

**City Council****Motion without Notice**

MM28.44	ACTION			Ward:28
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**Alterations to a Designated Heritage Property and Amendment of Heritage Easement Agreement - 60 Mill Street (Rack House D) - by Councillor Pam McConnell, seconded by Councillor Kristyn Wong-Tam**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

**Recommendations**

Councillor Pam McConnell, seconded by Councillor Kristyn Wong-Tam, recommends that:

1. City Council adopt the following recommendations contained in the report (April 25, 2017) from the Chief Planner and Executive Director, City Planning:

1. City Council approve the alterations to the heritage property at 60 Mill Street (Rack House D) in accordance with Section 33 of the Ontario Heritage Act, with such alterations substantially in accordance with plans and drawings dated March 20, 2017, prepared by Saucier + Perotte Architectes, on file with the Senior Manager, Heritage Preservation Services; and the Heritage Impact Assessment (HIA), prepared by ERA Architects Inc. dated April 10, 2017 and also on file with the Senior Manager, Heritage Preservation Services, all subject to and in accordance with a Conservation Plan satisfactory to the Senior Manager, Heritage Preservation Services and subject to the following additional conditions:

a. that prior to issuance of an Ontario Municipal Board Order (Case No. PL15116) in connection with the Official Plan and Zoning By-law Amendment application appeals for the property at 60 Mill Street:

1. the owner shall amend the existing Heritage Easement Agreement with the City for the property at 60 Mill Street in accordance with plans and drawings dated March 20, 2017, prepared by Saucier + Perlotte Architectes, on file with the Senior Manager, Heritage Preservation Services, and in accordance with the Conservation Plan required in Recommendation 1.a.2 in the report (April 25, 2017) from the Chief Planner and Executive Director, City Planning to the satisfaction of the Senior Manager, Heritage Preservation Services including registration of such agreement to the satisfaction of the City Solicitor;

2. the owner shall provide a detailed Conservation Plan prepared by a qualified heritage consultant that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 60 Mill Street prepared by ERA Architects Inc. dated April 10, 2017, to the satisfaction of the Senior Manager, Heritage Preservation Services; and

3. the owner shall enter into and register on the property at 60 Mill Street one or more agreements with the City pursuant to Section 37 of the Planning Act to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning, and the Senior Manager, Heritage Preservation Services with such facilities, services and matters to be set forth in the related site specific Zoning By-law Amendment giving rise to the proposed alterations;

b. that prior to Final Site Plan approval in connection with the Zoning By-law Amendment appeal for the property at 60 Mill Street, the owner shall:

1. provide final site plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 1.a.2 in the report (April 25, 2017) from the Chief Planner and Executive Director, City Planning to the satisfaction of the Senior Manager, Heritage Preservation Services;

2. have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect;

3. provide an Interpretation Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;

4. provide a Heritage Lighting Plan that describes how the exterior of the heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Preservation Services; and

5. submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;

c. that prior to the issuance of any permit for all or any part of the property at 60 Mill Street, including a heritage permit or a building permit but excluding permits for repairs, maintenance and usual and minor works acceptable to the Senior Manager, Heritage Preservation Services, the owner shall:

1. have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect;

2. provide building permit drawings including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 1.a.2 in the report (April 25, 2017) from the Chief

Planner and Executive Director, City Planning, including a description of materials and finishes to be prepared by the project architect and qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services; and

3. provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan and the Interpretation Plan; and

d. that prior to the release of the Letter of Credit required in Recommendation 1.c.3 in the report (April 25, 2017) from the Chief Planner and Executive Director, City Planning, the owner shall:

1. have obtained final site plan approval for the subject property, issued by the Chief Planner and Executive Director, City Planning;

2. provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work has been completed in accordance with the Conservation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and

3. provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services.

2. City Council authorize the City Solicitor to amend the existing Heritage Easement Agreement registered on the title of the property at 60 Mill Street in accordance with the report (April 25, 2017) from the Chief Planner and Executive Director, City Planning, such amendments to include provision for the following to the satisfaction of the Senior Manager, Heritage Preservation Services:

a. the portion of the ground floor to serve as a publicly-accessible heritage interpretation area, including the size (inclusive of circulation space), configuration, and design of the space; and

b. the securing of public access to the heritage interpretation area.

3. City Council authorize the City Solicitor to introduce any necessary bill in Council to amend the Heritage Easement Agreement for the property at 60 Mill Street.

## **Summary**

This is an urgent Item that must be considered by Council at its meeting on April 26, 2017 so that Council direction in this regard can be provided at a scheduled hearing date of the Ontario Municipal Board on May 6, 2017. The development proposal described in the attached report is the result of Ontario Municipal Board led mediation relating to the Official Plan and Zoning Amendment Application appeals for the proposed development of a 29-storey addition on Rack House D for hotel and residential uses. At its meeting on March 28, 2017, City Council adopted a report (March 21, 2017) from the City Solicitor supporting the current proposed development subject to a number of conditions including Council approval of the alterations to the heritage

property at 60 Mill Street under Section 33 of the Ontario Heritage Act.

This report recommends that City Council approve the alterations to the property at 60 Mill Street (Rack House D) in the Distillery District for the purpose of constructing a 6-7 storey addition on top of the heritage resource.

The Toronto Preservation Board considered this report on April 20, 2017 and adopted the recommendations in the report.

### **Background Information (City Council)**

Member Motion MM28.44

(April 25, 2017) Report from the Chief Planner and Executive Director, City Planning on Alterations to a Designated Heritage Property and Amendment of Heritage Easement Agreement - 60 Mill Street (Rack House D)

<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-103313.pdf>