

Authority: Ontario Municipal Board Decision issued on August 22, 2017 and Order issued January 22, 2018 in Board File PL160684

CITY OF TORONTO

BY-LAW 170-2018(OMB)

To amend former City of Toronto Zoning By-law 438-86, as amended with respect to lands municipally known in the year 2016 as 19 Duncan Street and 219-223 Adelaide Street West.

Whereas the Ontario Municipal Board pursuant to its Decision issued August 22, 2017 and Order issued January 22, 2018, upon hearing an appeal under Section 34(11) of the Planning Act R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 438-86, as amended, for the City of Toronto with respect to lands municipally known as 19 Duncan Street and 219-223 Adelaide Street West; 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, 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 permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are secured by one or more agreements between the owner of the land and the City of Toronto;

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

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, including the provision by the owner of the lot the facilities, services and matters set out in Schedule A hereof, to the City at the owner's expense and in accordance with and subject to the agreement referred to in Section 24 of this By-law.
2. Upon execution and registration of an agreement or agreements with the owner of the *lot* pursuant to Section 37 of the Planning Act securing the provision of the facilities, services or matters set out in Schedule A hereof, 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 of the payment of any monetary contribution 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(s) being 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 2 of By-law 438-86, as amended, with respect to the definition of the terms *lot*, *grade*, *height*, *residential gross floor area* and *non-residential gross floor area*, and Sections 4(2), 4(5), 4(8), 4(12), 4(13), 4(16), 4(17), 7(3), 12(2)132, (12(2)246, 12(2)270 and 12(2)380 of general Zoning By-law 438-86 of the former City of Toronto, as amended, being "A by-law to regulate the use of land and the erection use, bulk, height, spacing of land and other matters relating to the 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, shall apply to prevent the erection and use of a *mixed use building*, a *commercial parking garage*, a *car-share parking spaces* and *bicycle-share parking spaces* on the *lot* provided that:
 - (a) The *lot* consists of at least those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) In addition to those uses permitted pursuant to Section 7(1) of By-law 438-86, permitted uses on the *lot* shall also include a *club*, a *commercial parking garage*, *car-share parking spaces*, and *bicycle-share parking spaces*;
 - (c) The total combined residential *gross floor area* and non-residential *gross floor area* erected or used on the *lot* shall not exceed 45,000.0 square metres, excluding the *gross floor area* for a *commercial parking garage* located below finished ground, provided that:
 - (i) A minimum of 14,750.0 square metres of *gross floor area* is erected and used on the *lot* is comprised of non-residential uses, of which a minimum of 12,500.0 square metres of non-residential *gross floor area* shall be for office uses, exclusive of any *gross floor area* associated with a *hotel*; and
 - (ii) *Hotel suites* and/or *hotel rooms* are permitted, provided:
 - A. The total combined number of such *hotel suites* and/or *hotel rooms* does not exceed 40; and
 - B. The non-residential *gross floor area* used for *hotel* purposes shall be located only commencing above a *height* of 41.0 metres above finished ground, save and except that such *height* restriction shall not apply to the associated *hotel* reception space.

- (d) At least ten percent (10 percent) of the total number of *dwelling units* erected on the *lot* shall be three-bedroom *dwelling units*;
- (e) At least twenty percent (20 percent) of the total number of *dwelling units* erected on the *lot* shall be two-bedroom *dwelling units*;
- (f) No portion of a building or structure located above finished ground shall be located otherwise than wholly within the areas delineated by heavy lines on Maps 2a, 2b, and 2c attached to and forming part of this By-law, with the exception of the following:
 - (i) Public art, landscape features, wheel chair ramps, light fixtures, stairs and stair enclosures, guardrails, bollards, awnings, canopies, railings, fences, vents, shafts, stacks, chimneys, satellite dishes, retaining walls, underground garage ramp and its associated structures, and window washing equipment;
 - (ii) Eaves, cornices, window sills to a maximum projection of 0.3 metres beyond the heavy lines;
 - (iii) Architectural fins may project a maximum of 0.5 metres beyond the main wall of the building;
 - (iv) Balconies may project a maximum distance of 2.0 metres beyond the heavy lines shown on Map 2a, provided such balconies do not project over the portion of the building identified as "Existing Heritage Building" on Map 2a; and
 - (v) The erection or use of the structures, elements and enclosures permitted by subsection (g) below.
- (g) No part of a building or structure erected or used above finished ground on the lot shall exceed the *height* limits in metres above *grade* specified by the number following the symbol "H" as shown on Maps 2a, 2b, and 2c, except for:
 - (i) The erection or use of the structures, elements and enclosures permitted by subsection (f) above,
 - (ii) Parapets provided the maximum height of such elements is no higher than 0.5 metres above the 179.5 metre *height* limit specified on Map 2a;
 - (iii) Privacy screens provided the maximum height of such element is no higher than 3.0 metres above the *height* limits specified on Map 2a;
 - (iv) Structures used for outside or open air recreation, safety or wind protection purposes, provided the height of such elements is no higher than 3.4 metres above the *height* limits specified on Map 2a;

- (v) Elements associated with a green roof, provided the *height* of such elements does not exceed 3.0 metres above the *height* limits specified on Map 2a, and
- (vi) Notwithstanding any provision of subsection (f) or subsection (g)(i), (iii), (iv) and (v), no permitted projections shall exceed a *height* of 179.5 metres.
- (h) Notwithstanding any other provision of this By-law to the contrary, that portion of the building located above a *height* of 179.5 metres and labelled as Top of Elevator Room on Map 2a, shall not exceed a *height* of 186.5 metres and shall only be used for elevator overruns and the associated machine rooms for such elevator overruns, service rooms, and emergency exiting stairs, and all such elements shall in total not exceed a horizontal footprint area of 123 square metres;
- (i) Notwithstanding any exception in clauses (i) through (v) of subsection (f) above and notwithstanding subsection (g) above, the portion of the building subject to a height limit of 170.0 metres as shown with a solid black line on Map 2c and identified as "Top H = 170.0 metres" is only permitted provided no such portion of the building is located below 162.0 metres above finished ground;
- (j) Notwithstanding any other provision of this By-law, the exterior main wall of the level of the building located immediately above the portion of the building identified as Existing Heritage Building on Map 2a between a *height* of 22.2 metres above finished ground and 27.3 metres finished ground shall be setback in accordance with the solid black line shown on Map 2b;
- (k) *Residential amenity space* shall be provided on the lot for the use of residents of the building in accordance with the following:
 - (i) A minimum of 1.5 square metres of indoor *residential amenity space* per *dwelling unit* shall be provided in a room or rooms, whether or not they are contiguous, one of which shall contain a kitchen and a washroom;
 - (ii) Up to a maximum of 40 percent of the indoor *residential amenity space* required in subsection (i) above may be located within the premises of a non-residential use or uses within the building, on or below finished ground level only, except for floor area exclusively used as a *restaurant* or *retail store*, and such portion of the indoor *residential amenity space*, may also be accessible to office users, visitors, guests, and patrons of the building;
 - (iii) A minimum of 1.5 square metres of outdoor *residential amenity space* per *dwelling unit* shall be provided per *dwelling unit* of which a minimum of 40 square metres shall be provided in a location directly accessible from an area containing indoor *residential amenity space*; and
 - (iv) Up to a maximum of 65 percent of the outdoor *residential amenity space* required in subsection (iii) above may be located within the premises of a

non-residential use or uses within the building, and such portion of the outdoor *residential amenity space*, may also be accessible to office users, visitors, guests, and patrons of the building.

- (l) *Parking spaces* for residents of the *lot* shall be provided and maintained in accordance with the following minimum requirements:
- (i) 0.1 *parking spaces* for each bachelor *dwelling unit*;
 - (ii) 0.15 *parking spaces* for each one-bedroom *dwelling unit*; and
 - (iii) 0.35 *parking spaces* for each *dwelling unit* containing two or more *bedrooms*.
- (m) *Parking spaces* for all other uses on the *lot* shall be provided at least in accordance with the minimum requirements in following table:

Parking Space Rates and Parking Space Occupancy Table

Land Use	Minimum Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
Non-residential	1.0 <i>parking spaces</i> for each 300 square metres of <i>gross floor area</i>	100 percent	60 percent	0 percent
Residential visitors	0.06 <i>parking spaces</i> per <i>dwelling unit</i>	0 percent	35 percent	100 percent

- (n) The minimum number of *parking spaces* as required in the table above is determined as follows:
- (i) For each of the morning, afternoon and evening parking periods identified in the table above, the minimum number of *parking spaces* required for each use, is calculated using the respective *parking space* rate and occupancy rate;
 - (ii) The minimum number of *parking spaces* required for each parking period is the total of the *parking spaces* required for all uses during that parking period; and
 - (iii) The minimum number of *parking spaces* required is equal to the largest number of *parking spaces* required for any parking period.
- (o) Notwithstanding subsection (n) above, *parking spaces* are not required for non-residential uses located in a portion of the building the floor level of which is located at or below 2.5 metres above *grade*;

- (p) *Car share parking spaces* are permitted on the lot;
- (q) The *parking spaces* required pursuant to subsection (m) above may be provided on a non-exclusive basis on Level P2 and/or below in an underground parking garage, and may be provided in a *commercial parking garage* located on the *lot*;
- (r) *Parking spaces* shall be provided and maintained in accordance with the requirements of Section 4(17) of By-law 438-86, as amended, with the exception that:
 - (i) Up to a maximum of thirteen (13) obstructed *parking spaces* may be provided with a minimum width of 2.6 metres notwithstanding the requirements of subsection 4(17)(e); and
 - (ii) Up to a maximum of 19 obstructed *parking spaces* may be provided with a minimum width of 2.6 metres and a minimum length of 5.3 metres notwithstanding the requirements of subsection 4(17)(a) and (e).
- (s) A minimum of one (1) *loading space* – type G and two (2) *loading spaces* – type C shall be provided and maintained on the *lot*;
- (t) *Bicycle parking spaces* shall be provided on the *lot* in accordance with the following minimum standards:
 - (i) For *dwelling units*: 0.9 *bicycle parking spaces* for each *dwelling unit*, allocated as *long term bicycle parking spaces* and 0.1 *bicycle parking spaces* for each *dwelling unit* allocated as *short term bicycle parking spaces*;
 - (ii) For office uses: 0.2 *long-term bicycle parking spaces* for each 100 square metres of *interior floor area* and 3 plus 0.2 *short-term bicycle parking spaces* for each 100 square metres of *interior floor area*; and
 - (iii) For all other uses: 0.2 *long-term bicycle parking spaces* for each 100 square metres of *interior floor area* and 3 plus 0.3 *short-term bicycle parking spaces* for each 100 square metres of *interior floor area*;
- (u) If the building has uses, other than *dwelling units*, for which *long-term bicycle parking spaces* are required, shower and change facilities shall be provided for each gender at the following rates:
 - (i) None if less than 5 *long term bicycle parking spaces* are required;
 - (ii) 1 for 5 to 60 required *long term bicycle parking spaces*; and
 - (iii) 2 for 61 to 120 required *long term bicycle parking spaces*.
- (v) Where located within a building, *bicycle parking spaces* shall be located below finished ground;

- (w) A maximum of twelve (12) *bicycle-share parking spaces* are permitted on the lot;
- (x) *Bicycle parking spaces* and *bicycle-share parking spaces* may be located in a *stacked bicycle parking space*;
- (y) For the purpose of this exception, each word or expression in italics type shall have the same meaning as each such word or expression is defined in Section 2 of By-law 438-86, except for the following:
 - (i) "*above-grade building permit*" mean 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;
 - (ii) "*bicycle parking space*" means an area used for storing bicycles having the following minimum dimensions:
 - A. Where the bicycles are to be parked on a horizontal surface, the *bicycle parking space* shall have a minimum length of 1.8 metres, a minimum width of 0.6 metres and a minimum vertical dimension from the ground of at least 1.9 metres;
 - B. Where the bicycles are to be parked in a vertical position, the *bicycle parking space* shall have a minimum length or vertical clearance from the wall of 1.2 metres, a minimum width of 0.6 metres and a vertical dimension of at least 1.9 metres;
 - C. Where the bicycles are to be parked in bicycle stacker, the *bicycle parking space* shall have a minimum vertical clearance of 1.2 metres;
 - (iii) "*bicycle-share*" means the practice whereby a number of people share the use of one or more bicycles that are owned by a profit or non-profit bicycle-sharing organization and such bicycle-share bicycles are made available to at least the occupants of the building for short-term rental, including hourly rental;
 - (iv) "*bicycle-share parking space*" means a *bicycle parking space* exclusively reserved and signed for a bicycle used only for bicycle-share purposes;
 - (v) "*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 Heritage Building on the lot acceptable to the Senior Manager, Heritage Preservation Services;
 - (vi) "*car-share*" means the practice whereby a number of people share the use of one or more motor vehicles and such car-share motor vehicles are made

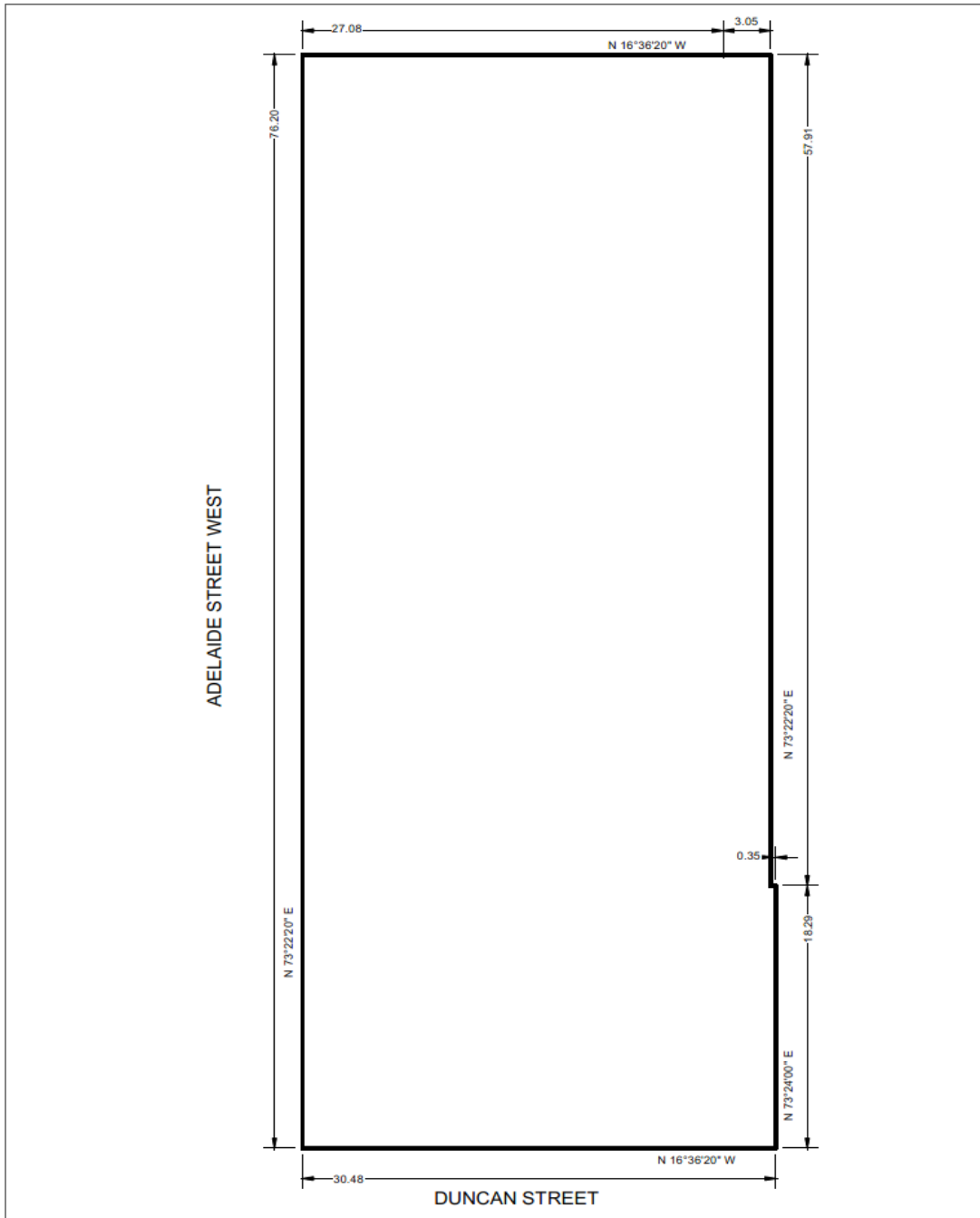
available to at least the occupants of the building for short term rental, including hourly rental;

- (vii) "*car-share parking space*" shall mean a parking space exclusively reserved and signed for a car used only for *car-share* purposes;
- (viii) "*Existing Heritage Building*" means the heritage building existing on the *lot* on the date of the passing of this By-law, as shown on Map 2a, including as may be altered, provided such alteration is in accordance with a Heritage Easement Agreement entered into between the *City* and the *owner* pursuant to Section 37 of the Ontario Heritage Act and registered to the satisfaction of the *City*;
- (ix) "*grade*" means the Canadian Geodetic Datum elevation of 87.1 metres;
- (x) "*gross floor area*" shall mean the sum of the total area of each floor level of a building or structure above and below ground level, measured from the exterior main wall of each floor level, exclusive of any areas in a building or structure used for:
 - A. Parking, loading and a *commercial parking garage*, all as located below ground level;
 - B. Required *loading spaces* at ground level;
 - C. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below finished ground level;
 - D. Facilities for bicycle parking, including but not limited to the area occupied by *bicycle-share parking spaces* and *bicycle parking spaces* and required shower and change facilities;
 - E. *Residential amenity space* required by this By-law;
 - F. Elevator shafts, garbage shafts;
 - G. Mechanical penthouse; and
 - H. Exit stairwells in the building or structure;
- (xi) "*height*" means the vertical distance between *grade* and the highest point of the building or structure, including mechanical penthouse;
- (xii) "*interior floor area*" means the floor area of any part of a building measured to the interior side of a main wall or an interior wall, or as measured to a line delineating the part being measured, excluding the following areas:
 - A. Parking, *commercial parking garage*, loading and bicycle parking;

- B. Storage rooms, washrooms, electrical, utility mechanical ventilation rooms;
 - C. Shower and change facilities for *bicycle parking spaces*; and
 - D. Elevator shafts, mechanical penthouse, or exit stairs;
- (xiii) "*long term bicycle parking space*" means a *bicycle parking space* for use by occupants or tenants of a building;
- (xiv) "*short term bicycle parking space*" means a *bicycle parking space* for use by visitors to a building; and
- (xv) *stacked 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*.
6. Despite any existing or future severance, partition, or division of the lot, the provisions of this Exception and By-law 438-86 shall apply to the whole of the lands as one lot as if no severance, partition or division had occurred.
7. Within the lands shown on Map 1, attached hereto, 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 asphalt and are connected to an existing public highway; and
 - (b) All water mains and sanitary sewers and appropriateness appurtenances have been installed and are operational.

Ontario Municipal Board Decision/Order issued on August 22, 2017 and January 22, 2018 in Board File PL160684

City of Toronto By-Law No.: -2017

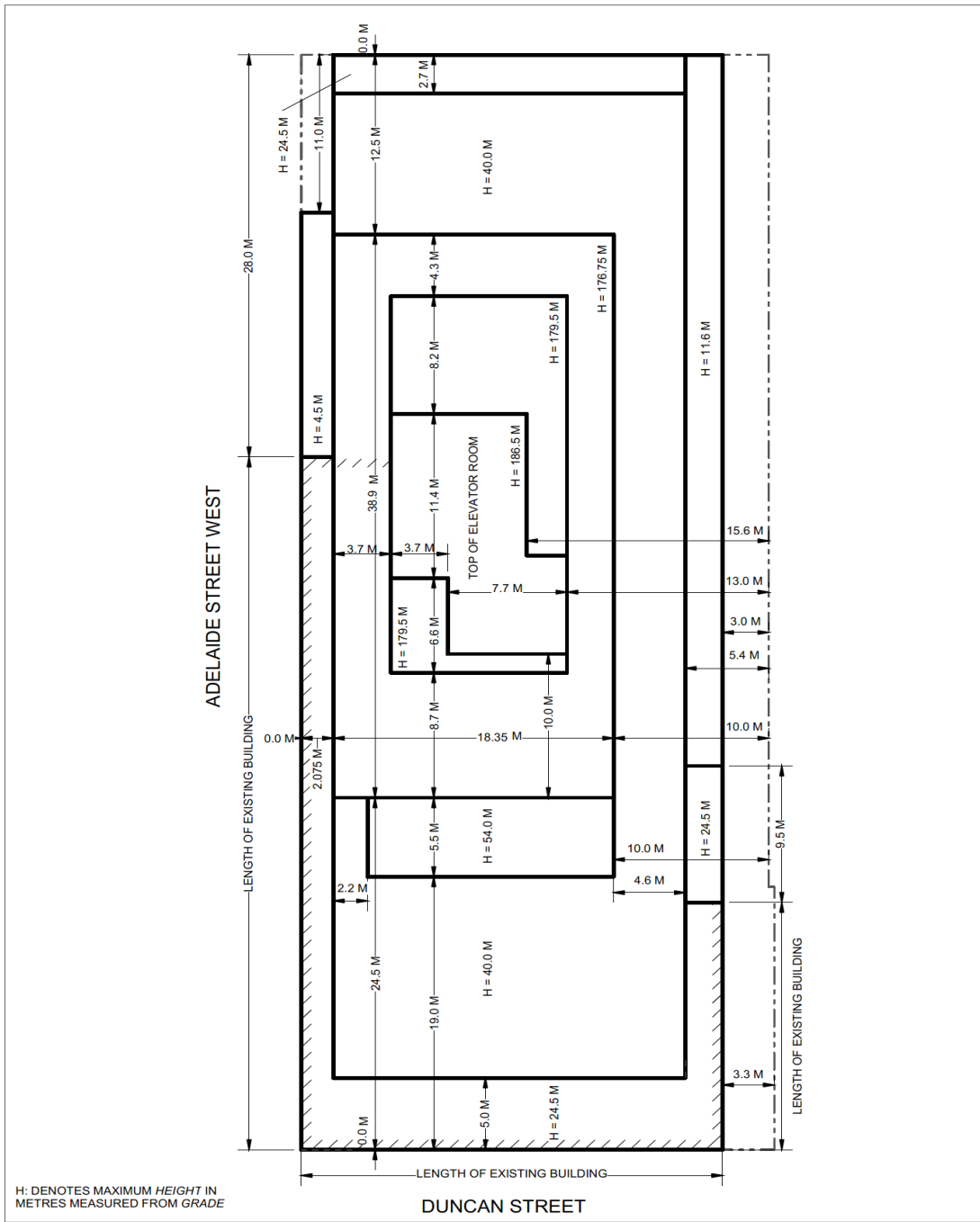


19 Duncan Street, 219-223 Adelaide Street West

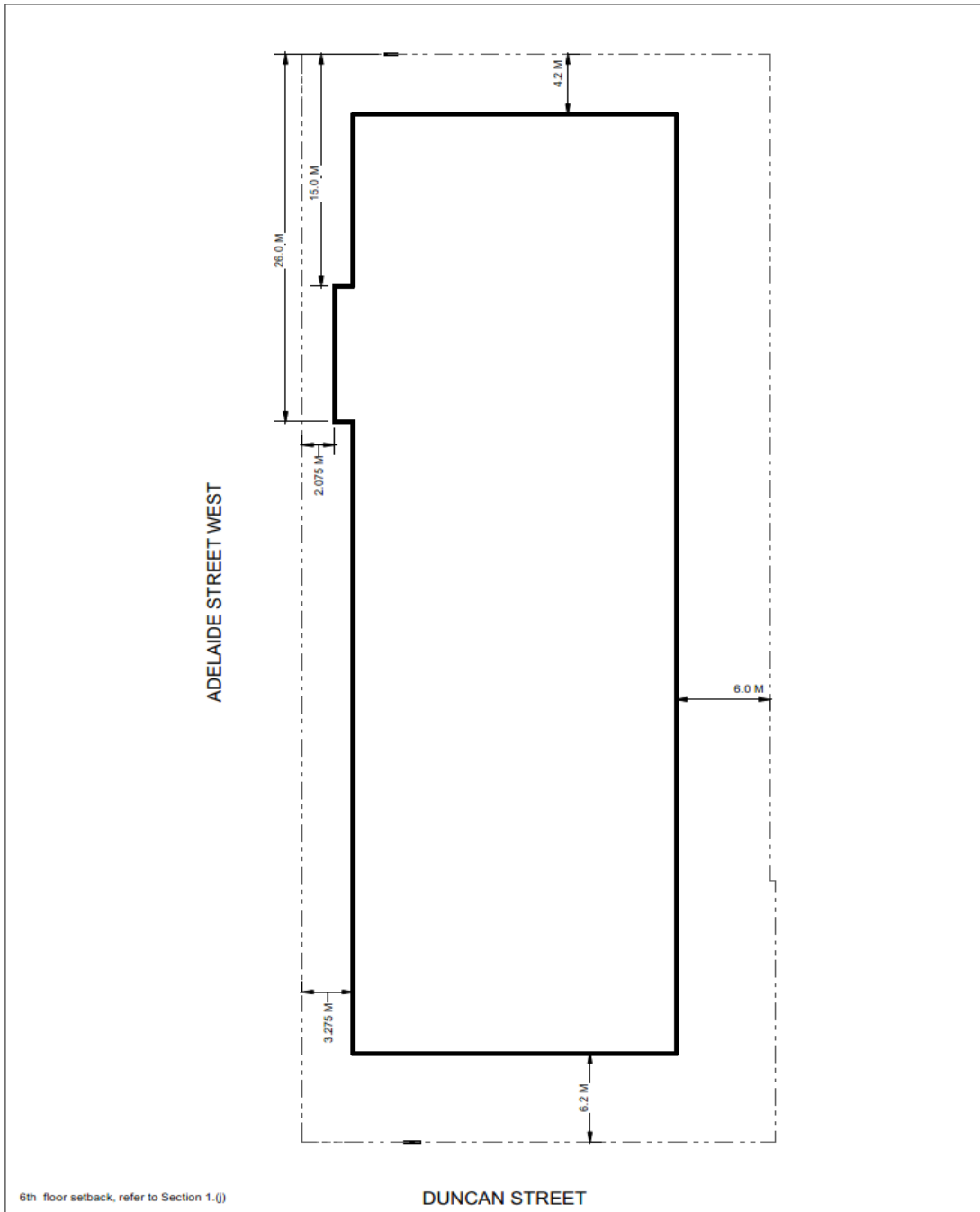
Map 1

File # 15 164825 STE 20 OZ

City of Toronto By-Law No.: -2017



City of Toronto By-Law No.: -2017




6th floor setback, refer to Section 1.(j)



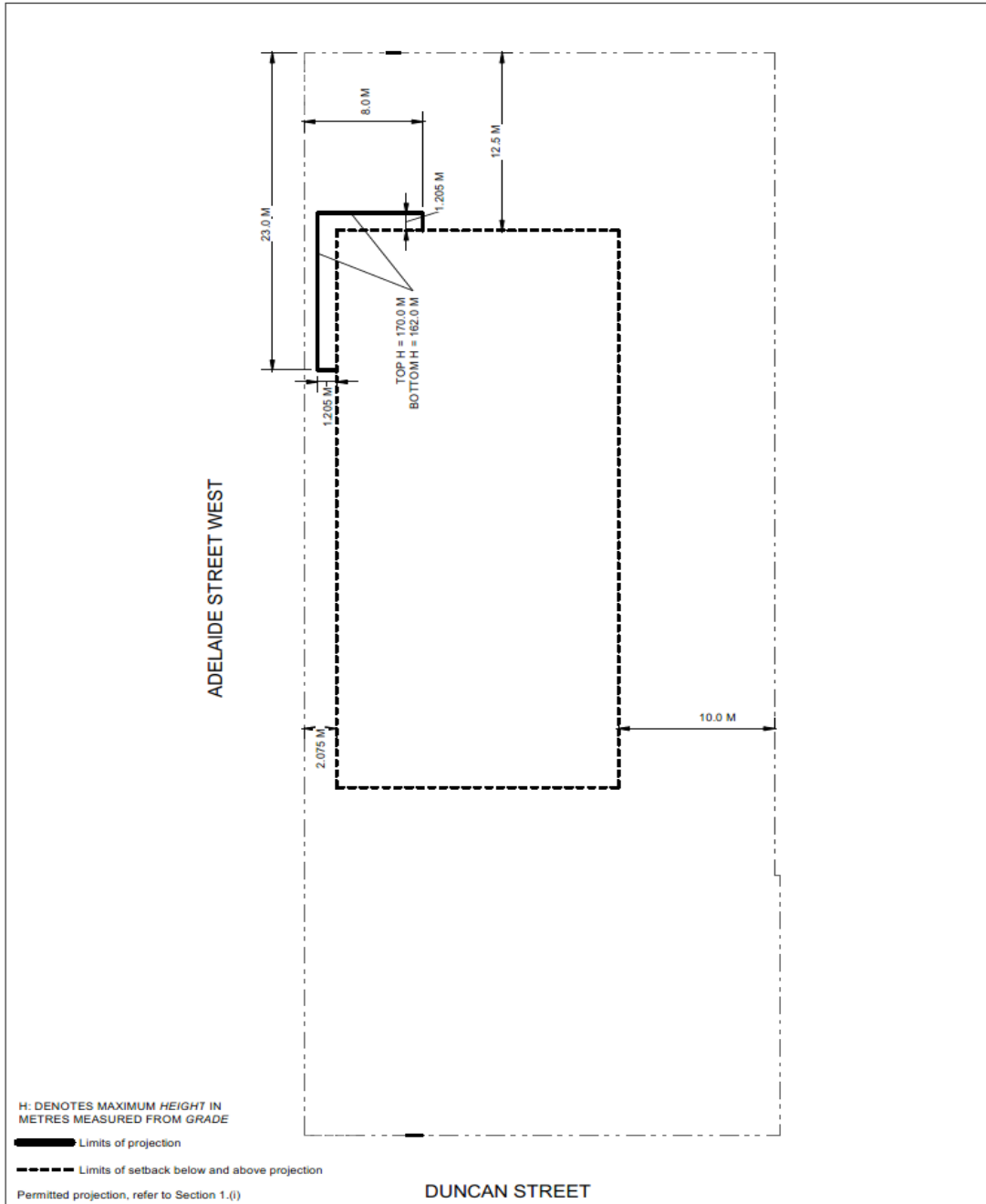
19 Duncan Street, 219-223 Adelaide Street West

Map 2b

File # 15 164825 STE 20 OZ

Not to Scale 
City of Toronto By-Law 438-86
11/23/2017


City of Toronto By-Law No.: -2017



19 Duncan Street, 219-223 Adelaide Street West

Map 2c

File # 15 164825 STE 20 OZ

Not to Scale 
City of Toronto By-Law 438-86
11/23/2017

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 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:

1. Prior to the issuance of the first *above-grade building permit* for all or part of the *lot*, the owner shall pay to the City the sum of \$2,750,000, to be allocated as follows:
 - (i) \$330,000 for capital improvements to existing rental housing units provided by Toronto Community Housing Corporation in Ward 20;
 - (ii) \$330,000 for the provision of new affordable rental housing units as part of the Alexandra Park Revitalization in Ward 20, to be directed to the Capital Revolving Fund for Affordable Housing; and
 - (iii) \$2,090,000 for community services and facilities comprising capital expenditures in the King-Spadina Area, at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor;

In the event the cash contribution in (iii) has not been used for the intended purpose within three (3) years of the date of the issuance of the first *above-grade building permit* is the cash contribution may be redirected for other purposes, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in the City of Toronto Official Plan and will benefit the community in the vicinity of the Lands;

2. The owner shall provide and maintain public art on the *lot*, to be located on portions of the *lot* that are visible from publicly accessible areas, in accordance with the City of Toronto Percent for Public Art Guidelines, to a minimum value of \$550,000 or such greater amount as the owner may in its discretion determine. Prior to the issuance of the first *above-grade building permit* for all or any part of the *lot*, the owner shall:
 - (1) 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; or
 - (2) In the alternative to item 2(1) above, the owner shall pay to the City the sum of \$550,000 towards the City's capital budget for public art programs;
3. The payments and public art requirements required in items 1 and 2 above shall be increased by upwards indexing in accordance with the Non-Residential Building Construction Price Index for the Toronto CMA, report by Statistics Canada or its

successor, calculated from the date of the Section 37 Agreement to the date each such payment is made;

4. In the event the Chief Planner and Executive Director, City Planning, in the Chief Planner's sole discretion determines in writing to require the provision of a walkway and easement respecting such walkway, the construction, provision and maintenance on the *lot* of a publicly accessible pedestrian walkway together with conveyance by the owner, to the City of an easement for use of such walkway by the general public, together with rights of support should the City Solicitor require same, and such easement to be at nominal cost to the City, free and clear of encumbrances except for easements for the properties at 150-158 Pearl Street and 15 Duncan Street, to be generally located along the southern boundary of the Lands, with an approximate size of 239 square metres, as determined in the Site Plan Approval process, all to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, with the conveyance of such easement and the construction of such walkway to be completed no later than prior to the earlier of any residential use of the Lands and in any event prior to any condominium registration of all or any part of the Lands. The timing of the completion of the construction of the walkway can be extended by up to an additional 6 months at the sole discretion of the Chief Planner and Executive Director, City Planning in writing;
5. The owner shall provide a minimum of 10 percent of the residential *dwelling units* within the development to be *three-bedroom dwelling units* and a minimum of 20 percent of the residential *dwelling units* within the development to be *two-bedroom dwelling units*;
6. The owner shall make satisfactory arrangements with the Executive Director, Engineering and Construction Services to design, financially secure, pay for, construct and make operational any upgrades and improvements to the municipal infrastructure, should it be determined that upgrades and/or improvements are required to the infrastructure to support this development, in accordance with the functional servicing and stormwater management report(s) and the hydrogeology assessment and the geotechnical report, all as accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
7. Prior to Final Site Plan approval in connection with the Zoning By-law Amendment for the property at 19 Duncan Street and 219-223 Adelaide Street West:
 - (i) the owner shall provide final site plan drawings substantially in accordance with the approved Conservation Plan, to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - (ii) the owner shall have obtained final approval for the necessary Zoning By-law Amendments, with such Amendments being the subject of an Ontario Municipal Board Order, allowing the Zoning By-law appeal in part and with the support and agreement of the City Council as determined to the satisfaction of the Chief Planner and Executive Director, City Planning and with such by-laws having come into full force and effect;

- (iii) the owner shall 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;
 - (iv) the owner shall provide a Heritage Lighting Plan that describes how the Existing Heritage Building will be sensitively illuminated to enhance its heritage character as viewed from the public realm 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;
 - (v) the owner shall submit a Signage Plan 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;
 - (vi) the owner shall be financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property; and
 - (vii) the owner shall submit a Wind Study for the proposed development and thereafter shall implement the necessary mitigation measures, to all the satisfaction of the Chief Planner and Executive Director, City Planning; and
8. Prior to the issuance of any permit for all or any part of the property at 19 Duncan Street including a heritage permit or a building permit but excluding permits for repairs, maintenance and usual and minor works acceptable to the Senior Manager, Heritage Preservation Services:
- (i) the owner shall have obtained final approval for the necessary Zoning By-law Amendments required for the subject properties with such amendments being the subject of an Ontario Municipal Board Order, allowing the Zoning By-law appeal in part and with the support and agreement of the City Council as determined to the satisfaction of the Chief Planner and Executive Director, City Planning, and with such by-laws having come into full force and effect;
 - (ii) the owner shall provide building permit drawings for the specific phases of work for which the permit is being sought, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant, all to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - (iii) the owner shall 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 and the Interpretation Plan, and subsequently, prior to the release of the Letter of Credit to secure the Conservation work:

- A. the owner shall have obtained Final Site Plan Approval for the *lot*, issued by the Chief Planner and Executive Director, City Planning;
 - B. the owner shall provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work has been completed in accordance with the approved Conservation Plan, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and
 - C. the owner shall provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services;
- (iv) the owner shall submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services and the Chief Building Official, in consultation with the Ward Councillor and thereafter in support of the development will implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to, details regarding size and location of construction staging areas, dates of significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary;
 - (v) the owner shall provide any necessary modifications to the functional servicing and stormwater management report(s), to the satisfaction of the Executive Director, Engineering and Construction Services; and
 - (vi) the owner shall provide any necessary modifications to the hydrogeology assessment, geotechnical report and associated municipal servicing plans, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.