



Staff Report for Committee of the Whole Meeting

Date of Meeting: September 20, 2023

Report Number: SRPBS.23.006

Department: Planning and Building Services

Division: Development Planning

Subject: SRPBS.23.006 - Request for Direction - Official Plan and Zoning By-law Amendment Applications - Whitehorn Investments Limited, Stephen-Mitchell Realty Limited, 891566 Ontario Limited and Ledbrow Investments Ltd. - City Files D01-20015 and D02-20029 (Related City File D06-22036)

Owners:

Whitehorn Investments Limited, Stephen-Mitchell Realty Limited, 891566 Ontario Limited and Ledbrow Investments Ltd.

3200 Highway 7

Vaughan, ON L4K 5Z5

Agent:

SmartCentres

3200 Highway 7

Vaughan, ON L4K 5Z5

Location:

Legal Description: Part of Lot 41, Concession 1, E.Y.S.

Municipal Addresses: 9301, 9325 and 9335 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 a portion of 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 Whitehorn Investments Limited, Stephen-Mitchell Realty Limited, 891566 Ontario Limited and Ledbrow Investments Ltd. for lands known as Part of Lot 41,

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Concession 1, E.Y.S. (Municipal Addresses: 9301, 9325 and 9335 Yonge Street), City Files D01-20015 and D02-20029 (Related City File D06-22036) for the principle reasons outlined in Staff Report SRPBS.23.006;

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

Contact Person:

Leigh Ann Penner, Senior Planner – Subdivisions, phone number 905-771-2462 and/or Sandra DeMaria, Manager of Development – Site Plans, phone number 905-747-6312

Report Approval:

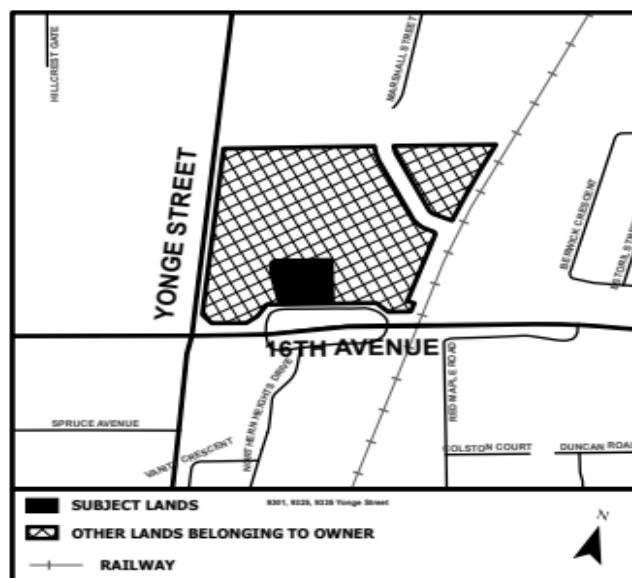
Submitted by: Kelvin Kwan, Commissioner of Planning and Business Services

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:

The subject Official Plan and Zoning By-law Amendment applications were submitted to the City on December 24, 2020 and deemed complete on February 4, 2021. The applicants' original development proposal sought approval of a high density mixed use residential/commercial development on a portion of its land holdings to be comprised of two apartment buildings, 42 and 45 storeys in height, to be connected by a five storey podium with commercial space at grade and a combined total gross floor area of 69,407.70 square metres (747,122.71 square feet), 821 dwelling units with an FSI of 8.78. The lands subject to these development applications represent the first phase of a multi-phased redevelopment of the applicants' overall land holding.

The subject applications were considered at a Residents Information Meeting hosted by the Ward 6 Councillor on March 31, 2021 and at a statutory Council Public Meeting held on April 21, 2021 wherein Council received Staff Report SRPI.21.040 for information purposes and directed that all comments be referred back to staff (refer to Appendix "A"). Comments and concerns were raised at both meetings by members of Council and the public and through written correspondence received by the City with respect to the applicants' development proposal. The main concerns identified relate to the proposed height and density, removal of existing commercial uses, insufficient parking for the development, housing affordability, shadowing and privacy implications, traffic congestion, pedestrian safety, lack of landscaping and parkland, and construction noise which are detailed in a subsequent section of this report.

In June 2022, the applicants' submitted a Site Plan application in support of its Phase 1 development proposal (City File D06-22036). In February 2023, the applicants' filed a revised submission of their Official Plan and Zoning By-law Amendment applications which sought approval of a revised development proposal to be comprised of two apartment buildings, 42 and 45 storeys in height, connected by a five storey podium with a combined gross floor area of 69,843.80 square metres (751,817 square feet), a total of 1,047 dwelling units, commercial space at grade and a density of 8.84 Floor Space Index (FSI). Additional details regarding the applicants' revised development proposal are provided in the later sections of this report. The applicants' Site Plan application and revised Official Plan and Zoning By-law Amendment applications and supporting materials were subsequently circulated to relevant City departments and external agencies for review and comment.

On June 29, 2023, 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 had failed to make a decision with respect to the applications within the statutory timeframes as set out by the *Planning Act*. A Case Management Conference (CMC) has been scheduled for September 25, 2023 with respect to the subject applications wherein the OLT will identify Parties and Participants to the proceedings, and to address procedural and administrative matters.

Accordingly, the purpose of this report is to seek Council's direction with respect to the applicants' revised development proposal and to direct City staff to appear at the September 25, 2023 CMC in support of Council's position concerning the subject applications.

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Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the north side of 16th Avenue, east of Yonge Street and form part of the applicants' larger 10.68 hectare (26.41 acre) land holding at the northeast corner of 16th Avenue and Yonge Street. The lands that are subject to the subject development applications (the Phase 1 lands) have a lot area of 0.79 hectares (1.95 acres) and are located midway along the 16th Avenue frontage of the property which is currently accessed via the 16th Avenue service road and via the existing internal network of driveways on the larger site (refer to Map 1). A tributary of the Don River (the German Mills Creek) bisects the northeast corner of the applicants' lands (municipally known as 9325 Yonge Street) from the balance of the site (municipally known as 9301 and 9335 Yonge Street) (refer to Map 1).

The lands presently support the South Hill Shopping Centre that is comprised of a number of free standing and multi-unit retail and commercial buildings, including a supermarket (No Frills). The Phase 1 lands contain a one storey, 3,027 square metre (32,583.42 square feet) commercial building which is to be demolished as part of the proposed development.

Surrounding land uses include medium density residential uses and parkland to the north, the CN Bala Mainline to the east, Yonge Street to the west and 16th Avenue to the south. Uses beyond the subject lands include existing townhouse dwellings and high density mixed use residential/commercial development to the north, low density residential development to the east, Hillcrest Mall to the west and commercial and high density mixed use residential/commercial uses to the south (refer to Map 2). It is noted that the Phase 1 lands are located approximately 100 metres walking distance from the 16th-Carrville Bus Rapid Transit (BRT) Station at the intersection of Yonge Street and 16th Avenue/Carrville Road.

Revised Development Proposal

The applicant is seeking approval of its revised development proposal to facilitate the construction of a high density mixed use residential/commercial development on a portion of its land holdings (refer to Map 6). As noted, the lands subject to these development applications represent the first phase of a proposed multi-phased redevelopment of the applicants' overall land holding. The revised Phase 1 proposal is comprised of two apartment buildings, 42 and 45 storeys in height, connected by a five storey podium with 1,344.16 square metres (14,468.89 square feet) of ground related commercial uses, 1,047 residential units, indoor and outdoor amenity space (including an outdoor amenity terrace atop the five storey podium), at-grade parking, one level of underground parking and parking on all levels within the five storey podium. Vehicular access is proposed from the existing 16th Avenue service road and the existing internal network of driveways on the lands (refer to Maps 6 and 7).

The following is a summary outlining the relevant statistics of the applicants' original development proposal that was presented at the Council Public Meeting and the current revised proposal based on the plans and drawings submitted to the City:

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Development Statistic	Original Development Proposal (2020)	Revised Development Proposal (2023)
Total Lot Area	10.68 hectares (26.41 acres)	9.20 hectares (22.72 acres)
Phase 1 Lot Area	0.79 hectares (1.95 acres)	0.79 hectares (1.95 acres)
Number of Dwelling Units	821	1,047
Number of Storeys		
• North Tower	42	42
• South Tower	45	45
Building Height (including top of mechanical penthouse)		
• North Tower	139.20 metres (456.69 feet)	140.9 metres (462.27 feet)
• South Tower	148.20 metres (486.22 feet)	150.50 metres (493.77 feet)
Podium Height	5 storeys	5 storeys
Total GFA (excluding above-grade parking)	69,407.70 square metres (747,122.71 square feet)	69,843.80 square metres (751,817.0 square feet)
Total Residential GFA (excluding above-grade parking)	67,726.40 square metres (729,024.75 square feet)	68,499.64 square metres (737,348.11 square feet)
Total Non-Residential GFA (excluding above-grade parking)	1,618.40 square metres (17,420.88 square feet)	1,344.16 square metres (14,468.89 square feet)
Floor Space Index (excluding above-grade parking)		
• Phase 1	8.78	8.84
• Entire Site	0.65	0.76
Total Amenity Area	2,817.90 square metres (30,332.62 square feet)	2,687.61 square metres (28,930.03 square feet)
• Indoor	1,027.20 square metres (11,057.05 square feet)	702.57 square metres (7,562.65 square feet)
• Outdoor	1,790.70 square metres (19,275.57 square feet)	1,985.04 square metres (21,367.49 square feet)
Parking Spaces	756	844
• Residential	538	631
• Barrier Free	15	17
• Visitor	186 (provided outside of Phase 1)	158 (provided outside of Phase 1)
• Retail	17 (provided outside of Phase 1)	38 (provided outside of Phase 1)
Bicycle Parking Spaces	524	676
• Residential	492	632
• Residential – Visitor	26	38
• Retail	3	3
• Retail – Visitor	3	3
Loading Spaces	3	3

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As noted, the applicant filed a revised development proposal reflecting a number of changes. In this regard, key differences between the applicants' original development proposal presented at the April 21, 2021 Council Public Meeting and the current revised proposal are as follows:

- a decrease in the overall site area from 10.68 hectares (26.41 acres) to 9.20 hectares (22.72 acres) based on the net developable area of the entire land holding;
- an increase in residential gross floor area (excluding the above-grade structured parking) from 67,726.40 square metres (729,024.75 square feet) to 68,499.64 square metres (737,348.11 square feet);
- a reduction in non-residential gross floor area (excluding the above-grade structured parking) from 1,618.40 square metres (17,420.88 square feet) to 1,344.16 square metres (14,468.89 square feet);
- an increase in the total gross floor area (excluding the above-grade structured parking area) from 69,407.70 square metres (747,122.71 square feet) to 69,843.80 square metres (751,817 square feet);
- an increase in the overall building height (including top of mechanical penthouse) for the North Tower from 139.20 metres (456.69 feet) to 140.9 metres (462.27 feet) and the South Tower from 148.20 metres (486.22 feet) to 150.50 metres (493.77 feet) to accommodate required transfer slabs and structural requirements that have been identified through the applicants' detailed design work;
- an increase in the Floor Space Index (FSI) for Phase 1 from 8.78 to 8.84;
- an increase in the total number of dwelling units from 821 to 1,047;
- a reduction in the total amenity area from 2,817.90 square metres (30,332.62 square feet) to 2,687.61 square metres (28,930.03 square feet);
- an expansion to the 5 storey podium and corresponding increase in the total number of parking spaces from 756 to 844; and,
- an increase in the total number of bicycle parking spaces from 524 to 676.

The applicants' land holding is comprised of 9301, 9325 and 9335 Yonge Street. The total lot area and proposed FSI calculation reported in the applicants' original submission is based on the gross lot area of the entire land holding. In accordance with the applicable policies of the Plan, the density calculation must be based on the net developable area of the subject lands. Staff note that 9325 Yonge Street is located within the flood hazards and required buffers and is designated **Natural Core** and identified within the **Greenway System** in accordance with the City's Official Plan. In this regard, the total lot area reported in the applicants' revised submission excludes 9325 Yonge Street given that the designated **Natural Core** lands do not constitute developable lands. Accordingly, the applicants' revised submission reports a reduced total lot area of the larger land holding and an increased density calculation for the entire site.

In order to facilitate and implement the revised development proposal, the applicant has filed an Official Plan Amendment application proposing a site specific exception under **Chapter 6** of the City's Official Plan to permit the following (refer to Appendix "B"):

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- an increase in the maximum permitted density from 4.0 to 8.84 FSI based on a lot area of 7,904 square metres;
- an increase to the maximum permitted building height from 20 storeys to 42 and 45 storeys;
- an increase in the maximum tower floor plate size from 750 square metres (8,073.20 square feet) to 805 square metres (8,665.23 square feet); and,
- a maximum gross floor area of 70,000 square metres (753,498.38 square feet).

Additionally, the applicant is seeking approval to rezone a portion of their land holdings from “**Community Commercial (CC) Zone** under Zoning By-law 108-85, as amended, to **Multiple Residential Ten (RM10) Zone** under By-law 2325-68, as amended, with site specific provisions in order to permit the proposed residential and non-residential uses and development standards (refer to Map 4 and Appendix “C”). It should be noted that there are no general development standards for high density residential development within the **RM10 Zone** under By-law 2325-68. As such, development standards for high density residential development are determined and implemented on a site specific basis. In this regard, outlined below is a summary of development standards proposed by the applicant:

Development Standard	Proposed Standard, RM10 Zone under By-law 2325-68, as amended
Maximum Number of Apartment Dwelling Units	1,050
Maximum Gross Floor Area	70,000 square metres (753,498.38 square feet)
Maximum Floor Area Ratio (Phase 1)	884%
Maximum Floor Area Ratio (Gross Site)	76%
Maximum Tower Floor Plate	805 square metres (8,665.23 square feet)
Maximum Lot Coverage	93%
Minimum Front Yard (16 th Avenue)	2.0 metres (6.56 feet)
Minimum Interior Side Yard (East)	1.2 metres (3.94 feet)
Minimum Interior Side Yard (West)	1.2 metres (3.94 feet)
Minimum Rear Yard	1.2 metres (3.94 feet)
Maximum Building Height	45 storeys /153 metres (501.97 feet)
Maximum Coverage of Mechanical Penthouse	75% of roof surface
Minimum Setback at Daylight Triangle	0.25 metres (0.82 feet)
Maximum Drive Aisle Width	6.0 metres (19.69 feet)
Minimum Parking Spaces	0.62 parking spaces/dwelling unit
• Apartment Dwelling:	
• Residential Visitor and Retail:	0.15 parking spaces/dwelling unit
Minimum Bicycle Parking Spaces	
• Residential Use:	0.58 bicycle parking spaces/dwelling unit
• Residential Use – Visitor:	5% of the minimum required bicycle spaces for residential use
• Non-Residential Use:	0.22 bicycle parking spaces/100 square metres of gross floor area
• Non-Residential Use – Visitor:	0.22 bicycle parking spaces/100 square metres of gross floor area

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Further to the preceding, the applicant is proposing site specific development standards to:

- limit the permitted uses to *Apartment Dwelling* and *Commercial Uses*;
- prohibit above grade parking between the building and 16th Avenue;
- prohibit loading or service areas along 16th Avenue;
- amend the general provisions pertaining to minimum required vehicular and bicycle parking spaces;
- permit a 0.0 metre setback to below grade parking structures; and,
- permit interim residential visitor and commercial/retail parking as off-site parking shared with the balance of the lands currently zoned **Community Commercial (CC) Zone** on the lands.

It is noted that the applicant has submitted a related Site Plan application to facilitate its development proposal (File D06-22036). The Site Plan application remains under review at this time.

Policy and Planning Analysis:

Staff has undertaken a comprehensive review and evaluation of the applicants' development proposal based on the policy framework contained within the *Provincial Policy Statement* (the "PPS", 2020), the *Growth Plan for the Greater Golden Horseshoe* (the "Growth Plan", 2020), the *Regional Official Plan* (the "ROP", 2010) and the City's Official Plan (the "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 its approval.

Since the Plan's approval, 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 (the "ROP", 2022), which was adopted by Regional Council on June 30, 2022 and 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 applicants' development proposal is 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 Provincial interests and set out appropriate land use designations and policies. Below is a more detailed outline and analysis of the applicants' proposed development relative to the current Regional and City Official Plans.

York Region Official Plan

The subject lands are designated **Urban Area** and are located along a **Regional Corridor** in accordance with Map 1 (Regional Structure) of the 2010 Regional Official Plan (ROP, 2010), being the in force ROP at the time the subject applications were submitted to the City. Lands designated **Urban Area** support a wide range and mix of uses and are intended to

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accommodate a significant portion of planned growth within the Region. In this regard, the **Urban Area** policies would permit a high density mixed use residential/commercial development as proposed by the subject applications. Growth within York Region is to be accommodated within the **Urban Area** whereby **Regional Corridors** will serve as locations for the highest densities and mix of uses, as determined by the local municipality, with consideration for local community context and character. Further, Development within **Regional Corridors** is to be urban in form and designed to be compact, mixed-use, oriented to the street, pedestrian and cyclist friendly, and transit supportive. Yonge Street is also identified as a **Regional Rapid Transit Corridor**, which is identified for safe and efficient movements of all modes of transportation including pedestrian, cyclists and transit vehicles.

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 the 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 accordance with 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). 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 corridors.

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). The ROP sets out a vision for these areas to develop as attractive and vibrant urban areas that link **Regional Centres**, functioning as urban main streets that have a compact, mixed use, well-designed, pedestrian-friendly and transit-oriented built form. In this regard, the subject lands are located within the boundaries of the “16th-Carrville BRT Station” Protected Major Transit Station Area (PMTSA), referred to as PMTSA 39 in accordance with Appendix 2 of the 2022 ROP. A minimum density target of 300 people and jobs per hectare is required within the ROP for this PMTSA. As set out within **Chapter 4.0** of the ROP, MTSA's represent a key component of the Region's intensification and growth management strategy and are intended to support higher density, mixed-use and transit-oriented development.

The applicants' high density mixed use residential/commercial development proposal generally conforms with the policy direction for the **Urban Area** and more specifically, the

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Regional Corridor as set out in the ROP and contributes to the minimum density identified for the PMTSA in this area. Notwithstanding the foregoing, local Official Plans are relied upon to set out more specific policies related to land use, transportation networks, affordable housing and design that refine the broader direction established with the ROP, as is the case with the **Regional 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 applicants' 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 section of this report.

City of Richmond Hill Official Plan

The subject lands are designated **Key Development Area (KDA)**, **Neighbourhood** and **Natural Core** in accordance with Schedule A2 (Land Use) of the Plan (refer to Map 3) and are located within the **Greenway System** in accordance with Schedule A1 (Urban Structure). The applicants' Phase 1 lands are designated **KDA** which are planned intensification areas located on a **Regional Corridor** where transit and major retail and commercial nodes intersect as is the case at Yonge Street and 16th Avenue/Carrville Road. The predominant land uses within the **KDAs** are to be mixed use, transit oriented uses and therefore medium/high density residential uses as well a full range of commercial, retail and office uses are permitted within this designation (**Section 4.4**). Given the significance of this part of the City, the Plan directs that Secondary Plans be prepared to effectively plan for the intensification and design of redevelopment in the **KDAs** in accordance with **Section 5.1** of the Plan.

In the absence of an approved Secondary Plan, **Policy 4.4.1.6(a)** of the Plan permits the density of a development block within a **KDA** to be a minimum of 2.5 FSI up to a maximum density of 3.0 FSI. In addition to the density provisions, **Policy 4.4.1.8** of the Plan establishes height requirements for the **KDA** wherein the maximum base building height is to be six storeys and the maximum building height is to be 20 storeys, with the tallest buildings to be directed towards the intersection of Yonge Street and Carrville Road/16th Avenue. Based on staff's review of the revised development proposal relative to the **KDA** policies, the subject proposal is generally consistent with respect to land use; however, the proposal greatly exceeds the applicable height and density provisions established in the Plan.

In accordance with **Policy 4.4.1.7**, applications for development submitted prior to Council approval of a Secondary Plan in a **KDA** are required to submit a Concept Plan to demonstrate how the development meets the land use and design policies of the Plan. In this regard, the applicant has submitted a conceptual master plan for the proposed redevelopment of their overall land holding for staff's review of the subject applications and for consideration as part of the City's Official Plan Update process (refer to Map 7).

In addition to the height and density permissions for the **KDA**, high-rise buildings are subject to specific design criteria to as set out under **Section 3.4.1** of the Plan. In this regard, **Policy 3.4.1.55** of the Plan requires high-rise development within the centres and corridors to provide

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a 45 degree angular view plane from adjacent low or medium density residential uses in the **Neighbourhood** designation. This policy ensures the built form compatibility and transition of building heights. **Policies 3.4.1.57** and **3.4.1.58** of the Plan require sufficient separation distance of approximately 25 metres between towers to maintain appropriate light, view and privacy conditions as well as the provision of slender floor plates of approximately 750 square metres to limit shadow and wind impacts and loss of sky view. Additionally, high-rise buildings are required to introduce step backs for tower elements proposed above the base building to create a discernable podium and street wall (**Policy 3.4.1.59**).

Staff note that the applicants' revised development proposal provides a tower separation distance of 32.07 metres (105.22 feet) and tower floor plates of 805 square metres (8,665.23 square feet) which is generally consistent with the City's Plan, with the exception of the tower floor plate size which is 750 square metres. With respect to transition, it is noted that the development proposal achieves a 45 degree angular view plane from the lot line of the adjacent low density residential property in the **Neighbourhood** designation to the east in accordance with **Policy 3.4.1.55** of the Plan as amended by Official Plan Amendment 18.3.

In accordance with **Policies 3.1.5.2, 3.1.5.3** and **3.1.5.6** of the Plan, a minimum of 35% of new housing units shall be affordable with a portion of these units designed to be accessible for people with disabilities. Furthermore, high density residential development on a site shall provide a minimum of 5% of units that contain 3 or more bedrooms. The applicants' revised development proposal indicates 25% (263 units) of the proposed 680 one bedroom units will be affordable and 1.0% (10 units) of the proposed 1,047 dwelling units are to be three bedrooms units, which does not conform with the City's affordable housing targets or related housing policies required by the Plan.

Yonge Street and 16th Avenue Key Development Area Policy Directions and Recommendations Report

The *Yonge Street and 16th Avenue Key Development Area Policy Directions and Recommendations Report* (the "Recommendations Report") was endorsed by Council on January 30, 2017. The Recommendations Report outlines the vision, principles and key directions to guide the long-term evolution of the Yonge Street and Carrville/16th Avenue area, and includes a preferred land use and design scenario that aligns with the City's Plan. In consideration of the approved report, staff prepared a draft Secondary Plan entitled *Yonge and Carrville/16th Key Development Area* which was considered by Council at Council Public meetings in May 2017 and May 2018.

The 2018 draft Secondary Plan is based on assessment of comments received by the public and represents further understanding of the vision and planning context for the area to help guide future development to 2031 and beyond. Further, the 2018 draft Secondary Plan reflects the directions set out in the 2017 Recommendations Report. Notwithstanding the preceding, the 2018 draft Secondary Plan and implementing draft Zoning By-law have not yet been approved by Council.

The 2018 draft Secondary Plan identifies the subject lands as being located within the northeast quadrant of the **KDA**, in an area intended to accommodate high-rise development

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of up to 20 storeys with a maximum density of 4.0 FSI. The applicants' revised development proposal seeks approval for building heights of 42 and 45 storeys to be connected by a five storey podium and a net density of 8.84 FSI based on a lot area of 7,904 square metres and gross density of 0.76 FSI based on the applicants' entire land holdings (refer to Maps 6 to 10). Furthermore, the subject development proposal does not propose the establishment of any new public roads or the provision of public parkland or urban open spaces, which includes expanded connections to the German Mills Creek Greenway on the eastern edge as identified in the report and within the schedules of the draft Secondary Plan. Based on the preceding, the applicants' revised development proposal is not consistent with the 2018 draft Secondary Plan.

Key Directions Report for the Official Plan Update

The *Key Directions Report for the Official Plan Update* (the "Key Directions Report") was endorsed by Council 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. The Key Directions Report reinforces the need to maintain the City's existing Urban Structure with the acknowledgement that minor changes are required to align with the Regional MTSA density direction. In this regard, the Key Directions Report recognizes MTSA's within the intensification hierarchy and the need to direct context appropriate growth along the Yonge Street corridor, from Highway 7 to Bloomington Road.

With respect to the subject lands, the Key Directions Report provides area-specific key directions for the Yonge and 16th Avenue/Carville Road **KDA**, including but not limited to, building on and refining the 2018 draft Secondary Plan for this area, redelineating the **KDA** boundary to include appropriate lands to realize the vision for this **KDA**, creating connections to the David Dunlap Observatory lands and the German Mills Creek, protecting lands that can support future Yonge Subway and/or GO Transit stations, and ensuring that the long-term build out of this area is neither precluded nor unnecessarily delayed by a potential temporary subway train storage and maintenance facility, if deemed necessary in this **KDA**.

The Key Directions Report also recognizes a number of changes that have occurred in the **KDA** since the 2010 Plan, including several Ontario Municipal Board (OMB) approvals for developments that exceed the height and density permissions set out in the Plan, consideration of a number of current development applications that propose to exceed these heights and densities, as well as the identification of the **KDA** as an MTSA and the potential need for the **KDA** to accommodate a future extension of the Yonge Subway Line. At this time, the Official Plan Update remains ongoing, including the preparation of the Yonge Street and Carrville/16th Avenue Key Development Area Official Plan Amendment 18.5 ("OPA 18.5").

Staff has undertaken a comprehensive review of the applicants' revised development proposal in relation to the land use, design and compatibility and housing policies of the Plan, in addition to the general direction provided by the Recommendations Report and 2018 draft Secondary Plan, and has identified a number of significant concerns from a planning and

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policy perspective. Overall, staff finds that the applicants' development proposal cannot be supported for the following principle reasons:

Building Height and Density

As noted previously, the subject lands are located within the **Key Development Area (KDA)**, **Neighbourhood** and **Natural Core** land use designations in accordance with the Plan. The Phase 1 lands are designated **KDA**. 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 or height provisions for this area of the **KDA** as set out in the Plan and identified in the 2018 draft Secondary Plan.

Within this area of the **KDA**, the maximum permitted building height permitted is 20 storeys and the maximum permitted density is 4.0 FSI. The applicants' revised development proposal contemplates building heights of 42 and 45 storeys and a site specific density of 8.84 FSI for Phase 1. Further, in accordance with **Policy 4.4.1.8(d)** of the Plan and **Section 11.2.3** of the 2018 draft Secondary Plan, the tallest buildings are to be directed towards the intersection of Yonge Street and Carrville Road/16th Avenue. The scale of the applicants' revised development proposal greatly exceeds the permitted height and density envisioned for the area.

Given the above, the height and density contemplated for the applicants' revised development proposal is inconsistent with the policy direction and vision for the **KDA** as established in the Plan and 2018 draft Secondary Plan. In this regard, the submission of a revised Phase 1 plan and concept master plan that adequately demonstrates how the subject development proposal and overall redevelopment of the entire land holding can be developed in keeping with the policies of the Plan and 2018 draft Secondary Plan is required.

Affordable Housing

Policy 3.1.5.2 of the Plan requires a minimum of 35% of new housing units within the Richmond Hill Centre and the **KDAs** to be affordable. In accordance with **Policy 3.1.5.3** of the Plan, a portion of the units should be designed to be accessible for people with disabilities. Affordable housing units should include a mix and range of types, 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.**

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The applicant has indicated that 25% (263 units) of the 680 one bedroom units will be affordable ownership and has not provided any information to demonstrate how the proposed development will meet the 35% affordable housing requirements or how it will incorporate affordable housing as prescribed by the Plan. Only 1.0% (10 units) of the proposed 1,047 dwelling units are to be three bedrooms units which is inconsistent with **Policy 3.1.5.6** of the Plan that requires family sized units within high density residential development.

The plans submitted in support of the applicants' revised development proposal indicate that 64.9% (680 units) and 34.1% (357 units) of the total dwelling units proposed are to be one bedroom units and two bedroom units, respectively. Based on the preceding, the proposed residential unit breakdown does not provide a sufficient number of units that are suitable for family households in accordance with the applicable policies of the Plan. Furthermore, no minimum requirements or provisions are included in the applicants' draft Zoning By-law to ensure or enforce their implementation.

Planned Future Transportation Network

Vehicular access for the Phase 1 development is proposed to be provided via a new driveway entrance from the 16th Avenue service road which will continue to be restricted to right-in/right-out movements only. The Phase 1 lands are proposed to be accessed via the existing internal network of driveways on the larger site. The City's Transportation and Traffic Section advises that the Recommendations Report identifies the establishment of a fine grained public road network for the **KDA**. In this regard, a 23 metre public right-of-way is required to facilitate the proposed east-west "Market Promenade" on the subject lands (Street C). Staff also advises that in support of the applicants' Phase 1 development proposal, the 16th Avenue Service Road is required to be upgraded in accordance with the City's local road standards and realigned with the new proposed streets (Streets A and B) flanking the Phase 1 lands. Furthermore, new Streets A and B are required to be local streets in accordance with the City's local road standards (refer to Appendix "D" and Map 7).

Based on the preceding, staff advises that the road network contemplated in the applicants' revised development proposal is inconsistent with the policy direction and vision for the **KDA** as established in the Plan, the Recommendations Report and 2018 draft Secondary Plan. In this regard, the submission of a revised Phase 1 plan and concept master plan is required that provides for a public road network that is in keeping with the policies of the Plan, Recommendations Report and 2018 draft Secondary Plan.

Interim Shared Parking for Phase 1

The applicant has proposed shared visitor parking for their Phase 1 development proposal. Specifically, the interim residential visitor and commercial/retail parking is to be provided as off-site parking to be shared with the balance of the applicants' existing commercial uses on their larger land holding. The City's Transportation and Traffic Section has advised that off-site shared parking arrangements are not generally supported by the City and, if it is to be considered, additional information from the applicant is required from a functional and operation perspective.

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Council and Public Comments:

The following is an overview of the concerns expressed by members of Council and the public at the Residents Information Meeting held on March 31, 2021 and Council Public Meeting held on April 21, 2021 and through written correspondence received by the City with respect to the applicants' development proposal:

- the need for a Secondary Plan to guide development in the KDA;
- appropriateness of the proposed height and density and conformity with the KDA policies;
- increased traffic generation and related congestion;
- pedestrian safety;
- insufficient parking to accommodate the proposed development;
- lack of landscaping and parkland to serve the residents of the proposed development;
- lack of affordable housing and larger family-sized units;
- lack of privacy and overshadowing with respect to the adjacent developments;
- loss of an existing commercial building and associated uses;
- impact of construction noise on existing development; and,
- the need for a comprehensive approach to the redevelopment of the lands.

City Department and External Agency Comments:

The following sections provide a summary of the comments received as of the writing of this report based on the review of the applicants' revised Official Plan and Zoning By-law Amendment applications and the associated background studies and reports submitted in support of same.

Development Engineering Division

Development Engineering staff has provided comments with respect to functional servicing and stormwater management, hydrogeology and transportation matters, as well as technical matters that would be required to be addressed during a more detailed phase of review. Comments to be addressed through the subject development applications includes the submission of a revised site servicing concept that incorporates the proposed street network for Phase 1 and a master concept plan and servicing scheme for the redevelopment of the larger land holding. More particularly, this plan and servicing scheme shall include a framework to allow for phasing of development with respect to sanitary wastewater, water distribution, stormwater management and grading.

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 applicants' revised development proposal. Among other matters, Transportation staff has provided detailed comments as they relate to parking rates, the future road network (Phase 1 and full build out) and transportation demand management (TDM) measures, in addition to various other technical requirements. As noted previously in this report, design of the proposed public and private road network that aligns with the Council endorsed Yonge Street and 16th Avenue KDA Policy Directions and Recommendations Report (January 30, 2017), including determination of appropriate widths and alignment of the roads, will need to be

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coordinated with the long-term build out of the larger land holding and the proposed servicing scheme for the site. Detailed comments in this regard are provided in Appendix “D” to this report.

Park and Natural Heritage Planning Section

Park and Natural Heritage Planning staff has provided comments with respect to parkland dedication, conveyance of natural heritage system and natural hazard lands (9325 Yonge Street) and minimum private outdoor amenity space requirements. In this regard, the subject development proposal generates parkland dedication requirements of more than 500 square metres pursuant to the in force parkland dedication policies and by-law. Interim parkland dedication and conveyance will be required for each phase of development until such time as the ultimate public park is provided in accordance with the City’s Parkland Dedication By-law. Furthermore, staff advises that the applicants’ revised development proposal provides a total of 1.90 square metres of private outdoor amenity space per unit; however, a minimum of 2 square metres per unit is required. Detailed comments in this regard have been provided in Appendix “E” to this report.

Urban Design and Heritage Section

Urban Design and Heritage staff has raised concerns with regard to the base building articulation, the distribution of base building commercial uses and building setbacks to facilitate the east-west public road’s streetscape enhancements (i.e. Market Promenade). Staff also raised concerns with the potential wind impact and any required wind mitigation strategies for the proposed heights and location of towers. Staff has also noted general concerns with respect to the overall built form articulation and the need to address the human scale to create a pedestrian oriented development. Detailed comments on the design elements of the proposal that should be taken into consideration have been provided in Appendix “F” to this report.

Community Services (Waste) Department

Waste Services staff has provided technical comments with respect to the applicants’ revised development proposal. Key matters to be addressed through the subject development applications relate to access routes, compliance with minimum loading space requirements, waste storage, separation and collection, as well as the submission of a Waste Management Plan. Detailed comments in this regard have been provided in Appendix “G” to this report.

Regional Municipality of York

The Regional Municipality of York (the “Region”) has reviewed and provided comments on the subject development applications. The Region has confirmed that they do not have comments on the applicants’ revised Zoning By-law Amendment application. Concerning the applicants’ revised Official Plan Amendment, the Region has provided comments with respect to the development proposal and applicable **Urban Area** designation and **Regional Corridor** policies of the ROP. In this regard, the Region has indicated that the applicants’ proposed Official Plan Amendment application generally conforms with the 2010 ROP (the Official Plan in force at the time of the Region’s review); however, Regional staff noted the area’s potential for signification growth and completion of the Yonge Street and 16th Avenue KDA Secondary

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Plan is required to permit comprehensive planning for this intensification area. Technical comments provided on the applicants' revised development proposal relate to transportation and water and wastewater servicing matters. Detailed comments in this regard have been provided in Appendix "H" to this report.

Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority (the "TRCA") has reviewed the applicants' revised development proposal and has provided advisory comments in addition to comments related to the TRCA's regulation and natural hazards. The TRCA has confirmed that the subject lands are partially located within the Regulated Area as its eastern portion is located adjacent to a valley corridor associated with the Don River Watershed. Notwithstanding the preceding, the subject development applications and works associated with the applicants' Phase 1 lands are located outside of the TRCA's Regulated Area and therefore, a permit in accordance with Ontario Regulation 166/06 will not be required. Technical comments provided on the applicants' revised development proposal relate to quality control, erosion control/water balance and erosion and sediment control matters. Detailed comments in this regard have been provided in Appendix "I" to this report.

Metrolinx

Metrolinx has provided comments with respect to the applicants' revised development proposal due to the location of the subject lands adjacent to the GO Transit-CN Bala Mainline (Richmond Hill Corridor) and proximity to the Yonge North Subway Extension (the "YNSE"). Key matters to be addressed through the review and approval of the subject development applications relate to noise levels and mitigation for indoor and outdoor living areas as well as matters related to the protection and/or integration of the future proposed YNSE alignment and associated infrastructure. Detailed comments in this regard have been provided in Appendix "J" to this report.

Development Planning Division

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

- a high density mixed use residential/commercial development is permitted and encouraged from a land use perspective along the Yonge Street **Regional Corridor** within the 16th-Carrville BRT PMTSA, which has a minimum density of 300 people and jobs per hectare in the **Urban Area** of the ROP and within the **Key Development Area** designation of the Plan. In this regard, the proposed development is consistent with the **KDA** policies of the Plan with respect to land use, the provision of a mix of uses and development that is transit oriented. Notwithstanding the preceding, the proposed height and density, design elements and transportation network are not supported by the City's in force policy regime and are inconsistent with the policy objectives, vision and principles for this area of the City in accordance with the City's Plan as detailed below;
- **Policies 3.1.5.2 and 3.1.5.3** of the Plan require a minimum of 35% of new housing units within the Richmond Hill Centre and the **KDAs** to be affordable with a portion of these

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units designed to be accessible for people with disabilities. The applicants' revised development proposal indicates only 25% of the units will be affordable ownership and details relating to the design of the individual units has not been provided to demonstrate accessibility. In this regard, the applicants' revised development proposal does not conform with the City's affordable housing targets or related housing policies required by the Plan;

- **Policy 3.1.5.6** of the Plan stipulates that high density residential development on a site shall provide a minimum of 5% of units that contain 3 or more bedrooms. The applicants' revised development proposal indicates only 1.0% of the proposed 1,047 units are to be three bedrooms units which does not conform with the City's housing policies required by the Plan;
- **Policy 3.4.1.58** of the Plan generally requires a tower floor plate above the podium of approximately 750 square metres (8,073.20 square feet). The applicants' revised development proposal seeks an increased tower floor plate size of 805 square metres (8,665.23 square feet) which does not conform with this policy;
- **Policy 4.4.1.7** of the Plan requires that until such time as Council approves a Secondary Plan for the **KDAs**, applications for development shall submit a concept plan to demonstrate how the development meets the land use and design policies of the Plan. In this regard, the applicant has submitted a conceptual master plan for the proposed redevelopment of their overall land holding for staff's review of the subject applications and for consideration as part of the City's Official Plan Update process. Further review of the applicants' revised development proposal and conceptual master plan in terms of the proposed street network is required;
- the proposed building heights of 42 and 45 storeys greatly exceeds the maximum building height permitted for the lands within this portion of the **KDA** as outlined in **Policies 4.4.1.8(c) and (d)** of the Plan and the 2018 draft Secondary Plan which require the maximum building height to be 20 storeys and the tallest buildings to be directed towards the intersection of Yonge Street and Carrville Road/16th Avenue;
- **Policy 4.4.1.6(a)** of the Plan stipulates that the density of a development block within the **KDA** shall be a minimum of 2.5 FSI and a maximum of 3.0 FSI. Furthermore, the 2018 draft Secondary Plan identifies the maximum proposed density on the portion of the lands subject to these development applications to be 4.0 FSI. Notwithstanding the preceding, OPA 18.5 for the Yonge Street and Carrville/16th Avenue **KDA** for the Official Plan Update is in process and staff intend to finalize the draft OPA to bring forward for Council adoption in the Fall. In this regard, OPA 18.5 contemplates a maximum density of 6.0 FSI for the development block. Based on the current and proposed policy framework for this area of the City, the applicants' revised development proposal seeks a site specific density of 8.84 FSI which greatly exceeds the density envisioned for this area of the **KDA**;
- **Policy 4.4.2.3** of the Plan directs that new local streets shall be provided where feasible to encourage a fine grain street network to support connections within the **KDA** and to adjacent neighbourhoods. Further, **Sections 3.1.8 and 3.4.4** of the Plan provide policy direction with respect to parkland and urban open space system. The 2018 draft Secondary Plan and OPA 18.5 identifies that public streets and public parks or urban squares be provided in order to improve connectivity and mobility within the **KDA**. The applicants' revised development proposal does not propose any public streets, parks and/or urban squares as part of this phase of development; and,

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- the applicant has not satisfactorily addressed City Department and external agency comments as they relate to its revised development proposal. Technical matters and design considerations outlined in the preceding sections of this report are required to be addressed through the subject Official Plan and Zoning By-law Amendment applications.

On the basis of the preceding, it is recommended that the applicants' 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 applicants' Official Plan and Zoning By-law Amendment applications have also been received from the City's Fire and Emergency Services Department, Building Services Division (Zoning Section), Financial Services Department, as well as Alectra Utilities, CN, the York Region District School Board, the York Catholic District School Board, Canada Post, Enbridge Gas, Rogers Communications, Hydro One. These City departments and external agencies have indicated that they have no objections to the applicants' development proposal and/or have provided technical comments that relate to a more detailed stage in the review process. These comments have not been appended to this report.

Financial/Staffing/Other Implications:

The recommendations of this report will have financial, staffing or other implications as the applications have been appealed to the OLT and there will be 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 revised Official Plan Amendment and Zoning By-law Amendment applications in order to permit the construction of a high density mixed use residential/commercial development on a portion of its land holdings. For the principle 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 OLT be advised that Council does not support the applicants' Official Plan Amendment 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.

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Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Appendix A, Extract from Council Public Meeting C#16-21 held on April 21, 2021
- Appendix B, Applicants' Draft Official Plan Amendment
- Appendix C, Applicants' Draft Zoning By-law Amendment
- Appendix D, Memo from Development Engineering Division, dated June 13, 2023
- Appendix E, Memo from Park and Natural Heritage Planning Section, dated April 25, 2023
- Appendix F, Memo from Urban Design and Heritage Section, dated May 31, 2023
- Appendix G, Memo from Community Services (Waste) Department, dated April 21, 2023
- Appendix H, Letter from the Regional Municipality of York, dated May 15, 2023
- Appendix I, Letter from the Toronto and Region Conservation Authority, dated April 20, 2023
- Appendix J, Letter from Metrolinx, dated April 20, 2023
- Map 1, Aerial Photograph
- Map 2, Neighbourhood Context
- Map 3, Existing Official Plan Designation
- Map 4, Existing Zoning
- Map 5, Original Proposed Site Plan
- Map 6, Revised Proposed Site Plan
- Map 7, Proposed Concept Master Plan
- Map 8, Proposed Building Elevations (North and South)
- Map 9, Proposed Building Elevations (East and West)
- Map 10, Proposed Building Section

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Report Approval Details

Document Title:	Staff Report SRPBS.23.006.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Council Public Meeting Extract C16-21.docx- Appendix B - Applicants Draft Official Plan Amendment.pdf- Appendix C - Applicants Draft Zoning By-law Amendment.pdf- Appendix D - Development Engineering Division Comment Memo.pdf- Appendix E - Park and Natural Heritage Planning Section Comment Memo.pdf- Appendix F - Urban Design and Heritage Section Comment Memo.pdf- Appendix G - Community Services Department Comment Memo.pdf- Appendix H - Regional Municipality of York Comment Letter.pdf- Appendix I - TRCA Comment Letter.pdf- Appendix J - Metrolinx Comment Memo.pdf- Map 1 - Aerial Photograph AODA.docx- Map 2 - Neighbourhood Context AODA.docx- Map 3 - Existing Official Plan Designation AODA.docx- Map 4 - Existing Zoning AODA.docx- Map 5 - Original Proposed Site Plan AODA.docx- Map 6 - Revised Proposed Site Plan AODA.docx- Map 7 - Proposed Concept Master Plan AODA.docx- Map 8 - Proposed Building Elevations (North and South) AODA.docx- Map 9 - Proposed Building Elevations (East and West) AODA.docx- Map 10 - Proposed Building Section AODA.docx
Final Approval Date:	Sep 5, 2023

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

Gus Galanis - Sep 1, 2023 - 10:05 AM

Kelvin Kwan - Sep 1, 2023 - 2:55 PM

Darlene Joslin - Sep 5, 2023 - 1:21 PM