

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2023-0096

**FOR THE CONSIDERATION OF
COUNCIL**

December 13, 2023

**SUBJECT: OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT APPLICATIONS
LOTS 1 TO 15, BLOCK A AND DOREDA DRIVE, PLAN 447, AND LOT
5 AND PART OF LOTS 6 AND 8, PLAN 170
232 CAMERON CRESCENT, KESWICK**

1. RECOMMENDATIONS:

- 1. That Council receive Report No. DS-2023-0096, prepared by the Development Planning Division, Development Services Department dated December 13, 2023, respecting Official Plan and Zoning By-law Amendment applications submitted by Innovative Planning Solutions on behalf of 2833367 Ontario Ltd., for the property municipally addressed as 232 Cameron Crescent, Keswick and legally described as Lots 1 to 15, Block A and Doreda Drive, Plan 447, and Lot 5 and Part of Lots 6 and 8, Plan 170;**
- 2. That Council refuse the Official Plan and Zoning By-law Amendment applications as submitted by Innovative Planning Solutions on behalf of 2833367 Ontario Ltd., which seek approval to facilitate the construction of a mixed use, high density development comprised of an apartment building with a height of up to 20 storeys and 380 dwelling units, and a commercial building with a height of 2 storeys and 808 square metres of gross floor area;**
- 3. That in the event of an appeal(s) to the Ontario Land Tribunal (OLT), Council direct the Town's Solicitor, staff and/or consultants to appear at the OLT in support of Council's position concerning the subject applications; and,**
- 4. That Town staff continue discussions with the applicant towards a potential resolution of the outstanding issues and concerns, and the submission of a revised development proposal that is supportable and represents good planning.**

Or, Alternatively,

- 5. That Staff report back to Council once the matters identified in Report DS-2023-0096 have been satisfactorily addressed by the applicant,**

including any additional matters raised by the public and/or Council at the statutory public meeting; and,

6. That Staff provide written notice of the next Council meeting, a minimum of two weeks in advance of the date of said meeting, to the following:
 - a) Any person or public body that has requested to be notified of any future public meetings); and,
 - b) Any person or public body that has requested to be notified of Council's decision regarding the approval or refusal of the subject applications.

2. **PURPOSE:**

This report analyses and outlines comments regarding proposed Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications submitted to facilitate a mixed use, high density development comprised of an apartment building with a height of up to 20 storeys and 380 dwelling units, and a commercial building with a height of 2 storeys and a 808 square metres (~8697 square feet) of gross floor area, and seeks direction from Council respecting the subject applications. No Site Plan or Draft Plan of Condominium applications have been submitted as of the date of this report.

3. **BACKGROUND:**

Owner: 2833367 Ontario Ltd. (c/o Peter Cortellucci)
Applicant: Cortel Group (c/o Elena Teryohin)
Agent: Innovative Planning Solutions (c/o Kevin Bechard)

3.1 **SUBJECT PROPERTY AND SURROUNDING LAND USES**

The subject property is located on the south side of Cameron Crescent (south leg), west of The Queensway South. The subject property is currently vacant, save and except for pile foundations previously constructed in support of an approved mixed use, mid-rise development proposal.

North: Low density residential uses

South: Maskinonge River

East: Marinas, associated marine services and The Queensway South

West: Lake Simcoe

Refer to *Table 1* below for a summary of property information.

Table 1 – Summary of Property Information		
General Property Information		
Municipal Address	232 Cameron Crescent	
Legal Description	Lots 1 to 15, Block A and Doreda Drive, Plan 447, and Lot 5 and Part of Lots 6 and 8, Plan 170	
Roll Number	146-004	
File Numbers	02.207 / 03.1180	
Lot Area	4.2 hectares (10.38 acres)	
Lot Frontage	98.67 metres	
Existing Zoning	Site-specific Medium Density Urban Residential (R3-46), site-specific General Commercial (C1-42 (H)) and site-specific Open Space (OS-60, OS-61)	
Proposed Zoning	Site-specific Medium Density Urban Residential (R3-___), site-specific General Commercial (C1-___) and site-specific Open Space (OS-___)	
Existing Keswick Secondary Plan Designation	Neighbourhood Residential and Maskinonge Urban Centre	
Adopted Keswick Secondary Plan Designation (June 2023)	Existing Neighbourhood and Maskinonge Urban Centre	
York Region Official Plan	Urban Area / Community Area / Built-up Area	
Land Use and Environmental Considerations		
Existing Buildings	None	
Proposed Buildings	20 storey apartment building containing 380 dwelling units and 2 storey commercial building containing 808 square metres of floor area	
Natural Features	Wetlands	
Natural Hazards	Floodplain	
Regulatory Status		
LSRCA	Yes	
MTO	No	
Heritage Act	No	
Servicing		
	Existing	Proposed
Water	N/A	Municipal
Sanitary	N/A	Municipal
Access	N/A	Three (3) full-move accesses to Cameron Crescent

Refer to Attachments 3 and 4 for the Location Map and Site Photos of the subject property.

3.2 PROPOSAL

The development proposal includes one apartment building with a maximum height of 20 storeys and containing 380 dwelling units, in addition to a commercial building with a height of 2 storeys and 808 square metres of floor area. Specific non-residential uses have not been identified at this time. Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications have been submitted to permit the proposed development.

Refer to Attachment 5 for the Development Concept Plan and Elevation Plans.

Application for Official Plan Amendment (OPA)

The subject property is designated 'Neighbourhood Residential' (NR) and 'Maskinonge Urban Centre' (MUC) in the existing Keswick Secondary Plan (existing KSP). Permitted uses in the NR designation include low density residential, special needs housing and neighbourhood centres. Permitted uses in the MUC designation include low / medium / high density residential, retail / service commercial, marinas / tourist commercial, business and professional offices, institutional and community, automobile-oriented and special needs housing uses.

The Applicant has applied for a OPA to increase the maximum permitted building height on the subject property from 6 to 20 storeys. In this regard, it is noted that the submitted OPA does not request to re-designate the northerly portion of the property from 'Neighbourhood Residential' to 'Maskinonge Urban Centre', nor does it request to increase the permitted density.

On July 12, 2023, Council adopted the proposed new Keswick Secondary Plan (new KSP). An approval Notice of Decision was issued by York Region on September 29, 2023. Portions of the new KSP have been appealed. An Ontario Land Tribunal (OLT) case management conference has yet to be scheduled in consideration of the appeal.

Section 13.1.9.1 of the new KSP specifies that complete development applications submitted prior to the approval of the new KSP shall not have to meet the requirements therein. Applicants are, however, encouraged to re-examine proposed applications based on the new KSP. References to the new KSP will be made throughout this report.

Refer to Attachment 8 for a copy of the draft OPA.

Application for Zoning By-law Amendment

The subject property is zoned site-specific Medium Density Urban Residential (R3-46), site-specific General Commercial (C1-42 (H)) and site-specific Open Space (OS-60, OS-61).

A Zoning By-law Amendment application has been submitted to rezone the subject property to site-specific Medium Density Urban Residential (R3-___), site-specific General Commercial (C1-___) and site-specific Open Space (OS-___) zones in order to facilitate the applicant's development proposal.

Refer to Attachment 9 for a copy of the applicant's draft ZBA.

3.3 PREVIOUS PLANNING ACT PROCESSES / APPROVALS

The subject property has been subject to various *Planning Act* processes and development approvals since 2005. Outlined below is a brief summary of the previous undertakings based on available historical information:

Zoning By-law Amendment 03.956 – Approved April 24, 2006			
Permitted Building / Use	Proposed Height	Proposed Floor Area Ratio (Max. 3.0)	Proposed Density (Max. 100)
76 condo apartment units	6 storeys or 23.2 m.	~2.0	~60 units per net residential hectare
15 townhouse units	4 storeys or 18 m.	~2.0	~60 units per net residential hectare
100 hotel units	6 storeys or 23.8 m.	~2.0	Not applicable
3,740 m ² (40,257 ft ²) of retail / office space	2 storeys or 11 m.	~2.0	Not applicable
'Future' seniors apartment dwelling	Unknown	Unknown	Unknown

Zoning By-law Amendment 03.956 – Approved August 17, 2006			
Permitted Building / Use	Proposed Height	Proposed Floor Area Ratio (Max. 3.0)	Proposed Density (Max. 100)
72 condo apartment units	6 storeys or 24 m.	Unknown	~45.6 units per net residential hectare
17 townhouse units	4 storeys or 18 m.	Unknown	~45.6 units per net residential hectare
110 hotel units	6 storeys or 24 m.	Unknown	Not applicable
3,130 m ² (33,691 ft ²) of retail / office	2 storeys or 18 m.	Unknown	Not applicable
'Future' seniors apartment dwelling	Unknown	Unknown	Not applicable

*Important note on density: Land was added to the proposal compared to 03.956

Zoning By-law Amendment 03.1020 / 03.1077 – Approved October 30, 2008 / Holding Symbol Lifted May 21, 2014			
Permitted Building / Use	Proposed Height	Proposed Floor Area Ratio (Max. 3.0)	Proposed Density (Max. 100)
154 condo apartment units	5 / 6 storeys or 24 m.	1.9	91 units per net residential hectare
6 'live-work' units	4 storeys or 18 m.	1.9	91 units per net residential hectare
140 hotel units	6 storeys or 24 m.	1.9	Not applicable
1,028 m ² (11065 ft ²) spa / conference centre	2 storeys or 18 m.	1.9	Not applicable
3,042 m ² (32743 ft ²) of commercial	2 storeys or 18 m.	1.9	Not applicable

Zoning By-law Amendment 03.1180 – Current Proposal			
Permitted Building / Use	Proposed Height	Proposed Floor Area Ratio	Proposed Density
380 condo apartment units	7 storeys or ~28.25 m. for podium, 20 storeys or 72.25 m. for tower	1.69	141 per net residential hectare
808 m ² (8,697 ft ²) commercial	2 storeys or 11 m.	1.69	Not Applicable

* The applicant has calculated the net residential land area as 2.69 hectares, resulting in a proposed FAR of 1.69 and a density of ~141 units per net residential hectare. Notwithstanding, the net residential land area appears to have been calculated incorrectly by including the area of the required environmental buffers/MVPZ. In this regard, the actual net residential land area is estimated to be ~1.81 hectares, resulting in an FAR of approximately 2.53 and a density of approximately 210 units per net residential hectare.

The current development proposal is substantially different than the most recent development proposal approved by Council in 2008 and advanced to the initial stages of construction in 2014. The main differences include the following:

- Increased number of residential units from 150 to 380 units;
- Increased maximum number of storeys from 6 to 20 storeys;
 - the tower component is 20 storeys; the podium is 7 storeys;

- Increased density from 91 to approximately 210 units per net residential hectare;
- Increased FAR from 1.69 to approximately 2.53;
- Decreased commercial GFA from 4,070 m² (43,808 ft²) to 808 m² (8,697 ft²);
- Encroachments into previously-approved protected Open Space zones;
- Removal of the proposed terminus cul-de-sac on Cameron Crescent;
- A reduction in the proposed residential parking rate from 1.5 to 1.14 spaces per unit;
- Encroachments into a previously-approved buffer (formerly 230 Cameron Crescent) between the proposed apartment building and abutting residential uses to the north; and,
- Addition of more substantial publicly accessible and private amenity spaces.

The proposed OPA / ZBA seek to replace all previous approvals. Staff are considering the previous *Planning Act* proposals to inform the recommendations of this report. Information provided as part of these previous approvals is relevant in evaluating the current proposal.

3.4 SUBMISSION MATERIALS

Submission documents are available directly from the Town or at the below link:

[Submission Documents](#)

4. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

4.1 PUBLIC CIRCULATION

Complete applications were received by the Town on September 19, 2023 and were deemed complete via letter on September 29, 2023.

A Notice of Complete Application and Public Meeting was mailed to all assessed property owners within 120 metres of the subject property on October 6, 2023. The Notice was posted to the Town website on October 6, 2023.

Two (2) public notice signs were posted on the property on October 13, 2023.

One (1) written comment from the public has been received. The comment identified concern regarding traffic, drainage, affordable housing, commercial viability, property values and peaceful enjoyment of the commenter's property.

One (1) notification request has been received.

Refer to Attachment 11 for redacted copies of public comments.

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS

Town department and external agency comments received as of the date of the writing of this report are available in Attachment 7 and are summarized below.

Development Engineering Division

The Development Engineering Division has indicated no objection to the subject applications, but has identified a number of matters to be addressed as part of detailed design including future development agreements, agency / department clearances, securities, liability insurance, a Phase 2 Environmental Site Assessment, a Dewatering Plan, a Construction Management Phasing Plan and pre-construction surveys of surrounding properties.

Planning Policy Division – Senior Landscape Architect

The Planning Policy Division has provided comments relating to shadow impacts, bird habitat, restoration plantings, submission coordination and tree compensation.

Staff note that the comments with respect to shadow impacts speak to overall concerns with the scale and height of the proposed development, and that more substantive design comments may be provided once the fundamental issues of development limits and scale/massing have been satisfactorily addressed.

Fire Department

The Fire Department has indicated no objection to the subject applications, but has noted detailed design comments relating to matters including fire access routes and emergency vehicle turning movements, Ontario Building Code conformity, adequate water supply and flows, accessibility during construction and safety walkthroughs.

Staff note that the emergency vehicle turning comments will result in the need for high-level development concept changes.

Lake Simcoe Region Conservation Authority

The Lake Simcoe Region Conservation Authority has indicated that further information and review is required before the applications can potentially be supported. Specific comments and concerns relate to matters including:

- Floodplain limits relative to the higher of shoreline / riverine flood elevations;
- The need for a cut/fill analysis for grading within the floodplain;
- The design of the steel pile floodwall;
- Updating phosphorus calculations as per current standards;
- Updating the hydrogeological evaluation as per current standards;

- Impact of high water table on post-development infiltration calculations;
- Relocation of development outside of the Provincially Significant Wetland;
- Re-design to ensure that site alteration and development, such as boardwalks, piers, shore decks, stairs, grading and parking areas, are not proposed within the agreed-upon 15-metre Minimum Vegetation Protection Zone (MVPZ);
- The need for an evaluation of the proposed beach in the EIS; and,
- Confirmation of wetland limits by LSRCA.

Staff note that the MVPZ is measured from Lake Simcoe, the Maskinonge River and the on-site wetland. Significant development and site alteration is currently proposed in the MVPZ, including walkways, boardwalks, stairs, general grading and parking / loading areas. Removing these features from the MVPZ will have a significant impact on the design of the proposed development.

The on-site wetland is currently classified as a Provincially Significant Wetland. Development in PSWs is prohibited by the Provincial Policy Statement (PPS). An elevated boardwalk is currently proposed in the PSW. Unless the PSW is re-classified to a Non-Provincially Significant wetland by the Ministry of Natural Resources and Forestry (MNR), development within it will continue to be prohibited. The MNR will need to provide written documentation indicating that they have re-classified the PSW as a Non-Significant Wetland before development will be considered.

Additionally, the need for naturalization around shoreline flood features (revetments / steel wall) may result in the need for additional non-development space around them. This may result in substantial changes to the development concept.

The limit of the on-site wetland shown on the submitted Site Plan differs from the wetland limit staked by the LSRCA. Confirmation of the new proposed wetland limit needs to be provided by LSRCA staff via site visit during wetland staking season.

Given the scope of LSRCA comments and their potential for triggering substantial updates to the overall proposal, Staff are of the opinion that LSRCA comments should be adequately addressed in a resubmission.

York Region

York Region has indicated that further information and review is required before the applications can potentially be supported.

Planning comments relate to:

- York Region being the approval authority for the proposed OPA;
- That 25% of new housing within the Town shall be affordable;

- Promoting sustainable building standards beyond the Ontario Building Code in exchange for possible allocation credits (up to a maximum of 30% of the required total);
- Revising the draft OPA to include the limits of the 'existing neighbourhood' designation and to recognize the environmental feature limits / buffers; and,
- Revising the draft ZBA to implement a Holding (H) Symbol to prohibit development until servicing allocation has been assigned and to limit occupancy until servicing and infrastructure upgrades have been adequately addressed.

Staff note that the intent of the above-noted affordable housing policy is that it be implemented on a Town-wide basis. It is not intended to be implemented on a site-by-site basis, nor is it to be interpreted to require that every development have 25% of its units be affordable. Notwithstanding, the applicant shall address its intentions with respect to the provision of affordable housing as part of its development proposal.

As noted in the servicing allocation section of this report, up to 30% of the total required servicing allocation can be credited if the Applicant successfully participates in the Region's Sustainable Development Through LEED program. Although this is the premise upon which servicing allocation was originally assigned and credited to the subject property as part of the original development proposal(s), the Applicant has not confirmed its intention to participate in this program.

Traffic/Transportation comments relate to the need for:

- A warrant analysis to determine whether a northbound left-turn lane from The Queensway South onto the south leg of Cameron Crescent is needed, and if so, the provision of a functional design and preliminary feasibility assessment;
- An analysis as to whether a southbound right-turn lane from The Queensway South onto the south leg of Cameron Crescent is needed, and if so, the provision of a functional design and preliminary feasibility assessment; and,
- Further justification for the mode split reduction assumption that 24% of trips will be non-car trips and the 2% background traffic growth rate.

Pending the submission of turn-lane warrant analyses, it will be determined whether the design and construction of turning lanes on The Queensway South will be required as potential conditions of approval and as part of the detailed design process. Pending the justification regarding the assumption of 24% non-car trips and the 2% background traffic growth rate, the conclusions regarding required road improvements and parking supply may change.

Servicing comments relate to:

- Acknowledgement of required upgrades to the existing watermain on Cameron Crescent from 150 mm to 300 mm;
- Acknowledgement that the submitted Functional Servicing Report identifies sufficient sanitary sewer capacity within the existing 250 mm sanitary sewer on Cameron Crescent;
- Acknowledgement that the submitted Functional Servicing Reports identifies sufficient fire flows to meet the minimum 140 kPa requirements; and,
- Identification of existing capacity constraints in the Keswick Sewage Pumping Station.

Staff note that modal split comments may have functional impacts on parking requirements. The comments provided by York Region regarding servicing, affordable housing and required road improvements have technical, feasibility and detailed design considerations.

Town Environmental Peer Reviewer – R.J. Burnside & Associates (November 7, 2023)

The Town's Environmental Peer Reviewer has provided the following comments with respect to submitted Environmental Impact Study:

- The existing Keswick Secondary Plan (KSP) requires a minimum 15-metre development setback (excluding boathouses, docks, accessory structures and conservation / erosion protection works) from the top of bank of the Maskinonge River and the annual high water mark of Lake Simcoe. Adherence to these requirements must be demonstrated in the EIS;
- That areas around shoreline protection measures (walls and revetments) shall be naturalized;
- The impact of the new pier, dock and all in-water and shoreline works shall be evaluated relative to potential impacts on aquatic species and their habitats;
- Confirmation from the Ministry of Natural Resources and Forestry regarding the classification of the wetland be submitted;
- Confirmation of wetland limits by LSRCA Staff;
- Re-align the boardwalk to avoid the wetland itself; and,
- Relocate the residential building and driveway outside of the wetland buffer.

Staff note that requirements to generally relocate development (excluding boathouses, docks, accessory structures and conservation / erosion protection works) from the 15-metre setback from Lake Simcoe and the Maskinonge River may result in significant changes to the development proposal. Staff also note the need to naturalize areas around shoreline protection features (revetments / steel walls) may result in the need the shift development inland, thereby resulting in a reduction of the overall development area.

Town Transportation Peer Reviewer – Strik Baldinelli Moniz (November 9, 2023)

The Town's Transportation Peer Reviewer has indicated the following comments with respect to the submitted Transportation Study:

- Justify the 24% modal split (non-auto trips);
- Justify the trip distributions, specifically regarding trips to / from the south (80% of total) and to / from the north (5% of total);
- Ensure that fire, delivery and cars can manoeuvre on the site;
- Apply zone standards for the commercial building to regulate parking-intensive uses;
- Assess sightlines for accesses to Cameron Crescent;
- Warrants for signals at south leg intersection of Cameron Crescent / The Queensway South are not met;
- The paved width for the south leg of Cameron Crescent should be widened from 6 to 8.5 metres;
- The paved width for the north leg of Cameron Crescent should be widened from 5 to at least 6 metres (with additional width at the intersection);
- 'Local residents only' signage is of questionable utility since the majority of users would be local residents; and,
- Traffic, especially during peak hours, will be incentivized to use the north leg of Cameron Crescent to access The Queensway South given the existing signals.

Staff note that vehicle manoeuvring and sightline analyses may result in significant changes to the proposed development, and comments regarding trip distributions, trip generation and the paved width of Cameron Crescent will have detailed design implications.

Staff recommend that draft road cross sections be provided to demonstrate whether required paved widths and urbanization can be accommodated within the existing road allowance.

Should the recommended pavement widths not be able to fit within the existing ROWs, widenings will be required. If widenings are required, this will necessitate the acquisition of land from nearby properties. This has the potential to have substantial detailed design implications and may not be supportable by the corresponding property owners.

The development proposal includes 402 dedicated resident parking spaces in the base podium of the apartment building, resulting in the provision of 1.06 parking spaces per unit (380 apartment dwelling units).

A total of 31 dedicated visitor parking spaces are proposed outside of the podium within an at-grade parking area, resulting in the provision of 0.08 visitor parking spaces per unit.

The blended (resident / visitor) dedicated parking rate is 1.14 spaces per unit.

Given the local context and the absence of frequent transit services to potentially offset the need for vehicles, Staff are concerned that the proposed parking rates per unit are too low.

In the event that residential visitor parking demand exceeds the capacity of the visitor parking area to accommodate it, it appears that there may be opportunities for visitors to make use of the commercial parking area. This type of arrangement would need to be assessed and formalized through the approvals process to determine the feasibility and appropriateness of shared residential/commercial parking during off-peak times. Given the current stage of the approvals process, there are insufficient details in terms of construction phasing and condominium structure to determine the feasibility and appropriateness of considering overflow residential visitor parking within the proposed commercial parking area.

Bell Canada

Bell Canada has indicated no objection to the subject applications, but has noted detailed design comments relating to the future Site Plan and Draft Plan of Condominium applications. These comments relate to:

- Pro-active utility and servicing coordination; and,
- Conditions of Draft Approval.

Canada Post

Bell Canada has indicated no objection to the subject applications, but has noted detailed design comments relating to the design of centralized mailbox facilities.

The below departments / agencies have not provided any comments:

- Tax and Revenue Division
- Conseil Scolaire Viamonde (Viamonde School Board)
- York Catholic District School Board
- Enbridge
- Rogers

5. ANALYSIS:

The sections below represent an evaluation of the subject applications versus Provincial, Regional and Town planning documents, based on the information available as of the writing of this report.

5.1 PROVINCIAL POLICY FRAMEWORK

The *Planning Act* requires that Council decisions on planning matters must be consistent with the Provincial Policy Statement and shall conform with, or not conflict with, in-effect Provincial Plans

5.1.1 The Provincial Policy Statement, 2020 (PPS)

The PPS provides overarching policy direction on matters of Provincial interest related to land use planning and development, and recognizes that municipal Official Plans are the most important vehicle for implementation of the PPS and for achieving comprehensive, integrated and long-term planning. The Town's in-force Keswick Secondary Plan is consistent with the PPS that was in force at the time of its approval, and the recently approved new Keswick Secondary Plan (appealed) has been updated to align with the more recent Provincial planning policy direction and updates to the PPS in 2020.

The subject property is within a 'Settlement Area'. Settlement Areas are built-up urban / rural areas with concentrated development and a mix of land uses. Settlement Areas shall be the focus of growth and development. Land uses in Settlement Areas shall efficiently use land and resources.

Healthy, liveable and safe communities are sustained through the integration of land use, growth management, transit-supportive and infrastructure planning to achieve cost-effective development patterns, transit investment optimization and standards to minimize land consumption and servicing costs.

The proposed development constitutes intensification within a municipally-serviced settlement area, but there are concerns with respect to its scale and density in relation to growth management and existing or planned transit levels.

Development shall generally be directed outside of hazardous lands (such as flooding and erosion hazards). Development shall also conserve biodiversity, mitigate climate change, promote energy efficient design and shall consider the mitigating effect of vegetation / green infrastructure.

Staff are concerned about PPS consistency given comments regarding natural hazards, habitat protection and conservation.

Development shall also protect transportation corridors, natural heritage features, and water resources.

Staff are also concerned about PPS consistency given comments regarding potential improvements on Cameron Crescent / The Queensway South and natural heritage delineation buffers.

The overarching theme of the PPS in relation to managing development and achieving efficient land use patterns revolves around comprehensive and coordinated planning to ensure that, for example, housing and intensification are located in areas appropriately served and supported by existing or planned infrastructure and public transit.

Based on the unresolved issues and concerns raised in this report, Staff are unable to determine or conclude that the subject applications are consistent with the PPS.

5.1.2 The Greenbelt Plan, 2017

The Greenbelt Plan (GBP) identifies where urbanization should not occur to protect the agricultural land base and ecological features / functions.

The subject property is identified as a 'Towns / Villages' in the GBP. Lands therein are exempt from the GBP, except for Section 3.1.5. (Agri-food Network), 3.23 (Water Resource System Policies), 3.26 (External Connections), 3.3 (Parkland, Open Space and Trails) and 3.4.2 (General Settlement Area Policies).

Section 3.26 applies. The Applicant has not yet demonstrated how the GBP policies relating to vegetation buffers, habitat protection, and runoff have been met.

Based on the unresolved issues and concerns raised in this report, Staff are unable to determine or conclude that the subject applications conform to the GBP.

5.1.3 A Place to Grow Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan)

The Growth Plan provides overarching policy direction to accommodate and manage long-term growth in the Greater Golden Horseshoe to 2051 and recognizes that municipal Official Plans are the most important vehicle for successful implementation of the Growth Plan. The Town's in-force Keswick Secondary Plan conforms with the Growth Plan that was in force at the time of its approval, and the recently approved new Keswick Secondary Plan (appealed) has been updated to align with the more recent Provincial planning policy direction and updates to the Growth Plan in 2020.

The subject property is in a 'Settlement Area'. Growth therein must contribute to complete communities, land use mix and constitute intensification near existing services.

The subject property is in a 'Delineated Built-up Area', wherein 50% of residential development in York Region is to occur.

The proposed development is intensification, contributes to the land use mix, is in the 'Delineated Built-up Area' and is near existing services.

Transportation systems shall be planned and managed to provide connectivity among transportation modes, offer a balance of choices promote active transportation and provide for the safety of system users. Streets shall also use a 'complete street' approach.

Development shall implement best practices in stormwater management, specifically with regard to low impact development principles and erosion protection.

Development shall also protect water and natural heritage systems.

Staff are concerned about Growth Plan consistency given comments regarding potential improvements on Cameron Crescent / The Queensway South, natural heritage and water balance considerations.

The overarching theme of the Growth Plan in relation to managing growth and promoting intensification revolves around comprehensive and coordinated planning to ensure that, for example, housing and intensification are located in areas appropriately served and supported by existing or planned infrastructure and public transit.

Based on the unresolved issues and concerns raised in this report, Staff are unable to determine or conclude that the subject applications conform to the Growth Plan.

5.1.4 The Lake Simcoe Protection Plan, 2009 (LSPP)

The Lake Simcoe Protection Plan (LSPP) protects, improves and restores the ecological health of the Lake Simcoe Watershed, including water quality, hydrology, hydrologic features and their functions.

The subject property is regulated by the Lake Simcoe Region Conservation Authority (LSRCA). A permit is required.

The LSRCA reviewed the applications and has indicated that the proposal is not currently supportable due to key comments relating to development setbacks from Lake Simcoe / the Maskinonge River and naturalization in buffers associated with same, but has noted comments to be addressed at the detailed design stage.

The Applicant has not yet demonstrated how the aforementioned LSPP policies have been met.

Based on the unresolved issues and concerns raised in this report, Staff are unable to determine or conclude that the subject applications conform with the LSPP.

5.2 York Region Official Plan, 2022 (YROP)

The subject lands are designated 'Urban Area', 'Community Area', 'Built-up Area' on Maps 1, 1A and 1B of the York Region Official Plan (YROP) respectively.

York Region has identified detailed design comments relating to servicing, traffic and affordable housing.

York Region is the approval authority for the proposed OPA and has indicated issues that require resolution prior to their potential support of the applications.

5.3 Keswick Secondary Plan, 2019 (Existing KSP)

The existing Keswick Secondary Plan (existing KSP) directs land use and development in Keswick. The subject property is designated 'Neighbourhood Residential' (NR) and 'Maskinonge Urban Centre' (MUC) in the existing KSP.

The applications are subject to the existing KSP, but shall have regard to the adopted and approved new KSP (under appeal).

The new KSP indicates that applications received prior to its approval shall not have to meet the requirements of the new KSP. Applicants will, however, be encouraged to work with the Town to re-examine the applications based on the policies of the new KSP.

Given how the applications were received prior to the approval of the new KSP, they are subject to the existing KSP.

The subject property is designated 'Existing Neighbourhood' (ER) and Urban Centre (UC) in the new KSP.

Broadly speaking, the new KSP is different from the current KSP in a number of ways, namely:

- New land use designations;
- Increased maximum densities and heights; and,
- Additional new land uses (such as mixed use developments).

Staff note that an OPA is required regardless of which KSP the applications are evaluated against.

Staff also note that the below sections identify that the proposed applications involve substantial increases in the maximum permitted densities and heights, regardless of which KSP is used.

Staff also note that, in the new KSP, there are alternative locations that identify high-rise residential development as a permitted use, namely in the Mixed-Use Corridor 2 – Woodbine Avenue designation.

Land Use

With regard to the existing KSP, low density residential uses are permitted in the NR designation, along with local commercial and other related uses. Low, medium and high density uses are permitted in the MUC designation along with retail / service commercial, tourist commercial, office, automobile-oriented and institutional uses.

With regard the new KSP, low-rise residential uses are permitted in EN designation, along with other neighbourhood supporting uses. Existing low-rise and new mid-rise uses are permitted in the MUC designation, along with restaurants, retail and service commercial uses (limited to 4,000 m² per business), office, hotel and other related institutional uses.

No residential / commercial is proposed in the NR/ ER designation. Only accessory uses such as walkways, emergency access, beaches, etc. are proposed.

An Official Plan Amendment is required to enable the proposed residential use in the MUC designation.

Density

Low density residential uses in the NR designation of the current KSP shall have a maximum density of 11 units per gross residential hectare. Medium and high density residential uses in the MUC designation shall have a maximum density of 100 units per net residential hectare.

Low-rise residential uses in the EN designation of the new KSP shall have a maximum density of 40 units per net residential hectare. Mid-rise residential uses in the UC designation shall have a maximum density of 85 units per net residential hectare.

The subject property is 4.2 hectares in area. The applicant has calculated the net residential land area as 2.69 hectares, resulting in a proposed density of ~141 units per net residential hectare. Notwithstanding, the net residential land area appears to have been calculated incorrectly by including the area of the required environmental buffers/MVPZ. In this regard, the actual net residential land area is estimated to be 1.81 hectares, resulting in a density of approximately 210 units per net residential hectare. Further details and confirmation are required.

An OPA is required to permit increased density.

Height

Low density residential development in the NR designation has no maximum height. This is established in the Zoning By-law. High-density residential development in the MUC designation shall have a maximum height of 18 metres (or 6 storeys), whichever is less.

Low-rise residential development in the ER designation shall have a maximum height of 13 metres (or 3 storeys), whichever is less. Mid-rise residential uses in the UC designation shall have a maximum height of 20 metres (or 6 storeys), whichever is less.

The development proposes a 7-storey podium and a 20-storey tower (13 storeys above the podium). The podium and tower have heights of ~28.25 and 72.25 metres, respectively.

An OPA is required to permit increased maximum building height.

Compatibility

The proposed development is classified as high density residential development, with maximum heights and densities above what is considered in the existing or new KSP.

High density residential development must be compatible with surrounding land uses, be on a site large enough to accommodate on-site facilities / amenities and be adequately serviced by transportation, utility, service and recreational infrastructure.

Development shall be sensitively integrated with surrounding land uses relative to massing, height, setbacks, orientation, privacy, landscaping, shadow casting, accessibility and visual impact.

The proposed apartment building is set back a minimum of 11 metres from abutting residential properties but introduces a tower built form and scale of development that requires a substantial increase in maximum height and density from existing KSP maximums.

Staff note, given the proximity of single detached dwellings to the proposed development, that compatibility considerations are paramount. Given the massing of the proposing apartment dwelling, there will be streetscaping, privacy and shadow casting impacts.

A copy of the submitted shadow study is contained in Attachment 6. Staff note that, especially during mornings and winter months, notable shadows are cast on the single detached dwellings north of the subject property.

For example, between 10 AM and Noon between March 21 and December 21 of any given year, approximately 50% of the two single detached dwelling properties north of the subject property will be in shade. Similar impacts are anticipated around March 21 of each year. Staff note that shadow impacts are presented for four (4) specific dates of the year.

Staff recommend that the Applicant suggest mitigation measures, particularly given that the scale of development significantly deviates from the applicable policy framework.

Among these measures, Staff suggest that a reduction in height and relocation of the tower to the western side of the podium be considered. Staff will consider this possible design solution(s) in the context of the matters raised above.

Floor Area Ratio

Development in the NR designation has no maximum floor area ratio (FAR). Development in the MUC designation shall have a maximum FAR of 3.0.

The new KSP does not have maximum FAR policies.

The subject property is 4.2 hectares in gross area. The applicant has calculated a net residential land area of 2.69 hectares. Notwithstanding, the net residential land area appears to have been calculated incorrectly by including the area of the required environmental buffers/MVPZ. In this regard, the actual net residential land area is estimated to be 1.81 hectares.

The proposed residential development has a gross floor area (GFA) of 45,641.5 m², while the proposed commercial development has a GFA of 808 m².

Using the estimated/revised net land area calculation, the proposed development has a FAR of 2.53. A maximum FAR of 3.0 is permitted.

An OPA is not required to permit increased FAR.

Sanitary Sewer and Water Servicing Allocation

Previously, the Town's Sanitary Sewer and Water Servicing Allocation program allocated 198 persons equivalent (p.e.) to support the previous development proposal on the subject site, in addition to a credit of 122 p.e. from York Region's Sustainable Development through LEED Program for a total of 320 p.e. This was based on an occupancy factor of 2 p.e. per apartment unit.

Based on the Region's current servicing allocation factors, apartment dwelling units now require 2.08 p.e. of servicing allocation each. A total of 790.4 p.e equivalent of allocation is required to support the proposed development of which 198 p.e. have

been previously allocated by Council to the site for a total additional required allocation of 592.4 p.e.

The Region of York has indicated that going forward up to 30% of the required allocation (237.12 p.e.) can be credited under York Region's Sustainable Development through LEED program requiring construction in accordance with the LEED Gold standard. The Applicant has not indicated whether they will be participating in this program, and would be ineligible for credits otherwise.

On this basis, a Holding (H) symbol will need to be incorporated into any future amending by-law to restrict development until adequate servicing allocation is available and assigned by Council to facilitate the development proposal in its current form. In this regard, there is currently insufficient servicing allocation available and remaining in the Major Development Category to accommodate the proposed development.

Community Design and Noise

Staff note that the Ministry of the Environment, Conservation and Parks noise mitigation measures are met through standard Ontario Building Code requirements.

Staff recommend that a noise study be implemented as part of the detailed design process.

Tree Conservation

The proposal contemplates the removal of 41 trees. The Town's Tree Preservation and Compensation Policy requires compensation (via planting or cash-in-lieu) for significant trees that are removed. Protection measures for trees not to be removed will be required. The Town's Senior Landscape Architect has no objections to the proposal in principle and has noted technical comments on the materials submitted with the applications.

Site Re-use

The Town shall ensure that development land is not contaminated.

A Phase 1 Environmental Site Assessment (ESA) identified potential contamination. Subsequent ESAs, included a Phase 2 ESA will be required.

Staff recommend that the ESAs be implemented as part of the detailed design process.

Local Roads

In order to accommodate the anticipated traffic generated by the proposed development, the Town's Peer Review consultant has recommended that the

paved width of the south leg of Cameron Crescent be increased in width from 6 to 8.5 metres, and that the paved width of the north leg of Cameron Crescent be increased from 5 to at least 6 metres.

Further work to prepare road cross sections is required to demonstrate whether the minimum paved widths can be accommodated within the Cameron Crescent ROW.

Parking - Resident and Visitor

The standard provisions of Zoning By-law 500 require a minimum of 1.75 parking spaces per apartment dwelling unit, while the site specific zoning implemented as part of the previous development proposal on the subject property requires a minimum of 1.5 parking spaces per apartment dwelling unit.

The development proposal includes 402 dedicated resident parking spaces in the base podium of the apartment building, resulting in the provision of 1.06 parking spaces per unit (380 apartment dwelling units). A total of 31 dedicated visitor parking spaces are proposed outside of the podium within an at-grade parking area, resulting in the provision of 0.08 visitor parking spaces per unit. The blended (resident / visitor) dedicated parking rate is 1.14 spaces per unit.

The current Zoning By-law requirement for 1.5 parking spaces per apartment dwelling unit is a blended rate. The Applicant has justified the reduced blended parking rate of 1.14 spaces per unit by, in part, indicating that the abutting commercial parking area may be used as overflow visitor parking during peak hours.

As previously discussed in this report, Staff are concerned that the proposed blended parking rate per unit is too low given the local context and transit service levels. Furthermore, whether certain parking areas of the site will be usable by visitors and under what conditions would be established via the future Condominium Declaration. Given how a Draft Plan of Condominium application has yet to be submitted, Staff have not had the opportunity to review a draft Condominium Declaration to determine whether the above-noted parking sharing arrangement is feasible.

York Region and the Town's Transportation Peer Reviewer identified concerns with the modal split assumptions (24% of total trips would be non-auto). If the modal split assumptions are to change, this may also have associated implications on the appropriateness of the proposed parking ratios.

Staff also note that the Town's Transportation Peer Reviewer identified concerns with the overall design of the parking structure relative to vehicle maneuvering. Addressing these comments may result in minor reductions in the total resident parking space provision rate or the size of parking spaces.

Parking – Commercial

Zoning By-law 500 requires a minimum of 5.5 parking spaces per 95 square metres of multi-unit commercial centre (MUC) floor area. MUCs generally have a limited array of permissible uses within them, namely to limit parking demand.

The current development proposal includes 57 commercial parking spaces, resulting in a provision rate of ~6.7 parking spaces per 95 square metres of commercial GFA. Notwithstanding, the applicant's draft Zoning By-law requests a minimum parking rate of 5 spaces per 95 square metres of commercial GFA.

The Town's Transportation Peer Reviewer recommends that zoning regulations be implemented that limit the amount of floor area devoted to parking-intensive uses (such as restaurants) within the MUC.

Staff note that all proposed commercial parking spaces (except accessible parking spaces) meet the minimum size requirements.

Parking – Accessible

By-law 2018-0054 requires a minimum of 12 accessible parking spaces for the proposed development, to be distributed between both the residential and commercial components. A total of 14 accessible parking spaces are proposed.

Two (2) accessible parking spaces are proposed for the commercial building, while three (3) accessible parking spaces are proposed in the residential visitor parking area. The remaining accessible parking spaces are proposed in the resident parking building in the podium of the 380-unit apartment dwelling.

These spaces do not meet the required minimum width of 3.5 metres (+10 cm) with a minimum buffered cross-hatched aisle of 1.5 metres. Cross-hatched aisles cannot be shared between accessible parking spaces.

Parkland

Pursuant to the *Planning Act*, 5% of the land or 5% of the value of the land is required for parkland dedication (or cash-in-lieu thereof) purposes.

The Applicant is proposing to pay 5% of the value of the land as cash-in-lieu at the building permit stage.

Privately-owned public spaces (POPS) are proposed adjacent to the commercial building and the wetland, including walkways, docks, open areas and plazas abutting and around the Maskinonge River and Lake Simcoe. These POPS are proposed to be accessible to the public at no cost, and would be maintained by the future Condominium Corporation.

The Town's Parkland Dedication By-law and Policy do not provide parkland credits for POPS, thus the 5% parkland dedication requirement will still be applicable.

Staff also note that substantial, private above-grade and at-grade amenity areas are proposed for the future residents of the development. The above-grade amenity area is on the 8th floor rooftop and includes paths, landscaped areas, benches and seating areas. The at-grade amenity area includes a beach and similar feature to the above-grade amenity area.

Driveways – Vehicle Manoeuvring

The Town's Transportation Peer Reviewer and Fire Department have identified vehicle manoeuvring concerns with passenger vehicles, delivery vehicles and emergency vehicles.

Staff recommend that the development proposal be revised to consider these comments to ensure access to the site for emergency vehicles.

Archaeological Resources

Archaeological resources shall be identified, explored and protected.

The Applicant submitted a Stage 1 and 2 archaeological assessment which identified no matters of archaeological interest or concern.

Staff recommend that no further action be taken with regard to archaeological considerations.

Housing

A full range of housing types / densities shall be provided. Affordable housing opportunities shall be provided.

York Region has suggested that additional consideration be given to the provision of affordable housing on the subject site.

Staff note that the intent of the above policy is that 25% of the total housing development in the Town be affordable, but not necessarily to require that every development contains 25% affordable housing. It is intended to be applied on a Town-wide basis and not on a site-by-site basis.

The Applicant has not provided any data or commitment regarding how the residential units proposed might contribute towards the Town's objective of achieving a 25% affordable housing target.

Urban and Architectural Design

Development in the MUC designation shall be attractive, high-quality and complement the character of the area.

The Applicant has provided an Urban Design Brief which:

- Provides a broad policy context in which the proposal meets the urban design objectives of the existing KSP;
- Evaluates the impact of massing and shadowing on the overall compatibility of the proposal with nearby land uses;
- Outlines which site features will be private and which will be POPS;
- Protection of waterfront areas, including views;
- Screening of waste areas; and,
- Street orientation of buildings.

Staff remain concerned with the impact of height, massing and shading on the predominantly low-density residential areas to the north of the subject property. These properties are largely proposed to remain as low-density residential uses in the existing and new KSP.

Staff are also concerned about the visual impact on the 'transition' between the tower and the abutting single detached dwellings.

6. ISSUES REQUIRING CONSIDERATION AND RESOLUTION:

The following represent the most significant issues and concerns with the current development proposal:

- Height, density, scale and massing;
- Compatibility, transition and shadow impacts on adjacent low density residential properties;
- Addressing of passenger, delivery and emergency vehicle manoeuvring;
- Provision of road cross sections to demonstrate whether required infrastructure can be accommodated in the existing Cameron Crescent ROW, including both the north and south legs to support the traffic generated by the proposed development;
- Provision of analyses regarding the necessity of turning lanes on The Queensway South to understand the off-site implications and costs associated with the proposed development;
- Proposed modal splits and parking rates;
- Ensuring that all accessible parking spaces adhere to By-law 2018-0054;
- Confirming the development limits and relocating of development outside of the 15-metre Minimum Vegetation Protection Zone from the top of bank for the Maskinonge River, the annual high-water mark for Lake Simcoe and the wetland;

- Development is prohibited in Provincially Significant Wetlands. Confirmation is required from the MNR as to whether the wetland has been reclassified in a manner that would permit development or site alteration therein;
- Analysis of the impact of water structures (piers, docks, etc.) on aquatic species and their habitats;
- Naturalization of areas around shoreline protection features (walls and revetments) and wetlands; and,
- Updating of draft OPA / ZBA documents to reflect the development concept, development limits, commercial use limitations and servicing matters/constraints.

7. CORPORATE STRATEGIC PLAN:

This Report addresses the following Town of Georgina Corporate Strategic Goal: Ensuring Balanced Growth.

8. FINANCIAL AND BUDGETARY IMPACT:

There are no direct financial concerns or budgetary impacts on the Town as a result of the recommendations in this report. Should the applications ultimately be appealed to the Ontario Land Tribunal (OLT), there will be a further draw on staff and financial resources to attend the proceedings.

9. CONCLUSION:

The subject applications propose a form and scale of development that is a significant departure from the applicable and emerging policy direction in the Keswick Secondary Plan area. In this regard, the Town has recently concluded a review and update of the Keswick Secondary Plan. The new KSP represents the Town's vision for the long term growth and development of Keswick at an appropriate, manageable and sustainable scale.

The new KSP maintains permitted residential densities and building heights along The Queensway in the Mixed Use Corridor I designation and the related Urban Centres at a moderate level consistent with the existing KSP. The new KSP establishes the Mixed Use Corridor II designation along the Woodbine Avenue corridor as the preferred location for higher density residential / mixed use forms of development where larger unconstrained sites are available to meet the long term needs of the community for higher density residential uses.

Staff are of the opinion that, given the extent of outstanding issues and concerns raised in this report, the proposed development and submitted OPA / ZBA applications are not supportable in their current form. The issues identified in this report are significant and reflective of a proposed development that to this point appears to exceed the capacity of the site to compatibly integrate into the existing neighbourhood.

Staff recognize the severity of the current housing crisis and the strong thrust of provincial policy to address it as evidenced by the Ontario Housing Supply Action Plan and the suite of initiatives which have been advanced to implement it. Despite this, there is no policy direction or merit to disregarding fundamental land use planning principles to increase the supply of housing on this site.

The development of the site at the proposed scale and density is not required to meet the Town's Housing Target of 6,200 units by 2031, as established by the Ministry of Municipal Affairs and Housing. In this regard, there are more than sufficient lands designated for development within Keswick to meet the established targets, and servicing constraints remain a critical impediment.

The new provisions of the *Planning Act* introduced through Bill 109 now require a decision to be made on the subject OPA and ZBA applications within 120 days of the receipt of a complete application(s). The 120-day timeframe for the subject applications expires on January 17, 2024. Failure to make a decision on the applications by that date (which includes passing the applicable OPA and ZBL in the case of an approval) invokes appeal rights to the OLT for a "non-decision", as well as mandatory application fee refund provisions on a sliding scale (50% after 120 days, 75% after 180 days and 100% after 240 days). Accordingly, there is insufficient time to properly refer the applications back to Staff for an opportunity to try and resolve the identified issues and/or to consider a revised development proposal within the prescribed time period.

Given all of the above, Staff are recommending an 'either/or' recommendation wherein Council may refuse the applications at this time or resolve to refer the applications back to Staff despite the potential appeal and fee refund implications.

Prepared by: Connor McBride, MCIP, RPP
Senior Development Planner

Reviewed by: Alan Drozd, MCIP, RPP
Manager of Planning Policy

Recommended by: Denis Beaulieu, MCIP, RPP
Director of Development Services

Approved by: Ryan Cronsberry
Chief Administrative Officer

Attachments:

Attachment 1 – Context Map
Attachment 2 – Key Map
Attachment 3 – Location Map

Attachment 4 – Site Photos

Attachment 5 – Development Concept and Building Elevations

Attachment 6 – Shadow Study

Attachment 7 - Consolidated Town Department / External Agency Comments

Attachment 8 - Draft Official Plan Amendment

Attachment 9 - Draft Zoning By-law Amendment

Attachment 10 - Summary of Submission Documents

Attachment 11 - Redacted Public Comments