

**500 Lake Shore Boulevard West – Official Plan, and  
Zoning Applications – Supplementary Report**

<b>Date:</b>	September 28, 2015
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	File No. 13-204585 STE 20 OZ

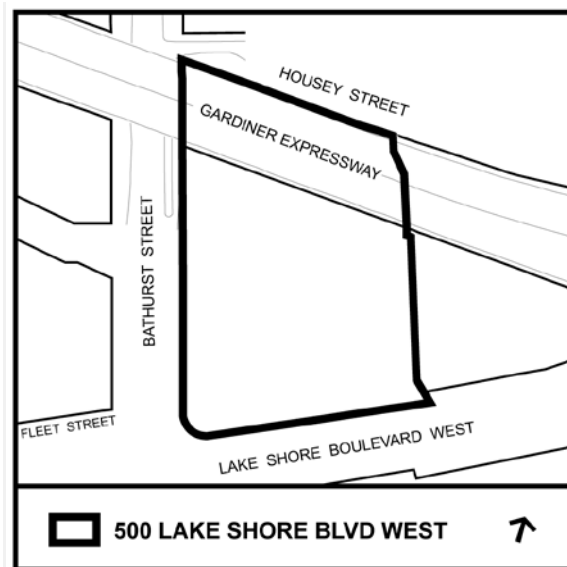
**SUMMARY**

This report responds to the request from the May 5, 2015 meeting of City Council for a further report on financial implications related to the development at 500 Lake Shore Boulevard West. It provides information on applicable municipal and education development charges and recommends modifications to the allocation of Section 37 benefits previously considered by Council, as well as minor technical changes to Schedule "A" (Section 37 Provisions) of the draft Zoning By-law.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council approve revised Schedule A contained in Attachment 1, to this Supplementary Report, dated September 28, 2015 from the Director, Community Planning, Toronto and East York District to modify and clarify the Section 37 provisions of the By-law.
2. City Council delete recommendation 4d of the Supplementary Report, dated May 4, 2015, from the Chief Planner and Executive Director, City Planning



Division, and that recommendations 4e and 4f be renumbered 4d and 4e respectively.

3. City Council delete and replace recommendation 3 of the Supplementary Report, dated May 4, 2015, from the Chief Planner and Executive Director, City Planning Division with the following:
  - "3. 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 Division to secure the facilities, services and matters as set out in Schedule A contained in Attachment 1, to this Supplementary Report, dated September 28, 2015 from the Director, Community Planning, Toronto and East York District."
4. City Council authorize the appropriate City officials to take such action as may be necessary to implement the foregoing.
5. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
6. City Council determine that, pursuant to Section 34(17) of the *Planning Act*, no further notice is to be given in respect of the changes to the draft Zoning by-law.

### **FINANCIAL IMPLICATIONS**

It is recommended that the allocation of \$3.5 million in financial contributions secured through Section 37 of the *Planning Act* be amended as detailed on page 5 of this report, resulting in no change in the value of financial contributions secured.

The Section 37 funding allocations in this report will be directed towards municipal services, community services and facilities, open spaces, parks, and parks improvements, and funding for public art, and meet the intent of the policies contained within the Fort York Neighbourhood Secondary Plan. Any additional funding provisions needed to complete these facilities will be considered through future capital budget process.

The Deputy City Manager & Chief Financial Officer has reviewed this report and agrees with the financial information

### **BACKGROUND INFORMATION**

A Supplementary Report dated May 4, 2015 from the Chief Planner and Executive Director was before City Council at its meeting of May 5, 2015. Attachment 1 of the Supplementary Report included the draft Zoning By-law Amendment. Schedule A of the draft Zoning By-law Amendment set out the facilities, matters, and services to be secured pursuant to Section 37 of the *Planning Act*. The Supplementary Report contained recommendations, which required the Director, Community Planning, Toronto and East York District, to report to Toronto East York Community Council on any changes to Section 37 contributions, and any other financial implications related to the approval of the project at 500 Lake Shore Boulevard West. Further

review of Schedule A of the draft Zoning By-law Amendment identified other adjustments and discrepancies that were required and which are also addressed in this report. Replacement of Schedule A of the draft Zoning By-law Amendment is being recommended.

## **COMMENTS**

### **Fort York Neighbourhood Secondary Plan**

The Secondary Plan for the Fort York Neighbourhood sets out a series of policies that identify the requirement for 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. These policies date back to the 1990's and were area specific to focus on the transition of this industrial area into a new residential neighbourhood within the City.

Within the Fort York Neighbourhood Secondary Plan, which forms part of the Official Plan, Section 6.1 identifies that appropriate community services and facilities to serve the resident and working population of the Fort York Neighbourhood will be provided or appropriate financing contributions made, by agreement with the City or appropriate public body, and each landowner, as necessary. These facilities may include, but are not limited to: an elementary school, a community centre facility; non-profit daycare and workplace daycare; health services; a library; and community meeting facilities. The policy recognizes that certain facilities may be located outside the boundaries of the Fort York Neighbourhood.

Section 9.2.17 of the Secondary Plan identifies that 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. The items include land for and/or financial contributions towards the cost of construction of streets, municipal services and utility services servicing development blocks, and the necessary roads and municipal services required to connect with existing systems; and 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; land for open spaces and parks and/or financial contributions towards parks improvements.

In addition to the items listed above, Section 9.2.18 of the Secondary Plan, requires that land and/or financial contributions 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 this Secondary Plan for each landowner's holdings.

### **Development Charges**

The development site is within the Fort York Neighbourhood and in close proximity to lands in the Railway Lands Central and West, all of which were subject to a separate development levy regimes that pre-dated the introduction in 1999 of City-wide development charges. The first development levy agreements with landowners in the Fort York Neighbourhood and the Railway Lands were entered into over 20 years ago (c.1994) to secure funding for specific services within

those areas. The City development charges by-law came into force in 1999. As part of an Ontario Municipal Board (OMB) settlement, in 2005 Council approved a 'modified' development levy regime for the balance of the lands within the Fort York Neighbourhood, with the exception of 500 Lake Shore Boulevard West, all of which were owned by Wittington Properties Ltd. At that time, those lands did not have pre-existing development levy agreements, but the OMB encouraged a settlement that allowed for a modified development levy regime and the prevailing development charges regime in this area. The modified development levy regime allowed for payment of development levies instead of development charges, and revised the distribution of the levies between the City and the School Boards such that the City collected an amount that approximated what it would have collected as development charges in 2005, while foregoing all future increases in development charges. In addition, the City's share of the levies, with the exception of an amount for the Fort York Heritage Conservation District, was treated and utilized as development charges. Pursuant to those agreements individual development blocks were exempted from future municipal and education development charges. No such agreement(s) exists or is registered on title for the lands at 500 Lake Shore Boulevard West, and therefore the lands are subject to applicable municipal and education development charges.

Development charges (DC's) are an important capital financing tool to fund municipal services and infrastructure necessitated by growth. Following amalgamation, a City-wide development charges by-law phased in uniform development charge rates and replaced a patchwork of development charges By-laws and levy arrangements of the former municipalities. Each subsequent DC by-law has been applicable on a City-wide basis.

With respect to education development charges (EDCs), only the Toronto Catholic District School Board (TCDSB) has passed a by-law, pursuant to Section 257.54(1) of the *Education Act*, which allows it to collect EDCs. The Toronto District School Board has not passed a similar by-law and, as such, cannot collect EDCs.

The applicant was initially opposed to the application of municipal and education development charges to this property. This issue has now been resolved. At current rates, municipal and education development charges payable are estimated to be \$15.18 Million and \$1.57 Million respectively. The actual amounts payable will be determined based on the rates in effect on the date of building permit issuance.

### **Adjustment to Section 37 Obligations**

The Fort York Neighbourhood Secondary Plan provides 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. In order to assist in achieving the full implementation of this Secondary Plan, the Section 37 Agreement(s) respecting a landowner's property may contain provisions for financial contributions towards physical and social infrastructure located beyond the limits of that property.

Given the increase and height and density proposed by the development beyond that contemplated by the Fort York Neighbourhood Secondary Plan and permitted by the Zoning By-law, staff have secured financial contributions via Section 37 of the *Planning Act*, totalling \$3.5

million. Based on Policy 9.4 of the Secondary Plan, some of the Section 37 contributions would be eligible for credit towards development charges.

Staff had previously recommended that the Section 37 contribution should be allocated as follows:

- a. \$500,000 to be used towards 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.

Staff have had discussions with the applicant, and Ward Councillor regarding the allocation of Section 37 funds, and all have agreed to the reallocation of funds as follows:

- a. \$1,000,000 to be used towards improvements to the school board playground and outdoor facilities located on Block 31 of the Railway Lands West neighbourhood. Any funds directed to school board facilities will be subject to community use agreements with the City to secure access to those facilities;
- b. \$500,000 to be used towards for capital improvements to affordable housing in Ward 20 – Trinity Spadina;
- c. \$1,250,000 towards the Fort York Heritage Conservation District; and
- d. \$750,000 towards the daycare facility on Block 31 of the Railway Lands West Neighbourhood.

The Fort York Secondary Plan identifies the Section 37 process for the Secondary Plan area, and identifies that certain items shall be secured, as appropriate, through Section 37 Agreements entered into with each landowner as a condition of passing of a Zoning By-law to permit development, or as required as part of the Site Plan Control process. The allocation of Section 37 funds, and the conditions within Schedule A of the Zoning By-law, secures lands and/or financial contributions towards municipal services, community services and facilities, open spaces, parks, and parks improvements, and funding for public art, and meets the intent of the of Secondary Plan.

Although an agreement is not being entered into with the schools, funds for the schools are being secured via the Section 37 Agreement and via the EDC By-law of the TCDSB.

### **Adjustments to Schedule A, Section 37 Provisions of the draft Zoning By-law**

Staff are recommending minor adjustments to Schedule A of the draft Zoning By-law to implement the changes to the Section 37 allocation noted above, and to make some further technical changes. The revised Schedule A is contained in Attachment 1 to this report.

A technical change to Schedule A includes the addition of two conditions (Conditions 1 c and 1d) from Attachment 11 which formed part of the Final Report from the Director, Community Planning, Toronto and East York District, dated January 30, 2015. These two conditions were inadvertently omitted from Schedule "A" to the draft By-law attached to the May 4, 2015 Supplementary Report from the Chief Planner and Executive Director, City Planning Division. These conditions have been incorporated back to Schedule A and are included as numbers 24 and 25.

### **Future Budgeting Process**

As noted in this report, the Fort York Neighbourhood Secondary Plan included policies to ensure that a full range of parks, community services and facilities and schools be funded as development proceeded. The development levy regime, which pre-dated the City's development charges by-law was intended to be the source funding. The City's budget process provides opportunity to address funding shortfalls to complete the delivery of these services, and to secure funding for specific projects in the Fort York Neighbourhood and in the vicinity of the subject site based on Divisional service planning objectives.

### **CONCLUSION**

The subject property at 500 Lake Shore Boulevard West is subject to the City's Development Charges By-law and the Toronto Catholic District School Board's Education Development Charges By-law, and is not subject to any education development charges or levies from the Toronto District School Board.

This report reallocates Section 37 contributions and recommends minor technical changes to Schedule A of the draft Zoning By-law to address discrepancies between report attachments.

The allocation of Section 37 funds, and the conditions within Schedule A of the Zoning By-law, secures lands and/or financial contributions towards municipal services, community services and facilities, open spaces, parks, and parks improvements, and

funding for public art, and meets the intent of the of policies contained within the Fort York Neighbourhood Secondary Plan.

## **CONTACT**

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## **SIGNATURE**

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

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Attachment 1: Schedule A to draft Zoning By-law

## **Attachment 1: Schedule A to draft Zoning By-law**

### **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. 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. 1,000,000 to be used towards improvements to the school board playground and outdoor facilities located on Block 31 of the Railway Lands West neighbourhood. Any funds directed to school board facilities will be subject to community use agreements with the City to secure access to those facilities;
  - b. \$500,000 to be used towards for capital improvements to affordable housing in Ward 20 – Trinity Spadina;
  - c. \$1,250,000 towards the Fort York Heritage Conservation District; and
  - d. \$750,000 towards the daycare facility on Block 31 of the Railway Lands West Neighbourhood.
2. Of the \$3,500,000 cash contribution referenced in 1 above, \$1,000,000 shall be payable prior to the issuance of the first building permit for the non-residential component of the development.
3. Of the \$3,500,000 cash contribution referenced in 1 above, \$2,500,000 shall be payable prior to the issuance of the first building permit for the residential component of the development.
4. In the event the cash contributions referred to in Section 1 (a) through (d) 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 2, and Section 3 above shall be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, 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 for the non-residential component of the development, 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 referenced in 7a and 7b above, 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 secured by 7d above, 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 addition to and independent of Section 8 above, the owner shall provide and maintain a minimum of 15 percent (15%) of 1-bedroom units that are either convertible to 2-bedroom units or can be combined through knockout panels between units.
  10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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; and
- (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

thereafter shall implement all recommendations and requirements of such reports as accepted by the Executive Director, Engineering and Construction Services until completion of construction.

16. 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.
17. 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.
18. The owner shall prepare and submit for the approval of the City for development of the lot prior to Site Plan Control Approval under Section 41 of the *Planning Act* or Section 114 of the *City of Toronto Act, 2006*:
  - i. a Development Context Plan;
  - ii. a Phasing of Road Infrastructure Plan; and
  - iii. a Municipal Servicing Plan.
19. 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.
20. 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.
21. 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.
  22. 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*.
  23. 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.
  24. The owner shall design and construct the vehicular access driveway on Lake Shore Boulevard West in accordance with an approved Functional Plan, as more particularly described in Condition No. (25) below.
  25. The owner shall submit a fully-dimensioned Functional Road Plan, in metric scale, which illustrates the following, for review and acceptance by the General Manager of Transportation Services:
    - (i) The tapered deceleration lane to the access driveway off Lake Shore Boulevard, generally as shown on Figure 1, "Lakeshore Access Proposed Design" prepared by LEA Consulting under date of July 20, 2005, as amended by the "Option A" Sketch appended to a letter dated March 29, 2007 to John Kelly, Transportation Services from Mario Fatica, on behalf of the owner;
    - (ii) The proposed curb bump-out on the west side of the access driveway off Lake Shore Boulevard generally as illustrated on the "Option A" Sketch appended to a letter dated March 29, 2007 to John Kelly, Transportation Services from Mario Fatica, on behalf of the Owner;
    - (iii) The proposed new centre median opposite the access driveway of Lake Shore Boulevard generally as illustrated on the "Option "A" Sketch appended to a letter dated March 29, 2007 to John Kelly, Transportation Services from Mario Fatica, on behalf of the owner;

- (iv) All revisions to the existing curb line on Lake Shore Boulevard West proposed in conjunction with the above noted tapered deceleration lane, curb bump out and new centre median;
- (v) Proposed revisions to existing lane widths and pavement markings on Lake Shore Boulevard;
- (vi) The proposed colonnade at the southeast corner of the building to be secured as a pedestrian easement to augment the sidewalk width (note: the dimensions of this area must be clearly indicated on the plan, including vertical clearance and minimum widths between building columns);
- (vii) The proposed alignment of the public sidewalk on both sides of this access driveway;
- (viii) Minimum dimensions between the proposed colonnade at the southeast corner of the building and the curbing for Lake Shore Boulevard West and the driveway; and
- (ix) Driveway dimensions for the new access.