

40-58 Widmer Street - Zoning Amendment Application – Final Report

Date:	December 14, 2015
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	12-188716 STE 20 OZ

SUMMARY

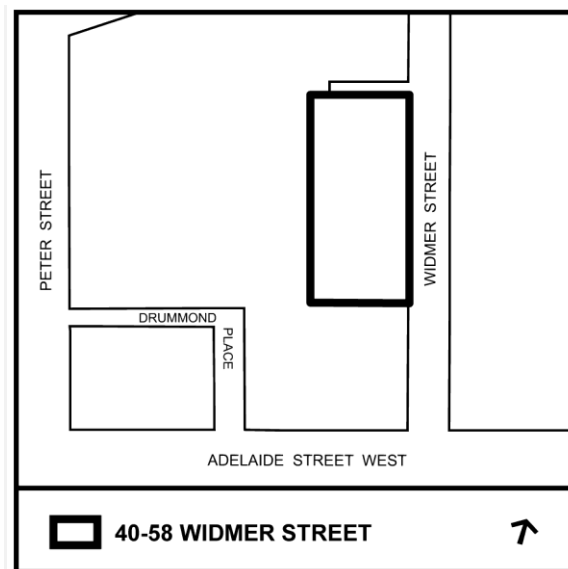
This application proposes to redevelop the site at 40-58 Widmer Street with a 41-storey (137.5 metres including mechanical, 130 metres excluding mechanical) residential building with 426 residential units. The proposed building also includes six levels of below grade parking with 74 residential parking spaces and 26 visitor parking spaces.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 40-58 Widmer Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No.4 to the report (December 14, 2015) from the Director, Community Planning, Toronto and East York District.



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to withdraw their appeal of Official Plan Amendment 199.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* satisfactory to the City Solicitor to secure the following:
 - a. Prior to the issuance of the first above-grade building permit, a cash contribution in the amount of \$1,500,000 to be allocated to the following provisions:
 - i. \$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 Division and the General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor;
 - ii. \$150,000 for the maintenance of or the provision of new affordable housing in Ward 20; and
 - iii. \$150,000 for capital repairs to Toronto Community Housing buildings in Ward 20.

The above noted cash contribution of \$1,500,000 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.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The applicant proposes to demolish the existing five 2 ½-storey rowhouses at 40-48 Widmer Street, a 2 ½-storey detached house at 50 Widmer Street, and four 2 ½ storey semi-detached houses at 52-58 Widmer Street, to develop a 41-storey residential building on the lands at 40-58 Widmer Street.

The building will contain the residential lobby, bike parking and loading areas at grade and 426 residential units above. The mix of units includes 49 bachelor units (11.5%),

298 one-bedroom/one-bedroom plus den units (70%), and 79 two-bedroom/two-bedroom plus den units (18.5%). 10% of the total unit count will be designed and marketed as 3-bedroom units, but will be capable of being constructed with less bedrooms depending on market demand. The total gross floor area of the building is 27,049 square metres, which is comprised entirely of residential uses. The overall density of the proposal is 17.88 times the area of the lot.

The proposed building height is 137.5 metres including the mechanical penthouse and 130 metres excluding the mechanical penthouse. The podium of the building is setback approximately 6 metres from the west property line and is 7-storeys (27 metres) in height along the southern half of the site and 2-storeys (10.35 metres) in height along the northern portion of the site. The podium consists of indoor and outdoor amenity areas, residential units and bike parking areas. The tower component is designed in a north-south orientation and is setback approximately 6.5 metres to the west lot line, 3 metres to the east lot line, 10 metres to the south side of the private lane to the south (6.5 metres to the property line) and 10 metres to the centreline of the public lane to the north. The tower floorplate size is approximately 690 square metres.

Vehicular access occurs from Widmer Street, along the public lane at the northern edge of the site, with a driveway wrapping the western boundary of the site towards the below-grade parking entrance and loading area. One Type 'G' loading space is proposed, internalized at the ground level. Six levels of underground parking are proposed with a total of 74 residential vehicular parking spaces and 26 spaces for visitors. A total of 431 bicycle parking spaces are proposed consisting of 345 resident spaces located at grade and on the second floor, and 86 visitor spaces at grade.

A total of 900 square metres of indoor amenity space (2.1 square metres/unit) and 857 square metres (2 square metres/unit) of outdoor amenity space are proposed, located on the second, third and roof levels. Additional site and development statistics are included in the Application Data Sheet as Attachment 5.

Site and Surrounding Area

The site is located on the west side of Widmer Street between Richmond Street West and Adelaide Street West. The total area of the site is approximately 1,513 square metres, with a 56.7 metre frontage along Widmer Street and a depth that ranges from 26.5 to 27.5 metres.

The site is currently comprised of ten low-rise, house-form buildings. Most have been occupied in recent years by the Canadiana Backpackers Inn for their hostel operations. At the time of application in 2012, there were only two residential owner-occupied units, one of which also operated as a live-work premise.

The buildings and uses surrounding the site include:

North: a public lane, beyond which is a row of five 2 ½-storey converted row houses fronting onto Richmond Street West. The row-houses are predominantly occupied by commercial-office uses.

South: a private lane, beyond which is an 8-storey warehouse building that fronts onto Adelaide Street West. To the west of the warehouse building is a 2-storey building with a restaurant, and further west is a 6-storey office building. At the northeast corner of Adelaide Street West and Peter Street (southwest of the subject property) is a recently completed 40-storey tower.

West: a 9-storey office building that fronts onto Peter Street, and on the southeast corner of Richmond Street West and Peter Street (northwest of the subject property) is a 36-storey tower fronting Peter Street that is currently under construction and nearing completion, which incorporates a smaller office building.

East: Widmer Street, beyond which is a large multi-storey entertainment retail complex known as RioCan Hall (formerly Festival Hall). This complex occupies the majority of the block bounded by Richmond Street West, Adelaide Street West, John Street and Widmer Street. The Widmer Street façade of the complex is primarily garage doors, loading areas and blank walls.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff has reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan locates the subject site within the Downtown. Chapter Two – Shaping the City identifies that the downtown area offers opportunities for substantial employment and residential growth, but that this growth is not anticipated to be uniform. Rather, it is expected that the physical setting of many areas will remain unchanged and that design guidelines specific to districts of historic or distinct character will be implemented to ensure new development fits into the context of existing built form, streets, setbacks, heights and relationship to landmark buildings. Within the Downtown, the site is designated Regeneration Area in the Official Plan which is one of the key areas expected to accommodate growth. The Regeneration Area designation permits a wide range of uses, including the proposed commercial uses. In order to achieve a broad mix of commercial, residential, light industrial and live/work uses, the Official Plan contains policies related to Regeneration Areas encouraging the restoration, re-use and retention of existing buildings that are economically adaptable for re-use as well as the revitalization of areas of the City that are vacant or underused.

Chapter Three – Building a Successful City, identifies that most of the City's future development will be infill and redevelopment, and as such, will need to fit in, respect and improve the character of the surrounding area. Section 3.1.2 Built Form provides policies that are aimed at ensuring that new development fits within and supports its surrounding context. Policies 3.1.2.1 to 3.1.2.4 seek to ensure that development is located, organized and massed to fit harmoniously with existing and/or planned context; frames and appropriately defines streets, parks and open spaces at good proportion; and limits impacts of servicing and vehicular access on the property and neighbouring properties. Meeting these objectives requires creating consistent setbacks from the street, massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and /or planned street proportion, creating appropriate transitions in scale to neighbouring existing and/or planned buildings, and limiting shadow impacts on streets, open spaces and parks.

With regard to heritage resources, the City's Official Plan, policy 3.1.5.2 states that "heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved" and that "development adjacent to properties on the City's Inventory will respect the scale, character and form of the heritage buildings and landscapes."

In October of 2013 Council adopted Official Plan Amendment (OPA) 199, amendments to the Official Plan resulting from a City-initiated comprehensive review of heritage policies. The OPA was approved by the Minister of Municipal Affairs and Housing without modifications in November of 2013. The owners of the subject site appealed OPA 199 to the Ontario Municipal Board (OMB). On May 15, 2015 the OMB issued an order approving OPA 199 as modified, with the exception of the outstanding site-specific appeals, including the subject site.

King-Spadina Secondary Plan

The subject site is situated within the King-Spadina Secondary Plan found in Chapter 6.16 of the Official Plan. The King-Spadina Secondary Plan emphasizes reinforcement of the characteristics and qualities of the area through special attention to built form and the public realm. The policies of Section 3 - Built Form and in particular the policies of Section 3.6 – General Built Form Principles specify that:

- buildings are to be located along the front property line to define edges along streets and lower levels are to provide public uses accessed from the street;
- servicing and parking are encouraged to be accessed from lanes rather than streets to minimize pedestrian/vehicular conflicts;
- new buildings will be sited for adequate light, view and privacy and compatibility with the built form context;
- new buildings will achieve a compatible relationship with their built form context through consideration of such matters of building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression;
- appropriate proportional relationships to streets and open spaces will be provided; and wind and shadow impacts will be minimized on streets and open spaces;
- streetscape and open space improvements will be coordinated in new development; and
- high quality open spaces will be provided.

A primary objective of this plan is to use the historic fabric of the area as the context within which to assess new development. The particular scale, massing and street relationships of the existing heritage buildings on the block are important features to consider when assessing new development in this part of the King-Spadina Secondary Plan area. Moreover, applicable plan area guidelines articulate that new development should maintain and reinforce the existing building heights of the area in conjunction with the relationships of buildings to one another along the street and the design of buildings at the street level.

Another major objective of the plan is to achieve a mixture of compatible land uses and to retain and promote commercial and light industrial uses.

Zoning

The subject property is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended and shown in Attachment 3. The RA Zone permits a range of residential uses such as commercial, institutional and limited industrial uses. As part of the RA zoning controls, density standards were replaced by built form objectives expressed through height limits and setbacks.

The Zoning By-law permits a maximum building height of 30 metres for this property with an additional 5 metres for rooftop mechanical elements. The Zoning By-law also

contains a number of requirements related to building setbacks from the front, side and rear lot lines, including a 3 metre step-back above 20 metres for buildings facing a public street.

City of Toronto Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. Key criteria in the Guidelines are minimum facing distances of 25 metres between towers in order to achieve appropriate light and privacy and minimum side and rear yard tower setbacks of 12.5 metres.

The city-wide Guidelines are available at
<http://www.toronto.ca/planning/tallbuildingdesign.htm>

King-Spadina Secondary Plan Review and King-Spadina East Precinct Built Form Study

The subject site falls within the East Precinct as identified within the King-Spadina East Precinct Built Form Study. At its meetings on August 25, 2014 and July 7, 2015 City Council endorsed a number of directions for the King-Spadina East Precinct to be used in reviewing current and future development applications including a downward gradation of tower heights from east to west from University Avenue towards Spadina Avenue, employing the city-wide Tall Buildings Guidelines to evaluate towers, particularly with regard to tower spacing and tower floor plates and protecting the network of mid-block connections and laneways as a defining feature of the public realm, and expanding these connections to further the pedestrian network. At its meeting on July 7, 2015, City Council also expanded the boundary of the King-Spadina East Precinct Built Form Study to include the Spadina Precinct. A final staff report on the Built Form Study and the King-Spadina Heritage Conservation District Study, as noted below, is expected in the first quarter of 2016.

King-Spadina Heritage Conservation District Study

The King-Spadina Secondary Plan area contains many listed and designated heritage buildings. At its meeting on August 16, 2013 Toronto City Council directed Heritage Preservation Services staff to undertake Heritage Conservation District (HCD) studies in five priority areas. One of these areas is the King-Spadina Secondary Plan area. A team lead by Taylor-Hazell Architects is undertaking the study.

The first phase of the study involved a detailed land use history and the identification of potential heritage conservation districts within the study area. A built form survey was also undertaken which involved a thorough assessment of all 388 properties within the study area boundary. Information collected included date of construction, current and

previous uses, architect, architectural, style, materials, landscape, streetscape, and views/vistas.

The interim recommendations of the HCD Study were released at a public meeting held on March 18, 2014 and the draft study findings were presented at the May 23, 2014 meeting of the Toronto Preservation Board. The first phase of the study concluded that the cultural heritage value of the King-Spadina area resides in its historic, design and contextual values and includes a mix of commercial and residential typologies. Most of the residential buildings were constructed between 1880 and 1899 and they reflect the first, and often, the only urban use the properties ever served. The collection of late 19th and early 20th century styles were found to be illustrative of a formative period of Toronto's development between 1880 and 1939, with a consistency and similarity of styles (symmetrical, square and rectangular in plan, orderly compositions, and classical detailing) creating visual coherence.

The existing subject properties at 40-58 Widmer Street were recently determined to contribute to the heritage value of the King-Spadina HCD due to their association with the Victorian residential period. Amongst a number of objectives for the HCD plan area will be to maintain and enhance the distinct character of the district, with particular importance given to the 1880-1939 period of significance, and to maintain and enhance the remnant residential building fabric constructed in the nineteenth century.

The development of an HCD Plan and the designation under Part V of the *Ontario Heritage Act* are now under way as part of the second phase of the study. Two additional public meetings were held in April 2015 to present an update on the development of the HCD Plan. Heritage Preservation Services staff will present the final version of the Plan(s) and a recommendation for designation under Part V of the *Ontario Heritage Act* in the first quarter of 2016. Details on the King-Spadina HCD study are available at: http://www.toronto.ca/heritage-preservation/heritage_districts.htm

As noted in this report, the site is now occupied by a number of townhouses and a single house form building. At the time of the application the HIA submitted by the applicant concluded that the structures did not qualify for individual designation under Part IV of the Heritage Act. The application pre-dated the work the City is currently undertaking to establish a Heritage Conservation District(s) in King Spadina. These buildings were not reviewed in the context of a Part V district designation and at the time, staff determined that the houses did not have to be conserved.

King-Spadina Urban Design Guidelines

The King-Spadina Urban Design Guidelines (2004) support the implementation of the King-Spadina Secondary Plan.

Section 2.5 contains the overall Guidelines. New development should be compatible with existing heritage buildings in terms of massing, height, setbacks, stepbacks and materials. New development within the context of existing adjacent buildings, should define and contribute to a high quality public realm. Development should reinforce the

character and scale of the existing street wall in the immediate surrounding area. In addition, the scale of the building brought to the sidewalk should respond proportionally to the width of the right-of-way.

The Public Realm section of the guidelines identifies that development should contribute to an improved and enhanced public realm consistent with the streetscape improvement strategy of the King-Spadina Community Improvement Plan.

Section 4.4 details the Street Hierarchy, noting that Secondary Streets such as Adelaide Street West do not support transit but contribute significantly to the quality of the public realm and comprise the largest area of streetscape development, making them walkable and accessible.

The Guidelines state that any application seeking an increase in height above the height limits set out in the Zoning By-law, portions of the building above the height limit will be required to demonstrate no undue impacts on light, view, privacy and sunlight access on nearby properties.

Section 5.4.3 Angular Planes and Stepbacks states that where buildings are permitted to be higher than the street wall height, a setback will be required that is large enough to ensure that the higher portion does not overwhelm and detract from the consistency of the street wall from the perspective of the pedestrian experience. It also notes that the mere fact that a proposal meets angular plane requirements and has no significant wind or shadow impacts may not mean it is acceptable in the context.

Section 5.4.4 Light, View and Privacy states that tall building elements (i.e. above the as-of-right height permissions) should be evaluated on their ability to achieve optimum proximity, light, view and privacy conditions, as well as on their impact on other properties on the same block with similar potentials.

Site Plan Control

The proposed development is subject to site plan approval. A Site Plan Control application has not yet been submitted but shall be required.

Community Consultation

A Community Consultation meeting was held on December 10, 2012, with the local Councillor, Planning Staff, the applicant and approximately 75 members of the public. The meeting started with presentations from Planning Staff and the applicant followed by questions and concerns from those in attendance. Some of the concerns raised included:

- the potential retention and designation of the house form buildings on-site;
- concerns with the proposed height, and density of the building;
- concerns with the tower separation distances;
- the length (north-south) of the building along Widmer Street as it is a very narrow street;

- provision of public parking below grade to alleviate current area parking issues; and
- the potential for more commercial space within the building.

A second community consultation meeting was held on November 17, 2015. Some of the concerns raised included:

- potential traffic impacts in the area
- potential wind impacts along Widmer Street
- concerns with access to the public laneway being blocked
- construction management plan needed for this project

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) includes policies to manage and direct land use to achieve efficient development and land use patterns. The PPS promotes strong, liveable and healthy communities, the environment, public health and safety, and economic growth.

The Growth Plan for the Greater Golden Horseshoe guides decisions on a wide range of issues such as transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection.

Redevelopment and intensification of this site in the context of the King-Spadina Secondary Plan is consistent with the intent of the Growth Plan for the Greater Golden Horseshoe.

Land Use

The proposed residential use is consistent with the land use provisions of the Official Plan and the Zoning By-law.

Context

The proposal for 40 to 58 Widmer was evaluated in the context of the King Spadina East Precinct which has evolved into a tower neighbourhood and has seen a proliferation of applications and approvals over the last decade. As new towers have been built the context has changed substantially. This application was evaluated in that evolving context and with consideration to the planning for the entire block bounded by Richmond, Peter, Adelaide and Widmer Streets. Given the approval of two towers on the

block, one at the north-west and one at the south west corners of the block, staff considered this as the third and final tower on the block. The properties to the north and south of the subject property are both significantly smaller and cannot accommodate towers and the property to the west is occupied by a large, relatively modern office building which is unlikely to redevelop. Given this context, Planning Staff determined that a tower could be considered on this site.

The podium of the tower has been designed to be 7 storeys to the south, responding to the height of the office building to the immediate south and 2 storeys at the north end, stepping down to the townhouses fronting Richmond Street.

Density, Height, Massing

Official Plan policy 3.1.2.3 d) states that new development will be massed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by providing for adequate light and privacy.

Official Plan policy 3.1.2.4 states that new development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas.

The Tall Building Design Guidelines are a tool to implement the policies of the Official Plan. Section 3.2.3 of the Guidelines deals with separation distances between towers and states that tall building towers should be setback a minimum of 12.5 metres from side and rear property lines or the centre line of abutting public laneways. These separation distances are necessary to ensure a tall building fits harmoniously within its existing or planned context and to achieve adequate levels of sky view, privacy and sunlight penetration.

Although the Tall Guidelines set out a tower separation of 25 metres (12.5 m to the side and rear property lines) there are examples of approved towers in King-Spadina that do not meet these criteria fully given block sizes, property lines and optimizing tower placement based on factors such as heritage conservation. The proposed tower has the following setbacks:

- North: a minimum of 10 metres from the centre line of the public laneway to the north
- East: 3 metres from the east property line and from the top of the podium (along Widmer Street).
- West: 6 metres from the rear or west property line. Although this setback is less than typically applied to tall buildings, this setback is acceptable in this particular context, given that the adjacency to the west is a 9-storey office development that is unlikely to redevelop.

South: 6.4 metres from the south property line and 10 metres from the adjacent building to the south. The setback to the south is appropriate because there is a 3.6 metre wide private laneway immediately to the south of the site with various easements and rights-of-way over it, which ensures that no development will occur in this space.

An emerging direction of the King-Spadina East Precinct Built Form Study is to achieve a downward gradation of tower heights from east to west from University Avenue towards Spadina Avenue, with the height of all towers west of John Street being less than the TIFF Bell Lightbox. The proposed height of the building at 137.5 metres including the mechanical penthouse is less than the height of the TIFF Bell Lightbox at 157 metres and is within the existing and planned height context for the East Precinct of King-Spadina. This height has no shadow impact on the Queen Street West HCD to the north.

The proposed height of the podium responds appropriately to adjacent buildings. The southern half of the podium, which is approximately 27 metres in height, generally matches the height of the warehouse type building to the south of the site. The northern portion of the podium, which is approximately 10 metres in height, generally matches the height of the low-rise buildings to the north of the site.

Sun, Shadow, Wind

The shadow impacts resulting from the proposed building are acceptable. An emerging direction of the King Spadina East Precinct Built Form Study is that building heights should be limited to prevent shadowing on the north sidewalk of Queen Street West after 12:00 (noon) in the spring and fall equinoxes. The proposed height of the building does not cast any shadows on Queen Street at anytime during the spring and fall equinoxes.

A wind study was submitted as part of the application, which concludes that wind comfort at grade is expected to be suitable for anticipated uses over the entire site.

Heritage

None of the properties proposed for demolition as a part of this application are on the City's heritage register. In support of the application, a Heritage Impact Assessment was prepared by ERA Architects Inc. The HIA concluded that none of the Victorian row houses on the subject site were of individual significance. However, the properties at 40-58 Widmer Street have been determined by city heritage staff to contribute to the heritage value of the King-Spadina HCD due to their association with the Victorian residential period.

Amongst a number of objectives for the HCD plan area will be to maintain and enhance the distinct character of the district, with particular importance given to maintaining and enhancing the remnant residential buildings constructed in the nineteenth-century. Nevertheless, in the absence of an approved HCD plan before Council, and in light of the fact that the application has been under consideration since 2012, Heritage Preservation

Services has no further comment with respect to the Zoning By-law amendment before council at this time.

Traffic Impact, Access, Parking

An updated Traffic Impact Study prepared by Cole Engineering, dated May 2015, was submitted in support of the application. The report concludes that the site traffic associated with the development would have minimal traffic impacts at the intersections within the study area. City Staff have reviewed the study and agree that the traffic impacts of the proposal are acceptable.

Ingress and egress to the proposed underground parking garage and the loading space will be provided by a 6 metre wide access driveway off the public lane at the north end of the site, which is acceptable to Transportation Services staff. The laneway will remain free and clear for the use of the properties to the north of the laneway.

One Type G loading space is proposed for the project, which is in accordance with the Zoning By-law.

An updated Parking Demand Review prepared by Cole Engineering, dated June 2015, was submitted as part of the application and provides their analysis of the reduced parking supply for this project. Transportation Services staff does not agree with the conclusions of this report and requires the project to comply with the parking requirements of Zoning By-law 438-86 as follows:

Use	Development Scale	Minimum	
		Parking Rate	No. of Spaces Required
Residential			
• Bachelor Units	49	0.3 space per unit	15
• 1 Bedroom Units	298	0.5 space per unit	149
• 2 Bedroom Units	79	0.75 space per unit	59
• 3+ Bedroom Units	0	1.2 space per unit	0
• Visitors	426	0.06 space per unit	26
Total Residential			223
Total			249

The draft Zoning By-law attached to this report includes the standards noted above and not those proposed by the applicant.

Servicing

The Functional Servicing and Stormwater Management Report, dated May 5, 2015, is acceptable to Engineering and Construction Services. A detailed stormwater

management report, site servicing, grading and drainage plan must also be submitted as part of the site plan application for review and acceptance prior to site plan approval.

Open Space/Parkland

The Official Plan has policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provision across the City. The subject lands are in an area with 3.0 + hectares of local parkland per 1,000 people. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The application proposes 426 residential units. At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication would be 5,680 square metres (375% of the site area). However, for sites of less than 1 hectare in size a cap of 10% of the development site is applied to the residential use. In total, the parkland dedication requirement is 151 square metres.

The applicant will be required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication of 151 square metres would not be of useable size and would be encumbered with below grade parking. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Streetscape/Public Realm

At the ground level staff also reviewed opportunities for streetscape enhancements and improving the public realm. In response the building provides lobbies and as much active use as possible at grade with parking ramps and loading from a private lane at the rear.

On the Widmer Street side of the property, the distance from the curb to the building face is approximately 3 metres which provides enough space for the minimum 2.1 metre pedestrian clearway and a zone for planters. This sidewalk space is generally consistent with the setbacks of the adjacent buildings to the north and south, thus providing a continuous street-wall. Widmer Street does not have a large amount of pedestrian traffic. A 2.1 metre pedestrian clearway is also adequate to accommodate the expected pedestrian volumes. City staff also determined that street trees were not possible at this location due to utility conflicts and therefore planters are proposed instead, which require a smaller setback zone.

At the site plan stage the applicant will be required to submit detailed landscape and streetscape plans as well as composite utility plans.

Section 37

Section 37 of the *Planning Act* allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape

improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan.

The community benefits recommended to be provided and secured in the Section 37 Agreement are as follows:

- i. Provide cash contribution of \$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 Division and the General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor, payable at the first above grade building permit.
- ii. Provide cash contribution of \$150,000 for the maintenance of or the provision of new affordable housing in Ward 20, payable at the first above grade building permit.
- iii. Provide cash contribution of \$150,000 for capital repairs to Toronto Community Housing buildings in Ward 20, payable at the first above grade building permit.

The above noted \$1,500,000 cash contribution is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the introduction of Bills to the date of payment.

Rental Housing

Planning staff reviewed the recent history of the uses of all of the properties, in addition to undertaking a site visit with the building owner and applicant, to determine if there had been rental housing uses since July 2007 when the City's By-law on rental demolition and conversion (under Section 111 of the City of Toronto Act) came into effect. The By-law applies if there are 6 or more residential dwelling units, of which at least one is a rental unit. The Official Plan policy 3.2.1.6 applies if six or more rental units would be affected by proposed demolition.

Staff determined that in 2007, at most there were five residential units, three of which were owner-occupied. At that time, the residential uses were owned by three separate owners. Although there may have been one or two rental units in 2007, the threshold of 6 residential units was not met. By the time of the planning application in 2012 when the properties were all subject of the same application, only two residential units remained, both owner-occupied. Therefore, neither the Official Plan policy on rental demolition, nor the Section 111 By-law, applies.

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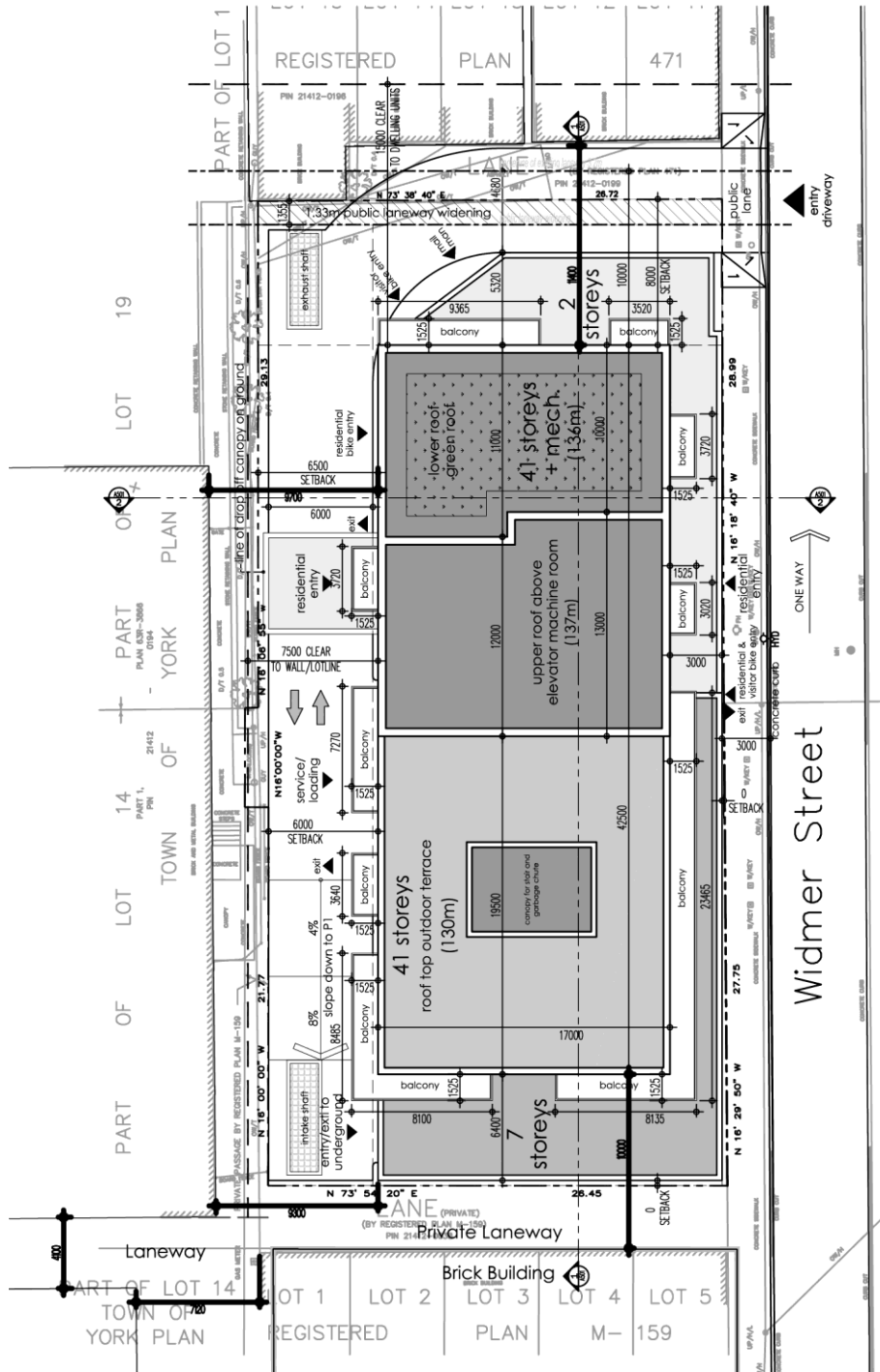
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Draft Zoning By-law Amendment
Attachment 5: Application Data Sheet

Attachment 1: Site Plan



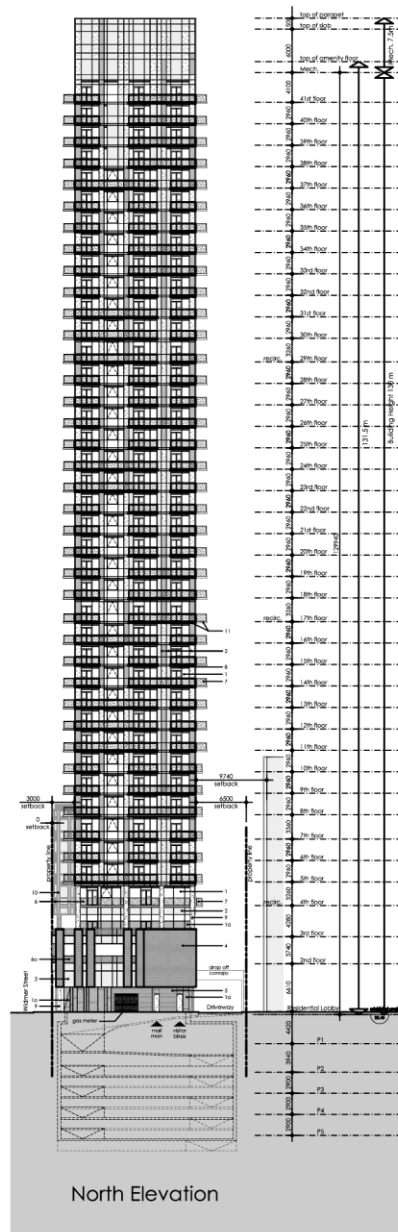
40-58 Widmer Street

Site Plan
Applicant's Submitted Drawing

Not to Scale
12/03/2015

File # 12 188716 STE 20 0Z

Attachment 2A: North Elevation



North Elevation

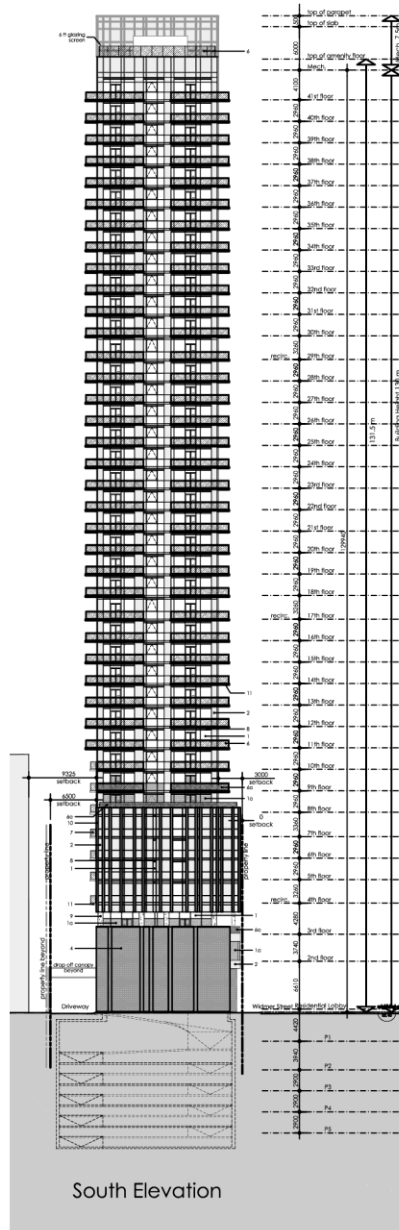
Applicant's Submitted Drawing

Not to Scale
12/03/2015

40-58 Widmer Street

File # 12 188716 STE 20 0Z

Attachment 2B: South Elevation



South Elevation

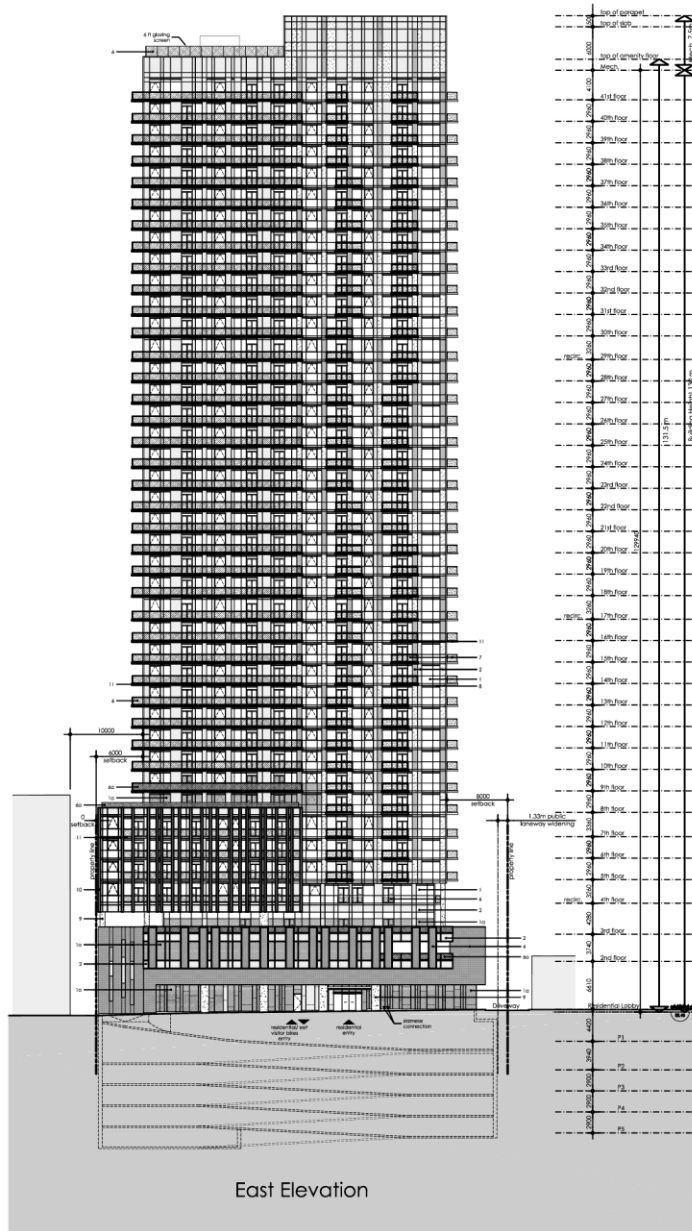
Applicant's Submitted Drawing

Not to Scale
12/03/2015

40-58 Widmer Street

File # 12 188716 STE 20 0Z

Attachment 2C: East Elevation



East Elevation

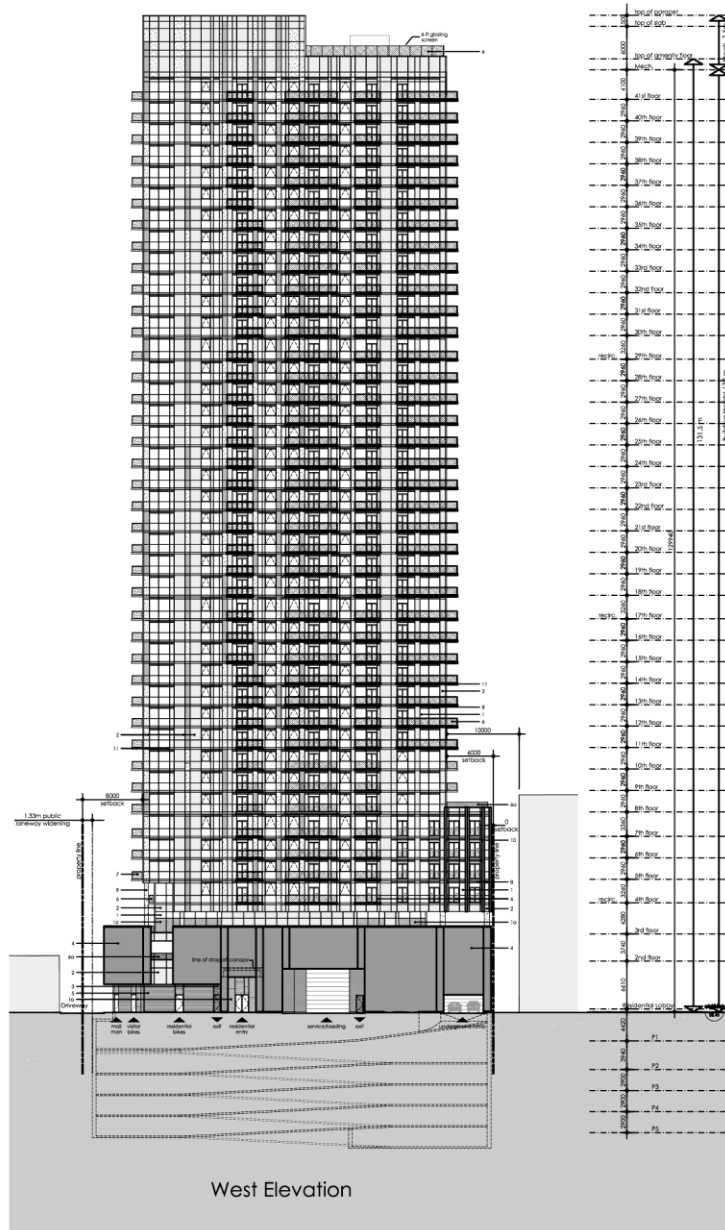
40-58 Widmer Street

Applicant's Submitted Drawing

Not to Scale
12/03/2015

File # 12 188716 STE 20 0Z

Attachment 2D: West Elevation



West Elevation

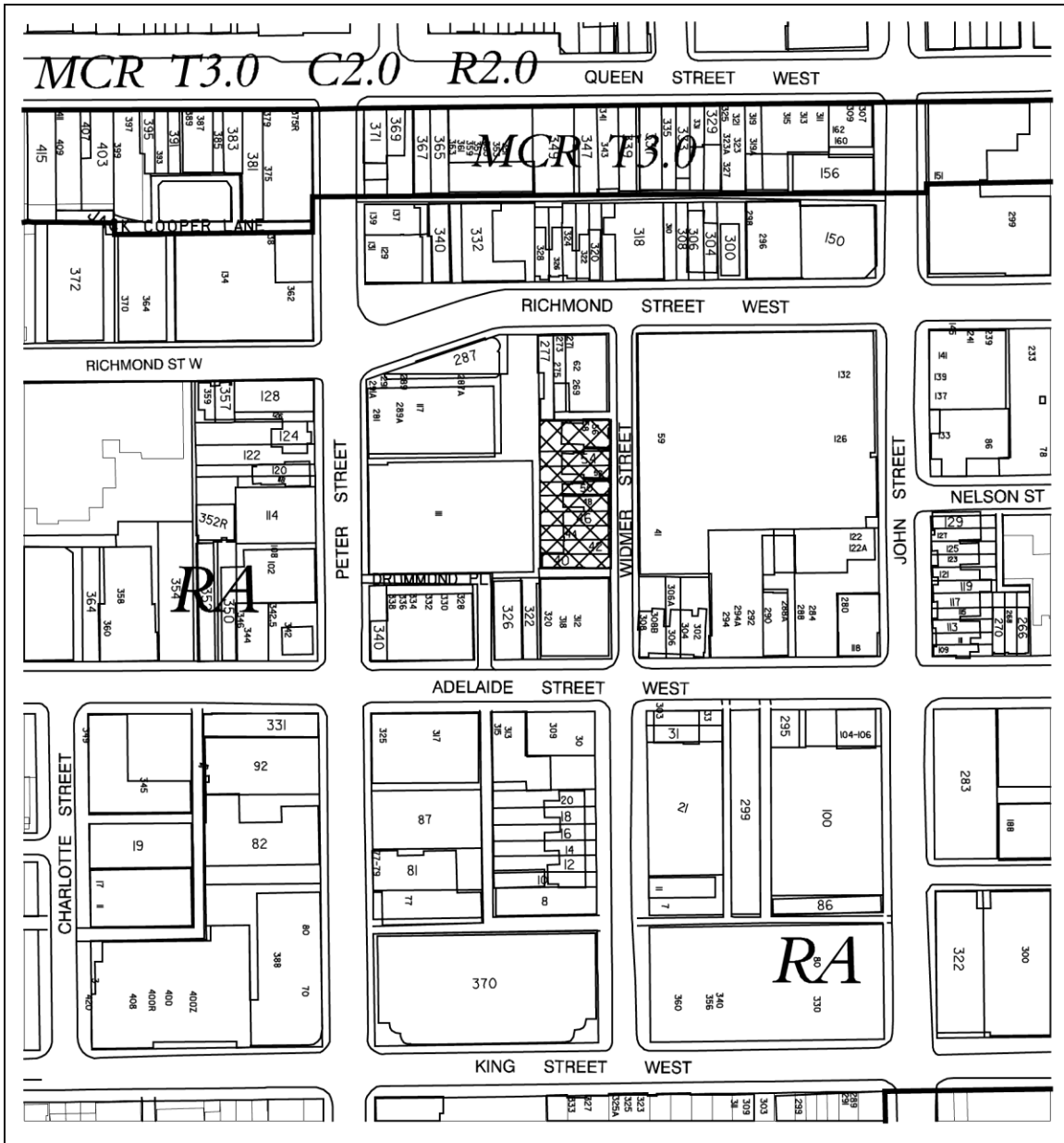
Applicant's Submitted Drawing

Not to Scale
12/03/2015

40-58 Widmer Street

File # 12 188716 STE 20 0Z

Attachment 3: Zoning



40-58 Widmer Street

File # 12_188716_0Z

RA Mixed-Use District
MCR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 08/08/12

Attachment 4: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of
Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend ~ Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as,
40-58 Widmer St**

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;

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*;

WHEREAS Council of the City of Toronto, at its meeting on _____, 2015, determined to amend the former City of Toronto Zoning By-law No. 438-86 with respect to lands known municipally in the year 2015 as 40-58 Widmer Street;

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

1. None of the provisions of Section 2 with respect to the definitions of *lot*, *grade* and *height* and Sections 4(2)(a), 4(5)(b), 4(5)(i)(ii), 4(12), 4(14)(a), 7(3) Part II 1(i) and 3, 7(3) Part II 7, 7(3) Part II 8(ii), 7(3) Part III 2 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 buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of a *mixed-use building* provided that:
 - (a) the *lot* upon which the proposed building and 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) the aggregate of the *residential gross floor area* and *non-residential gross floor area* of buildings and structures shall not exceed 27,200 square metres, subject to the following:
 - (i) the *residential gross floor area* of buildings and structures shall not exceed 27,200 square metres; and
 - (ii) the *non-residential gross floor area* of buildings and structures shall be 0 square metres;
- (d) a maximum of 426 *dwelling units* shall be permitted on the *lot*, of which a minimum of 10 percent of the total number of *dwelling units* to be constructed in the *mixed-use building* 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 3-bedroom *dwelling units*;
- (e) 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 8.0 metres shall be permitted within any area on Map 2;
 - (ii) the maximum *height* for parapets, terrace guards and dividers, planters, railings, decorative screens, stairs, stair enclosures, elevator shafts, elevator shaft enclosures and window washing equipment 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; and
- (f) 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 elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, landscape and public art features and safety or wind protection, 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% of the west tower face of the building; and
 - (ii) wheelchair ramps, underground garage ramps and their associated structures, underground garage stair enclosures, fences, retaining walls;
- (g) a minimum of 223 *parking spaces* for the use of residents shall be provided and maintained on the *lot*;
 - (h) a minimum of 26 *parking spaces* for the use of visitors shall be provided and maintained on the *lot*;
 - (i) a minimum of 341 *bicycle parking spaces – occupant* shall be provided and maintained on the *lot*;
 - (j) a minimum of 86 *bicycle parking spaces – visitor* shall be provided and maintained on the *lot*;
 - (k) one *loading space - type "G"* shall be provided and maintained on the *lot*;
 - (l) indoor *residential amenity space* will not be provided in contiguous rooms;
 - (m) despite the definition of "*bicycle parking space – visitor*" in Section 2(1)(iii) of By-law No. 438-86, a *bicycle parking space* for visitors may be permitted within a secured room.
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; and
 - (b) 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.

ENACTED AND PASSED this _____ day of _____, A.D. 2015.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



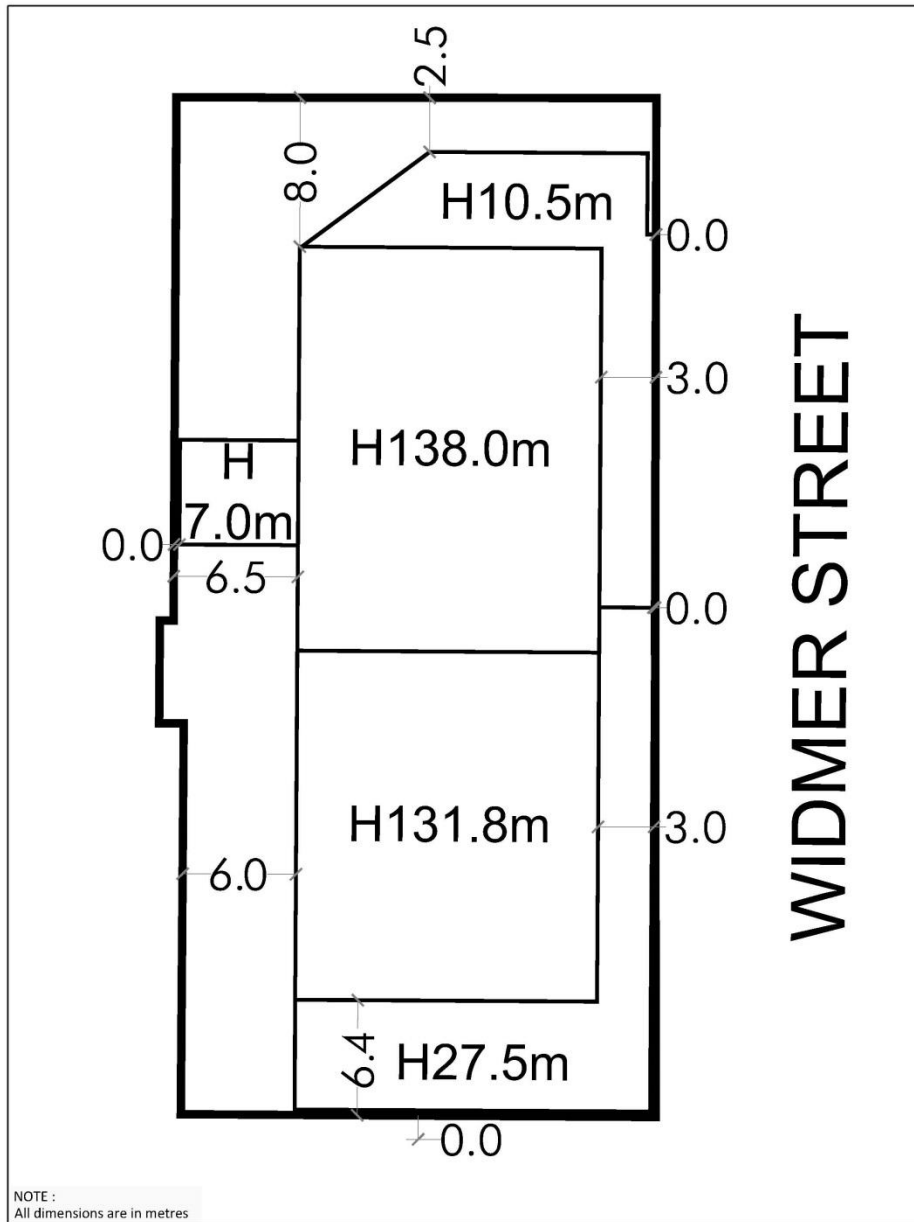
NOTE :
All dimensions are in metres

40-58 Widmer Street

Toronto City Planning
Division
Map 1

File # _____

↑
Not to Scale



40-58 Widmer Street



Map 2

H DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



