

60 Mill Street - Zoning By-law Amendment Application – Preliminary Report

Date: January 20, 2020

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward 13 - Toronto Centre

Planning Application Number: 19 264586 STE 13 OZ

Designated Heritage Building on Site: Yes

Current Use on Site: Unoccupied Former Industrial Building

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application for a 31-storey building located at 60 Mill Street. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

The application is not supportable in its current form. Staff will work with the applicant in an attempt to address the issues indicated in this report and any further issues that come up as part of the the application review.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 60 Mill Street in consultation with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

On March 31, April 1 and 2, 2015, City Council authorized the Distillery District as a potential Heritage Conservation District ("HCD") and directed staff to initiate the study of the Distillery District. Subsequently, on December 7, 2016, the Toronto Preservation Board endorsed staff's decision to proceed from Study Phase to the Plan Phase of the Distillery District HCD, including its recommended boundary and the recommendation to proceed to district designation. The subject site is within the recommended boundary of the HCD Plan. The decision document can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PB19.9>

The site was previously subject to an Official Plan and Zoning By-law Amendment application, file no. 11 219591 STE 28 OZ ("2011 application") which proposed a 34-storey (118 metres) mixed-use building. On July 12, 2016, City Council adopted the recommendations of the Request for Directions Report on the appealed application and directed staff to attend the Ontario Municipal Board (now the Local Planning Appeal Tribunal) hearing to oppose the application. The decision document can be found here:

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

On March 27, 2017, City Council adopted the recommendations of the Request for Directions Report on the 2011 application based on a mediated settlement for a mixed-use building of up to 40 metres in height, or 10 to 12 storeys, in conjunction with another application at 31R Parliament Street, 370 Cherry Street and 370R Cherry Street, for a mixed-use development consisting of a 49-storey tower and a 5-storey building. The decision document can be found here:

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

On April 26, 2017, City Council adopted the recommendations of the Member Motion to approve the alterations to the Rack House D building on the subject site to accommodate the Council supported settlement of March 27, 2017. The decision document can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM28.44>

On July 6, 2017, the Local Planning Appeal Tribunal ("LPAT") issued a decision approving the 2011 application in principle based on the March 27, 2017 Council supported settlement, and the application at 31R Parliament Street, 370 Cherry Street and 370R Cherry Street, case no. PL151116, subject to the applicant satisfying various conditions prior to the LPAT issuing its final Order, including the implementing Official Plan and Zoning By-law amendments. The LPAT decision can be found on here:

<http://www.omb.gov.on.ca/e-decisions/pl151116-Jul-06-2017.pdf>

On July 4, 2017, City Council approved Official Plan Amendment no. 304 ("OPA 304"), an amendment that provides direction on an appropriate built form, the protection of sunlight on open spaces, and maintaining the cultural heritage values of the Distillery District. OPA 304 include the permission for the build out of the subject site in accordance with the March 27, 2017 settlement. The decision was appealed to the LPAT by two landowners. The decision document can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE25.7>

On May 1, 2019, the LPAT issued the final Order on a modified OPA 304, case no. PL170913. The modified OPA 304 maintains the permission for the build out of the subject site by allowing an addition on the Rack House D building, subject to meeting other policy directions. The LPAT decision can be found here:

<http://www.omb.gov.on.ca/e-decisions/pl170913-May-01-2019.pdf>

ISSUE BACKGROUND

Application Description

This application proposes to amend the Zoning By-law for the property at 60 Mill street to permit a 31-storey hotel tower with a total height of 115.1 metres, containing 392 hotel suites, 5,950 square metres of commercial space, and 80 vehicular parking spaces within a 5-level underground garage. The existing Rack House D building, designated under Part IV of the Ontario Heritage Act by By-law 154-76 and subject to a Heritage Easement Agreement, is proposed to be altered and incorporated as part of the development.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachments 1 and 2 of this report, for a three dimensional representation of the project in context, Attachment 3 for the location map, Attachment 4 for the proposed site plan drawing and Attachment 6 for the application data.

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan establishes policies that require implementation through a Municipal Comprehensive Review ("MCR"), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act, all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The current application is located on lands shown as Downtown on Map 2 of the Official Plan and designated Mixed Use Areas on Map 18 of the Official Plan.

See Attachment 5 of this report for the land use designation of the Official Plan.

Official Plan Amendment 352 - Updating Tall Building Setbacks Downtown

On October 5-7, 2016, City Council adopted Official Plan Amendment 352 - Downtown Tall Building Setback Area ("OPA 352"). OPA 352 is currently under appeal before the LPAT. The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of all buildings in the Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide detailed performance standards for portions of buildings above 24 metres in height. The previous owner of the subject site has an active appeal on OPA 352 and Zoning By-laws 1106-2017 and 1107-2016.

Further background information can be found at www.toronto.ca/tocore

The Downtown Plan

City Council adopted OPA 406 at its meeting on May 22-24, 2018. OPA 406 included amendments to the Downtown section of the Official Plan and Map 6 of the Official Plan and brought forward a new Secondary Plan for the entire Downtown area.

On August 9, 2018 the City's application under Section 26 of the Planning Act was sent to the Minister of Municipal Affairs and Housing ("MMAH") for approval. The Ministry issued its decision regarding OPA 406 on June 5, 2019. Since this application was submitted after June 5, 2019, OPA 406, the new Downtown Secondary Plan, applies to this application. The in-force Downtown Plan may be found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

The site is designated Mixed Use Areas 2 - Intermediate. Development in Mixed Use Areas 2 will include building typologies that respond to their site context, including mid-rise and some tall buildings. Specific policy direction articulated in the King-Parliament Secondary Plan is to be read together with the Downtown Plan.

Non-residential uses will be protected and promoted in the King-Parliament Secondary Plan Area, especially uses related to the culture sector.

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 historic built form and public realm, while ensuring growth is mutually compatible and complements the existing built form character and scale of the area. The King-Parliament Secondary Plan may be found here:

<https://www.toronto.ca/wp-content/uploads/2017/11/9063-cp-official-plan-SP-15-KingParliament.pdf>

The site is designated Mixed Use Area 'B' (Gooderham & Worts Special Identity Area) in the Secondary Plan, and is further subject to Site and Area Specific Policy 1 - Gooderham and Worts Special Identity Area, where the subject site is within the Mixed Use Area '2' ("Trinity Street Heritage") District. Mixed Use Area '2' is regarded as the focus of the heritage resources in the Gooderham & Worts Special Identity Area.

The site is subject to the LPAT decision issued on July 6, 2017, which approved in principle the Official Plan Amendment for the site to permit the addition of up to 7-storeys above the Rack House D building, resulting in an overall building height of 40 metres. The site specific Official Plan Amendment has not been finalized and there is no final Tribunal Order bringing the site specific Official Plan amendment into force.

King-Parliament Secondary Plan Review

On May 22, 2018, City Council directed staff to undertake a review of the King-Parliament Secondary Plan and the area north of Queen Street East between Jarvis Street and River Street. The review focuses on three themes being built form, public realm and heritage. On October 29, 2019, City Council directed staff to apply the policies of the proposed King-Parliament Plan on current applications, and directed staff to bring forward a recommended King-Parliament Secondary Plan and updated Zoning By-law to City Council by the third quarter of 2020. The proposed King-Parliament Secondary Plan can be found here:

<https://www.toronto.ca/legdocs/mmis/2019/te/bgrd/backgroundfile-138215.pdf>

Distillery District Heritage Conservation District Study and Plan

The Distillery District Heritage Conservation District ("HCD") Study provides an understanding of the history, evolution, built fabric and public realm of the Distillery District in order to identify and describe the character of the area. The HCD Study was completed in 2016 and included a recommendation to initiate the HCD Plan for the study area. Work on the HCD Plan is expected to commence in 2020.

The subject site forms part of the HCD Study area, and is identified as a contributing property.

Zoning By-laws

The site is zoned IC D2 N0.5 under Zoning By-law 438-86, and is also subject to area specific By-law 1994-0396, as amended, with a maximum height of 16.5 metres.

The site is also subject to the LPAT decision issued on July 6, 2017, which approved in principle the rezoning for the site to permit a mixed-use building to a maximum height of 40 metres. A Section 37 Agreement is to be registered on title for the increase in height and density not otherwise permitted by the Zoning By-law, which includes the requirement for a heritage interpretation centre to be installed within the Rack House D building. The amending Zoning By-law and Section 37 Agreement have not been finalized and there is no final Tribunal Order bringing the Zoning By-law into force.

Design Guidelines

The following design guidelines will be used in the evaluation of this application:

- Mid-Rise Building Performance Standards and Addendum; and
- City-wide Tall Building Design Guidelines;

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

COMMENTS

Reasons for the Application

The proposal requires amendment to Zoning By-law 438-86 for the property at 60 Mill Street to vary performance standards, including: the increase in overall building height; addition on the heritage designated Rack House D building; and increase in gross floor area, among other standards.

ISSUES TO BE RESOLVED

The site is subject to an LPAT approval in principle relating to the 2011 application for an addition on top of the Rack House D building with a maximum height of 40 metres. That approval was the result of a settlement endorsed by City Council that considered the application along with properties at 31R Parliament Street, 370 and 370R Cherry Street. City Planning staff do not support this application in its current form as it does

not propose a built form that fits contextually within the existing and planned context for the Trinity Street Heritage District and does not represent good planning. In addition it does not adhere to the LPAT approved settlement which was the result of a comprehensive review including consultation with the public and the Ward Councillor.

The application has been circulated to City divisions and public agencies for comment. At this stage in the review on the subject application, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

Staff will continue to evaluate this planning application for consistency with the PPS (2014) and conformity with the Growth Plan (2019). Given the recognition in Provincial Policy of the importance of official plans and long term planning, conformity with the PPS and the Growth Plan will be informed by conformity with the Official Plan.

Official Plan Conformity

Staff will continue to evaluate this planning application against the Official Plan to determine the application's conformity to the Official Plan including: OPA 352; the existing and proposed King-Parliament Secondary Plan; the Downtown Secondary Plan; and the recent LPAT approved settlement for the site.

Built Form, Planned and Built Context

Staff will continue to assess the suitability and appropriateness of the proposed height, massing, and other built form issues based on Section 2 (d), (p), (q) and (r) of the Planning Act; the PPS; the Growth Plan; the City's Official Plan policies; and the City's Design Guidelines.

The following preliminary issues have been identified:

- The need to reduce the overall building height to conform to the area's existing and planned built form character and scale;
- The need to increase the building's setbacks above the Rack House D building in order to provide for adequate light, sky view and privacy;
- The impacts of new shadowing on the public realm and open spaces. A Shadow Study was submitted and is currently under review by City staff;
- The impacts of pedestrian level wind conditions. A Pedestrian Wind Assessment was submitted and is currently under review by City staff;
- The appropriateness of the streetscape and landscape concept; and

- The appropriate conservation of the heritage designated Rack House D building, including but limited to the proposed addition's stepbacks, and the alterations to the existing building's elevations.

Additional issues will be identified through the review of the application, including further review from City divisions and agencies and the public consultation process.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). There are 5 trees on or within proximity of the subject site. A Tree Removal and Protection Plan has been submitted and is under review by City Staff.

Archaeological Assessment

The subject site is identified as an area of archaeological resource potential. A Stage 1 Archaeological Resource Assessment was submitted and is currently under review.

Heritage Conservation

The site contains the Rack House D building, identified as Building no. 42 in the King-Parliament Secondary Plan, and 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. The Rack House D building is also subject to a Heritage Easement Agreement, registered on title. Alterations to the building as part of this proposal will require an amendment to the existing Heritage Easement Agreement and approval by City Council. A Heritage Impact Assessment was submitted and is currently under review by City staff.

Infrastructure/Servicing Capacity

The proposed development is to be serviced by connections to the existing watermain and sanitary sewers on Trinity Street, with stormwater to be drained to the storm sewer on Trinity Street and supplemented with on-site stormwater management features. Staff are reviewing the application to determine if there is sufficient infrastructure capacity to accommodate the proposed development and the cumulative impact of all the proposed developments in the area. In regards to stormwater, the proposed development will need to meet the requirements of the City of Toronto's Wet Weather Flow Management Guidelines. The proposed development will also need to ensure the discharging of groundwater to the City's sewer system can be adequately supported.

A Functional Servicing and Stormwater Management Report, a Sanitary Capacity Analysis Report and a Preliminary Geotechnical Investigation Report were submitted and are currently under review by City staff to evaluate the effects of the development on the City's municipal servicing infrastructure and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide adequate servicing to the proposed development.

Transportation Impact

A 5-level underground garage that provides 80 vehicular parking spaces for the development is proposed to be accessed from the public east-west laneway north of the site. A loading space is also proposed to be accessed from the laneway. A Transportation Impact Study has been submitted and is under review by City staff to evaluate the effects of the development on the transportation system, and to identify any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

Staff will assess the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support the proposed future population.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features to be secured through the zoning by-law process include: automobile infrastructure; cycling infrastructure; and storage and collection of recycling and organic waste. A TGS Checklist was submitted and is currently under review by City staff for compliance with the Tier 1 performance measures. Staff will encourage the applicant to achieve Tier 2 performance measures or higher as part of the review process should the application be approved in some form.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

The proposal in its current height and density will be subject to Section 37 contributions under the Planning Act. Section 37 benefits have not yet been discussed. City staff intends to apply Section 37 provisions of the Planning Act should this application be approved in some form. Potential benefits may include: local streetscape and parkland improvements; heritage interpretation; affordable housing; child care facilities; and community space.

Other Matters

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONCLUSION

The application is not supportable in its current form and represent an overdevelopment of the site which is too tall, does not provide adequate stepbacks and does not respond appropriately to its context. Staff will work with the applicant to secure changes to the proposal in order to achieve a development which is supportable.

CONTACT

Henry Tang, Senior Planner, Tel. (416) 392-7572, E-mail: Henry.Tang@toronto.ca

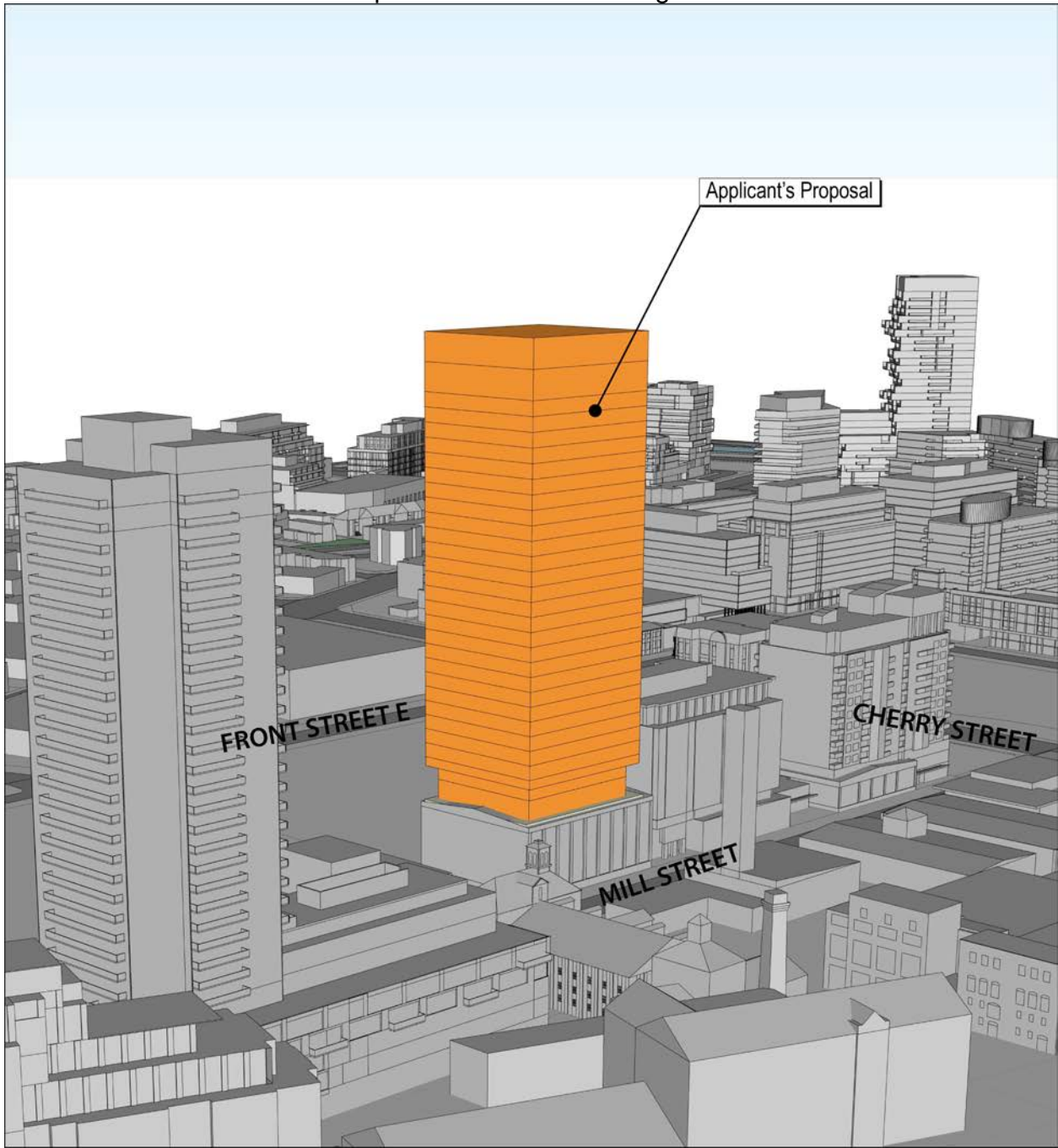
SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA,
Director, Community Planning,
Toronto and East York District

ATTACHMENTS

- Attachment 1: 3D Model of Proposal in Context Looking Northeast
- Attachment 2: 3D Model of Proposal in Context Looking Southwest
- Attachment 3: Location Map
- Attachment 4: Site Plan
- Attachment 5: Official Plan Map
- Attachment 6: Application Data Sheet

Attachment 1: 3D Model of Proposal in Context Looking Northeast

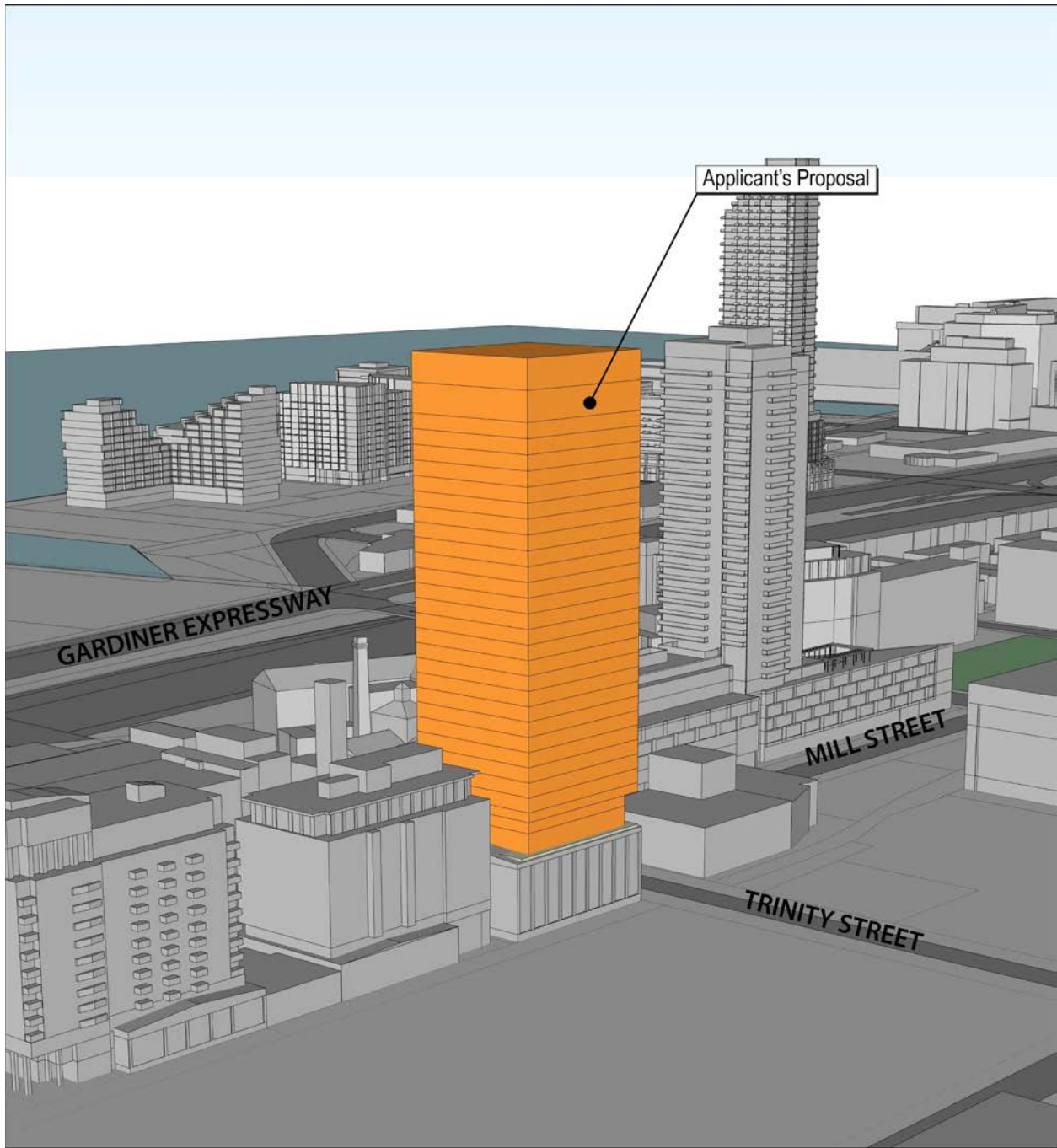


View of Applicant's Proposal Looking Northeast



01/08/2020

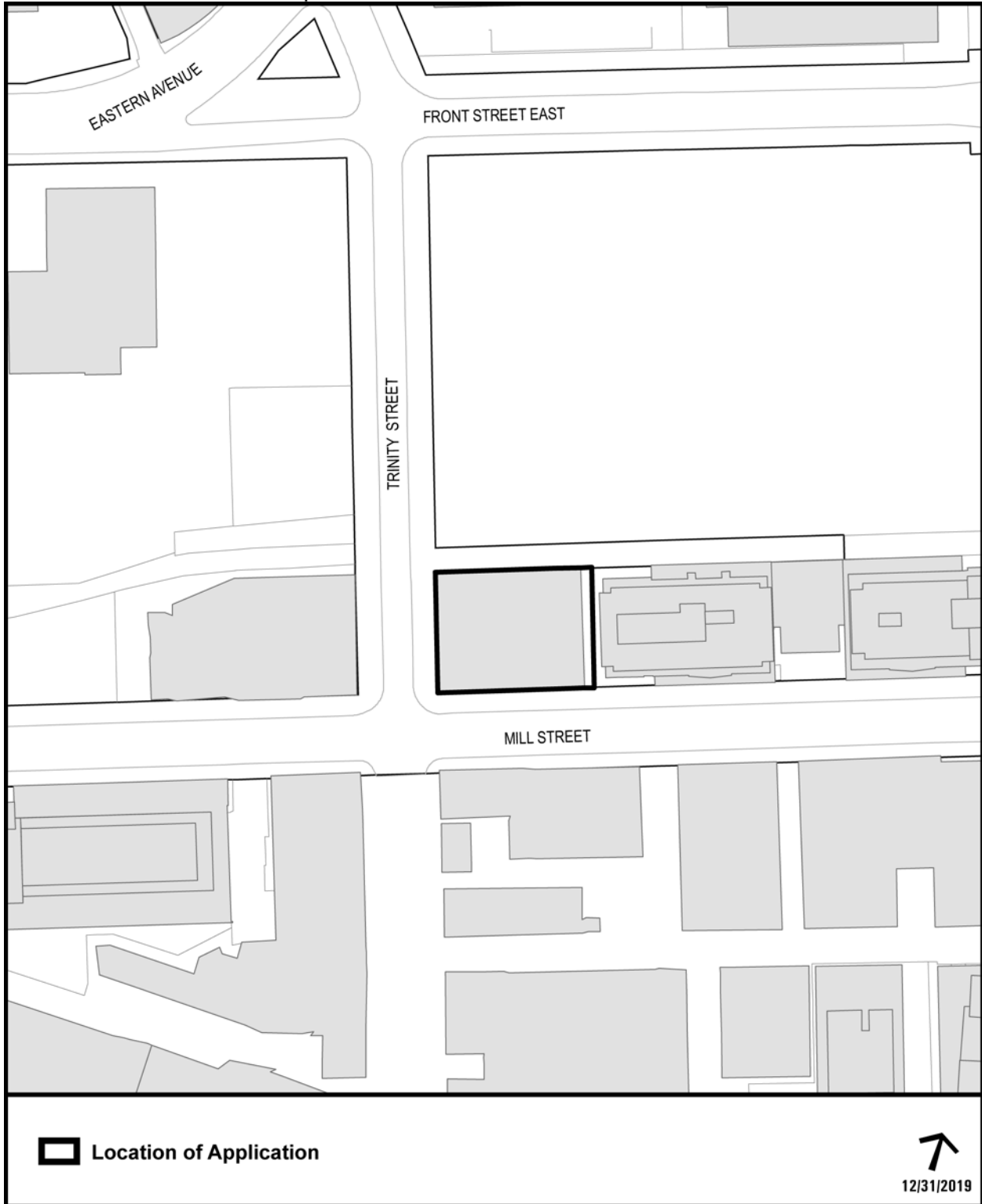
Attachment 2: 3D Model of Proposal in Context Looking Southwest



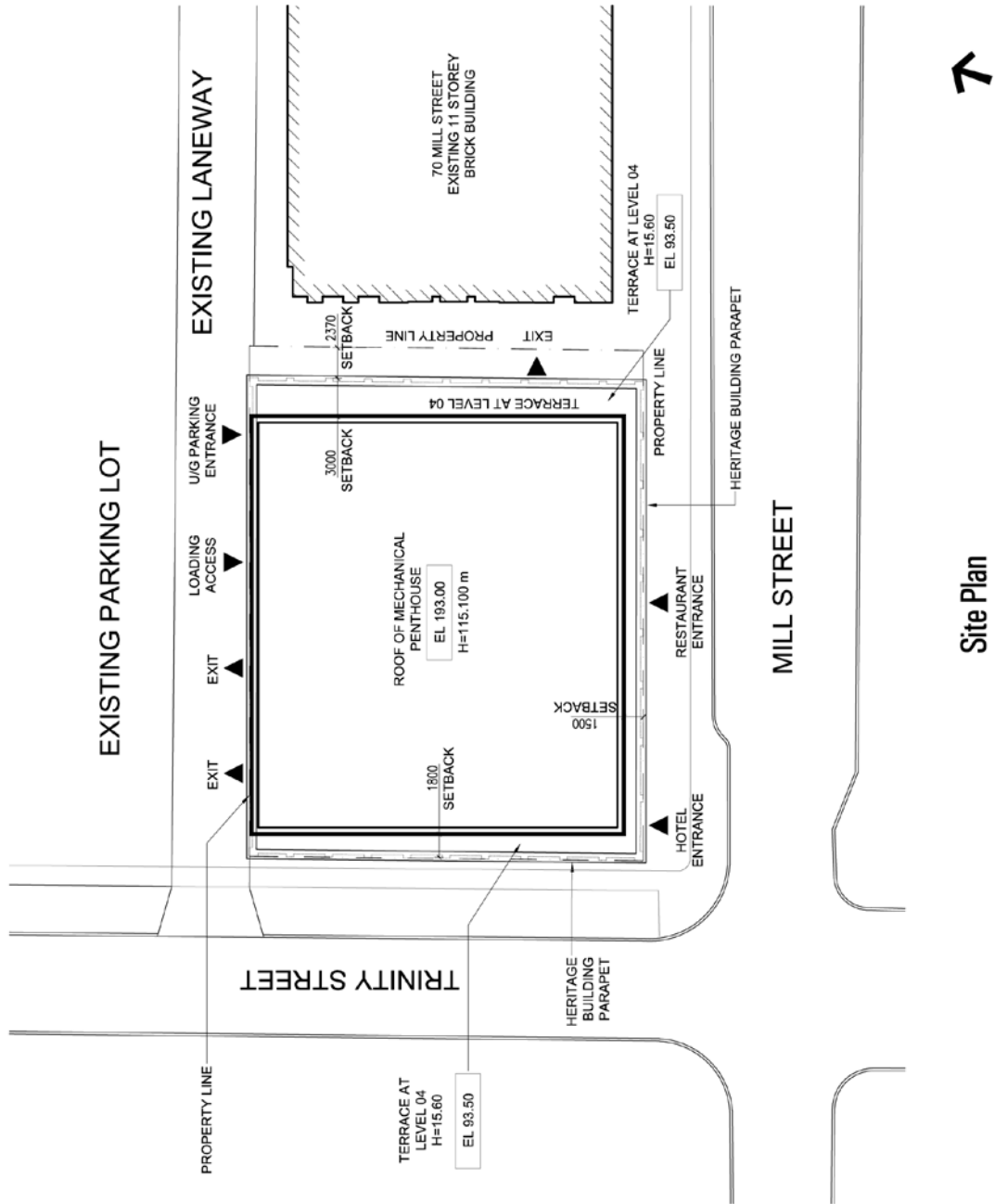
View of Applicant's Proposal Looking Southwest

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Attachment 3: Location Map

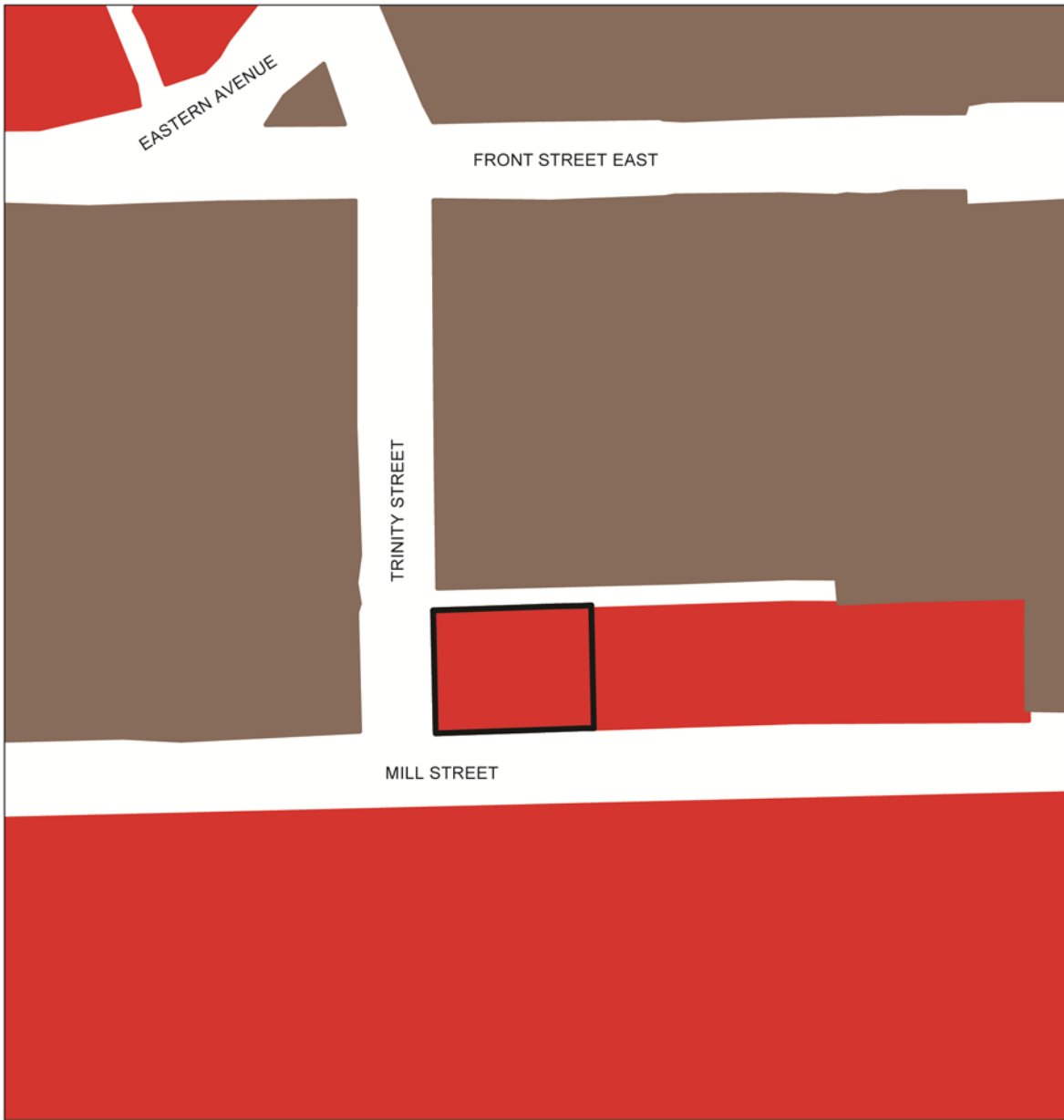


Attachment 4: Site Plan



Site Plan

Attachment 5: Official Plan Map



Official Plan Land Use Map #18

60 MILL STREET

File # 19 264586 STE 13 0Z

-  Location of Application
-  Mixed Use Areas
-  Regeneration Areas


Not to Scale
12/31/2019

Attachment 6: Application Data Sheet

Municipal Address: 60 MILL ST Date Received: December 24, 2019

Application Number: 19 264586 STE 13 OZ

Application Type: Rezoning

Project Description: Zoning By-law Amendment to permit a 32-storey hotel tower with a total building height of 115.1 m (inclusive of mechanical penthouse). A total of 392 hotel suites are proposed with a GFA of approximately 26,944 square metres. The existing heritage Rack House D building is proposed to be incorporated as part of the proposal.

Applicant	Agent	Architect	Owner
Todd Trudelle, Goldberg Group		IBI Group	Easton's Group, Gupta Group

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: Yes

Zoning: IC D2 N0.5 Heritage Designation: Yes

Height Limit (m): 23 Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq m): 1,204 Frontage (m): 39 Depth (m): 30

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,131	1,131		1,131
Residential GFA (sq m):				
Non-Residential GFA (sq m):	1,131	1,131	25,318	26,449
Total GFA (sq m):	1,131	1,131	25,318	26,449
Height - Storeys:	3	3	28	31
Height - Metres:	18	18	109	109

Lot Coverage Ratio (%) : 93.9 Floor Space Index: 21.97

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA:

Retail GFA:

Office GFA:

Industrial GFA:

Institutional/Other GFA: 26,449

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:				
Other:				
Total Units:				

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					
Total Units:					

Parking and Loading

Parking Spaces:	80	Bicycle Parking Spaces:	16	Loading Docks:	1
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CONTACT:

Henry Tang, Senior Planner, Community Planning
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 Henry.Tang@toronto.ca