

CITY OF TORONTO

By-law No. 937-2002(OMB)

To amend By-law No. 438-86, the General Zoning By-law of the former City of Toronto, as amended, with respect to the lands known as a portion of 640 Fleet Street as well as 640R, 642 and 650 Fleet Street, being block 1/2A, as well as By-law No. 1995-0466 and By-law No. 1996-0247.

WHEREAS this by-law is passed in implementation of the City of Toronto Bathurst/Strachan Area Part II Official Plan (OPA No. 7), as amended, for *block 1/2A*; and

WHEREAS the owner of *block 1/2A* applied for an Official Plan Amendment and rezoning for the development of *block 1/2A* and appealed that application to the Ontario Municipal Board; and

WHEREAS, pursuant to Section 37 of the *Planning Act*, the Council of the 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 that will be permitted in return for the provision of such facilities, services and matters as are set out in the by-law; and

WHEREAS the owner of *block 1/2A* has elected to provide the facilities, services and matters as are hereinafter set forth;

WHEREAS the increase in the height and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by 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, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of *block 1/2A* and the City of Toronto (hereinafter referred to as the “City”); and

WHEREAS the Council of the *City* 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 and density in connection with the aforesaid lands as permitted;

THEREFORE the Ontario Municipal Board has conducted a hearing respecting the owner’s appeal and enacts as follows:

1. Upon execution and registration of the agreement to be entered into with the City pursuant to Section 37 of the *Planning Act* in accordance with the provisions of section 5 herein, District Map 49G-313 contained in Appendix “A” of By-law No. 438-86, as amended, is further amended by redesignating *block 1/2A* to “R4”, as shown on Plan 2 attached hereto.

2. (1) Upon execution and registration of the agreement to be entered into with the City pursuant to Section 37 of the *Planning Act* in accordance with the provisions of section 5 herein, Height and Minimum Lot Frontage Map 49G-313 contained in Appendix "B" of By-law No. 438-86, as amended, is further amended by redesignating the lands outlined by heavy lines on Plans 3A and 3B attached hereto to the *heights* shown on Plans 3A and 3B.
 - (2) Notwithstanding sections 2(1) and 4(13) herein, which set out maximum *heights* for buildings and structures, the Fleet Street podium building and the Fort York Boulevard podium building shown on Plan 3A shall be constructed to a minimum *height* of 20.0 metres.
 - (3) Notwithstanding any other provision in this By-law, including sections 2(1) and 4(13), and By-law No. 438-86, as amended, the westerly portions of the building, as shown on Plan 3A, shall not have a *height* exceeding an elevation of 114.0 and 115.0 metres Canadian Geodetic Datum, respectively. For the purposes of this section, *height* shall include parapets, any structures permitted pursuant to Sections 4(9) and 4(13) of this By-law, and any other roof facilities and structures.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to *block 1/2A*.
 4. None of the provisions of Section 2(1) with respect to the definitions of the words "*grade*" and "*lot*" or of Sections 4(2)(a)(i) and (ii), 4(4), 4(6), 4(7), 4(12), 4(13) (a) and (b), 4(16), and 6(3) PART I, PART II, PART III, PART IV 2, and PART VI of By-law No. 438-86, as amended, and none of the provisions of Sections 2, 3 and 5 of By-law No. 1995-0466 shall apply to *Parcel 1 of block 1/2A*, provided the provisions of section 5 herein and the following requirements are complied with:

USE

- (1) Notwithstanding Section 6(1)(f)(b) of the aforesaid By-law No. 438-86, *street-related retail and service uses* are permitted.

MAXIMUM FLOOR AREA

- (2) No person shall, within *block 1/2A*, erect or use a building or structure or portion thereof, where:
 - (i) the combined *residential gross floor area* and *non-residential gross floor area* of all buildings or structures within *Parcel 1 of block 1/2A* exceeds 115,800 square metres of which not more than 114,600 square metres shall be *residential gross floor area* and not more than 1,200 square metres shall be *non-residential gross floor area*; and

- (ii) the combined *residential gross floor area* and *non-residential gross floor area* of all buildings or structures within *Parcel 2 of block 1/2A* exceeds 19,800 square metres of which not more than 19,500 square metres shall be *residential gross floor area* and not more than 300 square metres shall be *non-residential gross floor area*;

provided that:

- (iii) in no case shall the combined *residential gross floor area* and *non-residential gross floor area* of all buildings or structures within *block 1/2A* exceed 123,220 square metres; and
- (iv) the *non-residential gross floor area* permitted shall only be permitted:
- A. in a building containing *residential gross floor area*; and
 - B. for any of the non-residential uses permitted in section 6(1)(f)(b) of the aforesaid By-law No. 438-86 and for *street-related retail and service uses*.

(3) Calculation of Floor Area: Pedestrian Walkway Exemption

Notwithstanding section 4(2) herein, additional *residential gross floor area* and *non-residential gross floor area* is permitted, provided the additional *residential gross floor area* and *non-residential gross floor area* is used for the purposes of:

- (i) one or more pedestrian walkways that:
- A. provide direct access between *streets*, parks, public buildings, and/or public spaces or between such space and a similar walkway in an adjacent building or *residential amenity space* located outdoors;
 - B. are within two metres of *grade*;
 - C. are no narrower than three metres at any point;
 - D. are not used for commercial purposes, including retail areas, commercial display areas or other rentable space;
 - E. are located a minimum distance of 10 metres from any *street* that is within 20 degrees of parallel from the pedestrian walkway; and
 - F. in the instance of a pedestrian walkway providing direct access between *streets*, public buildings or similar walkways in adjacent buildings, such pedestrian walkway shall be located at a minimum distance of 60 metres from any part of any other such pedestrian walkway.

- (ii) one or more washrooms or sitting areas that have access to those walkways.

BUILDING ENVELOPES AND SETBACKS

- (4) No above *grade* portion of any building or structure shall be located otherwise than wholly within the area delineated by heavy lines shown on Plan 3A and Plan 3B attached hereto, except for:
 - (i) fences, privacy screens, pillars and safety railings provided the maximum vertical projection of such elements does not exceed 2.0 metres above finished ground level;
 - (ii) underground garage ramps and associated ramp structures, wheelchair ramps, stairs and stair enclosures, vents, retaining walls, concrete planter walls, ornamental walls and features, arbours, trellis and other landscape features provided the maximum vertical projection of such elements does not exceed 3.5 metres above finished ground level; and
 - (iii) public *art* features.
- (5) In no case shall a building or structure be located more than 3.5 metres back from the heavy lines shown on Plan 4 attached hereto, between *grade* and a *height* of 20 metres above *grade*, for a minimum of 80% of the length of the building face.
- (6) Sections 4(4) and 4(5) herein shall only apply to those portions of a building or structure above the natural or finished surface of the ground, whichever is the lower, at all points adjacent to the exterior walls of the building or structure.

PHASING

- (7) Subject to section 12 herein, the development on *Parcel 1 of block 1/2A* shall be constructed pursuant to the *Phases* shown on Plan 5, and construction of the *Phases* shall proceed in the following order: *Phase 1A*, *Phase 1B*, and then *Phase 1C*, except that *Phase 1A* and *Phase 1B* may proceed at the same time. Thereafter, *Phase 1D* and *Phase 2A* may be built in any order, provided that the below-*grade parking garage* on *Phase 1D* shall be built in conjunction with the development on *Phase 1C*.
- (8) No person shall erect or use a building or structure having a distance between external walls of a building or structure containing windows that face each other, that is less than:
 - (i) 11 metres, except within the area shown as Area A on Plan 3A where the distance between external walls of a building or structure that face each other may be no less than 9.3 metres; or

- (ii) two metres where the facing walls do not contain openings other than service or fire exit doors or windows that light stairways.

This regulation does not apply in the case of a *detached house*, a *semi-detached house*, a *duplex* or a *triplex*.

PERMITTED PROJECTIONS

- (9) Sections 4(4), 4(5), 4(6) and 4(8)(i) herein do not apply to the type of structure listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” and “OTHER APPLICABLE QUALIFICATIONS” are complied with.

CHART

STRUCTURE		MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A.	eaves, cornices, balustrades, mullions and parapets	1.5 metres	none
B.	fences, privacy screens, pillars, and safety railings	no restriction	height of fence, privacy screen, pillar or safety railing not to exceed 2.0 metres from finished ground level
C.	chimney breast	not more than 0.3 metres from the wall where it is attached	length not to exceed 2 metres
D.	uncovered platform attached to the building	not more than 1.5 metres from the wall where it is attached	none
E.	a balcony attached to the building	not more than 1.5 metres from the wall where it is attached	none
F.	a roof over a first floor platform or terrace, attached to the building	not more than 2.5 metres from the wall where it is attached	(I) the roof, if not solely supported by the building, may only be additionally supported by columns or posts (II) the roof does not form part of the main building roof (III) the roof does not extend beyond the side walls of the building as projected (IV) the top of the roof is not used or designated to be used as a deck or terrace

STRUCTURE		MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
G.	canopy for a building	not more than 3.5 metres from where it is attached to the building	(I) the building has no more than three canopies supported only from a wall; (II) the aggregate area of the canopies not to exceed 0.4 square metres for each 100 square metres of <i>residential gross floor area</i>
H.	erection of a bay window	0.75 metres from the wall where it is attached	(I) width not to exceed three metres measured where the window joins the wall (II) regulations respecting minimum distances between buildings such distances to be measured from the external face of the window or windows
I.	vertically-oriented wind screen	not more than 2.0 metres from the wall where it is attached	none
J.	public <i>art</i> features	no restriction	none

RESIDENTIAL AMENITY SPACE

- (10) (i) No person shall erect or use a building containing 20 or more *dwelling units* unless *residential amenity space* is provided in accordance with the following provisions:
- A. at least 1.5 square metres of *residential amenity space* for each *dwelling unit* in multi-purpose rooms located on the *lot*, at least one of which contains a kitchen and a washroom; and
 - B. at least 2.0 square metres of *residential amenity space* for each *dwelling unit* located outdoors on the *lot*, of which at least 40 square metres is to be provided on *Phase 1B* in a location adjoining or directly accessible from indoor *residential amenity space*;

provided that the total amount of *residential amenity space* located on the *lot* is at least 4.0 square metres for each *dwelling unit*.

- (ii) The provisions of Section 4(10)(i) herein shall not apply to prevent the erection or use of a building in *Phase 1A* containing less than the amounts of *residential amenity space* specified in Section 4(10)(i) herein, provided the *residential amenity space* requirements for *Phase 1A* are provided on the *lot* in accordance with Section 4(10)(i) herein no later than 5 years after the issuance of the first *building permit* for *Phase 1A*.

PARKING & LOADING

- (11) (i) The parking and loading requirements set out in Sections 4(5) and 4(8) respectively of By-law No. 438-86, as amended, shall apply to *Parcel 1 of block 1/2A*, except in the case of the uses listed in Column A below, where the minimum required number of *parking spaces* shall be as set out in the corresponding row in Column B.

CHART

COLUMN A TYPE OF USE	COLUMN B MINIMUM REQUIRED NUMBER OF PARKING SPACES
<i>Dwelling unit</i> (other than <i>alternative housing</i> or <i>social housing</i>) in a building containing more than 6 <i>dwelling units</i> including those that are <i>alternative housing</i> or <i>social housing</i>	<p><i>Residents' Parking</i></p> <p>0.3 <i>parking space</i> for each <i>bachelor dwelling unit</i>;</p> <p>0.7 <i>parking space</i> for each <i>one-bedroom dwelling unit</i>;</p> <p>0.8 <i>parking space</i> for each <i>two-bedroom dwelling unit</i>; and</p> <p>1.2 <i>parking space</i> for each <i>three or more bedroom dwelling unit</i> contained therein;</p> <p><i>Visitors' Parking</i></p> <p>0.12 <i>parking space</i> for every <i>dwelling unit</i> contained therein.</p>

- (ii) Notwithstanding Section 4(11)(i) herein, and notwithstanding the definition of *parking space*, a maximum of 42 of the required *parking spaces* may have a length of 5.0 metres and a width of 2.5 metres.

- (12) Notwithstanding Section 6(1)(f)(a)(iii) of By-law No. 438-86, as amended, no person shall provide any vehicular parking except in a *parking space* and:
- (i) no parking shall be located in an uncovered surface parking facility except for temporary surface visitor parking on *Phase 2* as follows:
 - A. for visitors of *Parcel 1 of block 1/2A* to a maximum of 74 *parking spaces*, until completion of construction of the development on *Parcel 1 of block 1/2A* and *Parcel 2 of block 1/2A*;
 - B. for the purpose of visiting the temporary sales showroom permitted by this By-law; and
 - (ii) no parking structure, facility or area shall be located above the finished ground level so as to be abutting a *street*, open space area or outdoor *residential amenity space*.

HEIGHT

- (13) No portion of any building or structure, excluding parapets, shall have a *height* above *grade* exceeding the *heights* shown on Plans 3A and 3B, but:
- (i) this paragraph does not prevent the erection or use of a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of Towers A, B and C as shown on Plans 3A and 3B, provided the maximum *height* of the top of such elements is no higher than the sum of 7.2 metres and the *height* limits shown on Plans 3A and 3B;
 - (ii) this paragraph does not prevent the erection or use of a fence, wall or structure on the roof of Towers A, B and C as shown on Plans 3A and 3B, which enclose the elements listed in Section 4(13)(i) of this By-law, provided the maximum *height* of the top of such fence, wall or structure is no higher than the sum of 6.0 metres and the *height* limits shown on Plans 3A and 3B;
 - (iii) this paragraph does not prevent the erection or use of a chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of any building or structure, or portion of any building or structure except Towers A, B and C as shown on Plans 3A and 3B, provided the maximum *height* of the top of such elements is no higher than the sum of 1.2 metres and the *height* limits shown on Plans 3A and 3B;
 - (iv) none of the elements, fences, walls or enclosures permitted by Sections 4(13) (iii) of this By-law shall be closer than two metres from the adjacent outside wall or a vertical projection of the wall of the building;

- (v) this paragraph does not prevent the erection or use of eaves, cornices, balustrades, mullions, parapets, balconies and bay windows; and
- (vi) this paragraph does not prevent the erection or use of a structure, on the roof of the building, used for outside or open air recreation purposes, provided:
 - A. the maximum height of the top of the structure is no higher than the sum of four metres and the *height* limit shown on Plans 3A and 3B;
 - B. no part of the structure is less than two metres from an adjacent outside wall or a vertical projection of the wall; and
 - C. the structure does not enclose space so as to constitute a form of penthouse or other room or rooms.

FLOOR AREA LIMITATIONS

- (14) In no case shall a building or structure exceeding 40 metres in *height* contain a floor above the eighth floor which exceeds 850 square metres of *residential gross floor area*.

LANDSCAPED OPEN SPACE

- (15) Except for the requirements set out in Section 6(3)Part III 1(b) which shall not apply, the *landscaped open space* requirements set out in Section 6(3)Part III-OPEN SPACE of By-law No. 438-86, as amended, shall apply to *Parcel 1 of block 1/2A*, provided that the minimum *landscaped open space* required to be provided shall not be less than 20% of the area of the *lot*.

BICYCLE PARKING SPACES

- (16) The requirements set out in Sections 4(13)(c), (d) and (e) of By-law No. 438-86, as amended, shall apply to *Parcel 1 of block 1/2A* and the number of *bicycle parking spaces* provided per *Phase* of development shall be in accordance with the Chart below:

CHART

PHASE	NUMBER OF <i>bicycle parking spaces – occupant</i>	NUMBER OF <i>bicycle parking spaces - visitor</i>
<i>Phase 1A</i>	74	20
<i>Phase 1B</i>	0	0
<i>Phase 1C</i>	74	20
<i>Phase 1D</i>	12	0
Totals	160	40

5. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted by this By-law, are permitted in return for the provision by the *owner* of *block 1/2A* of the following facilities, services, or matters to the *City* at the *owner's* sole expense in accordance with and subject to the agreement referred to in Section 5(1) herein:

- (1) the *owner* agrees to enter into an agreement with the *City* pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required to be provided by Section 5 of this By-law herein and consents to the registration on title of such agreement against *block 1/2A*, said agreement to include provisions relating to the indexing of funds to be received pursuant to this section by way of an adjustment either upwards or downwards, annually, since May 21, 1996, in accordance with the change in the latest available Construction Price Index provided by the *City's* Chief Financial Officer and Treasurer during such one-year period, with the proviso that the amounts payable shall not be less than the dollar amounts set out in this by-law;
- (2) the *owner* shall provide to the *City*, prior to the issuance of each *building permit* respecting development of *block 1/2A*, funds in the amount of \$392.00 per residential *dwelling unit*, indexed in accordance with section 5(1) herein, towards parks improvements;
- (3) the *owner* shall provide to the *City*, prior to the issuance of each *building permit* respecting development of *block 1/2A*, funds in the amount of \$403.00 per residential *dwelling unit*, indexed in accordance with section 5(1) herein, and \$0.44 per square metre of *non-residential gross floor area*, indexed in accordance with section 5(1) herein, towards community centre facilities;

- (4) the *owner* shall provide to the City, prior to the issuance of each *building permit* respecting development of *block 1/2A*, funds in the amount of \$250.00 per residential *dwelling unit*, indexed in accordance with section 5(1) herein, towards daycare facilities;
- (5) the *owner* shall provide to the City, prior to the issuance of each *building permit* respecting development of *block 1/2A*, funds in the amount of \$277.00 per residential *dwelling unit*, indexed in accordance with section 5(1) herein, and \$1.00 per square metre of *non-residential gross floor area*, indexed in accordance with section 5(1) herein, towards library facilities;
- (6) the *owner* shall provide to the City, prior to the issuance of each *building permit* respecting development of *block 1/2A*, funds in the amount of \$154.00 per residential *dwelling unit*, indexed in accordance with section 5(1) herein, toward improvements to Fort York buildings, grounds, programming or marketing;
- (7) the *owner* shall provide and maintain works of public *art* within *block 1/2A*, or cash in lieu thereof, of a value of not less than one percent of the cost of construction of development proposals exceeding 20,000 square metres of *residential gross floor area*, *non-residential gross floor area*, or a combination of both, provided that the costs related to the provision of parks improvements, Fort York improvements, daycare facilities, community centre facilities, library facilities and a *district heating and cooling facility* pursuant to this section shall not be included in such valuation;
- (8) the *owner* shall ensure that the agreement to be entered with the City pursuant to Section 37 of the *Planning Act* contains provisions satisfactory to the City respecting a process for the consideration by the *owner* of a proposal by Enwave District Energy Limited to service the development with a *district heating and cooling facility*, as well as the provision of funds in the amount of up to \$100,000;
- (9) the *owner* shall provide not less than 30 percent of the *dwelling units* within *block 1/2A* with the following size restrictions, and pursuant to the provisions of the agreement to be entered with the City pursuant to Section 37 of the *Planning Act*:
 - (i) *bachelor dwelling units* or *one-bedroom dwelling units* shall not be greater than 62 square metres of *residential gross floor area*;
 - (ii) *two-bedroom dwelling units* shall not be greater than 82 square metres of *residential gross floor area*; and
 - (iii) *three-bedroom dwelling units* shall not be greater than 98 square metres of *residential gross floor area*;

- (10) the *owner* shall ensure:
- (i) the City is provided with funds secured by a letter of credit in an amount and a form satisfactory to the City to construct *Street B* prior to the first *building permit* issued respecting *Phase 2*;
 - (ii) *Street B* is decommissioned to the satisfaction of the City;
 - (iii) *Street B* is decommissioned and constructed by the *owner* prior to the *owner* giving notice respecting the completion of, or occupancy of the first building on *Phase 2*; and
 - (iv) that following the decommissioning and construction of *Street B*, *Street B* is conveyed to the City for nominal consideration in fee simple;
- (11) the *owner* shall prepare and submit for the approval of the City, prior to the first application for approval pursuant to Section 41 of the *Planning Act* for each of *Parcel 1* and *Parcel 2 of block 1/2A* or any portion thereof:
- (i) a *Development Context Plan*;
 - (ii) a *Phasing Plan*; and
 - (iii) a *Municipal Servicing Plan*;
- (12) the *owner* shall submit satisfactory reports related to soil and groundwater management, noise and vibration impact, air quality, wind, sun and shade and waste management as a condition of approval of an application pursuant to Section 41 of the *Planning Act* and implements the recommendations and remediation measures described in such studies;
- (13) the *owner* shall submit a satisfactory study related to stormwater control measures and a satisfactory construction practices and procedures plan prior to undertaking any infrastructure work;
- (14) the *owner* shall submit a satisfactory archaeological assessment and mitigation plan prior to commencement of any development on *block 1/2A*;
- (15) the *owner* shall provide funds to the City, secured by a letter of credit as required, in an amount not less than forty-seven percent (47%) of two-thirds (2/3) of the cost of constructing that portion of Fort York Boulevard shown on Plan 1 and labelled "Portion of Fort York Boulevard to be Cost Shared" prior to the issuance of *building permits* representing residential development of one-third (1/3) of the land area of *block 1/2A*;

- (16) the *owner* shall decommission the portions of Fort York Boulevard to be conveyed to the City as shown on Plan 1 and labelled “Area G” and “Area H” and conveys those portions of Fort York Boulevard labelled “Area G” and “Area H” to the City for a nominal consideration, in fee simple, upon such date as required by the City for construction of Fort York Boulevard;
- (17) the *owner* shall provide to the City prior to the issuance of the first *building permit* on *block 1/2A*, funds in the amount of sixty thousand dollars (\$60,000.00) to be used by the City towards construction of Fort York Boulevard;
- (18) the *owner* shall:
- (i) acquire the *View Corridor* lands as shown on Plan 1 attached hereto, registers a Restrictive Covenant in favour of the City restricting use of the lands to *streets* or parks uses, and conveys those lands to the City in escrow upon execution of the agreement referred to in Section 5(1) herein,
 - (ii) decommission the *View Corridor* lands,
 - (iii) provide a letter of credit in an amount sufficient to decommission the lands as determined by the City upon the earlier to occur of the issuance of the first *building permit* in respect of development on *Phase 2* and the City providing three month’s notice that construction of a road on the *View Corridor* will commence in the next nine months, and,
 - (iv) upon such date as required by the City, release the escrow and conveys those lands to the City for a nominal consideration, in fee simple; and
- (19) the *owner* shall provide and maintain a *public pedestrian walkway* on *block 1/2A* which shall directly connect, at *grade*, Fleet Street and Fort York Boulevard in a location and configuration to be determined in the context of a site plan pursuant to Section 41 of the *Planning Act*.
6. Wherever in this by-law a provision is stated to be conditional upon the execution and registration of an agreement with the City pursuant to Section 37 of the *Planning Act* in accordance with the provisions of Section 5 herein, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
7. For the purposes of this By-law:
- (i) “*art*” includes works of plastic art, works of graphic art, sculptured landscaping, fountains, and artistic treatment of walls or other building elements clearly visible at all times from public areas, including flooring, structure, lighting and furnishings, provided such elements or works have been designed by or in collaboration with artists;

- (ii) “*block 1/2A*” means those lands shown as “BLOCK 1/2A” on Plan 1 attached hereto;
- (iii) “*building permit*” means a permit to demolish a building or to construct a building, or any part thereof, pursuant to Section 8 of the *Building Code Act*, 1992 including but not limited to demolition, excavation, shoring, building or any other permit;
- (iv) “*Development Context Plan*” means a plan submitted by the *owner* satisfactory to the City for the entire block on which the development is located, the purpose of which shall be:
 - A. to provide a context for co-ordinated incremental development by showing the proposed development in relation to relevant adjacent conditions in the area surrounding the site;
 - B. to assist the City in evaluating the conformity of the proposed development with the relevant provisions of the Official Plan and Urban Design Guidelines related thereto; and
 - C. to assist the City in evaluating applications for review under Section 41 of the *Planning Act*,

and which plan shall contain the following:

- D. the proposed massing of buildings on the block, including *heights*, setbacks above the street wall or podium level, and distribution of density on the block, illustrating how the proposed development addresses the goals and framework set out in the Official Plan;
- E. the location, dimensions and character of interior and exterior publicly accessible private open spaces showing their continuity and complementary relationship to adjacent public spaces and *streets* and their pedestrian amenity including weather protection;
- F. the location and dimensions of any arcades, canopies and other weather-protected routes and their relationship to the public pedestrian system;
- G. the general location of parking facilities and vehicular access points which are of sufficient detail to assess the effect of these facilities on the public sidewalks and on adjacent signalized intersections;
- H. the general locations of principal pedestrian entrances and their relationship to *street frontages* to ensure that such entrances reinforce the role of the *street*;

- I. the general location of the public pedestrian routes including the primary system of public *streets* and alternative secondary routes and their relationship; and
 - J. the location of public *street*-related uses.
- (v) “*district heating and cooling facility*” means a facility operated by Enwave District Energy Limited on a non-profit basis for the purposes of providing heating and cooling of buildings and structures located within *block 1/2A*;
 - (vi) “*grade*” means the level which is located at 79.0 metres Canadian Geodetic Datum;
 - (vii) “*lot*” means those lands defined as *Parcel 1 of block 1/2A*, 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;
 - (viii) “*Municipal Servicing Plan*” means a plan submitted by the *owner* satisfactory to the City addressing the adequacy of existing municipal services;
 - (ix) “*Parcel 1 of block 1/2A*” means those lands consisting of a portion of *block 1/2A* labeled “Parcel 1” on Plan 1 attached hereto;
 - (x) “*Parcel 2 of block 1/2A*” means those lands consisting of a portion of *block 1/2A* labeled “Parcel 2” on Plan 1 attached hereto;
 - (xi) “*Phase*” means each of “*Phase 1A*”, “*Phase 1B*”, “*Phase 1C*”, “*Phase 1D*”, “*Phase 2*”, and “*Phase 2A*”; “*Phase 1A*”, “*Phase 1B*”, “*Phase 1C*”, “*Phase 1D*”, and “*Phase 2A*” mean the lands respectively delineated by a heavy line and labeled as “*Phase 1A*”, “*Phase 1B*”, “*Phase 1C*”, “*Phase 1D*”, and “*Phase 2A*” on Plan 5 attached hereto; “*Phase 2*” means the lands delineated by hatching and labeled as “*Phase 2*” on Plan 5 attached hereto;
 - (xii) “*Phasing Plan*” means a plan submitted by the *owner* satisfactory to the City which indicates the coordination of development of *community services and facilities, public parks*, pedestrian connections and roads with each phase of development, provides a schedule of land transfers and improvements, and where necessary addresses continued operations and the continued existence of buildings on *block 1/2A*;
 - (xiii) “*public pedestrian walkway*” means an interior or exterior pedestrian walkway that:
 - (a) is a *publicly accessible open space*;
 - (b) is designed and intended for and is used by the public;

-
- (c) provides direct access between *streets*, parks, public buildings and/or other public spaces, and/or *common outdoor spaces*; and
 - (d) is not used for commercial purposes, including retail areas, commercial display areas or other rentable space within the walkway, but which may be adjacent to it;
- (xiv) “*publicly accessible open space*” means an open space which is:
- (a) open and accessible to the public at all times and such access may be refused, or a person required to leave the open space, in the case of any person who:
 - (1) unreasonably interferes with the ability of other members of the public or lawful occupants to use the open space;
 - (2) carries on an unlawful activity;
 - (3) acts in a manner unreasonably inconsistent with the intended use of the open space;
 - (4) injures or attempts to injure any person, property or property rights;
 - (5) obstructs or injures any lawful business or occupation carried on by the building owner or person in lawful possession of the open space;
 - (6) commits any criminal or quasi-criminal offence.
 - (b) illuminated to a minimum average intensity of 10 lux on the walkway surface; and
 - (c) maintained clear of snow and ice at all times;
- (xv) “*Street B*” means the proposed *street* labelled “B” on Plan 1 attached hereto, and includes all municipal services, utility services and connections associated therewith;
- (xvi) “*View Corridor*” means those lands shown on Plan 1 attached hereto; and
- (xvii) with the exception of the words or expressions referred to in subparagraph (i) to (xvi) each word or expression which is italicized shall have the same meaning as the said word or expression has for the purposes of the aforesaid By-law No. 438-86, as amended.

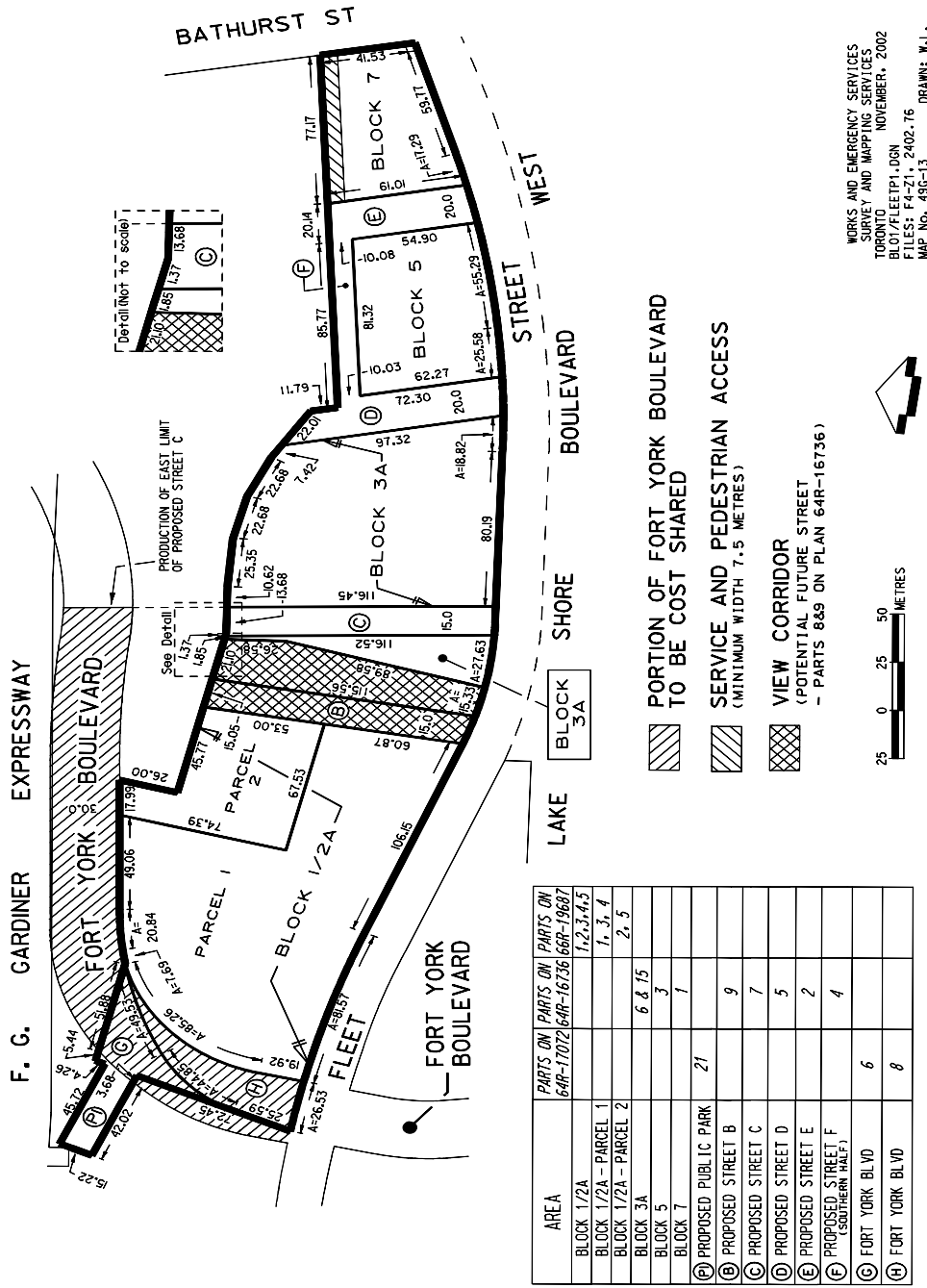
8. Intentionally Deleted.

9. By-law No. 1996-0247, being “A By-law to amend By-law No. 438-86, the General Zoning By-law, as amended, with respect to 660 Fleet Street”, as amended, is amended by:
- (1) deleting Map 1, and replacing it with the Map in Appendix A attached hereto entitled “Amended Map 1 of By-law No. 1996-0247”;
 - (2) deleting Map 2 and replacing it with the Map in Appendix A attached hereto entitled “Amended Map 2 of By-law No. 1996-0247”;
 - (3) deleting the word “shown” in Section 1 and replacing it with the phrase “the lands outlined by heavy lines” and deleting the designation “Q T2” and replacing it with the designation “Q T2.0”; and
 - (4) adding the following phrase in Section 2 following “H 16.0”: “and “H 0.0” respectively” ”.
10. By-law No. 1995-0466, being “A By-law to amend the General Zoning By-law No. 438-86 with respect to lands generally bounded by Strachan Avenue, Lake Shore Boulevard West, the Frederick G. Gardiner Expressway and Canadian National Railways, also known as the Bathurst/Strachan Area”, as amended, is amended by deleting the Bathurst/Strachan Area map, Maps 1, 2, 3 and the 12(1) 380 Map and replacing them with the Maps in Appendix B attached hereto.
11. (1) By-law No. 1996-0243 is repealed upon the coming into force of this by-law; and
- (2) By-law No. 1996-0244 is repealed with respect to the lands shown as *Parcel 1 of block 1/2A* on Plan 1 attached hereto upon the coming into force of this by-law, provided that, to the extent of any inconsistencies between this By-law and By-law No. 1996-0244 with respect to *Parcel 2 of block 1/2A*, this By-law shall prevail.
12. Notwithstanding any other provisions to the contrary, only those below-*grade*, at-*grade* or above-*grade* non-habitable buildings, structures or improvements necessary to allow for the development of *Parcel 1 of block 1/2A* in accordance with this By-law, shall be permitted to be constructed on *Parcel 2 of block 1/2A*.
13. By-law No. 438-86, as amended, is further amended by adding to Section 12(1) the following exception:
- “453. to prevent the use of the lands delineated by heavy lines on the map following this exception for the provision of parking or storage uses in connection with the use of 660 Fleet Street as set out in section 12(1)399”.

- 14.** By-law No. 438-86, as amended, is further amended by adding to Section 12(2) the following exception:
- “332. No person shall erect or use a building or structure on the lands known in the year 2002 as a portion of 640 Fleet Street as well as 640R, 642 and 650 Fleet Street, all as delineated by heavy lines on the map following this exception, for any use except as permitted by By-law No. 937-2002(OMB), being a by-law “To amend By-law No. 438-86, the General Zoning By-law of the former City of Toronto, as amended, with respect to the lands known as a portion of 640 Fleet Street as well as 640R, 642 and 650 Fleet Street, being block 1/2A, as well as By-law No. 1995-0466 and By-law No. 1996-0247” ”.
- 15.** None of the provisions of this By-law or any restrictive By-law shall apply to prevent the use of *Parcel 1 of block 1/2A* for a temporary sales showroom for the purpose of selling the residential dwellings set out in this By-law.
- 16.** Despite any provisions in this By-law and By-law No. 438-86, as amended, in the case of any existing or future consent to sever, partition, division or conveyance of the *lot*, the provisions of this By-law and the By-law No. 438-86, as amended, shall apply to the whole of the *lot* as if no consent to sever, partition, division or conveyance occurred.
- 17.** The following sections of this By-law shall not come into force until the execution and registration of the agreement to be entered with the City pursuant to Section 37 of the *Planning Act* in accordance with the provisions of section 5 herein: Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15 and 16.

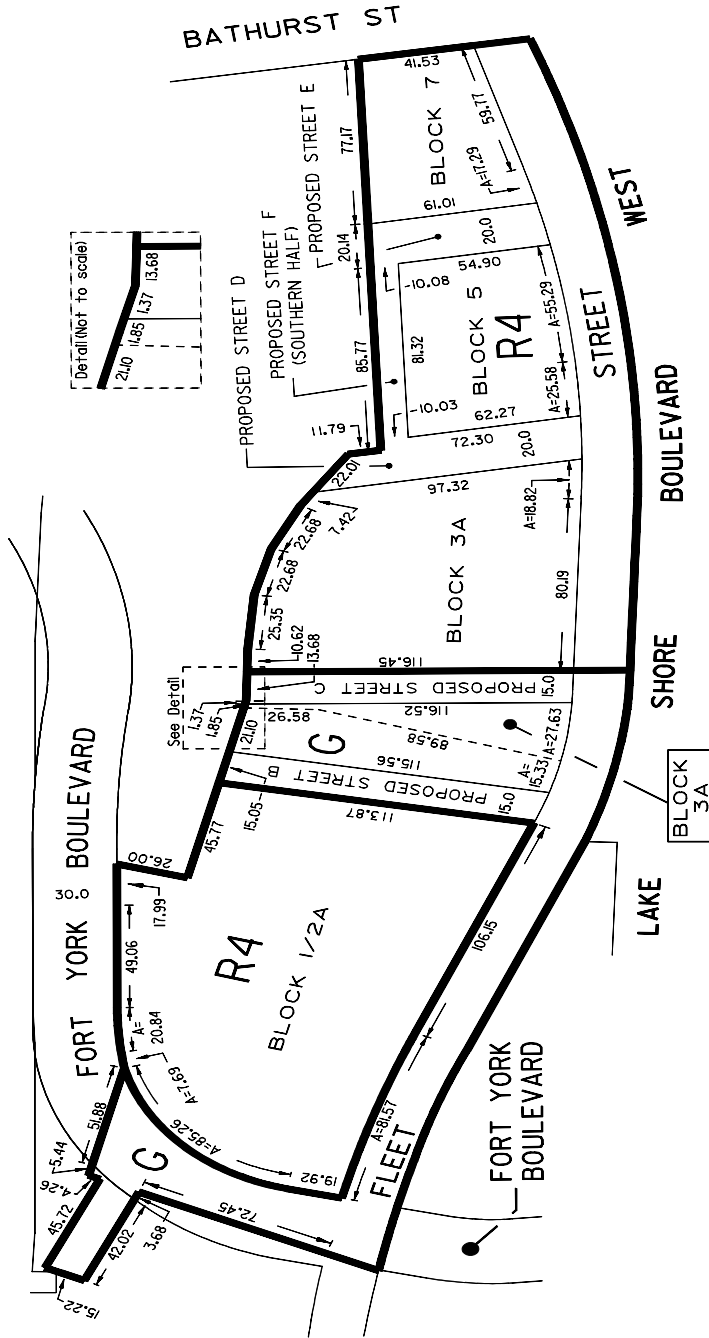
PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON OCTOBER 3, 2002 IN BOARD CASE NO. PL001302

PLAN I



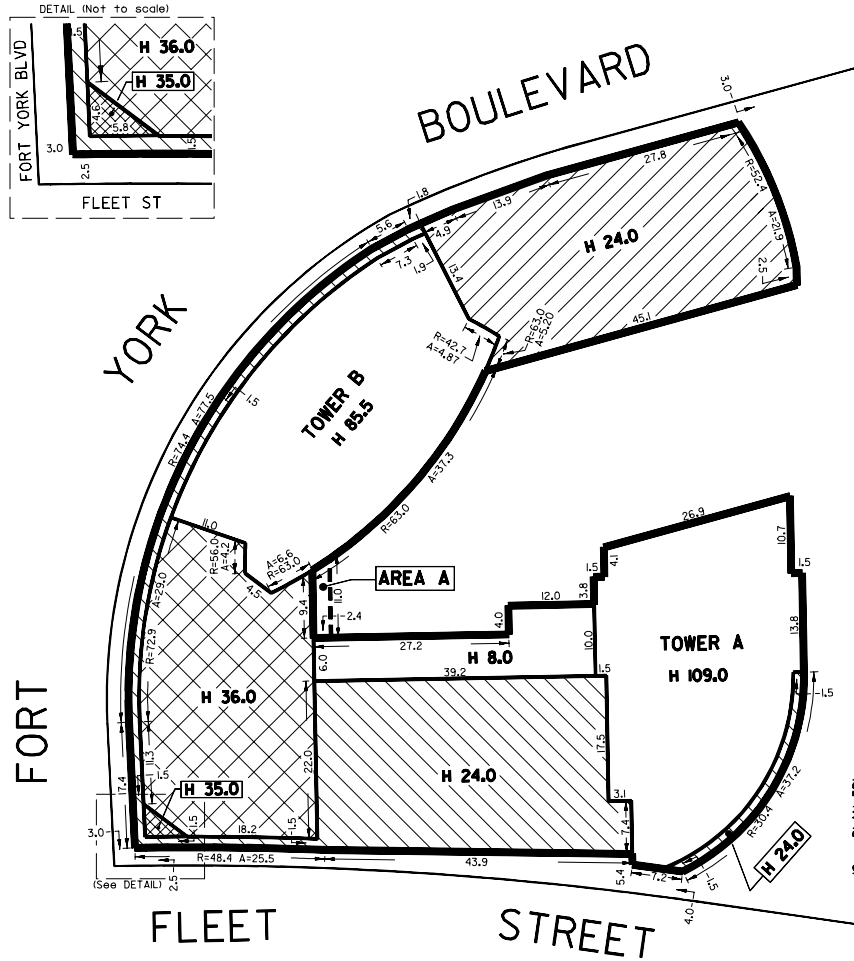
PLAN 2

ZONING AMENDMENT MAP







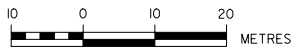
WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO NOVEMBER, 2002
 BLO1/FLEETP2.DGN
 MAP No. 496-313
 DRAWN: W.L.

PLAN 3A



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

-  FLEET STREET PODIUM BUILDING
-  FORT YORK BOULEVARD PODIUM BUILDING
-  WESTERLY PORTION OF BUILDING (ELEVATION 115.0 METRES CANADIAN GEODETIC DATUM MAXIMUM) REFERRED TO IN SECTION 2(3)
-  WESTERLY PORTION OF BUILDING (ELEVATION 114.0 METRES CANADIAN GEODETIC DATUM MAXIMUM) REFERRED TO IN SECTION 2(3)

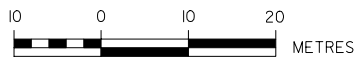


WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO SEPTEMBER, 2002
 BL02/FLE12A3A.DGN
 FILES: F4-21, 2402.76 & 2402.78
 MAP No. 496-313 DRAWN: W-L.

PLAN 3B

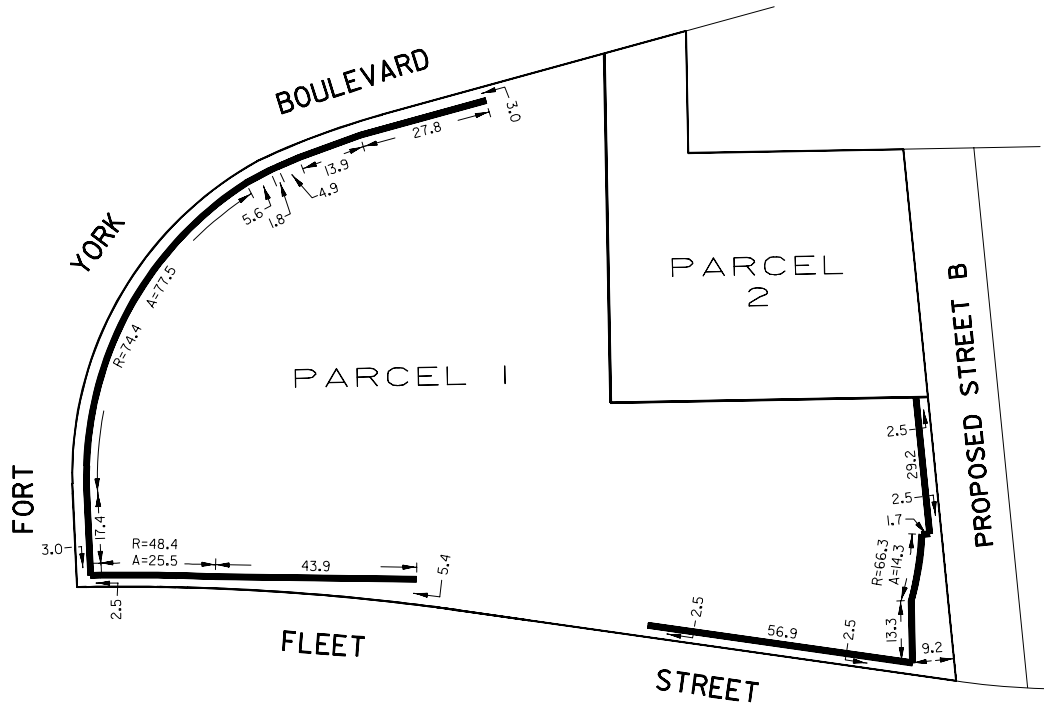


H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO SEPTEMBER, 2002
 BL02/FLE12A3B.DGN
 FILES: F4-Z1, 2402.76 & 2402.78
 MAP No. 496-313 DRAWN: W.L.

PLAN 4

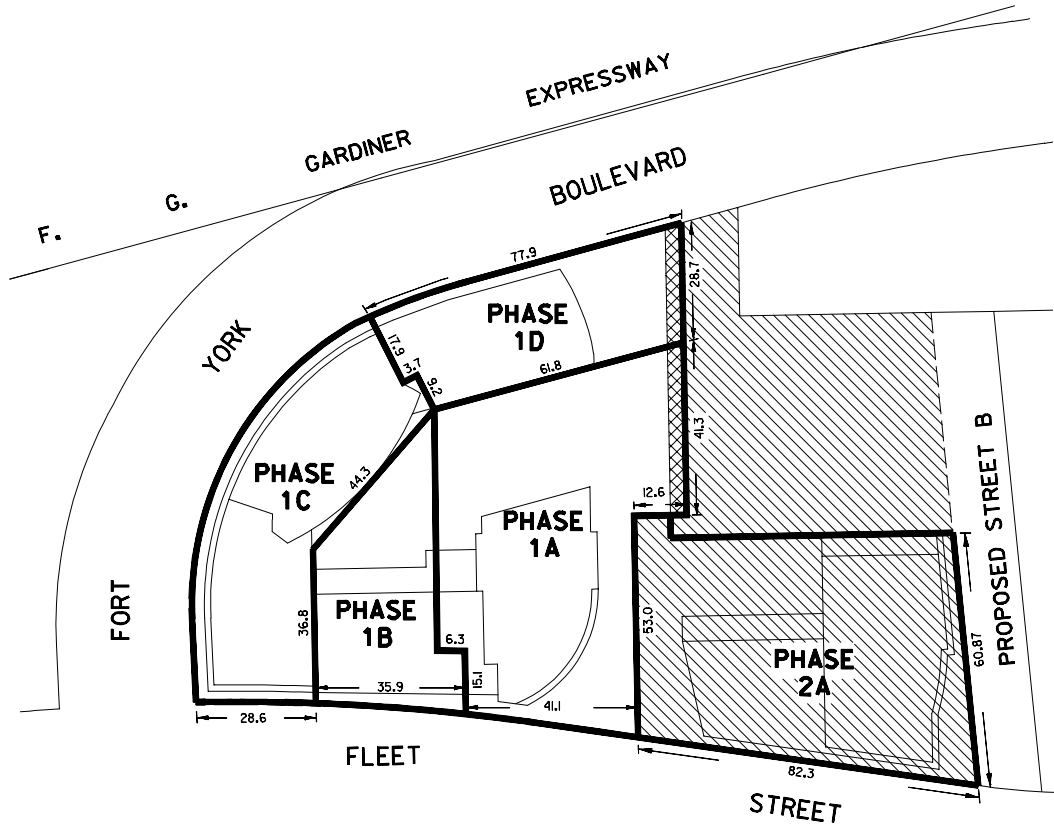


— SETBACKS REFERRED TO IN SECTION 4(4)



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO SEPTEMBER, 2002
BL01/FLE12A4.DGN
FILES: F4-Z1, 2402.76 & 2402.78
MAP No. 49G-313 DRAWN: W.L.

PLAN 5



NOTE: DIMENSIONS ARE APPROXIMATE

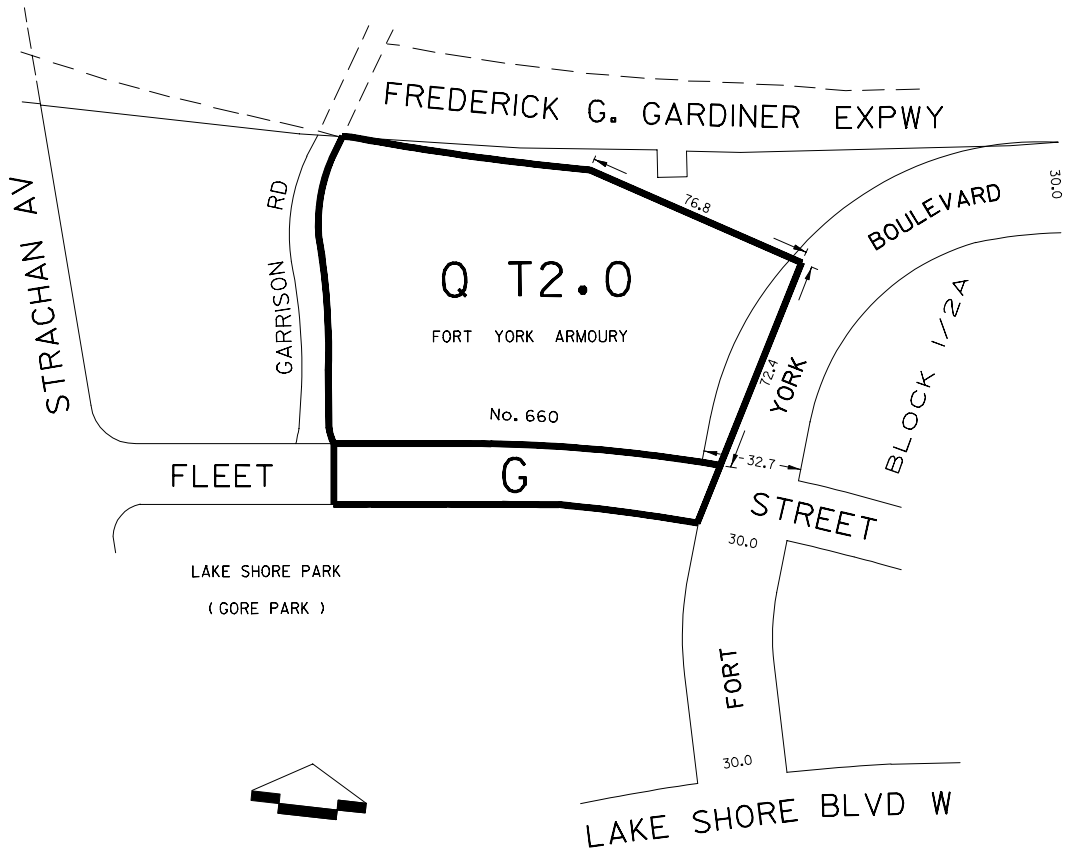
-  PHASE 2
-  PHASE 1 (BELOW GRADE) & PHASE 2 (AT GRADE & ABOVE)



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO SEPTEMBER, 2002
 BLO1/FLE12A5.DGN
 FILES: F4-21, 2402.76 & 2402.78
 MAP No. 49G-313 DRAWN: W.L.

APPENDIX A

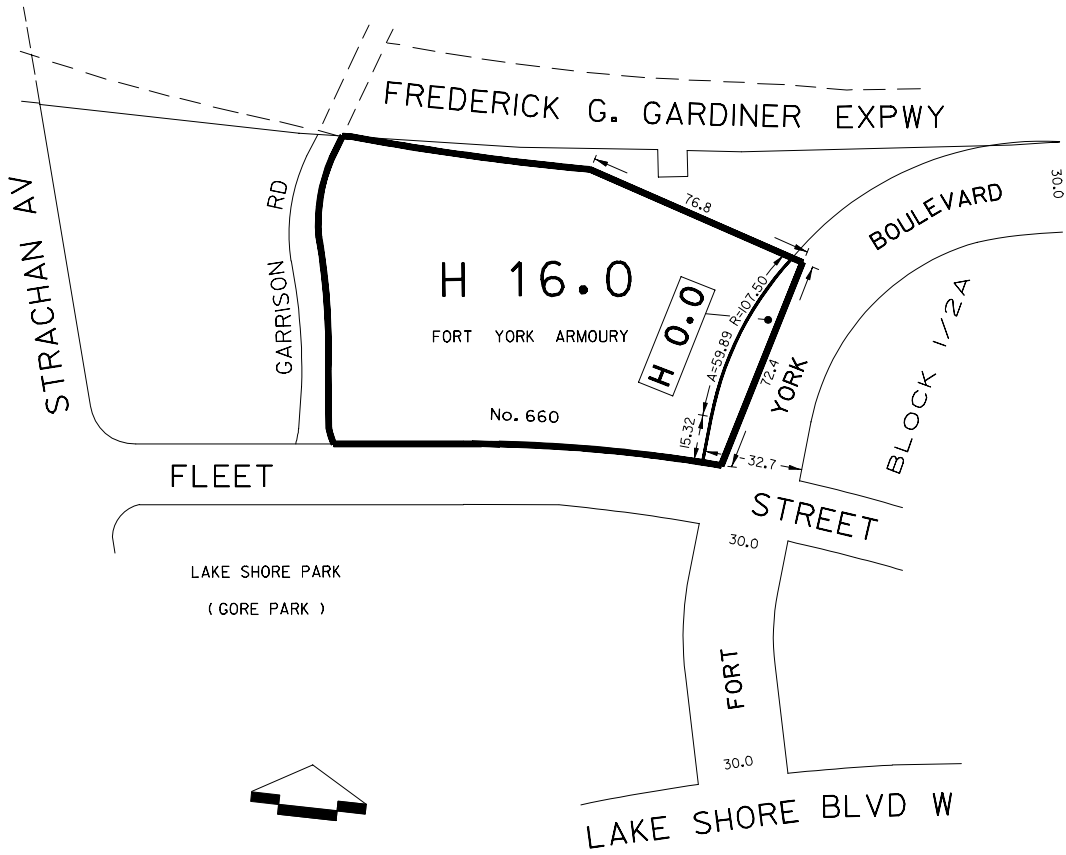
AMENDED MAP 1 OF BY-LAW NO.1996-0247



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO SEPTEMBER, 2002
BLO2/FLEE6601.DGN
FILES: F4-Z1, 2402.T6
MAP No. 496-313 DRAWN: W.L.

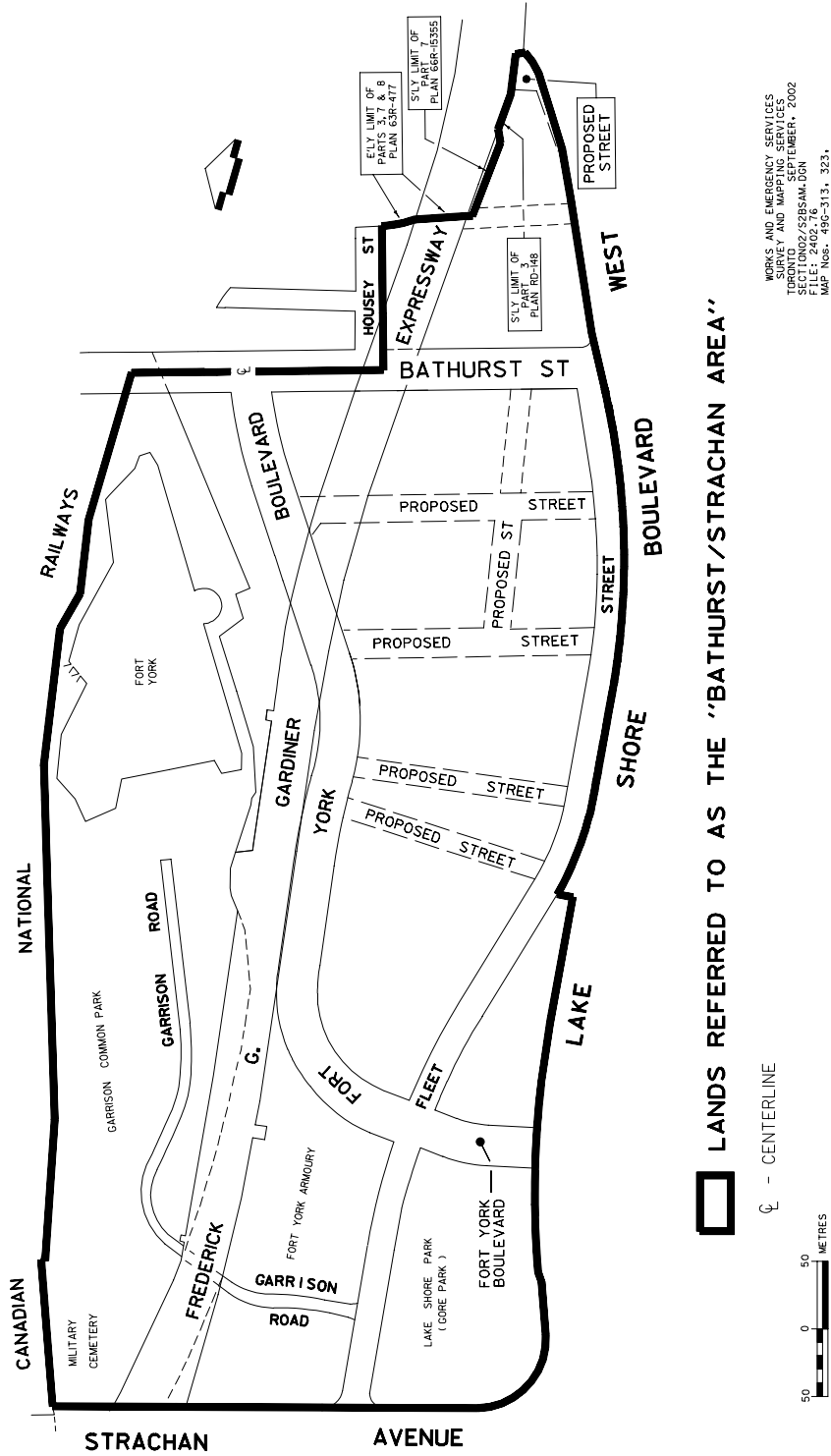
APPENDIX A

AMENDED MAP 2 OF NO. BY-LAW 1996-0247



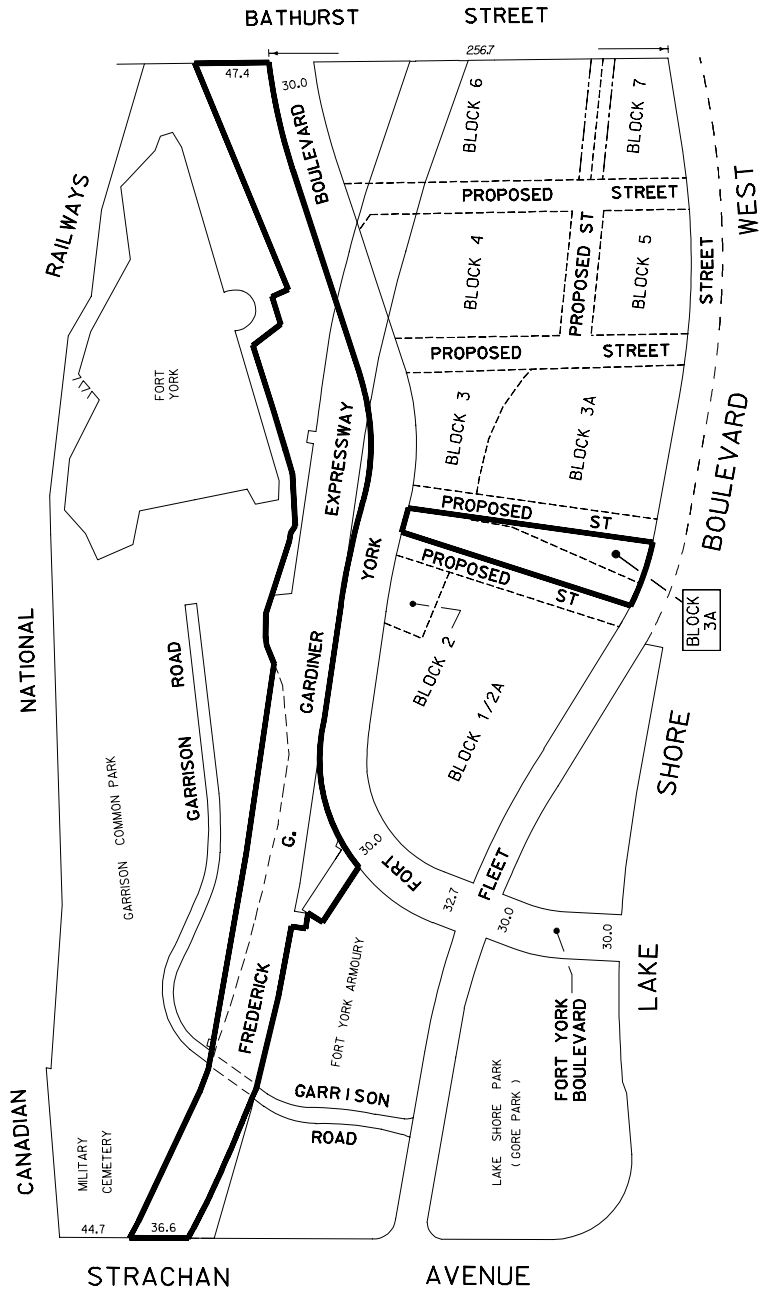
WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO SEPTEMBER, 2002
BLO2/FLEE6602.DGN
FILES: F4-Z1, 2402.76
MAP No. 496-313 DRAWN: W.L.

APPENDIX B



MAP I

APPENDIX B
(AMENDING BY-LAW 1995-0466)



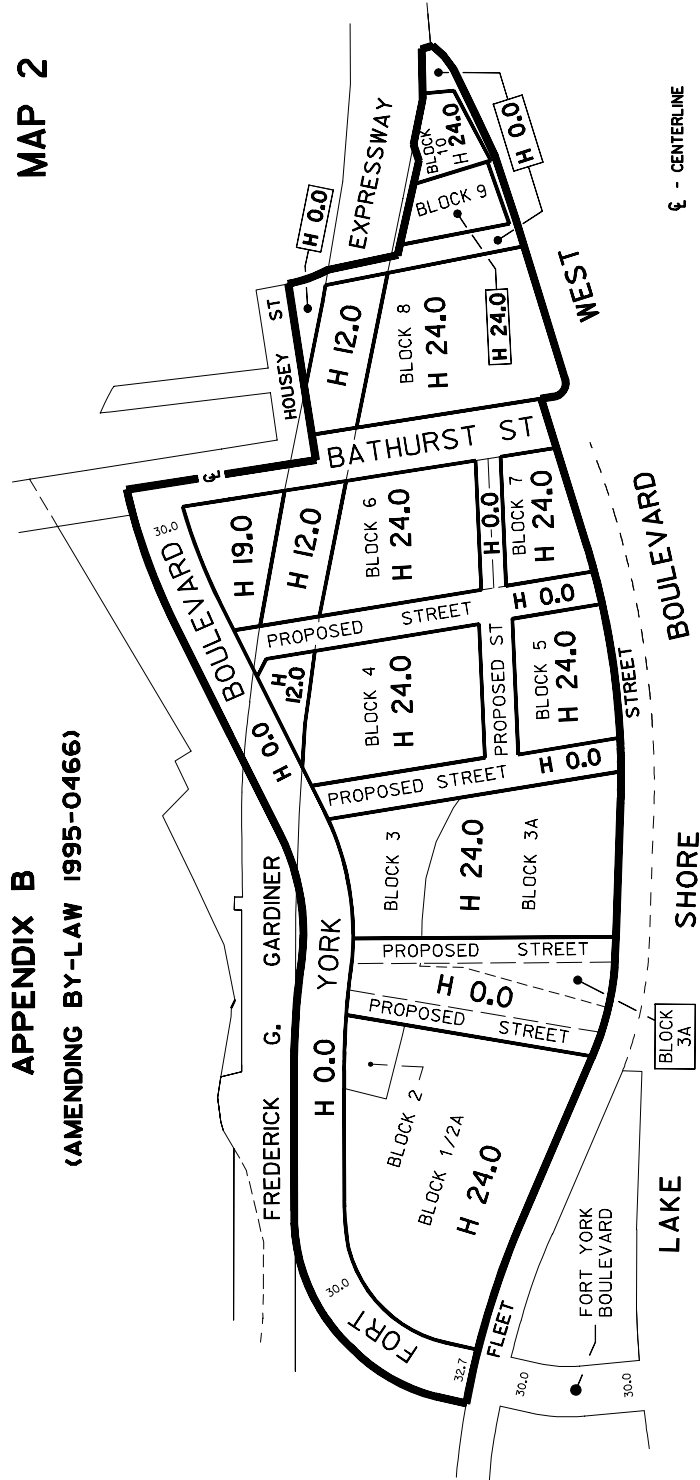
WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO SM1.DGN
 DATE: 24 SEPTEMBER, 2002
 FILE: 2402.76
 MAP Nos. 490-313, 323,
 500-311 & 371

LANDS REDESIGNATED FROM
 IC D3 N1.5 AND IC D4 N1.5 TO G

MAP 2

APPENDIX B

(AMENDING BY-LAW 1995-0466)

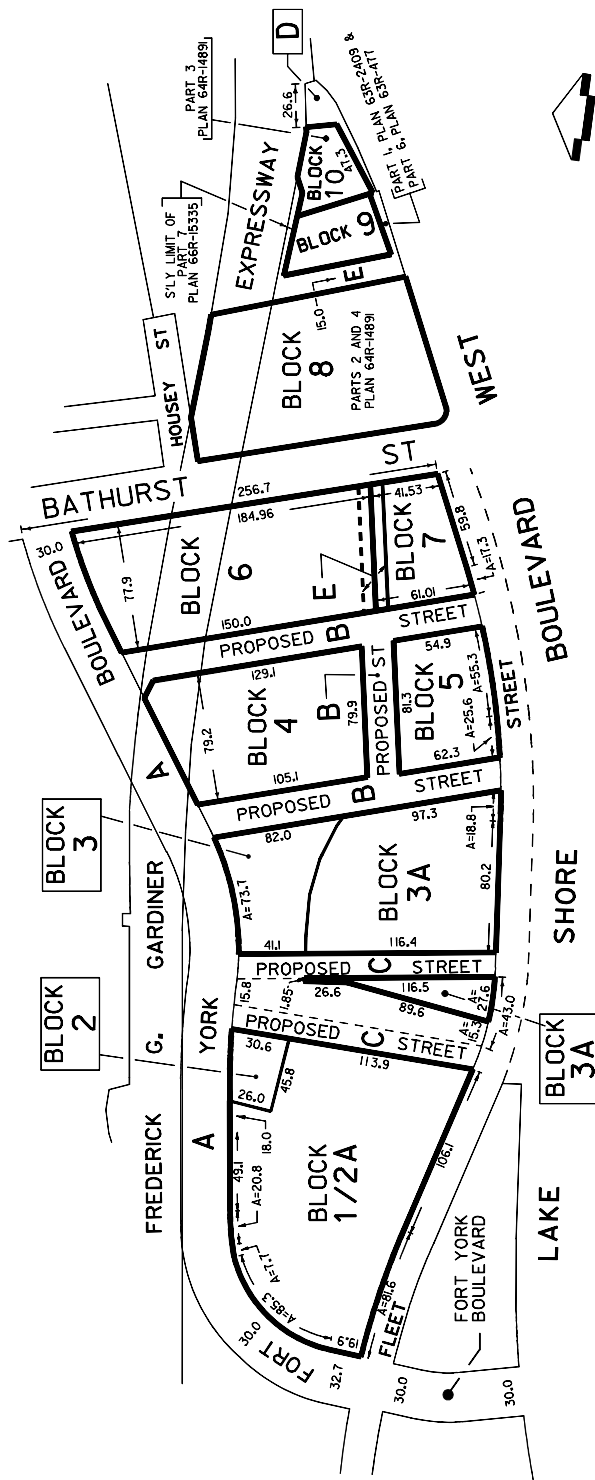


WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO
 BLOCK 1/2A, 2002
 FILE: 2402.76
 MAP Nos. 496-313, 323,
 500-311 & 321



MAP 3

**APPENDIX B
(AMENDING BY-LAW 1995-0466)**



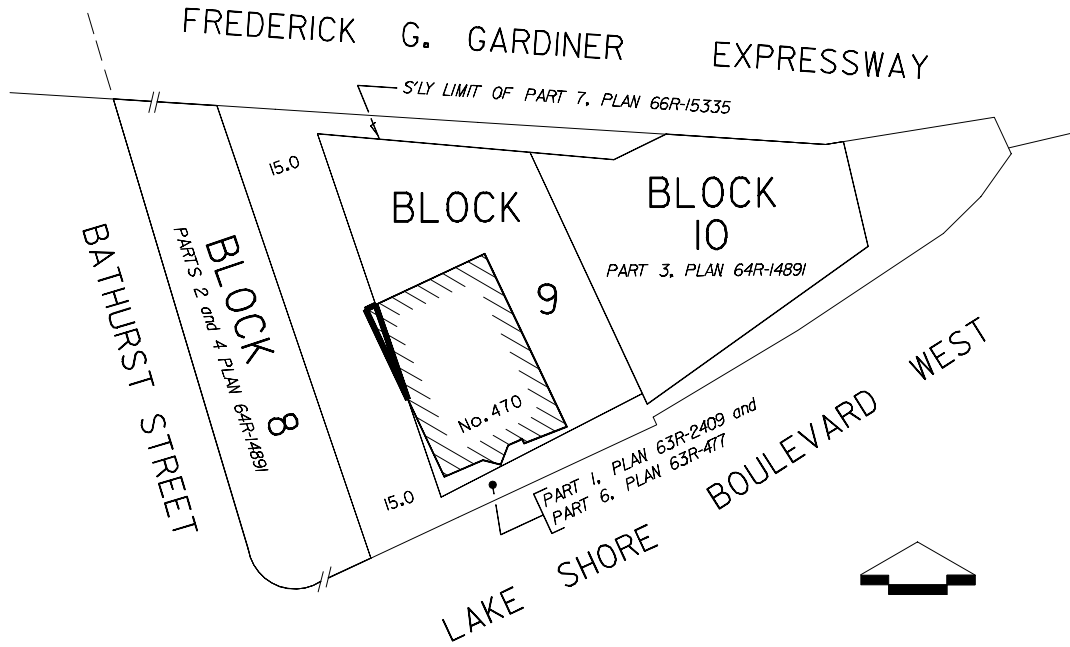
WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
SOURCE: NOTIFICATION 002
BLO2/BSM3.DGN NOTED BY: M.L.
FILES: F4-21, 2402.76
MAP Nos. 496-313, 323,
500-311 & 321



BLOCK BOUNDARIES

- A** FORT YORK BOULEVARD (PROPOSED) - 30 METRE WIDTH
- B** PROPOSED STREETS - 20 METRE WIDTH
- C** PROPOSED STREETS - 15 METRE WIDTH MINIMUM
- D** PORTLAND STREET EXTENSION (PROPOSED)
PART 58, PLAN 64R-14891
- E** SERVICE and PEDESTRIAN ACCESS - 15 METRE WIDTH
(ACCESS AT BATHURST STREET WILL BE LIMITED TO PEDESTRIANS)

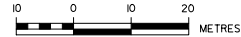
AREA	PARTS ON	PARTS ON
BLOCK 1/2A	64R-14891	64R-19687
BLOCK 3A	6 & 15	1-2-3-4-5
BLOCK 5	3	
BLOCK 7	1	

APPENDIX B

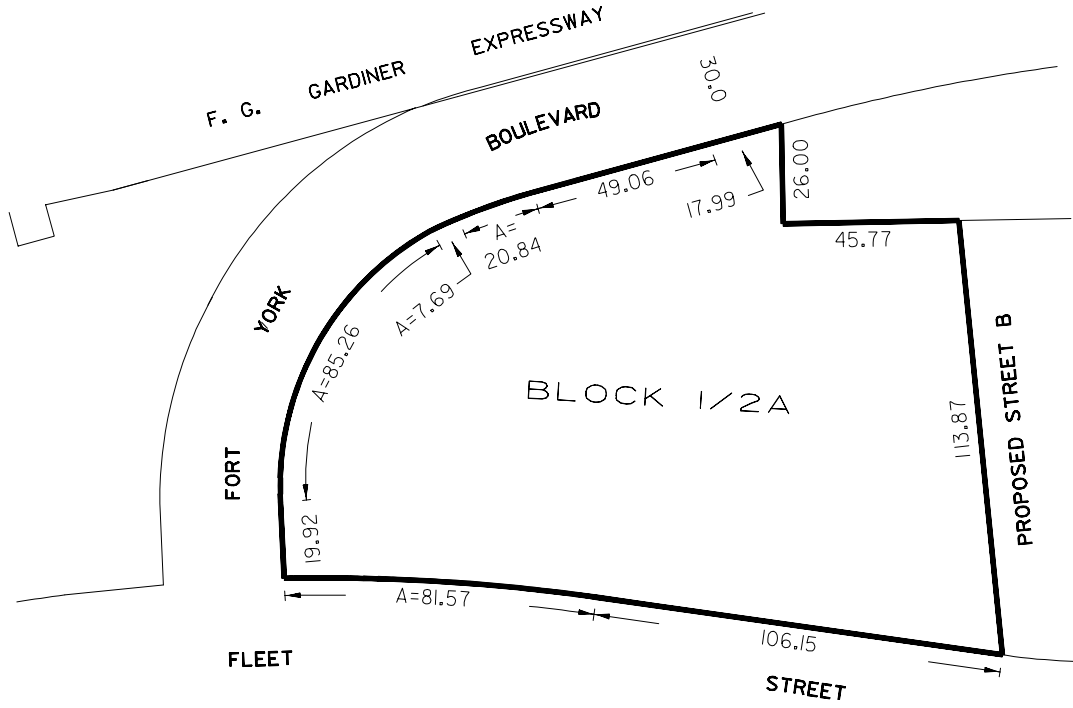


-  EXISTING BUILDING
-  PORTION OF EXISTING BUILDING REFERRED TO IN SECTION 12(1)380

NOTE: BLOCK REFERENCES ARE AS SHOWN IN BY-LAW 1995-0466, AS AMENDED



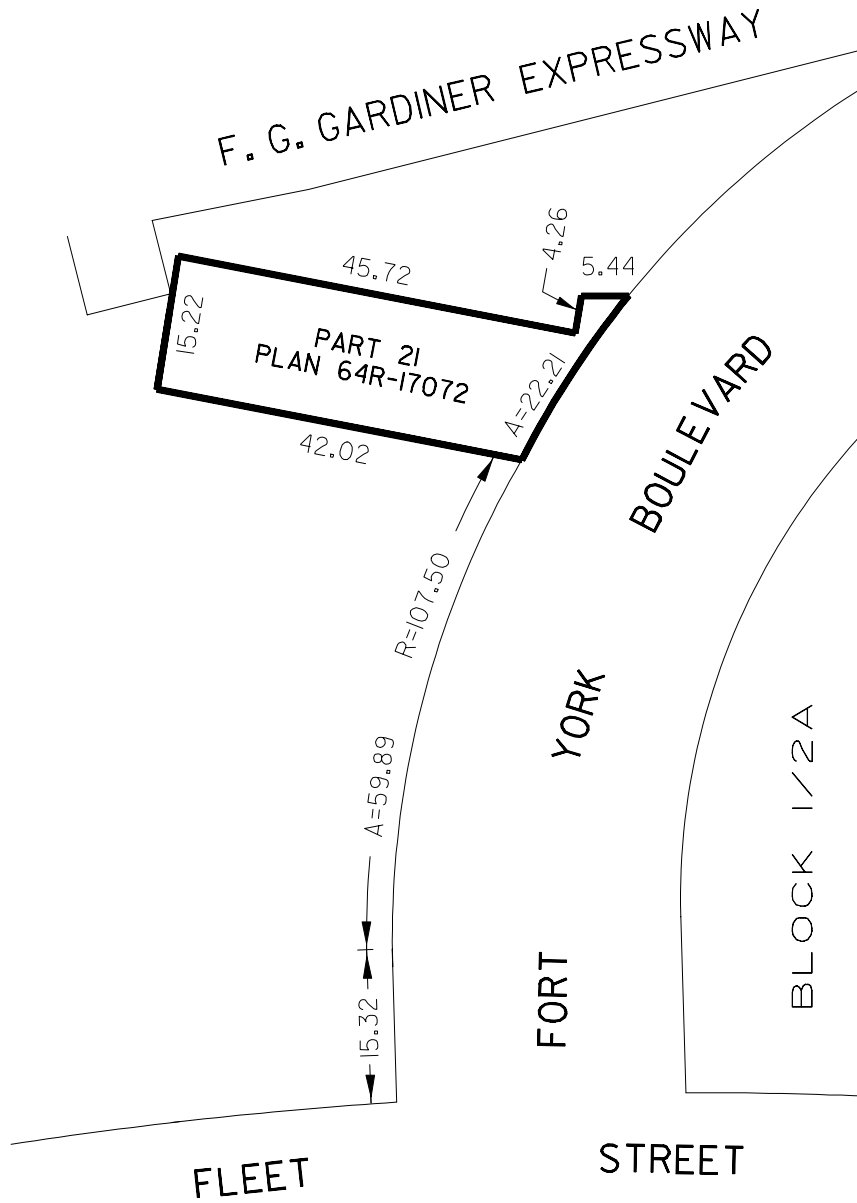
WORKS AND EMERGENCY SERVICES
 SURVEY SERVICES SECTION
 TORONTO SEPTEMBER, 2002
 SECTION02/S121380.DGN
 FILES: 2402-76 & F4.Z1, L2-Z3
 MAP No. 506-311 DRAWN: WL



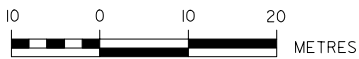
 LANDS REFERRED TO IN SECTION 12(2)332



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO SEPTEMBER, 2002
SECTION02/S122332.DGN
FILES: F4-Z1, 2402.53, 2402.76
MAP No. 496-513 DRAWN: W.L.



LANDS REFERRED TO IN SECTION 12(I)453



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO SEPTEMBER, 2002
SECTION02/S121453.DGN
FILE: F4-Z1, 2402.53, 2402.76
MAP No. 49G-313 DRAWN: WL