

Update on Application for Site Plan Control - 186 Bartley Drive

Date:	August 24, 2010
To:	Council
From:	Treasurer and City Solicitor
Ward:	34 – Don Valley East
Reference Number:	P:\2010\Internal Services\rev\cc10026rev (AFS12808)

SUMMARY

This report provides information on a request from North York Community Council for an update on approvals that have been obtained from the Ministry of the Environment and the approvals required to operate a children's playground on the subject property at 186 Bartley Drive, and the fees paid to the City by the applicant in connection with this proposal.

Financial Impact

There are no financial implications arising from this report.

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

DECISION HISTORY

At its meeting of August 17, 2010, North York Community Council, in considering Item NY36.67: *Final Report – Site Plan Control Application – 186 Bartley Drive*, requested that:

1. The City Solicitor provide an update to City Council, at its meeting on August 25 and 26, 2010, on what approvals have been obtained from the Ministry of the Environment and what approvals are required to operate a children's playground on the property at 186 Bartley Drive; and

2. The Treasurer, in consultation with appropriate City officials, report to the August 25 and 26, 2010 meeting of Council, detailing all the fees that the applicant has paid to the City in connection with this proposal.

The links below provide the Decision Item from the North York Community Council meeting of August 17, 2010 (See Item NY36.67), and the original staff report dated June 30, 2010, from the Director, Community Planning, North York District:

<http://www.toronto.ca/legdocs/mmis/2010/ny/reports/2010-08-17-ny36-cr.htm>

<http://www.toronto.ca/legdocs/mmis/2010/ny/bgrd/backgroundfile-31834.pdf>

Additionally, on August 16, 2010, the Executive Committee considered a confidential staff report from the Treasurer and City Solicitor, Item EX46.27 - *186 Bartley Drive - Update on Confidential Agreement*, that provided an update on a confidential agreement concerning the environmental remediation of the site. As this report deals with litigation or potential litigation that affects the City, and pertains to security of property belonging to the City, and contains advice or communications that are subject to solicitor-client privilege, the information concerning this agreement and staff recommendations in this regard were provided as a confidential attachment. The Executive Committee report to Council for its meeting of August 25 and 26, 2010 recommends that the confidential instructions to staff in Attachment 1 of the report be adopted.

The links to the Executive Committee Report to City Council (Item EX46.27), and the original staff report dated July 28, 2010 from the Treasurer and City Solicitor are provided below:

<http://www.toronto.ca/legdocs/mmis/2010/ex/reports/2010-08-16-ex46-cr.htm>

<http://www.toronto.ca/legdocs/mmis/2010/ex/bgrd/backgroundfile-32894.pdf>

ISSUE BACKGROUND

An application for Site Plan Control for 186 Bartley Drive was made on September 21, 2007. The proposal is for interior renovations to an existing industrial building (being used primarily for warehouse and office uses) that will convert a portion of the building (464 m²) to a recreation facility (indoor play centre) geared to children (primarily for tots to pre-teen children). The interior renovations are to include a new counter, a supervised waiting area and the addition of a security fence. No exterior renovations (paved surface, parking, etc.) are being proposed.

The property at 186 Bartley Drive is the subject of a confidential agreement amongst the City, the current property owner, and the Trustee in Bankruptcy for the former registered owner of the property, Coro Canada Ltd. The agreement concerns outstanding arrears of taxes on the subject property and the environmental remediation of the site.

COMMENTS

Ministry of Environment Approvals

Planning staff have confirmed that the indoor play centre is a permitted use for the current zoning of the site (Industrial Zone Two - M2) under Zoning By-law No. 7625 of the former City of North York, and is consistent with the designation of these lands as 'Employment Areas' under the Official Plan. No Ministry of the Environment (MOE) approvals are required in order to permit this use.

MOE orders were issued in 2002 and 2007 to the subject property and the neighbouring property requiring delineation of subsurface contamination and development of a remedial plan. The MOE has confirmed that these orders have been complied with.

The owners have taken remedial measures as outlined in reports that have been submitted to the City. One report, *Risk Management - Soil Vapour Extraction*, documents measures designed to ensure that contamination beneath the floor slab will not adversely affect the occupants of the building. The City has been provided a copy of a recent letter from the Owner's environmental consultant, which states that the possibility that chemicals will migrate up through the concrete floor and impact building occupants is considered low, but to be conservative a Soil Vapour Extraction (SVE) system has been installed. The letter advises that the SVE system is working as designed by creating a vacuum beneath the building floor such that no chemicals can migrate up through the concrete floor, and protecting all building occupants. Another report, *Risk Assessment Pre-Submission Form*, has been submitted to the MOE as part of the owner's obligation to obtain a Record of Site Condition applicable to the site in accordance with the agreement with the City.

The reports were prepared by a Qualified Person, as defined in MOE regulation 153/04, and have been prepared in consultation with MOE staff.

Fees Associated with this Proposal

Information on the fees that have been paid to the City by the property owner/applicant for 186 Bartley Drive in connection with the proposal was verified by City Planning, Toronto Building, and Municipal Licensing and Standards Division. The various fees paid to the City are summarized in Table 1.

Table 1
Summary of Fees Paid to the City for Site Plan Control Application at 186 Bartley Drive

Division	Description	Fees Paid
City Planning	Application for Site Plan Control (paid Sept. 21, 2007)	\$2,133.08
Toronto Building	Building Permit: Change of use (storage to children's recreational area). Initial permit fee paid in 2007, but final permit not yet issued pending approval of Site Plan Control application.	\$226.80
Municipal Licensing & Standards	MLS Property Standards North District has no record of activity/fees paid for this location since 2006.	\$0.0
Total		\$2,359.88

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SIGNATURE

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