

Consolidated Clause in Planning and Transportation Committee Report 4, which was considered by City Council on June 27, 28 and 29, 2006.

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**Final Report - Application for Draft Plan of Subdivision Approval
Application of Zoning By-law Amendment and
Lifting the “h” 05 166169 STE 28 OZ
West Don Lands (185 Eastern Avenue)
Ward 28-Toronto Centre-Rosedale**

City Council on June 27, 28 and 29, 2006, adopted this Clause without amendment.

The Planning and Transportation Committee recommends that City Council adopt staff recommendations (1) to (12), inclusive, in the Recommendations Section of the report (May 17, 2006) from the Chief Planner and Executive Director, City Planning.

Action taken by the Committee:

The Planning and Transportation Committee:

- (a) requested the West Don Lands Committee, Heritage Toronto and the Toronto and Region Conservation Authority to establish a Committee to meet as soon as possible to discuss the naming of the Streets and other sites on the development, including, but not limited to, parks and schools, to capture the history of the community; and
- (b) forwarded a copy of the report (May 17, 2006) from the Chief Planner and Executive Director, City Planning, to the Policy and Finance Committee for information.

The Planning and Transportation Committee held a statutory public meeting on June 1, 2006, and notice was given in accordance with the *Planning Act*.

The Planning and Transportation submits the report (May 17, 2006) from the Chief Planner and Executive Director, City Planning:

Purpose:

To review an application for approval of Draft Plan of Subdivision for Phase 1, to permit the redevelopment of the West Don Lands and to advise City Council of the conditions of draft approval.

To recommend approval of the zoning amendment to adjust the development standards in the RA district to permit the development of Phase 1 in conformity with the West Don Lands Precinct Plan.

To review and recommend endorsement of the Block Plans and Design Guidelines for the West Don Lands.

Financial Implications and Impact Statement:

There are no immediate financial implications resulting from approval of recommendations contained in this report. The City's share of costs associated with revitalizing the West Don Lands is included in the Council-approved Five Year Business Plan/Ten Year Financial Forecast for the Toronto Waterfront Revitalization Initiative and subject to the annual budget process.

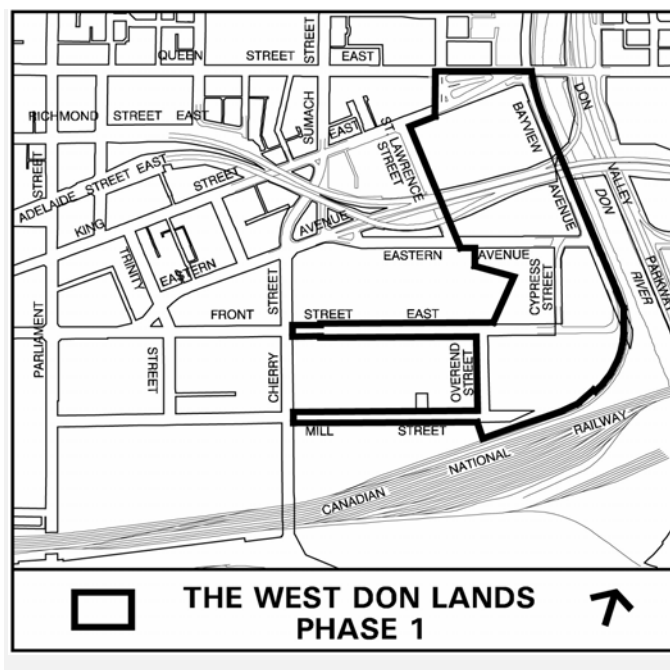
City staff will report on operating cost impacts related to the Five Year Business Plan/Ten Year Financial Forecast in early 2007.

The Deputy City Manager and Chief Financial Officer have reviewed this report and concur with the financial impact statement.

Recommendations:

It is recommended that City Council:

- (1) endorse, in principle, the Block Plans and Design Guidelines for the West Don Lands dated May 2006 prepared by Urban Strategies Inc., Urban Design Associates, Joe Lobko, Architect and Turner Fleischer Architects on behalf of the Toronto Waterfront Revitalization Corporation and authorize staff to report to Council on specific details, if required;
- (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 5;
- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required;
- (4) be advised that the Chief Planner, who has been delegated authority to approve conditions of draft plan of subdivision approval, proposes to recommend approval of the subdivision plan generally outlined on



- Attachment 1 and draft conditions substantially in accordance with Attachment 6 to this report;
- (5) authorize staff to enter into a binding agreement with the TWRC to secure the provisions of the West Don Lands Affordable Housing Delivery Strategy:
 - (a) reserving sufficient land that is serviced, remediated and free of charge, for the development of new affordable rental units in an amount comprising at least 20 percent of the total units to be built in the West Don Lands; and
 - (b) excluding replacement social housing units and replacement affordable housing units secured in other Section 37 agreements from the calculation of new affordable rental units to meet the 20 percent affordable housing target.
 - (6) authorize staff to enter into an agreement with the TWRC to ensure that the TWRC assumes the responsibilities and obligations of the subdivision agreement and any other agreements necessary to give effect to the recommendations contained in this report;
 - (7) authorize staff to enter into agreements with the TRCA on behalf of the City which will address, amongst other matters;
 - (a) the control, maintenance and uses on publicly owned portion of the entire flood protection landform, such areas to include, but not be limited to, parks and road rights-of-ways; and
 - (b) the granting of easements to the Toronto and Region Conservation Authority for access and maintenance of the flood protection landform on those lands west of the crest and 10 metre setback line;
 - (8) grant authority for the City Clerk to sign the Final Plan of Subdivision, as the City is an owner of land in the West Don Lands;
 - (9) direct staff to prepare a report to Policy and Finance Committee on the general issue of financial securities for projects involving TWRC;
 - (10) authorize and direct the appropriate City officials to take the necessary action to give effect the recommendations in this report respecting the proposal that includes the City of Toronto lands;
 - (11) authorize and direct the appropriate City officials to report directly to City Council as may be necessary;
 - (12) request TWRC to submit the following studies, information or reports prior to the consideration of future phases of the development including:

- servicing of future phases
- details for the consideration of district energy and vacuum waste systems
- details for interim and final storm water management facilities
- functional plans for all roadways
- revised noise and vibration study, and noise reports outlining attenuation measures on individual buildings
- school/community space feasibility study
- parks area tabulation and justification
- street tree planting strategy
- finalization of the Public Realm Plan
- securing lands for employment opportunities; and

(13) forward this report to Policy and Finance Committee for information.

Background:

Proposal

West Don Lands will be a new neighbourhood in the Central Waterfront Area. The purpose of the subdivision application is to create development blocks in conformity with the Council endorsed West Don Lands Precinct Plan. The purpose of the rezoning application is to introduce zoning standards that will implement the vision as outlined in the Council endorsed Precinct Plan. The rezoning application also requests lifting of the holding (H) provision. Lifting of the 'H' will be considered in a future report.

The zoning amendment and the subdivision applications have been reviewed concurrently.

Site History, Previous Reports and Council Recommendations

City Council at its meeting of May 17, 18 and 19, 2005 endorsed the April 2005 West Don Lands Precinct Plan, a comprehensive vision for the development of the area. In endorsing the Precinct Plan, City Council also adopted, the following recommendations that relate to the development applications now being considered:

- (1) endorse the April 2005 West Don Lands Precinct Plan as a basis for informing future environmental assessments, development application decisions and contribution agreements with the government partners and TWRC;
- (2) direct the Chief Planner and Waterfront Project Director to bring forward to Council, for endorsement, TWRC's urban design parcel guidelines prior to any future development approvals in the West Don Lands; and the West Don Lands Coalition and other citizen stakeholders be consulted during the process;
- (3) direct the Chief Planner and Waterfront Project Director that, prior to any residential development approvals in the West Don Lands, the City enter into a binding agreement with the TWRC, and other parties where necessary, to secure the provisions of the West Don Lands Affordable Housing Delivery Strategy including:

- (a) reserving sufficient land that is serviced, remediated and free of charge, for the development of new, affordable rental units in an amount comprising at least 20 percent of the total residential units to be built in the West Don Lands; and
 - (b) excluding replacement social housing units and replacement affordable rental units secured in other Section 37 agreements from the calculation of new, affordable rental units that meet the 20 percent affordable housing target;
- (4) advise the Ontario Realty Corporation that, as a condition of any development approvals in the West Don Lands, the City will require the withdrawal of its OMB objections to the City's new Official Plan and Central Waterfront Secondary Plan; and that staff be directed to work with Ontario Realty Corporation to identify and find solutions to the issues;
 - (5) direct the Chief Planner to bring forward a staff report addressing the necessary amendments to the in force King-Parliament Part II Plan consistent with the provisions of the West Don Lands Precinct Plan and Class EA Master Plan;
 - (6) direct the City Solicitor to request the Ontario Municipal Board to modify the new Official Plan and Central Waterfront Secondary Plan consistent with the provisions of the West Don Lands Precinct Plan and Class EA Master Plan;
 - (7) authorize the TWRC to file the March 2005 West Don Lands Class Environmental Assessment Master Plan in the public record in accordance with the requirements of the Municipal Class Environmental Assessment subject to, amongst other conditions of approval, the following:
 - 'through the future Plan of Subdivision process, further alternative designs be evaluated, and environmental assessment requirements confirmed, for the Eastern Avenue/Eastern Avenue Diversion intersection, the River Street Extension, and the new connection between Eastern Avenue and Bayview Avenue abutting the proposed River Square.';
 - (8) non-profits and co-operatives be included, as required by the Official Plan, in the affordable housing component of the West Don Lands; and
 - (9) until the Transit Environmental Assessment is completed and the preferred solution identified, transit rights-of-way be protected through this Master Plan by the inclusion of a landscaped area of sufficient width to enable an exclusive public transit operation.

The Preliminary Report on the development application, dated September 1, 2005, outlined a number of additional issues to be addressed.

This report addresses these recommendations and issues.

Site and Surrounding Area

The West Don Lands comprises approximately 32 hectares (80 acres) from the Don River to Parliament Street, generally between Eastern Ave. and the rail yards. This report considers a 13 hectare (32 acre) portion of the West Don Lands as shown on page 1 of this report.

The Province of Ontario owns most of the land in the West Don Lands and the City of Toronto owns a number of roads and lanes and five parcels of land. The applications have been revised to include both City and Provincial lands. Ontario Realty Corporation manages the Province's land holdings in this area. There are some private land holdings in the West Don Lands but these are not within the Phase 1 area.

North: low rise mixed use area of the Corktown neighbourhood

South: CN/GO railyards

East: Don River

West: Distillery District.

Existing Toronto Official Plan

The King Parliament Part II Plan provides direction for redevelopment of the area identified as the West Don Lands Reinvestment Area. The objectives of the Plan are to revitalize the area with a mix of uses and to reintegrate the area with the fabric of the City particularly the Gooderham and Worts neighbourhood and the Don River open space and recreational system.

The Part II Plan sets out a development strategy for the West Don Lands Reinvestment Area that includes, among other clauses, the following conditions for removing the "h" symbol;

"10 12.2 It is therefore the policy of Council that the "h" symbol will be removed incrementally and only as the following plans and studies have been provided for and secured through an agreement or agreements binding on the owner and successors entered into pursuant to Section 37 of the Planning Act, Section 51 of the Act (subdivision control) or both Section 37 and 51;

- (a) a satisfactory streets and blocks plan is prepared demonstrating how the redevelopment provides for new streets and blocks in relation to existing system of streets, such plan to be secured by appropriate legal agreements between the City and the owner;
- (b) an Infrastructure Plan dealing with, among other matters, the provision of roads, sewer and water services, public parks and community services and facilities;
- (c) an Environmental Management Plan dealing with, among other matters, the remediation of soils and groundwater and the provision of flood protection measures;

- (d) in the case of the Don River Open Space District and the Cherry Street Reinvestment District, an assessment of the need for and feasibility of realigning Bayview Avenue south of Queen Street East, and if desirable, a Plan for the realignment, functioning and implementation of a realigned Bayview Avenue within the West Don Lands Reinvestment Area, such a Plan to be secured through an appropriate legal agreement; and
- (e) a Phasing Plan dealing with the sequencing of new development and the timing of provision of matters set out in a) to d) above.”

There are also policies related to the removal of the holding symbol on individual sites, as follows;

“10.16 Council may reduce the requirements for the removal of the holding symbol and may enact a by-law removing the holding symbol to permit the development of an individual site in the West Don Lands Reinvestment Area, provided that:

- (a) the site has been or will be provided with access and municipal services adequate to the service proposed development on the site;
- (b) the development is consistent with other provisions of this Plan;
- (c) subject to the removal of the holding symbol, the proposed development of the site is permitted by the Zoning By-law for the West Don Lands Reinvestment Area;
- (d) the site has been included in an Environmental Report and the safeguards and measures identified in the Environment Report are satisfactory to the City and the Ministry of Environment and have been adequately secured; and
- (e) the development proposed for the site is of major public significance.”

The West Don Lands are included in the Lower Don Special Policy Area (S.P.A). Within the S.P.A. development may be permitted on condition that proposed development is flood protected at least to the 350-year flood level. Council may permit development where adequate floodproofing is provided in co-operation with the Metropolitan Toronto and Region Conservation Authority.

Central Waterfront Secondary Plan

“A new beginning for the West Don Lands” is one of the “big moves” provided for in the Central Waterfront Secondary Plan. The applications for the plan of subdivision together with the application for removal of the holding symbol (which will be considered at a future meeting) represent important advancements of the project towards construction and realizing “a new beginning.”

As a condition of any development approvals in the West Don Lands the City required that the Ontario Realty Corporation (ORC) withdraw its OMB objections to the City's new Official Plan and the Central Waterfront Secondary Plan. Staff were directed to work with ORC to identify and find solutions to the issues. Staff were successful in doing this and on December 9, 2005, the Ontario Municipal Board approved the Central Waterfront Plan as it pertains to the West Don Lands, except the housing policies.

If there are any conflicts between the policies in the King Parliament Part II Plan and the Central Waterfront Plan, the Central Waterfront Plan will prevail. Therefore, amendments to the King Parliament Plan are not required to implement the Precinct Plan.

New Toronto Official Plan

At its meeting of November 26-28, 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 Ontario Municipal Board hearing on the new Plan commenced on June 13, 2005 and will continue on June 5, 2006. The majority of the new Plan has been approved by the Board and is anticipated to come into force in the coming weeks.

Once the Official Plan comes into full force and effect, the King Parliament Part II Plan will be incorporated into the new Official Plan as the King Parliament Secondary Plan. The area will be designated Regeneration Area and Parks along the Don River Corridor.

The West Don Lands is within a Special Policy Area. There has been no Ministerial decision on the Special Policy Area policy (3.4.4) or the related mapping.

Zoning

The West Don Lands is currently zoned RA (h), Reinvestment Area with a holding symbol. This zone allows for a wide range of uses including light industrial, residential, commercial, parks and school. The height limit is 26 metres (85 feet).

The "H" symbol or holding symbol applies to the West Don Lands to ensure that policies of the Official Plan that provide for coherent redevelopment of the area, flood protection and mitigation of contaminated soils are implemented prior to redevelopment occurring in the area.

Site Plan Control

The West Don Lands are subject to Site Plan Control. No site plan applications have been submitted. Site Plan applications are anticipated once the plan of subdivision has been registered and individual development blocks are released for development.

Ravine Control By-law

The area is not currently subject to the Ravine Control By-law. However, once the landform is completed the "wet side" of the landform (the east side of the crest) will be subject to Ravine control.

Tree Preservation

There are trees throughout the West Don Lands and these are on both public and private property. A Tree Survey and Preservation Plan has been submitted for the area east of Cherry Street. All trees east of Cherry Street will be removed and the replacement of trees will be considered for Don River Park through the Don River Park Design process that is currently underway. The applicant has submitted a Public Realm Plan which details the cross-section requirements for roadways within the West Don lands in order to ensure trees and other civic requirements can be accommodated within the proposed rights-of-way. The Public Realm Plan is discussed in more detail later in this report.

Reasons for the Application

The City Council endorsed Precinct Plan established the land use pattern, street pattern, the framework for public open spaces, building heights and the framework for applying building heights throughout the area. The Subdivision application is required to ensure the orderly development of the lands by creating appropriate blocks, streets and conditions of approval. The zoning amendment is required to establish development standards that are consistent with development as proposed in the Precinct Plan, including such matters as building heights, stepbacks and setbacks. The holding symbol (h) must be lifted to allow development to proceed and this will be considered at a future meeting.

Community Consultation

A Community Consultation meeting was held on April 3, 2006 with approximately 100 people in attendance. A presentation was made by Urban Strategies on the Precinct Plan and subdivision and zoning applications. The community asked questions for clarification and for information. Some of the questions/comments were precinct level concerns such as the following:

- had a no car zone been considered for the entire area?
- the heights were too low and there should have more tall buildings with more open space;
- the heights were too high and there should be only 3-4 storey buildings throughout;
- there should be more roadway connections to the waterfront; and
- Bayview Ave. should continue south under the railway tracks and connect to the Lakeshore Blvd.

There were some specific comments about traffic infiltration into the surrounding area and the effects this development could have on the area to the north. There was also considerable interest expressed in the sustainability concepts as presented by the TWRC, including the district energy proposal and green roofs concepts.

Agency Circulation

The applications have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate conditions of approval and appropriate by-law standards.

Comments:

Subdivision

The subdivision application was revised to include additional City-owned lands that are required as either open space or as part of the Flood Protection Landform. The lands that are in private ownership have not been included in the subdivision application and are not within the area now going forward for consideration.

Before Council is the draft plan of subdivision for the eastern portion of the West Don Lands as shown in Attachment 1. This first phase includes lands known as the McCord site; land required to create the Flood Protection Landform; Don River Park; River Square park space; development blocks adjacent to River Square; Bayview Avenue; River Street extension, and the right-of-ways of Mill Street and Front Street, east of Cherry Street.

This is a logical first phase as the new development will be an extension of existing development and services along King and Queen Streets. It will permit the construction of the flood protection landform, and the construction of the realigned Bayview Avenue. The construction of the landform and Bayview Avenue is necessary for development to proceed.

The applications being considered are for Phase 1 of the West Don Lands. Future applications must conform to the detailed development concept for the entire area as outlined in the West Don Lands Precinct Plan and further detailed in the Block Plans and Design Guidelines and as shown on Attachment 2.

A phasing plan for the entire West Don Lands area has been submitted. It represents an appropriate and logical development pattern. It is anticipated that the second phase will be the area south of Front Street. Further information and supporting material is required for this phase to proceed. Phase 3, the area north of Front Street and Phase 4 the area west of Cherry have not yet had the risk assessment undertaken so are not ready to proceed.

Zoning

The West Don Lands is currently zoned RA (h), Reinvestment Area with a holding symbol. The RA zoning permits a wide range of uses, from light industrial to residential. It is the appropriate zoning category to achieve the mix of land uses envisioned in the West Don Lands Precinct Plan.

While land uses proposed conformed to the RA zoning, a number of the development standards need to be amended to reflect the vision established in the Precinct Plan and further refined through the block planning process. Zoning changes include:

- (a) Increased building heights for key signature sites;
- (b) Stepbacks: the RA zone requires a stepback at the 20 metre building height. The zoning amendment proposes stepbacks of 3 metres at the 21 metre height for an 8-storey/30 metre building and a stepback at the 27 metre height for a 10-storey /36 metre building; and

- (c) Setbacks: The RA zone does not require a front yard setback. However, the zoning amendment proposes setbacks along streets and these are detailed in Attachment 5.

This report considers zoning changes for the first phase of development. As additional phases are brought forward, corresponding zoning amendment will also be brought forward. These future amendments will follow the same by-law format as currently presented, and will implement the Precinct Plan.

Ownership

Most of the land within West Don Lands is owned by the Province of Ontario. The City currently owns roadways, some of which will be incorporated into new roadways and some of which will be closed and incorporated into development blocks or park spaces. The five parcels of City land will be incorporated into new roadways and park spaces. The Toronto Waterfront Revitalization Corporation, on behalf of both the City and the Province, is responsible for co-ordinating and overseeing the ultimate development of the West Don Lands.

Usually, with a plan of subdivision the land owner signs the subdivision agreement and is responsible for all obligations contained in the agreement. If land ownership changes the agreement ensures that the obligations extend to future owners. In this instance the land owners (the Province and the City) will sign the final subdivision plan and agreement but will not be the developer. TWRC will be the master developer and through Proposal Calls, private developers will be contracted to develop specific sites. Under current arrangements, the TWRC cannot own land and therefore cannot sign the subdivision agreement.

The City must ensure that the responsibilities and obligations of the subdivision agreement also flow through to TWRC and to private developers. Staff therefore recommend that a separate agreement be executed with the TWRC to ensure that TWRC assumes the responsibilities and obligations of the subdivision agreement.

Financial Securities

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

The financial securities can be in the form of an irrevocable letter of credit or a certified cheque, for 120 per cent of the cost of the infrastructure. They are required for a wide range of municipal infrastructure including water distribution systems, storm and sanitary sewer systems, roads (including traffic signals, street lighting, curbs, gutters, street trees and pavement markings), lanes and public walkways, parks, related site improvements (e.g. tree preservation, landscaping, grading, signage, fencing, noise attenuation, drainage, erosion control), and incidental works and facilities.

The City's standard requirement of financial securities for plans of subdivision is intended to cover the risk and the cost to the City to complete or repair any works. In the case of the plan of subdivision application for Phase 1 of the West Don Lands, the "owner" is the Province of Ontario (Public Infrastructure Renewal) for whom the ORC acts as its real estate agency and the City of Toronto. Under the Memorandum of Understanding between the Province, ORC and TWRC for Phase 1 of the West Don Lands, the master developer is TWRC.

In accordance with the Standard Subdivision Agreement, the Province, as owner, would be required to post a letter of credit or issue a certified cheque to the City for 120 percent of the cost of the affected infrastructure and park projects.

The affected projects have approved tri-government funding in the TWRC 5-Year Business Plan and 10-Year Forecast, which is secured under existing contribution agreements. It is recommended that the Waterfront Secretariat, in consultation with Finance, Legal, City Planning and other affected divisions, report to Policy and Finance Committee on the appropriateness of a broader exemption from financial securities currently required under planning, development and other municipal approvals, including exploring alternate mechanisms for securing infrastructure projects under the Toronto Waterfront Revitalization Initiative. The draft conditions of subdivision approval, as shown in Attachment 6, allow for consideration of any future Council direction.

Lifting the "h"

The applicant is requesting that the Holding symbol (h) be lifted for all the lands in the West Don Lands. The King Parliament Secondary Plan lists a number of conditions that have to be fulfilled prior to lifting the (h) symbol. The conditions are listed earlier in this report and must be secured through agreements pursuant to Section 37 or 51 of the Planning Act.

The Precinct Plan and the Block Plan and Design Guidelines address a number of the conditions for the entire West Don Lands. Other studies have not been completed for all the lands. This has resulted in a phased approach to the lifting of the "h" with a subdivision agreement as the appropriate mechanism to secure these conditions.

A Risk Assessment/ Risk Management Plan (RA/RMP) is being developed which should satisfy the condition for an Environmental Management Plan. The RA/RMP that is being done includes District 3 (McCord site), District 1 (area south of Front Street and east of Cherry Street) and the Don River Park area. This is much, but not all of the West Don Lands area. A RA/RMP will have to be completed and approved by MOE before the (h) symbol can be removed from the lands west of Cherry Street, and north of Front Street - west of Bayview Avenue.

Staff will bring forward a report recommending the lifting of the "h" for the first portion of West Don Lands once the subdivision agreement has been executed and the Plan of Subdivision has been registered. Future phases will follow the same process.

Risk Assessment/Risk Management Plan

Lands in the West Don Lands are known to be contaminated due in part to the former industrial activity in the area. In accordance with the new legislative requirements for contaminated lands in Ontario, the ORC has undertaken the risk assessment for portions of the West Don Lands.

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

Lands being conveyed to the City either as rights-of-way or parks will be risk assessed and may require risk management measures. Until the Risk Management Plan is approved by the MOE specific measures, if any, will not be known. Staff recommends that prior to conveyance of lands to the City, a Record of Site Condition be received for the property to be conveyed. This will ensure that lands being conveyed to the City meet the MOE approval.

The TWRC has a sustainability framework established for the West Don Lands. As part of this framework the TWRC proposes that soil within the West Don Lands not be exported. Contaminated soils will be used within the flood protection landform and sealed with a cap of impervious material. The clean soil requirements for the park will then be placed on top of this soil barrier.

Soils will be imported into the site. Conditions have been drafted to ensure that any soils that are imported to the site meet the parks/residential standards established by the Ministry of Environment

Flood Protection Landform

A major impediment to redevelopment of the West Don Lands has been the risk of flooding. The Toronto and Region Conservation Authority (TRCA) undertook the Lower Don River West Remedial Flood Protection Project Class Environmental Assessment. This project reviewed alternatives for flood protection of the lower Don and recommended the flood protection landform. The EA was approved by the Ministry of Environment in 2005, thereby allowing development in the area to proceed subject to construction of the flood protection measures.

The landform is a permanent physical feature and will reduce the risk of flooding to an insignificant level. The construction of the landform will provide flood protection to not only the West Don Lands, but to a 210 hectares area of the downtown west of the Don River that is currently within the floodplain.

The majority of the lands that will become the landform are currently owned by the Province of Ontario and managed by the Ontario Realty Corporation (ORC). The landform as shown on Attachment 1 includes Blocks 25, 26 and 27 and is being constructed by the ORC along with portions of Bayview Avenue and the extension of River Street. Don River Park will be constructed on top of the landform and the new alignment of Bayview Avenue will be the western boundary of the park.

Ownership of these lands will be transferred from ORC to the TRCA and the City at the time the flood protection landform and Don River Park are substantially complete and a Record of Site Condition from the Ministry of Environment can be provided. At that time, the crest line of the

landform will be determined and will be accurately surveyed. This will then establish the property boundary of lands to be conveyed to the TRCA for the “wet” side of the landform or to the City for the “dry” side of the landform.

Portions of Bayview Avenue, Front Street East, Eastern Avenue and Cyprus Street are to be permanently closed by by-law and will become part of the flood protection landform. At a later date, those portions of the permanently closed public highways located on the “wet” (east) side of the flood protection landform, may be conveyed to TRCA for control of the landform and flood protection measures, subject to required approvals.

Block Plans and Design Guidelines, Land Use, Height and Built Form

Council approval of the Precinct Plan included the condition;

“2. to bring forward to Council, for endorsement, TWRC’s urban design guidelines prior to any future development approvals in the West Don Lands: and the West Don Lands Coalition and other citizen stakeholders to be consulted during the process.”

The TWRC has submitted the West Don Lands Block Plan and Design Guidelines. A copy of the guidelines is on file with the City Clerk. Copies will be provided to Committee members prior to the June Planning and Transportation Committee meeting. This document details the height and massing of buildings, distribution of uses, scale and character of building facades, setbacks and dimensions of the public rights-of-way. This document gives further clarity to the public on the overall development concept of the lands, guides City staff in the review of applications. It will guide the TWRC developer proposal call process and will be used by the Design Review Panel in their review of development applications. Council adoption of this document will establish the framework for evaluating development proposals and works in the public realm which is consistent with the Precinct Plan. Attachment 3 illustrates the built form for the McCord site in Phase 1 in accordance with the Block Plans and Design Guidelines.

A series of meetings were held with members of the West Don Lands Committee (April 26, June 14 and August 9, 2005) to discuss and provide feedback into the development of the Block Plans and Design Guidelines. Further, the Block Plans and Design Guidelines were presented at community meetings held on September 21 and December 5, 2005.

The major components of Phase 1 include:

- two eight-storey apartment buildings along King Street East with a 14-storey tower located at the eastern property adjacent to the park;
- four-storey townhouses along the east side of St. Lawrence Street and the west side of River Street, creating a lower scale, more intimate interior neighbourhood;
- a five-storey apartment on the east side of River Street;
- a ten storey apartment along the park frontage; and
- a 24-storey building which includes a ten storey base for the site adjacent to the park, Bayview Avenue and River Square. This has been indicated as a 24-storey site in the Precinct Plan, creating a signature site for the area.

Some building heights have been reduced since the submission of the application. The heights are now consistent with the Precinct Plan and sun/shadow studies have been submitted and accepted.

King Street, Queen Street, Adelaide Street and Richmond Street are elevated at this location. Any development adjacent to City structures and elevated roadways must provide a minimum 3.0 metres clearance for maintenance. This can be achieved through building location, easements or access lanes at the site plan approval stage.

Underground parking is not permitted on the flood protection landform. Parking for the buildings will be above grade but internal to each block with units wrapping around the parking structure. The roof deck of the parking structure will provide an internal courtyard and open space for inward fronting units. Parking for the buildings along King Street will also be accommodated within these structures. The most recent submission of the Block Plans and Design Guidelines dated May 2006 includes a pedestrian bridge from the apartments along King Street to the parking structure located in the block to the south. This bridge is above the proposed public street and the City does not generally accept such encroachments. The acceptability of an above grade connection still needs to be fully reviewed.

The land uses in the RA zone are appropriate for the mixed use development envisioned for the West Don Lands. The Precinct Plan envisioned a substantial amount of commercial space being developed in the West Don Lands in order to create a truly mixed use community providing both living and working opportunities. The Precinct Plan indicated approximately 85,000 square metres (approximately 900,000 square feet) of non-residential uses would be developed. The blocks adjacent to King Street East were identified as sites suitable for a substantial amount of office development. The applicant is now indicating that Phase 1 would be primarily residential uses with the opportunity for at-grade commercial uses. The applicant has indicated that there are sufficient opportunities in the remainder of the West Don Lands to meet the non-residential component of the plan.

The zoning provides for a variety of employment uses but it seems that now the intent is to provide a substantial portion of the non-residential floor space as ground floor retail/service space. This is quite different than office uses or other employment uses, and could change the character of the area from a mixed use community to primarily a residential area.

The recent submission of the Block Plan and Design Guidelines indicates 73,990 square metres (approximately 796,000 square feet) of non-residential uses throughout West Don Lands. City staff are not clear how this space will satisfy the objectives of the Precinct Plan and are recommending that this be further detailed in the submission for the next phase of development.

Public Realm Plan

A draft of the Public Realm Plan was submitted in February 2006. The Public Realm Plan is, “intended to clarify and further articulate the public realm components introduced in the Precinct Plan, and to provide a set of parameters as the basis for future design work and development in the precinct.” As outlined in the Preliminary Report, the park must be linked to other public realm elements such as boulevards, overall streetscapes and the preservation and interpretation of the rich heritage of this area. A Public Realm Plan will ensure a co-ordinated approach to the development of the public realm and inform the future site plan requirements.

The most recent draft (February 2006) is incomplete in regards to satisfying the expected level of detail. The role of each space in the open space network and conceptual/exploratory notions of program and function of each space (recognizing that there will be future specific detailed and consultative design processes undertaken for each respective space) should be provided. Open space calculations and the configuration of the spaces must be coordinated with other submitted material. Also, the details in the plan have to be revised and expanded to be consistent with other submissions and to support some of the works in the public realm (i.e. District Energy and Vacuum Waste systems)

A revised and complete Public Realm Plan is required with the submission for the next phase of development.

Affordable Housing

The provision of twenty percent affordable housing in the West Don Lands is an important principle in the Precinct Plan. The applicant indicates that the twenty per cent requirement can be achieved for this phase in an apartment building along King Street East and townhouse units along St. Lawrence Street. Council approval of the Precinct Plan required a binding agreement with TWRC prior to any residential development to secure provision of the West Don Lands Affordable Housing Delivery. This must include reserving sufficient serviced remediated lands free of charge for the development of new affordable rental units in the amount of twenty percent of the total units and excludes replacement housing secured through other Section 37 agreements. This binding agreement is required and included as a recommendation.

Parks and Open Spaces

Parks and open spaces have been identified in the West Don Lands Precinct Plan as follows:

Number	Open Space Type	Area
OS1	Parliament Street Lane	0.12 ha (0.3 acres)
OS2	Distillery Park	0.16 ha (0.4 acres)
OS3	Trinity Square	0.08 ha (0.2 acres)
OS4	Mill Street Lanes	0.48 ha (1.2 acres)
OS5	Front Street Promenade	0.32 ha (0.8 acres)
OS6	Dominion Foundry Park	0.12 ha (0.3 acres)
OS7	Don River Park	7.9 ha (19.6 acres)
OS8	River Square	0.16 ha (0.4 acres)
OS9	Queen Crossing Square	0.20 ha (0.5 acres)
Total		9.57 ha (23.8 acres)

From Public Parks & Open Space Map – West Don Lands Precinct Plan (pg. 26)

Note: School/Recreation Centre/Daycare block shown as adjacent to Don River Park is not included in the parkland provision figures nor any area figure identified in Precinct Plan.

The park space areas included in the draft Public Realm Plan differ from the Precinct Plan open space schedule. The parkland identified in the draft Public Realm Plan indicates that a total of 9.1 ha (22.5 acres) of space is being provided whereas the Council-approved Precinct Plan identifies 9.6 ha (23.8 acres) of parkland will be provided. The shortfall must be addressed in the subsequent phases of the development through the expansion of other park spaces (such as Parliament Street Park) and/or the provision of additional park space to the satisfaction of the General Manager, Parks Forestry and Recreation. A strategy to address the shortfall (and appropriately amended Public Realm Plan) must be submitted with the next phase of development. This strategy will then be reviewed by staff to ensure that the Open Space Framework endorsed by Council through the Precinct Plan is upheld.

Don River Park

Don River Park is an 8.0 ha (20 acre) park which will be developed on top of the flood protection landform. The park is a key feature of this new neighbourhood. New roads define the western park edge and the design of the park and roads must complement each other. The plan for the area is focused on this park space with roads, and therefore views and access, radiating outwards from it. There will be certain restrictions on the use of the park as the integrity of the landform must be ensured. The crest line of the landform must be determined and this will separate more active uses that could occur on the dry side and the more limited passive uses on the wet side.

The park is currently going through an intensive design process led by Michael Von Valkenburg and Associates, an international park design firm. The design team is engaged in a public process and will work with all stakeholders to resolve issues and present a unique and exciting park design.

Other Park Space

Besides the Don River Park there are a number of smaller park spaces, open spaces and publicly accessible open spaces that will be created throughout the West Don Lands.

River Square will be located at the intersection of River Street and Bayview Avenue. One concept that has been put forth for River Square is an urban square that could be a hard surfaced providing opportunities for temporary market squares and public functions. The conceptual design of River Square will be undertaken as part of the design for Don River Park which will ensure continuity in park space design and use.

Front Street East runs east/west through the centre of the West Don Lands and is envisioned as an inviting active pedestrian area, which “flows” into Don River Park. To achieve these objectives, a large centre median will be secured and developed within the right-of-way. This will be a large promenade, much like the open space down the middle of University Avenue. The draft plan of subdivision indicates a widened right-of-way of 42 metres which is sufficient to accommodate the large central boulevard (Attachment 4). This area is considered park space but is located within the road right-of-way, therefore an operation and maintenance agreement will be required between Transportation Services and Parks and Forestry.

The King Street East triangle is currently a connector road from Bayview Avenue to River Street but will be closed with the realignment of Bayview Avenue. This triangle area is proposed as public open space that could include pedestrian and bicycle access to the Don River Park area. The Don River Park design team will prepare conceptual designs for this space. This open space area would be within the public right-of-way, therefore an operation and maintenance agreement will be required between Transportation Services and Parks and Forestry.

Street Tree Planting

Trees must be planted in the public boulevard areas to the satisfaction of Urban Forestry. The provision of tree planting in the rights-of-way will be a requirement of this application and detailed in the subdivision agreement and through future development approvals. TRCA will not permit tree planting in the public boulevards on rights-of-way on the wet side of the flood protection landform. Alternate plantings will be required.

Servicing

Services (storm, sanitary and utilities) are currently located along St. Lawrence Street and King Street East. Sufficient servicing information has been provided to proceed with consideration of Phase 1. Staff recommends that prior to the draft plan approval a functional servicing plan for Phase 1 be submitted and approved by the City. Staff is also recommending that prior to the submission of the next phase of development, details on servicing and phasing must be determined to the satisfaction of Technical Services.

Roadways

Preferred designs for roadways were identified in the Class Environmental Assessment Master Plan endorsed by City Council in May 2005. The plan of subdivision establishes the rights-of-way for roads in conformity with the Master Plan and the Precinct Plan. Functional plans for all roadways will be required prior to registration of the final plan to ensure the roads will operate adequately within the proposed rights of way.

A condition of approval of the Precinct Plan was that further alternative designs be evaluated for the River Street Extension, and the new connection between Eastern Avenue and Bayview Avenue and abutting the proposed River Square. This will be completed through an addendum to the Master Plan Environmental Assessment Report. A separate report for Committee and Council consideration is on this agenda.

The TTC has provided comments on the entire West Don Lands plan and advises that in the next phase the owner will be required to convey lands for a TTC street car loop. These necessary lands will be determined through agreement following the completion of the transit environmental assessment for the West Don Lands development area.

The owner will also be required to enter into an agreement with the city to provide an easement on Blocks 18, 19, 20 and 26 to ensure that the future TTC bus ramp is provided.

Sustainability – District Energy and Vacuum Waste

A principle for the development of West Don Lands is sustainability. As part of the sustainability strategy the TWRC is proposing district energy and vacuum waste systems. An interim energy facility is being considered on Block 19, to serve the new development. A permanent District Energy site is proposed in Phase 2, south of Mill Street next to the rail lines. It is proposed as part of the 24 storey building which would incorporate the exhaust stack.

Although underground pipe locations have been shown in the draft Public Realm Plan, details were not available prior to the preparation of this report. Therefore, a full assessment of the system has not been undertaken and how it fits into the proposed plan of subdivision is not known.

A Vacuum Waste System would be another component of the sustainability strategy for the West Don Lands. While the TWRC has indicated the desire for a vacuum waste system, details have not been provided through the review of the development applications. A vacuum waste system on a district basis would be a new type of service in the City. City staff has told TWRC that they would be interested in exploring the feasibility of such a system, but additional information is required and City Council would have to consider the policy change for solid waste disposal. Staff recommends that the City and TWRC continue to pursue these initiatives.

Noise

A Noise and Vibration Feasibility Study has been undertaken for the West Don Lands. CN and GO Transit have reviewed the study and are working with the noise consultant to resolve issues for the areas south of Front Street. For Phase 1, CN and GO Transit require a further noise and vibration study outlining mitigation measures for the buildings on the McCord site. This must be undertaken so that the provision of mitigation measures can be included in the subdivision agreement.

Information Requirements for Future Phases

This report has identified outstanding reports and information requests that will be required with the submission of future phases of the West Don Lands to ensure a complete application leading to a timely City review of any future phase. Of particular concern is the feasibility of the proposed school/community centre site to accommodate a school (or two schools), community centre, and daycare with associated hard-surface amenity space and associated support elements. Both school boards have requested a feasibility study for these public facilities be undertaken to determine the appropriateness of the proposed parcel. The Terms of Reference of the study are to be to the satisfaction of the General Manager, Parks Forestry and Recreation and the affected school board(s)'s designate. The completed feasibility study to the satisfaction of the General Manager, Parks Forestry and Recreation and School Boards shall be submitted with the next phase of subdivision application.

Further information requirements that have been identified to date:

- servicing of future phases
- details for the consideration of district energy and vacuum waste systems
- details for interim and final storm water management facilities
- functional plans for all roadways
- revised noise and vibration study, and noise reports outlining attenuation measures on individual buildings
- school/community space feasibility study
- parks area tabulation and justification
- street tree planting strategy
- finalization of the Public Realm Plan
- securing lands for employment opportunities.

TTC has provided comments that will be relevant to future phases. They want to ensure property protection for a potential transit loop at the southeast corner of Cherry Street and Mill Street. The land should be conveyed at no cost, and the necessary land will be determined through agreement following the completion of a transit environmental assessment for this area. This requirement will be further refined in future phases.

Conclusions:

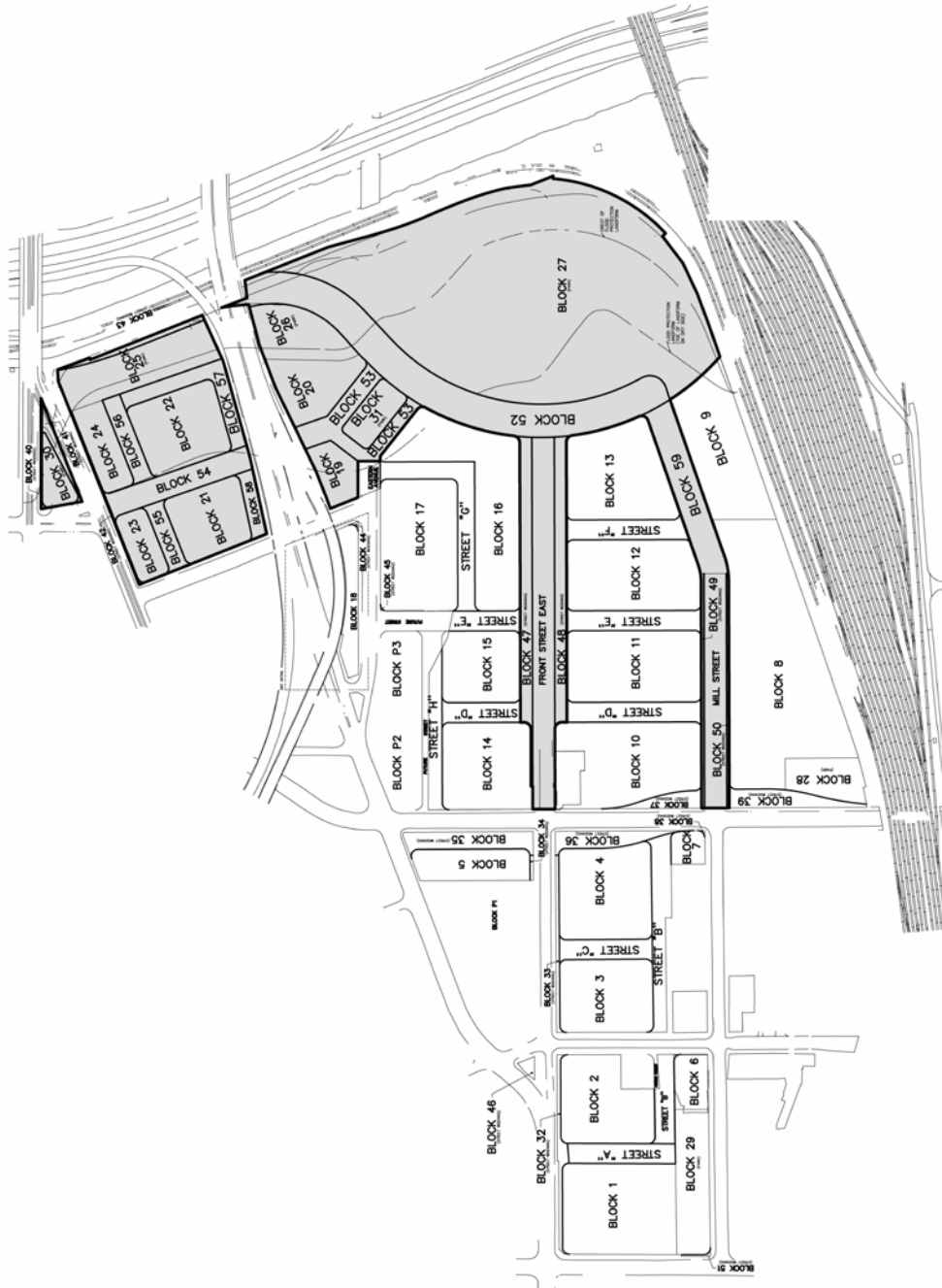
The West Don Lands is a large and complex area. The applicant had submitted an application for the entire area but staff are supportive of the phased approach. Staff recommends approval of Phase 1 subject to the conditions attached. Approval of Phase 1 will permit the construction of major infrastructures such as the flood protection landform and the Don River Park to begin and thereby permitting development of the lands. Phase 1 is a logical and appropriate first phase, building on the existing services and infrastructure along King Street East and Queen Street East. Approval of Phase 1 is the beginning of the implementation of the vision for a vibrant new neighbourhood in Toronto's waterfront.

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

Contact:

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Attachment 1: Draft Plan of Subdivision



West Don Lands Block Plan

Applicant's Submitted Drawing

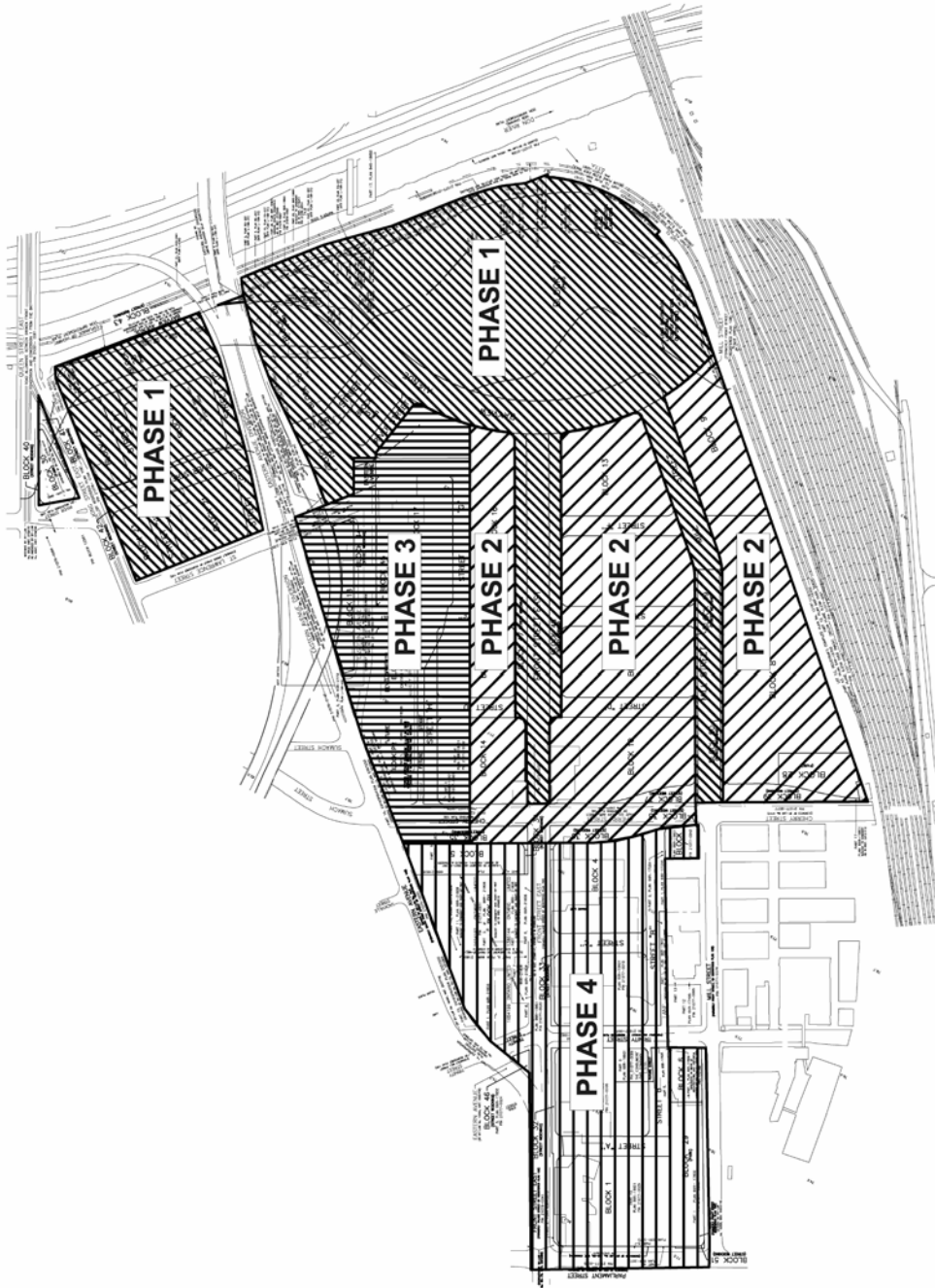
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05/08/06



The West Don Lands / Phase 1

File # 05_166163 & 05_166169

Attachment 2: West Don Lands Phasing Plan



West Don Lands Approvals Phasing

Applicant's Submitted Drawing

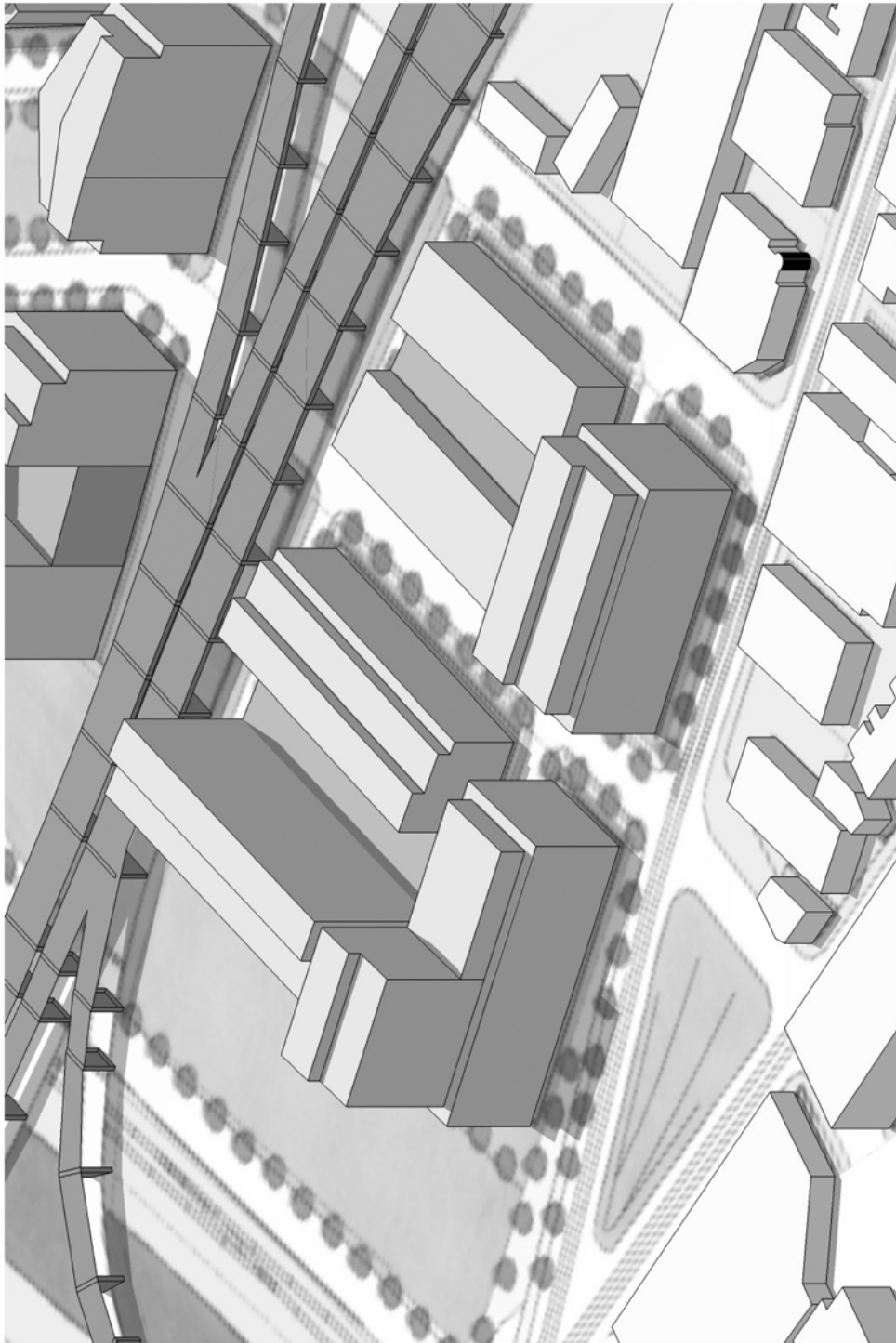
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The West Don Lands / Phase 1

File # 05_166163 & 05_166169

Attachment 3: Isometric View



Isometric View

Applicant's Submitted Drawing

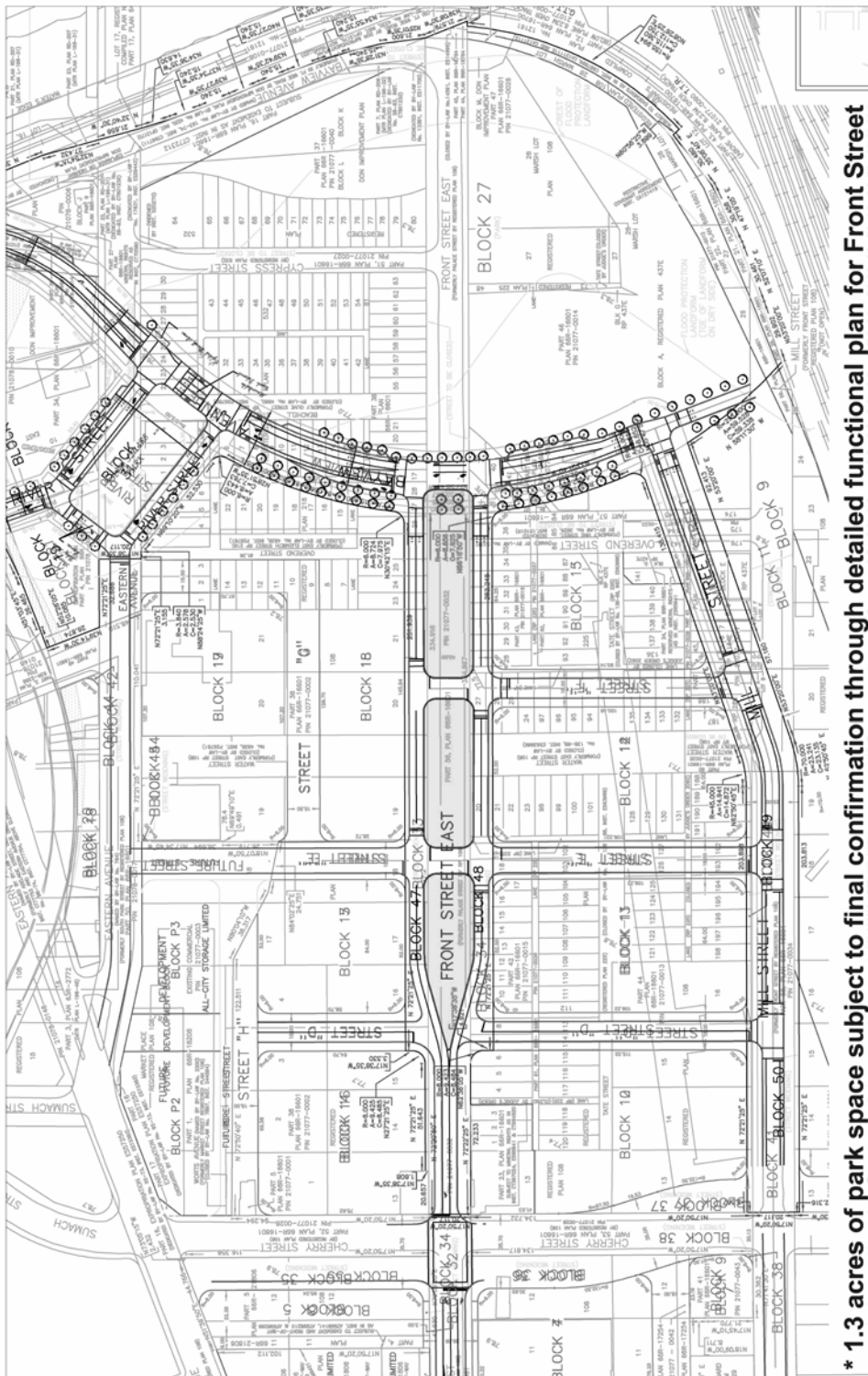
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The West Don Lands / Phase 1

File # 05_166163 & 05_166169

Attachment 4: Front Street Promenade



* 1.3 acres of park space subject to final confirmation through detailed functional plan for Front Street

West Don Lands Front Street Park Space

Applicant's Submitted Drawing

Not to Scale
05/08/06



The West Don Lands / Phase 1

File # 05_166163 & 05_166169

Attachment 5

Draft Zoning By-law Amendment

CITY OF TORONTO

BY-LAW ____-2006

To amend By-law 438-86, of the former City of Toronto, as amended, respecting the
West Don Lands.

WHEREAS Council at its meeting held on the __ day of __, 2006, adopted as amended clause __
of Toronto and East York Community Council Report No. __.

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

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

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

NOW THEREFORE the Council of the City of Toronto ENACTS as follows:

1. Section 2(1) of By-law 438-86, being “A By-law to regulate the use of land in the erection, use, bulk, height, spacing of/and other matters relating to buildings and structures in various areas of the City of Toronto”, as amended, is further amended by:

inserting after the definition of “*welder’s shop*”, the following:

“ ‘*West Don Lands*’ means that part of the City of Toronto delineated by heavy lines shown on the following map, and Phase 1 of the West Don Lands refers to that part of the West Don Lands that is hatched”; (Map 1 will be inserted and also appended)

2. District Maps 51G-323 and 52G-321 contained in Appendix ‘A’ of By-law 438-86, as amended, are hereby further amended by re-designating the lands delineated by heavy lines to “RA,” “RA(h)” and “G(h)” as shown on Map 2, attached hereto.
3. Height and Minimum Lot Frontage Maps 51G-323 and 52G-321 contained in Appendix ‘B’ of By-law 438-86, as amended, are hereby further amended by redesignating the lands delineated by heavy lines as shown on Map 3 attached hereto.
4. Section 12(1) of By-law 438-86 is amended by adding the following exception:

“467. to prevent the erection of buildings or structures or the use of land in Phase 1 of the
West Don Lands in accordance with the following provisions:

Loading

- (a) loading facilities shall be provided in accordance with section 4(8) and 12(2)246, except that:
 - (i) for a block of land surrounded by public streets on all sides that includes more than one building containing 30 or more *dwelling units*, not more than 1 *loading space - Type G* shall be required to service all buildings containing 30 or more *dwelling units* on that block of land; and
 - (ii) a *loading space - Type G* shall only be required for buildings containing 30 or more *dwelling units* where access to *dwelling units* is by means of a common internal corridor.

Height

- (b) Maximum *height* shall be in accordance with Map 3, except that:
 - (i) A building may be located within each Permitted Tower Area as shown on Map 4 up to a *height* of 48 metres for a Type A Tower and 78 metres for a Type B Tower, provided that the *residential gross floor area*, the *nonresidential gross floor area*, or any combination thereof of any floor located above the maximum height permitted in Map 3 does not exceed 800 square metres.
 - (ii) Except for any portion of a building permitted by subsection b (iii), no building shall contain more than:
 - (A) 8 *storeys* plus *residential penthouse* above *grade* within a 30-metre height district;
 - (B) 10 *storeys* plus *residential penthouse* above *grade* within a 36-metre height district;
 - (iii) Within a Permitted Tower Area as shown on Map 4, no building shall contain more than:
 - (A) 14 *storeys* plus *residential penthouse* above *grade* for a Type A Tower; or
 - (B) 24 *storeys* plus *residential penthouse* above *grade* for a Type B Tower.
- (c) Subsection (b) does not prevent the erection or use of the following:
 - (i) A stair tower, elevator shaft, or other heating, cooling or ventilating equipment or window washing equipment or electrical energy generating equipment on the roof of the building or a fence, wall or structure enclosing such elements, provided:
 - A. the maximum vertical extent of such elements or enclosure above the permitted *height* is no greater than 6 metres;

- B. the aggregate horizontal area of such elements, including the area contained within an enclosure, does not exceed 40% of the area of the top storey or *residential penthouse* of the building, whichever is highest; and
 - C. the width of any such elements, including the width of an enclosure, located within six metres of a *lot line* that is a *street* line, does not exceed 30 percent of the width of the main wall of the building facing the *lot line* provided the width is to be measured parallel to the *lot line* boundary.
- (ii) structures identified in Section 4(2)(a)(ii), subject to the limitations contained therein; and
 - (iii) parapets to a maximum vertical projection of 1.00 metre.

Setbacks

- (d) Setbacks shall be provided in accordance with Section 7(3)Part II, except that:
 - (i) for the purposes of Section 7(3)Part II 1(i) a building or structure in an RA district may be erected to within 5.5 metres to a side lot line or a rear lot line, excluding any part of a building or structure located within 30 metres of a lot line that abuts a street, other than a public lane, or a public park.
 - (ii) Section 7(3)Part II (vii) does not apply.
 - (iii) No part of a building or structure on a lot abutting the street sections identified on Map 5 may be located closer to the lot lines within those sections than the amount in metres identified on Map 5.
 - (iv) Within each Height District established on Map 3 and in Column A in the chart below, no person shall erect or use a building or structure that exceeds the *Height Above Which Stepback is Required* established in Column B below, unless the portion of the building or structure above such height established in Column B is setback a minimum distance of 3.0 metres from the exterior face of such building or structure, which faces Bayview Avenue, King Street, Old Eastern Avenue, River Street, River Square, St. Lawrence Street or parkspace.

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

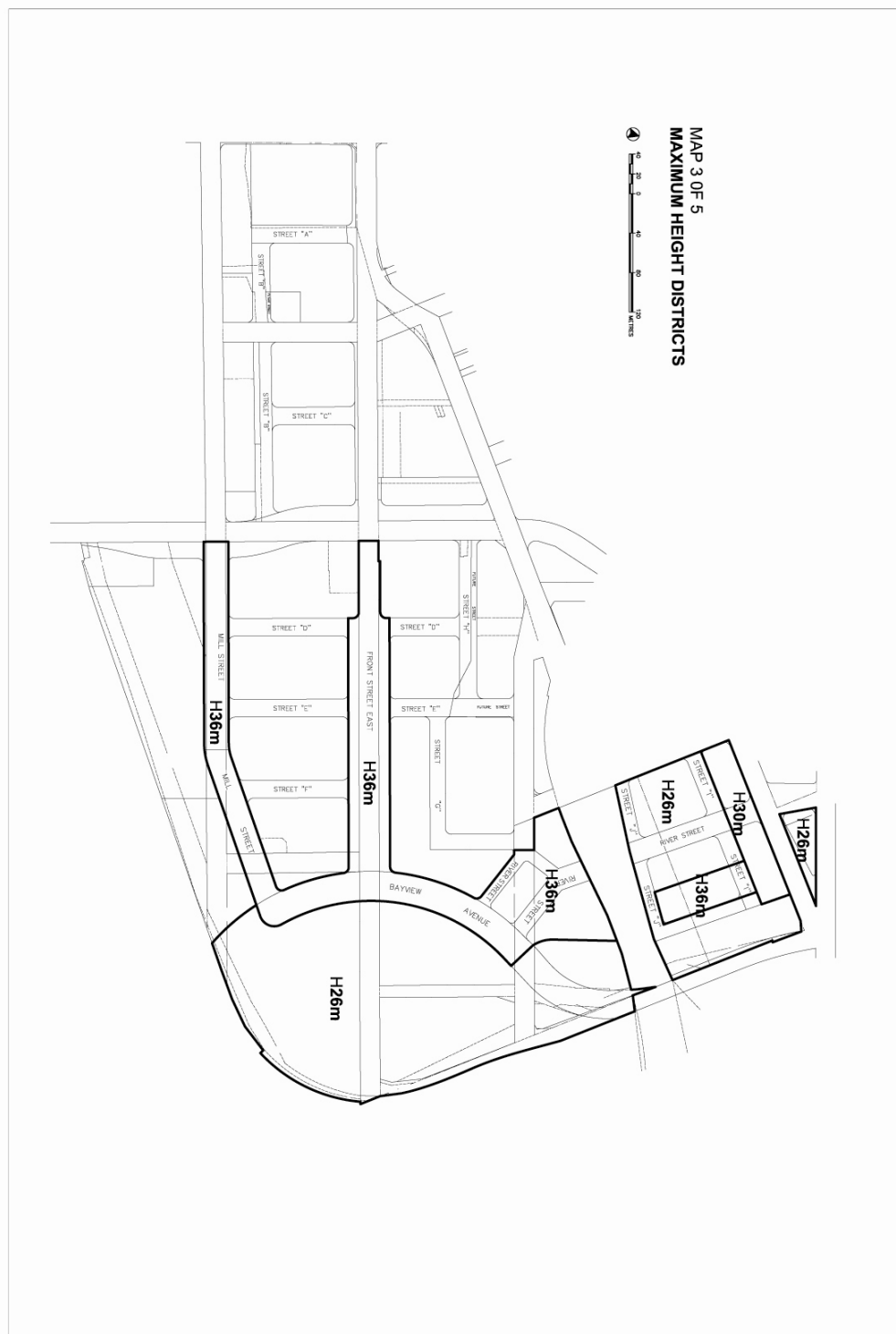
- (v) Section 7(3)Part II 7 does not apply to Phase 1 of the West Don Lands.
- (vi) Building Stepback Exception: Permitted Projections into the Setback Area Notwithstanding subsections b(i), b(ii), b(iii), b(iv) and b(v) above, the required building setbacks shall not apply to the type of structure listed in Column A in the chart below, provided any restriction set out in the corresponding row in Column B is complied with.

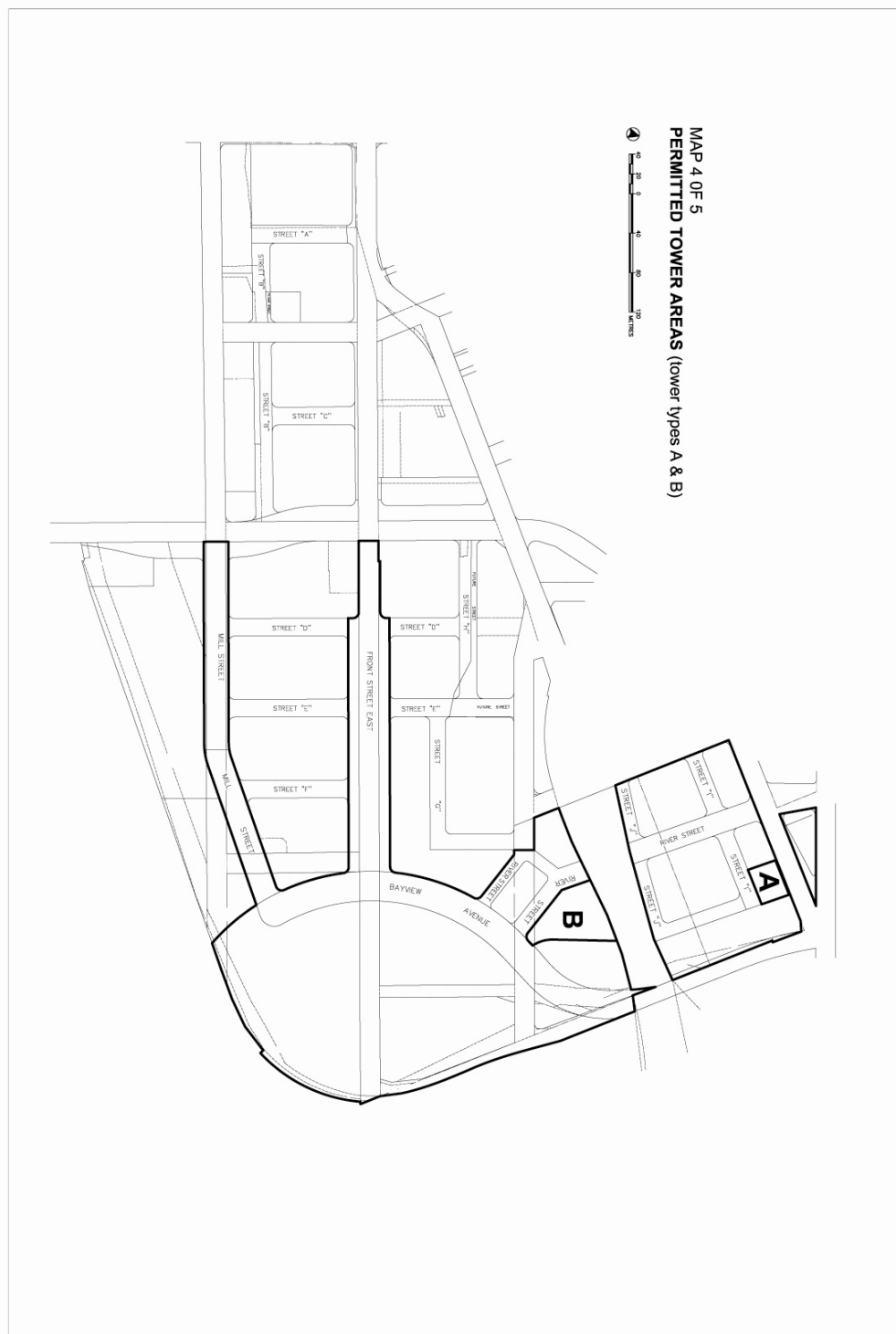
Column A Structure	Column B Maximum Permitted Projection
A. eaves, cornices or ornament	Maximum of 1.0 metre projection
B. fences and safety railings	No restriction on the extent of the projection provided the height of the structure does not exceed 2.0 metres
C. canopy	No restrictions
D. bay window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

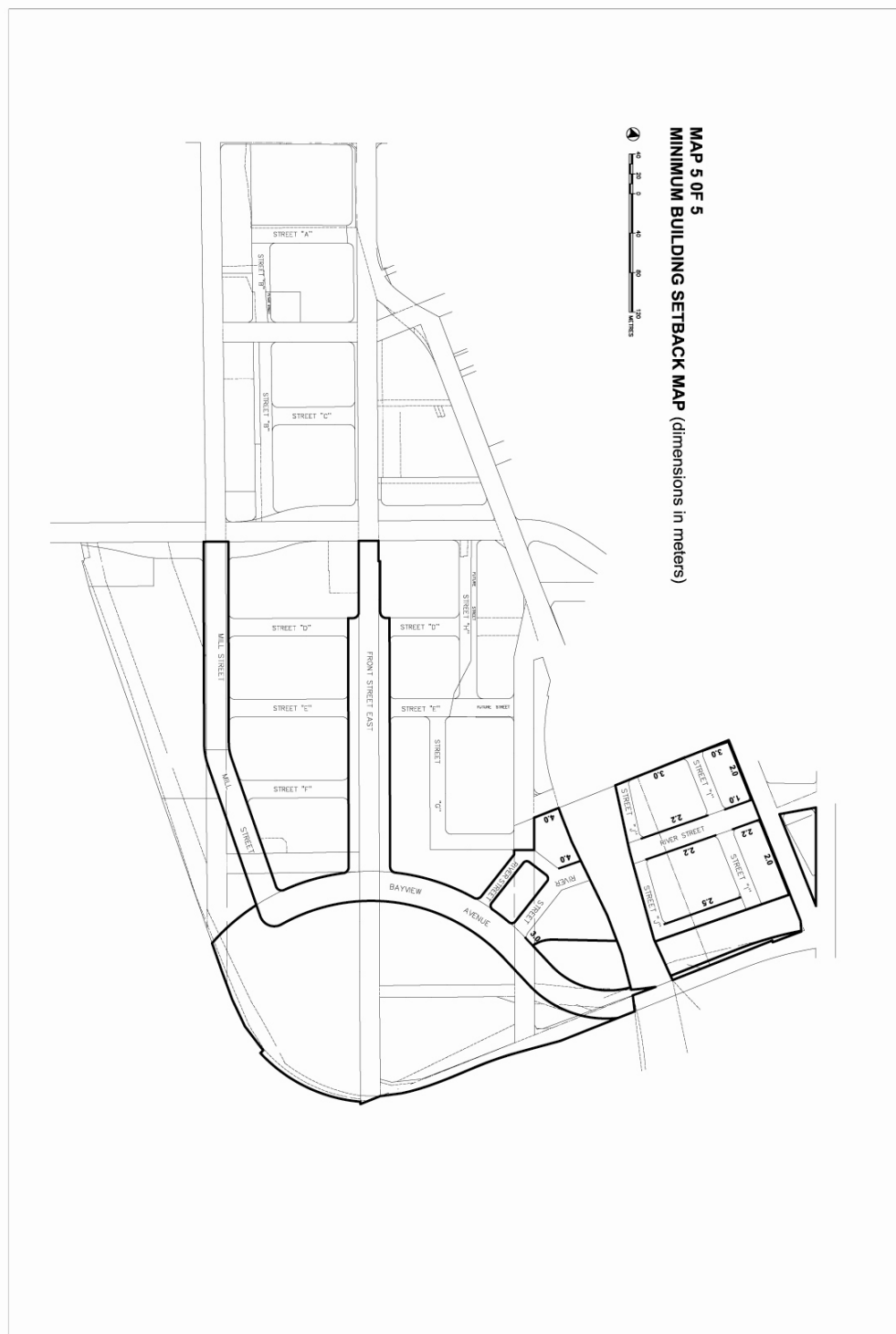
- (e) Restrictive Exemption 12(2)(95) shall not apply to Phase 1 of the *West Don Lands*.
- (f) Restrictive Exemptions 12(2)(246)a and 12(2)(246)b shall not apply to Phase 1 of the *West Don Lands*.
- (g) Restrictive Exception 12(2)(260) shall not apply to Phase 1 of the *West Don Lands*.

For the purposes of this exception:

- (i) “*grade*” means the average elevation of the sidewalk or, where there is no sidewalk, of the roadway in front of the lot on which the building stands;
- (ii) “*height*” means the vertical distance between *grade* and the highest point of the roof or structure;
- (iii) “*penthouse*” means a floor on top of the uppermost storey of a building, which is used for residential purposes and which has a *residential gross floor area* of 50% or less than the combination of *residential* and *non-residential gross floor area* of the floor below it. In the case where a tower element begins below the maximum permitted height established in Map 3, the *penthouse* of the building podium comprises a *residential gross floor area* of 50 percent of the combination of *residential* and *non-residential gross floor area* of the floor below it, minus the combination of *residential* and *non-residential gross floor area* of the tower element.







Attachment 6

West Don Lands Proposed Conditions of Approval

1. The owner agrees to design and construct flood control measures to the satisfaction of the Toronto and Region Conservation Authority.

Infrastructure

2. The owner shall be required to submit for Blocks 55, 56, 57 and 58 prior to draft plan approval, a functional road plan, including turning radii, and cross-sections, to support the proposed right-of-way width to the satisfaction of the Executive Director of Technical Services. The owner is advised that the eastern property boundary of Block 23 may be adjusted to accommodate a continuous streetscape.
3. The owner shall be required to submit, prior to draft plan approval, a revised draft plan of subdivision showing all the proposed new streets, street widenings, extensions or realignments to be conveyed to the City after the final plan has been registered as blocks on the draft plan.
4. The owner shall be required, prior to registration of the final plan, to:
 - (a) Make satisfactory arrangements with the City for the necessary land transactions/exchanges, which are required to facilitate the proposed development;
 - (b) Enter into the standard City subdivision agreement with the City, to the satisfaction of the Executive Director of Technical Services and the City Solicitor to, among other matters, require the owner in connection with the new public streets and municipal services and facilities, to:
 - (i) Engage the services of a qualified Municipal Consulting Engineer satisfactory to the Executive Director of Technical Services for the design and field supervision of all surface and underground public works services and facilities, including the reconstruction of existing public streets;
 - (ii) Prepare and submit, for acceptance by the Executive Director of Technical Services, detailed design drawings in accordance with the City's design policies and specifications for all surface and underground public works services and facilities, including a grade control plan and reconstruction of the existing public streets;
 - (iii) Obtain all necessary approvals for the works including any outside agencies and utility companies including but not limited to the MOE, TRCA, the PUCC;

- (iv) Construct and reconstruct all services and facilities in accordance with the approved drawings and specifications at the owner's expense;
- (v) Provide, upon completion of the work, "as constructed" drawings of all surface and underground public works services and facilities, certified by the Municipal Consulting Engineer that such services and facilities have been constructed in accordance with the accepted drawings and specifications and provide both chronoflex and digital design in a format to the satisfaction of the Executive Director of Technical Services;
- (vi) Provide letters of credit in the amount of 120% of the estimated cost of all municipal infrastructure for the development (sewers, waterworks, streets, sidewalks, street furniture etc.) as determined by the Municipal Consulting Engineer and approved by the Executive Director of Technical Services, prior to the issuance of a building permit or the commencement of construction of the infrastructure, whichever event is earlier, such letters of credit to be maintained until the completion of the work;
- (vii) Maintain securities in an amount acceptable to the Executive Director of Technical Services for the completed infrastructure as a maintenance guarantee for a period of two years from the date of completion of the work as certified by the Municipal Consulting Engineer and accepted by the Executive Director; and
- (viii) Construct all utilities underground;
- (c) Submit a functional road plan, which must include pavement width, pavement markings and traffic signs for the proposed new public street system, and any modifications that are required to existing pavement markings and traffic signs on existing public streets, for review and acceptance by the Executive Director of Technical Services;
- (d) Agree to submit a "Traffic Operations Assessment", including traffic signal warrant analyses, for the review and approval of the Executive Director of Technical Services in conjunction with each application for site plan approval;
- (e) Agree to pay for any traffic control signals, including a lump sum payment for maintenance of the signals, and any other traffic improvements/mitigation measures identified in the approved "Traffic Operations Assessment";
- (f) Submit an infrastructure and construction phasing plan to provide for the phased construction of the new street system for review and acceptance by the Executive Director of Technical Services, such plan to provide for a continuous street circulation system or appropriate temporary turn around facilities at the terminus of dead end streets;

- (g) Provide information regarding the proposed maintenance of hydrants and water supplies for fire services in the infrastructure and construction phasing plan to the satisfaction of the Executive Director of Technical Services;
- (h) Agree to construct at the owner's expense any modifications or improvements to the existing abutting streets, facilities and public infrastructure external to the draft plan, which may be required to accommodate this development at the discretion of the Executive Director of Technical Services;
- (i) Prepare and submit for review and acceptance by the Executive Director of Technical Services an overall grading and drainage plan and a storm water management plan for this plan and obtain the approvals for temporary works from the MOE;
- (j) Submit names and obtain approval for the names of the proposed streets in accordance with the City of Toronto Street Naming Policy;
- (k) Submit a digital copy of the final plan of subdivision in DGN or DWG formats, prepared in metric units with all lot/block corners integrated with the Ontario Co-ordinate System;
- (l) Convey to the City, on a phased basis in accordance with the approved phasing plan, at nominal cost, the lands comprising the new public streets and street widenings as shown on the draft plan for public highway purposes, (Blocks 43, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59) such lands to be free and clear of all encumbrances save and except for the surface and subsurface public services and facilities, and utilities, subject to a right-of-way for access purposes in favour of the grantor until such time as the said lands have been laid out and dedicated for public highway purposes;
- (m) Grant all easements that the Executive Director of Technical Services determines to be necessary for, among other things, utilities, public services and facilities, including for the purpose of access to and maintenance of existing and new City infrastructure, and in conjunction therewith, submit a draft of the required reference plans for the review and approval of the Executive Director;
- (n) Agree to comply with the City standards contained in "Requirements for Construction Work Near Works Facilities and Structures, Trunk Sewers and Watermains" dated May 2004;
- (o) Agree to provide a soil settlement monitoring program, satisfactory to the Executive Director of Technical Services, and that the installation of municipal services will not take place until all settlements are completed;
- (p) Provide a clear reporting protocol for communicating critical issues during design and construction related to the interface of multiple consultants and multiple contractors;

- (q) Provide securities for the future maintenance costs associated with any constructed noise barriers, walls and/or retaining walls to be assumed by the City.

Risk Assessment/ Risk Management

General: All Properties

- 5. The owner shall submit a Record of Site Condition, acknowledged by the Ministry of the Environment, prior to changing the use of the property to Residential, Parkland or Institutional use.
- 6. The owner shall implement any Risk Management Plan conditions specified in the Record of Site Condition, as acknowledged by the Ministry of the Environment, at no cost to the City.

Future Phases

- 7. The owner shall submit Ministry of Environment acknowledged Risk Assessment/Risk Management Plans or Record of Site Condition, for all future phases of development, prior to draft plan approval of each phase.

Conveyance of Properties

- 8. Prior to conveyance of lands to the City and TRCA, the owner shall provide a Record of Site Condition, acknowledged by the Ministry of the Environment, that:
 - (a) has no specified Risk Management Plan conditions, or
 - (b) has specified Risk Management Plan conditions that are acceptable to the City, or
 - (c) has specified Risk Management Plan conditions that are acceptable to the City conditional on the the owner entering into an agreement to implement any Risk Management Plan conditions, at no cost to the City, until such time that the conditions are withdrawn by the Ministry of the Environment.
- 9. Prior to conveyance of lands to the City and TRCA, the owner shall submit to the satisfaction of the Peer Reveiwer retained by the City of Toronto at the expense of the owner:
 - (a) a Record of Site Condition, acknowledged by the Ministry of the Environment (*from 8 above*), and
 - (b) reports by a “qualified person”(as per O.Reg 153/04) confirming that any soil imported to lands to be conveyed to the City of Toronto/TRCA (“City Lands”) meets the MOE requirements for parkland/residential use, and that any contaminated soils moved on to City Lands from any where else in the lands covered by the West Don Lands, are placed on City Lands in accordance with the MOE acknowledged Risk Assessment/Risk Management Plan.

10. Prior to conveyance, the owner shall enter into agreement(s) to the satisfaction of the City Solicitor indemnifying the City of Toronto for any liability arising as a result of contaminants remaining on the lands to be conveyed to the City or TRCA.

Interim Operations Prior to Conveyance

11. Prior to acceptance of any maintenance and operating obligations by the City for specified parkland and roadways, if prior to conveyance of these lands to the City, the owner shall:
 - (a) provide a report satisfactory to the City and to the Peer Reviewer retained by the City at the owner's expense, that the proposed interim operational and maintenance activities are in compliance with the Ministry of the Environment acknowledged Risk Assessment/Risk Management Plan, and
 - (b) enter into an agreement specified in 8iii above, and
 - (c) enter into an agreement specified in 10 above.

Flood Protection and Don River Park Conveyance

12. The owner agrees that Blocks 25, 26 and 27 forming the flood protection landform and Don River Park will be conveyed to the City and/or TRCA, at no cost upon:
 - (a) substantial completion of the flood protection landform and Don River Park; and
 - (b) establishing the property line between TRCA lands and City lands and any others.
13. The owner agrees to enter into an agreement with the City of Toronto and the Toronto and Region Conservation Authority for a warranty period on the flood protection landform and the Don River Park for a period of five years from date of conveyance of Blocks 25, 26 and 27.
14. The owner agrees to undertake any monitoring program and any work resulting from such program as required by the MOE.

Park

General

15. The owner agrees that parklands are to be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless the easement encumbrance or encroachment is otherwise approved by the General Manager of Parks, Forestry and Recreation. The final location, grading, configuration and development of the parklands to be conveyed will be subject to the approval of the General Manager of Parks, Forestry & Recreation.
16. The owner agrees to submit, to the satisfaction of the General Manager of Parks, Forestry and Recreation, prior to Site Plan approval for development adjacent park blocks, a park design concept plan and park development cost estimate for each proposed park block.

17. The owner will be responsible to undertake and complete parkland in accordance with the Five Year Business Plan of the TWRC to the satisfaction of the General Manager of Parks, Forestry & Recreation. The owner will not receive any credit towards the Parks and Recreation component of their development charges for base park and above base park improvements.
18. Prior to the issuance of the first above grade building permit for a phase containing a park block, the owner shall post a Letter of Credit as security for the installation of base park and above-base park improvements equal to 120 percent of the value of that phase's base park improvements.
19. The owner, upon satisfactory completion of the parkland development will be required to guarantee such work and associated materials. The owner will provide certification from their stamped Landscape Architect verifying all work has been completed. As-built drawings will be submitted to the General Manager of Parks, Forestry and Recreation. At that time, any submitted letters of credit securing the base park improvements will be released, less 20 percent which shall be retained for a five year period as a performance guarantee on workmanship.
20. Prior to registration of the final plan, submit, to the satisfaction of the General Manager of Parks, Forestry and Recreation, a Parks and Public Spaces Conveyance and Phasing Plan, including dimensions, design objectives, and phasing for the completion of such spaces, for this phase.

Public Park Spaces

21. The owner shall, for Block 30 (King Street Triangle), prior to registration of the final plan, the following:
 - (a) provide an approved Risk Assessment/Risk Management Plan for Block 30 to the satisfaction of the Executive Director, Technical Services and the retained consultant in consultation with the General Manager of Parks, Forestry and Recreation in a form and time frame satisfactory to the City;
 - (b) a pedestrian and/or cycling connection from the 'Triangle' to the Don River Park lands located on the west side of Bayview Avenue (Block 25) under the King Street overpass to the satisfaction of the General Manager of Parks, Forestry and Recreation. Such a connection will also require satisfactory arrangements with Technical Services staff in whose jurisdiction the lands presently reside; and
 - (c) a Ministry of the Environment issued Record of Site Condition received at the time of substantial completion of the flood protection landform and Don River Park verifying that Block 30 is appropriate for use for park purposes.
22. The owner agrees to provide a pedestrian connection by easement or otherwise along the north portion of Block 24 from the southeast intersection of River Street and King Street East to the Don River Park lands located west of Bayview Avenue (Block 25) to the satisfaction of Parks Recreation and Forestry and Technical Services.

23. The owner agrees that Block 31, referred to as River Square Park , is subject to the resolution of the River Street Extension Environmental Assessment Addendum and once the Addendum is approved Block 31 will be shown and dimensioned on the plan and conveyed to the City as public park land.
24. The owner agrees to provide, prior to registration, the configuration, dimensions, design of the Front Street Promenade, to the satisfaction of the General Manager of Parks, Forestry & Recreation and Executive Director, Technical Services in consultation with appropriate staff in consideration of the preparation and review of a functional plan and road design for the future configuration of Front Street.

Street Tree Planting

25. The owner agrees to provide prior to registration a street tree planting plan for Bayview Ave., Front Street, Mill Street and River Street extension which provides
 - (a) the exact location of any trees proposed to be planted within the City road allowance including details with respect to proposed tree species, calliper and quantity. The planting plan should provide the best possible, natural, planting environment for trees. It is preferred that trees be planted in turf when possible. If no room exists for turf boulevards with trees, raised planting beds or continuous tree pits should be considered. Trees indicated for planting on the City road allowance must be planted in accordance with the Tree Details Section of the City of Toronto Streetscape Manual;
 - (b) the owner must ensure the development area with space along the public roadways for tree planting. The owner must design all utilities and underground plant to allow for the construction of turf boulevards / continuous tree pits, with-in the Street Allowance, or to the satisfaction of the Urban Forestry should alternate methods be acceptable;
 - (c) the owner will be responsible for providing a two-year renewable guarantee for all new trees planted within the road allowance. A tree planting security deposit is required for tree planting within the road allowance. These deposits are subject to change and the current deposit per tree is \$588.00. The applicant must maintain the subject trees in good condition; these trees will be inspected during and prior to the end of the renewable guarantee period. If the trees are in good condition at the end of the renewable guarantee period, the City will assume maintenance and ownership of the trees. The owner will be responsible for rectifying any problems as determined by and to the satisfaction of the General Manager Parks Forestry and Recreation. The tree planting security deposit is held for the duration of the renewable guarantee period. The funds from the tree planting security deposit will be drawn upon to cover any costs Urban Forestry Services incurs as a result of enforcing and ensuring that the trees are kept in a healthy and vigorous state; and

- (d) the owner agrees that at the time of development of sites adjacent to established street tree plantings that protection deposits for street trees will be 3 times the value or not less than \$2,500.00 shall be provided.

CN/GO

- 26. The owner shall, prior to registration, engage a consultant to review noise from the Eastern Avenue diversion and recommend any mitigation measures required to meet acceptable levels as set out by the Ministry of the Environment and such measures shall be included in the subdivision agreement.
- 27. The owner shall prior to registration, engage a consultant to undertake a Noise and Vibration Impact Study in order to recommend abatement measures necessary to achieve acceptable levels as set out by the Ministry of Environment taking into consideration the rail corridor adjacent to Phase 1. Upon review and approval of the noise and vibration reports, all recommendations provided shall be included in Subdivision Agreements.
- 28. The owner shall install and maintain a chain link fence of minimum 1.83 metres height along the mutual property line.
- 29. The owner shall agree that any proposed alterations to the existing drainage pattern affecting CN and/or GO Transit property must receive prior concurrence from CN and/or GO Transit and be substantiated by a drainage report to the satisfaction of CN and GO Transit.
- 30. The owner agrees to submit the storm water management report and any functional storm water management plans for adjacent lands to CN/GO Transit for review and acceptance.
- 31. the owner agrees to the following warning clause and agrees to insert the warning clause in all Agreements of Purchase and Sale or Lease for each dwelling unit within 300 metres of the rail right-of-way. Provisions must be included in the Subdivision Agreement to ensure that the warning clause survives the release of the Owner's obligations under the Subdivision Agreement and remain on title.

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

32. The owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of GO Transit.
33. The owner shall enter into an Agreement with CN and GO Transit that will stipulate how CN and GO Transit's concerns will be resolved and will pay CN and GO Transit's reasonable costs in preparing and negotiating the agreement.
34. The owner shall grant CN/GO Transit an environmental easement for operational noise, vibration and other emissions, registered on title against the subject lands in favour of CN/GO Transit.
35. The owner agrees that any proposed construction works affecting CN property must be reviewed and approved by CN/GO Transit, and any requirements for securities, insurance, flagging, etc. must be secured prior to construction of such works.

Affordable Housing

36. Prior to registration of the subdivision plan, and pursuant to City Council's decision of May 17, 18 and 19, 2005 to require a binding agreement with TWRC prior to the any residential development approvals in West Don Lands, TWRC enter into a binding agreement with the City and other parties as necessary, to secure the provisions of the West Don Lands Affordable Housing Delivery Strategy including:
 - (a) reserving sufficient land that is serviced, remediated and free of charge, for the development of new affordable rental units in an amount comprising at least 20 percent of the total units to be built in the West Don Lands; and
 - (b) excluding replacement social housing units and replacement affordable rental units secured in other Section 37 agreements from the calculation of new, affordable rental units to meet the 20 percent affordable housing target.

TRCA

37. The Owner shall provide a MOE approved Risk Assessment / Risk Management Plan for the lands within the proposed flood protection landform prior to the start of construction.
38. The Owner shall ensure to the satisfaction of the TRCA, that an applicable plan is developed, and approved funding is in place, to complete the phased closure and decommissioning of existing services which outlet to the Don River under the proposed flood protection landform.
39. The Owner shall confirm with the TRCA that the opening under the CN rail bridge is complete and functional from a flood plain management perspective.

40. The Owner shall provide a Letter of Agreement or other legal instrument to the TRCA that confirms that the Owner will not permit human occupancy of new structures within the West Don Lands until the flood remediation works are complete and functional from a flood plain management perspective and that the TRCA review the TWRC's developer proposal call documents and contracts to ensure that this condition is acknowledged.
41. The Owner shall apply for and receive a permit from the TRCA under Ontario Regulation 158, as amended, or its successors. This will include review and approval of construction methodology.
42. The Owner shall, through the appropriate legal instrument(s) to TRCA satisfaction, indemnify the TRCA from any liability and costs due to any of the following:
 - (a) Property damage, injury or loss of life due to flooding during and after construction;
 - (b) Losses due to delays caused by a failure of the flood remediation works to be completed; and
 - (c) Failure of TRCA to issue a permit under Ontario Regulation 166/06, as amended, or its successors.
43. Basements are prohibited within Blocks 19, 20, 21, 22, 23 and 24 on the dry side of the flood protection landform.
44. The Draft Plan of Subdivision shall be redlined to reflect any adjustments to Blocks 20 and 26 required by the detailed design of the flood protection landform.
45. Upon the transfer of title to the City of Toronto or a private developer, an easement shall be placed on all development blocks and publicly-owned lands located on the flood protection landform for the purpose of ensuring that all future works that may affect the stability and/or integrity of the landform and/or flood proofing measures are reviewed and approved by the TRCA.
46. Following final geotechnical analysis, the City of Toronto and TRCA shall enter into an agreement to control maintenance and uses on the publicly-owned portion of the entire flood protection landform, such areas to include, but not be limited to, parks and road rights-of-way.
47. The owner agrees the construction on Block 20 will not occur until the crestline of the flood protection landform and the 10 metre setback have been established.
48. The Owner shall gratuitously dedicate to the TRCA, for a nominal sum of \$2.00, all lands located east of a line drawn 10 metres from the crest of the landform by December 31, 2008, to TRCA satisfaction.

General Conditions

49. Where any condition requires the owner to post financial securities to secure performance of any work or matters including the filing of Letters of Credit, alternative means of providing such security by the owner may be as approved by City Council.
50. Notwithstanding any provision of By-law No. 547-2004 (Development Charges), there shall be no reduction in development charges payable, with respect to the demolition or conversion of any structures or buildings on the subject lands.

Julie Beddoes, West Don Lands Committee, addressed the Planning and Transportation Committee.