

1155 Queen St West Site Plan Application – Final Report

Date:	June 5, 2008
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 18 – Davenport
Reference Number:	07 171965 STE 18 SA

SUMMARY

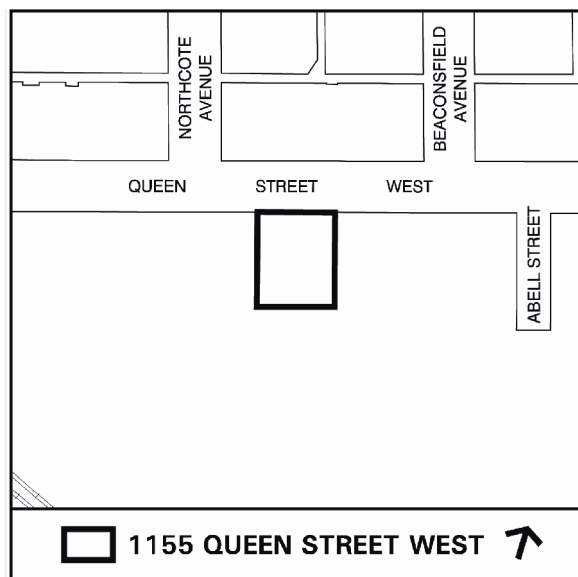
This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes an 8-storey mixed use building at 1155 Queen Street West. Retail uses are proposed at grade, with office uses on the second floor and 6-storeys of residential units above. The building will share parking, residential access, loading, garbage room and amenity space with the adjacent development at 1171 Queen Street West.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the proposed 40 unit, 8-storey mixed use building as indicated on the drawings listed in the Notice of Approval Conditions letter attached as Attachment 3 to this report;
2. City Council authorize the Chief Planner, or his designate, to give final approval to the site plan when the conditions to be satisfied prior to site plan approval, as set out in



Attachment 3 to this report have been fulfilled;

3. City Council authorize the City Solicitor to prepare and register any necessary site plan agreement(s); and
4. City Council authorize the Director, Community Planning, Toronto and East York district to execute the agreement.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Background

This site plan application was made along with a zoning amendment application by Bousfields Inc. in April of 2007. The Final Report for the zoning amendment application was adopted by the Toronto and East York Community Council (“TEYCC”) on April 8, 2008, although the Bills have not yet been introduced at City Council. One of the conditions of approval for the zoning amendment was that the site plan application be considered by TEYCC.

Proposal

The proposal is for an 8-storey (26 metre) mixed-use building with commercial uses at grade and on the second floor with residential uses above. Forty residential units are proposed, along with 55 parking spaces. Total proposed density is 5.09 times the area of the lot (5,451 square metres).

Site and Surrounding Area

This flat, 1,070 square metre site is located on the south side of Queen Street West.

Adjacent existing uses are:

- North: various stores and other commercial uses in low-rise buildings on the north side of Queen Street West.
- South: a private laneway and a 3-storey industrial building.
- East: an art supply store, offices and residential units in a 2 storey building.
- West: preparations for a mixed use development (referred to as 1171 Queen Street West) including commercial and dwelling units in an 8 storey building and a 20 storey building.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in drafting the conditions listed in the Notice of Approval Conditions letter.

COMMENTS

Community Consultation

This project has been the focus of several meetings with the community as part of the zoning amendment, and the site plan applications. The community, along with the Ward Councillor and staff, have been working with the architect over the past couple of months to address concerns about the overall design of the building and guidelines for the design of the retail units at grade.

Building Design

The approved massing of the building, 8 storeys with stepbacks at the 5th and 7th storeys, was determined by the Ontario Municipal Board approved development at 1171 Queen. These two developments will essentially function as one building, sharing parking, residential access, amenity space, garbage rooms, and loading areas. However, small differences between the developments such as a reduced setback of the building from the property line on Queen Street for 1155 Queen, and the overall façade design, attempts to visually break-up the building massing along these two properties.

The design of the building has been a concern of staff and the community. The architect has responded to the concerns by amending the façade design to differentiate this building as much as possible from the building at 1171 Queen Street West. Some of the techniques employed in the redesign include a different colour of brick, changes in the fenestration between the buildings and different treatment of the first four floors from the upper floors. The drawings showing the proposed design are in Attachment 1 of this report.

Staff and the community have reviewed the changes and are comfortable with the amended façade designs. These changes and details are captured in 1:50 scale elevation drawings that have been prepared by the architect and submitted to the City. These drawings will form part of the record set of drawings for this proposal and the materials will be secured in the Section 37 agreement.

Retail Unit Facades

There was also a concern with respect to the design of the retail units and the ability for individual shop keepers to construct individual facades for their units. The architect has prepared a “menu” of options that will be available to each unit lessee (some of which are upgrades and incur extra cost). There are a number of elements on each unit that comes as part of the base building such as the lighting fixtures and the portion of the façade just above the sidewalk, but all the other elements including the canopy, door, window layout, material for the mullions, and the main façade material can be chosen by the individual

shop owner. The drawings showing the proposed design are in Attachment 2 of this report.

Staff, the Councillor and the community have reviewed the drawings that show the retail façade options and are comfortable with the outcome. The drawings that capture the retail façade options and a description of how the façade design will be managed by the owner will be secured in the Section 37 agreement which is being finalized as part of the zoning amendment application.

Inclusion of Additional Conditions

The Building Code Statute Law Amendment Act, 2002 (Bill 124) and Ontario Regulation 305/03, set out the “applicable law” which must be satisfied prior to the issuance of a building permit. Prior to the coming into force of the Act, conditions of approval could be issued that would have to be satisfied prior to building permit issuance. The Act does not state that conditions of approval are applicable law. Therefore, should Council wish to ask for conditions of approval, they should either be satisfied prior to site plan approval or inserted into the site plan agreement for post-approval satisfaction.

This application has been reviewed thoroughly by staff, the Councillor and the community and the positive changes that have been made to the design of the building allow City Planning staff to recommend approval of the Notice of Approval Conditions letter attached as Attachment 3.

CONTACT

Sarah Phipps, Planner
Tel. No. (416) 392-7622
Fax No. (416) 392-1330
E-mail: sphipps1@toronto.ca

SIGNATURE

Raymond David, Acting Director
Community Planning, Toronto and East York District

(P:2008\Cluster B\pln\teycc\16555317047.doc) - cc

ATTACHMENTS

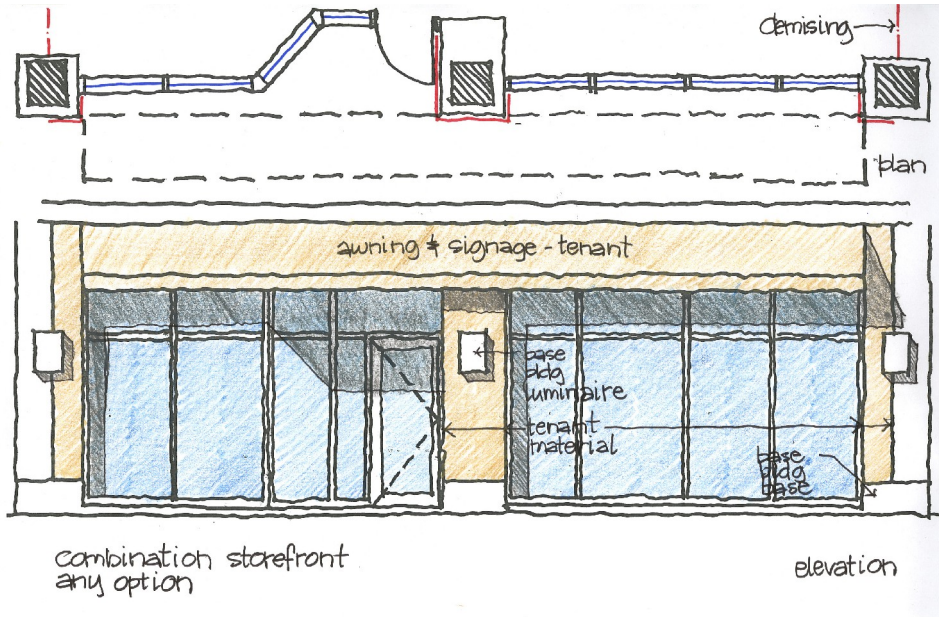
Attachment 1: Proposed façade design (as secured with full sized drawings)
Attachment 2: Proposed retail façade options
Attachment 3: Notice of Approval Conditions letter

Attachment 1: Façade Design

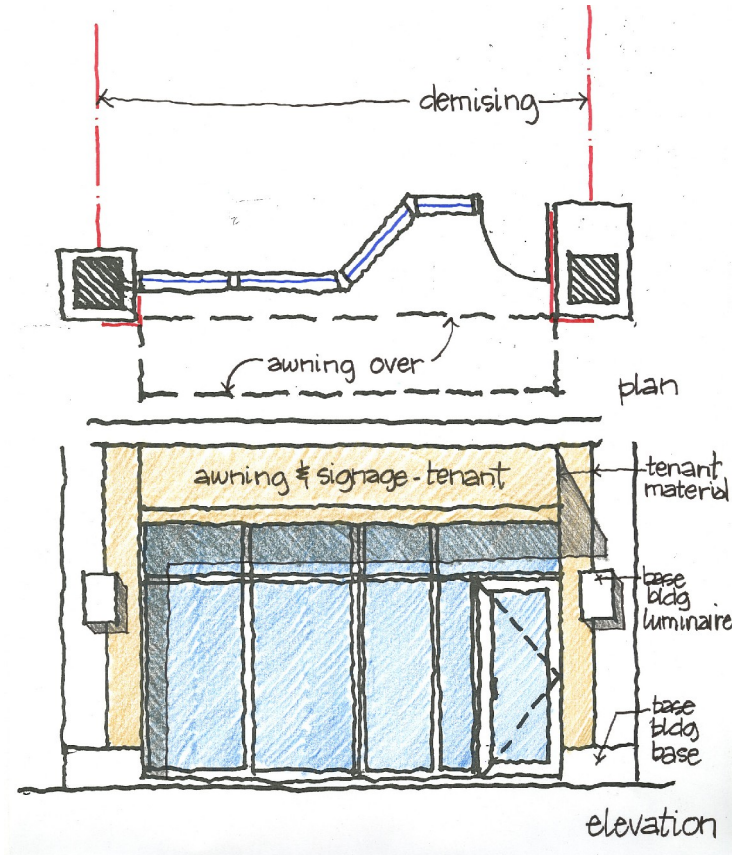


Attachment 2: Retail Façade Design

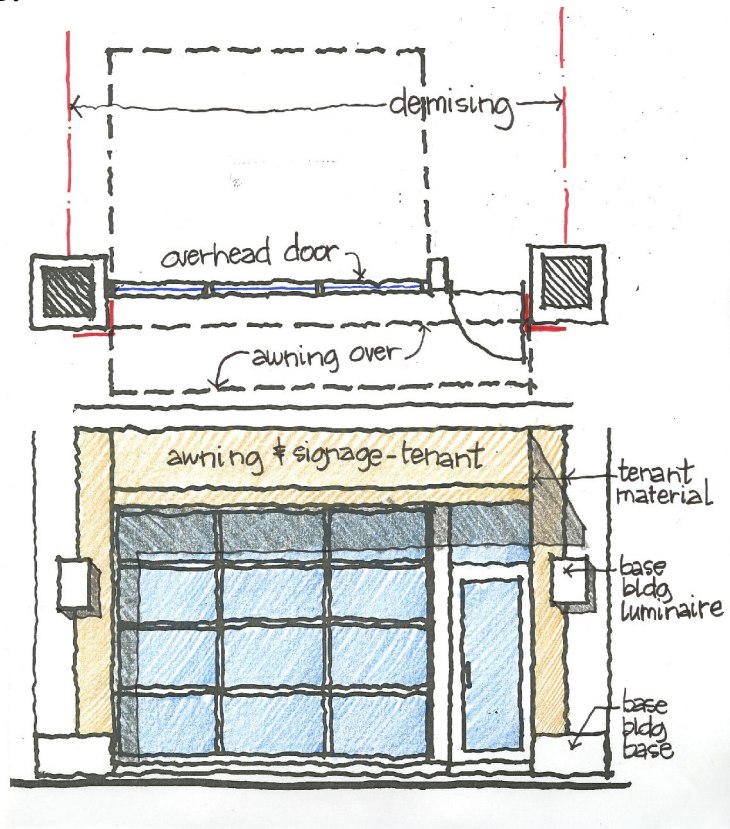
Combined Option:



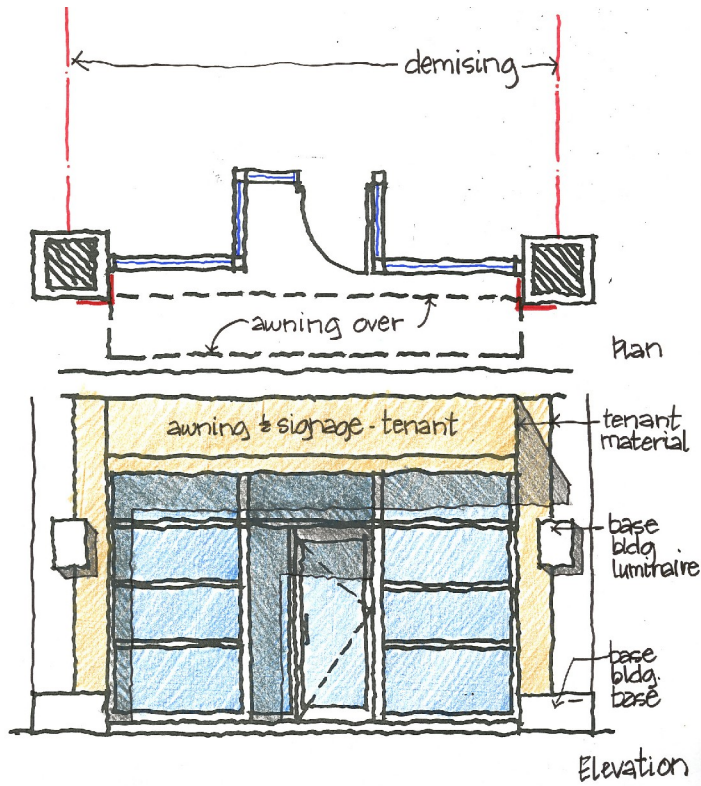
Single Option A:



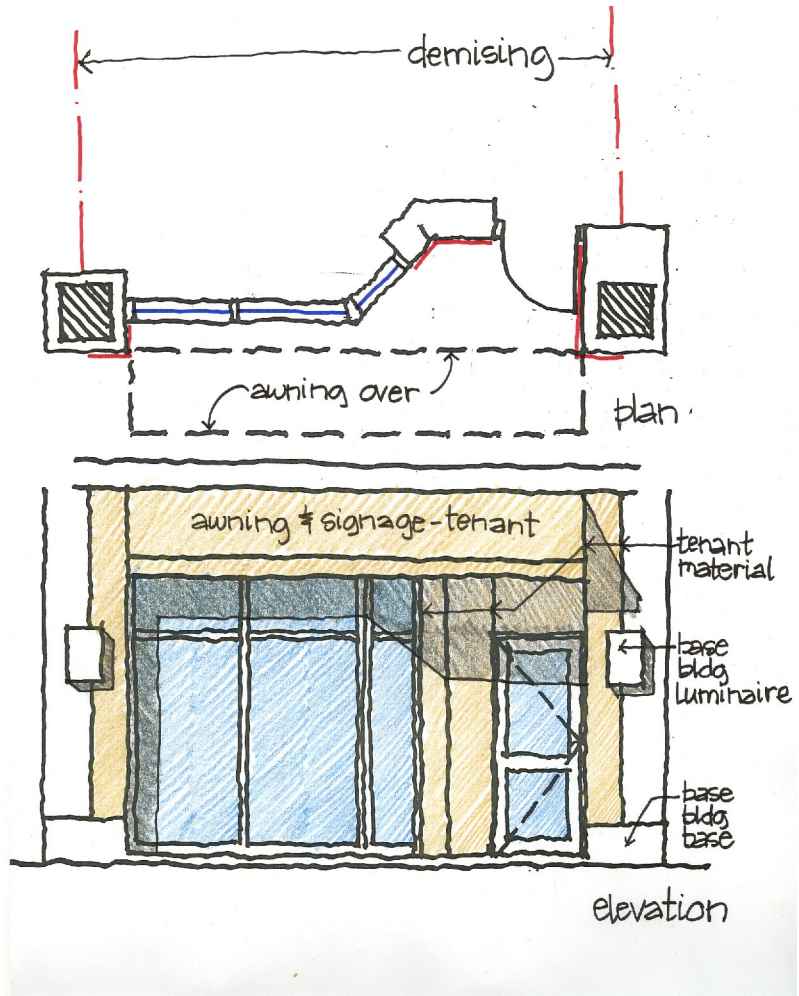
Single Option B:



Single Option C:



Single Option D:



Attachment 3: Notice of Approval Conditions letter

Bousfields Inc.
 3 Church St Suite 200
 Toronto, Ontario
 M5E 1M2

Re: **Notice of Approval Conditions**
Site Plan Control Application No. 07 171965 STE 18 SA
 1155 Queen St W
 PT ORDNANCE RESERVE WITH ROW
 Ward 18 – Davenport

The City Planning Division Toronto and East York District, has completed the review of your proposal for an 8-storey mixed use building as outlined in the following plans and drawings:

Drawing No.	Drawing Title	Prepared By:	Date Stamped:
A01	Site Plan	Page and Steele Architects	June 9, 2008
A02	P2 Level Plan	Page and Steele Architects	April 1, 2008
A03	P1 Level Plan	Page and Steele Architects	April 1, 2008
A04	Ground Floor Plan	Page and Steele Architects	June 9, 2008
A05	2 nd Floor Plan	Page and Steele Architects	April 1, 2008
A12	North Elevation	Page and Steele Architects	April 1, 2008
A13	East Elevation / Section A-A	Page and Steele Architects	April 1, 2008
A14	South Elevation	Page and Steele Architects	April 1, 2008
L-1	Layout, Grading, Planting and Lighting Plan and Details	The MBTW Group	April 1, 2008
D-2A	Details	The MBTW Group	April 1, 2008
--	1:50 Elevations	Page and Steele Architects	June 10, 2008

The issuance of the City’s Notice of Approval Conditions letter does not constitute site plan approval. The Chief Planner’s designate, the Director of Community Planning will be in a position to issue approval of the plans and drawings listed herein and to satisfy applicable law requirements of Section 41 (16) of the *Planning Act* and Section 114 of the *City of Toronto Act*, once the Owner has satisfied all of the pre-approval conditions set out herein.

It is the Owner’s responsibility to work with the respective City divisions to satisfy the pre-approval conditions set out below. Please note that if the pre-approval conditions are not fulfilled within two (2) years of the date of this notice, then this notice is no longer

valid and a new submission is required unless a written request for time extension is received and granted by the Chief Planner or his designate.

A. PRE-APPROVAL CONDITIONS

LEGAL SERVICES – Stephanie Morrow Supervisor of Law Clerks (416-397-5379)

1. The owner shall enter into the City’s standard site plan agreement, to and including registration of the site plan agreement on title to the subject lands by the City at the owner’s expense.

TECHNICAL SERVICES – Ana Maria Luciani, (416) 392-3986

Technical Services pre-conditions have been satisfied.

CITY PLANNING – Sarah Phipps, (416) 392-7622

2. The owner shall provide the Chief Planner and Executive Director, City Planning with a letter of credit totalling \$2,332.00 (\$583.00 per tree) to be held as a performance guarantee for new tree planting within the City Road allowance.

URBAN FORESTRY – Jason Kostopoulos, (416) 338-5067

3. The owner shall provide Urban Forestry with a composite utility plan indicating the location of all existing and proposed underground and aboveground utilities. Installation of any proposed utilities should be done to avoid conflict with any new tree plantings.

B. POST APPROVAL CONDITIONS

In addition to the above pre-approval conditions, the following post approval conditions are to be fulfilled by the owner following site plan approval and will be incorporated into a site plan agreement:

1. The proposed development shall be carried out and maintained in accordance with the plans and drawings referred to herein, to the satisfaction of the City of Toronto.

TECHNICAL SERVICES

2. The owner shall remove all existing accesses, curb cuts, traffic control sign(s) along the development site frontage that are no longer required and reinstate the curb, gutter and boulevard within the City's right-of-way, in accordance with City standards and to the satisfaction of the Executive Director, Technical Services.

3. The owner shall maintain a counter-clockwise one-way vehicular circulation system serving the parking levels in the underground parking garage for the development site through the installation of one-way directional arrow signs.
4. The owner acknowledges and agrees that the garbage/recycling storage rooms, the collection pad and the loading facility will be located at, and shared with, premises No. 1171 Queen Street West.
5. The owner acknowledges and agrees that all facilities (bulk lift or curb side) necessary to permit the City to collect solid waste and recyclable materials for the residential components of the development, in accordance with By-law 235-2001, Waste Collection for Residential Properties, will be located at premises No. 1171 Queen Street West.
6. The owner acknowledges and agrees that refuse and recyclable materials generated by the non-residential components of this development, will be located at premises No. 1171 Queen Street West and will be collected by a private refuse collection firm, at the owner's expense. The owner shall store all refuse on private property, in rodent-proof containers
7. The owner shall advise all owners and tenants/future purchasers of the retail and residential units of the arrangements in place with respect to the private and City collection of the refuse and recyclable materials generated by the buildings and the sharing of the garbage/recycling storage rooms, refuse collection pad and loading facility located within the adjacent property, premises No. 1171 Queen Street West.
8. The owner shall construct and maintain stormwater management measures/facilities and site grading as recommended in the revised stormwater management report dated March 25, 2008, and the site grading plan Drawing Nos. SS-1, (Revision # 2, last revised March 27, 2008), all prepared by Sernas Associates, and accepted by the Executive Director, Technical Services.
9. The owner shall construct and maintain the site servicing in accordance with Drawing Nos. SS-1, (Revision # 2, last revised March 27, 2008), prepared by Sernas Associates, and accepted by the Executive Director, Technical Services.
10. The owner shall provide certification to the Executive Director, Technical Services by the Professional Engineer who designed and supervised the construction that the stormwater management facilities and site grading have been constructed in accordance with the stormwater management report and site grading plan as accepted by the Executive Director, Technical Services.
11. The owner shall provide certification to the Executive Director, Technical Services by the Professional Engineer who designed and supervised the construction, that the site servicing facilities have been constructed in accordance

with the drawings accepted by the Executive Director, Technical Services.

URBAN FORESTRY

12. The owner shall provide a two-year renewable guarantee for all new tree plantings within the City road allowance and shall notify the Supervisor of Urban Forestry, Tree Protection & Plan Review in writing, of the planting date prior to planting. This date is used to establish the anniversary date of the required two-year renewable guarantee.
13. The owner shall maintain in good condition, all new tree plantings that are required as a condition of site plan approval. An Arborist, Landscape Architect or other qualified practitioner, acceptable to Urban Forestry, must inspect and certify the condition of the trees that have been planted, within two weeks of planting, as well as at the end of the 2 year maintenance period. Any deficiencies that are recorded during these inspections will be brought to the attention of the owner and the Urban Forestry Planner for replacement. The owner shall hire a certified arborist to prune the trees just prior to the City accepting the trees near the two year anniversary. The trees shall be pruned to City standards for clearance, deadwood, and overall general pruning.

CITY PLANNING

14. The owner shall inform prospective purchasers or lessees, through a clause in all agreements of purchase and sale and rental agreement, of the potential for noise, vibration, EMI and stray current, and that the TTC accepts no responsibility for any such effects.
15. The owner acknowledges and agrees that the property is subject to the following warning clause:

“That noise, vibration, electro-magnetic interference (EMI), and stray current may be transmitted into the proposed building by the TTC streetcar operations on Queen Street West. The Toronto Transit Commission will not accept responsibility for such effects on any building or its occupants.”

The site plan agreement is being prepared by Legal Services. They will forward it to you shortly for your execution and return to the City.

Please find attached advisory comments to assist you with your application.

Attached is a copy of the standard form letter of credit required by the City of Toronto. We have found in the past that the failure of applicants to provide the City with a letter of credit in the proper format has resulted in the City’s Finance Division rejecting the letter with a resulting delay in the issuance of building permits. Please ensure that the letter of credit follows the format and content verbatim of the sample letter.

Should you have any questions, please contact Sarah Phipps, Planner at (416) 392-7622.

Yours truly,

Raymond David
Acting Director, Community Planning,
Toronto and East York District

(date)

Attachment: Site Plan Advisory Comments
Sample Letter of Credit

cc: 1447677 Ontario Limited, 1140 Sheppard Ave W Unit 12, Toronto ON M3K 2A2
Manager, Plan Examination, Toronto Building
Manager, Technical Services Division
Supervisor of Law Clerks, Planning & Administrative Tribunal Law, Legal Services
Parks, Forestry and Recreation

SITE PLAN ADVISORY COMMENTS

The owner is advised that the following approvals and/or permits are required for this development:

1. Right-of-Way Permit

The owner will be required to obtain approval from the Transportation Services Section for any work within the public right-of-way. Although the proposed vehicular access arrangements are acceptable in principle, changes may be required as result of the detailed review of the application for work within the public right-of-way. For further information, please contact Right-of-Way Management Section, Toronto and East York District at 416-392-7877.

2. Fire Services

A separate application must be submitted to Fire Services for the designation of the Fire Access Route within the private Mews for such use in accordance with the City By-law Chapter 880.

3. Site Servicing and Stormwater Management

The owner will be required to make an application to Toronto Water Division for the installation of any proposed services within the right-of-way after acceptance of the stormwater management report and site servicing plan. For further information, please contact Pat Scanga of Development Engineering at 416-338-5516.

That any development blocks, within the West Queen West triangle area, must comply with the approved servicing requirements that have been specified as part of the Master Servicing Report (Dated July 2006) and the Master Servicing Site Plan (Drawing Number SS-1, Revision #1, Date Stamped August 3, 2006), both prepared by Sernas Associates.

4. Solid Waste Services

The owner is advised that the application for premises No. 1171 Queen Street West has been finalized. Therefore, approval of this application will be contingent on the shared storage, handling and collection facilities for premises No. 1171 Queen Street West, being satisfactory.

Notify Solid Waste Management upon completion of the development and complete the necessary application and waiver forms prior to the commencement of City waste collection.

5. Archaeology

In the event that buried archaeological remains are encountered on the property during the construction activities, the owner should immediately notify the Heritage Operations Unit of the Ministry of Culture 416-314-7146 as well as the City of Toronto, City Planning Division, Policy and Research Section, Heritage Preservation Services Unit 416-338-1096;

In the event that human remains are encountered during construction, the owner should immediately contact both the Ministry of Culture, and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services, 416-326-8404;

(ATTACHMENT: 2)

(PRINTED ON BANK LETTERHEAD)

STANDBY IRREVOCABLE LETTER OF CREDIT

Beneficiary: City of Toronto Corporate Finance Division, Treasury Services City Hall, 5 th Floor, East Tower 100 Queen Street West Toronto, Ontario, M5H 2N2	Issue Date:
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Letter of Credit Number:	Credit Amount (Canadian Funds):	Initial Expiry Date: <u>(12 months following issue date)</u>
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We hereby authorize you, the City of Toronto, to draw on **(Bank name, address and branch)** (the “Bank”) for the account of **(customer name and address)**, (the “Customer”) up to an aggregate amount of \$ _____ Canadian Dollars (the “Credit Amount”) available on demand up to _____ **(date)** (the “Initial Expiry Date”) or a subsequent anniversary date, and is hereby given to you pursuant to an agreement between the City of Toronto, and **(name of customer)** with respect to **(insert municipal address of property, if applicable)**, dated _____ (the “Agreement”).

Pursuant to the request of the Customer, the Bank hereby establishes in your favour and gives to you a Standby Irrevocable Letter of Credit in the Credit Amount on which you may draw in whole or in part at any time and from time to time, subject to the terms herein.

A drawing under this Letter of Credit shall be made by you presenting to the Bank, at the address noted below, a demand in writing authorized by the City Treasurer or delegate.

Partial drawings are permitted.

Upon receipt of said demand, the Bank shall pay to you the amount stated in the demand, to be payable to you without inquiring whether you have a right as between yourself and the Customer to make such demand, and without recognizing any claim of the Customer or objection by the Customer to payment by the Bank.

This Letter of Credit will continue up to the Initial Expiry Date but shall be subject to the condition that it shall be deemed to be automatically extended without amendment for one year from the present or any future expiration date hereof, unless 60 days prior to any such expiration date the Bank notifies you by notice in writing delivered to the City Treasurer by registered mail that it shall not renew this Letter of Credit for any such additional period. Upon receipt by you of such notice, you may draw hereunder, for the available balance of this Letter of Credit by presenting a written demand together with confirmation that the amounts drawn will be retained and used by you to meet obligations incurred or to be incurred in connection with the Agreement. The demand must be authorized by the City Treasurer or delegate.

Bank Name: _____
Countersigned: _____

Address: _____
Countersigned: _____

ADDRESS FOR NOTICE

1. NOTICE TO BANK

(bank to insert full address and contact information)

2. NOTICE TO CITY OF TORONTO

City of Toronto
Corporate Finance Division, Treasury Services
City Hall, 5th Floor, East Tower
100 Queen Street West
Toronto, Ontario, M5H 2N2