Building Projections – 30 Bond Street, St. Michael's Hospital

Date: May 30, 2013
To: Toronto and East York Community Council
From: Manager, Right of Way Management, Transportation Services
        Toronto and East York District
Wards: Toronto Centre-Rosedale - Ward 27
Reference Number: Te2013036te.row

SUMMARY

This staff report is regarding a matter which the Community Council has delegated authority from City Council to make a final decision.

Transportation Services has assessed an application from the agent of the owners of 30 Bond Street, St. Michael's Hospital, to construct and maintain a series of building projections that will encroach along portions of the Queen Street East and Victoria Street rights of way. The encroaching building projections will have no habitable space.

As the construction and maintenance of the building projections do not impact negatively on the public right of way, Transportation Services recommends approval of the encroachment.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the construction and maintenance of the building projections fronting Queen Street East and Victoria Street, subject to St. Michael's Hospital entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:

   a. indemnify the City from and against all actions, suits, claims or demands and from loss, costs, damages and expenses that may result from such permission granted and providing an insurance policy for such liability for
the lifetime of the Agreement in a form as approved by the Deputy City Manager and Chief Financial Officer and in an amount not less than $5,000,000 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;

b. maintain the building projections at their own expense in good repair and a condition satisfactory to the General Manager of Transportation Services and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement;

c. pay the Net Upfront Payment Fee for the Lifetime of the Structure of $235,300.00 as per the land appraisal by Real Estate Services;

d. pay for the costs of preparing the Agreement and registering the Agreement on title; and

e. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City.

2. in the event of sale or transfer of the property abutting the encroachment, Legal Services and/or the General Manager of Transportation Services be authorized to extend the Encroachment agreement to the new owner, subject to the approval of the General Manager of Transportation Services; and

3. request Legal Services to prepare and execute the Encroachment Agreement.

Financial Impact
There is no financial impact to the City as a result of this report.

ISSUE BACKGROUND
The agent of the owners of 30 Bond Street submitted an application requesting permission to construct and maintain a series of building projections that will encroach within the public right of way along Queen Street East and Victoria Street.

St. Michael's Hospital has made a request to construct and maintain encroaching building projections that will encroach within the right of way in order to meet current health care standards and create an architectural feature on the new 17-storey wing addition at the northeast corner of Queen Street East and Victoria Street.

In 2009, St. Michael's Hospital applied and received site plan and minor variance approval for a 17-storey, 19,625 square metre addition (the 'New Wing') at the south-west corner of the property not contemplated by By-law No. 68-1999. The 'New Wing' provides for more state-of-art facilities and will not generate or create any new functions to the existing Hospital, but will instead allow St. Michael's Hospital to expand its current overcrowded facility into more appropriately designed space that meets health care standards. The 'New Wing' is now a Design Build Finance project under the Alternative Finance and Procurement model with Infrastructure Ontario.
As part of the Design Build Finance project, the Hospital has made additional revisions to make its operation more functional while not creating any new functions or adding medical staff, but only increasing the functionality of the Hospital's operations by the efficient and logical use of space in keeping with national guidelines. Two elements of the proposed revisions include the 5th floor building projection and window encroachments at the corner of Queen Street East and Victoria Street at the 6th to 10th floors and 14th to 17th floors that cantilever over the Queen Street East and Victoria Street rights of way.

The proposed 5th Floor building encroachments will be situated on the west and south face of the 'New Wing' at 30 Bond Street and will extend a maximum of 3.31 meters beyond the property line for a length of 67.2 metres along Victoria Street, and projects 1.035 metres beyond the property line for a length of 24.3 metres along Queen Street East. The proposed gross floor area of the 5th floor projection is 243 square metres. The corner window encroachments proposed at the 6th to 10th floors and 14th to 17th floors do not result in any usable floor space. These upper floor corner encroachments project 1.04 metres over Queen Street East and 1.0 metre over Victoria Street with each bay window having an area of 13.5 square metres (levels 6, 7, 8, 9, 10, 14, 15, 16, and 17).

Given that the building encroachments will extend over a portion of the City sidewalk along Queen Street East and Victoria Street and there is a potential for snow and ice accumulation on the building encroachment, the applicant on behalf of St. Michael's Hospital has submitted a 'Wind and Falling Ice and Snow' report detailing the design aspects that have been included to mitigate the falling of snow and ice.

At the request of Transportation Services, the Hospital has altered their design to ensure there is no habitable space within the encroaching building projections. The proposed 5th Floor projection area will be used strictly for pedestrian circulation and no actual hospital “functions” (office, procedures, lounge areas, etc.) will occur in this area.

The proposed occupied land area will be approximately 364.24 m². Real Estate Services has provided a Market Value estimate for the occupied land. St. Michael's Hospital/Applicant has agreed to pay a Net Upfront Payment Fee for the Lifetime of the Structure of $235,300.00.

Although the building projections will encroach within the public right of way over the sidewalk along Queen Street East and Victoria Street, given that they will meet the overall height clearance requirements, will feature no habitable space, and the Hospital will be responsible to ensure there is no accumulation of snow and ice on the projections, Transportation Services has determined that the building projections will not impact negatively on the public right of way and recommends approval. The property owner will be required to enter into an encroachment agreement for the ongoing maintenance of the building projections with the City to be registered on title of the property.
COMMENTS

Applicable Regulation
The City of Toronto Municipal Code – Chapter 743 does not make provisions for these types of encroachments, thereby requiring Transportation Services to report on this matter.

Reasons for Approval
Transportation Services has reviewed the application and determined that the construction and maintenance of the building projections will not impact negatively on the public right of way.

Details of the encroachment are on file with Transportation Services.

Conceptual photos of the building and current photos of the area are shown in Appendix “A” and “B”.

CONTACT
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SIGNATURE

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ATTACHMENTS

Appendix “A” – Photo of proposed building projections
Appendix “B” – Photos of area of construction