



## STAFF REPORT ACTION REQUIRED

### 30 Weston Road and Part of 33 Gunns Road – Rezoning and Site Plan Applications – Supplementary Report

<b>Date:</b>	November 27, 2009
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 11 – York South-Weston
<b>Reference Number:</b>	08 174968 WET 11 OZ and 08 226555 WET 11 SA

#### SUMMARY

---

This report recommends that the Section 37 requirement contained in the draft by-law (as Attachment 8 to the October 23, 2009 Final Report) for the provision of 0.099 hectares of land to the City for the extension of Viella Tarragona Park be deleted.

#### RECOMMENDATIONS

---

**The City Planning Division recommends that:**

1. City Council amend the draft by-law attached as Attachment 8 to the October 23, 2009 Final Report by deleting the Section 37 requirement for the provision of 0.099 hectares of land for the extension of Viella Tarragona Park, and amend Zoning By-law 438-86 substantially in accordance with the revised draft zoning by-law amendment attached as Attachment 2 to this report.
2. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 agreement to secure the local park improvements in the amount of \$350,000 and public art contribution in the amount of 1% of the gross construction costs of the shell building development.
3. City Council, pursuant to Section 34(17) of the Planning Act, deem the changes made to the draft zoning by-law to be minor and no further public notice be required.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **COMMENTS**

As indicated in the October 23, 2009 Final Report, the applicant proposed to acquire 0.249 hectares (0.615 acres) of land on the west side of Gunns Road which were previously used as a CPR spur line and convey the lands to the City for park purposes. The Parkland Dedication By-law requires that 0.15 hectares of land be provided to satisfy the 2% parkland dedication requirement for the proposed commercial development at 30 Weston Road and Part of 33 Gunns Road. The other 0.099 hectares was proposed to be secured through the Section 37 Agreement, as an additional community benefit.

Following the adoption by Etobicoke York Community Council of the October 23, 2009 Final Report recommendations to approve the development, the applicant provided staff with an R-Plan (Attachment 1) which shows the land the applicant wished to convey to the City for parkland purposes to satisfy the parkland dedication by-law and proposed Section 37 requirements. The lands to be conveyed to the City were located north of Viella Tarragona Park. However, a portion of the lands extended west beyond the western property line of the park into a narrow strip of land bounded by industrial lands to the north and a noise wall to the south. The configuration and land area shown in the R-Plan was different from the understanding staff had in regard to the lands the applicant was to acquire and convey to the City. It was staff's understanding that the 0.15 hectare (required by the Parkland Dedication By-law) and the additional 0.099 hectares required by the proposed Section 37 requirement in the draft zoning by-law would be achieved within the former CPR spur line immediately north of the existing park, and within the limits of the west and east park property lines as extended.

Planning staff and Parks, Forestry and Recreation staff advised the applicant that the area of the land that extended beyond the western limit of Viella Tarragona Park would be difficult to program, has limited visibility, would be unsafe, and therefore is not appropriate for parkland. These lands are narrow and are bounded on the north by the rear lot line of industrial properties and on the south by a high noise wall.

The applicant indicated they would continue discussion with the owners to purchase only the lands immediately to the north of the existing park and within the limits of the west and east park property lines as extended. As the land area of the portion of the former CPR spurline that is acceptable to the City for extension of the park would be less than the required 2% parkland dedication requirement (0.15 hectares), the over-parkland dedication reference in the Section 37 provisions of the draft by-law attached to the Final Report would no longer be required and it is recommended that those provisions be deleted. In addition, the proposed reduction to the 1% of the gross construction costs of the shell building development associated with the additional parkland acquisition should be removed as no parkland above the requirement of the Parkland Acquisition By-law will be provided. The total value of the Section 37 benefits would remain the same,

notwithstanding the deletion of the over parkland dedication since the value of the public art contribution will increase.

The applicant will still be required to satisfy the Parkland Dedication By-law in regard to the provision of 2% parkland dedication. This requirement will be secured prior to the issuance of a building permit. Staff will continue discussing with the applicant the options available to the applicant to satisfy the parkland dedication requirement, either through the provision of land, cash payment in lieu or a combination of the two.

## **CONTACT**

Gregory Byrne, Senior Planner

Tel. No. 416-394-8238

Fax No. 416-394-6063

E-mail: [gbyrne@toronto.ca](mailto:gbyrne@toronto.ca)

## **SIGNATURE**

---

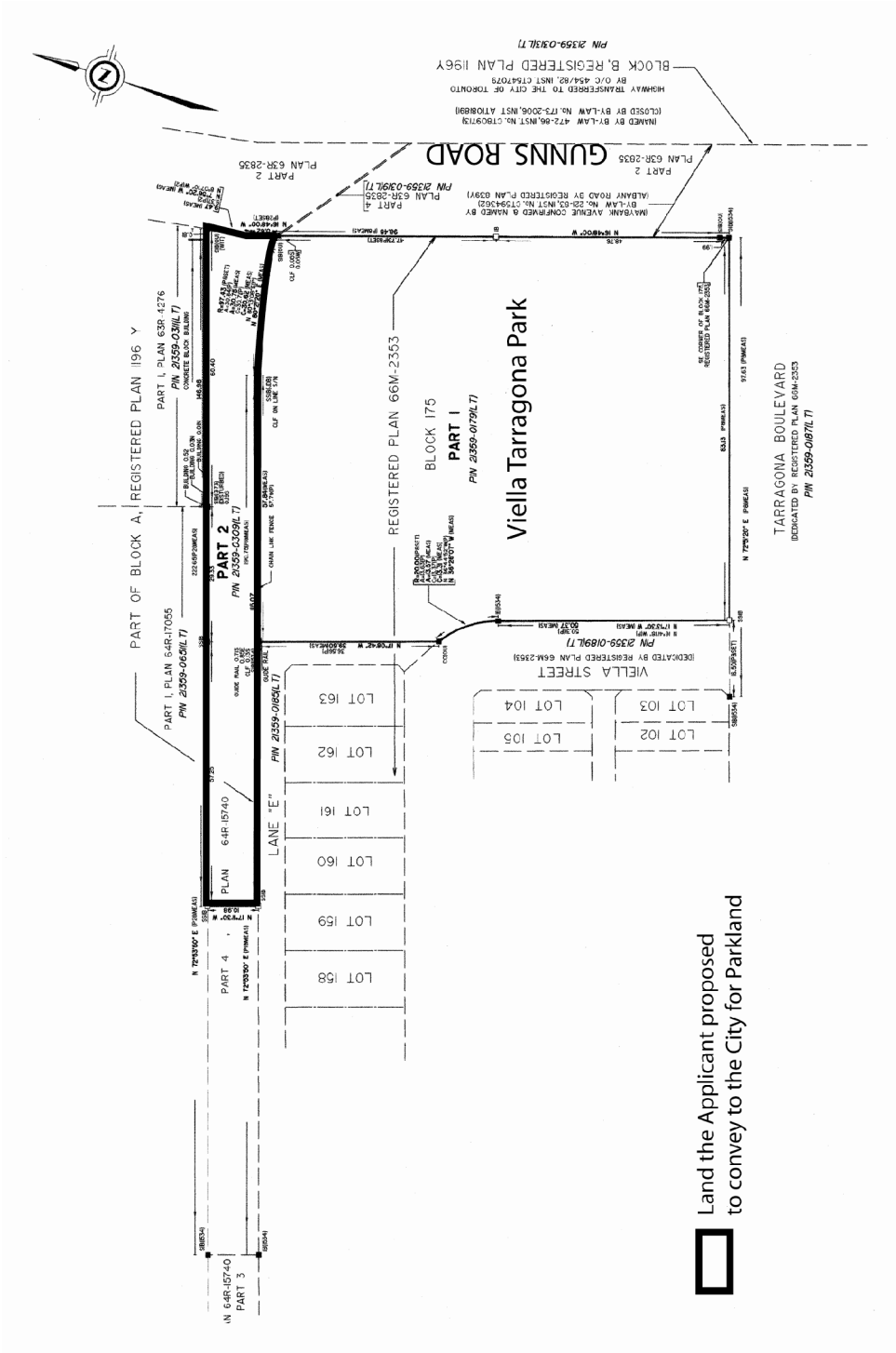
Gary Wright, Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: Proposed Parkland Dedication

Attachment 2: Draft Zoning By-law Amendment

Attachment 1: Proposed Parkland Dedication



30 Weston Road

Proposed Parkland Conveyance

Applicant's Submitted Drawing

Not to Scale  
10/14/09

File # 08\_174968

**Attachment 2: Revised Draft Zoning By-law Amendment**

Authority: Etobicoke York Community Council Item as adopted by City of Toronto Council on ~, 2009

Enacted by Council:

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2009**

**To amend ~ Zoning By-law No. ~, as amended, with respect to the lands municipally known as 30 Weston Road**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Appendix "A", District Map 47K – 313 of By-law No. 438-86 of the former City of Toronto is amended in accordance with Schedule "A" of this By-law by deleting the existing Industrial (I3) Zone and replacing it with the Industrial Commercial (IC) Zone.
2. None of the provisions of the definition of "*bicycle parking space*", "*bicycle parking space-occupant*", "*bicycle parking space-visitors*", "*grade*" and "*lot*" in Section 2 or of Section 4(2)(a), Section 4(13) and 12(2)270 of By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", shall apply to prevent the erection and use of commercial development, which may contain a *retail-warehouse* and *accessory* uses, on the lands hereinafter set out, provided:
  - (i) the lands consist of at least those shown within the heavy lines on Schedule 'A' attached;
  - (ii) that the *non-residential gross floor area* of all the buildings on the site does not exceed 52,000 square metres;
  - (iii) that a minimum of one *retail* store having a minimum *non-residential gross floor area* of 6,503 square metres is provided and maintained on the lands,

- (iv) in addition to clause (iii) above, that a minimum of two additional commercial units each having a minimum *non-residential gross floor area* of 1,858 square metres and three additional commercial units each having a minimum *non-residential gross floor area* of 1,393 square metres are provided and maintained on the lands for the development having a minimum *non-residential gross floor area* of 30,000 square metres;
- (v) that the *non-residential gross floor area* permitted for all individual *retail stores* less than 232 square metres in size shall not exceed 10 per cent of the total *non-residential gross floor area* on the lands;
- (vi) that medical offices or a medical clinic having a minimum of 500 square metres of *non-residential gross floor area* shall be provided and maintained on the lands for the development having a minimum *non-residential gross floor area* of 40,000 square metre;
- (vii) that vehicular access and pedestrian access to and from the development must be provided from Weston Road (for clarity additional vehicular and pedestrian access may also be provided from St. Clair Ave West and Gunns Road);
- (viii) a minimum of 3.2 parking spaces per 100 square metres of *non-residential gross floor area* shall be provided and maintained on the lands;
- (ix) a minimum of 0.13 long-term bicycle parking spaces for each 100 square metres of *non-residential gross floor area* shall be required, up to a maximum requirement of 40 long-term bicycle parking spaces, shall be provided and maintained on the lands (for clarity this clause does not limit the number of long-term bicycle parking spaces that can be provided);
- (x) a minimum of 0.25 short-term bicycle parking spaces for each 100 square metres of *non-residential gross floor area* shall be provided and maintained on the lands;
- (xi) a minimum of 1 *shower-change facility* for each gender shall be provided and maintained on the lands;
- (xii) the bicycle parking space shall have the following dimensions: a minimum length of 1.9 metres and a minimum width of 0.6 metres;
- (xiii) the minimum height of the bicycle parking shall be 1.2 metres where the bicycle is to be parked on a horizontal surface or 1.9 metres where the bicycle is to be parked in a vertical position;

- (xiv) no part of the buildings or structures exceed a height of 20 metres above *grade*;
  - (xv) in addition to the uses permitted uses listed under IC in Section 9(a)(f), a *retail-warehouse* and *accessory* uses shall be permitted on the lands; and
  - (xvi) phasing of the development is permitted provided that the first phase of the development shall contain a *retail* store having a minimum *non-residential gross floor area* of 6,503 square metres.
3. For the purpose of this By-law:
- (a) *grade* means 125.50 metres Canadian Geodetic Datum;
  - (b) Long-Term Bicycle Parking means bicycle parking spaces for use by the occupants or tenants of the buildings;
  - (c) Short-Term Bicycle Parking means bicycle parking spaces for use by visitors to the buildings; and
  - (d) except for “*grade*” every italicized word and expression in this By-law shall have the same meaning as each word and expression defined in By-law No. 438-86, as amended.
4. Notwithstanding any severance, partition, or division of the lands, as shown on Schedule “A”, the provisions of this By-law shall apply to the whole of the lands as if no severance, partition or division occurred.
5. Within the lands shown on Schedule “A” attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
6. **INCREASED HEIGHT AND DENSITY**
- Matters which are to provided pursuant to Section 37 of The Planning Act, R. S. O. 1990, c. P. 13, as amended, in order to permit the increased height and retail floor area authorized under section (l) of this exception are:

#### SECTION 37 AGREEMENT

The owner of the subject lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act to secure the facilities, services and matters referred to below, which agreement or agreements shall be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements and to the satisfaction of the City Solicitor. The owner of the subject lands, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, acting reasonably:

- (i) Prior to the issuance of the first building permit for the development, the owner will pay by cash or certified cheque the amount of \$350,000 to the City, indexed to the CPI index from the date of registration of the Section 37 Agreement, to be used for improvements to local parks and recreation facilities at the discretion of the General Manager of Parks, Forestry and Recreation in consultation with the local Councillor. Priority consideration will be given to improvements to Viella Tarragona Park, including a water play area; and
- (ii) In accordance with the Public Art program, the owner agrees to make a contribution (the "Public Art Contribution") equal to one percent (1%) of the Gross Construction Costs of the shell building development.

ENACTED AND PASSED this ~ day of ~, A.D. 2009.

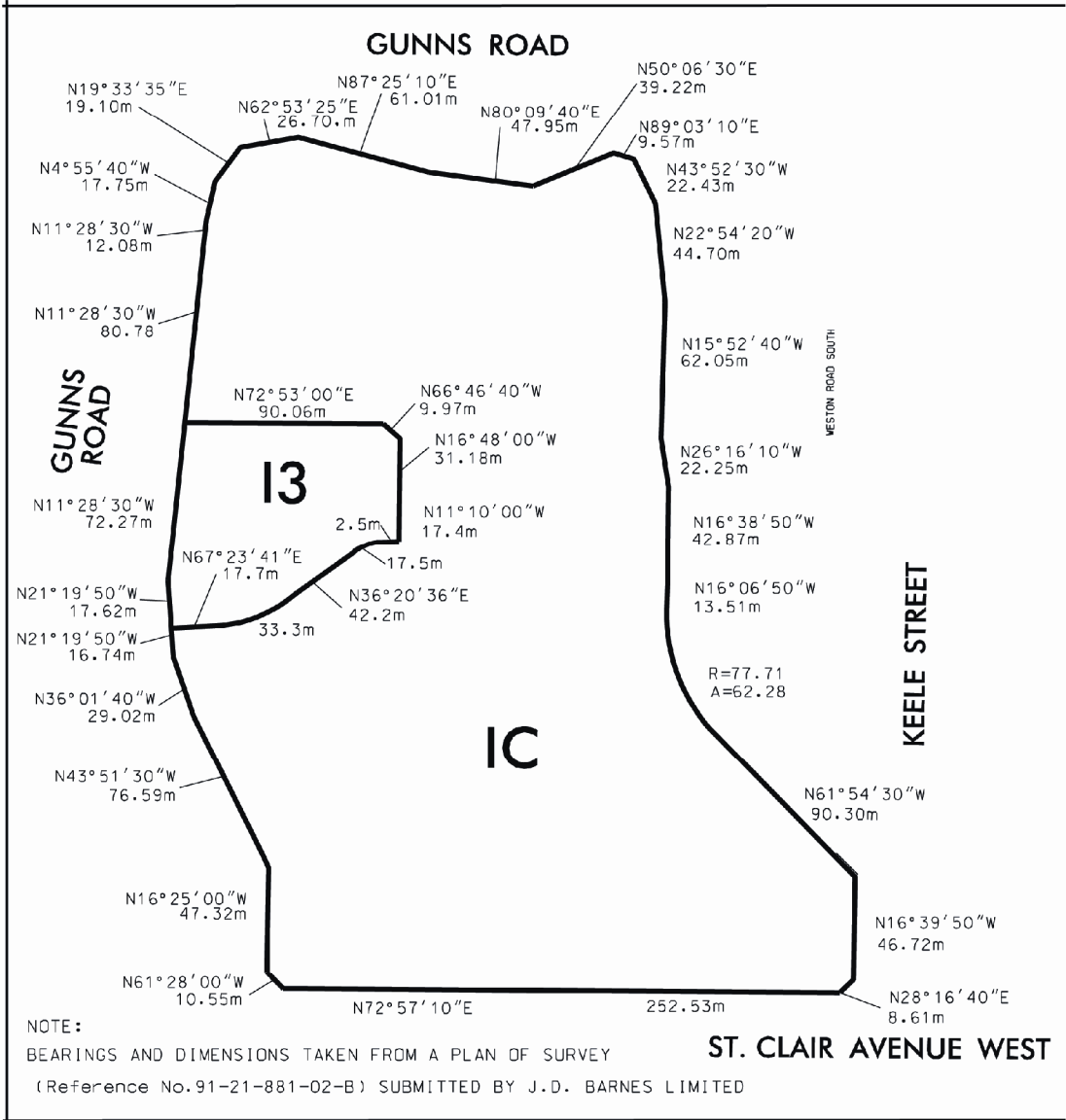
DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



**TORONTO** Schedule 'A' BY-LAW



**PART OF ALBANY ROAD, PART OF WESTON ROAD SOUTH, REGISTERED PLAN 1067-YORK,  
 PART OF BLOCK B AND WESTON ROAD SOUTH, REGISTERED PLAN 1196-YORK  
 AND PART OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, AND 18 ART OF LANE,  
 REGISTERED PLAN 839-YORK, CITY OF TORONTO**

Applicant's Name:		<b>RIOTRIN PROPERTIES (WESTON) INC.</b>	
Assessment Map	Zoning Code Map/s	scale:	
File No. 08_174986	Drawing No. 08_174986_dz1		

