

178-180 Queens Quay East – Draft Plan of Subdivision Application – Final Report

Date: June 10, 2022
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 278451 STE 28 SB

SUMMARY

This report advises that the Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Subdivision to divide 178-180 Queens Quay East into six blocks including a mixed use development parcel (Block 1), portions of a new east-west street between Richardson Street and Lower Sherbourne Street (Blocks 2 & 3), lands that will allow for the realignment and widening of Lower Sherbourne Street (Blocks 4 & 5), and a road widening for Queens Quay East (Block 6).

RECOMMENDATIONS

The City Planning Division recommends that:

1. In accordance with the delegated approval under By-law 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 in Attachment 3 to the report (June 10, 2022), from the Director, Community Planning, Toronto and East York District, subject to:

a) the conditions as generally listed in Attachment 4 to the report (June 10, 2022), from the Director, Community Planning, Toronto and East York District, 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 ongoing technical review of this development.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

The Central Waterfront Secondary Plan (CWSP) 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 178-180 Queens Quay East and 215 Lake Shore Boulevard 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 OMB 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. 20 150180 STE 10 SA) was submitted on May 29, 2020 and a related zoning by-law amendment application (Application No. 22 106787 STE 10 OZ) to remove the holding symbol from these lands was filed on February 8, 2022. These applications are currently under review.

SITE AND SURROUNDING AREA

Description: The site is located at the northwest corner of Queens Quay East and Lower Sherbourne Street. It is part of a larger block of land in the East Bayfront precinct, which includes properties at 162 Queens Quay East and 215 Lake Shore Boulevard East.

The total area of the site is 6,310 square metres, with an approximate frontage of 148 metres along Queens Quay East and 38 metres along Lower Sherbourne Street. The site includes two parcels of land, 178 Queens Quay East and 180 Queens Quay East. 178 Queens Quay East is currently occupied by two single-storey commercial office buildings with an associated surface parking area. 180 Queens Quay East is occupied by a surface parking lot.

Official Plan Designation: The site is within the Downtown and Central Waterfront on the Official Plan's Urban Structure Map and Regeneration Areas on Map 18 of the Official Plan's Land Use Map. It is also within the Central Waterfront Secondary Plan (CSWP) area, designated Regeneration Areas and forms part of the East Bayfront - West precinct.

Zoning: On September 27, 2006, City Council adopted By-law No. 1049-2006, an amendment to former City of Toronto 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 was approved by the LPAT. Under this site specific Zoning By-law, the site is zoned CR(h) permitting a wide variety of residential and non-residential uses contingent on complying with the Section 37 agreement for the site and the removal of an (h) Holding Symbol.

Surrounding Land Uses:

North: a City-owned and decommissioned rail spur. North of the rail spur is 215 Lake Shore Boulevard which was previously used as a dispatch centre for the shipping and

delivery company FedEx but is now subject to development applications. Further north is the Gardiner Expressway and the St. Lawrence neighbourhood.

South: is Queens Quay East. South of Queens Quay East are two commercial and institutional development blocks, currently under construction.

East: is Lower Sherbourne Street. East of Lower Sherbourne Street is Sherbourne Common Park. East of the park is a 44-storey mixed-use building.

West: is 162 Queen Quay East, subject to an application for 21-storey mixed use development containing 460 dwelling units. Further west is Richardson Street and then a mixed-use complex with four towers ranging in height from 11 to 45 storeys.

THE APPLICATION

Description: to divide 178-180 Queens Quay East into six blocks including a mixed use development parcel (Block 1), portions of a new east-west street between Richardson Street and Lower Sherbourne Street (Block 2), lands that will allow for the realignment and widening of Lower Sherbourne Street (Blocks 3, 4 and 5), and a road widening for Queens Quay East (Block 6), as described in Table 1 and shown in Attachment No. 3.

Table 1: Proposed Subdivision Plan

Block	Use	Area (Hectares)
1	Mixed Use Development	0.5006
2	South portion of 18.5 m Right-of-Way of the new east-west Public Road	0.0554
3	Proposed widening of Lower Sherbourne Street	0.0128
4	Proposed widening of Lower Sherbourne Street	0.0326
5	Proposed widening of Lower Sherbourne Street	0.0030
6	Proposed widening of Queens Quay Boulevard East	0.0266
Total Subdivision Area (Hectares)		0.561

Access: The new east-west road will provide access to and from the north boundary of the site.

Additional Information

See Attachment No. 1 to this report for the land ownership map, Attachment No. 2 for a site plan, Attachment No. 3 for the proposed Draft Plan of Subdivision, and Attachment No. 4 for the Draft Plan Conditions.

Reasons for Application

The proposed Draft Plan of Subdivision is necessary to create road dedications and widenings to facilitate the orderly development of the site. Land division that involves the creation of new streets or several blocks and/or lots requires a Plan of Subdivision.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application (Application No. 20 150180 STE 10 SA), to facilitate the development of two mixed use buildings with approximately 39,770 m² of residential and 2,072 m² non-residential floor area, connected by proposed Privately Owned, Publicly Accessible Space (POPS), has been submitted and is under review.

Provincial Land Use Policies

The application has been reviewed to determine its consistency with the Provincial Policy Statement (2020) (PPS), conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan), and conformity to the City's Official Plan. The PPS provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region.

Agency Circulation

The application together with the report and studies submitted in support of the application have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Draft Plan of Subdivision conditions.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have had an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

COMMENTS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS and the Growth Plan. Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan.

Draft Plan of Subdivision

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 Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Subdivision as generally illustrated on Attachment 3 subject to the Draft Plan of Subdivision Conditions outlined in Attachment 4.

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

- The creation the proposed development blocks;
- The form and function of the new east-west public street;
- The owner's conveyance of lands necessary to construct the new public road and to widen Queens Quay Boulevard East and Lower Sherbourne Street;
- Construction of streets and services;
- Environmental remediation of all lands to be conveyed to the City;
- Stormwater management; and
- Tree protection and planting.

Review of the proposed draft plan of subdivision and preparation of associated conditions has considered 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.

The proposed draft plan of subdivision meets the subdivision requirements in Section 51(24) of the Planning Act, is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). This report has been brought forward to Toronto and East York Community Council in accordance with the requirement to hold a statutory public meeting under Section 51(20) of the Planning Act.

Land Use

This application has been reviewed against the Official Plan policies and CWSP policies, as well as the East Bayfront Precinct Plan. The proposed mixed use buildings connected by a proposed POPS are consistent with the existing and planned context for the subject property and the surrounding area, with detailed design work intended to promote pedestrian activity and public realm quality, including requirements for a fine-grain and high quality mix of ground-floor animation uses on Queens Quay East and Lower Sherbourne Street, to be refined through the site plan approval process. The proposed Plan of Subdivision conforms with the Official Plan as required by Section 51(24)(c) of the Planning Act and complies with the site-specific Zoning By-law. The land is suitable for the purposes for which it is proposed to be subdivided and the dimension and shape of the proposed development parcels are appropriate.

Proposed Public Street and Street Widening

The Draft Plan of Subdivision provides for the owner's portion of lands necessary for the construction of a new east-west public street. The proposed public street consists of lands within the 178-180 Queens Quay East site and other properties, including the City-owned rail spur lands (Part 1 of Plan 64R-16440 and Part 4 of Plan 64R-14668) and portions of 162 Queens Quay East and 215 Lake Shore Boulevard East. The proposed new street is part of the overall street and block structure set out in the East Bayfront Precinct Plan and is necessary to provide access to the block. The acquisition of the lands required for the new east-west public street will also be governed in part by a separate three party agreement, negotiated between the City of Toronto and the owners of 178-180 Queens Quay East and 215 Lake Shore Boulevard East.

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 an 18.5 metre right-of-way, allowing 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 Lake Shore Boulevard East and Queens Quay East. The street widenings, along with the proposed public street, will provide adequate connections to existing streets as required by Section 51(24)(e) of the Planning Act. The Draft Plan of Subdivision also illustrates the 2.0 metre road widening along Queens Quay East, corner roundings and easements required by Transportation Services.

Streetscape design and delivery for Queens Quay East and Lower Sherbourne Street are being coordinated with Waterfront Toronto and appropriate City divisions through the Site Plan control process.

TTC

The Toronto Transit Commission has indicated that the existing southbound bus stop #7324 on Lower Sherbourne Street, south of Lake Shore Boulevard will be relocated to Lower Sherbourne Street at Queens Quay East. This requirement will be considered in connection with staff's review and approval of street cross-section designs required as a condition of Draft Plan of Subdivision Approval.

Environmental Issues

A Record of Site Condition is required prior to the registration of the Plan and the issuance of a building permit, in order to complete the conveyance of lands to the city for the future road and road widenings. 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 application. Additional technical review is required to finalize and approve these reports. Any required new municipal infrastructure and upgrades to the existing infrastructure to accommodate the proposed development will be included in the Subdivision Agreement for the development.

Affordable Housing

The Central Waterfront Secondary Plan requires the provision of a full range of housing opportunities, including affordable housing. A key goal 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. The approved Minutes of Settlement (2016) for the FedEx lands include a requirement to 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 applicant has submitted a Housing Issues Report, which is under review by staff, as a part of the application to lift the holding provision in the zoning by-law.

Open Space/Parkland

The City of Toronto [Parkland Strategy](#) is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The Strategy includes a new methodology to measure and assess parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the Strategy's methodology, the development site is currently in an area with a low population and mostly industrial uses. This area is scheduled to be redeveloped and by 2033 will have a parkland provision of 0 – 4m² per person, which is well below the current city-wide average provision of 28 m² of parkland per person (2016).

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. The non-residential component of this proposal is subject to a 2% parkland dedication while the residential component is subject to a cap of 10% parkland dedication.

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 ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

Public Art

Toronto's waterfront planning strongly emphasizes the quality of the public realm. The Central Waterfront Secondary Plan outlines public realm policies to include a coordinated Central Waterfront public art program for public and private developments

to help connect people to the waterfront and make emerging waterfront communities into extraordinary destinations.

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 public art objectives and principles, as well as Waterfront Toronto's process to commission public art throughout the precinct.

The Section 37 Agreement for the development includes provisions to secure public art, consistent with the intent of the City's Percent for Public Art Program, including the public art contribution of 1 percent of the gross construction costs of all buildings and structures, and sets out a process for implementation.

Noise and Odour

This site is located near the heavy industrial Redpath Sugar Refinery located at 95 Queens Quay East. Consistent with the requirements of the Section 37 Agreement for this site, the applicant has submitted noise and odour studies and detailed design plans illustrating mitigation measures through the Site Plan Approval process. Details on the specific mitigation measures are under review and will be secured through the Site Plan Approval process for this development. The Conditions of Draft Plan of Subdivision Approval in Attachment 4 require the owner to implement the necessary recommendations, such as warning clauses, among other matters.

Methane Testing

A portion of the site is within 250 metres of a closed municipal landfill. The owner will be required to retain a qualified person as defined in Ontario Regulation 153/04 to conduct a subsurface investigation for the possible presence of methane gas at the property. This requirement must be adequately addressed prior to registration of the plan of subdivision.

Tree Preservation

This 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). The applicant proposes to remove nine trees on private property that will require a permit to destroy. Forestry will require the planting of 27 new private trees to replace the private trees proposed for removal. Applications to remove or injure the trees must be submitted to Urban Forestry prior to any clearance being issued. Permits may be granted upon a satisfactory replanting plan submitted to Urban Forestry and if the conditions for removal are warranted.

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

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS), 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, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings, through a Site Plan Agreement and through conditions in a Subdivision Agreement (See Attachment 4: Conditions of Draft Plan of Subdivision).

The applicant is required to meet Tier 1 of TGS version 2, which was secured through the 2016 OMB settlement for this site. The applicant is strongly encouraged to exceed these minimum requirements to advance the City's objectives for resilience and to achieve net-zero greenhouse gas emissions by 2040.

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 Approval process.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020).

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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SIGNATURE

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

ATTACHMENTS

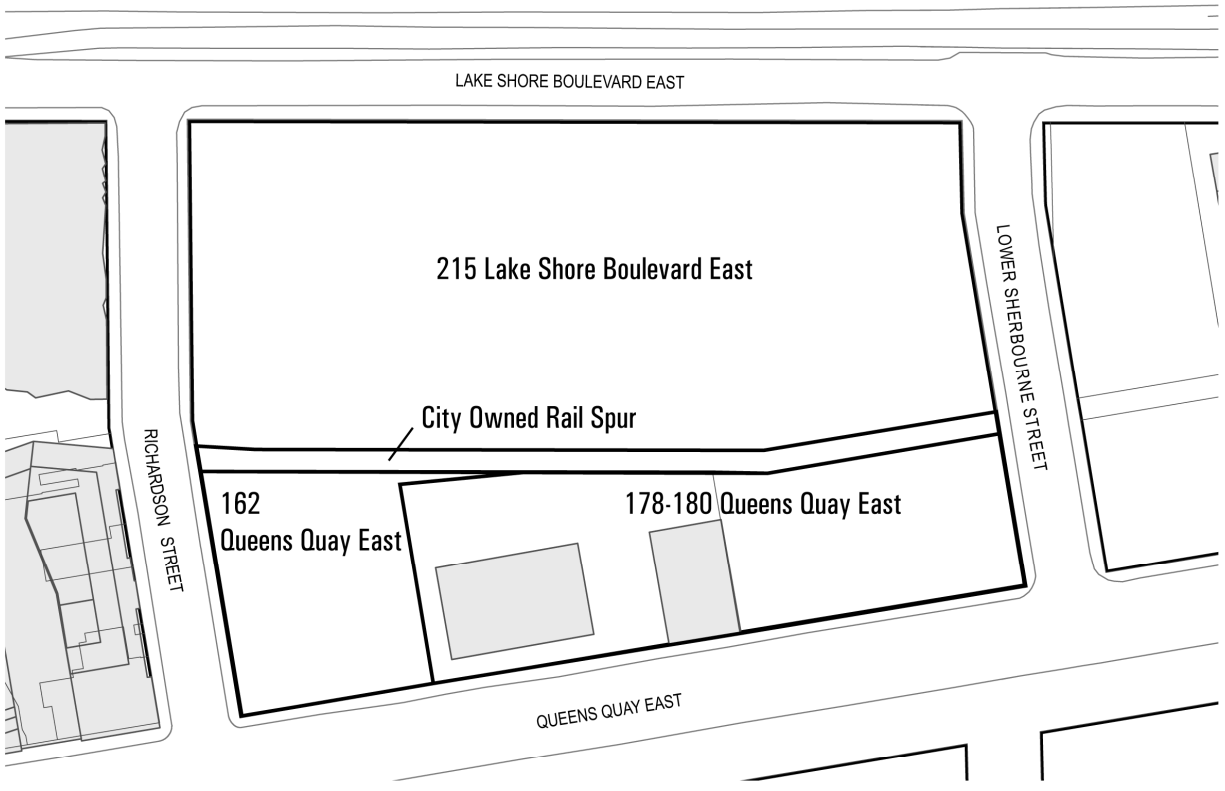
Attachment 1: Land Ownership Map

Attachment 2: Site Plan

Attachment 3: Draft Plan of Subdivision

Attachment 4: Draft Plan of Subdivision Conditions

Attachment 1: Land Ownership Map



Land Ownership Map

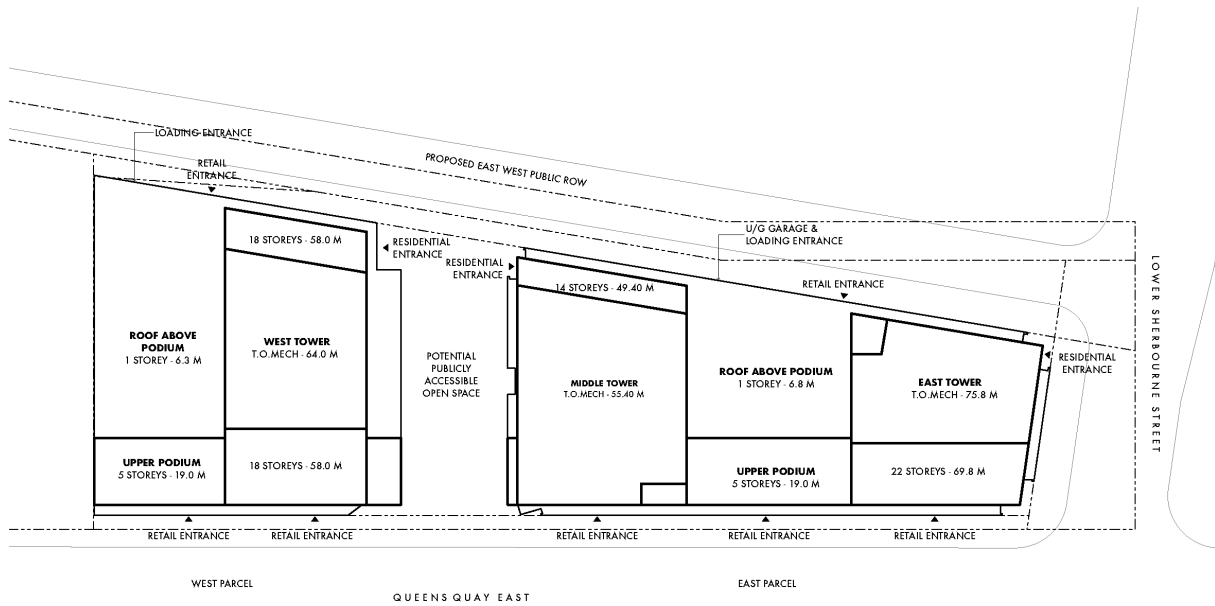
178-180 Queens Quay Boulevard East

Not to Scale
05/30/2022



File # 17 278451 STE 28 SB

Attachment 2: Site Plan



Site Plan

178-180 Queens Quay Boulevard East

Not to Scale
05/30/2022



File # 17 278451 STE 28 SB

Attachment 4: Draft Plan of Subdivision Conditions

Draft Plan of Subdivision Application No. 17 278451 STE 28 SB

Parcel 13-1, Section A-894E, Part of Block 13 on Plan 694E, Toronto, Part 2 on Plan 66R-7235 and Parcel 13-2, Section A-694E, Part of Block 13 on Plan 694E, Toronto, Part 1 on Plan 66R-1 6200, municipally known as 178-180 Queens Quay 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 MP 17-117MP01, Draft Plan of Subdivision, Part of Block 13, Registered Plan 694E, City of Toronto, prepared by KRCMAR Surveyors LTD, and dated November 9, 2021.
2. Prior to registration of this subdivision, the Owner shall enter into the City of Toronto's standard Subdivision agreement and satisfy all of the pre-registration conditions contained therein.
3. If the subdivision is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void.

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.

ADJACENT LANDS

5. 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 8a., the contribution of lands toward the widening of Queens Quay East described in condition 8b. The east-west public road and Sherbourne Street Triangle Lands straddle 215 Lake Shore Boulevard East, 162 Queen Quay East, 178-180 Queens Quay East and the City-owned rail spur lands.

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

6. The Owner shall dedicate all roads, corner roundings and road widenings shown on the plan.
7. The Owner shall convey all necessary easements (internal and external) to the City.

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 to the satisfaction of the Chief Engineer & Executive Director of Engineering & Construction Services in consultation with the City Solicitor.

9. Prepare all documents and convey to the City, for nominal consideration:

a) Delineated as Block 2 in the Draft M-Plan and Parts 3, 4 and 5 in the Draft R-Plan (submitted to City Planning on December 7, 2021) and located within the north limit of the site, to the City for the purpose of building a new east-west road; and

b) a 2.0 metre wide strip of land to the full extent of the site abutting the north limit of the east-west Queens Quay East, delineated as Block 6 in the Draft M-Plan and Parts 8 and 9 in the Draft R-Plan (submitted to City Planning on December 7, 2021) and located within the south limit of the site, for the purpose of road widening of Queens Quay East, said lands to be free and clear of all encumbrances, save and except for utility poles, piling and shoring cut down, with the cut portion removed prior to or at construction completion, as follows: piles that encroach more than 0.4 m into the land to be conveyed must be cut down to a minimum of 2.4 m below grade; piles that encroach 0.4m or less must be cut down to 0.91 m below grade, and subject to a right-of-way for access purposes in favor of the Grantor until such time as the said lands have been dedicated for public highway or lane widening purposes, and shall provide written certification by a qualified professional who supervised the cut down, that the any piling and shoring has been cut down in accordance with the depths specified in this condition, all to the satisfaction of the Chief Engineer & Executive Director, Engineering & Construction Services and the City Solicitor.

10. Prepare all documents and convey to the City, for nominal consideration:

a) A 6.0 metres radius corner rounding required at Queens Quay East and Lower Sherbourne Street corner of the property as widened to a minimum height of 3.0 metres above finished grade; and

b) A 5.0 metre radius corner rounding required at the corner of Lower Sherbourne Street as widened and southerly portion of the east-west New Public Road to a minimum height of 3.0 metres above finished grade; together with an easement of support rights and the remainder of the site, and any appurtenant right-of-way. Such lands to be free and clear of all physical and title encumbrances, all to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services and the City Solicitor. The owner shall maintain these areas free and clear of encumbrances for pedestrian use, in perpetuity, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services.

TRANSPORTATION AND TRAFFIC OPERATIONS

11. The Owner shall submit the functional plan and cross-section of the proposed east-west New Public Road and Lower Sherbourne Street within the Subdivision and any changes to the existing adjacent street network, the details of which will be forthcoming.

12. The Owner shall submit an updated pavement marking and signage plan for east-west New Public Street, which must identify any modifications required to the pavement markings and signs on existing public roads.

13. The Owner agrees to revise the road functional plan prior to the site plan approval to show the proposed on-street parking spaces on the new east-west public street and Richardson Street.

14. The Owner shall submit a Traffic Operations Assessment for the review and approval of the General Manager, Transportation Services, in conjunction with the submission of an application for Site Plan Approval for the development of Block 1.

15. Implement and pay all costs for any required mitigating measures resulting from the review of the Traffic Operations Assessments noted in Condition 26, as determined by the General Manager, Transportation Services.

NAMING OF STREETS

16. 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

17. Submit a draft Reference Plans of Survey to the Chief Engineer & Executive Director of Engineering & Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan must: be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System and the 3 degree Modified Transverse Mercator Projection); delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.

18. Prior to the registration of the Plan of Subdivision, the Owner shall pay all costs for preparation and registration of reference plan(s).

19. Prior to the registration of the Plan of Subdivision, 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

20. 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.

21. The Owner shall apply stormwater management techniques in the development of this subdivision to the satisfaction of Engineering and Construction Services.

INFRASTRUCTURE AND SERVICING

22. The Owner shall pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.

23. The Owner shall submit financial securities in accordance with the terms of standard subdivision agreement.

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

25. The Owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, to be resubmitted for review and acceptance by the Chief Engineer & Executive Director, Engineering & Construction Services, should it be determined that improvements to such infrastructure are required to support this development.

26. Prior to registration of the Plan of Subdivision, the Owner shall submit to the Chief Engineer & Executive Director, Engineering & Construction Services for review and acceptance, a detailed infrastructure phasing plan outlining the necessary infrastructure required to service all phases of the lands.

27. Prior to the registration of the Plan of Subdivision, 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 Chief Engineer & Executive Director, Engineering & Construction Services.

CONSTRUCTION OF TRANSPORTATION AND SERVICING INFRASTRUCTURE

28. The Owner shall pay for all costs associated with the construction of the proposed new streets and any alterations required to the existing streets.

29. The Owner shall pay all costs related to the installation of pavement markings and signage and modifications to existing pavement markings and signage.

30. Prior to the Site Plan Approval and in partnership with the owners of the adjacent proposed developments at the premises Nos. 215 Lake Shore Boulevard East and 162 Queens Quay East, the Owner shall submit a functional plan for the proposed Traffic Control Signals at Queens Quay East and Richardson Street intersection, which reflects the proposed traffic signals and the associated modifications including possible changes to the curb line, radii, pavement markings and signs, for review and acceptance of the General Manager, Transportation Services.

31. The owner, in partnership with the owners of the adjacent proposed developments at the premises Nos. 215 Lake Shore Boulevard East and 162 Queens Quay East, shall

be responsible to pay all costs associated with the design, installation and future maintenance of traffic control signals at the intersection at Queens Quay East and Richardson Street. The implementation of the works and the total cost of the design, installation and future maintenance of the proposed traffic control signals shall be determined by the General Manager, Transportation in accordance with standard City practices and shall include both direct and associated costs, including the cost of pavement markings and signing, removal or relocation of existing street furniture, and the costs associated with the loss of any on-street parking spaces that may result. The traffic control signals will be completed and operational to the satisfaction of the General Manager, Transportation prior to the occupation of the site.

32. For greater certainty with respect to the foregoing, the owner, in partnership with the owners of the adjacent proposed developments identified in 31 above, the Owner agrees that:

a) They will be responsible for the design and installation of the traffic control signal and shall hire a City approved electrical contractor to complete the installation at no cost to the City (Owner responsibility to include invoicing and payment of the electrical contractor).

33. The Owner agrees that prior to the Site Plan Approval and in association with the owners of the adjacent proposed developments at the premises Nos. 215 Lake Shore Boulevard East and 162 Queens Quay East, will submit a letter of credit to the City (amount to be determined later), to include provision for upwards indexing, in a form and from a bank satisfactory to the City's General Manager of Transportation Services for the installation and maintenance of future signalization of new traffic control signals at the intersections of Queens Quay East and Richardson Street and the associated modifications illustrated in the approved functional plan.

34. The Subdivision Agreement shall identify 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.

MID-BLOCK PEDESTRIAN CONNECTION

35. 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 6.0 metres in width, across Block 1 linking Queens Quay Boulevard East to the future east-west public road.

UTILITIES

36. 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.

37. 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:

38.1. Regarding Toronto Hydro-Electric System Limited (distribution group):

- a) A copy of "offer to connect" (OTC);
- b) Written confirmation that financial securities have been posted; and
- c) Written confirmation that satisfactory arrangements have been made.

38.2. Regarding Toronto Hydro Energy (streetlight group):

- a) A cost estimate of the construction/installation of streetlights, and the hydro inspection fee;
- b) Financial security in amount of 130% of the streetlight cost estimate and inspection fee; and
- c) A copy of written confirmation from Toronto Hydro Energy that satisfactory arrangements have been made.

NOISE MITIGATION

39. The Owner shall include the following specific warning clause in:

- a) all agreements of purchase and sale and lease, excluding agreements pertaining 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

40. Prior to Registration of the Plan of Subdivision, the Owner shall submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the applicant's Qualified Person, as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support this conveyance; all environmental documentation consistent with O. Reg. 153/04 requirements shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director of Engineering & Construction Services and copy to the General Manager, Transportation Services Division;

41. Prior to Registration of the Plan of Subdivision, the Owner shall pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City (7%) (plus HST), and submit an initial deposit of \$8,000.00 towards the cost of the peer review in the form of a certified cheque, to the Executive Director, Engineering & Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City);

42. Prior to Registration of the Plan of Subdivision, the Owner shall submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (Ontario Regulation 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Executive Director, Engineering and Construction Services;

43. At the completion of the site assessment/remediation process, the Owner shall submit a Statement from the Qualified Person based on the submitted environmental documents, to the Executive Director, Engineering & Construction Services for peer review and concurrence, which states: Policy for Accepting Potentially Contaminated Lands:

a) In the opinion of the Qualified Person:

i. It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and

ii. To the extent that the opinion in i. (above) is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.

b) Land to be conveyed to the City meets either:

i. The applicable Ministry Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9) for the most environmentally sensitive adjacent land use; or

ii. The Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.

44. Prior to Registration of the Plan of Subdivision, the Owner shall submit a Reliance Letter that is dated and signed by the applicant's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director of Engineering & Construction Services.

45. Prior to Registration of the Plan of Subdivision, for conveyance of lands requiring a Record of Site Condition (RSC):

a) the Owner shall file the Record of Site Condition (RSC) on the Ontario Environmental Site Registry; and

b) the Owner shall submit the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended and City's Policies, to the Executive Director, Engineering & Construction Services.

46. The Owner shall be responsible for compliance with all Certificate of Property (CPU) Requirements at no cost to the City until Assumption of Services and provide the City with copies of all reports prepared in satisfaction of the CPU requirements including but not limited to:

a) Soil Management Plan (SMP) and Health and Safety Plan (HASP) in form and content to the satisfaction of the General Manager, Transportation Services.

b) As-built drawings prepared and signed by a Qualified Person, which will describe the Property, placement and quality of all the barriers to site soils. The site plan shall include a plan and cross section drawings specifying the vertical and lateral extent of the barriers to site soils, to the satisfaction of the General Manager, Transportation Services.

c) Annual Report on or before March 31 of the year following the year to which the Annual Report relates.

47. Forthwith upon execution of this Agreement, the Owner shall pay \$36,425 (the "CPU Compliance Payment") to the City which shall constitute full and final compensation for any additional costs the City may incur related to the CPU Requirements post Assumption of Services.

METHANE TESTING

48. Prior to registration of the Plan of Subdivision, the Owner shall provide a gas investigation report along with a certified letter, signed and stamped by a qualified person, to state whether or not the investigation indicates that methane gas is detected at or about 1% volume in air, at any (subsurface) location on the property, to the satisfaction of the Manager, Closed Landfill Operations, Solid Waste Management Services.

PRIVATE TREES

49. This development proposes the removal of nine (9) trees over 30 cm in diameter on privately owned property. An application to Injure or Remove Tree(s) will be required prior to Site Plan Approval. Based on standard requirements, Urban Forestry requires a replacement ratio of 3:1 large growing native shade trees to be planted to the satisfaction of Urban Forestry on private property to replace private trees proposed for removal.

STREET TREE PLANTING AND PUBLIC REALM

50. 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.

51. 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.

52. 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.

53. 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. 54 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.

54. 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.

GENERAL

55. The Owner shall provide to the Director of Community Planning, Toronto and East York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (statement of account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to section 40 of the assessment Act or the provisions of the City of Toronto Act, 2006. In the event that there is an outstanding City initiated assessment or tax appeal, the Owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal.

56. The Owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.