

Authority: Toronto and East York Community Council Item TE24.5, as adopted by City of Toronto Council on May 24, 25 and 26, 2017

CITY OF TORONTO

BY-LAW 1264-2017

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 480, 482, 484, 486, 488, 490, 492 and 494 Yonge Street and 3 Grosvenor Street.

Whereas authority is given to the Council of a municipality by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass Zoning By-laws; and

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

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

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

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

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

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

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the following facilities, services and matters set out in Schedule A of this By-law, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act* and registered on title to the *lot*.
2. Upon execution and registration of an agreement or agreements between the City and the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Schedule A of this By-law, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires

the provision of a facility, service or matter as a precondition to the issuance of a *building permit* or a permit issued pursuant to the *Ontario Heritage Act*, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.

3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) entered into with the *City* pursuant to Section 37 of the *Planning Act*, then once such agreement(s) has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein, the provisions of By-law 438-86, as amended shall continue to apply to the *lot*.
5. None of the provisions of Section 4(2)(a), 4(5)(b), 4(8)(b), 4(10)(a), 4(12), 4(13), 4(14)(a) 8(3) Part I 1, 2 & 3, 8(3) Part II 1(a)(ii), 8(3) Part III 1(a), 12(2)132, 12(2)259 and 12(2)260 and 12(2)380 of By-law 438-86 of the former City of Toronto, as amended, or the definitions of *bicycle parking space – occupant* and *bicycle parking space – visitor* in Section 2(1) of By-law 438-86, of the former City of Toronto, as amended, shall apply to prevent the erection or use of a *mixed-use building* which may contain *dwelling units* and non-residential uses including uses *accessory* thereto, and a *below grade commercial parking garage* on the *lot* provided that:
 - a. The *lot* comprises at least the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - b. The total of the combined *residential gross floor area* and *non-residential gross floor area* erected and used on the *lot* shall not exceed 36,000 square metres;
 - c. The *residential gross floor area* erected and used on the *lot* shall not exceed 31,700 square metres;
 - d. The *non-residential gross floor area* erected and used on the *lot* shall not exceed 4,300 square metres of which the *non-residential gross floor area* located at or above *grade* shall not exceed 2,600 square metres;
 - e. The maximum area of the tower floor plate as measured from the exterior of the main wall on each storey is as follows:
 - i. storeys 4-5: 1,030 square metres;
 - ii. storeys 6-18: 1,070 square metres;
 - iii. storeys 19-34: 857 square metres;
 - iv. storeys 35-36: 617 square metres;
 - v. storeys 37-38: 578 square metres; and

- vi. mechanical penthouse: 487 square metres;
- f. No part of any building or structure erected or used above *grade* on the *lot* shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law, subject to the following exceptions:
 - i. canopies, awnings and building cornices and parapets are permitted outside the heavy lines shown on Map 2, subject to complying with item 3 in Schedule A of this By-law;
 - ii. balconies, including any attached architectural framing, may project a maximum distance of 2.48 metres beyond the heavy lines shown on Map 2, subject to complying with items 2 and 3 in Schedule A of this By-law;
 - iii. despite section 5(f)(ii) above, balconies, including any attached architectural framing, located on the north side of storeys 35 and 36 may project a maximum distance of 3.6 metres beyond the heavy lines shown on Map 2, subject to complying with items 2 and 3 in Schedule A of this By-law;
 - iv. lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps, landscape and green roof elements, wind mitigation and public art features may extend beyond the heavy lines shown on Map 2 to a maximum of 3.5 metres, subject to complying with item 3 in Schedule A of this By-law; and
 - v. window washing equipment and public art features are permitted outside the heavy lines on Map 2 subject to complying with item 3 in Schedule A of this By-law;
- g. No part of any building or structure erected or used on the *lot*, including the mechanical penthouse, shall exceed those *heights* as specified in metres by the numbers following HT in the locations shown on Map 2;
- h. The total number of storeys erected or located above *grade* of any building or portion thereof shall not exceed the number of storeys specified by the numbers preceding ST in the locations shown on Map 2;
- i. For the purposes of this by-law the mezzanine level is part of the ground level storey;
- j. Subject to complying with items 2 and 3 in Schedule A of this By-law, section 5 (g) above of this By-law does not apply to prevent the erection or use above the said *height* limits for the following projections:
 - i. parapets to a maximum projection of 1.0 metres;

- ii. guardrails, balustrades and railings associated with the outdoor pool and/or outdoor *amenity space* to a maximum projection of 3.5 metres;
 - iii. guardrails, balustrades and railings associated with balconies and terraces to a maximum projection of 1.2 metres;
 - iv. screens, fences, trellises, privacy screens, privacy walls and wind mitigation features to a maximum projection of 3.0 metres;
 - v. heating and cooling or ventilation equipment including vents and stack, on the roof of the building or a fence, wall, screen or structure enclosing such elements to a maximum projection of 2.0 metres;
 - vi. pools and structures related to pools to a maximum projection of 2.0 metres;
 - vii. landscape and green roof elements to a maximum projection of 0.5 metres;
 - viii. window washing equipment to a maximum projection of 4.5 metres;
 - ix. antennae and lightning rods to a maximum projection of 0.2 metres; and
 - x. public art features;
- k. The total number of *dwelling units* erected and used on the *lot* shall not exceed 451, of which:
- i. at least forty percent (40 percent) shall have two bedrooms or two bedroom plus den; and
 - ii. at least ten percent (10 percent) shall have three bedrooms;
- l. Non-residential uses are subject to the following conditions:
- i. the only non-residential use permitted below *grade* is a *commercial parking garage* not exceeding 35 *parking spaces*;
 - ii. the *non-residential gross floor area* erected or used on the ground level storey must be divided into a minimum of 3 non-residential units, one of which must provide direct access to the *non-residential floor area* located on the second storey; and
 - iii. the maximum *non-residential floor area* of a non-residential unit located on the ground floor shall not exceed 450 square metres;
- m. A minimum of one *loading space – type G* and one *loading space – type B* shall be provided and maintained on the *lot*;

- n. *Parking spaces* shall be provided and maintained below *grade in a parking garage* and/or *private commercial garage*, on the *lot* in accordance with the following minimum and maximum amounts:
- i. a minimum of 82 *parking spaces* for residents of the *dwelling units* erected on the *lot*, of which a maximum of 2 such *parking spaces* may be *car-share parking spaces* used for the practice of *car-share*; and
 - ii. subject to item 4 (d) of Schedule A of this By-law requiring at least 3 *parking spaces* be provided and maintained for the use of residents of *rental replacement dwelling units* erected on the *lot*, a minimum of 35 additional *parking spaces*, of which not more than 35 may be provided in a *commercial parking garage*, for the shared use of residents of *rental replacement dwelling units* erected on the *lot*, visitors to all *dwelling units* erected on the *lot*, and occupants and visitors to non-residential uses erected or used on the *lot*;
- o. A minimum of 3 accessible *parking spaces* must be provided on the *lot*, each with the following minimum dimensions:
- i. length of 5.6 metres;
 - ii. width of 3.9 metres; and
 - iii. vertical clearance of 2.1 metres;
- p. *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following minimum and maximum requirements:
- i. a minimum of 412 *bicycle parking spaces – occupant* for the residential occupants;
 - ii. a minimum of 46 *bicycle parking spaces – visitor* for residential visitors;
 - iii. a minimum of 15 *bicycle parking spaces* for the non-residential uses including both non-residential occupants and non-residential visitors;
 - iv. the following minimum dimensions shall apply to "*bicycle parking spaces – occupant*" and "*bicycle parking spaces – visitor*":
 - A. vertical clearance: 1.2 metres;
 - B. length – for horizontal bike space 1.8 metres; and
 - C. length – for vertical bike space 1.2 metres;
 - v. the required *bicycle parking spaces – occupant* and the required *bicycle parking spaces* for the non-residential uses must be located on parking

- level 1 (P1) and/or parking level 2 (P2) with a maximum of 125 *bicycle parking spaces – occupant* located on P2; and
- vi. the required *bicycle parking spaces – visitor* must be located on parking level 1 (P1), and/or parking level 2 (P2) and/or or at ground level and if located on parking level 2 (P2), *bicycle parking spaces – visitor* must be directly accessible by elevator;
- q. *Residential amenity space* shall be provided and maintained on the *lot* for the use of all residents of the *lot* in accordance with the following:
- i. a minimum of 2.0 square metres of indoor *residential amenity space* for each *dwelling unit*; and
- ii. a minimum of 1.06 square metres of outdoor *residential amenity space* for each *dwelling unit*.
6. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.
7. 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:
- a. "*above-grade building permit*" means the first *building permit* issued respecting all or any part of the *lot* that permits the erection of any above *grade* portion of a building;
- b. "*affordable rent*" means gross monthly *rent* (inclusive of utilities, heat, water gas and power, but excluding parking and, internet, cable television charges) no greater than 1 times the average City of Toronto Rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation in its Fall Update Rental Market Report;
- c. "*building permit*" means a permit issued under the *Building Code Act, 1992*, S.O. 1992, c.23 as amended or re-enacted from time to time, including a permit for excavation or shoring and including a conditional permit, but it does not include any permit issued to construct a *temporary sales centre* or a portion thereof or for usual and minor works, repairs and maintenance of the existing designated heritage buildings on the *lot* acceptable to the Senior Manager, Heritage Preservation Services;
- d. "*car share*" means the practice where a number of people share the use of one more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
- e. "*car share parking space*" means a parking space that is reserved and actively used for *car-sharing*;

- f. *"grade"* means 104.00 metres Canadian Geodetic Datum;
 - g. *"height"* means the vertical distance between *grade* and the highest point of the building or structure;
 - h. *"lot"* means the lands shown delineated by heavy lines on Map 1 of this By-law;
 - i. *"mid-range rent"* means gross monthly *rent* (inclusive of utilities, heat, water gas and power, but excluding parking and, internet, cable television charges) which exceeds *affordable rent* but is less than 1.5 times the average City of Toronto Rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation in its Fall Update Rental Market Report;
 - j. *"rent"* means "rent" as defined in the *Residential Tenancies Act, 2006*, S.O. 2006, c.17 as amended, superseded or replaced from time to time (the "*Residential Tenancies Act*"), and shall include charges for heat, water, gas and power charges, but not parking, storage lockers, internet, telephone and cable television or other optional services. If heat and/or water and/or power are not included in the *rent* and are to be paid by the tenant, then the *rent* will be adjusted downward using objective cost data, to the satisfaction of the Chief Planner and Executive Director, City Planning Division in writing;
 - k. *"rental dwelling unit"* means a *dwelling unit* which is rented or available for rent pursuant to the *Residential Tenancies Act*, but does not include a condominium-registered unit or a life-lease or co-ownership unit as defined in Municipal Code Chapter 667; and
 - l. *"temporary sales centre"* means a building, structure, facility or trailer on the *lot* used exclusively for the initial sale and/or initial leasing of *dwelling units* to be erected on the *lot*.
8. Within the lands shown on Map 1, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
- 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.

Enacted and passed on November 9, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Schedule A
Section 37 Provisions

1. The facilities, services and matters set out below are required to be provided to the City at the *owner's* expense in accordance with this By-law and as further specified in one or more agreements pursuant to section 37(3) of the *Planning Act*, in a form satisfactory to the City 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 in return for the increase in *height* and/or density of the proposed development on the *lot*, as follows, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division:
 - a. Prior to the issuance of the first *above-grade building permit* for all or any part of the *lot*, the *owner* shall pay to the City the sum of \$4,600,000 to be allocated towards local area park, streetscape improvements and/or public art in association with such streetscape improvements, within an area bounded by Wellesley Street, Church Street, Gould Street / Edward Street and Queen's Park / University Avenue, in consultation with the Ward Councillor, in compliance with the Streetscape Manual or to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - b. Prior to the issuance of the first *above-grade building permit* for all or any part of the *lot*, the *owner* shall pay to the City the sum of \$1,000,000 to be allocated towards capital improvements for new or existing Toronto Community Housing and/or affordable housing in Ward 27, in consultation with the Ward Councillor;
 - c. Prior to the issuance of the first *above-grade building permit* for all or any part of the *lot*, the *owner* shall pay to the City the sum of \$1,000,000 to be allocated towards capital improvements for new or existing cultural and/or community space in Ward 27, in consultation with the Ward Councillor;
 - d. The *owner* will provide and maintain public art on the *lot* in accordance with the City of Toronto Public Art Program to a minimum value of \$1,000,000. Prior to the issuance of the first *above-grade building permit* for all or any part of the *lot*, the *owner* shall:
 - i. prepare a public art plan detailing the proposed design and construction of any public art installations on the *lot*, to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, and obtain the approval of the City Council to such public art plan; or
 - ii. in the alternative to i. above, the *owner* shall pay to the City the sum of \$1,000,000 towards the City's capital budget for public art programs;

- e. Prior to the issuance of the first *above-grade building permit* for all or any part of the *lot*, the *owner* shall pay to the City the sum of \$100,000 to be allocated towards the expansion of Toronto Bike Share;
 - f. The payments and public art requirements required in items 1 a. to e. above shall be increased by upwards indexing in accordance with the Non-Residential Building Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of the Section 37 Agreement to the date each such payment is made; and
 - g. In the event the cash contributions required in items 1(a), (b), (c) and (e) above have not been used for the intended purpose within three (3) years of the date of the issuance of the first *above-grade building permit*, the cash contribution may be directed to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the *lot*.
2. Despite and in addition to any other provisions of this By-law, balcony projections shall be limited as follows:
- a. On storeys 4 and 5, residential *dwelling units* located within a horizontal distance of 6.12 metres from the planned location of the historic clock tower on the *lot*, which is 0.9 metres east of its original location, shall not have any balcony that projects beyond the exterior east wall of the 6th storey; and
 - b. On storeys 6, 7, 8 and 9, residential *dwelling units* located behind the historic clock tower within a horizontal distance of 4.0 metres from the planned location of the clock tower on the *lot*, which is 0.9 metres east of its original location, shall not have any balcony that projects beyond 150mm from the exterior east wall of the building.
3. Despite any *height* permissions, height exemptions, encroachments or projections permitted by By-law 569-2013, former City of Toronto By-law 438-86, or this By-law, no portion of the building, structure, equipment or element may extend beyond the building envelope defined by the heavy lines on Map 2 of this By-law that would cause additional incremental shadow on the park at 11 Wellesley Street West beyond that shown in the shadow study comprising Schedule 2 of the Minutes of Settlement (between the City of Toronto, KingSett Capital Inc., Bay Cloverhill Community Association and Wellesley Neighbourhood Association) comprising Attachment 5 of the Ontario Municipal Board decision issued on December 22, 2016 regarding Case No. PL131355 (the "Shadow Study"). Prior to the issuance of any site plan approval pursuant to section 114 of the *City of Toronto Act, 2006*, and section 42 of the *Planning Act* and prior to the issuance of any *above-grade building permit* for all or any part of the *lot*, the *owner* shall provide a shadow study that demonstrates there is no additional shadow impact on the park at 11 Wellesley Street West beyond that shown in the Shadow Study, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

4. Replacement *rental dwelling units* shall be provided and maintained on the *lot* in accordance with the following conditions:
- a. the *owner* shall provide and maintain twenty-six (26) replacement *rental dwelling units*, comprised of eight (8) bachelor, twelve (12) one-bedroom, two (2) two-bedroom and four (4) three-bedroom units on the *lot* for a period of at least twenty (20) years commencing with the first occupancy of each such unit, as generally shown on the plans submitted to the City Planning Division dated February 7, 2017. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - b. the *owner* shall provide and maintain at least the eight (8) required bachelor replacement *rental dwelling units*, and seven (7) of the required one-bedroom replacement *rental dwelling units*, at *affordable rents*, and shall provide and maintain an additional five (5) of the required one-bedroom replacement *rental dwelling units* and one (1) of the required two-bedroom replacement *rental dwelling units* at rents not exceeding *mid-range rents*, all for a period of at least ten (10) years commencing with the first occupancy of each such unit;
 - c. en-suite laundry facilities shall be provided and maintained in all replacement *rental dwelling units*;
 - d. in addition to the 82 *parking spaces* required in subsection 5(n) of this By-law for the use of residents of the *lot*, at least three (3) *parking spaces* shall be provided and maintained on the *lot* for the use of tenants of the replacement *rental dwelling units*, for a predetermined monthly fee to the satisfaction of the Chief Planner and Executive Director, City Planning Division, which spaces may be located in a *commercial parking garage* area and, should any of such three (3) *parking spaces* not be required by any such tenants for any given month of the year, the *owner* shall make such spaces available to residential visitors of the *lot* free of charge by request of a residential occupant of the *lot*, including tenants of the replacement *rental dwelling units* and under no circumstances shall any of such three (3) *parking spaces* be available to or used by non-residential visitors or non-residential occupants;
 - e. at least fourteen (14) storage lockers shall be provided and maintained for the use of the tenants of the replacement *rental dwelling units*, for a predetermined monthly fee to the satisfaction of the Chief Planner and Executive Director, City Planning Division, each having a minimum depth of 1200 millimetres, a minimum width of 900 millimetres, and a minimum height of 750 millimetres;
 - f. in addition to access facilities, tenants of the replacement *rental dwelling units* shall have access to all indoor and outdoor amenities, bicycle parking (occupant and visitor) and visitor parking on the *lot*, on the same terms and conditions as other residents of the building; and
 - g. the *owner* shall provide tenant relocation and assistance to all eligible tenants of the buildings existing on the *lot* on the date of this By-law, including the right to

return to a replacement *rental dwelling unit* on the *lot*, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

5. Prior to the commencement of any excavation and shoring work, the *owner* will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to, the size and location of construction staging areas, location and function of gates, information on concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director City Planning or the General Manager of Transportation Services, in consultation with the Ward Councillor.
6. Prior to the issuance of final Site Plan approval pursuant to section 114 of the *City of Toronto Act, 2006* and section 41 of the *Planning Act* ("*site plan approval*") for all or any part of the *lot* the *owner* shall:
 - a. provide final site plan drawings that are satisfactory to the Senior Manager, Heritage Preservation Services, including drawings related to a Conservation Plan approved by such Senior Manager that is satisfactory to such Senior Manager and is prepared by a qualified heritage consultant, and that is consistent with the conservation strategy set out in the Heritage Impact Assessment and Addendum for 480 Yonge Street and 484 Yonge Street prepared by ERA Architects Inc., dated February 10, 2017 and March 16, 2017 (the "*Approved Conservation Plan*");
 - 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 on the *lot* 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 *lot*, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such plan; and
 - e. submit a Signage Plan for the proposed development, to the satisfaction of the Senior Manager, Heritage Preservation Services.

7. Prior to the issuance of any permit for all or any part of the *lot*, including a heritage permit pursuant to the *Ontario Heritage Act* or a *building permit*, but excluding permits for demolition of 490 Yonge Street and for repairs and maintenance and usual and minor works for the existing heritage buildings located on that portion of the *lot* comprising 480 Yonge Street or 484 Yonge Street on the date of this By-law as are acceptable to the Senior Manager, Heritage Preservation Services, the *owner* shall:
- a. obtain final approval for the necessary zoning by-law amendments required for the alterations to the properties at 480 - 484 Yonge Street, such that such amendments have been enacted by City Council and have come into full force and effect in a form and with content acceptable to City Council as determined by the Chief Planner, and the Executive Director, City Planning Division, in consultation with the Senior Manager, Heritage Preservation Services;
 - b. provide full *building permit* drawings, including notes and specifications for the conservation and protective measures keyed to the Approved Conservation Plan required in item 6.a. above, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - c. provide a letter of credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services, to secure all work included in the Approved Conservation Plan, the approved Heritage Lighting Plan, the approved Landscape Plan, and the approved Interpretation Plan. Prior to the release of the letter of credit, the *owner* shall:
 - i. have obtained final *site plan approval* for the proposed development, issued by the Chief Planner and Executive Director, City Planning;
 - ii. 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 Approved Conservation Plan, the approved Heritage Lighting Plan, Landscape Plan, and the approved Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and
 - iii. provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services; and
 - d. provide full documentation of the existing heritage properties at 480 Yonge Street and 484 Yonge Street, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Preservation Services.

8. Prior to the earlier of the issuance of any Site Plan Approval for all or any part of the *lot* or the issuance of any below-*grade* heritage permit issued pursuant to the *Ontario Heritage Act* or the issuance of any below-*grade building permit* the *owner* shall:
 - a. provide an updated Site Servicing and Stormwater Management Report and updated Hydrogeological Investigation Report, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and
 - b. design, financially secure, construct and make operational, any improvements to the municipal infrastructure, should it be determined that upgrades are required to support the development permitted by this By-law, according to the Site Servicing and Stormwater Management Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

9. The *owner* shall enter into and register on title to the *lot* one or more agreements with the *City* pursuant to Section 37 of the *Planning Act*, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, to assist with securing the facilities, services and matters set forth in this Schedule A.



