The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Section 2 with respect to the definitions of “grade”, “height” and “lot”, and Sections 4(2)(a), 4(12), 4(13)(a) and (c), 7(3) Part II 1(i), 7(3) Part II 1(ii), 12(2)246 (a), 12(2)246 (c) and 12(2)246 (e) 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, and none of the provisions of By-law 927-2002, shall apply to prevent the erection and use of a mixed-use building, including uses accessory thereto and live-work units on the lot provided that the following provisions are complied with:
the lands subject to this By-law include at least those lands comprising the lot delineated by heavy lines on Map 1 attached to and forming part of this By-law;

the combined residential gross floor area and non-residential gross floor area on the lot shall not exceed 36,500 square metres;

the total residential gross floor area on the lot shall not exceed 35,650 square metres;

the total non-residential gross floor area on the lot shall not exceed 900 square metres;

the height of any portion of a building or structure erected above grade on the lot, shall not exceed the maximum height in metres as shown following the letter "H" on Map 2, attached to and forming part of this By-law, for the corresponding building envelope areas, where indicated on Map 2, with the exception of the following:

(a) railings, parapet, window washing equipment, terrace guards and dividers, planters, lightning rods, exhaust flues, landscape features and decorative screens extending to a maximum vertical projection of 2.0 metres above the height limits shown on Map 2 attached to and forming part of this By-law; and

(b) cabanas and trellises extending to a maximum vertical projection of 3.0 metres above the height limits shown on Map 2;

in addition to the height requirements of 1(5) of this By-law, the maximum number of storeys within the building envelope areas shall be as indicated on Map 2, excluding the mechanical penthouse, elevator machine room and stairs;

no portion of the building or structure erected above grade on the lot shall be located other than wholly within the building envelopes delineated by heavy lines on Map 2 with the exception of the following where located wholly within the lot:

(a) cornices, eaves, vents, safety or wind protection, lighting fixtures, ornamental elements, trellises, window sills, planters, balustrades, guard rails, stairs, stair enclosures, wheelchair ramps, railings, landscape and public art features, awnings and canopies, all of which may project beyond the building envelope; and

(b) balconies shown in shading and narrow hatching on Map 3, may project up to 1.85 metres beyond the building envelopes delineated by heavy lines on Map 2 within the storey levels identified on Map 3; and

(c) balconies shown in wide hatching on Map 3, which may project up to 3.0 metres beyond the building envelopes delineated by heavy lines on Map 2 and which may be located at the storey level identified on Map 3;
(8) A minimum of 286 parking spaces shall be provided on the lot, in accordance with the following:

(a) dwelling units:

- 0.3 parking space for each bachelor dwelling unit;
- 0.5 parking space for each one-bedroom dwelling unit;
- 0.75 parking space for each two or more bedroom dwelling unit;
- 0.06 parking space for each dwelling unit for visitors; and

a reduction of 8 residential parking spaces calculated pursuant to section 1(8)(a), will be permitted; and

(b) Non-residential uses:

No parking spaces shall be required for non-residential uses on the lot;

(9) a minimum of one loading space-type G shall be provided and maintained on the lot;

(10) required residential amenity space shall be provided and maintained as follows:

(a) a minimum of 2.0 square metres of indoor residential amenity space per dwelling unit shall be provided and maintained on the lot in a single or multi-purpose room or rooms at least one of which contains a kitchen and a washroom; and

(b) a minimum of 1.5 square metres of outdoor residential amenity space per dwelling unit shall be provided and maintained on the lot;

(11) a minimum of 256 square metres of privately owned publicly accessible open space, one privately owned publicly accessible pedestrian walkways and one privately owned publicly accessible pedestrian sidewalk shall be provided on the lot in the locations as shown on Map 2;

(12) a minimum of 638 bicycle parking spaces shall be provided and maintained on the lot in accordance with the following:

(a) a minimum of 520 bicycle parking spaces – occupant shall be provided;

(b) a minimum of 105 bicycle parking spaces – visitor shall be provided; and

(c) a minimum of 13 bicycle parking spaces for non-residential uses shall be provided;
(13) a minimum of 46 of the total number of dwelling units to be constructed on the lot in the mixed-use building shall be capable of being designed as 3-bedroom units in compliance with the provisions of the Ontario Building Code.

2. Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in height and density of development on the lot contemplated herein is permitted in return for the owner's election to provide, at the owner's expense, the facilities, services and matters set out in Schedule A hereof which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form satisfactory to the City Solicitor and registered on title to the lot.

3. 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.

4. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

5. For the purposes of this By-law, all italized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:
   
   (a) “lot” means the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
   
   (b) “grade” means 82.10 metres Canadian Geodetic Datum;
   
   (c) “height” means the vertical distance between grade and the highest point of the building or structure on the roof except for those elements prescribed in s. 1(5)(a) and (b) of this By-law”.

6. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the lot and the buildings and structures thereon.

7. None of the provisions of By-law 927-2002 shall apply to the lot with the exception that the amount of the $100,000.00 cash contribution referred to in section 10(a) of By-law 927-2002 is included in the Section 37 obligations contained in Clause 1(b), Schedule A of this By-law and shall be the responsibility of the owner of the lot.

8. The permissions in By-law 927-2002 shall continue to apply to the Phase 1 and the Phase 1 Galleria lands shown on Plan 2A of By-law 927-2002 as if Phase 2, Phase 3 and the Phase 3 Galleria shown on Plan 2B of By-law 927-2002 had been constructed in accordance with By-law 927-2002 and further, the residential parking spaces provided on the lot and as set out in this By-law shall not be applied to the maximum parking space requirements as set out in Section 1(6) of By-law 927-2002.
9. Despite any existing or future severance, partition, or division of the lot, the provisions of this By-law must apply to the whole of the lot as if no severance, partition or division occurred.

10. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

(a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and

(b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

FRANCES NUNZIATA,  
Speaker

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)
ADELAIDE STREET EAST

NOTE: BALCONIES ARE INCLUDED FOR THE BUILDING BASE ONLY. BUILDING BASE AT 25M HEIGHT. THE BALCONIES ARE EXCLUDED FROM ENVELOPE ABOVE THOSE HEIGHTS.
NOTE: Balconies are included for the building base only. Building base comprises of 25m height and 21.5m height. The balconies are excluded from envelope above those heights.
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 lot and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

(1) Prior to issuance of the first above-grade building permit, the owner shall pay to the City a cash contribution in the amount of $950,000.00 to be allocated as follows:

(a) $500,000.00 towards the redevelopment of the site of Canada's First Parliament Buildings, municipally known as 25 Berkeley Street and 265 and 271 Front Street East, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;

(b) $300,000.00 towards local streetscape and and/or parkland improvements at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, of which $100,000.00 is intended to satisfy the corresponding contribution for streetscape improvements as set out in By-law No. 927-2002;

(c) $100,000.00 towards the implementation of the Heritage Interpretation Master Plan for Old Town Toronto and/or the Heritage Lighting Master Plan for Old Town Toronto, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and

(d) $50,000.00 towards the redevelopment of the North St. Lawrence Market, at the discretion of the Chief Planner and Executive Director, City Planning and the Director, Facilities Design and Construction Facilities Management Division, in consultation with the Ward Councillor;

(2) The payment amounts identified in Clause (1) above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment;

(3) In the event that the cash contribution set to in Clause (1) above have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose or purposes, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lot;

(4) The owner shall provide and maintain the following to the satisfaction of the Chief
Planner and Executive Director, City Planning with the specific location, configuration and design to be determined and secured in the context of site plan approval for the lot pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended:

a) a publicly accessible pedestrian walkway on the west portion of the subject property which shall have a minimum width of 1.5 metres and a minimum height of 4.5 metres and which shall provide a direct at-grade connection between Adelaide Street East and the Public Laneway adjacent to the north property line of the lot generally within the area identified as "Privately Owned Publicly Accessible Walkway at Ground Level " on Map 2 of this By-law;

b) a publicly accessible pedestrian sidewalk or clearway across private property on those portions of Adelaide Street East abutting the lot that do not contain adequate sidewalk widths to accommodate pedestrian activity and/or street trees, generally within the area identified as "Pedestrian Sidewalk Easement for Public Access" on Map 2 of this By-law; and

(c) a privately owned publicly accessible (POPS) courtyard area as generally identified as "privately Owned Publicly Accessible Space at Ground Level" on Map 2 of this By-law;

(5) Prior to registration of the first condominium on the lands, the Owner shall have completed construction of the publicly accessible walkway, clearway and courtyard referred to in Clause (4) above and shall convey public access easements to the City for nominal consideration, at no cost to the City and free and clear of encumbrances to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, including rights of support as applicable, on such terms and conditions as are set out in the section 37 Agreement, including provision for deposit of reference plans, environmental obligations, insurance and indemnification associate with the public access easements.

(6) In support of the development, the owner shall pay for, design and construct any improvements to the existing municipal infrastructure determined to be necessary as set out in an a Function Servicing Report accepted by the Executive Director Engineering and Construction Services with all works to be completed prior to registration of the first plan of condominium on the lot;

(7) prior to issuance of the first building permit for a building on the lot, the owner shall provide security for the cost of all works contemplated in Clause (6) above to the satisfaction of the Executive Director, Engineering and Construction Services.