

Proposed Provision for Inclusion in Zoning By-law re: 3526 Lake Shore Boulevard W

Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the lot contemplated herein is permitted in return for the owner's election to provide, at the owner's expense, the facilities, services and matters set out in Schedule "C" attached hereto which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form satisfactory to the City Solicitor and registered on title to the Lands.

Schedule "C"

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lot and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby, in accordance with and subject to the terms of the agreement, the owner agrees as follows:

- 1) the owner shall provide the following to support the development of the lot;
 - A. Development shall proceed in accordance with Site Plan drawings that clearly demonstrate the following at-receptor mitigation measures, including those identified in the Air Quality Study prepared by BCX Environmental Consulting, dated April 2015:
 - i. Use of mechanisms including location of air intakes, physical barriers, and the design of outdoor recreational areas to reduce the potential nuisance impact of infrequent, low level odours on future residents of the site.
 - B. Development shall proceed in accordance with Site Plan drawings that clearly demonstrate the following at receptor mitigation measures identified in the Environmental Noise Feasibility Study prepared by Valcoustics Canada Limited, dated July 23, 2015 with reference to Site Plan Drawings SP-1, SP-1A and SP-1B prepared by Guthrie Muscovitch Architects dated May 16, 2018:
 - i. Mandatory air conditioning for Blocks 1, 7, 8, and 16. The provision for adding air conditioning is required at all other blocks.
 - ii. Sound barriers are required at the rear yards of the three northerly units of Block 8. The sound barriers should be a minimum of 2.5 m high above grade.
 - iii. Brick veneer or masonry equivalent is required for Blocks 1, 7 and 8. Brick veneer or STC 54 equivalent is required for Blocks 2, 9 and 16.
 - iv. Exterior wall construction for Blocks 1, 7 and 8 shall be brick veneer; for Blocks 2, 9, 16, 17 and 18 shall be brick veneer or STC 54 equivalent.
 - v. Prior to application for a building permit, window sound isolation performance requirement, in the form of STC ratings, shall be determined to meet applicable MECF indoor noise criteria for road and rail sources, based on final architectural details and provided in

an update to the noise report. Such update shall also include requirements for the Block 8 sound barrier.

- C. The Owner shall include noise and air quality warning clauses indicating the proximity of the subject lands, which have been classified as a Class 4 Area pursuant to Ministry of the Environment, Conservation and Parks NPC-300 Guidelines, to adjacent industrial land uses including the FCA Canada Inc. facility located at 15 Brown's Line, Toronto into:
- i. any property agreements and agreements of purchase and sale of the site and for all dwelling units;
 - ii. any disclosure statement in respect to any sale of condominium units proposed to be developed on the site; and
 - iii. any declaration in respect of any condominium corporation to be created for any portion of the site.

Language of warning clauses shall be to the effect of:

“Blocks 1, 7, 8, and 16:

Purchasers/tenants are advised that this property is in proximity to existing industrial facilities and traffic corridors, which may, at times, generate noise, odours, and fugitive dust. Purchasers/tenants are advised that sound levels due to the adjacent industry are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation/air conditioning system that will allow windows and exterior door to remain closed. Notwithstanding any noise mitigation at source or in the design of this development and individual dwellings, noise from the industrial or commercial facilities may at times interfere with some activities of the dwelling occupants. In the event of such an occurrence, residents are advised to close the windows.”

“All Blocks:

Purchasers/Tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment, Conservation and Parks.”

“Blocks 1, 7, 8, and 16:

This dwelling unit has been supplied with an air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”

“Blocks 2 to 6, 9 to 15:

“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”

“All Blocks:

GO Transit or its affiliated railway companies has or have a railway right-of-way within 300m from this dwelling unit. There may be alterations to or expansions of the railway facilities of such right-of-way in the future, including the possibility that GO Transit or its affiliated railway companies as aforesaid, or their assigns or successors may expand their business operations. Such expansion may affect the living and business environment of the residents, tenants and their visitors, employees, customers and patients in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating features in the design and development. GO Transit, its affiliated railway companies and their successors and assigns will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.”