



## **Staff Report for Council Public Meeting**

**Date of Meeting:** May 5, 2021

**Report Number:** SRPI.21.044

**Department:** Planning and Infrastructure

**Division:** Development Planning

**Subject:** SRPI.21.044 – Request for Comments – Official Plan Amendment and Zoning By-law Amendment Applications –First Baymac Developments Limited and Canadian Property Holdings (Ontario) Inc.– City Files D01-21001 and D02-21002

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### **Owner:**

First Baymac Developments Limited and Canadian Property Holdings (Ontario) Inc.  
3200 Highway 7  
Vaughan, Ontario  
L4K 5Z5

### **Agent:**

SmartCentres REIT  
3200 Highway 7  
Vaughan, Ontario  
L4K 5Z5

### **Location:**

**Legal Description:** Part of Lot 21, Concession 2, E.Y.S.  
**Municipal Address:** 1070 Major Mackenzie Drive East

### **Purpose:**

A request for comments concerning proposed Official Plan and Zoning By-law Amendment applications to permit the construction of a 10 storey retirement residence on the subject lands.

### **Recommendation:**

- a) That Staff Report SRPI.21.044 with respect to the Official Plan Zoning By-law Amendment applications submitted by First Baymac Developments

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**Limited and Canadian Property Holdings (Ontario) Inc. for lands known as Part of Lot 21, Concession 2 E.Y.S. (Municipal Address: 1070 Major Mackenzie Drive East), City Files D01-21001 and D02-21002, be received for information purposes only and that all comments be referred back to staff.**

### Contact Person:

Jeff Healey, Senior Planner-Subdivisions, phone number 905-747-6452 and/or  
Deborah Giannetta, Manager of Development-Site Plans, phone number 905-771-5542

### Report Approval:

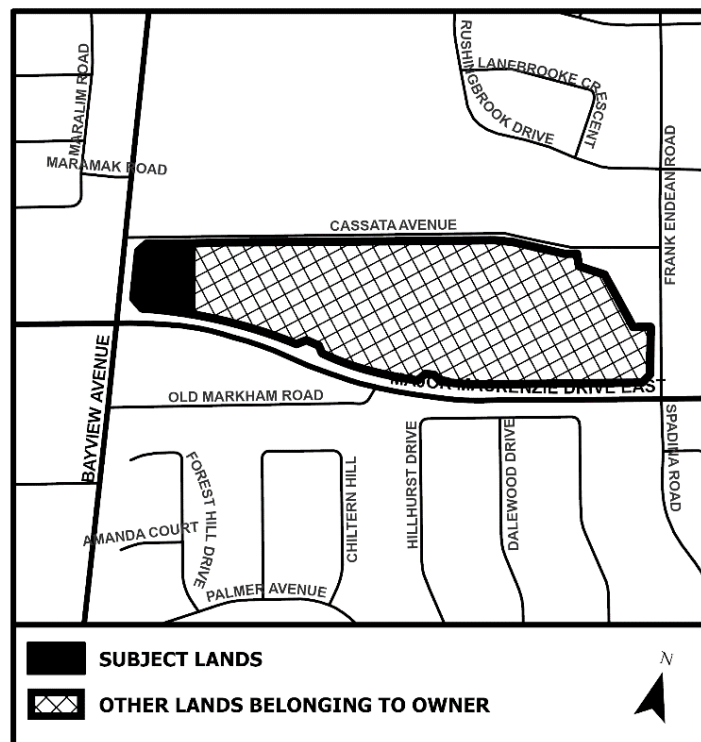
**Submitted by:** Kelvin Kwan, Commissioner of Planning and Infrastructure Department

**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 the “Contact Person” above.



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### **Background Information:**

The subject Official Plan and Zoning By-law Amendment applications were received by the City on January 14, 2021 and deemed complete on February 8, 2021. The applications and supporting materials were subsequently circulated to relevant City departments and external agencies for review and comment.

A virtual Residents Meeting in consideration of the proposed development was hosted by the Local Councillors for Wards 2 and 3 on April 6, 2021. A number of concerns were raised by members of the public with respect to the height and density of the proposal, traffic impacts, compatibility of the proposed retirement residence with surrounding land uses, the lack of adequate greenspace, the loss of commercial space and debris and noise during construction.

The purpose of this report is to seek comments from Council and the public with respect to the subject applications, 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 at the northeast corner of Bayview Avenue and Major Mackenzie Drive East. The portion of the lands subject to these applications (the Development Lands) form a portion of the owners' larger landholding which has a total lot area of 9.879 hectares (24.41 acres). The Development Lands are specifically located at the west end of the property and have a lot area of 0.649 hectares (1.61 acres). The Development Lands currently support a one storey commercial building containing restaurants, retail and office uses, an associated parking area (approximately 60 spaces) and landscaped open space with a pedestrian walkway which is proposed to be demolished to facilitate the proposed development. The balance of the lands support seven commercial buildings and associated parking areas, which are proposed to remain.

Surrounding land uses include Cassata Avenue and Bayview Secondary School to the north, the balance of the commercial plaza, stormwater management facilities, Beaver Creek and Frank Endean Road to the east, Bayview Avenue beyond which are existing commercial and automotive service uses to the west, and Major Mackenzie Drive East beyond which are existing commercial, automotive services and residential uses to the south (refer to Maps 1 and 2).

#### **Development Proposal**

The applicant is seeking approval of its Official Plan and Zoning By-law Amendment applications to facilitate the construction of a 10 storey retirement residence on the Development Lands (refer to Maps 5 to 8). The proposed retirement residence is to be comprised of 244 dwelling units including both independent supportive units and

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assisted living units. Independent supportive units are designed for seniors who prefer autonomy and have limited support from the residence for housekeeping, transportation, prepared meals and lifestyle programs. Assisted living units provide additional personalized care including administering medication and occupational assistance. Vehicular access to the proposed development is to be provided from the existing access points of the applicant's larger land holding from Cassata Avenue and Major Mackenzie Drive East. One level of underground parking is proposed to accommodate the parking associated with the subject development. Outlined below is a summary of the pertinent statistics of the applicant's development proposal.

• <b>Lot Area:</b>	<b>0.649 hectares (1.61 acres)</b>
• <b>Total Gross Floor Area:</b>	<b>19,200 square metres (206,667 square feet)</b>
• <b>Total Amenity Space:</b>	<b>2,978 square metres (32,054.92 square feet)</b>
○ <b>Indoor Amenity:</b>	<b>1,475 square metres (15,876.76 square feet)</b>
○ <b>Outdoor Amenity:</b>	<b>1,503 square metres (16,178.16 square feet)</b>
• <b>Total Number of Dwelling Units:</b>	<b>244</b>
○ <b>Independent Supportive:</b>	<b>213</b>
○ <b>Assisted Living Units:</b>	<b>31</b>
• <b>Density (Floor Space Index):</b>	<b>2.95 FSI</b>
• <b>Building Heights:</b>	<b>10 storeys or 35 metres (114.5 feet)</b>
• <b>Parking Spaces:</b>	<b>87</b>
○ <b>Residents:</b>	<b>71</b>
○ <b>Tandem Spaces:</b>	<b>11</b>
○ <b>Barrier Free:</b>	<b>5</b>
• <b>Loading Spaces:</b>	<b>1</b>
• <b>Bicycle Parking Spaces:</b>	<b>10</b>

## Supporting Documentation/Reports

The applicant has submitted the following documents/information to the City in support of its development proposal:

- Draft Official Plan Amendment;
- Draft Zoning By-law Amendment;
- Development Application Summary
- Adjacent Property Plan;
- Arborist Report;
- Tree Inventory, Protection and Removals Plan;
- Site Plan;
- Elevation Plans;
- Floor Plans;
- Angular Plane Analysis (to the north);
- Conceptual Servicing and Grading Plans;
- Functional Servicing and Stormwater Management Report;
- Geotechnical Report;
- Hydrogeological Investigation;

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- Landscape Drawings;
- Noise Impact Study
- Phase 1 and Phase 2 Environmental Site Assessment
- Planning Justification Report and Urban Design Brief;
- Shadow Study;
- Survey; and
- Transportation Impact Study.

### Official Plan and Zoning By-Law Amendment Applications

The applicant is proposing the following site specific amendments to the City of Richmond Hill Official Plan (the Plan) in order to facilitate the proposed development:

- to permit a floorplate of 1,865 square metres (20,074.69 square feet) whereas **Section 3.4.1.59** of the Plan stipulates that high rise buildings shall generally have a floorplate of approximately 750 square metres (8,072.93 square feet);
- to permit a density of 2.95 FSI whereas **Section 4.5.1.7** of the Plan requires a maximum density per development block within the **Bayview LDA** of 1.5 FSI, and,
- to permit a building height of 10 storeys whereas **Section 4.5.1.9** of the Plan permits a maximum building height of six storeys in the **Bayview LDA**.

In terms of zoning, the applicant is proposing to rezone the Development Lands from **Community Commercial (CC) Zone** and under By-law 38-95, as amended to **Multiple Residential Ten (RM10) Zone** to permit the proposed retirement residence and to establish site specific development standards. Outlined below is a comparison of the proposed development standards relative to those of the current zone category, with the requested and required site specific exceptions in bold:

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<b>Development Standard</b>	<b>Existing Zoning (CC Zone)</b>	<b>Proposed Zoning (RM10 Zone)</b>
Minimum Lot Area	7.5 ha (18.53 acres)	<b>0.649 ha (1.60 acres)</b>
Minimum Lot Frontage	60.0 metres (196.85 feet)	79.6 metres (261.15 feet)
Minimum Required Front Yard	15.0 metres (49.21 feet)	<b>5.7 metres (18.70 feet)</b>
Minimum Required Side Yard	6.0 metres (19.68 feet)	6.5 metres (21.32 feet)
Minimum Required Flankage Yard	6.0 metres (19.68 feet)	8.0 metres (26.24 feet)
Minimum Required Rear Yard	12.0 metres (39.37 feet)	<b>9.5 metres (31.16 feet)</b>
Maximum Building Height	9.5 metres (31.16 feet)	<b>10 storeys/ 35.0 metres (114.8 feet)</b>
Maximum Lot Coverage	N/A	<b>40%</b>
Maximum Density	N/A	<b>2.95 FSI</b>
Minimum Parking Standards	Commercial/Retail Uses: 6.3 spaces per 100 square metres of Gross Leasable Floor Area  All parking shall be provided at grade, up to a maximum of one third of the parking spaces shall be permitted in underground or aboveground structured parking	<b>0.3 spaces per dwelling unit, inclusive of visitor parking</b>  Above grade parking shall not be permitted between the building and Bayview Avenue or Major Mackenzie Drive East
Loading Space Standards	N/A	1 space
Bicycle Parking Spaces	N/A	10 bicycle parking spaces

In addition to the above, the applicant is also requesting that a number of definitions be added to the proposed Zoning By-law including definitions for “retirement residence”, “gross floor area”, “floor area ratio”, “established grade”, “building height”, “lot coverage”, “mechanical penthouse”, “storey” and “tower floor plate”. Additional provisions with respect to building height exemptions for various architectural elements (including but not limited to mechanical penthouses, parapets and staircases) are also proposed by the applicant.

As part of the review of the subject applications, staff will review, among other matters, the appropriateness of the proposed zone category as well as the appropriateness of the proposed uses, development standards and definitions to be applied to the lands.

**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* (PPS),

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the *Growth Plan for the Greater Golden Horseshoe (2020)* (Growth Plan), the *Regional Official Plan* (ROP), and the Plan. Staff notes that the City's in-force Plan is consistent with the *PPS*, and conforms with the *Growth Plan* and the ROP that were in-force at the time of approval. Since the Plan's approval, the *PPS* and the *Growth Plan* were both updated in 2020. Below is a more detailed outline of the proposal relative to the ROP and the Plan.

### York Region Official Plan

The subject lands are designated **Urban Area** in accordance with Map 1 - of the ROP. The **Urban Area** policies permit a full range and mix of urban uses which are intended to accommodate a significant portion of planning growth within the Region. The subject lands are located the intersection of two Regional arterial streets (Major Mackenzie Drive East and Bayview Avenue) in accordance with Map 12 (Street Network) to the ROP. Major Mackenzie Drive East is identified as a **Regional Rapid Transit Corridor**, in accordance with Map 11 (Transit Network) to the ROP, which directs medium and high-density urban development to rapid transit corridors (**Section 7.2.25**).

Bayview Avenue is identified as a **Regional Transit Priority Network**, in accordance with Map 11 (Transit Network) of the ROP which compliments a comprehensive pedestrian and cycling network, expanded Metrolinx rail and bus services and the development of transit supportive communities. The applications have been circulated to York Region for review and comment and shall be reviewed in the context of the applicable policies in the ROP that will form part of a future recommendation to Council.

### City of Richmond Hill Official Plan

The subject lands are designated **Local Development Area (LDA)** in accordance with Schedule - A2 of the Plan (refer to Map 4) and more specifically identified within the **Bayview LDA** in accordance with Schedule – A1 of the Plan. Major Mackenzie Drive East is identified as a Future Rapid Transit Corridor on Appendix – A5 of the Plan. The **Local Development Area** designation establishes a series of smaller-scale, mixed-use service centres along the Major Mackenzie Local Corridor to support intensification at key nodes along the corridor and to service the surrounding neighbourhoods.

The **Bayview LDA** is intended to remain as a mixed-use node that builds on the commercial and retail focus of the area. Accordingly, permitted uses within the **Bayview LDA** include medium and high density residential uses, offices, commercial uses, major retail uses and community uses. Development fronting onto Major Mackenzie Drive shall be required to provide commercial, retail, office or community uses at grade. The maximum permitted density within the **Bayview LDA** is 1.5 FSI per development block and the maximum building height is six storeys with the tallest structures directed towards the Major Mackenzie Drive frontage.

Based on a preliminary review of the proposed development relative to the **LDA** policies, the proposal does not conform with the applicable height and density provisions as well as a number of design policies as required in the Plan.

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### Zoning

The subject lands are zoned **Community Commercial (CC) Zone** under by-law 38-95, as amended. The **Community Commercial (CC) Zone** permits a variety of commercial uses including, but not limited to, retail stores, restaurants, supermarkets, department stores, clinics, fitness centers and animal hospitals. The applicable zone category does not permit a retirement residence as proposed by the subject applications. Accordingly, the applicant is proposing to rezone the subject lands to facilitate the proposed development of the lands.

### 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 City departments and external agencies for their review and comment. The following is a summary of the comments received as of the time of writing of this report.

### Urban Design Section

The City's Urban Design Section has advised of concerns with respect to the scale and intensity of the applicant's development proposal and therefore has recommended that the overall density of the proposed development be reduced to be more in keeping with the **LDA** policies of the Plan. Furthermore, staff note that the proposed 10 storey building does not adhere to the high rise building design policies with respect to floorplate size as identified in **Section 3.4.1** of the Plan and the requirement to provide appropriate building stepbacks along the Bayview Avenue and Major Mackenzie Drive East frontages to provide a discernable street wall and minimize the impact on the character of the public realm (refer to Appendix "A").

### Park and Natural Heritage Planning Section

The City's Park and Natural Heritage Planning staff have advised that there is no existing municipal park within 500 metres of the proposed development. Therefore, additional outdoor amenity space should be provided on the site to provide future residents with opportunities for outdoor social and recreational activities. In this regard, a minimum 2.0 square metres per unit of outdoor amenity area should be provided on the site.

### York Region District School Board

The York Region District School Board (YRDSB) has advised of no objections to the proposed development. However, YRDSB has requested the submission of a Construction Management Plan for review and comment in order to ensure student safety and operations at Bayview Secondary School during construction of the proposed retirement residence.



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### Development Planning Division

In consideration of the policies of the Plan which are relevant to the consideration of the proposed development, staff provides the following preliminary comments:

- the proposed density of 2.95 FSI greatly exceeds the maximum density of 1.5 FSI per development block permitted for lands within the **Bayview LDA**;
- the proposed building height of 10 storeys exceeds the maximum building height of six storeys permitted for lands within the **Bayview LDA**;
- the applicant's Planning Justification report has identified the proposed retirement residence as a **community use** which is to be licensed under the *Retirement Homes Act*. **Community uses** identified under **Section 4.1.2** of the Plan includes Long-Term Care Facilities which are defined in **Section 7.2** of the Plan as ***"a facility that is licensed under the Long Term Care Homes Act."*** The applicant shall provide clarification with respect to the proposed level of care for the Independent Supportive and Assisted Living units and their supportive common amenities and dining rooms in order to determine whether the proposed retirement residence is consistent with **community uses** as defined by the Plan
- **Section 4.5.1.6** of the Plan requires commercial, retail, office uses or a **community use** to be provided at grade along Major Mackenzie Drive East. The owner is encouraged to include commercial floor space at grade of the proposed building to offset the loss of the commercial uses eliminated due to the redevelopment of the Development Lands;
- a "salon" is identified within the southwest corner of the proposed building with a principal entrance facing Major Mackenzie Drive East. Given that no commercial floor area has been proposed, the applicant must clarify whether the salon is to be utilized for the sole use of the retirement residence or also serve as a commercial use for the public;
- the proposed retirement residence is a slab design building which will not provide a stepback to the upper floors. A stepback for high rise buildings provides a clearly discernable top to the street wall and minimizes shadow impacts from the high rise building. As recommended by the City's Urban Design staff and in keeping with the intent of **Section 3.4.1.60** of the Plan, a street wall between four and six storeys with a stepback between three and five metres is required to achieve an appropriate transition to the upper floors of high rise buildings;
- the proposed floorplate of 1,865 square metres (20,074.69 square feet) significantly exceeds the floorplate size of 750 square metres (8,072.93 square feet) for high-rise residential buildings. Upon establishing a base building height for the proposed building, the floorplate for the upper floors should be reduced which will have the effect of reducing the overall massing and shadow impacts of the proposed 10 storey building;
- in accordance with **Section 4.5.1.10** of the Plan, the proposed development shall have a maximum height of three storeys where it abuts the **Neighbourhood** designation and shall provide a 45 degree angular plane in accordance with the design policies of the Plan. The proposed development does not provide a three storey building height adjacent to the abutting **Neighbourhood** designation to the

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north and the 10<sup>th</sup> storey of the proposed building pierces the 45 degree angular plane in the same direction. Staff notes that the abutting **Neighbourhood** designation to the north contains the existing Bayview Secondary School as opposed to low or medium density residential uses;

- further to comments from Park and Natural Heritage Planning, it should be noted that the existing landscaped open space located on the western end of the subject lands is proposed to be removed in order to facilitate the subject development. The existing landscaped open space provides a pedestrian connection from the west to access the existing plaza. Given the lack of parkland within the immediate vicinity of the subject lands, the applicant should explore opportunities to reorient and enhance the existing landscaped open space to serve the residents of the retirement residence and provide greater opportunities for pedestrian connections to the plaza;
- a Concept Plan is required in accordance with **Section 5.2** of the Plan in order to establish the limits of the Development Block and to assess long term compatibility of the proposed development with the balance of the plaza lands;
- the **Multiple Residential Ten (RM10) Zone** is not a zone category within By-law 38-95, as amended. Staff will review the appropriateness of establishing this zone category in By-law 38-95, as amended, as part of its review of the applicant's development proposal;
- the proposed definitions to be included as part of the proposed Zoning By-law Amendment need to be consistent with previously approved and City wide zoning definitions;
- a Site Plan application will be required to facilitate the proposed development. The applicant is encouraged to submit same prior to finalization of a Zoning By-law;
- a Consent application will be required in order to establish the Development Lands under separate ownership and to establish reciprocal easements for access and/or servicing as needed;
- a Site Plan Amendment application will be required to reconcile servicing, grading or landscaping changes for the balance of the plaza lands, including the removal of the western portion of the property from the existing Site Plan Agreement;
- as the subject applications propose independent living units as part of the retirement residence, servicing allocation for these units will be required. Further clarification as to the details of the other units proposed will be required to determine if servicing allocation will be required for said units. The applicant will be required to submit a Sustainability Performance Metrics Tool as part of a future Site Plan application to satisfy the City's Interim Growth Management Strategy requirements;
- comments have yet to be received from the City's Development Engineering Division and Transportation Engineering Sections. Comments from these sections are critical in determining servicing, traffic and parking supply matters associated with the development proposal; and,
- the applicant shall satisfactorily address any issues identified by City departments and external agencies that have been requested to review the subject development proposal.

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Further to the above, 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 City departments, external agencies, Council and the public.

### **Other City Department and External Agency Comments**

Comments have also been received from the City's Finance Department, Fire and Emergency Services, Zoning Services, Community Services, Toronto and Region Conservation Authority and the York Catholic District School Board. These City departments and external agencies have no objections to the applications and/or have provided comments to be considered by the applicant during a more detailed implementation stage of the approval process.

As of the writing of this report, the subject applications remain under review the City's Development Engineering Division, Transportation Engineering Section, the Regional Municipality of York, Enbridge Gas and Toronto Airways Limited.

### **Financial/Staffing/Other Implications:**

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

### **Relationship to Council's Strategic Priorities 2020-2022:**

The recommendation of this report does not have any direct implications with respect to Council's Strategic Priorities 2020-2022. An overview of how the subject applications are aligned with the Strategic priorities will be included in a future recommendation report to Council following a comprehensive review and evaluation of the applicant's development proposal.

### **Climate Change Considerations:**

The recommendation of this report does not have any direct implications with respect to Council's Climate Change considerations at this time. An overview of how the subject applications support Council's climate change mitigation and/or adaptation measures to reduce carbon emissions 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 its request to permit a 10 storey retirement residence on a portion of its land holdings. 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.

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### **Appendix Contents and Maps:**

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Appendix A, Correspondence from Heritage and Urban Design dated March 16, 2021
- Map 1 Aerial Photograph
- Map 2 Neighbourhood Context
- Map 3 Existing Zoning
- Map 4 Existing Official Plan Designation
- Map 5 Proposed Site Plan
- Map 6 Proposed Elevations (North and South)
- Map 7 Proposed Elevations (East and West)
- Map 8 Proposed Renderings

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### Report Approval Details

Document Title:	SRPI.21.044 - Request for Comments- OPA and ZBA -1070 Major Mackenzie Drive East.docx
Attachments:	<ul style="list-style-type: none"><li>- SRPI.21.044 - Appendix A - Urban Design Comments.pdf</li><li>- SRPI.21.044 -Map 1 - Aerial Photograph.docx</li><li>- SRPI.21.044 -Map 2 - Neighbourhood Context.docx</li><li>- SRPI.21.044 -Map 3 - Existing Zoning.docx</li><li>- SRPI.21.044 -Map 4 - Official Plan Designation.docx</li><li>- SRPI.21.044 -Map 5 - Proposed Site Plan.docx</li><li>- SRPI.21.044 -Map 6 - Proposed Elevations North and South.docx</li><li>- SRPI.21.044 -Map 7 - Proposed Elevations East and West.docx</li><li>- SRPI.21.044 -Map 8 - Proposed Renderings.docx</li></ul>
Final Approval Date:	Apr 15, 2021

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

**Gus Galanis - Apr 14, 2021 - 4:48 PM**

**Kelvin Kwan - Apr 14, 2021 - 6:01 PM**

**MaryAnne Dempster - Apr 15, 2021 - 9:01 AM**