

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: October 23, 2014

CASE NO(S): PL131272

TACT Development Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Toronto to redesignate land at 441 Jane Street from Neighbourhoods to a site-specific designation to permit the development of a 4-storey residential building consisting of 23 units in a stacked townhouse form
Approval Authority File No. 13 118452 WET 13 OZ
OMB File No. PL131296

TACT Development Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 1-83 of the City of Toronto to rezone lands respecting 441 Jane Street from R2 to a site-specific zone to permit the development of a 4-storey residential building consisting of 23 units in a stacked townhouse form
OMB File No. PL131297

TACT Development Inc. has referred to the Ontario Municipal Board under subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, determination and settlement of details of a site plan for lands composed of 441 Jane Street, in the City of Toronto
OMB File No. PL131272

Heard: June 4, 2014 in Toronto, Ontario

APPEARANCES:

Parties

TACT Development Inc.

City of Toronto

Counsel

K. M. Kovar

S. O'Connor

Participant

Gail Wiles

DECISION OF THE BOARD DELIVERED BY H. JACKSON AND ORDER OF THE BOARD

INTRODUCTION

[1] TACT Development Inc. (the “Applicant”) applied for an Official Plan Amendment (“OPA”), a Zoning By-law Amendment (“ZBLA”), and Site Plan approval for their property at 441 Jane Street. The proposal is to redevelop the land from the existing vehicle service station to a four storey residential building consisting of 23 units in a stacked townhouse form. The Applicant has appealed to the Board against the City of Toronto (the “City”) Council’s failure to make decisions within the statutory timeframes.

[2] The Board was advised at the hearing that the Applicant and the City had resolved the bulk of the matters in relation to the application, with the exception of the Conditions for the Site Plan, which the parties anticipated would be resolved shortly. In light of the settlement between the parties, the Board was asked to allow the appeal and approve the OPA and the ZBLA, and to withhold the Final Order approving the Site Plan until the Site Plan Pre-Approval Conditions have been met.

[3] Gail Wiles attended the hearing in opposition to the proposed redevelopment. She lives immediately to the south of the subject property. She expressed concern regarding the strain on parking that the development would have on the neighbourhood; that only one visitor parking spot is to be provided by the new development; the difficulty in negotiating the laneway which would be made more problematic with the proposed parking for the development that is also to use the laneway; and her concern that the redevelopment would not “fit-in”. Ms. Wiles was granted participant status wherein she spoke to these concerns.

[4] Wendy Nott was qualified by the Board to provide expert land use planning evidence and Alun Lloyd, Principal at BA Group, was qualified by the Board to provide

expert evidence in transportation engineering for the settlement.

EVIDENCE AND FINDINGS

[5] Ms. Nott provided the background to this application. She testified that there had been pre-consultations with the City planning staff, the Ward Councillor, and the public prior to filing the application and that the proposal was revised based on the discussions that were held.

[6] The subject property is on the east side of Jane Street, a four lane road with on street parking. It is a Major Street in the City's Official Plan ("OP"), and functions as an arterial road. The site is irregular relative to the pattern of lots on Jane Street, as it has an "L" shaped extension at the rear of the property. This portion of the lot is accessed from a rear laneway and is intended to be used for outdoor amenity space and for parking. The site was established as a gas station in 1966 but no longer provides gas.

[7] Montye Avenue to the south is a one-way east street, and Hanley Street to the north is a one-way west street. The site has 36.6 metres ('m') frontage on Jane Street. There is a bus available on Jane Street that goes to the subway at Bloor Street within five minutes.

[8] The homes in the immediate vicinity are a mix of detached and semi-detached homes, and there is a three storey apartment building at the corner of Montye Avenue and Jane Street.

[9] Ms. Nott described the proposal. She testified the building is to be a four storey stacked townhouse with roof top amenity areas and a rooftop HVAC system and mechanical penthouse. The height of the proposed building to the edge of the roof is 10.8 m, and to the top of the penthouse in the central area is 13.8 m, whereas the R2 zone permits 11 m height. There are to be 22 two bedroom units and 1 one bedroom

unit. All units will access through a front door onto Jane Street. The total gross floor area (“GFA”) is 2080 square metres (“sq m”), or 1.67 times the lot area. There are to be 20 underground parking spaces accessed from Jane Street at the south portion of the site. There are to be four parking spots outdoors at the rear accessed by the laneway, three of these are for residents and one is to be the visitor parking spot. There are to be 18 bike parking spots, six of these underground and the remainder in the rear area. Garbage storage is to be in the basement and then transported outside. Private amenity space will be provided on rooftop terraces, balconies and in the rear yards. There will be a common amenity play area at the rear. The rooftop amenity areas are to be setback to prevent direct overlook into the rear yards of adjacent residences. For the at-grade amenity space there will be shrubs to screen the view to the east. Ms. Nott testified that the amenity space to be provided is greater than the typical amount.

[10] Ms. Nott testified in regards to the planning merits of the proposal. She testified that the proposal conforms to the Growth Plan for the Greater Golden Horseshoe, which provides policies that promote regional growth strategies with a focus on intensification. She testified that the proposal is consistent with the Provincial Policy Statement 2014 (“PPS”) as it promotes efficient development primarily by growth through intensification.

[11] Ms. Nott testified that the site and area are designated as Neighbourhoods in the OP. Jane Street is a major transit corridor with surface transit. It falls under the Urban Street policies of s. 2.3 of the OP, which includes the “stable not static” policy. Neighbourhoods are expected to not experience significant change but some change will occur. Policy 4.1 reflects that these areas are to have a variety of building forms including walk-ups no higher than four storeys. She testified that the development criteria emphasize stability. It is her opinion that development is not “identical to” the existing, but respects and reinforces the general physical patterns in the neighbourhood. She testified that this lot varies from the pattern and this is an opportunity to “fill in the gaps”. She testified that this is removing a non-residential use and replacing it with a residential use. She testified that the built form of the proposed building is appropriate and is what would be achieved in an ordinary condition. She

testified that the roof top amenity space is setback with landscaping on the east side and is therefore compatible to the neighbours with respect to privacy. Ms. Nott testified that the proposal conforms to the policies set out in s. 4.1.9 Infill Development.

[12] Ms. Nott testified that a shadow analysis was done and the results are comparable to what would be expected using the prevailing zoning. She testified there are not expected to be unacceptable impacts due to shadow.

[13] Ms. Nott testified that the City requested a site specific OPA for these lands. She testified that draft OPA No. 245 establishes Policy No. 467, and permits a four storey apartment building on lands known as 441 Jane Street. This OPA has been resolved with the City and is provided in Exhibit 7, and as Attachment 1 to this Decision.

[14] Ms. Nott testified that the site is currently zoned R2 under the former City of York zoning by-law, and has site specific zoning that permitted the gas station. She testified that Exhibit 8 provides a site specific ZBLA that controls the form of the proposed development. She testified that this is a “shrink-wrap” by-law and defines the setback distances, the amount of parking for cars and bikes, the amount of landscaping, etc. She testified that there were numerous discussions and re-iterations to improve the compatibility of the proposed development with the larger neighbourhood and that the by-law includes the revisions that were requested by City planning staff. She testified that the content of this by-law, as provided in Exhibit 8, has been resolved with the City and is provided as Attachment 2 to this Decision.

[15] Ms. Nott summarized her opinion. She stated that the proposed development provides for an appropriate land use, whereby residential use will replace non-residential use and that the proposed development conforms to the City’s OP with respect to the type of residential use. She stated that the form and density of the proposed development is different, but it is compatible to the built form and function of the immediate neighbourhood, and can co-exist without impact to the neighbourhood.

She stated that the built form is appropriate for a site on a major street with transit, and the proposal conforms to the infill policies of s. 4.1.9.

[16] Ms. Nott testified that the Notice of Approval Conditions for the Site Plan had not yet been resolved with the City, but will be resolved and provided to the Board following the Hearing. The Notice of Approval Conditions was received by the Board and is provided as Attachment 3 to this Decision.

[17] Mr. Lloyd was retained by the Applicant to respond to the City's comments with respect to parking supply and loading issues for the proposal. He testified that based on the parking standard, 20 spaces are required for residents, and three spaces for visitors. He explained that for this development, it is proposed that there will be 22 spaces for residents, and one visitor spot. This will allow one space to be provided for each unit, with one visitor space available. He testified that this reallocation of parking resources is appropriate, as it provides parking for the long term users, being the residents who have cars. He said visitors are by nature occasional, and that there is street parking available in the area for visitors. He also noted that there are currently three curb cuts for the existing service centre and when the new development is built the access will be consolidated to one drive on Jane Street. Therefore, there will be an additional one to two parking spots available on the street for visitors. He testified that the shortfall between the standard of three spots required for the visitors and the one that is proposed can easily be met by the available supply of on street parking.

[18] Mr. Lloyd testified in regard to the rear yard parking area that is accessed off of the rear lane. He testified that the traffic generated from the four rear parking spots will be very small and would not exacerbate the current condition in the laneway. He explained that the existing laneway is tight but it will be widened with the new proposal which will be an improvement to the existing condition. The strip of land for the widening is owned by the City and is to be dedicated to the public laneway as part of this development.

[19] The Board accepts the uncontroverted planning opinion evidence provided by Ms. Nott that the proposal conforms to the OP and is proper planning. The Board finds the ZBLA provides for a development that is appropriate in this location. The Board finds that the concerns raised by Ms. Wiles in regards to the strain that the development will have on the parking in the area to be unsupported based on a review of the evidence provided by Mr. Lloyd. In fact, the evidence indicates that the laneway will be made wider due to this proposed development, which will be of use to Ms. Wiles in parking her vehicle.

[20] On the basis of the expert opinion evidence and the submissions provided, the Board finds that the proposed OPA and ZBLA conform to the City's OP and represent good and proper planning.

ORDER

The Board orders the appeals are allowed in part. The Board approves OPA No. 245, entered into evidence as Exhibit 7, and as provided in Attachment 1 to this Decision; and the Board approves ZBLA, entered into evidence in Exhibit 8, as provided in Attachment 2 to this Decision. The Notice of Approval Conditions for the Site Plan is provided in Attachment 3 to this Decision. The Board withholds the order approving the Site Plan until notified by the City that the Site Plan Pre-Approval Conditions have been satisfied. The Board expects a status update from the City within six months of the date of this order. The Board may be spoken to should difficulties arise.

"H. Jackson"

H. JACKSON
MEMBER

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario

Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

Authority: Ontario Municipal Board Order issued on _____, 2014 in Board File
No. PL131272

CITY OF TORONTO

BY-LAW No. -2014(OMB)

Exhibit: 7
File #: PL131272

To adopt an Amendment No. 245 to the Official Plan for the City of Toronto respecting the lands known municipally as 441 Jane Street.

Whereas authority is given to the Ontario Municipal Board under the *Planning Act*, R.S.O. 1990, c. P.13, as amended, upon hearing the appeal of the Owners of the lands, to pass this By-law;

Therefore the Official Plan of the City of Toronto, as amended, is further amended by the Ontario Municipal Board as follows:

1. The text and maps attached hereto as Schedule "A" are adopted as an Amendment to the Official Plan for the City of Toronto.
2. This is Official Plan Amendment No. 245.

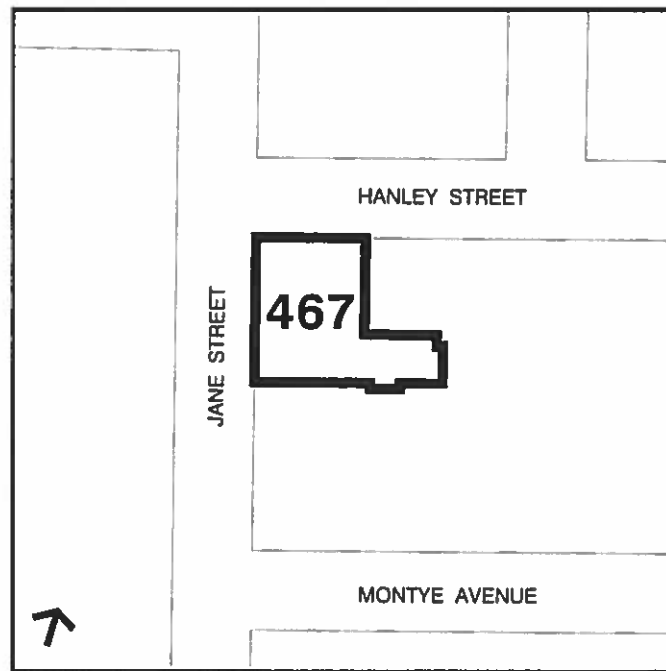
PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON _____, 2014 UNDER OMB FILE NO. PL131272.

SCHEDULE "A"

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 467 for lands known municipally in 2014 as 441 Jane Street, as follows:

467. 441 Jane Street.

A 4-storey apartment building plus mechanical penthouses with accessible rooftop amenity space is permitted.



2. Chapter 7, Map 25, Site and Area Specific Policies, is revised to add the lands known municipally in 2014 as 441 Jane Street shown on the map above as Site and Area Specific Policy No. 467.

ATTACHMENT 2

Authority: Ontario Municipal Board Order issued on _____, 2014 in Board File No. PL131272

CITY OF TORONTO

BY-LAW No. -2014(OMB)

Exhibit:	8
File #:	PL131272

To amend General Zoning By-law No. 1-83 of the former City of York, as amended, with respect to the lands municipally known as 441 Jane Street.

Whereas the owner of the lands known municipally as 441 Jane Street has appealed a proposed zoning by-law amendment to the Ontario Municipal Board; and

Whereas the Ontario Municipal Board, by its decision issued _____, 2014 in Board File No. PL131272, approved amendments to the General Zoning By-law No. 1-83 of the former City of York with respect to those lands;

Therefore pursuant to the Order of the Ontario Municipal Board, By-law No. 1-83 is amended as follows:

1. Section 16 General Exceptions of By-law No. 1-83 is amended by adding the following subsection:

(447) LANDS: 441 JANE STREET

Notwithstanding the provisions of former City of York Zoning By-law 1-83, the lot, as delineated by heavy lines on Map 1 attached to and forming part of this By-law, and municipally known as 441 Jane Street may be used for the purposes of an apartment house and accessory buildings and structures subject to the following provisions:

NUMBER OF DWELLING UNITS

- (a) A maximum of 23 dwelling units is permitted;

MAXIMUM FLOOR SPACE INDEX

- (b) The maximum floor space index on the lot shall not exceed 1.67 and for the purposes of calculating floor space index shall exclude any roof top mechanical room and stair access to the roof;

BUILDING HEIGHT

- (c) The height of the building shall not exceed 4 storeys, excluding a roof top mechanical room and stair access and the maximum height in metres measured from grade shown on Map 2 attached to and forming part of this By-law and accessory structures, appurtenances, equipment or other projections shall not exceed the maximum height in metres except that:
 - (i) appurtenances and equipment serving the building and stairs to the roof may be located within an enclosed and covered portion of the building on the roof portion of the building having a maximum permitted height of 10.8 metres and such elements may exceed said permitted height by up to 2.5 metres;

- (ii) parapets, non-structural roofing materials including insulation and membranes, decking and sloping members relating to roof-top drainage, and planters may be located on the roof portion of the building having a maximum permitted height of 10.8 metres and such elements may exceed the said permitted height by up to 1.2 metres; and
- (iii) decks, guardrails, fences and screens, partitions dividing terraces, landscape features and patio furniture may be located on the roof portion of the building having a maximum permitted height of 10.8 metres and such elements may exceed the said permitted height by up to 2.4 metres but such element shall not be located within the hatched area shown on Map 2;

YARD SETBACKS

- (d) The minimum yard setbacks shall be as shown on Map 2 attached to and forming part of this By-law except that accessory buildings and structures, fences, architectural features, guardrails, play structures, stairs, railings, stair enclosures, retaining walls, garage vent shafts and window wells shall be permitted to encroach into the required yard setbacks;

PARKING

- (e) A minimum of 23 resident parking spaces and 1 visitor parking space shall be provided and maintained on the lot; Parking spaces shall have a minimum dimensions of 2.6 metres width and 5.6 metres length except that where an obstruction of a parking space occurs within 0.3 metres of one side of the parking space minimum width of the parking space shall be 2.9 metres and where an obstruction of a parking space occurs within 0.3 metres of both sides of the parking space the minimum width of the parking spaces shall be 3 metres;
- (f) The minimum driveway aisle width shall be 5.5 metres;

BICYCLE PARKING

- (g) A minimum of 4 visitor bicycle parking spaces and a minimum of 14 resident bicycle parking spaces shall be provided and maintained on the lot and each bicycle parking space shall have minimum dimensions of 1.8 metres length, 0.6 metres width and a minimum vertical clearance of 1.9 metres measured from the surfaces on which the spaces are located and shall be covered for weather protection;

LANDSCAPING

- (h) A minimum of 65% of the area between the west wall of the building and the Jane Street property line shall be provided and maintained as landscaped on-site open space;
- (i) A minimum of 120 square metres of outdoor amenity space shall be provided and maintained on the lot for the shared use of residents of the apartment house;

SEVERANCE

- (j) The provisions of this exception shall apply collectively to the lot notwithstanding the future severance, partition, or division of the lot;

SALES PRESENTATION CENTRE

- (k) Nothing in this By-law shall prevent the construction and use of a sales presentation centre on the lot for the purpose of selling dwelling units to be constructed on the lot;

REFUSE HANDLING FACILITIES

- (l) No stationary garbage compaction unit shall be required within the garbage storage room and there shall be no requirement for refuse pick up from the side or rear of the building or within the interior of the building or parking garage. Refuse shall be stored and managed within refuse room located below grade within the parking garage area;

LOADING

- (m) No on site loading space shall be required;

ACCESSORY BUILDINGS AND STRUCTURES

- (n) In addition to accessory structures for bicycle storage one accessory building may be located on the lot provided that the accessory building is located at the rear of the apartment house a minimum of 0.6 metres from any lot line, the floor area does exceed a maximum of 10 square metres and the height does not exceed a maximum of 2.4 metres;
- (o) Accessory structures for bicycle storage shall not exceed a maximum height of 2.2 metres measured from the ground on which the structure is located and shall be located a minimum of 0.6 metres from any lot line;

DEFINITIONS

- (p) For the purposes of this By-law the following definitions shall apply:
- (i) "grade" means an elevation of 118.0 metres Canadian Geodetic Datum;
 - (ii) "height" means the vertical distance between grade and the highest point of the building or structure;

OTHER PROVISIONS

- (q) No person shall use land or erect or use any building or structure on the lot unless the following municipal services are provided to the lot line and the following provisions are complied with:

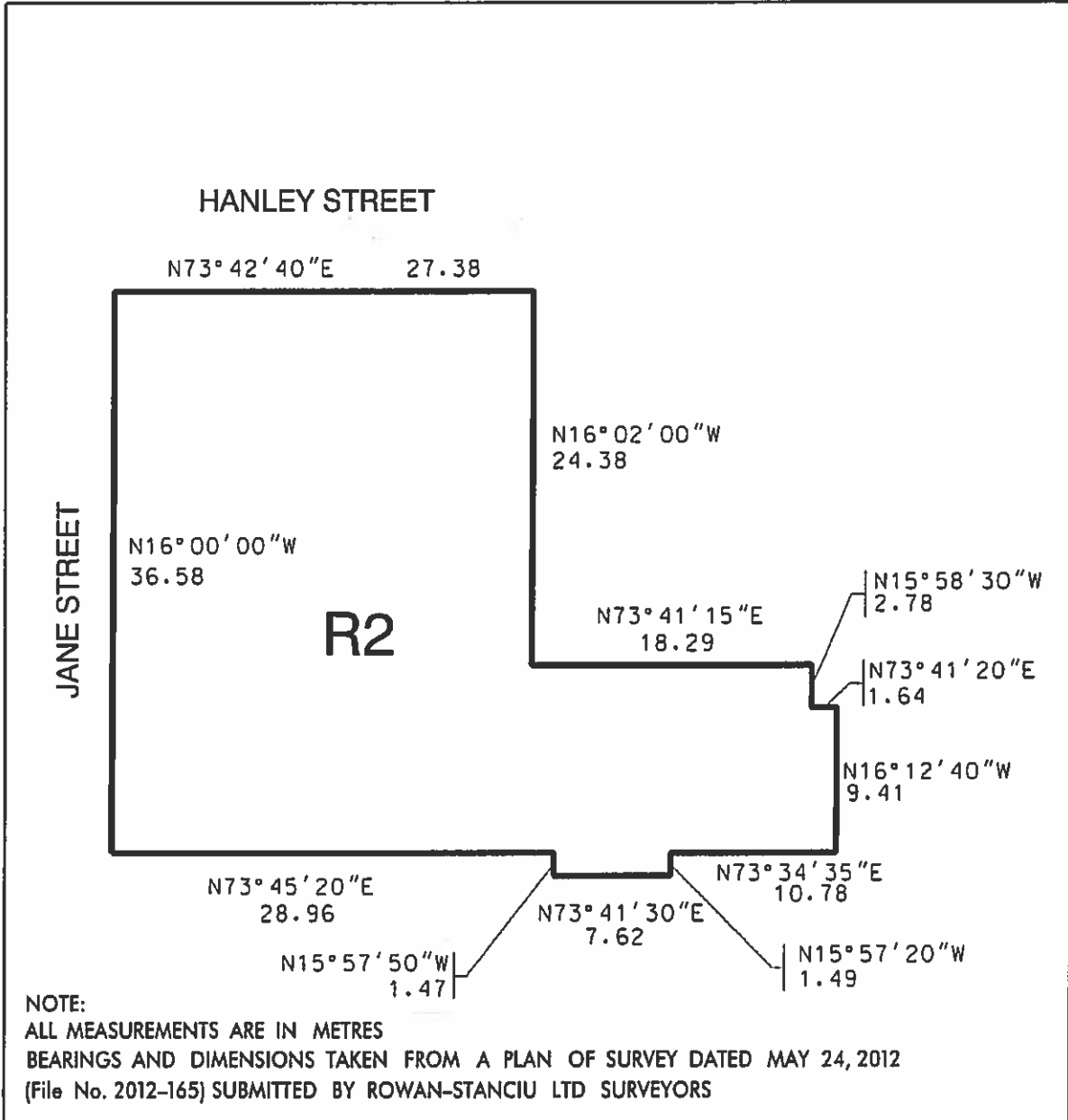
- (i) all new public roads have been constructed to a minimum base curb and base asphalt and are connected to an existing public highway; and
- (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational; and
- (r) All other provisions of former City of York By-law 1-83 shall continue to apply except in the case where provisions of this Exception are in conflict in which case the provisions of this Exception shall prevail.

2. By-law No. 17778 is hereby repealed.

PURSUANT TO THE ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD
ISSUED _____, 2014 IN BOARD FILE NO. PL131272.



Schedule 'A' BY-LAW Number and to
16(447) of Zoning BY-LAW 1-83

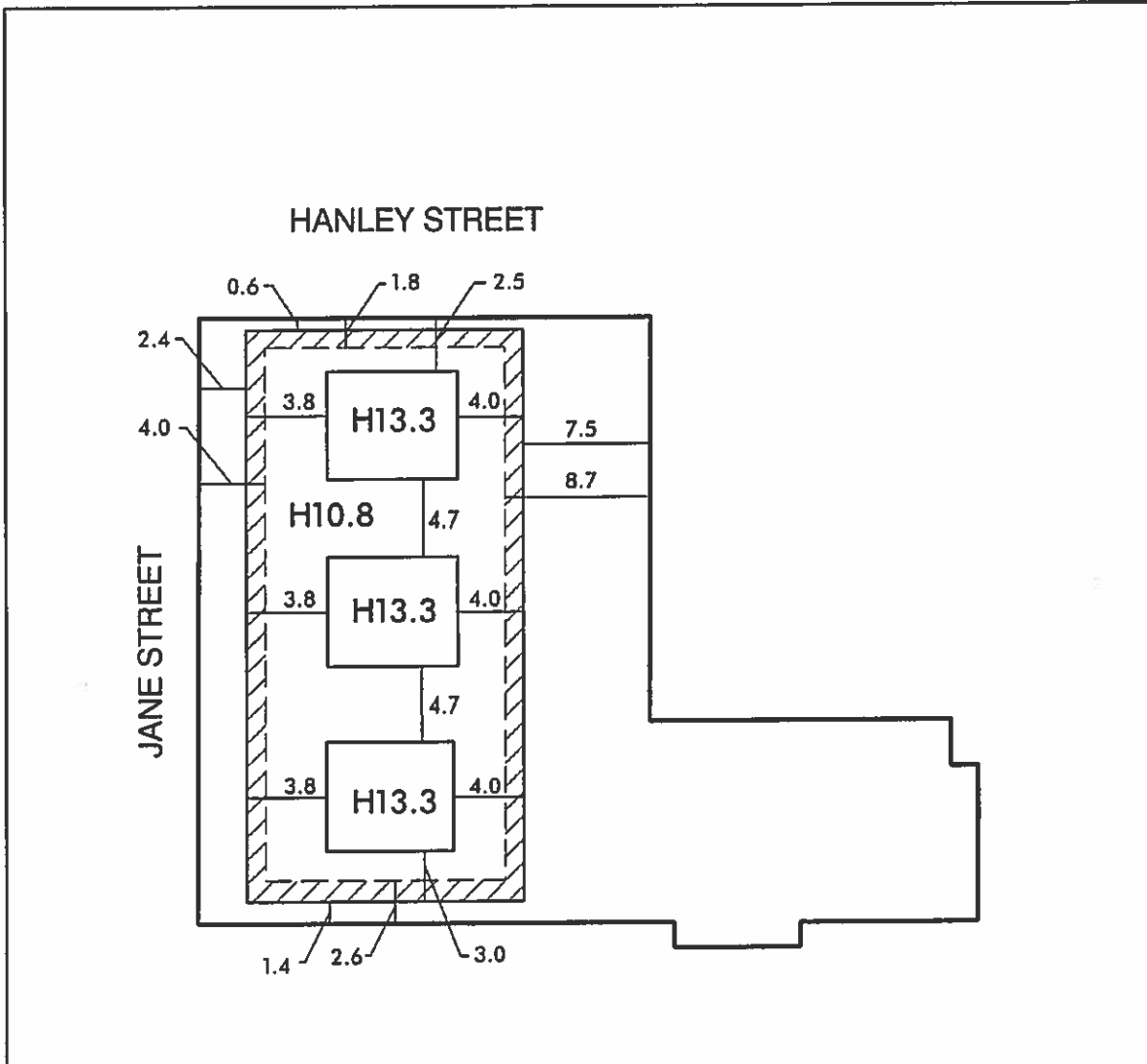


**PART OF LOTS 21, 22, 23, 24, 25 and 26
REGISTERED PLAN 893
CITY OF TORONTO**

Applicant's Name:	PRISHRAIM JAIN		
Address: 441 Jane Street	scale: 0 7.5 15 m		
File # 13 118452 WET 13 OZ	Dwg No. 13_118452_dz1		



Schedule 'B' BY-LAW Number and to
16(447) of Zoning BY-LAW 1-83



NOTE:
 ALL MEASUREMENTS ARE IN METRES
 'H' DENOTES HEIGHT ABOVE GRADE IN METRES
 AREA SHOWN HATCHED TO BE INACCESSIBLE TO OCCUPANTS AT ROOF LEVEL

**PART OF LOTS 21, 22, 23, 24, 25 and 26
 REGISTERED PLAN 893
 CITY OF TORONTO**

Applicant's Name:	PRISHRAIM JAIN		
Address: 441 Jane Street	scale: 0 7.5 15 m		
File # 13 118452 WET 13 OZ	Dwg No. 13_118452_dz2		



Jennifer Kessmeat, MEd MCIP RPP
Chief Planner and Executive Director
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Toronto ON M9C 5A3

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Director, Community Planning

Tel: (416) 394-8211
Fax: (416) 394-6063
Refer to: Natasha Laing at (416)394-8205
E-Mail: nlaing@toronto.ca
www.toronto.ca/planning

Prishram Jain
660 R. College Street
Toronto, ON
M6G 1B8

Re: **Notice of Approval Conditions**
Site Plan Control Application No. 13 118472 WET 13 SA
441 Jane Street
PLAN 893 PT LOTS 21 22 23 24 25 & 26
Ward 13 - Parkdale-High Park

The City Planning Division Etobicoke York District, has completed the review of your proposal for a 23 unit stacked townhouse development with an associated parking garage as outlined in the following plans and drawings:

Drawing/ Plan No.	Title	Prepared By	Date
A2.3	Ground Floor / Site Plan	TACT Architecture Inc.	August 12, 2014 (Revision No. 8)
A2.1	B2 (Underground Garage)	TACT Architecture Inc.	June 20, 2014 (Revision No. 7)
L100	Coordinated Utilities Plan and Tree Protection Plan	Corban and Goode Landscape Architecture and Urbanism	August 23, 2012 and revised June 20, 2014 (Revisions 5)
L101	Layout Plan	Corban and Goode Landscape Architecture and Urbanism	August 23, 2012 and revised August 1, 2014 (Revisions 6)
L102	Grading Plan	Corban and Goode Landscape Architecture and Urbanism	August 23, 2012 and revised August 1, 2014 (Revisions 6)

L103	Planting Plan	Corban and Goode Landscape Architecture and Urbanism	August 23, 2012 and revised August 1, 2014 (Revisions 6)
L104	Roof Terrace Landscape Plan	Corban and Goode Landscape Architecture and Urbanism	August 23, 2012 and revised June 20, 2014 (Revisions 4)
L200	Planting Details	Corban and Goode Landscape Architecture and Urbanism	August 23, 2012 and revised June 20, 2014 (Revisions 4)
L300	Details	Corban and Goode Landscape Architecture and Urbanism	August 23, 2012 and revised June 20, 2014 (Revisions 4)
L301	Details	Corban and Goode Landscape Architecture and Urbanism	August 23, 2012 and revised June 20, 2014 (Revisions 3)
L400	Municipal Details	Corban and Goode Landscape Architecture and Urbanism	August 23, 2012 and revised June 20, 2014 (Revisions 4)
L401	Municipal Details	Corban and Goode Landscape Architecture and Urbanism	August 23, 2012 and revised June 20, 2014 (Revisions 4)
12280-SG-1	Site Servicing and Grading Plan	Eaglebrooke Engineering	October 4, 2012 and revised June 23, 2014 (Revisions 5)

The issuance of the City's Notice of Approval Conditions letter does not constitute site plan approval. The Chief Planner's designate, the Director of Community Planning will be in a position to issue approval of the plans and drawings listed herein and to satisfy applicable law requirements of Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*, once the owner has satisfied all of the pre-approval conditions set out herein.

It is the owner's responsibility to work with the respective City divisions to satisfy the pre-approval conditions set out below. Please note that if the pre-approval conditions are not fulfilled within two (2) years of the date of this notice, then this notice is no longer valid and a new submission is required unless a written request for time extension is received and granted by the Chief Planner or her designate.

A. PRE-APPROVAL CONDITIONS

LEGAL SERVICES – (Contact Stephanie Morrow at 416-397-5379)

1. 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.

CITY PLANNING (Contact Natasha Laing at 416-394-8205)

2. Submit a cost estimate for the proposed landscaping and site improvements to the satisfaction of the Director of Community Planning, Etobicoke York District.
3. Submit a financial security in the amount of 75% of the landscape cost estimate to the Director, Community Planning, Etobicoke York District in the form of a Letter of Credit or certified cheque to guarantee the provision of landscape development works as detailed on the approved Landscape Plan(s).

URBAN FORESTRY (Contact Jason Kostopoulos at 416-394-8918)

4. The owner is in the process of private tree injury and removal applications for the Private Tree By-Law. If the injury and removal applications are approved, the owner must satisfy all conditions prior to any Urban Forestry permits or clearances. Additionally, two private trees (no. 4 & 5) will require a permit to injure; applications must be submitted to Urban Forestry at 399 The West Mall, Main Floor.
5. The owner shall provide a cash in lieu payment in the form of a certified cheque or money order payable to *Treasurer, City of Toronto*, in the amount \$3,498.00 (\$583/tree) to cover the required private tree replanting that they are unable to satisfy. This payment must be submitted to the attention of the Supervisor of Urban Forestry, Tree Protection & Plan Review.
6. The owner shall provide a tree planting security deposit in the form of an irrevocable Letter of Credit or certified cheque payable to the *Treasurer, City of Toronto*, in an amount \$2,332.00 (\$583.00 per tree subject to change) for new tree planting within the City road allowance. The tree planting security deposit must be submitted to the attention of the Supervisor of Urban Forestry, Tree Protection & Plan Review. The deposit will be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year guarantee period. **Payment must be in person at Urban Forestry, 399 The West Mall, Main Floor.**
 - i. It is the owner's responsibility to maintain all new tree plantings within the City road allowance in good condition for the guarantee period. 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. The owner must notify Urban Forestry in writing after the trees have been planted to start the guarantee period.
7. The owner must submit to the Urban Forestry supervisor TPR West (tprwest@toronto.ca) a letter, email, from a certified arborist that documents the installed tree protection (hoarding). **The letter should be submitted prior to construction beginning.**

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:

1. 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 AND CONSTRUCTION SERVICES – (Contact Aina Zeng at 416-394-8070)

2. Facilities to Provide Access to and from the Land

- 2.1 Remove all existing accesses, curb cuts, traffic control sign, etc. along the development site frontage that are no longer required and reinstate the boulevard within the right-of-way, in accordance with City standards and to the satisfaction of the Executive Director of Engineering and Construction Services.

3. Facilities for the Storage of Garbage and Other Waste Material

- 3.1 Construct and maintain all facilities necessary to permit curb side City collection of solid waste and recyclable materials in accordance with Chapter 844 of the City of Toronto Municipal Code, Waste Collection, Residential Properties.

4. Stormwater Management, Grading and Site Servicing

- 4.1 Construct and maintain stormwater management measures/facilities and site grading as recommended in the Storm Water Management Report, revised May 2014, prepared by Eaglebrooke Engineering and Site Servicing and Grading Plan, Drawing 12280-SG-1, revision 5, dated June 23, 2014, prepared by Eaglebrooke Engineering.
- 4.2 Construct and maintain site servicing indicated on the Site Servicing and Grading Plan, Drawing 12280-SG-1, revision 5, dated June 23, 2014, prepared by Eaglebrooke Engineering.
- 4.3 Provide certification to the Executive Director of Engineering and Construction Services by the Professional Engineer who designed and supervised the construction that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management Report, revised May 2014, prepared by Eaglebrooke Engineering and the accepted Site Servicing and Grading Plan, Drawing 12280-SG-1, revision 5, dated June 23, 2014, prepared by Eaglebrooke Engineering.
- 4.4 Provide certification to the Executive Director of Engineering and Construction Services by the Professional Engineer who designed and supervised the construction, that the site servicing facilities have been constructed in accordance with the accepted drawings.

CITY PLANNING (Contact Natasha Laing at 416-394-8205)

5. Landscape and Site Improvement

- 5.1 The owner shall provide and maintain the landscaping for the lands in accordance with the approved landscape plan to the satisfaction of the Director Community Planning, Etobicoke York District.

URBAN FORESTRY (Contact Jason Kostopoulos at 416-394-8918)

6. The owner shall maintain all new tree plantings within the City road allowance in good condition. The tree planting security deposit will be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year guarantee period. 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. The owner must notify Urban Forestry in writing after the trees have been planted to start the guarantee period (tpprwest@toronto.ca).
7. The owner must submit to the Urban Forestry supervisor TPPR West (tpprwest@toronto.ca) a letter/email, from a certified arborist, that documents site conditions (such as condition of the tree protection or any tree issues). **The letter should be submitted once construction has begun and then every six month thereafter.**
8. 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, Building Permit and Tree Permit(s)/Approvals. Any proposed revisions/alterations to the approved plans or permits that affect trees must be approved by Urban Forestry in writing, on behalf of the General Manager of Parks, Forestry & Recreation.

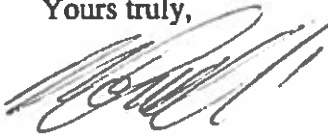
The site plan agreement is being prepared by Legal Services. They will forward it to you shortly for your execution and return to the City.

Please find attached advisory comments to assist you with your application.

Attached is a copy of the standard form letter of credit required by the City of Toronto. We have found in the past that the failure of applicants to provide the City with a letter of credit in the proper format has resulted in the City's Finance Division rejecting the letter with a resulting delay in the issuance of building permits. Please ensure that the letter of credit follows the format and content verbatim of the sample letter.

Should you have any questions, please contact Natasha Laing, Planner at (416) 394-8205.

Yours truly,



Neil Cresswell
Director, Community Planning,
Etobicoke York District

September 10/14
(date)

Attachment: Site Plan Advisory Comments
Sample Letter of Credit

pc: Tact Development Inc, 660 R College Street, Toronto ON M6G 1B8
Manager, Plan Examination, Toronto Building (1 set of plans)
Manager, Engineering and Construction Services (2 sets of plans)
Supervisor of Law Clerks, Planning & Administrative Tribunal Law, Legal Services
(1 set of plans)
Urban Forestry, Tree Protection and Plan Review

ATTACHMENT: 1

SITE PLAN ADVISORY COMMENTS

Site Plan Control Application No. 13 118472 WET 13 SA

441 Jane Street

PLAN 893 PT LOTS 21 22 23 24 25 & 26

Ward 13 - Parkdale-High Park

1. Green Roof By-law

The owner is advised that the Green Roof By-law (By-law No. 583-2009) (Chapter 492 of the City of Toronto Municipal Code) including Article IV the Toronto Green Roof Construction Standard, may be applicable to the proposed development. For further information, please contact George Vona, Zoning Examiner, Toronto Building at (416) 394-8026.

2. Applicable Zoning By-law(s)

- 2.1 Notwithstanding this approval, the lands shall be developed in accordance with the applicable Zoning By-law(s) and it is the responsibility of the owner to ensure that the development is in conformity with the applicable Zoning By-law(s) to the satisfaction of the Chief Building Official.

3) Heritage Preservation Services

- 3.1 In the event that buried archaeological remains are encountered on the property during the construction activities, the owner should immediately notify the Heritage Operations Unit of the Ministry of Culture (416) 314-7146, as well as the City of Toronto, City Planning Division, Policy and Research Section, Heritage Preservation Services Unit (416) 338-1096.
- 3.2 In the event that human remains are encountered during construction, the owner should immediately contact both the Ministry of Culture, and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services, (416) 326-8404.

4. Urban Forestry – Tree Protection and Plan Review

- 4.1 Where it is not possible to retain a tree on private property that qualifies for protection under the City of Toronto's Private Tree By-law, or where construction activity will encroach upon a protected tree's minimum tree protection zone, it will be necessary for the applicant to submit an application requesting permission to injure or destroy the trees in question to Urban Forestry. There is a fee of \$307.08 (subject to change) for each tree included in an application. Payment may be made by certified cheque or money order, and must be submitted with the application. Applications can be found at: <http://www.toronto.ca/trees/pdfs/PrivateTreeBy-lawInfoSheetandPermitApplication.pdf>.
- 4.2 An application to injure trees no. 4 & 5 is required as the proposed unit pavers, permeable pavers, bike racks and bench are located within the tree protection zones (TPZ).

5. A revised Landscape Plan and plan Details for the site will need to be submitted.

5.1 Trees must be spaced at a minimum seven meters apart. Currently the proposed private trees are planted to close together (at five or six meters) and will not count towards replacement plantings for the Private Tree By-Law; the cash in lieu option is available if the plan cannot be altered.

5.2 Road Allowance Permits

The applicant must obtain the necessary authorizations and permits from the City's Right-of-Way Management Unit before excavating within or encroaching into the municipal road allowance. The applicant is advised to contact Right-of-Way Management Unit at 416-394-8348 regarding site-specific permit and licensing requirements.

In conjunction with the right-of-way permits, the applicant shall provide an adequate financial guarantee to ensure the satisfactory completion of all required work in the City's rights-of-ways, excluding service connections, pay engineering and inspection fees (5% of the estimated construction cost of the work) and provide public liability insurance.

The applicant is required to contact Development Engineering's inspector (Robin Ehambaram, 416-659-9231) prior to commencing any work within the City's right-of-way.

6. Construction Management Plans

The applicant must submit a Construction Management Plan for each stage of the construction process provided to the satisfaction of this Division. The applicant is not allowed to use the rights-of-way for storing construction equipment/materials or for parking purposes. The applicant is advised to contact the Development Engineering Unit (Aina Zeng at 416-394-8070) regarding detailed requirements.

7. Encroachments

The applicant is advised that any physical or landscaping features that they propose to install within public right(s)-of-way are subject to encroachment agreements. The applicant is responsible for the costs of installing and maintaining these encroachments. For further information regarding encroachment agreements, please contact Don Pardoe, Right-of-Way Management Unit at 416-394-8422.

8. Toronto Hydro Approval

The applicant shall obtain approval from Toronto Hydro Street Lighting Incorporated, THSLI, for removing and/or relocating any utility with attached municipal street lighting and for any upgrades. The applicant is advised to contact THSLI (416-542-3195) or www.torontohydro.com/streetlighting for comment and cost estimates for required fieldwork.

9. Utilities

The applicant is financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property.

10. Site Servicing Connections

The owner will be required to make an application to Toronto Water Division, North York Civic Centre, 5100 Yonge Street, 2nd Floor, for the installation of any proposed services within the City

right-of-way after acceptance of the stormwater management report and site servicing plan. For further information, please contact Toronto Water at 416-395-6082.

11. Municipal Numbering

The applicant is advised to contact Mr. John House, Property Records Supervisor, at 416-392-8338 to obtain or verify new municipal addresses prior to submitting a building permit application. It should be noted that all addressed parcels and structures must have the correct municipal addresses posted. For details please see: <http://www.toronto.ca/mapping/numbers/index.htm>.

ATTACHMENT: 2

(PRINTED ON BANK LETTERHEAD)

IRREVOCABLE STANDBY LETTER OF CREDIT

Beneficiary: City of Toronto	Issue Date:
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Letter of Credit Number:	Credit Amount (Canadian Funds):	Initial Expiry Date: <u>(12 months following issue date)</u>
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We hereby authorize you, the City of Toronto, to draw on **(Bank name, address and branch)** (the "Bank") for the account of **(customer name and address)**, (the "Customer") up to an aggregate amount of \$ _____ Canadian Dollars (the "Credit Amount") available on demand up to _____ (date) _____ (the "Initial Expiry Date") or a subsequent anniversary date, and is hereby given to you pursuant to an agreement between the City of Toronto, and **(name of customer)**, made in connection with approval of Site Plan Application [list application number] (the "Agreement").

Pursuant to the request of the Customer, the Bank hereby establishes in your favour and gives to you an Irrevocable Standby Letter of Credit in the Credit Amount on which you may draw in whole or in part at any time and from time to time, subject to the terms herein.

A drawing under this Letter of Credit shall be made by you presenting to the Bank, at the address noted below, a demand in writing authorized by the City Treasurer or delegate.

Partial drawings are permitted.

Upon receipt of said demand, the Bank shall pay to you the amount stated in the demand, to be payable to you without inquiring whether you have a right as between yourself and the Customer to make such demand, and without recognizing any claim of the Customer or objection by the Customer to payment by the Bank.

This Letter of Credit will continue up to the Initial Expiry Date but shall be subject to the condition that it shall be deemed to be automatically extended without amendment for one year from the present or any future expiration date hereof, unless 60 days prior to any such expiration date the Bank notifies you by notice in writing delivered to the City of Toronto at the address noted below by registered mail that it shall not renew this Letter of Credit for any such additional period. Upon receipt by you of such notice, you may draw hereunder, for the available balance of this Letter of Credit by presenting a written demand together with confirmation that the amounts drawn will be retained and used by you to meet obligations incurred or to be incurred in connection with the Agreement. The demand must be authorized by the City Treasurer or delegate.

Bank Name: _____

Countersigned: _____

Address: _____

Countersigned: _____

ADDRESS FOR NOTICE

1. NOTICE TO BANK

(bank to insert full address and contact information)

2. NOTICE TO CITY OF TORONTO

City of Toronto
Corporate Finance Division, Capital Markets
City Hall, 7th Floor, East Tower
100 Queen Street West
Toronto, Ontario, M5H 2N2