

Authority: Ontario Land Tribunal Decision issued on August 14, 2020 and Order issued August 11, 2022 in Ontario Land Tribunal File PL161152

## CITY OF TORONTO

### BY-LAW 1164-2022(OLT)

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2017 as 120, 122, 124, 126 and 128 Peter Street, and 357 and 359 Richmond Street West.**

Whereas the Ontario Land Tribunal, formerly the Local Planning Appeal Tribunal, by its Order issued August 11, 2022 in File PL161152, approved amendments to amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally as 120, 122, 124, 126 and 128 Peter Street, 357 and 359 Richmond Street West; and

Whereas the Ontario Land Tribunal has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended to pass this by-law; and

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

Whereas Section 37.1 of the Planning Act provides that Subsections 37(1) to (4) of the Planning Act as it read on the day before Section 1 of Section 17 to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37 (1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and

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

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

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

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by former City of Toronto Zoning By-law 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

## The Ontario Land Tribunal Orders:

1. Except as otherwise provided herein, the provisions of former City of Toronto By-law 438-86, as amended, shall continue to apply to the *lot*.
2. None of the provisions of Section (2)(1) with respect to the definitions of *commercial parking garage*, *height*, *grade*, *lot*, *non-residential gross floor area*, and *residential gross floor area*, and Sections 4(2)(a), 4(5), 4(8), 4(9), 4(10), 4(11)(b) and (c), 4(12), 4(13), 7(3) Part I, 7(3) Part II, 7(3) Part III, 7(3) Part IV, 12(2)(132), 12(2)(204), 12(2)(246), 12(2)(270), 12(2)(339) and 12(2)380 of By-law 438-86, as amended, of the former City of Toronto, being "A by-law to regulate the use of land and the erection use, bulk, height, spacing of land and other matters relating to the 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" shall apply to prevent the erection or use of a *mixed-use building* on the lands municipally known as 120, 122, 124, 126 and 128 Peter Street and 357 and 359 Richmond Street West provided that:
  - (a) the *lot* comprises the lands delineated by heavy black lines on Map 1 attached to of this By-law;
  - (b) in addition to those uses permitted pursuant to Section 7(1) of By-law 438-86, as amended, a *commercial parking garage*, *car-share parking* and a *temporary sales office* are also permitted uses on the *lot*;
  - (c) the total combined *residential gross floor area* and *non-residential 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 23,100 square metres, of which:
    - (i) the total *residential gross floor area* shall not exceed 22,800 square metres; and
    - (ii) the total *non-residential gross floor area* shall not exceed 6,300 square metres and shall exclude the *gross floor area* associated with the *commercial parking garage*;
  - (d) *dwelling units* on the lot shall include:
    - (i) a minimum of 20 percent of the total number of *dwelling units* shall contain two bedrooms;
    - (ii) a minimum of 10 percent to the total number of *dwelling units* shall contain three bedrooms; and
    - (iii) in the event that the calculation of the number of proposed *dwelling units* with two or three bedrooms results in a number with a fraction, the number of *dwelling units* shall be rounded up to the next whole number;

- (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 letter "H" identified on Map 2 attached to this By-law, with the exception of the following:
- (i) structures and elements related to outdoor flooring and roofing assembly by a maximum of 0.5 metres;
  - (ii) structures and elements used for *green roof* purposes, mechanical elements, mechanical intake and exhaust ventilations, chimneys, garbage chutes, light fixtures, signage, lightning rods, green energy and renewable energy facilities (such as solar panels) by a maximum of 2.0 metres;
  - (iii) parapets, exterior cladding elements, ornamental or architectural features, dormers, planters, water features, bollards, fences, terrace dividers, privacy and architectural screens, outdoor furniture, artworks, by a maximum of 2.5 metres;
  - (iv) access to rooftops and terraces such as access hatches, stairs, ladders, ramps, elevator overruns, guardrails, railings and safety railings by a maximum of 3.0 metres;
  - (v) structures and elements for pool and pool accessories, cabanas, pergolas, trellises, by a maximum of 3.6 metres;
  - (vi) emergency generator and support structures by a maximum of 4 metres;
  - (vii) structures, elements and architectural features for wind mitigation and window washing equipment by a maximum of 5.5 metres; and
  - (viii) cooling towers and support structures by a maximum of 6.0 metres;
- (f) notwithstanding Section (e) above and with the exception of wind mitigation features, safety railings, lightning rods and window washing equipment which may project vertically to the maximum extent described in Section (e) above, and flight warning fixtures, nothing can project beyond a maximum *height* of 123.55 metres on the north side of the building and a maximum *height* of 141.36 metres on the south side of the building in the area illustrated as 'Sloped Roof' on Map 2 attached to this By-law;
- (g) notwithstanding Section (e) above, only equipment used for the functional operation of the heritage building(s) such as, but not limited to, venting, mechanical elements generators, telecommunication infrastructure, and chimney stacks, and such elements provided as part of an approved conservation plan for the heritage building(s), may project above the *height* limits of 11.5 metres and 12 metres illustrated on Map 2 attached to this By-law. For the purposes of interpreting this By-law, the 11.5 metre and 12 metre *height* limits apply to the extent of the heritage buildings illustrated on Map 3 attached to this By-law;

- (h) no portion of any building or structure erected above finished ground level on the *lot*, shall be located otherwise than wholly within the heavy lines identified on Map 2 attached to this By-law;
- (i) a required minimum building setback of 10 metres from the north property line along Richmond Street West and 16 metres from the west property line shall be provided at a *height* from 12 metres to 16 metres above the heritage building situated on the north portion of the *lot*, in the area of the dashed line as shown in metres on Map 3 attached to this By-law;
- (j) a required minimum building setback of 11 metres from the east property line along Peter Street and 20 metres from the south property line shall be provided at a *height* from 12 metres to 16 metres above the heritage building on the east portion of the *lot*, in the area of the dashed line as shown in metres on Map 3 attached to this By-law;
- (k) notwithstanding Sections (h), (i) and (j) above, the following structures and elements may extend beyond the heavy lines identified on Map 2 attached to this By-law:
  - (i) lighting fixtures, signage and directory pylons, street furniture, fire hose connections, gas meters, canopies, including supporting structures, awnings, lighting trellises, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, ramps to underground parking areas and associated enclosures, piers and sun-shades, landscape and green roof elements, wind mitigation structures, covers over walkways, privacy screens, planters, fencing, bollards, safety railings, trellises, guards, retaining walls, bicycle parking facilities, ornamental or architectural features, art installations, and cladding added to the exterior surface of a main wall;
  - (ii) balconies to a maximum of 1 metre;
  - (iii) cornices, sills and eaves to a maximum of 0.5 metres; and
  - (iv) equipment used for the functional operation of the heritage building(s) and such elements provided as part of an approved conservation plan for the heritage building(s);
- (l) notwithstanding Sections (h), (i), (j) and (k) above, balcony encroachments are not permitted within the balcony restriction zones on the east and west sides of the building in the areas illustrated with the hatched lines on Map 3 attached to this By-law;
- (m) *residential amenity space* shall be provided and maintained on the *lot* in accordance with the following:
  - (i) if the building contains a *hotel use*:

- A. a minimum of 3.43 square metres of indoor *residential amenity space per dwelling unit*, of which 1.40 square metres per *dwelling unit* is for the exclusive use of residents, and the balance may be accessible to *hotel* users; and
  - B. a minimum of 1.59 square metres of outdoor *residential amenity space per dwelling unit*, of which 0.83 square metres per *dwelling unit* is for the exclusive use of residents, and the balance may be accessible to *hotel* users;
- (ii) if the building does not contain a *hotel* use:
- A. a minimum of 2.1 square metres of indoor *residential amenity space per dwelling unit*; and
  - B. a minimum of 1.9 square metres of outdoor *residential amenity space per dwelling unit*;
- (iii) no more than 25 percent of the outdoor *residential amenity space* component may be a *green roof*; and
- (iv) when calculating the provision in square metres of indoor *residential amenity space*, the area is measured as the area bounded by the interior surface of demising walls separating *residential amenity space* from other spaces and the interior surface of all exterior walls, and includes areas within the *residential amenity space* occupied by mechanical/utility and structural columns;
- (n) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- (i) a minimum of 0.17 *parking spaces* for each *dwelling unit* for residents;
  - (ii) no residential visitor *parking spaces* are required;
  - (iii) 0.2 *parking spaces* per 100 square metres of floor area for *hotel* uses up to a maximum of 14 *parking spaces*;
  - (iv) with the exception of Sections (n)(iii) above and (n)(v) below, no *parking spaces* are required for non-residential uses;
  - (v) if the *building* contains a *hotel* use a minimum of 2 *parking spaces* must be provided for pick-up and drop-off for the *hotel* use; and
  - (vi) up to 35 of the resident *parking spaces* required in Section (n)(i) above may be provided and maintained as off-site *parking spaces* on the lands municipally known in the year 2017 as 102-118 Peter Street and

350-354 Adelaide Street West and illustrated on Map 1 of By-law 1470-2017;

- (o) notwithstanding Section 4(17) of By-law 438-86, as amended, 5 of the *parking spaces* may be provided with a minimum length of 5.6 metres and a minimum width of 2.6 metres when obstructed on one side;
  - (p) loading spaces shall be provided and maintained on the lot in accordance with the following:
    - (i) a minimum of one *loading space – type G*;
  - (q) *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
    - (i) a minimum of 0.9 long term *bicycle parking spaces* per *dwelling unit*;
    - (ii) a minimum of 0.1 short term *bicycle parking spaces* per *dwelling unit*;
    - (iii) a minimum of 14 long term *bicycle parking spaces* are required for occupants of non-residential uses on the *lot*;
    - (iv) no *bicycle parking spaces* are required for visitors of non-residential uses on the *lot*;
    - (v) *bicycle parking spaces* may be located below or above *grade*;
    - (vi) *bicycle parking spaces* may be provided as *stacked bicycle parking spaces*;
    - (vii) if a *stacked bicycle parking space* is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres and the minimum width is 0.45 metres; and
    - (viii) if the calculation of the minimum *bicycle parking spaces* results in a fraction of a *bicycle parking space* being required, the number of required *bicycle parking spaces* shall be rounded up to the next whole number;
  - (r) Notwithstanding the definition of *bicycle parking space-occupant* and *bicycle parking space-visitor* in Section 2(1) of By-law 438-86, as amended, a *bicycle parking space* may have a minimum width of 0.45 metres;
  - (s) a *privately owned publicly-accessible open space* with a minimum area of 100 square metres shall be provided on the ground level generally in the location identified on Map 3 attached to this By-law;
3. None of the provisions of this By-law or By-law 438-86 as amended, apply to prevent the erection and use of a *temporary sales office* on the *lot*.

4. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86, as amended, with the exception of the following which shall have the meaning stated herein:

*'commercial parking garage'* means premises having an area for the parking of one or more vehicles as a principal use and the parking of a vehicle is available for public use with or without a fee;

*'car-share or car-sharing'* means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including 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 88.30 metres Canadian Geodetic Datum;

*'green roof'* means an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Chapter 492 of the City of Toronto Municipal Code.

*'height'* means the vertical distance between *grade* and the highest point of the building or structure on the *lot* except for those elements prescribed by this By-law;

*'lot'* means the lands delineated by heavy black lines on Map 1 attached to this By-law;

*'non-residential gross floor area'* means the aggregate of the areas of each floor and the spaces occupied by walls and stairs, above or below *grade*, of a *non-residential building* or the non-residential portion of a *mixed-use building*, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, exclusive of the following areas:

- (i) parking, loading and bicycle parking below-ground;
- (ii) open to below areas within the building, void space;
- (iii) required loading spaces on the ground level and required *bicycle parking spaces* or *stacked bicycle parking spaces* at or above-ground;
- (iv) areas used to access *parking spaces* and loading spaces, including but not limited to *loading space - type G*;
- (v) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;

- (vi) shower and change facilities that are required by this By-law for required bicycle parking spaces;
- (vii) elevator shafts;
- (viii) garbage shafts;
- (ix) mechanical penthouse; and,
- (x) exit stairwells in the building.

*'privately-owned publicly accessible open space'* means a space on the *lot* situated at ground level that is accessible to the public, secured through appropriate legal agreements and may include pedestrian walkways, seating areas, landscaped plaza, landscape elements, short term bicycle parking and is used principally for the purpose of sitting standing and other recreational uses;

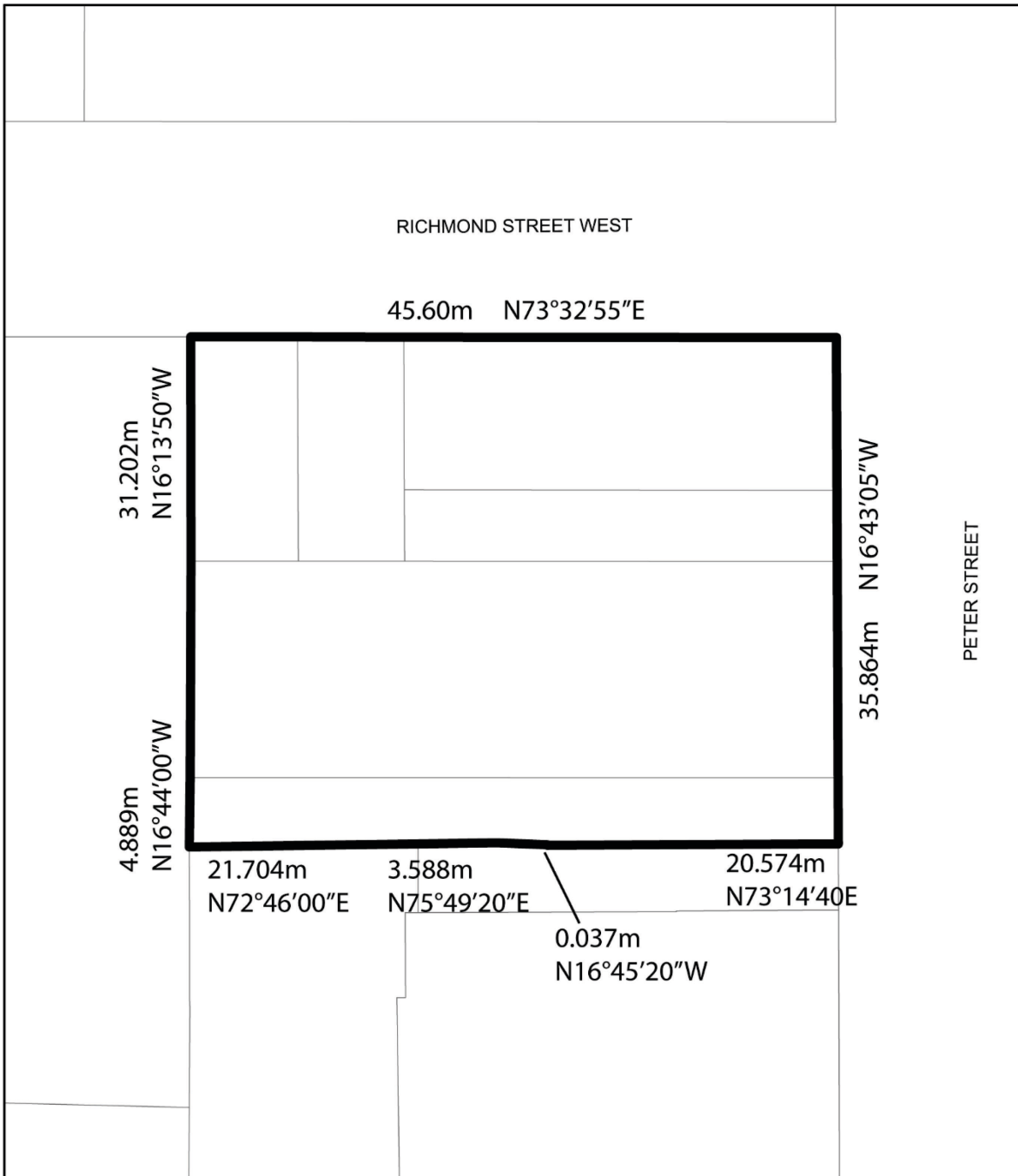
*'residential gross floor area'* means the aggregate of the areas of each floor and the spaces occupied by walls and stairs, above or below *grade*, of a *residential building* or the residential portion of a *mixed-use building*, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, exclusive of the following areas:

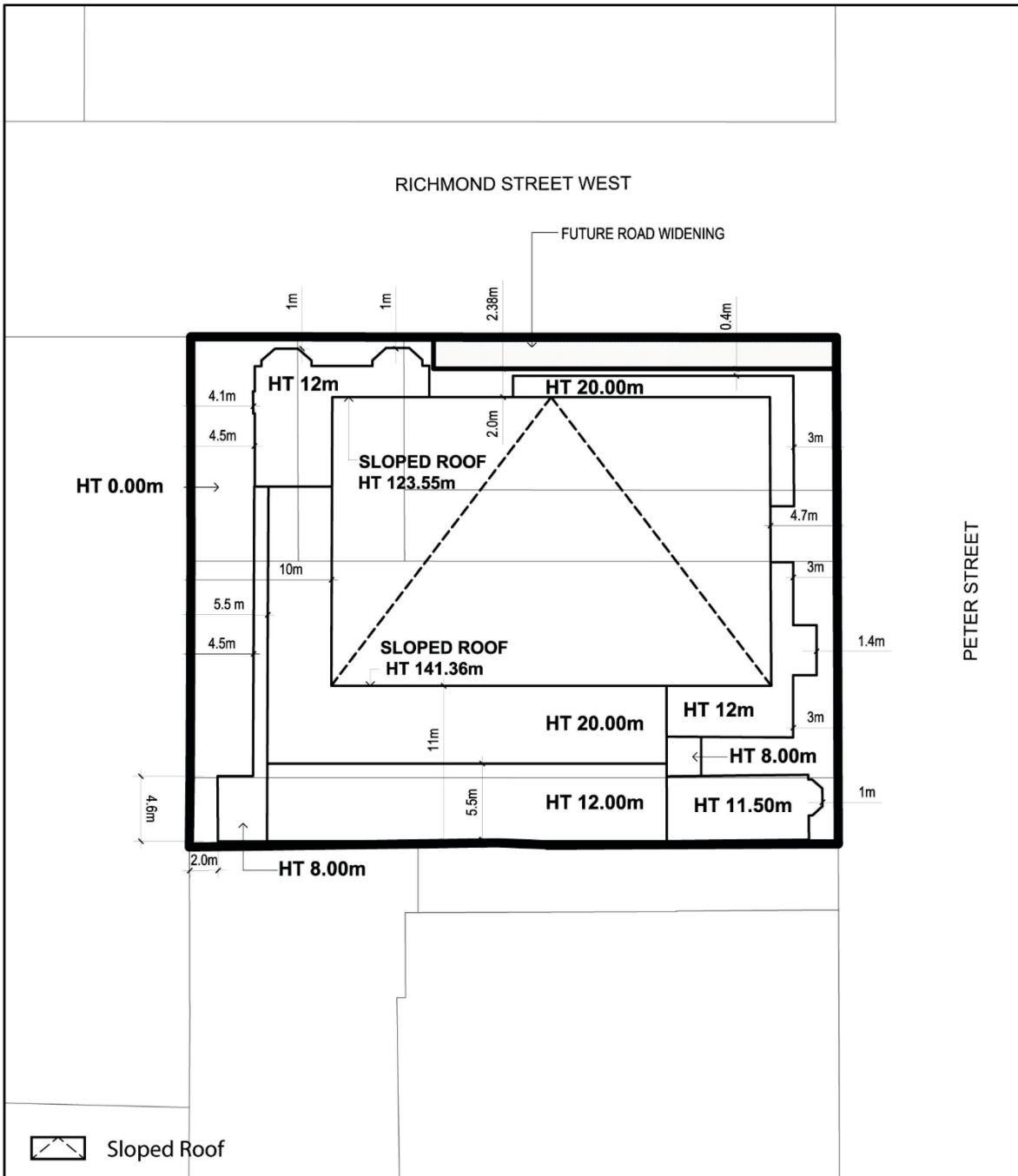
- (i) parking, loading and bicycle parking below-ground;
- (ii) open to below areas within the building and void space;
- (iii) required loading spaces on the ground level and required *bicycle parking spaces* or *stacked bicycle parking spaces* at or above-ground;
- (iv) areas used to access *parking spaces* and loading spaces, including but not limited to *loading space - type G*;
- (v) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- (vi) shower and change facilities that are required by this By-law for required *bicycle parking spaces*;
- (vii) indoor *residential amenity space* required by this By-law;
- (viii) elevator shafts;
- (ix) garbage shafts;
- (x) mechanical penthouse; and,
- (xi) exit stairwells in the building;

'*stacked bicycle parking space*' means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*;

'*temporary sales office*' means a building, structure, facility or trailer on the *lot* used for the purpose of the sale or lease of *dwelling units* or the *non-residential gross floor area* to be erected on the *lot*.

5. Notwithstanding any existing or future severances, 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 occurred.
6. 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 on the *lot* unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
  - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
7. Section 37 Provisions
  - (a) Pursuant to Section 37 of the *Planning Act*, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, and subject to compliance with this By-law, the increase in *height* and density of development is permitted beyond that otherwise permitted on the lands shown on Map 1 attached to this By-law, in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 of this By-law and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act*, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, that is/are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
  - (b) Where Appendix 1 of this By-law requires the owner to provide certain facilities, services or matters and enter into and register an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same.
  - (c) The owner shall not use, or permit the use of, a building or structure erected with an increase in *height* or density pursuant to this By-law unless all provisions of Appendix 1 of this By-law are satisfied.

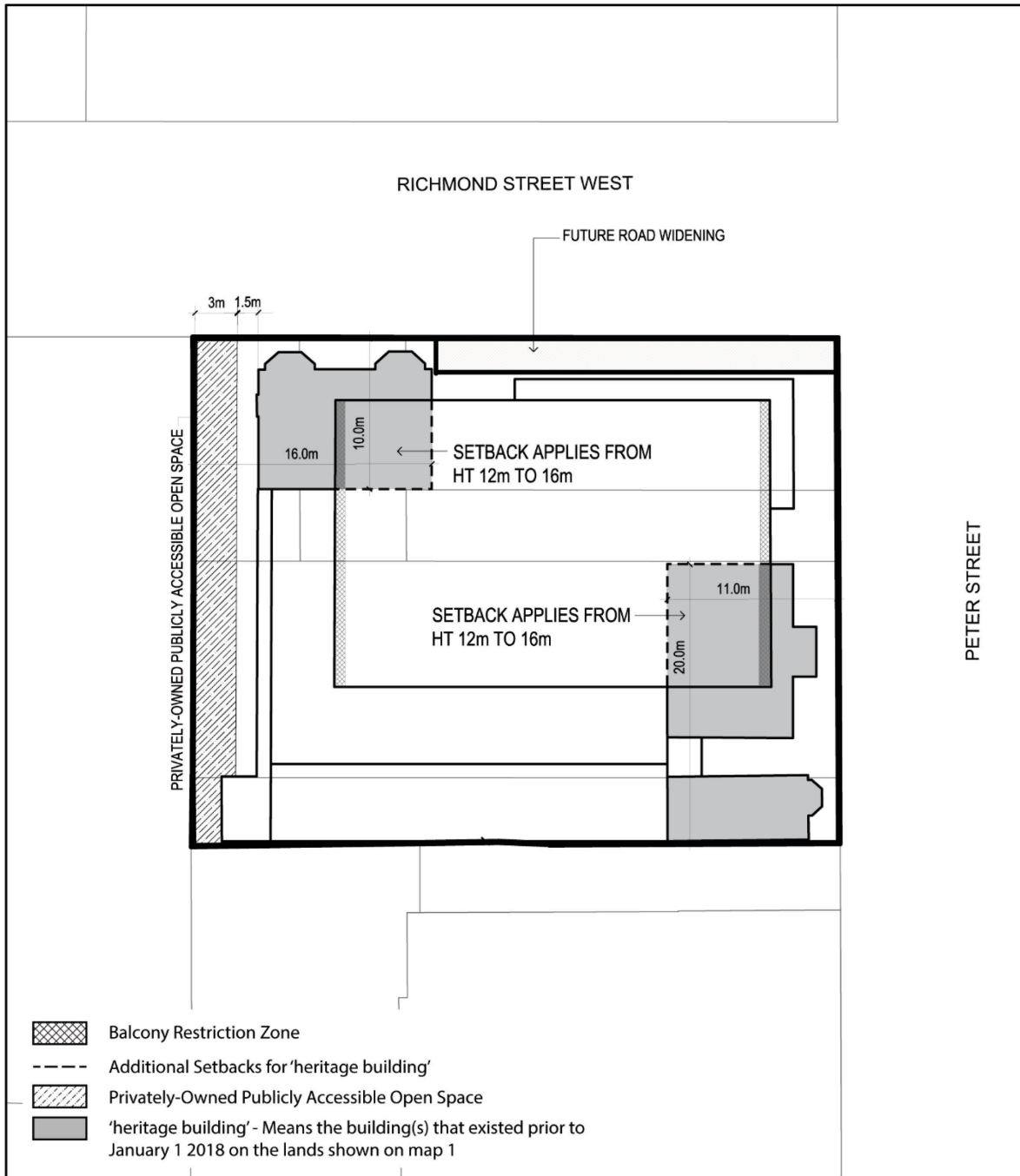




 **TORONTO**  
Map 2

120 - 128 Peter Street and 357 and  
359 Richmond Street West

File # 15 255425 STE 20 0Z



**TORONTO**  
Map 3

120 - 128 Peter Street and 357 and  
359 Richmond Street West

File # 15 255425 STE 20 0Z

**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 as shown on Map 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

**Financial Contribution**

- (1) On the date of the issuance of the Ontario Land Tribunal's final Order, the owner shall make a financial contribution in the amount of one million seven hundred thousand dollars (\$1,700,000.00 CAN) to be provided to the City for the following capital improvements payable by certified cheque to the Treasurer, City of Toronto, and to be allocated at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor as follows:
  - (a) \$1,360,000.00 towards public realm improvements within the block bounded by Spadina Avenue, Peter Street, Adelaide Street West and Richmond Street West;
  - (b) \$170,000.00 towards the provision of new rental housing units in Ward 10, to be directed to the Capital Revolving Fund for Affordable Housing; and
  - (c) \$170,000.00 towards the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 10,

such amounts 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.

- (2) In the event the financial contributions referred to in Clause (1) of this Appendix 1 have not been used for the intended purpose within five (5) years of the By-law coming into full force and effect, the financial 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 *lot*.

The owner shall provide the following to support the development of the lands

**Privately-Owned Publicly Accessible Open Space**

- (3) Prior to the earlier of condominium registration of one (1) year following any non-residential or residential use or occupancy, including interim occupancy pursuant to the Condominium Act, 1998, on the **lot**, except as otherwise agreed by the Chief Planner and Executive Director, City Planning Division due to unforeseen delays (e.g. weather), the owner shall:

- (a) construct and maintain an area of not less than 100 square metres at grade for use by the general public as *privately-owned publicly accessible open space*, along the west side of the site in a location generally as shown on Map 3 of this By-law with the specific design of the *privately-owned publicly accessible open space* 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; and
- (b) prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, at no cost at an-grade pedestrian access easement, including support rights, in perpetuity in favour of the City over the *privately-owned publicly accessible open space*, on terms set out in the Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning Division.

### **Heritage Matters**

- (4) Prior to the issuance of the final Order by the Ontario Land Tribunal, the owner shall:
  - (a) provide a Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment 120, 122 and 124 Peter Street and 357 and 359 Richmond Street West prepared by GBCA Architects dated August 4, 2021, to the satisfaction of the Senior Manager, Heritage Preservation Services; and
  - (b) enter into Heritage Easement Agreements with the City for the properties at 120, 122 and 124 Peter Street and 357 and 359 Richmond Street West, substantially in accordance with the plans and drawings prepared by BDP Architects Limited dated 2021-06-11, and on file with the Senior Manager, Heritage Preservation Services, and the Heritage Impact Assessment (HIA), prepared by GBCA Architects dated August 4, 2021, and in accordance with the approved Conservation Plan required in Clause (4) a. of this Appendix 1 to the satisfaction of the Senior Manager, Heritage Preservation Services, including execution of such Agreements, with such Agreements to be subsequently registered on title to the properties at 120, 122 and 124 Peter Street and 357 and 359 Richmond Street West to the satisfaction of the City Solicitor.
- (5) Prior to final Site Plan approval for the proposed development for the properties located at 120, 122 and 124 Peter Street and 357 and 359 Richmond Street West, 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;
  - (d) provide a detailed Landscape Plan for the subject properties satisfactory to the Senior Manager, Heritage Preservation Services; and
  - (e) submit a Signage Plan for the proposed development to the satisfaction of the Senior Manager, Heritage Preservation Services.
- (6) Prior to the issuance of any permit for all or any part of the properties at 120, 122, and 124 Peter Street and 357 and 359 Richmond Street West, 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 120, 122 and 124 Peter Street and 357 and 359 Richmond Street West, such amendments to have come into effect in a form and with content acceptable to the Chief Planner, and the Executive Director, City Planning Division, in consultation with the Senior Manager, Heritage Preservation Services;
  - (b) provide building permit drawings for the subject Heritage Conservation Work and the Permitted Alterations, 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; and
  - (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.
- (7) 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.
- (8) The owner shall not object to the designation of the properties at 120, 122, and 124 Peter Street and 357 and 359 Richmond Street West under Part IV, Section 29 of the Ontario Heritage Act.

### **Design Matters**

- (9) Prior to Site Plan approval, the owner shall provide architectural elevation drawings with building materials, colours and finishes illustrated and labelled that incorporates the following:
- (a) the materiality for the podium component to be sympathetic and compatible to the heritage buildings to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - (b) the materiality for the east and west elevations of the tower component to incorporate a curtain wall system or a hybrid wall system, or such alternative system to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - (c) the materiality of the underside of the tower (soffit) to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
  - (d) the design of the tower, inclusive of the mechanical penthouse, will ensure that shadows are not cast from the development on the north sidewalk of Queen Street West beyond 12:00 p.m., to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- (10) The owner shall incorporate in the construction of the building and thereafter maintain the Approved Design Details as set out in Clause (9) of this Appendix to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

### **Construction Management Plan**

- (11) Prior to the issuance of a building permit the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager Transportation Services and the Chief Building Official and Executive Director Toronto Building, in consultation with the owner of the lands municipally known as 401 Richmond Street West and the Ward Councillor and thereafter in support of the development will implement the plan during the course of construction. The Construction Management Plan will include but not limited to; details regarding the size and location of construction staging areas, dates of significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent

residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information and any other matters deemed necessary.