

Alterations to a Heritage Property and Authority to Amend a Heritage Easement Agreement – 60 Mill Street

Date: January 31, 2022

To: Toronto Preservation Board
Toronto East York Community Council

From: Senior Manager, Heritage Planning, Urban Design, City Planning

Wards: Toronto Centre - Ward 13

SUMMARY

This report recommends that City Council approve the proposed alterations to the designated heritage property at 60 Mill Street under Section 33 of the Ontario Heritage Act and give authority to amend the existing Heritage Easement Agreement, in accordance with the Interim Decision and Order issued on September 23, 2021 by the Ontario Land Tribunal (OLT) to permit the construction of a 31 storey hotel building on the subject site, consisting of the alteration and retention of the existing Rack House D elevations as a podium with a 28 storey addition above.

Heritage Planning staff attended the OLT hearing in opposition of the proposed development. However, City staff continued to work with the applicant to revise elements of the proposal prior to the hearing, achieving a conservation strategy for the Rack House D building elevations that could be supported. The OLT Interim Decision and Order approved the development in principle. The Tribunal found that both the Zoning By-law Amendment and the Site Plan application adequately conserve the on-site heritage property and the surrounding Distillery District in accordance with the City's Official Plan Heritage Policies and the existing Provincial land-use planning policy framework.

In addition to approvals under the Planning Act, which were considered by the OLT, City Council's approval of the proposed alterations to the heritage property and authority to amend the existing Heritage Easement Agreement are required under the Ontario Heritage Act. In accordance with the OLT Interim Decision and Order and its conditions, this report recommends that City Council approve the proposed alterations under Section 33 of the Ontario Heritage Act and give authority to amend the existing Heritage Easement Agreement for the property to the satisfaction of the Senior Manager, Heritage Planning.

RECOMMENDATIONS

The Senior Manager, Heritage Planning, Urban Design, City Planning recommends that:

1. City Council approve the alterations to the heritage property at 60 Mill Street in accordance with Section 33 of the Ontario Heritage Act, to allow for alterations substantially in accordance with the Interim Decision and Order issued on September 23, 2021 by the Ontario Land Tribunal (OLT) and the plans and drawings, dated June 28, 2021, prepared by IBI Group, submitted with the Revised Heritage Impact Assessment, dated December 17, 2021, prepared by ERA Architects Inc., and on file with the Senior Manager, Heritage Planning, Urban Design, City Planning, all subject to and in accordance with a Conservation Plan satisfactory to the Senior Manager, Heritage Planning, Urban Design, City Planning, and subject to the following additional conditions:

a. Prior to issuance of the Tribunal's final Order in connection with the Zoning By-law Amendment appeal for the property at 60 Mill Street, the owner shall:

1. Amend the Heritage Easement Agreement with the City for the property at 60 Mill Street substantially in accordance with the Interim Decision and Order issued on September 23, 2021 by the Ontario Land Tribunal (OLT) and the plans and drawings, dated June 28, 2021, prepared by IBI Group, submitted with the Revised Heritage Impact Assessment, dated December 17, 2021, prepared by ERA Architects Inc., subject to and in accordance with the approved Plan required in Recommendation 1.a.2, all to the satisfaction of the Senior Manager, Heritage Planning including execution of such agreement to the satisfaction of the City Solicitor.

2. Provide a detailed Conservation Plan prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Revised Heritage Impact Assessment, dated December 17, 2021, prepared by ERA Architects Inc., all to the satisfaction of the Senior Manager, Heritage Planning.

b. That prior to final Site Plan approval for the proposal, for the property located at 60 Mill Street, the owner shall:

1. Provide final site plan drawings that are substantially in accordance with the approved Conservation Plan and which are to the satisfaction of the Senior Manager, Heritage Planning.

2. Provide an Interpretation Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.

3. Provide a Heritage Lighting Plan that describes how the exterior of the heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Planning.

4. Provide a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning.

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

1. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 1.a.2, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Planning.

2. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning, to secure all work included in the approved Conservation Plan, Lighting Plan and Interpretation Plan.

3. Provide full documentation of the existing heritage property, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a USB flash drive in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Planning.

d. That prior to the release of the Letter of Credit required in Recommendation 1.c.2, the owner shall:

1. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work has been completed in accordance with the Conservation Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning.

2. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning.

2. City Council authorize the City Solicitor to amend the existing Heritage Easement Agreement, registered on the title for the heritage property at 60 Mill Street, Instrument Number CA397771, and on file with the Senior Manager, Heritage Planning, Urban Design, City Planning, in a form and content satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning.

3. City Council authorize the City Solicitor to introduce the necessary Bill in Council authorizing the amendment of the heritage easement agreement for the property at 60 Mill Street.

FINANCIAL IMPACT

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

DECISION HISTORY

In 1994, the former City of Toronto Council approved OPA 2 to the King-Parliament Part II Official Plan and passed Zoning By-law 1994-0396 to implement a planning framework for the area identified as the Gooderham and Worts Special Identity Area (the Distillery District). Along with Official Plan policies and a site specific Zoning By-law, seven Heritage Easement Agreements (HEAs) and a Section 37 Agreement were secured to form the planning framework for the Distillery District. The planning framework was based on a series of Heritage Reports commissioned for the site from 1989-1994. The framework provides the planning provisions for mixed-use development in the Distillery District, including the retention and adaptive re-use of the majority of the heritage buildings on site. Since that time, a number of new buildings have been constructed in the Distillery District including condominium tower developments.

On June 15, 2011, an application was filed to redevelop 60 Mill Street. The application proposed to alter the heritage property by adding a 29-storey hotel and residential tower, totalling 34-storeys with a height of 118 metres including the mechanical penthouse.

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

On November 12, 2015 the owners of 60 Mill Street and 31R Parliament Street appealed their Official Plan Amendments and Rezoning applications to the Ontario Municipal Board due to Council's failure to make a decision within the time allotted by the Planning Act. The OMB agreed to hear the two appeals together at the first pre-hearing on August 2, 2016. Following the prehearing, mediation sessions were conducted by the Ontario Municipal Board on February 7, 8 and 28, 2017.

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>

At its meeting on March 28, 2017 City Council adopted without amendment the report (March 21, 2017) from the City Solicitor seeking further direction from City Council for the Ontario Municipal Board hearing on the appeals following the OMB facilitated mediation and recommending to Council in support of the settlement arrived at through the mediation.

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

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 subject to conditions, 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 at 60 Mill Street 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 was 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:

<https://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 at 60 Mill Street 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:

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

On December 24, 2019, a new Zoning By-law Amendment application was submitted for the subject site at 60 Mill Street to permit a 31 storey hotel building.

On January 16, 2020, a Site Plan application was submitted for the subject site at 60 Mill Street to permit a 31 storey hotel building.

On August 11, 2020, the Zoning By-law Amendment application was appealed to the OLT by the applicant pursuant to Section 34(11) of the Planning Act due to the City not making a decision within the prescribed timeframe. At the time of the appeal, permission under Section 33 of the Ontario Heritage Act and permission to amend the Heritage Easement Agreement had not been applied for.

On October 27, 2020, City Council adopted the recommendations of the Request for Directions Report for City staff to attend the OLT hearing in opposition to the appeal. The hearing was held between July 12-July 23, 2021.

On September 23, 2021, the OLT issued an Interim Decision and Order approving in principle the Zoning By-law Amendment and Site Plan application, subject to the applicant satisfying various conditions prior to the OLT issuing its final Order. The decision document can be found here:

<https://www.omb.gov.on.ca/e-decisions/pl200325-Sep-23-2021.pdf>

On December 20, 2021, a Heritage Permit application under Section 33 of the Ontario Heritage Act and request to amend the Heritage Easement Agreement was submitted to permit proposed alterations to 60 Mill Street in accordance with the OLT Interim Decision and Order.

BACKGROUND

Area Context

Founded in 1832 by William Gooderham and James Worts, the Gooderham and Worts Distillery operated from 1837 to 1990 and grew to become the largest distillery in the British Empire. Now the Distillery District, the site consists of a 5.3 hectare site with an ensemble of surviving Victorian era buildings and structures recognized as one of the best preserved groupings of 19th Century industrial architecture in Canada. The area is generally bound by Parliament Street to the east, Mill Street to the north, Distillery Lane to the south and Cherry St to the East. It is a designated National Historic Site, in addition to being designated under the Ontario Heritage Act through By-law No. 154-76, and subject to a series of Heritage Easement Agreements registered on title between the owner and the City for the buildings in the Distillery District. The Distillery District Heritage Conservation District (HCD) Study Phase has proceeded to the Plan Phase of the Distillery District HCD and a Heritage Conservation District Plan for the area has not been finalized.

Subject Property

The property at 60 Mill Street, known as Rack House D, is a six storey warehouse building located at the northeast corner of Trinity and Mill Streets. Constructed between 1884-1895 for the storage of alcohol barrels, it is one in a grouping of former rack houses along the north side of Mill Street that comprise the warehouse portion of the

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

The property is designated under Part IV of the Ontario Heritage Act through Designation By-law 154-76 and is subject to a Heritage Easement Agreement dated April 3, 1996. The building's statement of significance can be found in the Heritage Easement Agreement for the property, which reads:

“Rack House ‘D’ is identified as an important component of the Gooderham and Worts site. It is an integral part of the series of historic buildings lining Trinity Street and of the group of rack and tank houses east of Trinity Street. The building was constructed in 1895 for the storage of alcohol in barrels. Archaeological evidence of the former James Worts House may survive underneath the northeast corner of Rack House ‘D’. Located on the east side of Trinity Street at the northeast corner of Mill Street, Rack House ‘D’ is separated by a laneway from Rack House ‘I’ (Building 43) to the east. Mill Street separates Rack House ‘D’ from the Boiler House Building Group (Buildings 45, 45A, 46 51 and 52) to the south.

The six-storey Rack House ‘D’ is rectangular in plan and covered by a flat roof with a wood penthouse. Above a stone foundation, red brick walls are divided into bays by piers and inset panels with stepped and corbelled brick detailing. The segmental-headed openings on the east and west façades have wood sash windows with metal shutters. On the south wall, each storey has segmental headed openings containing wood loading doors with metal shutters. The openings have brick voussoirs and stone sills. The east wall has a steel fire escape stair. A pipe bridge connects Rack House ‘D’ to the Workshops (Building 45 of the Boiler House Building Group) to the south. The interior of Rack House ‘D’ features a wood roof structure, wood stairs, a freight elevator and, along the west side, a walkway. Timber racking rises six stories from stone footings. Rack House ‘D’ contains a freight elevator and, along the west wall, a rope hoist.”

Adjacent Heritage Properties

Distillery District (55 Mill Street)

The development site is adjacent to many other buildings within the Distillery District that are all designated under Part IV of the Ontario Heritage Act through by-law 154-76, which covers the Gooderham and Worts Distillery District area. The buildings adjacent to the development site include the Rack House T building at 70 Mill Street, the Boiler House Building Group at 55 Mill Street and the Malting Buildings at 2 Trinity Street.

18 Trinity Street

The development site is adjacent to the heritage property at 18 Trinity Street to the west, which comprises the building known as the General Distilling Company Building. The property is designated under Part IV of the Ontario Heritage Act through by-law 301-97.

Development Proposal

The development proposal described in this report has been approved in principle by the Interim Decision and Order issued on September 23, 2021 by the Ontario Land Tribunal (OLT) to permit a Zoning By-law Amendment and Site Plan application to construct a 31 storey hotel building on the subject site, consisting of the alteration and retention of the existing Rack House D elevations as a podium with a 28 storey addition above.

The proposed development would consist of five underground parking levels, three levels of hotel operations and amenities within the walls of the existing Rack House D structure, two-floors of stepped-in glass-enclosed hotel operations and amenities immediately above the existing structure (the “glass reveal”), and another 26-floors of stepped-out hotel structure finished primarily with manufactured stone and glass (the “tower element”) built above the glass reveal and Rack House D podium.

Heritage Planning Framework

The Planning Act

The Planning Act guides development in the Province of Ontario. It states that municipalities must have regard for matters of provincial interest. Section 2(d) specifically refers to “the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest” and 2(r) “to a built form that is well designed and provides for a sense of place.”

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
- conservation of cultural heritage and archaeology

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."

Policy 2.6.1 of the PPS directs that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties included on the City's Heritage Register are considered to be significant in this context. "Conserved" is defined in the PPS as "the identification, protection, management and use of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act."

Policy 2.6.3 states that "Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."

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 and was amended through an Order in Council that came into effect on August 28, 2020. This plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. 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) builds upon the policy foundation provided by the PPS 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.

Policy 4.2.7.1 of the Growth Plan states that "Cultural Heritage Resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas."

City of Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan. The Plan provides the policy framework for heritage conservation in the City. The following Official Plan policies apply to the proposed alterations:

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

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

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

3.1.5.16: "Properties on the Heritage Register and publicly known archaeological sites and artifacts will be promoted through educational programs, museums, local celebrations and other programming opportunities."

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

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

The City of Toronto Official Plan can be found here:

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

Parks Canada Standards and Guidelines for Conservation of Historic Places in Canada

The Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines) is the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto. The General Standards (1-9) and the Standards for Rehabilitation (10-12) apply to this project.

<http://www.historicplaces.ca/en/pages/standards-normes.aspx>

COMMENTS

The development proposal described in this report has been approved in principle by the Interim Decision and Order issued on September 23, 2021 by the Ontario Land Tribunal (OLT) to permit a Zoning By-law Amendment and Site Plan application to construct a 31 storey hotel building on the subject site, consisting of the alteration and retention of the existing Rack House D elevations as a podium with a 28 storey addition above. This approval relates solely to the approvals required under the Planning Act. City Council's approval is still required for the proposed alterations to the heritage property and authority to amend the existing Heritage Easement Agreement under the provisions of the Ontario Heritage Act.

Conservation Strategy

The project proposes a conservation strategy of partial retention and rehabilitation, retaining the elevations of Rack House D with modifications to adapt the site for a new hotel use and to add a tower addition above. Though Heritage Planning staff attended the OLT hearing in opposition of the proposed development, staff worked diligently with the applicant to revise elements of the proposal prior to the OLT hearing, in order to achieve a conservation strategy for the Rack House D elevations that could be supported: preserving the exterior facades of Rack House D in-situ to the greatest extent possible with minor alterations to identified heritage attributes and securing a minimum of 900 sq. ft. of publicly accessible interpretive space on the ground floor of the hotel, allowing for a representative portion of the interior timber racking structure to be reconstructed and reinstated. The full extent of the proposed alterations are discussed below.

South (principal) Elevation

The south elevation is the principal elevation of Rack House D and it is proposed to be retained in-situ and altered using a minimal intervention-approach to accommodate the new hotel use and primary entrance. At present, openings in the elevation are limited to a ground floor entrance door with exterior shutter in the western most bay and a total of six (one at each storey) openings containing wood loading doors with metal shutters in the central bay. These existing openings are heritage attributes which are proposed to be retained and conserved with minor alterations to improve functionality and ensure code compliance. The entrance door and exterior shutter in the western most bay will be maintained with a raised threshold and the existing loading door and exterior

shutters in the centre bay will be maintained with the sill lowered to grade to be used as an entrance to the hotel restaurant.

Several new multi-floor window openings are proposed to allow for daylight into the interior space of Rack House D. A new hotel entrance door will be integrated with the multi-floor window in the second bay from the west. To mitigate the creation of new openings, the eastern and western most masonry bay will be maintained as a representative example of the historic condition of the building. The new openings have been positioned to respect the existing brick piers and the location of the existing pipe bridge, which are heritage attributes. The openings are simply designed, framed with metal plates to be distinguishable as contemporary interventions.

West and East Elevations

The west elevation of the building along Trinity Street and the east elevation are proposed to be retained in-situ with minimal interventions. Both elevations are comprised of a series of original wood windows with metal clad shutters. All existing windows on the east and west elevations are proposed to be conserved and adapted for improved performance. Select shutters are proposed to be salvaged, refurbished and secured to the masonry wall in an open position to allow light into the building. Others will be in a closed position. Where shutters are fixed in the open position, one of the two opposing shutters will be removed. The proposed window strategy will be further detailed in the forthcoming Conservation Plan. One existing ground floor window opening on the west elevation will be altered to create a new egress door onto Trinity Street. Similarly, one existing ground floor window on the east elevation will be altered to create a new egress door and the existing exterior fire egress stair at the north end of the elevation will be removed and restored to window openings.

North (rear) Elevation

The north elevation is considered the rear elevation of Rack House D. Fronting onto a laneway, the existing elevation is made up entirely of brick masonry bays and piers with no window or door openings. This elevation will be the most impacted by the redevelopment and is proposed to be partially retained in-situ. The first bay (approximately 4m) of the east return and the first bay (approximately 4m) of the west return will be retained in-situ. The remainder of the elevation will be dismantled to allow for construction access and excavation. These alterations are necessary for the excavation and integration of the new construction. It will be reconstructed using a mix of salvaged and new material with modifications to accommodate the new uses. New openings will be created along the ground floor for parking, loading garage entrances and emergency exit doors. The masonry lintel details over the parking and loading entrances will be further developed in the future Conservation Plan. New openings are also proposed in the centre bays of the second and third floors. The new openings have been designed to have regard for the organization of the masonry piers and, like on the south elevation, will be framed with metal plates to be legible as contemporary interventions. Some of the windows will accommodate louvers to reduce the visual impact of new mechanical functions.

Tower Addition

The existing small wooden penthouse will be removed and a 28 storey tower will be constructed above the retained facades of the Rack House D building. The proposed tower addition is comprised of two parts, the “glass reveal” immediately above the Rack House D podium and the "tower element".

The two storey glass reveal is stepped back on all four sides of the Rack House D to highlight the original roofline: 3m from the south elevation along Mill Street; 3.3m from the west elevation along Trinity Street; 4.5m from the east elevation, and; 1.5m from the north elevation.

The tower element cantilevers back out 1.5m, above the glass reveal, resulting in stepbacks of approximately 1.5m from the south elevation; 1.8m from the west elevation; 3m from the east elevation, and; 0m from the north elevation of the existing heritage building.

The 28 storey addition is distinctly modern in its architectural expression and use of contemporary materials of glass and manufactured stone panels, with an articulation that is designed to reference the rhythm of the bays and brick piers of the existing Rack House D.

Heritage Planning staff were of the opinion that the design of the tower and proposed stepbacks with cantilever did not adequately mitigate the impact of the height of the addition on Rack House D and the adjacent heritage properties. Heritage Planning, Community Planning and Urban Design staff attended the OLT hearing in opposition of the proposed development. The Tribunal’s assessment considered the height, scale, form, massing, materiality and articulation of the proposed construction in relation to the existing heritage structure and the surrounding District. The Tribunal ultimately found that both the Zoning By-law Amendment and the Site Plan application would adequately conserve the subject heritage resources and adjacent heritage resources in accordance with the City's Official Plan Heritage Policies and the existing Provincial land-use planning policy framework.

Interior and Artifacts

The retention of a sufficient portion of the interior timber racking structure in order to showcase and facilitate interpretation of the building’s historic function is an important objective of the City for this building, as described in OPA 304 Gooderham & Worts Special Identity Area, the King Parliament Secondary Plan policies and the Heritage Easement Agreement.

The interior of the site will be excavated to allow for the construction of several underground floors containing parking, mechanical, and back-of-house areas. These alterations are necessary for the integration of the new construction. Where 6 floors currently exist within the building, there will be 3 floors within the Rack House D to accommodate the new hotel uses. The western portion of the ground floor level will contain a double-height area, which is proposed to serve as a publicly-accessible heritage interpretation area of no less than 900 sq. ft. A representative portion of the removed timber racking will be salvaged and reconstructed to showcase the building’s

heritage value and to interpret this heritage attribute. Staff will work closely with the applicant as this is further detailed in the Conservation Plan.

The Heritage Easement Agreement also catalogs a number of artifacts and pieces of industrial equipment. A rope hoist which is affixed to the west interior wall between the fifth and sixth floor levels will be temporarily removed, but will be salvaged and incorporated into the heritage interpretation plan area. At this time it remains unclear whether the barrel hoists and hand winch, which are movable objects, are currently located within Rack House D, as equipment has been moved in and out of the building over the years. Any remaining industrial equipment will be selectively chosen to satisfy heritage interpretation opportunities and staff will work to ensure the Conservation Plan and Interpretation Plan appropriately address these artifacts.

Design Improvements

The OLT approved-in-principle development proposal contains a significantly improved conservation strategy from that which was originally submitted in 2019 and was refined during expert witness meetings prior to the OLT hearing. These improvements, made with the applicant, represent City staff's committed effort to mitigate physical and visual impact of the redevelopment on the property's cultural heritage value. The exterior facades of Rack House D will be preserved in-situ to the greatest extent possible, retaining one bay of the east and west return walls of the north elevation in-situ, as opposed to the full demolition and reconstruction of the north elevation as originally proposed. The current scheme also eliminates alterations to identified heritage attributes on each elevation, ensuring interventions to historic fabric were minimized. A minimum of 900 sq. ft. of publicly accessible interpretive area has also been secured on the ground floor of the hotel to allow for a representative portion of the interior rack structure to be reinstated, achieving an important City Planning objective for this cultural heritage resource.

Conservation Plan

Should Council approve the proposed conservation strategy, the owner should be required to submit a Conservation Plan for the work described in the Heritage Impact Assessment prepared by a qualified heritage professional to the satisfaction of the Senior Manager, Heritage Planning. Retention of enough of the timber racking system to appreciate the scale, depth and complexity of this structure is an important part of the public interest in this project. Staff will be reviewing the Conservation Plan to ensure this priority is addressed to a high standard.

Interpretation Plan

Should Council approve the proposed conservation strategy, prior to final site plan approval, the applicant should be required to submit an Interpretation Plan to the satisfaction of the Senior Manager, Heritage Planning. The western portion of the ground floor level will contain a double-height area which is proposed to serve as a publicly-accessible heritage interpretation area of no less than 900 sq. ft. Staff will be reviewing the Interpretation Plan in conjunction with the Conservation Plan.

Signage and Lighting Plan

Should Council approve the proposed conservation strategy, prior to final site plan approval for the proposed development, the applicant should be required to submit a heritage lighting plan to the satisfaction of the Senior Manager, Heritage Planning. The lighting plan should provide details of how the Rack House D elevations will be lit so that its unique heritage character is highlighted. The recommended Signage Plan should provide details of the signage strategy for the property at 60 Mill Street, including the appropriate type, scale, location and number of signs.

CONCLUSION

This report recommends that City Council approve the proposed alterations to the designated heritage property at 60 Mill Street under Section 33 of the Ontario Heritage Act, in accordance with the Interim Decision and Order issued on September 23, 2021 by the Ontario Land Tribunal (OLT) to permit, in principle, a Zoning By-law Amendment and Site Plan application to construct a 31 storey hotel building on the subject site, consisting of the alteration and retention of the existing Rack House D elevations as a podium with a 28 storey addition above.

Heritage Planning staff were not satisfied that the proposed tower addition adequately conserved and mitigated impact on the onsite and adjacent heritage properties and attended the OLT hearing in opposition of the proposed development. However, prior to the hearing City staff worked with the applicant to revise elements of the proposal to achieve a conservation strategy for Rack House D that could be supported, including preserving the exterior facades of Rack House D in-situ to the greatest extent possible, minor alterations to identified heritage attributes, and securing a minimum of 900 sq. ft. of publicly accessible interpretive space on the ground floor of the hotel to allow for a representative portion of the interior rack structure to be reconstructed and reinstated.

The OLT Interim Decision and Order approved the development in principle. The Tribunal found that both the Zoning By-law Amendment and the Site Plan application adequately conserve the existing heritage property and the surrounding District in accordance with the City's Official Plan Heritage Policies and the existing Provincial land-use planning policy framework.

In addition to approvals under the Planning Act, which were considered by the OLT, City Council's approval of the proposed alterations to the heritage property and authority to amend the existing Heritage Easement Agreement are required under the Ontario Heritage Act. In accordance with the OLT Interim Decision and Order and its conditions,

this report recommends that City Council approve the proposed alterations under Section 33 of the Ontario Heritage Act and give authority to amend the existing Heritage Easement Agreement for the property to the satisfaction of the Senior Manager, Heritage Planning.

CONTACT

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Urban Design, City Planning
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SIGNATURE

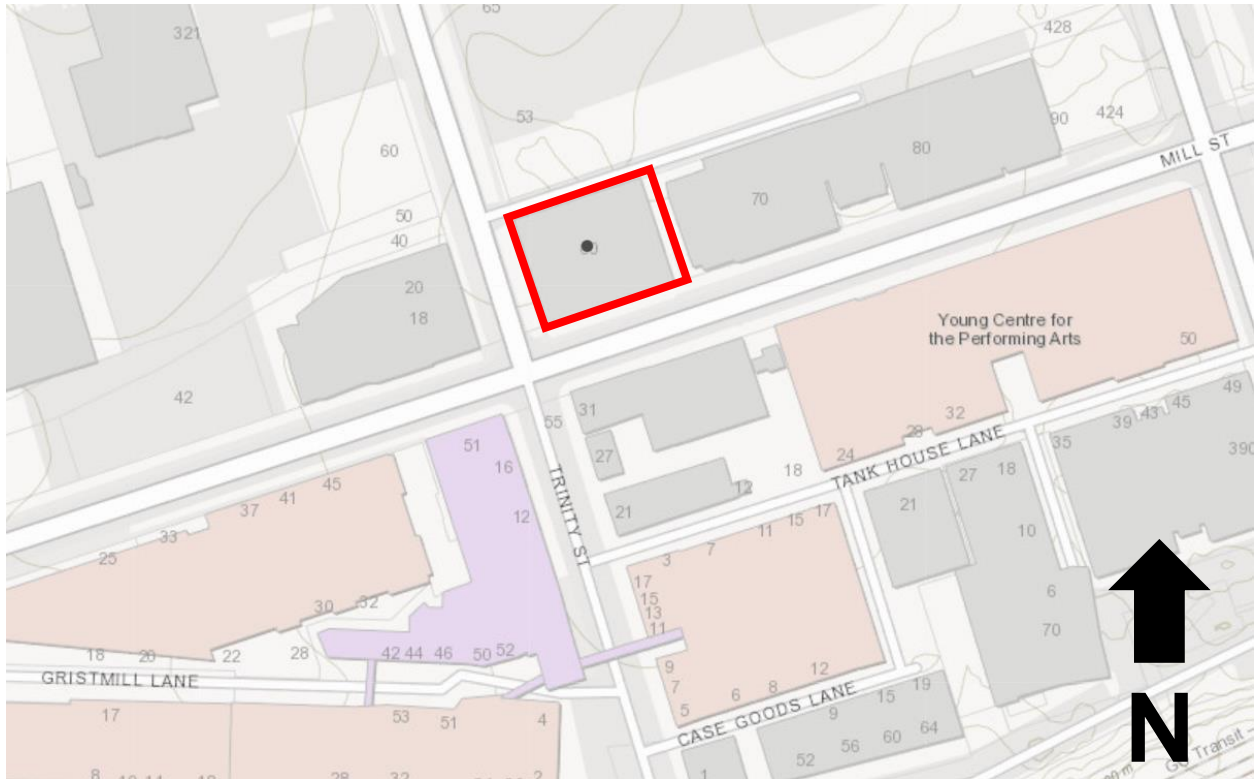
Mary L. MacDonald, MA, CAHP
Senior Manager, Heritage Planning
Urban Design, City Planning

ATTACHMENTS

Attachment 1 - Location Map
Attachment 2 - Photographs
Attachment 3 - Selected Drawings

**LOCATION MAP
60 MILL STREET**

ATTACHMENT 1



Location Map, showing the property at 60 Mill Street, indicated by the red outline. The property boundaries are approximate. (iView Mapping, City of Toronto)



60 Mill Street, south elevation of Rack House D. (ERA Architects Inc.)



60 Mill Street, west and south elevation of Rack House D. (ERA Architects Inc.)



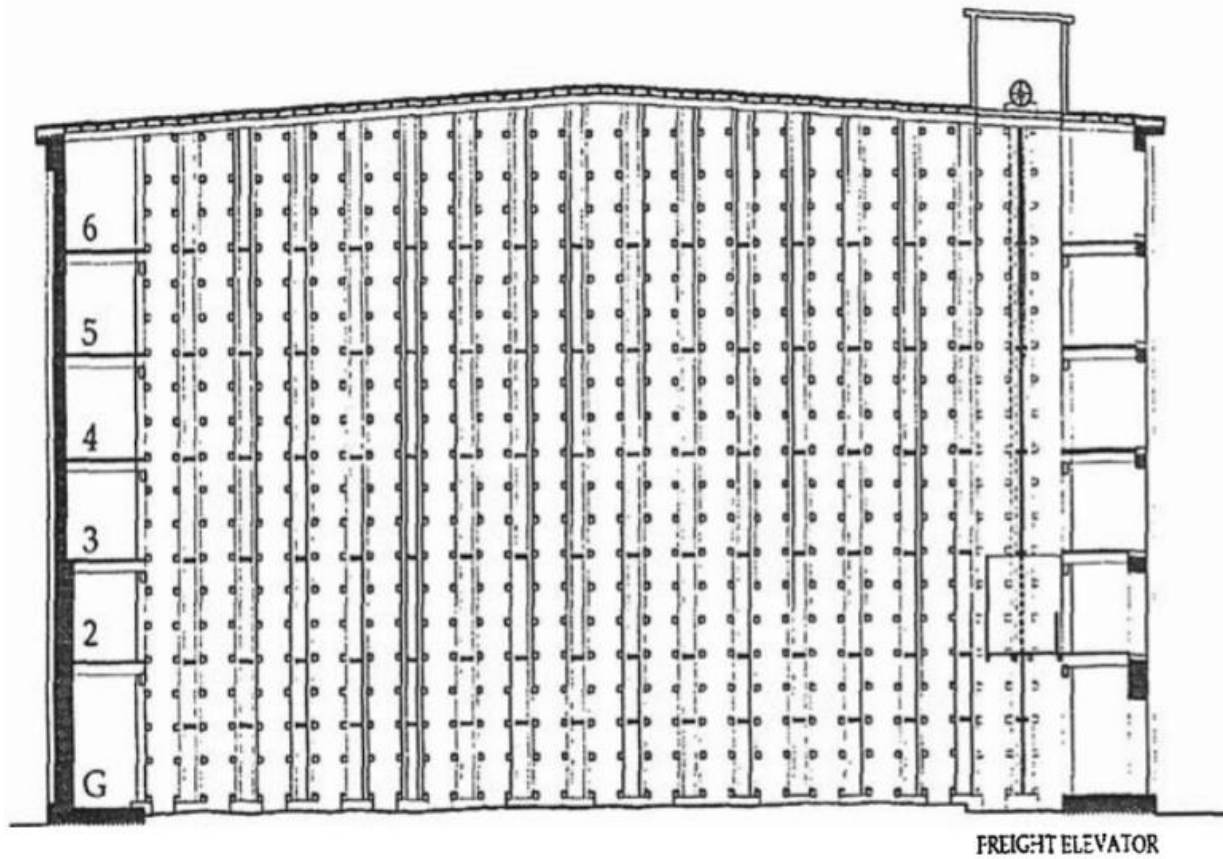
60 Mill Street, north elevation of Rack House D. (ERA Architects Inc.)



60 Mill Street, east elevation of Rack House D. (ERA Architects Inc.)



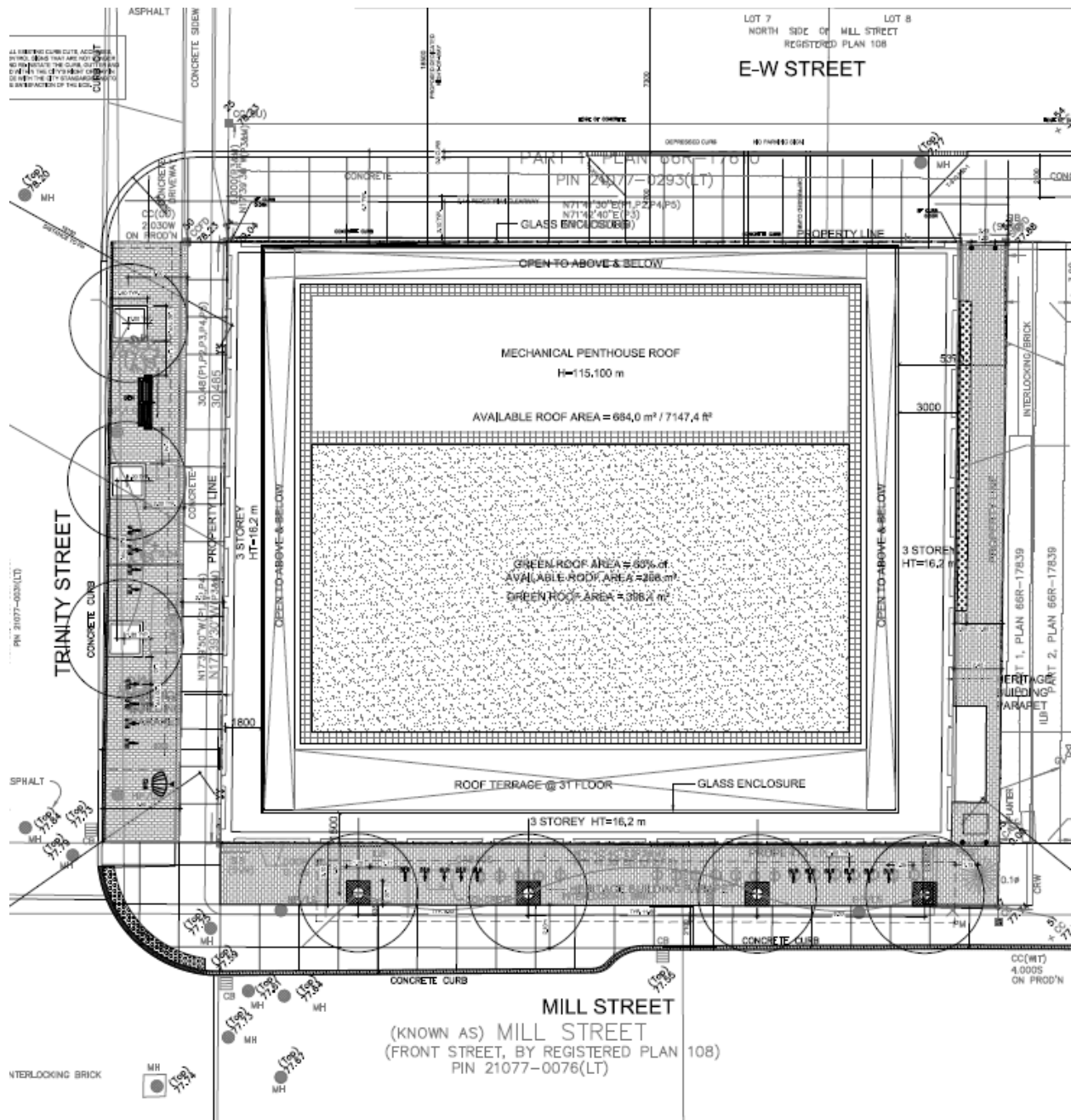
60 Mill Street, interior timber racking structure. (ERA Architects Inc.)



Section drawing of 60 Mill Street, timber racking structure (Gooderham and Worts Heritage Plan Report 10. Architectural Drawings, 1994)

SELECTED DRAWINGS
60 MILL STREET

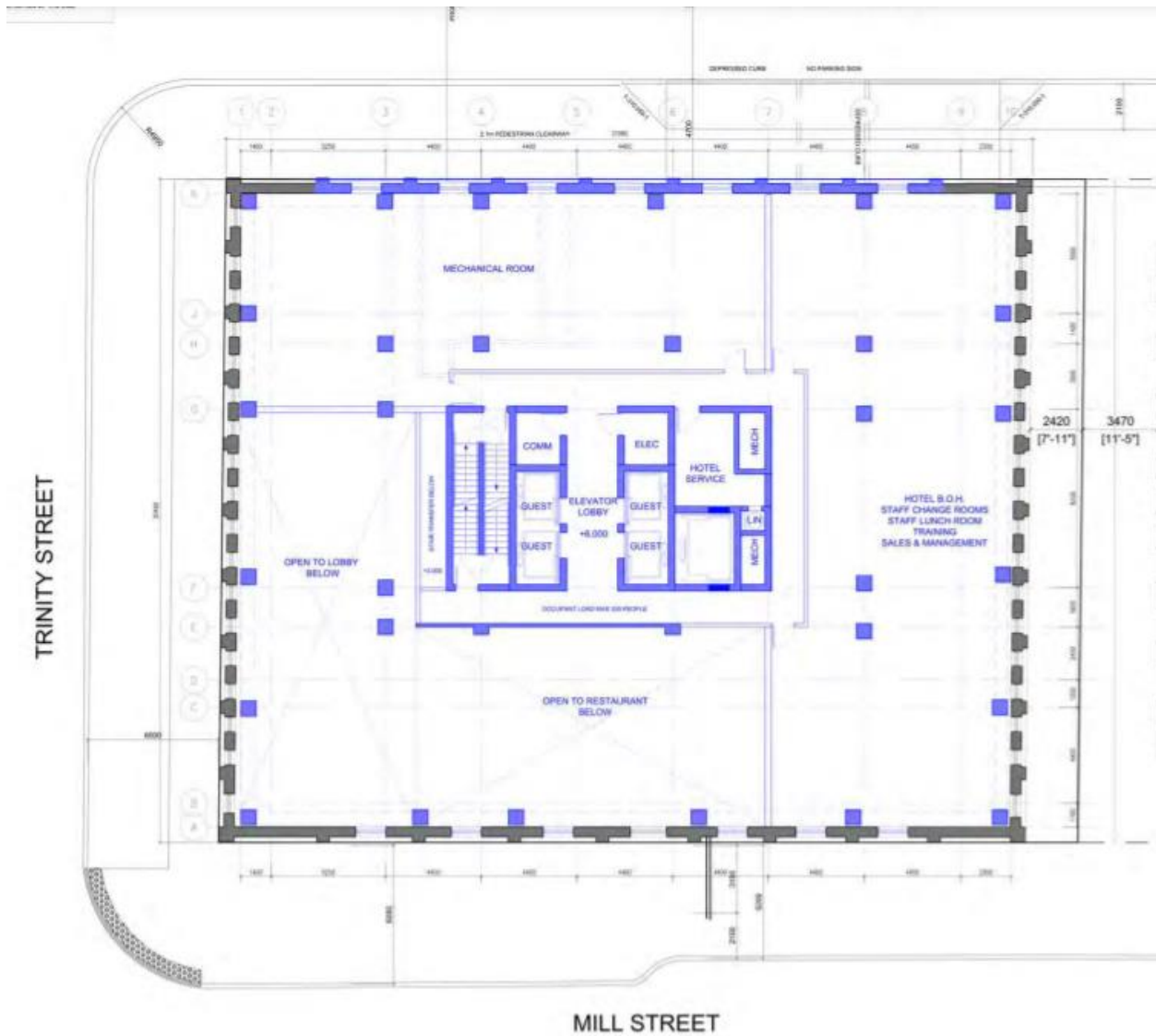
ATTACHMENT 3



Site Plan of 60 Mill Street, plans approved in principle by OLT Interim Decision and Order. Full set of plans can be accessed on the [Application Information Centre](#). (IBI Group, June 28, 2021)

SELECTED DRAWINGS

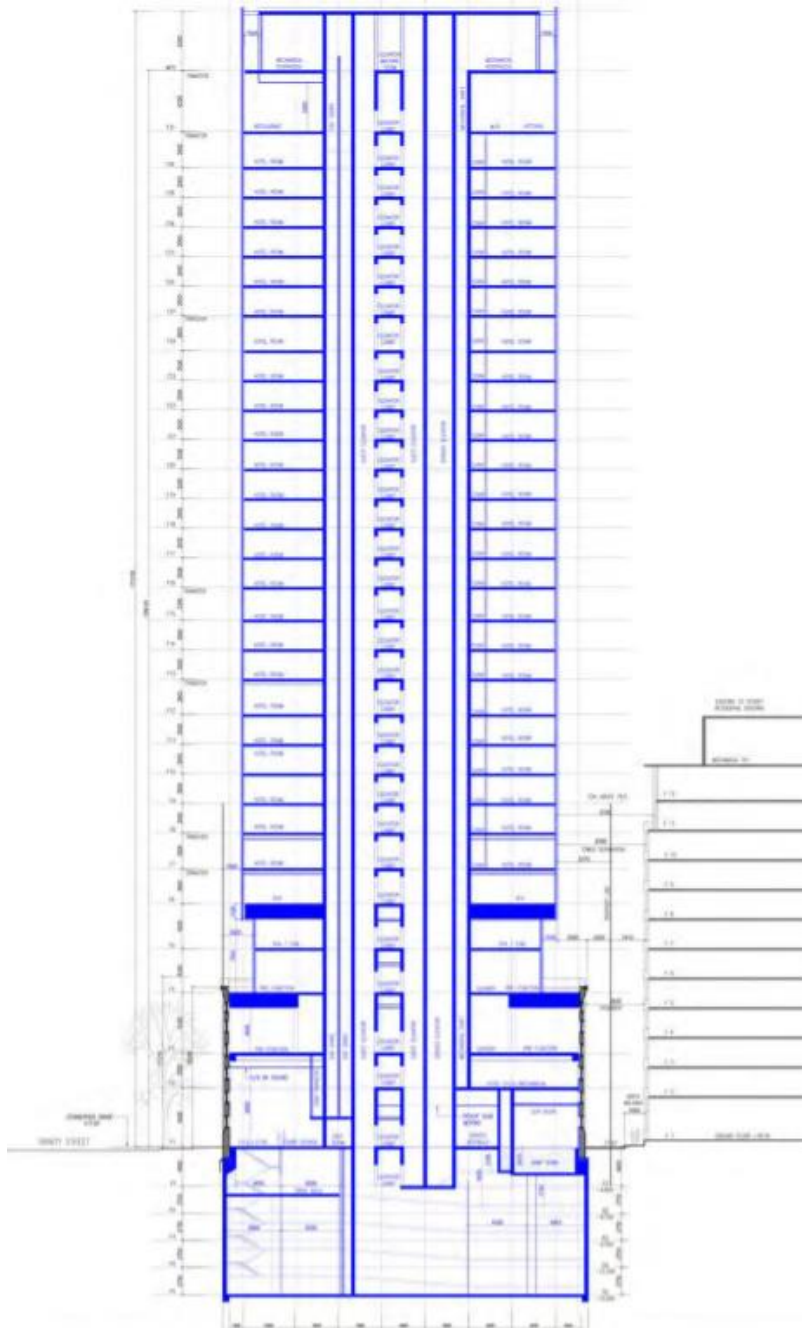
60 MILL STREET



Second Floor Plan of 60 Mill Street, grey identifies existing to remain, blue identifies new construction and red identifies demolition. Plans approved in principle by OLT Interim Decision and Order. Full set of plans can be accessed on the [Application Information Centre](#).

SELECTED DRAWINGS

60 MILL STREET



Section drawing of 60 Mill Street, grey identifies existing to remain and blue identifies new construction. Plans approved in principle by OLT Interim Decision and Order. Full set of plans can be accessed on the [Application Information Centre](#).

SELECTED DRAWINGS

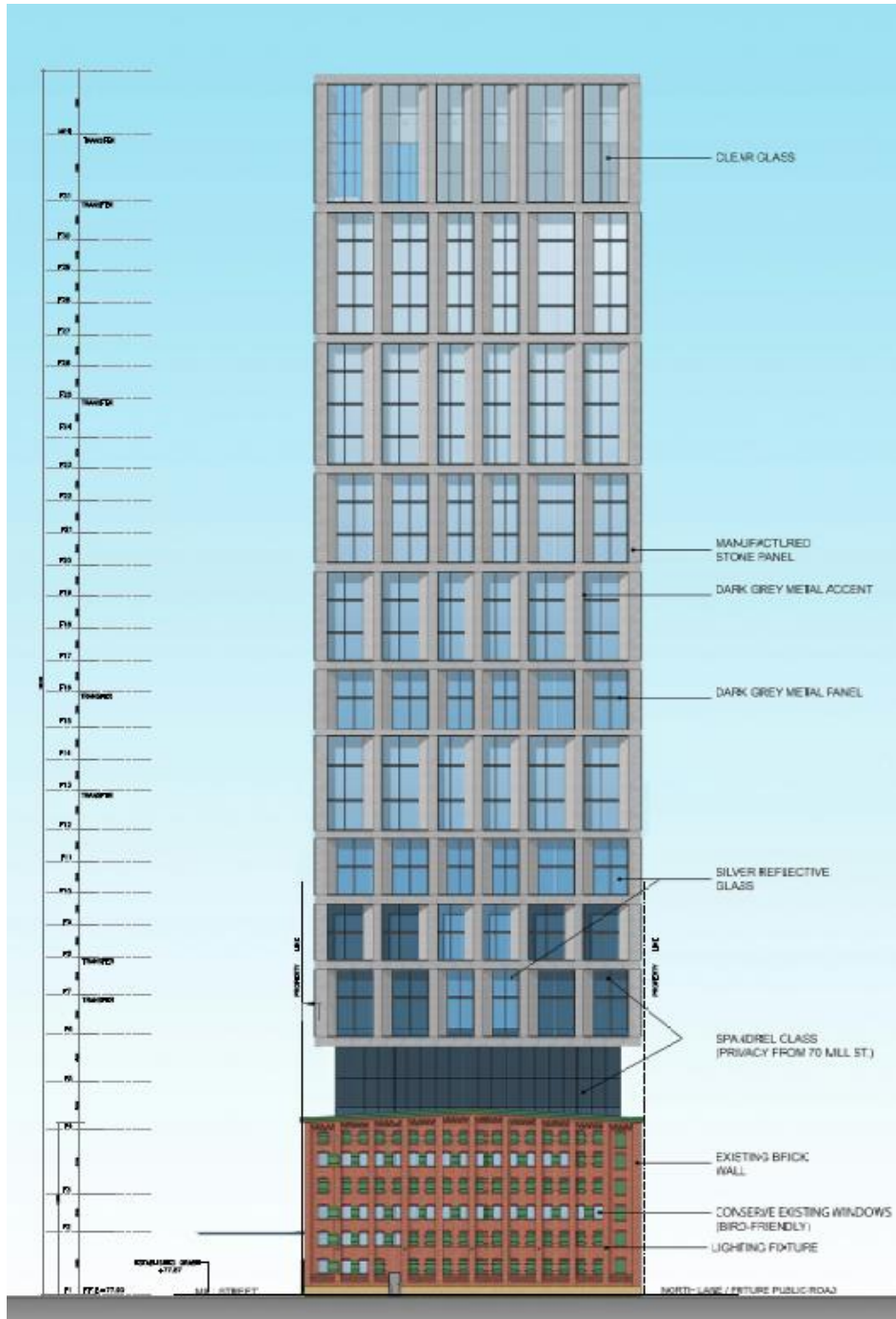
60 MILL STREET



South Elevation Drawing of 60 Mill Street. Plans approved in principle by OLT Interim Decision and Order. Full set of plans can be accessed on the [Application Information Centre](#).

SELECTED DRAWINGS

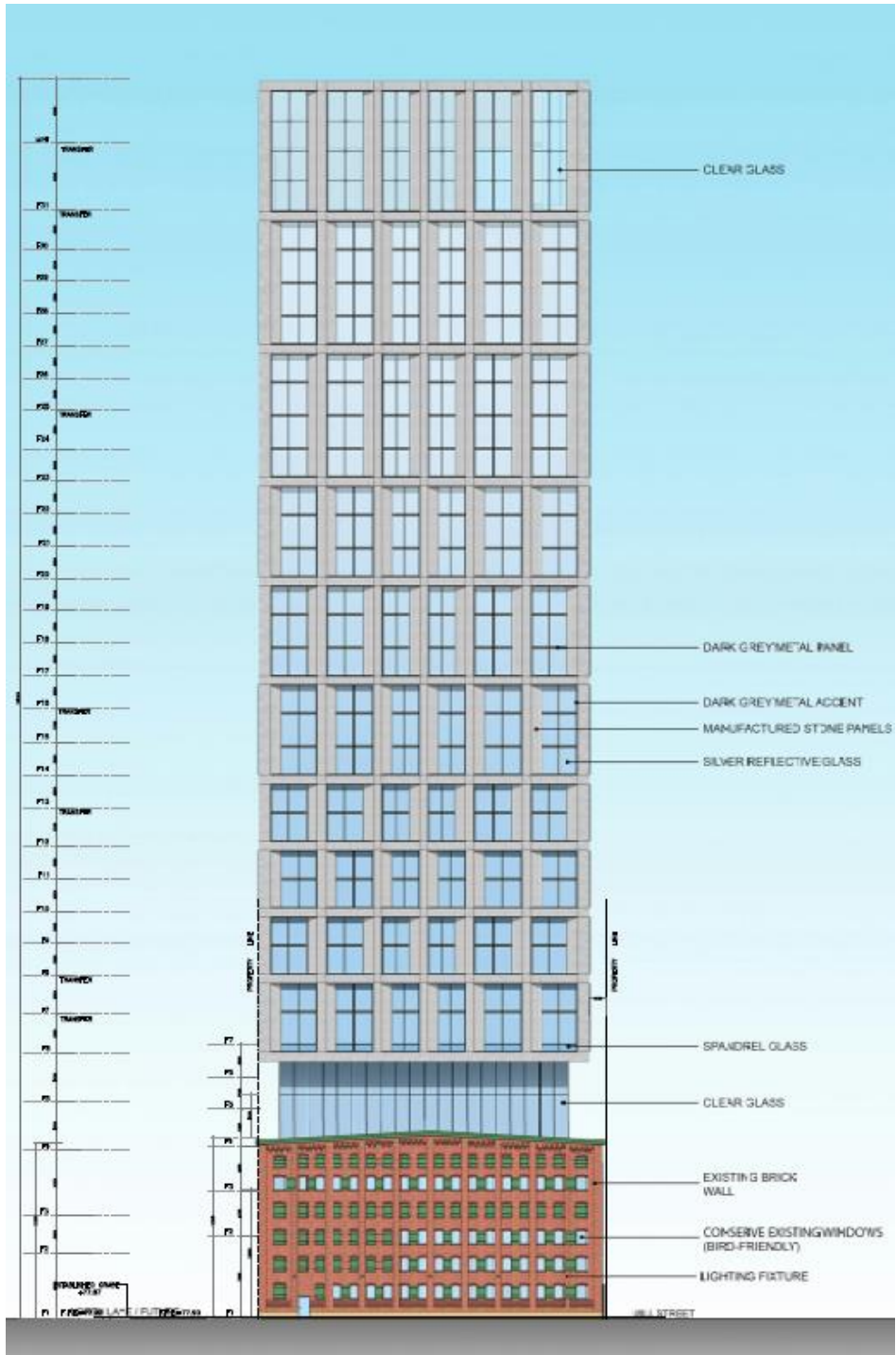
60 MILL STREET



East Elevation Drawing of 60 Mill Street. Plans approved in principle by OLT Interim Decision and Order. Full set of plans can be accessed on the [Application Information Centre](#).

SELECTED DRAWINGS

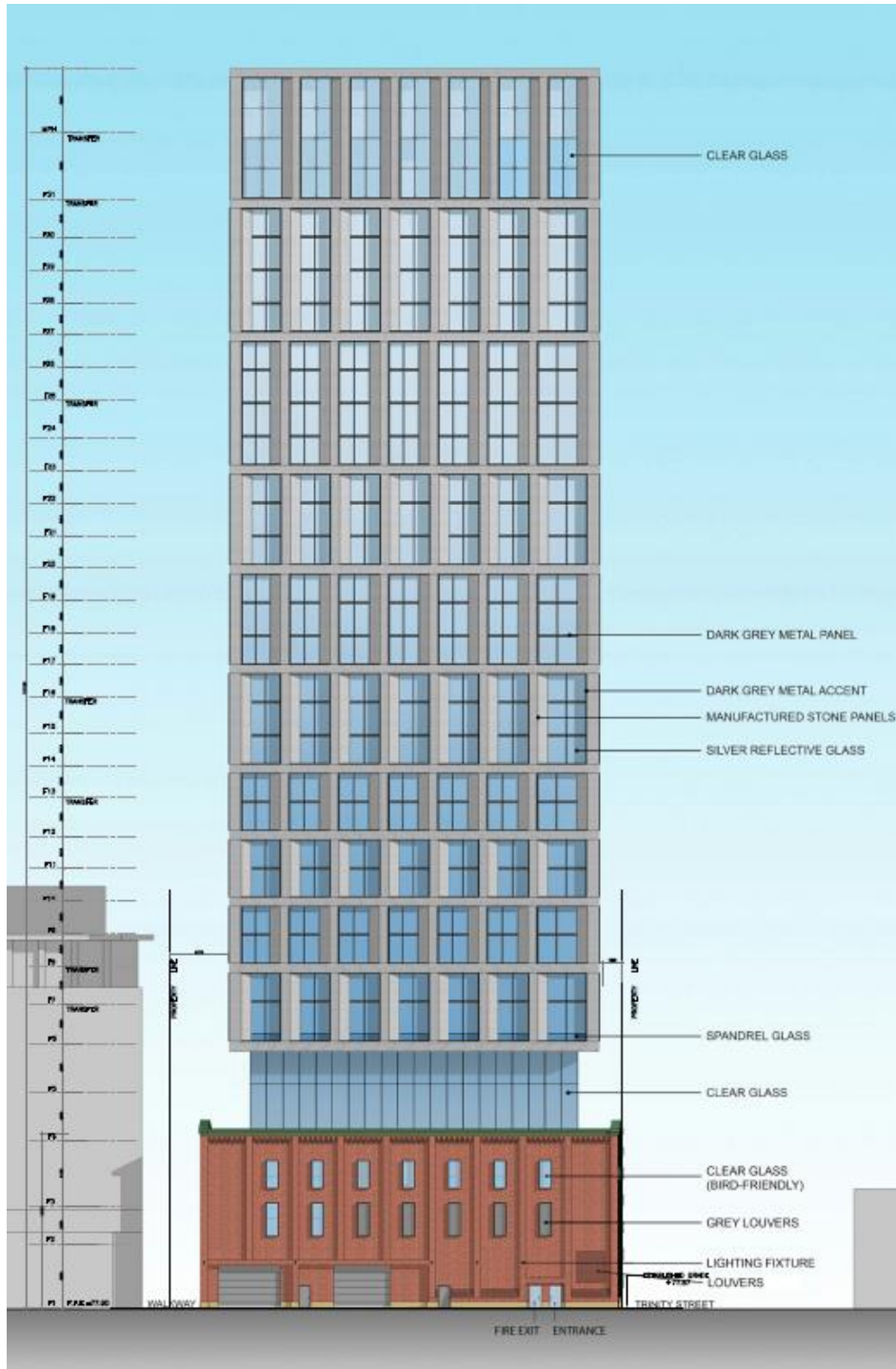
60 MILL STREET



West Elevation Drawing of 60 Mill Street. Plans approved in principle by OLT Interim Decision and Order. Full set of plans can be accessed on the [Application Information Centre](#).

SELECTED DRAWINGS

60 MILL STREET



North Elevation Drawing of 60 Mill Street. Plans approved in principle by OLT Interim Decision and Order. Full set of plans can be accessed on the [Application Information Centre](#).