

21 Old Mill Road – Conditions of Approval relating to Official Plan, Zoning Amendment and Site Plan Applications

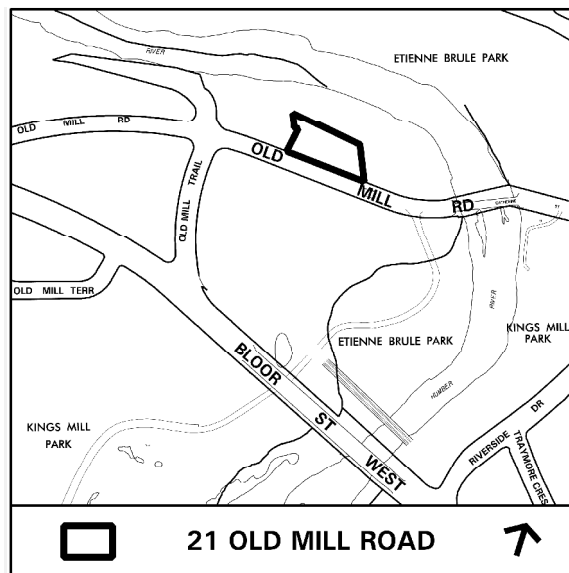
Date:	November 25, 2009
To:	City Council
From:	Chief Planner and Executive Director, City Planning
Wards:	Ward 5 – Etobicoke - Lakeshore
Reference Number:	File Nos: 06 197220 WET 05 OZ and 08 159806 WET 05 SA

SUMMARY

The Official Plan and Zoning Amendment applications were filed on December 11, 2006 and are not subject to the new provisions of the Planning Act and the City of Toronto Act. The Site Plan Control application was made on May 16, 2008 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This report addresses conditions of approval of the proposed Official Plan and Zoning By-law Amendment applications as recommended by Etobicoke York Community Council and required by City Council at its meeting of March 3, 4 and 5, 2008 in relation to the approval of the subject proposal.

This report recommends approval in principle of the Site Plan Control application with appropriate approval conditions. This report also recommends minor revisions to the previously considered draft By-law and Section 37 Agreement.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of Etobicoke Zoning Code substantially in accordance with the draft By-law attached as Attachment 1.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment attached as Attachment 1 and Section 37 Agreement as may be required.
3. City Council approve in principle, the Site Plan Approval Conditions attached as Attachment 2 to this report, for the proposed 10-storey residential condominium building at 21 Old Mill Road.
4. City Council delegate back to the Chief Planner or his designate the authority to issue final Site Plan Approval with the final Site Plan Approval issuance only after the amending Zoning By-law comes into effect.
5. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to enter into a Section 37 Agreement to secure certain community benefits as specified in the draft By-law as outlined in Attachment 1 of this report.
6. City Council deem that no further notice of Public Meeting be given.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At their meeting of February 12, 2008, Community Council considered a report from the Director of Community Planning, Etobicoke York District recommending the approval of an Official Plan and Zoning By-law Amendments, conditional on requiring the owner to enter into a Section 37 Agreement to secure community benefits outlined in the staff's final report and that before introducing the necessary Bills to City Council for enactment, the Notice of Approval Conditions for the site plan be issued.

<http://www.toronto.ca/legdocs/mmis/2008/ey/bgrd/backgroundfile-10349.pdf>

The Etobicoke York Community Council further recommended to City Council that: the site plan be bumped up to the Etobicoke York Community Council for approval; a community consultation process be conducted by Community Planning to seek public input on matters of site landscaping, urban design issues, streetscaping improvements, sidewalks and other on-site improvements, as well as disposition of Section 37 off-site improvements; and that the Toronto and Region Conservation Authority be asked to conduct a community consultation process to discuss and review the measures it will require to mitigate or improve environmental/ecological features that may be affected as

a result of this proposed development.

(<http://www.toronto.ca/legdocs/mmis/2008/ey/decisions/2008-02-12-ey14-dd.pdf>)

At its meeting of March 3, 4 and 5, 2008 City Council approved the staff's Final Report that was previously before the Etobicoke York Community Council and a further Supplementary Report, but assumed the jurisdiction for site plan approval and required that the approval be bumped up directly to City Council, in accordance with Section 27-60 of By-law 1045-2006, a by-law to amend the Municipal Code Chapter 27 – Council Procedures, Removal of a Matter from Committee.

(<http://www.toronto.ca/legdocs/mmis/2008/ey/bgrd/backgroundfile-10869.pdf>) and

(<http://www.toronto.ca/legdocs/mmis/2008/cc/decisions/2008-03-03-cc17-dd.pdf>)

City Council further requested that the following requirements be added, prior to the introduction of the Bills:

- a. the future building be built in compliance with the City of Toronto's Green Development Standards; and
- b. the replacement of trees to be at least a 3 to 1 ratio for the 58 trees 10 cm and greater (DBH) with comparable trees, and at least a 3 to 1 ratio for the 264 trees less than 10 cm (DBH) with comparable trees, to the satisfaction of the Urban Forestry Department in consultation with the Toronto and Region Conservation Authority. These additional plantings would be considered on and off site, including the large areas under consideration for Toronto and Region Conservation Authority remediation.

COMMENTS

Community Consultation Meeting

As requested by City Council, staff from Community Planning, Transportation Services, Forestry, Heritage and Preservation Services and the Toronto Region and Conservation Authority conducted a Community Consultation Meeting to seek public input on matters of: site landscaping; urban design issues; streetscaping improvements; sidewalks and other on-site improvements; disposition of Section 37 off-site improvements; and to discuss and review the measures required to mitigate or improve environmental/ecological features that may be affected as a result of this proposed development.

The Community Consultation Meeting took place on May 27th, 2009 and approximately 70 members of the public attended. City staff chaired the meeting and provided a brief overview on the background of the application. The applicant's team also presented the proposal and specifically addressed the matters that Community Council had requested be addressed.

The questions and discussion from the public following the presentations, related mostly to issues of appropriateness of the use, massing and height of the proposed building and

how the area residents did not support the proposal. Public input on the matters that Community Council and City Council had directed staff to address at the meeting was minimal. Most of the issues that were brought up were related to the Official Plan and Zoning Amendment applications, which were dealt with in the Final Report that was before Community Council at its meeting on February 12, 2008 and approved by City Council at its meeting of March 3, 4 and 5 of 2008.

Some residents were concerned with traffic generated by construction activity and specifically, in regard to larger trucks and their impact on the Catherine Street bridge's structural stability.

The applicant submitted a Preliminary Construction Management Plan that proposes construction-related vehicle access to and from the building site occur from Bloor Street West, through Old Mill Trail north to Old Mill Road. No construction traffic is proposed via the Catherine Street Bridge. Staff will continue to work with the applicant to ensure that this is monitored and enforced during the construction phase of the proposed development.

Some questions were also asked regarding the archaeological and environmental issues relating to the development and were addressed and clarified by Heritage and Preservation and Forestry Services staff, who were also present at the meeting.

No questions or suggestions were received by staff regarding Section 37 off-site improvements.

Green Development Standard

At its meeting of March 3, 4 and 5th of 2008 City Council required the future building be built in compliance with the City of Toronto's Green Development Standard. The applicant submitted a Green Development Standard checklist following the request from Council.

Based on a review of the checklist by staff, it was determined that the applicant has met the Green Development Standard requirements. Its implementation will be secured in the Site Plan Agreement.

Trees

City Council also required that trees proposed for removal and 10 cm and greater in Diameter at Breast Height (DBH) be replaced at least on a 3 to 1 ratio and trees less than 10 cm (DBH) be replaced on a 3 to 1 ratio. The Final Report identified a total of 322 trees (58 trees 10 cm DBH or greater and 264 less than 10 cm DBH) to be removed to accommodate the proposal.

Following staff's review of the Site Plan application, the applicant was required to revise the previously submitted Stormwater Management Outflow Strategy and provide a pedestrian bridge to ensure a safe and continuous sidewalk on the north side of Old Mill Road, along the entire frontage of the side (upper and lower parking lots).

The required revisions resulted in a revised Final Landscape Plan that identified the need for further tree removal. A total of 394 trees are required to be removed, as opposed to the 322 trees identified in the Final Report.

An Addendum to the original Scoped Natural Heritage Study therefore provides an updated Summary of the proposed compensation plantings and recommends a total number of 1182 new trees to be replaced, on and off-site. This will ensure that all trees proposed for removal will be replaced on a 3 to 1 ratio.

Some of the replacement trees will be planted on-site through landscaping and the remaining will be planted off-site. A portion of the off-site compensation planting will be implemented as per the approved Restoration Plan and Riparian Forest Restoration Plan in the vicinity of the site. The remaining off-site planting will be completed by the City and/or the TRCA using cash-in-lieu funds that will be provided by the applicant. The TRCA and Urban Forestry will determine the final off-site planting location(s).

Urban Forestry Services staff have reviewed the proposed Removal and Replacement strategies and are satisfied, provided that the applicant submit certain financial guarantees prior to Site Plan Approval. The financial guarantees are outlined in the attached Site Plan Approval Conditions (Attachment 2).

Draft By-law and Section 37 Agreement

Staff have also made some changes to the draft By-law and draft Section 37 Agreement attached to the Final Report.

Following the conditional approval of the proposal by City Council, some of the area residents alerted staff to the fact that there currently is a restrictive covenant applying to a portion of the site that prohibits the owner from constructing any type of structure within those lands. The building, as previously proposed slightly encroached into that restrictive covenant area in its northeast corner.

The restrictive covenant was registered on-title as one condition of a land exchange in the early 1980's, between the Old Mill owners, the then MTRCA and the former City of York for the purpose of expanding the existing surface parking lot.

The applicant has amended the proposed building's footprint so as to not encroach into the restrictive covenant area. The portion of the lands within the restrictive covenant area and affected by the proposed development are identified on Schedule "B" of the attached draft Zoning By-law in cross hatching. The restrictive covenant area otherwise covers most of the lower parking lot where no development is proposed.

The surveyor for the project has also confirmed that the revised footprint of the building is no longer encroaching on the restrictive covenant area.

Resulting from the review of the Site Plan application, the applicant was also required to provide a small pedestrian bridge to allow for a safe and accessible connection between the higher and lower portions of the new proposed sidewalk along the north side of Old Mill Road and along the frontage of the entire site (upper and lower parking lots). The new sidewalk will provide for a much needed pedestrian connection from The Old Mill Complex area to the Catherine Street Bridge and further to Etienne Brule and Kings Mill Parks.

Section 15 (a) of the draft by-law has been amended to allow a maximum contribution of \$50,000.00 towards the construction of that bridge.

The Section 37 Agreement will provide for a similar clause to allow for a contribution of up to \$50,000.00 for the construction of that bridge.

There were other minor stylistic changes made to the draft by-law for clarity purposes.

CONTACT

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Fax No: 416-394-6063;
E-mail: plopes2@toronto.ca

SIGNATURE

Gary Wright
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Draft Zoning By-law
Attachment 2: Site Plan Approval Conditions

Attachment 1: Draft Zoning By-law

Authority: Etobicoke York Community Council Item X, as adopted by City of Toronto Council on X and X, 2009

Enacted by Council: xx, 2009

CITY OF TORONTO

Bill No.

BY-LAW No. xxx-2009

To amend the Zoning Code of the former City of Etobicoke, as amended, with respect to lands municipally known in the year 2008 as 21 Old Mill Road and the associated lands located on the north side of Old Mill Road

1. By-law No. 1985-53 of the former City of Etobicoke is hereby repealed.
2. For clarity, the provisions of this By-law shall apply where any conflict exists between the provisions of this By-law and any provisions of By-law No. 14,160 of the former Township of Etobicoke, By-law No. 1981-117 of the former Borough of Etobicoke, and By-law Nos. 1985-54 and 1994-180 of the former City of Etobicoke.
3. The zoning map referred to in Section 320-5, Article II of the Zoning Code, is hereby amended by changing the classification of the portion of the Site from Private Open Space (POS) to Sixth Density Residential (R6) as shown on Schedule 'A' annexed hereto and forming part of this By-law.
4. Notwithstanding Sections 320-18A, 320-18B, 320-18C, 320-39, 320-40, 320-41, 320-42, 320-76 and 320-77 of the Zoning Code of the former City of Etobicoke, the following development standards, as set out in Sections 5 through 14 of this By-law, shall apply to the Site:
5. Permitted Uses

No building or structure shall be erected or used on the Site except for the following uses:

- (a) Area 2 shall be used for, and only for, surface parking for the Old Mill Complex provided that ancillary landscaped features may also be provided in conjunction with the said parking;
- (b) Area 3 shall be used for, and only for, permitted uses located within Area 3 as of March 5, 2008, namely a restaurant, banquet hall, chapel, hotel and spa facilities, together with accessory uses (the "Old Mill Complex");

- (c) Area 1 may be used for, and only for, an apartment building containing an underground parking garage that provides:
 - (i) the required parking for the residents and visitors of the apartment building;
 - (ii) a minimum of 99 parking spaces designated and used solely for the Old Mill Complex; and
 - (iii) each parking space shall have a width of 2.6 metres and a depth of 5.6 metres and be serviced by an access drive aisle having a width of at least 6 metres at all points.
- (d) Notwithstanding subsections (a) and (c),
 - (i) the following, and only the following additional uses shall be permitted within Area 1: accessory uses to the apartment building and underground parking garage permitted within Area 1 by subsection (c), including: a covered ramp for the underground parking garage; television antennae; podiums; exterior stairs; garbage enclosures; stair enclosures; and ventilation shafts
 - (ii) a temporary sales office shall be permitted within Area 1 and Area 2 for the purpose of marketing and sales related to the apartment building permitted within Area 1 by subsection (c);
 - (iii) the surface parking, existing as of March 5, 2008 for the Old Mill Complex, shall continue to be permitted on Area 1 until such time as the apartment building and underground parking garage permitted within Area 1 by subsection (c) is constructed.

6. Maximum Number of Residential Units

A maximum of 84 dwelling units shall be permitted within the apartment building permitted within Area I by subsection 5(c).

7. Gross Floor Area

A maximum Gross Floor Area of 16,000 square metres shall be permitted within the apartment building and underground parking garage permitted within Area 1 by subsection 5(c).

8. Maximum Height

The maximum Height in metres of the apartment building and underground parking garage permitted within Area 1 by subsection 5(c) shall be as specified by the numbers following the symbol “H” as shown on Schedule “B”, annexed hereto and forming part of

this By-law, but this shall not apply to those structural projections permitted to be outside the Building Envelope by Section 9 hereof.

9. Setbacks / Building Envelope

No part of the apartment building and underground parking garage permitted within Area 1 by subsection 5(c) shall be located other than within the Building Envelope shown on Schedule “B”, with the exception of:

- (a) the parking garage and related structures provided within Area 1; and
- (b) Minor Projections,

provided that no part of the apartment building, parking garage or Minor Projections may encroach into the area shown in cross hatching on Schedule “B”.

10. Parking and Loading Requirements for the apartment building and the Old Mill Complex:

- (a) Bicycle Parking – a minimum 53 bicycle parking spaces shall be provided for the apartment building permitted within Area 1 by subsection 5(c);
- (b) Vehicular Parking - Residential – a minimum ratio of 1.05 parking spaces per dwelling unit for one bedroom units, 1.2 parking spaces per dwelling unit for two bedroom units and 1.35 parking spaces per dwelling unit for units with three or more bedrooms. An additional 0.2 parking spaces per dwelling unit shall be provided and reserved for the exclusive use of visitors;
- (c) No part of Area 1 shall be used for surface vehicular parking; and
- (d) In addition to parking required by subsection (b), a minimum of 99 parking spaces shall also be provided and maintained for the Old Mill Complex as follows:
 - (i) at least 99 parking spaces shall be provided and maintained in the underground parking garage to be constructed and provided within the apartment building permitted within Area 1 by subsection 5 (c); and
 - (ii) any additional parking beyond the required 99 parking spaces may be provided within the surface parking lot permitted within Area 2 by subsection 5(a).

11. Landscape Open Space

A minimum of 30% of Area 1 shall be reserved for Landscape Open Space.

12. Indoor Amenity Space

A minimum of 2.5 square metres of Indoor Amenity Space shall be provided for each dwelling unit within the apartment building permitted within Area 1 by subsection 5(c).

13. Future Severances

Despite any existing or future severance, partition, or division of the Site, the provisions of this by-law shall apply to the whole Site as if no severance, partition or division occurred;

14. Definitions

For the purposes of this by-law, the provisions of Section 304-3 Definitions of the Zoning Code of the former City to Etobicoke shall apply with the following changes:

“Area 1”, “Area 2” and “Area 3” shall each mean respectively those portions of the Site as delineated and identified as “Area 1”, “Area 2” and “Area 3” on Schedule “C” annexed hereto.

“Building Envelope” shall mean the Building Envelope as delineated by heavy lines on Schedule “B” annexed hereto.

“Grade” shall be 88.85 metres Canadian geodetic vertical datum.

“Gross Floor Area” shall mean the total area of all floors in a building between the outside faces of the exterior walls, except for storage rooms and bicycle parking and storage areas where the floor level is at least 0.6 metres below Grade, parking areas for motor vehicles, Mechanical Floor Area, Indoor Amenity Space and unenclosed balconies.

“Height” shall mean the vertical distance between Grade and the highest point of the roof of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, architectural elements, stairs and stair enclosures, roof insulation, pavers and drainage located on the roof of such building provided the maximum height of the top of such elements, excluding decorative features, is no higher than 3.0 metres above the height limit otherwise applicable to the said building.

“Indoor Amenity Space” shall mean a common area or areas which are provided for the exclusive use of residents of a building for recreational or social purposes.

“Mechanical Floor Area” shall mean a room or enclosed area, including its enclosing walls, within a building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators), elevator shafts or telecommunications equipment that serves only such building.

“Minor Projection” shall mean minor building elements which may project from the main wall of the building into the required yards and outside the Building Envelope, including

roof eaves, window sills, railings, cornices, guard rails, balustrades, doors including revolving doors, lights, canopies and pilasters to a maximum horizontal projection of 1.5 metres, exterior stairs, wheelchair and pedestrian and vehicular ramps, parking elevator, parapets and vents.

“Old Mill Complex” has the meaning set out in Section 5(b) of this By-law.

“Site” shall mean the lands described in Schedule “A” annexed hereto

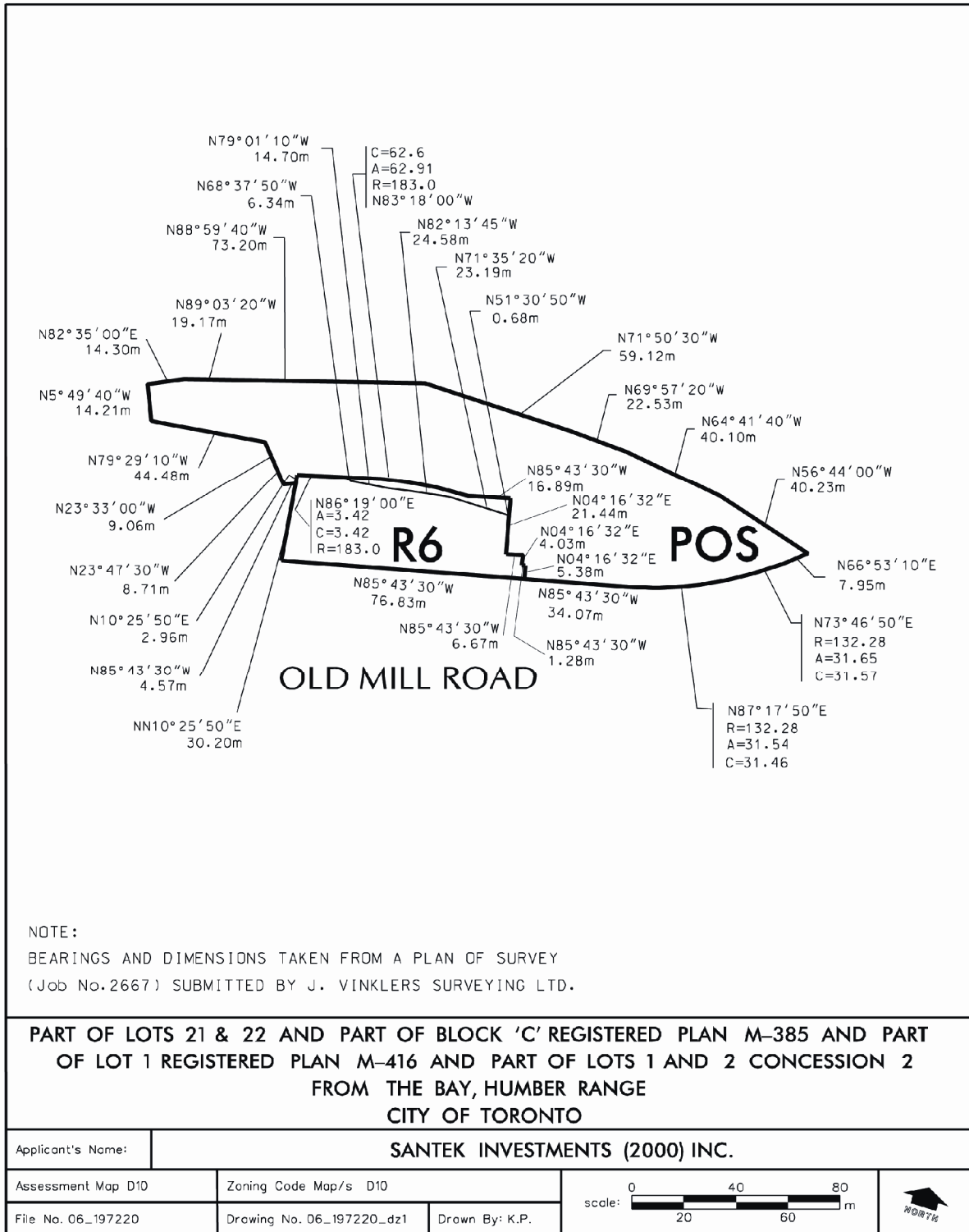
15. Section 37 Contributions

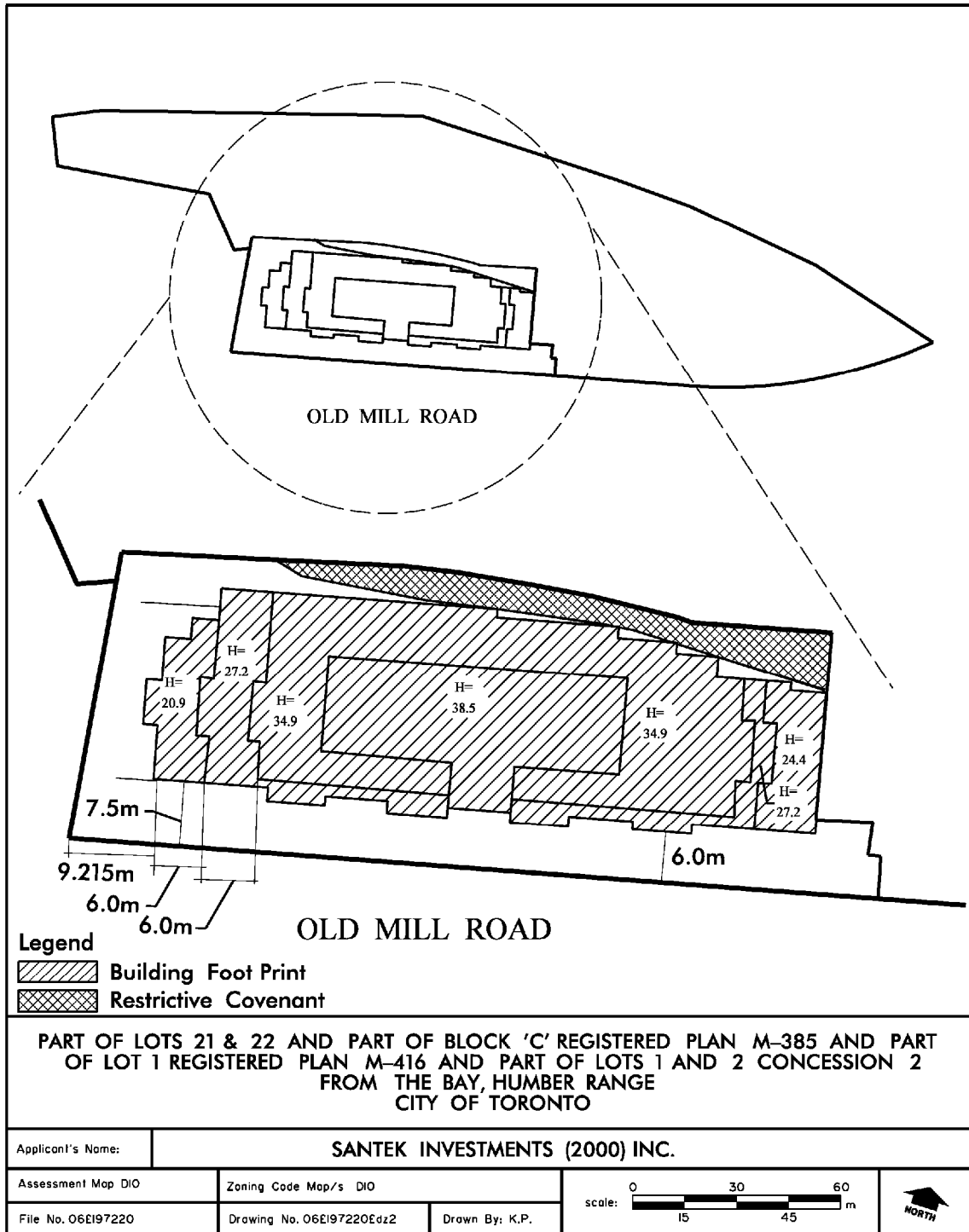
Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this exception are permitted subject to compliance with the conditions set out in this exception and in return for the provision by the owner of the Site of the facilities, services and matters set out in this Section, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act* and in a form satisfactory to the City, with conditions providing for indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement. Upon execution and registration of an agreement or agreements with the owner of the Site, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out herein, the Site is subject to the provisions of this exception, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements. The owner of the Site, at the owner’s expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in gross floor area and height authorized under this exception regulation:

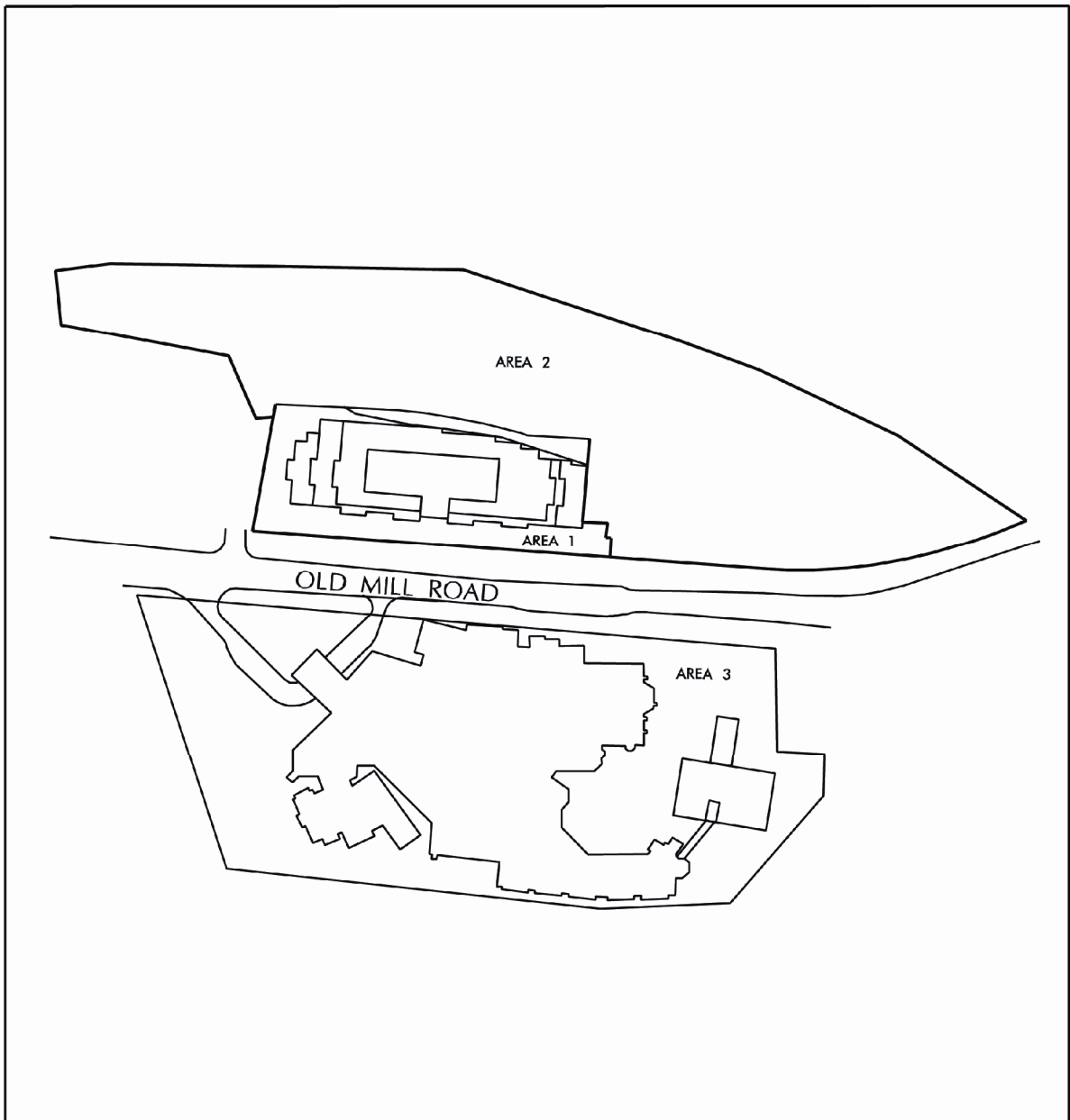
- (a) Contribution of \$500,000.00 to the City for park improvements (including up to \$50,000.00 for a pedestrian bridge) within the vicinity of the subject site including Kings Mill Park, Etienne Brule Park and Park Lawn Park such as play areas, water play, running track and amenities such as pathways, seating, trash bins, etc., at the discretion of the General Manager, Parks, Forestry and Recreation Division, in consultation with the Ward Councillor, to be paid prior to the issuance of the first above-grade building permit; and
- (b) Contribution of \$100,000.00 to the City of Toronto to be applied, as determined by the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Parks, Forestry and Recreation and the Ward Councillor, for Heritage improvements along the Humber River from Dundas Street to Lake Ontario, at the discretion of the Chief Planner, to be paid prior to the issuance of the first above-grade building permit;

- (c) costs of new municipal infrastructure and improvements and upgrades to existing municipal infrastructure to support the development as required by and satisfactory to the Executive Director, Technical Services;
- (d) any other condition to ensure the orderly development of the lands as required by the Chief Planner and Executive Director, City Planning;
- (e) the securing of building materials for the proposed building, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (f) the fulfilment of all environmental matters to the satisfaction of the General Manager, Parks, Forestry and Recreation in consultation with the Chief Planner and Executive Director, City Planning; and
- (g) costs of new streetscape improvements to Old Mill Road to the satisfaction of the General Manager of Technical Services and the Chief Planner and Executive Director, City Planning.

ENACTED AND PASSED this _____ day of _____, A.D. 2009
 DAVID R. MILLER, ULLI
 WATKISS
Mayor *City Clerk*







PART OF LOTS 21 & 22 AND PART OF BLOCK 'C' REGISTERED PLAN M-385 AND PART OF LOT 1 REGISTERED PLAN M-416 AND PART OF LOTS 1 AND 2 CONCESSION 2 FROM THE BAY, HUMBER RANGE CITY OF TORONTO

Applicant's Name:		SANTEK INVESTMENTS (2000) INC.	
Assessment Map D10	Zoning Code Map/s D10	scale: 	
File No. 06_197220	Drawing No. 06_197220_dz3		

Attachment 3: Site Plan Approval Conditions and Drawings

A. DRAWINGS AND STUDIES

Index + Revised Project Statistics, Drawing No. A – 0.0, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Context Plan, Drawing No. A – 0.1, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Overall Site Plan, Drawing No. A – 1.1, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Site Plan, Drawing No. A – 1.2, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Ground Floor Plan, Drawing No. A – 1.3, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Second Floor Plan, Drawing No. A – 1.4, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Third Floor Plan, Drawing No. A – 1.5, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Typical Floor Plan 4-6, Drawing No. A – 1.6, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Seventh Floor Plan, Drawing No. A – 1.7, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Eighth Floor Plan, Drawing No. A – 1.8m prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Sub-Penthouse Floor Plan 9, Drawing No. A – 1.9, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Penthouse Floor Plan 10, Drawing No. A – 1.10, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Parking Plan P1, Drawing No. A – 2.1, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Parking Plan P2, Drawing No. A – 2.2, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Parking Plan P3, Drawing No. A – 2.3, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Parking Plan P4, Drawing No. A – 2.4, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Building Sections, Drawing No. A – 3.1, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Revised Site Section, Drawing No. A – 3.2, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Revised South Elevation, Drawing No. A – 4.1, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

West and East Elevations, Drawing No. A – 4.2, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

North Elevation, Drawing No. A – 4.3, prepared by Page + Steele Architects Planners, date stamped as received on September 4, 2009;

Landscape Context Plan, Drawing No. SPL0, prepared by Ferris + Associates Inc., date stamped as received on September 4, 2009;

Landscape and Tree Preservation Plan, Drawing No. SPL1, prepared by Ferris + Associates Inc., date stamped as received on September 4, 2009;

Landscape Details, Drawing No. SPL2, prepared by Ferris + Associates Inc., date stamped as received on September 4, 2009;

Landscape Details, Drawing No. SPL3, prepared by Ferris + Associates Inc., date stamped as received on September 4, 2009;

Toronto Green Development Standard Checklist [for Mid-High Rise Developments], prepared by Page + Steele/IBI Group Architects on behalf of Santek Investments (2000) Inc. date stamped as received on October 7, 2009;

Scoped Natural Heritage Study (NHIS) 21 Old Mill Road, Toronto, ON, prepared by Gartner Lee Limited on September 2008, date stamped as received on December 2, 2008;

Addendum to Scoped Natural Heritage Study (NHIS) 21 Old Mill Road, Toronto, ON, prepared by AECOM on September 1, 2009 and date stamped as received on September 4, 2009;

Humber River Valleyland Compensation Plan – 21 Old Mill Road, Toronto, ON, prepared by Gartner Lee Limited on February 2007 and date stamped as received on December 3, 2007;

Old Mill Road Residences Parking Supply and Operation Study, prepared by Read, Voorhees & Associates Limited on April 2007, date stamped as received on August 9, 2007 and revised on December 12, 2007;

Revised Geotechnical Report Proposed Residential Development 21 Old Mill Road, Toronto, Ontario, prepared by McClymont & Rak Engineers, Inc. on December 2006 and date stamped as received on December 27, 2006;

Slope Stability Investigation for 21 Old Mill Road, Toronto, Ontario, prepared by McClymont & Rak Engineers, Inc. on May 2006 and date stamped as received on December 12, 2006;

Slope Stability Assessment The Old Mill Inn 21 Old Mill Road Toronto, Ontario, prepared by McClymont & Rak Engineers, Inc. on September 2008 and date stamped as received on December 2, 2008;

Stormwater Management Report Old Mill Residential Development, prepared by Riaboy Engineering Ltd. on July 2008, revised on November 28, 2008 and date stamped as received on December 2, 2008;

Functional Servicing Report Old Mill Highrise Residential Development Santek Investments (2000) Inc. prepared by Riaboy Engineering Ltd. on November, 2006, revised on July 15 and August 1, 2007 and dated stamped as received on August 9, 2007;

Site Servicing Plan, Drawing No. 06 – RE – 304/1, prepared by Riaboy Engineering Ltd., date stamped as received on September 4, 2009;

Detailed Site Grading Plan, Drawing No. 06 – RE – 304/2, prepared by Riaboy Engineering Ltd., date stamped as received on September 4, 2009;

Storm Sewer Easement Plan and Profile, Drawing No. 06 – RE – 304/3, prepared by Riaboy Engineering Ltd., date stamped as received on September 4, 2009;

Details, Drawing No. 06 – RE – 304/4, prepared by Riaboy Engineering Ltd., date stamped as received on September 4, 2009;

Sediment and Erosion Control Plan, Drawing No. 1, prepared by AECOM, date stamped as received on September 4, 2009;

Woody Invasive Species Management Plan, Drawing No. 3, prepared by AECOM, date stamped as received on September 4, 2009;

Restoration Plan, Drawing No. 1, prepared by AECOM, date stamped as received on September 4, 2009;

Riparian Forest Enhancement Plan, Drawing No. 2, prepared by AECOM, date stamped as received on September 4, 2009;

Stage 1 Archaeological Resource Assessment of the Old Mill Residential Development, 21 Old Mill Road, City of Toronto, Ontario, prepared by Archaeological Services Inc. on August 2006 and date stamped on November 9, 2006; and

Stage 2 Archaeological Resource Assessment of the Old Mill Residential Development, 21 Old Mill Road, City of Toronto, Ontario, prepared by Archaeological Services Inc. on November 2008.

B. PRE-APPROVAL CONDITIONS

LEGAL SERVICES

1. Enter into the City's standard site plan agreement to and including registration of the site plan agreement on title to the subject lands by the City at the Owner's expense.

TECHNICAL SERVICES

2. The owner is required to provide additional details concerning the security and garage access arrangement for the Old Mill, visitor and residential parking areas.
3. The owner shall enter into a lease agreement with the Parks, Forestry and Recreation Services to use their municipal parking facilities for overflow parking generated by the existing Old Mill Complex.
4. The owner's pedestrian bridge design and cost estimate shall be provided to the satisfaction of the Manager of Structures and Expressways in our Technical Services Division and will also require a TRCA permit, as it may require floodplain analysis prior to final site plan approval.
5. The owner shall make satisfactory arrangements with the TRCA for stormwater management, grading and site servicing work within the TRCA regulated lands.
6. The owner shall register on title for 100-year overland flow onto the parking lot.
7. The owner shall make arrangements with Technical Services for work to be done on the City's right-of-way, and provide adequate financial guarantees (to be determined) to ensure the completion of the required work, submit engineering and inspection fees (to be determined) and provide insurance, all to the satisfaction of the Executive Director of Technical Services.

CITY PLANNING

8. The owner shall complete the Stage 3 – 4 archaeological assessments for the property to the satisfaction of the Manager of Heritage Preservation Services and the Director of Community Planning, Etobicoke York District.
9. The owner shall ensure that the archaeological consultant follows through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the 2009 Final Draft – Standards and Guidelines for Consulting Archaeologists, Ministry of Culture.

10. Should the archaeological assessment process continue beyond a Stage 3 assessment, any recommendations for Stage 4 mitigation strategies must be reviewed and approved by Heritage and Preservation Services, prior to commencement of the site mitigation, to the satisfaction of the Manager of Heritage and Preservation Services and the Director of Community Planning, Etobicoke York District.
11. Significant archaeological resources and findings will be incorporated into the proposed development, to the satisfaction of the Manager, Heritage Preservation Services, through either in situ preservation and interpretation where feasible, or will be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing.
12. The owner shall not carry on with any demolition, construction, grading or other soil disturbances on the subject property prior to the City's Planning Division, Heritage Preservation Services Unit, and the Ministry of Culture, Heritage Operations Unit, confirming in writing that all archaeological licensing and technical review requirements have been satisfied.
13. The owner shall provide final plans and drawings for the building to the satisfaction of the Manager, Heritage and Preservation Services and the Director of Community Planning, Etobicoke York District, prior to site plan approval;
14. The owner shall provide final plans and drawings for the proposed pedestrian bridge, including three dimensional graphic renderings from pedestrian level vantage points to the north, north-west and north-east of the Old Mill Bridge and a description of the design and materials, to the satisfaction of the Manager, Heritage Preservation Services and the Director of Community Planning, Etobicoke York District.
15. The owner shall provide confirmation from the archaeological consultant that final design plans for the proposed pedestrian bridge will not impact potential archaeological resources.

SITE SPECIFIC CONDITIONS

16. The owner shall provide a revised Arborist Report that clearly identifies tree ownership, i.e. City or Private, and whether trees are to be retained and protected or removed.
17. If trees situated on City property are to be retained and protected, the owner must: provide a tree protection plan, including an Arborist Report that clearly describes the tree preservation techniques that are to be employed and a plan that accurately shows tree locations and tree protection hoarding, details and notes; and provide a Tree Protection Guarantee amount to the total value of each the trees to be protected, as determined by Urban Forestry, including removal and replacement costs.
18. If the trees situated on city property are to be removed, the owner must submit an Application to Remove Healthy City Owned Trees and obtain authorization from the General Manager of Parks, Forestry and Recreation prior to removing any City-owned trees.

19. The owner must provide a Tree Survival Guarantee in the amount of \$16,324.00 (4583.00/tree) to ensure that each tree that is to be planted on City of Toronto road allowance, adjacent to the site as outlined on Landscape and Tree Preservation Plan SPL1, are properly planted and maintained for a period of two years.
20. The owner must install tree protection fencing on site as per the approved Landscape and Tree Preservation Plan (SPL1).
21. The owner must install sediment protection on site as shown in the submitted and accepted Sediment and Erosion Control Plan.

Note: If the owner wishes not to install the tree protection hoarding or the sediment control fence prior to the issuance of Site Plan Approval, the applicant shall submit a written explanation providing reasons why tree/site protection measures cannot be installed at this time. The applicant shall also submit financial security to Urban Forestry (RNFP) in the form of a Letter of Credit or Certified Cheque payable to the Treasurer, City of Toronto, in the amount of \$5,000.00 (five thousand dollars) as a security for the installation of tree/site protection measures to the satisfaction of Urban Forestry (RNFP). This amount is a standard lump sum for a medium sized development. The security deposit shall be delivered to the Supervisor, Ravine & Natural Feature Protection or his/her designate.

22. The owner shall provide a security deposit in the form of an irrevocable letter of credit (LC) payable to the City of Toronto Treasurer and to be delivered to the Supervisor, Ravine & Natural Feature Protection or his/her designate for the implementation of the approved landscape planting in the amount of \$124,798.00 (one hundred twenty four thousand seven hundred and ninety eight dollars).
23. The owner shall submit a revised Landscape Cost Estimate for the remainder landscaping items of the proposed Landscape Plan, such as hard landscaping items, walls and fences and the associated agreed upon financial securities to the satisfaction of the Director of Community Planning, Etobicoke York District.
24. The owner shall make arrangements satisfactory to the TRCA indemnifying TRCA from any liability and costs due to property damage, injury or loss of life due to flooding during and after construction, until the reconstructed slope is complete and functional from a flood plain management perspective.
25. The owner shall prepare and implement a Construction Mitigation Plan to address, among others, procedures for mitigating the loss of life and property during construction in the event of a flood event, and implementing all requirements under TRCA permitting authority including erosion and sediment control and protection of fisheries.
26. The owner shall receive a TRCA permit under the Ontario Regulation 166/06 or its successors, prior to final Site Plan approval or before proceeding with any development within the Regulated Area.

C. POST APPROVAL CONDITIONS

In addition to the above pre-approval conditions, the following post approval conditions are to be fulfilled by the Owner following site plan approval and will be incorporated into a site plan agreement:

1. The proposed development shall be carried out and maintained in accordance with the plans and drawings referred to herein, to the satisfaction of the City of Toronto.

TECHNICAL SERVICES

2. The owner shall construct all engineering works in accordance with the design and drawings prepared by Ferris + Associates Inc., Landscape Details Plan, Drawing No. SPL3;
3. The owner shall provide certification to the Executive Director of Technical Services by the Professional Engineer who designed the pedestrian bridge that the pedestrian bridge was constructed in accordance to the accepted drawings.
4. The owner shall agree to remove all existing accesses, curb cuts, traffic control signs, etc. along the development site frontage that are no longer required and reinstate the boulevard within the right-of-way, in accordance with City Standards and to the satisfaction of the Executive Director of Technical Services.
5. The owner shall agree that the on-site circulation driveways within Parking Level Nos. P1 and P2 shall be mutually shared, in perpetuity, between the Old Mill Complex and the proposed condominium apartment building.
6. The owner agrees not to install bumps at the private driveway approaching the intersecting public highways or on any main driving aisle or designated fire route.
7. The owner shall maintain a minimum of 17 visitor parking stalls that are individually signed for the exclusive use of visitors to the condominium building.
8. The owner agrees that all visitor parking stalls will be individually signed for the exclusive use of visitors, must not be occupied by residents/tenants, and that visitors will not be charged a fee to use these stalls.
9. The owner agrees that the visitor parking stalls for the proposed condominium building will not be rented, leased, sold, transferred or allocated to tenants or residents. The applicant further agrees to provide an effective enforcement mechanism(s) ensuring that this arrangement remains in effect at all times.
10. The owner shall construct and maintain all facilities necessary to permit bulk lift City collection of solid waste and recyclable materials in accordance with Chapter 844 of the City of Toronto Municipal Code, Waste Collection, Residential Properties.

11. The owner shall provide and maintain waste diversion systems for multiple household residential buildings in the form of two separate chutes with the capability of adding a dual sorter if and when the organic waste collection (green bin) program is implemented.
12. The owner shall provide written certification to the Executive Director of Technical Services by the “qualified professional” who designed and supervised the construction that the waste management facilities have been constructed in accordance with the accepted Site Plan and Waste Management Report.
13. The owner shall construct and maintain stormwater management measures/facilities and site grading as recommended in the Stormwater Management Report once approved.
14. The owner shall construct and maintain site servicing proposed on the Site Servicing and Grading Plan once approved.
15. The owner shall provide certification to the Executive Director of Technical 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 Plan.
16. The owner shall provide certification to the Executive Director of Technical 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.

SITE SPECIFIC CONDITIONS

17. The owner is required to submit a 5% cash in lieu parkland dedication payment prior to the release of a building permit(s). The payment should be made at Customer Services, Building Division and the actual amount to be paid will be determined at the time of issuance of the Building Permit.
18. The owner is required to install and maintain a centralized mail facility at their own expense, for mail delivery to a multi unit building, as per Canada Post Multi Unit Building Delivery Policy. This installation is to be co-ordinated with Canada Post as per the Centralized Mail Delivery Guidelines. The applicant shall contact the Letter Carrier Supervisor, Etobicoke D Post Office, 145 The West Mall, Etobicoke, ON, M9C 2Y0 (647-321-0469) to arrange mail delivery and mailbox location and inspection.
19. The owner shall provide a security deposit in the form of an irrevocable letter of credit (LC) payable to the City of Toronto Treasurer and to be delivered to the Supervisor, Ravine & Natural Feature Protection or his/her designate, prior to the issuance of the first Building Permit, for the implementation of the approved Restoration Plan and Riparian Forest Restoration Plan in the amount of \$42,516.00 (forty two thousand five hundred and sixteen dollars).

20. The owner shall submit a cash in lieu payment for off-site compensation planting in the amount of \$110,270.00 (one hundred and ten thousand two hundred and seventy dollars) prior to the issuance of the first Building Permit, to cover the planting and maintenance costs for planting and maintaining 1044 trees in local natural areas. Cash in lieu payment shall be submitted in the form of a certified cheque payable to the City of Toronto Treasurer, and delivered to the attention of Vojka Miladinovic, Urban Forestry Planner at 355 Lesmill Road, Toronto, Ontario, M3B 2W8.

Note: On the applicant's request, Urban Forestry agreed to take the security deposit and cash in lieu payments prior to the issuance of the first Building Permit, as opposed to the standard UF requirement to take the security deposit prior to the approval of the Site Plan. If for any reason, the building permit issuance is delayed past 2010, the estimated values will be revised by adding 3% per year for cost escalation allowance.

21. Trees on private property, protected by the Ravine & Natural Feature Protection By-law will be injured or destroyed if this site plan is approved. Trees protected by this by-law may not be removed, injured or destroyed without written authorization from Urban Forestry (RNFP). A ravine permit application shall be submitted to the Supervisor, Ravine & Natural Feature Protection, to obtain a permit under the Ravine & Natural Feature By-law. The tree removal permit will be issued only after all security deposits and cash in lieu payments are received by Urban Forestry RNFP.
22. For trees situated on City property that are to be retained, the owner shall: implement and maintain for the duration of the construction process, the tree preservation methodologies described in the approved Tree Preservation Plan and revised Arborist Report; instruct a qualified arborist or other tree care professional satisfactory to Parks, Forestry and Recreation to monitor tree preservation in accordance with the approved Tree Preservation Plan and revised Arborist Report and to provide a report to Urban Forestry on any impacts to trees that are to be protected as caused by construction; and notify builders, contractors and agents of all tree preservation requirements identified in the approved Tree Preservation Plan and revised Arborist Report, or as stipulated by Urban Forestry, where any part of the development will be carried out by them on behalf of the owner.
23. For trees situated on City property and that are to be removed, the owner shall not remove the trees prior to receiving authorization from the General Manager of Parks, Forestry and Recreation, and upon obtaining the required building and/or demolition permits permitting construction and/or demolition related activities associated with this project.
24. The owner shall install/implement tree planting as indicated on Landscape and Tree Preservation Plan SPL1. Upon completion of the planting the applicant must contact Brian L. Mercer, Urban Forestry Planner via telephone at 416-392-0964 and /or Vojka Miladinovic, Urban Forestry Planner (RNFP) to arrange for a site inspection. The file will be closed upon confirmation that the required planting has been completed to the satisfaction of Urban Forestry and in accordance with the approved plans.

25. The owner shall not stockpile soils in the floodplain during construction.
26. The owner shall ensure that the reconstructed slope shall be constructed according to the recommendations of the Slope Stability Assessment, prepared by MCR, dated September 2008 and date stamped as received by the City on December 2, 2008.
27. The owner shall ensure that a geotechnical consultant is retained during slope reconstruction to verify the adequacy of the grades and compaction parameters based on approved soil type and that slope construction works shall not take place during wet or frost conditions.
28. The owner shall ensure that the consultant archaeologist submits a copy of the relevant assessment report(s) to the Heritage and Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk, prior to the issuance of any building permit, including all below grade permits.

D. ADVISORY COMMENTS

1. Requirements for Work on TRCA land

The applicant is required to make satisfactory arrangements with TRCA for the construction and maintenance of proposed private storm sewer within the TRCA land.

2. Road Allowance Permits.

The applicant must obtain the necessary authorizations and permits from the City's Right-of-Way Management Unit before excavating within or encroaching into the municipal road allowance. The applicant is advised to contact Tamara MacDonald at 416-394-8348 of our Right-of-Way Management Unit regarding site-specific permit and licensing requirements.

3. Construction Management Plans.

The applicant must submit a Construction Management Plan for each stage of the construction process. The applicant is not allowed to use the public road allowance for storing construction equipment/materials or for parking purposes. The applicant is advised to contact the Development Engineering Unit, Yu Lay Aung at 416 394-8471.

4. Encroachments.

The applicant is advised that any physical or landscaping features proposed within public road allowance are subject to encroachment agreements. The applicant is responsible for the costs of installing and maintaining these encroachments. For further information regarding encroachment agreements, please contact Don Pardoe, Right-of-Way Management Unit at 416-394-8422.

5. Toronto Hydro Approval

The applicant shall obtain approval from Toronto Hydro Street Lighting Incorporated, THSLI, for removing and/or relocating any utility with attached municipal street lighting and for any upgrades. The applicant is advised to contact THSLI (416-542-3195) or www.torontohydro.com/streetlighting for comment and cost estimates for required fieldwork.

The applicant is advised that there is mandatory requirement for a three meter clearance from any part of the proposed building and Hydro's overhead cables & related equipment. The applicant can contact Toronto Hydro (contact provided above) to obtain the "General Guidelines" document.

The applicant shall also ensure that a minimum 600 mm horizontal and 300 mm vertical clearance for Hydro's underground plant is provided.

6. Utilities

The applicant 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.

7. Site Servicing Connections

The applicant will be required to make an application to Toronto Water Division for the installation of any proposed sewer and water services within the public road allowance upon approval of the Stormwater Management Report and Site Servicing and Grading Plan. For further information, please contact Bruce Grainger, District Operations, Toronto Water, Etobicoke York District at 416-394-8454.

The applicant's consulting engineer will make application to the Ministry of the Environment for their permit and approval for the construction of the proposed storm sewer and outfall to the Humber River upon approval of the required engineering drawing by the City and TRCA.

8. Bell Canada

The applicant is hereby advised that prior to commencing any work as per the proposal, the applicant must confirm that sufficient wire-line communication / telecommunication infrastructure is currently available within the proposed development to provide communication / telecommunication service to the proposed development. In the event that such infrastructure is not available, the applicant is hereby advised that the applicant may be required to pay for the connection to and/or extension of the existing communication / telecommunication infrastructure. If the applicant elect not to pay for such connection to and/or extension of the existing communication / telecommunication infrastructure, the applicant shall be required to demonstrate to the municipality that sufficient alternative communication / telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication / telecommunication services for emergency management services (i.e., 911 Emergency Services).

Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the communication / telecommunication facilities are located and one or more conduits from the room(s) in which the communication / telecommunication facilities are located to the street line.

If there are any conflicts with existing Bell Canada facilities or easements, the applicant shall be responsible for re-arrangements or relocations.

9. Enbridge Gas Distribution

Enbridge Gas Distribution has no objections to the development as proposed. However, should the applicant consider the use of natural gas for this development, Enbridge requests that the applicant contact the Enbridge Sales Development Department at their earliest convenience to discuss installation and clearance requirements for service and metering facilities. The developer is to facilitate the installation of the gas plant prior to the commencement of the asphalt paving.

In the event that easements are required to service this development, easements will be provided at no cost to Enbridge Gas Distribution Inc.