

500 Lake Shore Blvd W– Official Plan Amendment and Zoning Amendment Applications – SUPPLEMENTARY REPORT

Date:	February 17, 2015
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	13 204585 STE 20 OZ

SUMMARY

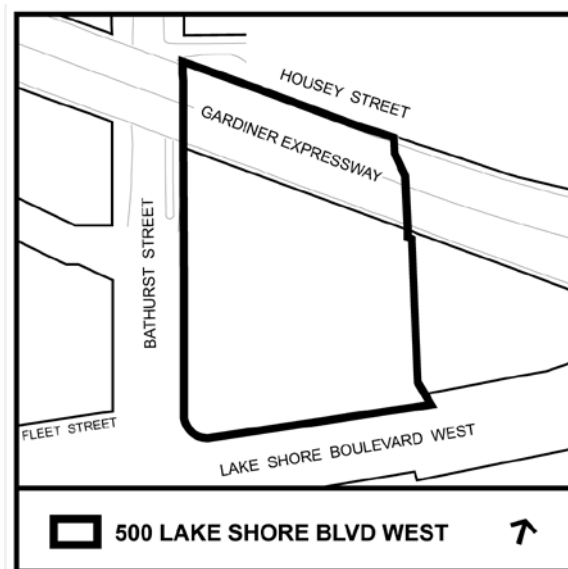
A Final Report dated January 30, 2015 from the Director, Community Planning, Toronto and East York District is before Community Council at its meeting of February 18, 2015. The Final Report identifies that Planning Staff will report in a Supplementary Report to Community Council on the draft Zoning By-law.

This report contains the draft Zoning By-law for the proposal at 500 Lake Shore Boulevard.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Recommendation 2, contained within the Final Report dated January 30, 2015 from the Director, Community Planning, Toronto and East York District be deleted.
2. Recommendation 3, contained within the Final Report dated January 30, 2015 from the Director, Community Planning, Toronto and East York District be deleted.



3. City Council amend former City of Toronto Zoning By-law 438-86, as amended, for the lands at 500 Lake Shore Boulevard West substantially in accordance with the draft Zoning By-law Amendment contained within Attachment 1, attached to the Supplementary Report dated February 9, 2015 from the Director, Community Planning, Toronto and East York District.
4. Prior to introducing the necessary Bills to City Council for enactment, require the owner to enter into agreement(s) pursuant to Section 37 of the *Planning Act* to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning to secure the facilities, services and matters as set out in Schedule A to Attachment 1.

Financial Impact

The Secondary Plan for the Fort York Neighbourhood sets out a series of policies that refer to financial contributions towards community services and facilities, school facilities, the Fort York Heritage Conservation District and public art along with parks and road and servicing infrastructure.

Further discussions regarding these matters will be required with the appropriate City Staff and representatives of the School Boards and the applicant regarding applicable charges and/or levies given the site's location within the Fort York Secondary Plan area. Staff will report further prior to the introduction of Bills to Council, on any financial implications that may arise regarding securing and/or collecting levies, as well as any modifications which may be required to the Zoning By-law or Section 37 Agreement.

COMMENTS

Draft Zoning By-law

Attachment 1 of this report contains the Draft Zoning By-law as described in the Final Report dated January 30, 2015 from the Director, Community Planning, Toronto and East York District.

Section 37

Section 37 of the *Planning Act* allows the City to authorize increased density and/or height in return for the provision of services, facilities or matters. The Official Plan contains provisions authorizing these Section 37 matters, provided the density and/or height increase are consistent with the objectives of the Official Plan regarding building form and physical environment.

The Fort York Neighbourhood Secondary Plan identifies that By-laws may be enacted to permit development in accordance with the uses and densities permitted by this Secondary Plan, as well as the heights set out on Map 13-4, if applicable, subject to the execution of a Section 37 Agreement respecting at least the area covered by the amending by-law which is consistent with the provisions of the Secondary Plan. In order to assist in achieving the full implementation of this Secondary Plan, the Section 37 Agreement respecting a landowner's property may contain provisions for financial contributions towards physical and social infrastructure located beyond the limits of that property.

In addition to the requirements set out in Sections 9.2.4 through 9.2.16 of the Fort York Neighbourhood Secondary Plan, pursuant to Section 9.2.17, the following items will be secured, as appropriate, through Section 37 Agreement(s) entered into with each landowner as a condition

of passing a Zoning By-law to permit development, in accordance with the uses and densities permitted by this Secondary Plan for each landowners' holdings:

- (a) land for and/or financial contributions towards the cost of construction of streets, municipal services and utility services serving development blocks, and the necessary roads and municipal services required to connect with existing systems;
- (b) land for and/or financial contributions towards community services and facilities, including preschool and school-age daycare, community centre facilities, library services and additional community services and facilities as identified in a Community Services and Facilities Strategy except for school facilities;
- (c) land for open spaces and parks and/or financial contributions towards parks improvements;
- (d) the provision of a distribution system for district heating and cooling systems, or cost sharing with respect thereto, as required to satisfy the requirements set out in Section 7.3 of the Secondary Plan; and
- (e) funding for public art as set out in accordance with Section 9.2.16 of the Secondary Plan.

In addition, land and/or financial contribution towards school facilities will be secured through agreements entered into between the Toronto District School Board and the Toronto Catholic District School Board with each landowner, all parties acting reasonably, as a condition of passing a Zoning By-law to permit development in accordance with the uses and densities permitted by the Secondary Plan for each landowners' holdings.

The property is zoned IC D3 N1.5 with a height limit of 24 metres for most of the site, decreasing to 12 metres at the northern limits of the site. The permitted non-residential density on the subject site is 1.5 times the area of the lot. Residential uses are not permitted in this zoning category. The applicant is seeking to increase the density on the site by 55,766 square metres and construct approximately 851 residential dwelling units. Section 5.1.1.1 of the Official Plan states Zoning by-laws, pursuant to Section 37 of the *Planning Act*, may be enacted to permit more height and/or density for a use than is otherwise permitted by the Zoning By-law for that use in return for the provision of community benefits in the form of capital facilities to be set out in the Zoning By-law.

Given the increase in proposed height and density, the Official Plan would require the provision of Section 37 benefits. Following discussions between Staff, the owner, and the Ward Councillor, the owner has indicated agreement with a cash contribution in the amount of \$3,500,000 for this development. The amount would be indexed and it is proposed that the funds be allocated in accordance with the following at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor:

- a. \$500,000 to be used towards for capital improvements to affordable housing in Ward 20 – Trinity Spadina;

- b. \$1,000,000 for affordable housing on Block 36 North within the Railway Lands West Secondary Plan area or elsewhere in Ward 20;
- c. \$1,250,000 towards Mouth of the Creek Park; and
- d. \$750,000 towards community facilities in Ward 20.

In addition to the monetary contribution listed above, the applicant will be providing public art as part of this development proposal. The public art contribution will include lighting under the Gardiner Expressway and the continuation of the "Warm by Night" Public Art Program that has been installed throughout the Railway Lands West at the top of buildings.. The public art contribution will be in accordance with the City's Public Art protocols and as outlined in the Fort York Neighbourhood Secondary Plan.

The applicant proposes to develop the site in two phases, with Phase 1 consisting of the non-residential 7-storey office building, and Phase 2 consisting of the two residential towers. It is suggested that the cash contribution required be phased. It is suggested that of the \$3,500,000 of the cash contribution, \$1,000,000 should be paid prior to the issuance of the first building permit for the non-residential component of the development (Phase 1). The remaining \$2,500,000 would be payable prior to the issuance of the first building permit for the residential component of the development (Phase 2).

Staff will also secure matters such as, but not limited to, a Heritage Easement Agreement, conveyances of necessary City easements, financial securities, elevations, municipal infrastructure improvements, 10% of 3-bedroom units, and a Construction Management Plan as part of the Section 37 Agreement to implement development.

CONTACT

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SIGNATURE

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

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ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment

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CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2015

**To amend former City of Toronto Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as
500 Lake Shore Boulevard West**

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2013 as 500 Lake Shore Boulevard West;

WHEREAS Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

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*;

WHEREAS the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development;

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

WHEREAS subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

WHEREAS the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto.

WHEREAS the Council of the City of Toronto has determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

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

1. None of the provisions of Sections 4(2)(a), 4(5), 4(8), 4(12), 4(13), 4(16), 4(17)(a)-(e),(f) (iii), 8(1) (f) (b) (vii), 8(3) Part I 1-3, 8(3) Part XI 2 and 12(2) 132 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 apply to prevent the erection or use of a *mixed-use building* on the *lot* which may contain *dwelling units*, non-residential uses and a *commercial parking garage*, including uses *accessory* thereto provided that:

- (a) The total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 76,700 square metres exclusive of any area used above or below *grade* for parking or a *commercial parking garage* provided that:
 - (i) The total *residential gross floor area* shall not exceed 54,460 square metres; and
 - (ii) The total *non-residential gross floor area* shall not exceed 23,000 square metres.
- (b) A maximum of 851 *dwelling units* shall be permitted on the *lot*.
- (c) At least ten percent (10%) of the total number of *dwelling units* constructed in the buildings on the *lot* shall be capable of being designed as three bedroom units in compliance with the provisions of the Ontario Building Code.
- (d) A minimum of 1.5 square metres per unit of indoor *residential amenity space* shall be provided in a multi-purpose room or rooms at least one of which contains a kitchen and a washroom shall be provided on the *lot*;
- (e) A minimum of 1.0 square metres of outdoor *residential amenity space* per *dwelling unit* shall be provided on the *lot*;
- (f) No above *grade* portion of a building or structure on the *lot* shall be located other than wholly within the areas delineated by heavy lines and above the height limits both shown on Map 2, attached to and forming part of this By-law, except as follows:
 - (i) Canopies, awnings and building cornices, lighting fixtures, ornamental lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, landscape and public art features, and signage which may extend beyond the heavy lines shown on the attached Map 2 attached to and forming part of this By-law;
 - (ii) Balconies, provided they extend no more than 2.0 metres beyond the areas delineated by heavy lines on Map "2" attached to and forming part of this By-law;
 - (iii) Notwithstanding 1(f)(ii) above, balconies or other projections shall not be permitted within 5.0 metres of the F.G. Gardiner Expressway;
 - (iv) Safety railings, roof access hatches, vents, stacks, pipes, chimneys, parapets, privacy fences, privacy walls, telecommunications equipment and antennas,

service towers, topping slabs, roof topping, rooftop perimeter parapets, maintenance access ladders and access ladder safety enclosures, building maintenance apparatus, mechanical exhaust and vent stacks, exterior mechanical ducting and utility distribution services, electrical emergency generator exhaust stacks, electrical grounding devices, and safety or wind protection purposes may extend above the *heights* shown on Map 2 to a maximum of 2.0 metres;

- (v) Screening for mechanical and electrical equipment may extend above the *heights* shown on Map 2 to a maximum of 5.0 metres; and
 - (vi) None of the building elements listed in 1 (g)(i)-(v) above may extend beyond the *lot* lines as shown on Map 1, attached to and forming part of this By-law.
- (g) A minimum of 600 *parking spaces* shall be provided and maintained on the *lot*.
- (i) *parking spaces* for the non-residential uses shall be provided and maintained on the *lot* in accordance with the provisions of Section 4(5) of Zoning By-law No. 438-86, and as set out below:

Type of Use	Minimum Requirement	Maximum Requirement
Office	1 space/300 m ² Net Floor Area	1 space/135 m ² Net Floor Area
Retail	1 space/100 m ² Net Floor Area	1 space/25 m ² Net Floor Area
Grocery Store	1 space/100 m ² Net Floor Area	1 space/20 m ² Net Floor Area

- (ii) *parking spaces* for the residential uses shall be provided and maintained on the *lot* in accordance with the following:

Unit size	Minimum Parking Ratio
Bachelor	0.3 space/unit
1 Bedroom	0.5 space/unit
2 Bedroom	0.75 space/unit
3 or more Bedroom	1.2 spaces/unit
Residential visitors	0.03 space per unit

- (iii) Notwithstanding 1(g)(ii) above, a reduction in the number of residential *parking spaces* may be permitted as follows:

- (a) A reduction of 4 residential *parking spaces* shall be permitted for each *car-share parking space* that is proposed and that the maximum reduction permitted by this shall be capped by the application of the following formula:

4 x (Total No. of residential Units ÷ 60), rounded down to the nearest whole number.

- (iv) Notwithstanding 1(g) (i) and (ii) above, a further reduction of 200 *parking spaces* shall be permitted in the event that at least 150 of the surplus non-residential *parking spaces*, which have been provided in excess of the minimum parking requirement identified in 1(g)(i) above, are available for monthly lease or monthly permit, to be allocated on a first come, first serve basis, non-exclusive, and subject to the following terms:
 - (a) That the rate for monthly residential *parking spaces* be provided on an unsubsidized basis, as compared to the residential *parking spaces* within the parking garage, with the rates to be the greater of:
 - i. The average monthly rates in commercial parking garages in the vicinity; or
 - ii. The cost of ownership of a residential *parking space* comprised of the prevailing rate for a 5 year fixed rate mortgage (25 year amortization) for the present value of a resident *parking space* plus the current monthly maintenance fee associated with residential *parking spaces* in the residential condominium in the building;
 - (h) The minimum dimensional *parking space* and aisle width requirements shall comply with Section 4(17) of Zoning By-law No. 438-86, as amended, except that:
 - (i) Up to 22 *parking spaces* which are obstructed by walls or columns which extend more than 1 metre beyond the front of the back of the parking spaces, may have a reduced width of 2.6 metres; and
 - (ii) Up to 10 *small car parking spaces* shall be permitted with reduced lengths of no less than 5.42 metres.
 - (i) A minimum of 9 loading spaces shall be provided and maintained on the *lot* as follows:
 - (i) 2 *loading spaces - type A*;
 - (ii) 2 *loading space - type B*;
 - (iii) 3 *loading spaces - type C*; and
 - (iv) 2 *loading spaces - type G*
 - (j) Notwithstanding 1(i) above, the loading spaces may be shared by all buildings located on the *lot*.
 - (k) The slope of the external private laneway extending between Lake Shore Boulevard West and Housey Street shall be constructed with a slope not exceeding 8.0 percent, provided that the slope within 6.0 metres of Lakeshore Boulevard West shall not exceed 5.0 percent.
 - (l) The drive aisles which have direct access to a parking space shall not have a slope that exceeds 5.0 percent.

- (m) Provide the ramps leading to the residential and commercial parking garages with a maximum slope of 15.0 percent and transition areas at the top and bottom of these ramps with maximum slopes of 5.0 percent for a minimum distance of 6.0 metres;
- (n) *Bicycle parking spaces* shall be provided and maintained on the *lot*, in accordance with the following:
 - (i) residential occupant minimum of 0.8 per *bicycle parking spaces* per *dwelling unit*
 - (ii) residential visitor minimum of 0.2 per *bicycle parking spaces* per *dwelling unit*
 - (iii) office occupant a minimum of 0.2 per *bicycle parking spaces* per 100m² of *gross floor area*;
 - (iv) office visitor minimum of 0.2 per *bicycle parking spaces* per 100m² of *gross floor area*;
 - (v) retail visitor minimum of 0.3 per *bicycle parking spaces* per 100m² of *gross floor area*; and
 - (vi) retail occupant a minimum of 0.2 per *bicycle parking spaces* per 100m² of *gross floor area*.
- (o) The *bicycle parking spaces* provided and maintained within the *lot* may be provided in *stacked bicycle parking spaces*;

2. SECTION 37 OF THE *PLANNING ACT*

- (a) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *lot* is permitted in return for the Owner's election to provide, at the Owner's expense, the facilities, services and matters set out in Schedule "A" hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form satisfactory to the City Solicitor and registered on title to the *lot*;
- (b) Where Schedule "A" of this By-law requires the Owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (c) The Owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule "A" are satisfied.

- 3. None of the provisions of this By-law shall apply to prevent a temporary *sales office* on the *lot*.

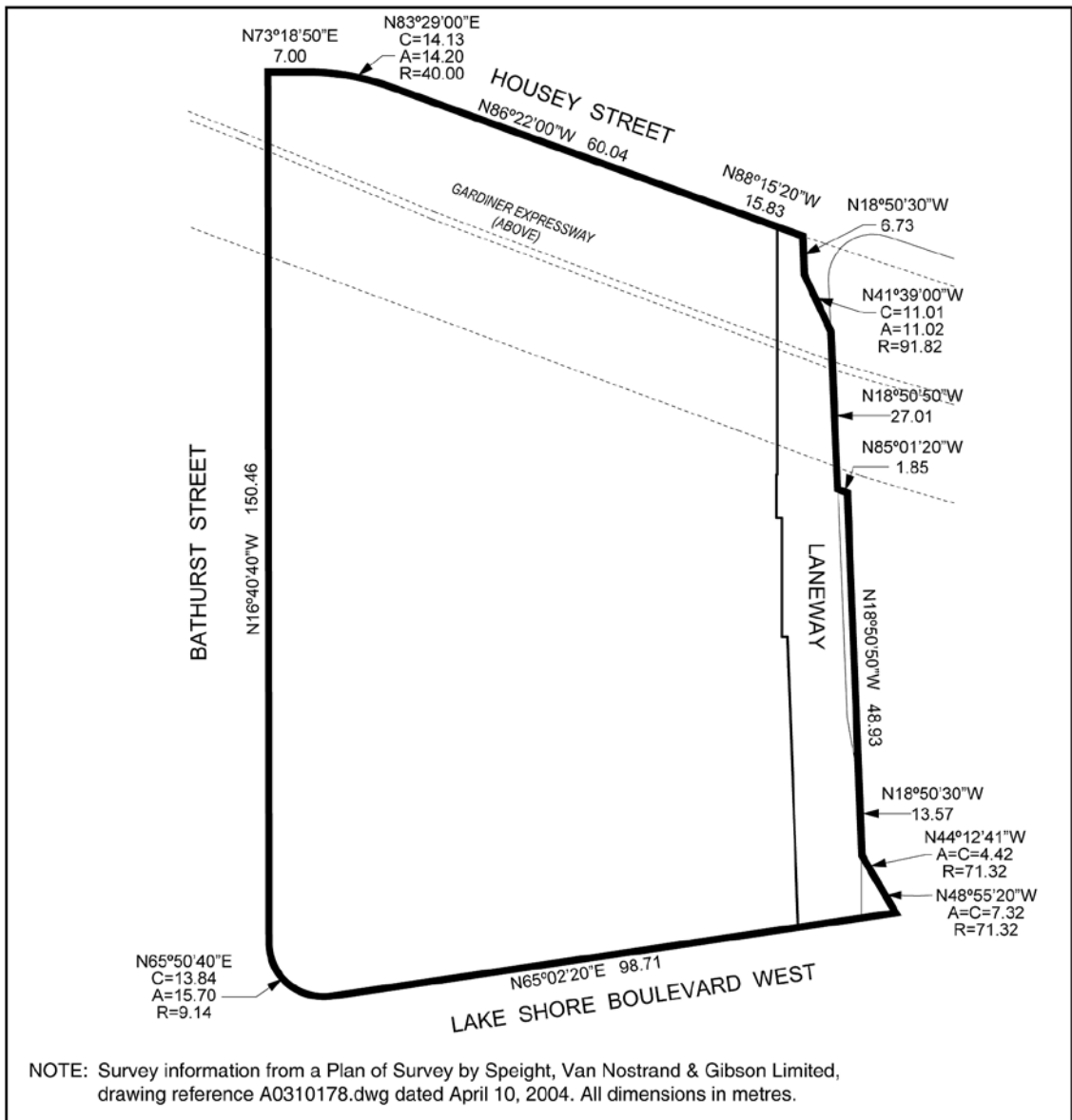
4. Notwithstanding any existing or future severances, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division has occurred.
5. Except as otherwise provided, herein, the provisions of *By-law No. 438-86* shall continue to apply to the *lot*.
6. Each other word or expression which is italicized in this by law shall have the same meaning as each such word or expression as defined in *By-law No. 438-86* or as provided in Section 7 hereof.
7. For the purpose of this By-law, the following words or expressions shown in italics shall have the following meaning:
 - (a) "*car-share*" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
 - (b) "*car share parking space*" means a *parking space* that is reserved and actively used for *car-sharing*.
 - (c) "*grade*" means the Canadian Geodetic elevation of 77.25.
 - (d) "*non-residential gross floor area*" has the same meaning as provided in By-law No. 438-86, as amended, with the exception that the floor area occupied by a *commercial parking garage* and uses *accessory* thereto shall be excluded from the calculation of *non-residential gross floor area*.
 - (e) "*sales office*" means an office or sales trailer used exclusively for the initial sale and/or initial leasing of *dwelling units* or non-residential uses to be erected on the *lot*.
 - (f) "*stacked bicycle parking space*" means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*.
8. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

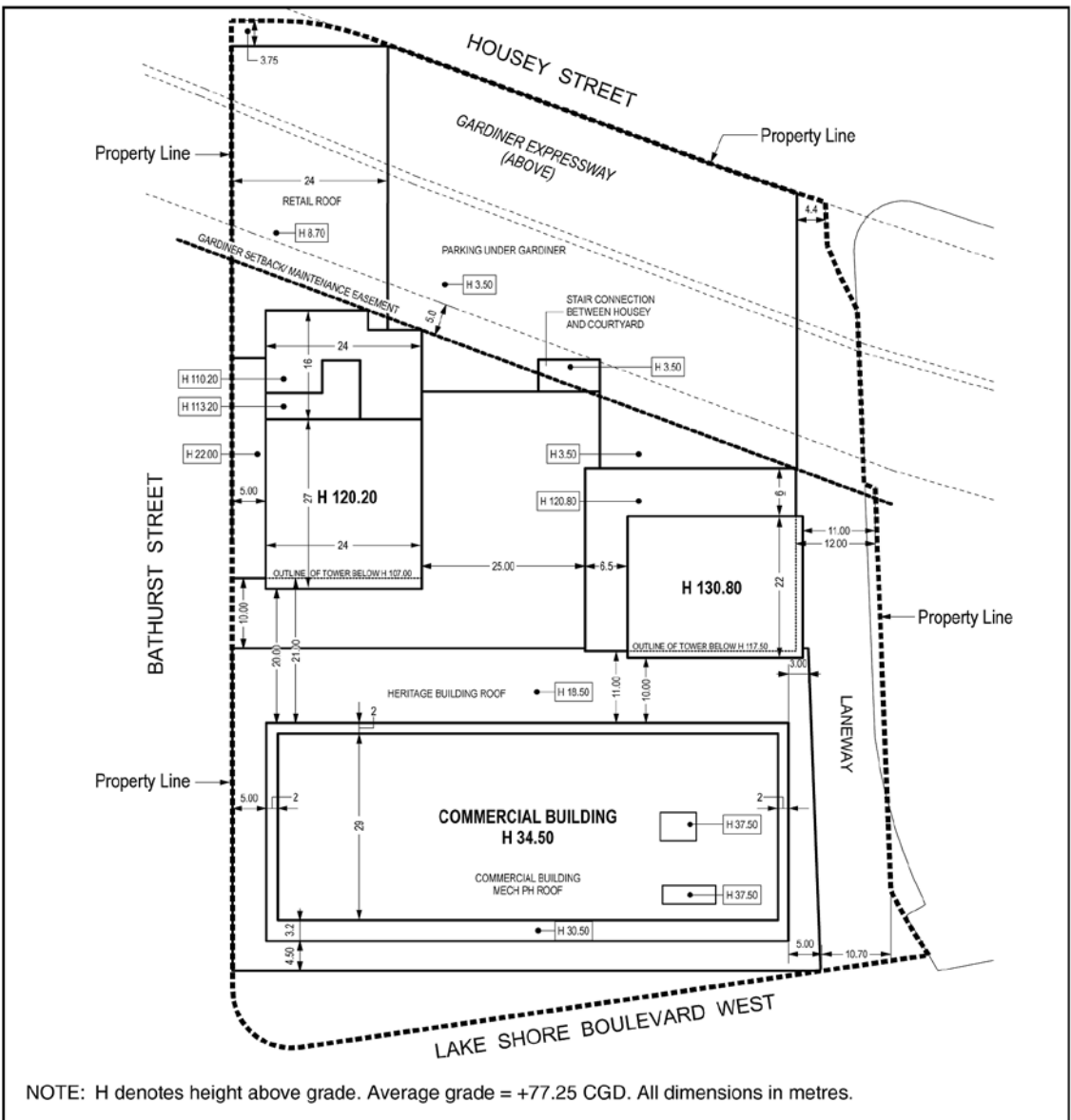
ENACTED AND PASSED this ~ day of ~, A.D. 2015.

JOHN TORY,
Mayor

(Corporate Seal)

ULLI S. WATKISS,
City Clerk





SCHEDULE A

Section 37 Provisions

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

1. Prior to the issuance of the first above grade building permit, the owner shall provide to the satisfaction of the Chief Planner and Executive Director, City Planning Division, a cash contribution in the amount of \$3,500,000 which shall be allotted at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor as follows:
 - a. \$500,000 to be used towards for capital improvements to public and or affordable housing in Ward 20 – Trinity Spadina as directed by the Chief Planner and Executive Director, City Planning Division;
 - b. \$1,000,000 for affordable housing on Block 36 North within the Railway Lands West Secondary Plan area or elsewhere in Ward 20, in consultation with the Chief Planner and Executive Director, City Planning Division;
 - c. \$1,250,000 towards Mouth of the Creek Park; and
 - d. \$750,000 towards community facilities in Ward 20.
2. Of the \$3,500,000 cash contribution referenced in 1 above, \$1,000,000 shall be indexed and payable prior to the issuance of the first building permit for the non-residential component of the development (Phase 1).
3. Of the \$3,500,000 cash contribution referenced in 1 above, the remaining \$2,500,000 cash contribution shall be indexed and payable prior to the issuance of the first building permit for the residential component of the development (Phase 2).
4. In the event the cash contributions referred to in Section 1 (a) through (e) above have not been used for the intended purpose within 3 years of the Zoning By-law coming into full force and effect, the cash contribution may be redirected to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the City of Toronto Official Plan and will benefit the community in the vicinity of the lands.
5. The payments required in Section 1 (a) through (e), Section 2, and Section 3 above shall be indexed upwardly in accordance with the non-residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor,

calculated from the date of execution of the Section 37 Agreement to the date of payment.

6. The owner shall provide public art in accordance with the City's Public Art protocol and the provisions contained within the Fort York Neighbourhood Secondary Plan to achieve permanent public art under the Gardiner Expressway and continuation of the "Warm by Night" Public Art Program that has been installed throughout the Railway Lands West on the *lot*.
7. a. Prior to the earlier of the issuance of the first building permit on the *lot*, including a demolition permit, and enactment of the By-law permitting increased height and density of development proposed on the *lot*, the owner shall:
 - i. provide a Dismantling, Storage and Reconstruction Plan to the satisfaction of the Manager, Heritage Preservation Services;
 - ii. enter into a Heritage Easement Agreement with the City for the protection and long term maintenance of the heritage property at 500 Lake Shore Boulevard West, to the satisfaction of the Manager, Heritage Preservation Services and the Chief Planner and Executive Director, City Planning Division which agreement shall be registered on the title to the *lot* to the satisfaction of the City Solicitor; and
 - iii. provide a Letter of Credit in an amount to the satisfaction of the Chief Planner and Executive Director, City Planning Division, to secure all work contained within the Dismantling, Storage and Reconstruction Plan referenced in 7 a.i. above.
- b. Prior to final Site Plan Approval, the owner shall prepare and provide the following to the satisfaction of the Manager, Heritage Preservation Services and in accordance with the approved Heritage Impact Assessment prepared by ERA Architects Inc. dated February 5, 2015 and the approved Dismantling, Storage and Reconstruction Plan:
 - i. site plans and drawings;
 - ii. a detailed Landscape Plan that supports the architectural style of the heritage building including reference to materials and finishes;
 - iii. a Lighting Plan including building and site lighting;
 - iv. a Signage Plan for first party signage;

- v. an Interpretation Plan including interpretive elements regarding the property's heritage values, site history and archaeological resources as may be applicable, an implementation schedule and a budget;
 - vi. a letter of credit to secure the implementation of the approved Interpretation Plan; and
 - vii. a record of the as-found condition of the building including architectural drawings and photographs keyed to plans and elevations of all visible interiors and exteriors.
- c. Prior to the release of the Letters of Credit, the owner shall:
- i. implement the Dismantling, Storage and Reconstruction Plan, including the Interpretation Plan, Lighting Plan and Signage Plan, subject to the review and approval of the Manager of Heritage Preservation Services; and
 - ii. provide a Letter of Substantial Completion for the reconstruction of 500 Lake Shore Blvd. West, and for the implementation of the Interpretation Plan, signed by the project architect and heritage consultant to the satisfaction of the Manager, Heritage Preservation Services.
- d. Architectural plans, elevations and landscaping including 1:50 scale elevations, will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the owner will be required to, in conjunction with each Site Plan Application, submit 1:50 scale drawings in conformity with this requirement for the first five storeys of the residential buildings, and for the entire 7-storey non-residential component of the proposal.
- e. The owner shall incorporate in the construction of the buildings and thereafter maintain exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- f. Prior to issuance of the first building permit on the lot, including a demolition permit, the owner shall provide an archaeological monitoring and mitigation strategy prepared by a licensed consultant archaeologist to ensure that any deeply buried archaeological features associated with the property are documented fully during the excavation process and
8. The owner shall provide and maintain a minimum of ten percent (10%) of the residential units in the residential building having at least three bedrooms, or be convertible to three or more bedrooms on the *lot*.

9. In support of development, the owner shall:
 - a. pay for, and construct, any improvements to the municipal infrastructure in connection with any Functional Servicing Report as accepted by the Executive Director of Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support the development.
 - b. provide, maintain and operate transportation demand measures, facilities and strategies as stipulated in the applicant's Transportation Management Demand Report accepted by the General Manager, Transportation Services.
 - c. prior to the issuance of the first below-grade permit for development of the *lot*, submit a Construction Management Plan including but not limited to details regarding size and location of construction staging areas, dates of significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor.
 - d. design, construct and convey the following roads and municipal services at no cost to the City and on terms set out in the agreement:
 - (i) Dan Leckie Way, between Housey Street and Lake Shore Boulevard West, including the intersections; and
 - (ii) Housey Street, between Bathurst Street and Dan Leckie Way, including the intersections.
10. Prior to the issuance of the first above grade building permit on the site, the owner shall make payment of a financial contribution towards the costs to undertake the modifications to the intersection of Bathurst Street and Fort York Boulevard, (the "Bathurst/Bremner Intersection Improvements" consistent with the cost-sharing provisions outlined in the July 18, 2003 report prepared by the Commissioner of Works and Emergency Services, and adopted by Council at its meeting of July 22, 23, and 24, 2003 (Clause 4, Toronto and East York Community Council Report No. 7) respecting landowners in the Fort York neighbourhood and Railway Lands West. The payment shall be made and secured on terms set out in the agreement and the contribution will be based on 5.98 percent of the Construction Costs of the Bathurst Street Intersection Improvements. For the purpose of the calculation the Bathurst Construction Costs will be an amount not exceeding \$9,000,000 indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto,

calculated from January 2005 to the date of notice from the City to the owner that payment is required.

11. The owner shall convey, to the satisfaction of the Executive Director of Engineering and Construction Services and the City Solicitor, in consultation with the General Manager of Transportation Services, such easements and on such terms as more particularly described below and within the time specified:
 - a. prior to the issuance of the first above-grade building permit, the owner shall prepare documents and amend or consolidate the existing easements on the site or shall convey a new easement to the City, over the lands under the F.G. Gardiner Expressway, as required by and to the satisfaction of the Executive Director of Engineering and Construction Services and the City Solicitor, for the purpose of maintaining, repairing, modifying and reconstructing the Gardiner Expressway, including supporting columns, and for the purpose of the possible future dismantling of the Gardiner Expressway, together with necessary support rights and access which includes access to the proposed parking (including covered parking), below grade parking, courtyard and rooftop areas of buildings or structures located under the F. G. Gardiner Expressway. Such easement interest to include the ability to temporarily cordon off the parking and loading areas as necessary for the purpose of enjoyment of the easement rights provided;
 - b. prior to the issuance of the first above-grade building permit, the owner shall prepare documents and convey to the City an at grade 5.0 metre wide maintenance easement abutting the south face of the vertical extension of the F. G. Gardiner Expressway as required by and to the satisfaction of the Executive Director, Engineering and Construction Services and the City Solicitor for the purpose of maintaining, repairing, modifying and reconstructing the Gardiner Expressway, including supporting columns, and for the purpose of the possible future dismantling of the Gardiner Expressway, together with necessary support rights and access;
 - c. prior to the issuance of the first above-grade building permit the owner shall prepare documents and amend or consolidate the existing easements on the site or convey a new easement to the City, as may be required and to the satisfaction of the Executive Director of Engineering and Construction Services and the City Solicitor for the purpose of construction, operation, maintenance, repair, alteration and reconstruction of new storm sewer system intercepting the downspouts from the F. G. Gardiner Expressway, together with the necessary support rights and access;
 - d. prior to the issuance of the first building permit, including a demolition permit, the owner shall prepare documents and amend or consolidate the existing easement on the site or convey a new easement, as required by and to the satisfaction of the Executive Director of Engineering and Construction

Services in consultation with the General Manager of Toronto Water and the City Solicitor for the purpose of maintaining, repairing, modifying and reconstructing of the existing storm sewer and storm maintenance hole located at the northwest corner of the site. The easement shall extend 10 metres south (or other narrower width to the satisfaction of the Executive Director of Engineering and Construction Services) of the existing storm sewer and storm maintenance hole;

- e. prior to the issuance of the first building permit, including a demolition permit, the owner shall prepare documents and amend or consolidate the existing City easement on the site or convey a new easement as may be required by and to the satisfaction of the Executive Director, Engineering and Construction Services in consultation with the General Manager of Toronto Water and to the satisfaction of the City Solicitor for the purpose of construction, operation, maintenance, repair, alteration and reconstruction of the Garrison Creek Culvert sewer system, together with the necessary access thereto and rights of support. The Garrison Creek Culvert easement shall be 20.0 metre wide or other narrower widths to the satisfaction of Executive Director of Engineering and Construction Services in consultation with the General Manager of Toronto Water;
 - f. the owner shall convey all easements contemplated in these conditions to the City at no cost, for nominal consideration and free and clear of encumbrances; and
 - g. the owner shall prepare and deposit at its own expense a form of reference plan satisfactory to the Executive Director Engineering and Construction Services describing the easements to be conveyed to the City as contemplated in these conditions.
12. Prior to the issuance of the first below grade building permit, the owner is required to make payment by certified cheque payable to the City of Toronto in the amount of \$2,500.00 for cost recovery of 100% of the cost of the installation of traffic control signals and related road modification(s) at the intersection of Lake Shore Boulevard West and Dan Leckie Way and which payment relates to the installation of a signal loop detector only.
13. The owner shall submit the following to the satisfaction of the Executive Director, Engineering and Construction Services, the City Solicitor, and the Chief Planner and Executive Director, City Planning Division as part of any application for Site Plan Approval under Section 41 of the *Planning Act* or Section 114 of the *City of Toronto Act, 2006*:
- (a) a plan showing the location of lands to be dedicated for roads purposes;

- (b) a list of proposed improvements and/or financial contributions towards roads improvements; and
 - (c) a Construction Practices and Procedures Plan for the entire development site which includes appropriate monitoring programs.
14. Prior to the issuance of the first below grade building permit, including a demolition permit, the owner shall to the satisfaction of the Executive Director Engineering and Construction Services:
- (a) provide an independent report prepared by a professional engineer addressing all the items for the protection and monitoring of the Garrison Creek Culvert during construction;
 - (b) provide an independent report prepared by a professional engineer for the protection and monitoring of the existing storm sewer system that encroaches onto the northwest corner of the site during construction;
 - (c) provide an independent report prepared by a professional engineer addressing all the items for the protection and monitoring of the F.G. Gardiner Expressway; and
 - (d) Implement all recommendations and requirements of such reports as accepted by the Executive Director, Engineering and Construction Services.
15. The owner shall convey to the City, prior to Site Plan Approval under Section 41 of the *Planning Act* or Section 114 of the *City of Toronto Act, 2006*, lands for the purpose of widening Lake Shore Boulevard West, having a width of approximately 9.4 metres, to the full extent of the site abutting Lake Shore Boulevard West, except in instances where the existing building face would encumber the required road widening conveyance, the road widening would be reduced to the area between the building face and the existing north limit of Lake Shore Boulevard West.
16. The owner shall ensure that the agreement(s) to be entered into with the City pursuant to Section 37 of the *Planning Act* contains provisions satisfactory to the City respecting a process for the consideration by the owner of a proposal by Enwave District Energy Limited to service the development with a district heating and cooling facility.
17. The owner shall prepare and submit for the approval of the City for development of the lot:
- i. a Development Context Plan prior to Site Plan Control Approval;
 - ii. a Phasing of Road Infrastructure Plan; and
 - iii. a Municipal Servicing Plan.

18. The owner shall submit for the approval of the City as part of any Site Plan Control Application(s) under Section 41 of the *Planning Act* or Section 114 of the *City of Toronto Act, 2006*, reports related to soil and groundwater management, stormwater management, pedestrian level sun, wind and shade impacts, noise and vibration impact, air quality and construction management related to the development of the lot, and shall implement the recommendations and remediation measures described in such reports.
19. The owner shall submit, as part of any Site Plan Approval under Section 41 of the *Planning Act* or Section 114 of the *City of Toronto Act, 2006*, a phasing plan for the lot, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, which identifies:
 - (a) the coordination of development of community services, parks, pedestrian connections, and roads with each phase of development; and
 - (b) a schedule of when land transfers and improvements would take place.
20. Prior to the issuance of the first above-grade building permit, the owner shall have made arrangements for the provision of appropriate community services and facilities, serving the Fort York Neighbourhood, or have made the necessary financial contributions to secure such facilities, to the satisfaction to the Chief Planner and Executive Director, City Planning Division.
21. The owner shall implement, at its own expense, and in consultation with the City Planning Division, as necessary, the Fort York Neighbourhood Public Realm Plan and shall incorporate the same into plans and drawings submitted for approval pursuant to Site Plan Approval under Section 41 of the *Planning Act* or Section 114 of the *City of Toronto Act, 2006*, as applicable for development of the lot.
22. The Owner shall provide and maintain public pedestrian access through the site connecting public streets to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The details of the design shall be incorporated in plans and drawing in the context of Site Plan Approval, pursuant to Section 114 of the *City of Toronto Act, 2006* and Section 41 of the *Planning Act* as applicable. Further, a public access easement in favour of the City shall be granted prior to registration of the first Plan of Condominium Plan in Phase 2 for the residential component of the project to the satisfaction of the Chief Planner and Executive Director, City Planning Division