

APPENDIX 1
Section 37 Provisions

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *lot* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

- a) Prior to the issuance of the first above grade permit, pay to the City the sum of \$1,000,000 consisting of \$600,000 towards the heritage upgrade of 19-21 Dundas Square (HNR Building) and \$400,000 towards capital improvements to O'Keefe Lane and additional street improvements within the immediate area;
- b) Require that the cash amounts identified in a) shall be indexed in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;
- c) Provide a letter of undertaking to the satisfaction of the Manager, Heritage Preservation Services indicating the applicant's support, as a condition of planning approvals, for the designation and entering into of an HEA for each of the properties at 19 and 21 Dundas Square, the reasons for designation and identification to be based on the Heritage Impact Statement and the Conservation Plan prepared by ERA Architects Inc. dated April 14, 2008 and March 24, 2008 respectively;

Although the following matters are not considered to be Section 37 contributions or benefits, they will be secured in the Section 37 Agreement as a convenience:

- d) Provide a Detailed Conservation Plan and estimate of costs for the implementation of the Detailed Conservation Plan to be prepared by a qualified heritage architect to the satisfaction of the Manager, Heritage Preservation Services;
- e) Retain a consultant archaeologist, licensed by the Ministry of Culture under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 1 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be

completed in accordance with the 2009 Final Draft - Standards and Guidelines for Consulting Archaeologists, Ministry of Culture;

- f) Incorporate significant archaeological resources and findings into the proposed development through either in situ preservation and interpretation where feasible, or commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing;
- g) Ensure no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied;
- h) Prior to the issuance of any building permit for 252-258 Victoria Street including a permit for demolition of the existing buildings, excavation and/or shoring of the subject property the applicant shall:
 - a. provide a letter of credit in an form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure the work identified in the detailed Conservation Plan referenced in Recommendation 5(e) above; and
 - b. provide building permit drawings including construction specifications for the proposed conservation work prepared by the heritage architect satisfactory to the Manager, Heritage Preservation Services;
- i) Prior to the release of the Letter of Credit the applicant shall:
 - a. complete the conservation work satisfactory to the Manager, Heritage Preservation Services; and
 - b. provide a notice of substantial completion prepared by the heritage architect satisfactory to the Manager, Heritage Preservation Services.
- j) Provide and maintain an irrigation system at the owner's expense for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the General Manager, Technical Services;
- k) Provide for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that up-

grades are required to the infrastructure to support this development, according to the site servicing review accepted by the Executive Director of Technical Services;

- l) Improve the laneway from Shuter Street to Dundas Square for access into the site to the satisfaction of Executive Director of Technical Services and Chief Planner and Executive Director, City Planning Division;
- m) Incorporate in the construction of the building, and maintain, design and exterior materials satisfactory to the Chief Planner and Executive Director;
- n) Provide knock-out panels at the northwest corner of the site on the Dundas Square wall to accommodate a potential future connection to the PATH system, satisfactory to the Chief Planner and Executive Director, City Planning Division;
- o) Prior to final site plan approval, the owner will:
 1. Submit architectural plans, elevations and landscaping including 1:50 scale elevations to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the owner will be required to, in conjunction with each Site Plan Application submit 1:50 scale drawings in conformity with this requirement;
 2. Undertake improvement of the street right-of-ways abutting the lot, including streetscaping and tree installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry and Recreation Division, and the Executive Director, Technical Services Division.
 3. Provide continuous weather protection with a minimum clear depth of three metres on Victoria Street.
 4. Complete a Wind Assessment study and employ the results of the study into the design of the building, satisfactory to the Chief Planner and Executive Director, City Planning Division.
- p) The Owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director, date stamped August 4, 2009.