

**1053 and 1061 The Queensway and 7-11, 19-25, 33-35  
and 45 Zorra Street – Part Lot Control Exemption  
Application – Final Report**

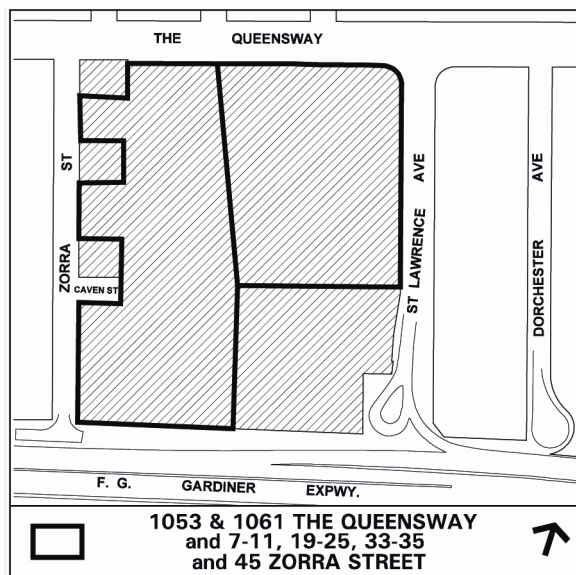
<b>Date:</b>	November 22, 2007
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 5 – Etobicoke-Lakeshore
<b>Reference Number:</b>	File No.: 07 280214 WET 05 PL

**SUMMARY**

This application was made after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application has been submitted to permit the lifting of Part Lot Control at the municipal address known in 2006 as 1053 and 1061 The Queensway and 7-11, 19-25, 33-35 and 45 Zorra Street. This report reviews and recommends approval of the application to lift Part Lot Control to permit the division of the subject lands as a possible alternative to a plan of subdivision.

The lands are currently the subject of a subdivision application. Conditions of draft plan of subdivision approval were issued on April 20, 2007 and the applicant is now in the process of fulfilling those conditions for the purpose of registering the plan of subdivision to divide the land and dedicate a public road to the City. Due to timing concerns regarding the closing date for the sale of a portion of the lands, the owner has also applied for an exemption to Part Lot Control to provide greater flexibility in completing the transaction in



the event that the plan of subdivision is not registered by the end of February 2008.

An exemption from Part Lot Control is appropriate as the recommendations contained herein provide the Director of Community Planning, Etobicoke York District, with the authority and discretion to determine whether or not the land division will be permitted based on his evaluation, early in the new year, of the status of the applicant's subdivision conditions and whether there are any outstanding concerns to the City which may have to be secured. In order to retain control in the hands of the Director, this report recommends that the owner of the lands register a Section 118 Restriction under the Land Titles Act agreeing not to convey or mortgage any part of the lands without the prior consent of the Chief Planner or his designate. Matters to be secured to the Director's satisfaction would include the conveyance of the public road to the City, its construction and construction of required services at the applicant's expense, in the same manner as set in the draft subdivision approval.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council enact a Part Lot Control Exemption By-law, with respect to the subject lands, to be prepared to the satisfaction of the City Solicitor;
2. City Council authorize the City Solicitor to introduce the necessary Bill in Council for a Part Lot Control Exemption By-law to expire on June 1, 2008;
3. City Council require the owner to provide proof of payment to the satisfaction of the City Solicitor of all current property taxes for the subject site prior to the introduction of the Bill in Council;
4. City Council require the owner to register, to the satisfaction of the City Solicitor, a Section 118 Restriction under the Land Titles Act agreeing not to convey or mortgage any part of the lands without the written consent of the Chief Planner or his designate prior to the introduction of the Bill in Council;
5. City Council authorize and direct the appropriate City officials to register the by-law on title;
6. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from title upon expiry of the part lot control exemption by-law;
7. City Council authorize the City Solicitor to make such stylistic and technical changes to the Part Lot Control Exemption By-law as may be required;

8. City Council authorize the entering into of an agreement between the City and the owner if such agreement is determined to be necessary by the Director of Community Planning, Etobicoke York District, in consultation with the City Solicitor, for the purpose of securing outstanding matters of concern to the City prior to the Director consenting under the Section 118 Restriction to any mortgaging or conveyance of the lands; and
9. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

City Council has enacted By-law Nos. 747-2006 and 748-2006 to permit a mixed-use residential development with a maximum of 1,000 dwelling units and a grocery store on the subject lands.

### **ISSUE BACKGROUND**

#### **Proposal**

Sobeys Capital Incorporated (1469191 Ontario Limited and 2020235 Ontario Limited), the owner of the lands, wishes to retain a portion of the lands for a grocery store and to convey the remainder of the site to Remington. An application for a plan of subdivision was filed in order to separate the grocery store site from the remainder of the lands and to create a public road and development blocks. The applicant is in the process of satisfying the conditions of draft plan of subdivision in order to be in a position by the end of February 2008 to convey the remainder of the lands to Remington.

The owner has applied for a part lot control exemption to provide for an alternative form of land division in the event that it is unable to register the plan of subdivision in time to close its transaction with Remington.

#### **Site and Surrounding Area**

The site is bounded by The Queensway, St. Lawrence Avenue, the F.G. Gardiner Expressway and Zorra Street. The site has frontages along three public streets. The surrounding land uses are as follows:

- North: a mix of commercial/retail uses, with some having residential units above.
- South: industrial use (Vintage Hardwood Flooring) and the F.G. Gardiner Expressway.
- East: the rear facades of a mix of one-storey commercial and industrial businesses including Vintage Hardwood Flooring.
- West: a mix of one-storey commercial and industrial businesses, and single family dwellings.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS. In the opinion of Planning staff, the proposal is consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. The proposal does not conflict with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The site is located within the area identified as Site and Area Specific Policy 6 of the Official Plan. Site and Area Specific Policy 6 permits mixed development on the lands having a maximum of 1,270 units, 83 722 square metres of commercial space and 0.89 hectares of parks. The development concept provides for residential uses on the west portion of the lands near Zorra Street and commercial uses on the east portion of lands adjacent to St. Lawrence Avenue. A public park and public roads are also proposed under Site and Area Specific Policy 6.

## **Zoning**

The site is zoned Limited Commercial-Avenues (AV), Sixth Density Residential (R6) and Open Space (OS) subject to the provisions of Zoning By-law Nos. 747-2006, 748-2006 and 194-2007. Some of the uses permitted on the lands are: apartment houses; dwelling units above a business; retail and/or office use; live/work units; townhouses; senior citizen apartment buildings; a grocery store/supermarket and public parks.

## **Agency Circulation**

The application was reviewed in consultation with the Technical Services Division and the City's Legal Services Division. Responses received have been used to assist in evaluating the application and preparing appropriate recommendations.

## **COMMENTS**

Section 50(7) of the Planning Act, R.S.O. 1990, authorizes City Council to adopt a by-law to exempt 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 may be used if considered appropriate by the Director of Community Planning, Etobicoke York District, based on his review of any outstanding subdivision matters closer to the date for the closing of the transaction.

To ensure that no portion of the lands are conveyed in a manner not contemplated by the proposed development, it is recommended that the owner of the lands be required to first 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 or his designate. Once the part lot control exemption by-law expires on June 1, 2008, the City Solicitor will take the necessary steps to delete the Section 118 Restriction from the title of the lands.

To ensure that Part Lot Exemption does not remain open indefinitely for the subject site, it is recommended that the exemption by-law contain an expiration date of June 1, 2008. That time frame should provide sufficient time for the completion of the transfer.

## **CONTACT**

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## **SIGNATURE**

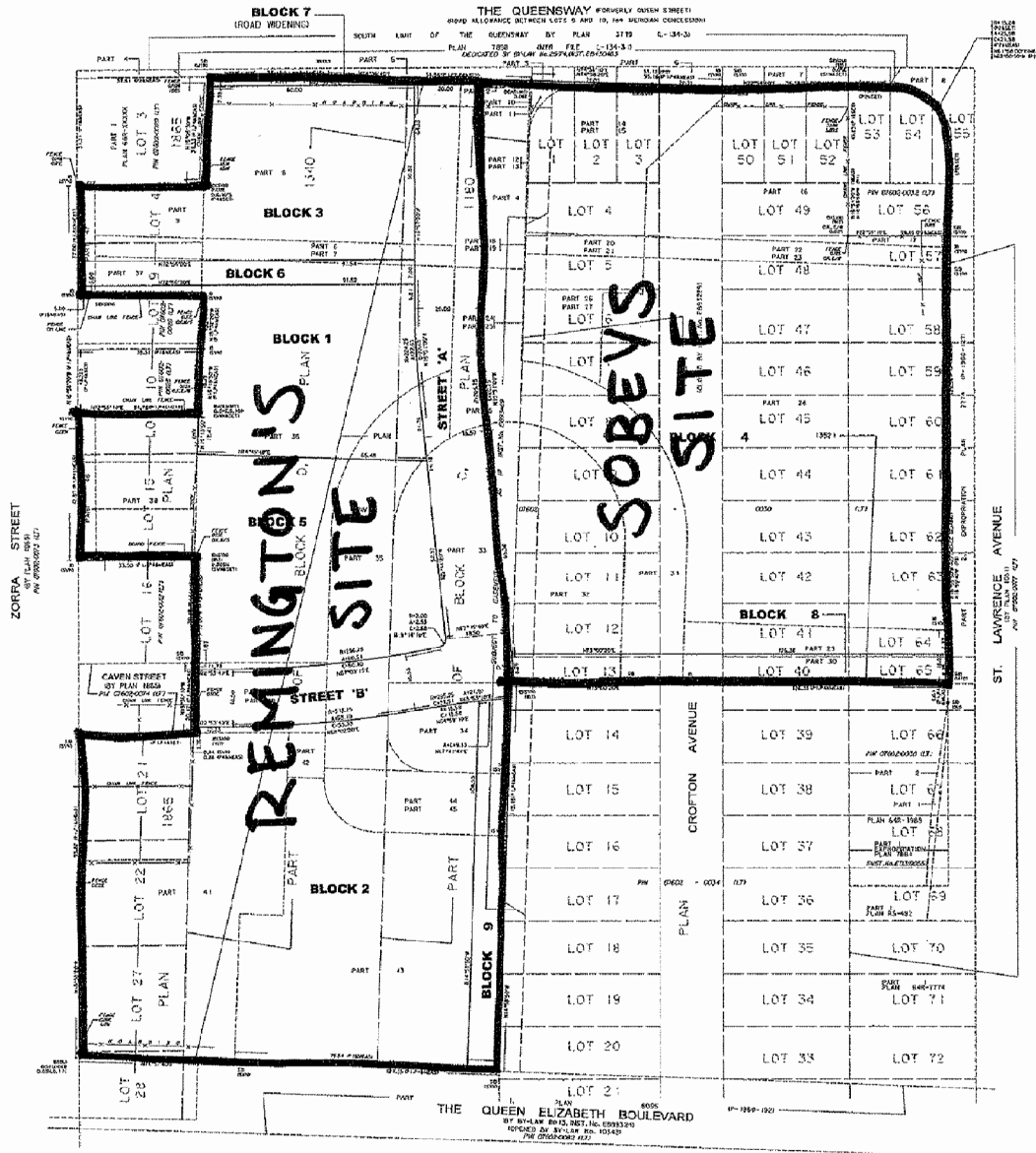
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Gregg Lintern, MCIP RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENT**

Attachment 1: Site Plan

# Attachment 1: Site Plan



<b>Site Plan</b>	<b>1053 &amp; 1061 The Queensway</b>
Applicant's Submitted Drawing	<b>7-11 &amp; 19-25 &amp; 33-35 and 45 Zorra Street</b>
Not to Scale 11/19/07	File # 07_280214