

Consolidated Clause in Toronto and East York Community Council Report 9 (2004), which was considered by City Council on February 1, 2 and 3, 2005.

8a

**Revised Final Report - Application to Amend the
Official Plan and Zoning by-law -
450, 470 and 500 Lakeshore Boulevard West
(Trinity-Spadina, Ward 20)**

City Council on February 1, 2 and 3, 2005, amended this Clause by:

- (1) deleting Recommendation (1) of the Toronto and East York Community Council;*
- (2) adopting the following staff recommendations contained in the Recommendations Section of the confidential report dated February 2, 2005, from the Commissioner of Urban Development Services, such recommendations are now public and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, 2001, as it contains information related to litigation or potential litigation:*

“It is recommended that City Council:

- (1) (a) as the preferred option, authorize execution of Section 37 and such other agreements as may be necessary to give effect to Scenario 3 outlined in this report, including the exemption of Wittington Properties Ltd. from the payment of development charges in connection with its lands in Blocks 33 and 37 in the RLW, Blocks 2, 3, 4, 4A, 6 and 6A in the FYN as well as Blocks 9 and 10 in the FYN; or*
 - (b) if the public and separate School Boards or Wittington are not prepared to enter into agreements on the basis of settlement Scenario 3, authorize execution of Section 37 and such other agreements as may be necessary to give effect to Scenario 2 outlined in this report whereby Wittington is not exempted from development charges and apply the credits as outlined in Scenario 2;*
- (2) confirm and support the public benefits as set out in Attachment 3 for each of Blocks 33 and 37 in the RLW, Blocks 2, 3, 4, 4A, 6, and 6A in the FYN as well as Blocks 9 and 10 in the FYN if Scenario 3 is secured;*
- (3) confirm and support the public benefits as set out in Attachment 2 for each of Blocks 33 and 37 in the RLW, Blocks 2, 3, 4, 4A, 6, and 6A in the FYN as well as Blocks 9 and 10 in the FYN if Scenario 2 is secured;*
- (4) direct the City Solicitor and necessary City staff to attend at the Ontario Municipal Board to continue support for the proposals contemplated in the*

OMB decision dated November 18, 2003, with respect to Blocks 2, 3, 4, 4A, 6 and 6A in FYN as well as Blocks 33 and 37 in the RLW;

- (5) *authorize and direct the City Solicitor to attend at the Ontario Municipal Board to oppose any request by the public and separate School Boards to be added as parties to either the planning matters or the matter of Wittington's appeal of the Development Charges By-law;*
- (6) *confirm that, if agreements are finalized pursuant to Scenario 3, that:*
 - (a) *in accordance with Section 5.2 of the Railway Lands West Part II Plan and Section 6.1 of the Fort York Part II Plan, Council intends to ensure that certain community services and facilities are secured through appropriate mechanisms, which may include the allocation of development charge funding for the library and community centres and other community facilities in the RLW and FYN and their immediate vicinities as part of Council's annual capital budget setting process; and*
 - (b) *authorize and direct staff to make necessary submissions to the Budget Advisory Committee to ensure that the provision of the community services and facilities identified in Section 5.2 of the RLW Part II Plan and Section 6.1 of the FYN Part II Plan be reviewed as part of the City's capital budget process;*
- (7) *authorize the Commissioner of Urban Development Services, in consultation with the City Solicitor, to assist the School Boards to facilitate possible amendments to existing agreements in the Railway Lands West for Blocks 32, 33, 36 and 37 to allow funds collected for schools to be spent either in the Railway Lands West or the Fort York Neighbourhood;*
- (8) *authorize the Commissioner of Corporate Services, in consultation with the Commissioner of Urban Development Services, to work with the School Boards to identify possible City-owned sites for a joint use School and Community Centre to serve the Fort York Neighbourhood and to determine whether the school portion of the site could be provided at nominal rent as done in the Harbourfront and the Railway Lands West;*
- (9) *approve the recommendations contained within the Revised Final Report, Application to amend the Official Plan and Zoning By-law of the (former) City of Toronto respecting lands known as 450, 470 and 500 Lake Shore Boulevard West, 00 036089 STE 20 OZ dated November 1, 2004, with the following changes:*

Delete Recommendations (2), (3) and (14);

- (a) *amend Recommendation (5)(i) an affordable housing contribution of \$200,000 to a contribution of \$375,000 to be paid and distributed as outlined in this report; and*

- (b) *add a new recommendation (18) to authorize easements for driveway purposes on the City owned triangle of land immediately north of Block 10 and on the City owned parcel of land located adjacent to the north east corner of Block 9 and 10 on the terms and conditions satisfactory to the Commissioner of Works and Emergency Services;*
- (10) *authorize the City Solicitor, and necessary City staff to attend the OMB to support the Official Plan and Zoning By-law Amendments consistent with the settlement described in this report for Blocks 8, 9 and 10 in the FYN and Block 37 in the RLW;*
- (11) *authorize the City Solicitor, in consultation with the Commissioner of Urban Development Services, to make such stylistic and technical changes to any draft official plan amendment and draft zoning by-law amendments as may be required to implement any Ontario Municipal Board decision and give effect to the foregoing;*
- (12) *request that as part of the settlement for Wittington lands in the RLW and FYN that Wittington withdraw its appeals of the new Official Plan, the Central Waterfront Plan and the Development Charges By-law; and*
- (13) *authorize and direct the appropriate City officials to take the necessary steps to give effect thereto.”*

This Clause, as amended, was adopted by City Council.

Council also considered additional material, which is noted at the end of this Clause.

City Council on November 30, December 1 and 2, 2004, deferred consideration of this Clause to its next regular meeting on February 1, 2005.

The Toronto and East York Community Council recommends that City Council:

- (1) **not adopt the staff recommendations to amend the Official Plan and Zoning By-law for 450, 470 and 500 Lakeshore Boulevard West in the Recommendations Section of the report (November 1, 2004) from the Director, Community Planning, South District;**
- (2) **support, in principle, the changing of the permitted use of this site from industrial to residential;**
- (3) **direct the Commissioner of Urban Development Services, together with appropriate staff, area residents and the Ward Councillor, to work on a built form that is consistent with the existing official plan and that does not include the heights proposed by the applicant, or a transfer of density from Block 8 to Block 9/10; and**

- (4) **if the applicant appeals to the Ontario Municipal Board, authorize the City Solicitor, and other appropriate staff, to attend the Hearing to defend City Council's position.**

Action taken by the Committee:

The Toronto and East York Community Council held a statutory public meeting on November 16, 2004, which was a continuation of the statutory public meeting that began on September 14, 2004.

The Toronto and East York Community Council submits the report (November 1, 2004) from the Director, Community Planning, South District:

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 these lands in the long term, with the potential for two residential towers and retail/commercial uses.

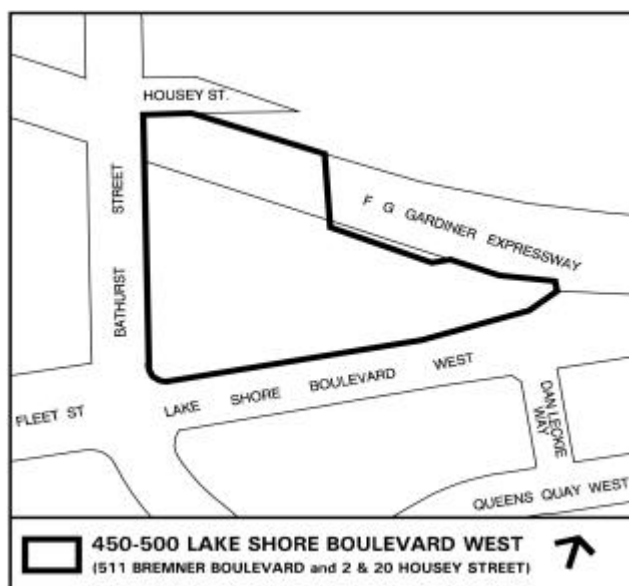
Financial Implications and Impact Statement :

Staff will report directly to City Council with respect to the financial implications resulting from the adoption of this report and the application of Development Charges as opposed to Development Levies set out in the Secondary Plan and Part II Plan for this area.

Recommendations :

It is recommended that: City Council:

- (1) replace the August 16, 2004 Final Report for 450, 470 and 500 Lake Shore Boulevard West prepared by the Director of Community Planning, South District with this revised final report;
- (2) amend the Official Plan for the (former) City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7;
- (3) 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;



- (4) 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;
- (5) prior to the introduction of the necessary Bills to Council for enactment, 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, such agreements should be registered on title and should include 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 any other landowner in the Railway Lands West for the costs incurred by such 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 another 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;

- (x) 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;
 - (xi) 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;
 - (xii) 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;
 - (xiii) 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; and
 - (xiv) 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;
- (6) confirm that the Owner, as a condition of approval of future site plan application(s), will be required, among other things, to fulfill the conditions set out in Attachment 6 to the satisfaction of the Commissioner of Works and Emergency Services;
- (7) 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;
- (8) 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;
- (9) confirm that this application is not subject to cash in lieu for parkland as per the Land Exchange Agreement between the City and Wittington dated July 5, 1995;
- (10) authorize the execution of the Section 37 agreement and any other agreements required to secure matters outlined in this report;

- (11) direct the Commissioner of Urban Development Services, in consultation with the Chief Financial Officer, report directly to Toronto and East York Community Council and, if necessary, to City Council regarding the application of Development Charges to these lands;
- (12) authorize and direct the City Solicitor to take the necessary action with respect to the deferrals before the Ontario Municipal Board (OMB) in connection with Blocks 8, 9 and 10 of the Fort York Neighbourhood Part II Plan and Fort York Neighbourhood Secondary Plan, consistent with the approvals contemplated in this report;
- (13) request the applicant to withdraw its appeal of the Central Waterfront Secondary Plan and the new Official Plan for the City of Toronto;
- (14) authorize and direct the City Solicitor to amend the new Fort York Secondary Plan consistent with the amendments to the Fort York Part II Plan as set out in Attachment 7;
- (15) the Owner shall, at their own expense, install an irrigation system with automatic timer, to the satisfaction of the Commissioner of Works and Emergency Services, and ensure that the irrigation system be designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA), and constructed with a back flow preventer including the requirements to maintain in good order and operation;
- (16) prior to the introduction of the necessary Bills to Council for enactment, require the Solicitor for the owner to submit a letter to the City Solicitor confirming that the Official Plan amendments contemplated in this report address the reasons for the deferrals of the Fort York Neighbourhood Part II Plan and Secondary Plans respectively, which deferrals are currently before the OMB; and
- (17) authorize City officials to take all necessary action to implement and give effect to Council's intentions as outlined in this report.

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 3). 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 policies 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. The existing Official Plan permits a building up to 12 storeys (36m) on the Block. 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; and
- 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 Loblaw's 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 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. Pre-hearings on the Official Plan were held on April 19 and 20, 2004 and September 14, 2004. The next pre-hearing has been scheduled for December, 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. Further modifications also required to the new Fort York Neighbourhood Secondary Plan.

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.

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 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 Fort 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. The site to the north has Council approval for 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 and 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 318 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 environmental reports 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.

Heritage

Policy 8.9 of the Fort York Secondary Plan refers to the historical and architectural significance of the warehouse at 500 Lake Shore Boulevard West. As part of these amendments, Preservation Services is requiring a Heritage Easement Agreement prior to Bills in Council.

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;
- (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; and
- (viii) contributions towards community services and facilities and schools.

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

Development Charges vs. Development Levies

In addition to the public benefits secured through Section 37 of the Planning Act, Section 9.2.16(1)(b) of the Fort York Neighbourhood Part II Plan contains provisions which require landowners to contribute land and/or financial contributions towards community services and facilities, including preschool and school age daycare, community centre facilities, and library services. In previous development applications in the Fort York Neighbourhood, this has been achieved through the application of development levies secured through Section 37 agreements. These development levies (based on 1996 numbers) are as follows and would be subject to indexing based on the latest Construction Price Index:

- \$392.00 per residential dwelling unit towards parks improvements;
- \$403.00 per residential dwelling unit and \$0.44 per square metres of non-residential gross floor area towards community centre facilities;
- \$250.00 per residential unit towards daycare facilities;
- \$277.00 per residential dwelling unit and \$1.00 per square metres of non-residential gross floor area towards library facilities;
- \$154.00 per residential dwelling unit towards improvements to Fort York buildings, grounds, programming or marketing; and
- \$2494 per residential unit for both school boards.

At its meeting of June 22, 23 and 24, 2004, Council passed a new City-wide Development Charges by-law and repealed the Development Charges By-law adopted in 1999. In accordance with Section 415-4 and 415-8 of the Development Charge By-law, development charges are applicable to all lands in the City of Toronto which are not specifically exempted from such charges by an existing agreement. In this case, there is no existing agreement between the City and the Landowner with respect to the application of development levies.

Under the Development Charges By-law, more funds would go directly to the City than under Development Levies. The School Boards benefit less since Education Development Charges (\$403.00 per unit for the separate school board only) are much lower than the education development levies (\$2,494.00 per unit (combined total) being applied by the School Boards). The School Boards have raised objections to the application of Development Charges to those development blocks with no existing development agreements in the Fort York Neighbourhood. The application of Development Charges to Blocks 9 and 10 also raises policy issue for the City. Section 9.2.16 (2) of the Fort York Neighbourhood Part II states that it is the policy of Council to secure:

“as a condition of passing a Zoning By-law to permit development in accordance with the uses and densities permitted by this Plan for each landowners’ holdings, land and/or financial contribution towards school facilities through agreements entered into between the Toronto Board of Education and the Metropolitan Separate School Board with each landowner, all parties acting reasonably.”

Staff are continuing to review the financial and policy implications of applying development charges rather than the Fort York levies to this area.

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. Staff will report directly to Toronto and East York Community Council and City Council on the application of Development Charges to this site.

Contact:

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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.

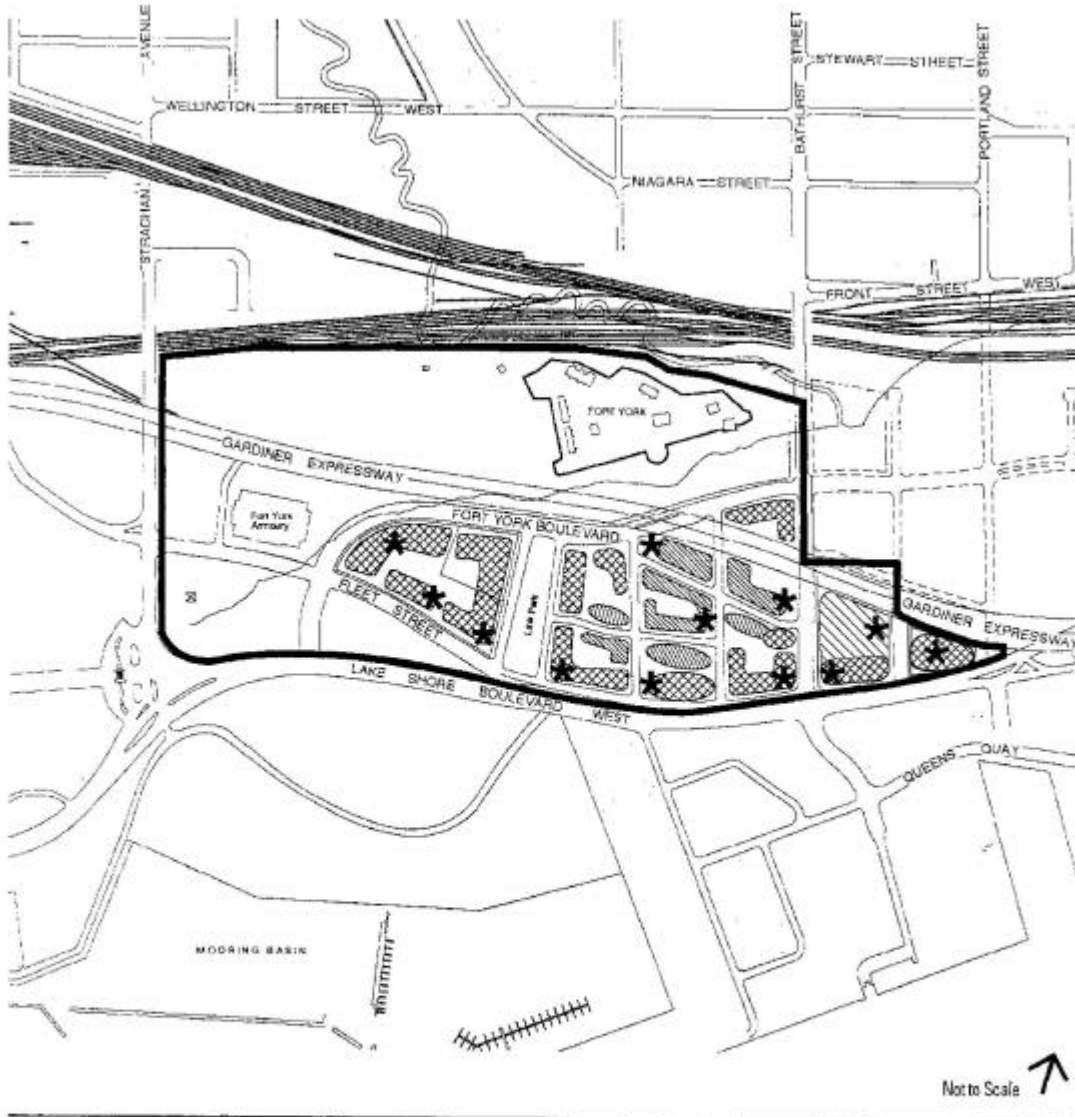
Purpose and Location

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

D
map

- 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 (other than alternative housing or social housing) in a building containing more than 6 dwelling units including those that are alternative housing or social housing</i>	Residents' Parking
	0.3 parking space for each bachelor dwelling unit;
	0.7 parking space for each one-bedroom dwelling unit;
	1.0 parking space for each two-bedroom dwelling unit; and
	1.2 parking space for each three or more bedroom dwelling unit contained therein
	Visitors' Parking
	0.12 parking space for every dwelling unit 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 road infrastructure 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 which triggers the need for improvements, 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 an referenced to the Ontario Co-ordinate System, delineating thereon separate PARTS the proposed lots and storm sewer easement; and
 - (36) The owners of Blocks 8 and 9/10 agree to design, construct and maintain a publicly accessible walkway, along a 2.5m wide³ 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 O 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*,

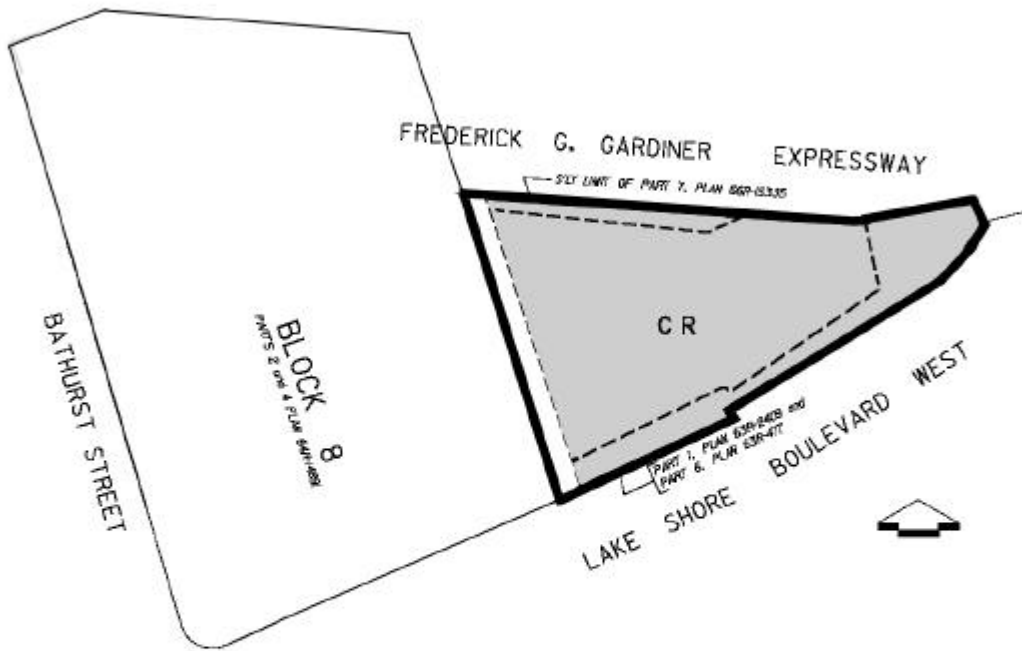
and which plan shall contain the following:




- (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



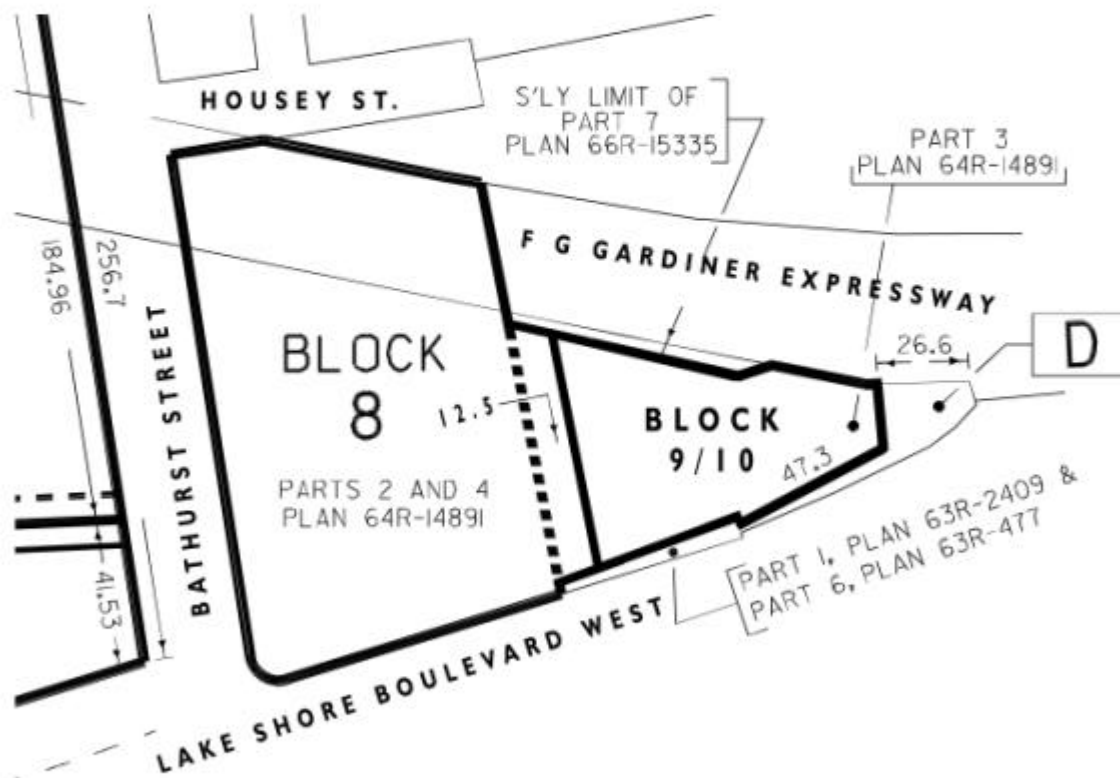
-  AREA ZONED CR
-  BLOCK 9/10
-  LANDS SUBJECT OF BY-LAW AMENDMENT

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

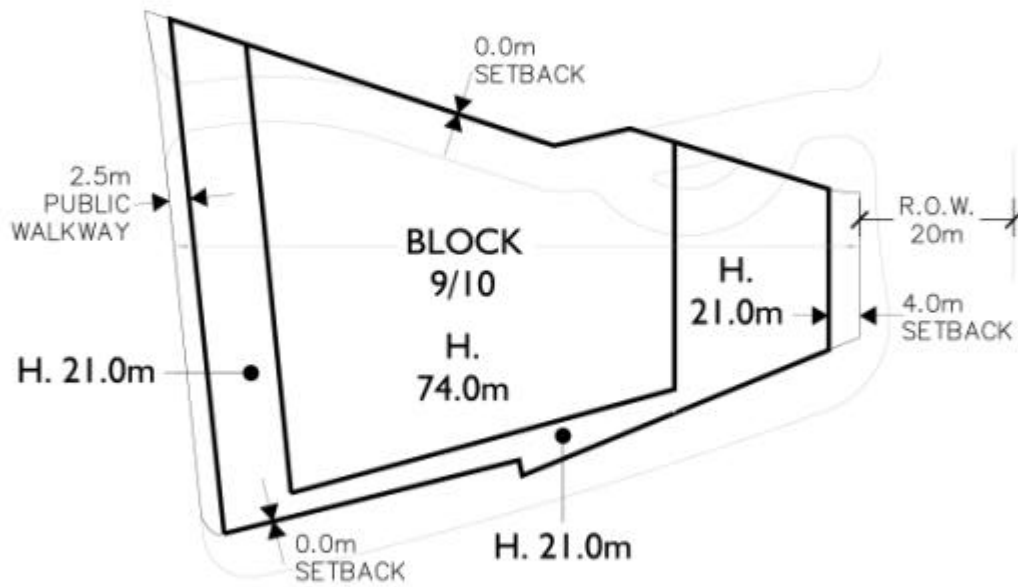


MAPS AND DOCUMENT SERVICES
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CONTEXT MAP FOR INFORMATION PLAN 2 DRAFT



**HEIGHT AND SETBACK MAP
PLAN 3 DRAFT**



The Toronto and East York Community Council also submits the report (August 16, 2004) from the Director, Community Planning, South District:

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 Implication 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;
- (x) 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;
- (xi) 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;
- (xii) 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;

- (xiii) 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;
- (xiv) 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;
- (xv) 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;
- (xvi) Submission of all progress reports at the request of the Commissioner of Works and Emergency Services;
- (xvii) 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;
- (xviii) 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;
- (xix) Submission of Completion Certificates in a format and with wording satisfactory to the Commissioner of Works and Emergency Services;
- (xx) 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;
- (xxi) 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;
- (xxii) Installation of all temporary street signs as determined by the Commissioner of Works and Emergency Services;
- (xxiii) 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;

- (xxiv) 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
 - (ii) 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 Exressway, 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 Fort 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 and 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

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.

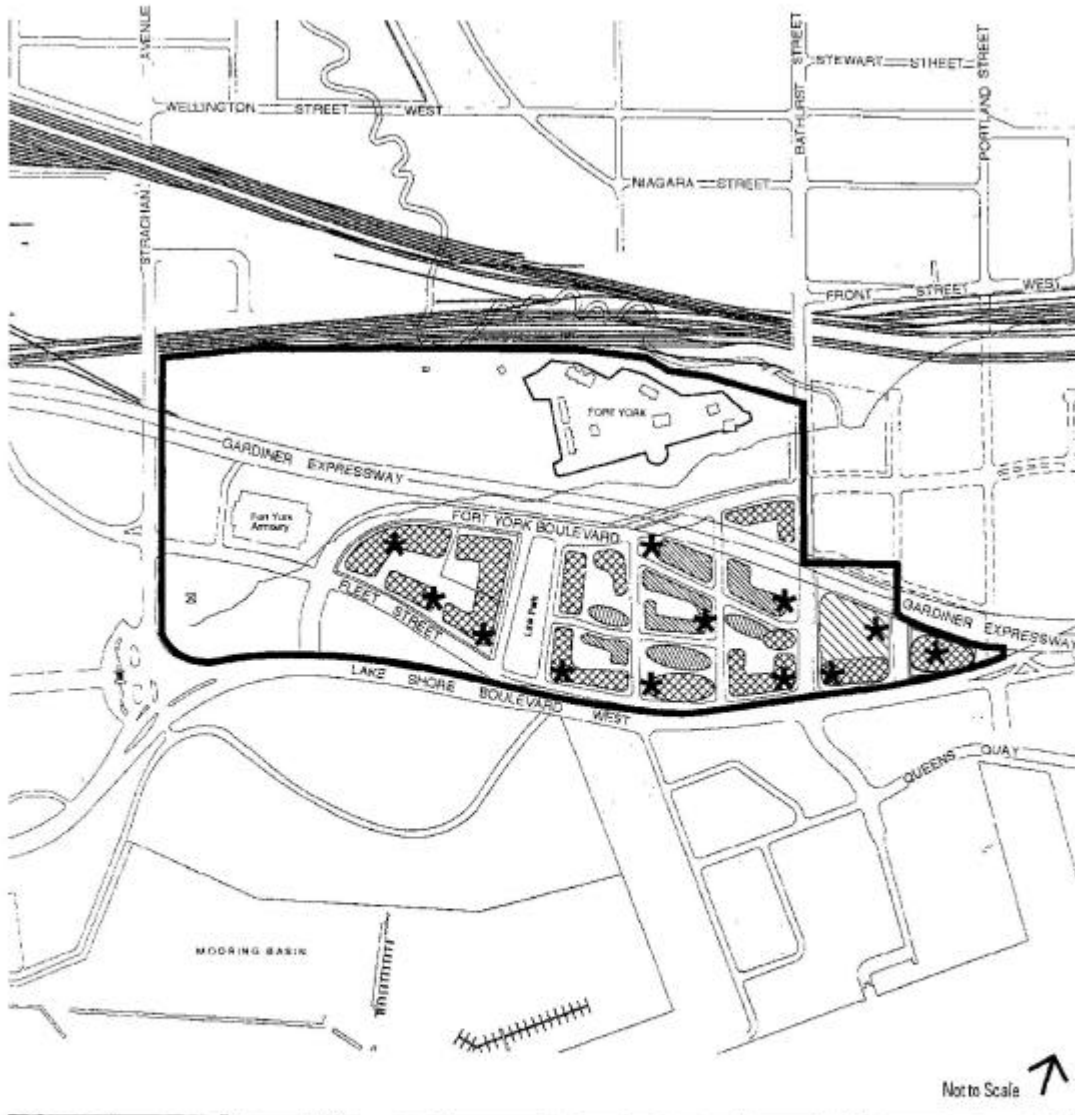
Purpose and Location

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

D
map

- 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>	<i>Residents' Parking</i>
	0.3 <i>parking space</i> for each <i>bachelor dwelling unit</i> ;
	0.7 <i>parking space</i> for each <i>one-bedroom dwelling unit</i> ;
	0.8 <i>parking space</i> for each <i>two-bedroom dwelling unit</i> ; and
	1.2 <i>parking space</i> for each <i>three or more 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 an referenced to the Ontario Co-ordinate 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 wide³ 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*,

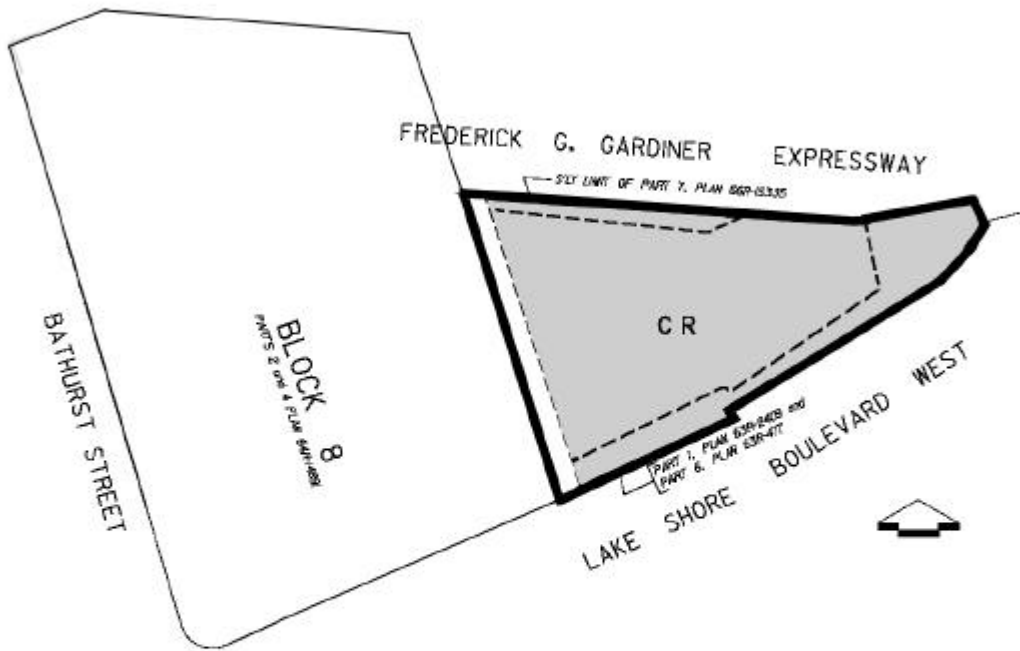
and which plan shall contain the following:




- (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



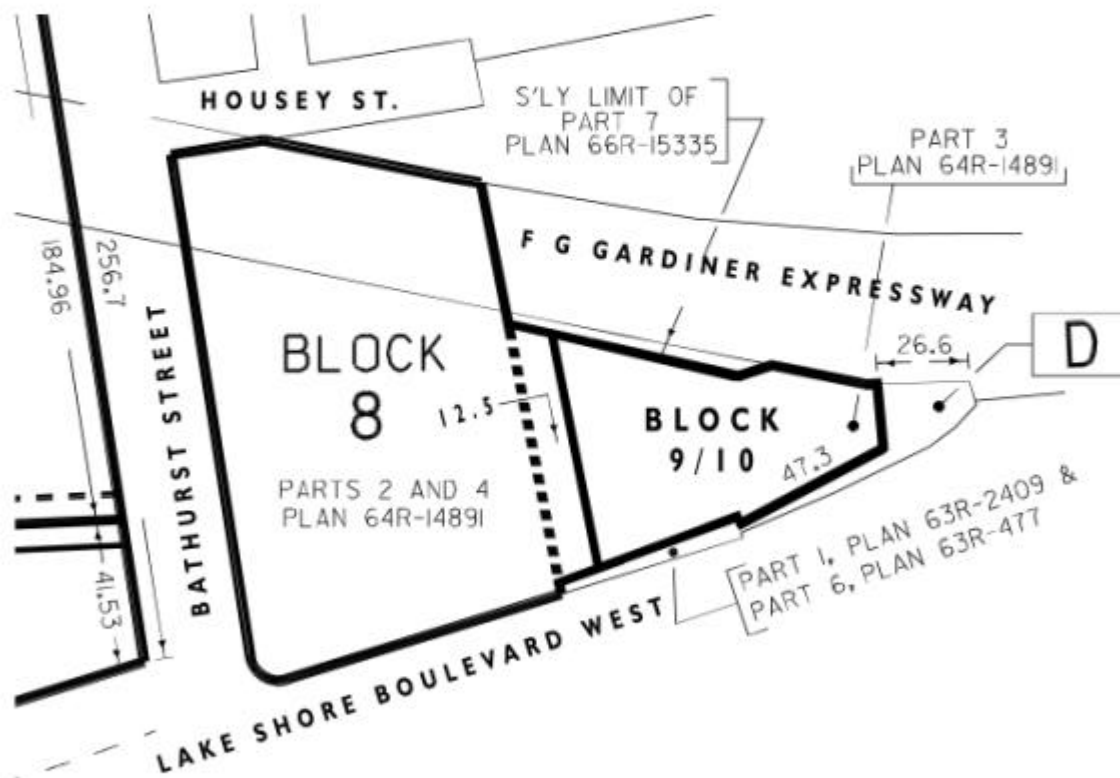
-  AREA ZONED CR
-  BLOCK 9/10
-  LANDS SUBJECT OF BY-LAW AMENDMENT

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

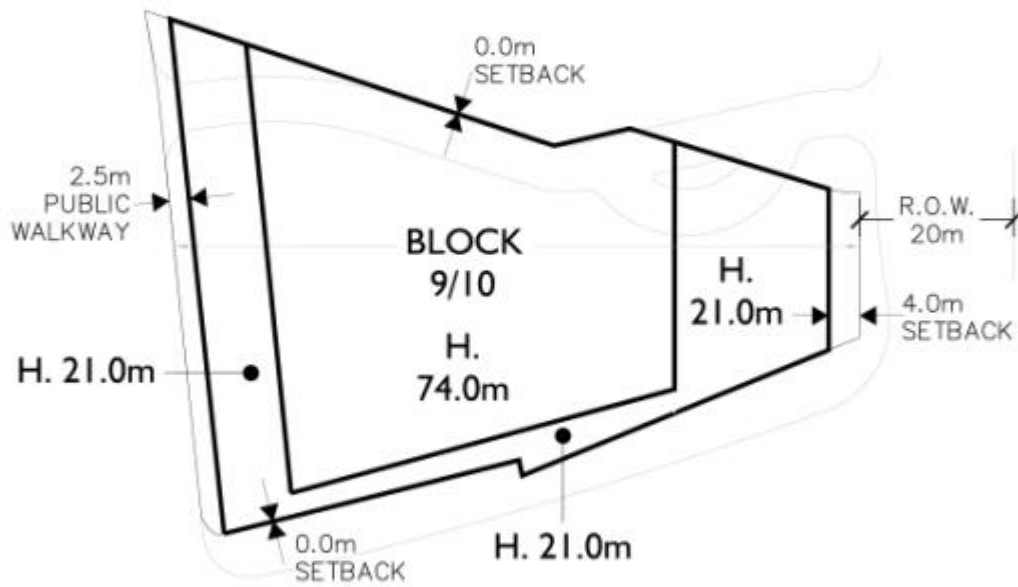


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CONTEXT MAP FOR INFORMATION PLAN 2 DRAFT



**HEIGHT AND SETBACK MAP
PLAN 3 DRAFT**



The Toronto and East York Community Council also had before it the following communications and copies are on file in the City Clerk's Office:

- Attachments 1 to 6 in the report (November 1, 2004) from the Director, Community Planning, South District;
- Attachments 1 to 6 in the report (August 16, 2004) from the Director, Community Planning, South District;
- Communication (September 10, 2004) from Lise Corriveau;
- Communication (June 15, 2004) from Deborah Alexander;
- Communication (November 8, 2004) from Jos and Daisy Simonetti;
- Communication (November 5, 2004) from Yoshiaki Taneichi and Fumie Wada;
- Communication (November 12, 2004) from Sandra Laricciosa; and
- Communication (November 15, 2004) from Victoria Snook.

The following appeared before the Toronto and East York Community Council:

- Brian Curtner, Quadrangle Architects, obo applicant;
- Mark Noskiewicz, Goodmans LLP;
- Ane Christensen;
- Brett Hodge; and
- Debbie Alexander.

City Council – February 1, 2 and 3, 2005

Council also considered the following:

Confidential report (February 2, 2005) from the Commissioner of Urban Development Services. The following staff recommendations contained in the Recommendations Section of the report are now public and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, 2001, as it contains information pertaining to litigation or potential litigation:

Recommendations:

It is recommended that City Council:

- (1)
 - (a) *as the preferred option, authorize execution of Section 37 and such other agreements as may be necessary to give effect to Scenario 3 outlined in this report, including the exemption of Wittington Properties Ltd. from the payment of development charges in connection with its lands in Blocks 33 and 37 in the RLW, Blocks 2, 3, 4, 4A, 6 and 6A in the FYN as well as Blocks 9 and 10 in the FYN; or*
 - (b) *if the public and separate School Boards or Wittington are not prepared to enter into agreements on the basis of settlement Scenario 3, authorize execution of Section 37 and such other agreements as may be necessary to give effect to Scenario 2 outlined in this report whereby Wittington is not exempted from development charges and apply the credits as outlined in Scenario 2;*
- (2) *confirm and support the public benefits as set out in Attachment 3 for each of Blocks 33 and 37 in the RLW, Blocks 2, 3, 4, 4A, 6, and 6A in the FYN as well as Blocks 9 and 10 in the FYN if Scenario 3 is secured;*
- (3) *confirm and support the public benefits as set out in Attachment 2 for each of Blocks 33 and 37 in the RLW, Blocks 2, 3, 4, 4A, 6, and 6A in the FYN as well as Blocks 9 and 10 in the FYN if Scenario 2 is secured;*
- (4) *direct the City Solicitor and necessary City staff to attend at the Ontario Municipal Board to continue support for the proposals contemplated in the OMB decision dated November 18, 2003, with respect to Blocks 2, 3, 4, 4A, 6 and 6A in FYN as well as Blocks 33 and 37 in the RLW;*
- (5) *authorize and direct the City Solicitor to attend at the Ontario Municipal Board to oppose any request by the public and separate School Boards to be added as parties to either the planning matters or the matter of Wittington's appeal of the Development Charges By-law;*
- (6) *confirm that, if agreements are finalized pursuant to Scenario 3, that:*
 - (a) *in accordance with Section 5.2 of the Railway Lands West Part II Plan and Section 6.1 of the Fort York Part II Plan, Council intends to ensure that certain community services and facilities are secured through appropriate mechanisms, which may include the allocation of development charge funding for the library and community centres and other community facilities in the RLW and FYN and their immediate vicinities as part of Council's annual capital budget setting process; and*
 - (b) *authorize and direct staff to make necessary submissions to the Budget Advisory Committee to ensure that the provision of the community services and facilities identified in Section 5.2 of the RLW Part II Plan and Section 6.1 of the FYN Part II Plan be reviewed as part of the City's capital budget process;*

- (7) *authorize the Commissioner of Urban Development Services, in consultation with the City Solicitor, to assist the School Boards to facilitate possible amendments to existing agreements in the Railway Lands West for Blocks 32, 33, 36 and 37 to allow funds collected for schools to be spent either in the Railway Lands West or the Fort York Neighbourhood;*
- (8) *authorize the Commissioner of Corporate Services, in consultation with the Commissioner of Urban Development Services, to work with the School Boards to identify possible City-owned sites for a joint use School and Community Centre to serve the Fort York Neighbourhood and to determine whether the school portion of the site could be provided at nominal rent as done in the Harbourfront and the Railway Lands West;*
- (9) *approve the recommendations contained within the Revised Final Report, Application to amend the Official Plan and Zoning By-law of the (former) City of Toronto respecting lands known as 450, 470 and 500 Lake Shore Boulevard West, 00 036089 STE 20 OZ dated November 1, 2004 with the following changes:*

Delete Recommendations (2), (3) and (14); and
 - (a) *amend recommendation (5)(i) an affordable housing contribution of \$200,000 to a contribution of \$375,000 to be paid and distributed as outlined in this report; and*
 - (b) *add a new recommendation (18) to authorize easements for driveway purposes on the City owned triangle of land immediately north of Block 10 and on the City owned parcel of land located adjacent to the north east corner of Block 9 and 10 on the terms and conditions satisfactory to the Commissioner of Works and Emergency Services;*
- (10) *authorize the City Solicitor, and necessary City staff to attend the OMB to support the Official Plan and Zoning By-law Amendments consistent with the settlement described in this report for Blocks 8, 9 and 10 in the FYN and Block 37 in the RLW;*
- (11) *authorize the City Solicitor, in consultation with the Commissioner of Urban Development Services to make such stylistic and technical changes to any draft official plan amendment and draft zoning by-law amendments as may be required to implement any Ontario Municipal Board decision and give effect to the foregoing;*
- (12) *request that as part of the settlement for Wittington lands in the RLW and FYN that Wittington withdraw its appeals of the new Official Plan, the Central Waterfront Plan and the Development Charges By-law; and*
- (13) *authorize and direct the appropriate City officials to take the necessary steps to give effect thereto.*