

**Part of 55 Mill Street, Gooderham and Worts  
Official Plan Amendment and Rezoning Application  
06 189754 STE 28 OZ  
Final Report**

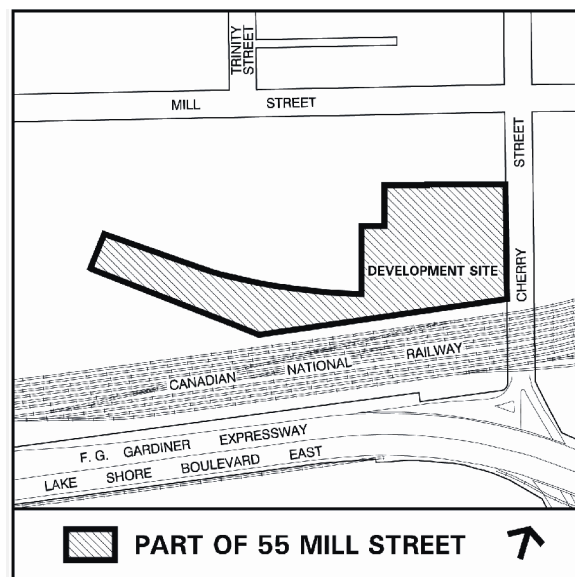
<b>Date:</b>	August 19, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 28 – Toronto Centre-Rosedale
<b>Reference Number:</b>	06 189754 STE 28 OZ

**SUMMARY**

The applicant has appealed the Official Plan Amendment and rezoning application to the Ontario Municipal Board (OMB) due to Council’s failure to make a decision within the time allotted by the *Planning Act*. A pre-hearing conference was held on May 20, 2008 and a second pre-hearing conference is scheduled for September 12, 2008. A hearing is set to commence on October 27, 2008.

Since the appeal the applicant has submitted revised application to the City and advised the Ontario Municipal Board at the May 20 pre-hearing conference of the revised application.

The revised application seeks permission for two high-rise residential buildings of 40 and 35 storeys, a four-storey commercial/office building and retention of historic Rack Houses “G” and “J”, all located to the south of Tank House Lane; west of Cherry Street; north of the TTR and CN Railway and east of Trinity Street within Gooderham and Worts. The proposed development will include up to 669 residential units with permission for non-residential uses (e.g. office and retail) in the four-storey



building and on the ground floor of the residential towers

This report seeks Council's authorization for the City Solicitor and appropriate City staff to attend the Ontario Municipal Board in support of the revised application, subject to a recommendation requesting the Ontario Municipal Board withhold its Order until specified flood protection measures are finalized, community benefits within Section 37 Agreement have been agreed too and archaeological, heritage and servicing issues have been addressed..

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council authorize the City Solicitor and appropriate City staff to attend the Ontario Municipal Board hearing in support of the revised application for an Official Plan amendment and rezoning to permit the development of 40, 35 and four-storey buildings as set out on the drawings date stamped as received by the City Planning Division on June 23, 2008, subject to the conditions included in Recommendations 2, 3 and 4.
2. City Council authorize the City Solicitor to request the Ontario Municipal Board to amend:
  - i. the Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment 6; and
  - ii. Zoning By-law 1994-0396 and 438-86 as required substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 7.
3. City Council authorize the City Solicitor and Chief Planner and Executive Director, City Planning Division, to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required to implement the intent of this report.
4. City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold its Final Order approving the Official Plan Amendment and Zoning By-law Amendment until it receives written confirmation from the City Solicitor that the following conditions set out in (i), (ii) and (iii) below have been satisfied:
  - i. Flood Protection
    - a. the landform feature currently being constructed for the Province by the Ontario Realty Corporation is completed such that the measures relating to floodplain protection in a special policy area ("SPA") in the applicable Official Plan are no longer necessary in relation to these lands, all to the satisfaction of the Toronto and Region Conservation Authority and the Provincial Ministries having jurisdiction over such matters; and
    - b. the applicable Official Plan has been amended to remove the SPA designation for the western portion of the Lower Don Area. **OR**

- c. in lieu of (a) and (b) above, the applicant has obtained the permission of the relevant Provincial Ministries to permit the amendment of the applicable Official Plan and to permit residential uses within the SPA (prior to completion of the landform feature).

ii. Servicing Matters

The applicant address the following servicing issues to the satisfaction of the Executive Director, Technical Services Division:

- a. provide a water demand analysis with recent hydrant testing to demonstrate that the existing municipal infrastructure can support this development;
- b. provide detailed calculations for the sanitary sewer to demonstrate that the existing municipal infrastructure can support this development;
- c. because the City's Wet Weather Flow Management Guidelines with respect to the 100-year level of protection for stormwater quantity has not been addressed, the applicant shall provide documentation from the Toronto and Region Conservation Authority that quantity control is not required. The applicant shall provide documentation showing compensation protection for storms above the two-year; and
- d. provide all calculations with respect to stormwater quantity control.

iii. Section 37 Agreement

The applicant enter into an agreement under Section 37 of the *Planning Act* to amend the existing Section 37 Agreement for Gooderham and Worts, satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreement be registered on title to the lands in a manner satisfactory to the City Solicitor, to secure the following facilities, services and matters:

Heritage & Archaeology:

- a. provision of a detailed Conservation Plan, prepared by a qualified heritage architect to the satisfaction of the Manager of Heritage Preservation Services, to include: 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/specification for all proposed heritage conservation work including measures to be taken to protect all heritage structures within an area 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. provide a Letter of Credit in a form and an amount satisfactory to the Manager of Heritage Preservation Services, to secure the work identified in the Conservation Plan;
- c. provide a detailed landscape plan including all at and above-grade outdoor amenity space that is proposed as part of the development, to the satisfaction of the Manager of Heritage Preservation Services;
- d. provide building permit drawings to the satisfaction of the Manager of Heritage Preservation Services;
- e. prior to the release of the Letter of Credit, the applicant is to complete the heritage conservation work to the satisfaction of the Manager of Heritage Preservation Services;
- f. retain a consultant archaeologist, licensed by the Province's Ministry of Culture, to provide an update to the materials cited in the existing Section 37 Agreement for Gooderham and Worts, being Report No. 1 "Aboriginal and Early European Settlement" and Report No. 6 "Industrial Heritage Assessment of the Heritage Master Plan" which together constituted a Stage 1 Archaeological Assessment in accordance with the Archaeological Assessment Technical Guidelines, 1993, Ministry of Culture. This Stage 1 Archaeological Assessment update is to be in accordance with the Final Draft - Standards and Guidelines for Consulting Archaeologists, September 2006, Ministry of Culture such that:
  - i. the consultant archaeologist shall submit any recommendations for Stages 2 - 4 mitigation strategies, should the archaeological assessment proceed beyond a Stage 1 Assessment, to the City Planning Division (Heritage Preservation Services) to be approved prior to commencement of the site mitigation and any construction activities, including excavation, for the development;
  - ii. the consultant archaeologist shall submit a copy of the relevant assessment report(s) to City Planning Division (Heritage Preservation Services) in both hard copy format and as an Acrobat PDF file;
  - iii. prior to the issuing of any building permits including an excavation permit, the City Planning Division (Heritage Preservation Services) and the Ministry of Culture (Heritage Operations Unit), shall confirm in writing that all archaeological licensing and technical review requirements have been satisfied; and
  - iv. prior to the release of the Letter of Credit, the applicant shall incorporate into the development, through preservation and interpretation or through commemoration and exhibition development, any significant archaeological resources and findings on site to the satisfaction of the City Planning Division (Heritage Preservation Services).

### Community Benefit:

- a. provide, prior to the issuance of the first above grade building permit, an indexed financial contribution to the City in the amount of \$1,000,000 (minimum) to be used for capital improvements for the Yonge Center for the Performing Arts, Toronto Artscape's facilities at Gooderham and Worts and neighbourhood streetscape beyond the site to the satisfaction of Chief Planner and Executive Director, City Planning Division.

### Development Matters:

The following development matters shall be addressed during the site plan approval process for the development. These matters are not characterized as community benefits, but are secured using the legal mechanism provided under Section 37 of the *Planning Act*.

- a. a reserved area within the proposed "Ribbon" building at the terminus of Trinity Street for a future pedestrian connection that may be constructed to link Gooderham and Worts to the Lower Donlands and Lake Ontario, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- b. reasonable commercial efforts to obtain LEED certification of the development and provide documentation respecting the certification process for the development to the City;
- c. implementation of the submitted Green Development Standard Checklist date stamped as received by the City Planning Division on June 20, 2007, and prior to condominium registration provide documentation respecting its implementation to the City;
- d. exterior building materials to be used in the construction of the buildings, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, acting reasonably;
- e. requirements to incorporate wind mitigation measures and noise mitigation measures, as required, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- f. railway mitigation measures including a crash wall / berm in accordance with GO Transit requirements;
- g. improvements/upgrades to municipal infrastructure, if required, to service the development to the satisfaction of the Executive Director, Technical Services Division;
- h. direct that the local capital improvement portion of the cash-in-lieu of parkland payment made pursuant to Section 42 of the *Planning Act* with respect to the development be directed to improvements to Parliament Square Park on the west side of Parliament Street at Mill Street; and

5. City Council advise the applicant that it is required in accordance with Section 41 of the *Planning Act* or Section 114 of the *City of Toronto Act*, 2006, as applicable, to enter into a site plan approval process to resolve outstanding technical issues and provide supporting material including:
  - a. a detailed wind study;
  - b. a detailed noise study;
  - c. a phasing and parking relocation schedule; and
  - d. GO Transit information regarding crash wall/berm, fencing, servicing review of proposed alterations to the existing drainage pattern.
6. City Council authorizes City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **1994 Planning Framework**

In 1994, the former City of Toronto Council approved Official Plan Amendment 2 to the King-Parliament Part II Official Plan and passed Zoning By-law 1994-0396 to implement a specific planning framework for the Gooderham and Worts site.

The 1994 planning approval permits a 210,000 square metre mixed use redevelopment of the Gooderham and Worts site. This includes the retention and adaptive re-use of a majority of the heritage buildings and construction of new buildings for residential, commercial and modern industrial uses. As part of the planning approvals, heritage easement agreements were registered to secure the preservation, renovation and re-use of the heritage buildings. As well, public benefits were secured related to public art, non-profit arts, affordable housing, daycare and heritage site interpretation.

The planning framework identifies five districts within Gooderham and Worts: Trinity Street Heritage District, Southern Open Space District, Cherry Street Commercial District, Parliament Street Residential District, and Mill Street Residential District. Each sub-area has specific development permissions (e.g. land use, building height, massing and density) and design guidelines.

Between 1997 and 2000, four residential condominium developments at 70 and 80 Mill Street, southeast corner of Mill Street and Parliament Street and 39 Parliament Street were completed under the planning framework.

In 2003, Toronto City Council approved amendments to the 1994 planning framework to reconfigure the public benefits package to provide a better fit with the arts and culture vision for the site promoted by the then new owners (current applicant).

## Original Proposal

On November 7, 2006, the applicant submitted an Official Plan and rezoning application to permit two high-rise (40 and 48 storeys) residential buildings with commercial uses on the ground floor, incorporating two historic rack houses, and a three-to-four-storey non-residential building. The proposal had 54,634 square metres of residential gross floor area and 14,505 square metres of non-residential gross floor area resulting in a density of 4.63 times the area of the site.

City Planning's Preliminary Report on the proposal is available on the City's website at: [www.toronto.ca/legdocs/mmis/2007/te/bgrd/backgroundfile-1214.pdf](http://www.toronto.ca/legdocs/mmis/2007/te/bgrd/backgroundfile-1214.pdf)

## Ontario Municipal Board Appeal

On September 21, 2007 Distillery SE Development Corp. appealed Council's failure to make a decision within the time allotted by the *Planning Act*. City Planning Staff continue to work with the applicant to resolve outstanding issues.

## Revised Proposal

On June 23, 2008, the applicant submitted a revised application in response to community consultation and discussions with City Planning staff. The main change was a reduction of the building height of the residential towers to 40 and 35 storeys. The revised proposal includes the following built form elements:

- a) the west tower, located south of Tank House Lane, consists of:
  - a total of 40 storeys, in the middle of the site, with a 5-storey podium projecting south from Tank House Lane having a total height of 126 metres (136 metres to top of mechanical);
  - a residential gross floor area of 27,662 square metres;
  - a non-residential gross floor area of 1,017 square metres; and
  - 358 residential units consisting of 202 one-bedroom units (56%) and 156 two-bedroom units (44%).
  
- b) the east tower, located along Cherry Street south of Tank House Lane, consists of:
  - a total of 35 storeys with a 2-storey podium over Rack House "G" and "J" having a total height of 112 metres (122 metres to top of mechanical);
  - a residential gross floor area of 25,145 square metres;
  - a non-residential gross floor area of 1,854 square metres; and
  - 311 residential units consisting of 143 one-bedroom units (46%) and 168 two-bedroom units (54%).
  
- c) the "Ribbon" building, located along the south side of the property adjacent to the TTR/CN Railway lands, consists of:
  - a four-storey office building at Cherry Street tapering to three storeys going west towards Trinity Street, with commercial uses on the ground floor;
  - a non-residential gross floor area of 11,884 square metres; and

- loading and garbage collection facilities for the entire property having direct access off Cherry Street.

Attachments 1 and 2 show the revised proposal's site plan and elevations.

A total of 1,977 square metres of indoor residential amenity space and 1,560 square metres of outdoor amenity space are being proposed within the 'Ribbon' building to serve the development. A combination of outdoor amenity space and green infrastructure is proposed on the roof of the 'Ribbon' building while the roofs of the three-storey and five-storey podium buildings are proposed to accommodate green infrastructure only. The outdoor amenity space includes an outdoor pool on top of the 'Ribbon' building. Amenity space will also be provided within the proposed residential towers.

The proposal includes 320 residential bicycle spaces and 60 visitor bicycle spaces.

A total of 1,011 automobile parking spaces are provided with a breakdown of 567 residential parking spaces and 444 visitor parking spaces. The proposed parking garage will be located under all three buildings with direct access from Cherry Street and a proposed entrance off Parliament Street underneath the 'Ribbon' building. Five loading spaces are proposed consisting of one Type "G", two Type "B", and two Type "C".

The proposal's overall gross floor area is 67,561 square metres representing a density of 4.5 times the area of the lot. See the Application Data Sheet in Attachment 5 for additional details.

## **Gooderham and Worts and Development Site**

Gooderham and Worts is located between Parliament Street and Cherry Street, from Mill Street to the rail corridor at the south end of the property. The 5.5 hectare (13 acre) site contains a collection of nineteenth century industrial buildings constructed between 1856 and 1927.

The development site occupies the south-eastern quadrant of Gooderham and Worts and includes a piece of property extending westerly parallel to the rail corridor. In October 2006 the Committee of Adjustment granted Consent Application No. B0095/06TEY to sever the development site from the adjacent lands.

The development site is approximately 1.5 hectares (3.68 acres) with frontage on Cherry Street and contains (see Attachment 8):

- (i) Rack House "J" (also known as Building 65) – a heritage designated one-storey building at the corner of Cherry Street and Tank House Lane;
- (ii) Rack House "G" (also known as Building 64) – a heritage designated one-storey building fronting Tank House Lane immediately to the west of Rack House "J";
- (iii) Rack House "M" (also known as Building 75) – an eight-storey building with rooftop billboard signage fronting Tank House Lane immediately to the west of Rack House "G"; and
- (iv) surface parking and open space along the southern portion of the property adjacent to the rail corridor.



## **Surrounding Area**

The area surrounding Gooderham and Worts is varied. To the west is the St Lawrence neighbourhood, a diverse mixed use area. To the east and northeast are the West Don Lands, a 30 hectare brownfield area undergoing redevelopment led by Waterfront Toronto. To the north and northwest is the King-Parliament area which is undergoing significant commercial and residential intensification and revitalization. To the south is a major rail corridor carrying freight, VIA passenger and GO commuter traffic, and the Gardiner Expressway. Further south, the East Bayfront area is undergoing a comprehensive planning exercise led by Waterfront Toronto in preparation of this area's redevelopment as part of Toronto's waterfront revitalization efforts.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities, wise use and management of resources, and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan.

City Planning staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan, as discussed in this report.

## **Official Plan**

The site of this application is located within the "Downtown and Central Waterfront" area, identified on Map 2 – Urban Structure and is designated as a Mixed Use Area on Map 18 – Land Use Plan of the Toronto Official Plan.

In Chapter 2 of the Official Plan, Policy 2.2(2) provides that growth will be directed to the Centres, Avenue, Employment Districts and the Downtown as shown on Map 2 and sets out a number of other important policies including those in the "Downtown", "Public Realm", "Heritage", and "Built Form" sections of the Plan. This includes the built form policies for tall buildings.

To assist with the implementation of these policies, the City has prepared a study, Design Criteria for Review of Tall Building Proposals. The study provides key urban design criteria that should be brought to bear in the evaluation of tall building applications. The proposal has been reviewed against this study, as discussed later in this report.

## King-Parliament Secondary Plan

The site is also located in the King-Parliament Secondary Plan.

Policy 15 of this Secondary Plan designates Gooderham and Worts as a Special Identity Area. The policies encourage Gooderham and Worts as a vibrant mixed use area that is a focal point of activity at the local, city and regional levels. Celebration of Gooderham and Worts significant heritage resources is encouraged through the conservation, restoration and adaptive re-use of heritage buildings, a high level of public use and access, a site interpretation program, and compatible new development.

The site is located in the “Mixed Use Area 3” of the Gooderham and Worts Special Identity Area. Non-residential employment generating uses such as offices, studios, light industrial and institutional uses are permitted. The proposed residential component is not permitted.

The proposed ‘Ribbon’ building is designated “Parks and Open Space” within the Gooderham and Worts Special Identity Area. As such, only open spaces and linkages of these sites are permitted.

### Zoning

The development site is split between two zoning districts - Cherry Street Commercial District and Southern Open Space District - under site specific Zoning By-law 1994-0396 for Gooderham and Worts.

The majority of the development site is zoned “Cherry Street Commercial District” which permits up to 91,700 square metres of non-residential density. The current zoning contemplates four new buildings:

- (i) two 16-storey office buildings (up to 64 metres) at the southeast corner of the site incorporating Rack House “J” and “G” into the base of the easterly tower;
- (ii) a nine-storey office building (up to 37 metres) to the west of the 16-storey office buildings (today, the four-storey Case Goods Warehouse, which was anticipated to be demolished to permit the office building, has been refurbished and leased to Artscape); and
- (iii) a six-storey light industrial building (up to 28.5 metres) incorporating Tank Houses 4, 9 and 10 into its base (today, the Young Centre for the Performing Arts).

The proposed 40 and 35-storey buildings would replace the two buildings noted in item (i) above.

The portion of the development site parallel to the rail corridor between Cherry Street and Trinity Street is zoned “Southern Open Space District”. This area is intended to provide open space, pedestrian access, parking and limited service and emergency vehicular access to the Gooderham and Worts District. There is no building, density or height permissions for this area and the proposed ‘Ribbon’ building will be located here.

In the former City of Toronto's Zoning By-law 438-86, as amended, the underlying zoning for the development site is "IC D2 N0.5". This zoning category permits a limited range of industrial and commercial uses to a maximum density of 2.0 times the area of the lot and a height of 23 metres.

Currently the applicant has permission to build the underground parking garage as well as the commercial/retail and office uses provided that the buildings are constructed to flood proof standards and conform to the existing zoning and Official Plan regulations for land use.

## **Section 37 Agreement**

The existing Section 37 Agreement, as amended, for the Gooderham and Worts property secures a number of public benefits including heritage, site interpretation centre, day care, public art and requirement for public open space. The Agreement also secures various development obligations such as rail protection, environment matters, as well as wind, noise and vibration studies and mitigation. The agreement will be amended to include the additional requirements as discussed and recommended in this report.

## **Site Plan Control**

The proposed development is subject to site plan control. A site plan application has not been submitted.

## **Reasons for Application**

The application requires amendments to the King-Parliament Secondary Plan and Zoning By-law 1994-0396 (the site specific by-law for the Gooderham and Worts District). In general, amendments are required to permit residential uses on the portion of the development site designated "Mixed Use Area 3" of the Gooderham and Worts Special Identity Area, to permit commercial uses on the portion of the site designated "Parks and Open Space Area", and to allow increased height and increase the cap on the maximum number of residential units. As well, revisions are required to the existing Section 37 Agreement for Gooderham and Worts.

## **Community Consultation**

City Planning staff's Preliminary Report dated January 26, 2007 identified a potential community engagement process for this application consisting of a community meeting on the original proposal, a working group process, and further community consultation as required. City Planning staff and the Ward Councillor have carried out this community engagement process, as discussed below.

A community consultation meeting on the original proposal was held on April 4, 2007. Approximately 50 members of the public attended the meeting. A range of comments were received with some in favour of the proposal while others expressed concern with various matters including the proposal's tower heights, shadowing, density, land use, impact on heritage resources and the view south on Trinity Street as well as the number of on-site parking spaces for visitors and related traffic implications. At the conclusion of the meeting the Ward Councillor

recommended a working group process to explore possible changes to the application. City Planning staff also received written comments after the community consultation meeting.

#### Working Group Process:

The purpose of a working group process is to assemble a group of representatives from area stakeholders to facilitate community input on the application.

The Ward Councillor established a Working Group consisting of representatives from six community stakeholders: the Gooderham and Worts Neighbourhood Association, the West Don Lands Committee, representatives for the condominium boards for 80 and 70 Mill Street as well as 39 Parliament Street, in addition to Waterfront Toronto. These representatives worked with City Planning staff and the applicant's team. This group met on eight occasions between May and September 2007. Working Group sessions were open to the public and well attended.

As a result of the discussions during the Working Group process consensus was reached on some issues, including:

- improvements to the proposal (as compared to the 1994 planning framework) in terms of: retaining the three-dimensional integrity of Rack Houses "J" and "G", keeping more of the ground plane open including retention of 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 Gooderham and Worts;
- relating the height of the proposed "Ribbon" building to the Case Goods building;
- ensuring that the proposed five-storey podium occupying the building footprint of Rack House "M" (to be demolished) is of the same scale and massing as Rack House "M", and provides a brick façade;
- the importance of addressing sustainability by implementing the Green Development Standard and seeking LEED certification;
- reducing tower heights (although consensus was not reached on appropriate height);
- protection of a future potential pedestrian connection from the terminus of Trinity Street to the East Bayfront; and
- incorporating the development's loading and garbage collection within the "Ribbon" building with access from Cherry Street only.

There were a number of items where consensus was not reached, including:

- the appropriateness of the proposed built form including massing and heights;
- the westerly extent of the proposed "Ribbon" building. The majority of community stakeholders felt the "Ribbon" building should terminate before Trinity Street in order to preserve the view corridor down Trinity Street and protect for a potential pedestrian connection to the East Bayfront;
- the design of the "Ribbon" building, although it was acknowledged by the applicant's architect that detailed design work had not yet been done;
- the need for more employment-related uses and space in the proposal; and
- access to the development's parking garage. Some community stakeholders felt that the garage should only be accessed from Cherry Street, as opposed to the proposed Cherry and Parliament Street access points, to minimize impacts on the Gooderham and Worts and 39 Parliament Street.

Working Group members also recognized that some of the issues raised through the Working Group process were site plan related matters. Accordingly, the Ward Councillor advised that a stakeholder committee will be formed to review the future Site Plan Control application for the proposal. The applicant is aware of this requirement.

While the Working Group process was not successful in achieving an overall consensus, Working Group members are to be commended for their efforts to understand the issues, each other's positions and in providing valuable contributions to the discussion.

#### Further Consultation:

On June 23, 2008, the applicant formally amended their application in response to the Working Group process and discussions with the City. Supporting studies and reports were also submitted.

On July 10, 2008, a second community consultation meeting was held. Approximately 26 people attended to review the revised proposal, asked questions of City Planning staff and the applicant's team, and to provide feedback. In general comments were similar to the feedback received at the first community meeting, noted above, and during the Working Group process. Inquires were also made about the next steps in the planning process for the application.

### **Agency Circulation**

The revised application including an updated driveway access study, updated servicing information, wind analysis and updated drawings was circulated to agencies on June 25, 2008. Responses received have been used to assist in evaluating the revised application, and to formulate appropriate by-law standards and Section 37 agreement requirements. City staff is continuing to work with the applicant in an effort to resolve outstanding technical issues and community concerns.

## **COMMENTS**

### **Land Use**

Since City Council's 1994 planning approvals, Gooderham and Worts has been gradually undergoing a transition from its former industrial function to an area with a broad mix of land uses. This proposal seeks permission for a mix of residential and non-residential uses; whereas, only non-residential uses are permitted in "Mixed Use Area 3" of the Gooderham and Worts Special Identify Area. As discussed below, City Planning staff have reviewed the applicable planning policies to determine whether the introduction of residential uses is appropriate.

#### Growth Plan

The Province's Growth Plan for the Greater Golden Horseshoe requires a municipality to undertake a municipal comprehensive review prior to permitting a conversion of employment lands to non-employment uses, when the lands are located outside downtown areas and regeneration areas. Given that the site is located in the Downtown and Central Waterfront area shown on Map 2, Urban Structure of the Official Plan, the conversion policy does not apply to this application.

## Provincial Policy Statement 2005

The PPS identifies a two-part test when considering an application to permit non-employment uses on lands within employment areas: (a) whether the land is required for employment purposes over the long term and (b) whether there is a need for the conversion.

*Employment Districts* shown on Map 2, Urban Structure, of the Official Plan will be protected and promoted exclusively for economic activity and form part of the Plan's long term growth management and job intensification strategy. Lands shown as *Employment Districts* are needed for employment purposes over the long term to accommodate part of the job growth projected to 2031 and to ensure the City's fiscal health. The site is not part of, or on employment designated lands adjacent to, an *Employment District*. In addition, certain lands in the City designated as *Mixed Use Areas* permit only employment type uses, such as the site. These lands can also accommodate part of the job growth projected to 2031 and ensure the City's fiscal health.

Within "Mixed Use Area 3" of the Gooderham and Worts Special Identify Area new development has introduced a significant amount of employment uses including: the Mill Street Brewery; the Young Centre for the Performing Arts providing institutional and arts uses; and small businesses and non-profit arts groups in the restored four-storey Case Goods Warehouse. This proposal expands "Mixed Use Area 3" to include lands occupied by the proposed "Ribbon" building, which will provide new commercial and office space for Gooderham and Worts. Accordingly, that portion of the existing "Mixed Use Area 3" proposed for residential purposes is not required exclusively for employment purposes.

With respect to the need to permit non-employment uses, a fundamental consideration in City Planning's assessment of the proposed mix of uses is the over-arching planning objectives to preserve and restore Gooderham and Worts and to transform the area into an active, vibrant mixed use area. The proposal will contribute toward these objectives by retaining a greater portion of Rack House "G" and "J", keeping more of the ground plane open and available for courtyards and pedestrian linkages, and providing additional housing, compared to the 1994 planning approvals.

In addition, the proposed mix of uses will contribute towards the planning objective of encouraging day and night time activity in Gooderham and Worts. With respect to the objective of achieving a balance between non-residential and residential uses in the Gooderham and Worts area, the proposal's 14,755 square metres and 52,807 square metres of non-residential and residential uses, respectively, will add to the area's existing mix of uses representing approximately 30% non-residential and 70% residential.

Based on the above considerations, the introduction of residential uses are appropriate and will help to realize the overall planning objectives of the Gooderham and Worts Special Identity Area. The change of land use on the existing "Parks and Open Space" to office and commercial is also appropriate as it provides a buffer between the TTR/CN Railway and the Gardiner Expressway and the site. The proposed 'Ribbon' building acts as visual buffer within the site and within the Gooderham and Worts Distillery District. The open space requirement is internalized in the form of an internal amenity and public open space in the proposed courtyards.

## **Lower Don Special Policy Area (SPA)**

The site is within the Lower Don Special Policy Area. Special Policy Areas (SPAs) are areas that exist in a historical floodplain where stringent control of development would result in

significant social and economic hardships to the community. Accordingly, development is permitted subject to addressing flood protection requirements.

In November 2002 Council adopted the new Official Plan which identified ten SPAs throughout Toronto including the Lower Don Special Policy Area. On March 17, 2003 the Official Plan was modified and approved, in part, by the Ministry of Municipal Affairs and Housing. The Minister withheld his decision on certain sections of the Official Plan including the Special Policy Areas section. The City's appeal to the Minister's decision with respect to the SPA policies remains outstanding pending the review of updated floodplain data and mapping, and the approval of revised Official Plan policies by the Minister of Municipal Affairs and Housing, and the Minister of Natural Resources.

Until the SPA policies for the new Official Plan come into effect for the Lower Don SPA, the policies of the former City of Toronto Official Plan remain in force.

Section 2.58 of the former City of Toronto Official Plan states that further development on developed floodplain lands may be permitted on the condition that it is flood protected to at least the 1:350 year level. Section 2.68 requires all development in the Lower Don SPA to address the flood protection in Section 2.58.

The site is also governed by the King-Parliament Secondary Plan, which identifies the property as being within the Gooderham and Worts Special Identity Area. Section 8 of the Gooderham and Worts Special Identity Area contains flood proofing requirements which are to be met by applicants seeking zoning or site plan approvals. The section states:

"In passing Zoning By-laws or approving site plan applications to permit development within the Gooderham and Worts Special Identity Area, site grading, building access and egress, the design of access ramps to underground parking garages and the floor levels within buildings will provide adequate flood proofing protection to at least the 1:350 regional flood level".

#### Provincial Policy Statement 2005

Under the Provincial Policy Statement (PPS), applications for development within SPAs that propose a change to the site-specific policies (i.e. land use amendment) are permitted only upon the joint approval of the Ministers of Natural Resources and Municipal Affairs and Housing. This approval is contingent on the provision of studies which demonstrate that the proposed use will satisfactorily meet provincial flood protection measures and reduce or eliminate the risks associated with flooding.

At this time, the applicant has not submitted flood-related engineering studies to demonstrate that the proposed development meets the policy requirements of the Official Plan and the PPS, nor has a request been made to the Ministers to consider approving an amendment to the SPA-related policies.

#### Flood Protection Landform

In 2006 the Ontario Realty Corporation, in cooperation with Waterfront Toronto, the City of Toronto, and the Toronto and Region Conservation Authority (TRCA), commenced the construction of flood remediation works to eliminate the flood risk associated with lands west of

the Don River in the Lower Don SPA. This undertaking includes the construction of a landform feature east of the site that, when completed, in conjunction with the widening of the railway bridge over the Don River (completed in 2007) will protect lands west of the Don River in the Lower Don SPA from flooding associated with a Regional Storm Event. It is intended that upon completion of the flood remediation works, the SPA designation for the western portion of the Lower Don Area will no longer be required and may be removed from the Official Plan subject to the joint approval of the Ministers of Natural Resources and Municipal Affairs and Housing.

TRCA advises that the flood remediation works are estimated to be functional by the end of 2009 at the earliest. Until the flood remediation works are complete the Lower Don SPA policies in the former City of Toronto Official Plan remain in effect and are applicable to the proposal.

As a result, City Planning staff recommend that the OMB approve the proposed Official Plan and Zoning By-law Amendments but withhold its final Order until such time as:

- (i) the landform feature currently being constructed for the Province by the Ontario Realty Corporation is completed such that the measures relating to floodplain protection in a special policy area in the applicable Official Plan are no longer necessary in relation to these lands, all to the satisfaction of the Toronto and Region Conservation Authority and the Provincial Ministries having jurisdiction over such matters; and
- (ii) the applicable Official Plan has been amended to remove the SPA designation for the western portion of the Lower Don Area; OR
- (iii) in lieu of (i) and (ii) the applicant obtains the permission of the relevant Ministries to permit the amendment of the applicable Official Plan and to permit residential uses within the SPA (prior to completion of the landform feature).

## **Density**

The development permission the applicant is seeking is 67,561 square metres consisting of 52,807 of residential gross floor area and 14,755 of non-residential gross floor area, which represents a gross density of 4.5 times the area of the development site. The proposal's additional density above the underlying zoning permission is achieved in an acceptable built form that can appropriately be accommodated on the site, as discussed below. The proposed density is comparable to other developments within Goodherham and Worts including the Pure Spirits building which has a height of 32 storeys and a density of 6.0 times the lot area.



## Built Form

### West Tower

The west tower is 40 storeys with a height of 126 metres plus 10 metres for mechanical. The tower floor plate is approximately 650 square metres, which is below the tall buildings' design guideline maximum of 743. The west tower will be at the southern end of Rack House "M" (to be demolished) 25 metres from the railway corridor and more than 25 metres from the other residential tower. The proposal will consist of a 5-storey podium with below grade parking.

### East Tower

The east tower is 35 storeys with a height of 112 metres plus 10 metres for mechanical. The tower floor plate is approximately 743 square metres. The east tower will be at the edge of the property abutting Cherry Street. The Rack House "J" exterior wall, which lies on the lot line of Cherry Street, will be maintained. The proposal consists of a one-storey base building with a two-storey podium above. The base building will retain the heritage scale, appearance, and relationship to the street it has had since it was first constructed. Protection of Rack House "G" and "J" during construction will be secured within the Section 37 Agreement.

### Ribbon Building

The 'Ribbon' building is four storeys at Cherry Street tapering to three storeys west towards Trinity Street. Amenity space for the development is located within the 'Ribbon' building. The design of the building has not been developed and will be further reviewed during the site plan control process. This Report recommends securing a reserved area within the proposed "Ribbon" building at the terminus of Trinity Street for a future pedestrian connection that may be constructed to link Gooderham and Worts to the Lower Donlands. This was an important issue discussed within the Working Group members.

The proposed towers have been reviewed using the City's Design Criteria for Review of Tall Buildings, as highlighted below:

<b>Design Criteria</b>	<b>Proposal</b>
<p><b>Transition at the Scale of the Block</b> Place the taller building shaft on the site and provide appropriate setback of the tall building from the base in a manner that limits its visual impact on the street, open space, and from neighbouring properties.</p>	<p>The applicant has placed the taller of the two towers (40 storeys) away from Cherry Street where it will limit its visual impact on the street or on neighbouring properties. The 35-storey tower on the east side of the property adjacent to Cherry Street is setback above its podium.</p>
<p><b>Prominent Sites, Views and Vistas</b> Tall buildings on prominent sites will be designed and organized to:</p> <p>Enhance the landmark site and integrate with context.</p> <p>Provide an appropriate design that</p>	<p>The proposal integrates the existing heritage Rack House "G" and "J" into the design of the development.</p> <p>The applicant has arranged the building footprints and base of the development in response to the surrounding area including providing pedestrian connections through</p>

<b>Design Criteria</b>	<b>Proposal</b>
<p>acknowledges the land shape and architectural context of the prominent site area.</p> <p>Provide a strong visual impact on the surrounding city.</p>	<p>the development to other parts of Gooderham and Worts.</p> <p>The distance between the two towers is 28.3 metres to improve the visual impact particularly looking east from Parliament Street through Gooderham and Worts.</p>
<p><b>Building Placement and Orientation</b> Locate tall buildings parallel to the street.</p> <p>Where the setbacks of the adjacent buildings are the same, align the front façade of the base building consistent with the adjacent building façades.</p> <p>On corner sites, respect the appropriate alignment and building setbacks of both streets and necessary transition to both streets.</p>	<p>The east tower will be parallel to Cherry Street above Rack House “G” and “J” with an appropriate setback from the new building wall to the street edge (edge of Rack House “J”).</p> <p>The building foot print for the west tower parallels Tank House Lane and the adjacent TTR/CN railway.</p>
<p><b>Site Servicing and Parking</b> New development will be located and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties.</p>	<p>The proposal includes a four level underground parking garage. The servicing and loading area will be located inside the proposed ‘Ribbon’ building. The main access point is at the southeast quadrant of the site at Cherry Street.</p>

City Planning Staff have also reviewed the development application against the Gooderham and Worts Special Identity guidelines. The study provides urban design guidelines when evaluating development within the Gooderham and Worts District.

<b>Design Criteria</b>	<b>Proposal</b>
<p><b>The siting of new buildings should reinforce the existing geometry of lanes and courts.</b></p>	<p>The proposal protects and enhances Market Lane, and provides a new pedestrian link along the north edge of the ‘Ribbon’ building, a new courtyard internal to the site and maintains the existing courtyard (partially occupied by Mill Street brewery).</p> <p>The new east tower will be parallel to Cherry Street above heritage buildings Rack House “G” and “J” with an appropriate setback from the new building wall to the street edge (edge of Rack House “J”).</p> <p>The west tower with a 5-storey podium occupies the same footprint as the existing</p>

<b>Design Criteria</b>	<b>Proposal</b>
	<p>Rack House “M” and frames the new courtyard internal within the site.</p> <p>The proposed ‘Ribbon’ building is placed at the foot of Trinity Street to shield the area from the noise and visual impact of the railway and Gardiner Expressway.</p>
<p><b>New buildings or multi-storey additions to existing buildings should produce a strong base, body and cap to the building mass.</b></p>	<p>The east tower will use the existing Rack House “G” and “J” buildings as base with an additional two-storey podium on top. The tower component will be located on the easterly side of Rack House “J”.</p> <p>The “Ribbon” building matches the height of the Case Goods building.</p> <p>The west tower sits above a five-storey podium.</p> <p>The development has a brick base in keeping with the predominant materials along Tank House Lane.</p>
<p><b>New buildings should be highly articulated and modulated to minimize the visual impacts of building bulk.</b></p>	<p>The towers have been modulated to minimize the visual impacts within the site and within the adjacent area. City Planning staff have worked with the applicant to increase the separation distance between the towers in order to improve the visual impact.</p>

**Heritage**

A revised Heritage Impact Statement was submitted and reviewed by Heritage Preservation Services staff as part of the applicant’s proposal to alter the existing Rack House “G” and “J” buildings and the removal of Rack House “M”. The design guidelines and heritage easement agreement state that a representative portion of the interior rack structure within Rack House “G” should be retained to showcase its heritage features. As noted previously, Rack House “M” is not protected by an easement and is permitted to be demolished under the 1994 planning framework.

Heritage Preservation Services staff have reviewed the revised proposal and have recommended approval of the alterations to the exiting heritage buildings in their report dated June 25, 2008 to the Toronto Preservation Board. The report is available on-line at: [www.toronto.ca/legdocs/mmis/2008/pb/bgrd/backgroundfile-14571.pdf](http://www.toronto.ca/legdocs/mmis/2008/pb/bgrd/backgroundfile-14571.pdf)

At its July 17, 2008 meeting, Toronto Preservation Board adopted the report's recommendations. The applicant is required to retain certain heritage features within Rack Houses "G" and "J" and recommendations to this Report have been added to secure this protection.

## **Archaeology**

Heritage Preservation Services staff have requested an updated Stage 1 Archaeological Assessment in order to address whether the site is free of any archaeological concerns. Previous archaeological work completed at this site was very location specific and focussed upon areas of soil disturbance. A Stage 1 Archaeological Assessment is required to map and define the original shoreline and to examine the property for additional archaeological resources. Several recommendations have been added to this Report requesting that the OMB defer its Final Order until a Stage 1 Archaeological Assessment has been satisfactorily completed.

## **Shadow**

The applicant has submitted a shadow study to demonstrate shadow impacts of the proposed development at the spring, summer, fall and winter equinoxes. The resulting shadows can be examined at three levels: the site, immediate public realm and surrounding properties.

Placement of the building mass to the south side of Tank House Lane results in limited shadow impacts on existing residential properties on Mill Street particularly during the spring, summer and fall equinoxes. Review of the study for September 21 (fall equinox) indicates that projected shadows have a greater impact on vacant land on the north side of Mill Street west of Trinity Street, and on the vacant land located on the east side of Cherry Street. Review of the study for the winter equinox indicates shadow impact on the residential areas along Mill Street however; this shadow impact would occur if the office towers were constructed in accordance with the current zoning permissions on the site.

Generally the proposal's placement of building mass on the site results in limited shadows impacting existing residential development but cast a shadow on existing heritage buildings within Gooderham and Worts and on the immediate public realm of Tank House Lane. Similar to shadowing that would result from development under the 1994 planning framework.

## **Servicing**

The applicant submitted an updated servicing study as part of the revised application. Technical Services staff have reviewed the study and advised that the existing municipal infrastructure may not be adequate to service this development and that the applicant may need to relocate an existing sanitary sewer. Technical Services staff has requested a revised site servicing assessment to address the servicing demand on the existing municipal infrastructure. Accordingly, this Report recommends that the OMB defer its Final Order until the servicing issues have been resolved.

## **Soil Remediation**

The applicant is required to demonstrate that the lands are appropriate for their intended use through the building permit process.

## **Wind**

As part of the revised application, the applicant submitted a Qualitative Pedestrian Wind Assessment dated June 10, 2008. The results of the study state that development is likely to experience wind conditions over some areas such as the roof top terrace of the “Ribbon” building, the interior courtyard, and the sidewalk along the Cherry Street frontage. The assessment was for general guidance only and more detailed work is needed to determine whether mitigation measures are required. It is recommended that the Section 37 Agreement secure the owner’s obligation to submit a detailed Wind Assessment and incorporate any mitigation measures, as required, into the building and landscape design to the satisfaction of the City.

## **Noise**

The applicant is required to submit a noise study to address the impact that the adjacent CNR and GO rail lines and other uses may have on this development. Mitigation measures, if required, can include the introduction of double glazing of windows and implementation of noise barriers etc. It is recommended that the Section 37 Agreement secure the owner’s obligation to submit a detailed Noise Study and incorporate any mitigation measures, as required, into the building and landscape design to the satisfaction of the City. The City may require the owner to retain a third party reviewer at their expense.

## **Traffic Impact**

Transportation Services and Transportation Planning staff have reviewed the submitted Transportation Impact Assessment and additional material submitted in response to the City’s feedback. City staff are satisfied that the site-generated traffic can be accommodated by the existing area road network.

## **Access**

Vehicular access will be provided by way of a ramp from Cherry Street leading to a four-level below grade parking structure beneath the proposed towers and a two-level below grade structure extending westerly beneath the “Ribbon” building. A second ramp is proposed at the west end of the parking structure providing access to Parliament Street. Transportation Services staff have

Staff report for action – Final Report – 55 Mill St

requested a right-in/right-out onto Cherry Street in order to restrict access onto Cherry Street given the future TTC streetcar line being finalized adjacent to this site. The applicant will be responsible for the costs associated with the installation of a sign prohibiting left turns at the Cherry Street access during the site plan control process.

Transportation Services staff has also requested that additional documentation be provided including how two-way traffic will be accommodated on the Parliament Street ramp system. This documentation can be provided during the site plan control process.

## **Parking**

The applicant has proposed a total of 1,011 parking spaces, including 567 spaces for residents and 444 spaces for commercial and visitors to be accommodated within the proposed underground parking garage. This meets the requirements of the general Zoning By-law, which calls for the provision of 606 parking spaces, consisting of 566 resident spaces and 40 visitor spaces.

Given that the proposed parking supply replaces most of the existing 235 surface parking lot on the south side of the site, the provision of a total of 444-commercial/residential visitor parking spaces is acceptable.

Transportation Services staff has requested that the applicant provide information with respect to the proposed phasing of the development, including how many of the existing 235 public parking spaces in the southern parking lot will be available during construction, and how the parking demands for existing Gooderham and Worts uses will be accommodated. A recommendation has been added that, prior to final site plan approval, the applicant is to supply a phasing and parking relocation schedule.

## **Bicycle Parking**

The general Zoning By-law requires 200 bicycle parking spaces consisting of 160 resident spaces and 40 visitor spaces for the proposal. The provision of additional resident bicycle spaces is appropriate given the proposed number of residential dwelling units. This was also identified at the community meetings and in the Working Group process.

In response to the aforementioned, the applicant has agreed to provide a minimum of 380 bicycle parking spaces of which at least 320 spaces will be provided for residents and 60 visitor spaces. The draft Zoning By-law amendment attached to this report includes provisions securing the bicycle parking. Visitor bicycle spaces will be located in weather protected, at grade locations in properly lighted locations. Exact locations will be secured during the site plan control process.

## **Residential Amenity Space**

The general Zoning By-law requires two square metres of common outdoor and indoor residential amenity space per unit which results in a requirement for 1,338 square metres of indoor and 1,338 square metres of outdoor amenity space based on 669 units. The applicant has proposed 1,977 square metres of indoor residential amenity space and 1,560 square metres of outdoor amenity space. The applicant intends to construct a full service fitness centre all within the “Ribbon” building. In addition outdoor amenity space is proposed for the units on top of Rack House “G” and “J” and indoor amenity space is proposed within the residential towers.

## **GO Transit**

GO Transit has requested a minimum residential building setback from the railway corridor property line of 25 metres in conjunction with an appropriately designed crash wall. They have also requested site plan conditions including: construction of the crash wall prior to any residential occupancy, fencing, noise and vibration studies, servicing review of proposed alterations to the existing drainage pattern affecting GO Transit property, as well as a requirement for the applicant to enter into an agreement regarding the placement of building tie-backs. The proposed residential units are placed at least 25 metres from the railway corridor and the above noted issues will be secured in the Section 37 Agreement and addressed during the site plan control process.

## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provisions across the City. Given that the subject lands are currently industrial, there is no local parkland provision level assigned to this area. However the immediate area to the north is an area with the second highest parkland provision level with 1.56 to 2.99 hectares of local parkland per 1,000 people.

Parks staff have advised that since the site is going from industrial to residential/commercial it is subject to the alternate rate park levy. The parkland contribution that would apply to this site is 15% for the proposed residential 2% for the proposed commercial. The required parkland dedication will be satisfied through cash-in-lieu as the site is encumbered with underground parking and there is no appropriate location for a park on the site.

## **Toronto Green Development Standard**

The Green Development Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development in Toronto. The Standard has 63 possible green development targets. Based on the applicant's submission of the Toronto Green Development Standard Checklist, the proposed development is intended to achieve 50 targets. Some of the targets proposed to be met include:

### **Air**

- Major entrance located within 200 metres of a transit stop; and
- Green Roof designed to meet the City's performance criteria.

## Energy

- New Construction, Building designed for a 40% improvement (objective) over the Model National Energy Code; and
- Building oriented and designed to take advantage of passive solar heating and shading for cooling.

## Water

- On an annual loading basis, 80% of total suspended solids removed from all runoff leaving the site; and
- Stormwater on-site retained to the same level of annual volume of overland runoff allowable under pre-development conditions.

The applicant also intends to pursue LEED (Leadership in Energy and Environmental Design) certification for the development and has agreed to provide documentation on key milestones (e.g. application and registration) to the City. Requirements will be secured in the Section 37 Agreement.

## Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the Planning Act.

The proposal involves the introduction of residential land use permission and a significant increase in building height. A public benefit in the form of a \$1,000,000 contribution is recommended. Part of this contribution will go towards capital improvements to existing buildings for non-profit arts groups. As well, this contribution will be used for improvements to adjacent local streetscaping beyond the site. The Ward Councillor agrees with the Section 37 community benefits.

The contribution is required prior to the issuance of an above-grade building permit for any development on the site, and will be indexed annually based on the construction price index and commencing with the by-laws coming into force. A Section 37 Agreement will be signed and registered on title to secure the public benefit.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

- reserved area within the proposed "Ribbon" building at the terminus of Trinity Street for a future pedestrian connection that may be constructed to link Gooderham and Worts to the Lower Donlands and Lake Ontario;
- improvements / upgrades to municipal infrastructure if required to service the development;
- materials for the exterior of the development;
- heritage & archaeology studies and related matters;
- railway mitigation measures including a crash wall / berm in accordance with GO Transit requirements;
- detailed wind and noise studies and incorporation of mitigation measures, if required, into the development;
- implementation of the submitted Green Development Standard Checklist; and



- reasonable commercial efforts to obtain LEED certification for the development.  
Development Charges

It is estimated that the development charges for this project will be \$3,869,703. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **CONTACT**

Michael Hynes, Senior Planner  
Tel. No. 416-397-1761  
Fax No. 416-392-1330  
E-mail: [mhynes@toronto.ca](mailto:mhynes@toronto.ca)

## **SIGNATURE**

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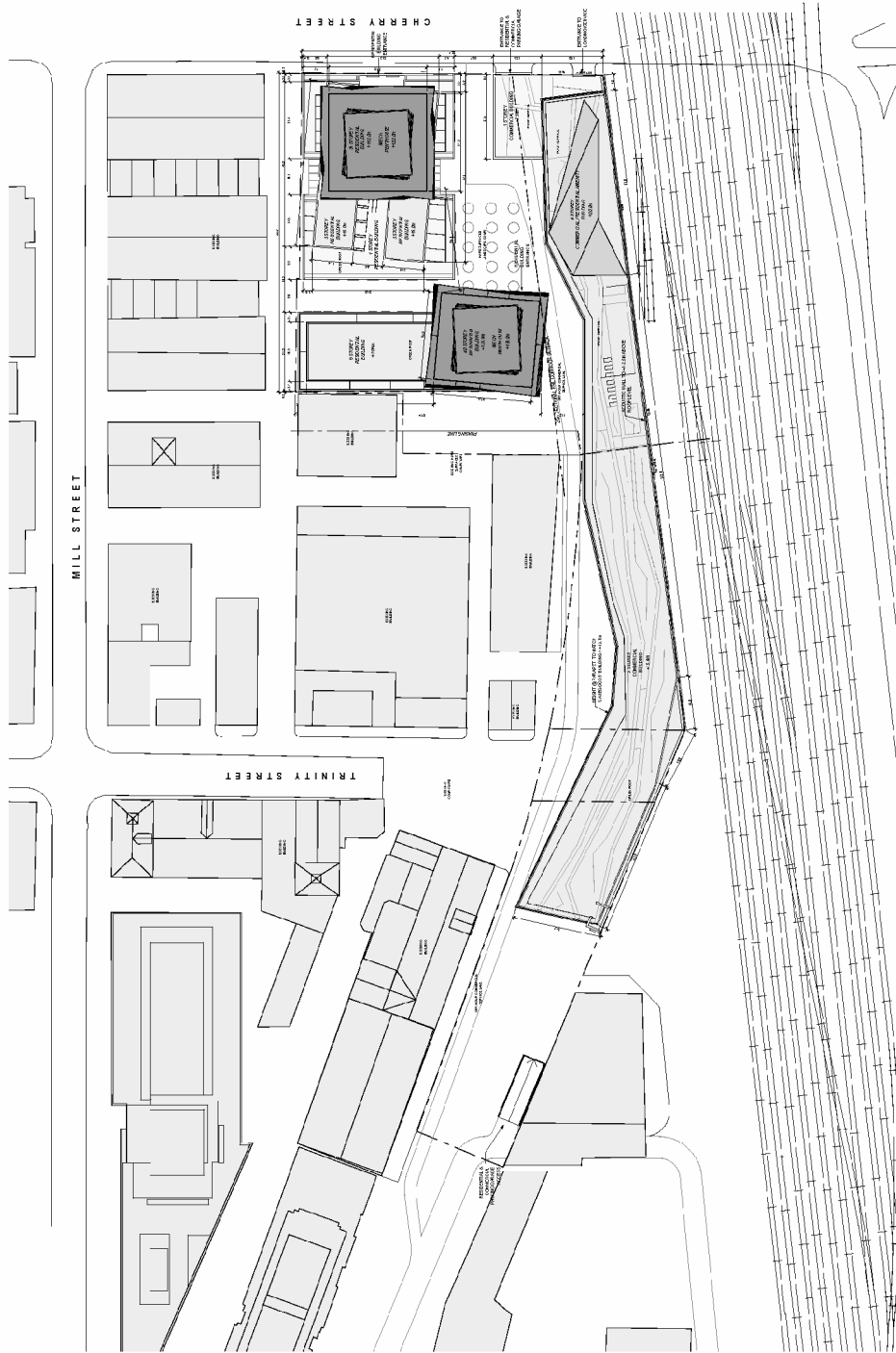
Raymond David, Acting Director  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Excerpt of General Zoning Map  
Attachment 4: Excerpt of Land Use Map, Official Plan  
Attachment 5: Application Data Sheet  
Attachment 6: Draft Official Plan Amendment  
Attachment 7: Draft Zoning By-law Amendment  
Attachment 8: Heritage Buildings, Gooderham and Worts

# Attachment 1: Site Plan



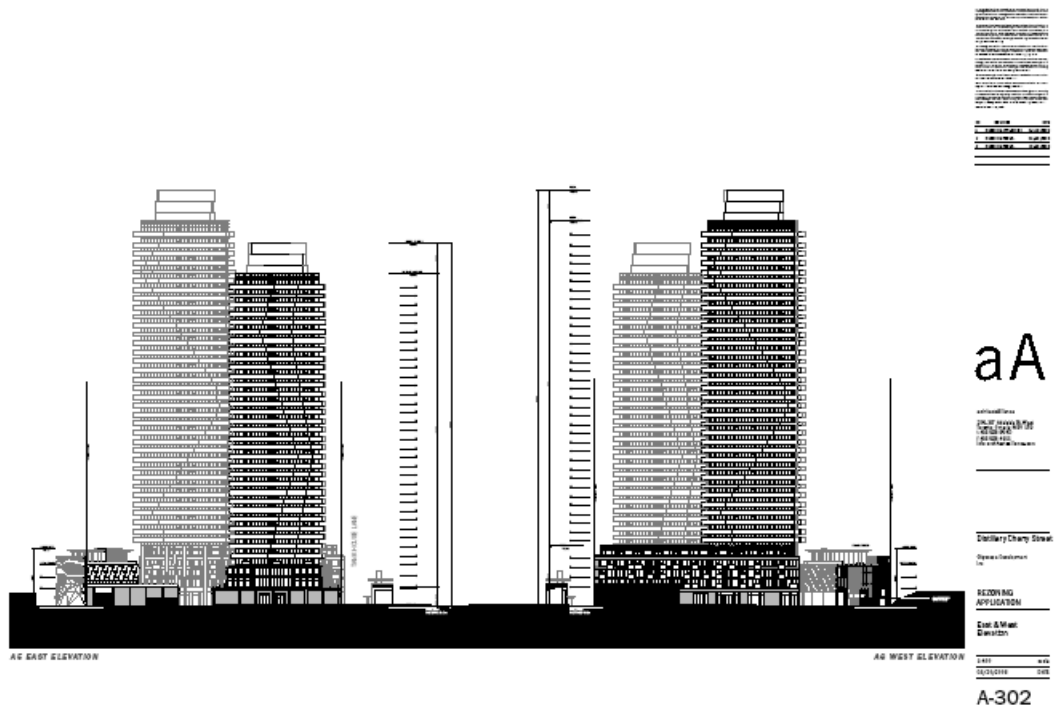
55 Mill Street

Site Plan  
Applicant's Submitted Drawing

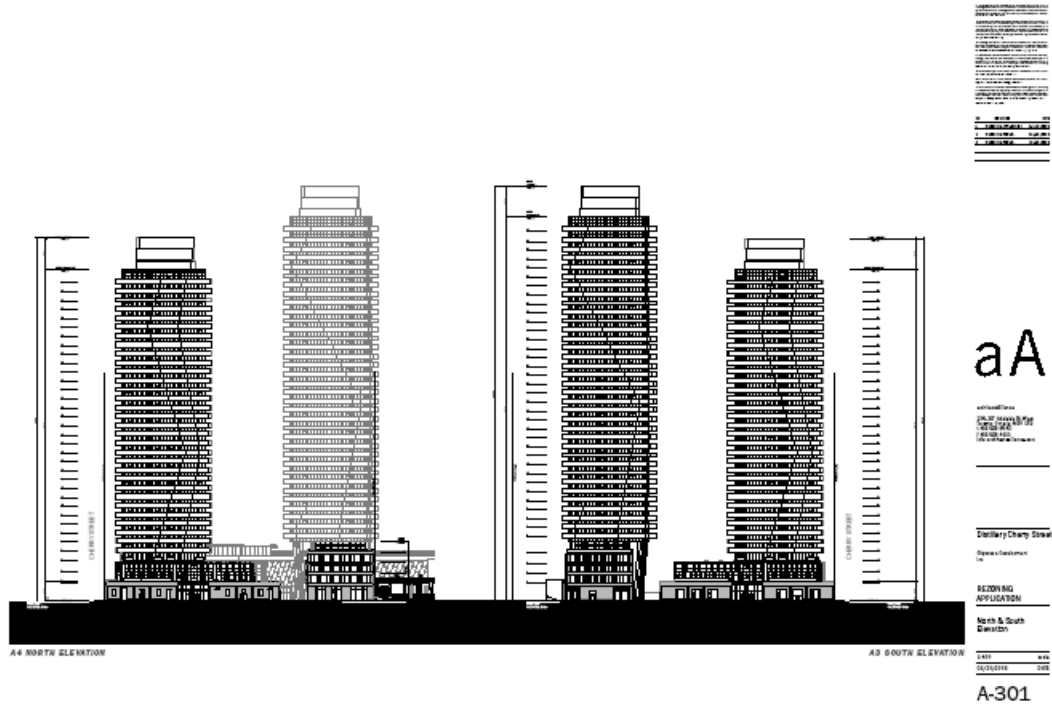
Not to Scale  
08/10/08

File # 06\_189754

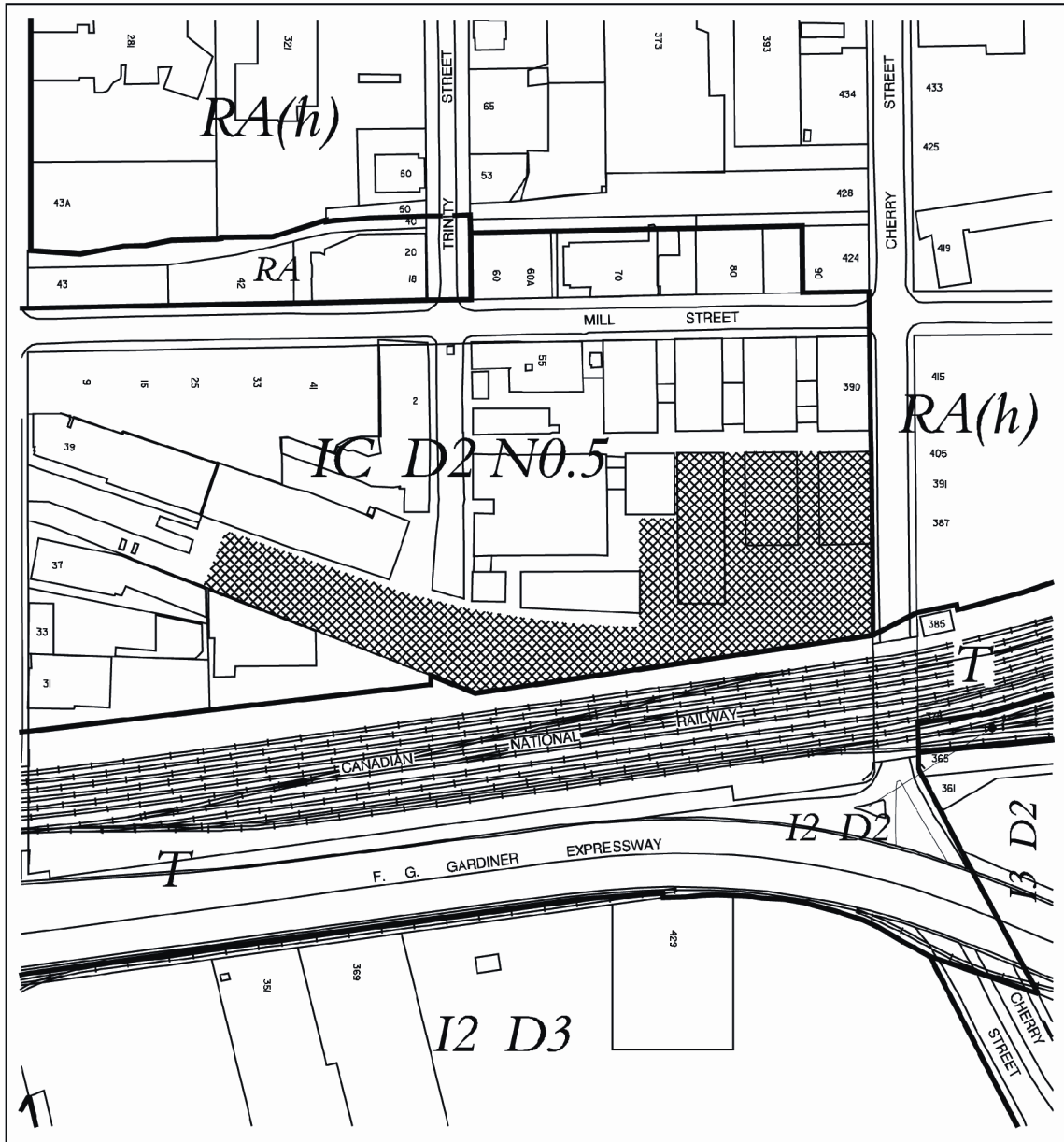
## Attachment 2: Elevations – East/West



# Elevations – North/South



### Attachment 3: Excerpt of General Zoning



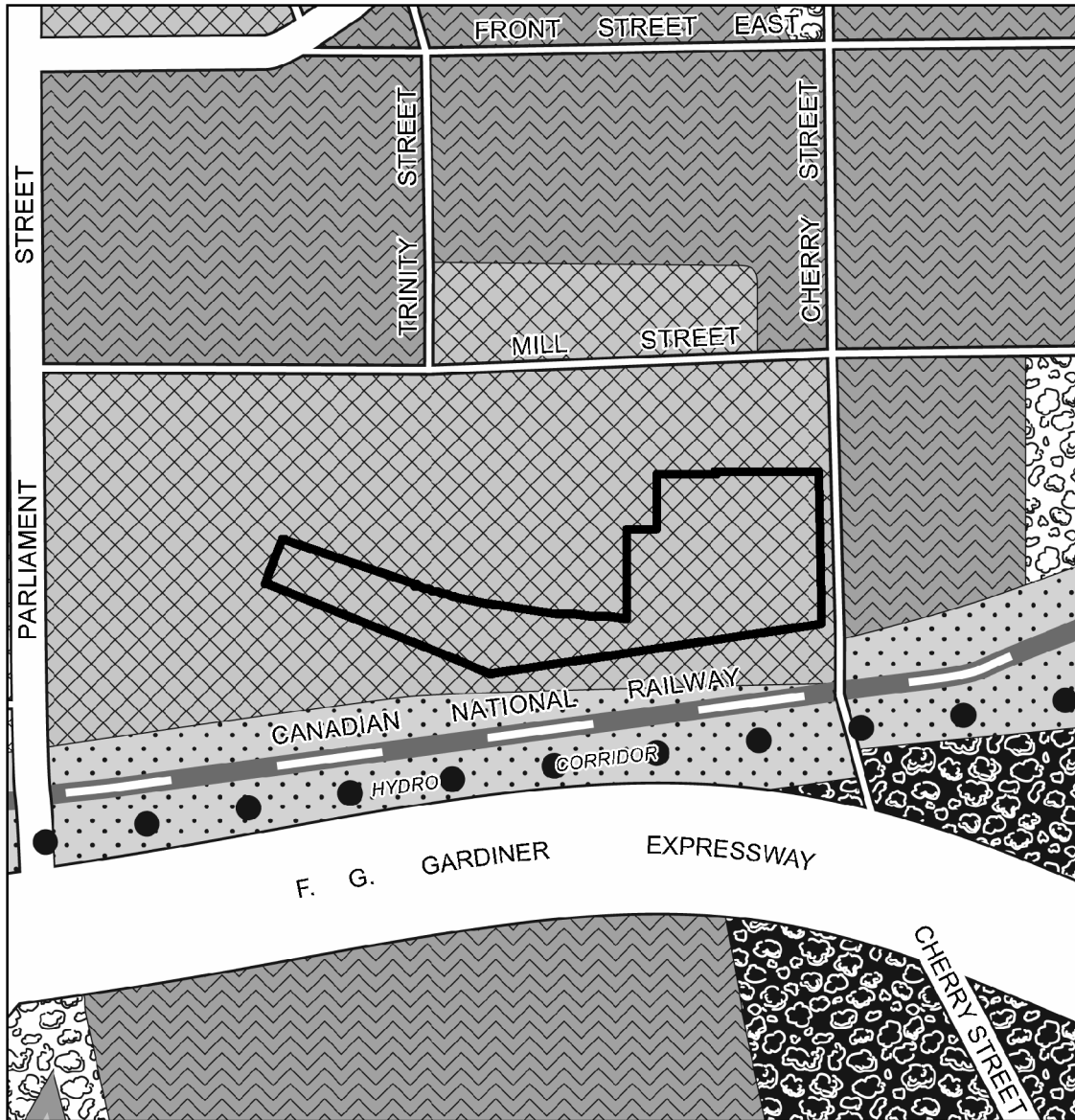
**TORONTO** City Planning  
Zoning

55 Mill Street  
File # 06\_189754

- RA Mixed-Use District (h) Holding District
- I2 Industrial District
- I3 Industrial District
- IC Industrial District
- T Industrial District

↑  
Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 07/11/08 - TA







Attachment 4: Excerpt of Land Use Map, Official Plan



**Toronto** City Planning  
**Official Plan**

55 Mill Street

File # 06\_189754

-  Site Location
-  Mixed Use Areas
-  Natural Parks
-  Parks
-  Regeneration Areas
-  Utility Corridors

↑  
 Not to Scale  
 07/10/08

## Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	06 189754 STE 28 OZ
Details	OPA & Rezoning, Standard	Application Date:	November 7, 2006
		Revised Date:	June 23, 2008

Municipal Address: Part of 55 MILL ST (390 Cherry Street)  
 Location Description: Southeast quadrant of the Gooderham and Worts District.  
 Project Description: Proposed development with office & retail in a four- storey building; two highrise towers (35 & 40-storey) with 669 dwelling units & four levels of underground parking.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Goodmans LLP		Architects Alliance	Cityscape Holdings Inc

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use	Site Specific Provision:	94-0396, 749-03
Zoning:	IC D2 N0.5	Historical Status:	Y
Height Limit (m):	23	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	14921	Height: Storeys:	40	35	4/3
Frontage (m):	83.68	Metres:	136	122	(with mechanical)

Depth (m):

Total Ground Floor Area (sq. m):		<b>Total</b>
Total Residential GFA (sq. m):	52807	Parking Spaces: 1011 – 567 residential 444 – commercial and visitor
Total Non-Residential GFA (sq. m):	14754	Loading Docks 5
Total GFA (sq. m):	67561	
Lot Coverage Ratio (%):	0	
Floor Space Index:	4.53	

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo	<b>Above Grade</b>	<b>Below Grade</b>
Rooms:		Residential GFA (sq. m):	52,807
Bachelor:		Retail GFA (sq. m):	7,622
1 Bedroom:	345	Office GFA (sq. m):	7,132
2 Bedroom:	324	Industrial GFA (sq. m):	
3 + Bedroom:		Institutional/Other GFA (sq. m):	0
Total Units:	669		

**CONTACT: PLANNER NAME: Michael Hynes, Senior Planner - Downtown Section**  
**TELEPHONE: (416) 397-1761 mhynes@toronto.ca**

**Attachment 6: Draft Official Plan Amendment**

**CITY OF TORONTO**

**BY-LAW No. \_\_-2008**

**To adopt Amendment No. 61 of the Official Plan  
of the City of Toronto respecting the lands known municipally as formerly Part of 55 Mill  
Street (390 Cherry Street)**

WHEREAS authority is given to Council by the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act, and

WHEREAS the Council of the City of Toronto, at its meeting of September 24, 2008,, determined to amend the Official Plan for the City of Toronto adopted by By-law No. 1082-2002;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The text and maps attached hereto as Schedule 'A' are hereby adopted as Amendment No. 61 to the Official Plan of the City of Toronto.

ENACTED AND PASSED this \_\_ day of \_\_, A.D. 2008.

Deputy Mayor,  
Deputy Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



## AMENDMENT NO. 61 TO THE OFFICIAL PLAN OF THE CITY OF TORONTO

*Part of 55 Mill Street (390 Cherry Street)*

*Plan 108 PT Lots 2 to 12 RP 66R17818 PARTS 1-15, 20-26 RP 66R16795 PARTS 18-20*

*\*\*GRID S2813*

The Official Plan of the City of Toronto is amended as follows:

1. Map 15-1 (Map 1 of 3) of Site and Area Specific Policy No. 1 of Section 15 of Secondary Plan No. 15, King-Parliament Secondary Plan of Chapter 6, Secondary Plans is deleted in its entirety and replaced with the following map;
2. Sub-section 4.2 of Site and Area Specific Policy No. 1, Section 15 of Secondary Plan No. 15, King-Parliament Secondary Plan of Chapter 6, Secondary Plans is amended by adding policy 3 as follows:
  - 4.2.3 On the lands shown as “A” on Map 15-1 (Map 1 of 3) the following are permitted:
    - (a) one residential building with a height of 112 metres (exclusive of mechanical) having a maximum residential gross floor area of 28,000 square metres and non-residential gross floor area of 1,100 square metres over Rack Houses “G” and “J” identified respectively as Buildings No. 64 and 65 on Map 15-1 (Map 2 of 3) and in Appendix 2 and;
    - (b) one residential building with a height of 126 metres (exclusive of mechanical) having a maximum residential gross floor area 26,000 square metres and non-residential gross floor area of 1,900 square metres.
3. Appendix 2 of Secondary Plan No. 15, King-Parliament Secondary Plan of Chapter 6, Secondary Plans is amended by deleting building No. 75 (Rack House “M”).

## **Attachment 7: Draft Zoning By-law Amendment**

### **CITY OF TORONTO**

#### **BY-LAW No. ●-2007**

**To amend the Zoning By-law No. 1994-0396 of the former City of Toronto with respect to lands known as Part of 55 Mill (390 Cherry Street), known as Gooderham and Worts Distillery Site.**

WHEREAS the Ontario Municipal Board pursuant to its Order No. ● dated ● upon hearing the appeal of Distillery SE Development Corp. determined to amend the former City of Toronto By-law No. 1994-0396, as amended, with respect to lands municipally known as Part of 55 Mill Street (390 Cherry Street).

THEREFORE the Ontario Municipal Board orders as follows:

1. The Maps appended to By-law No. 1994-0396 are amended as follows:
  - (a) Plan 1 is deleted, and replaced with Plan 1 attached hereto and forming part of this by-law;
  - (b) Plan 3 is deleted, and replaced with Plan 3 attached hereto and forming part of this by-law;
  - (c) Plan 3B is deleted, and replaced with Plan 3B attached hereto and forming part of this by-law;
  - (d) Plan 4B is deleted, and replaced with Plan 4B attached hereto and forming part of this by-law;
  - (e) Plan 5 is deleted, and replaced with Plan 5 attached hereto and forming part of this by-law;
  - (f) Plan 6 is deleted, and replaced with Plan 6 attached hereto and forming part of this by-law; and
2. Section 1 of By-law 1994-0396 is amended by deleting the words “*Cherry Street Commercial District*” and replacing them with the words “*Cherry Street Mixed Use District*”.

3. Section 4(1) (c) of By-law No. 1994-0396 is deleted in its entirety and replaced with the following:

“Not more than 80,400 square metres is erected and used within the Cherry Street Mixed Use District, of which,

- (i) the total of the *non-residential gross floor area* and the *residential gross floor area* erected and used on the lands shown as Parcel “A” on Plan 3B shall not exceed 28,800 square metres, of which:
  - (a) a minimum of 1,100 square metres of *non-residential gross floor area* shall be erected and used on Parcel “A” and shall only be used for a *retail store, office* and *accessory* uses thereto;
- (ii) the total of the *non-residential gross floor area* and the *residential gross floor area* erected and used on the lands shown as Parcel “B” on Plan 3B shall not exceed 27,100 square metres, of which:
  - (a) a minimum of 1,900 square metres of *non-residential gross floor area* shall be erected and used on *Parcel “B”* and shall only be used for a *retail store, office* and *accessory* uses thereto; and
- (iii) the total of the *non-residential gross floor area* erected and used on the lands shown as Parcel “C” on Plan 3B shall not exceed 12,000 square metres.

4. Section 4(4) of By-law No. 1994-0396 is deleted in its entirety and replaced with the following:

“Not more than 1,549 dwelling units are erected or used within the Gooderham and Worts Special Identity Area, of which:

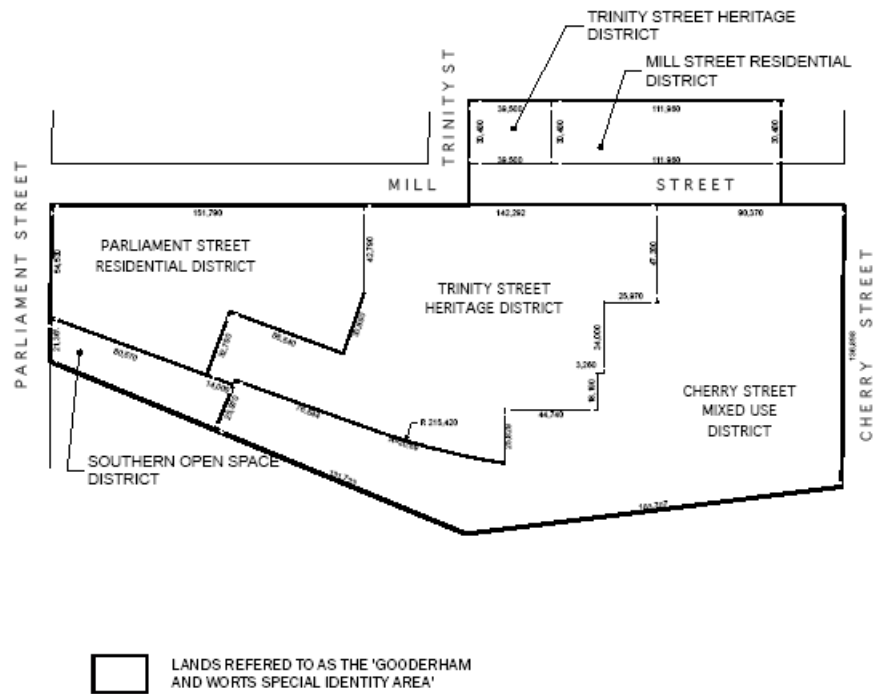
- (a) Not more than 300 dwelling units are erected or used within the Mill Street Residential District;

- (b) Not more than 669 dwelling units are erected or used within the Cherry Street Mixed Use District;
  - (c) Not less than 25% of the *dwelling units* erected or used within the *Area* contain at least two bedrooms, provided nothing in this provision shall require that this percentage be met on a building by building basis;
  - (d) Not less than 55% of the *dwelling units* located in any building used for the purposes of *non-profit home equity housing* contain two or more bedrooms; and
  - (e) Not less than 25% of the *dwelling units* erected or used within the *Area* comprise *social housing, non-profit home equity housing*, or a combination thereof provided that this requirement shall be deemed to be complied with if Section 5(6) (j) of this By-law is complied with.”
5. Section 4 (6) of By-law No. 1994-0396 is amended by the adding the following subsection:
    - (i) Notwithstanding the above, the height on Parcels “A”, “B” and “C”, as shown on Map 3B shall be inclusive of rooftop mechanical
  6. Section 4(7)(a) of By-law 1994-0396 is deleted in its entirety.
  7. Section 4(7)(d) (ii) of By-law 1994-0396 is amended by deleting the words “*Cherry Street Commercial District*” and replacing them with the words “*Cherry Street Mixed Use District*”.
  8. Section 4(9) (c) of By-law 1994-0396 is deleted in its entirety and replaced by the following:
 

“in the *Cherry Mixed Use District*, not less than 9 *loading spaces-type B*, 2 *loading spaces-type C*, 1 *loading space- type G* and a further loading space of at least 182 square metres in area;”
  9. Section 4(10)(c) of By-law 1994-0396 is amended by deleting the semi-colon and the period at the end of the sentence and replacing them with semi-colon.
  10. Section 4(10)(d) of By-law 1994-0396 is amended by deleting the semi-colon at the end of the sentence and replacing it with “; and”.
  11. Section 4(10) of By-law 1994-0396 is amended by adding thereto a new paragraph (e) as follows:

- “(e) within Area E identified on Plan 6, not less than 2 square metres for each *dwelling unit* located within such area.”
12. Section 4(10) of By-law 1994-0396 is amended by changing the following words “*Areas A, B, C and D*” to “*Areas A, B, C, D and E*”.
  13. Section 4(11)(j) of By-law 1994-0396 is amended by deleting the words “*Cherry Street Commercial District*” and replacing them with the words “*Cherry Street Mixed Use District*”.
  14. Section 4(13) of By-law 1994-0396 is amended by deleting the semi-colon and the period at the end of the sentence and replacing them with semi-colon.
  15. Section 4(14) of By-law 1994-0396 is amended by deleting the period at the end of the sentence and replacing it with a semi-colon.
  16. Section 4 of By-law 1994-0396 is amended by adding a new subsection (15) to read as follows:
    - “(15) the *bicycle parking spaces* required in Section 4(13) of By-law No. 438-86, as amended, shall apply to the *Gooderham and Worts Special Identity Area* except that, despite the provisions of such Section 4(13):
      - (a) a minimum of 320 *bicycle parking space – occupant* shall be provided and maintained within the *Cherry Street Mixed Use District* for exclusive use of residents of residential gross floor area in said district and in accordance with the following requirements:
        - (i) *bicycle parking spaces* shall be provided and maintained on the ground floor of a building containing *residential gross floor area* and the first level immediately below *grade* in the *parking garage*; and
        - (ii) *bicycle parking spaces* shall not be combined with storage lockers for *dwelling units*; and
      - (b) a minimum of 60 *bicycle parking space – visitor* are provided and maintained only at *grade* and on the ground floor of a building containing *residential gross floor area*.
  17. Section 5 of By-law 1994-0396 is amended by deleting the following words “*and the maximum height limits and the maximum non-residential gross floor area permitted within Parcel “A” and Parcel “B” shown on Plan 4B within the Cherry Street Commercial District*”.
  18. Section 5(2) of By-law 1994-0396 is deleted in its entirety.

19. Section 5(6)(c)(vi) of By-law 1994-0396 is amended by deleting the words “*Cherry Street Commercial District*” and replacing them with the words “*Cherry Street Mixed Use District*”.



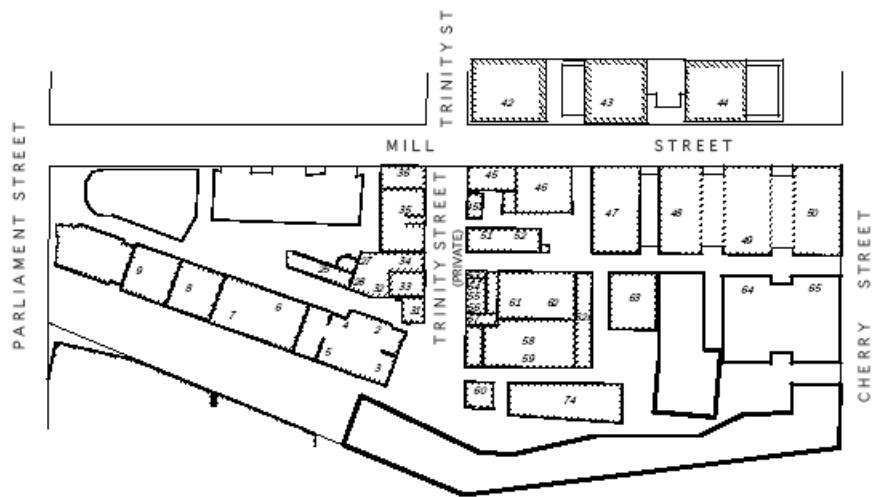
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 PLAN 1



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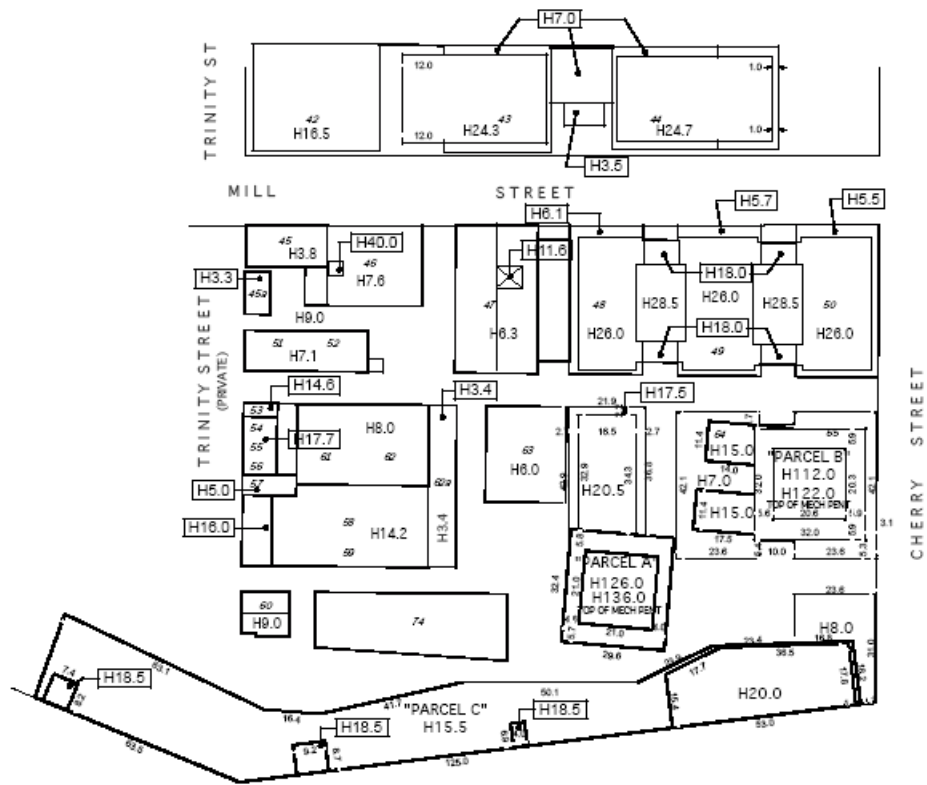
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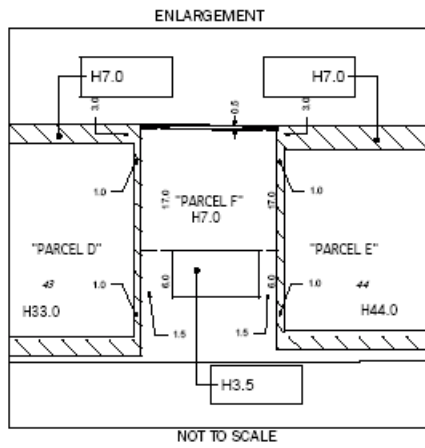
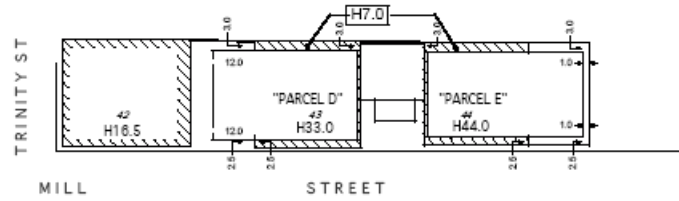
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 PLAN 3B



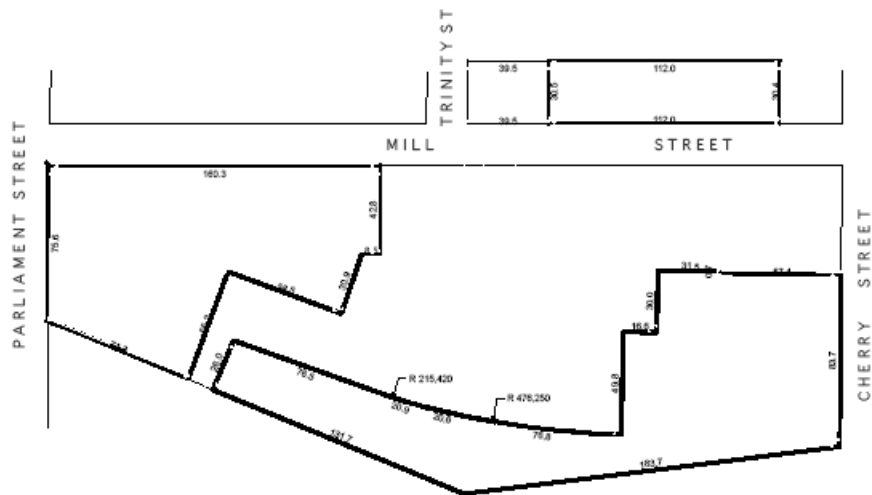
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 PLAN 4B



 UNDERGROUND PARKING REFERRED TO ON SECTION 4(8)

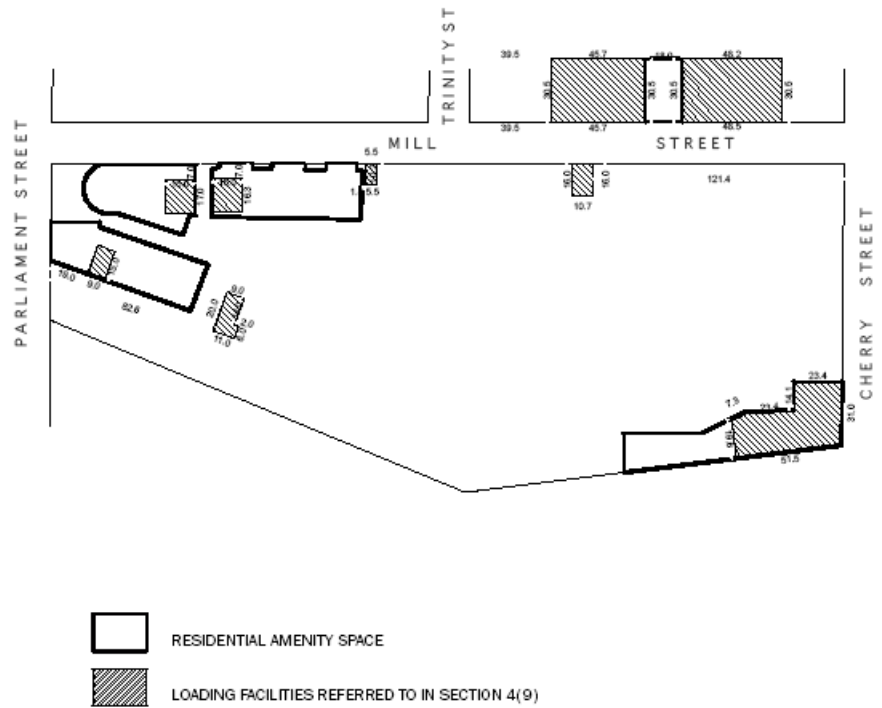
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 PLAN 6

## Attachment 8 – Existing Heritage Buildings

