

9 Tippet Road – Site Plan Control Application – Final Report

Date: July 15, 2019

To: City Council

From: Chief Planner & Executive Director, City Planning

Ward: Ward 6 - York Centre

SUMMARY

This site plan control application proposes to permit a mixed-use development consisting of two towers at 15 and 17 storeys in height including a shared 6-storey base building with a total of 485 residential units at 9 Tippet Road. The application also includes a 9.25 metre portion of a future public road located on the south side of the subject property. This land is to be conveyed to the City as a pre-approval condition to the site plan application. The local Councillor has "bumped-up" the application and staff are reporting to City Council, as per the provisions in By-law No. 438-2000 for Site Plan Control applications.

This report reviews and recommends approval, in principle, of the Site Plan Control application for 9 Tippet Road. The recommended conditions in Attachment No. 3 to this report include pre-approval conditions requiring the conveyance of lands for the future public road. The applicant has requested these pre-approval conditions be moved to post-approval conditions of site plan approval which is not consistent with the City's standard practice.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council approve, in principle, the conditions set out in Attachment No. 3 for the proposed mixed-use development.
2. City Council delegate back to the Chief Planner or his designate the authority to issue final Site Plan Approval.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

The lands at 9 Tippett Road were part of a larger site that included the lands at 525 Wilson Avenue. A zoning by-law amendment application for the larger site was approved by the Ontario Municipal Board in 2006. At the time of approval the application proposed a phased development. The first phase included a 12-storey mixed-use building with 512 residential units and 730 square metres of ground floor retail space on the north portion of the site at 525 Wilson Avenue. This building known as Gramercy Park has been constructed and is occupied. The second phase proposed a 5-storey office building on the rear portion of the site at 9 Tippett Road with approximately 11,000 square metres of office space and 240 square metres of retail space. This phase was not constructed.

An Official Plan and Zoning By-law Amendment application was submitted in 2011 for the site at 9 Tippett Road to permit a 14-storey residential building with 443 dwelling units rather than the 5-storey office building previously approved. The overall density of the residential development was 4.11 times the area of the site.

At its meeting on November 11, 2011, Planning and Growth Management Committee considered a Preliminary Report on the application and directed staff to consider the application in the context of the Municipal Comprehensive Review and conduct a community consultation meeting.

The Preliminary Report for the application is available on the City's website at: <https://www.toronto.ca/legdocs/mmis/2011/pg/bgrd/backgroundfile-41960.pdf>

The applicant revised their application since the initial submission and appealed both the development application and Official Plan Amendment No. 231 to the Ontario Municipal Board (OMB), now known as the Local Planning Appeal Tribunal (LPAT), Case No. PL140840.

At its meeting of February 10 and 11, 2015, City Council considered a confidential report on a settlement proposal by the applicant for the Official Plan and Zoning By-law Amendment application appeal. City Council directed that staff report to the April 13, 2015 meeting of Planning and Growth Management Committee on the Tippett Road Area Regeneration Study and the 9 Tippett Road development settlement offer for a decision of City Council at the May 5, 6 and 7 meeting.

The February 2015 Council decision and background information can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.MM3.31>

The May 2015 Council decision and background information can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG3.4>

At the City Council meeting of July 7, 8, and 9, 2015, Legal Services brought a report to City Council which recommended a framework for a settlement. City Council accepted this framework for settlement and authorized the City Solicitor and staff to attend the OMB hearing to support the settlement. This Council decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG5.4>.

Subsequently, the OMB approved By-law 381-2016 to permit the redevelopment of the lands.

On May 9, 2016, the applicant filed their site plan control application.

On June 18, 2019, City Council adopted Member Motion MM8.38 to authorize City staff to provide land conveyance relief for the timing of the conveyance of the 9.25 metre wide portion of a future public road on the south side of the site and the associated 6.1 metre corner rounding from a pre-approval condition to a post-approval condition of site plan control. The member motion can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-134874.pdf>

On July 9, 2019, the Site Plan Control application for 9 Tippett Road (File No. 16 152475 NNY 10 SA) was "bumped-up" by the local Councillor and referred to City Council, in accordance with By-law No. 483-2000.

PROPOSAL

This site plan control application proposes to permit a mixed use development consisting of two towers at 15 and 17 storeys in height including a shared 6-storey base building with a total of 485 residential units at 9 Tippett Road. The project is currently under construction. The application also includes a 9.25 metre portion of a future east-west public road located on the south side of the subject property. Engineering and Construction Services has requested this land be conveyed to the City as a pre-approval condition to the site plan application which is City standard practice.

Refer to Attachment Nos. 4 to 8 for the Site Plan and Elevation drawings and Attachment No. 1 for information related to project data.

Site and Surrounding Area

The development site is 9,190 square metres (98,920 square feet) in area and is located south of Wilson Avenue on the east side of Tippett Road. The rectangular lot is relatively flat with a frontage of 88.5 metres on Tippett Road and a depth of 103.1 metres. A one-storey warehouse building with a gross floor area of approximately 3,700 square metres existed on the subject property. It has been demolished and construction of the mixed-use development is well underway.

The surrounding area contains a mix of uses as follows:

North: Immediately north is Gramercy Park, a mixed-use building;

East: At the southwest corner of Wilson Avenue and Champlain Boulevard (495 Wilson Avenue) is a 5-storey complex with apartment units (Champlain Apartments), a seniors' residence and supporting office uses. Also, to the east and south of the Champlain Apartments are two one-storey buildings. One building contains a school (18 Champlain) and the other is multi-tenanted with employment uses (20 Champlain Boulevard);

South: One-storey building occupied by the Toronto District School Board and used as its Library and Learning Resources Department (3 Tippett Road); and

West: Existing mixed-use development at 545 and 555 Wilson Avenue having a base building of 8 storeys and two towers at 15 and 16 storeys. South of this building is a development that is under construction at 36 & 36R Tippett Road for two residential buildings at 12 and 14 storeys. Further south, closer to the Allen Expressway is a recently approved development at 30 Tippett Road which proposes one condominium building and one rental apartment building at 13 and 16 storeys. Between the 30 Tippett Road development and Tippett Road is another recently approved development at 4 and 6 Tippett Road for two residential mixed-use buildings at 16 and 13 storeys.

APPLICATION BACKGROUND

Agency Circulation Outcomes

The site plan control application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and identifying the pre-approval and post-approval conditions for the Notice of Approval Conditions.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014)

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that is provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;

- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Toronto Official Plan

Through Official Plan Amendment No. 231, Council re-designated the subject lands from *Employment Areas* to *Regeneration Areas*.

Regeneration Policies

Regeneration Areas open up unique areas of the City to a wide array of uses to help attract investment, re-use buildings, encourage new construction and bring life to the streets. These areas are key to the Official Plan's growth strategy, reintegrating areas of the City that are no longer in productive urban use due to shifts in the local or global economies. In *Regeneration Areas*, commercial, residential, live/work, institutional and light industrial uses can be mixed within the same block or even the same building.

Mixed Use Areas Policies

Through the Tippet Road Area Regeneration Study that resulted in Official Plan Amendment No. 309, which is under appeal, the subject property was redesignated from *Regeneration Areas* to *Mixed Use Areas*.

Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

Tippett Road Area Site and Area Specific Policy (OPA 309, SASP 387)

The site is designated Mixed Use Areas 'C' in the Tippett Road Area Site and Area Specific Policy. This land use designation allows for residential and non-residential uses.

Map 3 of the site and area specific policy shows the planned structure for the lands south of Wilson Avenue designated Mixed Use Areas 'C' and requires that a public street extend east from Tippett Road towards Champlain Boulevard and terminate in a cul-de-sac at the east property limit.

The Tippett Road Site and Area Specific Policy (OPA 309) was appealed to the Ontario Municipal Board/Local Planning Appeal Tribunal (LPAT Case No. PL160041). There remains an outstanding appeal by the owners of 20 Champlain Boulevard.

The Tippett Road Area Regeneration Study Final Report can be found at the following link: <https://www.toronto.ca/legdocs/mmis/2015/pg/bgrd/backgroundfile-85263.pdf>

A supplementary report addressing additional comments on the Tippett Road Area Regeneration Study was also approved by Council on December 9, 2015 and can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-86494.pdf>

Zoning

The subject site is zoned RM6(237) by former North York Zoning By-law No. 7625. The by-law permits the mixed-use development and sets out the development standards for the mixed-use development consisting of two towers at 15 and 17 storeys in height including a shared 6-storey base building with a total of 485 residential units.

The site specific by-law was approved when the Ontario Municipal Board issued its Order on December 18, 2015 (Board File No. PL140840). The by-law can be found at the following link:

<https://www.toronto.ca/legdocs/bylaws/2016/law0381.pdf>

The site is not subject to the City of Toronto Zoning By-law No. 569-2013.

COMMENTS

The review of the site plan control application has been completed and the recommended pre-approval and post-approval Notice of Approval Conditions are attached to this report as Attachment No. 3. On July 9, 2019, the local Councillor "bumped-up" the site plan control application and referred the application to City Council, in accordance with By-law No. 483-2000. The purpose of this report is to advise City Council of the recommended site plan conditions. This project is well advanced in construction and subject to a conditional above-grade building permit issued in the Fall of 2018.

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS and conforms with the Growth Plan (2019).

Density, Height and Massing

The site plan application proposes density, height and massing which match those in Site Specific Zoning By-law No. 381-2016.

Land Conveyance

Through the Planning Act application approval process, the City often requires an applicant to convey lands to the City for new roads, road widenings, and parks. Prior to taking title to the lands, the City requires the applicant to demonstrate that the lands meet specific Ontario Ministry of the Environment and Climate Change standards for soil and groundwater quality. This ensures that the City is protected from acquiring lands having unacceptable liabilities associated with known or suspected environmental contamination.

A 9.25 metre wide land conveyance and a 6.1 metre corner rounding will be provided along the south property line for a future public road as identified in OPA 309/SASP 387 and shown on Map 3 of 3 - Structure Plan - South of Wilson Avenue. This land must be conveyed to the City before final site plan is issued. This is in accordance with the City's policy for accepting potentially contaminated lands which can be found at the following link: <https://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-74422.pdf>.

Policy 5.1.3 from the Policy for Accepting Potentially Contaminated Lands states that "the City's procedures and criteria cannot be amended or waived by staff. Only Council has the authority to amend or provide relief from the provisions of this policy." City staff have recommended the land conveyance conditions as pre-approval conditions within the Notice of Approval Conditions attached as Attachment No. 3 to this report.

On June 18, 2019, City Council adopted Member Motion MM8.38. Refer to the motion link here: <https://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-134874.pdf>. In this motion, for this project at 9 Tippet Road, Council authorized City staff to provide relief from the "Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the Planning Act, January 2015", in accordance with Policy 5.1.3 of the policy, and accept the land conveyances associated with this site plan approval application as post-approval conditions of the site plan. The motion summary also stated that the matter is urgent because the applicant advises to require remediation of these lands and the conveyances to occur before site plan approval would result in significant delays to construction and delivery of the 25 affordable housing units. The future public road will not be constructed for some time because additional lands are required from the property to the south, which is currently owned by the Toronto District School Board. In the interim, these lands will be landscaped by the owner and maintained by the future condominium corporation until these lands are required for the future public road.

Policy 5.1.3 of the City policy noted above states that "the City's procedures and criteria cannot be amended or waived by staff. Only Council has the authority to amend or provide relief from the provisions of this policy."

City staff do not support accepting the land conveyance conditions as a post-approval condition of the site plan control application. Doing so places the City at risk for not obtaining the land as an above-grade building permit will have been issued. The only catalyst that remains for the developer to follow through with the conveyance of the land is prior to condominium registration, however, if the building tenure changes to rental then the City has lost the opportunity to obtain the land. Further it does not ensure that the City is protected from acquiring lands which may have unacceptable environmental liabilities as a peer review of the appropriate environmental documentation may not have been concluded prior to the issuance of an above-grade building permit. The applicant is proposing to convey the land prior to condominium registration.

If City Council decides the land conveyance conditions should be moved to post-approval conditions of site plan control, additional pre-approval conditions should be added to the Notice of Approval Conditions requiring the owner to provide the City with a letter of credit prior to site plan approval to secure the cost of potential remediation of the lands. The estimate for the amount of the letter of credit provided by the Owner should be peer reviewed by the City. The recommended conditions are as follows:

1. Provide adequate securities, in the form of a Letter of Credit or certified cheque, to be submitted to the City by the Owner, to cover the estimated future cost of bringing the future 9.25 metre public road and the 6.1 metre corner rounding lands into compliance with the City's policy to remediate contaminated land, to the satisfaction of the Executive Director, Engineering and Construction Services.
2. Submit a cost estimate from the Owner's environmental consultant, which is to be peer reviewed at the Owner's expense, confirming the cost of remediating the contaminated future public road and corner rounding lands in order to determine an appropriate amount for the securities required under Conditions No. 1, above.
3. Provide adequate securities, in the form of a Letter of Credit or certified cheque, to be submitted to the City by the Owner, for the value of the future 9.25 metre public road and the 6.1 metre corner rounding lands to the satisfaction of Real Estate Services.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and will be secured through the Site Plan Agreement. The proposal has met Tier 1 of the TGS and performance measures such as cycling infrastructure, urban heat island reduction, water efficiency and increased tree canopy will be secured in the site plan drawings.

Conclusion

City Planning staff have completed the review of this Site Plan Control application for 9 Tippett Road. The proposal is in accordance with the approved site-specific zoning by-laws and consistent with site plan matters to be considered under Section 41 of the Planning Act and Section 114 of the City of Toronto Act. Planning staff recommend approval, in principle, of the proposed Site Plan Control application, subject to the conditions provided in Attachment No. 3. However, the site plan application has been "bumped-up" to enable consideration by City Council to move the pre-approval land conveyance conditions to post-approval conditions of the site plan approval which is not supported by City staff because this would not be consistent with the City's standard practice as outlined in the City's Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the Planning Act. If City Council chooses to move the land conveyance pre-approval conditions to post approval conditions, then it is recommended that City Council require a financial security from the owner for the remediation of the land and financial security for the value of the 9.25 metre wide strip of land along the south end of the subject property to assist in ensuring that the land is conveyed to the City.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Chief Planner & Executive Director
City Planning Division

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Conditions of Site Plan Approval

Applicant Submitted Drawings

Attachment 4: Site Plan
Attachment 5: North Elevation
Attachment 6: South Elevation
Attachment 7: East Elevation
Attachment 8: West Elevation

Attachment 1: Application Data Sheet

Municipal Address: 9 TIPPETT RD Date Received: May 9, 2016
 Application Number: 16 152475 NNY 10 SA
 Application Type: Site Plan Approval, Standard

Project Description: The site plan approval application proposes to permit a mixed use development consisting of two towers at 15 and 17 storeys in height including a shared 6-storey base building. The proposal has a total gross floor area of 35,810 square metres and a total of 485 units. The proposal also includes 393 parking spaces in a 2 level underground garage.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC	Bousfields Inc.	Page & Steele IBI Group Architects	TIPPETT DEVELOPMENTS INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	OPA 309/ SASP 387
Zoning:	RM6(237)	Heritage Designation:	N
Height Limit (m):	243m above sea level	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 9,202 Frontage (m): 89 Depth (m): 104

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			2,456	2,456
Residential GFA (sq m):			34,742	34,742
Non-Residential GFA (sq m):			1,068	1,068
Total GFA (sq m):			35,810	35,810
Height - Storeys:			17	17
Height - Metres:			54	54

Lot Coverage Ratio (%) : 47 Floor Space Index: 3.89

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	34,742	
Retail GFA:	1,068	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			485	485
Other:				
Total Units:			485	485

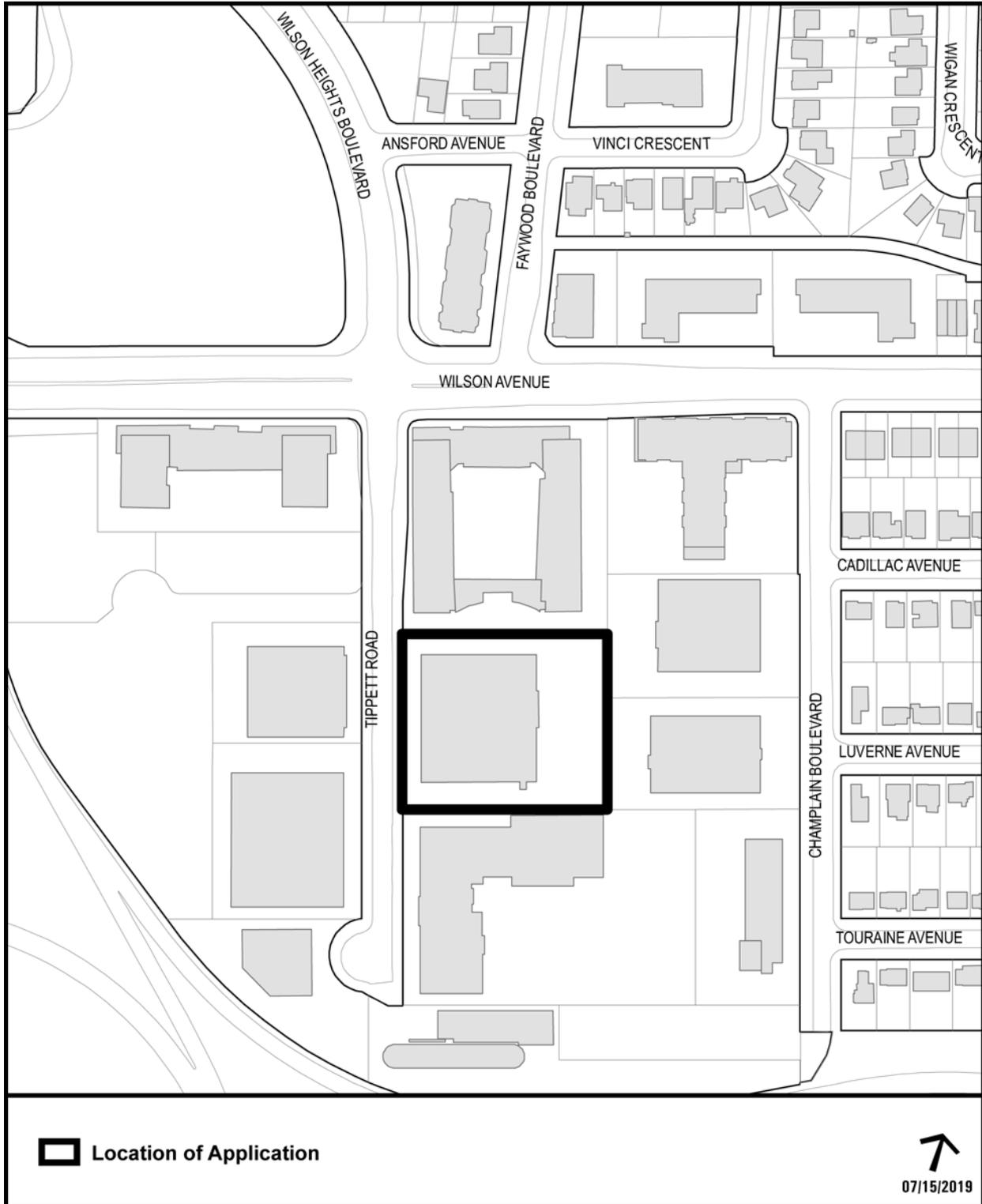
Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		11	260	201	13
Total Units:		11	260	201	13

Parking and Loading

Parking Spaces:	393	Bicycle Parking Spaces: 364	Loading Docks: 2
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Attachment 2: Location Map



Attachment 3: Conditions of Site Plan Approval

Drawing No.	Drawing Name:	Drawn By:	Date of Drawing:
A.01	Context Plan, Project Statistics, & Drawing List	Page + Steele IBI Architects	April 4, 2018
A.02	Site Plan	Page + Steele IBI Architects	April 4, 2018
A.03	Ground Floor Plan	Page + Steele IBI Architects	June 25, 2018
A.06	7th Floor Plan	Page + Steele IBI Architects	June 25, 2018
A.09	Top Floor Plans	Page + Steele IBI Architects	April 4, 2018
A.10	Mechanical Penthouse Plan	Page + Steele IBI Architects	April 4, 2018
A.11	P1 Floor Plan	Page + Steele IBI Architects	April 4, 2018
A.12	P2 Floor Plan	Page + Steele IBI Architects	April 4, 2018
A.17	South Elevation	Page + Steele IBI Architects	June 25, 2018
A.18	North Elevation	Page + Steele IBI Architects	June 25, 2018
A.19	East Elevation	Page + Steele IBI Architects	June 25, 2018
A.20	West Elevation	Page + Steele IBI Architects	June 25, 2018
A.21	West Elevation – Courtyard	Page + Steele IBI Architects	April 4, 2018
A.22	East Elevation – Courtyard	Page + Steele IBI Architects	April 4, 2018
A.26	Typical Elevation Details and Materials	Page + Steele IBI Architects	April 4, 2018
L1	Landscape Masterplan	NAK Design Group	July 2018
L2	Composite Utility Plan	NAK Design Group	March 22, 2018
L2B	Sectional Elevation – A Through Central Courtyard	NAK Design Group	March 22, 2018
L3	Landscape Sections at 3M Wide Easement (Mud Creek)	NAK Design Group	March 22, 2018
L4	Landscape Sections at 3M Wide Easement (Mud Creek)	NAK Design Group	March 22, 2018
L5	Tippett RD Streetscape Sections	NAK Design Group	March 22, 2018

L6	Landscape Planting Plan	NAK Design Group	March 22, 2018
L8	7th Floor Terraces Landscape Masterplan & Grading	NAK Design Group	March 22, 2018
LD1	Landscape Details	NAK Design Group	March 22, 2018
LD2	Landscape Details	NAK Design Group	March 22, 2018
LD3	Landscape Details	NAK Design Group	March 22, 2018
LD4	Landscape Details	NAK Design Group	March 22, 2018

A. PRE-APPROVAL CONDITIONS

LEGAL SERVICES

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.

ENGINEERING & CONSTRUCTION SERVICES

2. Prepare all documents and convey to the City, at nominal cost, lands to be conveyed to the City as part of the 9.25 metre portion of a future public road on the south side of the lands, the associated 6.1 metre corner rounding, and any appurtenant rights-of-way in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have been dedicated as a public highway, all to the satisfaction of the Executive Director of Engineering and Construction Services and the City Solicitor.

3. Submit a draft Reference Plan of Survey to the Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:

- a) be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System) and the 3 degree Modified Transverse Mercator Projection;
- b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
- c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.

4. Pay all costs for registration and preparation of reference plan(s).

5. Submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the owner's Qualified Person, as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support this conveyance; all environmental documentation consistent with O. Reg. 153/04 requirements shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director of

Engineering & Construction Services (see the Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the Planning Act adopted by City Council on February 10 and 11, 2015 at: www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-74422.pdf)

6. Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City (7%), and submit an initial deposit of \$8000.00 towards the cost of the Peer Review in the form of a certified cheque, to the Executive Director, Engineering & Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the owner by the City).

7. Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (Ontario Regulation 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Executive Director, Engineering and Construction Services.

8. At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Executive Director, Engineering & Construction Services for Peer Review and concurrence, which states:

8.1 In the opinion of the Qualified Person:

8.1.1 It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and

8.1.2 To the extent that the opinion in 8.1.1 is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.

8.2 Land to be conveyed to the City meets either:

8.2.1 the applicable Ministry Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9; subject to applicable exemptions as stated in O. Reg. 153/04) for the most environmentally sensitive adjacent land use; or

8.2.2 the Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.

9. The Qualified Person's statement, referenced in condition 8 above, will include a Reliance Letter that is dated and signed by the owner's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all

environmental documentation consistent with O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director of Engineering & Construction Services.

10. For conveyance of lands requiring a Record of Site Condition:

10.1 File the Record of Site Condition on the Ontario Environmental Site Registry; and

10.2 Submit the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended, to the Executive Director, Engineering & Construction Services.

11. The owner must submit a financial guarantee in the form of an irrevocable letter of credit or certified cheque to the City of Toronto for the construction of a sidewalk across the entire Tippet Road frontage of the site. The cost of this work is estimated to be \$16,800.00.

12. The owner shall provide, prior to site plan approval, payment of \$950.00 to Engineering and Construction Services representing the 5% Engineering & Inspection Review Fee of the sidewalk construction works.

13. The owner is responsible for the modification and reduction to the existing right-turn lane on Tippet Road facing 525 Wilson Avenue to support the development. The cost of this work is estimated to be \$30,000.00. The owner will be required to submit a payment in the form of a certified cheque to secure these works required by the City of Toronto. The owner shall provide, prior to site plan approval, payment of \$1,695.00 with Engineering and Construction Services representing the 5% Engineering & Inspection Review Fee of the sidewalk construction works. The owner will be responsible to submit detailed engineering drawings (removal drawing, proposed works drawing, pavement marking plan). These works are to be reviewed and accepted by Development Engineering. This submission is to include a functional drawing of the outlined work. The applicant will have to make the necessary arrangements to sign and adhere to the "Municipal Infrastructure Agreement" document to complete the works within the Tippet Road right-of-way.

14. The owner will be required to submit a payment in the form of a certified cheque (cost estimate to be submitted for review and acceptance) for the pavement marking and signage required by the City of Toronto. The owner will be responsible for the pavement markings and signage required as part of the future public road construction within the conveyance along the southern edge of the site.

15. The owner will be required to submit a financial guarantee in the form of an irrevocable letter of credit or a certified cheque in the amount of \$172,000.00 for the construction of 50% of the future public right-of-way located to the south of the proposed development. The owner will be responsible for the future public road construction, including underground infrastructure, within the conveyance along the southern edge of the site. The owner shall provide, prior to site plan approval, payment

of \$9,720.00 with Engineering and Construction Services representing the 5% Engineering & Inspection Review Fee of the future municipal road located at the south end of the development.

16. The owner will be required to submit a financial guarantee in the form of an irrevocable letter of credit or a certified cheque in the amount of \$20,400.00 to secure the construction of the future municipal concrete sidewalk located at the south end of the development. The owner shall provide, prior to site plan approval, payment of \$1,160.00 with Engineering and Construction Services representing the 5% Engineering & Inspection Review Fee of the sidewalk construction works.

17. The owner must enter into a surface easement agreement with the City for the use of the portions of the future cul-de-sac located on private property.

18. The owner must enter into a mutual access agreement with the adjoining property to the north for the use of the shared access driveway connection to Tippet Road.

19. Development Engineering will accept the Servicing Drawing, the Storm Water Management report and Functional Servicing report for this project once the applicant secures a foundation ground water discharge agreement with Toronto Water, Environmental Monitoring and Protection Unit in Toronto Water. A copy of the foundation ground water discharge agreement needs to be provided to Development Engineering as soon it becomes available. Alternatively, the applicant needs to secure written confirmation from Toronto Water – EMP that a draft copy of the foundation discharge agreement is available (copy is to be provided) and no more changes to the design are foreseen on this development.

20. All civil works, including all tree pits and planters within the municipal rights-of-way are to be dated and stamped, including certification to the Executive Director, Engineering and Construction Services, by a Professional Structural Engineer (2 stamps) confirming that these features have been structurally designed to the Canadian Highway Bridge Design Code (drawings need to be dated and stamped by Professional Structural Engineer with copies provided to Development Engineering).

21. Application has been reviewed under the consideration that the building foundations for this development have been designed to discharge to the municipal sanitary sewer. The Owner is to provide Development Engineering with a copy of the discharge agreement issued by Toronto Water, Environmental Monitoring & Protection, prior to the release of the accepted engineering drawings and registration of the Site Plan Agreement for this development.

CITY PLANNING

22. Submit financial security in the amount of \$1,063,765.00 to the Director, Community Planning, North 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 Plans.

23. The owner shall pay to the City of Toronto \$50,000.00, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Site Plan Agreement to the date of payment to the City of Toronto, for a bicycle share station within the vicinity of the subject site, as may be determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

URBAN FORESTRY

24. Submit a tree permit application and a permit fee in the amount of \$341.14 for one (1) privately owned tree inventoried as Tree No. 3.

25. Submit a Tree Planting Deposit in the amount \$10,494.00 to ensure the planting of 18 new trees on the City road allowance.

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

2. 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. 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 Executive Director, Engineering and Construction Services.

4. The owner must install and maintain appropriate signage and pavement markings on-site directing such as but not limited to: vehicle stopping and circulation, designated disabled parking, loading, and pedestrian walkways, to the satisfaction of the Executive Director, Engineering and Construction Services.

5. The owner must maintain the lands to the south of the site, the 9.25 metre public right-of-way conveyance, and indemnify the City, until such time as a public roadway is constructed.

6. Construct and maintain all facilities (bulk lift or curb side) necessary to permit the City to collect solid waste and recyclable materials in accordance with By-law 235-2001, Waste Collection for Residential Properties.

7. Provide and maintain single tri-sorter system for multiple household residential buildings.
8. Advise all owners and tenants/future purchasers of the retail and commercial/office units that refuse and recyclable materials generated by the retail and commercial/office units of this development must be collected by a private refuse collection firm.
9. A separate garbage/recycling room is to be provided to accommodate collection of all the refuse and recyclable materials from the retail and commercial/office component of this development and ensure no cross contamination with the refuse and recyclable materials from the residential units.
10. Construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Stormwater Management Report entitled Tippet Development Inc. – 9 Tippet Road, prepared by MMM Group, and dated (to be provided as soon as it becomes available), and Grading Plan, Drawing No. SG1, prepared by MMM Group, and dated (to be provided as soon as it becomes available).
11. Construct and maintain site servicing indicated on the accepted Site Servicing Drawings No. SS1, prepared by MMM Group, and dated (to be provided as soon as it becomes available).
12. 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 and the accepted Grading Plans.
13. 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.
14. Existing drainage patterns on adjacent properties shall not be altered and stormwater runoff from the subject development shall not be directed to drain onto adjacent properties.
15. The Owner shall keep and maintain existing/proposed stormwater pollution control devices such as oil grit separators (stormceptors or equivalent devices) and update the City with periodic maintenance reports.
16. The proposed stormwater storage tank does not function under gravity condition and it will always require pumping facilities and backup generator(s). The Owner shall construct and maintain the storm drainage system and pumping equipment that works to collect the drainage as set out in the Stormwater Management Report in a state of good repair at all times. No modifications are permitted that may alter the intent and/or function of the storm drainage system unless approval has been obtained from the General Manager of Toronto Water.

17. The details of the stormwater contingency and monitoring measures, prepared by a qualified professional engineer (the "Monitoring/Contingency Plan") are to be referenced in the Declaration for the condominium corporation and the owner's solicitor and the owner's professional engineer must provide written certifications that these details have been included in the Declaration of the condominium corporation prior to the release of the Plan of Condominium.

18. The Owner acknowledges and agrees that future purchasers will be made aware of the maintenance and monitoring plan as a result of its reference in the Declaration to be registered on title.

19. The Declaration for the condominium corporation must indicate that a Professional Engineer must be hired to inspect the facilities on a regular basis to certify that the facilities function as intended.

20. The owner will be required to indemnify the City against any liability issue due to the failure of the private non gravity storm sewer system causing damages to the subject land, tenants and the adjacent neighbours from flooding during a blockage, failure of the pumping system or any storm events up to a 100 year storm event and greater.

21. The proposed storm service connection for this development has been designed to outlet to an existing ditch with a very shallow pipe cover depth, which makes it susceptible to freezing and pipe blockages. The owner will be required to indemnify the City against any liability issues due to freezing and pipe blockages of the private storm service connection within the municipal right-of-way causing damages to the subject land.

22. Portions or all of the proposed internal sanitary plumbing and sanitary sewer do not function under gravity condition and it will always require pumping facilities and backup generator(s). The Owner shall construct and maintain the sanitary drainage system and pumping equipment that work to collect the drainage as set out in the Municipal Servicing Report in a state of good repair at all times. No modifications are permitted that may alter the intent and/or function of the sanitary drainage system unless approval has been obtained from the General Manager of Toronto Water.

23. The details of the internal plumbing and sanitary sewer contingency and monitoring measures, prepared by a qualified professional engineer (the "Monitoring/Contingency Plan") are to be referenced in the Declaration for the condominium corporation and the owner's solicitor and the owner's professional engineer must provide written certifications that these details have been included in the Declaration of the condominium corporation prior to the release of the Plan of Condominium.

24. The Owner acknowledges and agrees that future purchasers will be made aware of the maintenance and monitoring plan as a result of its reference in the Declaration to be registered on title.

25. The Declaration for the condominium corporation must indicate that a Professional Engineer must be hired to inspect the facilities on a regular basis to certify that the facilities function as intended.

26. The owner will be required to indemnify the City against any liability issue due to the failure of the private non gravity plumbing and private sanitary sewer system causing damages to the subject land, tenants and the adjacent neighbours from flooding during a power failure or rain events.

27. This application has been commented under the consideration that this development has one tower, one building with no linking podium as identified by the applicant's engineer. Therefore, two separate water service connections and two sanitary service connections have been provided to service this entire development to service the residential and commercial components separately in order to be in compliance with the Sewer By-Law and the Water By-Law.

28. Provide certification to the Executive Director of Engineering and Construction Services by the Professional Engineer (two stamps) who designed and supervised the construction that the tree pits and planters within the municipal right-of-way have been constructed in accordance with the designed Structural plans and the Canadian Highway Bridge Design Code.

29. Prior to the issuance of the first above grade building permit, the Owner shall submit drawings for the stormwater collection pipe monitoring systems to the satisfaction of the General Manager, Toronto Water.

30. The Owner covenants and agrees at its sole expense to install and maintain a monitoring system for each stormwater collection pipe to the satisfaction of the General Manager, Toronto Water.

31. This application has been commented under the consideration that the building foundations for this development have been designed to discharge to the municipal sanitary sewer. The long term private water discharge to the municipal sewer is granted with the assistance of a discharge agreement between the owner and Toronto Water, Environmental Monitoring & Protection, renewable on a yearly basis, to be in compliance with the City of Toronto Municipal Code Chapter 681.

32. The owner must enter into an encroachment agreement with the City for street furniture (transit shelters, benches, litter bins, bicycle locking rings, etc) proposed along Tippett Road.

CITY PLANNING

33. Site lighting to be constructed such that the angle of illumination does not extend onto the adjacent lands or public streets.

34. The Owner and any future tenants/purchasers acknowledge and agree that all refuse and recycling operations are to be within wholly enclosed areas and that outdoor

storage of refuse and recycling materials is strictly prohibited and that enforcement of these outdoor storage restrictions shall remain the sole responsibility of the Owner.

35. All mechanical and other equipment located on the roof must be screened or integrated into the profile of the building, to the satisfaction of the Director of Community Planning, North York District, and any changes to the rooflines as denoted on the drawings shall constitute a change to the site plan, which must have prior written approval of the Director of Community Planning, North York District.

36. Provide and maintain a 3 metre wide public access easement along the entire east side of the property for the future Mud Creek Walkway and provide and maintain "Privately-Owned Publicly-Accessible Open Spaces (POPS" as shown on the Ground Floor Plan, Drawing No. A.03, prepared by IBI Group, dated June 25, 2018, all to the satisfaction of the Chief Planner and Executive Director, City Planning.

C. SITE PLAN ADVISORY COMMENTS

Engineering and Construction Services

The owner is advised that the following approvals and/or permits are required for this development:

1. Right-of-Way Permit

1.1 The owner will be required to obtain approval from the Transportation Services Division for any work within the public right-of-way. For further information, please contact the Right-of-Way Management Section, North York District at 416-395-7112.

2. Site Servicing Connections

2.1 The owner will be required to make an application to Toronto Water Division for the installation of any proposed services within the right-of-way after acceptance of the stormwater management report and site servicing plan. For further information, please contact District Operations, Toronto Water at 311 or 416-392-CITY (2489).

3. Construction Management Plan

3.1 The Owner will be required to provide the City with a Construction Management Plan outlining the following:

- a) Dust/mud control on and off-site;
- b) Location of truck loading points, and trailer parking;
- c) Location of temporary material storage areas;
- d) Access/truck routing;
- e) Provision of hoarding, temporary fencing and covered walkways;
- f) Location and extent of aerial crane operations; and
- g) Parking for construction trades;

for any work within the public right-of-way. For further information, please contact the Right-of-Way Management Section, North York District, at 416-395-7112. The fee schedule can be found at http://www.toronto.ca/developing-toronto/darp_otherfees.htm for information purposes.

4. Municipal Address Numbering

4.1 The owner is advised to contact Mr. John House, Property Records Supervisor, Survey and Utility Mapping Services, 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. Please see <http://www.toronto.ca/mapping/numbers/index.htm> for details.

5. Street Naming Requirements

5.1 The owner is advised to contact Mr. Kerry Ferguson, Titles and Status Supervisor, at 416-392-7757 to initiate the street naming process. The owner will be required to follow the City of Toronto's Street Naming Policy which can be found at <http://www.toronto.ca/mapping/streetnaming/index.htm>. It should be noted that all public streets, private access roads and private walkways should be named in order to facilitate access to the units fronting these streets, roads and walkways.

6. Encroachments

6.1 Any encroachments within Municipal Road Allowances will not be permitted unless they are explicitly approved by the Right-of-Way Management Section of Transportation Services Division. The owner is required to contact the section through the permit approval process to obtain the exact particulars of these requirements. For further information, please contact the Right-of-Way Management Section, North York District at (416) 395-7112.

7.1 Street Furniture

7.1 The owner is advised that approval for all work that will be carried out within the abutting public rights-of-way, which may include but not be limited to financial responsibility for removal or relocation of existing street furniture (transit shelters, benches, litter bins, bicycle locking rings, etc.) will be required by the City. The owner must contact Street Furniture Management Unit to co-ordinate the removal or relocation of Astral street furniture or bicycle locking rings. There are Third Party costs associated with the removal and relocation of Astral street furniture and costs to remove the City of Toronto bicycle locking ring(s). The City will not undertake any work associated with removing, reinstalling or relocating existing street furniture until it receives payment. If clarification is required on how the above standards will apply to this site, the owner can contact the Street Furniture Management Unit at streetfurniture@toronto.ca.

8. Toronto Hydro Approval

8.1 The owner must obtain approval from Toronto Hydro Street Lighting Incorporated before removing and/or relocating any utility with attached municipal street lighting.

9. Engineering and Construction Services Arrangements for Work within the City's Right of Way

9.1 The owner shall sign and adhere to "Municipal Infrastructure Agreement" document.

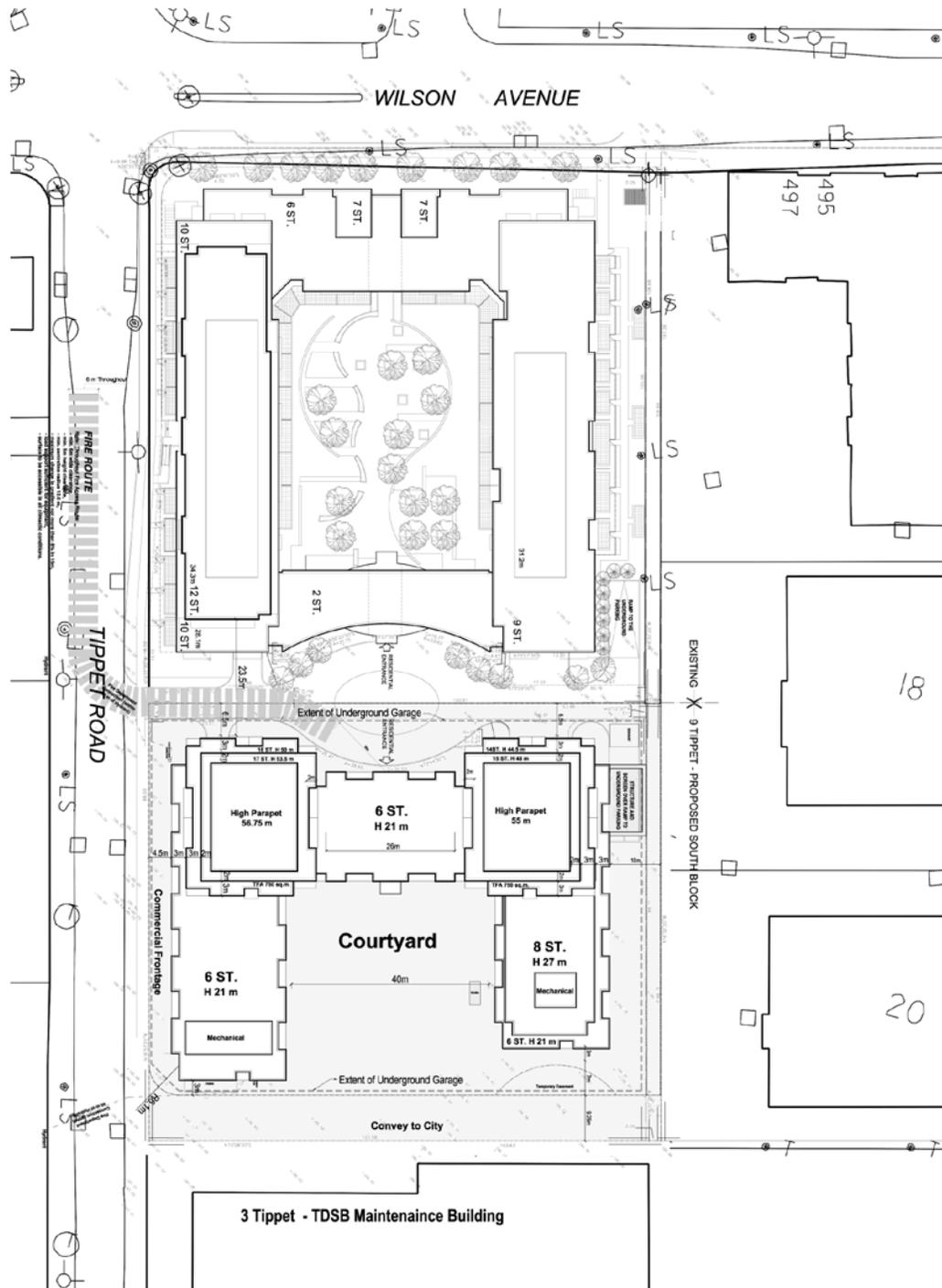
9.2 The owner is required to provide all financial security for all work within the City's right of way.

9.3 The owner is required to pay an engineering review fee of 5% of the estimated construction cost of the required work.

Green Roof

10. 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.

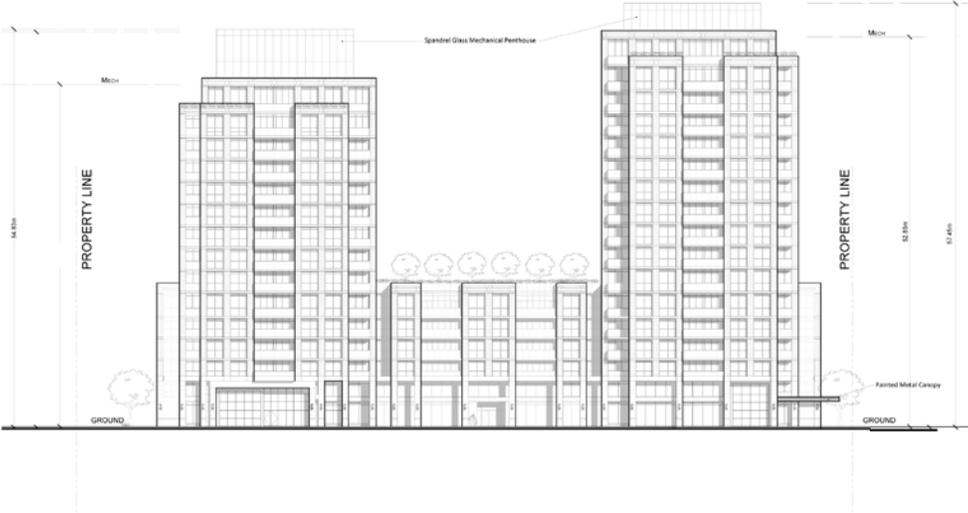
Attachment 4: Site Plan



Site Plan



Attachment 5: North Elevation



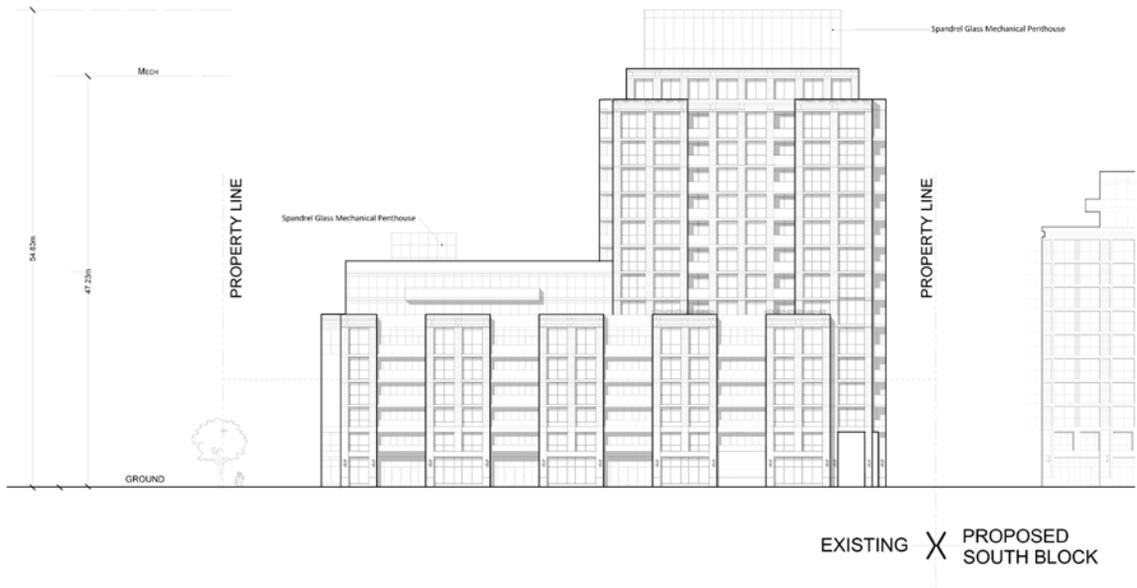
North Elevation

Attachment 6: South Elevation



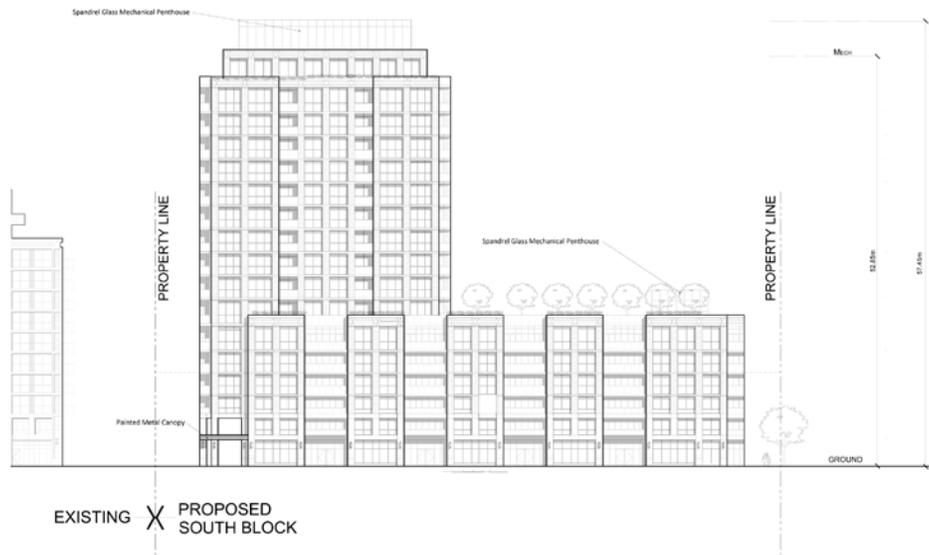
South Elevation

Attachment 7: East Elevation



East Elevation

Attachment 8: West Elevation



West Elevation