

Attachment 1: Draft Zoning By-law Amendment (to By-law 438-86)

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend ~ Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as,
117 Peter Street and 287 Richmond Street West**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in 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 in return for the provision of such facilities, services or matters as are set 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 in the aforesaid lands by By-law No. 438-86 of the City of Toronto, 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 (the "City"); 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;

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

1. None of the provisions of Sections 2(1) with respect to the definition of *grade*, 4(2)(a), 4(8), 4(16), 7(3) Part II and 12 (2)246, 12 (2) 260(III) 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 and use of a *mixed-use building* on the *lot* containing both residential and non-residential uses, including uses *accessory* thereto, provided that:
 - (1) not more than 420 *dwelling units* are erected on the *lot*;
 - (2) for the purposes of this By-law, the *lot* shall consist of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
 - (3) the total *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 29,550 square metres, of which the total *non-residential gross floor area* shall not exceed 2,700 square metres;
 - (4) no portion of any building erected above finished ground level is located outside the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - (a) lighting fixtures, cornices, sills, eaves, canopies, window washing equipment, parapets, railings, privacy screens, terraces, cabanas, planters, balustrades, bollards, stairs, stair enclosures, wheel chair ramps, ornamental or architectural features, landscape features, and art installations may extend beyond the heavy lines shown on the attached Map 2;
 - (5) No person shall erect or use a building or structure on the *lot* having a greater *height*, in metres than the *height* in metres specified by the numbers following the symbol H on the attached Map 2, provided this does not prevent:
 - (a) the erection or use of the structures, elements and enclosures permitted by Section 1.(4) of this By-law subject to the following additional requirements
 - (i) parapets and railings to a maximum vertical projection of 1.5 metres above the height limits shown on Map 2;
 - (b) elements on the roof of the building or structure used for green roof technology or alternative roofing system, provided the maximum vertical projection of such elements is no higher than 0.5 metres above the *height* limits shown on Map 2; and

- (c) roof top stacks and vents to a maximum vertical projection of 3.0 metres above the height limits shown on Map 2;
 - (d) an elevator machine room on the roof of the building, including any walls, screens or structures enclosing such element to a maximum vertical projection of 1.5 metres above that portion of the building subject to a height limit of 123.0 metres as shown on Map 2.
- (6) no *dwelling unit* in the building shall be located below a *height* of 20.5 metres.
- (7) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
- Car-Share Parking:
- (a) a minimum of 3 *car-share parking spaces*;
- Residents' Parking:
- (b) a minimum of 187 *parking spaces*;
- Residential Visitor Parking:
- (c) a minimum of 0.06 *parking spaces per dwelling unit* for visitors;
 - (d) the *parking spaces* required under (f) above shall be shared and accessible to office uses on the *lot*;
- Non-Residential:
- (e) a minimum of 7 *parking spaces* shall be provided and such parking spaces may be shared with *parking spaces* provided for residential visitors in accordance with Section (g) above;
 - (f) no *parking spaces* are required to be provided for retail uses on the *lot*.
- (8) where the calculation of the number of *parking spaces* required to be provided and maintained by Section 1(6) of this by-law results either in a fraction of a *parking space*, or in a whole number of *parking spaces* and a fraction of a *parking space*, the fraction if equal to or greater than 0.5 shall be taken to be 1.0 and added to the whole number of the *parking spaces* required to be provided and maintained, and if the fraction is less than 0.5 it shall be excluded from the determination of the number of *parking spaces* that are required to be provided and maintained in respect of the building or structure to be erected or used;
- (9) the minimum number of loading spaces to be provided and maintained on the *lot* shall be:
- (a) 1 *loading space – type G*; and

(b) 1 *loading space – type C*

2. 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:
 - (1) 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
 - (2) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

3. Pursuant to Section 37 of the *Planning Act*, the height of the development is permitted to increase beyond that otherwise permitted on the lands by By-law No. 438-86 and in return, the owner shall, at its sole expense, enter into an agreement with the City satisfactory to the Chief Planner and Executive Director, City Planning Division and City Solicitor, and provide the City with the facilities, services and matters set out below, and shall register such agreement on title to the lands as a first charge, and such agreement and registration shall be to the satisfaction of the City Solicitor:
 - (1) The provision of a publicly accessible open space on the lot with a minimum area of 500 square metres, provided that:
 - (i) such publicly accessible open space is located at finished ground level and is accessible from both Peter Street and Richmond Street West;
 - (ii) the final configuration and design is subject to the development review process contemplated by Section 114 of the City of Toronto Act, 2006 or Section 41 of the Planning Act;
 - (iii) the use of which by the public shall be limited to reasonable restrictions as set out in the Section 37 Agreement;
 - (iv) the publicly accessible open space is permitted to be used for accessory non-residential uses such as but not limited to, outdoor café seating and uses ancillary to the adjacent retail spaces; and
 - (v) no structures with enclosing walls will be permitted within the publicly accessible open space.
 - (2) A public art installation and upgrade to the publicly accessible open space is provided as follows:
 - (i) a sculpture shall be completed substantially in accordance with the proposal prepared by Shayne Dark dated January 19, 2011, subject to changes satisfactory to the Ward Councillor in consultation with the Chief Planner, secured by a letter of credit in the amount of

\$363,000 to cover the approximate cost of the sculpture, delivered prior to the issuance of the first above-grade building permit; and

- (ii) upgraded paving, secured by a letter of credit in the amount of \$150,000 to cover the approximate cost of the upgraded paving, delivered prior to the issuance of the first above grade building permit.
- (3) Improvements to the northeast corner of Richmond Street West and Peter Street to a maximum cost of \$1,050,000, with such cost secured by a letter of credit delivered prior to the issuance of the first above-grade building permit for the development, to be completed substantially in accordance with the concept prepared by Claude Cormier, Architects Paysagistes Inc., dated July 23, 2010, with such cost to be indexed upwardly in accordance with the Non-Residential Construction Price Index (CPI) for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of the Section 37 Agreement. Should the maximum cost of these improvements be less than \$1,050,000, the unexpended dollar amount should be allocated to parks and/or streetscape improvements, including improvements to John Street, in Ward 20;
 - (4) A \$120,000 cash payment to be used for capital improvements to the Toronto Community Housing Corporation properties in Ward 20, to be paid prior to the issuance of the first above-grade building permit for the development, with such cost to be indexed upwardly in accordance with the CPI, calculated from the date of the Section 37 Agreement.
 - (5) Reconstruction of portions of the 117 Peter Street façade to reflect the warehouse character of the neighbourhood to the satisfaction of the Chief Planner and to be secured in the Site Plan Agreement, secured by a letter of credit in the amount of \$150,000 to cover the approximate cost of the façade reconstruction, delivered prior to the issuance of the first above-grade building permit for the development.
 - (6) At least Ten Percent (10%) of the total number of *dwelling units* to be constructed in the *building* shall be three bedroom units in compliance with the provisions of the Ontario Building Code.
 - (7) No *dwelling unit* in the building shall be located below a height of 20.5 metres.
- 4. None of the provisions of this By-law or By-law No. 438-86, as amended, as of the date of the passing of this By-law, shall apply to prevent a *sales office* on the *lot*.
 - 5. Definitions:

For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended, except for the following:

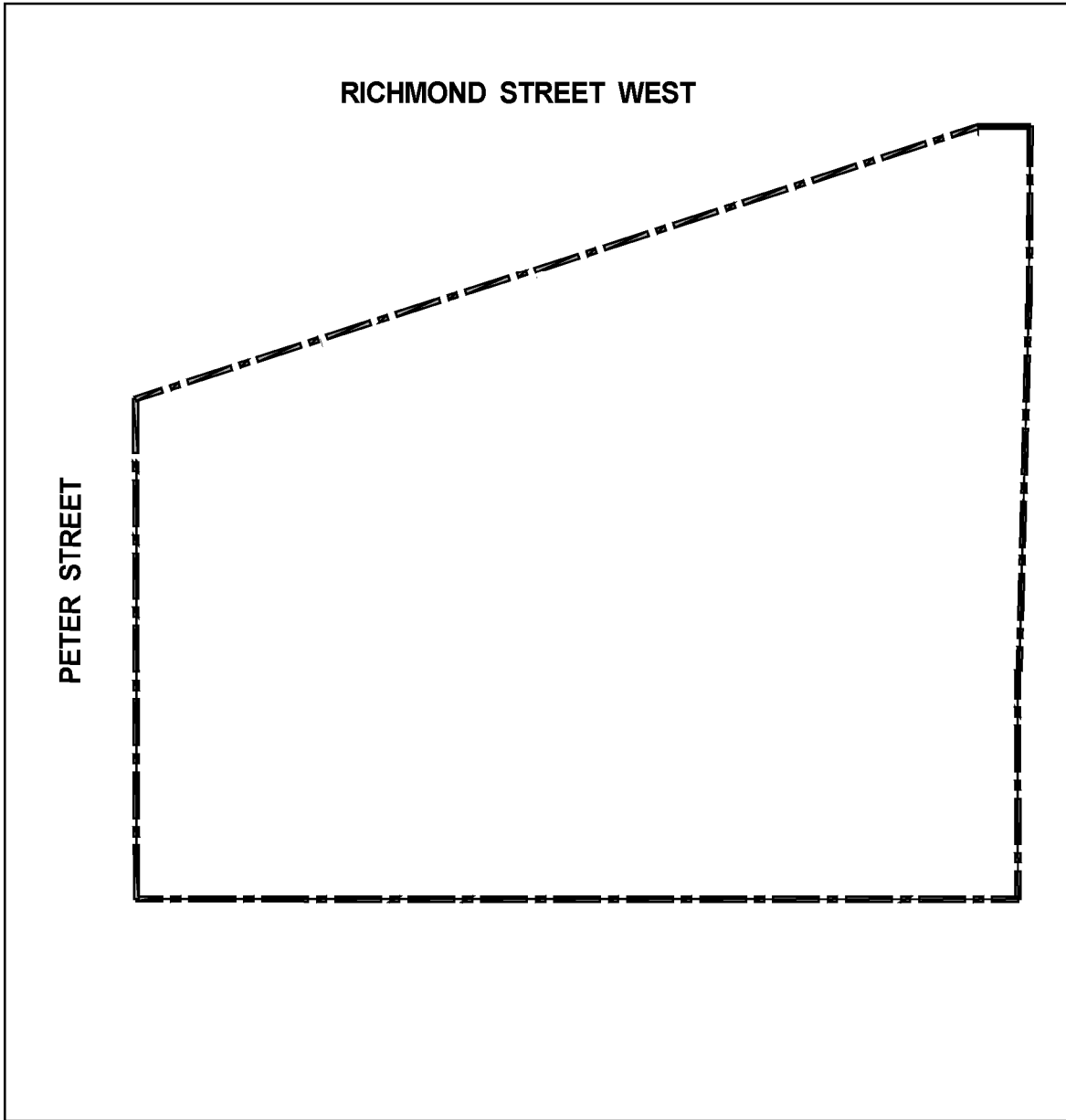
- (1) “*car-share parking space*” means:
 - (a) an unimpeded area that is readily accessible at all times for the parking and removal of a motor vehicle that is owned by a profit or non-profit car-sharing organization and where such organization may require that the use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car;
- (2) “*grade*” means 88.4 metres Canadian Geodetic Datum;
- (3) “*sales office*” means a building or structure for the purpose of marketing and sales related to use(s) permitted on the *lot*.

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

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



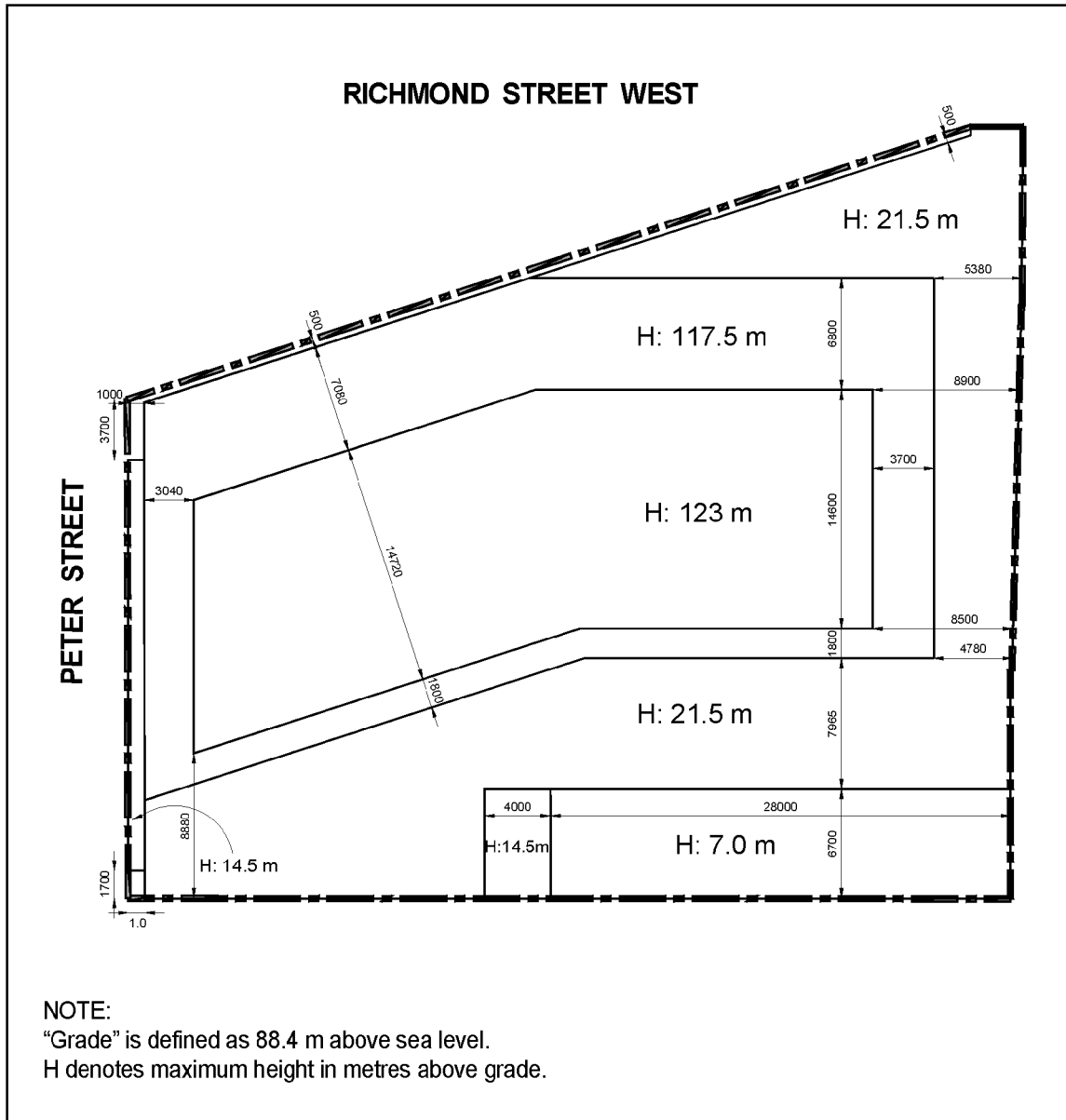
 **TORONTO** City Planning
Diagram 1

117 Peter Street and 287 Richmond Street West

File # 09_154905



City of Toronto By-Law 1156-2010
Not to Scale
01/25/2011



Attachment 2: Draft Zoning By-law Amendment (to By-law 1156-2010)

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend Zoning By-law No. 1156-2010, as amended,
With respect to the lands municipally known as,
117 Peter Street and 287 Richmond Street West**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in 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 in return for the provision of such facilities, services or matters as are set 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 in the aforesaid lands by By-law No. 1156-2010 of the City of Toronto, 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 (the "City"); 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;

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

1. This By-law applies to the lands delineated by a heavy line on Diagram 1 attached to and forming part of this By-law.

2. Pursuant to Section 37 of the *Planning Act*, the heights of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the site of the facilities and services and matters set out in Section 8 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
3. Upon execution and registration of an agreement or agreements with the owner of the site pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities and services and matters set out in Section 8 hereof, the site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirement.
4. Except as otherwise provided herein, the Regulations of Zoning By-law 1156-2010 continue to apply to the lands.
5. Zoning Map 1 of By-law 1156-2010 is amended by removing exception 74 from the lands delineated by heavy lines on Diagram 1 of By-law xxx-2011.
6. Zoning Map 1 of By-law 1156-2010 is amended by adding Exception 87 to the lands delineated by heavy lines on Diagram 1 of By-law xxx-2011.
7. Zoning By-law 1156-2010, is amended by adding Exception CRE 87 to Section 900.12.10 so that it reads:

Exception CRE 87

If the requirements of Section 8 – Section 37 requirements of By-law (xxx-2011) are complied with, Regulations 5.10.40.1(1) – Building Projections and Attachments, 5.10.40.10 (1) to (6) – Height, 5.10.40.60 (1) – Canopies and Awnings, 5.10.40.70 (1) to (4) – Compliance with Required Yard Setback, Parts of a Building to which a Required Yard Setback Applies, Application of Yard Setbacks for a Building Located on More Than One Lot, and Minimum Setbacks for a Use Not Located Within a Building or Structure, 5.10.60.10 (1) – Restriction in Front Yard, 5.10.60.20 (1) – Parts of a Building to which a Required Yard Setback Applies, 5.10.80.1 (1) and (2) – Requirement to Provide Parking Spaces, and Required Parking Space, 5.10.80.20 (1) – Parking Space Setback from a Lot Line, 5.10.90.1 (1) – Requirement to Provide Loading Spaces, 5.10.90.40(1) – Access to a Loading Space, 5.10.40.10 (1) to (3) – Determining the Height of Principal Building or Structure in CRE Zones, Determining the Height of Principal Structures in CRE Zones, and Height Exemption for Specified Structures, 5.10.40.30 (1) – Maximum Building Depth, 5.10.40.50 (1) – Amenity Space Requirement for Buildings with 35 or more Dwelling Units, 5.10.40.60 (1) to (9) – Permitted Encroachments, 5.10.40.70(1) and (3) – Side and Rear Setbacks, and Setback from a Lane, 5.10.40.80 (3) – Distance Between Windows of Buildings in King-Spadina, 5.10.40.200 (6) – Height Exemption for Mechanical Elements in King-Spadina, 5.10.80.200 (6) – CRE Zone Exemption for Existing Parking Spaces,

50.10.90.200 (75) – Exemption for Existing Loading Spaces, 50.10.100.10 (10) – CRE Zone Driveway Access to Apartment Buildings Not Required, 50.10.150.1 (1) – Waste and Recyclable Materials Storage, 200.5.1.10 (1) – Application of Parking Space Rates in Policy Areas 3 and 4, 200.5.1.10 (3) – Maximum Parking Space Dimensions, 200.5.1.10 (7) – Calculation of Required Parking Space for Vacant Building Space, 200.5.1.10 (8) to (14) – Calculation of Parking Space Requirement, Calculation of Parking Space Requirement - Rounding, Parking Space to be Clearly Marked, Multiple Dwelling Unit Buildings Parking Rates, Vehicle Access to Building – Non-residential and Apartment Parking Area, Parking Space Calculation – Gross Floor Area Exclusion, and Parking Space Access 200.5.10.1 (1) to (10) – Parking Space Rates, Provisions of Parking Spaces, Parking Spaces Rate Ancillary Uses, Parking Space Permission for Uses with No Parking Requirement, Parking Space rates – Multiple Uses on a Lot, Shared Parking Space Calculation (Minimum), Interpretation of minimum and maximum parking space requirement, Assisted Housing Parking Rates, Alternative Housing Parking Rates, and Policy Area 1 Parking Space Reduction for Bicycle Parking Spaces, 200.15.1 (1) – Accessible Parking Space Dimensions (Minimum), 200.15.1.5 (1) and (2) – Application of Section - Regulations applying to Accessible Parking Spaces and Location of Accessible Parking Spaces, 200.15.10 (1) and (2) – Parking Rates - Accessible Parking Spaces and Accessible Parking Space Requirement Medical Office and Clinics, 220.5.1 (1) – Application of Section - Regulations applying to Loading Spaces, 220.5.1.10 (1) to (5), and (7) – Loading Space Requirement Calculation, Loading Space Calculation for Multi-unit Buildings, Industrial Unit – Definition, Loading Space Calculation - Gross Floor Area Exclusion, Required Loading Space, and Minimum Loading Space Dimensions, 220.5.10.1 (1) to (9) – Loading Space Requirements, Loading Space Requirements - Building Containing Dwelling Units, Loading Space Requirements - Retail Store, Eating Establishment, or Personal Service Shop, Loading Space Requirements - Grocery stores/supermarket, Loading Space Requirements – Office, Loading Space Requirements – Hotel, Loading Space Requirements - Manufacturing or Warehouse Use, Loading Space Requirements - Other Uses, and Shared Loading Space Calculations, 230.5.1.10 (1) and (9) – Application of Section - General Regulations applying to All Bicycle Parking Spaces, Rounding of Bicycle Parking Space Requirements, Meaning of Long-Term Bicycle Parking and Short-Term Bicycle Parking, Bicycle Parking Space Distance from Building Entrance, Bicycle Parking Space Dimensions, Vertical Clearance of a Bicycle Parking Area, Long-Term Bicycle Parking Space Locational Requirement, Short-Term Bicycle Parking Space Locational Requirement, and Change and Shower Facilities, 230.5.10.1 (1) to (9) – Use less than 200 Square Metres, Multiple uses on a lot, EATING ESTABLISHMENT - Bicycle Parking Spaces, RETAIL STORE - Bicycle Parking Spaces, PERSONAL SERVICE SHOP - Bicycle Parking Spaces, EDUCATION USE - Bicycle Parking Spaces, OFFICE - Bicycle Parking Spaces, MEDICAL OFFICE - Bicycle Parking Spaces, and Municipal Shelter and Crisis Care Facility, 230.50.1.10 (1) – Bicycle Parking Space Rate - CRE Zone and Policy Area 1, and 280.5.90 (1) – Downtown - Loading Space Mixed Use Building, shall not apply to prevent the construction of a mixed use commercial residential **building** on the area covered by this exception and used for the uses permitted if the whole of the premises covered by this exception collectively comply with the following:

- (A) No portion of a **building** or **structure** erected on the lands is to have a height in metres greater than the height in metres specified by the numbers following the symbol H on attached Diagram 2 of By-law xxx-2011 except that;
- (i) the maximum height for parapets, terrace guards and dividers, planters, railings, decorative screens, public art features and window washing equipment is the sum of 1.5 metres and the applicable height limit shown on Diagram 2 of By-law xxx-2011;
 - (ii) roof top stacks and vents to a maximum vertical projection of 3.0 metres above the height limits shown on Map 2;
 - (iii) elements on the roof of the **building** or **structure** used for green roof technology or alternative roofing system, provided the maximum vertical projection of such elements is no higher than 0.5 metres above the **height** limits shown on Map 2; and
 - (iv) an elevator machine room on the roof of the building, including any walls, screens or structures enclosing such element to a maximum vertical projection of 1.5 metres above that portion of the building subject to a height limit of 123.0 metres as shown on Map 2.
- (B) No **dwelling unit** in the building shall be located below a **height** of 20.5 metres.
- (C) The height of a **building** or **structure** on the lands is measured as the vertical distance between grade, which is Canadian Geodetic Datum elevation of 88.4 metres, and the highest point of the **building** or **structure** except for those elements prescribed in Section (B) (i) and (ii) above;
- (D) The **building** or **structure** above grade must be located within the areas delineated by heavy lines on Diagram 1 of By-law xxx-2011, except that;
- (i) awnings, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, stair enclosures, wheelchair ramps, underground garage ramps, and landscape may extend to a maximum of 1.5 metres beyond the heavy lines shown on Diagram 2 of By-law xxx-2011; and
 - (ii) canopies may extend a maximum of 1.8 metres beyond the heavy lines on Diagram 2 of By-law xxx-2011, as measured perpendicular to the exterior walls of the **building**.
- (E) A maximum of 420 **dwelling units** is permitted, of which a minimum of 10% of the total **dwelling units** will contain three bedrooms;
- (F) The total **gross floor area** of all **buildings** and **structures** on the lot must not exceed 29,550 square metres, and;

- (i) the **gross floor area** of **buildings** and **structures** occupied by residential uses symbolized by the letter 'r' permitted by Regulations 50.10.20.10 (1), 50.10.20.20 (1) and 50.10.20.30 must not exceed 26,850 square metres; and,
 - (ii) the **gross floor area** of **buildings** and **structures** occupied by commercial and employment uses symbolized by the letters 'c' and 'e' respectively, permitted by Regulations 50.10.20.10 (1), 50.10.20.20 (1) and 50.10.20.30 must not exceed 2,700 square metres, excluding the area occupied by a **parking garage** or **public parking**.
- (G) A minimum of 1,081 square metres of indoor **amenity space** must be provided and must be located in a multi-purpose room or rooms in a **building**, at least one of which contains a kitchen and a washroom;
- (H) A minimum of 860 square metres of outdoor **amenity space** must be provided of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor **amenity space**;
- (I) Despite Regulation **50.10.40.70** (5) (A), a public art feature may be set back less than 3.0 metres from a **lot line** that abuts a **street**;
- (J) A minimum of 187 **parking spaces** are required for the residential **dwelling units**;
- (K) A minimum of 25 visitor **parking spaces** are required for the residential **dwelling units**;
- (L) A minimum of 4 **parking spaces** are required for the non-residential uses;
- (M) A minimum of 3 **parking spaces** will be allocated to car-sharing;
- (N) Access to a **loading space** in a principal **building** may be located in a side **main wall** facing a **street**;
- (O) An accessible **parking space** may have width of 3.7 metres and a height of 2 metres;
- (P) A minimum of 206 **bicycle parking spaces** must be provided, of which 160 **bicycle parking spaces** must be for 'Long-Term Bicycle Parking' and 46 **bicycle parking spaces** must be for 'Short-Term Bicycle Parking'.
- (Q) Despite Regulation 230.50.1.20 (1) C, 12 Long-Term **bicycle parking spaces** for **dwelling units** may be provided in storage lockers; and
- (R) Exception 87 shall apply to all of the lands regardless of future severance, partition or division.

8. The facilities, services and matters set out herein are the matters required to be provided by the owner of the lands at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the Planning Act in a form satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor and such agreement(s) shall be registered against title to the lands as outlined in heavy lines on Diagram 1 to secure the following facilities, services or matters;
- (4) The provision of a publicly accessible open space on the lot with a minimum area of 500 square metres, provided that:
- (i) such publicly accessible open space is located at finished ground level and is accessible from both Peter Street and Richmond Street West;
 - (ii) the final configuration and design is subject to the development review process contemplated by Section 114 of the City of Toronto Act, 2006 or Section 41 of the Planning Act;
 - (iii) the use of which by the public shall be limited to reasonable restrictions as set out in the Section 37 Agreement;
 - (iv) the publicly accessible open space is permitted to be used for accessory non-residential uses such as but not limited to, outdoor café seating and uses ancillary to the adjacent retail spaces; and
 - (v) no structures with enclosing walls will be permitted within the publicly accessible open space.
- (5) A public art installation and upgrade to the publicly accessible open space is provided as follows:
- (i) a sculpture shall be completed substantially in accordance with the proposal prepared by Shayne Dark dated January 19, 2011, subject to changes satisfactory to the Ward Councillor in consultation with the Chief Planner, secured by a letter of credit in the amount of \$363,000 to cover the approximate cost of the sculpture, delivered prior to the issuance of the first above-grade building permit; and
 - (ii) upgraded paving, secured by a letter of credit in the amount of \$150,000 to cover the approximate cost of the upgraded paving, delivered prior to the issuance of the first above grade building permit.
- (6) Improvements to the northeast corner of Richmond Street West and Peter Street to a maximum cost of \$1,050,000, with such cost secured by a letter of credit delivered prior to the issuance of the first above-grade building permit for the development, to be completed substantially in accordance with the concept

prepared by Claude Cormier, Architects Paysagistes Inc., dated July 23, 2010, with such cost to be indexed upwardly in accordance with the Non-Residential Construction Price Index (CPI) for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of the Section 37 Agreement. Should the maximum cost of these improvements be less than \$1,050,000, the unexpended dollar amount should be allocated to parks and/or streetscape improvements, including improvements to John Street, in Ward 20;

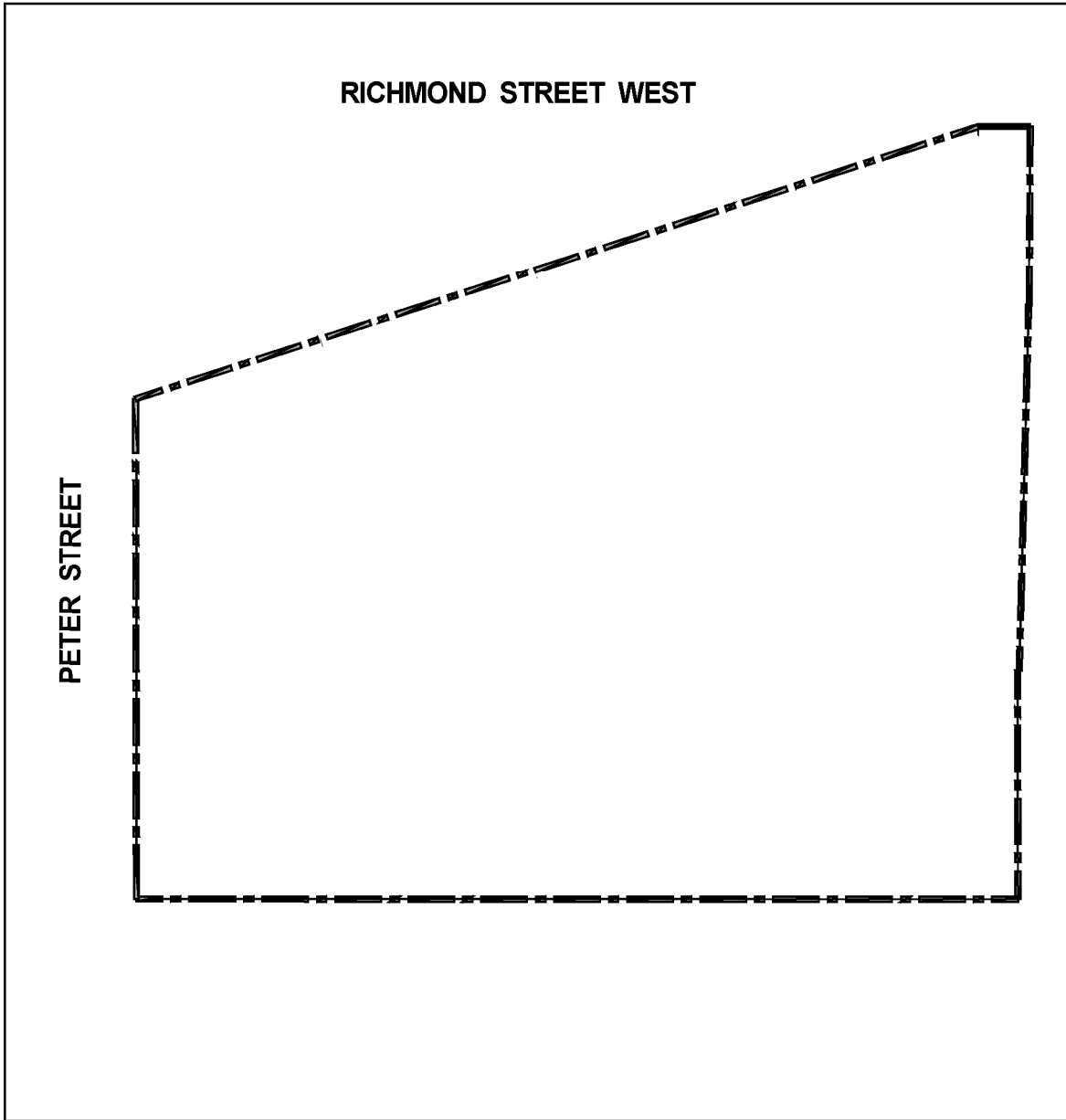
- (7) A \$120,000 cash payment to be used for capital improvements to the Toronto Community Housing Corporation properties in Ward 20, to be paid prior to the issuance of the first above-grade building permit for the development, with such cost to be indexed upwardly in accordance with the CPI, calculated from the date of the Section 37 Agreement.
- (8) Reconstruction of portions of the 117 Peter Street façade to reflect the warehouse character of the neighbourhood to the satisfaction of the Chief Planner and to be secured in the Site Plan Agreement, secured by a letter of credit in the amount of \$150,000 to cover the approximate cost of the façade reconstruction, delivered prior to the issuance of the first above-grade building permit for the development.
- (9) At least Ten Percent (10%) of the total number of **dwelling units** to be constructed in the **building** shall be three bedroom units in compliance with the provisions of the Ontario Building Code.
- (10) No **dwelling unit** in the building shall be located below a height of 20.5 metres.

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

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



 **TORONTO** City Planning
Diagram 1

117 Peter Street and 287 Richmond Street West

File # 09_154905



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Not to Scale
01/25/2011

