

TORONTO STAFF REPORT

January 11, 2002

To: Toronto East York Community Council

From: Director, Community Planning, South District

Subject: Final Report
Application to amend the former City of Toronto Official Plan & Zoning By-law
Graphic Arts Building Inc.
73 Richmond Street West and 66 Temperance Street
Application No. 101028
Toronto Centre-Rosedale, Ward 28

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for the preservation of the historic Graphic Arts Building at 73 Richmond Street West and construction of a 55-storey residential building at 66 Temperance Street.

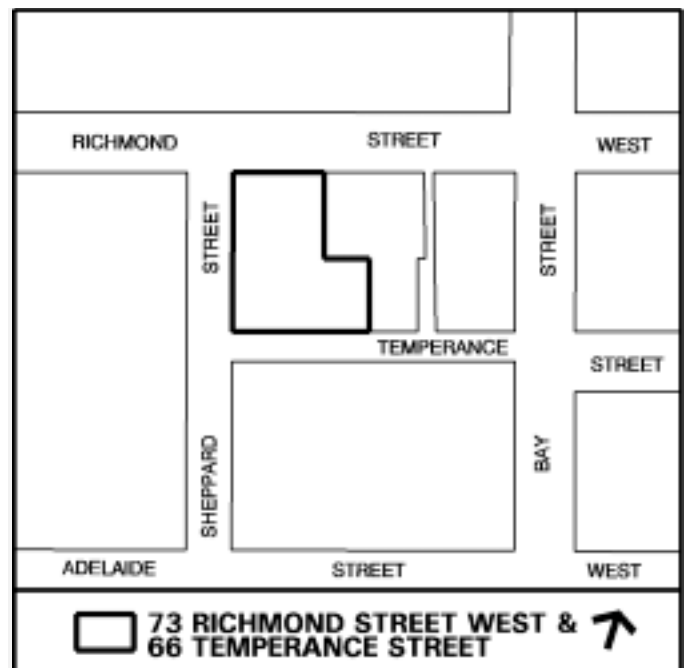
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6;
- (2) amend Zoning By-law 438-86 for the former City of Toronto, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7;



- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required; and
- (4) prior to the introduction of the necessary Bills to City Council for enactment, require the owner to enter into agreements pursuant to Section 37 of the Planning Act and/or the Ontario Heritage Act, to implement the matters referred to in Section 3 of the draft Zoning By-law amendment in Attachment 7, including the following:
 - the preservation of the historic Graphic Arts Building at 73 Richmond Street West in accordance with the approved restoration plan;
 - provision of a Letter of Credit in the amount of \$256,100.00 dollars as security for the preservation of the Graphic Arts Building;
 - the provision of photographs of No. 73 Richmond Street West;
 - provision of a Letter of Credit in the amount of \$115,000.00 to be used for public benefits in the immediate area;
 - provision of public art;
 - reconstruction of the sidewalks adjacent to the site; and
 - the connection of the new residential condominium tower into the facilities of the Toronto District Heating and Cooling System.

Background:

Proposal

Applications to amend the Official Plan and Zoning By-law have been received to permit a two phase development at Nos. 73 Richmond Street West and 66 Temperance Street. Phase I of the proposal would permit the restoration of the historically designated Graphic Arts Building on the Richmond Street property. The building would be used for live - work suites, retail uses that may include a restaurant and some offices.

Phase II of the proposed development would permit the construction of a 55-storey residential building at No. 66 Temperance Street, at the rear of the Graphic Arts Building. Parking would be provided above grade on floors 2 to 11.

The applications come under the Heritage Fast Track approval process approved by City Council in June of 2001.

Site History

A different applicant submitted an Official Plan amendment and rezoning application for these lands one year ago. That application proposed the demolition of the historic Graphic Arts Building with the exception of the two walls fronting onto Richmond Street West and Sheppard Street which would have been incorporated into a new residential tower. The proposed tower had a larger floorplate than the current proposal and was also 12 metres higher. The application was withdrawn prior to any report being considered by Community Council.

The current owner submitted a separate application to the Committee of Adjustment for two variances to permit interior renovations to the historic building while the Official Plan amendment and rezoning applications proceeded. The minor variance application was approved on November 14, 2001 and there were no appeals.

Site and Surrounding Area

The site has frontage on Richmond Street West, Sheppard and Temperance Streets, one block west of Bay Street. The south end of the site is currently vacant and is being used as a surface parking facility.

The surrounding land uses include the following:

North: the Sheraton Centre on the north side of Richmond Street West

South: a 16-storey Bell building containing office and telecommunications equipment on the south side of Temperance Street

East: office buildings

West: the Richmond - Adelaide Centre (where Council recently approved a new 40 - storey office tower) on the west side of Sheppard Street

Official Plan

The Official Plan designation for the site is "Financial District". This designation permits non-residential uses such as offices and retail and residential uses, alone or in combination, to a maximum density of 12.0 times the lot area. Limits of 8.0 and 11.7 times the lot area are placed on non-residential and residential uses respectively.

A density increase is permitted under the heritage preservation policies of the Official Plan. The proposed retention of the Graphic Arts Building qualifies under these "heritage bonus" provisions, increasing the permitted density to 14.0 times the lot area.

Zoning By-law

The site is zoned CR T12.0 C8.0 R11.7. The zoning density limitations are the same as those set out in the Official Plan. The height limit for the site is 137 metres. The proposed residential, retail and office uses are permitted.

Site Plan Control

The owners have submitted an application for Site Plan approval for both phases of the development. The Site Plan application has been reviewed concurrent with the Official Plan amendment and rezoning applications. In the event that City Council approves those applications, I will finalize the necessary Site Plan undertaking.

Reasons for Application

The applicant has filed Official Plan amendment and rezoning applications for the following reasons:

1. The proposed density of 21.4 times the lot area exceeds the 14.0 times coverage permitted under the Official Plan, including the heritage bonus, by 15,088 m² (7.5 times the lot area).
2. The Zoning By-law density limit of 12.0 times the lot area is exceeded by 9.4 times.
3. The proposed height of 158 m exceeds the permitted height of 137 m by 21 m.
4. Other zoning variances include a proposed exemption from the required visitor parking.

Community Consultation

Community Council considered a Preliminary Report on the application in November of 2001. A public meeting was held at the site on December 12, 2001. Notice of the meeting was provided in the newspapers. Three members of the public attended the meeting, expressing support for the applications.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

Comments:

Section 37

The Official Plan contains provisions pertaining to the exchange of public benefits for increases in height and/or density pursuant to Section 37 of the Planning Act. In addition, City Council adopted the Implementation Framework outlined in my report dated July 4, 2000 respecting the application of Section 37.

In this case the calculation of Section 37 benefits was based upon the density in excess of the permitted 12 times coverage and the additional two times coverage permitted through the heritage building floor area exemption. The ten levels of above grade parking were included in the calculation of gross floor area.

Discussions with the applicant have led to a commitment to enter into both a Section 37 Agreement and a Heritage Easement Agreement, to provide the following public benefits.

1. Historic Preservation

The application involves the retention, restoration and re-use of the historic Graphic Arts Building. The importance of the design and history of the building to the historical landscape of the city is considerable. The building is well known as the original home of Saturday Night Magazine and other uses throughout the past century. When combined with the historic buildings at Nos. 85 and 111 Richmond Street West on the next block, these structures provide a "snapshot" of the evolution of Richmond Street West and the role it has played in the rise of the Financial District. The retention of the other important Richmond Street structures was secured through a Section 37 Agreement, rezoning and Heritage Easement Agreement for the Richmond - Adelaide Centre a year ago.

The recommendations of this report require the owner to deposit a Letter of Credit with the City in the amount of \$256,100.00 to ensure that the appropriate restoration work for the Graphic Arts Building is undertaken.

The re-use of the heritage building is an important public benefit.

2. Public Art

The applicant has agreed to provide one per cent of gross construction costs for the purposes of public art.

3. Monetary Contribution for Local Improvements

The proposed residential use will be among the first within the heart of the Financial District. There will be a need to provide added amenities to the area to increase the level of pedestrian comfort and safety. The applicant has agreed to provide funds in the amount of \$115,000.00 to be used for this purpose.

Height

The proposed 158 metre height (excluding mechanical and finial elements) is 21 metres over the height limit set out in the Zoning By-law. Any potential shadows created by the proposed tower would fall within the area already shadowed by the downtown office towers. There are no adverse impacts resulting from the potential shadows cast by the proposed structure.

Views from the surrounding office buildings will be obstructed by the new tower, however the impact is no greater than that generated by a building which would meet the existing height limit. The relationship of the proposed building to surrounding structures is not uncommon within the Financial District.

The building design results in windows on three façades. The use of glass in the upper floors will ensure that the appearance of the building will be in keeping with the area. The narrow floorplate of the tower means the building will blend in well with the built form of other buildings in the Financial District.

Uses

The proposed live - work and retail use of the historic Graphic Arts Building will provide an active use along this portion of Richmond Street. The uses will guarantee that the building continues to play a role in the commerce of the downtown area and will contribute to an active pedestrian environment.

The live - work units and new condominiums will bring 24-hour residents to the area. The new residents will provide a larger market for services and will encourage other mixed-use buildings to be created.

The adjacent office building has recently undergone extensive renovations and with further restoration work planned for the Richmond - Adelaide Centre properties, including a new day care centre, the past vitality of the area should be restored over the next few years.

Transportation

1. Access

While the site has frontage on three streets, the accessibility of the site is restricted by various turning restrictions at nearby intersections. Richmond Street is one-way westbound. No right turns are permitted onto Richmond Street heading south on Bay Street during rush hours. Adelaide Street is one-way eastbound. Left turns are not permitted onto Temperance Street from Bay Street heading north. Temperance Street is a one-way street westbound. Access to the site cannot be provided directly from Richmond Street as the heritage building occupies the entire street frontage.

The proposed ground floor plan splits the access for vehicular parking and loading. Cars will access the garage from Sheppard Street. The ramp is located at the boundary between the historic building and the new tower. This provides a logical break in the façade of the building. Cars will access the garage from several directions including the following:

- Heading east on Adelaide Street West and turning north onto Sheppard Street.
- Heading west along Richmond Street West and turning south onto Sheppard Street.
- Heading south along Bay Street, turning right onto Temperance Street and heading west to Sheppard Street then turning north to the garage entrance.

With several options available for accessing the garage, residents will have ample opportunity to make their way to and from the site.

The location of the ramp will be north of the ramp proposed for the future underground garage to be constructed as part of the office tower approved for 100 Adelaide Street West (the Concourse Building). This location will help minimize potential conflicts between the two parking facilities.

2. Loading

Access to the loading area will be via Temperance Street. The proposed layout allows for a vehicle to be turned within the building. Vehicles will be able to enter and exit the site in a forward motion, rather than reversing onto Temperance Street.

The applicant made changes to the width of the opening along the property line to permit trucks entering and leaving the site to do so without swinging close to the south curb of Temperance Street. This amendment will make it easier for truck movement in and out of the site if there are illegally parked vehicles along the south curb.

3. Illegal Parking - Temperance Street

The issue of illegally parked vehicles creates some concern about traffic movements along Temperance Street. Site inspections indicate much of the activity can be attributed to delivery services. There is a designated loading zone for the Bell building located further east of the site. This loading area should not affect the movement of vehicles in and out of the loading area of the proposed building.

It is anticipated that the increased activity on the street will discourage illegal parking. The turning radius anticipated for trucks exiting the site should be sufficient to avoid problems with illegally parked vehicles. However, should the need arise, a "No Stopping" designation could be applied to the south side of Temperance Street, further west of the "Bell" building loading area.

4. Number of Parking Spaces

The applicant submitted a Traffic Impact Study which staff from the Works and Emergency Services Department reviewed. Works staff determined that, based on current information, the parking requirement under the Zoning By-law for 287 parking spaces (260 resident parking and 27 visitor parking spaces) is not sufficient to meet the anticipated "condominium" standard for 377 parking spaces (350 resident and 27 visitor parking spaces). The current plans for the garage indicate 222 parking spaces.

Works staff has agreed that the 27 visitor parking spaces are not essential to the development. Considering the abundance of commercial parking in the Financial District, any visitors to the building have several options for vehicle parking. The recommendations reflect the deletion of the visitor parking requirement.

The applicant has indicated that a portion of the building may be marketed to corporations who will use the units for long-term accommodation of executives visiting Toronto on business. The applicant believes this will reduce the parking requirement for the building. The applicant has also requested Works staff to consider a valet parking system that will allow more vehicles to be parked within the proposed garage.

To further assess the shortfall in parking, the applicant has been requested to submit a revised report to address the following issues:

- data related to the estimated parking demand based upon comparable data in nearby buildings and the manner in which the units are to be marketed;
- a description of the proposed valet service for the parking and retrieval of residents' vehicles.

The information will be provided prior to the Community Council meeting on January 29th, 2002. I will submit a Supplementary Report on this matter at that time with any additional recommendations as a result of staff review.

5. Above Grade Parking

While above grade parking facilities are generally discouraged in the downtown, the preservation of the heritage structure in this location provides no other alternative. The small land area available for the construction of the tower and the narrow floorplate result in ten levels of parking. To provide ten below grade parking levels would be structurally difficult and cost prohibitive.

The applicant has designed the exterior of the building so that the above grade parking levels are integrated into the overall design of the building. Ventilation to the parking levels is discreetly designed and located so that it does not intrude on the visual appearance of the building.

The exterior of the building at grade is only interrupted for parking by the access ramp from Sheppard Street.

Density

The proposed density of the building is 21.4 times the area of the lot. The permitted coverage is 12 times the lot area plus an additional two times coverage for the heritage building exemption, for a total of 14 times coverage. Of the extra seven times coverage requested, 67 per cent of the increase consists of floor area used for parking. As mentioned earlier, the parking must be provided above grade because of the issues created by attempting to construct a ten-storey below grade garage.

Matters associated with the increased density such as traffic and public amenities have been addressed through the traffic study and public benefits package.

Toronto District Heating & Cooling

The applicant has concluded discussions with EnWave to use their services for the new residential condominium tower. The live-work units in the heritage building will not be connected to the Enwave system as the units had already been marketed prior to an agreement with Enwave. As a result the purchase agreements cannot be altered.

Conclusions:

The applications to permit the construction of a new residential tower and the restoration and re-use of the historic Graphic Arts Building will introduce residential uses into the heart of the Financial District. The increase in the levels of retail activity and pedestrian traffic expected as a result of the proposed development, will be a positive influence on the function and character of Richmond Street West.

The future of the Graphic Arts Building will be secured through agreements arising from the development. The re-use of the building for live-work space ensures this building will remain as an important asset in the inventory of heritage buildings. The re-use of the building as live-work units provides much needed space for smaller business activity that might otherwise not be able to afford office space within the Financial District. The introduction of a new kind of office space into the area is a positive sign that the Financial District is evolving to provide opportunities for the non-traditional office market.

Contact:

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Director, Community Planning, South District

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List of Attachments:

Application Data Sheet
Attachment 1: Site Plan
Attachment 2: North and South Elevations
Attachment 3: East and West Elevations
Attachment 4: Zoning
Attachment 5: Official Plan
Attachment 6: Draft Official Plan Amendment
Attachment 7: Draft Zoning By-law Amendment

APPLICATION DATA SHEET

Site Plan Control

Site Plan Approval:	Yes	File Number:	301092
Rezoning:	Yes	Application Number:	TE SPC 2001 0072
O.P.A.:	Yes	Application Date:	10/11/2001

Municipal Address: 66 Temperance Street and 73 Richmond Street West
 Nearest Intersection: Richmond Street West, Temperance and Sheppard Streets
 Project Description: Mixed use 509 unit residential building and restoration of the historic graphic arts building.

Applicant/Architect:

Burka Varacalli Architects
 4800 Dufferin Street
 Toronto M3H 5S9
 (416) 665-0722

Owner:

Graphic Arts Building Inc.
 50 Weybright Court
 Toronto M1S 5A8
 (416) 299-3320

PLANNING CONTROLS (For verification refer to Chief Building Official)

Official Plan Designation:	Financial District	Site Specific Provision:	No
Zoning District:	CR T12.0 C8.0 R11.7	Historical Status:	Yes
Height Limit (m):	137	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area:	2011.26	Height: Storeys: 55
Frontage:	30.63	Metres: 158 m
Depth:	53.48	

		Indoor	Type
Ground Floor GFA:	2011.26	Parking Spaces: 229	
Residential GFA:	41824 m2	Loading Docks: 1	G
Non-Residential GFA:	1418		
Total GFA:	43242		

DWELLING UNITS

Tenure Type:	Condominium
Bachelor:	42
Live/Work:	52
1 Bedroom:	230
2 Bedroom:	185
3+ Bedroom:	0
Total Units:	509
Total Proposed Density:	21.4

FLOOR AREA BREAKDOWN

	Above Grade
Residential GFA:	41824
Retail GFA:	185
Office GFA:	1233
Industrial GFA:	0
Industrial/Other GFA:	0

COMMENTS This project is comprised of Phase I - (301091) Heritage building conversion to 52 live work units (73 Richmond St) & Phase II - (301092) mixed use 457 unit residential building (66 Temperance). Although the application and plans were proposed as one, the two portions of the project have been given individual application numbers to facilitate processing. The related application #301091 is eligible for heritage fast-track processing.

Current Status:	Open	<u>Latest Event</u>	<u>Actual Date</u>
		Suppl. Submission	10/19/2001
		Received	10/11/2001

Data Valid: January 7, 2002 Planner: Stanley, Rollin Phone: (416) 392-0424
Area: District - C Planning Office: Toronto - South (TE)

**ATTACHMENT 6
Draft Official Plan Amendment**

CITY OF TORONTO

BY-LAW No. ____-2002

**To adopt an amendment to the Official Plan for the former City of Toronto respecting
lands known as Nos. 66 Temperance Street and
73 Richmond Street West.**

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

- 1.** The text and map annexed hereto as Schedule "A" are hereby adopted as an amendment to the Official Plan for the former City of Toronto.
- 2.** This is Official Plan Amendment No. ____.

ENACTED AND PASSED this ____ day of February, A.D. 2002.

SCHEDULE "A"

1. Section 18 of the Official Plan for the former City of Toronto is hereby amended by adding the following Section 18.____ and the attached Map 18.____;

"18.____ Lands known as Nos. 66 Temperance Street and 73 Richmond Street West

Despite any of the provisions of this Plan, Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18.____, to permit increases in density and height of development otherwise permitted, to permit the erection and use on Parcel B, as shown on Map 18.____, of a building containing *residential*, office and retail uses, and the conversion of the existing building located on Parcel A, to contain live-work, office and retail uses, provided that:

- (1) the lands, being the *lot*, consist of Parcels A and B as shown on Map 18.____;

Despite the definition of "lot" contained in the Plan, Parcels A and B shall comprise a "*lot*" despite more than one building is or is to be erected thereon, and all such buildings shall be deemed to have a common basement;

- (2) the *residential gross floor area*, *non-residential gross floor area* and total *gross floor area* erected or used on either of the Parcels noted in the table below, shall not exceed the amounts listed in the columns opposite the Parcel reference;

Parcel	Total Gross Floor Area m2	Residential Gross Floor Area m2	Non-Residential Gross Floor Area (m2)
A	4650	3410	3410
B	38620	38420	1000

- (3) the owner of the lands is required by by-law to:
- A. provide and maintain one or more works of art pursuant to a *public art* program of a value not less than one per cent of the cost of construction of all new buildings, structures and additions erected on Parcel B on or after the date of passing of this By-law, and costs related to the *public art* shall not be included in such valuation;
- B. retain, restore, conserve and maintain the building located at No. 73 Richmond Street West, in accordance with an approved Restoration Plan and in a manner that respects the

quality and character and which is secured and further defined through one or more agreements pursuant to Section 37 of the Ontario Heritage Act and Section 37 of the Planning Act, which includes that the exterior facades and entry lobby of the building shall be maintained in a manner consistent with the approved Restoration Plan;

- C. deposit with the City, a letter of credit in the amount of \$115,000.00 dollars, prior to the issuance of a building permit for any new construction on Parcel B;
- D. enter into one or more agreements with the City pursuant to Section 37 of the Planning Act to secure all the facilities, services and matters referred to in this By-law, and such agreement or agreements are appropriately registered against the title of the lands;
- E. deposit with the City, a letter of credit in the amount of \$256,100.00, with respect to the retention, preservation and conservation of the heritage building at No. 73 Richmond Street West;
- F. connect the mechanical system of the new building at No. 66 Temperance Street to the Toronto District Heating and Cooling System;
- G. pay for improvements to the public sidewalks and boulevards immediately adjacent to the *lot*, as referred to in an agreement pursuant to Section 41 of the Planning Act; and
- H. provide photographs of the historic property located at No. 73 Richmond Street, suitable for inclusion in any agreements pursuant to the Ontario Heritage Act.

**ATTACHMENT 7
Draft Zoning By-law Amendment**

CITY OF TORONTO

BY-LAW No. ____ - 2002

To amend By-law No. 438-86 of the former City of Toronto as amended, respecting lands known as Nos. 66 Temperance Street and 73 Richmond Street West.

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the By-law in return for the provision of such facilities, services or matters as are set 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 or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted 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 and are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law.

NOW THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

1. Upon execution and registration of the agreement to be entered into with the City pursuant to Section 37 of the *Planning Act* in accordance with the provisions of Section 3 herein, Parcel A and Parcel B of the *lot*, as shown on Plan 1 attached, are subject to the requirements set out in this By-law and, except as otherwise provided herein, the provisions of By-law 438-86, being “A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall continue to apply to Parcel A and Parcel B.

2. None or the provision of section 2 of the aforesaid By-law 438-86 as it pertains to the definitions of "bicycle parking spaces - visitor", "live-work unit", "lot" and "parking space", and sections 4(2)a; 4(5)(a); 4(12); 8(3) PART I 1, 2, and 3; 8(3) PART III 1(a); and 8(3) PART XI 2(2); of the aforesaid By-law 438-86, shall prevent the building on *Parcel A* existing on (INSERT DATE OF PASSING OF THE BY-LAW), from being used for live-work, office and/or retail uses, or the erection or use of a *mixed-use building* or a *residential building* on *Parcel B*, provided:

- (1) the *lot* comprises *Parcel A* and *Parcel B*, despite more than one building is or is to be erected thereon, notwithstanding that there is no below *grade* connection between buildings and all such buildings shall be deemed to have a common basement;
- (2) *bicycle parking spaces - visitor* are provided in a locker;
- (3) not more than 44 *parking spaces* are less than the required minimum size;
- (4) the *height* of any building or structure on *Parcel B* does not exceed 158.0 metres;
- (5) the height of the mechanical penthouse shall not exceed 14.0 m on *Parcel B* whereas the requirements of section 4(2)a shall apply to *Parcel A*;
- (6) not less than 260 *parking spaces* are provided on the *lot*;
- (7) 558 square metres of indoor *residential amenity space* and 245 square metres of outdoor *residential amenity space* is provided on *Parcel B* and the requirements of section 4(12) regarding the provision of kitchen and washroom facilities are complied with;
- (8) the *non-residential gross floor area*, *residential gross floor area* or combination thereof erected or used on the *lot*, shall not exceed the amounts listed in the columns opposite the Parcel reference;

<i>Parcel</i>	<i>Total Gross Floor Area m2</i>	<i>Residential Gross Floor Area m2</i>	<i>Non-Residential Gross Floor Area (m2)</i>
<i>A</i>	4650	3410	3410
<i>B</i>	38620	38420	3000

- (9) any building or structure erected on *Parcel B* complies with section 8(3) PART II 1(a)(ii); and

- (10) the definition of "*live-work unit*" contained in section 2 of By-law 438-86, is applied except that any number of persons may work in the unit provided the resident or residents of the unit also work in the unit.
3. Notwithstanding Section 1 hereof, the density and height of development permitted by Section 1 is permitted subject to compliance with the conditions set out therein and in return for the provision by the owner of the *lot* referred to in Section 1 of the following facilities, services and matters to the City of Toronto, namely:
 - (1) retain, restore, conserve and maintain the building located at No. 73 Richmond Street West, in accordance with an approved Restoration Plan and in a manner that respects the quality and character of the building and which is secured and further defined through one or more agreements pursuant to Section 37 of the *Ontario Heritage Act* and Section 37 of the *Planning Act*;
 - (2) deposit with the City, a letter of credit in the amount of \$256,100.00 dollars, prior to the issuance of a building permit in respect of *Parcel A*, to secure the retention, restoration, conservation and maintenance of the historic elements of such building;
 - (3) provide and maintain one or more works of *art* pursuant to a public art program in publicly accessible portions of the *lot* of a value not less than one per cent of the cost of construction of all new buildings, structures and additions erected on *Parcel A* on or after the date of passing of this By-law, provided that the costs related to obligations under the agreements drawn pursuant to Section 37 of the *Ontario Heritage Act* and costs related to public art, shall not be included in such valuation;
 - (4) deposit with the City, a letter of credit in the amount of \$115,000.00, prior to the issuance of an excavation permit in respect of *Parcel B*;
 - (5) connect the mechanical system of any building erected on the lands known municipally as No. 66 Temperance Street to the Toronto District Heating and Cooling System;
 - (6) undertake or pay for improvements to the public sidewalks and boulevards immediately adjacent to the *lot*, generally as shown on the landscape plan to be referred to in an agreement pursuant to section 41 of the *Planning Act* ; and
 - (7) enters into one or more agreements with the City pursuant to Section 37 of the *Planning Act* and the *Ontario Heritage Act*, to secure all the facilities, services and matters referred to in this By-law, and such agreement or agreements are appropriately registered against the title of the lands.

4. For the purposes of this By-law;
- (1) "*art*" includes works of plastic art, graphic art, sculptured landscaping, fountains and artistic treatment of walls or other building elements clearly visible at all times from public areas, including flooring, structure, lighting and furnishings, provided such elements or works have been designed by or in collaboration with artists;
 - (2) "*lot*" means those lands delineated by heavy lines on Plan 1 and includes both *Parcel A* and *Parcel B*;
 - (3) "*Parcel A*", and "*Parcel B*" means the areas identified as "*Parcel A*" and "*Parcel B*" on Plan 1; and
 - (4) each other word or expression which is italicized herein shall have the same meaning as each word and expression as defined in the aforesaid By-law No. 438-86, as amended;

ENACTED AND PASSED this day of _____, A.D. 2002.