

MEMORANDUM

TO: Sarah O'Connor, Solicitor

City of Toronto, Legal Division

CC: Councillor Jaye Robinson

Patricia Foran

Trinity Kingsett Bayview Inc.

MHBC Planning

FROM: Steve Zakem

DATE: June 19, 2013

RE: 1860 Bayview Avenue, Toronto

File #: 115742 Client #: 43266

Sarah: please find attached the updated site plan drawings and revised zoning bylaw (revised to reflect the changes to the site plan). The modifications to the site plan are modest in nature and largely result from shifting the building envelope by 1 metre and filling in the building mass in two locations.

In particular:

- 1. The proposed building has been shifted 1.0 metre north, reducing the north side yard setback to 1.0 metre, and increasing the south side yard setback along Broadway Avenue from 1.0 metre to 2.0 metres. The increase in the setback from 1.0 m to 2.0 m on Broadway Avenue has been incorporated to respond to the specific request of the Broadway Working Group to increase the sightline to St. Augustine Church on the northeast corner of Bayview and Broadway. Shifting the building north eliminates the potential for a walkway between the proposed building and Mount Hope Cemetery. The potential for a walkway was resoundingly rejected by both the residents of Rappert Avenue and Ben Daube (Sherwood Park Residents Association "SPRA"). Recognizing that any such walkway would lead to a quiet dead end street and the western side of Bayview contains only a cemetery and open space (with no residential buildings for 600m north of Broadway) collectively we do not consider that this will be a safe or desirable environment.
- The original proposal included "notches" in the building mass at the second storey level at the northeast and southwest corners of the building. These notches have been filled in to provide a uniform massing along Bayview and Broadway which will add approximately 183 square metres on the second floor level. This has been done to address tenant specific requirements which were not available at the time the original site plan was contemplated. Our client now has a specific tenant with specific requirements. All other aspects of the building elevations have remained largely unchanged from that which was approved by the OMB. The changes in massing have been reviewed with and are supported by the SPRA (a party to the OMB hearing) in conjunction with the Broadway Working Group, Mrs. Veronica Dreher (also a party to the OMB proceedings), as well as the Ward Councillor, Jaye Robinson. A plan and an architectural rendering highlighting the change in massing are attached for your reference. These areas can be seen as part of the proposed building in the site plans prepared for the new proposal, which are both minor in scale and effect.

- 3. The proposed height remains within the maximum zoning height of 17.0 m.
- 4. There have been slight adjustments to the ground floor level gross floor area.
- 5. The increase in *Gross Floor Area* results in a slightly higher lot coverage of 92.2% as opposed to 89%.

At the request of Councillor Robinson, our client has spent the last 6 months working with the community to refine the plan and the attached proposal reflects the consensus reached among the community stakeholders and is considered as an improvement by all parties.

With respect to the zoning bylaw, changes to the maximum *Gross Floor Area* in the bylaw are necessary for two reasons: First, we have corrected what we believe to have been an incorrect calculation respecting the original site plan. Upon reviewing the previous zoning bylaw, our client's land use planners noted that while the term *Gross Floor Area* was used in the bylaw, the calculation (based upon the previous site plan) appears to have been based upon the Zoning Bylaw definition of *Gross Leasable Floor Area*. Consequently, while the original proposal included 6,831 square metres of *Gross Floor Area*, several areas below grade were not included in that calculation. The simplest way to address this anomaly and provide for the increase in retail area would be to reference *Gross Leasable Floor Area* in the by-law as we believe was originally intended. The revised zoning bylaw would include a maximum *Gross Leasable Floor Area* of 6840 square metres. Alternatively, if the City wishes to continue to use *Gross Floor Area*, the new *Gross Floor Area* calculation is 7,723.78 square metres, including all below grade stairwells, shafts, and mechanical areas. Given the building envelope is "shrink wrapped" in the OMB order, there is no material difference in using one term versus another.

In addition to the foregoing changes, we also note the following improvements in the proposal reflected in the attached site plan drawings and revised bylaw:

- 6. More parking is provided in the new proposal. The original approved plans showed 193 spaces. Trinity proposes 203 spaces. This is in compliance with the parking requirements of the Zoning By-law.
- 7. More barrier free parking spaces are provided than shown under the original proposal (5 spaces versus 4 spaces previously provided).
- 8. The taxi stand has been relocated so as not to conflict with the loading area servicing the tenant to the south. By relocating the taxi stand to the north of the loading dock each area is now able to function completely independent of the other, significantly improving safety.
- 9. An agreement has been reached with Mrs. Dreher (a party to the OMB proceedings) to preserve the existing cedar hedge on Rappert Avenue. The landscape treatment at the west façade fronting onto Rappert Avenue contemplates the retention of the cedar hedge; if the cedar hedge does not survive it will be replaced by our client.
- 10. The northerly exhaust shaft servicing both subterranean parking levels has been relocated to the east closer to Bayview Avenue to help mitigate noise.
- 11. In order to better address the interface with Mount Hope Cemetery to the north, Trinity will construct a wrought iron fence along the north property line and implement sign and vision glass requirements to better address the interface with the cemetery property.

In our view, the new proposal represents a minor change to the original proposal but delivers an improved development for both Trinity and the community.

We would appreciate it if you would seek direction at the July City Council meeting for authorization to consent to the modifications to the site plan (allowing for any minor modifications as may be required and agreed upon by the parties without having to seek further Council direction) and zoning bylaw at the Ontario Municipal Board.

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TRINITY'S RENDERING (NEW)

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