

City Council

Notice of Motion

MM37.24	ACTION			Ward:All
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1860 Bayview Avenue - Minor Site Plan Modifications - by Councillor Jaye Robinson, seconded by Councillor Mary-Margaret McMahon

** Notice of this Motion has been given.*

** This Motion is subject to referral to the North York Community Council. A two thirds vote is required to waive referral.*

** This Motion relates to an Ontario Municipal Board Hearing and has been deemed urgent.*

Recommendations

Councillor Jaye Robinson, seconded by Councillor Mary-Margaret McMahon, recommends that:

1. City Council authorize the City Solicitor to participate in any Ontario Municipal Board hearing as necessary in support of Trinity Kingsett's request to the Ontario Municipal Board to approve the revised site plan drawings listed below in order to facilitate the construction of a commercial development at 1860 Bayview Avenue, subject to the Pre- and Post-Approval Conditions previously approved by the Ontario Municipal Board through its Order of April 10, 2012, and subject to any further modifications as may be agreed between the parties to the below listed drawings, including modifications to the drawings as may be agreed to by the Chief Planner and Executive Director, City Planning in order to accommodate an additional dedicated taxi parking space at the P1 parking level and directional signage to direct patrons to dedicated parking spaces:
 - SPA 100 dated July 9, 2013;
 - SPA 101 dated July 9, 2013;
 - SPA 400 dated July 9 2013;
 - SPA 401 dated July 9, 2013; and
 - SPL1A dated May 10, 2013 revised July 9, 2013
2. City Council authorize the City Solicitor to participate in any Ontario Municipal Board hearing as necessary in support of Trinity Kingsett's request to the Ontario Municipal Board to modify the site specific zoning by-law previously approved by the Ontario Municipal Board through its Order of April 10, 2012 (City of Toronto Zoning By-law 620-2012) in order to reflect the changes to the site plan illustrated in the revised site plan drawings listed in Recommendation 1 above.
3. City Council authorize the City Solicitor to take all necessary action to give effect to

these recommendations.

Summary

In the fall of 2010, Starbank Developments 1860 Corp. made rezoning and site plan approval applications to the City in respect of its property at 1860 Bayview Avenue in order to permit a two-storey retail commercial building with a two-level below grade parking garage. Those applications were appealed to the Ontario Municipal Board ("OMB" or "Board") in February, 2011. Negotiations between the City, interested area residents, and the applicant ensued. Ultimately a settlement was reached and the parties participated in a settlement hearing in October of 2011. In a written decision issued on November 18, 2011, the Board allowed the zoning appeal and approved the zoning by-law amendment proposed. The site plan application was also approved, but the Board's Order on the site plan approval was withheld until a site plan agreement had been executed and all pre-approval conditions had been satisfied. On April 10, 2012, the OMB issued a further decision endorsing revised site plans, as well as pre-approval and post-approval conditions that had been agreed to between the parties. The final Order on the site plan approval was once again withheld pending written confirmation from the City that a site plan agreement between the City and the applicant/appellant had been executed and all pre-approval conditions had been fulfilled to the City's satisfaction.

Subsequent to the Board decisions approving the zoning and site plan in principle, the property was sold to a new owner, Trinity Kingsett Bayview Inc. ("Trinity"). Trinity has worked with prospective tenants of the commercial building, as well as with interested area residents and the local Councillor's office and is proposing revisions to the site plan and resulting changes to the zoning by-law that were approved by the Board. The modifications proposed are modest in nature and largely result from shifting the building envelope to the north by 1 metre and filling in the building mass in two locations, as outlined in the memorandum dated June 19, 2013 attached.

As this matter is presently before the Board, the final Order not having issued, it would be appropriate to ask the Board to approve the modified site plans, and to modify its Order in respect of the zoning to reflect the changes to the site plan.

(Submitted to City Council on July 16 and 17, 2013 as Member Motion MM37.24)

Background Information (City Council)

Member Motion MM37.24

(June 19, 2013) Letter from Steve Zakem, Aird & Berlis LLP regarding 1860 Bayview Avenue (<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-60222.pdf>)