



Staff Report for Committee of the Whole Meeting

Date of Meeting: December 6, 2023

Report Number: SRPBS.23.040

Department: Planning and Building Services

Division: Development Planning

Subject: **SRPBS.23.040 – Request for Direction – Official Plan Amendment and Zoning By-law Amendment Applications – 4Q Commercial WP Inc. - City Files: D01-20013 and D02-20025**

Owner:

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

Agent:

Goldberg Group
2098 Avenue Road
Toronto, Ontario
M5M 4A8

Location:

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

Purpose:

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

Recommendation(s):

- a) That Staff Report SRPBS.23.040 be received for information purposes;
- b) That the Ontario Land Tribunal (OLT) be advised that Council supports the Settlement Offer dated November 18, 2023 submitted by 4Q Commercial WP Inc. for lands known as 11160 and 11172 Yonge Street, (City Files:D01-

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20013 and D02-20025), for the primary reasons outlined in Staff Report SRPBS.23.040, subject to the following:

- i) that the OLT be requested to approve the implementing Official Plan Amendment substantially in accordance with the document contained in Appendix “B” to Staff Report SRPBS.23.040;**
- ii) that the OLT be requested to approve the implementing Zoning By-law Amendment substantially in accordance with the document contained in Appendix “C” to Staff Report SRPBS.23.040;**
- iii) that the OLT be requested to withhold the issuance of its Final Order with respect to the revised Official Plan and Zoning By-law Amendments until such time as the City advises the Tribunal that the implementing Official Plan and Zoning By-law Amendments have been finalized, and the following Conditions of Approval have all been cleared, to the satisfaction of the Commissioner of Planning and Building Services:**
 - a. the applicant has addressed all of the outstanding comments from the Toronto and Region Conservation Authority (TRCA) (refer to Appendix “D”) to the satisfaction of the TRCA;**
 - b. the applicant has submitted an updated Functional Servicing Report addressing the servicing requirements for the proposed development based on the revised unit count;**
 - c. the applicant has submitted an updated Transportation Impact Study;**
 - d. the applicant has submitted an updated Natural Heritage Evaluation or Addendum, Tree Inventory and Protection Plan and Arborist Report, recommending, amongst other matters, the revised dripline for the significant woodland, a 10 metre minimum vegetation protection zone to the revised dripline, and restoration planting therein;**
 - e. that the Natural Heritage lands and their associated buffers as shown on the revised plans, be placed in an appropriate Open Space (OS) Zone or Flood (F) Zone; and,**
 - f. the applicant provides updated architectural plans demonstrating that all access routes shall maintain a 4.6 metre minimum vertical clearance, loading areas for waste collection that have a 6.5 metre vertical clearance and showing the height of roll-up doors, and providing revised truck maneuvering diagrams from loading areas.**

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- c) That upon the recommendation of the Commissioner of Planning and Building Services, the Mayor and City Clerk be authorized to enter into Minutes of Settlement and any further agreements or documentation as necessary to implement the Settlement Offer dated November 18, 2023;
- d) That pursuant to Section 34(17) of the *Planning Act*, Council deems that no further notice be required with respect to any necessary modifications to the implementing Zoning By-law Amendment for the proposed development;
- e) That the authority to assign servicing allocation to the proposed development on the subject lands be delegated to the Commissioner of Planning and Building Services subject to the criteria in the City's Interim Growth Management Strategy, and that the assigned servicing allocation be released in accordance with the provisions of By-law 109-11, as amended; and,
- f) That appropriate City staff be directed to appear at the Ontario Land Tribunal as necessary in support of Council's position concerning the subject applications.

Contact Person:

Jeff Healey, Senior Planner - Subdivisions, phone number 905-771-6452 and/or
Sandra DeMaria, Manager of Development-Site Plans, phone number 905-771-5542

Report Approval:

Submitted by: Gus Galanis, Acting Commissioner of Planning and Building Services

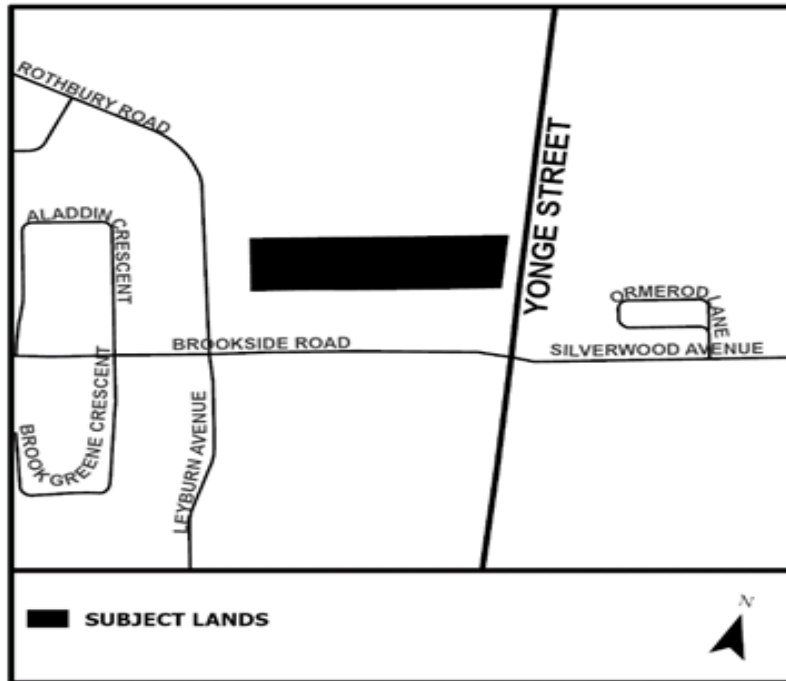
Approved by: Darlene Joslin, City Manager

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.

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Location Map:

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



Background:

On May 3, 2022, the applicant appealed the subject 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*. Council subsequently considered Staff Report SRPI.23.023 at its meeting of March 1, 2023 regarding the applicant’s Official Plan and Zoning By-law Amendment applications to permit a high density residential development consisting of 29 and 27 and 7 storey apartment buildings with a Floor Space Index of 4.62 and 666 apartment dwelling units (refer to Map 5). Staff recommended refusal of the development proposal and Council endorsed staff’s recommendation and directed staff to attend the upcoming OLT hearing to commence on January 15, 2024 in support of its decision (refer to Appendix A):

In accordance with the above resolution, staff have continued to work closely with the applicant to revise the proposal and address staff’s concerns. In this regard, as outlined in this report, the applicant submitted a Settlement Offer on November 18, 2023 (herein referred to as the “revised development proposal”) proposing a high density, mixed use, residential/commercial development consisting of 22, 15 and 12 storey apartment buildings with Buildings “B” and “C” being connected by a 6 storey podium and Building

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“A” on a 4 storey podium. All three buildings are linked at the third and fourth storeys, by two covered driveways, comprised of two storeys of dwelling units and indoor and outdoor amenity space. The development proposes a Floor Space Index of 4.14 and 607 dwelling units.

The applicant’s revised development proposal is intended to fully settle the subject Official Plan Amendment and Zoning By-law Amendment appeals and accordingly, is available for Council’s acceptance until 11:59 pm on December 13, 2023, after which point it should be considered as withdrawn. The applicant has reserved its right to pursue the approval of an alternative proposal and a 14-day hearing is scheduled to commence on January 15, 2024 in the event that Council refuses to accept the revised development proposal.

Accordingly, the purpose of this report is to seek Council’s direction with respect to the applicant’s revised development proposal submitted in order to settle the applicant’s appeals of the subject applications 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 commercial building with an attached one level parking structure and a parking area at the rear of the site. 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 and a portion of the Rouge River valley corridor to the north, Yonge Street to the east, beyond which is a gas station and a private school, the Rouge River Valley and an established low density residential neighbourhood to the west, a proposed 15 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 Council’s support with respect to its revised development proposal to permit a high density residential/commercial development on its land holdings. The following is a summary table outlining the relevant statistics of the applicants’ original November 2020 development proposal, revised December 2021 development proposal and its current revised development proposal (refer to Maps 6 and 7):

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Statistics	Original Proposal (November 2020)	Revised Proposal (December 2021)	Revised Proposal (November 18, 2023)
Total Lot Area:	1.61 ha (3.98 ac)	1.61 ha (3.98 ac)	1.61 hectares (3.98 ac)
- Development Area:	1.17 ha (2.89 ac)	1.17 ha (2.89 ac)	1.06 hectares (2.62 ac)
- Natural Heritage:	0.43 ha (1.07 ac)	0.43 ha (1.07 ac)	0.55 ha (1.36 ac)
Number of Buildings:	3	3	3
Total Gross Floor Area:	54,940 sq. m.	49,127 sq. m.	44,027 sq. m.
- Residential Floor Area:	(591,369.2 sq. ft.) 54,304 sq. m.	(528,798 sq. ft.) 48,361 sq. m.	(473,902.7 sq. ft.) 35,401.6 sq. m.
- Commercial Floor Area:	(584,523.4 sq. ft.) 510 sq. m.	(520,553.5 sq. ft.) 766 sq. m.	(381,060 sq. ft.) 485.42 sq. m.
	(5,489.6 sq. ft.)	(8,245.1 sq. ft.)	(5,225 sq. ft.)
Total Amenity Space	2,924 sq. m. (31,473.67 sq. ft.)	3,285 sq. m. (35,358 sq. ft.)	3,589 sq. m. (38,631.67 sq. ft.)
- Indoor Amenity Space:	1,462 sq. m. (15,736.83 sq. ft.)	1,505 sq. m. (16,199 sq. ft.)	1,787 sq. m. (19,235.11 sq. ft.)
- Outdoor Amenity Space:	1,462 sq. m. (15,736.83 sq. ft.)	1,780 sq. m. (19,159 sq. ft.)	1,802 sq. m. (19,396.57 sq. ft.)
Total Dwelling Units:	731	666	607
- Building A:	204	92	174
- Building B:	373	278	185
- Building C:	154	296	248
Net Density:	5.04	4.62	4.14
Building Heights:	18, 35 and 15 storeys	7, 27 and 29 storeys	12, 15 and 22 storeys
Total Parking	785	757	693
- Residential:	675	657	587
- Retail:	Unknown	100 (combined Retail and Visitor parking spaces)	15
Visitor:	110		91
Bicycle Parking	463	422	365
- Residential:	439	400	333
Visitor	24	22	32

As noted previously, the applicant submitted its revised development proposal on November 18, 2023 reflecting a number of significant changes to its revised December 2021 development proposal. Key differences between the revised December 2021 development proposal and the current revised development proposal are as follows:

- a change in building heights from 7, 27, and 29 storeys to 12, 15, and 22 storeys;
- a decrease in the net density from 4.62 FSI to 4.14 FSI;
- a reduction in residential gross floor area from 49,127 square metres (528,798 square feet), to 44,027 square metres (473,902.7 square feet);
- a reduction in commercial gross floor area from 766 square metres (8,245 square feet) to 485.42 square metres (5,225 square feet);
- a reduction in the total parking spaces to be provided from 757 to 693;
- a reduction in the total bicycle parking spaces provided from 422 to 365;
- Building A has been replaced with a 12 storey high-rise building with 8 storey and 4 storey step down design towards the natural heritage system to the west from a 7 storey mid-rise building;
- the floorplates of all three buildings have been increased from 750 square metres (8,072.9 square feet) to 800 square metres (8,611.1 square feet).; and,

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- the overall amenity space for the development has been increased from 3,285 sq. m. (35,358 sq. ft.) to 3,589 sq. m. (38,631.67 sq. ft.). New outdoor amenity has been added on the top of the linkage areas between the towers

In order to facilitate and implement the proposed high density mixed-use residential/commercial development set out in the revised development proposal, the applicant's Official Plan Amendment application (refer to Appendix B) seeks the following permissions:

- an increase in the maximum permitted building height from 8 storeys to 22 storeys;
- an increase to the maximum permitted density from 2.0 FSI to 4.14 FSI;
- an increase to the maximum base building height from 4 storeys to 6 storeys for Buildings B and C; and
- an increase in the tower floorplate from 750 square metres to 800 square metres.

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 on the lands, and to establish vehicular and bicycle parking requirements for its revised development proposal as outlined below:

Development Standard	Proposed Standard (RM10 Zone)
Maximum Gross Floor Area	44,100 square metres
Maximum Floor Space Index	4.14%
Maximum Tower Floor Plate	800 square metres
Maximum Lot Coverage	45%
Minimum Front Yard (Yonge Street)	10.5 metres
Minimum Interior Side Yard (North)	6.0 metres
Minimum Interior Side Yard (South)	14.5 metres
Minimum Rear Yard	3.0 metres
Maximum Building Heights	22, 15 and 12 storeys
Maximum Coverage of Mechanical Penthouse	75% of roof surface
Maximum Number of Units	610 apartment dwelling units
Minimum Drive Aisle Width	6.0 metres
Minimum Parking Standard	
Bachelor Apartment:	0.9 spaces/dwelling unit
One Bedroom Apartment:	0.9 spaces/dwelling unit
Two Bedroom Apartment:	1.0 spaces/dwelling unit
Three Bedroom Apartment:	1.2 spaces/dwelling unit
Commercial:	3.1 spaces per 100 square metres of GFA
Visitor:	0.15 spaces/dwelling unit
Residential Bicycle Parking:	0.68 spaces/dwelling unit
Visitor Bicycle Parking	0.07 spaces/dwelling unit

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In order to implement the revised development proposal the applicant has submitted revised draft Official Plan and Zoning By-law Amendments attached hereto as Appendices B and C. Staff have reviewed the revised planning instruments and advise that the instruments, as proposed, implement the revised development proposal. It is expected that the Zoning By-law Amendment will be further refined and finalized as part of the review of a future Site Plan application for the proposed development.

As noted previously, the applicant's revised development proposal has been submitted to the City as a conditional Settlement Offer intended to settle the appeal of the subject Official Plan and Zoning Plan Amendment applications currently at the OLT (Files OLT-22-0003759 and OLT-22-0003760). Should Council not support the revised development proposal as outlined in this report, the applicant has reserved the right to pursue an alternate proposal at the OLT Hearing scheduled for January 15, 2024. In this regard, staff note that the applicant's alternate proposal was for a high density residential development of 29 and 27 and 7 storeys with a Floor Space Index of 4.62.

Policy and Planning Analysis:

Staff has undertaken a comprehensive review and evaluation of the applicant's revised development proposal based on the policy framework contained within the *Provincial Policy Statement 2020* ("PPS"), the *Growth Plan for the Greater Golden Horseshoe 2020* ("Growth Plan"), the Regional Official Plan 2010 ("ROP") and the City's Official Plan ("Plan"). 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 ("2022 ROP") 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 noted that the PPS is currently under review by the Province. 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.

Provincial Policy Statement and Growth Plan

Planning staff can advise that the applicant's revised 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 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

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York Region's 2010 Official Plan (ROP), being the in-force ROP at the time the subject applications were submitted to the City.

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 a portion of the lands 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.

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 revised development proposal 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 targets identified for the protected MTSA in this area. The development proposed as part of the revised development proposal is in accordance with the **Regional Greenlands System** policies with respect to the development limits and required buffers to all environmental features.

Based on the preceding, the applicant's revised development proposal conforms with the upper tier policy framework noted above and is in keeping with current direction of

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accommodating growth and intensification, and the provision of housing as directed by the Province and Region of York.

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 Plan currently permits a maximum density of 2.0 FSI and maximum building height of 8 storeys in this section of the **Regional Mixed Use Corridor** north of the Yonge and Bernard Key Development Area. High-rise buildings, such as those being proposed, are also subject to specific design criteria as set out under **Section 3.4.1** of the Plan, which requires development within the centres and corridors to provide a 45-degree angular viewplane from adjacent low or medium density residential uses and maintain sufficient building separation distance of approximately 25 metres between towers to maintain appropriate light, view and privacy conditions. The policy also requires the provision of slender floorplates of approximately 750 square metres to limit shadow and wind impacts and loss of sky view and must provide setbacks above the base building in order to create a discernable podium and street wall.

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. 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 (KHF) of the Plan, 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 KNHF, 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

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endangered species shall be determined through an approved Natural Heritage Evaluation.

The subject lands are also situated within the **Settlement Area** of the Oak Ridges Moraine, in accordance with the *Oak Ridges Moraine Conservation Plan* (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 as the proposed uses on the lands are not anticipated to introduce chemical oils or solvents that would impact the aquifer.

Finally, it should be noted that a very small portion of the lands at the southwest corner of the site are designated **Neighbourhood**, which provide for predominantly low-rise residential development that is compatible with the physical context and character of the surrounding area. The proposed development does not encroach onto the portion of the lands designated **Neighbourhood** and is entirely located within the portion of lands designated **Regional Mixed Use Corridor**.

Staff has undertaken a comprehensive review of the applicant's revised development proposal from a planning, policy and design perspective relative to the provisions of the Plan and finds that it can be supported for the following principal reasons:

Appropriate Building Height, Density and Built Form

Contextually, the revised development proposal will contribute to the descending pulse of building heights from the Yonge and Bernard Key Development Area (KDA) to the subject lands and beyond. Furthermore, the proposed development is separated from the established low-density residential neighbourhood to the west by a significant natural heritage system and buffer measuring approximately 77 metres (252.62 feet) between the west wall of the development and the western property line.

The proposed siting of the buildings are considered appropriate as the tallest building is located along the Yonge Street frontage and the remaining buildings provide for a gradual transition towards the Natural Heritage Feature and the existing low density residential uses to the west. Furthermore, the proposed buildings have a separation distance of 27.5 metres (90.22 feet) and provides for a minimum distance separation of 12.5 metres (41.01 feet) to the adjacent lot to the north and 17.6 metres (57.74 feet) to the adjacent lot to the south providing sufficient setbacks and opportunity for future development, in accordance with **Section 3.4.1** of the Plan.

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With respect to the transition policies of the Plan, in accordance with **Section 4.6.1.12**, 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.

Accordingly, the proposed development has demonstrated that it meets the 45 degree angular plane requirement and provides appropriate transition to the adjacent residential uses to both the west and south. The increased floor plate size from 750 square metres to 800 square metres above the podium is considered a minor increase that will not result in a material increase on the shadow impacts or loss of skyview from the development. In this regard, the applicant has submitted a Sun/Shadow Study in support of its development proposal which has been comprehensively reviewed and found satisfactory by City staff. It has been demonstrated that the proposed heights can be accommodated with no adverse impact to adjacent lands and the surrounding area.

In terms of density, the Floor Space Index calculation is appropriately calculated based on the developable area of the site which excludes the Natural Heritage Features and associated buffers in accordance with the Plan. The developable area of the site designated **Regional Mixed Use Corridor** measures approximately 1.0 hectares (2.6 acres) in area and provides for an adequate area for development that can accommodate the three high-rise residential towers while maintaining all the urban design policies of the Plan as noted above. Furthermore, the site provides for 0.55 hectares (1.36 acres) of Natural Heritage lands intended to be conveyed to the appropriate public authority which will contribute to the protection of the KNHFs and KHF. As a result, the density of the proposal has been reduced from 4.62 to 4.14 FSI. Staff note that while the Plan does not account for non-developable area such as the Natural Heritage features in density calculations, the overall size of the site combined with the considerable developable area and appropriate site design and organization, the proposed density is considered appropriate.

Based on the foregoing, the applicant's revised development proposal is considered to represent an acceptable increase to the current height and density permissions of the **Regional Mixed Use Corridor**, north of the Yonge and Bernard KDA and will contribute to achieving the Plan's vision to establish a mixed-use, pedestrian friendly, transit-oriented complete community.

Environmental Features and the Oak Ridges Moraine Protection

The applicant has worked with Parks and Natural Heritage Planning staff to determine the developable limits of the site based upon a 10 metre (32.81 feet) buffer from the revised dripline to the Significant Woodland on the lands and has been prepared in accordance with the Oak Ridges Moraine policies of the Plan. The natural heritage system lands and associated buffers are anticipated to be dedicated to the appropriate public authority. It must be noted that the applicant will be required to submit a revised Natural Heritage Evaluation (NHE) or Addendum, Tree Inventory and Protection Plan and Arborist Report as a Condition of Approval to codify and support the limits of the natural heritage system and its associated buffers. The applicant will also be required to Zone the natural heritage system lands and buffer to an appropriate Flood (F) or Open Space (OS) Zone categories.

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Affordable Housing and Family Sized Units

Section 3.1.5.3 of the Plan directs that a minimum of 25% of new housing units shall be affordable and 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 provided an affordability housing chart, which demonstrates that 172 units or 28% of the units within the proposed development are considered to be affordable ownership units. Additionally, **Section 3.1.5.6** of the Plan requires a minimum of 5% of units shall contain 3 or more bedrooms. The proposed development provides 33 three-bedroom units which accounts for 5.4% of the dwelling units in the proposed development.

Traffic and Parking

The City’s Transportation and Traffic Section have worked with the applicant with respect to the justification and analysis provided in support of the proposed parking and have established the following rates:

- 1-Bedroom: 0.9 space/unit
- 2-Bedroom: 1.0 spaces/unit
- 3-Bedroom: 1.2 spaces/unit
- Visitor: 0.15 spaces/unit
- Retail: 3.1 spaces per 100 square metres of Gross Floor Area

With the reduction in the number of units, the current development proposal shall provide a total of 693 parking spaces (including 91 visitor parking spaces and 15 retail parking spaces).

With regard to traffic, the City’s Transportation Engineering section has reviewed the proposed unit count and gross commercial floor area and are satisfied that the trips and traffic being generated by this proposal can generally be accommodated on site and will not significantly impact the Local and Regional road network. It must be noted that a revised Transportation Impact Study must be submitted and approved to the satisfaction of the Commissioner of Planning and Building Services prior to final approval.

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Other Technical Considerations

Development Engineering staff has reviewed the applicant's revised development proposal and have advised that they do not object to approval of the proposal in principle, subject to the resolution of outstanding technical matters to be addressed as part of clearing the Conditions of Approval

The City's Community Services staff have requested additional confirmation on the applicant's revised plans with respect to vertical clearances and dimensions for loading spaces and staging areas. A condition of approval has been added to ensure the waste management standards are met prior to final approval of the instruments.

Public Comments:

The following is a summary of the main comments and areas of concern raised by members of Council and the Public at the Council Public Meeting held on April 7, 2021 on the applicant's previous proposal dated November 2020:

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

Staff are of the opinion that the applicant's revised development proposal adequately addresses these concerns and/or have rendered them no longer applicable. The revised heights of 22, 15 and 12 storeys with a density of 4.14 FSI is significantly scaled back relative to the applicant's original proposal. The applicant has demonstrated that the proposed height and density can be accommodated with no adverse impact to adjacent lands and the surrounding area, traffic generated by the proposed development will not negatively impact the Local and Regional road network and the proposed parking rates are considered to be adequate.

In regards to parkland, the subject lands and surrounding residential area are not identified within a park needs area and the revised development proposal will provide for its own outdoor amenity space in accordance with City standards. It is anticipated that a future trail system will run through the west side of the property to connect with an existing trail system to the north in conjunction with future development approvals in the area. As noted previously, the associated Natural Heritage System will be placed in a protective zone to ensure its preservation in accordance with the ORMCP.

The revised development proposal will retain 485.42 sq. m. (5,225 sq. ft.) of commercial space. Uses within the existing building shall include a variety of commercial uses such as business and professional offices, personal service shops, commercial schools and retail stores. There continue to be several existing commercial plazas within a 1

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kilometer radius of the subject lands that will continue to offer commercial and institutional services for the local population.

On the basis of the preceding, staff is of the opinion that the applicant's revised development proposal has appropriate regard for and is consistent with the broader policy direction as outlined in the Plan. Staff supports the revised development proposal in principle subject to the applicant addressing the Conditions of Approval as outlined in the recommendations of this report and the submission of the revised technical information prior to final approval of the implementing Official Plan and Zoning By-law Amendments. Accordingly, staff recommends that Council support the applicant's revised Official Plan and Zoning By-law Amendment applications in accordance with the revised development proposal.

Notwithstanding the above, it is recommended that the OLT be requested to withhold its final Order with respect to the applicant's revised Official Plan and Zoning By-law Amendments until the City advises the Tribunal that the Official Plan and Zoning By-law Amendments along with the fulfillment of the conditions of approval have all been finalized to the satisfaction of the Commissioner of Planning and Building Services.

Department and External Agency Comments:

Due to the timing of the imminent upcoming OLT hearing and the expiration of the Settlement Offer dated November 18, 2023, a full technical review of the revised development proposal (in its current iteration) has not been completed in the typical manner for development applications. Notwithstanding the foregoing, through the engagement of City staff in the preparation for the upcoming hearing, no significant concerns related to the feasibility of the proposed development has been raised as it relates to the servicing, stormwater management, hydrogeology and geotechnical matters that would affect the feasibility of the proposed development.

As part of the future Site Plan approval process, a fulsome comprehensive review of all technical matters, including consultation with applicable external agencies will be undertaken to ensure that the proposed development meets all City standards and requirements. It is noted that an associated Site Plan application has not yet been submitted to the City. Accordingly, when a Site Plan application is submitted to the City, the approval authority will be the City.

Regional Municipality of York

As noted previously, the Region of York is not a party to the OLT hearing to be held in consideration of the subject development proposal. The Region has previously confirmed that they do not have concerns on the applicant's Official Plan and Zoning By-law Amendment applications and has provided an exemption of Regional approval for the proposed Official Plan Amendment.

Toronto and Region Conservation Authority (TRCA)

The TRCA is not a party to the OLT Hearing but has advised that environmental features and their associated buffers are to be placed in a protective zoning category

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and dedicated into public ownership. The TRCA has acknowledged that all outstanding comments from the revised December 2021 development proposal (attached to this report as Appendix D) will be a Condition of Approval, prior to enactment of a Zoning By-law for the lands.

Financial/Staffing/Other Implications:

The recommendation of this report does not have any financial, staffing or other implications. However, due to the fact that the subject applications have been appealed to OLT, there will be a draw on financial resources for staff to attend the proceedings on the applications.

Relationship to Council's Strategic Priorities 2020-2022:

The recommendations of this report are aligned with **Balancing Growth and Green** by recognizing the balance between economic development and environmental protection by supporting residential development within the City's settlement area along a transit corridor as well as well as creating a **Strong Sense of Belonging** in providing for a mix and range of housing for the residents of Richmond Hill.

Climate Change Considerations:

The recommendations of this report are generally aligned with the City's Climate Change Considerations in that the applicant's revised development proposal will incorporate a more efficient use of land within a **Settlement Area**. It is noted that the development proposal will be subject to the minimum thresholds of the City's Sustainability Metrics through the submission of a future Site Plan application and that the sustainability commitments relating to site and building design will be secured through a future Site Plan Agreement.

Conclusion:

Staff are seeking Council's direction with respect to a revised development proposal to permit a high density mixed use residential/commercial development on the applicant's land holdings. Staff has reviewed the applicant's Settlement Offer and considers it to be appropriate, in principle. The proposed development is consistent with the PPS, conforms with the Growth Plan, and the ROP and generally maintains the intent of the goals, objectives and policies of the City's Official Plan.

For the principal reasons outlined in this report, staff recommends that Council support the applicant's revised development proposal subject to the applicant addressing the Conditions of Approval outlined in this report.

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.

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- Appendix A, Extract from Committee of the Whole Meeting C#01-23, March 1, 2023
- Appendix B, Applicant's Draft Official Plan Amendment
- Appendix C, Applicant's Draft Zoning By-law Amendment
- Appendix D, Memo from Toronto and Region Conservation Authority dated February 17, 2022
- Map 1 Aerial Photograph
- Map 2 Official Plan Designation
- Map 3 Existing Zoning
- Map 4 Original Site Plan
- Map 5 Revised Site Plan (December 2021)
- Map 6 Site Plan – Settlement Offer (November 2023)
- Map 7 Revised 3D Renderings

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Report Approval Details

Document Title:	SRPBS.23.040 - Request for Direction - OPA and ZBA Applications - 11160 Yonge Street.docx
Attachments:	<ul style="list-style-type: none">- Appendix A- Committee of the Whole Meeting - Extracts.docx- Appendix B - Applicant's Draft Official Plan Amendment.docx- Appendix C - Applicant's Draft Zoning By-law Amendment.docx- Appendix D- Memo from Toronto and Region Conservation Authority dated February 17, 2022.pdf- SRPBS.23.040 - Map 1 - Aerial Photograph.docx- SRPBS.23.040 - Map 2 - Official Plan Designation.docx- SRPBS.23.040 - Map 3 - Existing Zoning.docx- SRPBS.23.040 - Map 4 - Original Site Plan.docx- SRPBS.23.040 - Map 5 - Revised Site Plan (December 2021).docx- SRPBS.23.040 - Map 6 - Site Plan -Settlement Offer (November 2023).docx- SRPBS.23.040 - Map 7 - Revised 3D Renderings.docx
Final Approval Date:	Nov 25, 2023

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

Gus Galanis - Nov 24, 2023 - 2:52 PM

Darlene Joslin - Nov 25, 2023 - 3:31 PM