



## Staff Report for Council Meeting

**Date of Meeting:** December 9, 2020

**Report Number:** SRPI.20.040

**Department:** Planning and Infrastructure

**Division:** Development Planning

**Subject:** **SRPI.20.040 – Request for Approval – Official Plan and Zoning By-law Amendment Applications – Yonge Sixteen LP – City Files D01-19002 and D02-19012 (Related File D06-17009)**

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### **Owner:**

Yonge Sixteen LP  
145 Adelaide Street West, Suite 500  
Toronto, Ontario  
L3R 5L9

### **Agent:**

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

### **Location:**

**Legal Description:** Part of Lot 1, Plan 3805 and Part of Lots 1, 2 and 3, Plan 3806  
**Municipal Address:** 9251 Yonge Street

### **Purpose:**

The purpose of this report is to request Council's approval of revised Official Plan and Zoning By-law Amendment applications to permit a mixed use high density residential purpose built rental development with at grade commercial uses on the subject lands.

### **Recommendations:**

- a) **That the revised Official Plan and Zoning By-law Amendment applications submitted by Yonge Sixteen LP, for lands known as Part of Lot 1, Registered Plan 3805 and Part of Lots 1, 2 and 3, Registered Plan 3806**

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**(Municipal Address: 9251 Yonge Street), Files D01-19002 and D02-19012, be approved, subject to the following:**

- (i) that the site specific exception applicable to the subject lands under Section 6.5 of the City's Official Plan be amended to reflect the revised development proposal as outlined in SRPI.20.040 and on Appendix C attached hereto;**
  - (ii) that following the approval of the applicant's Official Plan Amendment by the City, the Official Plan Amendment be forwarded to York Region for approval;**
  - (iii) that prior to final approval and enactment of the amending Zoning By-law for the revised development proposal as outlined in SRPI.20.040, the applicant receive Site Plan approval for said development; and,**
  - (iv) that Council approve the Section 37 Community Benefits package in support of the applicant's revised development proposal as outlined in SRPI.20.040, and that the benefits package be incorporated into the implementing Zoning By-law to the satisfaction of the Commissioner of Infrastructure**
- b) That the Mayor and Clerk be authorized to execute any agreements and any further documentation between the City and Yonge Sixteen LP, as required to implement the applicant's revised development proposal as outlined in SRPI.20.040;**
  - c) That the authority to assign municipal servicing allocation for the proposed development to be constructed on the subject lands be delegated to the Commissioner of Planning and Infrastructure subject to the criteria in the City's Interim Growth Management Strategy, and that the assigned servicing allocation be released in accordance with the provisions of By-law 109-11; and,**
  - d) That all comments regarding the applicant's revised Site Plan application be referred back to staff.**

### **Contact Person:**

Deborah Giannetta, Manager of Development, Site Plans, phone number 905-771-5542

### **Report Approval:**

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

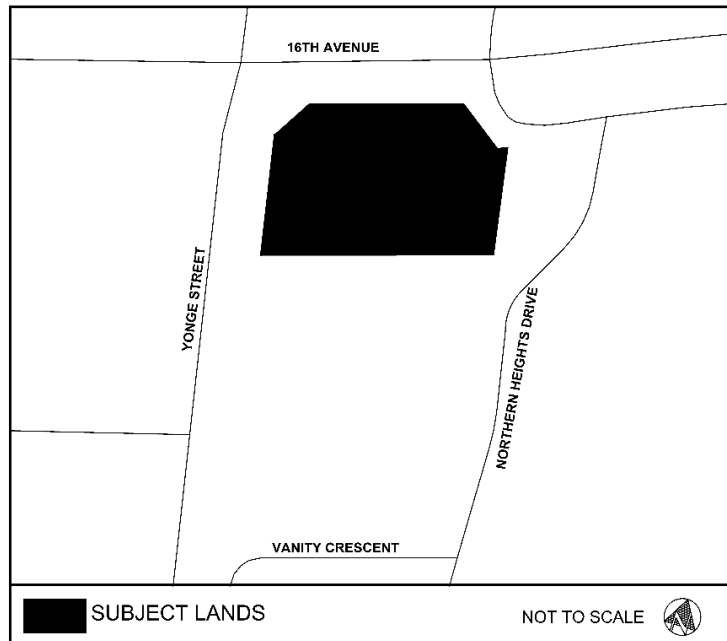
**Approved by:** Mary-Anne Dempster, City Manager

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.

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### Location Map:

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



### Background Information:

On June 3, 2020, a Council Public Meeting was held to consider the applicant’s revised Official Plan and Zoning By-law Amendment applications wherein Council received Staff Report SRPRS.20.081 for information purposes and directed that all comments be referred back to staff (refer to Appendix A). A number of comments were raised by members of Council and the public at the meeting, as well as through written submissions which are detailed later in this report.

City staff have worked closely with the applicant to address comments and technical matters related to the revised proposal. The matters related specifically to the revised Official Plan Amendment application have been satisfactorily addressed, with the remaining matters to be addressed as part of the finalization revised Zoning by-law Amendment and Site Plan applications. Accordingly, the purpose of this report is to seek Council’s approval of the applicant’s revised Official Plan and Zoning By-law Amendment applications.

### Summary Analysis:

#### Site Location and Adjacent Uses

The subject lands are located at the southeast corner of Yonge Street and 16<sup>th</sup> Avenue. The lands have a frontage of approximately 57 metres (187 feet) along Yonge Street

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and 73 metres (240 feet) along 16<sup>th</sup> Avenue with a total site area of 0.759 hectares (1.875 acres). The lands currently support a four storey commercial building containing office and retail uses which is proposed to be demolished to facilitate the subject development proposal. The lands abut commercial uses to the north and west, an automotive dealership to the east, and an existing high density mixed-use residential/commercial to the south (refer to Maps 1 and 2).

### Revised Development Proposal

The applicant is seeking Council’s approval of its revised Official Plan and Zoning By-law Amendment applications to permit a mixed use high density residential purpose built rental development with at-grade commercial uses on its land holdings. The development is to be comprised of two apartment buildings, 38 and 43 storeys in height with a gross floor area of 66,550 square metres (716,338 square feet) and a density of 8.77 FSI on its land holdings. A total of 962 residential dwelling units are to be provided. The following is a summary outlining the relevant statistics of the original development proposal approved by the Ontario Municipal Board (OMB) for the lands, the applicant’s 2019 development proposal and its revised development proposal based on the plans and drawings submitted to the City (refer to Maps 5 to 7):

	<b>OMB Approved Development</b>	<b>2019 Revised Proposal</b>	<b>Current Revised Proposal</b>
• <b>Lot Area:</b>	<b>0.759 ha</b> (1.875 ac)	<b>0.759 ha</b> (1.875 acres)	<b>0.759 ha</b> (1.875 ac)
• <b>Total Gross Floor Area:</b>	40,985 square metres (441,159 square feet)	46,100 square metres (496,216 square feet)	66,550 square metres (716,338 square feet)
○ <b>Residential GFA:</b>	39,592 square metres (426,165 square feet)	44,707 square metres (481,222 square feet)	65,250 square metres (702,345 square feet)
○ <b>Commercial GFA:</b>	1,300 square metres (13,993 square feet)	1,300 square metres (13,993 square feet)	1,300 square metres (13,993 square feet)
○ <b>Community Space:</b>	93 square metres (1,001 square feet)	93 square metres (1,001 square feet)	93 square metres (1,001 square feet)
• <b>Density:</b>	5.4	6.07	8.77
• <b>Residential Units:</b>	528	659	962
• <b>Lot Coverage:</b>	37%	37%	44%
• <b>Tower A Height</b>	28 storeys (88.8 metres)	29 storeys (92 metres)	43 storeys (136 metres)
• <b>Tower B Height</b>	24 storeys (77 metres)	27 storeys (86 metres)	38 storeys (121 metres)
• <b>Tower Floor Plate Size:</b>	712 square metres (7,664 square feet)	808 square metres (8,697 square feet)	815 square metres (8,773 square feet)
• <b>Total Parking:</b>	503	553	723
○ <b>Residential:</b>	402	431	581
○ <b>Commercial:</b>	18	18	18
○ <b>Visitor/Flex:</b>	78	99	124
○ <b>Car Share:</b>	5	5	5
○ <b>Bicycle Spaces</b>	317	395	577

Key differences between the 2011 OMB approval and the current revised proposal are as follows:

- an increase in the gross floor area from 40,985 square metres (441,159 square feet) to 66,550 square metres (716,338 square feet);

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- an increase in density from 5.4 to 8.77 FSI;
- an increase in dwelling units from 528 to 962;
- an increase in building height of 15 storeys on Tower A and 14 storeys on Tower B for a combined total increase of 29 storeys;
- an increase in tower floor plate size from 712 square metres (7,664 square feet) to 815 square metres (8,773 square feet); and,
- a proposed reduced parking rate with a parking supply of 723 spaces.

### Planning Analysis:

Planning staff has undertaken a comprehensive review of the applicant's revised development proposal and are in support of same, for the following principle reasons:

- the proposed development is consistent with the *Provincial Policy Statement (2020)* (PPS), which directs that within "Settlement Areas" municipalities are required to plan for and accommodate intensification and redevelopment to create more sustainable communities and to use land and infrastructure more efficiently. Further, the PPS directs that municipalities plan to accommodate a mix and range of housing both in form and tenure;
- the development proposal conforms with the applicable policies of the *York Region Official Plan (2010)* (ROP) which designates the subject lands **Urban Area**, encourages intensification and redevelopment within the Urban Area boundary and along **Regional Corridors**, and directs that a minimum of 35% of new residential units located within Key Development Areas are affordable to low and moderate income households;
- the proposed mixed use high density residential development is permitted and encouraged from a land use perspective within the **Key Development Area (KDA)** designation of the City's Official Plan (the Plan) as this type of development is transit-oriented and pedestrian supportive. Further, the proposed development implements the Urban Structure policies contained in the Plan, the *Yonge Street and 16<sup>th</sup> Avenue Key Development Area Policy Directions and Recommendations Report* (the Report), and is generally consistent with the draft Yonge and Carrville/16<sup>th</sup> Avenue Key Development Area Secondary Plan (the draft Secondary Plan);
- the proposed height, density, tower floor plate size and tower separation distance are considered appropriate given the location, context, design, and form of the proposal;
- the proposed development is considered appropriate when considered in the context of the previous OMB approval applicable to the subject lands, various OMB and Local Planning Appeal Tribunal (LPAT) approvals on adjacent and surrounding lands; and Council's recent direction and approval of the Yonge Bernard KDA Secondary Plan;
- the proposed development is consistent with the City's affordable housing targets as set out in the Plan (i.e. the provision of 35% affordable housing), the Report, and the draft Secondary Plan. Based on the information provided by the applicant, the proposed development will be a purpose-built rental development wherein 690 of the

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proposed 962 dwelling units or 61% of the total units (predominantly comprised of one and two bedroom units) will meet the Region's current threshold for "affordable" housing. In this regard, the definition of "affordable housing" in the City's Plan is consistent with that of the ROP and the PPS, which states that for affordable rental housing, the City may use either a rent rate that is determined by annual gross household income for low and moderate income renter households or a rate that is at or below the average market rent within the Region. In 2018, Regional Council approved the York Region Measuring and Monitoring Guidelines for Affordable Housing which indicated that given the age of rental housing stock and renter household incomes in the York Region housing market area, the threshold for affordable rental housing is determined by applying the Canada Mortgage and Housing Corporation (CMHC) average market rent data with a maximum threshold of 125% of Average Market Rent by unit bedroom type;

- further to the above, the draft Secondary Plan recommends the provision of at least 5% of the proposed dwelling units provided be three bedrooms or larger to accommodate a range of household sizes and types. The applicant has proposed 24 units or 2% of the units as three bedroom units. Staff will continue to work with the applicant to provide, where feasible, additional three bedroom units to increase the supply and accessibility of housing options; and,
- staff are satisfied that the comments received from City departments and external agencies have been satisfactorily addressed with respect to the applicant's revised Official Plan Amendment and can advise that the remaining technical matters will be addressed through the finalization of the related Zoning By-law Amendment and Site Plan applications.

On the basis of the preceding, it is recommended that the applicant's revised Official Plan and Zoning By-law Amendment applications be approved, and that staff continue to work with the applicant to finalize the form and content of the implementing Zoning By-law through the review of the revised Site Plan application to be submitted in support of the proposed development.

Notwithstanding the above, it is important to note that through the review of the subject development applications, it has become evident that the **Yonge/Sixteenth KDA** is experiencing increasing and significant development pressures. While the subject development proposal can be recommended for approval on a site specific basis, it should be noted that when considered in combination with other recent approvals for site specific intensification in the area along with recently submitted high density development proposals and further pending development applications, there is a critical need for a comprehensive evaluation to determine the cumulative impacts and/or constraints that will be applicable to consideration of future development in the **KDA**. This evaluation will be a critical determinant in ensuring that development does not outpace the availability of services and facilities as well as infrastructure and transportation capacity in the broader **KDA** area.

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### Section 37 Community Benefits Package

As previously noted in this report, the 2011 OMB decision applicable to the lands committed the land owner at the time to provide a Community benefits package comprised of the following:

- the conveyance of four community housing units and community space to the City
- the provision of 80 bicycle storage spaces;
- the provision of office/live work units;
- the provision of two car share spaces; and,
- commitments related to sustainable design.

These requirements were outlined in the Minutes of Settlement prepared and approved for the original development proposal.

In accordance with Section 37 of the *Planning Act* and **Section 5.5** of the of the City's Official Plan, increases in heights and densities may be permitted where such development provides community benefits. Since the revised development proposal exceeds the heights and density permissions of both the Plan and those established for the lands by the 2011 OMB decision, the applicant has agreed to provide a community benefits package for Council's consideration.

In this regard, the community benefits proposed includes entering into an agreement with the Region of York (Housing York Inc.) to provide 12 community housing units at no cost for a period of 16 years for the purpose of providing affordable housing. As these units will offer access to affordable housing for residents of Richmond Hill, staff find the Section 37 Community Benefits package appropriate and recommend its approval.

### Public Comments

As noted previously, a Council Public Meeting was held on June 3, 2020 regarding the applicant's revised development applications. Prior to this, a Council Public Meeting was held on December 4, 2019 with respect to the applicant's original revised development proposal submitted in 2019. A number of residents and members of Council provided comments at these meetings as well as through written submissions. These comments and issues raised are outlined below along with staff's responses as follows:

- **Height, density and increased number of units**  
In 2011, the OMB issued approval to permit a mixed use high density residential/commercial development on the lands. The development was to be comprised of two apartment buildings, 24 and 28 storeys in height, with a total of 503 units and a density of 5.4 FSI. This site specific approval established heights and densities for the subject lands beyond the Plan permissions applicable to the lands. Notwithstanding, it is important to note that the subject lands are located

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within one of the City's **KDAs**, which are identified as areas designated for growth and intensification. In addition to staff's evaluation of the applicant's revised development proposal from a policy perspective, the proposed additional height, density and number of units have been reviewed by both City and Regional staff in relation to its appropriateness from a transportation, water and wastewater servicing and hydrogeological perspectives and has been determined to be acceptable.

- **Architectural design, compatibility, and fit**

The proposed development is located at a prominent intersection within the Yonge and 16th **KDA**, wherein both the Plan and the draft Secondary Plan direct the tallest heights to locate within the **KDA**. The Plan also sets out the design principles and policies for establishing high density buildings so as to achieve high quality design, compatibility and contextual fit along the centres and corridors. In this regard, the applicant has submitted conceptual perspective drawings and elevations which the City's Urban Design staff have reviewed and found acceptable (see Map 7). It should be noted that detailed review of the development proposal from a design perspective is to be finalized as part of the finalization of the related Site Plan application.

- **Reduced parking**

The applicant's revised development application originally contemplated reduced parking rates resulting in the provision of a total of 723 parking spaces. Through the review of the revised applications and supporting Parking Study/Analysis information, the applicant has increased the total physical parking supply to be provided on the site to 785 spaces with 620 spaces being assigned for residential uses, 142 spaces for residential visitor uses, 18 spaces for retail uses and 5 spaces for car-share service.

Transportation Engineering have carefully reviewed the applicant's proposed parking scheme and have determined that a physical parking supply of 785 spaces is adequate to support the proposed development based on the unit mix and commercial space proposed on the most recent Site Plan submitted to the City. This is based on the subject lands proximity to the Yonge Street corridor, the commitment for the provision of 5 car share spaces and the implementation of additional TDM measures including, but not limited to, funding for car share programs, transit incentives, bicycle parking and repair stations, pedestrian and cycling connections, parking and a TDM monitoring program and communication strategy.

- **Housing affordability and purpose-built rental housing incentives**

As previously outlined in this report, the applicant's revised development proposal is to be tenured as a purpose-built rental development project. The proposal as contemplated would exceed the Plan's requirement to provide a minimum of 35% affordable housing units. More specifically, the development is intended to provide 690 units or 61% of the total units as affordable units (in accordance with the Region's definition of affordable), which will primarily be comprised of one and two bedroom units. In this regard, staff recommends that the City support the applicant's pursuit of available incentives for purpose built rental developments through the



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provision of a comparable Development Charge deferral program as offered by the Region of York, subject to the applicant's eligibility.

### **Department and External Agency Comments:**

The applicant's revised development proposal has been circulated to various City departments and external agencies for their review and comment. The following is a summary of relevant comments to date with respect to the applicant's revised development proposal.

#### **Development Engineering Division**

The subject development proposal has been carefully reviewed from a servicing and hydrogeological perspective and staff has advised that only minor issues remain outstanding at this time. Any remaining technical issues can be addressed as part of the finalization of the related Zoning By-law Amendment and Site Plan applications.

With respect to transportation matters, Transportation Engineering staff has reviewed the applicant's revised development proposal and have no objections to the approval of the revised Official Plan Amendment application. The latest submission provided by the applicant includes four levels of underground parking, with a parking supply of 785 parking spaces of which 620 spaces will be for residential uses, 18 spaces for commercial uses, 142 visitor spaces and 5 car share spaces. As part of the submitted Transportation Study, the applicant has committed to the provision of TDM measures including, but not limited to, the provision of car-share spaces, transit incentives, bicycle parking and repair stations, pedestrian and cycling connections, parking and TDM monitoring program and communication strategy. Staff will continue to work with the applicant in further refining and establishing more detailed parking rate requirements for the land uses and residential unit types, and to develop a Transportation Demand Management (TDM) Plan as part of the finalization of the related Zoning By-law Amendment and Site Plan applications.

#### **York Region**

York Region staff have reviewed the applicant's revised development proposal and have provided technical comments related to water and wastewater servicing, transportation and access, geological and hydrogeological matters which can be adequately addressed as part of the finalization of the related Zoning By-law Amendment and Site Plan applications. Regional staff have also identified the need to identify and review the cumulative impacts of development in the Yonge/16<sup>th</sup> **KDA** in the absence of a Secondary Plan for the area so as to ensure that future development can be supported from an infrastructure, servicing, transportation and community needs perspective (refer to Appendix B).

#### **Richmond Hill Sustainability Metrics**

The applicant has not yet submitted an updated Sustainability Performance Metrics Tool for consideration by the City as part of its review and approval of the related Site Plan

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application. The Sustainability Performance Metrics Tool will be required to be updated and submitted in conjunction with a revised Site Plan submission to reflect the revised development proposal, which will also serve to provide the basis for the allocation of servicing capacity to the proposed development. The applicant's commitments to the Sustainability Performance Metrics Tool submission will be secured through a future Site Plan agreement as part of the revised Site Plan application required to facilitate the proposed development.

Through the Minutes of Settlement related to the previous OMB approval and a Committee of Adjustment approval in 2019, servicing allocation for 528 units (1,087 population equivalent) has been set aside for the proposed development. Therefore servicing allocation for 434 units (894 population equivalent) will be required for the revised development. It should be noted that York Region staff have advised that the project may be eligible to receive servicing allocation from a Regional reserve dedicated to support purpose built rental housing. As a result, the proposed development may not require all of the remaining servicing allocation from the City's allocation reserves. Accordingly, staff will continue to work with the applicant and the Region to confirm the eligibility of the development proposal to receive servicing allocation from the Regional reserve.

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

The recommendations of this report do not have any direct financial, staffing or other implications. However, the applicant has indicated its intention to pursue local and regional incentives related to the deferral of Development Charges for purpose built rental projects. In order to qualify for the York Region Development Charges Deferral for Purpose-Built Rental Buildings program which incentivizes the development of purpose-built rental buildings in York Region, the local municipality must provide a similar, if not better deferral or other incentive for the proposed development. In addition, the development proposal must meet certain criteria, including that the development be entirely operated as a rental property for a period of not less than (20) years and be a minimum of four (4) storeys in height above grade.

Should the applicant pursue these incentives, staff recommends that Council authorize the Mayor and Clerk to execute an agreement and/or authorize any further agreements or documentation as necessary with the owner, to enable the applicant to qualify for the Regional incentive program for purpose built rental housing. A comparable Development Charges Deferral program, to that which the Region of York offers, will have a financial implications on City revenues as the Development Charges typically collected at the time of Building Permit issuance will be deferred to a future date as determined by the development's eligibility under the Development Charge Deferral Program.

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### **Relationship to the Strategic Plan:**

The applicant's development proposal aligns with **Goal Two – Better Choice in Richmond Hill** by providing rental housing, in addition to **Goal Four – Wise Management of Resources in Richmond Hill** by using land responsibly.

### **Conclusion:**

The applicant is seeking Council's approval of its revised Official Plan and Zoning By-law Amendment applications to permit a mixed use high density residential purpose built rental development with at grade commercial uses on its land holdings. Staff has reviewed the applicant's revised development proposal and considers it appropriate and to represent good planning. On the basis of the preceding, staff recommends that Council approve the subject Official Plan and Zoning By-law Amendment applications, subject to the recommendations as set out in this report.

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### **Attachments:**

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

- Appendix A – Council Public Meeting Extract, June 3, 2020
- Appendix B – Region of York comments dated November 18, 2020
- Appendix C – Draft Official Plan Amendment #25
- Map 1 Aerial Photograph
- Map 2 Neighbourhood Context
- Map 3 Official Plan - Land Use Designation
- Map 4 Zoning
- Map 5 Proposed Site Plan – Interim
- Map 6 Proposed Site Plan – Ultimate
- Map 7 Proposed Elevations

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### Report Approval Details

Document Title:	SRPI.20.040 - Request for Approval - Official Plan and Zoning By-law Amendment Applications - Yonge Sixteen LP - City Files D01-19002 and D02-19012 (Related File D06-17009).docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A – Council Public Meeting Extract, June 3, 2020</li><li>- Appendix B – Region of York comments dated November 18, 2020</li><li>- Appendix C – Draft Official Plan Amendment #25</li><li>- Map 1 Aerial Photograph</li><li>- Map 2 Neighbourhood Context</li><li>- Map 3 Official Plan - Land Use Designation</li><li>- Map 4 Zoning</li><li>- Map 5 Proposed Site Plan – Interim</li><li>- Map 6 Proposed Site Plan – Ultimate</li><li>- Map 7 Proposed Elevations</li></ul>
Final Approval Date:	Dec 4, 2020

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

**Gus Galanis – Dec 4, 2020 - 2:04 PM**

**Kelvin Kwan – Dec 4, 2020 - 2:21 PM**

**MaryAnne Dempster – Dec 4, 2020 - 3:16 PM**