

Authority: Etobicoke York Community Council Item
EY33.2, as adopted by City of Toronto Council on July 19
and 20, 2022

CITY OF TORONTO

Bill 944

BY-LAW -2022

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to lands municipally known in the year 2021 as 63 – 73 Widdicombe Hill Boulevard.

Whereas Council of the City of Toronto has the authority 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; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the Council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law; and

Whereas the Official Plan for the City of Toronto contains 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 increases in the height and 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, the 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; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by the Etobicoke Zoning Code as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Schedule A of this By-law.
2. None of the provisions of Sections 320-18, 320-19, 320-39, 320-40, 320-41, 320-42, 320-46, 320-52, 320-65, 320-67 and 320-68, shall apply to the Lands described in Schedule A attached to this By-law, subject to compliance with the following:
 - (A) Uses, buildings and structures existing on the lot as of April 1, 2022 including the Existing Buildings are permitted;
 - (B) The required minimum building setbacks and above-ground separation distances between main walls are as shown on Schedule B attached to this By-law, with the exception of the following projections:
 - (i) Lighting fixtures, railings, retaining walls, privacy screens, stairs, enclosed stairs, landscape features, patios, terraces, structures used for safety, noise or wind mitigation purposes, chimneys, vents, stacks and their associated enclosures, parapets, elements of a green roof and window washing equipment, structures for outdoor amenity space or open air recreation, planters, ramps to underground parking areas and associated structures, bollards, guards, guardrails, wheelchair ramps, bicycle racks, gas and hydro metres and associated enclosures;
 - (ii) Cornices, ornamental or architectural features, sills, and eaves, to a maximum of 0.5 metres;
 - (iii) Canopies and awnings to a maximum of 3.5 metres; and,
 - (iv) Balconies to a maximum of 2.0 metres;
 - (C) The permitted maximum height of the Existing Buildings is the height of such buildings as they existed on the lot on April 1, 2022, subject to the following permitted projections:
 - (i) roof top mechanical equipment and related enclosures to a maximum of 5.0 metres; and;
 - (ii) structures for noise or wind mitigation to a maximum of 3.0 metres;
 - (D) The permitted maximum heights of Building A and Building B are the numerical values in metres following the HT symbol and the number of storeys following the ST symbol on Schedule B of this By-law with the exception of the following permitted projections:

- (i) Lighting fixtures, railings, retaining walls, wheel chair ramps, stairs, ornamental or architectural features, cornices, sills, eaves and balconies;
 - (ii) Planters, ramps to underground parking areas and associated structures, bollards, guards, guardrails, bicycle racks, gas and hydro metres and associated enclosures to a maximum vertical projection of 1.5 metres above the finished ground surface;
 - (iii) Parapets on Building B, vents, stacks and their associated enclosures, elements of a green roof and window washing equipment may exceed the permitted maximum building height by 1.5 metres;
 - (iv) Parapets on Building A, structures used for safety, noise or wind mitigation purposes, privacy screen, structures for outdoor amenity space or open air recreation, terraces and landscape features may exceed the permitted maximum building height by a maximum of 3.0 metres;
 - (v) Enclosed stairs to a maximum vertical projection of 3.5 metres above the finished ground surface;
 - (vi) Patios to a maximum vertical projection of 0.8 metres above the finished ground surface; and
 - (vii) Canopies and awnings to a maximum vertical projection of 4.5 metres above the finished ground surface;
- (E) The portion of the a building labelled "MPH" on Schedule B located above the permitted maximum building height of 23.8 metres in Building A and above the permitted maximum building height of 60.2 metres in Building B must only be used for equipment and structures for the functional operation of a building including structures that enclose, screen or cover such equipment and structures;
- 3.** The provisions of Section 304-3 Definitions of the Zoning Code apply unless they are inconsistent with the provisions of this By-law, and for the purpose of this By-law the following definitions will apply:
- (A) "Building A" and "Building B" means the buildings labeled as "BLDG. A" and "BLDG. B", respectively, on Schedule B of this By-law;
 - (B) "Existing Buildings" means the existing buildings located on the lot on April 1, 2022, as shown as "Existing Building" on Schedule A of this By-law as well as ancillary structures including an underground parking garage and garage entry ramps;
 - (C) "grade" means the Canadian Geodetic Datum elevation of 157.45;

- (D) "height" means the vertical distance measured between grade and the highest point of the building; and
 - (E) "lot" means the lands shown on Schedule A attached to this By-law.
4. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply to the lands as one lot, as if no severance, partition or division occurred.
 5. Except as otherwise provided in this By-law, the provisions of the Zoning Code continue to apply to the lands shown on Schedule A.
 6. The provisions of By-law 811 do not apply to the lot.
 7. Temporary uses:
 - (A) None of the provisions of Chapters 320 and 324 of the Etobicoke Zoning Code, as amended, prevent the reduction of the required parking spaces, loading spaces and bicycle spaces required for the Existing Buildings during construction of Building A and Building B on the lot for a period of not more than three years from the date this By-law comes into full force and effect, provided:
 - (i) An interim parking plan is submitted to the satisfaction of the Chief Planner and Executive Director, City Planning.
 8. Section 37 Requirements:
 - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule A attached to 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 Schedule 1 attached to 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;
 - (B) Where Schedule 1 attached to 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 the same; and
 - (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule 1 are satisfied.

9. Chapter 324, Site Specifics, of the Etobicoke Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
By-law #####-2022, [Date], 2022	63 and 73 Widdicombe Hill Boulevard	To provide site specific development standards to permit an addition to the existing apartment building on the lands.

Enacted and passed on July 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE 1
Section 37 Requirements

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Schedule A of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to the issuance of any building permit, the owner shall enter into an agreement and register same on title, to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits below.
2. Prior to issuance of the first above-grade permit, the owner shall make a cash contribution to the City in the amount of \$2,200,000.00 (the "Cash Contribution") be allocated towards local streetscape, parkland and/or community facilities within proximity of the subject site, in consultation with the Ward Councillor.
3. The Cash Contribution set out in Clause 2 shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date Council adopts the zoning by-law amendment(s) to the date of payment of the Cash Contribution by the owner to the City.
4. In the event the Cash Contribution in Clause 2 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(s), 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 Official Plan and will benefit the community in the vicinity.
5. The owner shall provide the following to support the development of the lands:
 - (A) 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 from time to time, to the satisfaction of the Chief Planner and Executive Director, City Planning; the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, and consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan control application for the development;
 - (B) The owner shall satisfy applicable signage requirements of the Toronto District School Board and the Toronto Catholic District School Board and shall insert warning clauses in purchase and sale/tenancy agreements as required in connection with student accommodation;

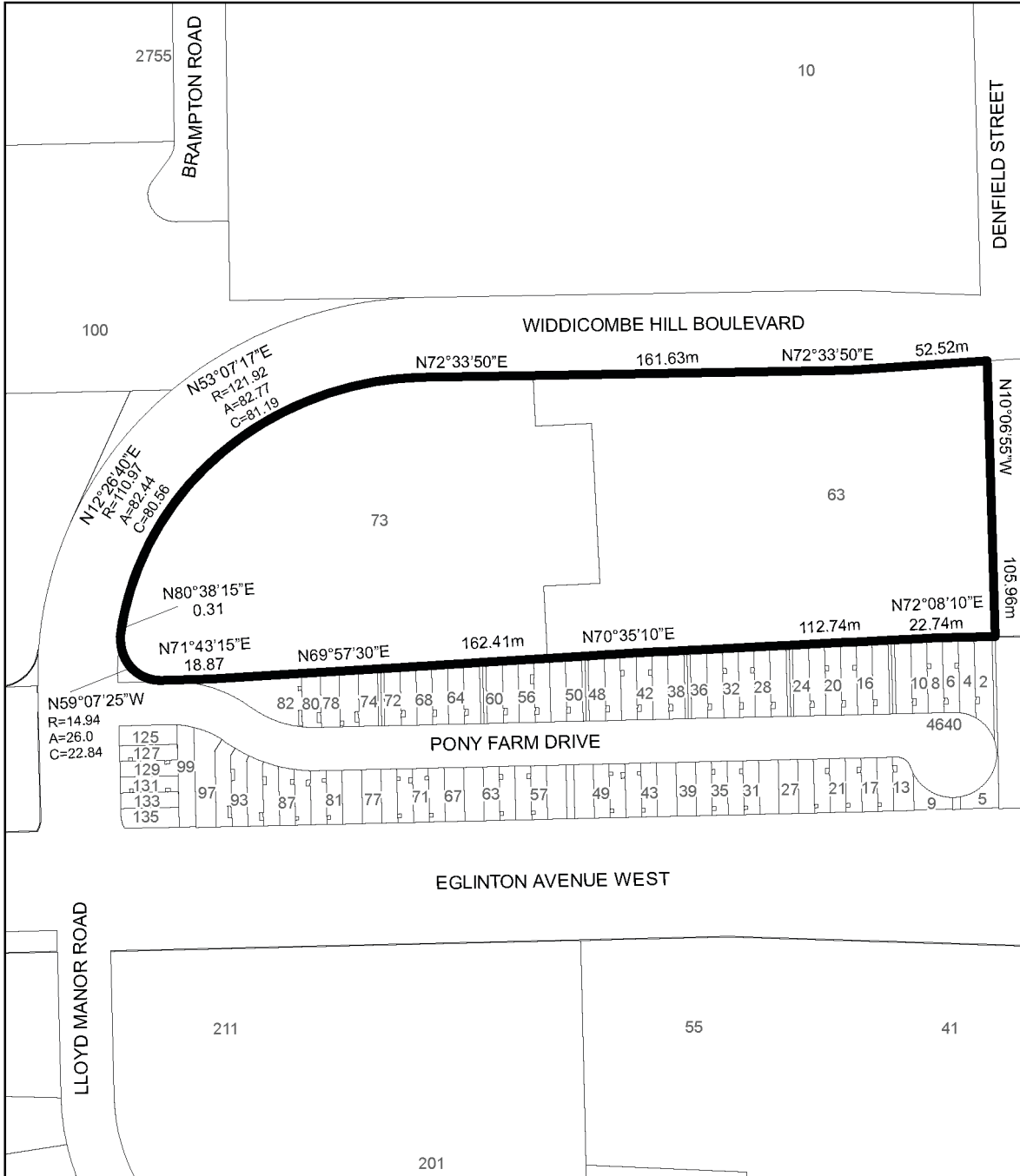
- (C) Prior to the commencement of any demolition, excavation and shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the Chief Engineer and Executive Director, Engineering and Construction Services, and the Chief Building Official and Executive Director, Toronto Building Division, in consultation with the Ward Councillor, and Toronto Lands Corporation, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the Toronto District School Board, and any other matters requested by the Chief Planner and Executive Director, City Planning Division, and the Chief engineer and Executive Director, Engineering and Construction Services, in consultation with the Ward Councillor;
- (D) The owner shall submit to the Chief Engineer and Executive Director, Engineering and Construction Services for review and acceptance, prior to Site Plan Control approval, a Functional Servicing Report to confirm storm water runoff, sanitary flow and water supply demand resulting from this development, and that there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development;
- (E) The owner shall enter into a financially secured agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the accepted Functional Servicing Report and Traffic Impact Study accepted by the Chief Engineer and Executive Director of Engineering and Construction Services and General Manager of Transportation Services;
- (F) Prior to Site Plan Control approval, the owner shall provide maneuvering diagrams showing the transport of garbage bins from the underground levels to a revised staging area at 63 Widdicombe Hill Boulevard, to the satisfaction of the General Manager of Transportation Services and the General Manager, Solid Waste Management Services;
- (G) The owner shall continue to provide and maintain the 461 existing rental dwelling units on the lands as rental housing, together with the new and retained associated facilities and amenities of the existing residential rental property, for a period of at least 20 years commencing from the date that the Zoning By-laws come into force and effect, and with no applications for demolition or conversion from residential rental use during such 20-year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

- (H) The owner shall provide tenants of all 461 existing rental dwelling units at 63 and 73 Widdicombe Hill Boulevard with access to, and use of, all indoor and outdoor amenities in the proposed development at no extra charge, and on the same terms and conditions as any other resident of the development, without the need to pre-book or pay a fee unless specifically required as a customary practice for private bookings, and with no pass-through costs to the tenants, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario for the purpose of obtaining an increase in residential rent above the applicable guideline;
- (I) The owner shall provide, at its sole expense and at no cost to tenants, improvements to the existing rental buildings at 63 and 73 Widdicombe Hill Boulevard, taking into account feedback obtained through a tenant survey, as follows:
- (i) Prior to Site Plan Control approval:
- a. The owner shall submit to the City a Construction Mitigation Strategy, including an interim parking plan, and Tenant Communication Plan to mitigate the impacts of construction of the development on tenants of the existing rental buildings, including the provision of temporary, off-site resident parking, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - b. The owner agrees to provide plans showing the location, layout, and specifications of the improvements referred to in Subsections 5.(I)(i) c. to 5.(I)(ii) to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - c. Improvements to the garbage rooms/storage areas;
 - d. Upgrades to the existing main lobbies, limited to painting, lighting, new furniture and seating;
 - e. Upgrades to existing libraries;
 - f. Upgrades to existing change rooms and refinish the saunas;
 - g. Improvements to the existing laundry rooms and party rooms; and
 - h. Improvements to the outdoor amenity areas, including provision of new barbeque grills and outdoor seating; and

- (ii) Prior to occupancy of any new residential units, subject to extensions for seasonality for the outdoor improvements, the indoor and outdoor improvements shall be completed.

- (J) The costs associated with the provision and maintenance of the rental housing improvements, Construction Mitigation Strategy and Tenant Communication Plan required above shall not be passed on to tenants of the existing rental buildings at 63 and 73 Widdicombe Hill Boulevard in any form. For clarity, the owner agrees it shall not apply to the Landlord and Tenant Board, or any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for an above-guideline increase in rent to recover expenses incurred in completing the rental housing improvements in Subsections 5.(I)(i) c. to 5.(I)(ii) above.

- (K) the Owner shall insert an advisory clause that residents of the development will be ineligible for on-street parking permits, substantially in the form of the advisory clause in Attachment 4 to the report (November 10, 2021) contained in item 2021.PH29.3 from the Chief Planner and Executive Director, City Planning and the Chief Financial Officer and Treasurer, into all purchases, agreements of purchase and sale or agreements to lease and condominium declaration document(s) for each affected residential unit within the development.

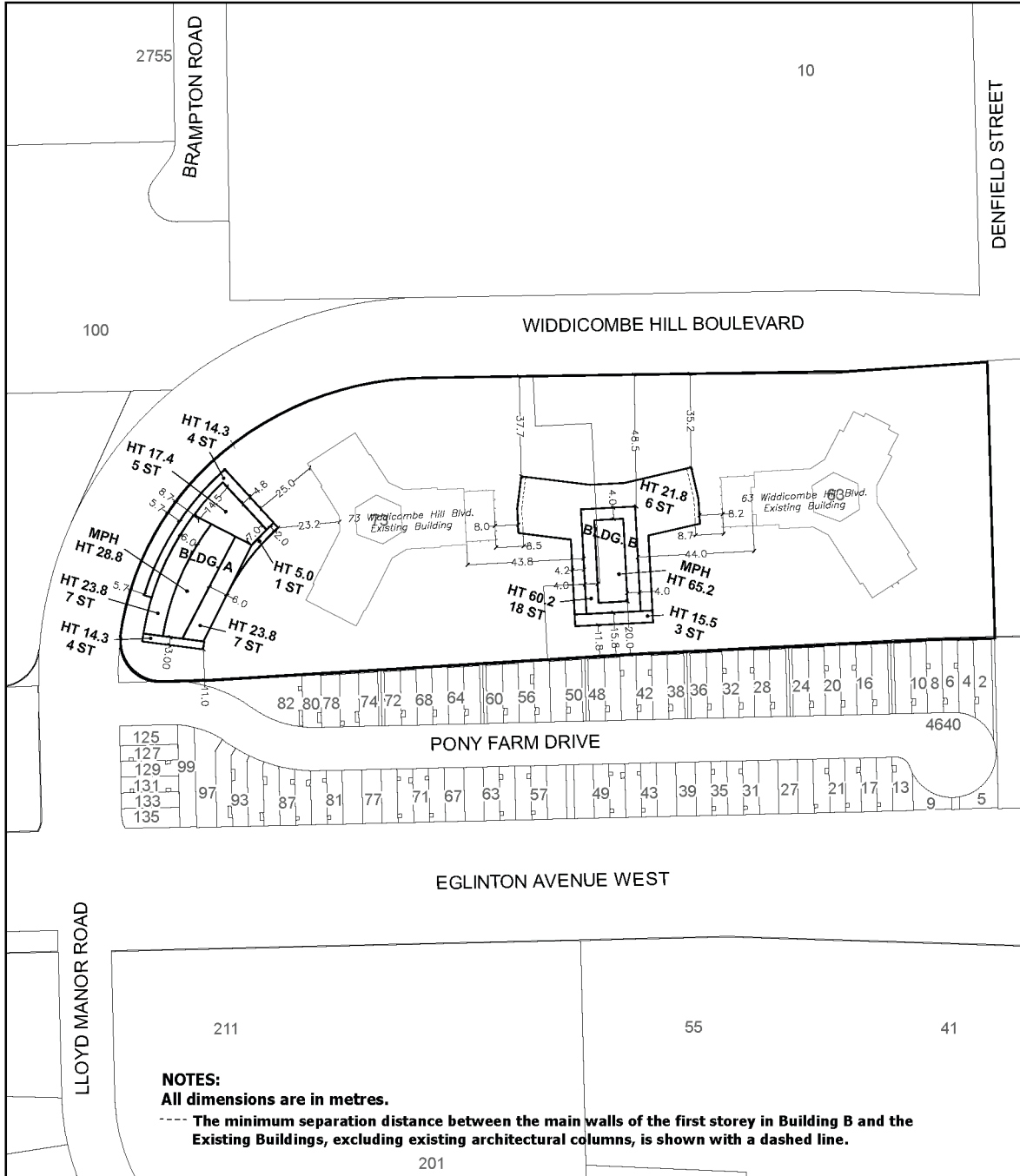


63-73 Widdicombe Hill Boulevard

File#: 19 210963 WET 02 0Z



See Former City of Etobicoke By-law No. 11,737
 Not to Scale
 05/31/2022



Toronto
 Schedule B

63-73 Widdicombe Hill Boulevard

File#: 19 210963 WET 02 0Z



See Former City of Etobicoke By-law No. 11,737
 Not to Scale
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