

409 Front Street East – Extension of Part Lot Control Exemption Application – Decision Report – Approval

Date: June 19, 2024

To: Toronto and East York Community Council

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

Ward: 13 - Toronto Centre

Planning Application Number: 24 149987 STE 13 PL

SUMMARY

On July 29, 2020, City Council enacted a Part Lot Control Exemption By-law at 409 Front Street East (Block 10 of the West Don Lands) for a period of four years to facilitate the development of an Indigenous health centre and a training, education and employment centre, as well as residential and commercial uses in five buildings.

This report recommends that the exemption from Part Lot Control be extended for an additional two years to allow for the completion of the project and associated transfers.

RECOMMENDATIONS

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

1. City Council amend By-law 652-2020 to extend Part Lot Control Exemption for the lands municipally known as 409 Front Street East for an additional two year period from the date of the enactment of the by-law, substantially in accordance with the draft Part Lot Control Exemption By-law included as Attachment 3 to this report.
2. 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.
3. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title to the lands.
4. Prior to enactment of the Part Lot Control Exemption By-law, 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.
5. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction under the Land Titles Act from title upon the expiry or repeal 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 June 29, 2020, Council approved a Part Lot Control Exemption application and on July 29, 2020, enacted Part Lot Control Exemption By-law 652-2020 for the lands. Council's decision is available on the City's website at: <https://secure.toronto.ca/council/agenda-item.do?item=2020.TE15.5>

THE SITE

The site is 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.

The site is within the Plan of Subdivision for Phase 2 of the West Don Lands community, which received Draft Approval on December 30, 2010 and was registered September 9, 2011 (66M-2488).

A mixed-use development is currently under construction on the site consisting of five buildings that will each be under separate ownership: the four-storey Anishnawbe Health Toronto Indigenous Community Health Centre; the five-storey Miziwe Biik training, education, and employment building; a three-storey commercial building designated under Part IV of the Ontario Heritage Act; a 12-storey residential building with retail at grade; and an 11-storey residential building. The buildings share one level of below-grade parking. The development also includes several open spaces, including a publicly accessible plaza at the southwest corner of the block, a pedestrian mews, and a central courtyard space.

THE APPLICATION

The applicant is requesting an extension to Part Lot Control Exemption By-law 652-2020 to facilitate potential boundary adjustment transfers once the as-built location of the various buildings are surveyed. The extension will also facilitate the transfer of the training, education, and employment building from Anishnawbe Health Toronto to Miziwe Biik once construction is completed.

Reasons for Application

The extension to Part Lot Control exemption is requested as the existing Part Lot Control Exemption By-law will expire on July 29, 2024 and does not provide sufficient time for the completion of the project and the associated transfers.

POLICY & REGULATION 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 (2020), and shall conform to provincial plans, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Greenbelt Plan, and others.

Official Plan

The site is located within the Downtown and Central Waterfront area on Map 2 of the Official Plan. The site is designated Regeneration Areas on Map 18 of the Official Plan. The site is also located within the Downtown Plan, King-Parliament Secondary Plan, and the Central Waterfront Secondary Plan boundaries.

West Don Lands Precinct Plan

The West Don Lands Precinct Plan builds on the policies of the Central Waterfront Secondary Plan for the West Don Lands. The Precinct Plan provides guidelines for the implementation of public infrastructure as well as the built form of new development. The site is identified as Block 10 in the Precinct Plan.

Zoning

The site is zoned RA under the City of Toronto Zoning By-law 438-86, with zoning standards for Phase 2 of the West Don Lands contained in Section 12(1) 485.

COMMENTS

City 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 two-year period. This time frame is expected to provide sufficient time for the completion of the development and associated transfers.

Provincial Policy Statement and Provincial Plans

Staff find the proposal to be consistent with the Provincial Policy Statement and conforms with the Growth Plan.

Land Division

Part Lot Control exemption is a method of land division to further subdivide lands within a registered plan of subdivision. Under Section 50(5) of the Planning Act, R.S.O. 1990, as amended, Part Lot Control allows only whole lots or blocks on a plan of subdivision to be transferred, subject to certain exceptions. Section 50(7) authorizes Council to adopt a by-law exempting lands within a registered plan of subdivision from Part Lot Control. The site is within a registered plan of subdivision. Section 50(7.4) 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.

Part Lot Control Exemption By-law 652-2020 was set to expire on July 29, 2024, four years from the date of enactment. The applicant has advised that they need additional time to complete the construction of the project and the associated transactions.

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, the City continues to have control over the division of land, and that appropriate mechanisms such as easements are secured to support the development. The registered Section 118 Restriction will remain on title for the duration of the extension.

CONTACT

Katherine Bailey, Senior Planner, Community Planning, Tel. No. 416-397-1761, E-mail: Katherine.Bailey@toronto.ca

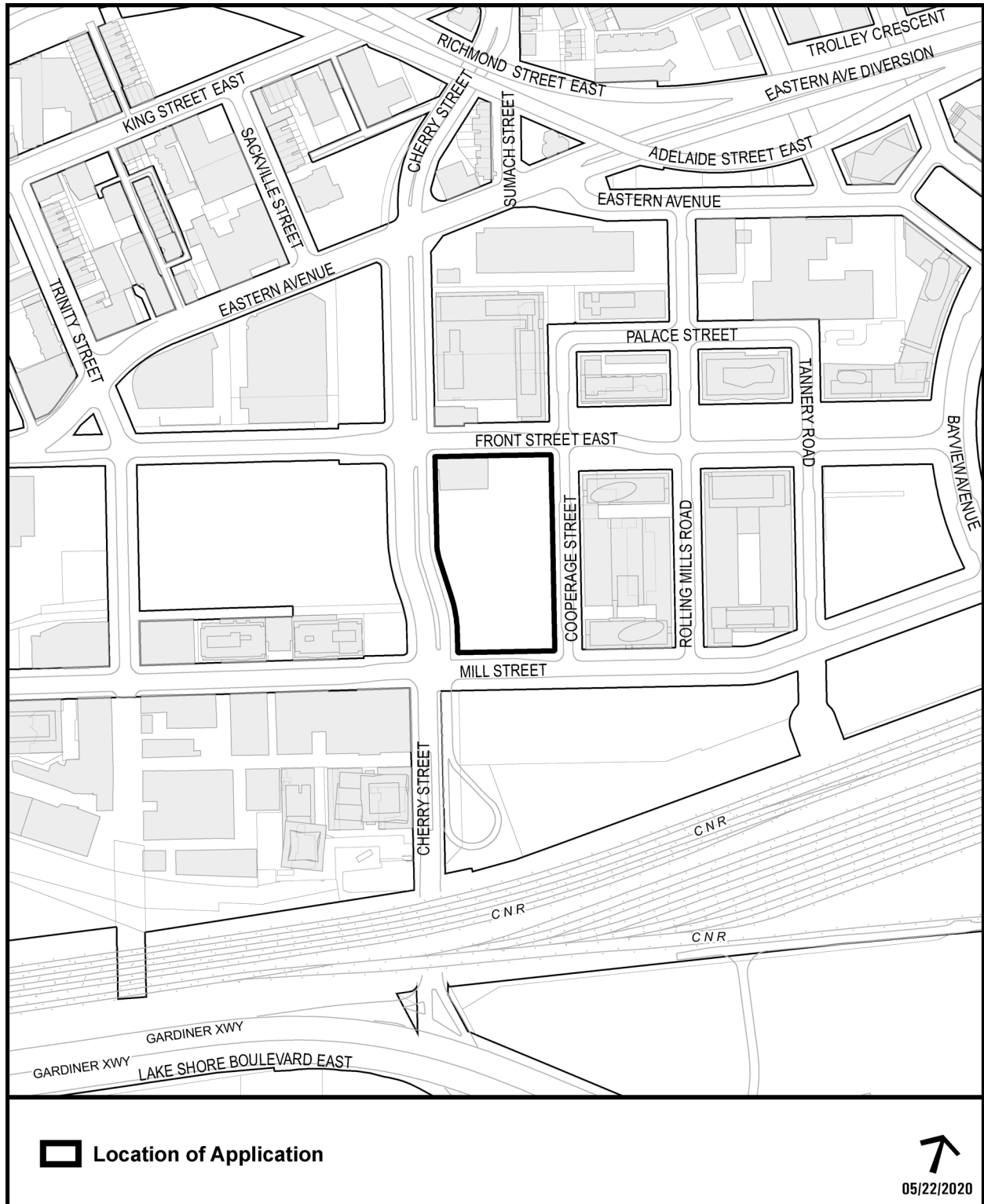
SIGNATURE

Oren Tamir
Director, Community Planning
Toronto and East York District

ATTACHMENTS

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

Attachment 1: Location Map



Page 6 of 8



Attachment 3: Draft Part Lot Control Exemption By-law

Authority: Toronto and East York Community Council Item TE15.~, as adopted by City of Toronto Council on July ~, 2024

CITY OF TORONTO

BY-LAW ~-2024

To amend By-law 652-2020 to extend the expiration of part lot control exemption for the lands known as 409 Front Street East.

Whereas Council of the City of Toronto enacted By-law 652-2020 on July 29, 2020 to exempt lands municipally known as 409 Front Street East from part lot control with an expiry of July 29, 2024; and,

Whereas Council of the City of Toronto has the authority pursuant to 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 652-2020 is deleted and replaced with the following:

This By-law expires six (6) 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 July ~ , 2024.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Schedule "A"

Legal Description:

Plan 66M-2488, Block 10