



Staff Report for Council Meeting

Date of Meeting: February 10, 2021

Report Number: SRPI.21.005

Department: Planning and Infrastructure

Division: Development Planning

Subject: **SRPI.21.005 – Request for Direction – Official Plan and Zoning By-law Amendment Applications – Metroview Developments (GARDEN) Inc. – City Files D01-18007 and D02-18033**

Owner:

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

Agent:

M. Behar Planning & Design Limited
25 Valleywood Drive, Unit 23
Markham, Ontario L3R 5L9

Location:

Legal Description: Part of Lots 1, 2, 3 and 4, Plan 1984
Municipal Addresses: 8700 and 8710 Yonge Street

Purpose:

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

Recommendations:

- a) **That the Local Planning Appeal Tribunal be advised that Council does not support the Official Plan and Zoning By-law Amendment applications submitted by Metroview Developments (GARDEN) Inc. for lands known as Part of Lots 1, 2, 3 and 4, Plan 1984 (Municipal Addresses: 8700 and 8710**

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Yonge Street), City Files D01-18007 and D02-18033 for the principle reasons outlined in SRPI.21.005; and,

- b) **That appropriate City staff be directed to appear at the Local Planning Appeal Tribunal in support of Council’s position concerning the subject applications.**

Contact Person:

Katherine Faria, Acting Senior Planner, Site Plans, phone number 905-771-5543 and/or Deborah Giannetta, Manager of Development, Site Plans, phone number of 905-771-5542

Report Approval:

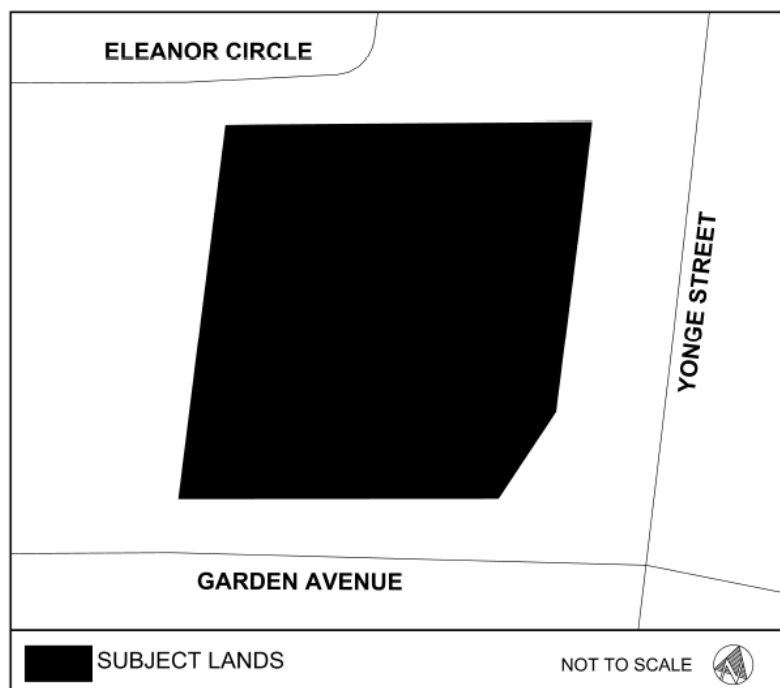
Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure Department

Approved by: Mary-Anne Dempster, 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.

Location Map:

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



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Background:

The subject Official Plan and Zoning By-law Amendment applications were initially submitted to the City on December 19, 2018 and were deemed complete on January 11, 2019, after Bill 139 received Royal Assent on December 12, 2017. The original development proposal by the applicant sought approval of a high density mixed-use residential/commercial development comprised of two apartment buildings, 20 and 13 storeys in height connected by a six-storey podium, at-grade commercial uses, 336 dwelling units and a floor space index (FSI) of 4.01.

A statutory Council Public Meeting to consider these applications was held on May 8, 2019 wherein Council received Staff Report SRPRS.19.084 for information purposes and directed that all comments be referred back to staff (refer to Appendix A). The main concerns identified at the Council Public Meeting were related to the proposed new public road along the west boundary of the subject lands and access to Eleanor Circle as well as impacts on the surrounding neighbourhood with respect to building height, density and traffic, among other matters. On November 6, 2019, the applicant appealed its Official Plan and Zoning By-law Amendment applications to the Local Planning Appeal Tribunal (LPAT) pursuant to Sections 22(7) and 34(11) of the *Planning Act* on the basis that Council did not make a decision on the applications within the statutory timeframes under the *Planning Act*.

Subsequently, in December 2019 the applicant submitted a significantly revised development proposal to permit a 54-storey apartment building with at-grade retail/commercial space, 710 residential units and an FSI of 6.54 on its land holdings. Additional details regarding the applicant's revised proposal are provided in the later sections of this report. The revised applications and supporting materials were subsequently circulated to relevant City departments and external agencies for review and comment.

A second Council Public Meeting with respect to the applicant's revised development proposal was scheduled to be held on April 1, 2020 in order to inform the public and seek comments on the applicant's revised development proposal. However, the meeting was cancelled due to the Covid-19 pandemic. As this meeting was not a mandated statutory meeting and the matter is under the jurisdiction of the LPAT, the meeting was not rescheduled.

A Local Planning Appeal Tribunal ("LPAT") Case Management Conference ("CMC") was held on October 16, 2020 with respect to the subject applications. The City, the appellant and members of the public were in attendance and one member of the public was granted Participant status in the proceedings. At the CMC, the LPAT ordered the parties to provide a further written update to the tribunal by March 2, 2021. Accordingly, the purpose of this report is to seek Council's direction with respect to the applicant's revised development proposal and to direct City staff to appear at the LPAT in support of Council's position concerning the subject applications.

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Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located at the northwest corner of Yonge Street and Garden Avenue and have a combined lot area of approximately 0.76 hectares (1.88 acres). The northern portion of the lands is vacant, whereas the southern portion supports the Emerald Isle Motel which is proposed to be demolished to facilitate the subject development proposal (refer to Map 1). The lands abut Garden Avenue to the south, Yonge Street to the east, existing low density residential uses to the west, and Eleanor Circle and an existing public walkway to the north.

Revised Development Proposal

The applicant is seeking approval of its revised Official Plan and Zoning By-law Amendment applications to permit a high density mixed-use residential/commercial development comprised of a 54-storey apartment building on a six-storey podium on its land holdings (refer to Maps 6 and 8 to 10). The applicant's revised development proposal contemplates 710 residential units with an FSI of 6.54, ground floor retail/commercial uses, and the establishment of a portion of a new 20 metre north-south local road along the western boundary of the lands. The revised proposal contemplates four levels of underground parking, which will accommodate 572 parking spaces.

The proposed tower is to be located at the southeast corner of the property with pedestrian access from a residential lobby to the intersection of Yonge Street and Garden Avenue. The proposed at-grade retail/commercial space is to be located along the Yonge Street frontage, whereas the ground-related residential units are proposed along Garden Avenue, the proposed north-south local road, and the northern property boundary. Vehicular access for the revised development proposal is to be provided via the new north-south public road.

The following is a summary table outlining the relevant statistics of the applicant's original and revised development proposals based on the plans and drawings submitted to the City:

	Original Proposal	Revised Proposal
Total Lot Area	0.76 hectares (1.88 acres)	0.76 hectares (1.88 acres)
Number of Units	336 (plus one guest suite)	710
Building Height	20 storeys/13 storeys	54 storeys
Total Gross Floor Area	30,602 sq. metres (329,397.2 sq. feet)	49,963 sq. metres (537,797.3 sq. feet)
Retail/Commercial Area	267 sq. metres (2874.0 sq. feet)	520 sq. metres (5597.2 sq. feet)
Indoor Amenity Area	585 sq. metres (6296.9 sq. feet)	1839 sq. metres (19,794.8 sq. feet)
Underground Parking	4 levels	4 levels
Parking	424 spaces	572 spaces
Floor Space Index	4.01	6.54

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As noted previously, the applicant filed a revised development proposal reflecting a number of significant changes to the scale and design relative to its original development proposal (refer to Maps 5 and 7). In this regard, key modifications reflected in the applicant's revised development proposal are summarized as follows:

- a reduction from two apartment buildings to one;
- an increase in building height from 13 and 20 storeys to 54 storeys;
- an increase in density from 4.01 FSI to 6.54 FSI;
- an increase in the number of residential units from 336 to 710; and,
- an increase in the retail/commercial area from 267 square metres (2,873.96 square feet) to 520 square metres (5,597.23 square feet).

In order to facilitate the revised development proposal, the applicant is proposing to amend the City's Official Plan (the "Plan") to permit the following site-specific exceptions:

- one 54-storey residential tower with ground level commercial and retail uses, whereas the Plan permits a maximum building height of 15 storeys;
- a maximum FSI of 6.54, whereas the Plan permits a maximum development block density of 2.5 FSI; and,
- a maximum gross floor area of 49,963 square metres.

Further to the above, the applicant has also requested site-specific exceptions with respect to a maximum base building height and maximum tower floor plate size; however, it is noted that the applicant's requested exceptions conform with the applicable policies of the Plan and are therefore not required to be an exception.

Additionally, the applicant is requesting to rezone the subject lands from **General Commercial One (GC1) Zone** under By-law 2523, as amended by By-law 369-86 (refer to Map 4) to a site specific **Residential Multiple Ten Special (RM10-S) Zone** under By-law 2523, as amended, as follows:

- to permit Apartment Dwelling, Personal Service Shop, Retail Store, Office and Clinic uses;
- to add or amend various definitions within By-law 2523, as amended; and,
- to establish site-specific development standards to facilitate the revised development proposal.

It should be noted that there are no general development standards for high-density residential development within the **RM10-S Zone**. As such, development standards for high density residential development are determined site specifically. In this regard, outlined below is a summary of development standards proposed by the applicant:

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- Maximum Number of Dwelling Units: 710
- Maximum Height: 54 storeys (160 metres or 525 feet)
- Maximum Gross Floor Area: 49,963 sq. metres (537,797.3 sq. feet)
- Maximum Density: 6.54 FSI
- Minimum Front Yard (Yonge Street): 0.2 metres (0.66 feet)
- Minimum Side Yard (North): 2.8 metres (9.19 feet)
- Minimum Side Yard (Garden Avenue): 2.9 metres (9.5 feet)
- Minimum Rear Yard: 2.6 metres (8.5 feet)
- Parking Requirements: 0.8 spaces per unit

Further to the above, the applicant has also proposed site specific development standards with respect to the maximum gross floor area of any storey above the sixth storey and to define Yonge Street as the front lot line for the purposes of the proposed Zoning By-law Amendment. Additionally, the applicant's draft Zoning By-law Amendment seeks to add or replace zoning definitions for "Storey", "Height", "Gross Floor Area", "Lot", and "Mechanical Penthouse".

Lastly, it should be further noted that the applicant has previously submitted an application for Site Plan approval (City File D06-18068) in support of its original development proposal. However, a revised Site Plan application had not been submitted to the City in conjunction with the applicant's revised Official Plan Amendment and Zoning By-law Amendment applications at the time of writing of this report.

Planning Analysis:

Provincial Policy Regime

Staff has undertaken a comprehensive review of the applicant's revised 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 Regional Official Plan (2010) (the "ROP"), and the City's Official Plan (the "Plan"). Since the Plan's approval, the PPS and the Growth Plan have been updated. Staff notes that the Plan is consistent with the PPS and the Growth Plan that were in force at the time of its approval and conforms with the ROP. The applicant's revised development proposal is generally consistent with the PPS or the Growth Plan; however, as outlined in the PPS, Official Plans are the most important vehicle for implementation of the PPS and for achieving comprehensive, integrated and long-term planning. As such, Official Plans shall identify Provincial interests and set out appropriate land use designations and policies. Below is a more detailed outline of the proposal relative to the ROP and the Plan.

Region of York Official Plan (2010)

The subject lands are designated **Urban Area** and are located within a **Regional Centre** and along a **Regional Corridor** in accordance with Map 1 (Regional Structure)

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of the ROP. Growth within York Region (the “Region”) is to be accommodated within the **Urban Area**, whereby **Regional Centres** and **Corridors** will serve as prominent locations for the greatest intensification. In accordance with the policies of the ROP, development within **Regional Centres** and **Corridors** is to be of an urban form and designed to be compact, mixed-use, oriented to the street, pedestrian- and cyclist-friendly, and transit supportive. In accordance with **Section 5.4.23** of the ROP, the **Regional Centres** shall contain the highest development densities and greatest mix of uses within the Region. A minimum density of 2.5 FSI per development block shall be achieved within **Regional Centres** and a minimum development block density of 3.5 FSI shall be achieved at, and adjacent to, the proposed Richmond Hill Centre Station on the Yonge Subway Extension, among other areas.

The applicant’s revised development conforms with the general policy direction for this area of the City as outlined within the ROP. Notwithstanding the foregoing, local Official Plans are relied upon to set out more specific policies related to land use and design that refine the broader direction established within the ROP as is the case within the **Richmond Hill Centre**, inclusive of the appropriate levels of intensification within this area of the City, among other matters.

City of Richmond Hill Official Plan (2010)

In accordance with **Section 3.1.3**, the Plan establishes an urban structure framework to depict and guide the physical make-up of the City over the long-term planning horizon. This framework includes the City’s centres and corridors, neighbourhoods, employment lands and the Greenway System, whereby the majority of growth is to be accommodated within the centres and corridors. In this regard, the City’s intensification hierarchy is outlined as follows:

- Richmond Hill Centre
- Key Development Areas and Regional Corridors
- Local Centres
- Local Development Areas and Local Corridors
- Neighbourhood Infill
- Secondary Suites

Development within the centres and corridors shall accommodate the highest densities and widest range of uses within the City. Development shall be at an appropriate scale and density, in accordance with the policies of the Plan in order to ensure built form transition to the surrounding areas and the creation of a high quality public realm. To this end, the Plan sets out policies that provide direction on the appropriate land uses, building heights, densities, and built form across various areas of the City, among other policy objectives.

The subject lands are designated **Richmond Hill Centre** and are located along a **Regional Corridor** in accordance with Schedule A1- Urban Structure by the Plan (refer to Map 2). **Richmond Hill Centre** is identified as an Urban Growth Centre in the *Growth*

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Plan and as a **Regional Centre** in accordance with the ROP. Yonge Street is identified as a Region Rapid Transit Corridor in accordance with Appendix 5 (Public Rapid Transit) of the Plan. The **Richmond Hill Centre** is intended to develop as a compact, mixed-use urban centre that is supported by a high quality public realm, walkable streets and transit-oriented development. The predominant land use within the **Richmond Hill Centre** shall be for mixed-use, transit-oriented development, which includes a wide range of residential and employment uses.

The area is envisioned to function as a prominent, major transit node both within the City and within the Region. As set out in **Policy 4.2.1(10)** of the Plan, development within the **Richmond Hill Centre** shall support the integration of public rapid transit including the planned extension of the Yonge Street subway, 407 Transitway, Viva rapid transit, York Region Transit and GO Rail service to the greatest extent possible. In this regard, Appendix 5 of the Plan depicts the approximate locations of existing and proposed public rapid transit facilities, including the proposed Integrated Transit Hub on the east side of Yonge Street within the **Richmond Hill Centre**.

The following is an overview of the policies of the Plan that are relevant to the evaluation of the proposed development:

- the permitted uses within the **Richmond Hill Centre** designation shall include a broad range and mix of residential and employment uses in a well-integrated, compact urban form. Permitted uses within the **Richmond Hill Centre** include high-density residential, retail and commercial uses as contemplated by the applicant's revised development proposal;
- development fronting on Yonge Street shall be required to provide commercial, retail or community uses at grade in a mixed-use building format;
- the phasing of development shall, to the extent possible, be coordinated with the provision of transit and servicing infrastructure. Policies related to appropriate phasing shall be set out in the Richmond Hill Centre Secondary Plan;
- the street network in the **Richmond Hill Centre** shall include proposed north-south and east-west collector streets and local streets as shown on Schedule A8 (Street Classification) of the Plan (refer to Map 3) to promote a fine grain street network;
- the highest and most dense forms of development shall be located at the planned integrated transit hub with progressively lower and less dense buildings at the edges of the **Richmond Hill Centre** in order to achieve an appropriate transition to the abutting **Neighbourhood** designation;
- the following height requirements shall apply to development on the west side of Yonge Street and east of the proposed north-south local street, south of Carrville Road:
 - a minimum building height of 4 storeys;
 - a base building height ranging from 4 storeys to a maximum of 6 storeys;
 - a maximum building height of 15 storeys; and,
 - the tallest buildings shall be directed to the Yonge Street frontage.

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- in addition, development abutting the **Neighbourhood** designation shall have a maximum height of 4 storeys except where it abuts existing mid-rise or high-rise residential buildings in the **Neighbourhood** designation, subject to the angular plane policies of the Plan;
- the density of a development block west of Yonge Street and east of the proposed north-south street, south of Carrville Road shall have a minimum density of 2.0 FSI and a maximum density of 2.5 FSI;
- development having frontage on the proposed north-south local street south of Carrville Road, as shown on Schedule A8 (Street Classification) shall maintain a maximum 45 degree angular plane from the edge of the adjacent property line on the opposite side of the street;
- a linear parks and urban open space system shall be established to provide connections within the **Richmond Hill Centre** and abutting neighbourhoods;
- within the **Richmond Hill Centre**, a minimum 35% of new housing units shall be affordable; and,
- high-rise residential buildings shall generally have a slender floorplate above the podium of approximately 750 square metres to adequately limit shadow and wind impacts and loss of skyview.

The policies of the Plan direct that until such time that a Secondary Plan is approved by Council for the **Richmond Hill Centre**, development applications in the interim shall be assessed on the basis of conformity with the policies of the Plan and the land use and design guidelines as set out in the *Richmond Hill Regional Centre Design and Land Use Study Final Recommendations Report, February, 2010*.

The City is presently undertaking a mandatory as required in accordance with the *Planning Act*. The review will inform a vision for planning policy within the City for the planning horizon to 2041. At the time of writing of this report, the update to the Plan was in the visioning phase of the process.

The applicant's revised development proposal does not conform with the policy framework as set out in the Plan for this area of the **Richmond Hill Centre** as it relates to maximum building height, maximum development block density and angular plane provisions. In addition, the revised proposal does not conform with the housing affordability policies of the Plan as relevant information in this regard has not been submitted. A more detailed discussion of the areas of nonconformity is provided in the later sections of this report.

Richmond Hill Regional Centre Design and Land Use Study Final Recommendations Report

The objective of the *Richmond Hill Regional Centre Design and Land Use Study* (the "Study"), which has been endorsed by Council is to develop a development concept to inform the policies of the Plan and future Secondary Plan for the **Richmond Hill Centre** in order to support mixed-use, transit-oriented development within the area. The Study provides policy recommendations with respect to transportation, land use, density,

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urban design, sustainability, parks and open spaces, and servicing and identifies six “Character Areas” that are defined by various built form typologies and mix of uses.

With respect to height and density, the Study recommends that the highest and most dense forms of development be concentrated above the planned transit hub. In tandem with recommendations relating to built form and intensification with the study area, the Study emphasizes the objective of achieving transition to existing neighbourhoods, including the use of a 45 degree angular view plane between areas of higher and lower intensity development. Among other recommendations, the Study also contemplates the creation of a new north-south local street west of Yonge Street as well as additional open space at the north end of the subject lands forming part of a network of open spaces within **Richmond Hill Centre**.

The subject lands are located within the Yonge Street Character Area, which is described within the Study as “*a preeminent regional corridor of modest density with a mix of employment space and residential development potential*”. As set out in Section 3.3.2 of the Study, the Yonge Street Character Area is not anticipated to accommodate the highest and most dense development within the **Richmond Hill Centre** and is therefore envisioned to support predominantly modest mid-rise buildings.

As such, the recommendations of the Study lend support to the principle of transition and the need for an appropriate interface between new development and existing low density residential neighbourhoods. With respect to the subject lands, a maximum height of 15 storeys and a maximum FSI of 2.5 are recommended by the Study, wherein it is identified that gateway locations on the west side of Yonge Street may present opportunities for higher buildings. In addition to land use matters, the Study outlines recommendations with respect to site and building design, including but not limited to tower articulation, setbacks, floorplate, ground floor height, and screening within the Yonge Street Character Area.

The applicant’s revised development proposal is not consistent with the vision for this area of the **Richmond Hill Centre** established within the Study. In this regard, the revised proposal substantially exceeds the maximum building height and maximum development block density as contemplated for the Yonge Street Character Area and therefore does not adequately provide for transition to abutting land uses in accordance with the transition objectives of the Study. Furthermore, the revised proposal does not provide the parkland dedication to accommodate a public linear park/parkette along the northern boundary of the subject lands as contemplated within the Study. A more detailed discussion of the above matters is provided in the later sections of this report.

Richmond Hill Centre Secondary Plan Status

Policy 4.2.1(1) of the Plan directs the City to prepare a Secondary Plan for the **Richmond Hill Centre** in accordance with the policies of the Plan and the Study endorsed by Council. The Secondary Plan for the **Richmond Hill Centre** is intended to build upon the policies, principles and guidelines as established by the Plan and Study,

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while providing more detailed direction for the long-term development of the **Richmond Hill Centre**. It should be noted that the development of the Secondary Plan is currently under way, which has involved the holding of Public Open Houses on June 26, 2019 and November 11, 2019. A third Public Open House is to be scheduled prior to a statutory Council Public Meeting for the consideration of a Final Study Report and a Draft Secondary Plan. Additional details regarding the focus of the Secondary Plan are provided in the later sections of this report.

Discussion and Analysis:

Staff has undertaken a comprehensive review of the applicant's revised development proposal and has identified significant issues from a policy perspective and various technical matters. To this end, staff finds that the applicant's revised development cannot be supported on the basis of the following principle reasons:

Urban Structure

Section 3.1.3 of the Plan sets out an urban structure framework to guide the long-term physical development of the City that has regard for Provincial and local planning objectives wherein the City's centres and corridors are envisioned to accommodate the greatest levels of intensification within the City. In this regard, the **Richmond Hill Centre** in particular, is expected to support the greatest heights and densities within the City, whereby the appropriate type, mix, scale and intensity of development is to be further defined through the policies of the Plan. Notwithstanding the foregoing, **Policy 3.1.3 (5)** provides that whereas the centres and corridors shall accommodate the highest densities and widest range of uses, development shall be at an appropriate scale and intensity in accordance with the policies of the Plan, which includes the consideration of built form transition.

The Plan does not contemplate exceptional heights and densities as proposed by the revised development for this part of the **Richmond Hill Centre** wherein a maximum building height of 15 storeys and a maximum development block density of 2.5 FSI are permitted for lands within the **Richmond Hill Centre** that are located on the west side of Yonge Street, east of the proposed north-south street and south of Carrville Road. These heights and densities were established in consideration of the broader urban structure framework and, as such, the permitted heights and density applicable to the subject lands are envisioned for lands located within **Key Development Areas, Local Development Areas, Centres and Corridors**.

The excessive height and density proposed on the subject lands of 54 storeys and 6.54 FSI, respectively, represent not only a substantial departure from the applicable height and density policies for the entire Plan for the City as a whole, but also more specifically for this area of the **Richmond Hill Centre**.

Height, Density and Angular Plane

As outlined in the earlier sections of this report, the subject lands are located on the west side of Yonge Street within the **Richmond Hill Centre** land use designation in

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accordance with the Plan. The **Richmond Hill Centre** is planned as the primary intensification area of the City in order to accommodate the broadest range of uses and the greatest levels of intensification within the City. The policies of the Plan provide for an overarching vision for achieving the policy objectives for this area of the City, including those related to land use and the appropriate location of height and density within the **Richmond Hill Centre**.

The maximum permitted height within this area of the **Richmond Hill Centre** is 15 storeys and the maximum permitted density of a development block is 2.5 FSI, whereas the applicant's revised development proposal contemplates a building height of 54 storeys and a site density of approximately 6.54 FSI. The scale of the revised proposal substantially exceeds the permitted height and development block density provisions identified in the Plan as the proposed height that is more than three times the height contemplated for these lands and the density is more than double the maximum permitted development block density. As a result of the excessive height and density proposed, the revised proposal fails to achieve an appropriate transition to the existing adjacent low density residential neighbourhood.

In accordance with **Policy 4.2.1(14)** of the Plan, the highest and most dense forms of development within the **Richmond Hill Centre** are to be located at the planned integrated transit hub whereby progressively lower and less dense development is to be directed at the edges of the **Richmond Hill Centre** in order to facilitate an appropriate transition to the abutting **Neighbourhood** designation. The subject lands are located at the edges of the Richmond Hill Centre. Based on this gradation of height and density, the maximum permitted height and density for lands located within the integrated transit hub station area shall be 40 storeys and 6.5 FSI in accordance with **Section 4.2.1** of the Plan. This represents the greatest heights and densities permitted within the Plan. This built form framework directive is further supported by the Study, wherein it is recommended that the highest density is to be located within the "Station Character Area", with varying lesser levels of intensification recommended for the balance of the **Richmond Hill Centre**.

Notwithstanding the foregoing, the height and density of the applicant's revised development proposal substantially exceeds the permitted building height for any area of the **Richmond Hill Centre** as contemplated within the Plan, including the integrated Transit Hub. The proposed density of 6.54 FSI, albeit slightly exceeds the maximum development block density permitted for lands within the integrated transit hub, is comparable to that area of the Richmond Hill Centre that is to be distinct from the other areas of the Richmond Hill Centre. Accordingly, staff is of the opinion that the height and density proposed by the applicant's revised development proposal are wholly inconsistent with the policy direction and vision for the **Richmond Hill Centre** in accordance with the Plan and recommendations of the Study.

Whereas a portion of the existing low-density residential uses to the north of the subject lands are located within the **Richmond Hill Centre**, the lands immediately adjacent to

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the subject lands to the west are located within the **Neighbourhood** designation in accordance with Schedule A2 of the Plan, which permits predominantly low-density residential uses (refer to Maps 1 and 2). In accordance with **Policy 4.2.2(11)** of the Plan, development having frontage on the proposed north-south local street south of Carrville Road as shown on **Schedule A8**, including the subject development, will be required to maintain a maximum 45 degree angular plane from the edge of the adjacent property line on the opposite side of the street.

Adherence to the angular plane principles is consistently applied throughout the policies of the Plan as a means of achieving an appropriate transition and minimizing the impact of new development and intensification on lower intensity uses. In this regard, a 45 degree angular view plane measured from the adjacent low density residential or medium density residential property line functions together with suitable massing and design principles to achieve appropriate skyviews, light and separation. On the basis of the materials submitted to the City, the proposed development does not conform with the angular plane policies of the Plan.

Both the policies of the Plan and the recommendations of the Study stipulate the importance of concentrating height and density at appropriate scales and locations within the **Richmond Hill Centre** while achieving an appropriate transition and interface with the abutting and surrounding neighbourhoods. Transition can be accomplished through an appropriate combination of design and land use strategies, including but not necessarily limited to, built form typology, building height articulation, angular plane principles, and separation (i.e. through public roads).

The applicant's revised development proposal incorporates a portion of a new public road as outlined in **Schedule A8** of the Plan; however, in the absence of other planning and design considerations, including angular plane, the location of the north-south road is not sufficient to meet the transition principles of the Plan. Therefore, on the basis of the proposed scale of the development as well as its failure to satisfy the angular plane principles applicable to the subject lands, the revised proposal does not provide for an adequate transition to abutting low density land uses.

On the basis of the above, staff is of the opinion that the proposed height and density of the applicant's revised development proposal is not appropriate and does not represent good planning in consideration of the context of the subject lands, the relationship of the site to adjacent lands, and the overall policy vision for this area of the City. Furthermore, the significant increases in height and density contemplated for the subject lands are not in keeping with the overall vision for the area as set out within the City's in-force policy regime.

Richmond Hill Centre Secondary Plan

As outlined in the Plan, the City shall prepare a Secondary Plan for the **Richmond Hill Centre** in accordance within the policies of **Section 5.1** as well as the land use and design guidelines as set out in the Study that have been endorsed by Council. The Secondary Plans shall address, among other matters, the specific location and

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boundaries of the Secondary Plan area, transportation considerations and land use policies for development, including policies to ensure compatibility with existing and planned adjacent land uses, minimum and maximum density for development blocks and transportation considerations. In addition to the above, **Section 5.1** of the Plan provides specific guidance for the policies that are to be included within the **Richmond Hill Centre Secondary Plan** (“Secondary Plan”).

As an overarching objective, the Secondary Plan will establish a framework to guide development as well as the integration of public rapid transit within the **Richmond Hill Centre**. In addition to the general requirements as outlined in **Section 5.1** of the Plan, the Secondary Plan shall include policies related to the following:

- a. “Policies for the phasing of development;*
- b. The implementation of a long term 1:1 ratio of people and jobs to achieve a balance of population and employment uses;*
- c. The establishment of neighbourhood character areas in accordance with the Richmond Hill Regional Centre Design and Land Use Study Final Recommendations Report, February 2010 which has been endorsed by Council. The character areas shall evolve as a collection of neighbourhood character areas that make up the Richmond Hill Centre and its identity;*
- d. Development that is connected by a fine grain street network, sidewalks and urban open space system to provide safe and direct pedestrian access to public streets and to the integrated transit hub;*
- e. Coordination and collaboration between the Province, Metrolinx, CN Rail, York Region, adjacent local area municipalities, landowners, transit providers and other agencies in the planning for the Urban Growth Centre and the integrated transit hub;*
- f. Policies to implement transit and auto modal split objectives as set out in the Secondary Plan;*
- g. Policies to implement connections between the Richmond Hill Centre and the Langstaff Gateway portions of the Urban Growth Centre; and,*
- h. Other policies as set out in this Plan.”*

The Secondary Plan will also address a number of key policy directions to inform development within the **Richmond Hill Centre** in a comprehensive manner. It is therefore anticipated that the policies as outlined in the Plan will be further refined through the development of the Secondary Plan that will establish more detailed direction for development within the **Richmond Hill Centre** in terms of character and transition, relative distributions of density and height for the area, urban design considerations, as well as transportation and infrastructure requirements, among other objectives.

In consideration of the fact that the proposed development represents a substantial deviation from the height and density parameters of the Plan, the outcomes of the above as determined through the completion of the Secondary Plan process are

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relevant and critical to the evaluation of the appropriateness of the revised development proposal for the subject lands.

Given the scale of the proposed development that significantly departs from the in-force policy regime and the Study that is intended to guide development in the interim, as well as the site's prominent location within the **Richmond Hill Centre** and the City as a whole, a fulsome evaluation of the merits of the proposal would most appropriately occur at such time that a detailed policy regime and objectives for the area have been refined through the Secondary Plan process.

Staff has substantial concerns that approval of the applicant's revised development proposal prior to the completion of the Secondary Plan may significantly impact the ultimate plan and vision for the **Richmond Hill Centre** and thereby undermine the ability of the City to advance its objectives for achieving a comprehensive policy framework for the area.

Affordable Housing

Policy 3.1.5(2) of the Plan directs that a minimum of 35% of new housing units shall be affordable in order to offer a range of housing affordability for low and moderate income households. As defined in **Section 7.2** of the Plan, affordable with respect to ownership housing means:

- a. housing for which the purchase price results in annual accommodation costs not exceeding 30% of gross annual household income for low- and moderate-income households; or*
- b. housing for which the purchase price is at least 10% below the average purchase price of a resale unit in the regional market area.*

Further to the above as it relates to ownership housing, "**low and moderate-income households**" is defined to include "**households with incomes in the lowest 60% of the income distribution for the regional market area**". The applicant has not demonstrated that its revised development proposal will provide any affordable housing as prescribed by the Plan for new residential development within the **Richmond Hill Centre**.

Parkland Dedication

In accordance with **Section 3.1.8** of the Plan, an interconnected system of parks and urban open spaces shall be planned with the objective of providing access to the system within walking distance to all dwellings within the settlement area. The dedication of lands for park or other public recreational purposes shall be required as a condition of development in accordance with Sections 42, 51.1 and 53 of the *Planning Act* as set out in the Plan.

The Study recognizes the role of open spaces in defining and enhancing the public realm and supporting a vibrant urban centre. Whereas this area of the City presently contains a limited range of open spaces, the guiding vision and principles for the

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Richmond Hill Centre include the creation of a balanced public realm to “**encourage placemaking at the Regional Centre at all scales, creating a public realm that is integrated and supportive of vibrant public life**”. To this end, the development framework for the **Richmond Hill Centre** as set out in the Study includes the establishment of a comprehensive and connected open space network comprising spaces of varying size and function to serve the needs of existing and future residents.

As part of the recommended open space network for the Regional Centre, the Study identifies the location of various parkettes along Yonge Street, including a parkette that is contemplated immediately abutting the subject lands to the north as shown on Schedule 5 (Recommended Open Space Network) in the Study. The City currently owns a 6.0 metre (19.69 feet) wide walkway that is intended to form a parkette/linear park together with lands conveyed through abutting development, including the subject proposal, having an ultimate width of 15.0 metres (49.2 feet). As outlined in **Section 3.4.6**, the “Yonge Street Parkettes” are intended to provide small open spaces that will contribute to the identity and character of Yonge Street as a whole.

In order to establish the parkette/linear park in this area in accordance with the Study, staff have identified the need for additional lands along the northern portion of the subject lands to be dedicated for said purpose. More specifically, a 4.5 metres (14.8 feet) wide strip of land is recommended to be dedicated to the City for parkland purposes in accordance with the provisions of the *Planning Act* and the City’s Parkland Dedication By-law, 58-13. The planned linear park, inclusive of the existing walkway to the north of the subject lands, is envisioned to function as a placemaking element along the Yonge Street corridor with sufficient width to accommodate a tree-lined connection between Yonge Street, Eleanor Circle and the existing community park to the west of the site, known as Morgan Boyle Park.

Staff recommend that the design be coordinated with the design of the City-owned pedestrian walkway block located to the north of the subject lands. It is important to note that dedication of lands requested will only fulfill a portion of the applicable parkland dedication for this development. Additional details are provided in Appendices “D” and “E”. The applicant’s revised development concept does not reflect the recommended dedication of lands for parkland purposes as identified by staff and on the basis of the foregoing, staff does not support the applicant’s revised development proposal.

Parking

The City’s Transportation staff has identified concerns with respect to the justification and analyses provided by the applicant in support of the proposed reduced parking supply proposed for this development. Transportation staff has advised that the parking rates developed within the 2010 Richmond Hill Parking Strategy - Final Draft Report (“Parking Strategy”) that are applicable to the subject development have already accounted for future mode share, level of intensification and planned transit infrastructures (i.e. the proposed subway) within the **Richmond Hill Centre**. In this regard, any reduction to the parking rates as outlined within the Parking Strategy as

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proposed by the applicant, must therefore be appropriately justified on the basis of additional research, surveys, and/or other technical analyses. Based on the information submitted by the applicant, appropriate justification has not been provided.

Notwithstanding the above, staff have also reviewed the proposed parking rate and supply in consideration of more current rate standards contemplated by the City, within the 2020 draft Zoning By-law for the Yonge and Bernard Key Development Area. Even in this scenario, the proposed parking supply would generate a deficiency of approximately 20% on the basis of the most recent rates currently under consideration at the Tribunal in relation to the appeals of the Yonge and Bernard Secondary Plan.

It should be noted that as part of the ongoing Secondary Plan process as well as the continued update to the Parking and Transportation Demand Management Strategy, the City is presently undertaking initiatives that may result in the possibility of further reduced rates to reflect the planned intensification for the **Richmond Hill Centre**. However, this work is currently underway and has not been completed. Accordingly, it is the opinion of staff that consideration of the reduced parking rate as proposed is premature at this time.

Technical and Design Considerations

In addition to the principle concerns outlined in the above sections, circulated City departments and external agencies have identified a number of concerns and/or deficiencies with respect to the design and technical considerations of the applicant's revised development proposal. With regard to site design, the City's Park and Natural Heritage Planning section has advised that the proposed development should provide adequate on-site outdoor amenity and areas on-site for landscaping in keeping with the City's standards (refer to Appendix D).

The City's Transportation staff as well as the Region of York ("Region") have identified outstanding requirements related to the submitted transportation analyses and transportation demand management measures and additional requirements have been identified by the City's Transportation staff with respect to site design, access, functional design, daylighting and right-of-way requirements.

Furthermore, Development Engineering staff has advised that a revised Functional Servicing Report is required to demonstrate that there is adequate residual sanitary sewer capacity to accommodate the proposed development while accounting for other high density developments located within the sanitary drainage area. Additional details are outlined in Appendices "B" and "C" to this report.

The technical and design-related requirements summarized above represent fundamental concerns with regard to the proposed design and/or are required to be satisfactorily addressed in order to demonstrate the appropriateness and feasibility of the proposed development

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Department and Agency Comments:

The following sections provide a summary of the comments received as of the time of writing of this report based on the review of the applicant's revised development proposal and the associated background studies and reports submitted in support of same.

Development Engineering Division

The City's Development Engineering Division has identified requirements concerning the assessment of sanitary capacity as well as technical comments regarding matters that would be required to be addressed during a more detailed phase of the review. Staff has advised of the requirement for the conveyance of land to provide for a future municipal right-of-way, in addition to the construction of various municipal services is required prior to development on the subject lands. In this regard, the owner would be required to enter into a Servicing Agreement with the City as it relates to the completion of required external works (refer to Appendix C).

In terms of Transportation matters, the City's Development Engineering Division has identified requirements with respect to the technical reports and analyses submitted in support of the applicant's revised development proposal. Among other matters, Transportation staff has provided detailed comments as they relate to parking rates, transportation demand management measures, functional road design and traffic operations, in addition to various other technical requirements (refer to Appendix B).

Park and Natural Heritage Planning Section

The City's Park and Natural Heritage Planning Section has identified concerns with the application with respect to the lack of parkland dedication, the provision of inadequate landscaping and the provision of on-site outdoor amenity areas and tree preservation. Park and Natural Heritage Planning staff has advised that the proposed development generates a dedication requirement of more than 500 square metres of parkland and has requested that the parkland dedication requirements for this development be satisfied in part through the provision of land (refer to Appendix D).

Urban Design and Heritage Section

The City's Urban Design and Heritage Section does not support the proposed height and massing of the development in consideration of the context of the subject site. Given the existing low density residential neighbourhood immediately abutting the subject lands, staff advise that the proposed building should adhere to the 45 degree angular view plane policy of the Plan in order to mitigate the impact of the development on the neighbourhood character. Staff has also recommended the provision of lands toward the establishment of a new parkette/linear park planned at the northern property line and adjacent to the existing pedestrian walkway in accordance with the Study (refer to Appendix E).

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Regional Municipality of York

The Regional Municipality of York (the “Region”) has advised of concerns as it relates to the relationship of the proposed development to the **Richmond Hill Centre Secondary Plan** currently being undertaken by the City, including the role of the Secondary Plan in guiding the preferred land use, appropriate height and density, and urban design and transportation requirements for this area of the City. The Region recommends, given the significance of the revised Official Plan Amendment application, that approval of this development should be coordinated through the **Richmond Hill Centre Secondary Plan** process and therefore, should await the outcome of the Secondary Plan (refer to Appendix F).

The Region has also provided comments with respect to sustainable development measures, servicing allocation, and affordable housing initiatives, as well as various technical comments with respect to the submitted Functional Servicing Report, construction management, and coordination with the Vivanext project, among other matters.

York Catholic District School Board

The York Catholic District School Board (the “Board”) has advised that until such time that the Richmond Hill Centre Secondary Plan has been completed and a preferred land use plan is available, the Board considers the subject applications premature (refer to Appendix G).

Other City Department and External Agency Comments

Comments on the applicant’s revised submission have also been received from Alectra Utilities, Enbridge Gas Inc., the City’s Community Services Department, the City’s Financial Services Division, the City’s Fire and Emergency Services Department, Hydro One, the City’s Building Services Division (Zoning), Metrolinx, Rogers Cable Communications Inc., Toronto and Region Conservation Authority, and the York Region District School Board. These City departments and external agencies have indicated that they have no objections to the applicant’s revised development proposal and/or have provided technical comments that relate to a more detailed stage in the review process. These comments have not been appended to this report. Should approval be granted with respect to the applicant’s revised development proposal, an application for Site Plan approval would be required to implement the proposed development.

At the time of writing of this report, the subject applications remain under review by Canada Post, Conseil Scolaire Viamonde, Ministry of Transportation, Bell Canada, and Torontair Limited.

Public Comments:

Various concerns were raised at the Council Public Meeting held on May 8, 2019 pertaining to the applicant’s original development proposal. These comments and areas of concern are summarized below:

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- the appropriateness of the proposed height and built form, with townhouse dwelling units suggested as a preferred alternative;
- the property should be developed in keeping with the policies of the Plan regarding maximum building height;
- increased traffic generation;
- impacts to local traffic circulation as a result of the contemplated vehicular access connecting Garden Avenue to Eleanor Circle;
- impacts on existing community services and infrastructure;
- lack of privacy and overshadowing with respect to adjacent residential neighbourhoods;
- loss of existing vegetation; and,
- increased noise and debris due to construction activities.

It is noted that the revised development proposal does not address many of the aforementioned issues but rather serves to exacerbate them. As indicated in the earlier sections of this report, a Council Public Meeting has not been held with respect to the applicant's revised development proposal. However, City staff are in receipt of public comments with respect to the revised proposal as they relate to the scale of the proposed development, population density and traffic impacts.

Summary of Policy and Planning Analysis:

On the basis of the staff's review and evaluation of the subject development proposal, staff do not support the applicant's revised Official Plan and Zoning By-law Amendment applications for the following principle reasons:

- notwithstanding that the revised proposal conforms with the general policy direction within the ROP, due to the significance of the proposal and in keeping with the objective of achieving a comprehensive and coordinated approach for the development of the **Richmond Hill Centre Secondary Plan**, the Region has identified concerns with the proposed development proceeding in advance of the Secondary Plan;
- the scale of the applicant's revised development proposal is not supported by the City's in-force policy regime and is inconsistent with the policy objectives, vision and principles as outlined for this area of the City within the Plan and the Study;
- given the current status of the Secondary Plan for the **Richmond Hill Centre** and the significant departure as proposed by the applicant with respect to the height and density parameters of the Plan, the ability of the City to achieve its vision and objective for a comprehensively and coordinated plan for the **Richmond Hill Centre** may be significantly compromised. Accordingly, the revised development proposal is considered premature at this time;
- the proposed height of the applicant's revised development proposal is excessive and contextually not appropriate. As such, the proposal fails to achieve an appropriate transition to adjacent and surrounding low-density uses immediately abutting the **Richmond Hill Centre**;

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- the applicant's revised development proposal does not provide lands as required for the accommodation of a municipal parkette/linear park as set out by the recommendations of the Study abutting the subject lands to the north;
- the proposal fails to provide affordable housing in accordance with the policies of the Plan within the **Richmond Hill Centre** as relevant information in this regard has not been submitted;
- the revised proposal does not provide parkland dedication as requested in order to satisfy, in part, the parkland dedication requirements in accordance with the Plan and the *Planning Act*,
- the site design does not provide adequate on-site outdoor amenity space and landscaping;
- the applicant's revised development proposal does not satisfactorily address technical requirements related to parking, transportation demand management, engineering and various other matters that have been identified by circulated departments and agencies; and,
- the applicant's revised development proposal does not address the concerns raised by members of the public, particularly as they relate to impacts to the surrounding low-density residential neighbourhood.

Based on the preceding, the applicant's revised Official Plan and Zoning By-law Amendment applications cannot be supported on the basis that the proposal does not represent good planning. Accordingly, staff recommends that Council refuse the subject applications and that appropriate staff be directed to appear at the LPAT in support of Council's position on this matter.

Financial/Staffing/Other Implications:

As these applications have been appealed to the LPAT, there will be further draw on staff and financial resources. These will be accommodated within existing budgets.

Relationship to the Strategic Plan:

The proposed development has is not consistent with the Plan and therefore is not aligned with the overall vision of the City's Strategic Plan.

Conclusion:

The applicant is seeking approval of its revised Official Plan and Zoning By-law Amendment applications in order to permit the construction of a high density, mixed-use residential/commercial development on its land holdings. Based on the principle reasons outlined in this report, staff is of the opinion that the subject applications do not represent good planning and therefore cannot support the applications. Accordingly, staff recommends that Council deny the applicant's revised development proposal and direct that appropriate staff appear at the LPAT in support of Council's position on this matter.

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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 the contact person listed in this document.

- Appendix A, Extract from Council Public Meeting C#21-19 held on May 8, 2019
- Appendix B, Memo from Development Engineering Division dated May 11, 2020
- Appendix C, Memo from Development Engineering Division dated May 21, 2020
- Appendix D, Memo from Park and Natural Heritage Planning Section dated June 8, 2020
- Appendix E, Memo from Urban Design and Heritage Section dated June 11, 2020
- Appendix F, Memo from the Regional Municipality of York dated April 8, 2020
- Appendix G, Memo from the York Catholic District School Board dated January 28, 2020
- Map 1, Aerial Photograph
- Map 2, Official Plan – Schedule A2 (Land Use)
- Map 3, Official Plan – Schedule A8 (Street Classification)
- Map 4, Existing Zoning
- Map 5, Original Site Plan
- Map 6, Revised Site Plan
- Map 7, Original East Facing (Yonge Street) Elevation
- Map 8, Revised South Elevation
- Map 9, Revised North Elevation
- Map 10, Revised East and West Elevations

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Report Approval Details

Document Title:	SRPI.21.005 - Request for Direction - Official Plan and Zoning By-law Amendment Applications.docx
Attachments:	<ul style="list-style-type: none">- SRPI.21.005 Appendix A.pdf- SRPI.21.005 Appendix B.pdf- SRPI.21.005 Appendix C.pdf- SRPI.21.005 Appendix D.pdf- SRPI.21.005 Appendix E.pdf- SRPI.21.005 Appendix F.pdf- SRPI.21.005 Appendix G.pdf- SRPI.21.005 - Map 1.pdf- SRPI.21.005 - Map 2.pdf- SRPI.21.005 - Map 3.pdf- SRPI.21.005 - Map 4.pdf- SRPI.21.005 - Map 5.pdf- SRPI.21.005 - Map 6.pdf- SRPI.21.005 - Map 7.pdf- SRPI.21.005 - Map 8.pdf- SRPI.21.005 - Map 9.pdf- SRPI.21.005 - Map 10.pdf
Final Approval Date:	Jan 26, 2021

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

Gus Galanis - Jan 26, 2021 - 10:31 AM

Kelvin Kwan - Jan 26, 2021 - 11:33 AM

MaryAnne Dempster - Jan 26, 2021 - 5:47 PM