

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: January 30, 2019

CASE NO(S): PL170696

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Riverking Development Inc.
Subject:	Application to amend Zoning By-law No. 7625 – Refusal or neglect of the City of Toronto to make a decision
Existing Zoning:	C1 (Commercial 1) Zone (for the portion of the subject property fronting Bathurst St) and R4 (Residential Density 4) Zone (on the eastern portion of the subject property)
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit a 10 storey mixed-use residential building fronting Bathurst St with two wings of 4 storey grade related townhouses on the eastern portion of the site
Property Address/Description:	2795-2799 & 2801 Bathurst St
Municipality:	City of Toronto
Municipality File No.:	15 152614 NNY 16 OZ
OMB Case No.:	PL170696
OMB File No.:	PL170696
OMB Case Name:	Riverking Development Inc. v. Toronto (City)

Heard: January 17, 2019 in Toronto, Ontario

APPEARANCES:

Parties

Riverking Development Inc

Counsel

Eileen Costello

City of Toronto

Ellen Penner

DECISION OF THE TRIBUNAL DELIVERED BY SHARYN VINCENT

INTRODUCTION

[1] Riverking Developments Inc. appealed against Council's failure to make a decision with respect to applications to amend the Official Plan ("OP") and zoning by-laws necessary to permit the redevelopment of the subject lands which currently enjoy split Mixed Use and Neighbourhoods designations and zoning, in order to permit a mid-rise mixed use building at the northeast corner of Bathurst Street and Glencairn Avenue.

[2] The appeal of the Official Plan amendment (the "OPA") followed the proclamation of *Bill 139, Building Better Communities and Conserving Watersheds Act, 2017* and was heard and decided prior to the zoning appeals subject of this disposition and subject to the process, prescribed in the *Local Planning Appeal Tribunal Act, 2017* (LPAT Act). Tribunal decision PL180719 approves in principle the Site and Area Specific Policy ("SASP") amending the Neighbourhood provisions of the easterly portion of the subject lands in order to permit access, loading, amenity and other required facilities and building components supporting the mixed use development to be located within the area of the site designated Neighbourhoods.

[3] The matter before the Tribunal in this appeal, file number PL170696 deals with Riverking's applications for rezoning by-law amendments (the "ZBAs"). This appeal was filed prior to the proclamation of *Bill 139*, and is therefore subject to the *Planning Act* and *Ontario Municipal Board Act* as they read on April 2, 2018.

[4] Both appeals were subject of successful Tribunal-led mediation and each settlement is submitted to the Tribunal for consideration, albeit pursuant to the two parallel but distinct legislative frameworks the Tribunal finds itself working through as a

result of the LPAT Act. The settlement achieved with the City, the only other Party is before the Tribunal for consideration of the site specific by-laws each respectively amending By-laws Nos. 569-2013 and 7625 to implement the permission contemplated by the SASP and approved in principle by the Tribunal.

[5] The Shaarei Shomayim Congregation, representing the interests of the Synagogue located to the east appeared as Participant in support of the settlement. The Congregation had initially been granted Party status, had participated in the mediation, and have ultimately entered into Minutes of Settlement with Riverking addressing the resolution of concerns principally centred on the use of the privately owned laneway.

[6] Nadia Vakharia representing the Participant Glencairn and Bathurst Community Coalition ("GBCC") appeared and advised the Tribunal that while all of the concerns of the GBCC had not been fully addressed, the residents group was generally pro community-responsible redevelopment, and was very pleased with both the process of mediation and the positive outcome.

[7] The Tribunal qualified Craig Hunter to give expert opinion evidence on matters of land use planning. Mr. Hunter had similarly testified before the panel with respect to PL180719, the OP appeal and settlement.

THE REVISED PROPOSAL

[8] The revised proposal tailors the original C shaped mixed use building to a total of nine storeys including grade related commercial along Bathurst from ten storeys, finished with a three storey northerly east/ west wing along the property line and a four storey east/west wing along Glencairn Avenue which steps back to three storeys along the southern and eastern facades. The Witness advised the Tribunal that the respective heights of the east/west building elements conform to the heights contemplated in the Neighbourhoods designation and are respectful of the built form

height and elevation of the Synagogue.

[9] Also part of the settlement with the City, the mid-rise component of the building was brought forward closer to the Bathurst frontage to better frame the public realm while still meeting the angular plane guideline of the Mid-rise Building Guidelines measured from both Bathurst Street and the laneway.

[10] Particular attention has been introduced to address both existing and potential adjacencies to the north and south of the new building elements including a generous setback from the east/west portion of the private lane which parallels the northerly limit of the rear portion of the site.

CONTEXT AND POLICY FRAMEWORK

[11] As is set out in the introduction, the existing site straddles the mixed-Use and Neighbourhoods designations and commercial and residential zoning. The site has historically supported a Shoppers Drug Mart in a one storey street related retail commercial building along the Bathurst Street frontage which has been served by the paved parking area located to the rear and accessed from Glencairn Avenue. Immediately to the north and south are similar low rise forms of street related commercial uses. The Shaarei Shomayim Synagogue and the large associated surface parking area are located to the east and northeast of the subject site and separated by a private lane. Further to the east is a low density stable residential neighbourhood of detached dwellings.

[12] Immediately across from the site on the west side of Bathurst St. are two midrise mixed use buildings of 5 and 7 storeys respectively with apartment buildings of similar or greater heights on Bathurst north of Glen Park .

[13] The portion of the site designated Mixed Uses is also designated Avenues in the Toronto Official Plan. The Tribunal is advised that the designation is where managed

growth is to be directed and expected.

ANALYSIS AND FINDINGS

[14] The Tribunal heard the un-contradicted expert evidence of a qualified planner in support of revised proposal and finds that the proposed development, and the draft zoning amendments entered as Exhibits 3 and 4 to give effect to the approval in principle given by the Tribunal with respect to the SASP, conform to the Infill Development criteria policies of s. 4.1.9 and the Mixed Use policies of s. 4.5.2 of the OP.

[15] The midrise intensification along the Avenue, with the transition to built form contemplated by the OP in the portion of the site designated Neighbourhoods, is consistent with and conforms to the overarching principles of directed, managed growth and intensification in the furtherance of maintaining strong healthy communities in accordance with the Provincial Policy Statement, 2014 and the Growth Plan for the Greater Golden Horseshoe, 2017.

[16] The Tribunal is satisfied that the proposal and settlement represent good planning and are in the public interest.

DISPOSITION

[17] The Tribunal will allow the appeal in part and approve the zoning amendments in principle, substantially in accord with Attachments 1 and 2. The Tribunal will withhold its final order until advised that all of the conditions set out in Attachment 3 have been satisfied.

"Sharyn Vincent"

SHARYN VINCENT
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

**CITY OF TORONTO
LOCAL PLANNING APPEAL TRIBUNAL
Attachment _____**

Bill No. ~

BY-LAW No. XXXX-2014 (LPAT)

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 2795 -2799 Bathurst Street

Whereas the Local Planning Appeal Tribunal, by its Decision issued _____ and Order issued on _____, Tribunal File No. PL170696 approved amendments to the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands municipally known as 2795 – 2799 Bathurst Street; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Therefore the City of Toronto By-law 569-2013, as amended, is hereby further amended by the Local Planning Appeal Tribunal as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands municipally known as 2795 – 2799 Bathurst Street as outlined by heavy black lines to CR (c.____, r.____ (x####) the Zoning By-law team will provide the (x####)], as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 569 -2013, as amended, is further amended by adding lands known in the year 2018 as 2795 – 2799 Bathurst Street amending the Height Overlay Map in Section 995.20.1 and applying the following height label to the lands: HT 30.0, 13.65 and 10.4 as shown on Diagram 2 attached to this By-law;
5. Zoning By-law No. 569 -2013, as amended, is further amended by amending the Lot Coverage Overlay Map in Section 995.30.1 for the lands subject to this By-law, from a lot coverage label of [XX] % to [YY] %) as shown on Diagram [--] attached to this By-law;
6. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900. [--].[--] Exception Number [####] so that it reads:

Exception CR [#### clerk to provide]

The lands, or a portion thereof as noted below, are subject to the following Site Specific

Provisions.

Site Specific Provisions:

- (A) On 2795 – 2799 Bathurst Street if the requirements of by-law [Clerks to supply by-law ##] are complied with, none of the provisions of 5.10.40.70, 5.10.50, 10.5, 10.20, 40.10.20.100(17) (21), 40.10.30.40, 40.10.40.1, 40.10.40.10, 40.10.40.11, 40.10.40.40, 40.10.40.50, 40.10.40.60, 40.10.40.70, 40.10.40.80, 40.10.80, 40.10.90, 40.10.100, 40.10.150, 200.5.10, apply to prevent the erection or use of a building, structure, addition or enlargement permitted in by-law[Clerks to supply by-law ##].
- (B) The lot is delineated by heavy lines on Diagram 1 of By-law (insert by law number)
- (C) The maximum **gross floor area** shall not exceed 13,900 m2 square metres;
 - (i) The maximum residential **gross floor area** shall not exceed 13,150 square metres;
 - (ii) The maximum non-residential **gross floor area** shall not exceed 750 square metres;
- (D) In addition to provisions of regulation 40.5.40.40 (3) the following areas of a building are also not included in the calculation of gross floor area:
 - (i) parking, loading and bicycle parking below-grade;
 - (ii) required loading spaces at the ground level and required bicycle parking spaces at or above ground;
 - (iii) storage rooms, washrooms, electrical utility, mechanical and ventilation rooms in the basement;
 - (iv) amenity area required by this By-law;
 - (v) elevator shafts;
 - (vi) garbage shafts;
 - (vii) mechanical penthouse; and
 - (viii) exit stairwells in the building
- (E) Despite Regulation 40.5.40.10 (1) the height of a building or structure is measured from a Canadian Geodetic Datum elevation of 180.5 metres.
- (F) The **height** of the building or structure must not exceed the height in

metres specified by the number following the 'H' symbol as shown on Diagram 2 of Bylaw (PL170696) LPAT.

- (G) Despite (E) above, excluding mechanical penthouses up to 5 metres in height and any eaves, canopies, cornices, lighting fixtures, awnings, fences, and safety railings, architectural features, parapets, trellises, balustrades, window sills, window washing equipment, privacy screens, architectural screens, guardrails, chimneys, vents, stacks, terraces, platforms, transformer vaults, wheelchair ramps, retaining walls, ornamental elements, architectural elements, landscaping elements, green roof elements, paving and insulation, outdoor furniture, roof access hatches, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, underground parking garage ramps and their associated structures, stair landings, planters, and public art features, elevator overruns and elements or structures on the roof of the building used for outside or open air recreation, safety or wind protection purposes; may extend above the heights indicated on Diagram 2;
- (H) Despite (B) above, cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, balconies, terraces, eaves, window sills, bay windows, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and underground garage ramps and associated structures may extend beyond the heavy lines shown on Diagram 2;
- (I) Notwithstanding the foregoing clause, balconies/terraces are a permitted projection above the 3rd storey on that portion of north and south building elevation as shown on Schedule 2 provided that the balconies have a minimum projection of 1.8 m and the total length is a minimum of 25% of the length of the building.
- (J) The required building setbacks must be provided as shown on Diagram 2 of By-law (insert number);
- (K) Despite 200.5.1.10.1, Parking spaces must be provided and maintained below established grade in a public parking garage accordance with the following:
 - (i) Underground Residential Dwelling Unit within an Apartment Building:
 - 1-Bedroom Units 0.8 spaces per unit
 - 2-Bedroom Units 0.9 spaces per unit
 - 3+ Bedroom Units 1.1 spaces per unit
 - Visitor 0.15 spaces per unit
 - (ii) Retail Use:

1.0 spaces per 100 square metres of Gross Floor Area; and

- (L) Bicycle Parking Requirements must be provided and maintained on the lands and may be located on any level of the building at or below grade as in accordance with the following;
 - (i) Residential occupant bicycle parking spaces shall be provided at a minimum rate of 0.9 long term bicycle spaces per dwelling unit;
 - (ii) Residential visitor bicycle parking spaces shall be provided at a minimum rate of 0.1 per dwelling unit;
 - (iii) Retail long-term bicycle parking shall be provided at grade at a minimum rate of 0.2 spaces per 100 square metres of Gross Floor Area; and
 - (iv) Retail short-term bicycle parking shall be provided at grade at a minimum rate of 0.3 spaces per 100 square metres of Gross Floor Area.
- (M) Stacked bicycle parking spaces are not subject to dimension outlined in regulations 230.5.1.10(4) (C) 230.5.1.10 (5) (A) and 230.5.1.10 (10).
- (N) A minimum of Type G loading space must be provided and maintained on the lot.
- (O) Despite Regulation 40.10.40.50(2) Recreational Amenity Area shall be provided in accordance with the following:
 - (i) A minimum of 2.0 square metres of indoor private recreational amenity area per dwelling unit shall be provided; and
 - (ii) A minimum of 2.0 square metres of outdoor private recreational amenity area per dwelling unit shall be provided.
- (P) Despite any existing or future severance, partitions or division of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance partition or division occurred.
- (Q) A Temporary Rental Office/Sales office and associated parking spaces may be permitted on the lot for a period of 3 years.

Name,

Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

34872282.1

CITY OF TORONTO

BY-LAW NO. ~ - 2018 (LPAT)

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the property municipally known as 2795 -2799 Bathurst Street

WHEREAS the Local Appeal Planning Tribunal (LPAT) pursuant to its Order No. ~ dated ~~~ upon hearing the appeal of Riverking Development LP under Section 34 of the *Planning Act* 1990, c.P. 13, as amended, deem it advisable to amend By-law No. 7625 of the former City of North York.

THEREFORE LPAT HEREBY APPROVES as follows:

1. Schedules B and C of By-law 7625 of the former City of North York are amended in accordance with Schedule 1 of this By-law.
2. Section 64 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

64 (XX) C1(XX) *To be finalized by clerk's office*

3. **DEFINITIONS**

(a) **APARTMENT DWELLING HOUSE**

For the purpose of this exception, "apartment house dwelling" shall include in addition to dwelling units having access only from an internal corridor system, ground level dwelling units having access from both an internal corridor system and directly from the outside.

(b) **BICYCLE PARKING SPACES – VISITOR/ RETAIL**

For the purpose of this exception "Bicycle Parking Spaces - Visitor/Retail" shall mean an area that is equipped with a bicycle rack, bicycle stackers, or locker for the purpose of parking and securing bicycles and may be located outdoors or indoors but not within a secured room, enclosure or bike locker;

(c) **BICYCLE PARKING SPACES – RESIDENTIAL**

For the purpose of this exception "Bicycle Parking Spaces - Resident" shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles for residents;

(d) **ESTABLISHED GRADE**

For the purpose of this exception "established grade shall mean the geodetic elevation of 180.5.

(f) **GROSS FLOOR AREA**

For the purpose of this exception, "gross floor area" shall mean the aggregate of the areas of each floor measured between the exterior faces of the exterior walls of the building or structure at the level of each floor excluding:

- (i) parking, loading and bicycle parking below-grade;
- (ii) required loading spaces at the ground level and required bicycle parking spaces at or above ground;
- (iii) storage rooms, washrooms, electrical utility, mechanical and ventilation rooms in the basement;
- (iv) amenity area required by this By-law;
- (v) elevator shafts;
- (vi) garbage shafts;
- (vii) mechanical penthouse; and
- (viii) exit stairwells in the building

(g) **GROSS SITE**

For the purpose of this exception, "site area" shall mean the having an area of 3,344 m².

(h) **LOT**

the lot comprises at least the lands delineated by heavy lines on Schedule 1, attached to and forming part of this By-law;

4. PERMITTED USES

- (a) In addition to all uses normally permitted in a C1 zone under Section 23(1), an apartment dwelling house and accessory uses including private recreational amenity areas and with non-residential uses is permitted on the lot.

5. EXCEPTION REGULATIONS

(a) **GROSS FLOOR AREA**

The maximum gross floor area shall not exceed 13,900m²

- (i) A total of 13,150 m² of residential gross floor area shall be permitted.

(ii) A total of 750 m² of non-residential gross floor area shall be permitted.

(b) **BUILDING HEIGHT**

The maximum building heights shall be regulated in accordance with the following requirements:

- (i) The building height shall not exceed the maximum heights in metres as shown on Schedule 2 excluding mechanical penthouses up to 5 metres in height and any eaves, canopies, cornices, lighting fixtures, awnings, fences, and safety railings, architectural features, parapets, trellises, balustrades, window sills, window washing equipment, privacy screens, architectural screens, guardrails, chimneys, vents, stacks, terraces, platforms, transformer vaults, wheelchair ramps, retaining walls, ornamental elements, architectural elements, landscaping elements, paving and insulation, green roof elements, outdoor furniture, roof access hatches, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, underground parking garage ramps and their associated structures, stair landings, planters, and public art features, elevator overruns and elements or structures on the roof of the building used for outside or open air recreation, safety or wind protection purposes;

(c) **SETBACKS**

Provide building setbacks as shown on Schedule 2 attached to this By-law.

(d) **BUILDING ENVELOPE**

No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelope identified on Schedule 2. Notwithstanding this requirement, the following projections are permitted:

- (i) cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, balconies, terraces, eaves, window sills, bay windows, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and underground garage ramps and associated structures may extend beyond the heavy lines shown on Schedule 2.
- (ii) Notwithstanding the foregoing clause, balconies/terraces are a permitted projection above the 3rd storey on that portion of north and south building elevation as shown on Schedule 2 provided that the balconies have a minimum projection of 1.8 m and the total length is a minimum of 25% of the length of the building.

(f) AMENITY AREA

Recreational Amenity Area

- (i) A minimum of 2.0 square metres of indoor private recreational amenity area per dwelling unit shall be provided; and
- (ii) A minimum of 2.0 square metres of outdoor private recreational amenity area per dwelling unit shall be provided.

(g) AUTOMOBILE PARKING REQUIREMENTS

Parking Requirements

- (i) Provide parking in accordance with the following minimum requirements:

Underground Residential Dwelling Unit within an Apartment Building:

1-Bedroom Units 0.8 spaces per unit

2-Bedroom Units 0.9 spaces per unit

3+ Bedroom Units 1.1 spaces per unit

Visitor 0.15 spaces per unit

- (ii) Retail Use
1.0 spaces per 100 square metres of Gross Floor Area; and

(h) BICYCLE PARKING REQUIREMENTS

Bicycle Parking Requirements

- (i) Residential occupant bicycle parking spaces shall be provided at a minimum rate of 0.9 long term bicycle spaces per dwelling unit;
- (ii) Residential visitor bicycle parking spaces shall be provided at a minimum rate of 0.1 per dwelling unit;
- (iii) Retail long-term bicycle parking shall be provided at grade at a minimum rate of 0.2 spaces per 100 square metres of Gross Floor Area; and
- (iv) Retail short-term bicycle parking shall be provided at grade at a minimum rate of 0.3 spaces per 100 square metres of Gross Floor Area.

(i) LOADING SPACE

For the purpose of this exception, loading space shall mean:

- (i) A minimum of one Type G loading space shall be provided with minimum dimensions of 4.0 metres wide, 13.0 metres long and vertical clearance of 6.1 metres.

(j) LOT COVERAGE

- (i) Regulation 23.2.1 does not apply.

6. DIVISION OF LANDS

- (i) Notwithstanding any severance or division of the lands subject to this exception the regulations of this exception shall continue to apply to the whole of the lands.

7. Within the lands shown on Schedule 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- (a) All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
- (b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

8. TEMPORARY USE

A Temporary Rental/Sales Office and associated parking spaces may be permitted on the *lot* for a period of 3 years

PURSUANT TO THE ORDER/DECISION NO. _____ OF THE LOCAL PLANNING APPEAL
TRIBUNAL ISSUED ON _____ IN CASE NO. PL170696

ATTACHMENT 3

BA 5
PL170696

Items to be Addressed Prior to Issuance of LPAT Order

The Parties request the Local Planning Appeal Tribunal to withhold its Order on the Official Plan and Zoning By-law amendment applications until such time as the Tribunal has been advised by the City Solicitor that:

1. the owner has entered into a Section 37 to secure:

a. Section 37 benefits in the amount of \$1,000,000.00. to be paid by the owner prior to the issuance of the first above-grade building permit for the proposed development to be allocated at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor for local area park improvements in the new Ward 8 and/or public realm improvements along Bathurst Street in the new Ward 8;

b. the cash contribution will be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 327-0058, or its successor, calculated from the date of the Local Planning Appeal Tribunal decision to the date of payment; and

c. other matters as a matter of legal convenience, including road improvements to Glencairn Avenue to support the proposed development, such as a new eastbound left turn lane into the site. a. the Rental Housing Declaration of Use and Screening form submitted by the applicant has been approved by the Chief Planner and Executive Director, City Planning;

2. . all the outstanding comments and requirements within the Engineering and Construction Services Memorandum dated March 7, 2018, as well as the following requirements, have been addressed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services:

i. the Hydrogeological report is revised to satisfactorily address the quality of discharge to meet sewer by-law requirements;

ii. the Hydrogeological report is revised to satisfactorily provide an analysis of construction dewatering quantities or alternatively describes how construction dewatering will not require discharge to a city sewer (short-term);

iii. the Hydrogeological report is revised to satisfactorily provide an analysis of construction dewatering quantities for the proposed building (long-term) including any certification letters required by the City;

iv. the Mechanical Engineer is designed and provides the groundwater pump peak discharge rate for the proposed Private Water Drainage System;

v. provision of storm sewer analysis for the storm sewer on Glencairn Avenue up to the connection point where it joins the existing connection coming from Forest Wood Storm Sewer;

vi. submission of a Sanitary Sewer Analysis, including a complete drainage area plan with populations and detailed explanation of infiltration rate source and HGL analysis and profiles;

vii. submission of a Hydrant Pressure and Volume Test;

viii. the owner has entered into a financially secured Agreement for the construction of any improvements to the municipal infrastructure, should it be determined that infrastructure upgrades are required to support the development, according to the Stormwater Management Study, Sanitary Sewer Analysis and Hydrant Pressure and Volume Test accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;

ix. the owner has provided space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers Chapter 681; and

x. financial securities have been provided and any agreements have been entered into to complete the work prior to the first above grade building permit as required by the City, to secure any upgrades or required improvements to the existing municipal infrastructure identified in the reports required as per condition 5.b. above to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services in consultation with the General Manager, Transportation Services;

3. the final form and content of the zoning by-laws are satisfactory to the City Solicitor; and

4. An Order is issued in LPAT matter PL180719 approving the Official Plan Amendment for the subject lands.