

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: September 23, 2021

CASE NO(S): PL200325

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 2575867 Ontario Inc.
Subject: Application to amend Zoning By-law No. 438-86 -
Refusal or neglect of City of Toronto to make a
decision
Existing Zoning: IC D2 N0.5
Proposed Zoning: Site Specific (To be determined)
Purpose: To permit a 31 storey hotel
Property Address/Description: 60 Mill Street
Municipality: City of Toronto
Municipality File No.: 19 264586 STE 13 OZ
OLT Case No.: PL200325
OLT File No.: PL200325
OLT Case Name: 2575867 Ontario Inc. v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Subject: Site Plan
Property Address/Description: 60 Mill Street
Municipality: City of Toronto
OLT Case No.: PL200325
OLT File No.: PL200326

Heard: July 12 to July 23, 2021 by Video Hearing

APPEARANCES:

Parties

2575867 Ontario Inc.

Counsel

Mark Flowers and Zachary Fleisher

City of Toronto

Matthew Longo and Sara Amini

OTP Management Ltd. et. al.

Mark Noskiewicz (did not participate)

INTERIM DECISION DELIVERED BY K.R. ANDREWS AND CARMINE TUCCI AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This case involves a proposal to redevelop “Rack House D”, a heritage building within the City of Toronto’s (the “City”) Distillery District, into a 31-storey luxury hotel. To proceed, 2575867 Ontario Inc. (the “Appellant” or the “Applicant”) is seeking a Zoning By-law Amendment (“ZBA”) and Site Plan Application approval. For the reasons that follow, the Tribunal grants the appeal, ordering the ZBA and Site Plan Application approval, subject to conditions.

[2] In a case of this nature, the Tribunal must determine whether or not the proposal has sufficient regard to the Provincial interests listed at s. 2 of the *Planning Act*, is consistent with the Provincial Policy Statement 2020 (“PPS”), conforms with the Growth Plan for the Greater Golden Horseshoe 2019 (“Growth Plan”), and also conforms to the applicable municipal planning policies (in the present case, there are several), and generally represents good planning in the public interest.

[3] In the present case, the Tribunal’s analysis begins with questions of appropriate intensification, optimization and infrastructure support of the subject site. It principally turns, however, on highly contested questions involving urban design and whether or not the existing and planned context of the area supports the proposed tower addition, especially given heritage conservation considerations. These urban design questions, more specifically, turn on an assessment of some of the proposed building’s particular design features, including:

- Height

- Transition
- Set-backs
- Floorplate
- Privacy Concerns; and,
- Heritage Conservation of the existing structure and surrounding area.

[4] It is noteworthy from the outset that there is largely no dispute between the parties insofar as whether the applicable planning policy framework generally supports intensification and optimization of resources in the area, and also whether the project is supported by existing infrastructure. To put it in another way, even the City agrees that the size and scale of the proposed hotel could conceivably fit in the general vicinity of the proposed site, but it simply does not agree that the proposed built-form fits on this particular property given the existing and planned built-forms immediately surrounding the site – especially given the various heritage considerations of the site.

[5] The City takes the position that the lower heights and proximity of surrounding buildings, plus site-specific heritage considerations, do not mesh adequately with the proposed tower from a design perspective. The Appellant takes the opposite position, citing other taller buildings in the area which seemingly manage to fit in.

[6] For reasons detailed further below, the Tribunal's decision has notably turned on a preference for the Appellant's experts' evidence and opinions regarding urban design principles and heritage conservation considerations.

BACKGROUND

[7] The appeal arises following the City's failure to make a decision respecting an application by the Appellant for a ZBA pursuant to s. 34(11) of the *Planning Act* (the "Act") and a Site Plan Application pursuant to s. 41(12) of the Act.

[8] The subject site is known municipally as 60 Mill Street and it is located at the northeast corner of Mill Street and Trinity Street, within the historic and popular Distillery District tourist destination of the City.

[9] The effect of the proposed ZBA and Site Plan Application approval is to permit a 31-storey hotel to be built below, within and above the existing vacant heritage building known as “Rack House D”. The proposed development would consist of five underground parking levels, three levels of hotel operations and amenities within the existing structure, two-floors of stepped-in glass-enclosed hotel operations and amenities extending immediately above the existing structure (the “glass reveal”), and another 26-floors of stepped-out hotel structure finished primarily with light-medium-grey manufactured stone and glass (the “main tower”) built above the glass reveal (see design and architectural plans attached as Appendix 1). The ZBA would facilitate an increase in height, an increase to Gross Floor Area (“GFA”), an addition to the heritage designated building, and other site-specific performance standards.

[10] The site is subject to several Official Plan and Secondary Plan policies and Design Guidelines.

[11] It is noteworthy that there is no hotel within a 1-kilometre radius of the proposed development and Distillery District.

Parties and Participants

[12] The Appellant and the City were the only parties to participate in the proceedings. At the outset of the hearing, Mark Noskiewicz, counsel for the collective party (OTP Management Ltd., Ribbon East Corp., Ribbon West Corp., Cityscape Holdings Inc. and Dream Distillery District Commercial Inc.), confirmed that his clients would not participate despite having been granted party status.

[13] The Tribunal received and reviewed two participant statements, one from Tim Wood (an area resident) and the other from Gooderham and Worts Neighbourhood

Association (“GWNA”). Mr. Wood was granted participant status at a previous CMC. The GWNA were granted participant status at the outset of the hearing. The Participants’ concerns included potential traffic and safety issues, noise, privacy and light nuisance, maintaining the integrity of the historic area, streetscapes and urban design in general, and height and massing of the proposed building.

[14] All of the participants’ concerns were considered by the Tribunal and addressed through the evidence and submissions of the two participating parties. The Tribunal ultimately found that the participants’ concerns were either unfounded or at least adequately mitigated to the greatest degree possible through the Appellant’s design plan.

Witnesses

[15] The following expert witnesses were qualified to provide opinion evidence in relation to the scope of their expertise listed below:

Appellant

- Michael Goldberg – Land Use Planning
- Mansoor Kazerouni – Architecture and Urban Design
- Andrew Pruss – Heritage Architecture and Heritage Planning
- Peter Case – Wind Engineering
- Timothy Arnott – Transportation Planning

City

- Kevin Friedrich – Land Use Planning
- Deanne Mighton – Urban Design
- Joseph Muller – Heritage Planning

Rack House D

[16] There was no dispute between the parties regarding the history of Rack House D. Rack House D was constructed between 1884-1895 for the storage of alcohol barrels, and it was one of a grouping of former rack houses situated along the north side of Mill Street that comprised the warehouse portion of the former Gooderham and Worts Distillery District complex. Rack House D was the largest of these warehouses, rising six-levels, and it was an imposing structure within the Distillery District.

[17] Rack House D was originally designed by David Roberts Jr. and constructed of red brick that characterizes many of the buildings in the area. The building's elevations feature a series of brick piers with alternating recessed brick panels. The bricks at the top of the panels are corbelled in a heavy arcaded pattern that is unique within the District. The building is set on a rectangular plan and covered by an almost flat roof. Windows are presently found on the east and west façades only, and are distinctive in the regimented pattern of openings with fitted, green painted metal shutters. The interior of Rack House D features a wood roof structure, wood stairs, a raised walkway along the west side, and timber racking which rises six levels from the stone footings of the building all the way up to support the roof.

[18] Rack House D was designated as a heritage property under Part IV of the *Ontario Heritage Act* as part of the Gooderham Worts Complex and placed on the City's Heritage Register by Toronto City Council in 1976.

[19] Rack House D is subject to a Heritage Easement Agreement ("HEA") dated April 3, 1996, which is registered on title of the property. The reasons for identification in the HEA describe the architectural and historic significance of Rack House D.

[20] It is noteworthy that two single-level rack houses located immediately east of Rack House D were redeveloped into 12- and 14-storey condominiums in the 1990s (70 and 80 Mill Street), incorporating parts of the façades of the original structures (being only a portion of the original outside walls), with additions added above and beside the

retained-façades. The Tribunal finds, as a fact, that these additions are similar in scale (on a ratioed basis, comparing the original single-level heritage structure to the 12-14 storey additions) to that of the proposed addition to Rack House D, but with less-complete retention of the original heritage façades compared to the proposed Rack House D heritage conservation plan.

[21] Rack House D has been vacant for at least 31 years, and it is the last remaining building in the Distillery District that has not yet been re-purposed through some sort of redevelopment plan.

ISSUES AND ANALYSIS

Policy Framework

[22] The municipal planning policies applicable to the subject site include the City of Toronto Official Plan, the Downtown Plan (OPA 406), the King-Parliament Secondary Plan, and the Gooderham & Worts Site and Area Specific Policies (“SASP”). The relative hierarchy of the Official Plan policies give priority to more specific policies, up to the Gooderham & Worts SASP, which states:

The policies of the Official Plan will continue to apply to the Gooderham & Worts Special Identity Area except where they are at variance with the policies contained in this area Site and Area Specific Policy, in which case the provisions of this area specific policy will prevail.

[23] The Tribunal notes that, as part of their submissions, both parties paid particular attention to the updated and geographically specific plans of the Ministry-approved Downtown Plan (July 2019) and Official Plan Amendment 304 (“OPA 304”; approved by L.P.A.T., May 21, 2020), which updated the policies of the Gooderham & Worts SASP. The Tribunal found these policies to be especially instructive in relation to some of the most contested issues of this matter, being largely about detailed urban design and heritage conservation considerations.

[24] In this particular case, the Tribunal also received evidence and considered aspects of the *Ontario Heritage Act* - Part IV designation of the Distillery District and individual buildings thereon (including Rack House D), the Federal designation of the Distillery District as a National Historic Site, and a heritage easement agreement with the City which incorporates, by reference, voluminous reports on the Distillery District authored between 1988-1994.

Intensification, Optimization and Infrastructure Support

[25] The parties are largely in agreement that the policy objectives applicable to the area promote intensification and optimization of resources. The City correctly notes, however, that “optimization” does not necessarily mean “maximization”.

[26] Accordingly, the Tribunal accepts the parties’ planning experts’ evidence and referenced planning policy, which generally supports the redevelopment of Rack House D for some sort of useful purpose as a means to optimize the use of the site and support intensification of the area generally. Similarly, the Tribunal accepts the parties’ planning experts’ evidence and referenced planning policy, which generally supports the development of a hotel specifically at or in the vicinity of 60 Mill Street, due to a lack of hotel services within a 1-kilometre radius of the Distillery District tourist destination.

[27] The Tribunal finds that the redevelopment of the site is supported by Policy 2.4 of the King Parliament Secondary Plan, which identifies the re-use of existing heritage buildings as a “major objective”. More generally, the redevelopment and use of an otherwise vacant property is consistent with s. 1.7 of the PPS by supporting the long-term economic prosperity of the area. The same applies in relation to a hotel development specifically.

[28] Furthermore, as it relates to intensification and optimization of the subject site, the Tribunal also finds as follows (in support of the proposed development):

- Within the City's Official Plan, the subject site is located within the Downtown, which is an identified growth area as well as an Urban Growth Centre in the Growth Plan;
- The subject site is designated Mixed Use Areas in the City's Official Plan, which is a land use designation intended for growth;
- In the Downtown Plan, the subject site (and the balance of the Distillery District) is designated as Mixed Use Areas 2 (MUA2), where growth is encouraged;
- The highest density of development in the Downtown is directed to MUAs in close proximity to existing and planned transit stations (Policy 4.1). Existing transit servicing the subject site and surrounding area include the TTC streetcar services from Cherry Street via the King Street corridor with connections to the King subway station on the Yonge Subway line. The subject site is also located approximately 350 metres ("m") from the planned Corktown Station of the Ontario Line subway corridor;
- According to the King Parliament Secondary Plan, King-Parliament is an area targeted for the growth of a broad range of mutually compatible uses (Policy 2.2); and,
- There is no policy in the King Parliament Secondary Plan, including the policies for the Gooderham and Worts Special Identity Area, that stipulates that the subject site is not intended for growth and development. Rather, Policy 4.1.2(c) recognizes that an "addition" to Rack House D is expressly permitted.

[29] The Tribunal also received uncontested evidence from the Appellant's transportation expert that there is sufficient transportation infrastructure to

accommodate the proposed development and that the proposed hotel use is transit-supportive. The Tribunal is satisfied with this evidence and accordingly finds that the proposal is consistent with the PPS and conforms with the applicable plans in this regard.

[30] Furthermore, there is no dispute that all other existing servicing infrastructure is capable of accommodating the scale of the proposed development on the subject site. The Tribunal is satisfied with this evidence and accordingly finds that the proposal is consistent with the PPS and conforms with the applicable plans in this regard too.

[31] In summary, for the reasons set out above, the Tribunal finds that the above noted policy and evidence supports intensification and optimization of the site, the plan is supported by existing transit and other infrastructure, and the Tribunal is otherwise satisfied that the applicable policy framework broadly supports the proposal for Rack House D.

Urban Design Issues not in Dispute

[32] It is noteworthy that the contested urban design issues were narrowed significantly by the parties from the outset of the hearing. For example, both parties fully endorse the conservation strategy to preserve the exterior structure of Rack House D. The strategy includes preserving all four exterior walls and the original roofline of the building (see architectural plans at Appendix 1). The Appellant's plan also includes a publicly accessible interpretive area on the ground floor of the hotel to show some of the original racking system and how it was used 'back in the day'. The Tribunal is accordingly satisfied with this conservation strategy and approves this part of the Site Plan on consent of the parties.

[33] The parties are also in general agreement (or at least do not dispute) that the current structure of Rack House D offers limited opportunities for redevelopment without significant engineering challenges (i.e. there are no interior floors, but instead, it features wooden storage racks which extend to and supports the roof). The evidence in

this respect was provided by the only architectural expert qualified to testify, Mr. Kazerouni. As a result of these engineering challenges, the building must undergo significant modifications at great cost for it to be re-purposed as a useful structure. The Tribunal accepts this evidence and finds that there is little doubt that this fact has contributed to Rack House D remaining vacant for several decades and why it is the last building in the District to enjoy a new life.

[34] The parties have also notably settled upon a landscape plan for the development, including trees, benches and surface finishes (see landscape plan attached at Appendix 2). The parties' experts similarly agreed that this is good planning and it is supported by the applicable planning policies. The Tribunal agrees and correspondingly also approves this part of the Site Plan on consent of the parties.

[35] In summary, there is no contest between the parties insofar as the Appellant's plan is concerned from the top of the heritage structure on down. The only issues remaining have to do with the perceived built-form and fit of the above tower addition. On consent of the parties, the Tribunal therefore approves the Appellant's heritage conservation strategy related to the existing structure of Rack House D, as it is illustrated and described as attached as Appendix 1, as well as the Landscape Plan, as attached as Appendix 2.

Issues in Dispute

[36] The parties remain clearly at odds with the question of urban design related to the proposed tower addition and, more precisely, whether the proposed tower plan fits into the existing and planned context of 60 Mill Street.

[37] This question of urban design was addressed by both parties through expert opinion evidence and in reference to planning policies and guidelines pertaining to:

1. built-form and fit considerations in general; and,

2. heritage conservation strategies.

[38] It is noteworthy that the parties' respective planning experts generally deferred to their urban design and heritage expert counterparts on such issues. With the deeper issue of this matter being principally about built-form, fit and heritage considerations, the case accordingly turns primarily on the Tribunal's acceptance of the respective experts' evidence and opinions within these fields.

A. Built-form and Fit Considerations in General

Height

[39] The Toronto Official Plan does not prescribe built-form height, but, in the words of the City's planning expert, Mr. Friedrich, it does provide built-form "instructions" regarding how development is to coexist within its particular "context".

[40] The City highlighted the following instructions from the City's Official Plan:

- Built-form Policies - Policy 3.1.2.3 (parent OP) states that "new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and / or planned context";
- Built-form - Tall Building Policies - Section 3.1.3.2 (parent OP) states that "tall building proposals will address key urban design considerations, including: c) demonstrating how the proposed building and site design relate to the existing and / or planned context";
- Policy 3.3. (Downtown Plan) – "New buildings will fit within their existing and planned context"; and,

- Policy 6.26. (Downtown Plan) - “The scale and massing of buildings will be compatible with the existing and planned context of the neighbourhood, including the prevailing heights, massing, scale, density and building type”.

[41] The City’s Tall Building Guidelines (i.e. Guideline 1.1) are also instructive regarding built-form objectives and methods of achieving OP Built-form Policies. However, such guidelines are merely that, ‘guidelines’, without the same conformity requirements as with Official Plan policies.

[42] It is noteworthy that the City made submissions that the SASP Guidelines found at Appendix 3 to the King Parliament Secondary Plan are more than mere ‘guidelines’ because the SASP Guidelines have been incorporated as part of actual policy. This became a contentious point because the Appellant responded by claiming that the SASP Guidelines are nevertheless still merely ‘guidelines’ by virtue of being called “guidelines”, which intimates something more discretionary and a lower status than actual policy.

[43] The Tribunal finds that, in this particular case, it makes no difference whether the SASP Guidelines have the status of regular guidelines or actual policy. The reason being is that the Tribunal finds that the proposed plan does in fact conform with the SASP Guidelines either way.

[44] The City highlighted the following SASP Guidelines found at Appendix 3 to the King Parliament Secondary Plan:

- new buildings or building additions should be highly articulated and modulated to minimize the visual impacts of building bulk, reinforce the modulation of existing heritage buildings and reinforce the heritage character of the site.
- where physically possible, the additions should be set back from the street edge on Trinity Street in order to minimize or eliminate their visibility from pedestrian grade level viewpoint on Trinity Street.

[45] The Appellant added the following:

- In the Downtown Plan, tall buildings are explicitly permitted in the MUA2 designation; and,
- OPA 304 states, without any reference to the scale of an addition to Rack House D:

7. Amend Policy 4 by deleting Policy 4.1.1 and replace with the following:

4.1.1 Mixed Use Area '2' will be regarded as the focus of the heritage resources in the Area. The physical character of the heritage buildings will be preserved. New buildings will not be permitted. Additions to existing buildings within Mixed Use Area '2' may be permitted only where they do not negatively impact the cultural heritage value of the resource.

8. Amend Policy 4 by adding Policy 4.1.2 c) to read as follows:

(c) An addition to Rack House D, identified as Building No. 42 on Map 2 of 3, may be permitted in Mixed Use Area '2'.

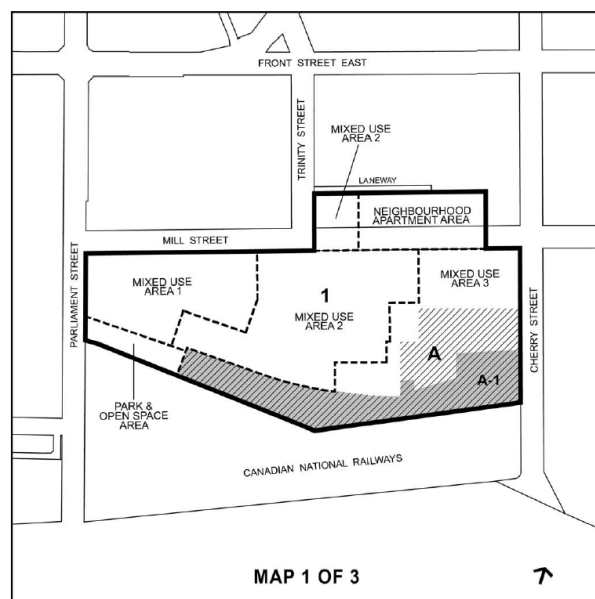
[46] The City acknowledges that OPA 304 does not set any restrictions on the height of an addition to Rack House D. However, the City contends that tall buildings are simply not appropriate in MUA2 (according to the City's interpretation of Policy 5 of the SASP and, by extension, Appendix 3), and this presumption is what establishes the existing and planned context for the appropriateness of a tall building at 60 Mill Street. The City contends that, if the Plan was intended to permit a tall building at 60 Mill Street, OPA 304 could have removed 60 Mill Street from the SASP, removed it from MUA2, or expressly excluded the site from the urban design structure and patterns that exist in the rest of MUA2.

[47] The fatal flaw with this submission is that it presumes a specific interpretation of Policy 5 of the SASP and, by extension, Appendix 3, which the City contends essentially prohibits tall buildings anywhere in MUA2, regardless of whether it is to be located in the

middle of the District, or on the periphery. The Tribunal finds, however, that the plain reading of the policy simply does not bear this out, and certainly not explicitly. Appendix 3 to the SASP does explicitly require setbacks from Trinity Street; but, again, it does not expressly set out a minimum setback. As a result, the Tribunal is left to exercise its discretion to determine what is appropriate in light of the overall context of the area, based on the evidence provided. In the present case, this turns on a preference of one party's urban design expert's opinion over that of the others.

[48] The City also submitted that, in order to determine whether a development fits harmoniously within its existing and physical context, an assessment must be undertaken of the existing physical surroundings and the planned vision for the future of the area. The Tribunal accepts this submission, but also accepts the opinion of the Appellant's experts insofar as the proper context to consider includes surroundings both inside and immediately outside of MUA2.

[49] As shown below in Figure 1, 60 Mill Street is on the extreme northern edge of MUA2, located on the separately labeled knob at the northeast corner of Mill and Trinity Streets. The Tribunal finds that the geography of the location demands a broader contextual analysis than strictly that of MUA2, as the City suggests.



[50] The Tribunal also prefers the context opined by the Appellant's witnesses because the evidence of both parties consistently showed that the Distillery District and its immediate surrounding area contains a wide range of building heights and scales, and it is surrounded on nearly all sides by existing or approved tall buildings, both within and outside the District. Other heritage buildings in the Distillery District, including other rack houses, have been adapted with large building additions, including 70 Mill Street (former Rack House), 80 Mill Street (former Rack House), 390 Cherry Street and 39 Parliament Street.

[51] The Tribunal considered whether the fact that the site is located in MUA2, which is expressly identified in the Plan as the "focus" of heritage resources in the area, necessarily results in it being subject to more restrictions from a built-form standpoint, compared to other properties identified in the rest of the District but outside of MUA2. The City's experts opined that the so-called 'heart' of the District includes all of MUA2 and it is governed by more restrictive standards by virtue of it being the "focus" of heritage resources in the area. Meanwhile, the Appellant's experts asserted that the 'heart' is better identified as the pedestrianized areas located south of Mill Street within the gated portion of the District, which does not include all of MUA2 and, more particularly, does not include 60 Mill Street.

[52] While very little may turn on determining the 'heart' of the District, the Tribunal nevertheless agrees with the opinion of the Appellant's experts insofar as the average person visiting the area would not likely consider themselves to be inside the 'heart' of the Distillery District until they walk through the gates, which declare "Welcome to the Distillery District", into the pedestrianized areas of the District. If there is a 'heart', then the average person would believe it to be within the gates where people congregate and stroll around. This area constitutes most of MUA2, but it does not include 60 Mill Street. Accordingly, the Tribunal finds that, if a tall building is not appropriate in the so-called 'heart' of the District, that does not necessarily preclude such a building to be located at 60 Mill Street.

[53] Unlike the pedestrianized areas within the gates, it is an uncontested fact that 60 Mill Street is located across a vehicular road and faces the rear brick walls of buildings accessed from inside the gates. All of the visual evidence provided to the Tribunal shows the site being clearly on the outside, or at best on the periphery, and the Tribunal finds as a fact that it is located similarly or more detached from the so-called 'heart' of the District compared to other tall buildings located around the District. The Tribunal also finds as a fact that the perception of the proposed tower, in terms of size and fit, viewed from inside the center of the District, would be little different than the perception of other tall buildings around the periphery.

[54] The Tribunal also finds, as a fact, that the height of the proposed development, at 31-storeys, is in keeping with, or less than, the heights of the existing or planned towers surrounding the District (i.e. within 250 m of the subject site) at 33 Mill Street (32 storeys), 70 Distillery Lane (40 storeys), 390 Cherry Street (37 storeys), and the approved towers at 31 Parliament (41 storeys), 33-37 Parliament (32 storeys), 31R Parliament (49 storeys) and 125R Mill Street (45 storeys).

[55] The Tribunal further accepts the Appellant's evidence insofar as the development of the Distillery District area more broadly has been consistently evolving to permit taller and taller buildings over the years. Numerous examples were provided by the Appellant to demonstrate this fact, and the Tribunal finds that the proposed development would be consistent with this trend.

[56] It is noteworthy, as it relates to overall height, that the proposed tower will contribute practically no shadows on the pedestrianized areas of the District by being located to the north of the District, unlike the existing and proposed towers located east, south and west of the center of the District. The Tribunal finds this fact to mean that the proposed tower height will actually have less of an impact on the so-called 'heart' of the District, compared to the other existing or planned towers surrounding it.

[57] In summary, the Tribunal finds that there is no explicit policy prohibiting the 31-storey proposed hotel. For example, Policy 4.1.2(c) of OPA 304 recognizes that an addition to Rack House D may be permitted, without any reference to the scale of that addition. The analysis accordingly rests on a determination of the appropriateness of the proposed height within the existing and planned context of the area. The Tribunal rejects the City's proposal that the proper context to consider for 60 Mill Street is the same as that which would apply to all of MUA2. The Tribunal finds as a fact that 60 Mill Street is on the periphery of the District, outside the pedestrianized area and behind the buildings located in the so-called 'heart'. The proper policy-driven context to consider, therefore, as it relates to height, is the same or similar as other existing or approved tall buildings that are located around the periphery of the District. Seven of these buildings feature heights of between 32 and 49 storeys, and the Tribunal finds that these towers are not at odds with the applicable policy framework in terms of height. At a height of 31-storeys, on the periphery of the District, the Tribunal finds that the relative context of the location supports the proposed development height, in accordance with the applicable provincial and municipal policy framework, and OPA 304 and the SASP Guidelines found at Appendix 3 to the King Parliament Secondary Plan in particular.

Transition

[58] The City views transition as a measure of "fit". The City's urban design expert, Ms. Mighton, expended a significant amount of attention testifying about the appropriateness, or lack thereof, of adequate "transition" regarding the proposed development. This involves both height and setback considerations within the context of surrounding buildings. It is noteworthy that, while the City submitted that transition is not limited to measures of "angular planes", Ms. Mighton nevertheless spent a great deal of time testifying about exactly that.

[59] Using illustrations of mathematical formulas, Ms. Mighton opined that the proposed development constitutes an unacceptable increase in height relative to surrounding structures and inadequate setbacks of the main tower from the base, surrounding buildings, and streets.

[60] In an effort to illustrate what a tower would look like if it satisfied her setback calculations, Ms. Mighton provided a computer rendering illustrating a narrower tower off to one side of the heritage base. It is noteworthy that none of the City's experts, including Ms. Mighton, provided any evidence to support this rendering being possible from an architectural or engineering standpoint (noting that none of the City's experts were qualified to do so in any event), or desirable from heritage conservation perspective.

[61] On cross-examination, it became clear that Ms. Mighton's witness statement was marred by numerous inaccuracies, particularly with respect to the applicable policy framework she relied on when preparing her opinions. Specifically, Ms. Mighton used the wrong version of the Downtown Plan in forming her opinions regarding built-form and fit, despite the Minister-approved version being in force for over two years. It was eventually acknowledged by Ms. Mighton that the Minister made 224 modifications to the Council-adopted Downtown Plan that she had initially relied upon, many of which, the Tribunal finds, represent significant changes in policy principles, which are directly relevant to built-form and fit in the present case.

[62] Notably, the Minister-approved version of the Downtown Plan removed the "requirement" for built-form transition in the Council-adopted Policy 9.23, and it rewrote Policy 9.24 so that the objective is to achieve built-form compatibility, not adherence to geometric relationships such as the application of angular planes or stepping down of height limits (which was the focus of much of Ms. Mighton's analysis). The Minister also eliminated former Policy 9.26 altogether, which stated "[t]he larger the difference in scale of development, the greater the need for transition".

[63] It is important to point out that Ms. Mighton did acknowledge during her testimony that she used the wrong plan in preparation of her initial opinions, but she claimed that her conclusions expressed during testimony were not affected by the changes featured in the updated policy. However, the Tribunal finds this difficult to accept, especially considering how significant the Minister-approved version changed the policy and, essentially, made the policy much more permissive as it relates to appropriate

transition. The Minister's changes clearly have meaning, but this was not readily acknowledged by Ms. Mighton.

[64] The Tribunal, therefore, finds that Ms. Mighton has seemingly drawn her conclusions from the former policy and has been unwilling or unable to re-examine her analysis in light of the policy framework that is actually in force. This was not only apparent through her reluctance to reconsider her opinions, but also through her testimony where she employed a highly formulistic mathematical approach to analyze the appropriateness of the proposed hotel's height and setbacks in relation to surrounding buildings. The revised Plan clearly rejects such a strict approach to transition.

[65] In light of this, the Tribunal prefers the evidence of the Appellant's experts as it relates to the appropriateness of the height of the proposed tower from a transition standpoint. As already noted, the Tribunal finds that the height of the proposed development is in keeping with, or less than, the heights of the existing or approved towers surrounding the District, seven of which are between 32 and 49 storeys. The Tribunal accepts the Appellant's experts' opinions that the transition of the proposed tower height is also appropriate in the given context, because it is relatively the same or similar to the transition of the aforementioned towers surrounding the area, and no evidence was provided to demonstrate that these other examples do not adequately fit.

[66] It is noteworthy that, while Ms. Mighton's evidentiary errors were unhelpful to the Tribunal, it nevertheless helped highlight the significance of the Minister's modifications to the Downtown Plan, which notably removed more restrictive language pertaining to built-form transition. The Tribunal finds that these changes illustrate an obvious objective to limit the City's proposed built-form transition requirements (i.e. rejecting strict adherence to geometric relationships, the application of angular planes, formulistic stepping down of height limits, etc.), to instead focus on achieving built-form compatibility.

[67] In summary, the Tribunal accepts the Appellant's experts' testimony and opinions regarding the proposed tower's adherence to built-form compatibility, related to transition in particular. The Distillery District and surrounding area is characterized by a mixture of low, mid, and high-rise buildings located adjacent or in close proximity to one another with no apparent compatibility issues. The Tribunal finds that a geometric stepping down of heights is not necessary to achieve overall compatibility. This finding is underscored by the Ministry-approved changes featured in OPA 304. The Tribunal therefore finds that the proposed tower design is adequate from a transition standpoint.

Setbacks

[68] In terms of setbacks, the Tribunal also agrees with the Appellant's experts insofar as the setbacks featured in the proposed design are adequate from an urban design standpoint, considering the existing and planned context of the area.

[69] The only explicit setback requirement found in the policy that was proffered by the parties was that of the Design Guidelines found in Appendix 3 of the King Parliament Secondary Plan, which states "where physically possible, the additions should be set back from the street edge on Trinity Street in order to minimize or eliminate their visibility from pedestrian grade level viewpoint on Trinity Street". The Tribunal finds that the words "where physically possible" infers the application of architectural considerations.

[70] The Tribunal accepts the opinion of the only qualified architectural expert, Mr. Kazerouni, in this regard, insofar as the operational constraints of the proposed hotel means that the 1.8 m setback of the main tower from the lot line at Trinity Street, plus the additional 3 m setback of the glass reveal section, are the greatest setbacks "physically possible" from an architectural standpoint and together work to adequately minimize the visibility of the addition from Trinity Street at pedestrian grade.

[71] The Tribunal also accepts the opinions of the Appellant's experts as it relates to the setbacks on the other three sides of the proposed tower, including the glass reveal setback, for the same reasons.

[72] In performing its analysis regarding setbacks, the Tribunal also considered the City's contention that increased tower setbacks would improve pedestrian comfort (i.e. minimize wind effects). However, it was the uncontested evidence of the Appellant's wind expert who testified that expected wind conditions created by the proposed tower are acceptable and meet the desired comfort class at all of the applicable testing locations.

[73] In summary, the Tribunal finds that there is no express minimum setbacks at 60 Mill Street, except as outlined in the SASP Guidelines found at Appendix 3 to the King Parliament Secondary Plan. The Tribunal finds that the plan, and especially the glass-reveal section, satisfies the applicable policies on all four sides. The Tribunal is also satisfied that the overall design adequately mitigates wind issues, requiring no additional setbacks for that purpose. Altogether, the plan is in accordance with the applicable policy framework as it relates to setbacks.

Floorplate

[74] Regarding floorplate, Policy 9.16 of the Downtown Plan, as modified by the Minister, and the City's Tall Building Design Guidelines, recognizes that flexibility in the maximum floorplate size may be considered where the programmatic requirements of a non-residential building require it. The uncontested evidence of Mr. Kazerouni, the only architectural expert to provide an opinion, confirmed that a hotel of this type must have certain amenities and, correspondingly, have a certain number of rooms to support these amenities. These requirements consequently require a greater sized floorplate. The Tribunal accordingly finds that the programmatic requirements of a full-service hotel necessitates a large floorplate, and the proposed floorplate is correspondingly appropriate.

[75] It is noteworthy that, at 930 square metres (“sq m”), the proposed tower floorplate is similar to the 900+ sq m residential floorplate of the approved tower at 31R Parliament Street. Within the Tall Buildings Guidelines, there is an acknowledgment that non-residential uses may require slightly larger floorplates, with the following direction: “[a]ny increases in tower floor plate size require that exceptional design attention be given to the shape and articulation of the tower to diminish the overall scale and impact of the building mass”. The Tribunal finds that the proposed plan does feature such “exceptional design attention”.

[76] The City made a valid point that, while a hotel may be desirable for the area, the desirability of a hotel “should not be used to paper over or rehabilitate other issues with the application”. The Tribunal agrees, but nevertheless finds that the proposal does not suffer from a resulting deficiency in other issues from a policy standpoint.

[77] In summary, the Tribunal finds that the Downtown Plan and the City’s Tall Building Design Guidelines provide sufficient flexibility to allow the proposed floorplate. The Tribunal finds, as a fact, that programmatic requirements of the hotel necessitate it. The proposed floorplate is also not exceptional in the existing context of the area, nor does it run afoul of any other relevant policy considerations. The Tribunal finds that the plan is therefore in accordance with the applicable policy framework as it relates to floorplate.

Privacy Concerns

[78] While privacy concerns did not constitute a significant share of either party’s submissions, it was raised and is an important issue to consider – especially from the perspective of area residents.

[79] The Tribunal finds that the proposed development has the potential to impact on the privacy concerns of residents living at 70 Mill Street, which is immediately to the east of the development. However, the Tribunal finds that, in light of privacy-concern mitigation-measures undertaken by the Appellant, any eventual impacts will be minor

and acceptable. Such mitigation-measures incorporated into the Appellant's design include strategic staggering of windows to avoid straight-line views into the adjacent building, and use of spandrel (non-transparent) glass to avoid views altogether.

[80] It is noteworthy that the architects of the proposed building conscientiously employed the same privacy-protection strategies associated with the 2017 LPAT Settlement involving the same property, which also featured an addition on top of Rack House D, which had equal potential to impact privacy interests next door. These same privacy-protection strategies were notably endorsed by both the City and the Tribunal at that time.

[81] The Tribunal accordingly finds that the proposal conforms with Official Plan Policy 3.1.2.3.d), regarding providing for adequate privacy.

Built-form and Fit Conclusions

[82] The Tribunal finds that the evidence and opinions of the parties' urban design experts are critically important to this case, especially as it relates to assessing appropriate built-form and fit of the proposed development. For the reasons stated above, the reliability and strength of Ms. Mighton's evidence was diminished due to her errors in considering the wrong version of the Downtown Plan, while the Appellant's experts did not suffer from similar issues. Mr. Kazerouni was also the only person to be qualified as an expert in the field of architecture, which resulted in much of his evidence being uncontested. As a result, the Tribunal strongly prefers the Appellant's experts' evidence.

[83] In terms of built-form and fit within the given context, the Tribunal accordingly accepts the opinions of the Appellant's experts and finds that the proposed development has appropriate regard for matters of provincial interest, is consistent with the PPS, and conforms with the Growth Plan, the City Official Plan, the Downtown Plan and the King Parliament Secondary Plan (as sufficiently guided by applicable guidelines).

B. Heritage

[84] At the same time that the proposed plan must support intensification and optimization of the subject site, and conform to the City built-form policies related to height, transition, floorplate and setback, the proposed development must also concurrently “conserve” cultural heritage resources in accordance with s. 2.6 of the PPS and s. 4.2.7 of the Growth Plan. Such heritage conservation principles reach all the way up to the Act at s. 2(d).

[85] As cited by the Appellant, the former OMB stated the following regarding the relationship between the cultural heritage and intensification policies of the PPS (*Birchgrove Estates Inc. v. Oakville (Town)*, 2007 CarswellOnt 760, para. 30):

While no one section of the PPS overrides others, the Board’s decision must be consistent with the Provincial Policy Statement. Just as the Board cannot dismiss or disregard the direction to conserve significant heritage resources, the Board cannot dismiss or disregard the considerable emphasis and priority the Province has placed on intensification within built-up areas. The challenge before the Board is to determine if the provincial goal of intensification can be achieved while meeting the provincial goal of heritage conservation.

[86] The Tribunal finds that the PPS and Growth Plan provides directive language that heritage resources shall be conserved. This is mandatory language, and even with the balancing inherent in reading those documents as a whole, “shall conserve” is a baseline that an application cannot fall below (see: PPS Policy 2.6.1, “Significant built heritage resources and significant cultural heritage landscapes shall be conserved”; PPS Policy 2.6.3, “Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved”; Growth Plan Policy 4.2.7.1, “Cultural Heritage Resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas”).

[87] The Tribunal accepts the opinion of the Appellant's witness, architecture and urban design expert Mr. Kazerouni, who testified that tall buildings have additional civic responsibilities regarding built-form, and even more so when proposed atop a heritage building (referencing the City Official Plan: 3.1.3 Built-form – Tall Buildings; and 3.1.5 Heritage Conservation).

[88] The heritage policies of the City Official Plan incorporate the Parks Canada "Standards & Guidelines for the Conservation of Historic Places in Canada" ("Standards & Guidelines"). The Tribunal finds that, while these guidelines have no statutory status of their own, it is endorsed by the City Official Plan as a national standard reference representing good guidance for heritage professionals.

[89] The Tribunal considered Standard 11 of the Standards & Guidelines, which states that an addition is to be "physically and visually compatible with, subordinate to, and distinguishable from the historic place". On that point, the City's expert, Mr. Muller, contended that "subordinate" means that an addition should "generally be smaller" than the existing heritage building.

[90] However, the Appellant pointed out that the Standards & Guidelines actually explicitly state that "subordination is not a question of size", and there are numerous examples in Downtown Toronto where the scale of new additions above heritage buildings are far greater than the proposed addition above Rack House D. The Tribunal accepts this evidence, and finds the most obvious examples are immediately beside Rack House D (going from a single level rack house to 12- and 14-storeys at 70 and 80 Mill Street, respectively), plus others in the immediate area, including at 390 Cherry Street and 39 Parliament Street.

[91] The Tribunal agrees that size is not everything, and the specific design features of a particular addition plays as much of a role, if not a greater role, in addressing the Standards & Guidelines. For example, the Appellant's and City's experts both agreed that the additions at 70 and 80 Mill Street were not well done from a heritage standpoint, despite being much lower than the proposed tower.

[92] Among other sections of the City Official Plan, the Tribunal considered Policy 3.1.5.26 to assess the compatibility and integration of the new proposed construction with the values of the subject property, as well as adjacent properties. The Tribunal's assessment considered the height, scale, form, massing, materiality and articulation of the proposed construction in relation to the existing heritage structure and the surrounding District. The Tribunal ultimately found that the proposed tower will be physically and visually compatible with and subordinate to the historic area, and therefore, conforms with Policy 3.1.5.4 of the City Official Plan.

[93] The Tribunal accepts the expert testimony of the Appellant's heritage expert, Mr. Pruss, insofar as Rack House D is historically noted for its "massive scale" in the Distillery District's National Historic Site registry. Accordingly, the property at 60 Mill Street has always featured an imposing presence in the area. Notably, the six-level Rack House D was substantially larger, historically, than the single-level rack houses located immediately to the east at 70 and 80 Mill Street, which now feature 12- and 14-storey additions above and beside the existing structures. At the moment, these newer residential buildings dwarf Rack House D. The Tribunal finds that the proposed tower for 60 Mill Street will re-establish the historical height, mass and imposing presence of Rack House D relative to the surrounding buildings and the area in general.

[94] The Tribunal further accepts the evidence of the Appellant's experts, insofar as:

- The main upper tower draws inspiration from the heritage façade of Rack House D, respecting and reinforcing the rhythm of windows and repetitive bays, thus contributing to its compatibility.
- The materiality of the addition, and the glass reveal section in particular, makes the addition easily distinguishable and subordinate to Rack House D, from the perspective of an average person at street level.

- The stepped-in glass reveal section, directly on top of the heritage building, acts to highlight the original roofline of Rack House D, as well as the descending original four walls on all sides, leaving very little to the imagination of what the original structure looked like in the past.
- The red brick of the original structure figuratively ‘pops’ in comparison to the muted grey of the main tower above, thus highlighting the original structure.
- The overall effect of the addition will showcase the original Rack House D structure.

[95] Upon the uncontested evidence from both parties, the Tribunal finds that, by retaining the three-dimensionality of the existing heritage building, with public pedestrian access all around it, the design allows all four exterior walls to be experienced by the public at street level, in addition to the publicly-accessible portions of the interior of the building.

[96] The Tribunal notes that one of the reasons that it preferred the evidence and opinion of the Appellant’s heritage expert, Mr. Pruss, over that of the City’s expert, Mr. Muller, involves the more limited scope of Mr. Muller’s expertise (Mr. Muller’s expertise being “heritage planning”, versus Mr. Pruss’ being “heritage planning and architectural” expertise), plus other issues that arose from the following testimony.

[97] When Mr. Muller was asked by the Tribunal to provide a comparative opinion with respect to 70 and 80 Mill Street, he admitted to being reluctant to do so. When pressed by the Tribunal to answer the question, he provided an opinion, but also, off-handedly stated that he is “not a design-guy” with the clear intent of excusing himself from offering criticism.

[98] Some of Mr. Muller’s reluctance to comment on design matters may be due to his more limited area of expertise; however, this was not made clear at the hearing.

Nevertheless, the Tribunal found Mr. Muller's comments to be troubling because there was a general consensus among the experts, including Mr. Muller, that design plays a significant role in assessing the appropriateness of any particular development from a heritage standpoint.

[99] It is the Tribunal's view that Mr. Muller's reluctance to respond to the Tribunal's inquiries, and self-distancing from considerations of design, diminished the strength of his opinions on heritage considerations. This is true especially in comparison to Mr. Pruss' evidence, which capably included opinions regarding the relationship between heritage conservation and design.

[100] Once again, the opinions of the parties' respective experts are critically important to this particular case. Heritage issues play a large role in the overall analysis of the proposed development. For the reasons stated above, the strength and persuasiveness of Mr. Muller's evidence in this regard was diminished, while the Appellant's expert did not suffer from similar issues.

[101] As part of its analysis, the Tribunal further considered submissions of the City regarding whether the proposed development would obstruct any recognized "heritage views". However, based on the totality of the visual evidence provided to it, the Tribunal found that there are no recognized protected heritage views either within or adjacent to the Distillery District on Map 7B of the City's Official Plan. Furthermore, due to the location of the proposed development on the periphery of the District, any general impact on sky-views would be unremarkable considering the Downtown location and proliferation of other tall buildings in the area. The shadow effects would be practically non-existent due to the northern location of the proposed building.

[102] The Tribunal also considered submissions of the City regarding whether the Distillery District should be identified as a "cultural heritage landscape" (CHL), as defined by the PPS. The City made this submission regardless of it being an undisputed fact that, despite being recognized as a National Historic Site and designations under

Part IV of the *Ontario Heritage Act*, the Distillery District has not been formally identified by the City as a CHL.

[103] The City takes the position that the PPS definition of CHL does not rely on a formal recognition of a CHL at a municipal level, and the Tribunal is equipped to make a finding that a CHL exists within the meaning of the PPS. The Tribunal agrees, but this finding does not ultimately affect its decision.

[104] If the Distillery District qualifies as a CHL, the Tribunal finds that the proposed development does not fail to conserve it because, as already stated in the context of other heritage considerations, the tower is to be located on the periphery of the District, and any general impact on the landscape would be unremarkable considering the Downtown location and proliferation of other tall buildings in the area. Put another way, the proposed development will appear no differently from the main geographical area of the District compared to other towers on the periphery of the District.

[105] In summary, for the reasons set out above, the Tribunal finds that both the ZBA and the Site Plan application adequately conserve the subject heritage resources (and CHL, if applicable) in accordance with the applicable provincial policy documents and municipal policies and guidelines. It is undisputed that an addition to Rack House D has been anticipated for many years and is supported by planning policy. Reading the PPS policies promoting intensification, optimization and heritage conservation together as a whole, the Tribunal finds the objective of the PPS to be clear: to spotlight a property's heritage attributes while simultaneously assisting its physical and / or economic re-use. The Tribunal finds the proposed development to do exactly that. The Tribunal accepts the Appellant's experts' opinions that the proposed development will not negatively impact the cultural heritage value of the resource and it will, in fact, enhance it. From a heritage standpoint, the Application has due regard for s. 2 of the Act, is consistent with the PPS, and conforms with the applicable provincial and municipal plans.

ZBA and Site Plan Application Summary and Conclusions

[106] As already stated at the outset of this Decision, the Tribunal will allow the Appeal and approve the ZBA and Site Plan applications to enable the proposed development. The Appellant's plan makes a desirable use of the existing and currently vacant heritage structure, employs acceptable built-form and fit in the given context, adequately conserves heritage considerations, all while introducing a much-needed hotel into the area.

[107] The City made extensive submissions intimating that the development's design could be better. In the end, however, the City failed to persuade the Tribunal that the proposal was deficient in any regard. It is important to keep in mind that an appeal to the OLT is not a design contest, and any particular proposal should not be measured against hypothetical alternatives; but, instead, it should only be measured against applicable planning policies and guidelines.

[108] The Tribunal has had due regard to City Council's decision and instructions to oppose the current development application. Nevertheless, the Tribunal approves both the ZBA and the Site Plan applications subject to the particulars of the order outlined below.

[109] As an aside, the Tribunal notes the existence of the 2017 LPAT settlement involving the same property. However, the Tribunal finds that it has no bearing on the present case, especially considering that new planning policies are now in place which would have had a material affect on assessing the merits of the 2017 LPAT settlement.

[110] For all of the above reasons, the Application has due regard for s. 2 of the Act, is consistent with the PPS, conforms with the applicable provincial and municipal plans, and represents good planning in the public interest.

Consideration by the City's Design Review Panel

[111] The parties jointly submitted an agreed upon Site Plan Approval Conditions to be applied in the event that the Tribunal approves the proposed development. They agreed on everything, but one exception involving a paragraph that the City wanted to include, but which was objected to by the Appellant.

[112] The paragraph in dispute read as follows:

10. Prior to Site Plan approval, the application will be considered at the City of Toronto Design Review Panel on the following issues:
 - i. demonstrate design excellence of the building;
 - ii. demonstrate a high standard of heritage conservation; and
 - iii. include high-quality, durable materials and sustainable and resilient building practices.

and the owner shall revise their drawings to incorporate changes as necessary, to the satisfaction of the Director, Community Planning, Toronto and East York District and Director, Urban Design.

[113] The City took the position that 60 Mill Street is a prominent site in a historically significant part of the City, and it is important that “no steps are skipped to achieve the best and most compatible design for the site”, including (the City proposes) a review by City's Design Review Panel. The City further submitted that, in the event that the parties reach an impasse in clearing this particular condition, the Tribunal could be used to resolve the impasse.

[114] The Appellant takes the position that the Tribunal should reject this particular condition proposed by the City, because the City had ample time to request such a procedure prior to the hearing of this matter, but failed to do so. The Appellant further submits that, to embark on such a process at this stage, it will be fraught with uncertainty and will unduly add delay. Lastly, the Appellant takes the position that this is simply a matter for the Tribunal to decide now as part of the Appellant's Site Plan Application appeal. Regarding this last point, to put it another way, the Appellant

submits that the Tribunal is now the approval authority for the Site Plan Application and the proposed condition would effectively allow the City to re-assume its approval authority despite the appeal.

[115] The Tribunal is persuaded to accept the Appellant's position.

[116] The evidence shows that, shortly after the Appellant submitted the Site Plan Application in early 2020, the City deemed it complete and never requested additional details or a review by the City's Design Review Panel, notwithstanding the fact that the City failed to make a decision. The Tribunal therefore finds that, for the City to now contend that the application is essentially incomplete by requiring a review by the City's Design Review Panel, it would be unfair to the Appellant because it would also have the effect of circumventing the statutorily prescribed timelines provided for the City to make a decision prior to an applicant appealing a matter to the Tribunal. Those timelines are meant to provide a degree of certainty with respect to how long the overall approval process might take.

[117] There were also submissions from the City contending that the Tribunal does not have enough information specifying the materiality to be used with respect to the building, to be sufficient to approve the Site Plan. While the Tribunal agrees that this could theoretically happen in a particular case if there is not enough information provided in a Site Plan, it is not the case here. The Tribunal finds that the architectural plans attached as Appendix 1 provide enough details regarding design and materiality to enable the Tribunal to decide the matter.

[118] In summary, the Tribunal finds that, given that the Site Plan Application Appeal is before it with sufficient detail, it is incumbent upon the Tribunal to determine the matter rather than send it back to the City for further review. Accordingly, the Tribunal's approval of the Site Plan is without the condition proposed by the City and is only subject to the conditions set out in the order below and attached as Appendix 3.

Exclusive Hotel Use

[119] The City requests that, in the event of an approval of the ZBA, the Tribunal make its decision clear that only a hotel use and related amenities be permitted within the building.

[120] The City submits that the Appellant's evidence, purportedly to justify the proposed height and floor plate, as well as the reduced number of bicycle parking spaces, was all based on the building being used as a hotel. The City expressed concerns that the Appellant could conceivably later seek to convert the site to an all residential / condominium use, and this would serve to undermine the Tribunal's findings associated with approving the plan on the basis that it be used as a hotel.

[121] The City correspondingly seeks the Tribunal's endorsement of a tailored implementing zoning by-law to restrict use of the subject building to hotel use and related amenities.

[122] The Appellant did not substantively object to the inclusion of the stated restriction.

[123] The Tribunal therefore accepts the City's submissions and reasoning, and finds it appropriate to include the stated restriction on use within the ZBA, as approved in principle.

ORDER**[124] THE TRIBUNAL ORDERS:**

1. that 2575867 Ontario Inc.'s appeal of its Zoning By-law Amendment application is allowed in part and approves, in principle, an amendment to the former City of Toronto Zoning By-law No. 438-86, as amended, inclusive of a restriction on the use of the subject building to hotel use and related

amenities. The Tribunal's final Order for the Zoning By-law Amendment is to be withheld until such time as the Appellant and City have jointly confirmed the following conditions have been satisfied:

- a. the owner has provided draft By-laws in a form and with content satisfactory to the Director, Community Planning, Toronto and East York District and the City Solicitor;
 - b. the owner has provided a revised functional servicing report and revised hydrogeological report, such reports to be reviewed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - c. the owner has entered into a Heritage Easement Agreement with the City for the property at 60 Mill Street, to the satisfaction of the Senior Manager, Heritage Preservation Services, including the execution of such agreement to the satisfaction of the City Solicitor; and,
 - d. the owner and the City have had an opportunity to discuss and agree on community benefits to be provided in accordance with s. 37 of the *Planning Act*, and the owner enters into and registers on title an Agreement to secure appropriate services, facilities, and/or matters pursuant to s. 37 of the *Planning Act* as may be required by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. that 2575867 Ontario Inc.'s appeal of its Site Plan Application is allowed and correspondingly approves, as the Site Plan, the Architectural Plans prepared by IBI Group dated December 18, 2019, attached as Appendix 1, and the Landscape Plans prepared by IBI Group dated October 31, 2019, attached as Appendix 2, in principle and subject only to any minor revisions that may be agreed to by 2575867 Ontario Inc. and the City, and subject to

the conditions set out in Appendix 3. The Tribunal's final Order for the Site Plan appeal is to be withheld until such time as the Appellant and City have jointly confirmed that 2575867 Ontario Inc. has satisfied all of the Pre-Approval Conditions in Appendix 3.

3. the Tribunal Members shall remain seized and may be spoken to by the parties if any issues arise with respect to the implementation of the Tribunal's Decision.

"K.R. Andrews"

K.R. ANDREWS
MEMBER

"Carmine Tucci"

CARMINE TUCCI
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

APPENDIX 1

EXHIBIT
7



DRAWING LIST

A.00 COVER PAGE & DRAWING LIST	A.11 4 FLOOR PLAN
A.01 CONTEXT PLAN & SITE STATISTICS	A.12 5 FLOOR PLAN
A.02 SURVEY	A.13 6 FLOOR PLAN
A.03 SITE PLAN/ROOF PLAN	A.14 7-28 FLOOR PLAN
A.04 P5 PARKING PLAN	A.15 29 FLOOR PLAN
A.05 P3-P4 PARKING PLAN	A.16 30 FLOOR PLAN
A.06 P2 PARKING PLAN	A.17 31 FLOOR PLAN
A.07 P1 PARKING PLAN	A.18 MPH PLAN
A.08 GROUND FLOOR PLAN	A.19 BUILDING SECTIONS
A.09 2 FLOOR PLAN	A.20.1 BUILDING ELEVATIONS
A.10 3 FLOOR PLAN	A.20.2 BUILDING ELEVATIONS

ISSUED		
№	DATE	DESCRIPTION
1.	DECEMBER 18, 2019	SUBMITTED FOR REZONING
2.	MAY 26, 2020	2ND REZONING SUBMISSION
3.	MARCH 06, 2021	3RD REZONING SUBMISSION
4.	MAY 27, 2021	REZONING/SPA SUBMISSION
5.	JUNE 28, 2021	ISSUED FOR OLT HEARING

SITE PLAN APPLICATION NUMBER:

CLIENT

EASTON'S GROUP/GUPTA GROUP

3100 STEELES Ave East, Suite 601
Markham, Ontario, L3R 8T3
Phone: 905-9409

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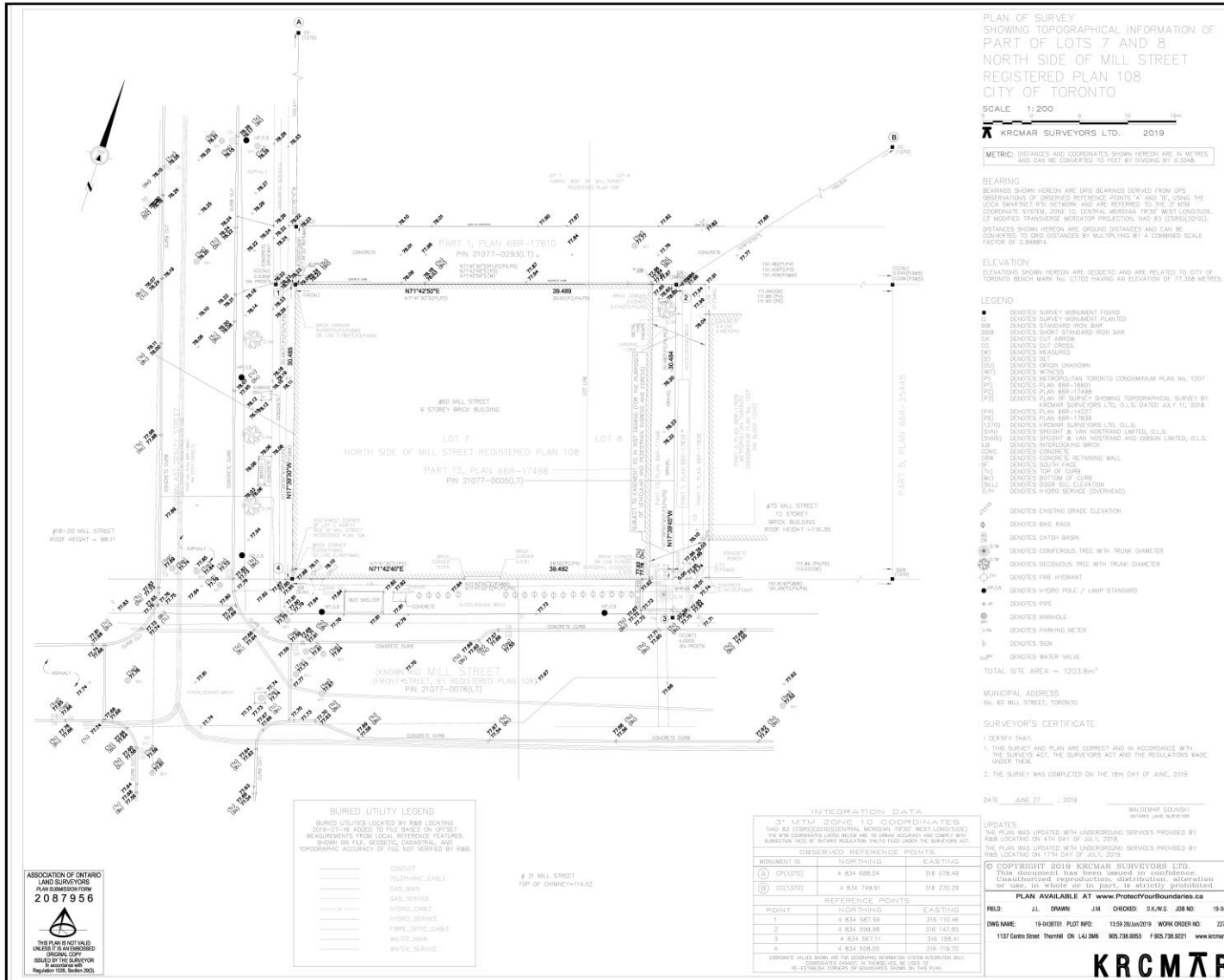
60 MILL STREET HOTEL

SHEET TITLE

COVER PAGE & DRAWING LIST



DRAWN BY DECEMBER 18, 2019	DATE	Scale 1 : 100	CHECKED BY
PROJECT No. 121685			DRAWING No. A.00



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NO.	DATE	DESCRIPTION
1.	DECEMBER 18, 2019	SUBMITTED FOR REZONING
2.	MAY 26, 2020	2nd REZONING SUBMISSION
3.	MARCH 08, 2021	3rd REZONING SUBMISSION
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PROJECT TITLE

60 MILL STREET HOTEL

SHEET TITLE

SURVEY

ASSOCIATION OF ARCHITECTS OF ONTARIO

DATE
DECEMBER 18, 2019

SCALE
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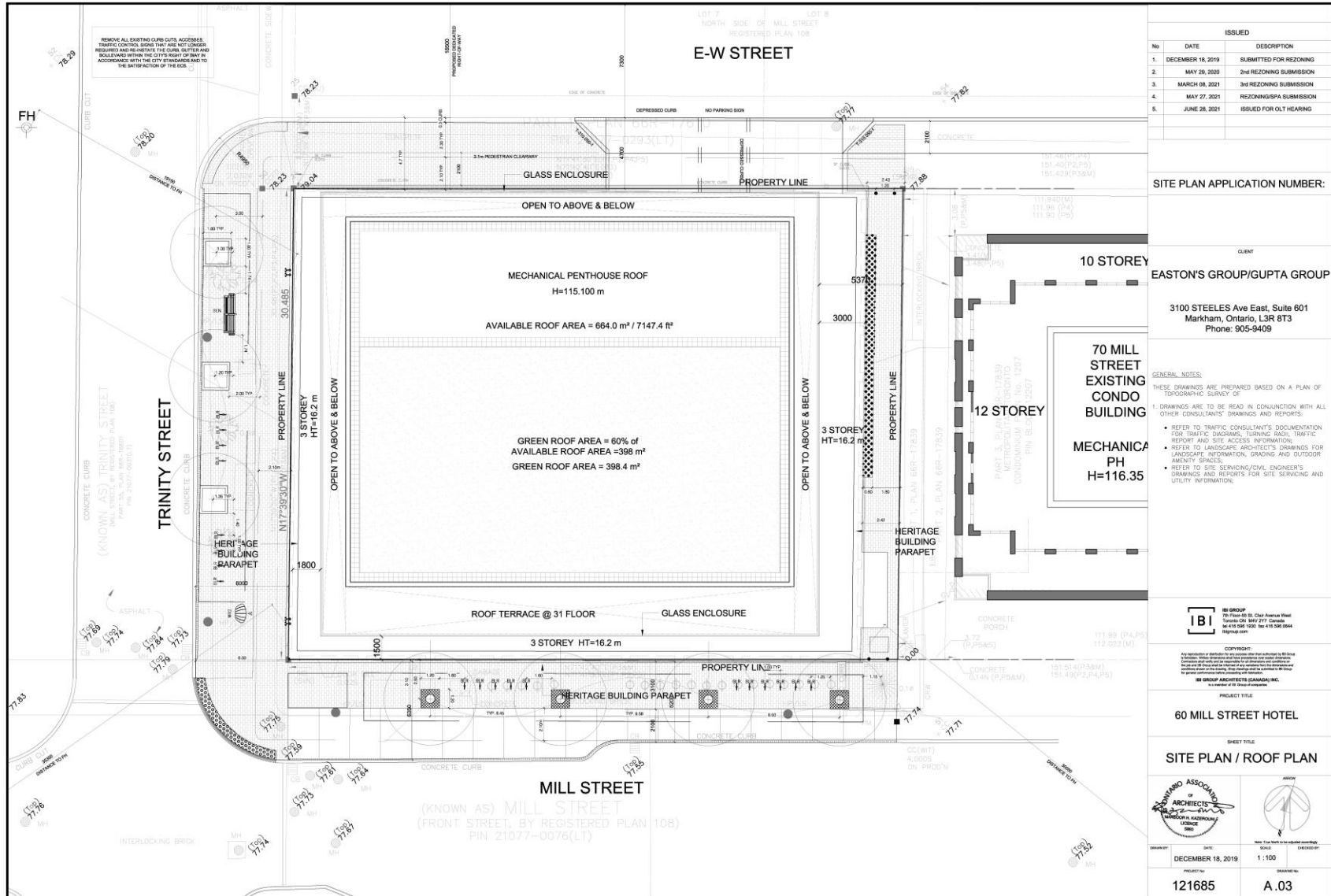
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 - REFER TO SITE SERVICES/CIVIL ENGINEER'S DRAWINGS AND REPORTS FOR SITE SERVISING AND UTILITY INFORMATION;



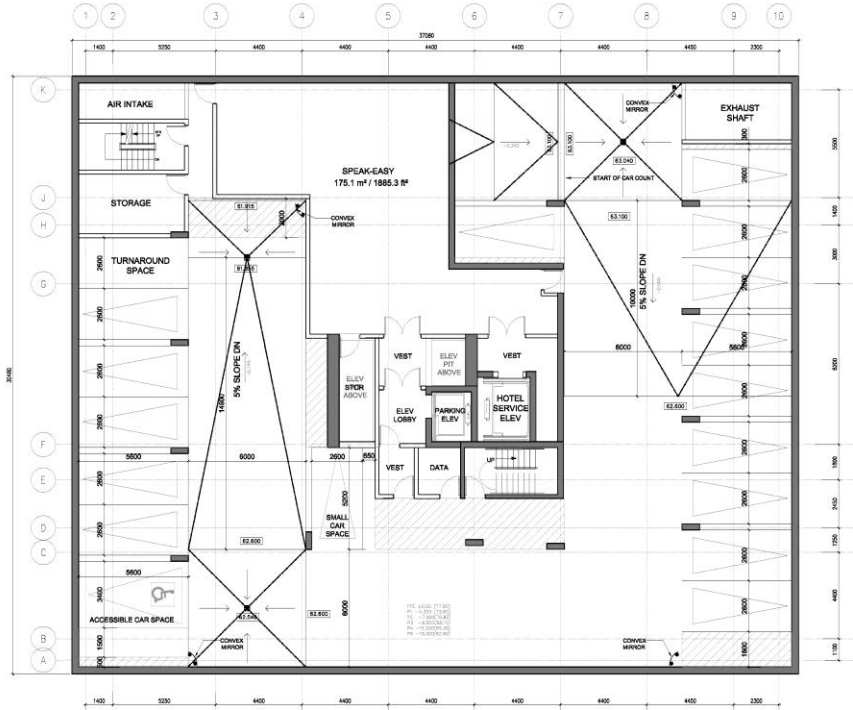
IBI GROUP
7th Floor 88 St. Clair Avenue West
Toronto, ON M5V 0Y7, Canada
tel 416 595 1000 fax 416 595 0544
ibi.com

PROJECT TITLE
60 MILL STREET HOTEL

SHEET TITLE
SITE PLAN / ROOF PLAN



DATE	18 DEC 2019	SCALE	1:100
PROJECT NO.	121685	DRAWING NO.	A.03



ISSUED		
No	DATE	DESCRIPTION
1.	DECEMBER 16, 2019	SUBMITTED FOR REZONING
2.	MAY 29, 2020	2ND REZONING SUBMISSION
3.	MARCH 06, 2021	3RD REZONING SUBMISSION
4.	MAY 27, 2021	REZONING/SPA SUBMISSION
5.	JUNE 26, 2021	ISSUED FOR O.T. HEARING

SITE PLAN APPLICATION NUMBER:

CLIENT
EASTON'S GROUP/GUPTA GROUP

3100 STEELES Ave East, Suite 601
 Markham, Ontario, L3R 8T3
 Phone: 905-9409

- GENERAL NOTES:
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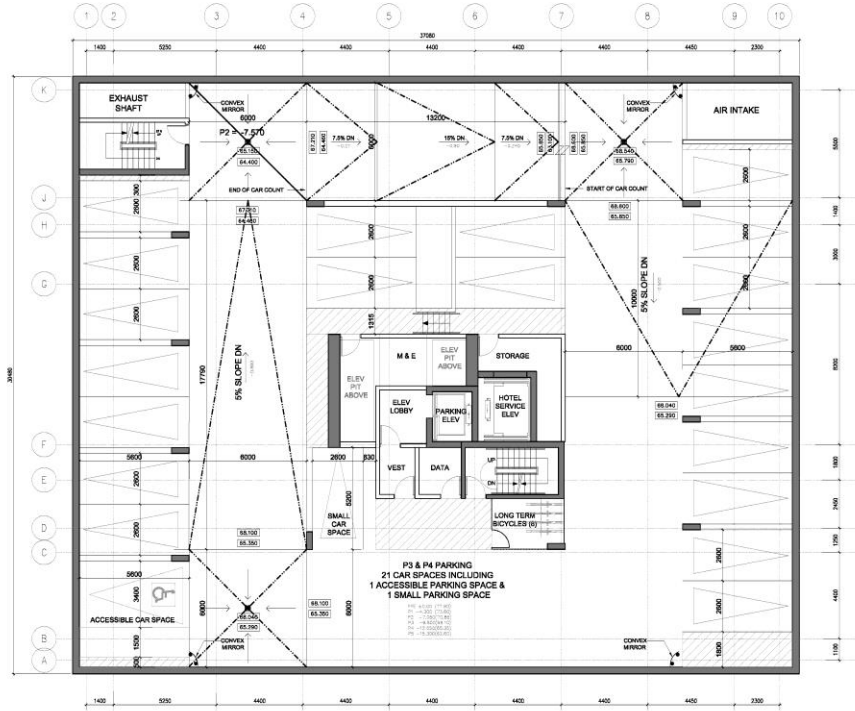
IBI GROUP ARCHITECTS (CANADA) INC.
 A member of IBI Group Companies

PROJECT TITLE
60 MILL STREET HOTEL

SHEET TITLE
P5 FLOOR PLAN



DESIGNED BY	DATE	SCALE	CHECKED BY
121685	DECEMBER 16, 2019	1 : 100	
DRAWING No.			



ISSUED		
No	DATE	DESCRIPTION
1.	DECEMBER 18, 2019	SUBMITTED FOR REZONING
2.	MAY 26, 2020	2ND REZONING SUBMISSION
3.	MARCH 06, 2021	3RD REZONING SUBMISSION
4.	MAY 27, 2021	REZONING/SPA SUBMISSION
5.	JUNE 26, 2021	ISSUED FOR OLT HEARING

SITE PLAN APPLICATION NUMBER:

CLIENT
EASTON'S GROUP/GUPTA GROUP
 3100 STEELES Ave East, Suite 601
 Markham, Ontario, L3R 8T3
 Phone: 905-9409

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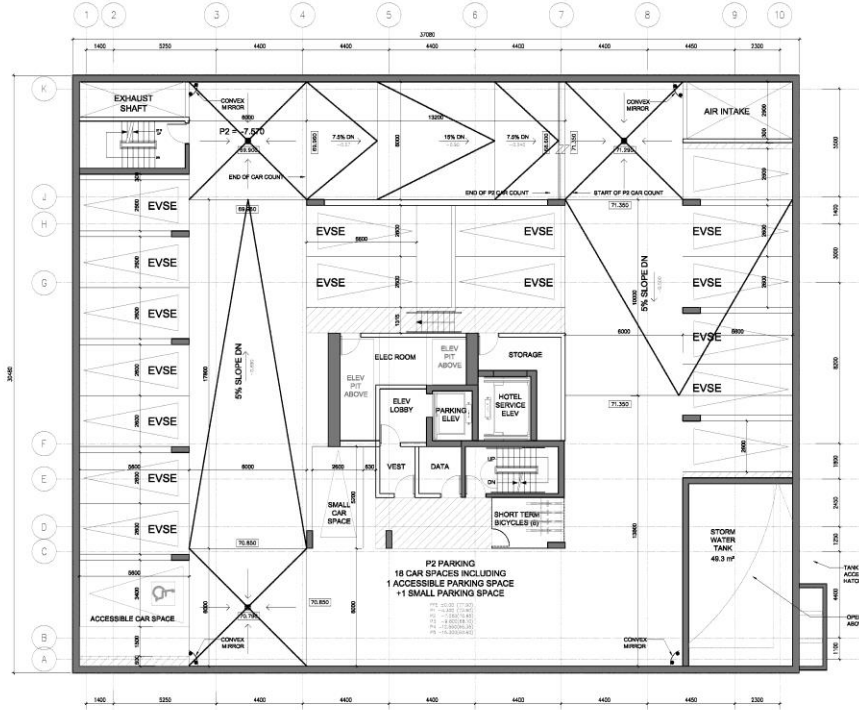
IBI GROUP
 75 FLOOR 8 St. Clair Avenue West
 Toronto, ON M5V 0Y7 Canada
 Tel: 416 593-1000 Fax: 416 593-0044
 www.ibigroup.com

PROJECT TITLE
60 MILL STREET HOTEL

SHEET TITLE
P3 & P4 FLOOR PLAN



DATE	SCALE	DATE	SCALE
DECEMBER 18, 2019	1:100		
PROJECT No.		DATE	
121685			
		DATE	



ISSUED		
No	DATE	DESCRIPTION
1.	DECEMBER 18, 2019	SUBMITTED FOR REZONING
2.	MAY 26, 2020	2nd REZONING SUBMISSION
3.	MARCH 06, 2021	3rd REZONING SUBMISSION
4.	MAY 27, 2021	REZONING/SPA SUBMISSION
5.	JUNE 26, 2021	ISSUED FOR OLT HEARING

SITE PLAN APPLICATION NUMBER:

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EASTON'S GROUP/GUPTA GROUP
 3100 STEELES Ave East, Suite 601
 Markham, Ontario, L3R 8T3
 Phone: 905-9409

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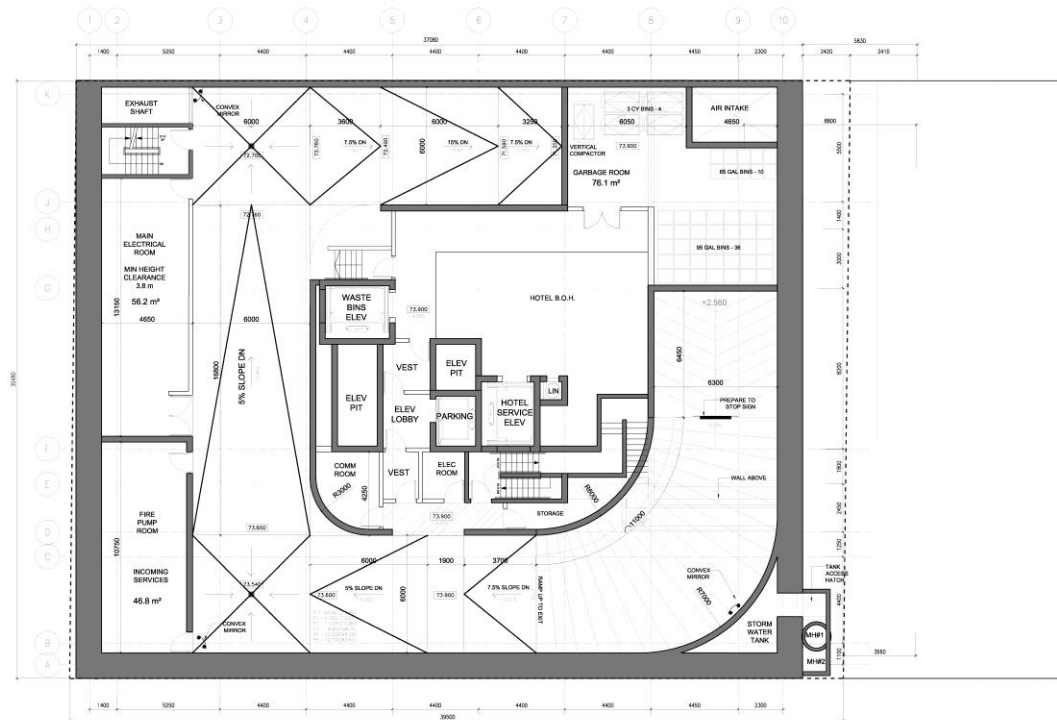
IBI GROUP
 75 FLOOR 8 St. Clair Avenue West
 Toronto, ON M5V 0Y7 Canada
 Tel: 416 593 1000 Fax: 416 593 5044
 Toronto, ON

PROJECT TITLE
60 MILL STREET HOTEL

SHEET TITLE
P2 FLOOR PLAN



ISSUED BY DECEMBER 18, 2019	SCALE 1 : 100
PROJECT No. 121685	SHEET No. A.06



ISSUED		
No	DATE	DESCRIPTION
1.	DECEMBER 18, 2019	SUBMITTED FOR REZONING
2.	MAY 26, 2020	2nd REZONING SUBMISSION
3.	MARCH 06, 2021	3rd REZONING SUBMISSION
4.	MAY 27, 2021	REZONING/SPA SUBMISSION
5.	JUNE 28, 2021	ISSUED FOR OLT HEARING

SITE PLAN APPLICATION NUMBER:

CLIENT
EASTON'S GROUP/GUPTA GROUP
 3100 STEELES Ave East, Suite 601
 Markham, Ontario, L3R 8T3
 Phone: 905-9409

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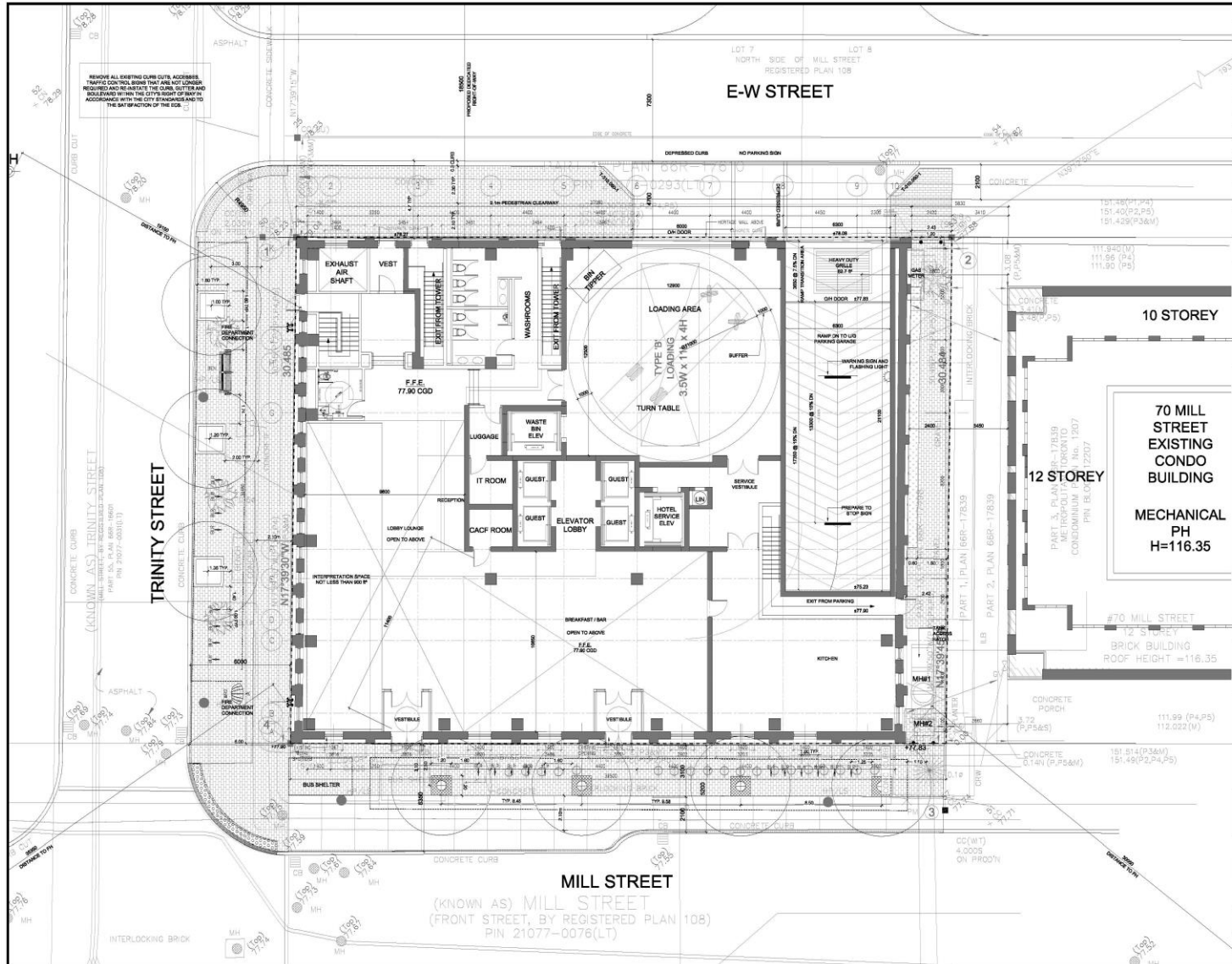
IBI GROUP ARCHITECTS (CANADA) INC.
 A member of IBI Group Companies

PROJECT TITLE
60 MILL STREET HOTEL

SHEET TITLE
P1 FLOOR PLAN



DATE DECEMBER 18, 2019	SCALE 1 : 100
PROJECT No. 121685	DRAWING No. A.07



ISSUED		
No	DATE	DESCRIPTION
1.	DECEMBER 18, 2019	SUBMITTED FOR REZONING
2.	MAY 26, 2020	2ND REZONING SUBMISSION
3.	MARCH 06, 2021	3RD REZONING SUBMISSION
4.	MAY 27, 2021	REZONING/SPA SUBMISSION
5.	JUNE 26, 2021	ISSUED FOR OLT HEARING

SITE PLAN APPLICATION NUMBER:

CLIENT
EASTON'S GROUP/GUPTA GROUP
 3100 STEELES Ave East, Suite 601
 Markham, Ontario, L3R 8T3
 Phone: 905-9409

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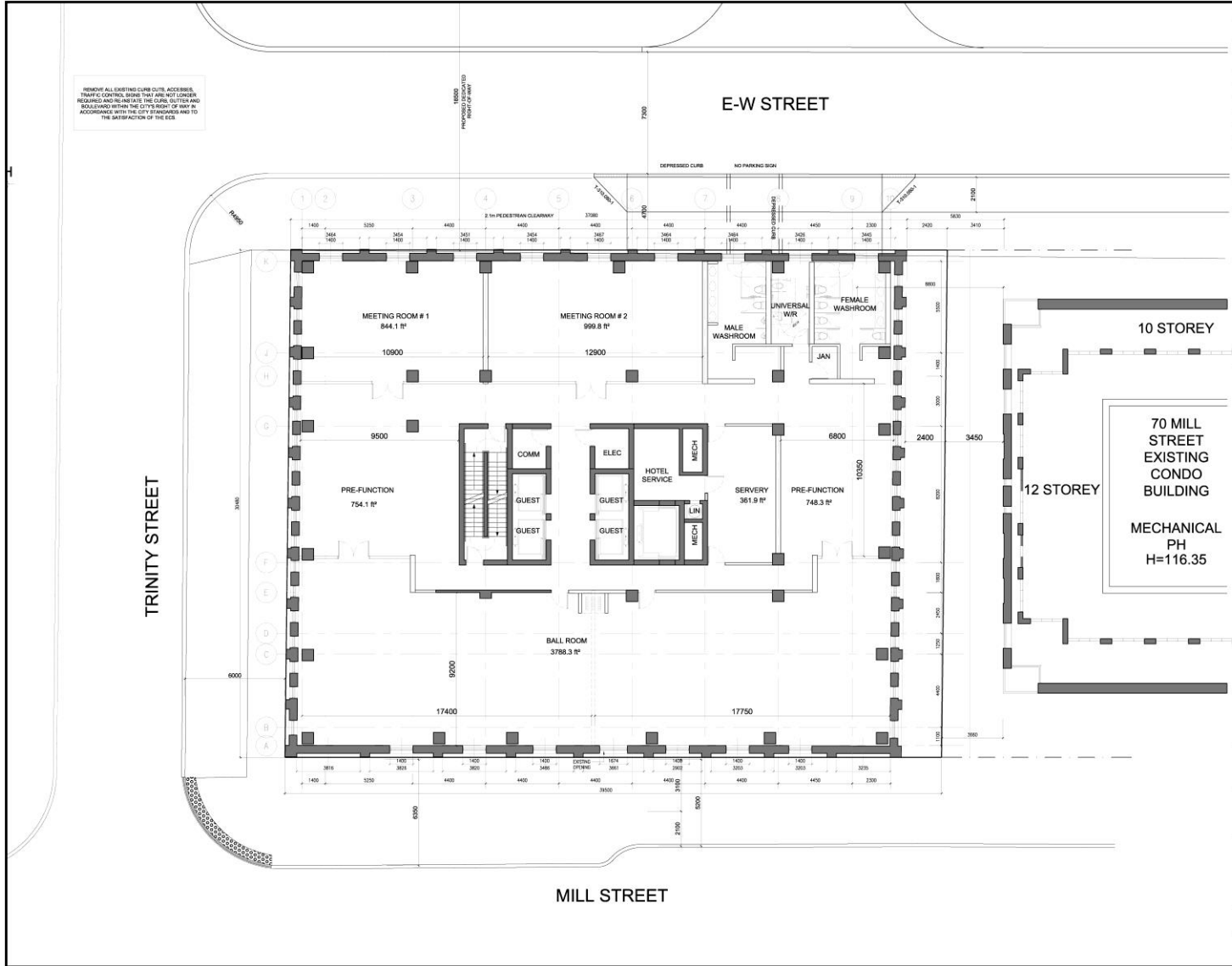
IBI GROUP
 75 FLOOR ST. CLAY AVENUE WEST
 TORONTO, ON M5V 2T7 CANADA
 TEL 416 598 1900 FAX 416 598 0844
 IBI@IBI.COM

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PROJECT TITLE
60 MILL STREET HOTEL

SHEET TITLE
GROUND FLOOR PLAN

PROJECT NO. 121685	SHEET NO. A.08



REMOVE ALL EXISTING CURBS, CURBS, ACCESSIBLE TRAMP'S CURBS, SIGNS THAT ARE NOT CONFORMING WITH THE CITY OF TORONTO AND BOLLARDED WITHIN THE CITY'S RIGHT OF WAY IN ACCORDANCE WITH THE CITY'S PROGRAMS AND TO THE SATISFACTION OF THE ECA

ISSUED		
No	DATE	DESCRIPTION
1.	DECEMBER 18, 2019	SUBMITTED FOR REZONING
2.	MAY 26, 2020	2nd REZONING SUBMISSION
3.	MARCH 06, 2021	3rd REZONING SUBMISSION
4.	MAY 27, 2021	REZONING/SPA SUBMISSION
5.	JUNE 28, 2021	ISSUED FOR OLT HEARING

SITE PLAN APPLICATION NUMBER:

CLIENT
EASTON'S GROUP/GUPTA GROUP
 3100 STEELES Ave East, Suite 601
 Markham, Ontario, L3R 8T3
 Phone: 905-9409

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 • REFER TO SITE SERVISING/CIVIL ENGINEER'S DRAWINGS AND REPORTS FOR SITE SERVISING AND UTILITY INFORMATION.

70 MILL STREET EXISTING CONDO BUILDING
 MECHANICAL PH H=116.35



IBI GROUP
 70 Floor 88 St. Clair Avenue West
 Toronto, ON M5V 2T7, Canada
 Tel: 416 593 1000 Fax: 416 593 0944
 ibigroup.com

PROJECT TITLE
60 MILL STREET HOTEL

SHEET TITLE
3 FLOOR PLAN



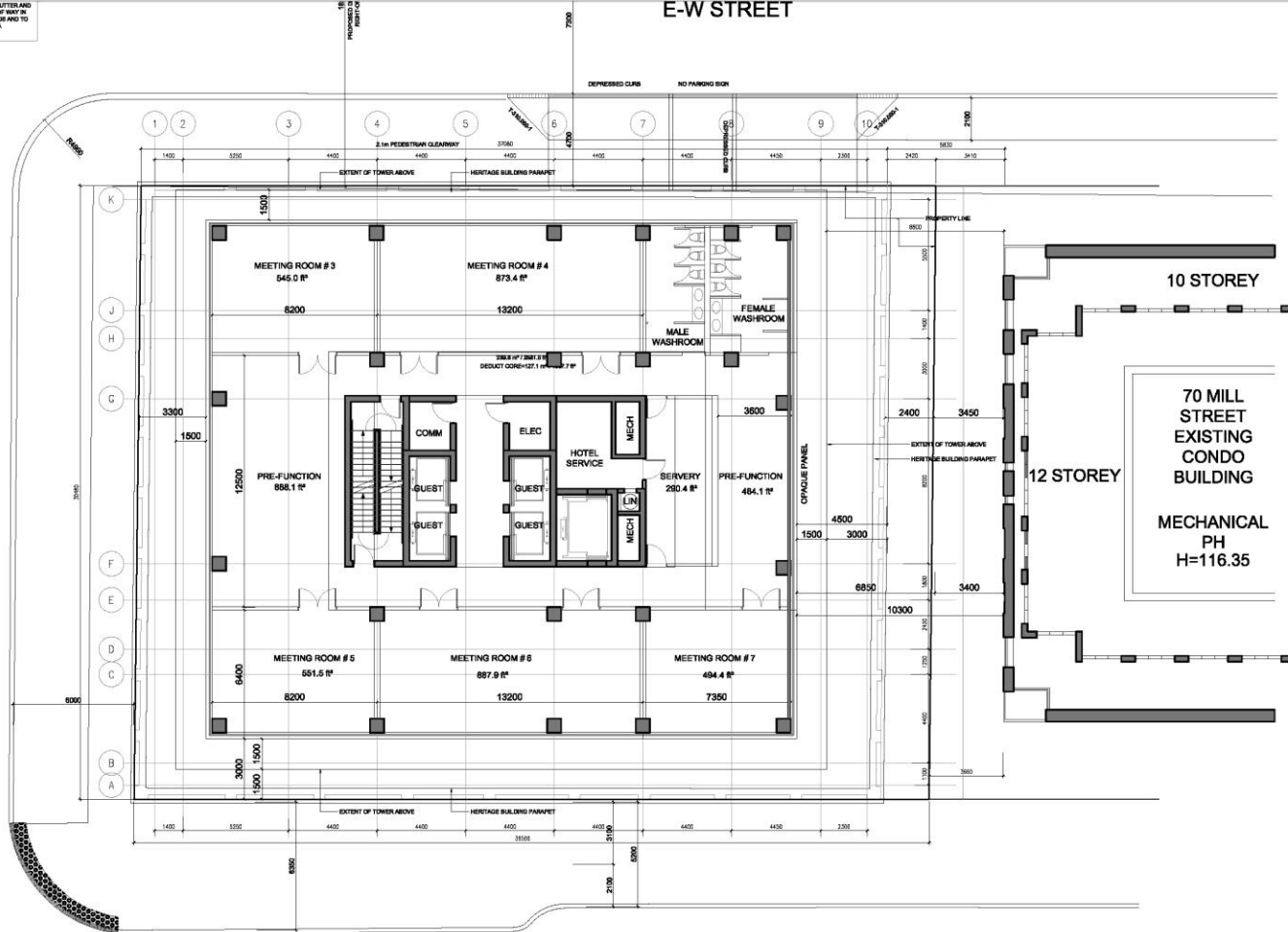
DATE DECEMBER 18, 2019	SCALE 1 : 100
PROJECT No. 121685	DRAWING No. A.10

REQUIRED AND RE-INSTATE THE CURB, GUTTERS AND BOLLARDS WITHIN THE CITY'S RIGHT OF WAY IN ACCORDANCE WITH THE CITY STANDARDS AND TO THE SATISFACTION OF THE EDC

FH

TRINITY STREET

E-W STREET



10 STOREY

12 STOREY

70 MILL STREET EXISTING CONDO BUILDING
MECHANICAL PH
H=116.35

MILL STREET



0 1 3 5m
SCALE 1:200

60 MILL STREET, TORONTO

4 FLOOR PLAN - RECESSED FLOOR - MEETING ROOMS

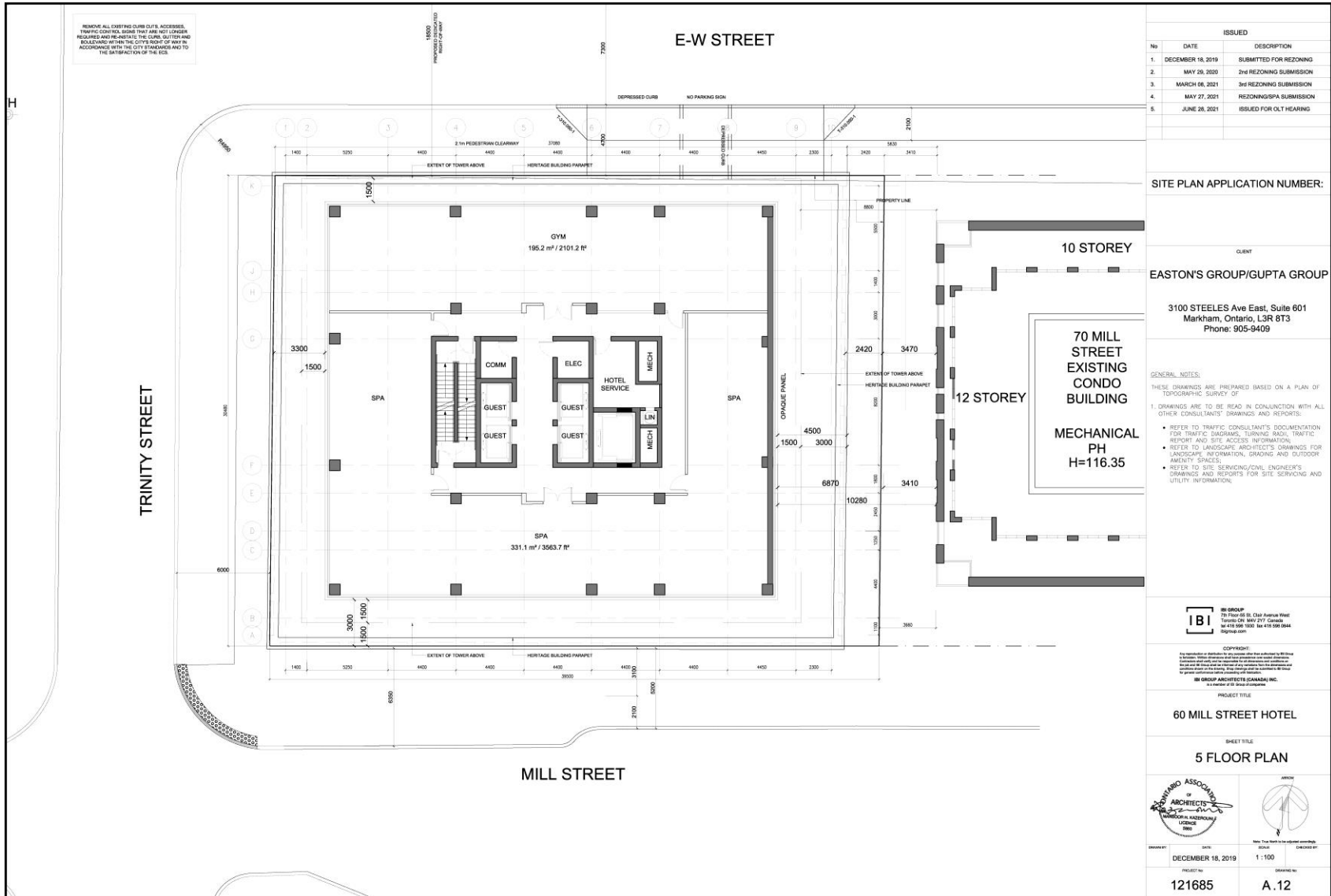
SCALE 1:200

OCTOBER 31, 2019

IN PROGRESS



IBI GROUP ARCHITECTS (CANADA) INC.
7th Floor, 55 St. Clair Avenue West
Toronto ON, M4V 2Y7 Canada
tel 416 596 1930, fax 416 596 0844, ibigroup.com



REMOVE ALL EXISTING CURB CUTS, ACCESSIBLE, TRAFFIC CONTROL SIGNS THAT ARE NOT CURRENTLY REQUIRED AND RE-INSTALL THE CURB CUTS AND SIGNS IN ACCORDANCE WITH THE CITY STANDARDS AND TO THE SATISFACTION OF THE E.O.S.

EXISTING CURB CUT AS SHOWN

ISSUED		
No	DATE	DESCRIPTION
1.	DECEMBER 18, 2019	SUBMITTED FOR REZONING
2.	MAY 29, 2020	2ND REZONING SUBMISSION
3.	MARCH 08, 2021	3RD REZONING SUBMISSION
4.	MAY 27, 2021	REZONING/SPA SUBMISSION
5.	JUNE 28, 2021	ISSUED FOR OLT HEARING

SITE PLAN APPLICATION NUMBER:

CLIENT
EASTON'S GROUP/GUPTA GROUP
3100 STEELES Ave East, Suite 601
Markham, Ontario, L3R 8T3
Phone: 905-9409

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• REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR LANDSCAPE, INFORMATION, GRADING AND OUTDOOR AMENITY SPACES;
• REFER TO SITE SERVICES/CIVIL ENGINEER'S DRAWINGS AND REPORTS FOR SITE SERVISING AND UTILITY INFORMATION;



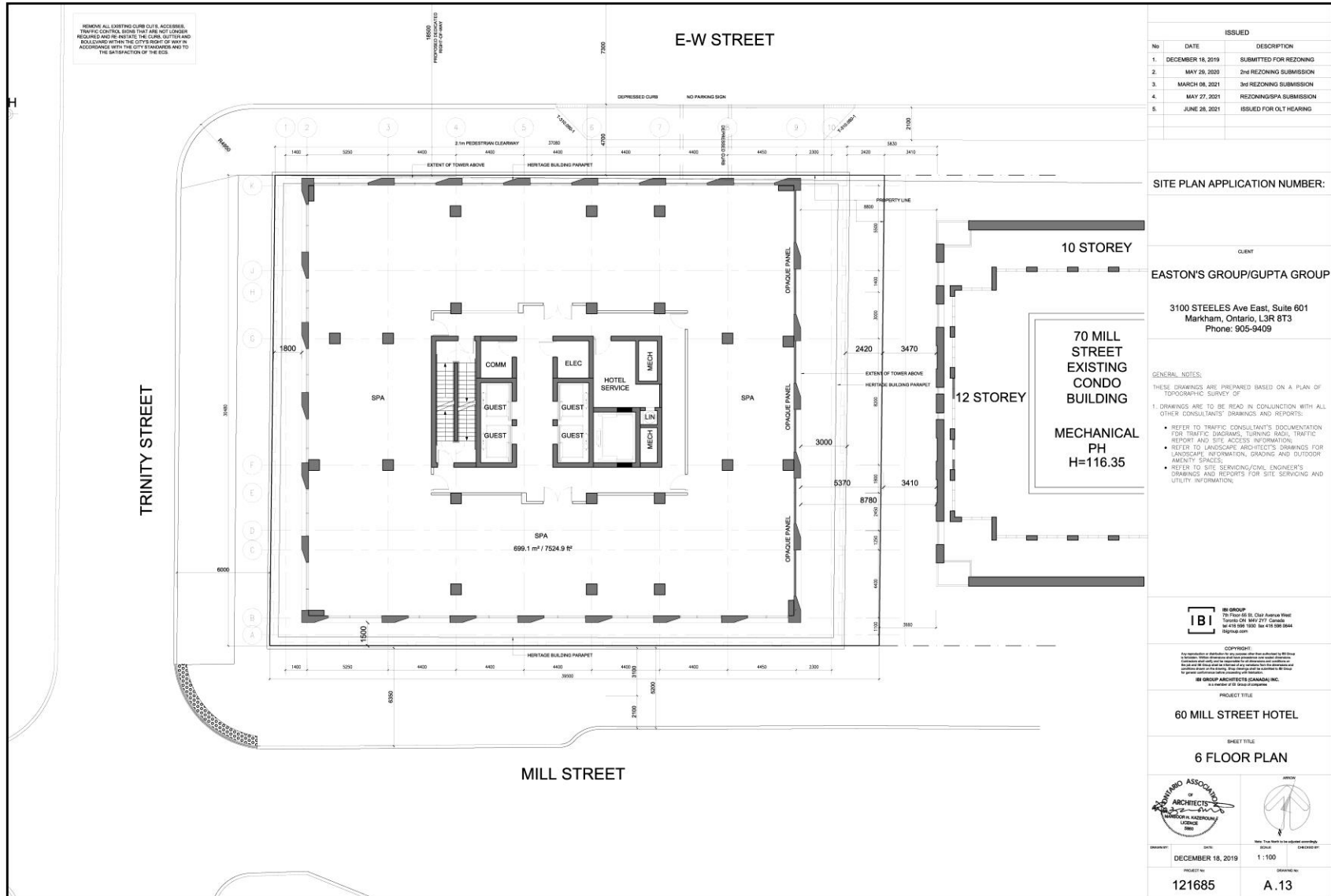
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PROJECT TITLE
60 MILL STREET HOTEL

SHEET TITLE
5 FLOOR PLAN



DATE DECEMBER 18, 2019	SCALE 1 : 100
PROJECT NO 121685	DRAWING NO A.12



ISSUED		
No	DATE	DESCRIPTION
1.	DECEMBER 18, 2019	SUBMITTED FOR REZONING
2.	MAY 26, 2020	2nd REZONING SUBMISSION
3.	MARCH 06, 2021	3rd REZONING SUBMISSION
4.	MAY 27, 2021	REZONING/SPA SUBMISSION
5.	JUNE 28, 2021	ISSUED FOR OLT HEARING

SITE PLAN APPLICATION NUMBER:

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EASTON'S GROUP/GUPTA GROUP

3100 STEELES Ave East, Suite 601
 Markham, Ontario, L3R 8T3
 Phone: 905-9409

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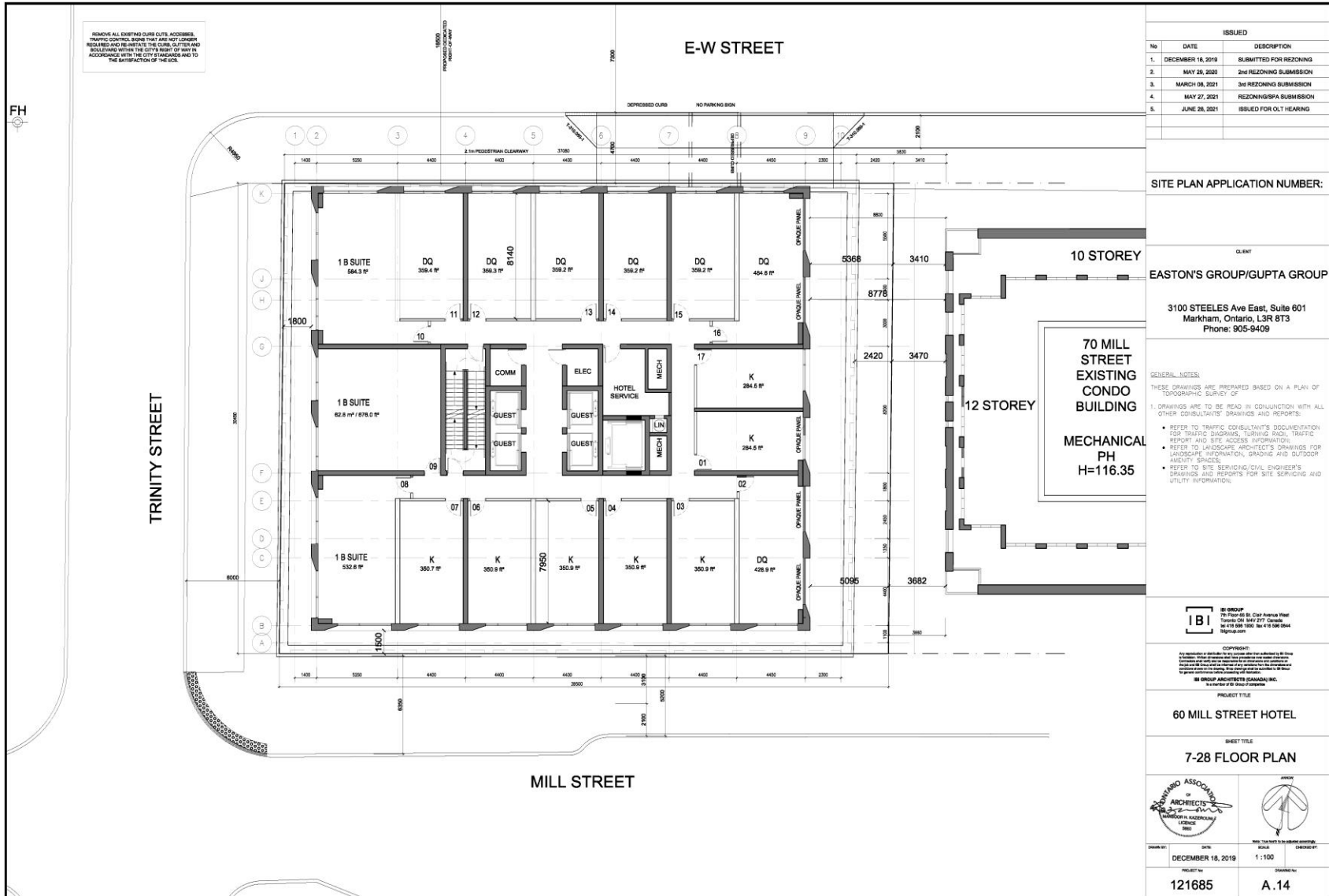
IBI GROUP
 7th Floor 85 St. Clair Avenue West
 Toronto, ON M5V 2T7, Canada
 Tel: 416 593 1000 Fax: 416 593 0944
 ibigroup.com

PROJECT TITLE
60 MILL STREET HOTEL

SHEET TITLE
6 FLOOR PLAN



DATE	SCALE	DRAWN BY
DECEMBER 18, 2019	1 : 100	
PROJECT NO.	DRAWING NO.	
121685	A.13	



ISSUED		
NO	DATE	DESCRIPTION
1.	DECEMBER 18, 2019	SUBMITTED FOR REZONING
2.	MAY 26, 2020	2ND REZONING SUBMISSION
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4.	MAY 27, 2021	REZONING/SPA SUBMISSION
5.	JUNE 26, 2021	ISSUED FOR OLT HEARING

SITE PLAN APPLICATION NUMBER:

CLIENT
EASTON'S GROUP/GUPTA GROUP

3100 STEELES Ave East, Suite 601
 Markham, Ontario, L3R 8T3
 Phone: 905-9409

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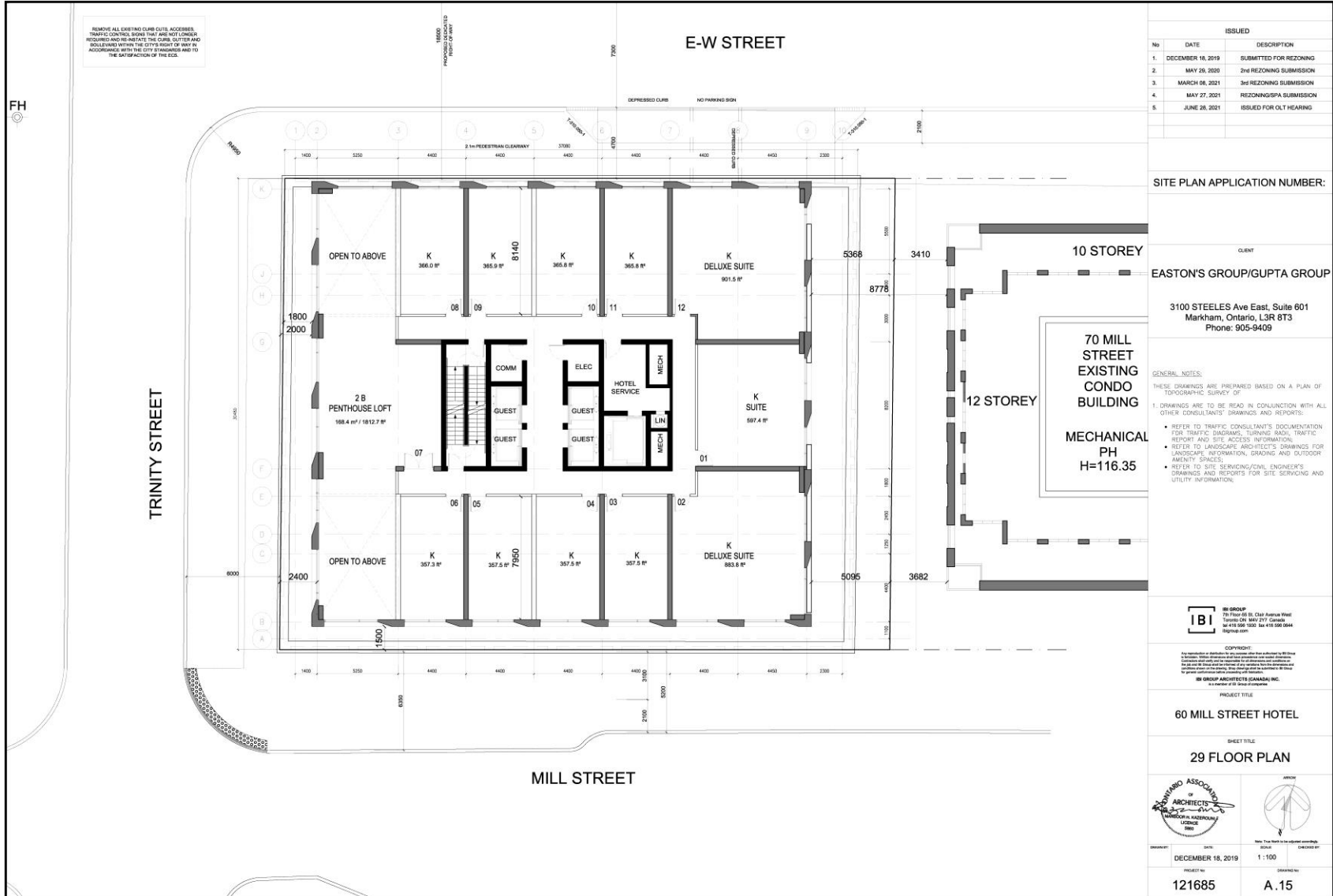
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PROJECT TITLE
60 MILL STREET HOTEL

SHEET TITLE
7-28 FLOOR PLAN

PROJECT NO. 121685	DRAWING NO. A.14



REMOVE ALL EXISTING CURB ACCESSORIES, TRAFFIC CONTROL SIGNS THAT ARE NOT LONGER REQUIRED AND RE-ELEVATE THE CURB, CUTTERS AND BOLLARDS WITHIN THE CITY STREET TO BE IN ACCORDANCE WITH THE CITY STANDARDS AND TO THE SATISFACTION OF THE ECC.

FH

ISSUED		
No	DATE	DESCRIPTION
1.	DECEMBER 18, 2019	SUBMITTED FOR REZONING
2.	MAY 26, 2020	2nd REZONING SUBMISSION
3.	MARCH 06, 2021	3rd REZONING SUBMISSION
4.	MAY 27, 2021	REZONING/SPA SUBMISSION
5.	JUNE 28, 2021	ISSUED FOR OLT HEARING

SITE PLAN APPLICATION NUMBER:

CLIENT
EASTON'S GROUP/GUPTA GROUP

3100 STEELES Ave East, Suite 601
Markham, Ontario, L3R 8T3
Phone: 905-9409

GENERAL NOTES:
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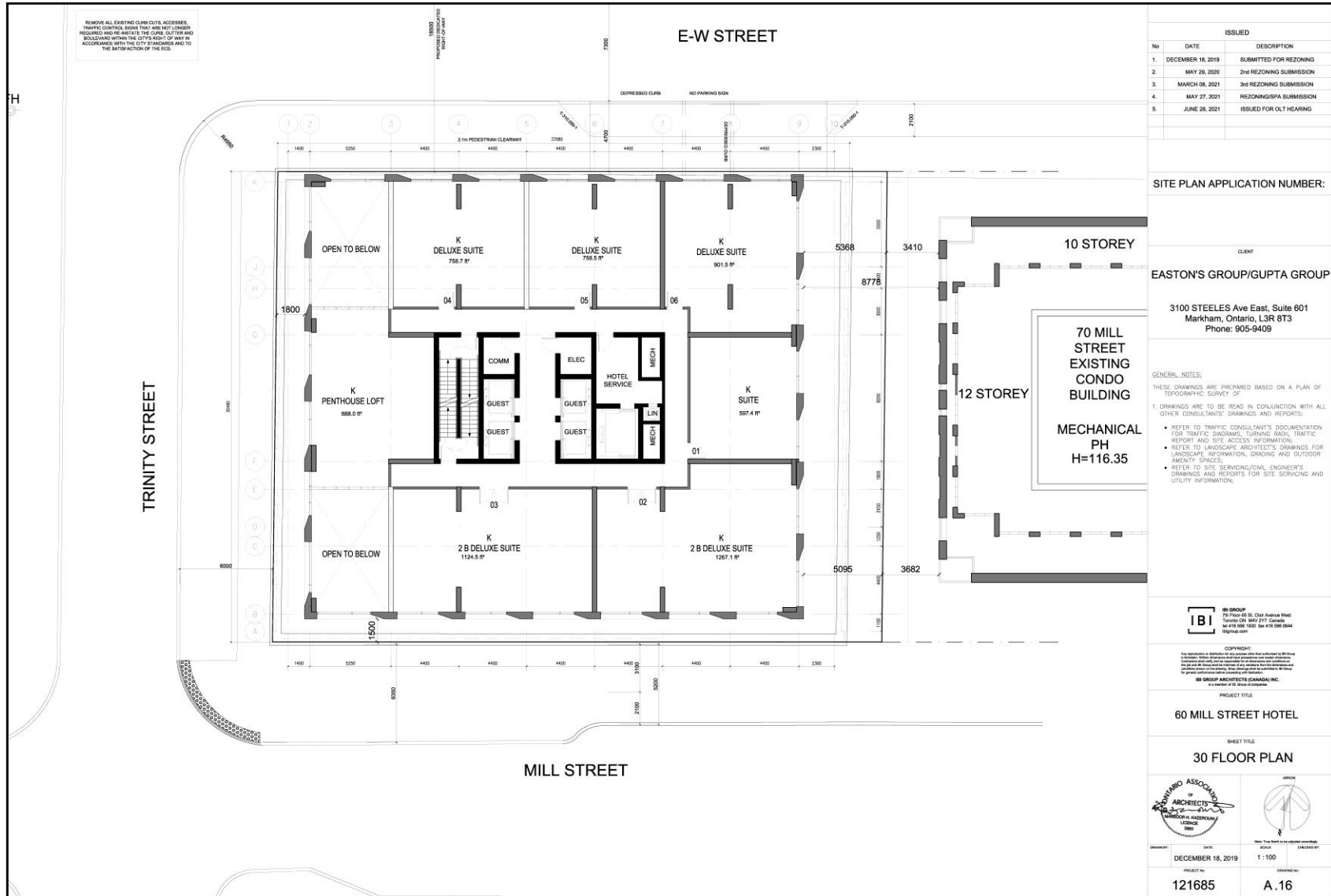
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PROJECT TITLE
60 MILL STREET HOTEL

SHEET TITLE
29 FLOOR PLAN



DATE DECEMBER 18, 2019	SCALE 1 : 100
PROJECT No. 121685	DRAWING No. A.15



ISSUED		
№	DATE	DESCRIPTION
1.	DECEMBER 18, 2019	SUBMITTED FOR REZONING
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5.	JUNE 28, 2021	ISSUED FOR OLT HEARING

SITE PLAN APPLICATION NUMBER:

CLIENT
EASTON'S GROUP/GUPTA GROUP
 3100 STEELES Ave East, Suite 601
 Markham, Ontario, L3R 8T3
 Phone: 905-9409

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IBI GROUP
 7th Floor 88 St. Clair Avenue West
 Toronto, ON M5V 2T7, Canada
 Tel: 416 593 1000 Fax: 416 593 0844
 ibigroup.com

PROJECT TITLE

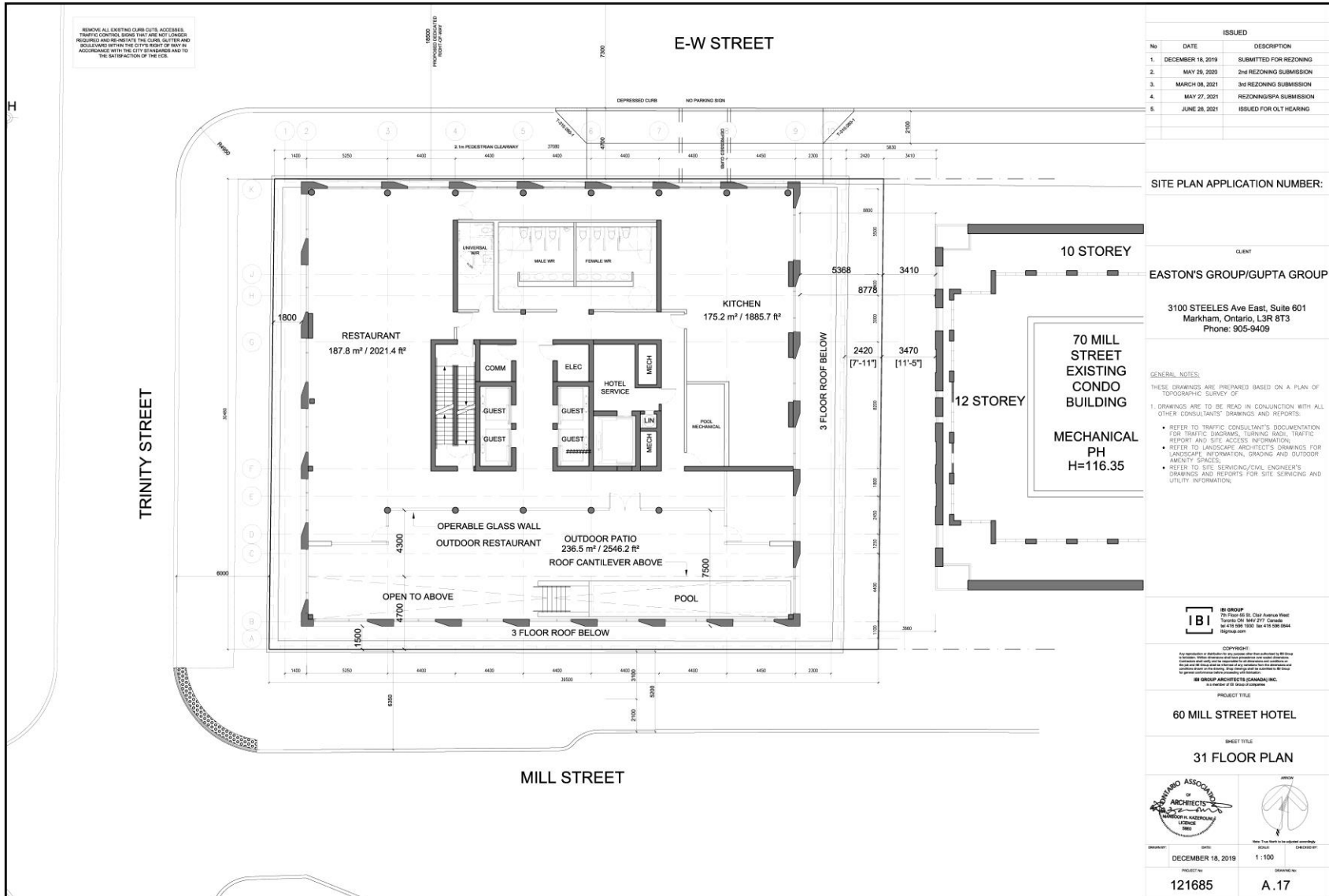
60 MILL STREET HOTEL

SHEET TITLE

30 FLOOR PLAN



DATE	SCALE
DECEMBER 18, 2019	1 : 100
PROJECT №	DRAWING №
121685	A.16



ISSUED		
No	DATE	DESCRIPTION
1.	DECEMBER 18, 2019	SUBMITTED FOR REZONING
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5.	JUNE 28, 2021	ISSUED FOR OLT HEARING

SITE PLAN APPLICATION NUMBER:

CLIENT
 EASTON'S GROUP/GUPTA GROUP
 3100 STEELES Ave East, Suite 601
 Markham, Ontario, L3R 8T3
 Phone: 905-9409

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 70 Floor 88 St. Clair Avenue West
 Toronto, ON M5V 2Y7, Canada
 Tel 416 599 1900 Fax 416 599 9944
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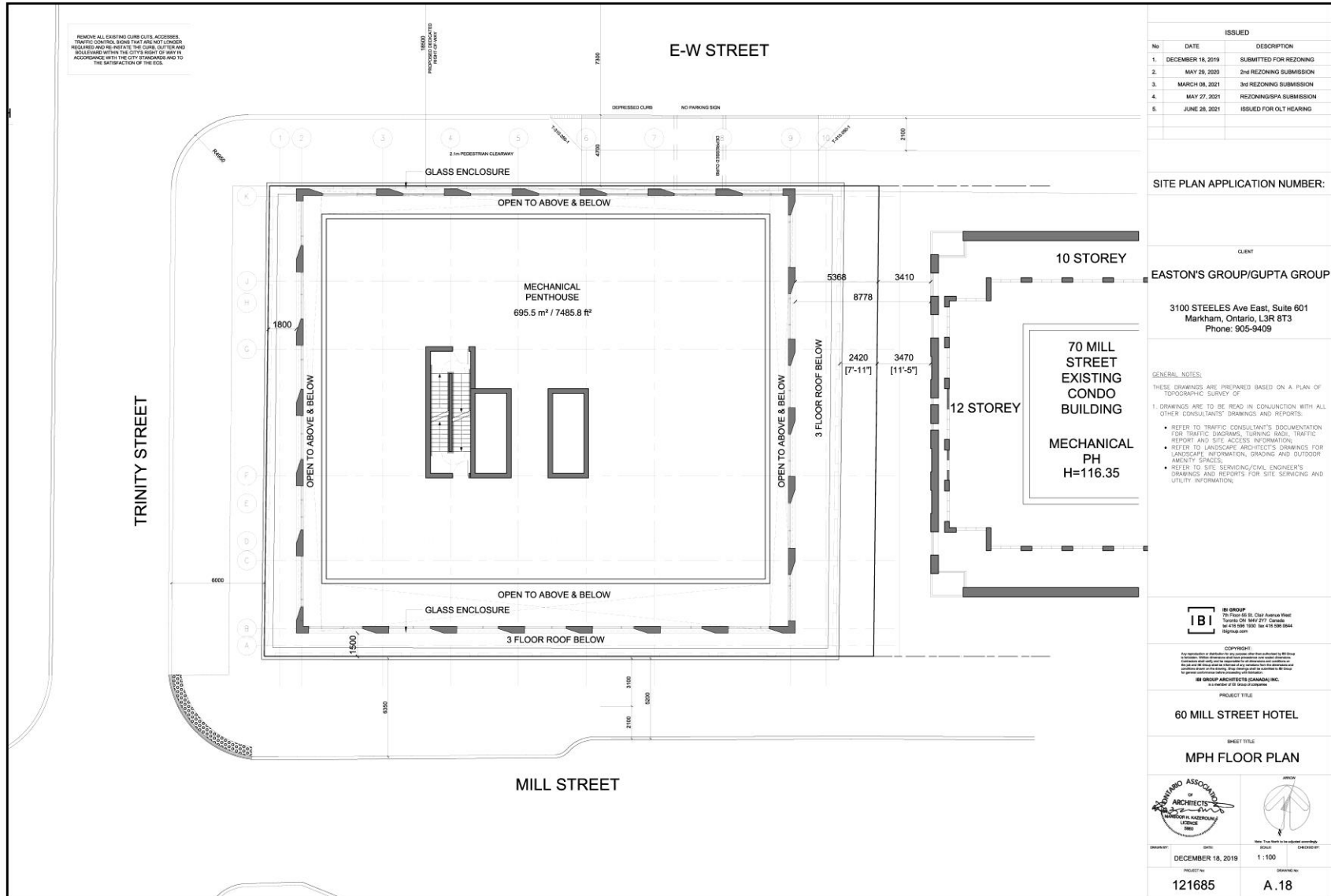
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PROJECT TITLE
 60 MILL STREET HOTEL

SHEET TITLE
 31 FLOOR PLAN



DESIGNED BY	DATE	SCALE	CHECKED BY
	DECEMBER 18, 2019	1 : 100	
PROJECT NO.	DRAWING NO.		
121685	A.17		



ISSUED		
No	DATE	DESCRIPTION
1.	DECEMBER 18, 2019	SUBMITTED FOR REZONING
2.	MAY 29, 2020	2nd REZONING SUBMISSION
3.	MARCH 08, 2021	3rd REZONING SUBMISSION
4.	MAY 27, 2021	REZONING/SPA SUBMISSION
5.	JUNE 28, 2021	ISSUED FOR OLT HEARING

SITE PLAN APPLICATION NUMBER:

CLIENT
EASTON'S GROUP/GUPTA GROUP
 3100 STEELES Ave East, Suite 601
 Markham, Ontario, L3R 8T3
 Phone: 905-9409

GENERAL NOTES:
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 • REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR LANDSCAPE INFORMATION, GRADING AND OUTDOOR AMENITY SPACES;
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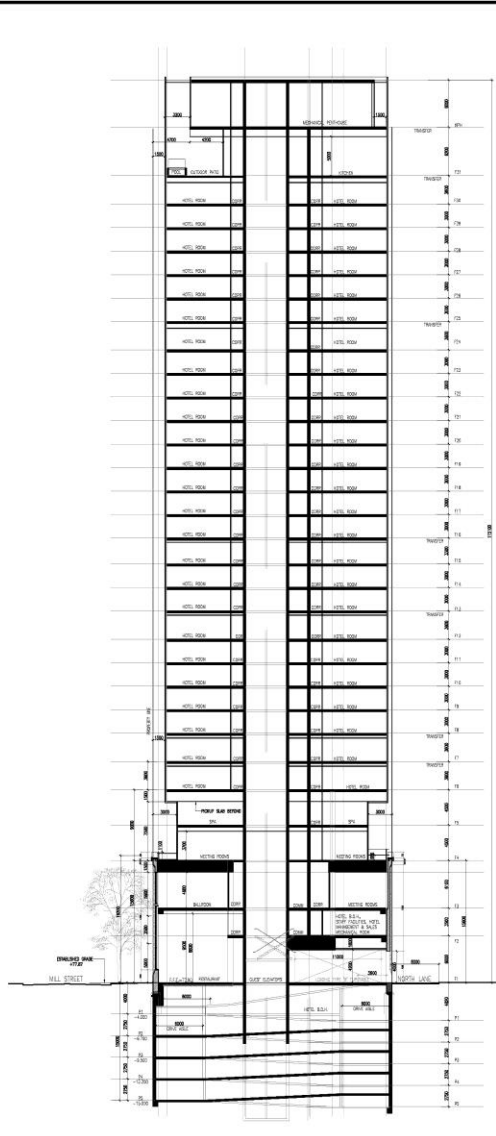
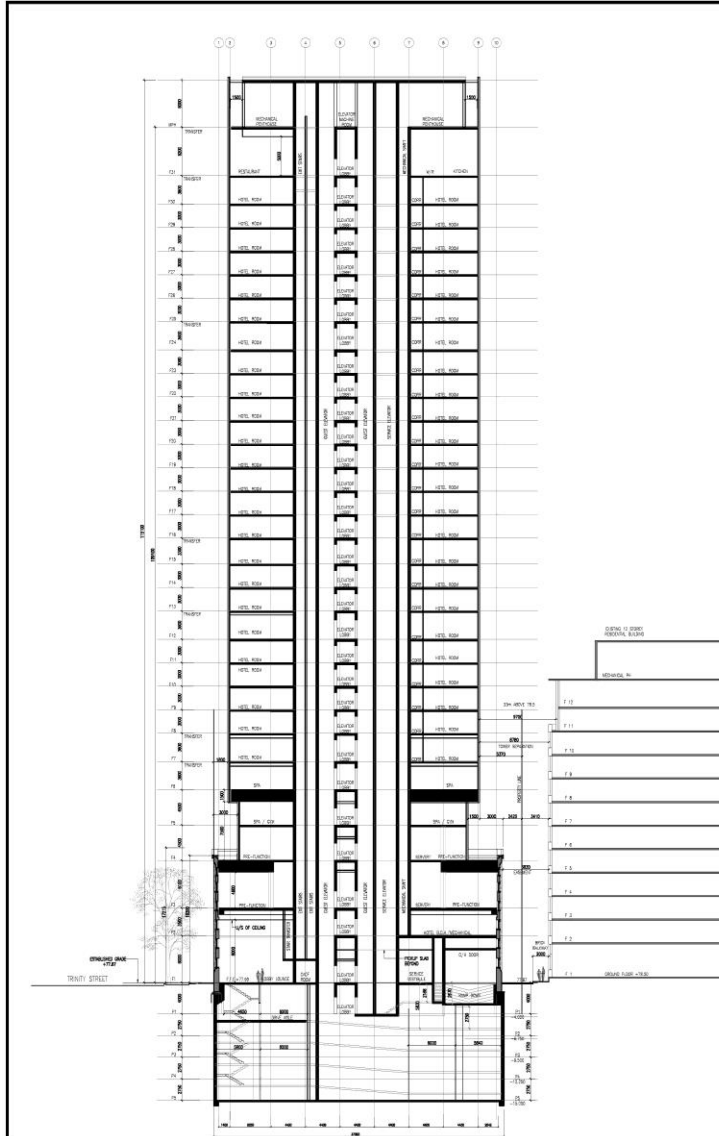
IBI GROUP
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 Toronto, ON M5V 2T7, Canada
 Tel: 416 595 1000 Fax: 416 595 0944
 ibigroup.com

PROJECT TITLE
60 MILL STREET HOTEL

SHEET TITLE
MPH FLOOR PLAN



DATE DECEMBER 18, 2019	SCALE 1 : 100
PROJECT No. 121685	DRAWING No. A.18



ISSUED		
NO	DATE	DESCRIPTION
1.	DECEMBER 18, 2019	SUBMITTED FOR REZONING
2.	MAY 26, 2020	2ND REZONING SUBMISSION
3.	MARCH 06, 2021	3RD REZONING SUBMISSION
4.	MAY 27, 2021	REZONING/SPA SUBMISSION
5.	JUNE 26, 2021	ISSUED FOR OLT HEARING

SITE PLAN APPLICATION NUMBER:

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- REFER TO SITE SERVICES/CIVIL ENGINEER'S DRAWINGS AND REPORTS FOR SITE SERVICES AND UTILITY INFORMATION.

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PROJECT TITLE

60 MILL STREET HOTEL

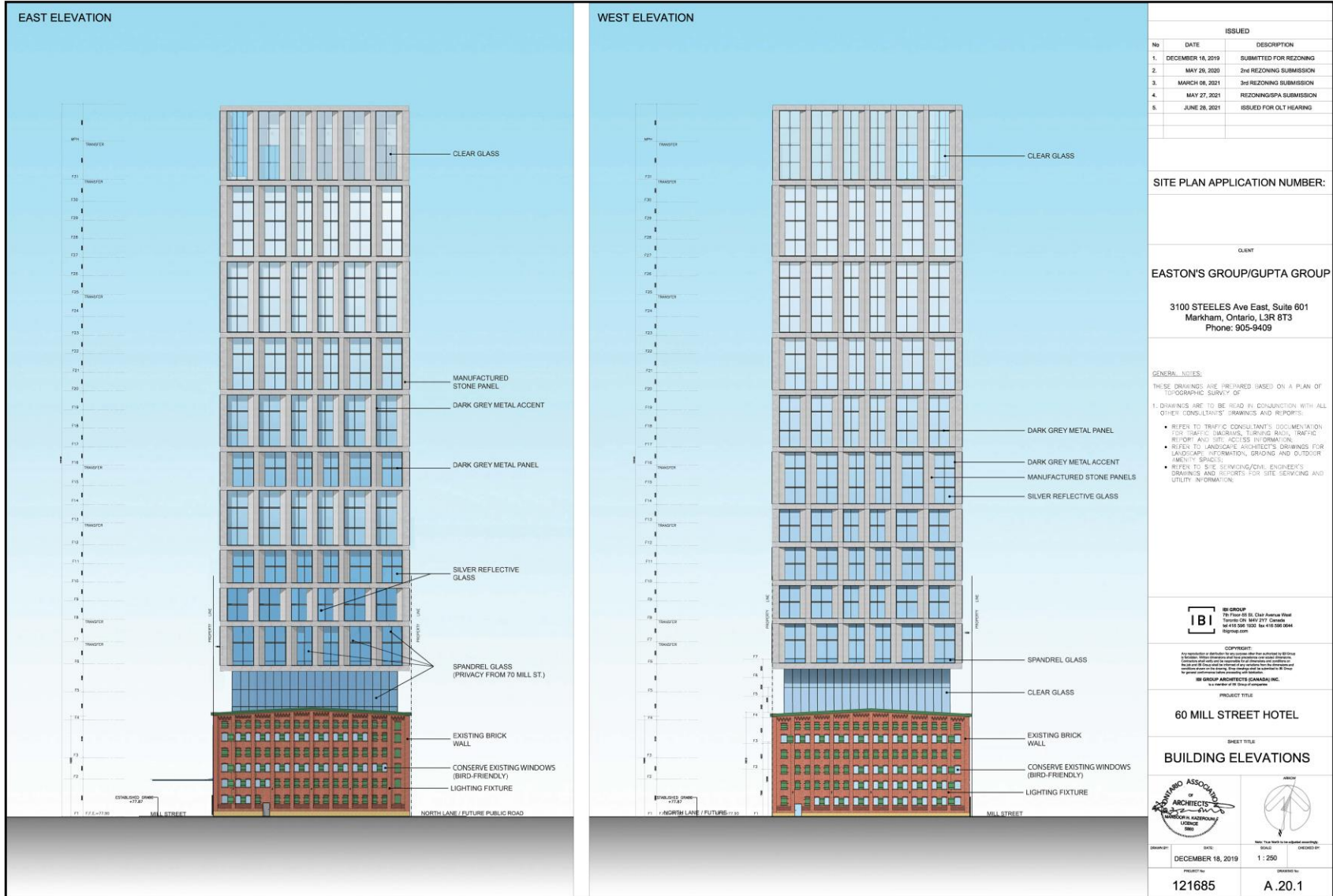
SHEET TITLE

BUILDING SECTIONS

IBI GROUP ASSOCIATES OF ARCHITECTS
 A MEMBER OF THE IBI GROUP
 1000 KENNEDY ROAD
 SCARBOROUGH, ONTARIO M1T 2W2
 CANADA

DATE DECEMBER 18, 2019 **SCALE** 1 : 250 **DRAWN BY**

PROJECT NO. 121685 **DRAWING NO.** A.19



EAST ELEVATION

WEST ELEVATION

ISSUED

NO	DATE	DESCRIPTION
1.	DECEMBER 18, 2019	SUBMITTED FOR REZONING
2.	MAY 26, 2020	2nd REZONING SUBMISSION
3.	MARCH 06, 2021	3rd REZONING SUBMISSION
4.	MAY 27, 2021	REZONING/SPA SUBMISSION
5.	JUNE 26, 2021	ISSUED FOR OLT HEARING

SITE PLAN APPLICATION NUMBER:

CLIENT

EASTON'S GROUP/GUPTA GROUP

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 3. REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR LANDSCAPE INFORMATION, GRASS AND OUTDOOR MEETING SPACES.
 4. REFER TO SITE SERVICES/CIVIL ENGINEER'S DRAWINGS AND REPORTS FOR SITE SERVING AND UTILITY INFORMATION.



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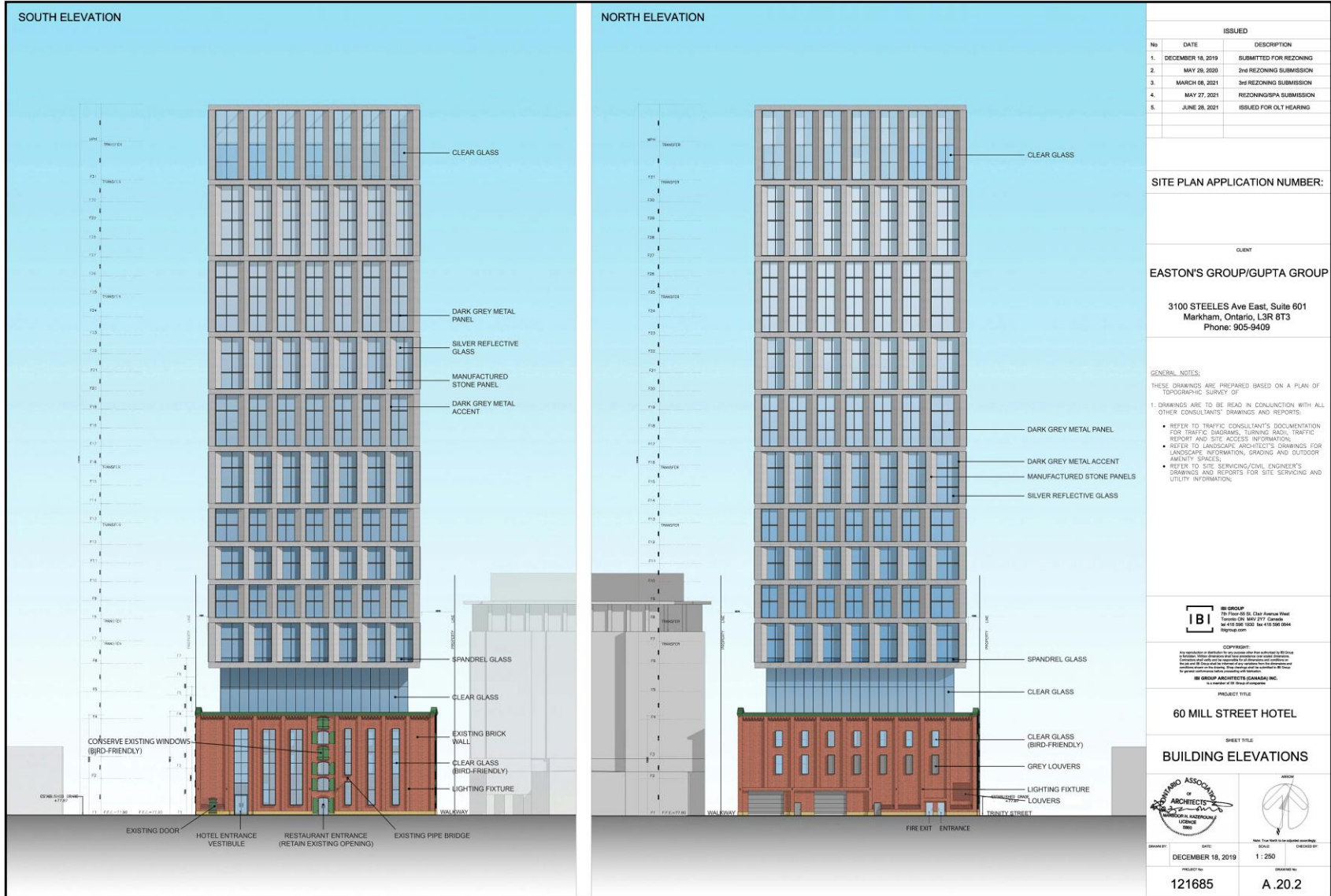
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PROJECT TITLE
60 MILL STREET HOTEL

SHEET TITLE
BUILDING ELEVATIONS



DESIGNED BY DECEMBER 18, 2019	DATE 1 : 250	SCALE	DATE 12/18/19
PROJECT NO. 121685	DRAWING NO. A.20.1		



SOUTH ELEVATION

NORTH ELEVATION

ISSUED		
No	DATE	DESCRIPTION
1.	DECEMBER 18, 2019	SUBMITTED FOR REZONING
2.	MAY 26, 2020	2nd REZONING SUBMISSION
3.	MARCH 08, 2021	3rd REZONING SUBMISSION
4.	MAY 27, 2021	REZONING/SPA SUBMISSION
5.	JUNE 28, 2021	ISSUED FOR OLT HEARING

SITE PLAN APPLICATION NUMBER:

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 Markham, Ontario, L3R 8T3
 Phone: 905-9409

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 • REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR LANDSCAPE INFORMATION, GRADING AND OUTDOOR AMENITY SPACES;
 • REFER TO SITE SERVICES/CIVIL ENGINEER'S DRAWINGS AND REPORTS FOR SITE SERVISING AND UTILITY INFORMATION;



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PROJECT TITLE
60 MILL STREET HOTEL

SHEET TITLE
BUILDING ELEVATIONS



DESIGNED BY DECEMBER 18, 2019	DATE 1 : 250	SCALE	CHECKED BY
PROJECT No. 121685			DRAWING No. A.20.2

APPENDIX 2



60 MILL STREET
 ISSUED FOR OLT HEARING
 JUNE 25, 2021

SHEET LIST

- L-000 LANDSCAPE CONCEPT PLAN
- L-001 TREE REMOVAL AND PROTECTION PLAN
- L-100 GROUND FLOOR CONCEPT PLAN
- L-110 TERRACE LANDSCAPE CONCEPT PLAN
- L-120 GREEN ROOF LANDSCAPE CONCEPT PLAN
- L-500 LANDSCAPE DETAILS
- L-501 CITY STANDARD DETAILS SHEET 1 OF 3
- L-502 CITY STANDARD DETAILS SHEET 2 OF 3
- L-503 CITY STANDARD DETAILS SHEET 3 OF 3

ISSUED		
No.	DATE	DESCRIPTION
1	2019-12-16	ISSUED FOR ZBA SUBMISSION
2	2020-01-13	ISSUED FOR SPA SUBMISSION
3	2020-02-27	ISSUED FOR SPA RE-SUBMISSION
4	2021-03-08	ISSUED FOR SPA RE-SUBMISSION
5	2021-05-13	ISSUED FOR SPA RE-SUBMISSION
6	2021-05-26	ISSUED FOR SPA RE-SUBMISSION
7	2021-06-10	ISSUED FOR OLT REVIEW
8	2021-06-25	ISSUED FOR OLT HEARING

KEY MAP	

LEGEND	

CLIENT	
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IBI GROUP	
7th Floor, 35 St. Clair Avenue West Toronto, ON M5V 1C7, Canada Tel: 416 596 1500 Fax: 416 596 9644 ibigroup.com	

PROJECT TITLE	
60 MILL STREET TORONTO, ONTARIO	

SHEET TITLE	
LANDSCAPE ARCHITECTURE DRAWING SET	

--	--

DRAWN BY: [Name] DATE: OCTOBER 31, 2019	SCALE: 1 : 100 SHEET NO: 122696
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ISSUED	
NO.	DESCRIPTION
1	2021-06-25 ISSUED FOR OLT HEARING



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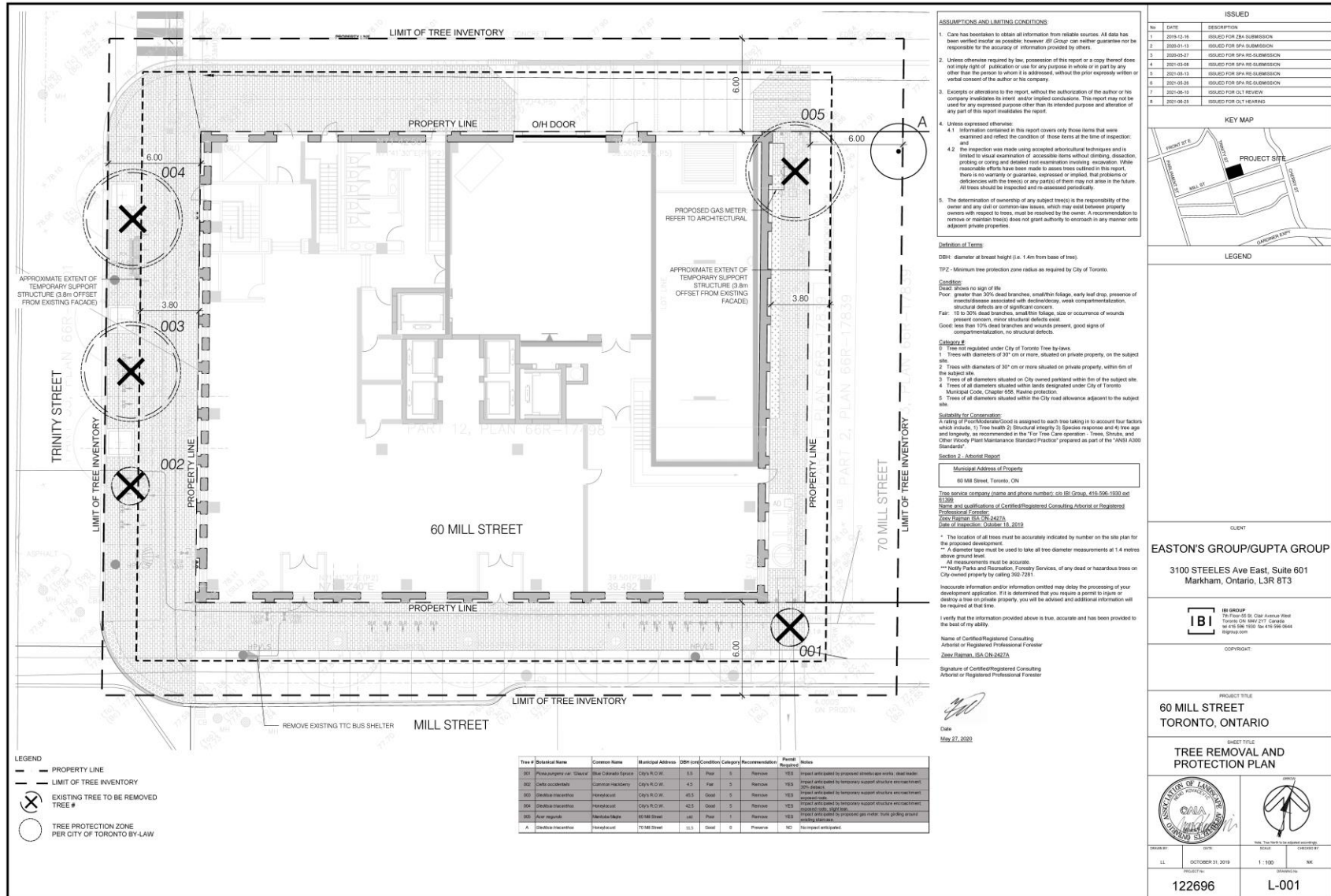
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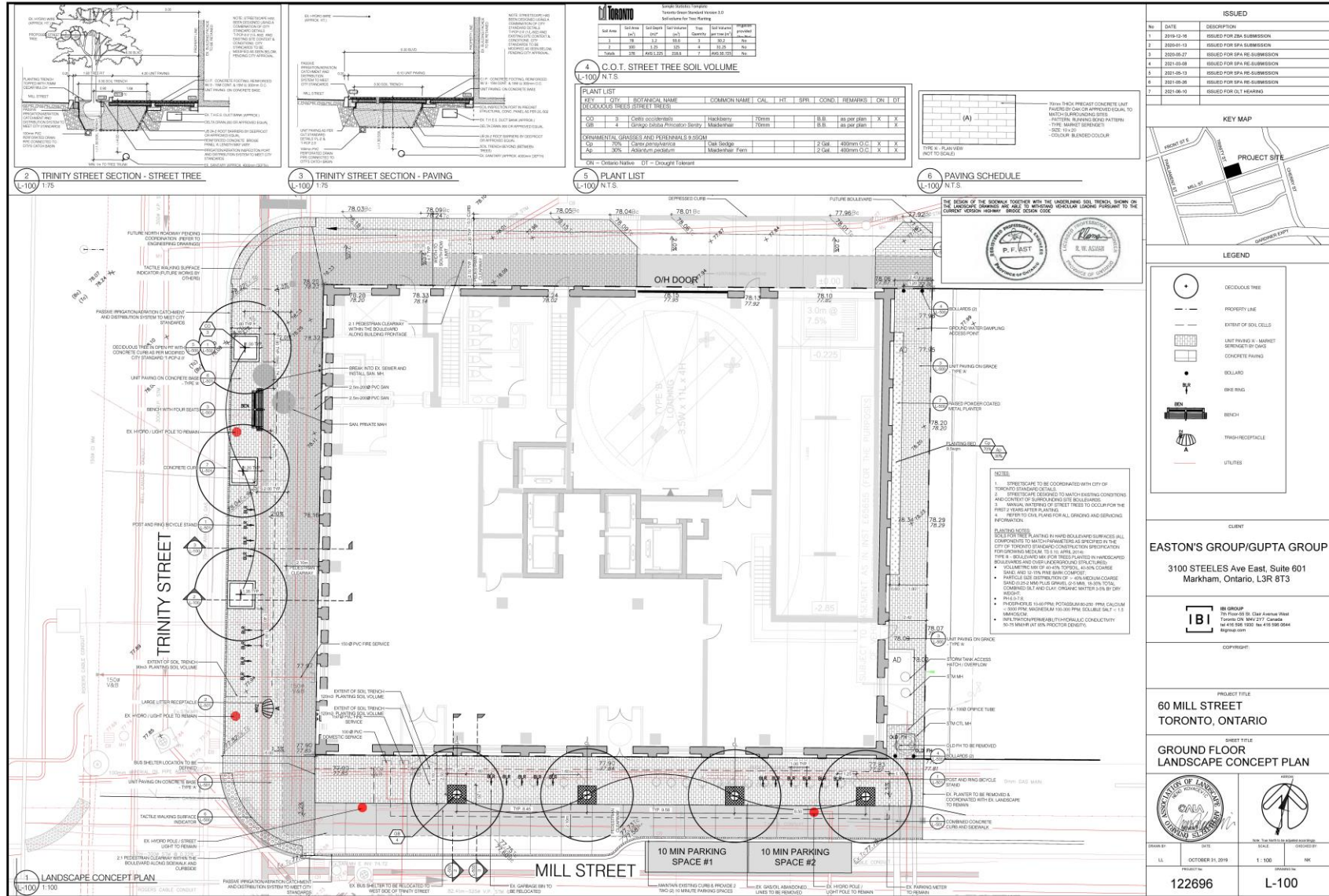
PROJECT TITLE
**60 MILL STREET
 TORONTO, ONTARIO**

SHEET TITLE
LANDSCAPE CONCEPT PLAN



DESIGN BY JUNE 08, 2021	DATE JUNE 08, 2021	SCALE 1 : 100	PROJECT NO. 122696	SHEET NO. L-000
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2 TRINITY STREET SECTION - STREET TREE
L-100 1/75

3 TRINITY STREET SECTION - PAVING
L-100 1/75

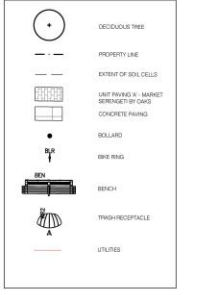
4 C.O.T. STREET TREE SOIL VOLUME
L-100 N.T.S.

PLANT LIST	BOTANICAL NAME	COMMON NAME	CAL.	HT.	SPR.	CONC.	REMARKS	CR.	DI.
DECIDUOUS TREES	STREET TREE								
EXPERIMENTAL GRASSES AND PERENNIALS									

6 PAVING SCHEDULE
L-100 N.T.S.

ISSUED

NO.	DATE	DESCRIPTION
1	2019-12-16	ISSUED FOR IGA SUBMISSION
2	2020-01-13	ISSUED FOR IGA SUBMISSION
3	2020-02-27	ISSUED FOR IGA RE SUBMISSION
4	2020-03-08	ISSUED FOR IGA SUBMISSION
5	2021-03-13	ISSUED FOR IGA RE SUBMISSION
6	2021-03-26	ISSUED FOR IGA RE SUBMISSION
7	2021-06-10	ISSUED FOR OLT HEARING

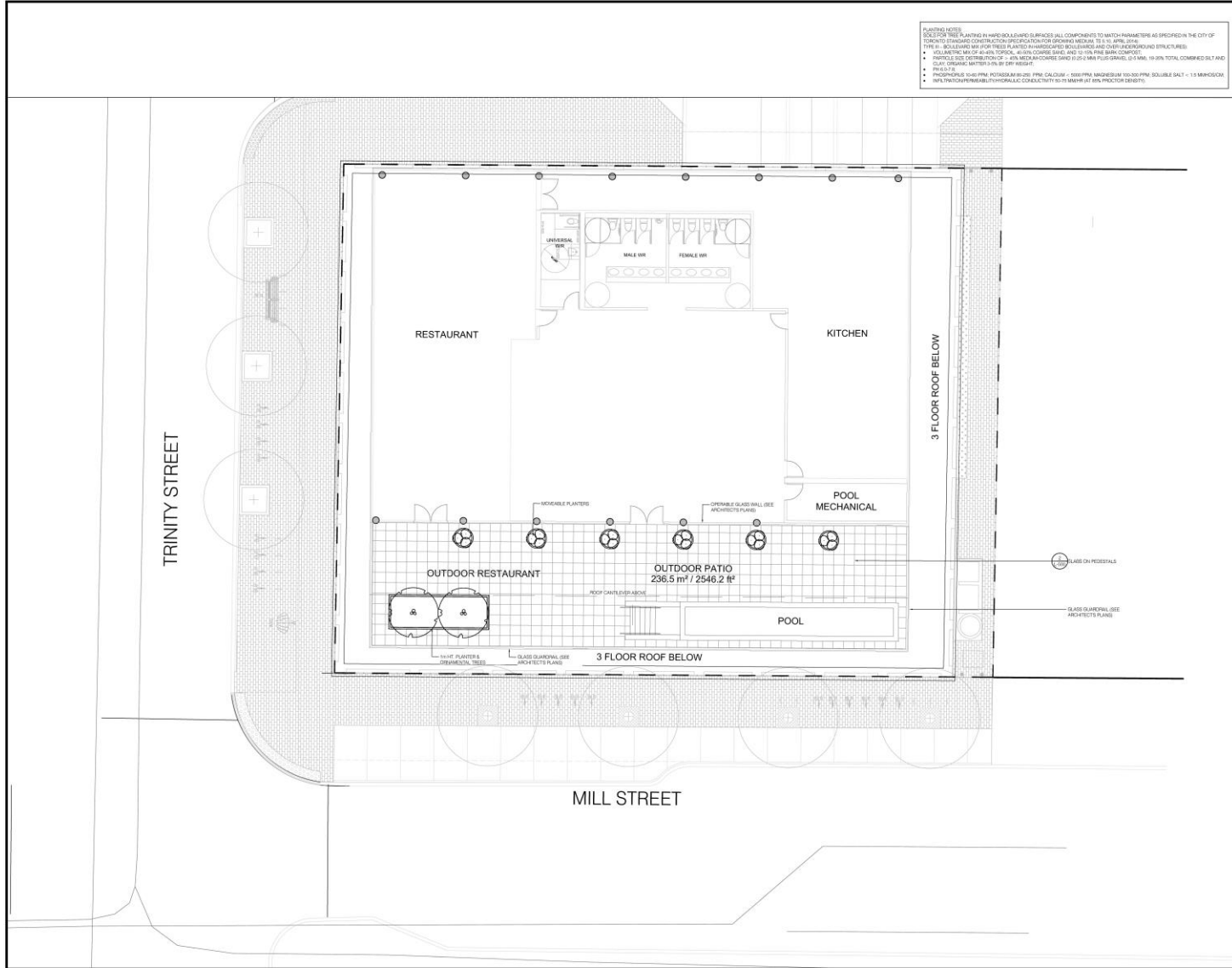


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PROJECT TITLE
**60 MILL STREET
TORONTO, ONTARIO**

SHEET TITLE
**GROUND FLOOR
LANDSCAPE CONCEPT PLAN**

DATE: OCTOBER 31, 2019
SCALE: 1:100
PROJECT NO: 122696
SHEET NO: L-100



PAVEMENT NOTES
 SOLUTION TREE PLANTING IN HARD-SHEDDING SURFACES ALL COMPONENTS TO MATCH PARAMETERS AS SPECIFIED IN THE CITY OF TORONTO TREELAND DESIGN AND SPECIFICATION FOR LANDSCAPE MATERIALS, 15. 14. 2014. TYPE II - SOLIDIFIED ASP FOR TREES PLANTED IN UNIMPAVED AREAS AND OVER LADECKGROUND STRUCTURES
 • SOLIDIFIED ASP OF 45% ASPHALT, 45% GRANULAR SAND AND 10% FINE SAND COMPOST
 PARTICLE SIZE DISTRIBUTION OF 10% MEDIAN COARSE SAND #10-60 MAX FINE GRAVEL, 0.5 MAX 10-20% TOTAL COMBINED SILT AND CLAY
 • SOLIDIFIED ASP 1.5% BY DRY WEIGHT
 PHOSPHORUS 15-45 PPM POTASSIUM 80-200 PPM CALCIUM 0-800 PPM MAGNESIUM 100-300 PPM SOLUBLE SALT - 15 MILLIGRAMS PER LITRE (MEASURED BY TITRATION) AND CORRELATION TO 10% BENTONITE 60% PROCTOR DENSITY

ISSUED	
NO.	DESCRIPTION
1	2019-12-16 ISSUED FOR DBA SUBMISSION
2	2020-01-12 ISSUED FOR SPA SUBMISSION
3	2020-05-27 ISSUED FOR SPA RE-SUBMISSION
4	2021-03-08 ISSUED FOR SPA RE-SUBMISSION
5	2021-05-13 ISSUED FOR SPA RE-SUBMISSION
6	2021-05-26 ISSUED FOR SPA RE-SUBMISSION
7	2021-06-10 ISSUED FOR OLT REVIEW
8	2021-06-30 ISSUED FOR OLT HEARING

KEY MAP

LEGEND

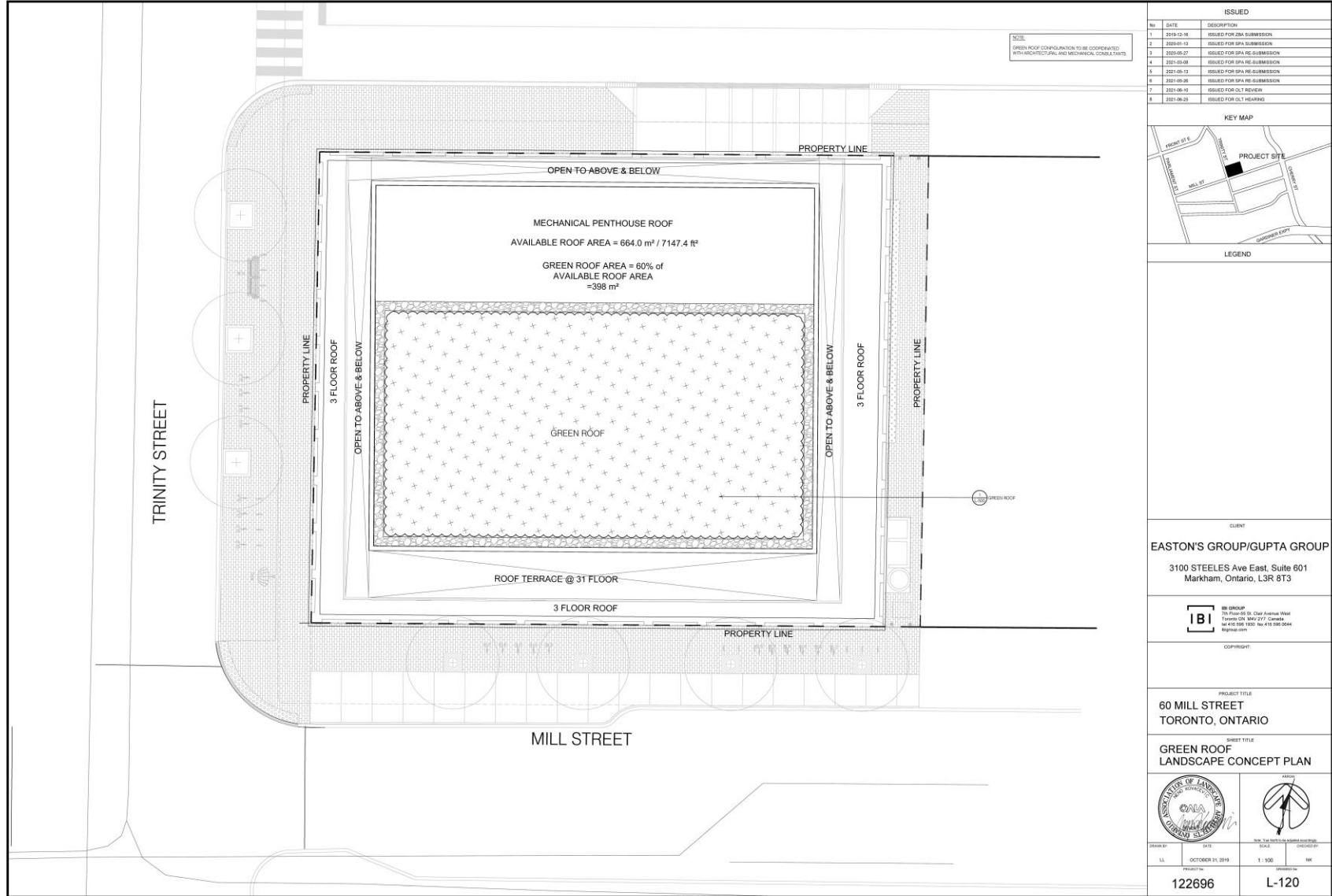
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SHEET TITLE
TERRACE LANDSCAPE
 CONCEPT PLAN

FORM NO.	DATE	SCALE	DRAWN BY	CHECKED BY
L1	OCTOBER 31, 2019	1:100	LK	NK
122696				L-110



NOTE:
GREEN ROOF CONFIGURATION TO BE COORDINATED WITH ARCHITECTURAL AND MECHANICAL CONSULTANTS

ISSUED	
NO	DESCRIPTION
1	2019-12-16 ISSUED FOR ZBA SUBMISSION
2	2020-01-12 ISSUED FOR ZBA SUBMISSION
3	2020-05-27 ISSUED FOR SPA RE-SUBMISSION
4	2021-03-08 ISSUED FOR SPA RE-SUBMISSION
5	2021-05-13 ISSUED FOR SPA RE-SUBMISSION
6	2021-09-20 ISSUED FOR SPA RE-SUBMISSION
7	2021-09-10 ISSUED FOR OLT REVIEW
8	2021-09-20 ISSUED FOR OLT HEARING



LEGEND	
[Symbol]	GREEN ROOF

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SHEET TITLE
**GREEN ROOF
 LANDSCAPE CONCEPT PLAN**

DATE: OCTOBER 31, 2019
 SCALE: 1:100
 SHEET NO: 122696
 DRAWN BY: LL
 CHECKED BY: NK

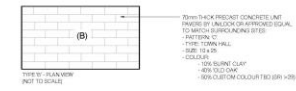


122696 L-120



1 GREEN ROOF
L-500 1:10

2 SLABS ON PEDESTALS
L-500 1:10



3 UNIT PAVING ON GRADE - TYPE 'B'
L-500 1:10



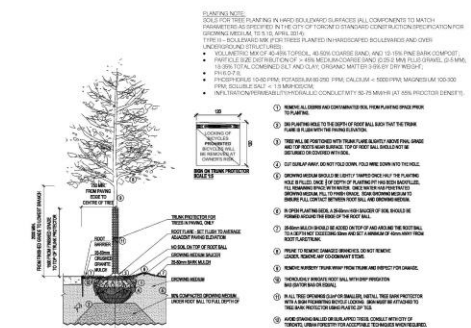
4 BOLLARDS
L-500 N.T.S.



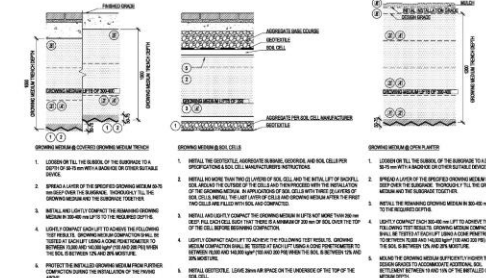
ISSUED		
NO.	DATE	DESCRIPTION
1	2018-12-18	ISSUED FOR 2/4 SUBMISSION
2	2019-01-13	ISSUED FOR 3/4 SUBMISSION
3	2019-05-27	ISSUED FOR 5/4 RE SUBMISSION
4	2019-05-28	ISSUED FOR 5/4 RE SUBMISSION
5	2021-05-13	ISSUED FOR 5/4 RE SUBMISSION
6	2021-05-26	ISSUED FOR 5/4 RE SUBMISSION
7	2021-09-10	ISSUED FOR OLT REVIEW
8	2021-09-23	ISSUED FOR OLT HEARING



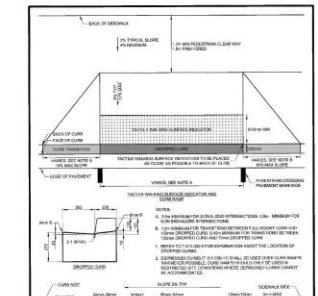
LEGEND



NO.	DATE	REVISION	SCALE	NO.
1	2018-10-08	Issue for Public Review - 1/4 Submission	1:10	PL-1
2	2018-10-10	Issue for Public Review - 1/4 Submission	1:10	
3	2018-10-10	Issue for Public Review - 1/4 Submission	1:10	
4	2018-10-10	Issue for Public Review - 1/4 Submission	1:10	



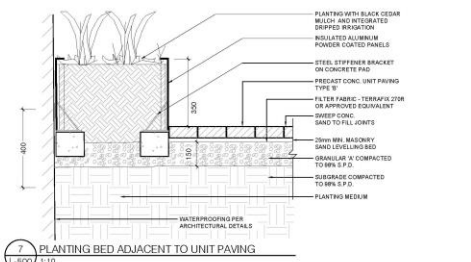
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2	2018-10-10	Issue for Public Review - 1/4 Submission	1:10	
3	2018-10-10	Issue for Public Review - 1/4 Submission	1:10	
4	2018-10-10	Issue for Public Review - 1/4 Submission	1:10	



NO.	DATE	REVISION	SCALE	NO.
1	2018-10-08	Issue for Public Review - 1/4 Submission	1:10	PL-2
2	2018-10-10	Issue for Public Review - 1/4 Submission	1:10	
3	2018-10-10	Issue for Public Review - 1/4 Submission	1:10	
4	2018-10-10	Issue for Public Review - 1/4 Submission	1:10	

5 TREE PLANTING
L-500 N.T.S.

6 TACTILE WALKING SURFACE INDICATOR
L-500 N.T.S.



7 PLANTING BED ADJACENT TO UNIT PAVING
L-500 1:10

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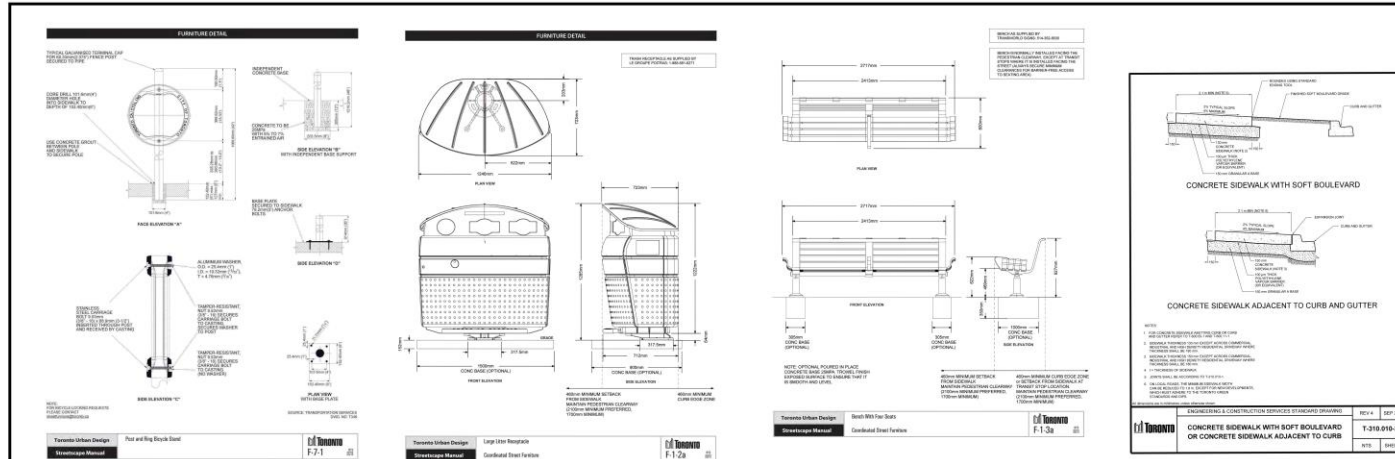
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PROJECT TITLE
**60 MILL STREET
TORONTO, ONTARIO**

SHEET TITLE
LANDSCAPE DETAILS

PROJECT NO.	DATE	SCALE	NO.
122696	OCTOBER 31, 2019	1:100	NK



ISSUED		
NO.	DATE	DESCRIPTION
1	2010-12-16	ISSUED FOR 2DA SUBMISSION
2	2010-01-13	ISSUED FOR SPA SUBMISSION
3	2010-05-27	ISSUED FOR SPA RE SUBMISSION
4	2010-05-28	ISSUED FOR SPA RE SUBMISSION
5	2011-04-13	ISSUED FOR SPA RE SUBMISSION
6	2011-04-26	ISSUED FOR SPA RE SUBMISSION
7	2011-06-10	ISSUED FOR CLT REVIEW
8	2011-06-23	ISSUED FOR CLT HEARING



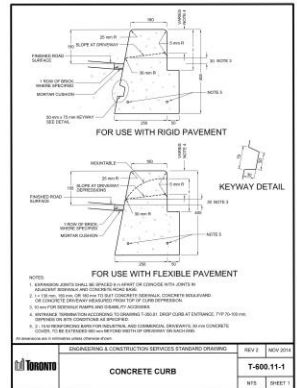
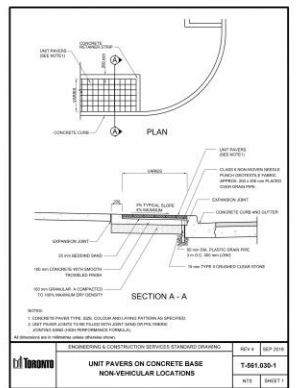
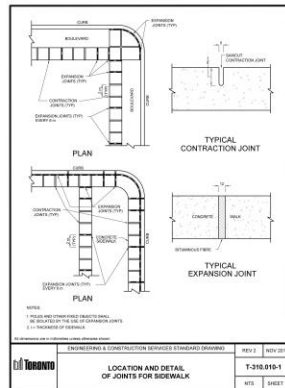
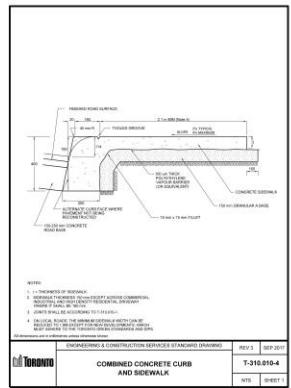
LEGEND

1 POST AND RING BICYCLE STAND
L-501 N.T.S.

2 LARGE LITTER RECEPTACLE
L-501 N.T.S.

3 BENCH WITH FOUR SEATS
L-501 N.T.S.

4 CONCRETE SIDEWALK
L-501 N.T.S.



5 COMBINED CONCRETE CURB AND SIDEWALK
L-501 N.T.S.

6 UNIT PAVERS ON CONC. BASE - TYPE 'A'
L-501 N.T.S.

7 CONCRETE CURB
L-501 N.T.S.

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**60 MILL STREET
TORONTO, ONTARIO**

SHEET TITLE

**CITY STANDARD DETAILS
SHEET 1 OF 3**

PROFESSOR OF ENGINEERING

CITY OF TORONTO

DATE: OCTOBER 31, 2015

SCALE: 1:100

PROJECT NO: 122696

SHEET NO: L-501

Tree Planting Details T-PCP-2.0

Tree Planting Details key plan

Tree Planting Details assembly plan

Tree Planting Details precast panel and soil cell layout

Tree Planting Details soil cell layout

Tree Planting Details section A-A

Tree Planting Details section B-B

Tree Planting Details section C1-C1

Tree Planting Details precast concrete panel A

ISSUED

NO.	DATE	DESCRIPTION
1	2018-12-18	ISSUED FOR IGA SUBMISSION
2	2020-01-13	ISSUED FOR IGA SUBMISSION
3	2020-05-27	ISSUED FOR IGA SUBMISSION
4	2020-09-08	ISSUED FOR IGA SUBMISSION
5	2021-05-13	ISSUED FOR IGA SUBMISSION
6	2021-09-28	ISSUED FOR IGA SUBMISSION
7	2021-09-10	ISSUED FOR OL REVIEW
8	2021-09-21	ISSUED FOR OL THERMS

KEY MAP

LEGEND

CLIENT

EASTON'S GROUP/GUPTA GROUP

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Markham, Ontario, L3R 8T3

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**60 MILL STREET
TORONTO, ONTARIO**

SHEET TITLE

**CITY STANDARD DETAIL
SHEET 2 OF 3**

DATE OCTOBER 11, 2019
SCALE 1:100

NO. 122696
REV. L-502

1 CITY STANDARD TREE PLANTING - T-PCP 2.0 SERIES
L-502 N.T.S.

2 CITY STANDARD ZOOT ZONE ID MARKER & SOIL INSPECTION PORT
L-502 N.T.S.

Tree Planting Details
T-PCP-6.0

Scale: 1:100
Date: 2019-05-27

Notes:
1. Minimum trunk diameter specified
2. Minimum canopy spread specified
3. Minimum height specified
4. Minimum clear height specified
5. Minimum clear width specified
6. Minimum clear depth specified
7. Minimum clear height specified
8. Minimum clear width specified
9. Minimum clear depth specified
10. Minimum clear height specified
11. Minimum clear width specified
12. Minimum clear depth specified

Tree Planting Details
key plan

Scale: 1:100
Date: 2019-05-27

Notes:
1. Minimum trunk diameter specified
2. Minimum canopy spread specified
3. Minimum height specified
4. Minimum clear height specified
5. Minimum clear width specified
6. Minimum clear depth specified
7. Minimum clear height specified
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9. Minimum clear depth specified
10. Minimum clear height specified
11. Minimum clear width specified
12. Minimum clear depth specified

Tree Planting Details
assembly plan

Scale: 1:100
Date: 2019-05-27

Notes:
1. Minimum trunk diameter specified
2. Minimum canopy spread specified
3. Minimum height specified
4. Minimum clear height specified
5. Minimum clear width specified
6. Minimum clear depth specified
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ISSUED

NO.	DATE	DESCRIPTION
1	2019-12-16	ISSUED FOR SPA SUBMISSION
2	2020-01-13	ISSUED FOR SPA SUBMISSION
3	2020-05-27	ISSUED FOR SPA SUBMISSION
4	2020-08-07	ISSUED FOR SPA SUBMISSION
5	2021-05-13	ISSUED FOR SPA SUBMISSION
6	2021-09-26	ISSUED FOR SPA SUBMISSION
7	2021-06-10	ISSUED FOR OL REVIEW
8	2021-06-21	ISSUED FOR OL THERMALS

KEY MAP

LEGEND

THE DESIGN OF THE DRAWING TOGETHER WITH THE UNDERGROUND UTILITIES SHOWN ON THE DRAWING IS SUBJECT TO ANY CHANGES REQUIRED BY THE CITY OF TORONTO PURSUANT TO THE CURRENT URBAN HIGHWAY DESIGN CODE.

Soil Cell Layout

Scale: 1:100
Date: 2019-05-27

Notes:
1. Minimum trunk diameter specified
2. Minimum canopy spread specified
3. Minimum height specified
4. Minimum clear height specified
5. Minimum clear width specified
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12. Minimum clear depth specified

section A-A

Scale: 1:100
Date: 2019-05-27

Notes:
1. Minimum trunk diameter specified
2. Minimum canopy spread specified
3. Minimum height specified
4. Minimum clear height specified
5. Minimum clear width specified
6. Minimum clear depth specified
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9. Minimum clear depth specified
10. Minimum clear height specified
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12. Minimum clear depth specified

Tree Planting Details
precast concrete panel W

Scale: 1:100
Date: 2019-05-27

Notes:
1. Minimum trunk diameter specified
2. Minimum canopy spread specified
3. Minimum height specified
4. Minimum clear height specified
5. Minimum clear width specified
6. Minimum clear depth specified
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8. Minimum clear width specified
9. Minimum clear depth specified
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11. Minimum clear width specified
12. Minimum clear depth specified

CLIENT

EASTON'S GROUP/GUPTA GROUP

3100 STEELES Ave East, Suite 601
Markham, Ontario, L3R 8T3

IBI GROUP
181 Bloor Street West, Suite 200
Toronto, Ontario M5G 1B5
Tel: 416 593 1500 Fax: 416 596 5544
ibi@ibi.com

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PROJECT TITLE

60 MILL STREET
TORONTO, ONTARIO

SHEET TITLE

CITY STANDARD DETAIL
SHEET 3 OF 3

DATE
OCTOBER 31, 2019

SCALE
1:100

NO.
122696

NO.
L-503

1 CITY STANDARD TREE PLANTING - T-POP 2.0' SERIES
N.T.S.

NOTES:
1. DIRECTIONAL ARROWS INDICATE THE DIRECTION OF THE TREE'S GROWTH. THE TREE SHOULD BE PLANTED WITH THE ARROWS POINTING IN THE DIRECTION OF THE TREE'S GROWTH.
2. THE TREE SHOULD BE PLANTED WITH THE ARROWS POINTING IN THE DIRECTION OF THE TREE'S GROWTH.
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12. THE TREE SHOULD BE PLANTED WITH THE ARROWS POINTING IN THE DIRECTION OF THE TREE'S GROWTH.

2 MILL STREET SECTION - TREE GRATE ON UNIT PAVING
L-503 1/75

NOTES:
1. THE TREE GRATE SHOULD BE PLANTED WITH THE ARROWS POINTING IN THE DIRECTION OF THE TREE'S GROWTH.
2. THE TREE GRATE SHOULD BE PLANTED WITH THE ARROWS POINTING IN THE DIRECTION OF THE TREE'S GROWTH.
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12. THE TREE GRATE SHOULD BE PLANTED WITH THE ARROWS POINTING IN THE DIRECTION OF THE TREE'S GROWTH.

3 MILL STREET SECTION - PAVING
L-503 1/75

NOTES:
1. THE PAVING SHOULD BE PLANTED WITH THE ARROWS POINTING IN THE DIRECTION OF THE TREE'S GROWTH.
2. THE PAVING SHOULD BE PLANTED WITH THE ARROWS POINTING IN THE DIRECTION OF THE TREE'S GROWTH.
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4 TREE GRATE
L-503 1/75

NOTES:
1. THE TREE GRATE SHOULD BE PLANTED WITH THE ARROWS POINTING IN THE DIRECTION OF THE TREE'S GROWTH.
2. THE TREE GRATE SHOULD BE PLANTED WITH THE ARROWS POINTING IN THE DIRECTION OF THE TREE'S GROWTH.
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APPENDIX 3: SITE PLAN APPROVAL CONDITIONS

A. PRE-APPROVAL CONDITIONS

LEGAL SERVICES

1. 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.

ENGINEERING AND CONSTRUCTION SERVICES

2. Prior to site plan approval, the owner shall revise Drawing L-100 to remove or reconfigure all doors that open into the right-of-way/pedestrian clearway along Mill Street, Trinity Street and the proposed new public road at the rear of the site to the satisfaction of the Executive Director & Chief Engineer of Engineering and Construction Services and the Senior Manager, Heritage Planning. Existing and new doors of a heritage façade that opens into the right-of-way may be permitted and retained, subject to the owner entering into an appropriate encroachment agreement.
3. Prior to site plan approval, the owner shall revise Drawing L-100 and L-001 to remove any notation that the existing bus shelter is to be removed/relocated, unless the Owner provides the City with written confirmation and consent from the Toronto Transit Commission that the existing bus shelter will be relocated.
4. Prior to site plan approval, the owner shall submit comprehensive Construction Management Plans (CMP) for each 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.
5. Prior to site plan approval, the owner shall submit an application to Toronto Water, Environmental Monitoring & Protection, for any short-term construction dewatering, and any permanent dewatering that is required for the building, and enter into agreements to discharge groundwater, as required by the General Manager, Toronto Water.
6. Prior to site plan approval, the owner shall enter into an encroachment agreement for the private control maintenance hole proposed in the City right-of-way.

CITY PLANNING

7. Prior to site plan approval, the owner shall submit a landscape cost estimate to the satisfaction of the Director, Community Planning, Toronto and East York District for the works detailed on the approved Landscape Plans.
8. Prior to site plan approval, the owner shall submit financial security to the Director, Community Planning, Toronto and East 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 Plan.
9. Prior to site plan approval, the owner shall submit a materials sample board to the satisfaction of the Director, Community Planning, Toronto and East York District and Director, Urban Design.
10. Prior to site plan approval, the owner shall provide a lighting plan as necessary, to the satisfaction of the Director, Community Planning, Toronto and East York District and Director, Urban Design.

HERITAGE PLANNING

11. Prior to site plan approval, the owner shall provide final site plan drawings substantially in accordance with the approved Conservation Plan required to the satisfaction of the Senior Manager, Heritage Planning.
12. Prior to site plan approval, the owner shall have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect.
13. Prior to site plan approval, the owner shall provide an Interpretation Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.
14. Prior to site plan approval, the owner shall provide a Heritage Lighting Plan that describes how the exterior of the heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Planning.
15. Prior to site plan approval, the owner shall provide a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning.

URBAN FORESTRY

16. Prior to site plan approval, the Owner shall submit to the Supervisor, Urban Forestry – Tree Protection & Plan Review, Toronto & East York District a complete “Application to Injure or Remove Trees” and associated application fee

in the amount of \$1,848.05 (Current fees: \$369.61 per City Street tree, \$369.61 per private subject site tree, and \$773.77 per private boundary/neighbour tree) for the four (4) City-owned Street trees (Trees 1-4) and the one (1) privately-owned tree located on the subject lands (Tree 5) that are proposed for removal. The Owner is advised that submission of an application does not guarantee that a tree permit will be issued and that fees are subject to change. As part of the review process, Urban Forestry will independently assess the condition of the trees and the reason for their proposed removal against the provisions of the applicable by-law. The Owner may be required to submit revised plans and Urban Forestry may be required to notify the community, (co-)Owner(s) of boundary/neighbour trees, consult with the ward councillor, and/or report to Council. The Owner is advised that By-law regulated trees may not be injured or removed until a Permit to Injure or Destroy a Tree has been issued by Urban Forestry, a Building or Demolition Permit has been obtained, and the construction which warrants tree injury/removal has Commenced.

17. Prior to site plan approval, the Owner shall submit to the Supervisor, Urban Forestry – Tree Protection & Plan Review, Toronto & East York District a non-refundable Tree Loss Payment in the amount of \$12,651.00, which represents the appraised value of City- owned Trees 1-4 to be removed and replacement costs. The Owner is advised that the cost of tree removal will be borne by the Owner.
18. Prior to site plan approval, the Owner shall submit to the Supervisor, Urban Forestry – Tree Protection & Plan Review, Toronto & East York District a Tree Planting Security Deposit in the amount of \$4,081.00 (\$583.00 per tree), equal to the cost of tree planting and maintenance for two (2) years, to ensure the initial planting of seven (7) new trees within the City-owned road allowances and their survival in a healthy condition. The Owner is advised that the deposit will be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy condition during the two (2)-year renewable guarantee period. The General Manager of Parks, Forestry & Recreation shall hold the Tree Planting Security Deposit for the duration of the guarantee period.
19. Prior to site plan approval, the Owner shall submit to the Supervisor, Urban Forestry – Tree Protection & Plan Review, Toronto & East York District a non-refundable cash-in- lieu payment in the amount of \$583.00 (\$583.00 per tree) for the one (1) required replacement tree not being provided on the subject lands due to space constraints.
20. Prior to site plan approval, the Owner shall submit to the Supervisor, Urban Forestry – Tree Protection & Plan Review, Toronto & East York District confirmation that the tree planting and continuous soil trench infrastructure proposed within the Mill Street and Trinity Street road allowances is approved by the utility providers circulated on the Public Utilities Coordination Committee (PUCC).

METROLINX

21. The Owner shall engage a qualified consultant to prepare and submit a final noise study for review and satisfaction of Metrolinx.
22. The following warning clause shall be inserted in all development lease/rental agreements for each unit within 300 metres of the railway right-of-way:

Warning: Metrolinx owns and, through Metrolinx's GO Transit Division, operates the Union Station Railway Corridor ("USRC"), the busiest rail corridor in Canada, adjacent to or within close proximity to the subject lands. Operations are maintained on a continuous basis, 24 hours a day every day of the year, and include: the operation and idling of diesel locomotives that generate diesel fumes and odours; artificial lighting of the USRC; the loading, unloading and switching of passenger rail cars; and the operation of various processes for the maintenance of rail equipment. Noise and vibration originating from a number of different sources, including normal train movements (including bells and whistles), train idling, rail corridor construction, and snow removal (including switch blowers) activities will emanate from the USRC. This warning may be relied upon by Metrolinx and its successors and assigns and any specific successors or assigns of Metrolinx's interests referred to in this warning clause.

23. The Owner shall grant Metrolinx an environmental easement for operational emissions, registered on title against the subject building in favour of Metrolinx.
24. The Owner shall be responsible for all costs associated with the preparation and registration of agreements/undertakings/easements/warning clauses, as determined appropriate by Metrolinx, to the satisfaction of Metrolinx.

B. POST APPROVAL CONDITIONS**ENGINEERING AND CONSTRUCTION SERVICES**

1. The Owner shall remove all existing accesses, curb cuts, traffic control signs, etc. along the development site frontages that are no longer required and reinstate the boulevard within the public right-of-way, in accordance with City standards and to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services.
2. The Owner shall provide and maintain an acceptable warning system at the top of the underground parking garage to alert motorists of the presence of large trucks.
3. The Owner shall provide and maintain convex mirrors at the top and bottom of the parking garage ramp and at all right-angled turns within the underground parking garage and position them in such a manner as to give all motorists clear views of oncoming traffic.

4. The Owner shall provide and maintain “No Parking” signs adjacent to the proposed loading spaces.
5. In respect of the proposed boulevards improvements including the installation of decorative pavers within the abutting boulevards, as generally illustrated on landscape drawings with the revision date of June 25, 2021:
 - a) The Owner shall construct and maintain all boulevard improvements within the boulevard areas of the public highways adjoining the Land in accordance with, and as shown on the approved Plans and Drawings, to the satisfaction of the General Manager of Transportation Services (the “Boulevard Improvements”). The Owner’s boulevard maintenance obligations do not include municipal concrete sidewalk(s), curbing, trees after all applicable maintenance periods have expired and the City is satisfied with the tree planting, or public transit stops/transit shelters within the adjoining public highway.
 - b) The Owner agrees that it will, at its expense, maintain the Boulevard Improvements in a state of good repair, free of graffiti, posters, litter, snow and ice, and that vegetation will be maintained in a healthy and vigorous state of growth all to the satisfaction of the General Manager of Transportation Services. The Owner shall not make any additions or modifications to the Boulevard Improvements beyond what is allowed pursuant to the terms of this Agreement. The Owner further acknowledges that should it neglect to maintain the Boulevard Improvements, then the City may perform the required work pursuant to the Toronto Municipal Code Chapter 743, Article VIII and the City may recover its costs in a like manner as municipal taxes.
 - c) The Owner agrees that if the City should at any time undertake any widening or other alteration to the adjoining public highway(s) necessitating the removal of any Boulevard Improvements, the City shall not be liable to pay any compensation whatsoever for such removal, nor shall it restore any Boulevard Improvements that it removes. The Boulevard Improvements permitted by this Agreement shall be removed by the Owner, at its expense, within 14 days of receiving written notice from the General Manager of Transportation Services or his/her designate. In default of the removal not occurring as requested, the City may carry out the removal, at the Owner’s expense, and may recover its costs in a like manner as municipal taxes.
 - d) The Owner acknowledges that there may exist municipal and/or utility services within, upon or under the boulevard, and acknowledges that the City or the utility responsible for such service(s) may need to undertake repairs or carry out maintenance on such service(s) or to replace such service(s) or to install new service(s). The Owner agrees that the City or utility shall have the right to remove the Boulevard Improvements for the purpose of carrying out such installation, replacement, repair or maintenance. Prior to removing the Boulevard Improvements, the City shall give the Owner 48 hour notice of its

- intention to remove the Boulevard Improvements for maintenance purposes, except in the case of emergency, in which case no notice shall be required. On completing the installation, replacement, repairs or maintenance, the Owner, at its sole expense, shall proceed immediately to restore the Boulevard Improvements to the condition it was in prior to the commencement of such installation, replacement, repairs or maintenance. Under no circumstances shall the City be required to so restore the lands or to compensate the Owner for the cost of doing so.
- e) The Owner agrees to defend, save and keep harmless and fully indemnify the City, its officers, employees, agents and other representatives, from and against all actions, claims, suits or damages whatsoever that may be brought or made against the City in respect of the Owner's use of the boulevard area of the adjoining public highways for Boulevard Improvements.
 - f) The Owner releases, waives and forever discharges the City and its agents, officials, servants, contractors, representatives, elected and appointed officials, successors and assigns and any other agencies, corporations, boards, commissions or related in law or equity, in respect of death, injury, loss or damage to the person or any property of the Owner however caused, and all damages, costs, expenses losses and charges whatsoever arising or to arise by reason of the permission granted pursuant to this Agreement, including consequential damages (collectively, "Claims") Without limiting the generality of the foregoing, no Claims shall be made against the Released Parties by the Owner for damage occurring to the Boulevard Improvements as a result of the City's snow removal operations.
 - g) The Owner must, with respect to the Boulevard Improvements, obtain and maintain third party bodily injury and property damage insurance in the amount of \$5,000,000.00 or such other coverage as the General Manager of Transportation Services may require, naming the City of Toronto as an additional insured party under the policy, to the satisfaction the General Manager of Transportation Services. Such insurance shall be kept in good standing.
6. The Owner shall construct and maintain stormwater management measures/facilities and site grading as accepted by the Chief Engineer and Executive Director, Engineering & Construction Services.
 7. The Owner shall construct and maintain site servicing as accepted by the Chief Engineer and Executive Director, Engineering & Construction Services.
 8. The Owner shall provide certification to the Chief Engineer and Executive Director, Engineering & 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.

9. The Owner shall provide certification to the Chief Engineer and Executive Director, Engineering & 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.
10. The Owner acknowledges and agrees that Staff have reviewed this application on the understanding it will comprise a single parcel of land, under one owner, upon completion. The Owner further acknowledges and agrees that if any party, including the Owner or any subsequent Owner, submits an application for severance, part-lot control, subdivision, condominium approval or any other form of land division for this development not in accordance with this assumption, different servicing connections, including all associated stormwater management facilities and any necessary revised plans and studies, may be required by the city at the sole cost to that applicant.

CITY PLANNING

11. The Owner agrees that no exterior decorative lighting may be installed above the ground floor without the consent of the Director of Community Planning, Toronto and East York District.
12. In the event that deeply buried and/or previously undocumented archaeological remains are encountered on the property during construction activities, the Heritage Operations Unit of the Ministry of Heritage, Tourism, Sport and Culture Industries, be notified immediately at (416) 212-8886 as well as the City of Toronto, Heritage Planning Unit at (416) 392-4395.
13. In the event that human remains are encountered during construction, the Owner shall immediately contact both the Ministry of Heritage, Tourism, Sport and Culture Industries, and the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, of the Ministry of Government and Consumer Services, (416) 212-7499.

URBAN FORESTRY

14. The Owner shall remove City-owned trees only upon the approval of the Landscape/Replanting Plan by the Ward Councillor, receipt of the required tree removal payment by the Supervisor, Urban Forestry – Tree Protection & Plan Review, Toronto & East York District, receipt of the building and/or demolition permits, and once the permitted construction- and/or demolition related activities associated with this project warrant the removal of the trees.
15. The Owner shall have a qualified company implement and maintain tree planting in accordance with the approved plans and to the satisfaction of Urban Forestry, on behalf of the General Manager of Parks, Forestry and Recreation. Prior to construction or grading activities and where necessary to ensure the health and vigour of trees to be preserved, the Owner shall have all approved tree preservation and maintenance measures conducted on existing trees by a

certified arborist or other qualified expert, according to currently accepted sound arboricultural practices and to the satisfaction of Urban Forestry.

16. The Owner shall plant all trees as per the plans approved by Urban Forestry within one (1) year of occupancy. All trees shall arrive on site in a balled and burlapped condition with a minimum caliper of 70 mm (or as otherwise specified on the approved plans). Prior to planting, each tree shall have the burlap removed from the upper portion of the root ball (along with part of the wire cage, if necessary), and soil brushed away or removed from the top of the root ball until the first proper root is identified, indicating the top of the original/permanent root crown. The tree shall then be planted with this level considered as the top of the root ball for all other instructions. Any tree found planted with the actual root crown more than 2.5 cm below finished grade may be rejected and require replacement or replanting at the City's discretion. Upon the planting of the new trees on the subject land, the Owner shall assume the full responsibility for the maintenance and health of the private trees and shall take no action or permit any action that will injure, damage, destroy or prevent the trees from maturing to the point that the trunk of the tree measures 30 cm in diameter or more, measured at 1.37 m above ground level.
17. The Owner shall submit to the Supervisor, Urban Forestry – Tree Protection & Plan Review, Toronto & East York District (tpprsouth@toronto.ca), notice of the construction of the continuous tree trenches and/or soil cell trenches at least one (1) week prior to the start of construction of the trenches.
18. The Owner shall provide a detailed report to the Supervisor, Urban Forestry – Tree Protection & Plan Review, Toronto & East York District (tpprsouth@toronto.ca), to sufficiently verify that tree planting has been completed according to approved landscape plans. The Report shall document all materials, sources, quality analysis reports, quantities, dimensions and locations of all trees, soil, and infrastructure to support trees. The report shall provide photographic documentation of all stages of continuous soil trench and soil cell construction including, but not limited to, excavation, base preparation, geogrids/geotextiles, soil cell placement, framing, pouring of concrete, all irrigation and drainage components, soil placement and compaction, soil analysis reports and delivery tickets, and all trees planted.
19. The Owner shall provide a letter of certification and a complete set of as-built landscape drawings to the Supervisor, Urban Forestry – Tree Protection & Plan Review, Toronto & East York District (tpprsouth@toronto.ca), both of which are stamped by the Landscape Architectural consultant who designed and supervised the construction of landscape works. The letter and as-built drawings shall confirm that all trees, soil, and infrastructure to support trees have been planted, installed, and constructed according to approved landscape plans.
20. The Owner shall maintain all tree planting areas free of litter and weeds, maintain the grade of all in-ground tree planting areas level with the adjacent boulevard,

and maintain all approved ground cover and irrigation systems for the life of the Site Plan Agreement. The Owner shall also maintain all curbs, planters, grates, guards, railings, and other tree surrounds that do not conform to City of Toronto standard details in a state of good repair, and shall remove or modify these surrounds to accommodate tree growth, removal, and planting, as required by Urban Forestry.

21. The Owner shall provide a two (2)-year renewable Tree Planting Security Deposit ("guarantee") for all new tree plantings within the City road allowance. If deemed necessary by Urban Forestry, the guarantee shall be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two (2)-year guarantee period. The Owner shall notify Urban Forestry in writing at tpprsouth@toronto.ca of the planting date prior to planting. This date shall be used to establish the anniversary date of the required two (2)-year renewable guarantee. The Owner shall then notify Urban Forestry in writing at tpprsouth@toronto.ca within two (2) weeks after the trees have been planted to initiate an inspection by Urban Forestry to allow the start of the two (2)-year guarantee period.
22. The Owner shall maintain all new tree plantings within the City road allowance in a healthy and vigorous condition. Trees may be inspected during and at the end of the two (2)-year renewable guarantee period. At the end of the period and while the trees are in leaf, the Owner shall notify Urban Forestry at tpprsouth@toronto.ca to allow confirmation that the trees are in a healthy and vigorous condition. If Urban Forestry deems that the trees are in a healthy and vigorous condition at the end of the period, the City shall assume maintenance and Ownership of the trees and the deposit will be returned.
23. The Owner shall be responsible for the maintenance or replacement of all new tree plantings within the City road allowance if, during or at the end of the renewable guarantee period, Urban Forestry deems that the trees are not in a healthy and vigorous condition or require maintenance or replacement. The Owner shall be responsible for rectifying the problem as determined by and to the satisfaction of Urban Forestry on behalf of the General Manager of Parks, Forestry & Recreation. At this time, the Owner shall maintain all newly replanted trees within the City road allowance in a healthy and vigorous condition and shall provide an additional two (2)-year renewable guarantee.
24. Following the completion of the two (2)-year renewable guarantee period for new tree plantings within the City road allowance, the Owner shall provide a Certificate of Completion of Work from the qualified tree care or landscape company documenting all maintenance work done to the trees during the guarantee period. The Owner shall also provide Urban Forestry with a complete inventory of the new road allowance trees.

25. The Owner shall develop and maintain the site and adjacent City-owned lands 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 shall be approved by Urban Forestry, on behalf of the General Manager of Parks, Forestry & Recreation, prior to the revisions/alterations being implemented.

ENVIRONMENT & ENERGY

26. The Owner shall construct and maintain the development substantially in accordance with the accepted Energy Reports dated 31st January, 2020 and prepared by Fluent Group Consulting Engineers to ensure that the energy savings identified continue to be achieved, to the satisfaction of the Environment and Energy Division.

NAV CANADA

27. The Owner agrees to notify NAV CANADA of the start date for construction at least 10 business days prior to the start of construction by submitting a completed Construction Start Notification form by email to landuse@navcanada.ca or by fax to 613-248-4094.

ENBRIDGE

28. The Owner must contact Enbridge Gas Distribution's Customer Connections department by emailing salesarea10@enbridge.com for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or tree trenches) and/or asphalt paving.
29. In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

SITE PLAN ADVISORY COMMENTS

1. 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. For further information, please contact Jamie Atkinson, Toronto Building at 416-392-0449.

ENGINEERING AND CONSTRUCTION SERVICES

2. Make separate applications to the General Manager of Transportation Services for permits to carry out any works involving the construction in, or occupancy of the abutting public rights-of-way.

3. The determination and collection for the maintenance fees for unit pavers within the public Right-of-Way will be part of the Streetscape Permit process.
4. 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.), must be received from the Transportation Services Division. The Owner must contact the 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 and Astral 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 applicant can contact the Street Furniture Management Unit at streetfurniture@toronto.ca." For all other works within the public right-of-way, the applicant can contact the Permits and Enforcement Section, Toronto and East York District, Construction Activities, at 416 392-7877.
5. Submit costs for the installation of the proposed new City of Toronto Standard bicycle locking rings on public right-of-way at the rate of \$433.92/unit, including HST. The cheque is made payable to the City of Toronto Treasurer.
6. Further changes and/or requirements may be imposed by the General Manager of Transportation Services upon receipt of the revised plans and/or additional documentation required under the conditions above.
7. The City of Toronto is implementing Superpave asphalt mixes commencing in the 2018 construction season for all public road infrastructure projects. Superpave asphalt mixes will be mandatory for all new projects approved in 2018 and onward in the City of Toronto. See attached notice dated March 6, 2018 for further information.
8. The Owner must obtain approval from Toronto Hydro Energy Services for removing and/or relocating any utility with attached municipal street lighting and for any upgrades. The Owner is advised to contact 416-542-8000 or utility.relocations@torontohydro.com for comments and cost estimates for required fieldwork.
9. The Owner is financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property.
10. The quality of the groundwater discharge requires a treatment prior to discharging into City sewers. Provide information on the proposed treatment at the time of making application to Toronto Water for a discharge permit.

11. The Owner will be required to make an application to the Toronto Water for the installation of any proposed services within the City right-of-way after acceptance of the stormwater management report and site servicing plan. For further information, please contact George Kamalendran of Toronto Water at 416-392-7819.
12. Wet Tap Procedure - The Owner is advised that pursuant to an order issued by the Ministry of the Environment, Conservation & Parks (MOECP), all wet taps performed on City watermains must be performed by, or under the supervision of, a Certified Operator in accordance with Ontario Regulation 128/04. The City of Toronto Protocol respecting the performance of and verification of wet taps can be found at:

<https://www1.toronto.ca/wps/portal/contentonly?vgnextoid=1ed73d3085131410VgnVCM10000071d60f89RCRD&vgnnextchannel=9deeabbf06721410VgnVCM10000071d60f89RCRD>
13. Stormwater Storage Tank - The building structure system must be designed to be able to withhold the storm water cistern under the most critical loading condition.
14. The following Tier 1 measures have been met:
 - WQ 1.1 – Erosion & sediment control
 - WQ 2.1 – Stormwater balance
 - WQ 2.2 – Stormwater retention & reuse
 - WQ 3.1 – Total suspended solids (TSS)
 - WQ 3.2 – E. Coli reduction
15. All elements of the proposed streetscape plans, within the limits of the City's right-of- way, must comply with City standards and specifications. Further comments concerning streetscape related issues will be provided upon review of a future streetscape application pertaining to the subject site.
16. That prior to the issuance of a construction permit for work within the public rights-of- way, the Owner must submit in the amount of an Irrevocable Letter of Credit in the amount to be determined to guarantee the work to be undertaken and a certified cheque in the amount to be determined, made payable to Treasurer, City of Toronto, to cover the cost of engineering and inspection fees related to same.
17. The owner is advised that the final exact length specifying the beginning and the end limits of the 10-minute parking spaces will be based on the report proposed to be presented to the City Council for its approval at its meeting on June 9,

2021. Once approved and updated signage installed, Permit Parking staff will re-survey the street to determine the finalized number of parking spaces and the length.

18. The Owner is advised than any future modification of the on-street Mill Street parking configuration will require approval from the Toronto Transit Commission for their review and approval with respect to the removal and relocation of the existing bus stop.

CITY PLANNING

19. The Owner is advised that revisions to the plans resulting from both pre-approval and/or post-approval conditions, will require a revision to the Notice of Approval Conditions and/or Site Plan Agreement.

URBAN FORESTRY

20. The Owner is advised that, prior to any tree work (e.g. root exploration, root/canopy pruning, injury, removal, or planting) by a private contractor on City owned land, Urban Forestry – Tree Protection & Plan Review will require submission of a complete "Agreement for Arborists Retained by Private Property Owners to Undertake Work on City Trees" and supporting documents (Certificate of Insurance, Workplace Safety and Insurance Board (WSIB) Clearance Certificate) from the contractor who will perform this work.