

## **Attachment 1 – Conditions of Site Plan Approval**

### **Site Development File DA.18.030 (Portside Developments(Kipling) Inc.)**

- 1) THAT prior to the execution of the Site Plan Agreement:
  - a) The Development Planning Department shall approve the final site plan, landscape plan and cost estimate, building elevations, signage details and lighting plan;
  - b) The Development Engineering Department shall approve, the final Stormwater Management and Functional Servicing Reports, Noise Impact Report, grading, site servicing and erosion sediment control plans;
  - c) The Owner shall enter into a Tree Protection Agreement in accordance with the City's Tree Protection Protocol By-law 052-2018 and submit a final planting plan to the satisfaction of the Development Planning Department and The Forestry Operations Division of Transportation Services Parks and Forestry Operations.;
  - d) The Owner shall satisfy all Toronto and Region Conservation Authority ('TRCA') conditions of approval;
  - e) The Owner shall convey to the TRCA all the lands below the Long-Term Stable Top of Slope (the 'LTSTS') in accordance with the approved Minutes of Settlement and to the satisfaction of the TRCA;
  - f) The Owner shall convey to the TRCA the 6 m Buffer Block and erosion access area , as approved through the Minutes of Settlement and the TRCA shall convey an easement in favour of the Owner over these lands for the purpose of access maintenance, low intensity recreational uses and forest management uses to the satisfaction of the TRCA. No buildings or structures shall be permitted on the 6 m Buffer Block;
  - g) The Owner shall register on title a conservation easement in favour of the TRCA for the tableland woodlot and the adjacent 3 m buffer area as set out in the approved Minutes of Settlement to the satisfaction of the TRCA;
  - h) The Owner shall register on the title of the lands an access easement in favour of TRCA over the condominium driveway to the rear of the Subject Lands to access and maintain the 6.0 m Buffer Block;

- i) The Owner shall enter into a Development Agreement with the City to satisfy all conditions, financial or otherwise for the construction of the municipal services. The Agreement shall be registered to the lands to which it applies to and be to the satisfaction of the City. The Owner shall agree in the agreement, among other things, to:
  - i) design and construct any required improvements to the municipal infrastructure to support the Development, including but not limited to, urbanization of Kipling Avenue, and required municipal services (watermains, sanitary and storm sewers) on Kipling Avenue;
  - ii) design and construct the sidewalk along Kipling Avenue on the west side to connect the existing sidewalk south of Veneto Drive to the south terminus of Kipling Avenue. The Owner may be entitled to a Development Charge reimbursement for sidewalk works identified in the City's approved 2018 Development Charges Background Study when funding is available in an approved Capital Budget. The construction of the sidewalk shall be completed prior to building occupancy;
  - iii) design and construct street lighting/pedestrian scale lighting system on Kipling Avenue to the satisfaction of the City. The streetlight system shall use LED luminaire, pole type and type of fixtures (or equivalent) in accordance with the City Standards and Specification and the City's Streetscape/Open Space Master Plan;
  - iv) pay applicable agreement fees and others pursuant to the City Fees and Charges By-law, as amended, and post necessary Letters of Credit; and
  - v) Submit a geotechnical report to identify the existing site conditions and provide recommendations for the design and construction of the proposed municipal infrastructure and services including a pavement design structure for ideal and non-ideal conditions to the satisfaction of the City. The Owner shall agree to carry out, or cause to carry out, the recommendations of the report to the satisfaction of the City;
- j) The Owner shall pay the applicable fees and post necessary Letters of Credits including the Development Engineering Site Plan Complex review fee and building water charge pursuant to the City Fees and Charges By-law as amended;
- k) The Owner shall make the necessary arrangements with the City's Environmental Services Department for the supply of potable water for construction purpose. The Owner shall be responsible for all costs incurred by the City in connection with the water used for testing and flushing the water distribution system;

- l) The Owner shall obtain final clearance from Alectra Utilities Corporation, Bell Canada, Canada Post and Enbridge Distribution Inc.;
  - m) The Owner shall satisfy all requirements of the Environmental Services Department - Solid Waste Management Division; and
  - n) The Owner shall satisfy all requirements of the Vaughan Fire and Rescue Department.
- 2) THAT the Site Plan Agreement shall include the following conditions, to the satisfaction of the City:
- a) The Owner shall agree to implement and satisfy all the requirements outlined in the approved Minutes of Settlement and the Ontario Municipal Board Decision (OMB Case PL130802 and PL130994) issued on May 6, 2016 to the satisfaction of the City and TRCA;
  - b) The Owner must pay all applicable development charges in accordance with the development charges by-laws of the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board;
  - c) The Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the Subject Lands prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City's cash-in-lieu Policy. The Owner shall submit an appraisal of the Subject Lands prepared by an accredited appraiser for approval by the Development Infrastructure Department, Real Estate Services, and the approved appraisal shall form the basis of the cash-in-lieu payment;
  - d) The Owner shall agree to design and construct the sidewalk along Kipling Avenue on the west side to connect the existing sidewalk south of Veneto Drive to the southern terminus of Kipling Avenue. The Owner may be entitled to a Development Charge reimbursement for sidewalk works identified in the City's approved 2018 Development Charges Background Study when funding is available in an approved Capital Budget. The construction of the sidewalk shall be completed prior to building occupancy;
  - e) The Owner is required to obtain an Ontario Regulation 166/06 permit to the satisfaction of the TRCA';
  - f) The Owner will be required to make an application for:

- Any temporary and permanent dewatering system required for the Development and enter into an agreement and/or permit to discharge groundwater as required by the City
  - Excavation and shoring required for the Development and enter into an agreement and/or permit as required by the City, including an Encroachment Agreement/permit and payment of the associated fees, if necessary;
- g) The Owner shall provide the Ministry of the Environment, Conservation and Parks ('MECP') approvals for the sewage works;
- h) The Owner shall agree to implement the recommendations of the final detailed noise impact assessment report into the design and construction of the buildings on the Subject Lands, and include all necessary warning statements on all agreements of purchase and sale or lease of individual units, and all condominium agreement and condominium declaration all to the satisfaction of the City;
- i) Prior to occupancy of each unit, a noise consultant shall certify the building plans are in accordance with the noise control features recommended by the final detailed noise impact assessment report. Where mitigation measures such as wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a Professional Engineer at the City's request. The Engineer's certificate must refer to the final detailed noise impact assessment report and be submitted to the City's Chief Building Official and the Director of Development Engineering;
- j) The Owner shall agree in the Site Plan Agreement to include the necessary warning clauses in agreements of Offer of Purchase and Sale, lease/rental agreements and condominium declarations including but not limited to the following:
- "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the individual dwelling units, sound levels from increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound level may exceed the Ministry of Environment and Climate Change's environmental noise guidelines NPC-300."
- k) Prior to occupancy of each dwelling unit, the Owner shall submit to the City satisfactory evidence that the appropriate warning clauses have been included in the Offer of Purchase and Sale, lease/rental agreements and condominium declarations;

- l) The Subject Lands lies in an area identified as a being of some archaeological potential, and consideration shall be maintained. As such, the following standard clauses shall apply:
  - i. Should archaeological resources be found on the property during construction activities, all work must cease, and both the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the City of Vaughan's Development Planning Department, Urban Design and Cultural Heritage Department shall be notified immediately;
  - ii. In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The proponent shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services;
- m) In the event of a future development application involving further soil disturbance, an archaeological assessment by a professional licensed archaeologist may be required and conditions of approval may apply; and
- n) The Owner shall install appropriate fencing with lockable gates at the edge of the Subject Lands to be conveyed into public ownership to the satisfaction of the City and the TRCA.