

60 Mill Street - Zoning By-law Amendment Application – Request for Direction Report

Date: September 21, 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

SUMMARY

The purpose of this report is to request direction from City Council on the pending Local Planning Appeal Tribunal ("LPAT") hearing on the application to amend the Zoning By-law for the property at 60 Mill Street to permit a 31-storey building with a height of 115.1 metres, containing 392 hotel suites resulting in 26,944 square metres of non-residential gross floor area and 80 vehicular parking spaces within a 5-level underground garage. The existing Rack House D building, a heritage property designated under Part IV of the Ontario Heritage Act and subject to a Heritage Easement Agreement, is proposed to be altered and incorporated as part of the development.

Following a review of the application, staff have concluded that the proposed development is not consistent with the Provincial Policy Statement (2020) and does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). Staff have also concluded the proposed development does not conform to the policy direction of the Official Plan and King-Parliament Secondary Plan. The proposal represents overdevelopment, does not respond appropriately to its existing and planned context and does not meet the city-wide Tall Building guidelines.

On August 11, 2020, the Zoning By-law amendment application was appealed to the LPAT 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 application in its current form at the LPAT. It is also recommended that staff continue discussions with the applicant to achieve revisions to the proposal that 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 Zoning By-law amendment application for 60 Mill Street,

file no. 19 264586 STE 13 OZ, and attend any Local Planning Appeal Tribunal 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, including a settlement at the Local Planning Appeal Tribunal, which addresses the issues set out in this report.

3. In the event the Local Planning Tribunal allows the appeal in whole or in part, City Council direct the City Solicitor to request the Local Planning Appeal Tribunal to withhold the issuance of any Order approving the Zoning By-law amendment until:

a.) The owner has provided draft by-laws in a form and with content satisfactory to the Director, Community Planning, Toronto and East York District and the City Solicitor;

b.) The owner has provided a revised functional servicing report and revised hydrogeological report, such reports to be reviewed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

c.) The owner be required to enter into a Heritage Easement Agreement with the City for the property at 60 Mill Street, to the satisfaction of the Senior Manager, Heritage Preservation Services including execution of such agreement to the satisfaction of the City Solicitor prior to the Zoning By-law amendment coming into full force and effect; and

d.) The owner and the City have had an opportunity to discuss and agree on community benefits to be provided in accordance with Section 37 of the Planning Act, and the owner enters into and registers on title an agreement to secure appropriate services, facilities, and/or matters pursuant to Section 37 of the Planning Act as may be required by the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

4. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

FINANCIAL IMPACT

City Planning confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

In 1994, the former City of Toronto Council approved Official Plan Amendment 2 to the King-Parliament Part II 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 (or commonly referred to as "The Distillery District"), a 5.4 hectare site that

consists of an ensemble of Victorian era buildings and structures that were once part of the Gooderham and Worts Distillery operation from 1837 to 1990. Most of the buildings within the Distillery District, including the Rack House D on the subject site, are designated under Part IV of the Ontario Heritage Act and are included in the City's Heritage Register. Along with Official Plan policies and an area specific Zoning By-law, seven Heritage Easement Agreements 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 Distillery District. The framework provides the planning provisions for mixed-use development in the District, including the retention and adaptive re-use of the majority of the heritage buildings. The policies of the Official Plan Amendment 2 to the Part II Plan were transferred to the current King-Parliament Secondary Plan. Since 1994, a number of new buildings have been constructed in the District, including three taller towers and several lower form buildings. A fourth tower in the District is planned but has not yet been constructed.

The site is 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 January 10, 2012, Toronto and East York Community Council considered the Preliminary Report, where the report concludes the 2011 application was a significant departure from the existing planning framework that will require a review of the visual impact of the proposal in relation to the rest of the Distillery District. The application was subsequently appealed by the applicant to the Ontario Municipal Board. 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 LPAT) 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 (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 pursuant to the Ontario Heritage Act 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 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 nos. PL151116 and PL151118, 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 amending site specific Official Plan Amendment and Zoning By-law has not been finalized and there is no final Tribunal Order bringing the Official Plan

Amendment and Zoning By-law into force. A Section 37 Agreement is required to secure capital facilities for the increase in density as part of the March 27, 2017 settlement, and has not been finalized. The LPAT decision can be found 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 includes 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>

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>

On February 5, 2020, Toronto and East York Community Council adopted the Preliminary Report on the subject application, authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision document can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE13.22>

CONSULTATION WITH THE APPLICANT

A preliminary meeting was held on May 8, 2019 with the current applicant to go over the details of the March 27, 2017 settlement for the site. A meeting with the Councillor's office and the applicant was held on May 16, 2019, where the applicant initiated a proposal for a 24-storey building that would substantially deviate from the March 27, 2017 settlement contemplating a 10-12 storey building.

A pre-application meeting was held on July 23, 2019 for a 28-storey building containing 384 hotel suites. City Planning staff indicated the proposed use is supportable but the built form was not consistent with the LPAT approved settlement that was subject to a complex review and mediation, and does not conform to the Official Plan direction for redevelopment in the area.

The current application was submitted on December 24, 2019 and deemed complete on February 3, 2020. The proposal is now for a 31 storey hotel building.

Additional in person consultations took place with the applicant on November 7, 2019 and March 9, 2020 where staff reiterated the proposal in its current form is not supportable. A virtual consultation took place with the applicant's heritage consultants on May 15th, 2020.

A community consultation meeting was held on August 25, 2020 to obtain feedback from the community.

PROPOSAL

Application Details

The application proposes to amend the Zoning By-law for the property at 60 Mill Street to permit a 31-storey hotel with a total height of 115.1 metres, containing 392 hotel suites resulting in 26,944 square metres of non-residential gross floor area, and 80 vehicular parking spaces within a 5-level underground garage. The proposed tower results in a floorplate of 878 square metres. The existing heritage designated Rack House D building is proposed to be altered and incorporated as part of the development.

Refer to Table 1 for the proposal's massing setbacks from the property lines, and Attachment 1 for the Application Data Sheet.

Table 1: Summary of Massing Setbacks

	North Property Line	East Property Line	South Property Line (Mill Street)	West Property Line (Trinity Street)
Existing Rack House D Setback	0 metres	2.4 metres	0 metres	0 metres
Proposed Tower Addition Setback	0.2 metres	5.4 metres	1.5 metres	1.8 metres

See Attachments 2 and 3 for a three dimensional representation of the proposal in context, Attachment 4 for the location map, Attachment 10 for the site plan, and Attachments 11 to 14 for the elevations.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Site and Surrounding Area

The site is a square shaped parcel with an area of 1,203.8 square metres on the northeast corner of Mill Street and Trinity Street. The Rack House D building, with an approximate height of 16.5 metres covering the majority of the site, is identified as Building No. 42 in the King-Parliament Secondary Plan and part of the Distillery District - a national historic site of Canada, and designated under Part IV of the Ontario Heritage Act by By-law 154-76. The Rack House D building is also subject to an Heritage Easement Agreement ("HEA"). East of the building is a north-south pedestrian walkway.

The surrounding land uses are as follows:

North: An east-west City-owned public laneway. North of the laneway is 373 Front Street East, part of the master planned West Don Lands, which is currently used as a surface commercial parking lot subject to a rezoning application for two 13-storey buildings, file no. 19 228307 STE 13 OZ.

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, part of the West Don Lands, currently a vacant parcel also subject to the same rezoning application at 373 Front Street East for a 11-storey building. Both 80 and 90 Mill Street are designated under Part IV of the Ontario Heritage Act and included in the City's Heritage Register and forms part of the national historic site.

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 corridor. 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 HEAs and are included in the City's Heritage Register. These buildings also form part of the national historic site. Southwest is a 32-storey mixed-use building at 33 Mill Street. Southeast are two mixed-use buildings of 40 and 37 storeys at 70 Distillery Lane and 370 Cherry Street respectively. Further south are the properties at 31R Parliament Street, 370 and 370R Cherry Street which, along with the previous settlement on this site, were the subject of the LPAT approval of a 49-storey tower and a 5-storey "Ribbon Building", file no. 14 174007 STE 28 OZ.

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 planned for a future park.

Reasons for Application

The proposal requires amendments to Zoning By-law 438-86 for the property at 60 Mill Street to vary 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.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Survey
- Context Plan
- Site Plan
- Floor Plans
- Elevations
- Digital 3D Model
- Draft Zoning By-law Amendment
- Conceptual Landscape Plans
- Sun/Shadow Study
- Planning and Urban Design Rationale Report
- Public Consultation Plan
- Toronto Green Standard Checklist
- Tree Preservation Plan
- Tree Inventory and Preservation Plan Report
- Pedestrian Level Wind Study
- Noise and Vibration Feasibility Assessment
- Heritage Impact Assessment
- Archaeological Letter
- Air Quality Report
- Energy Strategy
- Transportation Impact Study
- Functional Servicing and Stormwater Management Report
- Sanitary Capacity Analysis Report
- Phase 1 and 2 Environmental Site Assessment Reports
- Preliminary Geotechnical Investigation
- Hydrogeological Investigation

Copies of the submitted documents are available on the City's Application Information Centre at:

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

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the Planning Act sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including, but not limited to: the orderly development of safe and healthy communities; the adequate provision of employment opportunities; the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; the appropriate location of growth and development; the adequate provision and distribution of educational, health, social, cultural and recreational facilities; the protection of the financial and economic well-being of the Province and its municipalities; the promotion of development that is designed to be sustainable, support public transit and oriented to pedestrians; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs;
- protecting people, property and community resources by directing development away from natural or human-made hazards; and
- conserving significant built heritage resources.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent

with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on May 16, 2019, with Amendment 1 to the Growth Plan coming into effect on August 28, 2020. The Growth Plan (2020) 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, 2020 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 (2020), 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 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;
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas; and
- Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities.

The Growth Plan (2020) builds upon the policy foundation provided by the PPS (2020) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) 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.

Planning for Major Transit Station Areas

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

Staff have reviewed the proposed development for the consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are provided in the Comments section of this Report.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan, the Downtown Plan and the King-Parliament Secondary Plan, as amended by OPA 304 as follows:

Chapter 2 - Shaping the City

The site is within the Downtown on Map 2 - Urban Structure of the Official Plan. The Downtown is anticipated to accommodate growth that is not intended to be spread uniformly across the whole of Downtown.

Section 2.2 Structuring Growth in the City: Integrating Land Use and Transportation

This section states the Plan protects the integrity of the City's transportation network, and steers future growth to areas that are well served by transit, including the Downtown. The integration of transportation and land use planning is critical in achieving the overall aim of increasing accessibility throughout the City.

Policy 2.2.2 states growth will be directed to the Downtown in order to: concentrate jobs and people in areas well served by surface transit and rapid transit stations; promote mixed use development to increase opportunities for living close to work; and offer opportunities for people of all means to be affordably housed.

Section 2.2.1 Downtown: The Heart of Toronto

This section states the Plan will create a better urban environment, a competitive economy and a more socially diverse and equitable city through the integration and coordination of transportation planning and land use planning by attracting more people and jobs to targeted growth areas in the City. Downtown is where our history is richest, but it is also where we continue to rebuild to accommodate a growing economy and a changing society. Given that this is one place in Toronto where "change is constant", we must ensure that our built heritage is respected, nurtured and improved.

Policy 2.2.1.1 states the Downtown Urban Growth Centre ("UGC") will be planned to optimize the public investment in higher order transit within the Centre and should exceed the minimum combined gross density target of 400 residents and jobs per hectare set out in the Growth Plan.

Policy 2.2.1.2 states the Downtown will continue to be shaped as the largest economic node in the city and the region by accommodating development that: a) builds on the strength of Downtown as the premier employment, institutional, retail, arts and culture, and entertainment centre in the Greater Golden Horseshoe; b) advances economic competitiveness and helps to attract provincially, nationally and internationally significant investment and employment uses; and g) fosters growth of creative industries and culture sector centred on the King-Parliament Secondary Plan Area.

Policy 2.2.1.4 states the quality of Downtown will be improved by: a) developing programs and activities to maintain and upgrade public amenities and infrastructure; and d) preserving and strengthening the range and quality of the social, health, community services and local institutions in Downtown.

Policy 2.2.1.5 states the architectural and cultural heritage of Downtown will be preserved by designating buildings, districts and open spaces with heritage significance by working with owners to restore and maintain historic buildings. Policy 2.2.1.6 states design guidelines specific to districts of historic or distinct character will be developed and applied to ensure development respects the context of such districts.

Section 2.4 Bringing the City Together: A Progressive Agenda of Transportation Change

This section states the Plan integrates transportation and land use planning, providing policy direction to ensure transportation infrastructure is used efficiently to emphasize the movement of people instead of vehicles.

Policy 2.4.18 states large commercial and office buildings and hotels will make provision for taxi stands on private property.

Chapter 3 - Building a Successful City

Section 3.1.1 The Public Realm

This section provides direction to the importance of the public realm including streets, sidewalks, internal pedestrian connections, open space areas, parks and public buildings.

Policy 3.1.1.5 states City streets are significant public open spaces and shall incorporate a Complete Streets approach and be designed to perform their diverse roles.

Section 3.1.2 Built Form

This section states the development must not only fit on its site and program, but also in terms of how the site, building and its streetwall fit within the existing and/or planned context of the neighbourhood and the City. Each new development should promote and achieve the overall objectives of the Plan.

Policy 3.1.2.1 states new development will be located and organized to fit within its existing and/or planned context.

Policy 3.1.2.2 states new development will locate and organize vehicle parking, access, service areas and utilities to minimize their impact to improve the safety and attractiveness of adjacent street and open spaces.

Policy 3.1.2.3 requires new development to be massed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by: massing new buildings to frame adjacent streets and open spaces that respects the street proportion; creating appropriate transitions in scale to neighbouring existing and/or planned buildings; providing for adequate light and privacy; limiting shadowing and uncomfortable wind conditions on neighbouring streets, properties and open spaces; and minimizing any additional shadowing on neighbouring parks as necessary to preserve their utility.

Policy 3.1.2.4 requires new development to 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 3.1.2.5 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

This section states tall buildings come with larger civic responsibilities and obligations. Tall buildings are generally defined as those buildings taller than the width of the right-of-way.

Policy 3.1.3.2 requires tall building proposals to address key urban design considerations that include: demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure; demonstrating how the proposed building and site design relate to the existing and/or planned context; taking

into account the relationship of the site to the topography and other tall buildings; and providing high quality, comfortable and usable publicly accessible open space areas.

Section 3.1.5 Heritage Conservation

This section provides direction on the identification of potential heritage properties, conservation of heritage properties, and on development adjacent to heritage properties. As noted earlier in this report, the Rack House D building is a designated property under Part IV of the Ontario Heritage Act, and is subject to a HEA. Further, the site is identified as a contributing property in the Distillery District HCD study.

Policy 3.1.5.4 states properties on the Heritage Register will be conserved and maintained consistent with the *Standards and Guidelines for the Conservation of Historical Places in Canada*, as revised from time to time and adopted by Council.

Policy 3.1.5.5 states 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.

Policy 3.1.5.6 states 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*.

Policy 3.1.5.26 states 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.

Policy 3.1.5.27 states, where it is supported by 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.

Policy 3.1.5.32 states impacts of site alterations, developments, municipal improvements, and/or public works within or adjacent to Heritage Conservation Districts will be assessed to ensure that the integrity of the districts' heritage values, attributes, and character are conserved.

Policy 3.1.5.33 states Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District Plans.

Section 3.2.3 - Parks and Open Spaces

This section provides direction on the need for parks and open spaces.

Policy 3.2.3.3 states the effects of development from adjacent properties, including additional shadows, noise, traffic and wind on parks and open spaces will be minimized as necessary to preserve their utility.

Section 3.5 Toronto's Economic Health

Policy 3.5.1.1 states Toronto's economy will be nurtured and expanded to provide for future employment needs and the fiscal health of the City.

Policy 3.5.1.2 states a multi-faceted approach to economic development in Toronto will be pursued that: c) provides appropriate locations and opportunities for new retail and service establishments; and e) promotes the Cultural Sector as an important element of our civic economy.

Chapter 4 - Land Use Designations

Section 4.5 Mixed Use Areas

The site is designated Mixed Use Areas on Map 18 of the Official Plan. Mixed Use Areas are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed use buildings.

Policy 4.5.2 states development within Mixed Use Areas will: create a balance of high quality commercial, residential, institutional and open spaces that reduce automobile dependency and meet the needs of the local community; locate and mass new buildings to provide a transition between areas of different intensity and scale through means such as setbacks and/or stepping down of heights; and frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

See Attachment 5 for the subject site's Official Plan land use designation.

Chapter 5 - Implementation

Section 5.1.1 Height and/or Density Incentives

This section refers to Section 37 of the Planning Act and establishes the provisions under which Section 37 may be used.

Section 5.2.1 Secondary Plans: Policies for Local Growth Opportunities

The site is subject to the Downtown Plan and the King-Parliament Secondary Plan.

Policy 5.2.1.3 states Secondary Plans will promote a desired type and form of physical development resulting in highly functional and attractive communities and plan for an appropriate transition in scale and activity between neighbouring districts.

Section 5.3.2 Implementation Plans and Strategies for City-building

This section indicates detailed action-oriented plans, programs and strategies will be needed to implement the Official Plan and to adapt to changing circumstances and challenges over the life of the Official Plan.

Policy 5.3.2.1 states implementation plans, strategies and guidelines will be adopted to advance the vision, objectives and policies of this Plan.

Section 5.6 Interpretation

This section establishes how the policies are to be understood and interpreted.

Policy 5.6.1 states that the Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

Policy 5.6.1.1 states policies should not be read in isolation. When more than one policy is relevant, all appropriate policies are to be considered in each situation.

Policy 5.6.6 states policies of this Plan apply to the areas subject to the Secondary Plans contained in Chapter 6, except in the case of a conflict, the Secondary Plan policy will prevail.

Chapter 6 - Secondary Plans

Section 41 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.

See Attachment 8 for the site's Downtown Plan Mixed Use Area designation.

Section 15 King-Parliament Secondary Plan

The site is within the boundary of the King-Parliament Secondary Plan ("KPSP"). The main objectives of the KPSP 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 site is designated Mixed Use Area 'B' (Gooderham & Worts Special Identity Area) in the KPSP, and is further subject to Site and Area Specific Policy 1 - Gooderham and Worts Special Identity Area ("SASP 1"). 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. Through OPA 304, policy 4.1.2 c) allows for an addition to the Rack House D building, subject to the various policy directions, including Policy 3.1 that require additions to existing buildings be permitted only if it has been demonstrated the three dimensional integrity of the heritage building, and the quality and character of the on-site building and its relationship to the adjacent heritage buildings are respected.

The design guidelines of the 1994 planning framework for the Distillery District are carried over to SASP 1 as Policy 5 in the SASP 1. Key urban design policies relevant 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;
- 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; and
- Minimize interventions into the existing buildings such as openings for new doors and windows.

See Attachment 6 for the site's KPSP Land Use designation, and Attachment 7 for the site's SASP 1 Map.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

King-Parliament Secondary Plan Review

On May 22, 2018, City Council directed staff to undertake a review of the KPSP and the area north of Queen Street East between Jarvis Street and River Street. The review focuses on three main 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 KPSP and updated Zoning By-law to City Council by the first quarter of 2021. The proposed KPSP can be found here:

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

OPA 352 – Downtown Tall Building Setback Area

On October 5-7, 2016, City Council adopted Official Plan Amendment 352 ("OPA 352") – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings in Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide the 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.

Zoning

The site is zoned IC D2 N0.5 under Zoning By-law 438-86, which permits industrial and commercial uses. The zoning permits a maximum density of 2 times the lot area where a maximum density of 0.5 times the lot area is allowed for commercial uses. 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 districts in the SASP 1 of the KPSP. The site is within the Trinity Street Heritage District, where only non-residential uses are permitted, with a maximum height limit of 16.5 metres, generally the height of the existing Rack House D building.

See Attachment 9 Zoning for the site's zoning designation.

Section 37 Agreement

The site is subject to the existing Section 37 Agreement for the Distillery District, 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. The application represents an increase in the permitted height and density for the site, and as a result the existing Agreement will require an amendment or a new agreement will be required should the proposal be approved in some form.

Heritage Easement Agreement

The Rack House D building is subject to an HEA registered on title between the owner and the City. The HEA, in conjunction with the heritage reports, includes the statement

of reasons, which lists the reasons why Rack House D has historic and architectural significance. The HEA also sets out a framework for the building's adaptive re-use and includes a demonstration scheme. The demonstration scheme does not anticipate a substantial addition above the building. On April 26, 2017, City Council adopted the recommendations of the Member Motion to approve the alterations to the Rack House D building to accommodate the March 27, 2017 settlement, which also requires an amendment to the HEA to allow for the addition. The amendment to the HEA has not been executed. 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 LPAT.

Design Guidelines

Part III of the PPS under the section titled "Guidance Material" states that guidance material and technical criteria may be issued from time to time to assist planning authorities and decision-makers with implementing the policies of the Plan. Policy 5.2.5.6 of the Growth Plan indicates supporting documents, such as design guidelines, will direct the development of a high quality public realm and compact built form in achieving minimum intensification and density targets of the Plan. Policy 5.3.2.1 of the Official Plan states 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 realm improvements in growth areas. The following design guidelines were used in the evaluation of this application.

City-Wide Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of 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. The guidelines can be found here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bqrd/backgroundfile-57177.pdf>.

Distillery District Heritage Conservation District Study 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 2021.

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

Site Plan Control

The proposal is subject to Site Plan Control. An application for Site Plan approval has been submitted and was deemed complete on April 3, 2020 under the Planning Act.

COMMUNITY CONSULTATION

A community consultation meeting was originally scheduled for March 12, 2020 at the Lucie and Thornton Blackburn Conference Centre at 80 Cooperage Street, but was postponed out of an abundance caution to limit public gatherings to reduce the risk of the spread of Covid-19. A virtual community consultation meeting was held on August 25, 2020 using the Webex platform. Comments raised through the virtual meeting, along with comments raised through written correspondence include:

- The height and mass does not fit contextually to its immediate context;
- Increased traffic congestion generated by the development;
- Questions on the need for a hotel at this location;
- Concerns on the feasibility of the retention of the building in-situ based on the proposed development scheme; and
- Noise and air emission impacts to the neighbouring residential building at 70 Mill Street.

The applicant's team also met with members of the Gooderham and Worts Neighbourhood Association on January 30, 2020 at 80 Mill Street to provide background on the proposal and to answer questions posed by the members.

COMMENTS

Planning Act

It is staff's opinion the application does not have regard to the following matters of provincial interest: section 2 (d) which speak to the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; section 2 (i) which speaks to the adequate provision and distribution of cultural facilities; and sections p) and r) which speak to the appropriate location for growth and development and the promotion of built form that (i) is well designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

It is staff's opinion that although the application does have regard to other matters of provincial interest, being: section (k) which speaks to adequate provision of employment opportunities; and section (l) the protection of the financial and economic well-being of the Province and its municipalities; an alternative proposal that would have regard to sections 2 (d), (i), (p) and (r) would also have regard to sections 2 (k) and 2(l).

These provincial interests are further articulated through the PPS (2020) and the Growth Plan (2020).

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). The proposal has been reviewed and evaluated against Policy 5.1 of the

Growth Plan as described in the Policy Considerations and Issues Background section of this report.

Staff have determined that the proposal is not consistent with the PPS and does not conform with the Growth Plan.

Provincial Policy Statement

The PPS 2020 came into effect on May 1, 2020. Municipalities and other approval authorities in exercising any authority that affects a planning matter requires that decisions shall be consistent with policy statements issued under the Planning Act.

The PPS is to be read in its entirety. The language in each policy, including the Implementation and Interpretation policies assists decision makers in understanding how the policies are to be implemented. The PPS contains minimum standards and municipalities can go beyond these standards unless doing so would conflict with other policies of the PPS.

From a land use and intensification perspective, this application is consistent with policies that promote efficient land use patterns (Policies 1.1.1, 1.1.2, 1.1.3.1, and 1.1.3.2), as the proposal provides for a commercial development resulting in 392 hotel suites in a mixed-use area that is planned for a point of activity for residents, tourists and workers. The proposal is consistent with the policy direction that speaks to planning authorities are to identify the locations for intensification to facilitate intensification and redevelopment (Policy 1.1.3.3). In this regard, although the site is located in an area for intensification, the subject site is within the Trinity Street Heritage District of the Distillery District, where the Official Plan policy direction require redevelopment to be sensitive to the area's focus on its heritage resources. The proposal's level of intensification exceeds the planned context for the Trinity Street Heritage District area. Further, City Planning is of the opinion that an alternative proposal that would conform to the Official Plan direction for redevelopment in this area would also be consistent with the PPS in regards to land use and the promotion of efficient land use patterns. Creating a diverse Downtown, which include different scales and intensity of development creates an efficient land use pattern as a whole.

Further, from a built form perspective Policy 1.7.1 e) indicates long-term economic prosperity should be supported by...encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes. Policy 1.1.3.4 states appropriate development standards be promoted to facilitate intensification and a compact form. Development standards are established in the Official Plan, the Downtown Plan, and the KPSP, including SASP 1. Supporting documents in the form of the Tall Building Guidelines further implements the Official Plan direction and reconfirms the inappropriate mass and built form of the proposed tall building. OPA 304 amended the SASP 1 to potentially allow for an addition to Rack House D, but maintained the existing policy direction for redevelopment within the Trinity Street Heritage District to transition in mass, scale and height out to other areas within the Distillery District. This proposal is inconsistent in this regard as the proposed mass, scale, and height does not fit in its immediate context of Trinity Street and the

historic concentration of heritage buildings within the Distillery District. The siting of the tower and the area of the tower floorplate also fail to conform to tall building setback and floorplate guideline standards.

From a heritage conservation perspective, Policy 2.6.1 indicates significant heritage resources and significant cultural heritage landscapes shall be conserved. Policy 2.6.3 indicates planning authorities shall not permit development and site alteration on adjacent lands to protected heritage properties 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 proposed development does not appropriately conserve Rack House D nor does it conserve the heritage attributes of the protected properties within the Distillery District south of the site.

Policy 4.6 states the official plan is the most important vehicle for implementation of the PPS, and that official plans shall identify provincial interests and set out appropriate land use designations and policies. In this regard, the Official Plan has provided the strategy for growth in Downtown through, among other policy directions, built form parameters that are not achieved through this proposal.

Growth Plan (2020)

The subject site is within the Downtown UGC, part of the strategic growth area defined in the Growth Plan. The Downtown UGC, encompassing an area generally bordered by Bathurst Street, the mid-town rail corridor and Rosedale Valley, Don River and Lake Ontario, will be planned to achieve, by 2031 or earlier, a minimum density target of 400 residents and jobs combined per hectare.

With regard to land use and intensification, Policy 2.2.1.2 refers to forecasted growth will be allocated to strategic growth areas, locations with existing transit and areas with existing or planned public service facilities. Policy 2.2.1.4 refers to the achievement of complete communities that a) feature a diverse mix of land uses and e) provide for a more compact built form and vibrant public realm. Policy 2.2.5.1 indicates economic development and competitiveness in the GGH will be promoted by: b) ensuring the availability of land for employment to accommodate forecasted employment growth; c) planning to better connect areas with high employment densities to transit and d) integrating and aligning land use planning and economic development goals and strategies to retain and attract investment. This proposal generally conforms to the land use and intensification policies of the Growth Plan. However, staff is of the opinion that a hotel with a massing that better conforms to the scale and intensity articulated in the Official Plan will also conform to the land use and intensification policies of the Growth Plan.

With regard to built form, Policy 2.2.1.3 indicates municipalities will undertake integrated planning to manage forecasted growth which will c) provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact form, and d) support the conservation objectives of this Plan. Policy 2.2.2.3 indicates municipalities will develop a strategy to achieve the minimum intensification target

which will b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas. The Official Plan established a strategy in achieving the minimum intensification target for the Downtown UGC, in conjunction with built form policies that direct the scale and form of development for the subject site. The strategy is further implemented in the Downtown Plan, KPSP, SASP 1 and the recently adopted OPA 304 that directs the scale of development within the Trinity Street Heritage District, as directed by Policy 2.2.2.3 f). Staff are of the opinion the proposal does not conform to the overarching policy directions of 2.2.1.3 and 2.2.2.3 of the Growth Plan as the proposal's scale and form does not address the built form and heritage conservation direction of the Official Plan.

With regard to heritage conservation, Policy 4.2.7.1 indicates cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas. Policy 4.2.7.2 states municipalities will work with stakeholders in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources. Policy 2.2.1.3 d) indicates municipalities will undertake integrated planning to manage forecasted growth which will support conservation objectives of this Plan. The proposed development does not appropriately conserve the on-site Rack House D building, nor does it conserve the adjacent heritage properties including those to the south in accordance with the City's Official Plan policies. As such the development does not conform to the Growth Plan.

Conformity with Growth Targets and Density Targets

The most recent Official Plan update was undertaken when the City's Official Plan was approved by the LPAT in 2006 and considered further through the statutory five-year review of the Official Plan that commenced in 2011. The five-year review resulted in a number of Official Plan amendments that were approved by the province on various dates. The Official Plan sets out areas for future growth while at the same time establishing policies that are appropriate and considerate of the surrounding context.

The subject site is within the UGC of the built-up area boundary as identified in the Growth Plan, where a significant share of population and employment growth is anticipated. The City of Toronto is required through its Official Plan to plan for a future population of 3,190,000 people by the year 2041. Additional density targets are provided for the various UGC in the City at a rate of 400 people and jobs combined per hectare to help achieve this overall population. The City is presently on track to meet these overall 2041 Growth Plan's forecasts based on Census data, current development proposals and future trends that are currently being considered by the City.

The density of the Downtown Toronto UGC area in 2016 was 354 people and jobs per hectare, based on the 2016 Census population and the 2016 Toronto Employment Survey results. From 2011 to 2016, the population increased by 41,668 people. Employment increased by 69,280 jobs over the same period. The increase in density as a result of this growth is an additional 52 people and jobs per hectare over the 2011-2016 period. This demonstrates total population and employment growth and growth in density of the UGC.

Table 2: Downtown Toronto UGC

Year	Census Population	TES Employment	Area (hectares)	Density (people & jobs)
2011	205,888	441,920	2,143	302
2016	247,556	511,200	2,143	354
2011-2016	41,668	69,280	2,143	52

Sources: 2011 and 2016 Census, Statistics Canada, 2011 and 2016 Toronto Employment Survey, City of Toronto

In the Downtown Toronto UGC area, the 2016 Q4 Development Pipeline contained 42,556 units in projects that were built between 2012 and 2016, and a further 45,236 units in projects which are active and thus which have at least one Planning approval, for which Building Permits have been applied for or have been issued, and/or those which are under construction, but are not yet completed (see ProfileToronto: How Does the City Grow? June 2019). The number of units in the area that are in projects with at least one Planning approval is greater than the number of units which have been built over the past five years.

If a similar number of units in active projects were realized in the near term as were built in 2011 to 2016, and if the same population and employment growth occurred in the Downtown Toronto UGC over the near term from 2016 as occurred over the years from 2011 to 2016, the resulting density would be 406 people and jobs per hectare. Thus if the current trends continued, the resulting density would be above the minimum UGC density target of the Growth Plan (2020). In addition, there would remain an additional ten years for additional approved development to occur.

According to our Toronto Employment Survey Bulletin, with the latest completed in 2019 and presented to the Planning and Housing Committee on January 2020, Downtown employment in 2016 was 511,200 or 23,888 jobs per square kilometre and in 2019 was 584,660 jobs or 27,320 jobs per square kilometre, i.e. the density of jobs in Downtown has risen from 239 jobs per hectare to 273 jobs per hectare, an increase of 34 jobs per hectare. So, if the City's density was 354 people and jobs per hectare in 2016, and if population in Downtown has not declined over the next three years to 2019, than based on employment alone, the Downtown's density would have increased, potentially to 388 people and jobs per hectare in 2019, all other things being unchanged.

The proposed development is not required for the City to meet the density target of 400 people and jobs/hectare in the Downtown UGC. The density target is to be measured across the whole of the Downtown UGC, as indicated in policy 5.2.5.4 of Growth Plan.

On the basis expressed by the application that the increased density conforms to the Growth Plan in order to meet density targets, Staff do not agree with the applicant's assessment and is of the opinion the refusal of the application do not impact conformity to the Growth Plan's direction on density targets. A hotel use on the subject site that fits contextually within its immediate context will continue to contribute towards the planned growth target of the Growth Plan (2020).

Land Use

The Planning Rationale report was submitted in support of the application. Staff reviewed the analysis provided in the report, along with the review of the PPS, Growth Plan, Official Plan policies, applicable urban design guidelines in formulating an opinion on the proposed hotel use.

The proposal seeks to provide 26,944 square metres of gross floor area for a hotel use, resulting in 392 suites and other non-residential uses that are auxiliary (spa and gym on the 5th storey, spa on the 6th storey, and restaurants below grade and on the 31st storey) to the primary hotel use.

In the Downtown Plan, Policy 3.10 states Downtown will project a competitive image of Toronto to the world as an attractive place to live, work, learn, play, invest and visit. Policies 6.9 and 6.10 encourages redevelopment to provide cultural spaces and uses that complement and support the cultural sector. Policy 6.18 states Mixed Use Areas will provide a wide range of land uses to meet people's needs for daily living and work. Policy 6.27 states development in Mixed Use Areas 2 will be encouraged to provide for a diverse range of uses. Policy 12.1 states development will be encouraged to retain and expand spaces for culture sector employment and businesses. Policy 12.4 states adaptive re-use of properties on the Heritage Register as cultural spaces will be encouraged.

The subject site is within the Cultural Precinct of the Downtown Plan. Policy 12.6 encourages the clustering of creative industries and attributes that support the spatial requirements of the creative industries.

In the SASP 1, Policy 2.5 states the heritage of the Distillery District will be made accessible to the general public through, among other means, the establishment and maintenance of a site interpretation program including a site interpretation centre.

Based on the policy framework applicable to the site, the proposed hotel use generally conforms to the Official Plan, the KPSP and the Downtown Plan in providing a commercial use that contributes in creating a complete community. However, such hotel use should have a massing form that is contextually appropriate for the area.

Built Form

The application proposes a tower form with an overall height of 115 metres, and the proposed addition above the existing Rack House D building that steps back for two storeys and then cantilevers, resulting in the following stepbacks:

Table 3: Tall Building Stepbacks

	4th and 5th Storeys	6th to 31st Storeys
West - Trinity Street	3.3 metres	1.8 metres
South - Mill Street	3 metres	1.5 metres

	4th and 5th Storeys	6th to 31st Storeys
East	4.5 metres	3 metres
North	1.5 metres	0 metres

The proposed massing above the Rack House D building results in a tower floorplate of 754 square metres on the 4th to 5th storeys, and 878 square metres above the 6th storey.

Policy 1.1.3.4 of the PPS states appropriate development standards be promoted to facilitate intensification and a compact form. Policy 2.2.2.3 of the Growth Plan states all municipalities will develop a strategy to achieve minimum intensification targets and intensification throughout delineated built up-areas, which will: b) identify the appropriate type and scale of development and transition of built form to adjacent areas. The Official Plan, KPSP, the Downtown Plan, and urban design guidelines provide the municipal strategy in identifying the appropriate height and mass of development.

Policy 3.1.2.4 of the Official Plan states new development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas. Policy 3.1.3.1 b) requires the middle part of the tall building be designed with appropriate dimensions for the site, be located and oriented on the site and in relationship to the base building and adjacent buildings in a manner that satisfies the provisions of the other policy directions, which includes addressing urban design considerations identified in Policy 3.1.2. Policy 4.5.2 c) requires development in Mixed Use Areas to locate and mass new buildings to provide a transition between areas of different development intensity and scale.

The Downtown Plan provides clear direction for transition in building mass that responds to the local context. Policy 9.15 states a tall building will generally have a maximum floor plate of 750 square metres. Policy 9.23 states transition in scale can be achieved by including angular planes, stepping height limits, location and orientation of the building, use of setbacks and step-backs, separation distances, as well as other means to achieve compatibility. Policy 9.24 states development may be required to incorporate transition in scale to achieve built form compatibility when it is: of a greater intensity and scale than the adjacent and surrounding planned context, with consideration for front, rear and side adjacencies; adjacent and nearby to lands that have a planned context that does not anticipate tall buildings, including but not limited to Neighbourhoods, Mixed Use Areas 3 and Mixed Use Areas 4; adjacent to property designated under Part IV of the Ontario Heritage Act or a Heritage Conservation District; and/or adjacent to existing or planned parks and open spaces. Policy 9.25 states built form adjacencies will require a review to determine if any transition to the planned context is required to achieve compatibility. Policy 9.27 states where transition is desirable to achieve compatibility, it will generally be provided within the development site.

In the KPSP, Policy 3.2 e) states new buildings will achieve a compatible relationship with their built form context through consideration of such matters as building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression.

In the SASP 1, Policy 4.1.2 c) states an addition to the Rack House D building may be permitted. Further direction is provided in Policy 5 that speaks to development be based on the principles of the Area's urban design guidelines, articulated as Appendix 3 of the KPSP, which require:

- New building mass should complement but distinguish from existing building fabric.
- New buildings or multi-storey additions to existing buildings should produce a strong base, body and cap to the building mass.
- New buildings or building additions should be highly articulated and modulated to minimize the visual impacts of building bulk, reinforce the modulation of existing heritage buildings and reinforce the heritage character of the site.
- Retention of existing equipment within buildings is encouraged in order to enhance the interpretative value of the site.
- Open spaces, lanes and courtyards should have an acceptable level of sunlight penetration.
- Where physically possible, the additions should be set back from the street edge on Trinity Street in order to minimize or eliminate their visibility from pedestrian grade level viewpoint on Trinity Street.
- The addition of new building fabric should respect and be consistent with the existing heritage character of the building.
- There should be a transition of building scale along Mill Street through the stepping up of building heights away from the historic buildings on Trinity Street. Any new building adjacent to Trinity Street should have a scale not exceeding the Malting Complex (southwest of the subject site).

Guideline 1.3 of the Tall Building Guidelines direct tall buildings to fit within the existing or planned context by providing a transition down to lower-scaled buildings. Guideline 1.5 direct tall buildings to frame an important view from the public realm, to ensure that the view is maintained. Guideline 3.2.1 direct the floorplate size be 750 square metres. Guidelines 3.2.2 and 3.2.3 direct a tower be sited 3 metres from the base building along a street, and a minimum 12.5 metres from side and rear property lines in order to achieve a minimum 25 metre separation distance between towers.

Building Height

Based on the policy framework for the site, it is staff's opinion the site is not a tall building site as it is within a cluster of significant heritage buildings with a lower height that is part of the Distillery District. Policy 6.22 of the Downtown Plan provides direction for the appropriate building height within the Mixed Use Area 2 for this context. The existing Trinity Street corridor south of Mill Street, specifically within the Trinity Heritage District are low-scale heritage buildings with building heights ranging between 10 to 20 metres. Similarly, the planned context of Trinity Street north of Mill Street is planned to consist of low to mid-rise buildings as articulated in the Official Plan, the SASP 1 policy direction for the subject site, the West Don Lands Precinct Plan and existing zoning by-law standards. The proposed tall building on the subject site is contextually

inappropriate given the immediate and surrounding building scale along Trinity Street, and the policy direction that clearly identify Trinity Street is an existing and planned corridor where the existing streetwall and scale is to be maintained.

The site is not appropriate for a tall building based on the constraints posed by the site and the existing planning framework. However, the tall building proposal was reviewed against the City-wide Tall Building Guidelines as an advisory tool in assessing the proposal's fit within its context and local impacts. In terms of height, the proposal does not meet Guideline 1.3 in that it does not provide an appropriate transition scaling down to the lower-scaled buildings to the immediate east, south, west, and to the planned mid-rise typology planned for the north. The proposal also does not meet Guideline 3.2.1 by proposing a floorplate of 878 square metres, whereas a maximum 750 square metre floorplate is preferred in order to ensure such forms cast less shadows and improve access to sky views.

The site abuts the West Don Lands to the north, which is subject to a separate policy framework but complementary to that of the District. Specifically, the KPSP and West Don Lands Precinct Plan identifies Trinity Street as a local street with the area planned for a low to mid-rise building typology. This direction is consistent with the existing planned context for Trinity Street where the subject site fronts onto, and the privately owned portion of the Trinity Street corridor in the Distillery District. This tall building proposal does not conform to the vision for the planned context of Trinity Street.

The site does not need to accommodate a building with the proposed height of 115 metres, and in turn, the increased density, to meet the Growth Plan and Official Plan's direction of 400 people and jobs per hectare for the Downtown UGC as indicated in the report. A mid-rise typology is appropriate for this site as it will continue to contribute towards the density target for the Downtown UGC and meets the built form policy direction of the Official Plan, Secondary Plans, and urban design guidelines.

Building Mass

Based on the policy framework for the site, it is staff's opinion the proposed tall building mass is not appropriate. The proposed tower's setbacks along all property lines do not meet the direction for tall building development. In particular, the tall building face on the north side will result in a 0 metre setback from the property line.

The facing condition between the east tower's elevation to the west wall of the 70 Mill Street building is 8.8 metres. City Staff request the tower setback from the east property line be setback a minimum 12.5 metres from the centreline of the pedestrian walkway to improve on the privacy of occupants, sky views and access to light on the street.

The massing of the proposal does not provide adequate transition in scale to the neighbouring lower form heritage designated buildings. Policy 9.22 of the Downtown Plan indicates development may be required to provide transition for areas of different character and planned contexts. The proposal has not incorporated transition in scale to achieve built form compatibility adjacent to heritage designated properties as indicated in Policy 9.24, and has not achieved appropriate built form adjacencies from a tall building to the mid-rise and low-rise context through increased separation distance or stepping down of heights on the subject site as indicated in Policies 9.25 and 9.27.

The site is not a tall building site based on the constraints posed by the site and the existing planning framework. However, the tall building proposal was reviewed against the City-wide Tall Building Guidelines as an advisory tool in assessing the proposal's fit within its context and local impacts. In terms of massing and setbacks, the proposal does not meet Guideline 3.2.1 by proposing a floorplate of 878 square metres, whereas a maximum 750 square metre floorplate is preferred in order to ensure such forms cast less shadows and improve access to sky views. The proposal also does not meet Guideline 3.2.2 by proposing tower setbacks of less than 3 metres from the Rack House D streetwall along Trinity Street, Mill Street and the future local road on the north side, whereas a minimum 3 metres is directed to reinforce the Rack House D building and better fit the immediate context. Further, the proposal does not meet Guideline 3.2.3 by providing a 5.4 metre tower setback from the east property line, whereas a minimum 12.5 metres is directed to meet the intent of providing facing conditions where tall buildings are sited and the provision for sky views and access to light on the street.

This site, in conjunction with the policy direction for development in the West Don Lands to the north as articulated in the West Don Lands Precinct Plan, envision a low to mid-rise building typology along Trinity Street, Mill Street, and the future local road immediately north of the site. The proposed tall building's massing does not provide sufficient setbacks on its own site, and does not provide sufficient transition down to the planned low to mid-rise buildings planned in its immediate context.

Alternative Massing Scheme

It is the opinion of staff that an alternative massing scheme that results in a mid-rise typology for the site, with setbacks of a minimum 3 metres from the Rack House D building on the Mill Street, Trinity Street and east property line will result in a contextually appropriate built form to the neighbouring properties and the Trinity Street Heritage District.

Heritage Conservation

City Planning staff have reviewed the Heritage Impact Assessment ("HIA") submitted in support of the application. The HIA asserts that the proposed development conserves the cultural heritage values, attributes and character of the Rack House D building.

The proposal is to retain three of the four elevations of Rack House D in-situ. The north elevation would be dismantled and reconstructed. The HIA does not describe how these elevations will be retained in-situ during the excavation of the below grade garage, while an engineering opinion letter dated May 27, 2020, identifies this as a feasible approach and provides information on how it can be accomplished. It does not provide details on whether returns of the east and west elevations on the north elevation can be achieved, nor does it evaluate retention of portions of the racking system.

The proposal will require the removal of the extensive racking system within the existing building. This racking system is a heritage attribute in the designating by-law. Through their HIA the applicant has committed to salvaging and reconstructing a portion of the racking system within the new development. The extent or placement of the reconstruction is not clear in the plans and drawings. The retention of a substantial

portion of the rack structure in order to showcase the building's heritage and to facilitate site interpretation is an important objective of City Planning for this building.

Without additional supporting material describing the extent and proposed location of the portions of the racking system that are proposed to be reinstated, staff are not able to provide recommendations to Council in support of this retention strategy or the removal of the racking structure.

The massing of the proposed hotel floorplates above the heritage building are not sufficiently subordinate to the heritage building. The stepbacks of the reveal on the south, west and north elevations are insufficient to mitigate the visual impact of the new addition. The proposed stepbacks and height of the cantilevered portion of the hotel storeys above the Rack House D are also insufficient to mitigate the visual impact of the new addition. As a result, the new floors will visually overwhelm Rack House D as it viewed from the public realm. The proposal has not been designed to conserve the cultural heritage values, attributes and character of the heritage property, nor does it mitigate visual impact on it.

At 31 storeys the proposed hotel addition will be visible on Trinity Street from vantage points south of Mill Street. The property south of the development site is a protected heritage property designated under Part IV of the Ontario Heritage Act. This property includes the complex of buildings known as the Pure Spirits buildings on the east side of the Trinity Street and the Malting Complex on the west side of the street. The hotel addition will not conserve the character of the buildings south of the development site as their scale will be visually overwhelmed as viewed from Trinity Street.

In the Downtown Plan, Policy 3.3 states new buildings will fit within their existing and planned context and conserve heritage attributes. The proposed new building does not fit within its existing and planned context and it will not comprehensively conserve the heritage attributes of Rack House D.

The KPSP includes extensive and foundational policies designed to conserve the cultural heritage value of the King-Parliament Area. In keeping with Policies 4.1 and 4.2 of the Plan the City has entered into and registered a HEA for the subject property to ensure its long-term protection. In addition to approvals under the Planning Act, this proposal will require Council permission under the Easement Agreement.

Policy 4.4 states that "New buildings should achieve a compatible relationship with heritage buildings in their context through consideration of such matters as, but not limited to, building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression." As described above the height, massing, scale, and setbacks of the proposed hotel addition above Rack House D are not compatible with the existing heritage building, nor is the development compatible with the adjacent heritage properties.

Policy 3.1 of the SASP 1 states that "Additions to existing buildings in [Trinity Street Heritage District] and [Cherry Street Mixed Use District] and the [Mill Street Residential District] may be permitted only if it has been demonstrated that they respect the three dimensional integrity of the heritage building, and the quality and the character of both

the historic building being added to and its relationship to adjacent historic buildings within the Area." As described above the massing of the proposal addition has not been designed to conserve the cultural heritage values, attributes and character of the Rack House D or to mitigate visual impact on the building. As such it does not respect the three dimensional integrity, and quality and character of the building. At the same time, as described above, the proposal will overwhelm the adjacent heritage properties, and as such it does not respect the quality and character of the adjacent heritage properties.

Guideline 1.6 of the Tall Building Guidelines provides direction for tall buildings to respect and complement the scale, character, form and setting of on-site heritage properties. As described above the proposed residential building has not been designed to complement the character and setting of Rack House D and is not consistent with the Tall Buildings Guidelines.

To date, the City has not received an application to alter the Rack House D building under Part IV of the Ontario Heritage Act nor has the City received an application for the proposal in accordance with the Heritage Easement Agreement.

Archeological Potential

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

Shadow Impact

This application has been reviewed against the Official Plan policies, Secondary Plan policies, planning studies and design guidelines described in the Issue Background Section of the Report. Policy 3.1.2.3 e) of the Official Plan states new development will be massed to fit harmoniously and limit its impact on streets, parks, open spaces and properties by adequately limiting any resulting shadowing of neighbouring streets and open spaces, having regard to the varied nature of such areas.

The Downtown Plan states tall building floorplates should be designed to limit shadows on the public realm and neighbouring properties, and maintain adequate sky view from the public realm.

In the KPSP, Policy 3.2 f) states buildings will be massed to provide proportional relationships and be designed to minimize shadow impacts on streets, parks open spaces. Appendix 3 of SASP 1 indicate open spaces, lanes and courtyard should have an acceptable level of sunlight.

Guideline 1.4 of the Tall Building Guidelines refer to maintaining access to sunlight for surrounding streets, parks and open space.

Shadow Studies were submitted in support of the application, showing net new shadows cast on March 21, June 21, September 21 and December 21. The proposal

will cast shadows on the surrounding streets and sidewalks, and existing and proposed open spaces between 9:18 am to 6:18 pm.

Wind Impact

The Pedestrian Wind Study was submitted in support of the application. The study indicates the surrounding public realm and the 31st storey private outdoor amenity space will experience wind conditions suitable for the intended uses. The study recommended mitigation measures such as canopies and plantings at the southwest corner of the site in order to improve pedestrian wind comfort.

Policy 3.1.2.3 e) of the Official Plan indicates new development will be massed and limit its impact on neighbouring streets, parks, open spaces and properties by adequately limiting uncomfortable wind conditions on neighbouring streets, properties and open spaces, having regard for the varied nature of such areas. Policy 4.5.2 e) indicates development in Mixed Use Areas will locate and mass new buildings to maintain comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. Policy 9.1 of the Downtown Plan states development will be encouraged to enhance the liveability of the building's surroundings, contribute to liveability by reasonably limiting uncomfortable wind conditions and providing access to sunlight, natural light, openness and sky-view, expanding and improving the public realm, maintaining adequate privacy, providing high quality amenity space, and conserving heritage; demonstrate design excellence of the building and surrounding public realm, demonstrate a high standard of heritage conservation. Policy 3.2 f) of the KPSP indicates buildings be designed to minimize wind impacts on streets, parks or open spaces. Policy 9.21 of the Downtown Plan states development will address microclimatic conditions for people adjacent streets and sidewalks, parks and open spaces by adequately limiting shadow and uncomfortable wind conditions, as necessary to preserve their utility. This may be achieved with such measures as: reducing the floorplates of the tall building; reducing the overall height and scale of buildings; re-orienting, reducing the size of and/or setting back tall building elements on the site; and increasing the space between tall building elements. Guideline 2.4 of the Tall Building Guidelines indicates publicly accessible open spaces should be located and designed to maximize safety, comfort and amenity by protecting such spaces from wind. Guideline 2.5 indicates private amenity areas be protected from pedestrian-level wind. Guidelines 3.2.1, 3.2.2, 3.2.3 and 4.3 indicates towers be organized, oriented, sited and articulated to minimize negative wind conditions.

Staff request additional information in terms of mitigation strategies be provided in order to improve on the wind conditions in the public realm as a result of the proposal, and note an alternative scheme for a building with a lower height and mass, may better improve pedestrian wind comfort overall.

Noise and Vibration Impact

A Noise & Vibration Feasibility Study was submitted in support of the application. The study assessed noise and vibration sources surrounding the site and concludes the proposed hotel and auxiliary uses can be accommodated subject to certain building

construction materials and mechanical equipment to attenuate noise impacts and warning clauses to be secured in a development agreement to warn of noise levels.

Policy 12.11 of the Downtown Plan indicates mixed-use developments be designed to mitigate noise from live music venues.

Staff reviewed the study and request additional information be provided on noise generated by the private outdoor space associated with the restaurant on the 31st storey. In addition, staff notes the site's proximity to various live music venues and request the proposal, which share many of the noise sensitivities of a residential use, to recommend mitigation strategies, if needed, on potential noise impacts on-site to ensure the continued function of the surrounding live music venues. The study addendum recommended a warning clause be entered into a development advising occupants of sounds from the music venues, should this proposal be approved in some form.

Traffic Impact, Vehicular and Loading Access

A Transportation Impact Study was submitted in support of the application. The study concludes site traffic impacts will not have a significant impact to the traffic operations at the surrounding intersections.

The proposal provides a Type 'B' loading space with a commercial loading truck turntable system at grade to facilitate a front in and front out maneuvering of trucks on the east-west laneway to the north. A separate lay-by space along the east-west city-owned laneway is also proposed as an informal loading space.

Vehicular parking is accessed via a parking ramp off of the east-west laneway.

Policy 2.4.18 of the Official Plan states large commercial and office buildings and hotels will make provision for taxi stands on private property. Policy 3.1.2.2 states new development will locate and organize access, service areas to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets.

In the Downtown Plan, Policy 8.27 states development will generally be required to limit and/or consolidate vehicle access points and will be encouraged to provide facilities for passenger pick-up/drop-off, loading and parking in off-street locations and/or within building footprints, in order to free up on-street curbside and public realm space and improve safety of pedestrians and cyclists. Policy 8.28 states the use of smaller vehicles and non-motorized modes of deliveries, couriers and goods movement will be encouraged.

In the KPSP, 3.2 c) iv. states the lower levels of new buildings associated with the pedestrian realm will be sited and organized to encourage the design and location of servicing and vehicular parking so as to minimize pedestrian/vehicular conflicts. Policy 5, Appendix 3 of the SASP 1 directs vehicular access to underground parking garages and loading spaces be kept to the perimeter of the District.

Guideline 2.3 of the Tall Building Guidelines state taxi stands and bus drop-off areas be provided on private property.

Transportation Services staff reviewed the proposal and have no issue with the proposed vehicular and loading access in principle, but requires the transition area for the driveway ramp slope be provided. Documentation has been provided by the applicant to address staff's concerns. However, comments from Transportation Services has not been received at the time of this report. City Planning staff further notes the proposal will need to ensure vehicular pick up and drop off is accommodated on-site, and do not support the potential servicing be accommodated off-site.

Vehicular Parking

The proposal provides a total of 80 commercial vehicular spaces within a 5-level underground garage. The Transportation Impact Study submitted in support of the application indicates the proposed number of parking spaces provide for an effective hotel parking supply for the proposed density. Transportation Services staff has no concerns with the proposed number of vehicular parking spaces provided a rate of 0.32 spaces per 100 square metres of hotel gross floor area is secured in the amending Zoning By-law should the proposal be approved in some form.

Bicycle Parking

The proposal provides a total of 16 bicycle parking spaces consisting of 8 long-term and 8 short-term spaces to be located within the 2nd and 3rd underground levels. The proposed number of bicycle parking spaces meets and exceeds Zoning By-law and Tier 1 Toronto Green Standards.

Road Widening

The site abuts a city-owned east-west laneway to the north, which is identified as a future Local Road in the West Don Lands Master Class Environmental Assessment. This proposal will need to ensure the at-grade conditions on the north elevation conforms to the requirements of the road widening, should the application be approved in some form.

Streetscape

Policy 3.1.2.5 of the Official Plan indicates new development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians. Policy 3.1.1.15 direct private mid-block connections be designed to complement and extend the role of the street for pedestrian activity.

In the Downtown Plan, the site is identified to be within the Shoreline Stitch. Policy 7.29 states such areas will increase and improve physical and visual north-south connections for pedestrians and cyclists across the Union Station rail corridor and under the Gardiner Expressway. Policy 8.11 states laneways that can accommodate pedestrian use, without compromising their primary role for vehicular access and servicing, will be designed as safe and accessible walking routes. Policy states 8.13 states development

and street reconstruction will secure opportunities to provide additional links to the cycling network and additional bike parking spaces where appropriate. Policy 8.14 states additional bike parking and end-of-trip bicycle amenities will be encouraged at important destinations including: rapid transit stations, civic buildings, parks and open spaces, sport and entertainment venues, and major employment destinations. Policy 9.5 states the City may request as a community benefit, the conveyance of an easement over a development site within 6 metres from the closest public street curb (or another distance if provided for in Policy 9.6 or 9.7) as measured on the day this Plan comes into force.

The Rack House D building is sited to the edge of the property line to the north, west and south, resulting in an existing pedestrian sidewalk width for this section of Trinity Street and Mill Street of over 6 metres. The subject application and the associated site plan application is not seeking any changes to the area of the pedestrian walkways along Trinity Street and Mill Street, and is appropriate. The Rack House D building's east elevation is setback 2.4 metres from the east property line, and combined with the 3.4 metre setback of the west elevation of the building at 70 Mill Street, results in a 5.8 metre north-south pedestrian corridor. The role of this mid-block pedestrian corridor needs to be protected as part of the pedestrian network.

The proposal contemplates a vehicular layby on the northern portion of the site to accommodate for vehicular pick up, drop off and loading requirements. City Planning staff do not support this design and request any vehicular drop off or loading space be accommodated on-site, as noted in previously in this report.

Servicing and Stormwater Management

A Functional Servicing and Stormwater Management Report was submitted in support of the application. The proposal is to be serviced by connections to the existing watermains and sanitary sewers on Trinity Street.

Stormwater is proposed to be drained to the storm sewer on Trinity Street and supplemented with on-site stormwater management features.

Engineering and Construction Services staff reviewed the application and require additional information be provided. Documentation in response to staff's initial comments were provided. However, comments from Engineering and Construction Services has not been received at the time of of this report.

Economic Impact

In the Downtown Plan, Policy 3.10 states Downtown will project a competitive image of Toronto to the world as an attractive place to live, work, learn, play, invest and visit. Policy 3.11 states Downtown will continue to be an economic driver for the city, region and province, with the protection and promotion of non-residential uses in the King-Parliament Secondary Plan Area to allow for long-term employment growth.

City Planning staff supports the proposed hotel use as such a use is in line with the policy direction of the Downtown Plan. As noted in the Growth Plan section of this

report, staff is also of the opinion that a hotel in an alternative massing scheme that would conform to the built form direction of the Official Plan, KPSP, and the SASP 1 would also meet the policy direction of 3.10 of the Downtown Plan.

Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The application is for rezoning approval to facilitate the development of a 31-storey hotel with 26,944 square metres of non-residential gross floor area having 392 hotel suites. In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The non-residential component of this proposal is subject to a 2% parkland dedication.

The value of the cash-in-lieu parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

Tree Preservation

There are 6 trees on and within 6 metres of the site. An Arborist Report and a Tree Removal and Protection Plan were submitted in support of the application. The documentation recommends the removal of 5 trees and the preservation of 1 tree.

Policy 3.1.1.5 a) of the Official Plan indicates City streets are significant public open spaces, which should provide space for street elements such as trees. Similarly, policy 3.1.2.5 a) indicate new development will provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians by providing trees, among other design elements. Policy 3.1.2.1 d) indicates existing mature trees be preserved wherever possible and to incorporate them into landscaping designs. Policy 3.4.1 d) states preserving and enhancing the urban forest by: i. providing suitable growing environments for trees; and ii. increasing tree canopy coverage and diversity supports strong communities, a competitive economy and a high quality of life. City staff requested more trees be planted along Trinity Street and Mill Street where possible.

Urban Forestry staff reviewed the submitted documentation and indicated that the documentation meet the city's Tree By-laws. Staff notes the conceptual landscaping plans do not meet the standards for new tree plantings, and will require a revised tree planting strategy in the site plan approval process, should this application be approved in some form.

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 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.

Staff will work with the applicant through the site plan approval process to achieve Tier 2 or higher should this application be approved in some form.

Section 37

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

Section 37 benefits were not discussed in the absence of an agreement on the proposal's density and height. Should this proposal be approved in some form by the LPAT, City Planning staff recommends staff be authorized to negotiate an appropriate agreement for Section 37 benefits with the application, in consultation with the Ward Councillor. Potential benefits may include: heritage conservation on-site; provision for affordable housing units; contribution of on-site public art; local streetscape and parkland improvements.

CONCLUSION

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan.

Staff are of the opinion that the proposal, including the Zoning By-law Amendment, is not consistent with the direction for municipal development standards for development and heritage conservation in the PPS 2020, and further it does not conform to the Growth Plan (2020). The provincial policies rely on the Official Plan, Secondary Plans and guidelines to implement how growth is to be accommodated within the Downtown UGC. Further, the proposal in its current form has not adequately demonstrated the significant heritage resource on-site will be properly conserved.

The proposed Zoning By-law Amendment application does not conform with and does not maintain the intent of the Toronto Official Plan, particularly as it relates to providing a contextually appropriate built form that complements the historical significance of the Distillery District recognized as a national historic site, and the appropriate alterations to the Rack House D building. Specifically, the proposal:

- Does not provide adequate setbacks above the Rack House D building;
- Does not provide a contextual relationship to the Rack House D building on-site nor the neighbouring heritage designated buildings surrounding the site; and

- Does not conform to the built form direction in the Official Plan and Tall Building Guidelines.

The proposal does not represent good planning and is not in the public interest. City Planning staff recommend that Council direct the City Solicitor and appropriate staff to oppose the Zoning By-law amendment application at the LPAT in its current form.

City Planning staff supports the proposal for a hotel use in principle on the site, and also recommend staff be directed to continue to work with the applicant on an alternative scheme in achieving a hotel use that would also meet all of the applicable policy directions for the site.

CONTACT

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SIGNATURE

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

ATTACHMENTS

- Attachment 1: Application Data Sheet
- Attachment 2: 3D Model of Proposal in Context Looking Northeast
- Attachment 3: 3D Model of Proposal in Context Looking Southwest
- Attachment 4: Location Map
- Attachment 5: Official Plan Land Use Map
- Attachment 6: King-Parliament Secondary Plan Land Use Map
- Attachment 7: King-Parliament Secondary Plan SASP Map 1
- Attachment 8: Downtown Plan Mixed Use Areas Map
- Attachment 9: Zoning
- Attachment 10: Site Plan
- Attachment 11: East Elevation
- Attachment 12: North Elevation
- Attachment 13: South Elevation
- Attachment 14: West Elevation

Attachment 1: 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 31-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:					

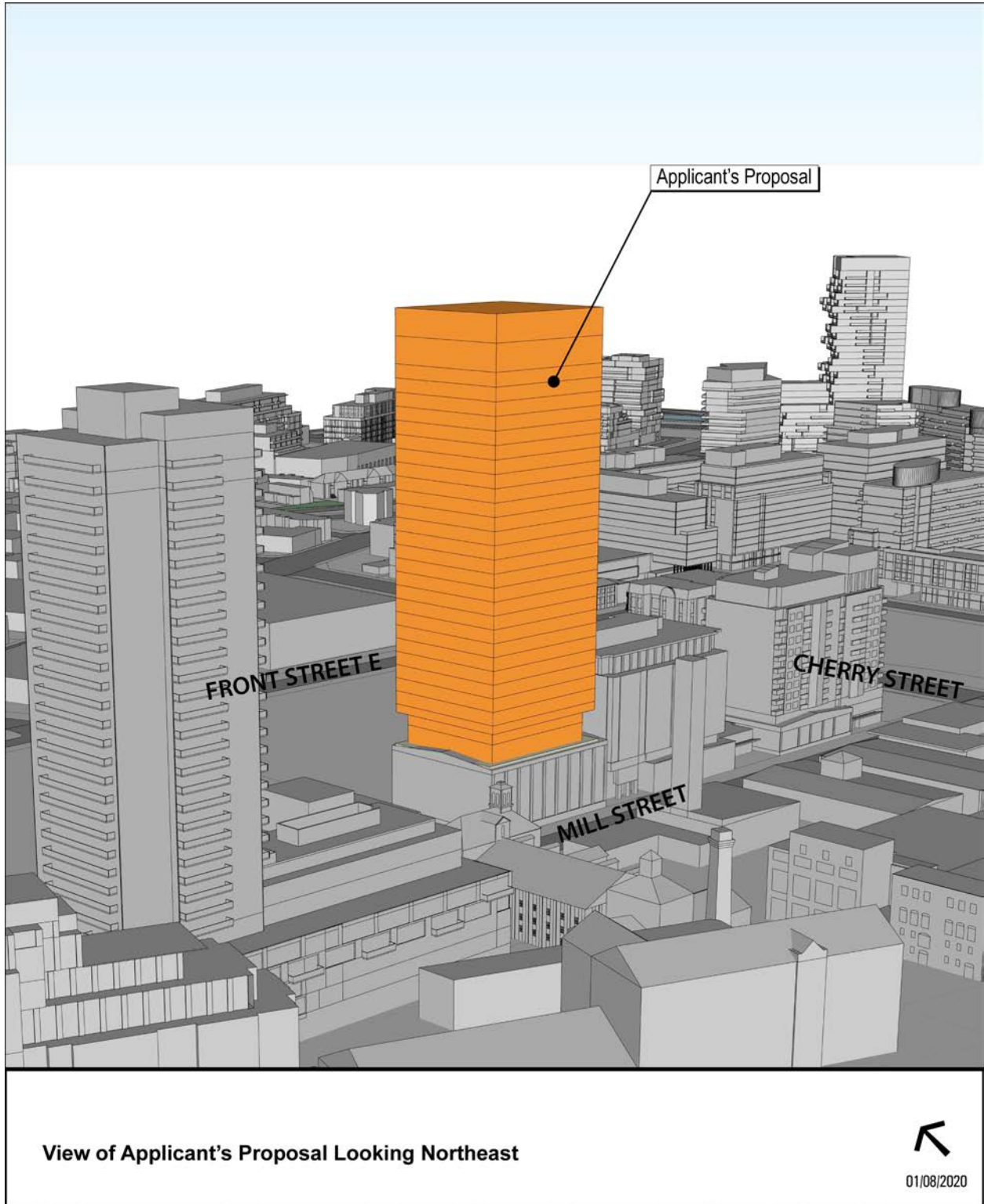
Parking and Loading

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

Henry Tang, Senior Planner, Community Planning
 (416) 392-7572
 Henry.Tang@toronto.ca

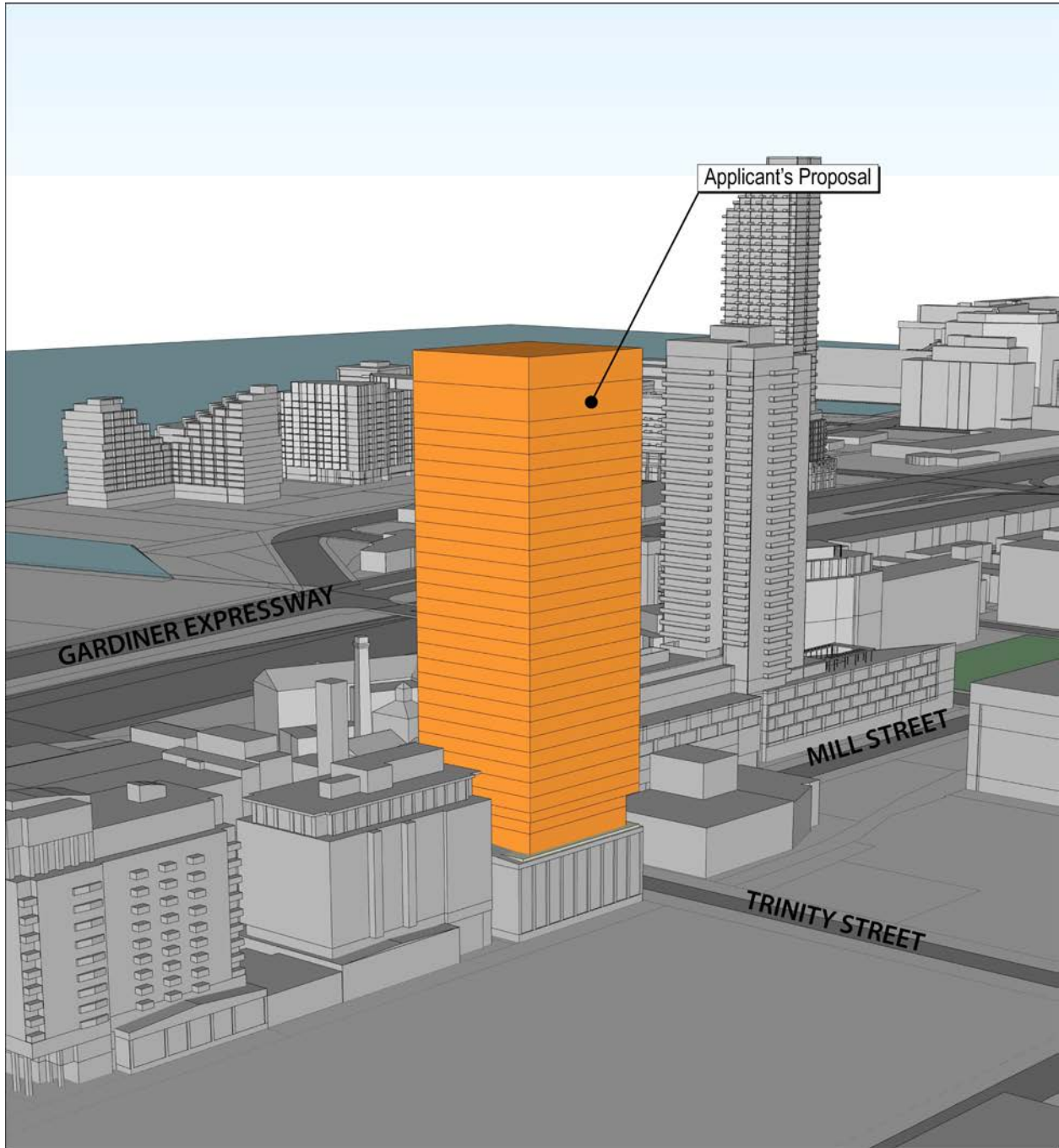
Attachment 2: 3D Model of Proposal in Context Looking Northeast



View of Applicant's Proposal Looking Northeast

01/08/2020

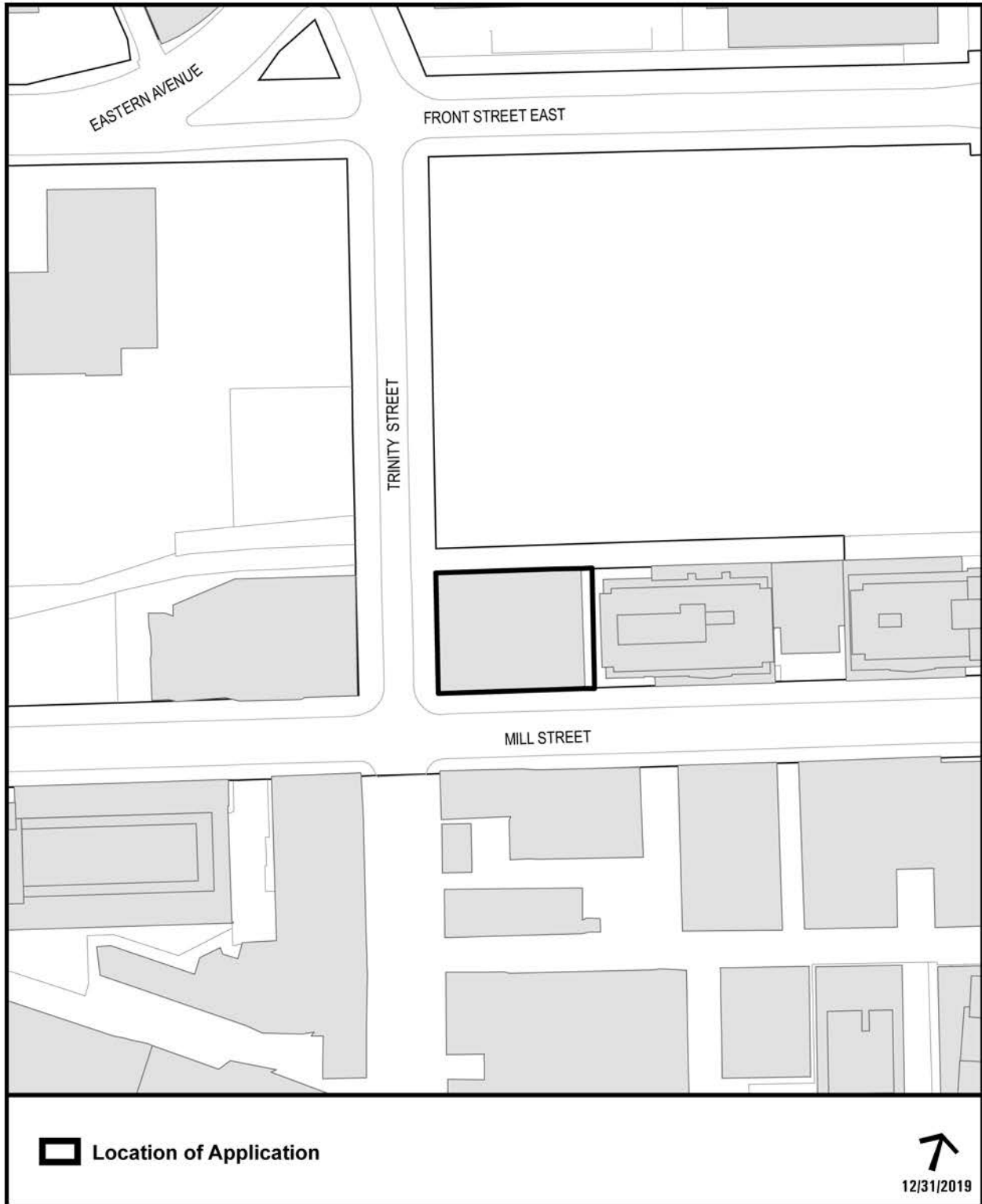
Attachment 3: 3D Model of Proposal in Context Looking Southwest



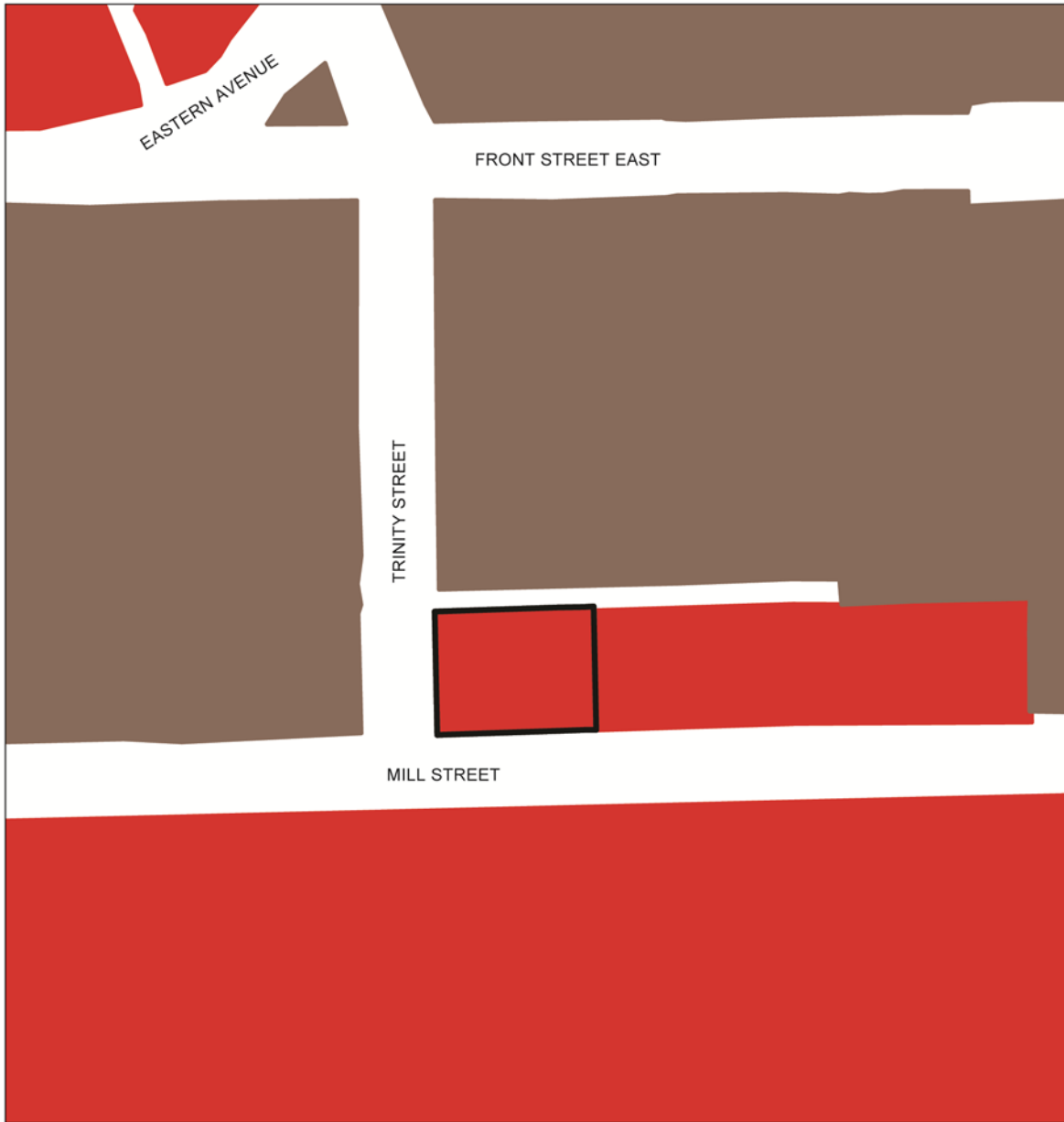
View of Applicant's Proposal Looking Southwest


01/08/2020

Attachment 4: Location Map



Attachment 5: Official Plan Land Use Map



60 MILL STREET

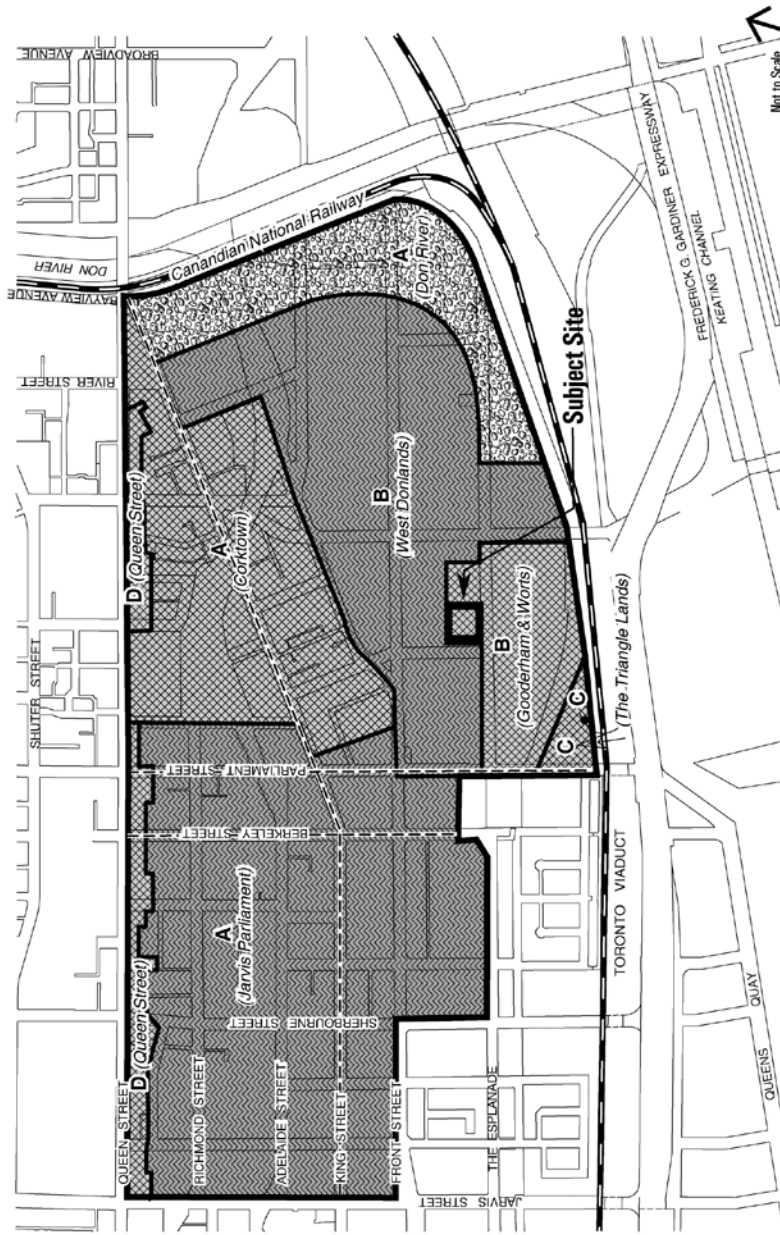
Official Plan Land Use Map #18

File # 19 264586 STE 13 0Z

-  Location of Application
-  Mixed Use Areas
-  Regeneration Areas


Not to Scale
12/31/2019

Attachment 6: King-Parliament Secondary Plan Land Use Map



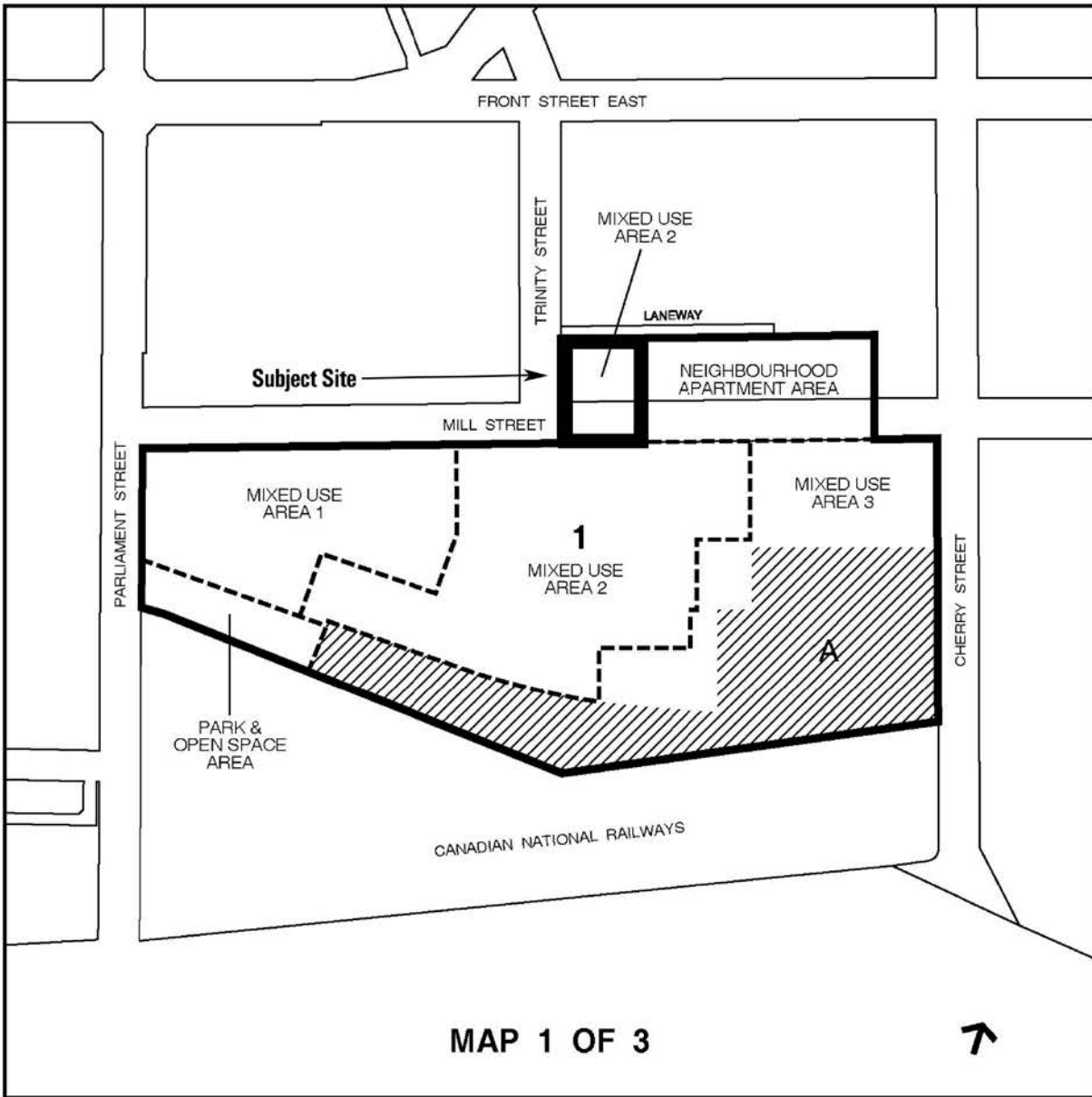
King-Parliament Secondary Plan MAP 15-1 Land Use Plan



- Secondary Plan Boundary
- ▨ Mixed Use Areas
- ▩ Regeneration Areas
- ▤ Parks and Open Space Areas
- - - Special Streets



June 2006

Attachment 7: King-Parliament Secondary Plan SASP Map 1

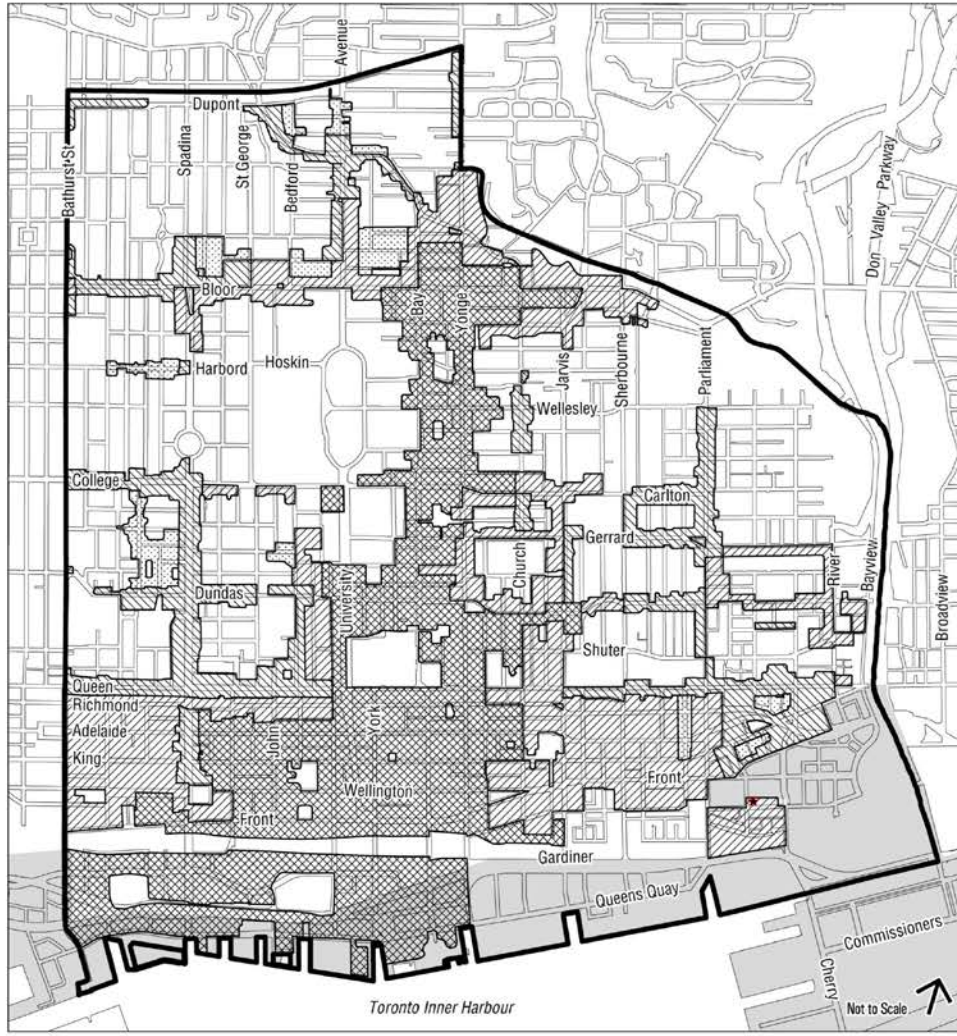


King-Parliament Secondary Plan - Site and Area Specific Policies

MAP 15.1.1.1.1 Designation Plan (Map 1 of 3)

-  Secondary Plan Boundary
-  Subject Site

Attachment 8: Downtown Plan Mixed Use Areas Map







Downtown Plan MAP 41-3 Mixed Use Areas

- Downtown Plan Boundary
- Mixed Use Areas 1 - Growth
- Mixed Use Areas 2 - Intermediate
- Mixed Use Areas 3 - Main Street
- Mixed Use Areas 4 - Local
- Central Waterfront Secondary Plan
- Subject Site

Attachment 9: Existing Zoning By-law Map



Toronto
 Zoning By-law 569-2013
 File # 19 264589 STE 13 0Z

-  Location of Application
-  See Former City of Toronto By-law No. 438-86
-  RA Mixed-Use District
-  IC Industrial District

Not to Scale
 Extracted: 03/17/2020

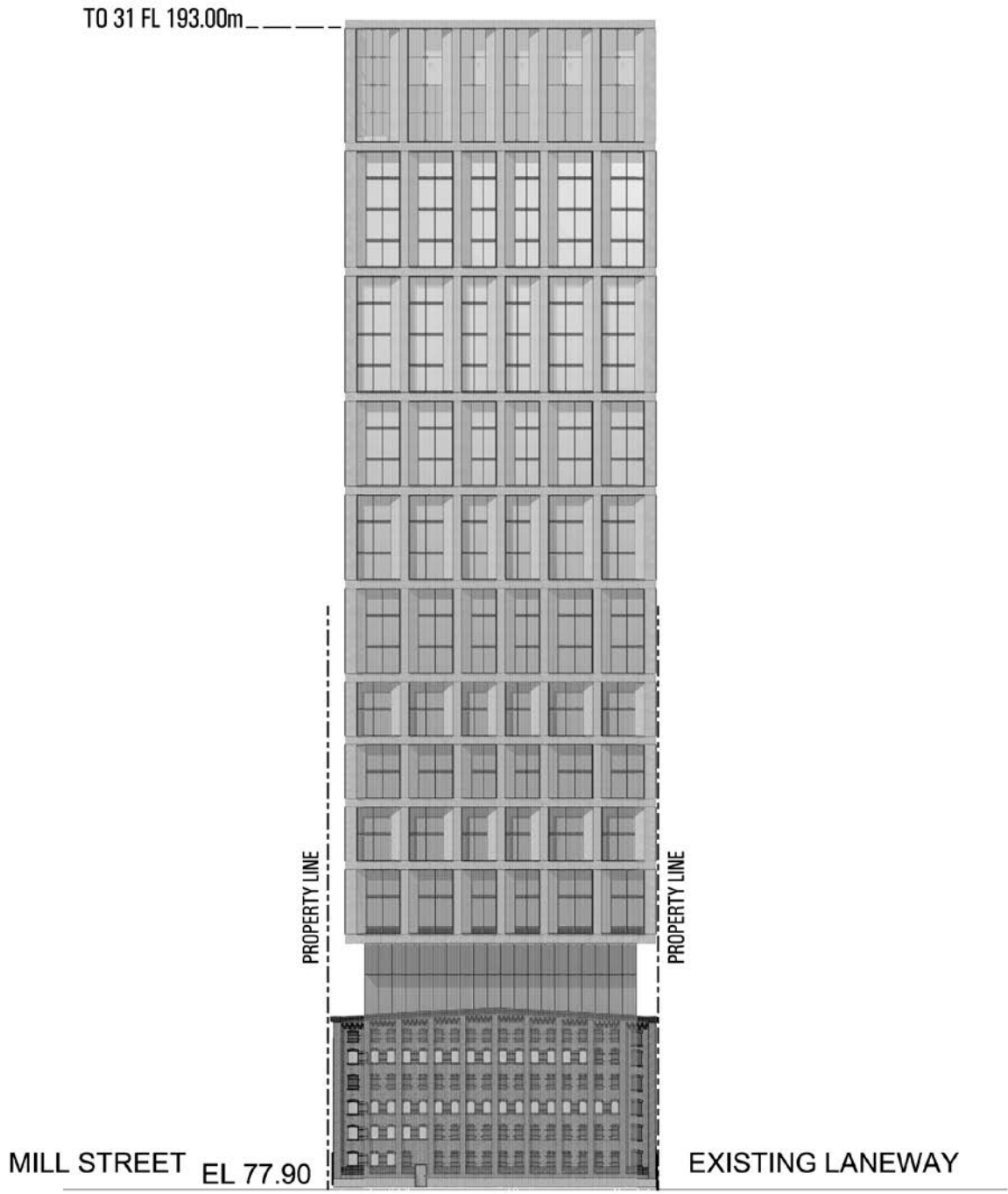
Attachment 10: Site Plan



Site Plan

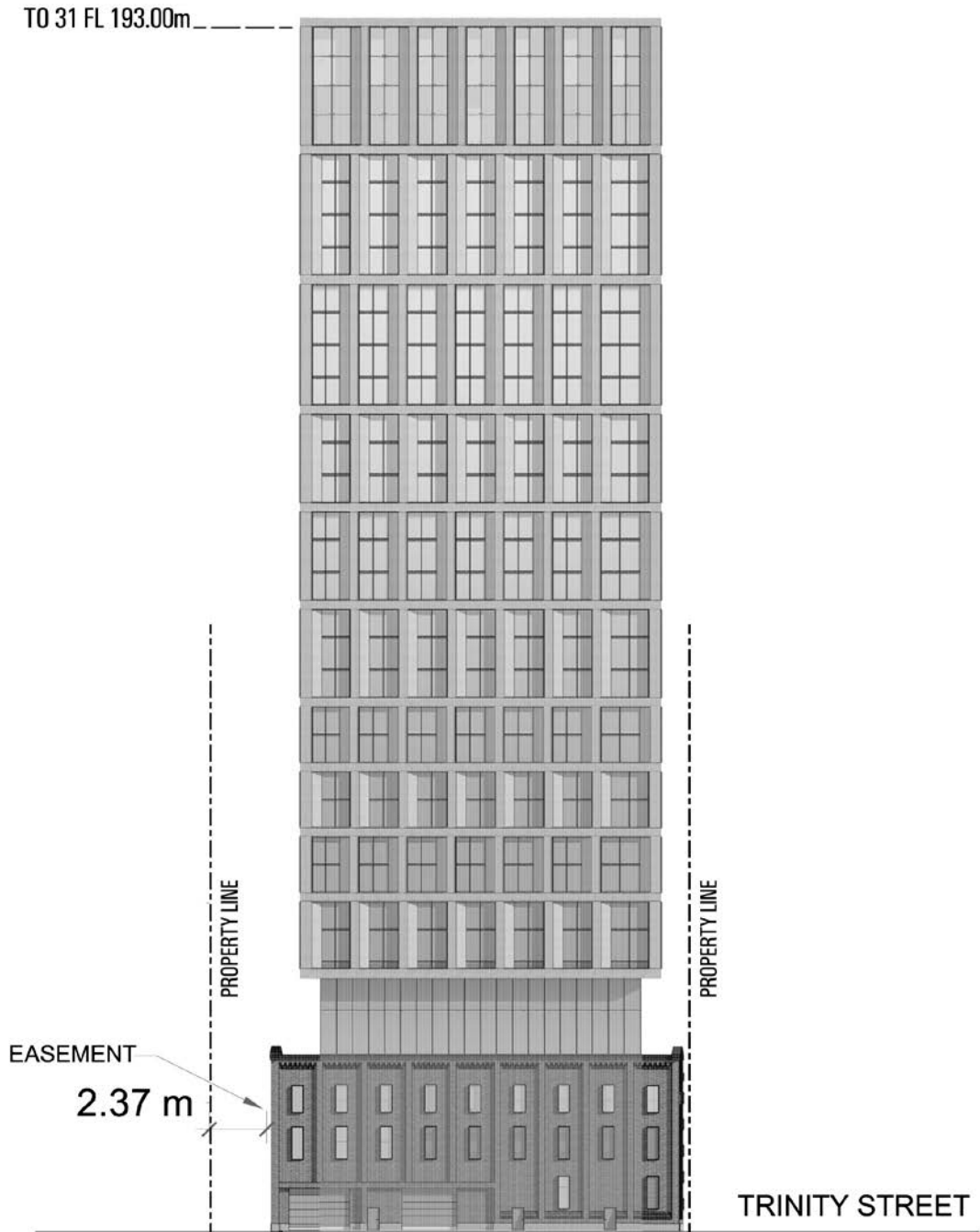


Attachment 11: East Elevation



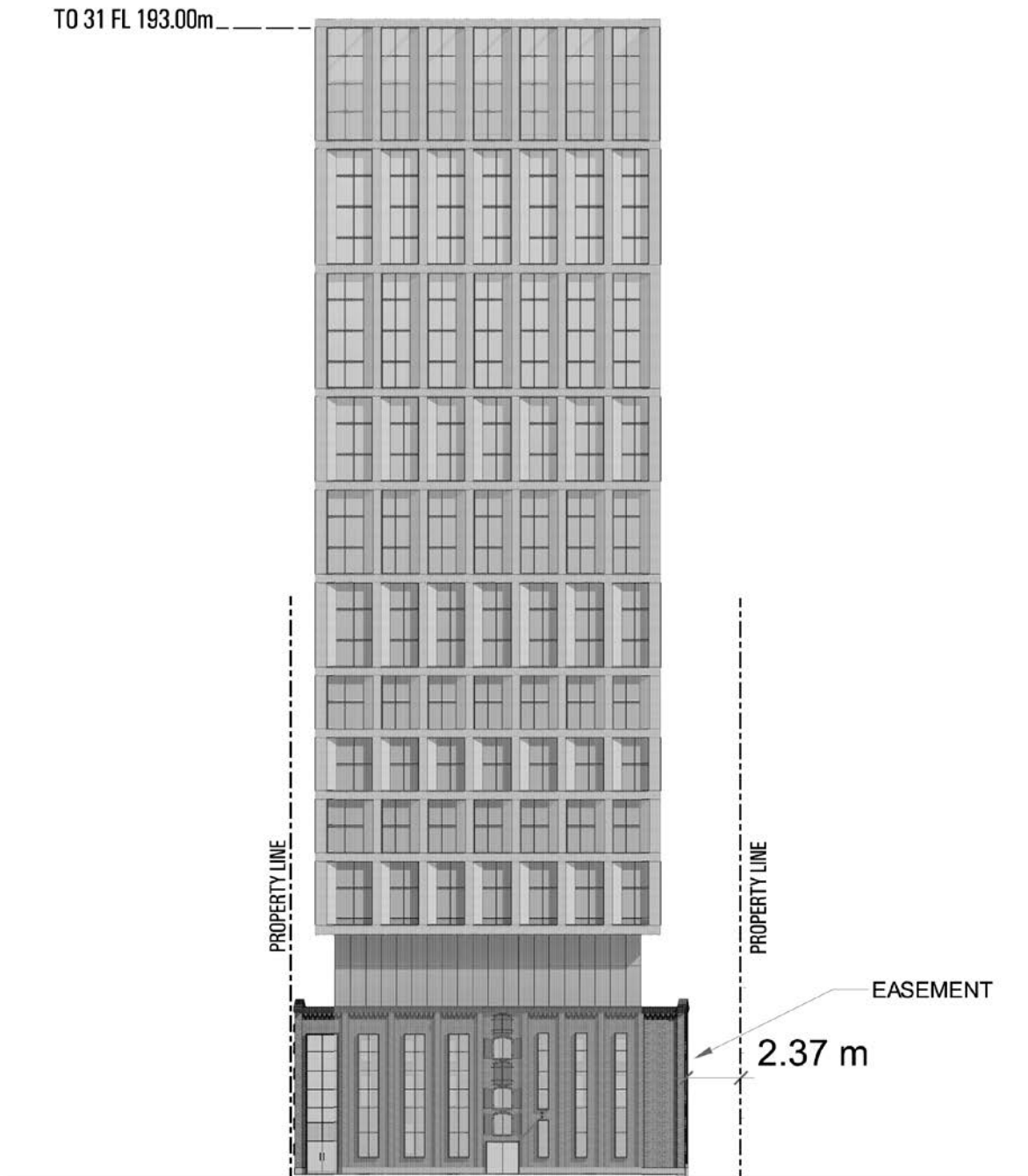
East Elevation

Attachment 12: North Elevation



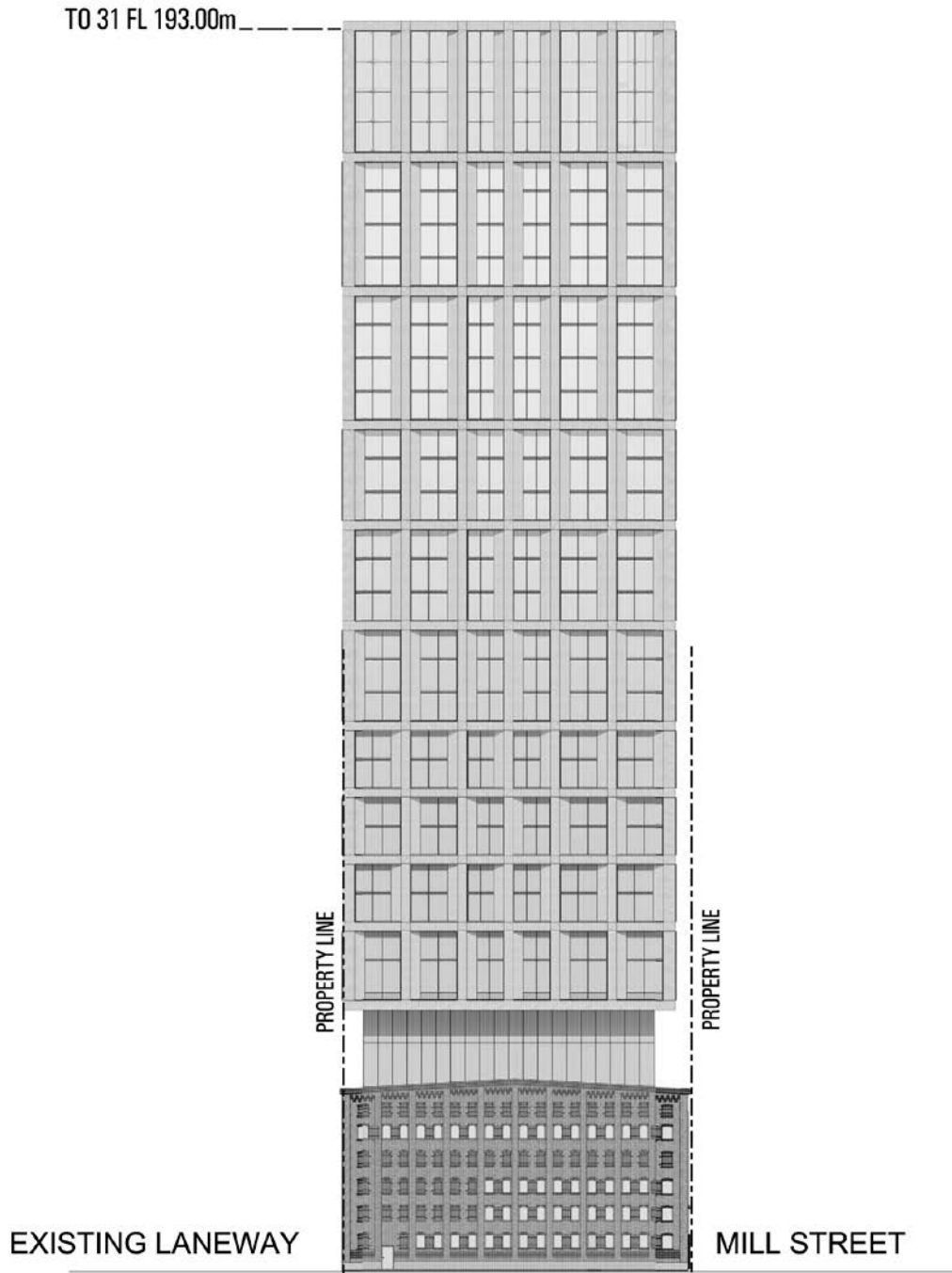
North Elevation

Attachment 13: South Elevation



South Elevation

Attachment 14: West Elevation



West Elevation