

215 Lake Shore Boulevard East – Draft Plan of Subdivision: Final Report

Date: August 28, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Wards: Ward 10 Spadina-Fort York

Planning Application Number: 17-180289 STE 28 SB

Related Applications: 17-228459 STE 28 SA, 18-234351 STE 28 OZ

Notice of Complete Application Issued: November 2, 2018

Anticipated City Council Meeting Date: October 2, 2019

Current Use(s) on Site: Vacant single storey former industrial building.

SUMMARY

This application for Draft Subdivision Approval proposes two (2) development blocks, which would permit a maximum gross floor area of 134,750 square metres of mixed-use development (approximately 84,000 square metres in Phase 1, and 48,000 square metres for Phase 2).

The subject site (FedEx North) is located at 215 Lake Shore Boulevard East, and is part of a larger block of land, which includes properties at 178-180 Queens Quay East (FedEx South), and 162 Queens Quay East. The FedEx North property is owned by Greenland Lakeside Development Company Ltd (Greenland).

The Draft Plan of Subdivision application includes the Owner's contribution to lands necessary for the creation of a new public road and land dedications to be conveyed to the City for the reconfiguration of Lower Sherbourne Street.

A related zoning by-law amendment application was filed by Greenland to remove the holding symbol (H) from Phase 1 of the development on the lands consisting of Block 3 on Part of Block 13, Registered Plan 694-E, located on the south of Lake Shore Boulevard East, west of Lower Sherbourne Street. A copy of the final report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE6.11>

This report advises that the Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Subdivision.

RECOMMENDATIONS

The City Planning Division recommends that:

1. In accordance with the delegated approval under By-law No. 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Subdivision as generally illustrated on Attachment No. 3 subject to:
 - a) The conditions as generally listed in Attachment No. 4 which, except as otherwise noted, must be fulfilled prior to final approval and 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 and Executive Director, City Planning may deem to be appropriate to address matters arising from the on-going technical review of this development.

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 East Bayfront –Precinct Plan was approved by Council in October 2006. The Precinct Plan provides a planning framework and implementation strategy building on the principles and guidelines of the CWSP. 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 which includes the requirement of an equivalent of 20% of the new units to be affordable rental housing.

The owners of 215 Lake Shore Boulevard East and 178-180 Queens Quay East appealed both the CWSP and the East Bayfront By-law 1049-2006 to the Ontario Municipal Board (OMB). At its meeting on February 3, 2016, City Council adopted the report (January 28, 2016) from the City Solicitor (Item CC12.13, Central Waterfront Secondary Plan – Further Request for Directions report) approving terms of settlement including built form, affordable rental housing, diversity of unit size, public art and the resolution of real estate issues. The directions report is available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.CC12.13>

On June 23, 2016, the Ontario Municipal Board approved the necessary zoning by-law and secondary plan provisions, on a settlement basis. The Minutes of Settlement included a Master Section 37 Agreement and a number of other terms and conditions related to the provision of affordable housing, noise and odour, a draft zoning by-law, and the transfer of lands for local infrastructure and network improvements.

On December 29, 2017 a Three Party Agreement pursuant to Section 37 of the Planning Act between the City, the owner, and Redpath was entered into dealing with matters respecting noise and odour studies to be undertaken in accordance with the Minutes of Settlement and the site specific Zoning By-law. The Three Party Agreement also outlines detailed terms related to study requirements, notification, confidentiality, information sharing, and warning clauses, among other matters.

A final Board Order was issued on October 23, 2018 (OMB File NOs. PL030514, PL030412, PL060106, PL101091, and PL170408) to permit the development on the subject lands to proceed in accordance with the executed Section 37 Agreement and City of Toronto Zoning By-law No. 674-2019 (LPAT). The By-law is in force and effect.

A related Site Plan Control application (Application No. 17 228459 STE 28 SA) was submitted on September 6, 2017 and is currently under review.

ISSUE BACKGROUND

Application Description

This application proposes to create two (2) development blocks, a new public road, and land conveyances to the City for the realignment of Lower Sherbourne Street.

The Draft Plan of Subdivision is to be registered in two phases; the boundaries of Phase 1 and Phase 2 are shown on the Draft Plan (Attachment No. 3).

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Site and Surrounding Area

The 215 Lake Shore Boulevard East site is located within the East Bayfront precinct on the north side of Queens Quay East. It is bounded by Lake Shore Boulevard East to the north, Queens Quay East to the south, Lower Sherbourne Street to the east and Richardson Street to the west. The total site area is 1.35 hectares (including Phase 1 and Phase 2), and is rectangular in shape and generally flat. The total site (Phase 1 and Phase 2) has a frontage of approximately 191 metres along Lake Shore Boulevard East and a depth of about 74 metres. The site is occupied with the vacant single-storey former FedEx building.

Surrounding uses include:

North: The subject site fronts onto Lake Shore Boulevard East. Further north is the Gardiner Expressway, the St. Lawrence Neighbourhood, and Distillery District.

South: The southern portion of the block is made up of three properties, 162 and 178-180 Queens Quay East, and a City-owned and decommissioned rail spur. The southeast corner property located at 180 Queens Quay East contains a surface parking lot. The property at 178 Queens Quay East contains two single-storey commercial office buildings, along with a commercial parking lot toward the rear of the site. The property at the southwest corner of the block at 162 Queens Quay East is a surface-level parking lot.

South of Queens Quay East are two development blocks that are zoned for mixed-use development. South of those development blocks are two

recently completed 8-storey facilities: George Brown College's waterfront campus, featuring institutional and educational activities and Corus Quay, a commercial office building and headquarters for Corus Entertainment.

East: To the east is Sherbourne Common, which is a recently completed 1.5 hectare public park that extends south to the waterfront. Immediately east of Sherbourne Common is a recently constructed 44-storey mixed-use building.

West: 132 Queens Quay East is located directly west of the subject site and is presently being redeveloped by Daniels Corporation as part of a large scale mixed-use retail/office/institutional/residential complex. This approved development features four towers ranging from 11 to 45 storeys and includes 963 residential units.

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: the Growth Plan for the Greater Golden Horseshoe (2019) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Former Metropolitan Toronto Official Plan

As the guiding document for the former City of Toronto Official Plan, the former Metropolitan Toronto Official Plan remains in force for 215 Lake Shore Boulevard East. The Plan provides policy direction for attaining an urban structure that fosters liveability, focuses programs on sustainable community development, enhances the planning process and promotes effective collaboration.

Former Toronto Official Plan (1993)

The former City of Toronto Official Plan is in force for 215 Lake Shore Boulevard East. The Official Plan sets out a policy framework, including goals and objectives, for the waterfront in Chapter 14. This includes the primary goal for the waterfront as set out in Policy 14.2, which promotes increased and sustainable public enjoyment and use of the area by ensuring that future developments and actions by both the public and private sectors will assist in achieving certain objectives including, improving public access to the waterfront; increasing the amount of public parkland across the entire waterfront; and enhancing the quality of the waterfront as a place, among other objectives.

City of Toronto Official Plan (2006)

The City of Toronto Official Plan was adopted by Council in 2002 and approved by the Ontario Municipal Board in 2006. The 2006 OMB Order only partially approved the Official Plan. The Central Waterfront Secondary Plan was an amendment to the former City of Toronto Plan. Due to various appeals, the current City of Toronto Official Plan is not in force for the subject site; however, it sets out the overall vision of the City's urban structure and future growth and has been considered in the review of this application. Under the 2006 Toronto Official Plan, the subject property is within the *Downtown and Central Waterfront* on Map 2 – Urban Structure and is designated *Regeneration Areas* on Map 18 – Land Use Plan.

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Central Waterfront Secondary Plan

The site is situated in the Central Waterfront Secondary Plan Area. In April 2003, Toronto City Council adopted Official Plan Amendment 257 (“OPA 257”) as the Central Waterfront Secondary Plan. It was appealed in its entirety, and although parts of the Plan have been approved by the Local Planning Appeal Tribunal (LPAT – formerly the OMB), the Plan is not yet approved for the entirety of the Central Waterfront.

The Central Waterfront Secondary Plan (CWSP) is in force for 215 Lake Shore Boulevard East. It provides the policies, designations and mapping specific to the Central Waterfront Areas. The general intention of the Central Waterfront Secondary Plan is to create a framework for waterfront renewal that will assist the on-going revitalization and redevelopment process.

The Central Waterfront Secondary Plan provides 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 CWSP provides substantial guidance on creating new compact, complete, vibrant neighbourhoods along the waterfront through the regeneration and renewal of underutilized brownfield sites. The CWSP envisions multi-modal complete street design that prioritizes active modes of transportation, transit and the creation of a vibrant and well-designed public realm.

The public realm will be defined by a coherent framework of streets, parks, plazas, promenades and other open space elements, reflecting the exceptional waterfront setting of East Bayfront. Streets in the waterfront have been identified as places with distinct identities, including design approach, character, urban connectivity, high-quality urban design, landscaping and amenities.

The Secondary Plan for the site requires high quality design protecting views of the water, with predominantly mid-rise buildings and specified tower locations. In addition to the land use designation, the Secondary Plan reserves a north-south publicly accessible open space and walkway to connect to the waterfront promenade.

As noted above, the CWSP was appealed by several private land owners, including the owners of the site. The CWSP Official Plan Amendment, which was part of the LPAT Minutes of Settlement for the subject site, provided new policies including, Policy P51 and P53 and Maps G1 and G2, which are specific to the East Bayfront Precinct, as approved by the LPAT Order, issued on October 23, 2018.

Policy P51

Secondary Plan Policy P51 was proposed as an addition to the Central Waterfront Secondary Plan, in relation to development compatibility with the existing Redpath facility. Among other matters, Policy P51 recognizes the Redpath facility as an important feature of the Toronto Waterfront that should be maintained, and that future developments should ensure that there are no undue negative impacts on Redpath's activities.

Policy 53

Policy P53 is a site specific policy that establishes a new urban structure for the FedEx North site that supports future development and better integrates the site into the comprehensive and coherent public realm in the East Bayfront, including:

- A maximum permitted combined residential and non-residential density of 134,750 square metres of gross floor area;

- 20% of all housing units, measured by a percentage of residential gross floor area, are to be affordable rental housing;
- General building height permissions ranging from 25 to 66 metres, with two tall buildings permitted at heights of 120 and 150 metres, in tower zone locations identified in the site specific zoning by-law;
- A new east-west public street connecting Lower Sherbourne Street to Richardson Street;
- A new north-south publicly accessible open space and walkway connecting Lake Shore Boulevard East to Queens Quay East;
- A Master Section 37 Agreement, including commitments related to affordable rental housing, local infrastructure improvements, public art and publicly accessible open space.

East Bayfront Precinct Plan

Developed through the precinct implementation strategy outlined in the CWSP, the East Bayfront Precinct Plan was adopted by Waterfront Toronto and City Council in 2005 to cover a subsection of the Secondary Plan area, from Lake Shore Boulevard East to the north, Jarvis Street to the west and Parliament Street to the east along the City's waterfront. The intent of the Precinct Plan is to outline the development principles and guidelines that allow the City to move from Official Plan policies to zoning by-law provisions for the area. While the Precinct Plan is not a statutory document, it is considered as a basis for implementing development, informing future environmental assessments, development application decisions, regulatory documents and guidelines and contribution agreements.

The East Bayfront Precinct Plan led to the City-initiated Zoning By-law No. 1049-2006, which was approved by City Council on September 27, 2006.

Negotiated Minutes of Settlement (LPAT)

As described above, the negotiated settlement between the City of Toronto and the owner of the site included amendments to the CWSP and East Bayfront – West Precinct By-law, which were agreed to through Minutes of Settlement, dated June 23, 2016. This negotiated settlement resolved all outstanding matters, save and except for land use compatibility with Redpath, which remained subject to a Holding symbol.

The negotiated settlement anticipated a new Proposed Secondary Plan Policy P51 and P53 within the CWSP, as described above and zoning provisions that support development on the site.

On January 16, 2018, the LPAT approved the negotiated settlement that resolved the remaining land use compatibility issues at the site as they relate to Redpath. The decision brought into force Secondary Plan Policies P51 and P53 and approved revisions to Zoning By-law 1049-2006, in the form of site-specific By-Law 674-2019 (LPAT), as described below.

Zoning By-law No. 674-2019 (Land Use Planning Appeal Tribunal)

On September 27, 2006, City Council adopted By-law No. 1049- 2006, an amendment to the General Zoning By-law No. 438-86 with respect to the East Bayfront – West Precinct. Zoning By-law No. 1049-2006 introduced development controls for the West precinct portion of East Bayfront, including zoning provisions related to the Redpath facility. Zoning By-law No. 1049-2006 includes permissions related to land use and built form, along with directions concerning Section 37 benefits.

Through the negotiated settlement described above a new site specific Zoning By-law 674-2019 was approved by the LPAT. Under site specific Zoning By-law 674-2019 (LPAT), the site is zoned CR(H) permitting a wide variety of residential and non-residential uses of up to 134,750 square metres with permission for residential uses being contingent on complying with the Section 37 agreement for the site. As previously noted in this report, City Council removed the H from the Zoning By-law on June 18, 2019.

All substantive matters related to the removal of the (H) have been satisfied and/or secured in an agreement or agreements pursuant to Section 37, 41, 51 and/or 53 of the Planning Act.

Section 37

The general provisions of the Section 37 Agreement are outlined in By-Law No. 674-2019 (LPAT) and include the following obligations:

- Enter into a Master Section 37 Agreement with the City, which must be registered on title to the lot, prior to the issuance of the first Building Permit for the site;
- Satisfy the provisions of the agreement, including any monetary payments and financial securities, prior to the issuance of the first Building Permit for the site;
- Provide the equivalent of 20% of all residential gross floor area as affordable rental housing, through the provision of one or a combination of two or more delivery options;

- Provide dwelling units according to a range of size restrictions; and
- Provide a 1% contribution of gross construction costs toward a combination of Public Art and Community Arts Initiatives.

Lake Shore Boulevard East Public Realm Phasing and Implementation Plan (Jarvis Street to Logan Avenue)

The City of Toronto and Waterfront Toronto have prepared the Lake Shore Boulevard East Public Realm Phasing and Implementation Plan for the Jarvis Street to Logan Avenue corridor to address Council direction and provincial approval conditions related to the Gardiner and Lake Shore Boulevard East Environmental Assessment ("EA"). The public realm plan provides for a corridor-wide design vision that responds to the varying conditions of the 2.4-kilometre site. The plan acts as a guiding framework to public and private agencies over the decade of full implementation. Key features include traffic calming measures, intersection and streetscape improvements, stormwater management measures and a seasonal planting strategy. Public and private developments adjacent to the south side of the Lake Shore Boulevard represent the first implementation projects to be undertaken, bringing the corridor into line with the City's best practices for road reconstruction projects.

Site Plan Control

The site is subject to site plan control. A Site Plan application (17 228459 STE 28 SA) was submitted in September 6, 2017, for the FedEx North parcel (Phase 1) that is being developed by Greenland.

Tree Preservation

This application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). The applicant submitted an Arborist Report/Tree Preservation Plan in support of the proposal.

Archaeological Assessment

The site is within the Interim Screening Areas for Archaeological Potential identified in the Archaeological Master Plan of the City. A Stage 1 Archaeological Assessment Report was submitted as part of the Site Plan application.

Community Consultation

Under the Planning Act, for Subdivision applications, a community consultation meeting is not required. Deputations, however, may be made at the Public Meeting at Toronto & East York Community Council.

Agency Circulation

The applications together with the applicable reports have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the applications and to formulate the conditions of Draft Plan of Subdivision approval.

Information for this application can be viewed on the Application Information Centre (AIC)

<http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?acti on=init&folderRsn=4185133&isCofASearch=false&isTlabSearch=false>

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2019). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of this report. Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows.

The PPS (2014) requires provisions to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents. This policy for healthy, livable and safe communities is achieved, amongst other means, by accommodating a range of residential, employment, institutional and other uses to meet long-term needs, facilitating all forms of residential intensification and redevelopment, promoting densities for new housing which effectively use land, resources, infrastructure and public services, and support the use of public transit.

In planning to achieve the minimum intensification and density targets in the PPS and Growth Plan, municipalities are directed by Policy 4.7 of the PPS, which states that official plans shall identify provincial interests, and set out appropriate land use designations and policies to direct development in suitable places. This is echoed in Policy 5.2.5.6 of the Growth Plan which states that municipalities are to develop and implement urban design and site design Official Plan policies and other supporting documents that direct the development of a high quality public realm and built form.

The Growth Plan (2019) also contains policies related to setting minimum intensification targets throughout delineated built-up areas (Section 2.2.2.3). The proposed development conforms with Section 2.2.2.3.b) of the Growth Plan, as it

represents a scale of development in strategic growth areas. Further, the proposed development conforms with Section 2.2.1.4.c) requiring a diverse range of housing including affordable housing.

The proposal is consistent with Official Plan policies relating to the pattern of development within the block, with street-related retail along street frontages, landscaped open space interior to the block and the provision of the equivalent of 20% affordable housing. City Planning staff support the applications as they are consistent with the PPS (2014) and conforms (and does not conflict) with the Growth Plan for the Greater Golden Horseshoe (2019).

Land Use

This application has been reviewed against the Official Plan policies described in the Issue Background section of this report as well as the policies of the Toronto Official Plan as a whole. The proposed development is consistent with the existing and the planned context for the subject property and the surrounding area.

The proposed Plan of Subdivision conforms with the Official Plan and complies with the Zoning By-law.

Site Plan Control

The site is subject to site plan control. A Site Plan application (17 228459 STE 28 SA) was submitted by Greenland on September 6, 2017, for the FedEx North parcel (Phase 1), and is currently under review. The application is generally supportable and will receive Notice of Approval Conditions once outstanding technical matters are resolved.

Draft Plan of Subdivision

The proposed Draft Plan of Subdivision has been submitted to establish a development of two phases of mixed-use residential development, conveyance of a portion of lands necessary for reconfiguring Lower Sherbourne Street and the for the creation of a new east-west public road between Richardson Street to the west and Lower Sherbourne Street to the east.

Through Chapter 415-16, 18 and 18.1 of the Municipal Code, as amended, City Council has delegated authority to the Chief Planner and Executive Director, City Planning to approve plans of subdivision and determine appropriate conditions of approval. The recommendation of this report advises City Council that the Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Subdivision as generally illustrated on Attachment No.3 subject to the Draft Plan of Subdivision Conditions outlined in Attachment No.4.

The proposed conditions of Draft Plan of Subdivision approval would address the technical requirements of the development, including, among other matters:

- The creation of the proposed development blocks;
- The form and function of the new public road;
- Secure the Owner's conveyance of lands necessary to construct the new public road;
- The construction of streets and services;
- Environmental remediation of all lands to be conveyed to the City as well as City-owned lands;
- Tree protection and planting; and
- Grading as determined by the Chief Planner and Executive Director, City Planning.

Review of the proposed draft plan of subdivision and preparation of associated conditions has consideration for the matters set out in Section 51(24) of the *Planning Act*. The proposed draft plan of subdivision conditions provide for the registration of the plan of subdivision prior to issuance of any building permit on the site.

Proposed Public Road

The Draft Plan of Subdivision provides for the owner's portion of lands necessary for the construction of a new east-west public road. The proposed public road consists of lands within the 215 Lake Shore Boulevard site and other properties, including the City-owned rail spur lands (Parts 1 and 4 of Plan 64R-14668) and portions of 162 and 178-180 Queens Quay East. The proposed new road is part of the overall streets and blocks structure as set out in the East Bayfront Precinct Plan and is necessary to provide access to the block.

The design of the proposed road is based on the City of Toronto Development Infrastructure Policy and Standards (DIPS) for an Intermediate Local Residential Street – Option B. Under this standard, the ultimate condition of the new public road would have a right-of-way width of 18.5 metres. The roadway width of 8.5 metres would allow for two-way vehicular travel and parking on one side, with trees and sidewalks on both sides.

The Draft Plan of Subdivision also provides for the necessary land conveyances for the realignment and widening of Lower Sherbourne Street between Lakeshore Boulevard East and Queens Quay Boulevard East.

The necessary land conveyances related to the Owners portion of the proposed public road and Lower Sherbourne Street widening would be conveyed to the City as indicated in the Conditions of Draft Plan of Subdivision Approval in Attachment No. 4.

Toronto Transit Commission (TTC)

The TTC has informed the City that it only requires the southbound bus stop at Lower Sherbourne Street at Queens Quay East and will not require the existing bus stop located at the south west corner of Lake Shore Boulevard East and Lower Sherbourne Street.

This request will be considered in connection with staff's review and approved street cross-section designs required as a condition of Draft Plan of Subdivision Approval.

Environmental issues

Given the previous industrial use on the site, future mixed-use and residential developments may be required to provide a Record of Site Condition prior to the issuance of a building permit. In addition, a standard peer review process will be undertaken as a condition of Draft Plan of Subdivision Approval to ensure that any lands dedicated to the City are remediated as required.

Servicing

The applicant has submitted a Functional Servicing Study and Stormwater Management Report in support of the subject applications. The report indicates a number of servicing works to be undertaken within the existing municipal infrastructure to accommodate the proposed development.

The required new municipal infrastructure and upgrades to the existing infrastructure will be included in the Subdivision Agreement for the development.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the city. This application is in an area with 3.00 + hectares of local parkland per 1,000 people. The site is in the highest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

For sites that are 1 to 5 hectares in size, a cap of 15 percent of the development site is applied to the residential use while the non-residential use is subject to a 2

percent parkland dedication. In total, the parkland dedication requirement for both Phase 1 and Phase 2 is approximately 2,400 square metres.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as the City has retained land for parkland purposes in advance of redevelopment within the East Bayfront Precinct. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above grade building permit and is valid for six months. Payment will be required prior to the issuance of the first above grade permit.

Public Art

Toronto's waterfront planning places a strong emphasis on the quality of the public realm. The implementation of a successful public art program connects people to the waterfront and plays an important role in making the emerging waterfront communities extraordinary destinations. The Central Waterfront Secondary Plan outlines public realm policies to include a coordinated Central Waterfront public art program for public and private developments.

The East Bayfront Public Art Master Plan was prepared by Waterfront Toronto in cooperation with the City, and approved by City Council in 2015. The East Bayfront Public Art Master Plan outlines the public art objectives and principles, as well as the methods by which Waterfront Toronto will implement a process to commission public art throughout the precinct.

The Section 37 Agreement for the development includes provisions to secure public art, consistent the intent of the City's Percent for Public Art Program, including the public art contribution of a value not less than 1 percent of the gross construction costs of all buildings and structures, and sets out a process for implementation.

Affordable Housing

An important policy of the Central Waterfront Secondary Plan is the provision of a full range of housing opportunities including affordable housing. One of the key goals for the Central Waterfront is for 25 percent of all housing units to be affordable rental housing and low-end-of-market housing. The East Bayfront Zoning By-law requires the provision of the equivalent of 20 percent of the total number of dwelling units as new affordable rental housing units.

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. This agreement was executed on March 19, 2013. Among other matters it sets out how Waterfront Toronto and the City

will work together to achieve the 20 percent affordable rental housing on public lands in East Bayfront.

As described above, the approved Minutes of Settlement (2016) for the FedEx lands include requirements, which among other matters, provide for the option of the owner meeting the 20 percent requirement through the provision of a combination of land, cash-in-lieu, and affordable rental housing units.

The development permissions for the FedEx North lands permit a maximum 134,750 square metres of gross floor area over two phases. Development proposed in the first phase of FedEx North includes approximately 85,000 square metres of gross floor area with 1,174 residential units. Phase 2 would include approximately 48,197 square metres of gross floor area.

The applicant has submitted a Housing Issues Report, which has been reviewed by staff. The owner proposes to satisfy its affordable rental housing obligations on the lot by providing 7,230 square metres of residential gross floor area to be provided in Phase 2. A contribution of approximately \$3,304,205 for affordable rental housing cash-in-lieu will be satisfied in Phase 1. A balance of approximately 9,639 square metres of residential gross floor area will be satisfied through affordable rental housing cash-in-lieu contribution in Phase 2. The Housing Issues Report and the proposed delivery approach of affordable rental housing units and cash-in-lieu contribution have been reviewed and is acceptable to staff.

Archaeological Assessment

The site is within the Interim Screening Areas for Archaeological Potential identified in the Archaeological Master Plan of the City. In support of the proposal, the applicant submitted a Stage 1 Archaeological Assessment which indicated that there is potential for the presence of archaeological resources found on site.

Consistent with the 2008 Waterfront Toronto Archaeological Conservation and Management Strategy (ACMS), identification of the circa 1910-1926 Polson Iron Works wharf as a Grade 2 resource, the remains of this structure on the 215 Lake Shore Boulevard East property should be subject to a program of archaeological monitoring to document the remains of this feature prior its removal.

The Waterfront Toronto ACMS identified Knapp's Roller Boat as a Grade 2 resource, and also recognized that an effort should be made to attempt to further define the location of the vessel through a remote sensing survey carried out on the northwest portion of the 215 Lake Shore Boulevard East property to

determine whether or not the feature extends onto the property and to identify needs for any further mitigations.

These requirements are included in the Conditions of Draft Plan of Subdivision Approval in Attachment No. 4. The applicant has indicated that a remote sensing survey will be carried out as part of the Site Plan application to test and identify potential mitigation measures.

Noise and Vibration

The applicant submitted a noise, vibration and odour study in support of the proposal. The study notes that the noise levels generated by the Gardiner Expressway and nearby rail corridor require building envelope components to have appropriate control measures to limit noise transmitted into buildings at acceptable levels. The measures include air conditioning, insulation, upgraded building facades (window, walls and doors) and warning clauses. Warning clauses are recommended to advise residents of future road traffic noise, and potential noise and vibration from the rail corridor.

The report also indicates that the moderate levels of noise generated by Redpath Sugar located southwest of the development are not anticipated to adversely impact the future buildings on the FedEx North (Phase 1) site under Class 4 limits.

The study has been peer reviewed by the City's peer reviewer (Golder Associates) who concurred with the findings of the reports. The peer reviewer indicates that the noise and vibration assessment methodologies meet the general requirements of the Three Party Agreement.

The proposed mitigation measures are acceptable to staff. Further details on the specific mitigation measures will be reviewed and secured through the Site Plan review process for this development. Further conditions through the Draft Plan of Subdivision process will require the owner to implement the necessary recommendations such as warning clauses, among other matters.

The proposed mitigation measures are generally acceptable to staff. Further details on the specific mitigation measures would be reviewed and secured through the Site Plan review process for this development.

The Conditions of Draft Plan of Subdivision Approval in Attachment No. 4 require the owner to implement the necessary recommendations such as warning clauses, among other matters.

Tree Preservation

The development is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law).

An Arborist Report, dated September 1, 2017, was submitted for the development outlining trees that would remain on site and which are to be removed. The applicant proposed to remove 9 trees on private property and 12 City-owned trees.

Removal of or injury to protected City or private trees may occur only upon receipt of a "Tree Removal/Injury Permit" issued by the General Manager of Parks, Forestry and Recreation and provided that building and/or demolition permits have been obtained and the permitted construction and/or demolition related activities associated with this project warrant the removal of or injury to the trees involved.

The detailed landscape plan, tree planting deposit and securities will be reviewed further and secured through the Site Plan Approval process. Urban Forestry's requirements are also included in the Conditions of Draft Plan of Subdivision Approval in Attachment No. 4.

Toronto Green Standard

City Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary with higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development performance for Construction Activity and Stormwater Retention will be secured through the Conditions of Draft Plan of Subdivision Approval.

Other applicable TGS performance measures will be secured through the Site Plan review process for this development.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2019).

The proposed Draft Plan of Subdivision is consistent with Section 51 of the *Planning Act* as it would conform to the Official Plan, provides for the orderly development of the lands and proposes appropriate utilities and City services. The Draft Plan is consistent with the division of land that was anticipated by the

Minutes of Settlement for this development and the site-specific zoning by-law. The Chief Planner and Executive Director, City Planning, intends to approve this application for Draft Plan of Subdivision as generally illustrated in Attachment No. 3 and subject to the Conditions in Attachment No. 4.

CONTACT

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Toronto and East York District

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E-mail: Paul.Mule@toronto.ca

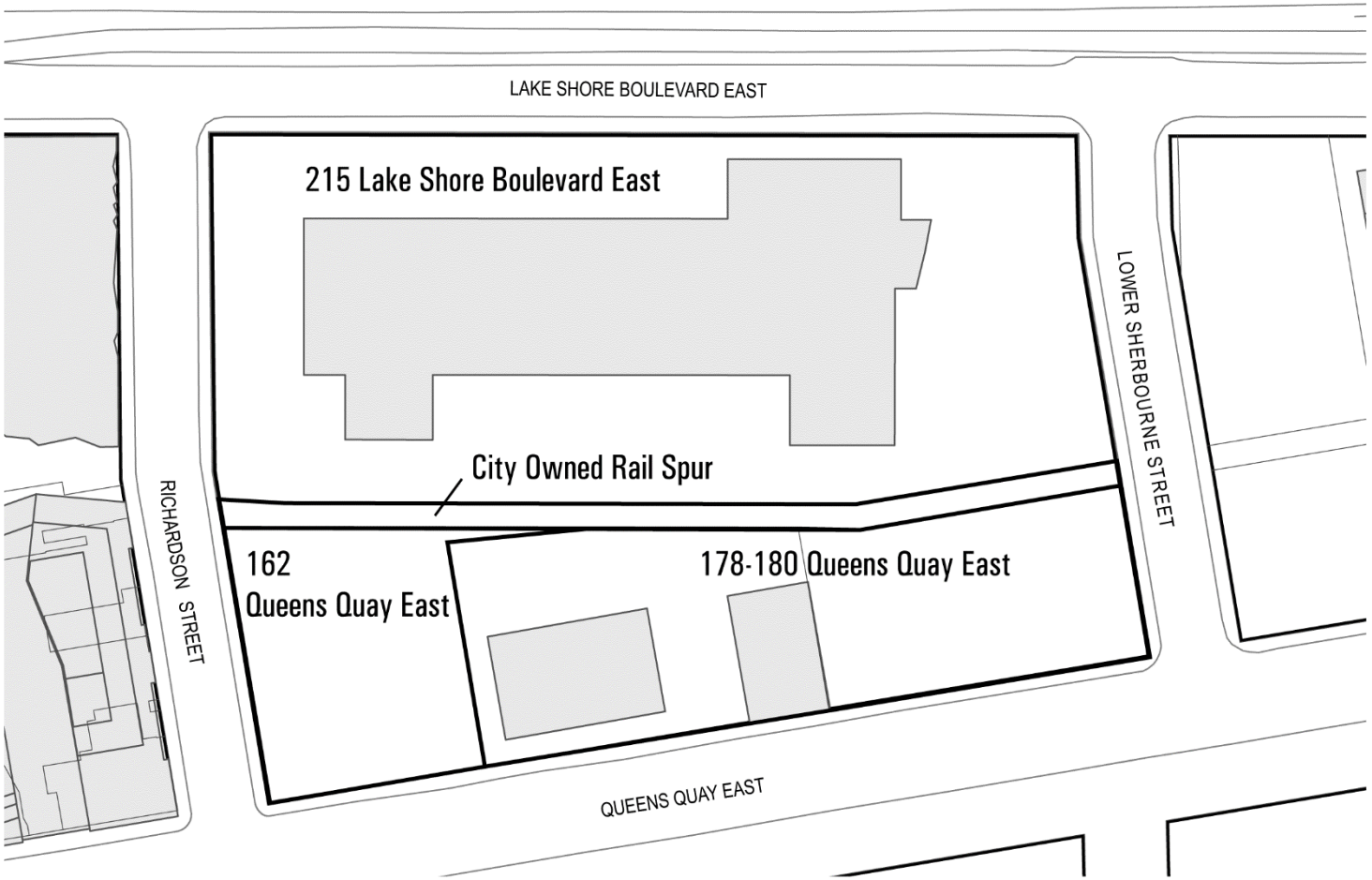
SIGNATURE

Lynda H Macdonald, MCIP, RPP, OALA, FSCLA
Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1:	Location/Ownership Map
Attachment 2:	Site Plan
Attachment 3:	Draft Plan of Subdivision
Attachment 4:	Draft Plan of Subdivision Conditions

Attachment 1: Location and Ownership Map



Land Ownership Map

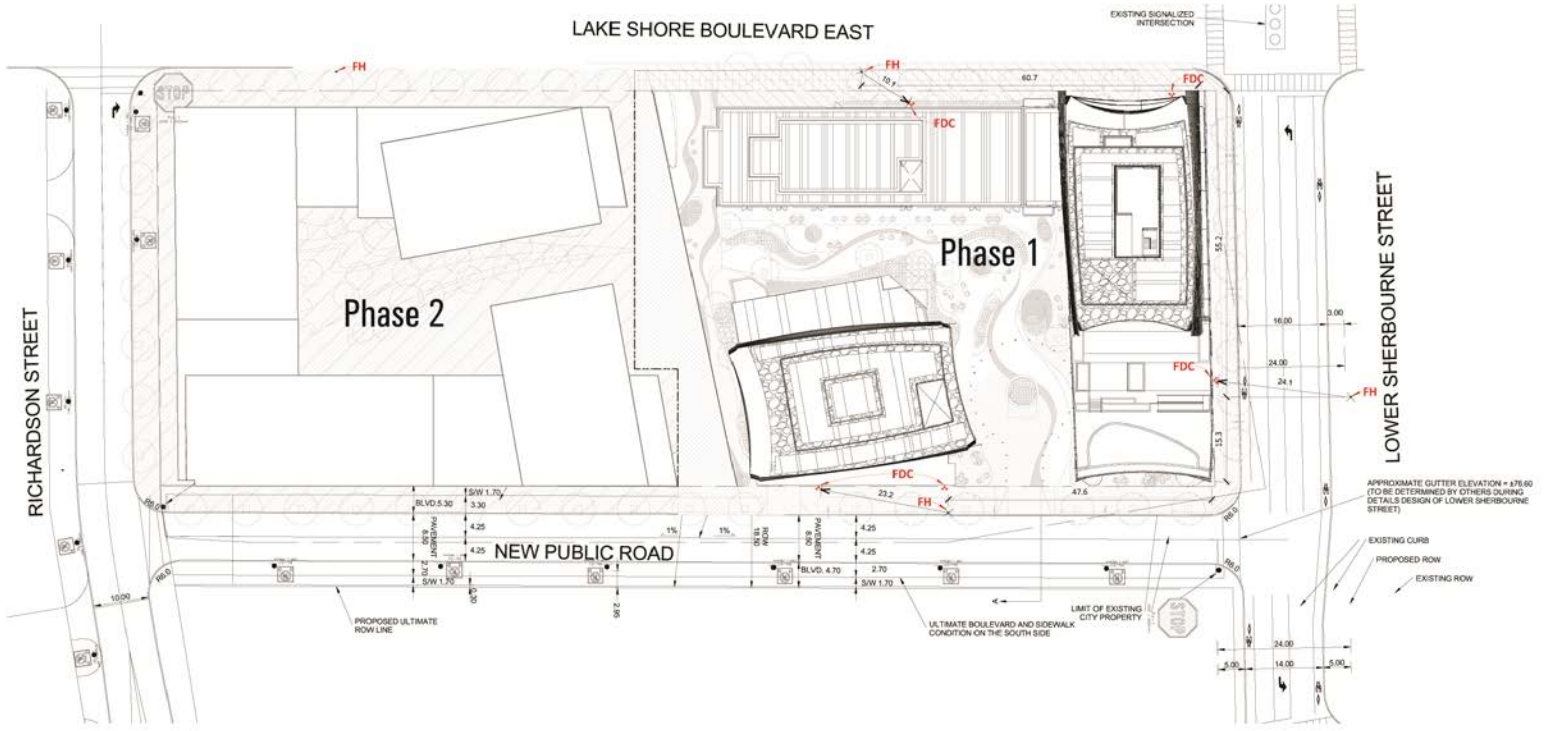
215 Lake Shore Boulevard East

Not to Scale
02/11/2019



File # 18 234351 STE 28 OZ

Attachment 2: Site Plan



Site Plan

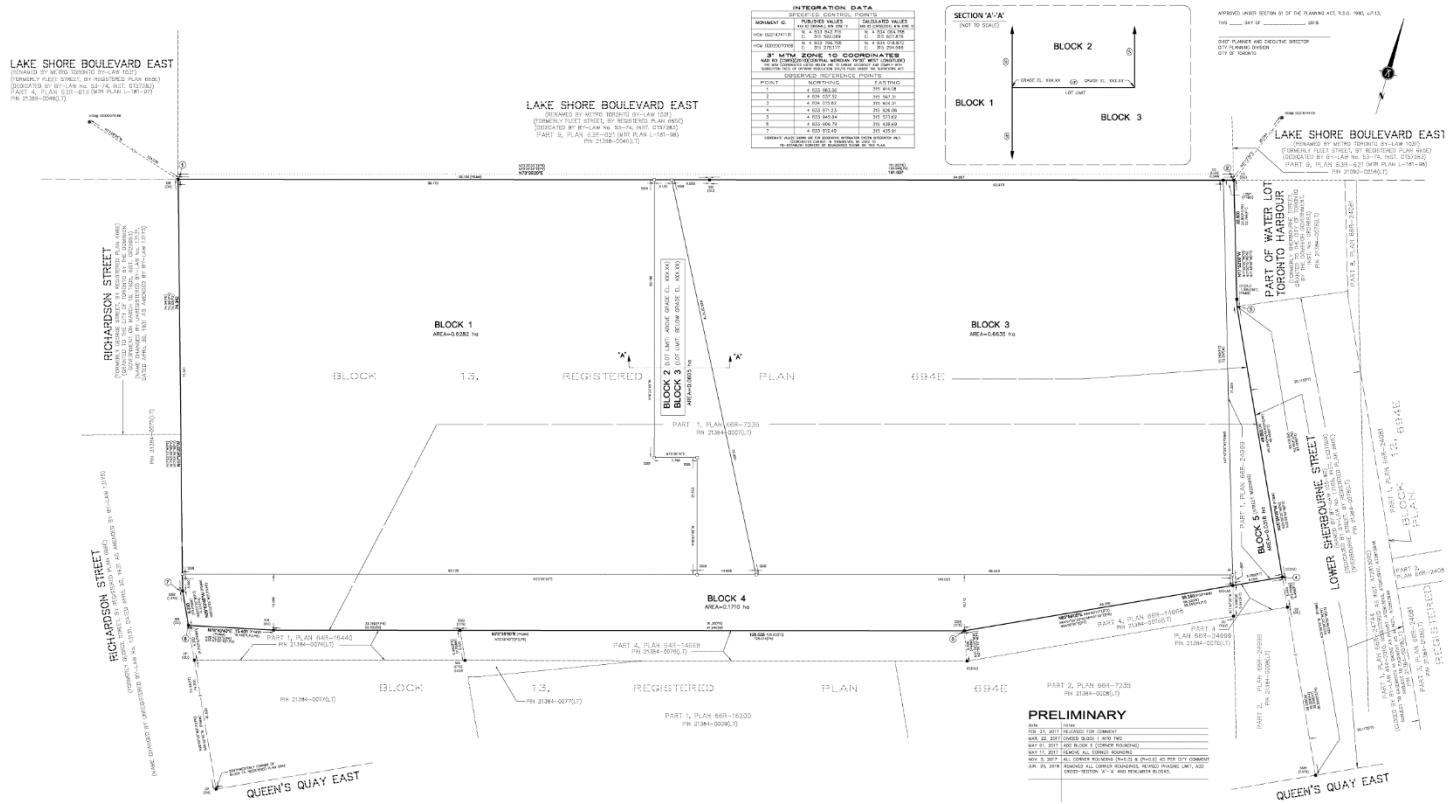
Applicant's Submitted Drawing

Not to Scale
02/11/2019 ↗

215 Lake Shore Boulevard East

File # 18 234351 STE 28 0Z

Attachment 3: Draft Plan of Subdivision



Draft Plan of Subdivision

215 Lake Shore Boulevard East

Applicant's Submitted Drawing

Not to Scale

File # 18 234351 STE 28 OZ

Attachment 4: Draft Plan of Subdivision Conditions

Draft Plan of Subdivision Application No.17 180289 STE 28 SB

PLAN E694 PT BLK 13 RP 66R-7235 PARTS 1, CITY OF TORONTO municipally know as 215 Lake Shore Boulevard East

THE FOLLOWING CONDITIONS MUST BE FULFILLED PRIOR TO THE REGISTRATION OF THE PLAN OF SUBDIVISION

SUBDIVISION AGREEMENT

1. The following conditions of draft plan approval relate to Drawing 14-158MP01, Draft Plan of Subdivision, Part of Block 13, Registered Plan 694E, City of Toronto, prepared by KRCMAR Surveyors LTD, and dated May 17, 2017, and revised April 8, 2019. The owner shall enter into a standard Subdivision Agreement with the City of Toronto in a form and content to the satisfaction of the City Solicitor and shall provide such security for the obligations of the agreement as the City may reasonably require.
2. Prior to registration of each phase of this subdivision, the Owner shall enter into the City's standard subdivision agreement and satisfy all pre-registration conditions.

ADJACENT LANDS

3. The following Subdivision Conditions relate to the Owner's contribution to the design and construction of an east-west public road, as well as the contribution of lands to the same as described in condition 6, and the contribution of lands toward the Sherbourne Street Triangle Lands as described in condition 7. The east-west public road and Sherbourne Street Triangle Lands straddle 215 Lake Shore Boulevard East, 162 Queen Quay East, and 178-180 Queens Quay East.

SITE PLAN CONTROL

4. 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.

PHASING

5. Registration of the subdivision shall be phased in conformity with the phasing shown on the Draft Plan of Subdivision prepared by KRCMAR Surveyors LTD date stamped as received by the City Planning Division on May 8, 2019. Registration of the subdivision on the Phase 2 lands (Block 1) shall not occur until the Chief Planner and Executive Director, City Planning Division and the Chief Engineer and Executive Director, Engineering and Construction Services Division, are satisfied that all conditions of the Phase 1 Subdivision (Blocks 2, 3, 4, and 5) necessary to support development of the Phase 2 Subdivision have been satisfied.

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

6. An 18.5-metre wide strip of land constitutes the future "east-west public road" and is made up of the following:
 - a. Block 4 of the submitted of Subdivision Drawing 14-158MP01, Draft Plan of Subdivision, Part of Block 13, Registered Plan 694E, City of Toronto, prepared by KRCMAR Surveyors LTD, and dated April 8, 2019 related to 215 Lake Shore Avenue East;
 - b. The City-owned Rail Spur land running east-west between the properties (Part 4 of Plans 64R-14668 and 66R-14688);
 - c. Block 2 of the Draft Plan of Subdivision, Part of Block 13 Registered Plan 694E dated December 14, 2017 related to 178-180 Queens Quay East; and
 - d. A portion of the lands along the north boundary of 162 Queens Quay East.

The Owner's contribution to the east-west public road shall consist of the lands described in paragraph 6 a) above.

7. The "Sherbourne Street Triangle Lands" means lands for the reconfiguration of Lower Sherbourne Street which consist of the following:
 - a. Block 5 of the submitted Drawing 14-158MP01, Draft Plan of Subdivision, Part of Block 13, Registered Plan 694E, City of Toronto, prepared by KRCMAR Surveyors LTD, and dated June 25,

2018 Draft Plan of Subdivision related to 215 Lake Shore Avenue East;

- b. The City owned Rail Spur land running east-west between the properties (Part 4 of Plan 66R24999); and
- c. Block 2 of the submitted Draft Plan of Subdivision, Part of Block 13 Registered Plan 694E dated December 14, 2017, Draft Plan of Subdivision related to 178-180 Queens Quay East.

The Owner's contribution to the Sherbourne Street Triangle Lands shall consist of the lands described in paragraph 7 a) above.

- 8. For lands to 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 subject to those to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services in consultation with the City Solicitor.
- 9. Prior to the registration of each phase of the Plan of Subdivision, the Owner shall make satisfactory arrangements with the City for the appropriate land or easement conveyances.
- 10. The Owner agrees to dedicate or, where appropriate, provide easements, for all necessary property corner roundings to the satisfaction of the General Manager of Transportation Services.
- 11. The Owner shall construct the east-west public road in accordance with condition 18 below or secure the construction of the road and the timing of its construction to the satisfaction of the Chief Planner and Executive Director City Planning Division, and Chief Engineer and Executive Director Engineering and Construction Services in consultation with the City Solicitor.
- 12. The Owner shall make necessary arrangements required for the acceptance and conveyance of its part of the Sherbourne Street Triangle Lands as described in Condition 6 above. Such lands are to be free and clear of 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 Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor.

13. The Owner shall register all easements that the Chief Engineer and Executive Director and Chief Engineer of Engineering and Construction 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, where on City lands, 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

14. In the event that deeply buried archaeological remains are encountered on the property during construction activities, the Owner shall immediately notify the Heritage Operations Unit of the Ministry of Tourism and Culture as well as the City of Toronto, Heritage Preservation Services Unit.
15. In the event that human remains are encountered during construction, the Owner shall 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

16. Prior to the registration of the Plan of Subdivision, the Owner shall prepare and submit for review and acceptance of the Chief Engineer and Executive Director, Engineering and Construction 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.
17. 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 the future east-west public road and its intersections 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 to accommodate the same.
18. The Owner shall construct the east-west public road in accordance with the approved Functional Road Plans and to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.
19. The Owner shall pay for all costs associated with:

- a. The installation of a new traffic control signal at Queens Quay East and Richardson Street, as recommended in the report dated May 2017 by BA Group (Re: FeEx Lands, 215 Lake Shore Boulevard East, East Bayfront Precinct, City of Toronto: Urban Transportation Considerations Draft Plan of Sub-division Application Functional Road Network).
 - b. The construction of the future east-west public road as shown in the report dated May 2017 by BA Group (Re: FeEx Lands, 215 Lake Shore Boulevard East, East Bayfront Precinct, City of Toronto: Urban Transportation Considerations Draft Plan of Sub-division Application Functional Road Network).
20. 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 May 2017 by BA Group (Re: FeEx Lands, 215 Lake Shore Boulevard East, East Bayfront Precinct, City of Toronto: Urban Transportation Considerations Draft Plan of Sub-division Application Functional Road Network).
21. The Owner shall submit detailed engineering drawings and, if there have been any revisions, an updated functional servicing and stormwater management report for each phase of the subdivision for review and acceptance, all to the satisfaction of the Executive Director, Engineering & Construction Services.
22. The Owner shall submit individual Traffic Operations Assessments, for the review and approval of the General Manager, Transportation Services, in conjunction with the submission of future development applications for each development block.
23. The Owner shall implement and pay all costs for any required mitigating measures resulting from the review of the Traffic Operations Assessments noted in Condition 22, as determined by the General Manager, Transportation Services.
24. The Owner shall submit additional information as may be required for the review and approval of the General Manager, Transportation Services with respect to Conditions 22 and 23 prior to the registration of the Draft Plan of Subdivision.
25. Prior to the earlier of the registration of the Plan of Subdivision or the Release for Construction of Services, the Owner shall submit to the Chief Engineer and Executive Director, Engineering & Construction Services for review and acceptance, a plan or plans, showing:

- a. Cross-sections of all roads within the Plan of Subdivision incorporating the approved pavement widths and other infrastructure elements, and including the proposed connections with, and any improvements to, the existing streets within and surrounding site;
- b. The proposed pavement markings and signage for all new roads;
- c. Any modifications required to the pavement markings and signs on the existing roads; and
- d. Minimum pedestrian clearway of 2.1 m on all roads and at intersection of all roads.

NAMING OF STREETS

26. Prior to Assumption of Services, the Owner shall obtain approval for any proposed street names in accordance with the City of Toronto Naming Policy. Street names are not required to be shown on the final Plan of Subdivision.

SURVEY or PREPARATION OF THE FINAL PLAN OF SUBDIVISION

27. Prior to the registration of the Plan of Subdivision, the Owner shall pay all costs for preparation and registration of reference plan(s).
28. The Owner shall submit a draft Reference Plan of Survey to the Executive Director of Engineering and Construction 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 retained by 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, Engineering and Construction Services, for review and approval, prior to depositing in the Land Registry Office.
29. 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 Engineering and Construction Services.

STORMWATER MANAGEMENT

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

INFRASTRUCTURE AND SERVICING

32. The Owner shall submit a Functional Servicing Report and Stormwater Management Master Plan to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
33. The Owner shall provide sanitary services to the site to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
34. The Owner shall register all easements that the Chief Engineer and Executive Director of Engineering and Construction 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.
35. 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 Chief Engineer and Executive Director of Engineering and Construction Services.
36. 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, and to the satisfaction, of the Chief Engineer and Executive Director, Engineering and Construction Services.

CONSTRUCTION OF TRANSPORTATION AND SERVICING INFRASTRUCTURE

37. 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 Chief Engineer and Executive Director of Engineering and Construction Services.
38. Prior to the registration of the Plan of Subdivision, the Owner shall submit to the Chief Engineer and Executive Director, Engineering and Construction 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; and
 - b. The proposed phased construction of the east-west public road as identified in the report dated May, 2017 by BA Group (Re: FeEx Lands, 215 Lake Shore Boulevard East, East Bayfront Precinct, City of Toronto: Urban Transportation Considerations Draft Plan of Subdivision Application Functional Road Network).
39. 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 an appropriately qualified professional engineer to complete a peer review of the geotechnical design report to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.
40. The Owner shall identify in the Subdivision Agreement the triggers and timing of the construction, dedication and assumption, by the City, of the proposed public highways, generally in accordance with the approved Phasing Plan.
41. The Owner shall pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.
42. The Owner shall submit financial security in accordance with the terms of standard subdivision agreement.
43. The Owner shall obtain the Environmental Compliance Approvals 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.

The Owner shall pay for and construct all municipal infrastructure required to service the Plan of Subdivision.

44. Prior to acceptance of any lands and/or any municipal infrastructure constructed thereon within the Plan of Subdivision by the 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
 - a. File with the Ministry of the Environment's (MOE) Environmental Site Registry, a Record of Site Condition (RSC) for the Owner's 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

45. 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 Chief Engineer and Executive Director of Engineering and Construction 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.

46. 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

ENDEAVOUR TO COLLECT FOR ROADS AND SERVICES

47. The City acknowledges that the Owner may be required to construct roads and municipal services external to the plan of subdivision for access and to service the subject lands and that these roads and services may provide benefit to adjacent lands to the plan of subdivision. The City may as a condition of approval for development on adjacent lands to the plan of subdivision require that the proportionate share of the cost of roads and municipal services be paid by the owner(s) of adjacent lands which benefit from the aforesaid roads and municipal services. The determination of the roads and municipal services that may provide a benefit to adjacent lands to the plan of subdivision and the determination of the proportional share of the costs associated with such benefits shall be to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services. The City makes no representation, warranties or guarantees neither that the condition will be imposed nor that the funds will be collected at such time as the adjacent lands are proposed for development.

MID-BLOCK PEDESTRIAN CONNECTIONS AND VEHICULAR ACCESS

48. The Owner shall construct the following mid-block pedestrian connection and register rights-of-way and easements for the purpose of 24-hour public access and shall ensure that construction of the connection includes trees and that any below-grade structure beneath the connection 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 connection:

- a. A mid-block north-south pedestrian walkway, a minimum of 6 metres in width, across Blocks 1, 2 and 3 linking the future east-west public road to Lake Shore Boulevard East.

UTILITIES

49. 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 Chief Planner and Executive Director.
50. Prior to earlier of the registration of the Plan of Subdivision or the Release for Construction of Services, submit to the Executive Director, Engineering & Construction Services:
 - a. Regarding Toronto Hydro-Electric System Limited (distribution group):
 - i. A copy of the "offer to connect" (OTC);
 - ii. Written confirmation that financial securities have been posted; and
 - iii. Written confirmation that satisfactory arrangements have been made.
 - b. Regarding Toronto Hydro Energy (streetlight group):
 - i. A cost estimate of the construction/installation of streetlights, and the hydro inspection fee;
 - ii. Financial security in the amount of 130% of the streetlight cost estimate and inspection fee; and
 - iii. A copy of written confirmation from Toronto Hydro Energy that satisfactory arrangements have been made.

NOISE MITIGATION

51. The Owner shall include the following specific warning clause in:
 - a. all agreements of purchase and sale and lease, excluding agreements pertaining to the resale or lease of individual residential condominium units; and
 - b. any condominium disclosure statement and declaration within the Plan of Subdivision, 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, 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; 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 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 and odour impacts from the Redpath Facility, from time to time noise from the Redpath Facility is likely to be audible, odours may be unpleasant, and such potential noise and odour 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.”

“Warning: This development has been classified as a Class 4 receptor under MOECC noise guideline NPC-300. The noise limits for a Class 4 receptor in this MOECC guideline are based on sensitive windows (such as to bedrooms) being closed. Portions of this development that would potentially experience elevated sound levels from Redpath operations, including unloading of ships, have been fitted with upgraded windows. With open windows, occupants may experience sound levels from outside that may interfere with normal indoor activities and occupants are cautioned to close windows under such circumstances.”

ENVIRONMENTAL SITE ASSESSMENT

52. With respect to land conveyances to the City and related environmental site assessments as described in conditions 45-46 the Owner shall agree to pay all costs to the City associated with the City retaining a third-party peer reviewer inclusive of a 7% administrative cost. The Owner shall submit a certified cheque payable to the City of Toronto in the amount of \$8,000.00 as an initial deposit towards the cost of the peer review to the Executive Director, Engineering and Construction 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.

53. 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 Chief Engineer and Executive Director, Engineering and Construction 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)
54. The Owner shall enter into any necessary agreement to implement any terms or conditions of Certificate of Property Use with respect to the lands to be conveyed 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 with respect to such lands.

STREET TREE PLANTING AND PUBLIC REALM

55. The Owner agrees to provide a street tree planting plan(s), to the satisfaction of the General Manager of Parks, Forestry and Recreation, as part of and identified in each site plan approval application, and such plan shall provide for:
- 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
56. 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.
 57. 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.
 58. 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. 65 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.
 59. 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.

HOUSING

60. The Owner agrees to co-operate with the City to satisfy the affordable housing requirements set out in the Section 37 Agreement between the Owner and the City dated December 29, 2017.

61. The Owner agrees, where consistent with the aforesaid Section 37 Agreement, 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.

FIRE PROTECTION

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

GENERAL CONDITIONS

63. 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.
64. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of PG32.3 of the Planning and Growth Committee and amended by City Council at its meeting held on July 16, 2013.