

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 75-2019(LPAT)**

#### **To amend Zoning By-law 569-2013, 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 569-2013, as amended, 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, 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 provision of such facilities, services or matter 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 and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto;

The Local Planning Appeal Tribunal orders:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions except as specified by this by-law.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands municipally known in the year 2017 as 8-30 Widmer Street, outlined in heavy black line to CRE (x21) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.12.10 Exception Number CRE (x21):

**Exception CRE (x21)**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) on 8-30 Widmer Street, if the requirements of Section 5 and Schedule A of By-law 75-2019(LPAT) are complied with, none of the provisions of 50.10.40.1(2) and (4), 50.10.40.80(1), 150.5.20.1(1) (A)-(D), (2) and (6), 600.10, apply to prevent the erection or use of **buildings** or **structures** on the lands if in compliance with regulations (B) to (R);
- (B) in addition to the uses permitted by Regulations 50.10.20.10(1) and 50.10.20.20(1), the following uses are also permitted:
- (i) One (1) **home occupation** is permitted within each of the six (6) existing heritage **townhouse dwelling units** identified as "existing heritage townhouse dwelling unit" on Diagram 3 of By-law 75-2019(LPAT); and
- (ii) **Public parking** is permitted within the below grade **parking garage**;
- (C) the total **gross floor area** of **buildings** and **structures** must not exceed a maximum of 62,000 square metres, of which:
- (i) **Buildings** and **structures** or portions thereof, occupied by residential uses must not exceed a **gross floor area** of 45,500 square metres, including the **gross floor area** of the existing heritage **townhouse dwelling units**, identified as "existing heritage townhouse dwelling unit" on Diagram 3 of By-law 75-2019(LPAT); and
- (ii) **Buildings** and **structures** or portions thereof, occupied by **non-residential** uses must not exceed a **gross floor area** of 16,500 square metres, which excludes the **gross floor area** associated with the **public parking** use;
- (D) the maximum number of **dwelling units** is 665 and is allocated as follows:
- (i) A maximum of 225 **dwelling units** in Tower 1, identified as Tower 1 on Diagram 3 of By-law 75-2019(LPAT);
- (ii) A maximum of 434 **dwelling units** in Tower 2 identified as Tower 2 on Diagram 3 of By-law 75-2019(LPAT); and
- (iii) A maximum of one **dwelling unit** in each of the existing heritage **townhouses**, identified as "existing heritage townhouse dwelling unit" on Diagram 3 of By-law 75-2019(LPAT);

- (E) despite regulations (D) above and (L) below, a guest suite is not a **dwelling unit** for the purposes of determining the total number of permitted **dwelling units** and the calculation of **amenity space**;
- (F) at least ten percent (10 percent) of the total number of **dwelling units** in Tower 1, identified as Tower 1 on Diagram 3 of By-law 75-2019(LPAT), must have three (3) bedrooms;
- (G) at least fifteen percent (15 percent) of the total number of **dwelling units** in Tower 2, identified as Tower 2 on Diagram 3 of By-law 75-2019(LPAT), must have three (3) bedrooms;
- (H) at least forty percent (40 percent) of the total number of **dwelling units** in Tower 2, identified as Tower 2 on Diagram 3 of By-law 75-2019(LPAT), must have two (2) bedrooms;
- (I) despite all of regulations 50.10.40.60, 50.5.40.70(1)(A), 50.10.40.70 and 50.10.40.80(3) no portion of any **building** or **structure** above finished ground is located other than wholly within the areas delineated by heavy lines on Diagram 3 By-law 75-2019(LPAT) 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 Diagram 3;
  - (ii) Lighting fixtures, railings, privacy screens, balustrades, bollards, stairs and related enclosures, safety railings, wind mitigation elements, trellises, guards, guardrails, wheel chair ramps, air intakes and vents, ventilating equipment, bike share facilities, ornamental or architectural features, including planters, green energy and renewable energy elements, and art installations may be located at ground level beyond the heavy lines shown on Diagram 3, in accordance with the height limits set out in Section (J) of this exception;
  - (iii) Balconies on the north **main wall** of Tower 1, identified as Tower 1 on Diagram 3 of By-law 75-2019(LPAT), may project a maximum distance of 1.8 metres beyond the heavy lines shown on Diagram 3;
  - (iv) Balconies on the south **main wall** of Tower 2, identified as Tower 2 on Diagram 3 of By-law 75-2019(LPAT), may project a maximum distance of 1.8 metres beyond the heavy lines shown on Diagram 3;
  - (v) Architectural fins on the podium portions of Tower 1 and Tower 2 identified as Tower 1 and Tower 2 on Diagram 3 of By-law 75-2019(LPAT), which are vertical, ornamental elements that are attached to and project from the **main walls** of the **buildings** and have a maximum width of 0.50 metres, may project a maximum of 0.3 metres

beyond the heavy lines, including the dashed line fronting Adelaide Street East at the Ground Level, shown on Diagram 3; and

- (vi) **Structures**, elements and enclosures permitted by regulation (J) below;
- (J) despite all of regulations 50.5.40.10 and 50.10.40.10(1) and (3), the height of each portion of a **building** or **structure** is measured as the vertical distance between Canadian Geodetic Datum elevation of 87.15 metres and the highest point of the **building** or **structure** and must not exceed the height in metres as specified by the numbers following the symbol H as shown on Diagram 3 of By-law 75-2019(LPAT) except for the following projections:
- (i) **Structures**, elements and enclosures permitted by regulation (I) above;
  - (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 **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 Diagram 3;
  - (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 Diagram 3;
  - (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) On the podium portions of Tower 1 and Tower 2, as identified as Tower 1 and Tower 2 on Diagram 3 of By-law 75-2019(LPAT), architectural fins, which are vertical, ornamental elements that are attached to and project from the **main walls** of the **buildings**, and have a maximum width of 0.50 metres, are permitted if the top of the architectural fin is no higher than 1.5 metres above that portion of the **building** to which it is attached;
- (K) despite regulation 50.10.40.50, **amenity space** must be provided in accordance with the following:
  - (i) A minimum of 1.00 square metres per **dwelling unit** of indoor **amenity space** must be provided in a multi-purpose room or rooms that collectively contain an kitchen and a washroom; and
  - (ii) A minimum of 1.00 square metres per **dwelling unit** of outdoor **amenity space** shall be provided of which at least 40 square metres of outdoor **amenity space** must be provided in a location directly accessible from an area containing indoor **amenity space**, and of which up to 25 percent may be **green roof** area;
- (L) despite regulations 200.5.10.1(1) and (5), **parking spaces** must be provided in accordance with the following:
  - (i) 0.17 **parking spaces** for each **dwelling unit** for residents;
  - (ii) 0.06 **parking spaces** for each **dwelling unit** for residential visitors; and
  - (iii) A minimum of 18 **parking spaces** must be provided and maintained for the **hotel**, of which at least one (1) such **parking space** must be designated only for use by a taxi;
- (M) despite regulation (M) above, **parking spaces** are not required to be provided for the six (6) existing heritage **townhouse dwelling units** identified as "existing heritage townhouse dwelling unit" on Diagram 3 of By-law 75-2019(LPAT);
- (N) Despite regulation 50.5.80.1, the **parking spaces** required by regulation 0(ii) and (iii) above, may be provided within a **public parking** use on the lands;
- (O) despite regulation 200.5.1.10(2), 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**:
  - (i) Length: 5.4 metres;
  - (ii) Width: 2.4 metres; and

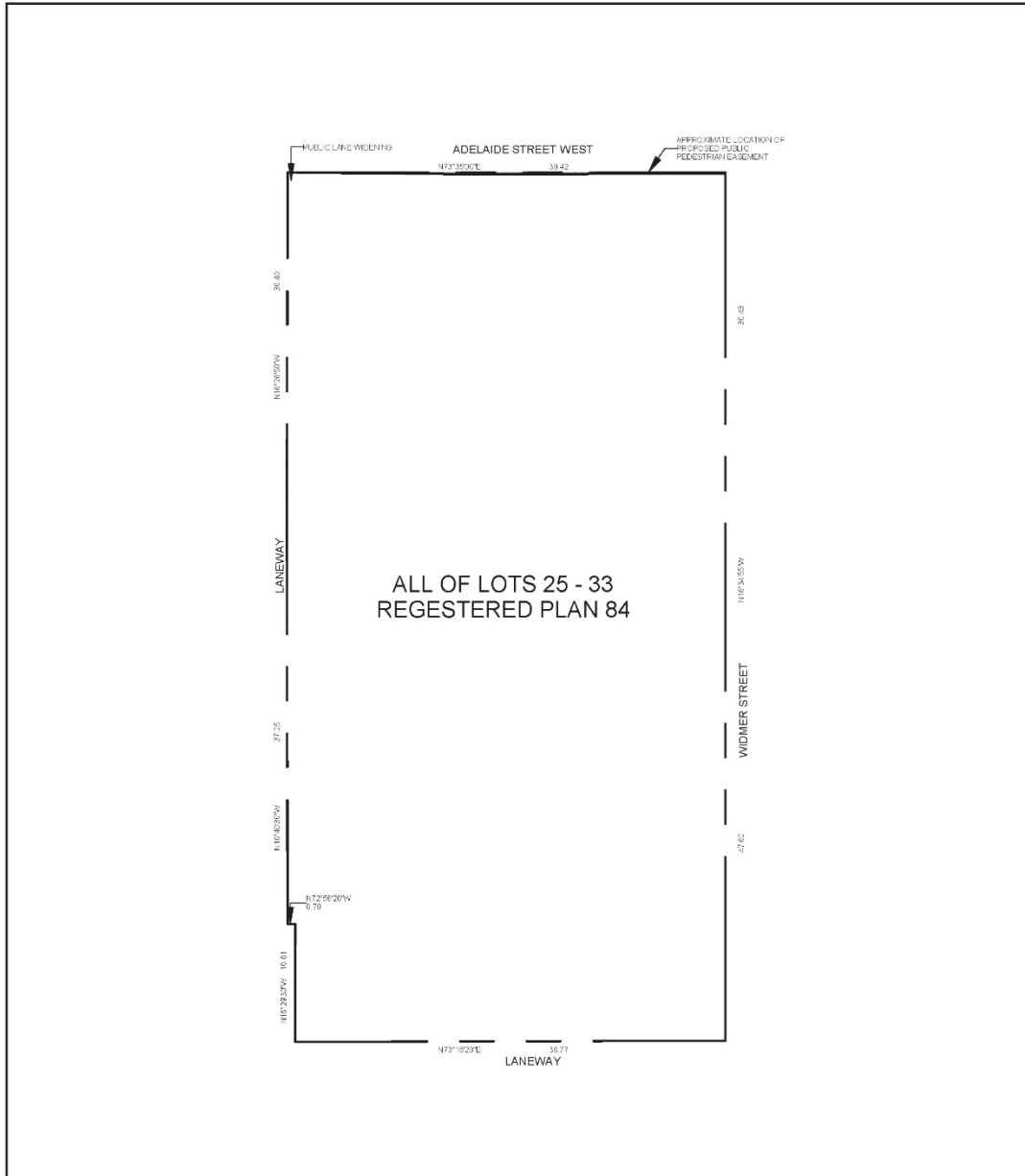
- (iii) Height: 1.80 metres;
- (P) despite regulation 200.15.1(4), an accessible **parking space** must be located within 17.0 metres of an entrance to an elevator lobby with one or more passenger elevator(s) that provide access to the first **storey** of the **building**;
- (Q) despite clause 220.5.10.1, **loading spaces** must be provided and maintained on the lands as follows:
  - (i) One (1) type "G" **loading space**;
  - (ii) One (1) type "B" **loading space**; and
  - (iii) One (1) type "C" **loading space**; and
- (R) despite any existing or future severance, partition, or division of the lands shown as CRE (x21) on Diagram 3 of By-law 75-2019(LPAT), the provisions of this Exception and By-law 569-2013 shall apply to the whole of the lands as one lot as if no severance, partition or division had occurred.

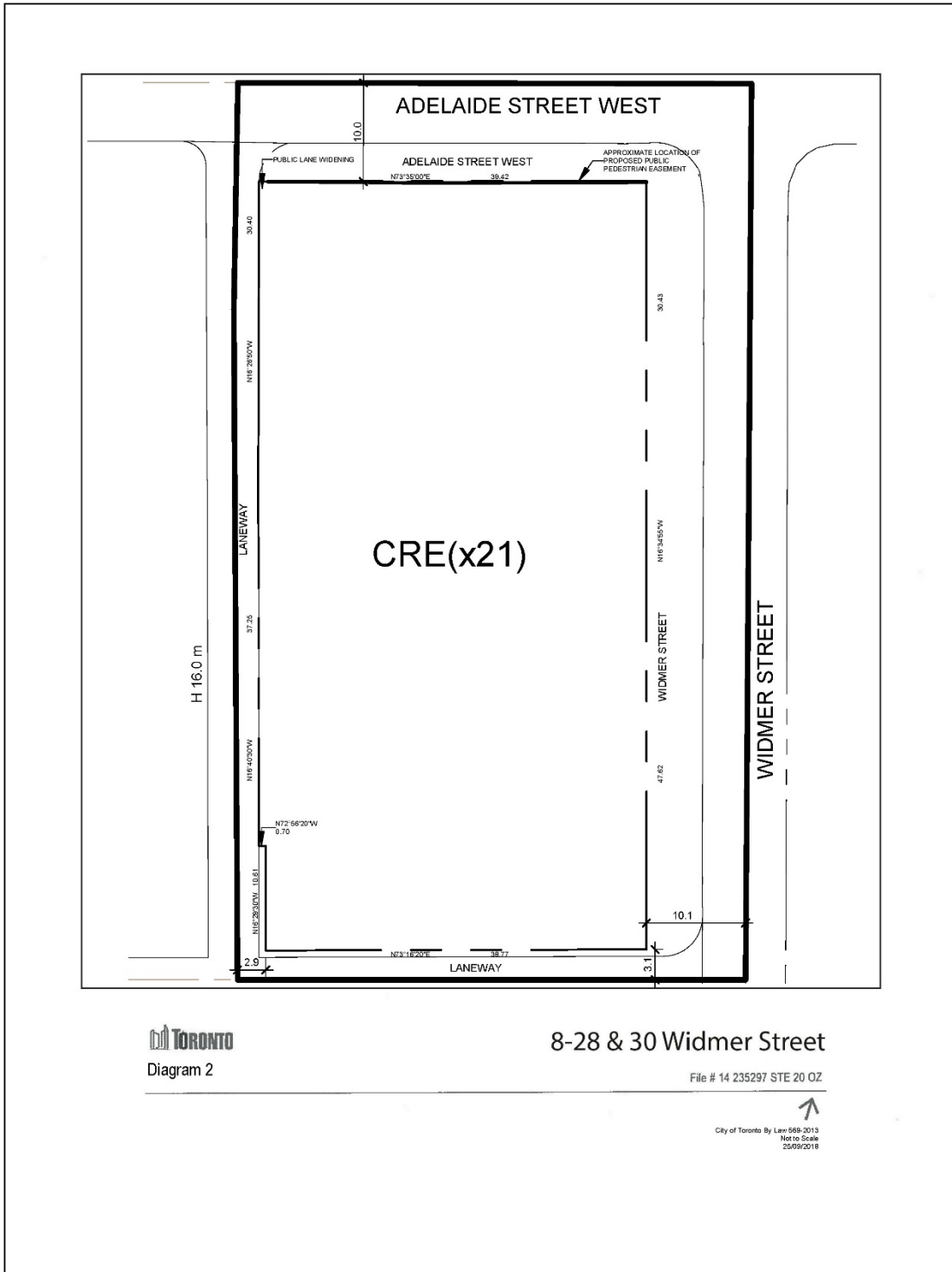
Prevailing By-law and Prevailing Sections: (None Apply)

#### 5. Section 37 Provisions

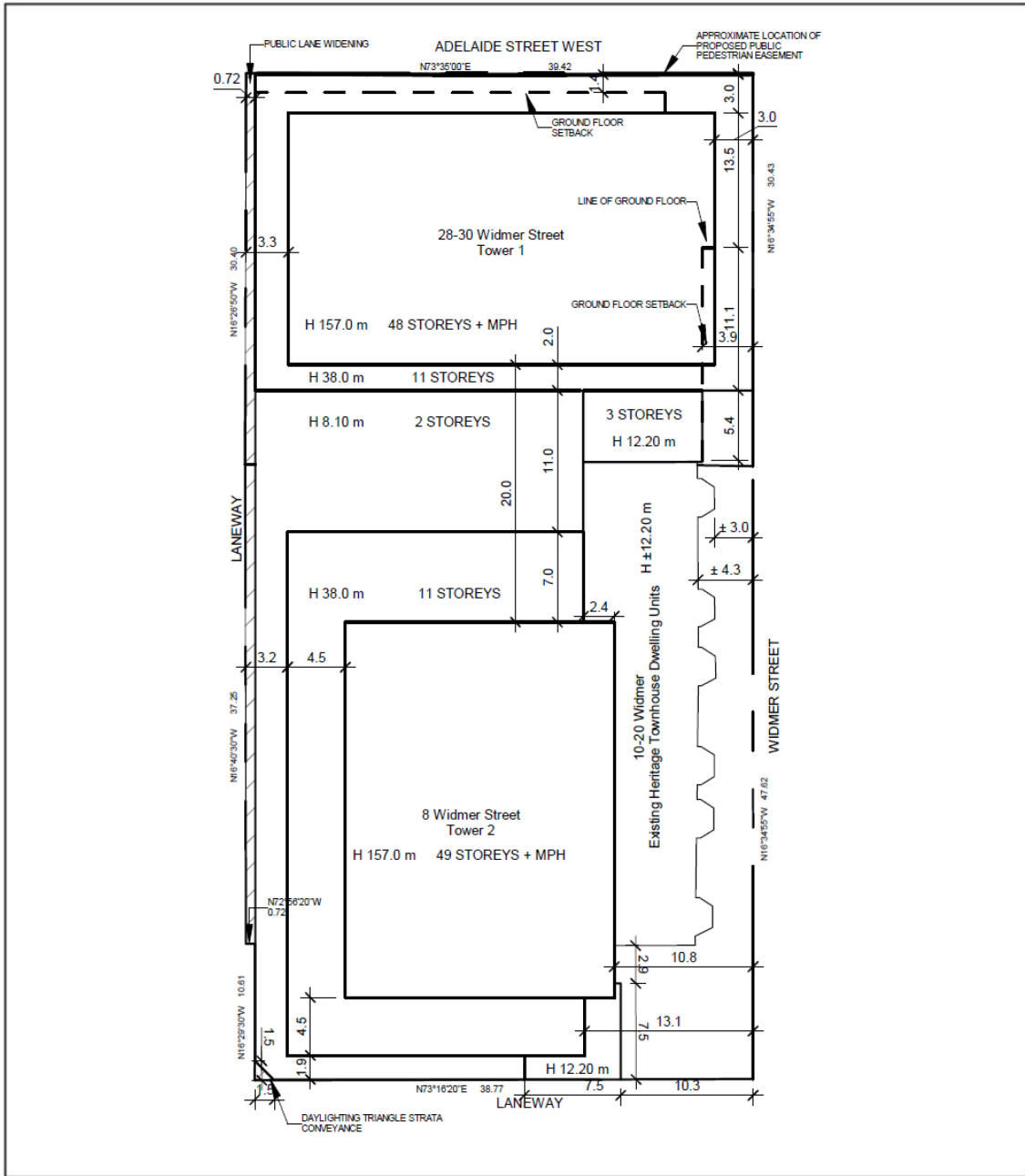
- (A) pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown as CRE (x21) on Diagram 2 of this By-law, in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A 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 must not use, or permit the use of, a **building** or **structure** erected with an increase in height and density pursuant to Exception CRE (x21) of By-law 569-2013, as amended, unless the provisions of Schedule A of such By-law are satisfied.

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## 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 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 Diagram 3 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 Diagram 3 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 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.