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Engineering & Construction Services Division  
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**Reply to: Sebastian Birritteri, P.Eng.**  
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## MEMORANDUM

File: 245 Queen St. East., C of A

To: David Sit, Manager, Community Planning  
Toronto & East York District, 18<sup>th</sup> Floor, East tower, City Hall  
Attn: Henry Tang

From: Avi Bachar, PMP, P. Eng., Manager, Development Engineering  
Toronto and East York District  
Attention: Sebastian Birritteri, P. Eng.

Date: October 29, 2019

Subject: **Address: 245 to 285 Queen St. East, 348-412 Richmond St. East,  
78 to 106 Ontario Street and 8-12 Bridgen Place**  
**Consent Application No. B0002/19TEY**  
**Owner: Richmond Residential Limited Partnership**  
**Applicant: Bennett Jones, c/O Andrew Jeanrie** **Ward: 13**

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**This memo shall supersede the memo dated October 24, 2019.**

This is in reference to the Committee of Adjustment Consent B0002/19TEY, to permit the severance of the assembled parcels of lands noted above into two Lots – The Retained Lot and the Conveyed Lot.

The lands noted above were assembled into a single ownership and are part of a separate and concurrent Zoning By-law amendment application file 16 118638 STE 28 OZ, to permit the redevelopment of the assembled portion of lands.

The existing properties are currently occupied by various buildings, and the site is crossed by an L-shaped public laneway traversing the site.

The owner has submitted a Draft Reference Plan in conjunction with the subject application, which proposes the following:

Conveyed

Parts 5, 12, 13, 14, 15 & 16, Draft R-Plan.

Parts 5, 12, 13, 14 15 & 16 have a lot frontage of 63.95 metres along Queen Street East, 39.52 metres along Richmond Street East and an area of 5524.0 square metres.

Retained

Parts , 1, 2, 3, 4, 6, 7, 8, 9, 10, & 11, Draft R-Plan.

Parts 1, 2, 3, 4, 6, 7, 8, 9, 10 & 11 have a lot frontage of 66.11 metres along Queen Street East, 13.72 metres along Ontario Street and an area of 3490.6 square metres.

This Committee of Adjustment application B0002/19TEY is being appealed to the Local Planning Appeal Tribunal, as per LPAT File No. PL190317.

The purpose of this memo to provide conditions to City Legal, to be satisfied by the Owner prior to the approval of the Consent to Sever application.

The following comments and conditions are based on the drawings and reports submitted in support of the new Committee of Adjustment Consent to Sever application for review, all received electronically by Engineering & Construction Services staff on January 29, 2019:

- Cover Letter, Application for Consent, 245-283 Queen Street E, 348-354 Richmond Street E., and 106-110 Ontario Street,) dated January 03, 2019, Bennett Jones.
- 2019 Committee of Adjustment Application, dated January 02, 2019.
- Zoning Review Waiver, dated January 03, 2019.
- Email correspondence dated January 24, 2019.
- Consent Plan, prepared by Graziani + Corazza, Architects, dated December 21, 2018;
- Survey Plan, All of lots as described on the Survey Plan, prepared by R. Avis Surveying Inc, dated December 21, 2018. (Dwg. 3224-OPS-NAD83.DWG).
- Draft Reference Plan, Dwg. 66R-, prepared by R. Avis Surveying Inc. dated December 21, 2018 (Dwg. No. 3224-OR3-NAD83.DWG).

Please note that there is a current, active Application for this Development Site known as 245-285 queen Street East, 348-412 Richmond Street East, 78-106 Ontario Street and 8-12 Brigden Place, as follows;

(i) Rezoning Application 16 118638 STE 28 OZ.

This current C of Application to Sever Parcels of land to sever and to retain, is seeming to propose to create two parcels of land for development purposes in advance of any future

development designs being reviewed and development application approvals being finalized and accepted.

**The comments provided are in regards to a Consent to sever land only, with the understanding that the created lots will continue to operate in their existing condition. Any development proposal within the subject site will be subject to separate development application(s).**

**Every parcel of land that will be separately conveyable requires its own servicing connection to municipal services, including all associated stormwater management facilities, per the Ontario *Building Code* and the City of Toronto Municipal Code Chapters 681 and 851. Please refer to Comments section of the memo for further information in this regard.**

#### **A. RECOMMENDATIONS:**

The Engineering and Construction Services Division states that while there is no objection to the consent to sever application, it is recommended that approval be subject to the Owner submitting the following to the satisfaction of the Chief Engineer & Executive Director, Engineering & Construction Services, for review and comment:

1. The Owner to submit a Site Plan, to show:
  - a. All existing or proposed service connection to each building/lot, including conveyed and retained lots;
  - b. Existing storm drainage for all lots, including conveyed and retained lots; and
  - c. The requirement for a strip of land along the west limit of the Conveyed parts, abutting McFarrens Lane, that varies from 0.3 metres at the Queen Street East end to 0.5 metres at the Richmond Street East end, to satisfy the requirement of a 6 metre wide lane right-of-way.
2. A certificate from the Owner's Engineer, stating that each new lot (conveyed Parts 5, 12, 13, 14 15 & 16 and retained Parts 1, 2, 3, 4, 6, 7, 8, 9, 10 & 11), has been separately serviced for sanitary and water, in compliance with Chapters 681 and 851 of the City of Toronto Municipal Code and the Ontario Building Code, to the satisfaction of the Executive Director, Engineering and Construction Services.
3. Confirmation as to whether there are any existing storm connections and if all the building/lots are separately storm serviced.
4. A copy of an updated Servicing Plan and Grading Plan prepared by the Owner's Engineer showing the location of the services on each new lot in accordance with condition 1, 2, and 3 above;
5. Storm drainage on each proposed lot must be self-contained unless there is an agreement registered on title which provides for one of the properties to accommodate

storm water over a defined portion of the property from the other property. The Owner shall provide a grading plan that clearly illustrates the existing lot grading and storm drainage for each of the severed and retained lots is self-contained. The Owner shall provide an agreement, if required, and registered on title, to identify any reciprocal easements that would be required to ensure that there is proper storm water drainage for the two proposed lots.

6. In connection with Conditions No. 4 and 5 above, the Owner filing with the Director, Community Planning, Toronto & East York District, in consultation with the Chief Engineer & Executive Director, Engineering & Construction Services, shall submit fully executed copies of the following certificates:
  - i. From the Owner's Solicitor with respect to the creation of necessary easements;
  - ii. From the Owner's Surveyor with respect to the creating of necessary easements; and
  - iii. From the Owner's Engineer with respect to the identification of the necessary easements including overland flow;
7. If shared stormwater services exist or are being proposed, the Owner shall file with the Director of Community Planning, Toronto & East York District, in consultation with the Chief Engineer & Executive Director, Engineering & Construction Services, a fully executed copy of Certification from the Owners's solicitor that:
  - a. Upon conveyance of the first lot the Parties will enter into a Cost Sharing Agreement with respect to the shared stormwater services; and
  - b. The Cost Sharing Agreement designates an owner who will be the person responsible in the case of any issues regarding the shared stormwater services, including but not limited to issues arising with respect to the City of Toronto Municipal Code Chapter 681 (the "Person of Responsibility). The Certification shall further indicate:
    - i. Who the Person of Responsibility is;
    - ii. The contact information for the Person of Responsibility; and
    - iii. That the Cost-Sharing Agreement contains a clause requiring the Person of Responsibility to maintain up-to-date contact information with the General Manager, Toronto Water.
8. Ensuring that there are separate water meters for the different components of the building(s) or including wording in the Cost Sharing Agreement that the services are to be shared and will designate who will be responsible to the local water authority (not to the City in case of a change in the future) for payment in full of the water bill.

9. Prepare all documents and convey to the City, for nominal consideration, a strip of land along the west portion of conveyed lot abutting McFarrens Lane that varies from 0.3m wide at the Queen Street East end to approximately 0.5 metres wide at the Richmond Street East end, such lands to be free and clear of all encumbrances, including any existing buildings, save and except for utility poles, and subject to a right-of-way for access purposes in favor of the Grantor until such time as the said lands have been dedicated for public highway or lane widening purposes, all to the satisfaction of the Chief Engineer & Executive Director, Engineering & Construction Services and the City Solicitor.
10. If a portion of the strip of land described in 9. above is encumbered, save and except for utility poles:
  - a. the requirements in 9. shall apply to the unencumbered portion only as a condition of approval of the Consent to Sever application; and
  - b. the remainder of the above strip of land shall be conveyed as a condition of approval of a future Site Plan application.
11. Submit a Draft Reference Plan of Survey to the Chief Engineer & Executive Director, Engineering & Construction Services, for review and approval prior to depositing in the Land Registry Office. The plan must:
  - i. Be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System and the 3° Modified Transverse Mercator Projection);
  - ii. Delineate by separate PARTS the lands to be conveyed to the City identified in Condition 9), the remainder of the site, and any appurtenant rights-of-way or easements; and
  - iii. Show the coordinate values of the main corners of the subject lands in a schedule on the face of the plan.
12. Pay all costs for the preparation and registration of Reference Plan(s).

If you have any questions regarding these comments, please contact Sebastian Birritteri at 416.338.1396.

Prepared by:

Sebastian Birritteri,  
Senior Engineer, Development Engineering  
Toronto & East York District

Signed by,

A handwritten signature in black ink, appearing to read 'Avi Bachar', is written over a light gray rectangular background.

Avi Bachar, PMP, P. Eng.  
Manager, Development Engineering  
Toronto & East York District

SB/

cc: Comm. of Adjustment, Application Technician - Jason Bragg  
Transportation Services, Traffic Services – Attention: Tabassum Rafique  
Legal Services, Cigdem Iltan