

Authority: Toronto and East York Community Council
TE34.23, as adopted by City of Toronto Council on July 19
and 20, 2022

CITY OF TORONTO

Bill 983

BY-LAW -2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 145 Wellington Street West.

Whereas Council of the City of Toronto 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 Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas pursuant to Section 36 of the Planning Act, as amended, a by-law passed under Section 34 of the Planning Act, may use a holding symbol "(H)" in conjunction with any use designation to specify the use that lands, buildings or structures may be put once council removes the holding symbol "(H)" by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of the holding symbol "(H)"; 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 Schedule 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to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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 By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the Council of a Municipality may, in a By-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the By-law;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from CR 12.0 (c8.0; r11.7) SS1 (x2333) to (H) CR 12.0 (c8.0; r11.7) SS1 (x772), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 772 so that it reads.

(772) Exception CR 772

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 145 Wellington Street West, if the requirements of By-law [Clerks to insert By-law number] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with regulations (B) to (BB) below;
- (B) Despite regulation 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 83.125 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.1(1), residential use portions of the **building** are permitted to be located on the same **storey** as non-residential use portions of the **building** provided such residential use portions do not include a **dwelling unit**;

- (D) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 52,750.0 square metres, of which:
- i. the required minimum **gross floor area** for office uses is 14,119 square metres;
- (E) The provision of **dwelling units** is subject to the following:
- i. A maximum of 512 **dwelling units** are permitted on the **lot**;
 - ii. A minimum of 30 percent of the total number of **dwelling units** must have two or more bedrooms;
 - iii. A minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;
 - iv. Any **dwelling units** with three or more bedrooms provided to satisfy (E)(iii) above are not included in the provision required by (E)(ii) above;
 - v. A minimum of 20 of the **dwelling units** with two or more bedrooms provided to satisfy (E)(ii) above must have a minimum **gross floor area** of 78 square metres;
 - vi. A maximum of 2 of the **dwelling units** with three or more bedrooms provided to satisfy (E)(iii) may have a **gross floor area** of less than 91 square metres; and
 - vii. The average **gross floor area** of **dwelling units** with three or more bedrooms must be a minimum of 95 square metres.
- (F) Despite Regulation 40.10.40.10(1) the permitted maximum height of a **building** or **structure** is as shown on Diagram 3 of By-law [**Clerks to insert by-law number**];
- (G) Despite Regulations 40.5.40.10(3) to (8), and (F) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law [**Clerks to insert by-law number**]:
- i. equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 6.5 metres;

- ii. **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 6.5 metres, within the area shown as HT 62.0 on Diagram 3 of By-law [**Clerks to insert by-law number**];
 - iii. architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 2.5 metres;
 - iv. **building** maintenance units and window washing equipment, by a maximum of 6.5 metres;
 - v. planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres;
 - vi. trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 4.0 metres;
 - vii. notwithstanding (G)(iii) above, exterior architectural elements, including but not limited to columns, beams, exoskeleton structures and exoskeleton cladding, structural and non-structural, by a maximum of 22.0 metres within the area shown as HT 62.0 on Diagram 3 of By-law [**Clerks to insert by-law number**];
- (H) Article 600.10.10 respecting **building setbacks**, **building** separation, separation of **main walls**, and projections and encroachments into **building setbacks** and **angular planes** does not apply;
- (I) Despite Clause Regulation 40.10.40.70(1), the required minimum **building setbacks** are as shown in metres on Diagram 3 of Bylaw [**Clerks to insert by-law number**];
- (J) Despite (H) & (I) above, the required minimum **building setbacks** are as follows within the hatched areas shown on Diagram 4 of Bylaw [**Clerks to insert by-law number**]:
- i. The required minimum **building setback** from the northern **lot line** for the portion of a **building** between the Canadian Geodetic Datum elevation of 83.125 metres to a height of 6.0 metres is 1.6 metres;
 - ii. No portion of a **building** or **structure** between the Canadian Geodetic Datum elevation of 83.125 metres to a height of 61.4 metres may penetrate an **angular plane** projected from the **building setback** identified in (J)(ii)(a) to the height identified in (J)(ii)(b) below:
 - (a) a 5.0 metre **building setback** from the western **lot line** at the ground level; and

- (b) a height of 61.0 metres along the western **lot line**;
- (K) Despite Regulations 5.10.40.70(1), 40.5.40.60(1) and Clause 40.10.40.60, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- i. decks, porches, and balconies, by a maximum of 2.0 metres;
 - ii. canopies and awnings, by a maximum of 3.0 metres;
 - iii. exterior stairs, access ramps and elevating devices, to the extent of the **main wall** of the **storey** below;
 - iv. terraces, guards and guardrails, railings, parapets, privacy and wind screens, landscape planters and terrace platforms to the extent of the **main wall** of the **storey** below;
 - v. cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.6 metres;
 - vi. architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 2.0 metres;
 - vii. exterior structural and architectural elements that support the building, including but not limited to columns, beams, exoskeleton structures and exoskeleton cladding, by a maximum of 2.0 metres;
 - viii. exterior architectural elements in the type and location identified in (G)(vii) above, to the extent of the **main wall** to which the bottom of such elements are attached;
 - ix. window projections, including bay windows and box windows, by a maximum of 0.5 metres;
 - x. eaves, by a maximum of 0.5 metres;
 - xi. a dormer, by a maximum of 2.0 metres; and
 - xii. air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 3.0 metres;

- (L) Despite Regulation 230.5.1.10(4), a **stacked bicycle parking space** may have the following minimum dimensions:
- i. length of 1.6 metres;
 - ii. width of 0.4 metres; and
 - iii. vertical clearance of 1.2 metres;
- (M) Despite Regulation 230.5.1.10(4) a **bicycle parking space** that is not a **stacked bicycle parking space** may have the following minimum dimensions:
- i. length of 1.6 metres;
 - ii. width of 0.4 metres; and
 - iii. vertical clearance of 1.9 metres;
- (N) Despite Regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may also be located in a **stacked bicycle parking space**;
- (O) Despite Regulations 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided on the **lot** in accordance with the following:
- i. a minimum of 34 residential occupant **parking spaces**;
 - ii. a minimum of 5 residential visitor **parking spaces**;
 - iii. no **parking spaces** are required for non-residential uses; and
 - iv. **parking spaces** may be provided within an "automated parking garage", as defined in (S)(iii) below;
- (P) Despite Regulation 200.5.1.10(2), a maximum of 10 percent of **parking spaces** provided on the **lot** may have minimum dimensions of:
- i. length of 5.1 metres;
 - ii. width of 2.4 metres;
 - iii. vertical clearance of 1.7 metres; and
 - iv. one side of the **parking space** may be obstructed as described in Regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**.

- (Q) Despite Regulations 200.15.1(1) and 200.15.10(1), a minimum of 2 accessible **parking spaces** must be provided and maintained in accordance with the following requirements:
- i. a minimum width of 3.4 metres;
 - ii. a minimum length of 5.6 metres;
 - iii. minimum vertical clearance of 2.1 metres; and
 - iv. the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path on one side of the accessible **parking space**;
- (R) Despite Regulation 200.15.1(4), an accessible **parking space** is required to be no more than 6.0 metres more distant from a passenger elevator that provides access to the first **storey** of the **building** and the shortest route from the required entrance to the elevator, than the closest **parking space** to the elevator;
- (S) An "automated parking garage" is subject to the following:
- i. a minimum of 2 "entry cabins" must be provided;
 - ii. all "entry cabins" must have **driveway** access to a **street** or **lane** that is direct and unobstructed, excluding a gate, moveable barrier or similar security feature;
 - iii. for the purpose of this exception, "automated parking garage" means a mechanical system for the purpose of parking and retrieving **vehicles** without drivers in the **vehicle** during parking and without the use of ramps or **drive aisles**, and which may include but is not limited to, a vertical lift and the storage of **vehicles** on parking pallets and the automated manoeuvring of other **vehicles** during parking or retrieving operations; and
 - iv. for the purpose of this exception, "entry cabin" means the component of an "automated parking garage" into which the driver of a **vehicle** deposits, and from which the driver retrieves, their **vehicle**;
- (T) Regulation 200.5.1(3) regarding **drive aisle** width does not apply to **parking spaces** located within an "automated parking garage";

- (U) Regulations 200.5.1.10(2), (3) and (4), and (P) above, regarding the minimum dimensions and vertical clearance for **parking spaces** do not apply to **parking spaces** located within an "automated parking garage";
- (V) Regulations 200.5.1.10(5) and (6) regarding requirements for **tandem parking spaces** do not apply to **parking spaces** located within an "automated parking garage";
- (W) Regulation 200.5.1.10(13) regarding **parking space** access does not apply to **parking spaces** located within an "automated parking garage";
- (X) Despite Regulation 200.5.1.10(13), a **vehicle** elevator is not an obstruction to the access of a **parking space**, subject to the following:
- i. a minimum of 2 **vehicle** queuing spaces must be provided in a **stacking aisle** on the **lot**; and
 - ii. a **vehicle** queuing space must have a minimum width of 3.0 metres and minimum length of 6.5 metres;
- (Y) The requirements of (Q) above regarding accessible **parking spaces** do not apply if all required **parking spaces** in (O) are located in an "automated parking garage" having an "entry cabin" with a 1.5 metre wide accessible barrier free aisle or path on one side of the space in which the **vehicle** is deposited;
- (Z) Despite Clause 220.5.10.1, **loading spaces** must be provided and maintained on the **lot** as follows:
- i. one Type "G" **loading space**; and
 - ii. two Type "C" **loading space**;
- (AA) Despite Regulations 40.10.40.50(1) and (2), a **building** with 20 or more **dwelling units** must provide **amenity space** on the **lot** at the following rates:
- i. at least 2.7 square metres for each **dwelling unit** as indoor **amenity space**;
 - ii. at least 1.3 square metres of outdoor **amenity space** for each **dwelling unit**, of which 40 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**;
 - iii. no more than 10 percent of the outdoor component may be a **green roof**; and
 - iv. indoor **amenity space** and outdoor **amenity space** may be shared by residential and non-residential uses;

Prevailing By-laws and Prevailing Sections: (None apply)

5. None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a construction and/or sales office on the **lot** for a period of not more than 3 years from the date this By-law comes into full force and effect.
6. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition, or division occurred.
7. Holding Provisions:
 - (A) Prior to the lifting of the (H) holding symbol in whole or in part of the lands subject to this By-law, the following applies:
 - i. The lands zoned with the "(H)" symbol, pursuant to Section 36 of the Planning Act, delineated by heavy lines on Diagram 2 attached to and forming part of this By-law, shall not be used for any purpose other than those uses and buildings as existing on the lands as of the date of the passing of this By-law until the "(H)" symbol has been removed.
 - (B) An amending by-law to remove the Holding provision referred to in 7(A) above, in whole or in part, shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of Council:
 - i. The owner has submitted Functional Servicing Report, including confirmation of water and fire flow, sanitary and storm water capacity to support the development, Stormwater Management Report, Servicing Groundwater Summary, Hydrogeological Report and Hydrological Review Summary Form to the satisfaction and acceptance of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water; and
 - ii. Satisfactory arrangements are in place to secure the provision of municipal infrastructure to service the proposed development, including sewer, water and stormwater networks and hydroelectricity, to the satisfaction of the General Manager, Toronto Water, and the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades and/or new infrastructure are required to support the development.
8. Section 37 Requirements
 - (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 on Diagram 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 Schedule A attached to this By-law as such 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 attached to 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 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 Schedule A are satisfied.

Enacted and passed on July , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Requirements

Prior to the issuance of any Building Permit, the owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits below.

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

Community Benefits

1. Prior to issuance of the first above-grade permit the owner shall pay to the City a cash contribution of Five Million, Five Hundred Thousand Dollars (\$5,500,000.00) dollars to be allocated as follows:
 - a. Four Million Four Hundred Thousand Dollars (\$4,400,000.00) towards new or capital improvements to existing community facilities including as identified through the Downtown West Services and Facilities Review, and/or towards public realm improvements in the vicinity of the development, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
 - b. One Million One Hundred Thousand Dollars (\$1,100,000.00) towards new affordable housing units and/or the Toronto Community Housing Corporation revolving capital fund for repairs to Toronto Community Housing Corporation housing in Ward 10, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. The cash contribution referred to in paragraph 1 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date City Council adopts the zoning by-law amendment to the date of payment.
3. In the event the cash contributions referred to in paragraph 1 above have not been used for the determined purpose within three years of the amending Zoning By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.

Matters required to support the Development:

The following matters are to be secured in the Section 37 Agreement as a legal convenience to support development:

4. The owner shall provide pedestrian walkways for the use of the general public, as follows:
 - a. The Owner shall, at its sole cost and expense, construct, provide and thereafter repair and maintain a pedestrian walkways on the Lands between the face of the proposed building and the sidewalks abutting the Lands along its Wellington Street West and Simcoe Street frontages, with the final length, width, location, configuration and design of such walkways to be determined through the Site Plan Approval process to the satisfaction of the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services.
 - b. Through the Site Plan Approval process, the owner agrees to prepare all documents and convey easements to the City as necessary to provide appropriate pedestrian clearways along the abutting streets, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager, Transportation Services and the City Solicitor, generally as follows:
 - i. To secure a pedestrian walkway on the Lands having a minimum width of 1.6 metres from the property line along the Wellington Street West frontage towards the building face, together with rights of support, such lands to be free and clear of all at-grade physical obstructions and encumbrances, except as may be permitted through the Site Plan Approval process at the discretion of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services, to a minimum height of 3.0 metres above finished grade, save and except wind mitigation structures above a height of 2.5 metres above finished grade, and subject to a right-of-way for access and construction purposes in favour of the grantor until such time as the said lands have been laid out and dedicated for public pedestrian clearway purposes;
 - ii. To secure a 3.0 metre wide pedestrian clearway, along the Simcoe Street frontage of the building, together with rights of support, such lands to be free and clear of all at-grade obstructions, except as may be permitted through the Site Plan Approval process at the discretion of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services, to a minimum height of 3.0 metres above finished grade, save and except wind mitigation structures above a height of 2.5 metres above finished grade, and subject to a right-of-way for access and construction purposes in favour of the Grantor until such time as the said lands have been laid out and dedicated for public pedestrian clearway purposes; and

- iii. A 6.0 metre corner rounding at the Wellington Street West and Simcoe Street corner of the property, together with right of support, such lands to be free and clear of all encumbrances to a minimum height of 3.0 metres above finished grade, save and except for utility poles at any height and wind mitigation structures above a minimum height of 2.5 metres above finished grade, and subject to a right-of-way for access purposes, including construction access.
5. The owner shall make the following arrangements with respect to public art:
- a. The owner shall either:
 - i. retain the existing public art known as "Marlin" located on the portion of the lands adjacent to the Wellington Street West and Simcoe Street intersection, at its sole cost and expense, including securing its removal, relocation and modification if required during construction, in accordance with the terms and conditions of the Section 37 Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning; or
 - ii. Prior to the earlier of Site Plan Approval or the issuance of the first above grade building permit for the development, make a Public Art contribution with a value of no less than Five Hundred Thousand Dollars (\$500,000.00.00), either in a cash contribution to the City or in kind or combination thereof in accordance with terms and conditions of the Section 37 Agreement. Public Art cash contribution will be allocated towards Public Art in accordance with the Public Art program, to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - b. In the event the owner elects to make the public art contribution referenced in clause 5.a. ii above entirely or partly in cash, the amount of such contribution shall be indexed upwardly in accordance with the Non-Residential Construction Price Index, calculated from the date City Council adopts the zoning by-law to the date of payment.
 - c. In the event the owner elects to provide new public art on the lands as referenced in 5.a.ii above, the owner will submit a public art plan, detailing the cost estimate, design and construction of a permanent on-site public art installation. The owner shall install, operate, maintain and repair the permanent public art installation at its own expense, in perpetuity. The letter of credit will be released fully, upon inspection that the public art installation has been built as per the public art plan, to the satisfaction of City of the Chief Planner and Executive Director, City Planning.
 - d. In the event the owner elects to retain the existing public art referenced in clause 5.a.i above, prior to the issuance of the first above-grade building permit for the development, the Owner shall post financial security to secure the removal, relocation and/or modification of the existing public art in the amount of 120 percent of the value of the public art contribution set out in clause 5.a.ii above,

and such financial security shall be held for the period of time required for the installation and warranty of the existing public art referenced in clause 5.a.i, all in accordance with the terms and conditions of the Section 37 Agreement.

6. Prior to the issuance of the first building permit, the owner shall submit a comprehensive Construction Management Plan for each stage of the construction process, to be more specifically determined through the Site Plan Approval process, to the satisfaction of the General Manager, Transportation Services, the Chief Building Official and Executive Director, Toronto Building, the Chief Planner and Executive Director, City Planning and the Ward Councillor. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested, in consultation with the Ward Councillor.
7. Through the Site Plan Approval process, the Owner shall provide for the design and construction of a raised cycle track within Simcoe Street along the frontage of the site, in accordance with City of Toronto standards, at its sole expense.
8. Prior to Site Plan Approval, the owner shall submit an acceptable functional plan and payment in the form of a certified cheque (amount to be determined) for the implementation of any modifications/additions to pavement marking/signage required on Simcoe Street, to the satisfaction of the General Manager, Transportation Services.
9. Prior to Site Plan Approval, the owner shall submit a financial security in the form of a letter of credit or certified cheque (amount to be determined) for the cycling infrastructure along Simcoe Street, to the satisfaction of the General Manager, Transportation Services.
10. The owner acknowledges that the City is contemplating a revised right-of-way design for portions of Wellington Street, which may include a combination of provisions such as a conversion to two-way traffic, an expansion of the pedestrian public realm space, and/or a two-way bikeway along the south side of the street. The owner acknowledges and agrees that, should Council approve the final revised right-of-way design for Wellington Street prior to the development obtaining Site Plan Approval, a condition may be imposed through the Site Plan Approval process requiring the owner to construct the Wellington Street West sidewalk, curb and bikeway within the portion of the right-of-way abutting the development parcel in accordance with such design, or, at the sole discretion of the General Manager, Transportation Services, requiring the owner to construct the sidewalk and curb within the abutting right-of-way to a temporary condition and provide a payment to the City in the amount required, to construct the Council-approved design, such amount not to exceed \$250,000 indexed in accordance with Paragraph 2 of this Schedule A.

11. The owner shall construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

Diagram 1

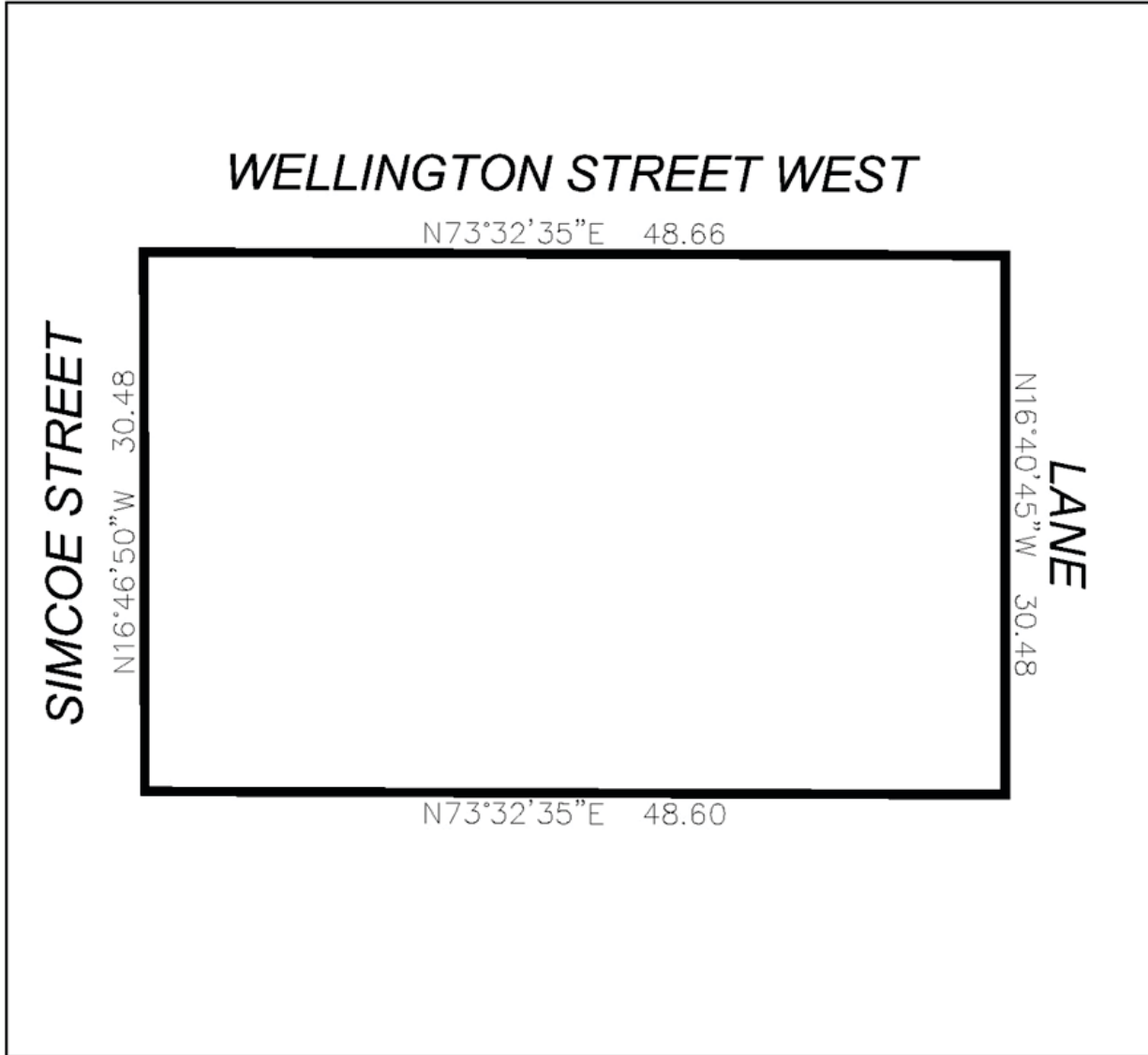


Diagram 2

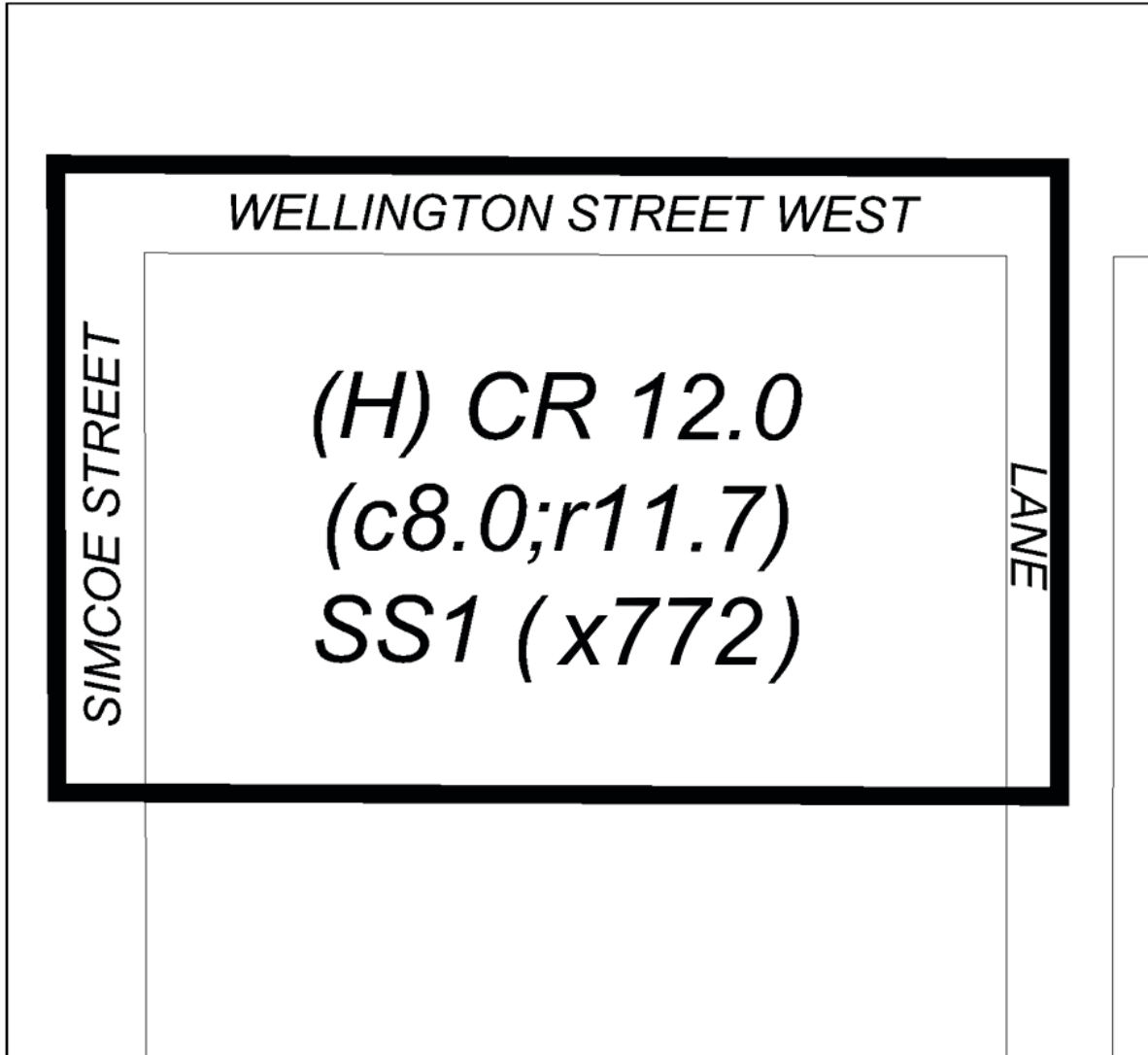


Diagram 3

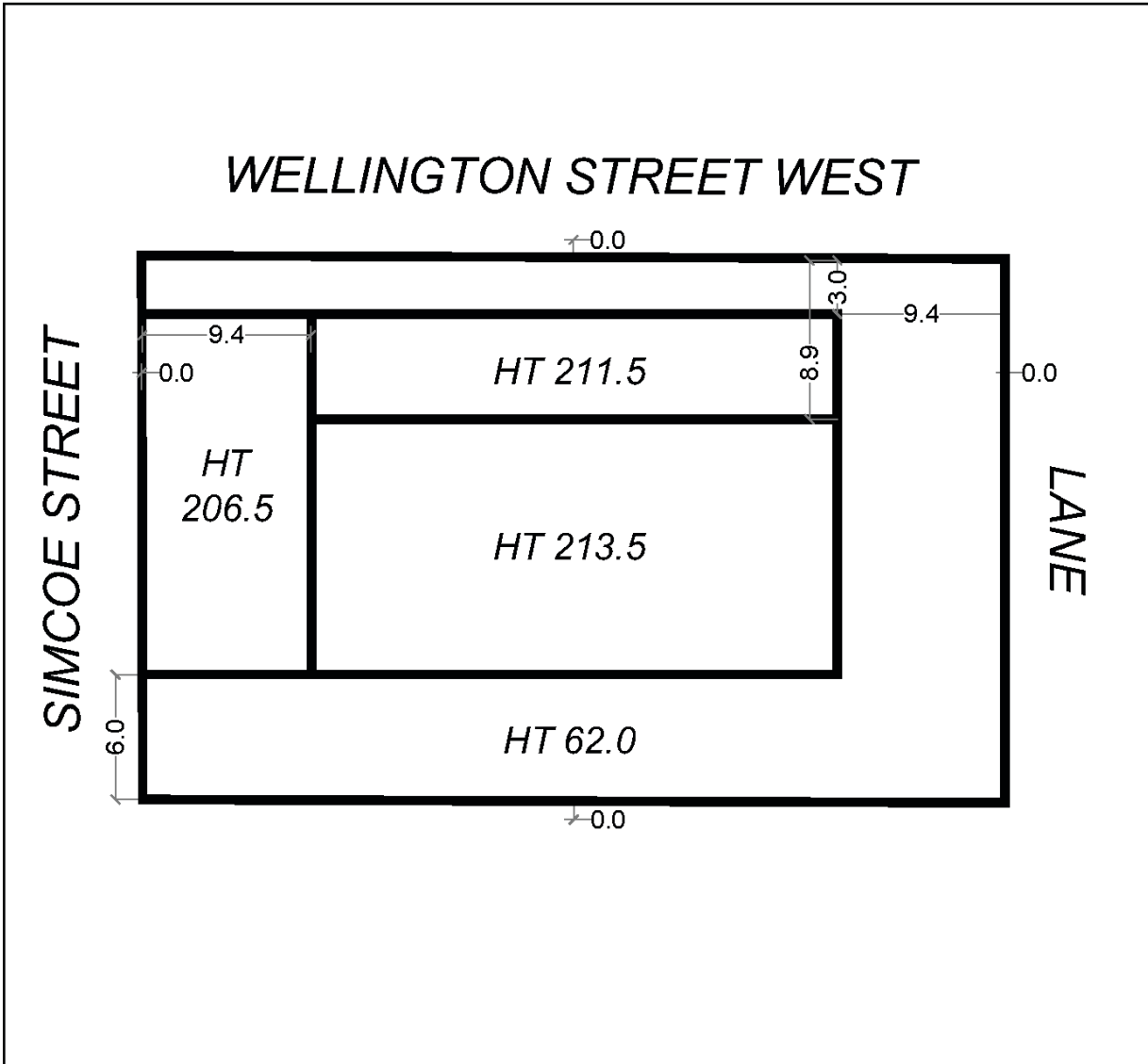


Diagram 4

