

Authority: Etobicoke York Community Council Item EY4.1, as adopted by City of Toronto Council on March 31, April 1 and 2, 2015

CITY OF TORONTO

BY-LAW No. 793-2015

To amend Site Specific Zoning By-law No. 1203-2009, as amended by By-law No. 1678-2013, respecting the lands municipally known as 30 Weston Road and part of 33 Gunns 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 enacts:

1. By-law No. 1203-2009, as amended by By-law No. 1678-2013, is further amended by deleting Section 6. INCREASED HEIGHT AND DENSITY and replacing it with the following:

"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 (I) 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 to secure and obtain improvements to local parks and recreation facilities with priority consideration given to Viella Tarragona Park, including a water play area, and for capital improvements to parks and recreation facilities in Ward 11, within the vicinity of the development, to be determined by the General Manager of Parks, Forestry and Recreation, in consultation with the Ward Councillor;
- (ii) The owner agrees to make a public art contribution of \$779,500 to the City, of which up to \$525,000 may be used for capital improvements to parks and

recreation facilities in Ward 11, to be determined by the General Manager of Parks, Forestry and Recreation, in consultation with the Ward Councillor and the balance is to be used for public art; and

- (iii) In the event the cash contributions referred to in (i) and (ii) above have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands."

Enacted and passed on July 9, 2015.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)