

## **Alterations to a Designated Heritage Property and Amendment of Heritage Easement Agreement - 60 Mill Street (Rack House D)**

**Date:** April 25, 2017

**To:** Toronto City Council

**From:** Chief Planner and Executive Director, City Planning Division

**Wards:** 28 - Toronto Centre-Rosedale

### **SUMMARY**

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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. Rack House D is the only surviving warehouse from the former Gooderham and Worts Distillery that has not been adapted to a new use. The building is currently unoccupied and has not been used since distilling operations on the site ended in 1990.

The development proposal described in this report is the result of Ontario Municipal Board (OMB) 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.

### **RECOMMENDATIONS**

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The Chief Planner and Executive Director, City Planning Division, recommends that:

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 dated April 12, 2017 from the Chief Planner and Executive Director, City Planning Division 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;
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 Division, 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 dated April 12, 2017 from the Chief Planner and Executive Director, City Planning Division 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;

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 dated April 12, 2017 from the Chief Planner and Executive Director, City Planning Division, 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;

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;

d. That prior to the release of the Letter of Credit required in Recommendation 1.c.3 in the report dated April 12, 2017 from the Chief Planner and Executive Director, City Planning Division, the owner shall:

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

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;

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 dated April 12, 2017 from the Chief Planner and Executive Director, City Planning Division, 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;
  - 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.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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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). 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 condominium tower developments.

On June 15, 2011, the applicant filed a proposal to redevelop 60 Mill Street. This property contains the heritage designated and easement-protected Rack House D building, associated with the Gooderham and Worts Special Identity Area (Distillery District). The application proposed to alter the heritage resource by adding a 29-storey hotel and residential tower, totalling 34-storeys with a height of 118 metres including the mechanical penthouse.

On January 10, 2012, the Toronto and East York Community Council (TEYCC) considered a Preliminary Report on the application. The report recommended community consultation and identified the need to review the proposal's impact with respect to the planning framework, and the existing and planned built form surrounding the site.

<http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-43296.pdf>

On June 13, 2014, another applicant associated with the Distillery District group filed a development proposal for 31R Parliament, 370 and 370R Cherry (collectively, the "31R Parliament" application). This application proposed a 57-storey retail, office and residential tower with a height of 189.5 metres including the mechanical penthouse. The application also proposed a 1-storey addition to the previously approved 4-storey office building known as the "Ribbon Building" stretching eastward from the tower toward Cherry Street and having a height of 24.3 metres.

On August 12, 2014, Toronto and East York Community Council (TEYCC) considered a Preliminary Report on the application. The report recommended community consultation, and also directed staff to initiate a built form study for the site, and other potential development sites within and surrounding the Distillery District. The report also expressed concern that the proposal did not fit within the existing built form and heritage context of the area, and did not respect the planning framework of the abutting Distillery District.

<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.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG2.8>

On November 12, 2015 the owners of 60 Mill Street and 31R Parliament Street appealed their Official Plan Amendments and rezoning applications to the Ontario Municipal Board due to Council's failure to make a decision within the time allotted by the Planning Act.

At its meeting of July 12, 2016, City Council adopted items TE17.19 and TE17.20, directing the City Solicitor and other City Staff to attend the OMB hearings for the above-noted matters to oppose the proposed Official Plan Amendment and rezoning applications. The Planning staff reports recommended opposing the proposals as they represented over-development and did not fit within the existing built form and heritage context of the Distillery District. The Staff reports also noted the applications did not conform to the emerging policy direction of draft OPA 304, the city-initiated built form study to guide an appropriate built form for the Distillery District and surrounding areas. Each of the Request for Direction reports also authorized City staff to continue discussions with the applicant on a revised proposal addressing the issues set out in the reports.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE17.19>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE17.20>

The OMB agreed to hear the two appeals together at the first pre-hearing on August 2, 2016. Following the prehearing, mediation sessions were conducted by the Ontario Municipal Board on February 7, 8 and 28, 2017.

At its meeting on March 28, 2017 City Council adopted without amendment the report (March 21, 2017) from the City Solicitor seeking further direction from City Council for the Ontario Municipal Board hearing on the appeals following the OMB facilitated

mediation and recommending to Council in support of the settlement arrived at through the mediation.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.CC27.2>

## **COMMENTS**

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### **Policy Framework**

#### **Standards and Guidelines for the Conservation of Historic Places in Canada**

The Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines) is the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto. The General Standards (1-9) and the Standards for Rehabilitation apply to this project. <http://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>

#### **Provincial Policy Statement and Planning Act**

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 Planning Act and associated Provincial Policy Statement guide development in the Province and they include provincial interests regarding heritage resources as described in the Provincial Policy Statement issued under the authority of Section 3 of the Planning Act. The Planning Act requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development, and promotes the provincial policy-led planning system.

Provincial Policy Statement 2.6.1 reads "Significant built heritage resources and significant cultural heritage landscapes shall be conserved".

#### **Official Plan**

The revised heritage policies in the City of Toronto's Official Plan provide the policy framework for heritage conservation in the City. The following Official Plan policies apply to the proposed alterations:

3.1.5.4: "Properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and adopted by Council."

3.1.5.5: "Proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City."

3.1.5.6: "The adaptive re-use of properties on the Heritage Register is encouraged for new uses permitted in the applicable Official Plan land use designation, consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada."

3.1.5.26: "New construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it."

3.1.5.27: "Where it is supported by the cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures and landscapes on those properties is desirable and encouraged. The retention of facades alone is discouraged."

### **Property Description**

Founded in 1832 by William Gooderham and James Worts, the Gooderham and Worts Distillery operated from 1837 to 1990 and grew to become the largest distillery in the British Empire. Now the Distillery District, the site consists of a 5.3 hectare site with an ensemble of surviving Victorian era buildings and structures recognized as one of the best preserved groupings of 19th Century industrial architecture in Canada. It is a designated National Historic Site. In 1976, the City of Toronto passed By-law No.154-76 to designate the Gooderham and Worts Complex for architectural value. Rack House D is also subject to a Heritage Easement Agreement (HEA) dated April 3, 1996, one of seven registered on title between the owner and the City for the buildings in the Distillery District. The Reasons for Identification in the HEA describe the architectural and historic significance of Rack House D (Attachment 3).

The property at 60 Mill Street is a six storey warehouse building located at the northeast corner of Trinity and Mill Streets (Attachment 1). As a gateway location Rack House D assumes a prominent position within the District. Constructed between 1884-1895 for the storage of alcohol barrels, it is one in a grouping of former rack houses along the north side of Mill Street that comprise the warehouse portion of the former Gooderham and Worts Distillery District complex.

The building was designed by David Roberts Jr. who also designed the familiar "Flatiron" building at Wellington and Church Streets. Constructed of red brick that characterizes many of the buildings in the area, the building's elevations feature a series of brick piers with alternating recessed brick panels. The bricks at the top of the panels are corbelled in a heavy arcaded pattern that is unique within the District. The building is set on a rectangular plan and covered by an almost flat roof with a wood penthouse. Windows are found on the east and west facades only and are distinctive in the regimented pattern of openings with fitted green painted shutters. The interior of Rack House D features a wood roof structure, wood stairs, a raised walkway along the west side, and timber racking rising six stories from the stone footings of the building.

Additional internal elements of interest that form part of the Heritage Equipment Registry for the District include a freight elevator, rope hoist and hand winches.

### **Proposed Development**

The development proposal described in this report is the result of OMB 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.

The current proposed development consists of a 6-7 storey addition on Rack House D with a maximum height of 40 metres including the mechanical penthouse (not to exceed the height of the adjacent 70 Mill Street), a maximum gross floor area of 12,750 square metres for a hotel or residential use, and a maximum 10,100 square metres for an office use. In support of this application the existing zoning will be amended to permit office, hotel, retail, restaurant, and/or residential uses subject to conditions.

The revised massing of the addition on top of Rack House D provides a minimum 3 metre setback from the south and west property lines along Mill Street and Trinity Street respectively. A minimum 3 metre setback above the height of Rack House D is also provided from the east property line resulting in a minimum 9 metre separation distance between the proposed addition and the west facing wall of the 12-storey condominium at 70 Mill Street directly adjacent to the subject property.

### **Proposed Conservation Strategy**

The proposal consists of two components, the Rack House D podium and the addition. The addition features glass of varying degrees of transparency allowing for views into the building as well as reflections of the surrounding District. This transparency balanced with the robust quality and design of the addition provides a necessary balance between the legibility of the addition and its compatibility with Rack House D.

Staff remained committed through the mediation process to ensuring minimum setbacks of the addition to conserve the scale form and massing of Rack House D. The 3 metre setbacks of the addition from the east, west and south elevation, in combination with the reduction in building height to 6-7 storeys from the 29 storeys in the original application, greatly reduces the impact of the proposed development on the subject property, the adjacent 70 Mill Street, and the broader Distillery District.

The existing east, west and south perimeter walls of Rack House D with returns of the north wall, are retained in situ. The central portion of the north elevation is dismantled, the bricks salvaged and reconstructed with the addition of new openings. In situ conservation of the building envelope during construction is accomplished by constructing a temporary steel shoring structure anchored to the walls through temporary through-ties to hold the walls in place for the duration of the construction period. The existing masonry walls will be underpinned below grade.



The interior of Rack House D is proposed to be divided into four (office) or five (residential / hotel) floors, the use still to be determined. With either use the alignment of the existing windows with the new floors is offset. While the east and west elevations are unaffected by the new floor levels, the south and the north elevations, with limited windows, require new openings to provide light as well as access to the lobby, the ground floor interpretation space (discussed below) on the south elevation, and loading and servicing on the north elevation. The slightly irregular arrangement of windows on the north and south elevations clearly indicates they are new interventions. They are however, respectful of the piers as organizing features of these elevations and maintain enough regularity in size and arrangement within the inset panels to relate both to the new addition and to the architectural expression of the heritage structure. Significant features of the elevations of Rack House D will be conserved including the main door in the westernmost bay of the south elevation, and shutters of all windows and portals.

### **Interpretation Strategy**

Retention of enough of the timber racking system to appreciate the scale, depth and complexity of this structure is an important part of the public interest in this project. Staff will be reviewing the Interpretation Plan to ensure this priority is addressed to a high standard. Through mediation the applicant has agreed to provide a minimum of 900 square feet on the ground floor of Rack House D for heritage interpretation. As a condition of Council's support for the mediation settlement, \$200,000 has been established as a minimum expense to be paid by the owner for the heritage interpretation area to be installed within Rack House D. This will be secured in a Letter of Credit for the completion of the Conservation Plan and the Interpretation Plan.

### **Conservation Plan**

While staff is satisfied that enough detail is provided in the Heritage Impact Assessment prepared by ERA Architects Inc. dated April 10, 2017, to recommend in support of this development, there is considerably more detail that is needed in the Conservation Plan. As the applicant is currently considering alternative uses these details are still being developed. Staff will be working closely with the applicant in the completion of the Conservation Plan.

## **CONCLUSION**

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The proposed development is the result of an OMB 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. Staff is satisfied that the impact on the heritage property of the proposed new development has been greatly reduced from the original application with a significant reduction in height. The design of the new addition demonstrates the necessary regard for the attributes of the heritage resource. In addition, the applicant is committed to implementing significant interpretation within dedicated space on the ground floor of the building that will enable the public to access Rack House D and appreciate the uniqueness of this structure historically and in its adaptation for a new use.

## **CONTACT**

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Sherry Pedersen, BLA, MUP  
Program Manager  
Heritage Preservation Services  
Tel: 416-338-1089; Fax: 416-392-1973  
E-mail: [Sherry.Pedersen@toronto.ca](mailto:Sherry.Pedersen@toronto.ca)

## **SIGNATURE**

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Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division

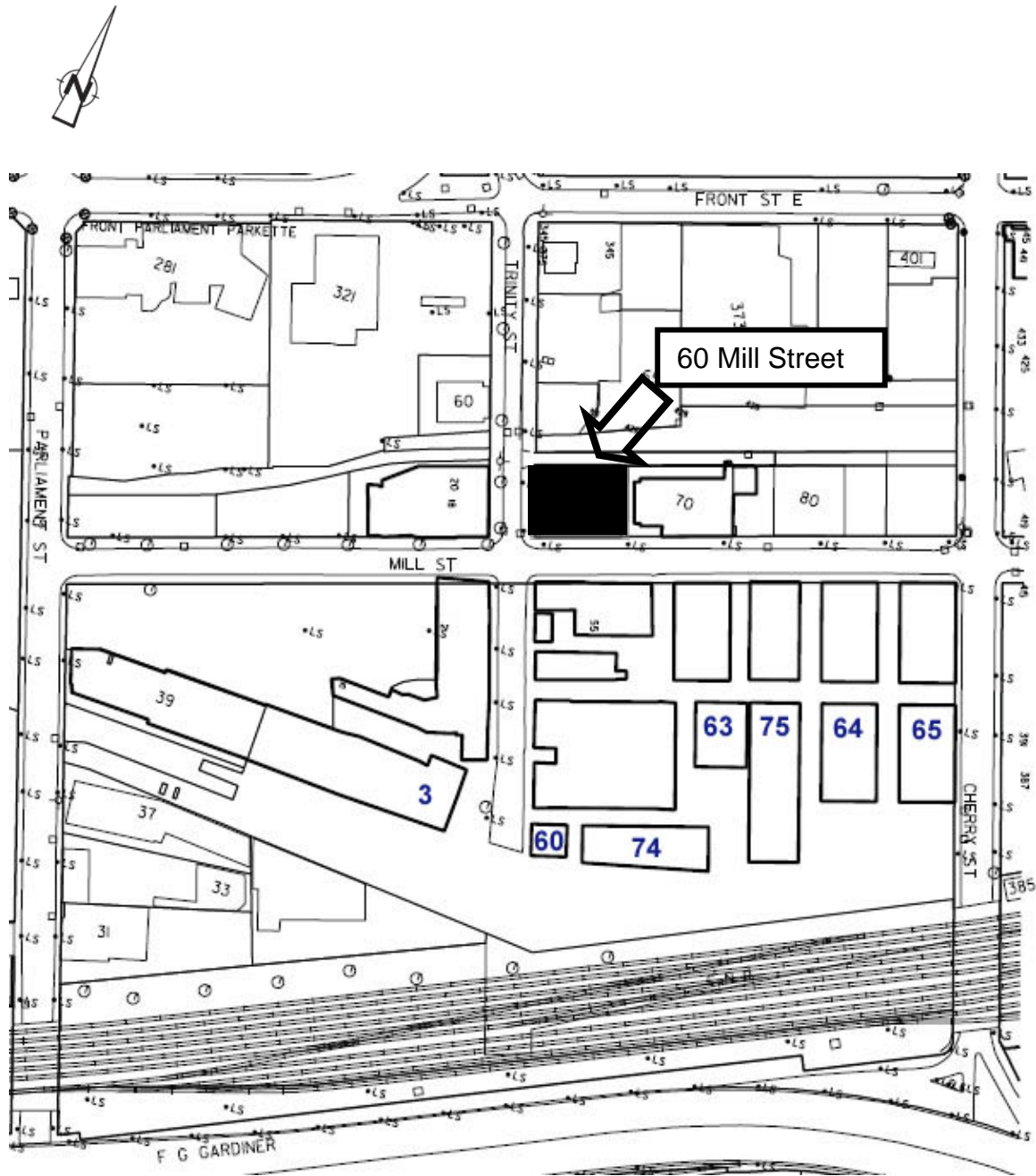
## **ATTACHMENTS**

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Attachment 1 – Location Plan  
Attachment 2 – Photos of Existing Building  
Attachment 3 – Reasons for Identification  
Attachment 4 – Proposal Renderings  
Attachment 5 – Proposal Drawings

60 MILL STREET  
Location Map

ATTACHMENT 1



This location map is for information purposes only; the exact boundaries of the properties are not shown. The arrow marks the location of the property at 60 Mill Street.



View from South-West Looking North East



View Looking North on Trinity Street



60 MILL STREET  
Photos of Existing Building

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View from South-East Looking North-West



Looking South at North Elevation

### Reasons for Identification

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 penth

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ouse. 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.

EXTERIOR VIEWS

View from Distillery District



View Looking North on Trinity Street



# 60 MILL STREET Proposal Renderings

View from Mill Street (looking east)



View Looking East on Mill Street



# 60 MILL STREET Proposal Renderings



View from Mill Street Looking North



SOUTH ELEVATION



Distance between windows and brick pilasters: 200mm

Rendering of South Elevation

60 MILL STREET  
Proposal Renderings



Rendering of East Elevation



Renderings of North and West Elevations

60 MILL STREET  
Proposal Renderings

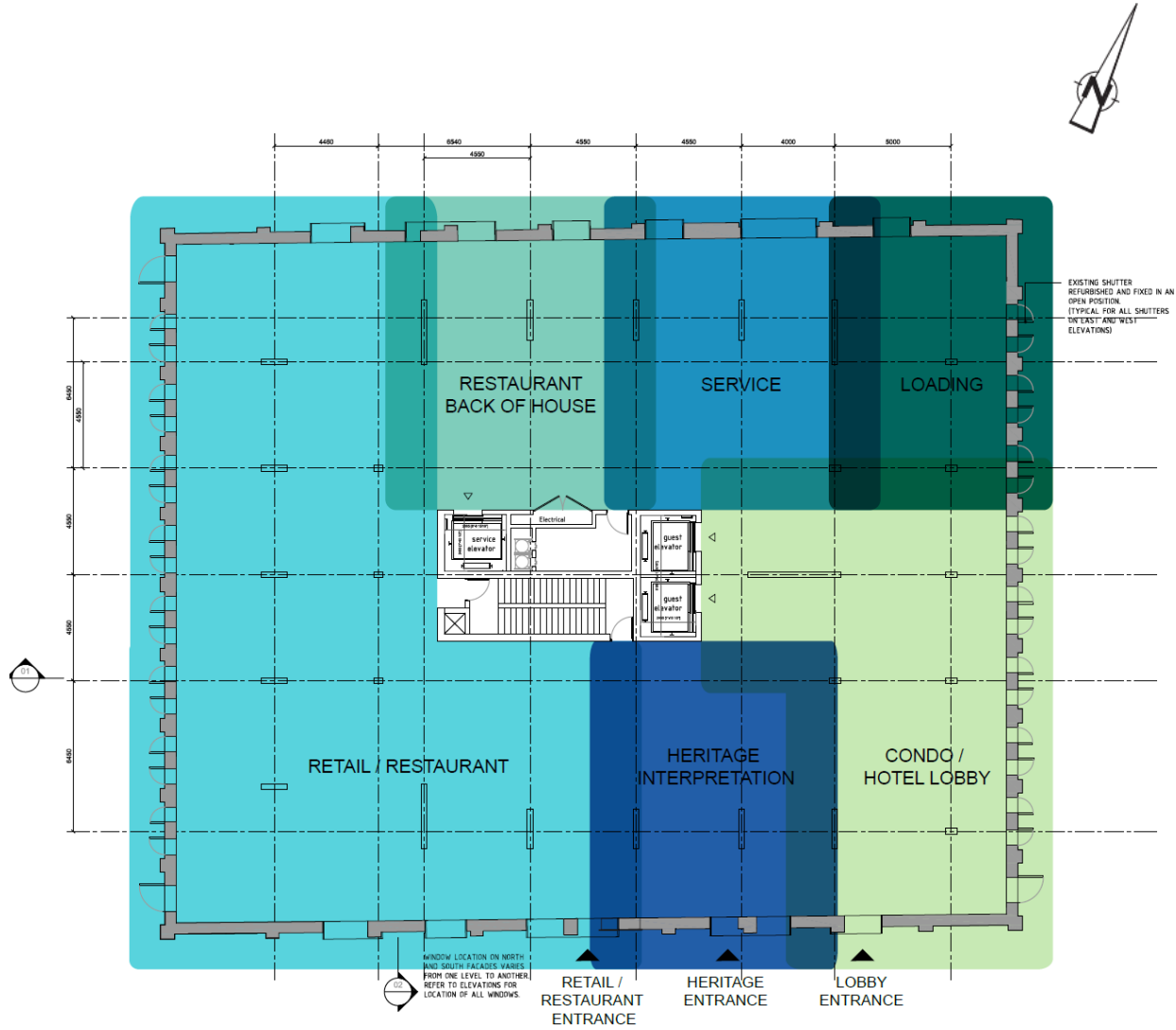


Entrance and Lobby Space



Lobby Space

Previous Images of the Project

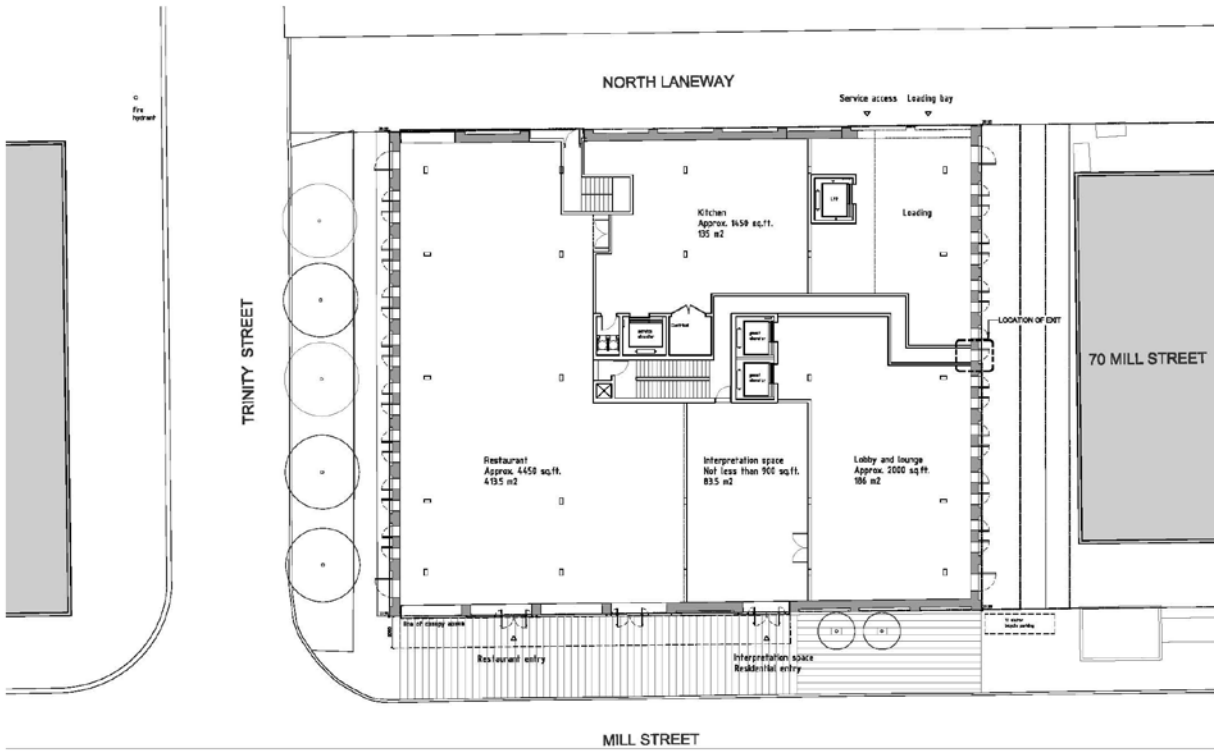


Schematic Ground Floor Uses

# 60 MILL STREET Proposal Drawings



RESIDENTIAL | GROUND FLOOR PLAN  
Scale 1:200



S+P Saucier+Perrotte  
Architects

Rack House D April

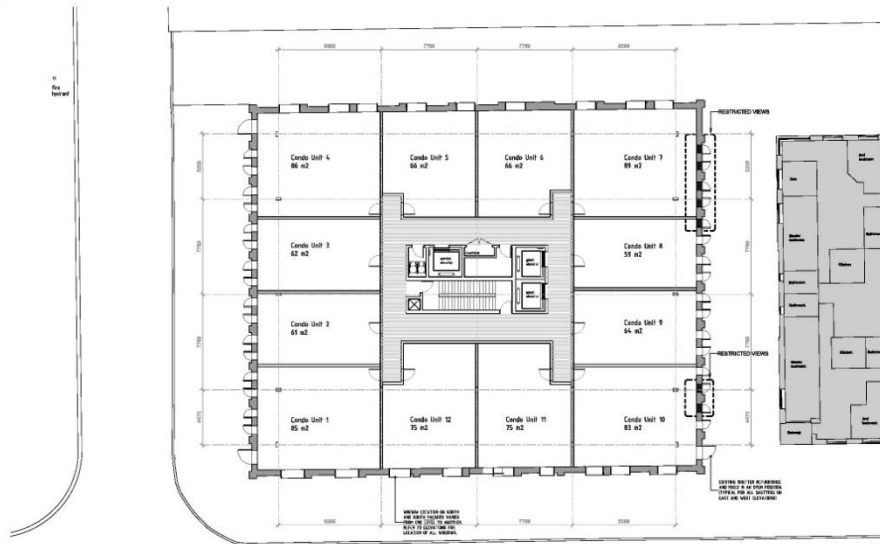
Ground Floor Plan



# 60 MILL STREET Proposal Drawings



RESIDENTIAL | LEVELS 2 - 5 TYPE2  
Scale 1:200

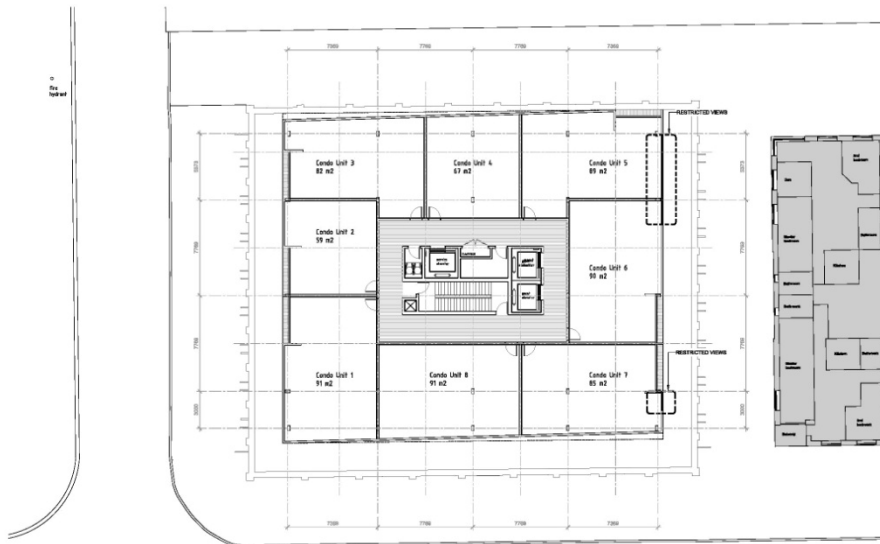


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Architectes

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Typical Residential Floor Plan – Levels 2 - 5 (Type 2)

RESIDENTIAL | LEVELS 7 - 9  
Scale 1:200

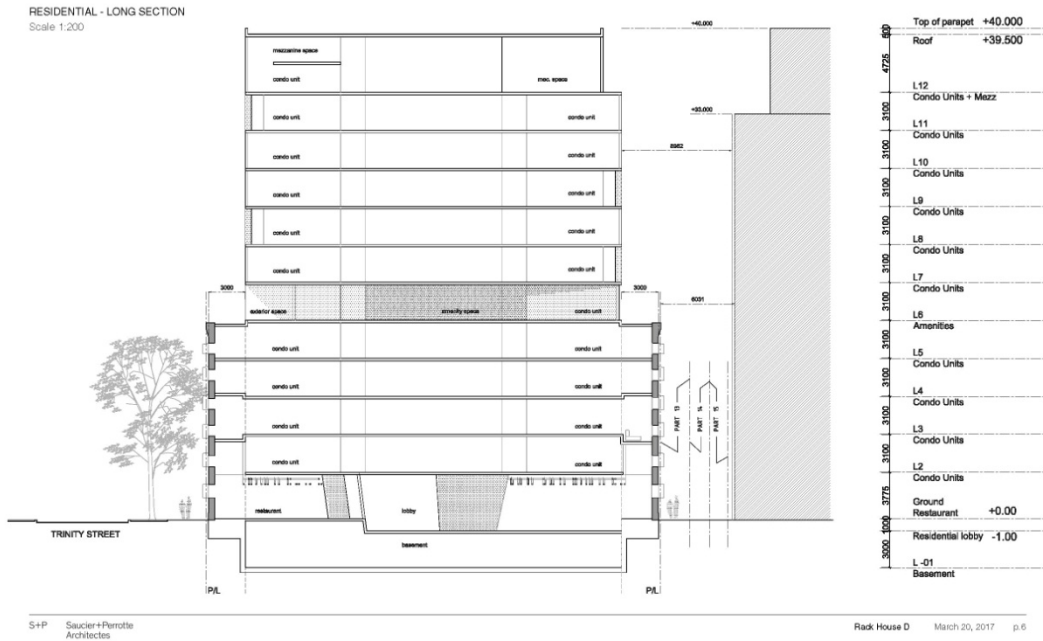


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Architectes

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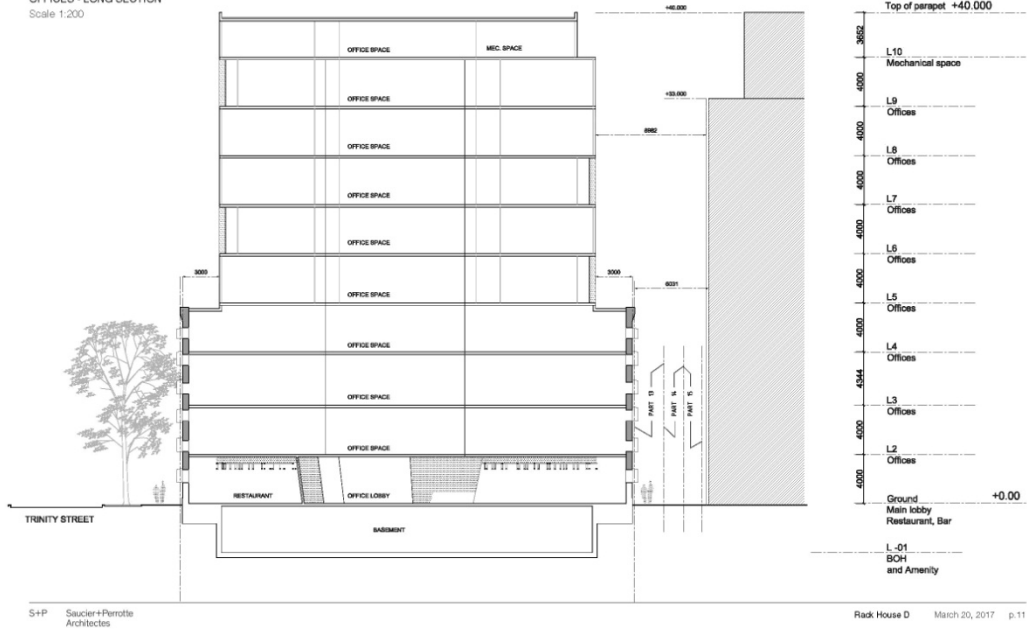
Typical Residential Floor Plan – Levels 7 - 9

# 60 MILL STREET Proposal Drawings



East-West Section through Building Looking North (Residential)

OFFICES - LONG SECTION  
Scale 1:200



S+P Saucier+Perrotte  
Architectes

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East-West Section through Building Looking North (Office)