

175, 185, 195, 205 & 215 Bonis Avenue (Development Site) and 3850 & 3900 Sheppard Avenue East and 2330 & 2350-2362 Kennedy Road (Agincourt Mall lands) - Zoning Amendment Application - Preliminary Report

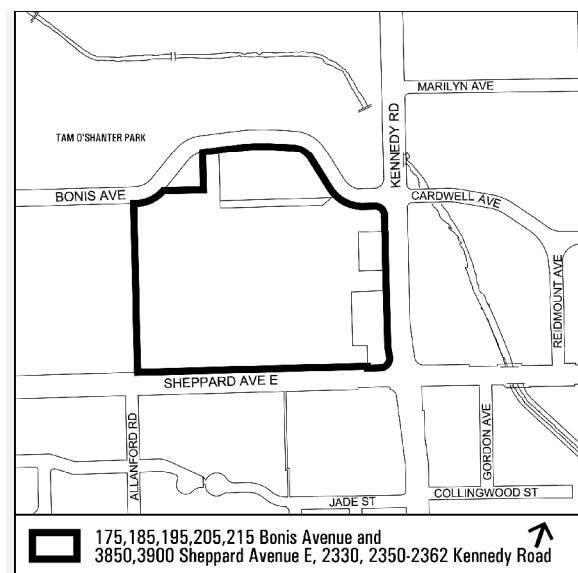
Date:	January 18, 2012
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 40 – Scarborough-Agincourt
Reference Number:	11 316949 ESC 40 OZ

SUMMARY

This application proposes to amend the existing zoning to permit a residential development comprised of two apartment towers, 20 and 22 storeys in height with 527 dwelling units along with 51, three-storey townhouse units on vacant lands located on the south side of Bonis Avenue and municipally known as 175, 185, 195, 205 and 215 Bonis Avenue. Existing zoning standards apply collectively to the above-noted Bonis Avenue lands and the adjacent Agincourt Mall lands which are known as 3850 & 3900 Sheppard Avenue East and 2330 & 2350-2362 Kennedy Road. As a result, the zoning application also applies to these properties despite no new development proposed on these lands.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process.

The application should proceed through the regular planning process including the scheduling of a community consultation



meeting. A final report will be prepared and a public meeting scheduled once all identified issues have been satisfactorily resolved and all required information is provided.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the development lands at 175, 185, 195, 205 & 215 Bonis Avenue and the adjacent Agincourt Mall lands known as 3850 & 3900 Sheppard Avenue East and 2330 & 2350-2362 Kennedy Road, together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of all the lands affected by the proposed zoning amendment.
3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Agincourt Mall Lands

In the mid 1990's, a Master Plan was prepared by the owners of the Agincourt Mall lands to permit the gradual transformation of the approximately 12.4 hectare (30.6 acres) site from a suburban shopping centre to a mixed use node based, in part, on the future extension of the Sheppard Subway.

In 1998 the Ontario Municipal Board (OMB) granted official plan and zoning permissions (including density permissions) based upon the proposed Master Plan. The plan included 955 residential units, an expanded foodstore and Walmart as anchor tenants, an upgraded mall, hotel/entertainment complex and parking structure. Redevelopment was to occur in phases, subject to market conditions and adequate traffic capacity on nearby streets.

The mall lands have been divided up over time into a number of separate parcels, however, the existing zoning applies collectively to all the lands. Accordingly, the lands have numerous municipal addresses assigned to them (see Attachment 6). The vacant Bonis Avenue lands (development site) is one of these parcels. The current Bonis Avenue addresses were assigned in anticipation of the proposed development at the request of the owners.

Recent re-investment on the mall lands includes the construction of the 6-storey commercial and medical office building at 2330 Kennedy Road.

Bonis Avenue Lands (development site)

These lands were recently conveyed by the owners of the Agincourt Mall lands to the current owners (Gemterra Developments). Prior to this, in 1996, the previous owners secured site plan approval and entered into a site plan agreement to permit a high density residential development with 470 dwelling units in two apartment towers and townhouse blocks in keeping with the proposed Master Plan and the approved zoning. Gemterra purchased the lands with these permissions in place and with an intention to proceed with a similar but not identical development. The proposal deviates from the existing zoning (see Reasons for the Application section) resulting in the need to seek both minor variances and a zoning by-law amendment.

A minor variance application was submitted in 2011 (A106/11SC) seeking relief from existing zone provisions to address some of the known zoning by-law deficiencies in order to allow Phase One of development to proceed. These included a reduction in the required floor area of the dwelling units, building projections into the required street yard setback and a reduction in the required residential parking rate. The Committee of Adjustment refused these variances but they were subsequently approved by the OMB in early January 2012.

Pre-Application Consultation

A number of pre-application consultation meetings were held with the applicants to discuss required planning procedures, timing and approvals and complete application submission requirements. A site plan application and the aforementioned minor variance application were filed in May 2011. A community information session was held by the Ward Councillor in September 2011 to ensure local community awareness of the proposal.

ISSUE BACKGROUND

Proposal

The proposal consists of two residential apartment towers, 20 and 22 storeys in height, with 527 dwelling units along with 51, three-storey townhouse units and a one-storey common indoor amenity space. Two levels of underground parking are proposed. The development is proposed to be condominium tenure.

Development is proposed in two phases (see Attachment 1), with the westerly 20-storey apartment tower (282 units), west block of 21 townhouse units, common indoor amenity space and the west portion of the underground parking structure proposed as Phase One.

Vehicle access to both phases is proposed from a single shared driveway access from Bonis Avenue.

A total of 671 parking spaces are proposed. Eight surface parking spaces are proposed with the balance within two levels of underground parking.

For further project details please refer to the Application Data Sheet (Attachment 7).

Development Site and Surrounding Area

The development site, being the Bonis Avenue lands, is approximately 1.3 hectares (3.2 acres) in area and is currently vacant. The lands have over 220 metres of frontage on the south side of Bonis Avenue.

Abutting uses are as follows:

North: Three condominium apartment buildings ranging in height from 16-24 storeys and 4-storey townhouse units.

South: Agincourt Mall lands and associated surface and underground parking. Includes the mall proper with a No Frills foodstore and Walmart as anchor tenants, a single-storey commercial building containing a Beer Store, bank and LCBO outlet and a 6-storey commercial medical office building.

East: 24 storey apartment building at the northwest corner of Kennedy Road and Bonis Avenue.

West: Agincourt Library and associated surface parking area. West of the library is the Shepherd Village senior's complex, comprised of buildings ranging in height from 5-11 storeys.

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 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

All of the lands are designated "Mixed Use Areas" on the Land Use Plan with an "Avenues" overlay on the Sheppard Avenue frontage of the Agincourt Mall lands as shown on the Urban Structure Map (Map 2).

The lands are also located within the Agincourt Secondary Plan area and subject to Site and Area Specific Policy 1. These policies acknowledge that the Agincourt Mall lands are intended to redevelop over time into a more intense mixed use and employment, pedestrian-friendly community which emphasizes and supports a future subway or other transit facilities in the area. A maximum density of development of 1.5 FSI (floor space index) and 150 dwelling units per hectare is permitted. As noted earlier, the Bonis Avenue lands were previously part of the mall land holdings and for planning purposes are designated and zoned collectively with the adjacent mall lands.

The proposed development conforms with the density permissions of the official plan.

Zoning

The Bonis Avenue development site and the adjacent Agincourt Mall lands, as previously noted, are zoned collectively under the Tam O'Shanter Community By-law No. 12360, as amended, of the former City of Scarborough.

The lands are zoned Apartment Residential (A), Multiple Family Residential (M) and Community Commercial (CC) and also subject to a holding (H) provision (see Attachment 6).

The following uses are permitted prior to and upon removal of the holding provision: existing uses, as well as all uses permitted within the Community Commercial (CC) zone, including recreational uses and places of entertainment; bowling alley; billiard hall or pool hall; games arcade; community facilities, including, but not limited to, libraries; apartment buildings; multiple family dwellings; ancillary recreational/amenity uses; parking for libraries; hotels; and subway stations, transit and ancillary facilities.

Prior to the removal of the holding (H) provision, in whole or in part, a maximum of 470 dwelling units and a maximum of 36,850 square metres of non-residential gross floor area are permitted.

Upon removal of the holding provision, the maximum gross floor area for all uses on site shall not exceed 1.55 times the area of the lands and a maximum of 955 dwelling units shall be permitted. The by-law further stipulates that no more than 470 dwelling units shall be permitted on the Bonis Avenue lands. The remaining 485 dwelling units are only permitted on the northwest portion of the mall lands, south of the Agincourt Library lands, but only once building permits have been issued for a cumulative total non-residential gross floor area of not less than 80,000 square metres.

The zoning by-law also contains a site specific definition of gross floor area.

The holding provision may be removed in whole, or in part, when Council is satisfied as to the following:

- availability of transportation improvements which are necessary to accommodate the proposed stage of development and that any necessary agreements between the applicant and the City have been entered into; and
- that the proposed development of the lands will not preclude a subway station, transit and ancillary facilities on the lands.

The zoning also establishes a site specific cash-in-lieu parkland dedication rate of 0.7 hectares per 1,000 persons generated by development and a related occupancy factor for both multiple family and apartment dwellings.

Site Plan Control

The lands are located within a site plan control area. A site plan agreement was registered on the Bonis Avenue lands in 2006 to permit the previous residential development proposal (see Decision History section).

The current owners of the site wish to proceed with a similar development on the site, however, the proposed changes to the plans are significant enough to warrant the submission of a new site plan application which the owners have done. This will also allow the City to secure matters related to the Toronto Green Standards Checklist and the green roof by-law, among other matters, that were not in effect when the existing agreement was entered into.

Tree Preservation

Based upon the arborist report submitted, all private trees on site will require removal to facilitate the proposed development. Six of these trees are subject to protection under the City's tree by-law and will require permits to remove. Four of these trees are described as being in poor to fair condition. Replacement tree planting will be secured as part of the site plan approval process.

Existing street trees will be protected, however, two are proposed to be removed to permit the proposed driveway access. Opportunities for additional street tree planting will be explored. These matters will be secured during the site plan approval process.

Reasons for the Application

A zoning amendment is required in order to increase the number of dwelling units permitted on the Bonis Avenue development lands from 470 to 578. To ensure the existing zoning permissions remain intact for the adjacent Agincourt Mall lands, a corresponding increase in the total number of permitted dwelling units must also be approved. Specifically, this would increase the total from 955 to 1,063 dwelling units. The holding provision (H) is also required to be removed from the Bonis Avenue lands only in order to permit the increase in units, provided the Transportation Impact Study is found to be acceptable. The (H) provision will remain on the Agincourt Mall lands.

The applicants have also requested an amendment to the site specific definition of gross floor area to exclude elevator and other utility shafts from the calculation of gross floor area.

The applicants have also requested that the site specific parkland dedication rate be deleted on the basis that it is not applicable as it is superseded by the City-wide parkland dedication by-law.

Agincourt Mall Owner's Concurrence

The owners of the Agincourt Mall lands, through their legal counsel, have advised in writing that they are aware of this application, that they have reviewed the planning rationale report submitted and support or have no objection to the applicant's proposed amendments to the zoning by-law (see Attachment 8).

COMMENTS

Application Submission

The following reports/studies were submitted with the application: Planning Rationale Report, Transportation Review Update, Archaeological Assessment, Microclimatic Analysis Report (Pedestrian Level Wind Study), Sun/Shadow Studies, Stormwater Management Implementation Report, Servicing Feasibility Report, Toronto Green Standards Checklist and Arborist Report.

A Notification of Complete Application was issued on December 21, 2011.

Issues to be Resolved

Parkland Dedication

The applicable parkland dedication rate for the site will need to be confirmed in order to assess whether the request to delete the existing site specific parkland dedication rate in the zoning by-law is appropriate.

The site is within a parkland acquisition priority area under the City-wide dedication by-law. The alternative parkland rate of 0.4 hectares per 300 units proposed applies subject to applicable caps.

Transportation Impact Study – Lifting of Holding (H) provision

A transportation impact study was submitted due to the proposed increase in dwelling units. The study will be reviewed to determine whether any local road improvements are required and whether the existing zoning condition related to the removal of the Holding (H) provision on the site has been fulfilled.

Definition of Gross Floor Area

The appropriateness of the request to amend the site specific definition of gross floor area will be reviewed and determined by staff.

Toronto Green Standard

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the official plan. Several of the natural environment policies of the official plan encourage green development. These policies are geared to reduce the negative

impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling. These policies also promote development that enhances the natural environment and support green industry.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures, most of which will be secured through the site plan approval process.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

Doug Muirhead, Senior Planner
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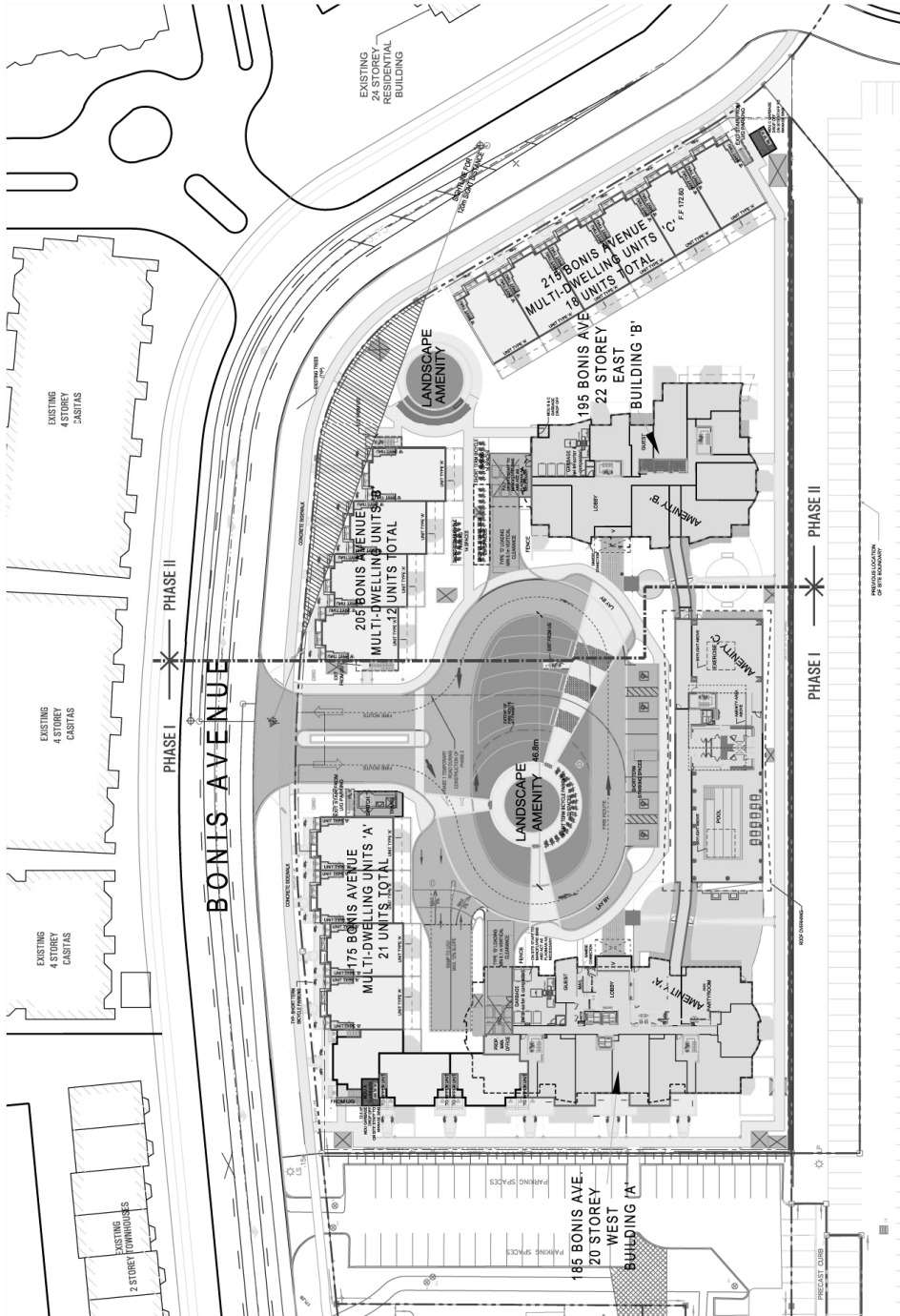
SIGNATURE

Raymond David, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: South Elevation
Attachment 4: West Elevation
Attachment 5: East Elevation
Attachment 6: Zoning
Attachment 7: Application Data Sheet
Attachment 8: McCarthy Tetrault letter

Attachment 1: Site Plan



Site Plan

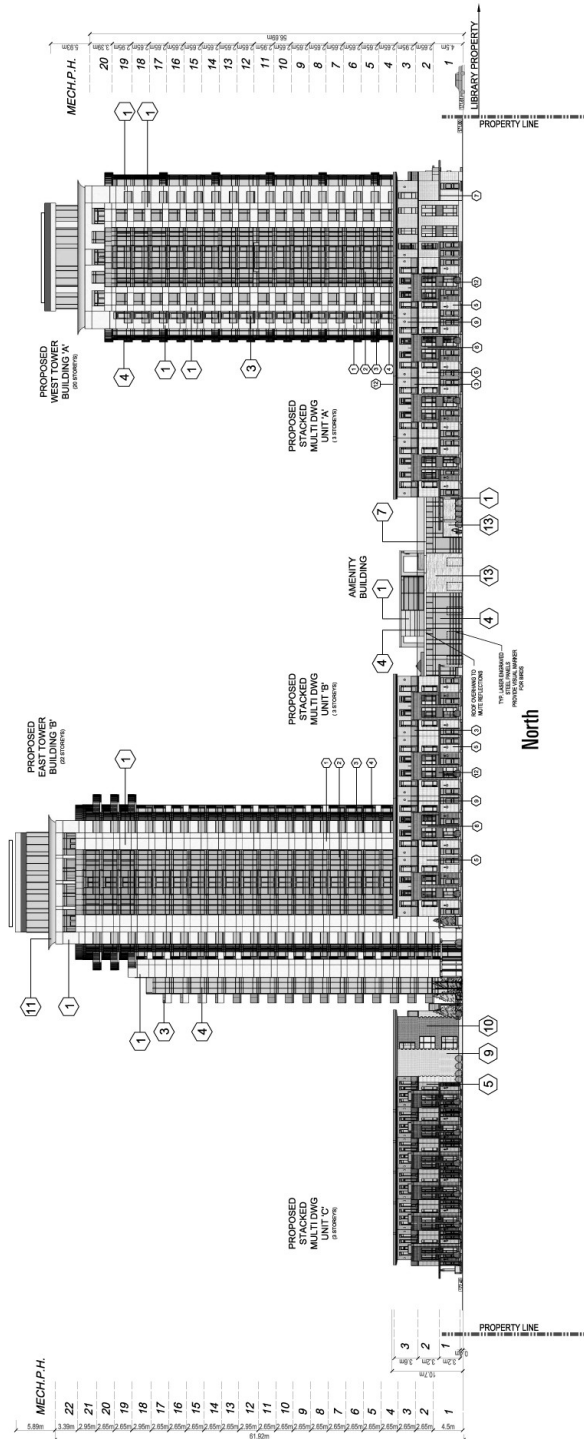
Applicant's Submitted Drawing

Not to Scale
1/3/2012

175, 185, 195, 205, 215 Bonis Avenue

File # 11 316949 02

Attachment 2: North Elevation



175,185,195,205,215 Bonis Avenue

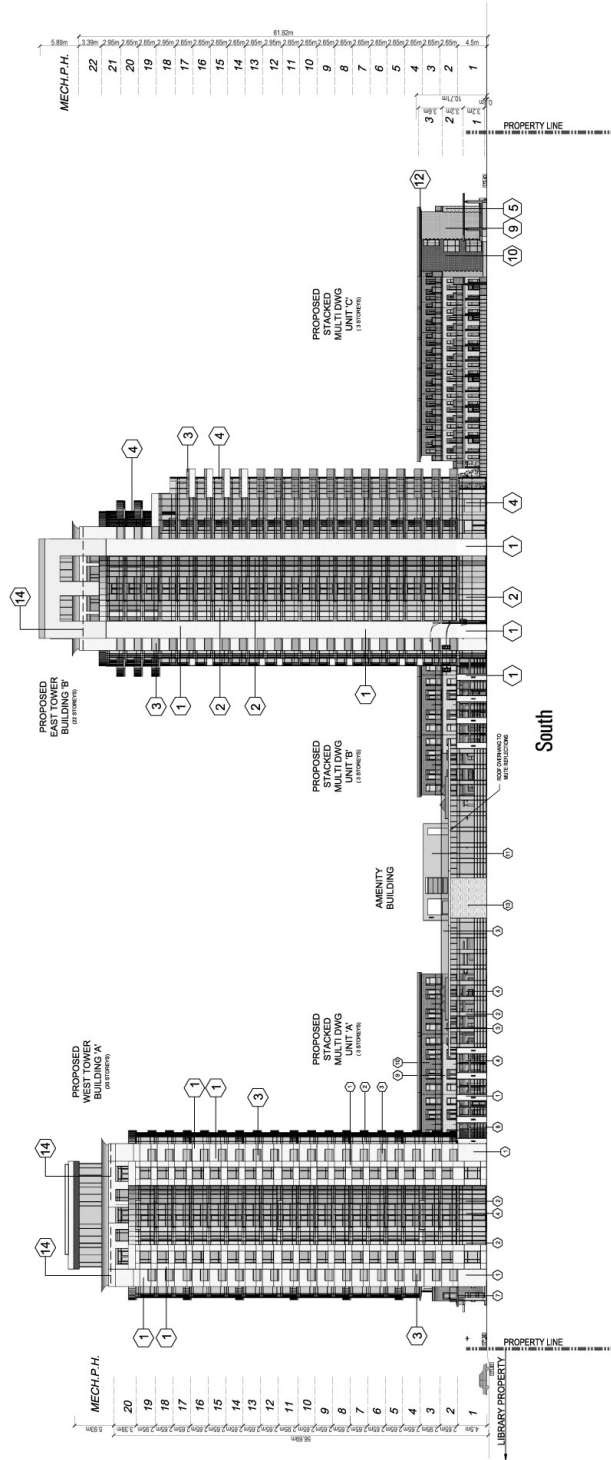
Elevations

Applicant's Submitted Drawing

Not to Scale
12/15/2011

File # 11 316949 0Z

Attachment 3: South Elevation



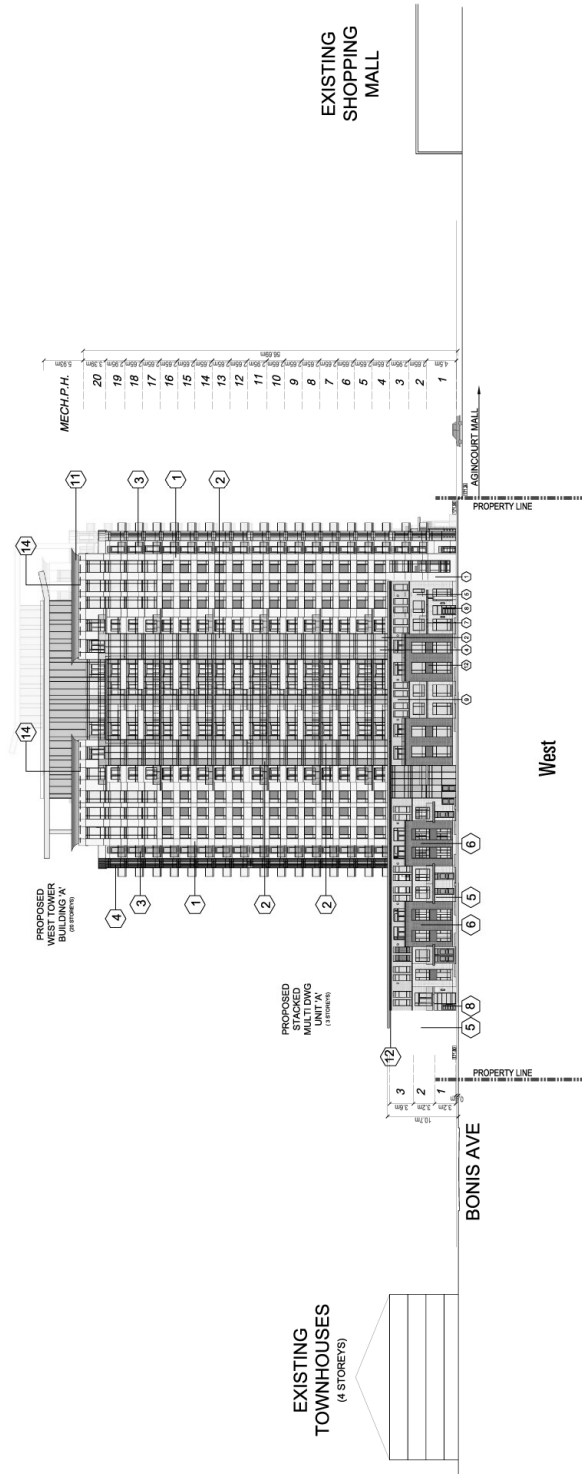
175,185,195,205,215 Bonis Avenue

Elevations
Applicant's Submitted Drawing

Not to Scale
12/15/2011

File # 11 316949 0Z

Attachment 4: West Elevation



Elevations

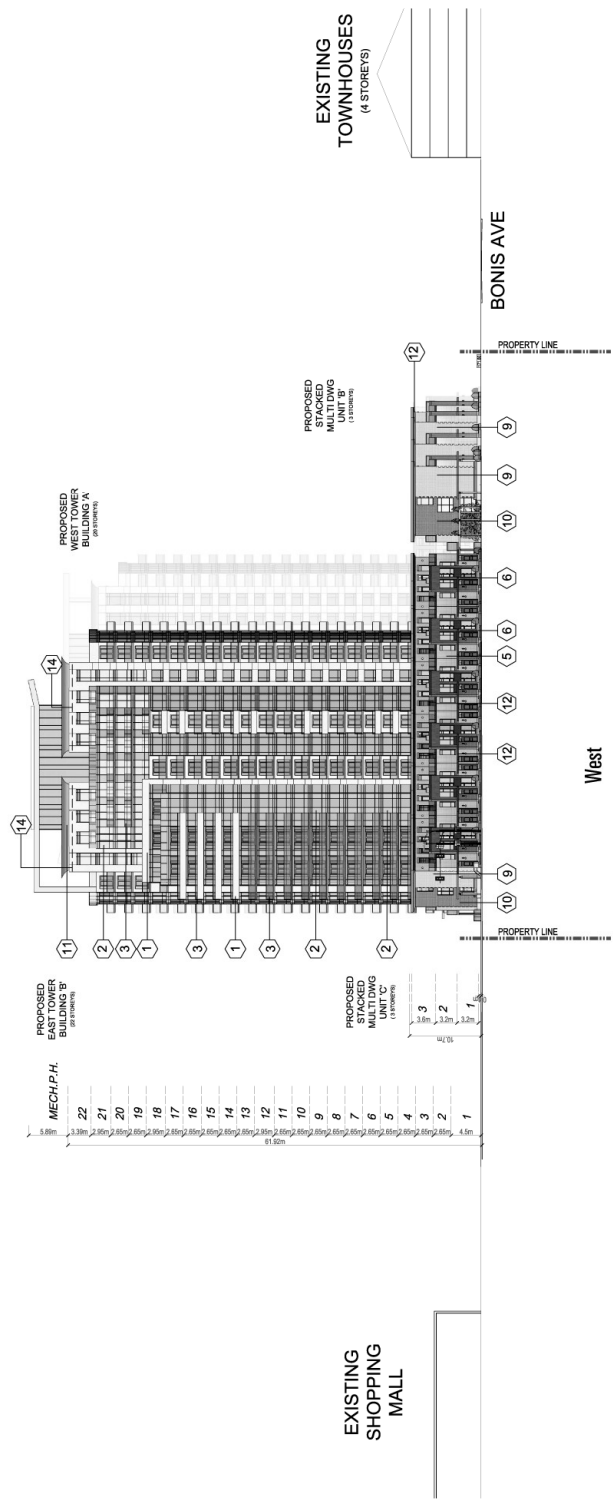
Applicant's Submitted Drawing

Not to Scale
12/15/2011

175,185,195,205,215 Bonis Avenue

File # 11 316949 0Z

Attachment 5: East Elevation



Elevations
Applicant's Submitted Drawing
Not to Scale
12/15/2011

175,185,195,205,215 Bonis Avenue

File # 11 316949 0Z

[illegible]

S Single-Family Residential
T Two-Family Residential
ST Street Townhouse Residential
M Multiple-Family Residential
A Apartment Residential

NC Neighbourhood Commercial
CC Community Commercial
HC Highway Commercial
PW Place(s) Of Worship
IR Institutional - Private And
Public Recreational

I-SW Institutional - Social Welfare
RE Residential / Employment
OU Office Uses
P Park

Tam O'Shanter Community Bylaw
Not to Scale
12/20/11

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Numbers:	11 316949 ESC 40 OZ 11 193693 ESC 40 SA
Details	Rezoning, Standard	Application Date:	November 28, 2011
Municipal Address:	115, 185, 195, 205 & 215 BONIS AVE (Development site) and 3850 & 3900 SHEPPARD AVE E and 2330 & 2350-2362 KENNEDY RD (Agincourt Mall lands)		
Location Description:	PLAN 66M2255 PT BLK 3 RP 66R21456 PART 22 (Bonis lands) AND PT BLK D PLAN M-1366, PT LOT 29, CON 3 & PT BLK A RP 5260 AND PT BLK 3, PLAN 66M-2255 (Agincourt Mall lands)**GRID E4005		
Project Description:	Application to amend the existing zoning to remove existing H symbol from Bonis Ave lands only, to increase no. of dwelling units on Bonis Ave site from 470 to 578, to permit a corresponding increase in total permitted dwelling units on adjacent Agincourt Mall lands and to address a no. of technical matters, including the definition of gross floor area and parkland dedication rate.		
Applicant:	Agent:	Architect:	Owners:
GEMTERRA DEVELOPMENTS CORP	MAURICE LERMAN c/o GEMTERRA	TURNER FLEISCHER ARCHITECTS INC.	GEMTERRA DEVELOPMENTS CORPORATION (Bonis Ave) & 1098748 ONTARIO LIMITED (Agincourt Mall lands)

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	1
Secondary Plan Area:	Agincourt Secondary Plan	Historical Status:	N/A
Zoning:	A(H) and M(H) and CC(H)	Site Plan Control Area:	YES
Height Limit (m):	64		

PROJECT INFORMATION (Bonis Avenue development lands)

Site Area (sq. m):	13253.2	Height:	Storeys:	20 & 22
Frontage (m):	223		Metres:	61.7
Depth (m):	85.3			
Total Ground Floor Area (sq. m):	4472.2			Total
Total Residential GFA (sq. m):	44127.9		Parking Spaces:	671
Total Non-Residential GFA (sq. m):	0		Loading Docks	2
Total GFA (sq. m):	44127.9			
Lot Coverage Ratio (%):	33.7			
Floor Space Index:	3.3			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	44127.9	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	381	Office GFA (sq. m):	0	0
2 Bedroom:	146	Industrial GFA (sq. m):	0	0
3 + Bedroom:	51	Institutional/Other GFA (sq. m):	0	0
Total Units:	578			

CONTACT: **PLANNER NAME:** **Doug Muirhead, Senior Planner**
TELEPHONE: **(416) 396-7029**

Attachment 8: McCarthy Tétrault Letter



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November 25, 2011

Via Email

Mr. Mark R. Flowers
Davies Howe Partners LLP
5th Floor
99 Spadina Avenue
Toronto ON M5V 3P8

Dear Mr. Flowers:

**Re: Application for Zoning By-law Amendment
Gemterra Developments Corporation ("Gemterra")
175 - 215 Bonis Avenue, City of Toronto (the "Property")**

We are the solicitors for 1098748 Ontario Limited ("Agincourt"), owner of the Agincourt Mall south of the Property and which lands are subject to the same site-specific by-law as the Property. Agincourt understands that the City of Toronto is seeking advice as to Agincourt's position with regard to the proposed amendments to the site specific provisions of the existing Tam O'Shanter Community Zoning By-law 12360 of the former City of Scarborough.

Agincourt has received and reviewed Gemterra's report from Nott Dragicevic Associates Limited dated November 2011, which includes a draft amending by-law, dealing with four specified amendments.

With respect to the first of those listed amendments, dealing with the definition of "gross floor area", the report notes that there is an interpretation issue in terms of whether the existing language requires inclusion of space taken up by elevator and air shafts. The intent of the amendment is to clarify the definition by expressly excluding these shafts. In section 5.3 of the report, Ms Nott recites the prior 2005 site plan approval, based on plans showing a gross floor area of 44,129 square metres. She further states:

The proposed zoning amendment would increase the permitted unit count to 578 units on the subject site, with no corresponding increase in permitted floor area or building height.

On the basis of the stated retention of the approved limit of gross floor area to 44,129 square metres (475,000 square feet), Agincourt has no objection to the proposed amendment to the definition. However, if the application is unsuccessful and elevator and air shafts are included and the application is not amended to maintain a maximum gross floor area of 475,000 square feet or 44,129 square metres, Agincourt reserves its right to object to the rezoning application on the basis that it is not in accordance with Instrument No. AT2500867, dated September 10,

McCarthy Tétrault LLP DOCS #10950729 v. 1

Attachment 8: McCarthy Tétrault Letter

mccarthy
tétrault

page 2

2010 which limits the gross floor area on the Property to 44,129 square metres or 475,000 square feet.

In addition Agincourt has no objection to the increase in the maximum permitted number of dwelling units for parts A & B to 578, subject to the maximum number of permissible dwelling units being increased to 1,063 dwelling units, such that there will be no diminution in the number of dwelling units permitted for parts C & D.

Finally, Agincourt supports the deletion of sub-section (vii) from Schedule C – Exceptions List, noting our client's position that the current standards for parkland dedication as contained in the Municipal Code, apply to the land including the Agincourt Mall.

We trust this clarifies our client's position, but if there are any queries or additional matters arising, please contact us.

Yours very truly,

McCarthy Tétrault LLP

Per:



Tara L. Piurko

c: Susan MacAlpine, 1098748 Ontario Limited
Pauline Yip, 1098748 Ontario Limited

Mark R. Flowers – November 25, 2011

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