



Staff Report for Council Meeting

Date of Meeting: September 18, 2019

Report Number: SRPRS.19.156

Department: Planning and Regulatory Services

Division: Development Planning

Subject: **SRPRS.19.156 – Request for Direction - Revised Development Proposal and Section 37 Benefits Package – Metroview Developments (Harding) Inc. – City Files D01-16005 and D02-16034**

Owner:

Metroview Developments (Harding) Inc.
5690 Steeles Avenue West, Suite 300
Vaughan, Ontario
L4L 9T4

Agent:

Goldberg Group
2098 Avenue Road
Toronto, Ontario
M5M 4A8

Location:

Legal Description: Lots 7, 8 and 9 and Part of Lots 4, 5 and 6, Plan 3801
Municipal Addresses: 9825 and 9839 Yonge Street, 254, 258 and 264 Church Street
and 11 and 17 Harding Boulevard East

Purpose:

The purpose of this report is to provide Council with an overview and recommendations concerning a revised development proposal and a Section 37 Community Benefits package related to the appeals of Official Plan and Zoning By-law Amendment applications to permit a mixed use, high density residential/commercial development comprised of a 22 storey building and townhouse units on the subject lands.

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Recommendations:

- a) That Staff Report SRPRS.19.156 be received for information purposes;
- b) That the Local Planning Appeal Tribunal (LPAT) be advised that Council supports the revised development proposal in principle as generally depicted on Map 6 to Staff Report SRPRS.19.156 associated with Official Plan and Zoning By-law Amendment applications (City Files D01-16005 and D02-16034) submitted by Metroview Development (Harding) Inc. for lands known as Lots 7, 8 and 9 and Part of Lots 4, 5 and 6, Plan 3801 (Municipal Addresses: 9825 and 9839 Yonge Street, 254, 258 and 264 Church Street and 11 and 17 Harding Boulevard East), subject to the following:
 - i) that LPAT be requested to withhold the issuance of its Final Order with respect to the applicant's Official Plan and Zoning By-law Amendment applications until such time as the City advises the Tribunal that Site Plan approval for the proposed development has been issued, and pending completion of the final form and content of the Official Plan and Zoning By-law Amendments;
- c) That Council approve the Section 37 Community Benefits package as outlined in Staff Report SRPRS.19.156;
- d) That upon the recommendation of the Commissioner of Planning and Regulatory Services, the Mayor and City Clerk be authorized to enter into any agreements necessary to secure the Community Benefits referred to in recommendation (c) above; and,
- e) That appropriate City staff and legal counsel be directed to appear at the LPAT hearing in support of Council's position concerning the above noted applications.

Contact Person:

Deborah Giannetta, Manager of Development – Site Plans, 905-771-5542 and/or
Gus Galanis, Director of Development Planning, 905-771-2465

Report Approval:

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

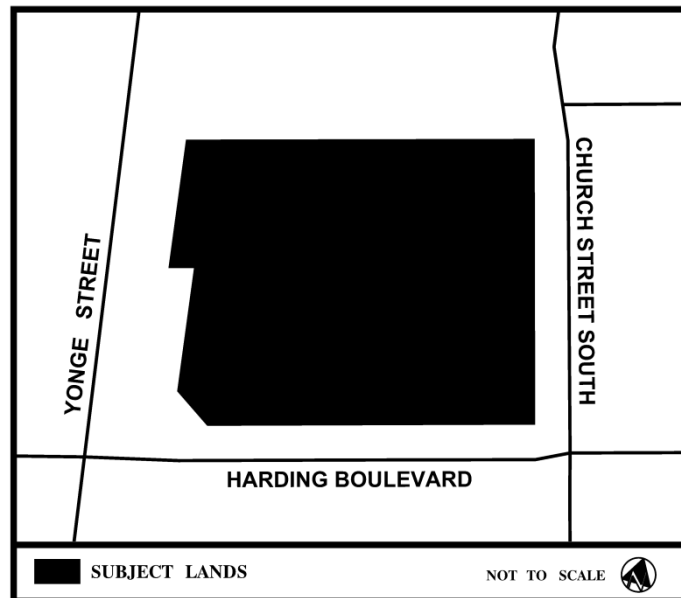
Approved by: Neil Garbe, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. 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 the person listed under “Contact Person” above.



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Background:

The applicant submitted Official Plan and Zoning By-law Amendment applications to the City in November 2016 (prior to Bill 139 receiving Royal Assent on December 12, 2017) for the lands at 9839 Yonge Street, 254, 258 and 264 Church Street and 17 Harding Boulevard East (collectively “the subject lands”). The applications proposed a 15 storey high density mixed-use building, together with an eight storey residential building and townhouses. These applications were deemed complete and circulated for review and comment. However, at the applicant’s request, the applications were placed on hold and a Council Public Meeting was not held regarding this proposal. On November 2, 2017, the applicant appealed these applications to the OMB (now the Local Planning Appeal Tribunal (LPAT)) on the basis that Council had not issued a decision within the prescribed timeframes under subsections 22(7) and 34(11) of the *Planning Act*. It should be noted that the applicant was also a party to the Downtown Local Centre Secondary Plan appeals that have now been dismissed in accordance with Council’s direction to repeal that Secondary Plan.

Subsequently, the applicant acquired additional lands (9825 Yonge Street and 11 Harding Boulevard East) and revised their proposal to include two 15 storey residential buildings with ground floor retail/commercial and 11 townhouse units along Church Street (refer to Map 5). Given that a public meeting had not yet been held for either the original or revised development proposal, a Council Public Meeting was held on June 20, 2018 at which Council received Staff Report SRPRS.18.142 for information purposes and directed that all comments be referred back to staff for consideration (Appendix A).

Since that time, City staff has been working closely with the applicant to achieve a revised development proposal that is in keeping with the City’s Official Plan to ensure a well designed, appropriate and compatible development within the **Downtown Local Centre**. City staff and the applicant have come to an agreement in principle on the height, density and built form of a substantially revised development proposal with the remaining technical matters to be addressed through the detailed Site Plan approval process. Accordingly, the purpose of this report is to seek Council’s approval in principle of the applicant’s revised development proposal and an associated Section 37 Community Benefits Package as outlined in this report.

It should be noted that an LPAT Pre-Hearing Conference has been scheduled for September 20, 2019. Should Council endorse the proposed Settlement, City Staff and the applicant can present the revised development proposal and Section 37 Community Benefits Package as outlined in this report for approval in principle by LPAT at the aforementioned Pre-Hearing Conference. Should Council not approve the revised development proposal, a five day LPAT hearing to deal with the applicant’s appeals is scheduled to commence on October 28, 2019.

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Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located at the northeast corner of Yonge Street and Harding Boulevard East are comprised of seven contiguous properties that form a large block that also fronts onto the west side of Church Street and the unopened road allowance of Palmer Avenue (refer to Maps 1 and 2). The lands have a total lot area of 0.8317 hectares (2.06 acres) and support two commercial buildings along Yonge Street in addition to five single detached dwellings fronting Harding Boulevard East and Church Street. All buildings on the lands are proposed to be demolished to facilitate the proposed development.

The lands abut Yonge Street to the west, City-owned future parkland and the unopened Palmer Avenue road allowance to the north, predominantly low-density residential development to the east, and Harding Boulevard East to the south.

Revised Development Proposal

The applicant is seeking Council's approval in principle of its revised proposal to permit a high density, mixed-use, residential/commercial development comprised of a 22 storey point tower with a six to eight storey podium, retail commercial uses at grade and three storey townhouse units fronting onto Church Street on the subject lands. As noted previously, staff has worked closely with the applicant to address specific concerns with its original development proposal, which has resulted in the submission of a substantially revised development concept (refer to Maps 6 to 9). Outlined below are the relevant statistics of the applicant's revised development proposal based on the plans and drawings submitted to the City:

- **Total Lot Area:** 0.8317 hectares (2.06 acres)
- **Number of Buildings:** 1
- **Total Number of Units:** 435
 - **Apartments:** 413
 - **Townhouses:** 22
- **Total Gross Floor Area:** 33,434.3 square metres (359,884 square feet)
 - **Residential:** 32,179 square metres (346,381 square feet)
 - **Commercial:** 1,255.5 square metres (13,514.53 square feet)
- **Floor Space Index:** 4.0
- **Building Heights:** 22 storeys (apartment building) and 3 storeys (townhouses)
- **Podium Height:** 6 to 8 storeys
- **Tower Floor Plate Size:** 817.8 square metres (8,803 square feet)
- **Parking:** 579 spaces
 - **Residential:** 513
 - **Commercial:** 66

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The tower element of the proposed development is directed to the southwest portion of the site at the intersection of Yonge Street and Harding Boulevard, with an articulated podium of six to eight storeys that wraps around the north, south and west frontages of the property. A lower podium element of four storeys along the future park frontage to the north has been incorporated into the design of the building so as to minimize shadowing on the park. The proposed townhouses are to be integrated into the podium of the building and transition down to three storeys along Church Street. Access to the site is to be via a single full moves driveway from Harding Boulevard. An internal courtyard will provide access to the underground parking levels, loading and drop off/pick up area for the development.

Key differences between the applicant's previous proposal as presented at the Council Public Meeting on June 20, 2018 and its current revised proposal are as follows (refer to Maps 5 and 6) :

- a decrease in the number of towers from two to one with the proposed point tower directed to the intersection of Yonge Street and Harding Boulevard;
- an increase in the building height from 15 storeys to 22 storeys;
- a reduction in the proposed gross floor area from 35,267 square metres (379,611 square feet) to 33,434.3 square metres (359,884 square feet);
- a reduction in density from 4.24 FSI to 4.0 FSI;
- an increase in total units from 344 to 435;
- a single access point to the site; and,
- integration of the proposed townhouse units into the podium of the proposed building.

It should be noted that a Site Plan Application to implement the applicant's revised development proposal has not been submitted to the City to date. Through the submission of a formal Site Plan application, a comprehensive technical review of the proposal will be undertaken which shall inform the implementing planning instruments for the subject revised development proposal.

Planning Analysis:

City staff has carefully reviewed the applicant's revised development proposal and are of the opinion that it represents good planning. The revised proposal is consistent with the *Provincial Policy Statement (2014)*, conforms with the provisions of *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, conforms with the policies of the York Region Official Plan (2010), and has due regard for relevant matters of Provincial interest under Section 2 of the *Planning Act*.

Further, staff are of the opinion that the revised proposal implements the urban structure and applicable development principles of the City's Official Plan (the Plan). In this regard, the revised development proposal takes into consideration the context of the surrounding area by providing an appropriate site layout, building design, building height

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and density for the site. On the basis of the foregoing, staff supports the revised development proposal in principle for the following reasons:

- the proposed development conforms with higher order plans and policies at the Provincial and Regional levels;
- the proposed development is generally consistent with the applicable **Downtown Local Centre (Civic District)** policies of the Plan;
- the high quality architectural design applied to the proposed built form will result in a compatible development that provides appropriate transition to the abutting low density residential neighbourhood to the east and to the future parkland to the north; and,
- the revised development proposal constitutes good planning.

Should Council endorse the revised development proposal, the applicant will be required to submit a Site Plan application whereby all the technical elements of the development proposal will be reviewed and approved to the City's satisfaction. Based on the foregoing, staff recommends that the LPAT withhold the issuance of its Final Order with respect to the applicant's Official Plan and Zoning By-law Amendment applications until such time as the City advises the Tribunal that Site Plan approval has been issued.

Section 37 Community Benefits Package

Section 37 of the *Planning Act* provides municipalities with the means to secure community benefits where a proposal exceeds the permitted height and/or density provisions of its Official Plan. Based on the revised development proposal outlined previously in this report, the applicant is proposing increases in the prescribed height and density beyond the limits outlined in the Plan and the Council endorsed *Downtown Design Land Use Strategy Recommendations Report* dated May 2009. As such, a community benefits package has been negotiated with the applicant with respect to its revised development proposal. In this regard, the applicant has agreed to undertaking the design and construction of Miles Hill Parkette that is intended as an Urban Square in the **Downtown Local Centre**. The parkette is located immediately to the north of the subject lands.

Staff has carefully reviewed the proposed community benefits package and can advise that it is appropriate in the context of the applicant's revised development proposal and will directly serve the existing and planned community in which the subject lands are located. As such, it is recommended that Council approve the proposed community benefits package as agreed to by the applicant and staff.

Financial/Staffing/Other Implications:

The proposed Settlement of the subject appeals based on the revised development proposal as outlined in this report will eliminate the significant draw on staff and financial resources required to attend an LPAT hearing on these matters.

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Richmond Hill Sustainability Metrics:

The applicant has not yet submitted a Sustainability Performance Metrics Tool for consideration by the City as part of its review and approval of the subject development applications since a Site Plan application has not yet been submitted to date. This will be required to be submitted in conjunction with a future Site Plan application for the proposed development, which will also serve to provide the basis for the allocation of servicing capacity for the proposed development.

Relationship to the Strategic Plan:

The recommendations of this report are aligned with **Goal One – Stronger Connections in Richmond Hill** by improving the function of streets and neighbourhoods, **Goal Two – Better Choice in Richmond Hill** by facilitating a range of housing options and **Goal Four - Wise Management of Resources** in Richmond Hill by serving as a role model for municipal management.

Conclusion:

Staff are seeking Council's direction with respect to a revised development proposal and associated Section 37 Community Benefits Package to facilitate the construction of a mixed use, high density, residential/commercial development consisting of a 22 storey apartment building with retail/commercial uses at grade and townhouses on the subject lands. Appeals of the associated Official Plan and Zoning By-law Amendment applications regarding same are to be heard at an LPAT Pre-Hearing conference scheduled on September 20, 2019.

Following careful consideration and review of the applicant's revised development proposal, and Section 37 Community Benefits Package, it is recommended that Council approve same on the basis that the proposal is considered appropriate and represents good planning. Accordingly, staff recommends that the applicant's revised development proposal be approved in principle, the Mayor and Clerk be authorized to execute agreements and documents necessary to implement the proposed settlement and that the LPAT be advised of Council's position in this regard.

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Attachments:

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.

- Appendix A, Extract from Council Public Meeting C#22-18, June 20, 2018
- Map 1, Aerial Photograph
- Map 2, Neighbourhood Context
- Map 3, Official Plan Designation
- Map 4, Existing Zoning
- Map 5, Proposed Site Plan (2018)
- Map 6, Proposed Site Plan (2019)
- Map 7, Proposed Building – South Elevation
- Map 8, Proposed Building – West Elevation
- Map 9, Proposed Building – East Elevation

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Report Approval Details

Document Title:	Request for Direction - Revised Development Proposal and Section 37 Benefits Package – Files D01-16005 and D02-16034 .docx
Attachments:	<ul style="list-style-type: none">- MAP_1_AERIAL_PHOTOGRAPH.pdf- MAP_2_NEIGHBOURHOOD_CONTEXT_S116005A_S216034A.pdf- MAP_3_OFFICIAL_PLAN_DESIGNATION.pdf- MAP_4_EXISTING_ZONING_S116005A_S216034A_NEW.pdf- MAP_5_PROPOSED_SITE_PLAN.pdf- MAP_6_PROPOSED_SITE_PLAN_2019.pdf- MAP_7_PROPOSED_BUILDING_SOUTH_ELEVATION.pdf- MAP_8_PROPOSED_BUILDING_WEST_ELEVATION.pdf- MAP_9_PROPOSED_BUILDING_EAST_ELEVATION.pdf- Appendix A to SRPRS.19.156.pdf
Final Approval Date:	Sep 10, 2019

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

Gus Galanis - Sep 10, 2019 - 1:34 PM

Kelvin Kwan - Sep 10, 2019 - 1:53 PM

Neil Garbe - Sep 10, 2019 - 2:38 PM