

Authority: Toronto and East York Community Council Report 7, Clause 3,  
as adopted by City of Toronto Council on September 28, 29 and 30, 2005  
Enacted by Council: February 2, 2006

**CITY OF TORONTO**

**BY-LAW No. 95-2006**

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 21 Widmer Street.**

WHEREAS authority is given to City Council by section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS City Council 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 37 of the *Planning Act*, the council of a municipality may, in a by-law passed under section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by the by-law in return for the provision of such facilities, services and 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 or matters in return for any 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 lands hereinafter referred to has elected to provide the facilities, services and matters as are hereinafter set forth; and

WHEREAS the increase in the height permitted hereunder, beyond that otherwise permitted on the lands by By-law No. 438-86, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the Owner of the lands hereinafter referred to and the City of Toronto (the "City"); and

WHEREAS the Official Plan of the former City of Toronto contains provisions relating to the authorization of the height and density of development; and

WHEREAS Council has required the Owner of the lands hereinafter referred to, to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height in connection with the lands herein after referred to as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 4(2), 4(12), 4(14)(a), 7(3) PART II 1(i) and 3, 7(3) Part II 7, 8(3) PART I 3(b), 8(3) PART III 1, 12(2)246(a) and 12(2)246(e) of By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection or use of a *mixed-use building on the lot*, provided that:
  - (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) no person shall erect or use a building or structure on the *lot* having a greater *height*, in metres or in *storeys*, than,
    - (i) the *height* specified by the numbers following the symbol H on Map 2 attached hereto; and
    - (ii) the number of *storeys* specified by the numbers within brackets on Map 2 attached hereto;
  - (c) notwithstanding paragraph (b), the provisions of Section 4(2)(a)(i) and 4(2)(a)(ii) shall apply except that,
    - (i) an elevator shaft and mechanical penthouse equipment shall be permitted to the maximum *height* in metres for mechanical penthouse as set out on Map 2 attached hereto; and
    - (ii) roof parapets and railings shall not exceed the sum of 1.2 metres and the applicable maximum *height* limit on Map 2 attached hereto;
  - (d) notwithstanding Section 4(12), a minimum of 314 m<sup>2</sup> of outdoor *residential amenity space* shall be provided on the *lot* in a location or locations adjoining or directly accessible from the indoor *residential amenity space*;
  - (e) notwithstanding Section 12(2)(246)(e), a maximum of 5% of required parking spaces may be permitted to have minimum dimensions of 5.45 metres by 2.6 metres;
  - (f) notwithstanding Section 7(3) Part II 7, eaves or cornices shall have a maximum permitted projection of 2.5 metres; and
  - (g) notwithstanding Section 8(3) Part III 1, a minimum of 0 m<sup>2</sup> of *common outdoor space* shall be provided.

2. Pursuant to section 37 of the *Planning Act*, the heights of the development contemplated by this By-law are permitted subject to compliance with all of the conditions set out in this By-law and, in return, the Owner of the *lot* shall provide the following facilities, services and matters to the City, at the Owner's sole expense, and in accordance with and subject to the agreements referred to in Section 2(e) herein:
- (a) the amount of \$245,000, adjusted quarterly to the Consumer Price Index, payable to the City prior to the issuance of the first building permit for the development on the *lot*, the amount to be used for streetscape improvements along Widmer Street, between King St. West and Adelaide Street West beyond those that would typically be secured through Site Plan approval. Any excess funds following Widmer Street streetscape improvements are to be directed to improvements to Clarence Square Park;
  - (b) a public art contribution in accordance with the City's public art program of a value of not less than 1% of the gross construction costs of all buildings and structures to be erected on the *lot*;
  - (c) the incorporation, in the construction of the building, of exterior materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division. This shall include 1:50 scale drawings for a portion of the podium along Widmer Street with building materials labeled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by the pedestrian;
  - (d) the introduction of measures to improve sound quality within residential units, as recommended by an acoustic consultant to be engaged by the Owner. The sound mitigation measures shall be subject to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the project architect; and
  - (e) the Owner of the *lot* shall enter into one or more agreements with the City pursuant to section 37 of the *Planning Act* to secure the facilities, services and matters required in section 2 of this By-law and such agreements are to be registered on title to the *lot*, and such agreements and registration to be to the satisfaction of the City.

- 3.** For the purposes of this By-law,
- (a) the terms set forth in italics, subject to section 3(b) of this By-law, shall have the same meaning as such terms have for the purposes of By-law No. 438-86; and
  - (b) “*grade*” means 87.15 metres above Canadian Geodetic Datum.

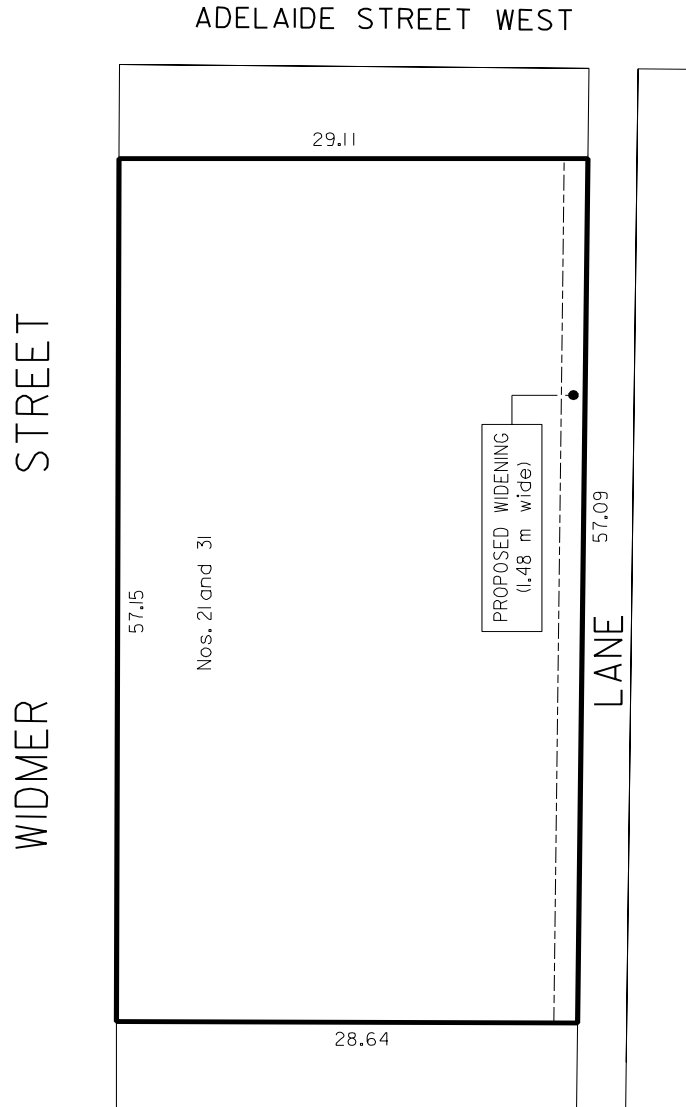
ENACTED AND PASSED this 2nd day of February, A.D. 2006.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

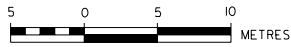
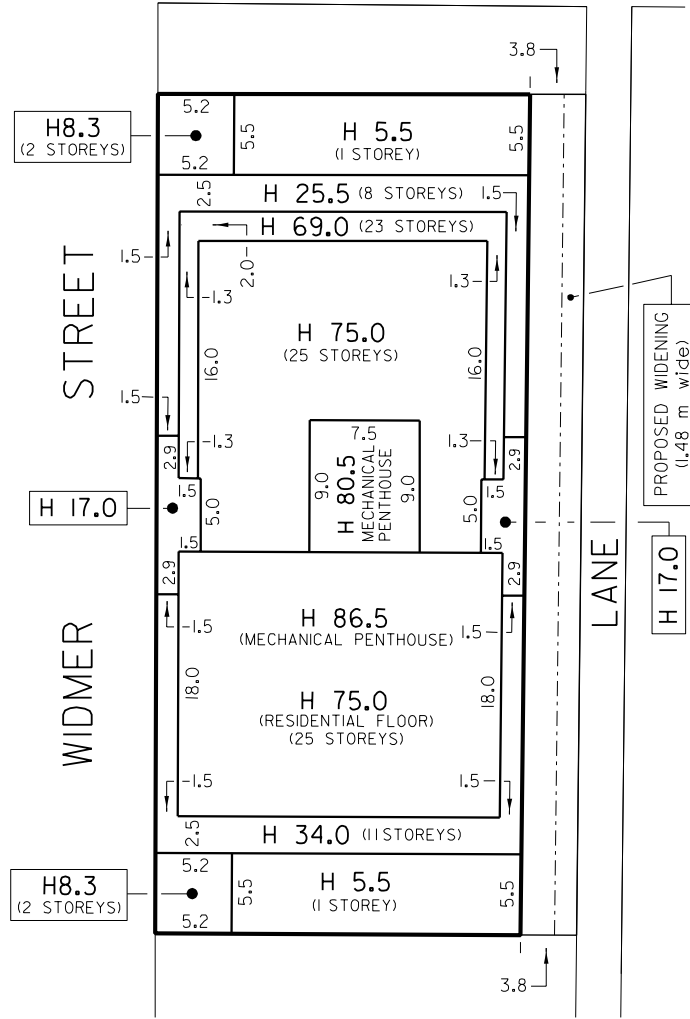
MAP 1



TECHNICAL SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO AUGUST 2005  
BL05/21WIDM1.DGN  
FILE: W66-Z4  
MAP No. 50G-322 DRAWN: VG

# MAP 2

ADELAIDE STREET WEST



TECHNICAL SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO JANUARY 2006  
 BL05/21WIDM2.DGN  
 FILE: W66-Z4  
 MAP No. 50G-322 DRAWN: VG