

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: March 08, 2021

CASE NO(S): PL030514

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellant: See Schedule “1”
Subject: New Official Plan for the City of Toronto, as adopted by By-law No. 1082-2002
Municipality: City of Toronto
LPAT Case No.: PL030412
LPAT File No.: PL030412 (various files see Schedule “1”)
LPAT Case Name: 3C Lakeshore Inc. v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellant: See Schedule “2”
Subject: Proposed Official Plan Amendment No. 257
Municipality: City of Toronto
LPAT Case No.: PL030514
LPAT File No.: O030096

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: See Schedule “3”
Subject: By-law No. 1049-2006
Municipality: City of Toronto
LPAT Case No.: PL030514
LPAT File No.: R060297

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	3C Lakeshore Inc. (formerly Home Depot)
Subject:	Request to amend the Official Plan - Failure of City of Toronto to adopt the requested amendment
Existing Designation:	Central and East Bayfront
Proposed Designation:	Site Specific (To be determined)
Purpose:	To permit Commercial and Residential uses
Property Address/Description:	429 Lakeshore Boulevard East and 324 Cherry Street
Municipality:	City of Toronto
Approval Authority File No.:	05 171818 STE 28 OZ
LPAT Case No.:	PL060106
LPAT File No.:	O060034

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	3C Lakeshore Inc. (formerly Home Depot)
Subject:	Application to amend Zoning By-law No. 438-86 – Neglect of application by City of Toronto
Existing Zoning:	Mixed Industrial-commercial category
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit Commercial and Residential uses
Property Address/Description:	429 Lakeshore Boulevard East and 324 Cherry Street
Municipality:	City of Toronto
Municipal File No.:	05 171818 STE 28 OZ
LPAT Case No.:	PL060106
LPAT File No.:	Z060015

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellant:	See Schedule "4"
Subject:	Proposed Official Plan Amendment No. 388
Municipality:	City of Toronto
Municipal File No.	10 117319 SPS 00 OZ
LPAT Case No.:	PL101091
LPAT File No.:	PL101091

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellant:	See Schedule "5"
Subject:	Proposed Official Plan Amendment No. 389
Municipality:	City of Toronto
Municipal File No.	10 117319 SPS 00 OZ
LPAT Case No.:	PL101091
LPAT File No.:	PL101092

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant:	See Schedule "6"
Subject:	By-law No. 1174-2010
Municipality:	City of Toronto
LPAT Case No.:	PL101091
LPAT File No.:	PL101093

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	CASTAN Waterfront Development Inc., 1147390 Ontario Limited, 161774 Ontario Limited, 2017919 Ontario Limited and Marland III Corporation ("Castan")
Subject:	Application to amend Zoning By-law No. 438- 86 – Neglect of application by City of Toronto
Existing Zoning:	Industrial IC
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit Commercial and Residential uses
Property Address/Description:	351 & 369 Lake Shore Boulevard East (Victory Soya Silo Site)
Municipality:	City of Toronto
Municipal File No.:	07 143093 STE 28 OZ
LPAT Case No.:	PL101091
LPAT File No.:	PL101094

Schedule “1”***Appellants to the City of Toronto New Official Plan (PL030412):***

LPAT FILE No.	APPELLANT NAME	Appe al No.	Schedule
O030146	Pier 27 Toronto Inc. (formerly Avro Quay Limited)	27	B
O030219	Castan Waterfront Development Inc.	42	B
O030138	Harbour Remediation and Transfer Inc.	66	E
O030275	3C Lakeshore Inc. (formerly Home Depot)	68	B
O030167	Lafarge Canada Inc.	77	E
O030121	Ontario Power Generation	99	D

Schedule “2”***Appellants to the Official Plan Amendment No. 257 of the City of Toronto
(PL030514 – O030096):***

File No.	APPELLANT NAME	Site
O030219	1147390 Ontario Limited and Queen's Quay Avante Limited Greenland Lakeside Development Company	215 Lake Shore Blvd. E. and 178 & 180 Queens Quay East (“Fedex South Site”) (“Fedex North Site”)
2017919	Ontario Limited and Marland III Corporation Marland I Corporation and Marland II Corporation	351 & 369 Lake Shore Blvd. E. (“Victory Soya Silo Site”) 20 Polson St. and 176 Cherry St. (“Polson Quay”)
O030275	3C Lakeshore Inc. (formerly Home Depot)	429 Lake Shore Blvd. E. and 324 Cherry St.
O030146	Pier 27 Toronto Inc. (formerly Avro Quay Limited) Canadian Pacific Express & Transport Ltd. Concord Adex Development Corp Korex Don Valley ULC	25 Queens Quay East 150 Commissioners St. & 155 Villers St. Railway Land Central & West 21 Don Valley Parkway
O030167	Lafarge Canada Inc. Ontario Film and Television Studio Owners Association	54 Polson St and 535 Commissioners St Central Waterfront Secondary plan area
O030121	Ontario Power Generation Michael Shapcott (Toronto Disaster Relief Committee)	440 Unwin Avenue General appeal – Housing Policy

Schedule “3”***Appellants to the Zoning By-law 1049-2006 of the City of Toronto (PL030514 – R060297):***

<i>APPELLANT NAME</i>	<i>Site</i>
Redpath Sugar Ltd. (formerly Tate & Lyle)	95 Queens Quay East
QQE 162 Inc. (formerly Gemess Investments Ltd.)	162 Queens Quay East
Kintork (Ontario) Limited and Nuko Investments Limited	143-177 Lake Shore Blvd E & 130 Queens Quay E.
1147390 Ontario Limited	215 Lake Shore Blvd. E. and 178 &
Queen’s Quay Avante Limited	180 Queens Quay East (“Fedex South Site”)
Greenland Lakeside Development Company	(“Fedex North Site”)

Schedule “4”***Appellants to the Official Plan Amendment No. 388 of the City of Toronto (PL101091):***

<i>APPELLANT NAME</i>	<i>Site</i>
3C Lakeshore Inc. (formerly Home Depot)	429 Lakeshore Blvd. E. & 324 Cherry St.
1307547 Ontario Limited, 1341665 Ontario Limited, & 1536165 Ontario Limited	15-55 Polson St. & 222-238 Cherry St.
Royal Canadian Yacht Club	11 Parliament St.; 130 & 150 Cherry St.
Lafarge Canada Inc.	54 Polson St.
Toronto Waterfront Studios Inc.	225 Commissioners St.
2017919 Ontario Limited and Marland III Corporation	351 & 369 Lake Shore Blvd. E. (“Victory Soya Silo Site”)
Marland I Corporation and Marland II Corporation	20 Polson St. and 176 Cherry St. (“Polson Quay”)
1337194 Ontario Inc. & 2034055 Ontario Limited	309 Cherry St.

Schedule “5”***Appellants to the Official Plan Amendment No. 389 of the City of Toronto (PL101092):***

<i>APPELLANT NAME</i>	<i>Site</i>
3C Lakeshore Inc. (formerly Home Depot)	429 Lakeshore Blvd. & 324 Cherry St.
Royal Canadian Yacht Club	11 Parliament St.; 130 & 150 Cherry St.

Toronto Port Authority

30 Bay St. & 60 Harbour St.

Schedule "6"***Appellants to the Zoning By-law 1174-2010 of the City of Toronto (PL101093):***

<i>APPELLANT NAME</i>	<i>Site</i>
3C Lakeshore Inc. (formerly Home Depot)	429 Lakeshore Blvd. E. & 324 Cherry St.
Royal Canadian Yacht Club	11 Parliament St.; 130 & 150 Cherry St.
Lafarge Canada Inc.	54 Polson St.
Joseph Hauptert	307 Lakeshore Blvd. E.
2017919 Ontario Limited and Marland III Corporation	351 & 369 Lake Shore Blvd. E. ("Victory Soya Silo Site")
Marland I Corporation and Marland II Corporation	20 Polson St. and 176 Cherry St. ("Polson Quay")
1337194 Ontario Inc. & 2034055 Ontario Limited	309 Cherry St.

Heard: January 26 and 29, 2021 by video hearing

APPEARANCES:**Parties****Counsel**

City of Toronto	R.A. Robinson, S. O'Connor and L. Pinder
Toronto District School Board	P. Patterson
Toronto Waterfront Revitalization Corp.	C. Kapelos and A. Biggart
Lafarge Canada Inc.	K. Mullin and Aaria Rahim
Ontario Power Generation Inc.	M. Cicchino
Studios of America	Q. Annibale and B. Ruddick
Manufacturers Life Insurance Company	C. Williams and L. Dean
Cadillac Fairview Corporation Ltd.	No one appeared
1307547 Ontario Limited and others	N.T. Macos

Toronto Port Authority	A. Jeanrie
2034055 Ontario Ltd. and 1337194 Ontario Inc. (309 Cherry Street)	P. Harrington and S. Tomasella
Hydro One Networks Inc.	R. Dhillon and M. Engelberg
Toronto Waterfront Studios Development Inc.	I. Tang and L. English
Tribal, Castlepoint, Kerbel Inc.	M. Goldstein
CRH Canada Group Inc.	J. Kahn
Toronto Hydro-Electric System Limited	J. Debono and A. Kurtz

**INTERIM DECISION DELIVERED BY BRYAN W. TUCKEY AND G.C.P. BISHOP AND
ORDER OF THE TRIBUNAL**

[1] The Tribunal convened a settlement hearing on appeals related to the City of Toronto's ("City") approval of the proposed amendments to the City's Toronto Official Plan ("Toronto OP") being the Central Waterfront Secondary Plan ("CWSP") and the Port Lands Official Plan Modification ("PLOPM") that modified the CWSP as it applies to the Port Lands. The CWSP was approved by City Council on April 24, 2003. The appeals are pursuant to s. 17(24) of the *Planning Act*.

[2] The settlement hearing was attended by 15 parties. Counsel for Cadillac Fairview Corporation Ltd. advised the Tribunal they would not be in attendance but would submit a letter in lieu of their participation. All parties were canvassed on matters during the hearing as required. Participants in attendance are the West Don Lands Committee represented by John Wilson and Cynthia Wilkey.

[3] Counsel for the City, Mr. Robinson, provided the Tribunal with an overview of matters to be addressed during the settlement hearing. The Tribunal will: 1. be advised of the status of settlements reached with certain parties and have the resulting Minutes

of Settlement (“MoS”) filed with the Tribunal where available; 2. hear planning evidence regarding both the CWSP and the PLOPM and the settlements resulting from the Tribunal led mediation; and 3. finalize a Procedural Order (“PO”) that will manage the contested portion of the hearing on this matter beginning **Tuesday, April 6, 2021**. This settlement hearing commenced on January 26, 2021, recessed for two (2) days to allow the parties more discussion on the noise and air quality matters and reconvened on January 29, 2021 for one additional day.

[4] Mr. Robinson outlined for the Tribunal a strategy for the scheduled hearing days. He also summarized the status of parties which are conveniently divided into three classifications being: those who have settled; parties where there remain outstanding noise and land use compatibility issues; and parties whose issues have not been resolved and will be contested at the **April 6, 2021** hearing.

[5] The Tribunal is asked to decide on two matters at the conclusion of the settlement hearing, being:

- a. Approval in principle of the recommended modifications to the CWSP and the PLOPM; and
- b. Review and finalize a PO to manage the **April 6, 2021** contested hearing.

[6] To make these rulings, the Tribunal must, through evidence, determine that the planning process followed is appropriate and the CWSP, PLOPM and recommended settlements (“matters before the Tribunal”) are in conformity with relevant Provincial Policy.

[7] The parties are asking the Tribunal to allow the appeal in part and accept the modifications to the CWSP and the PLOPM presented at this hearing. Final approval of all matters relating to Phase 1 of the PLOPM hearing - Land Use, Building Heights, Transportation and the Street Network will come after the completion of the contested hearing in **April 2021**.

[8] The parties were canvassed, had no issues and are in support of the City's strategy to deal with matters before the Tribunal.

[9] Mr. Robinson noted that there are six parties that remain with noise, air quality and land use compatibility issues. He expected that during this hearing, parties will have the opportunity to meet and decide, on whether these issues are adequately addressed. The outcome of these discussions will impact the content of the PO.

[10] Mr. Robinson submitted a draft PO that had been circulated to all parties before the hearing and comments from the parties were incorporated as appropriate.

MINUTES OF SETTLEMENT ("MoS")

[11] Mr. Robinson submitted four MoS to the Tribunal which further define and clarify the basis for settlements and result in a significant reduction of issues found on the July 2020 PO's Issue List. The four MoS are between the City and:

- a. Lafarge Canada Inc, Toronto Port Authority and CRH Canada Group Inc and relates to the development of a Goods Movement Strategy (Exhibit 3). A firm is hired to complete the strategy and there is commitment to have findings and recommendations reflected in the Environmental Assessment.
- b. Toronto Waterfront Studios Development Inc and Pinewood Toronto Studios (Exhibit 4) which is a large studio facility. The MoS deals with such issues as: agreed upon policy modifications; a hotel permission on the studio campus, built form matters; protection of the Don Roadway right-of-way and identifying that a Municipal Comprehensive Review is required for any residential permissions.
- c. Ontario Power Generation and Port Lands Energy Centre (Exhibit 5) relating to the proposed realignment of Unwin Avenue. The proposed

realignment could impact their operations. Signatories will consult and participate in the Environmental Assessment process where alternative alignments are to be evaluated.

- d. Toronto Waterfront Revitalization Corp., Hydro One Networks Inc., and Toronto Hydro-Electric System Inc. (Exhibit 6). This MoS outlines agreed policy modifications that recognize such matters as: the importance of the Hydro infrastructure; the impact of the alignment of the proposed Broadview Extension on the Basin Transformer Station (“Basin TS”) and a methodology should this extension impact this existing facility. There is a recognition that many hydro related approvals are outside the purview of the *Planning Act* so a Senior Leaders Group (along with a series of advisory groups) will be established to discuss technical hydro issues as they arise.

WITNESS

[12] The parties called one land use planning witness in support of the proposed settlement. Cassidy Ritz (“Ms. Ritz”, “she”, “the Planner”) is an experienced planner for the City and is qualified as an expert in land use planning. She provided evidence to the Tribunal on how both the CWSP and the PLOPM, and the proposed modifications, meet the requirements of the relevant planning policy documents, the test of good planning and are in the public interest. Her Affidavit is Exhibit 2 to this proceeding. Ms. Ritz’s testimony and witness statement are the basis for the following planning analysis.

BACKGROUND AND AREA CONTEXT

[13] The Port Lands are located east of Toronto’s downtown between the Inner Harbour and Leslie Street and south of Lakeshore Boulevard. It is comprised entirely of lands created by fill that began in the late 1800s and continued in 1916 by the Toronto Harbor Commissioners. The purpose was to create a new industrial district and waterfront parks. It is an extremely large district with a total area of 325 hectares (“ha”)

(800 acres). The district is serviced with a network of streets, railway lines and deep water docking along the Ship Channel. The ship channel runs in a general east-west direction and bisects the Port Lands.

[14] The industrial nature of the port continued and by 1931 there were more than 40 industries. The significant hydro-electric presence in the port began in 1949 when Ontario Hydro began the design and construction of the R.L. Hearn Generating Station ("Hearn").

[15] Most of the lands are held by public agencies including: the City, Federal or Federally-affiliated bodies, the Province and Waterfront Toronto. Private interests own approximately 33 ha of land and there are several long-term leases on City-owned land.

[16] The evolution of the port continues and today one finds a large amount of underutilized or vacant lands. There are a number of important existing industrial and employment uses including: film and media studios; cement and aggregate industries; power generation and transmission facilities; a variety of municipal yards; a waste transfer station; port uses related to the import and storage of road salts and construction materials; and a number of commercial uses. There are several important parks and open spaces in and immediately adjacent to the Port Lands. Several buildings and structures are listed in the City's Inventory of Heritage Properties and two are designated under the *Ontario Heritage Act* (the Hearn and 281 Cherry Street).

[17] Existing municipal servicing is limited and dates to when the Port Lands were created in the early 1900s. Most existing municipal services are located north of the Ship Channel. There is limited servicing found south of the Ship Channel.

[18] The existing hydro-electric infrastructure in the Port Lands is worthy of note as it must be considered in the implementation of the PLOPM. The major hydro infrastructure and facilities include: one Hydro One 115kV overhead transmission line, four Hydro One underground 115kV transmission circuits between the Don Fleet Junction and connect into the Basin TS, two Hydro One underground 115kV

transmission circuits that run from the Hearn Switching Station and connect with the Leaside Transformer Station; 28 medium voltage (13.8Kv) Toronto Hydro distribution circuits; Hydro One and Toronto Hydro's Basin TS; the Hearn switching station; and Ontario Power Generation's - Portland's Energy Centre.

[19] The surrounding area is made up of a variety of land uses and natural features. To the west is the Inner Harbour. To the south is the Outer Harbour and Tommy Thompson Park (commonly known as the Leslie Street Spit) and Cherry Beach. To the east one finds industrial city facilities including Ashbridge's Bay Treatment Plant and a streetcar yard known as the Leslie Barns. To the north, land is designated as an employment area referred to as the South of Eastern Employment Area in the City's Official Plan.

PORT LANDS RELATED PLANNING INITIATIVES

[20] Suffice to say, there is a long history of planning initiatives to create the public policy that shapes the Central Waterfront and the Port Lands. Planning for waterfront revitalization began in earnest in 1988 with the creation of the Royal Commission on the 'Future of the Toronto Waterfront'. The City followed a coordinated, iterative, robust and comprehensive process between November 1999 and April 2003 which informed the content and ultimately the approval and enactment of the CWSP Official Plan Amendment No. 257 ("OPA 257") on April 16, 2003. OPA 257 was appealed to the Ontario Municipal Board by several Appellants. Resolution of appeals is on a sub-area basis. The Local Planning Appeals Tribunal ("LPAT") by Order brought the approved portion of the CWSP into the City's Official Plan. The Port Lands was excluded from the LPAT order due to several unresolved appeals.

[21] Due to the Port Lands size and scale, Ms. Ritz stated that it "has long been identified as a regeneration and renewal centre piece with global significance to the City, Province and the country as a whole". It continues to be a major location of transformation and city-building that includes a variety of exceptional places with a diverse mix of uses all connected by a high-quality public realm. It also represents one

of the most complex areas with significant challenges, competing interests and opportunities found within the City. After the 1988 Royal Commission there have been a series of plans (including OPA 257) and actions that managed to solve some of the area challenges but the need for a more robust, comprehensive statutory Official Plan policy framework to guide the Port Lands was evident.

[22] Therefore, the City along with Waterfront Toronto, undertook one of the largest, integrated City planning initiatives of its kind. Although comprehensive in extent, three fundamental questions were germane:

- a. What is the vision for the Port Lands?
- b. What are the appropriate mix of land uses to achieve that vision over the planning horizon?
- c. What infrastructure is needed in both functional and aesthetic terms to support the revitalization and envisioned land uses, and ensure prudent public investment?

[23] Key objectives are to provide a framework to guide short, medium and long term decisions by all interested stakeholders while establishing a change management program that will provide the necessary flexibility to manage the inevitable challenges and requisite uncertainties of a 325 ha area so near the heart of the City.

[24] In the making of the PLOPM, City Officials designed and implemented an extensive consultation process. Elements of the program included: several advisory committees, three major public consultation meetings, a charrette, several workshops and consultation with First Nation and Aboriginal Communities. Meeting with landowners, representative of key existing uses and relevant Provincial agencies were organized throughout the plan making exercise. The City engaged an Expert Review Panel to provide ongoing advice to and feedback on emerging principles and policy directions.

[25] In November 2013 the second phase of the Port Lands Acceleration Initiatives began with an integrated planning process designed to:

- a. Develop a comprehensive plan to guide revitalization and more robust policy direction for the area;
- b. Ensure prudent private and public investment with coordinated infrastructure planning; and
- c. Try to resolve the outstanding appeals at the LPAT.

[26] The results of the Port Lands Acceleration Initiatives include:

- a. A comprehensive plan to guide and manage change as the Port Lands transform thereby informing the policies and directions of the PLOPM which modifies the CWSP;
- b. Develop a detailed precinct plan for Villers Island which provides detailed strategies and guidelines for the development of this island mixed-use community. Relevant aspects of this precinct plan are integrated into the PLOPM; and
- c. The Transportation and Servicing Master Plan Environmental Assessment ("TSMP EA") to address the significant municipal infrastructure requirements necessary for the Port Lands.

Precinct planning for other districts is now on hold awaiting more detailed direction.

[27] The City has experienced very rapid change over the last number of years. This means the PLOPM could not be completed in isolation and is in keeping with, and complements, other major planning initiatives in the area being:

- a. Official Plan Amendment No. 387, relating to streets and transit in the South of Eastern Employment Area, was adopted by City Council in December 2017.
- b. Applications were submitted in the Uniliver precinct to create a substantial new office node that may attract upwards of 50,000 employees. The applications were approved by City Council in 2018.

[28] It is not possible in this decision to give justice to the extensive, comprehensive and iterative planning process that the City, Waterfront Toronto, the Provincial Government and its many agencies and an all-encompassing list of stakeholders put into the construct of the CWSP and the PLOPM. The Tribunal is impressed with the efforts of all involved.

CENTRAL WATERFRONT SECONDARY PLAN

[29] The planner noted that the CWSP is based on four core principles that apply across the extensive area of the waterfront and are critical elements of the Official Plan Amendment being: Removing Barriers and Making Connections; Building a Network of Spectacular Waterfront Parks and Public Spaces; Promoting a Clean and Green Environment; and Creating Dynamic and Diverse New Communities. It also identifies a series of 'Big Moves' and policies under each core principle.

[30] The CWSP takes a simplified approach to land use designations. Only three land use designations are used being: Parks and Open Space Areas; Regeneration Areas; and Existing Use Areas. There is extensive policy direction that addresses a wide range of implementation matters including: precinct implementation strategies; holding provisions; planned right-of-way widths and identification of dedicated transit corridors.

[31] Portions of the CWSP were approved by LPAT Order in August 2016. Further agreed upon CWSP policies are the subject of this settlement hearing and are

discussed later in this decision.

[32] Ms. Ritz advised the Tribunal that she is relying on the August 16, 2018 version of the CWSP except for Maps A through E as depicted for the Port Lands in the evidence presented and her witness statement.

PORT LANDS OFFICIAL PLAN MODIFICATION

[33] Ms. Ritz described how the PLOPM consolidates most of the policy directions specific to the Port Lands. It is an Area Specific Policy and is Schedule C to the CWSP. The vision for the Port Lands is clarified and development in the Port Lands will be in accordance with the vision statement. The CWSP contains the overall policy framework and the PLOPM provides more specific policy direction.

[34] The vision outlines how the Port Lands will be transformed and establishes the 'seven Big Moves' that provide the required structural building blocks, being:

- 1) The naturalized mouth of the Don River and Don Greenway;
- 2) Six signature north-south streets that will connect the Port Lands to the rest of the City;
- 3) Four east west connections that will unite the Inner Harbour to the natural areas in the eastern Port Lands;
- 4) A blue-green park network intended to create new and varied public spaces that capitalize on adjacent water bodies and features;
- 5) Creating several destinations intended to be unique city-wide attractions (Inner Harbour special places are illustrated on Map E of the CWSP);
- 6) Establish 13 unique and memorable districts each to have their own

distinct character and recognizing their individual exceptional assets. Some districts will help contribute to housing supply while others will support key economic, business and industry sectors; and

- 7) Establish a resilient urban structure to support the distinct Port Lands districts as they exist today and transform into the future.

[35] The PLOPM's area specific policies address the challenge to establish a balance between diverse interests and recognizing the vast scale of the Port Lands. Objectives speak to such subjects as: contributing to the City's economic prosperity and competitiveness; creation of destinations; recognition it is the City's only working port; and to manage the interface between the port and industrial areas with the new neighbourhoods to be created.

[36] The net effect of PLOPM policy formulation is to allocate developable land areas within the port as follows: one third for new communities and planned destinations; one third to grow key employment sectors; and one third for continued port and industrial activity.

[37] To achieve the vision of the PLOPM, the City is entering into one of the largest city building exercises in its history with the estimated cost of this undertaking to be \$4.5 billion. Presently construction is underway for the \$1.25 billion naturalization of the mouth of the Don River and flood protection works needed to realize the vision of the PLOPM. Included is a comprehensive review of implementation requirements including street and transit networks.

PROVINCIAL POLICY

[38] Ms. Ritz advised the Tribunal on how both the CWSP and PLOPM are consistent with or conform to provincial policy. Considerable time has passed since the adoption of the CWSP and different versions of the various provincial policy documents were in force during this period. Suffice to say Ms. Ritz opined that there were no adjustments

in the Provincial Policy regime that would change her planning opinion on the matters before the Tribunal. In the following review of Provincial Policy, the Tribunal recognizes the opinion evidence is directed towards the CWSP, PLOPM and the proposed settlements all of which are matters before this Tribunal.

[39] Ms. Ritz's review began with s. 2 of the *Planning Act* ("Act") and the requirement that the City and Tribunal shall have regard to matters of provincial interest. The Act references 20 matters of provincial interest in its most recent version. Statements relate to a wide range of issues including orderly development of safe and healthy communities, the appropriate location of growth and development, promotion of sustainable development, protection of the health and safety of people, and ensuring orderly development.

[40] The Tribunal accepts Ms. Ritz's evidence in its entirety and finds the proposed modifications before the Tribunal have appropriate regard for the matters of provincial interest found in s. 2 of the Act.

[41] Ms. Ritz outlined the various Provincial Policy Statements that have been in-force during the evolution of the subject plans. She advised the Tribunal that all matters before the Tribunal were reviewed against all versions of in-force Provincial Policy Statements. Important to the Tribunal, is to ensure the matters before it are consistent with the 2020 Provincial Policy Statement ("2020 PPS") in-force at the time of this decision.

[42] In her evidence, the planner outlined relevant policies and key objectives of the 2020 PPS which included:

- a. Promoting efficient development and land use patterns;
- b. The integration of land use planning, growth management and transit supportive development;

- c. Building strong communities;
- d. The efficient and wise use of resources including land and infrastructure;
and
- e. Protecting public health and safety.

[43] Ms. Ritz opined that “the resultant land uses contemplated in the revised PLOPM will contribute to intensifying underutilized areas, a strong economy and a clean and healthy environment, which are key objectives of both the Provincial Policy Statement (“PPS”) and the Growth Plan.”

[44] The Tribunal accepts Ms. Ritz’s evidence in its entirety and finds the matters before the Tribunal are consistent with the 2020 PPS.

[45] Ms. Ritz advised the Tribunal there were different versions of the Growth Plan in force as these matters made their way through the approval process. Ms. Ritz opined that decisions on planning matters in the Port Lands following the approval of the PLOPM must conform to the policies found in the ‘A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019’ (“Growth Plan 2019”) and therefore “it is good planning and appropriate to consider” the matters before this Tribunal against the most recent version of the Growth Plan. The Tribunal agrees.

[46] Ms. Ritz reviewed the Growth Plan 2019 in detail and in her evidence, she described its three pronged framework for managing growth. The policies speak to:

- a. directions for where and how to grow, including and ensuring that employment areas remain competitive and continue to develop and thrive;
- b. the provision of infrastructure to support growth; and
- c. protecting the natural environment and culture heritage resources.

[47] The Planner opined that “the portions of the Port Lands OPM that can be brought into force provide for new high-quality living and working opportunities alongside new internationally-recognized destinations. They protect and safeguard Toronto’s only working port and important city-serving industries that must be located close to Toronto’s downtown core.” She goes on to opine that “the street and transit connections included in the revised Port Lands OPM, and their associated plan right-of-way widths, will support the land uses contemplated, and provide a connected and resilient transportation network conceived for the planning horizon and beyond”.

[48] The Tribunal accepts Ms. Ritz’s evidence in its entirety and finds the matters before the Tribunal conform to the Growth Plan.

TRIBUNAL ANALYSIS OF PLAN MAKING AND RELEVANT PROVINCIAL POLICY

[49] The Tribunal finds that the City followed a careful, complete, comprehensive and transparent planning and technical process to arrive at the policies found in the CWSP and the PLPOM. Such a process is necessary because of the Port Lands scale, diversity in land use and its ultimate potential as imagined.

[50] The area is very complex with a variety of competing interests. The Port Lands have been the subject of numerous plans and strategies over the past 20 to 30 years. Each successive plan had the effect of ‘moving the bar’ and each managed to solve some of the many challenges but were somewhat piecemeal in outcome. The Port Lands is best served by a comprehensive plan that provide the necessary land use, transportation and infrastructure framework for what is an extremely important and major City building effort.

[51] To achieve this end, the City and Waterfront Toronto undertook one of the largest, integrated range of studies of its kind. The overarching policies of the CWSP were further refined, clarified and detailed by the PLOPM which is the outcome of this process.

[52] The Tribunal commends the efforts of the City and all stakeholders to create Official Plan documents that create a vision and establish the framework to implement this vision as the Port Lands evolve. The policies found in the CWSP and PLOPM provide a complete and comprehensive basis to guide the development of required infrastructure, establishing new resilient and interesting communities, growing employment sectors while maintaining the working port that is so important to the City and the Province.

[53] The Tribunal accepts Ms. Ritz's uncontested opinion that the policies found in the CWSP and PLOPM that are the subject of this settlement hearing, have regard to the matters of Provincial Interest in s. 2 of the Act, are consistent with the 2020 PPS and are in conformity with the Growth Plan 2019. The Tribunal agrees with the planner's assessment that the subject Official Plan policies are in the public interest and represent good planning.

PROPOSED SETTLEMENT

[54] All parties took advantage of both Tribunal led mediation along with their own independent settlement discussions. These efforts are very successful and resulted in the resolution of an outstanding number of issues. Ms. Ritz described in detail the portions of the CWSP as modified by the PLOPM that can be brought into full force and effect if approved by the Tribunal. The Tribunal's evaluation and findings are taken from her evidence at the hearing and Affidavit found in Exhibit 2 to this proceeding that thoroughly described the proposed settlement modifications.

[55] A complete and final description of all proposed settlement modifications, to both the CWSP and PLOPM, are identified by the mint green shading in Exhibit 7 and are appended as Attachment 1 to this decision.

[56] Ms. Ritz described in her Affidavit the proposed settlement policy modifications using thirteen themes. The Tribunal will review the proposed settlements making use of the same thematic areas.

Land Use Compatibility

[57] A major focus of the Phase 1 of this hearing is land use compatibility. There is a considerable range of different land uses that will eventually co-exist in the Port Lands and there needs to be an appropriate transition of the various districts to minimize potential conflicts.

[58] Ms. Ritz, in her evidence, outlined the approved land use compatibility policies of the PLOPM which consist of:

- a. District specific policies (s. 4.2) for the three planned mixed use residential communities being: Villers Island, Polson Quay/South River and McCleary. The policies detail specific requirements for the consideration of residential and other sensitive uses to address possible adverse effects from port and industrial uses; and
- b. A series of general land use compatibility policies (s. 4.7) that have broader application in the Port Lands relating to other non-residential sensitive uses contemplated in different Districts.

[59] The original policies in the PLOPM relating to Noise and Air Quality were informed by a 2016 study. In preparation for Phase 1 of the hearing, the City's noise and air quality expert's (Golder) prepared updated noise and air quality modeling using the most recent and accurate information available. The updated modelling showed reduced noise and air quality impacts that were confirmed by experts retained by parties. The revised modeling conclusions allowed the City to revise many of the PLOPM's land use compatibility policies. The net effect of the proposed settlement is "to provide some additional flexibility in certain instances while recognizing the Port Lands has unique operations (e.g. port uses, outdoor bulk storage of salt and aggregates and the Portland's Energy Centre) that are not found elsewhere in Toronto".

[60] The proposed revisions update both the general and District specific policies as

well as adding appropriate new general policies. The City and parties developed Port Land specific Terms of Reference (“TofR”) to guide more detailed application review of air quality and noise impacts as required and will be included as non-statutory attachments to the PLOPM specific policies. The TofR are found in Exhibit 8 and 9 and discussed later in this decision.

[61] The planner provided evidence on the key aspects of the modifications found in the proposed settlement which include:

- a. An update to various district specific policies to reflect key land use compatibility issues and several refinements to address source mitigation;
- b. New policies (s. 4.7.2) that speak to collaboration between development proponents and existing major Port Land facilities along with cost sharing in certain defined instances;
- c. New policy (s. 4.7.3) that sensitive development proponents must be consistent with the Province’s NPC 300 publication and the policies of PPS 2020;
- d. Refinements to the Sensitive Use definition (s. 4.7.5);
- e. Updates to various policies to identify the requirement for more detailed air quality and noise studies as required by the TofR in accordance with provincial regulations and guidelines;
- f. Additional clarity to policy s. 4.7.7 that identifies potential approaches to achieve compatibility;
- g. New policy related specifically associated with energy transformer stations (s. 4.7.8);

- h. Refinements to the warning clause policy (s. 4.7.11);
- i. Clarification to policies related to new expanded and/or relocated port and industrial uses (s. 4.7.12 and s. 4.7.13); and
- j. A new policy (s. 4.7.14) clarifying that District specific land use compatibility policies will prevail if there is a conflict with the general policies.

[62] The Tribunal finds the policies as modified in the proposed settlement are designed in such a way to appropriately manage the long term transition of the Port Lands and ensure the compatibility between sensitive land uses are recognized, evaluated and properly mitigated. The policies are based on the most current information and modelling available and have been comprehensively review by qualified and experienced experts. The terms of the proposed settlements are both in statutory and non-statutory documents.

[63] Ms. Ritz noted that Turning Basin and Heard Districts have two contingent polices that were the subject of mediation. These policies are conditional on residential being permitted in these district's and will be adjudicated at the **April 2021** hearing.

Land Use Designations and Permissions

[64] Ms. Ritz described the three land use designations found in the PLOPM and identified on Map E (Land Use Plan) of the CWSP. The three land use designations are:

- a. Parks and Open Space;
- b. Regeneration Areas; and
- c. Existing Use Areas.

[65] The CWSP includes consideration of the varied uses in the Port Lands but does not specifically identify where these uses should be located or how different land uses may co-exist. The land use permissions are based on a 'District approach' found on Map 3B PLOPM – Districts Area policies (s. 4.2 and s. 4.3). It is where these compatibility issues are recognized and a framework intended to balance and manage competing interests, while providing the necessary land use structure, is described. It was noted in the planner's evidence, that Regeneration Areas in the CWSP differs from those found in the City of Toronto Official Plan intended to recognize the broader range of industrial uses that are found, and will continue to exist, in the Port Lands.

[66] The planner noted the major considerations of the proposed settlement which resulted in several changes and refinements to both policy (s. 4.2 and s. 4.3) and Map Schedule 5 (Map E – Land Use Plan) which include:

- a. Removal of the Parks and Open Space designations around the existing Hearn building to allow additional flexibility in final design of the spaces adjacent to this imposing structure; and
- b. Refinement of the water edge promenades policies in the Port Lands Specific Policy recognizing the different character from other promenades in the City.

[67] The Tribunal finds the modifications to the land use designation and permissions found in the proposed are appropriate. Further review has allowed all parties to gain a better understanding of the issues and Tribunal led mediation assisted parties to find common ground resulting in the majority of s. 4.2 and s. 4.3 policies to be refined in a way that is generally accepted.

District Specific Land Use Policies

[68] As previously noted, the PLOPM's land use designations are constructed around a series of 13 Districts. Ms. Ritz described how each has different principles regarding

the future development, land use policy, and built form to name a few. Mediation resulted in proposed settlements for several of the Districts.

[69] The planner described the important changes in the relevant district policy. In the Polson Quay District, an interim use policy (s. 4.2.2 (i)) has been introduced that recognizes existing uses and defines criteria for how new or expanded uses may be considered to ensure they support the District's mixed use vision.

[70] Policies for the Media City and Turning Basin Districts have been separated and relate specifically to each individual district. Modifications in the Media City District recognize the existing critical mass of production studios, related uses and a range of supportive uses needed to sustain this important activity.

[71] The Turning Basin District land use policy remains under appeal.

[72] In the Hearn District, additional permissions included general office and vertical farms. Residential issues remain under appeal in this district.

[73] Ms. Ritz emphasized the importance of public utility land uses that presently exist in the Port Lands. The proposed settlement addresses these uses with a new policy (at the end of s. 4.2) generally permitting utility uses throughout the Port Lands (except lands reserved for port uses).

[74] The Tribunal finds the proposed settlement to District specific land use matters as presented in evidence supportive of the longer-term vision of the Port Lands and appropriately establish a balance between existing and future uses which will support and enhance the Districts' evolution. The Tribunal recognizes there is District specific policy that remains contested.

Port Lands Specific Land Use Permissions

[75] Ms. Ritz then described to the Tribunal that the proposed settlement included

modifications to a number of Land Use permissions including: Mixed-Use Residential, Interactive and Creative (PIC) Mixed-Use, PIC Core, Light Industrial and Productions, Port and Industrial and Destination and/or Catalytic (s. 4.3.1, 4.3.2, 4.3.3, 4.3.5, and 4.3.6).

[76] The planner opined that the effect of the proposed settlement modification is to provide consistency with the City's Official Plan, clarity for public schools and to more clearly set out the PLOPM land use compatibility policies for sensitive uses.

[77] Revisions to the Destination and/or Catalytic District's or sites policy (s. 4.3.7), added clarity to the uses that are desirable and permissible and the types of non-residential uses that could be permitted in these locations.

[78] Further clarification to the specific policy which defines 'what a port use is' (s. 4.3.5) has also been addressed.

[79] The Tribunal finds the modifications to the specific Land Use permissions in the PLOPM to be appropriate and provide clarity that serve to enhance existing policy. The modifications reinforce the importance of addressing land use compatibility in relation to sensitive uses, the clarification of issues related to public schools that will be required to support the new residences and a framework to better understand exactly how the Port is to be defined. All are important elements in managing the evolution of the Port Lands.

Expansion and Protection of Industry

[80] Ms. Ritz emphasized that the policy framework of the PLOPM is designed to ensure the protection and expansion of industry which is of major importance to both the Province and City. The Port Lands industrial and employment attributes include: it is a strategic employment area; has excellent access to the City and larger region; and has unique port related infrastructure and facilities. It recognizes there is no other viable location in Toronto that could satisfy the specific needs this port now provides.

Hence, policy is designed to protect port and industrial uses and accommodates the potential need for expansion of these uses. It is very much an active, 'working port'.

[81] The proposed settlement addresses issues with two specific operations. The Cement Terminal in the Polson Quay District and the concrete batching plant located in the Warehouse District. Both are existing uses. Policy in the PLOPM did call into question the land use permission for both facilities. Evidence demonstrated that the Cement Terminal had greater policy protections than the concrete batching plant.

[82] Policy specific to the Cement Terminal (s. 4.2.2 (b)) recognizes the existing operation and its ability to expand to meet operational needs. A new policy (s. 4.3.6 (d)) is added to deal with the concrete batching plant in a similar and consistent manner. Should the existing uses cease to operate, new Port and Industrial uses are not permitted.

[83] The Tribunal finds the City's approach to existing industrial operations advocated by the proposed settlement to be fair and strikes an appropriate balance so these industries that are vital to the 'building of Toronto' (and the larger region) will be able to continue operating while being clear that the vision of the Port Land District in which they reside will evolve in a different direction over the long term.

Schools

[84] The planner advised the Tribunal that through the mediation, a proposed settlement with the Toronto District School Board ("School Board") served to resolve the remaining outstanding issues by:

- a. clearly stating that school sites will be determined when precinct plans are prepared (s. 7.5.1, 7.5.2 and 7.5.6);
- b. recognizing that secondary school programming may be required (s. 7.6);
and

- c. recognizing the School Board must be in support of revising a school priority identified in the PLOPM (s. 7.8).

[85] The Tribunal finds when one considers the number of new residents (and students) that will choose to live in certain Port Land Districts, that the School Board has the comfort that their future service needs are recognized and addressed in policy. The proposed settlement does just that.

Retail

[86] Ms. Ritz opined that the City must carefully plan for retail to serve the residential uses found in the newly transitioned districts. The PLOPM does this by establishing Priority Retail Streets and Frontages (Map 3C). Policy relating to Priority Retail Streets recognizes that retail takes time to establish itself; is best when grade related; is not appropriate everywhere; but where retail is appropriate, it must be protected for and should create a streetscape that is animated and active.

[87] It is worthy of note that a long standing policy objective in the CWSP restricts large format stand alone and big box retail. The PLOPM further restricts retail uses larger than 3,500 square meters ("sq m").

[88] City Council endorsed several modifications to the PLOPM outlined in the proposed settlement and described by the planner, including:

- a. Recognizing that some heritage buildings are not flush with grade (s. 4.8.2);
- b. Enabling flexibility in certain Districts by allowing retail stores greater than 3,500 square metres subject to a number of criteria and an amendment to the Zoning By-law (s. 4.8.4). ;
- c. Enabling a single retail store greater than 3,500 square metres in the

Hearn District considering the unique nature of the existing structure. Such a retail store is subject to specific criteria and an amendment to the Zoning By-law (s. 4.8.6). The cap on the total amount of retail in the District is maintained (s. 4.2.7);

- d. In the balance of the employment area specific Districts, the 3,500 square metre restriction remains in place.
- e. Clarifying the types of uses required, or can be provided, that would serve to animate the ground floor along the established Priority Retail Streets and Frontages; and
- f. Removing the Priority Retail Streets and Frontages along Commissioners Street in the Media City District (Map 3C) and clarifying existing policy terminology (s. 4.2.4 (b)).

[89] The Tribunal finds that the retail policy in the PLOPM is appropriate both in structure and content and should effectively manage the evolution of retail where properly located. The establishment of retail uses in new communities takes time and policy is designed to protect and ensure locations are available when its time has come. Retail is not appropriate everywhere and the policy framework clearly recognizes that reality. The proposed settlement's retail modifications serve to better define and clarify policy intent, recognize existing conditions and maintain the City consistent restrictions on large format retail while providing some flexibility where reasonable.

Street Network

[90] The resolution of issues regarding the proposed transportation network in the Port Lands is an important issue to Phase 1 of this hearing. Ms. Ritz outlined how the PLOPM defines a structural framework for the area's transportation network to ensure the necessary capacity, connectivity (both within the Port Lands and with the rest of the City), resiliency and required redundancy to support all modes of transportation. Major

streets are described on modified Map A and right-of-ways where Transit is dedicated are found on Map B and in Schedule A of the PLOPM.

[91] Evidence from the planner indicated that the street and transit network along with the planned right-of-way that is found in the PLOPM were informed by Phase 1 and 2 of the Lower Don Lands Municipal Class Environmental Assessment and the Port Lands and South of Eastern Transportation and Servicing Master Plan (“TSMP EA”) while recognizing that more study is needed to confirm precise street alignments. Phase 3 and 4 of the TSMP EA is where a more thorough study is properly completed. The detail of proposed settlement policy modifications is found in the following four sections of the decision after a review of the overall Street Network.

[92] The street and transit network are a product of two Class Environmental Assessment’s (“EA”) that followed an integrated planning process. Preferred street alignments were established in Phase 2 of the TSMP EA process and found generally acceptable except for two potential alignments being:

- a. The final alignment of the eastern portion of Unwin Avenue to allow for additional study to determine impact on adjacent existing land uses; and
- b. The proposed southern extension of Broadview Avenue and the realigned Basin St.

The outstanding issues regarding Unwin and Broadview Aveune are reviewed in the following two sections of this decision.

[93] The Tribunal finds the street and transit network provides the structural framework necessary to ensure all modes of transportation are accounted for and implemented as the Port Lands evolve. The network will provide appropriate connectivity, redundancy and the necessary capacity to support the PLOPM.

[94] The Tribunal notes there are street segments that remain contested and will be

the subject of the **April 2021** hearing. Issues relate to the extension of Broadview Avenue, south of Commisoners Street, and the realigned Basin Street as are described on Map A, page 21 and Map B – Transit Plan of the PLOPM. Both map schedules are found in Exhibit D, pages 21 and 22 of Ms. Ritz’s Affidavit being Exhibit 2 of this proceeding.

Broadview Avenue Extension and Realigned Basin Street

[95] Ms. Ritz in her evidence described the Broadview Avenue extension as “a new civic spine and one of the Port Lands six signature streets, connecting the Port Lands to the Broadview Subway Station, Riverdale Park...Chinatown East and the planned East Harbour Mobility Hub”. The east-west street referred to as the realigned Basin Street would function as a collector street to support intensification. The need for the Broadview Avenue extension to Unwin Avenue is identified in the TSMP EA. A major issue regarding this extension is the impact the connection would have on the existing Basin Transformer Station. Ms. Ritz advised that “Both Hydro One and Toronto Hydro indicated their preference is for the Basin TS to stay in its current location.”

[96] The planner opined that the proposed settlement serves to address the issues raised by Hydro One and Toronto Hydro. Phases 3 and 4 of the TSMP EA will consider the original preferred as well as additional alignments both for the Broadview Avenue extension and the new Basin Street east-west extension “that do and do not require the relocation and/or reconfiguration of the Basin TS.” Policy revisions related to (s. 2.1.2 (c)) the Broadview Avenue extension serve to recognize the need to explore alternative alignments. Regarding the new east-west Basin Street, a new policy (s. 9.4) is added. Hydro One and Toronto Hydro will participate fully in Phases 3 and 4 of the TSMP EA.

[97] The proposed settlement includes the addition of two policies being: 1. A recognition that parts of the transportation network improvements may be required as intensification proceeds and allows Applicants to advance development proposals with appropriate justification (s. 9.5); and 2. A recognition of the existing Basin TS and Hearn Switching Station outlining key considerations should there be a need to

reconfigure or relocate the Basin TS.

[98] The Tribunal notes again the issue relating to the Broadview Avenue extension as it relates to its potential impact on Port operations as detailed in paragraph 94 of this decision.

[99] The Tribunal finds that issues around the proposed extension of Broadview Avenue is indicative of the challenges in the re-imagining of large areas in the City. In this case, there are existing major, regionally significant hydro-electrical facilities in Port Lands and any impact on these facilities must be carefully considered. The policies that have been added or revised, when combined with the comprehensive MoS between the City, Hydro One and Toronto Hydro, serve to both clearly recognize these existing facilities and establish a framework to determine impacts and address mechanisms to manage the process in a collaborative way at the correct time in the correct forum.

Unwin Avenue Alignment

[100] The planner outlined the specific issues related to the Unwin Avenue realignment. Unwin Avenue is the continuous east-west street providing access south of the ship channel. The existing configuration has: a series of 90 degree jogs; a single lane bailey bridge crossing a circulating channel; no sidewalks or cycling infrastructure; provides access to important recreational and open space to its south; and has heavy truck traffic because of the industrial uses on its north side.

[101] The TSMP EA explored several options within the defined realignment zone to eliminate the 90 degree jogs and create a complete street cross-section. None of these detailed alignments were evaluated because more information is needed regarding the underground infrastructure in the vicinity of the Portland's Energy Centre. Ontario Power Generation has issues with the conceptual alignment illustrated in the PLOPM.

[102] The planner outlined modifications to address this issue. An alternative conceptual alignment is now shown on Figure 6 of Ms. Ritz's Affidavit (Exhibit 2 to this

proceeding). She also noted some minor policy modifications (s. 2.1.3 (d)), additional notes are included on Map A making mention that the alignment is a placeholder; and Map E indicating land use designations north and south are dependant on the final location of the street being determined.

[103] The Tribunal finds that the proposed settlement serves both the City's desire to improve Unwin Avenue and the uncertainty that this presents with the existing underground infrastructure near the Portland's Energy Centre. Policy and Map schedule modifications identify an alternative that should be more achievable with less risk to existing critical infrastructure. It places the evaluation, and decision on the most appropriate final alignment, in the correct forum (Phase 3 and 4 or the TSMP EA) when the necessary information is available for proper evaluation and design. All parties have committed to full participation in Phase 3 and 4 of the TSMP EA to determine the best alternative for the Unwin Avenue realignment.

Right-of-way Widths

[104] Ms. Ritz opined that the street right-of-way widths in the PLOPM generally reflect conclusions of the Lower Don Lands Class EA which is informed by ongoing detailed design and conceptual cross-sections that were completed for the TSMP. Important issues are the ability to 'support aesthetic and placemaking objectives' and having green infrastructure as part of the design considerations. Right-of-way widths are found in Clause 1 (i) - Schedule A - Minimum Right-of-Way Widths of the PLOPM.

[105] Ms. Ritz described several issues identified by parties that are resolved by adding clarifying notes to various street sections in Schedule A. She provided an example being: the width of Don Roadway between Commissioners Street and the ship channel was reduced to 35 metres ("m") from the original 40 m. Final design may also evaluate opportunities to shift the alignment of the Don Roadway.

[106] Evidence provided is as follows:

- a. minimum rights-of-way are found in Exhibit 2, page 29 and Exhibit D;
- b. conceptual renderings are provided for some streets describing functional features and key placemaking elements (Exhibit 2, pages 30 to 33 Exhibit D);
- c. an integrated stormwater system (Exhibit 2, page 34 and Exhibit D); and
- d. examples of different stormwater features (Exhibit 2, page 35 and Exhibit D).

[107] The Tribunal finds that the City has gone to great lengths to provide a very comprehensive framework to plan for, evaluate and illustrate the street rights-of-way in the PLOPM. This clearly expresses a City priority to create 'complete streets' that are planned, designed and maintained to ensure safe, convenient and comfortable travel for all users including those in an automobile, on a bicycle or as a pedestrian. The City has been clear from the outset on their preferred street related policies for the PLOPM. Streets are one of the most important public resources and evidence demonstrated they are extremely important to the City. The proposed settlement demonstrates that further study will uncover challenges in implementation and demonstrates there is some flexibility for refinements as required over the long term to comprehensively meet this important policy objective.

Goods Movement

[108] Ms. Ritz advised the Tribunal that the Port Lands are a very important and very active industrial area with significant truck traffic making the security of goods movement over the long term an important objective of the PLOPM. Considerable background study was undertaken including transportation modelling to determine specific truck routes in and around the Port Lands to minimize land use conflicts. Studies informed the policies of the PLOPM and identified the need for an overall goods movement strategy referred to as the Port Lands Wide Truck Management Strategy.

The City has initiated this strategy.

[109] The planner noted the proposed settlement policy modifications related to Goods Movement in the Port Lands that serve to further recognize the importance of ensuring goods can easily move around and out of the port while achieving the overall 'complete street network' (s. 9.1.5). Other minor modifications clarify the Goods Movement needs are provided for in the Port Lands (s. 9.1.5 and s. 9.13.1).

[110] The Port Lands Area Specific Policy contains a policy framework for Goods Movement (s. 9.15) which specifically recognizes the need for further studies to establish a goods movement strategy. The proposed settlement includes a MoS (Exhibit 3) document that establishes a process and protocol to review issues as they arise during the development of the Goods Movement Strategy.

[111] The Tribunal finds that the importance of the Port Land to the industrial base of the City and larger region demands that goods, and the vehicles that transport these goods, within and outside of the Port is a critical priority to be accommodated for in the PLOPM policy framework. Without a comprehensive Goods Movement Strategy, there is a risk to the long term viability of the industrial activities that make up approximately two-thirds of the land uses and land area in the Port Lands. The City has planned for a robust and resilient street network that will be further informed by and refined with the recommendations of the Port Lands Wide Truck Management Strategy. The existing PLOPM policies (as modified) when supported by the MoS relating to Goods Movement establishes an appropriate approach and protocol for the City and interested industrial users to collaboratively create a comprehensive Goods Movement Strategy to ensure the long term viability of the industrial uses in the Port Lands.

Other Revisions to the PLOPM

[112] Ms. Ritz described several relatively minor but important policy modifications to the CWSP and the PLOPM.

- a. Policy 7.1 of the CWSP provides further clarification that Port Lands Area Specific Policy (Schedule C) prevails should a conflict arise;
- b. Prioritizing the Ship Channel for port purposes (s. 2.1.3 (c));
- c. Making specific reference to other City serving industries and to clarify the importance to make efficient use of land for all port and industrial operations (s. 2.1.6);
- d. The specific reference to anticipated strategic relocations of uses (s. 3.12);
- e. Clarification that the 20% non-residential requirement for Villiers Island District is an overall objective and not intended for any given site (s. 4.2.1 (d));
- f. Description of an interim strategy will be undertaken by the City and the Toronto Region Conservation Authority to determine the limits for development while the flood protection works are being completed (s. 4.5);
and
- g. Acknowledgement that the City has several revitalization partners that may prepare plans or guidelines that will assist in implementation (s. 15.3, 15.7 (c) and 15.5.3).

[113] The Tribunal finds this section proposed modifications make important clarifications and additions that serve to enhance the implementation and explain matters important to the success of the Port Lands evolution.

Lower Don Special Policy Area

[114] Ms. Ritz made special note of the Lower Don Special Policy Area (“LDSPA”) that is generally located north of the Ship Channel. In her evidence, the Tribunal was advised that the City requires Provincial approval for any Official Plan change to the LDSPA. The City is now in the process of completing the Port Lands Flood Protection Project which include a series of public works initiatives to alter the course and outfall of the Don River and construct needed flood protection features. To secure funding for these major changes, the City entered into an agreement regarding the LDSPA which includes the submission of the PLOPM to the Province for review and approval.

[115] The City received Provincial approval of the PLOPM on September 24, 2020 (the letter of approval is found in Exhibit 2, Exhibit G). The Province requests three new policies be included in the PLOPM which have been included as new s. 15.13, 15.14 and 15.15. Ms. Ritz described in detail the provincial changes and noted minor stylistic changes. The policy changes incorporate the following principles:

- a. as a condition of development approval, the City will advise the proponents in the LDSPA the risk associated with the construction of buildings and/or structures in advance of the completion of the flood protection infrastructure (s. 15.13);
- b. that the City require that proponents seeking approvals in advance of flood protection infrastructure being complete and functional prepare an Emergency Management Plan addressing the protection of human health and safety and the protection of property. The policy goes on to require agreements with the City that speak to the acceptance of all risk by the proponent and removal of any liability and costs (s. 15.14), and
- c. the City and other public agencies will monitor and maintain the flood protection infrastructure to confirm its continued function in accordance with the approved design (s. 15.15).

A complete reading of these policies is found in paragraph 119 of Exhibit 2 of Ms. Ritz's Affidavit.

[116] The Tribunal agrees the principles articulated by provincial modifications to the PLOPM are very important as they serve to appropriately identify, manage and have proponents clearly understand their responsibilities should they choose to bring forward applications before the completion of the flood control measures. They also define the long term responsibility of public agencies to monitor the effectiveness of the flood control facilities after construction. The policy rightly focuses on the protection of human health and that existing properties and buildings are appropriately and permanently flood protected and a recognition that these critical flood protection works must be monitored and maintained over the long term. The Tribunal accepts the LDSPA modifications to the PLOPM are appropriately included as part of a Final Order.

[117] The Tribunal asked if any of the Parties had questions or comments related to Ms. Ritz's Oral or Affidavit evidence relating to either the evidence on the CWSP, the PLOPM policy framework or the proposed settlements. None were forthcoming hence Ms. Ritz's evidence is uncontested.

[118] Ms. Ritz opined that:

the revisions to the Port Land OPM, and uncontested policies of the CWSP, are good planning and by and large maintain the original intent and purpose of the Port Lands OPM, while appropriately addressing a number of the Parties' issues. The revisions have regard to matters of provincial interest in Section 2 of the Planning Act and the PPS 1997.

She went on in her evidence to state:

For the reasons set out above, it is my opinion that the policies highlighted in mint green and associated maps in the Port Lands OPM in Exhibit C represent good planning and are in the public interest. They have regard and are consistent with applicable provincial policy and implement the intent of the Province's most recent policies and plans. It is my recommendation that the policies in Exhibit C should be approved by the Tribunal.

TRIBUNAL ANALYSIS OF THE PROPOSED SETTLEMENT MODIFICATIONS

[119] Due to the scope of the CWSP, PLOPM planning policy and proposed modifications, the Tribunal chose to make a finding at the conclusion of each thematic section describing the proposed settlement. The majority of Phase 1 of the hearing deals with:

- a. Official Plan policy related to the establishment of district land uses, ensuring compatibility of land use during and after the Port Lands realize its vision; and
- b. several transportation and street related issues.

[120] It is important to summarize Tribunal findings related to these important matters. The Tribunal notes that there remains land use issues for certain Port Land districts and the Broadview Extension and the Basin Street realignment. Evidence related to these remaining issues will be heard at the hearing scheduled for **April 2021**.

[121] The Tribunal accepts the uncontested evidence of the City's Planner in its entirety and finds the policy modifications in the proposed settlement meet all the relevant policy tests of the *Planning Act*, 2020 PPS, Growth Plan 2019 and all relevant foundational policies of the CWSP and the PLOPM. They represent good planning and are in the public interest.

[122] The Tribunal is impressed with the efforts of the City, its partners in the Port Land planning process and all the parties in their efforts to find common ground which has resulted in a comprehensive palette of non-contested proposed settlements that serve to bring many of the remaining CWSP and PLOPM policies to a point where they may be accepted in principle.

[123] The Tribunal will first address the proposed settlements to Official Plan policy related to land use. The Tribunal finds that the modifications to land use and land use

compatibility policies for the PLOPM districts are in the whole appropriate (save and expect in the districts where adjudication remains necessary in the **April 2021** hearing). The City has struck a balance between districts where mixed-use development (including residential); employment (including media); industrial uses exist and will continue; and ensure the full functioning Port activities will remain a predominate land use. Modifications provide necessary new and clarified land use designations and permissions within those land use areas along with a modified policy regime that serves to enhance the already robust and detailed planning documents required to guide the long term transition of the Port Lands.

[124] The Tribunal is presented with considerable review, evidence, policy modifications and MoS's related to the extremely important issue of land use compatibility designed to ensure compatibility between sensitive land uses are recognized, evaluated and properly mitigated. The City and the parties created a series of land use compatibility policy modifications based on the most current information and modelling available and have been comprehensively reviewed by qualified and experienced experts. The policies are both in statutory and non-statutory documents and are crafted with the necessary clarity and completeness but will allow for the flexibility to evolve as better information is collected and development proceeds in the various districts.

[125] The Tribunal agrees with the policy modifications proposed by settlement that deal specifically with the issues of the Toronto District School Board when one considers the number of new residents (and students) that will choose to live in certain Port Land Districts.

[126] The Tribunal finds that the new and revised policy modifications referring to the expansion and protection of existing industry and port activities are appropriate and serve to ensure their continued viability. The existing industries are important to the City and Region now and into the future. Key Provincial and City policy is to ensure the protection and expansion of industry to support economic growth. The effect of these

policies does just that. It establishes a balance as the City manages the transition of the Port Lands from what exists today to its future vision.

[127] The Tribunal accepts the evidence related to the importance of planning for retail ensuring it is in the correct locations when retail is required. Retail is not appropriate everywhere and the policy framework as modified by the proposed settlement clearly recognizes that reality. The modifications serve to better define and clarify policy intent, recognize existing conditions and maintain the City's consistent restrictions on large format retail while providing some flexibility where reasonable.

[128] The Tribunal will now deal with the issues related to the proposed transportation and street network modifications to the PLOPM. The Tribunal finds that the City has expended considerable energy and resources to establish a street network to ensure all modes of transportation are planned for and capable of implementation as the Port Lands evolve. Evidence demonstrated that the street network will provide appropriate connectivity, redundancy and capacity to support the PLOPM. The Tribunal agrees.

[129] The Broadview Avenue Extension is identified as needed in the TSMP EA but faces several practical issues that could prove an impediment to the extension's implementation. Issues include the impact on proper functioning of the port as a result of the need to cross the ship channel and potential impact on the existing Basin TS and the regionally significant hydro-electric infrastructure. The issues related to the crossing of the ship channel remain and will be adjudicated at the **April 2021** hearing. Modified and new policies in the PLOPM related to the hydro-electrical facilities serve to clearly recognize this infrastructure and, along with the MoS, establish a framework to determine impacts and a protocol to work collaboratively to resolve future issues.

[130] Potential impact on hydro-electric infrastructure may result with the proposed Unwin Avenue realignment. The Tribunal determines that the policy and mapping modifications and supporting detail in the requisite MoS, will ensure full participation in Phases 3 and 4 of the TSMP EA to determine the best alternative for the Unwin Avenue realignment.

[131] The Tribunal finds that the policy and map modifications to the PLOPM with respect to right-of-way widths are appropriate and assist in the City's objective to create 'complete' streets.

[132] Evidence demonstrated that the Port Lands is an important and extremely active industrial and employment area that merits appropriate policies to ensure its continued viability. The Tribunal finds that the policy modifications to the PLOPM are appropriate. They serve to recognize the importance of goods movement which will be informed by the Port Lands Wide Truck Management Strategy initiated by the City. The City and Port Land industrial users' commitment to the establishment of a Goods Movement Strategy is supported by the MoS.

[133] The Tribunal agrees with the Lower Don Special Policy Area modifications suggested by the Province. They appropriately identify the levels of risk and proponent responsibilities, should applications be brought forward prior to the completion of flood control measures.

[134] On the second day of the hearing, the City provided a complete and accurate copy of the proposed settlement policy and map schedule modifications to the CWSP and the PLOPM. Mr. Robinson stated parties were provided copies of this final version, changes were minor dealing with typographical errors, minor revisions, and improvements to clarify the colour coding found in the Exhibits. This is the definitive document for consideration by the Tribunal and is entered as Exhibit 7.

[135] The Tribunal canvassed all parties regarding their position regarding the proposed settlement and policy and map schedule modifications found in Exhibit 7. All parties were supportive of the modifications as presented by the City.

[136] The Tribunal is prepared to allow the appeal in part and accepts the modifications as outlined in mint green to the CWSP and the PLOPM found in Exhibit 7 and appended to this decision as Attachment 1.

PARTIES WITH OUTSTANDING NOISE AND LAND USE COMPATABILITY ISSUES

[137] The City advised the Tribunal at the first day of this four day settlement hearing, that there remain outstanding noise and compatibility issues between the City and six of the parties. Parties are very close to agreement on the policy issues but must complete additional technical work to determine policy appropriateness, and impact of these policy changes on their client's property. TofR are being completed with the benefit of technical experts' input to coordinate and manage required modelling.

[138] The Tribunal was advised by Mr. Robinson that parties with outstanding noise and compatibility issues have made considerable process on the TofR but would benefit from some additional time to meet, discuss minor technical issues with the draft TofR and to come to consensus with the TofR's content. The status of these appeals is a significant consideration in the finalization of the PO and the matters before the Tribunal in the **April 2021** hearing. The Tribunal recessed the settlement hearing for two days to allow parties to meet and resolve outstanding issues.

[139] When the Tribunal reconvened, Mr. Robinson advised that the parties had come to a consensus except for a minor detail in the Appendix of one TofR. This results in six additional parties finding resolution to their land use compatibility issues and will no longer actively participate in the **April 2021** contested hearing.

[140] The two TofR that parties had found consensus with are entered as Exhibits as follows:

- a. Terms of Reference for Air Quality Studies for the Introduction of Sensitive Uses in the Port Lands - Exhibit 8; and
- b. Terms of Reference for Noise Studies to Support Sensitive Uses within the Port Lands and to Supplement the City's Noise Impact Study Terms of Reference - Exhibit 9.

[141] Mr. Robinson provided detail to the Tribunal on the content of both TofR. The first, dealing with Air Quality Studies (Exhibit 8) speak to detailed air quality assessments and clearly define the City's expectations regarding the content of required technical documents and supporting studies. When studies are required by the City as the Port Lands transition, they must be completed in accordance with this document. There is consensus amongst the technical experts with the content of these TofR.

[142] The second TofR represent a guide for the analysis, modelling methods, and content of noise studies when required by the City. All noise studies must be completed in accordance with this document. The Tribunal is advised that there is consensus amongst technical experts save and except issues that result from one or more of the numbers found in Attachment A of Exhibit 9. Technical experts require time to find agreement on the detail.

[143] Parties understood these TofR are non-statutory but because they will become an appendix to Official Plan policy, the Tribunal was requested to recognize, as part of its Order, the need to have the technical issues resolved before the Final Order on Phase 1 of the hearing. Technical consultants are meeting to better understand and finalize all matters in this TofR. The Tribunal agrees a consensus on the details of this TofR is necessary.

[144] Parties will inform the Tribunal no later than **4:30 p.m. Monday, March 15, 2021** regarding the following three matters:

- a. the status of technical issues found in Attachment A, Appendix 2, Exhibit 9;
- b. the status of any outstanding MoS between parties; and
- c. supply the endorsed MoS to the Tribunal.

FINAL PO FOR THE APRIL 6, 2021 HEARING

[145] The proposed settlement results in several parties no longer having issues in Phase 1 of the **April 2021** contested hearing as their land use compatibility, transportation and street network issues have been resolved. Suffice to say, the Tribunal led mediation has resulted in considerable progress in finding common ground and resolving issues between parties. This enabled the City to make several revisions, clarifications and simplifications to the July 10, 2020 PO (“approved PO”) that is now in-force and effect to ensure a fair and efficient hearing.

[146] Mr. Robinson advised the Tribunal of the status of outstanding procedural matters and submitted a draft revised PO. All parties were circulated a draft copy of the revised PO prior to the settlement hearing. There are five active parties remaining and with several parties reserving the right to monitor the proceedings with watching briefs to ensure their clients’ interests are protected.

[147] Key changes found in the revised PO include:

- a. Many of the key dates in the approved PO have past with parties meeting required deadlines. The revised PO amends and summarizes key dates for filings after the January 26, 2021 settlement hearing;
- b. redefines the list of parties and participants and their respective roles in the **April 2021** hearing;
- c. removes a significant number of issues from the issues list; and
- d. updates the order of evidence.

[148] The Tribunal canvassed all parties regarding the content of the revised PO. Two issues were brought forward in the submissions being:

- a. to what extent parties may monitor the hearing and maintain a watching brief role. Submissions opined it is not appropriate to allow parties who do not fully participate in the hearing the ability to reply; and
- b. the six parties that found consensus with their outstanding noise and land use compatibility during the course of this settlement hearing noted that there remain some final refinements of the noise studies ToFR which are integral to the settlement (described in the previous section to this decision). The Tribunal in its Order will deal with this request as noted in paragraph 144 of this decision.

[149] The Tribunal clearly understands that Phase 1 of the hearing is extremely important. It will set out the land use permissions, establish principles on how to measure compatibility between land uses and establish transportation and street network policy in the PLOPM. These represent foundational and structural principles for the transition of the Port Lands and will serve to define many of the issues that follow. Any changes to the proposed settlement's policy framework could have an impact on, and therefore prejudice, the interest of parties who have settled. This panel is of the opinion that it is important "to secure a fair, just and expeditious determination of every proceeding on its merits" (s. 1.3 *Rules of Practice and Procedure*).

[150] For these reasons, the Tribunal finds that Counsel parties listed in the revised PO in Attachment 2 as: "Will not call evidence in chief in the April hearing (watching brief – may reply)" will be permitted to do so. At the hearing, the Tribunal will monitor this carefully.

[151] The Tribunal finds that the revised PO is complete and a fair representation of the issues to be explored at the hearing, a proper order of evidence and appropriately defines the roles and responsibilities of parties. The PO is approved and in full force and effect and is Attachment 2 to this decision.

SUMMARY OF CONCLUSIONS

[152] The Tribunal has chosen to analyse the various aspects of this decision immediately following the subject section but maintains it is important to provide a summary of conclusions that have led to its Order.

[153] The Tribunal is impressed with the efforts of the City and all stakeholders involved, to create a vision of the Port Lands, that is truly remarkable and with the potential to be an outstanding place of global significance. It is an extraordinary City building venture and the policies found in the CWSP and the PLOPM provide a complete and comprehensive basis to guide the development of required infrastructure, establishing new resilient and interesting communities, growing employment sectors while maintaining the working port that is so important to the City and the Province. A balance is established based on a complete, robust and comprehensive study of the area that was very transparent to all stakeholders and the public.

[154] The Tribunal understands this is an early step in what will be many decades in its implementation and long term commitment is required by all involved. This commitment is demonstrated at this settlement hearing by the efforts of all parties to find a mediated settlement to many policy matters and issues. Implementation will be hard but through the proposed settlement's policy modifications and MoS, a framework has been established to deal with important details of implementation at the correct time and in the correct forum.

[155] The Tribunal finds comfort in the City's commitment when one learns of the significant infrastructure building blocks that are presently being constructed including the naturalization of the Don River and the realignment of Cherry Street. It clearly speaks to an engaged City committed to the implementation of the PLOPM.

[156] The Tribunal appreciates some parties have outstanding issues as found in the PO's Attachment 3 – Issues List. All remaining issues related to Phase 1 of the PLOPM will be adjudicated at the **April 6, 2021** hearing.

[157] The Tribunal is under no illusions that there will not be future challenges that find their way to LPAT or other regulatory agencies. But when Phase 1 (dealing with Land Use, Building Heights, Transportation and the Street Network) of this hearing is completed, a significant advancement has been made in creating a comprehensive planning policy framework that will serve well the transition and evolution of the Port Lands.

[158] The Tribunal accepts the uncontested evidence of the City's Planner in its entirety and finds the policy modifications in the proposed settlement meet all the relevant policy tests of the *Planning Act*, 2020 PPS, Growth Plan 2019 and all relevant foundational policies of the CWSP and the PLOPM. They represent good planning and are in the public interest.

[159] The Tribunal agrees that it is important "to secure a fair, just and expeditious determination of every proceeding on its merits" (s. 1.3 *Rules of Practice and Procedure*). Therefore, those parties that have watching briefs in the PO will be permitted to call reply evidence should issues presented in evidence be prejudicial to their client regarding matters settled by this decision.

[160] The Tribunal agrees it is appropriate to withhold the final Order regarding this settlement hearing until the remaining technical matters with the Noise Study Terms of Reference are resolved and the outstanding MoS are endorsed.

[161] The Tribunal is aware of the outstanding issues relating to certain PLOPM districts and the Broadview Avenue extension and the Basin Street realignment identified in Issue 10 of the attached PO's Issues List. The Tribunal will hear evidence on these issues as part of the **April 6, 2021** contested hearing. The Tribunal is cognisant of the fact minor amendments may occur when the final decision is issued.

[162] Accordingly, the Tribunal Orders.

ORDER

[163] The Tribunal allows the appeal in part and accepts the modifications, as outlined in mint green, to the Central Waterfront Secondary Plan (OPA 257) and the Port Lands Official Plan Modifications found in Exhibit 7 and appended to this Decision as Attachment 1.

[164] That the City inform the Tribunal no later than **4:30 p.m. Monday, March 15, 2021** regarding the status of the technical issues found in Attachment A - 'Terms of Reference for Noise Studies to Support Sensitive Uses within the Port Lands and to Supplement the City's Noise Impact Study Terms of Reference' - Appendix 2 being supplied to the Tribunal as Exhibit 9.

[165] The parties will inform the Tribunal what MoS and between which parties are outstanding. Endorsed MoS will be supplied to the Tribunal no later than **4:30 p.m. Monday, March 15, 2021**.

[166] That the final Order for Phase 1 of the hearing will be withheld until the completion of the hearing of the merits to be held beginning **Tuesday, April 6, 2021**.

[167] That the Procedural Order for the **April 6, 2021** hearing is approved and in full-force and effect. The Procedural Order is found in Attachment 2.

[168] The Tribunal may be spoken to if any issues arise regarding this Order.

“Bryan W. Tuckey”

BRYAN W. TUCKEY
MEMBER

“G.C.P. Bishop”

G.C.P. BISHOP
VICE-CHAIR

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal




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ATTACHMENT 1

Exhibit 7

Central Waterfront Secondary Plan as modified by the Port Lands Official Plan Modification

-  Policies to be brought into full force and effect
-  Policies subject to Phase 1 contested hearing
-  Policies subject to future phases of the Port Lands hearing

Text that is highlighted in yellow is only to be included in the Port Lands OPM subject to a decision by the LPAT on outstanding Phase 1 hearing issues that will be subject to a hearing in 2021

Maps 3A, 3B and 3C of Schedule C to the CWSP – Port Lands Area Specific Policy – to be brought into full force. Maps 3D, 3E and 3F are subject to future phases of the Port Lands LPAT hearing and are provided for context purposes only.

"OPA 257 Adopted by Toronto City Council on April 16, 2003; further approved in part as modified for the West Don Lands in 2005 by OMB Decision/Order No. 3227; further approved in part as modified for the First Waterfront Place lands in 2007 by OMB Decision/Order No.1905, further approved in part as modified for the lands south of Queens Quay by the OMB Decision/Order delivered on November 16, 2007, issued on November 27, 2007, further approved in part as modified for the Parkside, Quayside and Sherbourne Common North lands by OMB Decision/Order delivered on December 6, 2011, issued on January 16, 2012, further approved in part as modified for the lands north of Queens Quay East in East Bayfront (West) known municipally on April 4, 2014 as 130-132 Queens Quay East, 143-177 Lakeshore Boulevard East and 26 Richardson Street by OMB Decision/Order delivered on June 2, 2014, issued on April 6, 2016, and further approved in part as modified for the lands known municipally as 307 Lake Shore Boulevard East, 11 and 11R Small Street and 3-7 Parliament, 333 Lake Shore Boulevard East and 324 Cherry Street and 429 Lake Shore Boulevard East by OMB Decision/Order delivered on June 22-24, 2016, issued on December 22, 2017; further approved in part as modified for the lands west of Yonge Street by OMB Decision/Order delivered on May 1, 2017, issued on August 2, 2017; and further approved in principle as modified for the Port Lands by LPAT Decision issued on _____, 2021."

SECTION ONE: CORE PRINCIPLES

Waterfront renewal will not be treated as a specific project with a defined finishing point. Rather, it will be managed as an ongoing, phased effort, part of the much larger city-wide context that will carry on over decades. The principles of this Plan will act

as a framework for the renewal activities and will be as valid 30 years from now as they are today.

The Central Waterfront Plan is built on four core principles. These are:

- A. Removing Barriers/Making Connections
- B. Building a Network of Spectacular Waterfront Parks and Public Spaces
- C. Promoting a Clean and Green Environment
- D. Creating Dynamic and Diverse New Communities

The Plan expands on these core principles. Each principle is divided into two parts: the “Big Moves” that will define the new Central Waterfront and the “Policies” that will bring the vision to life.

In describing the planning framework for the Central Waterfront, words such as “will” and “must” are used in the Plan. It is recognized that the implementation of this Plan will take place over time and the use of these words should not be construed as Council’s commitment to proceed with all of these undertakings immediately. This will be done in a phased manner, subject to budgeting and program availability and the active participation of other stakeholders and all levels of government.

A) REMOVING BARRIERS/MAKING CONNECTIONS

If waterfront renewal is to be truly successful, the waterfront will have to feel like and function as part of the city fabric. The first principle of the Plan is to remove barriers and reconnect the city with Lake Ontario and the lake with the city. This is the key to unlocking the unrealized potential of Toronto’s waterfront. The new connections will be north/south and east/west. They are functional, thematic and symbolic in nature. The following “Big Moves” will support the removal of barriers and the creation of new connections across the Central Waterfront:

A1_REDESIGNING THE GARDINER CORRIDOR

The elevated Gardiner Expressway is a major physical barrier that cuts off the city from the waterfront. To ensure the success of a redesigned Gardiner Corridor, funding for major improvements to the road system and GO Transit/TTC services including Union Station must be in place. The final configuration of the Gardiner/Lake Shore Corridor will depend on the outcome of detailed study.

A2_A NEW WATERFRONT TRANSIT NETWORK

Public transit will be a top priority for connecting people and places to and within the renewed waterfront. An extended Waterfront Light Rapid Transit line will stretch across the Central Waterfront from Exhibition Place to the Port Lands with excellent connections into the city as generally illustrated on Map B. Expanding GO Transit rail services and upgrading Union Station will be critical elements of the new waterfront transit plan.

A3_LAKE SHORE BOULEVARD, AN URBAN WATERFRONT AVENUE

Lake Shore Boulevard will be transformed into an urban avenue through the Central Waterfront to accommodate its function as an arterial road. The new boulevard will be generously landscaped; will maximize the opportunities for pedestrian crossings through frequent intersections with streets connecting into the downtown core; and will provide ample room for commuter cycling and pedestrians.

A4_QUEENS QUAY, TORONTO'S WATER VIEW DRIVE

Queens Quay will become a scenic water view drive and an important component of the Toronto street network from Bathurst Street to Cherry Street providing ready access to the public activities on the waterfront and pedestrian connections to the water's edge. It will be designed to meet the diverse needs of motorists, transit users, cyclists and pedestrians as well as providing opportunities for vistas to the harbour and lake.

A5_COMPLETING THE WATERFRONT TRAIL

The Martin Goodman/Waterfront Trail will be completed through the Central Waterfront and connected to the city-wide trail or pathway system, including the Garrison Creek, Humber Valley and Don Valley trails as generally illustrated on Map C. Upgrades to various parts of the trails or pathways will ensure a high standard throughout. Floating boardwalks may provide public access along the head of slips and water's edge in areas where access cannot be achieved in other ways.

A6_WATERFRONT CULTURAL AND HERITAGE CORRIDORS

Key cultural and heritage corridors will link the assets of the city with the water's edge. Central Waterfront corridors extend north/south and east/west to form a waterfront cultural grid. Each of these corridors has a unique identity that will be promoted and reinforced.

POLICIES

(P1) The redesign of the Gardiner Expressway Corridor with a modified road network is one of the most important ingredients in revitalizing the Central Waterfront. Modifications to the road and transit infrastructure outside this corridor will be required to ensure the success of any expressway redesign. These modifications will have to be identified and substantially in place prior to reconfiguring the corridor.

(P2) Required rights-of-way to accommodate the proposed waterfront road and transit network over time appear on Schedule A of this Plan. The rights-of-way will be sufficient to accommodate travel lanes, transit, pedestrian and cycling requirements as well as landscaping and other urban design elements. The exact location of road alignments will be refined through further detailed study.

(P3) Union Station will be redeveloped to maximize its capacity as a transportation centre and restore its historic grandeur. The rail corridors will be upgraded to provide more GO Transit rail service and a possible rail link to Pearson Airport. As a separate, but related project, Union Subway Station will be enlarged by adding a new platform.

(P4) New streetcar and some bus routes will operate in exclusive rights-of-way on existing and proposed streets to ensure efficient transit movement.

(P5) Waterfront streets will be remade as “places” with distinct identities. Streets will act as lively urban connections as well as traffic arteries. The needs of motorists will be balanced with efficient transit service and high-quality amenities for pedestrians and cyclists.

(P6) A water-based transportation system utilizing water taxis and ferries will become another way of moving people from one end of the waterfront to the other. The Ferry Docks will be revitalized as the hub of water-based transportation activities.

(P7) Physical connections between the Central Waterfront, the downtown core and adjacent neighbourhoods will be enhanced through high-quality urban design and landscaping on the north/south connector streets.

(P8) Railway underpasses will be transformed into more pedestrian-friendly corridors.

(P9) Streets that extend to the water’s edge will create opportunities to see the lake from the city and the city from the lake. The design of buildings and public and private spaces that frame these streets will be of high architectural quality and take advantage of these views. New streets will be laid out to reinforce visual connections between the city and the water.

B) BUILDING A NETWORK OF SPECTACULAR WATERFRONT PARKS AND PUBLIC SPACES

The second principle of the Plan recognizes the significance of the public realm in transforming the Central Waterfront into a destination for international tourism, national celebration and local enjoyment. The Plan promotes the remaking of the Central Waterfront as a special place imbued with spectacular waterfront parks and plazas and inviting natural settings that pleases the eye and captures the spirit. The following “Big Moves” will help transform the Central Waterfront into an area renowned for its outstanding waterfront parks and public spaces (see Map C):

B7_ RESERVING THE WATER’S EDGE FOR PUBLIC USE

As renewal takes place, a continuous and highly accessible public water’s edge promenade will connect a series of parks, open spaces, squares and plazas, at times intimate and at times generous, which are linked back to the city along existing and extended street corridors. The public promenade will be of varying width and design

such that a variety of primarily pedestrian activities can be accommodated and be integrated with a range of parks and public spaces which would allow for outdoor cafes, areas of respite, play areas, public art, gatherings and celebrations. Key objectives in designing the public water's edge promenade will include: the creation of a diversity of spaces in scale, form and character that respond to their distinct context; the creation of accessible and marvelous places designed to encourage year round use and the creation of a remarkable public realm. This band of public space will be reserved as an amenity and legacy for future generations. To this end, the Plan designates a series of Inner Harbour Special Places.

B8_ FOOT OF YONGE – SPECIAL STUDY AREA

The foot of Yonge Street should be treated as a special place on the waterfront, as the place where Yonge Street meets the lake, and be designed to include major public amenities of high quality containing distinctive cultural buildings, appropriate tourist facilities and a range of public uses and other development that will contribute to the special nature of this area. A dramatic new pier should be built at the foot of Toronto's historic main street, recognizing and celebrating this area as the centre of Toronto's waterfront. The Yonge Street Slip, a new public plaza and the pier will draw residents, tourists, boaters and cruise ships to the Central Waterfront and become a waterfront icon, visible from both land and water. This distinctive gateway to the city will accommodate a major cultural, entertainment and tourist destination, possibly including ancillary hotel uses. Further detailed study will be required as a special study at the precinct implementation stage to review the lands available and the relationship between the proposed uses.

B9_ HARBOURFRONT CENTRE, AN EVEN STRONGER DRAW

Harbourfront Centre will continue to be recognized as an area for the arts, education, recreation and entertainment in a magnificent waterfront setting. New public squares will be created between Queens Quay Terminal and York Quay Centre removing surface parking lots and replacing them with underground parking. The public water's edge will be improved and expanded. New year-round pavilion structures will be introduced in a number of locations expanding the range of cultural and commercial uses. An integrated nautical centre for marine activities may be established.

B10_ CREATING NEW EAST BAYFRONT PARKS AND PUBLIC SPACES

A bold new system of connected waterfront parks and public spaces will be developed, reflecting the industrial heritage and dockwall legacy of the area and anticipating its extraordinary future. Public spaces at the foot of Jarvis, Sherbourne and Parliament Streets will include both intimate and active public plazas, designed to preserve views towards the lake. The reuse of the existing Marine Terminal buildings should be investigated as a link to the industrial heritage of the area.

B11_ A NEW LAKE ONTARIO PARK

A new Lake Ontario Park will give Toronto a much enhanced continuous urban park system in the tradition of the city's great parks like High Park and Edwards Gardens. Extending from Clarke (Cherry) Beach to Balmy Beach, the new park will encompass a considerably improved North Shore Park, Tommy Thompson Park and the Base Lands, and will incorporate upgrades to the Martin Goodman/Waterfront Trail system in this area. Through judicious lakefilling, new parkland may be created south of the Ashbridges Bay Treatment Plant and on the shores of the Outer Harbour, subject to an environmental assessment and taking into consideration comments from interested parties, including the recreational boating community. The parks will be designed to serve the diverse recreational needs of the emerging waterfront communities. The lakefilling will help stabilize the Lake Ontario shoreline, reduce siltation and establish new aquatic and terrestrial habitats. The requirements of recreational boating will continue to be met within the new park system.

B12_A NEW FORT YORK PARK

A new park of national prominence (Fort York Park) will be created with a larger and more visible public space, thereby regaining the Fort's status as Toronto's most significant heritage resource. The new Fort York Park will be a national, regional and local draw for public events and for the celebration of its military history central to the story of Toronto.

B13_AN EXPANDED MARILYN BELL PARK

Almost three hectares will be added to Marilyn Bell Park by carefully consolidating the road network at the west end of Exhibition Place. This will allow the park to be redesigned and improved as a gateway to the waterfront. The expanded park will be much more accessible to South Parkdale residents as well as to visitors, workers and new residents at Exhibition Place.

B14_ONTARIO PLACE, A WATERFRONT DESTINATION

Ontario Place will be woven into the waterfront park system with better access for the public to enjoy its facilities and paid attractions. A new trail system, with connections to the north, east and west, will bring pedestrians and cyclists to Ontario Place. With improved public access, Ontario Place will be reaffirmed as an important waterfront destination for major festivals and tourism events and for the celebration of innovative architecture and landscape design.

B15_CANADA MALTING, A LANDMARK SITE AND SPECIAL PLACE

The Canada Malting Silos, a landmark and important heritage feature on the Central Waterfront, will be retained and improved. The City will pursue innovative proposals for a mix of public and private activities and uses that can successfully transform the silos building into a unique special place on the Toronto waterfront.

POLICIES

DEFINING THE PUBLIC REALM

(P10) The design of the public realm will be of a standard of excellence characteristic of the great city waterfronts of the world.

(P11) The public realm will be defined by a coherent framework of streets, parks, plazas, buildings, viewing areas, walkways, boardwalks, promenades, piers, bridges and other public infrastructure and open space elements. Its design will reflect its exceptional waterfront setting and integrate and interpret the rich natural and cultural heritage of Toronto's waterfront, its industrial dockwall legacy, as well as including the historic Lake Ontario Shoreline, Taddle Creek and Garrison Creek alignments.

(P12) Parks and plazas strategically located along the water's edge will become centres of public activity – in effect, windows on the lake. The termination of each of the north-south streets within East Bayfront, or on the Quays, adjacent to the early 20th Century dockwall, will be celebrated by the creation of a series of unique public places (Inner Harbour Special Places) to reflect their history and the character of the surrounding community. They will provide a focal point for their neighbourhood.

(P13) A unifying approach to landscaping and wayfinding (e.g., signs, kiosks) that is evocative of the Central Waterfront will tie together its various components.

(P14) There will be a coordinated Central Waterfront public art program for both public and private developments.

PARK DESIGN

(P15) Parks in the Central Waterfront will be diverse, well maintained, animated and safe, accommodating a full range of recreational experiences from areas for active play, enjoyment of sports and entertainment to areas for quiet solitude and relaxation. These experiences will be provided in a comfortable setting during all seasons of the year.

(P16) Public community, cultural and entertainment facilities will form part of the fabric of the waterfront park system. A limited number of private cultural, restaurant and entertainment facilities may also be located in the park system provided their associated open spaces remain publicly accessible.

(P17) Sustainable management practices and design and construction techniques that have minimal environmental impacts and return the greatest ecological rewards will be utilized in waterfront parks.

C) PROMOTING A CLEAN AND GREEN ENVIRONMENT

The third principle of the Plan is aimed at achieving a high level of environmental health in the Central Waterfront. A wide variety of environmental strategies will be

employed to create sustainable waterfront communities. The following “Big Moves” will showcase the City’s commitment to a clean and green waterfront that is safe and healthy and contributes to a better environment for the city as a whole:

C19_PRIORITY FOR SUSTAINABLE MODES OF TRANSPORTATION

A sustainable transportation system that gives priority to transit, cycling, walking and water transport and reduces the need for car use will form the basis for transportation planning in the Central Waterfront. Future travel demand will be mainly met by non-auto means. Road capacity will be added only to meet local traffic needs.

C20_PROTECTING THE WEST DON LANDS FROM FLOODING

A flood protection berm will be built along the Don River to assist in eliminating flooding problems in the West Don Lands and surrounding neighbourhoods to the west. It will also provide naturalized open space and active parkland along its edge for use by the emerging West Don Lands communities and fulfill a crucial stormwater management function. The adjacent King-Parliament and St. Lawrence neighbourhoods will benefit from this increase in active parkland.

POLICIES

(P18) As part of the strategy to reduce car dependence and shape people’s travel patterns early, a comprehensive range of efficient and competitive transportation alternatives will be provided in tandem with the development of new waterfront communities. These include a new transit system as generally illustrated on Map B, as well as pedestrian, cycling and water transportation opportunities as generally illustrated on Map D.

(P19) New waterfront communities will offer opportunities to live and work close together, leading to fewer and shorter commuter trips.

(P20) New traffic management approaches will be pursued to accommodate non-auto modes of transportation, make more efficient use of existing roads (i.e., “smart” technology) and discourage the use of single-occupant vehicles.

(P21) Pedestrian and cycling routes will be safe, attractive, comfortable and generously landscaped.

(P22) The health and biodiversity of the Central Waterfront will be enhanced and restored by protecting and regenerating wetlands, fish and wildlife habitats, rare plant and animal species, shorelines, beach areas, woodlots and lands designated “Natural Heritage Areas” (in the Official Plan) and “Natural Areas” (see Map C).

(P23) Development will contribute to the improvement of water quality in Toronto’s rivers and streams, as well as in Toronto Bay, the Outer Harbour and Lake Ontario.

(P24) Stormwater will be managed as close to its source as possible.

(P25) Combined sewer outfalls that discharge into Lake Ontario, Toronto Harbour and the Don River will be progressively reduced consistent with the City's environmental policies.

(P26) The Central Waterfront will be a model of leading-edge environmental technologies. Alternative sources of generating electricity, including co-generation, anaerobic digestion, wind turbines and solar power, will be pursued as well as district heating and cooling.

(P27)* The Central Waterfront will showcase successful redevelopment of brownfield sites into sustainable residential and employment areas. Where applicable, remediation requirements will be balanced by the need to protect environmentally sensitive areas. Development in Regeneration Areas will have regard to current Provincial guidelines and legislation with lands being appropriately buffered and mitigated to prevent adverse effects from odour, noise and other contaminants.

***APPROVAL OF PARAGRAPH (P27) DEFERRED FOR ALL LANDS SOUTH OF QUEENS QUAY EAST EXCEPT FOR FWP LANDS BY OMB PURSUANT TO DECISION/ORDER ISSUED ON NOVEMBER 27, 2007.**

(P28) Lakefilling will be considered only for stabilizing shorelines, improving open spaces, creating trail connections, preventing siltation and improving natural habitats and is subject to Provincial and Federal Environmental Assessment processes. Consideration will be given to the impact of such lakefilling on recreational uses.

(P29) The creation of parkland south of the Ashbridges Bay Treatment Plant will be compatible with, and closely co-ordinated with, any future plans to expand the facility.

D) CREATING DYNAMIC AND DIVERSE NEW COMMUNITIES

The fourth and final principle of the Plan is focused on the creation of dynamic and diverse waterfront communities – unique places of beauty, quality and opportunity for all citizens. New water's edge communities will accommodate a range of development forms and be of sufficient scale to establish a "critical mass" of people both living and working in a neighbourhood setting. These new waterfront neighbourhoods will be acclaimed for their high degree of social, economic, natural and environmental health and cultural vibrancy, which collectively will contribute to the long-term sustainability of the area and the entire city. The following "Big Moves" implement this principle:

D22_ OPENING UP THE PORT LANDS TO URBAN DEVELOPMENT

The Port Lands will transform into a number of new, vibrant districts with unique and memorable local identities and character that promote social interaction, cultural enrichment, ecological health, a low-carbon future, and a prosperous local economy. Each district will take its cue from the naturalized river valley and wild

natural areas, spectacular waterfront parks and open spaces, and rich cultural heritage.

The Port Lands will have an eclectic mix of uses, offering diverse opportunities for Torontonians to live, work and play. Intrinsic to this mix of uses is the energy, vibrancy and theatre of the working port and nurturing the growth of creative and innovative industries.

A resilient urban structure will be set in place, connecting the Port Lands to the city and providing sustainable options for moving in and through the area. The urban structure will provide a robust legacy of fine-grained streets and blocks to allow the Port Lands to continue to evolve and transform over time.

D23_A NEW BEGINNING FOR THE WEST DON LANDS

With the construction of the flood protection berm, the West Don Lands will be redeveloped into diverse mixed-use communities. These communities will capitalize on their strategic downtown location and their historic roots as part of the original town of York.

D24_THE EAST BAYFRONT, A PROMINENT NEW NEIGHBOURHOOD*

The East Bayfront will become a prominent waterfront address for working and living amid the energy and abundance of waterfront activities, including a new water's edge promenade and other public activities in the series of new East Bayfront public spaces. Development adjacent to the water's edge promenade shall consist of low and medium scale buildings that will reinforce the safety and usability of the public spaces.

***APPROVAL OF PARAGRAPH (D24) DEFERRED FOR FWP LANDS BY OMB PURSUANT TO DECISION/ORDER NO. 1905.**

***APPROVAL OF PARAGRAPH (D24) DEFERRED FOR BLOCKS 1 AND 2 SOUTH OF QUEENS QUAY EAST BY OMB PURSUANT TO DECISION/ORDER ISSUED ON NOVEMBER 27, 2007.**

D25_EXHIBITION PLACE, A PLACE FOR WORK, CELEBRATION AND LIVING

Exhibition Place, historically a place for celebration and exhibition, will expand into a dynamic area where people work, visit and live. Housing at select peripheral locations will not detract from Exhibition Place's primary role. The proposed realignment of Lake Shore Boulevard will add to the land available for development and make it easier to integrate Exhibition Place with Ontario Place.

The National Trade Centre will continue to function as a magnet to attract new businesses and support facilities. Synergies may also be created by the presence of the new media businesses of Liberty Village.

The remade Exhibition Place will feature a significant open plaza capable of hosting large gatherings and festivals.

New development will respect and celebrate Exhibition Place's existing heritage architecture and views of heritage buildings from the water. Opportunities for adaptive reuse of heritage buildings will be explored.

POLICIES

DESIGNING THE BUILT ENVIRONMENT

(P30) Development of the Central Waterfront will maintain Toronto's successful tradition of city building at a compact scale combining the best of urban living, amenities and built form. The treatment of the development sites abutting the water's edge, public promenade along the traditional urban dockwall will require particular sensitivity to create a front of publicly accessible and marvelous buildings of appropriate low to moderate scale to complement the character of the neighbourhoods and in keeping with good planning principles. The precinct implementation strategies will specifically address these design issues while defining their scale, range of uses and ensuring that the individual building design meets high standards of excellence through peer review, or a Design Review Board.

(P31) Excellence in the design of public and private buildings, infrastructure (streets, bridges, promenades, etc.), parks and public spaces will be promoted to achieve quality, beauty and worldwide recognition.

(P32) New development will be located, organized and massed to protect view corridors, frame and support the adjacent public realm and discourage privatization of public spaces. Built form will result in comfortable micro-climates on streets, plazas and other parts of the public realm.

NURTURING A HIGH STANDARD OF COMMUNITY LIVING

(P33) A balance of places to live and work will contribute to the morning-to-evening vitality of new waterfront communities.

(P34) Schools and other community services and facilities (including places of worship) will be integral components of new waterfront communities and will be provided in conjunction with new development (Appendix I).

(P35) Local parks will enrich new waterfront communities. Parks planning will take into account such factors as park size, land availability, neighbourhood accessibility, safety and quality of experience in park spaces (Appendix I).

(P36) Innovative approaches for providing the necessary community infrastructure will be explored, including shared use of schools, community services and facilities and local parks as well as integrating community facilities into private developments.

(P37) Public spaces, parks, transportation facilities and other public and private buildings in the Central Waterfront will be designed to ensure accessibility to persons with disabilities.

HOUSING OPTIONS

(P38) A mix of housing types, densities and tenures will accommodate a broad range of household sizes, composition, ages and incomes contributing to the vitality of the Central Waterfront as well as the opportunity for residents to remain in their communities throughout their lives.

(P39) The overall goal for the Central Waterfront is that *affordable rental housing* and *low-end-of-market housing* comprise 25 per cent of all housing units (see Definitions in Schedule B). To the extent possible, and subject to the availability of funding programs and development cross-subsidization, the greatest proportion of this housing will be affordable rental with at least one-quarter in the form of two-bedroom units or larger. Senior government funding programs to assist in the delivery of *affordable rental housing* will be aggressively pursued, and appropriate opportunities identified to take advantage of such programs.

CREATING SPECIAL PLACES TO WORK

(P40) The Central Waterfront will accommodate a variety of maritime activities, including cargo shipping, cross-lake ferry service, local ferry and water taxi terminals, excursion boats, cruise ships, berthing areas and marinas, maritime support services and the Port of Toronto.

(P41)* Land, dockwall and rail service will be sufficient to meet the needs of industry, cargo shipping, passenger cruise ships, ferries, excursion boats, recreational boating and other water-dependent activities.

***APPROVAL OF PARAGRAPH (P41) DEFERRED FOR LANDS SOUTH OF QUEENS QUAY EAST EXCEPT FOR FWP LANDS BY OMB PURSUANT TO DECISION/ ORDER ISSUED ON NOVEMBER 27, 2007.**

***APPROVAL OF PARAGRAPH (P41) DEFERRED FOR LANDS IN EAST BAYFRONT (WEST) LOCATED NORTH OF QUEENS QUAY EAST AND EAST OF SHERBOURNE STREET BY OMB PURSUANT TO DECISION/ORDER ISSUED ON JANUARY 16, 2012.**

(P42) Development in the Port Lands will be in accordance with the vision established in Big Move D22 and the Port Lands Area Specific Policy attached as Schedule C.

(P43) Large scale, stand-alone retail stores and/or “power centres” are not part of the vision for the Central Waterfront. New retail development will only be considered within the context of the City’s urban planning principles and must be supportive of the

other core principles and policies of this Plan. Retail and other uses which require large areas of unscreened surface parking will not be permitted. In regards to the lands within the West Don Lands, this policy does not supersede S. 10.2 and S. 5.3 of the King Parliament Secondary Plan.

(P44) Companies that rely on lake access for their operations will remain important maritime industries on the waterfront to the extent that they can be accommodated within emerging communities.

CREATING SPECIAL PLACES TO VISIT, RELAX, PLAY AND LEARN

(P45) The Central Waterfront will become the face of Toronto to the world, with a quality of experience and environment comparable to that of other international cities, a place to express the future of the city with confidence and imagination.

(P46) Strategies to attract high-value tourism to the Central Waterfront will receive top priority in order to strengthen Toronto's role as the cultural capital of the nation. The Central Waterfront will be the future location of major international-caliber cultural, entertainment and other tourist attractions.

(P47) A wide variety of year-round experiences for visitors will be offered. Emphasis will be placed on developing new facilities that are enduring, creative and unique to Toronto and its waterfront. Winter conditions will be an important consideration in developing the Central Waterfront's tourism infrastructure.

(P48) Boating opportunities will be expanded to draw city residents, workers and tourists to the waterfront. The Central Waterfront offers an opportunity to provide internationally acclaimed boating facilities, particularly in the Outer Harbour. The design, location and viability of such facilities will be developed further in the Precinct Implementation Strategies, in consultation with the appropriate stakeholders.

(P49) Toronto's story will be told by preserving the waterfront's cultural and natural heritage in the development of new private and public spaces, some of which are designated as the Inner Harbour Special Places.

(P50) Heritage properties listed on the City's Inventory of Heritage Property will be protected and improved where feasible. Designated heritage buildings will be conserved for creative reuse in their original locations.

***APPROVAL OF PARAGRAPH (P51) DEFERRED FOR LANDS WEST OF YONGE STREET BY OMB PURSUANT TO DECISION/ORDER ISSUED ON AUGUST 2, 2017.**

***APPROVAL OF PARAGRAPH (P51) DEFERRED FOR THE LANDS KNOWN AS 162 QUEENS QUAY EAST BY OMB PURSUANT TO DECISION/ORDER ISSUED ON APRIL 6, 2016.**

(P51) The Redpath facility is an important feature of the Toronto Waterfront that should be maintained. It is a symbol of the Waterfront's industrial heritage and an important employment generator relying on lake access and the dockwall for its operations. This Plan recognizes that the Redpath facility refines a significant amount of raw sugar for Canadian distribution and encourages its retention. Future developments should ensure that there are no undue negative impacts on Redpath's activities.

As a result of consultations with Redpath and the Ministry of the Environment concerning land-use compatibility issues between the Redpath facility and future land uses in the vicinity of the plant, the following additional policies will apply to: (i) the lands south of Queens Quay East in East Bayfront (West); (ii) the lands north of Queens Quay East and east of Sherbourne Street in East Bayfront (West); and (iii) the lands north of Queens Quay East in East Bayfront (West) known municipally in the year 2014 as 143-177 Lake Shore Boulevard East, 130-132 Queens Quay East and 26 Richardson Street, and 162 Queens Quay East, notwithstanding any conflicts with other policies of this Plan.

When considering development approval applications and public realm initiatives, regard shall be had to all applicable provincial and municipal policies, regulations and guidelines to ensure that compatibility will be achieved and maintained with regard to noise, dust, odour, and air quality so as to achieve the goals of:

- (i) preventing undue adverse impacts from the proposed land use on the Redpath lands designated as an Existing Use Area; and
- (ii) preventing undue adverse impacts on the new land use from the Redpath lands designated as an Existing Use Area.

Sensitive land uses may be prohibited in the implementing zoning, limited and/or protected, through phasing, massing and siting, buffering and design mitigation measures in proximity to Redpath to ensure compatibility. In addition, noise and air emissions reports shall be required in support of development approval requests. Such environmental reports are to specify how compatibility will be achieved and maintained between Redpath and the proposed development and may include measures aimed at minimizing impacts.

Council acknowledges the important role of the Ministry of the Environment in reviewing and providing comments and recommendations on such reports. The City shall consult with both the Ministry of the Environment and Redpath during the development approval process and during the design process for public spaces in the vicinity of the Redpath property to ensure compatibility.

***APPROVAL OF PARAGRAPH (P52) DEFERRED FOR THE LANDS KNOWN AS 162 QUEENS QUAY EAST BY OMB PURSUANT TO DECISION/ORDER ISSUED ON APRIL 6, 2016.**

(P52) Relating to lands known municipally in the year 2014 as 143-177 Lake Shore Boulevard East, 130-132 Queens Quay East and 26 Richardson Street, and 162 Queens Quay East:

- (i) Site specific built form permissions, including height, density and massing, are to be approved in accordance with a comprehensive approach based on the principles and intent of the Precinct Implementation Strategies.
- (ii) New development in the East Bayfront will be mid-rise, punctuated by taller buildings where Lake Shore Boulevard East intersects with major north/south streets. Tall building locations, heights, floorplate size and separation distances are defined in the attached site specific maps.
- (iii) Specific locations of taller and base buildings shall be carefully designed and organized to ensure that they do not overwhelm or undermine the quality of the adjacent public street, and public and private open spaces. The street wall shall include breaks in the massing to allow sunlight to penetrate onto Lake Shore Boulevard East, as well as public or private open space. Upper level step-backs shall be utilized to reduce building scale adjacent to the public sidewalk.
- (iv) Queens Quay will be the East Bayfront's primary street and the central spine of the Precinct's public realm. Buildings fronting Queens Quay will reinforce this role and the street's importance with a consistent street wall of buildings at a robust mid-rise scale, and provide active animation uses with doors and windows at grade along the street.
- (v) Individual building heights adjacent to Queens Quay will reference common datum lines, one at 38 metres emphasizing the predominant height of the street, and a lower datum line at the more intimate scale of approximately 25 metres, where appropriate. This will give Queens Quay a unified and coordinated appearance at a scale that will not overwhelm the adjacent streets. The intermittent 25 metre lower building height will soften the visual impact of the 38m high buildings, and permit sunlight to penetrate into the blocks to the north. Where building heights are in excess of 38m along the Queens Quay frontage, any increases to the height and numbers of buildings have been carefully considered based on site specific review.

P53 (DEFERRED)

(P54) This area-specific policy applies to the lands shown on Maps H1 and H2, generally described in this section as the Keating Channel West precinct

- a) The Keating Channel West precinct will be a vibrant, mixed-use waterfront community that builds on the legacy and amenity of the historic Keating Channel. The precinct will provide transitions and connections between and be compatible with the adjacent West Don Lands, East Bayfront, and Villiers Island precincts.

b) Public streets, public parks (including the water's edge promenade), and a range of well-distributed publicly accessible open space will comprise a comprehensive and coherent public realm. The public realm will define individual development sites, provide public amenity, and be sufficient to support the level of development anticipated in the Keating Channel West precinct. Development will complement the character and quality of the adjacent public realm and reinforce its public nature. The planned public realm network is generally shown on Map H1; key elements of the public realm will include the following:

1. Queens Quay will extend from the Parliament Street slip to Cherry Street and will be the Keating Channel West precinct's primary street and its central spine;
2. a water's edge street and promenade will provide public access, amenity, and an animated public space immediately adjacent to the waterfront;
3. a realigned Cherry Street will provide an important north-south connection through the precinct to the West Don Lands and to the Port Lands;
4. new public local streets will provide access to development blocks for vehicles, pedestrians, and cyclists and contribute to a fine-grained, well-connected public realm; and
5. privately-owned, publicly accessible open spaces, walkways, and streets will create intimate public spaces and permeability through development blocks and complement other key elements of the public realm.

c) Development with frontage on Queens Quay and development facing the water's edge will complement the character and quality of the adjacent public realm by providing a fine-grain and high-quality mix of ground-floor animation uses, with doors and windows at grade level, which promote pedestrian activity and facilitate a spectacular and highly accessible public realm, and support the objectives set out in Sections A4 and B7, and Policies P30, P31, and P32 of this Plan.

d) New development in the Keating Channel West precinct will be mid-rise, punctuated by tall buildings in locations determined within the context of this Secondary Plan and shown on Map H2. Development will:

1. locate and mass new buildings to frame the public realm with good proportion to adjacent public spaces and to provide pedestrian comfort and safety within adjacent streets, parks, and publicly accessible open spaces;
2. provide sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks, and open spaces;

3. utilize upper-level step-backs to reduce building scale adjacent to the public sidewalks along the north side of Queens Quay; south side of Queens Quay east of the new Trinity Street; the new Cherry Street; and the water's edge street;
 4. exemplify excellence in design and materials; and
 5. provide consistently massed mid-rise buildings and base buildings.
- e) Development adjacent to the water's edge street and facing Keating Channel will consist of low- and medium-scaled built form that will reinforce the pedestrian comfort, safety and usability of adjacent public spaces. Development will generally transition upward from a height of approximately 11 metres adjacent to the water's edge street.
- f) Development fronting onto Queens Quay will reinforce its role as the Keating Channel Precinct's primary street by providing a consistent street wall of buildings at a robust mid-rise scale. Further to this purpose:
1. Building height limits for mid-rise buildings and base buildings adjacent to Queens Quay will reference two common datum lines, one at a maximum height of 23 metres and one at a maximum height of 38 metres. Building heights of 23 metres will frame the public street as a comfortable pedestrian space. Building heights of 38 metres will generally express the principle of a 1:1 ratio of building height to right-of-way width and will be stepped back above a height of 23 metres. The zoning by-law will limit those areas subject to the 38 metre height limit, in order to ensure that the 23 metre datum line is predominant.
 2. Notwithstanding the policy objective expressed in paragraph f) and otherwise in h) above, to achieve a consistent street wall of new buildings along Queens Quay, breaks in the streetwall may be made to accommodate high-quality parks and publicly accessible open spaces that give prominence to the heritage Victory Soya Mills silos, that provide publicly accessible open space in association with significant cultural or institutional uses, support ground-related uses, or in connection with the water's edge.
- g) Tall buildings will be limited in number and located in accordance with this plan. The general locations and maximum permitted heights of tall buildings are shown on Map H2.
1. Tall buildings will be located to be broadly separated and associated with major intersections, particularly intersections with Lake Shore Boulevard East.
- h) Development in the specific areas shown on Map 1 will be limited as follows:

1. To a maximum of 53,350 square metres of gross floor area in Area A1 (307 Lake Shore Blvd. E., 7 and 11 Parliament Street)
2. To a maximum of 89,000 square metres of gross floor area in Area A (333 Lake Shore Blvd. E.)
3. To a maximum of 234,500 square metres of gross floor area in Area C (429 Lake Shore Blvd. E. and 324 Cherry St.)

i) In addition to the general location and maximum permitted heights of tall buildings shown on Map H2, and the prescription of building heights in paragraphs h and i, the City will adopt implementing zoning by-laws and utilize Site Plan Control to ensure appropriate implementation of this plan's built form policies.

j) Development of these lands will contribute to the implementation of Policy 39 of this plan, with the objective that 20% of all housing units, measured by a percentage of residential gross floor area rather than a percentage of units, be *affordable rental housing*. Affordable housing will be secured through implementing zoning by-laws with provisions that are consistent with the following:

1. *Affordable rental housing* may be delivered through one or a combination of: delivery of *affordable rental housing units*, dedication of land to the City or cash-in-lieu of land for *affordable rental housing*.
2. The amount of the requirement for each of the three delivery methods for *affordable rental housing* may be varied in the zoning by-laws to recognize the different costs and characteristics of each, and may result in the total achievement of *affordable rental housing* below 20% of all housing.
3. Implementing zoning by-laws will require one or more agreements pursuant to Section 37 of the Planning to secure and implement the provision of *affordable rental housing* in compliance with this Plan. A Master Section 37 agreement will set out the parameters of a phased *affordable rental housing* strategy consistent with the requirements of the implementing zoning by-law. In conjunction with this area-specific policy (P54) and any implementing zoning by-law, the Master Section 37 agreement may be relied upon to understand the intent of requirements and landowner obligations related to *affordable rental housing*. With respect to affordable rental housing, a phase-specific Section 37 agreement will be used to implement and elaborate on the affordable rental housing provisions in the implementing zoning bylaw and the Master Section 37 agreement.

k) Dedication of land for public streets, parks, and open spaces will be secured through development approval, except in specific instances where the City in its sole discretion determines other tools to be more appropriate, efficient, and/or

expeditious. As such, tools to secure such matters may include, but not be limited to, agreements pursuant to Sections 37, 41, 51, and 53 of the Planning Act.

- l) Landowners within the alignment of the extension of Queens Quay East from the Parliament Street slip to its intersection with the existing Cherry Street will be requested to convey to the City, for less than fair market value, lands for the laying out of the Queens Quay East right-of-way in this location in accordance with the Municipal Class Environmental Assessment approved for this alignment. In addition, landowners will be requested to convey lands to support the new Cherry Street realignment from Lake Shore Boulevard East to the Keating Channel in accordance with the Municipal Class Environmental Assessment approved for this alignment. As an alternative to agreements pursuant to the Planning Act, the City and the owner(s) may enter into Agreements pursuant to Section 30 of the *Expropriations Act* to facilitate the comprehensive acquisition of the Queens Quay East extension and the future alignment of Cherry Street.
- m) The City will consider the use of appropriate cost-sharing agreements on an equitable basis among benefiting Owners related to the provision of timely delivery of transportation and servicing infrastructure. The creation and dedication of roads shall normally be created through a Plan of Subdivision for future development blocks unless it can be demonstrated to the satisfaction of the City that a Plan of Subdivision is not required. Agreements among benefitting Owners may include cost sharing arrangements among the Owners with the City for the laying out and construction of any shared public rights-of-way and servicing, which are required to serve new development on a lot.
- n) Where development incorporates privately owned, publicly-accessible open space as part of the public realm, public access to such spaces will be secured through Plan of Subdivision and/or Site Plan Approval by way of easement and development approval will secure on-going maintenance.
- o) Site-specific built form permissions are to be implemented in accordance with the principles and intent of this Secondary Plan, with consideration for appropriate distribution of density and for comprehensive planning of the Keating West precinct.
- p) Where the implementing zoning by-law does not limit development density of an individual parcel or building, and where multiple parcels or buildings are subject to a single density limit, development proposals will nonetheless distribute the permitted density to ensure that later development phases will be left with appropriate density permission to express the zoning by-law's building envelopes. Phasing plans submitted in support of the removal of the holding symbol may be used to ensure appropriate distribution of density.

- q) The Keating Channel West precinct is located to the northwest of the Port Lands. Notwithstanding the Keating Channel West precinct Regeneration Area designation, uses within the Port Lands currently include existing industrial facilities and operations which may have emissions such as noise and vibration. When considering development applications and public realm initiatives within the Keating Channel West precinct, applicable provincial and municipal policies, regulations and guidelines will be appropriately applied to ensure that land use compatibility will be achieved.
- r) Appropriate environmental reports, such as noise and vibration reports, shall be required in support of applications to remove holding provisions. Such environmental reports are to specify how compatibility will be achieved and maintained between the relevant industrial operation(s) and the proposed development, including any proposed noise mitigation in order to comply with MOECC NPC 300, as may be amended from time to time, or any alternative method of noise assessment and/or noise mitigation proposed by the noise study. The noise study shall be to the satisfaction of the City.
- s) Any alternative method of noise assessment and/or noise mitigation proposed by the noise study filed in support of applications for the removal of holding provisions will require MOECC approval prior to the removal of the holding provision. MOECC approval means that the MOECC has advised in writing that the proposed alternative method of noise assessment and/or noise mitigation is acceptable and that industry can rely on same in determining its compliance with MOECC requirements applicable to the industry, notwithstanding that such alternative method of noise assessment and/or noise mitigation may not be in compliance with existing MOECC noise regulations and/or guidelines, such as NPC-300.
- t) This Official Plan policy and the implementing zoning by-laws are generally intended to reflect the development standards and planning criteria for lands within the Keating Channel West precinct so that the neighbourhood is developed in a comprehensively planned manner.

P55 (DEFERRED)

SECTION TWO: MAKING IT HAPPEN

1) A SIMPLIFIED APPROACH TO LAND USE REGULATION

The Central Waterfront will have four types of land use designations (Map E):

- Parks and Open Space Areas are areas for use as parks, open spaces, natural areas and plazas, and can include compatible community, recreation, cultural, restaurant and entertainment facilities. Lands designated Parks and Open Space Areas in the vicinity of Regeneration Areas may be subject to Precinct Implementation Strategies.

- Regeneration Areas are blocks of land that may be subdivided into smaller areas for a wide variety of mixed-use development ranging from industries to housing to community services and parks; from offices to stores to hotels and restaurants. Regeneration Areas will generally be subject to Precinct Implementation Strategies. The water's edge development sites located adjacent to the water's edge promenade and along the urban dockwall will be subject to the highest quality of design excellence. Development within water's edge sites should be designed to create a wonderful juncture of the city and the Inner Harbour or Ship Channel. Development along the Public Promenade (Dockwall/Water's edge) should be generally of low to moderate scale and views of the lake from the city protected in accordance with good planning principles. This new development can incorporate a wide mix of uses both public and private, including residential, and should be designed at ground floor level to complement the activities anticipated in adjacent public spaces. These sites will be subject to particular attention in the precinct implementation strategies to ensure that they achieve the highest quality of built form and design expected. The precinct implementation strategies will specifically address these design issues while defining their scale, range of uses and ensuring that the individual building design meets high standards of excellence through peer review.

***APPROVAL OF REGENERATION AREAS POLICY DEFERRED FOR FWP LANDS BY OMB PURSUANT TO DECISION/ORDER NO. 1905.**

***APPROVAL OF REGENERATION AREAS POLICY DEFERRED FOR BLOCKS 1 AND 2 SOUTH OF QUEENS QUAY EAST BY OMB PURSUANT TO DECISION/ORDER ISSUED ON NOVEMBER 27, 2007.**

- Regeneration Areas (Qualified) are lands in proximity to Existing Use Areas. Regeneration Areas (Qualified) are subject to the policies applicable to Regeneration Areas with the exception that neither residential land uses nor any commercial, institutional or community service uses that may be analogous to residential in that they involve overnight accommodation or sleeping facilities of any kind, are permitted.
- Existing Use Areas are areas currently covered by planning controls that are consistent with the direction put forward in this Plan. These lands will continue to be governed by existing Official Plan and zoning controls and related Planning Act processes and will not be subject to Precinct Implementation Strategies.

2) IMPLEMENTATION

The implementation of the principles and policies contained in this Plan will rely on a wide array of planning and financing tools. Planning tools may include the adoption of zoning by-laws, use of holding provisions, temporary use by-laws, agreements under Section 37 of the Planning Act, site plan control and various means of subdividing land. In addition, the City of Toronto has been granted the opportunity to apply a Development Permit System in the Central Waterfront area as an alternative zoning and development control process.

2.1 Planning at a Precinct Level

The precinct implementation strategies are intended to provide for comprehensive and orderly development and to implement the policies of this Plan. This review process will also deal with issues of soil cleanup, flood control and servicing, urban design, community improvement, heritage and environmental performance standards. Approval of new zoning for lands within the Regeneration Areas will generally take place at a precinct level. Prior to the preparation of zoning by-laws or development permit by-laws of lands not designated Existing Use Areas, Precinct Implementation Strategies will be prepared in accordance with the policies contained in Section 2.2 below. The boundaries of each precinct will be determined as part of the preparation of the Precinct Implementation Strategies and the related zoning by-laws(s) or development permit by-law(s). Elements of the precinct implementation strategies may be incorporated into the Secondary Plan for the Central Waterfront by way of Official Plan Amendment.

Rezoning of individual sites within Regeneration Areas will generally only be entertained once a context has been established for the evaluation of specific rezoning applications, through the Precinct Implementation Strategies. In addition, area-wide infrastructure requirements will have to have been determined, including a fair and equitable means for ensuring appropriate financial contributions for their provision, prior to the approval of rezoning applications.

Because of the area-wide, integrated, nature of developing an effective transit network, transit implementation must be managed on a broader area-planning basis. It cannot be managed effectively through precinct planning, or a sub-area planning process. To achieve the objectives of the Central Waterfront Plan, a high level of transit use is required in each of the four development areas, and it is essential that transit-oriented travel patterns be established from the outset. For this reason, the implementation of transit improvements will require a separate financial planning and approval process.

For each of the four development areas, a staged implementation schedule and accompanying financial plan for the construction and operation of transit facilities, will be required before development can proceed in that development area. This will ensure that high-order transit services are constructed at an early stage in the development process and that the transit-oriented objectives of the plan are achieved from the outset.

2.2 Precinct Implementation Strategies**

Precinct Implementation Strategies will include, but not be limited to, the following elements

- (i) a streets and blocks structure that supports a broad range of development and provides appropriate connections to adjacent communities;

- (ii) minimum and/or maximum standards regarding the height and massing of buildings and the provision of parking;
- (iii) strategies to ensure a balance between residential and employment-based development;
- (iv) strategies by which affordable housing targets can be achieved;
- (v) the location and phasing of local and regional parks, open spaces, public use areas, trails and access linkages;
- (vi) the location and phasing of elementary schools and high schools, libraries, community and recreation centres, day care centres, emergency services, places of worship and other community facilities and services;
- (vii) a comprehensive set of environmental performance standards for public and private infrastructure, buildings, and activities including, but not limited to, energy efficiency, reduction of CO₂ emissions, water conservation, clean air and waste (reduction, reuse and recycling);
- (viii) provisions for securing the retention of heritage buildings within new developments and an archaeological resource assessment, as identified in the Archaeological Master Plan for the Central Waterfront, of high-potential sites prior to development;
- (ix) urban design provisions dealing with the unique microclimatic conditions of the waterfront, quality of waterfront streets, the public realm, urban plazas, parks, schools, other community services and facilities, and signage;
- (x) public art and urban design standards and guidelines;
- (xi) provisions for protecting and securing necessary road, transit, trails and bicycle route alignments; and
- (xii) mechanisms, financial and otherwise, to ensure the above matters are implemented.

**** APPROVAL OF SUBSECTION 2.2 DEFERRED IN ITS ENTIRETY FOR FWP LANDS BY OMB PURSUANT TO DECISION/ORDER NO. 1905.**

**** APPROVAL OF SUBSECTION 2.2 DEFERRED IN ITS ENTIRETY FOR LANDS SOUTH OF QUEENS QUAY EAST PURSUANT TO OMB DECISION/ORDER ISSUED ON NOVEMBER 27, 2007.**

2.3 The Central Waterfront as a Development Permit Area

The City of Toronto has been granted the authority to implement a Development Permit System in the Central Waterfront. This system allows a streamlined municipal approval

process by consolidating the zoning by-law, minor variance and site plan approval processes into one through the enactment of development permit by-laws.

2.3.1 The Central Waterfront Secondary Plan area, as delineated on Map E, is designated a Development Permit Area. Within this area, City Council may enact development permit by-laws based on the following objectives:

- to enable the revitalization of the Central Waterfront to move forward in a timely and strategic fashion;
- to provide certainty for matters of public concern and the achievement of city building objectives, while providing flexibility in the means to achieve these objectives; and
- to streamline the approval process while providing the opportunity for public input into development.

2.3.2 When determining whether any class, or classes of development, or use of land may be permitted, several types of criteria may be used in the development permit by-law in order to ensure high quality urban development. These criteria relate to built-form, use, intensity of use, compatibility with adjacent uses and other uses within the precinct, parking requirements, relationship to parks, open spaces and the water's edge, proximity and availability of supporting hard and soft services, location relative to public transit and consistency with the policies of the Secondary Plan.

In addition, the by-law may permit the continued use, enlargement or extension of a legal non-conforming use or a change in use of a legal non-conforming use, provided that the proposal is desirable, avoids hardship, will have no unacceptable impacts on adjoining properties, and is consistent with the policies of this Plan.

2.3.3 The following types of conditions may be included in a development permit by-law and may be imposed prior to the issuance of a development permit.

- requirements for the provision of bicycle trails, walkways, protecting and securing necessary road widenings and transit rights-of-way, parking, parkland, land grading or filling, storm water management and/or any other types of conditions permitted under s.40, 41, or 42 of the Planning Act;
- environmental conditions related to air quality, water and sewers, flood protection, soil cleanup, groundwater protection, storm water management, natural heritage features and functions, and construction-phase environmental impacts, for defined uses or classes of development in areas including hazard lands, contaminated lands, significant natural feature areas and/or any other types of environmentally sensitive areas listed in s.34(3)(3.1) and (3.2) of the Planning Act; and
- the execution of agreements respecting site alteration, grading, filling and/or the removal of vegetation.

2.3.4 As with Site Plan Approval, when enacting a development permit by-law Council may delegate its authority to an employee of the municipality, to:

- (a) approve or refuse an application for a development permit;
- (b) issue a development permit;
- (c) attach conditions to the approval of a development permit; and/or
- (d) enter into agreements with respect to a development permit.

2.4 Contributions to Infrastructure and Community Facilities

The creation of new communities will necessitate major investment in roads, transit, servicing, flood proofing measures, soil remediation, parks and public spaces, and community facilities and services.

Prior to enacting a zoning by-law or development permit by-law on lands designated as Regeneration Areas, arrangements will be made whereby benefiting landowners will be required to pay a fair and equitable share of the costs of any new infrastructure and community facilities required for such development, through one or more of the following means:

- (i) the payment of an area-specific development charge pursuant to the Development Charges Act;
- (ii) a contribution made pursuant to an agreement under Section 37 of the Planning Act;
- (iii) a cost sharing agreement involving landowners; and/or
- (iv) such other arrangements as may be appropriate.

2.5 Increases in Height and/or Density

In order to assist in the achievement of the full implementation of the policies of this Plan, contributions to one or more community benefits, facilities, or services may be requested in exchange for a height and/or density increase above the existing height and/or density limits, pursuant to Section 37 of the Planning Act, provided that the increase in height and/or density is appropriate, and enhances the Central Waterfront. The benefit will be secured through an appropriate legal agreement that will be registered on title to the lands. Increases are to be measured from the height and/or density for the use permitted in the zoning by-law.

2.6 Holding By-laws

In order to provide for the orderly development of lands in the Central Waterfront, to secure professional or technical studies to assess potential development impacts, to address issues of environmental sustainability, design excellence, soil remediation, flood control, infrastructure requirements and servicing and to ensure an equitable sharing of associated costs, Council may enact zoning by-laws pursuant to Sections 34 and 36 of the Planning Act with an “h” holding symbol. After the necessary studies, plans and other matters specified in the zoning bylaw have been provided and/or secured through an agreement or agreements entered into pursuant to the Planning Act and the City of Toronto Act, 2006, as amended or replaced from time to time, as appropriate, the holding symbol may be removed.

***APPROVAL OF PARAGRAPH (2.6.1) DEFERRED FOR LANDS WEST OF YONGE STREET BY OMB PURSUANT TO DECISION/ORDER ISSUED ON AUGUST 2, 2017.**

2.6.1 Holding Provisions Related to East Bayfront (West)

In addition to the matters specified in Section 2.6, where sensitive land uses such as residential, child care centres, primary and secondary schools, community/recreational centres, nursing homes, hotels, private and commercial schools, or other quasi-residential and/or institutional uses, are proposed on: (i) lands south of Queens Quay East in East Bayfront (West); (ii) lands north of Queens Quay East and east of Sherbourne Street in East Bayfront (West); and (iii) lands north of Queens Quay East in East Bayfront (West) known municipally in the year 2014 as 143-177 Lake Shore Boulevard East, 130-132 Queens Quay East and 26 Richardson Street, and 162 Queens Quay East, the holding symbol may be removed after Council is satisfied, having had regard for applicable environmental regulations and guidelines and receiving or securing necessary technical studies, that compatibility will be achieved and maintained between any proposed land use and lands designated as Existing Use Area (even if external to East Bayfront) with regard to noise, dust, odour, and air quality so as to achieve the goals of:

- (i) preventing undue adverse impacts from the proposed land use on the Redpath lands designated as an Existing Use Area; and
- (ii) preventing the potential for undue adverse impacts on the new land use from the Redpath lands designated as an Existing Use Area.

3) SUBDIVISION OF LANDS

The subdivision of lands within precincts may occur through a simplified Plan of Subdivision and the lifting of Part Lot Control, or the taking of public streets directly and lifting Part Lot Control where an underlying Plan of Subdivision already exists. Severance of lots in Regeneration Areas by application to the Committee of Adjustment generally will only be considered upon completion of the Precinct Implementation Strategies.

4) ENCOURAGING EXCELLENCE IN DESIGN

Excellence in design will be promoted through design competitions and design review panels. These processes will encourage the participation of both the local and international design community.

A Design Review Board will be established to review and advise the City on all design aspects of all development applications on lands adjacent to the Public Promenade (Dockwall/ Water's Edge). The objective of this process will be to ensure the excellence in design of new public and private buildings, infrastructure, parks and public spaces adjacent to Toronto's waterfront.

5) DESIGNATING THE CENTRAL WATERFRONT AS A COMMUNITY IMPROVEMENT PROJECT AREA

The Central Waterfront is proposed to be designated a Community Improvement Project Area under Section 28 of the Planning Act. In order to expedite revitalization efforts, Community Improvement Plans will be developed to identify specific revitalization projects.

The Community Improvement Project Area designation allows the City to provide grants or loans for rehabilitating land or buildings. Under the Municipal Act, the City may include tax incentives to encourage development in a Community Improvement Project Area. It also helps focus government funding and investment on well-defined, pre-approved community improvement projects and initiatives such as brownfield redevelopment, heritage restoration, affordable housing, soil and groundwater remediation, infrastructure, parkland acquisition, façade improvements and/or general community beautification projects.

6) TIMELY IMPLEMENTATION AND ENVIRONMENTAL ASSESSMENT

6.1_Environmental remediation, flood protection measures, early construction of transit infrastructure, and the timely provision of community services and facilities will be essential to achieving the revitalization of the Central Waterfront.

6.2_Where applicable under provincial or federal legislation, environmental assessments of Central Waterfront projects will be undertaken. The Environment Assessment process will be an opportunity to integrate Toronto's environmental and sustainability goals into project design and implementation.

7) INTERPRETATION OF THE PLAN

7.1_The Central Waterfront Secondary Plan consists of the Core Principles, Big Moves and Policies, Maps A to E and Schedules A to C. The Port Lands Area-Specific Policy

(Schedule C) prevails over the Central Waterfront Secondary Plan where any conflict may arise.

7.2_ Maps A, B and D cover an area beyond the boundary of the Central Waterfront and will prevail over the Official Plan and any Secondary Plans for the matters covered in these maps.

7.3_ Appendix I is part of the Plan for the purpose of illustration only and is not to be interpreted as prescriptive. Appendix II is part of the Plan for the purposes of documenting areas City Council have classified as Class 4 areas under the under the Ministry of Environment (now Ministry of Environment, Conservation and Parks) Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Publication NPC-300, August 2013. 7.4_ The Toronto City Centre Airport and Toronto Islands are not part of the Plan.

7. 5_ The transportation alignments, Parks and Open Space Areas and Regeneration Areas shown in this Plan are intended to provide a basic framework for the Central Waterfront. Minor adjustments and additions to any of these elements may be made without amendment, including the final configuration of the future naturalized mouth of the Don River to be established through detailed design, the Queens Quay East alignment at its current intersection with Cherry Street and Lake Shore Boulevard East.

7. 6_ The text and maps of the Official Plan continue to apply except in cases where the text and maps are in conflict with this Secondary Plan, in which case the text and maps of this Secondary Plan shall prevail.

7.7 _ For further clarification, the land use designation of “Regeneration Area” in the area to the south of Mill Street as set out in the Central Waterfront Secondary Plan shall prevail over the King Parliament Secondary Plan.

7.8 _ Notwithstanding Section 7.6, in cases where the text and maps of the Fort York Neighbourhood Secondary Plan are in conflict with this Secondary Plan, or where this Secondary Plan would impose additional financial obligations or Section 37 contributions on the blocks identified on Map B to the Fort York Neighbourhood Secondary Plan beyond those obligations or contributions imposed by the Fort York Neighbourhood Secondary Plan, the text and maps of the Fort York Neighbourhood Secondary Plan shall prevail.

7.9 _ Section 2.6 of this Secondary Plan does not apply to the lands in the Fort York Neighbourhood Secondary Plan.

SCHEDULE A PROPOSED RIGHTS-OF-WAY (ROW) FOR MAJOR ROADS

Roadway ⁽¹⁾	From	To	ROW	Streetcar in own ROW
Bayview Av	Mill St	Queen St E	30 m	No
Basin St (new)	Cherry St	Don Roadway (new)	26 m	No
Basin Street (Realigned)	Don Roadway	Carlaw Av	20 m	No
Broadview Av (new) ⁽⁵⁾	Eastern Av	Commissioners St	35 m	Yes
Broadview Av (new)	Commissioners St	Ship Channel	35 m	Protected
Broadview Av (new)	Ship Channel	Unwin Av	35 m	Protected
Carlaw Av (new)	Basin St	Commissioners St	30.5 m ⁽⁶⁾	No
Cherry St	Eastern Av	Front St E	36 m	Yes
Cherry St	Front St E	Mill Street	35 m	Yes
Cherry St	Mill St	CN Railway Corridor	varies	Yes
Cherry St	CN Railway Corridor	Ship Channel	40 m	Yes
Cherry St	Ship Channel	Unwin Av	30.5 m	No
Commissioners St	Cherry St	Don Roadway	40 m	Yes
Commissioners St	Don Roadway	Leslie St	42 m ⁽³⁾	Yes
Don Roadway	Lake Shore Blvd E	Commissioners St	40 m	Protected
Don Roadway (new)	Commissioners St	Ship Channel	35 m ⁽⁷⁾	Protected
Don Roadway (new)	Ship Channel	Unwin Av	35 m	Protected
Dufferin St (new)	Front St W (new)	Lake Shore Blvd W	30 m	Yes
East-West north of Commissioners St (new)	Don Roadway	Carlaw Av	23 m	No
Front St E	Trinity St	Cherry St	30 m	Yes
Front St E	Cherry St	a point 70 m east of Cherry St	20 m	No
Front St E	a point 70 m east of Cherry St	Bayview Av (new)	42 m	No
Front St W (new)	Bathurst St	a point 170 m east of Strachan Av	33 m	No
Front St W (new)	a point 170 m east of Strachan Av	Dufferin St	27 m	No
Leslie St	Commissioners St	Lake Shore Blvd E	40 m	Yes
Leslie St	Commissioners St	Unwin Av	26 m	No
Manitoba Dr (new)	Strachan Av	Fraser Av (new)	Varies	Yes
Mill St	Cherry St	Bayview Av (new)	25 m	No
Parliament St	King St E	Front St E	Varies	Yes

Roadway ⁽¹⁾	From	To	ROW	Streetcar in own ROW
Parliament St (new)	Lake Shore Blvd E	Queens Quay E	24 m	No
Princes' Blvd (new)	Saskatchewan Rd	Manitoba Dr	45+ m	No
Queens Quay E	Yonge St	Cherry St	40 m	Yes
Strachan Av	Lake Shore Blvd W	Front St W (new)	30 m	No
Unwin Av (new)	Cherry St	Leslie St	22 m ⁽⁴⁾	Yes
Yonge St	Queens Quay	Lake Shore Blvd	30 m	No

- (1) Existing or currently planned roads (e.g. Bremner Boulevard) that are not listed in this schedule will maintain current right-of-way designation.
- (2) RESERVED
- (3) Includes a wide, landscaped stormwater management and linear open space feature. A 4.76 metre widening is required on the south side of Commissioners Street. A 7.0 metre widening is required on the north side of Commissioners Street.
- (4) The required 4.6 metre widening is required on the north side of Unwin Avenue between Cherry Street and the Broadview Extension.
- (5) Official Plan Amendment no. 387 (By-law 87-2018) to the Toronto Official Plan will prevail north of Lake Shore Boulevard.
- (6) The right-of-way width includes the 15 metre Public Promenade in accordance with Policy 5.4.2 of the Port Lands Area Specific Policy.
- (7) The alignment of the Don Roadway south of Commissioners Street will be shifted to the west to the extent possible while taking into consideration grading; ensuring that the protected transit corridor and vehicular travel lanes will not be located within the 10 m setback from the top of bank of the Don Greenway; and achievement of a functional design with the Don Roadway north of Commissioners Street and the protected connection across the Ship Channel.

Notes:

- (a) Rights-of-way will be protected to accommodate road, transit, pedestrian and cycling requirements, as well as landscaping and other urban design elements.
- (b) The rights-of-way of local streets not listed above are to be addressed in conjunction with the subdivision planning process.
- (c) Council may require additional right-of-way widenings (e.g. at intersection locations) in order to accommodate appropriate design geometry.
- (d) Rights-of-way requirements may be amended in the future to take into account environmental assessments, detailed design work, plans of subdivision, as well as traffic and development needs.

SCHEDULE B
HOUSING DEFINITIONS*

Affordable Housing: Rental and Ownership

Affordable rental housing means housing where the total monthly shelter cost (gross monthly rent including utilities – heat, hydro and hot water – but excluding parking and cable television charges) is at or below one times the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation.

Affordable ownership housing is housing which is priced at or below an amount where the total monthly shelter cost (mortgage principle and interest – based on a 25-year amortization, 10% down payment and the chartered bank administered mortgage rate for a conventional 5-year mortgage as reported by the Bank of Canada at the time of application – plus property taxes calculated on a monthly basis) equals the average City of Toronto rent, by unit type, as reported annually by the Canada Mortgage and Housing Corporation. Affordable ownership price includes GST and any other mandatory costs associated with purchasing the unit.

Rental Housing

The term rental housing means a building or related group of buildings containing one or more rented residential units, but does not include a condominium, registered life lease, or other ownership forms.

Low-End-Of-Market Housing

The term low-end-of-market housing means small private ownership housing units suitable for households of various sizes and composition, the price of which would not be monitored or controlled, but which, by virtue of their modest size relative to other market housing units, would be priced for households up to the 60th percentile of the income distribution for all households in the Toronto CMA, where total annual housing costs do not exceed 30 per cent of gross annual household income.

*To be read in conjunction with Policy (P39).

APPENDIX 1 COMMUNITY SERVICES, FACILITIES AND LOCAL PARKS

Based on full build-out of approximately 40,000 new residential units and 900,000 sq. m. of non-residential development

GENERAL CRITERIA

Facility/site requirements

- shared use and/or multi-purpose facilities
- capacity to adapt to changing needs of the community over time
- all of the community facilities could be integrated as part of a mixed-use development site

Location criteria

- accessible by public transit
- barrier-free
- grade-related
- good visibility from the street

Guidelines

- *timely provision of social infrastructure facilities as development proceeds within each community precinct*
- *monitoring and review of adequacy of the community facilities shall occur once one-third of the potential development is achieved in each community*

ELEMENTARY SCHOOLS

(6 to 10 at full build-out)

Facility/site requirements

- *1.2 hectares if a single elementary school is located next to a public park*
- *1.82 hectares if a joint TDSB/TCDSB elementary school is located next to a public park*

Location criteria

- *pupils should travel no more than 1.6 km to school*
- *minimize children crossing arterial roads*

Guidelines

- *optimal facility must be sufficient to accommodate between 400 and 500 students*
- *pupil generation rates should be monitored in coordination with both the TDSB and TCDSB*

SECONDARY SCHOOLS

(one at full build-out)

Facility/site requirements

- *stand alone requires four hectares, or two hectares if located next to a public park with adult-sized ball field and soccer pitch*

Location criteria

- *locations on arterial roads with direct transit access are preferable*

Guidelines

- *facility size will be determined by pupil generation rates within the Waterfront*

- *pupil generation rates should be monitored in coordination with both the TDSB and TCDSB*

LOCAL PARKLAND

Facility/site requirements

- *neighbourhood oriented passive and active recreational opportunities*
- *size and shape will vary depending on community size and facility requirements*
- *each residential community shall contain at least one local park a minimum two hectares in size*

Location criteria

- *intended to serve communities within a reasonable walking distance*
- *where appropriate, regional parkland can also meet local parkland needs*
- *barrier free, grade-related and good visibility from streets*

Guidelines

- *distribution, size and facility mix should be relative to population distribution and demographics*
- *capacity to adapt to changing needs of the community over time*

DAYCARE CENTRES

(10 to 12 at full build-out)

Facility/site requirements

- *licensed capacities of 72 children each, with 735 m² of interior space and 401 m² of contiguous outdoor space*

Location criteria

- *grade location is preferable*
- *compliance with appropriate provincial regulation and city policies*
- *sun, air and noise studies must be completed prior to final selection of sites*

Guidelines

- *Daycare demand will be assessed as follows:
number of children up to 4 years of age, multiplied by the labour participation rate for women aged 20 to 45 years, reduced to 50-70% to reflect patterns of parental choice with respect to licensed care*

LIBRARIES

(one to three at full build-out)

Facility/site requirements

- *650 m² to 1,115 m² preferably located at grade*

Location criteria

- *good pedestrian and public transit access*
- *highly visible from the street*

Guidelines

- *one library for every community with a population of at least 25,000 residents or a comparable combined residential and office worker population*
- *residents should have access to a library within 1.6 km*

RECREATION CENTRES

(four to six at full build-out)

Facility/site requirements

- *size is dependent demand*

Location criteria

- *good pedestrian and public transit access*
- *highly visible from the street*
- *ready access to outdoor playing fields and playgrounds (preferably a public park)*

Guidelines

- *one recreation centre for every 21,000 residents or a comparable combined residential and office worker population*

COMMUNITY SERVICE/HUMAN SERVICE SPACE

Facility/site requirements

- *929 m² to 1,858 m² of space*

Location criteria

- *good pedestrian and public transit access*
- *highly visible from the street*

Guidelines

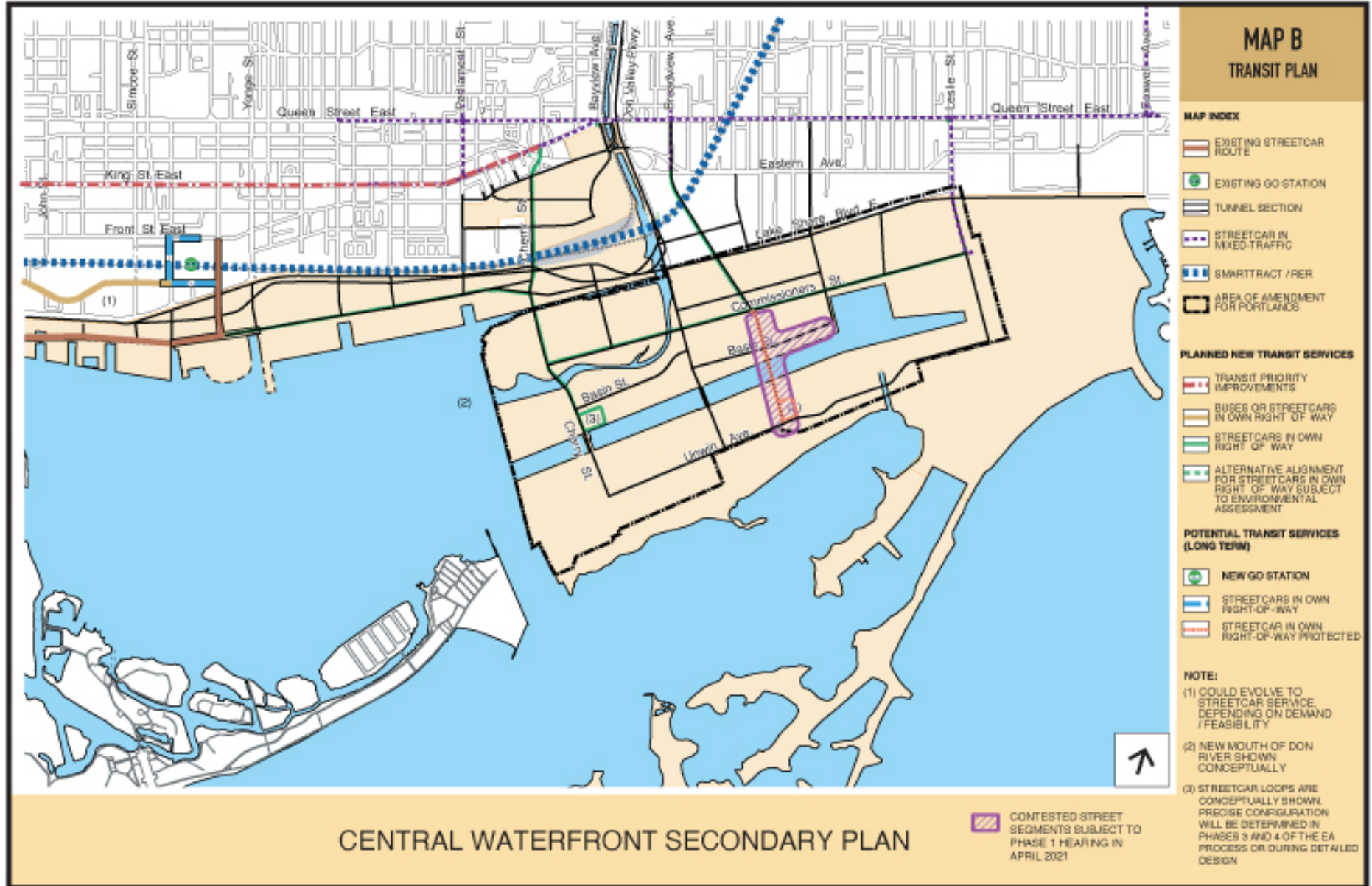
- *one facility for each community*

MAPS A to E

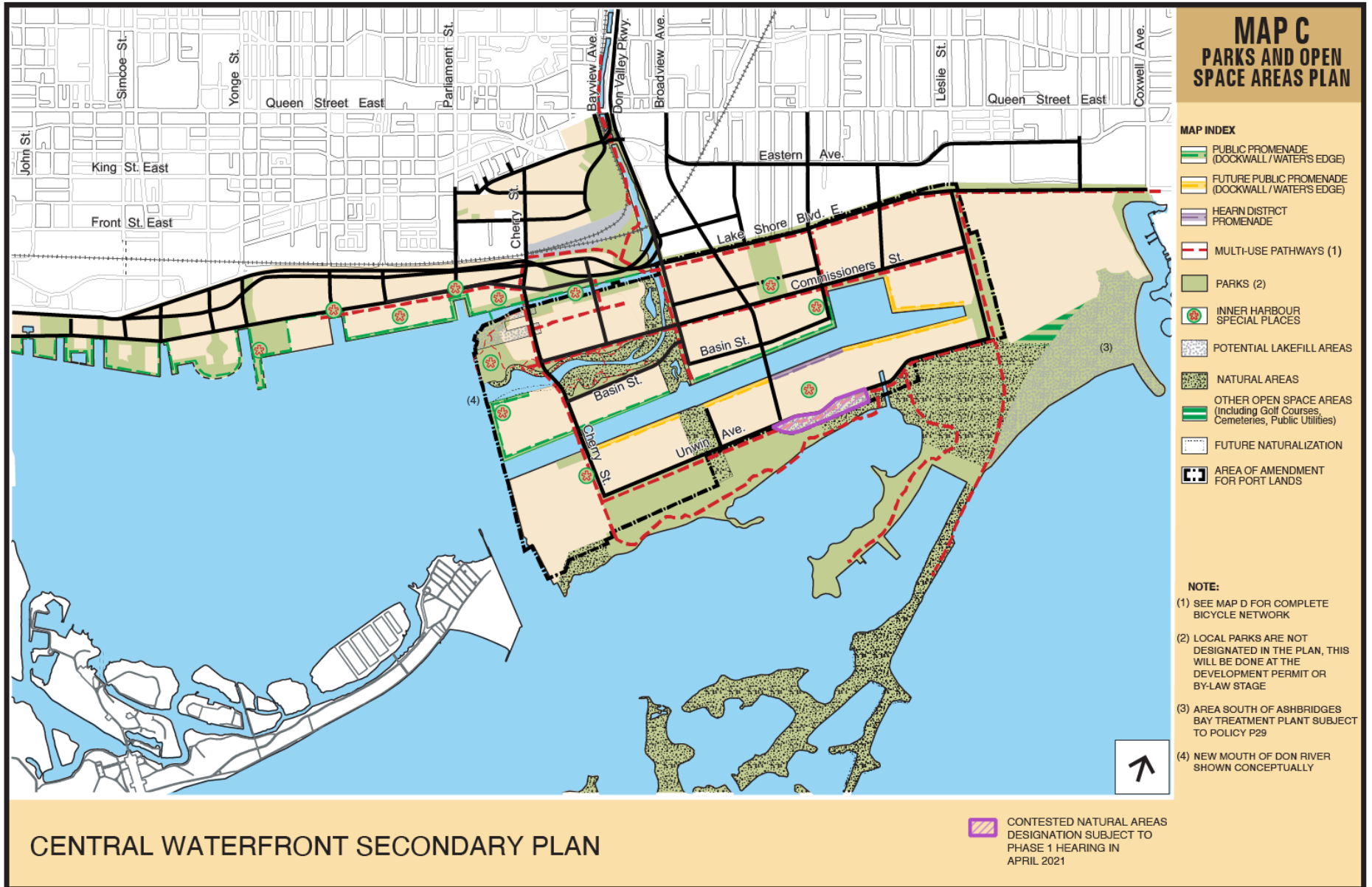
Note: Maps A through E reflect the modifications from the Port Lands OPM for the Port Lands only. Final consolidated Maps reflecting the balance of the Central Waterfront will be prepared for the LPAT final order following the Phase 1 contested hearing



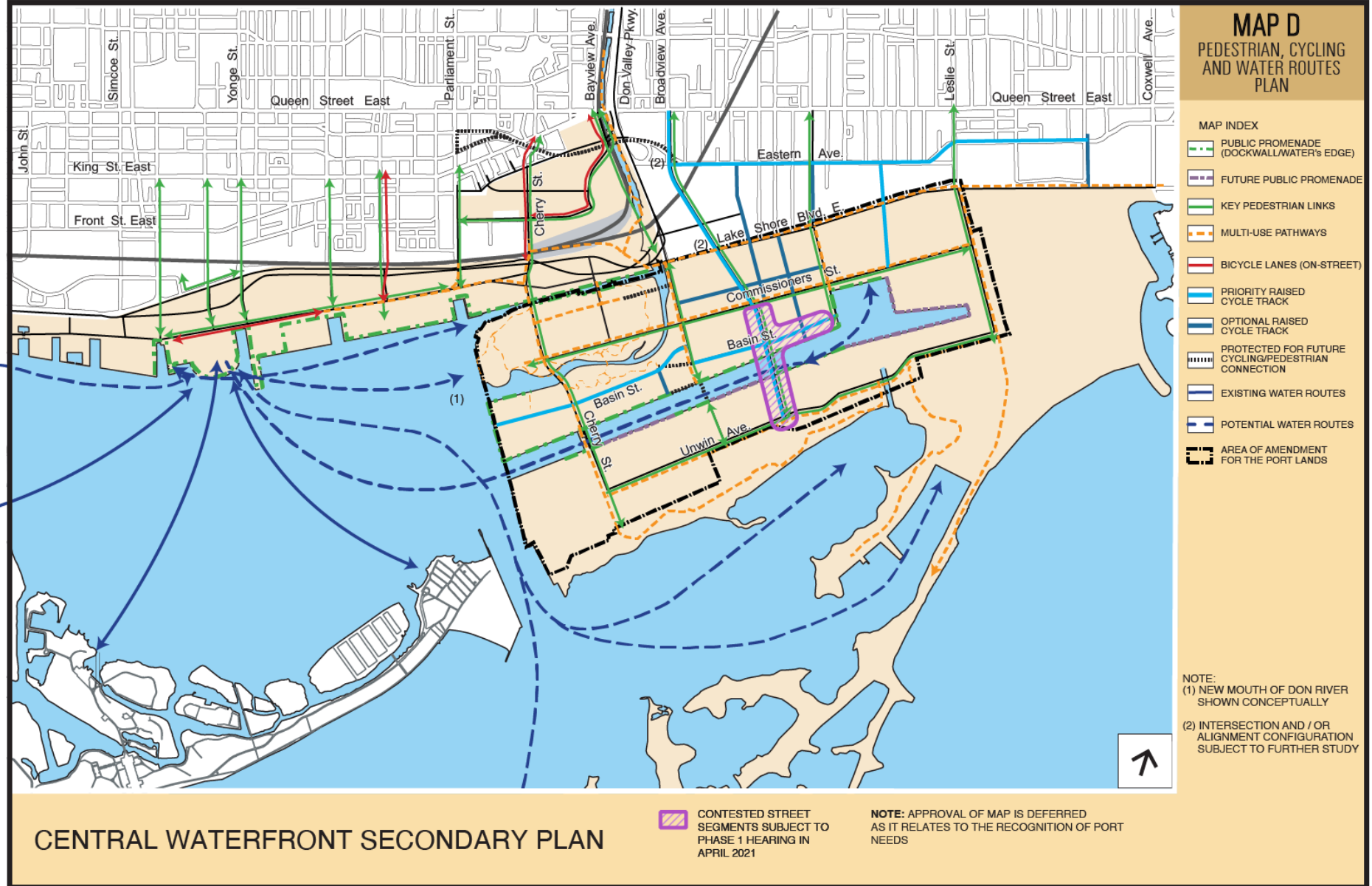
Central Waterfront Secondary Plan



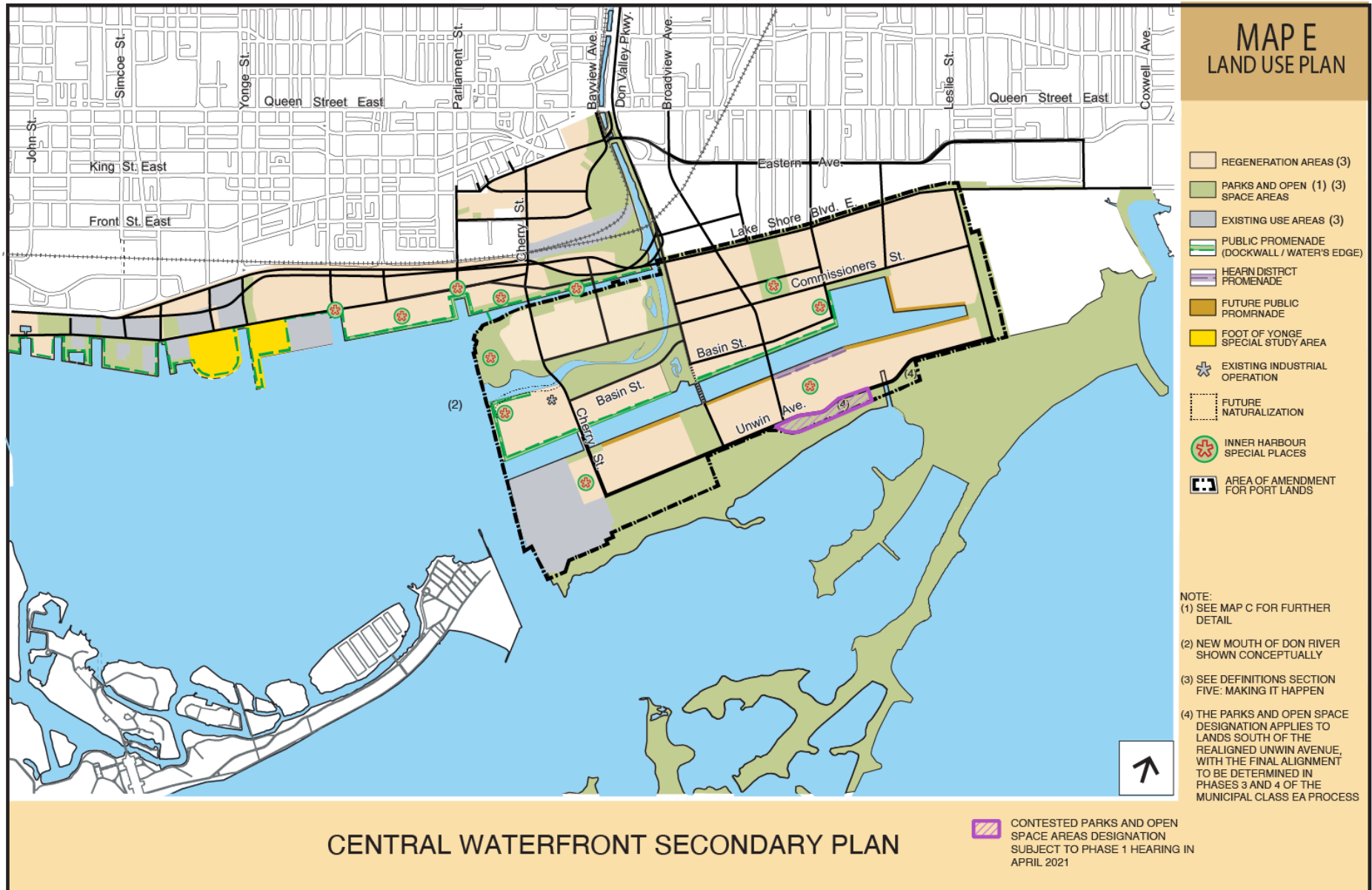
Central Waterfront Secondary Plan



Central Waterfront Secondary Plan



Central Waterfront Secondary Plan



Central Waterfront Secondary Plan

Schedule C

Port Lands Area Specific Policy

1. General

This Port Lands Area Specific Policy applies to the lands shown on Map 3A, herein referred to as the Port Lands. The Port Lands Area Specific Policy will be read in conjunction with the Port Lands Planning Framework, dated September 2017, to provide context and to assist in clarifying intent and purpose.

2. The Vision

2.1. Seven Big Moves that will unlock the Port Lands potential:

2.1.1. The River and Don Greenway:

- a) The mouth of the Don River will be renaturalized and rerouted through the Lower Don Lands, south of the Keating Channel. It will restore and improve the ecological function of the river; provide flood protection, a variety of active and passive recreational uses, and wildlife and aquatic habitat; enable appropriate sediment management; and complement the broader city's ravine system. It will provide a comprehensive system of open spaces, with municipal parkland located above top of bank, and will be integrated with adjacent development areas, the Inner Harbour, and Don Greenway.
- b) A new green Natural Heritage corridor will be created adjacent to the Don Roadway from Lake Shore Boulevard south to Unwin Avenue, referred to as the Don Greenway. The Don Greenway will function as an important natural area and open space connection, linking the Don River to the future Lake Ontario Park, Tommy Thompson Park and Lake Ontario, as well as provide flood protection north of the Ship Channel.

2.1.2. Six signature north-south streets that will connect the Port Lands to the city. Each street will have a distinctive character and function within the overall street network:

- a) Cherry Street will be a gateway street into the Port Lands and to the recreational area and beach south of the Ship Channel. North of the Ship Channel, Cherry Street will be a key transit spine into the Port Lands and will provide a comfortable pedestrian environment and continuous multi-use pathway. South of the Ship Channel, the street will be activated and complemented by the Maritime Hub. The design of the street in this area should reinforce the character of the historic sand bar and integrate innovative stormwater management practices. It will also complete the multi-use pathway and include enhanced streetscaping;
- b) The Don Roadway will be extended to the Ship Channel and provide a continuous linear park along the western edge of the street overlooking the naturalized mouth of the Don River and Don Greenway. A portion of the linear park may be utilized for future dedicated transit expansion if required. An extension of the street across the Ship Channel will be protected for;

- c) The extension of Broadview Avenue will be a centrally-located civic spine into and through the Port Lands that includes dedicated transit and is intended to cross the Ship Channel, linking destinations along its way and terminating at the Hearn Generating Station. From the north, the street will be aligned on axis with the Hearn chimney stack generally to Commissioners Street, creating a view corridor to this iconic piece of Toronto history. The exact location and design of the Broadview extension south of Commissioners Street will be determined in Phases 3 and 4 of the Municipal Class Environmental Assessment process. This process will develop and consider alternatives that would require the reconfiguration and/or the relocation of the Basin Transformer Station, as well as alternatives that enable the Basin Transformer Station to remain in its present location;
- d) Carlaw Avenue will extend southward to the Basin Street extension as a promenade street that capitalizes on its adjacency to the Turning Basin;
- e) The Caroline Extension will terminate at the Turning Basin. The street will be designed to perform diverse functions with an employment area, while also minimizing potential impacts to existing stable residential areas to the north. The design of the street will incorporate wide pedestrian clearways, raised, separated cycle tracks, street trees, urban bioswales and on-street parking that could accommodate production crews; and
- f) Leslie Street will be a green portal to Tommy Thompson Park with expanded green space on either side of the street. The wild, natural qualities of the Leslie Spit and Tommy Thompson Park will extend through the street and adjacent green spaces. South of Commissioners Street, the street will be configured to enable an expanded public realm.

2.1.3. Four east-west connections that will unite the Inner Harbour to the natural areas in the eastern end of the Port Lands:

- a) An urbanized Lake Shore Boulevard with a wide, landscaped multi-use pathway east of the Don River and the Keating Channel Promenade west of the Don River will unite Toronto east and west of the Don River. Additional north-south permeability and connectivity will be created across Lake Shore Boulevard;
- b) Commissioners Street will connect key public spaces and provide address to the naturalized mouth of the Don River. The street will be redesigned and widened into a complete, tree-lined street that integrates transit in a dedicated right-of way; a wide, open landscaped stormwater channel east of the Don Roadway; enhanced pedestrian and cycling amenity; and appropriate conservation of cultural heritage landscapes;
- c) The Ship Channel is a unique waterfront amenity and transportation spine. It is a powerful focal point around which new communities and areas of employment will be built. The needs of existing port uses requiring dockwall space will be prioritized while providing opportunities to capitalize on the Channel as a public, recreational amenity where possible. Along its northern edge, continuous water's edge promenades and a high-quality built form interface adjacent to the promenades with attention to ground-floor uses to animate and activate the Channel will be introduced. The design of the water's edge promenades will consider and accommodate

the berthing of laid up industrial and commercial vessels, where required. Along its southern edge, areas associated with planned parks and open spaces will be strategically opened up for public enjoyment; and

- d) Unwin Avenue is, and will continue to be, the seam between industry and natural areas to the south. The street's existing 'wild' quality will be enhanced with new pedestrian, cycling and stormwater infrastructure that hugs the treed edge and integrates existing rail lines, while accommodating continued truck traffic. The street will be realigned in the vicinity of the Hearn and Port Lands Energy Centre, with the final alignment in this area determined through the completion of Phases 3 and 4 of the Municipal Class Environmental Assessment process.

2.1.4. A blue-green park network will be established that creates new and varied public spaces and capitalizes on the numerous adjacent water bodies and features to support year-round activation and a remarkable public realm. The blue-green park network will consist of:

- a) Large areas of multi-functional, public parkland (located above top-of-bank) and other open spaces as identified on Map C. These major parks and open spaces will be city-wide destination parks that will fulfill a variety of functions;
- b) A series of continuous, publicly-accessible water's edge promenades that capitalize on the historic channels, the Turning Basin and Inner Harbour;
- c) Natural areas which integrate sensitively designed passive recreation opportunities to ensure the integrity of natural functions and habitat;
- d) Water recreation features, such as boat launches and public spaces on floating and/or moveable barges, that capitalize on the various waterways, while also ensuring the safety of recreational users and enabling continued port functions;
- e) Local public parks in Mixed-Use Residential and Productions, Interactive and Creative Mixed Use districts. Local parks will also be pursued for non-residential districts to supplement and complement major parks and open spaces and provide amenity for area workers.
- f) Linear open spaces that expand on the major and local public parkland and/or create green linkages between parks and open spaces; and
- g) Publicly accessible, privately owned open spaces within developments to supplement and further contribute to the Port Lands public realm.

2.1.5. The Port Lands will offer a number of destinations (Inner Harbour Special Places). These destinations will provide a wide range of cultural infrastructure, attractions, events and activities, both permanent and experimental. These destinations will take advantage of and harness surrounding open spaces and heritage buildings and structures to create unique draws that will attract tourism and enable local enjoyment. These destinations are identified on Map E.

2.1.6. A series of unique and memorable districts will be created in the Port Lands with exciting contrasts and a carefully managed interface. The active port and important city-serving industries will be maintained, and new, diverse communities and employment clusters created. Each district will take its cue

from the Port Lands' exceptional qualities, and be conceived to have its own distinct character with land use, built form, and street and block fabric as key organizing and differentiating elements. The design and layout of new, reconfigured or relocated port and city-serving industrial uses on publicly-owned land will meet operational and regulatory needs while judiciously using land to minimize land consumption.

- 2.1.7. An urban structure, consisting of the major public streets, and the varied urban, open and natural spaces, will be set in place that will create a high quality physical environment with a coherent spatial structure. The urban structure will support the series of unique and memorable districts and enable the establishment of a fine-grained and resilient local street and block pattern capable of supporting a wide variety of uses well into the future.

3. Objectives

The following objectives will guide public works and development in the Port Lands:

- 3.1. Ensure land use across the Port Lands and associated development is diverse with beautifully designed buildings, and, where appropriate, capable of adaptive reuse;
- 3.2. Actively pursue land uses that will shape prosperity and increase Toronto's global competitiveness and drive a strong, production oriented, digitally-connected, innovative and diverse economy;
- 3.3. Optimize maritime industries and support the working port while managing the neighbourhood interface;
- 3.4. Create a diverse and multi-functional public realm with activated public spaces, the highest caliber of urban design and that showcases stormwater as a resource;
- 3.5. Celebrate and conserve the unique history of the Port Lands to create new experiences and bolster character both within and from afar;
- 3.6. Connect the Port Lands to the city and achieve a fine-grained public street network over time for easy, seamless access with an emphasis on transit and active transportation while maintaining goods movement;
- 3.7. Create inclusive, social places with a range of housing choice, rich amenity and activity for healthy, prosperous and resilient lifestyles for all Torontonians;
- 3.8. Embrace the wild, natural areas and provide access for wildlife to enable abundant biodiversity;
- 3.9. Ensure the transformation is globally significant and showcases approaches embodying the cultural and technological shifts necessary for climate change resiliency and mitigation;
- 3.10. Ensure orderly development in lock-step with infrastructure improvements;
- 3.11. Create destinations for Torontonians, building on legacies and implement early activation projects to kick-start the transformation and enhance public access; and
- 3.12. Strategically consolidate and relocate some existing uses where necessary to enable major public works and key parks and open spaces shown on Map C, such as the naturalized river valley, the Don Greenway south of the Ship Channel and a continuous water's edge promenade on the north of the Ship Channel west of the Turning Basin. The strategic consolidations and relocations will also improve public

access to the water's edge and support consolidating land uses in appropriate areas while also wisely managing land to support future evolution of the Port Lands.

4. Land Use

4.1. The Port Lands are an important location for *Productions, Interactive and Creative (PIC)* uses, with a focus on screen based industries, as well as an important location for *Port* and *Industrial* uses that assist in growing and maintaining the broader city. These uses will be protected from displacement, where possible. Strategies for relocation elsewhere in the Port Lands will be developed where existing *PIC, Port* and *Industrial* uses may be required to be relocated to accommodate major public works and the Parks and Open Space system.

4.2. Land use permissions and direction within the different Districts in the Port Lands (as identified on Map 3B – Port Lands Districts) will be in accordance with the following:

4.2.1. Villiers Island (*Mixed-Use Residential* District)

- a) *Mixed-use Residential* land uses are permitted in Villiers Island.
- b) A *Destination and/or Catalytic* use will be encouraged and permitted in Promontory Park, and as part of the adaptive reuse of the historic silos.
- c) Source and/or receptor mitigation will be required for areas in Villiers Island impacted by the Cement Terminal operation on Polson Quay to mitigate adverse effects. Source mitigation must be practicable from a technical and reasonable operational perspective for the Cement Terminal operator to implement and will require the agreement of the operator of the Cement Terminal. Detailed Noise and Air Quality Assessments submitted for site-specific development applications will confirm the specific type(s) of mitigation to be used.
- d) A mix of residential and non-residential uses will be required in Villiers Island. A minimum of 15 per cent of the Island's total gross floor area will consist of non-residential uses excluding retail and service uses. In addition, a minimum of five per cent of the Island's total gross floor area will consist of retail and service uses or other non-residential uses. Combined, the minimum non-residential requirements will result in at least 20 per cent of the Island's gross floor area. The precise location of the required non-residential uses is not prescribed by this policy and will be determined as zoning is advanced for the Island in accordance with any Council-endorsed precinct plan. For added clarity, the 20% requirement is not a requirement for each individual site, but is an overall requirement to be achieved within the Island.

4.2.2. Polson Quay and South River (*PIC Mixed-Use* District)

- a) *Productions, Interactive and Creative (PIC) Mixed-Use* land uses in a compact urban form with active ground floor uses on Priority Retail Streets and Frontages are permitted in the Polson Quay and South River districts. Residential and other sensitive uses are permitted subject to policy 4.2.2 c) and applicable policies in section 4.7 of this Area Specific Policy.
- b) The Cement Terminal on Polson Quay is an important operation for the broader city. The Terminal provides cement powder delivered by vessel for distribution throughout the city and region, reducing truck traffic on the

city's and region's streets and contributing to building and maintaining the city. It is a symbol of the Waterfront's industrial heritage and an important economic activity relying on lake access and the dockwall for its operations. The continued operation of the Cement Terminal is permitted. Expansion of and changes to the operation is permitted in accordance with the *Planning Act* and subject to appropriate technical studies and meeting regulatory requirements. In the event that the Cement Terminal operation relocates elsewhere or permanently ceases to operate on the site, new *Port* and *Industrial* uses on the site will not be permitted.

- c) Mitigation will be required for residential and other sensitive land uses on Polson Quay impacted by the Cement Terminal, *Port* uses, and other industrial operations on the south side of the Ship Channel in the Ports Toronto Marine Terminal and South Port Districts. District-wide Comprehensive Noise and Air Quality Assessments, and Detailed Noise and Air Assessments submitted with a rezoning application submitted concurrently with the precinct planning process, will determine the appropriate measures, such as buffer uses, source and/or receptor mitigation, needed to mitigate any unacceptable adverse effects from the Cement Terminal and *Port* uses on the south side of the Ship Channel. Vibration and traffic studies may also be required.
- d) Any at source mitigation proposed at the Cement Terminal on Polson Quay and *Port* uses on the south side of the Ship Channel will require the agreement of the operators, and will need to be practicable from a technical and reasonable operational perspective to implement.
- e) Any local parks located in proximity to the Cement Terminal on Polson Quay will be designed to limit longer-stay park facilities and amenities, such as playgrounds, within 70 metres of the Cement Terminal, as long as the Cement Terminal is operational.
- f) A minimum of 25 per cent of the total gross floor area within a block will consist of *PIC Core* land uses excluding retail and service uses. In addition, a minimum of five per cent of the districts' total gross floor areas will consist of retail and service uses or other *PIC Core* land uses. Combined, the minimum non-residential requirements will result in at least 30 per cent of all gross floor area in each of the districts.
- g) The minimum 25% *PIC Core* land use requirement on a block may be transferred to another block in the district subject to demonstrating the receiving block is capable of accommodating the land uses from a built form perspective to the City's satisfaction and rezoning the receiving block prior to or at the same time as rezoning the donor block. Following the transfer, no amendments to the Zoning By-law for the receiving block that would have the effect of reducing the *PIC Core* gross floor area will be permitted.
- h) Production studio uses, as defined in the Zoning By-law, proposed as part of satisfying the minimum non-residential gross floor area requirement will have the floor area pro-rated based on the site area associated with the studio use and application of a comparable floor area based on the typical floor area that would be generated for other non-residential uses.

- i) In addition to PIC Core uses, entertainment uses, such as nightclubs, entertainment places of assembly and recreation uses, will be permitted in Polson Quay as an interim measure in accordance with any existing zoning permissions in recognition that the *PIC Mixed Use* vision for the District may take time to be fully realized. Expansion of existing uses and new entertainment uses may be considered where the expanded or new use is in a form and scale that would not prevent the realization of the PIC Mixed Use vision for the District, and that noise impacts on nearby existing and planned residential areas are reasonable.

4.2.3. McCleary District (*PIC Mixed-Use* District)

- a) *Productions, Interactive and Creative (PIC) Mixed-Use* land uses in a compact urban form with active ground floor uses on Priority Retail Streets and Frontages are permitted in the McCleary District.
- b) Residential and other sensitive uses may be permitted in the McCleary District subject to addressing compatibility issues with the Commissioners Waste Transfer Station, or if the Waste Transfer Station is relocated or reconfigured into a modernized, urban format while appropriately conserving the heritage resource in a park setting and demonstrating to the City's satisfaction that a high-quality of life in the McCleary District would be attained. Additionally, appropriate mitigation of noise sources associated with the Cement Terminal on Polson Quay may be required.
- c) A minimum of 25 per cent of the total gross floor area within a block will consist of *PIC Core* land uses excluding retail and service uses. In addition, a minimum of five per cent of the district's total gross floor area will consist of retail and service uses or other *PIC Core* land uses. Combined, the minimum non-residential requirements will result in at least 30 per cent of all gross floor area in the district.
- d) The minimum 25 per cent *PIC Core* land use requirement on a block may be transferred to another block in the district subject to demonstrating the receiving block is capable of accommodating the land uses from a built form perspective to the City's satisfaction and rezoning the receiving block prior to or at the same time as rezoning the donor block. Following the transfer, no amendments to the Zoning By-law for the receiving block that would have the effect of reducing the *PIC Core* gross floor area will be permitted.
- e) Production studio uses, as defined in the Zoning By-law, proposed as part of satisfying the minimum non-residential gross floor area requirement will have the floor area pro-rated based on the site area associated with the studio use and application of a comparable floor area based on the typical floor area that would be generated for other non-residential uses.
- f) In order to buffer the film studios to the south, *PIC Core* land uses will be provided directly adjacent to Commissioner's Street. Residential uses will not be permitted.

4.2.4. Media City (*PIC Core* District)

- a) Media City is a film, television and media District with a critical mass of production studio and related uses, making this District an established and important location for the film and television sector in Toronto. *PIC Core*

land uses are permitted in the Media City to further contribute to and enhance Toronto's economic competitiveness, and capitalize on the District's unique location at the juncture of the Don Greenway, Ship Channel and water's edge promenade. Residential uses are not permitted.

- b) Active uses, in accordance with Policy 4.8.1, are required along Commissioners Street at key nodes in the vicinity of the Don Roadway and Broadview Extension. Active uses or ground floor uses that animate the Don Roadway and water's edge promenade frontages will be required. Retail at grade and other active uses will be protected for along the balance of the Broadview Extension.
- c) Permitted entertainment uses in Media City include small-scale bars and nightclubs; and event spaces. Appropriately-scaled fitness centres are also permitted provided the fitness centre is within a mixed-use non-residential building and is designed to animate any public street or water's edge frontages if located at grade. Other permitted cultural uses include concert halls, cinemas, museums and galleries integrated within mixed-use non-residential buildings. These entertainment and cultural uses are intended to provide additional amenity for area employees and to showcase the District as a hub for film, television and media activities.
- d) A single hotel use, with accessory meeting rooms and/or conference spaces, is permitted as a supporting function for the critical mass of production studios and related uses in Media City, subject to the following conditions:
 - i) The hotel use will be located within the general vicinity of the Don Roadway and Commissioners Street;
 - ii) There is at least 25,000 square metres of production studio uses within Media City;
 - iii) The hotel use is integrated in a mixed-use building with production offices and related uses;
 - iv) The hotel use, excluding meeting rooms and conference spaces, will not exceed the lesser of 15,000 square metres or 25 per cent of the total gross floor of the building; and
 - v) The hotel use will be sited and designed to attenuate potential noise impacts from production studio uses.
- e) Sensitive uses should be located and designed within Media City to minimize and mitigate adverse effects from Port and industrial uses, and energy transformer stations. Where this is not possible, receptor mitigation may be sufficient for the introduction of sensitive uses in Media City. Any required receptor mitigation will be confirmed through the submission of Detailed Noise and Air Quality Assessment(s) in support of required development approvals for such sensitive uses in Media City. Source mitigation is not expected to be required to achieve land use compatibility.

4.2.5. Turning Basin District (*PIC Core District*)

- a) The focus in this District will include growing Toronto's screen-based industries, interactive and digital media, and arts, design and other

creative enterprises. *PIC Core* land uses are permitted in the Turning Basin districts. Residential and hotel uses are not permitted.

- b) Commissioners Street and any street and/or promenade frontages associated with the Inner Harbour Special Place are Priority Retail Streets and Frontages where active uses, in accordance with Policy 4.8.1, are required. Active uses or ground floor uses that animate the water's edge promenade will be required. Retail at grade and other active uses will be protected for along the Broadview Extension.
- c) Residential, sensitive commercial uses, and other sensitive uses that may be needed for a complete community, such as public schools regulated under the *Education Act*, will only be permitted subject to a District-wide Comprehensive Noise and Air Quality Study, as well as traffic assessments, which will be undertaken as part of a precinct planning process. The studies will address existing industrial uses, existing and planned *Port* uses, and energy generation and transmission facilities. The more detailed studies will identify appropriate mitigation measures required to support the introduction of the sensitive uses in the District.

Yellow highlight is only to be included in the OPM if the LPAT determines residential/hotel uses are permitted in the Turning Basin District

4.2.6. Warehouse District (Light Industrial and Productions District)

- a) The Warehouse District will transition to an area with *Light Industrial and Productions* uses as properties redevelop to complement the South of Eastern *Employment Area* to the north. New medium- and heavy-intensity industrial uses will not be permitted. Production studios, workshops, arts and design related uses, and green and knowledge-based industry uses are desirable uses and will be encouraged in this area.
- b) Retail and service uses, in accordance with other policies in this Area Specific Policy, will be permitted on Leslie Street north of Commissioners Street, and fronting Commissioners Street.
- c) Existing large scale, stand-alone retail stores and "power centres" legally established through a Zoning By-law Amendment prior to the enactment of this Area Specific Policy are recognized. Redevelopment of any sites with existing large-scale retail use permissions will be in accordance with the policies of this Area Specific Policy; and
- d) The existing concrete batching plant at 650 Commissioners Street is permitted and may be replaced or expanded in accordance with the Planning Act and subject to appropriate technical studies and meeting regulatory requirements. In the event that the existing concrete batching plant use permanently ceases to operate on the site, new heavy industrial uses, such as asphalt, cement or concrete batching plants, on the site will not be permitted.

4.2.7. East Port, South Port East and South Port (*Port* and *Industrial* Districts)

- a) *Port* uses are permitted in the East Port, South Port East and South Port districts.

- b) *Industrial* uses may be permitted adjacent to the Ship Channel's dockwall in the East Port and South Port districts provided that it is demonstrated to City Council's satisfaction that lands are not required for port functions over the long-term and that proposed uses would not impact the quality of life of residents in proposed neighbourhoods.
- c) *Industrial* uses are permitted on lands that are not located directly adjacent to the Ship Channel's dockwall in the East Port and South Port districts, and are permitted in the South Port East district.
- d) Existing energy generation facilities are permitted in the South Port East District. Any new or expanded energy generation facilities will be encouraged to utilize renewable energy sources to support achieving the long-term net zero energy district objective.

4.2.8. Hearn (*Destination and Catalytic* District)

- a) *Destination and/or Catalytic* uses are desired and permitted. A full range of *Destination and/or Catalytic* uses will be provided within any adaptive reuse of the historic Hearn Generating Station. Sports and recreation facilities, office uses and vertical urban farms for the cultivation of fruits or vegetables are also permitted.
- b) Retail and service uses up to a maximum floor area of 20 per cent of the total floor area are only permitted as an ancillary use and subject to the provision of *Destination and/or Catalytic* uses.
- c) Residential, sensitive commercial uses, and other sensitive uses that may be needed for a complete community, such as public schools regulated under the *Education Act*, will only be permitted subject to a District-wide Comprehensive Noise and Air Quality Study, as well as traffic assessments, which will be under taken as part of a precinct planning process. The more detailed studies will address existing industrial uses, existing and planned *Port* uses, and energy generation and transmission facilities. The more detailed studies will identify appropriate mitigation measures required to support the introduction of the sensitive uses in the District.

Yellow highlight is only to be included in the OPM if the LPAT determines residential/hotel uses are permitted in the Turning Basin District

4.2.9. Maritime Hub (*Destination and Catalytic* District)

- a) Non-sensitive *Destination and/or Catalytic* uses and active uses and amenities, such as retail stores, service uses, restaurants, outdoor patios, cafés, at grade will be permitted to create a gateway to Cherry Beach and provide amenity for the public, area businesses and employees.
- b) Other supportive and/or ancillary uses to the *Port* and *Industrial* uses in the South Port area are also permitted in multi-storeyed buildings with active uses at grade.

4.2.10. The Ports Toronto Marine Terminals District is identified as *Existing Use Areas*. *Port* and *Industrial* uses will be permitted on these lands. Should additional or new uses be requested requiring municipal infrastructure and/or services, comprehensive planning will need to be undertaken to justify the

proposed uses and a net gain to the Parks and Open Space system provided. Should any non-*Port* and *Industrial* uses be proposed, it will need to be demonstrated that the lands are not required for *Port* and *Industrial* uses over the long-term.

4.2.11. Interim uses may be considered on lands designated as *Parks and Open Space Areas* within the boundary of this Area Specific Policy where the timing and funding of a future public park has not been determined, and provided that the interim use consists of a temporary structure; a special short term installation and/or event; or would temporarily support nearby uses.

4.2.12. Public utility uses, such as premises used for the transmission and distribution of energy, are permitted in all Districts, except lands in the South Port and East Port Districts reserved exclusively for *Port* uses. Public utility uses will be enclosed in buildings and/or attractively screened by structures, such as walls or decorative fencing, to integrate the uses into the urban fabric. Additional urban design attention will be paid to public realm frontages, such as providing landscape and aesthetic treatments.

4.3. The land uses for the Districts identified in the policies 4.2.1 to 4.2.9 have the following meanings:

4.3.1. Districts identified for *Mixed-Use Residential* land uses will include a broad range of uses in a compact urban form, that include residential uses, commercial uses, such as office, retail, service uses and hotels, media uses, *Destination and/or Catalytic* uses, local parks and open spaces, local and/or city-serving institutional uses, such as community centres, post-secondary schools, public schools regulated under the *Education Act* and child care centres, and essential city services, such as transit stations and/or stops. Vehicle dealerships, service shops, self-storage warehouses and drive-through establishments are not permitted.

4.3.2. Districts identified for *Productions, Interactive and Creative (PIC) Core* land uses will support the growth of key economic sectors and maintain Toronto as a place for creativity and innovation. Desirable and permitted uses consist of production studios, carpenter's shops, workshops, artist and performing arts studios, and other cultural-related and office uses associated with productions or creative sectors. Other permissible uses include light manufacturing, offices, warehouses (excluding self-storage warehousing), printing and binding, retail and service uses (excluding drive-through facilities), financial, laboratory, computer-related, education (excluding post-secondary schools, schools regulated under the *Education Act* and religious schools) uses, and other essential city services, such as transit stations and/or stops. Some entertainment uses may be permitted where the uses align with the vision for the particular District and in accordance with any performance standards established or size limitations. Accessory child care centres and post-secondary schools are permitted subject to addressing any District-specific land use compatibility policies, policy 4.4, and applicable policies in section 4.7 of this Area Specific Policy. *PIC Core* areas can accommodate larger floor plates and more intense *PIC* activities.

4.3.3. Districts identified for *PIC Mixed-Use* land uses permit the full range of desirable and permissible *PIC Core* uses in a compact urban form and multi-storied buildings. In addition, residential uses and other uses needed to directly support a complete community are permitted subject to achieving a

minimum amount of floor area for *PIC Core* uses as identified in policies 4.2.2 f) and 4.2.3 c), policy 4.4, and addressing this Area Specific Policy's land use compatibility policies. Other uses needed to support a complete community include local and/or city-serving institutional uses, such as community centres, public schools regulated under the Education Act and child care centres.

4.3.4. District identified for *Light Industrial and Productions* land uses permit *PIC Core* uses, except child care centres, and the full range of land uses within light industrial areas, excluding uses that are vehicle-oriented such as vehicle dealerships, service shops and drive-through establishments. Ancillary uses to *Light Industrial and Productions* uses, and essential city services, such as transit stations and/or stops are also permitted.

4.3.5. Lands identified for *Port* uses within Districts permit marine facilities that require dockwall access, and include, but are not limited to, marine terminals, silos and container terminals for the loading/unloading and storage, bulk or otherwise, of cargo by vessel, ferry or marine passenger terminals, ship building and repair, and ancillary uses to *Port* uses. *Industrial* uses that are directly dependent on marine shipping for the transportation of raw material or finished product are permitted subject to policy 4.7.12 and include:

- a) Light and medium-intensity manufacturing uses;
- b) Asphalt plants, cement plants and concrete batching plants; and
- c) Outdoor bulk storage.

4.3.6. Lands identified for *Industrial* land uses within Districts permit a range of light and medium-intensity industrial land uses and some heavy-intensity industrial land uses:

- a) Desired and permitted light and medium-intensity industrial uses include warehouses, public works yards, and light- and medium-intensity manufacturing uses.
- b) Permitted heavy-intensity industrial uses include asphalt plants, cement plants, concrete batching plants and relocated municipal waste transfer stations; and
- c) Ancillary uses to *Port* and *Industrial* uses are permitted.

4.3.7. Districts or sites identified for *Destination and/or Catalytic* land uses are uses that are intended to entertain, educate or elevate culture. Desired and permitted uses include arts, design and cultural-related uses, artisanal light-intensity manufacturing, entertainment places of assembly, parks and open spaces, community centres and recreational uses, media uses, post-secondary education uses, renewable energy, marine passenger terminals, other community uses and accessory retail and service uses. Other essential city services, such as transit stations and/or stops are also permitted. Residential uses are not permitted. Nightclubs and casinos are not *Destination and/or Catalytic* uses. This Area's Specific Policy's land use compatibility policies and policy 4.4 may need to be addressed prior to permitting sensitive uses.

4.4. Development consisting of *PIC Core*, *Light Industrial and Productions*, *Port* and *Industrial* land uses in advance of the implementation of the required flood remedial protection works may require the implementation of appropriate flood-proofing

measures in accordance with the policies of the Lower Don Special Policy Area and to the satisfaction of the City in consultation with the Toronto and Region Conservation Authority. Any flood-proofing measures may not preclude the implementation of the required flood remedial protection works in the Don Mouth Naturalization and Port Lands Flood Protection Project Environmental Assessment (DMNP EA). Development consisting of new and/or intensified land uses provided for in the *Mixed-Use Residential* and *PIC Mixed-Use* land use typologies identified in policies 4.3.1 and 4.3.2 requires the implementation of the flood remedial protection works in the DMNP EA.

4.5. In the interim period while the flood protection works are under construction, flood risk for specific developments will be determined by the Toronto and Region Conservation Authority (TRCA) based on floodplain mapping produced by the TRCA when identifying the limits of development for a proposed project.

4.6. *PIC Core, Light Industrial and Productions, Port and Industrial* Districts are areas for clusters of business and economic uses and are essential cornerstones for a diverse and thriving civic economy required for the foreseeable future. Conversion of these Districts or individual sites to non-employment uses will only be considered through a municipal comprehensive review or as may otherwise be set out in provincial legislation, plans and/or policies, and will require the preparation of a precinct plan. Temporary, major international events may be permitted subject to City Council's direction and appropriate accommodation of existing operations.

4.7. Land Use Compatibility

4.7.1. The Port Lands has a number of existing port and industrial uses, lands designated for future *Port* uses, and an energy generation facility. Land use compatibility issues associated with the introduction of sensitive uses in Villiers Island, Polson Quay/South River and the McCleary District have been identified. Land use compatibility issues have also been identified associated with the introduction of noise-sensitive institutional uses in the Media City, Turning Basin, Warehouse and Hearn Districts. Receptor mitigation may be insufficient to appropriately mitigate noise and air quality impacts. Prior to permitting sensitive uses in the Zoning By-law, a package of measures, such as separation distances, buffer uses, source mitigation and/or receptor mitigation, may be required. Mitigation is not required for spaces in noise sensitive uses that are not noise-sensitive, such as lobbies and administrative areas.

The version of the policy contingent on a LPAT decision on certain land use permissions in the Media City, Hearn and Turning Basin District.

The Port Lands has a number of existing port and industrial uses, lands designated for future *Port* uses, and an energy generation facility. Land-use compatibility issues associated with the introduction of sensitive uses in Villiers Island, Polson Quay/South River, the McCleary District, Media City, Turning Basin District and the Hearn have been identified. Land use compatibility issues have also been identified associated with the introduction of noise-sensitive institutional uses in the Warehouse District. Receptor mitigation may be insufficient to appropriately mitigate noise and air quality impacts. Prior to permitting sensitive land uses in the Zoning By-law, a package of measures, such as separation distances, buffer uses, height limitations, source mitigation and/or receptor mitigation, may be required. Mitigation is not required for

spaces in noise sensitive uses that are not noise-sensitive, such as lobbies and administrative areas.

4.7.2. In order to address land use compatibility, there will be a need for a collaborative approach between development proponents introducing new sensitive uses, existing and planned major facilities in the Port Lands, and the City. Proponents of new sensitive uses, and port, industrial and energy generation facility operators are encouraged to exchange relevant information, provide access to sites to complete more detailed assessment, and work together to achieve source mitigation measures, where practicable.

4.7.3. Where sensitive uses are expressly or conditionally-permitted by this Area Specific Policy and a development approval application is submitted for sensitive uses, the proponent of the sensitive use is responsible for:

- a) The cost of studies, inclusive of the cost of producing relevant information for the studies;
- b) Protecting confidentiality where port and industrial operations exchange relevant information for the purposes of completing more detailed studies;
- c) The cost of peer reviews of the studies by the City;
- d) Demonstrating compatibility;
- e) Implementing any required receptor mitigation measures; and
- f) The cost of mitigation measures, inclusive of any source mitigation required to introduce new sensitive uses. Any source mitigation will need to be practicable from a technical and reasonable operational perspective for port and industrial operations to implement. Where source mitigation is proposed and agreed to, the mitigation measures will be reflected in legally binding agreements between the proponents of the sensitive use(s) and impacted port and/or industrial operations.

4.7.4. Development proponents will be encouraged to collaborate and share costs where source mitigation is used and benefits multiple development sites and/or Districts.

4.7.5. For the purposes of this Area Specific Policy, sensitive uses are defined as follows:

a) A noise sensitive use means noise sensitive spaces within:

- i) a place of residence, such as a building with dwelling units, dwelling rooms or bed-sitting rooms except where a residence is located within the property of a stationary source;
- ii) any outdoor living area with a place of residence;
- iii) a noise sensitive commercial use, such as a hotel with rooms or suites; or
- iv) a noise sensitive institutional use, such as public schools, health care facilities or child care centres; and

b) An air quality sensitive use means a place of residence including outdoor living areas, a child care facility, a health care facility, a senior citizen's residence, a long-term care facility, or school including certain learning institutions such as universities and colleges.

4.7.6. Where sensitive uses are permitted, Detailed Noise and Air Quality Assessments will be required, and vibration and lighting studies may be required, in support of development approval requests for sensitive uses. Such assessments and studies will be prepared in accordance with any applicable Port Lands specific terms of references and are to specify how compatibility will be achieved and maintained between existing industrial uses, energy generation facilities, and existing and planned *Port* uses, and the proposed development to:

- a) Minimize and mitigate adverse impacts to port, industrial and energy generation operations and protect their long-term operational and economic viability; and
- b) support the creation of high-quality living and working environments.

The assessments and studies will detail measures to mitigate adverse effects. The City will have the assessments and studies peer reviewed.

4.7.7. To support achieving compatibility, sensitive uses in proximity to existing industrial uses, energy generation facilities, and existing and planned *Port* uses may be:

- a) Limited by imposing restrictions to the location, heights, massing and/or siting of sensitive use developments and reflected in implementing Zoning By-laws;
- b) Required to be buffered by non-sensitive uses with buffer uses reflected in implementing Zoning By-laws; or
- c) Required to implement other source and/or receptor mitigation measures as appropriate.

4.7.8. Energy transformer stations in the Port Lands may have the potential to have adverse noise impacts on sensitive uses. Detailed Noise Assessments for sensitive uses introduced within 500 metres of an existing transformer station and any planned transformer stations will be undertaken in support of development applications for residential or other sensitive uses. Sensitive uses will be appropriately designed and buffered to minimize impacts, where required.

4.7.9. Noise limits that will be demonstrated in District-wide Comprehensive and Detailed Noise Assessments for steady and impulse sources, as well as shipping activity, associated with port, industrial, and energy generation and transformer stations will be in accordance with provincial regulations and guidelines, and the Port Lands specific Noise Assessment terms of reference.

4.7.10. To support achieving compatibility between development proposals and operations/facilities, the City will:

- a) Circulate development applications submitted in the Port Lands to the Toronto Port Authority for their detailed technical review and comment in accordance with City practices; and
- b) Consult, as necessary, with the Toronto Port Authority, existing port and industrial operators, and public utilities during the development approval process for any new sensitive uses within geographic proximity and/or the area of influence of the operations to respective operations.

4.7.11. Where sensitive land uses are permitted, suitable warning clauses will be included, as required, in Offers of Purchase and Sale, lease/rental agreements and condominium declarations advising residents of:

- a) The proximity of film and television production studios, where sound levels associated with gunfire, explosions and/or other noisy activities occurring within studio compounds may at times be audible within the development;
- b) The proximity of the Billy Bishop Airport and potential impacts;
- c) The proximity of *Port* and *Industrial* uses, with associated heavy truck traffic;
- d) Moored ships which may obstruct views, and create noise and odour;
- e) the proximity of energy generation facilities and transformer stations; and
- f) if the area is classified as Class 4 in accordance with NPC-300, an acknowledgement to that effect.

The City will secure the requirement for the warning clauses in municipal agreement(s), such as Plan of Subdivision, Consent, Site Plan or Plan of Condominium, associated with development approvals as appropriate.

4.7.12. All new or expanded *Industrial* uses will be required to submit detailed noise and air quality reports, or other environmental reports as appropriate, at the development review stage and implement source mitigation measures to reduce and/or minimize impacts on future mixed-use areas.

4.7.13. Relocated and new *Port* uses should be designed, to the extent possible from a practical and reasonable operational perspective, to minimize impacts on Districts with residential and noise-sensitive commercial purpose and institutional buildings permissions.

4.7.14. If there are District-specific land use compatibility policies in section 4.2 of this Area Specific Policy and there is a conflict between the District-specific and general compatibility policies in this section, the District-specific policies will prevail.

4.8. Retail and Animation

4.8.1. At-grade street-related retail and service uses will be required for buildings fronting on Priority Retail Streets and Frontages shown on Map 3C with exceptions for:

- a) Permitted publicly-accessible institutional uses, large-scale cultural uses, such as art galleries and museums, and radio and television broadcasting uses provided the uses on the ground floor are spaces that activate and animate the street frontage;
- b) Permitted small-scale cultural and entertainment uses;
- c) Small-scale breweries, distilleries and specialty food manufacturing uses associated with a retail store or eating establishment; and
- d) Lobbies and entrances for other permitted uses where a site and/or building only has frontage on a Priority Retail Street and Frontage.

4.8.2. Where an existing heritage building and/or structure is appropriately conserved and the existing building does not have its ground floor flush with

existing or future grades, the requirement in Policy 4.8.1 may be satisfied on the first floor of the heritage building and/or structure.

4.8.3. At-grade street-related retail and services uses will be protected for and encouraged on Secondary Retail Streets and water's edge animation areas shown on Map 3C by requiring approximately five (5) metre at grade floor to ceiling heights for new buildings.

4.8.4. Large-scale retail stores in stand-alone buildings or in a power centre format are not permitted. Large-scale retail stores exceeding a gross floor area of 3,500 m² in a building with a mix of other uses may be permitted through the enactment of a zoning by-law amendment in Villiers Island, McCleary District, Polson Quay or South River subject to:

- a) a fine-grain pattern of fully-functional small-scale retail stores and/or services uses at street level being established along Priority and Secondary Retail Streets to maintain continuity and consistency of retail streets and support a vibrant retail environment;
- b) the floor area of the large-scale retail store will be distributed on multiple floors, wholly located above the ground floor, or wrapped with fully-functioning small-scale retail stores on Priority and Secondary Retail Streets;
- c) the large-scale retail use would not preclude achieving a grocery store in each new community to enable people to walk or cycle for daily necessities;
- d) the large-scale retail use would not adversely impact the planned function of the Priority and Secondary Retail Streets and Frontages demonstrated through the submission of a retail and market study, as may be required by the City, as part of a complete application that may be peer reviewed at the expense of the applicant;
- e) the large-scale retail use does not require substantial parking and would support a vibrant active transportation environment; and
- f) the large-scale retail use(s) does not consist of a shopping centre or mall which means a group of retail stores wholly enclosed within a building or structure with common entry points, interior common walkways and a combined leasable floor area exceeding 20,000 m².

4.8.5. Large-scale retail (stand-alone, in mixed-use buildings or in a power centre format and exceeding 3,500 m² of gross floor area) is not permitted in PIC Core and Light Industrial and Production Districts.

4.8.6. A large-scale retail store exceeding a gross floor area of 3,500 m² in the Hearn may be permitted through the enactment of a zoning by-law amendment subject to:

- a) A range of small- and medium-scale retail stores also being provided in an indoor market format;
- b) the large-scale retail use would not adversely impact the planned function of the Priority and Secondary Retail Streets and Frontages demonstrated through the submission of a retail and market study, as may be required by the City, as part of a complete application that may be peer reviewed at the expense of the applicant; and

- c) the large-scale retail use does not require substantial parking and would support a vibrant active transportation environment.

5. Parks and Open Spaces

5.1. The parks and open system for the Port Lands will beautify the Port Lands landscape, provide year round passive and active recreational opportunities, and contribute to enhancing the environment and natural heritage in the Port Lands.

5.2. The design of parks and open spaces will:

- 5.2.1. Incorporate and appropriately conserve any cultural heritage resources and their associated values and attributes to the satisfaction of the City;
- 5.2.2. Incorporate, where appropriate, areas for native, naturalized tree and understory plantings to support the biodiversity objectives of this Area Specific Policy, and particularly within major parks and open spaces;
- 5.2.3. Include other amenities and features to support high-quality living and working environments; and
- 5.2.4. Consider the local context in the design of parks and open spaces. In particular, parks and open spaces adjacent or within close to proximity to Environmental Significant Areas or Natural Heritage features will be sensitively designed to minimize any negative impacts to these areas and features or their ecological functions.

5.3. The major public parkland and other open spaces identified for the Port Lands consists of:

- 5.3.1. River Park (north and south) and Promontory Park which will be key signature public parks. They will include a wide variety of park programming and amenities, including paths, planted woodlands, a water's edge promenade, upland prospects, playgrounds, as well as opportunities for active recreation such as multi-purpose courts and fields.
- 5.3.2. Silo Square and the Keating Channel promenade as an integrated, central major park for Villiers Island and the Keating Channel Precinct to the north. Silo Square will consist of an urban square that will feature the adaptive reuse of the existing historic silos and a potential *Destination and/or Catalytic* use or a low-carbon energy generation facility sensitively designed to conserve the silo's industrial legacy. The Keating Channel promenade, which will extend from New Cherry to the river in the east, will be a generous and varied civic promenade adjacent to the Channel lined with waterside cafes, restaurants and small retail stores.
- 5.3.3. McCleary Park will be expanded and reconfigured subject to the relocation of the existing waste transfer station. Any reconfiguration of the existing park will be determined through Phase 3 and 4 of Class EA process for the Broadview extension, and will ensure no net loss of park space and achieve a net overall increase in park size. McCleary park will continue to be utilized for active recreational uses and be designed to continue to accommodate regulation-sized sports fields.
- 5.3.4. An apron of generous parkland and publicly-accessible open space will be provided adjacent to the west and south facades of the Hearn Generating Station building and any associated adaptive reuse of this building. The parkland and open spaces will provide, but not be limited to the following:

- a) Public event gathering space;
- b) Space for naturalized plantings, particularly adjacent to Unwin Avenue; and
- c) Other features, such as passive green lawns and/or seating areas.

A flexible and adaptable open space adjacent to the east façade of the Hearn Generating Station building should also be provided to provide additional event space and programmable open space, while also supporting parking. The size and programming of the parkland and publicly-accessible open space will be determined at the precinct planning stage.

5.3.5. The Turning Basin Square will provide space for gatherings, special events and a passive green space. Stormwater management facilities may be permitted (e.g. pumping stations or treatment facilities) to be located within the Turning Basin Square subject to being designed to have a minimal footprint and ensure high-quality finishes and landscaping are incorporated to enhance the beauty and utility of the space. Any new or reconfigured below-grade infrastructure will enable landscaping and tree planting within the park and be designed as an integrated facility; and

5.3.6. The Leslie Green Portal will be a wide, green spine on the east and west sides of Leslie Street and will act as a major pedestrian and cycling gateway to Tommy Thompson Park with different conditions:

- a) On the west side of Leslie Street between Commissioners Street and the Leslie Slip Outlook, a generous landscape setback adjacent to Leslie Street that will be designed to complement the public realm of Leslie Street and should be approximately 8 metres in width. The width of park on the east side of Leslie Street between Commissioners Street and the Leslie Slip Outlook will be a minimum of 50 metres wide;
- b) Between the Leslie Slip Lookout and Unwin Avenue, the width of the park on the west side of Leslie Street will be a minimum of 50 metres. The width of the existing park on the east side of Leslie Street will be maintained at least at its current width; and
- c) Permitted uses will include agricultural uses subject to meeting environmental and regulatory requirements, park and recreational uses, and cogeneration energy uses associated with the Ashbridges Bay Treatment Plant and provided the use is not within a wholly enclosed building and the design complements the Portal. Where rail access into the Port Lands is required to be maintained, the rail sidings will be integrated with the park design. A small retail store and/or restaurant use may be considered on the west side of Leslie Street subject to demonstrating that the use will complement the overall park function and design.

5.3.7. The Leslie Slip Lookout west will provide a naturalized plaza and lookout down the Ship Channel at the terminus of the Leslie Street Slip; and

5.3.8. The Cherry Lookout which will be a public park space on either side of Cherry Street on the south side of the Ship Channel will have a minimum depth of 30 metres and be designed to accommodate public uses.

5.4. Public Promenades identified on Map C will be destination open spaces for active, year-round use. The Public Promenades will have varied conditions, consisting of:

5.4.1. Promenades that will act as broad terraces for a range of activities such as, but not limited to, outdoor dining, strolling, festivals and special events. The promenades will be no less than 18 metres wide with landscaping, seating and multi-use pathways, and where required, provide safety measures and maintenance access associated with hydro infrastructure in the vicinity of the promenade. The need for a wider promenade would be determined during precinct planning; and

5.4.2. Promenades that will integrate with streets in the overall design and be lined with buildings with active uses at grade. The combined promenade and public street width will be no less than 28 metres and depending on the role and function of the public street. Open space amenities adjacent to the dockwall within these promenades will be no less than 15 metres wide associated with the Carlaw Avenue extension and 12 metres wide for promenades with local or shared streets.

5.5. The Hearn District Promenade will have a different character to promenades on the north side of the Ship Channel, and will be designed to integrate the existing heritage buildings and make allowances for hydro transmission towers and related infrastructure. Further study, in consultation with the appropriate stakeholders, is required to determine the ultimate width(s) of the promenade which may be less than 18 metres. The study will also explore opportunities enabling safe public access between the dockwall and the northern boundary of the Hearn Switching Station while ensuring continued access for the maintenance and safety of hydro infrastructure.

5.6. Future Water's Edge Promenades are lands adjacent to waterways that will continue to have *Port* uses for the foreseeable future. These areas will be protected for water's edge promenades. New buildings or structures will generally not be permitted within 18 metres of the dockwall. In the event that a non-*Port* use is proposed adjacent to the dockwall, a water's edge promenade in accordance with Policy 5.3 will be secured.

5.7. A local park will be provided within each of the *Mixed-Use Residential* and *PIC Mixed Use* districts. The local public parkland will be:

5.7.1. Configured to accommodate a range of locally-oriented active and passive opportunities; Located so as to serve as a central neighbourhood landmark or located to enable an expansion of a major park or open space or Public Promenade adjacent to the naturalized river or Inner Harbour; and

5.7.2. Designed and programmed for neighbourhood use and to enable community gatherings and socializing.

5.8. The precise size and configuration of the local parkland within each district will be determined during precinct planning, but will be no less than 7,500 m² in area and configured to enable a range of local parkland opportunities such as playgrounds, passive lawns, seating areas, mid-sized multi-use play fields and local active amenity.

5.9. Local parkland and publicly-accessible, privately-owned open spaces will also be pursued in the *PIC Core* and *Light Industrial and Productions* Districts to provide amenity for area workers.

5.10. Development will be set back by a minimum of 10 metres from the stable top of bank of the naturalized mouth of the Don River and Don Greenway north of the Ship Channel.

5.11. In addition to the lakefilling considerations identified in Policy 28 of the Central Waterfront Secondary Plan, lakefilling is permitted in the area shown on Map C in recognition of the new high-quality aquatic and natural habitat and open spaces that will be created associated with the Don Mouth Naturalization and Port Lands Flood Protection Project Environmental Assessment.

5.12. On land that is municipally owned, including land owned by Waterfront Toronto, as of the date of adoption of this Area Specific Policy:

5.12.1. Parkland dedication for residential uses will be provided by way of the dedication of land, determined and dedicated on a district wide basis. Cash-in-lieu will not be accepted. Lands dedicated for parkland will be utilized to support the establishment of local parks in each district; and

5.12.2. Irrespective of the size of a net development site, the parkland provision rate for residential development and the residential portion of mixed use development will not be less than 20 per cent of the area of the development site. The dedication of land may occur off-site within the district which the development site is located and as determined through precinct planning to create functional and suitably-sized local public parks for the district.

5.12.3. Major parks and open spaces and Public Promenades, as shown on Map C, will:

- a) Be excluded from net development sites for the purposes of calculating parkland dedication rates; and
- b) Not be counted towards satisfying the 20 per cent requirements for parkland dedication.

5.13. On privately-owned land as of the date of adoption of this Area Specific Policy:

5.13.1. Parkland dedication will be utilized to support the delivery of local public parkland as a priority. An alternative parkland dedication will be applied to proposals for residential and for the residential portion of mixed-use development as follows:

- a) 15 per cent of the net site area, net of any streets (public or private), for proposals with a residential component that is less than a net FSI of 4.0;
- b) 30 per cent of the site area, net of any streets (public or private), for proposals with a residential component that is equal to or exceeds a net FSI of 4.0;
- c) 50 per cent of the site area, net of any streets (public or private), for proposals with a residential component that is equal to or exceeds a net FSI of 8.0.

5.13.2. Cash-in-lieu may be accepted at the sole discretion of the City and will only be applied towards the acquisition, design and construction of public parks within the Port Lands.

6. Cultural Heritage

6.1. Heritage resources will be appropriately conserved as vital to the cultural heritage landscape of the Port Lands, Toronto waterfront and symbols of the waterfront's industrial heritage:

6.1.1. Properties on the Heritage Register will be conserved and maintained consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*, as revised from time to time and as adopted by Council;

6.1.2. Proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City; and

6.1.3. When a City-owned property on the Heritage Register is sold, leased or transferred to another owner, it will be designated under the *Ontario Heritage Act*. A Heritage Easement Agreement will be secured and monitored, and public access maintained to its heritage attributes, where feasible.

6.2. Buildings, structures and/or landscapes with cultural heritage value or interest are identified on Map 3D and 3E and will be appropriately conserved and celebrated as important features of the Port Lands. This will include, but not be limited to:

6.2.1. Evaluating the cultural heritage values, attributes and character of a site, resource or landscape not currently listed on the City's Heritage Register or designated under the *Ontario Heritage Act* in accordance with relevant legislation and City policies and practices to establish the values and attributes of the resources and, if appropriate, conserving the site and/or resource;

6.2.2. Ensuring transitions of new development adjacent to or in proximity to a resource through setbacks of buildings to heritage resources, generous stepbacks of tall building elements where tall buildings are permitted, and stepping down and tapering the heights of new buildings in order to protect and mitigate negative impacts to heritage properties and/or corridors and to reinforce and distinguish the historic character, setting and scale of the resources;

6.2.3. Where it is supported by the cultural heritage values and attributes of a property on the Heritage Register and/or identified on Map 3D, conserving whole or substantial portions of buildings, structures and landscapes on those properties is desirable and encouraged. The retention of facades alone is discouraged;

6.2.4. Reinforcing views and viewsheds of heritage resources and their attributes that includes, among others, the silos and chimney stacks as prominent landmarks and termini of long views, through the thoughtful placement, orientation and control of buildings and building heights.

6.2.5. Completing view studies during precinct planning and the development application review process to demonstrate how the proposed siting and scale of proposed buildings:

a) Maintain views to important heritage resources;

b) Enable heritage resources to be prominent elements within the overall skyline of the Port Lands as viewed from the promenade of the Central Waterfront between Yonge Street and Sherbourne Common; and

c) Ensure the existing scale, character and attributes of the heritage resources and landmarks are not negatively impacted by development within the view corridors.

6.2.6. Giving silos, chimney stacks and other heritage resources address or frontage on/in major public open spaces and streets; and

6.2.7. Ensuring that the character of the Cherry Street Cultural Corridor and the Keating Channel Public Promenade in Villiers Island is respected and complemented by maintaining the low-rise character in any proposed development on the east side of existing Cherry Street and lining the Keating Channel Public Promenade.

6.3. Heritage Evaluation Reports to the City's satisfaction will be prepared prior to redevelopment or alteration of places and/or landscapes of cultural heritage value identified on Map 3D and 3E not currently listed on the City's Heritage Registrar or designated under the *Ontario Heritage Act*. The boundaries of the cultural heritage landscapes on Map 3D are general and solely based on the street network and/or existing property limits. They are not to be interpreted as the boundaries associated with the values and attributes of the landscapes; and

6.4. Prior to detailed design of the River and Promontory Park for the Marine Terminal 35 site, an assessment of the heritage values and attributes of the site consistent with provincial regulations and City practices will be undertaken by the City, or to the City's satisfaction, to inform an appropriate commemoration strategy.

6.5. Heritage Impact Assessments will be required prior to alteration of heritage buildings, structures and/or landscapes identified on Map 3D and 3E. The Heritage Impact Assessment will evaluate the impact of a proposed alteration (e.g. grade change, addition, alteration, displacement or relocation) to a property on the Heritage Register, potential cultural heritage resource and/or development adjacent to properties on the Registrar or potential cultural heritage resource, to the satisfaction of the City.

6.6. Heritage buildings and/or structures should be conserved in their original location, including minimization of any grade changes needed to flood protect lands. A heritage building and/or structure may be relocated, where technically possible, to accommodate a major public work project, such as the naturalization of the mouth of the Don River or widening major public streets to accommodate transit in dedicated rights-of-way, subject to a completed Environmental Assessment process and securing appropriate conditions in a Heritage Easement Agreement prior to relocation.

6.7. The 2008 Waterfront Toronto Archaeological Conservation and Management Strategy (ACMS) will serve as the basis for future planning decisions with respect to the archaeological assessment process, including:

6.7.1. Documentation during construction monitoring for identified Grade 2 resources in the ACMS; and

6.7.2. Interpretation and commemoration of all archaeological resources identified, and in consultation with any First Nations/Aboriginal community that may be interested in identifying opportunities to commemorate the historical relationship that First Nations/Aboriginal communities have with the waterfront and the Port Lands.

6.8. In the event that First Nations/Aboriginal archaeological sites are encountered, consultation with First Nations/Aboriginal communities will take place during the archaeological assessment process when site parameters and significance are determined.

7. Community Infrastructure

7.1. New community infrastructure will be developed in the Port Lands in a timely and coordinated manner to achieve the amount and range of community infrastructure necessary to serve future growth and support some city-wide needs. Community infrastructure refers to public spaces and buildings that accommodate a range of services and facilities, such as educational, indoor recreational, cultural and health-related services, to support people in meeting their social needs and enhance their well-being and quality of life.

7.2. The following principles will guide the provision of community infrastructure in the Port Lands:

- 7.2.1. Recognizing that community infrastructure in the Port Lands needs to meet both local and some city-wide needs. It can also serve as emergency reception centres during emergencies;
- 7.2.2. Conveniently locating locally-oriented community infrastructure to promote walkability and create hubs of activity;
- 7.2.3. Geographically distributing community infrastructure across new communities, but also locating some suitable community infrastructure in identified areas of employment to promote animation and activity;
- 7.2.4. Providing locally-oriented community infrastructure to coincide with new development and ensuring the infrastructure is designed to be multi-functional;
- 7.2.5. Siting community infrastructure to front on public streets and ensuring good visibility and access;
- 7.2.6. Locating and designing community infrastructure to ensure compatibility with future neighbourhoods. Community infrastructure with a more regional draw and substantial vehicular parking requirements should be located in non-residential areas;
- 7.2.7. Ensuring that community infrastructure will have a compact urban form, be integrated in mixed-use buildings and/or utilize innovative delivery models;
- 7.2.8. Ensuring community infrastructure will have the highest quality of design and/or leverage unique resources to contribute to placemaking in the Port Lands; and
- 7.2.9. Recognizing the high-costs required to redevelop the Port Lands and consideration of future operational costs of service providers by ensuring efficient and cost-effective delivery of community infrastructure.

7.3. Innovative approaches for providing the required community infrastructure will be explored, including shared use of schools, vertical integration of community infrastructure in mixed-use buildings, and/or the co-location of multiple services and facilities to create a community hub.

7.4. Schools situated adjacent to public parks will provide their own outdoor play space. The play space will not be counted towards satisfying parkland dedication

requirements. Some access for school use to adjacent parks may be accommodated.

7.5. The community infrastructure priorities and approximate facility size, based on population and employment estimates, for the Port Lands are as follows:

7.5.1. Villiers Island:

- a) One (1) small 3,250 m² Community Recreation Centre containing an indoor pool and multi-purpose space;
- b) Two (2) licensed non-profit child care facilities with a minimum of 62 spaces each;
- c) One 1,850 m² centre for human services space; and
- d) One (1) public (TDSB) elementary school, with the appropriate site size, location, shape and frontage to be determined through the precinct planning process.

7.5.2. McCleary District:

- a) One (1) large 4,650m² Community Recreation Centre with multipurpose space and a double gymnasium that will both serve the McCleary District and entire Port Lands area;
- b) One (1) 1,850 m² centre for human services space;
- c) One (1) public (TDSB) elementary school, with the appropriate site size, location, shape and frontage to be determined through the precinct planning process; and
- d) Two (2) licensed non-profit child care facilities with a minimum of 62 spaces each;

7.5.3. Emergency Services:

- a) One (1) Fire Station integrated into a mixed-use development in either Villiers Island or the McCleary District; and
- b) One (1) Emergency Medical Services building, with an urban character and entrance fronting onto a public street, in the Warehouse District or East Port area.

7.5.4. Other city-wide community infrastructure priorities for the Port Lands include:

- a) Cultural facilities in Villiers Island, and as part of the adaptive re-use of the Hearn and Commissioners Waste Transfer building; and
- b) A twin-pad arena and/or sports complex in a compact, urban form consisting of a multi-storeyed building and limited surface parking at grade located either in the Warehouse District, the Hearn or south of Unwin Avenue to the west of the Cherry Beach Sports Fields.

7.5.5. Other facilities that will be encouraged as either transitional or permanent community infrastructure include:

- a) A discovery centre to showcase and educate residents, employees and visitors on the naturalized river valley and other natural features in the Port Lands;

- b) A destination or cultural facility as part of the Polson Point and Turning Basin Plazas identified as Inner Harbour Special Places on Map E;
- c) Institutional and post-secondary uses; and
- d) Public boat clubs and launches.

7.5.6. Should residential uses be permitted in the Polson Quay and South River Districts, a full range of community infrastructure will be required. Priorities and the approximate size of facilities are:

- a) One (1) public (TDSB) elementary school, with the appropriate site size, location, shape and frontage to be determined through the precinct planning process;
- b) One (1) public (TCDSB) elementary school;
- c) One (1) 1,850 m² centre for human services space;
- d) One (1) 1,595 m² public library with multi-purpose space; and
- e) Two (2) licensed non-profit child care facilities (one in Polson Quay and one in South River) with a minimum of 62 spaces each.

7.6. Secondary school programming may be required in the Port Lands to support one or more of the mixed-use communities. The secondary school programming is permitted to be located in a mixed-use building, community hub or associated with an elementary school. Access to City-owned and operated sports fields may be considered through appropriate agreement with the City.

7.7. The specific type of community infrastructure may be refined and/or revised at precinct planning or through a city-wide review of recreational facilities without the need to amend this Area Specific Policy and at the discretion of the City. Refinements to the community infrastructure priorities during precinct planning will be based on, but not limited to, the following:

- 7.7.1. the actual land uses and densities proposed, or that has been developed, in each district;
- 7.7.2. the identification of any changes in need and demand; and
- 7.7.3. consultation with service providers and the public.

7.8. Revision of a priority public school in Policy 7.5 or 7.6 will only occur if supported by the applicable public school board.

8. Inclusive Communities

8.1. New mixed-use communities in the Port Lands will be complete, inclusive communities that accommodate a range of housing opportunities in terms of type, size, tenure and affordability.

8.2. Housing will be provided that accommodates larger households, families, seniors, students, and people with low and moderate incomes and other special needs.

8.3. Residential developments will provide:

- 8.3.1. 10 per cent of the total residential units as three-bedrooms or larger with a minimum unit size of 100 square metres; and,
- 8.3.2. 15 percent of the total residential units built as two-bedroom units or larger, with a minimum unit size of 87 square metres.

- 8.4. New residential developments will provide *affordable rental housing* at the pace of and proportional to market developments.
- 8.5. On land that is publicly owned, as of the date of adoption of this Area Specific Policy and in *Mixed Use Residential and PIC Mixed-Use* areas where residential uses are permitted, land sufficient to accommodate 20 per cent of the residential gross floor areas will be set aside for *affordable rental housing*. The land will be to the City's satisfaction and ready and available for development. Land can consist of a site identified specifically for an affordable housing project, or a strata arrangement in a mixed-use development. Funding to construct the *affordable rental housing* on said land will be proactively pursued to ensure that affordable rental housing is developed concurrently with market development.
- 8.6. Additional effort will be made on publicly-owned land to ensure that the *affordable rental housing* in the Port Lands will also include supportive and special needs housing, and rent geared to income housing to accommodate households of lower incomes. Additional effort will also be made to provide other housing models, such as mid-range purpose-built rental housing, over and above the minimum requirements established in policy 8.5,
- 8.7. On land that is privately owned, as of the date of adoption of this Area Specific Policy, and in *Mixed Use Residential and PIC Mixed-Use* areas where residential uses are permitted, *affordable rental housing* will be provided in the form of one of the following methods or a combination thereof:

8.7.1. Affordable rental units:

- a) 5 per cent of the total residential gross floor area constructed and conveyed to the City as permanent affordable housing; and/or
- b) 10 per cent of the total residential gross floor area for a minimum period of 25 years; and/or

8.7.2. 20 per cent of the total residential gross floor area as land, ready and available for development, and dedicated to the City for development of *affordable rental housing*.

- 8.8. On land that is privately owned, as of the date of the adoption of this Area Specific Policy, cash-in-lieu, calculated as the cost to construct and maintain *affordable rental housing*, may only be used to supplement the other methods identified in policy 8.7.
- 8.9. The acceptance of 8.7.1 a), 8.7.2, or 8.8 will be at the City's sole discretion. A combination of the above may be considered to satisfy the overall affordable rental housing requirement in which case the overall percentage would be pro-rated depending on the proposed combination of delivery options. The majority of the affordable rental housing will consist of units or land.
- 8.10. The City will explore opportunities with private landowners and encourage the provision of *affordable ownership housing* and mid-range affordable rental housing.
- 8.11. A Housing Issues Report, as well as plans and drawings for affordable rental housing proposed to be delivered as units or land, will be required for a complete development application, as well as for the lifting of any holding provisions. The report will provide information on the affordable housing and other housing policy matters in the context of the residential developments on the lands.

8.12. High-quality living environments will be created to support physical and mental health and active living that includes:

- 8.12.1. Indoor and outdoor amenity spaces suitable for a range of unit types, including amenity suitable for families and pet owners;
- 8.12.2. Storage spaces both within units and common areas that are convenient, secure and fully accessible; and
- 8.12.3. Bedrooms with closets and access to natural light and windows, and preferably operable windows where this can be accommodated.

9. Movement and Access

9.1. The following complete street principles will inform the design of public streets in the Port Lands, recognizing that different streets will have different purposes, constraints and character. The overall objective is to create a well-functioning public street network that is designed to provide a vibrant public realm, safe access and efficient operation for all street activities. The design of private streets, where they are permitted to support the operation of studio complexes, will ensure the width of the private streets will enable achievement of the complete street principles in recognition that private streets may become public streets over time:

- 9.1.1. Transit will be prioritized, where appropriate, with an emphasis on dedicated transit right-of-ways on key major streets as shown on Map B;
- 9.1.2. Lane widths will be minimized in consideration of the role and function of an individual street to assist in making streets safer and more pedestrian friendly;
- 9.1.3. Raised, physically separated cycle tracks and multi-use pathways will be prioritized on key major streets identified on Map D to create a well-connected, robust and safe cycling network. Raised, separated cycle tracks will be encouraged on all other major streets;
- 9.1.4. Wide sidewalks with unobstructed, accessible pedestrian clearways will be provided to encourage walking and contribute to the overall public realm vibrancy of the Port Lands;
- 9.1.5. Goods movement will be ensured to provide for the continued economic vitality of industry. Critical goods movement corridors will be identified and designed with suitable conditions for truck access balanced with other complete street objectives;
- 9.1.6. Stormwater and green infrastructure will be integrated in street design to improve air quality, provide habitat corridors and add visual interest;
- 9.1.7. Permeable surfaces for roadways and sidewalks will be encouraged and pursued, where possible, to reduce flooding, preserve capacity in storm drains and sewers and add visual interest;
- 9.1.8. Street trees and understory plantings will be provided on all streets with adequate room to grow and suitable soil conditions/techniques;
- 9.1.9. Pedestrian and cycling amenities will be provided on all streets, including, but not limited to, bike parking infrastructure, street furniture, pedestrian scaled lighting, weather protection, waste management infrastructure and public art;

9.1.10. Place-making features, such as, but not limited to, public art, cultural heritage landscapes and sustainability features, will be incorporated in street design to contribute to the character of the area.

9.2. New and/or improved segments of the public street network as identified on Map A will be provided to support development and maintain the functional integrity of the transportation system.

9.3. The section of the east-west street north of Commissioners Street that extends through the extended McCleary Park will be further reviewed during precinct planning and/or during Phases 3 and 4 of the Municipal Class EA process. The design of the street will be integrated into the overall design of the park and prioritize pedestrians.

9.4. The east-west street south of Commissioners Street between the Don Roadway and Carlaw Avenue is needed to provide east-west capacity and connectivity to support intensification and redevelopment in Media City and the Turning Basin District. Phases 3 and 4 of the Municipal Class Environmental Assessment process will review alternative alignments and designs for this street in association with the Broadview extension south of Commissioners Street, including alternatives that enable the Basin Transformer Station to remain in its present location. The alignment, as currently depicted on Map A and its planned right-of-way width, will be protected for as part of development approvals while Phases 3 and 4 of the Environmental Assessment process are completed.

9.5. The reconstruction of streets and expansion of the transportation network in the Port Lands will be realized over time as part of the revitalization efforts, as Districts redevelop and intensify, or as needed to support other required infrastructure upgrades. Some transportation network improvements may be required for new intensified uses. If a required transportation network improvement is not in place at the time of a development application, development proponents may need to demonstrate to the satisfaction of the City that the transportation network will function appropriately until the required improvements are able to be implemented.

9.6. A potential future extension of the Don Roadway across the Ship Channel to Unwin Avenue will be protected for. Buildings and/or permanent structures will not be permitted to be located where the public street would be located.

9.7. A fine grain of local public streets will be required in *Mixed-use Residential* areas to provide address, access and amenity for development. In *PIC Mixed-Use* areas, development will be located and sited to enable the long-term objective of achieving a fine-grained network of local public streets. In other districts, a network of local public streets will be secured as appropriate, and in consideration of land use.

9.8. The location, alignment and design of local public streets and any private streets associated with studio complexes within a particular District will be determined at the precinct planning stage or during development review where precinct planning does not apply. Considerations for the location and alignment of local public streets and private streets will include:

9.8.1. alignment with streets in other districts to enhance visual connections and facilitate future physical connections between districts;

9.8.2. reinforcement of visual connections between the city and the water, and to provide visual connections of important natural or human-made features; and

9.8.3. avoidance of block lengths greater than 150m. Where a block exceeds a length of 150 metres, development will be sited and configured to enable permeability and porosity through the block.

9.9. Shared local public streets are specially designed streets where pedestrians, cyclists and motorists share the street. They will be provided in key locations and identified during precinct planning.

9.10. Laneways will be provided as appropriate for loading and servicing access for buildings, and to serve as secondary pedestrian and cycling routes. Locations for laneways will be determined during precinct planning or during development review. They will be well lit and will be designed to accommodate both vehicles and pedestrians/cyclists.

9.11. The use of permeable materials and the design of shared streets and laneways will ensure a balance between the objective of providing high-quality, pedestrian-friendly, sustainable streets and operational and maintenance considerations.

9.12. Streets will be public streets, and owned and maintained by the City. Land conveyed to the City for public streets will be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements.

9.13. Transit

9.13.1. Cherry Street (New), Commissioners Street and Broadview Avenue will have dedicated public transit right-of-ways.

9.13.2. The precise location of a dedicated transit right-of-way within the streets will be determined through the completion of the Environmental Assessment process and identification of a preferred design.

9.13.3. The expansion of bus service within portions of the Port Lands will be encouraged to provide enhanced transit access for employment uses, future destinations and recreational amenity.

9.13.4. Transit hubs will be provided where transit routes converge. These hubs will have a pedestrian friendly design and will be integrated with streetscaping and/or plaza design.

9.14. Pedestrians and Cyclists

9.14.1. A well-connected network of on- and off-street cycling routes will be provided for in accordance with Map D. The location and design of these routes and facilities may be further refined at the precinct planning stage or detailed design without amendment to this Area Specific Policy.

9.14.2. Publicly accessible mid-block connections will supplement the network of streets in the Port Lands. Mid-block connections will:

- a) be positioned to form a comprehensive network of linkages with the system of streets;
- b) complete pedestrian and cycling linkages;
- c) be conceived as part of an overall parks and open space system;
- d) be wide enough to accommodate the installation of street furniture, lighting and identity features that reinforce the character of the particular district; and

e) have activated building frontages along the edges for informal surveillance.

9.14.3. Additional pedestrian and cycling bridges across the Don Greenway and the Keating Channel will be protected for as shown on Map D with further assessment to be undertaken to ensure no impacts to flood conveyance or high-quality wetlands.

9.15. Goods Movement

9.15.1. Providing for goods movement in and through the area is required, while ensuring that potential conflicts associated with the mix of *Port* and *Industrial* uses and new mixed-use communities are minimized. Dedicated truck routes that enable convenient and reliable routes for the movement of goods in and through the area will be determined as part of a Port Lands Wide Truck Management Strategy to be completed in consultation with the Toronto Port Authority, industrial operators and port users.

9.15.2. In *PIC*, *Light Industrial and Productions*, *Port* and *Industrial* areas, the design of streets will serve the needs and access requirements and the staging of trucks balanced with maintaining a safe pedestrian environment and minimizing rights-of-way widths and corner radii.

9.16. Parking and loading

9.16.1. Parking policies and standards developed at precinct planning, through a comprehensive zoning review, or during development review where appropriate, will improve the quality of districts, and strive to reduce congestion and private vehicle trips by encouraging travel by non-auto modes.

9.16.2. Maximum parking standards are to be developed and introduced for all uses permitted in the Port Lands. Minimum parking standards, if provided, will support achievement of shifts to transit and active transportation as the primary means of moving in and through the area.

9.16.3. Parking arrangements that make efficient use of space will be encouraged and pursued in all developments, particularly where cars will not be used on a daily basis.

9.16.4. On-street parking will be managed to:

- a) more efficiently use street parking space and increase turnover and parking availability supporting access to parks and open spaces;
- b) provide an adequate amount of short-term, on-street curbside freight loading spaces; and
- c) accommodate goods movement, where appropriate, and the staging of production vehicles, particularly in *PIC* and *Light Industrial and Productions* districts; and
- d) ensure that the movement of trucks can be made safely and efficiently at, or near, intersections or when maneuvering in or out of driveways from adjacent land uses balanced with minimizing curb radii.

9.16.5. Opportunities to provide shared transportation options, such as car-pooling and car-sharing, will be encouraged.

9.16.6. At grade parking lots will generally be prohibited. Parking, to the extent possible, will be accommodated in below-grade parking structures, parking

structures internalized within a development, or shared multi-storey parking structures. Interim at-grade surface parking to temporarily support nearby uses may be permitted. Where consideration is given to at-grade parking, the parking area will:

- a) not be located between a building and major public street;
- b) be designed as an extension of the public realm; and
- c) incorporate sustainable design features.

9.16.7. Structured parking will efficiently use space, have a high-quality design, be faced with active uses at grade on major streets and Priority and Secondary Retail Street and Frontages. They will be designed to enable adaptive re-use through the provision of a minimum floor to ceiling of 3.0 metres and flat, level surfaces.

9.16.8. Parking, servicing and loading facilities will be located to:

- a) minimize their visual and functional impact on street edges, on surrounding properties, open spaces and pedestrian routes; and
- b) located in the interior of development blocks and accessed from laneways or local public streets. Generally, access will not be taken from major public streets identified on Map A. Where this is not possible, accesses to sites will be consolidated to minimize interruptions to the public realm.

10. Built Form

10.1. Development in the Port Lands will contribute to the identity of the Port Lands by:

- a) Responding to surrounding context and character defining features, including but not limited to, heritage resources, the river, waterways and the large tracts of renaturalizing wilderness;
- b) Framing the naturalized mouth of the Don River adjacent to Commissioners Street and the Basin Street extension with a built form condition that reinforces a coherently scaled mid-rise character; and
- c) Providing a naturalized, landscaped setback adjacent to Unwin Avenue of not less than nine (9) metres in the South Port East, Hearn and South Port districts. Buildings, structures, surface parking and other port/industrial functions will not be permitted within the setback.

10.2. A legible environment will be created that will enable ease of movement and orientation by:

- a) Ensuring the heights and placement of buildings will preserve or create views to specific focal points and heritage resources, as identified on Map 3F and described in Appendix 1 to this Area Specific Policy. The heights and placement of buildings will accentuate respective views and, where applicable, reinforce the scale of heritage resources. Accentuating views is not to be interpreted to mean tall buildings are permitted outside of tall building zones or allow for heights regimes greater than those identified in this Area Specific Policy;
- b) Organizing and siting all development to permit the extension of the public street network, and in particular to break-up large sites and increase permeability in and through the area;

- c) Providing high standards for sun on public streets, parks and open spaces;
- d) Providing a human-scaled streetwall condition that relates to the proportion of streets and planned development on either side of a street; and
- e) Providing on-site landscaping that complements the built form; contributes to an overall consistent character of any particular district; and assists in achieving the biodiversity objectives of this Area Specific Policy.

10.3. Development will contribute to creating diverse places in the Port Lands, and also achieve variation and visual interest at the block scale.

10.3.1. A variety of approaches will be utilized for new buildings to achieve visual interest, including, but not limited to:

- a) Utilizing vertical and horizontal articulation for building mass to relieve the expansiveness of large and undifferentiated blocks and sustain pedestrian interest and activity;
- b) Providing shifts in the heights of buildings up to any height limits established in other policies of the Area Specific Policy; and
- c) Providing varied building materials and/or colours, among others, with an attention to detail to support architectural variety.

10.3.2. The provision of attractive, enclosed storage structures or screening for the bulk storage of salt, aggregate or other materials in *Port* and *Port and Industrial* districts will be utilized, where technically possible, to provide visual interest and reduce environmental impacts.

10.4. Buildings, irrespective of use, need to leave a legacy and be capable of adaptive reuse. This will be achieved by:

- a) Requiring buildings to be a minimum of three-storeys adjacent to major public streets, with the exception of:
 - i. Sites adjacent to Cherry Street south of the Ship Channel that are part of the Maritime Hub, where alternative building/structures will be encouraged to contribute to the character of the Hub;
 - ii. The site on the west side of Leslie Street between Commissioners Street and the Leslie Slip Outlook, where buildings may be one- to two-storeys in height; and
 - iii. Sites adjacent to the east side of Cherry Street (Old) in Villiers Island, where building heights may be one- or two-storeys to complement the scale of heritage resources;
- b) Designing buildings with high quality architectural finishes and landscaping;
- c) Using robust and durable materiality for buildings that enables longevity of the buildings, to withstand deterioration and contribute to the sustainability of buildings. Salvaged materials from demolition in new building construction, avoiding the waste and pollution of new production, will also be encouraged. Development proposals, through the submission of a Sustainability Strategy, will be required to demonstrate how the building materiality supports longevity and sustainability objectives; and

- d) Providing an urban street-edge relationship for buildings in the McCleary, Media City and Turning Basin Districts and for buildings in the Warehouse District with buildings built to the lot line adjacent to public streets.

10.5. Activity at grade will be provided to enliven areas, and provide day-to-night vibrancy and eyes on the street. This is will be achieved by:

- a) Animating the public realm with retail and other active uses at grade with narrow frontages and a wealth of details such as recessed entrances, signage, weather protection, and architectural detailing and finishes that complement the character of the building and create visual unity of the streetscape;
- b) Making the ground-level facades of new buildings as transparent as possible to allow for a two-way visual exchange. In the Priority Retail Streets and Frontages and Secondary Retail Street areas, façades should be 70% transparent to permit a clear view inward from the street; and
- c) Providing a minimum ground floor height of 5 metres from floor to ceiling on Priority Retail Streets and Frontages as shown on Map 3C and protecting for at-grade street-related retail and service uses on Secondary Retail Streets and Water's Edge Animation areas shown on Map 3C. To protect for retail in these areas:
 - i. Floor to ceiling heights will be a minimum of 5 metres in height; and
 - ii. Ground floors will be designed to enable conversion to narrow frontage retail through ensuring the ability for entrances at-grade, suitable layout with regularized column spacing or ability to subdivide a ground floor, suitable depth to accommodate retail and service uses and convenient access to loading and storage.

10.6. Development will positively contribute to the creation of a distinct and dynamic skyline topography for the Port Lands for the views identified on Map 3F. This will be achieved by sculpting built form to:

- a) Reinforce and showcase the existing Port Lands' skyline to ensure the continued prominence of the collage of heritage buildings and structures within the Port Lands as viewed from prominent locations along the central waterfront and to promote an understanding of the historic contribution of the Port Lands to Toronto's working waterfront. New buildings will not detract from or dominate the Port Lands existing skyline. Heights and placement of buildings will be carefully controlled;
- b) Contribute to the objectives of diversity and the creation of unique and memorable districts by applying different approaches to tall buildings in the different districts, and where tall buildings are permitted, including, but not limited to, distinct height regimes for each particular district; and
- c) Include a variety of building types within the districts that are full of contrasts – high and low, dense and open – that both differentiate the Port Lands from the rest of the city and differentiate the districts from each other. Building types will also be informed by the land use mix permitted in the Port Lands and diverse street and block patterns.

10.7. Tall buildings are buildings that exceed the mid-rise heights identified in this Area Specific Policy. Where tall buildings are permitted:

10.7.1. Residential tall building floorplates will not exceed 750 m² measured from the exterior of the main walls at each floor above the base building, excluding balconies, except where new building typologies are advanced as part of precinct planning or a district-wide review of building typologies, to achieve sustainability objectives and/or differentiate built form both within the different districts in the Port Lands and from the rest of the city. Where new typologies are proposed they will:

- a) ensure that high standards for sunlight on the public realm will be achieved;
- b) result in commensurate reductions in the height of the respective tall buildings based on comparing the floor area of a typical, 750 m² tall building floorplate with the floor area of the new tall building typology, and proportionately reducing the heights of new tall building typologies based on the total gross floor area achievable with a typical 750 m² tall building floorplate; and
- c) demonstrate that the impacts of a larger floorplate, such as reduction of sunlight, increase in shadow, transition, skyview and wind, can be sufficiently mitigated.

10.7.2. Their design, in terms of form and profile, will make a positive contribution to the Port Lands skyline topography.

10.7.3. In order to achieve excellent sky view, light penetration and a predominant mid-rise character, a minimum separation distance of 40 metres between tall buildings is required. Additional separation distance will be encouraged to maximize skyview.

10.7.4. A minimum separation distance of 40 metres is required between tall buildings and the predominant face of heritage buildings/structures.

10.7.5. The tall building will be stepped back from the base building frontage by a minimum of:

- a) 10 metres adjacent to Villers Street in Villiers Island;
- b) 6 metres adjacent to Cherry Street (Old) and Centre Street in Villiers Island, and the new East-West street in the McCleary District; and
- c) at least 3 metres on all other public streets, or as determined through precinct planning to limit shadowing on key parks and open spaces and to minimize the perception of tall buildings at grade from the public realm.

All potentially enclosable or roofed space, such as balconies, must be clear of the setback requirements.

10.7.6. Tall buildings will be located, oriented and massed to:

- a) Maximize sunlight access on streets, and parks and open spaces;
- b) Not shadow the Don Greenway and naturalized river valley below top of bank during the spring and fall equinoxes between 10:18 am and 4:18pm; and
- c) Mitigate pedestrian wind impacts to enable comfortable climatic conditions in all seasons. Adjustments to building design may relate to the form, setbacks or setbacks of building mass to mitigate impacts. Protective

screens and other incidental add-ons or landscaping within public spaces may be utilized, but should not be relied upon as the preferred wind mitigation.

10.8. Villiers Island

10.8.1. The overall character of Villiers Island will be mid-rise in nature, punctuated by a limited number of tall buildings in strategic locations.

10.8.2. Buildings adjacent to the Keating Channel and on the east side of Cherry Street (Old) will be low-rise and complement the scale of heritage resources, and will not exceed a height of three storeys (approximately 11 metres). A five-storey (approximately 17 metres) building may be permitted on the west side of the re-aligned Cherry Street (New) adjacent to the Keating Channel provided the building does not significantly obscure the historic silos. Buildings will be sited and articulated to reinforce and showcase the heritage resources of these areas.

10.8.3. Mid-rise buildings and base buildings of tall buildings will ensure an appropriate human-scale and will be designed to enable high standards of sunlight on public streets, solar gain, and daylighting within the interior of blocks. They will have a height no greater than:

- a) Ten storeys (approximately 32 metres) for mid-rise buildings and eight storeys (approximately 26 metres) with a tall building on the south side of Villiers Street;
- b) Eight storeys (approximately 26 metres) on Cherry Street (New), Munitions Street, Centre Street, Trinity Boulevard and Villiers Park Street; and
- c) Seven storeys (approximately 23 metres) on Commissioners Street.

10.8.4. To achieve additional variation in built form, mid-rise building heights should be six storeys (approximately 18 metres) for portions of buildings flanking north-south local streets. Mid-rise buildings flanking north-south local streets will not exceed a height greater than a 1:1 ratio of building face to building face, except at the southern part of Cherry Street (Old) at Commissioners Street where a six storey (approximately 25 metres) commercial building is permitted.

10.8.5. Tapering of buildings heights and/or stepbacks will be utilized to:

- a) Ensure high standards of sunlight on public streets;
- b) Enable sunlight penetration to interior outdoor amenity spaces and south façades of buildings within a development block in support of liveability and sustainability objectives; and
- c) Contribute to a consistent street wall condition.

10.8.6. Tall buildings will only be located within the development blocks bounded by Centre Street to the south and Villiers Street to the north. Additional considerations for locating tall buildings within this zone include:

- a) Marking the New Cherry Street and Munitions Street gateways;
- b) Staggering tall buildings within the tall building zone to reduce the negative impacts of closely spaced tall buildings and the perception of tall buildings at grade, and to prevent the appearance of a wall of towers;

- c) Marking Promontory Park and Villiers Park at either end of the Island;
- d) Mitigating pedestrian wind impacts;
- e) Providing a sensitive transition to heritage buildings;
- f) Ensuring high standards of sunlight on east-west streets, the Keating Channel promenade, Promontory Park, Villiers Park and the river/Don Greenway;
- g) Situating the tall buildings to maximize separation distance to the Cement Terminal on Polson Quay;
- h) Situating the highest permitted tall buildings in areas closest to transit stops within the tall building zone; and
- i) Leveraging passive solar gain.

10.8.7. A variety of tall building heights will be provided to punctuate the skyline within the mid-teens (approximately 50 metres) low-twenties (20 to 23 storeys or approximately 62 metres to 71 metres) to mid-twenties (24 to 26 storeys or approximately 74 metres to 80 metres), or as determined to limit shadow impacts on parks and open spaces in accordance with the policies of this Area Specific Policy.

10.8.8. Notwithstanding the policy above, one tall building may be permitted in the high twenties (up to 29 storeys or approximately 89 metres) at Cherry Street (New) and Villiers Street without amendment to this Area Specific Policy to contribute to overall built form variability of the Island and provided the building has exceptional architectural features to positively reinforce the building identity within the overall Port Lands skyline.

10.9. McCleary District

10.9.1. The overall character of the McCleary District will be a lively, dense, mixed-use area with an overall mid-rise character that contributes to broader economic objectives for the Port Lands and complements the employment destination north of Lake Shore Boulevard.

10.9.2. Development in the District will be organized around a centrally-located local park.

10.9.3. Tall buildings are permitted within the development blocks adjacent to the Don Roadway and Lake Shore Boulevard East.

10.9.4. A height peak that is not to exceed 39 storeys (approximately 119 metres) is permitted at the corner of the Don Roadway and Lake Shore Boulevard East and subject to appropriate source and receptor mitigation of industrial operations. South and east of the height peak, the heights of tall buildings will terrace down in height to the low-twenties at Commissioners Street and Bouchette Street respectively.

10.9.5. Mid-rise buildings and the base of tall buildings will have a height no greater than, unless otherwise determined through a Council endorsed precinct planning exercise:

- a) Ten storeys (approximately 30 metres) immediately adjacent to the Lake Shore Boulevard and the Don Roadway and terracing down to eight storeys (approximately 26 metres) to the east and south;

- b) Eight storeys (approximately 24 to 26 metres) immediately adjacent to Commissioners Street, the Broadview Extension and on the north side of Villiers Street; and
- c) Six storeys (approximately 18 to 20 metres) on all remaining streets.

10.9.6. The siting of tall buildings adjacent to the new east-west street north of Commissioners Street will ensure long-views to the Commissioners Incinerator Stack from Centre Street in Villiers Island and skyview around the stack.

10.10. Polson Quay and South River

10.10.1. Building type and form will be differentiated between Polson Quay and South River to assist in achieving diversity and variety.

10.10.2. Buildings will be massed and sited so as not to obstruct views to the Hearn chimney stack or Canada Cement Company silos, as well as to maintain a high degree of visibility surrounding the Hearn chimney stack as viewed from the public promenade at the foot of Yonge and eastward to Sherbourne Common.

10.10.3. Considerations for the placement, height and location of mid-rise and tall buildings at precinct planning will include:

- a) Maintaining the visual prominence and dominance of heritage landmarks, and in particular the Hearn's chimney stack, by ensuring heights complement and do not exceed the perceived height of the stack as viewed from the public promenade at the foot of Yonge Street;
- b) Creating distinct identities that differentiate the two districts both from themselves and other districts within the Port Lands; and
- c) Assessing noise and air quality impacts and limiting building heights accordingly.

An Official Plan Amendment implementing the resultant built form directions from the Precinct Plan will be required to be adopted by City Council prior to considering any applications to amend the Zoning By-law.

11. Arts and Culture

11.1. Development on land that is privately owned, as of the date of adoption of this Area Specific policy, will be encouraged to participate in the City's Percent for Public Art Program. Specifically, public art contributions will be encouraged to be pooled toward a larger coordinated public program within publicly owned parks, open spaces and streets given the significant public investment associated with these areas.

11.2. Permanent public art installations and/or contributions will be secured for all development on land that is municipally owned as of the date of adoption of this Area Specific Policy, and for major public works projects in accordance with the City of Toronto's Percent for Public Art Program.

11.3. Public art is to be located in publicly accessible areas on sites visible from public streets, intersections, public plazas, parks or other publically accessible civic spaces. Opportunity sites, areas and themes for locating public art include:

- a) Gateways and bridges;
- b) Sites with heritage resources or Destination and/or Catalytic uses;

- c) Parks and natural areas; and
- d) Waterways and the port.

11.4. Public art installations should be diverse, including installations that reflect the history of the Port Lands and First Nation's history and culture. Artists will also be encouraged to use sustainable materials and/or practices.

11.5. Public Art Strategies developed during precinct planning will:

- a) Outline more detailed goals and/or principles for public art as they apply to the precinct;
- b) Identify priority locations for public art in recognition of the precinct's vision, the local street and block pattern and approach for the public realm;
- c) Identify different types of potential public art installations and themes in recognition of precinct features and characteristics, as well as potential target audiences;
- d) Identify temporary public art opportunities, including potential strategic partnerships and alternative funding sources to be secured; and
- e) Identify a phasing plan and budgetary strategies.

11.6. Public Art Plans, in accordance with the City's Percent for Public Art Guidelines and alignment with any applicable Public Art Strategies, will be required for:

- a) Permanent public art installations associated with development on municipally-owned lands or for major capital works. Public Art Plans will be developed when development will occur within the district or for each phase of development, and/or when a major capital works project is at detailed design; and
- b) Permanent public art installations on privately owned sites secured through the development review process. The Public Art Plan will be developed at the time of Site Plan Control or prior to the issuance of above-grade building permits.

11.7. The City will encourage and facilitate:

- a) The development of a range of tourist attractors, high profile events, street festivals, permanent destinations, venues for performing arts, and cultural attractions and centres capable of drawing visitors both in large and small numbers;
- b) New cultural facilities in the Port Lands that both complement the desired mix of uses and activate areas;
- c) Affordable rental housing that caters specifically to artists or other creative sector employees/entrepreneurs to attract creative practitioners to live in the new communities; and
- d) Arts and cultural companies to locate in the area.

12. Innovation and Sustainability

12.1. The objective for the Port Lands is for the area to be a net zero energy district. A net zero energy district is a district where no more energy is consumed than is supplied by non-fossil fuel sources. All development and public works will support this

objective through the application of passive and low-impact site, building and street design.

12.2. All development on privately-owned land will be passively designed and meet the minimum requirements in the applicable Toronto Green Standards. Development on publicly-owned land, as of the date of the adoption of this Area Specific Policy, will be passively designed and be required to exceed the Toronto Green Standards highest performance measures and include new and emerging approaches for advancing a progressive sustainability agenda and showcasing innovation.

12.3. Passive design approaches and low-impact site design employed in a development will include:

12.3.1. Providing an efficient building shape, scale and massing, location and orientation to both reduce incidences of heat loss and energy demand that minimizes shadowing on other buildings and ensures excellent sunlight conditions in the public realm and daylighting within interior spaces within a block in accordance with this Area Specific Policy;

12.3.2. Incorporating shading strategies or design features applied to south and west facades to reduce solar heat gain in the summer and cooling loads;

12.3.3. Minimizing the ratio of windows on a façade. Windows should not exceed 50% of a façade and a minimum sill height should be provided unless otherwise demonstrated through achieving passive design;

12.3.4. Utilizing advanced windows, such as triple glazed windows, with a demonstrated ability to minimize heat loss; and

12.3.5. Retaining stormwater on site through naturalized, low impact approaches both at grade and on rooftops and to the extent possible in an urbanized context.

12.4. Passive design approaches and other measures that will be that will be required for development on publicly-owned lands and encouraged in development on privately-owned land, or required should legislation enable such elements, include:

12.4.1. Providing high levels of insulation and thermal mass performance to minimize heat loss through the selection and use of appropriate building materials internal to the building;

12.4.2. Enabling natural ventilation (such as operable windows) where possible and in consideration of any receptor mitigation required to ensure compatibility with industrial operations;

12.4.3. Providing dedicated car share parking spaces or parking spaces for other emerging technologies, and electric vehicle (EV) infrastructure;

12.4.4. Providing on-site renewable energy, such as solar photovoltaics (PV) and other low-carbon on-site energy generation and back-up power, while ensuring residential amenity and greening potential; and

12.4.5. Ensuring a high level of airtightness to minimize heat loss from air infiltration and minimizing incidences of thermal-bridging that create pathways for heat to move from the inside of a building to the outside. Approaches could include continuous insulation, thermally-broken balconies and careful window detailing.

12.5. Where possible and in consideration of existing soil conditions, developments will use permeable pavement on sidewalks, pedestrian walkways and other paved

surfaces to reduce storm water runoff. The following will be incorporated into the design of streets where technically feasible:

- 12.5.1. locations for bike parking, and in particular, at transit stops and major destinations;
- 12.5.2. the provision of dedicated, on-street electric vehicle parking and charging stations; and
- 12.5.3. the provision of dedicated, on-street car-share parking locations.

13. Biodiversity

13.1. The following will be required for all development and/or public works, as applicable, to ensure a biodiverse Port Lands:

- 13.1.1. protecting, restoring and enhancing natural heritage features and functions, including Environmentally Significant Areas;
- 13.1.2. creating new, connected natural areas and greenways and net environmental gains associated with Environmentally Significant Areas;
- 13.1.3. integrating large areas of naturalized plantings and/or habitat as a component of the design for larger parks and open spaces;
- 13.1.4. supporting wildlife movement through the Port Lands by creating habitat linkages, built landscapes and by retaining decommissioned rail corridors into the Port Lands as landscape features;
- 13.1.5. providing habitat at the site level, including retention or replacement of existing natural cover, enhanced landscaped setbacks, naturalized planting, hedgerows, and/or integrated stormwater management;
- 13.1.6. ensuring buildings contribute to biodiversity through measures such as, but not limited to, biodiverse green roofs designed to meet the City's Guidelines for Biodiverse Green Roofs, green walls and enhanced bird collision deterrence measures;
- 13.1.7. providing dedicated spaces within new communities for dog off-leash areas that are physically separated from natural areas;
- 13.1.8. siting trails/public spaces to maximize functional core habitat within large natural areas to avoid bisecting and fragmenting habitat; and
- 13.1.9. using exterior site lighting, street lighting or lighting for any recreational uses within or adjacent to natural areas that is fully cut-off and designed to minimize excess light, skyglow, glare and light spillage.

13.2. At precinct planning or prior to rezoning land in a precinct, or at Site Plan Control where a rezoning is not required, a Naturalization Plan will be prepared.

13.3. Infrastructure and capital projects, such as new streets, street reconstruction, bikeways, and multi-use pathways, will provide habitat and wildlife corridors, and will include, but not be limited to eco-passages, wildlife crossings and naturalized landscaping including understorey plantings and enhancements to the tree canopy. Interpretative signage will also be incorporated to educate the public on any biodiversity features.

14. Municipal Servicing, Utilities and Green Infrastructure

- 14.1. The provision of municipal servicing, utilities and green infrastructure will be coordinated with the design of streets and open spaces, and ensure the integrity of flood protection features is maintained.
- 14.2. The future design of municipal servicing systems will need to ensure space for the provision of utilities and undergrounding of hydro transmission wires located along the Don Roadway, Commissioners Street and Bouchette Street.
- 14.3. The Port Lands has a long history of being an important location for energy generation, transmission and distribution facilities to support powering both the Port Lands and broader city, connected by a complex web of transmission and distribution lines. Existing transmission and distribution facilities in the Port Lands include the Basin Transformer Station and Hearn Switching Station. The revitalization of the Port Lands requires ensuring these types of facilities can continue to operate as the area transforms. In the event that the Stations are relocated and/or reconfigured to support the revitalization:

- 14.3.1. Existing facilities must be able to continue to operate while any new/modified facilities are relocated and/or reconfigured; and

- 14.3.2. Strategies will be developed in consultation with the public utilities to address the connecting transmission and distribution lines and other associated infrastructure to ensure continued and reliable energy supply.

- 14.4. Infrastructure and energy production facilities needed to support the introduction of a low-carbon thermal network or electrical microgrid and information communication technology will be protected for and/or incorporated, as applicable, in the design parks and open spaces, streets, fixed bridges and/or municipal servicing during precinct planning, Phase 3 of the Municipal Class Environmental process for streets and municipal servicing and/or at detailed design, and should be incorporated and/or protected for in the design of buildings.
- 14.5. Development, new utilities or new hydro electric infrastructure will not impede achievement of any planned infrastructure corridors or preferred street and transit alignments determined through the Environmental Assessment Act process and identified on Maps A or B.

14.6. Development will be required to:

- 14.6.1. Contribute to the sustainable design of streets;

- 14.6.2. Provide and pay for local municipal servicing, utilities and green infrastructure to service proposed redevelopments; and

- 14.6.3. Provide proper fit-outs, including necessary above and below-grade infrastructure informed by the City's Thermal Network-ready Design Guideline, to ensure connection to future low-carbon thermal energy network, such as deep lake water cooling, geo-exchange systems, sewer heat recovery and/or combined heat/power plants.

14.7. Development will be encouraged to:

- 14.7.1. Install dual plumbing systems that allow use of harvested rainwater and gray water for landscape irrigation, toilet flushing and other uses, as permitted from a public health perspective and Building Codes, to reduce the use of potable water;

- 14.7.2. Utilize native and low water-use vegetation that does not require permanent irrigation systems to reduce the requirement for irrigation; and
- 14.7.3. Utilize harvested rainwater for landscape irrigation, as permitted from a public health perspective and Building Codes, rather than a potable water source. Building roofs should incorporate one or more devices for rainfall collection, storage and reuse, which could include, but are not limited to green roofs and equipment to harvest, filter and/or store rainfall; and
- 14.7.4. Install ducting for information communication technology within individual new residential and commercial developments.

15. Implementation

- 15.1. This Area Specific Policy should be read as a whole with the Central Waterfront Secondary Plan to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making in the Port Lands.
- 15.2. In the case of a conflict between this Area Specific Policy and the policies in the Central Waterfront Secondary Plan or in-force Official Plan, the policies in this Area Specific Policy will prevail.
- 15.3. Precinct Implementation Strategies (commonly referred to as Precinct Plans) will be developed by the City and/or its waterfront revitalization partner and adopted by Council for Mixed-Use Residential and PIC Mixed-use districts, as well as for the Hearn District, prior to, or concurrent with, applications to rezone lands.
- 15.4. In addition to the requirements set out in Policy 2.2 of the Central Waterfront Secondary Plan, the following will be addressed in Precinct Implementation Strategies (or Precinct Plans), or concurrent with area wide rezonings and/or site specific rezonings for the Villiers Island:

- 15.4.1. Detailed noise and air quality studies, or other environmental studies as may be required, where sensitive uses are proposed;
- 15.4.2. Heritage Evaluation Reports for potential cultural heritage resources identified on Map 3D and 3E;
- 15.4.3. View studies in accordance with Policy 6.2.5 of this Area Specific Policy; and
- 15.4.4. Naturalization Plans in accordance with the following:

- a) Identification and evaluation of any natural features, natural cover and habitat (terrestrial, aquatic and wetland) within or adjacent to the precinct/site and wildlife species (migratory and colonizers);
- b) Identification of enhancement strategies to improve existing natural features and habitat as part of development;
- c) Identification of parks and open spaces, nodes and patches and opportunities and approaches for integrating habitat opportunities alongside other programmatic elements in these areas;
- d) Identification of the location and depth of landscaped setbacks and amount of landscaped open space at grade on development sites;
- e) Identification of any opportunities for integrating existing natural cover or hedgerows;

- f) Identification of the wildlife linkages within the district or site, and approaches for landscaping and accommodating wildlife movement, including concept designs for linkages with plant lists for achieving species diversity within a waterfront context;
- g) Identification of the specific strategies to be employed in the precinct or site for naturalizing development or to achieve a net environmental gain where applicable.

15.5. Development in *PIC Core, Light Industrial and Productions, Port and Industrial* Districts may proceed without the need for a Precinct Implementation Strategy (or Precinct Plan). The submission of a Context Area Plan will be required as part of a Complete Application and prior to permitting development to demonstrate how the pattern of development and built form will implement the requirements and provisions of this Area Specific Policy. Context Area Plans will:

15.5.1. Include an area of sufficient size to provide the relationship of the location and massing of the proposed development to surrounding buildings, streets, parks, open spaces, natural heritage features and heritage resources;

15.5.2. Identify the location of public streets and pedestrian and cycling connections that link to the broader networks and support the objectives of this Area Specific Policy, or how the development would protect for a fine-grained public street network and connections;

15.5.3. Demonstrate consistency with any Council approved urban design guidelines with city-wide application or developed specifically for *PIC Core* areas;

15.5.4. Include supporting studies and materials to support the objectives of this Area Specific Policy, that may include, but are not limited to:

- a) Heritage Evaluation Reports and/or Heritage Impact Assessments where development is on or adjacent to a heritage resource or potential heritage resource;
- b) View studies in accordance with Policy 6.2.5 of this Area Specific Policy;
- c) Naturalization Plans in accordance with the requirements identified in policy 15.4.4;
- d) On-site mitigation plans for new production studios uses operating 24/7 with associated truck activities, and *Port and Industrial* uses that demonstrate, through accepted practices, the potential adverse effects and proposed design measures at the site proposed to mitigate the effects on sensitive uses and planned residential neighbourhoods; and
- e) Infrastructure strategies where a development will proceed in advance of implementation of infrastructure determined through an Environmental Assessment process. The strategies will identify how a development will be serviced, maintained and operated, and demonstrate that the ultimate infrastructure as identified in any Environmental Assessment, as may be amended, will not be precluded.

15.6. All development applications will submit relevant drawings, plans and supporting studies and materials in accordance with relevant terms of references and as determined during pre-application consultations to support the policies and objectives of this Area Specific Policy. Relevant supporting studies and materials may include, but are not limited to:

- a) A Planning rationale;
- b) Sun/shadow and pedestrian-level wind studies;
- c) Building mass model and view studies;
- d) Heritage impact assessments;
- e) Green Development Standards Checklist and any other reporting required to meet the requirements of the Toronto Green Standard;
- f) Energy strategies;
- g) Sustainability strategies, prepared by qualified individuals and to supplement reporting requirements associated with the Toronto Green Standard and energy strategy, that describe and demonstrate how the proposed development meets the sustainability policies of this Area Specific Policy;
- h) Contaminated site assessments;
- i) Arborist tree preservation reports;
- j) Geotechnical studies;
- k) Housing issues reports for residential developments;
- l) Natural heritage impact studies for development proposals adjacent to lands identified as Natural Heritage;
- m) Fiscal impact analysis and/or phasing plans where a major development is considered to have impacts on the cost of the provision of infrastructure. The fiscal impact analysis will be reviewed by Corporate Finance and/or peer reviewed at the expense of the applicant;
- n) Servicing and stormwater management reports;
- o) Detailed Noise and/or Air Quality Assessments, and/or other environmental studies as appropriate. The Assessments will be peer reviewed at the expense of the applicant;
- p) Transportation impact studies and/or traffic operations assessments which will identify the demands and impacts of new development and include a Travel Demand Management strategy and/or other mitigating measures to accommodate travel generated by the development;
- q) Parking and loading studies; and
- r) Any other information or material that may be needed to review the application and depending on the nature or context of the proposed development.

15.7. Plans of subdivision or rezoning applications for new and/or intensified land use permissions in *Mixed-Use Residential* or *PIC Mixed-use* districts will not be considered until:

- a) A firm funding commitment has been secured for the necessary flood protection measures and associated enabling infrastructure;
- b) A Development Charges By-law has been adopted that includes the necessary infrastructure to support the proposed uses; and
- c) A Business and Implementation Plan(s), prepared by the City and/or its waterfront revitalization partner(s), has been adopted by City Council that outlines

the funding mechanisms and timing for the provision of necessary infrastructure to support the proposed uses.

15.8. Section 37 of the *Planning Act* will be required for any area-wide or site-specific rezonings for residential uses, and used to secure:

15.8.1. Equitable monetary contributions towards, or the construction and outfitting of, the eligible locally-oriented community infrastructure priorities for each district identified in Policy 5.5 and as may be refined through the precinct planning process or through a city-wide review. Contributions towards community infrastructure will be determined on a district basis and by:

- a) establishing the capital cost of the facility(s) and the total value of the monetary contribution after Development Charge contributions are determined; and
- b) proportionately distributing the total value of the monetary contribution on a per square metre of residential gross floor area in the district; and

15.8.2. The implementation of the *affordable rental housing* policies of this Area Specific Policy, and any additional affordable housing that may be provided over and above the minimum *affordable rental housing* requirements.

15.9. Section 37 of the *Planning Act* will also be used to secure:

15.9.1. Permanent public art installations and/or contributions provided as part of the City's Percent for Public Art Program; and

15.9.2. Other matters as a legal convenience.

15.10. Established monetary contributions in policy 15.8.1 will be increased over time in accordance with the Non-Residential Construction Price Index for Toronto published by Statistics Canada.

15.11. Where a land owner elects to construct and outfit a community infrastructure priority that benefits the entire district within which the facility is located, or front-ends growth-related infrastructure, fair and equitable cost-sharing arrangements will be secured in a landowner agreement and/or front-ending agreement with the City.

15.12. A holding provision may be placed on lands where the ultimate desired use of the lands is specified but development cannot take place until conditions set out in this Area Specific Policy or by-law are satisfied. In addition to the matters listed in Policy 2.6 of the Central Waterfront Secondary Plan, conditions to be met prior to the removal of the holding provision may include:

- a) The remedial flood protection works necessary to flood protect a site and/or area as required in the approved Don Mouth Naturalization and Port Lands Flood Protection EA are deemed complete and functional from a floodplain management perspective with the effect of permanently removing the flooding hazard to the satisfaction of the City in consultation with applicable regulatory bodies. The City may consider requests to remove a holding provision in situations where the construction of buildings are proposed to proceed concurrent with the completion of required remedial flood protection works provided occupancy of the building can be legally controlled until the required works are complete and functional from a floodplain management perspective, Building Code requirements can be met to the satisfaction of the Chief Building Official,

and life safety risks are adequately addressed to the satisfaction of the City in consultation with applicable regulatory bodies.

- b) The provision of adequate street, transit and municipal servicing infrastructure, and that parking supply is commensurate with development;
- c) Requirements to determine specific source and/or receptor mitigation as established through District-wide Comprehensive Assessments; or the specific source and/or receptor mitigation/attenuation measures required to enable sensitive land uses as determined in Detailed Noise and Air Quality Assessments completed in accordance with relevant terms of references, or other environmental studies, accepted by the City during the development approval process, including provisions related to how the mitigation/attenuation measures will be implemented;
- d) Measures to satisfy the biodiversity objectives of this Area Specific Policy, and to protect a natural heritage area or environmentally sensitive natural features;
- e) Measures to protect heritage buildings, properties with archaeological potential and archaeological sites;
- f) The provision, timing and appropriateness of affordable rental housing;
- g) The provision of, confirmation of, and/or contributions towards, the necessary parks and open spaces and community infrastructure; and/or
- h) Entering into any agreements under the Planning Act, or to secure equitable sharing of associated costs for any of the required matters, or to front-end any required infrastructure.

15.13. As a condition of development approval, the City will advise development proponents in the Lower Don SPA of the risks associated with the construction of buildings and/or structures in advance of flood protection infrastructure being complete and functional.

15.14. The City will require that development proponents seeking approvals in advance of flood protection infrastructure being complete and functional to:

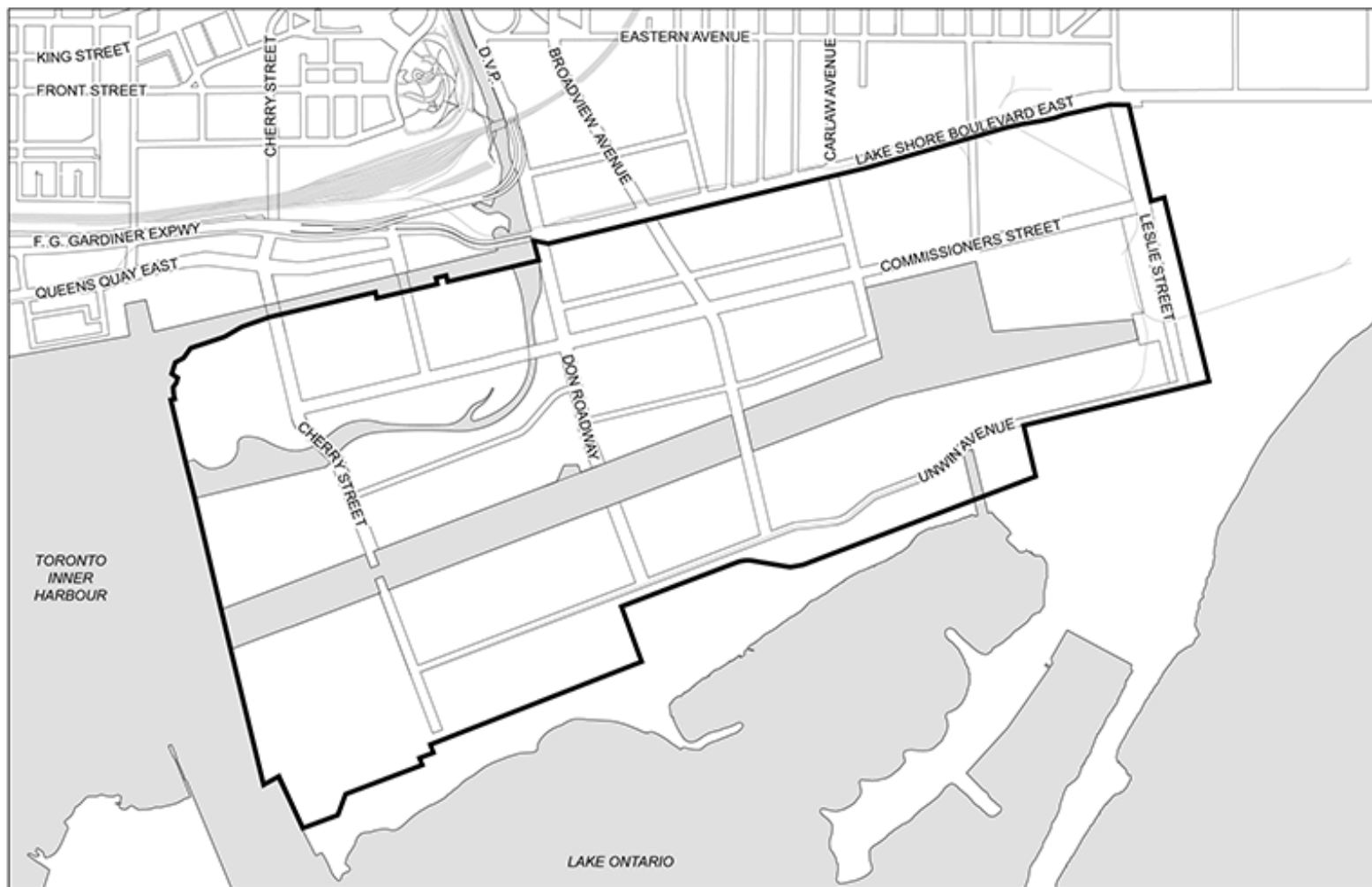
15.14.1. Prepare an Emergency Management Plan to the satisfaction of the City, in consultation with the TRCA, addressing the protection of human health and safety and the protection of property (site, buildings, equipment) during and after construction until the TRCA has confirmed in writing that the site is permanently flood protected; and

15.14.2. Enter into an agreement(s) with the City that:

- a) Addresses the protection of public health and safety, the protection of property, the acceptance of all risk by the proponent and the removal of any liability for public authorities; and
- b) Includes a complete indemnification, to the satisfaction of the City in consultation with the TRCA and MMAH/MNRF, of all public authorities from any liability and costs, including those due to (i) property damage, injury or loss of life due to flooding during and after construction until the flood protection infrastructure is complete and functional from a flood plain management perspective; and, (ii) losses

due to delay caused by a failure of the flood protection infrastructure to be completed or to be completed within the anticipated time frame.

- 15.15. The City and other public agencies shall monitor and maintain the flood protection infrastructure to confirm its continued function in accordance with the approved design, such that it provides permanent protection against future increases in regulatory flows and levels in the Lower Don area.
- 15.16. The Port Lands represents a unique revitalization opportunity for the City. As the area transforms, new solutions to pressing challenges facing cities may emerge. The City may initiate an amendment(s) to address these where the solution(s) would have positive contributions in meeting the vision and objectives for the Port Lands as set out in the Central Waterfront Secondary Plan and this Area Specific Policy.
- 15.17. Maps 3A to 3F and Appendix 1 – Views are part of this Area Specific Policy. Appendices 2 and 3 are non-statutory.



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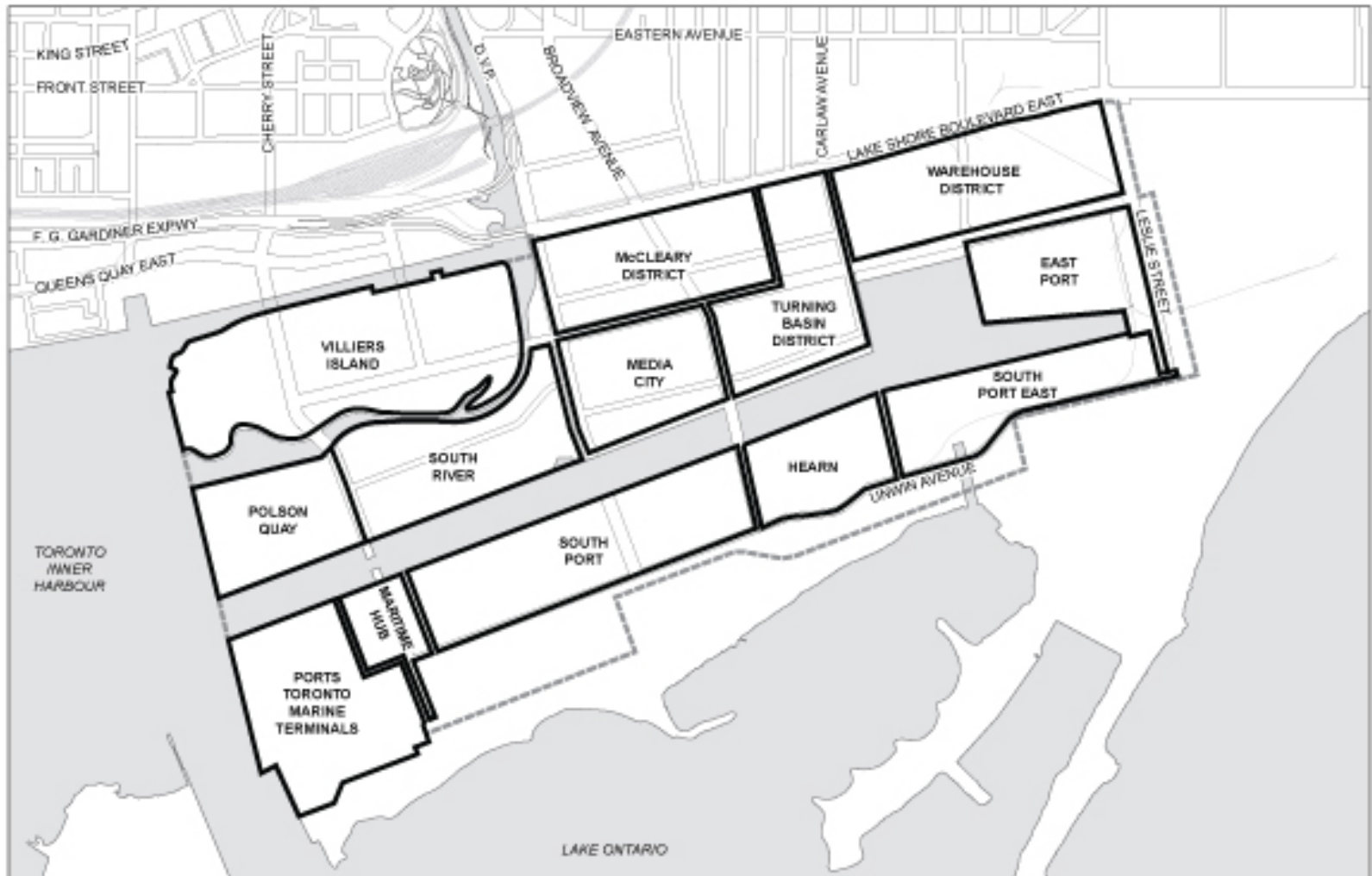
Port Lands Area Specific Policy

**Port Lands
Map 3A - Port Lands Area**

File # 13-258652 STE 30 0Z

— Port Lands Area Specific Policy Boundary



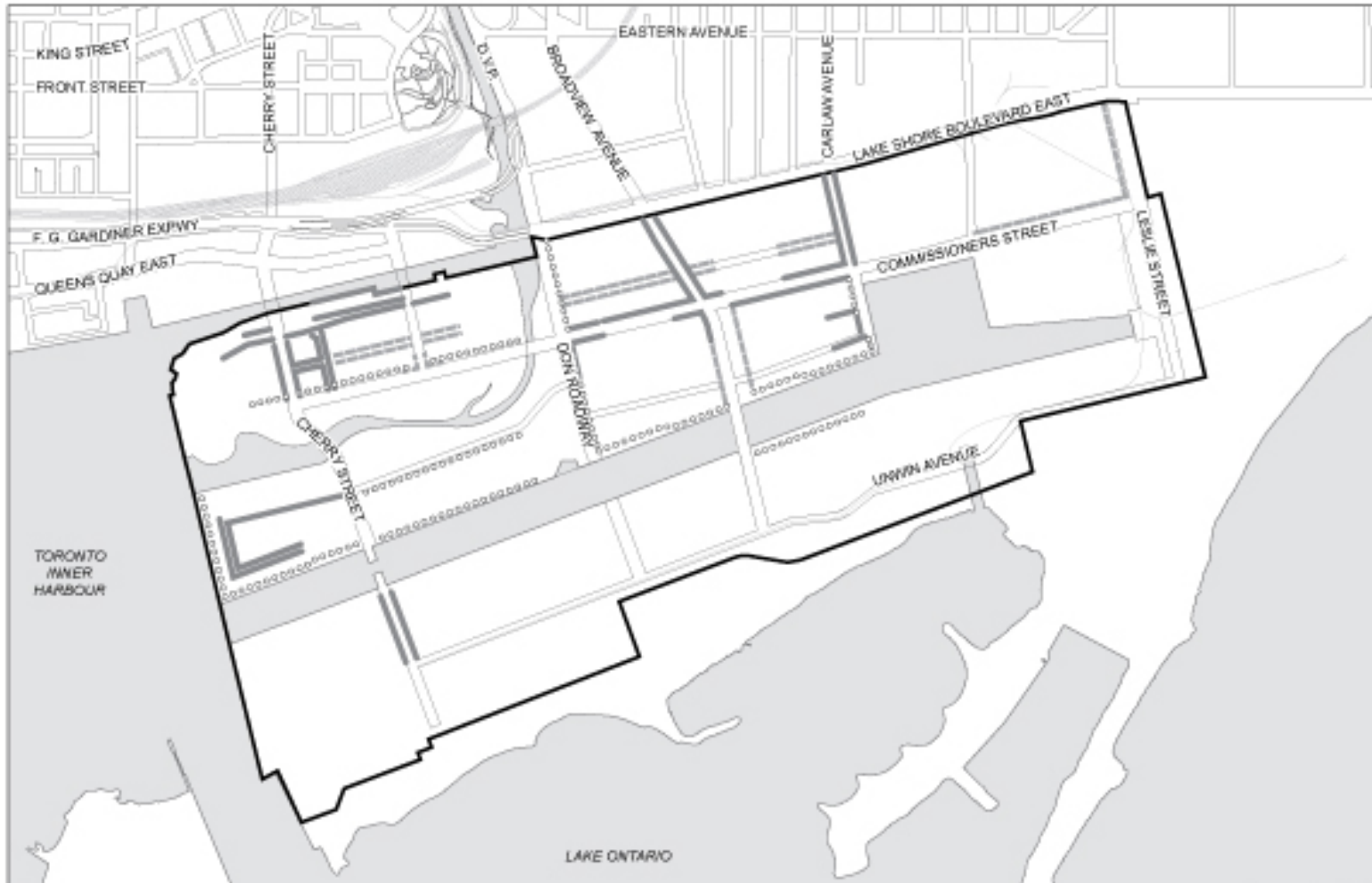


Toronto City Planning
Official Plan Modification # XXX
 Port Lands Area Specific Policy

Port Lands
Map 3B - Port Lands Districts
 File # 13-258652 STE 30 02

----- Port Lands Area Specific Policy Boundary
 ————— Districts

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 Not to Scale
 2020-12-04



Official Plan Modification # XXX

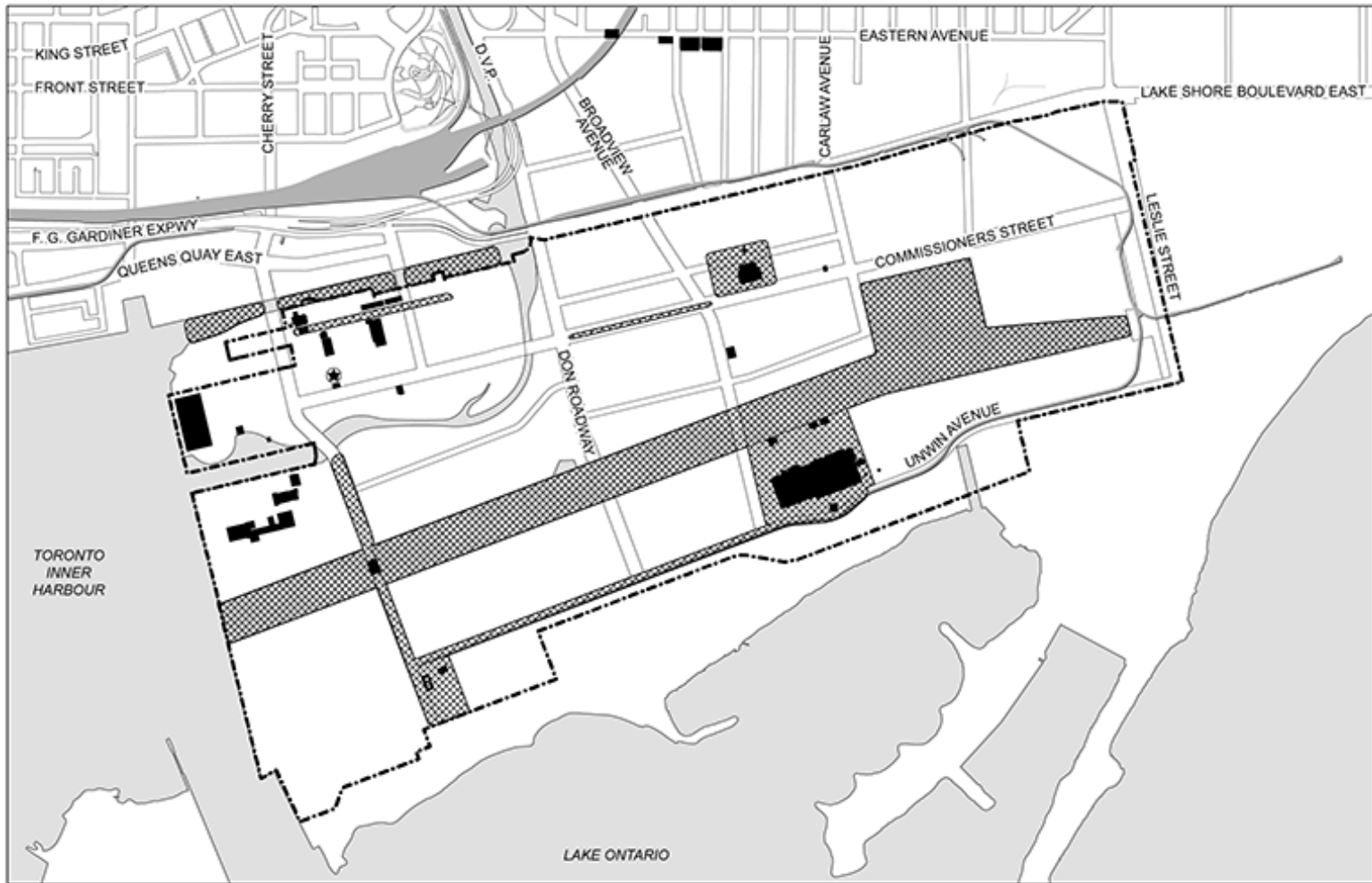
Port Lands Area Specific Policy

**Port Lands
Map 3C - Priority Retail Streets and Frontages**

File # 13-258652 STE 30 02

- Port Lands Area Specific Policy Boundary
- Water's Edge Animation
- Priority Retail Streets and Frontages
- - - - Secondary Retail Streets





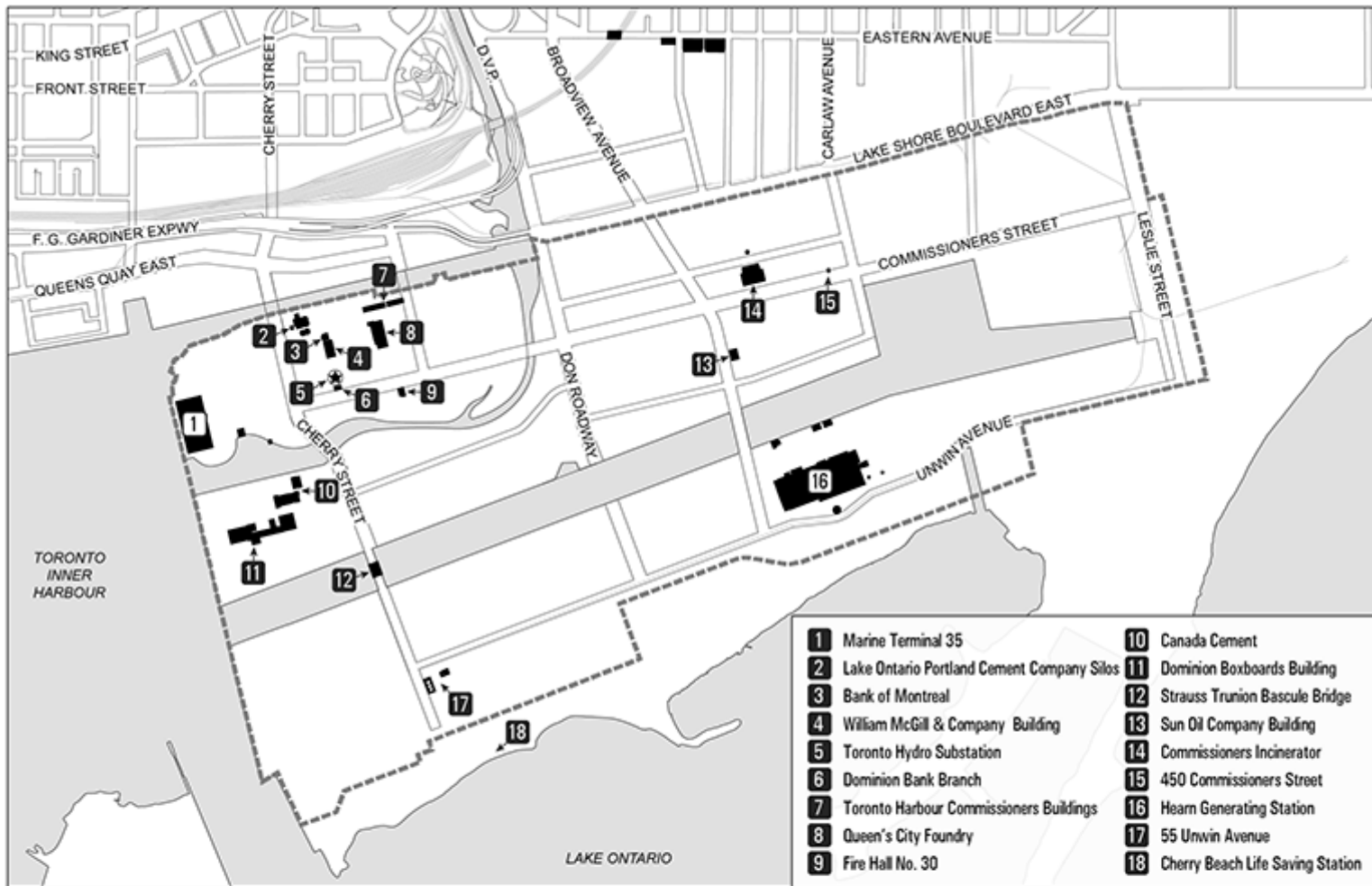
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 Port Lands Area Specific Policy

Port Lands
Map 3D - Cultural Heritage Resources

File # 13-258652 STE 30 0Z

- Port Lands Cultural Heritage Landscape
- Listed Heritage Structures/Buildings
- ★ Designated Heritage Structures/Buildings
- ▨ Cultural Heritage Landscapes
- ▩ Potential Heritage Structures/Buildings
- ▬ Rail Corridors

↑
 Not to Scale
 09/11/17



Toronto City Planning
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 Port Lands Area Specific Policy

Port Lands
Map 3E - Heritage Buildings/Structures
 File # 13-258652 STE 30 OZ

- Port Lands Area Specific Policy Boundary
- Listed Heritage Structures/Buildings
- Designated Heritage Structures/Buildings
- Potential Heritage Structures/Buildings

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 Not to Scale
 09/11/17




Toronto City Planning
Official Plan Modification # XXX
 Port Lands Area Specific Policy

Port Lands
Map 3F - Views

File # 13-258652 STE 30 02

----- Port Lands Area Specific Policy Boundary

-  Skylines
-  Prominent and/or Heritage Buildings, Structures and Landscapes
-  Protect view corridor through any redevelopment


 Not to Scale
 09/11/17

Appendix 1 – Views

Skyline Views

1. *Port Lands Skyline*

Views to the Port Land's skyline along the Central Waterfront promenade from the foot of Yonge Street to Sherbourne Common will create a symbolic connection between the city and the next area of waterfront revitalization. The City's image will be enriched by the expansion of its skyline in a way that varies dramatically from that of the Downtown Toronto.

The Port Land's skyline will be curated and sculpted to convey the identity of the evolving city district by preserving views to and showcasing the collection of prominent heritage structures and landmarks. These consist of the Commissioners chimneystack, the Hearn and its chimneystack, the silos, the Dominion Boxboards building, and any conserved attributes of Marine Terminal 35 as determined through a more detailed assessment. New development will be carefully sited and building heights controlled to ensure the landmarks remain dominant within the evolving skyline, with generous skyview surrounding the Hearn's chimneystack.

2. *Downtown/Financial District Skyline*

The dramatic view to the city's internationally recognized Downtown and Financial District skyline from the Islands and existing Jennifer Kateryna Koval's'kyj Park are expanded on to capture the reflect the public realm adjacent to the Inner Harbour envisioned by this Framework.

From:

- The water's edge associated with Promontory Park fronting the Inner Harbour; and
- Polson Quay water's edge promenade adjacent to the river and Inner Harbour.

3. *North West from Tommy Thompson Park*

This picturesque, unobstructed view of the Hearn amid a naturalized landscape will be framed on either side by the new urban districts in the Port Lands and Unilever precinct, with the Downtown and Financial District skyline and silhouette of the CN Tower in the background.

From:

- The access road to the Outer Harbour Marina.

4. *Leslie Slip Outlook*

The open space at the terminus of the Ship Channel will provide an outlook and long view down the Ship Channel, an integral part of the original 1912 plan for the Port Lands, and the Port Lands evolving skyline. The view captures the full breadth of uses and activities envisioned in the Port Lands and activation of the Ship Channel. Development lining the Ship Channel will frame the water's edge promenade and be articulated to create interest.

Additionally, landmark heritage features, including the chimneystacks of the Hearn and the Transfer Station and their axial relationship, are juxtaposed against the contemporary city district emerging around these, including the new lift bridge at the Broadview extension. This rich collage of uses and history will act as a backdrop to the ongoing industrial maritime activity occurring within the Ship Channel.

From:

- The Parks and Open Space area at the terminus of the Leslie Slip.

Prominent and/or Heritage Buildings, Structures and Landscapes

A. Villiers Street and Essroc Silos

Views from the east and west along Villiers Street will be dominated by the dramatic scale and prominent location of the Essroc Silos at existing Cherry Street, and lined to the north by the historic Toronto Harbour Commissioners buildings. The Silos will be a distinctive centre piece for the street as it evolves into a pedestrian priority retail / recreation destination. Development will frame the view, ensuring that buildings are sited and oriented to maintain the prominence of the silos through setbacks and/or generous stepbacks.

From:

- West - Promontory Park and Villiers Street eastward; and
- East – Villiers Park and Villiers Street westward.

B. Commissioners Stack

An intimate, oblique view of the historic Commissioner's Incinerator chimneystack, a totem of the Port Lands, will be achieved by generally aligning new east-west streets in Villiers Island and the McCleary District to capture a long view of the chimneystack from the west, while preserving the historic Foundry building in its original location. Skyview will be provided around the chimneystack by stepping back development above a mid-rise height.

The new east-west streets will also visually connect Villiers Island, the McCleary District and the Turning Basin District. The three districts become linked to each other through their common experience of the view to the chimneystack. Protecting for an easterly extension of the east-west street through the Warehouse District through any redevelopment will enable this view to be extended to Leslie Street and span the entire Port Lands geography.

From:

- West - Promontory Park and the new central east-west street in Villiers Island (south side of the street); and
- East – New east-west street with the view protected for in any redevelopment in the Warehouse District.

C. Canada Cement Company Silos

Built in the 1920s, the Canada Cement Company's silos still in active use today creates a powerful focal point at the juncture of Polson Street and a new north-south local street or mid-block pedestrian connection to the Ship Channel, flanked by the historic Dominion Box Boards building.

From:

- A new local street or mid-block connection at the eastern edge of the Dominion Boxboard's building.

D. Strauss Trunion Bascule Bridge

The Strauss Trunion Bascule bridge terminates views on Cherry Street north and south of the Ship Channel. Development north of the Ship Channel will accentuate the view terminus to the bridge.

South of the Ship Channel, the Cherry Street is reimaged as a gateway to Cherry Beach and forms part of the Maritime Hub.

From:

- The southern edge of the new river crossing along Cherry Street; and
- Unwin Avenue along both the east and west sides of Cherry Street.

E. Keating Channel, Essroc Silos and Toronto Harbour Commissioners buildings

The Keating Channel, an important heritage asset and reminder of the Don River's historic reconfiguration, provides long views down the Channel to Villiers Island and emerging neighbourhoods in the Central Waterfront. This view prominently features the Essroc Silos and Toronto Harbour Commission buildings, conveying a strong sense of place and celebrating the Port Lands heritage. Development adjacent to the Keating Channel Promenade will be low-rise in nature and be massed to maintain the prominence of the historic resources.

From:

- The east edge of the Keating Channel at the Don Roadway.

F. The Hearn from Broadview

The Hearn and its 213 metre high chimneystack, with its immense scale and high degree of visibility within the existing landscape, are an inalienable part of the Port Lands' identity. As the Port Lands transforms, new opportunities are needed to preserve and maintain the Hearn's visibility. The Broadview extension's alignment into the Port Lands creates a view to this impressive and landmark industrial complex.

Development adjacent to the extension will emphasize the continuity of the new urban fabric and elegantly frame the chimneystack. A new, linear open space contemplated south of Commissioners Street that integrates the historic Sun Oil building will enable the view to dramatically open up. Any new development contemplated on the east side of the extension in this area will be of a low-rise nature to preserve the long-view.

G. The Hearn from Carlaw Avenue

This view is currently identified in the listing of the Hearn on the City's Heritage Registrar. The preservation of the existing view of the Hearn's chimneystack when looking south on Carlaw Avenue will likewise reinforce the Hearn's identity as a powerful symbol of the Port Lands. Development south of Lake Shore Boulevard will be organized and massed to preserve views of the chimneystack north of Lake Shore Boulevard.

From:

- Carlaw Avenue (west sidewalk and travel portion of the right-of-way) from Queen Street to Lake Shore Boulevard.

H. The Commissioners Incinerator and the Hearn

At the intersections of Lake Shore Boulevard at both Logan Avenue and the existing or relocated Bouchette Street and across the expanded McCleary Park, both the Commissioners Incinerator building and the Hearn, and their respective chimneystacks, can be viewed in one compelling instant. With both complexes constructed in the same era and representing major civic projects of the time, these views are powerful gestures to this bygone era. With these two complexes reimaged as a community focal point and major destination, the view symbolizes the Port Lands' past and re-emergence through the prominence of heritage resources.

From:

- LakeShore Boulevard and Bouchette; and
- Lake Shore Boulevard and Logan.

I. The Hearn Chimneystack on Unwin Avenue

The view looking east on Unwin from Cherry is dominated by the Hearn's chimneystack and surrounding naturalized wilds and parkland. The prominence of the Hearn's chimneystack, isolated within this green frame, reinforces its identity as a symbol of the Port Lands and reinforces the natural character of the lands south of Ship Channel. In combination with requirements for naturalized landscaped setbacks adjacent to Unwin Avenue, development will be sited and designed to maintain this view and reinforce the green frame.

From:

- Unwin Avenue and Cherry Street east to the Hearn

J. Old Cherry Street

The view looking south from Silo Square down Old Cherry Street and its ensemble of heritage buildings – the Bank of Montreal, William McGill and Company, Toronto Hydro Substation and the Dominion Bank buildings – on the east side of the street. Development on the east side of the street will be massed and sited to preserve views of the buildings and complement their low-rise scale.

From:

- Silo Square

K. Fire Hall No. 30

Fire Hall No.30 at 39 Commissioners stands at the terminus of the current alignment of Munitions Street, with the Queen's City Foundry building on the west side of Munitions Street. Fire Hall No. 30 will be relocated slightly south of the widened Commissioners Street. Munitions Street will be shifted eastward to preserve the Toronto Harbour Commissioners buildings. A mid-block connection in the street's current location will be introduced, with the Fire Hall continuing to terminate the view of the connection.

From:

- The north side of Villiers Street at the Munitions Street mid-block connection

APPENDIX 2

TERMS OF REFERENCE FOR NOISE STUDIES TO SUPPORT SENSITIVE USES WITHIN THE PORT LANDS AND TO SUPPLEMENT THE CITY'S NOISE IMPACT STUDY TERMS OF REFERENCE

1.0 Description

Noise studies are required for several different purposes to support the revitalization of the Port Lands while minimizing and mitigating negative impacts to existing industrial uses and existing/future port uses, as set out in various policies in the Port Lands Area Specific Policy. The noise studies are technical reports that provide a written description of the impact of noise on the development(s) and/or on the surrounding environment, and detail any required mitigation measures. The different noise studies, and a description of their purpose, include:

- District- or Area-wide Noise Assessments are studies prepared to support City-initiated precinct plans for new mixed-use communities, or City-initiated area-wide implementing Zoning By-law Amendments (ZBA) or Development/Community Planning Permit By-laws where precinct planning was completed prior to the approval of the Port Lands Area-Specific Policy (i.e., Villiers Island)
- Detailed Noise Assessments are studies prepared to support the introduction of sensitive uses where permitted in the Port Lands and submitted to the City as part of complete development applications in the Port Lands
- Noise Impact Studies are studies prepared where a potential new or expanded noise source is proposed in the vicinity of areas with permitted sensitive land uses. These studies will be required for new *Port* and *Industrial* uses; for the relocation and/or expansion of existing port and industrial operations/facilities; and for energy generation facilities and energy transmission stations. The purpose of the studies is to demonstrate how the design of the facilities will minimize impacts on Districts with permitted sensitive uses, and that noise impacts with the new or expanded uses are within allowable limits as set out in provincial regulations and guidelines (where applicable) and direction in this Terms of Reference including for noise associated with ships. The studies will be prepared in accordance with the City's Terms of Reference for such studies, supplemented by this Terms of Reference, and submitted as part of complete development applications

All noise studies are to be prepared by a Consultant that is either an accredited noise expert or a qualified Professional Engineer with experience in acoustical engineering and preparing noise studies.

Noise studies will be completed in accordance with requirements set out in the Ontario Ministry of the Environment, Conservation and Parks (MECP) Noise Pollution Control (NPC) Document 300, 'Environmental Noise Guideline Stationary and Transportation Sources - Approval and Planning' dated August 2013, or as amended or replaced, and with the requirements indicated in Section 4.0 below where applicable.

The assessment of stationary source noise impacts on proposed developments will be completed on an industry-by-industry basis (i.e., each industry separately), rather than cumulatively (i.e., all industries together). However, the potential for cumulative impacts from all facilities/operations together will be assessed qualitatively and be discussed in the studies. Noise sources on, or related to, ships must be assessed as set out in these Terms of Reference.

The purpose of these Terms of Reference is to set out the technical requirements for the preparation and submission of Noise Studies that may be required as part of an application to the City for various types of development approval in the Port Lands. Nothing in these Terms of Reference is intended to alter any of the policies of the Official Plan as they apply to the Port Lands, and these Terms of Reference should not be used in the interpretation of such Official Plan policies.

Where terms in these Terms of Reference are both capitalized and italicized, they will have the meaning as set out in the Port Lands Area Specific Policy.

2.0 When Required and Who is Responsible

Different types of noise studies are required depending on the stage of the planning process and the land use under consideration:

- District-wide Comprehensive Noise Assessment
 - Precinct Planning/City-initiated District- or Area-wide Zoning By-law Amendment (ZBA) where precinct planning has been completed (i.e., Villiers Island)
- Detailed Noise Assessment
 - Site-Specific Official Plan Amendments (OPAs)
 - Site-Specific ZBAs
 - Removal of a Holding Symbol
 - Site Plan Control
 - Development/Community Planning Permit (D/CPP) (where applicable and if the City advances a D/CPP Permit By-law instead of Zoning, Removal of Holding Symbols and Site Plan applications)
 - Plans of Subdivision/Consent to Sever
- Noise Impact Studies
 - Site-specific ZBA or minor variance applications
 - Site Plan Control

The noise studies will be progressively more detailed at each stage of the planning process as the details of the development become more certain. The City and/or its revitalization partner(s) will be responsible for completing the District- or Area-wide Comprehensive Assessments (with cooperation and input from relevant stakeholders, including landowners/leaseholders and operators). The development proponent of the proposed sensitive use will be responsible for the Detailed Noise Assessments. Where a site-specific ZBA application is submitted concurrent with the City and/or its revitalization partner completing a precinct planning process, the application will include a Detailed Noise Assessment.

The proponent of a new or expanded port or industrial use is responsible for completing Noise Impact Studies. The Noise Impact Studies will use best available information (e.g. massing models developed for precinct planning where planning applications have not yet been submitted) at the time of the application to assess adverse effects and whether noise impacts associated with the new or expanded operation/facility are anticipated to be within allowable limits set out in provincial regulation and guidelines. The preference is for the studies to identify source mitigation at the site, to the extent possible from a practical operational perspective, and may identify feasible receptor mitigation that may be required where it is not practicable to mitigate at the source.

2.1 District- or Area-wide Comprehensive Noise Assessment

District-wide Comprehensive Noise Assessments conducted as part of the precinct planning process or any City-initiated District-wide ZBA where precinct planning has been completed will:

- assess the impact of noise from the surrounding environment on the District (including noise sources within the District, where applicable)
- determine the feasibility of sensitive use developments from a noise perspective at the block and building massing scale
- determine the need for any buffer land uses (i.e., non-sensitive uses) and effectiveness of buffer uses in mitigating adverse effects

- identify any constraints on the built form/massing of development
- identify the need for, and feasibility of, source-based and/or receptor-based noise mitigation, including consideration of noise from ships

Note: A District-wide Comprehensive Assessment is not required for the introduction of sensitive commercial uses, where permitted, or for permitted sensitive institutional uses in the Media City, Turning Basin or Warehouse Districts.

2.2 Detailed Noise Assessments

Detailed Noise Assessments will be required to be submitted as part of a complete development application for sensitive uses to assess the impact of noise from the existing and planned surrounding environment on the proposed development(s).

2.2.1 Site-specific Official Plan Amendment (OPA), Zoning By-law Amendment (ZBA) Applications and/or Applications to Remove a Holding Symbol (or Development/Community Planning Permit Application (D/CPP) where applicable)

Detailed Noise Assessments will be conducted/updated as part of site-specific OPA and ZBA applications, D/CPP applications, as well as for any applications to remove a Holding Symbol.

Modelling for the Detailed Noise Assessment will incorporate the best available information concerning current and planned conditions, including:

- current, detailed noise modelling provided by the relevant industrial or port operations/facilities
- detailed noise measurements taken by a consultant at operations/facilities on behalf of the City that is not confidentially sourced
- current information, including data on ship movements prepared on behalf of the Port Authority, and berthing locations for laid-up ships as determined by the City
- representative noise levels from stationary ships provided in these Terms of Reference, and the Moving Ship Model available from the City
- source or site-specific measurements for operations/facilities collected by the Consultant

As more detailed development, built form/massing information is available at this stage, the Detailed Noise Assessment will identify the type and extent of source-based and receptor-based noise mitigation expected.

Any proposed source and/or receptor-based noise mitigation measures will be required to be documented in the Detailed Noise Assessment as part of any applications. Where source mitigation is proposed, the development proponent will be required to demonstrate the industry or operator will implement the required source mitigation measures at the cost of the development proponent.

A holding symbol may be included in a Zoning By-law to impose requirements related to the implementation of the mitigation measures, such as obtaining Site Plan Control approval and/or confirmation that the proponent has entered into a legally-binding agreement with affected industries or operations, to ensure that the identified source and/or receptor-based mitigation will be implemented.

2.2.2 Site Plan Control Applications (or Community Planning Permits where applicable)

Detailed Noise Assessments are required to be submitted as part of Site Plan Approval (SPA) applications. These Assessments will update the respective noise models and reports as needed to ensure that they are current. Final requirements for source-based and receptor-based noise mitigation measures will be provided (where specific building details are not yet available, performance requirements must be specified).

Where source-based noise mitigation measures are to be used, the Detailed Noise Assessment and/or SPA application documentation will provide proof that there are legally binding agreements in place showing that the impacted industry has agreed to the mitigation and whether there will be any cost sharing between development proponents.

Architectural details, materials and mitigation measures will be shown on Site Plan drawings. Where details are not yet available, notes regarding such noise mitigation requirements will be included on the approved Site Plan drawings, including anticipated window acoustical performance requirements and the associated plane of window, outdoor point of reception and/or indoor sound level limits to be achieved by any proposed receptor mitigation. Post-approval conditions may be included in the Site Plan Agreements to confirm that the required receptor mitigation as approved by the City has been constructed.

2.2.3 Building Permit Applications

Development proponents' building permit drawings will reflect the architectural details and materials from the approved Site Plan drawings (or D/PPP where applicable).

It's anticipated that legally-binding agreements between development proponents and affected operations/facilities will include requirements for the submission of Noise Verification Reports to the affected operations/facilities when building permit applications are applied for. Where such a requirement is not included in an agreement, the City encourages these Reports to be provided to affected operations/facilities. The Noise Verification Report will be prepared by a qualified Consultant, and should provide written confirmation that the plans submitted with any Building Permit application include all required receptor-based noise mitigation measures shown and/or described on the approved Site Plan drawings, and confirm that indoor sound level limits listed on the drawings are expected to be met.

2.2.4 Revisions to Site Plan Drawings

In instances where there are revisions to Site Plan drawings at, or prior to, the Building Permit stage, development proponents will submit revised drawings and a Noise Verification Report to the City Planning Division in order for the City to issue a "Substantially in Accordance Determination" letter and/or amended Site Plan Agreement. The Noise Verification Report must confirm that applicable indoor sound level limits listed on the drawings are expected to be met in order for the City to amend the approved Site Plan drawings. Development proponents should also provide the revised drawings and Noise Verification Report to affected operations/facilities.

2.2.5 Repository of Approved Site Plan Drawings

The City Planning Division will endeavor to keep a repository of approved Site Plan drawings in the Port Lands and any revisions to such drawings made at, or prior to, the Building Permit stage. The repository of approved Site Plan drawings will assist in keeping track of secured building designs, including STC ratings for building facades (walls and windows), to provide accurate information to assess indoor sound levels and used to support the preparation of more detailed noise studies. The City will provide approved drawings to any development proponents and facilities/operators upon request.

3.0 Rationale

The Port Lands Area Specific Policy speaks to land use compatibility issues in the Port Lands and requires that detailed noise studies be undertaken to support the introduction of sensitive uses in certain Districts in the Port Lands, and for new or expanded port and industrial uses. Different types of studies are identified depending on the proposed land use, or stage of planning.

Land use compatibility policies in the Port Lands Area Specific Policy consist of policies in Section 4.7 that have general applicability across the Port Lands, and District-specific policies in Section 4.2 where new, mixed-use communities are envisioned, or where sensitive non-residential uses are permitted.

The District-specific policies require the City (or its revitalization partner(s)) to undertake District- or Area-wide Comprehensive Noise Assessments for new, mixed-use communities at precinct planning (Policies 4.2.1, 4.7.2, **4.2.5 and 4.2.8**) or for City-initiated area-wide rezonings where precinct planning is completed. Policy 4.7.3 requires the submission of Detailed Noise Assessments as part of complete development applications for proposals with sensitive uses.

The Port Lands Area Specific Policy also addresses port and industrial uses, and requirements to mitigate negative impacts at the source as part of development approvals for such uses. The policies include:

- Policy 4.7.12 which requires the submission of detailed noise reports for new and/or expanded permitted *Industrial* uses, inclusive of permitted industrial uses associated with a permitted port use (Policy 4.3.5)
- Policy 4.2.2 which enables the expansion and changes of the Cement Terminal on Polson Quay subject to appropriate technical studies and meeting regulatory requirements
- Policy 4.7.13 which seeks to ensure relocated and new permitted port uses are designed to minimize impacts, to the extent possible from a practical and reasonable operational perspective
- Policy 15.5.4 which requires the submission of supporting studies as part of a complete application for *Port* and *Industrial* uses that demonstrate, through accepted practices, the potential adverse effects and design measures at the site proposed to mitigate the effects on sensitive uses and planned residential neighbourhoods

Policy 4.7.6 requires the Detailed Noise Assessments to be undertaken in accordance with this Terms of Reference. Policy 15.6 requires any required study for a complete application to be prepared in accordance with relevant terms of references and as determined during pre-application consultations.

Policy 4.7.9 addresses noise limits to be used in the District- or Area-wide Comprehensive Assessments and Detailed Noise Assessments, and that these Assessments will be informed by provincial regulations and guidelines, and this Terms of Reference.

4.0 Required Contents

During pre-application consultations or the determination of a complete application, City Planning staff will work with the development proponent's Consultant to determine the specific requirements of the Detailed Noise Assessments, based on the nature of the proposed application and the context of the surrounding area.

4.1 General Requirements for Assessments in support of the Introduction of Sensitive Uses

The District-wide Comprehensive and Detailed Noise Assessments will include, but is not necessarily limited to:

- A written description of the District or site area, existing conditions and proposed development(s), land uses and built form. The written description will include a local facility survey, including existing and planned *Port* uses, which will identify all operations/facilities with the potential for adverse effects on the development(s)
- The collection and summary of existing Environmental Compliance Approvals (ECA), or other similar provincial registration or approval, for industries and operations that impact the District or site, including any relevant modelling and/or Acoustic Assessment Reports (AAR) provided by the facilities that supported provincial registrations or approvals
- A written description of relevant existing and planned *Port* uses, including type of ships used at the operations, the frequency of shipping activity (averaged over a five-year period in recognition that the number of ships may fluctuate year by year), berthing locations of working ships, and whether there are locations in the vicinity of the District or site that accommodates the berthing of laid-up ships. The

frequency of existing shipping activity is to be based on information collected annually by the Port Authority and is only to be used to determine the noise limits to be used for the shipping activity (addressed in Section 4.2)

- A summary of noise emissions and relevant operational details for any applicable ship-related noise sources based on information in Attachment A and the Moving Ship Model available from the City, or information provided by a given facility for ship activities associated with the facility. Noise emissions for laid-up berthed ships will consider the sound emission data provided in these Terms of Reference for representative ships.
- The methods and assessment locations for noise modelling and the appropriate figures and charts showing the detailed results of the noise modelling compared against the criteria in the Ministry of the Environment, Conservation and Parks' (MECP) guidance document for noise impacts from stationary sources, road and rail traffic, and air traffic, as applicable. Ship noise will be addressed as set out in Section 4.2. Any noise measurements or monitoring used as part of the assessment will be documented including the dates the measurements/monitoring were undertaken. Noise modelling will be undertaken as set out in Section 5.0.
- The identification and summary of the noise impact of the surrounding environment on the District or proposed development(s) at different heights or each floor, as applicable. Sources from the environment that will be considered include, where applicable, stationary sources (including moving and stationary shipping activities, described below) and transportation sources (road/rail/air traffic).

4.2 Stationary Source Assessment

The assessment of stationary sources that do not have ships will consider sources associated with existing operations and facilities in accordance with the NPC-300.

The stationary source assessment for operations/facilities that do have ships, are an existing port operation/facility, or for lands designated for *Port* uses, will follow a two-step approach in recognition that shipping activities are not typically a source considered under Part B of MECP Publication NPC-300. (i.e., compliance test). The two-step approach includes:

1. **Typical sources considered by the MECP:** assess typical noise sources associated with compliance with Part B of Publication NPC-300 considered by the MECP as part of approval applications under the EPA (e.g., without federally regulated sources such as ships). Any recommended/required receptor-based noise mitigation must meet the restrictions and requirements of NPC-300. For example, window upgrades (higher Sound Transmission Class (STC) ratings) cannot be used as a mitigation measure for stationary source noise at noise sensitive land uses, but other forms of appropriate receptor-based mitigation, including enclosed noise buffer balconies, may be considered for lands classified as Class 4.
2. **Ship noise sources:** determine the compatibility of the proposed land uses against the noise limits established in Part C of NPC-300 from ships (i.e. for sources outside MECP jurisdiction) and all other sources associated with the facility/operation. For infrequent shipping activities (e.g. generally ships present for no greater than 2 days a month) +5 dB may be added to the NPC-300 noise limit. Appropriate justification for such an adjustment is required in the Noise Assessment. The proposed justification will be subject to peer review. Outdoor points of reception (as defined in Publication NPC-300) would be exempt from mitigation requirements, but will be considered in Detailed Noise Assessments. For residential spaces where the plane of window noise criteria are exceeded, window upgrades (higher Sound Transmission Class (STC) ratings) can be used to ensure that the indoor noise environment is adequately protected. In such a case, an assessment of the indoor noise level would need to be provided as part of the Detailed Noise Assessment and would likewise be subject to peer review. The indoor sound levels should not exceed 35 dBA (dBAI) for sleeping quarters and 40 dBA (dBAI) for other sensitive indoor spaces (Leq(1hr), or LLM, as appropriate)

Although not specifically addressed in NPC-300, shipping traffic (i.e., ships maneuvering on the waterways) will be considered. The noise impact from ship traffic will be assessed as a separate ship noise source in accordance with these Terms of Reference using a one-hour equivalent sound level ($L_{eq, 1 \text{ hr}}$) and the Moving Ship Model available from the City (See Section 5.0 below).

4.3 Transportation Source Assessment

Developments will be designed to protect the indoor and outdoor environment as described in NPC-300. The assessment of transportation sources (road/rail/air traffic) will consider all relevant transportation sources and will be completed in accordance with the requirements set out in Part C of NPC-300 for Transportation sources. Road transportation sources should reflect the planned traffic and transit for the particular District, where available.

4.4 Additional Requirements for Detailed Noise Assessments

The Detailed Noise Assessments will also provide a written description of:

- **the potential impact of noise generated by a proposed development on the surrounding environment:** This will describe the potential noise impacts from sources within the development property on approved noise sensitive land uses in the area, and outline possible conceptual solutions where conflicts may be expected. This would include an assessment of potential noise from building mechanical equipment (e.g., HVAC units, exhaust fans, emergency generators). Where specific mechanical system design details are not yet available, potential concerns will be outlined in relation to applicable regulations; and
- **the impact of noise from the proposed development on itself:** This will describe potential noise impacts from sources within the development property on noise-sensitive areas within the development itself, and outline possible conceptual solutions where conflicts may be expected. Where specific mechanical system design details are not yet available, potential concerns will be outlined in relation to applicable regulations.

4.5 New, Expanded or Relocated Port Use/Operation

The assessment of stationary working ship noise conducted for any Noise Impact Study associated with a new *Port* use, or an expansion and/or relocation of an existing port operation/facility, will be based on the assessment approach in Section 4.2.

5.0 Noise Modelling Method

To undertake the required noise modelling to support the completion of required Assessments, Consultants will first request detailed noise modelling from respective facilities (e.g. industries, port uses and utilities) that impact respective Districts or sites, and request the Moving Ship Model from the City. Consultants will also request any other up-to-date noise modelling/measurements undertaken for other respective facilities completed on behalf of the City.

Existing uses as of January 2021 include but are not limited to:

- Polson Quay: Lafarge Canada Polson Street Cement Terminal
- McCleary District: Commissioners Waste Transfer Station
- Media City: Basin Transformer Station
- Ports Toronto Marine Terminal District
- South Port District: Salt Terminal operations (currently Cargill Deicing, Windsor Salt and Compass Mineral); GFL Environmental

- South Port East District: Portlands Energy Centre; Strada Aggregates;
- Warehouse District: Toronto Hydro Commissioners Street Facility, CanRoof Corporation; CRH (Dufferin Concrete)
- East Port District: Lehigh Cement Terminal; St Marys/CMB Ready-Mix Concrete; Metrix Ready-Mix Concrete; Innocon Ready-Mix Concrete; Dufferin/CRH Ready-Mix Concrete; ML Ready-Mix Concrete

Source model information available is identified in the table below and will be provided to Consultants upon written request. Non-disclosure agreements may need to be entered into depending upon the nature of the information contained in the source model.

Industry	Model Date (as may be updated from time to time)	Contact
Lafarge Canada Cement Terminal on Polson Quay	May 13, 2020	Lafarge Canada Inc. 6509 Airport Road Mississauga, ON L4V 1S7 ATTN: Environment Director, ECAN with copy to Land Director, ECAN
Innocon operation in the East Port	<i>To be added</i>	Lafarge Canada Inc. 6509 Airport Road Mississauga, ON L4V 1S7 ATTN: Environment Director, ECAN with copy to Land Director, ECAN
Commissioners Waste Transfer Station	February 5, 2021	Anthony Kittel Project Manager (Central Waterfront), City of Toronto, City Planning Division, Community Planning, Toronto and East York District p. 416-392-0758 e. Anthony.Kittel@toronto.ca
Moving Ship Model	January 12, 2021	Anthony Kittel Project Manager (Central Waterfront), City of Toronto, City Planning Division, Community Planning, Toronto and East York District p. 416-392-0758 e. Anthony.Kittel@toronto.ca
Port Authority Marine Terminal	In progress	In progress

Consultants will confirm with the City and/or Port Authority whether any of the source model information may require updating based on conditions at the time of the submission of the development application.

In instances where more detailed information and/or noise modelling is not provided by an operation/facility after such a request is submitted (with such request documented and provided to the City) or where the Consultant is of the opinion the information provided is not appropriate, the Consultant will provide an explanation of its opinion and describe the approach taken to determine the noise impacts from the respective facilities in its Assessment (e.g. detailed measurements undertaken on site, representative noise sources based on site observations, any information that is available to the public from other sources, and/or reliance

on the representative ship noise levels provided in these Terms of Reference). The appropriateness of the approach will be determined through the peer review process, and the review and circulation of the application.

Where a particular port operation has not provided detailed modelling associated with its stationary ship noise or where lands are planned for *Port* uses and there is no existing operation, the City, in consultation with the Port Authority, will provide relevant operational details based on the existing or planned context to use in the assessment. Operational details for the planned *Port* use sites are anticipated to reflect known relocations of operations at the time of the application, the types of port operations commonly found (e.g. outdoor bulk storage of salt and aggregate material) in the Port Lands, and trends emerging in shipping activity. Noise levels for moving ships (considered a stationary source) in the Moving Ship Model and for working and laid-up ships included in Attachment A to this Terms of Reference are representative. These may be used to facilitate and simplify the assessment.

Development proponents will be entitled to rely upon accepted noise modelling as determined by the City's peer reviewer and any provided source model information for the entire development process (e.g. Zoning, removal of a Holding Symbol and Site Plan Control), unless excessive delays occur between applications (e.g. more than a two (2) year period between an application to remove a Holding Symbol and the submission of a Site Plan Control application would be considered an excessive delay).

6.0 Peer Review

The City will hire a qualified consultant to peer review the technical reports and associated noise modelling files submitted in support of a development application where there is no in-house expertise available. The objective of the peer review is to provide City Staff and Council with an independent, expert, third party assessment of the potential acoustical issues, validate that the noise modelling was undertaken in accordance with this Terms of Reference, and confirm the appropriateness of the proposed mitigation measures to address the applicable adverse effects. Costs for the peer review will be borne by the development proponent.

ATTACHMENT A - Ship Noise Emission Data

It is recognized that ships in the Port Lands are constantly changing, and as a result the associated noise from ships may vary from time to time. The representative noise emission levels can be updated from time to time based on discussions with the Port Authority, industry and relevant land owners/lease holders.

Notwithstanding any other provisions to assess specific noise emissions from ships, it may be assumed that ship noise levels will not exceed the levels presented in the following table as updated, as required.

Ship Type	Sound Characteristic	dBA	Sound Power Level (dB) in Octave Bands (Hz)								
			31.5	63	125	250	500	1000	2000	4000	8000
Self-Discharging Carriers (Salt & Other Course Products)	Steady	117	123	126	123	120	115	112	105	95	80
Self-Discharging Carriers (Salt & Other Course Products)	Impulsive	N/A									
Cement Carriers	Steady	120	123	117	113	111	112	118	107	108	110
Cement Carriers*	Impulsive	133	118	122	119	121	125	123	127	127	128
Laid-up Ships using "Hotel" Power	Steady	111	125	115	112	111	108	108	99	91	80

* Noise level under investigation as of January 2021

APPENDIX 3

TERMS OF REFERENCE FOR AIR QUALITY STUDIES FOR THE INTRODUCTION OF SENSITIVE USES IN THE PORT LANDS

1.0 Description

A technical report that quantitatively assesses air quality impacts of introducing new sensitive uses in the Port Lands.

The report provides a written description of the impact of air quality emissions from the surrounding environment on the proposed development. It also details all measures proposed to mitigate the potential for adverse air quality impacts.

Air Quality Studies are to be prepared by a Consultant that is either an accredited air quality expert or a qualified Professional Engineer. Air Quality Studies may be required for new and/or expanded sensitive uses in the Port Lands.

2.0 When Required

Different types of Air Quality Studies are required depending on the stage of the planning process:

- District-wide Comprehensive Air Quality Assessments undertaken as part of precinct planning process, or City-initiated District-wide Zoning By-law Amendment or Development/Community Planning Permit System where precinct planning has been completed. The District-wide Assessments will consist of an updated feasibility study that assesses air quality at the time of completing the Precinct Plan or Amendment, and identifies preliminary mitigation approaches that could be used to mitigate impacts and industry compliance issues.
- Detailed Air Quality Assessments are required to be submitted with site-specific development applications, including the following:
 - Site-Specific Zoning By-law Amendments
 - Site-Specific Official Plan Amendments
 - Removal of a Holding Symbol
 - Site Plan Control/Development or Community Planning Permit
 - Plans of Subdivision/Consent to Sever

The air quality studies will be progressively more detailed as at each stage of planning process as the details of the development become more certain. The City and/or its revitalization partner(s), will be responsible for completing the District-wide Comprehensive Assessments (with cooperation and input from relevant stakeholders, including landowners/leaseholders) and the applicant of the proposed sensitive use will be responsible for the Detailed Air Quality Assessments. Where a rezoning application is submitted concurrent with the City and/or its revitalization partner completing a precinct planning process, the application will include a Detailed Air Quality Assessment.

3.0 Rationale

The Port Lands Area Specific Policy in Section 4.7 speaks to land use compatibility issues in the Port Lands. There is a need for a collaborative approach between development proponents introducing new sensitive uses, existing and planned major facilities in the Port Lands, and the City. Proponents of new or expanded sensitive

uses and industrial operators are encouraged to work together to achieve source and/or receptor mitigation measures, where practicable (Policy 4.7.2).

The Port Lands Area Specific Policy also sets out District-specific land use compatibility policies (section 4.2) for certain Districts where sensitive uses are contemplated. In some instances, more detailed area-wide studies are needed when more detailed precinct planning is undertaken or as part of City-initiated Zoning By-law Amendments for Villiers Island. Detailed Air Quality Assessments are required in support of development applications for sensitive uses.

The required studies are generally needed for proposed sensitive uses in the vicinity of:

- The Polson Quay Cement Terminal;
- The Portlands Energy Centre;
- Existing and planned Port uses that include shipping activity with diesel engines/generators;
- Other operations with outdoor storage; and
- Operations with the potential for odour, such as the Commissioners Waste Transfer Station

It is the proponent's responsibility to demonstrate compatibility (Policy 4.7.3 d) as indicated in Section 2, above.

Assessments must be prepared in accordance with these Terms of Reference and will specify how compatibility will be achieved and maintained in order to minimize and mitigate adverse impacts to port, industrial and energy generation operations and protect their long-term operational and economic viability; and to support the creation of high-quality living and working environments (Policy 4.7.6).

To support achieving compatibility, sensitive uses in proximity to existing industrial uses, energy generation facilities, and existing and planned Port uses may be limited by imposing restrictions to the location, heights, massing and/or siting of sensitive use developments; required to be buffered by non-sensitive uses; or required to implement other source and/or receptor mitigation measures as appropriate (Policy 4.7.7).

4.0 Required Contents

Required contents for the Detailed Air Quality Studies to be completed by applicants are set out below. If such a report is required based on the nature of the proposed application and the context of the area.

When a new or expanded sensitive use is being proposed, the Air Quality Assessments must include, but are not necessarily limited to:

- Identification of existing and/or reasonably foreseeable surrounding facilities/activities with the ability to impact air quality at the proposed development
- Emission rates from all stationary facilities including their emergency/stand-by equipment who require permitting under O.Reg 419/05 or reporting under NPRI etc. as well as corresponding stationary ship operations within 300m of the proposed development will be calculated, based on the maximum emission rate that the source of contaminant is reasonably capable of for each averaging period for contaminants of interest, including but not limited to Nitrogen Oxides (NO_x) and Suspended Particulate Matter (SPM) following O.Reg 419/05, as amended from time to time,.
- Applicants will request detailed air quality emissions and modelling from respective operations to undertake the assessment and enter into confidentiality agreements, if requested by industry.
- Operators will be responsible for providing data related to any stationary ships associated with their operations as well as any reasonably foreseeable expansion scenarios to the applicant.
- In instances, where more detailed information and/or air quality modelling is not provided by the operations, the applicant will indicate the method and assessment used to determine reasonable maximum impacts from the respective operations including any stationary ships associated with the operations.

- New sensitive developments must install and maintain appropriate air filtration systems to manage fine particulate.
- Where more than one facility is located within 300m of a proposed development, the facilities will be treated as a “joint facility” and the assessment of air quality emissions will consider any common emissions cumulatively from the combined facilities.
- Modelling will be completed following the current MECP regulatory guidelines at the time of the assessment.
- Predicted concentrations will be calculated at all publicly accessible spaces at the Proposed Development and District, as well as any openable windows, balconies, outdoor amenity spaces on the buildings and/or air intakes. District-wide Assessments will assess the predicted concentrations using conceptual massing models of built form for the District.
- Predicted concentrations at the Proposed Development or District will be compared to O.Reg. 419/05 air quality standards, as amended from time to time.
- Recommendations for mitigation must be provided, if needed.
- Note: The City will hire an outside consultant to peer review selected technical reports submitted in support of a development application where there is no in-house expertise available. Costs for the peer review would be borne by the applicant. Reports will be shared with the impacted industries.



ATTACHMENT 2

LOCAL PLANNING APPEAL TRIBUNAL *Tribunal d'appel de l'aménagement local*

PROCEDURAL ORDER

PROCEEDING COMMENDED UNDER of the Planning Act, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Various
Subject: Port Lands OPM

LPAT Case No.: PL030514
LPAT File No.: PL030514
LPAT Case Name: Port Lands (Central Waterfront Secondary Plan)

The Tribunal orders that:

1. The Tribunal may vary or add to these rules at any time, either on request or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.

Organization of the Hearing

Settlement Hearing

2. A four day settlement hearing will commence on **Tuesday January 26, 2021, at 10:00 a.m.** and will be held electronically by videoconference. No further notice shall be required. All Parties and any Participants shall attend the first day of the Hearing, at which time the Tribunal will hear evidence from the City on procedural matters and settlements that have been reached between the parties through LPAT-assisted mediation (the "settlement hearing").
3. Parties and Participants shall log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections:

<https://global.gotomeeting.com/join/616898365>

Access code: 616-898-365

4. Parties and Participants shall access and set up the application well in advance of the event to avoid unnecessary delay.
5. Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only

telephone line: +1 (647) 497-9373 or Toll Free 1-888-299-1889. The **access code is 616-898-365.**

Contested Hearing

6. An 18 day hearing of the outstanding contested planning matters will commence on **Tuesday, April 6, 2021** ending **Thursday, April 29, 2021** and will be held electronically by videoconference (the "contested hearing"). No further notice shall be required. The Tribunal may sit an extra half hour a day as required to assist with the Hearing Work Plan. The length of the contested hearing may be shortened as issues are resolved or settlement is achieved.
7. Parties and Participants are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections:

<https://global.gotomeeting.com/join/580892325>

Access code: 580-892-325
8. Parties and participants shall access and set up the application well in advance of the event to avoid unnecessary delay.
9. Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: +1 (647) 497-9373 or Toll Free 1-888-299-1889. The **access code is 580-892-325.**
10. The Parties and Participants (see **Attachment 1** for the meaning of these terms) identified at the pre-hearing conferences are listed in **Attachment 2** to this Order.
11. The Issues are set out in the Issues List included as **Attachment 3** to this Order. The City will work with the outstanding appellants to review and further narrow the Issues List in advance of the hearing. There will be no changes to this list unless the Tribunal permits it. A party who seeks changes to this list may have costs awarded against it. An issue can be removed from the Issues List without a formal order of the Tribunal with the consent of all Parties.
12. The order of evidence at the hearing shall be determined between the Parties and reflected in the Hearing Work Plan. The Tribunal may limit the amount of time allocated for opening statements, evidence in chief (including the qualification of witnesses), cross examination, evidence in reply and final argument. The length of written argument, if any, may be limited either on consent or by Order of the Tribunal.
13. Any person intending to participate in the hearing should provide a telephone number to the Tribunal as soon as possible (preferably before the prehearing conference). Any such person who will be retaining a representative should advise the other parties and the Tribunal of the representative's name, address and phone number as soon as possible.

Requirements Before the Hearing

14. A party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal and to the other parties a list of its witnesses, the area of each witness's expertise, and the order in which they will be called. This list must be delivered on or before **April 15, 2020**. For expert witnesses, a party is to include a copy of the curriculum vitae and the area of expertise in which the witness is proposed to be qualified.
15. An expert witness shall prepare an expert witness statement that shall include: an acknowledgement of expert's duty form, the area(s) of expertise, any reports prepared by the expert, and any other reports or documents to be relied on at the hearing. Copies of this must be provided as in section 12. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Tribunal may refuse to hear the expert's testimony.
16. A witness or participant must provide to the Tribunal and the parties a witness or participant statement on or before **July 13, 2020**, or the witness or participant may not give oral evidence at the hearing.
17. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement but the party calling them must file a brief outline of the expert's evidence, as in section 9.
18. On or before **July 13, 2020**, the parties shall provide copies of their witness statements to the other parties and to the Tribunal. All witness or participant statements provided on or before July 13, 2020 are provided without prejudice, such that parties will be allowed to amend the witness statements to allow completion of tasks that were unattainable prior to the July 13, 2020 deadline provided that such revised witness statements are provided by August 12, 2020, at which time witness statements will become final.
19. Expert witnesses in the same field shall have a meeting between **July 13, 2020** and **August 14, 2020** to try to resolve or reduce the issues for the hearing and to identify agreed facts for the purpose of preparing an agreed statement of facts.
20. Parties may provide to all other parties and the Tribunal, a written response to any written evidence by **September 3, 2020**.
21. On or before **4:30 pm Tuesday, March 30, 2021**, the parties shall provide copies of their visual evidence to all of the other parties and the Tribunal. If a model is proposed to be used, all parties must have a reasonable opportunity to view it before the hearing.
22. A person wishing to change written evidence, including witness statements, must make a written motion to the Tribunal in accordance with the Tribunal's Rules 10.01 to 10.05.
23. A party who provides the written evidence of a witness to the other parties must have that witness attend the hearing to give oral evidence, unless the Tribunal and parties are notified on or before **Friday, March 26, 2021** that the witness will no longer be providing evidence and that the written evidence will not form part of their record.
24. On or before **4:30 pm Tuesday, March 30, 2021** the parties shall file a final Hearing Work Plan with the Tribunal with a proposed schedule for the hearing that identifies, as a minimum, the parties participating in the hearing, the preliminary matters (if any to be

addressed), the anticipated order of evidence, the date each witness is expected to attend, the anticipated length of time for evidence to be presented by each witness in chief, cross-examination and re-examination (if any) and the expected length of time for final submissions. The parties are expected to ensure that the hearing proceeds in an efficient manner and in accordance with the Hearing Work Plan. The detailed Hearing Work Plan shall be adhered to the best ability of all Parties, and any and all witnesses shall be available on the identified date(s), unless otherwise directed by the Tribunal. The Tribunal may, at its discretion, change or alter the Hearing Work Plan at any time during the course of the hearing.

25. The Parties undertake to make best their efforts to avoid duplicative evidence to the extent possible.
26. The Parties shall coordinate to produce an electronic Joint Document Book on or before **Tuesday, March 30 2021** and each Party shall be responsible for printing their own copy. The City will circulate a draft Joint Document Book Index on or before **Wednesday March 10, 2021**. Any party wishing to have additional documents added to the Joint Document Book will provide comments on the draft index along with pdf copies of the additional documents on or before **Wednesday, March 17, 2021**. The City will file two hard copies of the Joint Document Book with Tribunal on or before **4:30 pm Tuesday, March 30, 2021**.
27. Any documents which may be used by a party in cross examination of an opposing party's witness shall be shared via password protected email, or shall be uploaded to a secure file share server (as may be agreed upon between the parties in consultation with the Tribunal case co-ordinator in advance of the hearing), on or before **the expected date of the cross-examination**. Such documents shall be password protected and only be accessible to the Tribunal and the other parties if it is introduced as evidence at the hearing.
28. All filing shall be made electronically. Two hard copies of all material required for the hearing must also be filed with the Tribunal no later than **4:30 p.m. Tuesday, March 30, 2021**. Electronic copies may be filed by email, an electronic file sharing service for documents that exceed 10MB in size, or as otherwise directed by the Tribunal. The delivery of documents by email shall be governed by Rule 7. All documents to be filed with the Tribunal shall be organized, tabbed and digitally searchable and such materials will be filed in accordance with directions contained in the Tribunal's Video Hearing Guide, dated July 2, 2020, or as may be amended.
29. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Tribunal's Rule 17 applies to such requests.

This Member is [not] seized.

So orders the Tribunal.

SUMMARY OF DATES

DATE	EVENT
April 15, 2020	Exchange of witness lists (names, disciplines and order to be called)
July 13, 2020	Exchange of Witness Statements
July 13-August 14, 2020	Expert Meetings
August 12, 2020	Last day for updates/revisions to Witness Statements (due to COVID)
September 3, 2020	Exchange of Reply Statements
September – December, 2020	Mediation
January 19, 2021	Affidavit in support of Settlements to be filed by City
January 19, 2021	Draft Procedural Order and Updated Issues List to be filed with Tribunal
January 26-30, 2021	Settlement Hearing
March 10, 2021	Draft Joint Document Book Index Circulation by City
March 17, 2021	Comments on Draft Joint Document Book Index & copies of additional documents to the City
March 26, 2021	Final date to advise whether calling witness who filed a WS
March 30, 2021	Exchange of visual evidence (if any)
March 30, 2021	Finalize and circulate Electronic Joint Document Book (with 2 hard copies to Tribunal)
March 30, 2021	Finalize and file Hearing Work Plan
April 6 – April 29, 2021	Contested Hearing

Attachment 1

MEANING OF TERMS

Meaning of terms used in the Procedural Order:

Party is an individual or corporation permitted by the Tribunal to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an **unincorporated group** wishes to become a party, it must appoint one person to speak for it, and that person will become the party and assume the responsibilities of a party as set out in the Procedural Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorization from the party.

Participant is an individual, group or corporation, whether represented by a lawyer or not, who may attend only part of the proceeding but who makes a statement to the Tribunal on all or some of the issues in the hearing. At the hearing, a participant may be asked questions by the parties about their statements. Participants do not normally receive notice of a mediation or conference calls on procedural issues and cannot ask for costs, or review of a decision as parties can.

Written and Visual Evidence: **Written evidence** includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material. **Visual evidence** includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing. If a model forms part of the evidence, photographs of the model shall also be filed.

Witness Statements:

A **witness statement** or a **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which he or she will discuss and the witness' or participant's position on those issues; and a list of reports that the witness or participant will rely on at the hearing.

An **expert witness statement** should include his or her (1) name and address, (2) qualifications, acknowledgement of the expert's duty, and specific area(s) of expertise, (3) a list of the issues to be addressed, (4) the witness' opinions on those issues and the complete reasons for the opinions and (5) a list of reports that the witness will rely on at the hearing.

Additional Information

Summons: A party may ask the Tribunal to issue a summons. This request must be made before the time that the list of witnesses is provided to the Tribunal and the parties. (See Rule 13 on the summons procedure.) An affidavit may be requested indicating how the witness' evidence is relevant to the hearing. If the Tribunal is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.

The order of examination of witnesses: is usually direct examination, cross-examination and re-examination in the following way:

- direct examination by the party presenting the witness;
- direct examination by any party of similar interest, in the manner determined by the Tribunal;
- cross-examination by parties of opposite interest;
- re-examination by the party presenting the witness; or
- another order of examination mutually agreed among the parties or directed by the Tribunal.

Role of Participants: *Participants are identified at the start of a prehearing or at the start of a hearing. Participant statements should be filed with the Tribunal and the parties in accordance with the direction set out in the Tribunal's Procedural Order. If a participant does not attend the hearing and only files a written statement, the Tribunal may not give it the same attention or weight as submissions made orally. The reason is that parties cannot ask further questions of a person if they merely file the material and do not attend.*

Attachment 2

January, 2021

Central Waterfront Secondary Plan

Port Lands

List of Parties and Participants

Parties	Counsel/Representative	Participation in April Hearing
Toronto Waterfront Revitalization Corp.	Andrew Biggart/Tina Kapelos Ritchie Ketcheson Hart & Biggart LLP 1 Eva Road Etobicoke, ON M9C 4Z5 Catherine Murray 20 Bay Street Toronto, ON M5J 2N8	Will participate in hearing with evidence in chief
Toronto District School Board	Pitman Patterson/ Calvin Weekes Borden Ladner Gervais LLP Bay Adelaide Centre, East Tower 22 Adelaide Street West Suite 3400 Toronto, ON M5H 4E3	Will not participate in April hearing
Lafarge Canada Inc. 54 Polson Street and 535 Commissioners Street	Kim Mullin/Aaria Rahim Wood Bull LLP 65 Queen Street West, Suite 1400 Toronto, ON M5H 2M5	Will not participate in April hearing
Ontario Power Generation Inc. ("OPG") 440 Unwin Avenue and 470 Unwin Avenue Portlands Energy Centre 470 Unwin Avenue	Michael Polowin/Michelle Cicchino Gowling WLG (Canada) LLP 160 Elgin Street, Suite 2600 Ottawa, ON K1P 1C3	Will not participate in April hearing
Studios of America 440 Unwin Avenue	Quinto Annibale/Brendan Ruddick Loopstra Nixon 135 Queens Plate Drive, Suite 600	Will participate in hearing with evidence in chief

	Toronto ON M9W 6V7	
(Manufacturers Life Insurance Company) 2017919 Ontario Limited 20 Polson Street and 176 Cherry Street	Christopher Williams/Laura Dean Aird & Berlis LLP Brookfield Place 181 Bay Street, Suite 1800 Toronto, ON M5J 2T9	Will not participate in April hearing
Cadillac Fairview Corporation Limited 21 Don Roadway,30 Booth Avenue, 375,385 and 415 Eastern Avenue ("East Harbour")	Roslyn Houser/Max Laskin Goodmans LLP 333 Bay Street, Suite 3400 Toronto, ON M5H 2S7	Will not participate in April hearing
1307547 Ontario Limited (11 Polson Street); 1341665 Ontario Ltd. (15-55 Polson Street); 1536165 Ontario Limited (190 Cherry Street and 222-238 Cherry Street)	Nicholas T. Macos Black, Sutherland LLP 130 Adelaide Street W, Suite 3425 P.O. Box 34 Toronto, ON M5H 3P5	Will not participate in April hearing
Toronto Port Authority (PortsToronto) 8 Unwin Avenue Toronto, ON M5A 1A1	Andrew Jeanrie Bennett Jones LLP 1 First Canadian Place, Suite 3400 PO Box 130 Toronto, ON M5X 1A4	Will participate in hearing with evidence in chief
2034055 Ontario Ltd. and 1337194 Ontario Inc. 309 Cherry Street	Sidonia Tomasella/Patrick Harrington Aird Berlis LLP Brookfield Place 181 Bay Street, Suite 1800 Toronto, ON M5J 2T9	Will not participate in April hearing
Hydro One Networks Inc. 444 Unwin Avenue	Michael Engelberg/ Raman Dhillon Hydro One Networks Inc. 483 Bay Street, North Tower 12th Floor Toronto, ON M5G 2P5	Will not call evidence in chief in April hearing (watching brief – may reply)

<p>Toronto Waterfront Studios Development Inc.; Pinewood Toronto Studios</p> <p>101 and 225 Commissioners Street and 1-17 Basin Street</p>	<p>Isaac Tang/Lee English Borden Ladner Gervais LLP Bay Adelaide Centre, East Tower 22 Adelaide Street West, Suite 3400 Toronto, ON M5H 4E3</p>	<p>Will not call evidence in chief in April hearing (watching brief – may reply)</p>
<p>Tribal, Castlepoint, Kerbel Inc. 475 Commissioners Street</p> <p>TCK2 Inc. 495 Commissioners and 75 Basin Street</p>	<p>Denise Baker/Micah Goldstein WeirFoulds LLP 66 Wellington Street W., Suite 4100 Toronto, ON M5K 1B7</p>	<p>Will participate in hearing with evidence in chief</p>
<p>CRH Canada Group Inc. 650 Commissioners Street and 8 Unwin Avenue</p>	<p>Jonathan Kahn Blake, Cassels & Graydon LLP 199 Bay Street, Suite 4000 Commerce Court West Toronto ON M5L 1A9</p>	<p>Will not call evidence in chief in April hearing (watching brief – may reply)</p>
<p>Toronto Hydro-Electric System Limited</p>	<p>Aaron Kurts/Joseph Debono Dentons Canada LLP 77 King Street West, Suite 400 TD Centre Toronto, ON M5K 0A1</p>	<p>Will not call evidence in chief in April hearing (watching brief – may reply)</p>

Participants:

<p>Toronto and Region Conservation Authority</p>	<p>Steven Heuchert 101 Exchange Avenue Vaughan, ON L4K 5R6</p>
<p>West Don Lands Committee</p>	<p>John Wilson johnwilson338@gmail.com Cynthia Wilkey wilkeycj@gmail.com</p>

Attachment 3**ISSUES LIST**

Note: The identification of an issue on this Issues List is intended to provide notice to all parties that a party will lead evidence and/or argument on the matter. This identification does not serve as an acknowledgement of relevancy to the determination of the Tribunal at the hearing. The extent to which these issues are appropriate or relevant to the determination of the Tribunal at the hearing will be a matter of evidence and argument at the hearing.

2. LAND USE

- a. Should residential uses be permitted on all or a portion of the Turning Basin District and/or Hearn property and land use typology(ies) revised accordingly?
- c. Should all of the lands designated Parks and Open Space Areas on Map E be designated Parks and Open Space Areas? And specifically:
 - i. Should portions of the Hearn site be designated Parks and Open Spaces Areas?
 - j. Are other land use permissions needed in the Port and Port and Industrial land use districts to ensure the long-term viability of the Port Lands as a port?
 - l. Will the water's edge animation areas and associated land uses adjacent to Ship Channel/Turning Basin create a land use conflict with the working port?
 - p. Should the Port Lands OPM, and policy 2.1.3 specifically, include further clarification to where recreational uses are anticipated along the Ship Channel?

4. EXPANSION AND PROTECTION OF INDUSTRY

- d. Does the CWSP and Port Lands OPM appropriately recognize the port needs and function of lake access, including the Ship Channel and the Turning Basin?

6. MUNICIPAL COMPREHENSIVE REVIEW

- a. Is there any justification to require a municipally initiated comprehensive review to permit non-employment uses in the Turning Basin District?

7. MINIMUM NON-RESIDENTIAL REQUIREMENTS

- b. If it is determined that residential uses are appropriate in the Turning Basin District, what should the minimum requirement for PIC Core uses be?
- c. If it is determined that residential uses are appropriate within the Hearn property, should a minimum non-residential requirement be identified?

8. RETAIL

- b. Should the Hearn site have retail uses limited to 20% of the total GFA? Does this limitation conflict with requirements in the Port Lands OPM for water's edge animation areas?

9. INTEGRATED PLANNING

- a. Did the City appropriately integrate and/or optimize the use of land, including the appropriate integration of (existing and future) land use, hydro infrastructure and transportation considerations?

10. TRANSPORTATION NETWORK – STREETS AND ALIGNMENTS

- b. If the Broadview extension is extended across the Ship Channel, should the Broadview extension alignment be modified to ensure efficiency of shipping through the Ship Channel and adequate dock wall access?
- d. Is the street network in the Turning Basin District, inclusive of the Broadview extension, necessary and appropriate?
- f. Do the policies in the Port Lands OPM appropriately direct the coordination of streets and other required infrastructure to support development?

12. GENERAL

- b. Are the holding provision policies in the Port Lands Area-Specific Policy appropriate?

Attachment 4

Order of Evidence

Parties

1. Opening Statements and Preliminary Matters
2. City of Toronto
3. Waterfront Toronto
4. Toronto Port Authority (Ports Toronto)
5. Studios of America
6. Tribal, Castlepoint, Kerbel Inc.

Participants

7. West Don Lands Committee

Parties

8. Reply by any other parties with watching briefs, as required
9. Sur-reply – only in relation to new reply evidence by parties with watching briefs, as required
10. Reply by the City of Toronto
11. Final Submissions