

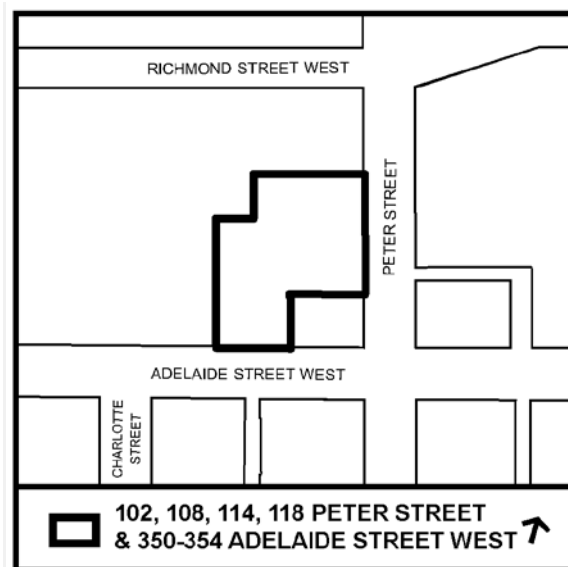
**102 -118 Peter Street and 350-354 Adelaide Street West
Zoning Amendment Application – Supplementary Report**

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| Date: | October 16, 2017 |
| To: | Toronto and East York Community Council |
| From: | Acting Director, Community Planning, Toronto and East York District |
| Wards: | Ward 20 – Trinity-Spadina |
| Reference Number: | 16-183537 STE 20 OZ |

SUMMARY

At its meeting of September 6, 2017, Toronto and East York Community Council (TEYCC) adjourned the public meeting for a final report on the zoning by-law amendment application to permit a 47-storey mixed-use building 146.8 metres high (excluding mechanical penthouse) with 696 dwelling units and 4,564 square metres of retail space at 102, 108, 114, and 118 Peter Street and 350, 352 and 354 Adelaide Street West until October 17, 2017. TEYCC also requested that City Planning organize a meeting with the applicant and neighbouring property owners to explore and advance plans to create a centralized publicly accessible open space in the block bounded by Spadina Avenue, Peter Street, Adelaide Street West and Richmond Street West and to continue discussions with the applicant on amendments to Recommendation 5.a.v in relation to timing, terms and conditions or other aspects of future access easements proposed to facilitate the centralized open space on the block.

The report provides information on the status of items requested by TEYCC and includes a recommendation to remove the requirements for a right-of-way through the building as a Section 37 requirement. It also includes information on proposed changes to the zoning by-law to introduce requirements for a landscape buffer and



screening and limits on balcony projections in relation to the Templar Hotel adjacent to the site. The proposal development will continue to achieve the objectives of the public realm strategy for this block within King-Spadina. A draft zoning by-law that includes the recommended changes to the Section 37 requirements as well as changes to provisions in relation to landscaping, screening and balcony projections are also included. It is recommended that the Recommendations in this report which include the previous recommendations replace those of the August 16, 2017 report in their entirety.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 102-118 Peter Street and 350 – 354 Adelaide Street West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 1 to the report from the Acting Director, Community Planning Toronto and East York District, dated October 16, 2017.
2. City Council amend Comprehensive Zoning By-law 569-2013 for the lands at 102-118 Peter Street and 350 – 354 Adelaide Street West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 2 to the report from the Acting Director, Community Planning Toronto and East York District, dated October 16, 2017.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the owner to address the outstanding items in relation to servicing outlined in the memorandum from Engineering and Construction Services dated August 25, 2016 to the satisfaction of the Executive Director, Engineering and Construction Services.
5. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows, payable by certified cheque to the Treasurer, City of Toronto prior to the issuance of the first above-grade building permit, unless otherwise specified, and to be allocated at the discretion of the Chief Planner and: Executive Director, City Planning Division in consultation with the Ward Councillor.
 - i. a cash contribution of \$3,200,000.00 to be provided to the City for the following capital improvements;

- A. \$1,200,000.00 towards public realm improvements within the block bounded by Spadina Avenue, Peter Street, Richmond Street West and Adelaide Street West as outlined in the King-Spadina East Precinct Public Realm Strategy;
 - B. \$200,000.00 toward advancing the design of the public realm improvements in (A) above payable upon the zoning by-law amendment coming into full force and effect.
 - C. \$1,160,000.00 towards the YMCA at 505 Richmond Street West, and/or streetscape improvements in relation to the John Street Cultural Corridor and/or Mercer Street to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor;
 - D. \$320,000.00 for the provision of new rental housing units as part of the Alexandra Park Revitalization in Ward 20, to be directed to the Capital Revolving Fund for Affordable Housing; and
 - E. \$320,000.00 for capital repairs for the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 20.
- ii. The required cash contribution pursuant to recommendation 5.a.i. A to E inclusive are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the day the payment is made;
 - iii. In the event the cash contributions in recommendation 5.a.i.A. to E inclusive have not been used for the intended purpose within three (3) years of the by-law coming into full force and effect, the cash contributions may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director City Planning Division, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the lands; and
 - iv. The owner shall:

- A. construct and maintain an area of not less than 380 square meters at grade for use by the general public as publicly accessible, privately –owned open space (POPS), along the west side and in the northwest corner of the site in a location generally identified in the Zoning By-law Amendments, with the specific configuration and design of the POPS to be determined in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
 - B. prior to the earlier of any non-residential or residential occupancy and registration of the first condominium on the site, prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, free and clear of encumbrances and for nominal consideration, a public access easement in perpetuity in favour of the City over the privately-owned open space (POPS) , which easement may allow for the occasional use of the POPS by the owner for special events on terms set out in the Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning Division, including limiting the number of events.
- b. The following matters are also recommended to be secured in the Section 37 Agreement in support of the development:
- i. Prior to the introduction of bills to City Council for the Zoning By-law Amendment, the owner shall enter into a Heritage Easement Agreement with the City for the properties at 350 and 352 Adelaide Street West and 118 Peter Street in accordance with the plans and drawings date stamped July 11, 2017, prepared by BBB Architects, and on file with the Senior Manager, Heritage Preservation Services, and the Heritage Impact Assessment (HIA), prepared by Goldsmith Borgal and Company Ltd. Architects, dated June 27, 2017, and in accordance with the Conservation Plan required in recommendation 5.b.ii. to the satisfaction of the Senior Manager, Heritage Preservation Services including registration of such Agreement to the satisfaction of the City Solicitor;
 - ii. Prior to the introduction on Bills to City Council for the Zoning By-law Amendment, the owner shall provide a Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage

Impact Assessment and Addendum for 350 and 352 Adelaide Street West and 118 Peter Street prepared by Goldsmith Borgal and Company Ltd. Architects, dated June 27, 2017, to the satisfaction of the Senior Manager, Heritage Preservation Services;

- iii. Prior to final Site Plan approval for the proposed development for the properties located at 350 and 352 Adelaide Street West and 118 Peter Street, the owner shall:
 - A. Provide final site plan drawings including drawings related to the approved Conservation Plan required in Recommendation 5.b.ii., to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - B. Provide an Interpretation Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - C. Provide a Heritage Lighting Plan that describes how the heritage properties will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Preservation Services; and,
 - D. Provide a detailed Landscape Plan for the subject property satisfactory to the Senior Manager, Heritage Preservation Services.
 - E. Submit a Signage Plan for the proposed development to the satisfaction of the Senior Manager, Heritage Preservation Services.
- iv. Prior to the issuance of any permit for all or any part of the properties at 350 and 352 Adelaide Street West and 118 Peter Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage buildings as are acceptable to the Senior Manager, Heritage Preservation Services, the owner shall:
 - A. Obtain final approval for the necessary by-law amendments required for the alterations to the properties

at 350 and 352 Adelaide Street West and 118 Peter Street, such amendments to have been enacted by City Council and to have come into effect in a form and with content acceptable to City Council as determined by the Chief Planner, and the Executive Director, City Planning Division, in consultation with the Senior Manager, Heritage Preservation Services;

- B. Provide full building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in recommendation 5.b.ii., including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - C. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan, Heritage Lighting Plan, Landscape Plan, and Interpretation Plan;
- v. Prior to the release of the Letter of Credit required in Recommendation 5.b.iv.C., the owner shall:
- A. Have obtained final Site Plan approval for the proposed development, issued by the Chief Planner and Executive Director, City Planning Division;
 - B. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work, required heritage lighting work, and the required interpretive work has been completed in accordance with the Conservation Plan, Lighting Plan, Landscape Plan, and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and,
 - C. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services.
- vi. Provide 10% of all residential units as three-bedroom units.

- vii. Not object to the designation of the properties at 350 and 352 Adelaide Street West and 118 Peter Street under Part IV, Section 29 of the *Ontario Heritage Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On September 6, 2017 TEYCC adjourned the public meeting for a final report on the zoning by-law amendment application until October 17, 2017. TEYCC also made two requests including:

- a. That the Director, Community Planning Toronto and East York District in consultation with the Ward Councillor organize an immediate meeting with the applicant, parks staff, and relevant neighbouring property owners to further explore and advance plans to create a centralized publicly accessible open space in the interior of the block bounded by Spadina Avenue, Peter Street, Adelaide Street West, and Richmond Street West.
- b. That the Director, Community Planning, Toronto and East York District continue discussions with the applicant respecting amendment to Recommendation 5.a.v., in the report (August 16, 2017) that may be necessary to address the timing, terms and conditions or other aspects of the future access easements proposed to be granted in favour of adjacent landowners to the west in order to facilitate a centralized publicly accessible open space in this area.

The Final Report is available on the City website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.9>

COMMENTS

Background

The King-Spadina East Precinct Public Realm Strategy identifies opportunities for public realm enhancements within the larger block bounded by Peter Street, Spadina Avenue, Richmond Street West, and Adelaide Street West (SPAR block). The surface parking lots on the site and on the property adjacent to the west are identified as a possible future opportunity for an open space centrally located within the block. As well the existing north to south and east to west laneways that extend through the block are noted as areas for future enhancements to create pedestrian connections through the block and to a centrally located open space.

The King-Spadina Secondary Plan review has identified the SPAR block as an area of special identity within King-Spadina. Policies to enhance the public realm, and strengthen the role of the block as a cultural hub are proposed and were presented at a Community Meeting on the Secondary Plan review on October 11, 2017. These policies seek to ensure that:

- new development on the block will contribute to a public open space in the middle of the block;
- pedestrian connections within the block will be enhanced; and
- the role of the block as a cultural hub is protected

City Staff and Landowner Meeting

Planning and Parks staff met with the applicant and the adjacent owner at 401 Richmond Street West on October 12, 2017 to discuss how to advance plans to create a publicly accessible open space on the block and the proposed right-of-way on the applicant's site, as requested by TEYCC. The owner of 360 Adelaide Street West could not attend the meeting due to scheduling issues. Main issues discussed at the meeting included potential ownership of the open space, the current parking and loading requirements for 401 Richmond Street West and 360 Adelaide Street West including review of a loading, access and parking study for the block undertaken by the applicant, and the access right-of-way proposed within the development.

City staff advised that the proposed open space on the block would not meet City requirements for public parkland, as road frontage is needed for public parkland and the open space is proposed in the centre of the block. As well, the area would be encumbered with parking (potentially below grade) and used as a surface access route for loading vehicles, limiting the functionality of the space for park uses. Given these constraints, staff consider a publicly accessible privately owned open space (POPS) more appropriate for a centrally located open space within the block.

There is currently a shared arrangement for access to parking and loading for the properties at 401 Richmond Street West and 360 Adelaide Street West. Vehicular and pedestrian access to these sites is provided from driveways off of Richmond Street West, and Spadina Avenue. There is surface parking and loading to the rear of the buildings. Current accesses to the site are provided from Peter Street and Adelaide Street West independent of the adjacent properties. The proposed development will only have access from Peter Street.

The owner of 401 Richmond Street West advised that the parking and loading requirements for 401 Richmond Street West and 360 Adelaide Street West would need to be addressed including replacement parking for 401 Richmond Street West, in order to convert the surface parking lot to open space. Ideas discussed to address the requirements for 401 Richmond Street West included relocating the parking to an off-site location, or constructing below grade parking on the 401 Richmond Street West site. In relation to loading, the access arrangements between sites were discussed as well as an option to consider creating a shared space that could accommodate pedestrian activity and loading at limited times. The proposed right-of-way through the applicant's building although considered potentially beneficial to provide an alternate access for parking and loading was not fully supported by the adjacent property owner.

All participants at the meeting agreed that continued collaboration between the landowners on the block would be beneficial to advance plans for a centrally-located open space. A design workshop has been scheduled for October 30, 2017 to include City Planning, Parks and Transportation staff along with the applicant and the owners at 401 Richmond Street West and 360 Adelaide Street West to further discuss how open space could be achieved on these properties.

Planning staff continue to recommend that Council approve the zoning by-law amendment application. The proposed development contributes to the open space on the block by incorporating a POPS and pedestrian connection on the site consistent with the Public Realm Strategy and the emerging directions from the King-Spadina Secondary Plan review. In addition, the proposal does not preclude the ability for open space on the adjacent properties in the future to create the larger open space on the block as envisioned in the Public Realm Strategy and identified in the King Spadina Secondary Plan review. As well, the current accesses, loading and parking areas on the adjacent properties are not impacted by the proposed development and an access through the development is not required to service the adjacent lands. Planning staff are recommending that the requirements for a right-of-way through the proposed development be removed as a Section 37 requirement. This does not preclude or limit the ability of the landowners on the block to enter into shared arrangements with respect to parking, loading or access should this be considered desirable by the landowners and determined to be feasible through further study.

As outlined in the Final Report, the applicant has agreed to provide a Section 37 contribution of \$200,000.00 towards advancing the design of the public realm improvements on the block and a further \$1,200,000.00 for the implementation of public realm improvements within the block. The workshop planned for October 30, 2017 will assist in determining the further design work required as well as future public realm improvements for the block.

Built Form

At the TEYCC meeting of September 6, 2017, 401 Richmond Street West and the Templar Hotel at 348 Adelaide Street West submitted written comments expressing concern with aspects of the built form of the development. 401 Richmond Street West is located adjacent to the west of the subject site. The Templar Hotel fronts onto Adelaide Street West and is flanked by the development site to the east and south.

401 Richmond Street West

401 Richmond Street West noted concerns with the height and floorplate of the building in the written submission, and have expressed concern with the setback of the tower from the west property line. These issues are discussed in more detail below.

Height

The built form policies of the Official Plan provide that new development should fit harmoniously within its existing and/or planned context and limit its impact on neighbourhood streets, parks, open spaces and properties. The King Spadina Secondary

Plan Review and East Precinct Built Form Study provide for a downward graduation of tower heights from University Avenue to Spadina Avenue. They also provide direction that building heights should be limited to prevent shadowing on the north sidewalk along Queen Street West after 12:00 p.m in the spring and fall equinoxes.

There are a number of existing or approved developments within the East Precinct close to the site, with building heights of between 145 to 157 metres; among these, 87 Peter Street (156 metres) and 355 King Street West (155.8 metres) on the east side of Peter Street/Blue Jays Way and 388 King Street West (146.8 metres) and 56 Blue Jays Way (146.5 metres) on the west side of Peter Street/Blue Jays Way. The proposed building height of 152.25 metres is consistent with the heights of existing and planned buildings within this area and generally respects the established pattern of heights stepping down from east to west over the Precinct. The Shadow Study submitted with the application indicates that the shadow cast by the building will extend north of Queen Street West in the morning hours but will have moved off of the north sidewalk by 11:18 a.m. Staff consider the shadow impacts from the proposed building acceptable and the proposed building height consistent with the policies of the Official Plan and Secondary Plan.

Tower Floorplate

The Tall Building Design Guidelines recommend the use of small tower floorplates, of 750 m² or less, to improve access to sunlight and skyview and limit impacts of the tower on surrounding streets, parks open space and properties. In the original submission a tower floorplate of 1,450 m² was proposed resulting in unacceptable impacts on access to sunlight and skyview and shadow impacts. A tower floorplate of 890 m² is now proposed. In the context of achieving better separation distances and setbacks, Planning staff consider the proposed tower floorplate acceptable.

Tower Setback from West Property Line

Official Plan Amendment (OPA) 232 and the associated Zoning By-law amendment provide for a minimum tower setback of 12.5 metres from property lines other than streets. The west property boundary adjacent to 401 Richmond Street is irregular and the tower setback varies along the west property line. A portion of the tower (6.8 metres) is setback 10 metres from the west property line, while the remainder of the tower (20.5 metres) is setback 18 to 25 metres from the west property line. Although a portion of the tower is situated closer than 12.5 metres to the property line, Planning staff are satisfied that the setbacks proposed will result in a building massing consistent with the objectives of OPA 232 and associated Zoning By-law amendment.

Templar Hotel

The Templar Hotel has expressed concern with the built form of the development along the south and west property lines and potential overlook and privacy issues in relation to the hotel suites and the hotel's amenity area. As well, the Templar Hotel is concerned about the proposed setback of the tower to the roof of the hotel which currently contains the HVAC equipment and where additional uses may be proposed in the future. The Templar hotel is 7 storeys high with suites facing the north side of the building. There is

also an outdoor amenity space on the 2nd level that extends along the north side of the building.

Staff and the applicant have met with the Templar Hotel to discuss the concerns raised. The podium of the proposed building is 2 storeys (12 metres) high in the area adjacent to the west and north sides of the hotel property. An outdoor amenity space is proposed on the roof of the podium in this location with landscaping proposed along the southern edge. The tower is proposed to be setback 10 metres from the south property line and the midrise portion of the building is proposed to be setback 5.5 metres from the south and west property lines of the Templar Hotel.

In response to the concerns of the hotel, the applicant has agreed to make changes to the draft zoning by-law to incorporate requirements with respect to landscaping and screening on the outdoor amenity space, and to limit projecting balconies on the midrise portions of the building near the hotel property. The applicant is also proposing to provide fritted or etched pattern glazing for inset balconies on the 4 to 6th levels on the west portion of the building to limit views between the hotel and the proposed residential units. The applicant is proposing to introduce a glazed panel in the wall adjacent to the south property line to provide additional light into the hotel's 2nd floor outdoor amenity space and improve the aesthetic of the wall.

Staff support the proposed revisions to the zoning by-law and the changes in the building materials to address the concerns raised by the Templar Hotel. The draft zoning by-law amendments in Attachments 1 and 2, incorporate the revisions proposed by the applicant in relation to landscaping, privacy screens and limits on projecting balconies. The proposed changes in materials along the south wall and on the balconies will be addressed through the site plan process.

With respect to the concerns raised by the Templar Hotel in relation to potential noise conflicts, a Noise and Vibration Study was submitted with the application. The Noise Study found that noise from the existing commercial facilities and activities was not discernible over the traffic sounds at the site. To address the noise generated from traffic the consultant recommended air conditioning and updated building materials. The Study found that noise associated with nearby commercial facilities was not anticipated to impact the site to any significant extent, and recommended that warning clauses to advise residents of traffic noise impacts and the presence of nearby commercial/office/retail facilities be included in purchase, sale and lease agreements. Noise mitigation measures will be secured through the site plan process.

Conclusions

At its meeting of September 6, 2017, Toronto and East York Community Council adjourned the public meeting for a final report on the zoning by-law amendment application until October 17, 2017 and requested that City Planning organize a meeting with the applicant and neighbouring property owners to explore and advance plans to create a centralized publicly accessible open space on the SPAR block and continue

discussions with the applicant concerning future access easements proposed to facilitate the centralized open space on the block.

Staff have met with the applicant and the adjacent property owner to explore options to create a publicly accessible open space on the block. Planning staff continue to recommend that Council approve the zoning by-law amendment application. The proposed development contributes to the open space on the block by incorporating a POPS and pedestrian connection on the site consistent with the Public Realm Strategy and the emerging direction from the King-Spadina Secondary Plan review. A design workshop has been scheduled for October 30, 2017 to provide opportunity for continued collaboration between landowners to achieve a public open space on the block.

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SIGNATURE

Lynda Macdonald, Acting Director
Community Planning, Toronto and East York District

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment 438-86

Attachment 2: Draft Zoning By-law Amendment 569-2013

Attachment 1: Draft Zoning By-law Amendment 438-86

CITY OF TORONTO

Bill No. ●

BY-LAW No. ~-20~

**To amend General Zoning By-law No. 438-86 for the former City of Toronto,
as amended, with respect to the lands municipally known in the year 2016
as
102-118 Peter Street and 350-354 Adelaide 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 the Official Plan for the City of Toronto contains such 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*, authorize increases in the height or 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 matter 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, a 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 permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are 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. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of development permitted is

permitted beyond that otherwise permitted on the lands shown on Map1 in return for the provision by the owner, as the owner's expense of the facilities, services and matters set out in Appendix 1 hereof and 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.

2. Where Appendix 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same.
3. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Appendix 1 are satisfied.
4. None of the provisions of Section 2 with respect to the definitions of *grade*, *height*, *lot*, *non-residential gross floor area*, and *residential gross floor area*, Sections 4(2)(a), 4(5), 4(12), 4(13), 4(16), Section 7(1), Section 7(3) Part I 1, Section 7 Part II 1, 4, 5 and 7, Section 7 Part IV 4, 5, and 6, Section 12(2)132, 12(2)204, Section 12(2)246, Section 12(2)270, and Section 12(2)380 of the aforementioned Zoning By-law No. 438-86, as amended, shall apply to prevent the erection of a *mixed-use building*, *commercial parking garage*, *car-share parking spaces* and uses *accessory* to the foregoing uses on the *lot* provided that:
 - a) The *lot* comprises at least the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - b) The total *gross floor area* of all buildings and structures on the *lot*, excluding the *gross floor area* associated with the *commercial parking garage*, shall not exceed a maximum of 51,000 square metres, of which:
 - i. No more than 47,000 square metres of *gross floor area* shall be occupied by residential uses; and
 - ii. No more than 5,000 square metres of *gross floor area* shall be occupied by non-residential uses, and shall exclude the *gross floor area* associated with the *commercial parking garage*;
 - c) A minimum of ten percent (10%) of the total number of *dwelling units* must have three (3) or more *bedrooms*;
 - d) No portion of any building or structure erected on the *lot* shall be located otherwise than wholly within the heavy lines identified on Map 2 attached to and forming part of this by-law, with the exception of the following:

- i. Balconies to a maximum horizontal projection of 1.6 metres beyond the heavy lines, except as provided for in subsection (0) below;
 - ii. Cornices, sills, eaves, window-washing equipment, railings, balustrades, awnings, piers and sun-shades, canopies including supporting structures, covered walkways, privacy screens, planters, stairs, enclosed stairs, fencing, lighting, bollards, safety railings, trellises, guards, guardrails, retaining walls, ramps associated with an underground parking garage; wheelchair ramps, bicycle parking facilities, ornamental or architectural features, landscape features, street furniture, and art installations; and
 - iii. Structures, elements and enclosures permitted by regulation e) below;
- e) No portion of any building or structure erected on the *lot* shall have a greater *height* in metres than the *height* limits specified by the numbers following the symbol “H” identified on Map 2 attached to and forming part of this By-law, with the exception of the following:
- i. Structures, elements and enclosures permitted by regulation d) above;
 - ii. The erection of use of structures on any roof used for outdoor residential amenity space or open air recreation, maintenance, safety, wind protection purposes provided such projections are limited to a maximum vertical projection of 3.0 metres above the permitted building heights shown on Map 2 attached to and forming part of this By-law;
 - iii. The erection of use of structures on any roof used for green roof purposes, vestibules providing access to outdoor amenity or recreation space, cooling towers, parapets, mechanical and architectural screens, chimneys, vents, stacks, mechanical fans, elevators and related structural elements, structures and elements associated with green energy and renewable energy facilities, provided such projections are limited to a maximum vertical projection of 2.0 metres above the permitted building heights shown on Map 2 attached to and forming part of this By-law; and
 - iv. That portion of the underground parking garage and associated structures situated below finished ground level provided no portion of portion structures is more than 1.0 metre above *grade*;

- f) Notwithstanding subsections d) and e) above, within the hatched area shown on Map 3 attached to and forming part of this by-law, no part of any building shall be located from finished ground level to a minimum of 10.5 metres above ground other than signage, lighting, columns, canopies, structural supports and design features;
- g) Notwithstanding subsections d) and e) above, balcony projections are not permitted within the Balcony Restriction Zone shown on Map 3 attached to and forming part of this By-law;
- h) A minimum 1.8 metre high privacy screen shall be provided adjacent to the third floor outdoor *residential amenity space* and Landscape Buffer Area in the location shown on Map 4 attached to and forming part of this By-law;
- i) *Residential amenity space* shall be provided on the *lot* in accordance with the following ratios:
 - i. A minimum of 2.0 square metres per *dwelling unit* of indoor *residential amenity space*;
 - ii. A minimum of 1.5 square metres per *dwelling unit* of outdoor *residential amenity space*; and
 - iii. At least 40.0 square metres of outdoor *residential amenity space* shall be provided in a location adjoining or directly accessible from indoor *residential amenity space*;
- j) A minimum 1.8 metre deep Landscape Buffer Area shall be provided adjacent to the third floor outdoor *residential amenity space* in the location shown on Map 4 attached to and forming part of this By-law;
- k) In addition to the *residential amenity space* required in subsection o above, *publicly accessible open space* with a minimum area of 380 square metres shall be provided in the area on the ground level within the shaded area shown on Map 3 attached to and forming part of this By-law;
- l) *Parking spaces* shall be provided on the *lot* in accordance with the following ratios:
 - i. A minimum of 0.2 *parking spaces* per *dwelling unit*, and
 - ii. A minimum of 49 *parking spaces* shall be provided for visitors to the *dwelling units* and for the *gross floor area* occupied by non-residential uses on the *lot*;

- m) The *parking spaces* required for the visitors to the *dwelling units* and for the non-residential *gross floor area* may be provided within a *commercial parking garage* on the *lot* and may be shared on a non-exclusive basis;
- n) For each *car-share parking space* provided on the *lot*, the minimum number of resident *parking spaces* required pursuant to subsection l) above may be reduced by one *parking space*, up to a maximum reduction of four (4) *parking spaces*;
- o) Loading spaces shall be provided and maintained for all uses on the *lot*, in accordance with the following:
 - i. One (1) *loading space* – *type G*; and
 - ii. One (1) *loading space*- *type B*;

provided that, for the purpose of this provision, a *loading space* - *Type G* shall mean a loading space that has the following minimum dimensions:

- a. Length- 13.0 metres;
- b. Width - 4.0 metres; and
- c. Vertical clearance - 6.1 metres;

and a *loading space* - *type B* shall mean a loading space that has the following minimum dimensions:

- a. Length - 11.0 metres;
- b. Width - 3.5 metres; and
- c. Vertical clearance - 4.0 metres;

- p) in addition to the requirements in subsection (o) above, in the event that a grocery shop, groceteria or supermarket, having a *gross floor area* of 500 square metres or greater, forms part of the non-residential uses in the building, one (1) additional *loading space*- *type B* shall be provided on the *lot*;
- q) *Bicycle parking spaces* shall be provided on the *lot* in accordance with the following ratios:
 - i. A minimum of 0.9 *bicycle parking spaces* - *occupant per dwelling unit*;

- ii. A minimum of 0.1 *bicycle parking spaces - visitor* per dwelling unit, for visitors to the residential uses on the lot;
 - iii. A minimum of 0.2 *bicycle parking spaces – occupant* per 100 square metres of non-residential *gross floor area*, to be used by occupants of the non-residential uses on the lot; and
 - iv. A minimum 3 *bicycle parking spaces - visitor* plus 0.3 *bicycle parking spaces - visitor* for every 100 square metres of *non-residential gross floor area* for visitors or patrons of non-residential uses on the lot; and
- r) Required *bicycle parking spaces - occupant* and *bicycle parking spaces - visitor* may be provided within a *bicycle stacker*.
5. None of the provisions of Zoning By-law No. 438-86, as amended, or this By-law shall apply to prevent a *temporary sales office* on the lot.
6. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law No. 438-86, as amended, with the exception of the following:

“bicycle parking space” means an area used for storing bicycles having the following minimum dimensions:

- A. Where the bicycles are to be parked on a horizontal surface, has a minimum length of 1.8 metres, a minimum width of 0.6 metres and a minimum vertical dimension from the ground of at least 1.9 metres;
- B. Where the bicycles are to be parked in a vertical position, has a minimum length or vertical clearance from the wall of 1.2 metres, a minimum width of 0.6 metres and a vertical dimension of at least 1.9 metres; and
- C. Where the bicycles are to be parked in a *bicycle stacker*, has a minimum vertical clearance of 2.4 metres for each *bicycle parking space*;

“bicycle stacker” means a device where by a *bicycle parking space* is positioned above or below another *bicycle parking space* and is accessed by means of an elevating device;

“car-share” means the practice whereby a number of people share the use of one or more cars that are owned and operated 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 kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;

“car-share parking space” means a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes;

“grade” means 88.00 metres Canadian Geodetic Datum;

“gross floor area” means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level, exclusive of any areas in a building or structure used for:

- i. parking, loading and bicycle parking below-ground;
- ii. required loading spaces on the ground level and required *bicycle parking spaces* at or above-ground;
- iii. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- iv. shower and change facilities that are required by this by-law for required *bicycle parking spaces*;
- v. *residential amenity space* required by this By-law;
- vi. elevator shafts;
- vii. garbage shafts;
- viii. mechanical penthouse; and
- ix. exit stairwells in the building;

“height” means the vertical distance between *grade* and the highest point of the roof of any building on the *lot*, except for those elements prescribed by this By-law; and

“publicly accessible open space” means a space on the *lot* situated at ground level within the shaded area shown on Map 3 that is accessible to the public, secured through appropriate legal agreements and may include pedestrian walkways, seating areas, landscaped plazas, and ornamental structures and is used principally for the purpose of sitting, standing and other passive recreational uses.

7. Notwithstanding any severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.
8. 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:
 - i. All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

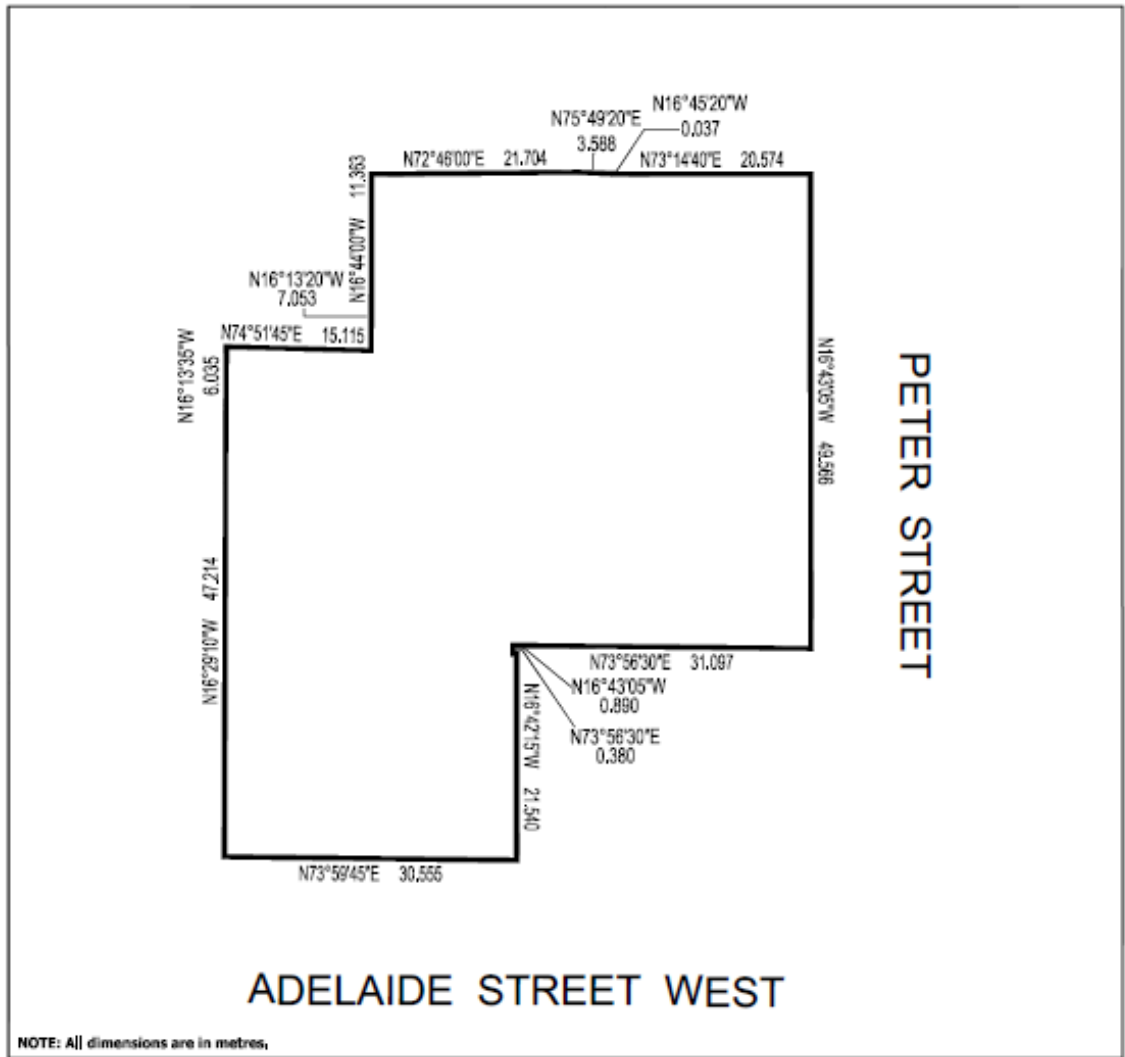
ENACTED AND PASSED this _____ day of _____, A.D. 20●.

JOHN TORY

ULLI S. WATKISS

Mayor

City Clerk

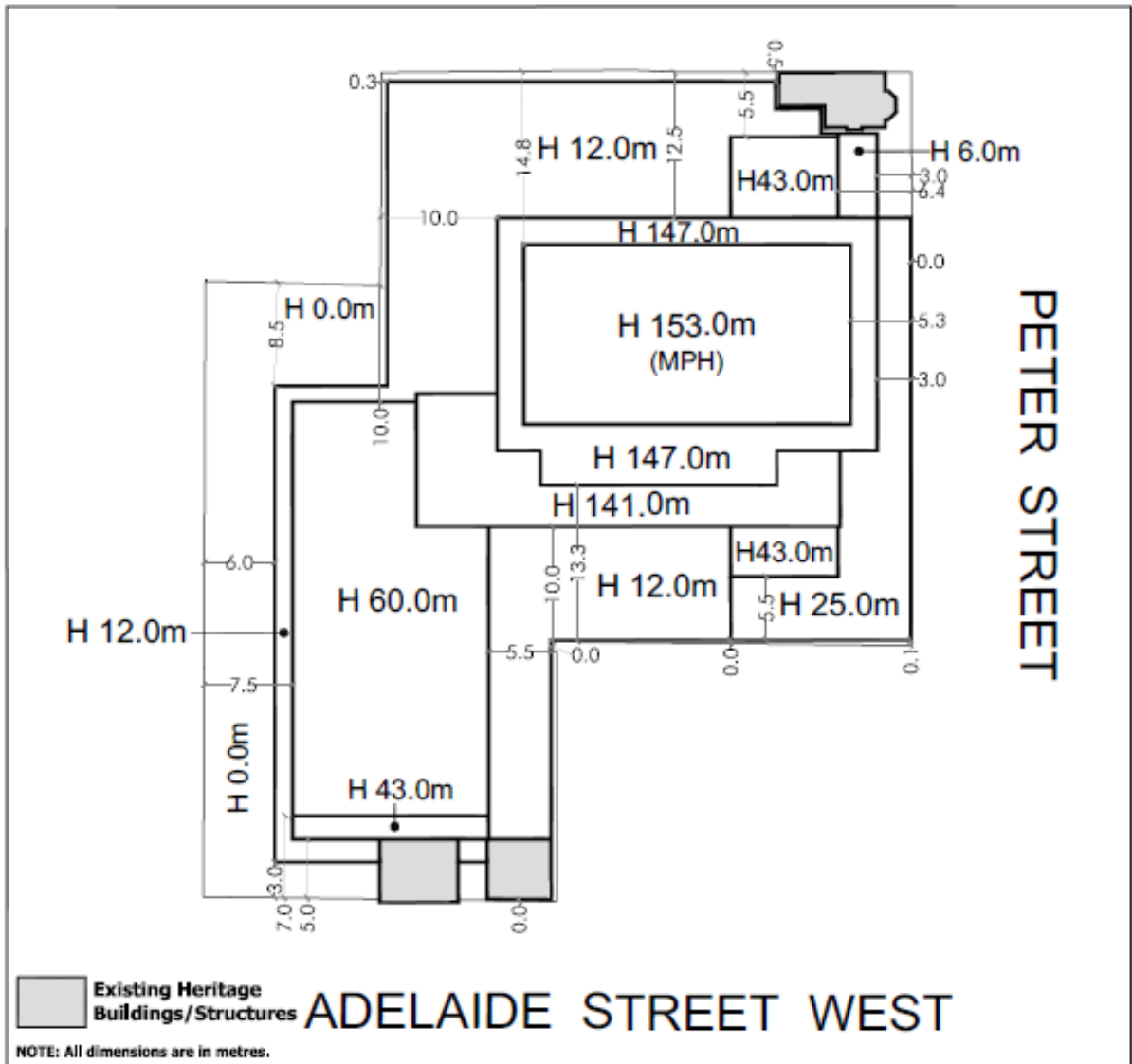


102-118 Peter Street and 350-354 Adelaide Street West, Toronto

Map 1

File #16 _____





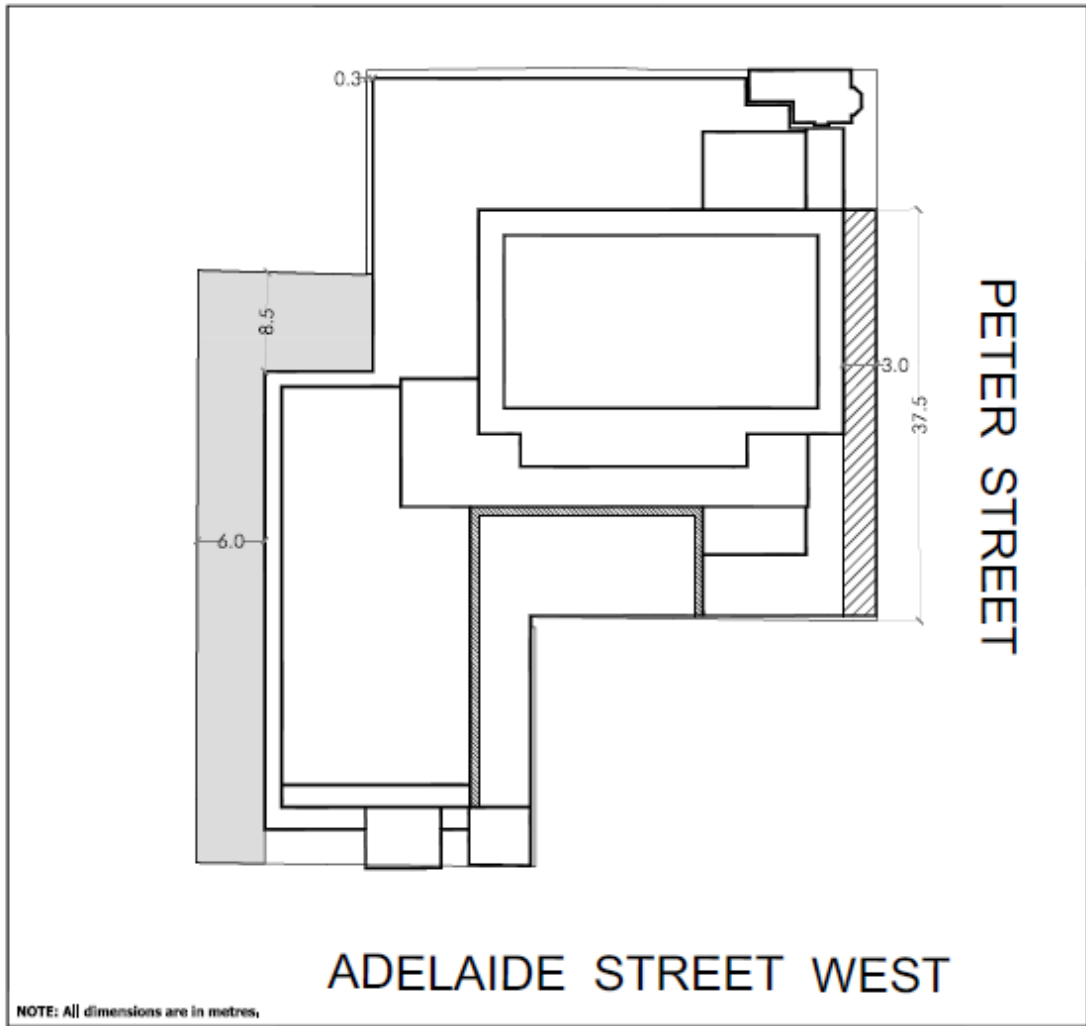
102-118 Peter Street and 350-354 Adelaide Street West, Toronto

Map 2

File #16 _____



Not to Scale



NOTE: All dimensions are in metres.



102-118 Peter Street and 350-354 Adelaide Street West, Toronto

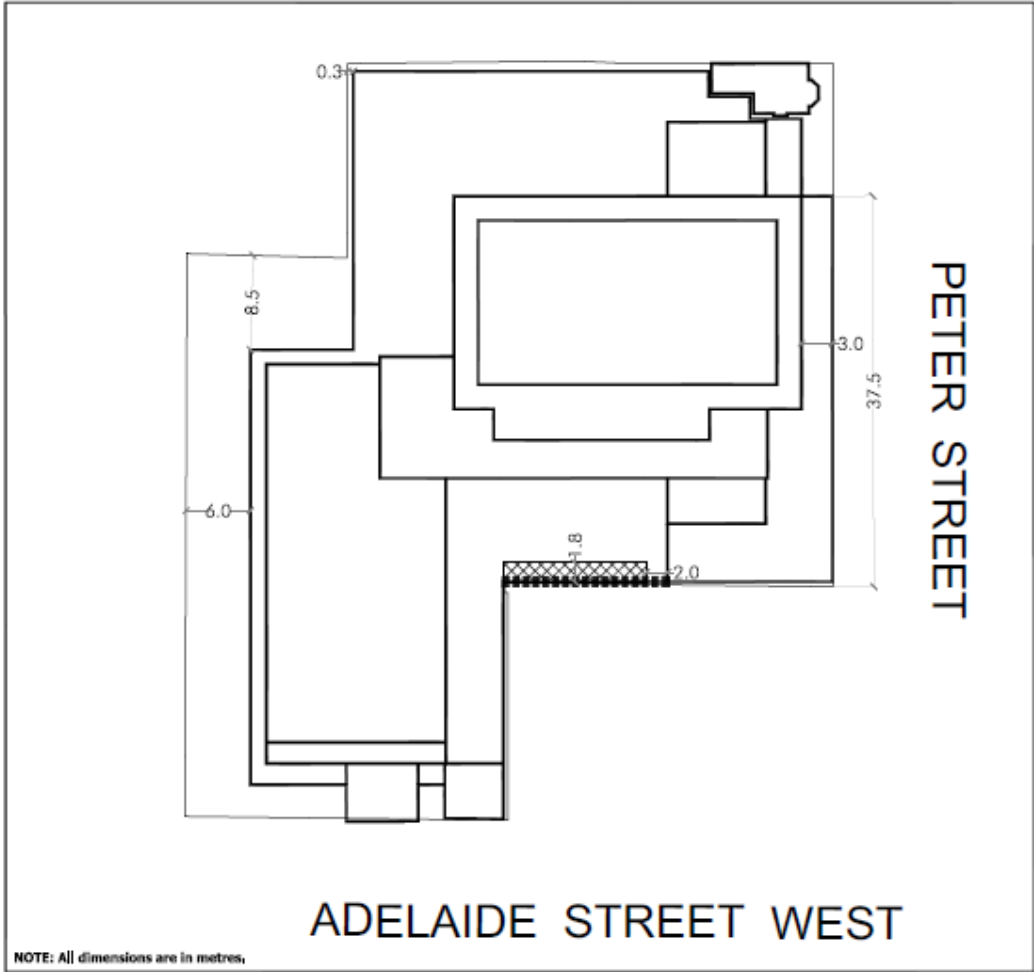
Map 3

File #16 _____

-  Area Subject to Section 1(f) of this By-law
-  Balcony Restriction Zone Subject to Section 4g) of this By-law
-  Publicly Accessible Open Space



Not to Scale



NOTE: All dimensions are in metres.



102-118 Peter Street and 350-354 Adelaide Street West, Toronto

Map 4

File #16 _____

Privacy Screen

Landscape Buffer Area
Subject to Section 4j)
of this By-law

Not to Scale

APPENDIX 1

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands shown as Map 1 of this By-law, and secured in an agreement or agreements pursuant to Section 37(3) of the *Planning Act*, whereby the owner agrees as follows:

1(a) The owner shall provide:

- i. A cash contribution of \$3,200,000.00 to be provided to the City for the following capital improvements payable by certified cheque to the Treasurer, City of Toronto prior to the issuance of the first above-grade building permit unless otherwise specified, and to be allocated at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor;
 - a. \$1,200,000.00 towards public realm improvements within the block bounded by Spadina Avenue, Peter Street, Richmond Street West and Adelaide Street West as outlined in the King-Spadina East Precinct Public Realm Strategy;
 - b. \$200,000.00 towards advancing the design of the public realm improvements in (A) above payable upon the zoning by-law amendment coming into full force and effect.
 - c. \$1,160,000.00 towards the YMCA at 505 Richmond Street West, and/or streetscape improvements in relation to the John Street Cultural Corridor and/or Mercer Street to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor;
 - d. \$320,000.00 for the provision of new rental housing units as part of the Alexandra Park Revitalization in Ward 20, to be directed to the Capital Revolving Fund for Affordable Housing; and
 - e. \$320,000.00 for capital repairs for the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 20.
- ii. The required cash contributions pursuant to 1(a) i. a. to e. inclusive are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the day the payment is made;
- iii. In the event the cash contributions required in 1 (a) i. a. to e. inclusive have not been used for the intended purpose within three (3) years of the by-law coming into full force and effect, the cash contributions may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director City Planning Division, in consultation with the Ward Councillor, provided that the

purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the lands; and

- iv. The owner shall:
 - a. construct and maintain an area of not less than 380 square metres at grade for use by the general public as publicly accessible, privately-owned open space (POPS), along the west side and in the northwest corner of the site in a location generally as shown on Map 3, with the specific configuration and design of the POPS to be determined in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
 - b. prior to the earlier of any non-residential or residential occupancy, including interim occupancy, and registration of the first condominium on the site, prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, free and clear of encumbrances and for nominal consideration, a public access easement, including support rights, in perpetuity in favour of the City over the privately-owned open space (POPS), which easement may allow for the occasional use of the POPS by the owner for special events, all on terms set out in the Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning Division, including limiting the number of events.

1(b) The following matters are to be secured in the Section 37 Agreement in support of the development:

- i. Prior to the introduction of bills to City Council for the Zoning By-law Amendment, the owner shall enter into a Heritage Easement Agreement with the City for the properties at 350 and 352 Adelaide Street West and 118 Peter Street in accordance with the plans and drawings date stamped July 11, 2017, prepared by BBB Architects, and on file with the Senior Manager, Heritage Preservation Services, and the Heritage Impact Assessment (HIA), prepared by Goldsmith Borgal and Company Ltd. Architects, dated June 27, 2017, and in accordance with the Conservation Plan required to the satisfaction of the Senior Manager, Heritage Preservation Services including registration of such Agreement to the satisfaction of the City Solicitor;
- ii. Prior to the introduction of Bills to City Council for the Zoning By-law Amendment, the owner shall provide a Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment and Addendum for 350 and 352 Adelaide Street West and 118 Peter Street prepared by Goldsmith Borgal and Company Ltd. Architects, dated June 27, 2017, to the satisfaction of the Senior Manager, Heritage Preservation Services;
- iii. Prior to final Site Plan approval for the proposed development for the properties located at 350 and 352 Adelaide Street West and 118 Peter Street, the owner shall:

- a. Provide final site plan drawings including drawings related to the approved Conservation Plan, to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - b. Provide an Interpretation Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - c. Provide a Heritage Lighting Plan that describes how the heritage properties will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Preservation Services; and,
 - d. Provide a detailed Landscape Plan for the subject property satisfactory to the Senior Manager, Heritage Preservation Services.
 - e. Submit a Signage Plan for the proposed development to the satisfaction of the Senior Manager, Heritage Preservation Services.
- iv. Prior to the issuance of any permit for all or any part of the properties at 350 and 352 Adelaide Street West and 118 Peter Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage buildings as are acceptable to the Senior Manager, Heritage Preservation Services, the owner shall:
- a. Obtain final approval for the necessary by-law amendments required for the alterations to the properties at 350 and 352 Adelaide Street West and 118 Peter Street, such amendments to have been enacted by City Council and to have come into effect in a form and with content acceptable to City Council as determined by the Chief Planner, and the Executive Director, City Planning Division, in consultation with the Senior Manager, Heritage Preservation Services;
 - b. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - c. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan, Heritage Lighting Plan, Landscape Plan, and Interpretation Plan;
- v. Prior to the release of the Letter of Credit, the owner shall:
- a. Have obtained final Site Plan approval for the proposed development, issued by the Chief Planner and Executive Director, City Planning Division;

- b. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work, required heritage lighting work, and the required interpretive work has been completed in accordance with the Conservation Plan, Lighting Plan, Landscape Plan, and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and,
 - c. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services.
 - vi. Provide 10% of all residential units as three-bedroom units.
 - vii. Not object to the designation of the properties at 350 and 352 Adelaide Street West and 118 Peter Street under Part IV, Section 29 of the *Ontario Heritage Act*.

Attachment 2 – Draft Zoning By-law Amendment 569-2013

BY-LAW No. --20~

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 102-118 Peter Street and 350-354 Adelaide Street West

Whereas authority is given to Council of the City of Toronto under 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 such 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*, authorize increases in the height or 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 matter 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, a 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 permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are 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 municipally known in the year 2016 as 102-118 Peter Street and 350-354 Adelaide Street West, as 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 No. 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 outlined in heavy lines to CR (14), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.12.10 Exception Number 14 so that it reads:

Exception CRE 14

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

Site Specific Provisions:

- (A) On 102-118 Peter Street and 350-354 Adelaide Street West, if Section 5 and Schedule A of By-law [Clerks to supply by-law #####] are complied with, none of the provisions of Clause and Regulations 5.10.40.70, 50.10.40.10, 50.10.40.30(1), 50.10.40.60, 50.10.40.70(1), (4) and (5), 50.10.90.40.(3), 200.5.1.10(12)(C), and 600.10, apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in (B) to **0** below.
- (B) In addition to the uses permitted by regulation 50.10.20.10(1) and 50.10.20.20(1), **public parking**, car-share **parking spaces** and a temporary sales facility are permitted.
- (C) For the purpose of this exception height is measured from an elevation of 88.00 metres Canadian Geodetic Datum.
- (D) Despite all of regulations 50.5.40.10, 50.10.40.10(1), (2), and (3) and 50.10.40.60, the height of each portion of a **building** or **structure** is measured as the vertical distance between Canadian Geodetic Datum elevation of 88.0 metres and the highest point of the **building** or **structure**, and must not exceed the height in metres as specified by the numbers following the symbol H as shown on Diagram 3 of By-law XXXX-2017 [Clerks to provide number], except for the following projections:
 - i. **Structures**, elements and enclosures permitted by regulation (G) below;
 - ii. The erection of use of **structures** on any roof used for outdoor **amenity space** or open air recreation, maintenance, safety or wind protection purposes provided such projections are limited to a maximum vertical projection of 3.0 metres above the permitted building heights shown on Diagram 3 of By-law XXXX-2017 [Clerks to provide number];
 - iii. The erection of use of **structures** on any roof used for green roof purposes, vestibules providing access to outdoor amenity space, cooling towers, parapets, mechanical and architectural screens, chimneys, vents, stacks, mechanical fans, elevators

and related structural elements, **structures** and elements associated with green energy and renewable energy facilities provided such projections are limited to a maximum vertical projection of 2.0 metres above the permitted **building** heights shown on Diagram 3 of By-law XXXX-2017 [Clerks to provide number]; and

- iv. Portions of an underground parking garage and associated structures situated below finished ground level provided no portion of such structures is more than 1.0 metres above Canadian Geodetic Datum elevation of 88.0 metres.

(E) The total **gross floor area** of the **buildings** and **structures** must not exceed a maximum of 51,000 square metres, of which:

- i. **Buildings** and **structures**, occupied by residential uses must not exceed a **gross floor area** of 47,000 square metres; and
- ii. **Buildings** and **structures**, occupied by non-residential uses must not exceed a **gross floor area** of 5,000 square metres, and excluding the **gross floor area** associated with the **public parking** use.

(F) A minimum of ten percent (10%) of the total number of dwelling units must have three (3) or more bedrooms.

(G) Despite all of regulations 50.5.40.70(1)(A), 50.10.40.60, 50.10.40.70(1) and 50.10.40.80(3), no portion of any **building** or **structure** above ground is located other than wholly within the heavy lines on Diagram 3 of By-law XXXX-2017 [Clerks to provide number], with the exception of the following:

- i. Balconies to a maximum horizontal projection of 1.6 metres beyond the heavy lines, except as provided for in Regulation 4(I) below;
- ii. Cornices, sills, eaves, window-washing equipment, railings, balustrades, awnings, piers and sun-shades, canopies including supporting structures, covered walkways, privacy screens, planters, stairs, enclosed stairs, fencing, lighting, bollards, safety railings, trellises, guards, guardrails, retaining walls, ramps associated with an underground parking garage, wheelchair ramps, bicycle parking facilities, ornamental or architectural features, landscape features, street furniture, and art installations; and
- iii. **Structures**, elements and enclosures permitted by regulation **0** above.

(H) Despite Regulations **40** and **0** above, within the hatched area shown on Diagram 4 of By-law xxx-2017 [Clerks to provide number], no part of any building may be located between finished ground level to a minimum of 10.5

metres above ground other than signage, lighting, columns, canopies, structural supports and design features.

- (I) Despite Regulations **40** and **0** above, balcony projections are not permitted within the Balcony Restriction Zone shown on Diagram 4 of By-law xxxx-2017 [Clerks to provide number].
- (J) A minimum 1.8 metre high privacy screen must be provided adjacent to the third floor outdoor **amenity space** and Landscape Buffer Area in the location shown on Diagram 5 of By-law xxxx-2017 [Clerks to provide number].
- (K) Despite regulation 50.10.40.50, **amenity space** must be provided in accordance with the following:
 - i. At least 2.0 square metres per **dwelling unit** of indoor **amenity space**;
 - ii. At least 1.5 square metres per dwelling unit of outdoor **amenity space**; and
 - iii. At least 40.0 square metres of outdoor **amenity space** must be in a location adjoining or directly accessible to the indoor **amenity space**.
- (L) A minimum 1.8 metre deep Landscape Buffer Area must be provided adjacent to the third floor outdoor **amenity space** in the location shown on Diagram 5 of By-law xxxx-2017 [Clerks to provide number].
- (M) Despite regulations 200.5.1(2) and 200.5.10.1(1) vehicle **parking spaces** shall be provided on the lands in accordance with the following ratios:
 - i. A minimum of 0.20 **parking spaces** per **dwelling unit**; and
 - ii. A minimum of 49 **parking spaces** shall be provided for visitors to the **dwelling units** and for the **non-residential gross floor area**.
- (N) Despite regulations 200.5.1(2) and 200.10.1 the **parking spaces** required for visitors to the **dwelling units** and the **non-residential gross floor area** may be provided within a **public parking** facility on the lands and may be shared on a non-exclusive basis;
- (O) For each car-share **parking space** provided, the minimum number of **parking spaces** for residents required pursuant to regulation (M) i. above may be reduced by one **parking space**, up to a maximum reduction of four (4) parking spaces;

(P) For the purpose of this Exception:

- i. “car-share” means the practice whereby a number of people share the use of one or more cars that are owned and operated 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 kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable; and
- ii. “car-share” **parking space** means a **parking space** exclusively reserved and signed for a car used only for car-share purposes.

(Q) Despite regulation 220.5.10.1 loading spaces must be provided on the lands for residential and non-residential uses as follows:

- i. One (1) Type “G” **loading space**; and
- ii. One (1) Type “B” **loading space**.

(R) In addition to the requirements of subsection (Q) above, in the event that a grocery store or supermarket, having a **gross floor area** of 500 square metres or greater, forms part of the non-residential uses in the **building**, one (1) additional Type “B” **loading space** shall be provided on the lands.

(S) Despite regulation 230.5.1.10(7) no change rooms/shower facilities are required to be provided for non-residential “long-term” **bicycle parking spaces**.

(T) Despite regulation 230.5.1.10(10) “short-term” **bicycle parking spaces** may be located in a **stacked bicycle parking space**.

(U) For the purpose of this Exception:

- i. “publicly accessible open space” means a space on the lot situated at ground level, within the shaded area shown on Diagram 4 of By-law xxxx-2017 [Clerks to provide number] that is accessible to the public, secured through appropriate legal agreements and may include pedestrian walkways, seating areas, landscaped plazas, and ornamental structures, and is used principally for the purposes of sitting, standing and other passive recreational uses; and
- ii. A “publicly accessible open space” with a minimum area of 380 square metres shall be provided in the area on the ground level within the shaded area shown on Diagram 4 of By-law xxxx-2017 [Clerks to provide number].

(V) Notwithstanding any severance, partition or division of the lands, the provisions of this By-law shall apply to the whole of the lands as if no severance, partition or division had occurred.

5. 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 density of the development is permitted beyond that otherwise permitted on the lands shown as CRE (x14) on Diagram 2 of By-law xxxx-2017 [Clerks to provide number], 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 and 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 on satisfaction of the same; and
- C. The owner must not use, or permit the use of a **building** or **structure** erected with an increase in height and density pursuant to Exception CRE 14 of By-law 569-2013, as amended, unless the provisions of Schedule A of such By-law are satisfied.

ENACTED AND PASSED this _____ day of _____, A.D. 20●.

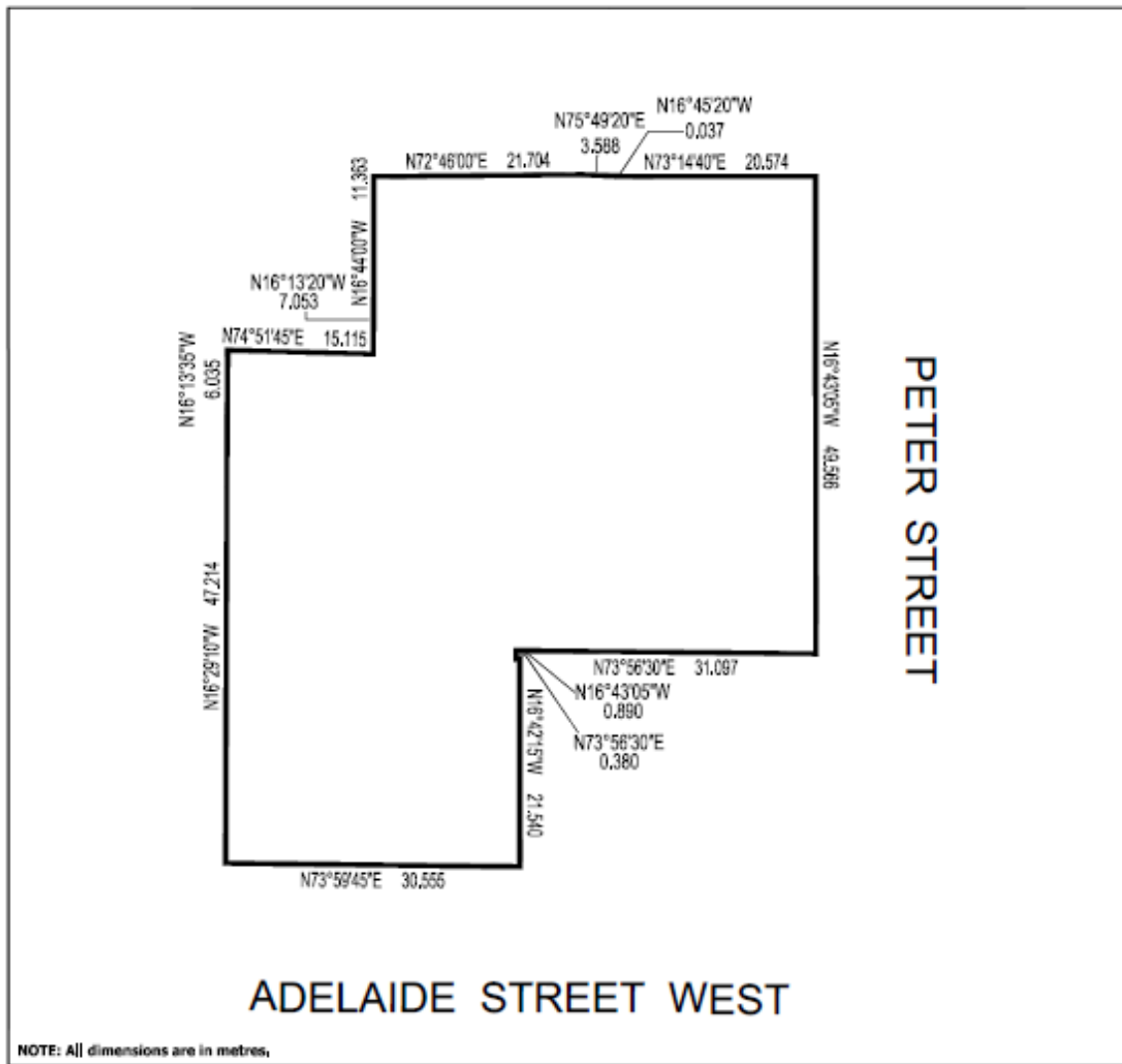
ULLI S. WATKISS,

JOHN TORY

Mayor

City Clerk

Corporate Seal)

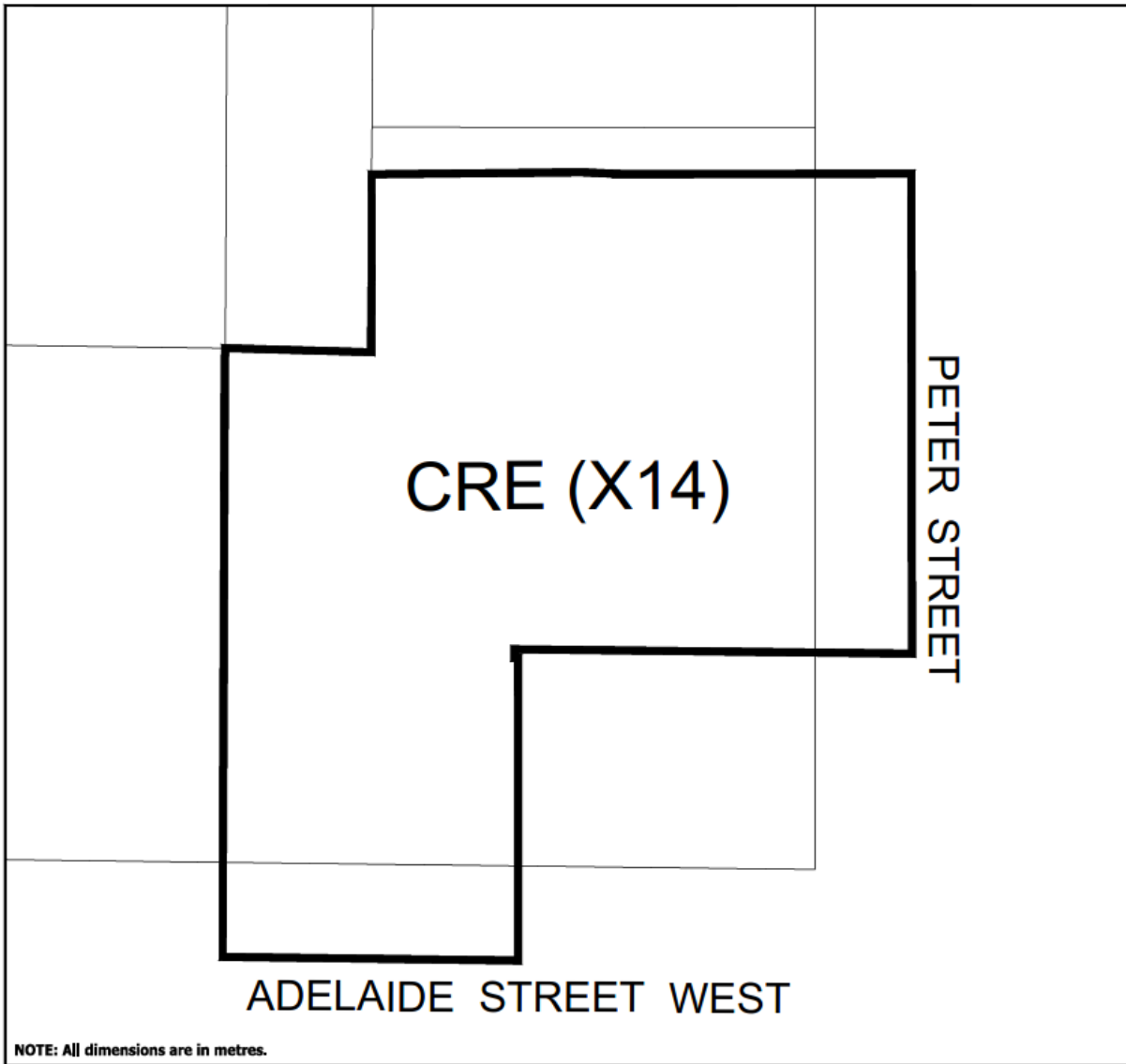


102-118 Peter Street and 350-354 Adelaide Street West, Toronto

Diagram 1

File #16 _____





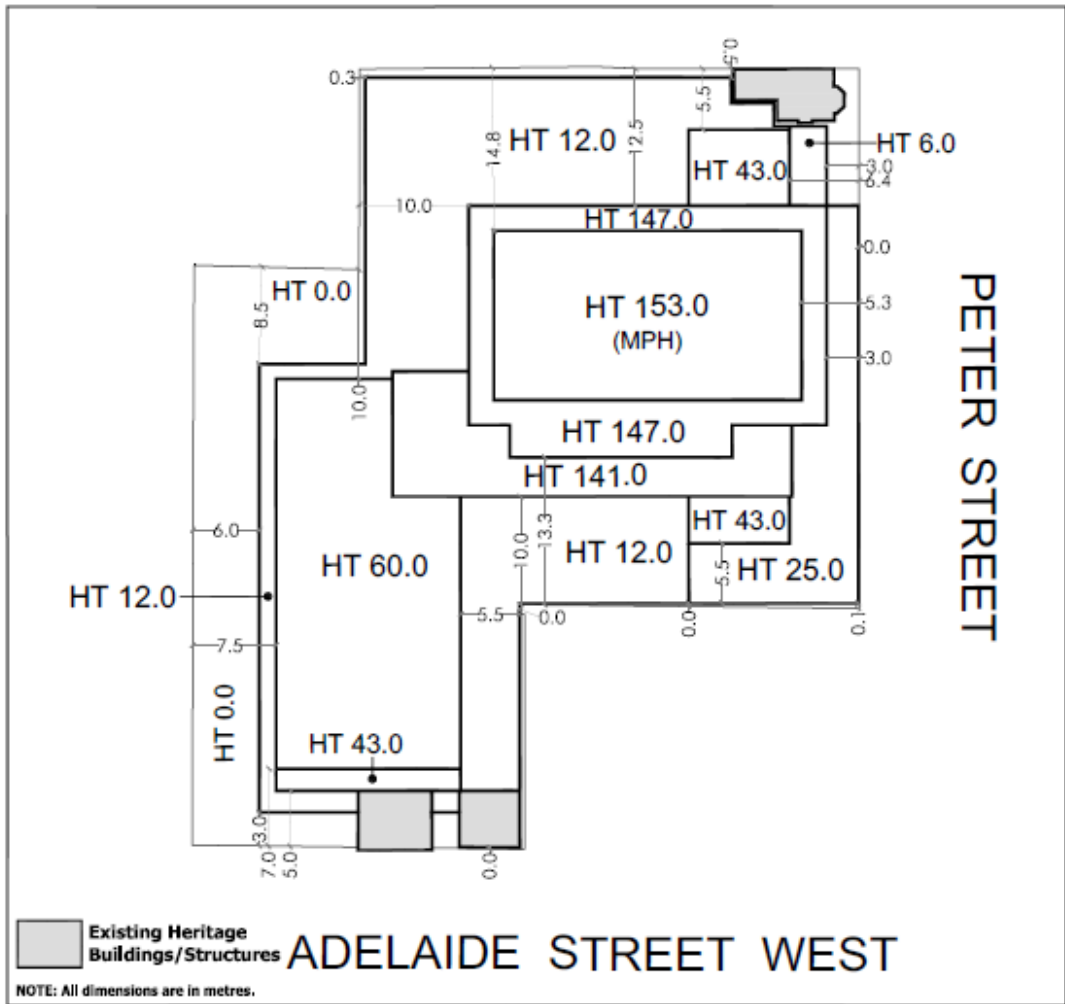
102-118 Peter Street and 350-354 Adelaide Street West, Toronto

Diagram 2

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Not to Scale

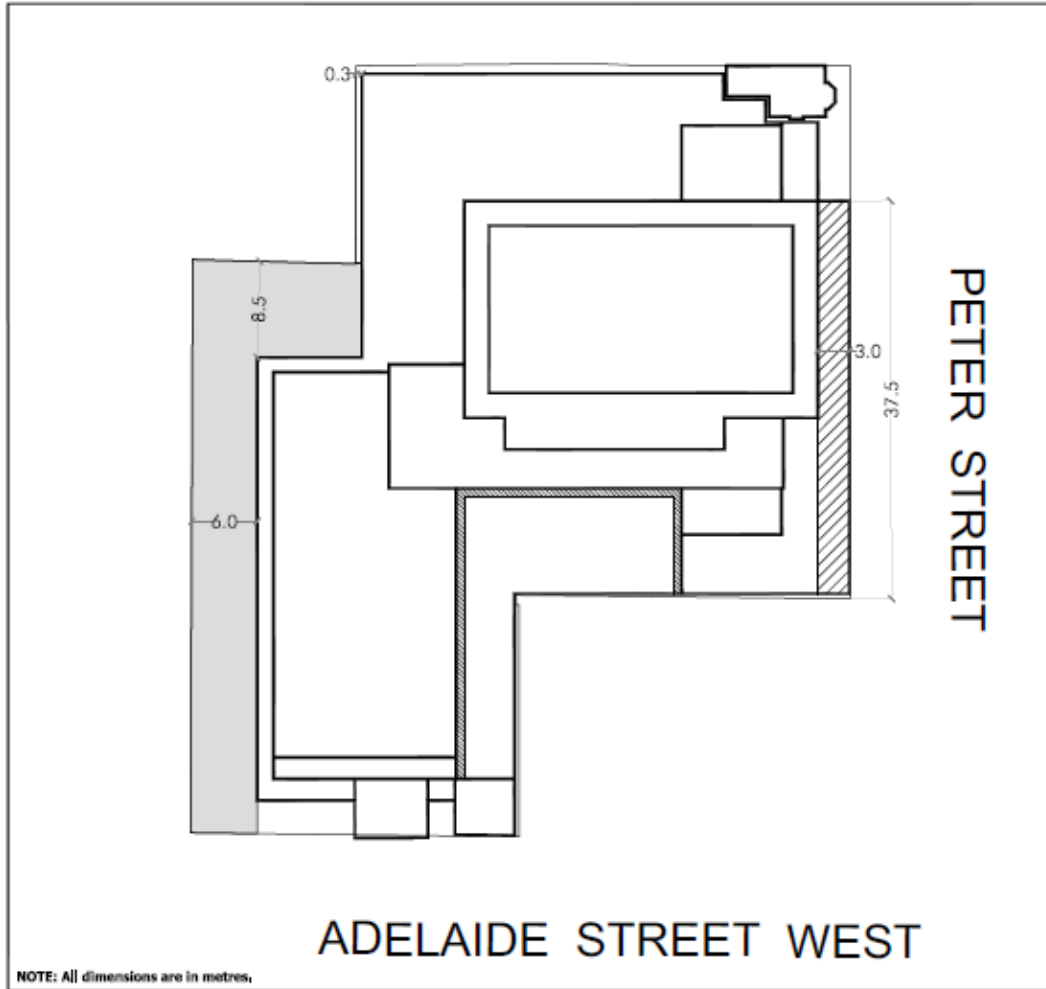


102-118 Peter Street and 350-354 Adelaide Street West, Toronto

Diagram 3

File #16 _____





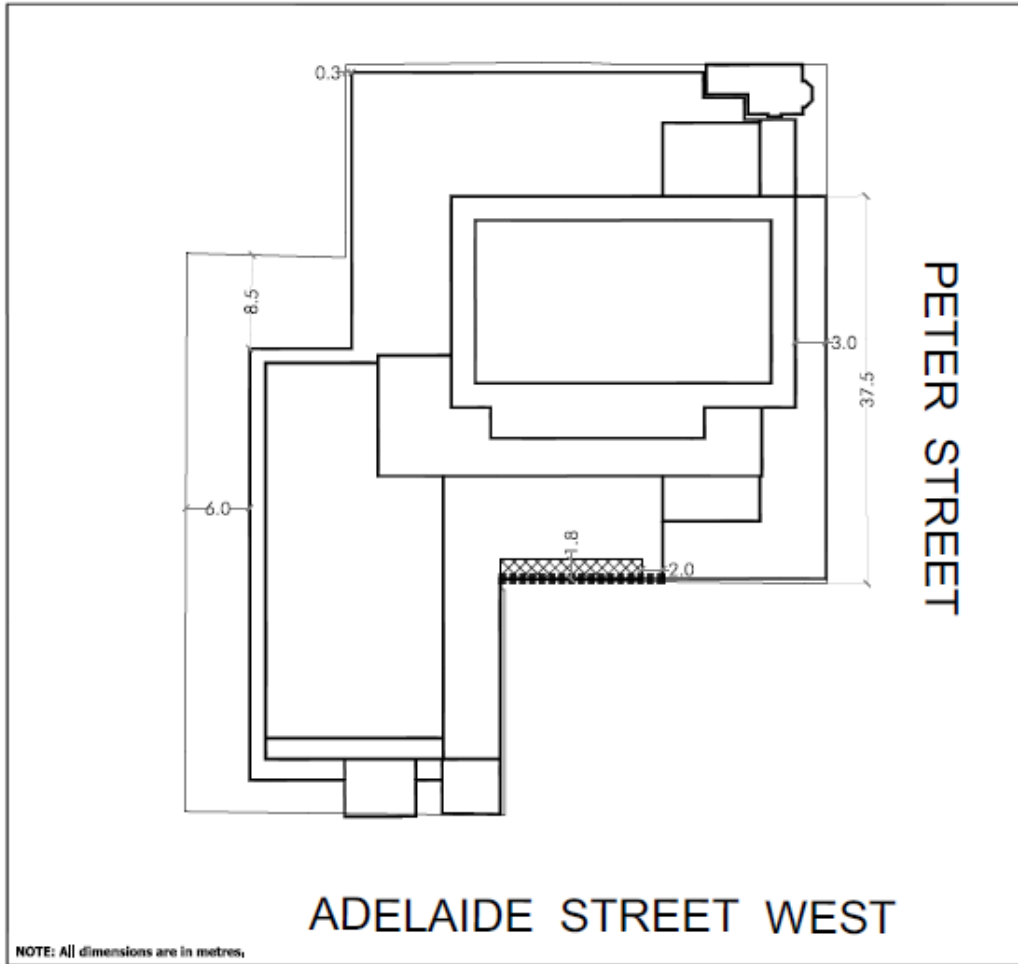
102-118 Peter Street and 350-354 Adelaide Street West, Toronto

Diagram 4

File #16 _____

-  Area Subject to Section 4(H) of this By-law
-  Balcony Restriction Zone Subject to Section 4(I) of this By-law
-  Publicly Accessible Open Space






102-118 Peter Street and 350-354 Adelaide Street West, Toronto

Diagram 5

File #16 _____

----- Privacy Screen

 Landscape Buffer Area
Subject to Section 4(L)
of this By-law


Not to Scale

SCHEDULE A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands shown as CRE (x14) on Diagram 2 of this By-law, and secured in an agreement or agreements pursuant to Section 37(3) of the *Planning Act*, whereby the owner agrees as follows:

- 1(a) The owner shall provide:
- i. A cash contribution of \$3,200,000.00 to be provided to the City for the following capital improvements payable by certified cheque to the Treasurer, City of Toronto prior to the issuance of the first above-grade building permit unless otherwise specified, and to be allocated at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor;
 - a. \$1,200,000.00 towards public realm improvements within the block bounded by Spadina Avenue, Peter Street, Richmond Street West and Adelaide Street West as outlined in the King-Spadina East Precinct Public Realm Strategy;
 - b. \$200,000.00 toward advancing the design of the public realm improvements in (A) above payable upon the zoning by-law amendment coming into full force and effect.
 - c. \$1,160,000.00 towards the YMCA at 505 Richmond Street West, and/or streetscape improvements in relation to the John Street Cultural Corridor and/or Mercer Street to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor;
 - d. \$320,000.00 for the provision of new rental housing units as part of Alexandra Park Revitalization in Ward 20, to be directed to the Capital Revolving Fund for Affordable Housing; and
 - e. \$320,000.00 for capital repairs for the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 20.
 - ii. The required cash contribution pursuant to 1(a) i. a. to e. inclusive are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the day the payment is made;
 - iii. In the event the cash contributions required 1 (a) i. a. to e. inclusive have not been used for the intended purpose within three (3) years of the by-law coming into full force and effect, the cash contributions may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director City Planning Division, in consultation with the Ward Councillor,

provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the lands; and

- iv. The owner shall:
 - a. construct and maintain an area of not less than 380 square meters at grade for use by the general public as publicly accessible, privately-owned open space (POPS), along the west side and in the northwest corner of the site in a location generally as shown on Diagram 4, with the specific configuration and design of the POPS to be determined in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
 - b. prior to the earlier of any non-residential or residential occupancy, including interim occupancy, and registration of the first condominium on the site, prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, free and clear of encumbrances and for nominal consideration, a public access easement, including support rights, in perpetuity in favour of the City over the privately-owned open space (POPS), which easement may allow for the occasional use of the POPS by the owner for special events, all on terms set out in the Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning Division, including limiting the number of events.
- 1(b) The following matters are to be secured in the Section 37 Agreement in support of the development:
 - i. Prior to the introduction of bills to City Council for the Zoning By-law Amendment, the owner shall enter into a Heritage Easement Agreement with the City for the properties at 350 and 352 Adelaide Street West and 118 Peter Street in accordance with the plans and drawings date stamped July 11, 2017, prepared by BBB Architects, and on file with the Senior Manager, Heritage Preservation Services, and the Heritage Impact Assessment (HIA), prepared by Goldsmith Borgal and Company Ltd. Architects, dated June 27, 2017, and in accordance with the required Conservation Plan to the satisfaction of the Senior Manager, Heritage Preservation Services including registration of such Agreement to the satisfaction of the City Solicitor;
 - ii. Prior to the introduction on Bills to City Council for the Zoning By-law Amendment, the owner shall provide a Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment and Addendum for 350 and 352 Adelaide Street West and 118 Peter Street prepared by Goldsmith Borgal and Company Ltd. Architects, dated June 27, 2017, to the satisfaction of the Senior Manager, Heritage Preservation Services;

- iii. Prior to final Site Plan approval for the proposed development for the properties located at 350 and 352 Adelaide Street West and 118 Peter Street, the owner shall:
 - a. Provide final site plan drawings including drawings related to the approved Conservation Plan, to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - b. Provide an Interpretation Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - c. Provide a Heritage Lighting Plan that describes how the heritage properties will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Preservation Services; and,
 - d. Provide a detailed Landscape Plan for the subject property satisfactory to the Senior Manager, Heritage Preservation Services.
 - e. Submit a Signage Plan for the proposed development to the satisfaction of the Senior Manager, Heritage Preservation Services.
- iv. Prior to the issuance of any permit for all or any part of the properties at 350 and 352 Adelaide Street West and 118 Peter Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage buildings as are acceptable to the Senior Manager, Heritage Preservation Services, the owner shall:
 - a. Obtain final approval for the necessary by-law amendments required for the alterations to the properties at 350 and 352 Adelaide Street West and 118 Peter Street, such amendments to have been enacted by City Council and to have come into effect in a form and with content acceptable to City Council as determined by the Chief Planner, and the Executive Director, City Planning Division, in consultation with the Senior Manager, Heritage Preservation Services;
 - b. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - c. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services to secure all work included in the

approved Conservation Plan, Heritage Lighting Plan, Landscape Plan, and Interpretation Plan;

- v. Prior to the release of the Letter of Credit, the owner shall:
 - a. Have obtained final Site Plan approval for the proposed development, issued by the Chief Planner and Executive Director, City Planning Division;
 - b. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work, required heritage lighting work, and the required interpretive work has been completed in accordance with the Conservation Plan, Lighting Plan, Landscape Plan, and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and,
 - c. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services.
- vi. Provide 10% of all residential units as three-bedroom units.
- vii. Not object to the designation of the properties at 350 and 352 Adelaide Street West and 118 Peter Street under Part IV, Section 29 of the *Ontario Heritage Act*.