

440, 444, 450 and 462 Front Street West; 425, 439, 441 and 443 Wellington Street West; 6-18 Spadina Avenue and 1 and 19 Draper Street - The Well - Extension of Part Lot Control Exemption Application – Approval

Date: January 8, 2024

To: Toronto and East York Community Council

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

Ward: 10 - Spadina-Fort York

Planning Application Number: 23 233331 STE 10 PL

SUMMARY

In 2019, an application was submitted to permit an exemption from Part Lot Control for the lands known as 440, 444, 450 and 462 Front Street West, 425, 439, 441 and 443 Wellington Street West, 6-18 Spadina Avenue and 1 and 19 Draper Street, now known as The Well to facilitate the implementation of the approved development. The development includes seven mixed-use buildings with residential, office and retail uses, as well as public parkland and Privately-Owned Publicly Accessible Spaces (POPS).

On February 26, 2020, City Council enacted By-law No. 227-2020 exempting these lands from the Part Lot Control provisions of the Planning Act for a period of 4 years. This report recommends that exemption from Part Lot Control be extended for an additional 4 years to allow for the completion of the project and associated transactions.

RECOMMENDATIONS

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

1. City Council amend By-law 227-2020 to extend Part Lot Control Exemption for the lands municipally known as 440, 444, 450 and 462 Front Street West, 425, 439, 441 and 443 Wellington Street West, 6-18 Spadina Avenue and 1 and 19 Draper Street for an additional 4 year period from the date of the enactment of the by-law, in accordance with the draft by-law in Attachment 3 to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft by-law as may be required.

3. City Council authorize and direct appropriate City Officials to register the by-law on title to the lands.

4. 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 enactment of the Part Lot Control Exemption By-law.

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

At its meeting on July 9, 2015, City Council adopted Official Plan Amendment (OPA) No. 317. This site-specific Official Plan Amendment (approving Site and Area Specific Policy No. 495) redesignated the lands from Regeneration Areas to Mixed Use Areas and established a policy framework to guide the redevelopment of the lands. The Final Report and OPA are available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE7.7>

At its meeting on January 31, 2017, City Council approved a Zoning By-law amendment application to permit a comprehensive development of the site with a mix of office, retail and residential uses along with public parkland, and publicly accessible privately-owned open space. The Final and Supplementary Reports and Zoning By-law amendments are available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE20.7>

At its meeting on July 23, 2018, City Council adopted the June 15, 2018 Final Report on the Subdivision Application for the lands. This Final Report and the City Council minutes are available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE34.11>

At its meeting on July 16, 2019, Council approved a Part Lot Control Exemption application and on February 26, 2020, enacted Part Lot Control Exemption By-law 227-2020 for the lands. Council's decision is available on the City's website at:

<https://secure.toronto.ca/council/agenda-item.do?item=2019.TE7.21>

At its meeting on December 2, 2020, the Committee of Adjustment approved a Minor Variance application providing for variances to the zoning by-law to address minor changes to the gross floor area for the proposal. The decision of the Committee of Adjustment is available on the City's website at:

<http://app.toronto.ca/AIC/index.do?folderRsn=4YRFDYEOJvI1LPBMshKQEQ%3D%3D>

PROPOSAL

The applicant is requesting an extension to Part Lot Control Exemption By-law 227-2020, enacted by Council on February 26, 2020, to facilitate the mixed-use development proposed on the lands.

Seven mixed-used use buildings are now built ranging in heights from 14 to 45 storeys (55 to 168 metres). Over 1,500 dwelling units were approved, as well as 105,364 square metres of office space and 44,824 square metres of retail space. All of the buildings sit on top of a shared underground garage for parking and loading.

Due to the scale, complexity and number of new buildings, with various distinct uses and obligations under the planning approvals, the development has several ownerships within the site and various easements and rights-of-way that address shared pedestrian, servicing and vehicular access to facilitate implementation of the overall plan.

The Part Lot Control exemption will apply to the lands, save and except Building E lands, registered as Toronto Standard Condominium Corporation No. 3022, as shown in the concept plan in Attachment 2.

Reasons for Application

The extension to Part Lot Control exemption is requested as the existing Part Lot Control Exemption By-law (227-2020) will expire on February 26, 2024 and does not provide sufficient time for the completion of the project and the associated transactions. An extension to the Part Lot Control Exemption would facilitate the implementation of the development proposal including the transfers and easements that remain outstanding.

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 through Official Plan Amendment No. 317. The site is within Site and Area Specific Policy (SASP) No. 495. SASP 495 established the policy framework to guide the comprehensive redevelopment of the lands.

Zoning: Most of the site is zoned Commercial Residential Employment (CRE), with the area of parkland at 19 Draper Street zoned as Open Space (OR) under Zoning By-law 569-2013.

COMMENTS

Provincial Policy Statement and Provincial Plans

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

Land Division

Section 50(7) of the Planning Act, R.S.O. 1990, as amended, authorizes Council to adopt a by-law exempting lands within a registered plan of subdivision from Part Lot Control. The site is situated within a registered plan of subdivision. Section 50(7.4) of the Planning Act, R.S.O. 1990, as amended, authorizes Council to amend a Part Lot Control Exemption by-law to extend the time period specified for the exemption at any time prior to the expiration of the by-law.

To ensure that Part Lot Control Exemption By-law 227-2020 did not remain open indefinitely, it was set to expire on February 26, 2024, four years from the date of enactment. The applicant has advised that due to the size of the development the time period did not provide sufficient time for the completion of the project and the associated transactions. As a result, the applicant is requesting that the exemption from Part Lot Control be extended.

A Section 118 Restriction is currently registered on title for the lands that are the subject of the Part Lot Control exemption request. In accordance with the Land Titles Act, a Section 118 Restriction prohibits the transfer or charge of any of the lands without prior written consent of the Chief Planner or their designate. This restriction enables the City to ensure that the Part Lot Control exemption is not unlimited and that appropriate mechanisms are secured to support the development. The registered Restriction will remain on title for the duration of the four year period.

Conclusion

Planning staff consider the request for the extension of the Part Lot Control Exemption appropriate for the orderly development of the land. Staff recommend that Council extend the term of the Part Lot Control Exemption by-law for an additional four-year period. This time frame is expected to provide sufficient time for the completion of the proposed development and associated transactions.

CONTACT

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SIGNATURE

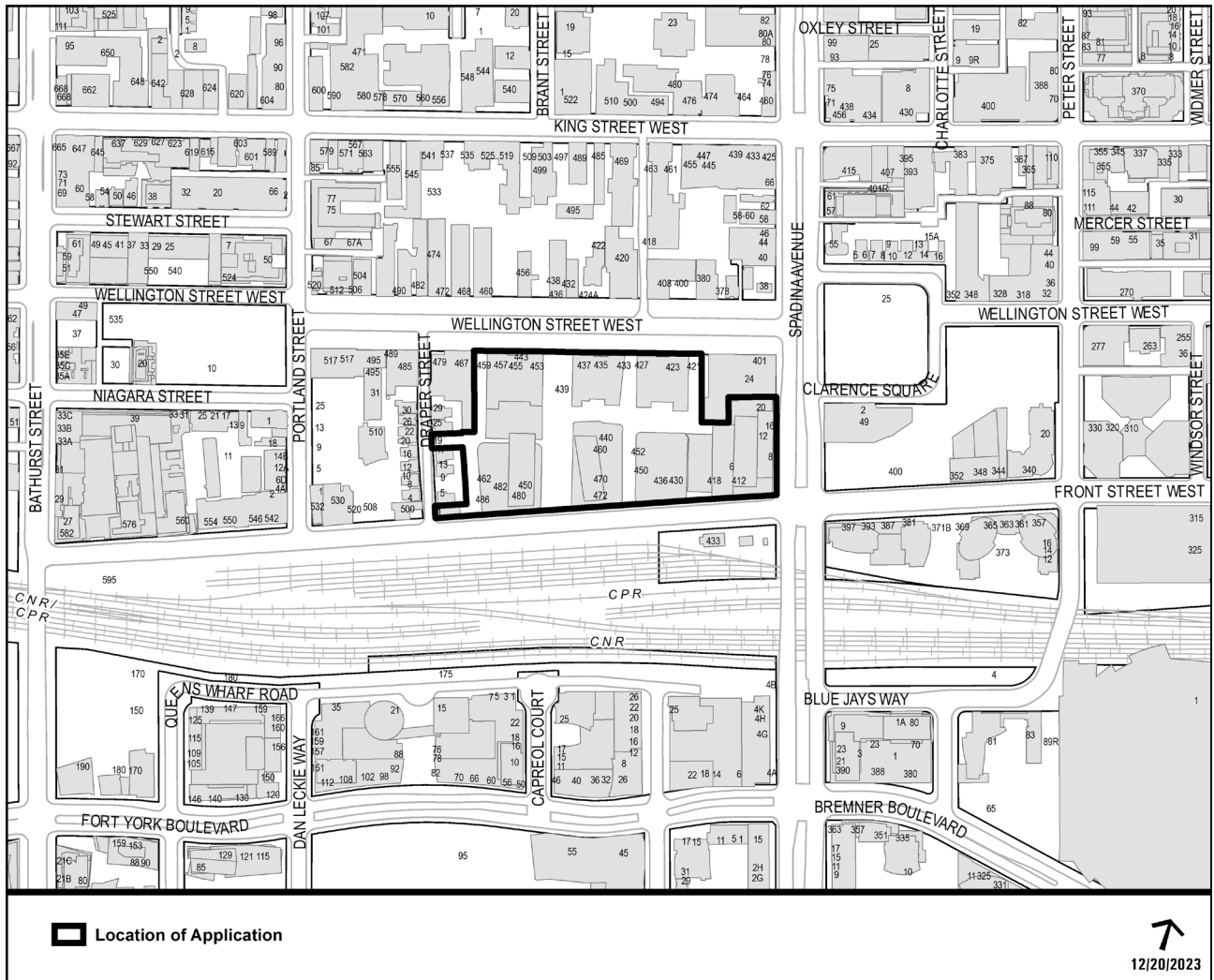


Carly Bowman, M.Sc.Pl., MCIP, RPP
Director, Community Planning
Toronto and East York District

ATTACHMENTS

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

Attachment 1: Location Map



Attachment 2: Concept Plan



Concept Plan



Attachment 3: Draft Part Lot Control Exemption By-law

Authority: Toronto and East York Community Council Item adopted by City of Toronto Council on , 2024

CITY OF TORONTO

BY-LAW No. - 2024

To amend By-law No. 227-2020 to extend the expiration of part lot control exemption for the lands known as 440, 444, 450 and 462 Front Street West; 425, 439, 441 and 443 Wellington Street West; 6 - 18 Spadina Avenue and 1 and 19 Draper Street.

Whereas City Council on February 26, 2020 enacted By-law 227-2020 to exempt lands municipally known as 440, 444, 450 and 462 Front Street West; 425, 439, 441 and 443 Wellington Street West; 6 - 18 Spadina Avenue and 1 and 19 Draper Street from part lot control with an expiry of February 26, 2024; and,

Whereas authority is given to Council by Section 50(7.4) 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. Section 2 of By-law No. 227-2020 is deleted and the following is substituted for it:

This By-law expires eight years from the date of its enactment by Council.

2. This By-law applies to the lands described in the attached Schedule "A".

Enacted and passed on February , 2024.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Schedule "A"

LEGAL DESCRIPTION:

440, 444, 450 and 462 Front Street West; 425, 439, 441 and 443 Wellington Street West; 6 - 18 Spadina Avenue and 1 and 19 Draper Street, from Part Lot Control.

To be finalized prior to City Council to reflect the lands shown in the Concept Plan (Attachment 2).