

City Council

Notice of Motion

MM22.25	ACTION			Ward: 5
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10 Wilby Crescent - Technical Amendment to Item 2018.EY32.9 - Zoning Amendment Application - by Councillor Frances Nunziata, seconded by Councillor Mark Grimes

** 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 Mark Grimes, recommends that:

1. City Council amend its decision on Item EY32.9, adopted on July 23, 24, 25, 26, 27 and 30, 2018, by adding the following Part 3.b.ii.1:

1. conveyance of lands to the City for the cul-de-sac that are not within the existing road allowance;

2. 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 2018.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 City Council for enactment.

Part 3.b.ii of Item 2018.EY32.9 requires the owner to construct a cul-de-sac at Wilby Crescent, secured as a legal convenience in the Section 37 Agreement for the development. The cul-de-sac is to operate as a public road. However, a piece of the cul-de-sac land is situated to the west of the existing road allowance on part of the applicant's lands.

The purpose of the Motion is to authorize the City to accept the conveyance by the applicant of certain lands comprising part of the cul-de-sac that are outside the existing road allowance. City Council's direction in Item 2018.EY32.9 only directed that the cul-de-sac is to be constructed

by the applicant but it did not provide explicit authority to accept conveyance of lands from the applicant that are necessary to complete the cul-de-sac. We require direction that the applicant may convey the lands to the City.

The Motion is urgent due to the need to avoid undue delay for the applicant.

Background Information (City Council)

Member Motion MM22.25