

**130 & 150 Cherry Street
Site Plan Control Application – Final Report**

Date:	December 15, 2008
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	07-286170 STE 30 SA

SUMMARY

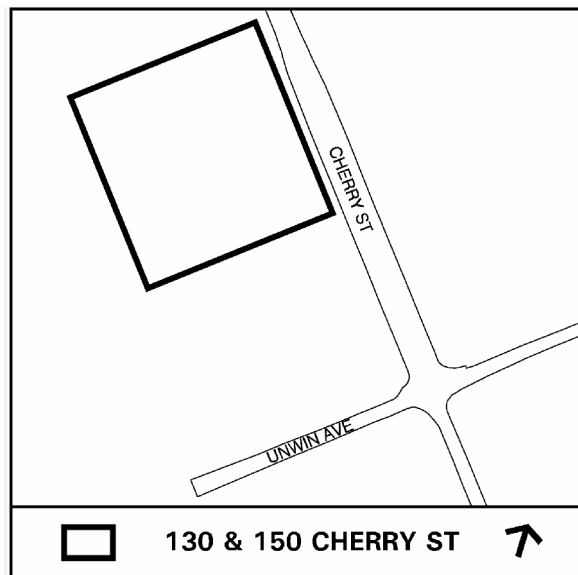
This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The purpose is to report on a Site Plan Control application for 130 & 150 Cherry Street. The application has been referred to Community Council for a decision in accordance with the Site Plan Delegation By-law 483-2000.

This application proposes dockwall uses, a one-storey office/waiting area and parking lot known as a ‘City Station’ facility at 130 & 150 Cherry Street within the Port Lands.

This report reviews and recommends approval of the application.

This report also recommends that the Chief Planner, or his designate, be authorized to give final approval to the site plan when the conditions required prior to site plan approval, contained in the Draft Notice of Approval Conditions, Attachment 7, have been fulfilled.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve in principle, subject to any required revisions and resubmission of information as outlined in the conditions set out in Attachment No. 7 to this report the proposal for dockwall uses, a one-storey office/waiting area and a parking lot at 130 & 150 Cherry Street.
2. City Council grant the Chief Planner and Executive Director, or his designate, the authority to issue Site Plan Approval.

Financial Impact

The recommendations in this report have no financial impact.

APPLICANT HISTORY

Currently, the Royal Canadian Yacht Club (RCYC) operates their City Station facility to their club on Toronto Island on partially leased lands from TEDCO at the Parliament Street Slip. In order to facilitate development in the East Bayfront lands, it is necessary for RCYC to relocate their City Station facility from the East Bayfront to another waterfront site.

As such, the RCYC organization has entered into lease agreement with both the Toronto Port Authority and the Toronto Economic Development Corporation for the lands at 130 & 150 Cherry Street for their relocation. RCYC filed a Site Plan Control application on December 17, 2007.

ISSUE BACKGROUND

Proposal

The proposal is for a RCYC City Station facility. The uses include a parking lot, a small one-storey office/waiting area building, boat storage, dockwall uses such as a boat launch, and a pedestrian walkway for public access through the site. Attachments 1 to 4 show the proposal's site plan and elevations.

Site and Surrounding Area

The RCYC site is located on the west side of Cherry Street on the south side of the Ship Channel. The site previously supported an industrial outdoor storage facility. The entire site is approximately 15,929m².

The site is surrounded by the following uses:

North: Ship Channel

South: Everest Restoration, an industrial use

East: Cherry Street

West: Toronto Port Authority's Marine Terminal

Zoning

The site is zoned I3 D3 permitting Industrial uses with three times density. A mix of uses is permitted allowing for public harbour works such as; wharves, lighthouses and beacons as well as a parking lot, and a variety of warehousing and storage uses.

Committee of Adjustment

At a Committee of Adjustment hearing in March 2007, TEDCO, on behalf of the applicant RCYC, requested a minor variance to permit the use of a 'City Station'. The use is defined as; docks for ferries, work boats, barges and members' boats, building(s) for waiting areas and ferry administration, cranes for barge loading and small sailboat launching, facilities for boat storage and repair, vehicle parking, sailing instruction facilities, winter boat storage and a parking attendant enclosure. The Committee approved the variance.

Concurrently, TEDCO submitted a Consent application for RCYC to permit a sublease of the subject site for a period up to 42 years. The Committee approved this on condition where the applicant must submit copies of the reference plan of survey. The conditions have been fulfilled and the consent has been deemed as Final and Binding by the Committee.

Reason for Report to Council

Under the City's Site Plan Delegation By-law, 483-2000, the approval of site plan applications are delegated to the Chief Planner and his designate unless a member of City Council requests the application be referred to City Council for a decision.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate the recommended conditions of Site Plan Approval.

COMMENTS

Organization of the Site

Through the City Council approved Central Waterfront Plan, the City expressed its desire to achieve public access to the water's edge. Direct access to the water's edge is difficult if a dockwall is being used. On this site, boats hoisted in and out of the water as a regular occurrence would prove to be an unsafe walkway for the public. Therefore, a 4 metre wide public access walkway will be provided south of the water's edge dockwall.

Also on the site are;

- a small one-storey office/waiting area building with a terrace on the west side, both adjacent to the water's edge boardwalk
- a dedicated boat storage area
- a parking lot with a parking lot attendant booth.
- refer to Attachment 1 for site layout

Parking

Proposed is a parking lot containing 333 spaces of which, 7 spaces are designated accessible parking spaces for persons with disabilities. There is a mix of regular sized vehicles and longer parking spaces to accommodate vehicles with boat trailers. In addition there are 30 bicycle spaces proposed.

Lighting

A lighting plan containing photometric values has been reviewed and accepted by staff to ensure that adequate lighting will be provided throughout the parking lot and around the office and boardwalk to ensure for safety. Consideration of lighting needs were examined given that this proposal is in a low traffic area and people will come and go from early morning to late at night. Both pedestrian scaled lighting bollards and tall lighting standards have been proposed and deemed to be sufficient. This will be secured in the Site Plan Approval.

Greening

The proposal adheres to the City's 'Design Guidelines for Greening Surface Parking Lots' and includes:

- a double row of trees along the Cherry Street public boulevard to improve the streetscape conditions
- two bioswales along the west and east property lines which will help manage rainwater and snowmelt on-site to filter, store and/or convey the expected stormwater flows from surrounding paved areas
- trees proposed along the north and south sides for additional tree canopy opportunities
- high albedo pavement for the parking lot surface instead of asphalt in efforts to reduce the heat island effect
- an irrigation system for the landscaped areas which will be maintained by the applicant

Conclusion

The application is for a permitted City Station facility use along the waterfront coupled with public access within the site. City Planning staff have worked with the applicant to ensure that the site design and layout function to significantly improve the existing site conditions by implementing greening and lighting strategies.

The approval of Site Plan Control Application 07 286170 STE 30 SA for 130 & 150 Cherry Street is recommended.

CONTACT

Diane Silver, Planner

Tel. No. (416) 397-4648

Fax No. (416) 392-1744

E-mail: dsilver2@toronto.ca

SIGNATURE

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

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Ground Floor Plan

Attachment 3: Elevations – North & South

Attachment 4: Elevations – East & West

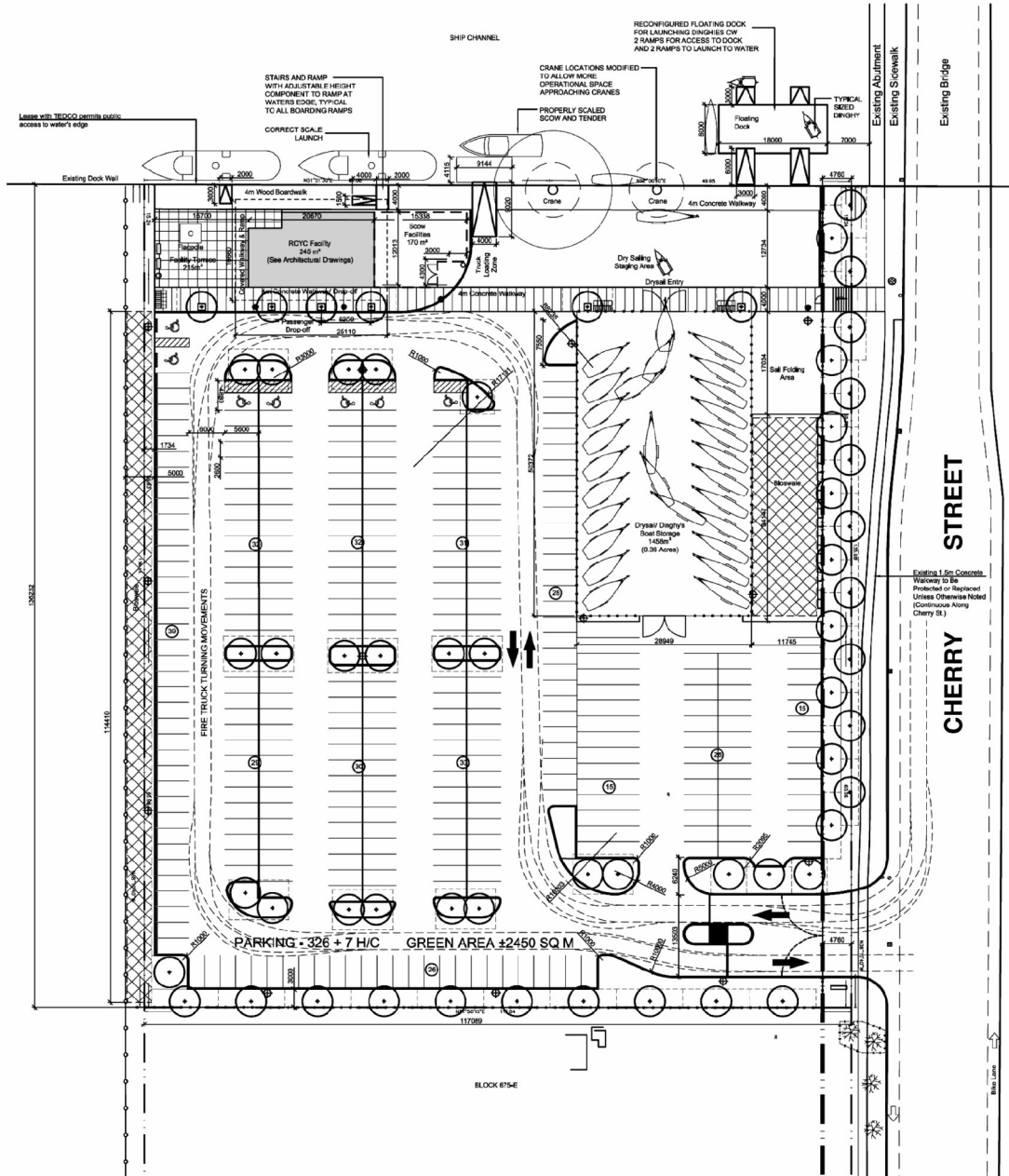
Attachment 5: Landscape Plan

Attachment 6: Application Data Sheet

Attachment 7: Draft Notice of Approved Conditions

Attachment 8: Site Plan Advisory Comments

Attachment 1: Site Plan



Site Plan

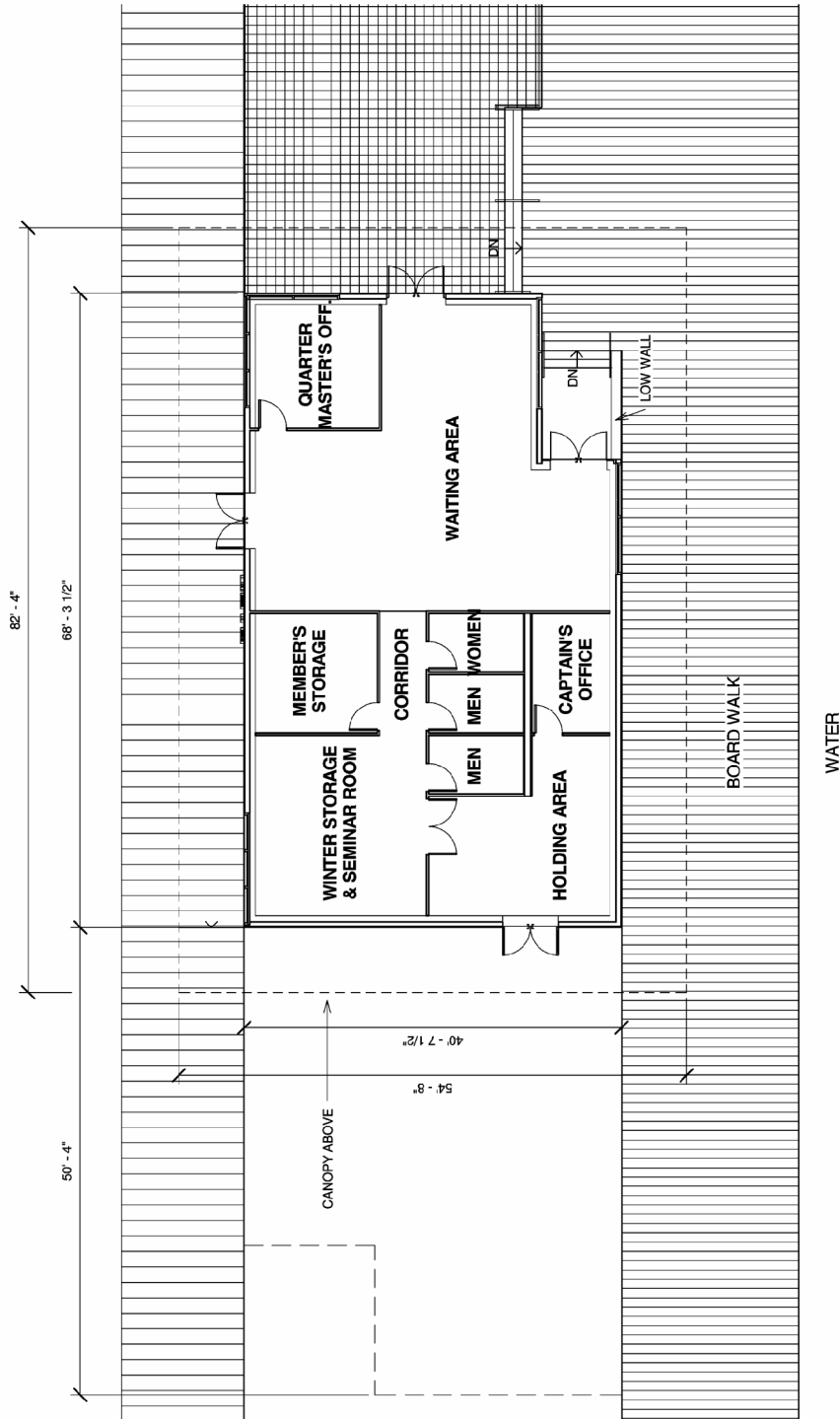
130 & 150 Cherry Street

Applicant's Submitted Drawing

Not to Scale 

File # 07_286170

Attachment 2: Ground Floor Plan



Ground Floor Plan

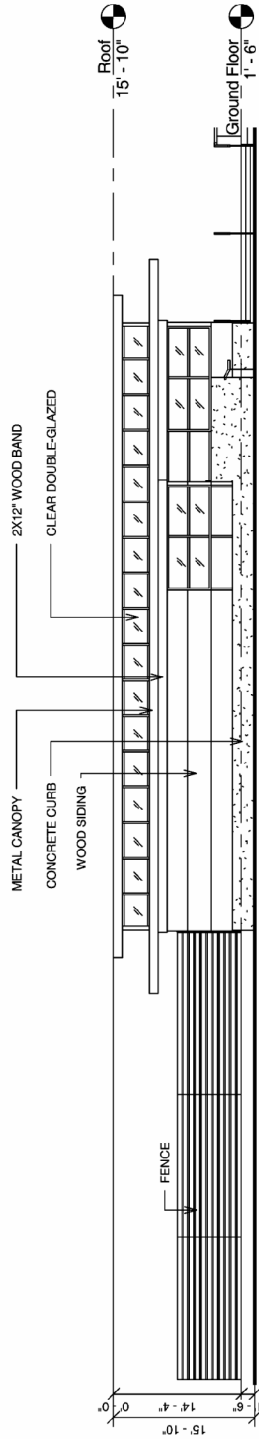
130 & 150 Cherry Street

Applicant's Submitted Drawing

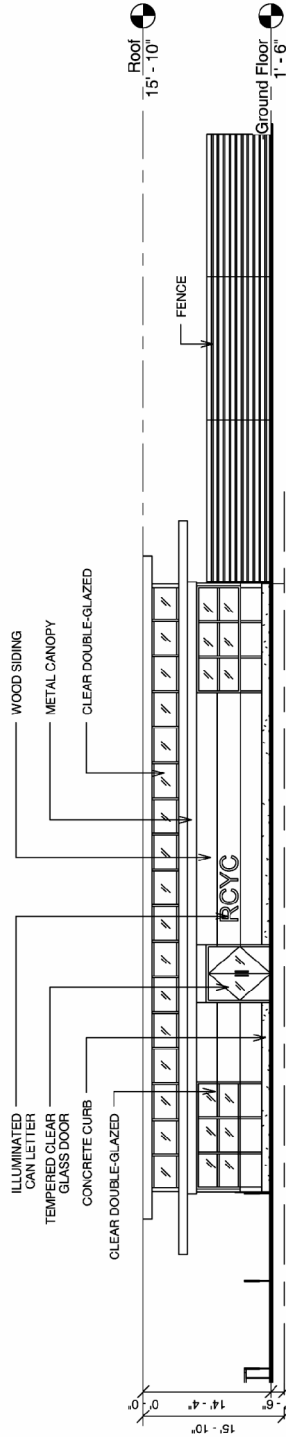
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Attachment 3: Elevations – North & South



① North Elevation



② South Elevation

130 & 150 Cherry Street

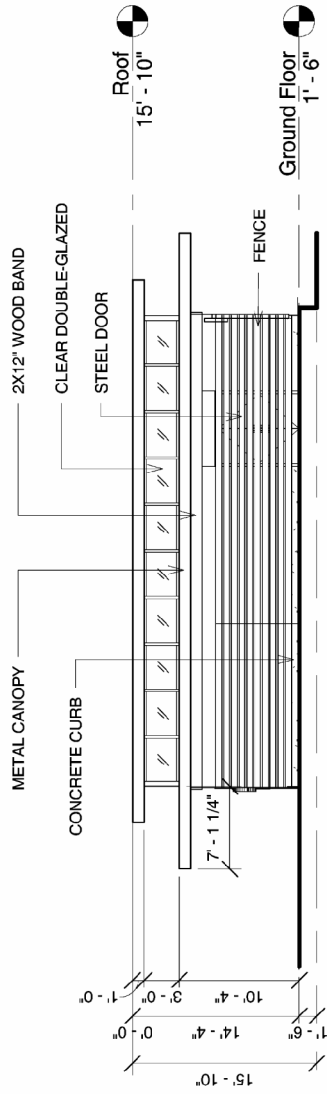
Elevations

Applicant's Submitted Drawing

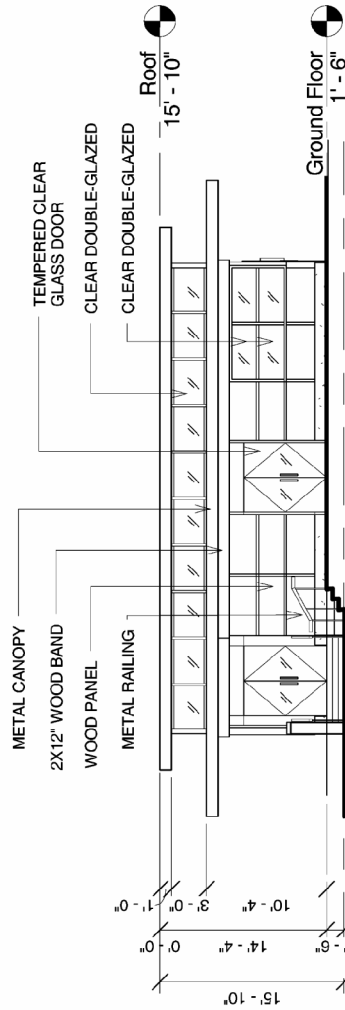
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Attachment 4: Elevations – East & West



1 East Elevation



2 West Elevation

130 & 150 Cherry Street

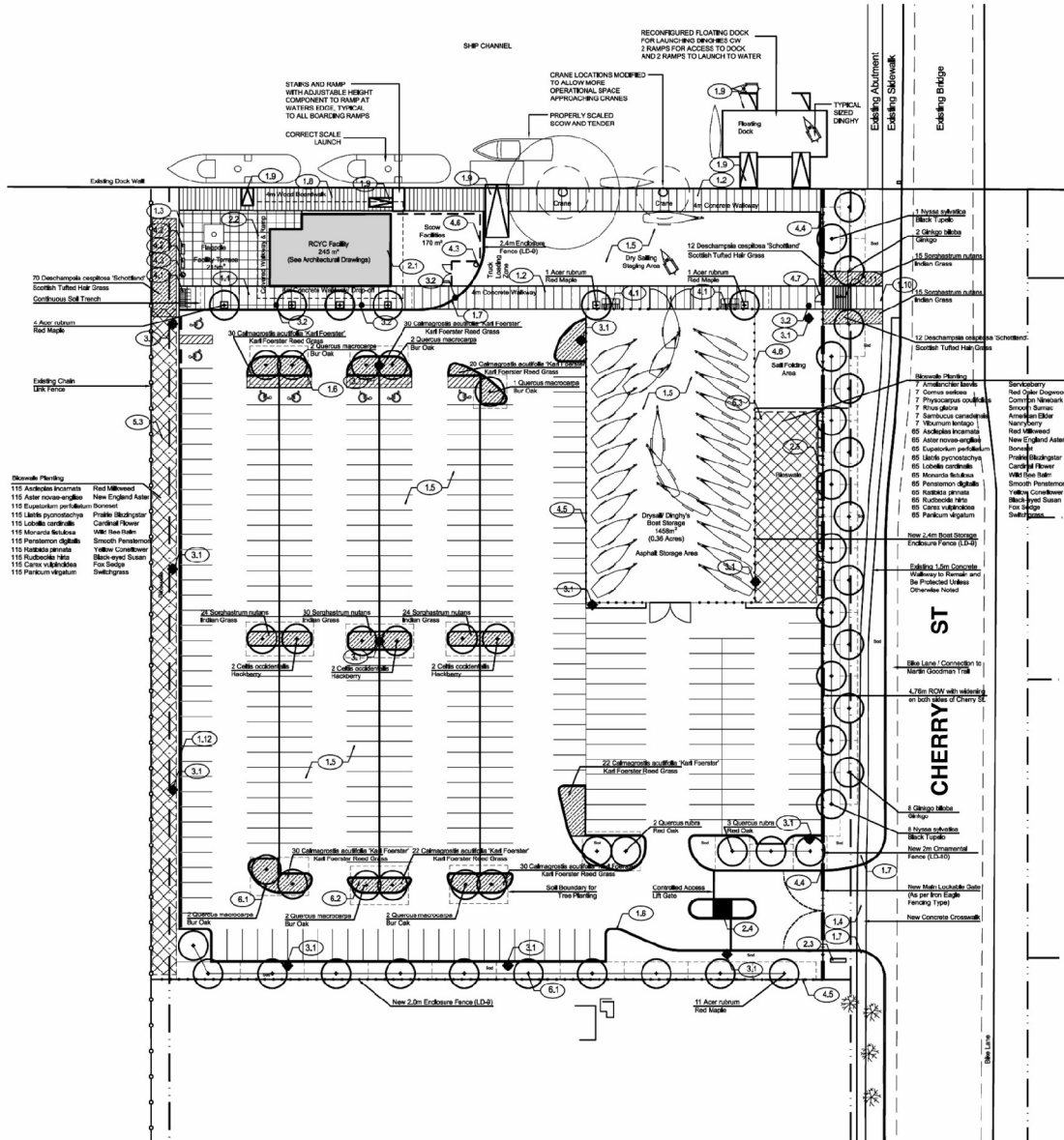
Elevations

Applicant's Submitted Drawing

Not to Scale
12/09/08

File # 07_286170

Attachment 6: Landscape Plan



Landscape Plan

Applicant's Submitted Drawing

Not to Scale
12/09/03

130 & 150 Cherry Street

File # 07_286170

Attachment 6: Application Data Sheet

Application Type	Site Plan Approval	Application Number:	07-286170 STE 30 SA
Details		Application Date:	December 11, 2007
Municipal Address:	150 CHERRY ST		
Location Description:	PL 675 E PT BLOCK B **GRID S3014		
Project Description:	1-storey building & parking lot for RCYC ferry terminal & service to clubhouse.		

Applicant:	Agent:	Architect:	Owner:
Scott Burns Planning Consultants			TEDCO

PLANNING CONTROLS

Official Plan Designation:	Regeneration Area	Site Specific Provision:	NA
Zoning:	I3 D2	Historical Status:	NA
Height Limit (m):	NA	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	15929	Height:	Storeys:	1	
Frontage (m):	136		Metres:	0	
Depth (m):	117				
Total Ground Floor Area (sq. m):	329				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	333	
Total Non-Residential GFA (sq. m):	329		Loading Docks	0	
Total GFA (sq. m):	329				
Lot Coverage Ratio (%):	2.1				
Floor Space Index:	0.02				

DWELLING UNITS

Tenure Type:

Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	0

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade		Below Grade
Residential GFA (sq. m):	0			0
Retail GFA (sq. m):	0			0
Office GFA (sq. m):	0			0
Industrial GFA (sq. m):	0			0
Institutional/Other GFA (sq. m):	329			0

CONTACT:	PLANNER NAME:	Diane Silver, Planner
	TELEPHONE:	(416) 397-4648

Attachment 7: Draft Notice of Approved Conditions

Scott Burns Planning Consultants
 330 Bay Street, Suite 802
 Toronto, Ontario
 M5H 2S8

Re: **Draft Notice of Approval Conditions**
Site Plan Control Application No. 07 286170 STE 30 SA
 130 & 150 Cherry Street
 PL 675 E PT BLOCK B
 Ward 30 – Toronto-Danforth

The City Planning Division Toronto and East York District, has completed the review of your proposal for a 1-storey office/waiting area building, dockwall uses and a parking lot as outlined in the following plans and drawings:

Plan No.:	Plan Title:	Date Stamped by the City Planning Division:	Prepared By:
L-0	Tree Protection/Removal Plan	July 8, 2008	ENVISION - the hough group
L-1	Site Plan	October 31, 2008	ENVISION - the hough group
L-2	Landscape Plan	October 9, 2008	ENVISION – the hough group
L-3	Details	October 9, 2008	ENVISION – the hough group
L-4	Details	October 9, 2008	ENVISION – the hough group
E-1	Site Lighting Plan	October 9, 2008	ENVISION – the hough group
A001	Floor & Elevation Plan	October 15, 2008	RDI – Ramp Design Inc.

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, Phone: 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.

URBAN FORESTRY – Jetmir Balashi, Phone: 416-392-0967

2. The owner shall provide tree removal payment in the form of a certified cheque or money order payable to Treasurer, City of Toronto, in the amount of \$2,332.00 to cover the appraised tree value, and set fees of City owned trees to be removed as part of this project. This tree removal payment must be submitted to the attention of the Supervisor of Urban Forestry, Tree Protection & Plan Review.
3. The owner shall provide a tree protection security deposit in the form of an irrevocable Letter of Credit or certified cheque payable to Treasurer, City of Toronto, in the amount of \$1,166.00 to cover the appraised tree value, removal and replacement costs of two (2) City owned trees. This deposit shall be drawn upon to cover all costs incurred by the City of Toronto if the City owned trees require maintenance or removal and replacement as a result of construction activities associated with this project.

CITY PLANNING – Diane Silver, Phone: 416-397-4648

4. The owner shall submit financial security in the amount of \$407,463.21 to the Director, Community Planning, Toronto & East York District in the form a Letter of Credit or certified cheque to guarantee the provision of landscape development works as detailed on the approved Landscape Plans;

TECHNICAL SERVICES – Ana Maria Luciani, Phone: 416-392-3986

5. The owner shall prepare all documents and convey to the City, at nominal cost, a 4.76 m wide strip of land abutting the west limit of Cherry Street, in fee simple for road widening purposes, as more particularly described as PART 7 on the draft Reference Plan of Survey stamped received by City Planning staff on July 17, 2008, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have been dedicated as public highway, all to the satisfaction of the Executive Director of Technical Services and the City Solicitor.

6. The owner shall submit a draft Reference Plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, showing the co-ordinate values of the main corners, and as a separate PART thereon the land to be conveyed to the City in accordance with Condition No. 8 above, and the lands to be transferred to the jurisdiction of Transportation Services for the purposes of widening Cherry Street, in accordance with condition No. 3, as listed under the 'Site Plan Advisory Comments' heading below, to the Executive Director of Technical Services for review and approval, prior to depositing it in the Land Registry Office.
7. The owner shall pay all costs for registration and preparation of reference plan(s).
8. The owner shall retain a Qualified Person to conduct environmental site assessments for the lands to be conveyed to the City.
9. The owner shall submit all environmental site assessment reports (2 copies of each) prepared in accordance with the Record of Site Condition Regulation (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan based on the site condition standards approach, to the Executive Director, Technical Services, for peer review.
10. The owner shall pay all costs associated with the City retaining a third-party peer reviewer including a 7% administrative cost to the City, and submit a certified cheque payable to the City of Toronto in the amount of \$3,000.00, as an initial deposit towards the cost of the peer review to the Executive Director of Technical Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer.
11. At the completion of the site remediation process, the owner shall submit a Statement from the Qualified Person, to the Executive Director of Technical Services, for peer review and concurrence that, based on all necessary supporting environmental documents:
 - a. The land to be conveyed to the City meets the Site Condition Standards of the intended land use OR the most environmentally sensitive adjacent land use, whichever is more stringent, and
 - b. it is unlikely that there is any off-site contamination resulting from past land uses on or in the vicinity of the development site, that has migrated on to the adjacent right-of-way, that would exceed the application Site Condition Standards.
12. The owner shall file the Record of Site Condition (RSC) on the Ontario's Environmental Site Registry and submit the Ministry of the Environment's Letter of Acknowledgement of Filing of the Record of Site Condition (RSC) confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, and that the MOE will not audit the RSC at this time or that the RSC has passed an MOE audit, to the Executive Director of Technical Services.

13. The owner shall provide clearance from the Toronto Port Authority and the Ministry of the Environment that their requirements have been satisfied for the proposed storm water management facilities on site and the storm outlet to Lake Ontario.

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:

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.

URBAN FORESTRY

1. The owner shall protect at all times the two (2) City right-of-way trees, located on the adjacent property to the south in accordance with the City of Toronto's 'Tree Protection Policy and Specifications for Construction Near Trees' and to the satisfaction of the General Manager of Parks, Forestry & Recreation.
2. Prior to any construction related or grading activities taking place, tree protection barriers shall be installed for the subject trees. Such barriers must be installed to the satisfaction of Urban Forestry, Tree Protection & Plan Review on behalf of the General Manager of Parks, Forestry & Recreation.
3. Prior to the issuance of a Landscape Permit (by Transportation Services, Right-of-Way Management), the owner shall provide a tree planting security deposit in the form of an irrevocable Letter of Credit or certified cheque payable to the Treasurer, City of Toronto, in the amount of \$11077.00 (\$583.00 per tree, subject to change) for new tree planting within the City Road allowance. The tree planting security deposit must be submitted to the attention of the Supervisor of Urban Forestry, Tree Protection & Plan Review. The deposit will be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year guarantee period.

TECHNICAL SERVICES

4. The owner shall remove all existing accesses, curb cuts, traffic control signs etc. along the development site frontage that are no longer required and restore the Cherry Street boulevard and curb to City of Toronto standards.
5. The owner shall retain a private refuse collection firm to collect the refuse and recyclable materials generated by this development and store all refuse on private property.

6. The owner shall construct and maintain stormwater management measures/facilities and site grading as recommended in the Functional Servicing Report when such report is accepted by the Executive Director, Technical Services.
7. The owner shall construct and maintain site servicing indicated on the accepted site servicing plan, as accepted by the Executive Director, Technical Services.
8. 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 servicing have been constructed in accordance with the accepted Functional Servicing Report and the accepted Grading Plans.
9. The owner shall provide certification to the Executive Director of 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 accepted Functional Servicing Report and the accepted Grading Plans.

ATTACHMENT: 8

SITE PLAN ADVISORY COMMENTS

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

Urban Forestry

1. A completed Agreement for Contractors to Perform Arboricultural Services on City Owned Street Trees is required prior to removal and stumping of City owned trees. Utility locates must be obtained prior to the work commencing.
2. Where it is not possible to retain a tree on City road allowance that qualifies for protection under the City of Toronto's Street Tree By-law, it will be necessary for the applicant to submit an application requesting permission to remove the tree in question to Urban Forestry. There is a fee of \$300 for each tree included in an application. Payment may be made by certified cheque or money order, and must be submitted with the application. Urban Forestry requires the approval of the Ward Councillor to permit the removal of the existing City owned street trees. If approved, the applicant will be responsible for removing the trees and for the value and replacement costs associated with the trees.
3. Where it is not possible to retain a tree on private property that qualifies for protection under the City of Toronto's Private Tree By-law, or where construction activity will encroach upon a protected tree's minimum tree protection zone, it will be necessary for the applicant to submit an application requesting permission to injure or destroy the trees in question to Urban Forestry. There is a fee of \$300 for each tree included in an application. Payment may be made by certified cheque or money order, and must be submitted with the application.
4. The owner shall conduct an investigation of underground utilities prior to proposing new tree planting within the City road allowance. If planting is not possible due to a utility conflict, a utility locate information sheet from the respective utility company must be provided to the Supervisor of Urban Forestry, Tree Protection & Plan Review.
5. The applicant shall notify Jetmir Balashi, Urban Forestry, Assistant Planner, at 416-392-0967 to arrange for an inspection of the site and approval of aforementioned tree protection requirements. The owner must not proceed with any construction related or grading activities until clearance has been received from Urban Forestry that the tree protection barriers have been installed in accordance with the above noted plan.
6. Tree protection barriers must remain in place and in good condition during construction and must not be altered or moved. Established tree protection zones

- must not be used as construction access, storage or staging areas. Grade changes are not permitted within established tree protection zones. Tree protection barriers may be removed once development and all site activities are complete and only when Urban Forestry has approved their removal.
7. 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.
 8. The owner shall maintain all new tree plantings within the City road allowance in good condition. Trees will be inspected during and prior to the end of the renewable guarantee period. If the trees are in good condition at the end of the renewable guarantee period, the City will assume maintenance and ownership of the trees.
 9. The owner shall be responsible for the maintenance or replacement of all new tree plantings within the City road allowance if during or at the end of the renewable guarantee period the trees are not in good condition, require maintenance or require replacement. The owner will be responsible for rectifying the problem as determined by and to the satisfaction of the General Manager of Parks, Forestry & Recreation.
 10. The owner shall maintain all newly replanted trees within the City road allowance in good condition and shall provide an additional two-year renewable guarantee.

Technical Services

11. The owner is advised of the need to make separate application to the General Manager of Transportation Services for permits to carry out any works involving construction in, or occupancy of, the Cherry Street public right-of-way, as widened and enter into an encroachment agreement for the proposed retaining wall for the bioswale as may be required. For further information, the applicant should contact the Right of Way Management Section, Toronto and East York District, Construction Activities at 416-392-7877.
12. That a request has been initiated with the Real Estate Division for the transfer of ownership of the Cherry Street widening lands comprised of PART 8 of the Draft Reference Plan stamped received by City Planning staff as July 17, 2008, to the jurisdiction of Transportation Services and the necessary steps will be undertaken to dedicate these lands for public highway purposes.
13. Part 46 comprising a portion of Cherry Street adjacent the seawall is owned by The Toronto Port Authority. Therefore, Part 6 cannot be taken as a road widening under the Official Plan at this time. However, the owner must be advised that it may become required by the City in the future and therefore should be treated as such.

14. The owner will be required to make an application to the General Manager of Toronto Water for the installation of any proposed water services within the right-of-way after acceptance of the stormwater management report and site servicing plan. For further information, please contact Jeff Buchyns, District Operations, Toronto Water, Toronto and East York District at 416-392-7845.
15. The site is comprised of two properties and the owner will be required to apply for revised municipal numbering prior to filling an application for a building permit.
16. As established by Toronto By-law, Chapter 880, it is required that an approved fire access route be provided, and an application for which must be submitted to Toronto Fire services prior to occupancy.

Toronto Transit Services

17. The owner be advised that noise, vibration, electro-magnetic interference (EMI), and stray current may be transmitted by our futures transit operations into the proposed building(s). The Commission will not accept responsibility for such effects on any building(s) and/or its occupants. Therefore, the owner is advised to apply attenuation measures so that the levels of noise, vibration, EMI, and stray current in the proposed development will be at the lowest levels technically feasible. The owner is advised to inform prospective purchasers or lessees, through a clause in the purchase or rental agreement, of the potential for noise, vibration, EMI and stray current, and the TTC accepts no responsibility for any such effects.

Toronto Port Authority

18. The owner be advised that the Toronto Port Authority will not allow trees to be planted on the western property line fence of the subject site due to requirements under the ISPS Code (International Ship and Port Security Code). Trees close to the fence will cause potential security issues.