

CONFIDENTIAL ATTACHMENT 3

Site and Area Specific Policy 415

Proposed modification to Official Plan Amendment No. 231:

1. Chapter 7, Site and Area Specific Policies, is modified by amending Site and Area Specific Policy 415 for the lands municipally known as 459 Eastern Avenue, as follows:

"415 459 Eastern Avenue

- a. Only those employment uses, such as offices, self storage warehouse, parks, small scale restaurants, retail uses and service uses that are compatible to the nearby low scale residential dwellings fronting onto Logan Avenue are permitted.
- b. As a condition of development approval, the City shall advise proponents of development in the Lower Don SPA of the risks associated with the construction of buildings and/or structures in advance of flood protection infrastructure being complete and functional.
- c. The City shall require that proponents of development seeking approvals in advance of flood protection infrastructure being complete and functional:
 - i. prepare an Emergency Management Plan to the satisfaction of the City, in consultation with the TRCA, addressing the protection of human health and safety and the protection of property (site, buildings, equipment) during and after construction until the TRCA has confirmed in writing that the site is permanently flood protected; and
 - ii. enter into an agreement(s) with the City that:
 - A. addresses the protection of public health and safety, the protection of property, the acceptance of all risk by the proponent and the removal of any liability for public authorities; and
 - B. includes a complete indemnification, to the satisfaction of the City in consultation with the TRCA and MMAH/MNRF, of all public authorities from any liability and costs, including those due to (i) property damage, injury or loss of life due to flooding during and after construction until the flood protection infrastructure is complete and functional from a flood plain management perspective; and, (ii) losses due to delay caused by a failure of the flood protection infrastructure to be completed or to be completed within the anticipated time frame.
- d. The City and other public agencies shall monitor and maintain the flood protection infrastructure to confirm its continued function in accordance with

the approved design, such that it provides permanent protection against future increases in regulatory flows and levels in the Lower Don area."