

**60 Mill Street - Official Plan Amendment and Zoning
Amendment Application - Request for Direction Report**

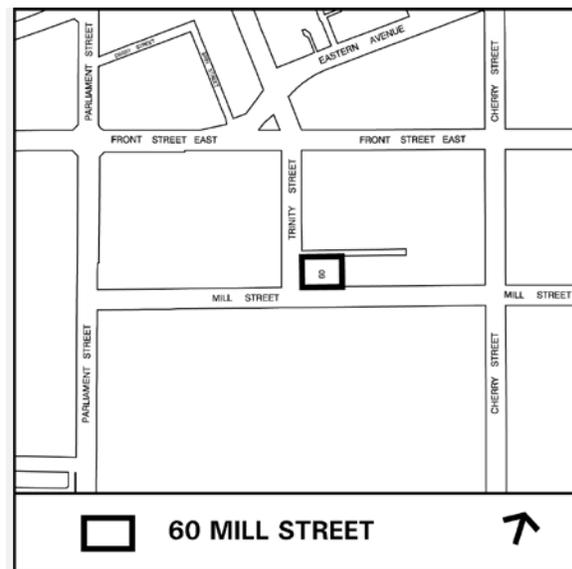
Date:	May 20, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	11 219591 STE 28 OZ

SUMMARY

The purpose of this report is to request direction from City Council on the pending Ontario Municipal Board (OMB) hearing on the Official Plan and Zoning By-law amendment at 60 Mill Street.

The application proposes to adaptively re-use the heritage designated 'Rack House D' building, part of the ensemble of heritage buildings that comprises the Gooderham & Worts Special Identity Area (the Distillery District), into a hotel. An addition of 29 storeys for hotel and residential uses on top of Rack House D is also proposed resulting in a 34-storey building. The proposal consists of: 88 hotel suites; 246 residential dwelling units; 467 square metres of restaurant space; and 205 bicycle parking spaces.

The height, massing and density proposed by this proposal are a significant departure from the existing planning framework for the area, where no additions above the heritage building were contemplated. Included in the planning framework is a Heritage Easement Agreement registered on title on the property that provides parameters for the adaptive re-use, but not for additions to the heritage building.



A built form study was initiated by City Planning staff, in consultation with the applicant, to analyse the potential build-out of the Distillery District and its surrounding areas, taking into consideration another development application at the southern portion of the Distillery District for a 57-storey residential tower. The result of the built form study reconfirmed City Planning's original assessment that the building represents over-development and will negatively impact the heritage character of the Distillery District. The proposal cannot be supported in its current form.

On November 12, 2015, the application was appealed to the OMB by the applicant pursuant to Section 34(11) of the *Planning Act* due to the City not making a decision within the prescribed timeframe. It is recommended that the City oppose the appeal at the OMB. It is also recommended that staff continue discussions with the applicant to revise the proposal to address the issues identified in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and other appropriate staff, to oppose the applicant's appeal respecting the Zoning By-law amendment application for 60 Mill Street (file no. 11 219591 STE 28 OZ) and attend any Ontario Municipal Board hearings in opposition to such appeal and retain such experts as the City Solicitor may determine are appropriate.
2. City Council authorize City staff to continue discussions with the applicant on a revised proposal that addresses the issues set out in this report.
3. City Council authorize the Director, Community Planning, Toronto and East York District in consultation with the local Councillor, to secure services, facilities and matters pursuant to Section 37 of the *Planning Act*, as may be required by the Chief Planner, should the proposal be approved in some form by the Ontario Municipal Board.
4. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

Financial Impact

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

DECISION HISTORY

In 1994, the former City of Toronto Council approved OPA 2 to the King-Parliament Part II Official Plan and passed Zoning By-law 1994-0396 to implement a planning framework for the area identified as the Gooderham and Worts Special Identity Area (the Distillery District), a 5.3 hectare site that consists of an ensemble of Victorian era buildings and structures that were once part of the Gooderham and Worts Distillery that operated from 1837 to 1990. Most of the buildings within the Distillery District are designated under Part IV of the *Ontario Heritage Act*

and are included on the City's Heritage Register. Along with Official Plan policies and a site specific Zoning By-law, seven Heritage Easement Agreements (HEAs) and a Section 37 Agreement were secured to form the planning framework for the Distillery District. The planning framework was based on a series of Heritage Reports commissioned for the site from 1989-1994. The framework provides the planning provisions for mixed-use development in the Distillery District, including the retention and adaptive re-use of the majority of the heritage buildings on site. Since that time, a number of new buildings have been constructed in the Distillery District including 3 taller towers and several lower buildings.

On January 10, 2012, Toronto and East York Community Council (TEYCC) considered the Preliminary Report for this application. The report concludes that the proposal is a significant departure from the existing planning framework for the Distillery District and requires a review of the visual impact of the proposal in relation to the rest of the Distillery District through a full 3-dimensional analysis. The Preliminary Report can be accessed at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE12.52>

With respect to a different application nearby, on August 12, 2014, TEYCC considered a Preliminary Report to permit a 57-storey tower and a 1-storey addition to the OMB approved 4-storey Ribbon Building at 31R Parliament Street, 370 and 370R Cherry Street (file no. 14174007 STE 28 OZ). The report indicated that the proposal was overdevelopment and did not fit within the existing built form and heritage context of the abutting Distillery District. TEYCC directed City staff to initiate a built form study of the site and surrounding area to inform the review of the application. Although the 57-storey tower proposal is not directly related to the subject application, it has similar issues and reinforced the need to re-examine the planning framework of the Distillery District and the surrounding sites. The Preliminary Report can be accessed at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE34.85>

On March 31, April 1 and 2, 2015, City Council authorized the Distillery District as a potential Heritage Conservation District (HCD) and directed the Chief Planner and Executive Director, City Planning, to initiate an HCD study of the Distillery District. The subject site is within the study area of the HCD study. The Prioritization Report can be accessed at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG2.8>

ISSUE BACKGROUND

Proposal

The applicant is proposing to alter the existing heritage designated building known as 'Rack House D', which is part of the ensemble of heritage buildings within the Distillery District into a 5-storey building, with a 29-storey tower above, resulting in a 34-storey building with a height of 108 metres (118 metres including the mechanical penthouse). The hotel use is proposed to be on the first 6 storeys of the proposal, with the remaining 28 storeys for residential use. The tower component consists of four 5-storey "boxes", with recessed and projected building elements on all four sides of the building. The proposal has a total gross floor area of 23,997 square metres, with a floor space index of 19.9 (Refer to Attachment 1: Site Plan, Attachment 2a-d: Elevations and Attachment 3: Rendering).

The residential tower proposes a total of 246 residential units, consisting of: 49 (20%) bachelor units; 131 (53%) one-bedroom units; 62 (25%) two-bedroom units; and 4 (2%) three-bedroom units. Indoor residential amenity space of 492 square metres is proposed in the 1st underground level and outdoor amenity space of 285 square metres is proposed on the 7th floor and on top of the 34th floor next to the mechanical penthouse.

Pedestrian access to the hotel component of the development is proposed from Mill Street. Pedestrian access to the residential component of the development is proposed from the pedestrian walkway on the east side of the building. A proposed restaurant on the first floor of the proposal has access from Trinity Street.

There are no on-site vehicular parking spaces proposed for this development. A total of 166 vehicular parking spaces, consisting of: 132 resident; 15 visitor; and 19 hotel spaces, are to be provided and secured in existing and proposed parking garages within the Distillery District. A modified Type 'C' loading space is proposed, to be accessed via the east-west City-owned laneway immediately north of the site. A total of 205 bicycle parking spaces are proposed consisting of: 195 resident spaces in the 2nd below-grade level; and 10 visitor spaces at-grade (Refer to Attachment 10: Application Data Sheet).

Details of the proposal's setbacks and stepbacks are outlined in the table below:

	North Property Line	East Property Line	South Property Line	West Property Line
Rack House D – Floors 1 to 5 (m)	0	2.4	0	0
Addition – Floors 6 to 34 (m)	0 to 3.5	5 to 10.5	0 to 3.5	0 to 4.5

Site and Surrounding Area

The property at 60 Mill Street is a square shaped parcel on the northeast corner of Mill Street and Trinity Street. The building on site, known as 'Rack House D' and identified as Building No. 42 in the King-Parliament Secondary Plan, is a heritage designated building under Part IV of the *Ontario Heritage Act* by By-law 154-76 and is included in the City's Heritage Register. Rack House D is also subject to an HEA.

The surrounding land uses are as follows:

North: An east-west City-owned public laneway. North of the laneway are vacant lands previously used for the 2015 Pan American Games. The lands are part of the West Don Lands, an 82 hectare former industrial site that borders the Distillery District to the north and east.

East: A pedestrian walkway; 70 Mill Street – a 12-storey residential building that incorporates the 1-storey 'Rack House I' building; 80 Mill Street – a 14-storey residential building that incorporates the 1-storey 'Rack House H' building; and 90 Mill Street – a vacant parcel. Across Cherry Street is the West Don Lands, where redevelopment includes facilities for

George Brown College, a YMCA building and Corktown Commons Park and Underpass Park.

South: South of Mill Street is the Distillery District. Within the Distillery District and immediately south is the Boiler House Complex, consisting of 6 buildings; and Trinity Street, a north-south privately owned laneway that, in conjunction with other privately owned laneways within the Distillery District, functions as a network of pedestrian open space areas and occasional servicing corridors. Most of the buildings within the Distillery District are heritage designated under Part IV of the *Ontario Heritage Act* by By-law 154-76. They are subject to Heritage Easement Agreements and are included in the City's Heritage Register. Further south are the properties at 31R Parliament Street, 370 and 370R Cherry Street, that are subject to a development application to permit a 57-storey tower and a 5-storey commercial building.

West: West of Trinity Street is 18 Trinity Street – a provincially owned building designated under Part IV of the *Ontario Heritage Act* by By-law 301-97 and included in the City's Heritage Register. Further west is a surface parking lot that is proposed for a future park. Across Parliament Street is Parliament Square Park and the site of Canada's First Parliament buildings, currently used for various purposes, including a surface parking lot.

Planning Act, Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities. The matters include: the orderly development of safe and healthy communities; the adequate provision of a full range of housing, the conservation of features of significant architectural, cultural and historical interest; the adequate provision of employment opportunities; the protection of public health and safety; and the appropriate location of growth and development.

The Provincial Policy Statement (PPS) 2014, 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; protecting significant built heritage resources; and protecting public health and safety. In particular, the PPS aligns with the *Ontario Heritage Act* by not permitting development on protected heritage properties or on adjacent lands to protected heritage properties except where the proposed development and site alteration has been evaluated and has been demonstrated that the attributes of the heritage property will be conserved. The PPS provides direction on public safety by not permitting development on areas associated with flooding hazard, unless a Special Policy Area is approved that would allow for development. The PPS recognizes that local context and character is important. Policies are outcome-oriented and some policies provide flexibility in their implementation provided that Provincial interests are upheld. 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; protecting natural systems and cultivating a culture of

conservation; and the conservation of cultural heritage and archaeological resources where feasible. City Council’s planning decisions are required to conform or not conflict with the Growth Plan for the Greater Golden Horseshoe.

Staff reviewed the proposed development for consistency with the Planning Act, the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is identified within the *Downtown and Central Waterfront* area in Map 2 – Urban Structure of the Official Plan. The *Downtown* is a growth area and will continue to evolve as a healthy and attractive place to live and work. However, growth is not envisioned to spread uniformly throughout the *Downtown*.

The site is designated *Mixed Use Areas* in Map 18 – Land Use Plan of the Official Plan.

Section 4.5 indicates that *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses. Policy 2 provides development criteria for *Mixed Use Areas* which directs that development shall: locate and mass new buildings to provide a transition between areas of different intensity and scale; locate and mass buildings to frame the edges of streets with good proportion; maintain sunlight and comfortable wind conditions; provide good access and circulation for vehicular activity; and provide recreation space for residents. Development on underutilized lands within *Mixed Use Areas* shall also provide: new jobs and homes for our growing population; access to schools; access to parks and community centres; and access to transit services (Refer to Attachment 4: Official Plan).

Section 3.1.2 – “Built Form” directs new development to fit within the existing and/or the planned context of the neighbourhood. In particular, Policy 3 requires that new development to be massed to fit harmoniously into its existing and/or planned context by creating appropriate transitions in scale to neighbouring buildings, providing for adequate light and privacy and framing adjacent streets and open spaces in a way that respects the street proportion. Policy 4 requires new development be massed to define edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure there is adequate access to sky view. Policy 5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

Section 3.1.3 – “Built Form – Tall Buildings” provides policy direction for tall buildings. Policy 2 requires tall building proposals to address key urban design considerations that includes: demonstrating how the proposal will contribute to and reinforce the overall City structure; taking into account the relationship of the site to topography and other tall buildings; and providing high quality, comfortable and usable publicly accessible open space areas.

Section 3.1.5 – “Heritage Conservation” provides direction on preserving heritage properties and districts. Since the submission of the application, Official Plan Amendment 199 (OPA 199) to the City's heritage policies has been approved by the OMB and is in force and effect. These policies provide direction on the conservation of heritage properties included on the City's Heritage Register and provide policy direction on development adjacent to heritage properties.

Policy 26 requires new construction on, or adjacent to a property on the Heritage Register be designed to conserve the cultural heritage values, attributes and character of the property and to mitigate visual and physical impact on it. Conservation can be achieved through considerations such as scale, massing, materials, height, building orientation and location relative to the heritage property.

At the time the application was made, OPA 199 was not in force and effect. However, Heritage Preservation Services staff have considered this application in both the context of OPA 199 and the heritage policies in force at the time of the application.

Section 2.4.12 – "Transportation" states that, "...hotels will make provision for taxi stands on private property."

Section 5.6 – "Interpretation" provides guidance as to the understanding and interpretation of the Official Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Further, Section 1.5 – "How to Read the Plan" indicates the Official Plan is a comprehensive and cohesive whole. This application was reviewed against all policies of the Official Plan. The Official Plan can be accessed at:
http://www1.toronto.ca/static_files/CityPlanning/PDF/chapters1_5_dec2010.pdf

Lower Don Special Policy Area

The site is within the Lower Don floodplain and is identified within the *Downtown Spill Zone* of the *Lower Don Special Policy Area* (SPA) in the former Municipality of Metropolitan Toronto Official Plan. The *Lower Don SPA* permits development provided that flood proofing measures are implemented. Any changes to the boundaries and/or policies of a SPA require Provincial approval. On October 30, 2012, City Council adopted City-initiated Official Plan Amendment 394 (OPA 394), an amendment to remove the lands within the *Downtown Spill Zone* from the *Lower Don SPA*, after the risk of flooding was eliminated by the construction of the Flood Protection Landform on the West Don Lands east of the site. OPA 394 is not in full force and effect until it is approved by the Province and the appeal period expires.

King-Parliament Secondary Plan

The site is within the boundary of the King-Parliament Secondary Plan. The main objective of the Secondary Plan is to encourage reinvestment in the area for a mixture of uses that reinforces the historical built form and public realm, while ensuring development is compatible and complementary to the physical character and scale of the area. New buildings are to achieve a compatible relationship with their built form context, including heritage buildings, through such matters as building height, massing, scale, setbacks, roofline and profile and architectural character and expression. Further, new buildings shall be massed to provide adequate light, view and privacy for neighbouring properties.

The site is designated *Mixed Use Area 'B' (Gooderham & Worts Special Identity Area)* in the Secondary Plan and is subject to Site and Area Specific Policy (SASP 1) – *Gooderham and Worts Special Identity Area*, which encompasses the original planning framework of 1994, as amended. Section 3 – 'Heritage' of SASP 1 indicates additions to existing heritage buildings may

be permitted only if it has been demonstrated that they respect the three dimensional integrity of the heritage building and the quality and character of both the historic building being added to and its relationship to adjacent heritage buildings.

The SASP 1 is categorized into the following five sub-districts:

- *Mixed Use Area 1 (Parliament Street Residential District);*
- *Mixed Use Area 2 (Trinity Street Heritage District);*
- *Mixed Use Area 3 (Cherry Street Mixed Use District);*
- *Neighbourhood Apartment Area (Mill Street Residential District);* and
- *Park & Open Space Area (Southern Open Space District).*

The site is within the *Trinity Street Heritage District*, where such area is regarded as the focus of heritage resources in the Distillery District. Additions to existing buildings may be permitted only where they: enable accessibility for people with disabilities; reinstate a heritage element; are required to satisfy *Ontario Building Code* requirements; and enhance the use of the existing heritage buildings (Refer to Attachment 5: Secondary Plan and Attachment 6: Site and Area Specific Policy Map).

The design guidelines of the 1994 planning framework for the Distillery District are carried over to SASP 1 as Official Plan policies. Key urban design policies for the *Trinity Street Heritage District* include:

- Provide setbacks from the street edge on Trinity Street where additions are contemplated in order to minimize or eliminate their visibility from pedestrian grade level viewpoints on Trinity Street;
- Respect the heritage character of the Distillery District for any additions, where they should complement and sensitively distinguish between existing and new building fabric and should not detract from the heritage character of the existing building;
- Preservation, renovation and adaptive re-use of Rack House 'D' for a non-profit cultural or arts related use should retain its salient heritage features, including a representative and significant portion of the interior rack structure in order to showcase the building's heritage and to facilitate site interpretation;
- Provide a transition of building scale east and west of Trinity Street through the stepping of buildings heights away from the buildings fronting on Trinity Street; and,
- Provide a transition in height along Mill Street, east of Trinity Street where the largest building is at the eastern edge of the Distillery District and such transition in height complements the scale of Rack House D.

The application was reviewed against all policies of the Secondary Plan and can be accessed at: www.toronto.ca/planning/official_plan/pdf_secondary/15_king_parliament_aug2007.pdf

King-Parliament Community Improvement Plan

The purpose of the King-Parliament Community Improvement Plan (CIP) is to complement the policies of the King-Parliament Secondary Plan by providing a framework for the improvement of public lands within the King-Parliament Area. The CIP discusses the cultural significance of the Distillery District and the importance of appropriately commemorating the area through a heritage interpretation program. The CIP also provides several themes for redevelopment within the King-Parliament area, particularly with respect to streetscape improvements. Civic improvements identified in the CIP within proximity of the site will be considered should this application be approved in some form.

Designation Under the Ontario Heritage Act and Heritage Easement Agreement

The Rack House D building is designated under Part IV of the *Ontario Heritage Act* under by-law 154-76 and included in the City's Heritage Register. The building is also subject to a Heritage Easement Agreement (HEA) registered on title between the owner and the City. The HEA, in conjunction with the Heritage Reports include the statement of reasons, which lists the reasons why Rack House D has historic and architectural significance (refer to Attachment 7: HEA Reasons for Identification). The HEA also sets out the parameters for the building's adaptive re-use, but not additions. The HEA will require an amendment should this application be approved in its current form or in another form of development. An amendment to the HEA will require City Council approval and is not appealable to the OMB.

Section 37

The site is subject to an existing Section 37 Agreement, as amended, that secures a number of public benefits including: public access; a day care, public art and affordable housing units. The Agreement also secures various development obligations including: soil remediation, rail protection, flood proofing measures and wind, noise and vibration mitigation. This Agreement will require an amendment should the proposal be approved in some form.

Zoning

The base zoning for the site is IC D2 N0.5 under Zoning By-law 436-86. This zoning designation permits various non-residential uses of an industrial and commercial nature. The designation permits a maximum density of 2 times the lot area with a maximum commercial density of 0.5 times the lot area.

The site is further subject to the 1994 planning framework's area specific By-law 1994-0396, as amended by By-laws 749-2003 and 5-2010. By-law 1994-0396, as amended, divides the Distillery District into five districts, corresponding to the King-Parliament Secondary Plan. The site is within the Trinity Street Heritage District and is restricted to a height of 16.5 metres, the height of the existing Rack House D building. Also, only non-residential uses are permitted on the site (Refer to Attachment 8: Zoning).

City-wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new

and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

Policy 1 in Section 5.3.2 – “Implementation Plans and Strategies for City-Building” of the Official Plan states that Guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban Design guidelines specifically are intended to provide a more detailed framework for built form and public improvements in growth areas. The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 – “The Built Environment” and other policies within the Plan related to the design and development of tall buildings in Toronto.

The 34-storey tower was reviewed against the city-wide Tall Building Design Guidelines, including sections on fit and transition in scale, sunlight and sky view, views from the public realm, heritage properties and heritage conservation districts, floor plate size and shape, tower placement, separation distance, site servicing and access, pedestrian realm, publicly accessible open space and sustainable design. The city-wide Guidelines can be accessed at: http://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/tall-buildings.pdf

Distillery District Heritage Conservation District Study

As indicated in the Decision History of this report, City Council has prioritized the Distillery District HCD as one of the HCD studies to be initiated in 2016. The HCD study will provide the heritage lens with which to examine the existing planning framework for the area and to evaluate the impacts of additional development. The study process will result in the preparation of an HCD plan and by-law to protect the historical and cultural significance of the study area, which encompasses the Distillery District, the Triangle lands and a small portion of Phase III of the West Don Lands. The subject site is within the HCD study area given that Rack House D forms part of the historic Distillery District (Refer to Attachment 9: HCD Study Area).

Distillery District and Triangle Lands Built Form Study

As per the direction of TEYCC, City Planning staff initiated a built form study, in consultation with the applicants, for the area that is consistent with the HCD study area boundary. The purpose of the study is to better inform how the remaining developable sites within the study area can be accommodated, while conserving the cultural heritage value of the Distillery District.

City Planning staff have worked with the applicant to analyze the 3-dimensional views of this proposal against the surrounding context. The analysis was completed as part of the built form study that was based on the following objectives:

- Promoting a healthy and complete community;
- Maintaining and improving the public realm;
- Heritage conservation;
- Ensuring a complementary and compatible built form; and,
- Provisions to reduce traffic congestion.

A draft OPA 304 was prepared as a result of the study, which reinforces City Planning staff's earlier assessment that a 34-storey building on the site is not complementary to and compatible with the area's heritage built form context. The status report for the study and the draft OPA 304 is to be considered at the same time as this report at the June 14, 2016 TEYCC meeting.

TOcore

On December 9, 2015, City Council adopted a staff report entitled 'TOcore: Planning Toronto's Downtown – Phase 1 – Summary Report and Phase 2 Directions'. The report outlined the deliverables of TOcore which will be a renewed planning framework through a Downtown Secondary Plan and a series of infrastructure strategies. The work for TOcore began on May 13, 2014, when TEYCC adopted a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'.

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary physical and social infrastructure to remain a great place to live, work, learn, play and invest. TOcore is in its second phase, which involves drafting policies, plans and strategies. A report back to TEYCC is targeted by the end of 2016 on the results of the second phase and the next steps on implementation. The issues considered under TOcore have informed the review of this application. The TOcore website is www.toronto.ca/tocore.

Site Plan Control

The application is subject to Site Plan Control. An application for Site Plan Control has not been submitted to date.

Reasons for the Application

This application requires an amendment to the Official Plan and Zoning By-law. The Official Plan amendment is required because the site and area-specific provisions within the King-Parliament Secondary Plan do not permit either residential uses or an addition to Rack House D.

An amendment to the Zoning By-law is required to permit: residential uses; non-residential use in the form of a hotel; increase in height; increase in density, provision for off-site vehicle parking, modified loading requirements; reduced bicycle parking spaces; and reduced outdoor amenity space area.

By-law 1994-0396, as amended by By-laws 749-2003 and 5-2010, stipulates various standards that are applicable to the entire Distillery District. City staff was unable to confirm compliance on various standards including: overall density, overall residential unit count; percentage of two-bedroom units and parking spaces. City staff have requested that further information be provided by the applicant as to how the proposal addresses the site specific by-law.

City Division/Agency Circulation

The application was circulated to all appropriate City Divisions and agencies. Comments received have been used to assist in evaluating the application.

Design Review Panel

The application was considered by the Design Review Panel on January 23, 2012, where the Panel voted for redesign of the proposal. The Panel agreed the proposal was a well designed building, but struggled to support a tall building that significantly deviates from the planning framework. Matters debated by the Panel members include:

- Whether the tall building would create a negative impact on the heritage character of the Distillery District;
- Whether the quality of heritage conservation proposal to Rack House D would justify the tall building addition; and,
- Whether this proposal represents an instance where the design of the building should take precedence over the existing planning framework.

The Panel also expressed concerns on items that are to be addressed through the Site Plan application process, such as specific design elements and materiality of the proposal that may better inform the Panel's opinion on the proposal.

Community Consultation

On January 23, 2015, a community consultation meeting was held at the Enoch Turner Schoolhouse at 106 Trinity Street. City Planning staff, the applicant, the local Councillor and approximately 55 members of the public attended. The general sentiment expressed during the meeting was that the proposal was a well designed building, but in the wrong location.

Specific concerns raised during the meeting and through written comments received include:

On Traffic:

- Increase traffic congestion from the proposed development, in particular during special events hosted within the Distillery District;
- Vehicular access conflicts with the neighbouring condominium at 70 Mill Street; and
- Encroachment of the proposed loading space onto the shared pedestrian walkway between this site and 70 Mill Street.

On Parking:

- Insufficient number of parking spaces being provided; and
- The reduction of commercial parking spaces in the Distillery District through the provision of off-site parking spaces for this proposal.

On Built Form:

- The building is too tall and does not fit with the area;
- The height and massing of the tower will set a negative precedent for other sites with development potential in the area;

- Insufficient separation distance between this proposal and the building at 70 Mill Street; and
- The loss of natural light and views for residents at 70 Mill Street.

On Heritage Conservation:

- This proposal will have a negative impact on the heritage character of the Distillery District.

COMMENTS

Provincial Policy Statement and Provincial Plans

The PPS recognizes the local context is important and that a well-designed built form contributes toward overall long-term economic prosperity. Policy 4.7 states that the Official Plan is the most important vehicle for implementation of the PPS. Policy 1.1.3.3 indicates planning authorities shall identify appropriate locations for intensification and redevelopment.

With regards to heritage conservation, Policy 2.6.1 indicates that significant built heritage resources and cultural heritage landscapes shall be conserved. Policy 2.6.3 indicates that planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. The Official Plan further refines the direction of the PPS to require appropriate built form to fit harmoniously into its existing and/or planned context and the conservation of heritage properties. This application is not consistent with the PPS as the proposal has not addressed an appropriate method to conserve Rack House D and provide sensitive transition to the adjacent heritage properties.

With regards to protection from flooding hazards, Policy 3.1.4 indicates that development may be permitted within flood hazard areas where an SPA is approved. The SPA on the subject site requires flood proofing measures to be approved by the Province. OPA 394 to the former City of Toronto Official Plan, an amendment that addresses flood proofing for the site has not been approved by the Province. This application is generally consistent with the PPS provided that a holding symbol "H" be placed on the amending Zoning By-law until the flood proofing measures are approved by the Province.

The site is within the urban growth centre of the built-up area boundary as identified in the Growth Plan, where a significant share of population and employment growth is anticipated. In conjunction with the direction for intensification in the urban growth area, Policy 6 in Section 2.2.3 of the Growth Plan directs the City's Official Plan and supporting documents to establish policies to identify the appropriate scale of development. Further, Policy 7 directs development within intensification areas to provide an appropriate transition of built form to adjacent areas. In this context, the Official Plan provides direction on height and transition east and west of Trinity Street. Policy 1(e) in Section 4.2.4 of the Growth Plan indicates that municipalities will develop and implement Official Plan policies and other strategies in support of cultural heritage conservation, including conservation of cultural heritage resources where feasible. The City has

developed heritage conservation policies and strategies in support of cultural heritage conservation through its Official Plan and the planning framework for the Distillery District. This application is in conflict with the Growth Plan as the application does not respond appropriately to the existing heritage conservation policies and strategies in place.

The subject property is designated under Part IV of the *Ontario Heritage Act*. In addition, the HCD study currently underway may further inform the appropriateness of the proposal in maintaining the heritage values of the Distillery District.

Land Use

The proposal consists of residential uses and non-residential uses in the form of a hotel and a restaurant. SASP 1 promotes a broad mix of land uses in order to ensure, among other things: the Distillery District as a focal point of activity for residents and tourists; and that there is a balance between residential and non-residential uses. Although the proposal for a hotel and residential uses on the site comply with SASP 1, City Planning continue to have concerns about many aspects of the proposal, including how the proposed hotel will function with respect to pick-up and drop off; parking and loading. These matters are particularly problematic due to the site's location at such a prominent place within the district. Trinity Street at Mill Street functions as the main entry and arrival point into the Distillery, with little room for on-street pick up-drop off, parking and loading activities. Policy 2.4.18 of the Official Plan states that, "...hotels will make provision for taxi stands on private property."

Staff will continue discussions with the applicant to provide for a more varied mixture of uses such as cultural and/or institutional uses or an interpretive centre that are more in keeping with the original intent of the planning framework.

Height

The proposed 34-storey building of 108 metres (118 metres including the mechanical penthouse) is not supported by City Planning. No additions, let alone height increases, were contemplated by the existing planning framework. SASP 1 provides direction on a height transition along Mill Street, where the tallest building is at the eastern edge of the Distillery District, stepping down in building heights westerly to complement the scale of Rack House D and the streetwall of Trinity Street. This policy direction is reflected in Zoning By-law 1994-0396 where the height limit is 16.5 metres, which is the existing building height of Rack House D and this approach is reflected in the HEA where no addition on top of the building is permitted.

The redevelopment of this section of Mill Street has maintained the built form direction of the 1994 planning framework in achieving building heights that transition up towards Cherry Street. The streetwall along Trinity Street has also been maintained in accordance with the planning framework. City Planning has not found sufficient justification or rationale to deviate from the planning framework in order to permit a 34-storey building at this location based on the information submitted by the applicant. The built form study undertaken by City Planning staff in conjunction with the applicants included a 3-dimensional analysis of the proposal and the surrounding lands. The review of the analysis reconfirmed City Planning's opinion of the importance of maintaining the existing streetwall height along Trinity Street and providing an unobstructed pedestrian view corridor looking north and south along Trinity Street.

Massing and Separation Distances

The tower addition on top of Rack House D results in insufficient setbacks from the property lines. In particular, the proposal will result in a separation distance of 14 metres between the proposal's east facing wall and the west facing wall of the building at 70 Mill Street, which contains some facing windows. The Tall Building Guidelines indicate a tall building shall achieve a tower setback of 12.5 metres from the side or rear property line or centre line of an abutting lane, in order to achieve a separation distance of 25 metres between tall buildings. City Planning is not in support of the proposed 14 metre separation distance condition and recommend a greater distance between buildings in order to: maintain the amenity of the public realm, provide for sky view between building masses; provide privacy for residents; and provide natural light to the impacted building's interiors. This proposed massing condition does not conform to the built form policy direction of the Official Plan and the King-Parliament Secondary Plan.

The tower's north facing wall has a setback of mostly 5.5 metres from the centre of the abutting lane to the north. The Tall Building Guidelines require a setback of 12.5 metres. The proposed setback to the centreline of the laneway does not conform to the built form policy direction of the Official Plan and the King-Parliament Secondary Plan.

Along the Trinity Street and Mill Street frontages, the tower is proposed to provide a stepback of 3 metres on top of Rack House D on the 6th storey, where the massing projects on the 7th storey to the lot lines before stepping back 3 metres on the 8th storey. The Official Plan indicate new construction on a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of the property and to mitigate visual and physical impact on it. The Tall Building Guidelines indicate tall buildings shall respect and complement the scale, character, form and setting of on-site and adjacent heritage properties. SASP 1 indicates that additions on heritage properties shall provide stepbacks to minimize or eliminate the addition's visibility from the pedestrian grade level viewpoint on Trinity Street and that such additions be complementary and sensitively distinguish themselves from the heritage character of the existing building. City Planning is not in support of the proposed tower stepbacks along Trinity Street and Mill Street, as it fails to minimize or eliminate the tower's presence at grade and does not sensitively distinguish the addition from the heritage building. The proposed tower stepbacks also have not been designed to conserve the heritage values, attributes and character of Rack House D. As such, the massing condition along Trinity Street and Mill Street does not conform to the built form and heritage conservation direction of the Official Plan and the King-Parliament Secondary Plan.

Heritage Conservation

The Rack House D building forms part of the ensemble of the Distillery District's heritage buildings and is designated under Part IV of the *Ontario Heritage Act* by By-law 154-76 and is subject to a HEA. The building is valued as an important component of the Distillery District and serves as an integral part of a series of historic buildings along Trinity Street. Constructed in 1895, Rack House D was designed by David Roberts Jr. and was used for the storage of alcohol in barrels until the Distillery District ended whiskey production.

The HEA registered on title provide parameters for the adaptive re-use of Rack House D which does not include any additions to the heritage building. This application will require an amendment to the HEA in order to permit the addition of a 29-storey residential tower on top of the heritage building, along with other alterations that were not permitted in the HEA. Heritage Preservation Services staff are opposed to amending the HEA to accommodate this application as it will not properly conserve the cultural heritage values of the building and the Distillery District as a whole.

Archaeological Potential

A Stage 1 Archaeological Assessment was submitted for the application. Heritage Preservation Services staff have no archeological concerns with the proposal and request conditions be imposed to provide a strategy to document and preserve any archaeological remains on site, should the application be approved in some form.

Sun/Shadow and Wind

A shadow analysis was submitted in support of the application and analysed the impact of new shadows cast on the surrounding lands during the spring equinox and June 21 between 9:18am to 6:18pm. The massing of the proposal will cast new net shadows to the lands north of the site, part of Phase III in the West Don Lands Precinct Plan. No major green spaces in the area to the north of the site will be affected by shadows cast by the proposal.

The Pedestrian Wind Study submitted in support of the application assessed the projected wind velocities within and surrounding the site. The study concluded suitable wind conditions will be achieved at the entrances of the proposal and adjacent sidewalks and open spaces. The study indicated the 7th floor outdoor amenity area will require mitigation measures in the form of railings and an overhead canopy to meet the comfort criteria for sitting. City Planning staff are generally satisfied with the recommendations of the Pedestrian Wind Study and require the recommendations be implemented should this proposal be approved in some form.

Noise Impact

The Noise Impact Study submitted in support of the application assessed noise impacts to the proposed residential use from the railway, Gardiner Expressway, Don Valley Parkway and other sources of noise. The report indicated the proposal will meet applicable Ministry of Environment guidelines on noise. Metrolinx has reviewed the study and requested additional GO Transit data be used as part of the assessment. City Planning will continue discussions with the applicant to address outstanding concerns from Metrolinx. The mitigation measures recommended in the study shall be implemented in the Site Plan Approval process, should this application be approved in some form.

Residential Unit Mix

The proposal consists of 246 residential dwelling units, of which 4, or 2% are 3-bedrooms units. The percentage of 3-bedroom units is not supported by City Planning staff. In an effort to provide for a mix of residential unit types and sizes to accommodate the City's growing population, a minimum 10% of the total residential unit mix for a proposal should be 3-bedrooms

or larger. City Planning staff will continue discussions with the applicant towards providing an appropriate residential unit mix.

Residential Amenity Space

Zoning By-law standards require 2 square metres per dwelling each for indoor and outdoor amenity space. Based on the proposal for 246 dwelling units, the standard translates to 492 square metres each for indoor and outdoor amenity space. The proposal meets the requirement for indoor amenity space, but does not meet the minimum requirement for outdoor amenity space, where 285 square metres are proposed. City Planning staff will continue discussions with the applicant on providing an adequate amount of outdoor amenity space.

Traffic Impact and Vehicular Access

The Site Traffic Comparison letter submitted in support of the application provided a comparison of traffic impacts between the 1993 transportation impact study (TIS) results and traffic volumes based on the current proposal. The letter concluded the proposed development will not substantially alter the findings of the 1993 TIS. Given the concerns expressed by members of the public that the traffic volumes provided by the applicant do not reflect the actual existing traffic conditions, Transportation Services staff is requesting the Urban Transportation Considerations report be updated with current traffic counts.

The Parking and Loading Considerations report submitted in support of the application concluded that a modified Type 'C' loading space is appropriate to service the proposal. Transportation Services staff indicate that the proposed loading space is located within an easement at the east limit of 60 Mill Street and will require further details on the nature of the easement before making a determination on whether the location of the proposed loading space can be supported. Transportation staff also noted the proposed modified Type 'C' loading space does not comply with Zoning By-law requirements or the loading demand indicated in the applicant's report. Transportation staff request revisions be made to meet demand and Zoning By-law standards.

The driveway location for servicing and loading is proposed to be accessed from the City-owned public laneway immediately north of the site. Transportation Services staff notes that the submitted manoeuvring diagram shows that vehicles accessing the loading space will obstruct the pedestrian walkway and is not in support of the proposed driveway layout.

A passenger pick-up/drop-off area to service the proposed hotel and residential uses of the application is recommended by Transportation Services staff to be included as part of the proposal. Further review is required to determine the feasibility of this recommendation.

Vehicular Parking

The Parking and Loading Considerations report submitted in support of the application indicates the proposed total of 208 vehicular parking spaces consisting of: 174 resident; 15 visitor; and 19 hotel spaces, all to be provided off-site within the Distillery District, is sufficient and appropriate for the proposal. Transportation Services staff reviewed the analysis provided by the applicant and are of the opinion that there will be insufficient commercial parking spaces for the Distillery District should 208 off-site parking spaces be secured for this proposal. As such, Transportation

Services staff request revisions be made to ensure there are sufficient parking spaces within the Distillery District to accommodate peak parking demand and the 208 spaces for this proposal.

Bicycle Parking

This application proposes a total of 205 bicycle parking spaces, consisting of 195 residential and 10 visitor spaces. The 195 residential spaces are proposed in the 2nd underground level. The 10 visitor spaces appear to be proposed east of the site within the neighbouring property at 70 Mill Street's pedestrian walkway. Further, the application proposes additional visitor bicycle parking spaces to be provided off-site, but does not specify their location. City Planning staff do not support the proposed plan for bicycle parking spaces and request the application be revised to incorporate sufficient visitor parking spaces on site. City Planning will also continue discussions with the applicant in an attempt to provide a better access for the residential bicycle parking spaces.

Servicing and Stormwater Management

A Site Servicing Assessment was submitted in support of the application. The site is currently serviced with connections to the 200 mm watermain and with the 300 mm sanitary sewer, both on Mill Street. The applicant's assessment indicates there will be sufficient water and sanitary sewer capacity. ECS staff indicates further demand analysis will be required to verify sufficient water and sanitary capacity for the proposal. If the zoning were to be approved by Council or the Ontario Municipal Board a holding symbol "H" may be required to be placed on the zoning by-law.

Lower Don Special Policy Area

The lands are within the *Lower Don SPA*. City Planning staff have no concerns with development on the site as the area is removed from the Don River floodplain through the Flood Protection Landform. However, as OPA 394 – an amendment to remove certain areas from the *Lower Don SPA*, has not been approved by the Province, City Planning recommend that a holding symbol "H" be placed on the amending Zoning By-law until OPA 394 is in full force and effect, should this proposal be approved in some form.

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 Toronto Official Plan shows local parkland provisions across the City. The lands which are subject to this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. This site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The application proposes 246 residential units and 6,977 square metres of non-residential uses on site with a net area of 1,204 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.328 hectares or 272.47% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication is 92 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 92 square metres would not be a usable size. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Tree Preservation

An Arborist Report and a Removals and Tree Preservation Plan were submitted in support of the application. There are four trees on or adjacent to the subject property. Two honey locusts are in the City's right-of-way along Trinity Street and are planned to be retained. A Manitoba maple near the fire escape at the northeast corner of the building is proposed to be removed. The fourth tree is at the southeast corner of the building and also meets the criteria for protection. The requirements of the City's Private Tree By-law and the City's Street Tree By-law will need to be adhered to. Staff will continue discussions with the applicant on an appropriate tree protection and removal strategy that conforms to the City's tree by-laws.

Toronto Green Standard

On October 27, 2009, City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the TGS will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. City Planning staff will continue discussions with the applicant on the possibility of achieving Tier 2 of the TGS.

Section 37

The proposal at its current density and height will be subject to Section 37 contributions under the *Planning Act*. Section 37 benefits were not discussed in the absence of an agreement on the proposal's height, massing and density. Should this proposal be approved in some form by the OMB and have City Council support to amend the existing HEA on title, City Planning staff recommends that staff be authorized to negotiate an appropriate amended agreement for Section 37 benefits with the applicants, in consultation with the local Councillor. Potential benefits may include: capital improvements for the Artscape facility within the Distillery District; the redevelopment of the site of Canada's First Parliament buildings, the implementation of the Heritage Interpretation Master Plan for Old Town Toronto; the potential pedestrian connection between the foot of Trinity Street to Lake Shore Boulevard East; and affordable housing units on or off-site.

Staff/Applicants Discussions

Since the time of the appeal of the application by the applicant, City Planning staff have continued to meet with the applicant's team to discuss possible revisions to the proposal.

CONCLUSION

City Planning is not in support of the tall building proposal on this site, as it does not respond appropriately to the existing planning framework for the Distillery District.

Staff are of the opinion that the view corridor along Trinity Street and the overall heritage character of the Distillery District will be negatively impacted should a 34-storey building be permitted on this site. Other issues including appropriate conservation measures for Rack House D, the need for appropriate vehicular parking and loading and servicing requirements have not been satisfied.

City Planning staff have continued to have discussions with the applicant's team subsequent to their appeal of their application. City Planning staff recommend that continued discussions with the applicant be held in efforts to revise the proposal in a manner that addresses the issues set out in this report and to seek opportunities to address both this application and the application at 31R Parliament Street, 370 and 370R Cherry Street comprehensively.

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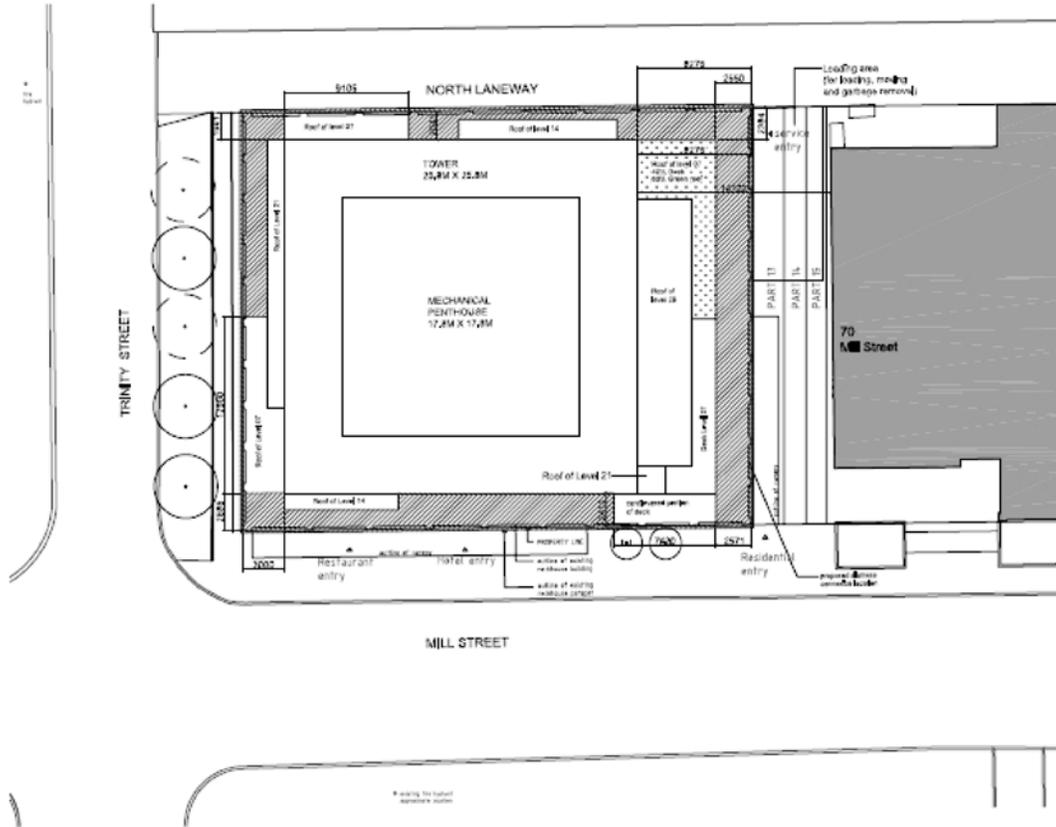
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2a-d: Elevations
Attachment 3: Rendering
Attachment 4: Official Plan
Attachment 5: Secondary Plan
Attachment 6: Site and Area Specific Policy Map
Attachment 7: HEA Reasons for Identification
Attachment 8: Zoning
Attachment 9: HCD Study Area
Attachment 10: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

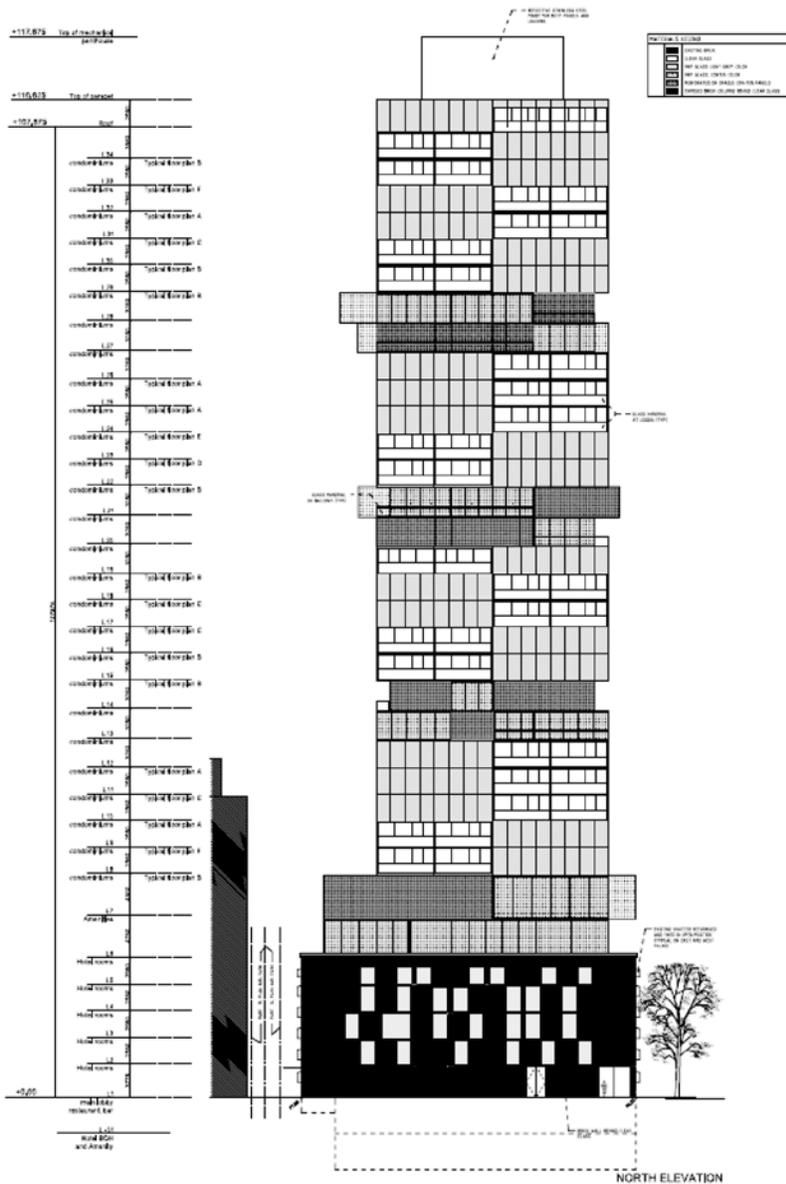
Not to Scale
11/15/11



60 Mill Street

File # 11_219591_OZ

Attachment 2a: North Elevation



North Elevation

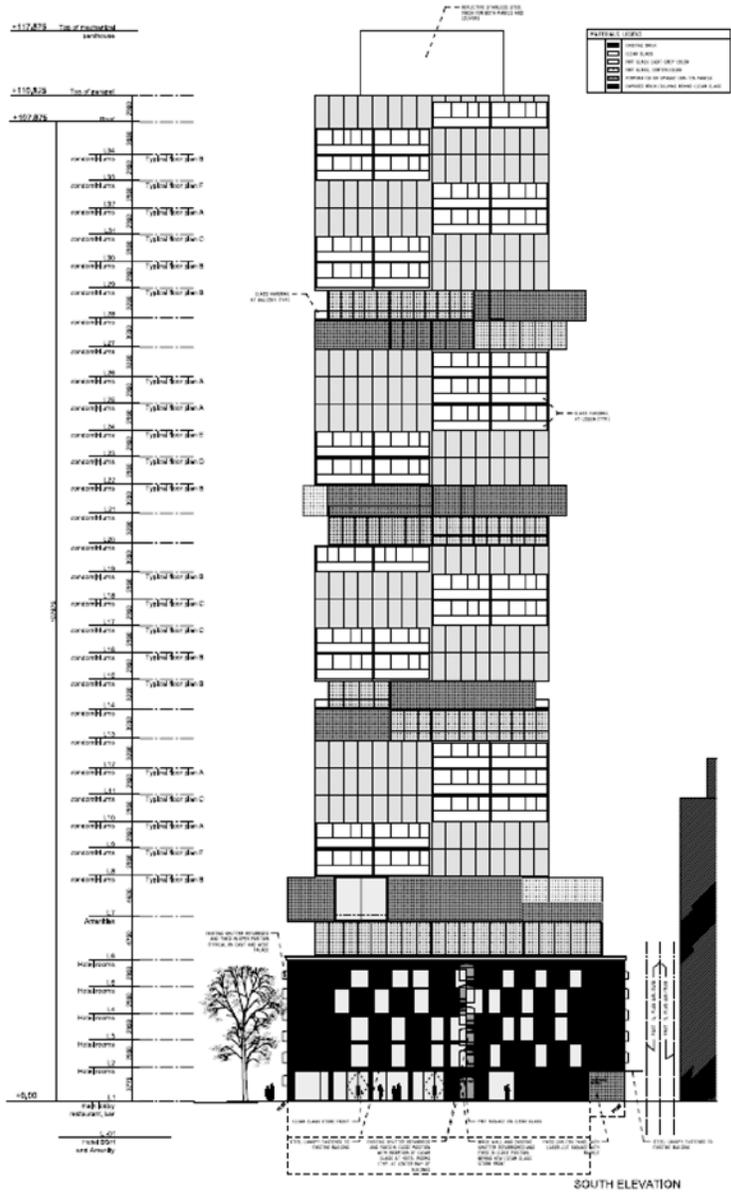
Applicant's Submitted Drawing

Not to Scale
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60 Mill Street

File # 11_219591_OZ

Attachment 2b: South Elevation



South Elevation

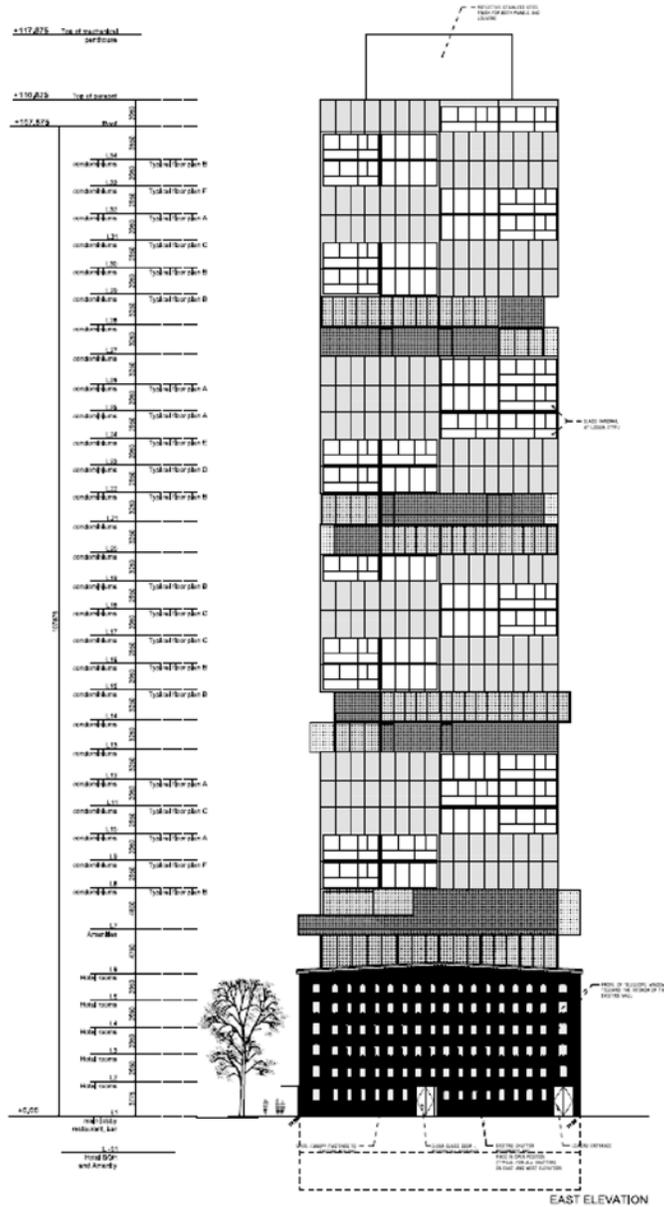
Applicant's Submitted Drawing

Not to Scale
11/15/11

60 Mill Street

File # 11_219591_OZ

Attachment 2c: East Elevation



East Elevation

Applicant's Submitted Drawing

Not to Scale
11/15/11

60 Mill Street

File # 11_219591_OZ

Attachment 3: Rendering



Applicant's Rendering - View Looking from South

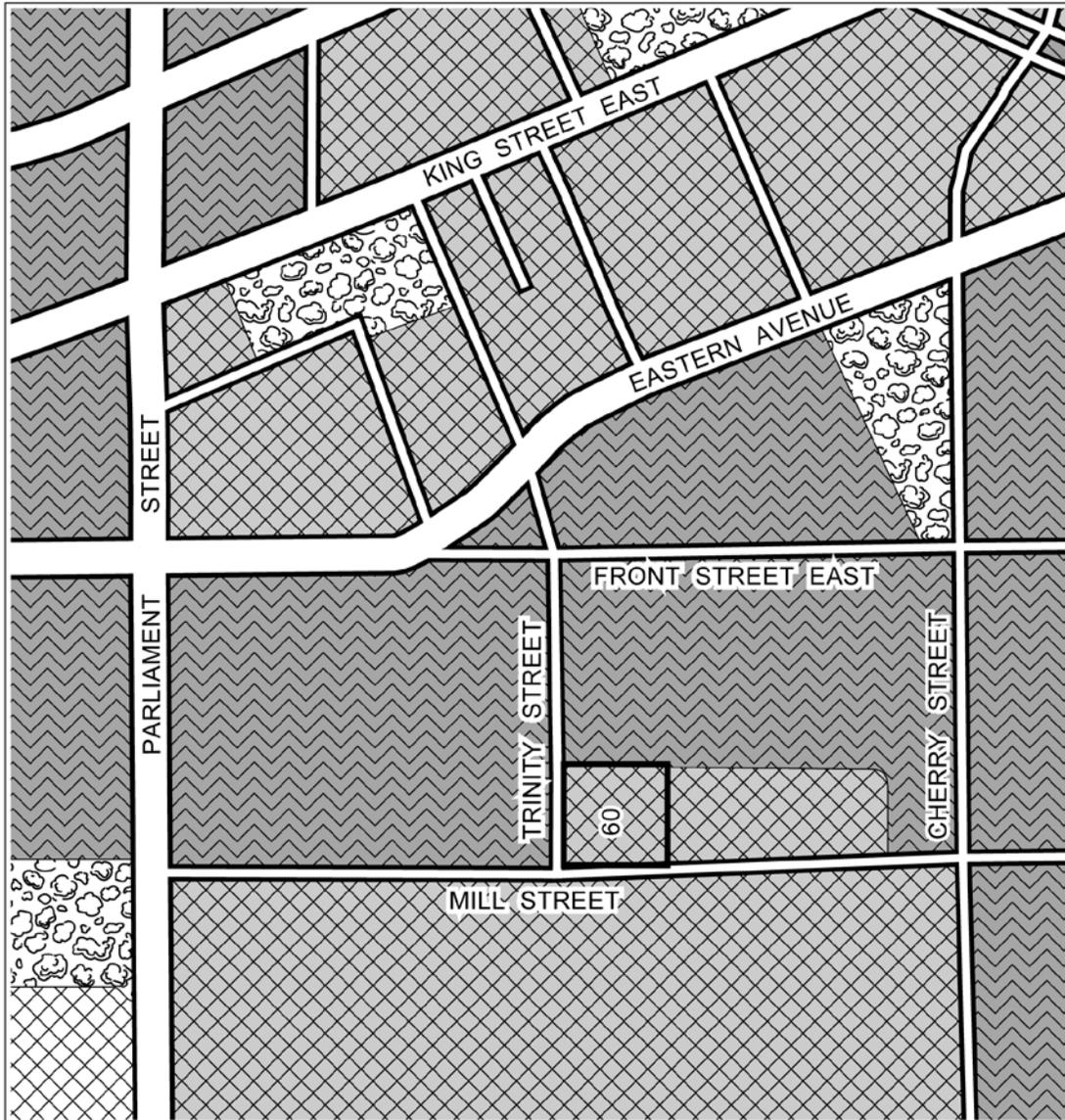
60 Mill Street

Applicant's Submitted Drawing

Not to Scale
11/15/11

File # 11_219591_OZ

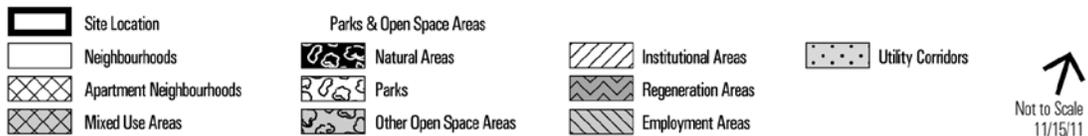
Attachment 4: Official Plan



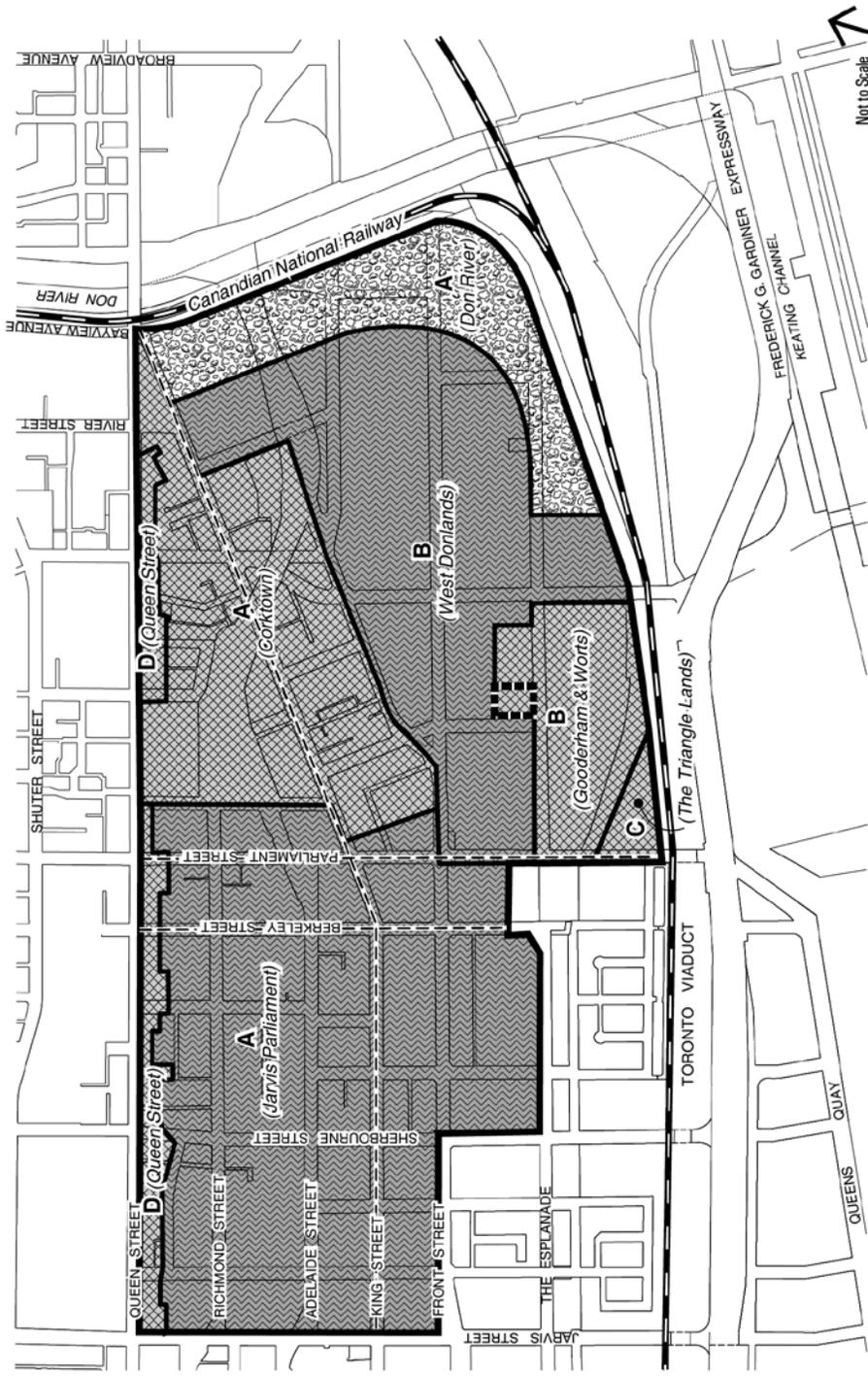
TORONTO City Planning
Official Plan

60 Mill Street

File # 11_219591_02



Attachment 5: King-Parliament Secondary Plan

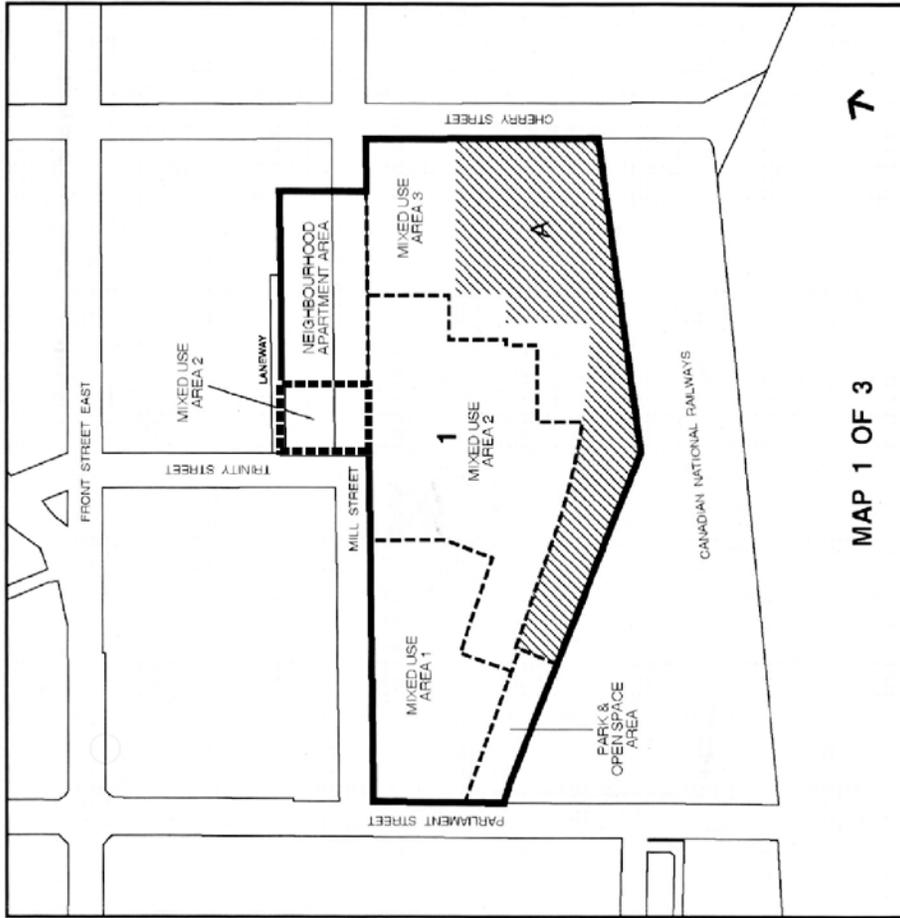


King Parliament Secondary Plan
 Map 15-1 Land Use Plan
 Not to Scale
 05/10/2016

60 Mill Street

File # 11 219591 STE 28 OZ

Attachment 6: Site and Area Specific Policy Map



MAP 1 OF 3

60 Mill Street



King Parliament Secondary Plan

(Map 1 of 3)

Not to Scale
05/10/2016

File # 11 219591 STE 28 0Z

Attachment 7: HEA Statement of Reasons

Rack House 'D' is identified as an important component of the Gooderham and Worts site. It is an integral part of the series of historic buildings lining Trinity Street and of the group of rack and tank houses east of Trinity Street. The building was constructed in 1895 for the storage of alcohol in barrels. Archaeological evidence of the former James Worts House may survive beneath the northeast corner of Rack House 'D'.

Located on the east side of Trinity Street at the northeast corner of Mill Street, Rack House 'D' is separated by a laneway from Rack House I (Building 43) to the east. Mill Street separates Rack House D from the Boiler House Building Group (Buildings 45, 45A, 46, 51 and 52) to the south.

The six-storey Rack House 'D' is rectangular in plan and covered by a flat roof with a wood penthouse. Above a stone foundation, red brick walls are divided into bays by piers and inset panels with stepped and corbelled brick detailing. The segmental-headed openings on the east and west facades have wood sash windows with metal shutters. On the south wall, each storey has segmental-headed openings containing wood loading doors with metal shutters. The openings have brick voussoirs and stone sills. The east wall has a steel fire escape stair.

A pipe bridge connects Rack House 'D' to the Workshops (Building 45 of the Boiler House Building Group) to the south.

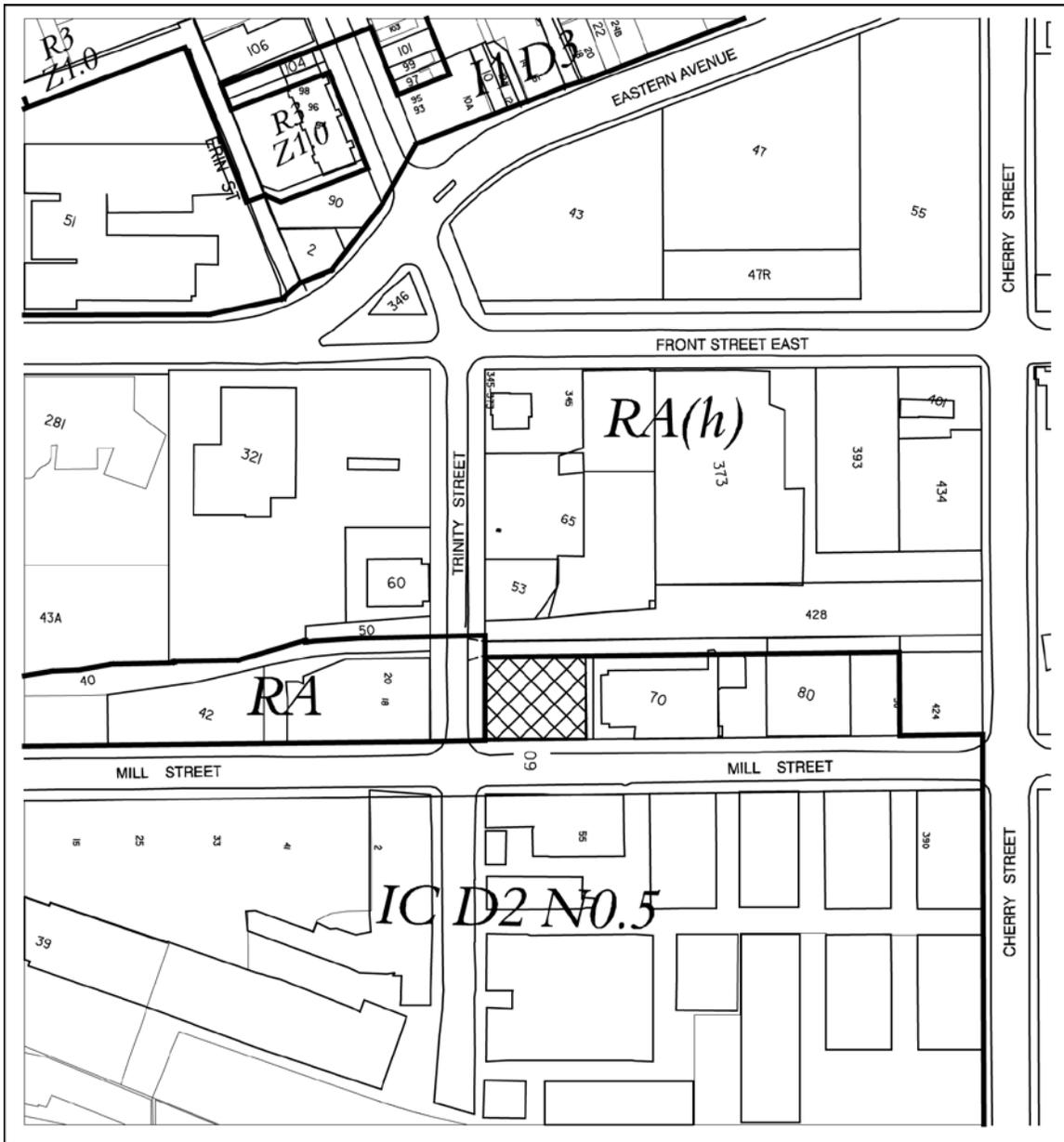
The interior of Rack House 'D' features a wood roof structure, wood stairs, a freight elevator and, along the west side, a walkway. Timber racking rises six stories from stone footings.

Rack House 'D' contains a freight elevator and, along with the west wall, a rope hoist.

A detailed architectural description of Rack House 'D' is contained in Report H of Report 9 entitled "Building Descriptions" of the Heritage Master Plan.

For the heritage equipment/fixtures associated with the Rack House 'D' see Schedule "D" attached hereto for a brief description of such heritage equipment/fixtures and Report No. 5 entitled "Heritage Equipment Registry" of the Heritage Master Plan for a more detailed description of such heritage equipment/fixtures, both of which descriptions are incorporated herein by reference and form part of the Reasons for Identification.

Attachment 8: Zoning



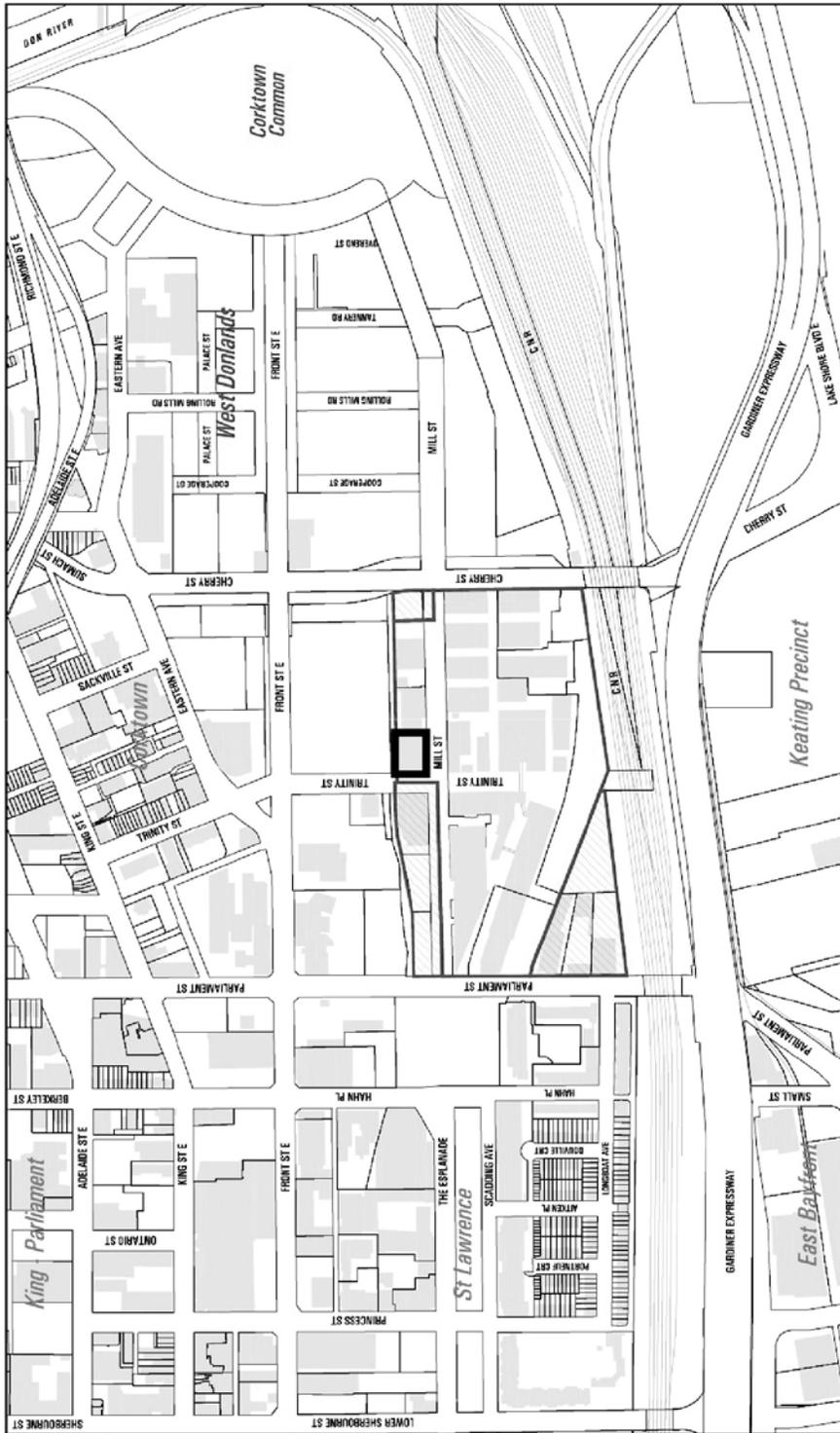
60 Mill Street
File # 11_219591_02

- R3 Residential District
- RA Mixed-Use District
- IC Industrial District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 11/15/2011

Attachment 9: HCD Study Area



60 Mill Street

HCD Study Boundary

-  Subject Site
-  Original Gooderham and Worts Boundary

File # 11 219591 STE 28 0Z

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05/10/2016

