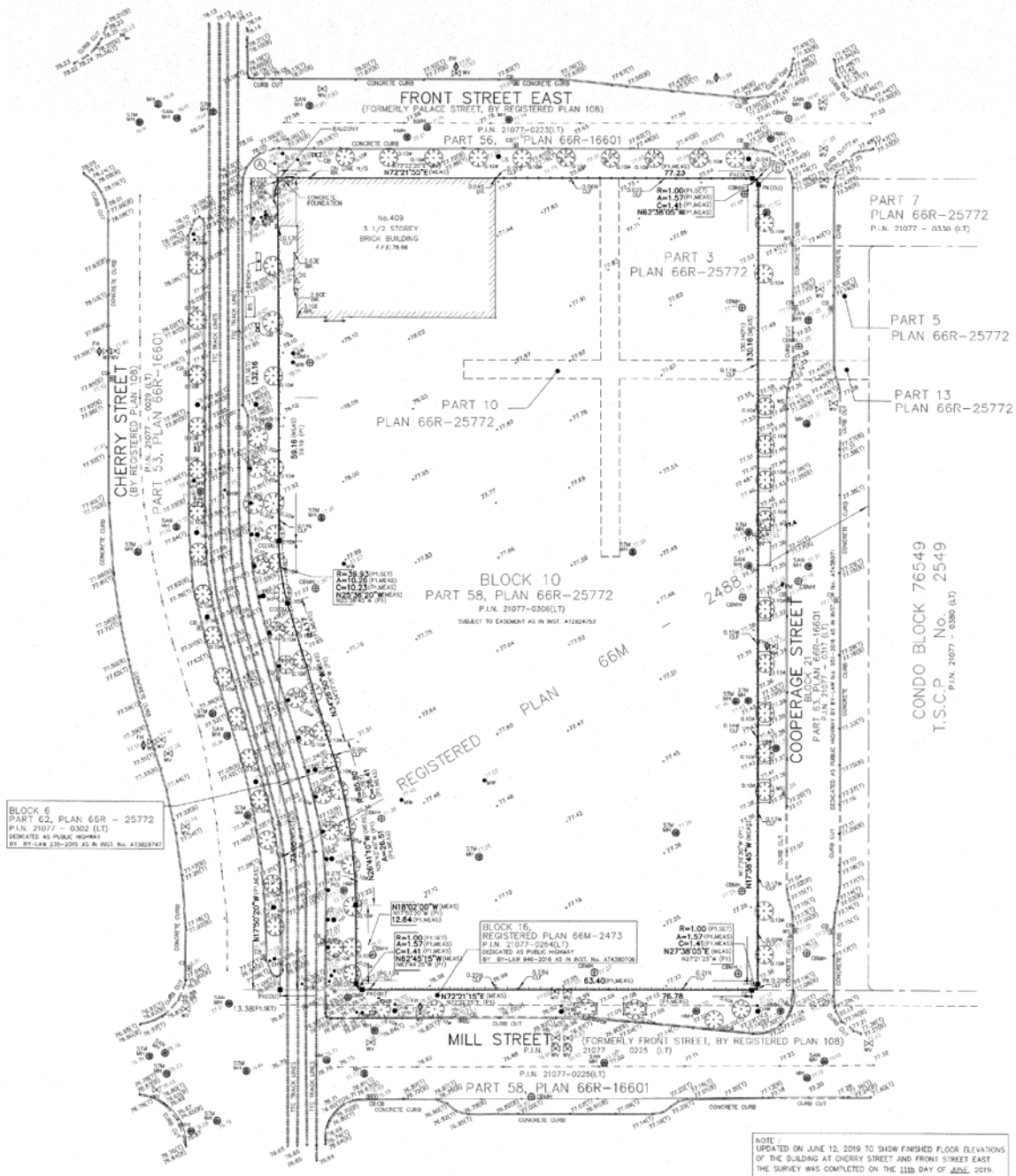
SIGNATURE

Lynda H Macdonald, Director
Community Planning, Toronto and East York District

ATTACHMENTS

Attachment 1: Survey Plan
Attachment 2: Site Plan
Attachment 3: Draft Part Lot Control Exemption By-law

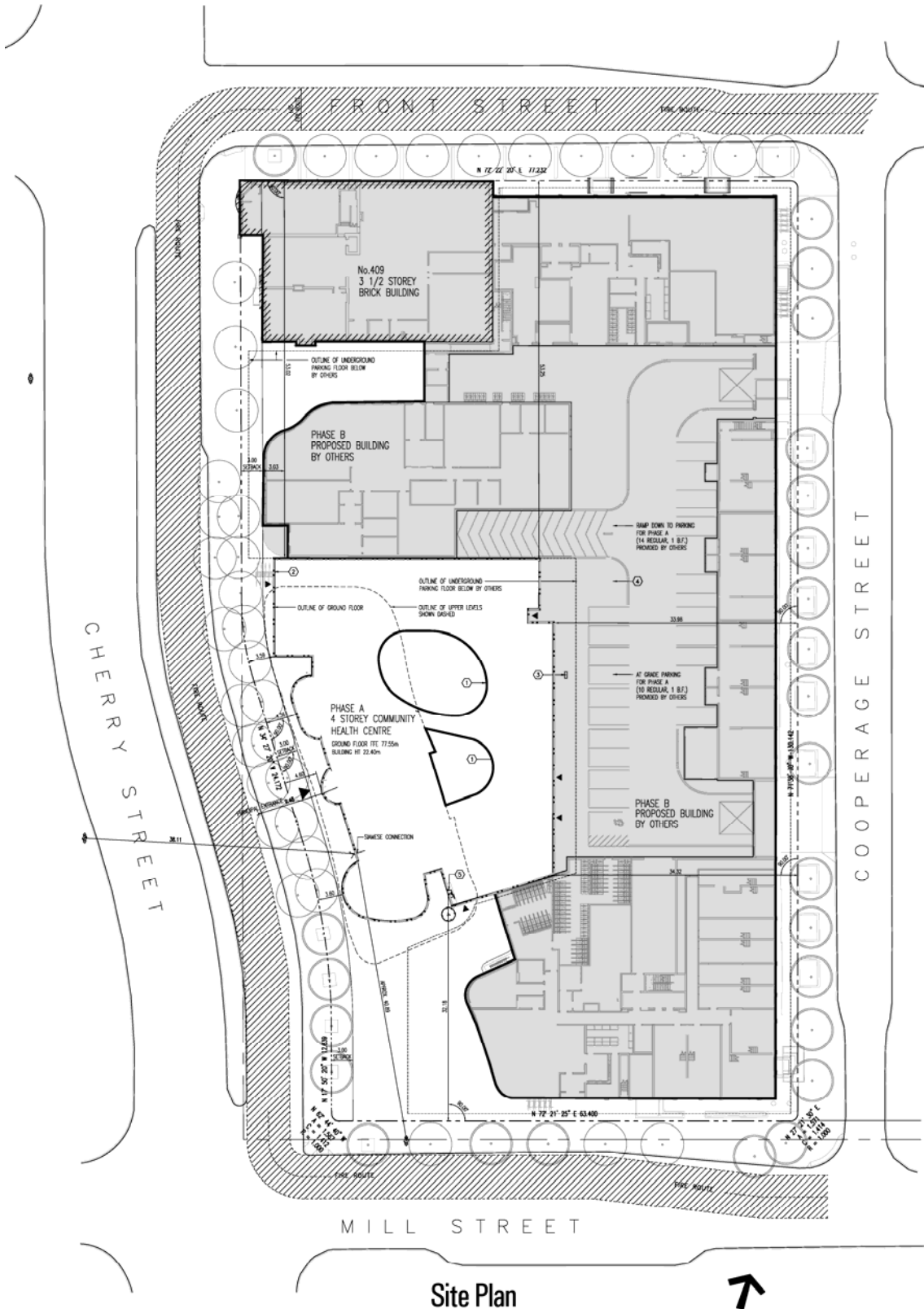
Attachment 1: Survey Plan



Survey Plan



Attachment 2: Site Plan



Attachment 3: Draft Part-Lot Control Exemption By-law

Authority: Toronto and East York Community Council Report No.~, as adopted by City of Toronto Council on ~, 2020

Enacted by Council: ~, 2020

CITY OF TORONTO BY-LAW No. ~-20~

To exempt lands municipally known as 409 Front 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".
2. This By-law expires four (4) years from the date of its enactment by Council.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

FRANCES NUNZIATA
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule "A"

Legal Description:

Plan 66M-2488, Block 10