



Staff Report for Committee of the Whole Meeting

Date of Meeting: April 3, 2024
Report Number: SRPBS.24.007

Department: Planning and Building Services
Division: Development Planning

Subject: **SRPBS.24.007 – 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 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 regarding Official Plan Amendment and Zoning By-law Amendment applications to permit a high density, mixed use residential/commercial development on a portion of the subject lands.

Recommendations:

- a) That Staff Report SRPBS.24.007 be received for information purposes;

Page 2

- b) **That the Ontario Land Tribunal (OLT) be advised that Council supports the Settlement Offer dated March 26, 2024 submitted by Whitehorn Investments Limited, Stephen-Mitchell Realty Limited, 891566 Ontario Limited and Ledbrow Investments Ltd. for a portion of the lands known as Part of Lot 41, Concession 1, E.Y.S. (Municipal Addresses: 9301, 9325 and 9335 Yonge Street), City Files D01-20015 and D02-20029, for the primary reasons outlined in Staff Report SRPBS.24.007, subject to the following:**
- (i) **that the OLT be requested to approve the Official Plan Amendment substantially in accordance with the document set out in Appendix “B” to Staff Report SRPBS.24.007;**
 - (ii) **that the OLT be requested to approve the Zoning By-law Amendment substantially in accordance with the document set out in Appendix “C” to Staff Report SRPBS.24.007;**
 - (iii) **that the OLT be requested to withhold the issuance of its Final Order with respect to the Official Plan Amendment and Zoning By-law Amendment until such time as the City advises the Tribunal that the Official Plan and Zoning By-law Amendments have, respectively, been finalized to the satisfaction of the Commissioner of Planning and Building Services;**
- 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 execute any further agreements or documentation to implement the Settlement Offer dated March 26, 2024;**
- d) **That the authority to assign municipal servicing allocation for the proposed development to be constructed 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 By-law 109-11, as amended; and,**
- e) **That appropriate City staff be directed to appear at the OLT as necessary in support of Council’s position concerning the subject applications.**

Contact Person:

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 and/or

Deborah Giannetta, Acting Director of Development Planning, phone number 905-771-5542

Page 3

Report Approval:

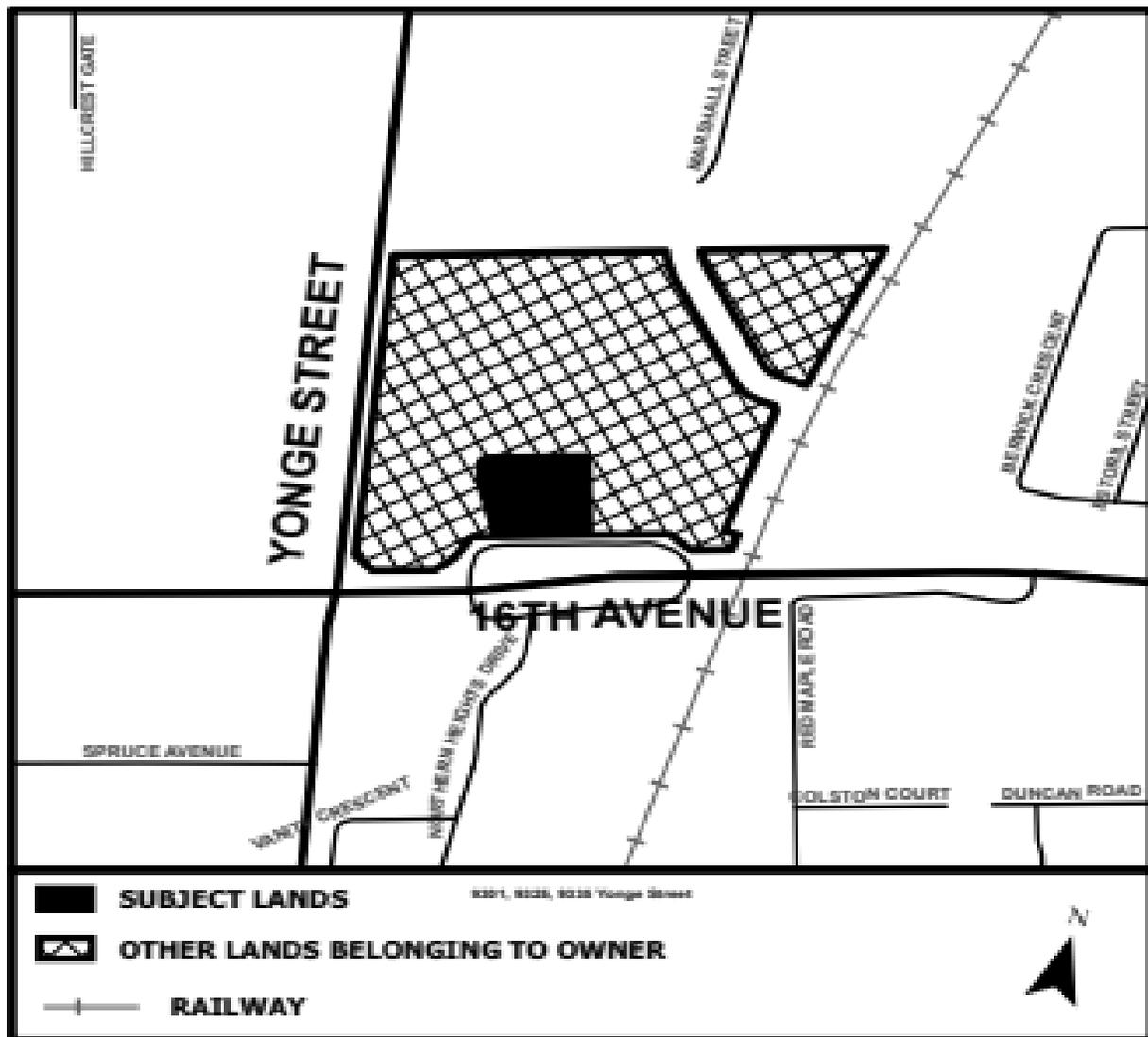
Submitted by: Gus Galanis, Acting Commissioner of Planning and Building Services

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.

Location Map:

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



Page 4

Background:

In June 2023, the applicants appealed its Official Plan and Zoning By-law Amendment applications to the Ontario Land Tribunal (OLT) pursuant to Sections 22(7) and 34(11) of the *Planning Act* on the basis that Council did not make a decision on the applications within the statutory timeframes for such applications as prescribed under the *Planning Act*.

On September 20, 2023, Council considered Staff Report SRPBS.23.006 concerning a request for direction regarding the applicants' original development proposal wherein staff recommended refusal of the applicant's Official Plan and Zoning By-law Amendment applications on the basis that a number of issues remained to be resolved with respect to policy conformity, technical feasibility and design considerations. Council endorsed the recommendations of Staff Report SRPBS.23.006 and directed staff to appear at the OLT in support of Council's position and to continue discussions with the applicant towards a resolution of the outstanding appeals (refer to Appendix "A"). On September 25, 2023, a Case Management Conference was held with respect to the applicants' appeal wherein the OLT scheduled a 12-day hearing which is to commence on July 2, 2024.

In accordance with Council's direction, City staff have continued to work closely with the applicants to resolve outstanding issues, including but not limited to matters regarding the interim and ultimate road network, parking, parkland, height and density, and the provision of affordable housing. Furthermore, as outlined in this report, the applicants submitted a Settlement Offer dated March 26, 2024 (herein referred to as the "Settlement Offer") intended to fully settle the subject Official Plan Amendment and Zoning By-law Amendment appeals. It should be noted that the Settlement Offer is time limited and is available for Council's acceptance until 12:00 pm on April 11, 2024, after which point it would be considered withdrawn. Staff have reviewed the Settlement Offer and advise that the issues identified within Staff Report SRPBS.23.006 have been satisfactorily addressed.

Accordingly, the purpose of this report is to seek Council's direction with respect to the applicant's Settlement Offer 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 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 portion of the lands proposed to be developed (the Phase 1 lands) have a lot area of 0.83 hectares (2.05 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

Page 5

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 larger land holding presently supports the South Hill Shopping Centre, which is comprised of a number of free standing and multi-unit retail and commercial buildings, including a supermarket (No Frills). The Phase 1 lands currently support a one storey, 3,027 square metre (32,583.42 square feet) commercial building, which is to be demolished to facilitate the proposed development. Existing land uses in the vicinity of 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, Yonge Street to the west, beyond which is Hillcrest Mall and 16th Avenue to the south, beyond which are commercial and high density mixed use residential/commercial uses (refer to Map 1). 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 applicants are seeking Council's support with respect to its Settlement Offer to permit a high density, mixed use residential/commercial development on a portion of its land holdings (refer to Maps 5, 8, 9 and 10). As noted, the lands subject to these development applications represent the first phase of a proposed multi-phased redevelopment of the applicants' overall land holdings (refer to Map 7).

The Settlement Offer for the Phase 1 proposal is to be comprised of two apartment buildings, 42 and 45 storeys in height, connected by a five storey podium with ground related commercial uses, 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. The Settlement Offer includes a 0.19 hectare (0.47 acre) Privately Owned and Publicly Accessible Space (POPS) along the 16th Avenue frontage of its larger land holding for the purpose of an interim open space/park block (refer to Map 6), vehicular access from the existing 16th Avenue Service Road and the existing internal network of driveways on the lands (refer to Maps 5 and 7), and an interim and ultimate road network (refer to Maps 11 and 12) wherein Streets B and C will function as private roads in the interim, which will be reconstructed in accordance with the City's standards as public roads and conveyed to the City through future phases of development of the applicant's larger land holding.

The following is a summary outlining the relevant statistics of the applicants' revised February 2023 development proposal and its current Settlement Offer (refer to Maps 4 and 5):

Page 6

Development Statistic	Revised Proposal (February 2023)	Settlement Offer (March 2024)
Total Lot Area	9.20 ha (22.72 ac)	9.20 ha (22.72 ac)
Phase 1 Lot Area (excludes interim POPS)	0.79 ha (1.95 ac)	0.83 ha (2.05 ac)
Total Dwelling Units	1,047	1,057
Number of Storeys		
• North Tower	42	42
• South Tower	45	45
Building Height (includes top of mechanical penthouse)		
• North Tower	140.9 m (462.27 ft)	140.9 m (462.27 ft)
• South Tower	150.50 m (493.77 ft)	150.50 m (493.77 ft)
Podium Height	5 storeys	5 storeys
Total GFA (excludes above-grade parking)	69,843.80 sq metres (751,817.0 sq feet)	71,061.09 sq metres (764,920.23 sq feet)
Total Residential GFA (excludes above-grade parking)	68,499.64 sq metres (737,348.11 sq feet)	69,728.56 sq metres (750,576.53 sq feet)
Total Non-Residential GFA (excludes above-grade parking)	1,344.16 sq metres (14,468.89 sq feet)	1,332.54 sq metres (14,343.81 sq feet)
Floor Space Index (excludes above-grade parking)		
• Phase 1	8.84	8.56
• Entire Site	0.76	0.77
Total Amenity Area		
• Indoor	2,687.61 sq metres (28,930.03 sq feet)	2,585.33 sq metres (27,829.17 sq feet)
• Outdoor	702.57 sq metres (7,562.65 sq feet)	470.63 sq metres (5,065.98 sq feet)
	1,985.04 sq metres (21,367.49 sq feet)	2,114.70 sq metres (22,763.19 sq feet)
Parking Spaces	844	892
• Residential	631	683
• Barrier Free	17	12
• Visitor	158 (outside Phase 1)	159 (outside Phase 1)
• Retail	38 (outside Phase 1)	38 (outside Phase 1)
Bicycle Parking Spaces	676	832
• Residential	632	762
• Residential – Visitor	38	57
• Retail	3	3
• Retail – Visitor	3	4
• Public	N/A	6
Loading Spaces	3	4

As previously noted, the applicants submitted their Settlement Offer on March 26, 2024 reflecting a number of modifications relative to their revised February 2023 development proposal. Key differences between the revised February 2023 development proposal and the Settlement Offer are summarized as follows:

Page 7

- the road network for the Phase 1 development will provide an interim private road and ultimate public road right-of-way condition;
- the inclusion of a private surface easement over the walkway and Private Road A for public pedestrian and vehicular access;
- the realignment of the proposed Future Public Road B to the 16th Avenue Service Road into a T-intersection;
- the addition of a 0.19 hectare (0.47 acre) interim POPS as an interim park;
- the inclusion of “work from home space” within the shared amenity area of the podium;
- an increase in lot area respecting the Phase 1 lands from 0.79 hectares (1.95 acres) to 0.83 hectares (2.05 acres) and corresponding decrease in density from 8.84 to 8.56 FSI due to the realignment of the proposed Interim Private Road B (Future Public Road B);
- an increase in the total number of dwelling units from 1,047 to 1,057;
- an increase in residential gross floor area (excluding the above-grade structured parking) from 68,499.64 square metres (737,348.11 square feet) to 69,728.56 square metres (750,576.53 square feet);
- a reduction in non-residential gross floor area (excluding the above-grade structured parking) from 1,344.16 square metres (14,468.89 square feet) to 1,332.54 square metres (14,343.81 square feet);
- an increase in the total gross floor area (excluding the above-grade structured parking area) from 69,843.80 square metres (751,817 square feet) to 71,061.09 square metres (764,920.23 square feet);
- a reduction in the total amenity area from 2,687.61 square metres (28,930.03 square feet) to 2,585.33 square metres (27,829.17 square feet). Notwithstanding the marginal reduction reported, the Settlement Offer provides a total of 2,114.70 square metres (22,763.19 sq feet) of private outdoor amenity space on the roof top terrace, which meets the minimum private outdoor amenity space requirement of 2.0 square metres per unit;
- an expansion to the 5 storey podium and corresponding increase in parking from 844 to 892 spaces;
- an increase in bicycle parking from 676 to 832 spaces; and,
- an increase in loading from 3 to 4 spaces.

It should be noted that the total lot area reported in the applicants’ revised submission excludes 9325 Yonge Street (which is part of the applicant’s larger land holdings) given that these lands are designated **Natural Core** and do not constitute developable lands. Accordingly, the applicants’ revised February 2023 submission reports a reduced total lot area of the larger land holding.

Official Plan and Zoning By-law Amendment Applications and Settlement Offer

The applicants have filed revised Official Plan and Zoning By-law Amendments to facilitate and implement the Settlement Offer (refer to Appendices “B” and “C”) in support of their revised development proposal. In this regard, the applicant is proposing

Page 8

a site specific exception under **Chapter 6** of the City’s Official Plan to permit the following on the Phase 1 lands as follows (refer to Map 2 and Appendix “B”):

- an increase in the maximum permitted density from 4.0 to 8.56 FSI based on a gross lot area of 8,300 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 71,062 square metres (764,930.03 square feet).

With respect to zoning, the applicant’s revised Zoning By-law Amendment seeks to rezone a portion of its 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 facilitate the proposed development and the associated site specific development standards (refer to Map 3 and Appendix “C”). In this regard, outlined below is a summary of development standards proposed by the applicant in order to facilitate the proposed development:

Development Standard	Proposed Standard, RM10 Zone under By-law 2325-68, as amended
Maximum Gross Floor Area	71,062 square metres (764,930.03 square feet)
Maximum Floor Space Index (Phase 1)	8.56
Maximum Tower Floor Plate	805 square metres (8,665.23 square feet)
Maximum Lot Coverage	90%
Minimum Front Yard (16th Avenue)	1.5 metres (4.92 feet)
Minimum Interior Side Yard (East)	1.5 metres (4.92 feet)
Minimum Interior Side Yard (West)	2.0 metres (6.56 feet)
Minimum Rear Yard	2.5 metres (8.20 feet)
Maximum Building Height	45 storeys /145 metres (475.72 feet)
Maximum Coverage of Mechanical Penthouse	75% of roof surface
Minimum Setback at Daylight Triangle	0.5 metres (1.64 feet)
Minimum Drive Aisle Width	6.0 metres (19.69 feet)
Minimum Outdoor Amenity Area	2.0 square metres/dwelling unit
Minimum Parking Spaces	
• Apartment Dwelling – 1-Bedroom:	0.60 parking spaces/dwelling unit
• Apartment Dwelling – 2-Bedroom:	0.64 parking spaces/dwelling unit
• Apartment Dwelling – 3-Bedroom:	1.0 parking space/dwelling unit
• Residential Visitor:	0.15 parking spaces/dwelling unit
• Retail:	2.8 parking spaces/100 square metres of commercial gross floor area
Minimum Bicycle Parking Spaces	
• Residential Use:	0.60 bicycle parking spaces/dwelling unit
• Residential Use – Visitor:	0.04 bicycle parking spaces/dwelling unit
• Non-Residential Use:	0.22 bicycle parking spaces/100 square metres of gross floor area for long-term and short-term

Page 9

Further to the preceding, the applicant's Settlement Offer contemplates the following site specific development standards in the proposed Zoning By-law Amendment:

- permitted uses shall only include *Apartment Dwelling* and *Commercial Uses*;
- no dwelling units shall front 16th Avenue on the ground floor of a building or structure;
- above grade parking is not permitted between the building and 16th Avenue;
- loading or service areas are not permitted along 16th Avenue;
- amend the general provisions to include minimum required vehicular and bicycle parking spaces (as outlined above);
- permit a 0 metre setback to below grade parking structures; and,
- interim residential visitor and commercial/retail parking shall be permitted as off-site parking shared with the balance of the lands zoned **Community Commercial (CC) Zone** and shall be located within 350 metres of the lands zoned **RM10**. In this regard, a shared parking agreement for the Phase 1 lands will be required in addition to an easement between the condominium corporation and the land owner for the balance of the lands to permit off-site parking for the Phase 1 development.

The applicants have provided revised draft Official Plan and Zoning By-law Amendments attached hereto as Appendices "B" and "C" to this staff report. Staff have reviewed the applicants' Settlement Offer in conjunction with the revised draft planning instruments and are satisfied that they generally implement the applicants' revised development proposal. Notwithstanding the preceding, it is recommended that the Final Order of the OLT be withheld with respect to the applicants' Settlement Offer to allow for the revised draft Official Plan and Zoning By-law Amendments to be refined and finalized to the satisfaction of the Commissioner of Planning and Building Services.

Policy and Planning Analysis:

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

Since the Plan's approval, the PPS and the Growth Plan were updated in 2020. Furthermore, York Region Council adopted a new Regional Official Plan in June, 2022 (the "2022 ROP"), which was approved by the Minister of Municipal Affairs and Housing in November, 2022. At the time of writing of this report, the City has initiated an update to its Plan in order to respond to emerging Provincial legislation and Regional policy updates and to align local planning policy with Provincial and Regional policy direction. Furthermore, it is also noted that the Province has initiated a review of the PPS and the Growth Plan.

Page 10

Provincial Policy Regime

The applicant's Settlement Offer is consistent with the policy direction as outlined within the PPS and the Growth Plan, including but not limited to, objectives such as encouraging a mix of uses, intensification and promoting efficient land use patterns that focus growth in a manner that is compact and transit-supportive. However, as outlined in the PPS, Official Plans are the most important vehicle for implementation of the PPS and for achieving comprehensive, integrated and long-term planning. As such, Official Plans shall identify Provincial interests and set out appropriate land use designations and policies. In this regard, a more detailed outline of the relevant policies of the ROP and the Plan are outlined in the sections below.

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 ROP. In accordance with Map 11 (Transit Network) of the ROP, the subject lands are also located along an identified **Regional Rapid Transit Corridor** (Yonge Street). Growth within the Region is to be accommodated within the **Urban Area**, whereby **Regional Centres** and **Corridors**, as identified on Map 1 of the ROP serve as the focal points and primary locations accommodating the highest densities and greatest mix of uses within the Region. Development within the **Regional Centres** and **Corridors** is to be of an urban form and designed to be compact, mixed-use, oriented to the street, pedestrian- and cyclist-friendly and transit supportive. The proposed high density, mixed use residential/commercial development conforms with the general policy direction for lands located within the **Urban Area** and along a **Regional Corridor** as it relates to compact, transit-supportive forms of development and a mix of uses.

Pursuant to the 2022 ROP, the subject lands are located within a **Protected Major Transit Station Area ("PMTSA")** in accordance with Map 1B (Urban System Overlays) and Appendix 2 (York Region Major Transit Station Areas). More particularly, the subject lands are located within the boundaries of the "16th-Carrville BRT Station PMTSA", which is planned to accommodate a minimum density target of 300 people and jobs per hectare. The 2022 ROP carries forward many of the overarching planning objectives established within the ROP to promote the development of complete communities, including mixed-use, pedestrian-friendly, and transit-oriented development that supports optimization of infrastructure. However, in accordance with **Policy 7.4.13** of the 2022 ROP, the ROP represents the determinative Regional policy regime applicable to the subject lands on the basis that the subject applications were deemed complete prior to approval of the 2022 ROP.

On the basis of the preceding, the applicant's Settlement Offer conforms with the 2010 ROP and is consistent with the policy direction of the 2022 ROP for this area of the City.

City of Richmond Hill Official Plan

The City is undertaking an update to its Plan and at the time of writing of this report, various amendments to the Plan have received Council approval. In this regard, Council adopted the Yonge Street and Carrville/16th Avenue Key Development Area Official

Page 11

Plan Amendment 18.5 (“OPA 18.5”) at its meeting on November 29, 2023, which implements the *Key Directions Report for the Official Plan Update* as it relates to the Yonge and Carrville/16th Avenue KDA. OPA 18.5 is pending final approval by the Region. Accordingly, this section of the report will focus on the in-force policies of the Plan with consideration of the direction of OPA 18.5.

The subject lands are designated **Key Development Area (KDA)** and are more particularly located within the Yonge and Carrville/16th Avenue KDA in accordance with Schedule A2 (Land Use) of the Plan (refer to Map 2). Furthermore, the lands are located adjacent to Yonge Street, which is identified as a **Regional Corridor** and a **Regional Rapid Transit Corridor** in accordance with Schedule A1 (City Structure) and Appendix 5 (Public Rapid Transit) of the Plan, respectively. As outlined within Staff Report SRPBS.23.006, the applicant’s Settlement Offer conforms with the land use policies for lands located within the **KDA** designation as set out within **Section 4.4** of the Plan. In addition, the applicant’s development proposal meets the intent of the Plan with respect to affordable housing, the minimum percentage of units containing 3 or more bedrooms, minimum tower separation and planned future public road network (ultimate condition).

As noted in the earlier sections of this report, the applicant has filed a Settlement Offer in an effort to address the City’s outstanding concerns. Staff has reviewed the applicant’s Settlement Offer and finds that the principal issues identified in accordance with Staff Report SRPBS.23.006 have been satisfactorily addressed as they relate to the approval of the applicant’s Official Plan and Zoning By-law Amendment applications. These matters are outlined in the sections below.

Height and Density

The City has adopted OPA 18.5, which will update the policies of **Section 4.4** of the Plan as it relates to the Yonge and Carrville/16th Avenue KDA and will complete the secondary planning process for this area of the City. As outlined in Staff Report SRPBS.23.006, the applicant’s development proposal exceeds the density of 7.0 FSI as set out within OPA 18.5 for the subject lands. Notwithstanding the preceding, staff has worked with the applicant to achieve a site design and built form that provides for appropriate massing, transition and future public road network to support the height and density proposed for this portion of the applicants larger land holdings. Furthermore, given the site’s location along the Yonge Street corridor – a **Regional Corridor** that will be served by the 16th-Carrville BRT Station and within a PMTSA, staff find that the Settlement Offer generally maintains the intent of the policies of the Plan. Accordingly, staff has no concerns with the proposed heights of 42 and 45 storeys and density of 8.56 FSI contemplated for Phase 1 of development on the subject lands.

Affordable Housing

Section 3.1.5 of the Plan outlines specific policies to support the provision of adequate, affordable and suitable housing within the City. In accordance with **Policy 3.1.5.2** of the Plan, a minimum of 35% of new housing units within the City’s **KDAs** shall be affordable and affordable housing units should include a mix and range of types, lot sizes, unit

Page 12

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 389 units or 37% of the units within the proposed development are considered to be affordable ownership units in accordance with the City’s policies outlined above. Additionally, **Section 3.1.5.6** of the Plan requires a minimum of 5% of units shall contain 3 or more bedrooms wherein the proposed development provides 58 3-bedroom units which accounts for 5.5% of the dwelling units.

Based on the preceding, the applicant’s Settlement Offer shall provide an appropriate proportion of affordable units and 3-bedroom units within the Phase 1 lands. In this regard, staff will work with the applicant to incorporate associated provisions in the draft Zoning By-law to ensure their implementation.

Planned Future Transportation Network

As set out in Staff Report SRPBS.23.006, Transportation Engineering staff identified various requirements that had not been provided for as they relate to the establishment of a fine grained public road network for the **KDA** pursuant to **Section 4.4** of the Plan. The establishment of a fine grain street network is intended to support connections both within the **KDA** and to adjacent neighbourhoods. The applicants’ Settlement Offer includes an interim and ultimate road network (refer to Maps 11 and 12) wherein Streets B and C will function as private roads in the interim and will be reconstructed, at the owner’s expense, in accordance with the City’s standards as public roads for conveyance through future phases of development. More specifically, the applicants’ revised development proposes the following:

- Street B will be realigned to the 16th Avenue Service Road into a T-intersection, inclusive of a sidewalk along the 16th Avenue Service Road under the ultimate right-of-way condition;
- a 23 metre public right-of-way will be provided under the ultimate right-of-way condition to facilitate the proposed east-west “Market Promenade” (Street C) as contemplated in the Concept Plan (refer to Map 7);

Page 13

- the 16th Avenue Service Road will be urbanized and designed to a custom local road right-of-way condition to the satisfaction of the City under the ultimate right-of-way condition; and,
- Street A will remain private to accommodate underground parking, inclusive of a private surface easement over the walkway and road to facilitate pedestrian and vehicular access between the condominium corporation and the landowner for the balance of the lands.

Based on the preceding, the Settlement Offer with respect to proposed Streets B and C and the 16th Avenue Service Road will provide for a future public road network on the site that is in keeping with the policy direction and vision for the **KDA** as established in the 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 “off-site” and shared with the balance of the applicants’ existing commercial uses on their larger land holding. The City’s Transportation Engineering staff has reviewed the applicant’s Parking Study and is satisfied that the proposed interim shared parking arrangement is acceptable from a functional and operational perspective for the Phase 1 development. In support of same, staff advise that approval of the interim shared parking arrangement for Phase 1 is subject to the following:

- requirement for a shared parking agreement between the future condominium corporation and the land owner for the balance of the lands;
- a post-occupancy parking monitoring program;
- the inclusion of a provision in the amending by-law regarding locational criteria for the shared parking; and,
- an easement between the condominium corporation and the land owner for the balance of the lands.

Notwithstanding the preceding, once the balance of the applicants’ larger land holding has been substantially built-out and visitor parking can no longer be provided at-grade, visitor parking will be integrated into future phases of development or within a shared parking structure that shall be accessible from Phase 1 via an interconnection. Similarly, for future phases of development, the respective required visitor and commercial parking will be provided on-site or in a future shared parking structure. Staff note that the applicants’ larger land holding will be required to remain zoning compliant with respect to all future phases of development.

Council and Public Comments:

The following is a summary of the main comments and areas of concern expressed by members of Council and the public at a Residents Information Meeting held on March 31, 2021 and the Council Public Meeting held on April 21, 2021 and through written

Page 14

correspondence received by the City with respect to the applicant's 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.

As noted in the earlier sections of this report, the City has adopted OPA 18.5 for the Yonge and Carrville/16th Avenue KDA. OPA 18.5, which builds on existing policy direction and planning principles that have previously been established for this area of the City, while also implementing the secondary planning process for the **KDA**. In this regard, the secondary planning process addresses matters such as the provision of parks and open spaces, maintaining sufficient commercial uses, the provision of transportation networks and infrastructure requirements to support the planned growth for the **KDA**, which staff are satisfied that the proposed development is consistent with.

Further to the preceding, and as discussed in this report, staff note that the submitted Parking Study demonstrates that the proposed interim shared parking arrangement is acceptable from a functional and operational perspective for the Phase 1 development; a 0.19 hectare (0.47 acre) interim POPS/open space park block will be provided onsite as part of the Phase 1 development until such time as a larger public park is conveyed to the City in accordance with OPA 18.5, a total of 37% affordable housing units and (5.5%) family sized units will be provided within the Phase 1 development to contribute to a range of household sizes and types, and, the inclusion of 1,332.54 square metres (14,343.81 square feet) of ground related commercial space will be provided within the podium. In terms of privacy and overshadowing, staff note that the Phase 1 lands front the 16th Avenue Service Road and do not abut existing residential development. Furthermore, staff are of the opinion that the remaining technical matters, some of which are noted above, namely landscaping, pedestrian safety and construction noise, will be addressed through the related detailed Site Plan approval process in accordance with City standards and requirements.

On the basis of the preceding, staff is of the opinion that the applicants' Settlement Offer and associated revised development proposal satisfactorily address the comments and concerns raised with respect to the proposed development. Accordingly, staff recommends that Council support the applicants' revised Official Plan and Zoning By-

Page 15

law Amendment applications, subject to the recommendations of this report, in accordance with the Settlement Offer provided to the City.

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

Department and External Agency Comments:

The following sections provide a summary of the comments received based on the review of the Settlement Offer and accompanying materials submitted to the City in support of same.

Infrastructure Planning and Development Engineering Division

Infrastructure Planning and Development Engineering staff has reviewed the applicants' Settlement Offer and do not object to approval of the revised development applications. Staff have no concerns related to the feasibility of the proposed development as it relates to functional servicing, stormwater management and hydrogeology matters that would affect the feasibility of the proposed development and approval at this stage. Staff have provided comments with respect to the above matters, as well as technical matters that will be required and appropriately addressed through the related Site Plan application. Further to the preceding, the applicants have confirmed that servicing for the Phase 1 lands is to be provided from 16th Avenue and have committed to the provision that above and below grade services will be constructed to a municipal standard for the future public Roads B and C under the ultimate condition (refer to Map 12).

Transportation and Traffic

The City's Transportation Engineering staff has reviewed the applicants' Settlement Offer, inclusive of an updated Transportation Addendum Report and advise that the proposed interim private and ultimate public road network, parking rates and shared interim parking strategy for Phase 1 are acceptable. Furthermore, as part of the Settlement Offer, the applicant has committed to the provision of Transportation Demand Management measures (TDM) including, but not limited to, the provision of bicycle parking, safe pedestrian/cyclist connections, proximity of local and Viva transit stops, a post-occupancy parking monitoring program, and approximately 180 square metres (1,937.57 square feet) of work from home space with free wi-fi. These measures will be secured through the related Site Plan application.

Park and Natural Heritage Planning Section

The City's Park and Natural Heritage Planning staff has reviewed the applicants' Settlement Offer and do not object to approval of the proposal. Staff have reviewed and accepted the proposed POPS with an area of 0.19 hectares (0.47 acres) to be located along the 16th Avenue frontage of the larger land holding as an interim park (refer to

Page 16

Map 6), to be designed, built and maintained by the applicant until such time as a larger public park is conveyed to the City in accordance with the Council approved OPA 18.5 Schedule C2 (Key Development Area Public Realm) for the Yonge and Carrville/16th Avenue KDA.

Staff have requested that the proposed POPS be rezoned to an appropriate parkland or open space zone category through a future Zoning By-law Amendment application pertaining to the applicants' larger land holding, and have provided direction relating to the design elements of the interim POPS and securement of public access over these lands through the related Site Plan process. In addition, staff have advised that the implementing Zoning By-law for the Phase 1 development incorporate requirements related to minimum outdoor amenity areas and have provided technical comments relating to the design of broader landscaping to be addressed through the related Site Plan application.

Heritage and Urban Design Section

Urban Design staff has reviewed the applicants' Settlement Offer, inclusive of the interim private and ultimate public road network plans submitted in support of the Settlement Offer (refer to Maps 11 and 12). Staff advise that the Phase 1 development proposal has been revised to address staff's concerns regarding the provision of sufficient building setbacks to the interim right-of-way condition (Refer to Map 11). Notwithstanding the proceeding, staff advise that a wider pedestrian realm that meets the intent of the City's Official Plan to facilitate the east-west public road streetscape enhancements (i.e. a pedestrian oriented "Market Promenade") will be required (refer to Map 12). Furthermore, the remaining issues as identified in Staff Report SRPBS.23.006 with respect to wind impact and potential wind mitigation strategies, overall built form articulation and design will be required to be addressed through the review of the related Site Plan application.

Community Services (Waste) Department

Waste Services staff has previously provided technical comments with respect to the subject development applications relating to access routes, compliance with minimum loading space requirements, waste storage, separation and collection, as well as the submission of a Waste Management Plan. Staff has reviewed the applicants' Settlement Offer and have advised that their comments have been satisfactorily addressed at this stage.

Regional Municipality of York

The Region has previously commented on the subject development applications and confirmed that they do not have comments on the applicants' revised Zoning By-law Amendment. With respect to the applicants' revised Official Plan Amendment, the Region has indicated that the revised Official Plan Amendment application generally conforms with the 2010 ROP (the Official Plan in force at the time of the Region's review). As previously noted, OPA 18.5 which implements the *Key Directions Report for the Official Plan Update* as it relates to the Yonge and Carrville/16th Avenue KDA is

Page 17

pending final approval by the Region. Further to the preceding, the Region of York is not a Party or Participant to the OLT hearing regarding the subject applications.

Metrolinx and Canadian National Railway Company

Metrolinx and the Canadian National Railway Company (“CN”) have previously commented on the subject development applications 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”). Both agencies shared concerns related to noise levels and mitigation of same for indoor and outdoor living area. Metrolinx concerns also included matters related to the protection and/or integration of the future proposed YNSE alignment and associated infrastructure, but have not advised of any requirement for land dedication or any concerns with respect to the location of this phase of development.

An updated Noise Report was provided to CN through the applicants’ lawyer in response to their comments. Furthermore, while CN was not provided with the Settlement Offer, their concerns will be addressed as part of the related Site Plan application. It is noted that CN is a Party to the OLT hearing whereas Metrolinx is not a Party or Participant to the OLT hearing to be held in consideration of the subject development proposal.

Recommendation:

Staff has reviewed the applicants’ Settlement Offer with respect to its revised Official Plan and Zoning By-law Amendment applications and advises that the concerns and issues that were previously identified have been satisfactorily addressed. In consideration of the foregoing, staff support the applicants’ Settlement Offer for the following principle reasons:

- the proposed high density, mixed use residential/commercial development is consistent with the PPS and the Growth Plan, which direct that within **Settlement Areas**, municipalities are to plan for and promote transit-supportive development, and accommodate a range of housing options through intensification and redevelopment to create more sustainable communities and to use land and infrastructure more efficiently;
- the applicants’ development proposal is in keeping with the policy direction for the Yonge and Carrville/16th Avenue **KDA** as set out within the 2010 ROP and the Plan as it relates to providing for a wide range of residential and non-residential land uses in a compact, pedestrian-friendly and transit-oriented built form. The lands are also located within the boundaries of the 16th-Carrville BRT Station PMTSA, pursuant to the 2022 ROP and within the **Key Development Area** land use designation as set out in the Plan. Accordingly, a high density, mixed use residential/commercial development, including at-grade retail and commercial uses is permitted for lands located within a **KDA**;
- the Settlement Offer is generally in keeping with the policy direction set out in OPA 18.5 and will contribute to the long-term vision for the area as set out within the Regional and local planning frameworks;

Page 18

- the approval of OPA 18.5 completes the secondary planning process for the **Yonge and Carrville/16th Avenue KDA** and contains area-specific policy direction regarding permitted land uses, the location of parks and open spaces, transportation networks and planned levels of intensification. Accordingly, OPA 18.5 addresses a number of issues raised at the Council Public Meeting regarding the need for coordinated planning of these elements of the community for this area;
- through the Settlement Offer, the applicant has committed to working with the Region and the City to contribute to the affordable housing policies as set out in the ROP and the Plan for the **KDA** through the related Site Plan application by providing 37% affordable housing units within the proposed development;
- the applicant is proposing 58 residential units (5.5%) having 3 or more bedrooms to accommodate a range of household sizes and types;
- the Settlement Offer shall contribute to the City's Greenway System by providing 0.19 hectares (0.47 acres) of an interim POPS/open space park block onsite as part of this phase of development, which is to be secured through the related Site Plan application;
- the Settlement Offer provides for an interim private and ultimate public road network (refer to Maps 11 and 12). Under the ultimate condition, the applicant has committed to proposed Streets B and C being built to the City's Collector Road standard and providing for above and below grade infrastructure that is sized to accommodate the development of the overall parcel for future development. In this regard, the ultimate road network for Phase 1 will meet the City's right-of-way standards and the reconstruction and dedication of Streets B and C as public roads will be secured when the remaining land holding develops through future phases of development. Furthermore, Street A will remain private to accommodate underground parking, inclusive of a private surface easement over the walkway and road to facilitate pedestrian and vehicular access between the condominium corporation and the landowner for the balance of the lands;
- the **Multiple Residential Ten (RM10) Zone** under By-law 2325-68, as amended, and the associated site specific provisions is considered appropriate to facilitate the proposed development on the subject lands. The final amending Zoning By-law will be finalized to the satisfaction of the Commissioner of Planning and Building Services; and,
- the applicant has satisfactorily addressed the technical requirements previously identified in Staff Report SRPBS.23.006 by City departments as outlined in this report. The remaining technical matters and design considerations will be required to be addressed through the review of the related Site Plan application.

On the basis of the preceding, staff supports the Official Plan and Zoning By-law Amendment applications and associated Settlement Offer and recommends that the OLT 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 both planning instruments have been finalized to the satisfaction of the Commissioner of Planning and Building Services.

Page 19

Interim Growth Management Strategy:

Council has approved and implemented a comprehensive strategy comprised of eight growth management criteria as a means of assessing and prioritizing development applications for the receipt of servicing allocation. The criteria are as follows:

1. *Providing community benefits and completion of required key infrastructure.*
2. *Developments that have a mix of uses to provide for live-work relationships.*
3. *Developments that enhance the vitality of the Downtown Core.*
4. *Higher-order transit supportive development.*
5. *Developments that represent sustainable and innovative community and building design.*
6. *Completion of communities.*
7. *Small scale infill development.*
8. *Opportunities to provide affordable housing.*

The applicant has submitted a Sustainability Performance Metrics Tool (the “Metrics”) in support of its development proposal and for consideration by the City as part of its review and approval of the related Site Plan application, including the allocation of servicing capacity. The Metrics submitted in support of the related Site Plan application (City File D06-22036) demonstrates an overall application score of 61 points, which exceeds the minimum threshold score for Site Plan applications. At the time of writing of this report, the applicants’ Site Plan application and Metrics submission remain under review with respect to the feasibility and appropriateness of the proposed sustainability measures. In this regard, staff will continue to work with the applicants in meeting the City’s minimum score requirements applicable to the subject development as part of the finalization of the related Site Plan application and to enable the consideration of servicing allocation assignment in the future.

Furthermore, staff note that the Metrics proposed by the applicants in support of their allocation request are comprised of both site works and building design measures. These commitments will be secured through the Site Plan approval process and reflected in the Site Plan Agreement, where applicable.

In consideration of the above and in order to streamline the servicing allocation assignment process for the proposed development, staff recommends that Council delegate its authority to assign allocation to the Commissioner of Planning and Infrastructure, subject to compliance with the City’s IGMS.

Financial/Staffing/Other Implications:

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

Page 20

Relationship to Council’s Strategic Priorities 2020-2022:

The recommendations of this report are aligned with **Strong Sense of Belonging** in facilitating high density, mixed-use development within the **Yonge and Carrville/16th Avenue KDA** and providing a range of dwelling unit options within the City. The recommendations of this report are also aligned with **Getting Around the City** in supporting interconnectivity with adjacent lands within the KDA.

Climate Change Considerations:

The recommendations of this report are generally aligned within Council’s Climate Change Considerations as the development proposal contemplates intensification within the boundaries of an MTSA and within the **Yonge and Carrville/16th Avenue KDA**, which is consistent with the vision for the **KDA** as a transit-oriented designation as set out in OPA 18.5.

Conclusion:

The applicants are seeking approval of their Official Plan and Zoning By-law Amendment applications and associated Settlement Offer in order to permit the construction of a high density, mixed use residential/commercial development on a portion of their land holdings. Staff has carefully reviewed the applicants’ Settlement Offer and considers it to be appropriate, in keeping with the overarching policy direction for this area of the City, in conformity with the principles of the Plan, appropriate in consideration of the emerging context of the **KDA** and to represent good planning. Accordingly, staff recommends that Council supports the applicants’ revised Official Plan and Zoning By-law Amendment applications, subject to the recommendations of this report, and direct that appropriate staff appear at the OLT in support of Council’s position on this matter.

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 Meeting C#31-23 held on September 27, 2023
- Appendix B, Draft Official Plan Amendment
- Appendix C, Draft Zoning By-law Amendment
- Map 1, Aerial Photograph
- Map 2, Existing Official Plan Designation
- Map 3, Existing Zoning
- Map 4, Revised Proposed Site Plan (2023)
- Map 5, Revised Proposed Site Plan – Settlement Offer (2024)
- Map 6, Context Plan-Interim Open Space – Settlement Offer (2024)
- Map 7, Proposed Concept Plan
- Map 8, Proposed Building Elevations (North and South)
- Map 9, Proposed Building Elevations (East and West)

Page 21

- Map 10, Proposed Building Section
- Map 11, Proposed Interim Road Plan – Settlement Offer (2024)
- Map 12, Proposed Ultimate Road Plan – Settlement Offer (2024)

Page 22

Report Approval Details

Document Title:	Staff Report SRPBS.24.007 - Request for Direction - SmartCentres - City Files D01-20015 and D02-20029.docx
Attachments:	<ul style="list-style-type: none"> - SRPBS.24.007 - Appendix A - Council Meeting Extract C31-23.docx - SRPBS.24.007 - Appendix B - Draft Official Plan Amendment.docx - SRPBS.24.007 - Appendix C - Draft Zoning By-law Amendment.docx - SRPBS.24.007 - Map 1 - Aerial Photograph.docx - SRPBS.24.007 - Map 2 - Existing Official Plan Designation.docx - SRPBS.24.007 - Map 3 - Existing Zoning.docx - SRPBS.24.007 - Map 4 - Revised Proposed Site Plan (2023).docx - SRPBS.24.007 - Map 5 - Revised Proposed Site Plan - Settlement Offer (2024).docx - SRPBS.24.007 - Map 6 - Context Plan-Interim Open Space - Settlement Offer (2024).docx - SRPBS.24.007 - Map 7 - Proposed Concept Plan.docx - SRPBS.24.007 - Map 8 - Proposed Building Elevations (North and South).docx - SRPBS.24.007 - Map 9 - Proposed Building Elevations (East and West).docx - SRPBS.24.007 - Map 10 - Proposed Building Section.docx - SRPBS.24.007 - Map 11 - Proposed Interim Road Plan - Settlement Offer (2024).docx - SRPBS.24.007 - Map 12 - Proposed Ultimate Road Plan - Settlement Offer (2024).docx
Final Approval Date:	Mar 28, 2024

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

Deborah Giannetta - Mar 27, 2024 - 3:10 PM

Gus Galanis - Mar 27, 2024 - 3:12 PM

Darlene Joslin - Mar 28, 2024 - 8:51 AM