



Staff Report for Council Meeting

Date of Meeting: November 24, 2021

Report Number: SRPI.21.085

Department: Planning and Infrastructure

Division: Development Planning

Subject: **SRPI.21.085 - Request for Direction - Official Plan and Zoning By-law Amendment Applications - 9861 Yonge Developments Inc. – City Files D01-12011 and D02-12032 (Related City File: D06-12100)**

Owner:

9861 Yonge Development Inc.
302-7368 Yonge Street
Vaughan, ON L4J 8H9

Agent:

Nahid Corp.
2-31 Scarsdale Road
Toronto, ON M3B 2R2

Location:

Legal Description: Part of Lots 22, 23 and 26 and Lots 24 and 25, Registered Plan 2383
Municipal Addresses: 9861 Yonge Street and 236 and 240 Church Street South

Purpose:

A request for Council direction regarding revised Official Plan and Zoning By-law Amendment applications appealed to the Ontario Land Tribunal (OLT) to permit a 10-storey, mixed use residential/commercial development on the subject lands.

Recommendations:

- a) That Staff Report SRPI.21.085 be received for information purposes;
- b) That the Ontario Land Tribunal (OLT) be advised as follows:
 - i) that Council supports in principle the revised Official Plan and Zoning By-law Amendment Applications submitted by 9861 Yonge Development

Page 2

Inc. for lands known as Parts of Lots 22, 23 and 26 and Lots 24 and 25, Plan 2383 (Municipal Addresses: 9861 Yonge Street and 236 and 240 Church Street South), City Files D01-12011 and D02-12032, for the reasons set out in Staff Report SRPI.21.085, subject to the following:

- (a) that the OLT be requested to withhold the issuance of its Final Order with respect to the Official Plan and Zoning By-law Amendment applications until such time as the City advises the Tribunal that:
 - (i) the draft Official Plan Amendment and draft Zoning By-law Amendment as set out in Appendix “B” and “C” to Staff Report SRPI.21.085, respectively, have been finalized to the satisfaction of the Commissioner of Planning and Infrastructure; and,**
 - (ii) that the related Site Plan application for the development has been finalized to the satisfaction of the Commissioner of Planning and Infrastructure.****
- c) that Council approve the Section 37 Community Benefits package as generally described in Staff Report SRPI.21.085;**
- d) that upon the recommendation of the Commissioner of Planning and Infrastructure, the Mayor and City Clerk be authorized to approve and execute any agreements or documentation as necessary to secure the Section 37 Community Benefits Package as generally described in Staff Report SRPI.21.085; and,**
- e) that appropriate City staff be directed to appear at the OLT as necessary 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 905-771-5542

Report Approval:

Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

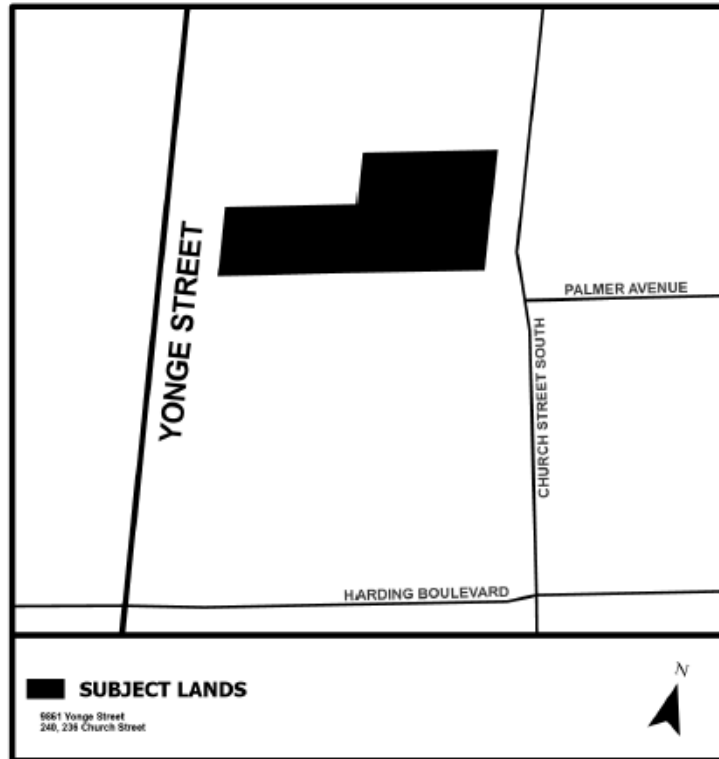
Approved by: Mary-Anne Dempster, City Manager

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.

Page 3

Location Map:

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



Page 4

Background:

On June 16, 2021, a Council Public Meeting was held with respect to the revised Official Plan and Zoning By-law Amendment applications for the subject lands wherein Council received Staff Report SRPI.21.073 for information purposes and referred all comments back to Staff. Comments from members of Council and the public were raised at the Council Public Meeting and are outlined in detail in the later sections of this report.

As outlined in Staff Report SRPI.21.073, the applications were appealed to the Ontario Land Tribunal (OLT) pursuant to Sections 22(7) and 34(11) of the *Planning Act* on November 23, 2017 on the basis that Council did not make a decision on the applications within the statutory timeframes prescribed under the *Planning Act*. As such, jurisdiction for the approval of the subject applications lies with the OLT. At the applicant's request, the appeals were held in abeyance and accordingly, a hearing date was not scheduled with respect to this matter. Since that time, City Staff and the applicant have been engaged in settlement discussions and have now reached an agreement in principle on a revised development proposal, subject to the resolution of remaining technical matters. Once Council has given direction on the proposed settlement as outlined in this report, the applicant will contact the OLT to schedule a settlement hearing date.

Accordingly, the purpose of this report is to seek Council's direction on the applicant's revised development proposal and an associated Section 37 Community Benefits Package as outlined in this report and to advise the OLT of the City's position with respect to same.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are comprised of three contiguous parcels having frontage on both Yonge Street and Church Street South, and are located south of Major Mackenzie Drive East, north of Harding Boulevard and immediately adjacent to the unopened portion of the Palmer Avenue road allowance (refer to Map 1). A portion of the lands is currently vacant, whereas the balance of the lands support two existing single detached dwellings fronting onto Church Street South (236 and 240 Church Street South) that are to be demolished to facilitate the proposed development. The lands abut Yonge Street to the west, commercial and residential uses to the north, Church Street South to the east and an unopened portion of the Palmer Avenue road allowance to the south which is planned as a future municipal park (Miles Hill Park) beyond which is an approved 22 storey high density mixed used development (the related Site Plan is currently under review by the City) (refer to Map 2).

Revised Development Proposal

The applicant is seeking Council's direction with respect to its revised Official Plan and Zoning By-law Amendment applications to permit a 10-storey, mixed-use

Page 5

residential/commercial building. The revised development proposes at-grade commercial space along the Yonge Street frontage of the lands and 149 apartment dwelling units. Eight of the proposed residential units have been designed with independent at-grade pedestrian access and five of the units are to be three-storey townhouse style dwellings oriented to Church Street South (refer to Maps 6 through 8). Vehicular access is to be provided solely from Church Street South.

The following is a summary outlining the pertinent statistics of the applicant's revised development proposal based on the plans and drawing submitted to the City:

- **Total Lot Area:** 2,876.97 square metres (30,967.45 square feet)
- **Total Residential Units:** 149
- **Total Commercial Units:** 2
- **Maximum Height:** 10 storeys
- **Total Gross Floor Area:** 13,135.50 square metres (141,389.35 square feet)
 - **Residential:** 12,878.38 square metres (138,621.73 square feet)
 - **Commercial:** 257.12 square metres (2,767.62 square feet)
- **Total Amenity Space:** 730.02 square metres (7,857.87 square feet)
 - **Indoor:** 255.82 square metres (2,753.62 square feet)
 - **Outdoor:** 474.2 square metres (5,104.25 square feet)
- **Floor Space Index (FSI):** 4.6
- **Total Number of Parking Spaces:** 179
 - **Residential:** 146
 - **Commercial:** 11
 - **Visitor:** 22
- **Levels of Underground Parking:** 3

At the time of writing of this report, the City was in receipt of a revised Site Plan application (City File: D06-12100) for the development which was deemed incomplete. This application will be required to be further revised to reflect the proposal as presented in this report, including information and changes as may be required to address outstanding technical concerns identified to date. A comprehensive technical review of the applicant's revised Site Plan Application will be undertaken once the application has been deemed complete.

Planning Analysis:

City staff has carefully reviewed the applicant's revised development proposal and can advise that it is consistent with the *Provincial Policy Statement*, conforms with the provisions of the *Growth Plan for the Greater Golden Horseshoe* and the policies of the York Region Official Plan (ROP) and has regard for relevant matters of Provincial interest under Section 2 of the *Planning Act*. On the basis of the preceding, Development Planning staff are in support of same for the principle reasons as outlined below:

Page 6

- the proposal conforms with the policies of the ROP. The proposed development is within the **Urban Area**, where growth within York Region is to be accommodated. Further, the proposed mixed use development is to be located along a **Regional Corridor**, which is intended to support a range and mix of activities that enrich the character and meet the needs of communities and is planned to function as an urban main street that has a compact, mixed-use, well-designed, pedestrian-friendly and transit-oriented built form. Further to the above, the Region of York has advised of no objection to the revised development proposal;
- the proposal conforms with the land use permissions of the **Downtown Local Centre** designation (refer to Map 3). In this regard, the proposed development shall provide for a mix of uses and at-grade commercial space along the Yonge Street frontage along with three-storey dwelling units to be focused along the Church Street South frontage of the subject lands;
- the subject lands are located within the **Civic District** wherein the Plan permits building heights of 6 to 8 storeys and a maximum density of 2.5 FSI on a development block basis (refer to Map 4). The highest portion of the proposed building is to be directed towards the Yonge Street frontage of the property and is to step down to a maximum of three storeys along the Church Street South frontage. Contextually, the subject lands are located adjacent to a future municipal park (Miles Hill Park) and a 22 storey high-density, mixed-use development further to the south (at the northeast corner of Yonge Street and Harding Boulevard), which has been approved in principle by the former Local Planning Appeal Tribunal (City Files D01-16005, D02-16034 and D06-20045) and for which a Site Plan application is currently being reviewed by the City. In consideration of the context of the subject lands within the **Civic District** as well as the proposed distribution of height and massing on the subject lands, staff is satisfied that the proposed height and density are appropriate and are in keeping with the urban structure framework envisioned for this area of the City;
- the proposal shall maintain 45 degree angular view planes measured along the Yonge Street and Church Street South frontages, thereby providing an adequate transition in height and massing as it relates to the low density residential neighbourhood to the east of the subject lands;
- the proposal is consistent with the intent of **Section 4.3.1.2** of the Plan, which directs that the character, identity and heritage attributes of the three distinct districts of the **Downtown Local Centre** be reinforced through appropriate building height, massing and architectural detailing. The proposed development standards (as outlined in the draft Zoning By-law Amendment) support a site design that contributes to an animated and vibrant streetscape and connections to the future public park, while incorporating step backs in the built form that shall maintain appropriate light, view and privacy conditions. Notwithstanding the preceding, a more detailed review of the proposed architectural design will be completed through the review of the related Site Plan application;
- notwithstanding that the proposed 10 storey building exceeds the maximum height of a mid-rise building as set out in the Plan, staff is of the opinion that the

Page 7

- design principles applicable to mid-rise buildings can be appropriately applied to the proposal in consideration of the surrounding area context which includes approval of a 22 storey high density development;
- the proposal conforms with **Policy 3.1.5.3** of the Plan with respect to housing affordability, whereby the applicant has demonstrated that at least 25% of the proposed units will meet the applicable affordability threshold for ownership housing as defined by York Region; and,
 - with respect to the Council approved *Downtown Design and Land Use Strategy Recommendations Report* (“DDLUS”), the proposal satisfies the general criteria for the consideration of increased height and demonstrates compatibility in massing and scale with respect to surrounding land uses. Furthermore, the revised development proposal is consistent with the recommended land uses and is generally aligned with the design criteria for the proposed typologies of the DDLUS.

On the basis of the preceding, staff is of the opinion that the revised development proposal has appropriate regard for and is consistent with the broader policy direction as outlined in the Plan and that it represents good planning. Staff supports the revised development proposal in principle subject to the resolution of all remaining technical comments identified with respect to the review of the applicant’s revised development proposal to the satisfaction of the City. Accordingly, staff recommends that Council support the applicant’s revised Official Plan and Zoning By-law Amendment applications.

At the time of writing of this report, a number of technical comments identified through the review of the revised Official Plan and Zoning By-law Amendment applications remain to be addressed as part of the related Site Plan application. As such, the applicant will be required to address the technical requirements identified by City departments prior to finalizing the form and content of the implementing draft Official Plan and Zoning By-law documents. An overview of these comments has been provided in the later sections of this report.

Revised Zoning By-law Amendment Application

The applicant proposes to rezone the subject lands from **Residential Multiple Third Density (RM3) Zone** and **Residential Second Density (R2) Zone** (refer to Map 5) to a site specific **Residential Multiple Six Density (RM6) Zone** under By-law 66-71, as amended, to implement the proposed development. In this regard, the applicant’s revised Zoning By-law Amendment seeks to permit additional uses such as “Apartment Dwelling”, “Office”, “Retail Store” and various “Restaurant” uses on the subject lands and establishes site-specific development standards to facilitate the revised development proposal (refer to Appendix C).

Staff have evaluated the additional uses and proposed development standards to facilitate the revised development proposal and consider them appropriate. As noted previously, a revised Site Plan application is required to facilitate the revised. In this

Page 8

regard, it is recommended that the OLT be requested to withhold its Final Order with respect to the applicant's revised Official Plan and Zoning By-law Amendments pending the submission and approval of a complete revised Site Plan application in order to allow the applicant to make the recommended revisions to its plans and to provide some flexibility to accommodate any minor revisions to the associated planning instruments, as necessary. The final form of the amending Official Plan and Zoning By-law Amendment documents will be forwarded to the OLT for approval at such time as the applicant finalizes the related Site Plan application for the development.

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 review of the development proposal outlined 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 and Land Use Strategy Recommendations Report* dated May 2009.

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 provide a cash contribution of approximately \$1.3 million towards the planned revitalization of Harding Park (community park located to the southeast of the subject lands) which is to include a lit softball diamond, a multi-sports court, a shade structure, a parking lot with increased capacity, site furnishings, lighting, a playground and safety surfacing upgrades, in addition to signage upgrades and sustainable design considerations. The design phase for the revitalization project is scheduled to commence in 2022, with construction planned for 2023, having a total project cost of \$3.2 million.

City 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.

Council and Public Comments:

Comments from members of Council and the public were provided at the Council Public Meeting held on June 16, 2021 with respect to the applicant's revised development proposal. A summary of the comments received and staff responses are outlined below:

- **Increased height and density**

Concerns were identified with respect to the proposed height and density contemplated as part of the subject applications. The proposed development contemplates a building height of 10 storeys, with a stepdown to three storeys along the Church Street South frontage. The stepdown to three storeys is consistent with the angular view plane policies of the Plan and the requirement to

Page 9

provide transition from the heights permitted along Yonge Street. Further, the additional height proposed represents a minor increase of two additional storeys beyond the maximum height permitted for this area of the **Downtown Local Centre**. The proposed height of 10 storeys will still allow for the design principles applicable to mid-rise buildings to be applied to ensure a high quality design for this site. Furthermore, in accordance with the applicable policies of the Plan, the applicant has agreed to provide an appropriate Section 37 Community Benefits package in support of the proposed increases in height and density.

It should be noted that, as identified in Staff Report SRPI.21.073 where the concerns respecting height were identified by staff, the proposed building has been reduced to reflect a 10 storey building in accordance with the provisions of the applicant's draft Zoning By-law.

- **Building design**

Concerns were identified with respect to the design of the revised proposal, including a lack of consideration of the building in relation to the street. The proposed development contemplates at-grade commercial space and a main entrance along Yonge Street in addition to a pedestrian access from the proposed development to a future municipal park to be located to the south of the subject lands. A more detailed review of the proposed architectural features and building design will be undertaken as part of the related Site Plan application approval process.

- **Parking**

A concern was raised with respect to a potential disconnect between the proposed ground-floor uses and the related vehicular access and parking area. Vehicular access to the site is to be provided from Church Street South with no access from Yonge Street in keeping with the Region's comments that no access to Yonge Street will be permitted. Further, based on the site design, there is no opportunity to accommodate additional at grade parking spaces on site beyond the one barrier free space provided. All parking to serve the proposed commercial uses is to be located within the underground parking facility for the development. Notwithstanding the foregoing, the proposed Site Plan provides for internal pedestrian walkways that will serve to provide linkages both within the site and to adjacent municipal sidewalks and parkland to facilitate access to the commercial uses on site.

Department and External Agency Comments:

The following sections provide a summary of the comments received based on the review of the revised development proposal and accompanying materials submitted to the City in support of same.

Page 10

Urban Design and Heritage Section

The City's Urban Design and Heritage Section is generally supportive of the proposed 10-storey building, including the proposed transition in built form and massing to the existing neighbourhood. In addition, Urban Design staff has identified matters that will need to be addressed at the Site Plan stage with respect to architectural design, landscaping screening for driveway and ramp areas, and the width of proposed driveways along Church Street South.

Park and Natural Heritage Planning Section

The City's Park and Natural Heritage Planning Section has provided comments with respect to a minimum outdoor amenity space requirement of 2 square metres per dwelling unit, which has been reflected in the draft Zoning By-law Amendment appended to this report as Appendix "B". Furthermore, staff has provided technical comments that are required to be addressed as part of the future Site Plan application related to the submission of a Tree Inventory and Preservation Plan, Arborist Report and Landscape Plan, landscaping and soil volume, and coordination of onsite grading as it relates to the abutting parkland.

Development Engineering Division

The City's Development Engineering Division has reviewed the applicant's revised proposal and has provided comments with respect to the following technical matters:

- the proposed permanent dewatering is not permitted to discharge into the sanitary sewer system. The submitted Functional Servicing Report (FSR) must be updated accordingly;
- at the time of writing of this report, the applicant has provided supplementary material in order to demonstrate the feasibility of a functional design solution to address external drainage. The proposed approach requires a minimum building and foundation setback of at least 1.3 metres to the northerly property boundary to accommodate the proposed servicing infrastructure. Building Services staff has noted that the setback should be consistent for both the building and foundation wall in consideration of maintaining an appropriate structural design. Notwithstanding the foregoing and where variable setbacks are contemplated, the applicant will be required to demonstrate feasibility of the design to the satisfaction of the City through the Site Plan approval process. At the detailed design stage, the applicant will be required to prepare a detailed storm system design in conformity with Municipal Standards and Specifications and *Ontario Building Code* requirements in support of the proposed design;
- the City's Transportation Section has advised that the proposed development must adhere to the City's standards with respect to minimum curb radii at the site entrance; and,
- technical comments to be addressed through the related Site Plan approval process include, but are not limited to storm, sanitary and water servicing matters, stormwater management, a Noise Study requirement, transportation

Page 11

demand management, loading and parking, sidewalks, ramp grade, and hydrogeological matters.

Community Services Department (Waste Management)

The City's Community Services Department has advised that a Waste Management Plan must be submitted depicting adherence to the City's standards. In addition, staff has identified deficiencies with respect to the proposed entrance turning radii and waste storage, separation and collection design for the proposed residential and commercial components.

Regional Municipality of York

The Regional Municipality of York (the "Region") has no objections to the applicant's revised Official Plan and Zoning By-law Amendment applications. However, the Region has provided general and technical comments related to geotechnical and hydrogeological matters, water management and stormwater, energy efficiency, transportation demand management, servicing, affordable housing, and the *CTC Source Protection Plan*, among other matters. In addition, the Region has advised that no direct vehicular access will be permitted to Yonge Street.

Recommendation

The comments from City Departments and the Region of York outlined above comprise a number of specific technical concerns and requirements that are required to be addressed to the satisfaction of City staff prior to the final approval of the revised Official Plan and Zoning By-law Amendment applications as part of the Site Plan approval process. While staff are in a position to support the applicant's revised development proposal in principle, it should be noted that the resolution of the above technical matters, including, but not necessarily limited to, servicing infrastructure, minimum curb radii and waste management requirements in accordance with City standards may have implications for the ultimate design and/or development standards of the proposed development, including but not limited to setbacks, building design, and parking supply.

On the basis of the preceding and for the reasons outlined previously in this report, staff supports the applicant's revised development proposal in principle, subject to the applicant addressing all outstanding technical requirements to the satisfaction of the City prior to the finalization of the planning instruments and approval of a revised Site Plan application.

Interim Growth Management Strategy

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

1. *Providing community benefits and completion of required key infrastructure.*

Page 12

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

In accordance with Council direction, as part of the review of the above noted IGMS Criteria 5 (Sustainable and Innovative Community and Building Design), the applicant will be required to submit a revised Sustainability Performance Metrics Tool in support of a revised Site Plan application submission.

Financial/Staffing/Other Implications:

The recommendation of this report does not have any financial, staffing or other implications. However, due to the fact that the subject applications have been appealed to the OLT, there will be a draw on financial resources for staff to attend the proceedings related to these applications.

Relationship to Council's Strategic Priorities 2020-2022:

The recommendations of this report are aligned with **Balancing Green and Growth** in supporting an appropriate level of intensification and contributing to the development and improvement of parkland within the City. The recommendations of this report are also generally aligned with **Strong Sense of Belonging** on the basis that the revised development proposal provides for a range of dwelling unit sizes, including a proportion that will meet the required affordability threshold for ownership housing.

Climate Change Considerations:

The recommendations of this report are generally aligned with Council's climate change considerations as the revised development proposal contemplates intensification and a mix of land uses along a rapid transit corridor as defined within the Plan. Furthermore, the design of the revised proposal includes bicycle parking and pedestrian walkways connecting to municipal sidewalks and future transit infrastructure, which support options for zero-emission modes of transportation and public transit usage. In addition, the revised development proposal incorporates green roof areas on the 3rd and 7th floors of the proposed building.

As indicated in the earlier sections of this report, a more detailed evaluation of technical and design-related matters will be undertaken through the related Site Plan application.

Page 13

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 10-storey mixed-use residential/commercial development on the subject lands. Staff has reviewed the applicant's revised development proposal and consider it to be appropriate, in principle, in light of the fact that the proposal maintains the intent of the goals, objectives and policies of the Plan and represents good planning. Staff will continue to work collaboratively with the applicant to address the technical matters as outlined in this report. In consideration of the preceding, staff recommends that Council support the applicant's revised development proposal in principle, as outlined in the recommendations of Staff Report SRPI.21.085.

Attachments:

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, Extract from Council Public Meeting
- Appendix B, Draft Official Plan Amendment
- Appendix C, Draft Zoning By-law Amendment
- Map 1, Aerial Photograph
- Map 2, Neighbourhood Context
- Map 3, Official Plan Designation (Schedule A2)
- Map 4, Downtown Design and Land Use Strategy (Civic District)
- Map 5, Existing Zoning
- Map 6, Proposed Site Plan
- Map 7, Proposed West and East Elevations
- Map 8, Proposed South and North Elevations

Page 14

Report Approval Details

Document Title:	SRPI.21.085 - Request for Direction - Official Plan and Zoning By-law Amendment Applications .docx
Attachments:	<ul style="list-style-type: none">- SRPI.21.085 Appendix A.pdf- SRPI.21.085 Schedule B.docx- SRPI.21.085 Schedule C.docx- SRPI.21.085 Map 1 Aerial Photograph.docx- SRPI.21.085 Map 2 Neighbourhood Context.docx- SRPI.21.085 Map 3 Official Plan Designation.docx- SRPI.21.085 Map 4 Downtown Design and Land Use Strategy (Civic District).docx- SRPI.21.085 Map 5 Existing Zoning.docx- SRPI.21.085 Map 6 Proposed Site Plan.docx- SRPI.21.085 Map 7 Proposed West and East Elevations.docx- SRPI.21.085 Map 8 Proposed South and North Elevations.docx
Final Approval Date:	Nov 8, 2021

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

Gus Galanis - Nov 5, 2021 - 10:33 AM

Kelvin Kwan - Nov 5, 2021 - 1:41 PM

MaryAnne Dempster - Nov 8, 2021 - 10:03 AM