

**Final Report - West Don Lands, Phase 2
Draft Plan of Subdivision, Official Plan Amendment,
Zoning By-law Amendment and the Lifting of the “h”
Holding Symbol**

Date:	July 29, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto & East York, District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	08-231376 STE 28 SB, 10-223770 STE 28 OZ, 08-231384 STE 28 OZ and 08-231387 STE 28 OZ

SUMMARY

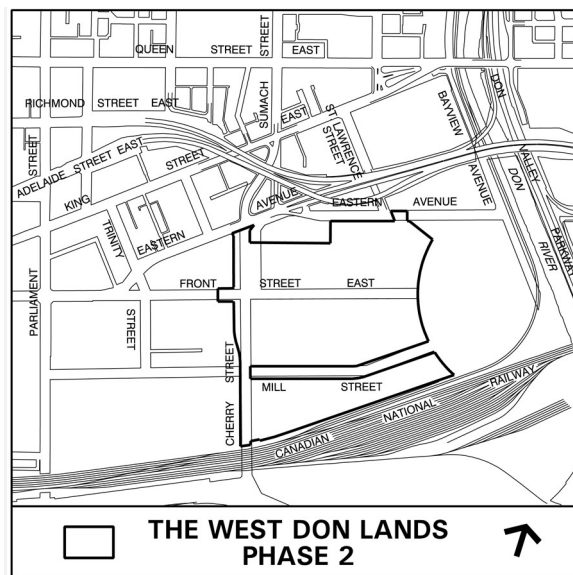
These applications were made on or after January 1, 2007 and are subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The applications propose to permit the redevelopment of the West Don Lands Phase 2 lands (shown on the map below) for a range of residential, institutional, industrial, commercial, and open space uses.

This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-law, and to remove the holding symbol “h”.

It also recommends that the amending by-law for the removal of the holding symbol “h” be brought forward to Council for enactment when the conditions for the removal of the “h” have been fulfilled.

This report also advises that the Chief Planner may approve the draft plan of subdivision.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of Toronto Official Plan substantially in accordance with the draft Official Plan Amendment in Attachment No. 7 to the July 29, 2010 report from the Director, Community Planning, Toronto and East York District.
2. City Council amend Zoning By-law 438-86 for the former City of Toronto substantially in accordance with the Draft Zoning By-law Amendments attached as Attachment Nos. 8 & 9, to the July 29, 2010 report from the Director, Community Planning, Toronto and East York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Official Plan Amendment and the draft Zoning By-laws as may be required to give effect to the recommendations in this report.
4. City Council authorize the introduction of the necessary Bill by the City Solicitor for enactment by City Council immediately upon finalization of the requirements set out in Section 4(c) of draft Zoning By-law attached as Attachment No. 8 to the July 29, 2010 report from the Director, Community Planning, Toronto and East York District, respecting the removal of the holding (“h”) symbol.
5. City Council be advised that the Chief Planner, and Executive Director of Planning who has been delegated authority to approve draft plans of subdivision, proposes to approve the draft plan of subdivision generally outlined on Attachment 1 subject to:
 - i) the conditions as generally listed in Attachment 13 to the July 29, 2010 report from the Director, Community Planning, Toronto and East York District, which as except as otherwise noted, must be fulfilled prior to the release of the plan of subdivision for registration; and
 - ii) such revisions to the proposed plan of subdivision or additional or modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the on-going technical review of the development.
6. City Council grant the City Clerk authority to sign the final plan of subdivision as the City is an owner of land in the West Don Lands.
7. City Council authorize and direct the appropriate City officials to take the necessary action to give effect to 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 West Don Lands Precinct Plan was endorsed by City Council in 2005. The plan is the framework for future development which is further refined by the Block Plan and Design Guidelines and the Public Realm Master Plan documents, and through a zoning by-law to implement the precinct vision.

In June 2005, Waterfront Toronto as the master developer for the West Don Lands (WDL), submitted applications for the Draft Plan of Subdivision, a Zoning By-law Amendment and the Lifting of the “h” Holding Symbol for the entire West Don Lands. After discussions with City staff, it was determined that these applications should proceed in phases.

As such, the Zoning By-law Amendment 588-2006 was adopted by City Council, the Draft Plan of Subdivision was endorsed by City Council in 2006 and the Plan of Subdivision was registered in December 2009 for the Phase 1 lands. In addition, City Council approved the removal of the Phase 1 lands holding symbol subject to the conditions in the King Parliament Part II Plan being satisfied, and following the registration of the Plan of Subdivision for the Phase 1 lands in 2006. It is anticipated that the holding symbol conditions will be satisfied for Phase 1 in early 2011, and the City will then be in the position to remove the holding symbol.

Currently, construction is underway for Don River Park in the Phase 1 lands, and for the roads and servicing in Phase 1. Two site plans have also been submitted for Toronto Community Housing Corporation and Urban Capital developments at 589 and 635 King Street East respectively.

A site plan application for a district energy facility at 181-225 Mill Street (in Phase 2 lands) was submitted in 2009. This site plan application has not been finalized as the applicant is now proposing to construct a smaller district energy facility at 153 Eastern Avenue prior to completing the larger facility south of Mill Street.

The Preliminary Report for these applications was considered by Community Council at its meeting of March 26, 2009. In November 2009, the West Don Lands was selected as the official site for the 2015 PAN AM Games athletes village. The Provincial government is charged with the delivery of this project. The West Don Lands will benefit from this project since a large portion of the area will be developed and realized in less than 5 years which is substantially sooner than the originally projected 10 to 15 years. In addition, the award of this bid will provide significant positive exposure for the West Don Lands neighbourhood.

ISSUE BACKGROUND

Proposal

The West Don Lands will be a new neighbourhood in the Central Waterfront Area. The purpose of the Draft Plan of Subdivision application is to create development blocks in conformity with the City Council endorsed West Don Lands Precinct Plan, 2005 (Attachment Nos. 1 & 2). The purpose of the Zoning By-law Amendment application is to refine existing zoning performance standards to be consistent with the Council endorsed West Don Lands Block Plan and Design Guidelines. A separate Zoning By-law application requests the removal of the holding symbol “h” to allow development to proceed once all of the conditions as identified in the King Parliament Part II Plan have been fulfilled. A further application is for a technical amendment to the Central Waterfront Plan to remove specific ‘Parks and Open Spaces’ designations within the

Phase 2 lands to reflect the reconfigured parks spaces within the West Don Lands. Refer to Attachment No. 3 for project data.

Site and Surrounding Area

The West Don Lands is approximately 32 hectares (80 acres) and extends from the Don River to Parliament Street generally between Eastern Avenue and the rail yards. This report considers the Phase 2 lands of the West Don Lands which comprise approximately 12 hectares (30 acres). These lands are generally bounded by; Eastern Avenue to the north, the CN/Metrolinx rail corridor to the south, Cherry Street to the west, and the realigned Bayview Avenue to the east (Attachment No. 4).

The Province of Ontario owns most of the land in the West Don Lands which are managed by the Ontario Realty Corporation (ORC). The City of Toronto owns a number of former roads and lanes that will be incorporated into new roads and development blocks. Waterfront Toronto owns a small portion that will also be incorporated into new roads and a development block. There are also private lands holdings in the West Don Lands which are not subject to the applications.

North: Low rise mixed-use area of the Corktown neighbourhood

South: CN/Metrolinx railyards

East: Don River

West: Distillery District

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.

Central Waterfront Secondary Plan

The Central Waterfront Plan was passed as Official Plan Amendment No. 257 by Council on April 16, 2003. Although the Central Waterfront Plan was appealed to the Ontario Municipal Board, it was approved on December 9, 2005, as it pertains to the West Don Lands with the exception of the affordable housing policies. It designates the West Don Lands area as *Regeneration Area* and *Parks and Open Space Areas* (Attachment No. 5).

King Parliament Part II Plan

The King-Parliament Part II Plan Policy 10.12.2 identifies the West Don Lands as a *Reinvestment Area*. This designation provides for a broad mix of residential, live/work, commercial, industrial, light industrial and institutional, including recreational and open space uses in an urban form in order to revitalize areas that are largely vacant or under-utilized. This plan also identifies the fulfillment of specific conditions such as plans and studies prior to the lifting of the holding symbol, as outlined in Policy 10.11.3:

“It is, therefore, the policy of Council that the “h” holding symbol will be removed incrementally and only as the following plans and studies have been provided for and secured through an agreement or agreements binding on the owner and successors

entered into pursuant to Section 37 of the Planning Act, Section 51 of the Act (subdivision control) or both Sections 37 and 51;

- (a) a satisfactory streets and blocks plan is prepared demonstrating how the development provides for new streets and blocks in relation to the existing system of streets, such plan to be secured by an appropriate legal agreement between the City and the owner;
- (b) an Infrastructure Plan dealing with, among other matters, the provision of roads, sewer and water services, public parks and community services and facilities;
- (c) an Environmental Management Plan dealing with, among other matters, the remediation of soils and groundwater and the provision of flood protection measures;
- (d) in the case of the *Don River Open Space District* or the *Cherry Street Reinvestment District* an assessment of the need for and feasibility of realigning Bayview Avenue south of Queen Street East, and if desirable, a Plan for the realignment, functioning and implementation of a realigned Bayview Avenue within the *West Don Lands Reinvestment Area*, such a Plan to be secured through an appropriate legal agreement; and
- (e) a Phasing Plan dealing with the sequencing of new development and the timing of the provision of matters set out in (a) to (d) above.”

West Don Lands Precinct Plan

The West Don Lands Precinct Plan was endorsed by City Council on May 17, 18, & 19th, 2005. The Precinct Plan provides an important framework for the West Don Lands to generally determine the built form development, public realm plan, parks and open spaces, sustainability measures, transit, public infrastructure, and phasing and implementation initiatives for the area.

West Don Lands Block Plan and Design Guidelines

The West Don Lands Block Plan and Design Guidelines were endorsed in principle by City Council in 2006. The main objectives of the guidelines are to reinforce the vision of the West Don Lands Precinct Plan by defining height and massing of development, setbacks and stepbacks and the scale and character of building facades.

Zoning

The area is zoned as a RA(h) Reinvestment Area with an “h” holding symbol (Attachment No. 6). No density limits are established for RA zone. The current height limit is 26 metres on development blocks. The RA zone permits a range of uses including industrial, light industrial, residential, non-residential, commercial, parks and institutional. Prior to the removal of the holding symbol, the following uses are permitted; industrial or light industrial and the provision of any public work which is consistent with the use of the land in accordance with the King Parliament Part II Plan. The proposal is for the holding symbol to be removed once all of the conditions are fulfilled to allow development to proceed.

Site Plan Control

The West Don Lands is subject to Site Plan Control. A site plan application was submitted by Waterfront Toronto in July 2008, for the district energy plant on the property at 181-225 Mill Street within the Phase 2 lands. However, given the immediate need for a smaller localized district energy facility to support the PAN AM Games Athletes Village this application has been deferred while the applicant is pursuing a facility at 153 Eastern Avenue.

Tree Preservation

A 'Supplemental Arborist Report: Tree Survey and Tree Preservation Plan', dated July 11, 2008, has been submitted for the Phase 2 lands for review by staff. It has been determined by staff that there currently are no trees existing on the properties involved.

Toronto Green Standards

A principle for the development of the West Don Lands is sustainability. The applicant has submitted the Toronto Green Standard checklist in December 2008. Staff are currently reviewing to ensure conformance to City standards are achieved.

Pre-Application Meeting

City staff worked with the applicant prior to the application submission and discussed the requirements for a complete application.

Reasons for the Applications

An Official Plan amendment is required to make technical changes to the Central Waterfront Plan to remove specific 'Parks and Open Spaces' designations within the Phase 2 lands to reflect the reconfigured park spaces within the West Don Lands. The Zoning By-law amendment is required to refine the existing zoning permissions consistent with the West Don Lands Precinct Plan, including such matters as building heights, setbacks, parking and loading. A separate Zoning By-law amendment proposes the removal of the Holding (h) Symbol to allow development to proceed once all of the conditions as identified in the King Parliament Part II Plan have been fulfilled. The subdivision application is required to ensure the orderly development of the lands by creating appropriate blocks, streets and conditions of approval.

Community Consultation

A community consultation meeting was held on May 11, 2009 with approximately 25 members of the public in attendance along with the Ward Councillor and the applicant. Issues raised included; concern for new buildings constructed over existing buildings, the need for senior citizen's community meeting space, vehicular traffic impacts within and beyond the area, potential shadow impacts, garbage and snow removal, interest in recreational and/or indoor uses, and the prevention 'dead spaces' under the overpass, the need to ensure a vibrant mix of retail uses, the types of trees to be planted, how will connection to Don Valley Parkway be maintained if the Gardiner Expressway is demolished, the type and distribution of development units, and the impact of the PAN AM Games if the bid is awarded in the West Don Lands.

Agency Circulation

The application was circulated December 2008 to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards and draft plan of subdivision conditions.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS.

Official Plan Amendment - Central Waterfront Plan

In May 2005, Council endorsed the West Don Lands Precinct Plan. Subsequently, in December 2005, the Ontario Municipal Board endorsed the settlement related to the outstanding appeals to the Central Waterfront Plan (CWP) for West Don Lands. The Precinct Plan and CWP designates Parks and Open Space Areas and Regeneration Areas. Detailed work has now been undertaken to support the plan of subdivision and refinements to the land use plan are contemplated which result in changes to the CWP. Changes through the redesignation of Parks and Open Space Areas to Regeneration Area are required for the following three areas; the Pedestrian Mews North of Front Street, the Pedestrian Mews South of Mill Street and the Flood Protection Landform and Park South of Mill Street.

With the refinement of land use plans, park space has been located in an alternate location. To the north of the subdivision area but still within West Don Lands, an area on the north side of Old Eastern Avenue is now being developed as park space. These former development blocks will now be combined with lands under the Richmond/Adelaide Overpass into a new park space known as 'Underpass Park'. Planning is underway and construction is to begin this year with a completion date of March 31, 2011. Waterfront Toronto has undertaken a design competition and public consultation process for this park.

Detailed plans for the subdivision also indicate opportunities to achieve pedestrian connections supporting the pedestrian movement through the use of easements to create publicly accessible, privately owned, open space. Easements will be created through the subdivision process to ensure these spaces are incorporated into future building designs on these blocks.

Staff are of the opinion that the parks space, as refined through the planning process, while different from the CWP maintains the intent of the precinct plan. The proposed Official Plan Amendment is included as Attachment No. 7.

Zoning By-law Amendments

There are two zoning by-law amendment applications for these lands. The first is to amend the parent zoning by-law to introduce approval standards. The second zoning by-law amendment is to remove the holding "h" symbol.

Parent Zoning By-law Amendment

While land uses proposed conform to the uses permitted by the 'RA' zoning, a number of the development standards need to be amended to reflect the vision established in the Precinct Plan and in response to further refinement of the block planning process. The proposed Zoning By-law Amendment is included as Attachment 8. Zoning changes include, but are not limited to:

- i) **Setbacks, Stepbacks & Animation Zones**
Setback, stepbacks and animation zones are proposed in the zoning by-law to reflect the design guidelines for West Don Lands that promote animated streetscapes along Cherry Street and Front Street and to reinforce and enhance the public realm. Setbacks of buildings are also proposed to create pedestrian friendly streets throughout the area, and

these vary depending on the building heights on the blocks in the plan of subdivision. Setbacks are generally larger for taller buildings. A setback is also required along the south property from the rail line to meet CN's mainline requirements.

ii) Amenity Space

The current zoning by-law requires new residential buildings of 20 or more units to provide 2 square metres of indoor amenity space per unit and 2 square metres of outdoor amenity space per unit. The applicant has requested changes to the amenity space requirements to provide for amenity space in buildings of 35 units or more and a reduction in the amount of indoor and outdoor amenity space provided from 2 to 1.4 square metres for buildings over 100 units and that the pooling of amenity space be permitted between separate, unconnected buildings in the same block.

Staff consider a reduction in the outdoor amenity space for all buildings acceptable given the amount of park space within the West Don Lands overall and the proximity of this new neighbourhood to the City's greenspace system. Approximately 14% of the lands within the West Don Lands are proposed to be dedicated to the City as parkland and the Don River Park also includes lands to be conveyed to TRCA resulting in a total parkland contribution of approximately 26% in the West Don Lands. As well, there are additional privately owned open spaces proposed within development blocks that will be publicly accessible. As a result, staff are satisfied that there will be sufficient outdoor amenity space areas in this new neighbourhood for future residents.

Reductions in the requirement for indoor amenity space however are not recommended. A minimum of 2 square metres of indoor amenity space per dwelling unit is considered appropriate and consistent with current requirements and those proposed through the City's new zoning by-law. However, staff are proposing to increase the dwelling unit threshold from 20 units to 35 units consistent with the new zoning by-law. As well, flexibility is proposed in the distribution of indoor and outdoor amenity space. The draft by-law proposes an overall minimum 3 square metres of amenity space per dwelling unit with at least 2 square metres proposed as indoor space and a minimum of 35 square metres as outdoor space. This provides flexibility for a proponent to increase the indoor amenity space if desired, while ensuring that there is outdoor amenity space in association with the development.

Staff have not proposed a zoning standard for pooling of amenity space between separate, unconnected buildings in a block. This does not prevent pooling of amenity space within a block where buildings are joined via underground garages. In the absence of specific development proposals on the blocks it is difficult to assess the long term implications with respect to securing the pooled amenity space and providing for connectivity within the block between the amenity spaces in separate buildings. As a result, staff consider that this issue would be more appropriately addressed on a site specific basis when development applications are received on the individual blocks within the plan of subdivision.

(iii) Bicycle and Vehicular Parking

Zoning standards are proposed that provide for reductions in parking where car share or additional bicycle parking is provided. These standards are proposed to promote reduced parking and to encourage bicycle usage in West Don Lands to support the sustainability

objectives for West Don Lands. The reductions in parking requirements as well as the bicycle parking standards are consistent with the new zoning by-law.

(iv) **Building Heights**

A range of building heights are proposed to reflect the vision for West Don Lands to create a vibrant mixed-use neighbourhood. Lower heights are proposed within the central area of the Phase 2 lands to provide for lower scale residential housing forms such as townhouses in this area and along the rail line where a district energy facility or parking garage is anticipated. Taller buildings are proposed along the main streets with towers limited to specific locations at the north and south corners of Bayview Avenue and Front Street and on the south side of Mill Street.

v) **Heritage Buildings and Building Height**

There are three heritage sites within the Phase 2 West Don Lands area; the Dominion Foundry Complex at 153, 169-171 and 185 Eastern Avenue, the CN Office Building on the northeast corner of Front and Cherry Streets and the Canary Restaurant/Palace Street School/Hotel at 409 Front Street. The draft zoning by-law includes provisions that limit the height on these sites to protect these heritage resources.

For the Dominion Foundry complex, a maximum height of 13 metres is proposed. The Dominion Foundry Complex is the largest concentration of heritage buildings to be preserved in the West Don Lands. Development on this complex requires restoration and preservation of these structures to modern use. The adaptive re-use of the Dominion Foundry building at 153 Eastern Avenue is currently proposed to house a localized district energy facility to support the PAN AM Games athletes village. The draft plan of subdivision conditions require that a Heritage Impact Assessment for the Dominion Foundry Complex be submitted prior to the issuance of building permits.

The applicant has requested permission to build over the CN Office Building on the northeast corner of Front Street and Cherry Streets to provide for future flexibility in design for the adaptive re-use of this building. As well, the block plan includes provision for the removal of the rear portion of the Canary Restaurant/Palace Street School/Hotel building on the southeast corner of Front Street and Cherry Street with a height of 30 metres proposed in this area.

Heritage Preservation Services staff do not support the request of the applicant to provide for height over the CN Office Building or for the removal of the rear portion of the Canary Restaurant/Palace School/Hotel building, given that both are listed by the City as historically significant. The Environmental Assessment (EA) report undertaken by ORC in 2006 noted that the Palace Street School is the oldest surviving school building in the City built in 1859. There were subsequent additions to the building in 1869, in 1890-91 a hotel was added and a warehouse was added in 1929. Each of the alterations related to changes in use associated with changes in the economy of the local area. The EA report notes that the heritage attributes of the building related the school, hotel and warehouse sections of the building and include among other things; foundations, walls, roofs, windows and door openings.

The applicant has not submitted Heritage Impact Assessments for these heritage buildings. The draft conditions for the plan of subdivision provide that mechanisms be determined for the designation of these buildings under the Ontario Heritage Act and that

Heritage Impact Assessments be undertaken by the applicant prior to site plan approval. As well, the draft conditions provide that the Block Plan and Design Guidelines be revised to address heritage conservation in relation to these buildings.

In the absence of more detailed information regarding these buildings such as Heritage Impact Assessments or specific development proposals on these sites, staff consider it premature to provide for building over the CN Office Building or for the removal of the rear portion of Canary Restaurant/Palace School/Hotel building given that both are important heritage resources. As a result, the draft zoning by-law proposes a maximum height of 10 metres for the CN Office building and 14 metres for the Canary Restaurant/Palace Street School/Hotel building to reflect the existing heights and provide for the conservation of these heritage building. This continues to provide for opportunities for review of the heritage aspects of these buildings in relation to specific development proposals and in association with appropriate Heritage Impact Assessments. Through this process it may be determined that new building mass on or adjacent to the heritage property may be appropriate. If so, this could be facilitated through an application to the Committee of Adjustment or otherwise depending on the extent of the variance required.

Lifting of the “h” Holding Symbol

The applicant is requesting that the Holding Symbol (“h”) be removed for the entire West Don Lands Phase 2 lands. In the King Parliament Part II Plan, it cites that prior to lifting the holding symbol, the provision of plans and studies must be secured to ensure specific matters are implemented, as follows:

- (i) A Streets and Blocks Plan is required demonstrating how the development provides for new streets and blocks in relation to the existing system of streets. A Block Plan and Design Guidelines was Council endorsed in 2006, and revisions to the document will be submitted by the applicant, along with a revised Public Realm Master Plan report prior to the registration of the plan of subdivision. The resubmission will satisfy this requirement of Phase 2.
- (ii) The requirement of an Infrastructure Plan dealing with the provision of roads, sewer and water services, public parks and community services and facilities will be satisfied through the submission of several reports as part of the registration of the plan of subdivision. These submissions will satisfy the requirement of Phase 2.
- (iii) An Environmental Management Plan, which will be fulfilled by a ‘Risk Assessment/Risk Management Plan’ is required. This plan addresses the requirement for flood protection measures and the remediation of soils and groundwater. The Ontario Realty Corporation (ORC) is currently constructing the flood protection landform, and they are working to satisfy the requirements of the Toronto and Region Conservation Authority (TRCA). The ORC is also investigating soil and groundwater remediation and have been working on the final development of an overall approach to achieve the Ministry of the Environment (MOE) standards and the City’s land conveyance policy. The scope of work includes lands in both Phases 1 and 2 of the West Don Lands. ORC is currently considering use of both a Risk Assessed/Risk Managed approach or a generic cleanup basis on individual parcels to receive Record of Site Conditions acknowledged by the MOE to satisfy the requirement for Phase 2.

- (iv) In the case of the Don River Open Space District or the Cherry Street Reinvestment District, an assessment of the need for and feasibility of realigning Bayview Avenue south of Queen Street East and if desirable, a Plan for the realigned Bayview Avenue, functioning and implementation of a realigned Bayview Avenue within the West Don Lands to be secured through an appropriate legal agreement. This requirement is satisfied through the actual realignment of Bayview Avenue as reflected on the Phase 1 Plan of Subdivision and secured through the registration of the Phase 1 plan of subdivision.
- (v) Finally, the requirement of a Phasing Plan dealing with the sequencing of the new development and the timing of the provision of matters as set out above, will be satisfied through the submission of materials supporting the plan of subdivision. The submission of these materials prior to the Phase 2 subdivision registration will satisfy this requirement.

All of the above required matters are currently being dealt with in the approval of the West Don Lands Phase 2 Plan of Subdivision process with the expectation that the Plan of Subdivision will be registered by early 2011. At that time, staff will bring forward the Bill to Council to remove the holding symbol to facilitate the development for the Phase 2 lands. The proposed Zoning By-law Amendment to remove the holding “h” symbol is included as Attachment No. 9. The third and final phase of the West Don Lands will follow in the same manner.

Pan American and Parapan American Games - Athletes Village

In November 2009, the Province announced that it won the bid for the PAN AM Games Athletes Village in the West Don Lands neighbourhood in the summer of 2015. With this recent development, the West Don Lands subdivision process has been expedited to ensure the delivery of the required development will be realized. The PAN AM Games represents an international contingent of athletes that will provide significant positive exposure for the area. With the immediacy and financial support of this project by all three levels of government, development in the West Don Lands will be realized much sooner than originally scheduled.

The PAN AM Games footprint is expected to cover a substantial portion of the West Don Lands neighbourhood (Refer to Attachment No. 10). The Province is finalizing the siting of all facilities and through Infrastructure Ontario is administering the PAN AM project from inception to completion. The Province has advised that once the PAN AM Games are over, that the housing will be made available to the public. Specific details will follow on how this process will evolve.

Through discussions with the Province and Waterfront Toronto, it has been determined that a Temporary Use By-law application may be required to permit uses specific to the PAN AM Games. Waterfront Toronto has advised that an application for proposed temporary uses will be submitted as planning for the games proceeds and proposed temporary uses and locations are finalized. Associated site plan application(s) will be reviewed concurrently with the Temporary Use By-law application.

Public Realm

The public realm strategy for all phases of the West Don Lands includes a combination of publicly owned parks and open spaces as well as privately owned open spaces that will be publicly accessible. These spaces total approximately 10 hectares (25 acres) and are summarized in the table below and illustrated on Attachment 11.

Park Name	Publicly-Owned Park Space (PF&R) hectares	Publicly-Owned Open Space hectares	Privately-Owned Publicly Accessible Open Space hectares
Underpass Park	0.2	0.9 (ROW)	
Phase 1			
Don River Park	3.9	3.9 (TRCA)	
River Square	0.16		
PHASE 2			
Front Street Promenade		0.49 (ROW)	
Chery Loop		0.24 (ROW)	
Dominion Foundry			0.12
Corktown Mews			0.16
Distillery Walk			0.24
PHASE 3			
Parliament Street Park	0.4		
Front Street Triangle	0.02		
TOTAL	4.7	5.5	0.53

The Public Realm Master Plan submitted with the applications addresses community wide public realm strategies related to; heritage, public art, sustainability, street hierarchy, publicly accessible open spaces, the Front Street, Mill Street, and River Square neighbourhoods, and street tree planting. The purpose of the Public Realm Master Plan is to illustrate the character of the community in terms of its parks, streets and open spaces.

Staff have reviewed the Public Realm Master Plan and have requested revisions prior to the draft plan approval of the subdivision. Staff comments include, but are not limited to; more detailed consideration of the role of public art, consideration of the relationship of existing parks and open spaces in adjacent areas to the West Don Lands, clarification of the pedestrian access connection points, increased diversity in the street trees species along with irrigation, and to ensure consistency between the Public Realm Master Plan and the Parks and Public Spaces Conveyance & Phasing Plan with respect to the identification of public parks and open spaces that are proposed to be privately owned and publicly accessible.

Public Realm - Parks and Open Spaces

- i) Underpass Park
Underpass Park was originally included in the West Don Lands Phase 2 plan of subdivision; however, due to Provincial and Federal funding time constraints, the park development was advanced. The park is currently partially owned by the Province (southwest portion) with the remainder owned by the City (underpass portion). The park was removed from the Plan of Subdivision application in order to achieve park completion by the prescribed sunset clause of March 31, 2011. The park is still considered to be part of the West Don Lands neighbourhood design because of its adjacency to the northern Phase 2 blocks. Refer to Attachment No. 12.

The proposal for Underpass Park includes the rehabilitation of an isolated, derelict road underpass space into an interesting and eclectic community asset offering a variety of

active and passive neighbourhood uses such as; basketball, ball hockey, children's play, and community gardens. There are also spaces open for neighbourhood circulation that will be activated by pedestrians going to and from nearby community amenities and activities. Maximizing community use will create a place that is safe and more pleasant to travel through and be in. The proposal envisions a strong public art component to take advantage of the many existing surfaces and forms. The Parks, Recreation and Forestry Division (PF&R) will operate and maintain Underpass Park as a public park.

ii) Distillery Walk

The Distillery Walk will be a publicly-accessible, but privately owned and maintained open space, located south of Mill Street. The area is intended to act as an extension of the Distillery District, and pedestrian connection into the West Don Lands neighbourhood.

iii) Corktown Mews

Corktown Mews is a pedestrian connection located south of Eastern Avenue. It is proposed as a publicly-accessible, but privately-owned and maintained open space.

iv) Dominion Foundry

The historic Dominion Foundry buildings are located on blocks 17 and 36 in the plan of subdivision. Privately owned, publicly-accessible open spaces are proposed within these blocks that also provide pedestrian access through the blocks to Eastern Avenue.

Block 36 is intended to accommodate a local district energy facility with adjacent landscaped spaces. The district energy facility has gone through Waterfront Toronto's Design Review Panel for design direction.

Public Realm - Streets

i) Front Street Promenade

The Front Street Promenade has been designed as a linear boulevard on the north side of the street. The design is intended to contribute to a highly animated public realm that supports ground related non-residential uses such as cafes and restaurants. It is planned that this area will be owned by Right-of-Way Management and maintained by PF&R.

ii) Cherry Street Redesign & the Transit Environmental Assessment

Considerable progress has been made in the detailed design of the Cherry Street Toronto Transit Commission transit line and road redesign in fulfillment of the accepted Environmental Assessment for this work. The work has had public input and provides a public realm that appropriately connects the West Don Lands and the historic nature of the Distillery District. Construction and dedication of roadway lands are required for the right-of-way work in advance of the remaining interior streets and specific draft conditions are required for this work.

iii) Cherry Loop

Cherry Loop is located on Block 28 in the plan of subdivision at the south end of the Cherry Street, supporting a dedicated Light Rail Transit line sited on the east side of the street. The line will continue north beyond the West Don Lands neighbourhood to connect to other neighbourhoods. The loop is designed as a pedestrian plaza with trees and specialty paver details referencing the Distillery District. There will also be numerous trees to provide shade and further green the area. Once the Lower Don Lands

Precinct development is realized, it is anticipated that the Cherry Street Light Rail Transit line will extend southward into that neighbourhood. The Cherry Loop will be owned by Right-of-Way Management.

Public Realm – Public Art Strategy

The Public Realm Master Plan contains a public art strategy component that aims for design excellence and sustainability in the public realm. The public art strategy plan provides a detailed and integrated plan offering a range of types of art opportunities. Staff recommend revisions to the strategy to further articulate these public art opportunities. As well, staff recommend that the Waterfront Toronto Design Review Panel include the review of public art in conjunction with all of the development projects with a public art expert panel member.

Block Plan and Design Guidelines

The applicant submitted a revised Block Plan and Design Guidelines that further refines the details of the height and massing of buildings, distribution of uses, scale and character of building facades, setbacks and dimensions of the public right-of-way. The Design Guidelines clarify the overall development concept of the lands, and provide guidance to City staff in the review of the applications. They will also guide the Waterfront Toronto developer proposal call process and be used by the Design Review Panel in their review of development applications.

Heritage

The existing heritage buildings within the Phase 2 lands are; the Palace Street School/Hotel/Canary restaurant, CN Railways office building, and the Dominion Foundry Complex. Heritage Preservation Services (HPS) staff have reviewed the submission and draft plan approval conditions have been included to ensure that matters related to heritage preservation are addressed prior to registration, and that heritage impact assessments are undertaken prior to site plan approval or the issuance of building permits for these heritage resources.

Sustainability

As part of the Waterfront Toronto sustainability program, district energy has always been contemplated in the Central Waterfront Plan, and further supported in the West Don Lands Precinct Plan. A Waterfront Toronto (WT) mandate is for all development to be Gold LEED certified. The City also requires compliance with the ‘Green Development Standards’ as a sustainable measure.

WT has re-evaluated its district energy program and now proposes a smaller site delivery model. A site at 153 Eastern Avenue, re-using an existing heritage building, is being retrofitted for district energy to serve Phase 1 and the Pan Am Games areas.

The applicant has not finalized the timing for the proposed district energy plant at 181-225 Mill Street. In the event that the district energy plant is required at 181-225 Mill Street, it is expected that it would be reduced in size and capacity from the current proposal due to the smaller plant now proposed on Eastern Avenue.

Affordable Housing

The Province has signed a delivery agreement to provide a minimum 20% affordable housing for West Don Lands, including the Phase 2 lands. This is consistent with the spirit and intent of the West Don Lands Precinct Plan and the Central Waterfront Plan.

Subdivision

The proposed plan of subdivision for the Phase 2 lands is consistent with the principles and guidelines established for the West Don Lands Precinct Study that provides for a new mixed use neighbourhood in this area of the Central Waterfront. Staff have been working with Waterfront Toronto and the Province to review the submission materials for the subdivision and prepare appropriate conditions of draft plan approval. This review is nearing completion.

Proposed draft plan of approval conditions are included in Attachment No. 13. They address the technical requirements of the subdivision including among other matters, the construction of streets, services and storm water management facilities, street tree planting, urban design, proximity to the rail line, schools, flood protection, environmental clean-up, and the staging of development within the area. Main aspects of the subdivision conditions and matters under review are summarized below.

Financial Securities

On July 6, 7 and 8, 2010, Council considered a report from the City Solicitor dated June 2, 2010, (Planning and Growth Management Item #39.12), and adopted a Motion directing that City staff apply certain policies to any subdivision agreements, site plan agreements or other agreements required to facilitate Provincial development projects. With respect to financial securities, Council directed that no provisions be included requiring financial security in the form of letters of credit or cash deposits. Accordingly, for Phase 2 of the West Don Lands subdivision, the conditions of draft approval will not require that the Province file letters of credit or cash deposits with the City.

Indemnification

When the Phase 1 plan of subdivision was approved, the City included a draft condition requiring that the Owner enter into an agreement indemnifying the City for "liability arising as a result of contaminants remaining on lands to be conveyed to the City or TRCA, or alternate mechanisms as approved by Council." For Phase 2, staff are not recommending that this condition be imposed for the following reasons. Firstly, and as described above, prior to any conveyance of lands to the City, the Province will be conducting an extensive remediation program for the Phase 2 lands, which complies with all Provincial environmental regulations and with City Council's approved policy, including a Risk Assessment/Risk Management approach and an independent peer review paid for by the proponent. Thus, any contaminants remaining on conveyed lands will have been "risk managed" so as not to impose a continuing burden on the City or increased health and safety concerns for persons performing work on the lands. Secondly, in July, 2010, City Council adopted staff's recommendation that for Provincial development projects requiring subdivision approval, the City would not be requiring indemnification or financial security in the form of letters of credit. Based on this same rationale, namely the fact that the City is satisfied that the Province can be relied on to meet its obligations, staff can support the deletion of this condition. Given the history of the West Don Lands, which were formerly owned by the City and transferred to the Province with the knowledge that they had significant environmental issues, this approach will not set a precedent for the development of other lands in the City.

Environmental Management: Risk Assessment/Risk Management

Lands in the West Don Lands are known to be contaminated due in part to the former industrial activity in the area. In accordance with the new legislative requirements for the contaminated lands in Ontario, the Ontario Realty Corporation (ORC) has undertaken the risk assessment approach for portions of the West Don Lands. The risk assessment included soil and
Staff report for action – Final Report – West Don Lands Phase 2, 475 Front Street East

groundwater sampling and testing to determine the presence of contaminants and the level of contaminants. The ORC has continued with the next step in the process which is to prepare a Risk Management Plan. The Risk Management Plan will identify mitigation measures that could be used to manage the contaminated soil for the uses proposed for that site. The Ministry of the Environment (MOE) is the approval authority for all risk assessment/risk management plans. The ORC, the City and Waterfront Toronto have been working closely with the MOE to ensure a smooth and timely process.

Lands being conveyed to the City as right-of-way will either be delivered as clean lands or risk assessed and as such they may require risk management measures. Until the Risk Management Plan is approved by the Ministry of the Environment, specific measures, if any, will not be known. Staff recommend that prior to the conveyance of lands to the City, a Record of Site Condition be registered for the property to be conveyed and that any Conditions of Property Use (CPU's) registered on the lands will not negatively impact the City's ability to use or maintain its infrastructure. This will provide assurance that lands being conveyed to the City meet the appropriate land use standards prescribed by the Ministry of the Environment.

Conditions have been drafted to ensure that any soils that are imported to the site meet the residential/parkland/institutional standards provided in Table 3 of the Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act* (July 27, 2009).

Revisions to Reports and Studies

Revisions are needed to the Public Realm Master Plan report, the Block Plan and Design Guidelines, and the Parks and Public Spaces Conveyance & Phasing Plan to address the comments of City divisions and to reflect the revisions to the draft plan block layout and configuration. At such time as the reports are updated and accepted by City divisions, the associated draft conditions will be revised to reflect the accepted reports.

Designation of Listed Heritage Properties

There are properties in the Phase 2 area that are listed on the City's inventory as historically significant. These include; 409 Front Street the Palace Street School/Hotel/Canary Restaurant, 425 Cherry Street the CN Railways office building, 153 Eastern Avenue the Dominion Foundry property, 169-171 Eastern Avenue and 185 Eastern Avenue. Heritage Preservation Services has requested that these properties be designated under the Ontario Heritage Act. The draft conditions currently provide that appropriate mechanisms for their protection be determined through subsequent development approvals which may include minor variances. Staff will work with Waterfront Toronto and the Province to determine appropriate approaches to heritage conservation through completion of studies required pursuant to the draft approval conditions. Additional or revised conditions may be required to further detail the requirements for each property through review with Heritage Preservation Services. The Gooderham and Worts Storehouse located at 52 Mill Street (18 Trinity Street) in the Phase 3 lands is also a heritage building that will be addressed through a subsequent application process.

Staging Plan

The initial staging plan submitted with the application will be revised to meet the staging requirements for the delivery of roads and services in association with the PAN AM Games. To ensure that the schedule for the PAN AM Games is achieved it may require that the roads and services be accepted and assumed by the City and the streets dedicated in stages rather than at overall completion. As a result, draft conditions are proposed to provide for the acceptance and

assumption of services, and the dedication of public streets in stages. These conditions may need to be revised to address revisions anticipated to the staging plan.

Functional Servicing and Storm Water Management Reports

Technical Services has requested additional information to ensure that the functional servicing and storm water management reports are updated to reflect the current draft plan block layout and configuration and proposed staging. The West Don Lands Master Servicing Study identified replacement of the existing watermains on Eastern Avenue and St. Lawrence Street and the City's Capital Works Programme was set accordingly. These are not identified in the functional servicing plan submitted citing funding limitations. Eastern Avenue is required to be rebuilt to suit the Phase 1 works and requires revised storm drainage considerations. There were also revisions needed to the initial report to the described function of the combined overflow sewer and its replacement on Cherry Street.

A revised grading plan is needed that incorporates the subdivision lands south of Mill Street. The storm water management report is also required to be updated to address the revised Environmental Assessment and outfall works to the Keating Channel. Draft conditions may be revised to reflect the accepted functional servicing and storm water management report after review and acceptance by Technical Services.

Functional Road Plan

The applicant is proposing that Block 32 be considered as a public street rather than a private driveway to service the blocks adjacent to the rail line. A revised functional road plan is needed to assess the appropriateness of Block 32 as a public street given its location on the south side Mill Street and proximity to the rail line. Revisions to the draft plan and associated conditions may be required to reconfigure the Block to meet City standards and to accommodate noise and vibration mitigation measures that may be required along the rail line south of this street. A functional road plan is also needed for Eastern Avenue for City review.

District Energy

In addition to the District Energy facility proposed on Block 20 south of Mill Street, the applicant has proposed to introduce a District Energy facility into the historic Dominion Foundry building at 153 Eastern Avenue. As a result, a new Block 36 is proposed on the plan of subdivision to provide for the District Energy facility and draft plan conditions have been included to facilitate the adaptive re-use of this historic building. Block 36 is located adjacent to the north and east of an area identified in the Block Plan and Design Guidelines, and Public Realm Master Plan report as a location for publicly-accessible, but privately owned open space. Parks staff have requested that the applicant consider incorporating this open space into Block 36 to provide for its construction in association with the District Energy facility. A revision may be required to the draft plan and draft conditions in the event that this open space area is incorporated into Block 36.

Block 9 - School and Community Recreation Centre

Block 9 is proposed to be reserved for the Toronto District School Board (TDSB) for an elementary school and the City for a community centre. Further discussion is needed with the TDSB and Parks, Forestry and Recreation to finalize the details with respect to timing for the reservation of the school/community centre block. A draft plan condition is proposed to provide for the reservation of Block 9 for school/community centre purposes.

Adjacency to Rail line

The acoustic and vibration report submitted with the application addressed acoustic and vibration issues in relation to the block layout and proposed uses in the Precinct Plan and is required to be updated to reflect the current block layout and uses proposed adjacent to the rail line. Upon review of the updated report, revisions to the draft plan and draft plan conditions may be needed to ensure that mitigation measures are addressed prior to development.

Conclusions

The applications further the objectives of the Central Waterfront Secondary Plan, the King Parliament Part II Plan, the West Don Lands Precinct Plan, and the West Don Lands Block Plan and Design Guidelines with respect to appropriate redevelopment, provision of open spaces, and sustainable land use practices envisioned for the West Don Lands. They also set the stage for the development of the PAN AM Games Athletes Village.

Staff recommends that Council approve the Official Plan and Zoning By-law amendment applications. As well, it is appropriate to direct staff to bring forward the amending by-law for the removal of the holding “h” symbol at such time as the conditions are fulfilled, as the review respecting these conditions is near completion. Providing that direction now will permit the City Solicitor to submit the Bill to Council as soon as the conditions are fulfilled. Staff also recommends that Council support the approval of the draft plan of subdivision by the Chief Planner upon the resolution of the matters outlined above. It is anticipated that the draft plan of subdivision will be brought forward for approval by the Chief Planner in the fall 2010.

CONTACT

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Fax No. 416-392-1744
E-mail: dsilver2@toronto.ca

SIGNATURE

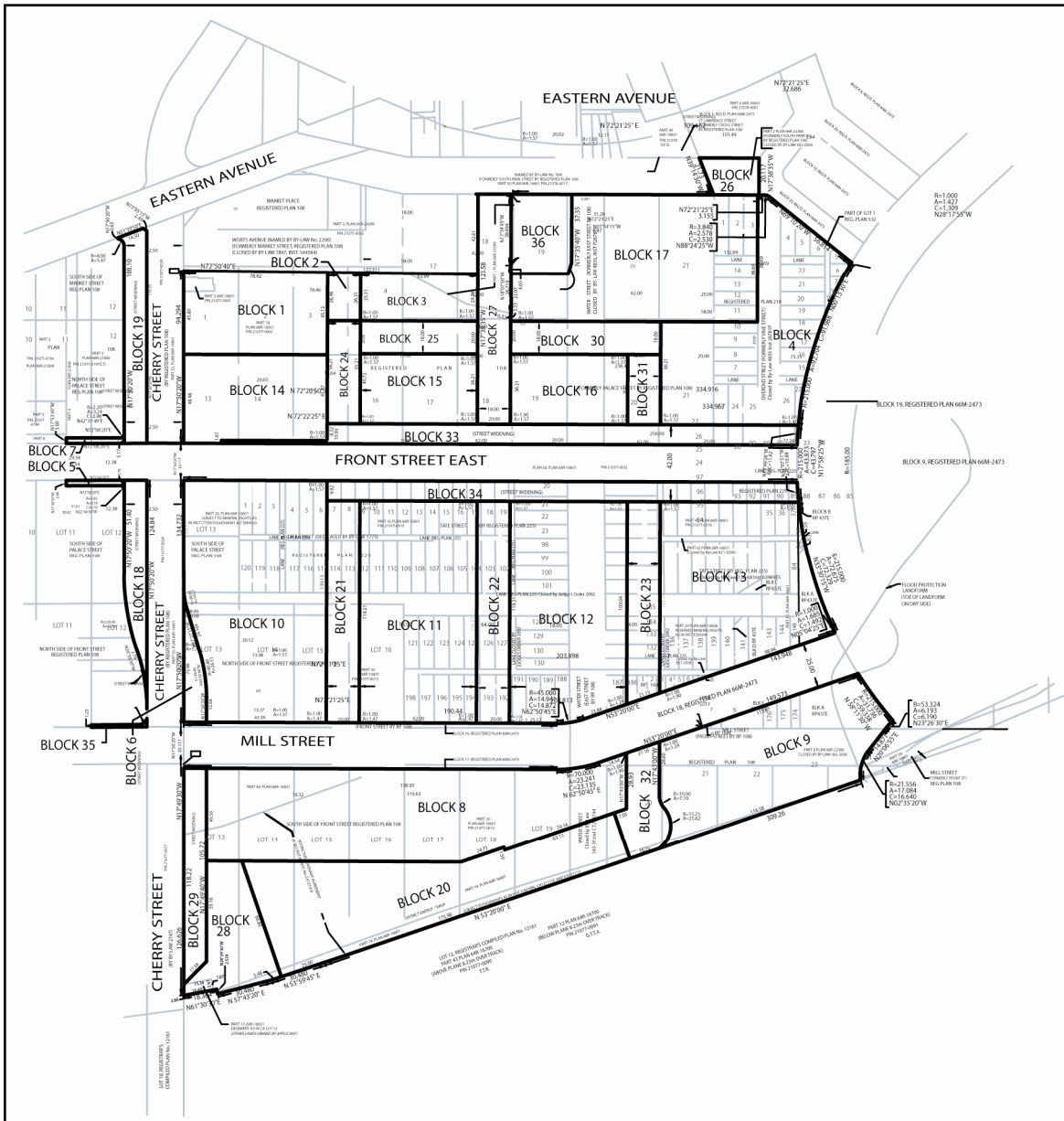
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

- Attachment 1: Draft Plan of Subdivision
- Attachment 2: West Don Lands Phase 2 - Block Numbers
- Attachment 3: Application Data Sheet
- Attachment 4: West Don Lands Phase 2 – Boundary
- Attachment 5: Existing Official Plan
- Attachment 6: Existing Zoning
- Attachment 7: Draft Official Plan Amendment
- Attachment 8: Draft Zoning By-law Amendment
- Attachment 9: Draft Zoning By-law Amendment - Lifting of the “h” Holding Symbol
- Attachment 10: The Pan American & Parapan American Games - Athletes Village
- Attachment 11: West Don Lands Phase 2 – Open Spaces
- Attachment 12: Underpass Park
- Attachment 13: Draft Plan of Subdivision Conditions of Approval

Attachment 1: West Don Lands - Draft Plan of Subdivision



West Don Lands Phase 2 - Draft Plan of Subdivision

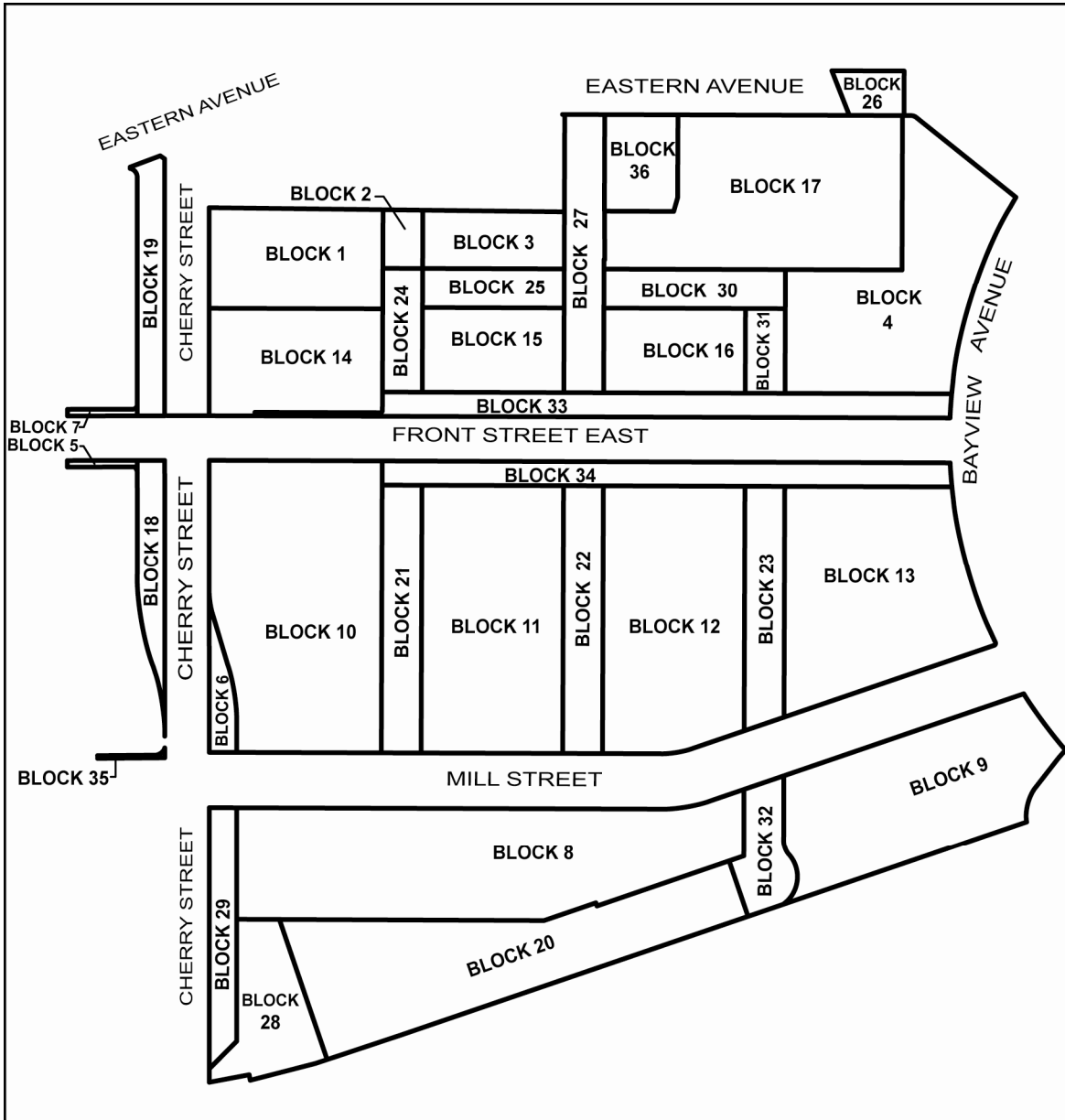
475 Front Street East

File # 08_231376



Not to Scale
07/28/2010

Attachment 2: West Don Lands Phase 2 Subdivision - Block Numbers



West Don Lands Phase 2 - Blocks

475 Front Street East

File # 08_231376



Not to Scale
07/27/2010

Attachment 3: Application Data Sheet

Application Type	Subdivision Approval	Application Number:	08 231376 STE 28 SB 08 231384 STE 28 OZ 08 231387 STE 28 OZ 10 223770 STE 28 OZ
Details		Application Date:	December 22, 2008

Municipal Address: 475 Front Street East
 Location Description: PLS 108 225 & 437E MANY LTS RP 63R4318 PTS 2-5,7&9 << ENTRANCE ADDRESS FOR 425 CHERRY ST **GRID S2813
 Project Description: West Don Lands Phase 2 lands, Draft Plan of Subdivision contains 16 development blocks, future public parks and road allowances.

Applicant:	Agent:	Architect:	Owner:
Waterfront Toronto			Ontario Realty Corporation

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:
Zoning:	RA (h) & G (h)	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	118523	Height:	Storeys:	0
Frontage (m):	0		Metres:	0
Depth (m):	0			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	0
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	0			
Lot Coverage Ratio (%):	0			
Floor Space Index:	0			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

CONTACT: PLANNER NAME: Diane Silver, Planner
TELEPHONE: (416) 397-4648

Attachment 4: West Don Lands Phase 2 – Boundary



 **TORONTO** City Planning

West Don Lands Phase 2 - Land Boundary

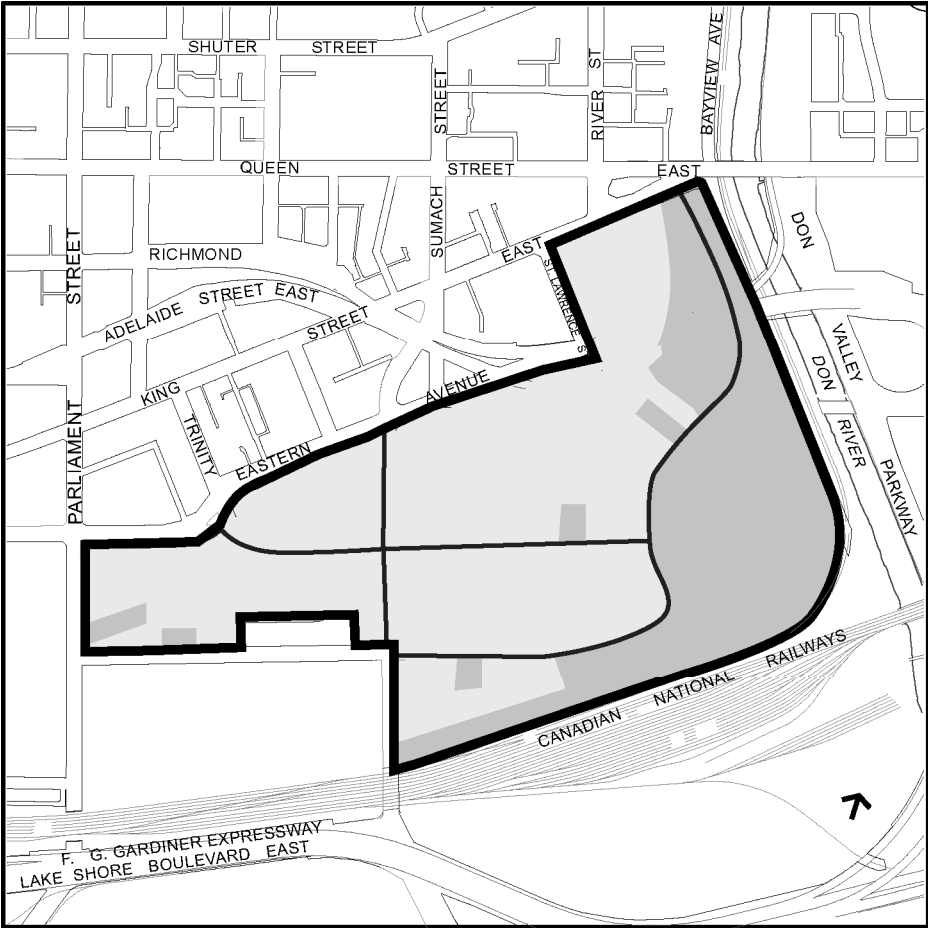
475 Front Street East

File # 08_231376



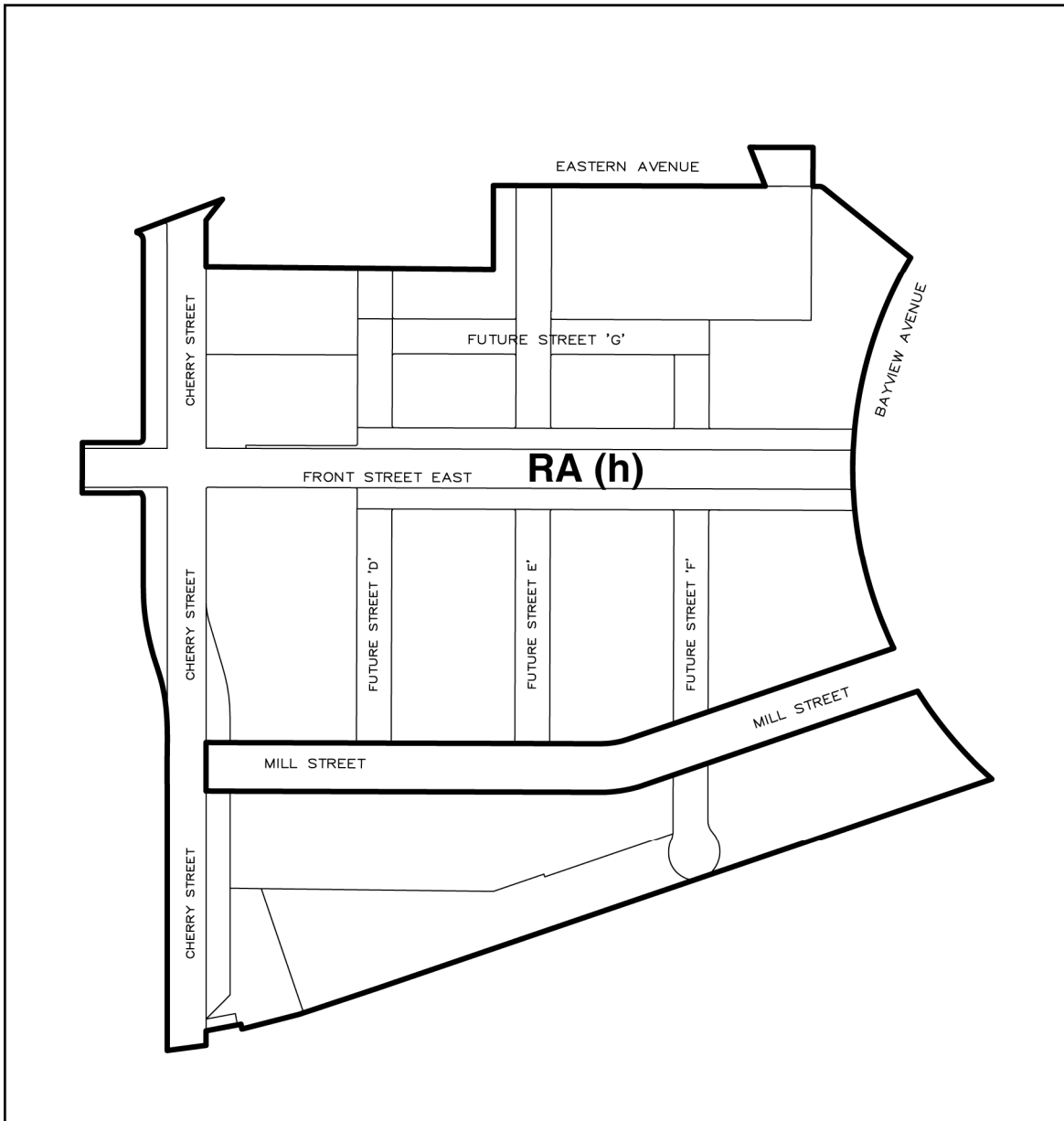
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Attachment 5: Existing Official Plan



□ Regeneration Areas ■ Parks and Open Spaces

Attachment 6: Existing Zoning



Attachment 7: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2010

**To adopt an amendment to the former City of Toronto Official Plan
respecting the West Don Lands**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 390 to the former City of Toronto Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

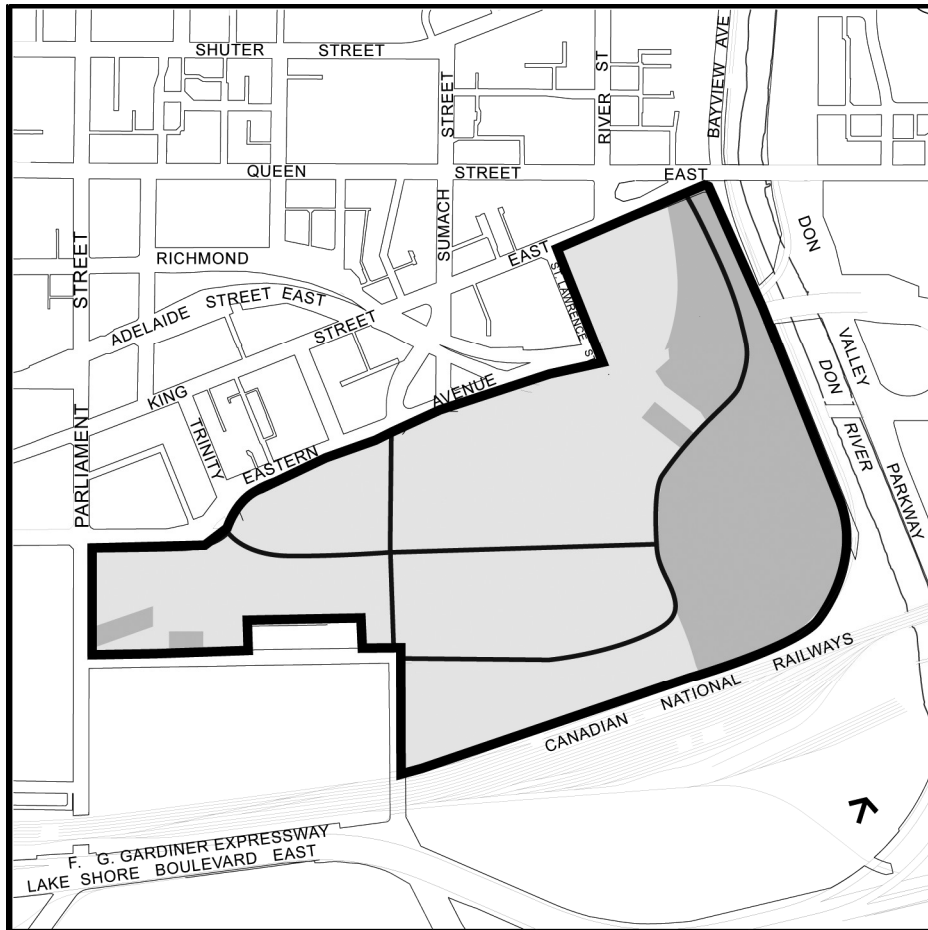
**AMENDMENT NO. 390 TO THE FORMER CITY OF TORONTO OFFICIAL PLAN
RESPECTING LANDS KNOWN AS WEST DON LANDS**

The former City of Toronto Official Plan and the Central Waterfront Plan is amended as follows:

1. Map C, Central Waterfront Plan Parks and Open Space Areas Plan, is amended by removing the Parks designation for the lands south of Mill Street and east of Cherry and fronting onto Front Street east of Cherry Street in the West Don Lands, as shown on the attached Schedule 1.
2. Map E, Central Waterfront Plan Land Use Plan, is amended by re-designating from Parks and Open Space Areas to Regeneration Area for the lands south of Mill Street and east of Cherry Street and fronting onto Front Street East of Cherry Street in the West Don Lands, as shown on the attached Schedule 2.

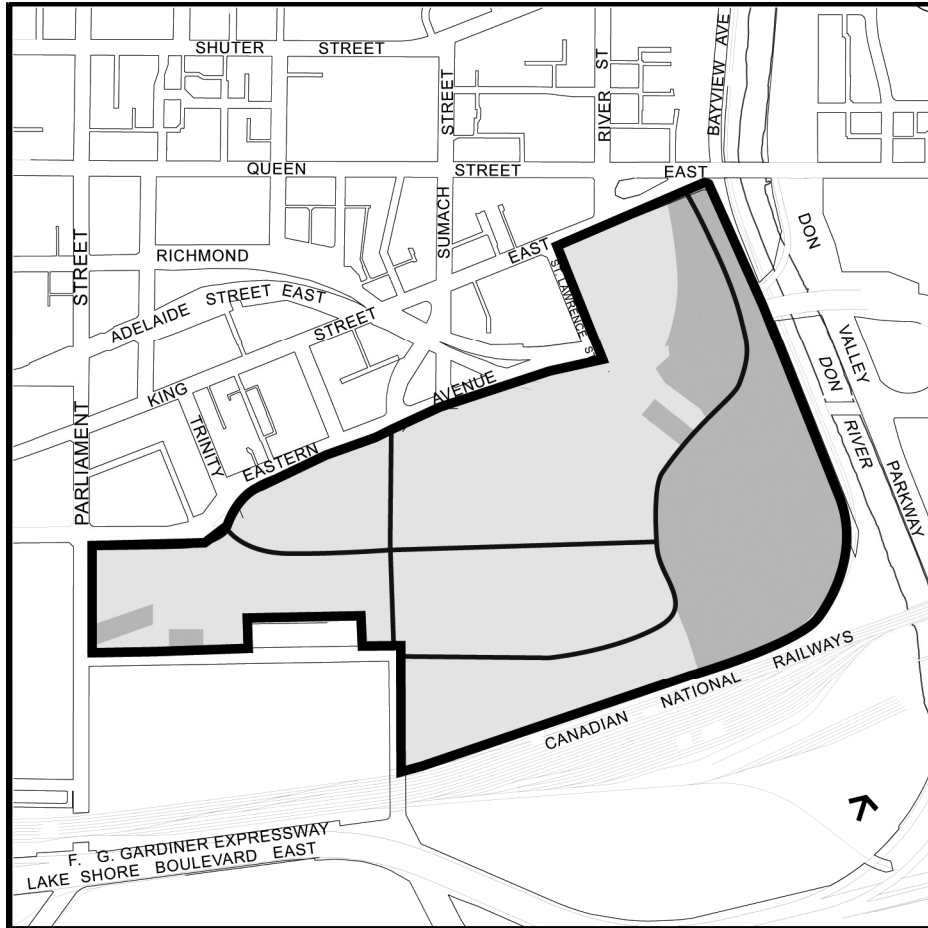
SCHEDULE '1'

Map C – 'Parks and Open Space Areas'



SCHEDULE '2'

Map E – 'Land Use'



Attachment 8: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2010

To amend Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the West Don Lands, Phase 2 lands.

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS this By-law is passed in implementation of the City of Toronto Secondary Plans for the *Central Waterfront* and *The King/Parliament Part II of the Former City of Toronto*; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Section 2(1) of By-law No. 438-86, being “A By-law to regulate the use of land in the erection, use, bulk, height, spacing of and other matters relating to buildings and structures in various areas of the City of Toronto”, as amended, is further amended by:
2. Deleting the definition of “*West Don Lands – Phase 1*,” and replacing it with the following:
 - a) “*West Don Lands*” means those parts of the City of Toronto identified as West Don Lands on the Map 1 attached hereto”; and
 - b) “*West Don Lands – Phase 1*” means those parts of the City of Toronto identified as Phase 1 on the Map 1 attached hereto”; and
 - c) “*West Don Lands – Phase 2*” means those parts of the City of Toronto identified as Phase 2 on Map 1 attached hereto”.
3. Height and Minimum Lot Frontage Maps 51G-323 and 52G-321 contained in Appendix “B” of By-law No. 438-86, as amended, are hereby further amended by redesignating the lands delineated by heavy lines as shown on Map 2 attached hereto.
4. Section 12(1) of By-law No. 438-86, as amended is further amended by adding the following exception:

“483. to prevent the erection of buildings or structures or the use of land in the *West Don Lands – Phase 2* in accordance with the following provisions:

Permitted Uses

- (a) The following uses shall be permitted within an RA district, except within the area identified as Block 20 on Map A:
- i. those uses permitted in Section 7(1) subject to the qualifications in Section 7(2);
 - ii. *car-share* as an accessory use;
 - iii. outdoor art structure or uses;
 - iv. *ornamental structure*;
 - v. *sales office*;
 - vi. *district energy, heating and cooling plant* as the primary use on the lands municipally known on August 11, 2010 as 153 Eastern Avenue;
 - vii. *district energy, heating and cooling plant* that is:
 - A. located below finished ground level on a *lot*, or
 - B. wholly contained within a building in which another use is the primary use.
 - viii. uses accessory to a *district energy, heating and cooling plant* that is erected in accordance with any of subsections (vi) or (vii) herein.
 - ix. *accessory commercial garage* located below *grade* in the area identified as Block 14 on Map A.
- (b) The following uses shall be permitted within an RA district, with the area identified as Block 20 on Map A:
- i. those uses permitted in Section 12(1)(477);
 - ii. a *commercial parking garage*; and
 - iii. the uses listed in (a) above may be permitted on Block 20 provided that no part of a building or structure above *grade* may be permitted closer than 30 metres to the south property line.
- (c) Lands zoned with the “h” Holding Symbol shall not be used for any purpose other than as provided for in subsection (d) herein until the “h” Holding Symbol has been removed. An amending by-law to remove the “h” Holding Symbol in whole, or multiple by-laws to remove the “h” Holding Symbol in parts, shall be enacted by City Council when the following plans and studies have been provided for and secured through an agreement or agreements binding on the owner and successors entered into pursuant to the following sections contained in the

Planning Act: Section 37, Section 41 and Section 51, or any combination of Sections 37, 41 and Section 51 of the *Planning Act*, as appropriate:

- i. a satisfactory Streets and Blocks Plan is prepared demonstrating how the development provides for new streets and blocks in relation to the existing system of streets, such plan to be secured by an appropriate legal agreement between the City and the owner;
 - ii. an Infrastructure Plan dealing with, among other matters, the provision of roads, sewer and water services, public parks and community services and facilities;
 - iii. an Environmental Management Plan dealing with, among other matters, the remediation of soils and groundwater and the provision of flood protection measures;
 - iv. in the case of the *Don River Open Space District* or the *Cherry Street Reinvestment District* an assessment of the need for and feasibility of realigning Bayview Avenue south of Queen Street East, and if desirable, a plan for the realignment, functioning and implementation of a realigned Bayview Avenue within the *West Don Lands Reinvestment Area*, such a plan to be secured through an appropriate legal agreement; and
 - v. a Phasing Plan dealing with the sequencing of new development and the timing of the provision of matters set out in (i) through (iv) above.
- (d) Until such time as the “h” Holding Symbol has been removed, the following uses shall be permitted within an RA(h) district:
- i. those uses permitted within an “h” district in Section 7(1), subject to the qualifications in Section 7(2), except that where such uses are located within a building or structure lawfully erected on the *lot* on the date of the passing of this Zoning By-law pursuant to Section 7(2)5, an addition thereto is permitted provided that the addition does not exceed 10% of the *non-residential gross floor area* of the existing building as it existed at the time of the passing of this Zoning By-law;
 - ii. those uses permitted in subsections (a)(iii), (iv), (v) and (vi) herein.

Parking

(e) Parking facilities shall be provided in accordance with Sections 4(5), 4(9), 4(13), 4(17), 7(3) Part IV and 12(2)(246)(e), except that:

- i. for each *car-share parking space* provided, the minimum required resident *parking spaces* shall be reduced by 4 *parking spaces*. The maximum reduction permitted by this means shall be limited to no more than 25 percent of the resident parking supply required pursuant to Section 12(2)(246)(e) and subsection (e)(vi) herein;
- ii. for the purposes of the Occupancy Rate set out in Schedule 1 of Section 12(2)(246)(e), the following rates shall apply to non-residential uses:

Time of Day	Occupancy Rate					
	Office Uses	Place of Worship	Clinic – Medical & Dental Offices	Educational	Industrial Manufacturing	All Other Non-residential Uses
Morning	100%	0%	100%	100%	100%	20%
Afternoon	60%	0%	100%	100%	100%	100%
Evening	0%	100%	50%	0%	100%	100%

- iii. no parking shall be required for the existing building as a *district energy, heating and cooling plant* on the lands municipally known on August 11, 2010, as 153 Eastern Avenue;
- iv. for each 5 *bicycle parking spaces* provided in excess of the minimum number of *bicycle parking spaces* required by Section 4(13), the minimum required residential automobile parking spaces shall be reduced by 1 *parking space*, up to a maximum reduction of 20% of the total minimum *parking spaces* required, pursuant to Section 12(2)(246)(e) and subsection (e)(vi) herein;
- v. Notwithstanding Section 12(2)246(e), parking for *assisted housing* shall be provided in accordance with the following rates per unit:
 - Bachelor: 0.12
 - 1-bedroom: 0.18
 - 2-bedroom: 0.30
 - 3+-bedroom: 0.5

Loading

- (f) Loading facilities shall be provided in accordance with Section 4(8), Section 4(9), Section 7(3) Part IV and Sections 12(2)(246)(e) and (f), except that:
- i. for a building containing 30 or more *dwelling units* within the area shown on Map 2 as having a maximum height zone of 15 metres; and
 - ii. *Type 'G'* loading shall be required for buildings containing 30 or more *dwelling units* only where access to *dwelling units* is by means of a common internal corridor and *rowplexes*.

Height

- (g) No person shall erect or use a building or structure on the lands delineated by heavy lines on Map 2 having a greater height in metres than the height limit specified by the numbers following the symbol "H" on Map 2.
- (h) Notwithstanding Section (g) above, in the locations shown on Map B, the maximum *height* shall be in accordance with Section 4(2), except that:
- i. Tower Area A
 - A. only one Tower will be permitted within each of the areas shown as Tower Area A on Map C;
 - B. the maximum building *height* shall be 48 metres; and
 - C. above the *height* of 36 metres each individual floor may not exceed a *residential gross floor area* of more than 800 square metres.
 - ii. Tower Area B
 - A. only one Tower will be permitted within each of the areas shown as Tower Area B on Map C;
 - B. the maximum building *height* shall be 48 metres; and
 - C. above the *height* of 24 metres, each individual floor may not exceed a *residential gross floor area* of more than 800 square metres.
 - iii. Tower Area C:
 - A. only one Tower is permitted within the area shown as Tower Area C on Map C;
 - B. the maximum building *height* shall be 78 metres; and
 - C. above the *height* of 24 metres, each individual floor may not exceed a *residential gross floor area* of more than 800 square metres.

Building Separation

- (i) If a building has walls facing each other or facing the walls of another building for any building located in Towers Areas B and C as shown on Map C, and a line projected at a right angle from one of these walls intercepts the other wall, then a minimum separation distance of 25 metres is required for any portion of a building above a *height* of 24 metres.

Setbacks

- (j) No part of a building or structure above *grade* on a *lot* may be located closer to a lot line than the number in metres as shown on Map C.

Upper-level Stepbacks

- (k) Within each '*Height District*' listed in Column A in the chart below, no building or structure may exceed the '*Height Above Which Stepback is Required*' as set out in Column B below, unless the portion of the building or structure above such *height* at the corresponding row in Column B is set back a minimum of 3 metres from the main wall facing a street, below the height in Column B:

Column A <i>Height District</i>	Column B <i>Height Above Which Stepback is Required</i>
20 metres	13 metres
26 metres	18 metres
30 metres	21 metres
36 metres	27 metres

Height, Setback and Stepback Exceptions

- (l) Subsection (k) herein does not apply to buildings with *frontage* on the south side of Mill Street, where the main wall facing a street above a *height* of 21 metres, including the main wall of a building erected in accordance with subsection (h)(ii) and (iii) herein, must be set back 6 metres from the main wall facing a street below a *height* of 21 metres.
- (m) Subsections (j), (k) and (l) herein do not apply to the projection within the required setback from any lot line to the types of structure listed in Column A below, provided any restriction set out in the corresponding row in Column B is complied with.

Column A Structure	Column B Maximum Permitted Projection
A. eaves, cornices, or ornaments	Maximum of 1.0 metre projection
B. fences, safety railings, and patio structures	No restriction on the extent of the projection provided the <i>height</i> of the structure does not exceed 2.0 metres
C. canopy	No restrictions
D. bay window	The projection cannot exceed 1.0 metre from the wall to which it is attached
E. balcony	The projection cannot exceed 1.5 metres from the wall to which it is attached
F. stairs	No restriction

- (n) Subsections (g) and (h) herein do not prevent the erection or use of the following:
- i. a stair tower, elevator shaft, or other heating, vents, cooling or ventilating equipment or window washing equipment or electrical energy generating equipment on the roof of the building or a fence, wall or structure enclosing such elements, provided:
 - A. the maximum vertical extent of such elements or enclosure above the permitted *height* is no greater than 6 metres;
 - B. the aggregate horizontal area of such elements, including the area contained within an enclosure, does not exceed 40% of the area of the top *storey* of the building and
 - C. the width of any such elements, including the width of an enclosure, located within six metres of a *lot* line that is a *street* line, does not exceed 30% of the width of the main wall of the building facing the *lot line* provided the width is to be measured parallel to the *lot* line boundary.
 - ii. heating, vents, cooling or ventilating equipment on the roof of the building. provided such heating, vents, cooling or ventilating equipment does not exceed 9 metres in height and is accessory to a *district energy, heating and cooling plant* that is erected in accordance with Section 12(1)(477) subsection (a)(vi), (a)(vii) or (a)(viii) herein;
 - iii. structures identified in Section 4(2)(a)(ii), subject to the limitations contained herein;
 - iv. a chimney stack for a *district energy, heating and cooling plant*, which has been approved by the Ministry of the Environment; and

- v. parapets to a maximum vertical projection of 1.0 metre.
- (o) Notwithstanding the minimum setback of 30 metres as shown on Map C, the minimum setback of 30 metres shall not apply to the area identified on Map A as Block 20, provided Block 20 is used for a *commercial parking garage* and/or a *district energy heating and cooling plant*.

Amenity Space

- (p) *Residential amenity space* shall only be required if a building has 35 or more dwelling units with such *residential amenity space* to be provided at a combined minimum rate of 3.0 square metres per dwelling unit of which:
 - i. a minimum of 2 square metres for each dwelling unit is indoor amenity space and;
 - ii. a minimum of 35 square metres is outdoor amenity space and in a location adjoining or directly accessible to the indoor amenity space.

Ground Floor Animation Areas

- (q) No building or structure on a *lot* subject to a *Ground Floor Animation* area requirement as shown on Map D may be erected or used unless:
 - i) at least 70% of the total length of each block *frontage* identified as *Ground Floor Animation* areas on Map D, is used for no purpose other than *ground floor animation* uses; and
 - ii) no *dwelling units* are located on the ground floor of buildings or structures facing an Animation Frontage as shown on Map D.

Residential Building: Frontage on a Public Highway

- (r) A block or *lot* on a plan of subdivision that does not front onto a public street but does front onto a block on a registered plan of subdivision which will be conveyed, in future, to the City for road purposes shall be deemed to front onto a public street for the purposes of subsection 4(11)(a).

Additional Provisions

- (s) The provisions of Sections 2(2), 4(10), 4(11)(b), (c), (d), (e) and 4(16) shall apply to the *West Don Lands – Phase 2*, as shown on Map 1.

Exceptions

- (t) Subsections (j) and (k) do not apply to a building or structure lawfully erected at the time of passing of this Zoning By-law on lands municipally known in 2010 as

409 Front Street East, 425 Cherry Street, 153 Eastern Avenue and 169 Eastern Avenue.

- (u) Restrictive Exception 12(2)(95) shall not apply to the *West Don Lands – Phase 2*.
- (v) Restrictive Exception 12(2)(132) shall not apply to the *West Don Lands – Phase 2*.
- (w) Restrictive Exceptions 12(2)(246)a and 12(2)(246)b shall not apply to the *West Don Lands – Phase 2*.
- (x) Restrictive Exception 12(2)(260) shall not apply to the *West Don Lands – Phase 2*.
- (y) Notwithstanding the provisions of this Section, the provisions of By-law 1266-2008 shall apply.

Definitions

- (z) For the purposes of this exception, Section 2(1) shall apply, in addition to the following definitions, which shall prevail in the instance of a conflict with definitions set out in Section 2(1):
 - i. “*Accessory commercial garage*” means a building or a portion of a building, other than a *private garage*, that is used for the temporary parking of motor vehicles, as an accessory use to the principal use or uses permitted on the whole of the *lot* or on the portion of the *lot* on which the parking garage is located, or which is not the primary use and on the *lot* and may be occupied by motor vehicles whose users are not occupants or customers of the building where the *accessory commercial garage* is located;
 - ii. “*Assisted housing*” is a *dwelling unit* owned and operated by or on behalf of the Toronto Community Housing Corporation, or by a non-profit agency in cooperation with the City of Toronto;
 - iii. “*Car-share*” means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;

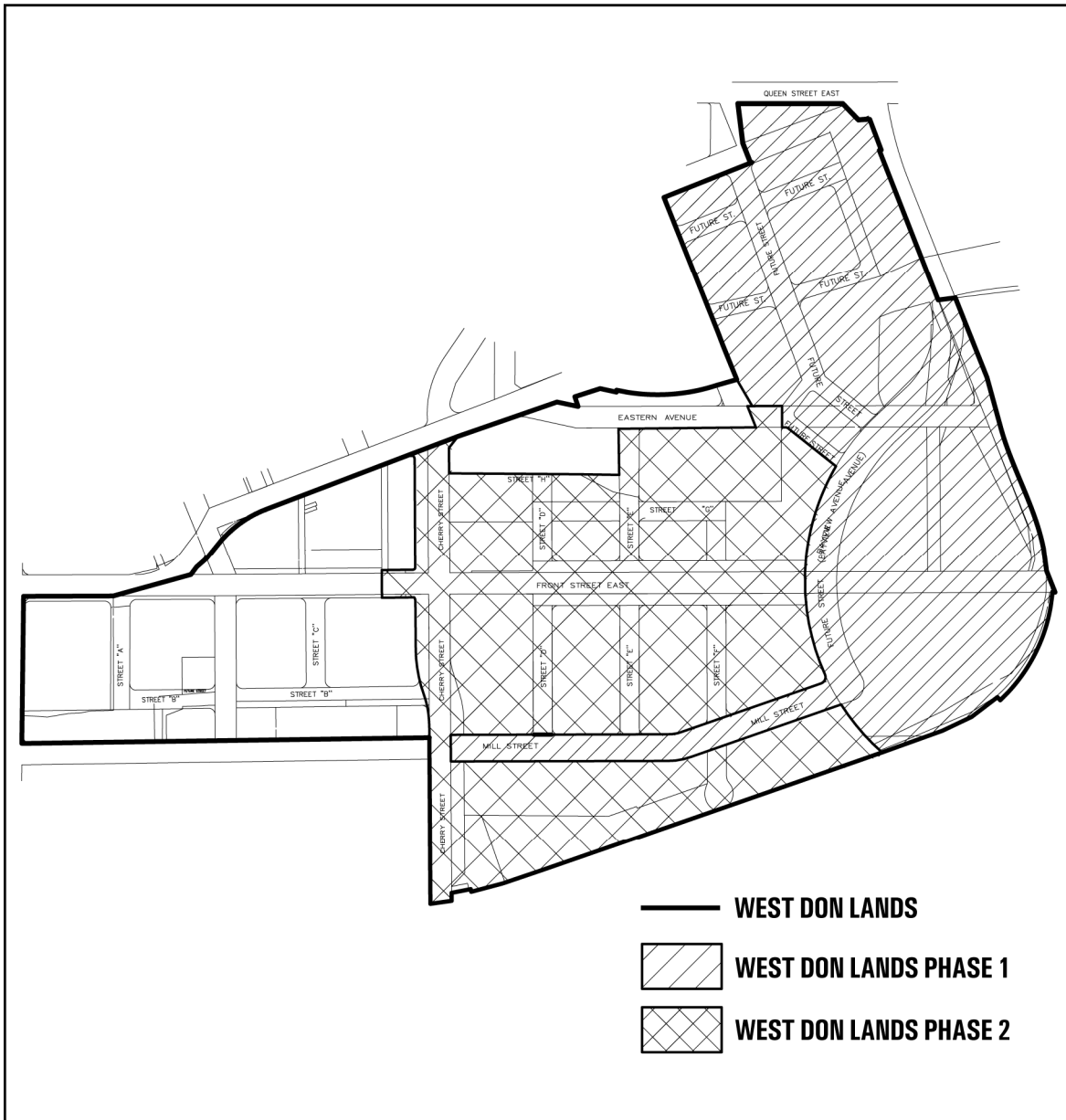
- iv. “*Car-share parking space*” means a *parking space* that is reserved and actively used for car-share;
- v. “*District energy, heating and cooling plant*” means a building or structure, or part thereof, that is used for the production of electrical power, heating and cooling which is generated/converted at one or more linked locations and then is distributed to the users, and includes uses *accessory* thereto and a chimney that has been approved by the Ministry of the Environment;
- vi. “*Ground floor animation*” includes uses shall have the same meaning as the expression *street-related retail and service uses*, except that, in addition to those uses listed in sections 8(1)(f)(b)(i), (ii) and (iv), an *artist’s or photographer’s studio* shall also be permitted;
- vii. “*Sales Office*” means a building, structure, facility or trailer, or part thereof, that is used for the purpose of marketing and sales related to uses permitted in the *West Don Lands*.

ENACTED AND PASSED this _____ day of _____, A.D. 2010.

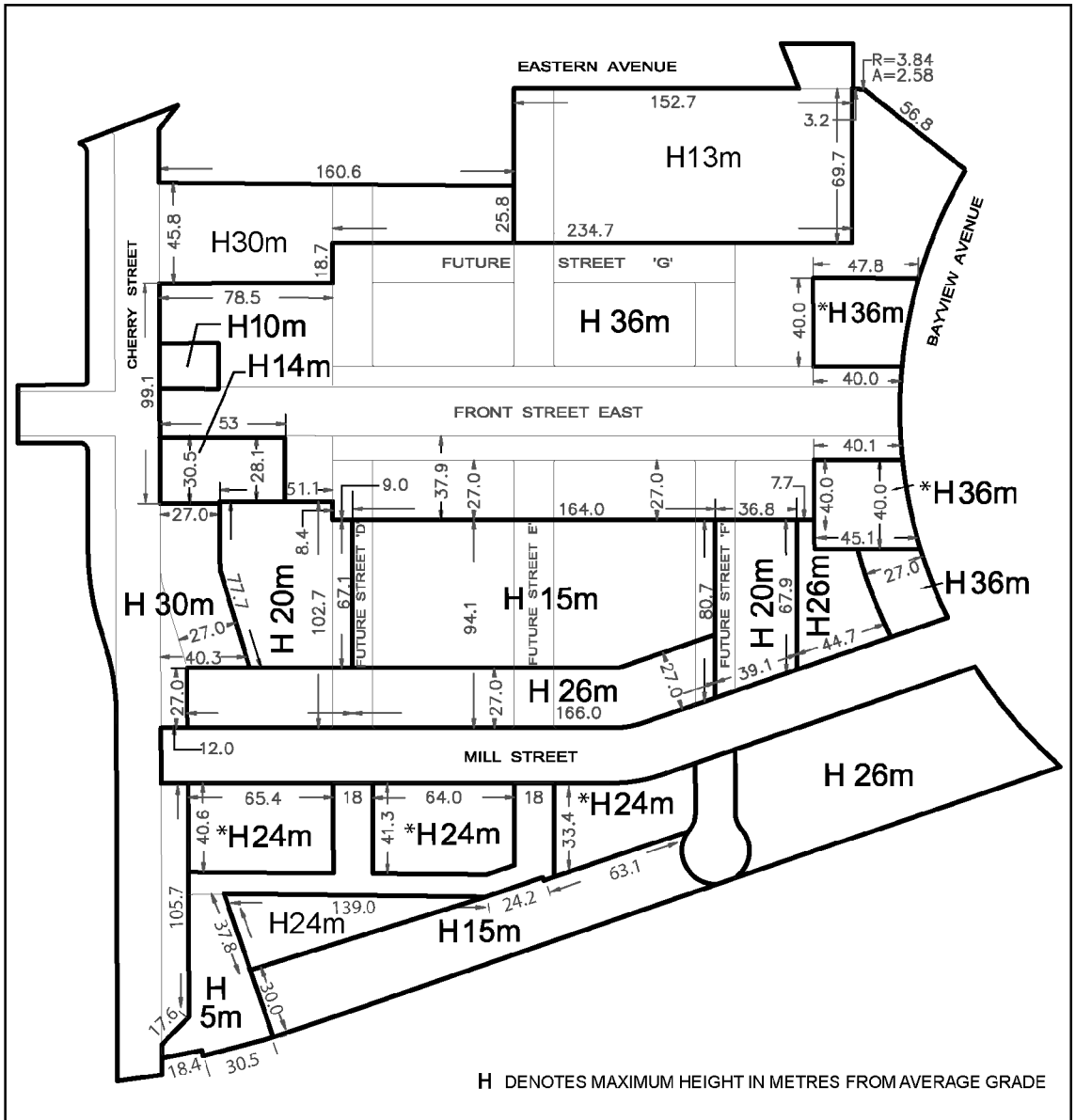
DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Not to Scale
08/12/2010



Map 2 - Heights

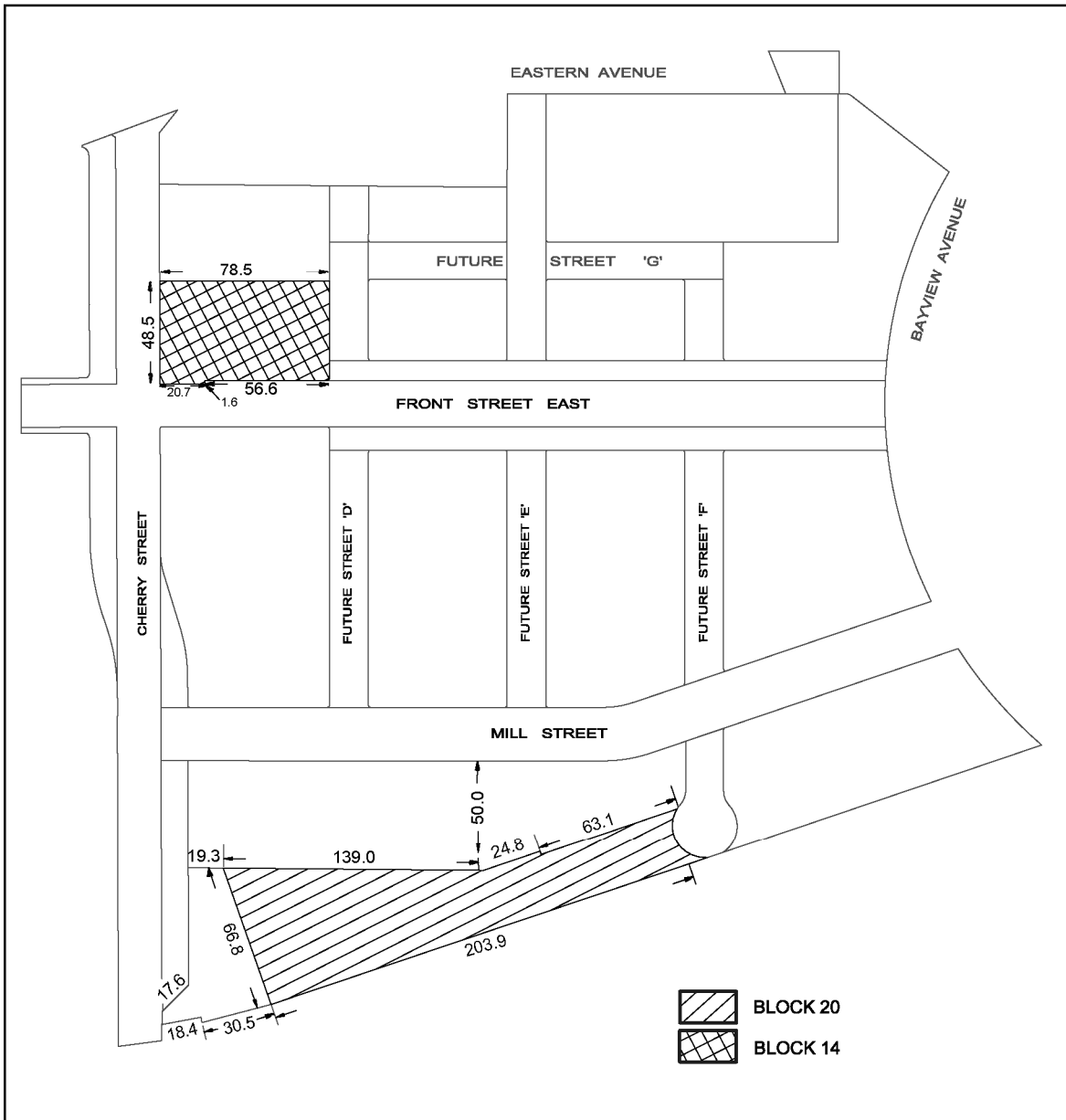
NOTE: *H refers to Zoning Bylaw Section on (h) for Tower Heights A, B, & C

West Don Lands Phase 2

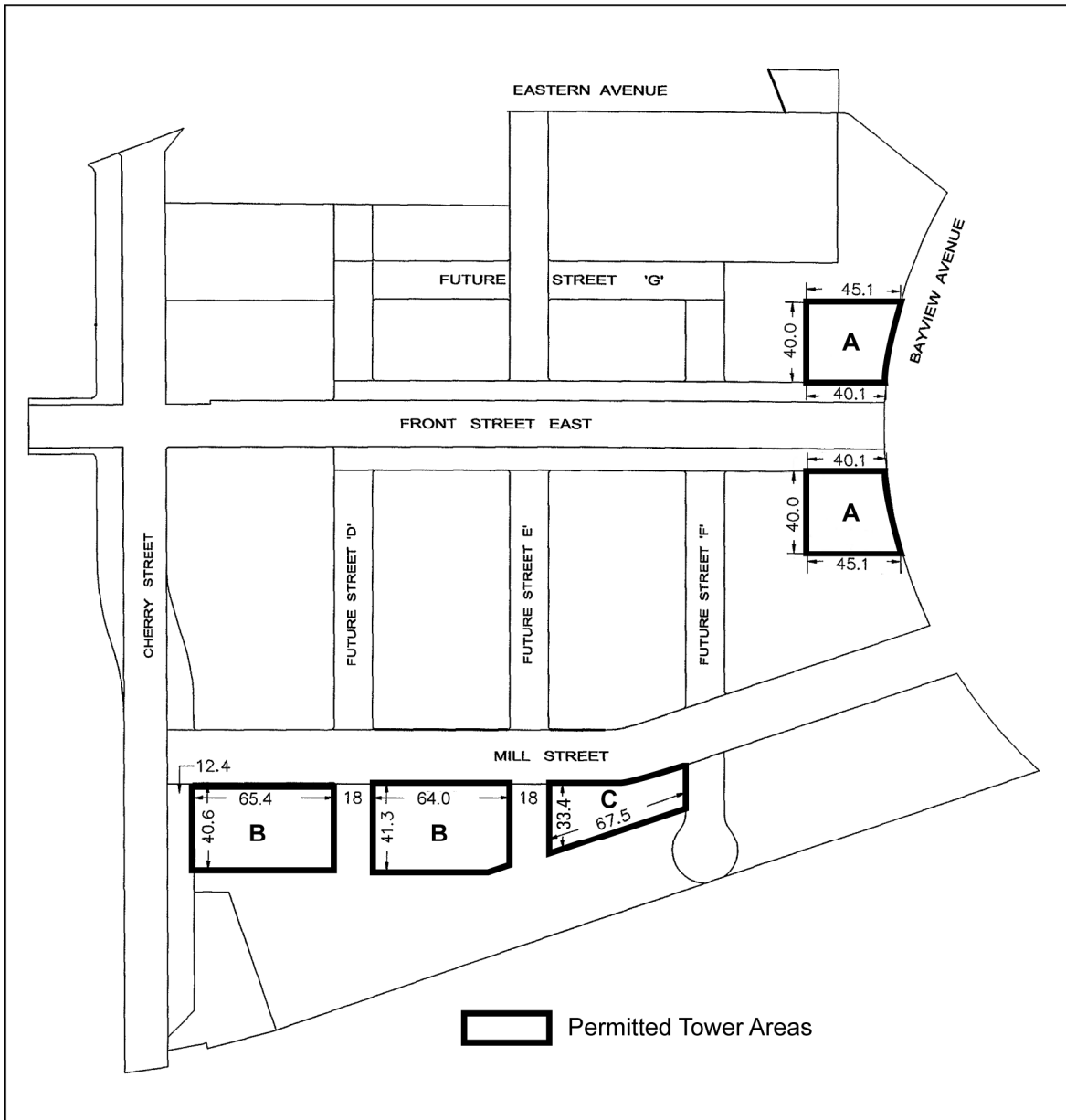
File # 08_231384

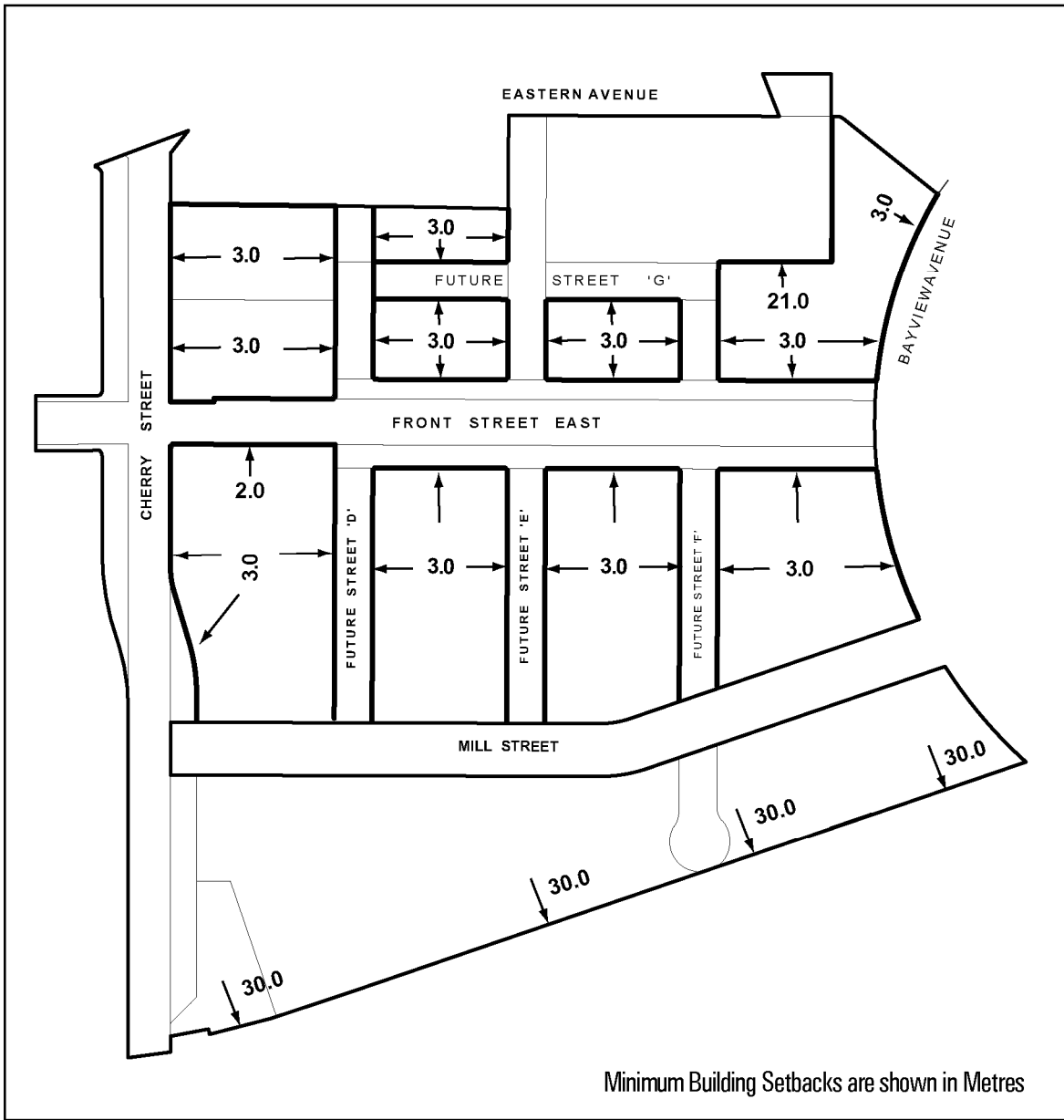


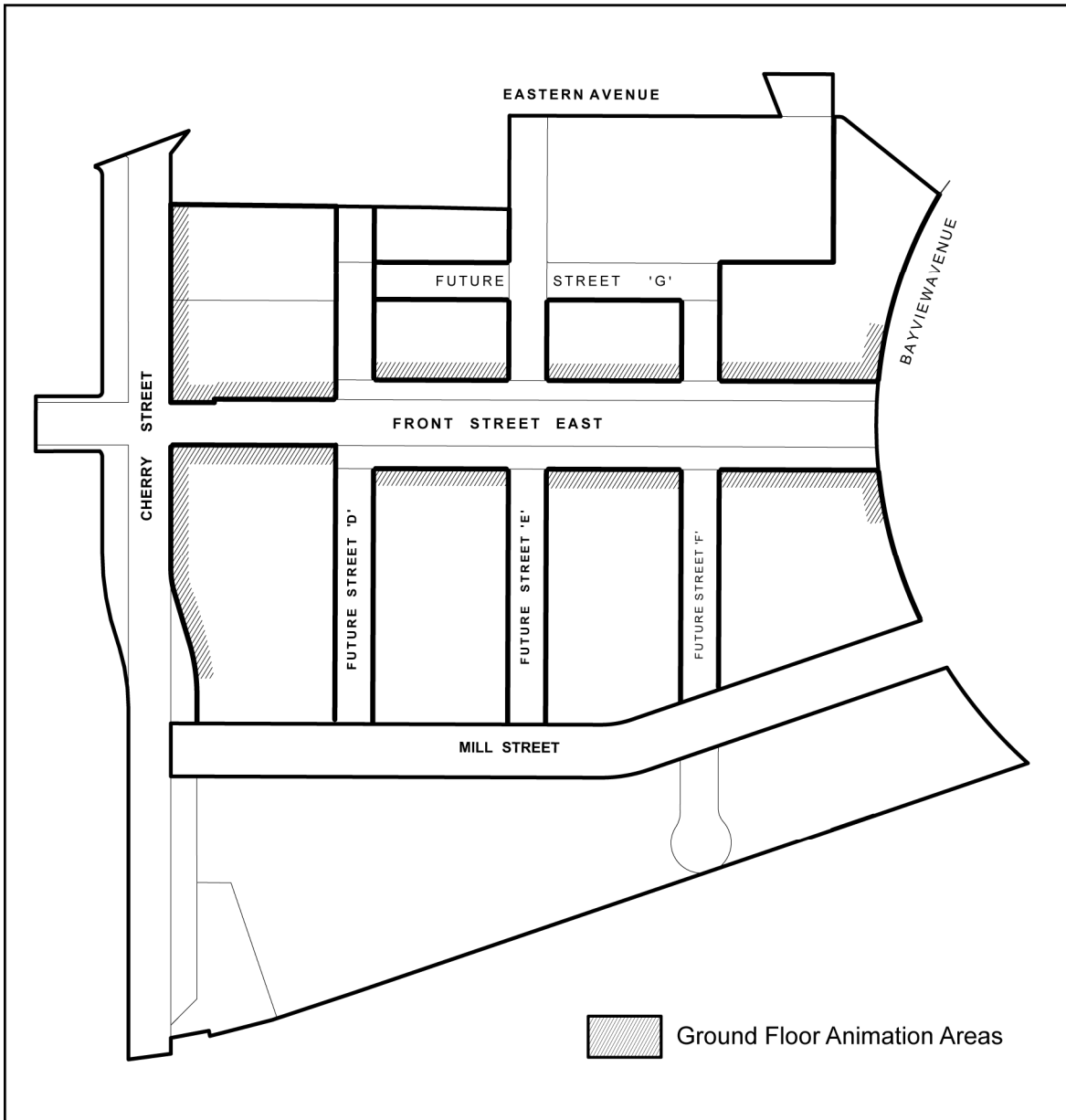
Not to Scale
08/12/2010



Not to Scale
08/12/2010







Attachment 9: Draft Zoning By-law Amendment – Removal of the Holding Symbol

Authority: ~ Community Council Item No. ~,
as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2010

**To amend Zoning By-law No. 438-86, as amended, of the former
City of Toronto with respect to the West Don Lands, Phase 2 lands.**

WHEREAS authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to impose the holding symbol (“h”) in conjunction with any use designation, to specify the use to which the lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the zoning by-law; and

WHEREAS Council is satisfied that the conditions relating to the lifting of the “h” holding symbol have been satisfied in relation to the subject lands as shown within the heavy black lines on Map 1 attached hereto; and

WHEREAS Council of the City of Toronto has provided notice to the person and public bodies prescribed by the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. District Map 51G-323 contained in Appendix “A” of By-law No. 438-86, as amended, being a By-law “To regulate the use of lands and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures within the City of Toronto” is further amended by deleting the holding symbol “h” from the designation “(RA)h” from the lands shown within the heavy lines as shown on Map 1 attached as Schedule “1” hereto.

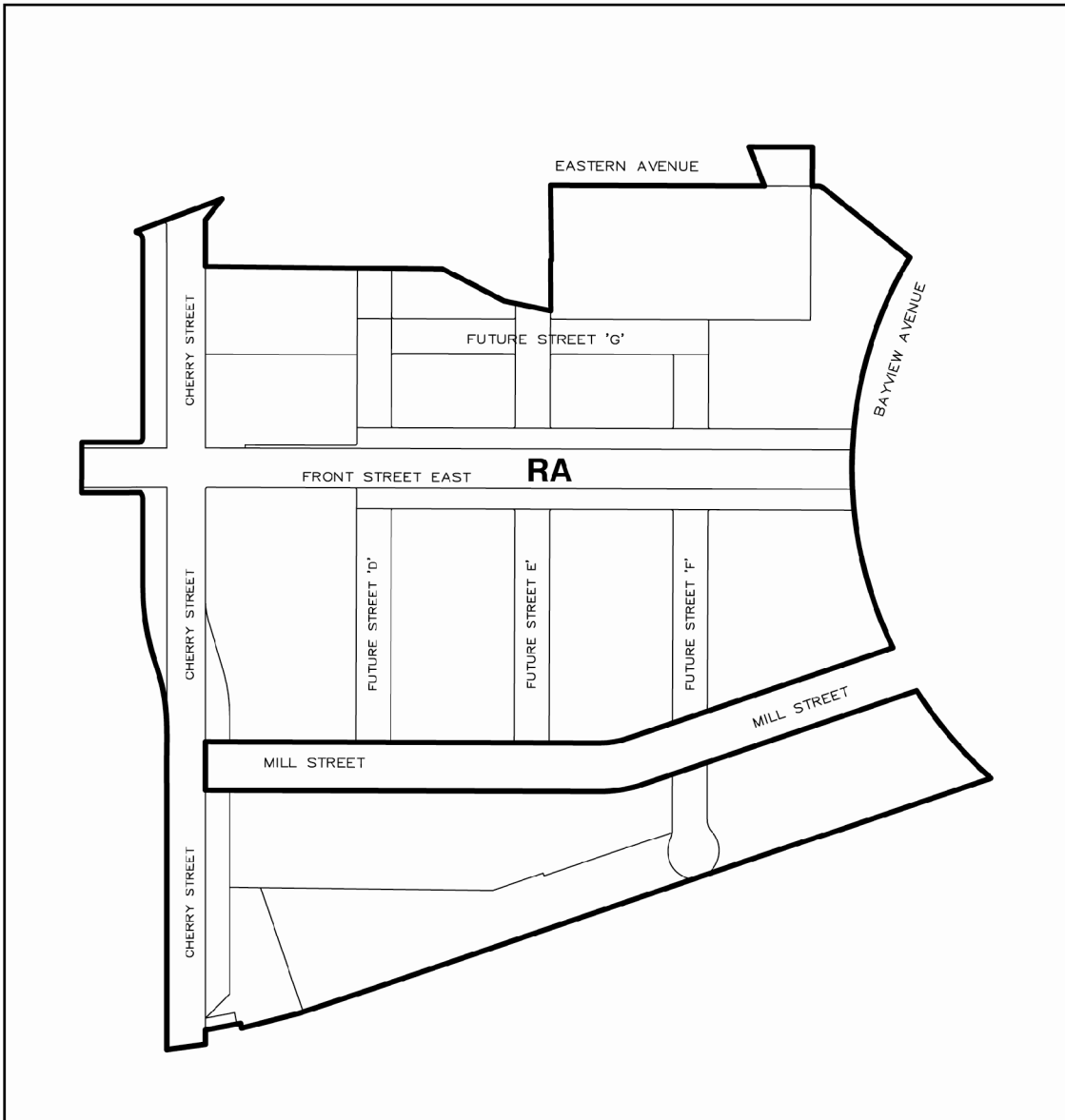
ENACTED AND PASSED this ~ day of ~, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE '1'



Map 1 - Area where (h) is to be lifted

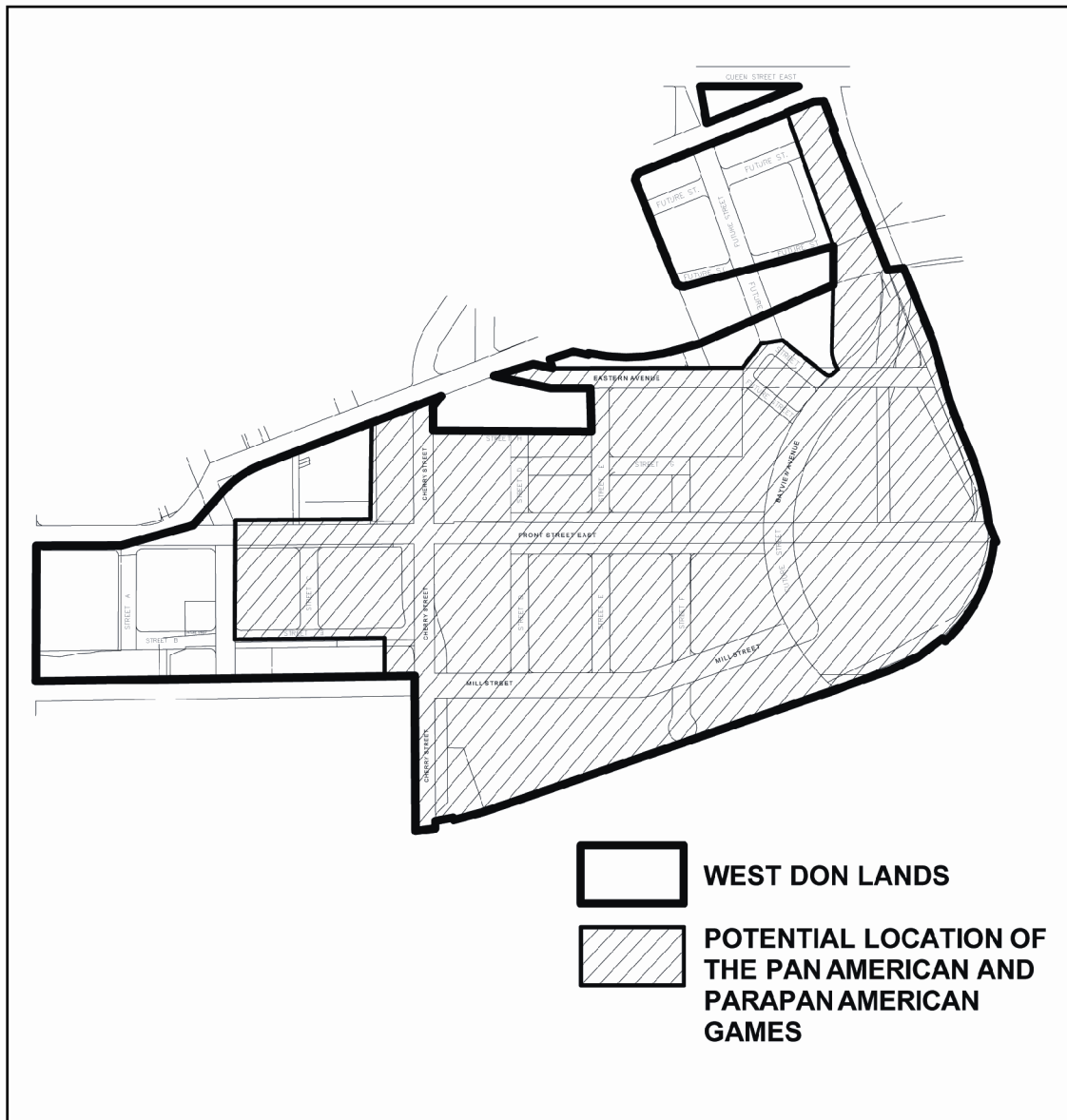
475 Front Street East

File # 08_231387



Not to Scale
07/23/2010

Attachment 10: The Pan American & Parapan American Games Athletes Village



**Potential Location of
The Pan American & Parapan American Games Athletes Village**

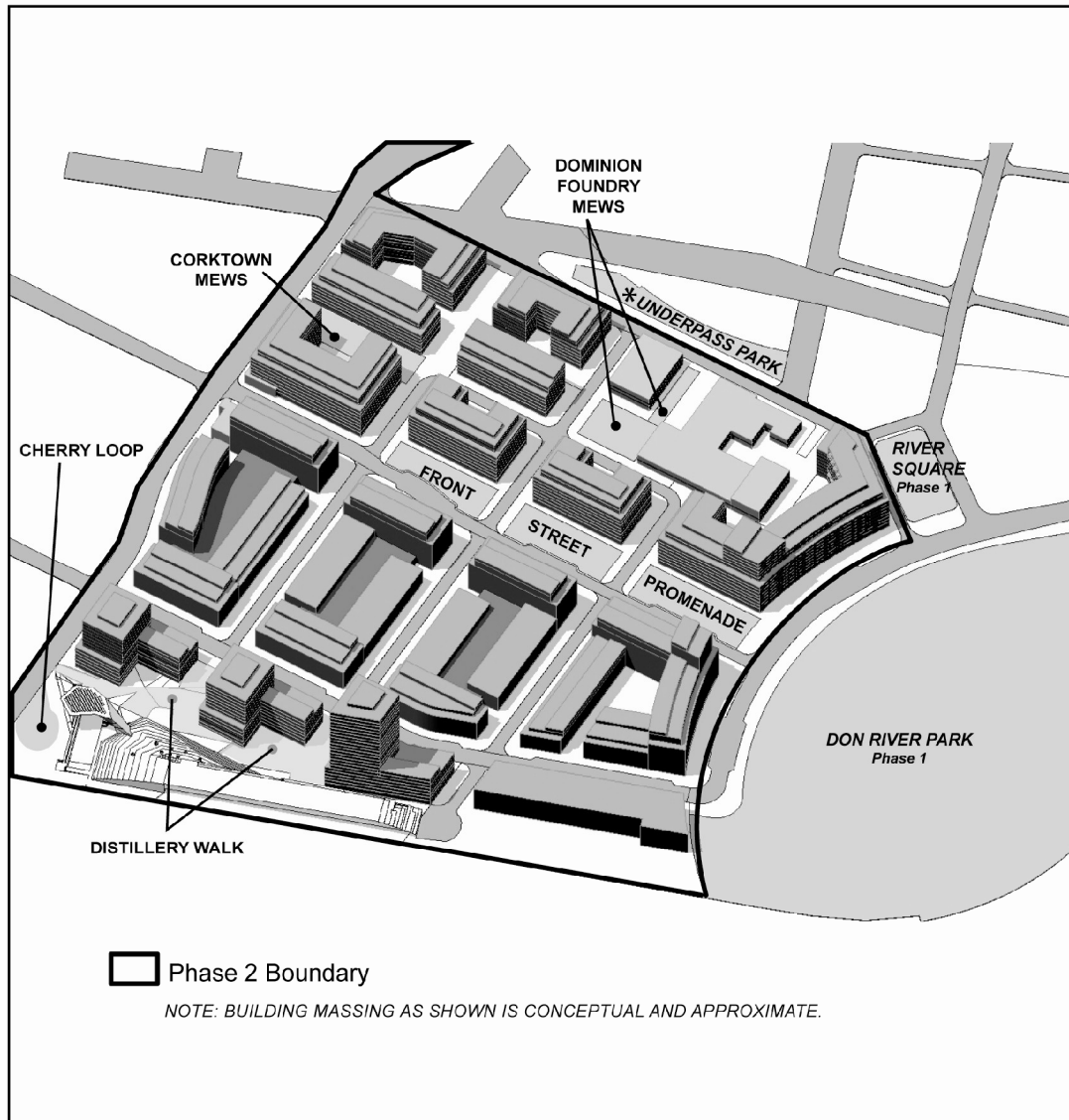
475 Front Street East

File # 08_231376



Not to Scale
07/27/2010

Attachment 11: West Don Lands Phase 2 – Open Spaces



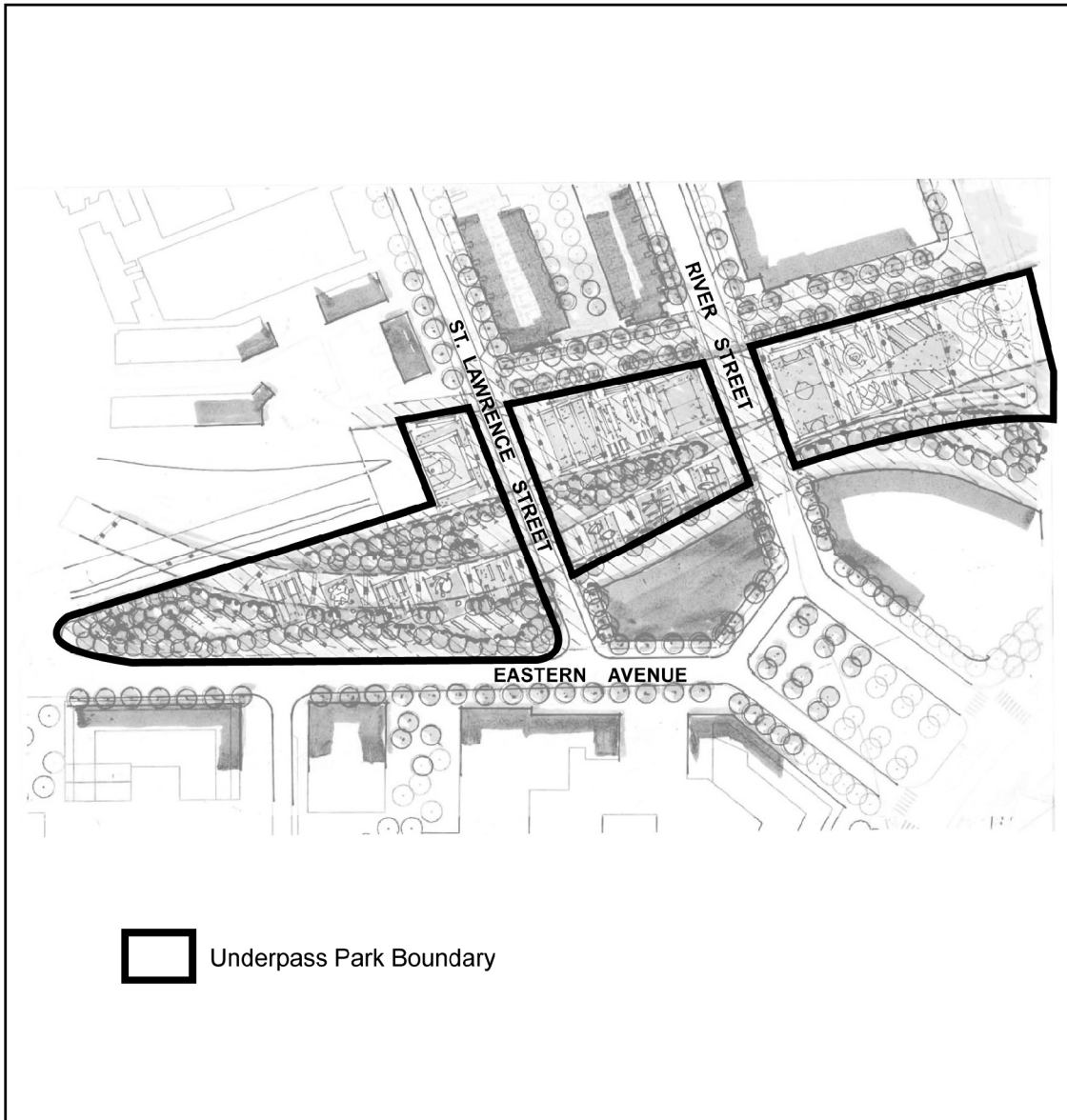
475 Front Street East
File # 08_231376

Privately owned, publicly-accessible open space
(Dominion Foundry, Corktown Mews and Distillery Walk)

Publicly owned open space (Front Street Promenade and Cherry Loop)
(*Underpass Park beyond Phase 2 Boundary)

↑
Not to Scale
07/28/2010

Attachment 12: Underpass Park



 **TORONTO** City Planning
"Underpass Park" Conceptual Plan

↑
Not to Scale
08/12/2010

Attachment 13: Draft Conditions of Subdivision Approval

Date: July 29, 2010
File No.: 08 231376 STE 28 SB
Owner: Ontario Realty Corporation
Location: 475 Front Street East, West Don Lands, Phase 2

1. The Owner enter into the City's standard subdivision agreement in a form and content to the satisfaction of the City Solicitor and satisfy all pre-registration conditions. The Owner shall forward the executed subdivision agreement to CN Rail, Metrolinx, the Toronto District School Board and the Toronto and Region Conservation Authority.

Phasing

2. Prior to the registration of the plan of subdivision, the Owner shall prepare and submit for review and acceptance of Technical Services and City Planning a 'Preliminary Staging Plan' that identifies the staged construction of the services including but not limited to public streets and other municipal infrastructure and public realm improvements, and that identifies the proposed co-ordination and orderly development of the Blocks within the plan of subdivision.
3. Development within the plan of subdivision may proceed on a staged basis including the construction and conveyance of the municipal infrastructure, the proposed streets, related infrastructure, storm water management, water and sanitary sewer infrastructure provided the same is satisfactory to Technical Services, is in accordance with the accepted 'Preliminary Staging Plan', and on such terms as provided for in the subdivision agreement with respect to the Acceptance and Assumption of Services and the Dedication of Public Streets to the satisfaction of Technical Services and the City Solicitor.
4. In the event that changes are proposed to the 'Preliminary Staging Plan' prior to Release for Construction of Services, then the Owner agrees to update the 'Staging Plan' prior to Release for Construction of Services for the review and acceptance of Technical Services and City Planning.
5. The Owner agrees to implement the plan of subdivision and construct the required municipal infrastructure generally in conformity with the accepted 'Staging Plan' unless otherwise agreed to by Technical Services.

Land Exchange

6. Prior to the registration of the plan of subdivision, the Owner shall make arrangements to the satisfaction of the City Solicitor for the necessary land transactions/exchanges with the City, required to facilitate the proposed development.

Infrastructure

7. The Owner agrees to maintain securities in an amount acceptable to Technical Services for the completed infrastructure as a maintenance guarantee for two years from the date of completion of each construction stage as certified by the Consulting Engineer and accepted by Technical Services. Securities will be released following City Council's approval of an Assumption Report, which will be submitted within 3 years from the date of completion of each construction stage to the satisfaction of Technical Services. Assumption of works may be staged in accordance with the approved construction staging plans.
8. The Owner shall construct all utilities underground, unless otherwise agreed to by Technical Services.
9. Prior to the registration of the plan of subdivision, the Owner shall submit a "Traffic Operations Assessment", including traffic signal warrant analyses, for the review and approval of Technical Services.
10. Prior to the registration of the plan of subdivision, the Owner agrees to pay the City* for any traffic control signals, including a lump sum payment* for maintenance of the signals and any other traffic improvements/mitigation measures identified in the approved "Traffic Operations Assessment". (*Technical Services to provide the dollar amount to include in this condition prior to execution of the agreement).
11. The Owner agrees to construct, at its own expense, any modifications or improvements to the existing abutting streets, facilities and public infrastructure external to the Plan of Subdivision, including but not limited to: improvements to Cherry Street, Front Street, Mill Street, and Eastern Avenue, which may be required to accommodate this development to the satisfaction of Technical Services.

Functional Servicing Report

12. Prior to the registration of the plan of subdivision, the Owner shall prepare and submit a Functional Servicing Report to the satisfaction of Technical Services.

Functional Storm Water Management Report

13. Prior to the registration of the plan of subdivision, the Owner shall prepare and submit a Functional Storm Water Management Report, to the satisfaction of Technical Services.

Traffic Operations Assessment

14. The Owner agrees to prepare and submit for review and acceptance of Transportation Services, Traffic Operations Assessment(s), in conjunction with future site plan applications for development on Blocks(s) in the plan of subdivision. The Owner agrees that such Traffic Operations Assessment(s) may be required to assess traffic operations for development proposed on individual Blocks or may be permitted to assess traffic operations for development proposed

on more than one Block in the plan of subdivision at the discretion and to the satisfaction of Transportation Services.

15. The Owner acknowledges and agrees that any mitigating measures identified in the Traffic Operations Assessments through site plan approval on the Blocks within the plan of subdivision will be implemented by the Owner at no cost to the City, to the satisfaction of Transportation Services.

Parking Strategy

16. Prior to the registration of the plan of subdivision the Owner shall submit a Parking Strategy Report for the review and approval of Technical Services that includes consideration of the implications of the zoning by-law parking requirements on the West Don Lands Phase 2 development plan, and outlines an implementation strategy for meeting the parking needs. The scope of work for the Parking Strategy will be to the satisfaction of City Planning and Technical Services.

Cherry Street – Road Widening, Restricted Access and Schedule for Construction

17. The Owner agrees to convey Block 6, Block 18, Block 19, Block 28 and Block 29 to the City for road widening purposes along Cherry Street free and clear of all encumbrances, save and except for any other requirements or encumbrances pursuant to these conditions of draft approval for the Subdivision, or other such encumbrances as may be approved by Technical Services, at such time and on conditions provided for in the subdivision agreement to the satisfaction of Technical Services and the City Solicitor.
18. The Owner acknowledges and agrees that Block 28 is proposed for the turning loop for the Toronto Transit Commission LRT infrastructure to be constructed along the east side of Cherry Street.

Prior to the registration of the plan of subdivision, the Owner shall make arrangements satisfactory to CN, Technical Services and the City Solicitor with respect to the existing parking on Block 28 to ensure that Block 28 is available for the proposed LRT turning loop.

19. The Owner acknowledges and agrees that access and egress to Cherry Street from Block 1, Block 8, Block 10 Block 14, and Block 20 will be restricted by the City due to the planned Light Rail Transit Line on the east side of Cherry Street.
20. In the event that Block 20 is developed for a District Energy Centre, egress to Cherry Street will be permitted from Block 20 via an easement over Block 28 in favour of Block 20 to the satisfaction of Transportation Services in consultation with the Toronto Transit Commission.
21. The City acknowledges and agrees that the Owner may propose to construct Cherry Street prior to the release for construction of services of the plan of subdivision or the registration of the plan of subdivision in order to facilitate the

provision of infrastructure necessary for the PAN AM Games. In the event that the Owner proposes the construction of Cherry Street in advance of release for construction services and prior to the registration of the plan of subdivision, the Owner shall provide, for the review and acceptance of Technical Services, detailed engineering drawings for Cherry Street, and enter into agreement(s) as required to provide for the construction of Cherry Street, to the satisfaction of Technical Services and the City Solicitor.

Future Public Streets and Road Widening

22. The Owner agrees to convey Blocks 5, 7, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, and 35, the future public streets and street widenings, in accordance with the approved plan when, in the opinion of Technical Services, the lands are necessary for public highway purposes.
23. The Owner acknowledges and agrees that the future public streets and street widening lands will be conveyed to the City at nominal cost, free and clear of all encumbrances, save and except for any other requirements or encumbrances pursuant to these conditions of draft approval for the Subdivision, or other such encumbrances as may be approved by Technical Services, the surface and subsurface public services and facilities, and utilities, subject to a right-of-way in favour of the Owner for access purposes until such time as the said lands have been assumed for public highway purposes.

Functional Road Plan

24. Prior to the registration of the plan of subdivision, the Owner shall prepare and submit Functional Road Plans of the Public Streets that include all proposed utilities and streetscaping and includes proposed improvements to Eastern Avenue for the review and acceptance of Technical Services.
25. The Owner agrees that the detailed engineering drawings submitted prior to Release for Construction of Services, shall be in general conformity with the accepted Functional Road Plans, unless otherwise agreed by Technical Services.
26. Prior to the registration of the plan of subdivision, the Owner shall submit a detailed 'Pavement Marking and Signing Plan', for review and acceptance of Transportation Services, identifying the intended traffic operations of all new public streets, the configuration of intersections, the signing required to regulate the intended transportation facilities and any modifications required to the pavement markings and signs on existing public streets. The Owner shall be responsible for all costs associated with implementing the requirements of the 'Pavement Marking and Signing Plan', unless otherwise agreed to by Technical Services.

Easement

27. Prior to Release for Construction of Services, the Owner shall identify all easements required, to among other things provide for utilities, public services

and facilities, including access and maintenance easements for existing and new City infrastructure, to the satisfaction of Technical Services.

28. The Owner agrees that the conveyance of easements shall be at no cost to the City, and in accordance with the accepted 'Preliminary Staging Plan' to the satisfaction of Technical Services.

Blocks 1, 2 and Block 3 – Requirements

29. Prior to the registration of the plan of subdivision, the Owner agrees to provide to the City a restrictive covenant to be registered on title to Blocks 1, 2 and 3 stating that each of Blocks 1, 2 and 3 will not be transferred, or sold or charged, unless the lands are described as the whole of any one of the following parcels: Parcel 1: Blocks 1 and 2, or Parcel 2: Blocks 2 and 3.

The restriction would also include a provision governing permitted uses of Block 2, such that Block 2 shall not be used or maintained for any purpose other than for the purposes of a driveway access and any landscape features that are ancillary to the driveway, for the benefit of Blocks 1 and 3; and that no above grade buildings, or structures shall be constructed or erected upon Block 2.

The restriction would include a provision that it could not be modified by the Province without the written consent of the City.

At the time of the conveyance of either of the parcels described above, an easement and right-of-way will be reserved over, along and upon Block 2 for the purposes of a driveway benefiting the Owners from time to time of Block 1 and Block 3 and their respective successors, assigns and invitees.

Blocks 1, 8 and 17 - Access

30. Prior to final site plan approval on Block 1, 8 and 17 the Owner, shall convey or make appropriate arrangements for the conveyance of an easement to the City to secure public access to provide for the public use of the proposed open space on Blocks 1, 8 and 17 as generally shown in the accepted West Don Lands Block Plan and Design Guidelines, prepared by The Planning Partnership dated December 17, 2010 to the satisfaction of City Planning and Parks Recreation and Forestry.

Communication Plan

31. The Owner agrees to provide a clear communication protocol to Technical Services, for communicating critical issues during construction related to the interface of multiple consultants and multiple contractors.

Urban Design & Heritage Preservation Services

32. Prior to the registration of the plan of subdivision, the Owner shall prepare and submit for the review and acceptance of City Planning, revisions to the "West Don Lands Public Realm Master Plan", prepared by The Planning Partnership,

dated December 2008. The revisions will include, but not be limited to the following:

- (a) the realignment of the intersection of Eastern Avenue with the Eastern Avenue divergence to the satisfaction of Transportation Services and Transportation Planning and;
 - (b) public realm improvements proposed to Eastern Avenue from River Street to the Eastern Avenue diversion to the satisfaction of City Planning.
33. Prior to the registration of the plan of subdivision, the Owner shall submit a revised “West Don Lands Block Plan and Design Guidelines” to the satisfaction of City Planning, and where matters are as follows, but not limited to:
- (a) the revisions must include the addition of heritage conservation guidelines for the properties listed on the City of Toronto’s Heritage Inventory. The heritage conservation guidelines are to be prepared by a qualified heritage conservation consultant. The objective of the guidelines is to establish an overall approach to the conservation of the listed properties and to guide decisions pertaining to proposed changes to the resource. They will:
 - (i) identify heritage attributes and conservation objectives for the four properties listed on the City of Toronto’s Heritage Inventory;
 - (ii) make recommendations for development on the property and on adjacent property, including massing, setbacks, podium heights, additions and alterations;
 - (iii) include consideration of new building mass in a comprehensive fashion to ensure the built form of the area as a whole, including heritage properties, is complementary and cohesive; and
 - (iv) make recommendations for appropriate heritage protection mechanisms as part of the development process.
34. Prior to issuance of site plan approval, the Owner shall submit to the satisfaction of the Manager, Heritage Preservation Services, an individual Heritage Impact Assessment (HIA) for the following properties listed on the City of Toronto’s Heritage Inventory:

- (a) 409 Front Street, Palace Street School/Hotel/Canary Restaurant; and
- (b) CN Railways Office Building property located at the northeast corner of Front Street and Cherry Street;

The HIA to be prepared by a qualified heritage specialist and is to be based upon the format outlined in the ORC Heritage Management Process document and on the City of Toronto's Heritage Impact Assessment Terms of Reference.

35. Prior to issuance of a building permit, the Owner shall submit to the satisfaction of the Manager, Heritage Preservation Services, a Heritage Impact Assessment (HIA) prepared for the following properties listed on the City of Toronto's Heritage Inventory:

- (a) 153 Eastern Avenue; and
- (b) 169-171 Eastern Avenue and 185 Eastern Avenue.

The HIA to be prepared by a qualified heritage specialist and is to be based upon the format outlined in the ORC Heritage Management Process document and on the City of Toronto's Heritage Impact Assessment Terms of Reference.

36. Prior to the registration of the plan of subdivision, a copy of the complete "as-found" photographic documentation of the listed heritage properties' exteriors and interiors by Unterman McPhail Associates and Archaeological Services Inc. prepared for environmental assessment reports in 2006 including prints and electronic copies, be submitted to the Manager, Heritage Preservation Services.

Block 9 – Reservation for Park and School Use

37. The Owner acknowledges and agrees that Block 9 will be reserved for the use of the City for a Community Centre and/or the use of the Toronto District School Board as a school site with terms and conditions for such reservation to be detailed in the subdivision agreement and/or other required agreement(s) to the satisfaction of Parks, Recreation and Forestry, the City Solicitor and the Toronto District School Board.

Risk Assessment

General: All Properties

38. The Owner shall submit a Record of Site Condition acknowledged by the Ministry of the Environment prior to changing the use of the property to Residential, Parkland or Institutional, to the Chief Building Official, Technical Services, and the General Manager of Parks, Recreation and Forestry as appropriate.
39. The Owner shall implement any Risk Assessment conditions, including any risk management measures specified in a Record of Site Condition, as acknowledged

by the Ministry of the Environment in the accepted Risk Assessment at no cost to the City.

40. The Owner shall agree to submit to the City a Ministry of the Environment-accepted Risk Assessment or a Ministry of the Environment-acknowledged Record of Site Condition, prior to lifting the (“h”).

Conveyance of Properties

41. Prior to conveyance of lands to the City, the Owner shall submit:
- (a) a Record of Site Condition to the satisfaction of the Peer Reviewer retained by the City of Toronto at the expense of the Owner, to be filed on the Environmental Site Registry, in accordance with the *Environmental Protection Act*;
 - (b) a Record of Site Condition, prepared in accordance with (a), that has been filed on the Environmental Site Registry, in accordance with the *Environmental Protection Act*;
 - (c) to the satisfaction of the Peer Reviewer retained by the City of Toronto at the expense of the Owner and reports by a “qualified person” (as defined in O.Reg 153/04 amended by O.Reg 511/09, as applicable) confirming that any soil imported to lands from outside of the lands covered by the Ministry of the Environment-accepted Risk Assessment to be conveyed to the City of Toronto (“City Lands”) meets the applicable Ministry of the Environment requirements for Parkland/Residential/Institutional use given in Table 3 of the Soil Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act (July 2009) or such standards that have been established in accordance with the risk assessment process prescribed in O.Reg. 153/04 amended by O. Reg. 511/09; and
 - (d) to the satisfaction of the Peer Reviewer retained by the City of Toronto at the expense of the Owner, reports by a “qualified person” (as per O.Reg 153/04 amended by O.Reg 511/09, as applicable) confirming that any recycled crushed concrete material originating from the Lands or the West Don Lands Phase 1 Subdivision which is used in the construction of roads within such lands:
 - (i) contains no hazardous wastes as defined by R.R.O. 1990 Regulation 347 (as amended by O.Reg. 558/00); and
 - (ii) contains no asbestos.
 - (e) to the satisfaction of the Peer Reviewer retained by the City of Toronto at the expense of the Owner, reports by a “qualified person” (as per O.Reg 153/04 amended by O.Reg 511/09, as applicable) confirming that any

contaminated soils moved on to City Lands from any where else in the lands covered by a Ministry of the Environment-accepted Risk Assessment, are placed on City Lands in accordance with the Ministry of the Environment-accepted Risk Assessment, including any risk management measures specified in the Record of Site Condition provided that the resulting risk management measures will not impose a continuing burden on the City of Toronto.

42. For the lands to be conveyed to the City, the Owner shall complete all risk management measures, if any, as specified in the Ministry of the Environment-acknowledged Record of Site Condition and shall satisfy all conditions that may be imposed pursuant to a Certificate of Property Use issued by the Director at the Ministry of the Environment.
43. The Owner shall enter into any necessary agreement to implement any terms or conditions of Certificate of Property Use at no cost to the City until such time as such conditions are met and to reimburse the City for any costs or expenses incurred by the City as a result of the implementation of any conditions or requirements in the Certificate of Property Use.

Interim Operations Prior to Conveyance

44. Prior to acceptance of any maintenance and operating obligations by the City for specified roadways, if prior to conveyance of these lands to the City, the Owner agrees:
 - (a) that the proposed interim operational and maintenance activity are in compliance with the Ministry of the Environment – Accepted Risk Assessment, including any risk management measures specified in the Record of Site Condition; and,
 - (b) to enter into an agreement specified in Condition No. 43.

Parkland Conveyance – General

45. The Owner agrees to complete parkland in accordance with the Five Year Business Plan and Ten Year Forecast of the Toronto Waterfront Revitalization Corporation, as adopted by City Council on July 25, 26 & 27, 2006, of Waterfront Toronto, to the satisfaction of the General Manager of Parks, Forestry & Recreation.

Park Conveyance and Warranties

46. Prior to the registration of the plan of subdivision, the Owner shall prepare and submit for the review and acceptance of Parks Recreation and Forestry an update to the “Parks and Public Spaces Conveyance and Phasing Plan” prepared by Waterfront Toronto dated, December 2008, that;

- (a) identifies the proposed public parks, and the proposed publicly accessible private open spaces;
 - (b) includes the dimensions of the public parks and the publicly accessible private open spaces;
 - (c) details the design objectives of the public parks and the publicly accessible private open spaces; and
 - (d) details the phasing for the completion of the public parks and the publicly accessible private open spaces.
47. Prior to the registration of the plan of subdivision, Toronto Waterfront Revitalization Corporation shall submit a letter on behalf of the Owner updating the City on the status of the “West Don Lands: School and Community Centre Feasibility Study” dated September 13, 2007.

Street Tree Planting

48. Prior to the registration of the plan of subdivision, the Owner agrees to provide a street tree planting plan(s), to the satisfaction of the General Manager of Parks, Forestry and Recreation, which provides;
- (a) the exact location and timing of planting of any trees proposed to be planted within the City’s right of way including details with respect to proposed tree species, calliper and quantity. The planting plan should provide the best available, natural, planting environment for trees and ensure that the City’s minimum soil volume requirements per tree are satisfied, or unless otherwise approved. 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; and
 - (b) adequate space along the public roadways for tree planting. All utilities and underground plant must be designed to allow for the construction of turf boulevards / continuous tree pits, within the City’s right of way or to the satisfaction of the General Manager of Parks, Forestry and Recreation.
49. The Owner agrees to provide a performance guarantee based on the current deposit rate of \$583.00 per tree, for a two-year renewable guarantee for all new trees planted within the City’s right of way.
50. The Owner agrees to maintain the street trees in good condition for a period of two years. The trees will be inspected during and prior to the end of the two year renewable guarantee period. If the trees are in good condition at the end of the two year renewable guarantee period, the City will assume maintenance and ownership of the trees. Prior to the City assuming ownership and maintenance of the trees, the Owner will be responsible for rectifying any problems as determined by and to the satisfaction of the General Manager Parks Forestry and Recreation. The performance guarantee for tree planting shall be refunded at the end of the

two year renewable guarantee period for all trees in good condition. The balance of the performance guarantee, if any, will be held for the duration of the renewable guarantee period.

51. The Owner acknowledges and agrees that, prior to the City assuming ownership and maintenance of the trees, the performance guarantee for street trees will be drawn on by the City to cover any costs incurred as a result of enforcing and ensuring that the trees are kept in a healthy and vigorous state. In the event that the City is in receipt of a tree protection deposit under Condition No. 52 below, any tree for which a deposit has been made under this Condition will have the deposit refunded, subject to inspection and to the satisfaction of the General Manager, Parks, Forestry and Recreation.
52. The Owner agrees that at the time of development of sites adjacent to established street tree plantings, protection deposits shall be provided for street trees at 3 times the value of the street trees with a minimum of \$2,500.00 each.

Railway – Noise Mitigation and Safety Measures

53. Prior to the registration of the plan of subdivision, the Owner agrees to engage a qualified consultant to update the Noise and Vibration Feasibility Study for the Proposed Redevelopment of the West Don Lands, prepared by HGC Engineering, dated August 23, 2006 with a detailed analysis of noise and vibration that reflects the current draft plan of subdivision and grading and the proposed uses in the current plan of subdivision, in order to identify abatement measures necessary to achieve the maximum level limits set by the Ministry of the Environment, Metrolinx and CN to the satisfaction of the CN, Metrolinx, Technical Services and Parks, Recreation and Forestry. Upon review and approval of the report(s) the Owner agrees that the recommendations in the report may be included in terms and conditions in the subdivision agreement, to the satisfaction of the Technical Services, Parks Forestry and Recreation, the City Solicitor, CN and Metrolinx.
54. In the event that the updated noise and acoustic report requires safety berm(s), acoustic wall(s) or other mitigation measures then, prior to the registration of the plan of subdivision, the Owner shall submit a plan for the proposed safety berm (including landscaping), acoustic wall(s) or other mitigation measures for the review and approval of Metrolinx, CN, Parks Recreation and Forestry and Technical Services. The Owner agrees that the accepted mitigation measures shall be constructed prior to the occupancy of any dwelling units within the plan of subdivision.
55. In the event that mitigation measures are proposed on lands to be conveyed or dedicated to the City and such mitigation measures are accepted by the City, then the Owner agrees to pay the City an amount satisfactory to Technical Services and Parks Recreation and Forestry as appropriate, for the future maintenance costs associated with any constructed mitigation measures.

56. The Owner acknowledges and agrees that revisions to the draft plan may be required and or/additional draft conditions may be required to ensure the implementation of the mitigation measures and to address the recommendations of the updated Noise and Vibration Feasibility Study for the Proposed Redevelopment of the West Don Lads, prepared by HGC Engineering, dated August 23.
57. The Owner shall agree in the Subdivision Agreement, in wording satisfactory to Metrolinx, CN and the City Solicitor, to the following:
- (a) Prior to site plan approval on any lands zoned RA or RA(h), with the exception of parking facilities and temporary storage facilities, to engage a consultant to undertake a detailed Noise and Vibration Impact Study in order to recommend abatement measures necessary to achieve acceptable levels as set out by the Ministry of Environment, Metrolinx and CN. The study will consider noise associated with the Metrolinx/CN rail corridors for those lands within 300 metres of the rail corridors, and vibration associated with the Metrolinx/CN rail corridors, for those lands within 75 metres of the rail corridors. Upon review and approval of the study by the City, Metrolinx and CN, all recommendations set forth in the study shall be secured through the conditions of Site Plan Approval and/or the Building Permit Approval for a given site, to the satisfaction of the City, Metrolinx and CN.
 - (b) As a condition of site plan approval or completion of parkland on Blocks 8, 9, 20, 28, 29 and 32, with the exception of parking facilities and temporary storage facilities, provide a building setback for residential and other sensitive uses measuring a minimum of 30 metres, as well as to construct and maintain an earthen berm for safety purposes, a minimum of 2.5 metres above grade at the property line, having side slopes not steeper than 2.5 to 1, adjoining and parallel to the railway right-of-way with returns at the ends or an alternative design for these measures as negotiated with CN and Metrolinx.
58. Prior to registration of the plan of subdivision, the Owner shall install a minimum 1.83m high chain link fence along the mutual property line with the CN Rail property, or alternative fencing treatment and location approved by CN, Metrolinx and the City. The fencing should provide for a suitable level of trespass prevention. Where access to the railway right-of-way is required by Metrolinx and/or CN, appropriate controlled access will be provided for, to the satisfaction of Metrolinx and CN.
59. The Owner agrees that any proposed alternation to the existing drainage affecting the CN property will be subject to the review and approval of CN rail and Metrolinx. The Owner agrees to submit the final grading and drainage plans to CN and Metrolinx for review and approval.

60. The Owner agrees to include warning clauses in all Offers of Purchase and Sale, and/or Rental Agreements for each dwelling unit within 300 metres of the rail right of way;

“WARNING: The Greater Toronto Transit Authority, carrying on business as Metrolinx , and its assigns and successors in interest, and Canadian National Railway and its assigns and successors in interest, have rights-of-way and rail facilities within 300 metres from the land the subject hereof, which operate on a 24-hour basis. There may be alterations to or expansion of the rail facilities of such rights-of-way in the future including the possibility that Metrolinx , Canadian National Railway, or any other railway entering into an agreement with Metrolinx or CN to use the right-of-way or their assigns or successors as foresaid, may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. Metrolinx and/or Canadian National Railway will not be responsible for any complaints or claims arising from the use of such facilities and/or operations on, over or under the aforesaid right-of-way.”

“Warning to Solicitors: Solicitors are advised to stress the importance of the above noted warning clauses when advising their clients on the purchase of units in the development.”

61. The Owner agrees to notify Metrolinx and CN of any proposed site preparation or construction on or adjacent to the rail property, and the Owner will modify any such works, as required by Metrolinx and CN, to ensure that such works are carried out in such a manner so as to not impact the operations of Metrolinx or CN.
62. Prior to registration of the plan of subdivision, the Owner shall enter into an agreement(s) with Metrolinx and CN stipulating how Metrolinx and CN’s concerns will be resolved.
63. Prior to registration of the plan of subdivision, the Owner agrees to transfer an environmental easement to Metrolinx and CN, for those lands within 300 metres of the property line between the subject lands and the rail corridor, excluding all lands to be transferred to the City for the purpose of parks or roads, for operational noise, vibration, and other emissions, to be registered on title against the subject lands in favour of Metrolinx and CN. The environmental easement shall contain restrictive and other requirements for site-specific noise, vibration and safety mitigation measures, and shall be registered on title. The environmental easement shall also provide that any mitigation measures implemented are not to be tampered with or altered and further that the Owner is responsible for and shall continue to maintain these measures to the satisfaction of

Metrolinx and CN. The Owner agrees to pay Metrolinx and CN's reasonable costs in preparing and negotiating the environmental easement.

64. The Owner agrees to pay the City, an amount satisfactory to Technical Services, for the future maintenance costs associated with any constructed noise barriers, walls and/or retaining walls to be assumed by the City.

TRCA

65. The Owner shall ensure to the satisfaction of the TRCA, that the phased closure and decommissioning of existing sewer services which outlet to the Don River under the Proposed flood protection landform is complete upon completion of the stormwater management system for the West Don Lands.
66. The Owner shall provide a report satisfactory to TRCA and the Peer Reviewer retained by TRCA at the Owner's expense, stating that the Flood Protection Landform is structurally and functionally complete as one continuous landform (including the completed north tie-in and south tie-in) to a rough grade condition on the dry side and to a final-grade condition with initial hydro-seeding on the wet side. For certainty, "rough-grade condition" does not mean or include final grading hydro-seeding or the construction of any parklands or walkways.
67. Prior to final approval, the Owner shall meet the following requirements to ensure that human occupancy of new structures within the West Don Lands will not be permitted until the flood protection landform is structurally and functionally complete as set out in Condition No. 66:
 - (a) Register a Restrictive Covenant against the lands satisfactory to TRCA:
 - (i) restricting occupancy until the flood protection landform is structurally and functionally complete as set out in Condition No. 66; and
 - (ii) acknowledging that prior to the completion of the flood protection landform, TRCA may only issue a permit with conditions limiting construction completion and restricting human occupancy until the flood protection landform is structurally and functionally complete as set out in Condition No. 66.
68. In order to advance construction of buildings in Phase 2 prior to the completion of the flood protection landform, the Owner agrees to:
 - (a) apply for and receive a permit from the TRCA under Ontario Regulation 166/06, as amended, or its successors. This will include review and approval of construction methodologies;

- (b) make arrangements satisfactory to TRCA indemnifying them from any liability and costs due to any of the following:
 - (i) property damage, injury or loss of life due to flooding during and after construction, until the flood protection landform is complete and functional from a flood plain management perspective; and
 - (ii) losses due to delay caused by a failure of the flood protection landform to be completed.
69. The Owner agrees that:
- (a) No occupancy of any structure will be permitted until the flood protection landform is structurally and functionally complete, as set out in Condition No. 66, to the satisfaction of the TRCA;
 - (b) The Owner will enter into agreement(s) to the satisfaction of the City Solicitor, indemnifying the City for any liability, costs or claims due to any of the following:
 - (i) property damage, injury or loss of life due to flooding during and after construction, until the flood protection landform is structurally and functionally complete, as set out in Condition No. 66; and
 - (ii) losses due to any delays caused by a failure of the flood protection landform to be completed.
 - (c) In the event that the Owner makes an application for a conditional building permit in a case where building construction may proceed to a final building permit prior to completion of the flood protection landform, the Owner will not object to the imposition of a condition that the building or buildings shall not be occupied until the flood protection landform is structurally and functionally complete, as set out in Condition No. 66, to the satisfaction of the TRCA;
 - (d) None of these Conditions of approval shall be read or interpreted so as to conflict with or fetter the discretion of the Chief Building Official to issue or refuse to issue a conditional Building Permit under S.8 of the *Building Code Act*;
 - (e) In the event of the Chief Building Official issues a Conditional Building Permit prior to the final completion of the flood protection landform, the Owner will enter into an agreement to the satisfaction of the City Solicitor, indemnifying the City as described in paragraph (b) and the Owner will accept all responsibility and risk, including delays in occupancy, if any building cannot be occupied because the construction of the flood protection landform is not complete; and
 - (f) Prior to the issuance of any building permit the Owner will submit confirmation that the construction timing of the flood protection landform

will be completed in sufficient time to prevent any delay in occupancy of any building, and will monitor the progress of construction of the flood protection landform and adjust its construction schedule as needed to minimize such delays.

70. Prior to registration, the Owner shall provide to the City a Restrictive Covenant to be registered on a portion of Block 9 stating that:

“No basements or below-grade structures that penetrate the Flood Protection Landform shall be permitted.”

71. Prior to registration, an easement or easements or other legal instrument to the satisfaction of TRCA shall be placed on a portion of Block 9 for the purpose of ensuring that all future works that may affect the stability and/or integrity of the Landform are reviewed and approved by the TRCA.

72. The Owner agrees that construction on Block 9 will not occur until the toe of the flood protection landform has been surveyed and a reference plan has been approved and deposited on title to the lands.

Toronto District School Board

73. That the applicant/developer enter into an agreement to erect and maintain signs, at points of egress and ingress of the lands, advising that;

“The Toronto District School Board makes every effort to accommodate students at local schools. However, due to residential growth, sufficient accommodation may not be available for all students. Students may be accommodated in schools outside this area until space in local schools becomes available.

For information regarding designated school(s), please call (416) 394-7526.”

These signs shall be to the Board’s specifications and erected by the later of the issuance of any building permit or, being one month after the completion of the Pan American and Parapan American Games to be hosted in the City of Toronto.

74. That the applicant/developer agree in the Servicing and/or Development agreement, or in a separate agreement between the School Board and the Developer, to include the following warning clauses in all offers of purchase and sale of residential units (prior to registration of the plan and for a period of ten years following registration), that;

“Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area and that students may be accommodated in facilities outside the area, and further, that students may later be transferred.

Purchasers agree for the purpose of transportation to school, if bussing is provided by the Toronto District School Board in accordance with the Board's policy, that students will not be bussed home to school, but will meet the bus at designated locations in our outside of the area."

General Conditions

- 75. For only so long as the owner is Her Majesty the Queen in Right of Ontario as represented by a Minister of the Crown or its agent, any Condition that requires the Owner to post financial securities to secure performance of any work or matters including the filing of Letters of Credit, or the provision of any indemnity shall not apply.

Advisory Notes:

Enbridge Gas Distribution Inc.

- 76. The developer is responsible for preparing a composite utility plan that allows for the safe installation of all utilities, including required separation between utilities.
- 77. Streets are to be constructed in accordance with composite utility plans previously submitted and approved by all utilities.
- 78. The developer shall grade all streets to final elevation prior to the installation of the gas lines and provide Enbridge Gas Distribution Inc. with the necessary field survey information for the installation of the gas lines.
- 79. It is understood that the natural gas distribution system will be installed within the proposed road allowance. In the event that this is not possible, easements will be provided at no cost to Enbridge Gas Distribution Inc.

Bell Canada

- 80. The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection and/or /extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication /telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).
- 81. The Owner shall make arrangements satisfactory to Bell Canada regarding telecommunications services in the event that Bell Canada is proposed as the

service provider. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements to the satisfaction of Bell Canada.