

Authority: Toronto and East York Community Council
Item TE23.10, adopted as amended by City of Toronto
Council on November 9, 10 and 12, 2021

CITY OF TORONTO

Bill 917

BY-LAW -2022

To amend the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands known municipally in the year 2021 as 259-267 Richmond Street West, 126-142 John Street, and 41-59 Widmer Street

Whereas Council of the City of Toronto has the authority to pursuant to 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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

- 1.** The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
- 2.** The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10, respecting the lands municipally known in the year 2020 as 259-267 Richmond Street West, 126-142 John Street, and 41-59 Widmer Street from CRE to CRE (x43), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.12.10 Exception Number (x43), so it reads:

(43) Exception CRE 43

The lands, or portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On the lands municipally known in the year 2021 as 259-267 Richmond Street West, 126-142 John Street, and 41-59 Widmer Street, if the requirements of Section 6 and Schedule A of By-law [Clerk to supply by-law #] are complied with, **buildings, structures**, additions, enlargements or **public parking** may be erected or used if it complies with (B) to (CC) below;
- (B) Despite Regulation 50.10.20.10(1)(A), **public parking** is a permitted use, provided it is located below-ground in a **parking garage** ;
- (C) The total **gross floor area** of all **buildings** and **structures** must not exceed 86,000 square metres, of which a minimum non-residential **gross floor area** of 23,700 square metres must be provided;
- (D) In addition to the exclusions listed in Regulation 50.5.40.40(3), the **gross floor area** of a **mixed use building** is also reduced by:
 - (i) all indoor **amenity space** in excess of that required by this exception; and
 - (ii) lobbies, vestibules, exit stairwells, and related ancillary uses located below ground level;
- (E) The provision of **dwelling units** is subject to the following:
 - (i) A minimum of 30 percent of the total number of **dwelling units** must have two or more bedrooms;
 - (ii) A minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms; and
 - (iii) Any **dwelling units** with three or more bedrooms provided to satisfy (E)(ii) above are not included in the provision required by (E)(i) above;

- (F) Despite Regulations 50.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 88.7 metres, and the elevation of the highest point of the **building** or **structure**;
- (G) Despite Regulations 50.10.40.10(1) and (2), the permitted maximum height of a **building** or **structure** is the numerical value, in metres, following the letters "HT" on Diagram 3 of By-law [Clerks to supply by-law #];
- (H) Despite (F) and (G) above and Regulations 50.5.40.10(3), (4), (5), (6), (7) and (8) and 50.10.40.10(2) and (3), the following **building** elements and **structures** are not subject to area restrictions and may exceed the permitted maximum **height** limit shown on Diagram 3 of By-law [Clerks to supply by-law #]:
- (i) equipment used for the functional operation of the **building** such as electrical, utility, mechanical and ventilation equipment by a maximum of 6.5 metres, provided any such equipment on a tower is located within the dashed boundary labelled "mechanical penthouse";
 - (ii) **structures** or parts of the **building** that are used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts and overruns, chimneys, vents and water supply facilities by a maximum of 6.5 metres, provided any such structures on a tower are located within the dashed boundary labelled "mechanical penthouse";
 - (iii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in i. and ii. above, parapet walls or green roofs on top of such enclosures, by a maximum of 6.5 metres, without limit on their total area measured horizontally, provided any such structures on a tower are located within the dashed boundary labelled "mechanical penthouse";
 - (iv) chimneys, pipes, and vents may further exceed the permitted maximum height in i., ii., and iii. by 3.0 metres;
 - (v) window washing equipment, building maintenance units and crane **structures**;
 - (vi) antennae and satellite dishes, by a maximum of 6.5 metres;
 - (vii) canopies and awnings, by a maximum of 5.0 metres;
 - (viii) architectural features, architectural flutes, ornamental elements, parapets, art and **landscaping** features, guardrails, balustrades, railings, screens, trellises, pergolas, columns, pillars, pool equipment and associated decks and platforms, terraces, balconies, cornices, light standards and fixtures, **green roofs**, planters, seating areas, wheelchair ramps, retaining walls, public art, and decorative screens, by a maximum of 4.0 metres;
 - (ix) **structures** associated with the privately owned publicly accessible space, such as gazebos or trellises;

- (x) **structures** providing washroom facilities to rooftop amenity space or open-air recreation areas by a maximum of 3.0 metres;
 - (xi) an enclosed **structure** or part of the **building** providing access to outdoor space for a **day nursery**, by a maximum of 4.5 metres, if its area covers no more than 50 square metres, measured horizontally;
- (I) Despite Clauses 50.5.40.70, 50.10.40.30, 50.10.40.70 and 50.10.40.80, and Section 600.10, the required minimum **building** and tower **setbacks**, the permitted **building depth** and minimum above-ground distance between **main walls** and towers, and the facing distance between windows are as shown in metres on Diagram 3 of By-law [**Clerks to supply by-law #**];
- (J) For the purposes of this exception, a “tower” is the portions of a **building** which collectively enclose the entirety of a **storey** above the Canadian Geodetic Datum elevation of 132.7 metres and without restriction on the **gross floor area** of any **storey** located above the Canadian Geodetic Datum elevation of 132.7 metres;
- (K) Despite (I) above and Regulations 50.5.40.60(1), 50.10.40.60(1), (2), (3) (5), (6), (7) and (8) and 50.10.40.70(1), the following **building** elements may encroach into the required minimum **building setbacks** shown on Diagram 3 of By-law [**Clerks to supply by-law #**];
- (i) balconies, cornices, window sills, parapets, trellises, pillars, patios, decks, guardrails, balustrades and railings, architectural, art and landscape features, pilasters, eaves, light fixtures, ornamental elements and railings may encroach to a maximum of 3.0 metres;
 - (ii) stairs, stair enclosures, retaining walls, doors, wheelchair ramps, decks, fences, screens, site servicing features, **structures** used for wind protection purposes, exterior signage, awnings and canopies, air vents and air intakes, building maintenance units, and underground garage ramps and associated **structures**;
 - (iii) window washing equipment and crane **structures**;
 - (iv) **structures** associated with the privately owned publicly accessible space, such as pergolas, gazebos or trellises; and
 - (v) terraces, inclusive of platforms, guards, and parapets, may exceed the minimum required **building setback** to the extent of the **main walls** of the **storey** located below it;
- (L) Despite Regulation 50.5.40.60(1), canopies and awnings are not subject to the height limitation of having to be located within 5.0 metres of the elevation of the ground directly below it;
- (M) Despite Regulation 50.10.40.50(1), **amenity space** for the use of residents of the **building** must be provided at a minimum rate of 3.55 square metres for each **dwelling unit**, in accordance with the following:

- (i) at least 2.0 square metres for each **dwelling unit** is indoor **amenity space**;
 - (ii) at least 1.55 square metres for each dwelling unit is outdoor **amenity space**;
and,
 - (iii) at least 40.0 square metres is outdoor **amenity space** in a location adjoining
or directly accessible to indoor **amenity space**;
- (N) Despite Regulations 50.5.80.1(1), 200.5.10.1(1), 200.5.10.1(6), 200.10.1(2) and 200.5.200.50(1), and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.17 **parking spaces** for each **dwelling unit** for the use of the residents of the **building**;
 - (ii) a minimum of 113 **parking spaces** for the shared use of residential visitors and non-residential uses, and may be provided as non-exclusive **parking spaces** in a **public parking** facility; and
 - (iii) a minimum of 4 **parking spaces** required in (ii) above must be provided for the exclusive use of the **day nursery** for pick-up and drop-off operations in the manner described in Schedule A to this By-law [**Clerks to supply by-law #**];
- (O) For each car-share **parking space** provided, the minimum number of required **parking spaces** for residents required pursuant to (N)(i) above may be reduced by four (4) **parking spaces**, up to a maximum of 1 car-share **parking space** per 60 **dwelling units**. For the purposes of this exception:
- (i) car-share means the practice whereby a number of people share the use of one or more **vehicles** that are owned and operated by a profit or non-profit car-sharing organization, and such car-share **vehicles** are made available to at least the occupants of the **building** for short term rental, including hourly rental; and
 - (ii) car-share **parking space** means a **parking space** exclusively reserved and signed for a car used only for car-share purposes;
- (P) Despite Regulation 200.5.1.10(2), a maximum of 10 percent of the total number of **parking spaces** provided may have a minimum width of 2.6 metres, despite being obstructed pursuant to Regulation 200.5.1.10(2)(D);
- (Q) For the purposes of Regulation 200.5.1.10(2)(A) and (D), Electric Vehicle Infrastructure, including electrical **vehicle** supply equipment, does not constitute an obstruction to a **parking space**;
- (R) Despite Regulations 200.15.1(1) and (3), an accessible **parking space** must have the following minimum dimensions:
- (i) length of 5.6 metres;

- (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path on one side of the accessible **parking space**;
- (S) Despite Regulations 200.15.1(4) and 200.15.1.5(1), an accessible **parking space** is not required to be the closest **parking space** to a barrier free entrance to a **building** or to a passenger elevator or be the shortest route from such entrance or elevator;
- (T) Despite Regulations 230.5.1.10(4) and (5) a **stacked bicycle parking space** must have the following minimum dimensions:
- (i) length of 1.8 metres;
 - (ii) width of 0.45 metres; and
 - (iii) vertical clearance of 1.2 metres;
- (U) Despite Regulations 230.5.1.10(1) and 230.50.1.20(1), “short-term” **bicycle parking spaces** may:
- (i) be located outdoors on the **lot**;
 - (ii) be located indoors or outdoors in an enclosed or secured room or enclosure on levels of the **building** below-ground, above-ground or on the first **storey**, provided that the “short-term” **bicycle parking spaces** will be publicly accessible; and
 - (iii) be located more than 30 metres from a pedestrian entrance to the **building** above or below ground level;
- (V) Despite Regulations 230.5.1.10(9) and 230.5.1.10(10), both “long-term” and “short-term” **bicycle parking spaces** may be provided in a **stacked bicycle parking space** arrangement and in any combination of vertical, horizontal or stacked positions;
- (W) Despite Clause 220.5.10.1, **loading spaces** must be provided on the lands in accordance with the following minimum requirements:
- (i) three (3) Type “B” **loading spaces**;
 - (ii) two (2) Type “C” **loading spaces**;
 - (iii) one (1) Type “G” **loading space**; and
 - (iv) a grocery store or supermarket with a **gross floor area** of 5,000 square metres or more within the **building** must provide an additional one (1) Type “B” **loading space**.

- (X) Despite Regulation 220.5.20.1(1), a two-way **driveway** to a **loading space** may have sections that are divided by a median, provided that each direction has a minimum width of 3.5 metres in such sections;
- (Y) Regulation 50.10.20.100(21) with respect to specific conditions for an **outdoor patio** does not apply;
- (Z) Regulation 50.10.20.100(1) with respect to specific conditions for **amusement arcades** does not apply;
- (AA) Regulation 50.10.20.100(32) and Regulation 150.100.20.1(1) with respect to specific use conditions for **eating establishments** do not apply;
- (BB) Regulation 50.10.20.100(39) with respect to specific conditions for **entertainment place of assembly** and **amusement devices** do not apply;
- (CC) Despite Regulation 600.20.10(1)(A) and (B), in the first **storey** of a **mixed-use building** or **non-residential building**, no minimum or maximum percentage of **lot frontage** abutting the priority retail **street** for any permitted use is required.

Prevailing By-laws and Provisions:

(None apply)

- 5. Despite any future severance, partition or division of the lands as shown on Diagram 1 attached to this By-law, the provisions of this By-law will apply as if no severance, partition or division occurred.
- 6. Section 37 Provisions:
 - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule A hereof which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
 - (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent upon satisfaction of the same;
 - (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all applicable provisions of Schedule A are satisfied; and

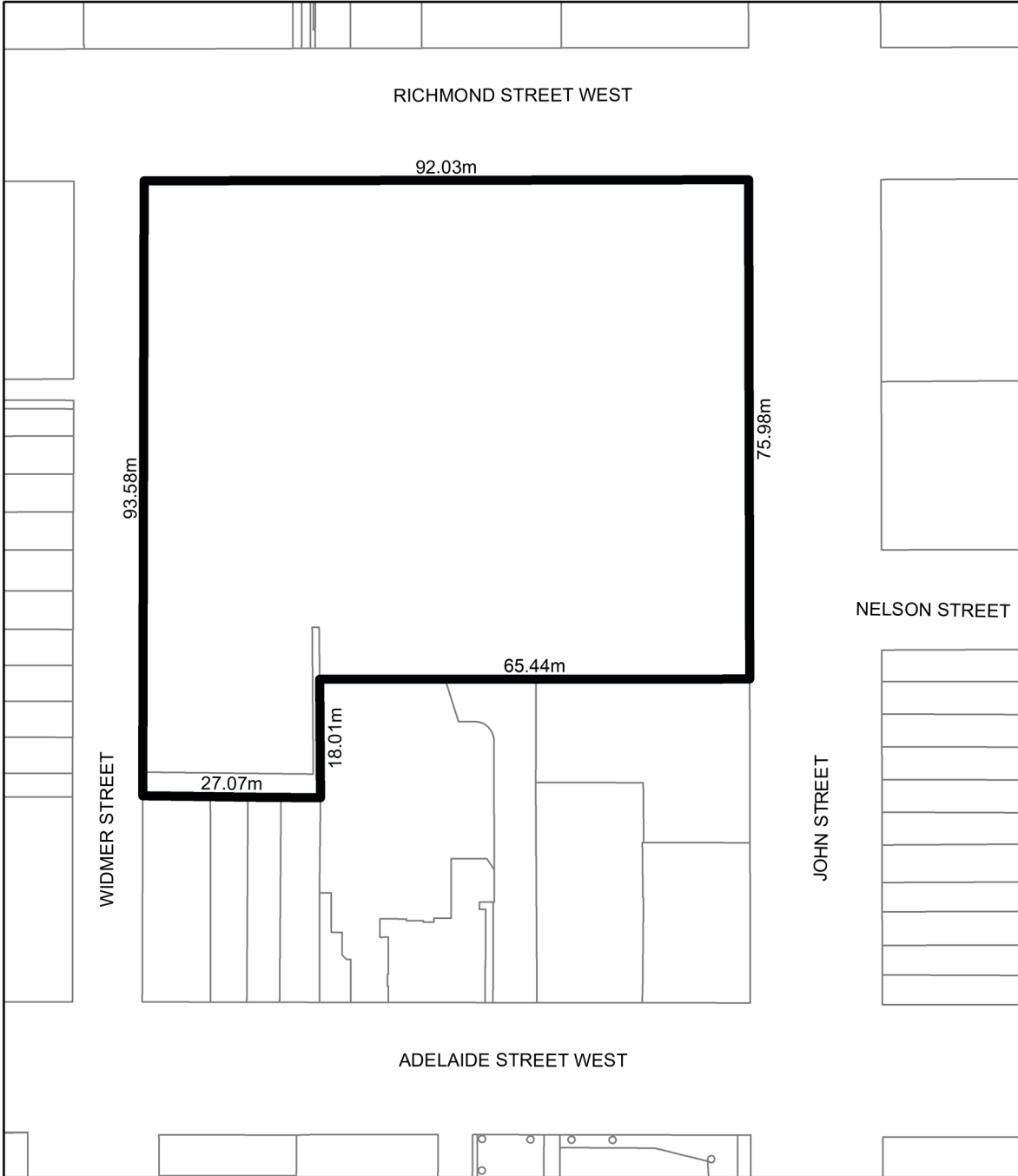
- (D) Once the agreement or agreements securing the facilities, services and matters set out in Schedule A have been executed and registered, the provisions of Schedule A shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

Enacted and passed on July , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

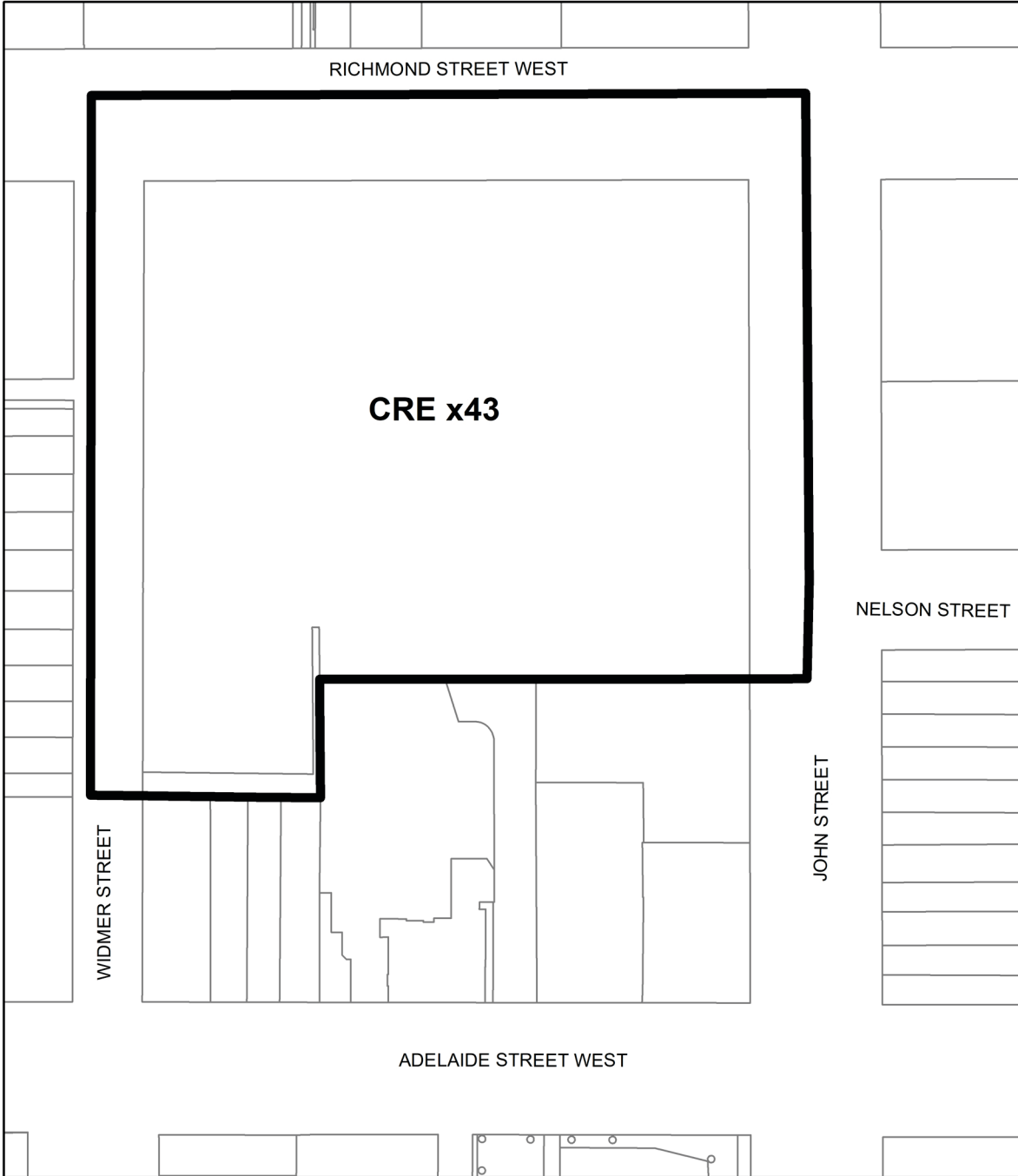
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 **TORONTO**
Diagram 1

126-142 John Street, 259-267 Richmond Street West
and 41-59 Widmer Street

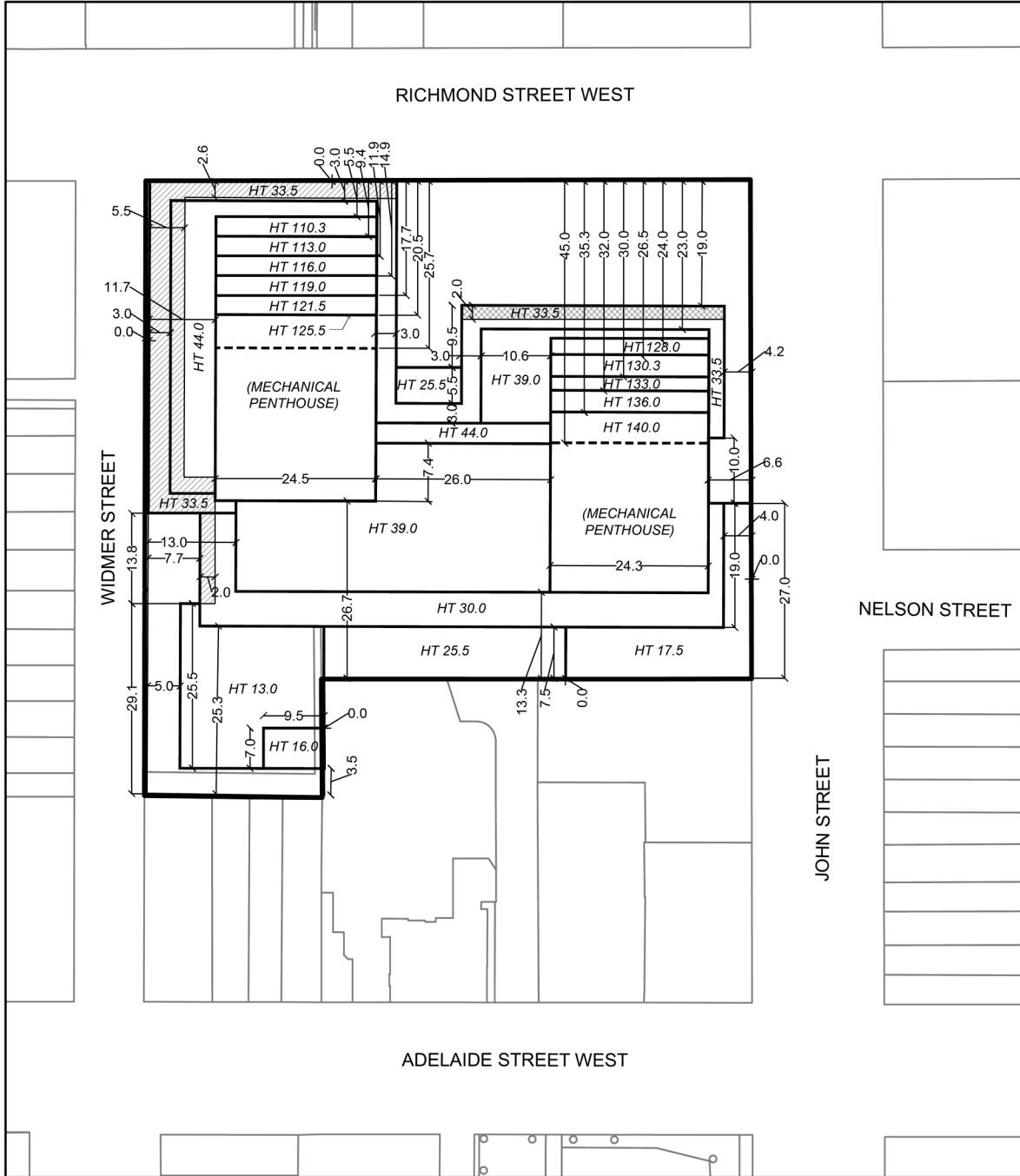
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 **TORONTO**
Diagram 2

126-142 John Street, 259-267 Richmond Street West
and 41-59 Widmer Street



File # 19 144266 STE 10 0Z




TORONTO
Diagram 3

126-142 John Street, 259-267 Richmond Street West
and 41-59 Widmer Street

File # 19 144266 STE 10 0Z

-  No part of the building other than canopies and signages shall be located from the finished ground surface to a height of 6.0m above grade within the hatched area
-  No part of the building other than canopies and signages shall be located from the finished ground surface to a height of 11.0m above grade within the hatched area

Note: Applicant's Submitted Drawing. All dimensions are in metres.


City of Toronto By-law 569-2013
Not to Scale
12/01/2021

SCHEDULE A
Section 37 Provisions

Prior to the issuance of the first permit issued under the Building Code Act, 1992 in respect of the lands shown on Diagram 1 attached to this By-law, the owner shall enter into an agreement under Section 37 of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 and register same in priority, to the satisfaction of the City Solicitor, whereby the owner agrees to secure the facilities, services and matters set out below which are required to be provided to the City at the owner's expense as follows:

Community Benefits

1. A cash contribution of six million, two hundred thousand (\$6,200,000.00) dollars to be allocated towards the provision of new affordable housing and/or the Toronto Community Housing Corporation revolving capital fund for repairs to Toronto Community Housing Corporation housing in the local Ward, at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, whereby:
 - (A) two million and one-hundred thousand (\$2,100,000.00) dollars shall be paid to the City by the owner within thirty (30) days after the last day the Zoning by-law Amendments are in full force and effect and the statutory appeal period has lapsed; and
 - (B) four million and one-hundred thousand (\$4,100,000.00) dollars shall be paid to the City by the owner prior to the issuance of the first above-grade building permit for any building on any part of the lands;
 - (C) The cash contributions referred to in 1. (A) and (B) above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of this By-law to the date of payment;
 - (D) In the event the cash contributions referred to in 1. (A) and (B) above have not been used for the determined purpose within three years of the amending Zoning By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.
2. The Owner, at its sole cost and expense, shall design, construct, finish, furnish, fully equip, Commission, Hand-over and convey to the City a non-profit licensable Child Care Centre, in a manner that is more particularly set

out in the Section 37 Agreement, comprising a minimum of 780 square metres of interior space and approximately 390 square metres of exterior space in reasonable proximity to the interior space, including the associated outdoor play area, all appliances (major and minor), play-based toys (interior and exterior) and administrative furnishing and equipment, all situate within the base building of the Development along Widmer Street, including a minimum of two (2) parking spaces reserved for the exclusive use of the child care facility between the hours of 6:30 a.m. and 7:00 p.m. from Monday to Friday, and an additional two (2) parking spaces reserved for the exclusive use of the child care facility for pick-up/drop-off operations between the hours of 6:30 a.m. and 10:00 a.m. and the hours of 3:00 p.m. to 6:30 p.m. from Monday to Friday, said parking spaces to be assigned accordingly, be barrier free and be located in close proximity to the elevators providing the shortest route between the underground parking garage and the Child Care Centre, all in accordance with the terms and conditions set out in the Section 37 Agreement;

- (A) prior to the issuance of any above grade building permit for any portion of the lands, the owner shall provide to the City a letter of credit in the amount sufficient to guarantee 120% of the estimated cost of the design, construction and handover of the Child Care Centre complying with the specifications and requirements of the Section 37 Agreement to the satisfaction of the General Manager, Children's Services and the Chief Financial Officer and Treasurer;
- (B) prior to the earlier of residential occupancy of the building in which the Child Care Centre is located and/or registration of any condominium for the building in which the Child Care Centre is located, the Child Care Centre shall be conveyed to the City, at no cost to the City, in fee simple, in an acceptable environmental condition to the satisfaction of the Executive Director, Corporate and Real Estate Management and City Solicitor;
- (C) the details of the other matters as described in these provisions, such as timing, location, obligations and any such matters to implement the Child Care Centre, will be finalized between the owner and the City and will be substantially in accordance with the City of Toronto's Child Care Development Guidelines (2016) and to the satisfaction of the Executive Director, Corporate and Real Estate Management, the General Manager, Children's Services, and the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor; and
- (D) on, or prior to, the conveyance of the Child Care Centre, the City and the owner enter into, and register on title to, the appropriate lands an Easement and Cost Sharing Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and

reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Child Care Centre, and the development to be constructed within the base building of the development.

3. Prior to the conveyance of the Child Care Centre, the owner shall pay to the City the sum of \$500,000.00 to provide one-time cash contributions in support of the Child Care Centre, allocated generally as follows:
 - (A) a one-time cash contribution in the amount of \$250,000.00 to the City's Child Care Capital Reserve Fund to be used towards Start-Up Operating Costs, to replace appliances and large equipment due to wear and tear, and to support ongoing financial viability, to be paid prior to the child care facility being made available to the City;
 - (B) a one-time cash contribution in the amount of \$250,000.00 towards toys, furnishing and equipment in accordance with provincial and municipal standards based on a mutually agreeable inventory list provided by the Child Care Centre Operator and/or the General Manager of Children's Services, which will be finalized and approved by the General Manager of Children's Services;
 - (C) the cash contributions referred to in 3. (A) and (B) above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of this By-law to the date of payment; and
 - (D) the owner and the City acknowledge and agree that the owner shall have no obligation to replace or repair the supplies, equipment and furnishings that are required to equip the Child Care Centre.

Matters required to support the Development:

4. The owner shall construct, provide and maintain a privately owned publicly accessible open space (POPS) on the lands, with a minimum size of 700 square metres along the Richmond Street West and John Street frontages of the site to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner shall convey to the City, for nominal consideration, easement(s) along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the POPS and any required public access easements to connect the POPS to adjacent POPS and/or public rights-of-way, where necessary. The owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS at all times of the day and night, 365 days of the year; and the specific location, configuration,

design and timing of conveyance of the POPS shall be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City.

5. The owner shall provide public pedestrian easements as necessary to provide an appropriate pedestrian clearway along Widmer Street, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services.
6. Through the site plan control application review process, the owner agrees to secure the specific design, location, and configuration of an at grade mid-block pedestrian connection between John Street and Widmer Street which will be open to members of the public for access at certain times of the day and night, generally aligned with the operating hours of the commercial uses within the development, on the plans and drawings to be approved pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City without the requirement for an easement, the determination of which is to the satisfaction of the Chief Planner and Executive Director, City Planning;
7. As part of a site plan control application review process for the lands, the owner shall, at the owner's sole expense:
 - (A) submit a revised Functional Servicing Report including confirmation of water and fire flow, sanitary and storm water capacity, Stormwater Management Report and Hydrogeological Review, including Foundation Drainage Report (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
 - (B) secure the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted Engineering Reports to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services should it be determined that improvements or upgrades and/or new infrastructure are required to support the development satisfactory to the Chief Planner and Executive Director, City Planning, the Chief Engineer and Executive Director, Engineering and Construction Services, and the City Solicitor; and
 - (C) make satisfactory arrangements with Chief Engineer and Executive Director, Engineering and Construction Services for the construction of new infrastructure or any improvements to the municipal infrastructure, should it be determined that new infrastructure and/or upgrades / improvements are required to the existing infrastructure to support this development, and that the applicant has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure;

8. As part of the site plan control application review process for the lands but in any event prior to final site plan approval, the Owner shall submit an updated wind study and implement any wind mitigation measures required as identified, satisfactory to the Chief Planner and Executive Director, City Planning.
9. Prior to final site plan approval for any part of the site, the Owner shall submit a construction management plan for the development to address such matters as may be identified in the Section 37 Agreement and required through the Site Plan Approval process, satisfactory to the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor.
10. Prior to final site plan approval for any part of the site, the Owner shall provide a certificate from an appropriate corporate officer to the Chief Planner and Executive Director, attesting that, for a period of 6 months commencing after the first site plan control application for the development on the site, the owner has used commercially reasonable efforts (i) to identify a potential theatre/cinema tenant or other similar tenant satisfactory to the owner and interested in leasing space in the development and (ii) if identified, to reach lease terms acceptable to the owner in its reasonable business judgement including without limitation as to rent;
11. The owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the Site Plan Approval application for each building on the site.
12. Prior to December 9, 2022 or such later date as may be agreed to in writing by the Senior Manager, Heritage Planning and the owner, but in any event prior to the issuance of the first permit under the Building Code Act, 1992, the owner shall:
 - (A) enter into a Heritage Easement Agreement with the City for the property at 126 John Street in accordance with the plans and drawings dated April 17, 2020, prepared by Hariri Pontarini Architects, and on file with the Senior Manager, Heritage Planning, Urban Design, City Planning, the Heritage Impact Assessment, prepared by GBCA Architects, dated February 12, 2020 (the "HIA"), and with the Conservation Plan required by 12.(B) below, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning, including registration of such agreement to the satisfaction of the City Solicitor; and
 - (B) provide a detailed Conservation Plan for the property at 126 John Street, prepared by a qualified heritage consultant that is consistent with the conservation strategy set out in the HIA, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning.