

Attachment 7: Conditions of Site Plan Approval

Plans & Drawings List

| Drawing No. | Drawing Title | Prepared By | Revision No. and Plotted Date |
|--------------------|----------------------------|--------------------|--------------------------------------|
| A101 | Site Plan | SMV Architects | Revision No. 5 December 13, 2017 |
| A201 | Parking Level 1 Plan | SMV Architects | Revision No. 3 August 3, 2017 |
| A202 | Parking Level 2 Plan | SMV Architects | Revision No. 3 August 3, 2017 |
| A203 | Parking Level 3 Plan | SMV Architects | Revision No. 3 August 3, 2017 |
| A205 | Ground Floor Plan | SMV Architects | Revision No. 5 December 13, 2017 |
| A206 | 2 nd Floor Plan | SMV Architects | Revision No. 4 May 11, 2018 |
| A207 | 3 rd Floor Plan | SMV Architects | Revision No. 3 August 3, 2017 |
| A208A | 4 th Floor Plan | SMV Architects | Revision No. 3 August 3, 2017 |
| A208B | 5 th Floor Plan | SMV Architects | Revision No. 3 August 3, 2017 |
| A208C | 6 th Floor Plan | SMV Architects | Revision No. 3 August 3, 2017 |
| A209 | 7 th Floor Plan | SMV Architects | Revision No. 3 August 3, 2017 |
| A210 | 8 th Floor Plan | SMV Architects | Revision No. 3 August 3, 2017 |
| A211 | 9 th Floor Plan | SMV Architects | Revision No. 3 August 3, 2017 |
| A212 | Mechanical Penthouse Plan | SMV Architects | Revision No. 3 August 3, 2017 |
| A213 | Roof Plan | SMV Architects | Revision No. 3 August 3, 2017 |
| A301 | West Elevation | SMV Architects | Revision No. 5 December 13, 2017 |
| A302 | East Elevation | SMV Architects | Revision No. 4 May 11, 2018 |
| A303 | South Elevation | SMV Architects | Revision No. 5 May 11, 2018 |
| A304 | North Elevation | SMV Architects | Revision No. 4 December 13, 2017 |
| L1 | Landscape Master Plan | NAK Design Group | Revision No. 9 December 8, 2017 |
| L2 | Composite Utility Plan | NAK Design Group | Revision No. 6 December 8, 2017 |
| L3 | Planting Plan | NAK Design Group | Revision No. 8 |

| Drawing No. | Drawing Title | Prepared By | Revision No. and Plotted Date |
|--------------------|----------------------|--------------------|--------------------------------------|
| | | | January 26, 2018 |
| L4 | Amenity Terrace Plan | NAK Design Group | Revision No. 5 August 3, 2017 |
| LD1 | Landscape Details | NAK Design Group | Revision No. 5 September 29, 2017 |
| LD2 | Landscape Details | NAK Design Group | Revision No. 5 September 29, 2017 |
| LD3 | Landscape Details | NAK Design Group | Revision No. 5 September 29, 2017 |

A. PRE-APPROVAL CONDITIONS

LEGAL SERVICES

1. **Prior to Site Plan Approval**, the Owner shall 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

2. **Prior to Site Plan Approval**, the Owner shall submit a financial guarantee in the form of an irrevocable letter of credit or certified cheque, made payable to the Treasurer, City of Toronto, to guarantee the provision of landscape development works as detailed on the approved Landscape Plans, in the amount of \$160,000.00 to the satisfaction of the Director, Community Planning, Toronto and East York District.

ENGINEERING AND CONSTRUCTION SERVICES

3. **Prior to Site Plan Approval**, the Owner shall provide a certified cheque in an amount to be determined made payable to Treasurer, City of Toronto, to cover all costs associated with the implementation of the left-turn prohibition signs at the proposed site access driveways to the underground parking garage and loading space at Avenue Road, all to the satisfaction of the General Manager, Transportation Services.
4. **Prior to Site Plan Approval**, the Owner shall prepare all documents and convey to the City, for nominal consideration, a pedestrian surface easement along the full extent of the site abutting Avenue Road that is wide enough to ensure that a minimum 2.1 metres continuous unobstructed clearway is provided ("Pedestrian Clearway"), together with a right of support, such lands to be free and clear of all physical and title encumbrances and subject to a right-of-way for access and construction purposes in favour of the Grantor until such time as the said lands have been laid out and dedicated for public use, all to the satisfaction of the Chief

Engineer & Executive Director, Engineering & Construction Services and the City Solicitor.

5. **Prior to Site Plan Approval**, the Owner shall submit to the Chief Engineer & Executive Director, Engineering & Construction Services, for review and approval prior to depositing in the Land Registry Office, a Draft Reference Plan of Survey in metric units and integrated into the Ontario Coordinate System with coordinate values shown on the face of the plan, and delineating thereon by separate PARTS the lands to be conveyed to the City as Pedestrian Clearway identified in Condition 4., the remainder of the site, and any appurtenant rights-of-way or easements.

URBAN FORESTRY

6. **Prior to Site Plan Approval**, the Owner shall provide tree loss payment in the form of a certified cheque or money order/bank draft payable to 'Treasurer, City of Toronto', or by Visa, MasterCard, American Express or debit, in the amount of \$18,975.64 to cover the appraised tree value, and set fees of the City owned parkland trees no. 985 to 988, 990 and 992 to 997 to be removed as part of this project. This tree loss payment must be submitted to the attention of the Supervisor of Urban Forestry, Tree Protection & Plan Review.
7. **Prior to Site Plan Approval and prior to any demolition, construction or grading activities** taking place, tree protection barriers shall be installed in the locations indicated on the approved plans. Such barriers must be installed to the satisfaction of Urban Forestry, Tree Protection & Plan Review on behalf of the General Manager of Parks, Forestry & Recreation. Once the tree protection barriers have been installed, and other tree protection measures undertaken, the Owner shall notify Urban Forestry to arrange for an inspection of the site and approval of aforementioned tree protection requirements.
8. **Prior to Site Plan Approval and prior to any construction related or grading activities**, the Owner must receive clearance from Urban Forestry that the tree protection barriers have been installed in accordance with the approved plans.

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:

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

1. Remove all existing accesses, curb cuts, and traffic control sign(s) along the development site frontage that are no longer required and reinstate the curb, gutter and boulevard within the City's right-of-way, in accordance with City standards and to the satisfaction of the Chief Engineer & Executive Director, Engineering & Construction Services.
2. Provide and maintain off-street vehicular loading and parking facilities and access driveways in accordance with the approved plans and drawings, to the satisfaction of the Chief Engineer & Executive Director, Engineering & Construction Services.
3. Provide and maintain convex mirrors at the top and bottom of the parking garage, and at all turns within the parking garage, and position them in such a manner as to give all motorists clear views of oncoming traffic.
4. Provide and maintain "No Parking" signs in the area adjacent to the loading space.
5. Provide and maintain physical separation between the resident and non-resident parking spaces by means of overhead doors or control gates.
6. Provide and maintain roughed-in conduits for residential spaces to allow for future electrical outlets for plug-in electric vehicles, in accordance with the approved drawings and as required by the Toronto Green Standard.
7. **Prior to the registration of the Plan of Condominium**, submit documentation confirming that appropriate rights-of-way have been provided through the building to provide for the shared parking access arrangement and shared loading facilities, to the satisfaction of the General Manager, Transportation Services.
8. **Prior to the registration of the Plan of Condominium**, submit documentation confirming that wording has been included in the condominium documents advising future purchasers of the shared parking access and shared loading arrangements, to the satisfaction of the General Manager, Transportation Services.
9. Construct and maintain all facilities necessary to permit bulk lift compacted City collection of solid waste, organic and recyclable materials in accordance with Chapter 844 of the City of Toronto Municipal Code, Waste Collection, Residential Properties.
10. Provide certification to the Chief Engineer & Executive Director, Engineering & Construction Services from the architect who designed the building to confirm that all solid waste management facilities have been constructed in accordance with the approved site plan drawings.

11. Submit a letter certified by a Professional Engineer that in all cases where a collection vehicle is required to drive onto or over a supported structure (such as an underground parking garage) the structure can safely support a fully loaded collection vehicle (35,000 kg) and conforms to the following:
 - a) Design Code – Ontario Building Code;
 - b) Design Load – City bulk lift vehicle in addition Building Code requirements; and
 - c) Impact Factor – 5% for maximum vehicular speeds to 15 km/h and 30% for higher speeds
12. Construct, repair and maintain the Pedestrian Clearway, including the clearing of snow and ice, at its sole cost and expense and to the satisfaction of the General Manager, Transportation Services. The Owner shall have the right at all reasonable times to enter upon the Pedestrian Clearway for the purpose of maintenance and repair of the lands, provided the Owner in exercising such right of access, shall not unreasonably interfere with the Pedestrian Clearway as granted and shall exercise all reasonable care in conducting its operations, and shall restore the Pedestrian Clearway to the same or an improved condition, as existed immediately prior to such entry.
13. Prior to effecting any maintenance or repairs that would necessitate the closure of the Pedestrian Clearway, the Owner shall obtain the prior written consent of the General Manager, Transportation Services. Any request for the written consent may be made to:

Transportation Services
Toronto City Hall
100 Queen Street West
24th Floor, East Tower
Toronto, ON M5H 2N2
Fax No. 416.392.4455
Attention: General Manager, Transportation Services
14. Notwithstanding any other terms or provisions of the Pedestrian Clearway and this Agreement, at any time and from time to time, the Owner may interfere with or interrupt the use of the Pedestrian Clearway without notice in instances of emergency if the obtaining of prior written consent is not practical.
15. The Owner shall, from time to time and all times hereafter fully indemnify and save harmless the City, its elected officials, officers, employees, agents, their successors and assigns, or any of them, from and against all actions, causes of action, suits, claims and other proceedings that may be brought against or made upon the City, its elected officials, officers, employees, agents, their successors and assigns, or any of them, and from and against all loss, liability, judgment, costs, charges, demands, damages or expenses that the City, its elected officials,

officers, employees, agents, their successors and assigns, or any of them may sustain, suffer or be put to resulting from or arising out of:

- a) the failure of the Owner to maintain the Pedestrian Clearway in accordance with the terms of this Agreement;
- b) the failure of the Owner to design, construct or maintain lands and structures supporting the Pedestrian Clearway; and
- c) any loss, damage or injury (including death resulting from injury) to any person or property, howsoever caused directly or indirectly, resulting from or sustained by reason of any act or omission of the Owner or any person for whom it is in law responsible in connection with any of the purposes set out in the easement agreement or this Agreement with respect to the Pedestrian Clearway.

16. The Owner shall take out and maintain, at its expense, commercial general liability insurance with respect to the Pedestrian Clearway acceptable as to form, limits and conditions to the City for a limit of not less than Five Million Dollars (\$5,000,000.00) per occurrence (such limit be increased from time to time to reflect an amount which would be maintained by a prudent owner as determined by the City) covering possible, damages, losses, claims and expenses for or in connection with any personal injury, death or property damage that might be incurred on or about the lands subject to the Pedestrian Clearway. The insurance policy shall include the City as an additional insured and shall contain a cross-liability and severability of interest clause and include contractual liability coverage. The liability insurance policy shall provide that any breach of a condition of the policy by an insured shall not affect protection given by the policy to any other insured. The liability insurance policy shall contain a clause providing that the insurer will not cancel or refuse to renew the said insurance without first giving the City thirty (30) days prior written notice thereof. The Owner shall supply the City with satisfactory evidence of such insurance upon request by the City, and a certificate of insurance shall be remitted to the General Manager, Transportation Services within thirty (30) days of issuance and evidence of continuance shall be remitted to the City at least thirty (30) days prior to the expiration of any insurance policy. The Owner shall provide to the City a copy of the insurance policy upon request.
17. Indemnify the City from and against all actions, suits, claims, or demands and from all loss, costs, damages, charges, and expenses that may result from the construction of the Pedestrian Clearway within the private property limits.
18. Ensure that the Pedestrian Clearway is paved with materials suitable for pedestrian use and at elevations compatible with the adjoining sidewalk.
19. Ensure that the Pedestrian Clearway is open and accessible to the general public 24 hours a day, seven days a week such that the public has the right to use the lands as a Public Walkway.

20. Ensure that the Pedestrian Clearway is kept reasonably clear of rubbish, run-off, water, snow, ice and obstructions on all hard surfaces.
21. Ensure that the Pedestrian Clearway is constructed in a manner acceptable to the General Manager, Transportation Services, and maintained in accordance with the City of Toronto's standard for public sidewalks and/or to such standard as is reasonably required by the General Manager, Transportation Services.
22. Construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted stormwater management report and site grading plan.
23. Construct and maintain site servicing as indicated on the accepted site servicing plan.
24. Provide certification to the Chief Engineer & Executive Director, Engineering & Construction Services from the Professional Engineer who designed and supervised the construction confirming that the stormwater management facilities and site grading have been constructed in accordance with the accepted stormwater management report and the accepted grading plan.
25. Provide certification to the Chief Engineer & Executive Director, Engineering & Construction Services from the Professional Engineer who designed and supervised the construction, confirming that the site servicing facilities have been constructed in accordance with the accepted drawings.
26. **Prior to the registration of the Plan of Condominium**, provide certification to the satisfaction of the Chief Engineer & Executive Director, Engineering & Construction Services confirming that all buildings on the site have been constructed completely watertight below grade, without the need for a private water drainage system.

URBAN FORESTRY, TREE PROTECTION AND PLAN REVIEW

27. Tree protection barriers must remain in place and in good condition during construction and must not be altered or moved. Established tree protection zones must not be used as construction access, storage or staging areas. Grade changes are not permitted within established tree protection zones. Tree protection barriers may be removed once development and all site activities are complete and only when Urban Forestry has approved its removal.
28. The applicant shall have a qualified company implement the approved Landscape Plan and all approved tree preservation and maintenance strategies to the satisfaction of Urban Forestry. As well, prior to construction or grading activities, where necessary to ensure the health and vigour of trees to be preserved, tree

maintenance measures must be undertaken by a certified arborist or other qualified expert and according to currently accepted sound arboricultural practices.

29. 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, on behalf of the General Manager of Parks, Forestry & Recreation.
30. The Owner agrees to notify all builders, contractors and agents of all tree protection requirements where any part of the development will be carried out by them on behalf of the owner.
31. The Owner shall protect at all times the three (3) existing privately owned trees inventoried as Trees B, C and D which are situated in the rear yards of properties which front Sidney Street, and the City-owned parkland tree inventoried as tree no. 991 in accordance with the plans approved under Site Plan Control.