



Staff Report for Committee of the Whole Meeting

Date of Meeting: June 19, 2018

Report Number: SRPRS.18.128

Department: Planning and Regulatory Services

Division: Development Planning

Subject: **SRPRS.18.128 – Request for Direction – Official Plan and Zoning By-law Amendment Applications – Vitmont Holdings (Oak Ridges) Inc. – Town Files D01-15001 and D02-15006 (related File D06-15014)**

Owner:

Vitmont Holdings (Oak Ridges) Inc.
170 Industrial Parkway North
Aurora, Ontario
L4G 4C3

Agent:

SRN Architects Inc.
2501 Rutherford Road, Unit 25
Vaughan, Ontario
L4K 2N6

Location:

Legal Description: Part of Lot 13, Plan 202
Municipal Address: 13042 Yonge Street

Purpose:

A request for direction concerning proposed Official Plan Amendment and Zoning By-law Amendment applications to permit a six storey residential apartment building on the subject lands.

Recommendations:

- a) **That the Local Planning Appeal Tribunal be advised that Council does not support the proposed Official Plan Amendment and Zoning By-law Amendment applications submitted by Vitmont Holdings (Oak Ridges) Inc.**

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for lands known as Part of 13, Plan 202 (Municipal Address: 13042 Yonge Street), Town Files D01-15001 and D02-15006 (Related File D06-15014), for the principle reasons outlined in SRPRS.18.128; and,

- b) That appropriate Town staff be directed to appear at the Local Planning Appeal Tribunal in support of Council's decision concerning the subject applications.

Contact Person:

Ferdi Toniolo, Senior Planner – Site Plans, phone number 905-771-2442
Deborah Giannetta, Manager of Development – Site Plans, phone number 905-771-5542

Report Approval:

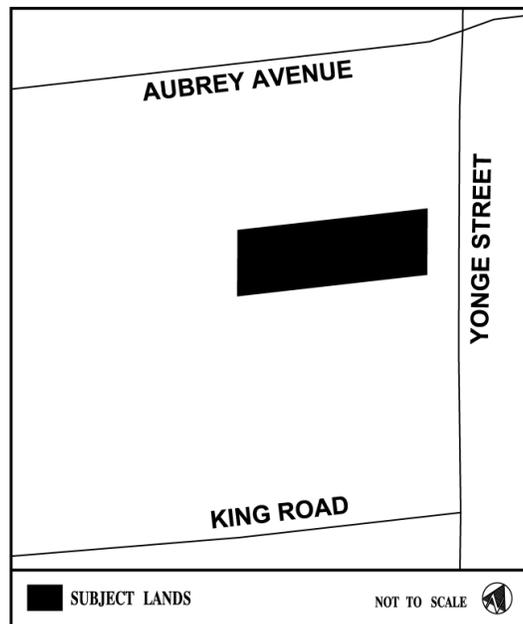
Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by: Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

Location Map:

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



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Background:

A Council Public Meeting was held regarding the subject applications on November 9, 2016 wherein Council received Staff Report SRPRS.16.170 for information purposes and directed that all comments be referred back to staff (refer to Appendix A). The main issues and concerns with respect to the subject proposal that were identified at the public meeting included Official Plan conformity with respect to height, density and the requirement for a concept plan. These matters are discussed in greater detail later in this report, including technical issues identified through the circulation of the development application.

Notices of Appeal to the Ontario Municipal Board (OMB) were received for the applicant's Official Plan Amendment and Zoning By-law Amendment applications on November 27, 2017. The reason cited for the appeals was that the Town had not issued a decision within the prescribed timeframes in accordance with Sections 17 (40) and 34 (11) of the *Planning Act* (refer to Appendix "B"). A Pre-Hearing Conference (PHC) is to be held on June 29, 2018, at which time the Local Planning Appeal Tribunal (LPAT) will identify the parties and participants to the hearing, identify issues, explore the possibility of mediation and schedule a time and date for the hearing to consider the appeals related to the applicant's development proposal.

The purpose of this report is to seek Council's direction to advise LPAT that the Town does not support the applicant's development proposal for the reasons outlined in this report and that appropriate Town staff be directed to appear at the LPAT hearing in support of Council's position concerning the subject applications.

Summary Analysis

Site Location and Adjacent Uses

The subject lands are located on the west side of Yonge Street, south of Aubrey Avenue and have a lot area of approximately 0.27 hectares (0.65 acres). The site presently supports an existing retail building and an accessory structure, both of which are to be demolished to facilitate the development of the lands. Abutting land uses include existing commercial uses to the north, west and south and Yonge Street to the east.

Development Proposal

The applicant is proposing to amend the Official Plan and Zoning By-law in order to permit a six storey residential development comprised of 51 rental apartment units with at-grade parking on the subject lands (refer to Maps 4 to 7). The following pertinent statistics outline the applicant's development proposal based on the plans and drawings to the Town:

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- **Total Lot Area: 0.265 hectares (0.65 acres)**
- **Number of Buildings: 1**
- **Number of Storeys: 6 (22 metres (72.18 feet))**
- **Number of apartment units: 51**
- **Gross Floor Area: 3924.06 square metres: (43007.19 square feet)**
- **Proposed Floor Space Index (FSI): 1.48**
- **Proposed Parking: 49 spaces (includes 1 disabled space)**
- **Proposed Lot Coverage: 28.86%**
- **Proposed Landscaped Area (Ground): 400 square metres (4305.56 square feet)**
- **Proposed Landscaped Area (Roof): 120 square metres (1291.66 square feet)**

Planning Analysis:

Provincial Policy Regime

Staff has undertaken a comprehensive review and evaluation of the applicant's development proposal based on the policy framework contained within the *Provincial Policy Statement (PPS)*, the *Growth Plan for the Greater Golden Horseshoe (2017) (Growth Plan)*, the *Oak Ridges Moraine Conservation Plan (2017) (ORMCP)*, the *Regional Official Plan (ROP)* and the Plan. Staff notes that the Town's in-force Plan is consistent with the *PPS* and conforms to the *Growth Plan*, the *ORMCP* and the *ROP* that were in-force at the time of approval. Since the Plan's approval, the *PPS*, the *Growth Plan* and the *ORMCP* were updated in 2014 and 2017, respectively. Outlined below is a more detailed discussion of the development proposal relative to the Town's Plan.

Town of Richmond Hill Official Plan

The subject lands are designated **ORLC** in accordance with Schedule A2 (Land Use) of the Plan (refer to Map 2) and are located within the **Settlement Area** designation as identified by *ORMCP* and the Plan. The **ORLC** is envisioned as a low-rise, pedestrian-oriented, human-scaled, mixed use centre that is intended to service the Oak Ridges community. Policy 4.3.2.1.2 of the Plan directs that the predominant use of land in the **ORLC** shall be for mixed-use development. More specifically, land uses permitted within the **ORLC** include medium density residential, office, commercial, retail, automotive service commercial, community uses, parks, urban open space and live-work units subject to detailed policies. Though, development is encouraged to provide commercial, retail, office or community uses at grade in a mixed use format, it is not a requirement. As such, in terms of land use, the current development proposal is consistent with the land use permissions of the **ORLC**.

In terms of design, development shall enhance the character and identity of the **ORLC** through landscaping, site and built form design that, among others, incorporates low impact development technologies. Until such time as a Secondary Plan is approved, development in the **ORLC** shall be assessed based on conformity with the policies of the Plan and the urban design guidelines which have been approved by Council as set out in the North Yonge Street Urban Design Study.

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In this regard, the Plan directs that built form should provide limited setback to Yonge Street in order to create a pedestrian-oriented main street character, that vehicular access to Yonge Street should be limited and generally be provided from side to rear streets and that surface parking should be designed to enhance the ecological character of the Oak Ridges Moraine. Furthermore, development should transition to a compatible built form adjacent to low-rise residential areas to the west of the subject lands.

Discussion and Analysis:

On the basis of the preceding, the following sections summarize the issues pertaining to the development:

Density

Policy 4.3.2.5 of the Plan stipulates that the maximum density of a development block within the **ORLC** shall be 1.0 FSI with the boundaries of a development block being identified in a Secondary Plan for the **ORLC**. The applicant's submission proposes a gross floor area of 3,924 square metres (42, 239 square feet) which is approximately 1.5 times the maximum permitted FSI. The Plan states that until such time as Council approves a Secondary Plan for the **ORLC**, applications for development shall be required to submit a concept plan in accordance with Section 5.2 of the Plan which demonstrates how the development meets the land use and design policies of this Plan for areas identified as a development block by the Town. Furthermore, the concept plan must address the layout of the development blocks, land use, built form and other applicable matters. To date, the applicant has not submitted a concept plan in accordance with the **Section 5.2** of the Plan and, as such, staff is not able to adequately assess the appropriateness of the development proposal.

Height

The proposed development is to have a height of six storeys or 21.1 metres (69.2 feet) to the top of the main parapet (refer to Map 6). Policy 4.3.2.8 of the Plan stipulates that buildings within the **ORLC** shall have a maximum building height of four storeys, with the tallest massing of the building oriented to the Yonge Street or King Road frontages. The Plan envisions the **ORLC** as a low-rise, pedestrian-oriented, human-scaled, mixed use centre. Low-rise is defined by the Plan as a building with a height of four storeys or less and mid-rise is defined as a building with a height ranging between five to eight storeys. The six storey building as proposed introduces a mid-rise building form that is not contemplated and is therefore incompatible with the low-rise pedestrian context envisioned for the **ORLC**. Staff does not support the applicant's development proposal as it is not appropriate for the context of the surrounding area and does not have appropriate regard for the **ORLC**. Staff is of the opinion that the applicant's development proposal seeks to maximize on-site development potential with no regard for the Urban Structure framework and policies of the Plan and does not have regard for the Urban Structure framework and policies pursuant to Section 3.1.3.5 of the Plan.

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Access and Parking

The development as proposed is to be serviced by a single vehicular access which includes an above ground rear parking and loading area as well as a pedestrian sidewalk connection to Yonge Street (refer to Maps 4 and 5). The main lobby is to be accessed from both front and rear entry points to the building. Development Engineering staff has advised that a properly designed and accessible loading space at the rear of the building is required to service the development. Development Engineering staff further advises that the proposed parking and loading spaces are undersized, that a Transportation Demand Management Report is required, that the proposed loading space creates on site circulation issues and restricts access to a section of the proposed parking area and that the applicant provide for opportunities for vehicular and pedestrian interconnections with adjoining lands should these adjacent properties redevelop in the future (refer to Appendix C).

With respect to parking, the applicant is proposing a minimum of 49 parking spaces which includes disabled and visitor parking spaces. Based on the Town's 2010 Parking Strategy – Draft Report, the minimum required number of parking spaces for this development is approximately 58 spaces, of which, a minimum of 3 spaces are required for disabled parking. The applicant is proposing 2 disabled parking spaces. Therefore, the proposed development does not meet the Town's parking standards or *Municipal Act* requirements. It should be noted that the standards for disabled parking is pursuant to the *Municipal Act* and cannot be revised through a Zoning By-law Amendment. In light of the above, staff recognizes that the ultimate configuration and layout of the proposed development may change considerably in order to address the comments and concerns above.

Department and Agency Comments

Staff Report SRPRS.16.170 contained the comments received from Town departments and external agencies with respect to the applicant's development proposal at the time of preparation of said report. This report report includes comments received from the Town's Development Engineering Division, the TRCA, York Region and Urban Design which have been received in the interim. These comments have been forwarded to the applicant for consideration.

Development Engineering

As commented earlier in this report, Development Engineering staff has provided extensive comments related to matters of transportation and traffic; specifically, site circulation, minimum parking standards, minimum size for parking and loading spaces, bicycle parking and Transportation Demand Management. In addition, Engineering staff has provided comments regarding the Functional Servicing Report, the Town's Urban MESP, the Noise Report, lighting, hydrogeological, servicing and grading, Stormwater Management and erosion and sedimentation and control (refer to Appendix C).

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Toronto and Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority (TRCA) has advised that a portion of the subject lands is located within the TRCA Regulation Limit and that a permit under Ontario Regulation 166/06 is required for some of the grading works associated with the proposed development. The Authority has further advised that the proposed development is subject to Source Water Protection policies listed in the *CTC Source Protection Plan* and that a water balance assessment is required to demonstrate mitigation of development related impacts to infiltration. In addition, the Authority provided comments with respect to stormwater quality control, erosion control, ecology, and grading and erosion and sediment control (refer to Appendix D).

York Region

York Region staff advised that the proposed development generally conforms to the Regional Official Plan; however, a number of technical comments were provided with respect to transportation, water and wastewater servicing, and water resources. Specifically, the Region is protecting for a Yonge Street right-of-way of 45 metres and has advised that direct connection of the proposed development to a Regional water/wastewater system is discouraged unless it can be demonstrated that an alternative option is not feasible. Furthermore, the Region has advised that the site is located within an area subject to the *CTC Source Protection Plan* and that the water quantity recharge maintenance policy may apply. As a result, the applicant will be required to submit a hydrogeological study that demonstrates that the recharge can be maintained into the future (refer to Appendix E).

Urban Design

Urban Design staff has advised that in the absence of an approved Secondary Plan for the **ORLC**, the proposed development was reviewed in accordance with the Plan and approved Town-wide Urban Design Guidelines. Accordingly, a concept plan in accordance with Policy 4.3.2.7 of the Plan is required in order to demonstrate how the proposal meets the land use and design policies of the Plan for areas identified as a development block. Urban Design staff further noted that a maximum building height of four storeys is permitted by the Plan and that further comments will be provided when the matters of height and density have been resolved. Additional comments regarding the lack of parking and parking space size were provided as well as comments pertaining to the north side yard setback would be forthcoming following the submission of the concept plan (refer to Appendix F).

Interim Growth Management Strategy (IGMS)

Council has approved and implemented a comprehensive strategy comprised of 8 growth management eligibility 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.

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2. Developments that have a mix of uses to provide for live-work relationships.
3. Development 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.

In February of 2014, Council adopted the recommendations of Staff Report SRPRS.14.004 with respect to minimum threshold scores to implement the Town's Sustainability Metrics. Staff was directed to utilize these score to ensure consistent performance levels are met as part of the review of IGMS criteria No. 5.

As outlined in Staff Report SRPRS.16.170, the applicant submitted the Sustainability Metrics tool and the proposed development achieved an initial score of 94 out of 142 points for application which is an unusually high score. A good score ranges from 32 to 45 points. Following a detailed review, staff noted numerous inconsistencies with the selected options. As a result, the applicant will be required to provide a revised Sustainability Metrics submission. Furthermore, the applicant will be required to a make a formal IGMS submission which addresses the development proposal's conformity with the eligibility criteria in order to be considered for servicing allocation.

Recommendations

Staff has undertaken a comprehensive review of the applicant's development proposal and on the basis of this review advises that the proposal cannot be supported for the following principle reasons:

- the proposed development is not in keeping with the Urban Structure provisions of the Town's Official Plan (the Plan) which directs the highest densities and building heights to designated centres and corridors south of the **Oak Ridges Local Centre (ORLC)**;
- the proposed density of 1.5 FSI exceeds the maximum permitted density of 1.0 FSI permitted under the **ORLC** designation of the Plan;
- the proposed building height of six storeys exceeds the maximum permitted building height of four storeys on the subject lands;
- the applicant has not submitted a concept plan in accordance with Section 5.2 of the Plan in the absence of an approved Secondary Plan for the **OLRC**;
- the applicant has not demonstrated that the proposed stormwater management for the proposed development conforms with the Town's Urban MESP and that there is adequate existing sanitary sewer capacity to service the proposed development to the satisfaction of the Town;
- outstanding technical matters related to on-site circulation, parking and loading facilities to service the proposed development need to be addressed which may impact the ultimate configuration of the proposed development; and,

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- the applicant has not complied with the Town's Interim Growth Management Strategy (IGMS) which evaluates the proposal's conformity with the Town's application eligibility criteria for sanitary servicing allocation.

On the basis of the preceding and the principal reasons outlined in this report, it is recommended that LPAT be advised that Council does not support the applicant's development proposal and that Town staff be directed to appear at the LPAT hearing in support of Council's position concerning the subject applications.

Financial/Staffing/Other Implications:

As these applications have been appealed to LPAT, there will be further draw on staff and financial resources. These will be accommodated in existing budgets.

Relationship to the Strategic Plan:

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

Conclusion:

Staff is requesting Council's direction with respect to the applicant's proposal to permit a six storey residential apartment building on its land holdings. Staff has undertaken a comprehensive review of the subject development proposal and is of the opinion that the proposal is not supportable for the principle reasons outlined in this report. In addition, extensive correspondence has been received from commenting Town departments and external agencies, whose comments may directly impact the height, density and overall design of the proposed development. On the basis of the preceding, it is recommended that Council not support the subject applications and to advise LPAT of their position at the June 29, 2018 Pre-Hearing Conference.

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Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix A - Extract of Council Public Meeting C#36-16 held on November 9, 2016
- Appendix B - Notice of Appeal to the Ontario Municipal Board
- Appendix C - Memorandum from Paul Guerreiro, Manager, Development Engineering , dated September 20, 2017
- Appendix D - Letter from Anthony Sun, Planner II, TRCA, dated February 17, 2017
- Appendix E - Letter from Karen Whitney, Director of Community Planning and Development Services, York Region, dated June 1, 2017
- Appendix F - Memorandum from Lamyaa Salem, Urban Designer, dated October 4, 2017
- Map 1 - Aerial Photo
- Map 2 - Official Plan Designation
- Map 3 - Existing Zoning
- Map 4 - Site Plan
- Map 5 - Ground Floor Plan
- Map 6 - Elevations
- Map 7 - Landscape Plan

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Report Approval Details

Document Title:	SRPRS.18.128.docx
Attachments:	<ul style="list-style-type: none">- MAP_1_AERIAL PHOTOGRAPH.pdf- MAP_2_OFFICIAL_PLAN_DESIGNATION.pdf- MAP_3_EXISTING_ZONING_S215006A_NEW.pdf- MAP_4_SITE_PLAN.pdf- MAP_5_GROUND_FLOOR_PLAN.pdf- MAP_6_ELEVATIONS_COLOUR.pdf- MAP_7_LANDSCAPE_PLAN.pdf- Appendix A - CPM Extract.pdf- Appendix B - Notice of Appeals.pdf- Appendix C - Development Engineering Comments.pdf- Appendix D - TRCA Comments.pdf- Appendix E - York Region Comments.pdf- Appendix F - Urban Design Comments.pdf
Final Approval Date:	Jun 8, 2018

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

Gus Galanis - Jun 8, 2018 - 9:48 AM

Kelvin Kwan - Jun 8, 2018 - 11:01 AM

Neil Garbe - Jun 8, 2018 - 3:17 PM