

Authority: Toronto and East York Community Council Item TE13.3, as adopted by City of Toronto Council on February 3 and 4, 2016

CITY OF TORONTO

BY-LAW No. 273-2016

To amend former City of Toronto Zoning By-law No. 438-86, as amended, respecting the lands municipally known as 40-58 Widmer Street.

Whereas authority is given to the Council of a municipality by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass Zoning By-laws; 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 Council of the City of Toronto, at its meeting on February 3 and 4, 2016, determined to amend the former City of Toronto Zoning By-law No. 438-86 with respect to lands known municipally in the year 2016 as 40-58 Widmer Street;

The Council of the City of Toronto enacts:

1. None of the provisions of Section 2 with respect to the definitions of *lot*, *grade*, *height* and *bicycle parking space - visitor* and Sections 4(2)(a), 4(5), 4(5) Schedule 1, 4(12), 4(13)(a), 4(14)(a), 7(3) Part II 1(i), 7(3)Part II 3, 7(3) Part II 7, 7(3) Part II 8(ii), 7(3) Part III 2, 7(3)Part IV and 12(2)246 of Zoning 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 land and the erection and use of certain apartment buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of an *apartment building* provided that:
 - (a) the *lot* upon which the proposed *apartment building* and/or *structure* is erected or used comprises at least the lands shown outlined by dashed lines on the attached Map 1;
 - (b) in addition to the uses permitted in Section 7(1), the following uses are permitted on the *lot*:
 - (i) guest suites;
 - (c) despite Section 4(12) guest suites shall be considered *residential amenity space located indoors*;
 - (d) the aggregate *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 27,200 square metres, subject to the following:
 - (i) the *residential gross floor area* erected or used on the *lot* shall not exceed 27,200 square metres; and
 - (ii) the *non-residential gross floor area* erected or used on the *lot* shall be 0 square metres;

- (e) a maximum of 426 *dwelling units* shall be permitted on the *lot*, of which a minimum of 10 percent (43 *dwelling units*) of the total number of *dwelling units* to be constructed on the *lot* shall be capable of being designed as 3-bedroom dwelling units in compliance with the provisions of the Ontario Building Code having a minimum area of 72 square metres and these *dwelling units* are to be shown on any marketing plans as 3-bedroom *dwelling units* and to be marketed as 3-bedroom *dwelling units*. These *dwelling units* may be sold and/or constructed with fewer bedrooms with provisions in the condominium documentation to allow renovations to convert such units back to 3-bedroom *dwelling units*;
- (f) no portion of a *building* or *structure* erected on the *lot* shall have a greater *height* in metres than the *heights* in metres specified by the numbers following the symbol H on the attached Map 2 except that:
- (i) a mechanical penthouse having a maximum *height* of the sum of 8.0 metres and the applicable *height* limit shown on Map 2 shall be permitted within any area on Map 2; and
 - (ii) the maximum *height* for parapets, balcony and balustrades trellises, terrace guards and dividers, planters, railings, decorative screens, stairs, stair enclosures, elevator shafts, elevator shaft enclosures and window washing equipment, water tanks, flag poles, antennae, landscape elements, light fixtures, ornamental and architectural elements, satellite dishes, cellular arrays, fences, light monitors, privacy screens, wind screens, balustrades, open air recreation, green roof structures, safety or wind protection features, and unenclosed heating ventilation or cooling equipment such as chimneys, stacks, flues, vents and air intakes having a maximum *height* of the sum of 3.0 metres and the applicable *height* limit shown on Map 2 shall be permitted within any area on Map 2;
- (g) no portion of the *building* above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, with the exception of the following:
- (i) cornices, lighting fixtures, window washing equipment, vents, awnings, canopies, ornamental and architectural elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, landscape elements, public art and safety or wind protection features, signage, stairs, stair enclosures, terraces, screens, planters, garbage and servicing and their associated structures, air shafts, transformer vaults, and elements required for the functional operation of the *building* all of which may extend to a maximum of 1.5 metres beyond the heavy lines shown on Map 2;
 - (ii) balconies and balcony piers, which can project to a maximum of 1.8 metres beyond the heavy lines shown on Map 2, and may occupy a maximum of 50 percent of the west tower face of the *building*; and

- (iii) wheelchair ramps, underground garage ramps and their associated structures, underground garage stair enclosures, fences, and retaining walls;
 - (h) the applicable *height* limits indicated by the numbers following the Symbol 'H' on the attached Map 2, shall not prevent the erection or use of the extensions/projections permitted by Section 1(f);
 - (i) a minimum of 88 *parking spaces* for the use of residents shall be provided and maintained on the *lot*;
 - (j) a minimum of 12 *parking spaces* for the use of visitors shall be provided and maintained on the *lot*;
 - (k) a minimum of 341 *bicycle parking spaces - occupant* shall be provided and maintained on the *lot*;
 - (l) a minimum of 86 *bicycle parking spaces - visitor* shall be provided and maintained on the *lot*;
 - (m) one *loading space - type "G"* shall be provided and maintained on the *lot*; and
 - (n) despite the definition of "*bicycle parking space - visitor*", *bicycle parking spaces - visitor* may be on the *lot* within a secured room, enclosure or bicycle locker.
2. In addition to the permitted uses identified in Section 1, a *sales presentation centre* shall be permitted on the *lot*, and none of the other provisions of this By-law shall apply to such use.
3. For the purposes of this By-law:
- (a) "*grade*" means 88.46 metres Canadian Geodetic Datum;
 - (b) "*height*" means the vertical distance between grade and the highest point of the roof slab except those elements prescribed in Section 1(d) of this By-law;
 - (c) "*residential amenity space located indoors*" means a common area or areas within a building on the *lot* which are provided for the exclusive use of residents of a building for recreational or social purposes and may consist of multipurpose room(s), guest suites, etc.;
 - (d) "*sales presentation centre*" means a *building, structure, facility* or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*; and
 - (e) each word or expression which is italicized in this By-law, shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended, unless otherwise defined in this By-law.

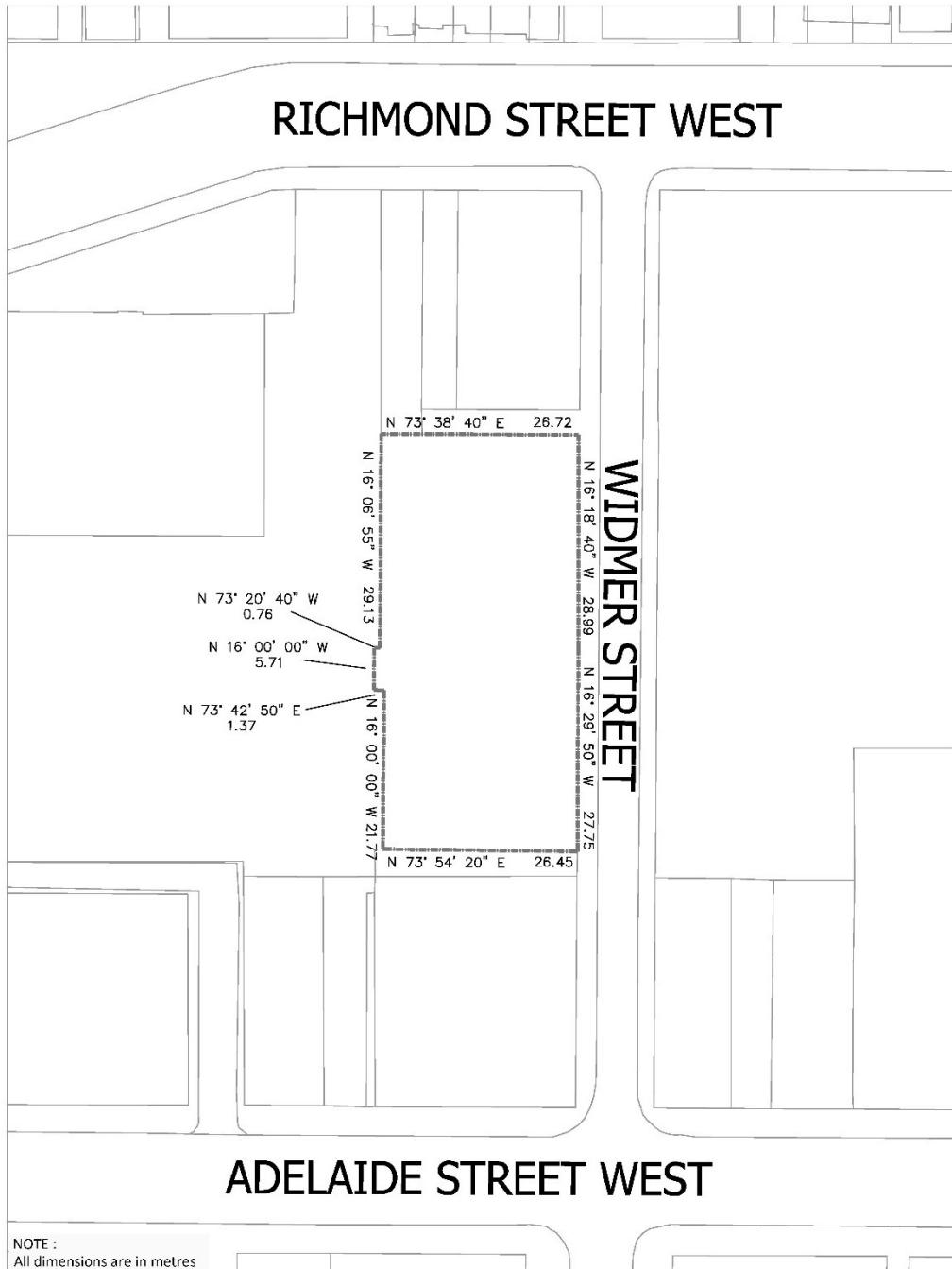
4. Notwithstanding any severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.
5. Section 37 Provisions
- (a) pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in *height* and density of the development is permitted beyond that otherwise permitted on the lands shown on Map 2 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof 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 A 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 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 A are satisfied.

Enacted and passed on April 1, 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



NOTE :
All dimensions are in metres

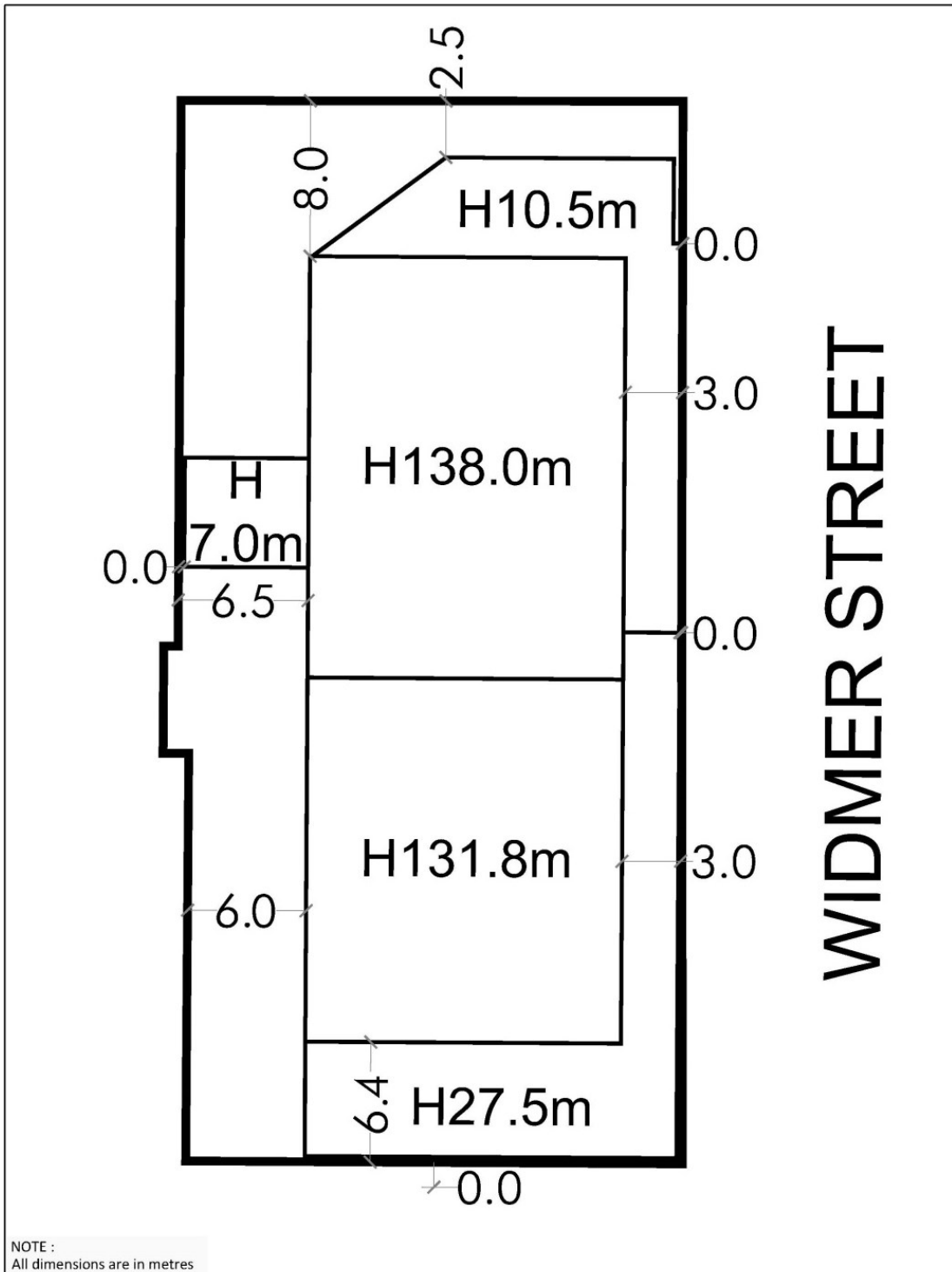
40-58 Widmer Street



Map 1

File # _____

↑
Not to Scale



NOTE :
All dimensions are in metres

40-58 Widmer Street



Map 2

H DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



Not to Scale

SCHEDULE A
Section 37 Provisions

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 Map 2 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

Community Benefits

1. Prior to the issuance of the first above-grade building permit for the development, with the exclusion of a *sales presentation centre*, a cash contribution in the amount of \$1,800,000 to be allocated to the following provisions:
 - (a) \$1,200,000 for community services, facilities and/or, parkland and/or parkland improvements in Ward 20, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager Parks Forestry and Recreation, in consultation with the Ward Councillor;
 - (b) \$150,000 for the maintenance of or the provision of new affordable housing in Ward 20 to the satisfaction of the Chief Planner and Executive Director, City Planning and the Director, Affordable Housing Office;
 - (c) \$150,000 for capital repairs to Toronto Community Housing buildings in Ward 20 to the satisfaction of the Chief Planner and Executive Director, City Planning and the Director, Affordable Housing Office; and
 - (d) \$300,000 for pedestrian and cycling improvements in Ward 20 to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.

The above noted cash contribution of \$1,800,000 is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment.

Construction Management Plan

2. Prior to issuance of any Building Permit, including permits for excavation and shoring, for the first *building* or *structure* on the lands excluding a *sales presentation centre*, the owner shall submit a construction management plan to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction, with further details regarding the contents of the construction management plan, including the requirements of the owner to participate in consultation with the community on the construction management plan, to be included in the Section 37 Agreement.