

Authority: Ontario Municipal Board Decision issued on October 2, 2014 and Order issued July 28, 2017, in Board File PL130629

CITY OF TORONTO

BY-LAW 1480-2017(OMB)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands municipally known as 260-270 King Street West and 274-322 King Street West.

Whereas the owner of the lands known municipally in the year 2013 as 260-270 King Street West and 274-322 King Street West appealed a proposed zoning by-law amendment to the Ontario Municipal Board; and

Whereas after hearing the appeal under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and pursuant to its Decision in respect of Board File PL130629 issued on October 2, 2014 and its Order issued July 28, 2017, the Ontario Municipal Board deems it advisable to amend former City of Toronto By-law 438-86, as amended, with respect to those lands; 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*, 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 matter 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, and the Ontario Municipal Board on appeal, 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 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;

By-law 438-86 of the former City of Toronto, as amended, is further amended as follows:

1. Pursuant to Section 37 of the *Planning Act*, the height and density of development permitted in this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *site* 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, 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 entered into with the *City* pursuant to Section 37 of the *Planning Act*, then once such agreement 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* shall continue to apply to the *site*.
5. District Map 50G-322 contained in Appendix "A" of *By-law 438-86*, 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", as amended, is further amended by:
 - (a) redesignating to "RA (h)" the lands identified as "RA (h)" and as outlined by heavy lines on Map 1 attached to and forming this By-law.
6. None of the provisions of Section 2(1) with respect to the definitions of *bicycle parking spaces – visitor, grade, height, lot, owner, parking garage, and storey* and of Sections 4(1)(a), 4(2)(a), 4(5), 4(8), 4(12), 4(13), 4(16), 7(3) Part I, 7(3) Part II, 12(2) 132, 12(2) 246, and 12(2) 270 and 12(2) 380 of *By-law 438-86* shall apply to prevent the erection or use of two *mixed-use buildings* and uses *accessory* thereto including *accessory* underground *parking garages* and/or *commercial parking garage*, within the *site* provided that all of the provisions of this By-law are complied with.
7. Notwithstanding the definition of *lot* in Section 2(1) of *By-law 438-86*, for the purposes of this By-law:
 - (a) the *west block* shall be deemed to be a *lot*; and
 - (b) the *east block* shall be deemed to be a *lot*.
8. The total combined *residential gross floor area* and *non-residential gross floor area* on the *site* shall not exceed 174,000.00 square metres of which:
 - (a) a maximum of 112,000 square metres shall be located within the *west block*; and
 - (b) a maximum of 62,000 square metres shall be located within the *east block*.
9. The total *residential gross floor area* on the *site* shall not exceed 138,100 square metres, of which:
 - (a) a maximum of 86,600 square metres shall be located within the *west block*; and

- (b) a maximum of 51,700 square metres shall be located within the *east block*.
10. The total *non-residential gross floor area* provided on the *site* shall not be less than 35,300 square metres, of which:
- (a) a minimum of 25,100 square metres shall be located within the *west block*; and
- (b) a minimum of 10,200 square metres shall be located within the *east block*.
11. The total number of *dwelling units* located within the *site* shall not exceed 1,953, and within that total maximum of 1,953:
- (a) the maximum number of *dwelling units* located within the *west block* shall be 1200; and
- (b) the maximum number of *dwelling units* located within the *east block* shall be 765.
12. At least ten per cent of all *dwelling units* erected or used within each of the *west block* and the *east block* shall have three or more bedrooms.
13. Indoor *residential amenity space* shall be provided and maintained on the *site* in accordance with the following minimum requirements:
- (a) in the *west block*, a minimum of 1.7 square metres of indoor *residential amenity space* per *dwelling unit* shall be provided and maintained in a multi-purpose room or rooms at least one of which contains a kitchen and a washroom; and
- (b) in the *east block*, a minimum of 1.7 square metres of indoor *residential amenity space* per *dwelling unit* shall be provided and maintained in a multi-purpose room or rooms at least one of which contains a kitchen and a washroom.
14. Outdoor *residential amenity space* shall be provided and maintained on the *site* in accordance with the following minimum requirements:
- (a) in the *west block*, a minimum of 0.8 square metres of outdoor *residential amenity space* per *dwelling unit* shall be provided and maintained in a location adjoining or directly accessible from a portion of the indoor *residential amenity space* provided in the *mixed-use building*; and
- (b) in the *east block*, a minimum of 0.45 square metres of outdoor *residential amenity space* per *dwelling unit* shall be provided and maintained in a location adjoining or directly accessible from a portion of the indoor *residential amenity space* provided in the *mixed-use building*.
15. No part of any building or structure shall be erected within the *site* after this by-law comes into force except within a building envelope line defined by the distances:
- (a) shown on Map 3A for the portion of the building or structure on each of the *west block* and *east block* between *grade* and *elevation* 92.15 metres;

- (b) shown on Map 3B for the portion of the building or structure on each of the *west block* and *east block* between *elevation* 92.15 metres and *elevation* 119.15 metres;
 - (c) shown on Map 3C for the portion of the building or structure on the *west block* between *elevation* 119.15 metres and *elevation* 128.45 metres, and on the *east block* between *elevation* 119.15 metres and *elevation* 128.55 metres;
 - (d) shown on Map 3D for the portion of the building or structure on the *west block* between *elevation* 128.45 metres and *elevation* 284.55 metres, and on the *east block* between *elevation* 128.55 metres and *elevation* 307.20 metres;
 - (e) shown on Map 3E for the portion of the building or structure on the *west block* between *elevation* 284.55 metres and *elevation* 333.90 metres, and on the *east block* between *elevation* 307.20 metres and *elevation* 360.65 metres; and
 - (f) shown on Map 3F for the portion of the building or structure on the *west block* between *elevation* 333.90 metres and *elevation* 390.65 metres, and on the *east block* between *elevation* 307.20 metres and *elevation* 360.65 metres.
16. Despite Section 15 above and Section 19 below, the upper and lower limit of each *building envelope* as shown on *Maps 3A, 3B, 3C, 3D, 3E* and *3F* may be increased or decreased cumulatively at each *elevation* level by 0.5 metres, up to the maximum *height* shown on Map 3F.
17. Section 15 shall not apply to the following projections, (for clarity, none of which are permitted to extend beyond the *site*):
- (a) from *grade* to 38.5 metres above *grade*, inclusive: to awnings, lighting fixtures, ornamental elements, architectural elements, trellises, canopies, window sills, soffits, balustrades, stairs, stair enclosures, wheelchair ramps, and wind screens, which may extend to a maximum of 2.0 metres beyond a *building envelope*;
 - (b) above 38.5 metres above *grade*: to lighting fixtures, ornamental elements, architectural elements, window sills, balustrades, soffits and wind screens, which may extend to a maximum of 1.5 metres beyond a *building envelope*;
 - (c) to landscape and public art features;
 - (d) to any other permitted projection listed in Section 7(3) Part II 7 of *By-law 438-86*, provided that the restrictions set out in that Section are complied with; and
 - (e) Despite Section 15(c) herein, a swimming pool enclosure, attached to the mixed-use building within the west block, may project a maximum of 12.5 metres beyond the building envelope shown on Map 3C, provided the enclosure does not exceed 20.5 metres in length, 14.0 metres in width, and 39.5 metres above grade.
18. In addition to the projections permitted by Section 17 above and despite Sections 15 and 19 herein, a floor slab and soffit assembly, including associated mechanical fixtures, may project a maximum of 2.5 metres below the *building envelope*.

19. The *heights* of each *mixed-use building* within the *site* shall comply with the following maximum requirements:
- (a) the *mixed-use building* located within the *east block* shall have a maximum *height* of 275.0 metres and contain no more than eighty-two *storeys*, (for clarity, inclusive of the podium and the *tower element* with mechanical penthouse);
 - (b) the *mixed-use building* located within the *west block* shall have a maximum *height* of 305.0 metres and contain no more than ninety-two *storeys*, (for clarity, inclusive of the podium and the *tower element* with mechanical penthouse); and
 - (c) the podiums of the *mixed-use buildings* shall each have a maximum *height* of 33.5 metres.
20. The preceding section of this By-law does not apply to prevent the erection or use above the said height limits of:
- (a) those structural projections permitted to be outside a *building envelope* by Section 17 hereof;
 - (b) parapets, terrace guards and dividers, planters, railings, decorative screens, chimney stack or other heating, cooling or ventilating equipment, stair, stair enclosures, partitions dividing outdoor recreation areas, elements of a green roof, and exhaust flues located above the height of each of the roof levels of the buildings provided that the maximum cumulative height to the top of any such element(s) is no higher than the sum of 3.0 metres and the applicable *height* limit;
 - (c) lighting rod and window washing equipment located above the height of each of the roof levels of the buildings provided that the maximum cumulative height to the top of any such element(s) is no higher than the sum of 5.0 metres and the applicable *height* limit; and
 - (d) a non-habitable architectural feature may extend up to 4.0 metres above the *height* limits shown on Map 3E and Map 3F on the north elevation of the *mixed-use building* within the *east block* and shown on Map 3F on the north elevation of the *mixed-use building* within the *west block* for a length of 15 metres and extending up to 3 metres outside the associated *building envelope*, provided such structure does not enclose space so as to constitute any form of penthouse or other room or rooms.
21. The portion of the *tower element* of the *mixed-use building* within the *west block* (for clarity, being those *storeys* permitted above 42.8 metres above *grade*) shall comply with the following maximum *floor plate area* requirements:
- (a) all of the *storeys* above 42.8 metres above *grade* to the top of the *mixed-use building* shall have a maximum average *floor plate area* of 1,255 square metres, but within those permitted *storeys*, and subject to paragraphs (b) and (c) of this Section:

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- (i) no more than forty-six of those *storeys* can have a *floor plate area* that exceeds 1,437 square metres; and
 - (ii) none of those *storeys* can have a *floor plate area* that exceeds 1,470 square metres;
- (b) the *storeys* located between 251.2 metres and 305.00 metres above *grade* shall have a maximum average *floor plate area* of 865 square metres, but no one of those *storeys* shall have a floor plate area exceeding 870 square metres; and
 - (c) the *storeys* located between 201.85 metres and 251.20 metres above *grade*, shall have a maximum average *floor plate area* of 980 square metres, but no one of those *storeys* shall have a floor plate area exceeding 990 square metres.
22. The portion of the tower element of the *mixed-use building* within the *east block* above 42.9 metres above *grade* shall comply with the following maximum *floor plate area* requirements:
- (a) the *storeys* between 221.55 metres and 275 metres above *grade* shall have a maximum average *floor plate area* of 600 square metres, but no one of those *storeys* shall have a *floor plate area* exceeding 610 square metres; and
 - (b) all of the *storeys* above 42.9 metres above *grade* shall have a maximum average *floor plate area* of 862 square metres, but no one of those permitted *storeys* shall have a *floor plate area* exceeding 943 square metres.
23. *Parking spaces* shall be provided and maintained on the *site* in accordance with the following minimum requirements:
- (a) within the *west block*, a minimum of 565 *parking spaces* together with a minimum of 5 *car-share parking spaces* shall be provided and maintained in an underground *parking garage* for the *mixed-use building* located within the *west block*, of which at least 522 *parking spaces* must be provided solely for residents of the *mixed-use building*;
 - (b) all of the *parking spaces* within the *west block* may be used solely for the *non-residential gross floor area* until the occupancy of the first *residential gross floor area* on the *west block*;
 - (c) notwithstanding *parking spaces* existing as of the date of this By-law, within the *west block*, the requirements of Section 4(17) of *By-law 438-86*, as amended, shall apply with the exception that:
 - (i) up to a maximum of 26 of the total *parking spaces* provided may have the following minimum dimensions, notwithstanding that such *parking spaces* are obstructed on one or two sides in accordance of Section 4(17)(e) of *By-law 438-86*, as amended:
 - (A) Length – 5.6 metres; and

- (B) Width – 2.4 metres.
- (ii) up to a maximum of 19 of the total *parking spaces* provided may have the following minimum dimensions, notwithstanding that such *parking spaces* are obstructed on one or two sides in accordance of Section 4(17)(e) of *By-law 438-86*, as amended:
 - (A) Length – 5.5 metres; and
 - (B) Width – 2.6 metres.
- (iii) up to a maximum of 25 of the total *parking spaces* provided may have the following minimum dimensions, notwithstanding that such *parking spaces* are obstructed on one or two sides in accordance of Section 4(17)(e) of *By-law 438-86*, as amended:
 - (A) Length – 5.4 metres; and
 - (B) Width – 2.4 metres.
- (iv) up to a maximum of 8 of the total *parking spaces* provided may have the following minimum dimensions, notwithstanding that such *parking spaces* are obstructed on one or two sides in accordance of Section 4(17)(e) of *By-law 438-86*, as amended:
 - (A) Length – 5.1 metres; and
 - (B) Width – 2.4 metres.
- (d) within the *east block*, a minimum of 92 *parking spaces* together with a minimum of 2 *car-share parking spaces* shall be provided and maintained in an underground *parking garage* for the *mixed-use building* located within the *east block*, of which at least 74 *parking spaces* must be provided solely for residents of the *mixed-use building*;
- (e) all of the *parking spaces* within the *east block* may be used solely for the *non-residential gross floor area* until the occupancy of the first *residential gross floor area* on the *east block*;
- (f) within the *east block*, the requirements of Section 4(17) of *By-law 438-86*, as amended, shall apply with the exception that:
 - (i) up to a maximum of 13 of the total *parking spaces* provided may have the following minimum dimensions, notwithstanding that such *parking spaces* are obstructed on one or two sides in accordance of Section 4(17)(e) of *By-law 438-86*, as amended:
 - (A) Length – 5.6 metres; and

- (B) Width – 2.4 metres.
 - (ii) up to a maximum of 8 of the total *parking spaces* provided may have the following minimum dimensions, notwithstanding that such *parking spaces* are obstructed on one or two sides in accordance of Section 4(17)(e) of *By-law 438-86*, as amended:
 - (A) Length – 5.3 metres; and
 - (B) Width – 2.6 metres.
 - (iii) up to a maximum of 4 of the total *parking spaces* provided may have the following minimum dimensions, notwithstanding that such *parking spaces* are obstructed on one or two sides in accordance of Section 4(17)(e) of *By-law 438-86*, as amended:
 - (A) Length – 5.4 metres; and
 - (B) Width – 2.4 metres.
 - (iv) up to a maximum of 2 of the total *parking spaces* provided may have the following minimum dimensions, notwithstanding that such *parking spaces* are obstructed on one or two sides in accordance of Section 4(17)(e) of *By-law 438-86*, as amended:
 - (A) Length – 4.6 metres; and
 - (B) Width – 2.4 metres.
 - (g) within the *east block*, 20 of the *parking spaces* required by Section 23(d) herein may operate as a *commercial parking garage*.
24. The minimum drive aisle width for the east block and the west block shall be 5.5 metres.
25. Loading spaces shall be provided and maintained on the *site* in accordance with the following minimum requirements:
- (a) within the *west block*, at least two *loading spaces - type B*, two *loading spaces – type C* and one *loading space - type G* shall be provided and maintained; and
 - (b) within the *east block*, at least two *loading spaces – type C* and one *loading space - type G* shall be provided and maintained.
26. *Bicycle parking spaces* shall be provided and maintained on the *site* in accordance with the following minimum requirements:
- (a) within the *west block*, a minimum of 1221 *bicycle parking spaces* shall be provided and maintained, of which ten per cent shall be *bicycle parking spaces -*

- visitor*, which may be located outdoors or indoors, including within a secured room, enclosure or bicycle locker; and
- (b) within the *east block*, a minimum of 387 *bicycle parking spaces* shall be provided and maintained of which five per cent shall be *bicycle parking spaces-visitor*, which may be located outdoors or indoors, including within a secured room, enclosure or bicycle locker.
27. During such time as either the *west block* or the *east block* is subject to an ("h") holding symbol pursuant to section 36 of the *Planning Act*:
- (a) no person shall erect or use the above *grade* component of a *mixed-use building* otherwise permitted by this By-law, except that an underground *parking garage* including the associated structural ramping system may be erected and used on the *site*;
- (b) nothing in this By-law shall apply to prevent the use of a building or structure lawfully existing on the *site* at the date this By-law comes into force, from being used for any purposes set out in section 7(1) (f) (b) (ii), (iii), (iv) and (vi) of *By-law 438-86*, provided there is no increase in *residential gross floor area* or *non-residential gross floor area*; and
- (c) a *temporary sales office* shall be permitted on the *site*.
28. Each of the *west block* and the *east block*, is subject to an ("h") holding symbol, provided that Council of the *City* may remove the ("h") holding symbol from the *west block* and/or the *east block* by an amending by-law pursuant to section 36 of the *Planning Act*, provided the following criteria have been fulfilled for the removal for either the *east block* or the *west block*: the execution and registration of a site plan agreement under section 114 of the *City of Toronto Act, 2006*, S.O. 2006, c. 11, Schedule A, pursuant to which the *owner* shall provide 1:50 scale architectural elevation drawings for representative portions of the buildings with building materials, colours and finishes illustrated and labelled to the satisfaction of the Chief Planner and Executive Director and which shall secure the details, design and materials of the development, generally as proposed by plans submitted by Gehry International Inc. dated June 11, 2014 and illustrated in Attachment 5 – Model Images, to the report dated July 7, 2014 from the City's Chief Planner and Executive Director, City Planning Division to the City Council.
29. No doors or windows are permitted, within 33.5 metres of *grade*, on the north facing wall of the *mixed-use building* located within the *east block* except egress doors required for fire exit.
30. None of the provisions of this By-law shall apply to prevent a *temporary sales office* on the *site*.
31. Prior to the issuance of any building permit, which for clarity shall not include any permit for demolition, excavation or shoring, or a permit for demolition, maintenance and usual and minor works associated with the existing buildings on the *site*, or a permit related to the works described in Section 7 of Appendix 1 hereto, the *owner* shall ensure that the

following municipal services have been built or secured through a letter of credit acceptable to the Director of Engineering and Construction Services:

- (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.
- 32.** Despite any existing or future severance, partition or division of the *site*, the provisions of this By-law shall apply to the whole of the *site* as if no severance, partition or division occurred.
- 33.** For the purposes of this By-law, the following words and expressions shall have the following meaning:
- (a) "*bicycle parking space*" has the same meaning as in the definition set forth in *By-law 438-86*, except that *bicycle parking spaces* may be provided in the form of a *stacked bicycle parking space*. A *stacked bicycle parking space* shall mean a horizontal *bicycle parking space* positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces* with a minimum vertical dimension of at least 2.6 metres and minimum horizontal dimensions of at least 0.4 metres width and 2.0 metres length;
 - (b) "*building envelope*" means a building envelope for each height area as delineated by heavy lines on Maps 3A, 3B, 3C, 3D, 3E and 3F attached hereto;
 - (c) "*By-law 438-86*" means By-law 438-86, as amended, of the former City of Toronto;
 - (d) "*car-share parking space*" means a *parking space* used exclusively for the parking of a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of a building erected within the *site*;
 - (e) "*City*" means the City of Toronto;
 - (f) "*east block*" means that part of the *site* delineated by heavy lines and identified as "EAST BLOCK" on Map 2;
 - (g) "*elevation*" means elevation based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment);
 - (h) "*floor plate area*" means all built areas, including *dwelling units*, offices, indoor *residential amenity space* facilities, elevator cores, storage spaces, stairwells, hallways, but excludes inset or projecting balconies and uninhabited architectural features;

- (i) "*grade*" means 85.65 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment);
- (j) "*height*" means the vertical distance between *grade* and the highest point of the building or structure;
- (k) "*owner*" means the fee simple owner(s) of the *site*;
- (l) "*parking garage*" shall be as defined by *By-law 438-86*, except that it may also include a *commercial parking garage*;
- (m) "*site*" means those lands delineated collectively by heavy lines on Map 1;
- (n) "*storey*" shall be as defined by *By-law 438-86*, except that it shall exclude a mezzanine;
- (o) "*temporary sales office*" means a building or structure, or portion thereof, used for the purpose of the sale and/or leasing of *dwelling units and/or non-residential gross floor area* to be erected on the *site*;
- (p) "*tower element*" means that portion of a *mixed-use building*, above the podium, permitted within the areas delineated by heavy lines and identified as either the "WEST BLOCK TOWER" or the "EAST BLOCK TOWER", respectively, on Maps 3A, 3B, 3C, 3D, 3E and 3F attached hereto;
- (q) "*west block*" means that part of the *site* delineated by heavy lines and identified as "WEST BLOCK" on Map 2; and
- (r) each other word or expression which is italicized in this By-law shall have the same meaning as each such word or expression as defined in *By-law 438-86*.

Ontario Municipal Board Decision issued on October 2, 2014 and Order issued July 28, 2017, in Board File PL130629

APPENDIX 1
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *site* at its expense 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* and the *owner* with conditions providing for indexing escalation of the financial contributions, and letters of credit, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement:

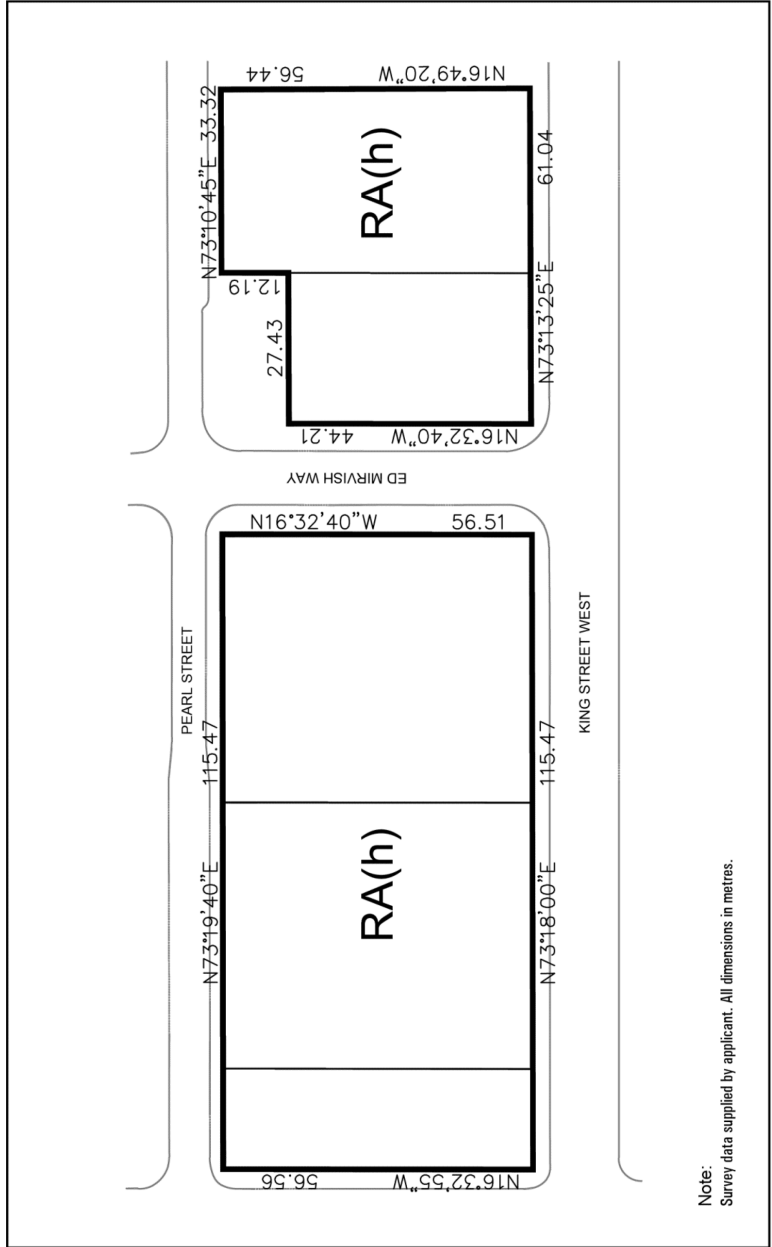
1. A cash contribution of \$2,500,000.00, pro-rated over each phase, to be paid by the *owner* to the *City* prior to the issuance of the first above grade building permit for each phase, to be allocated in Ward 20 Trinity-Spadina, to the satisfaction of the Chief Planner and Executive Director in consultation with the Ward Councillor, generally as follows:
 - i. Capital improvements to social housing properties in Ward 20;
 - ii. Community Services and Facilities in the King-Spadina Secondary Plan and surrounding area;
 - iii. John Street Revitalization Project streetscape improvements beyond the area that abuts the subject lands; and
 - iv. a Public Art Contribution to be used in the immediate area, of which no more than \$250,000.00 may be considered part of the total cash contribution even if the total value of the public art exceeds \$250,000.00.

Such payment shall be indexed to the non-residential Construction Price Index for Toronto for the period from the date of enactment of this By-law to the date of payment;

2. The *owner* shall also agree to pay for Streetscape enhancements to King Street West, Ed Mirvish Way, John Street, Pearl Street and Festival Square at John Street and King Street West over and above the *City's* base streetscape standards, to be provided in a comprehensive public realm plan prepared by the owner utilizing the services of, among others, a landscape architect and an artist. The enhancements will be calculated as the difference between the *City's* standards and the streetscape treatment approved through the site plan approval process. The *owner* will be required to make this payment either by cash payment or by way of a securing letter of credit, at the owner's option, prior to the issuance of the first above grade building permit for the associated phase;
3. The *owner* agrees that at least ten per cent of the total number of *dwelling units* to be constructed on each of the *west block* and the *east block* shall contain family sized units of three or more bedrooms in compliance with the provisions of the Ontario Building Code;
4. The *owner* shall enter into and register Heritage Easement Agreements over the buildings located on 260 King Street West (Royal Alexandra Theatre) and 322 King Street West (Eclipse Whitewear) as well as exterior elements including the front wall of the building at 284 King Street West (Anderson Building);

5. The *owner* shall not object to the designation of the Building on 300 King Street West (Princess of Wales Theatre) under Part IV of the *Ontario Heritage Act*;
6. The *owner* shall provide at no cost, a minimum of 2,340 square metres of space to the Ontario College of Art and Design University (with the terms of the Agreement of Purchase and Sale or Lease to be satisfactory to the Chief Planner in consultation with the City Solicitor, including an alternate use);
7. The *owner* shall provide and maintain a minimum of 870 square metres of Art Gallery within the building municipally known as 322 King Street West, with such gallery being operated by a recognized non-profit organization, allowing for the admittance of the general public at no cost. The gallery shall house and display the art collection commonly referred to as the "Mirvish Art Collection" (with the terms of the Agreement of Purchase and Sale or Lease to be satisfactory to the Chief Planner in consultation with the City Solicitor, including an alternate use);
8. Prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act*, the *owner* shall provide 1:50 scale architectural elevation drawings for representative portions of the buildings with building materials, colours and finishes illustrated and labelled to the satisfaction of the Chief Planner and Executive Director ("Approved Exterior Development Details") to secure the details, design and materials of the development, generally as proposed by plans submitted by Gehry International Inc. dated June 11, 2014 and illustrated in Attachment 5 – Model Images, to the report dated July 7, 2014 from the City's Chief Planner and Executive Director, City Planning Division to the City Council;
9. The *owner* shall incorporate in the construction of the building and thereafter maintain the Approved Exterior Development Details to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
10. Prior to Site Plan approval for the *west block*, the *owner* shall provide a detailed Conservation Plan prepared by a qualified heritage consultant for any alterations of the designated heritage buildings located at 322 King Street West (Eclipse Whitewear) and 284 King Street West (Anderson Building), satisfactory to the Manager, Heritage Preservation Services substantially in accordance with the Heritage Impact Assessment, dated May 5, 2014 prepared by ERA Architects Inc.;
11. Prior to Site Plan approval, the *owner* shall complete all heritage-related pre-approval conditions contained in a Notice of Approval Conditions for Site Plan Control to the satisfaction of the Manager, Heritage Preservation Services;
12. Prior to Site Plan approval, the *owner* shall provide Final Site Plan drawings including drawings related to the approved Conservation Plan and the Landscape Plan for on and off site improvements to the satisfaction of the Manager, Heritage Preservation Services;
13. Prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act 2006*, the *owner* shall provide a Construction Management Plan at its expense to the satisfaction of City Council, and thereafter the owner shall implement such plan;

14. The *owner* shall satisfy the requirements of the Toronto Catholic District School Board and the Toronto District School Board regarding warning clauses and signage;
15. The *owner* shall undertake a technical review of the proposed development and satisfy the requirements of the Toronto Transit Commission ("TTC"), and provide any necessary warning clauses in future agreements of purchase and sale related to the TTC operations;
16. The *owner* shall agree to any provisions regarding environmental sustainability, wind and ice mitigation and municipal services, to the satisfaction of the Chief Planner and Executive Director; and
17. The *owner* shall agree to submit a Traffic Impact Study to the satisfaction of the Director, Engineering and Construction Services and the *owner* shall agree to make any necessary upgrades to the transportation network to accommodate the proposed development at the sole cost of the *owner*.

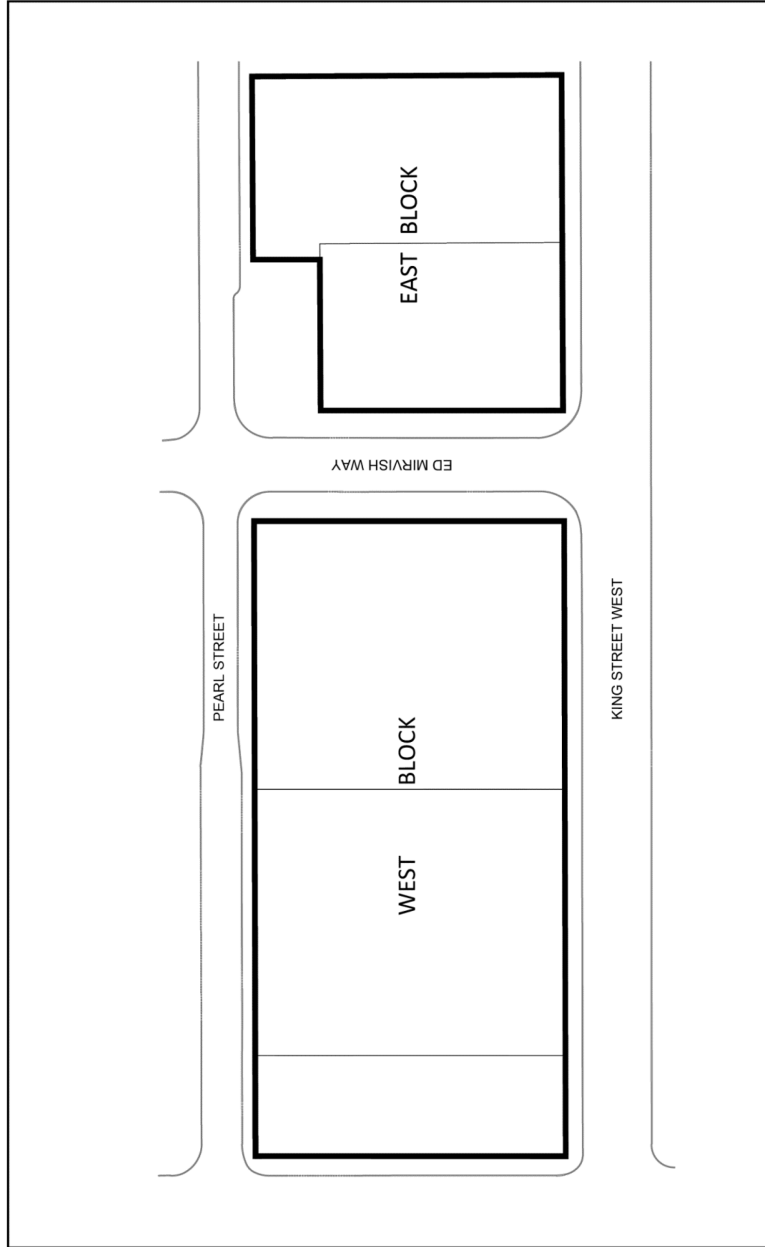


260-322 King Street West

File # 12 276890 STE 20 0Z



City of Toronto By-law 438-86
Not to Scale
06/19/2017



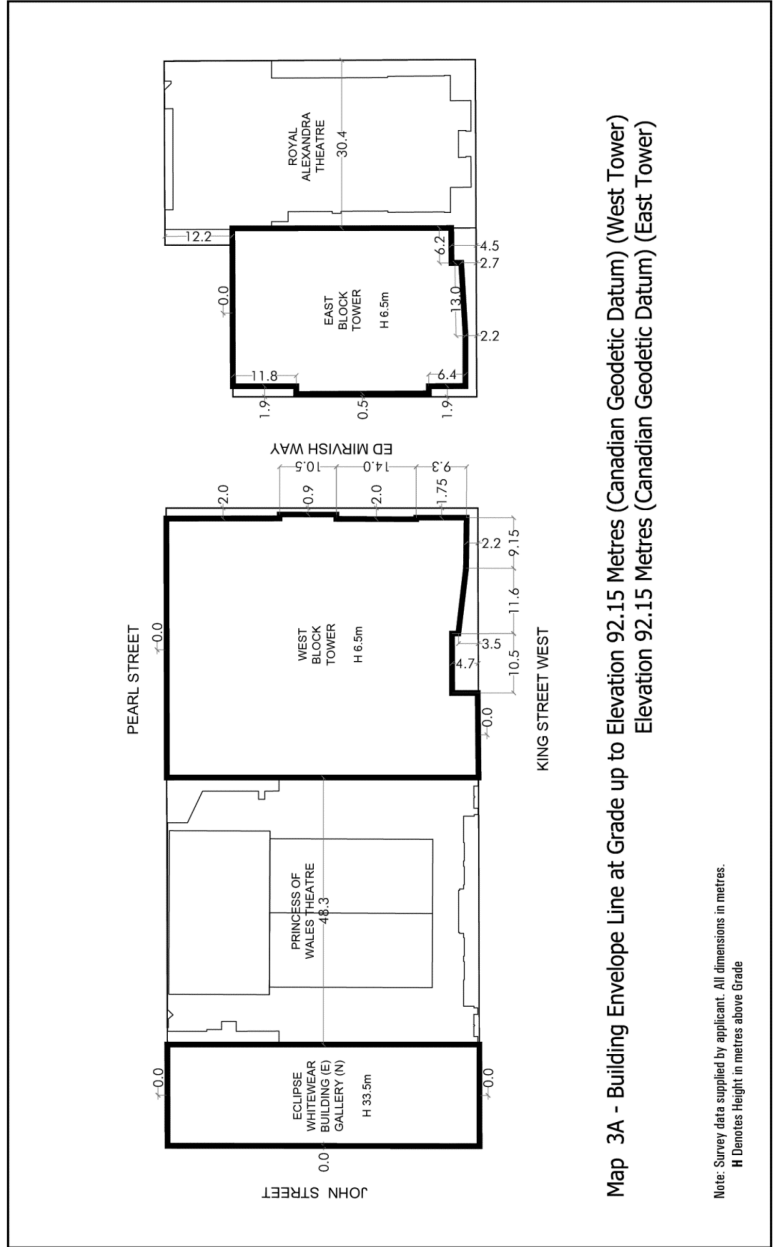
 **Toronto**
Map 2

260-322 King Street West

File # 12 276890 STE 20 0Z



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08/19/2017



Map 3A - Building Envelope Line at Grade up to Elevation 92.15 Metres (Canadian Geodetic Datum) (West Tower) and Elevation 92.15 Metres (Canadian Geodetic Datum) (East Tower)

Note: Survey data supplied by applicant. All dimensions in metres.
H Denotes Height in metres above Grade

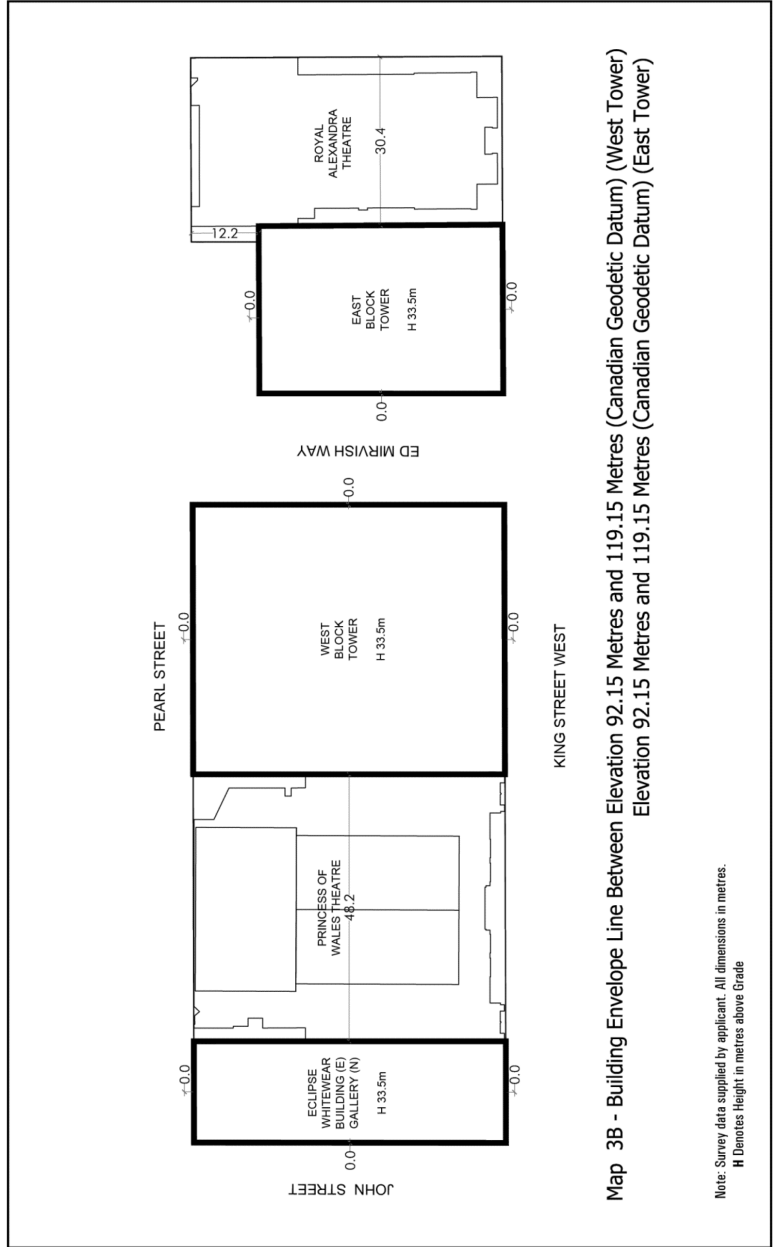


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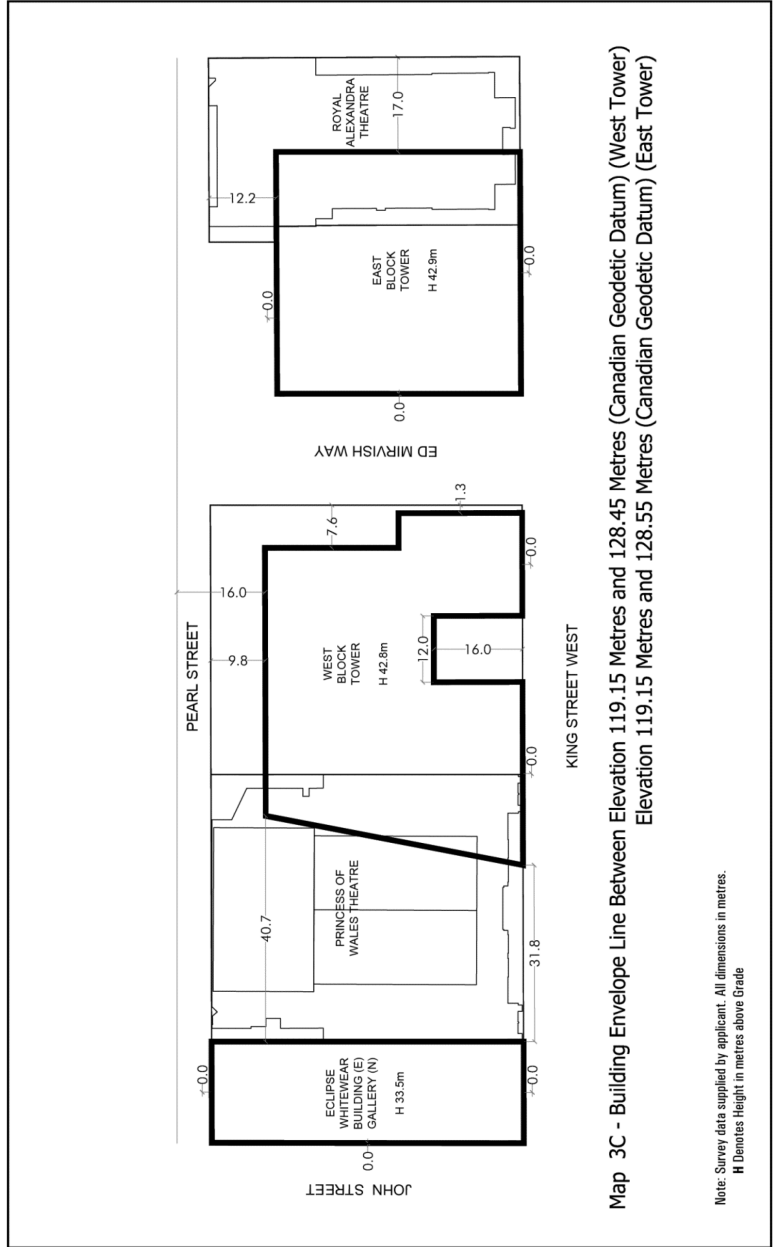


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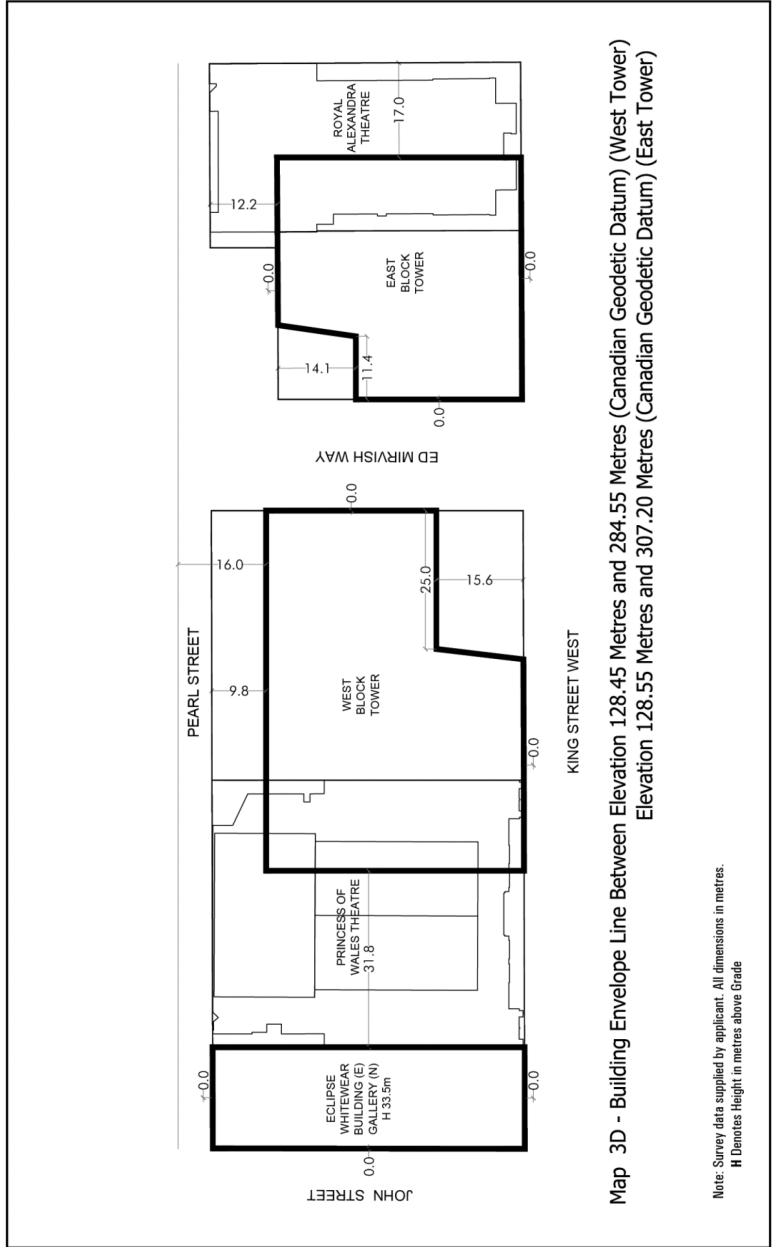
Toronto
Map 3C

260-322 King Street West

File # 12 276890 STE 20 0Z



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Not to Scale
08/19/2017



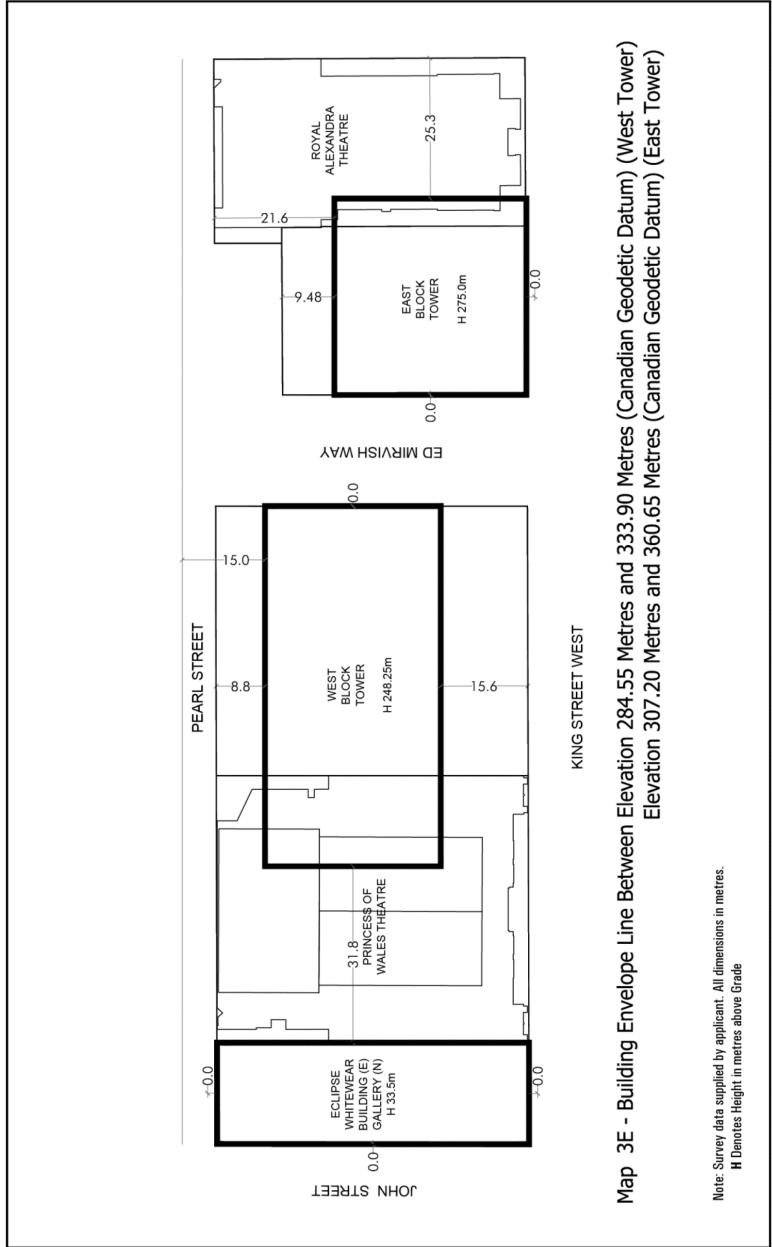
Map 3D - Building Envelope Line Between Elevation 128.45 Metres and 284.55 Metres (Canadian Geodetic Datum) (West Tower) Elevation 128.55 Metres and 307.20 Metres (Canadian Geodetic Datum) (East Tower)

Note: Survey data supplied by applicant. All dimensions in metres.
H Denotes Height in metres above Grade



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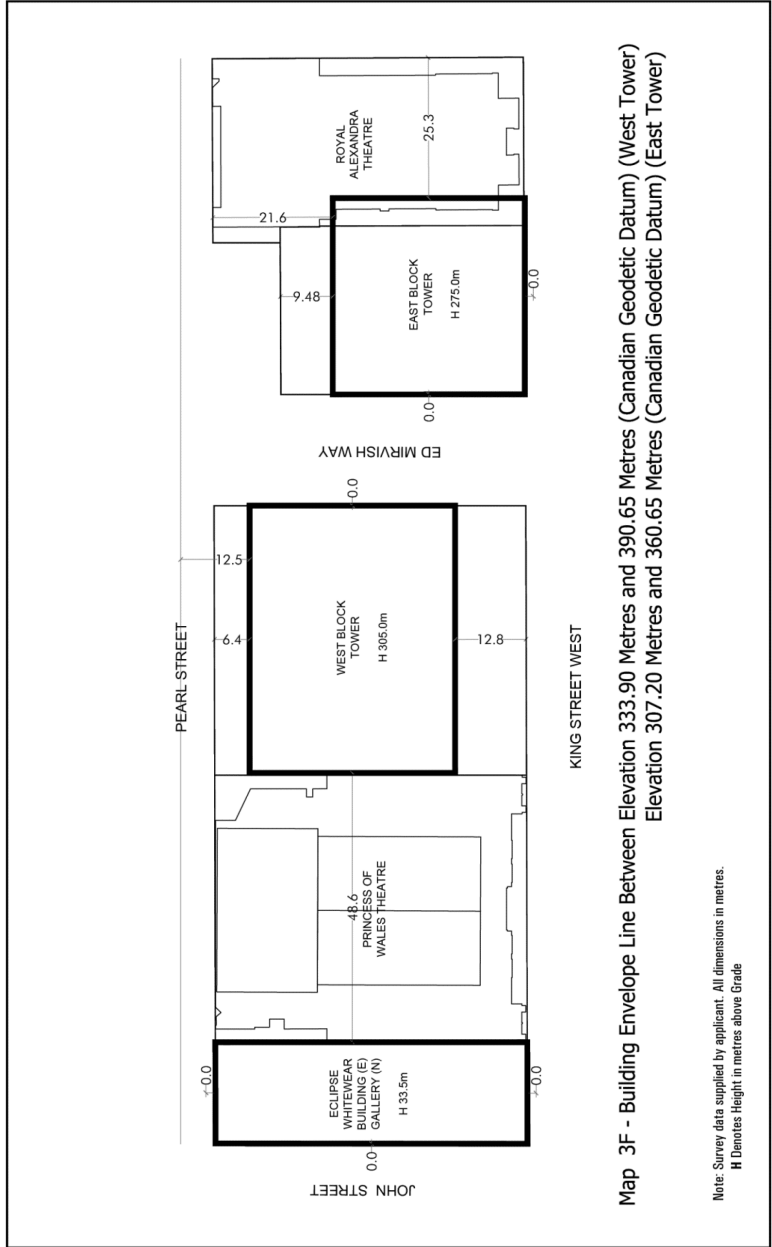
Map 3E - Building Envelope Line Between Elevation 284.55 Metres and 333.90 Metres (Canadian Geodetic Datum) (West Tower) and Elevation 307.20 Metres and 360.65 Metres (Canadian Geodetic Datum) (East Tower)

Note: Survey data supplied by applicant. All dimensions in metres.
H Denotes Height in metres above Grade



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