

CITY OF TORONTO

BY-LAW 228-2020

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 50 Wilson Heights Boulevard.

Whereas Council of the City of Toronto has the authority to pursuant to 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. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law, to the Zoning By-law Map in Section 990.10 and applying the following zone label to these lands: CR 3.99 (c2.0; r3.8) SS2 (x227) and OR, as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA 3, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: HT 55.5, HT 55.3, HT 47, and HT 40, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, as shown on Diagram 5 attached to this By-law.

8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 227 so that it reads:

(227) Exception CR 227

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On the lands at 50 Wilson Heights Boulevard subject to this By-law, a **building, structure**, addition or enlargement may be erected or used if it complies with (B) to (KK) below.
- (B) For the purposes of this exception, the **lot** is defined as Area A, Area B, Area C and Area D within the heavy black lines on Diagram 1 attached to By-law 228-2020.
- (C) In addition to clauses 40.10.20.10 and 40.10.20.20, the following uses are permitted under the letter "c" in the zone label referred to in regulations 40.5.1.10(3)(A)(i) and (ii): **day nursery, eating establishment, private school, public parking, public school, and take-out eating establishment.**
- (D) The maximum **building** height must not exceed the height in metres specified by the numbers following the symbol HT as shown on Diagram 6 attached to By-law 228-2020.
- (E) Despite regulations 40.5.40.10(1) and 40.5.40.10(2), the height of a **building or structure** is the distance between 188.7 metres above sea level and the elevation of the highest point of the **building or structure**.
- (F) Despite regulations 40.5.40.10(3), any **structures** on the roof of a **building** may exceed the permitted maximum height for that **building** as follows up to a maximum of:
 - (i) 235 metres above sea level for Area A;
 - (ii) 244 metres above sea level for Area B;
 - (iii) 244 metres above sea level for Area C; and
 - (iv) 244 metres above sea level for Area D.
- (G) Despite regulations 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** in metres are as shown on Diagram 6 of By-law 228-2020.

- (H) Despite regulation 40.10.40.70(2), no **building** or **structure** may penetrate a 45 degree **angular plane** projected from the average elevation of the ground along a **lot line** of a **lot** in the Residential Zone category.
- (I) In Area A as shown on Diagram 1 of By-law 228-2020, any portion of a **building** located within the area labelled HT 47 on Diagram 6 of By-law 228-2020, and:
 - (a) having a height greater than 23.0 metres must have a minimum **main wall** setback of:
 - (i) 1.5 metres measured from the exterior of a **main wall** of any **storey** of the same **building** located entirely below a height of 23.0 metres and facing east or west;
 - (ii) 3.0 metres measured from the exterior of a **main wall** of any **storey** of the same **building** located entirely below a height of 23.0 metres and facing north or south; and
 - (iii) the above setbacks are only to be applied where the portion of the building is labelled at HT23 on Diagram 6 attached to By-law 228-2020.
 - (b) having a height greater than 16.0 metres must have a minimum **main wall** setback of:
 - (i) 1.5 metres measured from the exterior of a **main wall** of any **storey** of the same **building** located entirely below a height of 16.0 metres and facing east or west;
 - (ii) 3.0 metres measured from the exterior of a **main wall** of any **storey** of the same **building** located entirely below a height of 16.0 metres and facing north or south; and
 - (iii) the above setbacks are only to be applied where the portion of the building is labelled at HT16 on Diagram 6 attached to By-law 228-2020.
- (J) In Area B, as shown on Diagram 1 attached to By-law 228-2020:
 - (i) the permitted maximum **gross floor area** above a height of 23 metres is 750 square metres of each **storey** of each tower;
 - (ii) each tower must be separated by at least 25.0 metres from each other tower;
 - (iii) a maximum of three towers is permitted; and
 - (iv) "tower" means the portions of a **building** which collectively enclose the

entirety of a **storey** higher than 23 metres above 188.7 metres above sea level.

- (K) In Area B as shown on Diagram 1 of By-law 228-2020, any portion of a building located within the area labelled HT 55.5 on Diagram 6 of By-law 228-2020, and:
- (a) having a height greater than 23.0 metres must have a minimum **main wall** setback of:
 - (i) 3.0 metres, measured from the exterior of the **main wall** of any **storey** of the same **building** located entirely below a height of 23.0 metres; and
 - (ii) the above setbacks are only to be applied where the portion of the building is labelled at HT23 on Diagram 6 attached to By-law 228-2020.
 - (b) having a height greater than 16.0 metres must have a minimum **main wall** setback of:
 - (i) 3.0 metres, measured from the exterior of the **main wall** of any **storey** of the same **building** located entirely below a height of 16.0 metres; and
 - (ii) the above setbacks are only to be applied where the portion of the building is labelled at HT16 on Diagram 6 attached to By-law 228-2020.
- (L) In Area C, as shown on Diagram 1 attached to By-law 228-2020, the portions of a **building** or **structure** located above the first five **storeys** of the **building** must be set back a minimum of 3 metres from the **main wall** below the first to the fifth **storeys** of the **building** excluding the **main wall** facing a **lot line** not abutting a street.
- (M) In Area D, as shown on Diagram 1 attached to By-law 228-2020:
- (i) the permitted maximum **gross floor area** of each **storey** above a height of 23 metres is 750 square metres of each **storey** of each tower;
 - (ii) a maximum of one tower is permitted; and
 - (iii) "tower" means the portions of a **building** which collectively enclose the entirety of a **storey** higher than 23 metres above 188.7 metres above sea level.
- (N) In Area D, as shown on Diagram 1 attached to By-law 228-2020, the portions of a **building** or **structure** located above the first five **storeys** of the **building** must be

set back a minimum of 3 metres from the **main wall** from the first to fifth **storeys** of the **building**.

- (O) Despite regulation 40.10.40.60(1), a platform or balcony attached to the **main wall** with a floor level higher than the floor level of the first **storey** of a **building**:
- (i) may not be provided on the **main wall** directly above and adjacent to (within 1 metre) of the outdoor area associated with the **day nursery** use; and
 - (ii) must be inset and must not be located closer to a **lot line** than the **main wall** to which it is attached:
 - (a) in Area A, between the second and sixth **storeys** of the **building** inclusive;
 - (b) in Area B, between the second and sixth **storeys** of the **building** inclusive;
 - (c) in Area C, between the second and fifth **storeys** of the **building** inclusive; and
 - (d) in Area D, between the second and fifth **storeys** of the **building** inclusive.
 - (iii) may project a maximum of 1.5 metres from the **main wall** to which it is attached:
 - (a) in Area A, above the first six **storeys** of the **building**;
 - (b) in Area B, above the first six **storeys** of the **building**;
 - (c) in Area C, above the first five **storeys** of the **building**; and
 - (d) in Area D, above the first five **storeys** of the **building**.
- (P) The permitted maximum **gross floor area** of all **buildings** and **structures** on the lands is 129,175 square metres, excluding the area occupied by a **parking garage** or **public parking** below ground, as follows:
- (i) the permitted maximum **gross floor area** for residential uses is 123,055 square metres;
 - (ii) despite clause 40.10.20.100, a minimum of 600 square metres, and maximum of 2,000 square metres of **gross floor area** for retail, service, and entertainment uses must be provided and no individual retail, service, and entertainment use may exceed more than 1,800 square metres; retail, service and entertainment uses may include **art gallery**, **artist studio**,

automated banking machine, financial institution, eating establishment, massage therapy, medical office, personal service shop, pet services, recreation use, retail service, retail store or take-out eating establishment;

- (iii) a minimum **gross floor area** of 3,800 square metres must be provided for office uses;
 - (iv) a minimum **gross floor area** of 920 square metres must be provided for **community centre** uses; and
 - (v) a minimum **gross floor area** of 800 square metres must be provided for **day nursery** uses.
- (Q) The non-residential uses in Regulation P(ii) and (iii) must be located in Area A or Area B, as shown on Diagram 1 attached to By-law 228-2020.
- (R) Despite regulation 40.10.40.1(1), **dwelling units** may be located in the first **storey** of a **building** if the **dwelling units** have direct access to a **street**.
- (S) A minimum outdoor area of 278 square metres associated with the **day nursery** use must be provided contiguous with the **interior floor area** of the **day nursery** and must be set back at least 1.5 metres from a **lot line**.
- (T) Continuous surface walkways must be provided in accordance with following:
- (i) one surface walkway must located in the general location of Proposed Midblock Connection on Diagram 6 of By-law 228-2020 which abuts Wilson Avenue on the south and the **street** labelled Public Street 1 on the north;
 - (ii) one surface walkway must located in the general location of Proposed Midblock Connection on Diagram 6 of By-law 228-2020 which abuts the west **lot line** on the west and the **street** labelled Public Street 2 on the east;
 - (iii) each must remain accessible to the public at all times; and
 - (iv) each may be covered but may not be entirely enclosed.
- (U) Publicly-accessible open space comprising **landscaping** must be provided as follows:
- (i) a minimum of 200 square metres located in the general location of the Publicly-accessible Open Space adjacent to the intersection of Wilson Avenue and Wilson Heights Boulevard identified on Diagram 6 attached to By-law 228-2020; and

- (ii) a minimum of 1,500 square metres located in the general location of the Publicly-accessible Open Spaces adjacent to the William R. Allen Road identified on Diagram 6 attached to By-law 228-2020. This Publicly-accessible Open Space will include the transit plaza and the William R. Allen Road Pathway.
- (V) Despite regulation 200.5.10.1(1), **parking spaces** must be provided, in accordance with the following:
 - (i) A minimum of 0.48 **parking spaces** for each **dwelling unit** must be provided per **dwelling unit** for the residents;
 - (ii) A minimum of 0.1 **parking spaces** for each **dwelling unit** must be provided for visitors to the **dwelling units**;
 - (iii) The minimum required parking for residents can be reduced by up to 4 **parking spaces** for each dedicated car-share space;
 - (iv) The maximum allowable reduction in the minimum required parking for residents is calculated by $4 * (\text{Total number of units} / 60)$, rounded down to the nearest whole number;
 - (v) A minimum of 2 **parking spaces** must be provided for **community centre** uses;
 - (vi) A minimum of 2 **parking spaces** must be provided for **day nursery** uses; and
 - (vii) A minimum of the 146 **parking spaces** identified in (V) (i) and (ii) must be provided for non-residential uses, in addition to the **parking spaces** required for **community centre** and **day nursery** uses in (v) and (vi) above.
- (W) Despite regulation 40.5.80.1(1), a portion of the **parking spaces** required by regulations (V) (i), (ii) and (vii) above may be provided for the shared use of residents, residential visitors, non-residential uses on the lands and other uses as part of a **public parking** use, up to a maximum equivalent to:
 - (i) 42 percent of the minimum **parking spaces** required by regulations (V) (i);
 - (ii) 100 percent of the minimum **parking spaces** required by regulations (V) (ii); and
 - (iii) 100 percent of the minimum **parking spaces** required by regulations (V) (vii).

- (X) Despite regulations 200.5.1.10(2) and 200.5.1(3), the **public parking parking spaces** permitted by regulation (W) above may have a minimum length of 5.2 metres, provided they are accessed by a **drive aisle** having a width of 7.0 metres or more.
- (Y) Despite regulation 200.15.1.5(1) (B), accessible **parking spaces** may be located in the **basement** parking levels.
- (Z) Regulation 40.10.100.10(1)(C) does not apply.
- (AA) Despite clause 220.5.10.1, **loading spaces** for the entirety of the **lot** must be provided in accordance with the following:
 - (i) For Area A, as shown on Diagram 1 attached to By-law 228-2020, provide a minimum of 1 Type "C" **loading space**, 1 Type "G" **loading space** and 1 Type "B" **loading space**;
 - (ii) For Area B, as shown on Diagram 1 attached to By-law 228-2020, provide a minimum of 1 Type "G" **loading space** and 1 Type "C" **loading space**;
 - (iii) For Area C, as shown on Diagram 1 attached to By-law 228-2020, provide a minimum of 1 Type "G" **loading space**; and
 - (iv) For Area D, as shown on Diagram 1 attached to By-law 228-2020, provide a minimum of 1 Type "G" **loading space** and 1 Type "C" **loading space**.
- (BB) Despite regulation 230.5.1.10(4), if a **stacked bicycle parking space** is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each such **stacked bicycle parking space** is 0.43 metres.
- (CC) A minimum of 15 percent of the total number of **dwelling units** must contain two bedrooms.
- (DD) A minimum of 10 percent of the total number of **dwelling units** must contain a minimum of three bedrooms.
- (EE) Despite regulation 230.40.1.20(2), a "short-term" **bicycle parking space** may be more than 30 metres from a pedestrian entrance to the building on the **lot**.
- (FF) Equipment, **structures** or parts of a **building** must comply with the following:
 - (i) the total area of all equipment, **structures**, or parts of a **building** may cover no more than 70 percent of the area of the roof, measured horizontally;
 - (ii) if any equipment, **structures**, or parts of a **building** are located within 6.0 metres of a **lot line** abutting a **street**, their total horizontal dimension,

measured parallel to the **street**, may not exceed 20 percent of the width of the **building's main walls** facing that **street**; and

- (iii) any such equipment or structures facing a street, must be setback from the exterior of the main wall of the storey below.
- (GG) Despite regulation 40.10.40.10(5), in Areas A, B, C and D as shown on Diagram 1 attached to By-law 228-2020, the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 4.5 metres for non-residential uses and 3.0 metres for residential uses.
- (HH) Despite regulation 40.5.80.10(1), a **parking space** must be on the same **lot** as the use for which the **parking space** is required.
- (II) Despite section 200.15, accessible **parking spaces** must be provided in accordance with the following:
 - (i) an accessible **parking space** must have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres; and
 - (c) vertical clearance of 2.1 metres.
 - (ii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagram 1 and Diagram 2 of By-law 579-2017.
 - (iii) accessible **parking spaces** must be provided at the following minimum rates:
 - (a) if the number of required **parking spaces** is 25 to 100, a minimum of 1 **parking space** for every 25 **parking spaces** or part thereof; and
 - (b) if the number of required **parking spaces** is more than 100, a minimum of 4 **parking spaces** plus 1 **parking space** for every 50 **parking spaces** or part thereof in excess of 100 **parking spaces**.
 - (iv) for the purpose of this exception, "accessible" means free of physical, architectural or design barriers that would restrict access of use to a person with a disability as defined in the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11.

- (JJ) Despite regulation 230.5.1.10(9), a required "long-term" **bicycle parking space** for uses other than **dwelling units** may be located:
- (i) on the first **storey** of the **building**;
 - (ii) on the second **storey** of the **building**; or
 - (iii) on levels of the **building** below-ground commencing with the first level below-ground and moving down, in one level increments when at least 50 percent of the area of that level is occupied by **bicycle parking spaces**, until all required **bicycle parking spaces** have been provided.
- (KK) Despite regulation 5.10.30.1(1), within the lands shown on Diagram 1 attached to By-law 228-2020, no land may be used and no **building** or **structure** may be erected or used, except for below-ground **structures** and foundations, unless:
- (i) For Area A and B, the **street** identified as Public Street 1, as shown on Diagram 1 attached to By-law 228-2020, is constructed to a minimum base curb and base asphalt or concrete and is connected to an existing **street**;
 - (ii) For Area C and D, the **street** identified as Public Street 2, as shown on Diagram 1 attached to By-law 228-2020, is constructed to a minimum base curb and base asphalt or concrete and is connected to an existing **street**;
 - (iii) For Area A and B, all Municipal water mains and Municipal sewers, and their appurtenances, are installed within the street identified as Public Street 1, as shown on Diagram 1 attached to By-law 228-2020, and are operational; and
 - (iv) For Area C and D, all Municipal water mains and Municipal sewers, and their appurtenances, are installed within the street identified as Public Street 2, as shown on Diagram 1 attached to By-law 228-2020, and are operational.

Prevailing By-laws and Prevailing Sections: (None Apply)

9. Despite any future severance, partition or division of the lands as shown on Diagram 1, the provisions of this By-law will apply as if no severance, partition or division occurred.
10. Car-share means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.

- 11.** Car-share **parking space** means a **parking space** that is exclusively reserved and actively used for car-sharing.

Enacted and passed on February 26, 2020.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Diagram 1 - Location



 **Toronto**
Diagram 1

50 Wilson Heights Boulevard

File # 19 114174 NNY 06 0Z

Diagram 2 – Exception x227

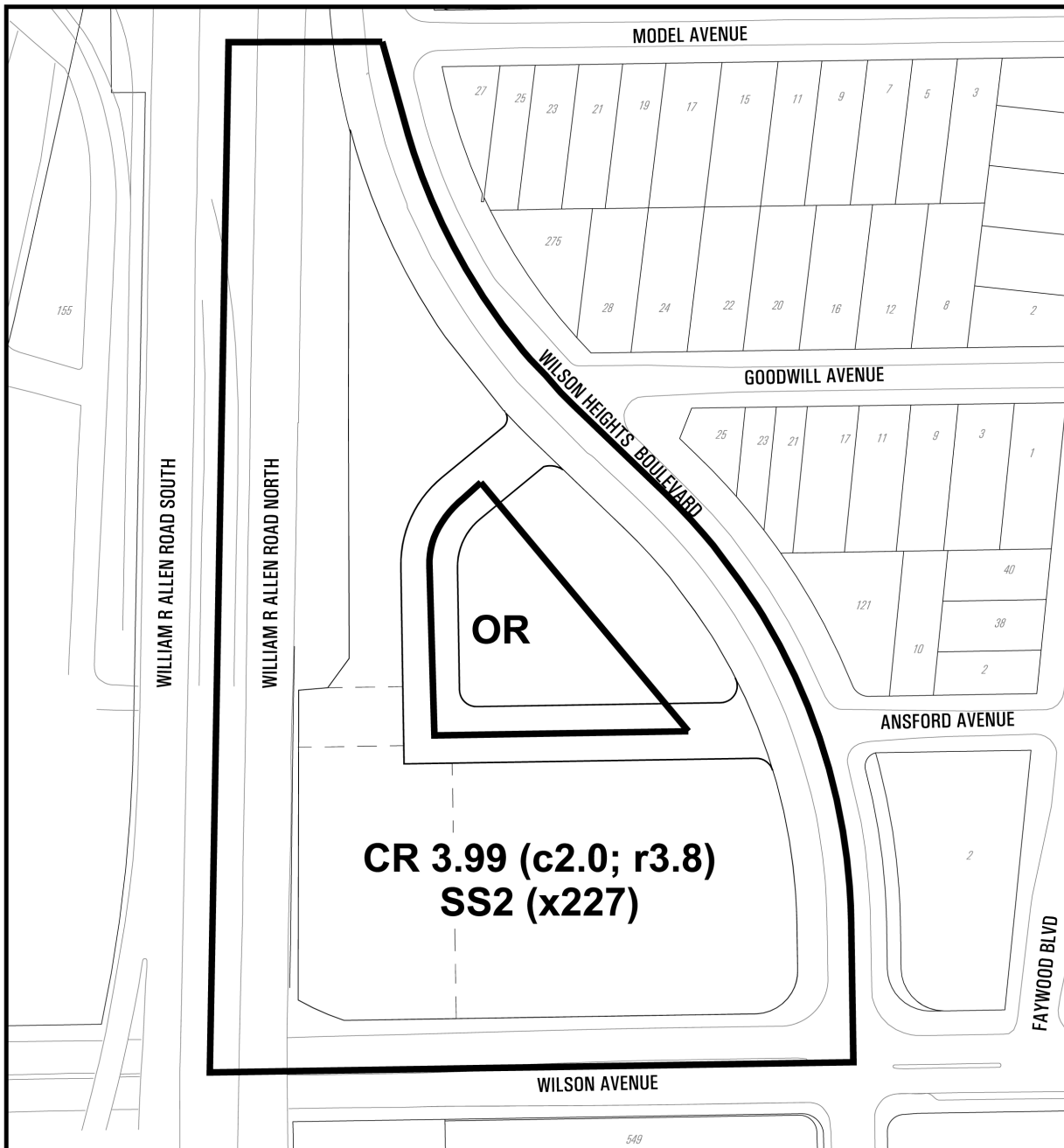


Diagram 3 – Policy Area

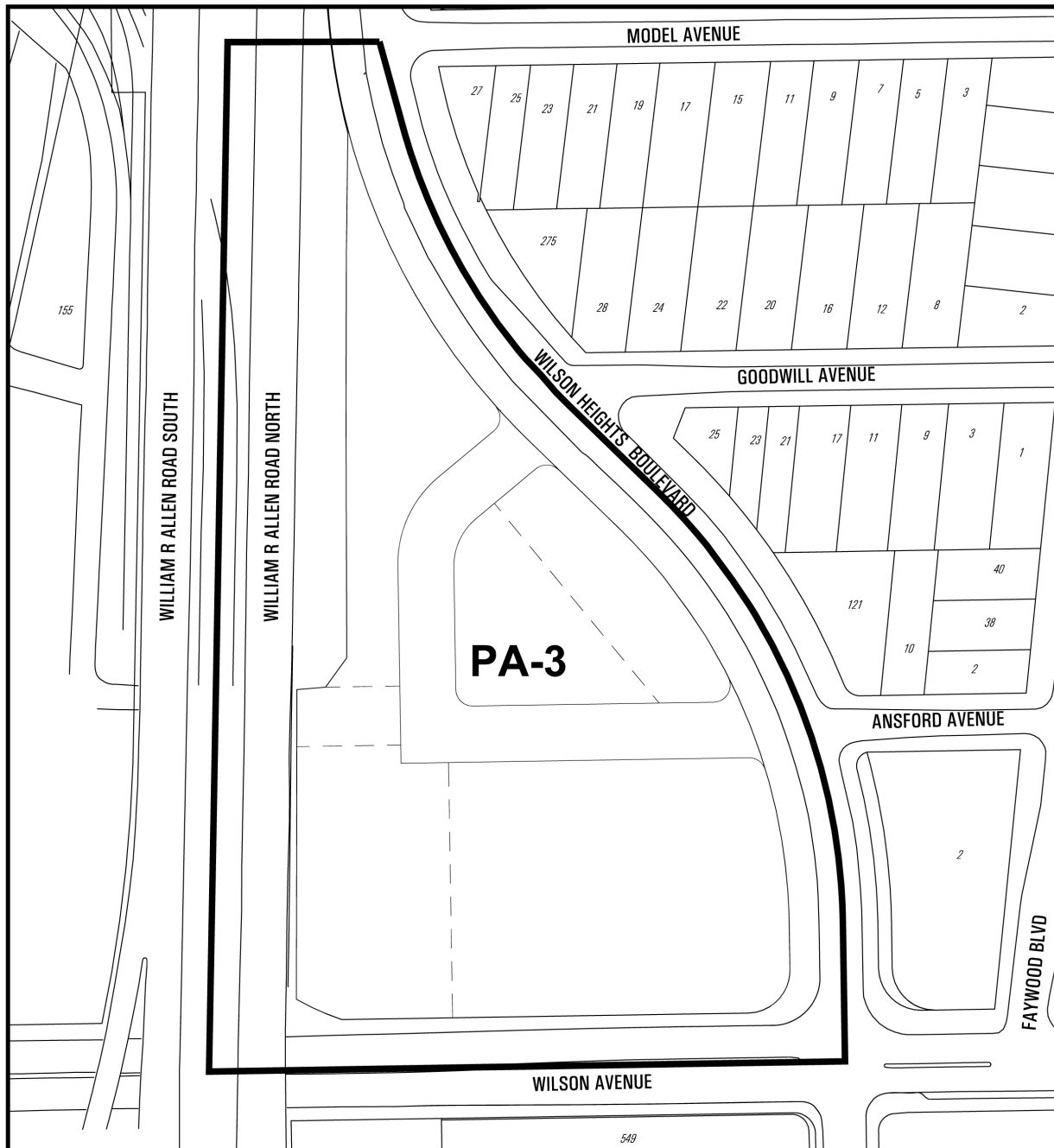


Diagram 4 – Height Overlay

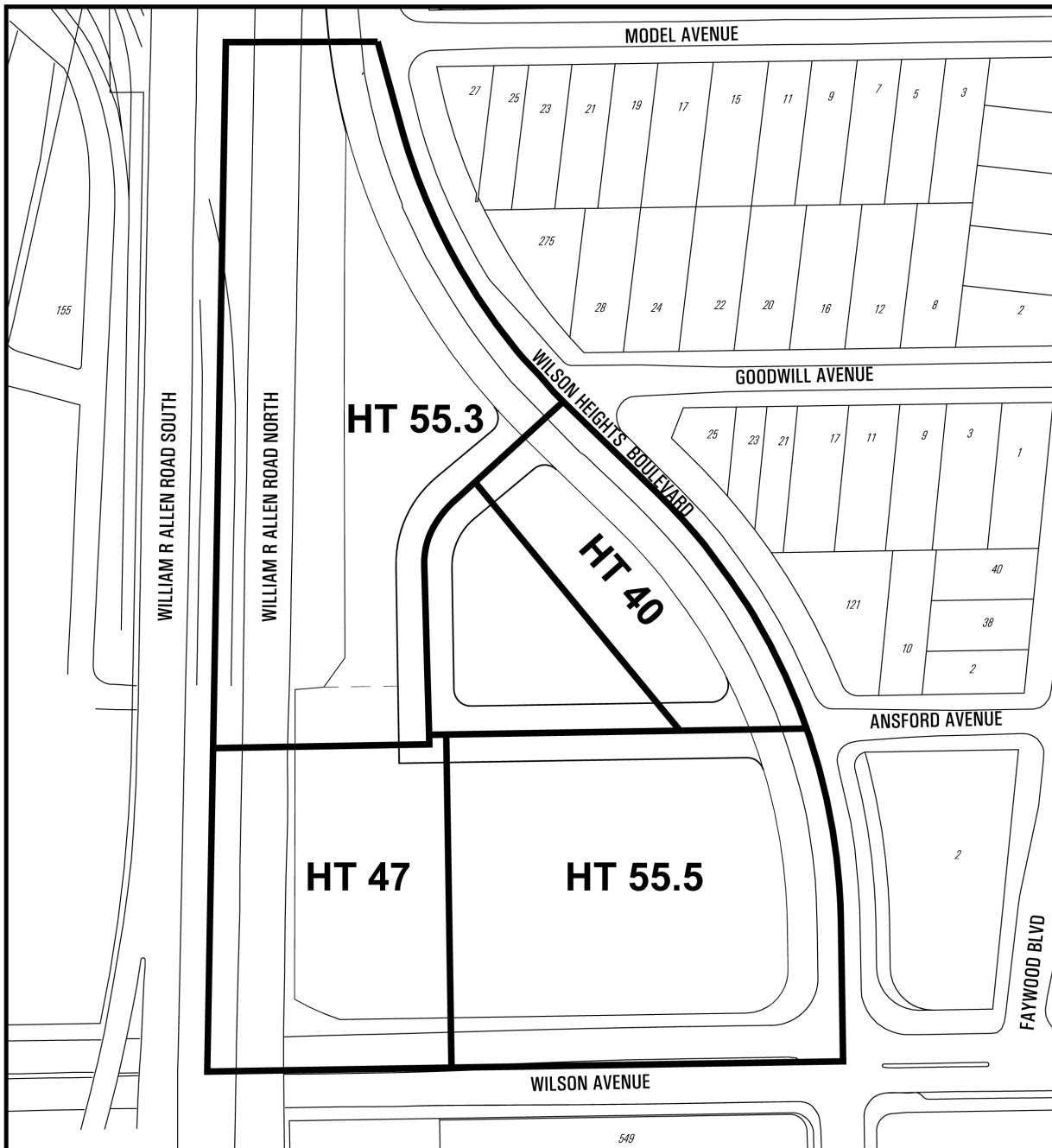


Diagram 5 – Rooming House and Lot Coverage Overlay

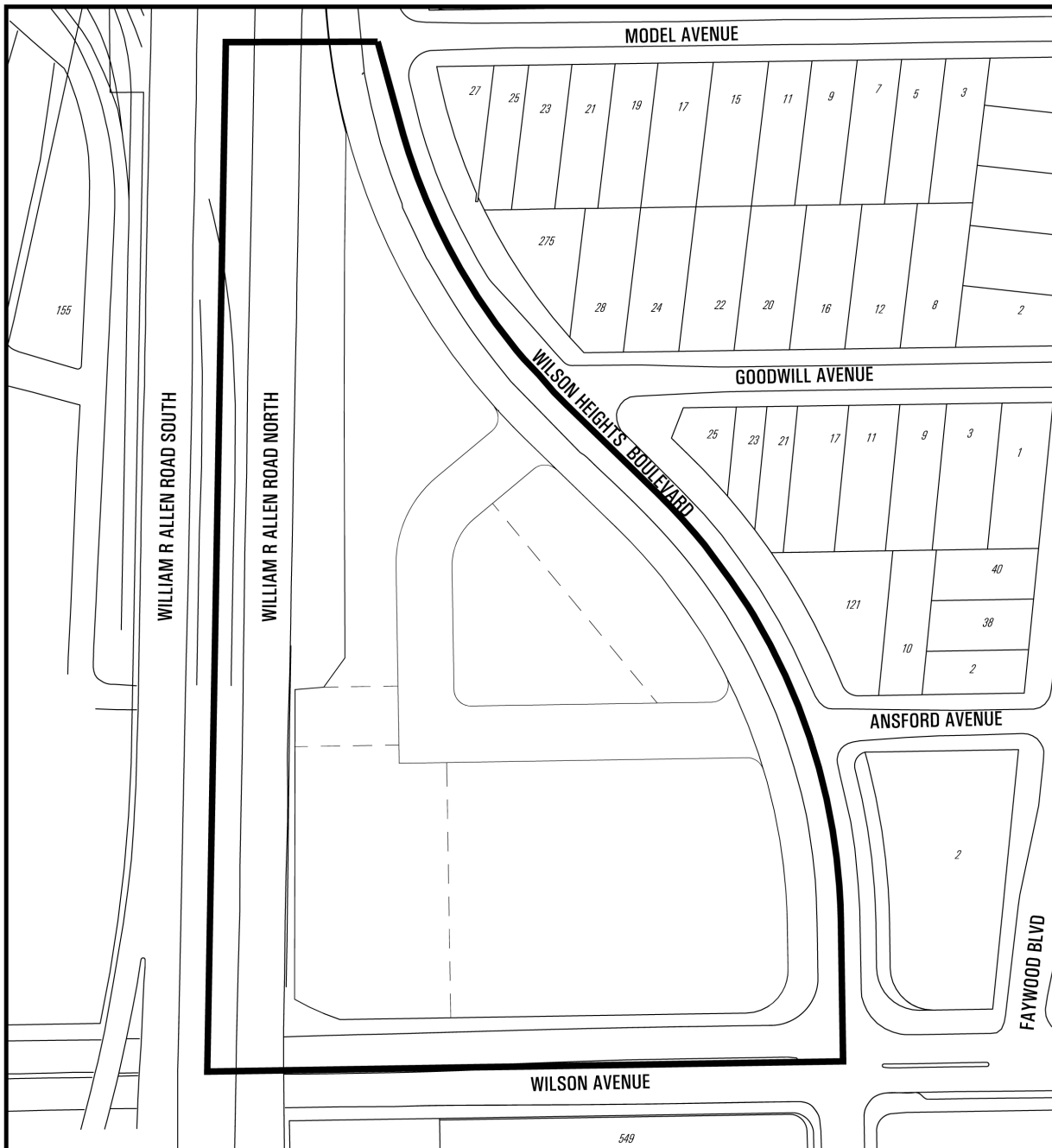
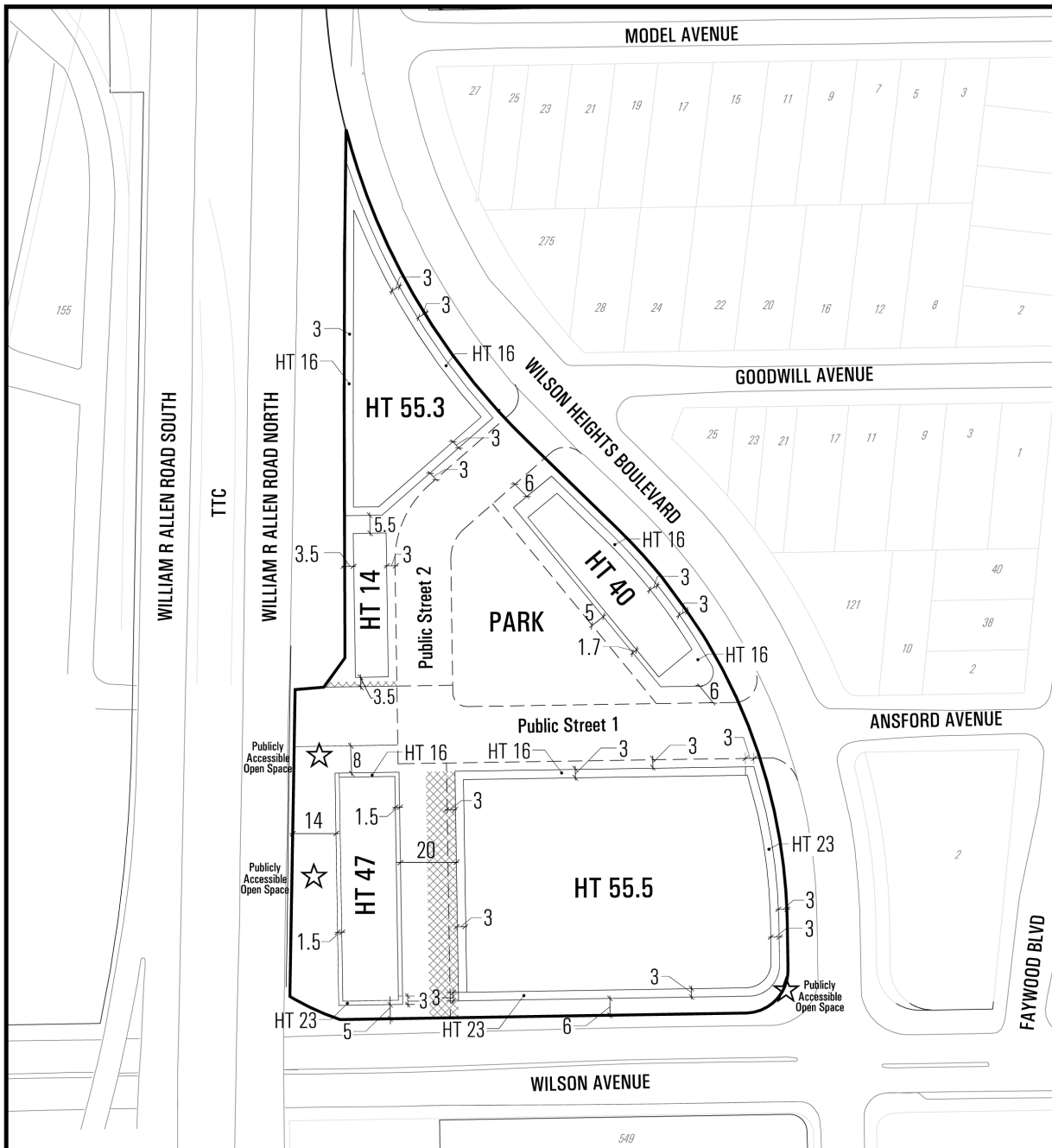


Diagram 6 – Heights and Setbacks




 **Toronto**
Diagram 6

50 Wilson Heights Boulevard

File # 19 114174 NNY 06 0Z

 Proposed Midblock Connection


City of Toronto By-law 569-2013
Not to Scale
02/24/2020