

April 21, 2022

**MEMO TO:** Mayor and Members of Council

**COPY TO:** Darlene Johnson, Acting City Manager  
Antonio Dimilta, City Solicitor  
Carlton Thorne, Assistant City Solicitor  
Gus Galanis, Director of Development Planning  
Deborah Giannetta, Manager of Development - Site Plans  
Stephen Huycke, Director of Legislative Services/City Clerk

**FROM:** Kelvin Kwan, Commissioner of Planning and Infrastructure

**SUBJECT:** **Richmond Hill City Council Motion of March 23, 2022**  
**SRPI.22.028 - Request for Direction - Official Plan and Zoning By-law**  
**Amendment Applications - Yonge Sixteen LP - 9251 Yonge Street - City Files**  
**D01-19002 and D02-19012 (Related File D06-17009)**

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**Background:**

At its meeting of March 23, 2022, Richmond Hill City Council ("City Council") considered Staff Report SRPI.22.028 (see Appendix "A") and passed the following Motion:

- "a) That Staff Report SRPI.22.028 be received for information purposes;**
- b) That staff be directed to report back to Council on April 27, 2022 or sooner regarding a proposed Section 37 Community Benefits Package for direction regarding revised Official Plan and Zoning By-law Amendment applications appealed to the Ontario Land Tribunal to permit a mixed use residential purpose built rental development on 9251 Yonge Street that includes, but not limited to, the following:**
- 1. Funding/Construction of Multi-Use Path west of the CN Rail (as identified as Priority Route #1 in the Transportation Master Plan Update)**
  - 2. Funding/Construction of "Pop-Up/Interim park" on City lands on Northern Heights Drive**
  - 3. Funding of the CN Rail Pedestrian Overpass (Bridge and Ramp) from 63 Observatory Lane to Richmond Hill David Dunlap Observatory Park**
  - 4. Funding of the Revitalization of Bridgeview Park (located northeast of the lands)**
- c) That the applicant be requested to provide information in writing, for inclusion with the staff report referred to in paragraph b) of the motion, on how the proposed development will or could support the City working towards providing affordable housing and that Staff Report SRPI.22.028 be received for information purposes"**

Accordingly, the purpose of this memo is to advise the Mayor and Council on the status of the above motion as directed.

## Discussion:

Subsequent to the direction of Council at its meeting of March 23, 2022 regarding Staff Report SRPI.22.028, staff advises that:

- the planning matters as identified by Council at the December 9, 2020 Council meeting have not been addressed;
- the development proposal as outlined in Staff Report SRPI.22.028 remains unchanged;
- a “with prejudice” offer relating to the provision of Section 37 Community Benefits was not received for Council’s consideration; and,
- a written submission detailing how the proposed development will or could support the City working towards the provision of affordable housing was not submitted by the applicant for Council’s consideration.

On the basis of the foregoing, and in order to provide direction on the appeals of the Official Plan and Zoning By-law Amendment Applications submitted by Yonge Sixteen LP (City Files D01-19002 and D02-19012), Staff provides the following draft resolutions for Council’s consideration:

1. Should Council choose **to support** the applicant’s development proposal as presently constituted, the following resolution may be adopted:
  - a) That this Memo be received for information purposes;
  - b) That the Ontario Land Tribunal be advised as follows:
    - i) that Council supports the revised Official Plan and Zoning By-law Amendment Applications as outlined in Staff Report SRPI.22.028, subject to the following:
      - (a) that the OLT not issue a Final Order with respect to the Official Plan and Zoning By-law Amendments until after the earlier of:
        - (i) the day the City passes a Community Benefits Charge by-law under subsection 37 (2) of the *Planning Act* (as it reads today); and,
        - (ii) the specified date for the purposes of section 9.1 of the *Development Charges Act*, 1997
      - (b) 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:
        - (i) that the City has passed a Community Benefits Charge by-law under subsection 37(2) of the *Planning Act* (as it reads today) or that the specified date for the purposes of section 9.1 of the *Development Charges Act*, 1997 has passed;
        - (ii) that the Official Plan Amendment has been finalized to the satisfaction of the Commissioner of Planning and Infrastructure;
        - (iii) that the Zoning By-law Amendment has been finalized to the satisfaction of the Commissioner of Planning and Infrastructure; and,

- (iv) that the related Site Plan application for the development has been finalized to the satisfaction of the Commissioner of Planning and Infrastructure.
- (c) That upon the recommendation of the Commissioner of Planning and Infrastructure, the Mayor and City Clerk be authorized to enter into Minutes of Settlement and any further agreements or documentation as necessary to implement the revised development proposal;
- (d) 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;
- (e) That the authority to assign municipal servicing allocation to the proposed development 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, as amended; and,
- (f) That appropriate City staff be directed to appear at the OLT as necessary in support of Council's position concerning the subject applications in regards to the hearing scheduled to commence on October 18, 2022.

**OR**

- 2. Should Council choose to **not support** the applicant's development proposal as presently constituted, the following resolution may be adopted:
  - a) That this Memo be received for information purposes;
  - b) That Council does not support the revised Official Plan and Zoning By-law Amendment applications as outlined in Staff Report SRPI.22.028, for the following principle reasons: **[Council's reasons for refusal e.g. height, density parking etc.]**; and,
  - c) That Council direct the City Solicitor to retain such external consultants as the City Solicitor considers necessary to support Council's position in any proceedings before the Ontario Land Tribunal (OLT) in relation to the applications and related appeals.

**Recommendation(s):**

- 1. **That this Memo be received for information purposes; and,**
- 2. **That Council provide direction on the appeals of the Official Plan and Zoning By-law Amendment Applications submitted by Yonge Sixteen LP (City Files D01-19002 and D02-19012)**