

Authority: Toronto and East York Community Council Item TE34.21, adopted as amended by City of Toronto Council on July 19, 20 and 21, 2022

CITY OF TORONTO

Bill 1073

BY-LAW -2022

To amend Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2021 as 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61 and 65 Jefferson Avenue.

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

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

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

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

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 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 Council of the City of Toronto enacts as follows:

1. This By-law applies to the lands delineated by heavy black lines and identified as "25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61 and 65 Jefferson Avenue" as shown on Map 1, attached to this By-law.
2. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

3. None of the provisions of Section 2 with respect to the definitions of *grade*, *height*, *live-work unit*, *lot*, *non-residential gross floor area*, *residential gross floor area*, Sections 4(2), 4(4), 4(6), 4(12), 4(13), 4(14)(a), Sections 9(3) Part 1, 9(3) Part II and 9(3) Part XI and Sections 12(1)287, 12(1)290, 12(1)393, 12(2)270 and 12(2)298 of Zoning By-law No. 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 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", shall apply to prevent the erection or use of a *mixed-use building* on the *lot*, provided that:
- a) the *lot* consists of at least those lands delineated by heavy lines on Map 1 attached to this By-law;
 - b) except as otherwise provided herein, the provisions of Zoning By-law 438-86, as amended, shall continue to apply to the *lot*;
 - c) the total combined *residential gross floor area* and *non-residential gross floor area* of all buildings and structures on the *lot* shall not exceed 26,515 square metres of which:
 - i. a maximum of 2,215 square metres shall be for *residential gross floor area*; and
 - ii. a maximum of 24,300 square metres shall be for *non-residential gross floor area*;
 - d) The following uses are permitted on the *lot*:
 - i. the uses permitted pursuant to Section 9(1)(f) and 9(2) of By-law 438-86, as amended;
 - ii. *dwelling units* in a building – one or more, subject to e) below;
 - iii. *live-work units*;
 - iv. a *commercial parking garage* located below ground;
 - v. a brewery operated in conjunction with a *restaurant*;
 - vi. a brewery permitted by v. above, may occupy more than 50 percent of the total *non-residential gross floor area* of the *restaurant*;
 - vii. a *retail store* may be provided in conjunction with a brewery permitted by v. above; and
 - viii. a brewery operated in conjunction with a *restaurant* permitted by v. above may only be located on the ground floor;

- e) There shall be 20 *dwelling units* permitted on the *lot*, all of which shall be *live-work units*;
- f) The following non-residential uses shall be permitted in a *live-work unit*:
 - i. *artist/photographer's studio, office, designer's studio, performing arts studio, personal grooming establishment, and commercial school*;
- g) The following uses are not permitted in any building or structure on the *lot*:
 - i. *auctioneer's premises, dry-cleaners distributing station, laundry shop or pawnbroker's shop*;
- h) A minimum of 400 square metres of outdoor *non-residential amenity space* shall be provided on the *lot*;
- i) A minimum of 4.35 square metres of *residential amenity space* per *dwelling unit* shall be provided on the *lot* in accordance with the following:
 - i. a minimum of 2.35 square metres of indoor *residential amenity space* per *dwelling unit*; and
 - ii. a minimum of 2.0 square metres of outdoor *residential amenity space* per *dwelling unit*;
- j) No part of any building or structure erected or used on the *lot* shall exceed the *height* limits shown in metres and specified by the numbers following the letter "H" in the areas delineated by heavy lines on Map 2 attached to this By-law, with the exception of the following:
 - i. stairs or stair enclosures, may extend above the permitted *height* limit shown on Map 2 to a maximum of an additional 4.0 metres;
 - ii. elevator shafts, elevator overrun, elevator machine room, window washing equipment, or any screens or enclosures that cover the elements listed above may extend above the permitted *height* limit shown on Map 2 to a maximum of an additional 6.0 metres; and
 - iii. any structures or elements used for outside or open air recreation, maintenance, safety or wind protection purposes, parapets, balustrades, terraces, canopies, balconies, dividers or balcony guards, planters, railings, lighting fixtures, ornamental, architectural, landscape or green roof features, ladders, chimney stacks, vents, and air intakes, telecommunications towers or antennae or lightning rods, solar equipment, or any screens or enclosures that cover the elements listed above may extend above the permitted *height* limit shown on Map 2 to a maximum of an additional 2.5 metres;

- k) No part of any building or structure erected or used on the *lot* above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to this By-law, with the exception of the following:
- i. windows and bay windows of the building identified as "Existing 25 Liberty Street" (58 Atlantic Avenue) shown on Map 2 existing on the date of this by-law where authorized by the City of Toronto as permitted encroachments into a public street;
 - ii. cornices, sills, eaves, balustrades, awnings, piers and sun-shades, covered walkways, privacy screens, planters, stairs, enclosed stairs, awnings, fences, lighting fixtures, bollards, trellises, retaining walls, wheel chair ramps, public bicycle parking facilities, ornamental or architectural features, landscape features, to a maximum horizontal projection of 0.5 metres beyond the heavy lines;
 - iii. canopies including supporting structures and window washing equipment, to a maximum horizontal projection of 2.0 metres beyond the heavy lines; and
 - iv. guards, guardrails, railings and safety railings, parapets, terraces, wind and privacy screens, landscape planters and terrace platforms may project beyond the required building setback to the extent of the main wall of the *storey* below;
- l) Notwithstanding subsection k) above, portions of a building or structure below finished ground level may be setback 0 m from any *lot* line;
- m) Parking spaces shall be provided and maintained on the *lot* in accordance with the following:
- i. all *parking spaces* shall be located below ground;
 - ii. a minimum of 96 *parking spaces* for the combined residential and non-residential uses of the building or for a commercial parking garage shall be provided for and maintained on the *lot*; and
 - iii. of the *parking spaces* required in ii. above, a minimum of 9 *parking spaces* shall be designated for the exclusive use of *live work units* without additional charges associated with the commercial parking garage;
- n) Notwithstanding 4(17)(a) of By-law 438-86, as amended:

- i. a maximum of 10 percent of *parking spaces* provided on the *lot* may be obstructed on one side, provided each *parking space* has a minimum width of 2.6 metres; and
 - ii. a maximum of 10 percent of *parking spaces* may be *small car parking spaces*;
- o) A minimum of 5 accessible *parking spaces* shall be provided on the *lot*;
- p) An accessible *parking space* shall be provided with the following dimensions:
 - i. a minimum length of 5.6 metres;
 - ii. a minimum width of 3.4 metres;
 - iii. a minimum vertical clearance of 2.1 metres; and
 - iv. a 1.5 metre wide accessible barrier-free aisle or path is required along the entire length of an accessible *parking space*;
- q) *A minimum of 148 bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - i. a minimum of 18 *bicycle parking spaces - occupant* for the *live-work units* on the *lot*;
 - ii. a minimum of 2 *bicycle parking spaces - visitor* for the *live-work units* on the *lot*;
 - iii. a minimum of 72 *bicycle parking spaces – occupant* for non-residential uses on the *lot*; and
 - iv. a minimum of 56 *bicycle parking spaces – visitor* for non-residential uses on the *lot*;
- r) Notwithstanding the definitions of *bicycle parking spaces – occupant* and *bicycle parking space – visitor* in Section 2(1) of Zoning By-law No. 438-86, as amended, a *bicycle parking space*:
 - i. may be provided in a *stacked bicycle parking space* having a minimum width of 0.60 metres, a minimum length of 1.8 metres and a minimum vertical clearance of 1.2 metres; and
 - ii. may be located outdoors or indoors and may be located within a secured room, enclosure or bicycle locker;

- s) A minimum of 1 shower-change facilities shall be provided on the *lot* for each gender; and
 - t) A minimum of 1 *loading space - type C*, 1 *loading space - type G*, and 1 *loading space - type B* shall be provided and maintained on the *lot*;
4. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms which shall have the meaning stated:
- a. "*grade*" means an elevation of 88.0 metres Canadian Geodetic Datum;
 - b. "*live-work unit*" means a *dwelling unit* that is also used for work purposes, provided that the resident or residents of such accommodation work in the *dwelling unit*, and where such work purposes may also include any number of persons;
 - c. "*lot*" means the lands outlined by heavy lines on Map 1 attached to this By-law;
 - d. "*non-residential amenity space*" means a common area or areas which are provided for the exclusive use of non-residential occupants;
 - e. "*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, and bicycle parking below ground;
 - ii. required loading spaces at the ground level and required *bicycle parking spaces* at the ground level;
 - iii. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below ground;
 - iv. shower-change facilities required by this By-law for required *bicycle parking spaces*;
 - v. *non-residential amenity space* required by this By-law;
 - vi. elevator shafts;
 - vii. garbage shafts;
 - viii. mechanical penthouse; and

- ix. exit stairwells in the building;
 - f. "*residential gross floor area*" means the aggregate of the areas of each floor and the space occupied by walls and stairs, above and 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, exclusive of the following areas:
 - i. parking, and bicycle parking below ground;
 - ii. required loading spaces at the ground level and required bicycle parking spaces at the ground level;
 - iii. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below ground;
 - iv. shower-change facilities required by this By-law for required *bicycle parking spaces*;
 - v. *residential amenity space* required by this By-law;
 - vi. elevator shafts;
 - vii. garbage shafts;
 - viii. mechanical penthouse; and
 - ix. exit stairwells in the building;
 - g. "*small car parking space*" means a *parking space* that has a minimum width of 2.4 metres, a minimum length of 5.4metres and a minimum vertical clearance of 1.9 metres; and
 - h. "*tacked 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* and has a minimum vertical clearance of 1.2 metres, a minimum width of 0.6 metres, and a minimum length of 1.8 metres.
5. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this Bylaw and By-law No. 438-86, as amended, shall apply to the whole of the *lot* as if no severance, partition or division had occurred.
6. Within the *lot*, no person shall use any land or erect any building or structure 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 the 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 Schedule A 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 Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit or a permit issued pursuant to the Ontario Heritage Act, R.S.O 1990, c. O. 18, the issuance of such permit shall be dependent on satisfaction of the same; and
- c. The owner must not use, or permit the use of, a building or structure erected with an increase in height 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 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 of the lands shown on Map 1 attached to this By-law and in accordance with 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, with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement.

Prior to the issuance of any building permit, the owner shall enter into and register 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 and matters required to support the development, as follows:

Community Benefits

Financial Contribution:

1. Prior to issuance of an above-grade building permit, the owner shall make a financial contribution in the amount of two million seven hundred and fifty thousand dollars (\$2,750,000.00) (CAN) (the "Cash Contribution") to be allocated toward the provision of affordable rental housing in Ward 10 within the vicinity of the site, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. The Cash Contribution set out in Clause 1 shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date City Council enacts this By-law to the date the payment is made by the owner.
3. In the event that the Cash Contribution set out in Clause 1 has not been fully used for the intended purpose within three (3) years of the date of this 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 that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 10 within the vicinity of the lands.

Matters required to support the development

Rental Housing:

4. The owner shall provide, secure and maintain not less than twenty (20) on-site replacement rental *live-work units* for a period of at least 20 years beginning from the date that each replacement rental *live-work unit* is first occupied and, during which time, no application may be submitted to the City for condominium registration, or for any

- other conversion to a non-rental housing purpose, or for demolition without providing for replacement during the, at minimum, 20 year period. The twenty (20) on-site replacement rental *live-work units* shall be comprised of five (5) studio units, fourteen (14) one-bedroom units, and one (1) two-bedroom unit, as generally illustrated in the plans submitted to the City Planning Division dated May 13, 2022. Any revision to these plans, including the number of units and unit mix, shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
5. The owner shall provide, secure and maintain not less than thirty (30) off-site replacement rental *dwelling units* at 11 and 25 Ordnance Street for a period of at least 20 years beginning from the date that each replacement rental *dwelling unit* is first occupied and, during which time, no application may be submitted to the City for condominium registration, or for any other conversion to a non-rental housing purpose, or for demolition without providing for replacement during the, at minimum, 20 year period. The thirty (30) replacement rental *dwelling units* shall be comprised of twenty-nine (29) one-bedroom units and one (1) two-bedroom unit as generally illustrated in the plans submitted to the City Planning Division dated June 13, 2022. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
 6. The owner shall, as part of the fifty (50) replacement rental units required, provide on-site at 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61 and 65 Jefferson Avenue, at least one (1) studio and three (3) one-bedroom replacement rental *live-work units* at affordable rent, as currently defined in the City's Official Plan, and three (3) studio, eleven (11) one-bedroom, and one (1) two-bedroom replacement rental *live-work units* at mid-range rents, as currently defined in the City's Official Plan, all for a period of at least 10 years beginning from the date of first occupancy of each unit. The rents of the remaining one (1) on-site replacement rental *live-work unit* at 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61 and 65 Jefferson Avenue and thirty (30) off-site replacement rental *dwelling units* at 11 and 25 Ordnance shall be unrestricted subject to Clause 7 below.
 7. The owner shall provide an acceptable tenant relocation and assistance plan for all Eligible Tenants of the forty-two (42) existing rental live-work dwelling units proposed to be demolished at 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61 and 65 Jefferson Avenue, addressing the right to return to occupy one of the on-site replacement rental *live-work units* at similar rents and other assistance to mitigate hardship. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning.
 8. The owner shall provide the right to return to occupy one of the on-site replacement rental *live-work units* at similar rents to all Other Eligible Tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
 9. The owner shall provide tenants of all twenty (20) on-site replacement rental *live work units* with access to, and use of, all residential indoor and outdoor amenities in the proposed mixed-use building at no extra charge. Access to, and use of, these amenities shall be provided without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

10. Tenants of all thirty (30) off-site replacement rental *dwelling units* located at 11 and 25 Ordnance Street shall have access to, and use of, all residential indoor and outdoor amenities in the mixed-use building located at 11 and 25 Ordnance Street at no extra charge. Access to, and use of, these amenities shall be on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings.
11. Central air conditioning and ensuite laundry shall be provided in each off-site replacement rental *live work unit* within the mixed-use building at 11 and 25 Ordnance Street at no additional cost to tenants.
12. Tenants of the thirty (30) off-site replacement rental *dwelling units* at 11 and 25 Ordnance Street shall have access to all bicycle and visitor parking on the same terms and conditions as any other resident of the mixed-use building.
13. The owner shall provide central air conditioning and ensuite laundry in each on-site replacement rental *live-work unit* within the proposed mixed use building at no additional cost to tenants.
14. The owner shall provide and make available for rent at least nine (9) vehicle parking spaces to tenants of the on-site replacement rental *live work units*. Such parking spaces shall be made available firstly to returning tenants who previously rented a vehicle parking space, secondly to returning tenants who did not previously rent a vehicle parking space, and thirdly to new tenants of the on-site replacement rental *live-work units*.
15. The owner shall provide tenants of the twenty (20) on-site replacement rental live-work units with access to all resident bicycle and visitor parking spaces in the proposed mixed-use building at no additional cost to tenants.
16. The owner shall provide at least ten (10) storage lockers to tenants of the on-site replacement rental *live-work units* within the proposed mixed-use building; and
17. Prior to the issuance of any building permit the owner of 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61 and 65 Jefferson Avenue shall enter into and register on title, one or more agreement(s), to secure the conditions outlined in Clauses 4 to 16 above, including an agreement pursuant to Section 111 of the City of Toronto Act, 2006 on the subject development lands, and the off-site replacement rental *dwelling units* contemplated in Clauses 5, 10, 11, and 12 above shall be secured by one or more agreement(s) registered on title to the 10 and 25 Ordnance Street lands, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.
18. Prior to execution of an agreement pursuant to Section 111 of the City of Toronto Act, 2006 relating to the subject development lands, the owner shall:
 - i. engage a professional building measurement company or architect to re-measure and provide as-built floor plans for the thirteen (13) existing live-work rental dwelling units occupied or formerly occupied by Eligible Tenants to confirm the

existing unit sizes, ceiling heights and unit types (number of bedrooms and dens), in accordance with the Ontario Building Code and Tarion Bulletin 22 and to the satisfaction of the Chief Planner and Executive Director, City Planning; and

- ii. reconfigure the Replacement Live-Work Rental Dwelling Unit Floor Plans for the 20 proposed on-site replacement rental *live-work units* to ensure that each Eligible Tenant's existing live-work rental dwelling unit is replaced with unit of the same unit type, including dens, and within at least five (5 percent) per cent of the existing gross floor area of the unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
19. Prior to issuance of the Notice of Approval Conditions for Site Plan Approval by the Chief Planner and Executive Director, City Planning or designate, pursuant to Section 114 of the City of Toronto Act, 2006 for the property located 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61, and 65 Jefferson Avenue, the owner shall consult with Eligible Tenants on the floor layouts of the on-site replacement live-work rental dwelling units and the programming of on-site residential amenity spaces;

Heritage

20. Prior to final Site Plan Approval for the subject property located 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61, and 65 Jefferson Avenue, the owner shall:
- i. provide final site plan drawings substantially in accordance with the approved Conservation Plan dated May 5, 2022 by ERA Architects Inc., to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning;
 - ii. have obtained final approval for the necessary Zoning By-law Amendment required for the development lands and such amendment shall have come into full force and effect;
 - iii. provide a Heritage Lighting Plan that describes how the exterior of the heritage property will be sensitively illuminated to enhance its heritage character, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning, and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning;
 - iv. provide an Interpretation Plan for the heritage property, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning, and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning; and
 - v. submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning;
21. Prior to the issuance of any permit for all or any part of the property at 58 Atlantic Avenue, including a heritage permit or a building permit but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Planning, Urban Design, City Planning, the owner shall:

- i. have obtained final approval for the necessary Zoning By-law Amendment required for the alterations to the property at 58 Atlantic Avenue, such Amendment to have come into full force and effect in a form and with content acceptable to City Council, as determined by the Chief Planner and Executive Director, City Planning, in consultation with the Senior Manager, Heritage Planning, Urban Design, City Planning;
 - ii. provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan dated May 5, 2022 by ERA Architects Inc., 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 Planning, Urban Design, City Planning; and
 - iii. 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 Planning, Urban Design, City Planning, to secure all work included in the approved Conservation Plan, Lighting Plan, and Interpretation Plan.
22. Prior to release of the required Letter of Credit described in Clause 21. above, the owner shall retain a qualified heritage consultant, confirming that the required conservation work and the required interpretive work has been completed in accordance with the approved Conservation Plan, approved Lighting Plan, approved Interpretation Plan and approved Signage Plan, and that an appropriate standard of conservation has been achieved, all to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning, and shall provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning.

Municipal Infrastructure

23. Prior to the earlier of Site Plan Approval and issuance of the first building permit, including a permit for shoring and excavation, the owner shall submit the following materials for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services:
 - i. updated revised Functional Servicing and Stormwater Management Report;
 - ii. updated Geotechnical Report;
 - iii. updated Hydrogeological Report;
 - iv. Servicing Report Groundwater Summary Form; and
 - v. Hydrogeological Review Summary Form.
24. Prior to the earlier of Site Plan Approval and issuance of the first building permit, including a permit for shoring and excavation, the owner shall make arrangements satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, including entering into a financially secured agreement, for the construction of

any improvements to the municipal infrastructure should it be determined that upgrades are required to support the development, according to an accepted Functional Servicing and Stormwater Management Report.

25. Prior to the earlier of Site Plan Approval and issuance of the first building permit, including a permit for shoring and excavation, the owner shall submit a revised Transportation Impact Assessment Update for review and acceptance to the satisfaction of the General Manager, Transportation Service. The updated information must include, but not limited to, the following items:
 - i. a Transportation Demand Management (TDM) plan; and
 - ii. a Vision Zero Implementation Plan.
26. Prior to the earlier of Site Plan Approval and issuance of the first building permit, including a permit for shoring and excavation, the owner shall provide financial contributions (overall amount to be determined) in connection with the implementation of the Transportation Demand Management (TDM) plan and Vision Zero improvements, as determined to be required to support the development, to the satisfaction of the General Manager, Transportation Services;

Public Realm Improvements

27. Prior to the earlier of Site Plan Approval and issuance of the first building permit, including a permit for shoring and excavation, the owner shall submit plans and drawings with the design and construction of public realm improvements on Liberty Street, Jefferson Avenue and Atlantic Avenue, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services;

Construction Management

28. Prior to the earlier of Site Plan Approval and issuance of the first building permit, including a permit for shoring and excavation, the owner shall submit a Construction Management Plan for the development lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction;

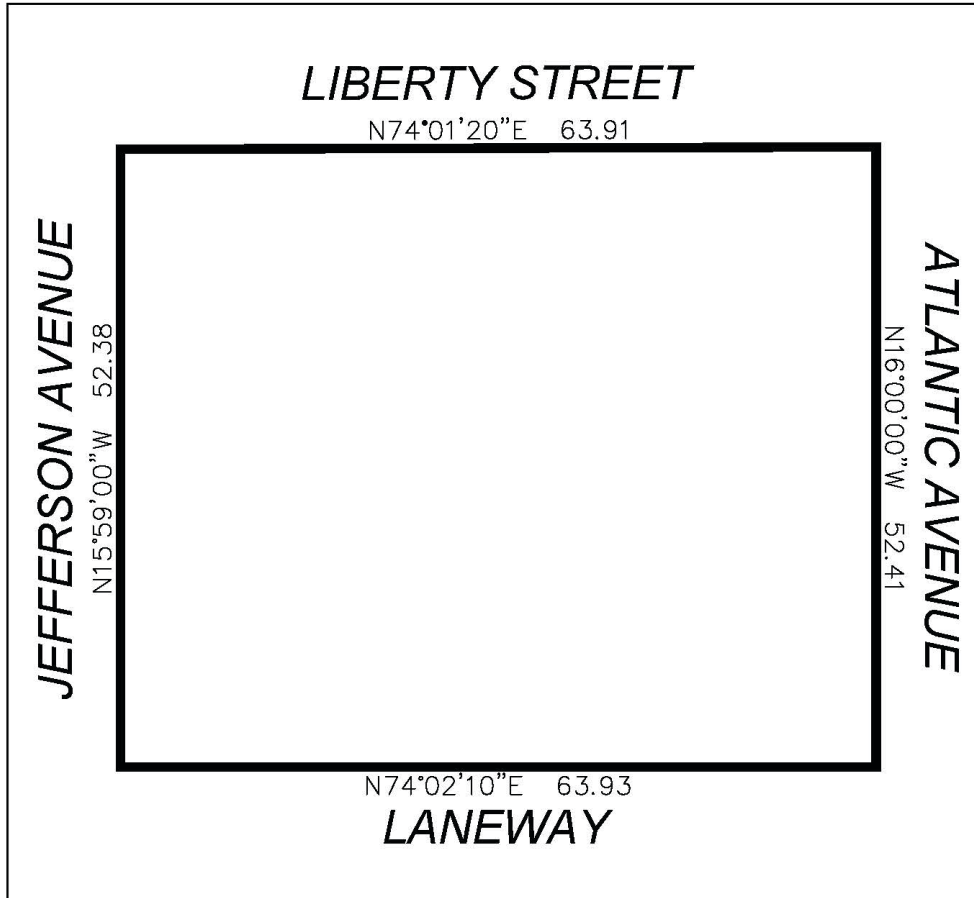
Wind Mitigation

29. Prior to the earlier of Site Plan Approval and issuance of the first building permit, including a permit for shoring and excavation, the owner shall submit plans and drawings detailing any wind mitigation measures as determined through a wind tunnel analysis undertaken, to the satisfaction of the Chief Planner and Executive Director, City Planning;

Toronto Green Standards

30. 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, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

Map 1



**25 & 35 Liberty Street, 58 Atlantic Avenue and
51, 61 & 65 Jefferson Avenue, Toronto**

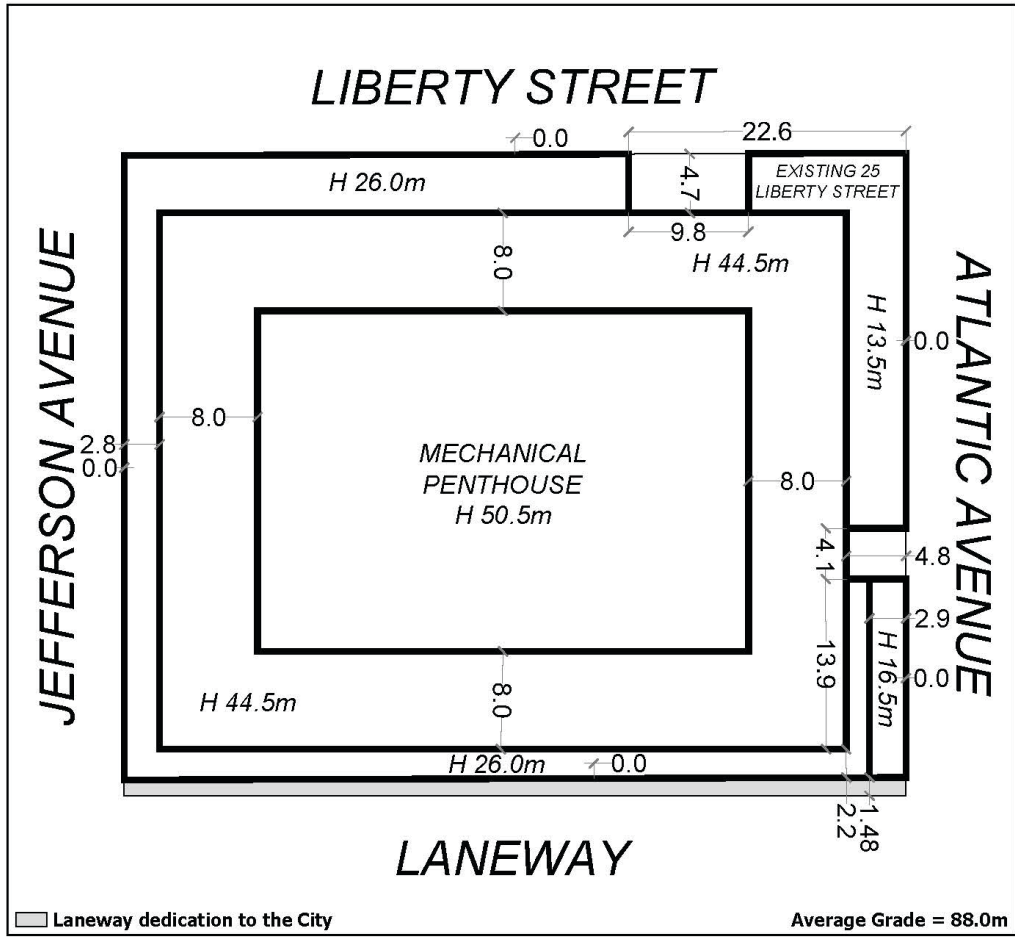
Map 1

File #15236743 14 02



Not to Scale
City of Toronto

Map 2



25 & 35 Liberty Street, 58 Atlantic Avenue and
51, 61 & 65 Jefferson Avenue, Toronto

Map 2

File #15236743 14 OZ



Not to Scale
City of Toronto