

Authority: Toronto Community Council Report No. 8, Clause No. 24, as adopted by City of Toronto Council on May 9, 10 and 11, 2000; and Toronto Community Council Report No. 18, Clause No. 48, adopted as amended, by City of Toronto Council on October 3, 4 and 5, 2000
Enacted by Council: October 5, 2000

CITY OF TORONTO

BY-LAW No. 875-2000

To amend By-law No. 438-86 of the former City of Toronto as amended, respecting lands known as Nos. 100, 104, 120 and 130 Adelaide Street West, 12 and 22 Sheppard Street and 85 and 111 Richmond Street West.

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 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; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law.

NOW THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of section 2 of By-law No. 512-78, being "A By-law to amend By-law No. 20623, as amended, respecting certain lands known as the Richmond-Adelaide Centre", and none of the provisions of sections 4(2)(a), 4(5)(b) as it pertains to subsection (6) below, 8(3) PART I1, 8(3) Part I2 and 12(2)276 (ii) 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 lands 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 or use of a non-residential building on Parcel A of the *lot* shown on Plan 1 attached to and forming part of this by-law and an atrium on Parcel B of the *lot* shown on Plan 1 provided:

- (1) the *lot* comprises those lands delineated by a heavy line and consisting of Parcels A and B, all as shown on Plan 1 attached hereto;

Notwithstanding the definition of "*lot*" contained in section 2(1) of the aforesaid By-law No. 438-86, Parcels A and B as shown on the attached Plan 1, shall comprise a "*lot*" notwithstanding more than one building is or is to be erected thereon, and all such buildings shall be deemed to have a common basement;

- (2) no part of the building to be erected on Parcel A, above *grade*, is located otherwise than wholly within the area shown delineated by a heavy line on Plan 2 attached hereto;
- (3) no part of the atrium to be erected on Parcel B, above *grade*, is located otherwise than wholly within the area delineated by a heavy line on Plan 2 attached hereto;
- (4) the *non-residential gross floor area* of the building to be erected on Parcel A does not exceed 66 716 square metres;
- (5) the *non-residential gross floor area* of the atrium to be erected on Parcel B does not exceed 1200 square metres;
- (6) the total *non-residential gross floor area* of all buildings on the *lot* does not exceed 211 500 square metres, of which 14 682 square metres and 21 392 square metres shall consist of existing *non-residential gross floor area* contained with the buildings known as No. 85 Richmond Street West and No. 111 Richmond Street West respectively;
- (7) the area delineated on Plan 3 as "open space" is used for no other purpose than an open recreation area, accessible to the public, except for those areas used for a non-profit daycare facility, and shall contain no structure other than vents or access to the underground non-residential uses or ornamentation provided in accordance with a "public art program" or landscaping pursuant to Section 41 of the *Planning Act*;
- (8) the number of *parking spaces* required by section 4(5)(b) of the aforesaid By-law No. 438-86, to serve the existing retail uses, may be reduced by twenty *parking spaces* for a period of three years from the date a building permit is issued for the building on Parcel A subject to the provisions of this By-law; and
- (9) no part of any building or structure within Parcel A shall exceed a *height* of 182 metres, including the mechanical penthouse.

2. Section 12(2) of the aforesaid By-law No. 438-86 is amended by adding the following exception:

“327 No person shall, on the lands known municipally in the year 1999 as No. 100, 104, 120 and 130 Adelaide Street West and 85 and 111 Richmond Street West and 12 and 22 Sheppard Street, following demolition of any building or structure thereon and prior to the erection of the building permitted by section 1 of By-law No. 875-2000, erect or use such lands for the purpose of a surface parking facility.”

3. Notwithstanding Section 1 hereof, the density and height of development permitted by Section 1 is permitted subject to compliance with the conditions set out therein and in return for the provision by the owner of the *lot* referred to in Section 1 of the following facilities, services and matters to the City of Toronto, namely:

- (1) retain, restore, conserve and maintain the buildings located at Nos. 85 and 111 Richmond Street West and the building or portion of the building at No. 100 Adelaide Street West, in accordance with an approved Restoration Plan and in a manner that respects their quality and character and which is secured and further defined through one or more agreements pursuant to Section 37 of the *Ontario Heritage Act* and Section 37 of the *Planning Act*, including:
 - (i) for the lands known in the year 1999 as No. 100 Adelaide Street West:
 - (a) that any new building constructed on such lands, which requires the demolition of the building features described in the aforesaid Heritage Easement Agreement, will be designed to respect the existing façade of that building;
 - (b) that any of the exterior art work that is not relocated onto the new building façade, is restored and placed on public display on the *lot*;
 - (c) that the existing facades of the lower three floors facing the Adelaide Street West and Sheppard Street frontages are retained, including the arched entry-way from Adelaide Street West;
 - (d) that the significant art work located in the lobby of the building be restored, reinstated or replicated on the lands known as No. 100 Adelaide Street West;
 - (e) where any portions or heritage pieces of the existing building are to be relocated off of the lands known as No. 100 Adelaide Street West, the Heritage Easement Agreement include the lands to which such pieces are relocated;

- (f) prior to the issuance of a demolition permit for all or a portion of the existing building located on the lands known as No. 100 Adelaide Street West, and subject to the conditions of the Heritage Easement Agreement, the following shall occur:
1. a building permit must be issued for a new office building which utilizes any of the provisions of this By-law, to be constructed on such lands; and
 2. the retention, restoration, conservation and maintenance of the building and or the portions of the building referred to in the Heritage Easement Agreement applicable to such lands, is included in an executed Undertaking pursuant to Section 41 of the *Planning Act* for the building for which a building permit is being issued;
- (ii) for the lands known as No. 111 Richmond Street West the retention, restoration, conservation and maintenance of the existing building, including the retention, restoration, conservation and maintenance of the lobby of the building to the appearance which existed in the ten year period between 1950 and 1960;
- (iii) for the lands known as 85 Richmond Street West, the retention, restoration, conservation and maintenance of the existing building;
- (2) deposit with the City, a letter of credit in the amount of 2.0 million dollars, prior to the issuance of a building permit in respect of Parcel A and which would require the demolition of all or any portion of the building known as No. 100 Adelaide Street West, to secure the retention, restoration, conservation and maintenance of the historic elements of such building;
- (3) provide and maintain one or more works of art pursuant to a public art program in publicly accessible portions of the *lot* of a value not less than one per cent of the cost of construction of all new buildings, structures and additions erected on Parcel A on or after the date of passing of this By-law, provided that the costs related to obligations under the agreements drawn pursuant to Section 37 of the *Ontario Heritage Act* and costs related to public art and the daycare facility, shall not be included in such valuation;
- (4) provide and maintain publicly accessible open space pursuant to an undertaking under Section 41 of the *Planning Act*;
- (5) provide, maintain and operate the development in accordance with the Noise Impact Statement and Material Recovery and Waste Reduction Plan approved by the Commissioner of Works and Emergency Services; and

- (6) provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes, sewer maintenance holes and any other collateral matters which are required in connection with this development;
- (7) provide and maintain a non-profit workplace daycare facility on the *lot* or on the lands known municipally in the year 1999 as No. 165 York Street including:
 - (i) the construction, furnishing, finishing and equipping of the daycare facility;
 - (ii) providing a minimum of 530 square metres of interior space and 330 square metres of exterior space for such daycare facility;
 - (iii) providing a lease for an initial term of 25 years, renewable for up to four terms of 25 years each;
 - (iv) a nominal rental fee to the daycare provider who shall be approved by the Commissioner of Urban Development Services;
 - (v) full compensation for operating expenses including, but not limited to, heating, water and municipal taxes;
 - (vi) a grant of \$100,000 to be provided to the daycare provider for operational expenses, within two months of the approval of such provider as set out in clause (iv);
 - (vii) provision for a minimum of 52 children to be accommodated in the daycare facility; and
 - (viii) the submission of satisfactory studies related to wind mitigation, sunlight conditions and noise, at the time of an application pursuant to Section 41 of the *Planning Act*, detailing the impacts these factors have on the interior and exterior areas dedicated to the daycare facility and that the design and proposed location meet with the satisfaction of the Commissioner of Urban Development Services and to be detailed in an Undertaking pursuant to the aforesaid Section 41;
- (8) ensure the complete accessibility of the development on Parcel A and the atrium on Parcel B for persons with disabilities;
- (9) connect the development on Parcel A to the District Heating and Cooling System;

- (10) design the development to provide for a future underground P.A.T.H. easterly connection along or near the Temperance Street alignment, such connection to be activated at the City's request once redevelopment of the block(s) east of the *lot* are approved and implemented; and
- (11) enters into one or more agreements with the City pursuant to Section 37 of the *Planning Act* to secure all the facilities, services and matters referred to in this By-law, and such agreement or agreements are appropriately registered against the title of the lands.

4. For the purposes of this By-law, each word or expression which is italicized herein shall have the same meaning as each word and expression as defined in the aforesaid By-law No. 438-86, as amended.

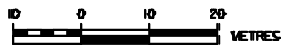
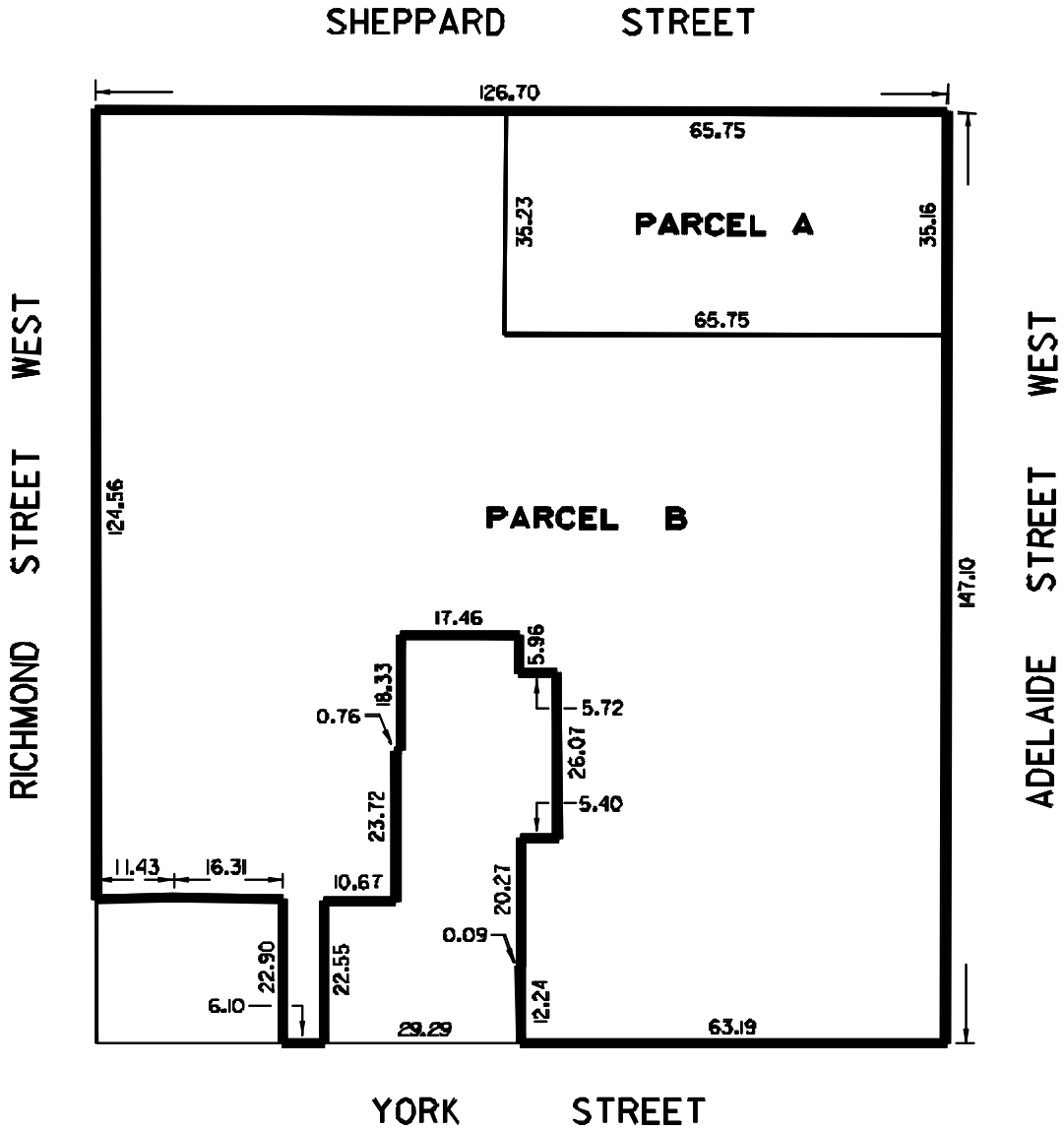
ENACTED AND PASSED this 5th day of October, A.D. 2000.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

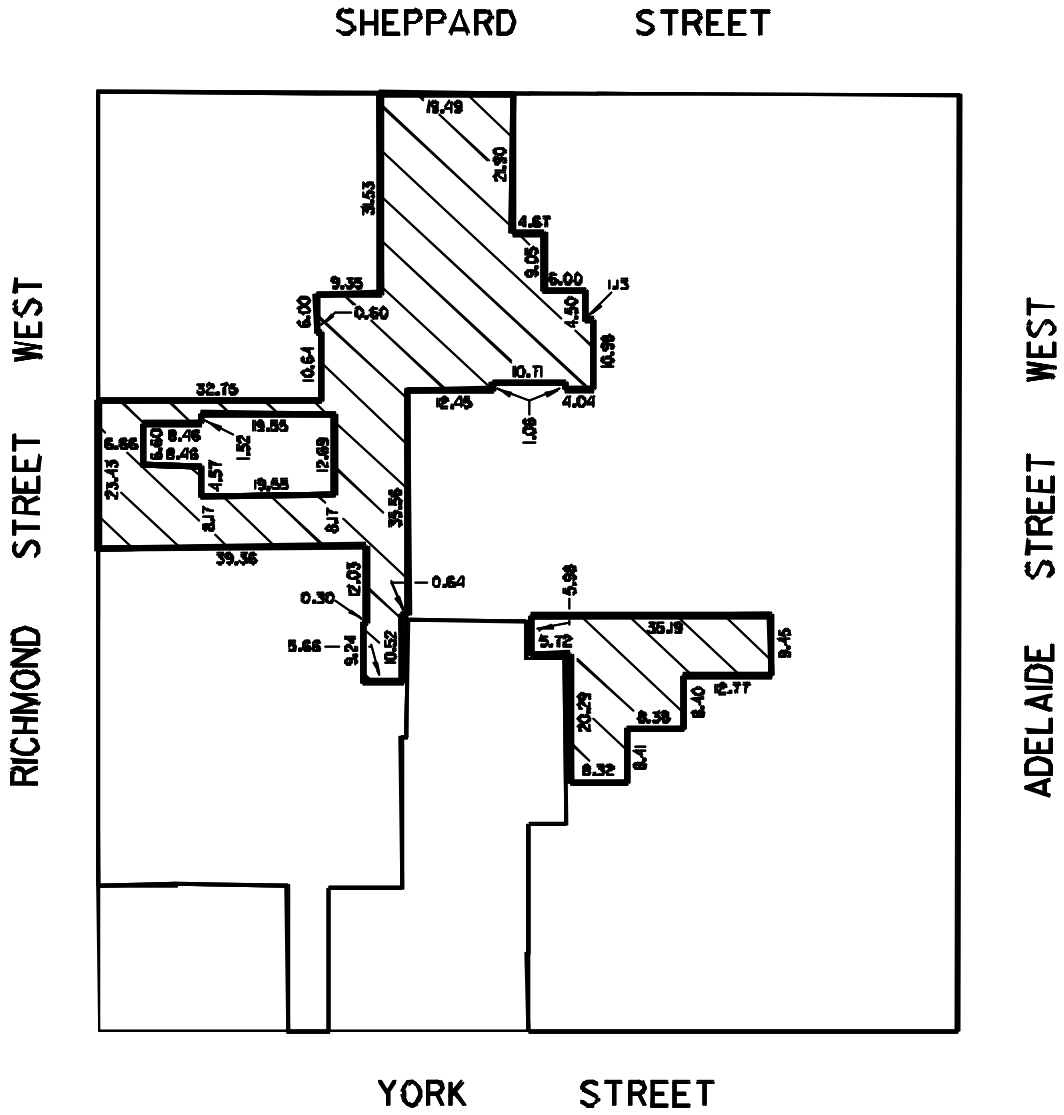
(Corporate Seal)

PLAN 1



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO SEPTEMBER, 2000
BLOB/BBRICH1.DGN
FILE F A2-214
MAP No. 300-323 DRAWN: PG

PLAN 3



 OPEN SPACE



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO SEPTEMBER, 2000
 BLDG/8947CH3-DGN
 FILE# A2-214
 MAP No. 600-323 DRAWN: PG