

777 Dundas Street East - Site Plan Application - Information Report

Date:	January 5, 2015
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	13-210727 STE 30 SA

SUMMARY

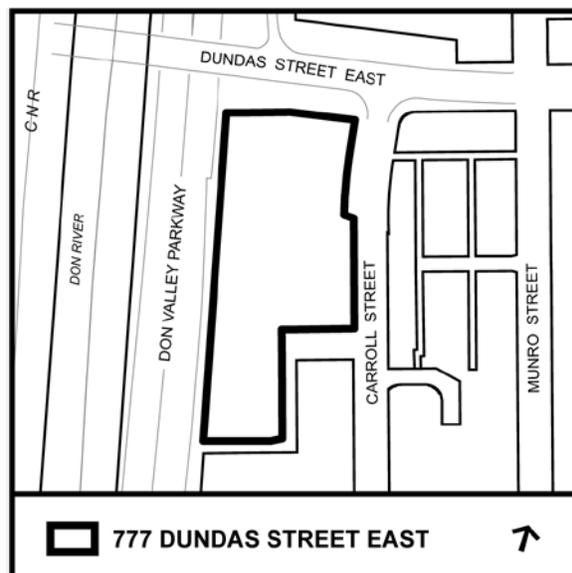
This report provides an update on the Ontario Municipal Board (OMB) hearing and advises Toronto and East York Community Council on the permit requirements regarding the Site Plan Application for the proposed car dealership at 777 Dundas Street East.

The application proposes a 4-storey (17 metre) cantilevered automobile dealership building with retail, office and industrial uses. The proposed building includes an office mezzanine, with three terraced showrooms on the west side. The proposed building will have a 2-storey appearance along Dundas Street East and Carroll Street due to the decrease in grade westward, and a 4-storey appearance along the Don Valley Parkway (DVP).

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council receive for information the report (January 5, 2015) from the Director, Community Planning, Toronto and East York District regarding the Ontario Municipal Board (OMB) hearing and permit requirements regarding the Site Plan Application for the proposed car dealership at 777 Dundas Street East.



Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

The subject property has been subject to a Committee of Adjustment application (in 2000) and two previous site plan applications for a car dealership in 1999 and 2011.

In February 2000, the Committee of Adjustment approved a variance to allow access and fronting of a 3-storey BMW car dealership and repair shop on Carroll Street.

In July 2000, City Council recommended that a By-law be passed to "stop-up" and close part of the public lane adjacent to the site and authorize its sale to BMW. City staff previously reviewed the request to close and sell the lane and deemed it feasible subject to authorization from Council.

In November 2000, the Executive Committee of the Toronto and Region Conservation Authority (TRCA) approved an application to construct the BMW car dealership in the flood plain. A permit was issued for construction within the Regional Flood Plain and proposed Special Policy Area for the Lower Don River. The TRCA permit was issued for a two year period ending on November 2, 2002. BMW did not construct the car dealership as previously planned on the subject property. BMW subsequently built a car dealership at another location south of the subject property on Eastern Avenue.

A report dated August 16, 2006 from the General Manager, Toronto Water in response to a request from the Works Committee on potential land uses at 777 Dundas Street East in support of the Wet Weather Flow Master Plan (2004-2005) concluded that any future development of the subject property with a building is possible subject to the following conditions:

- that development is protected to the 350 year return flood level;
- impacts on the natural environment are addressed; and
- where practical the natural ecosystem is enhanced.

Volkswagen Group Canada Inc. (Volkswagen) purchased the subject property in 2004. Volkswagen subsequently initiated discussions in 2009 with various City agencies and divisions to construct a car dealership. In 2011, Volkswagen filed an application for site plan approval. Volkswagen did not finalise the application.

In 2013, Volkswagen filed the current site plan application, which is similar to the 2011 application. Volkswagen have since advised City staff that the lands will be transferred to new owners (1844448 Ontario Ltd) upon completion of the current site plan application. City staff understand that the new owner will sell and service vehicle brands such as Porsches, Land Rovers and Jaguars, amongst others.

In November 2014, the Ontario Municipal Board rendered a decision on the proposed site plan. That decision is summarised in detail later in this report.

On December 4, 2014, the Toronto and East York Community Council requested City Planning, Transportation Services, Development Engineering, Toronto Buildings, Parks, Forestry and Recreation, and Urban Forestry Ravine and Natural Feature Protection, in consultation with the Toronto and Region Conservation Authority, to report to the January 13, 2015 meeting on the permitting requirements regarding the proposed car dealership at 777 Dundas Street East. In addition, Toronto and East York Community Council directed that no permits, other than permits under the Building Code Act, be issued under delegated authority prior to the information report to Toronto and East York Community Council, noted above. The motion requesting this report can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE2.18>.

ISSUE BACKGROUND

Site & surrounding area

The site, municipally referred to as 777 Dundas Street East, is located on the south side of Dundas Street East, east of the Don Valley Parkway and west of Carroll Street and has a public lane to the south. The site is an irregularly shaped lot with an area of 8,154 square metres, street frontages of 61 metres on Dundas Street East, 97.94 metres on Carroll Street, and 154.6 metres along the Don Valley Parkway (DVP). Two electronic sign boards are located on the northern and eastern portions of the site. A block and brick wall is located along the western boundary of the site probably associated with the previous industrial building. The property was also used as a parking lot but has been vacant in recent years.

The site is bounded by the DVP to the west, a business/commercial area on Dundas Street East to the north, a residential area with 2-3 storey townhouses and midrise apartment buildings to the east and south, and a 2-3 storey industrial building to the south.

Proposal

The City Planning Division received an application on July 25, 2013 for site plan approval for a 4-storey (17 metre) cantilevered automobile dealership building with related retail, office and industrial uses. The proposal includes an office mezzanine with three terraced showrooms. The building will have a gross floor area of 13,102.79 square metres, 17 bicycle parking spaces, 146 vehicular parking spaces, 2 loading areas, and a green roof having an area of 404 square metres. Due to the decrease in grade westward towards the DVP, the building would generally have a 2-storey appearance along Dundas Street East and Carroll Street, and a 4-storey appearance along the DVP. The proposal will use the entrance to the site on Carroll Street, which was approved by the Committee of Adjustment in February 2000. The applicant has advised that approximately 150 people will be employed in the proposed car dealership.

For further statistical information, refer to the Application Data Sheet found on Attachment 4 of this report.

Request for Report to Council

The application has gone through a number of revisions and City Planning staff advised the local Councillor of the Division's intention to issue the Notice of Approval Conditions (NOAC) in September 2014. The local Councillor had previously requested in writing in April 2014, that the Chief Planner submit a report to Toronto and East York Community Council (TEYCC) and Council on the application ("bumped-up"). City Planning staff intended to report to TEYCC in December 2014, as there were no earlier meetings scheduled due to the municipal election. However, the applicant filed an appeal at the Ontario Municipal Board (OMB) and obtained a hearing date on November 19, 2014.

Ontario Municipal Board Appeal and Decision

On October 28, 2014, the City Clerk's Office received notification that the applicant had filed an appeal of the Site Plan Approval application to the OMB, citing Council's failure to make a decision on the application within the prescribed 30 day timeline stated in section 41(12) of the *Planning Act*.

On November 19, 2014, the OMB heard the appeal by the applicant citing Council's failure to make a decision on the application within the prescribed timeline. City staff from Legal Services and City Planning Divisions, were present at the hearing. The City Solicitor requested the OMB to adjourn the hearing in order to obtain instructions from Toronto and East York Community Council and Council at the December 2014 meetings. The OMB did not grant City's request for an adjournment and proceeded with the hearing.

The applicant presented evidence in support of the application and stated that there was no technical basis or planning rationale to "hold up" the application for public discussion at Toronto and East York Community Council. In addition, the applicant was in agreement with the conditions of approval identified by City staff. The OMB approved the site plan application in principle but withheld its order subject to the execution of the site plan agreement and reordering of the conditions of approval. The conditions of approval are attached to this report as Attachment 5. The site plan agreement has been executed by the City and the applicant. The OMB subsequently issued a written decision on December 17, 2014.

COMMENTS

Agency Circulation

As part of the development approval review process, the associated plans and reports were circulated to other City divisions/departments and affiliated agencies for comments. The divisions/agencies include Parks Forestry & Recreation (Urban Forestry-Ravine and Natural Feature Protection, Urban Forestry-Tree Protection and Plan Review, Parks and Recreation Planning-Policy and Development); Engineering & Construction Services; Toronto Building; Toronto and Region Conservation Authority (TRCA); and the Energy Efficiency Office.

Responses received from the above noted divisions/agencies have been used in evaluating the application and preparing appropriate conditions of approval shown on Attachment 5.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety.

Section 1.1 of the PPS addresses how to manage and direct land use to achieve efficient development and land use patterns. Section 1.3 of the PPS addresses employment areas. Section 3.1 of the PPS addresses natural hazards, including policies with respect to permitting development within a floodway.

The Growth Plan requires the City to maintain an adequate supply of lands providing locations for a variety of appropriate employment uses in order to accommodate the employment growth forecasts of the Plan. The Plan requires municipalities to promote economic development and competitiveness.

The proposal conforms to the PPS and does not conflict with the Growth Plan.

Official Plan

The Official Plan's land use designation for the subject site is *Employment Areas*. Section 4.6 of the Official Plan describes *Employment Areas* as "hothouses where we grow our enterprises and jobs". It goes on to state that business increasingly requires flexibility in order to compete effectively in the global economy. This need for flexibility extends to a firm's lands and building, and to what is available to support that business activity in the immediate area.

Policy 4.6.1 of the Official Plan states that *Employment Areas* are places of business and economic activity. Uses that support this function consist of offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area businesses and workers. The applicant has advised City staff that the proposed development will provide approximately 150 jobs.

The subject site is located in a Natural Heritage System and a Special Policy Area (in the Lower Don River Valley Corridor) on Maps 9 and 10 in the Official Plan. Policy 3.4.10 of the Official Plan states that where the underlying land use designation provides for development in or near the natural heritage system, development will:

- a) recognize natural heritage values and potential impacts on the natural ecosystem as much as is reasonable in the context of other objectives for the area; and

- b) minimize adverse impacts and when possible, restore and enhance the natural heritage system.

As noted above, the underlying land use designation for the site is *Employment Areas*, which allows for development. In addition, the applicant has committed to implementing a public art/mural on the western façade of the proposed building, which recognizes the heritage value and celebrates the Don River. The artwork will be guided by the Lower Don River Trail Master Plan and the process for implementing this artwork will be coordinated by the TRCA in conjunction with City Planning staff.

Official Plan policies pertaining to special policy areas have not yet been approved by the OMB. As such, the special policy area policies of the (former) City of Toronto Official Plan apply to this site. The Official Plan of the former City of Toronto permits development on condition that it is protected from a 1:350 year flood level. This means that no building or structure will be subject to a risk of flooding in excess of 25 percent over an assumed life of 100 years. Section 2.68 of the Official Plan for the former City of Toronto, contains requirements that all development must meet in order to address the flood risk associated with the Lower Don Special Policy Area.

Urban Forestry (Ravine and Natural Feature Protection) and the TRCA, have provided comments which have been used in evaluating this proposal.

Zoning

Zoning By-law 438-86 of the former City of Toronto designates the site as Industrial (I2 D3). This zoning permits a wide range of industrial and other non-residential uses within buildings developed to a maximum density of 3.0 times the lot area. The zoned height limit for the site is 18.0 metres. In February 2000, the Committee of Adjustment approved a variance in conjunction with the 1999 site plan application to allow access and fronting of a 3-storey BMW car dealership and repair shop on Carroll Street. The current proposal will use the access from Carroll Street granted by the Committee of Adjustment. Toronto Building Division staff have reviewed the current proposal and reported that it is in compliance with the Zoning By-law, as varied by the Committee of Adjustment. The subject property is excluded from the new harmonized City of Toronto By-law 569-2013, which was enacted by City Council on May 8, 2013.

Community Information Meeting

The Ward Councillor held a community information meeting on December 8, 2014 to discuss the application, the planning approval process, the OMB hearing and the permits required by the applicant. Approximately 20 residents attended the meeting. Staff from the relevant City divisions/departments and affiliated agencies attended the meeting.

Residents expressed concerns with the following issues: lack of notification and consultation, noise, light pollution, flooding, landscaping, storm water management, ravine stewardship, parking, loading, site access and circulation, neighbourhood traffic impacts and signage on the proposed building.

City staff explained the delegated site plan approval process and OMB hearing and decision, the design and technical aspects of the proposed development, and the conditions of approval. The Ward Councillor scheduled a second meeting for January 8, 2015, to further discuss the permitting requirements prior to the TEYCC meeting on January 13, 2015.

Required Permits

In addition to zoning compliance and site plan approval (granted by the OMB), the applicant requires permits from the following City divisions and affiliated agencies: the Toronto and Region Conservation Authority (TRCA); Parks Forestry & Recreation (Urban Forestry-Ravine and Natural Feature Protection, Urban Forestry-Tree Protection and Plan Review); Transportation Services; Toronto Water and Toronto Building Division.

TRCA

A permit under Ontario Regulation 166/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, will be required for the proposed development because the site is within a floodplain. TRCA's permitting process is mandated under Section 28 of the *Conservation Authorities Act*. Pursuant to this Regulation, a permit is required from TRCA prior to any of the following works taking place:

- (a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- (b) development, if in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development. Where development is defined in Section 28 of the Conservation Authorities Act as:
 - (i) the construction, reconstruction, erection or placing of a building or structure of any kind,
 - (ii) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
 - (iii) site grading,
 - (iv) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

A permit can only be issued to the property owner, not an agent or contractor, and permits are not transferable. All permits are valid for 2 years.

TRCA staff have advised that the permit for this development is considered a "major" permit which requires a report to TRCA's Executive Committee. Toronto City Council does not have direct oversight on the permit process; however, some Councillors are members of TRCA's Executive Committee. TRCA is under no obligation under the *Conservation Authorities Act* to report to Toronto City Council prior to issuing a permit under Ontario Regulation 166/06.

Urban Forestry (Ravine and Natural Feature Protection)

The applicant is required to obtain a permit to remove and/or injure trees under City of Toronto Municipal Code Chapter 658-6. The Manager of Urban Forestry is authorized to issue permits where site plan approval, subdivision approval, consent or minor variance approval has been obtained and tree injury or destruction is required based on plans approved by the OMB, City Council, or a final or binding decision of the Committee of Adjustment.

Urban Forestry staff have advised that City Council approval is not required for permits under Chapter 658 unless a tree proposed for removal is a heritage tree. There are no heritage trees on the subject property. As such, City Council does not have a role in the issuance of the permit.

Urban Forestry (Tree Protection & Plan Review)

The applicant is required to obtain a permit for the removal of two City owned trees under City of Toronto Municipal Code Chapter 813, Trees, Article II, 'Trees on City Streets' (City Street Tree By-law).

The Tree By-law was established to protect and preserve trees on City property in order to attempt to retain as much crown cover as possible, particularly where development is concerned. It is expected that the retention and protection of existing trees will be considered when developing site plans and the planting of large growing shade trees on both public and private lands will be considered an important objective for all development projects.

Urban Forestry staff have advised that a plan of the public right-of-way satisfactory to the Ward Councillor and General Manager, Parks, Forestry and Recreation is required prior to the issuance of any permits to remove City-owned trees. Therefore the Ward Councillor's approval is required as part of the consultation process for the removal of two City-owned trees. If the Ward Councillor does not give approval for the removal of the trees, Urban Forestry staff may report to Council to obtain approval prior to the issuance of a permit for tree removal.

Engineering & Construction Services

Engineering & Construction Services staff have advised that the applicant requires a permit from the General Manager of Transportation Services to carry out any works involving construction in, or occupancy of, the abutting public rights-of-way, which may include but not be limited to the financial responsibility for removal and/or relocation of existing street furniture.

In addition, a permit is also required from Toronto Water for the installation of any proposed services within the public right-of-way after acceptance of the stormwater management report and site servicing plan.

Engineering and Construction Services staff have also advised that a report to Council prior to the issuance of the above noted permits is not required. This is pursuant of the Toronto Municipal Code, Chapter 743 Use of Streets and Sidewalks (Sections 743-22 and 743-26) and Chapter 681 Sewer (Section 681-11(H)), respectively.

Toronto Building

The applicant may apply for a building permit to construct the proposed building. The following types of related part building permits are also available to be applied for: Shoring and Excavation; Foundation (optional); and Structural (optional). Part permits are generally sought to allow for construction to proceed in a phased manor until such time as a building permit is issued for a new building.

The Building Code Act, 1992 also provides for conditional building permits when a permit may not be issued under subsection 8(2) of the Building Code Act, 1992. The Chief Building Official may issue a conditional building permit for any stage of construction as long as the statutory requirements relating to conditional building permits are met. Those requirements include, but are not limited to, the applicant entering into an agreement with the City wherein the applicant agrees to assume all risk in commencing the construction and that the applicant will, at their own expense, remove the building and restore the site in the manner specified in the agreement if approvals are not obtained or plans filed in the time set out in the agreement.

Upon application, Toronto Building staff review relevant plans to ensure they comply with the Building Code Act, 1992, the Ontario Building Code, and all applicable law, as defined in the Ontario Building Code and includes applicable Zoning By-laws. Building permits regulate the type of construction and ensure that the proposed construction complies with the above noted statutory requirements. When an application complies with the above noted statutory requirements, the Chief Building Official is required to issue a building permit for the proposed construction.

Signage

At the community meeting, residents expressed concerns with the type of signage and impacts of illumination from the subject property. The applicant has advised City staff that there will be no neon signs and that signage may be on the building façade facing Dundas Street East and the DVP. Residents were also advised that the Toronto Building Division's Sign By-law Unit is responsible for the issuance and inspection of sign permits under the Toronto Municipal Code Chapter 614. This Unit also enforces signs on private property and regulates the illumination of signs to ensure that there are no adverse impacts on surrounding uses/properties. An application for variance from the provisions of Chapter 694 may be granted by the Sign Variance Committee provided that the Committee is satisfied that the required criteria are met.

CONCLUSION

The applicant appealed the Site Plan application to the Ontario Municipal Board (OMB) on the basis that Council did not make a decision within the required timeframe. The OMB approved the application subject to reordering the conditions of approval and execution of the site plan agreement. City staff also attended a community information meeting organized by the ward Councillor to explain the approval process and address concerns expressed by residents. Toronto and East York Community Council directed City staff to prepare a report on the Ontario Municipal Board (OMB) hearing and permit requirements. In summary, majority of the permits are issued through delegated authority.

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SIGNATURE

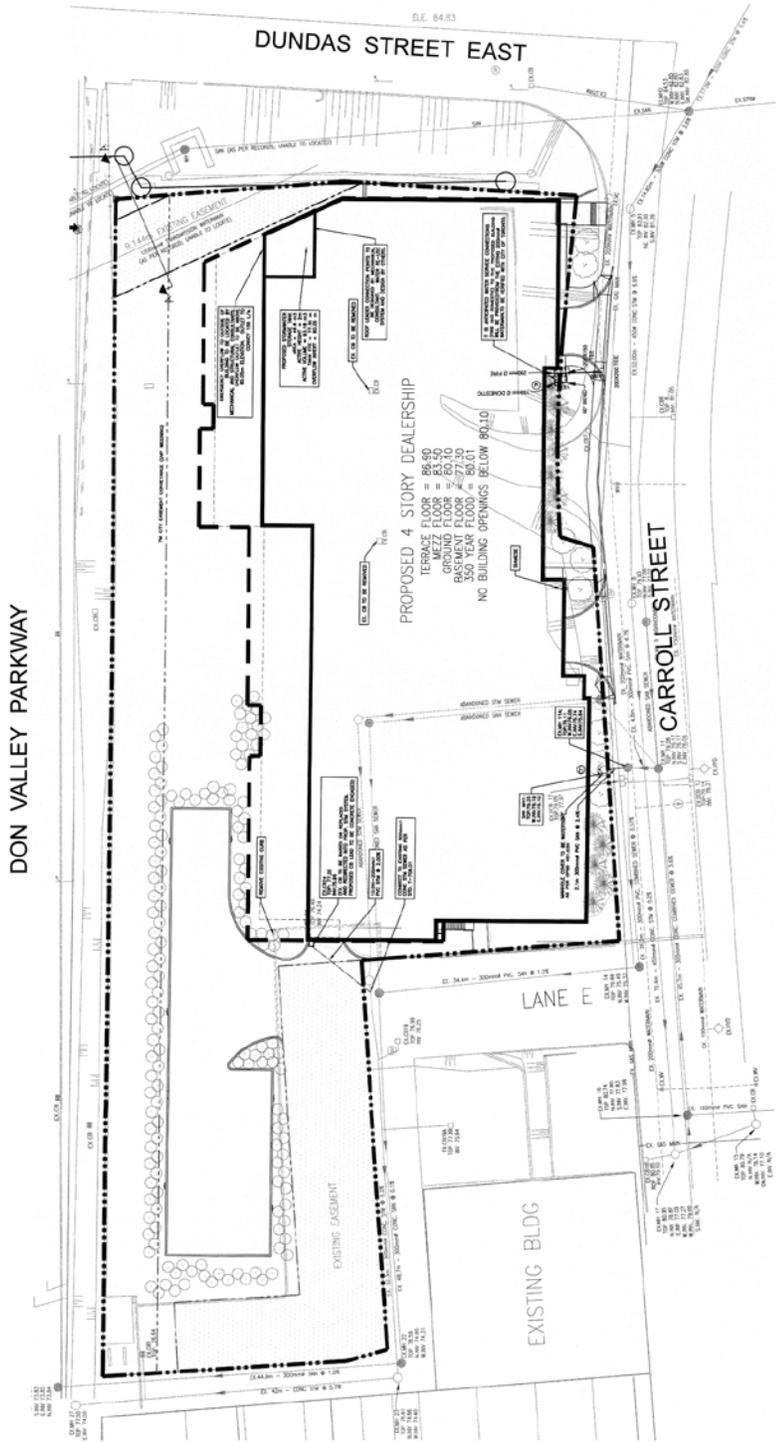
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North & South Elevation
Attachment 3: West & East Elevation
Attachment 4: Application Data Sheet
Attachment 5: Draft Conditions of Approval

Attachment 1: Site Plan



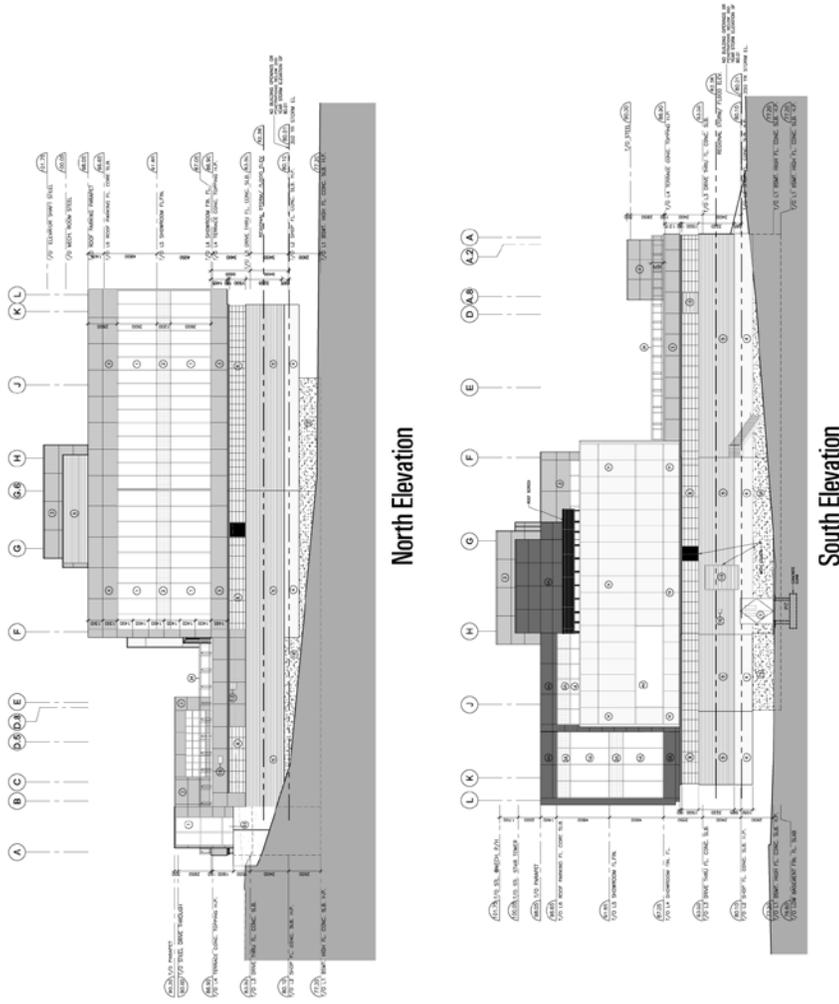
777 Dundas Street East

Site Plan
 Applicant's Submitted Drawing

Not to Scale
 11/12/2014

File # 13 210727 STE 30 SA

Attachment 2: North & South Elevation



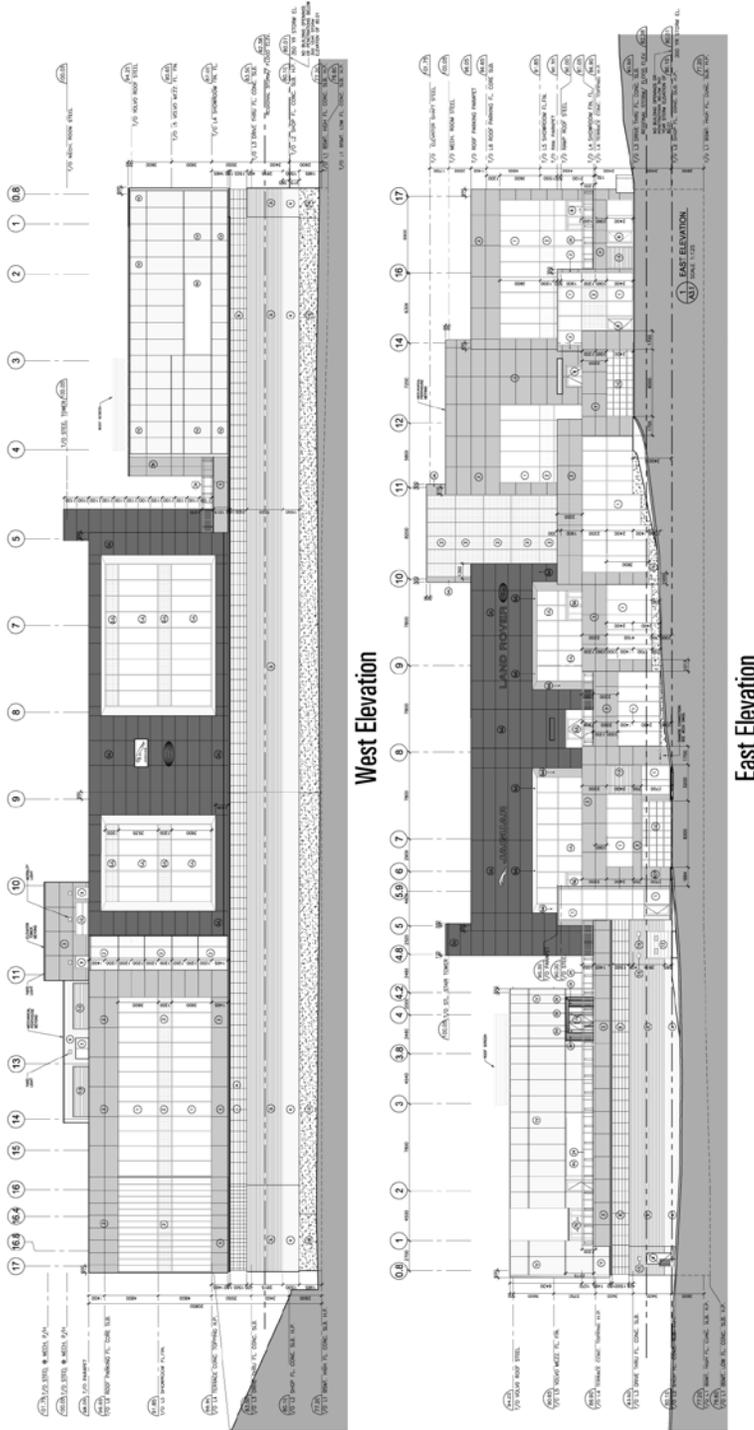
777 Dundas Street East

File # 13 210727 STE 30 SA

Elevations
 Applicant's Submitted Drawing

Not to Scale
 11/12/2014

Attachment 3: West & East Elevation



777 Dundas Street East

File # 13 210727 STE 30 SA

Elevations

Applicant's Submitted Drawing

Not to Scale
11/12/2014

Attachment 4: Application Data Sheet

Application Type	Site Plan Approval	Application Number: 13 210727 STE 30 SA
Details		Application Date: July 25, 2013
Municipal Address:	777 DUNDAS ST E	
Location Description:	PLAN DON IMPROVEMENT PT LOT R LOTS 46 TO 49 PLAN 255Y LOTS 50 TO 56 PT LANE RP 64R16635 PART 1 **GRID S3007	
Project Description:	Site Plan approval to construct a 4-storey (17 m) cantilevered automobile dealership with related retail, office and industrial uses. The building would include an office mezzanine, with three terraced showrooms on the west side.	

Applicant:	Agent:	Architect:	Owner:
Hunter & Associates Ltd.		Plaston Architect Ltd.	Volkswagen Canada Inc.

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	I2 D3	Historical Status: No
Height Limit (m):	18	Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq. m):	8,154	Height:	Storeys:	4
Frontage (m):	61		Metres:	16.55
Depth (m):	154.6			
Total Ground Floor Area (sq. m):	3,350			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	146
Total Non-Residential GFA (sq. m):	9,694		Loading Docks	2
Total GFA (sq. m):	9,694			
Lot Coverage Ratio (%):	41.1			
Floor Space Index:	1.2			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	1,960	0
1 Bedroom:	0	Office GFA (sq. m):	1,046	0
2 Bedroom:	0	Industrial GFA (sq. m):	6,688	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

CONTACT: PLANNER NAME: Francis Kwashie, Planner
TELEPHONE: 416-392-1306

Attachment 5: Draft Conditions of Approval

A. PRE-APPROVAL CONDITIONS

LEGAL SERVICES – (Stephanie Morrow, Supervisor of Law Clerks, 416-397-5379)

1. The owner shall enter into the City's standard site plan agreement to and including registration of the site plan agreement on title to the subject lands by the City at the owner's expense.

ENGINEERING & CONSTRUCTION SERVICES – (Howard Tran, P. Eng, 416-338-5547)

Site Servicing, Grading, and Stormwater Management

2. The owner shall submit site servicing and site grading drawings and a stormwater management report, all signed, dated, and sealed by a professional engineering for review and acceptance by the Executive Director, Engineering & Construction Services.

Widening of Highways that abut the Land

3. The owner shall convey to the City, at a nominal cost, a 7.0 metre wide strip of land to the full extent of the site abutting the east limit of the Don Valley Parkway, such lands to be free and clear of all encumbrances and obstructions, save and except for utility poles, and subject to a right-of-way for access purposes in favour of the Grantor until such time as the lands have been laid out and dedicated for public highway purposes.
4. The owner shall submit to the Executive Director of Engineering & Construction Services, for review and acceptance, prior to depositing in the appropriate Land Registry Office, a Draft Reference Plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, showing the co-ordinate values at the main corners of the development lands on the face of the plan, and delineating thereon, by separate PARTS, the lands to be conveyed to the City for road widening purposes, as required under condition number (2), the remainder of the site, and any appurtenant easements and rights-of-way.
5. The owner shall pay all costs for preparation and registration of reference plan(s).
6. The owner shall submit, to the satisfaction of the City's Peer Reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (O. Reg. 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Executive Director,

Engineering and Construction Services.

7. The owner shall at the completion of the site assessment/remediation process, submit a Statement from the Qualified Person, to the Executive Director, Engineering and Construction Services, for peer review and concurrence that based on all necessary supporting environmental documents:
 - (a) it is unlikely that there is any off-site contamination resulting from past land uses on the development site that has migrated on to adjacent City lands that would exceed the applicable Site Condition Standards and,
 - (b) that land to be conveyed to the City meets either:
 - (i) the applicable MOE Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9) for the most environmentally sensitive adjacent land use, or
 - (ii) the Property Specific Standards (PSSs) as approved by the MOE for a Risk Assessment/Risk Management Plan which was conducted in accordance with the City Policies and Conditions for the Acceptance of Risk Assessed Lands (Clause 18, of Works Committee Report 2, April 25, 26 and 27, 2006);
8. The QP's statement, referenced in condition number 7 above, will include a Reliance Letter that is stamped, dated and signed by the owner's Qualified Person (the "QP"), as defined in O. Reg. 153/04, as amended confirming that both the City and the City's Peer Reviewer can rely on the environmental documentation submitted and the QP's opinion as to the conditions of the site.
9. For conveyance of lands requiring a Record of Site Condition (the "RSC"), the owner shall:
 - (a) File the RSC on the Ontario Environmental Site Registry, and
 - (b) Submit the Ministry of the Environment's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended, to the Executive Director, Engineering and Construction Services.

Easements to be Conveyed to the City

10. The owner shall grant to the City, at nominal cost, a minimum 1.30 metre wide easement to the full extent of site abutting the north limit of the subject site such lands to be free and clear of all encumbrances, save and except for utility poles, and subject to a right-of-way for access purposes in favour of the Grantor until such time as the said lands have been laid out and dedicated to provide adequate and

functional space for the maintenance of the City of Toronto's existing retaining wall along the northern property limit.

11. The owner shall submit to the Executive Director, Engineering & Construction Services, for review and approval prior to deposit in the Land Registry Office, a draft Reference Plan of Survey in metric units and integrated into the Ontario Coordinate System with coordinate values shown on the face of the plan, and delineating thereon by separate PARTS the lands to be conveyed to the City, the remainder of the site, and any appurtenant easements.

CITY PLANNING DIVISION (Francis Kwashie, Planner, 416-392-1306)

12. The owner shall submit a financial guarantee prior to final Site Plan Approval, in the form of an irrevocable Letter of Credit or certified cheque, made payable to the treasurer, City of Toronto, in an amount of \$7,350.00, to secure landscaping requirements, to the satisfaction of the Director, Community Planning, Toronto and East York District.

TORONTO AND REGION CONSERVATION AUTHORITY (Steve Heuchert, Snr Manager, 416-661-6600 ext 5311)

13. The owner shall apply for and receive a permit under O. Reg. 166/06 from the Toronto and Region Conservation Authority (TRCA).
14. The owner shall provide signed and stamped documentation from a professional structural engineer confirming that there will be no impact of the flood depths, velocities, uplift forces, etc. of the Regional Storm Flood Event on the structural components of the building, and that such documentation provide a detailed technical rationale for the confirmation.
15. The owner shall provide a revised flood study report to include a discussion of the risks and mitigation measures associated with the area between the proposed building and the Don Valley Parkway, and revise all necessary drawings to incorporate the recommended mitigation measures to TRCA's satisfaction.
16. The owner shall work with the City of Toronto and TRCA to develop a process to engage an artist to develop a permanent publically viewable art work for the western façade, to be funded by the owner and integrated with a landscape plan for the lands west of the proposed building. The artwork will celebrate the Don River and be guided by the Lower Don River Trail Master Plan, to the satisfaction of the Director, Community Planning, Toronto and East York District and TRCA.

URBAN FORESTRY – RAVINE & NATURAL FEATURE PROTECTION (Vojka Miladinovic, Planner, 416-392-1900)

17. The owner shall submit the agreed upon cash in lieu payment to Urban Forestry (RNFP), in the form of a Letter of Credit or certified cheque payable to Treasurer City of Toronto as compensation for trees that cannot be planted on site. The submitted compensation calculation shall be revised to the satisfaction of Urban Forestry (RNFP) to exclude 309 shrubs included in the street landscaping. The required cash in lieu payment will be determined using the revised calculation. The cash-in-lieu payment will be used in an Urban Forestry tree planting/naturalization program, including maintenance, on publicly owned lands, in a location to be determined by RNFP.
18. The owner shall submit financial security to Urban Forestry (RNFP) in the form of a Letter of Credit or certified cheque payable to the Treasurer City of Toronto as a security for implementing the planting plan to the satisfaction of Urban Forestry (RNFP) in the amount of \$34,896.00. The security deposit shall be delivered to the Supervisor Ravine & Natural Feature Protection or his/her designate.
19. The owner shall obtain a permit from Urban Forestry (RNFP) prior to any tree injury or removal associated with the site plan application. The Permit may be subject to conditions.
20. The owner shall install sediment protection measures as per the approved sediment protection plan to the satisfaction of RNFP.
21. Prior to beginning any demolition or construction activity on site, the owner shall install tree protection fencing as per the approved tree protection plan and to the satisfaction of RNFP & Urban Forestry - Tree Protection & Plan Review.

URBAN FORESTRY – TREE PROTECTION & PLAN REVIEW (Christine Oldnall, Planner, 416-392-0748)

22. The owner shall submit a Tree Loss Payment to cover the amenity value of the trees in the amount of \$1,245.00.
23. The owner shall provide a Tree Security Deposit in the form of an irrevocable Letter of Credit or certified cheque or money order/bank draft payable to 'Treasurer, City of Toronto', or by Visa, MasterCard, American Express or debit, in the amount of \$2,332.20 to ensure the planting of 4 new trees on the City road allowance.

B. POST APPROVAL CONDITIONS

In addition to the above pre-approval conditions, the following post approval conditions are to be fulfilled by the owner following site plan approval and will be incorporated into a site plan agreement:

The proposed development shall be carried out and maintained in accordance with the plans and drawings referred to herein, to the satisfaction of the City of Toronto.

ENGINEERING & CONSTRUCTION SERVICES

Facilities for Storage of Garbage and Other Waste Material

1. The owner acknowledges and agrees that the City of Toronto does not provide garbage or recycling collection to large commercial developments or redevelopments. All garbage and recyclables must be collected privately. Garbage and materials are not to be placed on public property. Proper loading/storage facilities located on private property are required and must meet all applicable by-laws and legislation including Chapter 841 of the Municipal Code.
2. The owner acknowledges and agrees that refuse and recyclable materials generated by this building must be stored on private property in rodent proof containers and must be collected from within private property by private refuse collection firm, all in accordance with Chapter 841 of the Municipal Code, “Waste Collection, Commercial Properties”.
3. The owner acknowledges and agrees that the public right of way must not be used for storage of refuse, transfer or collection of such materials generated by the development.

Stormwater Management Grading and Site Servicing

4. The owner shall construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Stormwater Management Report and grading plan.
5. The owner shall construct and maintain site servicing as indicated on the accepted Site Servicing Drawing.
6. The owner shall provide certification to the Executive Director, Engineering and Construction Services from the Professional Engineer who designed and supervised the construction confirming that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management Report and accepted Grading Plans.
7. The owner shall provide certification to the Executive Director, Engineering and Construction Services from the professional engineer who designed and supervised the construction, confirming that the site servicing facilities have been constructed in accordance with the accepted drawings.

Off-Street Vehicular Loading and parking Facilities and Access/Driveways

8. The owner shall construct both driveway accesses to Carroll Street in accordance with the City of Toronto standard drawing no. T-310.050-1. Municipal sidewalks must be continuous through the proposed driveways with 2.0 metre flares on either side.

URBAN FORESTRY- RNFP

9. The applicant/owner shall implement the approved planting to the satisfaction of RNFP not later than one year after the completed construction. Any proposed revisions or substitutions to the approved landscape/planting plan shall first be approved by RNFP.
10. The applicant/owner shall notify the RNFP Planner at 416-392-1900 or vmiladi@toronto.ca within one week of planting completion to arrange for an inspection of the site.
11. The applicant/owner agrees that the City of Toronto will retain the financial security in the amount of CDN\$ 34,896.00 provided by the applicant/owner as a security for the implementation of the approved ravine planting plan. This security will be held through the warranty period, which will commence on the date RNFP confirms that the works have been undertaken to their satisfaction and in accordance with approved plans. RNFP may authorise a partial release of the security deposit. The security will be returned once RNFP is satisfied that the planting and/or all components of the stewardship plan has been completed and the planted stock has successfully established and/or tree/site protection measures have been installed.

URBAN FORESTRY-TPPR

12. The owner shall have a qualified company implement the approved Landscape Plan and all approved tree preservation and maintenance strategies to the satisfaction of General Manager of Parks, Forestry & Recreation. Prior to construction or grading activities commencing, tree maintenance measures and tree protection installation must be undertaken by a certified Arborist or other qualified expert. Tree maintenance measures such as pruning must be done according to accepted sound arboricultural practices.
13. Tree planting must be completed according to the approved Landscape Plan and to the satisfaction of Urban Forestry within one year from occupancy. Any proposed revisions to the planting plan must first be approved by Urban Forestry.
14. The site shall be developed and maintained in accordance with the approved plans and conditions of approval associated with the Site Plan, Grading Plan, Site Servicing Plan, Landscape Plan and Building Permit. Any proposed revisions or

alterations to the approved plans must be approved by Urban Forestry, on behalf of the General Manager of Parks, Forestry & Recreation.

15. The owner shall provide a two-year renewable guarantee for all new tree plantings within the City road allowance and shall notify Urban Forestry in writing, of the planting date immediately after the planting. This date is used to establish the anniversary date of the required two-year renewable guarantee.
16. The owner shall maintain all new tree plantings within the City road allowance in good condition. Trees will be inspected during and prior to the end of the renewable guarantee period. If the trees are in good condition at the end of the renewable guarantee period, the City will assume maintenance and ownership of the trees.
17. The owner shall be responsible for the maintenance or replacement of all new tree plantings within the City road allowance if during or at the end of the renewable guarantee period the trees are not in good condition, require maintenance or require replacement. The owner will be responsible for rectifying the problem as determined by and to the satisfaction of the General Manager of Parks, Forestry & Recreation. At that time, the owner shall maintain all newly replanted trees within the City road allowance in good condition and shall provide an additional two-year renewable guarantee.
18. The owner shall conduct an investigation of underground utilities prior to proposing new tree planting within the City road allowance. If planting is not possible due to a utility conflict, a utility locate information sheet from the respective utility company must be provided to Urban Forestry.