

TORONTO STAFF REPORT

August 16, 2004

To: Toronto and East York Community Council

From: Director, Community Planning, South District

Subject: Final Report
Application to amend the Official Plan and Zoning By-law 438-86 of the (former) City of Toronto
Applicant: Mark Noskiewicz, Goodmans LLP
Architect: Quadrangle Architects
450, 470 and 500 Lake Shore Boulevard West
00 036089 STE 20 OZ
Ward 20 - Trinity-Spadina

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for a six-storey base building containing retail and residential uses including above-grade parking and a residential tower rising to 24 storeys at 450 and 470 Lake Shore Boulevard West. The report also recommends approval of an Official Plan amendment at 500 Lake Shore Boulevard West to allow flexibility for the redevelopment of the Site in the long term, with the potential for two residential towers and retail/commercial uses.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the (former) City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7;



- (2) amend the Zoning By-law 438-86 for the (former) City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8;
- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required;
- (4) prior to the introduction of the necessary Bills to Council for enactment, authorize the City Solicitor and require the owner to enter into agreements pursuant to Section 37 of the Planning Act, and any other agreement required to implement and secure matters outlined in this report, satisfactory to the City Solicitor, and to register this agreement on title, including the following:
 - (i) an affordable housing contribution of \$200,000;
 - (ii) a contribution of 1 per cent of the gross construction cost of the project for the provision of public art;
 - (iii) the implementation of the Phasing Plan;
 - (iv) The design and construction of Housey Street, Dan Leckie Way (between Lake Shore Boulevard West and Bremner Boulevard), and Fort Street (between Bremner Boulevard and Housey Street) in accordance with the accepted engineering drawings and City standards and specifications and in accordance with approved cost-sharing provisions, if any;
 - (v) Conveyance of the lands for public highway purposes, at nominal cost, including any required lands for intersection improvements to accommodate the installation of traffic control traffic signals at the Lake Shore Boulevard/Dan Leckie Way intersection, with such conveyance to be made prior to any site plan approval for the blocks, or when required by the Commissioner of Works and Emergency Services to implement the Phasing Plan;The implementation of the Phasing Plan;
 - (vi) Financial contribution towards the design and construction costs of Bremner Boulevard;
 - (vii) Payment of 50% of the cost to design and implement traffic control signals and intersection improvements at the Dan Leckie Way/Lake Shore Boulevard West intersection, prior to site plan approval of any of the blocks;
 - (viii) Financial reimbursement to the other landowner in the Railway Lands West for the costs incurred by that landowner for the design and construction of Dan Leckie Way (south of the proposed Bremner Boulevard to Lake Shore Boulevard West) in the event that this section of

Dan Leckie Way is constructed by that landowner prior to this development proceeding;

- (ix) “Pre-build” mechanisms to permit the Owner to assume the responsibilities of the other landowner in the Railway Lands West for the construction of the roads and municipal services in the event this development proceeds prior to the construction of such roads and services required to be constructed by the other landowner;
- (xi) Retention of a qualified municipal consulting engineer to carry out and certify all necessary engineering design and inspection works required for the provision and construction of the new roads and associated municipal services and utilities;
- (xii) Submission of all reports (e.g. stormwater, geotechnical, construction management plan, environmental site assessment, soil and groundwater, remediation, etc.), drawings, legal plans, calculations, and certifications deemed necessary by the Commissioner of Works and Emergency Services for review and acceptance;
- (xiii) Payment(s) to the City for its costs of retaining a consultant to undertake a peer review of all soil and groundwater remediation report, environmental site assessment reports, etc., that are required to be submitted by the Owner to the Commissioner of Works and Emergency Services, as it relates to the public roads that are to be conveyed to the City for public highway purposes and the development of the site, to ensure that the report(s) and its recommendations have been prepared in accordance with all current and applicable Ministry of the Environment guidelines;
- (xiv) Remediation of the lands to be constructed and conveyed for public highway purposes in a manner satisfactory to the Commissioner of Works and Emergency Services;
- (xv) Receipt of and/or submission of all permits, letters of credit, proof of insurance, fees, applicable Certificate of Approvals from the Ministry of the Environment, engineering drawings, easement documents, and any other documentation deemed necessary by the Commissioner of Works and Emergency Services for acceptance prior to commencing construction of the new roads and its associated municipal services;
- (xvi) Repairs to any damages to any existing City infrastructure caused during the construction of the roads and the associated municipal services to the satisfaction of the Commissioner of Works and Emergency Services;
- (xvii) Submission of all progress reports at the request of the Commissioner of Works and Emergency Services;

- (xviii) Access by the Commissioner of Works and Emergency Services or his designate to the site to inspect the construction of the new roads and the associated municipal services and utilities;
 - (xix) Repairs to the roads and the municipal services that have been deemed by the Commissioner of Works and Emergency Services as not having been constructed properly;
 - (xx) Submission of Completion Certificates in a format and with wording satisfactory to the Commissioner of Works and Emergency Services;
 - (xxi) Compliance with standard City conditions relating to the acceptance of the works, guarantee of works and assumption of works as they relate to the construction of the roads and associated municipal services and utilities;
 - (xxii) Provision for winter maintenance for the roads, until its acceptance and/or assumption by the City, to the satisfaction of the Commissioner of Works and Emergency Services;
 - (xxiii) Installation of all temporary street signs as determined by the Commissioner of Works and Emergency Services;
 - (xxiv) Compliance with standard City conditions relating to the *Construction Lien Act* as it relates to the construction of the new roads and associated municipal services;
 - (xxv) Upgrades to be undertaken to the CN Plaza pumping station and costs associated with such upgrades to accommodate the increase in sanitary flows expected to be generated as a result of the requested amendments to the zoning by-law and transfer of density;
- (5) That the Owner, as a condition of approval of future site plan application(s), will be required to, among other things:
- (a) Provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with the development;
 - (b) Provide and maintain in connection with City waste collection for the residential components of the development, sufficient Type G loading spaces to be determined as part of the site plan application review process for each block, with generally level surfaces;
 - (c) Design the Type G loading spaces and all driveways and passageways providing access thereto to the requirements of the Ontario Building Code,

including allowance for City of Toronto bulk lift and rear bin vehicle loading with impact factors where they are to be built as supported structures;

- (d) Provide and maintain for the residential component in each of the development blocks, separate garbage and recycling storage rooms and install and maintain a stationary compactor in each of the garbage rooms, the sizes of which will be determined during the site plan application review process, or alternatively, combined garbage/recycling rooms, equipped with automated recycling and waste systems (i.e. tri-sorter type). If automated recycling waste systems are not being installed, convenient storage space for recycling materials must be provided on each floor of the buildings for collection by building maintenance staff;
- (e) Install and maintain double or overhead doors of a width necessary to accommodate the movement of container bins between the garbage and recycling storage rooms in each of the blocks and the Type G loading spaces;
- (f) Provide and maintain level corridors between the storage rooms in each of the blocks, the Type G loading spaces and the collection pads of a width necessary to accommodate the passage of container bins for collection;
- (g) Provide and maintain service connections between each residential garbage and recycling storage rooms in each of the blocks, each retail store/office established and the Type G loading spaces;
- (h) Provide and maintain concrete storage collection pads immediately fronting the loading spaces in each of the blocks, with maximum slopes of 2%, the sizes of which will be determined during the site plan application review process;
- (i) Show on the plans the route that City waste collection vehicles will travel on site for each of the blocks including the route used for the transferring of the bins to the collection pad and the path the townhouse residents will use to dispose of the refuse materials;
- (j) Provide trained staff-members for each of the buildings to transfer the bins from the residential garbage and recycling storage rooms and be present at all times during City refuse collection to manoeuvre the containers onto the waste collection vehicle and act as flagpersons when the vehicle is reversing;
- (k) Provide and maintain for the retail/office components of this development in each of the blocks:

- (i) Private refuse collection services;
 - (ii) Dedicated, separate or combined garbage and recycling storage rooms of sufficient width that individually or collectively accommodate the refuse generated by the non-residential components;
 - (iii) Doors and corridors leading from the rear of each unit to the garbage and recycling storage rooms;
 - (iv) Separate collection pads of sufficient width to accommodate the bins on collection day or, if the residential collection pad is shared, that additional space is provided to accommodate those bins;
 - (v) If the residential collection pad is shared, the containers are to be properly labeled (painted or stenciled lettering ranging 0.15 to 0.20 m in height) to indicate for "Retail/Office Use Only" and collection is to be done on alternate days from that of City collection;
- (l) Agree to advise all tenants/Owners, in writing and in their deeds/leases, of the refuse collection arrangements for the retail/office and residential components;
- (m) Apply to the Commissioner of Works and Emergency Services, prior to filing an application for a building permit, for revised municipal numbering;
- (n) Submit to the Commissioner of Works and Emergency Services for review and acceptance, prior to the issuance of a below-grade building permit, a report respecting the existing Bathurst Street bridge, the F. G. Gardiner Expressway and the 750 mm x 1500 mm storm sewer which demonstrates that these structures are not adversely impacted. The report is to outline the details of the proposed design(s) for the buildings(s) and underground parking structures, proposed clearances between the building(s) and parking structure and the Bathurst Street and F. G. Gardiner Expressway structures and between the building(s) and parking structure and the existing 750 mm x 1500 mm storm sewer, excavation, shoring, de-watering and construction procedures, and backfill materials to be used, as noted in the body of this memorandum;
- (o) Submit in conjunction with an application for a building permit, plans and documentation, detailing how each of the development blocks will be constructed in accordance with the Ontario Building Code relating to the provisions of fire fighting, as discussed in the body of this report;
- (p) Submit to the Commissioner Works and Emergency Services, for review and acceptance, prior to the issuance of an above-grade building permit:
- (i) Grading and servicing plans to show existing and proposed service connections, existing and proposed elevations within the site and at property lines, overland flow routes , and fire access routes and dimensions; and

- (i) A stormwater management report to indicate how stormwater is proposed to be managed
- (6) prior to the introduction of the necessary Bills to Council for enactment, require the owner to enter into a Heritage Easement Agreement for Block 8 (the “Loblaw Groceteria Company Building”) to the satisfaction of the City Solicitor and the Commissioner of Economic Development, Culture and Tourism;
- (7) prior to the introduction of the necessary Bills to Council for enactment, require the owner to provide a satisfactory infrastructure phasing plan including financial commitments, to the satisfaction of the City Solicitor, in consultation with the Commissioners of Works and Emergency Services and Urban Development Services; and
- (8) Authorize the execution of a Section 37 agreement, and any other agreement required, to secure the matter outlined in this report in connection with the proposed development.

Background:

The lands at 450, 470 and 500 Lake Shore Boulevard West are also collectively known as Blocks 8, 9 and 10 of the Fort York Neighbourhood Part II Plan and Secondary Plan (see Attachment 5). Following a Design Workshop for the Fort York Neighbourhood in January 2003, Council adopted amendments to the Part II Plan and Secondary Plan, mainly to allow greater flexibility of building type and to introduce new streets. As the built form for Blocks 8, 9 and 10 was not entirely resolved at the Design Workshop, the Part II Plan and Secondary Plan amendments retained the previously approved planning regime for these blocks.

The Part II Plan amendments were appealed to the Ontario Municipal Board in the fall of 2003. The OMB approved the amendments, subject to the deferral of Blocks 8, 9 and 10 for consideration in the context of a future planning application. The City received Wittington’s application for Blocks 8, 9 and 10 on December 3, 2003 and has circulated it to commenting agencies.

Original Proposal

The original application to amend the Part II Plan and Zoning By-law for Blocks 9 and 10 proposed a four- to eight-storey base building containing retail and residential uses with above-grade parking and a residential tower rising to 29 storeys (91.1 metres) at the eastern end of the block, with a total gross floor area of 38,108 m². In response to comments received at community consultation meetings and from City Planning staff, the applicant has revised their proposal for these blocks.

Revised Proposal

The applicant proposes to amend the Fort York Neighbourhood Part II Plan and Secondary Plan with respect to Blocks 8, 9 and 10, and to amend the Zoning By-law for Blocks 9 and 10 only.

The proposed Official Plan Amendments are to:

- amend the Plan to establish maximum densities for Blocks 8, 9 and 10, which can be used for either residential and non-residential space, to allow for greater flexibility with respect to use on all three blocks;
- transfer 8,994 m² of density from Block 8 to Blocks 9 and 10;
- consolidate Blocks 9 and 10 to a single development Block 9/10;
- revise the heights currently permitted by the Part II Plan and Secondary Plan to permit the proposed built form, namely, two towers with a podium building on Block 8 and one tower with a podium building on Block 9/10.

The proposed Zoning By-law Amendments for Block 9/10 would permit a six-storey (20.25m) base building containing retail and residential uses with above-grade parking and a residential tower rising to 24 storeys (73.4 metres) at the western end of the block, with a total gross floor area of 36,087 m².

Site and Surrounding Area

Blocks 8, 9 and 10 are located to the east of Bathurst Street, north of Lake Shore Boulevard West. Block 8 is the site of the historic Loblaws Groceteria building. Blocks 9 and 10 form a triangular parcel of land currently housing offices of Praxair Canada Inc. and surface parking.

Surrounding land uses include:

North: The F.G. Gardiner Expressway, proposed mixed-use development Blocks 33 and 37 of the Railway Lands West (currently vacant);

South: two eleven-storey residential buildings at 600-650 Queens Quay West; two twelve-storey residential buildings at 500-550 Queens Quay West; and the four-storey Rogers/OMNI broadcasting heritage building at 545 Lake Shore Boulevard West;

East: the future alignment of Dan Leckie Way and a proposed community park within the Railway lands West; and

West: proposed residential and mixed-use development Blocks 6, 6A and 7 of the Fort York Neighbourhood.

Official Plan

The Fort York Neighbourhood Part II and Secondary Plans contemplate high-density residential development. Currently, the Plan allows for:

- Block 8 77,763 m², permitting low-rise (4-6 storey) buildings throughout the block, mid-rise (7-15 storey) buildings at the northwest corner and along the eastern portion of the block, and a tower at the northeast corner of Bathurst Street, and Lake Shore Boulevard West;
- Block 9 16,081 m², permitting a mid-rise buildings toward the west and low-rise toward the east; and
- Block 10 11,012 m², permitting low-rise buildings throughout the block with a mid-rise element at the eastern end.

The Fort York Neighbourhood Secondary Plan forms part of the new Official Plan for the City of Toronto. At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. No hearing date has been set. The first pre-hearing on the Official Plan was held on April 19 and 20, 2004. The next pre-hearing has been scheduled for September 2004.

Staff have amended the Fort York Neighbourhood Secondary Plan to remain consistent with amendments to the in-force Part II Plan. As mentioned previously, the Ontario Municipal Board has approved recent City-initiated amendments to the Secondary Plan, subject to deferral of Blocks 8, 9 and 10 for further consideration. No amendments are required to the new Official Plan for the City of Toronto.

Zoning

The zoning throughout the site is IC D3 N1.5. This zoning allows a variety of industrial uses, as well as certain commercial, retail and services uses up to 3 times the lot area, with certain non-industrial uses limited to 1.5 times the lot area.

Site Plan Control

An application for Site Plan Approval is required but has not been filed at this time.

Community Consultation

At its meeting of September 9, 2003, Toronto East York Community Council requested the Commissioner of Urban Developments Services to establish a liaison committee involving representatives from the Bathurst Quay Neighbourhood Association, the Harbourfront Community Association and the applicant. A Community Liaison and a Community Consultation Meeting were held on January 8, 2004 and March 23, 2004 respectively to discuss the applicant's original proposal. Those in attendance at these two meetings raised concerns with respect to the height and scale of the proposal, impacts of shadowing, the provision of community services, traffic impacts, and inadequate parking. In response to comments received at community consultation meetings and from City Planning staff, the applicant revised their proposal for these blocks.

The revised proposal was presented at a Community Liaison meeting and a Community Consultation meeting on June 1, 2004 and June 23, 2004 respectively. Those in attendance at these two meetings raised concerns with respect to the height and scale of the proposal, impacts of shadowing, the provision of community services, traffic impacts, and an inadequate parking supply. The Bathurst Quay Neighbourhood Association and the Condominium Corporation for 600 Queens Quay West have both submitted letters of opposition to the revised proposal.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

Comments:

Compatibility with the Adjacent Area

The Fort York Part II Plan and Secondary Plan encourages high density residential development with non-residential uses located mainly along Bathurst Street and Lake Shore Boulevard West. This proposal represents an opportunity to provide high density residential development with at grade commercial uses along Lake Shore Boulevard West. The introduction of residential uses on Block 9/10 will implement the site's residential designation under the Official Plan. The proposed development will be compatible with the existing high density residential development to the south and planned future high density residential development in the surrounding area to the north, east and west.

Height/Built Form

The original application to amend the Official Plan and Zoning By-law proposed a 29-storey building, with the tower portion of the building located at the eastern portion of the base platform, thereby addressing the Lake Shore Boulevard West and future Dan Leckie Way street frontages. During the Community consultations residents at 550 and 600 Queens Quay

West indicated that the proposed building was too high and that the tower portion of the building would block the sunlight and their view of the downtown core.

In response to neighbourhood concerns, the applicant revised their proposal to reduce the overall height of the building to 24 storeys and moved the tower portion of the building to the western portion of the building platform. The revised proposal retains the view of the downtown core for the residents at 550 and 600 Queens Quay West while also reducing the overall height of the building.

The existing Official Plan would have permitted a 12 storey (approx. 36 metre high) building across the entire area of Blocks 9 and 10, taller than the buildings to the south. The current proposal creates a lower, more appropriately-scaled base building and pushes the density and height to the west. This results in virtually no shadowing on the proposed community park (to the east) or the residential buildings to the south. In keeping with the Council approved changes to the Railway Lands West and Fork York Neighbourhood this continues the podium/point tower character of these north-of-Lake Shore neighbourhoods.

The proposed height is consistent with Official Plan policies which seek to have buildings step down in height as they approach Lake Ontario. To this end, the site to the north has Council approval for a 30 and 32 storey towers, a 24 storey building on Block 9/10 continues this stepping down in building height as development approaches Lake Ontario.

Shadowing

During the public consultation process neighbouring residents had raised concerns that the proposed building at Block 9/10 would cast a shadow onto the buildings to the south (550 & 600 Queens Quay West). The applicant has submitted a sun/shade analysis which indicates that the proposed building would not cast a shadow on the buildings to the south.

Density Transfer

The application proposes to transfer 8,994 m² of density from Block 8 to the proposed consolidated Block 9/10. The proposed density transfer would result in a more desirable development pattern across Blocks 8, 9 and 10. With respect to Block 8 it means that the overall development of any future residential or non-residential buildings would be limited in size and density. With respect to Blocks 9 and 10, the transfer allows for the consolidated blocks to be developed with a more balanced built form consistent with the built form principles contained within Fort York Neighbourhood Part II Plan and the Fort York Neighbourhood Public Realm Plan.

Site Access and Parking

Access to the site is proposed via a shared private drive/pedestrian access route between Blocks 8 and 9. Another access point for Block 9/10 is proposed off the future Dan Leckie Way east of Block 10 and will require an easement over a small parcel of City-owned land.

Details regarding access to Block 8 will be required as part of a future application for that site.

With respect to parking, neighbourhood residents have indicated that the proposal for Block 9/10 provides an insufficient supply of parking spaces. The applicant is proposing to exceed the minimum Zoning By-law requirement by providing 264 parking spaces whereas only 257 parking spaces are required. This standard coupled with the availability of multiple transit lines in this area will provide an adequate supply of parking for both residents and visitors to the proposed building.

Environment

The site was formerly used for industrial purposes. Public Health and Works and Emergency Services have requested the requisite environmental documents regarding on-site soil and water conditions and potential impacts on the abutting public right-of-way. The applicant will be required to address environmental requirements prior to the issuance of a building permit.

Public Benefits Secured Thought Section 37 of the Planning Act

The Official Plan and the Fort York Neighbourhood Part II Plan contain provisions pertaining to the exchange of public benefits for increases in height and/or density pursuant to Section 37 of the Planning Act. The public benefits include but are not limited to:

- (i) an affordable housing contribution of \$200,000;
- (ii) 100% of the design and construction of Dan Leckie Way from Housey Street to Lake Shore Boulevard West;
- (iii) the design and construction cost of a publicly accessible walkway between Block 8 and Block 9/10, extending from Housey Street to Lake Shore Boulevard West;
- (iv) 50% of the design and cost of the intersection of Dan Leckie Way and Lake Shore Boulevard West;
- (v) infrastructure upgrades, relocation and repairs as required by the proposed development;
- (vi) streetscape improvements including the provision of street lighting and landscaping; and
- (vii) preparation of plans and reports, including but not limited to, servicing, transportation, a development context plan, noise and vibration impact, air quality, archaeological, and storm water management.

The Section 37 agreement will be signed and registered on title prior to the introduction of Bills in Council.

Conclusions:

The application involves a proposal for a six-storey base building containing retail and residential uses including above-grade parking and a residential tower rising to 24 storeys at

450 and 470 Lake Shore Boulevard West. The application also proposes flexibility for the redevelopment of 500 Lake Shore Boulevard West, with the potential for two residential towers and retail/commercial uses. The proposal meets the objectives of the Fort York Neighbourhood Part II Plan while also minimizing impacts on existing high density development to the south.

Contact:

Grant Munday, Planner, West Section
Telephone: (416) 392-7349
Fax: (416) 392-1330
Email: gmunday@toronto.ca

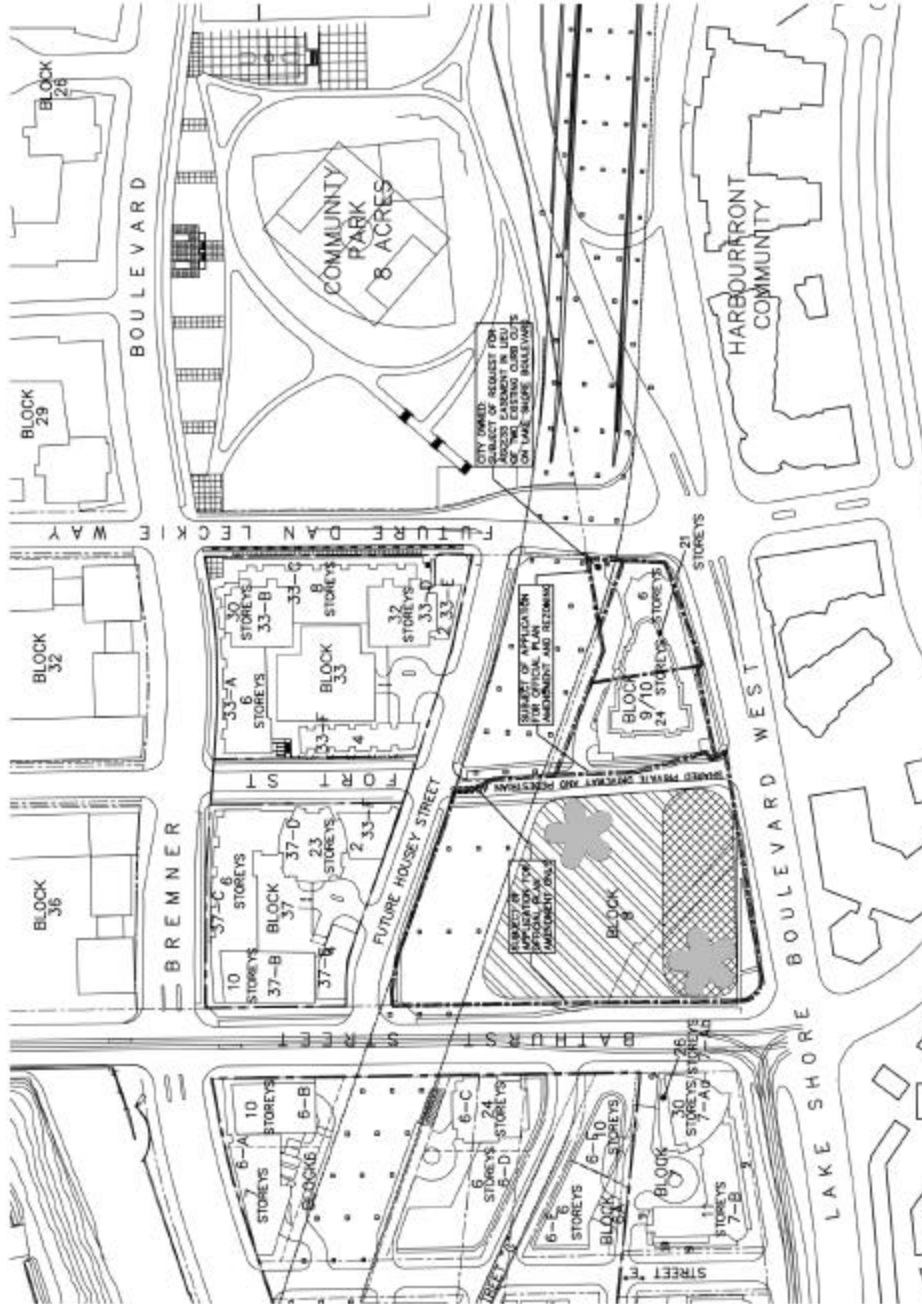
Ted Tyndorf
Director, Community Planning, South District

(p:\2004\uds\pln\teycc22866225092.DOC) - pg

List of Attachments:

Attachment 1: Concept Plan
Attachment 2: Elevation
Attachment 3: Official Plan
Attachment 4: Zoning
Attachment 5: Application Data Sheet
Attachment 6: Agency Comments
Attachment 7: Draft Official Plan Amendment
Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Concept Plan



Concept Plan

Applicant's Submitted Drawing

Not to Scale
CB17/04

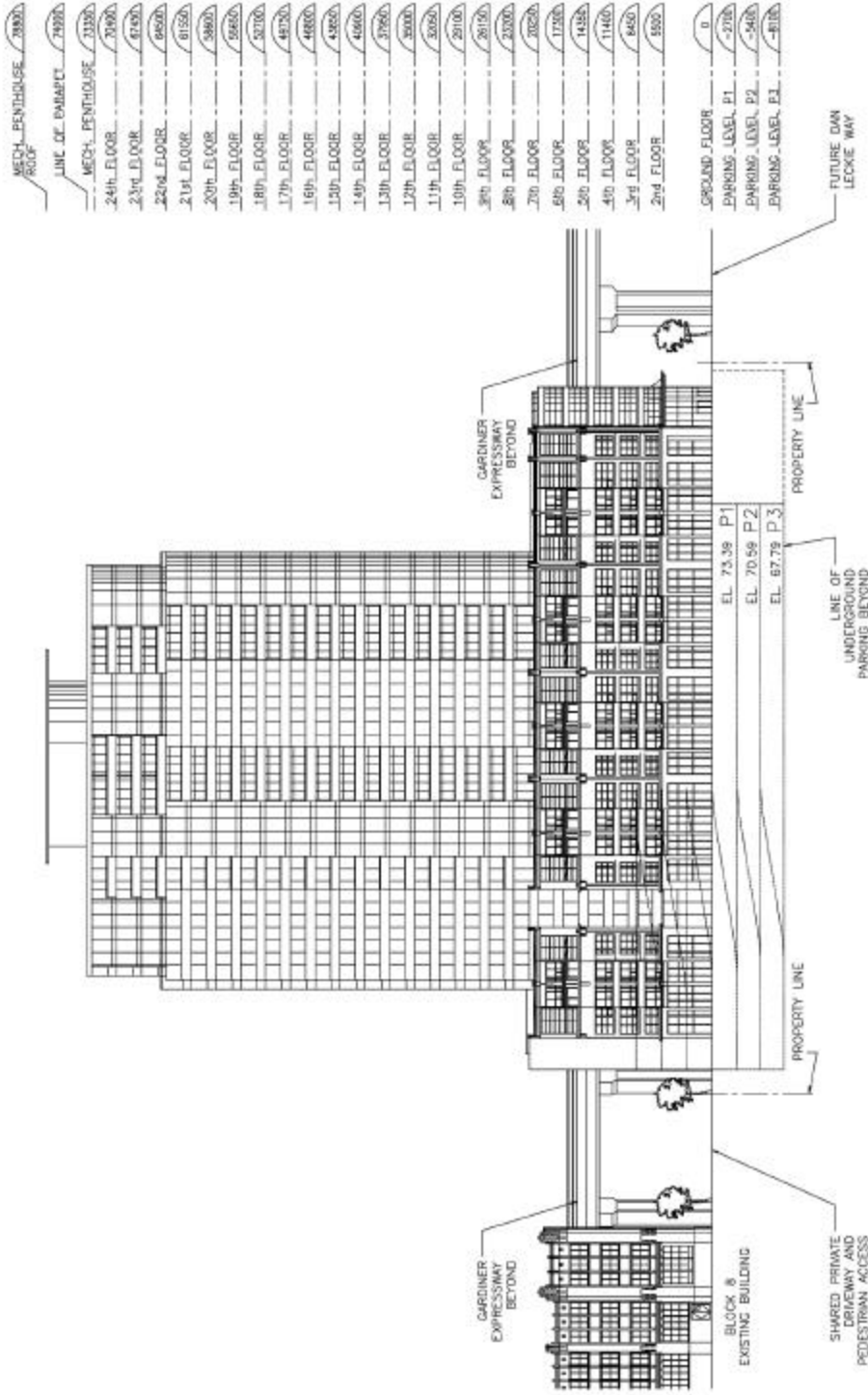


450-500 Lake Shore Boulevard West

(511 Breunner Boulevard and 2 & 20 Housey Street)

File # 00_036089

Attachment 2: South Elevation



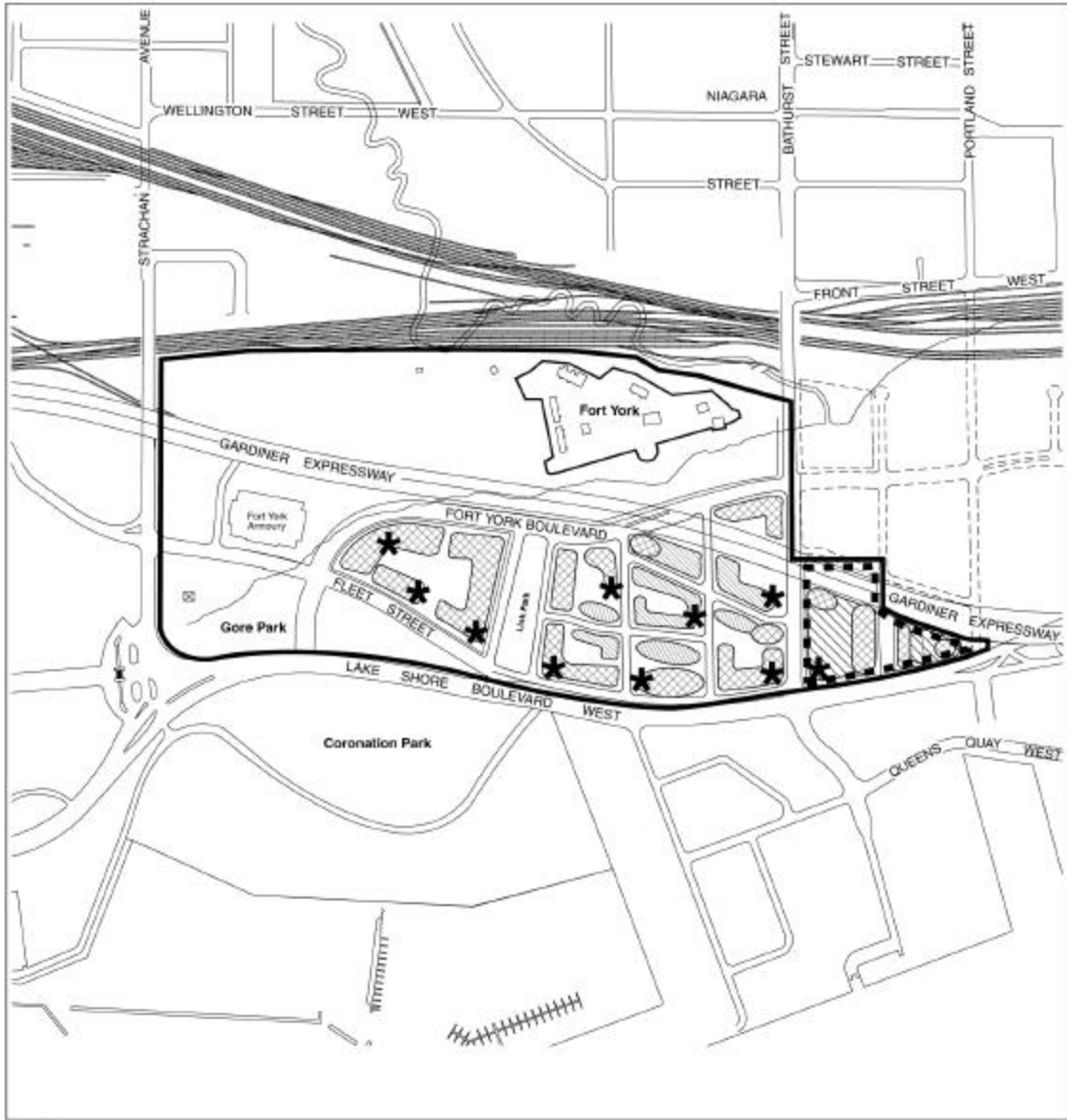
450-500 Lake Shore Boulevard West
 (511 Bremner Boulevard and 2 & 20 Housey Street)

File # 00_036089

South Elevation
 Applicant's Submitted Drawing

Not to Scale
 DB17/04

Attachment 3: Official Plan (Map)








TORONTO Urban Development Services
Official Plan

**450-500 Lake Shore Boulevard West
(511 Bremner and 2 & 20 Housey Street)**

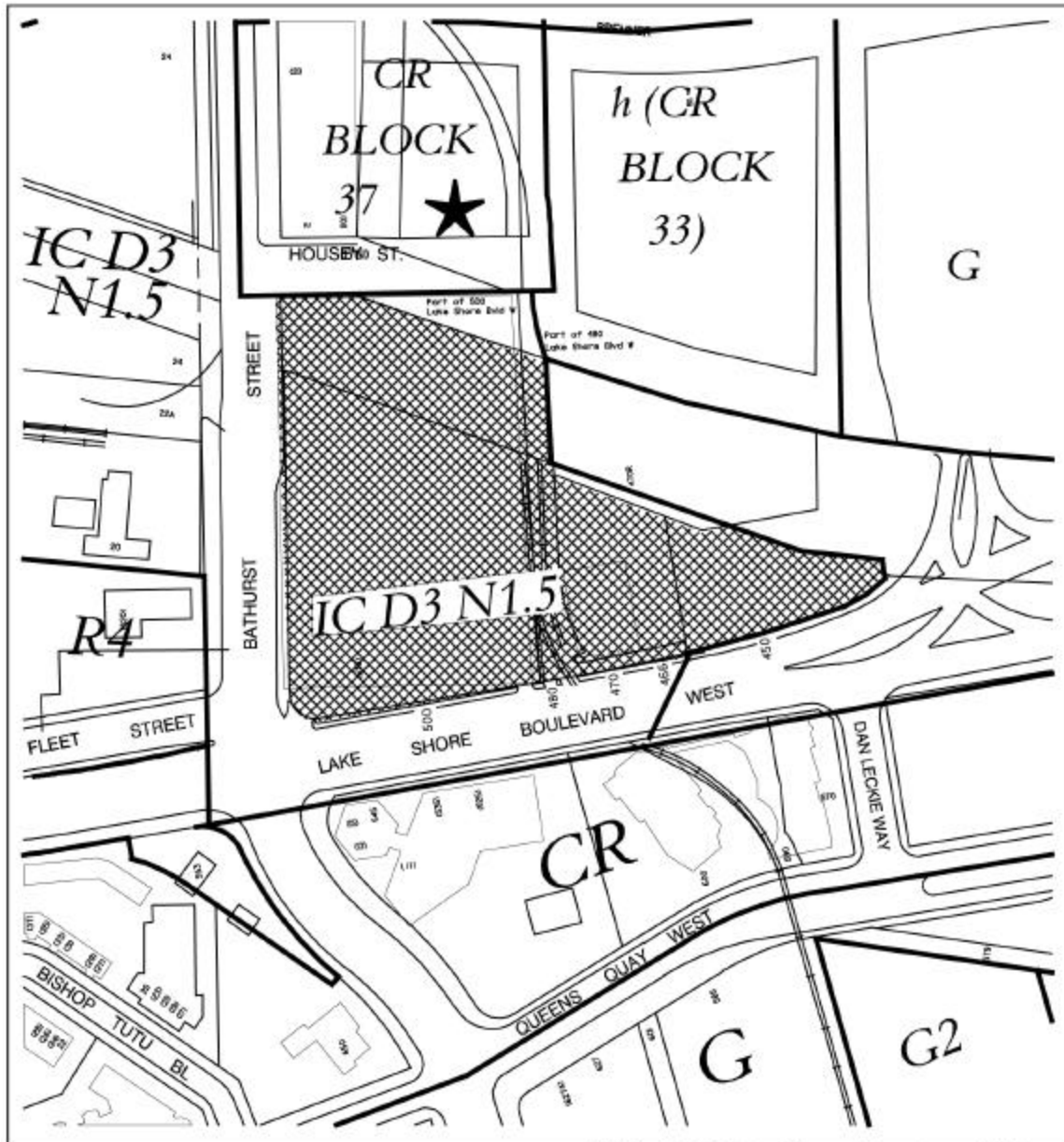
19.46 Fort York Neighbourhood Secondary Plan - Map D - Height Zones

File # 00_036089

-  Site
-  Secondary Plan Boundary
-  Potential Tower Location
-  Low-Rise (4-6 storeys)
-  Mid-Rise (7-15 storeys)


Not to Scale
06/04

Attachment 4: Zoning (Map)



 **Toronto** Urban Development Services
Zoning

450 - 500 Lake Shore Boulevard West
(511 Bremner Boulevard and 2 & 20 Housey Street)

File # 00_036089

- G Parks District
- R4 Residential District
- CR Mixed-Use District
- IC Industrial District
- { h } Holding District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 01/23/04 - R2

Attachment 5: Application Data Sheet

APPLICATION DATA SHEET

Application Type Rezoning Application Number: 00 036089 STE 20 OZ
Details Rezoning, Standard Application Date: January 10, 2000

Municipal Address: 511 BREMNER BLVD, Toronto ON
Location Description: PL D970 PT LT20 RP 66R16838 PT 2
Project Description: Residential with retail and service uses at grade

| | | | |
|----------------------|---------------|--------------------------|----------------------------------|
| Applicant: | Agent: | Architect: | Owner: |
| GOODMANS AND CARR | | QUADRANGLE ARCHITECTS | WITTINGTON PROPERTIES LIMITED |

PLANNING CONTROLS

| | | | |
|----------------------------|------------|--------------------------|---|
| Official Plan Designation: | | Site Specific Provision: | |
| Zoning: | IC D3 N1.5 | Historical Status: | |
| Height Limit (m): | 45 | Site Plan Control Area: | Y |

PROJECT INFORMATION

| | | | | |
|----------------------|--------|-----------------|--------------|-------|
| Site Area: | 3974.3 | Height: | Storeys: | 24 |
| Frontage: | 85.4 | | Metres: | 74.00 |
| Depth: | 0 | | | |
| Ground Floor GFA: | 2260 | | Total | |
| Residential GFA: | 33320 | Parking Spaces: | 252 | |
| Non-Residential GFA: | 4784 | Loading Docks | 0 | |
| Total GFA: | 26087 | | | |
| Lot Coverage Ratio: | 56.86 | | | |
| Floor Space Index: | 9.59 | | | |

DWELLING UNITS

| | |
|--------------|-------|
| Tenure Type: | Condo |
| Rooms: | 0 |
| Bachelor: | 0 |
| 1 Bedroom: | 183 |
| 2 Bedroom: | 111 |
| 3 + Bedroom: | 0 |
| Total Units: | 294 |

FLOOR AREA BREAKDOWN

| | Above Grade | Below Grade |
|--------------------------|-------------|-------------|
| Residential GFA: | 33320 | 0 |
| Retail GFA: | 784 | 0 |
| Office GFA: | 0 | 0 |
| Industrial GFA: | 0 | 0 |
| Institutional/Other GFA: | 0 | 0 |

| | | |
|-----------------|----------------------|--|
| CONTACT: | PLANNER NAME: | Grant Munday, Assistant Planner |
| | TELEPHONE: | (416) 392-7349 |

Attachment 6: Agency Comments

1. Works and Emergency Services, Technical Services (August 30, 2004)

This is in reference to the application made on behalf of the Owner, Wittington Properties Limited, for the construction of a mixed-use condominium development on Blocks 33 and 37 of the Railway Lands West, which is shown as PARTS 1 to 5, inclusive, on the draft Reference Plan of survey prepared by J. D. Barnes Limited, dated May 16, 2003. Block 33 consists of a 4-tower residential condominium building with retail/office components, 34-townhouse residential units and a total of 509 parking spaces being provided in an underground parking garage. Block 37 consists of a 3-tower condominium building with residential and retail/office components and 7 townhouse units with a total of 315 parking spaces being provided in an underground parking garage. Three new public streets are also proposed (Fort Street, extension and realignment of Housey Street and Dan Leckie Way {shown on plans as Portland Street}). The development also fronts on the south side of the proposed Bremner Boulevard.

Comments and conditions with respect to Blocks 33 and 37 of the Railway Lands West were provided in the memorandum of September 16, 2003. A revised application has subsequently been submitted to include Blocks 8 and 9/10, known municipally as 450, 470 and 500 Lakeshore Boulevard West of the Fort York Neighbourhood. Block 8 will consist of a mixed-use development, the details of which have not been provided, and Blocks 9/10 a mixed-use building containing retail space, residential units and 270 parking spaces.

This development is subject to By-law Nos. 1994-0805. This application is to:

- Increase the permitted floor area by 15,500 m² in order to provide for the transfer of density from the Wittington Land holdings on the west side of Bathurst Street to the east side of Bathurst Street;
- To allow flexibility in use (the application proposes that up to 13,000 m² of the gross floor area be used for non-residential purposes, whereas your staff support up to a maximum of 6,000 m²); and
- To use Section 37 of the Planning Act to secure agreements required as part of the "H" removal process for among other things, construction of the proposed roads, financial contribution towards the construction of Bremner Boulevard across the frontage of the site, and financial contributions towards the construction of the intersection modifications at Bathurst Street and Bremner Boulevard.

Due to the level of detail included in the plans submitted with the application, some of the comments and conditions made below are applicable to future site plan applications. Those issues will impact on the design of the project and the Owner should be advised accordingly.

The comments provided below are addition to those provided in the memorandum of September 16, 2003 for Blocks 33 and 37 to take into account the addition of Blocks 8 and 9/10 which are shown on Drawings Nos. A100 to A104 and A106 to A108, prepared by Quadrangle Architects Limited, date stamped by your Department as June 10, 2004. The conditions however have been consolidated with those of the previous memorandum to incorporate the whole development (Blocks 33, 37, 8 and 9/10) to either include, delete or revise such conditions to reflect the changes to the proposal. Please advise me if any changes or modifications are required to the conditions identified in this memorandum.

CONDITIONS:

1. That approval of the development be contingent on the approval of the road infrastructure phasing plan (the "Phasing Plan") with appropriate triggers and securities, to the satisfaction of the City Solicitor in consultation with the Commissioners of Works and Emergency Services and Urban Development Services;
2. That, as condition of approval of the requested amendments to the zoning by-law and Official Plan, the Owner be required to:
 - (a) Enter into an agreement with the City, to the satisfaction of the Commissioner of Works and Emergency Services, in consultation with the City Solicitor, to secure, among other matters, the Owner's financial obligations and responsibilities respecting:
 - (b) The implementation of the Phasing Plan;
 - (i) The design and construction of Housey Street, Dan Leckie Way (between Lake Shore Boulevard West and Bremner Boulevard), and Fort Street (between Bremner Boulevard and Housey Street) in accordance with the accepted engineering drawings and City standards and specifications and in accordance with approved cost-sharing provisions, if any;
 - (ii) Conveyance of the lands for public highway purposes, at nominal cost, including any required lands for intersection improvements to accommodate the installation of traffic control traffic signals at the Lake Shore Boulevard/Dan Leckie Way intersection, with such conveyance to be made prior to any site plan approval for the blocks, or when required by the Commissioner of Works and Emergency Services to implement the Phasing Plan;
 - (iii) Financial contribution towards the design and construction costs of Bremner Boulevard;

- (iv) Financial contribution towards the design and construction costs of the proposed modifications to the Bathurst Street/Fort York Boulevard/Bremner Boulevard intersection;
- (v) Payment of 50% of the cost to design and implement traffic control signals and intersection improvements at the Dan Leckie Way/Lake Shore Boulevard West intersection, prior to site plan approval of any of the blocks;
- (vi) Financial reimbursement to the other landowner in the Railway Lands West for the costs incurred by that landowner for the design and construction of Dan Leckie Way (south of the proposed Bremner Boulevard to Lake Shore Boulevard West) in the event that this section of Dan Leckie Way is constructed by that landowner prior to this development proceeding;
- (vii) “Pre-build” mechanisms to permit the Owner to assume the responsibilities of the other landowner in the Railway Lands West for the construction of the roads and municipal services in the event this development proceeds prior to the construction of such roads and services required to be constructed by the other landowner;
- (viii) Retention of a qualified municipal consulting engineer to carry out and certify all necessary engineering design and inspection works required for the provision and construction of the new roads and associated municipal services and utilities;
- (ix) Submission of all reports (e.g. stormwater, geotechnical, construction management plan, environmental site assessment, soil and groundwater, remediation, etc.), drawings, legal plans, calculations, and certifications deemed necessary by the Commissioner of Works and Emergency Services for review and acceptance;
- (x) Payment(s) to the City for its costs of retaining a consultant to undertake a peer review of all soil and groundwater remediation report, environmental site assessment reports, etc., that are required to be submitted by the Owner to the Commissioner of Works and Emergency Services, as it relates to the public roads that are to be conveyed to the City for public highway purposes and the development of the site, to ensure that the report(s) and its recommendations have been prepared in accordance with all current and applicable Ministry of the Environment guidelines;

- (xi) Remediation of the lands to be constructed and conveyed for public highway purposes in a manner satisfactory to the Commissioner of Works and Emergency Services;
- (xii) Receipt of and/or submission of all permits, letters of credit, proof of insurance, fees, applicable Certificate of Approvals from the Ministry of the Environment, engineering drawings, easement documents, and any other documentation deemed necessary by the Commissioner of Works and Emergency Services for acceptance prior to commencing construction of the new roads and its associated municipal services;
- (xiii) Repairs to any damages to any existing City infrastructure caused during the construction of the roads and the associated municipal services to the satisfaction of the Commissioner of Works and Emergency Services;
- (xiv) Submission of all progress reports at the request of the Commissioner of Works and Emergency Services;
- (xv) Access by the Commissioner of Works and Emergency Services or his designate to the site to inspect the construction of the new roads and the associated municipal services and utilities;
- (xvi) Repairs to the roads and the municipal services that have been deemed by the Commissioner of Works and Emergency Services as not having been constructed properly;
- (xvii) Submission of Completion Certificates in a format and with wording satisfactory to the Commissioner of Works and Emergency Services;
- (xviii) Compliance with standard City conditions relating to the acceptance of the works, guarantee of works and assumption of works as they relate to the construction of the roads and associated municipal services and utilities;
- (xix) Provision for winter maintenance for the roads, until its acceptance and/or assumption by the City, to the satisfaction of the Commissioner of Works and Emergency Services;
- (xx) Installation of all temporary street signs as determined by the Commissioner of Works and Emergency Services;

- (xxi) Compliance with standard City conditions relating to the *Construction Lien Act* as it relates to the construction of the new roads and associated municipal services;
 - (xxii) Upgrades to be undertaken to the CN Plaza pumping station and costs associated with such upgrades to accommodate the increase in sanitary flows expected to be generated as a result of the requested amendments to the zoning by-law and transfer of density;
- (b) Provide and maintain parking for the residential components of the project, in accordance with the following minimum ratios:

| <u>Unit Type</u> | <u>Parking Ratio</u> |
|-----------------------------|----------------------|
| Bachelor | 0.3 space/unit |
| 1 bedroom unit | 0.7 space/unit |
| 2 bedroom unit | 1.0 space/unit |
| 3 more bedroom unit | 1.2 space/unit |
| Residential visitor parking | 0.06 spaces/unit |

- (c) Comply with the loading requirements of the Zoning By-law, including dimensional requirements;
- (d) Secure an alternate private driveway connection to Housey Street, prior to site plan approval for either Blocks 8 or 9/10;
- (e) Include a clause in the condominium declaration for Block 9/10 advising prospective purchasers that vehicular access restrictions may be imposed by the Commissioner of Works and Emergency Services to restrict turning movements at the Dan Leckie Way driveway, and that this could ultimately result in circuitous access routes for residents;
- (f) Obtain approval to construct a driveway for vehicular access on City-owned lands for the construction of the proposed driveway under the F. G. Gardiner Expressway prior to site plan approval of either Block 8 or Block 9/10;
- (g) Redesign the driveways/vehicular access ramps to the above and below-grade garages to provide two-way operation and to mitigate conflicts at the top of the ramps at the intersection of the garage access and the private east-west driveway;

- (h) Provide and maintain a minimum inside and outside radius of 4.5 m and a minimum outside turning radius of 11.3 m for two-way traffic at all turns on the access ramp systems;
- (i) Design and construct all driveways and passageways providing access to and egress from the Type G loading spaces with minimum widths of 3.5 m (4 m where enclosed), minimum vertical clearances of 4.3 m and minimum inside and outside turning radii of 9 m and 16 m, respectively, so that trucks can enter and exit the site in a forward motion;
- (j) Submit to the Commissioner of Works and Emergency Services for review and acceptance, a functional road plan of the new street system, including the intersection of Dan Leckie Way and Lake Shore Boulevard West;
- (k) Submit to the Commissioner of Works and Emergency Services for review and acceptance, a revised and updated traffic impact study to address the issues discussed in the July 30, 2004 letter sent to the Owner's Traffic Consultant;
- (l) Pay for all costs associated with implementing improvements or mitigation measures recommended by the traffic impact study and functional road plans, as accepted by the Commissioner of Works and Emergency Services;
- (m) Submit to the Commissioner of Works and Emergency Services for review and acceptance, with each site plan application, additional traffic studies to address issues such as, but not be limited to, proposed site access locations and turn restriction requirements;
- (n) Pay for all costs associated with implementing the improvements/mitigation measures recommended in the traffic impact studies submitted with each site plan application;
- (o) Agree that direct access to Bremner Boulevard, Bathurst Street and Lake Shore Boulevard West, will not be permitted and to design the site to provide for access from the proposed local roads;
- (p) Submit to the Commissioner of Works and Emergency Services for review and acceptance, prior to site plan approval for any block, a municipal lighting assessment for the proposed internal street network and for the streets adjacent to the site;
- (q) Pay for all streetlighting costs for the development of the site including any associated with the required upgrades to the existing lighting system;

- (r) Submit to the Commissioner of Works and Emergency Services for review and acceptance, a site servicing assessment to indicate:
 - (i) How stormwater management is to be addressed;
 - (ii) The sanitary flow expected to be generated and water supply demand resulting from this development;
 - (iii) How this site is proposed to be serviced; and
 - (iv) Whether the existing municipal infrastructure is adequate and what upgrades are required;

- (s) Pay for any improvements to the existing and/or relocation of existing municipal infrastructure in connection with Condition No. 2(r), should it be determined that such upgrades are required to support this development;

- (t) Submit to the Commissioner of Works and Emergency Services, at least 3 weeks prior to the introduction of Bills in Council, for review and acceptance to deposit in the Land Registry Office, a draft Reference Plan of Survey, in metric units and integrated into the Ontario Coordinate System with coordinate values shown on the face of the plan, and delineating thereon by separate PARTS, the lands to be conveyed to the City for as set out in Condition No. 2(a)(iii) above, and the remainder of the site, and any appurtenant easements;

- (u) Submit, prior to the issuance of a below-grade building permit for the block being developed, all environmental site assessment reports describing the current site conditions and the proposed remedial action plans to the Commissioner of Works and Emergency Services for peer review;

- (v) Pay all costs associated with the City retaining a third-party peer review consultant and submit, along with the site assessment reports, a certified cheque payable to the City, in the amount of \$3,000.00, as a deposit towards the cost of peer review;

- (w) Submit, prior to the issuance of an above-grade building permit for the block being developed, a statement from a Professional Engineer (sealed and dated), for peer review and concurrence, that based on all the necessary supporting environmental documents:
 - (i) The site, including the lands to be conveyed to the City for public highway purposes, is suitable for its intended use;
 - (ii) It is unlikely that there is any off-site contamination, resulting from the past land uses on the site, that has migrated from the site to the adjacent rights-of-way that would exceed applicable MOE guidelines, objectives, or regulations;

- (x) Enter into an agreement, prior to the issuance of an above-grade building permit for the block being developed, with the City, should it be determined that remediation of the adjacent right-of-way is required, in which the Owner, or the party responsible for the contamination, commit to carrying out a remedial work plan acceptable to the City;
- (y) Submit prior to the issuance of any above-grade building permit for the block being developed, a Record of Site Condition (RSC) to the Commissioner of Works and Emergency Services, with respect to the statement from the Professional Engineer that was submitted prior to the issuance of an above-grade building permit;
- (z) Submit to the Commissioner of Works and Emergency Services, as soon as possible, a new name for "Fort Street", in accordance with the City of Toronto Street Naming Policy, the approval for which must be obtained prior to the submission of a building permit application;
- (aa) Decommission the existing underground tunnel located under Housey Street to the satisfaction of the Commissioner of Works and Emergency Services, at no expense to the City;
- (bb) Eliminate the proposed encroachment of the balconies over the Bathurst Street public right-of-way;
- (cc) Site the building(s) and any underground parking structures proposed on this site clear of the existing 750 mm x 1500 mm storm sewer that traverses the site to the satisfaction of the Commissioner of Works and Emergency Services, or alternatively, relocate this existing storm sewer, at no cost to the City and to the satisfaction of the Commissioner of Works and Emergency Services;
- (dd) Grant a minimum 6 m wide easement to the City for the existing 750 mm x 1500 mm storm sewer that traverses the site prior to the issuance of a first building permit for this site;
- (ee) Submit to the Commissioner of Works and Emergency Services, a Reference Plan of survey in metric units and referenced to the Ontario Coordinate System, delineating thereon by separate PARTS the proposed lots and storm sewer easement; and
- (ff) Submit to the Commissioner of Works and Emergency Services, for review and acceptance, revised plans/additional information with respect to Recommendation Nos. 2(a)(i), 2(a)(v), 2(c), 2(g), 2(h), 2(i), 2(j), 2(k), 2(m), 2(r), 2(bb) and 2(cc).

3. That the Owner, as a condition of approval of future site plan application(s), will be required to, among other things:
 - (a) Provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with the development;
 - (b) Provide and maintain in connection with City waste collection for the residential components of the development, sufficient Type G loading spaces to be determined as part of the site plan application review process for each block, with generally level surfaces;
 - (c) Design the Type G loading spaces and all driveways and passageways providing access thereto to the requirements of the Ontario Building Code, including allowance for City of Toronto bulk lift and rear bin vehicle loading with impact factors where they are to be built as supported structures;
 - (d) Provide and maintain for the residential component in each of the development blocks, separate garbage and recycling storage rooms and install and maintain a stationary compactor in each of the garbage rooms, the sizes of which will be determined during the site plan application review process, or alternatively, combined garbage/recycling rooms, equipped with automated recycling and waste systems (i.e. tri-sorter type). If automated recycling waste systems are not being installed, convenient storage space for recycling materials must be provided on each floor of the buildings for collection by building maintenance staff;
 - (e) Install and maintain double or overhead doors of a width necessary to accommodate the movement of container bins between the garbage and recycling storage rooms in each of the blocks and the Type G loading spaces;
 - (f) Provide and maintain level corridors between the storage rooms in each of the blocks, the Type G loading spaces and the collection pads of a width necessary to accommodate the passage of container bins for collection;
 - (g) Provide and maintain service connections between each residential garbage and recycling storage rooms in each of the blocks, each retail store/office established and the Type G loading spaces;
 - (h) Provide and maintain concrete storage collection pads immediately fronting the loading spaces in each of the blocks, with maximum slopes of 2%, the sizes of which will be determined during the site plan application review process;

- (i) Show on the plans the route that City waste collection vehicles will travel on site for each of the blocks including the route used for the transferring of the bins to the collection pad and the path the townhouse residents will use to dispose of the refuse materials;
- (j) Provide trained staff-members for each of the buildings to transfer the bins from the residential garbage and recycling storage rooms and be present at all times during City refuse collection to manoeuvre the containers onto the waste collection vehicle and act as flagpersons when the vehicle is reversing;
- (k) Provide and maintain for the retail/office components of this development in each of the blocks:
 - (i) Private refuse collection services;
 - (ii) Dedicated, separate or combined garbage and recycling storage rooms of sufficient width that individually or collectively accommodate the refuse generated by the non-residential components;
 - (iii) Doors and corridors leading from the rear of each unit to the garbage and recycling storage rooms;
 - (iv) Separate collection pads of sufficient width to accommodate the bins on collection day or, if the residential collection pad is shared, that additional space is provided to accommodate those bins;
 - (v) If the residential collection pad is shared, the containers are to be properly labeled (painted or stenciled lettering ranging 0.15 to 0.20 m in height) to indicate for “Retail/Office Use Only” and collection is to be done on alternate days from that of City collection;
- (l) Agree to advise all tenants/Owners, in writing and in their deeds/leases, of the refuse collection arrangements for the retail/office and residential components;
- (m) Apply to the Commissioner of Works and Emergency Services, prior to filing an application for a building permit, for revised municipal numbering;
- (n) Submit to the Commissioner of Works and Emergency Services for review and acceptance, prior to the issuance of a below-grade building permit, a report of the existing Bathurst Street bridge, the F. G. Gardiner Expressway and the 750 mm x 1500 mm storm sewer to demonstrate that these structures are not adversely impacted. The report is to outline the details of the proposed design(s) for the buildings(s) and underground parking structures, proposed clearances between the building(s) and parking structure and the Bathurst Street and F. G. Gardiner Expressway

structures and between the building(s) and parking structure and the existing 750 mm x 1500 mm storm sewer, excavation, shoring, dewatering and construction procedures, and backfill materials to be used, as noted in the body of this memorandum;

- (o) Submit in conjunction with an application for a building permit, plans and documentation, detailing how each of the development blocks will be constructed in accordance with the Ontario Building Code relating to the provisions of fire fighting, as discussed in the body of this report;
- (p) Submit to the Commissioner Works and Emergency Services, for review and acceptance, prior to the issuance of an above-grade building permit:
 - (i) Grading and servicing plans to show existing and proposed service connections, existing and proposed elevations within the site and at property lines, overland flow routes , and fire access routes and dimensions; and
 - (ii) A stormwater management report to indicate how stormwater is proposed to be managed.

4. That the Owner be advised:

- (a) That in the event that Bremner Boulevard is not constructed between Bathurst Street and Dan Leckie Way prior to the construction of the 1st phase of the development, an alternate road phasing plan must be developed to the satisfaction of the Commissioner of Works and Emergency Services;
- (b) That in the event that Block 9/10 is the 1st phase of the development, the proposed dead end portion of Dan Leckie Way must be constructed to City road standards, but will not be assumed by the City for public highway purposes until such time as it is connected to the area public street grid through the construction of either Housey Street or the Housey Street-to-Bremner Boulevard leg of Dan Leckie Way;
- (c) That minor adjustments to the building envelope must be required in conjunction with the conveyance requirements for the Dan Leckie Way/Lake Shore Boulevard West intersection improvements to be established in connection with the finalization of the intersection design;
- (d) That there is an existing 750 mm x 1500 mm storm sewer underneath the site and that caution must be exercised during construction of the development to ensure that loads are not imparted on the storm sewer;
- (e) That costs to repair any damage caused to the storm sewer during construction will be borne by the Owner;

- (f) That costs to repair any damages to the Bathurst Street bridge and F. G. Gardiner Expressway abutments caused during construction will be borne by the Owner;
- (g) Of the need to make a separate application to the Commissioner of Works and Emergency Services for permits to carryout any works involving construction in, or occupancy of the abutting right-of-ways, including the works associated with the removal of the tunnel under Housey Street;
- (h) That the storm water run-off originating from the site should be disposed of through infiltration into the ground and that storm connections to the sewer system will only be permitted subject to the review and acceptance by the Commissioner of Works and Emergency Services of an engineering report detailing that site or soil conditions are unsuitable, the soil is contaminated or that processes associated with the development on the site may contaminate the storm runoff;
- (i) Of the City's requirements for payment of a service charge associated with the provisions of City containerized garbage collection;
- (j) That municipal No. 511 Bremner Boulevard has been reserved for Blocks 33 and 37 of the Railway Lands West; and
- (k) That premises No. 500 Lake Shore Boulevard West is designated as a historical structure under the Ontario Heritage Act.

COMMENTS:

SIDEWALKS/PUBLIC BOULEVARDS/STREETSCAPE

Approval for any work within the public right-of-way must be received from this Department. For further information in this regard, and to discuss application requirements with staff, the applicant should contact Right of Way Management, District 1, Construction Activities at (416) 392-7877. Revisions to the plans may be required as part of the detailed review of the application for work within the public right-of-way.

All sidewalks are to be continuous across the driveways. Additional detailed comments will be provided during the review of future applications for site plan approval of this site.

The westerly portion of this site abuts the existing Bathurst Street bridge and the F. G. Gardiner Expressway. In order to assess the potential impact that this development will have on these structures and to ensure that they will not be undermined during the course of construction, the Owner will be required to submit to the Commissioner of Works and Emergency Services for review and acceptance, prior to the issuance of a below-grade building permit, a report outlining the details of the proposed design(s) for the building(s)

and underground parking structures, proposed clearances between the building and parking structures and the Bathurst Street bridge and F. G. Gardiner Expressway structures, excavation, shoring, de-watering and construction procedures, and backfill materials to be used, and to demonstrate that the integrity of the Bathurst Street bridge and F. G. Gardiner Expressway structures will not be adversely impacted as a result of this development.

ROADWAYS

Our memorandum of September 16, 2003, dealt with Blocks 33 and 37 of the Railway Lands West Secondary Plan Area. Blocks 8 and 9/10 of the Fort York Neighbourhood Secondary Plan Area are also part of the land holdings being developed by the Owners.

As indicated in the earlier memorandum, the road infrastructure for these blocks is being secured by means of Section 37 Agreement(s). In this regard, the Owner has submitted a Phasing Plan revised July 23, 2004 and received by the City on August 26, 2004, outlining the minimum road infrastructure that would be required to service each of the 4 blocks (Blocks 33, 37, 8 and 9/10), and secures various additional infrastructure as each additional block develops. The Phasing Plan has been structured such that the entire street grid in this area will be completed in conjunction with the 3rd development block, regardless of the order of development. This phasing plan is acceptable, in principle, provided that appropriate triggers can be secured, to the satisfaction of the City Solicitor, to ensure that the implementation of the Phasing Plan can be secured for all 4 development blocks, regardless of type of development application submitted (e.g. Site Plan or Rezoning), and regardless of the status of the individual Section 37 Agreements to be entered into for each block.

The Phasing Plan assumes and relies on Bremner Boulevard being completed between Bathurst Street and Dan Leckie Way prior to the 1st phase of development. In the event that this road infrastructure is not in place prior to the construction of the 1st phase, alternate infrastructure phasing must be developed to the satisfaction of the Commissioner of Works and Emergency Services and Urban Development Services.

In the event that Block 9/10 is constructed as the 1st phase, only a dead-end portion of Dan Leckie Way would be constructed. The owner must construct this leg of Dan Leckie Way to municipal standards and maintain it until such time as it is assumed by the City for public highway purposes. The City would not assume this portion of Dan Leckie Way until, among other things, the dead-end condition has been eliminated through the construction of additional public street infrastructure providing linkages to either Bathurst Street or Bremner Boulevard.

The traffic consultant has submitted an analysis of the Dan Leckie Way/Lake Shore Boulevard intersection and concluded that the traffic control signals will be warranted at this location in connection with the development of the Railway Lands West/Wittington Land holdings. The consultant has also provided a functional plan which identifies lands within the Block 9/10 site which must be conveyed to the City to accommodate the traffic

control signal. These conveyances are not dimensioned on the plan. Furthermore, the design of the traffic control signals and required intersection improvements is currently under review by City staff. Given that this traffic control signal will provide an important pedestrian, cycling and vehicular link for the new community to the Waterfront and that it will be warranted as construction within the community progresses, it seems appropriate to install the signals in conjunction with the initial occupancy of the project, if practicable, and to implement the necessary intersection improvements in conjunction with the 1st block to be developed. This would avoid the need to partially reconstruct the Lake Shore Boulevard West/Dan Leckie Way intersection shortly after occupancy of the project. In this regard, the Owner has agreed to contribute 50% of the cost of the intersection improvement, including the installation of traffic control signals, and to convey the lands required for the intersection improvements to the City at nominal cost. Given that the intersection design has not been finalized, it is not possible to provide exact cost estimates and land conveyance requirements at this time. Although the land conveyances generally depicted on the plans prepared by the traffic consultant can be accommodated with the current building envelope, it is possible that minor adjustments will be required at the site plan approval stage, once the design has been finalized. Accordingly, the conditions above secure the commitment for the conveyance of lands, payment for the traffic control signals and specify that the exact costs/conveyance requirements will be secured in connection with the site plan approval for Block 8 and/or Block 9/10, if appropriate. The conditions also advise that minor adjustments to the building envelope may be required in conjunction with the detailed conveyance requirements established in connection with the finalization of the intersection design.

STREET LIGHTING

The Owner is required to submit prior to site plan approval for each block a municipal lighting assessment for the proposed streets and the streets adjacent to this site. The Owner will be required to pay for all streetlighting costs for the new roads and for any upgrades to the existing lighting on the streets adjacent to this site.

ENCROACHMENTS

It appears that the balconies proposed for this development encroach over the public right-of-way of Bathurst Street. The plans must be revised to eliminate the encroachment.

The draft reference plan submitted indicates that there is an existing underground tunnel under Housey Street. Prior to the proposed construction and realignment of Housey Street, this tunnel must be decommissioned to the satisfaction of the Commissioner of Works and Emergency Services.

DRIVEWAY ACCESS AND SITE CIRCULATION

The memorandum of September 16, 2003, provided comments with respect to the driveway access and site circulation for Blocks 33 and 37.

For Blocks 9/10, the only existing public street abutting Block 9/10 is Lake Shore Boulevard West. The site is bounded on the east by the future Dan Leckie Way, on the west by a proposed private driveway with access from the proposed realigned Housey Street and on the north by the F. G. Gardiner Expressway. A small portion of the lands under the Gardiner Expressway is owned by the City, while the remaining lands are owned by Concord Adex.

These constraints result in limited access opportunities for the site. As a result, the Owner is requesting access to Block 9/10 lands over the City-owned lands under the Gardiner Expressway, via the proposed Dan Leckie Way. This access is problematic given limited sight-lines beneath the Gardiner Expressway (related to the column placements), as well as the close proximity of this access driveway to the proposed Dan Leckie Way/Lake Shore Boulevard intersection. It is anticipated that queues could occasionally extend past the driveway. In this regard, the Owner's traffic consultant has submitted an analysis of sight lines and queuing implications and has made a number of recommendations to mitigate the problems associated with this access, such as hatched pavement markings on Dan Leckie Way and "Do Not Block Driveway" signage at the driveway. We are satisfied that the access would be acceptable for the initial phase of the project, prior to the future extension of Dan Leckie Way to Housey Street or further north to Bremner Boulevard. However, we are concerned with this driveway acting as the sole access to the site, especially given that it is likely that the City will eventually implement turning restrictions at this driveway as a result of our safety and queuing concerns. Accordingly, the Owner must pursue agreements with the abutting property Owners in order to provide an alternate private driveway connection to Housey Street.

The plans also illustrate a "Shared Private Driveway and Pedestrian Access" extending between Block 8 and Block 9/10 from Lake Shore Boulevard West to the future Housey Street. Direct access from Lake Shore Boulevard West is not acceptable because of the prevailing vehicle speeds along this section of Lake Shore Boulevard West, and its classification as a major arterial street. In any event, the current scheme, as supported by the Traffic Study does not require access to Lake Shore Boulevard. Although we are not prepared to consider a vehicular connection to Lake Shore Boulevard West in connection with the application, we may consider this driveway in conjunction with a connection to Housey Street for improved access opportunities for both Blocks 8 and 9/10. The site plan indicates that Block 9/10 will be connected to this north-south private driveway, and thus have a connection to Housey Street however, the Owner advises that the timing of construction on this connection would depend, in part, on the grading and construction of a development on Block 8. In addition, the Owner is concerned that, depending on the ultimate use on Block 8, a connection to a residential driveway may not be appropriate. As previously indicated, the Owner must pursue agreements with the abutting property Owners in order to provide an alternate private driveway connection to Housey Street. If the connection is deemed inappropriate through the shared Block 8 and 9/10 driveway (which is partially located on the Block 9/10 lands), the Owner could pursue an easement through the lands owned by Concord Adex beneath the Gardiner Expressway.

The Owner is required to obtain approval from the City to construct a driveway for vehicular access over the City-owned lands prior to site plan approval for either Block 8 or Block 9/10.

PARKING

The September 16, 2003 memorandum provided comments with respect to Blocks 33 and 37. With respect to Blocks 8, and 9/10, the proposed provision of about 270 parking spaces satisfies the estimated minimum requirement of the Zoning By-law for 193 spaces and the estimated demand based on the proposed condominium use of the building for 257 spaces, including 18 spaces for visitors, and is acceptable. Parking for the residential units must be provided and maintained in accordance with the ratios set out in the conditions above.

The proposed access to the parking garage consists of a small at-grade handicapped parking area within the building, a ramp the underground parking levels immediately beyond the front wall of the building, and a ramp to the above-grade portion of the garage abutting the west wall of the building with a skewed access of the north-south driveway serving the other ramp and the handicapped parking spaces. The configuration and alignment of the ramp does not accommodate 2-way operation. Furthermore, there could be sight-line issues for vehicles entering/exiting the north-south access driveway due to the proximity of the ramp to the wall of the building. This configuration results in numerous conflicts at the top of the ramp system which must be redesigned accordingly to mitigate these conflicts. While the timing for this could be deferred to the site plan approval application stage, the Owner must be advised that such change could also result in minor modifications to the building envelope.

LOADING

The September 16, 2003, provided comments with respect to the loading requirements for Blocks 33 and 37.

With respect to Blocks 8 and 9/10, the proposal provide 1 Type G loading space to serve the mixed-use project. Floor area breakdowns have not been provided for the retail component, therefore, it is difficult to ascertain whether 1 Type G loading space or 1 Type G plus 1 Type B loading space will be required to serve the project. The conditions above require that the Owner comply with the requirements of the Zoning By-law.

While it would appear that the proposed access configuration for the Type G loading space is acceptable, the plans do not indicate whether sufficient vertical clearance has been provided. This must be demonstrated in connection with the plans to be submitted with the site plan application. It could potentially impact on the design of the 2nd level parking garage and/or require an increase in building height.

TRAFFIC ASSESSMENT

Further to the comments provided in the September 16, 2003 memorandum, staff have completed the review of the traffic study entitled "Wittington Properties Limited Land Holdings Railway Lands West – Blocks 33 and 37 Fort York Neighbourhood – Blocks 8, 9/10 – Supplementary Transportation Materials". The consultant was advised on July 30, 2004, of the need to submit additional traffic analysis in support of this development.

SOLID WASTE AND RECYCLING

The requirements with respect to City collection for Blocks 33 and 37, were provided in the memorandum dated September 16, 2003. Similarly, in order to be eligible for City compacted bulk-lift garbage collection for the residential components, the adequate loading, storage and handling facilities must be provided for each of the blocks, the requirements of which will be discussed at the site plan application review process for each block. (Nhat they have shown details on A102, but I'd rather discuss them later when we know more)

The site plan application drawings must include detailed information with regards to the Type G loading spaces, dimensions of the storage rooms, internal corridors/ connections and collection pads. The sizes for the garbage and recycling storage rooms will be calculated on a per unit basis.

With respect to the non-residential components for the development, the comments previously provided remain applicable, the requirements for which will also be discussed in detail as part of the review of future site plan application(s).

It is the policy of Toronto City Council to levy a service charge on all new developments, payment of which is a condition for receiving City containerized garbage and recycling collection. The levy is currently \$34.50 per month including taxes multiplied by the number of garbage containers on site. The levy includes the provision and maintenance of City garbage and recycling containers. Should the Owner choose to provide private garbage containers, the levy will still be charged and the containers must meet City specifications and be maintained privately at the expense of the building Owner.

MUNICIPAL SERVICING (STORM AND SANITARY DRAINAGE AND WATER SUPPLY)

Further to the comments provided in the September 16, 2003 memorandum, the preliminary storm water management plan and servicing report, both dated August 2003 and prepared by the IBI Group has been reviewed by staff. Staff have provided the consultant with their comments and of the need to submit a revised plan and servicing report.

FIRE SERVICES

The site plan should be revised to address the following with respect to Fire Access Route requirements of the Ontario Building Code:

- (i) fire access route(s) to be within 3 to 15 m of every building face having access openings (unsprinklered buildings); and
- (ii) Fire hydrant(s) located no greater than 45 m from a fire department siamese connection, 90 m from the “principal entrance” for buildings without a fire department connection and no greater than 90 m horizontally from all points along the perimeter of the building face(s) required to face a street;

SOIL CONTAMINATION

The comments provided in the September 16, 2004 memorandum remain application. The environmental studies to be submitted must include Blocks 8, and 9/10.

Attachment 7: Draft Official Plan Amendment

SCHEDULE “A”

**AMENDMENT NO. TO THE OFFICIAL PLAN
OF THE FORMER CITY OF TORONTO**

Fort York Neighbourhood Part II

The following text and maps constitute Amendment No. to the former City of Toronto Official Plan, being an amendment to the provisions of Chapter 19.46, as amended, the Fort York Neighbourhood Part II Plan (formerly the Bathurst Strachan Part II Plan).

The section headed “Purpose and Location” is explanatory only, and shall not constitute part of this amendment.

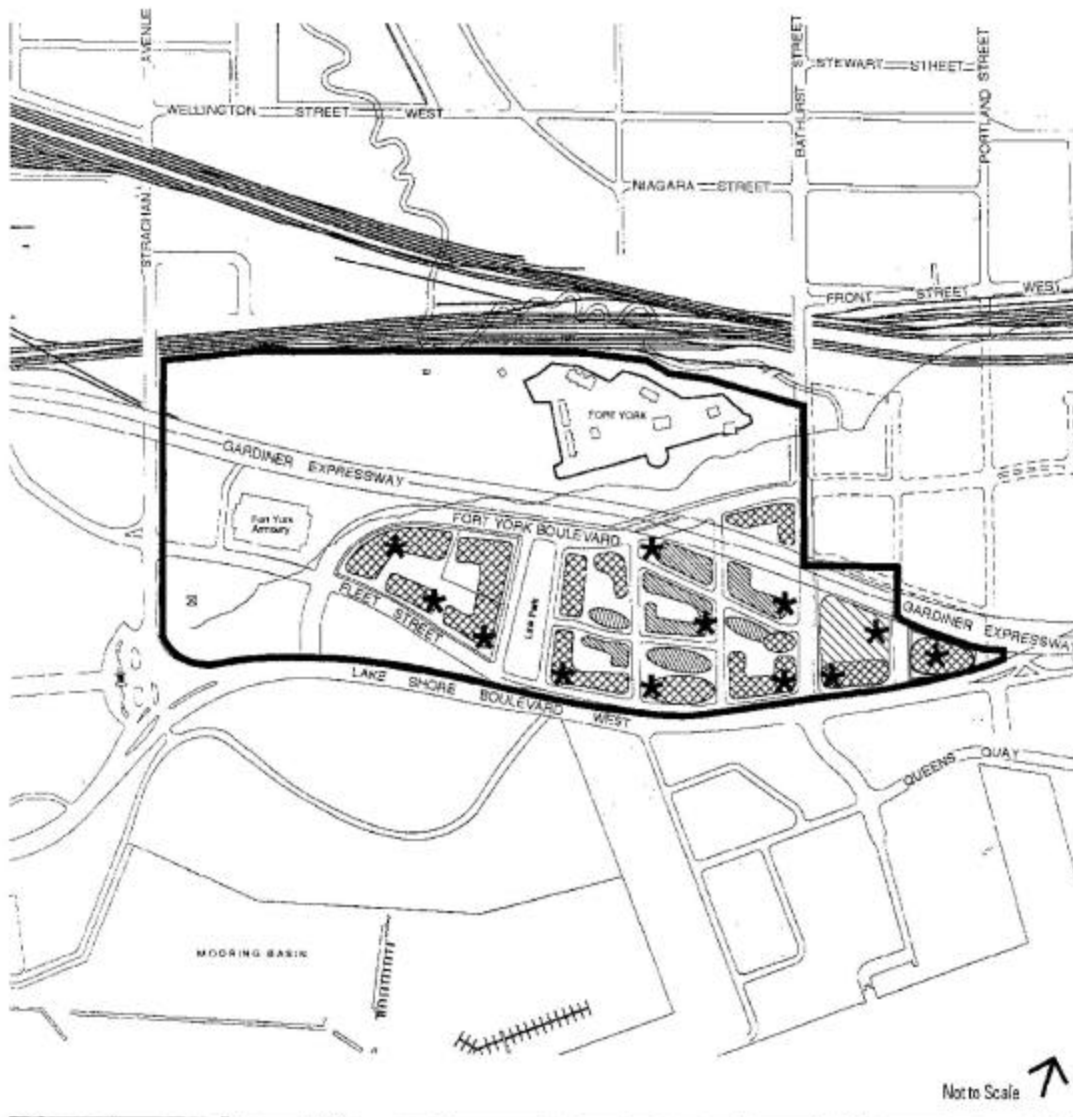
PURPOSE AND LOCATION

The proposed amendment provides for changes to The Fort York Neighbourhood Part II Plan respecting Blocks 8, 9 and 10, located east of Bathurst Street.

The changes include changes to Map D “Height Zones” and changes to Section 4.3.3 (a), (b) and (c) of the text of the Part II Plan. The changes allow for a pattern of development consistent with the goals and objectives of the Part II Plan, and with urban design and planning principles applicable to the rest of the Part II Area.

OFFICIAL PLAN AMENDMENT





1. Section 19.46 of the Official Plan, being the Fort York Neighbourhood (formerly Bathurst/Strachan Area) Part II Official Plan, as amended, is further amended by:
 - a) Deleting Map D, and replacing it with the new Map D attached hereto;
 - b) Deleting Sections 4.3.3 (c), (d) and (e), and replacing them with the following:
 - “(c) Block 8 – total maximum *gross floor area* of 68,769 sq.m; and
 - (d) Blocks 9 and 10 – total maximum *gross floor area* of 36,087 sq.m.



19.46 Fort York Neighbourhood Part II Plan

Height Zones



-  Secondary Plan Boundary
-  Low-Rise (4-6 storeys)
-  Mid-Rise (7-15 storeys)
-  Potential Tower Location

Attachment 8: Draft Zoning By-law Amendment

CITY OF TORONTO
By-law No. -2004

DRAFT (August 26, 2004)

To amend By-law No. 438-86, the General Zoning By-law of the former City of Toronto, as amended, and By-law 1995-0466, with respect to the lands known as 450 and 470 Lake Shore Boulevard West and certain adjacent lands

WHEREAS this by-law is passed in implementation of the City of Toronto Fort York Neighbourhood Part II Official Plan, as amended, for the lands shown on Plan 1 attached hereto and certain lands adjacent as set out in Section 5 (8) of this by-law;

WHEREAS, pursuant to Section 37 of the *Planning Act*, the Council of the Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by the by-law, that will be permitted in return for the provision of such facilities, services and matters as are set out in the by-law;

WHEREAS the owner of the lands shown as Block 9/10 on Plan 2 attached hereto has elected to provide the facilities, services and matters as are hereinafter set forth;

WHEREAS the increase in the height and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86 being "A By-law to regulate the use of land 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 in various areas of the City of Toronto", as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the lands shown as Block 9/10 on Plan 2 attached hereto and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS the Council of the *City* has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increase in height and density in connection with the aforesaid lands as permitted;

THEREFORE the Council of The Corporation of the City of Toronto enacts as follows:

1. Upon execution and registration of the agreement to be entered into with the City pursuant to Section 37 of the *Planning Act*, in accordance with the provisions of Section 6 herein, By-law 1995-0466 being a By-law to amend the General Zoning By-law 438-86, as amended, with respect to the lands generally bounded by

Strachan Avenue, Lake Shore Boulevard West, the Frederick G. Gardiner Expressway and Canadian National Railways, also known as the “Bathurst/Strachan Area”, is amended by:

- a) amending the block and street limits on Map 3 within the area outlined by heavy lines on Plan 2 attached hereto, as shown.
2. Upon execution and registration of the agreement(s) to be entered into with the City pursuant to Section 37 of the Planning Act, in accordance with the provisions of Section 6 herein, District Map 50G-311 contained in Appendix “A” of By-law No. 438-86, as amended, is further amended by redesignating the lands shown on Plan 1 attached hereto to “CR”, as shown on Plan 1 attached hereto.
3. Upon execution and registration of the agreement(s) to be entered into with the City pursuant to Section 37 of the Planning Act, in accordance with the provisions of Section 6 herein, Height and Minimum Lot Frontage Map 50G-311 contained in Appendix “B” of By-law No. 438-86, as amended, is further amended by redesignating the lands outlined by heavy lines on Plan 3 attached hereto, to the *heights* shown on Plan 3.
4. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the lands shown on Plan 1.
5. None of the provisions of Section 2(1), with respect to the definition of the word “*lot*”, Sections 4(2)(a)(i) and (ii), 4(16) and 8(3) Part I of By-law 438-86, as amended, and none of the Provisions of Sections 2, 3 and 4 of the aforementioned By-law 1995-0466, shall apply to *Block 9/10*, provided a Section 37 agreement is executed and registered on title to the lands comprising *Block 9/10*, in accordance with Section 6 herein, and the following requirements are complied with:

MAXIMUM FLOOR AREA

- (1) No person shall, within Block 9/10, erect or use a *non-residential building, residential building* or a *mixed-use building*:
 - (i) where the *non-residential gross floor area* exceeds 1,000 square meters;
 - (ii) where the *residential gross floor* or the combined *non-residential gross floor area* and *residential gross floor area* exceeds 36,087 square meters.
- (2) Calculation of Floor Area: Pedestrian Walkway and Parking Space Exemptions

Notwithstanding Section 5(1) herein, additional *residential gross floor area* and *non-residential gross floor area* is permitted on *Block 9/10*, provided the additional *residential gross floor area* and *non-residential gross floor area* is used for the purposes of:

- (i) one or more pedestrian walkways that:
 - (A) provide direct access between *streets*, parks, public buildings, and/or public spaces or between such space and a similar walkway in an adjacent building or *residential amenity space* located outdoors;
 - (B) are within two metres of *grade*;
 - (C) are no narrower than three metres at any point;
 - (D) are not used for commercial purposes, including retail areas, commercial display areas or other rentable space;
 - (E) are located a minimum distance of 10 metres from any *street* that is within 20 degrees of parallel from the pedestrian walkway; and
 - (F) in the instance of a pedestrian walkway providing direct access between *streets*, public buildings or similar walkways in adjacent buildings, such pedestrian walkway shall be located at a minimum distance of 60 metres from any part of any other such pedestrian walkway.
- (ii) one or more washrooms or sitting areas that have access to those walkways.
- (iii) *parking spaces* provided above *grade* in a *parking garage* in compliance with the following requirements:
 - (A) the *parking spaces* are accessory to a use permitted on the lot other than a parking use;
 - (B) the *height* of the above *grade* portion of such *parking garage*, excluding any structures used for pedestrian access or *landscaping*, is no greater than 5.2 metres, measured from 1.0 metres above *grade*;
 - (C) no part of the roof of such *parking garage* is to be used for the purposes of vehicular parking;

- (D) the area of such *parking garage* is not to be used for the purposes of determining the parking requirements for the building or structure;
 - (E) no part of the building or structure located above *grade* or the finished surface of the ground, whichever is the lower, that is used for the purposes of parking, excluding stairways, driveways or ramps used for access, is erected closer than 10 metres to a *lot line* that abuts a *street*, public lane or *public park*; and
 - (F) uses, other than a parking use, park or pedestrian walkway, which are otherwise permitted on the lot containing such parking garage are provided in an enclosed structure, between that part of the building used as a parking garage and each lot line that abuts a street, public lane or public park, for the full height and length of such parking garage excluding stairways, driveways or ramps used for access.
- (iv) temporary pavilions or kiosks or other similar uses identified in the Public Realm Master Plan and Architectural Guidelines for Block 9/10.

PARKING & LOADING

- (3) The parking requirements set out in Sections 4(5) respectively of By-law No. 438-86, as amended, shall apply to *Block 9/10*, except in the case of the case of the uses listed in Column A below, where the minimum required number of *parking spaces* shall be as set out in the corresponding row in Column B.

| COLUMN A TYPE OF USE | COLUMN B MINIMUM REQUIRED NUMBER OF PARKING SPACES |
|--|--|
| <i>Dwelling unit</i> (other than <i>alternative housing</i> or <i>social housing</i>) in a building containing more than 6 <i>dwelling units</i> including those that are <i>alternative housing</i> or <i>social housing</i> | <p><i>Residents' Parking</i></p> <p>0.3 <i>parking space</i> for each <i>bachelor dwelling unit</i>;</p> <p>0.7 <i>parking space</i> for each <i>one-bedroom dwelling unit</i>;</p> <p>0.8 <i>parking space</i> for each <i>two-bedroom dwelling unit</i>; and</p> |

| | |
|--|--|
| | 1.2 <i>parking space</i> for each three or more <i>bedroom dwelling unit</i> contained therein <i>Visitors' Parking</i> 0.12 <i>parking space</i> for every <i>dwelling unit</i> contained therein |
|--|--|

- (4) Notwithstanding Section 4(8) of By-law No. 438-86, as amended, one loading space-type G shall be provided;
- (5) Notwithstanding Sections 8(1)(f)(a)(iii) and 8(1)(f)(b)(vii) of By-law No. 438-86, as amended, no person shall provide any vehicular parking except in a *parking space* and:
 - (i) no parking shall be located in an uncovered surface parking facility except for temporary surface visitor parking for the purpose of visiting a temporary sales showroom permitted by this By-law and up to 3 short term convenience *parking spaces accessory* to each building; and
 - (ii) no above *grade* parking structure shall be located so as to be abutting a *street*, open space area or outdoor *residential amenity space*.

HEIGHT

- (6) No portion of any building or structure, excluding parapets, roof top facilities and roof top structures, shall have a height above grade exceeding the heights shown on Plan 3, provided that the maximum height of the top of any such excluded element or enclosure is no higher than the sum of 7 metres and the applicable height limit shown on Plan 3 and occupies no more than 75 % of the roof, but
 - (i) this paragraph does not prohibit the erection or use of fencing or other built elements related to landscaping, pedestrian safety or amenity or to the provision of a pedestrian walkway, washroom or sitting area permitted by Section 8(3) Part I(7) of By-law No. 438-86, as amended, or of temporary pavilions or kiosks or other similar uses identified in the *Public Realm Master Plan and Architectural Guidelines*

SETBACKS

- (7) No person shall erect or use a building or structure on *Block 9/10* any portion of which is located within the setback areas of such Block, as shown on Plan 3 attached hereto, except for underground garage ramps and associated ramp structures, wheelchair ramps, stairs and stair enclosures, vents, retaining walls, concrete planter walls, ornamental walls and features, arbours, trellis and other landscape features, provided the maximum vertical projection of such elements does not exceed 3.5 metres above finished ground level, and except for a canopy or portion of a canopy, provided that the canopy or portion of a canopy does not extend more than .5 metres into a setback area.
- (8) Section 5(6) herein shall only apply to those portions of a building or structure above the natural or finished surface of the ground, whichever is the lower.
- (9) Notwithstanding Sections 5(6) and 5(7), no person shall erect or use a building or structure on *Block 9/10* where any portion of which is within 5.0m of the F.G. Gardiner Expressway.

VEHICULAR ACCESS

- (10) None of the provisions of Section 9(1) of By-law 438-86 shall apply to prevent vehicular access to *Block 9/10* being provided over abutting lands located within an IC or T District.
6. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted by this By-law are permitted in return for the provision by the *owner of Block 9/10* of the following facilities, services and matters to the City at the *owner's* sole expense, in accordance with the provisions of the Section 37 agreement(s) to be executed and registered on title to the lands in *Block 9/10*:
- (1) the *owner* agrees to enter into an agreement with the City pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required to be provided by Section 6 of this By-law herein and consents to the registration on title of such agreement against lands identified as Block 9/10 on Plan 2, said agreement to include provisions relating to the indexing of funds to be received pursuant to this section by way of an adjustment either upwards or downwards, annually, since May 21, 1996 (date to be revised to date of By-law enactment with levies adjusted accordingly), in accordance with the change in the latest available Construction Price Index provided by the City's Chief Financial Officer and Treasurer during such one-year period, with the proviso that the amounts payable shall not be less than the dollar amounts set out in this by-law;

- (2) the *owner* shall provide to the City, prior to the issuance of each *building permit* respecting development of *Block 9/10*, funds in the amount of \$392.00 per residential *dwelling unit*, indexed in accordance with section 6(1) herein, towards parks improvements;
- (3) the *owner* shall provide to the City, prior to the issuance of each *building permit* respecting development of *Block 9/10* funds in the amount of \$403.00 per residential *dwelling unit*, indexed in accordance with section 6(1) herein, and \$0.44 per square metre of *non-residential gross floor area*, indexed in accordance with section 6(1) herein, towards community centre facilities;
- (4) the *owner* shall provide to the City, prior to the issuance of each *building permit* respecting development of *Block 9/10*, funds in the amount of \$250.00 per residential *dwelling unit*, indexed in accordance with section 6(1) herein, towards daycare facilities;
- (5) the *owner* shall provide to the City, prior to the issuance of each *building permit* respecting development of *Block 9/10* funds in the amount of \$277.00 per residential *dwelling unit*, indexed in accordance with Section 6 (1) herein, and \$1.00 per square metre of *non-residential gross floor area*, indexed in accordance with section 6(1) herein, towards library facilities;
- (6) the *owner* shall provide to the City, prior to the issuance of each *building permit* respecting development of *Block 9/10* funds in the amount of \$154.00 per residential *dwelling unit*, indexed in accordance with Section 6(1) herein, toward improvements to Fort York buildings, grounds, programming or marketing;
- (7) the *owner* shall provide and maintain works of public art within *Block 9/10* or cash in lieu thereof, of a value of not less than one percent of the cost of construction of development proposals exceeding 20,000 square metres of *residential gross floor area*, *non-residential gross floor area*, or a combination of both, provided that the costs related to the provision of parks improvements, Fort York improvements, daycare facilities, community centre facilities, library facilities and a *district heating and cooling facility* pursuant to this section shall not be included in such valuation;
- (8) the *owner* shall ensure that the agreement to be entered with the City pursuant to Section 37 of the *Planning Act* contains provisions satisfactory to the City respecting the provision or sharing of costs of a *district heating and cooling facility*, or some other alternative district heating and cooling facility;

- (9) the *owner* shall provide not less than 30 percent of the *dwelling units* within *Block 9/10* with the following size restrictions, and pursuant to the provisions of the agreement to be entered with the City pursuant to Section 37 of the *Planning Act*:
 - (i) *bachelor dwelling units* or *one-bedroom dwelling units* shall not be greater than 62 square metres of *residential gross floor area*;
 - (ii) *two-bedroom dwelling units* shall not be greater than 82 square metres of *residential gross floor area*; and
 - (iii) *three-bedroom dwelling units* shall not be greater than 98 square metres of *residential gross floor area*;
- (10) the *owner* shall provide to the City, prior to the issuance of each *building permit* respecting development of Block 9/10, funds in the amount of \$200,000.00 for affordable housing purposes;
- (11) the *owner* agrees to implement the policies and guidelines in the Fort York Neighbourhood Public Realm Plan.
- (12) the *owner* shall prepare as outlined in the relevant sections of the Fort York Neighbourhood Part II Plan and submit for the approval, prior to the application for approval pursuant to Section 41 of the *Planning Act* for *Block 9/10* or any portion thereof:
 - (i) a *Development Context Plan*;
 - (ii) a *Phasing Plan*; and
 - (iii) a *Municipal Servicing Plan*;
- (13) the *owner* shall submit satisfactory reports related to soil and groundwater management, noise and vibration impact, air quality, wind, sun and shade and waste management as a condition of approval of an application pursuant to Section 41 of the *Planning Act* and implements the recommendations and remediation measures described in such studies;
- (14) the *owner* shall submit a satisfactory study related to stormwater control measures and a satisfactory construction practices and procedures plan prior to undertaking any infrastructure work;
- (15) the *owner* shall submit a satisfactory archaeological assessment and mitigation plan prior to commencement of any development on *Block 9/10*;

- (16) the *owner* shall, enter into an agreement with the City, to the satisfaction of the Commissioner of Works and Emergency Services, in consultation with the City Solicitor, to secure, among other matters, the Owner's financial obligations and responsibilities respecting:
- (i) The implementation of the Phasing Plan;
 - (ii) The design and construction of Housey Street, Dan Leckie Way (between Lake Shore Boulevard West and Bremner Boulevard), and Fort Street (between Bremner Boulevard and Housey Street) in accordance with the accepted engineering drawings and City standards and specifications and in accordance with approved cost-sharing provisions, if any;
 - (iii) Conveyance of the lands for public highway purposes, at nominal cost, including any required lands for intersection improvements to accommodate the installation of traffic control traffic signals at the Lake Shore Boulevard/Dan Leckie Way intersection, with such conveyance to be made prior to any site plan approval for the blocks, or when required by the Commissioner of Works and Emergency Services to implement the Phasing Plan;
 - (iv) Financial contribution towards the design and construction costs of Bremner Boulevard;
 - (v) Financial contribution towards the design and construction costs of the proposed modifications to the Bathurst Street/Fort York Boulevard/Bremner Boulevard intersection;
 - (vi) Payment of 50% of the cost to design and implement traffic control signals and intersection improvements at the Dan Leckie Way/Lake Shore Boulevard West intersection, prior to site plan approval of any of the blocks;
 - (vii) Financial reimbursement to the other landowner in the Railway Lands West for the costs incurred by that landowner for the design and construction of Dan Leckie Way (south of the proposed Bremner Boulevard to Lake Shore Boulevard West) in the event that this section of Dan Leckie Way is constructed by that landowner prior to this development proceeding;
 - (viii) "Pre-build" mechanisms to permit the Owner to assume the responsibilities of the other landowner in the Railway Lands West for the construction of the roads and municipal services in the event this development proceeds prior to the construction of such

roads and services required to be constructed by the other landowner;

- (ix) Retention of a qualified municipal consulting engineer to carry out and certify all necessary engineering design and inspection works required for the provision and construction of the new roads and associated municipal services and utilities;
- (x) Submission of all reports (e.g. stormwater, geotechnical, construction management plan, environmental site assessment, soil and groundwater, remediation, etc.), drawings, legal plans, calculations, and certifications deemed necessary by the Commissioner of Works and Emergency Services for review and acceptance;
- (xi) Payment(s) to the City for its costs of retaining a consultant to undertake a peer review of all soil and groundwater remediation report, environmental site assessment reports, etc., that are required to be submitted by the Owner to the Commissioner of Works and Emergency Services, as it relates to the public roads that are to be conveyed to the City for public highway purposes and the development of the site, to ensure that the report(s) and its recommendations have been prepared in accordance with all current and applicable Ministry of the Environment guidelines;
- (xii) Remediation of the lands to be constructed and conveyed for public highway purposes in a manner satisfactory to the Commissioner of Works and Emergency Services;
- (xiii) Receipt of and/or submission of all permits, letters of credit, proof of insurance, fees, applicable Certificate of Approvals from the Ministry of the Environment, engineering drawings, easement documents, and any other documentation deemed necessary by the Commissioner of Works and Emergency Services for acceptance prior to commencing construction of the new roads and its associated municipal services;
- (xiv) Repairs to any damages to any existing City infrastructure caused during the construction of the roads and the associated municipal services to the satisfaction of the Commissioner of Works and Emergency Services;
- (xv) Submission of all progress reports at the request of the Commissioner of Works and Emergency Services;

- (xvi) Access by the Commissioner of Works and Emergency Services or his designate to the site to inspect the construction of the new roads and the associated municipal services and utilities;
 - (xvii) Repairs to the roads and the municipal services that have been deemed by the Commissioner of Works and Emergency Services as not having been constructed properly;
 - (xviii) Submission of Completion Certificates in a format and with wording satisfactory to the Commissioner of Works and Emergency Services;
 - (xix) Compliance with standard City conditions relating to the acceptance of the works, guarantee of works and assumption of works as they relate to the construction of the roads and associated municipal services and utilities;
 - (xx) Provision for winter maintenance for the roads, until its acceptance and/or assumption by the City, to the satisfaction of the Commissioner of Works and Emergency Services;
 - (xxi) Installation of all temporary street signs as determined by the Commissioner of Works and Emergency Services;
 - (xxii) Compliance with standard City conditions relating to the *Construction Lien Act* as it relates to the construction of the new roads and associated municipal services;
 - (xxiii) Upgrades to be undertaken to the CN Plaza pumping station and costs associated with such upgrades to accommodate the increase in sanitary flows expected to be generated as a result of the requested amendments to the zoning by-law and transfer of density;
- (17) The *owner* shall, prior to issuance of building permits representing development of 2/3 of the total residential and non-residential gross floor area of Block 9/10 submit a sum in an amount to be determined by the Commission of Works and Emergency Services, representing the owners contribution towards the cost of constructing improvements associated with Section 6(16);
- (18) Submit to the Commissioner of Works and Emergency Services for review and acceptance, a functional road plan of the new street system, including the intersection of Dan Leckie Way and Lake Shore Boulevard West;

- (19) Pay for all costs associated with implementing improvements or mitigation measures recommended by the traffic impact study and functional road plans, as accepted by the Commissioner of Works and Emergency Services;
- (20) Submit to the Commissioner of Works and Emergency Services for review and acceptance, with each site plan application, additional traffic studies to address issues such as, but not be limited to, proposed site access locations and turn restriction requirements;
- (21) Pay for all costs associated with implementing the improvements/mitigation measures recommended in the traffic impact studies submitted with each site plan application;
- (22) Agree that direct access to Bremner Boulevard, Bathurst Street and Lake Shore Boulevard West, will not be permitted and to design the site to provide for access from the proposed local roads;
- (23) Submit to the Commissioner of Works and Emergency Services for review and acceptance, prior to site plan approval for any block, a municipal lighting assessment for the proposed internal street network and for the streets adjacent to the site;
- (24) Pay for all street lighting costs for the development of the site including any associated with the required upgrades to the existing lighting system;
- (25) Submit to the Commissioner of Works and Emergency Services for review and acceptance, a site servicing assessment to indicate:
 - (i) How stormwater management is to be addressed;
 - (ii) The sanitary flow expected to be generated and water supply demand resulting from this development;
 - (iii) How this site is proposed to be serviced; and
 - (iv) Whether the existing municipal infrastructure is adequate and what upgrades are required;
- (26) Pay for any improvements to the existing and/or relocation of existing municipal infrastructure in connection with Section 6(25), should it be determined that such upgrades are required to support this development;
- (27) Submit, prior to the application for a below-grade building permit for the block being developed, all environmental site assessment reports describing the current site conditions and the proposed remedial action

plans to the Commissioner of Works and Emergency Services for peer review;

- (28) Pay all costs associated with the City retaining a third-party peer review consultant and submit, along with the site assessment reports, a certified cheque payable to the city, in the amount of \$3,000.00, as a deposit towards the cost of peer review;
- (29) Submit, prior to the application for an above-grade building permit for the block being developed, a statement from a Professional Engineer (sealed and dated), for peer review and concurrence, that based on all the necessary supporting environmental documents.
 - (i) The site, including the lands to be conveyed to the City for public highway purposes, is suitable for its intended use;
 - (ii) It is unlikely that there is any off-site contamination, resulting from the past land uses on the site, that has migrated from the site to the adjacent rights-of-way that would exceed applicable MOE guidelines, objectives, or regulations;
- (30) Enter into an agreement, prior to the application for an above-grade building permit for the block being developed, with the City, should it be determined that remediation of the adjacent right-of-way is required, in which the Owner, or the party responsible for the contamination, commit to carrying out a remedial work plan acceptable to the City;
- (31) Submit prior to the issuance of any above-grade building permit for the block being developed, a Record of Site Condition (RSC) to the Commissioner of Works and Emergency Services, with respect to the statement from the Professional Engineer that was submitted prior to the issuance of an above-grade building permit;
- (32) Decommission the existing underground tunnel locate under Housey Street to the satisfaction of the Commissioner of Works and Emergency Services, at no expense to the City;
- (33) Site the building(s) and any underground parking structures proposed on this site clear of the existing 750 mm x 1500 mm storm sewer that traverses the site to the satisfaction of the Commissioner of Works and emergency Services, or alternatively, relocate this existing storm sewer, at no cost to the city and to the satisfaction of the Commissioner of Works and Emergency Services;

- (34) Grant a minimum 6 m wide easement to the city for the existing 750 mm x 1500 mm storm sewer that traverses the site prior to the application for a building permit for this site;
 - (35) Submit to the Commissioner of Works and Emergency Services, a Reference Plan of survey in metric units and referenced to the Ontario Coordinate System, delineating thereon separate PARTS the proposed lots and storm sewer easement; and
 - (36) The owner agrees to design, construct and maintain a publicly accessible walkway, along a 2.5m wide strip of land, between Block 8 and Block 9/10, extending from Lakeshore Boulevard West to Housey Street, as envisioned in the Fort York Public Realm Plan and grant any easements to the City to facilitate public use of this walkway;
7. Wherever in this by-law a provision is stated to be conditional upon the execution and registration of an agreement with the City pursuant to Section 37 of the *Planning Act* in accordance with the provisions of Section 0 herein, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
 8. For the purposes of this By-law:
 - (i) “art” includes works of plastic art, works of graphic art, sculptured landscaping, fountains, and artistic treatment of fencing, walls or other building elements clearly visible at all times from public areas, including flooring, structure, lighting and furnishings, provided such elements or works have been designed by or in collaboration with artists;
 - (ii) “Block 9/10” means the lands shown as “Block 9/10” on Plan 2 attached hereto;
 - (iii) “building permit” means a permit to demolish a building or to construct a building, or any part thereof, pursuant to Section 8 of the *Building Code Act*, 1992, including but not limited to demolition, excavation, shoring, building or any other permit, provided that this definition does not preclude the Section 37 agreement referred to in Section 6 herein from requiring certain matters to be provided after a permit for excavations, shoring or demolition has been issued;
 - (iv) “Development Context Plan” means a plan submitted by the owner satisfactory to the City for the entire block on which the development is located, the purpose of which shall be:

- (A) to provide a context for coordinated incremental development by showing the proposed development in relation to relevant adjacent conditions in the area surrounding the site;
- (B) to assist the City in evaluating the conformity of the proposed development with the relevant provisions of the Official Plan and the *Public Realm Master Plan and Architectural Guidelines* related thereto; and
- (C) to assist the City in evaluating applications for review under Section 41 of the *Planning Act*,

and which plan shall contain the following:

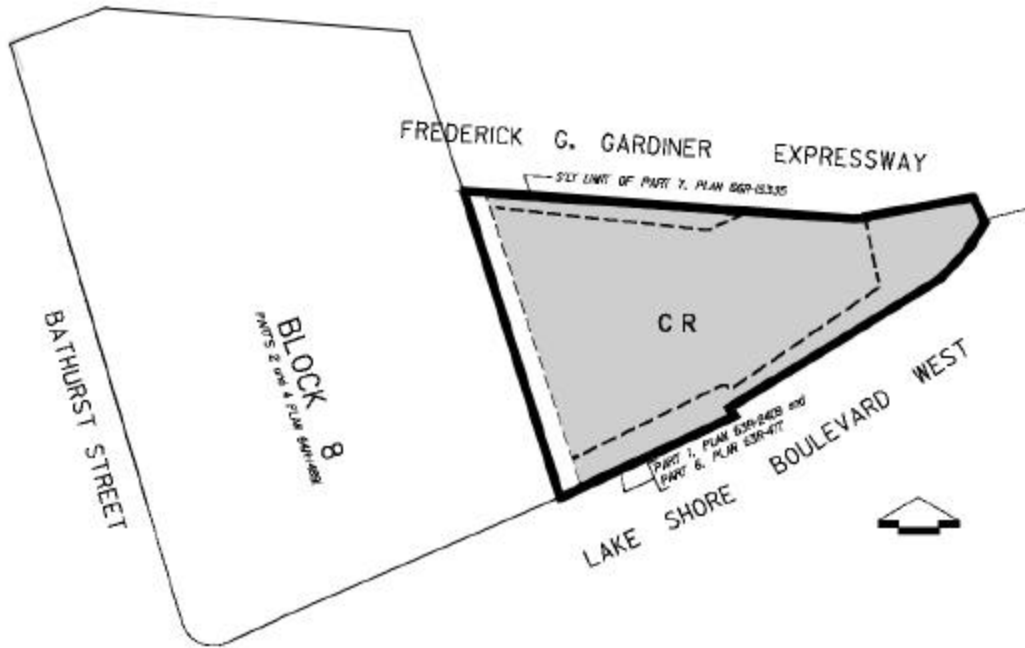
- (D) the proposed massing of buildings on the block, including *heights*, setbacks above the street wall or podium level, and distribution of density on the block, illustrating how the proposed development addresses the goals and framework set out in the Official Plan;
 - (E) the location, dimensions and character of interior and exterior publicly accessible private open spaces showing their continuity and complementary relationship to adjacent public spaces and *streets* and their pedestrian amenity including weather protection;
 - (F) the location and dimensions of any arcades, canopies and other weather-protected routes and their relationship to the public pedestrian system;
 - (G) the general location of parking facilities and vehicular access points which are of sufficient detail to assess the effect of these facilities on the public sidewalks and on adjacent signalized intersections;
 - (H) the general locations of principal pedestrian entrances and their relationship to *street frontages* to ensure that such entrances reinforce the role of the *street*;
 - (I) the general location of the public pedestrian routes including the primary system of public streets and alternative secondary routes and their relationship; and
 - (J) the location of public *street*-related uses.
- (v) “*district heating and cooling facility*” means a facility operated by Enwave District Energy Limited or an alternative facility operated by another




provider for the purposes of providing heating and cooling of buildings and structures located within *Blocks 9/10*;

- (vi) “*lot*” means the parcel of land defined as *Block 9/10*, which shall be deemed to be one *lot*, regardless of whether two or more buildings which are not connected below grade are erected thereon, and regardless of any conveyance or easements made or granted to the City after the date of enactment of this By-law;
- (vii) “*Municipal Servicing Plan*” means a plan submitted by the *owner* satisfactory to the City addressing the adequacy of existing municipal services;
- (viii) “*Phasing Plan*” means a plan submitted by the owner satisfactory to the City which indicates the coordination of development of *community services and facilities, public parks*, pedestrian connections and roads with each phase of development, provides a schedule of land transfers and improvements, and where necessary addresses continued operations and the continued existence of buildings on *Block 9/10*;
- (ix) “*public pedestrian walkway*” means an interior or exterior pedestrian walkway that:
 - (A) is a *publicly accessible open space*;
 - (B) is designed and intended for and is used by the public;
 - (C) provides direct access between *streets*, parks, public buildings and/or other public spaces, and/or *common outdoor spaces*; and
 - (D) is not used for commercial purposes, including retail areas, commercial display areas or other rentable space within the walkway, but which may be adjacent to it;
- (x) “*Public Realm Master Plan and Architectural Guidelines*” means the report entitled *Fort York Neighbourhood Public Realm Plan*, prepared by du Toit Allsopp Hillier, dated February 2004, and approved by the Council of The Corporation of the City of Toronto at its meeting of May 18, 19 and 20, 2004, as may be amended from time to time.
- (xi) “*publicly accessible open space*” means an open space which is:
 - (A) open and accessible to the public at all times and such access may be refused, or a person required to leave the open space, in the case of any person who:

- (1) unreasonably interferes with the ability of other members of the public or lawful occupants to use the open space;
 - (2) carries on an unlawful activity;
 - (3) acts in a manner unreasonably inconsistent with the intended use of the open space;
 - (4) injures or attempts to injure any person, property or property rights;
 - (5) obstructs or injures any lawful business or occupation carried on by the building owner or person in lawful possession of the open space;
 - (6) commits any criminal or quasi-criminal offence.
- (B) illuminated to a minimum average intensity of 10 lux on the walkway surface; and
- (C) maintained clear of snow and ice at all times;
- (xii) with the exception of the words or expressions referred to in subparagraph (i) to (xiii) each word or expression which is italicized shall have the same meaning as the said word or expression has for the purposes of the aforesaid By-law No. 438-86, as amended.
9. None of the provisions of this By-law or any restrictive By-law shall apply to prevent the use of the lands shown on Plan 1 of the By-law for temporary sales showroom for the purpose of selling the residential dwellings set out in this By-law.
10. Amend Section 12(1) of By-law 438-86 by deleting paragraphs 210 and 390 upon the coming into force of this by-law.

ZONING AMENDMENT MAP PLAN 1 DRAFT



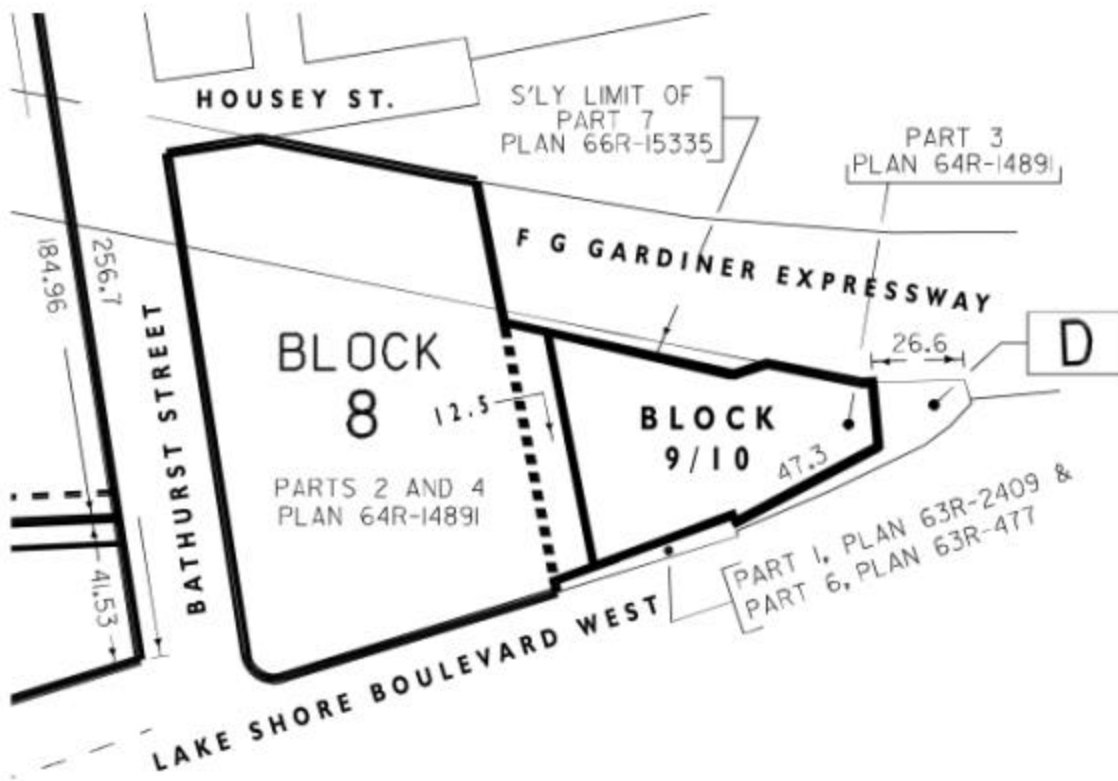
-  AREA ZONED CR
-  BLOCK 9/10
-  LANDS SUBJECT OF BY-LAW AMENDMENT

NOTE: BLOCK REFERENCES ARE AS SHOWN IN BY-LAW 1995-0466, AS AMENDED



MAPS AND ENGINEERING SERVICES
CITY OF BOSTON
100 STATE STREET, SUITE 2000
BOSTON, MA 02109
PHONE: (617) 635-7425 FAX: (617) 635-7426
WWW: WWW.MAPSANDENGINEERING.COM

CONTEXT MAP FOR INFORMATION PLAN 2 DRAFT



**HEIGHT AND SETBACK MAP
PLAN 3 DRAFT**

