

1100 King Street West - Zoning Amendment and Site Plan Control Applications - Supplementary Report

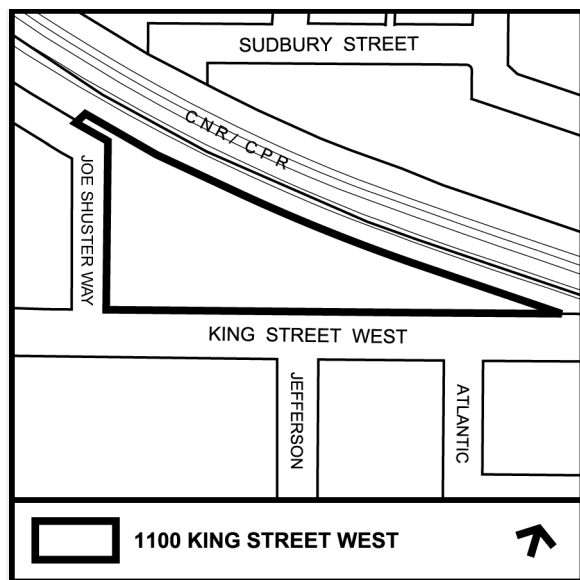
Date:	September 9, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 14 – Parkdale-High Park
Reference Number:	11 210449 STE 14 OZ (Zoning By-law Amendment Application) 13 111005 STE 14 SA (Site Plan Control Application)

SUMMARY

A report dated August 12, 2013 requesting direction from City Council regarding the Zoning By-law amendment and Site Plan Applications at 1100 King Street West, currently appealed to the Ontario Municipal Board, (Item TE26.15), is before Toronto and East York Community Council on September 10, 2013. The Request for Directions Report notes that City Staff have reached an agreement with the applicant on matters related to built form, building height, setbacks and other issues related to the development of the lands. A By-law amendment reflecting this agreement was to be attached to that Report.

The purpose of this report is to provide supplemental information to the August 12, 2013 report which seeks City Council’s direction for the City Solicitor, together with Planning and other appropriate City staff, to support a settlement and the conditions for the approval at the OMB.

This report provides further details related to Section 37 contributions, parking and loading requirements.



RECOMMENDATIONS

The City Planning Division recommends that all recommendations contained in Request for Directions Report (Item TE26.15), dated August 12, 2013 from the Director of Planning, Toronto and East York District, be replaced with the following:

1. City Council authorize the City Solicitor together with City Planning Staff and any other appropriate staff to attend the Municipal Board Hearing scheduled for October 23, 2013, with respect to 1100 King Street West and support the settlement described in the reports dated August 12, 2013 and September 9, 2013 from the Director, Community Planning, Toronto and East York District including the draft Zoning By-law Amendment attached as Attachment 1 to the report dated September 9, 2013 from the Director, Community Planning, Toronto and East York District
2. City Council authorize the appropriate City staff and require the owner to enter into and register on title an agreement or agreements pursuant to Section 37 of the Planning Act, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor to secure the following community benefits:
 - a. the owner shall construct a bicycle path connecting to King Street West, with public access, with a final design and location to the satisfaction of the Chief Planner and Executive Director, and the General Manager, Engineering and Construction Services;
 - b. a cash contribution of \$1,837,000.00 be paid to the City prior to issuance of the first above-grade building permit on the subject lands to be applied to daycare facilities , parkland improvements and/or affordable housing in Ward 14. The allocation of the funds shall be to the satisfaction of the Chief Planner in consultation with the Ward Councillor; and,
 - c. the above cash contribution will be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the execution of the Section 37 agreement to the date of payment.
3. City Council authorize the appropriate City staff and require the owner to enter into and register on title an agreement or agreements pursuant to Section 37 of the Planning Act, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor to secure the following as matters of legal convenience:
 - a. The owner shall construct and convey the private segment of Joe Shuster Way for public highway purposes, to the City, prior to the issuance of the first above-grade building permit on the subject site, at nominal sum, free and clear

of all encumbrances save and except for those that may be permitted by the Executive Director, Engineering and Construction Services;

- b. the owner shall remediate the lands for the Joe Shuster Way extension, if required, prior to conveyance and in accordance with City and Ministry of Environment Standards;
- c. prior to the issuance of any occupancy permits for the site, the owner shall construct, or cause another party to construct, crash mitigation measures, if required, related to the rail corridor, as set out in an agreement between the owner of the lot and the Greater Toronto Transit Authority (Metrolinx) and Canadian National Railway Company;
- d. prior to the registration of the condominium, the owner shall construct, or cause another party to construct, any works required by an agreement between the owner of the *lot* and the Greater Toronto Transit Authority (Metrolinx) and Canadian National Railway Company to maintain the rail safety measures (any required berm and acoustic wall), including vegetative plantings;
- e. the owner shall provide warning clauses in accordance with its agreement with Greater Toronto Transit Authority (Metrolinx) and Canadian National Railway Company;
- f. the owner shall construct, or cause another party to construct, any wind mitigation measures required pursuant to site plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- g. the owner shall provide all matters needed to service the subject site, including but not limited to, the construction of services for water services, sanitary and storm sewer systems, roads, streetscaping and landscaping, street trees and tree irrigation systems and utilities, the retention of a satisfactory consulting engineer, the conveyance and construction of Joe Shuster Way and all required letters of credit, detailed design drawings, inspection fees, utilities, and timing of the completion of the new public street, all costs associated with any required traffic alterations and the provision of space within the development for the construction of any transformer vaults, Hydro, Bell maintenance and sewer maintenance holes;
- h. the owner is to ensure that the phased development of the site is to the satisfaction of the City, including requirements for the matters to be secured such as an overall municipal servicing and grading plan and a storm water management report and requirements with respect to each phase such as, site integration; loading, interim use of the balance of the site, construction staging and temporary landscaping, if required;

- i. the owner is to satisfy all environmental matters such as soil and groundwater management, the environmental restoration of the site, or parts thereof, and provision of a Record of Site Condition, demolition and dust control, noise and vibration, the monitoring of de-watering and a commitment to mitigate as and where required by the City;
 - j. the owner shall implement improvements to King Street West to the satisfaction of the Chief Planner and Executive Director, City Planning and the Director, Engineering and Construction Services;
 - k. the owner shall install an irrigation system for street trees with automatic timer, to the satisfaction of the Director, Engineering and Construction Services, designed to be water efficient by a Certified Landscape Irrigation Auditor and constructed with a back flow preventer including the requirements to maintain in good order and operation, or any such policy that is in effect at the time of a building permit issuance;
 - l. the owner shall also be responsible for any shortfall in the equivalent value of a payment of monies in lieu of a transfer of land for park purposes, attributable to the East Lot on a proportionate basis, that are not satisfied by the owner of the West Lot.
4. City Council authorize the Chief Planner and Executive Director, City Planning to report directly to the October 8 and 9, 2013, City Council meeting, if necessary, on additional details regarding the allocation of Section 37 funds noted in recommendation 2.b. above.
5. City Council authorize the appropriate City staff to take any necessary steps to implement the foregoing.

Revised Proposal

Details regarding the built form, height, massing, setbacks, bicycle parking, and other matters are discussed in the August 12, 2013 (Item TE26.15) Staff Report on the subject property. Parking and loading requirements being applied to the development have since been agreed upon by the developer and City Staff. The details are as follows:

Parking Space Requirements

The development will achieve the Policy Area 4 parking standards as contained in City-

wide Zoning By-law No. 569-2013. The development will provide a minimum number of residential parking spaces, as follows:

Unit type	Min. Spaces
Bachelor Unit	0.7 per unit
One-bedroom Unit	0.8 per unit
Two-bedroom Unit	0.9 per unit
Three or more bedroom Unit	1.1 per unit
Visitor's Parking	0.15 per unit

The development will also include a maximum of 7 car-share spaces. Each car share space will allow for a reduction in the amount of overall parking of 5 spaces, resulting in a net reduction of 4 spaces for each car-share space provided.

The development will provide commercial parking at a rate of a minimum of 1.0 parking space per 100 square metres of non-residential gross floor area.

Loading Space Requirements

The development will provide four (4) Type-A loading spaces and one (1) Type-G loading space. This exceeds the loading space standards of both By-law 438-86, as amended, and By-law No. 569-2013.

Holding Provision

Based on internal discussions with City staff and the applicant, the following criteria is included in the attached By-law Amendment to be satisfied prior to the lifting of the 'h' Holding provision on the subject lands. These criteria differ from that noted on page 12 of the staff report (TE26.15), dated August 12, 2013 on the subject site.

Prior to the removal of the 'h' holding provision on the subject site, the owner will be required to:

1. Satisfy those matters related to the environmental restoration of the site through the provision of a Record of Site Condition; and,
2. Provide to the City confirmation from the Greater Toronto Transit Authority (Metrolinx) and Canadian National Railway Company that proposed crash mitigation measures, if required, have been designed to the satisfaction of the Greater Toronto Transit Authority (Metrolinx) and Canadian National Railway Company.

Section 37

Section 37 of the *Planning Act* authorizes a municipality with appropriate Official Plan provisions to pass Zoning By-laws involving increases in the height and/or density

otherwise permitted by the Zoning By-law in return for the provision of community benefits by the owner. The community benefits must bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and addressing planning issues associated with the development.

The following is recommended to be secured in the Section 37 Agreement as community benefits. The current By-law subject to the site, 1194-2010(OMB), details Section 37 benefits which include the construction of a bicycle path. This benefit has been carried forward within Item 1 below. Item 2 consolidates benefits as contained within the current Section 37 requirements related to provision of daycare space and adds additional funds related to the increase in height and density on the site resulting from the revised applications current before the OMB. Further details regarding the allocation of the dollar amount associated with item 2 will be discussed in a report to October 8 and 9, 2013 Toronto City Council.

1. the owner shall construct a bicycle path connecting to King Street West, with public access, with a final design and location to the satisfaction of the Chief Planner and Executive Director, and the General Manager, Engineering and Construction Services; and,
2. the owner will pay to the City \$1,837,000.00 to the City prior to the issuance of the first above-grade building permit on the subject lands and to be used for day care, improvements to public park space, and/or affordable rental housing within Ward 14, to the satisfaction of the Chief Planner and Executive Director in consultation with the Ward Councillor. This amount will be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment.

The following matters are currently contained within 1194-2010(OMB) as matters to be secured through a Section 37 Agreement and are recommended to be included in a as Section 37 requirements within the proposed By-law amendment as matters of legal convenience:

1. The owner shall construct and convey the private segment of Joe Shuster Way for public highway purposes, to the City, prior to the issuance of the first above-grade building permit on the subject site, at nominal sum, free and clear of all encumbrances save and except for those that may be permitted by the Executive Director, Engineering and Construction Services;
2. the owner shall remediate the lands for the Joe Shuster Way extension, if required, prior to conveyance and in accordance with City and Ministry of Environment Standards;
3. prior to the issuance of any occupancy permits for the site, the owner shall construct, or cause another party to construct, crash mitigation measures, if required, related to the rail corridor, as set out in an agreement between the owner

- of the lot and the Greater Toronto Transit Authority (Metrolinx) and Canadian National Railway Company;
4. prior to the registration of the condominium, the owner shall construct, or cause another party to construct, any works required by an agreement between the owner of the *lot* and the Greater Toronto Transit Authority (Metrolinx) and Canadian National Railway Company to maintain the rail safety measures (any required berm and acoustic wall), including vegetative plantings;
 5. the owner shall provide warning clauses in accordance with its agreement with Greater Toronto Transit Authority (Metrolinx) and Canadian National Railway Company;
 6. the owner shall construct, or cause another party to construct, any wind mitigation measures required pursuant to site plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 7. the owner shall provide all matters needed to service the subject site, including but not limited to, the construction of services for water services, sanitary and storm sewer systems, roads, streetscaping and landscaping, street trees and tree irrigation systems and utilities, the retention of a satisfactory consulting engineer, the conveyance and construction of Joe Shuster Way and all required letters of credit, detailed design drawings, inspection fees, utilities, and timing of the completion of the new public street, all costs associated with any required traffic alterations and the provision of space within the development for the construction of any transformer vaults, Hydro, Bell maintenance and sewer maintenance holes;
 8. the owner is to ensure that the phased development of the site is to the satisfaction of the City, including requirements for the matters to be secured such as an overall municipal servicing and grading plan and a storm water management report and requirements with respect to each phase such as, site integration; loading, interim use of the balance of the site, construction staging and temporary landscaping, if required;
 9. the owner is to satisfy all environmental matters such as soil and groundwater management, the environmental restoration of the site, or parts thereof, and provision of a Record of Site Condition, demolition and dust control, noise and vibration, the monitoring of de-watering and a commitment to mitigate as and where required by the City;
 10. the owner shall implement improvements to King Street West to the satisfaction of the Chief Planner and Executive Director, City Planning and the Director, Engineering and Construction Services;
 11. the owner shall install an irrigation system for street trees with automatic timer, to the satisfaction of the Director, Engineering and Construction Services, designed to be water efficient by a Certified Landscape Irrigation Auditor and constructed with a back flow preventer including the requirements to maintain in good order

and operation, or any such policy that is in effect at the time of a building permit issuance;

12. the owner shall also be responsible for any shortfall in the equivalent value of a payment of monies in lieu of a transfer of land for park purposes, attributable to the East Lot on a proportionate basis, that are not satisfied by the owner of the West Lot.

CONTACT

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SIGNATURE

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

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ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment

Attachment 1: Draft Zoning By-law Amendment

CITY OF TORONTO BY-LAW No. XXXX– 2013(OMB)

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands known municipally in the year 2013 as 1100 King Street West.

WHEREAS the Ontario Municipal Board, pursuant to its Order issued on ____, upon hearing the appeal of King Liberty North Corporation under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, deems it advisable to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto
THEREFORE By-law No. 438-86, as amended is further amended by the Ontario Municipal Board, as follows:

1. Except as otherwise provided herein, the provisions of former City of Toronto By-law No. 438-86, as amended, shall continue to apply to the *site*.
2. By-law 1194-2010 is hereby repealed as it applies to the *site*.
3. District Map No. 49G-321 contained in Appendix “A” of By-law 438-86 is amended by redesignating the lands outlined by heavy lines on Map 2, attached to and forming part of this By-law from, “I1 D3” to “(H)CR” as shown on Map 2.
3. None of the provisions of Section 2 with respect to the definitions of *grade*, *height* and *commercial parking garage* or sections 4(2)(a), 4(4)(b) and (d), 4(6), 4(16), 4(17), 8(3) Part I 1, 2 and 3, 8(3) Part XI 2(ii) and 12(2) 270 of By-law No. 438-86 of the former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto" shall apply to prevent the erection and use of a *mixed use building* on the *site*, provided that:
 - (a) The total combined *residential gross floor area* and *non-residential gross floor area* does not exceed 48,000 square metres, provided:
 - i. the *residential gross floor area* does not exceed 32,100 square metres;
 - ii. the *non-residential gross floor area* does not exceed 16,000 square metres;
 - iii. no single retail use shall exceed a *non-residential gross floor area* of 8,000 square metres.
 - (b) In addition to the uses permitted by Section 8(1) of By-law 438-86 as amended, the followings additional uses shall be permitted on the *site*:
 - (i) *retail food store*
 - (ii) *department store*
 - (iii) *designer’s Studio*

- (iv) *commercial parking garage*
 - (v) temporary real estate sales office and model suites related to the development and/or marketing of dwelling units on the *site*.
- (c) no portion of the buildings or structures erected or used above *grade* is located otherwise than within the *lot* and wholly within the areas delineated by heavy lines on the attached Map 3, subject to the following which may extend beyond the areas delineated by such heavy lines:
- (i) cornices, lighting fixtures, ornamental elements, parapets, piers, columns, trellises, eaves, window sills, planters, balustrades, guard rails, stairs, stair enclosures, wheelchair ramps, vents, fences, screens, landscape and public art features, railings and awnings;
 - (ii) canopies may extend up to 2.5 metres beyond the heavy lines shown on Map 3; and,
 - (iii) balconies may extend up to 2.0 metres beyond the heavy lines shown on Map 3.
- (d) the *height* of any building or structures, or portion thereof, does not exceed those *heights* in metres as indicated by numbers following the symbol H on Map 3 save and except for those areas shown as hatched on Map 3, being the location of stair tower and/or elevator overrun and/or machine room enclosures, which shall be no higher than the sum of 6.0 metres and the applicable maximum *height* limit.
- (e) Despite the provisions of Section 4(4)(b) and (d) of Zoning By-law 438-86, as amended:
- (i) a minimum number of *parking spaces* for residents shall be provided and maintained on the *lot* for residential uses according to the following table:

Unit type	Minimum <i>parking spaces</i>
Bachelor Unit	0.7 per unit
1 <i>bedroom</i> Unit	0.8 per unit
2 <i>bedroom</i> Unit	0.9 per unit
3 or more <i>bedroom</i> Unit	1.1 per unit

- (ii) a minimum number of *parking spaces* for commercial uses shall be provided and maintained on the lot at a rate of 1.0 *parking space* per 100 square metres of *non-residential gross floor area*.
- (iii) a minimum of 0.15 *parking spaces* per dwelling unit shall be provided for visitors. The visitor *parking spaces* may be provided within a *commercial parking garage* and may be shared with the commercial parking required in (ii).

- (iv) pursuant to (i) above, up to 10% of the *parking spaces* required by subsection (i) may be *small car parking spaces*;
 - (v) for each *car-share parking space* provided on the *lot*, the minimum resident parking required by (i) above shall be reduced by 5 *parking spaces* up to a maximum of 7 *car-share parking spaces*.
- (f) Despite Section 4(6) of Zoning By-law 438-86, as amended, four *loading spaces – Type A* and one *loading spaces – type G* shall be provided.
- (g) Pursuant to Section 37 of the Planning Act, the heights and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the owner of the *site* of the facilities, services and matters set out in Appendix “1” hereof, to the City at the owner’s sole expense and in accordance with the agreement referred to in section 3 of this By-law.
- (h) Upon execution and registration of an agreement or agreements with the owner of the *lot* pursuant to Section 37 of the Planning Act securing provision of the facilities, services and matters set out in Appendix “1” hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied said requirements.
- (i) For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:

Commercial parking garage shall mean a building or a portion of a building used for the parking of motor vehicles as an accessory use on a *site* up to a maximum of 250 parking spaces;

car-share shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and to use a car-share vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven and do include use of cars on an hourly basis.

car-share parking space shall mean a *parking space* exclusively reserved and signed for a car used only

for *car-share* purposes and such *car-share* is for the use of carshare members, including non-residents.

small-car parking space shall mean a clear area that:

- a. has minimum dimensions of 5.0 m in length by 2.4 m in width.
- b. is accessed by a drive aisle that has a minimum width of 6.0 m; and
- c. is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another vehicle.
- d. The minimum width in (a) must be increased by 0.3 metres for each side of the *parking space* that is obstructed in accordance with (e) below.
- e. The side of a *parking space* is obstructed if any part of a fixed object such as a wall, column, bollard, fence or pipe is situated:
 - i. Within 0.3 metres of the side of the parking space, measured at right angles, and
 - ii. More than 1.0 metre from the front or rear of the *parking space*.

site means those lands outlined by heavy lines on Map 1 attached hereto.

retail food store shall mean a store where primarily food, as well as other personal, convenience and household items and services, is provided for sale directly to the public and includes a supermarket, grocery store, butcher shop, bakery shop, produce outlet, and delicatessen.

<i>department store</i>	shall mean a retail establishment which is not limited to the sale of any specific items, but carries a variety of goods including, but not limited to clothing, footwear, household items, large and small appliances, hardware, personal care, jewelry, food, gifts, and may include furniture, computers and related equipment.
<i>grade</i>	shall mean an elevation of 87.0 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment).
<i>height</i>	shall mean the vertical distance between grade and the top of the uppermost storey.
<i>East Lot</i>	Means those lands outlined by heavy lines on Map 4 hereto.
<i>West Lot</i>	means those lands outlined by heavy lines on Map 5 hereto.
<i>Owner</i>	means the owner of the fee simple of the <i>site</i> or any part thereof.
<i>City</i>	means the City of Toronto

4. Notwithstanding the provisions of Section 3 of By-law No. 483-86, Section 3 of this By-law designates the site as "(H) CR " with the use of a holding symbol pursuant to Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, and, for so long as the site is subject to the ("H") holding symbol, no person shall use site or erect or use a building or structure thereon for any purpose other than,
- a) surface parking,
 - b) a real estate sales office and model suites related to the development and/or marketing of dwelling units on the Site, provided the total floor area of all such buildings does not exceed 1,500 square metres; and,
 - c) the provision of any public work.

An amending By-law to remove the ("H") symbol may be enacted by Council when the owner has satisfied the following:

- a) Satisfy those matters related to the environmental restoration of the site through the provision of a Record of Site Condition; and,

- b) Provide to the City confirmation from Greater Toronto Transit Authority (Metrolinx) and Canadian National Railway Company that proposed crash mitigation measures, if required, have been designed to the satisfaction of the Greater Toronto Transit Authority (Metrolinx) and Canadian National Railway Company.

- 5. Despite any future severance, partition or division of the lands as shown on Map 1, the provisions of this exception shall apply as if no severance, partition or division has occurred.

APPENDIX “1”

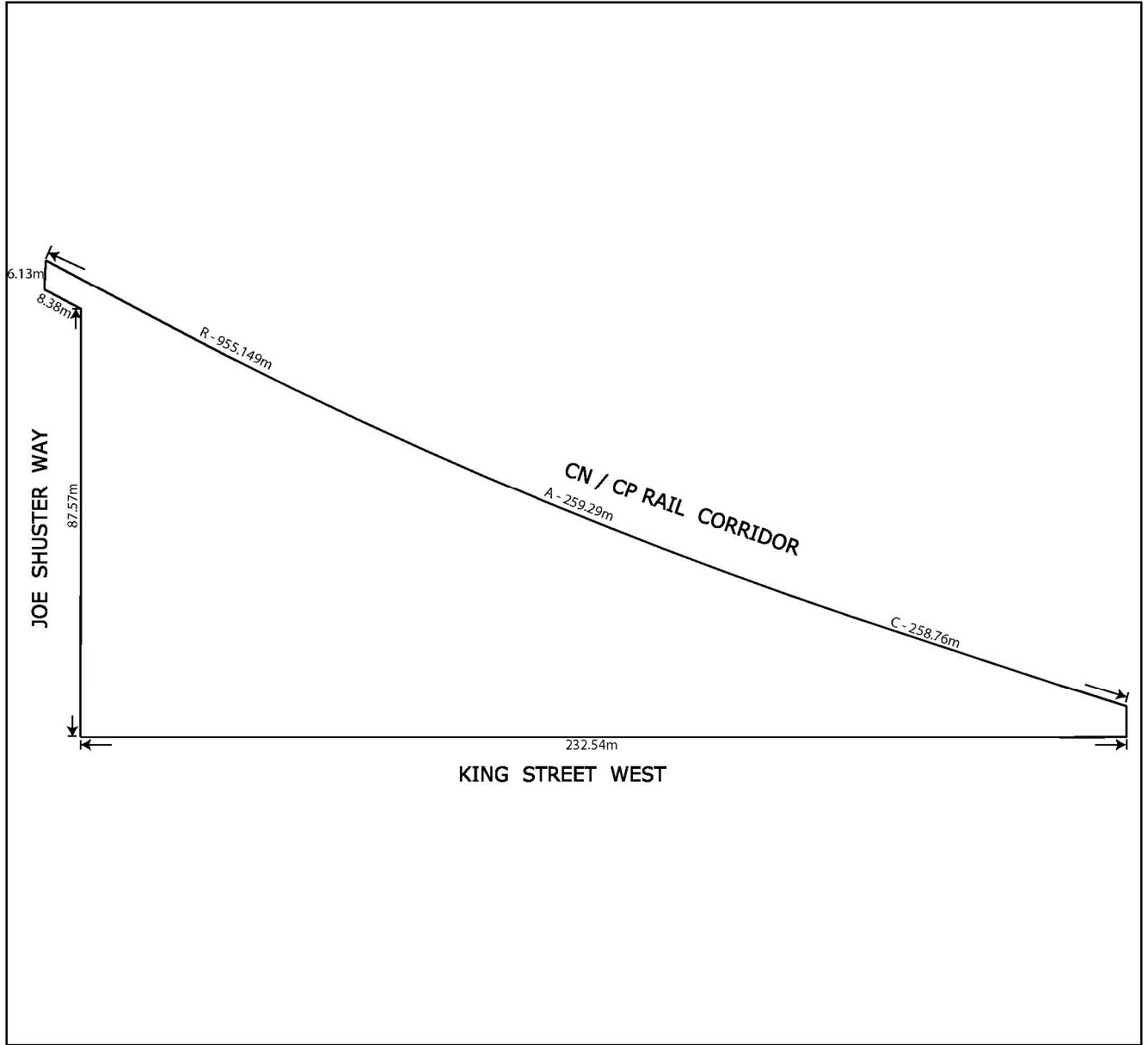
Section 37 Provisions

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *site* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.

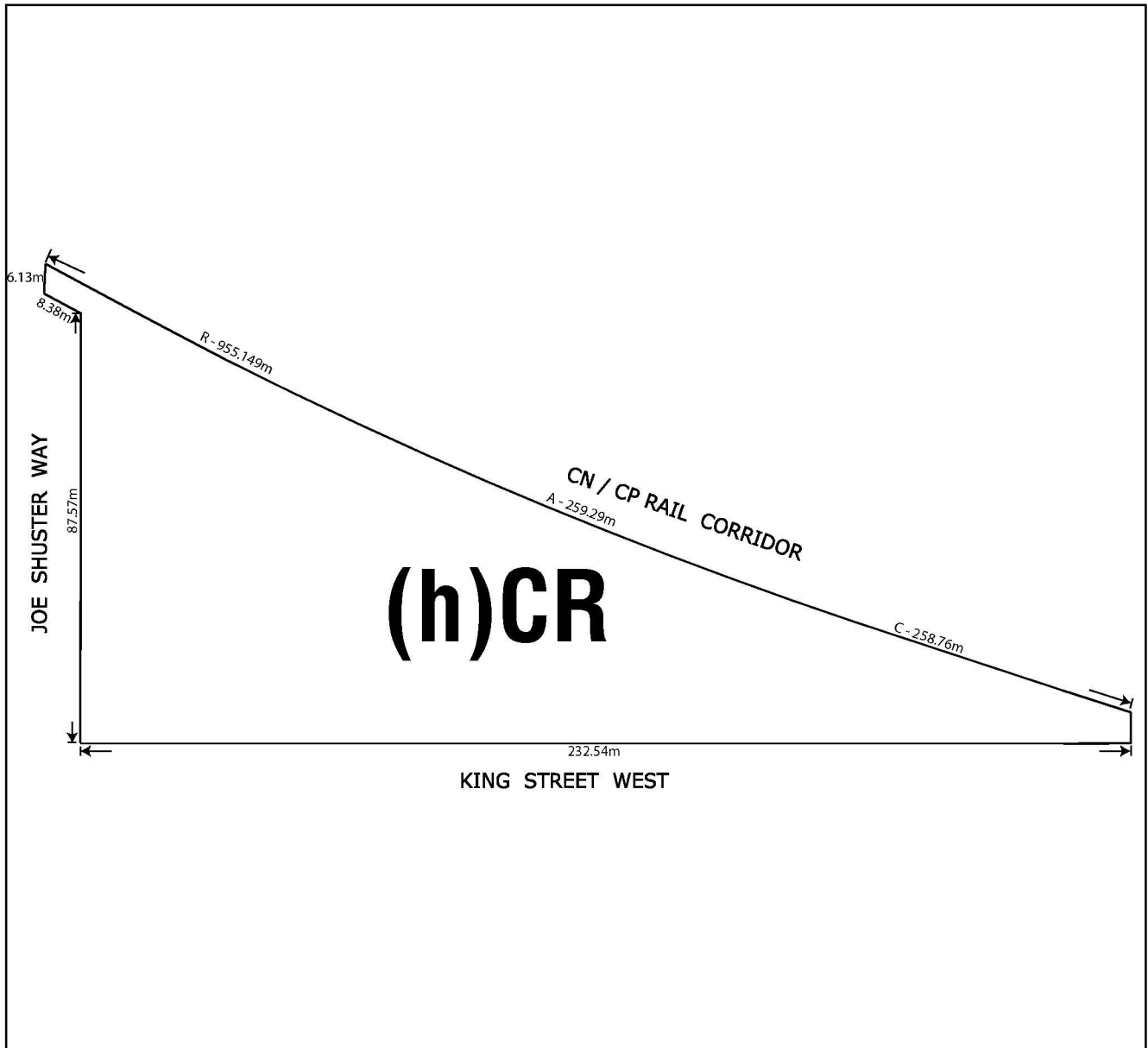
1. The community benefits recommended to be secured in the Section 37 agreement are as follows:
 - a) the owner shall construct a bicycle path connecting to King Street West, with public access, with a final design and location to the satisfaction of the Chief Planner and Executive Director, and the General Manager, Engineering and Construction Services; and,
 - b) the owner will pay to the City \$1,837,000.00 to the City prior to the issuance of the first above-grade building permit on the subject lands and to be used for day care, improvements to public park space, and/or affordable rental housing within Ward 14, to the satisfaction of the Chief Planner and Executive Director in consultation with the Ward Councillor. This amount will be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment.
2. The following matters are also to be secured in the Section 37 agreement as a matter of Legal convenience:
 - a) The owner shall construct and convey the private segment of Joe Shuster Way for public highway purposes, to the City, prior to the issuance of the first above-grade building permit on the subject site, at nominal sum, free and clear of all encumbrances save and except for those that may be permitted by the Executive Director, Engineering and Construction Services;
 - b) the owner shall remediate the lands for the Joe Shuster Way extension, if required, prior to conveyance and in accordance with City and Ministry of Environment Standards;
 - c) prior to the issuance of any occupancy permits for the site, the owner shall construct, or cause another party to construct, crash mitigation measures, if required, related to the rail corridor, as set out in an agreement between the owner of the lot and the Greater Toronto Transit Authority (Metrolinx) and Canadian National Railway Company;

- d) prior to the registration of the condominium, the owner shall construct, or cause another party to construct, any works required by an agreement between the owner of the *lot* and the Greater Toronto Transit Authority (Metrolinx) and Canadian National Railway Company to maintain the rail safety measures (any required berm and acoustic wall), including vegetative plantings;
- e) the owner shall provide warning clauses in accordance with its agreement with Greater Toronto Transit Authority (Metrolinx) and Canadian National Railway Company;
- f) the owner shall construct, or cause another party to construct, any wind mitigation measures required pursuant to site plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- g) the owner shall provide all matters needed to service the subject site, including but not limited to, the construction of services for water services, sanitary and storm sewer systems, roads, streetscaping and landscaping, street trees and tree irrigation systems and utilities, the retention of a satisfactory consulting engineer, the conveyance and construction of Joe Shuster Way and all required letters of credit, detailed design drawings, inspection fees, utilities, and timing of the completion of the new public street, all costs associated with any required traffic alterations and the provision of space within the development for the construction of any transformer vaults, Hydro, Bell maintenance and sewer maintenance holes;
- h) the owner is to ensure that the phased development of the site is to the satisfaction of the City, including requirements for the matters to be secured such as an overall municipal servicing and grading plan and a storm water management report and requirements with respect to each phase such as, site integration; loading, interim use of the balance of the site, construction staging and temporary landscaping, if required;
- i) the owner is to satisfy all environmental matters such as soil and groundwater management, the environmental restoration of the site, or parts thereof, and provision of a Record of Site Condition, demolition and dust control, noise and vibration, the monitoring of de-watering and a commitment to mitigate as and where required by the City;
- j) the owner shall implement improvements to King Street West to the satisfaction of the Chief Planner and Executive Director, City Planning and the Director, Engineering and Construction Services;
- k) the owner shall install an irrigation system for street trees with automatic timer, to the satisfaction of the Director, Engineering and Construction Services, designed to be water efficient by a Certified Landscape Irrigation Auditor and constructed with a back flow preventer including the requirements to maintain in good order and operation, or any such policy that is in effect at the time of a building permit issuance;

- 1) the owner shall also be responsible for any shortfall in the equivalent value of a payment of monies in lieu of a transfer of land for park purposes, attributable to the East Lot on a proportionate basis, that are not satisfied by the owner of the West Lot.



Not to Scale



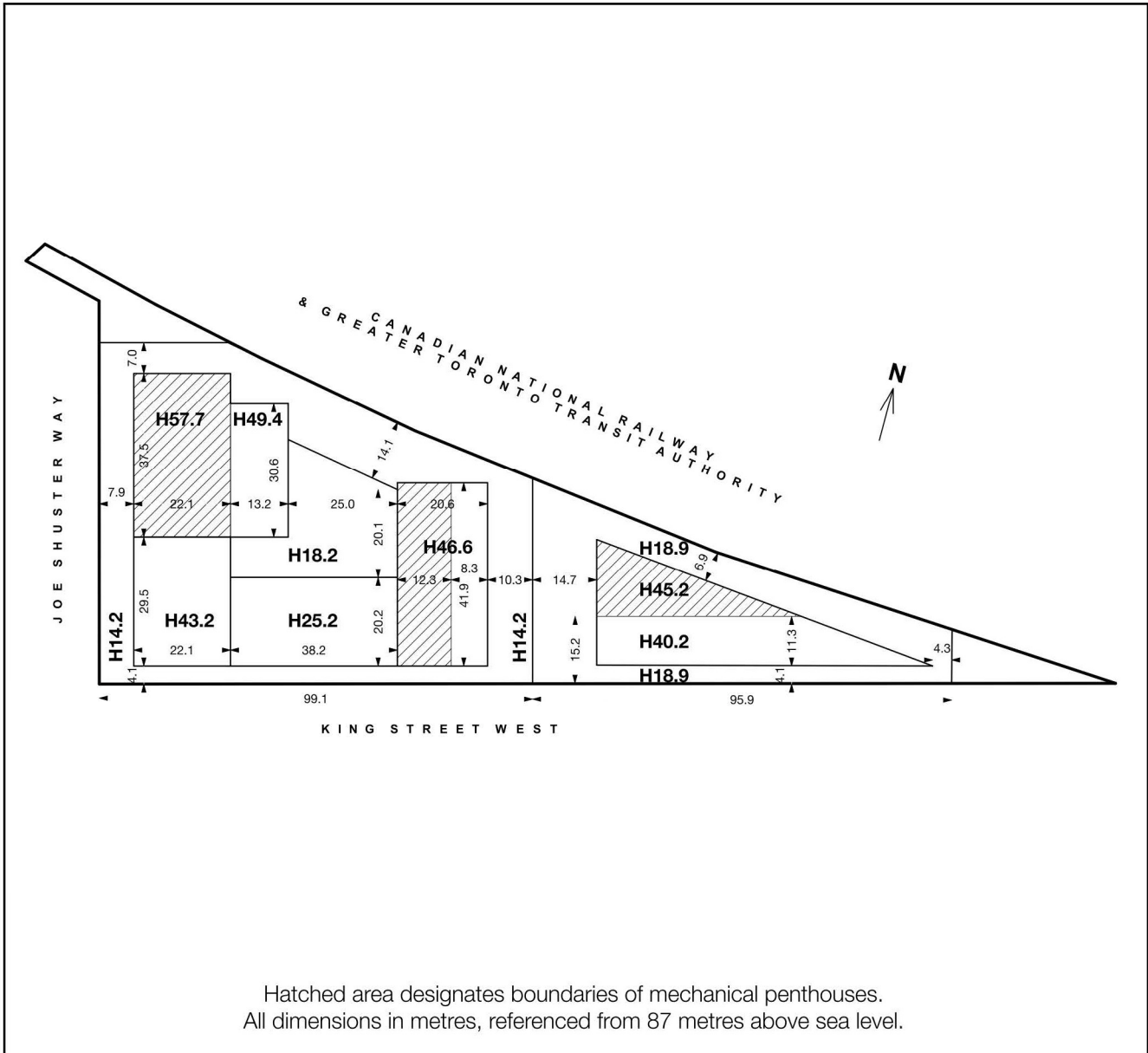
1100 King Street West, Toronto

Map 2

File #13 _____



Not to Scale



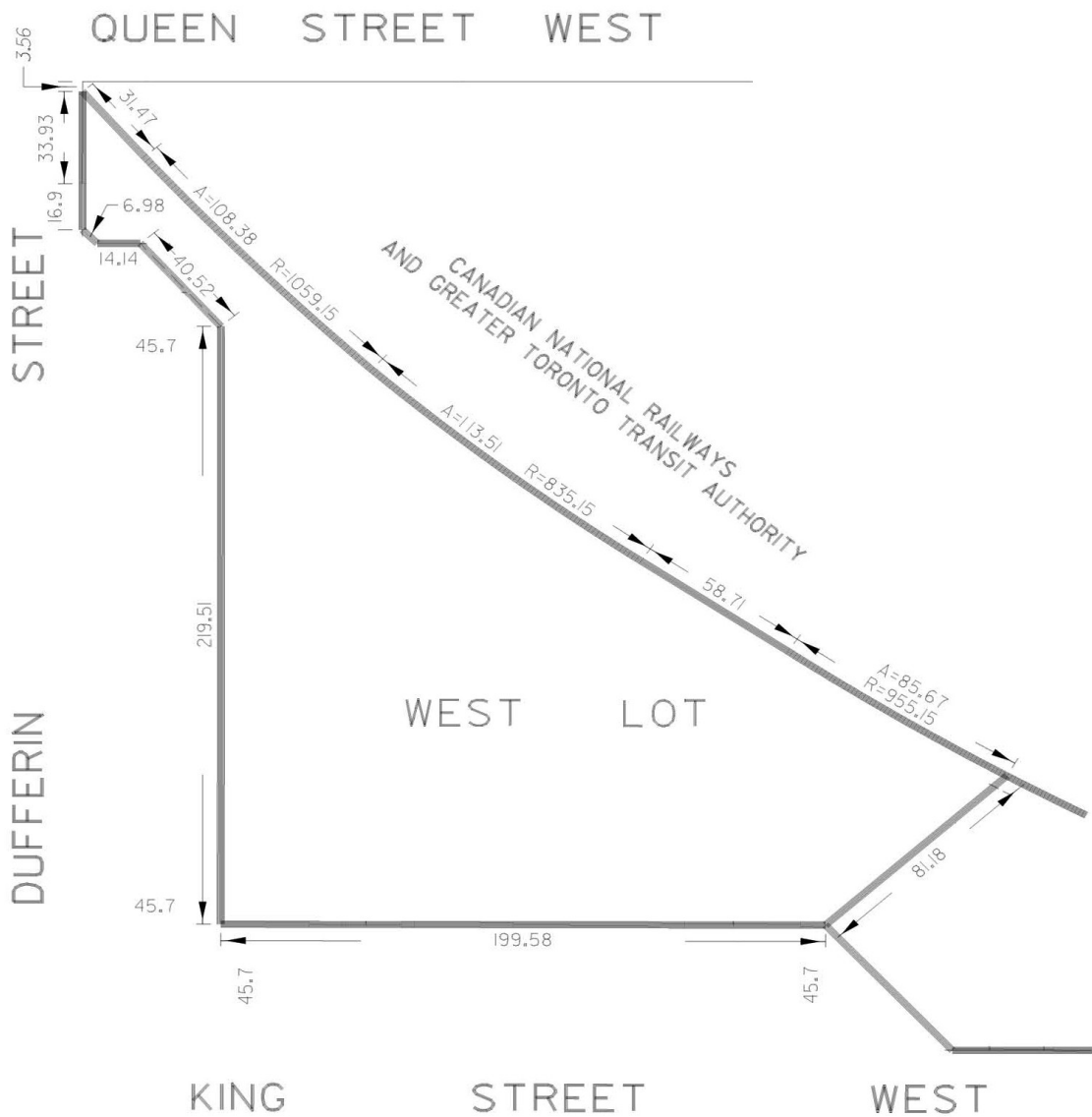
1100 King Street West, Toronto

Map 3

File #13 _____

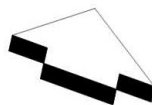
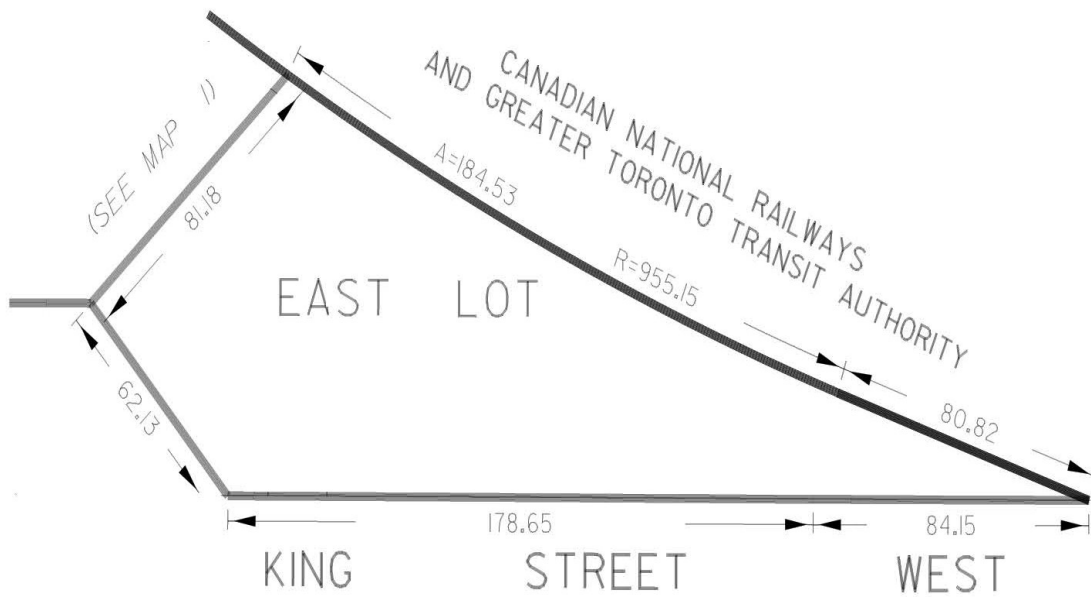


MAP 4



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO OCTOBER, 2004
 BL04/1100KING1.DGN
 FILE: K2-Z71, 2402.53-3
 MAP No. 49G-321 DRAWN: D.R.

MAP 5



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO OCTOBER, 2004
BL04/1100KING2.DGN
FILE: K2-Z71
MAP No. 49G-321 DRAWN: D.R.