



STAFF REPORT ACTION REQUIRED

1040 – 1042 Queen Street West - Site Plan Control Application – Final Report

Date:	March 8, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	12 258112 STE 19 SA

SUMMARY

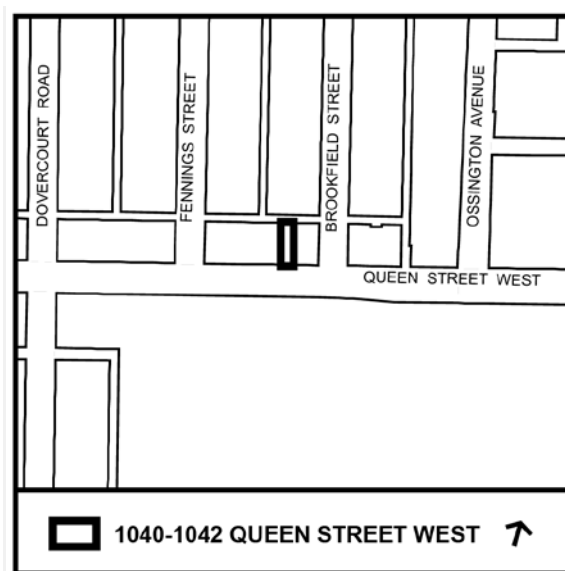
This application proposes to construct a 2-storey commercial building on the lands located at 1040 - 1042 Queen Street West.

This report reviews and recommends approval, in principle, of the Site Plan Control application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve, in principle, the conditions set out in Attachment No. 3 to the report (March 8, 2017) from the Director, Community Planning, Toronto and East York District regarding the proposal for a 2-storey commercial building at 1040 - 1042 Queen Street West.
2. City Council delegate back to the Chief Planner or her designate the authority to issue final Site Plan Approval.



Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Notice of Approval Conditions was issued on November 17, 2013 for a proposal to demolish the existing two 2-storey mixed-use buildings to construct a 4-storey mixed-use building at 1040 - 1042 Queen Street West. Subsequently, the proposal was revised to construct a 2-storey commercial building.

On July 27, 2016, the Committee of Adjustment granted variances to the Zoning By-law to allow for a 2-storey mixed-use building to be constructed at 1040 - 1042 Queen Street West.

On January 17, 2017, Toronto and East York Community Council refused an application to demolish the mixed-use buildings containing one residential unit each at both 1040 and 1042 Queen Street West, respectively because a building permit had not been issued for a replacement building on this site. The decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE21.16>.

On March 1, 2017, Councillor Layton referred the site plan control application to City Council for a decision, in accordance with By-law No. 483-2000.

ISSUE BACKGROUND

Proposal

The application proposes to demolish the two existing 2-storey buildings, each containing commercial uses at grade and one residential unit each on the second floor, for the purpose of constructing a 2-storey restaurant. Refer to Attachment No. 4.

Site and Surrounding Area

The site is located on the north side of Queen Street West, west of Ossington Avenue. It has a frontage of 9.04 metres and a depth of 30.55 metres, for a total lot area of 275.18 square metres.

North: A low-scaled residential area consisting of 2-storey and 3-storey semi-detached and detached houses.

South: The Centre for Mental Health and Addiction (CAMH) lands.

East: Two-storey, mixed-use buildings followed by 3-storey mixed-use buildings farther east.

West: Two-storey mixed-use buildings, followed by a surface parking lot located at the northeast corner of Fennings Street and Queen Street West.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise

use and management of resources; and, protecting public health and safety. City Council's planning decisions are required by the Planning Act to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required by the Planning Act, to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated *Mixed Use Areas* in the City of Toronto Official Plan. *Mixed Use Areas* permit a broad array of uses, including, but not limited to residential, office, retail and services, recreation, and cultural activities. The purpose of the *Mixed Use* land designation is to encourage Torontonians to live, work, and shop in the same area to create a balance of high quality commercial, residential, institutional, and open space uses that reduces automobile dependency, and meets the needs of the local community.

Zoning

The site is zoned Mixed Commercial-Residential (MCR) in City of Toronto Zoning By-law 438-86, as amended. The purpose of the Mixed-Commercial-Residential zoning category is generally to promote development that includes a mix of residential and non-residential land uses within the same area, or even on the same property. The site is not subject to City-Wide Zoning By-law 569-2013.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

As noted above, a Notice of Approval Conditions associated with a 4-storey mixed use proposal was issued on November 17, 2013. The applicant subsequently chose to alter the proposal to a 2-storey commercial building, submitting a revised proposal to the City on December 30, 2015. This revised proposal was circulated to appropriate agencies and City divisions. Comments were provided to the applicant, revisions were made, and resubmissions were circulated for review and comment. After circulating and reviewing the most recent submission, received by Toronto Building on November 1, 2016, the applicant was advised by Planning Staff that there were no further concerns with the application, and that a revised NOAC would follow.

On January 31, 2017, City Council adopted a motion by Councillor Layton, seconded by Councillor Perks, to request the Senior Manager, Heritage Preservation Services to research and evaluate the properties at 1040 and 1042 Queen Street West for designation under Part IV of the Ontario Heritage Act, and to report back to Toronto and East York Community Council with the results of this evaluation by April 2017. The item can be found at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM24.34>.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced, and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The application is for the construction of one new building with 386.5 square metres of non-residential gross floor area. All new non-residential gross floor area is subject to a 2 percent parkland dedication. Therefore, the parkland dedication requirement is 6 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as the required parkland dedication would not create a functional park. The site is also less than 100 metres from Paul Garfinkel Parkette. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

In 2013 City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

Rental Housing

The buildings at both 1040 and 1042 Queen Street West, in addition to commercial uses at grade, contain one residential unit each. As discussed above, Toronto and East York Community Council, at its January 17, 2017 meeting, refused an application to demolish the buildings containing residential units at both 1040 and 1042 Queen Street West because a building permit had not been issued for a replacement building on this site.

CONCLUSION

Planning Staff has completed the review of the Site Plan Control application for 1040 – 1042 Queen Street West, and is recommending approval. Conditions of approval are contained in Attachment 3.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

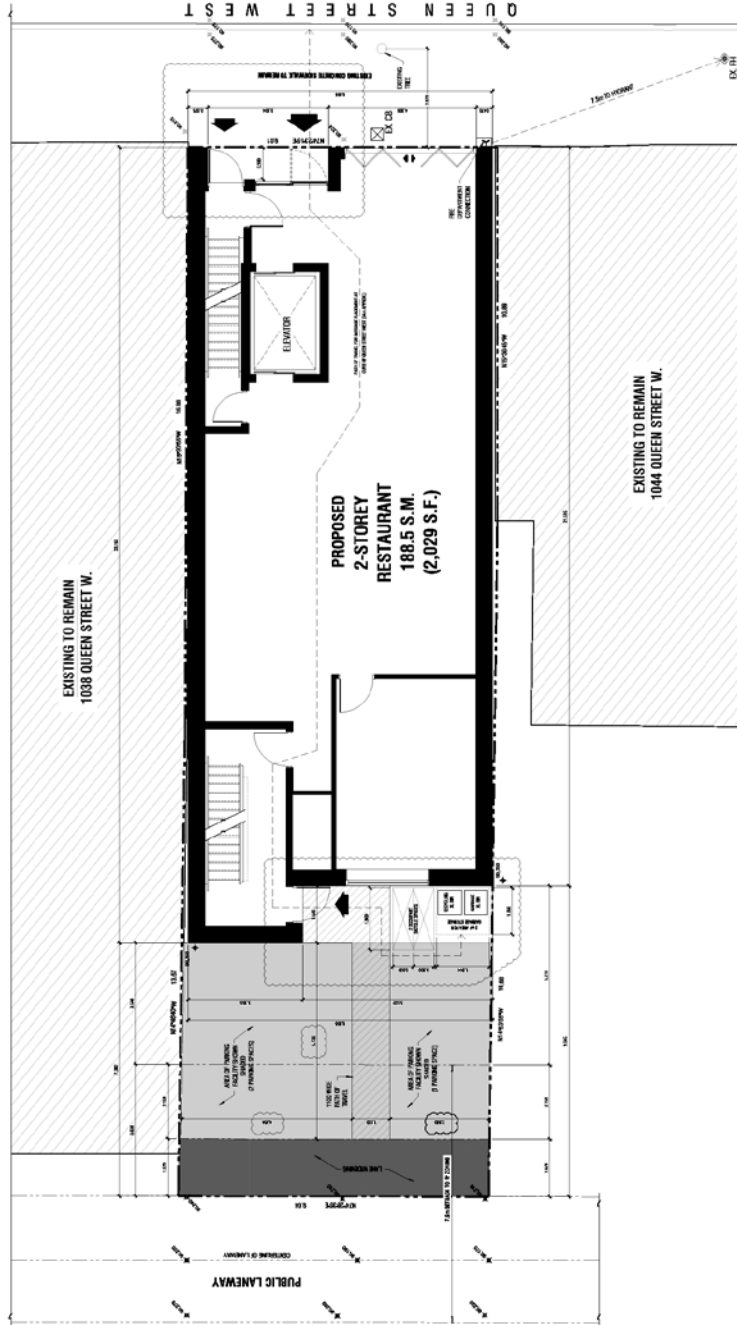
Attachment 1: Site Plan

Attachment 2: Elevations

Attachment 3: Conditions of Site Plan Approval

Attachment 4: Application Data Sheet

Attachment 1: Site Plan



1040-1042 Queen Street West

Site Plan

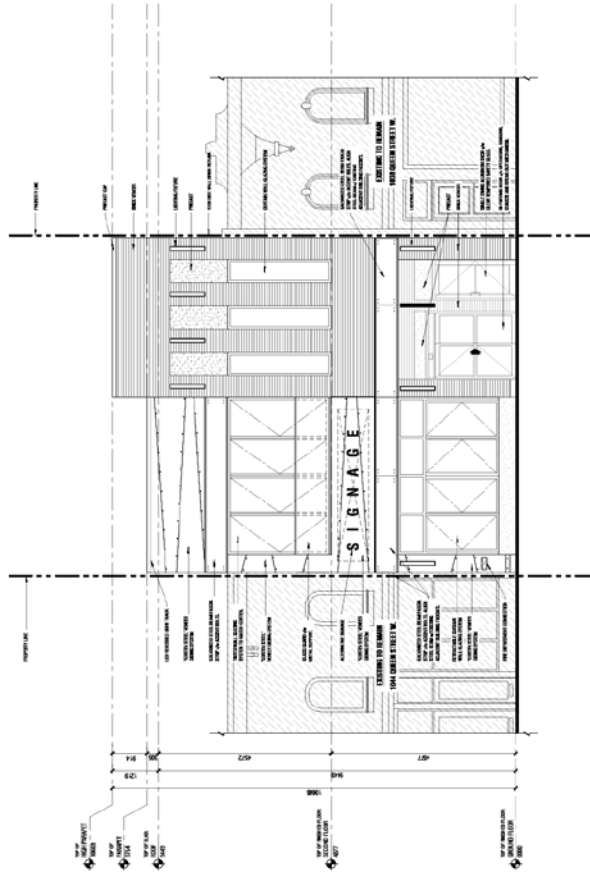
Applicant's Submitted Drawing

Not to Scale
03/06/2017

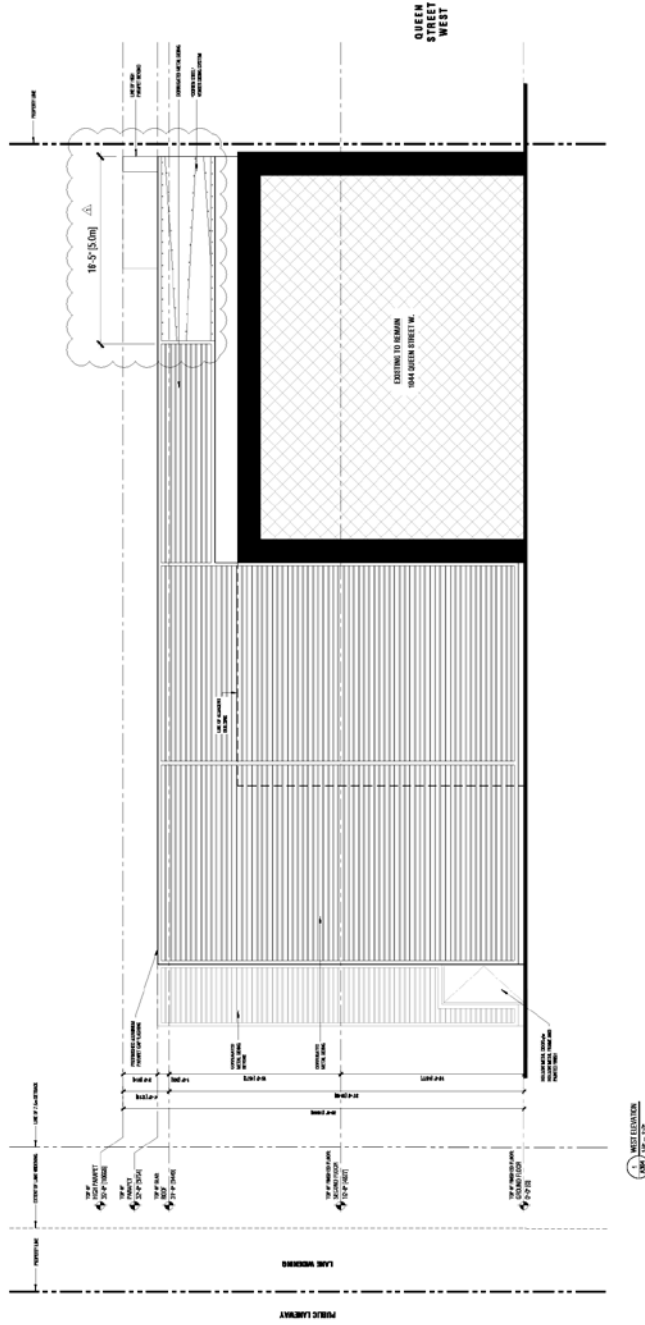
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West Elevation

Applicant's Submitted Drawing

Not to Scale
03/06/2017

1040-1042 Queen Street West

File # 12 258112 STE 19 SA

Attachment 3: Conditions of Approval

This Notice of Approval Conditions supersedes the Notice of Approval Conditions previously issued on December 17, 2013. The City Planning Division, Toronto and East York District, has completed the review of your proposal for a two-storey restaurant as outlined in the following plans and drawings:

Drawing Number	Drawing Name	Prepared By	Drawing Date	Revision Date
A010	Site Plan	Greystone	March 23, 2016	March 23, 2016
A204	Roof Plan	Greystone	March 11, 2016	March 23, 2016
A301	South Exterior Elevation	Greystone	March 11, 2016	March 23, 2016
A302	East Exterior Elevation	Greystone	December 2, 2015	October 3, 2016
A303	North Exterior Elevation	Greystone	March 11, 2016	March 23, 2016
A304	West Exterior Elevation	Greystone	December 2, 2015	October 3, 2016
A310	Lighting and Streetscape	Greystone	March 11, 2016	March 23, 2016
A901	Landscape Plan	Greystone	December 10, 2015	March 23, 2016

PRE-APPROVAL CONDITIONS

1. 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.
2. Prepare all documents and convey to the City, at nominal cost, a strip of land measuring 1.67 metres to the full extent of the site abutting the south limit of the east west public lane extending between Fennings Street and Brookfield Street, such lands to be free and clear of all physical and title encumbrances, save and except for utility poles and any other encumbrances specifically authorized by the General Manager of Transportation Services, and subject to a right-of-way in favour of the Grantor until such time as the said lands have been laid out and dedicated for public highway purposes, all to the satisfaction to the Executive Director of Engineering and Construction Services, and the City Solicitor;
3. Submit to the General Manager of Transportation Services, for review and approval prior to deposit in the Land Registry Office, a draft Reference Plan of Survey in metric units and integrated into the Ontario Coordinate System with coordinate values shown on the face of the plan, and delineating thereon, by separate PARTS, the lands to be conveyed to the City, the remainder of the site, and any appurtenant easements. The plan must:
 - a) Be in metric units and integrated with the Ontario Co-ordinate System (3° MTM, Zone 10, NAD 83 CSRS);

- b) Delineate, by separate PARTS, the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of way and easements; and,
 - c) Show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
- 4. The owner shall pay all costs for preparation and registration of Reference Plan(s).
- 5. The owner shall provide, to the Chief Planner and Executive Director, a 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 \$6,950.00, to secure landscape works as detailed on the approved plans.
- 6. Prior to Site Plan Approval, 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 \$2,134.75 to cover the appraised tree value, removal and replacement costs of one (1) City-owned tree. This deposit shall be drawn upon to cover all costs incurred by the City of Toronto if the City-owned tree requires maintenance, or removal and replacement as a result of construction activities associated with this project. The tree protection security deposit must be submitted to the attention of the Supervisor of Urban Forestry, Tree Protection & Plan Review. Payment must be made in person at the Urban Forestry office located at 50 Booth Avenue, 2nd Floor. Our front reception desk hours are 8:30 a.m. to 3:00 p.m., Monday to Friday.

POST APPROVAL CONDITIONS

- 1. Remove all existing accesses, curb cuts, traffic control signs, etc., along the development site frontage that are no longer required, and reinstate the curb, gutter, and boulevard within the right-of-way, in accordance with City standards, and to the satisfaction of the Executive Director, Engineering and Construction Services.
- 2. Construct and maintain stormwater management measures/facilities, and site grading as recommended in the accepted Stormwater Management Report revision dated May 2013, date stamped as May 27, 2013, and Servicing and Grading Plan, Dwg. No. 12270-SG-1, revision #3, dated August 2, 2013, date stamped as August 8, 2013 by Engineering & Construction Services;
- 3. Construct and maintain site servicing indicated on the accepted Servicing and Grading Plan, Dwg. No. 12270-SG-1, revision #3, dated August 2, 2013, date stamped as August 8, 2013 by Engineering & Construction Services;
- 4. Provide certification to the Executive Director of Engineering and Construction 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 Stormwater Management Report, and the accepted site grading plan(s); and

5. Provide certification to the Executive Director, Engineering and Construction Services, by the Professional Engineer who designed and supervised the construction, that the site servicing facilities have been constructed in accordance with the accepted drawing(s).
6. The applicant shall have a qualified company implement the approved Landscape Plan, and all approved tree preservation and maintenance strategies to the satisfaction of Urban Forestry. Also, prior to construction or grading activities, where necessary to ensure the health and vigour of trees to be preserved, tree maintenance measures must be undertaken by a certified arborist or other qualified expert, and according to currently accepted sound arboricultural practices.
7. The site shall be developed and maintained in accordance with the approved plans and conditions of approval associated with the Site Plan, Grading Plan, Site Servicing Plan, Landscape Plan, Building Permit, and Tree Permit(s)/Approvals. Any proposed revisions/alterations to the approved plans or permits that affect trees must be approved by Urban Forestry on behalf of the General Manager of Parks, Forestry & Recreation.
8. The owner agrees to notify all builders, contractors, and agents of all tree protection requirements where any part of the development will be carried out by them on behalf of the owner.
9. The owner shall protect at all times the one (1) existing City-owned tree situated within the Queen Street West City road allowance 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 and Recreation.
10. In the event that the one (1) existing City-owned tree is significantly damaged during construction, the owner shall provide a continuous soil trench, and two (2) new trees in accordance with City standard specifications and details and satisfy the following conditions:
 - a) 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.
 - b) 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.

- c) 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.
- d) 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.
- e) 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 \$19,166.00 (\$18,000.00 to secure the continuous soil trench, and \$583.00 per tree subject to change) for new tree plantings within the City Road allowance. 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. The tree planting security deposit must be submitted to the attention of the Supervisor of Urban Forestry, Tree Protection & Plan Review. Payment must be made in person at the Urban Forestry office located at 50 Booth Avenue, 2nd Floor. Our front reception desk hours are 8:30 a.m. to 3:00 p.m., Monday to Friday.

SITE PLAN ADVISORY COMMENTS

The owner is advised that the Green Roof By-law (By-law No. 583-2009) (Chapter 492 of the City of Toronto Municipal Code) including Article IV the Toronto Green Roof Construction Standard, may be applicable to the proposed development. For further information, please contact Andrew Osler, Toronto Building, at 416-338-8196.

Engineering and Construction Services

The owner is required to make a separate submission to the General Manager of Transportation Services to obtain approval for all work that will be carried out within the abutting public rights-of-way, which may include, but not be limited to, financial responsibility for removal or relocation of existing street furniture. The City will not undertake any work associated with removing, reinstalling or relocating existing street furniture until it receives payment. If clarification is required on how the above standards will apply to this site, the owner can contact the Right-of-Way Management Section, Toronto and East York District, Construction Activities, at (416)392-7877.

The owner is advised that the widened public lane used to access the site will be given low priority for winter maintenance by the City, in accordance with current City policies, and those public lanes are salted only, not ploughed.

The owner is advised to have regard for the City's Vibrant Streets design guidelines, which are available on the City's website at:

www.toronto.ca/involved/projects/streetfurniture/pdf/vibrant_streets.pdf

This development is not eligible for City of Toronto collection. The owner must make arrangements with a private hauler for collection of all waste materials.

The owner will be required to make an application to the General Manager of Toronto Water Division for the installation of any proposed services within the City's right-of-way after acceptance of the stormwater management report, and site grading and servicing plan. For further information, please contact District Operations at 416-395-6082.

The owner is financially responsible for all costs associated with the excavation, improvement, removal, and/or relocation of any above or below-grade public or private utility resulting from the development of this property.

In order to obtain approval for work in the City's right-of-way the owner will be required to provide up to date stake out information for most construction related work. For further information, please contact Ontario One Call at 1-800-400-2255 to arrange for an appointment.

The site is comprised of two properties which are to be amalgamated for assessment and Official Record municipal numbering purposes. The owner is required to apply for revised municipal numbering prior to filing an application for a building permit.

Parks, Forestry, and Recreation

Comments regarding any necessary street tree plantings and requirements under the private tree protection By-law of the Ravine By-law will be forwarded directly to your attention by Urban Forestry.

For information regarding parkland dedication requirements, the applicant must contact Andrea Bake, Parks Planner at 416-392-8466 or abake@toronto.ca.

Attachment 4: Application Data Sheet

Application Type	Site Plan Approval	Application Number:	12 258112 STE 19 SA
Details		Application Date:	October 4, 2012
Municipal Address:	1040 QUEEN ST W		
Location Description:	PLAN 400 LOT 3 **GRID S1906		
Project Description:	Proposal to demolish two 2-storey mixed use buildings (1040-1042 Queen St W) containing commercial and 1 dwelling unit each, and construct a new 2-storey commercial building.		

Applicant:	Agent:	Architect:	Owner:
Greystone	Jeremy Brown	Greystone	ERICA SEGAL

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	MCR T3.0 C1.0 R2.5	Historical Status:
Height Limit (m):	16, 0, 0	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	275.18	Height:	Storeys:	2	
Frontage (m):	9.04		Metres:	9.75	
Depth (m):	30.55				
Total Ground Floor Area (sq. m):	188.5				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	3	
Total Non-Residential GFA (sq. m):	385.4		Loading Docks	0	
Total GFA (sq. m):	385.4				
Lot Coverage Ratio (%):	68.5				
Floor Space Index:	1.4				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	385.4	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

CONTACT:	PLANNER NAME:	Kirk Hatcher, Planner
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