



Staff Report for Council Public Meeting

Date of Meeting: March 20, 2019

Report Number: SRPRS.19.045

Department: Planning and Regulatory Services

Division: Development Planning

Subject: **SRPRS.19.045 – Request for Comments –
Official Plan and Zoning By-law Amendment
Applications – NYX 9675 Yonge Ltd. – Town
Files D01-18003 and D02-18013**

Owner:

NYX 9675 Yonge Ltd.
1131A Leslie Street, Suite 201
Toronto, Ontario
M3C 3L8

Agents:

NYX Capital Corp.
1131A Leslie Street, Suite 201
Toronto, Ontario
M3C 3L8

Malone Given Parsons Ltd.
140 Renfrew Drive, Suite 201
Markham, Ontario
L3R 6B3

Location:

Legal Description: Part of Lots 1, 2 and 3, Registered Plan 2260
Municipal Addresses: 9675, 9697 and 9699 Yonge Street

Purpose:

A request for comments concerning Official Plan and Zoning By-law Amendment applications to permit a high density, mixed-use residential/commercial development on the subject lands.

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Recommendation:

- a) **That Staff Report SRPRS.19.045 with respect to the Official Plan and Zoning By-law Amendment applications submitted by NYX Capital Corp. for lands known as Part of Lots 1, 2 and 3, Registered Plan 2260 (Municipal Addresses: 9675, 9697 and 9699 Yonge Street), Town Files D01-18003 and D02-18013, be received for information purposes only and that all comments be referred back to staff.**

Contact Person:

Leigh Ann Penner, Senior Planner – Subdivisions, phone number 905-771-2462 and/or Deborah Giannetta, Manager of Development, Site Plans, phone number 905-771-5542

Report Approval:

Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by: Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

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Location Map:

Below is a map displaying the property location. Should you require an alternative format call person listed under the “Contact Person” above.



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Background Information:

The subject Official Plan and Zoning By-law Amendment applications were received by the Town and deemed complete on May 14, 2018, after Bill 139 received Royal Assent on December 12, 2017. The applications and supporting materials were subsequently circulated to relevant Town departments and external agencies for review and comment.

The applicant's original development proposal sought approval of a high density, mixed-use residential/commercial development comprised of two 15 storey residential buildings with ground floor retail/commercial uses having a density of 3.97 FSI (refer to Map 6). On January 31, 2019, the applicant provided a resubmission in response to initial circulation comments received from Town departments and external agencies. The revised submission was circulated for review and comment on February 5, 2019 and is the basis for this report. Noteworthy in the resubmission were increases to the height of the proposed buildings to 18 and 16 storeys respectively, and a corresponding increase to the density from 3.97 to 3.99 FSI (refer to Map 7).

The purpose of this report is to seek comments from Council and the public with respect to the applicant's development proposal pursuant to the statutory Public Meeting and associated notice requirements of the *Planning Act*.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the east side of Yonge Street, north of Clarissa Drive and have an area of approximately 0.74 hectares (1.83 acres). The lands presently support an automobile service centre and motor vehicle repair establishment (refer to Map 1) which are to be demolished to facilitate the proposed development. Adjacent land uses consist of primarily retail/commercial and residential uses (refer to Map 2) as follows:

- to the north, a neighbourhood shopping centre, beyond which is a 14 storey residential condominium and townhouse development;
- to the south, retail/commercial uses, beyond which is Clarissa Drive;
- to the east, two 15 storey residential condominium buildings, beyond which is Church Street South; and,
- to the west is Yonge Street, beyond which is an automobile gas bar and carwash establishment and low-density residential development uses.

Development Proposal

The applicant is seeking Council's approval to construct a high density, mixed-use residential/commercial development. The proposal is comprised of two residential buildings with tower heights of 18 storeys (Tower 1) and 16 storeys (Tower 2). Both towers are to be anchored by 5 storey podium buildings and connected by a one storey

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lobby to serve both buildings. The proposal incorporates indoor and outdoor at-grade amenity space, surface and underground parking areas, provision for a future potential private driveway connection to the lands immediately to the north and south of the site and ground floor retail/commercial uses within Tower 1, fronting onto Yonge Street (refer to Maps 7 – 11, inclusive).

The following is a summary outlining the relevant statistics of the applicant's revised development proposal based on the plans and drawings submitted to the Town:

- **Total Lot Area:** **0.74 hectares (1.83 acres)**
- **Number of Buildings:** **2**
- **Number of Residential Units:** **366**
- **Building Height**
 - **Tower 1:** **18 storeys (60.57 metres)**
 - **Tower 2:** **16 storeys (54.67 metres)**
- **Total Gross Floor Area (GFA):** **29,590.3 square metres (318,517.8 square feet)**
 - **Residential:** **29,077.8 square metres (313,001 square feet)**
 - **Retail/Commercial:** **512.5 square metres (5,517 square feet)**
- **FSI:** **3.99**
- **Building Coverage:** **2,659.6 square metres (28,629 square feet)**
- **Total Amenity Area**
 - **Indoor:** **690.5 square metres (7,433 square feet)**
 - **Outdoor:** **978.6 square metres (10,534 square feet)**
- **Total Parking Spaces:** **490 (surface, plus 3 underground levels)**
 - **Surface:** **21**
 - **Underground:** **412 (Resident), 52 (Visitor) and 5 (Care Share)**
 - **Bicycle Parking:** **216 (209 resident spaces and 7 retail spaces)**

Primary access to the site is proposed by way of a right-in/right-out driveway onto Yonge Street (refer to Map 7). A secondary access is also proposed from the private driveway abutting the northern boundary of the subject lands.

Applications for both Site Plan Approval and draft Plan of Condominium will be required to facilitate the intended development and tenure of the lands. At the time of preparation of this report, applications for Site Plan Approval and draft Plan of Condominium had not been submitted to the Town.

Supporting Documentation/Reports

The applicant has submitted the following documents/information to the Town in support of the proposed development:

- Planning Justification Report;
- Draft Zoning By-law Amendment;
- Draft Official Plan Amendment;

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- Adjacent Property Plan;
- Plan of Survey;
- Context Plan;
- Site Plan/Floor 01;
- Statistics;
- Underground Level Plans;
- Floor Plans;
- 3D Perspectives;
- Landscape Concept;
- Sections;
- Shadow Studies;
- Urban Design Brief;
- Arborist Report and Tree Preservation Plan;
- Functional Servicing and Stormwater Management Report;
- Hydrogeological Assessment;
- Source Water Protection Assessment;
- Mobility Plan/Traffic Impact Study; and,
- Phase 1 and 2 Environmental Site Assessments.

Official Plan Amendment Application

The subject lands are designated **Regional Mixed Use Corridor** in accordance with Schedule – A2 (Land Use) to the Town of Richmond Hill Official Plan (the “Plan”) (refer to Map 3). The applicant has submitted an Official Plan Amendment application that seeks approval for the following site specific exceptions to facilitate the proposed development of the lands:

- an increase in maximum site density from 2.5 FSI to 3.99 FSI;
- an increase in maximum base building height from 4 storeys to 5 storeys; and,
- an increase in maximum building height from 15 storeys to 18 and 16 storeys, respectively.

Zoning By-law Amendment Application

The subject lands are zoned **General Commercial One (GC1)** under Zoning By-law 2325-68, as amended (refer to Map 5). By-law 2325-68 pre-dates the adoption and approval of the Town’s Plan. The **GC1 Zone** category permits various commercial uses. However, a high density, mixed use residential/commercial development as contemplated by the subject applications is not permitted. The applicant is seeking approval to rezone its landholdings to **Residential Tenth Density (RM10) Zone** under By-law 2325-68, as amended, with site specific provisions to implement its development proposal. Specifically, the Zoning By-law Amendment application seeks to permit the following:

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- to add *Apartment Dwelling, Retail Commercial Use, Financial Institution, Private Home Daycare, Business and Professional Office, Medical Office, Convenience Retail Store, Home Occupation, Restaurant, Personal Service Establishment, Clinic, Private Club, Institutional Use* and *Accessory Building to Apartment Dwelling Use* as additional permitted uses;
- to amend the definitions in By-law 2325-68, as amended, pertaining to *Apartment Dwelling, Bicycle Parking, Car Share, Dwelling Unit, Established Grade, Gross Floor Area, Height, Amenity Space* and *Mechanical Penthouse*; and,
- to permit site specific development standards and general provisions that allow for flexibility of design which include, but are not limited to, the following:

Development Standard	Development Standards, RM10 Zone	Proposed Standards
Minimum Lot Frontage	30.0 metres	30.0 metres
Maximum Lot Coverage	50%	45%
Minimum Front Yard	15.0 metres	4.0 metres
Minimum Interior Side Yard	14.0 metres	6.50 metres
Minimum Exterior Side Yard	15.0 metres	N/A
Minimum Rear Yard	15.0 metres	9.50 metres
Maximum Building Height	45.0 metres	Tower 1: 18 storeys (62.0 metres) Tower 2: 16 storeys (56.0 metres)
Maximum Podium Height (Yonge Street)	N/A	5 storeys (16.50 metres)
Maximum Floor Area Ratio	2.50	3.99
Maximum Residential Gross Floor Area (includes indoor amenity space)	N/A	29,100.0 square metres
Minimum Retail/Commercial Gross Floor Area	N/A	450 square metres
Minimum Amenity Area: (includes indoor and outdoor)	N/A	4.50 square metres/unit

In addition to the above, site specific development standards relating to landscaping, parking and loading space requirements are also proposed for the subject development.

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The appropriateness of the site specific **RM10 Zone** provisions proposed by the applicant will be reviewed with regard to compatibility, design and function.

Planning Analysis:

Staff has undertaken a preliminary review of the applicant's development proposal based on the policy framework contained within the *Provincial Policy Statement* (2014) (the "PPS"), the *Growth Plan for the Greater Golden Horseshoe* (2017) (the "Growth Plan"), the *Oak Ridges Moraine Conservation Plan* (2017) (the "ORMCP"), the *Regional Official Plan* (2010) (the "ROP") and the Town's Official Plan (the "Plan").

Staff notes that the Town's in-force Plan is consistent with the PPS, and conforms to the Growth Plan and the ROP that were in-force at the time of its approval. Since the Plan's approval, the PPS and the Growth Plan were updated in 2014. Below is a more detailed outline of the proposal relative to the ROP and the Plan.

Region of York Official Plan

The subject lands are designated **Urban Area** and **Regional Corridor** in accordance with Map – 1 (Regional Structure) of the ROP. The **Urban Area** policies permit a full range and mix of urban uses which would permit a mixed-use residential/commercial development, as proposed. The **Regional Corridor** is intended to support a range and mix of activities with the most intensive and widest range of uses. Yonge Street is also identified as a **Regional Rapid Transit Corridor** on Map – 11 (Transit Network) of the ROP. Based on the initial comments received from the Region, the proposal is consistent with the ROP. The Region has advised of the requirement for the protection of a future vehicular and pedestrian connection to the north and south of the subject lands which the applicant has incorporated into the proposed development.

Town of Richmond Hill Official Plan

As noted previously, the subject lands are designated **Regional Mixed Use Corridor** (refer to Map 3) and also identified along a **Regional Rapid Transit Corridor** on Appendix – A5 (Public Rapid Transit) in the Plan (refer to Map 4). In consideration of the policies of this Plan which are relevant to the evaluation of the proposed development, staff provides the following overview:

- the **Regional Mixed Use Corridor** designation supports a broad range and mix of land uses and activities in a compact, pedestrian-friendly and transit-oriented built form (Policy 4.6);
- development within the **Regional Mixed Use Corridor** is encouraged to provide a mix of uses within the same building or separate buildings integrated on the same site (Policy 4.6.1.4);
- the maximum site density permitted on lands within this portion of the **Regional Mixed Use Corridor** designation is 2.5 FSI (Policy 4.6.1.5); and,
- the building height requirements for lands within this portion of the **Regional Mixed Use Corridor** include a maximum base building height of 4 storeys, a maximum

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building height of 15 storeys and provision that the tallest buildings be directed to the Yonge Street frontage (Policy 4.6.1.6).

Based on a preliminary review of the proposed development relative to the **Regional Mixed Use Corridor** policies, the subject proposal is generally consistent with the land use permissions of this designation; however, the proposal does not conform with the applicable density and height provisions established in the Plan.

Department and External Agency Comments:

The subject Official Plan and Zoning By-law Amendment applications and the associated background studies and reports submitted in support of same have been circulated to various Town departments and external agencies for their review and comment. A number of comments from Town departments and external agencies with respect to the applicant's revised submission of January 2019 have not yet been received.

Development Planning Division

Planning staff has completed a preliminary review of the applicant's revised development proposal, including plans and materials submitted in support of the proposed development. In consideration of the policies of the Plan which are relevant to the evaluation of the proposed development, staff provides the following preliminary comments:

- the proposed development is consistent with the **Regional Mixed Use Corridor** policies of the Plan with respect to land use, the provision of a mix of uses and development that is transit oriented;
- the subject applications propose an FSI of 3.99 which exceeds the maximum 2.5 FSI permitted within this portion of the **Regional Mixed Use Corridor**;
- the proposed building heights of 18 and 16 storeys exceeds the maximum building height of 15 storeys permitted within this portion of the **Regional Mixed-Use Corridor**;
- appropriate development standards will be required to accommodate landscaping, building separation, outdoor amenity space that reflect a high density development shall be provided;
- the development proposal shall protect for and provide a future vehicular and pedestrian interconnection to the adjacent properties to the north and south of the subject site and access to the existing signalized intersection at May Avenue and Yonge Street and to Clarissa Drive to the south. Access easements to facilitate this connection will be required;
- comments have not been received with respect to the revised submission from the Town's Development Engineering Division. These comments are critical with respect to servicing, grading, access as well as underground works relating to the proposed underground parking structure;

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- comments have also not been received from the Town's Urban Design and Heritage Section. These comments are critical in advising of matters relating to built form, massing, design treatments, building articulation and overall visual/physical connectivity of the site;
- an application for Site Plan approval will be required to facilitate the proposed development. The applicant is encouraged to submit a Site Plan application prior to finalizing the implementing Zoning By-law;
- the applicant must satisfactorily address issues and requirements identified by Town departments and external agencies that have been requested to review the applicant's development proposal; and,
- staff will continue to work with the applicant with respect to the form and content of the draft Official Plan and Zoning By-law Amendments.

A comprehensive review of the subject Official Plan and Zoning By-law Amendment applications will be conducted following the receipt of comments and feedback from Town departments, external agencies, Council and the public. This detailed review will be completed in advance of and addressed as part of a recommendation report to be prepared for a future Committee of the Whole meeting.

Other Town Department and External Agency Comments

Comments to the first submission have also been received from Alectra Utilities, Canada Post, Enbridge Gas, Rogers Cable, York Catholic District School Board and York Region District School Board, in addition to the Town's Financial Services Division and Fire and Emergency Services Division. These Town departments and external agencies have no objection to the applications and/or have provided technical comments to be considered by the applicant during the more detailed implementation stage of the approval process. Staff note that comments on the revised second submission have not yet been received as of the writing of this report.

Interim Growth Management Strategy

Council has approved and implemented a comprehensive strategy comprised of eight growth management eligibility criteria as a means of assessing and prioritizing development applications for the receipt of servicing allocation. The criteria are as follows:

1. *Providing community benefits and completion of required key infrastructure.*
2. *Developments that have a mix of uses to provide for live-work relationships.*
3. *Developments that enhance the vitality of the Downtown Core.*
4. *Higher-order transit supportive development.*
5. *Developments that represent sustainable and innovative community and building design.*
6. *Completion of communities.*
7. *Small scale infill development.*
8. *Opportunities to provide affordable housing.*

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Additionally, in accordance with Council direction, as part of the review of the above noted IGMS Criteria 5 (Sustainable and Innovative Community and Building Design), the applicant will be required to submit the requisite *Sustainability Performance Metrics Tool* in support of its development proposal when a Site Plan application has been submitted for the proposed development.

Financial/Staffing/Other Implications:

The recommendation of this report does not have any financial, staffing or other implications.

Relationship to the Strategic Plan:

The recommendation of this report does not have any direct implications with respect to the Town's Strategic Plan. An overview of how the subject applications are aligned with the Strategic Plan will be included in a future recommendation report to Council following a comprehensive review and evaluation of the applicant's development proposal.

Conclusion:

The applicant is seeking Council's approval of Official Plan and Zoning By-law Amendment applications to permit the construction of a high-density, mixed-use residential/commercial development comprised of two residential buildings with tower heights of 18 and 16 storeys with ground floor retail/commercial uses on the subject lands. The purpose of this report is to provide Council and the public with an overview of the development proposal and to discuss the regulatory regime governing the evaluation of these planning applications. This report has been structured for information purposes only, with a recommendation that all comments be referred back to staff for consideration.

Appendix Contents and Maps:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format, please call contact person listed in this document.

- Map 1 Aerial Photograph
- Map 2 Neighbourhood Context
- Map 3 Official Plan Schedule A2 – Land Use
- Map 4 Official Plan Appendix 5 – Public Rapid Transit
- Map 5 Existing Zoning
- Map 6 First Submission Proposed Site Plan
- Map 7 Second Submission Proposed Site Plan
- Map 8 Proposed 3D Perspective A
- Map 9 Proposed 3D Perspective B
- Map 10 Proposed 3D Perspective C

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- Map 11 Proposed Landscape Concept

Report Approval Details

Document Title:	SRPRS.19.045.docx
Attachments:	- Map_1_Aerial_PhotoGraph.pdf - MAP_2_NEIGHBOURHOOD_CONTEXT_S118003_S218013.pdf - MAP_3_OFFICIAL_PLAN_DESIGNATION.pdf - Map_4_OFFICIAL_PLAN_APPENDIX_5_PUBLIC_RAPID_TRANSIT.pdf - MAP_5_EXISTING_ZONING_S118003_S218013.pdf - MAP_6_FIRST_SUBMISSION_PROPOSED_SITE_PLAN.pdf - MAP_7_SECOND_SUBMISSION_PROPOSED_SITE_PLAN.pdf - MAP_8_PROPOSED_3D_PERSPECTIVE_A.pdf - MAP_9_PROPOSED_3D_PERSPECTIVE_B.pdf - MAP_10_PROPOSED_3D_PERSPECTIVE_C.pdf - MAP_11_PROPOSED_LANDSCAPE_CONCEPT.pdf
Final Approval Date:	Mar 5, 2019

This report and all of its attachments were approved and signed as outlined below:

Gus Galanis - Mar 5, 2019 - 11:14 AM

Kelvin Kwan - Mar 5, 2019 - 11:43 AM

Neil Garbe - Mar 5, 2019 - 12:16 PM