

ZONING ENDORSEMENT DUE DILIGENCE

ZEDD REPORT

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XXX Main Street

BURLINGTON, ON, M5V XXX



LAKESHORE **GROUP**

ZEDD REPORT

SUBJECT PROPERTY	XXX Main Street, Burlington ON, M5V XXX
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LENDER / TITLE INSURER	Bank of America
LENDER / TITLE INSURER REP.	John Wilson
LENDER / TITLE INSURER PHONE/EMAIL	416.255.XXXX / jwilson@anybank.com
LENDER / TITLE INSURER ADDRESS	XXX Bay Street, Suite 1700, Toronto ON, M5H XXX
ZEDD REQUEST DATE	September 5, 2012
ZEDD COMPLETION DATE	October 1, 2012

SURVEY / AERIAL PHOTOGRAPH	YES / NO	COMMENT
AS-BUILT SURVEY PROVIDED	Y	Topographic Plan of Survey dated March 25, 2009 prepared by XXX Surveyors Inc. (reduction attached)
CURRENT AERIAL PHOTO PROVIDED/OBTAINED	Y	2010 aerial photograph obtained from City of Burlington Online Interactive Mapping (extract attached).

REAL PROPERTY DETAILS	
<i>Property Size</i>	5.54 hectares, as per survey
<i>Property Frontage</i>	127.27 metres, as per survey
<i>Property Depth</i>	144.55 metres, as per survey
<i>Building Improvements</i>	5 industrial buildings on site, as per survey and aerial photo
<i>Gross Floor Area</i>	145,543 sq.ft. of total GFA as per leasing sheet provided by vendor. Property comprised of 30,000 sq.ft. of heavy industrial GFA; 107,543 sq.ft. of light industrial GFA; and, 10,000 sq.ft. of ancillary retail uses associated with the light industrial uses on the property.
<i>On-site Parking Spaces (underground/above ground/off-site)</i>	surface parking spaces: 75, as per survey. Aerial photo is consistent. underground parking spaces: none
<i>Special Notes</i>	None
<i>Site Visit Required/Requested</i>	No
<i>Date of Site Visit</i>	n/a

LAND USE POLICY DOCUMENT	DESIGNATION	COMPLIANCE / COMMENT
<i>Official Plan Designation</i>	Employment Area	Complies – Official Plan designation obtained online and confirmed with Planning Department (Sam White -416.333.XXXX) on September 6, 2012 (extracts attached)
<i>Permitted Uses</i>	Uses that support the business and economic function of the City, including: offices, manufacturing, industrial processing, warehousing, distribution, research and development, utilities, and ancillary uses.	Complies
<i>Secondary Plan Designation</i>	Heavy Industrial	Complies – Western District Secondary Plan designation obtained online and confirmed with Planning Department (Sam White – 416.333.XXXX) on September 6, 2012 (extracts attached)
<i>Permitted Uses</i>	Any combination of Heavy Industrial Manufacturing and Light Industrial Manufacturing Uses, including ancillary uses related to the same.	Complies

PROPOSED PLANNING STUDIES AND/OR INITIATIVES	COMMENT	ANTICIPATED IMPACT ON PERMITTED USE
<i>2011 Western District Secondary Plan Update</i>	A Secondary Plan update is currently being undertaken by the Municipality to determine appropriate areas where places of worship may be permitted in the Secondary Plan Area, including within the Employment Area designation. Final recommendations for the Secondary Plan update will be consider by Council in the first quarter of 2013.	New permissions for places of worship in the Secondary Plan Area, which are considered to be a “sensitive land use” as per Ministry of Environment D-6 Guidelines, has the potential to detrimentally impact Environmental Compliance Approvals issued to exiting heavy industrial uses on the subject property.

OTHER MATTERS	NOTES
<i>Historical Designation</i>	Not Applicable. On September 10, 2012, Municipal Heritage Staff (Michael Smith – Tel: 905.214.XXXX) confirmed the subject property is not designated or listed under Part IV of the Ontario Heritage Act.
<i>Natural Feature Restrictions</i>	Not Applicable. On September 7, 2012, Credit River Conservation Authority staff (Wendy Brown – Tel: 905.555.XXXX) confirmed the subject property is not located within a regulated area.

ZONING	DESCRIPTION	COMPLIANCE / COMMENTS
<i>Parent Zoning By-law Category</i>	Heavy Industrial under Burlington Zoning By-law No. 2020	Zoning information obtained online and confirmed as being current with Planning Department (Fred Barry – 905.222.XXXX) on September 6, 2012 (copies attached)
<i>Permitted Uses</i>	Offices; Warehousing; Heavy Manufacturing; Light Manufacturing; and, ancillary retail uses limited to 5% of the Gross Floor Area of a primary permitted use, or a maximum of 7,000 sq.ft., whichever is greater	Does Not Comply (see Minor Variance Decision below)
<i>Maximum GFA Restrictions</i>	None	n/a
<i>Maximum Height Restrictions</i>	30 metres	Complies – maximum height of 14 metres as per survey
<i>Maximum Lot Coverage</i>	None	n/a
<i>Minimum Setbacks</i>	25 metres from a Residential zone. 0m from all other zones	Complies – minimum setback of 50m as per survey
<i>Minimum Landscaped Open Space</i>	None	n/a
<i>Minimum Parking Ratio</i>	1 space per 2,000 sq.ft. of total GFA	Complies – 75 parking spaces provided whereas 73 parking spaces are required
<i>Minimum Parking Stall Size</i>	2.6m x 5.5m	Complies – all parking stall sizes compliant as per survey
<i>Site-Specific Zoning By-law(s)</i>	None	n/a

MINOR VARIANCE DECISIONS	TIME LIMITATION (Y/N)	DESCRIPTION	COMPLIANCE / COMMENTS
A153-03	Yes	<p>Minor Variance Application A153-03 was granted on April 5, 2003 to permit 10,000 sq.ft. of ancillary retail uses on the property, whereas the By-law permits a maximum of 7,000 sq.ft. of ancillary retail to be established. Application A153-03 was granted with conditional approval to expire in 2 years from the date of approval (i.e. April 5, 2005). No new minor variance has been approved.</p>	<p>Does Not Comply</p> <p>Copies of all past minor variance decisions were obtained from the City of Burlington's Committee of Adjustment on September 17, 2012 (copies attached).</p> <p>Based on review of Building Records issued by the City on September 17, 2012, the existing 10,000 sq.ft. of ancillary retail uses were legally established on the property in August 2003. However as minor variance decision A153-03 is now expired, the 10,000 sq.ft. of ancillary retail uses currently on the property exceeds the 7,000 sq.ft. limit established by the Zoning By-law and is not permitted.</p>

PROPOSED ZONING CHANGES AND/OR INITIATIVES	
Draft Zoning By-law(s)	None

EXISTING SITE PLAN AGREEMENTS & TITLE RESTRICTIONS AFFECTING PERMITTED USES	DESCRIPTION	COMMENT
<i>SP-12-36</i>	Site Plan Agreement SP-12-36, registered as Instrument LT135332 on December 4, 2010	Based on review of SP-12-36 and associated drawings, the development on the subject property is not consistent with the approved site plan and accompanying agreement. Parking layout has been modified and building area noted for ancillary retail extends beyond area so designated on site plan. (Site Plan Agreement and Site Plan attached)
<i>Other Title Restrictions Affecting Use</i>	n/a	n/a

EASEMENTS AFFECTING PERMITTED USES	DESCRIPTION	COMMENT
<i>LT283838</i>	Storm Sewer Easement registered as Instrument LT283838	A 3.0 metre wide storm sewer easement exists along the western boundary of the property. No permanent structures are permitted within the easement lands. As per the survey and aerial photograph, the easement lands are free and clear of any encroachments.

MUNICIPAL COMPLIANCE / ZONING CONFIRMATION LETTER OBTAINED (Y/N)	COMMENT
<i>YES</i>	A Municipal Compliance Letter was obtained on September 25, 2012 which did not identify any outstanding Building Permit or Order to Comply Issues. Zoning compliance issues not addressed (copy attached).

STOP WORK ORDERS/ORDERS TO COMPLY	DESCRIPTION	COMMENT
<i>None</i>	n/a	Municipal staff (Jennifer Black – 416.333.XXXX) confirmed no outstanding orders on the property as of September 30, 2012.

RECOMMENDED COURSE OF ACTION TO CURE DEFICIENCY OR VIOLATION	
	<ol style="list-style-type: none">1. As part of the City's ongoing 2013 Western District Secondary Plan Update, further consultation will be required with the City regarding the possible introduction of places of worship within the Secondary Plan Area. Places of Worship are defined as sensitive land uses in the D-6 Guidelines of the Ministry of the Environment. The Establishment of such uses on adjacent properties, as is currently being contemplated by the municipality, has the potential to impact existing Environmental Compliance Approvals (ECAs) issued for the Heavy Industrial uses operating on the subject property. Existing ECAs issued to the heavy industrial users on the property may be negatively impacted by the introduction of such sensitive land uses. In particular, the regular renewal requirements of ECAs issued by the Ministry of the Environment to the Heavy Industrial users may be compromised as per the D-6 Guidelines if such sensitive land uses were to establish in proximity to the subject site. Depending on the outcome of the consultation process with the City regarding places of worship, an appeal to the Ontario Municipal Board may be required to protect the integrity of the Heavy Industrial designation and zoning applicable to the subject property. The costs associated with such an appeal process cannot be known until the issues associated with the same, as well as the number of days required to adjudicate the matter become known.2. Minor Variance approval will need to be sought to attempt to legalize the existing 10,000 sq.ft. of ancillary retail uses on the property, which were legally established in 2003 under minor variance decisions A153-03 (which is now expired). We estimate that 4-6 months will be required to obtain the necessary approvals at the Committee of Adjustment with an estimated cost of \$6,000.00 - \$10,000.00.3. Site Plan amendment may be requested by the municipality in order to address parking lot and ancillary retail modifications made subsequent to final approval. Time required to obtain modified site plan approval is estimated at 3-4 months. Costs estimated at \$2,000.00 - \$2,500.00.

This ZEDD Report contains limiting conditions as set out in Appendix A.

ZEDD CERTIFICATION

ZEDD Report Prepared By	Phone Number	Email
<i>Mr. Nima Kia MCIP, RPP</i>	416.364.5926 x 24	nima@lakeshoregroup.ca
ZEDD Report Checked By	Phone Number	Email
<i>Mr. Rick Pennycooke MCIP, RPP</i>	416.364.5926 x 23	rpennycooke@lakeshoregroup.ca
REGISTERED PROFESSIONAL PLANNER SEAL AFFIXED	_____ Nima Kia, MCIP RPP	
ZEDD ISSUANCE DATE	October 2, 2012	

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APPENDIX A – CERTIFICATION, ASSUMPTIONS AND LIMITING CONDITIONS TO REPORT

Certification

1. This review, report and opinion is subject to the assumptions and limiting conditions contained herein.
2. I confirm that I have no current or contemplated interest (positive or negative) towards the subject property or known parties involved.
3. I confirm that my being employed and paid to complete this report is not conditional on any specific information or opinions being included or excluded in this report.

Assumptions and Limiting Conditions

1. This report may not be read or used by anyone, other than the named client, without the written authorization of the author. This report should only be used for the property and purpose identified within it. The author accepts no responsibility or liability should the information contained within this report be used by anyone other than the client (or other authorized user) or for any other purpose or property other than that specified within this report.
2. Zoning by-laws are subject to change (amendment, variance and repeal). Development potential is subject to by-law changes and neighbourhood influences. Accordingly, the information and opinions presented in this report can only be relied on as of the date specified in this report.
3. Any sketches or photographs in this report are included solely for the purpose of assisting the reader in visualizing the property or concepts discussed.
4. If the author has carried out an inspection of the subject property, it is a visual cosmetic inspection only. Such inspection is not and should not be considered a structural, environmental or mechanical inspection and report. Accordingly, unless stated otherwise in this report, the author is unaware of any hidden or not apparent structural, environmental or mechanical defects or problems. Any reference to structural, environmental or mechanical matters should not be considered advice or opinions on such matters.
5. This report has been based on the assumption that the information collected from recognized sources and professionals is in fact correct and can be relied upon for the purpose of this report.
6. Limitation of Liability.

ZONING ENDORSEMENT DUE DILIGENCE

ZEDD REPORT

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XXX YONGE Street

TORONTO, ON, M5L XXX



LAKESHORE **GROUP**

ZEDD REPORT

SUBJECT PROPERTY	XXX Yonge Street, Toronto ON M5L XXX
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LENDER / TITLE INSURER	Stewart Title
LENDER / TITLE INSURER REP.	W. Clark
LENDER / TITLE INSURER PHONE/EMAIL	416.255.XXXX /W.Clark@stewarttitle.com
LENDER / TITLE INSURER ADDRESS	200 Bay Street, Suite 2600, Toronto ON, M5H 3W3
ZEDD REQUEST DATE	April 15, 2011
ZEDD COMPLETION DATE	May 8, 2011

SURVEY / AERIAL PHOTOGRAPH	YES / NO	COMMENT
AS-BUILT SURVEY PROVIDED	Y	Survey provided by Brown and Company Surveyors dated 2000. (reduction attached)
CURRENT AERIAL PHOTO PROVIDED/OBTAINED	Y	Google Earth 2011 (extract attached)

REAL PROPERTY DETAILS	
<i>Property Size</i>	1.12 acres/0.45ha
<i>Property Frontage</i>	61.45 metres
<i>Property Depth</i>	73.12 metres
<i>Building Improvements</i>	18 storey office building with 8 ground floor retail (pharmacy; convenience store; fast food outlet – Quiznos; cell phone/cable store – Rogers; optical; shoe repair; postal outlet – PostNet; dry cleaning depot).
<i>Gross Floor Area</i>	30,000 sq.m. of office GFA 4,500 sq.m. of retail GFA
<i>On-site Parking Spaces (underground/above ground/off-site)</i>	2 levels of underground parking. 235 spaces
<i>Special Notes</i>	None
<i>Site Visit Required/Requested</i>	No
<i>Date of Site Visit</i>	n/a

LAND USE POLICY DOCUMENT	DESIGNATION	COMPLIANCE / COMMENT
<i>Official Plan Designation</i>	Mixed Use Areas	Complies - Official Plan designation obtained online and confirmed with Planning Department (Sam White -416.333.XXXX) on April 18, 2011 (extracts attached)
<i>Permitted Uses</i>	Offices, High Density Residential, Retail, Institutional, Personal Services	Complies
<i>Secondary Plan Designation</i>	n/a	n/a
<i>Permitted Uses</i>	n/a	n/a

PROPOSED PLANNING STUDIES AND/OR INITIATIVES	COMMENT	ANTICIPATED IMPACT ON PERMITTED USE
Official Plan 5 Year Review	A statutory 5 year review of the Official Plan is currently being undertaken by the City of Toronto. As part of this review, the Mixed Use Areas designation is being examined to determine whether there are any policy tools available to prevent existing office GFA located within 500 metres of an existing or planned rapid transit station from converting to non-office GFA.	As the subject property is located within 250 metres of St. Clair subway station, the proposed policy tool may impact the future ability of existing office GFA on the property from being converted to residential GFA.

OTHER MATTERS	NOTES
<i>Historical Designation</i>	Façade is designated as per 2001 by-law.
<i>Natural Feature Restrictions</i>	Northwest corner of the property covered by Toronto Region Conservation Authority regulation line (TRCA mapping attached). No building or parking permitted within the regulation line area.

ZONING	DESCRIPTION	COMPLIANCE / COMMENTS
<i>Parent Zoning By-law Category</i>	CR	Zoning information obtained online and confirmed as being current with Planning Department (Fred Barry – 905.222.XXXX) on April 20, 2011 (copies attached)
<i>Permitted Uses</i>	Office, retail store, residential, hotels, education use, financial institution	Complies
<i>Maximum GFA Restrictions</i>	Office: 3.0 times coverage (i.e. 13,500 sq.m.)	Does not comply: existing 30,000 sq.m. of office GFA exceeds 13,500 sq.m. limit by 16,500 sq.m.

	<p>Retail: 1.0 times coverage (i.e. 4,500 sq.m.)</p> <p>Total GFA: 3.5 times coverage (i.e. 15,750 sq.m.)</p>	<p>Complies: existing 4,500 sq.m. of retail complies with the by-law.</p> <p>Does not comply: existing 34,500 sq.m. of total GFA on the site exceeds the total GFA limit by 18,750 sq.m.</p>
<i>Maximum Height Restrictions</i>	18 storeys or 60 metres	Complies – maximum height of 54 metres as per survey
<i>Maximum Lot Coverage</i>	70%	Complies – 52% lot coverage as per survey
<i>Minimum Setbacks</i>	<p>Front Yard – 3m</p> <p>Side Yard – 3m</p> <p>Rear Yard – 7.5m</p>	<p>Does not Comply – 0m as per survey</p> <p>Complies – 3.71m as per survey</p> <p>Does not Comply – 4.48m as per survey</p>
<i>Minimum Landscaped Open Space</i>	30%	Complies – 35% as per survey
<i>Minimum Parking Ratio</i>	<p>Retail: 0.8 parking spaces per each 100 sq.m. of GFA (i.e. 36 parking spaces)</p> <p>Office: 1.5 parking spaces per each 100 sq.m. of GFA (i.e. 450 parking spaces)</p>	
<i>Minimum Required Parking Spaces</i>	486 spaces	Does not comply – 235 parking spaces provided as per survey (i.e. a deficiency of 251 parking spaces).
<i>Minimum Parking Stall Size</i>	2.6m x 5.2m	Does not comply – 14 substandard parking spaces as per survey
<i>Site-Specific Zoning By-law(s) or Exceptions</i>	2.1.1(c) – Dry cleaning facilities prohibited	Does not comply – Existing dry cleaning establishment on ground floor is specifically prohibited.

MINOR VARIANCE DECISIONS	TIME LIMITATION (Y/N)	DESCRIPTION	COMPLIANCE / COMMENTS
<i>None</i>	n/a	n/a	n/a

PROPOSED ZONING CHANGES AND/OR INITIATIVES	
<i>Draft Zoning By-law(s)</i>	Harmonized zoning by-law process initiated. First draft released. No changes to permitted uses. New 45 degree angular plane height proposed, limiting the height of the building to 49m. Current building height is 54m while current height limit is 60m.

	New angular plane requirement would reduce the as-of-right height limit by 11m.
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EXISTING SITE PLAN AGREEMENTS & TITLE RESTRICTIONS AFFECTING PERMITTED USES	DESCRIPTION	COMMENT
<i>SP-78-02336</i>	Site Plan Agreement SP-78-02336, registered as Instrument LT1338383 on December 4, 1978	Based on review of SP-78-02336 and associated drawings, the development on the subject property is consistent with the approved site plan and accompanying agreement. (Site Plan Agreement and Site Plan attached)
<i>Other Title Restrictions Affecting Use</i>	None	n/a

EASEMENTS AFFECTING PERMITTED USES	DESCRIPTION	COMMENT
<i>None</i>	n/a	n/a

MUNICIPAL COMPLIANCE / ZONING CONFIRMATION LETTER OBTAINED (Y/N)	COMMENT
<i>YES</i>	Letter obtained dated May 1, 2011 (Attached). Contains error regarding applicable zoning category. Zoning is "CR" not "MCR" as indicated in City. Illegal dry cleaning establishment not referenced.

STOP WORK ORDERS/ORDERS TO COMPLY	DESCRIPTION	COMMENT
<i>None</i>	n/a	n/a

RECOMMENDED COURSE OF ACTION TO CURE DEFICIENCY OR VIOLATION	
	<ol style="list-style-type: none"> 1. The existing gross floor area restrictions, front and rear yard setback requirements and parking standards of the current in-force zoning by-law are not met. However, as per SP-78-02336 and its associated drawings, the existing development and its associated parking facility were legally established at the time of construction and are granted legal non-conforming status. Note that any modifications to the building or uses therein will require a zoning by-law amendment or minor variance to meet the current standards of the zoning by-law.

	<ol style="list-style-type: none">2. Dry cleaning establishment on ground floor is specifically not permitted. Use should either be terminated (subject to advice from legal counsel) or zoning amendment sought to regularize the use. A land use study will need to be prepared to provide analysis supporting the retention of the use. However, land use justification may not be able to be found. Even if found, however, the municipality may not approve the required amendment, or if approved, the municipal decision may be appealed to the Ontario Municipal Board. Further advice can be provided if requested.3. Heritage Designation on façade will impact on any redevelopment plans. Supplemental report provided for review.4. Comments may be required to be submitted to the City of Toronto as part of the ongoing harmonized zoning by-law process. Newly proposed angular plane requirement will reduce the as-of-right height permission on the subject property from 60 metres to 49 metres. Depending on the outcome of the consultation process with the City, an appeal to the Ontario Municipal Board may be required to protect the existing as-of-right height of the subject property. The costs associated with such an appeal process cannot be known until the issues associated with the same, as well as the number of days required to adjudicate the matter become known. Further advice can be provided if requested.5. Confirm the short and long term plans for the property. Comments may be required to be submitted to the City of Toronto as part of the ongoing 5 year Official Plan review process. The proposed policy tool to limit the property owner's ability to convert office GFA on the property to residential GFA may be detrimental to future redevelopment plans for the property as well as its associated value. Further advice can be provided if requested.
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This ZEDD Report contains limiting conditions as set out in Appendix A.

ZEDD CERTIFICATION

ZEDD Report Prepared By	Phone Number	Email
<i>Mr. Nima Kia MCIP, RPP</i>	416.364.5926 x 24	nima@lakeshoregroup.ca
ZEDD Report Checked By	Phone Number	Email
<i>Mr. Rick Pennycooke MCIP, RPP</i>	416.364.5926 x 23	rpennycooke@lakeshoregroup.ca
REGISTERED PROFESSIONAL PLANNER SEAL AFFIXED	Nima Kia, MCIP RPP	
ZEDD ISSUANCE DATE	May 9, 2011	

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Certification

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2. I confirm that I have no current or contemplated interest (positive or negative) towards the subject property or known parties involved.
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6. Limitation of Liability.