

Authority: Ontario Municipal Board Decisions/Orders issued March 17, 2017, April 5, 2017 and February 12, 2018 and Local Planning Appeal Tribunal Order issued September 28, 2018 in Board Files PL161031 and PL151191

## **CITY OF TORONTO**

### **BY-LAW 74-2019(LPAT)**

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2017 as 8-30 Widmer Street.**

Whereas the Ontario Municipal Board Decisions/Orders issued March 17, 2017, April 5, 2017 and February 12, 2018 and Local Planning Appeal tribunal Order issued September 28, 2018, in Board Files PL161031 and PL15119, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 438-86, as amended, for the former City of Toronto with respect to lands municipally known as 30 Widmer Street and 309-315 Adelaide Street West; and

Whereas the Official Plan for the City of Toronto contains such 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 or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provisions 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 an increase in 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 aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in the density or height permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law, and are to be secured by one or more agreements between the owner of such lands and the City of Toronto);

The Local Planning Appeal Tribunal orders:

1. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of development permitted is permitted beyond that otherwise permitted on the lands shown on Map 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 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.
2. Where Appendix 1 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 same.

3. 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 Appendix 1 are satisfied.
4. Except as otherwise provided herein, the provisions of By-law 438-86, as amended shall continue to apply to the lot.
5. None of the provisions of Section 2(1) with respect to the definitions of *bicycle parking space – visitor, grade, height, lot, non-residential gross floor area* and *residential gross floor area*, Sections 4(2)(a), 4(5)(b), 4(8), 4(9)(a)(v), 4(10), 4(11), 4(12), 4(13), 4(14), 4(16), 4(17)(a), 7(3) Part I, 7(3) Part II, 7(3) Part IV 1, 12(2)(132), 12(2)(246), 12(2)270, and 12(2)380 of By-law 438-86 of the former City of Toronto, as amended, shall apply to prevent the erection or use of a *mixed-use building* that may contain *dwelling units*, a *hotel*, a *commercial parking garage below grade*, and the retention of six (6) *existing heritage townhouse dwelling units* 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) the combined total *gross floor area* of all buildings erected or used on the *lot* for residential and non-residential uses shall not exceed 62,000 square metres;
  - (c) the area of the buildings occupied by residential uses does not exceed a *gross floor area* 45,500 square metres, including the *gross floor area* of the *existing heritage townhouse dwelling units*;
  - (d) the area of the buildings occupied by non-residential uses does not exceed a *gross floor area* of 16,500 square metres, and shall exclude the *gross floor area* associated with the *commercial parking garage*;
  - (e) the maximum number of *dwelling units* shall be 665 as follows:
    - (i) A maximum of 225 *dwelling units* shall be permitted in *Tower 1*; and
    - (ii) A maximum of 434 *dwelling units* shall be permitted in *Tower 2*, excluding the six (6) *existing heritage townhouse dwelling units*;
  - (f) one (1) *home occupation* is permitted in each *existing heritage townhouse dwelling unit*;
  - (g) notwithstanding subsection (e) above and (p) below, a guest suite shall not be considered as a *dwelling unit* for the purposes of determining the total number of permitted *dwelling units* and the calculation of *amenity space*;
  - (h) at least ten percent (10 percent) of the total number of *dwelling units* in *Tower 1* shall have three (3) *bedrooms*;
  - (i) at least fifteen percent (15 percent) of the total number of *dwelling units* in *Tower 2* shall have three (3) *bedrooms*;

- (j) at least forty percent (40 percent) of the total number of *dwelling units* in *Tower 2* shall have two (2) *bedrooms*;
- (k) no portion of a building or structure to be erected on the *lot* above finished ground is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, with the exception of the following:
  - (i) Lighting fixtures, cornices, sills, eaves, canopies, parapets, and window washing equipment attached to a building or structure may project a maximum distance of 3.0 metres beyond the heavy lines shown on Map 2;
  - (ii) Lighting fixtures, railings, privacy screens, balustrades, bollards, stairs and related enclosures, fences, safety railings, wind mitigation elements, trellises, guards, guardrails, wheel chair ramps, air intakes and vents, ventilating equipment, bike share facilities, ornamental or architectural features, landscape features, including planters, green energy and renewable energy elements, and art installations may be located at ground level beyond the heavy lines shown on Map 2, in accordance with the *height* limits set out in subsection (l) below;
  - (iii) Balconies on the north façade of *Tower 1* may project a maximum distance of 1.8 metres beyond the heavy lines shown on Map 2;
  - (iv) Balconies on the south façade of *Tower 2* may project a maximum distance of 1.8 metres beyond the heavy lines shown on Map 2;
  - (v) *Architectural fins* on the podium portions of *Tower 1* and *Tower 2* may project a maximum distance of 0.3 metres beyond the heavy lines, including the dashed line fronting Adelaide Street East at the Ground Level, shown on Map 2; and
  - (vi) Structures, elements and enclosures permitted by subsection (l) below;
- (l) the *height* of any building or structure or portion thereof above *grade* to be erected on the *lot* shall not exceed those heights as indicated by the H symbol on Map 2, with the exception of the following:
  - (i) The structures, elements and enclosures set out in Section 5(k) above of this By-law, as applicable, shall be permitted;
  - (ii) Parapets provided the maximum *height* of such elements are no higher than 1.5 metres above the portion of the building to which they are attached;
  - (iii) Canopies provided the maximum *height* of such elements is no higher than 4.0 metres above ground level;
  - (iv) Window washing equipment provided the maximum *height* of such elements is no higher than 2.5 metres above the portion of the building to which it is attached;

- (v) Structures used for outdoor *residential amenity space* or open air recreation, wind screens, privacy screens or vestibules providing access to outdoor amenity space provided the maximum *height* of such elements is no higher than 1.8 metres above the *height* limits specified on Map 2;
- (vi) Structures on any roof used for maintenance, safety, or green roof purposes, chimneys, vents, stacks, shafts, mechanical fans, elevators, elevator machine rooms, and related structural elements, or associated with green energy and renewable energy facilities, provided the maximum *height* of such elements is no higher than 2.5 metres above the *height* limits specified on Map 2;
- (vii) Structures at ground level, including bollards, guards, guardrails, wheel chair ramps, green energy and renewable energy facilities, air intakes and vents, and ventilating equipment provided the maximum *height* of such elements is no higher than 1.2 metres above ground level;
- (viii) Structures at ground level, including railings, privacy screens, balustrades, stairs and related enclosures, fences, bike share facilities, and safety railings provided the maximum *height* of such elements is no higher than 2.0 metres above ground level;
- (ix) Structures at ground level, including lighting fixtures, ornamental or architectural features, wind mitigation elements, trellises, landscape features, including planters, and art installations provided the maximum *height* of such elements is no higher than 4.0 metres above ground level; and
- (x) *Architectural fins* on the podium portions of *Tower 1* and *Tower 2* provided the maximum *height* is no higher than 1.5 metre above that portion of the building to which they are attached;
- (m) *parking spaces* shall be provided and maintained in a parking garage located below *grade* within the *lot* as follows:
  - (i) 0.17 *parking spaces* per *dwelling unit* for residents;
  - (ii) 0.06 *parking spaces* per *dwelling unit* for residential visitors;
  - (iii) A minimum of 18 *parking spaces* shall be provided for the *hotel*, of which at least one (1) such *parking space* shall be designated only for use by a taxi;
  - (iv) The *parking spaces* provided for in subsection (ii) and (iii) above, may be provided in a *commercial parking garage* within the building on the *lot*;
  - (v) Notwithstanding subsection (i) and (ii) above, *parking spaces* are not required to be provided for the six (6) *existing heritage townhouse dwelling units*; and

- (vi) A maximum of 10 percent of the total number of *parking spaces* provided and maintained in a parking garage may have the following dimensions, with or without a fixed object or obstruction within 0.30 metres of the side of the *parking space*:
  - A. Length: 5.4 metres;
  - B. Width: 2.4 metres; and
  - C. Height: 1.8 metres;
- (n) *loading spaces* shall be provided as follows:
  - (i) One (1) *loading space* – Type G;
  - (ii) One (1) *loading space* – Type B; and
  - (iii) One (1) *loading space* – Type C;
- (o) *bicycle parking spaces* shall be provided and maintained within the *lot* in accordance with the following minimum requirements:
  - (i) For residential uses: a minimum of 1.0 *bicycle parking space* per *dwelling unit*, in accordance with the following ratio: 0.90 *bicycle parking spaces-occupant* per *dwelling unit* and 0.10 *bicycle parking spaces – visitor* per *dwelling unit*;
  - (ii) *Bicycle parking spaces* may be provided in a stacked formation provided that the minimum vertical clearance over each *bicycle parking space* is 1.2 metres; and
  - (iii) *Bicycle parking spaces – visitors* may be located in a secured room;
- (p) *residential amenity space* shall be provided and maintained as follows:
  - (i) A minimum of 1.00 square metres per *dwelling unit* of indoor *residential amenity space* shall be provided in a multi-purpose room or rooms that collectively contain a kitchen and a washroom;
  - (ii) A minimum of 1.00 square metres per *dwelling unit* of outdoor *residential amenity space* shall be provided of which at least 40 square metres of outdoor *residential amenity space* must be provided in a location directly accessible from an area containing indoor *residential amenity space*, and of which up to 25 percent may be green roof area; and
  - (iii) *residential amenity space* must be available for use by the occupants of the building for recreational and/or social activities and may also be available for use by residential visitors and guests to the building;
- (q) a *temporary sales office* shall be permitted on the lot; and

- (r) the owner of the *lot* has entered into an agreement with the City, pursuant to Section 37(3) of the Planning Act, to secure the facilities, services and matters required by and referred to in Appendix 1 of this By-law, and that such agreement has been registered on title to the *lot*, all to the satisfaction of the City Solicitor.
6. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86, as amended, with the exception of the following:
- (a) "*architectural fins*" mean vertical, non-structural ornamental elements that are attached to and project from the main walls of the buildings, and have a maximum width of 0.50 metres;
  - (b) "*existing heritage townhouse dwelling unit*" means one (1) of the six (6) heritage townhouse *dwelling units* existing on the lands on the date of the passing of this By-law, as shown on Map 2, and may be altered provided such alteration is in accordance with a Heritage Easement Agreement entered into between the City and the owner pursuant to Section 37 of the Ontario Heritage Act and registered to the satisfaction of the City;
  - (c) "*grade*" means 87.15 metres Canadian Geodetic Datum;
  - (d) "*gross floor area*" means the sum of the total area of each floor level of a building or structure above and below finished ground level, measured from the exterior main wall of each floor level, exclusive of any areas in a building or structure used for:
    - (i) *Parking spaces* and loading facilities below *grade*;
    - (ii) Required loading facilities at the ground level;
    - (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*;
    - (iv) Facilities for bicycle parking, including but not limited to the area occupied by *bicycle parking spaces* and required shower and change facilities;
    - (v) Indoor *residential amenity space*;
    - (vi) Elevator shafts, garbage shafts;
    - (vii) Mechanical penthouses; and
    - (viii) Exit stairwells in the building or structure;
  - (e) "*height*" means the vertical distance between *grade* and the highest point of the building roof shown on Map 2 except for those elements otherwise expressly prescribed in this By-law;

- (f) "*home occupation*" means a business use within a *dwelling unit*, where the *dwelling unit* is the principal residence of the business operator that may also:
    - (i) Sell, rent or lease physical goods directly from the *dwelling unit*;
    - (ii) Be a *personal grooming establishment*;
    - (iii) Be an office or medical office for a professional regulated under the College of Physicians and Surgeons of Ontario;
    - (iv) Be an office or medical office for a professional regulated under the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, as amended;
    - (v) Have clients or customers attending the premises, other than one for an education use, for:
      - A. consultations;
      - B. receiving services; or
      - C. obtaining physical goods;
    - (vi) Have one (1) employee working in the *dwelling unit* who is not the business operator;
  - (g) "*lot*" means at least those lands delineated by heavy lines on Map 1;
  - (h) "*temporary sales office*" 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*;
  - (i) "*Tower 1*" means the building identified as Tower 1 on Map 2; and
  - (j) "*Tower 2*" means the building identified as Tower 2 on Map 2.
7. Despite any existing or future severance, partition or division of the lot, the provisions of this by-law shall apply to the whole lot as if no severance, partition or division occurred.
8. Except as otherwise provided herein, the provision of By-law 438-86, as amended, shall continue to apply to the *lot* as well as the buildings and structures on the *lot*.
9. Within the lands shown on Map 1, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

- 10.** Except as otherwise provided herein, the provisions of Zoning By-law 438-86 shall continue to apply to the lot.

Ontario Municipal Board Decisions/Orders issued March 17, 2017, April 5, 2017 and February 12, 2018 and Local Planning Appeal Tribunal Order issued September 28, 2018 in Board Files PL161031 and PL151191





File # 14 235297 STE 20 OZ



8-28 & 30 Widmer Street

File # 14 235297 STE 20 OZ

## **Appendix 1**

### **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 on Diagram 1 of the By-law, subject to and as secured in an registered agreement or agreements under Section 37(3) of the Planning Act, whereby the owner agrees as follows:

1. Prior to the issuance of the first above-grade building permit, the owner of the Lands shall provide an indexed cash contribution to the City in the amount of \$4,000,000.00, as follows:
  - (a) \$2,000,000.00 to be allocated, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, between:
    - i. The YMCA facility at 505 Richmond Street West; and/or
    - ii. Capital improvements that will benefit the community in the vicinity of the Site, such as, but not limited to, community services and facilities in the King-Spadina area in the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, local streetscape improvements to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, and improvements to public parks in the area or for parkland acquisition in the Local Ward to the satisfaction of the General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor;
  - (b) \$1,100,000.00 to the John Street Cultural Corridor; and
  - (c) \$900,000.00 to Queen Street West BIA streetscape improvements,

such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
2. Upon the site-specific zoning by-law amendments to By-law 569-2013 and By-law 438-86 respectively becoming final and binding, the owner shall within 30 days provide a cash contribution to the City in the amount of \$1,000,000.00 to be allocated as follows:
  - (a) \$500,000.00 (50 percent) to Toronto Community Housing Corporation Revolving Fund for capital repairs to Toronto Community Housing Corporation units in the Local Ward; and
  - (b) \$500,000.00 (50 percent) to new affordable rental housing units as part of the Alexandra Park Revitalization in the Local Ward, to be directed to the Capital Revolving Fund for Affordable Housing.

3. The owner shall provide and maintain the following:
- (a) construction of a publicly accessible pedestrian walkway and conveyance of a public pedestrian surface access easement to the City, on terms and conditions satisfactory to the City Solicitor, in the location shown on Diagram 1 and identified as "Proposed Public Pedestrian Easement" at the north limit of the Lands with details to be determined in the context of site plan approval for the development and such easement lands to be maintained by the owner;
  - (b) conveyance of an approximate 0.72 metre strip of land at the west limit of the Lands for a public lane widening in the location shown on Map 1 and identified as "Public Lane Widening" with details to be determined in the context of site plan approval for the development;
  - (c) strata conveyance of a surface daylighting triangle at southwest corner of the Property to the City in the location shown on Map 1 and identified as "Daylighting Triangle Strata Conveyance";
  - (d) all conveyances to the City, including the easement in subsection (a) above, shall be for nominal consideration, free and clear of encumbrances, other than those otherwise acceptable to the City Solicitor, and at no cost to the City to the satisfaction of the City Solicitor and, in addition, the owner shall be responsible to prepare, submit to the City for approval and deposit all required reference plans to describe all lands being conveyed;
  - (e) a minimum of 10 percent of the dwelling units shall be constructed on the *lot* in Tower 1 as three-bedroom units;
  - (f) a minimum of 15 percent of the dwelling units shall be constructed on the *lot* in Tower 2 as three-bedroom units; and
  - (g) a minimum of 40 percent of the dwelling units shall be constructed on the *lot* in Tower 2 as two-bedroom units.
4. Prior to issuance of an Ontario Municipal Board Order (Case No. PL161031) in connection with the Zoning By-law Amendment appeal for the properties at 8-20 Widmer Street the owner shall:
- (a) enter into a Heritage Easement Agreement for the property at 8 Widmer Street and 10-20 Widmer Street in accordance with the plans and drawings dated March 8, 2018 prepared by Quadrangle Architects Limited and on file with the Senior Manager, Heritage Preservation Services, the Heritage Impact Assessment, prepared by ERA Architects Inc., dated February 9, 2018 and revised March 14, 2018, and in accordance with the Conservation Plan required in subsection (b) below, to the satisfaction of the Senior Manager, Heritage Preservation Services including registration of such agreement to the satisfaction of the City Solicitor; and

- (b) provide a detailed Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 8 Widmer Street and 10-20 Widmer Street and 30 Widmer Street prepared by ERA Architects Inc., dated February 9, 2018 and revised March 14, 2018, to the satisfaction of the Senior Manager, Heritage Preservation Services; with such Conservation Plan to include a detailed interpretive Lighting Plan, a plan for the treatment of exterior brick, including consideration of the appropriateness of painting the restored surfaces, and an improved interface between old and new on the north and south elevations, all subject to further review to the satisfaction of the Senior Manager, Heritage Preservation Services.
5. Prior to final Site Plan approval for the proposed Zoning By-law Amendment by City Council, for the property located at 8 Widmer Street and 10-20 Widmer Street and 30 Widmer Street the owner shall:
- (a) provide final site plan drawings substantially in accordance with the approved Conservation Plan required in Section 4(b) above, to the satisfaction of the Senior Manager, Heritage Preservation Services;
  - (b) have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect;
  - (c) provide a Lighting Plan that describes how the exterior of the heritage properties will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and shall implement such Plan to the satisfaction of the Senior Manager Heritage Preservation Services;
  - (d) provide an Interpretation Plan for the heritage properties, to the satisfaction of the Senior Manager, Heritage Preservation Services and shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services; and
  - (e) submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Preservation Services.
6. Prior to the issuance of any permit for all or any part of the property at 8 Widmer Street and 10-20 Widmer Street and 30 Widmer Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building, or any permits for demolition of the Rear Additions to the Heritage Townhouses, as are acceptable to the Senior Manager, Heritage Preservation Services, the owner shall:
- (a) have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect;
  - (b) provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan

required in Section 4(b) above including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services;

- (c) provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan, Heritage Lighting Plan, and Interpretation Plan; and
  - (d) provide full documentation of the existing heritage properties, including two (2) printed sets of archival quality 8 inches x 10 inches colour photographs with borders in a glossy or semi-glossy finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Preservation Services.
7. Prior to the release of the Letter of Credit required in Section 6(c) above, the owner shall:
- (a) provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work has been completed in accordance with the Conservation Plan, Interpretation Plan and Heritage Lighting Plan, and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and
  - (b) provide replacement Heritage Easement Agreement photographs for the properties at 8 Widmer Street and 10-20 Widmer Street to the satisfaction of the Senior Manager, Heritage Preservation Services.