

Authority: Ontario Land Tribunal Decision issued on October 5, 2018 and Ontario Land Tribunal Order issued on July 28, 2022 in File PL170587

## **CITY OF TORONTO**

### **BY-LAW 1195-2022(OLT)**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 34-50 King Street East and 2 Toronto Street.**

Whereas the Ontario Land Tribunal pursuant to its Decision issued on October 5, 2018 and Order issued on July 28, 2022 in OLT Case PL170587, 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 569-2013, as amended, for the City of Toronto with respect to lands municipally known as 34-50 King Street East and 2 Toronto Street; 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 pursuant to Section 39 of the Planning Act, as amended, the Council of a Municipality may, in a By-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the By-law; 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 569-2013, 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 569-2013, as amended, is further amended by the Ontario Land Tribunal as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy lines to CR 7.8 (c4.5; r7.8) SS1 (x752), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 752 so that it reads:

**(752) Exception CR 752**

The lands or portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On the lands municipally known in the year 2020 as 34-50 King Street East and 2 Toronto Street, if the requirements of By-law 1195-2022(OLT) are complied with, a **building**, or **structure**, may be constructed, used or enlarged in compliance with (B) to (KK) below;
- (B) For the purpose of this exception, "Existing Building" is the **building** and **structures** existing on the **lot** on 1195-2022(OLT), labelled as 'Existing Building' as shown on Diagram 1 of By-law 1195-2022(OLT);
- (C) The Existing Building as shown on Diagram 1 of By-law 1195-2022(OLT) is permitted, including alterations and additions permitted in accordance with this Exception;
- (D) Only non-residential uses are permitted in the Existing Building;
- (E) Despite Regulation 40.10.20.20(1)(A), **public parking** is permitted provided the associated **parking spaces** are located in a below ground **parking garage** on the **lot**;
- (F) Despite Regulation 40.10.40.1(1), residential use portions of the **building** may be located on the same level as non-residential use portions of the **building**.
- (G) **Dwelling units** provided must comply with the following:
  - i. A minimum of 30 percent of the total number of **dwelling units** on the **lot** must contain 2 or more bedrooms; and
  - ii. A minimum of 10 percent of the total number of **dwelling units** on the **lot** must contain 3 or more bedrooms, and these **dwelling units** may also be used to determine compliance with i. above;

- (H) For **dwelling units** located on the 12<sup>th</sup> to 19<sup>th</sup> **storey** of a **building**, living room windows are not permitted in a **main wall** facing Victoria Street;
- (I) Despite Regulations (L) and (U) below, no portion of a **building** or **structure**, with the exception of the permitted projections set out in Regulations (M) and (V) below, may be located within the areas subject to the following regulations as shown hatched on Diagram 3 of By-law 1195-2022(OLT):
- i. From the finished ground surface to a vertical height of 6.5 metres above finished ground surface;
  - ii. Between 22.0 metres above finished ground surface and 28.5 metres above the Canadian Geodetic Datum elevation of 83.05 metres; and
  - iii. Between 44.0 metres above finished ground surface and 46.0 metres above the Canadian Geodetic Datum elevation of 83.05 metres;
- (J) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 83.05 metres and the highest point of the **building** or **structure**;
- (K) For the purpose of this Exception, **established grade** is the Canadian Geodetic Datum elevation of 83.05 metres;
- (L) Despite Regulation 40.10.40.10(1) and (7), the permitted maximum height of each portion of a **building** or **structure** on the **lot** is the height in metres as specified by the numbers following the symbol "HT", and the number of **storeys** following the symbol "ST" as shown on Diagram 3 of By-law 1195-2022(OLT);
- (M) Despite Regulations 40.5.40.10(3), (4), (5), (6), (7), and (8), and Regulation (L) above, the following elements of a **building** or **structure** may project above the permitted maximum **building** height limits as shown on Diagram 3 of By-law 1195-2022(OLT) as follows:
- i. Eaves, cornices, landscape features, trellises, light fixtures, stairs and stair enclosures, awnings, canopies, elevator enclosures and related structural elements, elevator overrun, heating, cooling or ventilating equipment, architectural and privacy screens, window washing equipment/**building** maintenance equipment, damper equipment to reduce **building** movement, **structures** used for outside or open air recreation, safety or wind protection purposes and **structures** associated with an **outdoor patio** on the roof, which may project to a maximum height of 4.0 metres;
  - ii. Parapets, wheel chair ramps, balustrades, guardrails, bollards, elements associated with a **green roof**, green energy and renewable energy facilities, railings, retaining walls, mechanical fans, vents, stacks, chimneys, which may project to a maximum height of 1.5 metres;

- iii. Despite i. and ii. above, on the Existing Building as shown on Diagram 3 of By-law 1195-2022(OLT): eaves, cornices, parapets, landscape planters, landscape screens, trellises, wheel chair ramps, light fixtures, balustrades, guardrails, awnings, canopies, railings, architectural and privacy screens, vents, stacks, chimneys, and **structures** associated with an **outdoor patio** on the roof to a maximum height of 3.0 metres;
  - iv. Despite i. and ii. above, on the Existing Building as shown on Diagram 3 of By-law 1195-2022(OLT): stairs, stair enclosures, elevator, elevator overrun as shown on Diagram 3 of By-law 1195-2022(OLT), and roof top access vestibule and a screen, wall or **structure** enclosing such projections, may project to a maximum height of 6.0 metres;
  - v. Within the hatched areas shown on Diagram 3, columns, walls, **main walls**, and structural supports of the **building**; and
  - vi. **Structures**, elements and enclosures permitted by (V) below;
- (N) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 4.5 metres, excluding any mezzanine level;
- (O) For the purposes of this Exception, a mezzanine level located above the **first floor** and below the second **storey** of a **building**, limited in use to areas used for the functional operation of the **building**, including access thereto, and **bicycle parking spaces**, is not a **storey**;
- (P) Despite Regulations 40.5.1.10(3)(A), 40.10.40.40(1) and (2), the total **gross floor area** of the **buildings** and **structures** must not exceed a maximum of 25,120 square metres, of which:
- i. a required minimum of 9,800 square metres of **gross floor area** must be available for use by non-residential uses; and
  - ii. a required minimum of 9,500 square metres of the **gross floor area** required by i. above, must be available for office uses;
- (Q) In addition to the areas in the **building** listed in Regulation 40.5.40.40(3), the **gross floor area** of a **mixed use building** is reduced by the area of the **building** used for:
- i. a vestibule and elevator providing access to the roof of the Existing Building as shown on Diagram 3 of By-law 1195-2022(OLT);
  - ii. mechanical rooms in any **storey** of the **building**; and
  - iii. exterior rooftop, patio or terrace areas that are partially enclosed by walls or **main walls**;

- (R) For the purpose of this exception, the calculation of **gross floor area** does not include the areas occupied by any non-structural architectural or ornamental features that are attached to and project from the **main wall** of a **building**, or any areas that are partially enclosed by such features;
- (S) Despite Regulation 40.10.40.50(1), **amenity space** must be provided as follows:
- i. A minimum of 2.0 square metres of indoor **amenity space** per **dwelling unit**; and
  - ii. A minimum of 1.0 square metres of outdoor **amenity space** per **dwelling unit**;
- (T) Regulation 40.10.40.50(2) with respect to **amenity space** for **buildings** with non-residential uses does not apply;
- (U) Despite Regulations 40.5.40.70(1), 40.10.40.70(1), 40.10.40.80(1), and Section 600.10, the required minimum **building setbacks** and minimum distance between **main walls** of **buildings** and **structures** must be provided as shown in metres on Diagram 3 of By-law 1195-2022(OLT);
- (V) Despite Regulation 5.10.40.70 (1), Clauses 40.5.40.60 and 40.10.40.60, 600.10.10(1)(D), and Regulation (U) above, only the following elements of a **building** or **structure** may encroach into a required minimum **building setback** and a required minimum **main wall** separation distance, as follows:
- i. cornices, ornamental or architectural elements, pilasters, eaves, window sills, and light fixtures may project a maximum of 1.0 metres;
  - ii. canopies and awnings which may project a maximum of 3.0 metres; and
  - iii. in addition to the above, on the Existing Building as shown on Diagram 3 of By law 1195-2022(OLT), elevator overruns and rooftop access vestibules are also permitted, provided such **structures** are located no closer than 6.0 metres from the north and south **lot lines** abutting a **street** or **lane**, and no closer than 3.5 metres from the east **lot line** abutting a **street**;
  - iv. **structures**, elements and enclosures permitted by Regulation (M) above;
- (W) Despite Regulation 40.10.100.10(1)(A), **vehicle** access may be from a **street**;
- (X) Despite Regulation 40.10.100.10(1)(C), more than one **vehicle** access is permitted;
- (Y) Despite Regulations 40.5.80.1(1), 200.5.1(2), 200.5.1.10(10), 200.5.10.1(1), 200.5.200.40(2) and Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** in accordance with the following:

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- i. A minimum of 0.23 **parking spaces** per **dwelling unit** must be provided for residents;
  - ii. A minimum of 0.27 **parking spaces** for each 100 square metres of **gross floor area** must be provided for office use;
  - iii. No **parking spaces** are required for residential visitors and other non-residential uses;
  - iv. **Parking spaces** required by ii. above may be provided for the shared use of non-residential uses and residential visitors on a non-exclusive basis within a **public parking** facility on the **lot**;
  - v. A minimum of 4 **parking spaces** must be provided as car-share **parking spaces**;
  - vi. A reduction of 4 resident **parking spaces** will be permitted for each of the car share **parking spaces** provided on the **lot**, and that the maximum reduction permitted by this means be capped by the application of the following formula:  
  

$$4 \times (\text{Total of } \mathbf{dwelling\ units} \div 60), \text{ rounded up to the nearest whole number};$$
- (Z) For the purpose of this Exception, car share is the practice whereby a number of people share the use of one or more cars that are owned and operated by a profit or non profit car sharing organization;
- (AA) For the purpose of this Exception, car-share **parking space** means a **parking space** that is reserved and actively used for car-sharing;
- (BB) Despite Regulation 200.5.1.10(2)(A)(iv), a maximum of 16 **parking spaces** may have a minimum width of 2.6 metres when one side of the **parking space** is obstructed according to Regulation 200.5.1.10(2)(D);
- (CC) Regulation 200.5.1.10(12)(C) with respect to vehicle entrance or exit to a building does not apply;
- (DD) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:
- i. Length 5.6 metres;
  - ii. Width of 3.4 metres; and
  - iii. Vertical clearance of 2.1 metres;

- (EE) Despite Regulation 200.15.1(3), the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path and such aisle or path may be shared by two accessible **parking spaces**;
- (FF) Despite Regulation 200.15.1(4), accessible **parking spaces** must be the **parking spaces** closest to a barrier free:
- i. Entrance to a **building**;
  - ii. Passenger elevator that provides access to the first **storey** of the **building**;  
and
  - iii. Shortest route from the required entrances in (i) and (ii);
- (GG) Despite Regulation 220.5.1.10(1) and Clause 220.5.10.1, a minimum of one Type "G" **loading space**, one Type "B" **loading space** and two Type "C" **loading spaces** must be provided;
- (HH) Despite Regulations 230.5.1.10(9)(A) and (B), a required "long-term" **bicycle parking space** may be located:
- i. On the first **storey** of the **building**;
  - ii. On the second **storey** of the **building**;
  - iii. On a mezzanine level of the **building**; and
  - iv. On levels of the **building** below-ground;
- (II) Despite Regulation 230.5.1.10(4), the minimum width of a **stacked bicycle parking space** is 0.4 metres;
- (JJ) Despite Regulation 230.5.1.10(10), a "short term" **bicycle parking space** may also be located in a **stacked bicycle parking space**; and
- (KK) Despite Regulation 230.40.1.20(2), a "short-term" **bicycle parking space** may be located more than 30 metres from a pedestrian entrance to the **building** on the **lot**.

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(1)397 of former City of Toronto By-law 438-86.

5. Despite any severance, partition or division of the lands as shown on Diagram 1 of this By-law, the provisions of this By-law will apply to the whole of the lands as one **lot**, as if no consent, severance, partition or division had occurred.

6. Temporary use(s):

None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office on the **lot** for a period of not more than three years from the date this By-law comes into full force and effect.

7. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 of this By-law 1195-2022(OLT), in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner must not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to Exception CR (752) of By-law 569-2013, as amended, unless all provisions of Schedule A of such By-law are satisfied.

Ontario Land Tribunal Decision issued on October 5, 2018 and Ontario Land Tribunal Order issued on July 28, 2022 in File PL170587

**SCHEDULE A**  
**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the development on the lands as shown on Diagram 1 of this By-law, as secured in a registered agreement or agreements under Section 37(3) of the Planning Act, as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, whereby the owner agrees as follows:

*Community Benefits*

1. Prior to the issuance of the first above-grade building permit for the proposed development, the owner shall provide an indexed cash contribution of \$2,000,000 to be used by the City for capital facilities within the vicinity of the lands shown on Diagram 1, within the boundaries of Ward 28 as it existed on May 22, 23, and 24, 2018; with the allocation of such funds to be determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor;
2. In the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands shown on Diagram 1; and
3. The above noted cash contribution shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Ontario Land Tribunal decision (October 5, 2018) to the date of payment;

*Matters to be Secured as a Legal Convenience*

The following matters are to be secured in the Section 37 Agreement as a legal convenience to support development, in accordance with the agreement or agreements under Section 37(3) of the Planning Act:

*Pedestrian Clearways*

4. The Owner shall, at its sole expense, convey two pedestrian clearway easements, including rights of support, to the City for nominal consideration to the satisfaction of the City Solicitor over the lands described as follows:
  - (A) on the portion of the lands shown on Diagram 1 abutting Victoria Street substantially in the location shown on the draft reference plan prepared by Genesis Land Surveying Inc., dated July, 2021 (the "**Draft Reference Plan**") as Part 8; and

- (B) for the purpose of a 5.0 metre corner rounding at ground level, at the northeast intersection of King Street East and Victoria Street substantially in the locations shown on the Draft Reference Plan as Part 4;

with the timing and completion of such pedestrian clearways and conveyance of such pedestrian clearway easements to the City to be determined as part of Site Plan Approval of the development;

#### *Lane Widening Strata Conveyance*

5. The Owner shall, at its sole expense, convey a strata conveyance for lane widening purposes, together with an easement of support, having a minimum depth of 1.2 metres below the surface, and such lane widening strata conveyance shall be substantially in accordance with the location shown on the Draft Reference Plan as Parts 5, 6 and 7, with the exact location and timing of the conveyance to the City to be secured as part of Site Plan Approval for the development;

#### *Heritage Conservation*

6. The Owner shall enter into a Heritage Easement Agreement with the City with respect to the lands known municipally in the year 2021 as 50 King Street East and 2 Toronto Street (the "**Heritage Property**");
7. The Owner shall at its sole expense provide a detailed conservation plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment, all to the satisfaction of the Senior Manager, Heritage Planning (the "**Conservation Plan**");
8. Prior to the issuance of final Site Plan Approval for the lands shown on Diagram 1, or any portion thereof, the Owner shall, at its sole expense:
- (A) Provide final site plan drawings substantially in accordance with the approved Conservation Plan, to the satisfaction of the Senior Manager, Heritage Planning;
  - (B) Have obtained final approval for this By-law, with such Amending By-law to have come into full force and effect;
  - (C) Provide an interpretation plan for the Heritage Property to the satisfaction of the Senior Manager, HP (the "**Interpretation Plan**") and thereafter shall implement such Interpretation Plan to the satisfaction of the Senior Manager, Heritage Planning;
  - (D) Provide a heritage lighting plan that describes how the Heritage Building will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, HP (the "**Heritage Lighting Plan**") and thereafter shall implement such Lighting Plan to the satisfaction of the Senior Manager, Heritage Planning;

- (E) Submit a detailed signage plan to the satisfaction of the Senior Manager, Heritage Planning (the "**Signage Plan**");
9. Prior to the issuance of any permit for all or any part of the lands shown on Diagram 1, including a Building Permit or Heritage Permit but excluding permits for the repairs, maintenance and usual and minor works acceptable to the Senior Manager, Heritage Planning, the Owner shall, at its sole expense:
- (A) have obtained final approval for this By-law with such amendment having been finally approved by the Tribunal and having come into full force and effect;
- (B) provide full building permit drawings for the specific phase of work for which the permit is being sought, including notes and specifications for the conservation and protective measures keyed to the Conservation Plan, including a description of materials and finishes for the new construction, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Planning; and
- (C) provide a letter of credit (the "**Letter of Credit**"), including provision for Upward Indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning to secure all work included in the approved Conservation Plan, Interpretation Plan, Lighting Plan and Signage Plan.
10. Prior to the release of the Letter of Credit, the Owner shall:
- (A) have obtained final Site Plan Approval for the development;
- (B) provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work, required heritage lighting work, the required landscape plan and the required interpretive work have been completed in accordance with the Conservation Plan, the approved Heritage Lighting Plan, the approved 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 Planning; and
- (C) provide replacement Heritage Easement Agreement photographs for the Heritage Property to the satisfaction of the Senior Manager, Heritage Planning;

*Conditions Prior to Site Plan Approval*

11. Prior to final Site Plan Approval, the Owner shall, at its sole expense, provide the following:
- (A) functional plans and satisfactory arrangements, agreements, financial securities and engineering fees for the design and construction of curb extensions (bump-outs) at the following locations in accordance with the City's Lane Width, Curb

Radii, and Curb Extension Design Guidelines, as required by the General Manager, Transportation Services:

- i. at the southeast corner of the lands shown on Diagram 1, along the Toronto Street site frontage; and
- ii. at the southwest corner of the lands shown on Diagram 1, along the Victoria Street frontage (with the current curb radius retained);

and as a condition of Site Plan Approval, the Owner shall be responsible for building the curb extensions described in Sections 10(A)(i) and 10(A)(ii) of this Schedule A, along with any related intersection modifications and/or improvements to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with General Manager, Transportation Services, through the Site Plan Approval process; and without fettering the discretion of the Chief Planner and Executive Director, City Planning to seek public realm improvements typically secured through the Site Plan Approval process

- (B) A design of the proposal's south wall that is complementary to the existing south wall of the Quebec Bank building;
- (C) Drawings which provide for translucent windows for any primary (bedroom or living room) west-facing windows of dwelling units located on floors 12 to 19 inclusive, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (D) The retention of existing street trees along King Street East and submission of landscaping plans to indicate the retention of such trees;
- (E) Final site plan drawings which include details with respect to a knock-out panel, or knock-out panels, to be provided at the expense of the Owner, for potential future underground pedestrian network connections to the satisfaction of the Chief Planner and Executive Director, City Planning; and the Owner shall, at its expense, provide a knock-out panel, or knock-out panels, for potential future underground pedestrian network connections, the details of which shall be secured in connection with final Site Plan Approval, to the satisfaction of the Chief Planner and Executive Director, City Planning;

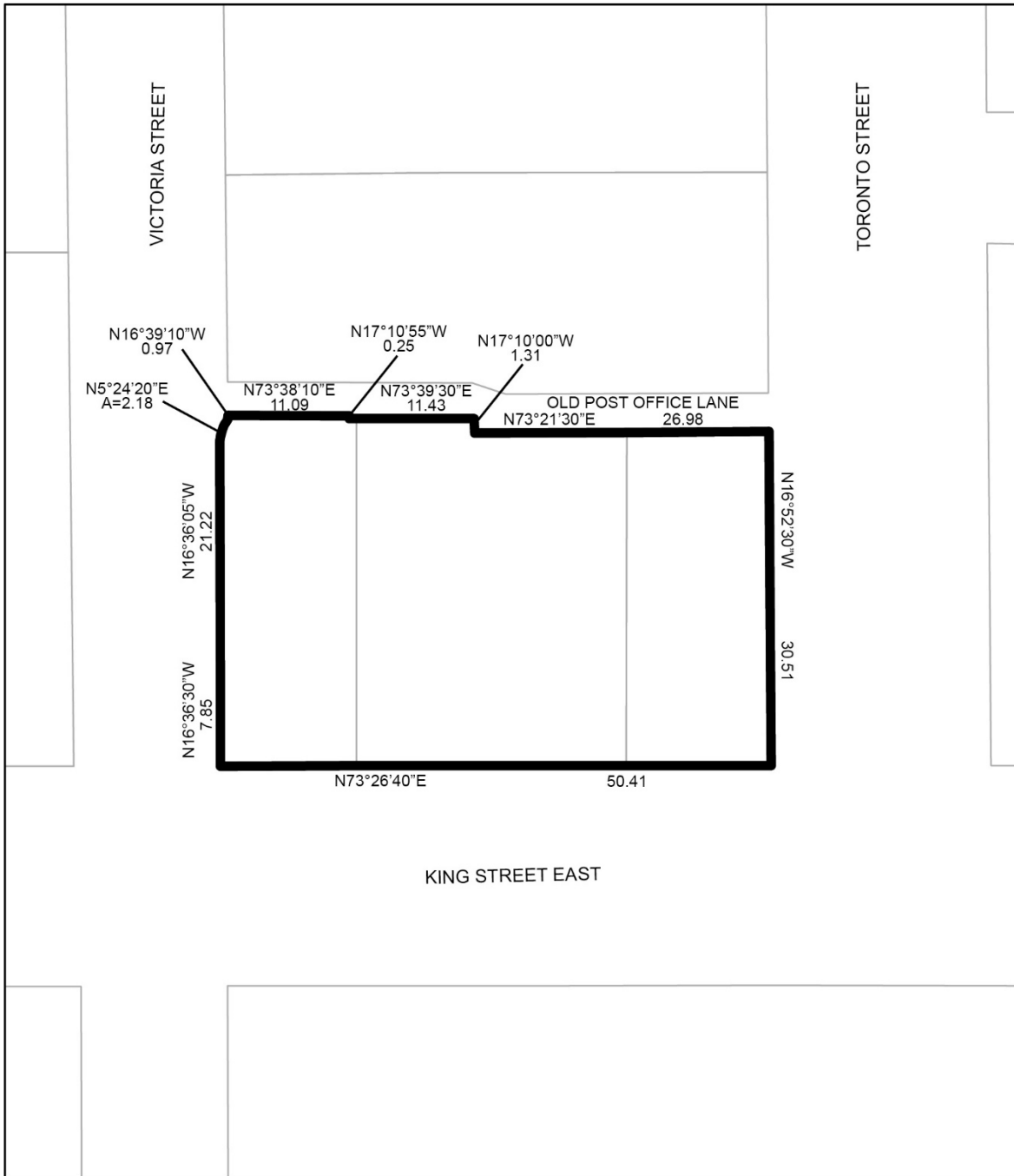
#### *Construction Management Plan*

12. The Owner will, prior to the issuance of any Building Permit, submit a construction management plan, which 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, along with matters such as noise, dust, street closures, parking and laneway uses and access; hours of construction; and any other matters

requested by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor (the "**Construction Management Plan**");

*Technical Reports*

13. The Owner shall submit the following technical reports prior to the issuance of any Shoring and Excavation Permit:
  - (A) An updated hydrogeological report, based on additional bore hole testing carried out on the lands shown on Diagram 1, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
  - (B) A revised functional servicing report, if necessary based on the findings of the updated hydrogeological report in (A) above, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
  - (C) A revised noise impact study providing additional analysis of the potential impact from noise emitted by the proposed development on itself and on the surrounding area, to the satisfaction of the Chief Planner, and Executive Director, City Planning;
  - (D) Provide designs and letter(s) of credit for any required upgrades or improvements to municipal infrastructure identified in the approved functional servicing report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Toronto Water.
  
14. Prior to the issuance of the first above-grade building permit, including, for clarity, any conditional above-grade building permit, the Owner shall design and construct, complete, and make operational, at no cost to the City, any required upgrades or improvements to municipal infrastructure identified in the approved functional servicing report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water.

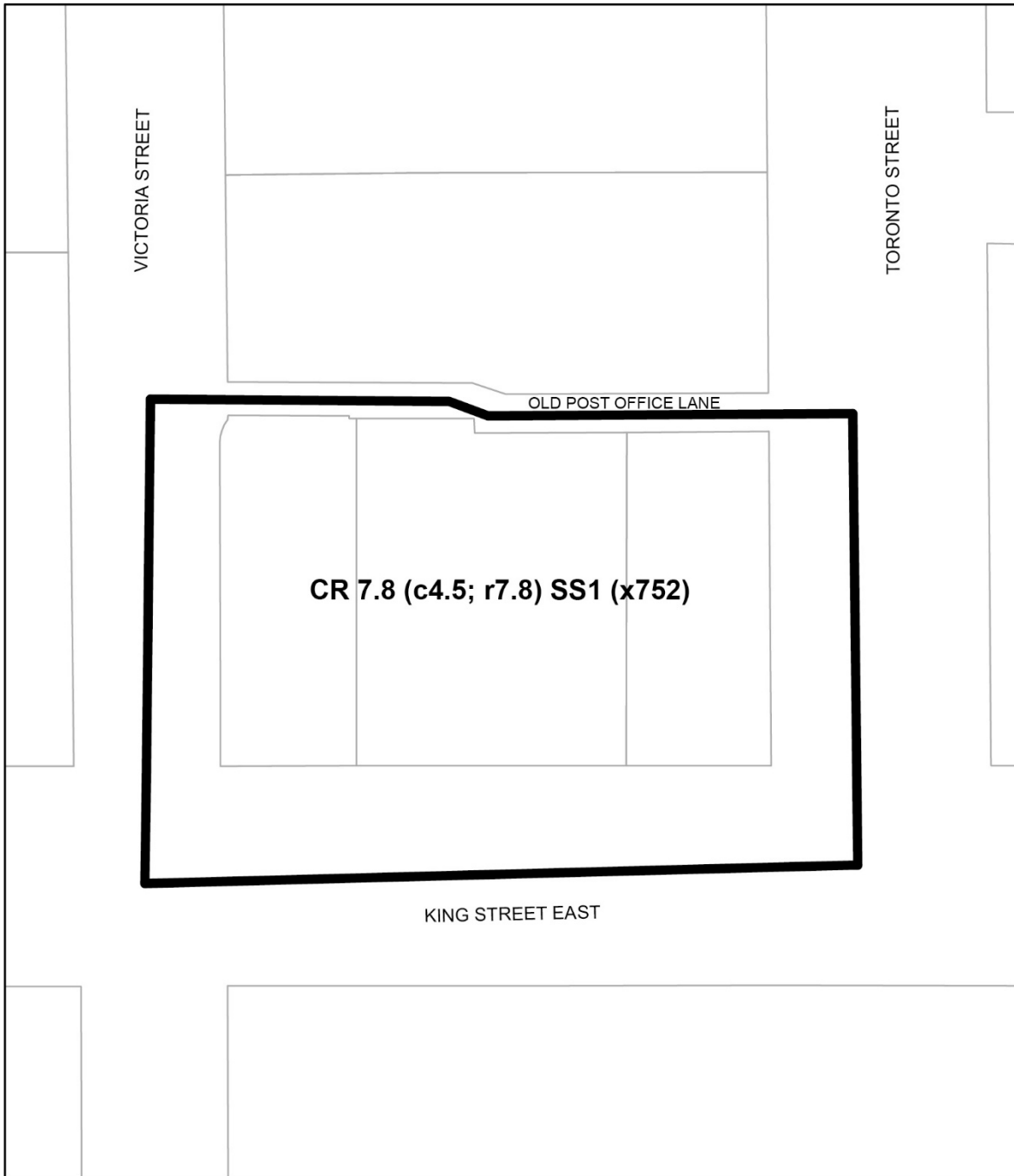


 **TORONTO**  
Diagram 1

**34 & 36 & 50 King Street East &  
2 Toronto Street**

File # 16 159562 STE 28 0Z

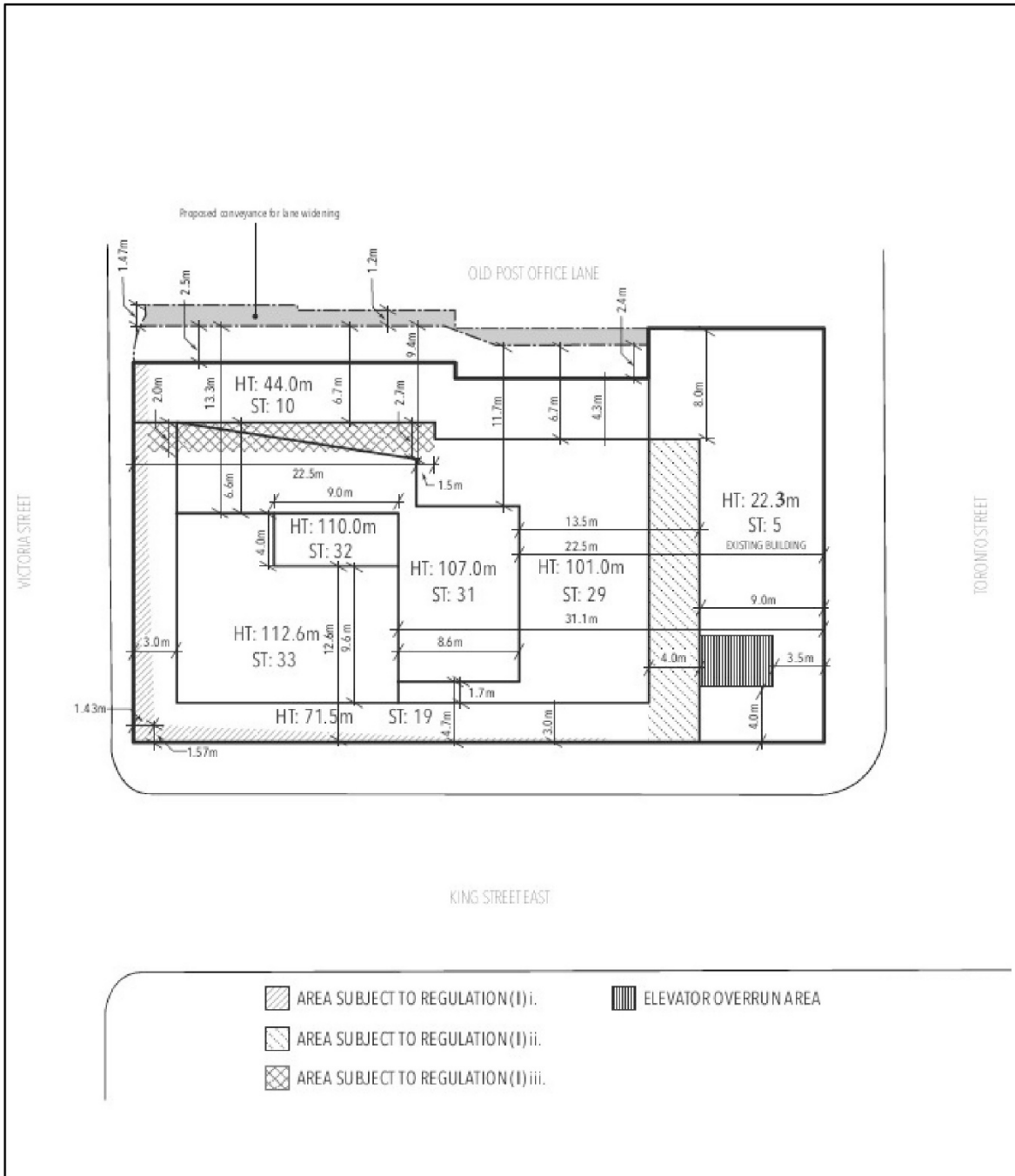




 **TORONTO**  
Diagram 2

**34 & 36 & 50 King Street East &  
2 Toronto Street**

File # 16 159562 STE 28 0Z



**Toronto**  
 Diagram 3

**34 & 36 & 50 King Street East &  
 2 Toronto Street**  
 File # 16 159562 STE 28 OZ