



Memorandum dated April 21, 2022 - Appendix A

Staff Report for Council Meeting

Date of Meeting: March 23, 2022

Report Number: SRPI.22.028

Department: Planning and Infrastructure

Division: Development Planning

Subject: SRPI.22.028 – Request for Direction – Official Plan and Zoning By-law Amendment Applications – Yonge Sixteen LP – City Files D01-19002 and D02-19012 (Related File D06-17009)

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, Registered Plan 3805 and Part of Lots 1, 2 and 3, Registered Plan 3806

Municipal Address: 9251 Yonge Street

Purpose:

The purpose of this report is to request direction from Council regarding revised Official Plan and Zoning By-law Amendment applications appealed to the Ontario Land Tribunal (OLT) to permit a mixed use, high density residential purpose built rental development on the subject lands.

Recommendations:

a) That Staff Report SRPI.22.028 be received for information purposes;

Page 2

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 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) that the Official Plan Amendment has been finalized to the satisfaction of the Commissioner of Planning and Infrastructure;**
 - ii) that the Zoning By-law Amendment has been finalized to the satisfaction of the Commissioner of Planning and Infrastructure, inclusive of a satisfactory Section 37 Community Benefits Package; and,**
 - iii) 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 and secure a Section 37 Community Benefits Package;**

- d) 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 and secure a Section 37 Community Benefits Package;**

- e) 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;**

- f) That the authority to assign servicing allocation to the proposed development 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, as amended; and,**

Page 3

- g) 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:

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

Report Approval:

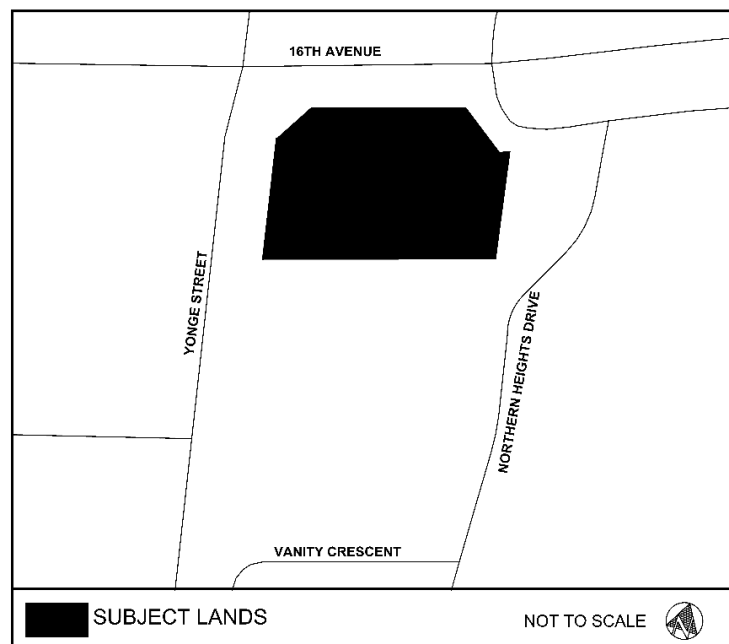
Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

Approved by: Darlene Joslin, Interim 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.



Page 4

Background Information:

On December 9, 2020, Council considered Staff Report, SRPI.20.040 which sought approval of the applicant's revised development proposal for a mixed use, high density residential purpose built rental development to be comprised of two towers, 43 and 38 storeys in height, to contain 962 units and to have a Floor Space Index of 8.77 (refer to Appendix A) . Council members as well as members of the public in attendance at the meeting raised a number of concerns regarding the applicant's revised proposal related to height, density, parking and the proposed Section 37 Community Benefits package. Accordingly, Council referred the applications to permit staff and the applicant to address the concerns and comments raised at the meeting (refer to Appendix B).

Staff attempted to work with the applicant to address the matters outlined above as directed by Council; however, the applicant chose not to revise its development proposal. On June 16, 2021, the City received notice that the applicant had appealed its Official Plan and Zoning By-Law Amendment applications to the Ontario Land Tribunal (OLT) pursuant to Sections 22(7) and 34(11) of the *Planning Act* with respect to Council's failure to make a decision on the applications within the statutory timeframes as outlined in the act.

On January 24, 2022, a Case Management Conference was held by the OLT regarding the applicant's appeal wherein dates for the submission of procedural orders and the scheduling of the hearing were determined in addition to the granting of participant status to a number of parties. In this regard, a four day hearing to consider the appeal of the subject development has been scheduled to commence on October 18, 2022.

Accordingly, the purpose of this report is to seek Council's direction on the applicant's revised applications 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 located at the southeast corner of Yonge Street and 16th Avenue. The lands have a frontage of approximately 57 metres (187 feet) along Yonge Street and 73 metres (240 feet) along 16th 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 Yonge Street and 16th Avenue to the north and west, an automotive dealership (Honda) to the east, and existing high density mixed-use residential/commercial uses to the south (refer to Maps 1 and 2).

Revised Development Proposal

The applicant's revised Official Plan and Zoning By-law Amendment applications seek approval 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

Page 5

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. 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 former 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):

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

Page 6

Planning Analysis:

Planning staff has undertaken a comprehensive review of the applicant's revised development proposal as previously outlined in Staff Report SRPI.20.040 which included a recommendation to approve the proposal and staff's position remains unchanged (refer to Appendix A). Key considerations of staff's support with respect to the applicant's revised development proposal are summarized below:

- the proposed development is consistent with *Provincial Policy Statement (2020)*, the *Growth Plan for the Greater Golden Horseshoe* and York Region's Official Plan (2010);
- 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), implements the Urban Structure policies of the Plan and the *Yonge Street and 16th Avenue Key Development Area Policy Directions and Recommendations Report*, and is generally consistent with the draft **Yonge and Carrville/16th Avenue Key Development Area Secondary Plan** as endorsed by Council;
- the proposed height, density, tower floor plate size and tower separation distance are considered appropriate given the location, context, design, and form of development, the previous OMB approval applicable to the subject lands, various land use tribunal approvals with respect to adjacent and surrounding lands, and the OLT's recent approval of the City's Yonge Bernard KDA Secondary Plan;
- a Section 37 Community Benefits package in accordance with the *Planning Act* and **Section 5.5** of the Plan is to be provided in support of the increase in height and density proposed by the applicant;
- 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), generally aligns with the City's recently endorsed Affordable Housing Strategy, and meets the Region's threshold for "affordable" housing; and,
- the remaining technical matters regarding the proposal can be satisfactorily addressed through the finalization of the related Zoning By-law Amendment and Site Plan applications.

Council Comments

As noted previously, concerns with respect to the height, density and parking of the applicant's revised development proposal were previously raised by both Council members and the public. Staff's comments on these matters as outlined in Staff Report SRPI.20.040 remain unchanged; namely, that the proposed increase in height and density and the reduction in parking are considered appropriate in the context of the area in which the subject lands are located and their proximity to the now operational Viva Bus Rapid Transit system on the Yonge Street corridor.

Furthermore, as it relates to the proposed Section 37 Community Benefits Package, given Council's previous concerns with the applicant's proposal to provide 12

Page 7

community housing units at no cost to the Region of York (Housing York Inc.) for a period of 16 years, staff recommends that Council authorize the Commissioner of Planning and Infrastructure to negotiate an alternative Section 37 Community Benefits package that is commensurate with the increased height and density sought by the applicant and has regard and consideration of the Section 37 Community Benefits previously approved for the lands by the former OMB.

Financial/Staffing/Other Implications:

The recommendations of this report do not have direct financial, staffing or other implications. However, given that the subject applications have been appealed to the OLT, there will be a draw on financial resources for staff attendance at the proceedings to be held in consideration of the applicant's appeal to the OLT.

Further to the above and as outlined in Staff Report SRPI.20.040, the applicant had previously indicated their 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 still wish to 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 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 Charges Deferral Program.

Relationship to Council's Strategic Priorities 2020-2022:

The recommendations of this report are 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,

Page 8

upon submission of the revised Site Plan application to implement the subject development, the City's Climate Change objectives will be achieved as the development will be required to meet the City's Sustainability Metrics for Site Plan approval to be issued by the City.

Conclusion:

Staff are seeking Council's direction with respect to the applicant's revised Official Plan and Zoning By-law Amendment applications to permit a mixed use high density residential purpose built rental development on its land holdings that have been appealed to the OLT. As previously outlined in Staff Report SRPI.20.040, staff considers the development proposal appropriate to constitute good planning.

On the basis of the preceding, staff recommends that Council support the applicant's revised Official Plan and Zoning By-law Amendment applications, subject to the recommendations as set out in this report and to advise the OLT accordingly. Staff also recommends that Council direct staff to appear at any future OLT proceedings in support of Council's position.

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 – SRPI.20.040 – Request for Approval
- Appendix B – Council Meeting Extract, December 9, 2020
- 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 – West
- Map 8 Proposed Elevations – North
- Map 9 Proposed Elevations – South
- Map 10 Proposed Elevations – East

Page 9

Report Approval Details

Document Title:	SRPI.22.028 - Request for Direction - Official Plan and Zoning By-law Amendment Applications - Yonge Sixteen LP.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Request for Approval.pdf- Appendix B – Council Meeting Extract, December 9, 2020.docx- Map 1 - Aerial Photograph.png- Map 2 - Neighbourhood Context.png- Map 3 - Official Plan Designation.png- Map 4 - Existing Zoning.png- Map 5 - Proposed Site Plan - Interim.png- Map 6 - Proposed Site Plan - Ultimate.png- Map 7 - Proposed Elevations - West.png- Map 8 - Proposed Elevations - North.png- Map 9 - Proposed Elevations - South.png- Map 10 - Proposed Elevations - East.png
Final Approval Date:	Mar 3, 2022

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

Gus Galanis - Mar 2, 2022 - 5:03 PM

Kelvin Kwan - Mar 2, 2022 - 7:00 PM

Darlene Joslin - Mar 3, 2022 - 8:30 AM