

Attachment 5: Draft Plan of Subdivision Conditions

Draft Plan of Subdivision Application No. 21 218416 STE 19 SB

THE FOLLOWING CONDITIONS MUST BE FULFILLED PRIOR TO THE REGISTRATION OF THE PLAN OF SUBDIVISION

SUBDIVISION AGREEMENT

1. The following conditions of draft plan approval relate to Drawing 03-023DM01, Draft Plan of Subdivision prepared by KRCMAR Surveyors Ltd. Ontario Land Surveyors, and dated August 8, 2023.
2. Prior to registration of this subdivision, the Owner shall enter into the City of Toronto's standard Subdivision agreement and satisfy all of the pre-registration conditions contained therein.
3. If the subdivision is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City of Toronto for approval.

SITE PLAN CONTROL

4. The Owner shall acknowledge that the property is under site plan control pursuant to Section 41 of the Planning Act and that the City will require future site plan control applications for all proposed development within the boundaries of the plan of subdivision.

LAND CONVEYANCE AND EASEMENTS - PUBLIC STREETS, SERVICING AND ROAD WIDENING

5. The Owner shall dedicate all roads, corner roundings and road widenings shown on the plan.
6. The Owner shall convey all necessary easements (internal and external) to the City.
7. For lands to be conveyed to the City, the Owner shall prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Chief Engineer & Executive Director of Engineering & Construction Services in consultation with the City Solicitor.
8. Comply with the requirements set out within the Ontario land Tribunal Settlement case number OLT-22-002356 and the registered Section 37 Agreement, including but not limited to the construction of the proposed interim road, to the satisfaction of the Executive Director of Engineering & Construction Services.

9. Prepare all documents and convey to the City, at nominal cost, the approximately (minimum) 10.7 metre wide right-of-way along the north frontage of the site, in accordance with the required Draft Plan of Subdivision, for the new east-west public street connected to Dawes Road, such lands to be free and clear of all physical and title encumbrances and obstructions, any temporary hoarding and subject to an easement for piles and other associated materials from construction of shoring for the Development as well as a right of way for access purposes in favour of the Owner until such time as such lands have been laid out and dedicated for public highway purposes.

10. Prior to draft plan approval, if an interim vehicular connection from the east-west public street through the adjacent lands at 2575 Danforth Avenue and 2681 Danforth Avenue is not possible, the following must be acknowledged by the applicant in conjunction with the adjacent Site Plan Control applications at 6 Dawes Road:

- a. The City's preferred option and priority is for the full conveyance of the east-west public right-of-way, as a function of this Draft Plan of Subdivision application and agreement. If these lands are conveyed prior to the construction/conveyance of the north-south public right-of-way, a temporary public surface easement will be required on the private site lands of 6 Dawes Road (Block 1) to provide a vehicular turnaround area until such time as the north-south public right-of-way to Danforth Avenue is constructed; OR
- b. If the east-west public right-of-way is not conveyed prior to the construction/conveyance of the north-south public right-of-way (e.g. the road segment under review remains in private ownership), a temporary public surface easement will be required to provide public pedestrian/vehicular access to the on-site privately owned publicly accessible space (POPS) and from Guest Avenue (as re-aligned) and Dawes Road at the east end of the east-west right-of-way.

SURVEY or PREPARATION OF THE FINAL PLAN OF SUBDIVISION

11. 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 must:

- 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, for the new east-west right-of-way connected to Dawes Road at the east end, the remainder of the site and any appurtenant rights-of-way and easements;
- c. Show the coordinate values of the main corners of the subject lands in a schedule on the face of the plan as identified in Condition No. 9, the remainder of the site, and any appurtenant rights-of-way or easements; and,

- d. Show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.

12. Prior to the registration of the Plan of Subdivision, the Owner shall pay all costs for the preparation and registration of reference plan(s).

STORMWATER MANAGEMENT

13. The Owner Apply stormwater management techniques in the development of this subdivision to the satisfaction of Engineering & Construction Services.

14. Prior to registration of the Plan of Subdivision, the Owner shall submit to the Executive Director, Engineering & Construction Services for review and acceptance, all revisions and/or updates to the Functional Servicing Report.

15. Submit detailed engineering drawings and reports, including updated functional servicing and stormwater management reports if there have been any revisions, for the subdivision for review and acceptance, all to the satisfaction of the Chief Engineer & Executive Director, Engineering & Construction Services.

16. The Owner shall update the accepted Functional Servicing Report, including the stormwater management strategy, if directed by the Executive Director, Engineering & Construction Services in the event that the Executive Director, Engineering & Construction Services determines that field conditions are not suitable for implementation of the servicing and storm water strategy recommended in the Functional Servicing Report prior to proceeding to the next development phase.

INFRASTRUCTURE AND SERVICING

17. The Owner shall pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.

18. The Owner shall submit financial securities in accordance with the terms of standard subdivision agreement.

19. The Owner shall pay for and construct all municipal infrastructure required to service the Plan of Subdivision.

20. The Owner shall pay and construct all municipal infrastructure required to service the Plan of Subdivision, including municipal infrastructure external to the plan of subdivision.

21. The Owner shall pay all costs related to the installation of pavement markings and signage and modifications to the existing pavement markings and signage.

22. Prior to registration of the Plan of Subdivision, the Owner shall submit to the Chief Engineer & Executive Director, Engineering & Construction Services for review and acceptance, a detailed infrastructure phasing plan outlining the necessary infrastructure required to service all phases of the lands.

CONSTRUCTION OF TRANSPORTATION AND SERVICING INFRASTRUCTURE

23. The Owner shall submit acceptable civil plans and financial guarantees (in the form of letters of credit) associated with the construction of the proposed east-west public right-of-way connected to Dawes Road, along with any alterations required to existing adjacent streets, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Transportation Services.

24. Prior to draft plan approval, submit acceptable functional (pavement marking and signage plans) and a payment (in the form of a certified cheque) related to the installation of pavement markings and signage and modifications to existing pavement markings and signage for the construction of the new east-west public right-of-way, to the satisfaction of the General Manager, Transportation Services.

25. The Subdivision Agreement shall identify the triggers and timing of the construction, dedication and assumption, by the City, of the proposed public right-of-way, generally in accordance with the Phasing Plan.

26. Prior to the earlier of the registration of the Plan of Subdivision or the Release for Construction of Services, submit to the Executive Director, Engineering & Construction Services for review and acceptance, a plan or plans, showing: cross-sections of all roads within the Plan of Subdivision incorporating the approved pavement widths and other infrastructure elements, and including the proposed connections with, and any improvements to, the existing streets within and surrounding site; the proposed pavement markings and signage for all new roads; modifications required to the pavement markings and signs on the existing Roads; and a minimum pedestrian clearway of 2.1 metres on all Roads and at intersection of all roads.

UTILITIES

27. The Owner shall construct all utilities required to service the Plan of Subdivision at no cost to the City, locating such utilities underground, or alternatively on the development block(s) with adequate screening to minimize their visual impacts, to the satisfaction of the Chief Planner and Executive Director.

28. Prior to earlier of the registration of the Plan of Subdivision or the Release for Construction of Services submit to the Executive Director, Engineering & Construction Services:

- a) Regarding Toronto Hydro-Electric System Limited (distribution group):
 - i. A copy of "offer to connect" (OTC);
 - ii. Written confirmation that financial securities have been posted; and
 - iii. Written confirmation that satisfactory arrangements have been made.

- b) Regarding Toronto Hydro Energy (streetlight group):
 - i. A cost estimate of the construction/installation of streetlights, and the hydro inspection fee;
 - ii. Financial security in amount of 130% of the streetlight cost estimate and inspection fee; and,
 - iii. A copy of written confirmation from Toronto Hydro Energy that satisfactory arrangements have been made.

29. Submit additional information for the review and approval of the General Manager of Transportation Services in respect of Conditions No. A(1)-A(3) above prior to the registration of the Draft Plan of Subdivision.

30. Submit comprehensive Construction Management Plans (CMP) for each overall phase and stage of the construction process. These plans must illustrate the location of employee and trades parking, heavy truck access points, material storage, construction site fencing and overhead cranes. We advise the applicant that they cannot use the municipal right-of-way for construction-related purposes without first receiving written authorization from our Permits and Enforcement Section, including payment of the necessary fees.

ENVIRONMENTAL SITE ASSESSMENT

31. The Owner shall undertake an environmental site assessment for lands to be conveyed to the City in accordance with the terms and conditions of the standard subdivision agreement including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC) or Risk Assessment (RA).

PRIVATE TREES

32. This development proposes the removal of one (1) tree over 30 cm in diameter on privately owned property. An application to Injure or Remove Tree(s) will be required prior to Site Plan Approval. Based on standard requirements, Urban Forestry requires a replacement ratio of 3:1 large growing native shade trees to be planted to the satisfaction of Urban Forestry on private property to replace private trees proposed for removal.

STREET TREE PLANTING AND PUBLIC REALM

33. The Owner agrees to provide a street tree planting plan(s), to the satisfaction of the General Manager of Parks, Forestry and Recreation, as part of and identified in each site plan approval application, and such plan shall provide for:

- a) The exact location and timing of planting of any trees proposed to be planted within the City's right-of-way including details with respect to proposed tree species, calliper, and quantity. The planting plan should provide the best available natural planting environment for trees and ensure that the City's minimum soil volume requirements per tree are satisfied, or unless otherwise

approved. It is preferred that trees be planted in turf when possible. If no room exists for turf boulevards with trees, raised planting beds or continuous tree pits should be considered; and

- b) Adequate space along the public roadways for tree planting. All utilities and underground plant must be designed to allow for the construction of turf boulevards / continuous tree pits, within the City's right-of-way or to the satisfaction of the General Manager of Parks, Forestry and Recreation.

34. The Owner agrees to provide a performance guarantee based on the current deposit rate of \$583.00 per tree, for a two-year renewable guarantee for all new trees planted within the City's right of way.

35. The Owner agrees to maintain the street trees in good condition for a period of two years. The trees will be inspected during and prior to the end of the two year renewable guarantee period. If the trees are in good condition at the end of the two year renewable guarantee period, the City will assume maintenance and ownership of the trees. Prior to the City assuming ownership and maintenance of the trees, the Owner will be responsible for rectifying any problems as determined by and to the satisfaction of the General Manager Parks Forestry and Recreation. The performance guarantee for tree planting shall be refunded at the end of the two year renewable guarantee period for all trees in good condition. The balance of the performance guarantee, if any, will be held for the duration of the renewable guarantee period.

36. The Owner acknowledges and agrees that prior to the City assuming ownership and maintenance of the trees, the performance guarantee for street trees will be drawn on by the City to cover any costs incurred as a result of enforcing and ensuring that the trees are kept in a healthy and vigorous state. In the event that the City is in receipt of a tree protection deposit under Condition No. 37 below, any tree for which a deposit has been made under this Condition will have the deposit refunded, subject to inspection and to the satisfaction of the General Manager, Parks, Forestry and Recreation.

37. The Owner agrees that at the time of development of sites adjacent to established street tree plantings, protection deposits shall be provided for street trees at 3 times the value of the street trees with a minimum of \$2,500.00 each.

PARKLAND

38. The detailed conditions pertaining to the parkland dedication have been captured as part of the executed Section 37 Agreement, dated August 15, 2022 under Instrument # AT6294660.

GENERAL

39. The Owner shall provide to the Director of Community Planning, Toronto and East York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (statement of account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to section 40 of the assessment Act or the

provisions of the City of Toronto Act, 2006. In the event that there is an outstanding City initiated assessment or tax appeal, the Owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal.

40. The Owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.