



Staff Report for Committee of the Whole Meeting

Date of Meeting: May 7, 2018

Report Number: SRPRS.18.062

Department: Planning and Regulatory Services

Division: Development Planning

Subject: **SRPRS.18.062 – Request for Direction and Approval – Zoning By-law Amendment and Site Plan Applications – Dogliola Developments Inc. – Town Files D02-16029, D02-17042 and D06-16009**

Owner:

Dogliola Developments Inc.
1681 Langstaff Road, Unit 1
Vaughan, Ontario
L4K 5T3

Agent:

Malone Given Parsons Ltd.
140 Renfrew Drive, Suite 201
Markham, Ontario
L3R 6B3

Location:

Legal Description: Part of Lots 51 and 52, Concession 1, W.Y.S.
Municipal Addresses: 0 and 10944 Yonge Street

Purpose:

A request for direction and approval concerning proposed Zoning By-law Amendment applications to remove the Holding (H) provision to permit the construction of a townhouse development on the subject lands, and a request for comments respecting a related Site Plan application to permit the construction of a sales office on the subject lands.

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Recommendations:

- a) That the Ontario Municipal Board be advised that Council supports the Zoning By-law Amendment application submitted by Dogliola Developments Inc. to remove the Holding (H) provision from the Zoning By-law affecting a portion of the lands known as Part of Lots 51 and 52, Concession 1, W.Y.S. (Municipal Address: 0 Yonge Street), Town File D02-16029, for the principle reasons outlined in SRPRS.18.062;
- b) That appropriate Town staff be directed to appear at the Ontario Municipal Board hearing in support of Council's position concerning the subject application;
- c) That in the event the applicant withdraws its appeal of the Zoning By-law Amendment Application (Town File D02-16029), that the Zoning By-law Amendment application submitted by Dogliola Developments Inc. to remove the Holding (H) provision from the Zoning By-law affecting a portion of the lands known as Part of Lots 51 and 52, Concession 1, W.Y.S. (Municipal Address: 0 Yonge Street), Town File D02-16029, be approved;
- d) That the Zoning By-law Amendment application submitted by Dogliola Developments Inc. to remove the Holding (H) provision from the Zoning By-law affecting a portion of the lands known as Part of Lot 52, Concession 1, W.Y.S. (Municipal Address: 10944 Yonge Street), Town File D02-17042, be approved; and,
- e) That all comments concerning the related Site Plan application, Town File D06-16009, be referred back to staff.

Contact Person:

Shelly Cham, Senior Planner, Subdivisions, phone number 905-747-6470 and/or
Denis Beaulieu, Manager of Development, Subdivisions, phone number 905-771-2450

Report Approval:

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

Approved by: Neil Garbe, Chief Administrative Officer

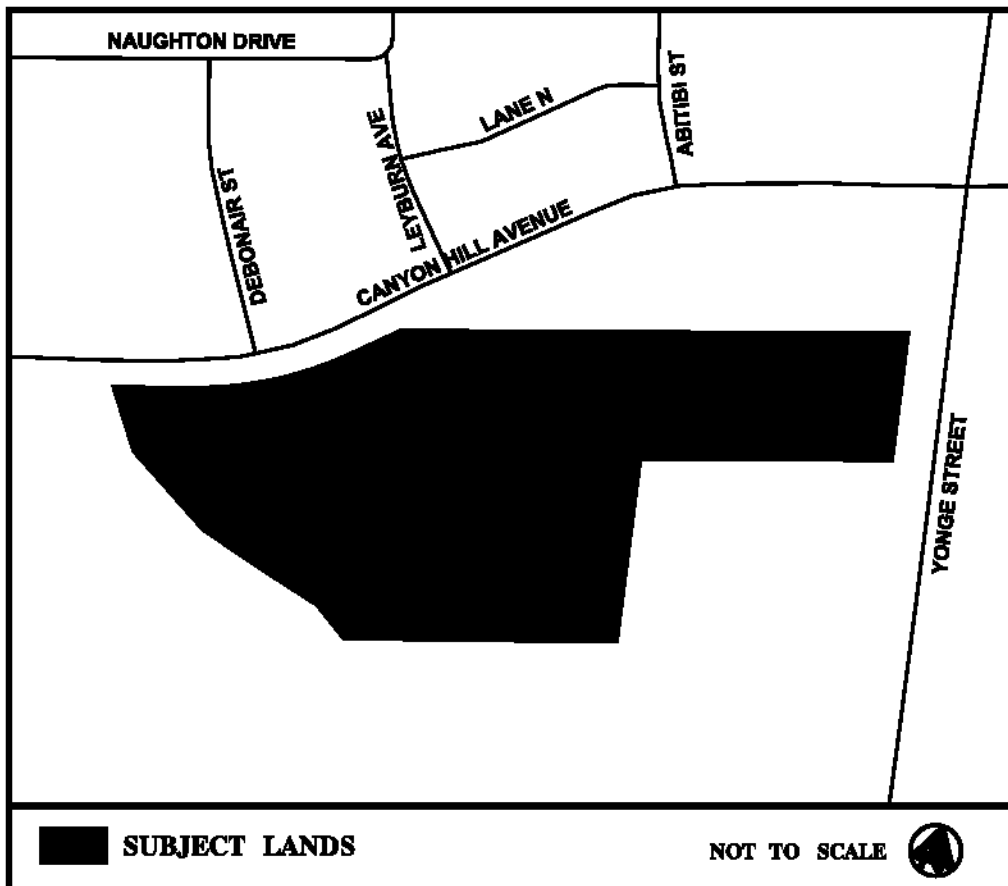
All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

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Location Maps:

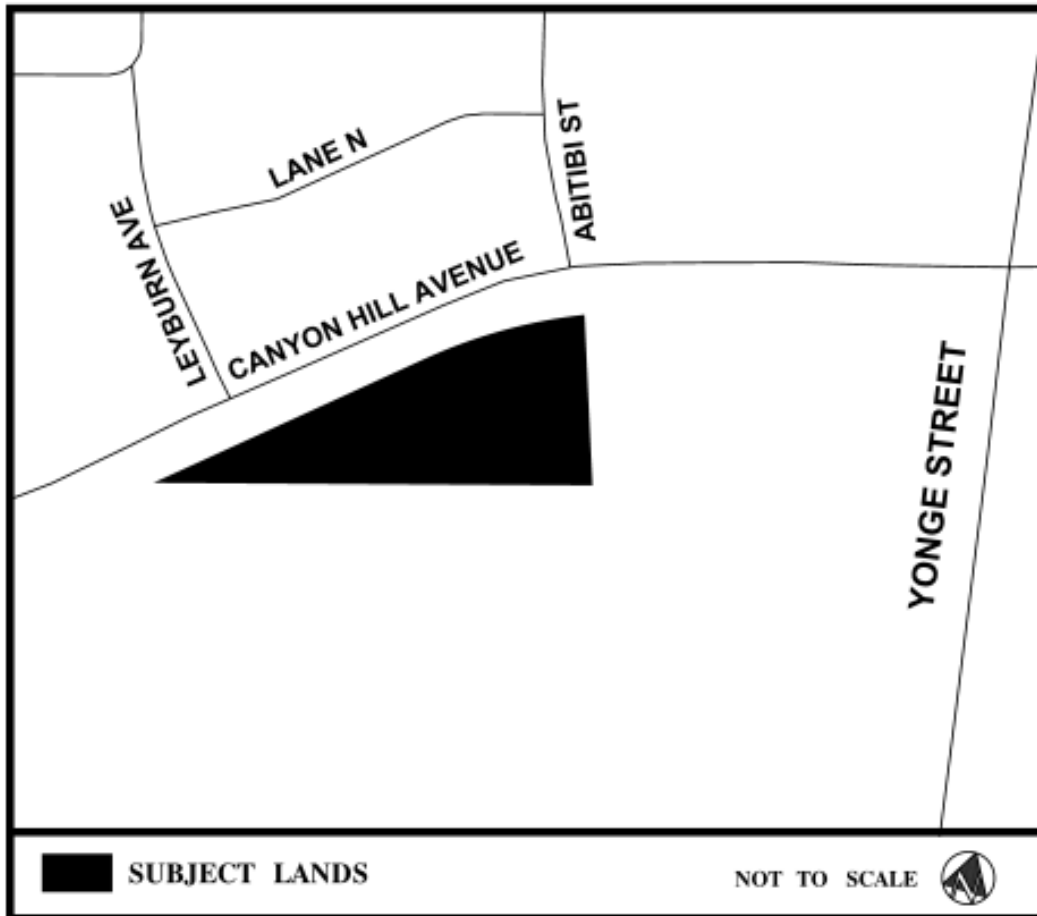
Below are maps displaying the property locations. Should you require an alternative format call person listed under “Contact Person” above.

Location Map 1, Town File D02-16029



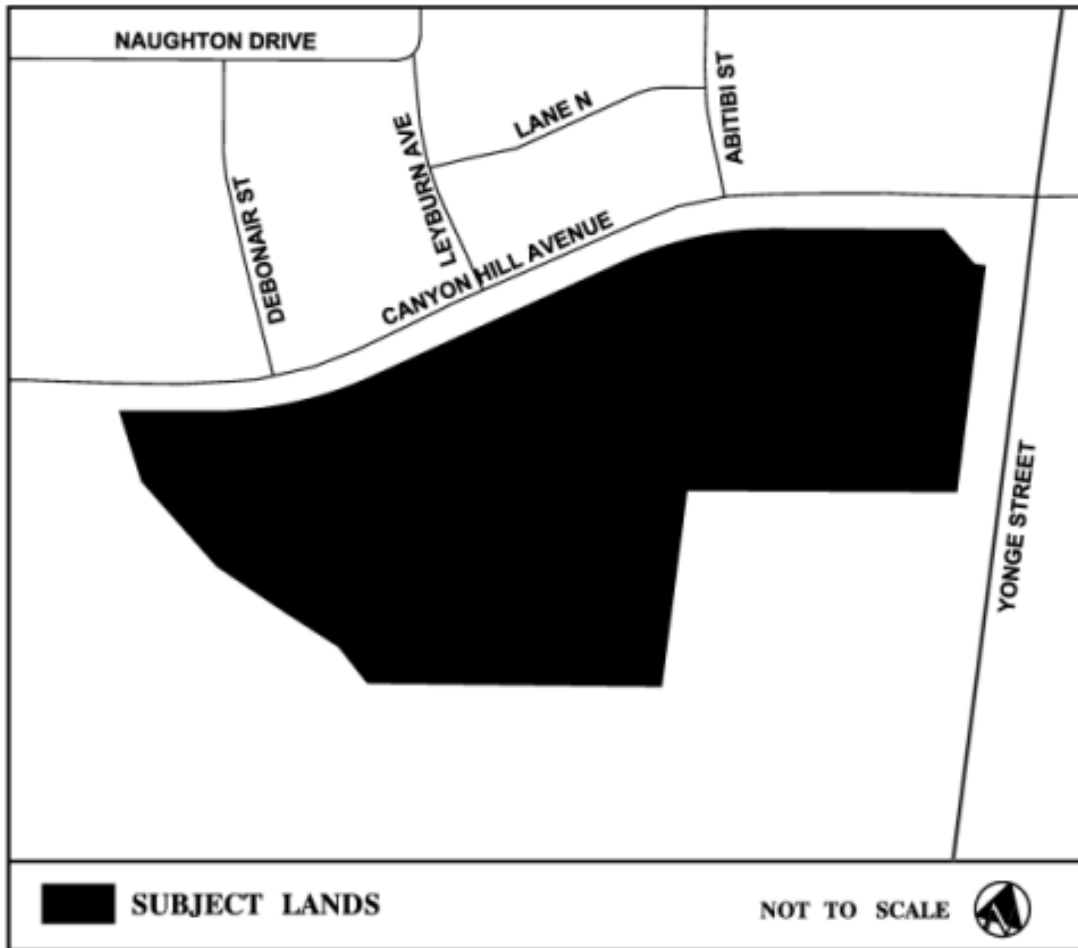
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Location Map 2, Town File D02-17042



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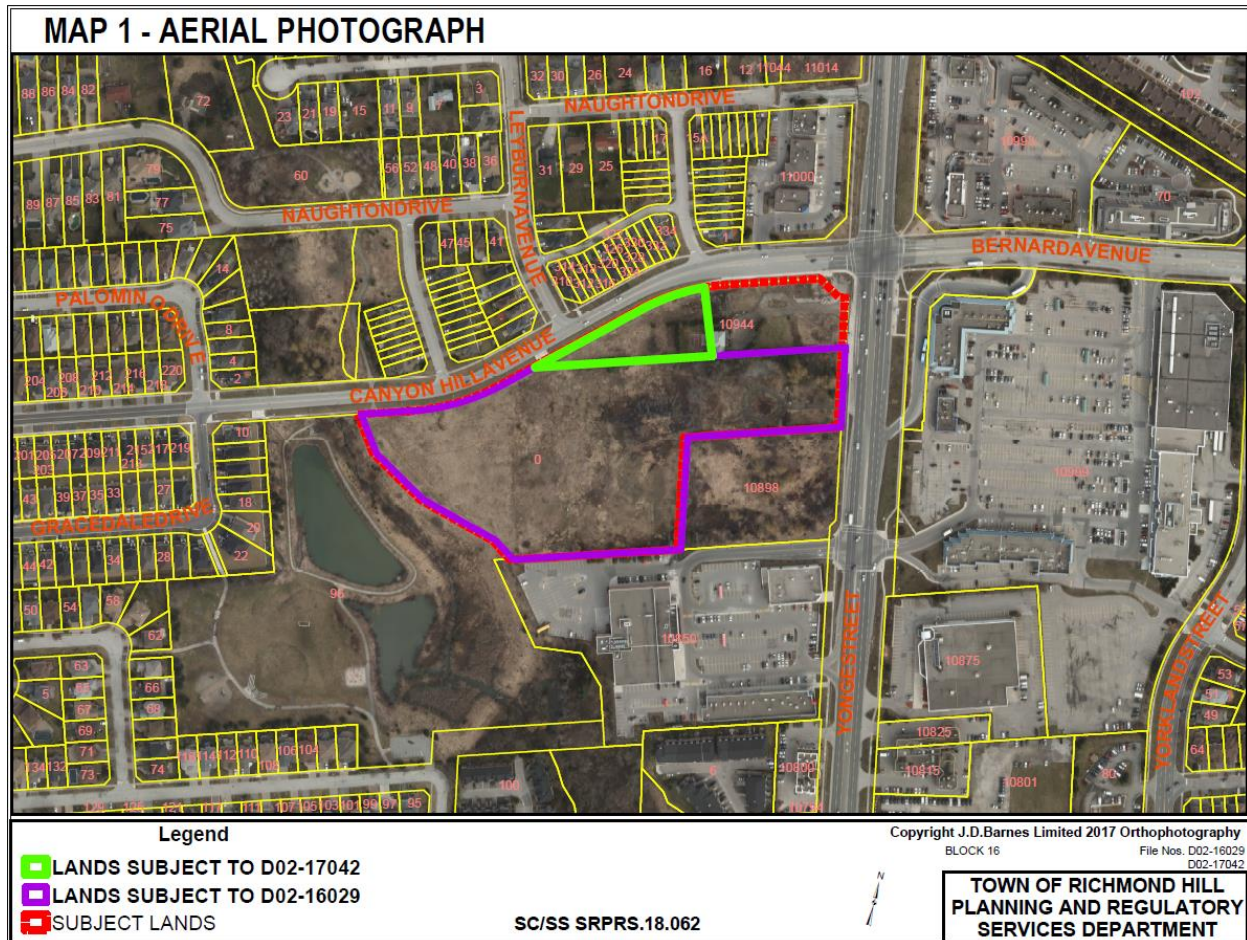
Location Map 3, Town File D06-16009



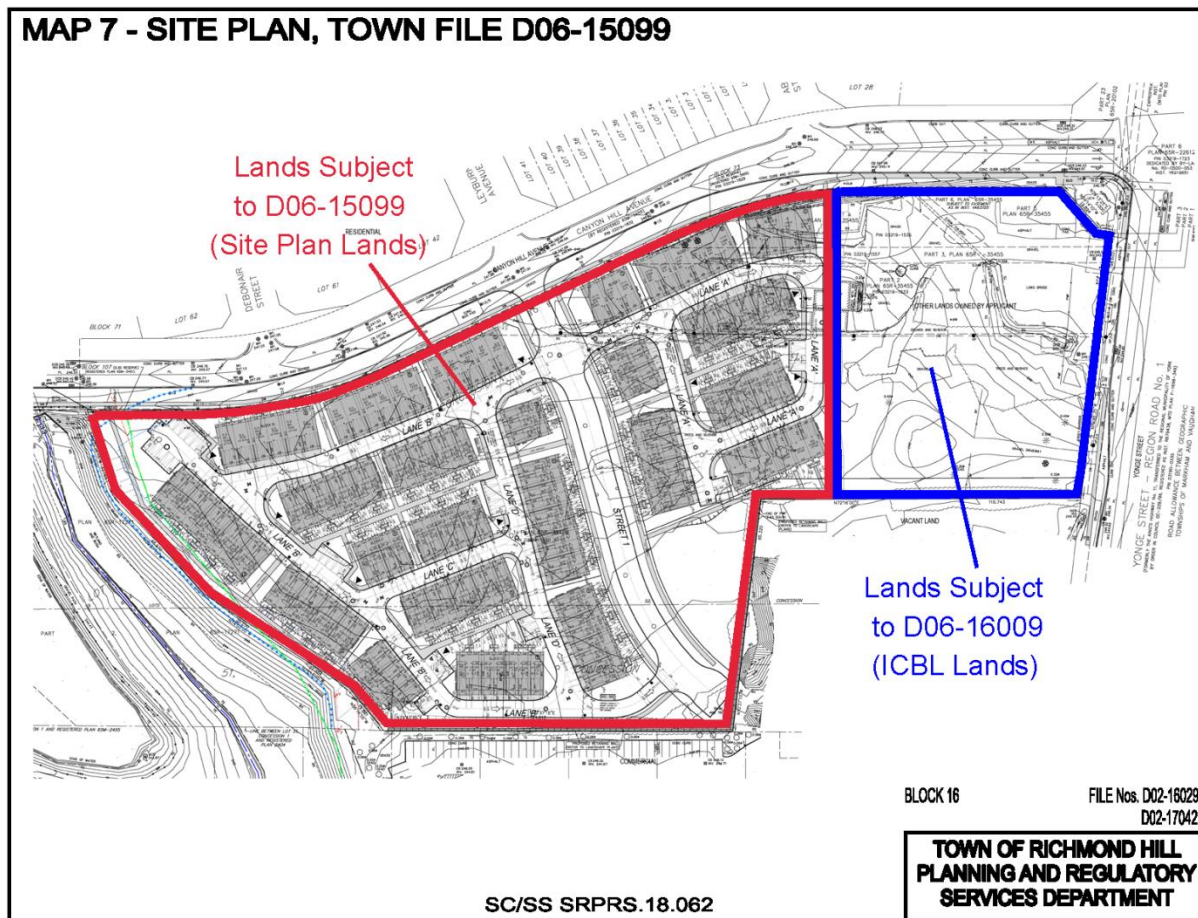
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Background:

The lands are presently subject to multiple planning applications in various stages of the approval process. The following is a chronology of development applications that were filed by the applicant and the approvals to date. To assist with understanding the chronology, below are Maps 1 and 7 as appended to this report to illustrate the lands which are subject to the two Zoning By-law Amendment applications, the “Site Plan lands” and the “ICBL lands”:



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- on December 21, 2015, a Site Plan application (Town File D06-15099) was submitted to the Town to permit the construction of a townhouse development on the whole of the subject lands (subject lands highlighted in red on Map 1). The Site Plan application was subsequently deemed complete on January 6, 2016 following a further submission of plans and reports. The Site Plan application was appealed to the Ontario Municipal Board (OMB) on July 18, 2016, on the basis that Council had not issued a decision within the prescribed timeframe of the *Planning Act*;
- on February 1, 2016, a Site Plan application (Town File D06-16009) was submitted to the Town to permit the construction of a sales office on the subject lands along the Yonge Street frontage of the property (refer to area highlighted in blue on Map 7 and Map 8);
- on September 30, 2016, a Zoning By-law Amendment Application (Town File D02-16029) was submitted to the Town to remove the Holding (H) provision on the lands municipally known as 0 Yonge Street (area highlighted in purple on Map 1). The Zoning By-law Amendment application (Town File D02-16029) was appealed to the

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OMB on February 22, 2017, on the basis that Council had not issued a decision within the prescribed timeframe of the *Planning Act*;

- on November 28, 2016, Council directed staff to undertake a planning study for the Yonge/Bernard Key Development Area and its environs and enacted Interim Control By-law 100-16 (ICBL) for a period of one year to prohibit the use of lands, buildings or structures within the study area (refer to Appendix A). Following the enactment of the ICBL, the review and processing of the subject applications were held in abeyance pending the outcome of the planning study. The ICBL was appealed to the OMB by multiple parties including the applicant;
- on May 8, 2017, an OMB Mediation Session was held which culminated in a proposed settlement of the appealed Site Plan application for the proposed townhouse development (Town File D06-15099). As a result, on July 10, 2017, Council adopted the recommendations of SRPRS.17.127 and directed that the OMB be advised that Council supports the removal of the western portion of the subject lands from the ICBL (“Site Plan lands”) (refer to area highlighted in red on Map 7) and that the Town enter into Minutes of Settlement (MOS) with the applicant to implement the settlement (refer to Appendix B). The eastern portion of the applicant’s lands along Yonge Street would remain in the ICBL (“ICBL Lands”) (refer to area highlighted in blue on Map 7). For the “Site Plan lands” to be removed from the ICBL, the applicant was directed to file a revised Site Plan submission only as it applies to the “Site Plan lands” to implement the MOS (refer to Map 7) and to submit a second Zoning By-law Amendment application to remove the “H” provision on the portion of the “Site Plan lands” municipally known as 10944 Yonge Street (area highlighted in green on Map 1);
- the planning study completed in conjunction with the ICBL culminated in the adoption of Official Plan Amendment 12, the Yonge and Bernard Key Development Area Secondary Plan (Secondary Plan) and By-law 111-17 (KDA By-law) on November 27, 2017. Subsequently, both the Secondary Plan and the KDA By-law were appealed to the OMB by a number of parties, including the applicant. As a result of the appeals, the ICBL continues to be in effect for the eastern portion of the subject lands fronting onto Yonge Street;
- on December 13, 2017, a Zoning By-law Amendment application to remove the “H” provision from the “Site Plan lands” for 10944 Yonge Street (Town File D02-17042) (area highlighted in green on Map 1) and a revised Site Plan submission for the townhouse development were received. The Site Plan application for the townhouse development applies only to the “Site Plan lands” (refer area highlighted in red on Map 7). The application was circulated for review concurrently with the related Site Plan submission to Town departments and external agencies;
- on March 8, 2018, the OMB issued an Order approving Section 5.24 of the KDA By-law, bringing into effect the provisions related to sales office uses; and,

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- on April 13, 2018, the Town and the applicant provided an update on the various appeals was provided to the Board. Staff notes that the applicant has expressed that the appealed Zoning By-law Amendment application (Town File D02-16029) may be withdrawn at a future date which would return final approval authority of the Zoning By-law Amendment application to remove the “H” provision to the Town. The OMB scheduled a teleconference for June 15, 2018 to update the Board on the subject appeals.

The purpose of this report is as follows:

- 1) to seek Council’s direction to advise the OMB that the Town supports the applicant’s Zoning By-law Amendment application (Town File D02-16029) only as it applies to the “Site Plan lands” for 0 Yonge Street, for the principle reasons outlined in this report;
- 2) in the event that the applicant withdraws its appeal of the Zoning By-law Amendment application noted above, that Council approve the application only as it applies to the “Site Plan lands” for 0 Yonge Street;
- 3) to seek Council’s approval of the Zoning By-law Amendment application (Town File D02-17042) for 10944 Yonge Street; and,
- 4) to seek Council’s comments regarding the Site Plan application (Town File D06-16009) to permit the construction of a sales office to be located within the “ICBL lands”.

Summary Analysis:

Further information in regard to site location is below.

Site Location and Adjacent Uses

The applicant’s landholdings are approximately 3.29 hectares (8.13 acres) in size and are located at the southwest corner of Canyon Hill Avenue and Yonge Street (Municipal Addresses: 0 and 10944 Yonge Street). To the north is Canyon Hill Avenue, to the east is Yonge Street, to the south are vacant lands and an existing commercial plaza, and to the west is Toll Bar Park (refer to Map 1).

Development Proposal

The following is a summary table outlining the pertinent statistics of the proposed development based on the plans and drawings submitted to the Town (refer to Maps 7 and 8):

- **Total Lot Area:** 3.29 hectares, 8.13 acres
- **Total Townhouse Units:** 149 units comprised of 119 four-storey units and 30 three-storey units
- **Total Townhouse Gross Floor Area (GFA):** 39,180 square metres, 421,730 square feet
- **Floor Space Index (FSI):** approximately 1.23 FSI

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- **Townhouse Parking Spaces:** 298 resident parking spaces, 35 visitor parking spaces including 2 disabled parking spaces
- **Sales Office Gross Floor Area (GFA):** 192.05 square metres, 2,067.35 square feet
- **Sales Office Parking Spaces:** 15 spaces including 2 disabled parking spaces

Supporting Documentation/Reports

The applicant has submitted the following documents/information to the Town in support of the proposed development:

- Draft Zoning By-law Amendments
- Traffic Impact Study
- Site Plan
- Elevation Plans
- Floor Plans
- Urban Design Brief
- Servicing and Grading Plans
- Functional Servicing Report
- Stormwater Management Report
- Erosion and Sediment Control Report
- Landscape Plans
- Lighting Plans
- Noise Assessment
- Phases 1 and 2 Archeological Study
- Slope Stability Study
- Scoped Natural Heritage Evaluation

Planning Analysis:

Town of Richmond Hill Official Plan, 2010

The subject lands are designated **Key Development Area** (KDA) and **Natural Core** pursuant to Schedule A2 (Land Use) of the Town's Official Plan (OP) (refer to Map 2). The KDA policies permit a range of uses including medium density residential uses such as townhouses. The OP further directs for minimum and maximum densities of 2.5 FSI and 3.0 FSI, respectively, for a development block in the KDA. The boundaries of the development block have been defined through the Yonge and Bernard Key Development Area Secondary Plan and will be further discussed in the following section of this report. Similarly, the Secondary Plan provides further details regarding the distribution of height within the KDA where the OP prescribes minimum and maximum heights of 3 to 15 storeys.

The **Natural Core** designation applies to the western limit of the subject lands and pertains to the minimum vegetation protection zone that applies to the key hydrological feature contained within Toll Bar Park, to the west of the subject lands.

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Yonge and Bernard Key Development Area Secondary Plan

The Yonge and Bernard Key Development Area Secondary Plan (Secondary Plan) was adopted by Council on November 27, 2017 and subsequently appealed to the OMB. Nevertheless, this Secondary Plan represents Council's most recent direction on development within the KDA. The Secondary Plan builds on the policies of the OP and provides a more detailed policy direction with regards to the development of the lands within the KDA. In this regard, staff provides the following preliminary comments:

- the Secondary Plan defines the whole KDA area as one development block for the purposes of considering the minimum and maximum density prescriptions. Furthermore, it articulates the OP in further detail as it relates to the distribution of height and density through the establishment of three character areas;
- the “Site Plan lands” are designated **Interior Character Area** and **Neighbourhood Edge Character Area**. The Interior Character Area is envisioned to provide a built form transition from the highest densities along Yonge Street to the Neighbourhood Edge Character Area (refer to Map 3). The Neighbourhood Character Area is generally along the edge of the existing lower rise residential area;
- the height and density distribution within these character areas are illustrated in Schedule 1 Height and Schedule 2 Density of the Secondary Plan, respectively (refer to Maps 3 and 4). The **Interior** and the **Neighbourhood Edge Areas** would have a height of between four- to 10-storeys and three-storeys, respectively. The **Interior** and **Neighbourhood Edge Areas** are to have a maximum density of 2.0 FSI; and,
- the Secondary Plan also builds on the Urban Design and Transportation policies established in the OP as it relates to “compact urban form” and “fine grain street network”. Amongst others, Schedule 4 Streets of the Secondary Plan identifies a proposed public road network for the KDA. In this regard, a collector street is identified over a portion of the subject lands (refer to Map 5).

The proposed townhouse development to be constructed on the “Site Plan lands” will generally implement the policies of the OP as further defined through the Secondary Plan policies. The proposal is generally consistent with the Interior Character and Neighbourhood Edge areas with its proposed density of approximately 123% FAR (1.23 FSI) and the proposed building heights of three and four-storeys. Further, the applicant's Site Plan submission depicts a new street that will form the future extension of Leyburn Avenue to the north and is consistent with the new collector street identified in the Secondary Plan.

Zoning By-law 190-87

Zoning By-law 190-87, as amended by By-law 102-93 zones the subject lands **Multiple Family Four (Hold-Multiple Family Six) (RM4(H-RM6)) Zone** (refer to Map 6). The following table summarizes the zoning permissions for the proposed development:

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Development Standard	Multiple Family Four Zone	Multiple Family Six Zone	Proposed Development
Permitted Uses	<ul style="list-style-type: none"> • block townhouse dwelling • apartment dwelling • day nursery • apartment retail store 	<ul style="list-style-type: none"> • block townhouse dwelling • apartment dwelling • home occupation • day nursery • apartment retail store 	block townhouse development
Maximum Floor Area Ratio (FAR)	100%	150%	Approximately 123%
Maximum Density	100 UPH (40 UPA)	150 UPH (60 UPA)	45.29 UPH (18.33 UPA)
Maximum Height	10 storeys	10 storeys	3-4 storeys

While the proposed townhouse development would be permitted under the **RM4 Zone**, the proposed approximate FAR of 123% would not be permitted. As such, the applicant is seeking approval to amend the Zoning By-law to remove the “H” provision in order to place the lands in the **RM6 Zone** category which would serve to implement the proposed townhouse development as it permits a maximum FAR of 150%.

Zoning By-law Amendment Application

The following is a summary of the two Zoning By-law Amendment Applications:

0 Yonge Street – Town File D02-16029

The applicant’s Zoning By-law Amendment application, as appealed to the OMB, proposes to remove the “H” provision over the whole of 0 Yonge Street (refer to area highlighted in purple on Map 1 and Appendix C). Should the OMB approve the application as presently constituted, the “H” provision would be removed from the portion of the lands subject to the townhouse development (“Site Plan lands”) and the lands subject to the ICBL (“ICBL lands”).

Staff has reviewed the applicant’s draft Zoning By-law amendment and note that there is a separate appeal pertaining to the KDA Secondary Plan and KDA By-law related to the “ICBL lands”, which the applicant is an appellant to. In this regard, it would be appropriate to consider any changes to the “ICBL lands” through that appeal. On this basis, staff would recommend that Council support the removal of the “H” provision only as it applies to “Site Plan lands” on 0 Yonge Street. This would result in the rezoning of

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the lands from **Hold-Multiple Family Six (H-RM6 Zone)** to **Multiple Family Six (RM6) Zone** under By-law 190-87, as amended by By-law 102-93, and would serve to implement the townhouse development as prescribed in the MOS (refer to Map 7). Council's support for the removal of the "H" provision over the "Site Plan lands" would be consistent with the applicant's related Zoning By-law Amendment application (D02-17042) discussed below.

10944 Yonge Street – Town File D02-17042

The proposed Zoning By-law Amendment application seeks to remove the "H" provision from a portion of the lands identified as 10944 Yonge Street located within the "Site Plan lands" (refer to highlighted area in green in Map 1 and Appendix D). The applicant's request does not propose to rezone the "ICBL lands" which, as noted previously, were subject to a separate appeal and will be dealt with as part of another appeal process.

Staff would recommend that Council approve the request as it pertains only to the "Site Plan lands" which would result in the rezoning of the lands from **Multiple Family Four (Hold-Multiple Family Six) (RM4(H-RM6)) Zone** to **Multiple Family Four (Multiple Family Six) (RM4(RM6)) Zone** under By-law 190-87, as amended by By-law 102-93.

Holding Provision

Section 10.16 of By-law 102-93 pertains to the "H" provision and stipulates that the "H" provision shall be removed in accordance with Section 10.3.2.6 of Official Plan Amendment 30 (OPA 30) as amended by Official Plan Amendment 123 (OPA 123). Although now repealed through the approval of the OP, Policy 10.3.2.6(d) in OPA 123 stipulated that the "H" provision may be removed to permit a maximum residential density of 150 units per net residential hectare subject to submission of a Traffic Impact Study to justify the increased density, to the satisfaction of the Town. Development Engineering staff has reviewed the submitted Traffic Impact Study and has no further comments.

On the basis of the preceding, staff recommends that Council support the Zoning By-law Amendment application (Town File D02-16029) before the OMB only as it applies to the "Site Plan lands" for 0 Yonge Street. As noted in the preceding section of this report, the applicant has noted that it may withdraw the Zoning By-law Amendment application at a future date and return the approval authority of the subject application to Council. In the event that the applicant withdraws the application, staff recommends that Council approve the application only as it pertains to the "Site Plan lands" for 0 Yonge Street. Further, staff recommends that Council approve the related Zoning By-law Amendment application (Town File D02-17042).

Site Plan Application, Town File D06-16009

This applicant's Site Plan application is intended to facilitate the construction of a sales office to be located within the "ICBL lands" (refer to highlighted blue area on Map 7 and Map 8). As noted in the preceding section, the OMB issued an Order on March 8, 2018

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that brought into effect the provision of the KDA by-law applicable to sales office uses. In this regard, the proposed sales office would be permitted within the “ICBL lands”.

The applicant has advised Town staff that it intends to market the units within the proposed townhouse development applicable to the lands. In this regard, the applicant must acknowledge that the proposed Site Plan application to permit the construction of the townhouse development (Town File D06-15099) would require the OMB’s approval and may be subject to change. It would therefore be appropriate to require signage within the sales office to denote the following:

“IMPORTANT NOTICE TO PURCHASERS

**A SITE PLAN APPLICATION HAS BEEN SUBMITTED FOR THIS PROJECT AND ALL APPROVALS REQUIRED FOR THE ISSUANCE OF BUILDING PERMITS FOR THIS PROJECT HAVE NOT BEEN GRANTED. FOR FURTHER INFORMATION, CALL THE TOWN OF RICHMOND HILL PLANNING AND REGULATORY SERVICES DEPARTMENT AT 905-771-8910.
FILE NO: D06-15099”**

In addition, staff would recommend that appropriate clauses be included in the Site Plan Agreement for the development where applicable in order to ensure that the above noted notice requirement is placed in all agreements of purchase and sale.

Generally, staff is satisfied with the proposed Site Plan application for the sales office use. The remaining comments are technical in nature and pertain to matters such as grading, erosion and sediment control and Ontario Building Code compliance (refer to Appendices E and F). As of the writing of this report, comments remain outstanding from the Town’s Park and Natural Heritage Planning Section and the Region of York’s Transportation Section. Staff will continue to work with the applicant to finalize the plans for approval.

Financial/Staffing/Other Implications:

As the Zoning By-law Amendment application (Town File D02-16029) has been appealed to the Ontario Municipal Board, there will be a draw on staff and financial resources. These will be accommodated within existing budgets.

Relationship to the Strategic Plan:

The recommendations of this report do not have any direct implications with respect to the Town’s Strategic Plan. The applicant’s development proposal would align with **Goal Four: Wise Management of Resources**, more specifically the outcomes and strategies related to sustainability and using land responsibly.

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Conclusion:

The applicant has submitted Zoning By-law Amendment applications to remove the Holding (“H”) provision on a portion of its landholdings to permit the construction of a townhouse development comprised of 149 townhouse units. Staff is satisfied that the applicant has met the condition for removal of the Holding (“H”) provision as it applies to the “Site Plan lands”. In light of the preceding, staff recommends that Council support the Zoning By-law Amendment application (Town File D02-16029) that is currently before the OMB, only as it applies to the “Site Plan lands”, or in the event the applicant withdraws the appeal, to approve said application on as it applies to the “Site Plan lands”, approve the related Zoning By-law Amendment application (Town File D02-17042), and that all comments on the Site Plan application for the proposed sales office be referred back to staff.

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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 from Council Meeting, C#38-16 held November 28, 2016
- Appendix B, Extract from Council Meeting, C#26-17 held July 10, 2017
- Appendix C, Applicant's Draft Zoning By-law Amendment, Town File D02-16029
- Appendix D, Applicant's Draft Zoning By-law Amendment, Town File D02-17042
- Appendix E, Memo from P. Guerreiro, dated November 25, 2016
- Appendix F, Memo from M. Chan, dated September 23, 2016
- Map 1 Aerial Photograph
- Map 2 Schedule A2, Town of Richmond Hill Official Plan, July 2010
- Map 3 Schedule 1 Height, Bernard KDA Secondary Plan, adopted November 27, 2017
- Map 4 Schedule 2 Density, Bernard KDA Secondary Plan, adopted November 27, 2017
- Map 5 Map 7 Schedule 4 Streets, Bernard KDA Secondary Plan, adopted November 27, 2017
- Map 6 Existing Zoning
- Map 7 Site Plan, Town File D06-15099
- Map 8 Site Plan, Town File D06-16009
- Map 9 Typical Three-Storey Townhouse Elevations
- Map 10 Typical Four-Storey Townhouse Elevations
- Map 11 Sales Office Elevations

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Report Approval Details

Document Title:	SRPRS.18.062.docx
Attachments :	<ul style="list-style-type: none">- Appendix A.pdf- Appendix B.pdf- Appendix C.pdf- Appendix D.pdf- Appendix E.pdf- Appendix F.pdf- MAP_1_AERIAL PHOTOGRAPH.pdf- MAP_2_OFFICIAL_PLAN_DESIGNATION.pdf- MAP_3_SCHEDULE_1_BERNARD_KDA_SECONDARY_PLAN_ADOPTED NOVEMBER 27_2017.pdf- MAP_4_SCHEDULE_2_BERNARD_KDA_SECONDARY_PLAN_ADOPTED NOVEMBER 27_2017.pdf- MAP_5_SCHEDULE_4_BERNARD_KDA_SECONDARY_PLAN_ADOPTED NOVEMBER 27_2017.pdf- MAP_6_EXISTING_ZONING_S216029_S217042A.pdf- MAP_7_SITE_PLAN_TOWN_FILE_D06-15099.pdf- MAP_8_SITE_PLAN_TOWN_FILE_D06-16009.pdf- MAP_9_TYPICAL_THREE_STOREY_TOWNHOUSE_ELEVATIONS.pdf- MAP_10_TYPICAL_FOUR_STOREY_TOWNHOUSE_ELEVATIONS.pdf- MAP_11_SALES_OFFICE_ELEVATIONS.pdf
Final Approval Date:	Apr 25, 2018

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

Gus Galanis - Apr 24, 2018 - 4:37 PM

Kelvin Kwan - Apr 25, 2018 - 7:24 AM

Neil Garbe - Apr 25, 2018 - 9:28 AM