

## 261 Queens Quay East – Zoning By-law Amendment and Draft Plan of Subdivision– Final Report

<b>Date:</b>	October 19, 2012
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 28 – Toronto Centre-Rosedale
<b>Reference Number:</b>	11 278118 STE 28 OZ, 11 278098 STE 28 SB

### SUMMARY

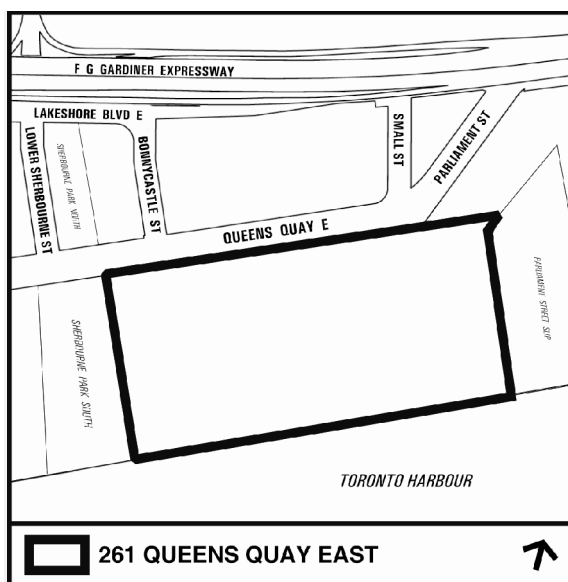
This application proposes a Draft Plan of Subdivision to implement the East Bayfront Precinct Plan on a site known as "Bayside" located at 261 Queens Quay East. The application also proposes amendments to the Zoning By-law to reflect the configuration of streets, parks, and development blocks proposed by the Draft Plan of Subdivision. The proposal anticipates development on the Bayside lands of a mixed use community comprising two office buildings, approximately 1800 residential units that include affordable housing, and public realm elements including streets, parks, and the water's edge promenade. The proposal will implement the vision of the Central Waterfront Secondary Plan and is consistent with the principles of the East Bayfront Precinct Plan.

This report reviews and recommends approval of the application to amend the Zoning By-law.

This report also advises that the Chief Planner may approve the Draft Plan of Subdivision, subject to conditions as outlined in this report.

### RECOMMENDATIONS

**The City Planning Division recommends that:**



1. City Council amend Zoning By-law 438-86 for the lands at 261 Queens Quay East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to the report (October 19, 2012) from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills related to the proposed rezoning to City Council for enactment, City Council require Waterfront Toronto to enter into a finalized Affordable Housing Delivery Agreement to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the Director, Affordable Housing Office.
4. In accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner intends to approve the draft plan of subdivision as generally illustrated on Attachment 7 to the report (October 19, 2012) from the Director, Community Planning, Toronto and East York District, subject to:
  - a. the conditions as generally listed in Attachment 7 to the report dated October 19, 2012, which except as otherwise noted must be fulfilled prior to the release of the plan of subdivision for registration; and
  - b. any such revisions to the proposed subdivision plan or any such additional modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the on-going technical review of this development.
5. Request the Director, Community Planning, Toronto and East York District, to report back on Urban Design Guidelines for the lands within the proposed subdivision prior to issuing the Notice of Approval Conditions in relation to the Site Plan Approval for the first development to proceed within the subdivision.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The Central Waterfront Secondary Plan was passed as Official Plan Amendment No. 257 by City Council on April 16, 2003. The Zoning By-law amendment for East Bayfront (By-law No. 1049-2006) was enacted by City Council on September 26, 2006. The final report on the zoning by-law amendment is available on the City's website at: <http://www.toronto.ca/legdocs/2006/agendas/council/cc060925/te7rpt/cl017.pdf>

The Central Waterfront Secondary Plan and East Bayfront Zoning By-law were appealed to the Ontario Municipal Board (OMB). The OMB approved the Central Waterfront

Secondary Plan and Zoning By-law amendment with modifications for portions of the Central Waterfront including Bayside in November 2007.

The East Bayfront Precinct Plan was endorsed by City Council on December 7, 2005. At the same time, Council directed that prior to entering into any zoning approvals to permit residential development in the East Bayfront, the City enter into a binding agreement with Waterfront Toronto to secure the provisions of the East Bayfront Affordable Housing Delivery Strategy.

Three Environmental Assessments (EA) have been undertaken and one is ongoing to ensure the provision of public infrastructure needed to facilitate revitalization in East Bayfront. Information about the three Environmental Assessments is available on Waterfront Toronto's website at:

[http://www.waterfronttoronto.ca/east\\_bayfront/planning\\_the\\_community](http://www.waterfronttoronto.ca/east_bayfront/planning_the_community)

The East Bayfront Class Environmental Assessment Master Plan was finalized in February 2006. This EA addresses water, sanitary, stormwater and transportation infrastructure servicing requirements necessary to support the land uses proposed in the East Bayfront Precinct. It was considered by Council along with the East Bayfront Precinct Plan in December 2005. The staff report on the Precinct Plan and EA are available on the City's website at:

<http://www.toronto.ca/legdocs/2005/agendas/council/cc051205/pof10rpt/cl002.pdf>

The Queens Quay Revitalization Environmental Assessment, completed in December 2009 is a plan for Queens Quay intended to accommodate a variety of users: pedestrians, transit, cyclists, automobiles and recreation while enhancing landscaping and the public realm. A companion Environmental Assessment for transit on Queens Quay aimed to determine the appropriate transit facilities for East Bayfront and future waterfront communities in the Port Lands and was completed in July 2010. In August 2010, City Council requested Waterfront Toronto to prepare an addendum to the Transit EA to provide for a second access from Queens Quay East to the Bayside lands. In consultation with the Province, staff determined that the EA process did not require an addendum. Waterfront Toronto has instead addressed the issues by filing a Technical Memo.

The City initiated the Waterfront Sanitary Servicing Master Plan Environmental Assessment in July 2011 aimed to develop a comprehensive sanitary servicing master plan to service current, impending and future development along Toronto's waterfront, including East Bayfront. Information about this EA is available on the City's website at:

<http://www.toronto.ca/involved/projects/wfsanplan/index.htm#pc>

At its meeting of August 25, 2010 Council approved a report from the Deputy City Manager responsible for the Waterfront on the proposed sale and lease of the City-owned Bayside lands to Hines Canada Management Company ULC (Hines), selected by Waterfront Toronto through a competitive bidding process to lead waterfront revitalization in Bayside. The Bayside Transaction between the City, Waterfront Toronto, and Hines was concluded in September 2012.

Along with directions to staff concerning the land development agreement with Hines, Council endorsed a concept plan of Hines' proposal for the development of the Bayside lands (Attachment 1) in August 2010. Council further advised for greater certainty, that Council's endorsement of the concept plan is in no way intended to and does not fetter the City's planning and municipal rights and responsibilities.

As well, Council directed that prior to the City entering into any Agreement of Purchase and Sale or Ground Lease, that draft plan approval of a plan of subdivision be completed for the lands. The Bayside Transaction concluded in September 2012 reiterates this requirement. The terms of the proposed Land Development Agreement, also approved by Council, provide that Waterfront Toronto will take the lead on the plan of subdivision including filing the application for Bayside working collaboratively with the development partner. Council further requested a report on the status of an Affordable Housing Delivery Agreement between Waterfront Toronto and the City.

The staff report is available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EX46.33>

## **ISSUE BACKGROUND**

### **Proposal**

The development proposal is for seven mixed-use development blocks to be developed with office uses, approximately 1800 residential units, and grade-related retail uses. The development would provide three new public streets and parkland, including a water's edge promenade. Approximately 189,000 square metres of floor space are proposed overall. Sites have also been identified for the development of affordable housing.

The proposed Draft Plan of Subdivision is attached to this report as Attachment 3. Of the seven proposed development blocks, Blocks 1 and 2 are intended primarily for office uses. Blocks 3, 4, 5, 6, & 8 are intended primarily for residential uses. Grade-related retail uses are proposed throughout. Detailed designs for each of the development blocks will be determined in the future as development proposals are submitted and considered through the site plan application review process.

The Draft Plan of Subdivision proposes a simple network of public streets leading to and from Queens Quay East and along the water's edge. Streets "A" and "C" are extensions of Bonnycastle Street and Small Street, respectively, southward from Queens Quay. Each has a proposed 21.0 metre wide right-of-way. Street "B" is an east-west street adjacent to the water's edge promenade with a 16.5 metre wide right-of-way connecting Street "A" to Street "C". In addition to the proposed public streets, publicly-accessible pedestrian connections and laneways are proposed to provide pedestrian permeability and parking/loading access within portions of the plan of subdivision.

The Draft Plan of Subdivision provides Blocks of public parkland along Lake Ontario to accommodate construction of the water's edge promenade. The width of the promenade

would vary from 13.0 to 14.5 metres. In the future, the promenade may be complemented by construction of an adjacent boardwalk extending over Lake Ontario and piers. Additional public parkland is provided generally in the centre of the Draft Plan of Subdivision for the construction of Aitken Place Park. Aitken Place Park will provide park amenity geared toward local residents and is also located to support pedestrian permeability through the subdivision to the water's edge.

The subdivision is proposed to be developed in two phases from west to east. Site and development statistics are included in the application data sheet Attachment 5.

Amendments to the Zoning By-law are proposed to implement the draft plan of subdivision. The streets and blocks proposed by the Draft Plan of Subdivision are configured somewhat differently from those that were conceptually anticipated when the Zoning By-law for East Bayfront was adopted in 2006. As a result, the application proposes a number of adjustments to the Zoning By-law. They include reducing the width of the water's edge promenade from 19 to 13 and 14 metres, increasing the size and configuration of Aiken Place Park, changing the location of the ground floor animation zones, building setbacks and spill out areas, and alterations to the boundaries of height permissions.

The zoning for the site is subject to a Holding Symbol. The zoning amendment application proposes to remove the condition under the holding symbol that requires the submission of a conceptual design for a school, a community centre, associated open spaces and other potential uses prior to the removal of the holding symbol. This change is proposed in order to facilitate the relocation of the planned school site from the East Bayfront to the Keating Channel Precinct to the east and to permit the relocation of the community centre within East Bayfront. Currently both uses are required in the Zoning By-law to be located on Block 4 adjacent to the Parliament Street Slip.

Prior to development on the Bayside lands, the Holding Symbol must be removed from the Zoning By-law. The primary condition to remove the Holding Symbol is a Section 37 agreement to be -registered on title to secure a number of public benefits and pre-requisites for development. Waterfront Toronto submitted an application to remove the Holding Symbol in January 2012. (File no. 12 111241 STE 28 OZ) The application is under review and staff anticipate a final report in the first quarter of 2013.

## **Site and Surrounding Area**

The site is located within the East Bayfront area on the south side of Queens Quay East. It is bounded by Queens Quay East to the north, the Toronto Harbour to the south, Sherbourne Common Park South to the west and the Parliament Street Slip to the east. The site is 5.3 hectares in area, rectangular in shape and generally flat with the exception of the eastern portion of the site which is about 1 metre higher than the rest of the land. The site has a frontage of approximately 345 metres along Queens Quay East and a depth of about 162 metres. The site is occupied with a vacant single storey warehouse, a large commercial parking lot and a small building in the southeast corner occupied by the Royal Canadian Yacht Club.

Surrounding Uses include:

North: There are single storey multi-tenant commercial and industrial buildings opposite the site on the north side of Queen's Quay East. The site of the proposed Parkside development that will include a mixed-use residential and commercial building is also opposite the site on the north side of Queen Quay East. Further north is the Gardiner Expressway and the St. Lawrence Neighbourhood and Distillery District.

South: The Toronto Harbour is adjacent to the south. The site has about 310 metres of harbour frontage.

East: The Parliament Street Slip is adjacent to the east. The site has about 118 metres of frontage along the Slip. Further east of the Parliament Slip are the Victory Soya Mills Silos and vacant lands within the Keating Channel Precinct planned as a future new waterfront neighbourhood.

West: Sherbourne Common Park South is adjacent to the west of the site. Further west is the recently opened George Brown College waterfront campus, the Corus Quay office and broadcast centre, Sugar Beach, adjacent to the Jarvis Street Slip, and the water's edge promenade. Redpath Sugar is further west on the west side of the Jarvis Street Slip.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The site is situated in the Central Waterfront Secondary Plan Area. The City of Toronto Official Plan currently excludes the Central Waterfront Secondary Plan that was adopted by Council in 2003 as an amendment to the former City of Toronto Official Plan.

The Central Waterfront Secondary Plan is a strategy for waterfront renewal built on four core principles:

- A. Removing Barriers/Making Connections
- B. Building a Network of Spectacular Waterfront Parks and Open Spaces
- C. Promoting a Clean and Green Environment
- D. Creating Dynamic and Diverse New Communities

The Secondary Plan includes a series of initiatives or “Big Moves” intended along with implementing policies to promote waterfront renewal.

The Secondary Plan considers the removal of barriers and improved connections as essential to waterfront renewal. It places priority on public transit for connecting people to the waterfront and recognizes the important role of Queens Quay in achieving this objective. Queens Quay is intended to accommodate streetcars in a dedicated right-of-way and be designed to meet the diverse needs of motorists, transit users, cyclists and pedestrians as well as providing opportunities for vistas to the harbour and lake. The policies of the Secondary Plan also provide that waterfront streets will be remade as places of distinct identity and that north/south connector streets be enhanced through high quality design and landscaping.

The Secondary Plan promotes the creation of Parks and Open Spaces as a key component of waterfront renewal and provides for a new system of connected waterfront parks and public spaces that reflect the industrial heritage and dockwall legacy of the area.

A key element of this system is the water’s edge. The Secondary Plan requires it to be preserved for public use through the creation of a continuous, highly accessible public water’s edge promenade. The water’s edge promenade is intended to be an amenity and legacy for future generations. The Secondary Plan recognizes that the promenade will not be the same in all areas of the waterfront but will vary in width and design such that a variety of primarily pedestrian activities can be accommodated and be integrated with a range of parks and public spaces that would allow for outdoor cafes, areas of respite, play areas, public art, gatherings and celebrations. Further it sets out key design objectives for the promenade including: the creation of a diversity of spaces in scale, form and character that respond to their distinct context, the creation of accessible and marvellous places designed to encourage year round use and the creation of a remarkable public realm. The promenade has been constructed in the west portion of East Bayfront.

The policies of the Secondary Plan seek to ensure that the waterfront setting defines the public realm and is reflected in its design providing for strategically located parks and plazas along the water’s edge and unique public places at the termination of north-south streets intended as focal points for the neighbourhood. Parks are intended to accommodate a full range of recreational experiences and locations for new public parks at the foot of Jarvis, Sherbourne and Parliament Streets are proposed. Sugar Beach at the foot of Jarvis Street and Sherbourne Common North Park and Sherbourne Common South Park along Sherbourne Street have been constructed.

Sustainability is an overriding principle of the Secondary Plan for waterfront renewal. In order to achieve sustainability, the policies of the Secondary Plan promote: mixed-use

communities to provide opportunities to live and work close together, traffic management approaches to accommodate non-auto modes of transportation, and improvements to the water quality through the use of innovative stormwater management, servicing and energy technologies.

The Secondary Plan seeks to ensure the creation of dynamic and diverse new waterfront communities that will accommodate a range of development forms and be of sufficient scale to establish a critical mass of people both living and working in a neighbourhood setting. East Bayfront is one such community, envisioned as a mixed-use neighbourhood with a diversity of employment and residential uses along with high quality public realm elements that include the water's edge promenade and public parks.

Along with promoting high quality design, the built form policies of the Secondary Plan provide that development sites abutting the water's edge public promenade will require particular sensitivity to create a front of publicly accessible and marvellous buildings of appropriate low to moderate scale to complement the character of the neighbourhood. Further, new development will be located, organized and massed to protect view corridors, frame and support the adjacent public realm, and discourage privatization of public spaces.

The Secondary Plan provides that a school and other community services and facilities are to be provided in East Bayfront with new development. The policies encourage innovative approaches for providing these facilities, such as shared use of the school, community services and facilities and local parks as well as integrating community facilities into private development.

The housing policies of the Secondary Plan support the provision of a full range of housing opportunities in the Central Waterfront including affordable housing. The overall goal for the Central Waterfront is that affordable rental housing and low-end-of-market housing comprise 25 percent of all housing units.

The Central Waterfront Secondary Plan designates the lands at 261 Queens Quay East *Regeneration Areas*. A broad mix of commercial, residential, industrial, parks and open space, and institutional uses are permitted in *Regeneration Areas*. The Secondary Plan requires high quality design on development sites adjacent to the water's edge promenade, that views of the water be protected, and that buildings be of low to moderate scale.

To ensure comprehensive and orderly development in the waterfront, the Secondary Plan provides that *Regeneration Areas* will generally be subject to Precinct Implementation Strategies. Among other things the Precinct Implementation Strategies address matters such as: the desired street and block patterns, height and massing of buildings, location and phasing of parks and open spaces, schools, community centres and daycares, transit, affordable housing, public art and urban design standards and guidelines along with mechanisms to ensure that the strategy is implemented.



In addition to the land use designation, the Secondary Plan also reserves land at the water's edge of the site for the *Public Promenade*.

The Central Waterfront Secondary Plan is available on the City's website at:  
[http://www.toronto.ca/waterfront/pdf/waterfront\\_cwp\\_revised\\_nov07.pdf](http://www.toronto.ca/waterfront/pdf/waterfront_cwp_revised_nov07.pdf)

## **East Bayfront Precinct Plan**

Building on the principles and policies of the Central Waterfront Secondary Plan, the East Bayfront Precinct Plan was prepared by Waterfront Toronto in consultation with community residents and stakeholder groups along with City staff and agencies. The East Bayfront Precinct extends from Jarvis Street in the west to Parliament Street in the east, between Lake Ontario and Lakeshore Boulevard. The Bayside site is situated in the south-east area of the larger East Bayfront Precinct. Attachment 2 provides a Context Plan.

The Precinct Plan is a guiding document intended to provide a flexible framework to achieve the vision for East Bayfront as a new urban waterfront community that is a place of design excellence, with high levels of sustainability and strong relationships to the water's edge.

With an emphasis on the public realm, the Precinct Plan includes design concepts and development guidelines for the implementation of public infrastructure (streets, parks and trails and community facilities), as well as the built form of new development within East Bayfront. The public realm strategy for East Bayfront encompasses not only the public parks, open spaces and streets but includes the semi-public open spaces such as private streets and lanes as well as open spaces situated on privately owned development parcels.

The water's edge promenade is one of the key features of the public realm strategy for East Bayfront. It is viewed as the crown jewel of Toronto's revitalized waterfront conceived as an active pedestrian, year round multi-use water related public passage. The Precinct Plan recommends a width of 19 metres for the water's edge promenade along with a boardwalk of 5 metres.

The recently constructed Sherbourne Common Park North and South is intended as the most prominent public park in East Bayfront. It extends the full depth of the precinct from Lakeshore Boulevard south to the water's edge promenade and forms the west boundary of the Bayside site. The Precinct Plan provides for additional neighbourhood parks of varying sizes and programming potential at Jarvis Street, Aiken Place (lining up but not connected to Aiken Street in the St. Lawrence Neighbourhood to the north) and Parliament Street.

The public and private streets, laneways and passageways are also important elements of the public realm. Queens Quay East is considered the main street for East Bayfront and the Precinct Plan provides for its transformation to an active pedestrian and cycling-friendly main street accommodating dedicated transit along with extensive landscaping and the Martin Goodman Trail.

To enhance and promote connections between East Bayfront and the rest of the City the Precinct Plan provides for the extension of existing north/south streets to the water's edge. The Precinct Plan also provides for east-west laneways south of Queens Quay East in order to create a typical street grid network and to allow for a fine-grained pattern of development parcels.

The Precinct Plan also includes a ground floor strategy to ensure that the ground floor of buildings surrounding major parks and plaza, and along Queens Quay East and the water's edge promenade are designed and programmed with uses that promote pedestrian activity and make it comfortable for people year round. The Precinct Plan envisions a combination of institutional/cultural uses, food venues, retail shops, showrooms, offices, hotel and residential services and marine related uses along these frontages. All-weather arcades are recommended for buildings along the north side of Queens Quay East, the water's edge promenade and the west side of Sherbourne Common Park South.

Development guidelines are included in the Precinct Plan that address built form, streets, laneways and passages, a parcel plan, building types and parking and servicing. Buildings are intended as the framework to define the major public spaces including Queens Quay East, Sherbourne Park, the Water's Edge Promenade, the Jarvis Slip and Parliament Basin. To maximize lake views and solar exposure and to provide for differences in scale within the precinct, building heights rise from the water's edge north, from a maximum of 20 metres at the water's edge to 38 metres at Queens Quay East. The Precinct Plan provides for taller buildings, up to 40 metre high, at strategic locations along the water's edge. North of Queens Quay East taller buildings are recommended with tower elements up to 120 metres at gateway locations along Lakeshore Boulevard.

To promote a continuous street wall condition, build-to and setback lines are included for buildings within parcels and along major public spaces. To ensure that there is a high level of connectivity within East Bayfront and to the rest of the City, the parcel plan includes general locations for streets, laneways and through block connections.

The Precinct Plan also includes an Affordable Housing Strategy and plan for community services and facilities. Among other things the strategy provides that 20 percent of all residential units will be affordable rental and a further 5 percent will be low-end-of-market ownership. A community centre, elementary school and at least two daycares are recommended for East Bayfront.

The East Bayfront Precinct Plan is available on Waterfront Toronto's website at: [http://www.waterfronttoronto.ca/east\\_bayfront/planning\\_the\\_community](http://www.waterfronttoronto.ca/east_bayfront/planning_the_community)

## **Zoning**

The site is zoned Mixed-Use with a Holding Symbol (CR (h)) and Park (G) in Zoning By-law 438-86 (Attachment 7). A wide range of residential, commercial, retail and institutional uses are permitted in the CR zone. While the holding symbol is in place, the uses on the property are limited to existing uses and CR uses within existing buildings or

in a small addition to an existing building. The G zone permits recreational uses including recreational boating and marina uses along the waterfront and patios and open air markets along the water's edge promenade.

The Zoning By-law requires a minimum width of 19 metres for the water's edge promenade. It also establishes height zones ranging from a maximum of 20 metres adjacent to the water's edge promenade, increasing to 32 metres in the central area of the site to a maximum of 38 metres along Queens Quay Boulevard East. The Zoning By-law permits taller buildings with a maximum height of 40 metres in two locations along the water's edge promenade. The Zoning By-law also establishes minimum setbacks, build-to lines, ground floor animation zones and spill out areas.

The holding zone provisions of the Zoning By-law include a number of conditions on matters such as: public art, sustainability measures, Redpath Sugar, Section 37 requirements, affordable housing, and community facilities. These conditions must be satisfied and/or secured in a Section 37 agreement prior to the removal of the holding symbol.

### **Site Plan Control**

The site is subject to site plan control. Site plan control applications will be required for the individual development blocks that are proposed as part of the Draft Plan of Subdivision.

### **Reasons for Application**

The draft plan of subdivision application is required to provide for the division of the lands into development blocks, servicing of the lands, the construction of public streets, and the construction of public parks.

Amendments to the Zoning By-law are required to reflect the subdivision layout. Proposed revisions to the Zoning By-law also include changes to animation frontages, build-to and setback lines for buildings, location of spill-over zones, the width of the water's edge promenade, the size and location of Aiken Place Park and the boundaries of the height zones. An amendment to remove a condition of the Holding Symbol is also required to provide for the relocation of the school and community centre.

### **Community Consultation**

Prior to submission of the application, Waterfront Toronto presented the proposal at meetings of the East Bayfront Stakeholder Committee in December 2010 and in March and September 2011.

A community consultation meeting was held at the Enoch Turner Schoolhouse on November 28, 2011. Approximately 10 members of the public attended. Many of the questions and concerns that arose during the meeting addressed the use and character of public spaces along the water's edge and the ability of the public to access the water's edge. Participants raised questions and concerns with respect to:

- the importance of protecting and promoting the pedestrian orientation and character of the water's edge promenade;
- the importance providing for the possibility of temporary closures of Street B for events on weekends and during summer months;
- adequacy of space near the water's edge to accommodate bicyclists;
- interest in development that generates employment;
- physical connections through the planned development to reach the water's edge; and
- the character of retail expected along the water's edge.

## **Agency Circulation**

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

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) promotes the appropriate intensification and efficient use of land, recognizing that land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns. The proposal is consistent with the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe seeks to accommodate population and employment growth by, among other measures, directing a significant portion of new growth to built-up areas. The proposal conforms to the Growth Plan.

### **East Bayfront Precinct Plan**

The proposed Draft Plan of Subdivision implements the principles and the general configuration of the East Bayfront Precinct Plan approved by City Council in 2005, although it deviates from Precinct Plan with respect to certain details. Specifically, the Draft Plan of Subdivision:

- eliminates the Precinct Plan's north-south street through the centre of the Bayside site and surrounding Aitken Place Park;
- reduces the width of the water's edge promenade from the recommended 19.0 metres to a range of 13.0 – 14.5 metres;
- creates a public street adjacent to the water's edge promenade, whereas the Precinct Plan showed development abutting the promenade.

The removal of the north-south street resulted from potential conflicts at its intersection with Queens Quay East. The plan replaces the street with mid-block pedestrian connections, which together with Aitken Place Park provide public access through the site from Queens Quay East to the water's edge. These public spaces also provide an oblique view from Queens Quay East to Lake Ontario. Conditions of Draft Plan of

Subdivision Approval will secure 24-hour access for pedestrians to mid-block pedestrian connections.

The reduction in the planned width of the water's edge promenade results from the proposed street adjacent to the promenade (Street "B"). Waterfront Toronto has proposed Street "B" due to a concern that retail at the water's edge may not be viable year round without street access and recognizing that successful retail spaces will contribute to the vibrancy of the waterfront.

Members of the public have underscored the importance of designing the public realm at the water's edge to have a strong pedestrian orientation. The proposed 16.5 metre right-of-way is relatively narrow for Toronto's public streets. Together with an adjacent promenade width of 13.0 metres, the Plan of Subdivision will provide an expanse of space dedicated to the public realm of 29.5 metres – sufficient space to design a desirable, pedestrian-oriented environment. The circular route of the street network to and from Queen's Quay East means that Street "B" will provide vehicular access to the water's edge but will not serve as a thoroughfare across the waterfront.

### **Streets, Traffic Impact, and Access**

The Draft Plan of Subdivision's proposed public street network ("A", "B", and "C") has been described earlier in this report. In addition, the Draft Plan of Subdivision secures a widening of approximately 8.5 metres to the south side of the Queens Quay East right-of-way. The widening will facilitate future improvements to pedestrian, cyclist, and transit facilities.

Transportation Services staff have reviewed the proposed Draft Plan of Subdivision and find the spacing and layout of the proposed public street network generally acceptable, as well as the proposed right-of-way widths for the public streets. Conditions of Draft Plan of Subdivision Approval will also secure off-site road improvements required in connection with the proposed development. At the time each development block comes forward for Site Plan Approval, Traffic Impact Assessments will be required to assess the need for additional off-site improvements, as well as appropriate access to individual blocks for parking and loading.

Conditions of Draft Plan Approval will secure access to privately-owned laneways at the rear of certain blocks to provide access for parking, loading, and passenger pick-up/drop-off.

### **Pedestrian Connections**

Conditions of draft plan approval will secure rights of way and easements for public access to pedestrian connections across many of the proposed development blocks. These pedestrian connections will link Street "A" to Sherbourne Common, Queen's Quay East to Aitken Place Park, Street "A" to "Street "C" via Aitken Place Park, and Street "C" to the water's edge promenade along Parliament Street slip. The connections will form part of the public realm and provide permeability for pedestrians through the subdivision,

as well as support the Precinct Plan's objective to provide a fine-grained pattern of development parcels.

### **Open Space/Parkland**

The Draft Plan of Subdivision proposes park blocks totalling more than 0.64 hectares of land to form a water's edge promenade. The promenade extends the entire length of the Bayside site, as well as along Parliament Street slip, at a width of 13.0 metres when adjacent to a public street and 14.0 – 14.5 metres when adjacent to development. Waterfront Toronto plans to complement the promenade park with construction of a boardwalk extending over the lake.

The Draft Plan of Subdivision also proposes a park block 0.24 hectares in size to form a local neighbourhood park -- Aitken Place Park – centrally located in the subdivision. Aitken Place will be integrated into public realm of the Bayside subdivision and form part of the network of pedestrian connections providing access from Queens Quay East to the water's edge. It will be designed and programmed to meet needs of local residents.

### **Urban Design Guidelines**

The applicant has submitted draft Urban Design Guidelines for the subdivision to address principles in the design of the various components of the public realm and the relationship of development to public space. The Urban Design Guidelines will be an important tool in the review of development applications for Site Plan Approval within the subdivision. Conditions of draft Plan of Subdivision Approval will require that these Guidelines be finalized and endorsed by Council prior to Site Plan Approval for the first development within the subdivision. Staff have targeted the first quarter of 2013 to report to Council through Toronto and East York Community Council to endorse the final Urban Design Guidelines.

### **Servicing and Stormwater Management**

The proposed development in Bayside requires improvements to water infrastructure, sanitary sewer, stormwater management facilities. The Decision History section of this report has outlined the Environmental Assessment processes that have been undertaken in relation to the infrastructure requirements of East Bayfront, including the Bayside lands.

Waterfront Toronto has submitted a Functional Servicing Report and Stormwater Management Master Plan as part of the subdivision application. The Draft Plan of Subdivision approval will require implementation of these documents to provide servicing for the lands satisfactory to the Toronto Water and Technical Services Divisions. A technical working group of City staff has formed to facilitate the comprehensive review of engineering drawings for servicing infrastructure in East Bayfront, including that related to the Bayside subdivision proposal.

### **Environment**

Much of the East Bayfront has a history of industrial land uses and it is not uncommon for lands in the area to have soil contamination. Phase 1 and Phase 2 environmental site

assessments have been completed for Bayside and have identified soil contaminants on the site. Waterfront Toronto, in consultation with Technical Services staff, has initiated risk assessments for the site in accordance with the requirements of the *Environmental Protection Act*.

Provincial legislation and regulations ensure appropriate soil remediation and/or risk mitigation for lands undergoing redevelopment. Conditions of Draft Plan of Subdivision approval will further secure satisfactory remediation and/or risk mitigation measures to be implemented on lands to be dedicated as public streets, parks or to otherwise be retained in City ownership in accordance with Provincial legislation and regulations.

### **Subdivision Phasing**

The Bayside subdivision is proposed to be developed and registered in two phases. Conditions of Draft Plan of Subdivision Approval will address both phases of the subdivision and secure matters to ensure that Phase 1 is functional and works as a complete community until such time as Phase 2 proceeds. The boundary between the two phases is indicated on the Draft Plan of Subdivision (Attachment 3).

Phase 1 consists of three development parcels (Blocks 1, 6, and 8) representing both intended residential and office development, Aitken Place Park (Block 7), and a portion of the water's edge promenade park (Block 9). Phase 1 also includes Street A and a portion of Street B. As Phase 1 does not include the subdivision's entire street network, a temporary turning circle at the end of Street B will be necessary until construction of Phase 2.

Phase 2 of the subdivision consists of four development blocks (Block 2, Block 3, Block 4, and Block 5), representing both intended residential and office development, the remainder of the water's edge promenade (Block 10), and Street C and the remaining portion of Street B.

### **Toronto Green Standard and Sustainable Development**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. Other applicable TGS performance measures will be secured through the Site Plan Approval process on individual development parcels.

The Zoning By-law for the East Bayfront was adopted prior to the Toronto Green Standard. As a condition of removing the Holding Symbol from the Zoning By-law, it requires the provision of sustainable development measures that would be sufficient to achieve a Silver Certification in Leadership in Energy and Environmental Design

(LEED). The provision of such measures will be secured in a Section 37 agreement prior to removal of the Holding Symbol.

## **Rezoning Proposal**

The Zoning By-law permits a mix of land uses in the East Bayfront, including on the Bayside site, subject to a holding symbol. The proposal does not alter the permitted land uses. The intended mix of retail, office and residential will advance the vision for a mixed use district articulated in the Central Waterfront Secondary Plan and the East Bayfront Precinct Plan.

The draft Zoning By-law attached to this report includes a number of changes to reflect the proposed Draft Plan of Subdivision. These changes include re-configuration of the 'G' zones (parks) to match the boundaries of the subdivision's park blocks (Blocks 7, 9, and 10 as described earlier in this report. The By-law also adjusts the locations of the "spill-over zones" that permit certain kinds of uses to spill over into the water's edge promenade from adjacent development, subject to obtaining any required permits from Parks, Forestry and Recreation.

The Zoning By-law for the East Bayfront controls development through a number of performance standards related to the height and massing of buildings, as well as performance standards respecting the relationship of development to adjacent public spaces. Generally, the proposed zoning amendment does not increase the height permission for development on the Bayside site; however, the proposed by-law amendment shifts the location provided for a 40.0 metre tall building element near the water's edge from the centre of the site to the eastern edge of the site near the Parliament Street Slip.

Other proposed amendments to the by-law reflect the draft plan of subdivision and its differences from the conceptual block lay-out anticipated when the Zoning By-law was first prepared in 2006. The proposed zoning amendment would continue to put in place appropriate "build-to" lines requiring development to enclose public spaces – Queens Quay East, Sherbourne Common, the water's edge street and promenade, and Aitken Place Park – with good proportion. As a public street is no longer planned to surround Aitken Place Park, the draft by-law puts in place a 5 metre setback from the park to provide space for transition between the park and adjacent development parcels. Design and landscaping of these setbacks will be determined through Site Plan Approval of the adjacent blocks.

The draft zoning by-law continues to require ground floor animation uses along Queen's Quay East, adjacent to Sherbourne Common, and facing the water's edge, although the precise locations are adjusted to fit the Draft Plan of Subdivision. Additionally, an indoor playground, indoor park, or other indoor publicly accessibly open spaces is added to the uses that fulfill the requirement for ground floor animation in Bayside, with the intent of accommodating the Winter Garden anticipated by the Precinct Plan on Block 8 of the Draft Plan of Subdivision.



## **Affordable Housing**

The Zoning By-law for the East Bayfront implements the affordable housing policies of the Central Waterfront Secondary Plan and the affordable housing objectives of the East Bayfront Precinct Plan. As such, the By-law includes requirements to secure the provision of not less than 20 percent of the total number of dwelling units as new affordable rental housing, and to secure not less than 5 percent of all ownership dwelling units with size restrictions to achieve low-end-of-market housing. These matters are to be secured through a Section 37 agreement, which must be entered into as a condition of removing the Holding Symbol from the Zoning By-law. The proposed Zoning By-law amendment makes no changes to these requirements.

As noted in the Decision History section of this report, Council has previously directed that prior to any zoning approvals to permit residential development in the East Bayfront, the City enter into a binding agreement with Waterfront Toronto to secure the provisions of the East Bayfront Affordable Housing Delivery Strategy. The City and Waterfront Toronto have agreed on all substantive matters in this regard and the City Solicitor is finalizing the agreement. This report recommends that bills respecting the proposed rezoning be withheld until the agreement is executed.

The Affordable Housing Delivery Agreement outlines the ways in which the City and Waterfront Toronto will work together to achieve affordable housing objectives in the East Bayfront. It is very consistent with the Affordable Housing Delivery Strategy for the East Bayfront, the key elements of which were outlined in the staff cover report on the East Bayfront Precinct Plan adopted by City Council in December 2005. The Delivery Agreement further articulates these key elements, as well as the means through which the planning and development process will operationalize the Strategy.

A Land Development Agreement between the City and Hines has identified development parcels for affordable rental housing. The location of two affordable rental housing parcels, one in each of the subdivision's phases, is desirable because of the potential to contribute to a mixed community, with geographical distribution of affordable housing. In Phase 1 of the Draft Plan of Subdivision, Block 6 has been designated as the site for affordable housing as a component of a larger mixed-use development, subject to the City agreeing to allocate funding for the construction of the affordable rental housing component. The Land Development Agreement requires a staff report on this matter by summer 2013. If Council agrees to an allocation, Block 3 will be set aside for affordable housing in Phase 2 of the Draft Plan of Subdivision. Block 4 is identified as an alternative site for affordable housing.

## **Conditions to Remove the Holding Symbol**

As a condition of removing the Holding Symbol, the Zoning By-law requires a Section 37 agreement to secure preparation of a conceptual plan for a school and community centre located on Bayside's easternmost development parcel (Block 4 on the Draft Plan of Subdivision).

Toronto District School Board has advised in a letter dated January 26, 2012 that they have made an alternative arrangement to secure provisions for a public elementary school site in the North Keating Precinct. Therefore, zoning by-law provisions to secure a school site in the East Bayfront Precinct are no longer required.

Waterfront Toronto has also proposed that the draft Zoning By-law provide for the possibility of an alternative community centre site in the East Bayfront. Parks, Forestry and Recreation have advised that this is acceptable, provided that the Section 37 agreement continue to secure a conceptual plan for a community centre on Block 4, until such time as an alternative site is acceptable.

## **CONTACT**

Kyle Knoeck, Senior Planner

Tel. No. (416) 392-0871

Fax No. (416) 392-1330

E-mail: [kknoeck@toronto.ca](mailto:kknoeck@toronto.ca)

## **SIGNATURE**

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Gregg Lintern, Director, MCIP, RPP  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Bayside Concept Plan

Attachment 2: East Bayfront Context Plan

Attachment 3: Draft Plan of Subdivision

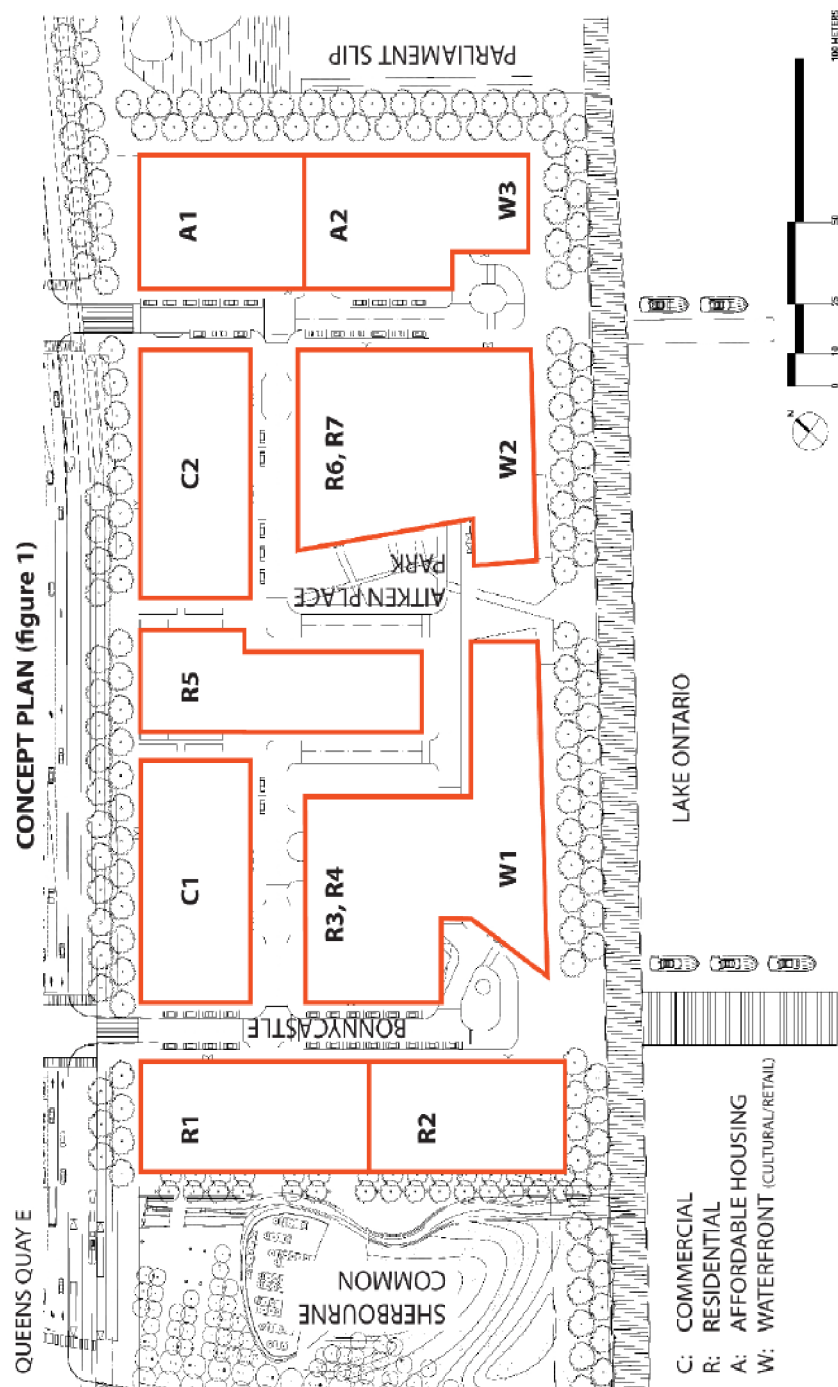
Attachment 4: Zoning Map

Attachment 5: Application Data Sheet

Attachment 6: Draft Zoning By-law Amendment

Attachment 7: Conditions of Draft Plan of Subdivision

Attachment 1: Bayside Concept Plan



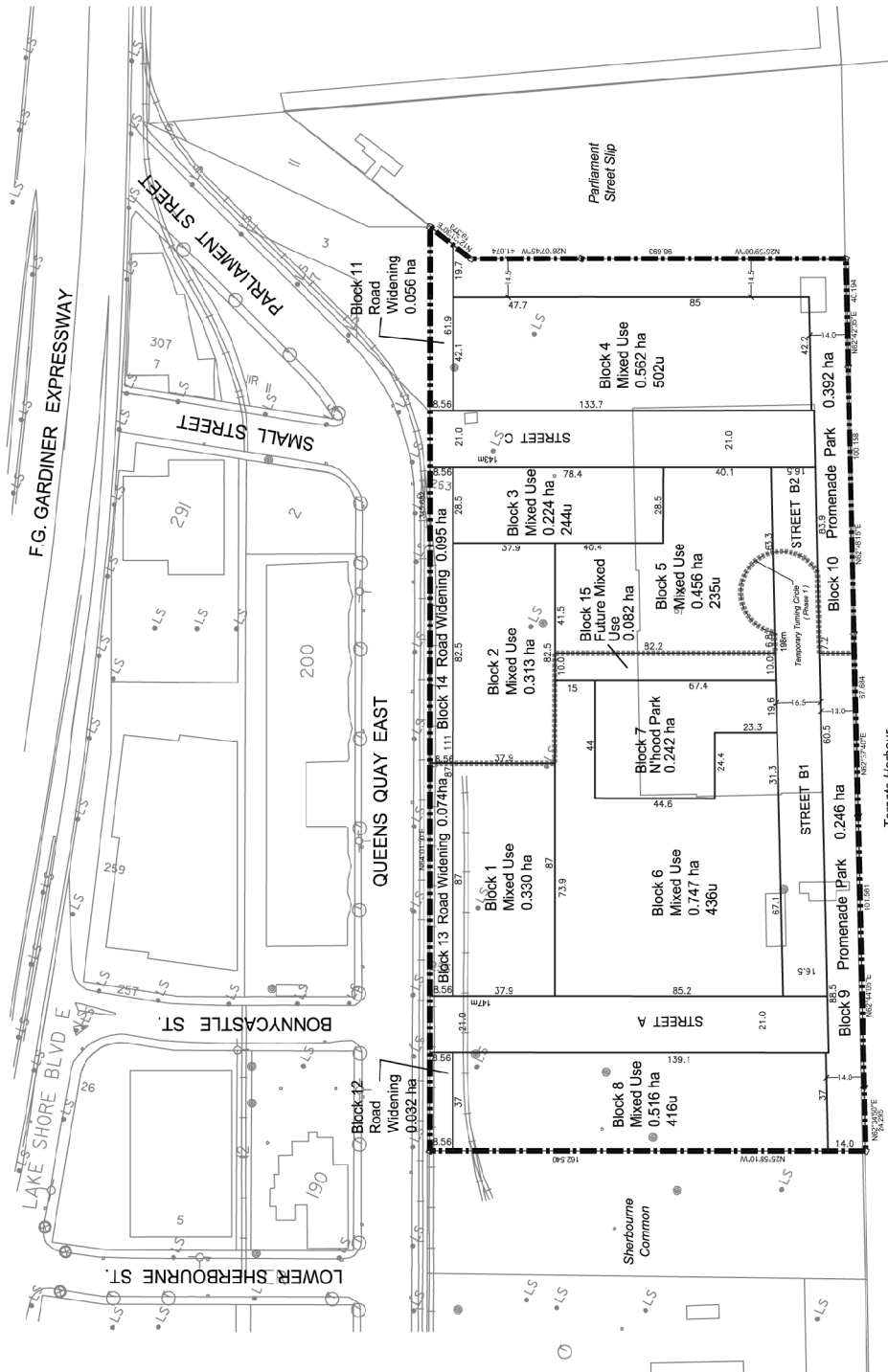
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261 Queens Quay East

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# Attachment 3: Draft Plan of Subdivision



261 Queens Quay East

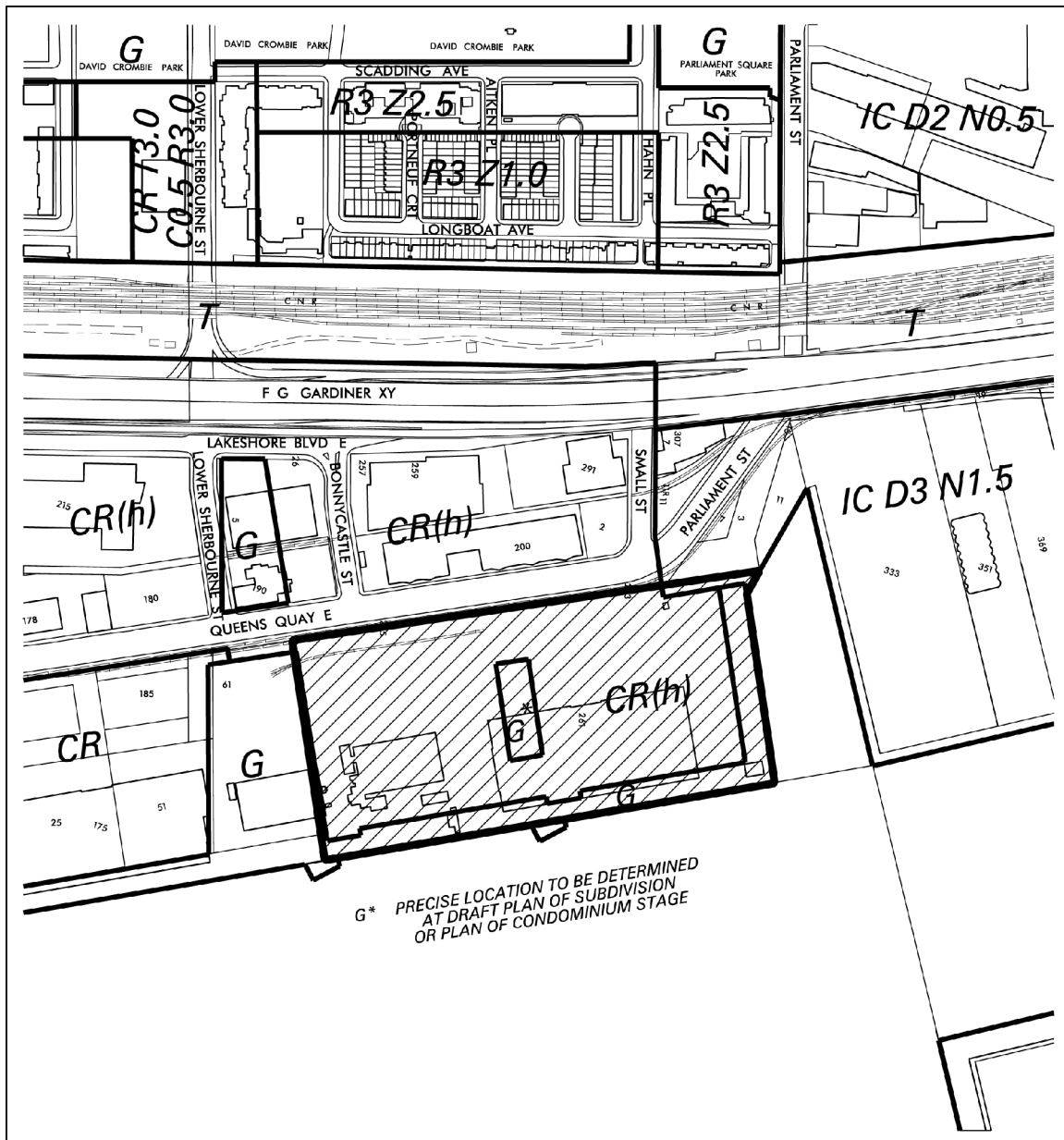
Plan of Subdivision

Applicant's Submitted Drawing

Not to Scale  
10/13/2012

Files # 11 278098 SB & 11 278118 02

## Attachment 4: Zoning Map



**Toronto** City Planning  
**Zoning**

**261 Queens Quay East**

Files # 11 278098 SB & 11 278118 02

G Parks District  
CR Mixed-Use District  
R3 Residential District  
IC Industrial District  
T Industrial District

(h) Holding District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 10/13/2012

## Attachment 5: Application Data Sheet

Application Type	Rezoning, Subdivision	Application Number:	11 278118 STE 28 OZ 11 278098 STE 28 SB
Details	Rezoning, Standard	Application Date:	September 20, 2011

Municipal Address:	261 QUEENS QUAY EAST
Location Description:	PLAN 694E BLKS 23 & 24 PT BLK 25 RP 64R14518 PART PT 1 & PART PT 4 **GRID S2808
Project Description:	Rezoning application to alter location of promenade and southernmost east-west public roadway of East Bayfront-Bayside Lands (Phases 1 & 2).

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
WATERFRONT TORONTO			CITY OF TORONTO

### PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas & Public Promenade	Site Specific Provision:	438-86, Sec 12(1)470
Zoning:	CR & G	Historical Status:	No
Height Limit (m):	20, 32, 38 & 40	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	53060	Height:	Storeys:	n/a
Frontage (m):	346		Metres:	n/a
Depth (m):	162.54			
Total Ground Floor Area (sq. m):	24408			<b>Total</b>
Total Residential GFA (sq. m):	n/a		Parking Spaces:	n/a
Total Non-Residential GFA (sq. m):	n/a		Loading Docks	n/a
Total GFA (sq. m):	205431			
Lot Coverage Ratio (%):	46			
Floor Space Index:	3.87			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:		Above Grade	Below Grade
Rooms:	n/a	Residential GFA (sq. m):	n/a
Bachelor:	n/a	Retail GFA (sq. m):	n/a
1 Bedroom:	n/a	Office GFA (sq. m):	n/a
2 Bedroom:	n/a	Industrial GFA (sq. m):	n/a
3 + Bedroom:	n/a	Institutional/Other GFA (sq. m):	n/a
Total Units:	1833		

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Kyle Knoeck, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 392-0871</b>

## **Attachment 6: Draft Zoning By-law Amendment**

Authority: Toronto and East York Community Council Item ~ as adopted by City of  
Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

### **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To amend Zoning By-law No. 438-86 of the former City of Toronto, as amended,  
with respect to the lands municipally known as 261 Queens Quay East (Bayside)**

WHEREAS authority is given to Council by Section 34 and 36 of the *Planning Act*, R.S.O. 1990, C.P. 13, as amended, to pass this By-law; and

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

WHEREAS Council of the City of Toronto may in a by-law passed under Section 34 of the *Planning Act* authorize increases in height and density not otherwise permitted in the By-law in return for the provision of facilities, services or matters as are set out in the Bylaw;

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

1. This By-law applies to the lands delineated by heavy lines on Schedule A attached to and forming part of this By-law.
2. Except as provided herein, the provisions of former City of Toronto By-law No. 438-86, as amended, titled “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”, shall continue to apply to the lands delineated by heavy lines on Schedule A attached to and forming part of this By-law.
3. District Map 51G-312 contained in Appendix “A” of the aforesaid By-law No. 438-86 is further amended by adjusting the heavy lines delineating the “CR (h)” and “G” designations of the lands as shown as Map A attached hereto.



4. Height and Maximum Lot Frontage Map 51G-312 contained in Appendix “B” of the aforesaid By-law No. 438-86 is further amended by designating the lands delineated by heavy lines as shown on Map B attached hereto.
5. Section 12(1) 470 of the aforesaid By-law No. 438-86 is further amended as follows:
  - (a) Maps 2, 3, 4 and 6 are amended in the manner shown on Maps 2, 3, 4 and 6 attached hereto;
  - (b) Subparagraph (w)(xvi) is hereby deleted and replaced with the following provision:

“In the case of lands shown as Area E on Map 3, in addition to those matters set out in subparagraphs (w)(i) to (xvi) above, the owner shall prepare a conceptual plan for a community centre and associated facilities to be located within the lands at 261 Queens Quay East or elsewhere in *East Bayfront – West Precinct*, to the satisfaction of the City;”
  - (c) Subparagraph (u) is amended by adding sub-subparagraph (iv) as follows:

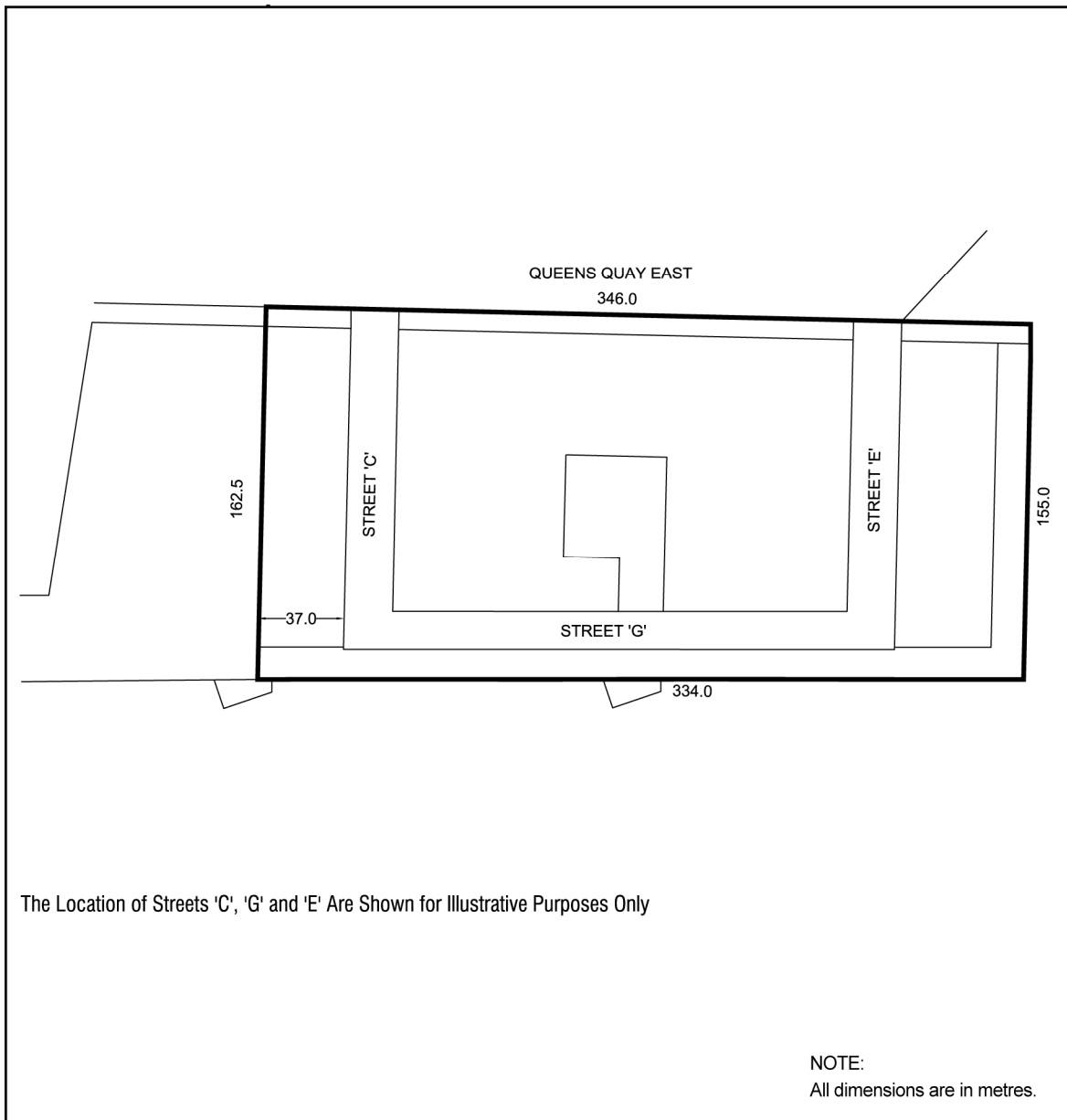
"On the lands located at 261 Queens Quay East, uses that include an indoor park, indoor playground, and/or other publicly accessible indoor amenity space will be deemed to meet the definition of *ground floor animation uses*."

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

ROB FORD,  
Mayor

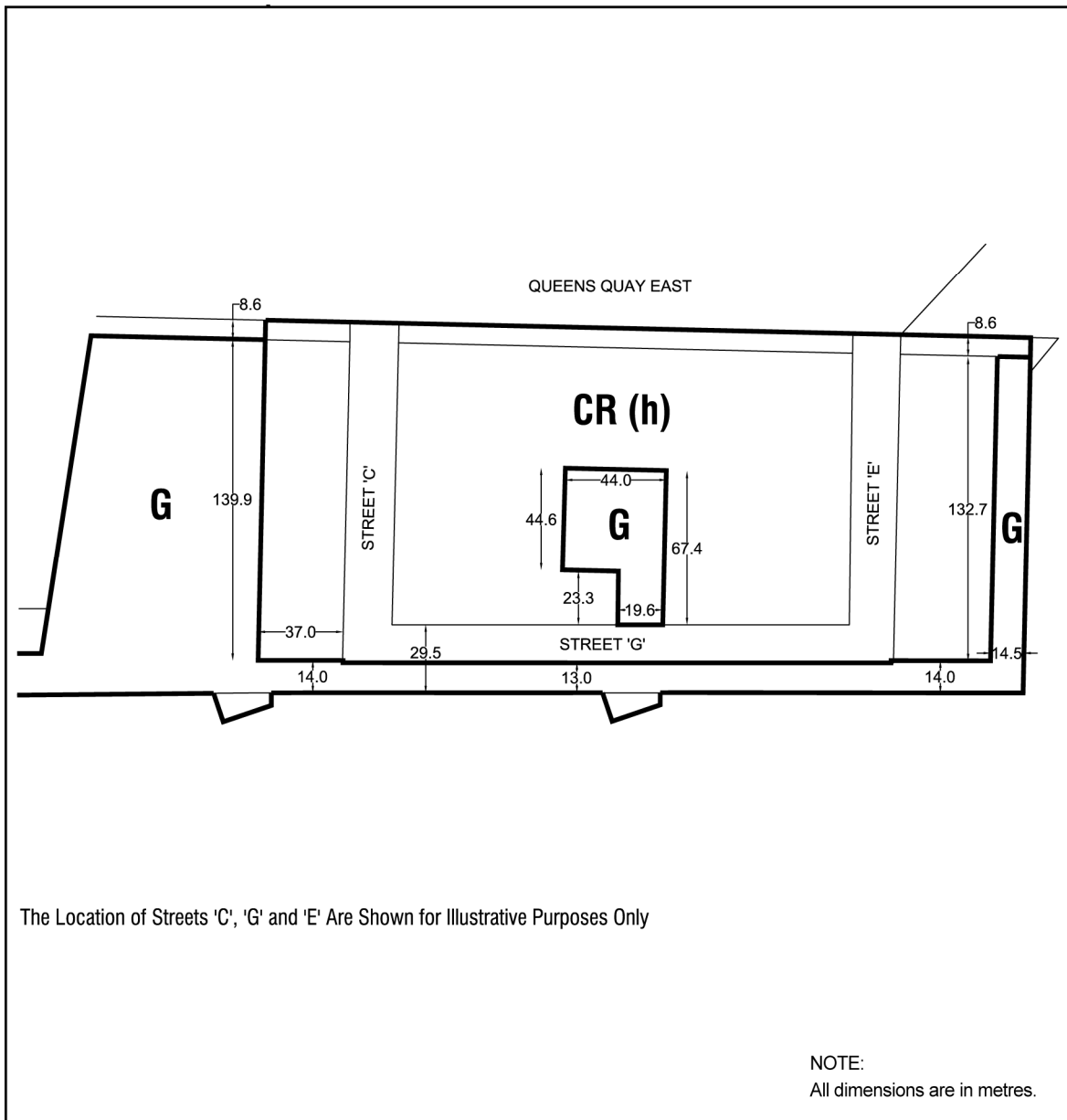
ULLI S. WATKISS,  
City Clerk

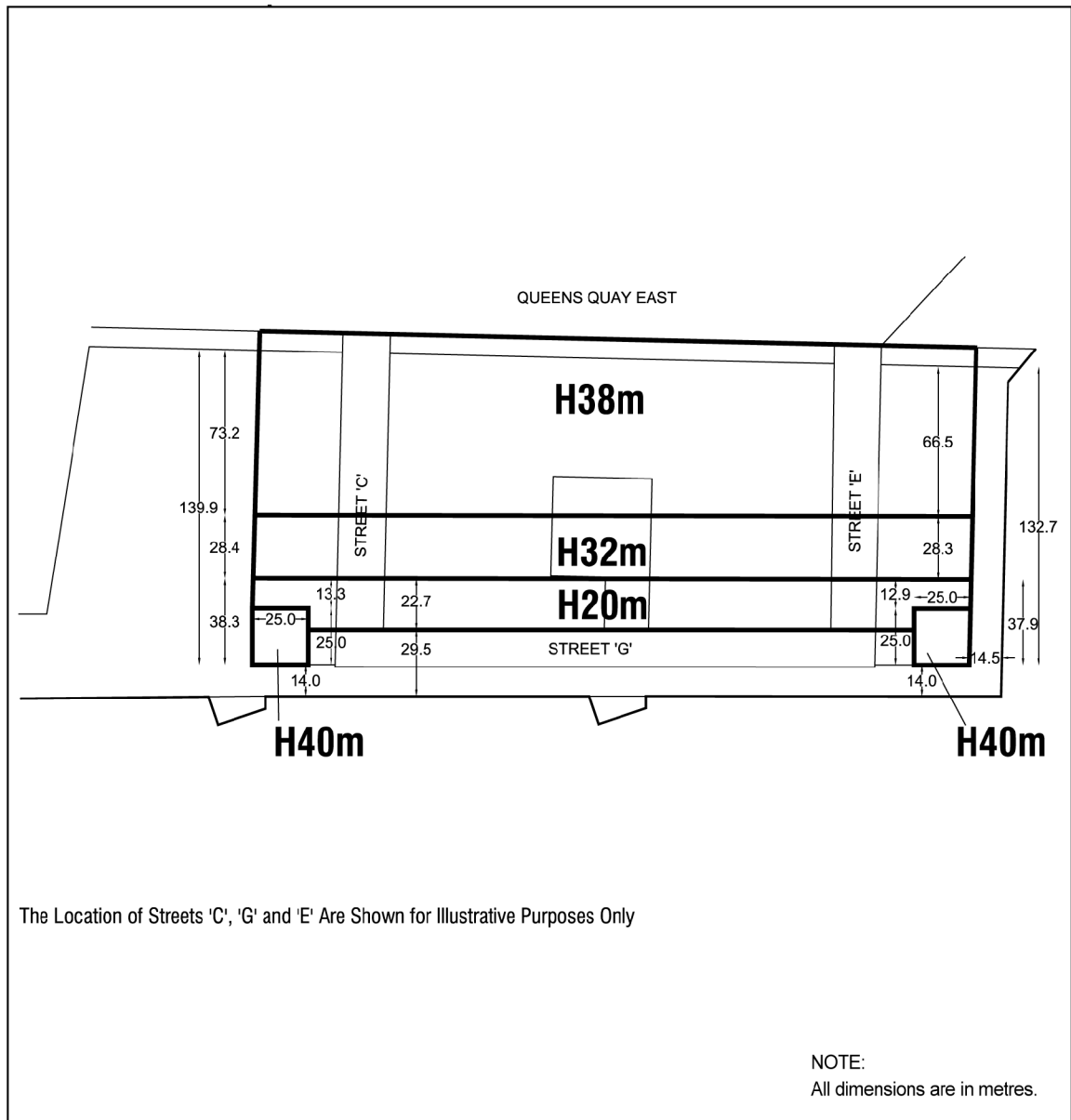
(Corporate Seal)



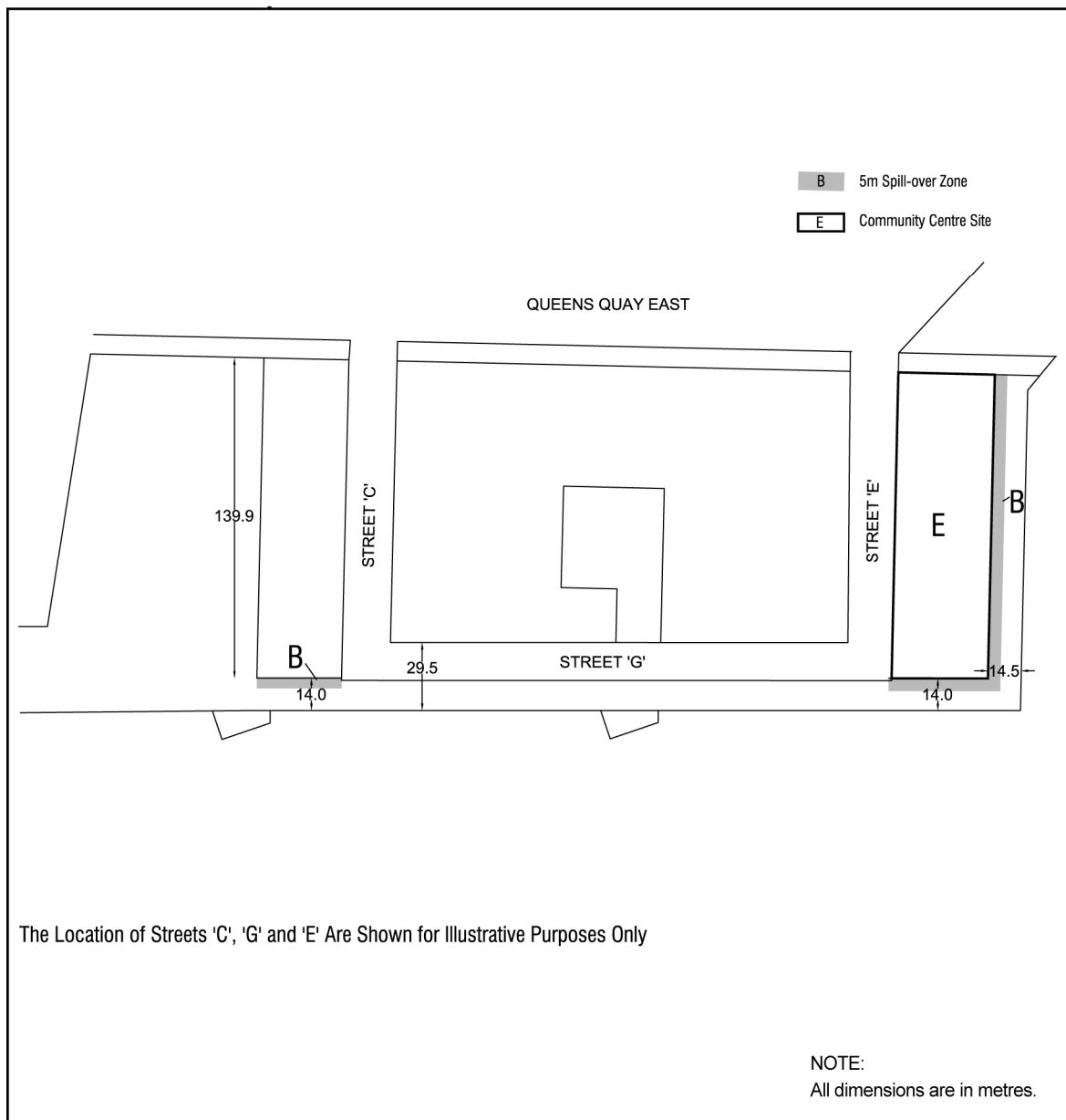
The Location of Streets 'C', 'G' and 'E' Are Shown for Illustrative Purposes Only











The Location of Streets 'C', 'G' and 'E' Are Shown for Illustrative Purposes Only

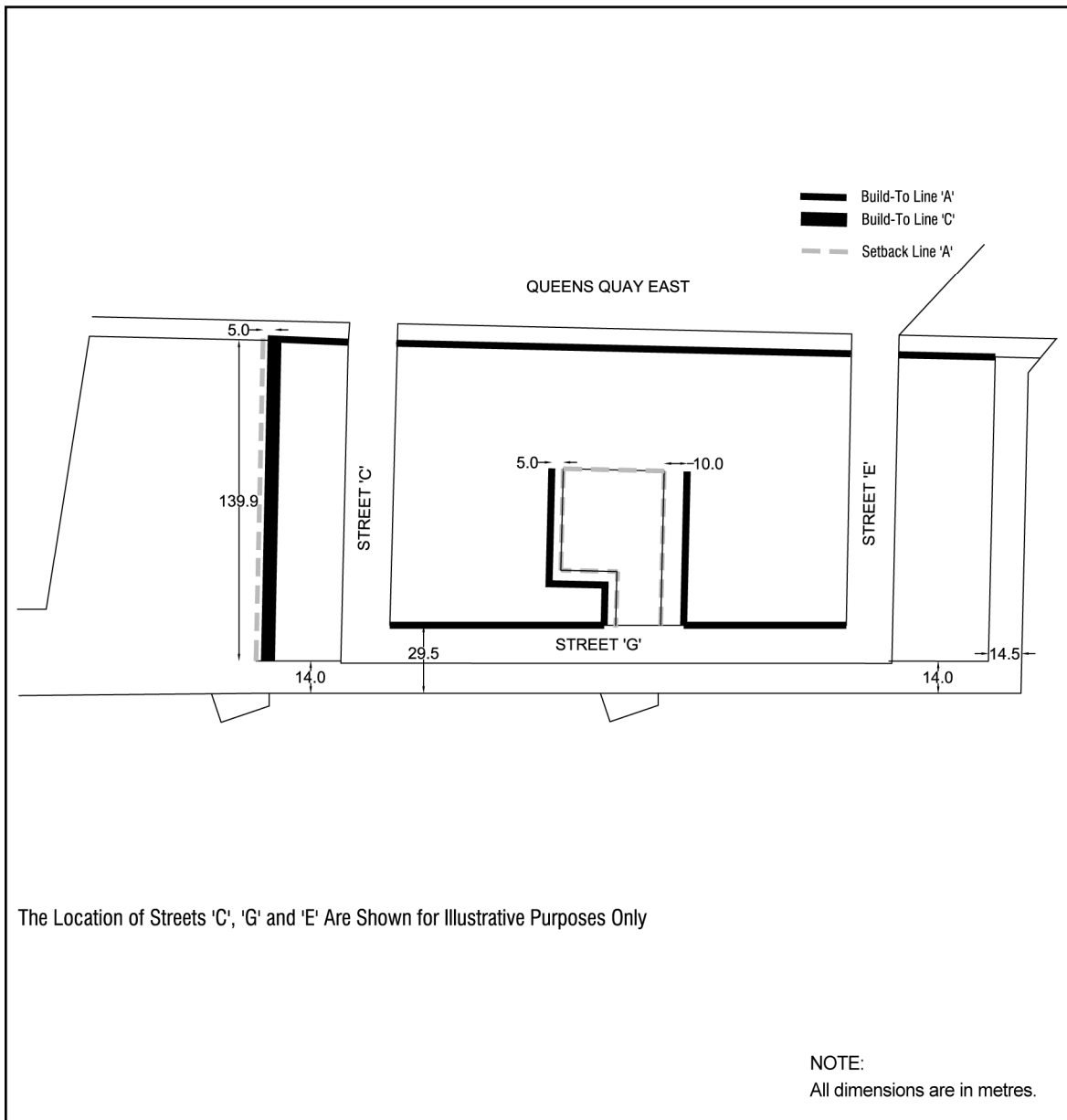
**Toronto** City Planning  
Map 3 - Water's Edge Promenade

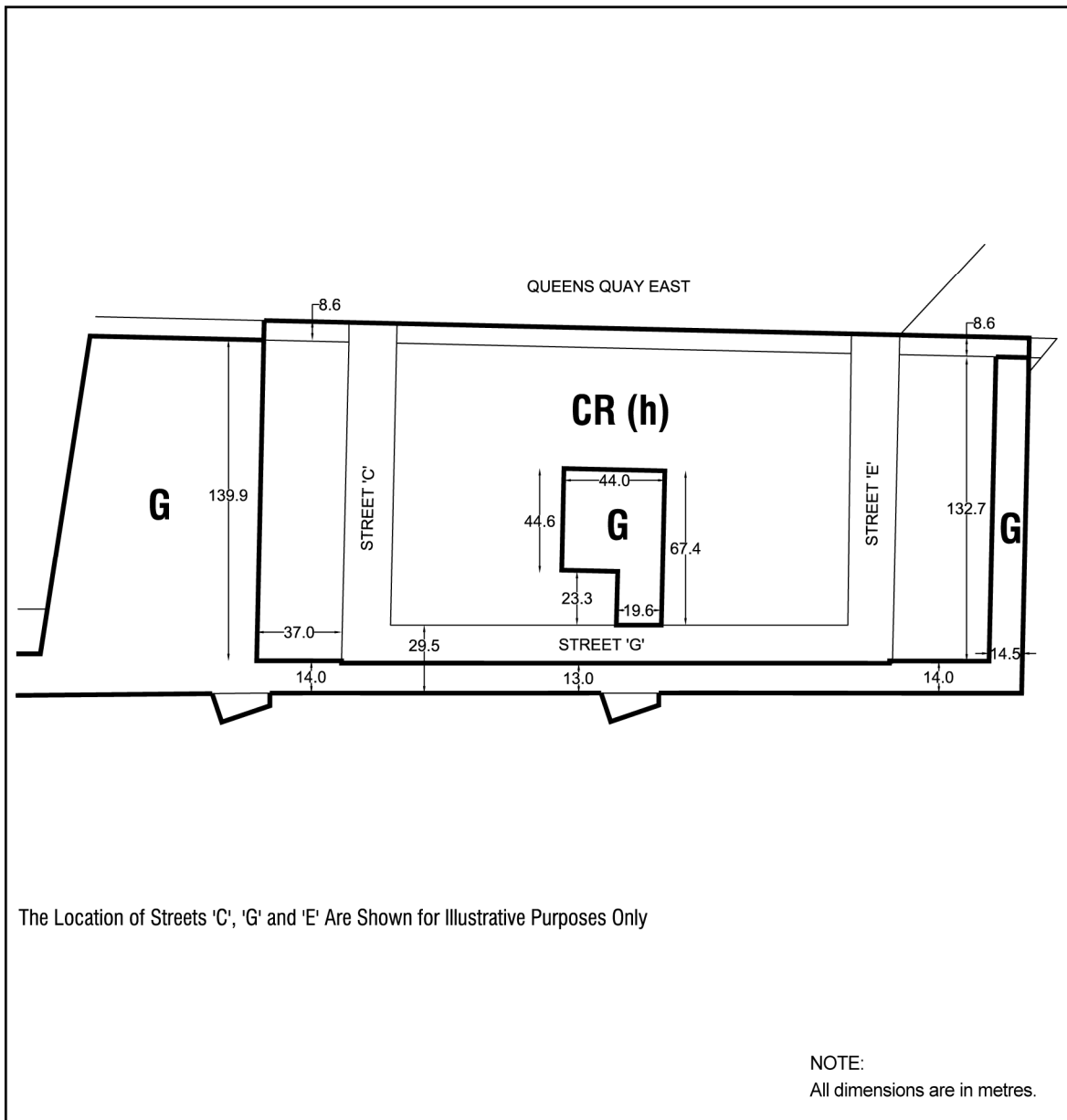
261 Queens Quay East

Files # 11 278098 SB & 11 278118 OZ



Not to Scale  
10/13/2012







## **Attachment 7: Conditions of Draft Plan of Subdivision Approval**

For the purpose of these conditions, the term "Owner" means Waterfront Toronto, acting on behalf of the City of Toronto in its role as land-owner, and/or their assignees and successors.

### **SUBDIVISION AGREEMENT**

1. Prior to registration of each phase, the Owner shall enter into the City's standard subdivision agreement and satisfy all pre-registration conditions.

### **SITE PLAN CONTROL**

2. The Owner shall acknowledge that the property is under site plan control pursuant to Section 41 of the *Planning Act* and that the City will require future site plan control applications for all proposed development within the boundaries of the plan of subdivision and that site plan review may further determine and secure design and construction of private streets and servicing infrastructure located on private land.

### **URBAN DESIGN GUIDELINES**

3. Prior to issuance of Notice of Approval Conditions related to the Site Plan Approval for the first development within the subdivision, City Council shall endorse Urban Design Guidelines for all of the lands within the Draft Plan of Subdivision.

### **PHASING**

4. Registration of the subdivision shall be phased in conformity with the phasing shown on the Draft Plan of Subdivision prepared by Bousfields Inc., date stamped as received by the City Planning Division on xxxx xx, 2012. Registration of the subdivision on the Phase 2 lands (Blocks 2, 3, 4, 5, 10, 11, and 14 and Streets B2 and C) shall not occur until the Chief Planner and Executive Director, City Planning Division and the Executive Director, Technical Services Division, are satisfied that all conditions of the Phase 1 Subdivision necessary to support development of the Phase 2 Subdivision have been satisfied.

### **LAND CONVEYANCE AND EASEMENTS – PUBLIC STREETS, SERVICING, AND ROAD WIDENING**

5. Should lands be conveyed to the City, the Owner shall prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title

- encumbrances to the satisfaction of the Executive Director of Technical Services in consultation with the City Solicitor.
6. Prior to the registration of the Plan of Subdivision, the Owner shall make satisfactory arrangements with the City for the necessary land transactions/exchanges, required to facilitate the proposed development.
  7. The Owner agrees to dedicate all necessary corner roundings to the satisfaction of the General Manager of Transportation Services.
  8. Prior to the registration of Phase 1 of the Plan of Subdivision, the Owner shall prepare all documents necessary for the acceptance of Blocks 12 and 13 for the purpose of road widening, such lands to be free and clear off all physical and title encumbrances save and except for utility poles, any temporary hoarding and subject to an easement for piles and other associated materials from the construction of shoring for the Development as well as 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 all to the satisfaction of the Executive Director, Technical Services and the City Solicitor.
  9. Prior to the registration of Phase 2 of the Plan of Subdivision, the Owner shall prepare all documents necessary for the acceptance of Blocks 11 and 14 for the purpose of road widening, such lands to be free and clear off all physical and title encumbrances save and except for utility poles, any temporary hoarding and subject to an easement for piles and other associated materials from the construction of shoring for the Development as well as 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 all to the satisfaction of the Executive Director, Technical Services and the City Solicitor.
  10. The Owner shall register all easements that the Executive Director of Technical Services determines to be necessary for, among other things, utilities, watermains and hydrants for fire protection, public services and facilities, including for the purpose of access to and maintenance of the existing and new City infrastructure, both internal and external to the plan of subdivision, and in conjunction therewith, submit a draft of the required reference plans for the review and approval of the Executive Director.

## **HERITAGE AND ARCHAEOLOGY**

11. In the event that deeply buried archaeological remains are encountered on the property during construction activities, the Heritage Operations Unit of the Ministry of Tourism and Culture be notified immediately as well as the City of Toronto, Heritage Preservation Services Unit.

12. In the event that human remains are encountered during construction, the proponent should immediately contact both the Ministry of Tourism and Culture, and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services.

## **TRANSPORTATION AND TRAFFIC OPERATIONS**

13. Prior to the registration of the plan of subdivision, the Owner shall prepare and submit for review and acceptance of the Executive Director, Technical Services and the General Manager, Transportation Services a ‘Detailed Staging Plan’ that identifies the timing of the construction of the services including public streets, other municipal infrastructure and public realm improvements.
14. Prior to the registration of the Plan of Subdivision, the Owner shall submit a Functional Road Plan and a pavement markings plans to the General Manager, Transportation Services, for review and acceptance, for all future public streets and their intersections with Queens Quay East to show curb radius, turning radius, pavement width, pavement markings and traffic signs, and any modifications that are required to existing pavement markings and traffic signs on existing public streets.
15. The owner shall construct Street A, Street B1, Street B2, and Street C in accordance with the approved Functional Road Plans and to the satisfaction of the Executive Director of Technical Services.
16. The Owner shall pay for all costs associated with:
  - a) a new traffic control signal at Queens Quay East and Street A, as recommended by the report dated April 4, 2012 by BA Group (Re: Draft Plan of Sub-division Application and Zoning By-Law Amendment, Bayside Development Area, East Bayfront, Toronto);
  - b) a new traffic control signal at Queens Quay East and Street C upon completion of Phase 2 of the development, as recommended in the report dated April 4, 2012 by BA Group (Re: Draft Plan of Sub-division Application and Zoning By-Law Amendment, Bayside Development Area, East Bayfront, Toronto);
  - c) modifications to Lower Jarvis Street and Lake Shore Boulevard, as recommended in the report dated September 2011 by BA Group ( Bayside, East Bayfront, City of Toronto. Plan of Sub-Division Application. Urban Transportation Considerations.)
17. The Owner agrees to construct and pay for off-site road improvements necessary to support development in the Plan of Subdivision as identified in the report dated

April 4, 2012 by BA Group (Re: Draft Plan of Sub-division Application and Zoning By-Law Amendment, Bayside Development Area, East Bayfront, Toronto).

18. Prior to the registration of Phase 2 of the Plan of Subdivision, the Owner agrees to submit a transportation study to the satisfaction of the General Manager of Transportation Service which updates the list of off-site road improvements necessary to support development in the Plan of Subdivision.
19. The Owner agrees to submit Transportation Assessments, for the review and approval of the General Manager of Transportation Services, in conjunction with each of the applications for Site Plan Approval, and these assessments will determine the timing of construction of off-site road improvements, to the satisfaction of the General Manager of Transportation Services.

### **NAMING OF STREETS**

20. Prior to the registration of the Plan of Subdivision, the Owner shall submit names and obtain approval of the names of the proposed streets and the labels "Street A", "Street B1", "Street B2" and "Street C" must be replaced with the approved names.

### **TEMPORARY TURNING CIRCLE**

21. Prior to the registration of the Plan of Subdivision, the Owner shall submit a draft Reference Plan describing the turning circle lands for approval, and pay all costs for the preparation and deposit of the plan on title to the property.
22. Prior to registration, the Owner shall enter into a Turning Circle Agreement for the lands identified as the Temporary Turning Circle (Phase 1) on the Draft Plan of Subdivision.

### **SURVEY or PREPARATION OF THE FINAL PLAN OF SUBDIVISION**

23. Prior to the registration of the Plan of Subdivision, the Owner shall pay all costs for preparation and registration of reference plan(s).
24. The Owner shall submit a draft Reference Plan of Survey to the Executive Director of Technical Services for review and approval, prior to depositing it in the Land Registry Office. The plan must be in metric units, integrated with the Ontario Co-ordinate System (3° MTM, Zone 10, NAD 83 CRS), delineating by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements, showing the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan, to the Executive Director, Technical Services, for review and approval, prior to depositing in the Land Registry Office.

25. The Owner shall 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, to the satisfaction of the Executive Director of Technical Services.

## **STORMWATER MANAGEMENT**

26. Prior to the registration of the Plan of Subdivision, the Owner shall submit to the Executive Director, Technical Services, for review and acceptance, an overall grading and drainage plan
27. The Owner shall apply stormwater management techniques in the development of this subdivision to the satisfaction of Technical Services.

## **INFRASTRUCTURE AND SERVICING**

28. The Owner shall provide sanitary servicing to the site by directing sanitary flow to the Cherry Street sanitary sewer. If through additional review and assessment it is determined by the Executive Director of Technical Services that the Cherry Street option is not practical at this time, the City will allow the sanitary flow to be directed to the Scott Street Sanitary Pumping Station, subject to approval by the Ontario Ministry of the Environment of the City of Toronto's Waterfront Sanitary Master Servicing Plan Class Environmental Assessment and the upgrades proposed for the Scott Street Sanitary Pumping Station, on an interim basis, until such time that the servicing of future development west of Sherbourne Street results in dry weather flows exceeding 423 L/s at the Scott Street Pumping Station. At that time, the City will advise the applicant to disconnect the flow to the Scott Street Pumping Station and redirect the sanitary flow from the Bayside and Parkside sites to the Cherry Street sanitary sewer. This work must be completed within one year of notification from the City. All costs associated with sanitary servicing including any future redirection will be the responsibility of the applicant. All sanitary servicing is to be provided to the satisfaction of the Executive Director of Technical Services.
29. The Owner shall register all easements that the Executive Director of Technical Services determines to be necessary for, among other things, utilities, watermains and hydrants for fire protection, 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.
30. The Owner shall relocate or decommission any existing municipal infrastructure or utility, whether internal to or external to the Plan of Subdivision to facilitate the development of the Plan of Subdivision, at its own expense, to the satisfaction of the Executive Director of Technical Services.

31. The Owner shall submit a Functional Servicing Report and Stormwater Management Master Plan to the satisfaction of the Executive Director, Technical Services.
32. The Owner shall pay for and construct the municipal infrastructure within the Plan of Subdivision required to service the Plan of Subdivision as recommend in the approved Functional Servicing Report and Stormwater Management Plan, and any additional addendums, analyses and plans to be submitted by the Owner as required by the Executive Director, Technical Services, to the satisfaction of the Executive Director, Technical Services.

### **CONSTRUCTION OF TRANSPORTATION AND SERVICING INFRASTRUCTURE**

33. The Owner shall construct at its own expense any improvements to the municipal infrastructure required to support the development, including municipal infrastructure external to the subdivision, as identified in the Functional Servicing Report accepted by the Executive Director of Technical Services.
34. Prior to the registration of the Plan of Subdivision, the Owner shall submit to the Executive Director, Technical Services, for review and acceptance, an overall infrastructure and construction phasing plan to show:
  - a) The necessary infrastructure (internal and external to the Plan of Subdivision) to service the Plan of Subdivision (Interim and then Ultimate)
  - b) The phased construction of the new street system with such plan to provide for a continuous street circulation system.
35. Prior to registration of the Plan of Subdivision and prior to construction of the municipal infrastructure, the Owner shall provide a geotechnical design report for the construction of various municipal infrastructure, and retain at its own expense a qualified person to complete a peer review of the geotechnical design report to the satisfaction of the Executive Director of Technical Services.
36. The Owner shall pay for and construct an interim emergency access from Queens Quay East to serve Phase 1 of the Plan of Subdivision, to be used in the event that Street A is obstructed, and to serve until such time as the public street network is completed through the construction of Phase 2 of the subdivision, and provide all necessary easements, to the satisfaction of the Executive Director of Technical Services.
37. The Owner shall pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.

38. The Owner shall obtain the Certificates of Approval from the Ministry of the Environment for the construction of all sewer and water infrastructure required to service the Plan of Subdivision, including payment of all fees under the Transfer of Review Program.
39. The Owner shall pay for and construct any modifications or improvements to existing streets, facilities and municipal infrastructure external to the Plan of Subdivision which may be required to accommodate the proposed development, at the discretion of the Executive Director of Technical Services.
40. Prior to acceptance of any lands and/or any municipal infrastructure constructed thereon within the Plan of Subdivision by Transportation Services Division, the Owner shall:
  - a) submit to the satisfaction of the City Peer Reviewer, retained by the City of Toronto at the expense of the Owner, all environmental documentation in support of the Record(s) of Site Condition consistent with processes in the City Council approved policies for land conveyance under the *Planning Act*; and
  - b) file with the Ministry of the Environment's (MOE) Environmental Site Registry, a Record of Site Condition (RSC) for the lands on which the road(s) and municipal infrastructure have been constructed and submit a copy of the MOE Acknowledgement letter confirming that the RSC has been prepared in accordance with O.Reg. 153/04.
41. Prior to transfer of lands to Transportation Services Division, or acceptance of maintenance and operating obligations by the Transportation Services Division, the Owner shall submit:
  - a) a statement by the Owner's Environmental Consultant with reliance extended to the City and the City's Peer Reviewer that the Risk Assessment and Risk Management Plan complies with all applicable laws, guidelines and City of Toronto Policies;
  - b) an environmental risk assessment and risk management plan deemed satisfactory by the Peer Reviewer environmental consultant retained by the City at the Owner's expense and by the Executive Director of Technical Services, in consultation with Transportation Services Division;
  - c) a Ministry of Environment-issued Record of Site Condition, to the satisfaction of the Peer Reviewer retained by the City of Toronto at the expense of the Owner, indicating the acceptability of the lands for right-of-way purposes, to be filed on the Environmental Site Registry, in accordance with the Environmental Protection Act;

- d) reports by a "qualified person" (as per O.Reg. 153/04), to the satisfaction of the Peer Reviewer retained by the City of Toronto at the expense of the Owner, confirming that any soil imported to lands from outside of the lands covered by the Ministry of the Environment-accepted Risk Assessment to be accepted by the Transportation Services Division of Toronto meets the applicable Ministry of the Environment full depth generic requirements for the most environmentally sensitive adjacent land use.
- 42. The Owner shall enter into any necessary agreement to implement any terms or conditions of Certificate of Property Use at no cost to the City until such time as such conditions are met and to reimburse the City for any costs or expenses incurred by the City as a result of the implementation of any conditions or requirements in the Certificate of Property Use.
- 43. Prior to the acceptance of any right of way by the Transportation Services Division for transportation purposes, the Owner shall provide to the satisfaction of the City Solicitor and the General Manager of Transportation Services all legal descriptions, close-out documents and all applicable drawings and all Property Identification Numbers and reference plans of survey and all as-built drawings for the new right of way. The Owner shall pay for any costs associated with the preparation and registration of all relevant documents.

#### **MID-BLOCK PEDESTRIAN CONNECTIONS AND VEHICULAR ACCESS**

- 44. The Owner shall construct the following mid-block pedestrian connections and register rights-of-way and easements for the purpose of 24-hour public access to such pedestrian connections and shall ensure that construction of the connections includes trees and that any below-grade structure beneath the connections accommodates adequate load bearing and soil depth and volume for mature tree growth, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The Owner shall acknowledge that Site Plan Approval for the respective Blocks will secure the exact alignment, dimensions, detailed design, and construction of the pedestrian connections:
  - a) a mid-block east-west pedestrian walkway, generally 6 metres in width, linking Street A to Street C across the northern portion of Block 6, the northern portion of Block 15, and/or across Block 3;
  - b) a plaza on the eastern portion of Block 1, a minimum 10 metres in width, linking Queen's Quay East to the pedestrian walkway on the northern portion of Block 6



- c) a plaza on the eastern portion of Block 2, a minimum 10 metres in width, linking Queen's Quay East to the pedestrian walkway on the northern portion of Block 15; and
  - d) a mid-block east-west pedestrian walkway across Block 4 linking Street C to the portion of Block 10 adjacent to the Parliament Street Slip.
45. The Owner shall register rights-of-way and easements in favour of Blocks 1, 2, 3, 5, and 6, and against Block 6, Block 5, Block 15, and/or Block 3 for the purpose of providing vehicular access, parking access, passenger pick-up/drop-off, and loading via a private laneway, to the satisfaction of the Executive Director of Technical Services and the Chief Planner and Executive Director of the City Planning Division. The Owner shall acknowledge that Site Plan Approval for the respective Blocks will secure the exact alignment and detailed design and construction of the private laneway.
46. The Owner shall register rights-of-way and easements for the purpose of 24-hour public access to an indoor amenity space on Block 8 connecting Street A with Sherbourne Common, to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The Owner shall acknowledge that Site Plan Approval for Block 8 will secure the alignment, dimensions, detailed design, and construction of the indoor amenity space.

## UTILITIES

47. The Owner shall construct all utilities required to service the Plan of Subdivision at no cost to the City, locating such utilities underground, or alternatively on the development block(s) with adequate screening to minimize their visual impacts, to the satisfaction of the Executive Director and Chief Planner.

## NOISE MITIGATION

48. The Owner shall include the following specific warning clause in:
- a) all agreements of purchase and sale and lease, excluding agreement pertaining to the resale or lease of individual residential condominium units; and
  - b) any condominium disclosure statement and declaration applicable to all lands, or portions thereof, and the condominium purchasers and their successors and assigns shall be advised of the Warning Clause in the Status Certificate (both for original and subsequent purchasers)

*"Warning: This site is in proximity to the heavy industrial Redpath Sugar refinery located at 95 Queens Quay Boulevard East (the "Redpath Facility") which operates 24 hours a day, 7 days a week. Various processes, shipping and*

*receiving, and rail operations may either operate continuously or at any time of day or night. Activities may include: loading, unloading and repair of large tractor trailers or bulk bin trucks; loading, unloading and movements of railway cars along Queens Quay Boulevard; docking and unloading of ocean and lake going ships; venting of steam; construction and repair; and operation of various sugar refining processes. In addition, there may be industrial odours and light emanating from the refinery from time to time. Redpath may apply to alter or expand the Redpath Facility in the future. Notwithstanding the inclusion of certain mitigation features within this development to lessen potential noise, air emissions, dust, odour, vibration, and visual impact from the Redpath Facility, from time to time noise from Redpath Facility is likely to be audible, odours may be unpleasant, and dust and light emissions may be bothersome and such potential noise, air emissions, dust, odour, vibration, and visual impact may impact the enjoyment of indoor and outdoor areas of this development. Redpath Sugar advises that it will not be responsible for any complaints or claims arising from any of the activities at or relating to the Redpath Facility property or operations thereon."*

## **ENVIRONMENTAL SITE ASSESSMENT**

49. Prior to the registration of each phase of the Plan of Subdivision, the Owner shall retain a Qualified Person to conduct an environmental site assessment in accordance with the Records of Site Condition Regulation (O. Reg. 153/04), for the lands to be conveyed and/or retained by the City.
50. Prior to the registration of the Plan of Subdivision, the Owner shall submit all environmental site assessment reports prepared in accordance with the Records of Site Condition Regulation (O. Reg. 153/04), describing the current conditions of the land to be conveyed to and/or retained by the City and the proposed remedial action plan based on the Site Condition Standards approach (or based on a Risk Assessment/Risk Management Plan approach), to the Executive Director, Technical Services, for peer review.
51. Prior to the registration of the Plan of Subdivision, the Owner shall pay all costs to the City associated with the City retaining a third-party peer reviewer, including a 7% administrative cost. The Owner shall submit a certified cheque payable to the City of Toronto in the amount of \$5,000.00 as an initial deposit towards the cost of the peer review to the Executive Director, Technical Services and shall submit further deposits, when requested, to cover all costs of retaining a third-party peer reviewer. Unused funds will be returned to the Owner by the City.
52. Prior to the acceptance of any lands, and/or any municipal infrastructure constructed thereon, and at the completion of the site remediation process, the Owner shall submit a Statement from the Qualified Persons, to the Executive Director, Technical Services, for peer review and concurrence, that based on all

the necessary supporting environmental documents, the lands to be conveyed to and/or retained by the City meets either:

- (a) The applicable full depth generic site condition standards as given in the Soil Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act for the most environmentally sensitive adjacent land use; or
- (b) The Property Specific Standards (PSSs) as approved by the MOE for a Risk Assessment/Risk Management Plan which was conducted in accordance with the standards set forth in O. Regulation 153/04 and City Policies and Conditions for the Acceptance of Risk Assessed Lands (Clause 18, of Works Committee Report 2, April 25, 26 and 27, 2006); and

such Statement shall confirm that it is unlikely that there is any off-site contamination resulting from the past land uses on the development site, that has migrated onto the adjacent rights-of-way that would exceed applicable Site Soil Condition Standards.

- 53. Prior to acceptance of land, and/or any municipal infrastructure constructed thereon, the Owner shall file the Record of Site Condition (RSC) on the Ontario Environmental Site Registry of the lands to be conveyed to and/or retained by the City and submit the Ministry of the Environment's (MOE) Letter of Acknowledgement of Filing of Record of Site Condition (RSC) confirming that the RSC has been prepared and filed in accordance with the O. Reg. 153/04, and that the MOE will not audit the RSC at this time, or that the RSC has passed an MOE audit, to the Executive Director, Technical Services.
- 54. The Owner shall enter into any necessary agreement to implement any terms or conditions of Certificate of Property Use at no cost to the City until such time as such conditions are met and to reimburse the City for any costs or expenses incurred by the City as a result of the implementation of any conditions or requirements in the Certificate of Property Use.

## **PARKLAND DEDICATION**

- 55. All of the parkland Blocks (Blocks 7, 9, and 10) are to be conveyed and/or retained by the City and transferred to the jurisdiction of the Parks, Forestry and Recreation Division as parkland at the time of completion of park construction to the satisfaction of the General Manager of Parks, Forestry & Recreation.
- 56. The subject parkland Blocks (Blocks 7, 9, and 10) 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 & Recreation.

57. Prior to acceptance of any lands and/or any municipal infrastructure constructed thereon within the Plan of Subdivision by Parks, Forestry and Recreation Division, the Owner shall:
- a) submit to the satisfaction of the City Peer Reviewer, retained by the City of Toronto at the expense of the Owner, all environmental documentation in support of the Record(s) of Site Condition consistent with processes in the City Council approved policies for land conveyance under the *Planning Act*; and
  - b) file with the Ministry of the Environment's (MOE) Environmental Site Registry, a Record of Site Condition (RSC) for the lands on which the park(s) and municipal infrastructure have been constructed and submit a copy of the MOE Acknowledgement letter confirming that the RSC has been prepared in accordance with O.Reg. 153/04.
58. Prior to transfer of park lands to the Parks, Forestry and Recreation Division, or acceptance of maintenance and operating obligations by the Parks, Forestry and Recreation Division, the Owner shall submit:
- a) a statement by the Owner's Environmental Consultant with reliance extended to the City and the City's Peer Reviewer that the Risk Assessment and Risk Management Plan complies with all applicable laws, guidelines and City of Toronto Policies;
  - b) an environmental risk assessment and risk management plan deemed satisfactory by the Peer Reviewer environmental consultant retained by the City at the Owner's expense and by the Executive Director of Technical Services, in consultation with the Parks, Forestry & Recreation Division, or as accepted by the Ministry of the Environment;
  - c) a Ministry of Environment-issued Record of Site Condition, to the satisfaction of the Peer Reviewer retained by the City of Toronto at the expense of the Owner, indicating the acceptability of the lands for park purposes, to be filed on the Environmental Site Registry, in accordance with the Environmental Protection Act;
  - d) reports by a "qualified person" (as per O. Reg 153/04), to the satisfaction of the Peer Reviewer retained by the City of Toronto at the expense of the Owner, confirming that any soil imported to lands from outside of the lands covered by the Ministry of the Environment-accepted Risk Assessment to be transferred to the Parks, Forestry and Recreation

Division of Toronto ("City Lands") meets the applicable Ministry of the Environment requirements for Parkland/Residential use; and

59. The Owner shall enter into any necessary agreement to implement any terms or conditions of Certificate of Property Use at no cost to the City until such time as such conditions are met and to reimburse the City for any costs or expenses incurred by the City as a result of the implementation of any conditions or requirements in the Certificate of Property Use.
60. Prior to the acceptance of any park block by the Parks, Forestry and Recreation Division for park purpose, the Owner shall provide to the satisfaction of the City Solicitor and the General Manager of Parks, Forestry and Recreation all legal descriptions, close-out documents, as-built drawings and all other applicable drawings, Property Identification Numbers, and reference plans of survey for the new parkland. The Owner shall pay for any costs associated with the preparation and registration of all relevant documents.
61. Prior to the registration of Phase 2 of the Plan of Subdivision, the Owner shall reserve space in the development of Block 4 satisfactory to the General Manager of Parks, Forestry and Recreation for the purpose of a community recreation facility, unless an alternative site within the East Bayfront is determined to be acceptable and secured to the satisfaction of the General Manager of Parks, Forestry and Recreation.
62. The Owner may be required to enter into a Limiting Distance Agreement(s) with the City in order to comply with the requirements of the Ontario Building Code. Prior to the final site plan approval of each Block, the Owner will provide information to the appropriate staff in the Parks, Forestry and Recreation Division as to whether or not they are subject to a Limiting Distance Agreement. If a Limiting Distance Agreement is required, compensation to the City for the affected area may be required.

## **PARK CONSTRUCTION**

63. Prior to registration of the plan of subdivision, the Owner shall submit for the approval of the General Manager of Parks, Forestry & Recreation, a park design concept plan and a park development cost/budget estimate for each proposed park block (Blocks 7, 9 and 10).
64. Prior to registration of the Plan of Subdivision, the Owner shall provide an overall construction timing and phasing schedule for each park block (Blocks 7, 9, and 10) to the satisfaction of the General Manager, Parks, Forestry and Recreation, the terms of which shall be included in the Subdivision Agreement.
  - (a) At the discretion of the General Manager of Parks, Forestry and Recreation, unforeseen delays (e.g. due to weather) resulting in the late

delivery of any park block shall be taken into consideration and when determining a revised delivery date for the park block.

- (b) Construction of Block 7 and Block 9 parks is to be completed prior to the issuance of the first above grade building permit for any development in Phase 2 or within 18 months of the issuance of the first above grade building permit for Block 6, whichever occurs first.
  - (c) Satisfactory terms regarding completion and transfer for the Phase 2 parkland (Block 10) are to be included in the timing and phasing schedule, as described above, to the satisfaction of the General Manager of Parks, Forestry and Recreation. In the event that Phase 2 development does not proceed as scheduled, park construction and transfer of Phase 2 parkland (Block 10) must be completed within 5 years of the issuance of the last above grade building permit in Phase 1 or as may be adjusted/extended at the discretion of the General Manager of Parks, Forestry and Recreation.
- 65. Prior to the registration of the first phase of plan of subdivision, the Owner shall ensure that the grading and drainage for parkland is compatible with the grades of the adjacent lands to the satisfaction of the General Manager, Parks, Forestry and Recreation and the Director of Technical Services.
  - 66. The Owner shall undertake and complete base park and above base improvements of the parkland to the satisfaction of the General Manager of Parks, Forestry & Recreation, unless the City approves alternative measures. The Owner will not receive any credit towards the parks and recreation component of their development charges for base and above base park improvements.
  - 67. For the purpose of determining and securing capital budget for park construction, the Owner agrees to complete parkland in accordance with the City Council endorsed Waterfront Toronto Business Plan and Forecast to the satisfaction of the General Manager of Parks, Forestry & Recreation.
  - 68. Upon completion of the parkland construction to the satisfaction of the General Manager of Parks, Forestry and Recreation and acceptance by this Division, the Owner shall guarantee the work and associated materials used in the development for a period of two years (the "Park Warranty Period"). The Owner shall provide certification from a registered Landscape Architect, selected by the Owner and approved by the General Manager Parks, Forestry and Recreation, certifying that all work has been completed. The Landscape Architect must be a full member in good standing with the Ontario Association of Landscape Architects.
  - 69. Upon completion of the parkland construction to the satisfaction of the General Manager of Parks, Forestry and Recreation and acceptance by this Division, the Owner shall provide close-out documents and as-built drawings and other relevant

documents/drawings to the satisfaction of the General Manager of Parks, Forestry and Recreation.

70. Upon expiry of the Park Warranty Period, the Owner shall ensure that:
- (a) the General Manager of Parks, Forestry and Recreation is satisfied that the base park and above base park improvements have been free from defects throughout the Park Warranty Period;
  - (b) there are not outstanding claims against the security for the base park and above base park improvements;
  - (c) no liens have been registered against the Parkland; and
  - (d) the Owner has provided to the City confirmation from its Landscape Architect that all lien periods under the Construction Lien Act affecting the Parkland have expired

#### **STREET TREE PLANTING AND PUBLIC REALM**

71. Prior to final approval, the Owner agrees to provide a street tree planting plan(s), to the satisfaction of the General Manager of Parks, Forestry and Recreation, which provides;
- a) the exact location and timing of planting of any trees proposed to be planted within the City's right of way including details with respect to proposed tree species, calliper and quantity. The planting plan should provide the best available, natural, planting environment for trees and ensure that the City's minimum soil volume requirements per tree are satisfied, or unless otherwise approved. It is preferred that trees be planted in turf when possible. If no room exists for turf boulevards with trees, raised planting beds or continuous tree pits should be considered; and
  - b) adequate space along the public roadways for tree planting. All utilities and underground plant must be designed to allow for the construction of turf boulevards / continuous tree pits, within the City's right of way or to the satisfaction of the General Manager of Parks, Forestry and Recreation.
72. The Owner agrees to provide a performance guarantee based on the current deposit rate of \$583.00 per tree, for a two-year renewable guarantee for all new trees planted within the City's right of way.
73. The Owner agrees to maintain the street trees in good condition for a period of two years. The trees will be inspected during and prior to the end of the two year renewable guarantee period. If the trees are in good condition at the end of the two year renewable guarantee period, the City will assume maintenance and

ownership of the trees. Prior to the City assuming ownership and maintenance of the trees, the Owner will be responsible for rectifying any problems as determined by and to the satisfaction of the General Manager Parks Forestry and Recreation. The performance guarantee for tree planting shall be refunded at the end of the two year renewable guarantee period for all trees in good condition. The balance of the performance guarantee, if any, will be held for the duration of the renewable guarantee period.

74. The Owner acknowledges and agrees that, prior to the City assuming ownership and maintenance of the trees, the performance guarantee for street trees will be drawn on by the City to cover any costs incurred as a result of enforcing and ensuring that the trees are kept in a healthy and vigorous state. In the event that the City is in receipt of a tree protection deposit under Condition No. 49 below, any tree for which a deposit has been made under this Condition will have the deposit refunded, subject to inspection and to the satisfaction of the General Manager, Parks, Forestry and Recreation.
75. The Owner agrees that at the time of development of sites adjacent to established street tree plantings, protection deposits shall be provided for street trees at 3 times the value of the street trees with a minimum of \$2,500.00 each.

## **DOCKWALL**

76. The Owner agrees to pay for an appropriately qualified professional engineer retained by the City to peer review the construction design of the dockwall within Block 9 and Block 10. The peer review shall be conducted to the satisfaction of the Executive Director, Technical Services. The Owner shall construct the dockwall located within Block 9 and Block 10 in accordance with the accepted construction design and to the satisfaction of the General Manager of Parks, Forestry and Recreation.

## **HOUSING**

77. The Owner agrees to co-operate with the City to achieve provision of affordable housing within the Plan of Subdivision sufficient to satisfy the Zoning By-law and in a manner consistent with the provisions of the East Bayfront Affordable Housing Delivery Agreement.
78. The Owner agrees to identify and reserve development blocks in the Draft Plan of Subdivision for the development of affordable housing sufficient to satisfy the requirements of the Zoning By-law, and to make such development blocks ready and available for the development of Affordable Housing in a timely manner that is consistent with the East Bayfront Affordable Housing Delivery Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.



## **FIRE PROTECTION**

79. The Owner shall pay for and construct the necessary municipal infrastructure to provide fire protection for marine activities.

## **GENERAL CONDITIONS**

80. The approval of this plan of subdivision will lapse if the first phase of the subdivision is not registered within 5 years of the draft plan approval.

## **ADVISORY COMMENTS**

- a. Contact Toronto Hydro with respect to electrical distribution and street lighting.
- b. The Owner is responsible for preparing a composite utility plan that allows for the safe installation of all utilities, including required separation between utilities.
- c. Streets are to be constructed in accordance with the composite utility plans previously submitted and approved by all utilities.
- d. The developer shall grade all streets to final elevation prior to the installation of the gas lines and provide Enbridge Gas Distribution Inc. with the necessary field survey information of the installation of the gas lines.
- e. In the event that it is not possible to install natural gas distribution systems within the proposed road allowance, the Owner will provide easements at no cost to Enbridge Gas Distribution Inc.
- f. Prior to commencing any work, the developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the development to provide communication/telecommunication service. In the event that such infrastructure is not available, the developer is advised that they may be required to pay for the connection and/or extension of the existing communication/telecommunication infrastructure. If the developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Owner shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services.
- g. For all buildings, a centralized mail receiving area must be provided by Developers in order for Canada Post to provide mail service to the residents. When there are one hundred or more units, a secure, 'rear-fed' mailroom must be

provided. Our national 'Postal Delivery Standards Manual' provides detailed specifications for construction that must be adhered to.

- h. In most cases, street level residences and businesses will receive mail delivery at centralized locations, not directly to their door. For example, extra mail compartments can be provided within the adjoining condominium tower mailrooms to sufficiently accommodate these.
- i. Existing postal coding will be revised. New postal codes will be issued in the future.