



**STAFF REPORT
ACTION REQUIRED**

Part of 55 Mill Street (Distillery District) - Approval of Alterations to Designated Heritage Property

Date:	June 25, 2008
To:	Toronto Preservation Board Toronto & East York Community Council
From:	Director, Policy and Research, City Planning Division
Wards:	Ward 28 - Toronto Centre-Rosedale
Reference Number:	

SUMMARY

This report recommends that City Council approve the alterations to the historic Rack Houses G and J, part of the designated heritage property at 55 Mill Street, formerly the Gooderham and Worts Distillery, in accordance with the proposed Official Plan Amendment and Rezoning application described in this report. The development proposes 52,807 square metres of new residential gross floor area, and 14,754 square metres of non-residential gross floor area, in the southeast quadrant of the District.

The applicant has appealed the Official Plan and Zoning By-law Amendment application to the Ontario Municipal Board. A prehearing conference was held on May 20, 2008 and a second prehearing conference is scheduled for September 12, 2008 with a ten-day hearing scheduled to commence on October 27, 2008. The City and the applicant are working to resolve outstanding issues with the application in order to reach a settlement.

RECOMMENDATIONS

The City Planning Division recommends that

1. City Council approve, in the event that a settlement can be reached on the appeal of the Official Plan and Zoning By-law Amendment application, the alterations to the heritage property at 55 Mill Street (Distillery District), substantially in accordance with the plans and drawings prepared by Architects Alliance, dated June 1, 2008 and date stamped received by the City Planning Division on June 23, 2008, and on file with the Manager, Heritage Preservation Services subject to the applicant:

- a. prior to the Ontario Municipal Board issuing its Order giving final approval to a settlement of the appeal of the Official Plan and Zoning By-law Amendment application;

providing a detailed Conservation Plan, prepared by a qualified heritage architect to the satisfaction of the Manager, Heritage Preservation Services that includes: documentation through photographs of the as-found condition of Rack Houses G and J including photographs of the interior roof structure and racking system, Building 63 (Paint Shop), and Building 74 (Case Goods Warehouse), all as pertaining to the Reasons for Identification; detailed descriptions /specifications for all proposed heritage conservation work including measures to be taken to protect all heritage structures within and adjacent to the development site during construction; an exterior lighting and signage plan; and an estimate of costs for the implementation of the Conservation Plan;

- b. prior to the issuance of any building permit for the subject development, including a permit for demolition, excavation and /or shoring of the subject property;

providing a Letter of Credit in a form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure the work identified in the Conservation Plan;

providing a detailed landscape plan including all at and above-grade outdoor amenity space that is proposed as part of the subject development, as well as an exterior lighting plan and a signage plan all to the satisfaction of the Manager, Heritage Preservation Services;

providing building permit drawings to the satisfaction of the Manager, Heritage Preservation Services;

- c. prior to the release of the Letter of Credit;

completing the heritage conservation work, satisfactory to the Manager, Heritage Preservation Services.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

The Distillery District was designated by City Council in 1976 under Part IV of the Ontario Heritage Act (By-law No. 154-76). In 1994, former City of Toronto Council approved Official Plan Amendment No. 2 to the King-Parliament Secondary Plan and passed Zoning By-law 1994-0396 to implement a specific planning framework for the Gooderham and Worts Distillery District. In the same year, By-law No. 1994-0397 was passed providing for the entering into of Heritage Easement Agreements for the conservation of the buildings within the District. A Section 37 Agreement was signed in 1995 which among other matters, references future development over and alterations to Rack Houses G and J within the District, and demolition of Rack House M.

ISSUE BACKGROUND

Proposal

Cityscape Development Inc. and Dundee Distillery District (GP) Commercial Inc., have made an application to the City for an Official Plan Amendment and rezoning to permit a mixed use development within the City's historic Distillery District. The development site occupies the southeast quadrant of the District and includes a piece extending westerly parallel to the rail corridor from Cherry Street to west of Trinity Street (Attachment No.3). The southerly portion of the development site is currently used as a surface parking lot. The development site is approximately 1.5 hectares with frontage on Cherry Street. The proposal is for residential and commercial development over a four level below-grade parking garage consisting of the following built form components:

1. 35 storey residential tower located at the eastern edge of the site directly adjacent to Cherry Street. The tower will rest above a two-storey podium that spans across the historic Rack Houses G and J at Tank House Lane, providing a transition between the heritage buildings and the tower component (Attachment Nos.7, 8);
2. 40 storey residential tower located further west on the development site, that will sit on the southerly end of a five storey residential podium building to be constructed on the building footprint of Rack House M (to be demolished);
3. three and four storey commercial building to be constructed along the southern edge of the development site incorporating a rail crash wall, and providing visual and acoustical shelter from the adjacent rail corridor. This building, referred to as the "Ribbon" building for its undulating form, will be primarily commercial in use with retail at grade and office space in the upper floors. An outdoor pool and associated amenity area for the residential towers will be provided on the roof with additional amenity space provided on the fourth floor level.

Together the proposed development will provide 669 new residential units. The majority of the ground related space will be devoted to commercial (retail) uses. The below grade parking structure will serve both the new residential towers and the broader Distillery District. Primary access to the parking facility will be from Cherry Street with a

secondary entrance from Parliament Street. Tank House Lane will continue to serve as a major east-west pedestrian corridor linking Cherry Street to Trinity Street. Market Lane which runs south from Tank House Lane, will be maintained in its current location immediately west of Rack House G, and will lead to a new central courtyard framed by the two proposed towers. This courtyard will connect to a lane running parallel to the proposed Ribbon building, facilitating pedestrian movement across the site, and for use by service vehicles during off-peak hours.

Heritage Context

The property at 55 Mill Street (2 Trinity Street) contains a collection of over 40 Victorian era industrial buildings constructed between 1856 and 1927 as part of the Gooderham and Worts Distillery. The property was designated on architectural grounds in 1976 under Part IV of the Ontario Heritage Act (By-law No. 154-76). It is considered one of the best preserved, if not the best preserved 19th century industrial complex in Canada, and at one time operated as the largest distillery in the world. It was designated a National Historic Site in 1988, and in 1994 By-law No. 1994-0397 was passed by City Council, providing for the entering into of Heritage Easement Agreements for the conservation of the buildings within the District. Seven Heritage Easement Agreements are registered to secure the preservation of these heritage buildings. The two heritage buildings directly affected by this development proposal, Rack Houses G and J, are subject to the Heritage Easement Agreement registered as Instrument No. CA397783 on April 3, 1996 (Attachment Nos. 2a-c). Schedule “E” of this agreement provides a framework for the adaptive re-use of these Rack Houses with the objective that any alterations are sensitive to and respect the heritage attributes of these buildings.

Rack Houses G and J were constructed as tank houses in 1889 for the storage of alcohol in barrels and were later converted to rack houses. These two freestanding buildings are located in the second row of a larger grouping of tank houses that form a defined precinct at the eastern end of the Distillery District. Both structures are characterized by a one-storey rectangular plan, covered by a flat roof with brick parapets, wood trim, and truncated chimneys. Above a stone foundation, the red brick walls are divided into bays by piers and inset panels with stepped and sawtooth brick detailing. The segmental-headed and square-headed openings contain wood sash windows with iron bars, wood doors, brick voussoirs, stone sills and metal shutters. The interiors feature a wood roof structure and full-height timber racking system.

Rack House M is also within the boundaries of the proposed development (Attachment No. 2d). It was constructed in 1927, on the site of an earlier icehouse. Although different from the other tank houses in the District both in size and appearance, it conforms to the physical arrangement of tank houses and reinforces the alignment of Tank House Lane. In the context of the 1994 planning approvals it was agreed this building could be demolished. Section 2.9 of the Section 37 Agreement, as amended for the Gooderham and Worts site, makes specific provision for the demolition of Rack House M provided that:

“...as soon as reasonably practical following the demolition of the building, the Owner shall construct a replacement wall in a location corresponding to the location of the north facade of Building No. 75 (Rack House M) and to a height similar in height to the north facades of buildings Nos. 64 and 65 (Rack Houses G and J)...using material and in a manner satisfactory to the Managing Director.” (Section 2.9.2(c)).

Other heritage structures directly adjacent to the proposed new development include the Paint Shop (Building 63) now the Mill Street Brewing Company, the Case Goods Warehouse (Building 74) now occupied by Artscape, the Pump House (Building 60), and the Stone Distillery (Building 3) (Attachment No.1).

Planning Framework

In response to a formal development application received in 1992 for the Gooderham and Worts Distillery District, the former City of Toronto Council in 1994 approved Official Plan Amendment No.2 to the King-Parliament Secondary Plan and passed Zoning By-law 1994-0396 to implement a specific planning framework for the District. The comprehensive planning process undertaken at the time included the drafting of a 12-report Heritage Master Plan, the registering of heritage easement agreements to secure the preservation, renovation and re-use of the heritage buildings, and the signing of a Section 37 Agreement. Pursuant to these approvals, three residential buildings were constructed in the district in the late 1990's, at 70 and 80 Mill Street and at 39 Parliament Street.

The provisions of the King-Parliament Secondary Plan, the Zoning By-law, and the Section 37 Agreement, establish specific land use policy and built form criteria. The development site falls primarily within the area zoned “Cherry Street Commercial District” in the site specific zoning by-law. Up to 91,700 square metres of non-residential density is permitted in this portion of the Distillery District.

The existing zoning on the subject site permits two large-floor plate office buildings each with a height of 64 metres (16 storeys). The current proposal is to permit two residential point towers with an additional commercial Ribbon building proposed along the south edge of the site. The proposal responds to legitimate concerns regarding the appropriateness of the current zoning permissions, given the impact of its resulting built form on the public realm and built heritage in this part of the site.

The applicant has appealed the Official Plan and Zoning By-law Amendment application to the Ontario Municipal Board. The City and the applicant are working to resolve outstanding issues with the application in order to reach a settlement.

Community Consultation

A community consultation meeting on the original proposal was held on April 4, 2007. Following on this meeting, the Ward Councillor established a Working Group consisting of representatives from six local community stakeholders, City Planning staff including Heritage Preservation Services and the developer's team. This group met on eight

occasions between May and September 2007. As a result of the discussions during the Working Group process, consensus was reached on the positive merits of the development proposal in relation to the following heritage issues:

- retaining the three-dimensional integrity of Rack Houses G and J;
- retaining the Case Goods Warehouse Building formerly slated for demolition;
- preserving and enhancing the open space network within this area of the site including retaining the existing lanes, the courtyard area (partially used by Mill Street Brewery) to the west of Rack House M, and providing a larger courtyard area in the southeast quadrant of the Distillery District as part of a redefined entrance to the District from Cherry Street;
- relating the height of the proposed Ribbon building to the Case Goods Warehouse building;
- ensuring the same scale, massing and materiality as Rack House M (to be demolished) in the proposed five-storey podium occupying the building footprint of Rack House M on Tank House Lane (Attachment No. 9).

Other issues relating to the impact of the proposed development on adjacent heritage structures were not resolved at the Working Group meetings. These include consensus on the location of the western terminus of the Ribbon building, as well as the specific design of this building in its relationship to and impact on the adjacent Case Goods Warehouse, Pump House, and Stone Distillery.

COMMENTS

Proposed Alterations

From a heritage conservation perspective, the current proposed development represents a significant improvement from that contemplated by the 1994 Planning framework. The proposed development is less intrusive on the heritage character of the District generally. Rack Houses G and J remain clearly distinguishable structures with all four elevations continuing to serve as street walls within the District. The Case Goods Warehouse and Paint Shop are fully retained on the site. In accordance with the original lot divisions on the site, the open space network is preserved and extended.

Report No.11, Gooderham and Worts Heritage Master Plan, Conservation and Adaptive Re-Use Guidelines, 1994, sets out eighteen principles for conserving buildings in the Distillery District. The proposed development shows clear regard for these principles and is consistent with the careful approach that has been taken by the current owner in the conservation and adaptive reuse of other heritage buildings on the site. A Heritage Impact Statement (June 18, 2008) prepared by ERA Architects, outlines the conservation initiatives that are integral to the proposed development.

The structural complexities of retaining the exterior walls in place during construction of the underground parking require the reconstruction of some of the perimeter walls of Rack Houses G and J. However, the existing perimeter walls along Tank House Lane and Cherry Street are to be retained in situ. Staff consider these facades to be of

particular importance given their position adjacent to Tank House Lane and Cherry Street, both important pieces of the historic fabric of the District. Also, the small size and number of doors and window openings restricting access and visibility into the buildings, necessitates that new openings be created (Attachment Nos. 5, 6). Staff have worked with the applicant to ensure minimal intervention while supporting adaptive re-use. No new openings are proposed on the building facades internal to the development project, forming part of the new retail space. On the Tank House Lane elevations only previously bricked up openings will be introduced. This is a measurable improvement over the previous 1994 plans which proposed to introduce loading dock entrances across the Tank House Lane facades. Two openings are added to the Cherry Street elevation for the entrance to the residential tower and providing much needed animation to the street. The most significant intervention is along the Market Lane elevation and along the south elevations of the Rack Houses to provide access and visibility for at-grade retail units. All new window and door openings within Rack Houses G and J will be simple punched openings within wall panels in accordance with the Adaptive Re-Use Guidelines (Attachment No.10). In addition, existing features and materials of the Rack Houses will be conserved. Masonry, windows, shutters and trim will be reused in the reconstruction of the facades. The chimneys on the east and west elevations will be restored and a representative rack structure will be rebuilt on the interior of the restored Rack House G as required by the Heritage Easement Agreement.

The only additional conservation work needed as a result of impact from the proposed development on adjacent heritage structures is the shoring of the Paint Shop and Case Goods Warehouse given the proximity of these heritage buildings to the area of excavation.

As a replacement structure to the existing Rack House M, the new podium building to be constructed directly to the west of Rack House G is critical in maintaining the scale, rhythm, and materiality that is unique to Tank House Lane. The proposed new building interprets the character of the original structure by using similar brick masonry and punched window openings. The building is also compatible both in its height and solidity to the adjacent structures.

The Ribbon building remains the least developed architecturally of the proposed buildings in the development project. For this reason, its impact on the adjacent heritage buildings (Case Goods Warehouse, Pump House, Stone Distillery), is not entirely clear. The height of the Ribbon building will match that of the adjacent Case Goods Warehouse. Detailing and materials will be developed later in the process and subject to final approval by the Manager, Heritage Preservation Services.

Another issue requiring more detailed investigation by the applicant is the location of the western terminus of the Ribbon building in relation to the Stone Distillery. Staff have advised that if the Ribbon building is extended west of the alignment of Trinity Street, then appropriate provision must be made for a future pedestrian connection of Trinity Street south under the rail corridor, as proposed in the East Bayfront planning being done by Waterfront Toronto.

Conclusion

Heritage Preservation Services staff are satisfied that the alterations to the heritage buildings proposed as part of this development are acceptable, acknowledging the current zoning permissions for the site, and the challenges presented by these industrial buildings in their adaptive re-use.

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SIGNATURE

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ATTACHMENTS

Attachment No.1 – Location / Key Map
Attachment No.2a-2f – Photographs
Attachment No.3 – Site Plan
Attachments No.4a & 4b - Elevations
Attachment No.5 – Proposed Openings, Rack House G
Attachment No.6 – Proposed Openings, Rack House J
Attachment No.7 – Perspective, View Southwest Across Cherry Street
Attachment No.8 – Perspective, view north to Rack Houses G and J
Attachment No. 9 – Perspective, view looking east on Tank House Lane
Attachment No. 10 – Perspective, view looking south on Market Lane