

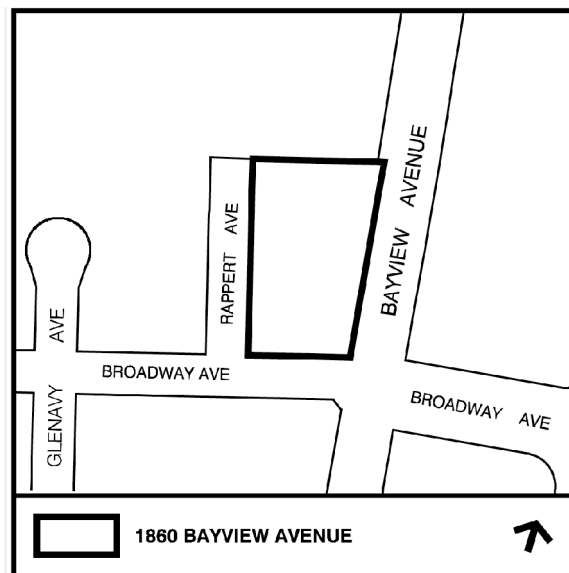
1860 Bayview Avenue Rezoning and Site Plan Control Applications - Request for Direction Report for Ontario Municipal Board Hearing

Date:	July 4, 2011
To:	City Council
From:	City Solicitor
Wards:	Ward 25, Don Valley West
Reason for Confidential Information:	This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions and this report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	10 255840 NNY 25 OZ & 10 276757 NNY 25 SA

SUMMARY

This application for Rezoning proposes to redevelop the lands at 1860 Bayview Avenue with a two-storey retail commercial building having 214 below grade parking spaces. An application for Site Plan approval has also been submitted.

On January 28, 2010 and February 14, 2011, the applicant appealed the Site Plan and Rezoning applications respectively to the Ontario Municipal Board on the grounds that the City had failed to render a decision on the applications within the statutory time frame.



A Pre-Hearing conference took place on May 19, 2011, at which time a hearing for the consolidated appeals was scheduled to take place on October 18 to 24, 2011.

On June 28, 2011 the applicant tabled a settlement offer with the City's Legal and City Planning Divisions proposing changes to the proposed commercial development as set out in attachments 4, 5 and 6 (the "Settlement Proposal").

The purpose of this report, which has been prepared in consultation with City Planning staff, is to seek Council direction regarding the Ontario Municipal Board hearing and the proposed settlement. The description of the proposal and the evaluation of the Settlement Proposal have been provided by City Planning.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in the Confidential Attachment to this report; and
2. If the recommendations in Confidential Attachment 1 are adopted, City Council authorize the public release of the confidential recommendations in Confidential Attachment 1.

Financial Impact

The recommendations will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

Committee of Adjustment, North York District

On November 10, 2009, an application for minor variance was made to the Committee of Adjustment, North York District, for the subject lands in order to permit construction of a two storey commercial building with two levels of below grade parking. At its meeting of July 6, 2010, the Committee of Adjustment refused the minor variance application. Subsequently, on July 23, 2010, the applicant filed a notice of appeal to the Ontario Municipal Board. At its meeting held on March 31 and April 1, 2010, City Council authorized the City Solicitor and appropriate City staff or outside planners, to attend the Ontario Municipal Board hearing in respect of the minor variance appeal.

Rezoning and Site Plan Control Approval Applications

On September 10, 2010 the applicant filed a rezoning application and on October 13, 2010, the applicant filed a site plan approval application for the proposed development. At its meeting held on January 18, 2011, North York Community Council considered a preliminary report on the site plan and rezoning applications, and directed that City

Planning staff schedule a community consultation meeting (with an extended notice area). In February, 2011, the applicant filed appeals of the rezoning and site plan applications with the OMB.

At its meeting held on May 17, 18 and 19, 2011, City Council requested that the applicant provide outstanding information regarding the proposal's traffic generation, on-site vehicular movement, loading facilities and access and egress and directed the City Solicitor and appropriate staff to attend the OMB Prehearing Conference to identify issues and request a hearing date which would allow for an appropriate timeframe for City staff to review and assess the additional material requested of the applicant and report to Community Council and City Council on the review. City Council further authorized the City Solicitor and appropriate staff to continue discussions with the applicant, and the area residents, in an attempt to narrow or resolve the issues outlined in the preliminary report and directed the City Solicitor and appropriate staff to attend any subsequent Ontario Municipal Board hearings.

A Pre-Hearing conference took place at the OMB on May 19, 2011, at which time a hearing for the consolidated appeals was scheduled to take place on October 18 to 24, 2011.

ISSUE BACKGROUND

Original Proposal

As originally submitted, the applicant proposed to redevelop the property at 1860 Bayview Avenue with a 2 storey (16.45 metre) retail commercial building with 214 parking spaces of which 13 would be at-grade and the remainder within a two level below grade parking garage. Two-way access and egress for the parking and three loading spaces was proposed from both Bayview and Broadway Avenues, as shown on Attachment 1 and 2 (the "Original Proposal").

The Original Proposal had a total gross floor area of 7,090 m², lot coverage of 88% and a Floor Space Index (FSI) of 1.4. It included a total of three retail units; one large and one smaller retail unit and loading area on the ground floor having a total gross floor area (GFA) of 2,178 m², and one retail unit on the entire second floor with a GFA of 4,510 m².

Settlement Proposal

On June 28, 2011, the applicant tabled a "Without Prejudice" Settlement Proposal to the City, proposing revisions to the Original Proposal that came about as a result of ongoing discussions with staff. The applicant has confirmed that the Settlement Proposal could be made public. A revised ground floor plan, garage level plans and second floor plan were submitted (see attachments 4, 5 and 6).

The Original Proposal has been revised by the Settlement Proposal as set out in attachment 4 and as summarized on the chart below:

	Original Proposal	Settlement Proposal
No. of Stories / Height	2 Stories / 16.45 metres	2 stories / 16.45 metres
No. of Retail Units	3	3
Total Gross Floor Area (GFA)	7,089.5 m ²	6,831.3 m ²
Total GFA at grade	2,177.7 m ²	2,198.37 m ²
Total GFA at second floor	4,510.7 m ²	4,272 m ²
Total Floor Space Index (FSI)	1.38	1.32
Site Coverage	87.8%	83.16%
Number of Parking Spaces	214 spaces (13 spaces at grade, 201 spaces in 2 levels of below grade garage)	196 spaces in 2 levels of below grade garage
Bayview Avenue Building Setback	1 metre	1 metre from new property line (2.75 metres widening)
Broadway Avenue Building Setback	0 metres	1 metre from new property line (1.25 metres widening)

The Settlement Proposal submission did not include revised elevations, cross-section, angular plane or landscape drawings, functional plans, roof plan, survey, Arborist or Site Servicing and Stormwater reports, Grading Plans, or a Green Development Standards Checklist, although it is expected that this information will be forthcoming from the applicant.

Site and Surrounding Area

This rectangular site is located at the northwest corner of Bayview and Broadway Avenues and was previously the site of an automobile dealership and service shops. The site is bounded by Broadway Avenue to the south, Rappert Avenue to the west, Mount Hope Cemetery to the north and Bayview Avenue to the east. The site has a total area of 5,137 m². A 0.3 metre (1 foot) reserve exists along the Rappert Avenue frontage which restricts vehicular access from the subject site to Rappert Avenue.

Abutting uses are as follows:

- North: Immediately abutting the site is located Mount Hope Cemetery, and further north two recently approved residential condominium building projects;
- East: Immediately across Bayview Avenue is located St. Augustine of Canterbury Anglican Church, with single detached residential buildings beyond;

South: Immediately across Broadway Avenue is located an automobile refuelling station, further south along Bayview Avenue are located 4 to 7 storey residential buildings with ground floor commercial uses, followed by commercial uses towards Eglinton Avenue;

West: Immediately across Rappert Avenue are located single detached two storey residential dwellings.

Provincial Policy Statement and Provincial Plans

City Planning staff have reviewed the Original Proposal and the Settlement Proposal for consistency with the Provincial Policy Statement (PPS) and the Growth Plan for the Greater Golden Horseshoe and are satisfied that the Settlement Proposal conforms and does not conflict with the provincial policies.

Official Plan

The subject lands are designated Mixed Use Area in the City of Toronto's Official Plan. This designation provides for a broad range of residential uses, offices, retail and services, institutions, entertainment, recreation and cultural activities, in single purpose or mixed use buildings, and also parks and open spaces.

Mixed Use Areas are intended to be vibrant, attractive and multi-purpose areas that will attract development and encourage:

- high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- development that provides for new employment and housing opportunities;
- buildings sited to provide transition between areas of different development intensity and scale;
- new buildings that limit shadow impacts on adjacent residential neighbourhoods;
- buildings that have a mass and siting that frames the street edges and parks with good proportion so they maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets and parks and open spaces;
- development that takes advantage of transit services, while also providing good access and circulation and an adequate supply of parking;
- the siting and screening of service areas, ramps and garbage areas to minimize impacts on neighbouring streets and residences.

Zoning

The subject site is zoned General Commercial Zones (C1 (5)) in Zoning By-law 7625 for the former City of North York. This zoning permits a broad range of uses including residential, office and retail commercial and institutional uses. A car dealership and accessory motor vehicle body repair shop is also permitted via a site specific provision (By-law No. 31984). An excerpt from the zoning map in By-law 7625 of the former City of North York, as it relates to the subject property, is shown on Attachment 7.

Reasons for the Application

While the proposed use is permitted as of right by both the City's Official Plan and the applicable zoning, relief is required from a number of specific performance standards in the applicable C1(5) zoning category of Zoning By-law 7625 for the former City of North York, as set out more specifically in the chart below.

Zoning Review – Required vs. Proposed		
Provision	Allowable/Required under by-law 7625	Original Proposal
Gross Floor Area	5,137 sq. m (55,294 sq. ft) max	7,090 sq. m. (76,311 sq. ft)
Lot Coverage	33.3% max	87.80%
Front Yard Setback (Broadway)	9.7 m	0 m
Rear Yard Setback	7.5 m	2.0 m
Parking	255 spaces required	214 spaces

Community Consultation

A community consultation meeting to discuss the proposal was held at St. Augustine of Canterbury Anglican Church on April 7, 2011. The meeting was attended by the Councillors for Wards 25 and 26, City Planning and Transportation staff, the applicant, representatives of Area Ratepayers Associations and over 200 members of the public.

Issues raised were generally related to the following matters:

- traffic generation resulting from the proposed development and its impact on existing congestion along Bayview and Broadway Avenues;
- access and egress from the site and impact on existing queuing along Broadway Avenue east for turns at Bayview Avenue;
- vehicular infiltration into the local community;
- parking on local roads;
- number of truck deliveries required for the proposed uses, truck access and egress and where trucks waiting to make deliveries will queue;
- on site vehicular circulation, location of loading docks and parking areas and resulting potential for truck/car conflict;
- impact on emergency vehicles from additional traffic congestion;
- location of employee parking;
- building setbacks and pedestrian safety;
- size and design of the proposed building and coverage of the site; and
- lack of green space on the site.

In several meetings with staff, as well as written correspondence, residents have reiterated the above issues and the concerns that the development, as proposed, will negatively impact the local community.

COMMENTS

Since the submission of the application, the proposal has been circulated to various City Divisions for their review and assessment. City staff have met with the applicant and their consultants on various occasions to review the proposed development.

The subject site is designated in the City's Official Plan and applicable zoning By-law to permit commercial uses. Staff are satisfied that a commercial use such as proposed is appropriate at this location. However, the site has some constraints due to its size and location and staff identified some concerns with the Original Proposal relating to traffic generation and area traffic conditions; access and egress from the site; on-site vehicular circulation and potential for vehicular conflict; number and location of loading spaces; building setbacks, streetscaping and landscaping and building design and built form.

Following a number of discussions between staff, the applicant and their consultants, the applicant has submitted a "Without Prejudice" Settlement Proposal which addresses the concerns of staff. The major areas of concern and resultant changes are discussed below.

Land Use and Density

The site is designated Mixed Use Area. Lands within this designation are intended to accommodate most of the anticipated growth in the City in terms of retail and service employment as well as new housing. The applicant is proposing a two storey, three unit commercial retail development.

The proposed development as per the Settlement Proposal, would have a total of 6,831 m² of Gross Floor Area located on the first and second floors of the building, which represents an FSI of 1.32. This density is appropriate provided that the proposal addresses issues respecting transition, building design, streetscape and transportation improvements as set out in this report.

The Settlement Proposal provides for a slightly smaller building that is set back further from both Bayview and Broadway Avenues. In addition, right-of-way widenings are being taken which allow for a much improved pedestrian oriented streetscape with the opportunities for street trees, pedestrian amenities and wider sidewalks.

The Settlement Proposal will provide for a vibrant, high quality commercial development that will provide both neighbourhood services and new employment opportunities. As revised, the proposed commercial building will allow for an appropriate extension of the commercial uses found southerly along Bayview Avenue, while maintaining an

appropriate transition and minimizing shadow impacts on neighbouring residential uses to the west.

Given the urban context in which the proposed commercial building is located, the proposal allows for an appropriate intensification of a commercial use, along a major arterial road, and represents an appropriate use of existing infrastructure. As such it can be considered in conformity with the land use and density policies of the Official Plan.

Built Form

The Official Plan directs that new development provide a transition between areas of different development intensity and scale, through means such as appropriate setbacks, and that it enhance the public realm. The proposed building would be situated on a rectangular site with three road frontages and frontage to a cemetery landscaped open space.

The Settlement Proposal submitted by the applicant did not include revised elevation drawings and the applicant has not indicated the height of the proposed revised two-storey commercial building. The original proposal had indicated a height of 16.5 metres, which met the angular plane provisions of the Official Plan. Comments in this report are based on a maximum height of 16.5 metres.

The *Mixed Use* policies in the Official Plan indicate that new buildings must be located and massed to provide transition between areas of different development intensity and scale, particularly towards lower scale *Neighbourhoods*. The proposed building is set back approximately 21 metres from the front property line of the Rappert Avenue homes across the street. At a maximum height of 16.5 metres the proposed building fits within a 45 degree angular plane and minimizes overlook and shadowing on low density homes on the west side of Rappert Avenue. A 1m building setback and landscaping is proposed along the rear property line facing the Rappert Avenue residential area. Tree and shrub planting is proposed to soften the building edge and transition to a residential landscape character.

Along the site's northern edge with Mount Hope Cemetery, a minimum 2 m setback is proposed to provide appropriate landscape transition including tree planting.

The building is set back 1 metre from the Bayview Avenue property line to create a continuous street-wall along Bayview Avenue while providing direct connections between grade related commercial uses and the public realm. A minimum of five hours of sunlight on both Bayview and Broadway Avenue sidewalks is achieved allowing for a comfortable and attractive streetscape.

It is recommended that the design and articulation of the proposed building be reviewed in order to take full advantage of the prominence of this corner site and respond to the scale of adjacent buildings. In particular, the transition from an active Bayview Avenue to a lower intensity neighbourhood along Broadway Avenue to the west and to a passive open space cemetery to the north must be addressed appropriately.

Shadow Studies

Shadow studies were provided by the applicant's architect and found that the shadowing of the proposed 16.5 metre high development on adjacent properties including residential properties, open space and streetscape would be minimal. The shadow study has been reviewed by City staff and its findings are acceptable.

Traffic Impact

The area surrounding the subject site experiences considerable traffic congestion during the week day and weekend peak periods, and various traffic calming and turning restrictions have been implemented at the Bayview Avenue and Broadway Avenue intersection and along Broadway Avenue. Transportation Services is satisfied that the existing roadways can accommodate the additional traffic generated beyond the as-of-right permissions as documented by the applicant's transportation consultant.

From the Original Proposal, Transportation Services had identified many operational concerns. Through on-going discussions and meetings with the applicant, various iterations of the site plan were reviewed. This has resulted in the Settlement Proposal revised site plan modifications (Option No. 50) received June 28, 2011 as shown in Attachment No. 5. The operational concerns raised by Transportation Services have been addressed by the following:

Bayview Avenue

- On Bayview Avenue, a northbound left turn storage lane is proposed.
- Approximately 2.75m right-of-way widening will be conveyed to the City to accommodate a 5.0m boulevard and proposed road widening across the Bayview Avenue frontage.
- The existing southbound left turn lane has been extended to provide access to the church at 1847 Bayview Avenue.
- Additional pavement widening has been proposed north of the Bayview Avenue access.
- Transportation Services has recommended an eastbound left-turn prohibition out of the Bayview Avenue access. Transportation Services staff undertook gap studies on Bayview Avenue and Broadway Avenue to determine if vehicles can safely egress the proposed driveways. The study results identified that there are insufficient gaps during the p.m. peak periods to allow vehicles to safely egress the driveway and cross three lanes of traffic to proceed north on Bayview Avenue.
- The proposed driveway will be 16m at the property line to accommodate a channelized right-turn lane and one inbound lane.

Broadway Avenue

- Broadway Avenue pavement width will be widened to accommodate a 5.5m westbound lane.

- Approximately 1.25m right-of-way widening will be conveyed to the City to accommodate a 5.0m boulevard and proposed road widening across the Broadway Avenue frontage.
- An extension of the eastbound left-turn lane to accommodate queuing.
- Right-turn egress movements from the driveway access will be restricted during the a.m. peak period Monday to Friday (7:00 am to 9:00 am) to replicate the existing southbound right-turn prohibition at the intersection of Bayview Avenue and Broadway Avenue.
- The existing heavy truck prohibitions will be maintained.

Functional Plan and Financial Requirements

The applicant will be required to submit a functional design plan to illustrate all road improvements as required by Transportation Services.

All costs associated with the roadway improvements are to be paid for by the applicant. The applicant must submit a cost estimate for any improvements on Bayview Avenue and Broadway Avenue as required by Transportation Services. The cost estimate must include any civil works and utility relocation.

Prior to site plan approval the applicant must submit a financial guarantee and an engineering review fee in the form of a Letter of Credit or certified cheque (amount to be determined with the final approved cost estimate) to the Technical Services Division, City of Toronto, for all or any road improvements on Bayview and Broadway Avenue as required by Transportation Services.

The applicant must make satisfactory arrangements with Technical Services for work on the City's Right-of-Way to construct all or any road improvements as required by Transportation Services.

Traffic Monitoring

Transportation Services will monitor the driveway access on Bayview Avenue once the development is completed to review the operational and safety concerns at the driveway. Should operational and/or safety concerns be identified, Transportation Services will need to take the necessary actions to mitigate the concerns. This may include peak period restrictions of the northbound left turn lane or its entire removal.

Parking

As proposed in the Settlement Offer, the development would incorporate 196 parking spaces within a two-level, below grade parking garage. Transportation staff have reviewed the proposed parking supply and are satisfied that it is sufficient to meet the needs of the commercial development.

On-Site Vehicular Circulation and Access to Parking Spaces

As proposed in the Settlement Proposal, passenger vehicles would access and egress the site via either Bayview Avenue or Broadway Avenue.

In order to mitigate the potential vehicular conflicts at the parking ramp and internal driveways, stop controls must be located at the egress of the parking ramp and the Broadway Avenue driveway aisle north of the loading area and the applicant will need to address sight line obstruction issues.

As proposed, the development would have two loading areas accommodating 3 loading spaces to service the ground floor and second floor independently of each other. The loading areas are separated by an internal roadway that also allows access to and from the below grade garage for customer vehicle parking. As originally proposed, access to the loading areas required delivery vehicles to enter either from Bayview or Broadway Avenues, depending on which loading area they would service (refer to Site/Ground Floor Plan, Attachment 1).

Transportation staff is concerned about the possibility this creates for vehicular conflict as both delivery vehicles and passenger cars would be travelling in both a north and southbound direction. Transportation staff recommends that all loading/commercial vehicles access the site from Bayview Avenue and exit the site from Broadway Avenue. This will minimize conflict with passenger traffic and loading traffic.

The Settlement Proposal accommodates the built form of the building envelope being recessed at both driveway entrances to maintain sight lines, avoiding pedestrian vehicular conflict. A demarcated taxi lay-by area is proposed located at the rear of the retail area and adjacent to the building edge with a walkway connection to the main entranceway. The taxi lay-by is recommended to service pedestrians using taxi service to load groceries, avoiding congestion on the public street.

Streetscape

The Official Plan states that new buildings must be located and massed to frame the edges of streets with good proportions and maintain sunlight conditions for pedestrians on adjacent streets, parks and open spaces.

The Settlement Proposal includes a right-of-way conveyance of 2.75m on Bayview Avenue and 1.25m on Broadway Avenue to provide a 5m boulevard right-of-way width on both Bayview and Broadway Avenue. The 5m boulevard width meets the minimum streetscape width requirement that would permit proper sidewalk amenities such as tree planting, furnishing and pedestrian clearway as per main streets in the Streetscape Manual.

An additional 1m building setback on Bayview Avenue is proposed in the Settlement Proposal to allow for pedestrian weather protection along the commercial building edge and a 2m wide pedestrian clearway between the proposed tree planter and building face.

The resulting 6m building setback from the curb mirrors the 6m building setback of 1818 and 1820 Bayview Avenue, a mixed use condominium development south of 1860 Bayview with commercial uses at the ground floor.

The Bayview Avenue streetscape design should consist of a 2.2m pedestrian clearway adjacent to the curb, a 1.8m continuous trench tree planter and additional 2m pedestrian clearway adjacent to the commercial façade. This organization provides a safe and comfortable pedestrian clearway adjacent to the building edge, screened from the street with tree planting and accessible to canopy weather protection. The resulting building setback and streetscape design proposed for 1860 Bayview Avenue creates a consistent streetscape pattern along Bayview Avenue for new developments with commercial uses at grade.

The streetscape design along Broadway Avenue should consist of the typical hard/soft landscape boulevard as per the Streetscape Manual with the location of the sidewalk 1m from the property line and a sod boulevard with tree plantings between the sidewalk and the curb.

A 1m building setback along Broadway Avenue is proposed to provide space for a canopy for pedestrian weather protection at main entrances and space for landscape treatment along the building edge to create a landscape transition to the adjacent residential neighbourhood. Amenities such as seating, garbage receptacles, seasonal landscape planters and bicycle parking are to be provided near the main building entrance to accommodate pedestrians.

Facades and Elevations

As noted above, it is recommended that the design of the proposed building be revised to better recognize the prominence of this corner site and to respond to the scale of the surrounding buildings. Revised elevations and landscape plans are to be provided by the applicant. The following discussion identifies some of the further issues that are to be addressed in further submissions, and worked out with Planning Staff as the details of the Site Plan approval are finalized.

Opportunities exist to create a more appropriately scaled and high quality façade along all frontages. Building facades need to be articulated using high quality materials and glazing to provide interest, prominence and safety to pedestrians walking along the street.

In regard to the elevations facing Rappert Avenue, the use of hand scaled masonry and smaller scale panels, fenestration and cornice detailing which reflect the finer grain detailing, height and rhythm of the residential houses on Rappert Avenue is recommended. Landscape treatment such as trellis and vines growing along the building elevations facing both Rappert Avenue and Mount Hope cemetery are recommended to soften the building edge.

For elevations facing Bayview Avenue and Broadway Avenue additional architectural emphasis at the corner and along the façade is recommended to enhance the prominence

of the corner and give the building façade more depth and interest. An overhang or continuous canopy is recommended along both the Bayview and Broadway façade, providing continuous weather protection for pedestrians walking along the commercial street edge.

Improvements to the atrium include central placement and architectural emphasis of the staircase from both the exterior and interior to promote pedestrian use of the staircase. The pavilion around the elevator shaft and staircase in the underground parking area should be primarily glazed and well lit to act as a beacon for safe and easy way-finding in the underground parking lot.

Servicing

The applicant has submitted Stormwater and Servicing Reports as part of the original application submission. Revised reports were not provided with the recent “Without Prejudice” Settlement Proposal and have been identified by the applicant as forthcoming. Revised reports will be required to be reviewed by the City’s Technical Services Division for approval.

As per City practise, the proposed retail and commercial uses would be required to enter into an agreement with the City for refuse pick-up under the Yellow Bag Program or arrange for private contractor collection of recyclables and refuse.

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 the local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.80 to 1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of local parkland provision. The site is in a parkland priority area, as per Alternative Parkland dedication By-law 1420-2007.

The proposed retail and service commercial development will be subject to a 2% parkland dedication required under former City of North York Parkland Dedication By-law 30152.

The applicant shall satisfy the parkland dedication requirement through cash-in-lieu. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Tree Preservation

City Forestry staff have received the proposal as originally submitted and reviewed the accompanying landscape and arborist report. City Forestry staff indicated they were in agreement with the requirement to remove five City trees, and their proposed replacement with fourteen new City trees along the street allowance of Rappert Avenue and Broadway Avenue.

However, the applicant's "Without Prejudice" Settlement Proposal was not accompanied by a revised landscape plan or arborist report. Revisions to the proposal will also allow for planting of City trees along Bayview Avenue. City Forestry staff will require further review of landscape and arborist report once submitted by the applicant, and their conditions will form part of the Site Plan Conditions for the development.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). 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. The applicant provided a Toronto Green Standard Checklist with the original application. The Energy Efficiency Office requires that a Final Stage Design Stage Energy Modeling Report be submitted to the satisfaction of the Executive Director, facilities management Division.

Appropriate number of bike parking spaces, glazing meeting the bird-friendly guidelines and details for the proposed green roof and cool roof need to be provided to meet the green development standards.

Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Required Information and Outstanding Issues

Although the applicant has submitted a "Without Prejudice" Settlement Proposal, a complete revised site plan submission including elevations and landscape drawings which would allow a proper review for Site Plan Control under Section 114 of the *City of Toronto Act* and Section 41 of the *Planning Act*, has not been provided. However, the applicant has committed to doing so in an expeditious manner. Review of these drawings will insure that the City will be able to complete the review of the revised proposal and finalize the details of the Site Plan approval in advance of the October 2011 Ontario Municipal Board hearing date. In the event that the applicant and Planning Staff are not able to agree on the final Site Plan details in advance of the Ontario Municipal Board hearing, staff should be authorized to attend at the hearing and support Site Plan approval that would achieve the objectives outlined in this report.

CONCLUSION

Discussion and recommendations regarding the appeals are included in Confidential Attachment 1 to this report. As this report is about litigation before the OMB and contains advice or communications that are subject to solicitor-client privilege, Confidential Attachment 1 to this report contains confidential information and should be considered by Council in camera.

CONTACT

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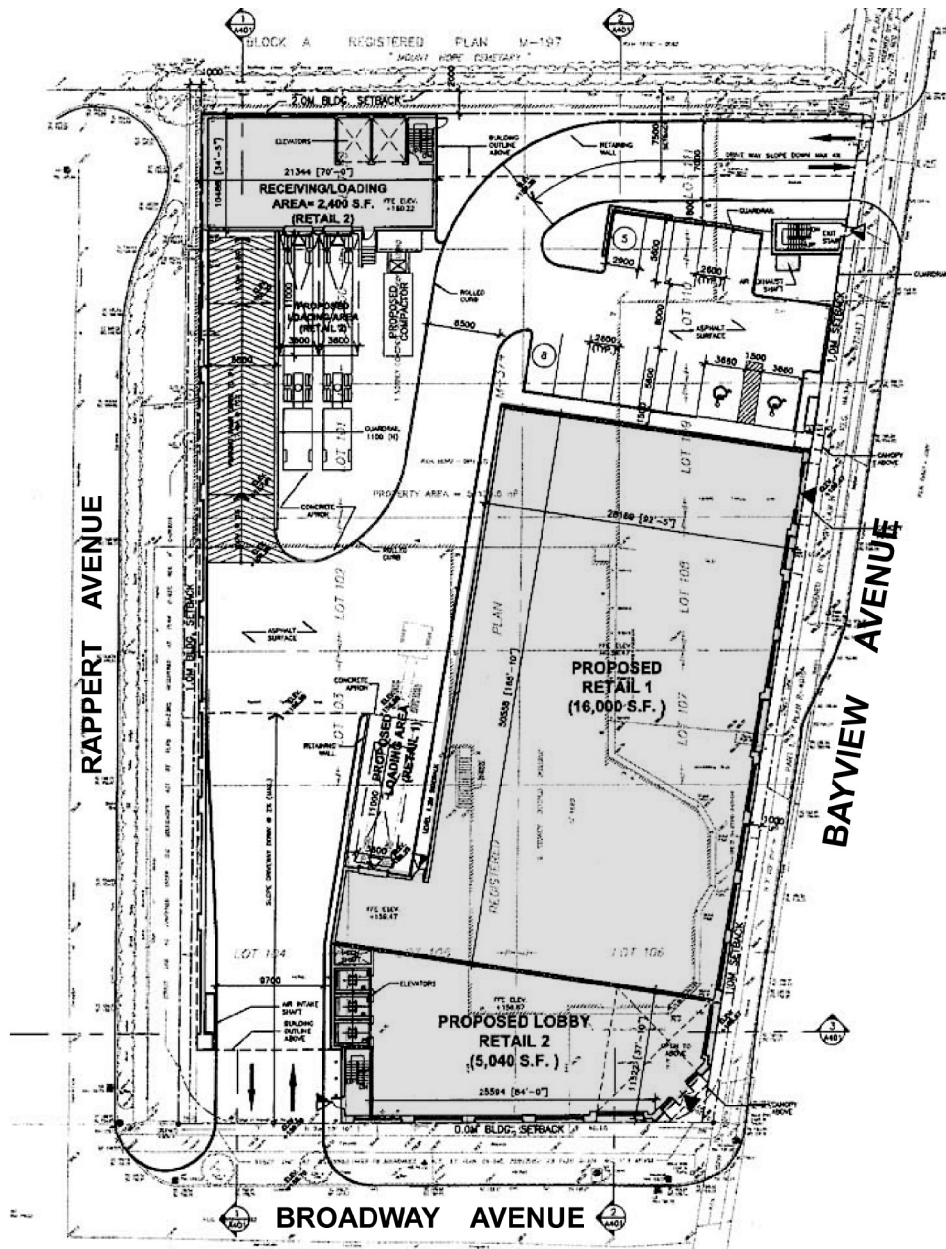
SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1: Site/Ground Plan as submitted
Attachment 2: Elevations as submitted
Attachment 3: Second Floor Plan as submitted
Attachment 4: Settlement Proposal Cover Letter
Attachment 5: Site/Ground Floor Plan as revised
Attachment 6: Second Floor Plan as revised
Attachment 7: former City of North York Zoning Bylaw 7625
Confidential Attachment 1

Attachment 1: Site/Ground Floor Plan as submitted



Ground Floor Plan

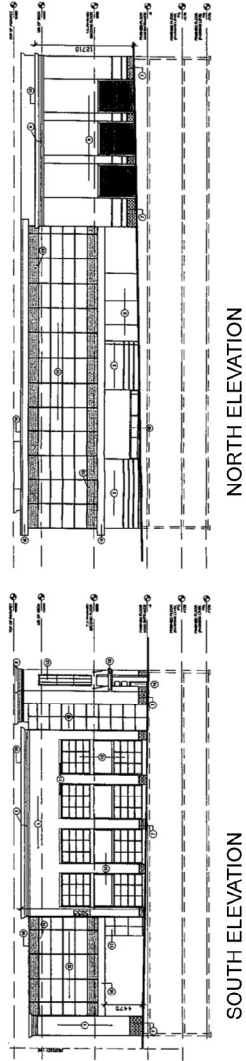
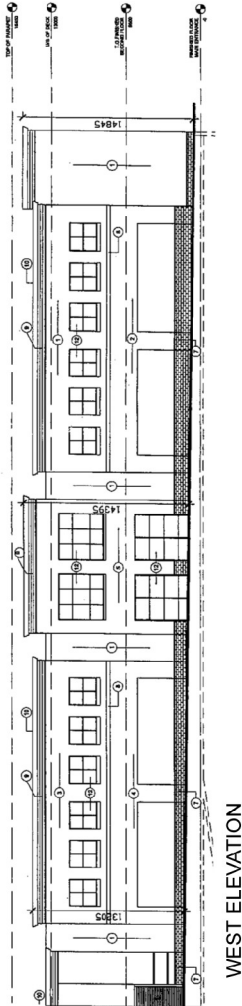
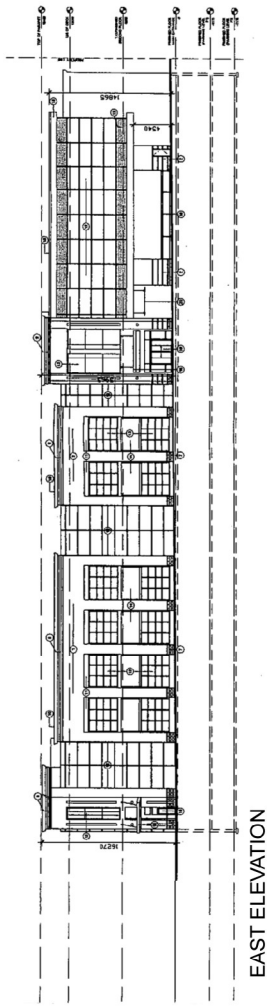
1860 Bayview Avenue

Applicant's Submitted Drawing

Not to Scale 

File # 10_255840

Attachment 2: Elevations as submitted



Elevations

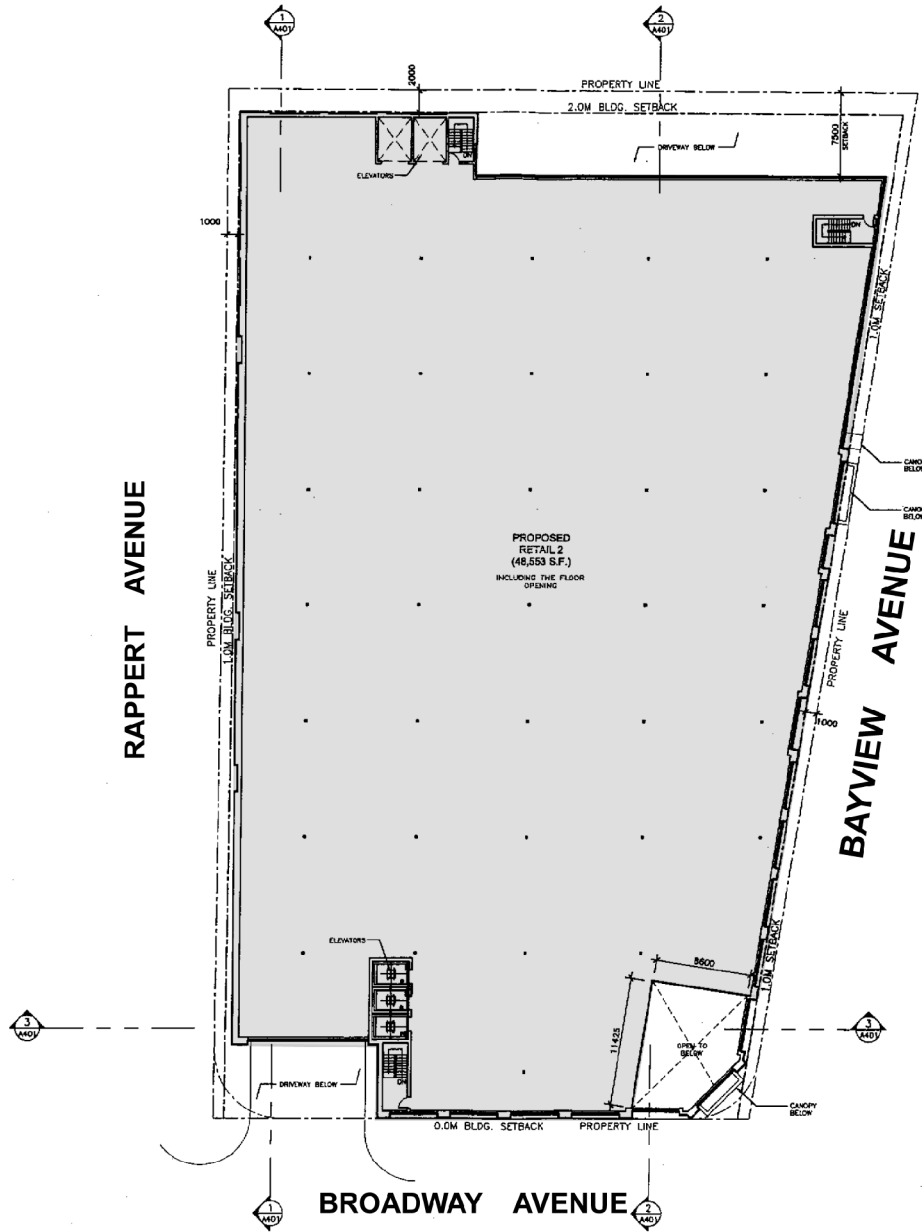
Applicant's Submitted Drawing

Not to Scale
11/22/2010

1860 Bayview Avenue

File # 10_255840 & 10_276757

Attachment 3: Second Floor Plan as submitted



Second Floor Plan

1860 Bayview Avenue

Applicant's Submitted Drawing

Not to Scale 

File # 10_255840

Attachment 4: Settlement Proposal Cover Letter

GOLDBERG GROUP LAND USE PLANNING AND DEVELOPMENT
2171 AVENUE ROAD, SUITE 301, TORONTO, ONTARIO M5M 4B4
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June 28, 2011

Mr. Ben DiRaimo, Planner
Community Planning Department
City of Toronto – North York
North York Civic Centre
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MICHAEL S. GOLDBERG MCIP, RPP
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EXT. 2100

Dear Mr. DiRaimo:

**RE: Revised Zoning By-law Amendment and Site Plan Application
1860 Bayview Avenue
Starbank Developments 1860 Corp.
City of Toronto
Zoning By-law Amendment Application File No. 10 255840 NNY 25 OZ
Site Plan Application File No. 10 276757 NNY 25 SA**

Further to our many meetings with the City's Transportation, Planning and Urban Design staff over the last few months, we are pleased to submit the following revised drawings addressing the various departmental comments. We include the following items for your review and circulation:

1. Twelve (12) full size copies and one (1) 8.5 x 11 reduction of the following revised plans:
 - i) Ground Floor Plan, Drawing No. A201, dated June 28, 2011;
 - ii) P1 Level Floor Plan, Drawing No. A202, dated June 28, 2011;
 - iii) P2 Level Floor Plan, Drawing No. A203, dated June 28, 2011;
 - iv) Second Floor Plan, Drawing No. A204, dated June 28, 2011.

The following outlines the key changes that have been made to the various plans. These changes are intended to address the various issues and concerns raised by City staff, and they incorporate staff's suggestions for improvement of the proposed development from a planning, urban design and traffic standpoint.

Ground Floor Plan (Drawing No. A201)

1. As part of the proposed development, the owner is prepared to dedicate to the City a strip of land approximately 2.745 metres in width along the entire Bayview Avenue frontage to allow for a widening of the boulevard on Bayview. This dedication would allow for a left turn lane into the site and enable streetscaping to be provided along the boulevard. In addition, the owner is prepared to dedicate to the City a strip of land approximately 1.255 metres in width along the entire Broadway Avenue frontage. This dedication would allow for the widening

- of the traveled portion of Broadway and enable a proper right turn movement into the site.
2. The dimensions of the proposed building have been reduced by approximately 2.745 metres in width and approximately 2.255 metres in length. These reductions allow for an increase in the setback from the existing property line on Bayview Avenue to the proposed building face, from 1 metre to approximately **3.745 metres**, and an enlarged boulevard of 5 metres. Along the Broadway Avenue frontage, the proposed setback from the curb to the proposed building face has been increased to **6.0 metres** and the proposed setback from the existing property line has been increased from 0 metres to approximately **2.255 metres** to allow for landscaping. In addition, the northeastern portion of the proposed building has been extended northerly to provide a consistent 2 meter setback from the north property line.
 3. As a result of these revisions as well as certain interior revisions as shown on the plans, the proposed gross floor area of the building has been decreased from 7,089.5 m² (76,311 ft²) to **6,831.27 m² (73,533 ft²)**, and the lot coverage has decreased from 87.8% to **83.16%**. In addition, the Floor Space Index has also decreased from 1.38 to **1.32**. (Note that these figures continue to be calculated on a pre-dedication basis.)
 4. The number of potential retail units within the building has been increased from 2 to 3 units. Specifically, the parking area previously proposed on the ground floor has been deleted and replaced with the third retail unit.
 5. The proposed lobby has been revised to provide for a common vestibule that allows internal access from the below grade parking areas to each of the retail units. Elevators for each of the units that provide direct access from the parking areas would also be provided.
 6. The internal vehicular circulation area has been revised by relocating the access ramp to the below grade parking garage from west of the proposed loading docks for Unit 2. The garage access is now proposed at the northwest corner of the building with a "T" intersection, together with appropriate signage and pavement markings.
 7. The foregoing allows for direct vehicular access between Bayview Avenue and the below grade parking garage, and minimizes the extent of vehicular and truck circulation interaction. The loading areas have also been revised to allow all delivery trucks to now access the building from Bayview Avenue and exit onto Broadway Avenue. Moreover, in order to allow for safe truck movements, the access on Bayview Avenue has been increased from 7 metres to **11.491 metres** and the access on Broadway Avenue has been increased from 9.7 metres to approximately **10.8 metres**.
 8. In order to properly guide pedestrians and vehicles, the revised plans contemplate proper signage, pavement markings and walkways to restrict pedestrians from entering the loading areas and to allow for safe pedestrian circulation throughout the rest of the building.
 9. A taxi drop off area is now being proposed next to the Broadway Avenue access.

10. A 2 metre landscape buffer is now being provided along the northern property line.
11. A 1 metre weather canopy will be provided along the Bayview Avenue frontage.
12. A left turn lane into the site has been added.

Proposed Second Floor Plan (Drawing No. A204)

1. The gross floor area of the second floor has been decreased from 4,510.7 m² (48,553 ft²) to **4,272 m² (45,985 ft²)** as a result of the proposed revisions to the building setbacks.
2. The floor opening has now been deleted.

Proposed P1 Level Floor Plan (Drawing No. A202)

1. The interior layout has been revised as a result of the relocation of the ramp, elevators and exit stairs.
2. The width of the drive aisles has been increased from 6.7 metres to **7.0 metres**.
3. The number of parking spaces on this level has been decreased from 99 spaces to 95 spaces.
4. The proposed dimensions of the parking stalls have been decreased from 5.8 metres by 2.74 metres to 5.6 metres x 2.6 metres.
5. A lobby for each of the retail units is now being proposed.

Proposed P2 Level Floor Plan (Drawing No. A203)

1. The interior layout has been revised as a result of the relocation of the ramp, elevators and exit stairs.
2. The width of the drive aisles has been increased from 6.7 metres to 7.0 metres.
3. The number of parking spaces proposed on this level has been decreased from 102 spaces to 101 spaces.
4. The proposed dimensions of the parking stalls have been decreased from 5.8 metres by 2.74 metres to 5.6 metres x 2.6 metres.
5. A lobby for each of the retail units is now being proposed.
6. A staff parking area has been added.

In addition to the revised drawings as described above, elevations are currently being prepared by the project architect and will be submitted to the City by **July 4, 2011**. Revised landscaping, engineering plans and the revised Stormwater Management and Traffic Impact Studies will also be filed with the City as soon as they are completed.

Mr. Ben DiRaimo
City of Toronto

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June 28, 2011

We trust that the above and enclosed are satisfactory and would ask that you arrange to circulate these plans as soon as possible.

Thank you for your ongoing attention to this matter. If you require anything further please do not hesitate to contact me at (416) 322-6364 ext. 2100 or my colleague Mariusz Jastrzebski at ext. 2102.

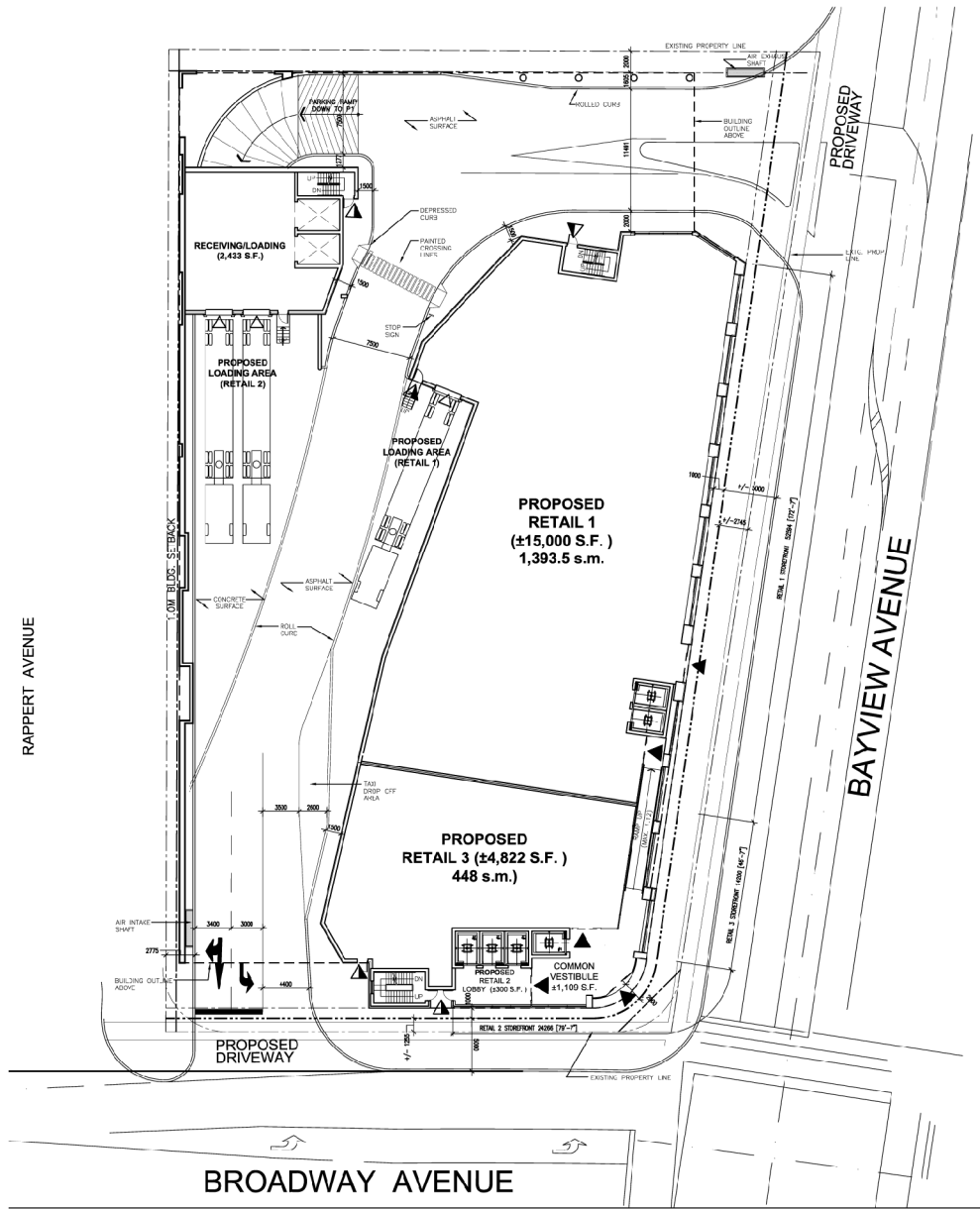
Yours truly,
GOLDBERG GROUP



As per Michael S. Goldberg
Michael S. Goldberg MCIP, RPP
Principal

cc. Dung Lam – Starbank Developments 1860 Corp.
Robert Kligerman – Kligerman Law Firm
Barnet Kussner – Weir Foulds LLP
Heinz Vogt – SMV Architects

Attachment 5: Site/Ground Floor Plan as revised



Site Plan

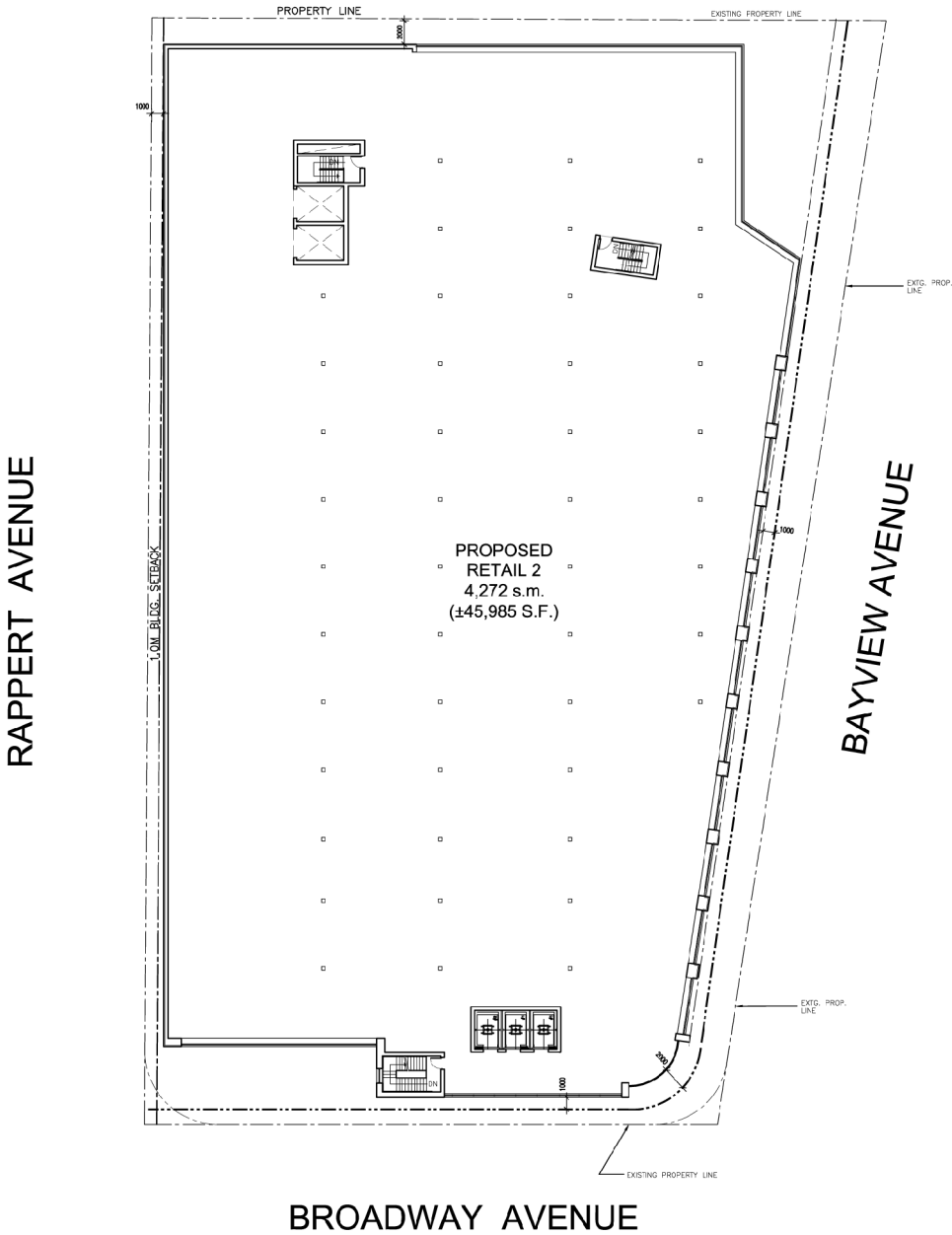
Applicant's Submitted Drawing

Not to Scale 
06/29/2011

1860 Bayview Avenue

File # 10_255840 & 10_276757

Attachment 6: Second Floor Plan as revised



Second Floor Plan

1860 Bayview Avenue

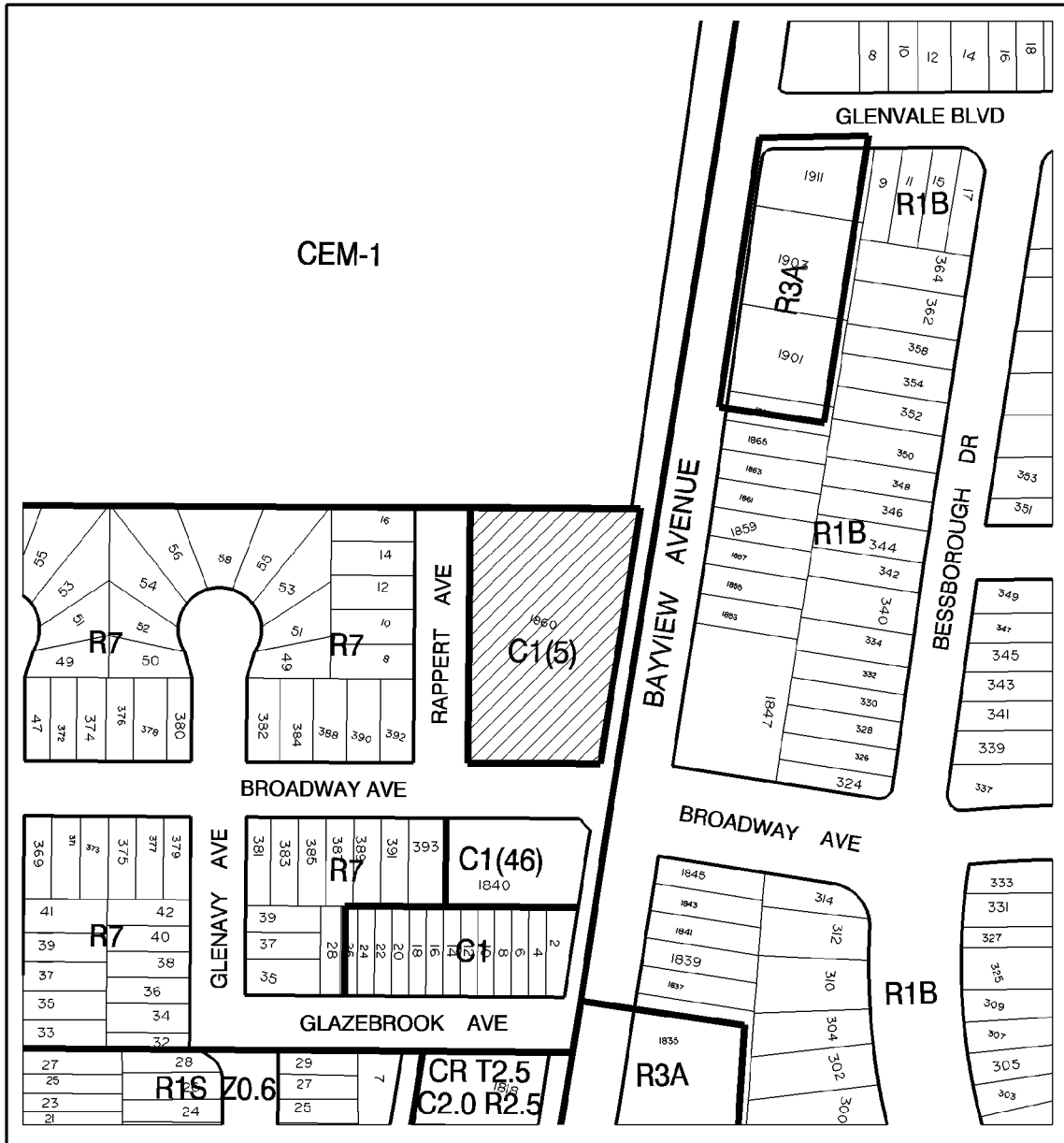
Applicant's Submitted Drawing

Not to Scale
06/29/2011



File # 10_255840 & 10_276757

Attachment 7: former City of North York Zoning Bylaw 7625



1860 Bayview Avenue
File # 10_255840 & 10_276757

Former North York Zoning
 R7 One-Family Detached Dwelling Seventh Density Zone
 C1 General Commercial Zone
 Cem-1 General Cemetery Zone
 NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

Former City of Toronto Zoning
 R3A High Density Residential
 CR Mixed-Use District
 R1B Low Density Residential

↑
 Not to Scale
 Zoning By-law 7625
 Extracted 10/25/2010