

Authority: Toronto and East York Community Council Item 27.14,  
as adopted by City of Toronto Council on September 30 and October 1, 2009  
Enacted by Council: June 9, 2010

## **CITY OF TORONTO**

### **BY-LAW No. 617-2010**

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 21-31 Widmer Street and 299 Adelaide Street West.**

WHEREAS the Council of the City of Toronto has been requested to amend its by-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2009 as 21-31 Widmer Street and 299 Adelaide Street West; and

WHEREAS the Council of the City of Toronto has provided adequate information to the public and conducted at least one public meeting in accordance with Section 34 of the *Planning Act*; and

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

WHEREAS the Owner of the lands hereinafter referred to has elected to provide the facilities, services or matters as are hereinafter set forth;

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

1. The *owner* of the *site* shall ensure that all water mains, sanitary and storm sewers and appropriate appurtenances required for the development of this *site* have been built or secured by way of a letter of credit acceptable to the Director of Technical Services prior to the issuance of a below-grade permit.
2. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *site*.

3. None of the provisions of Sections 4(2)(a), 4(5)(h), 4(14)(a), 7(3) PART II 1(i) and 3, 12(2)132, 12(2)246(a) and 12(2)246(e) of By-law No. 438-86, as amended, and Section 7(3) PART II 8(ii) and 7(3) PART III 2, as added to By-law No. 438-86 by By-law No. 922-2006, shall apply to prevent the erection or use of a *mixed-use building* on *the site* provided that:
- (a) the *lot* on which the building is located comprises at least the *site*;
  - (b) the aggregate *total* of the *residential gross floor area* and *non-residential gross floor area* shall not exceed 38,750 square metres;
  - (c) the *residential gross floor area* shall not exceed 38,000 square metres;
  - (d) despite Section 12(2)270, the *non-residential gross floor area* used for any purpose permitted in Sections 8(1)(f)(b)(iv) or 9(1)(f)(b)(iv) and (xi) shall not exceed 2,000 square metres;
  - (e) no portion of the building or structure erected or used above grade is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following:
    - (i) awnings, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, stair enclosures, wheelchair ramps, underground garage ramps, landscape and public art features may extend to a maximum of 1.5 metres beyond the heavy lines shown on Map 2;
    - (ii) despite section 7(3) PART II 7 A of Zoning By-law No. 438-86, as amended, eaves and cornices may extend to a maximum of 1.5 metres beyond the heavy lines shown on Map 2;
    - (iii) despite section 7(3) PART II 7 E of Zoning By-law No. 438-86, as amended, balconies may extend a maximum of 2.0 metres beyond the heavy lines shown on Map 2 as measured perpendicular to the exterior walls of the building, except for balconies on the west wall of the tower within the area shown in hatching and labelled "balcony" on Map 2, which may extend to a maximum of 1.5 metres beyond the heavy lines shown on Map 2 as measured perpendicular to the exterior walls of the building; and
    - (iv) within the area shown in hatching and labelled "lane widening" to be conveyed on Map 2, the building or structure shall be permitted beyond a depth of 1 metre below the finished elevation of the ground;

- (f) the *height* of any building or structure, or portion thereof, does not exceed those *heights* as indicated by the numbers following the symbol H on the attached Map 2, with the exception of the following:
  - (i) the maximum height for parapets, terrace guards and dividers, planters, railings, decorative screens, and window washing equipment shall be the sum of 1.8 metres and the applicable height limit shown on Map 2;
  - (ii) nothing shall prevent the erection or use of a structure, on the roof of the building, used for noise attenuation, outside or open air recreation, safety or wind protection purposes, provided:
    - A. the maximum height of the top of the structure is no higher than the sum of three metres and the *height* limit applicable to the *site*; and
    - B. the structure does not enclose space so as to constitute a form of penthouse or other room or rooms;
  - (iii) despite subsection (i) above, additional *height* for parapets is not permitted within the area shown having a height of 137.85 m on Map 2;
  - (iv) the mechanical penthouse shall be permitted only within the areas having a *height* of 137.85 m and 13.0 m as shown on Map 2, and shall not exceed 5 metres above the permitted *height* as shown on Map 2;
  - (v) despite subsection (iv) above, an elevator machine room shall be permitted within the dashed area shown as "elevator machine room" on Map 2, and shall not exceed 7.85 metres above a *height* of 137.85 metres.
- (g) Subject to subsections (h) to (n) below, a minimum number of *parking spaces* shall be provided and maintained on the *site* in accordance with the following:
  - (i) 0.3 *parking spaces* for each *bachelor dwelling unit*;
  - (ii) 0.5 *parking spaces* for each *one bedroom dwelling unit*;
  - (iii) 0.75 *parking spaces* for each *two bedroom dwelling unit*;
  - (iv) 1.2 *parking spaces* for each *three bedroom dwelling unit*;
  - (v) 0.06 *parking spaces* for each *dwelling unit* shall be provided for visitors;
  - (vi) where two adjacent *dwelling units*, separated by a knock-out panel(s), have been combined into one *dwelling unit*, with three or more bedrooms, the minimum number of *parking spaces* shall be the sum total of the parking space requirements for the *dwelling units* prior to being combined.

- (h) for each on-site *car-share parking space* provided on the *site*, the minimum resident parking required shall be reduced by 5 *parking spaces*;
  - (i) The maximum number of *car-share parking spaces* shall be 5;
  - (j) If after not less than a period of 3 years following the date of registration of the last unit, the car-share operation fails to be sustainable, to the satisfaction of the Chief Planner; such spaces shall revert as follows:
    - (i) 51% of any such spaces shall be provided and maintained on the site as a residential visitor *parking space* for the exclusive use of residential visitors to the site and signed as such and equally available to all residents of the site; and
    - (ii) 49% of any such spaces shall be provided and maintained as a resident *parking space*, for the exclusive use of residents of the site;
  - (k) the minimum parking required for affordable ownership housing shall be in accordance with the following:
    - (i) 0.3 *parking spaces* for each affordable ownership bachelor dwelling unit;
    - (ii) 0.5 *parking spaces* for each affordable ownership one or more bedroom dwelling unit contained therein; and
    - (iii) 0.06 *parking spaces* for every affordable ownership dwelling unit shall be provided for visitors;
  - (l) *tandem parking spaces* shall be permitted in addition to the required *parking spaces*;
  - (m) a *commercial parking garage* shall be permitted on the *lot*, and shall contain a maximum of 200 parking spaces;
  - (n) visitor *parking spaces* for residential uses may be provided within a *commercial parking garage* and shall be for the exclusive use of visitors to the residential portion of the building;
  - (o) at least one *loading space— type "G"* and one *loading space— type "B"* are provided and maintained on the *site*;
4. Pursuant to Section 37 of the *Planning Act*, the height of the development is permitted to increase beyond that otherwise permitted on the lands by By-law No. 438-86 and in return, the owner shall, at its sole expense, enter into an agreement with the City satisfactory to the Chief Planner and Executive Director, City Planning Division and City Solicitor, and provide the City with the facilities, services or matters set out below, and shall register such agreement on title to the lands as a first charge, and such agreement and registration shall be to the satisfaction of the City Solicitor:

- (a) A cash contribution of \$1,100,000 indexed annually pursuant to the Non-Residential Construction Price Index for the Toronto Census Metropolitan Area payable by the owner, from the date of execution of the agreement until the date the owner pays such sum, which sum is due to the City as set out below:
  - (i) \$200,000 payable to the City of Toronto on the implementing zoning by-law coming into full force and effect, of which \$100,000 shall be allocated to one or more Heritage Conservation District studies within the East Precinct of King-Spadina and \$100,000 shall be allocated to design drawings supporting the John Street streetscape project;
  - (ii) \$450,000 payable to the City of Toronto prior to the issuance of an above-grade building permit for the development, to be allocated, as may be determined by the Chief Planner in consultation with the local Ward Councillor, to streetscape improvements to Widmer Street, John Street, and Adelaide Street in Ward 20 and improvements to the proposed community/performance space; and
  - (iii) \$450,000 payable to the City of Toronto prior to the release of the condominium for registration, of which \$110,000 shall be allocated, as may be determined by the Chief Planner in consultation with the local Ward Councillor, to affordable housing projects in Ward 20 and \$340,000 shall be allocated, as may be determined by the Chief Planner in consultation with the local Ward Councillor, to streetscape improvements to Widmer Street, John Street, and Adelaide Street in Ward 20 and improvements to the proposed community/performance space;
- (b) the provision of a community/performance space in the building having a minimum gross floor area of 420 square metres, to be provided to the City at cost, subject to funds being secured on or before the passing of the Bill. If the City is unable to fund the purchase of the community/ performance space, the applicant shall provide an appropriate alternate community benefit to be negotiated with planning staff and the Ward Councillor, acting reasonably;
- (c) A public art contribution in accordance with the Percent for Public Art Program for a value of not less than one percent of the gross construction costs of all buildings and structures to be erected on the *lot*, provided that at least 50% of the contribution be applied to the treatment of the building podium;
- (d) A minimum of ten percent (10%) of the residential units in the building to have at least three bedrooms, provided that a pair of adjacent dwelling units shall be counted as one dwelling unit containing three or more bedrooms where:
  - (i) each of the adjacent *dwelling units* contain less than three bedrooms, and
  - (ii) the two *dwelling units* are separated by knock-out panel(s) that would allow the two adjacent *dwelling units* to be combined into one *dwelling unit* containing three or more bedrooms;

- (e) 1:50 scale elevations, satisfactory to the Chief Planner and Executive Director, City Planning Division, for the lower floors of the project to be provided as part of a revised application for Site Plan Approval;
  - (f) The implementation of any wind mitigation measures required by the owner's wind study, satisfactory to the Chief Planner and Executive Director, City Planning Division, to be submitted as part of a revised application for SitePlan Approval;
  - (g) The provision and maintenance of an irrigation system, at the owner's expense, for proposed trees within the public road allowances, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director, Technical Services Division, and requirements to maintain in good order and operation; and
  - (h) Certain green development elements, satisfactory to the Chief Planner and Executive Director, City Planning Division, as may be identified in the Green Development Checklist received by City Planning on April 9, 2008.
5. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception that the following expressions shall have the following meanings:
- "*grade*" means 87.0 metres Canadian Geodetic Datum;
- "*height*" means the vertical distance between *grade* as defined in this By-law and the highest point of the roof except for those elements prescribed in this By-law;
- "*car-share parking space*" shall mean a *parking space* used exclusively for the parking of a *car-share motor vehicle*;
- "*car-share motor vehicle*" shall mean a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of a building erected on the *site*;
- "*tandem parking space*" means a parking space that is only accessed by passing through another parking space from a street, lane, drive aisle or driveway; and
- "*site*" shall mean those lands outlined by heavy lines on Map 1 attached hereto.
6. By-law No. 95-2006 is hereby repealed.

ENACTED AND PASSED this 9th day of June, A.D. 2010.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)



