

**125-259 Queens Quay East – East Bayfront, West Precinct, Phase 1  
Draft Plan of Subdivision Application – Final Report**

<b>Date:</b>	June 16, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 28 – Toronto Centre-Rosedale
<b>Reference Number:</b>	07-222755 STE 28 SB

**SUMMARY**

This application was made by Waterfront Toronto for City owned lands on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

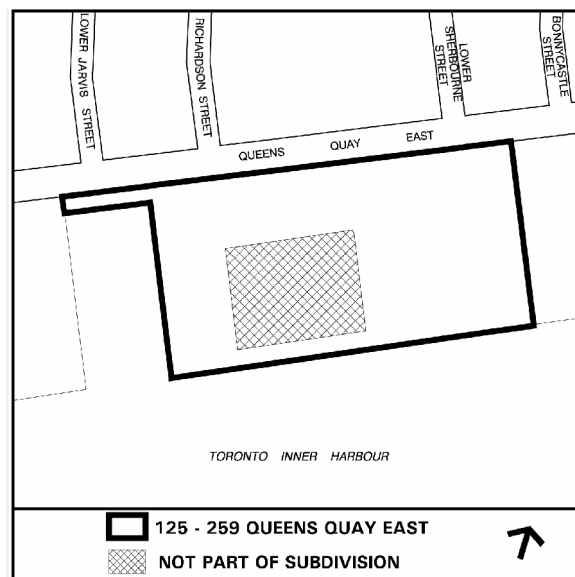
A Draft Plan of Subdivision application has been filed for the development of East Bayfront, West Precinct, Phase 1 on the lands known as 125-259 Queens Quay East.

This report reviews and recommends approval of the application for a Draft Plan of Subdivision.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council recommend to the Chief Planner and executive Director that the draft plan of subdivision be approved, generally as illustrated on Attachment 3, subject to:



- a. the conditions as generally listed in Attachment 7, which except as otherwise noted, must be fulfilled prior to the release of the plan of subdivision for registration;
  - b. such revisions to the proposed plan of subdivision or additional or modified conditions as the Chief Planner and Executive director may deem to be appropriate to address matters arising from the on-going technical review of the development, including:
    - i. revisions to the draft plan of subdivision, as may be appropriate, to reflect the Queens Quay East road right-of-way width determined through the ongoing Class Environmental Assessment Transit Study;
    - ii. revisions to the draft plan of subdivision to show Blocks 4 and 12 as a public street;
    - iii. revisions to the draft plan of subdivision so that all lot/block corners are integrated with the Ontario Co-ordinate System, and show the values of the main corners of the subject lands;
2. the City Clerk be granted the authority to sign the Final Plan of Subdivision, as the City is the owner in the East Bayfront lands;
  3. Divisions be directed to receive financial securities in the amount of 20 per cent of the infrastructure cost if the security is being posted by Waterfront Toronto for City owned lands; and
  4. authorize and direct the appropriate City officials to take the necessary action to give effect the recommendations in this report respecting the proposal that includes the City of Toronto lands.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The Central Waterfront Secondary Plan was passed as Official Plan Amendment No. 257 by City Council on April 16, 2003.

The East Bayfront Precinct Plan was endorsed by Council on December 7, 2005. The East Bayfront Zoning By-law No. 1049-2006 was enacted by City Council on September 27, 2006, and approved by the Ontario Municipal Board for the Queen Elizabeth Docks on November 27, 2007. The privately owned lands north of Queens Quay East are still subject to the appeal.

## **ISSUE BACKGROUND**

### **Proposal**

The East Bayfront, West Precinct will be a new neighbourhood in the Central Waterfront Area. The purpose of the subdivision application is to create development blocks in conformity with the Council endorsed East Bayfront Precinct Plan. The block and street layout provided in the Phase 1 Draft Plan of Subdivision is derived, with modification, from the East Bayfront Precinct Plan and implementing Zoning By-law No. 1049-2006. Modifications ensued in response to TEDCO's First Waterfront Place (Corus Entertainment broadcasting and office development) which is sited within the subdivision precinct, however, it is not part of the subdivision application. The Corus development is currently undergoing review by City staff and relevant agencies through a Site Plan Approval process.

The development parcels as laid out on the Draft Plan of Subdivision are urban-scaled blocks. The development parcels comprise Blocks 1, 2, 3, and 5. The public space components consist of Block 6, which is the southern component of Sherbourne Park; Block 7, the Jarvis Slip Open Space, also known as Sugar Beach; and Blocks 8 and 9, which make up the 19-metre wide waterfront promenade. Blocks 10, 11, 12, 13, and 14 include the 8.5-metre future Queens Quay East widening which is currently undergoing a Class Environmental Assessment. The Queens Quay East widening lands will be created as blocks as opposed to streets so that they can be opened and dedicated following registration.

### **Site and Surrounding Area**

These lands are located between Jarvis Street Slip to the west, Queens Quay East to the north, Lake Ontario to the south and the eastern border of Block 6. The 5.5 hectare (13.5 acre) site has a frontage of approximately of 397.77 metres on Queens Quay East. The site is vacant except for construction on the First Waterfront Place site and the existing Waterside Sports business on the east side of the lands.

The site is situated in the southwest quadrant of the East Bayfront Precinct containing Blocks 1 through 14, excluding the Corus lands. West of the Jarvis Slip is the Redpath Sugar refinery. The lands to the east of the site are also publicly owned. These lands are currently occupied by Waterside Sports and the vacated Marine Terminal 29 building. These lands have been pre-zoned in anticipation of a comprehensive mixed-use development.

The lands within the East Bayfront Precinct situated north of Queens Quay East are predominantly privately owned and have also been pre-zoned to permit high density mixed-use developments. These lands are presently occupied by low-rise commercial buildings. These lands are still under appeal before the Ontario Municipal Board.

The site is surrounded by the following uses:

North: Queen's Quay East

South: Lake Ontario

East: Waterside Sports Club and Marine Terminal 29

West: Jarvis Street Slip

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS. The draft plan of subdivision is consistent with the PPS.

### **Central Waterfront Secondary Plan**

The Central Waterfront Secondary Plan was developed in accordance with the Official Plan and it is the foundation for the waterfront planning framework. The Central Waterfront Secondary Plan was passed as Official Plan Amendment No. 257 by City Council on April 16, 2003 and was appealed to the Ontario Municipal Board.

The Central Waterfront Secondary Plan establishes a waterfront-wide system of land uses, public spaces, streets and transit service. Specifically, the Plan identifies the East Bayfront Precinct as a *Regeneration Area*. With this designation, blocks of lands can be subdivided to permit a wide range of "mixed-use development ranging from industries to housing to community services and parks; from offices to stores to hotels and restaurants." As a defined *Regeneration Area*, the East Bayfront is subject to the implementation of the East Bayfront Precinct Plan for development.

Furthermore, the Secondary Plan emphasizes the importance of the creation of new parks and public spaces to enhance the waterfront pedestrian experience within the development:

"A bold new system of connected waterfront parks and public spaces will be developed, reflecting the industrial heritage and dockwall legacy of the area and anticipating its extraordinary future. Public spaces at the foot of Jarvis, Sherbourne and Parliament Streets will include both intimate and active public plazas, designed to preserve views towards the lake."

The proposal is consistent with the Central Waterfront Secondary Plan policies.

## **East Bayfront Precinct Plan**

The East Bayfront Precinct Plan was endorsed by City Council on December 5th and 6th, 2005, as shown in Attachment 4. The purpose of the Precinct Plan is to provide a greater level of detail than the Central Waterfront Secondary Plan with development principles and guidelines. The Precinct Plan provides a framework which implements the direction set by the Central Waterfront Secondary Plan; capitalizes on the City's intensification policies to support efficient transit and other infrastructure; and, aims to achieve a public waterfront of city-wide, regional and national importance. Locations for streets, public open space, waterfront promenades and land assigned to building construction are identified within the Precinct Plan.

## **Zoning**

The East Bayfront Zoning By-law No. 1049-2006 was enacted by City Council on September 27, 2006, as amended on May 23, 24 and 25, 2007. It was also approved by the Ontario Municipal Board for the Queen Elizabeth Docks in November 27, 2007. The East Bayfront Zoning By-law implements the East Bayfront Precinct Plan.

The subject precinct is zoned 'commercial/residential' with a holding symbol, 'CR(h)' and 'G' for 'parks' in the East Bayfront, West Precinct Zoning By-law No. 1049-2006. A wide variety of residential and non-residential uses are permitted in the CR(h) zone such as, but not limited to residential dwellings, commercial buildings, community centres, schools, parks and playgrounds, district energy, heating and cooling, and a vacuum waste facility.

The proposed draft plan of subdivision would create blocks and roads to permit development in accordance with the zoning. The lands are subject to a holding provision which will require lifting prior to development occurring. An application to lift the 'h' must be submitted at the site plan approval stage. The holding symbol was placed on the East Bayfront area to ensure that specific conditions have been fulfilled prior to the development of the blocks.

## **Site Plan Control**

The East Bayfront Precinct is subject to Site Plan Control. Site plan applications are anticipated once the plan of subdivision has been registered and individual development blocks are released for development.

## **Reasons for Application**

The City Council endorsed the East Bayfront Precinct Plan established the land use pattern, street pattern, framework for public open spaces, and the framework for applying building heights throughout the area. The subdivision application is required to ensure the orderly development of the lands by creating appropriate blocks, streets and conditions of approval.

## **Agency Circulation**

The application was circulated in May 2007 to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

## **Community Consultation**

As the master developer, Waterfront Toronto has facilitated the community consultation process. An East Bayfront Stakeholder Committee has been established to review development matters in East Bayfront with representation of surrounding communities. Stakeholder meetings were held on January 8 and 23, and February 19, 2008. Also, a community public open house was facilitated by Waterfront Toronto on January 14, 2008. In addition, Waterfront Toronto's Design Review Panel has reviewed the parks and public realm components within the East Bayfront area as part of the process.

## **COMMENTS**

### **Subdivision**

The lands south of Queens Quay East in the East Bayfront, West Precinct are City owned. This is a logical first phase as the new development will be an extension of existing development and services along Queens Quay East.

The application being considered is for Phase 1 of the East Bayfront, West Precinct. Future applications must conform to the detailed development concept for the entire area as outlined in the East Bayfront Precinct Plan as shown on Attachment 4. Waterfront Toronto has recently released a Request for Qualifications for the Phase 2 lands which has subsequently closed and they are now in the process of reviewing and short listing the submissions for the Request for Proposal phase anticipated to occur in July, 2008.

As such, staff will review both phases in a comprehensive manner to ensure that they comply with the Central Waterfront Secondary Plan and the East Bayfront Precinct Plan.

### **Ownership**

All of the lands south of Queens Quay East in the East Bayfront West Precinct are owned by the City of Toronto, including streets. Waterfront Toronto, on behalf of the City is responsible to act as the master developer for the co-ordination and the execution of the entire development of the East Bayfront Precinct.

### **Financial Securities**

The City of Toronto Standard Subdivision Agreement requires that the owner provide financial securities to the City to ensure that new infrastructure is constructed to the City's satisfaction. The financial securities are required prior to registration of the draft plan of subdivision and are not fully refunded until the infrastructure has been constructed and the warranty period for the infrastructure has expired. The infrastructure is then assumed by the City.

The financial securities can be in the form of an irrevocable Letter of Credit or a certified cheque for 100 per cent of the cost of the infrastructure. They are required for a wide range of municipal infrastructure including water distribution systems, storm and sanitary sewer systems, roads (including traffic signals, street lighting, curbs, gutters, street trees and pavement markings), lanes and public walkways, parks related site improvements (e.g. tree preservation, landscaping, grading, signage, fencing, noise attenuation, drainage, erosion control), and incidental works and facilities. The requirement of financial securities for plans of subdivision is intended to cover the risk and the cost to the City to complete or repair any works.

In the case of the plans of subdivision application for Phase 1 of the East Bayfront, West Precinct lands, the lands are owned by the City of Toronto. Waterfront Toronto is funded by the three orders of government and will be the master developer for the area including infrastructure construction. Accordingly, staff recommend that the 100 per cent capital construction guarantee for infrastructure costs not be required as is the usual requirement in the Standard Subdivision Agreement. If this were the case, the City would be required to back stop the funds thereby increasing our costs. As the infrastructure work in East Bayfront is being funded by the Province and the City, the risk of the infrastructure not being installed to our satisfaction is low. Should an unexpected situation arise where the City has to assume and conclude construction of infrastructure on behalf of Waterfront Toronto, funds can flow from the City's Waterfront Capital Account directly to Technical Services thereby eliminating the need for a Letter of Credit. The Chief Financial Officer should have the authority to transfer funds from the Capital Account to Technical Services, on the advice of the Executive Director of Technical Services and the Waterfront Project Director. Staff recommend that a 20% warranty security be provided and held until the warranty period has expired.

### **Parks/Public Realm**

Recognizing the precinct's role as a destination for visitors, as well as a vibrant community in which to live and work, the public realm system will support a wide array of activities. The public realm will consist of public parks and open spaces, the Jarvis slip, the waterfront promenade, pedestrian, cyclist and transit-oriented streets and privately-maintained publicly-accessible spaces.

Parkland dedication for the subject application has been addressed through the provision of Blocks 6, 7, and 8 and 9 (Sherbourne Park, Jarvis Slip Park, Sugar Beach, and the Water's Edge Promenade Blocks) having a combined area of 2.82 ha (8.07 ac). The above-noted Blocks provide public parkland for this phase in accordance with the Council endorsed Precinct Plan for the East Bayfront. Additional lands shall be dedicated in subsequent development application in accordance with the Precinct Plan and to the satisfaction of the General Manager, Parks, Forestry and Recreation.

### **Waterfront Promenade**

As part of Phase 1, the Promenade, 19 metres in width and comprising a pedestrian corridor and an allée of trees, extends from Queens Quay East, through Jarvis Slip Public Space, along the water's edge, ending at the eastern edge of Sherbourne Park. The

Boardwalk, 8 metres in width and extending to the water, will be constructed from Jarvis Slip to the eastern edge of Sherbourne Park. The Waters Edge Promenade and Boardwalk is approximately 1.9 acres in size and 322 metres in length, not including the segment through Jarvis Slip Public Space. The waterfront promenade is being designed by West 8 and DTAH.

### **Sherbourne Park**

The 1.5 ha (3.7 ac) Sherbourne Park on Block 6 is the largest of the parks in the new East Bayfront precinct and is slated for completion in 2010. The park is being designed by Phillips Farevaag Smallenberg of Vancouver, and is based on the simple concept of woods, water and the open green. The concept design as shown in Attachment 5, is inherently flexible, responding to the need to create both a local neighbourhood park for future residents, while also creating a park that can function as a waterfront destination. The siting of a four season park pavillion beside the open lawn and water feature, also supports programming for civic events. The park design development is anticipated to be completed by the end of August, 2008.

### **Jarvis Slip Open Space "Sugar Beach"**

Located approximately 200 metres west of Sherbourne Park will be the "Sugar Beach" Jarvis Slip open space on Block 7. Currently in design by Claude Cormier Architects Paysagistes of Montreal, Sugar Beach is the second urban beach proposed for the downtown area of Toronto. The 1 ha (2.47 ac) park is located at the base of Jarvis Street. The proposed design, as shown in Attachment 6 is composed of three organizing spaces; an urban beach with brightly animated umbrellas and chairs, a water's edge promenade and thoroughfare connecting Queen's Quay to the water's edge and a granite paved multi-functional event plaza space for spill out for small events and adjacent programing. The park design development is anticipated to be completed by the end of August, 2008.

### **Street Tree Planting**

The remaining public realm in Phase 1 is composed of 482 linear metres of vehicular and non-vehicular tree-lined streets. As part of the draft plan of subdivision conditions, the owner agrees to provide a street phasing plan and a public realm phasing plan, (see Attachment 7). Trees must be planted in the public boulevard areas to the satisfaction of Urban Forestry. The provision of tree planting in the rights-of-way will be a requirement of this application and detailed in the subdivision agreement and through future development approvals.

### **Servicing**

Waterfront Toronto has submitted a Functional Servicing Report (FSR) in December 2007. The FSR provided that there were new sanitary and water facilities required to be built within the new roads of East Bayfront connecting to existing sanitary and water services on Queen's Quay East. While there is limited spare capacity in the existing sanitary system, downstream sanitary sewer upgrades are required to support the full buildout of East Bayfront and the report also identified that improvements to the Scott Pumping Station will eventually be required. The local water system within the area was identified as required to be replaced due to its age. The existing storm sewer system,



Hydro and Telecom services will require upgrades to support the East Bayfront and are proposed for upgrades under Phase 1 construction.

Waterfront Toronto has proposed the development of an ultimate stormwater management facility for the East Bayfront development which will be constructed as part of the Phase 2 development. Options for this facility are under review but the concept has been accepted in principle subject to future detailed design. A temporary stormwater management design is proposed for the Phase 1 development which includes provision of stormwater management on all development sites as well as storm quality management along the collection route with a temporary outlet to the existing Lower Sherbourne Street outfall.

## **Roadways**

The Draft Plan of Subdivision is organized around an internal east/west crescent street, 'Street F', with two public connections to Queens Quay East; one at Richardson Street and the other at Lower Sherbourne Street. Public access to the waterfront promenade is via two publicly accessible private streets comprised of the easterly 18 metres of Block 5 and the easterly 18 metres of the First Waterfront Place site.

Due to the ongoing Queens Quay East Transit Environmental Assessment, the status on Block 4 has not yet been determined. The City is recommending that Block 4 be labelled as Street A. This will be the access point for most of the municipal services and infrastructure entering the subdivision and provide vehicular access to developments on Blocks 2 and 3. The City prefers servicing and access to be from a public right-of-way. The main issue to be resolved is the impact of creating another access point onto Queens Quay East in relation to transit. This will be determined by the Queens Quay EA currently under way and could result in an alteration to Queens Quay East from Street A.

## **Noise**

A noise report was prepared by HGC Engineering and submitted to the City in August 2006 as part of the East Bayfront, West Precinct rezoning process. The report concluded that noise relating to Redpath Sugar Ltd. and the Gardner Expressway could be mitigated for future developments through building design measures. Due to MOE noise guidelines relating to industrial uses, however, Redpath Sugar Ltd. appealed the East Bayfront Zoning By-law 1049-2006 to the Ontario Municipal Board. Representatives of the City, the MOE, Waterfront Toronto, Redpath and the other private landowners in East Bayfront undertook a comprehensive review of the noise issues arising from the Redpath facility, and agreed on a number of noise mitigation measures for the publicly-owned lands south of Queens Quay East. The measures were secured through Minutes of Settlement between the parties (registered on title) and in provisions of Zoning By-law 1049-2006 (which was subsequently approved by the OMB for the lands south of Queens Quay). The measures include the requirement for noise studies for future development proposals. These noise studies would be a requirement of future site plan applications on development blocks.

## **Transit Environmental Assessment**

The Toronto Transit Commission (TTC) continues to work closely with Waterfront Toronto and the City of Toronto on the Environmental Assessment to extend transit into the East Bayfront Community. Transit is to be provided via a new streetcar line from Union Station which will extend east from Bay Street along Queens Quay in a new dedicated right of way. Five options for a portal to enable the streetcar to come to surface are now being investigated. The team is developing functional plans for each portal location and have undertaken an initial assessment of the constraints and opportunities of each option. Given the proximity and overlap of this study to the Environmental Assessment being undertaken for the revitalization of Queens Quay from Lower Spadina Avenue to Lower Jarvis Street the two teams have been collaborating to develop a common timeline and a joint consultation approach. Jointly several design alternatives for the road cross-section for the Queens Quay corridor are being developed. Transit and traffic operations are being tested to understand operationally how each of the alternatives performs.

## **Environmental Management: Risk Assessment/Risk Management Plan**

Environmental investigations have been conducted on these lands beginning in the late 1980s up to the present. The initial work focused primarily on the western portion of the lands, and consisted of borehole drilling with selected monitoring well installations, a geophysical survey of 125 Queens Quay East parking lot area, soil gas measurements, and the laboratory analysis of soil and groundwater samples. The initial subsurface investigations included 37 boreholes and 10 monitoring wells. Since mid-2007, additional site investigation work, across the entire East Bayfront property, has been completed by Dillon Consulting Limited to evaluate the subsurface environmental conditions. The recent work has included approximately 81 boreholes with 72 monitoring well installations, soil gas measurements, the laboratory analysis of soil and groundwater samples, and a geophysical survey for the lands, except where building structures existed. The work has resulted in Phase 1 and Phase 2 Environmental Site Assessment Reports which were submitted as part of the Phase 1 draft plan of subdivision application.

In November 2007, Dillon Consulting Limited, in consultation with the City and Waterfront Toronto, submitted a Pre-Submission Form (“PSF”), to the Ministry of Environment (“MOE”) who subsequently provided comments in December 2007. The MOE comments are to be addressed as part of the Risk Assessment/Risk Management Plan (“RA/RMP”). In consultation with the City and MOE, it was determined that the most effective way to proceed within the RA/RMP process was to prepare several RA/RMP’s based on respective proposed land uses and redevelopment timeframes that would apply to particular parcels.

## **Sustainability**

Green, energy efficient buildings are one of the ways that Toronto Waterfront will demonstrate innovative, environmentally-responsible design and technologies in the development of the waterfront. The use of green building technologies, a district

energy facility has always been contemplated in the Central Waterfront Plan and further supported in the East Bayfront Zoning By-law.

The subdivision infrastructure is to be designed to include energy piping. Initial district energy will be provided through a temporary plant for a period of three years while a permanent facility is constructed.

## **East Bayfront - Phase 2 Plan**

In the ensuing months, the Request For Proposal will be in process for the East Bayfront, Phase 2 lands which we anticipate will be followed shortly by the draft plan of subdivision. As such, staff will review it comprehensively along with the Phase 1 plans to ensure that the development phasing will proceed in compliance with the intent of the Central Waterfront Secondary Plan and the East Bayfront Precinct Plan as well as the required zoning.

## **Conclusions**

The application has been carefully considered by staff. This initial phase will permit development to occur in a logical sequenced manner. The approval of Phase 1 is the beginning of the implementation of the vision for a vibrant new neighbourhood in Toronto's central waterfront. This proposal furthers the objectives of the Central Waterfront Secondary Plan and the East Bayfront Precinct Plan in respect to appropriate redevelopment, intensification, provision of superior parks and open spaces, and sustainable land use practices.

It is appropriate that City Council recommend to the Chief Planner and Executive Director that he approve the East Bayfront, West Precinct, Phase 1 draft plan of subdivision.

The Waterfront Secretariat has reviewed this report and concurs with its findings and recommendations.

## **CONTACT**

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## **SIGNATURE**

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Raymond David, Acting Director  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Survey

Attachment 2: Draft Plan of Subdivision – Context Plan

Attachment 3: Draft Plan of Subdivision – Block Plan

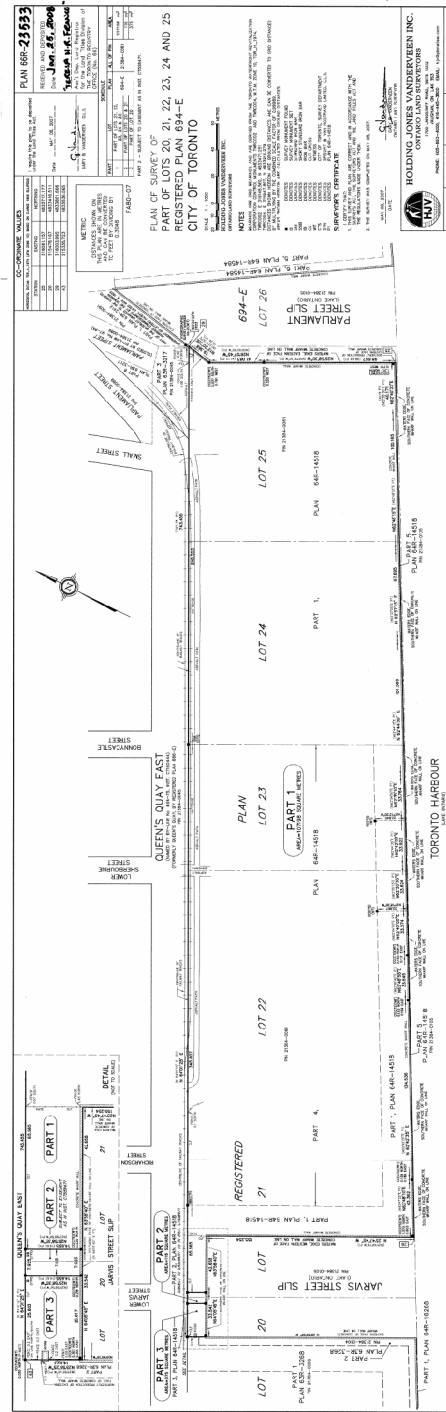
Attachment 4: Aerial View of Subject Lands

Attachment 5: Concept Plan of Sherbourne Park

Attachment 6: Concept Plan of Jarvis Slip Open Space “Sugar Beach”

Attachment 7: Draft Condition

# Attachment 1: Survey



**Survey Plan**

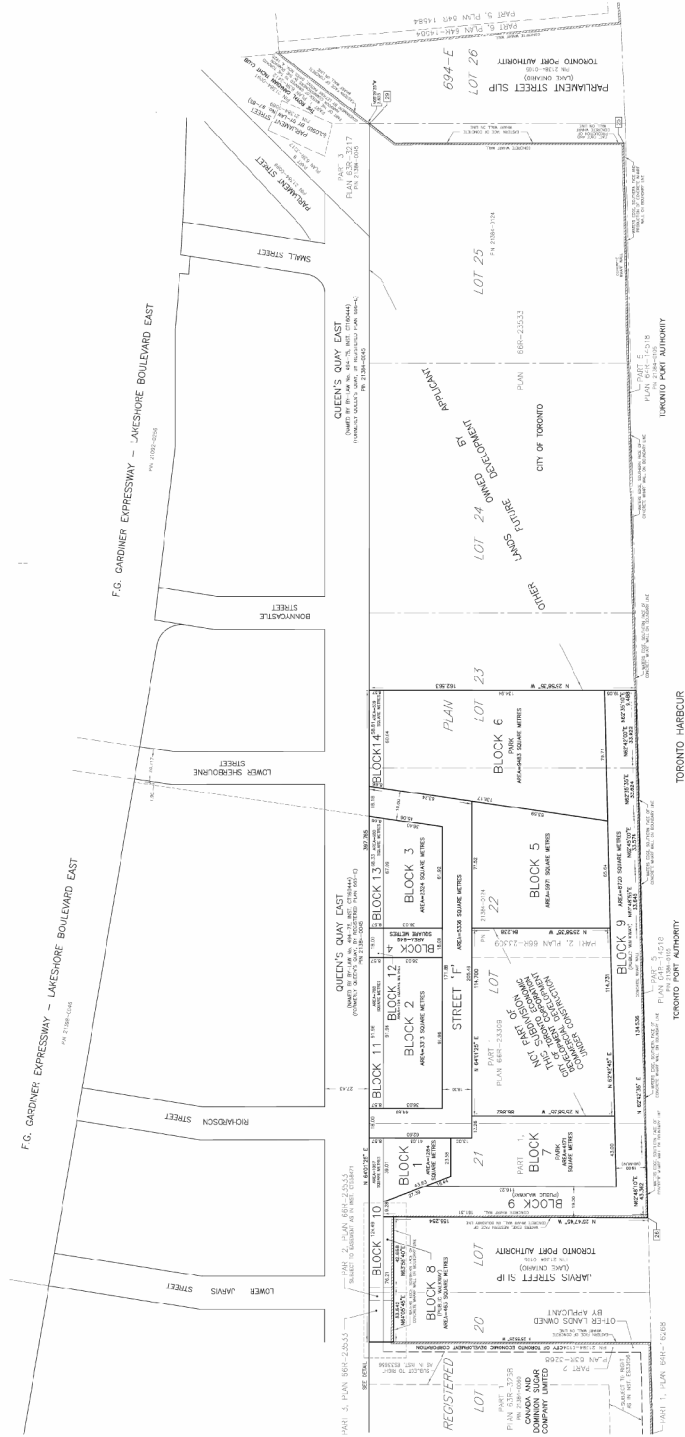
Applicant's Submitted Drawing

Not to Scale  
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**125 - 259 Queens Quay East**

# Attachment 2: Draft Plan of Subdivision – Context Plan



## Context Plan

Applicant's Submitted Drawing

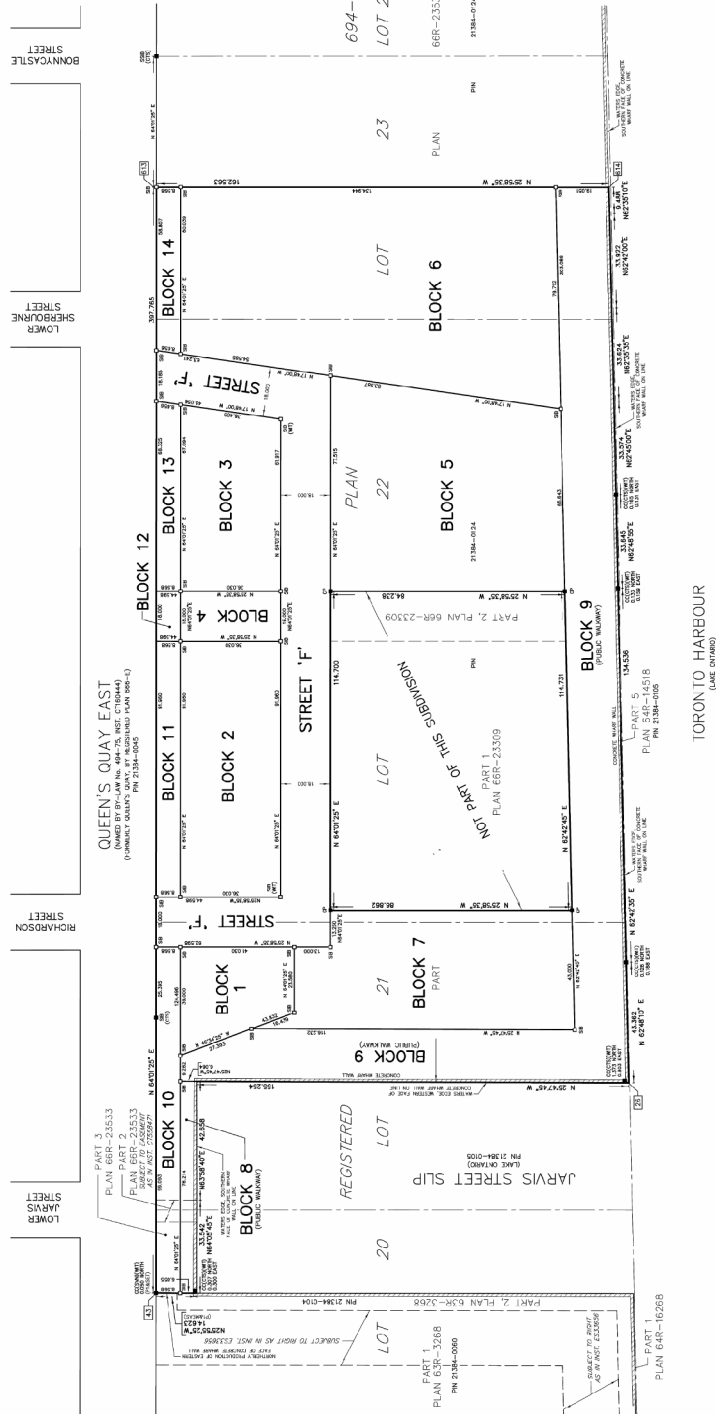
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## 125 - 259 Queens Quay East

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# Attachment 3: Draft Plan of Subdivision – Block Plan



Block Plan  
125 - 259 Queens Quay East

Applicant's Submitted Drawing  
Not to Scale  
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**Attachment 4: Aerial View of Subject Lands**



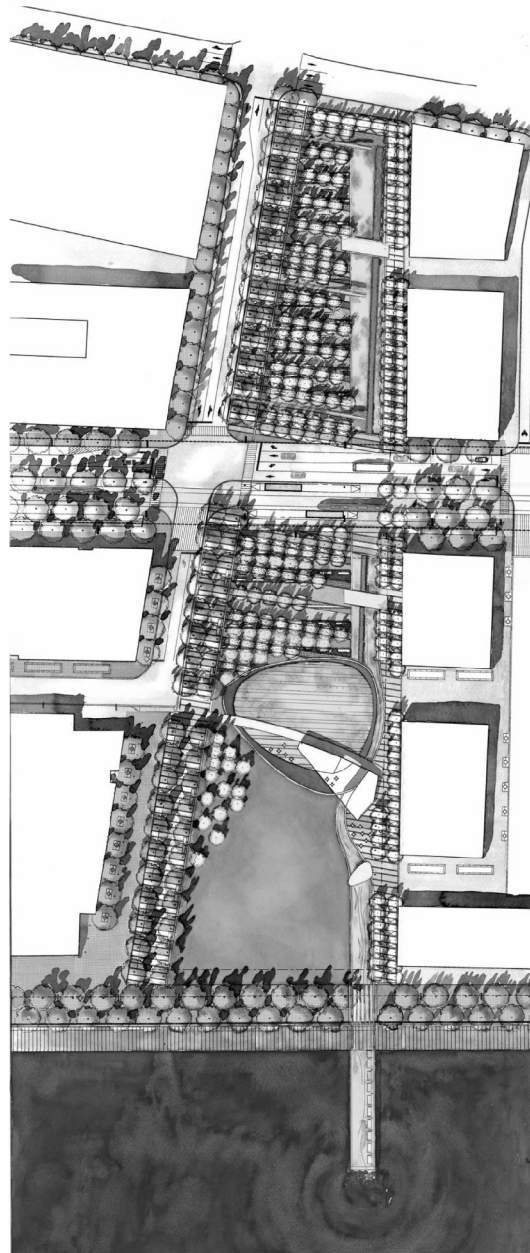
**Aerial View**  
Applicant's Submitted Drawing  
Not to Scale  
05/22/08

**125 - 259 Queens Quay East**

File # 07\_222755



## Attachment 5: Concept Plan of Sherbourne Park



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### Sherbourne Park

Applicant's Submitted Drawing

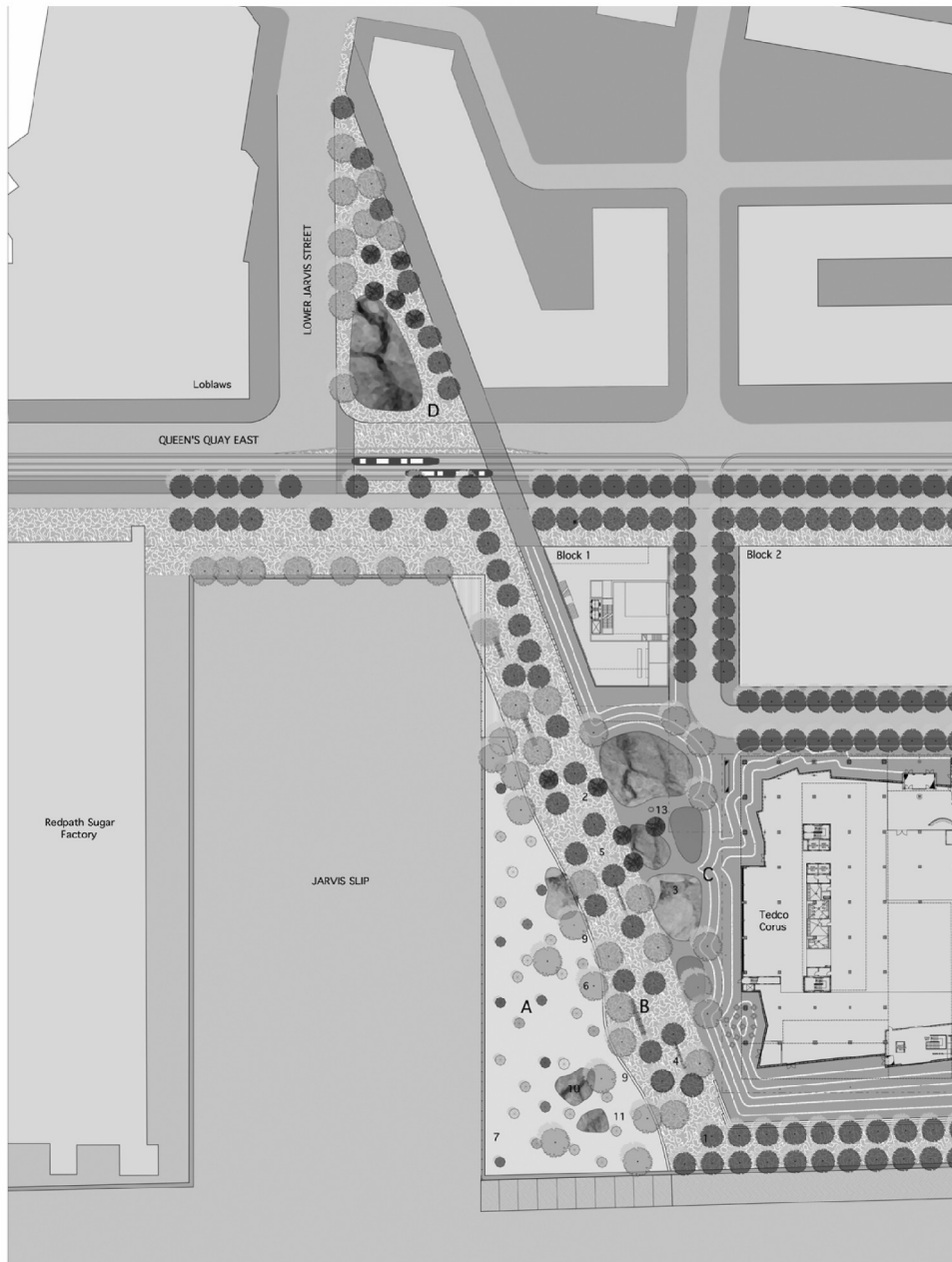
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125 - 259 Queens Quay East

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**Attachment 6: Concept Plan of Jarvis Slip Open Space “Sugar Beach”**



**Jarvis Slip-Sugar Beach**

Applicant's Submitted Drawing

Not to Scale  
06/09/08

**125 - 259 Queens Quay East**

File # 07\_222755

## Attachment 7: Draft Conditions

### Infrastructure

1. The owner shall be required, prior to registration of the final plan of subdivision, to:

Enter into the standard City subdivision agreement with the City, to the satisfaction of the Executive Director of Technical Services and the City Solicitor.

### Prior to Registration

1. Prior to the registration of the Plan of Subdivision, submit functional road and pavement markings plans to the General Manager, Transportation Services, for review and acceptance, for all future public streets and their intersections with Queens Quay East to show curb radius, turning radius, pavement width, pavement markings and traffic signs, and any modifications that are required to existing pavement markings and traffic signs on existing public streets
2. Prior to the registration of the Plan of Subdivision, submit to the General Manager, Transportation Services for review and acceptance, a revised 'East Bayfront Plan of Subdivision Jarvis Slip to Lower Sherbourne Street South of Queens Quay East Transportation Analysis Summary Report' dated May 2007 and prepared by BA Group to address all outstanding concerns identified by the City.
3. Prior to the registration of the Plan of Subdivision, submit to the Executive Director, Technical Services, for review and acceptance, a revised 'Waterfront Toronto East Bayfront Functional Servicing Plan' dated December 2007 and prepared by the Municipal Infrastructure Group Ltd. and any additional addendums or analyses as required to address all outstanding concerns identified by the City.
4. Prior to registration of the Plan of Subdivision and prior to construction of the municipal infrastructure, retain a qualified third-party consultant to review and concur with the geotechnical design recommendations for the construction of the municipal infrastructure contained in the report titled, 'Geotechnical Investigation Infrastructure Developments East Bayfront Toronto, Ontario', dated June 2, 2008, and prepared by Alston Associates Consulting Engineers.
5. Prior to the registration of the Plan of Subdivision, submit to the Executive Director, Technical Services, for review and acceptance an overall grading and drainage plan.

6. Prior to registration of the Plan of Subdivision, submit to the Executive Director, Technical Services, for review and acceptance, an overall infrastructure and construction phasing plan to show:
  - a. The necessary infrastructure (internal and external to the Plan of Subdivision) to service the Plan of Subdivision (Phase 1).
  - b. The phased construction of the new street system with such plan to provide for a continuous street circulation system.

#### Approvals & Permits

7. Obtain approvals from all external agencies and authorities having jurisdiction over the existing rail line located within Blocks 10, 11, 13, 14 and Street F for its removal to allow for the road widening of Queens Quay East and construction of a storm sewer within those Blocks and within Street 'F'. Should approvals for the removal of the rail line not be available prior to registration, demonstrate how the rail line will be accommodated within the functional and servicing drawings.
8. Obtain all necessary permits and approvals to implement the recommendations of the 'Waterfront Toronto East Bayfront Functional Servicing Plan' prepared by the Municipal Infrastructure Group, as amended and accepted by the Executive Director, Technical Services for Phase 1 construction.
9. Obtain all necessary permits and approvals to implement the recommendations of the 'East Bayfront Plan of Subdivision Jarvis Slip to Lower Sherbourne Street South of Queens Quay East Transportation Analysis Summary Report' prepared by BA Group, as amended and accepted by the General Manager, Transportation Services.

#### Infrastructure

10. Pay for and construct the municipal infrastructure within the Plan of Subdivision required to service the Plan of Subdivision as recommended in the 'Waterfront Toronto East Bayfront Functional Servicing Plan' prepared by the Municipal Infrastructure Group, and any additional addendums, analyses and plans to be submitted by the owner as required by the Executive Director, Technical Services, to the satisfaction of the Executive Director, Technical Services.
11. Pay for all costs to upgrade the municipal infrastructure and facilities that are external to the Plan of Subdivision to service the Plan of Subdivision, as recommended in the 'Waterfront Toronto East Bayfront Functional Servicing Plan' prepared by the Municipal Infrastructure Group, and any additional addendums, analyses and plans to be submitted by the owner as required by the Executive Director, Technical Services, to the satisfaction of the Executive Director, Technical Services.

12. Pay for and construct the municipal infrastructure within the Plan of Subdivision required to service the Plan of Subdivision as recommended in the 'East Bayfront Plan of Subdivision Jarvis Slip to Lower Sherbourne Street South of Queens Quay East Transportation Analysis Summary Report' prepared by BA Group, as amended and accepted by the General Manager, Transportation Services.
13. Pay for and construct the necessary municipal infrastructure to provide fire protection for the envisioned marine activities.
14. Pay for and relocate or decommission any existing municipal infrastructure or utility, whether internal to or external to the Plan of Subdivision to facilitate the development of the Plan of Subdivision.
15. Pay for and construct any modifications or improvements to the existing abutting streets, facilities and municipal infrastructure external to the Draft Plan of Subdivision, which may be required to accommodate this development at the discretion of the Executive Director of Technical Services
16. Submit to the General Manager, Transportation Services, for review and acceptance, traffic operational assessment studies, including traffic control signal warrant analyses in conjunction with each site plan application.
17. Pay for any traffic control signals, including a lump sum payment for maintenance of the signals, and any other traffic improvements/mitigation measures recommended in the 'East Bayfront Plan of Subdivision Jarvis Slip to Lower Sherbourne Street South of Queens Quay East Transportation Analysis Summary Report' prepared by BA Group, as amended and accepted by the General Manager, Transportation Services, or identified in the traffic operations assessment studies submitted with each site plan application and accepted by the General Manager, Transportation Services.
18. Construct all utilities required to service the Plan of Subdivision underground and at no cost to the City, or alternatively, construct all utilities required to service the Plan of Subdivision on the development block(s) with adequate screening to minimize their visual impacts, to the satisfaction of the Executive Director and Chief Planner.
19. Submit a digital copy of the final plan of subdivision in DGN or DWG formats, prepared in metric units with all lot/block corners integrated with the Ontario Co-ordinate System.

#### Streets and Easements

20. Agree that Blocks 10, 11, 13 and 14 shall be used for the purposes of widening Queens Quay East, and that those Blocks shall be free and clear of encumbrances, or other such encumbrances as may be permitted by the Executive Director,

Technical Services. The conditions relating to road widening on Blocks 10, 11, 13, and 14 shall be determined by the Executive Director, Technical Services, and secured in the subdivision agreement with the Owner.

21. Grant all easements that the Executive Director of Technical Services determines to be necessary for, among other things, utilities, watermains and hydrants for fire protection, public services and facilities, including for the purpose of access to and maintenance of existing and new City infrastructure, and in conjunction therewith, submit a draft of the required reference plans for the review and approval of the Executive Director.
22. Submit names and obtain approval for the names of the proposed streets in accordance with the City of Toronto Street Naming Policy.

#### Fees & Securities

23. Pay to the City, an engineering review and inspection fee in an amount of five percent (5%) of the final costs of constructing and upgrading the municipal infrastructure required to service the Plan of Subdivision.
24. Pay all fees under the Transfer of Review Program to obtain the Certificates of Approval from the Ministry of the Environment for the construction of all sewer and water infrastructure required to service the Plan of Subdivision.
25. Submit financial securities in an amount of 20% for the cost of construction for the warranty period of the municipal infrastructure required to service the Plan of Subdivision, prior to its construction.

#### Environmental Conditions: Risk Assessment/ Risk Management/Record of Site Condition

##### General: All Properties

28. The owner (City) shall submit Record of Site Condition(s) prior to changing the use of the property to Residential, Parkland or Institutional, to either the Chief Building Official or the General Manger of Parks, Recreation and Forestry as required.
29. The owner (City) shall implement and complete all of the Risk Management Plan(s) conditions (if any) as specified in the Record of Site Condition(s), and Certificate(s) of Property Use pursuant to the Risk Management Plan(s) approved by the Ministry of Environment.

## Specific Properties Requirements

30. Prior to the Executive Director of Technical Services providing acceptance of the road(s) and municipal infrastructure that have been constructed on the lands within the Plan of Subdivision, the owner (WT) shall:
- a) submit to the satisfaction of the City Peer Reviewer, retained by the City of Toronto at the expense of the owner (WT), all environmental documentation supporting the Record of Site Condition(s) and Peer Review processes (consistent with processes in the City Council approved policies for land conveyance under the Planning Act), and
  - b) file on the Ministry of Environment's (MOE) Environmental Site Registry, a Record of Site Condition (RSC), for the lands on which the road(s) and municipal infrastructure have been constructed upon, and submit a copy of the MOE Acknowledgment Letter confirming that the RSC has been prepared in accordance with O. Reg. 153/04, and that the MOE will not audit the RSC at this time, or that it has passed an audit if such as performed by the MOE.
31. Prior to the General Manager of Parks, Forestry and Recreation providing acceptance of the park(s) and municipal infrastructure that have been constructed on the lands within the Plan of Subdivision, the owner (WT) shall:
- a) submit to the satisfaction of the City Peer Reviewer, retained by the City of Toronto at the expense of the owner (WT), all environmental documentation supporting the Record of Site Condition(s) and Peer Review processes (consistent with processes in the City Council approved policies for land conveyance under the Planning Act), and
  - b) file on the Ministry of Environment's (MOE) Environmental Site Registry, a Record of Site Condition (RSC), for the lands on which the park(s) and municipal infrastructure have been constructed upon, and submit a copy of the MOE Acknowledgment Letter confirming that the RSC has been prepared in accordance with O. Reg. 153/04, and that the MOE will not audit the RSC at this time, or that it has passed an audit if such as performed by the MOE.
32. Prior to the City accepting the constructed park(s), right-of-way(s) and municipal infrastructure, the owner (WT) shall enter into agreement(s) to the satisfaction of the City Solicitor to:
- a) implement any terms and conditions of the Certificate of Property Use, at no cost to the City, and

- b) indemnify the City of Toronto for any liability arising as a result of contaminants remaining on the lands to be used as City park(s) or right-of-way(s).

#### Public Highways

- 33. The owner agrees that after registration, for future road widening purposes, Blocks 10, 11, 13, and 14, will be dedicated as public highways by the City after the owner submits a Record of Site Condition(s) acknowledged by the Ministry of the Environment for these Blocks.
- 34. The owner agrees that after registration, Block 4 may be dedicated as a public highway at the discretion of the City. If the City determines that Block 4 is to become a public highway, the owner agrees to submit a Record of Site Condition prior to Block 4 being opened as a public highway.
- 35. The owner agrees that should the City determine that Block 4 should become a public highway then the dedication of Block 12 and 4 will occur concurrently and may occur prior to the dedication of Blocks 10, 11, 13, and 14 as public highway.
- 36. The owner agrees that appropriate easements for municipal services and public access will be obtained by the City over Block 4 to ensure that required municipal services and public access is available in the absence of Block 4 being dedicated as a public highway.

#### Parkland– General

- 37. The owner agrees that parklands are to be free and clear, above and below grade, of all physical obstructions and easements, encumbrances, and encroachments, including surface and subsurface easements unless the easement, encumbrance or encroachment is otherwise approved by the General Manager of Parks, Forestry & Recreation. The final location, grading, configuration, design and development of the parklands to be conveyed will be subject to the approval of the General Manager of Parks, Forestry & Recreation.
- 38. The owner agrees to submit, to the satisfaction of the General Manager of Parks, Forestry and Recreation, prior to, or no later than Site Plan approval for development adjacent to all park blocks including Sugar Beach Park (Block 7), Lower Sherbourne Park (Block 6) and the Water's Edge Promenade (Blocks 8 and 9), a park design concept plan and park development cost estimate for each proposed park block.
- 39. The owner will be responsible to undertake and complete parkland development in accordance with the Five Year Business Plan and Ten Year Forecast of the TWRC to the satisfaction of the General Manager of Parks, Forestry & Recreation. The will not receive any credit towards the Parks and Recreation



component of their development charges for base park and above base park improvements.

#### Park Warranties

40. At the time conveyance of each park block, the owner will post a Letter of Credit as security for the installation of base park and above base park improvements equal to 20% of the value of base park and above base park improvements or such lesser amount that may be satisfactory to the General Manager of Parks, Forestry and Recreation.
41. Upon satisfactory substantial completion of the parkland development, the owner shall guarantee the work and associated materials used in the development for a period of two years (the Park Warranty period). The owner shall provide certification from a registered Landscape Architect, selected by the owner and approved by the General Manager Parks, Recreation and Forestry, certifying that all work has been completed. The Landscape Architect must be a full member in good standing with the Ontario Association of Landscape Architects. The owner shall also provide as-built and any other required documentation drawings to the General Manger of Parks, Forestry and Recreation.
42. Once the requirements of Clause 16 are fulfilled to the satisfaction of the General Manager of Parks, Recreation and Forestry, the submitted Letter of Credit securing the base park and above base park improvements will be released, less 20% which shall be retained by the City for a two year period (the Park Warranty Period) as a performance guarantee.
43. Upon expiry of the Park warranty period the 20% performance guarantee retained pursuant to Clause 17 shall be released provided that:
  - a) the General Manager of Parks, Forestry and Recreation is satisfied that the base park and above base park improvements have been free from defects throughout the Park Warranty Period;
  - b) there are no outstanding claims against the security for the base park and above base park improvements; and
  - c) the owner has provided to the City confirmation from its Landscape Architect that all lien periods under the Construction Lien Act affecting the Parkland have expired.

#### Street Tree Planting and Public Realm

44. The owner agrees to provide at the time of registration a street tree phasing plan and a public realm phasing plan.

45. The owner agrees to provide, at the time of registration a street tree planting plan and public realm plan for Street F, the easterly 18 metres of Block 5, Blocks 8 and 9, and Block 4 (Street A), which provides:
- a) The exact location and timing of planting of any trees proposed to be planted within the City road allowance including details with respect to proposed tree species, calliper and quantity. The planting plan should provide the best possible, natural, planting environment for trees. It is preferred that trees be planted in turf when possible. If no room exists for turf boulevards with trees, raised planting beds or continuous tree pits should be considered. Trees indicated for planting on the City road allowance must be planted in accordance with the Tree Details Section of the City of Toronto Streetscape Manual;
  - b) The owner must ensure the development area with space along the public roadways for tree planting. The owner must coordinate the design of all utilities and underground planting to allow for the construction of turf boulevards / continuous tree pits, with-in the Street Allowance, or to the satisfaction of the Urban Forestry should alternate methods be acceptable;
46. The owner agrees to provide a street tree planting plan and public realm plan for TEDCO's First Waterfront Place site (the Corus site) as part of the overall plan as required in condition 45 above.

#### General Conditions

47. Where any condition requires the owner to post financial securities to secure performance of any work or matters including the filing of Letters of Credit, alternative means of providing such security by the owner may be as approved by City Council.

#### Notes

48. The owner acknowledges that Queens Quay is the subject of an ongoing Environmental Assessment process and accepts that this process will make recommendations in regard to potential infrastructure modifications on Queens Quay required to facilitate the introduction of new transit facilities, potential alternate roadway configurations and intersection control devices. Specific measures include, but are not limited to, the introduction of traffic signal control and turning movement prohibitions at intersections serving the draft plan area as determined as part of that Environmental Assessment process.