

Authority: Etobicoke York Community Council Item EY32.9, as adopted by City of Toronto Council on July 23, 24, 25, 26, 27 and 30, 2018 and MM7.8, by Councillor Frances Nunziata, seconded by Councillor Ana Bailão, as adopted by City of Toronto Council on May 14 and 15, 2019

## CITY OF TORONTO

### BY-LAW 804-2019

#### **To amend former City of York Zoning By-law 1-83, as amended, with respect to the lands municipally known as 10 Wilby Crescent.**

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; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize an increase in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas, subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the *owner* of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out;

The Council of the City of Toronto enacts:

- 1.** Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of development permitted in this By-law are permitted beyond that otherwise permitted on the lands shown on Schedule A attached to and forming part of this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 of this By-law and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- 2.** Where Appendix 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same.

3. Section 16 General Exceptions of By-law 1-83 is amended by adding the following subsection:

16(463) LANDS: 10 WILBY CRESCENT

Notwithstanding the provisions of former City of York Zoning By-law 1-83, the lot, as delineated by heavy lines on Schedule A attached to and forming part of this By-law, and municipally known as 10 Wilby Crescent may be used for the purposes of an apartment house and accessory buildings and structures subject to the following provisions:

MAXIMUM GROSS FLOOR AREA

- (a) The maximum permitted residential gross floor area on the lot shall not exceed 18,355 square metres.

MAXIMUM NUMBER OF UNITS

- (b) The maximum permitted number of residential dwelling units on the lot shall not exceed 233 of which a minimum of 58 percent of the total units must be comprised of 2 or more bedroom units.

PERMITTED USES

- (c) Notwithstanding Section 8.2.2 of By-law 1-83, the following uses shall be permitted:
- (i) Apartment houses and associated structures;
  - (ii) Townhouses and associated structures;
  - (iii) Stacked townhouses;
  - (iv) Amenity building, accessory buildings and structures;
  - (v) Retirement home; and
  - (vi) Nursing home.

MAXIMUM FLOOR SPACE INDEX

- (d) The maximum floor space index on the lot shall not exceed 5.11 and for the purposes of calculating floor space index it shall also exclude any roof top mechanical room and stair access to the roof.

BUILDING HEIGHT

- (e) The maximum building height, including all accessory structures, appurtenances, equipment or other projections shall not exceed the value in metres shown on Schedule B attached to and forming part of this By-law. Height shall be measured from grade, which is established as the Canadian Geodetic Datum value of 126.0 metres. The following permitted exceptions to the maximum height are:

- (i) appurtenances and equipment serving the building and stairs to the roof may be located within an enclosed and covered portion of the building on the roof portion of the building and may exceed said permitted height by up to 6.0 metres;
- (ii) parapets, non-structural roofing materials including insulation and membranes, decking and sloping members relating to roof-top drainage, and planters may be located on the roof portion of the building and may exceed the said permitted height by up to 2.5 metres; and
- (iii) decks, guardrails, fences and screens, partitions dividing terraces, landscape features and patio furniture may be located on the roof portion of the building and may exceed the said permitted height by up to 2.5 metres.

#### YARD SETBACKS

- (f) The minimum yard setbacks shall be as shown on Schedule B attached to and forming part of this By-law except that accessory buildings and structures, fences, canopies, balconies, parapets, terraces, architectural features, guardrails, play structures, stairs, railings, stair enclosures, retaining walls, garage vent shafts and window wells shall be permitted to encroach into the required yard setbacks.

#### PARKING

- (g) Vehicular parking spaces shall be provided on the lot in accordance with the following ratios:
  - (i) a minimum of 0.62 resident spaces per dwelling unit;
  - (ii) a minimum of 0.15 visitor spaces per dwelling unit; and
  - (iii) 1 car share space.
- (h) If the calculation of the number of parking spaces results in a fraction, the number is rounded down to the nearest whole number, but there is not to be less than one parking space.
- (i) A parking space must have the following minimum dimensions:
  - (i) length of 5.6 metres;
  - (ii) width of 2.6 metres
  - (iii) vertical clearance of 2.0 metres; and
  - (iv) the minimum width of 2.6 metres must be increased by 0.3 metres for each side of the parking space that is obstructed according to (l) below.

- (j) For a parking space accessed by a drive aisle with a width of less than 6.0 metres, whether it is a one-way or two-way drive aisle, the minimum dimensions of a parking space are:
- (i) length - 5.6 metres;
  - (ii) width - 2.9 metres;
  - (iii) vertical clearance - 2.0 metres; and
  - (iv) the minimum width of 2.9 metres must be increased by 0.3 metres if one or both sides of the parking space is obstructed according to (l) below.
- (k) The minimum dimensions of a parking space that is adjacent and parallel to a drive aisle from which vehicle access is provided are:
- (i) length - 6.7 metres;
  - (ii) width - 2.6 metres;
  - (iii) vertical clearance - 2.0 metres; and
  - (iv) the minimum width of 2.6 metres must be increased by 0.3 metres for each side of the parking space that is obstructed according to (m) below.
- (l) The side of a parking space is obstructed if any part of a fixed object such as a wall, column, bollard, fence or pipe is situated:
- (i) within 0.3 metres of the side of the parking space, measured at right angles, and
  - (ii) more than 1.0 metre from the front or rear of the parking space.
- (m) A maximum reduction of four resident spaces shall be permitted for the provision of one car-share space.
- (n) Accessible parking spaces must be the parking spaces located:
- (i) closest to a main pedestrian access to a building; and
  - (ii) at the same level as the pedestrian entrance to the building.
- (o) Accessible parking spaces must be provided at a minimum of 4 parking spaces plus 1 parking space for every 50 parking spaces or part thereof in excess of 100 parking spaces and must comply with the minimum dimensions for an accessible parking space.
- (p) An accessible parking space must have the following minimum dimensions:
- (i) length of 5.6 metres;
  - (ii) width of 3.9 metres; and
  - (iii) vertical clearance of 2.1 metres.

#### BICYCLE PARKING

- (q) Bicycle parking shall be provided on the lot in accordance with the following ratios:
  - (i) A minimum of 0.1 short-term bicycle parking spaces per dwelling unit; and
  - (ii) A minimum of 0.9 long-term bicycle parking spaces per dwelling unit.

#### AMENITY SPACE

- (r) Indoor amenity space shall be provided on the lot at a minimum rate of 1.5 square metres for each dwelling unit, and outdoor amenity space shall be provided on Site at a minimum rate of 2.0 square metres for each dwelling unit.

#### REFUSE HANDLING

- (s) Refuse shall be stored and maintained within a refuse room located on the ground floor. Vehicular access to the refuse room shall be provided and maintained from Wilby Crescent.

#### LOADING

- (t) One loading space shall be provided and maintained on the lot, and vehicular access to the loading space shall be provided and maintained from Wilby Crescent. The loading space must have a:
  - (i) minimum length of 13.0 metres;
  - (ii) minimum width of 4.0 metres; and
  - (iii) minimum vertical clearance of 6.1 metres.

#### SEVERANCE

- (u) The provisions of this exception shall apply collectively to the lot notwithstanding the future severance, partition, or division of the lot.

#### SALES PRESENTATION CENTRE

- (v) Nothing in this By-law shall prevent the construction and use of a sales presentation centre on the lot for the purpose of selling dwelling units to be constructed on the lot.

#### DEFINITIONS

- (w) For the purposes of this By-law the following definitions shall apply:
  - (i) "Amenity space" shall mean a common area or areas within the area

subject to this By-law which are provided for the exclusive use of residents of a building for recreational or social purposes;

- (ii) "Grade" shall mean an elevation of 126.0 metres Canadian Geodetic Datum;
- (iii) "Height" shall mean the vertical distance between established grade and the highest point of the building or structure;
- (iv) "Parking Space" shall mean an area used for the parking or storing of a vehicle;
- (v) "Vehicle" shall mean a wheeled or tracked device, either self-propelled or capable of being pulled by a self-propelled device, for moving persons or objects, or used for construction or agriculture;
- (vi) "Drive Aisle" shall mean a vehicle passageway located within an area used for parking or storage of 3 or more vehicles;
- (vii) "Bicycle Parking Space" – means an area that is equipped with a bicycle rack, locker or bicycle stacker for the purpose of parking and securing bicycles; and
  - i. where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
  - ii. where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres, by 1.2 metres and a vertical dimension of at least 1.9 metres; and
  - iii. where the bicycles are to be parked in a bicycle stacker, has a horizontal dimension of at least 0.6 metres, by 1.8 metres and has a vertical dimension for each bicycle parking space of at least 1.2 metres;
- (viii) "Bicycle Parking Space, Long-term" – means an area for the purposes of parking and securing bicycles for residents;
- (ix) "Bicycle Parking Space, Short-term" – means an area that is equipped with a bicycle rack or bicycle stackers for the purpose of parking and securing bicycles and may be located outdoors or indoors within a secured room, enclosure or bicycle locker;
- (x) "Accessible" means free of a physical, architectural or design barriers that would restrict access or use to a person with a disability as defined in the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11;

- (xi) "Car-share parking space" means a parking space that is reserved and actively used for car-sharing; and
- (xii) "Loading space" means a parking space that is reserved for temporary use by refuse collection vehicles and other heavy goods vehicles.

#### OTHER PROVISIONS

- (x) Within the lands shown on Schedule "B" attached to this By-law, no person shall occupy any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
  - (i) 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
  - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
- (y) All other provisions of former City of York By-law 1-83 shall continue to apply except in the case where provisions of this Exception are in conflict in which case the provisions of this Exception shall prevail.

Enacted and passed on May 15, 2019.

Frances Nunziata,  
Speaker

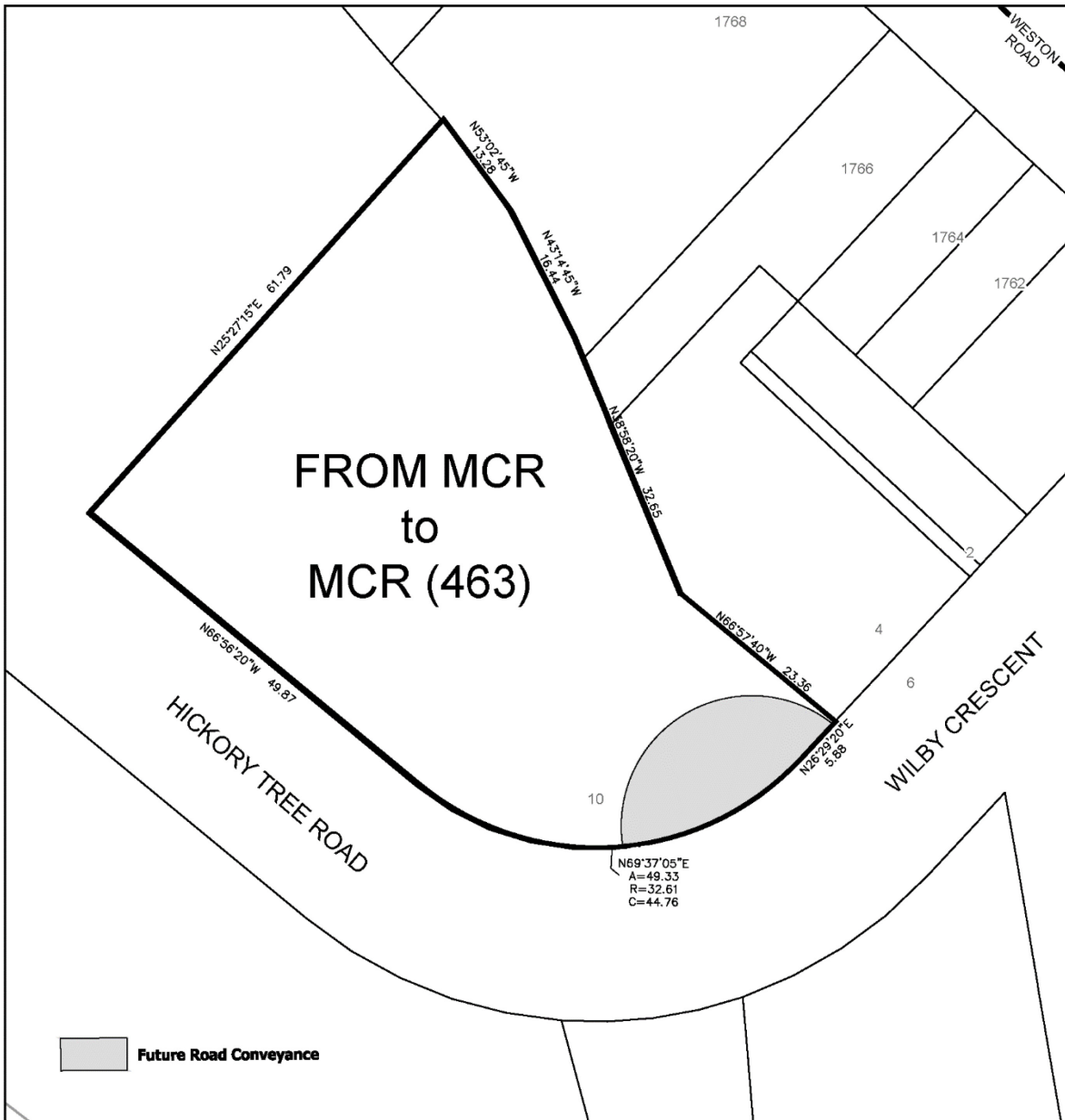
Ulli S. Watkiss,  
City Clerk

(Seal of the City)

## APPENDIX 1

Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, such Agreement to be registered on title to the lands at 10 Wilby Crescent, in a manner satisfactory to the City Solicitor to secure the following community benefits at the owners expense:


- a. A cash contribution of \$800,000 to be directed to "The Treasurer, City of Toronto" indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment and to be used for:
  - i. The conversion of the Hickory Tree Road lands abutting the subject property to Parkland conditions;
  - ii. Improvements to local parkland and connectivity of local parkland to the Humber River valley; and
  - iii. Streetscape improvements along Wilby Crescent, Weston Road and Hickory Tree Road which comply with the Streetscape Manual and are to the satisfaction of the Chief Planner and Executive Director, City Planning.
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - i. The breakdown of units by type;
  - ii. The construction of a new cul-de-sac at Wilby Crescent;
  - iii. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, as further amended by City Council from time to time; and
  - iv. The submission of an archaeological monitoring report to Heritage Preservation Services staff for their review and acceptance prior to the release of an above-grade building permit.
- c. In the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of the 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.

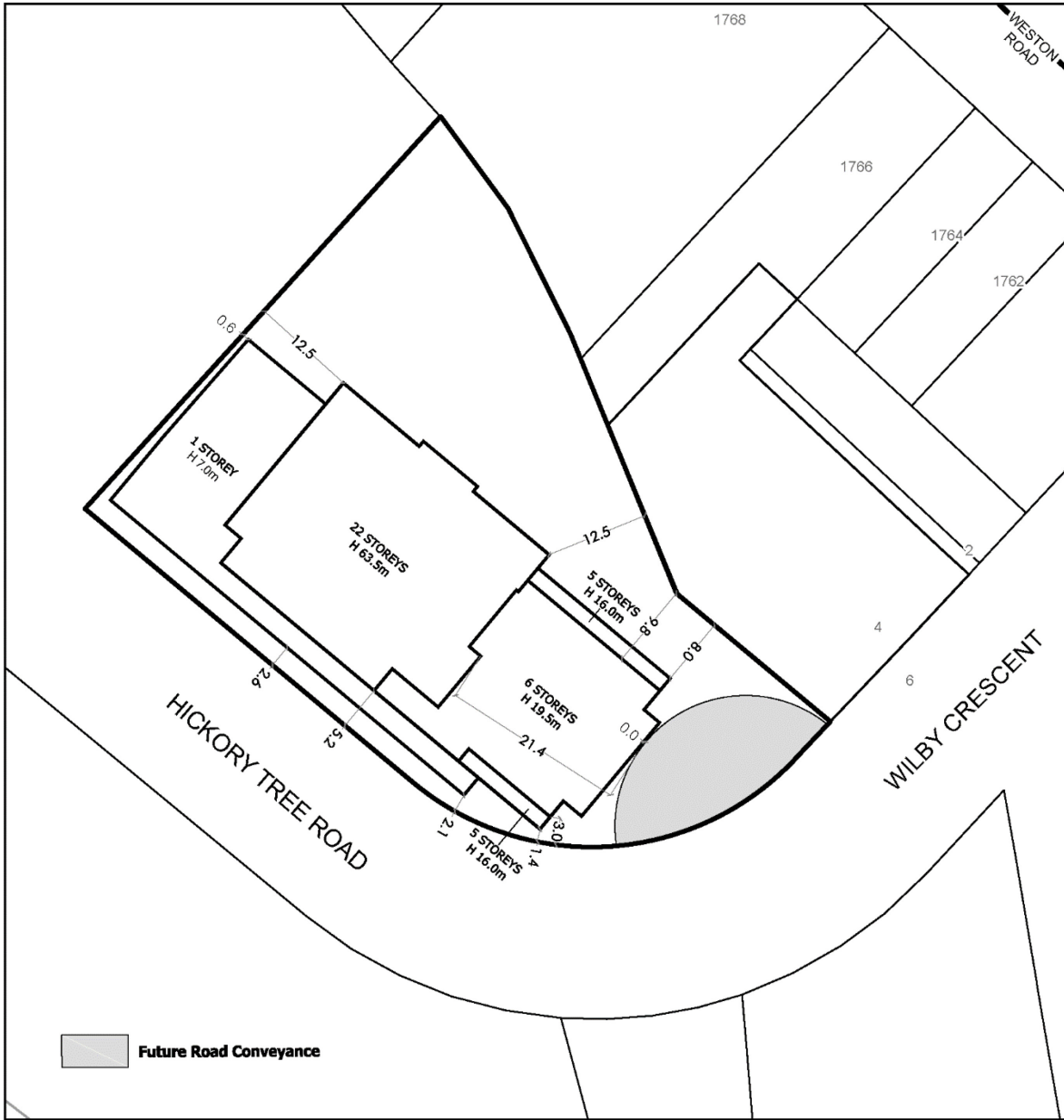


 **TORONTO**  
Schedule A

**10 Wilby Crescent**

File # 16 241014 WET 11 0Z


  
Former City of York By-Law 1-83  
Not to Scale  
4/20/2018



 **TORONTO**  
Schedule B

10 Wilby Crescent

File # 16 241014 WET 11 02

  
Former City of York By-Law 1-83  
Not to Scale  
4/20/2018