

Authority: Toronto East York Community Council Report No. 11, Clause No. 10,  
as adopted by City of Toronto Council on October 29, 30 and 31, 2002  
Enacted by Council: October 31, 2002

**CITY OF TORONTO**

**BY-LAW No. 927-2002**

**To amend the General Zoning By-law No. 438-86, as amended, of the former City of  
Toronto respecting lands known as 381-411 Richmond Street East and  
424-460 Adelaide Street East.**

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 that 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/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 lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the height permitted hereunder, beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and is 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 increase in height 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 Sections 2(1) "lot", 4(2)(a)(I), 7(3)Part II 1-5, 12(2)246 and 12(2)270 of 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 and use on the lands delineated by heavy lines on Plan 1 attached to and forming part of this By-law of a *non-residential building*, excluding a *hotel*, consisting of three towers linked above and/or below *grade*, containing a total of not more than 77, 400 m<sup>2</sup> of *non-residential gross floor area* on the *lot* provided:

- (1) the lands on which the building is located comprises at least the *lot*;

- (2) no portion of the building, exclusive of canopies, located above *grade* is located otherwise than wholly within the areas delineated by heavy lines on Plan 2A and Plan 2B attached to and forming part of this By-law;
- (3)
  - (a) the *height* of the building does not exceed the *heights* shown on the attached Plan 2A and Plan 2B, provided that decorative structural elements of the *Phase 1 Galleria* and *Phase 3 Galleria* may project up to 10 m above the *height* limits shown on the attached Plan 2A and 2B;
  - (b) despite section 1(3)(a) of this By-law, the following elements and open structures extending above the roof but within the outline of the mechanical penthouse are exempted from the *height* limits shown on the attached Plan 2A and Plan 2B: hoods, chimneys, air vents, transmission devices, and supports for photovoltaic arrays, solar panels and wind turbines, provided that:
    - (i) the aggregate horizontal area of such elements and open structures measured at a point above the level of the *height* limit, does not exceed 60 per cent of the area of the roof of the mechanical penthouse; and
    - (ii) the maximum *height* of the top of such elements and open structures, except transmission devices, is no higher than the sum of five metres and the *height* limit applicable to the mechanical penthouse;
- (4) the mechanical penthouse floor of each tower is used for mechanical penthouse purposes only;
- (5) uses permitted in Section 7(1)(f)(b)(iv) of By-law No. 438-86, as amended, are provided on the first floor at or above *grade* of the building;
- (6) a minimum of 208 and a maximum of 389 *parking spaces* are provided on the *lot*;
- (7) three loading spaces - Type B, three loading spacing - Type C and one loading space - Type G are provided on the lot;
- (8) the floor area of the building known in the year 2002 as 411 Richmond Street East shall be excluded from the calculation of *non-residential gross floor area* and *net floor area*;
- (9) the building may be constructed in phases provided that a minimum of 203 *parking spaces* and all of the loading spaces identified in subsection (7) above shall be provided with *Phase 1* and provided:
  - (a) *Phase 1* contains not more than 34,600 square metres of *non-residential gross floor area*;

- (b) the *Phase 1 Galleria* contains not more than 510 square metres of *non-residential gross floor area*;
  - (c) *Phase 2* contains not more than 18,800 square metres of *non-residential gross floor area*;
  - (d) *Phase 3* contains not more than 24,000 square metres of *non-residential gross floor area*; and
  - (e) the *Phase 3 Galleria* contains not more than 540 square metres of *non-residential gross floor area*; and
- (10) the owner of the *lot*, in accordance with and subject to the agreement referred to in section 1(10)(c) of this By-law:
- (a) provides to the City \$250,000 for the construction of a landscaped island on Adelaide Street East and \$100,000 for streetscape improvements to Parliament Street;
  - (b) enters into a Heritage Easement Agreement with the City pursuant to the *Ontario Heritage Act* relating to the front façade of the existing building located on the lands known in the year 2002 as 69 Sherbourne Street and such agreement is appropriately registered against title to the lands; and
  - (c) enters into an agreement with the City pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to herein and such agreement is appropriately registered against title to the *lot*.

2. For the purposes of this By-law:

- (1) “*Phase 1*”, “*Phase 1 Galleria*”, “*Phase 2*”, “*Phase 3*”, and “*Phase 3 Galleria*” mean the areas respectively identified as “*Phase 1*”, “*Phase 1 Galleria*”, “*Phase 2*”, “*Phase 3*”, and “*Phase 3 Galleria*” on Plan 2A and Plan 2B attached hereto;
- (2) “*lot*” means the lands delineated by heavy lines on the attached Plan 1 which lands shall be deemed to be one *lot*, regardless of whether two or more buildings which are not connected below *grade* are erected thereon, and regardless of any conveyances or easements made or granted to the City after the date of enactment of this By-law; and

- (3) each other 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.

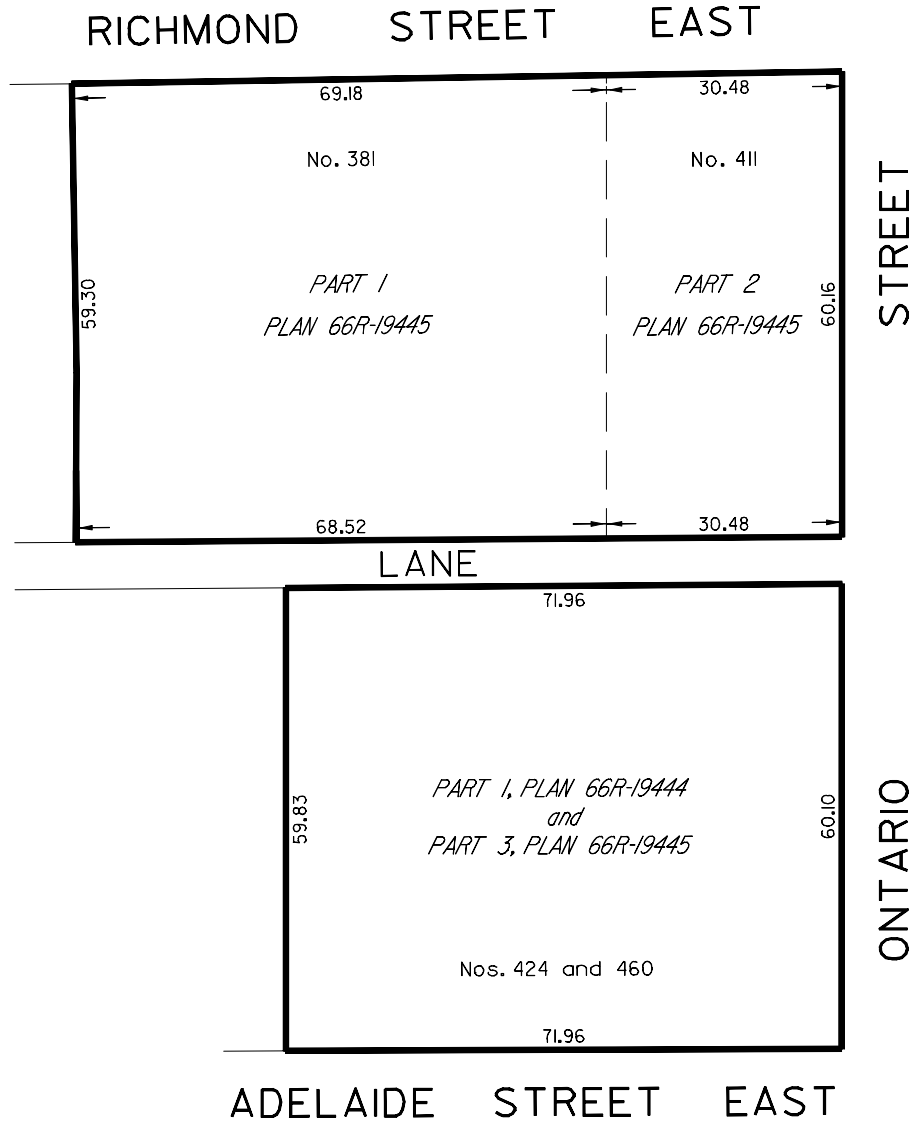
ENACTED AND PASSED this 31st day of October, A.D. 2002.

CASE OOTES,  
Deputy Mayor

ULLI S. WATKISS  
City Clerk

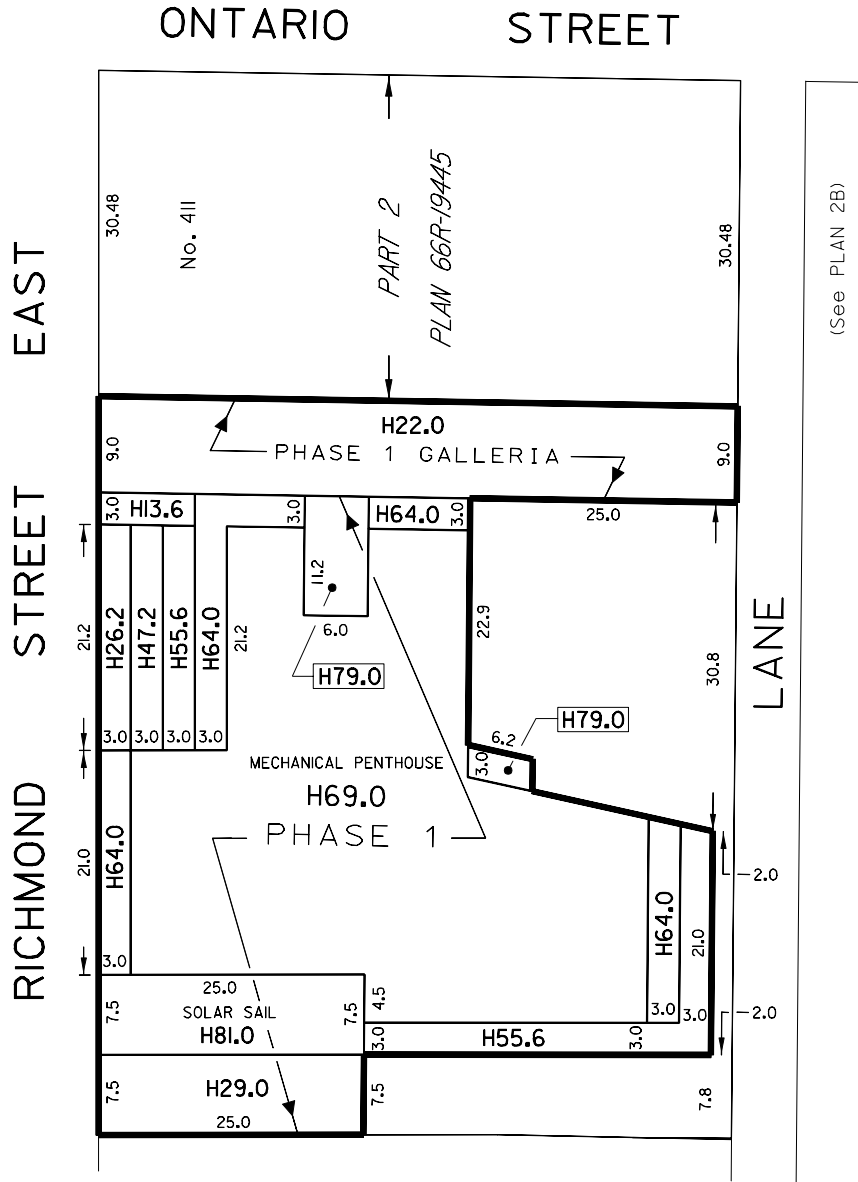
(Corporate Seal)

PLAN 1



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO OCTOBER 25, 2002  
BL02/ 381RIC1.DGN  
FILE: R8-Z1  
MAP No. 51G-322 DRAWN: D.R.

# PLAN 2A



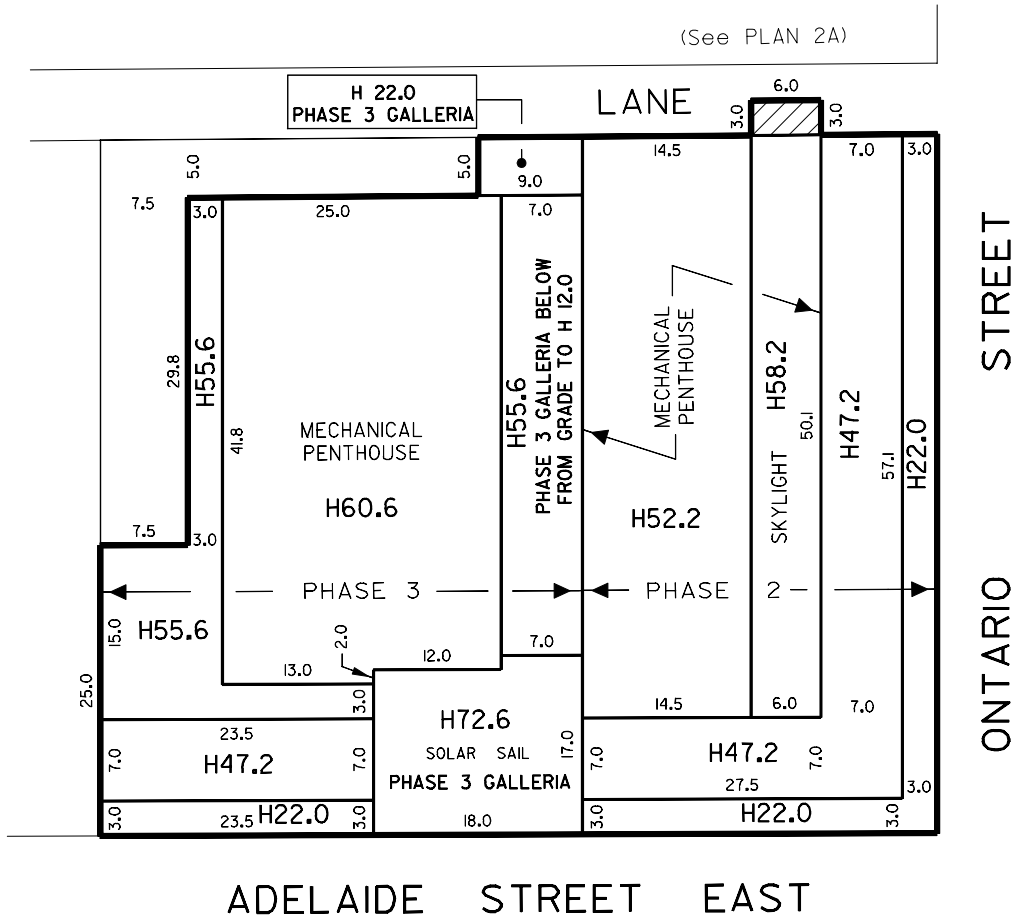
(See PLAN 2B)

H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE




WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO OCTOBER 25, 2002  
 BL02/ 381RIC2A.DGN  
 FILE: R8-Z1  
 MAP No. 51G-322 DRAWN: D.R.

PLAN 2B



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

 SKYLIGHT (H 35.0 TO H 59.0)



WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO OCTOBER 25, 2002  
 BL02/ 381RIC2B.DGN  
 FILE: R8-Z1  
 MAP No. 51G-322 DRAWN: D.R.