

City Council

MM7.8	ACTION			Ward: 5
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10 Wilby Crescent - Technical Amendment to 2018.EY32.9 - Zoning Amendment Application - by Councillor Frances Nunziata, seconded by Councillor Ana Bailão

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Etobicoke York Community Council. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Frances Nunziata, seconded by Councillor Ana Bailão, recommends that:

1. City Council amend its decision on Item EY32.9, adopted on July 23, 24, 25, 26, 27 and 30, 2018, by:

a. deleting the following Part 3.b.iii:

iii. construction of a new sidewalk along the west side of Wilby Crescent between Hickory Tree Road and Weston Road;

b. deleting the following Part 4.a:

a. the successful stop-up and closure of the portion of Hickory Tree Road that is located beyond the proposed cul-de-sac and transfer of this land to Parks, Forestry and Recreation;

c. deleting the following Part 4.d:

d. the proponent will be responsible for the construction of the sidewalk along the westside of Wilby Crescent between Hickory Tree Road and Weston Road as per an approved site plan and functional plan to be accepted by the Chief Engineer and Executive Director of Engineering and Construction Services. The Applicant shall be reimbursed under the City's Missing Sidewalks Capital Program.

and

d. deleting the following Part 5.b:

b. the owner, at its own expense, to construct a 2.1 metre sidewalk from the site to Weston Road; and

2. City Council direct the City Solicitor to amend the draft Zoning By-law amendment for 10 Wilby Crescent to:

- a. reflect the removal of the requirement for the owner to construct the sidewalk along the west side of Wilby Crescent from Hickory Tree Road to Weston Road shown in Attachment 1 to MM7.8.; and
- b. require the construction of certain municipal services prior to occupation of any building or structure on 10 Wilby Crescent as set out in Attachment 1 to MM7.8.

3. City Council determine that pursuant to Section 34(17) of the Planning Act, no further notice is to be given in respect of the changes to the Zoning By-law Amendment for 10 Wilby Crescent.

Summary

At its meeting of July 23, 24, 25, 26, 27 and 30, 2018, City Council adopted Item EY32.9, which approved the amendment of former City of York Zoning By-law 1-83 for the lands at 10 Wilby Crescent to permit the development of a 22-storey apartment building by a non-profit corporation as owner. Item EY32.9 also required that the owner enter into a Section 37 agreement securing certain community benefits and that certain pre-conditions be fulfilled before the Bills enacting the Zoning By-law amendment can be brought to Council for enactment.

Parts 3.b.iii, 4.d, and 5.b of Item EY32.9 require the owner to construct a sidewalk along the west side of Wilby Crescent from Hickory Tree Road to Weston Road, with the owner being reimbursed for this work under the City's Missing Sidewalks Capital Program.

The purpose of the Motion is to delete the requirements for the owner to construct the sidewalk on Wilby Crescent in the Section 37 Agreement, for the sidewalk to be constructed prior to enactment of the Bill, and for the owner to enter into a Municipal Infrastructure Agreement to construct the sidewalk as a part of Site Plan Control. This amendment is consistent with comments from the Public Realm staff who have advised that it is preferable that the City construct the sidewalk.

Additionally, Part 4.a of Item EY32.9 requires, before the introduction of the Bill to Council for enactment, the successful stop-up and closure of the portion of Hickory Tree Road that is located beyond the proposed cul-de-sac and the transfer of this land to the City's Parks, Forestry and Recreation Division. This Motion proposes to delete the requirement for the successful stop-up and closure of the portion of Hickory Tree Road located beyond the proposed cul-de-sac and the transfer of this land to the Parks, Forestry and Recreation Division. Planning Staff understand that, as approval of the internal transfer of the land from the Transportation Division to the Parks, Forestry and Recreation Division will be a matter heard before the Technical Review Committee at its meeting to be held on May 30, 2019, and staff are still under instruction to complete this requirement, however this requirement is not necessary as a pre-condition for enactment of the Bill.

Background Information (City Council)

Revised Member Motion MM7.8

<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-132802.pdf>

Attachment 1 - Draft Zoning By-law for 10 Wilby Crescent
(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-133149.pdf>)