



Staff Report for Committee of the Whole Meeting

Date of Meeting: March 1, 2023

Report Number: SRPI.23.023

Department: Planning and Infrastructure

Division: Development Planning

Subject: **SRPI.23.023 – Request for Direction – Official Plan Amendment and Zoning By-law Amendment Applications – 4Q Commercial WP Inc. – City Files D01-20013 and D06-20025 – OLT Case Number OLT-22-003759**

Owner:

4Q Commercial WP Inc.
1133 Yonge Street, 4th Floor
Toronto, ON M4T 2Y7

Agent:

Goldberg Group
2098 Avenue Road
Toronto, ON M5M 4A8

Location:

Legal Description: Lots 4, 6 and Block A, Registered Plan 1642
Municipal Address: 11160 and 11172 Yonge Street

Purpose:

A request for direction concerning proposed Official Plan Amendment and Zoning By-law Amendment applications to permit the construction of a high density mixed-use residential/commercial development on the subject lands.

Recommendations:

- a) **That the Ontario Land Tribunal be advised that Council does not support the Official Plan Amendment and Zoning By-law Amendment applications submitted by 4Q Commercial WP Inc. for lands known as Lots 4, 6 and Block A, Registered Plan 1642 (Municipal Addresses: 11160 and 11172 Yonge Street), City Files D01-20013 and D02-20025, for the primary reasons outlined in Staff Report SRPI.23.023;**

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- b) That appropriate City staff be directed to appear at the Ontario Land Tribunal in support of Council’s position concerning the subject applications and appeals; and,
- c) That City staff and the applicant continue discussions towards a resolution of the outstanding appeals and the submission of a revised development proposal that is supportable and represents good planning.

Contact Person:

Simone Fiore, Senior Planner – Site Plans, phone number 905-747-2479 and/or
Sandra DeMaria, Manager of Development, Site Plans, phone number 905-771-6312

Report Approval:

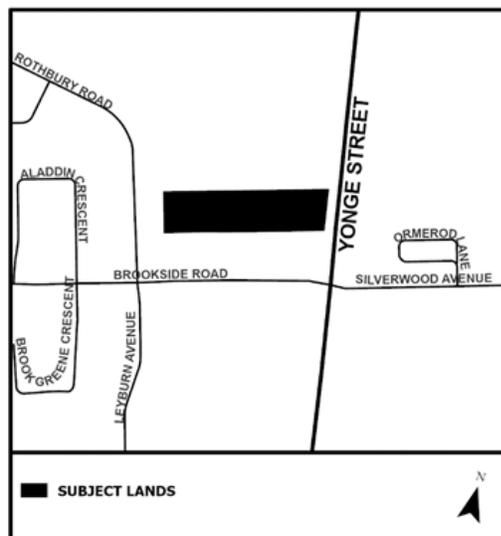
Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

Approved by: Darlene Joslin, 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 submitted to the City on November 2, 2020 and were deemed complete on December 18, 2020. The applicant's original development proposal sought approval of a high density mixed use residential/commercial development which was to be comprised of three high-rise towers (15, 35 and 18 storeys in height) with a combined gross floor area of 58,940 square metres (634,424 square feet).

This proposal was considered at a statutory Council Public Meeting held on April 7, 2021 wherein Council received Staff Report SRPI.21.033 for information purposes and directed that all comments be referred back to staff for consideration (refer to Appendix "A"). A significant number of comments and concerns were raised by members of Council and the public with respect to the original development proposal both through written correspondence filed with the City and at the at the statutory Council Public Meeting. The main concerns identified to date relate to the proposed height and density, land use compatibility, removal of the existing commercial uses on the lands, privacy implications, lack of parkland, traffic congestion and safety, and impacts on the natural environment.

In December 2021, the applicant submitted a revised development proposal seeking approval of a development to be comprised of three towers (29, 27 and 7 storeys in height), a combined gross floor area of 52,825 square metres (568,607 square feet), a total of 666 dwelling units, a proposed net density of 4.51 Floor Space Index (FSI) and 766 square metres (8,245 square feet) of at grade commercial floor space fronting onto Yonge Street. Additional details regarding the applicant's revised proposal are provided in the later sections of this report. The revised applications and supporting materials were subsequently circulated to relevant City departments and external agencies for review and comment.

On August 9, 2022, the applicant 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* on the basis that Council did not make a decision on the applications within the statutory timeframes afforded under the *Planning Act*. The first OLT Case Management Conference (CMC) was held on January 19, 2023 wherein the OLT confirmed Parties to the appeals and scheduled a 14-day hearing on the merits which is to commence on January 15, 2024. A second CMC is to be scheduled in the near future which will require confirmation of Council's position and the identification of issues with respect to the applicant's revised development proposal. Accordingly, the purpose of this report is to seek Council's direction with respect to the applicant's revised development proposal and to direct appropriate City staff to appear at the OLT in support of Council's position concerning the subject applications.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the west side of Yonge Street approximately 100 metres (328 feet) north of Brookside Road and have a total lot area of 1.611 hectares (3.98 acres) (refer to Map 1). The lands are comprised of two parcels which presently support a two storey

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commercial building with an attached one level parking structure and parking area in the rear. A tributary of the Rouge River runs through the western portion of the subject lands. The existing commercial building, parking structure and related parking area are proposed to be demolished to facilitate the proposed development. Surrounding land uses include a motor vehicle sales establishment (Richmond Hill Hyundai) and a portion of the Rouge River valley corridor to the north, Yonge Street to the east, beyond which is a gas station (Shell) and a private school (Century Private School), the Rouge River Valley and an established low density residential neighbourhood to the west, a proposed 14 storey, high density residential development (City Files D01-18001 and D02-18007), a proposed five storey medical office building (City Files D02-14031, D06-19061), existing single detached residential dwellings, and the Rouge River valley corridor to the south.

Revised Development Proposal

The applicant is seeking approval of its Official Plan and Zoning By-law Amendment applications to permit the construction of a high density mixed-use residential/commercial development to be comprised of 3 apartment buildings (29, 27 and 7 storeys in height) on its landholdings. The proposed development would provide for a total of 666 apartment dwelling units, 766 square metres (8,245 square feet) of at grade commercial floor space and 757 parking spaces within three levels of underground parking on the subject lands. Vehicular access is to be provided via a right-in/right-out driveway to/from Yonge Street (refer to Maps 7 to 11). The following is a summary table outlining the relevant statistics of the applicant's original and revised submissions based on the plans and drawings submitted to the City:

Statistics	Original Proposal	Revised Proposal
Total Lot Area:	1.61 hectares (3.98 acres)	1.61 hectares (3.98 acres)
- Development Area:	1.17 hectares (2.89 acres)	1.17 hectares (2.89 acres)
- Natural Heritage System:	0.43 hectares (1.07 acres)	0.43 hectares (1.07 acres)
Number of Buildings:	3	3
Total Gross Floor Area:	58,940 sq. m. (634,424 sq. ft.)	52,825 sq. m. (568,607 sq. ft.)
- Residential Floor Area:	58,430 sq. m. (628,935 sq. ft.)	52,059 sq. m. (560,362 sq. ft.)
- Commercial Floor Area:	510 sq. m. (5,490 sq. ft.)	766 sq. m. (8,425 sq. ft.)
Total Amenity Space	2,924 sq. m. (31,473.67 sq. ft.)	3,285 sq. m. (35,358 sq. ft.)
- Indoor Amenity Space:	1,462 sq. m. (15,736.83 sq. ft.)	1,505 sq. m. (16,199 sq. ft.)
- Outdoor Amenity Space:	1,462 sq. m. (15,736.83 sq. ft.)	1,780 sq. m. (19,159 sq. ft.)
Total Dwelling Units:	731	666
- Building A:	204	92
- Building B:	373	278
- Building C:	154	296
Net Density:	5.04	4.51
Building Heights:	18, 35 and 15 storeys	7, 27 and 29 storeys
Total Parking	785	757
- Residential:	675	657
- Retail:	Unknown	100 (combined Retail and Visitor parking spaces)
- Visitor:	110	
Bicycle Parking	463	422
- Residential:	439	400
- Visitor	24	22

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As noted previously, the applicant filed a revised development proposal reflecting a number of changes. In this regard, key differences between the original December 2020 development proposal and the revised December 2021 development proposal are as follows:

- a change in building heights from 18, 35, and 15 storeys to 7, 27, and 29 storeys;
- a decrease in the net density from 5.04 FSI to 4.51 FSI;
- a reduction in residential gross floor area from 58,940 square metres (634,424 square feet), to 52,825 square metres (568,607 square feet), a difference of 6,115 square metres (65,821 square feet);
- an increase in commercial gross floor area from 510 square metres (4,590 square feet) to 766 square metres (8,425 square feet), an increase of 256 square metres (2,756 square feet);
- a reduction in the total parking spaces provided from 785 to 757, a difference of 28 parking spaces;
- a reduction in the total bicycle parking spaces provided from 463 to 422, a difference of 41 spaces;
- Building A has been revised from a high-rise building to a mid-rise building; and,
- the tallest building has been relocated to be situated along the Yonge Street frontage.

In order to facilitate and implement the proposed high density mixed-use residential/commercial development, the applicant has filed an Official Plan Amendment application to permit the following:

- an increase in the maximum permitted building height from 8 storeys to 29 storeys; and,
- an increase to the maximum permitted density from 2.0 FSI to 3.3 FSI (refer to Appendix B).

Staff note that the applicant's FSI calculation is based on a gross lot area which includes lands within the Natural Core designation of the City's Official Plan. However, the Plan requires that the density be calculated using developable lands only and therefore the applicant should be seeking an amendment to the maximum permitted density from 2.0 to 4.51 FSI.

Additionally, the applicant has filed a Zoning By-law Amendment application that seeks to rezone its land holdings from **General Commercial One (GC1) Zone**, **Flood (F) Zone**, and **Residential Sixth Density (R6) Zone** to **Open Space (OS) Zone** and **Multiple Residential Ten (RM10) Zone** with site specific development standards under By-law 190-87, as amended (refer to Map 3 and Appendix C). Specifically, the applicant is requesting site specific development standards, to add and/or replace standard definitions, to permit an apartment dwelling and commercial uses, and to establish vehicular and bicycle parking requirements.

It should be noted that there are no general development standards for high-density residential development within the **RM10 Zone** of By-law 190-87. As such, development standards for high density residential development are to be determined site specifically. In this regard, outlined below is a summary of development standards proposed by the applicant:

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Development Standard	Proposed Standard (RM10 Zone)
Maximum Gross Floor Area	53,000 square metres
Maximum Floor Area Ratio	329%
Maximum Tower Floor Plate	750 square metres
Maximum Lot Coverage	45%
Minimum Front Yard (Yonge Street)	10.5 metres
Minimum Interior Side Yard (North)	9.0 metres
Minimum Interior Side Yard (South)	9.0 metres
Minimum Rear Yard	65.0 metres
Maximum Building Height – Building A	7 storeys/33.0 metres
Maximum Building Height – Building B	27 storeys/95.0 metres
Maximum Building Height – Building C	29 storeys/101.0 metres
Maximum Coverage of Mechanical Penthouse	75% of roof surface
Maximum Number of Apartment Dwelling Units	680
Minimum Drive Aisle Width	6.0 metres
Minimum Parking Standard Apartment Dwelling: Commercial: Visitor:	0.92 spaces/dwelling unit None, to be shared with Visitor Parking 0.15 spaces/dwelling unit
Residential Bicycle Parking:	0.6 spaces/dwelling unit with 5% to be for visitors
Non-Residential Bicycle Parking	0.13 spaces/100 sq. m of GFA for residents 0.15 spaces/100 sq. m of GFA for visitors

Policy and Planning Analysis:

Provincial Policy Statement

Staff has undertaken a comprehensive review and evaluation of the applicant’s development proposal based on the policy framework contained within the *Provincial Policy Statement* (“PPS”, 2020), the *Growth Plan for the Greater Golden Horseshoe* (“Growth Plan”, 2020), the Regional Official Plan (“ROP”, 2010) and the City’s Official Plan (“Plan”, 2010). 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, both the PPS and the Growth Plan were updated in 2020. The Region of York has also completed an update to the ROP and introduced the new York Region Official Plan, 2022 (“ROP”, 2022) which was adopted by Regional Council on June 30, 2022, and was approved as modified by the Ministry of Municipal Affairs and Housing on November 4, 2022. It is further noted that the City is currently undertaking a Municipal Comprehensive Review (MCR) to update the City’s Plan as necessary in order to align with more recent Provincial and Regional planning direction.

Planning staff can advise that the applicant’s development proposal is generally consistent with the PPS, and conforms with the Growth Plan; however, as identified in the PPS, Official Plans are the most important vehicle for implementation of the PPS and for achieving comprehensive, integrated and long-term planning. In this regard, Official Plans shall identify

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Provincial interests and set out appropriate land use designations and policies. Below is a more detailed outline and analysis of the proposed development relative to the current ROP and the Plan.

York Region Official Plan

The subject lands are designated **Urban Area**, **Regional Greenlands System** and are located along a **Regional Corridor** in accordance with Map 1 (Regional Structure) of York Region's 2010 Official Plan (ROP), being the in-force ROP at the time the subject applications were submitted to the City. Lands located within the **Urban Area** support a wide range and mix of uses and are intended to accommodate a significant portion of planned growth within the Region. **Regional Corridors** are identified as diverse places that support a range and mix of activities that enrich the character and meet the needs of communities located along the corridors. Yonge Street is also identified as a **Regional Rapid Transit Corridor**, which is identified for safe and efficient movement of all modes of transportation including pedestrian, cyclists and transit vehicles.

The **Regional Greenlands System** serves to identify, protect and enhance Natural Heritage Features and provide an opportunity for passive recreation systems. Development and site alteration are prohibited within the **Regional Greenlands System** and the applicable policies require that any development located within 120 metres of a **Regional Greenlands System** provide sufficient environmental studies to measure impacts on nearby Natural Heritage Features.

It is recognized that York Region Council adopted a new Regional Official Plan in June 2022 which was subsequently approved with modifications by the Minister of Municipal Affairs and Housing in November of 2022. The 2022 ROP implements and is aligned with the most recent updates to the PPS and Growth Plan, and serves to guide land use planning and development within York Region to 2051. The 2022 ROP is not fundamentally different in terms of the applicable policy framework within this area of the City and effectively reconfirms the status of the subject lands in the context of a comprehensive and coordinated approach to accommodating growth and intensification.

In this regard, within the 2022 ROP the subject lands are identified as being located within an **Urban Area** and within a **Regional Corridor** in accordance with Map 1 (Regional Structure). Additionally, the lands are designated **Community Area** on Map 1A (Land Use Designations), and are identified in the **Regional Greenlands System** as per Map 2 (Regional Greenlands System). Similar to the 2010 ROP, the 2022 ROP identifies the **Urban Area** as areas intended to support a wide range and mix of uses which will accommodate a significant portion of planned growth within the Region. The **Community Areas** are envisioned as the areas which will supply the majority of housing, personal services, retail, institutional, cultural and recreational services. Further, the **Community Areas** shall contain a wide range and mix of housing types, sizes and tenures that include options that are affordable. **Regional Corridors** are identified as diverse places that support a range and mix of activities that enrich the character and meet the needs of communities located along the corridors. The primary functions of the **Regional Greenlands System** is the protection of natural heritage features in a system of cores connected by corridors and linkages.

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Furthermore, the lands are located on a portion of Yonge Street that is identified as a **Rapid Transit Corridor** in accordance with Map 10 (Rapid Transit Network). In this regard, the subject lands are located approximately 500 metres from the Bernard BRT Station and are located within the Bernard BRT Station Major Transit Station Area 44 (MTSA 44), which has a minimum density target of 200 people and jobs per hectare. In accordance with the intensification hierarchy set out in the 2022 ROP, strategic growth areas which include MTSA's and **Regional Corridors** are directed to be the primary locations for concentrations of high density and mixed use development.

The applicant's high density mixed use residential/commercial development proposal generally conforms with the policy direction for the **Urban Area** and more specifically, the **Regional Corridor** as set out in the ROP and contributes to the minimum density identified for the protected MTSA in this area. However, the proposed development must have regard for the **Regional Greenlands System** policies with respect to the developable limits and required buffers to all environmental features. Notwithstanding the foregoing, local Official Plans are relied upon to set out more specific policies related to land use and design that refine the broader direction established with the ROP, as is the case with the **Regional Mixed Use Corridor**, inclusive of the appropriate levels of intensification within this area of the City, among other matters.

The subject development applications were circulated to York Region for review and comment. The Region has reviewed the revised submission and has deferred matters relating to site specific heights and densities to the local municipality. A summary of the Region's comments are provided in subsequent sections of this report.

City of Richmond Hill Official Plan

The subject lands are designated **Regional Mixed Use Corridor, Natural Core** and **Neighbourhood** in accordance with Schedule A2 of the Plan (refer to Map 2). Yonge Street is identified as a **Regional Rapid Transit Corridor** on Appendix A5 of the Plan. The majority of the lands are designated **Regional Mixed Use Corridor** which supports a broad range and mix of land uses and activities in a compact, pedestrian-friendly and transit-oriented built form. Accordingly, development within the **Regional Mixed Use Corridor** is encouraged to provide a mix of uses within the same building or separate buildings integrated on the same site.

The maximum permitted density within this portion of the **Regional Mixed Use Corridor** north of the Yonge and Bernard Key Development Area is 2.0 FSI and the maximum building height is eight storeys. Based on a preliminary review of the proposed development relative to the **Regional Mixed Use Corridor** policies, the subject proposal is generally consistent with respect to land use; however, the proposal greatly exceeds the applicable height and density provisions.

Further to the above, high-rise buildings are also subject to specific design criteria as set out under **Section 3.4.1** of the Plan. In this regard, **Section 3.4.1.55** of the Plan requires development within the centres and corridors to provide a 45-degree angular viewplane from adjacent low or medium density residential uses. **Section 3.4.1.57** and **Section 3.4.1.58** of the Plan require sufficient building separation distance of approximately 25 metres between towers

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to maintain appropriate light, view and privacy conditions as well as the provision of slender floorplates of approximately 750 square metres to limit shadow and wind impacts and loss of sky view. Additionally, high-rise buildings are also required to provide setbacks above the base building in order to create a discernable podium and street wall as per **Section 3.4.1.58**. Staff note that the proposed 7 storey building is not considered a high-rise building and that the revised development which includes 27 and 29 storey buildings, is generally consistent with the high-rise design policies of the Plan.

Additionally, **Section 3.1.5.3** and **Section 3.1.5.6** of the Plan require a minimum of 25% of new housing units to be affordable and that 5% of units shall contain 3 or more bedrooms. The proposed development provides the required 5% three-bedroom units; however, the applicant has not provided any information to demonstrate how the proposed development will incorporate the required 25% affordable housing required by the Plan.

The western portion of the lands are designated **Neighbourhood** which are generally characterized by low-density residential uses including low-rise single detached dwellings and contemplates small-scale infill development. In accordance with **Section 4.6.1.12** of the Plan, development abutting the **Neighbourhood** designation shall provide transition which is subject to the angular viewplane provisions of **Section 3.4.1.55** of the Plan. In this regard, it appears that the proposed development provides appropriate transition to the adjacent residential uses to both the west and south.

A portion of the lands includes a tributary of the Rouge River and are accordingly designated **Natural Core**. The **Natural Core** designation is intended to maintain, improve and restore the ecological integrity of natural features outside the central corridor of the Oak Ridges Moraine. Accordingly, the **Natural Core** designation permits fish, wildlife and forest management, conservation projects and flood and erosion control projects other than stormwater management works, essential infrastructure and utilities, recreational uses, parks and uses accessory thereto.

In accordance with Schedule A1 – Urban Structure and Schedule A4 – Key Natural Heritage Features (KNHF) and Key Hydrological Features of the Plan (KHF), the subject lands are within the minimum area of influence of a Significant Woodland and Permanent and Intermittent Streams. In addition to the above, the lands contain significant valleyland, significant wildlife habitat, and habitat of threatened and endangered species.

In this regard, Table 3 of **Section 3.2.1.1** of the Plan establishes the minimum area of influence and the minimum vegetation protection zones that relate to a key natural heritage feature (KNHF), key hydrological feature (KHF), or Areas of Natural and Scientific Interest. The minimum vegetation protection zone (buffer) required from any portion of a significant woodland, permanent and intermittent streams, and valleyland is 30 metres (98.43 feet) unless a reduction can be justified through a Natural Heritage Evaluation approved by the City and Toronto and Region Conservation Authority (TRCA). The required buffer for significant wildlife habitat and habitat of threatened and endangered species shall be determined through an approved Natural Heritage Evaluation. At this time, the applicant has not provided sufficient information to the City and TRCA to determine the developable limits and required buffers.

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The subject lands are situated within the **Settlement Area** of the Oak Ridges Moraine, in accordance with the ORMCP. In this regard, **Section 3.2.1.1.18** of the Plan stipulates that all uses which are otherwise permitted under the Plan shall be permitted within the **Settlement Area** and permitted uses shall be subject to the requirements of Section 19(3) and 31(4) of the ORMCP. The easterly portion of the lands also appears to be located within an Area of High Aquifer Vulnerability in accordance with Schedule A5 – ORM Areas of High Aquifer Vulnerability and Wellhead Protection Areas of the Plan. Lands within an Area of High Aquifer Vulnerability are susceptible to contamination from both human and natural impacts on water quality. **Section 3.2.1.1.37** of the Plan identifies additional uses prohibited within an Area of High Aquifer Vulnerability. However, the proposed development is not anticipated to affect the Area of High Aquifer Vulnerability.

The City is currently undertaking its Municipal Comprehensive Review and recently prepared the *Official Plan Update Key Directions Report (2021)* which was endorsed by Council at its meeting on February 9, 2022. The Key Directions Report forms the foundation for future amendments to the Plan and guides the next phase of the City's Official Plan Update process while responding to Council's Strategic Priorities and supporting the City's commitment to address climate change.

In accordance with Official Plan Amendment 18.3 (Vision and City Structure), **Regional Corridors** such as Yonge Street shall function as key connections between centres in York Region and are envisioned to accommodate intensification and transit supportive development. It is noted that OPA 18.3 was adopted by Council on June 27, 2022 and by the Region on September 9, 2022. Staff note that the Key Directions Report does not contemplate any changes to the **Regional Mixed Use Corridor** designation as it relates to increased height or density. OPA 18.3 further advises that certain portions of the Regional Corridors will not develop or intensify in order to protect the **Greenway System**, to protect for employment uses, and/or to maintain its predominant neighbourhood function.

Staff has undertaken a comprehensive review of the applicant's development proposal and has identified a number of significant concerns from a planning and policy perspective. To this end, staff finds that the applicant's development proposal cannot be supported for the following principal reasons:

Building Height and Density

As outlined previously, the subject lands are located within the **Regional Mixed Use Corridor**, **Natural Core** and **Neighbourhood** land use designations in accordance with the Plan.

The proposed development is generally consistent with the land uses contemplated for this area of the City; however, it does not conform with the applicable density, height or tower separation provisions for this area of the **Regional Mixed Use Corridor** as set out in the Plan. Whereas the maximum permitted height for buildings within this area of the **Regional Mixed Use Corridor** is 8 storeys and the maximum permitted density is 2.0 FSI, the applicant's revised development proposal contemplates a building heights of 29, 27 and 7 storeys and a net site density of approximately 4.51 FSI. The scale of the revised proposal greatly exceeds the permitted height and density provisions of the Plan. Staff further note that the proposed

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density has been calculated by the applicant using the gross lot area which includes the KHF, KHF and the MVPZ. However, the Plan states that density shall be calculated using developable lands only. In this regard, staff have been referencing the net density of 4.51 FSI in accordance with provisions of the Plan.

In accordance with **Section 4.6.1.5 and 4.6.1.6** of the Plan, the highest and most dense forms of development within the **Regional Mixed Use Corridor** shall be located along Yonge Street, south of the **Downtown Local Centre** designation where the maximum permitted height and density shall be a maximum of 15 storeys in height and 2.5 FSI respectively, as set out in the policies of the Plan. Notwithstanding the foregoing, the height and density of the applicant's revised development proposal greatly exceeds the permitted building height for any area of the **Regional Mixed Use Corridor** as contemplated within the Plan. The proposed net density of approximately 4.51 FSI also greatly exceeds the maximum density permitted for any lands located within the **Regional Mixed Use Corridor**. Given the above, the height and density contemplated for the applicant's revised development proposal are inconsistent with the policy direction and vision for the **Regional Mixed Use Corridor** as established by the Plan.

Affordable Housing

Section 3.1.5.3 of the Plan directs that a minimum of 25% of new housing units shall be affordable and should be coordinated across the City. A portion of these units should be designed to be accessible for people with disabilities. Affordable housing units should include a mix and range of types, lot sizes, unit sizes, functions and tenures to provide opportunity for all household types across the City. As defined in **Section 7.2** of the Plan, Affordable means:

“in the case of ownership housing, the least expensive of:

- a. housing for which the purchase price results in annual accommodation costs not exceeding 30% of gross annual household income for low- and moderate-income households; or*
- b. housing for which the purchase price is at least 10% below the average purchase price of a resale unit in the regional market area.”*

In terms of ownership housing, “**low and moderate-income households**” is defined to include *households with incomes in the lowest 60% of the income distribution for the regional market area.*

The applicant has not provided any information to demonstrate how the proposed development will incorporate affordable housing as prescribed by the Plan. Furthermore, although the current proposal includes a total of 69 three-bedroom or family-sized units, no minimum requirements or provisions are included in the applicant's draft Zoning By-law to ensure or enforce their implementation.

Environmental Features and Protection

As noted previously, a portion of the lands contain a tributary of the Rouge River which are designated **Natural Core**. The **Natural Core** designation is intended to maintain, improve and restore the ecological integrity of natural features. In accordance with Table 3 of **Section**

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3.2.1.1 of the Plan, the minimum area of influence and the minimum vegetation protection zones that relate to a key natural heritage feature (KNHF), key hydrological feature (KHF), or Areas of Natural and Scientific Interest are provided. The proposed development has not demonstrated conformity with this section of the Plan as the developable limits, environmental features, and associated buffers have not been established nor approved by the TRCA and the City's Park and Natural Heritage Planning Section.

Parking

The City's Transportation and Traffic Section has identified concerns and information gaps with respect to the justification and analysis provided by the applicant in support of the proposed shared use parking arrangement between residential visitors and retail parking, in addition to the proposed reduced residential parking supply. In this regard, the City's 2010 Draft Richmond Hill Parking Strategy currently requires the provision of 878 parking spaces (inclusive of residential, visitor and retail parking) in support of the proposed development, using the following rates:

- 1-Bedroom: 1.0 space/unit
- 2-Bedroom: 1.2 spaces/unit
- 3-Bedroom: 1.5 spaces/unit
- Visitor: 0.15 spaces/unit
- Retail: 4.3 spaces/unit

The applicant is requesting reduced parking rates that would require the provision of 744 parking spaces (including 100 visitor parking spaces and 21 retail parking spaces). The current development proposal provides a total of 757 parking spaces (including 100 shares visitor and retail parking spaces). In this regard, the submitted Parking Study is required to justify the significant on-site reduced parking rates, and shared visitor/retail parking.

Contextual Perspective

The **Regional Mixed Use Corridor** was planned to accommodate a range of land uses, housing types and densities, including medium and high density development with maximum building heights of 15 storeys and a maximum FSI of 2.5 in select locations, being predominantly located along Yonge Street south of the Downtown Local Centre. As noted previously, the maximum height and density for this section of the **Regional Mixed Use Corridor**, being north of the Yonge and Bernard Key Development Area is 8 storeys and a 2.0 FSI.

To date, development in this **Regional Mixed Use Corridor** area has largely been approved and/or constructed in accordance with the broader policy direction of the Plan. In terms of recently approved high density built forms, one development proposal has been approved by Council at 11300 Yonge Street (Schlegel Villages Inc.) with a relatively small increase in the permitted building height from 8 to 10 storeys and increased density from 2.0 FSI to 3.0 FSI. Furthermore, the more recently approved and built Mon Sheong Retirement residence at 11211 Yonge Street has a maximum height of 10 storeys and density of approximately 3.3 FSI. Proposed developments in the area do not exceed building heights of 15 storeys and

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there is no precedent for significant increases in building height or density within this portion of the **Regional Mixed Use Corridor**, as contemplated by the applicant.

Given the existing policy framework in the Plan, staff is of the opinion that approval of the subject applications would significantly challenge the City's ability to defend and enforce its approved policy framework should similar development proposals come forward elsewhere in this portion of the **Regional Mixed Use Corridor**.

Public Comments:

As noted previously, various concerns were raised at the Council Public Meeting held on April 7, 2021 pertaining to the applicant's original development proposal. These comments and areas of concern are summarized below:

- the appropriateness of the proposed height and density;
- increased traffic generation;
- impacts on existing community services;
- lack of existing parkland in the area to accommodate the proposed development;
- lack of privacy and overshadowing with respect to adjacent residential neighbourhoods;
- impacts to the natural environment; and,
- the loss of an existing commercial building and associated uses.

While the applicant has submitted a revised development proposal, staff advise that the revisions do not address or respond to the various comments and concerns raised throughout the processing of these applications.

Department and Agency Comments:

The following sections provide a summary of the comments received as of the time of writing of this report based on the review of the applicant's revised development proposal and the associated background studies and reports submitted in support of same.

Development Engineering Division

The City's Development Engineering Division has reviewed the applicant's revised development proposal and has provided detailed comments with respect to the assessment of sanitary capacity, conformity to the recommendations of the Urban Master Environmental Servicing Plan (UMESP), dewatering, as well as technical matters that would be required to be addressed during a more detailed phase of the review.

In terms of Transportation matters, the City's Development Engineering Division has provided comments with respect to the technical reports and analyses submitted in support of the applicant's revised development proposal. Among other matters, Transportation staff has provided detailed comments as they relate to parking rates, transportation demand management measures, in addition to various other technical requirements (refer to Appendix D).

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Park and Natural Heritage Planning Section

The City's Park and Natural Heritage Planning (PNHP) Section has reviewed the applicant's revised development proposal and has provided comments with respect to the submitted Natural Heritage Evaluation and tree preservation. Specifically, PNHP staff has advised that the submitted Natural Heritage Evaluation must be revised to depict the required buffers to the environmental features on the lands.

Staff has also identified that the applicant is proposing to remove a portion of significant woodland to facilitate the development which is not supported by the Plan. Further comments have been provided regarding the need for a trail system at the southern property limits, and clarification is required with respect to proposed encroachments into the environmental lands. Park and Natural Heritage Planning staff has also advised that the submitted Arborist Report and Tree Inventory and Preservation Plan are to be revised to address all technical comments and to include all trees located within the environmental lands (refer to Appendix E).

Urban Design and Heritage Section

The City's Urban Design and Heritage Section has advised that the proposed tower separation between Towers "A" and "B" must be increased to meet the required 25 metres in accordance with the applicable policies of the Plan. Further, an updated Sun Shadow Study is required to reflect the changes from the second submission. Detailed comments related to built form, the design for at-grade/urban realm, and site design/landscape treatments have also been provided which are to be addressed at the detailed design stage (refer to Appendix F).

Toronto and Region Conservation Authority

Toronto and Region Conservation Authority (TRCA) are a Party to the OLT hearing. TRCA staff have reviewed the applicant's revised development proposal and have advised of several technical matters which must be addressed by the applicant. Specifically, the applicant must revise their Natural Heritage Evaluation to provide additional details with respect to environmental features and their associated buffers, stormwater management practices, endangered species, and the proposed removal of significant woodland. Technical comments related to ecology, water resources and geotechnical matters were also provided. Lastly, TRCA has advised that environmental features and their associated buffers are to be placed in a protective zoning category and dedicated into public ownership (refer to Appendix G).

Regional Municipality of York

As noted previously in the report, the Regional Municipality of York (the "Region") has reviewed and provided comments on the subject applications. The Region has confirmed that they do not have comments on the applicant's revised Zoning By-law Amendment application. Concerning the revised Official Plan Amendment application, the Region has provided comments with respect to the relationship of the proposed development to the ROP **Urban Area** designation and the **Regional Corridor** policies.

The Region has indicated that the proposed Official Plan Amendment generally conforms with the Region's 2010 Official Plan (the Official Plan in force at the time of the Region's review). Furthermore, the Region has specified that the subject lands are located within PMTSA 44

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which has a planned minimum density of 200 persons and jobs per hectare. Based on the applicant's revised submission, the applicant is proposing a population density of 1,065 persons per hectare which appears to far exceed the planned minimum density. The Region advises that the determination of the appropriate level of intensification along a Regional Corridor and within a PMTSA is best determined by the local municipality relative to a site's local context and area's planned function given that the subject lands are near, but not within, the Yonge Bernard KDA Secondary Plan area.

The Region has also provided comments on the applicant's revised development proposal as they relate to transportation, water and wastewater servicing, water resources, sustainable mobility and development measures, servicing allocation, and affordable housing initiatives (refer to Appendices H and I).

Development Planning Division

On the basis of the staff's review and evaluation of the subject development proposal, staff do not support the applicant's revised Official Plan Amendment and Zoning By-law Amendment applications for the following principle reasons:

- the scale of the applicant's revised development proposal is not supported by the City's in-force policy regime and is inconsistent with the policy objectives, vision and principles as outlined for this area of the City as outlined within the City's Official Plan;
- approved and proposed developments in the area of the subject lands do not exceed building heights of 15 storeys. The revised development proposes significant increases in both height and density and would set a precedent in the area;
- the applicant's revised development proposal does not provide the necessary information to determine the developable limits of the lands and the required environmental buffers;
- conformity with the policies of the City's Official Plan with respect to the provision of affordable housing within the **Regional Mixed Use Corridor** has not been demonstrated; and,
- the applicant's revised development proposal does not satisfactorily address technical requirements related to parking, engineering, environmental features and various other matters that have been identified by circulated departments and agencies.

On the basis of the preceding, it is recommended that the applicant's revised Official Plan Amendment and Zoning By-law Amendment applications be denied by Council and that appropriate staff be directed to appear at the OLT in support of Council's position on this matter.

Other City Department and External Agency Comments:

Comments on the applicant's revised submission have also been received from Alectra Utilities, the City's Community Services Department, the City's Fire and Emergency Services Department, the City's Building Services Division (Zoning), the York Region District School Board, and the York Catholic District School Board. These City departments and external agencies have indicated that they have no objections to the applicant's revised development proposal and/or have provided technical comments that relate to a more detailed stage in the

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review process. These comments have not been appended to this report. Should approval be granted with respect to the applicant's revised development proposal, an application for Site Plan approval would be required to implement the proposed development.

Financial/Staffing/Other Implications:

The recommendations of this report will have financial, staffing or other implications as the applications have been appealed to the Ontario Land Tribunal (OLT) and there will be a further draw on staff and financial resources to attend the proceedings. This will be accommodated in existing budgets.

Relationship to Council's Strategic Priorities 2020-2022:

The proposed development has not demonstrated full conformity with the policies of the Plan and therefore is not aligned with the overall vision of the City's Strategic Plan.

Climate Change Considerations:

The recommendations of this report do not have any direct Climate Change Considerations. In this regard, the proposed development does not fully conform with the policies of the Plan.

Conclusion:

The applicant is seeking approval of its Official Plan Amendment and Zoning By-law Amendment applications in order to permit the construction of a high-rise, high density mixed-use residential/commercial development on its land holdings. For the principal reasons outlined in this report, staff is of the opinion that the subject applications do not represent good planning and cannot be supported. Accordingly, staff recommends that the Ontario Land Tribunal be advised that Council does not support the applicant's Official Plan and Zoning By-law Amendment applications, and that appropriate staff and any necessary external consultants be directed to appear at the OLT in support of Council's position on this matter.

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, Extract from Council Public Meeting C#14-21 held on April 7, 2021
- Appendix B, Applicant's Draft Official Plan Amendment
- Appendix C, Applicant's Draft Zoning By-law Amendment
- Appendix D, Memo from Development Engineering Division dated April 28, 2022
- Appendix E, Memo from Park and Natural Heritage Planning Section dated February 25, 2022
- Appendix F, Memo from Urban Design and Heritage Section dated January 10, 2022
- Appendix G, Memo from Toronto and Region Conservation Authority dated February 17, 2022
- Appendix H, Memo from the Regional Municipality of York dated February 25, 2021
- Appendix I, Memo from the Regional Municipality of York dated February 15, 2022

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- Map 1, Aerial Photograph
- Map 2, Official Plan Designation
- Map 3, Existing Zoning
- Map 4, Original Site Plan
- Map 5, Original Elevation Plans
- Map 6, Original 3D Renderings
- Map 7, Revised Site Plan
- Map 8, Revised Elevation Plans – Building A
- Map 9, Revised Elevation Plans – Building B
- Map 10, Revised Elevation Plans – Building C
- Map 11, Revised 3D Renderings

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Report Approval Details

Document Title:	SRPI.23.023 - Request for Direction - Official Plan Amendment and Zoning By-law Amendment Applications - 11160 Yonge Street.docx
Attachments:	<ul style="list-style-type: none">- Appendix A.pdf- Appendix B.pdf- Appendix C.pdf- Appendix D.pdf- Appendix E.pdf- Appendix F.pdf- Appendix G.pdf- Appendix H.pdf- Appendix I.pdf- Map 1 - Aerial Photograph.docx- Map 2 - Official Plan Designation.docx- Map 3 - Existing Zoning.docx- Map 4 - Original Site Plan.docx- Map 5 - Original Elevation Plans.docx- Map 6 - Original 3D Renderings.docx- Map 7 - Revised Site Plan.docx- Map 8 - Revised Elevation Plans – Building A.docx- Map 10 - Revised Elevation Plans – Building C.docx- Map 11 - Revised 3D Renderings.docx
Final Approval Date:	Feb 13, 2023

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

Gus Galanis - Feb 13, 2023 - 10:58 AM

Kelvin Kwan - Feb 13, 2023 - 11:36 AM

Darlene Joslin - Feb 13, 2023 - 3:30 PM