

117 Peter Street and 287 Richmond Street West – Zoning Amendment – Final Report

Date:	January 26, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	09 154905 STE 20 OZ

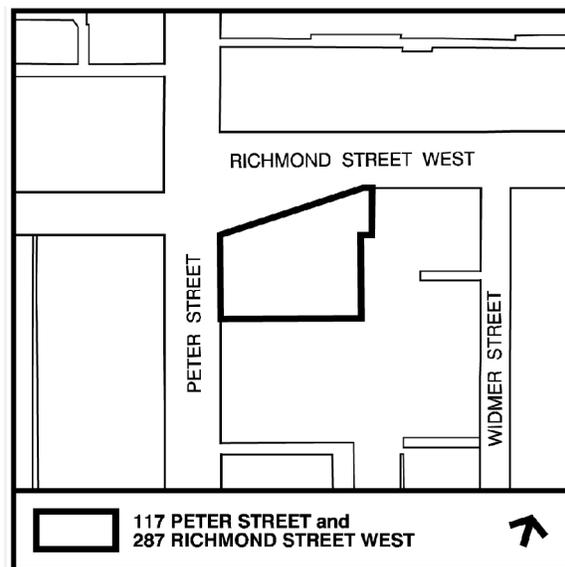
SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

At its meeting on August 17, 2010, Toronto and East York Community Council (TEYCC) considered a refusal report from the Director, Community Planning, Toronto and East York District (dated August 11, 2010). TEYCC directed the Chief Planner and Executive Director, City Planning Division to work with the applicant to bring forward a final report and bills to the January 2011 Toronto and East York Community Council for 117 Peter Street and 287 Richmond Street West. City Council adopted the TEYCC recommendations at its meeting on August 25, 26, and 27, 2010.

Since Council's decision, Planning staff have been working with the applicant to address the five issues listed in Council's decision. The five issues are:

1. adequately limiting shadowing on the north sidewalk in the Queen Street West Heritage Conservation District through the mid day;
2. improving tower setbacks from the south and east property lines;
3. providing a minimum of 10% of the units in the project as 3 bedrooms;



4. negotiating an appropriate Section 37 contribution, including new publicly accessible open space and improvements to the City-owned open space on the north side of Richmond Street; and
5. incorporating the façade of 117 Peter Street into the project as a structure that contributes to the heritage character of the neighbourhood.

Planning staff have worked closely with the applicant to resolve the issues above. These have been addressed through some modifications to the building and discussions on appropriate community benefits consistent with those achieved on other projects in the King Spadina East Precinct.

With regard to issue number 1, adequately limiting shadows on Queen Street West, the applicant has made some modifications to reduce shadow impacts on the north sidewalk but shadows are still present after the noon hour. Given the importance of Queen Street West as a major retail street and its designation as a Heritage Conservation District, staff are recommending approval of the project subject to modifications that will eliminate shadows beyond 12:00 noon at the Spring and Fall equinoxes. Maintaining sunlight on Queen Street West through the noon hour is consistent with the Queen Street West Heritage Conservation District guidelines that apply within the district. Staff analysis of the shadow studies suggests that this can be achieved with a minor reduction in height of approximately 2 storeys from the proposed 36-storey tower.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Council authorize an amendment to Zoning By-law 438-86 for the former City of Toronto and the new Zoning By-law 1156-2010, for the lands at 117 Peter Street and 287 Richmond Street West, substantially in accordance with the draft Zoning By-law Amendments attached as Attachments 8 and 9 to the report dated January 26, 2011 from the Director, Community Planning, Toronto and East York District headed "117 Peter Street and 287 Richmond Street West – Zoning Amendment – Final Report".
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor. The agreement is to be registered on title to the lands in a manner satisfactory to the City Solicitor and to secure the following:
 - i. The provision of a publicly accessible open space on the lot with a minimum area of 500 square metres, provided that:
 1. such publicly accessible open space is located at finished ground level and is accessible from both Peter Street and Richmond Street West;
 2. 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*;

3. the use of which by the public shall be limited to reasonable restrictions as set out in the Section 37 Agreement;
 4. 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
 5. no structures with enclosing walls will be permitted within the publicly accessible open space.
- ii. A public art installation and upgrade to the publicly accessible open space is provided as follows:
1. 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
 2. 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.
- iii. 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;
- iv. 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.
- v. 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.
- vi. At least Ten Percent (10%) of the total number of dwelling units to be constructed in the building shall be capable of being designed as three bedroom units in

compliance with the provisions of the Ontario Building Code, and these dwelling units are to be shown on any marketing plans as three bedroom units and to be marketed as potential three bedroom units. These units may be sold and/or constructed with fewer bedrooms with provisions in the condominium documentation to allow renovation to three bedroom units.

- vii. No dwelling unit in the building shall be located below a height of 20.5 metres.
4. Before introducing the necessary Bills to City Council for enactment, require the applicant to submit revised plans that reflect a building height and massing that would eliminate shadows on the north sidewalk in the Queen Street West Heritage Conservation District by 12:00 noon.
5. Before introducing the necessary Bills to City Council for enactment, require the applicant to submit parking statistics that demonstrate, to the satisfaction of the Manager, Transportation Services, that the proposed parking will justify the reduction in parking below the Zoning By-law standards.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting on August 17, 2010, Toronto and East York Community Council (TEYCC) considered a refusal report from the Director, Community Planning (dated August 11, 2010). TEYCC directed the Chief Planner and Executive Director, City Planning Division to work with the applicant to bring forward a final report and bills to the January 2011 TEYCC. As discussions were on-going with the applicant in January 2011, this report is being sent to the February 2011 TEYCC.

City Council adopted the TEYCC recommendations at its meeting on August 25, 26, and 27, 2010. The decision document can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.TE36.12>

City Council's decision was subject to the applicant revising the proposal to address Council's following issues:

1. adequately limiting shadowing on the north sidewalk in the Queen Street West Heritage Conservation District (HCD) through the mid day;
2. improving tower setbacks from the south and east property lines;
3. providing a minimum of 10% of the units in the project as 3 bedrooms;
4. negotiating an appropriate Section 37 contribution, including new publicly accessible open space and improvements to the City-owned open space on the north side of Richmond Street; and
5. incorporating the façade of 117 Peter Street into the project as a structure that contributes to the heritage character of the neighbourhood.

ISSUE BACKGROUND

The refusal report from the Director, Community Planning, Toronto and East York District (dated August 11, 2010) described in detail, the relevant policies, area context and the proposal. Given that the applicant has not substantially changed the plans from the proposal outlined in the

August 11, 2010 refusal report, this report will focus primarily on the five issues raised by City Council and how the applicant has addressed them. The refusal report can be accessed at this link:

<http://www.toronto.ca/legdocs/mmis/2010/te/bgrd/backgroundfile-33134.pdf>

Proposal

This application proposes a 36-storey mixed use building containing retail and office uses in a 4-storey podium and a 32-storey residential tower at 117 Peter Street and 287 Richmond Street West.

The proposal has a gross floor area of 29,522 m² and an overall building height of 122.5 metres to the top of mechanical penthouse (117 metres plus 5.5 metres for mechanical penthouse). The proposed density is 13.9 times the area of the lot. The proposed tower floorplate is 857 m². A total of 410 residential units are proposed and approximately 2,679m² of office and retail space. Five (5) levels of underground parking are proposed to accommodate 223 vehicular parking spaces.

The proposal creates a publicly accessible open space at grade along the south side of Richmond Street West that mirrors the plaza across the street and is sheltered by a 4-storey high “tabletop” with the residential tower above. The proposal also incorporates the rebuilt façade of the existing warehouse building at 117 Peter Street, which contributes to the character of the streetscape and area.

Refer to Attachment No. 10 for project data.

Zoning

Zoning By-law 1156-2010

On August 27, 2010, City Council enacted a new city-wide Zoning By-law for the City of Toronto. By-law 1156-2010 has been appealed in its entirety and is now before the Ontario Municipal Board. No hearing dates have been set. While the By-law is under appeal, the provisions of both the former zoning by-laws and the new zoning by-law are in effect for sites that are subject to By-law 1156-2010.

Under By-law 1156-201, the subject site is zoned CRE (x74) which permits a range of retail, service commercial, office, residential and limited industrial uses in single use buildings and mixed use buildings. An excerpt from the zoning map in By-law 1156-2010, as it relates to the subject property, is shown on Attachment 7.

Zoning By-law 438-86

The former City of Toronto By-law 438-86 zones the site as Reinvestment Area (RA), as shown in Attachment 6. A wide range of residential, retail, commercial, institutional, recreational and industrial uses are permitted on the site.

On this site, a maximum building height of 30 metres is permitted with an additional 5 metres permitted for rooftop mechanical elements. Buildings are permitted to extend to the front lot line and to the side lot lines to a depth of 25 metres from a street. Beyond a depth of 25 metres buildings must be setback a minimum of 7.5 metres from a side lot line. A minimum 7.5 metre

setback from the rear lot line is also required. A minimum setback of 3 metres is required along street frontages for the portion of a building higher than 20 metres.

Site Plan Control

The proposal is subject to Site Plan Control; however the applicant has yet to submit their application for site plan approval at the time of writing this report.

Community Consultation

A community consultation was held on January 19, 2010, which is described in the staff refusal report.

Agency Circulation

Since receiving City Council's direction to continue to work with the applicant in order to address Council's five issues, Planning staff met with the applicant and their representatives to discuss required revisions to the plans.

On January 25, 2011, the applicant submitted revised plans, which are the subject of this report. Given the timing of the submission, commenting agencies were not afforded the time to evaluate the revised plans. Instead, in drafting the zoning by-law amendments, Planning staff relied on comments generated by commenting agencies, which were based on the applicant's June 2010 submission of plans.

COMMENTS

A detailed analysis of the proposal is included in the refusal report (dated August 11, 2010). The Comments section (see page 16 of the refusal report), included an in-depth discussion of the following listed items, which are not repeated in this report, given that the proposal has not changed significantly:

- Provincial Policy Statement and Provincial Plans;
- Conformity with the Planning Framework for King Spadina;
- Land Use and Transportation;
- Height and Massing;
- Sun, Shadow, Wind; and
- Parking.

Instead, this section will focus on the identifying, discussing and addressing the five City Council issues included in their direction to staff.

This report also addresses some outstanding issues related to parking as identified by Technical Services staff.

CITY COUNCIL ISSUES

City Council's decision was subject to the applicant revising the proposal to address Council's following issues:

1. adequately limiting shadowing on the north sidewalk in the Queen Street West HCD through the mid day;
2. improving tower setbacks from the south and east property lines;

3. providing a minimum of 10% of the units in the project as 3 bedrooms;
4. negotiating an appropriate Section 37 contribution, including new publicly accessible open space and improvements to the City-owned open space on the north side of Richmond Street; and
5. incorporating the façade of 117 Peter Street into the project as a structure that contributes to the heritage character of the neighbourhood.

The following addresses each of the above points:

1. Adequately limiting shadowing on north sidewalk in the Queen Street West HCD

The total height of the proposed buildings at 122.5 metres exceeds the 35 metre height permission for this site by 87.5 metres, however City Council has recently approved a number of tall buildings in the immediate area. Given these decisions, it is appropriate to consider additional height on this site. In this case, the height of the proposed 36-storey building (122.5 metres) casts shadows on the north sidewalk within the Queen Street West HCD past mid day. Allowing new shadows on the north sidewalk within the HCD contravenes the HCD Guidelines and has the potential to set a negative precedent that other projects may replicate at other locations along Queen Street West. This may also affect other main streets in the Downtown that serve high pedestrian volumes, which in turn allows commercial strips to thrive.

Since Council's decision, staff have continued to meet with the applicant and their representatives in order to address Council's direction to limit shadow impacts on the north sidewalk of Queen Street West through the mid day. It is staff's position that no new shadows be cast on the north sidewalk of Queen Street West between 12:00 noon and 2:00 p.m. at the Spring and Fall Equinoxes. The plans submitted to the City on January 25, 2011 continue to reflect a built form that casts new shadows on the north sidewalk along Queen Street West.

Queen Street West is one of the important commercial and pedestrian streets in the city. The character of the street is defined by the low scale, heritage character as recognized in its designation as a Heritage Conservation District (HCD). This character and the access to sunlight on the street contribute to its success. Approval of shadows in this location will set a negative precedent for other projects adjacent or close to the Queen Street West HCD, further shadowing other parts of Queen Street West.

The guidelines in the Queen Street HCD study states that, "The shadow impact of new buildings outside the Heritage Conservation District should not result in greater shadowing on Queen Street West than what is permitted by this Plan."

Planning staff have produced a shadow analysis in response to the analysis submitted by the applicant to understand at what height the proposed building could fit within the accepted parameters for shadowing identified by Planning staff as described above. Through this analysis, Planning staff have determined that minor changes to the overall building could be made to virtually eliminate any new shadows on the north sidewalk of Queen Street West between 12:00 noon and 2:00 p.m. at the Spring and Fall Equinoxes. This can be achieved by reducing the total building height from 122.5 to approximately 116.6 metres (including a 5.5 metre mechanical

penthouse). Based on the current plans, this would reduce the building height by about two storeys or approximately 26 units out of 410 units proposed.

In addressing Planning staff's concerns, the applicant has already made the changes to the height and location to the mechanical penthouse to reduce shadows. However, Planning staff has not reached an agreement with the applicant on the reduction in overall height of the building.

Planning staff are recommending to Council that prior to the introduction of Bills to City Council, the applicant be required to submit plans that would not cast any new shadow on the north sidewalk along Queen Street West between 12:00 noon and 2:00 p.m. at the Spring and Fall Equinoxes.

2. Tower Setbacks (Separation Distance)

Council's decision required that staff and the applicant work to improve the tower setbacks from the south and east property lines. The purpose and intent of requiring tower setbacks is to ensure that future residents have access to natural light, adequate sky views and that privacy in their homes is protected.

The recommended tall buildings separation is 25 metres between towers or 12.5 metres from a tall building element to its property line. The proposed tower setback along the south property line ranges from approximately 8.5 to 14.7 metres. The proposed tower provides the minimum 12.5 metre separation from the south property line for approximately 75% of the tower's south façade. This condition should not negatively impact the quality of life of future residents living in or across from the subject property.

The proposed tower setback along the east property line ranges from approximately 5 to 6 metres. Upon further assessment and taking into consideration the private lane that services the underground parking for the commercial building at 111 Peter Street, it is staff's opinion that the proposed tower setback from the east property line, coupled with the width of the existing private lane provides a sufficient separation distance. Given the low probability of the private lane being redeveloped in the future, staff can support the proposed tower setback along the east property line. Planning staff are satisfied that this Council issue is addressed.

3. Ten Percent 3-bedroom units

The revised plans submitted to the City on January 25, 2011 propose 41 three-bedroom units or 10% of the total number of units. Given the inclusion of 10% of the total units as three bedroom units in the revised proposal, this Council issue is addressed.

4. Negotiating Community Benefits – Open Space on the North side of Richmond Street West

The applicant submitted a landscape plan that features extensive improvements to the City-owned right-of-way on the north side of Richmond Street West. These community benefits will be secured through a Section 37 Agreement and the details of the landscaping treatment will be finalized through the Site Plan Approval process. The applicant proposes to fund and construct the landscaping enhancements on the north side of Richmond Street West, while it is assumed that the City will maintain it. Planning staff are satisfied that this Council issue is addressed.

5. Incorporating 117 Peter Street Façade

Although the existing building at 117 Peter Street is not on the city's inventory of heritage properties, as a component of their submission the applicant submitted a Heritage Impact Statement, prepared by E.R.A. consultants (dated October 14, 2009) which provides an analysis of the site, context, and policy framework. The report indicates that the design of the podium can allow for the building to address the warehouse character of the district as defined in the King Spadina Secondary Plan.

The revised plans propose to deconstruct the existing 117 Peter Street façade and to re-construct it using new materials. The rebuilt façade will maintain aspects of the King Spadina area's built form character, thereby helping the new building to fit into the overall neighbourhood context.

Parking

The revised proposal reflects a total of 223 vehicle parking spaces, of which 191 spaces are for the residents, 25 for residential visitors, four spaces for office use and three car-share spaces for residents use. All parking spaces will be located within the five-level underground parking garage of the building.

The provision of three dedicated car-sharing spaces in the building for exclusive use by residents of the proposed development warrants a reduction of the required residential parking at a rate of four resident parking spaces for each car-share parking space, subject to a maximum of 16 required resident parking spaces. Transportation Services staff indicated that they will require the applicant to submit plans that identify the location of each of the three car-sharing parking spaces. Additionally, and prior to the draft plan of condominium, Transportation Services staff will also require that the applicant submit acceptable documentation detailing whether a car-share provider has been secured for the proposed car-share parking spaces, and what arrangements, if any, have been made.

Accounting for the car-share reductions and applying the applicable parking ratios (Section 12(2) 246 of the King Spadina Zoning By-law), 286 parking spaces would be required for this development, consisting of 249 resident spaces, 25 resident visitor spaces, three car-share spaces for residents and nine spaces for office use.

Transportation Services staff indicated that in order for them to accept the proposed parking supply, which is 63 spaces deficient of what is required by the By-law, they require the applicant to submit sales data of proxy sites in the downtown area. This data should demonstrate that parking spaces are not necessarily purchased at the same rate as per the By-law standard – an assertion submitted by the applicant's transportation consultant, but not supported by any data. Prior to submitting bills to City Council, Staff are requesting that the applicant submit this material to the satisfaction of the Manager, Transportation Services.

Art Installation

The applicant's revised submission includes an art installation along the Richmond Street West frontage designed by Shayne Dark. The proposed installation will be presented to the City's Public Art Commission on January 19, 2011. Staff will secure the installation through the Section 37 Agreement.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.42 to 0.78 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 410 residential units on a total site area of 0.212 hectares (2,120m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.5946 hectares (5,946m²). However, a cap of 10% applies and hence the parkland dedication for the development would be 0.012 hectares (212m²).

The non-residential component of the development would be subject to a 2% parkland dedication requirement under Chapter 165 of the former City of Toronto Municipal Code (which remains in full force and effect) to implement Section 42 of the Planning Act RSO 1990, c.P.13.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no location for on-site parkland dedication that would be of a useable size, and the site would be encumbered with below grade parking.

The amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The zoning amendment application was submitted in December 2009 and is not subject to the new mandatory Green Development Standard. An extensive green roof system is proposed on the roof of the mechanical penthouse, and low reflective materials are proposed for the outdoor terraces.

Should the zoning amendment application be approved, a site plan application will be required prior to development and would be reviewed for compliance with the City's new Green Development Standard.

Section 37

The community benefits recommended to be secured in the Section 37 agreement are as follows:

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 capable of being designed as three bedroom units in compliance with the provisions of the Ontario Building Code, and these dwelling units are to be shown on any marketing plans as three bedroom units and to be marketed as potential three bedroom units. These units may be sold and/or constructed with fewer bedrooms with provisions in the condominium documentation to allow renovation to three bedroom units.
7. No dwelling unit in the building shall be located below a height of 20.5 metres.

Development Charges

It is estimated that the development charges for this project will be \$2,633,161.75. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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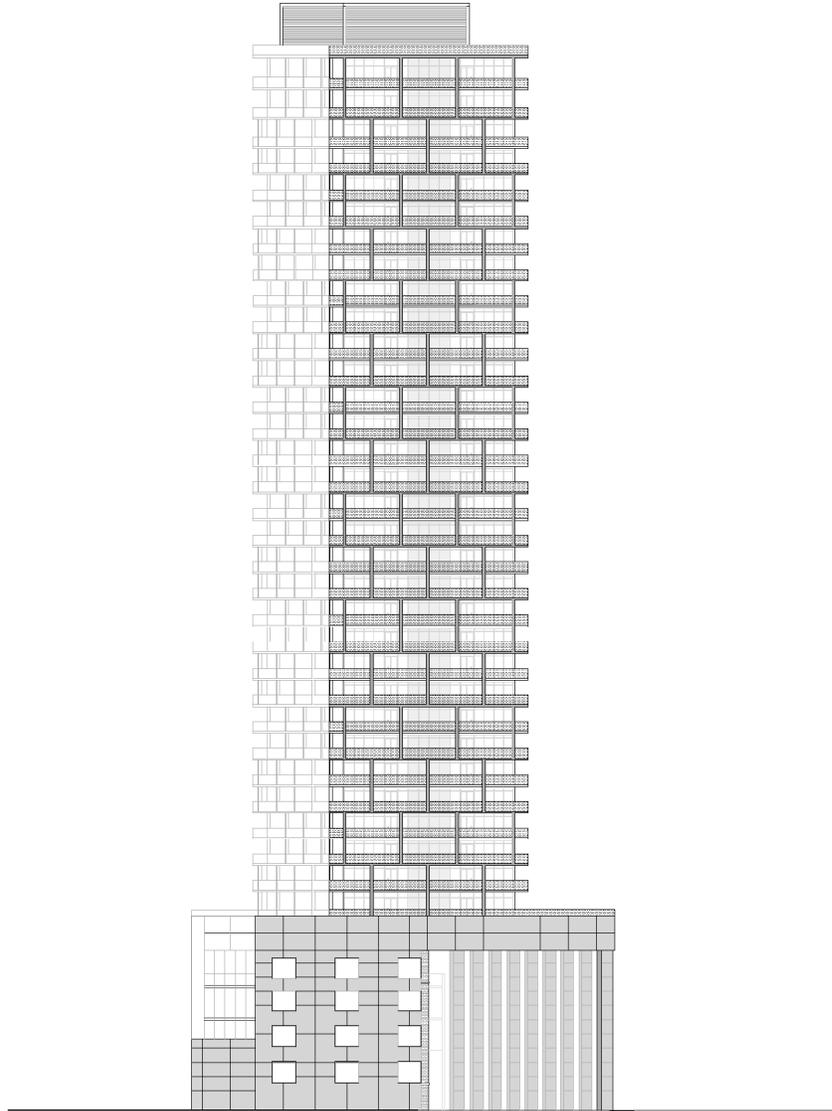
Gregg Lintern, MCIP, RPP
Director, Community Planning,
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachments 2 - 5: Elevations
Attachment 6: Zoning By-law 438-86 (former City of Toronto)
Attachment 7: Zoning By-law 1156-2010
Attachment 8: Draft Zoning By-law Amendment (to By-law 438-86)
Attachment 9: Draft Zoning By-law Amendment (to By-law 1156-2010)
Attachment 10: Application Data Sheet

Attachment 2: Elevation



East Elevation

Elevations

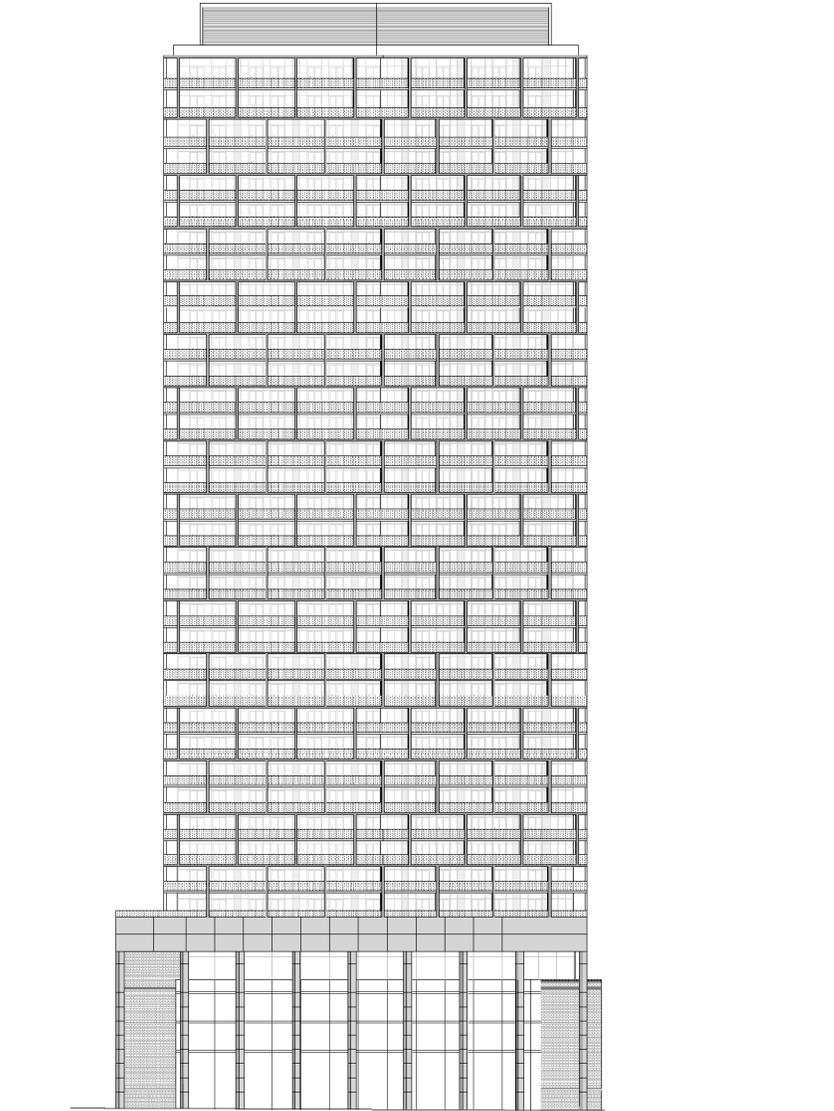
117 Peter Street and 287 Richmond Street West

Applicant's Submitted Drawing

Not to Scale
01/25/2011

File # 09_154905

Attachment 3: Elevation



North Elevation

Elevations

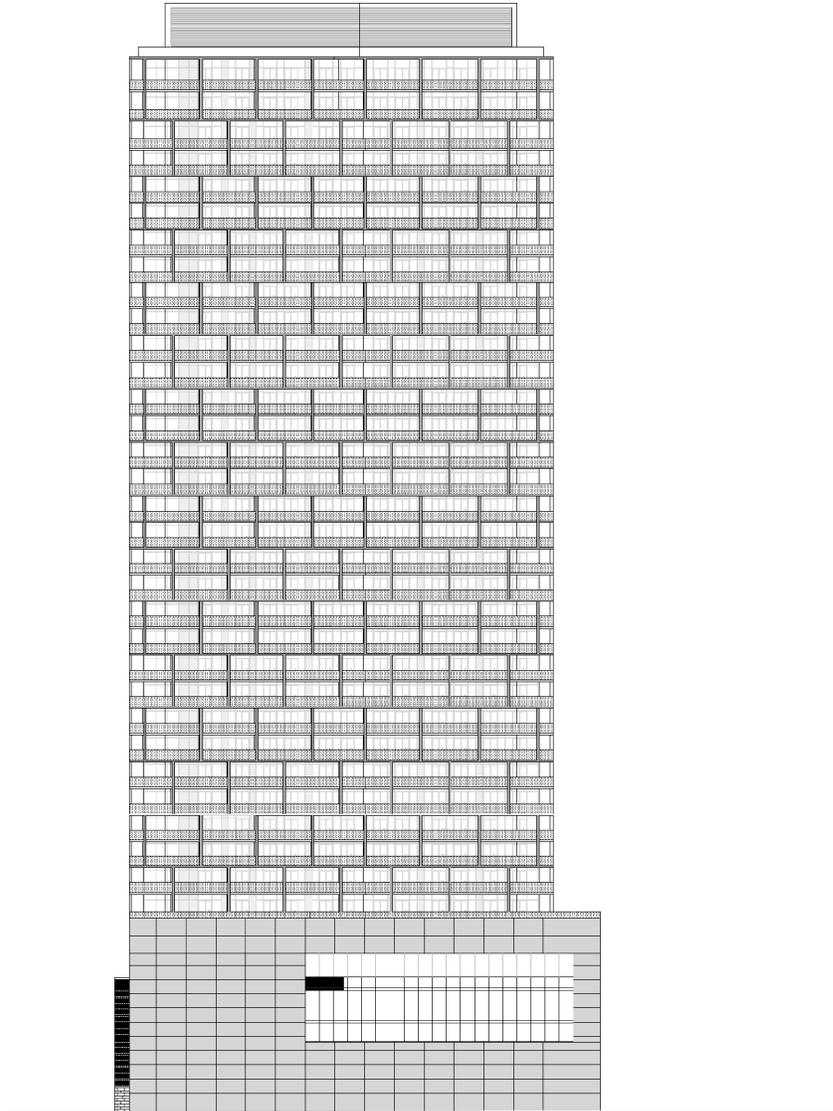
117 Peter Street and 287 Richmond Street West

Applicant's Submitted Drawing

Not to Scale
01/25/2011

File # 09_154905

Attachment 4: Elevation



South Elevation

Elevations

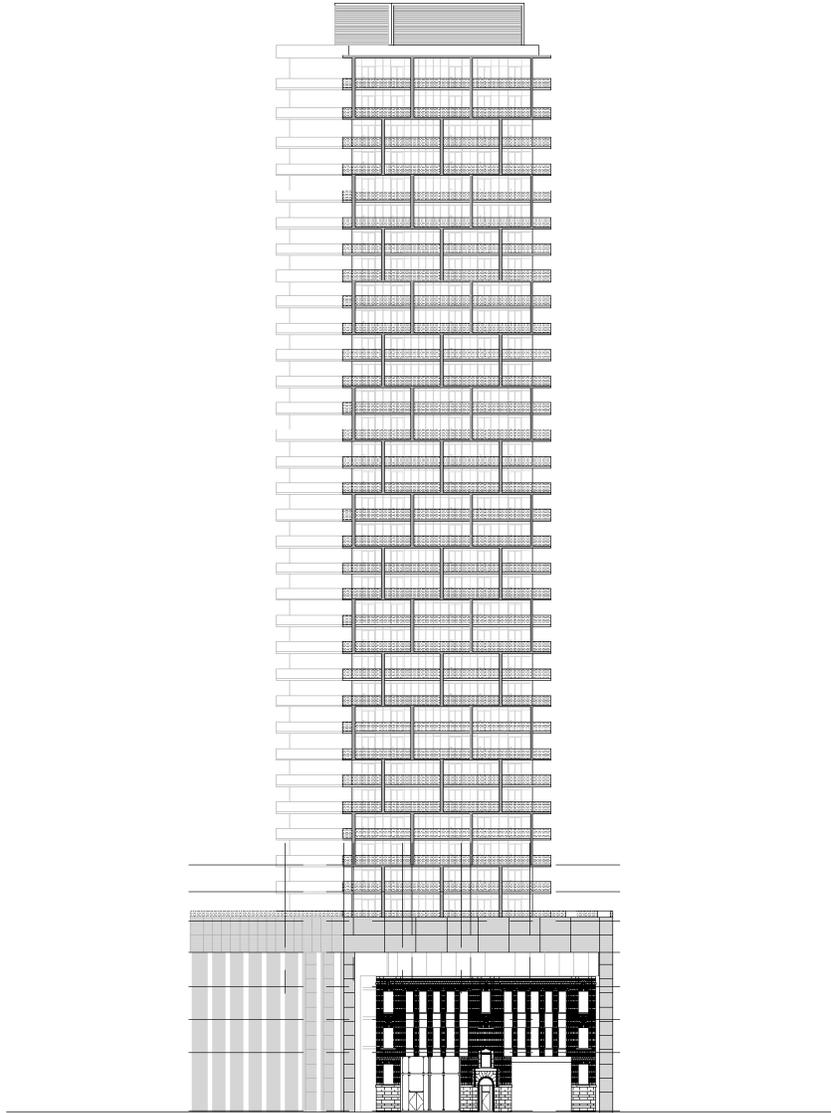
117 Peter Street and 287 Richmond Street West

Applicant's Submitted Drawing

Not to Scale
01/25/2011

File # 09_154905

Attachment 5: Elevation



West Elevation

Elevations

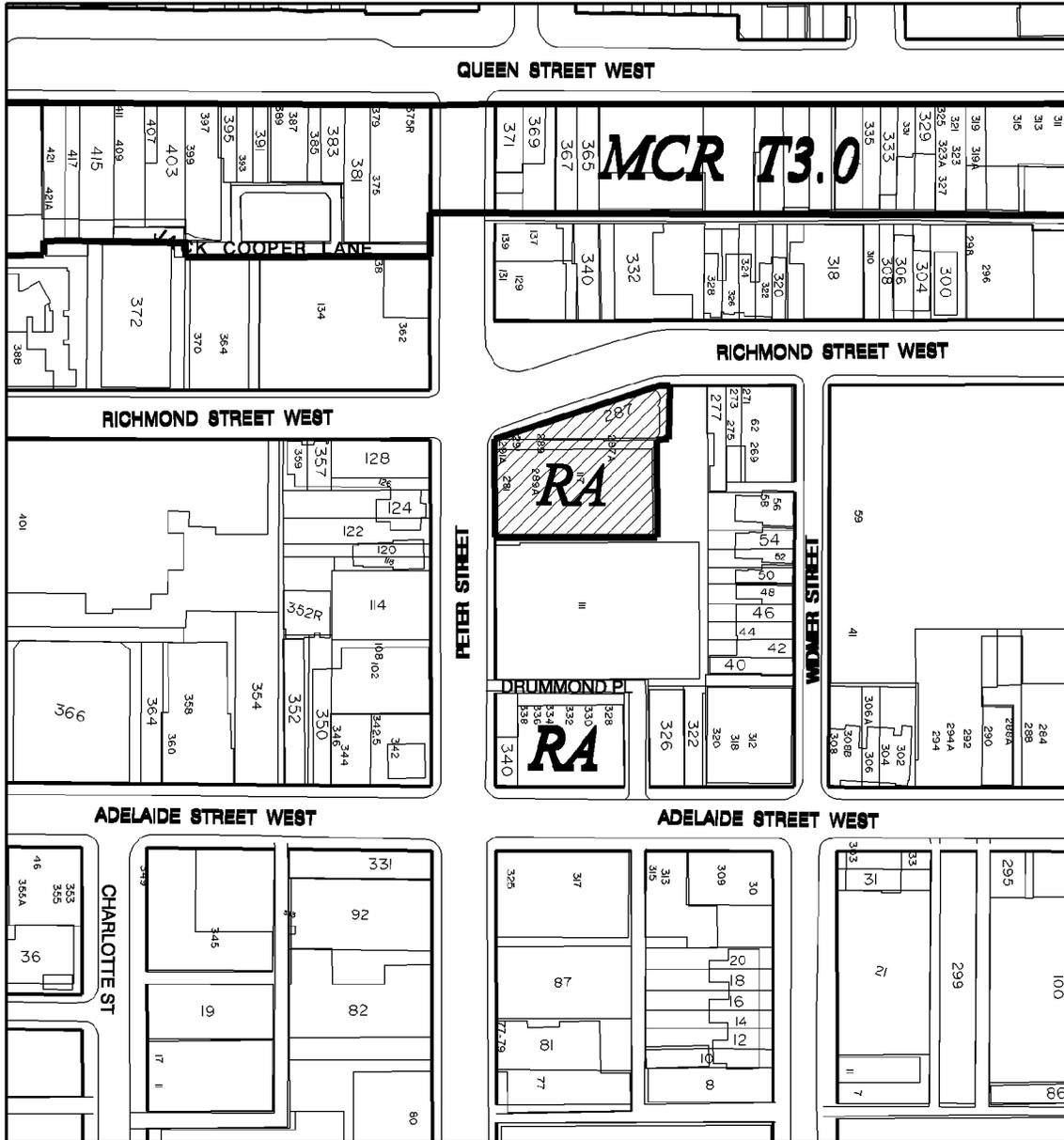
117 Peter Street and 287 Richmond Street West

Applicant's Submitted Drawing

Not to Scale
01/25/2011

File # 09_154905

Attachment 6: Zoning By-law 438-86 (former City of Toronto)



117 Peter Street and 287 Richmond Street West

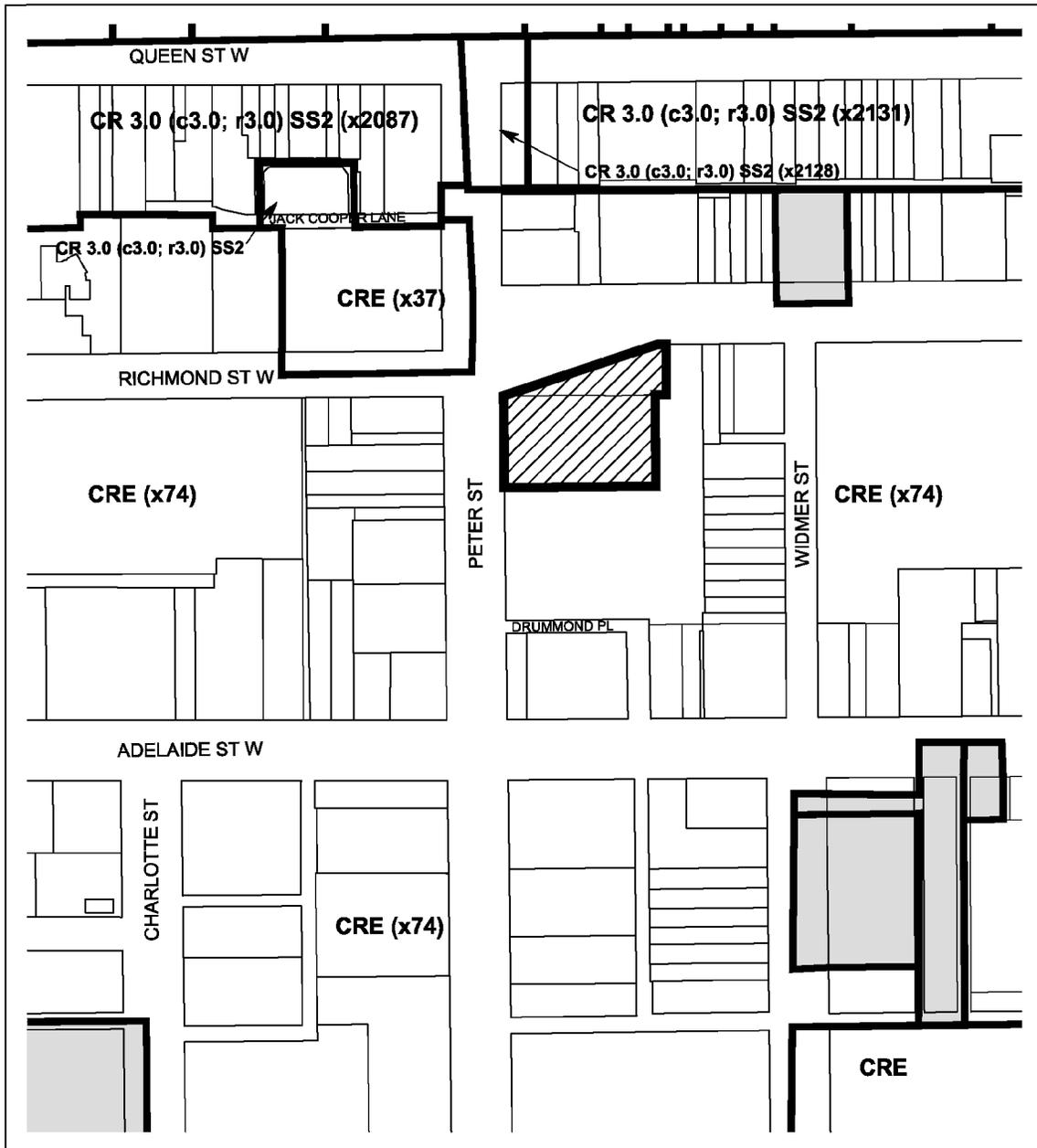
File # 09_154905

RA: Reinvestment Area District
 MCR: Mixed-Use District



Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 01/15/2010

Attachment 7: Zoning By-law 1156-2010



Zoning-City of Toronto By-law 1156-2010

117 Peter Street and 287 Richmond Street West

File # 09 154905

Not Part of By-Law 1156-2010
 Location of Application
 CR Commercial Residential
 CRE Commercial Residential Employment

Not to Scale
 01/26/11

Attachment 8: 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 384 *dwelling units* are erected on the *lot*, 10% of which are to contain three bedrooms;
 - (2) any uses permitted in an MCR district under Zoning By-law 438-86, as amended;
 - (3) 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.
 - (4) the total *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 27,920 square metres, of which the total *non-residential gross floor area* shall not exceed 2,690 square metres;
 - (5) 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;
 - (6) 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.(3) 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;

- (7) no *dwelling unit* in the building shall be located below a *height* of 20.5 metres.
- (8) *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 0.0 *parking spaces* per *bachelor dwelling unit*;
- c. a minimum of 0.3 *parking spaces* per one *bedroom dwelling unit*
- d. a minimum of 0.75 *parking spaces* per two *bedroom dwelling unit*
- e. a minimum of 1.0 *parking spaces* per *dwelling unit* containing three or more *bedrooms*

Residential Visitor Parking:

- f. a minimum of 0.06 *parking spaces* per *dwelling unit* for visitors;
- g. the *parking spaces* required under (f) above shall be shared and accessible to office uses on the *lot*;

Non-Residential:

- h. a minimum of 1 parking space per 300 m² of *non-residential gross floor area* for office uses shall be provided and such parking spaces may be shared with *parking spaces* provided for residential visitors in accordance with Section (g) above;
- i. no *parking spaces* are required to be provided for retail uses on the *lot*.
- (9) where the calculation of the number of *parking spaces* required to be provided and maintained by Section 1(7) 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;
- (10) 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 capable of being designed as three bedroom units in compliance with the provisions of the Ontario Building Code, and these *dwelling units* are to be shown on any marketing plans as three bedroom units and to be marketed as potential three bedroom units. These units may be sold and/or constructed with fewer bedrooms with provisions in the condominium documentation to allow renovation to three bedroom units.
- (7) No *dwelling unit* in the building shall be located below a height of 20.5 metres.

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*.

4. 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;

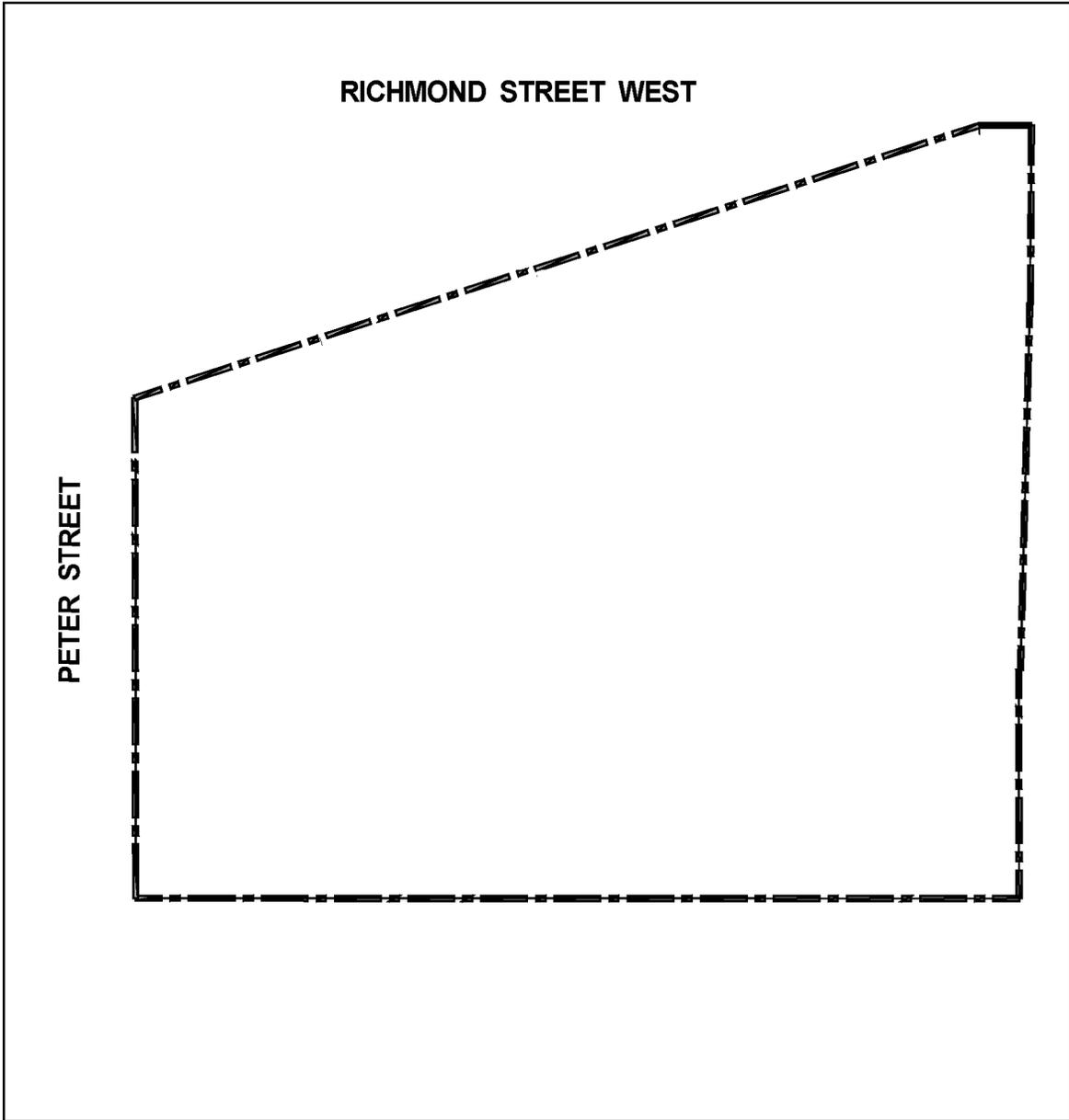
- (2) “*grade*” means 88.4 metres Canadian Geodetic Datum;
- (3) “*sales office*” means a building or structure for the purpose of marketing and sales related to use(s) permitted on the *lot*.

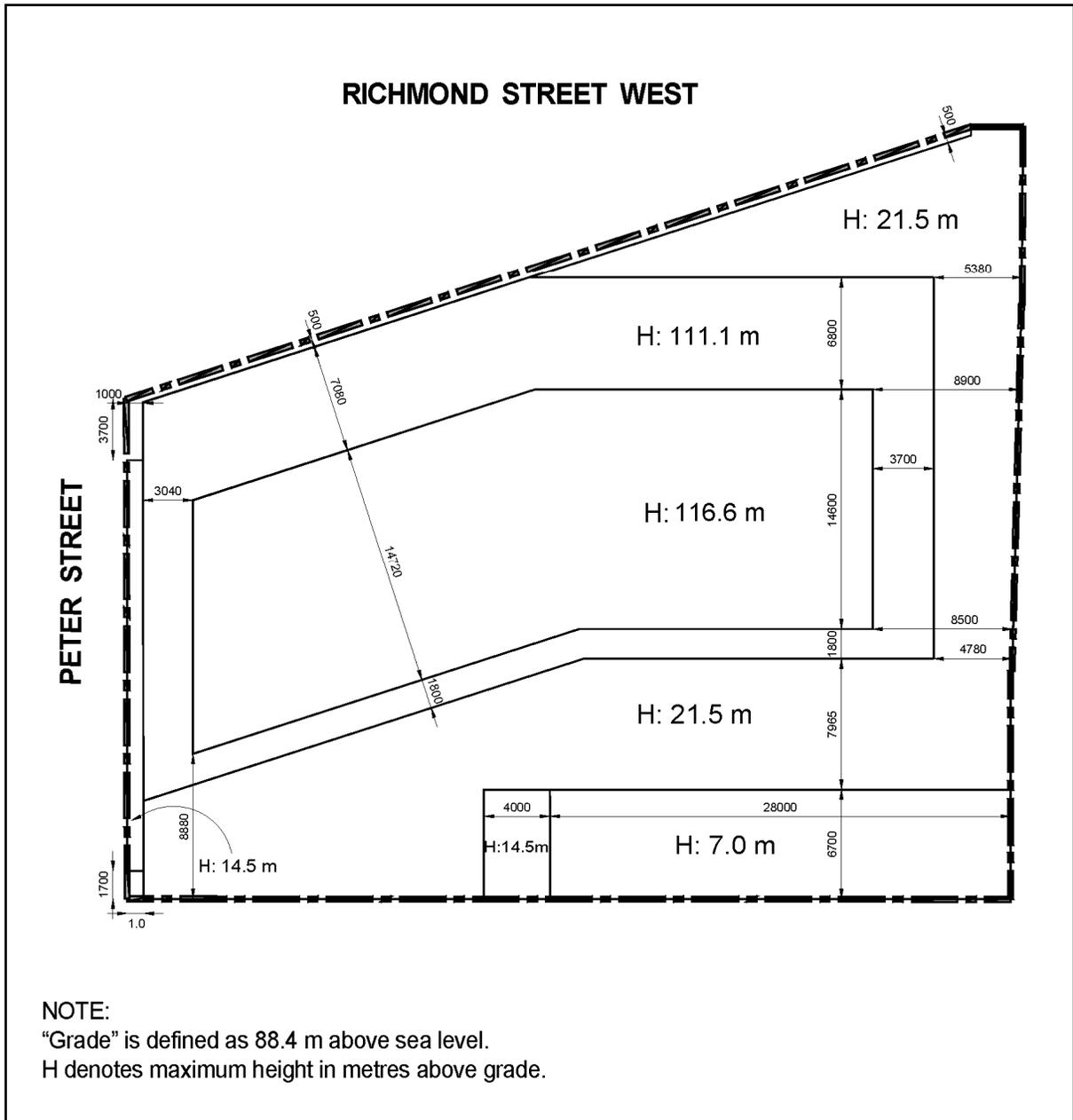
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





TORONTO City Planning
Diagram 2

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 9: 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, 5.10.90.200 (75) – Exemption for Existing Loading Spaces, 5.10.100.10 (10) – CRE Zone Driveway Access to Apartment Buildings Not Required, 5.10.150.1 (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; and
 - (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.
- (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 384 **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 27,920 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 25,230 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 2,690 square metres, excluding the area occupied by a **parking garage** or **public parking**.
- (G) A minimum of 2.6 square metres of indoor **amenity space** must be provided for each **dwelling unit** 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 2.1 square metres of outdoor **amenity space** must be provided for each **dwelling unit** 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 191 **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.

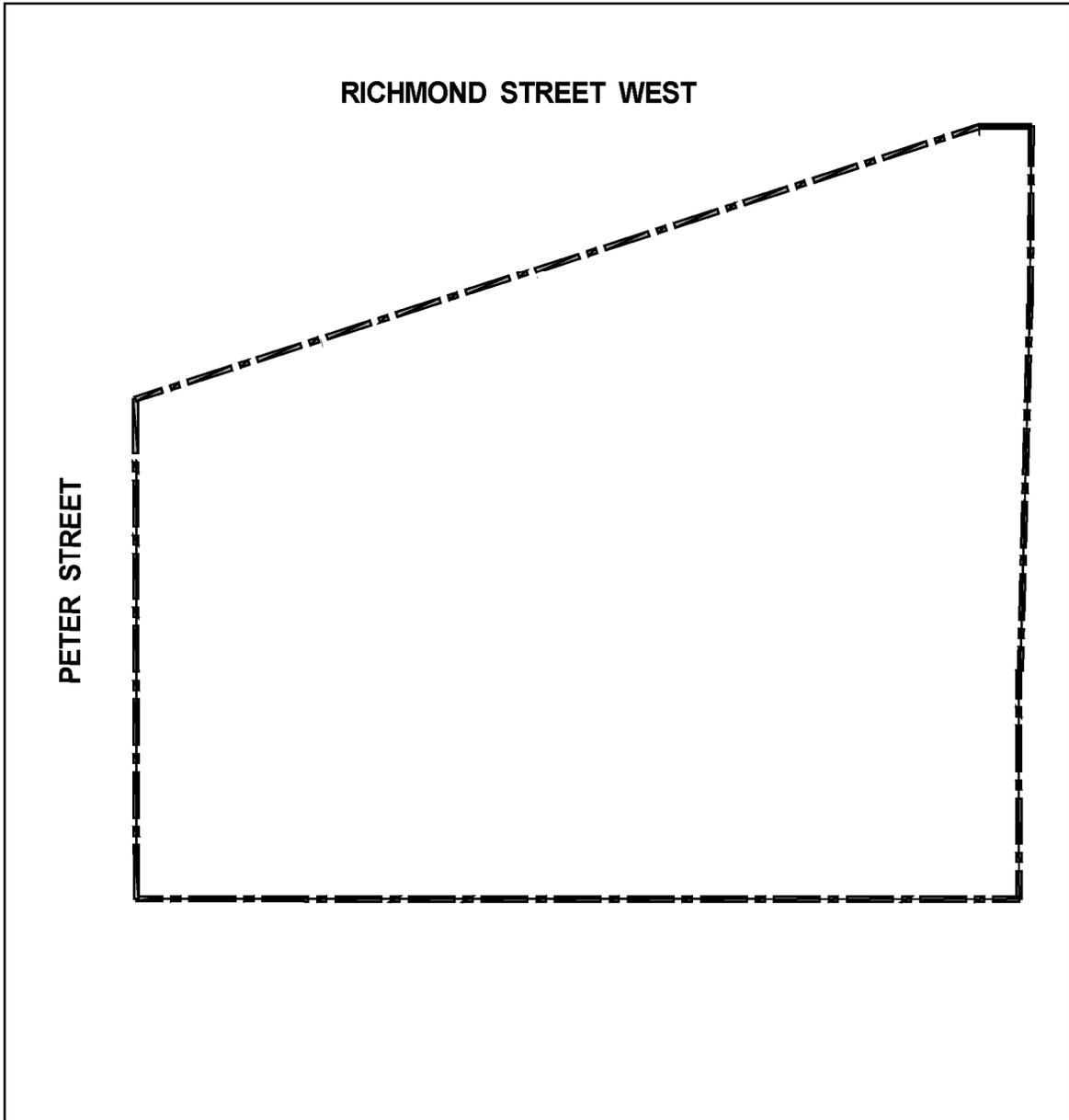
- (9) At least Ten Percent (10%) of the total number of **dwelling units** to be constructed in the **building** shall be capable of being designed as three bedroom units in compliance with the provisions of the Ontario Building Code, and these **dwelling units** are to be shown on any marketing plans as three bedroom units and to be marketed as potential three bedroom units. These units may be sold and/or constructed with fewer bedrooms with provisions in the condominium documentation to allow renovation to three bedroom units.
- (10) No **dwelling unit** in the building shall be located below a height of 20.5 metres.
- (11) Building permits shall be substantially in accordance with the design of the building as shown on the drawings submitted to the City of Toronto under the owner's zoning by-law amendment application with respect to this amending zoning by-law, such drawings being date stamped January 25, 2011 by the City of Toronto City Planning Division, which design may be revised and detailed to the City of Toronto's satisfaction through the site plan approval process pursuant to Section 114 of the City of Toronto Act, 2006, c.11, as amended.

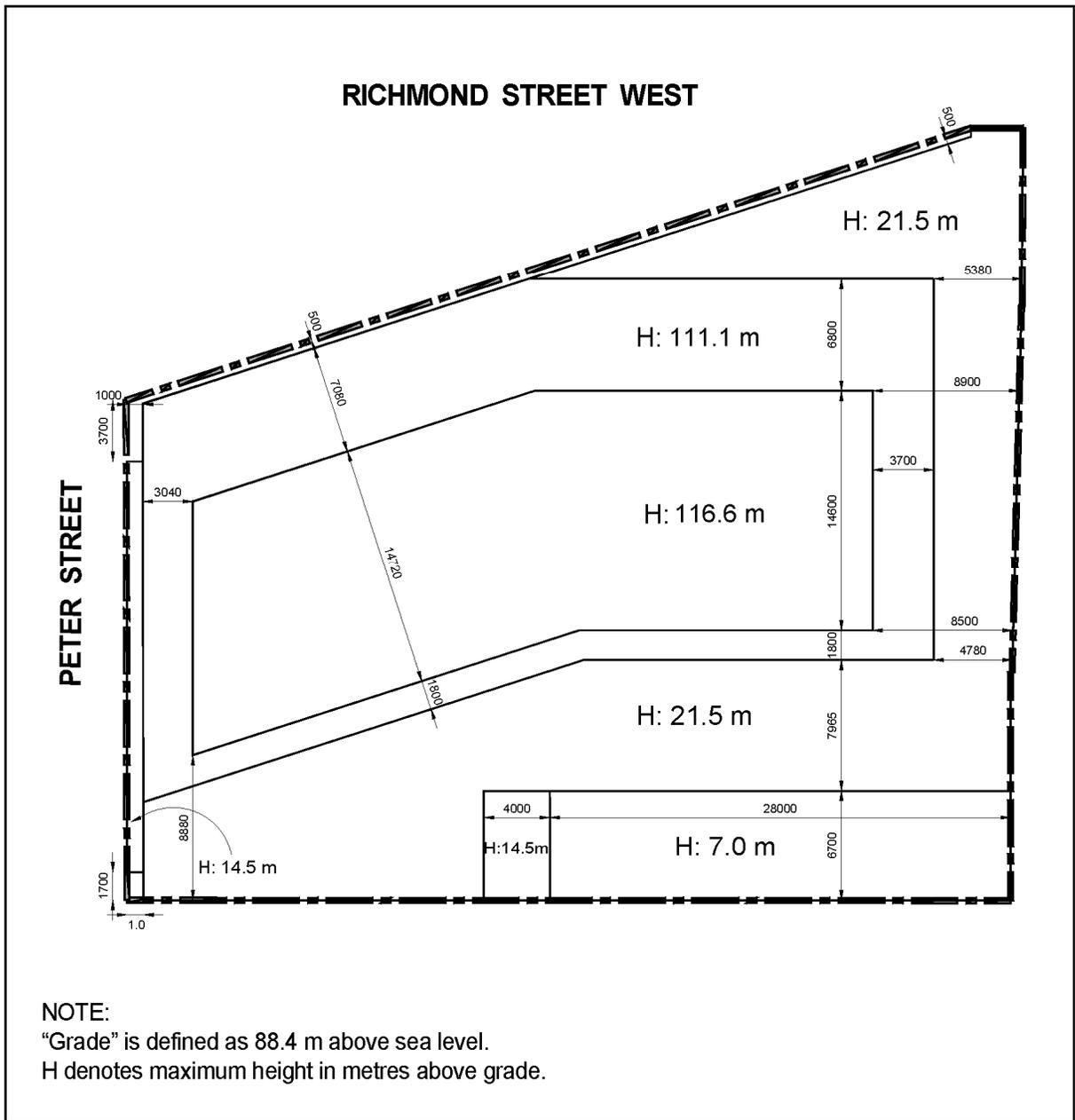
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





Attachment 10: Application Data Sheet

Application Type	Rezoning	Application Number:	09 154905 STE 20 OZ
Details	Rezoning, Standard	Application Date:	August 7, 2009
Municipal Address:	117 PETER ST		
Location Description:	PL TOWN OF YORK PT LT19 **GRID S2013		
Project Description:	The revised application proposes a 36-storey mixed use building containing retail and office use in 4-storey podium and a 32-storey residential tower, 223 parking spaces are proposed underground.		

Applicant:	Agent:	Architect:	Owner:
MCCARTHY TETRAULT LLP			RICHMOND-PETER INC.

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:
Zoning:	RA	Historical Status:
Height Limit (m):	30	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	2120.13	Height:	Storeys:	36
Frontage (m):	57		Metres:	117 (+ 5.5 for mechanical penthouse)
Depth (m):	varies			
Total Ground Floor Area (sq. m):	1201			Total
Total Residential GFA (sq. m):	26843		Parking Spaces:	223
Total Non-Residential GFA (sq. m):	2679		Loading Docks	2
Total GFA (sq. m):	29522			
Lot Coverage Ratio (%):	56.6			
Floor Space Index:	13.9			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	26843
Bachelor:	34	Retail GFA (sq. m):	336
1 Bedroom:	232	Office GFA (sq. m):	2343
2 Bedroom:	103	Industrial GFA (sq. m):	0
3 + Bedroom:	41	Institutional/Other GFA (sq. m):	0
Total Units:	410		

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