



Staff Report for CAO Delegated Authority

Date of Report: August 9, 2018

Report Number: DA.18.042

Department: Planning and Regulatory Services
Division: Development Planning

Subject: DA.18.042 – Request for Approval – Draft Plan of Subdivision – Fifth Avenue (King North) Inc. – Town File D03-16011 (Related Files D02-16037 and D06-17088)

Owners:

Fifth Avenue (King North) Inc.
101B Roytec Road
Vaughan, Ontario L4L 8A9

Agent:

KLM Planning Partners Inc.
64 Jardin Drive, Unit 1B
Vaughan, Ontario L4K 3P3

Location:

Legal Description: Lots 11 and 12 and Blocks B and C, Plan 484 and Part of Lots 2 and 4, Plan 563
Municipal Addresses: 3, 5, 7 and 9 McCachen Street and 300 King Road

Purpose:

A request for approval concerning a proposed draft Plan of Subdivision application to facilitate the creation of a development block for medium density residential purposes on the subject lands.

Recommendations:

- a) That the proposed draft Plan of Subdivision application submitted by Fifth Avenue (King North) Inc. for lands known as Lots 11 and 12 and Blocks B and C, Plan 484 and Part of Lots 2 and 4, Plan 563 (Municipal Addresses: 3, 5, 7 and 9 McCachen Street and 300 King Road) Town File D03-16011 (19T(R) – 16011) be draft approved, subject to the following:

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- (i) that draft approval be subject to the conditions as set out in Appendix B to Staff Report DA.18.042; and,
- (ii) that prior to draft approval being granted, the applicant pay the applicable processing fees in accordance with the Town's Tariff of Fees By-law 79-17, as amended.

Contact Person:

Katherine Faria, Planner II – Subdivisions, phone number 905-771-5543
Denis Beaulieu, Manager of Development – Subdivisions, phone number 905-771-2540

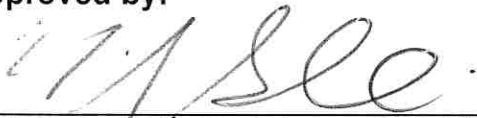
Report Approval:

Submitted by:

per: 

Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by:



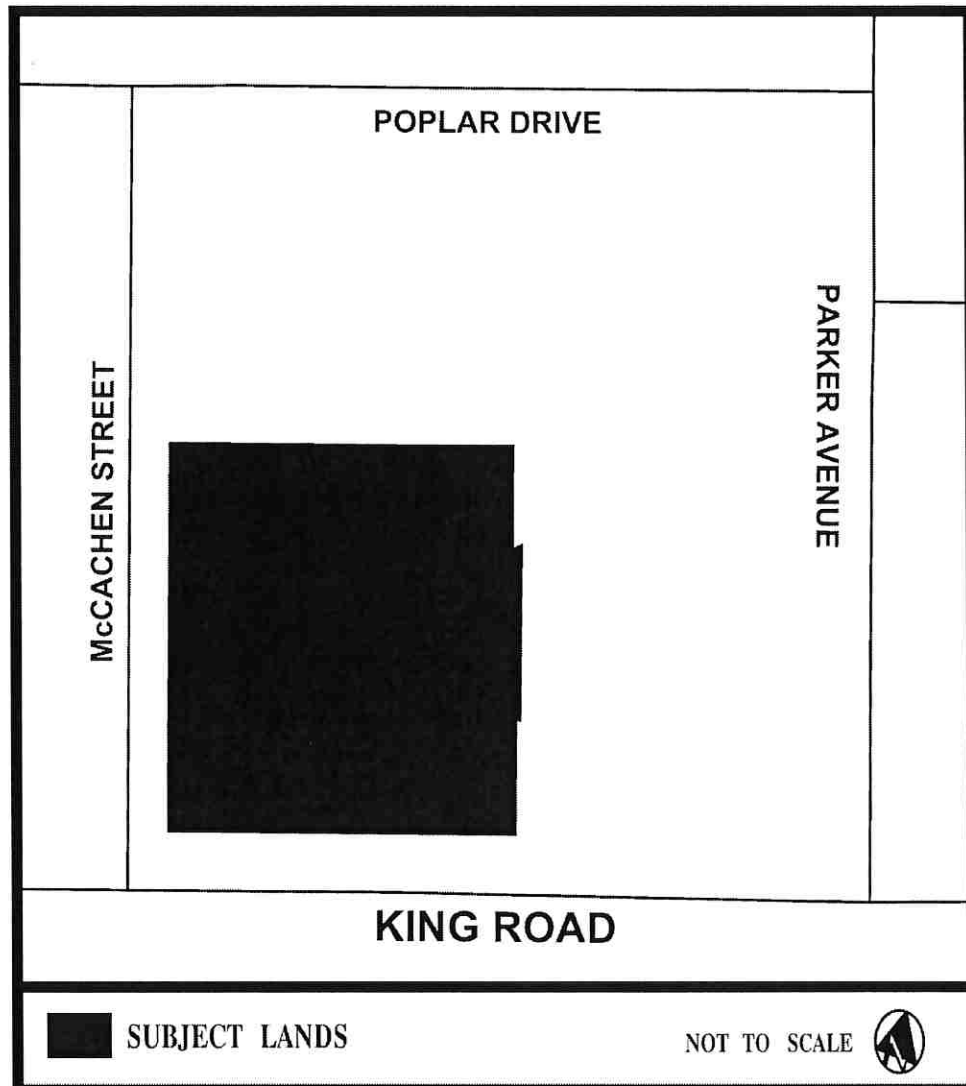
Neil Garbe, Chief Administrative Officer

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 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:

The subject draft Plan of Subdivision application was considered at the Council Public Meeting held on February 21, 2018 pursuant to Staff Report SRPRS.18.056, along with a related Zoning By-law Amendment application (refer to Appendix A). A summary of comments raised at the Council Public Meeting is provided in the later sections of this report.

As noted in Staff Report SRPRS.18.056, the applicant's initial development proposal contemplated the encroachment of two townhouse blocks onto the adjacent lands to the east owned by Stateview Homes (Kings Landing) Inc. In this regard, Consent Applications B035/18 and B044/18 were filed to facilitate lot additions to be merged with the subject lands and were approved by the Committee of Adjustment at its meeting held on June 21, 2018, subject to a number of conditions. On July 19, 2018, the applicant submitted a revised draft Plan of Subdivision reflecting the additional lands (Part of Lots 2 and 4 on Plan 563), which are to be conveyed to the applicant (refer to Map 5). As it is understood that the transfer of the above described lands had yet to occur at the time of submission of the revised plans, authorization from the abutting land owner with respect to the inclusion of these lands within the subject draft Plan of Subdivision has been provided to the Town.

The purpose of this report is to seek approval of the subject draft Plan of Subdivision application pursuant to the CAO's Delegated Authority during the Summer Recess.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located at the northeast corner of King Road and McCachen Street and have a total combined area of approximately 0.950 hectares (2.35 acres) (refer to Map 1). The subject lands abut King Road to the south, McCachen Street to the west, low density residential uses to the north and a proposed medium density residential development to the east. The proposed development to the east (Town Files D02-15010, D03-15001, and D06-15028) was approved in principle by the Local Planning Appeal Tribunal on June 6, 2018.

Development Proposal

The applicant is seeking approval of its draft Plan of Subdivision application to create a residential development block to facilitate a future Part Lot Control Exemption request for a proposed residential, common element condominium development on its land holdings. The following is a summary outlining the pertinent statistics of the applicant's development proposal based on the draft Plan of Subdivision submitted to the Town (refer to Map 5):

Total Area:	0.950 hectares (2.348 acres)
Residential Development Area (Block 1):	0.919 hectares (2.271 acres)

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Road Widening/Daylighting Area (Block 2): 0.031 hectares (0.077 acres)

The applicant has filed related Zoning By-law Amendment and Site Plan Applications, which remain under review at the time of writing of this report.

Planning Analysis:

Town of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** in accordance with Schedule A2-Land Use of the Town's Official Plan (the "Plan") (refer to Map 2). In accordance with Section 4.9.1.2, medium density residential development is permitted within the **Neighbourhood** designation on lands having frontage on an arterial street and on a collector street within walking distance to a public transit stop and as identified in a Tertiary Plan undertaken by the Town and approved by Council or identified as part of a priority infill area. In addition, medium density residential development is permitted on a local street only in proximity to an existing medium density residential development as identified in a Tertiary Plan undertaken by the Town and approved by Council or identified as part of a priority infill area.

In accordance with Section 4.9.2 of the Plan, development shall be compatible with the character of the adjacent and surrounding areas with respect to the predominant building forms and types, massing, general patterns of streets, blocks, lots and lanes, landscaped areas and treatments, and the general pattern of yard setbacks. Where development is subject to an infill plan or tertiary plan, the criteria as set out in the plan approved by Council shall apply. Where permitted, the maximum site density for medium density residential uses within the **Neighbourhood** designation shall be 50 units per hectare (20 units per acre).

The subject lands are located on the Oak Ridges Moraine and are within the **Settlement Area** as defined in accordance with the *Oak Ridges Moraine Conservation Plan*. In accordance with Section 3.2.1.1(18) of the Plan, all uses which are otherwise permitted under the Plan and applicable Secondary Plans as amended from time to time shall be permitted within the **Settlement Area** and permitted uses shall be subject to the requirements of Sections 19(3) and 31(4) of the *Oak Ridges Moraine Conservation Plan* and Section 3.2.1.1 of the Town's Official Plan.

Puccini Drive Neighbourhood Infill Study

On November 27, 2017, Council approved the recommendations of Staff Report SRPRS.17.173 concerning a proposed expansion to the Puccini Drive Neighbourhood Residential Infill Study ("Puccini Drive Study") through a Tertiary Plan. The Tertiary Plan comprises three demonstration scenarios contemplating the development of medium density residential uses for a portion of the lands with frontage on Parker Avenue and McCachen Street, which are defined as Collector and Local streets respectively in accordance with the Town's Official Plan. The remainder of the study area is to be

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developed for low-density residential uses, such as single-detached and semi-detached dwellings.

The Tertiary Plan does not recommend a specific zoning program and in accordance with Staff Report SRPRS.17.173, the zone standards that are appropriate for new development are to be considered in the context of the Town's newer parent Zoning By-laws and are to be established on a site-specific basis through the approval of the respective implementing by-law.

Planning staff has reviewed the applicant's proposal to establish a residential development block through the submission of a draft Plan of Subdivision and considers it to conform to the Town's Official Plan and be consistent with the recommendations of the approved Tertiary Plan.

Proposed Zoning By-law Amendment

The subject lands are currently zoned **Residential Urban (RU) Zone** under By-law 1275, as amended, and a portion of the lands to be conveyed to the applicant from the adjacent landowner are zoned **Single Detached Five (R5) Zone** under By-law 313-96, as amended. The applicant is seeking Council's approval to rezone the subject lands to **Multiple Residential One (RM1) Zone** and **Semi-Detached One (RD1) Zone** under By-law 313-96, as amended.

The Zoning By-law Amendment and Site Plan applications are under review at the time of writing of this report. A recommendation report respecting the Zoning By-law Amendment application will be brought forward for Council's consideration at such time as the related Site Plan application has substantially progressed, department and agency comments have been satisfactorily addressed and no further revisions to the Site Plan are anticipated.

Proposed Draft Plan of Subdivision

As noted above, the subject draft Plan of Subdivision contemplates the creation of a road widening block and a residential development block to facilitate a proposed common element condominium development comprising 10 semi-detached dwelling units and 37 townhouse dwelling units on the subject lands. The creation of a residential block within a registered plan of subdivision on the subject lands would allow for the establishment of Parcels of Tied Land (POTLs) as part of the Common Element Condominium approval process by way of Part Lot Control Exemption pursuant to Subsection 50(5) of the *Planning Act*.

Public Meeting Comments:

At the Council Public Meeting held on February 21, 2018, concerns were raised by members of the public with respect to the impact of development on stormwater runoff in the vicinity of the subject lands as well as the appropriateness of "Scenario A" to the Tertiary Plan approved by Council for the area. It was also noted at the Meeting that the

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proponents for both the subject proposal and the adjacent proposal to the east would continue to work together with respect to matters of design, access and servicing (refer to Appendix A).

Subsequent to the Council Public Meeting, a Letter dated July 9, 2018 and prepared on behalf of the landowner at 11 McCachen Street, was received by the Town. The Letter expresses concerns regarding such matters as right-of-way alignment, appropriate lot configuration, access and servicing for the subject lands and whether the proposed development meets the criteria under Subsection 51(24) of the *Planning Act* (refer to Appendix C).

A detailed discussion of staff's findings as they relate to the above concerns is provided in the later sections of this report.

Department and External Agency Comments:

The subject draft Plan of Subdivision application, in addition to the related Zoning By-law Amendment and Site Plan applications, and the associated background studies and reports submitted in support of same were circulated to various Town departments and external agencies for their review and comment. The following is a summary of the comments received with respect to the applicant's development proposal, and applicable conditions of draft approval are contained in Appendix B, attached hereto.

Development Planning Division

As noted previously in this report, the subject draft Plan of Subdivision will have the effect of establishing a residential development block in addition to a block for road widening purposes on the subject lands.

Planning staff has reviewed the applicant's proposed draft Plan of Subdivision and finds that it has appropriate regard for and is consistent with the broader policy direction for this part of the Town as outlined within the Town's Official Plan (the "Plan"). On this basis, it is recommended that the draft Plan of Subdivision application be approved for the reasons described below.

The subject lands have frontage on King Road and McCachen Street, which are defined as an Arterial Street and a Local Street respectively pursuant to Schedule A8 (Street Classification) of the Plan. The proposed form of development is consistent with the recommendations of the Tertiary Plan approved by Council for the area and the subject lands are situated in proximity to other lands along King Road that are zoned or proposed to permit medium density residential uses. In this regard, the development is consistent with the recommendations of the Tertiary Plan approved by Council for the area and is permitted under the Plan.

In accordance with Section 4.9.2 of the Plan, site design which would inhibit future infill development shall not be permitted. As demonstrated within the Tertiary Plan, the

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development of the subject lands as proposed would not preclude the potential for future infill development on adjacent and surrounding lands.

As discussed previously in this report, the applicant's development proposal is subject to related Zoning By-law Amendment and Site Plan applications, which are presently under review. Technical matters related to design, landscaping, grading and drainage, and servicing will be required to be addressed to the satisfaction of Town staff prior to approval of same. Notwithstanding that the related Zoning By-law Amendment and Site Plan applications are still under review and may need to be modified to address department and agency comments, staff considers the proposed site design and layout to be generally acceptable as it relates to the approval of the subject draft Plan of Subdivision application.

Development Engineering Division

The Town's Development Engineering Division has reviewed the subject draft Plan of Subdivision and has provided conditions of draft approval (refer to Appendix B). Development Engineering staff has advised that a Subdivision Agreement will not be required for this development.

The Town's Development Engineering Division provided comments on the applicant's initial Site Plan submission concerning transportation and traffic, noise, sustainability measures, lighting, servicing, grading and erosion and sediment control, stormwater management, and a number of other technical matters. At the time of writing of this report, the related Zoning By-law Amendment and Site Plan applications remain under review with Development Engineering staff. In addition, Development Engineering staff has advised that the applicant will be required to enter into a Servicing Agreement with the Town as a condition of Site Plan approval with respect to the required road and/or servicing improvements along McCachen Street.

Regional Municipality of York

The Regional Municipality of York ("York Region") has provided conditions of draft approval for the proposed draft Plan of Subdivision (refer to Appendix B).

Other Department and External Agency Comments

Comments on the applicant's development proposal have also been received from Alectra Utilities, Canada Post, the Town's Community Services Department, Enbridge Gas Distribution, the Town's Financial Services Division, the Town's Fire and Emergency Services Division, Bell Canada, the Town's Building Services Division, the Town's Urban Design and Heritage Section, the Town's Park and Natural Heritage Planning Section, Rogers Cable Communications, Toronto and Region Conservation Authority, and the York Catholic District School Board. These Town departments and external agencies have no objections to the proposed draft Plan of Subdivision and/or have provided comments to be considered by the applicant during a more detailed implementation stage of the approval process.

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Interim Growth Management Strategy:

Council has approved and implemented a comprehensive strategy comprised of eight growth management criteria as a means of assessing and prioritizing development applications for the receipt of servicing allocation. The applicant has submitted a *Sustainability Performance Metrics Tool* in support of its proposed Site Plan application demonstrating an Overall Application score of 27 points, whereas a minimum score of 32 points is required with respect to site plans. In this regard, staff will continue to work with the applicant in meeting the Town's minimum score requirements applicable to the subject development in order to enable the consideration of servicing allocation assignment in the future.

Financial/Staffing/Other Implications:

The recommendations of this report do not have any financial, staffing or other implications.

Relationship to the Strategic Plan:

The recommendations of this report are generally aligned with **Goal Two – Better Choice in Richmond Hill** in facilitating the establishment of a range of housing within the Town.

Conclusion:

The applicant is seeking approval of a draft Plan of Subdivision application submitted in support of its proposal to construct a residential development comprised of 10 semi-detached dwelling units and 37 townhouse dwelling units on its land holdings. The proposed draft Plan of Subdivision conforms to the Town's Official Plan and has regard for the criteria described under Subsection 51(24) of the *Planning Act*. In light of the preceding, staff considers the development proposal to be appropriate and represent good planning. Therefore, it is recommended that the applicant's draft Plan of Subdivision be approved subject to the conditions outlined in this report.

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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 Public Meeting C #06-18 held February 21, 2018
- Appendix B, Schedule of Draft Plan Approval Conditions
- Appendix C, Letter prepared by Weston Consulting dated July 9, 2018
- Map 1, Aerial Photograph
- Map 2, Official Plan Designation
- Map 3, Existing Zoning
- Map 4, Tertiary Plan Scenarios
- Map 5, Proposed draft Plan of Subdivision (19T(R)-16011)
- Map 6, Proposed Site Plan

**Extract from Council Public Meeting
C#06-18 held February 21, 2018**

Appendix	A
SRPRS	DA 18.042
File#	D03-16011

3.4 Request for Comments – Zoning By-law Amendment and Draft Plan of Subdivision Applications – Fifth Avenue (King North) Inc. – 3, 5, 7 and 9 McCachen Street and 300 King Road – File Numbers D02-16037 and D03-16011 (Related File Number D06-17088) – (Staff Report SRPRS.18.056)

Katherine Faria of the Planning and Regulatory Services Department provided an overview of the proposed Zoning By-law Amendment and draft Plan of Subdivision applications to permit the construction of a residential development comprised of 10 semi-detached and 37 townhouse dwelling units with a private common element condominium road on the subject lands. Ms. Faria advised that staff's recommendation was that the staff report be received for information purposes only and all comments be referred back to staff.

Adam Grossi, KLM Planning Partners Inc., agent for the applicant, reviewed the timeline for the development application and proposed Site Plan, noting that since the first submission they had acquired the property at 9 McCachen Street and therefore initiated a second submission proposing 47 semi-detached and townhouse dwelling units. He confirmed all units would have a building height of three storeys and that they did not include livable attic space, and addressed resident, visitor and barrier-free parking. Mr. Grossi advised that they would continue to work with the property owners to the east, Stateview Homes (Kings Landing) Inc., on matters of coordination and the acquisition of a strip of land along the easterly property line, and displayed artist renderings to show the architectural design, amenity space and private rear yards of the units.

Christopher Tanzola, Overland LLP, lawyers for Stateview Homes (Kings Landing) Inc., confirmed the comments made by Mr. Grossi that they were working with the property owners of the subject lands on matters of coordination. He advised that Stateview Homes submitted applications which were now before the Ontario Municipal Board, that Fifth Avenue (King North) Inc. was involved as a party to the proceedings, and that all parties including the Town of Richmond Hill were working towards a settlement. Mr. Tanzola noted that they participated in the Tertiary Plan process, the applications were consistent with the principles within the Tertiary Plan, and that they would continue to work with the applicant on matters of design, access and servicing as further detailed in his correspondence distributed as Item 3.4 1.

Denise Hunt, 16 Poplar Drive, expressed her concerns with the notification that was provided for the applications on the subject lands and the impact the proposed development would have on existing infrastructure, specifically storm water runoff and water flow onto her property. Ms. Hunt inquired about the traffic lights, traffic flow and safety measures that would be implemented for the area with the additional homes to be built.

**Extract from Council Public Meeting
C#06-18 held February 21, 2018**

Danny Sciulli, 11 McCachen Street, advised that he was opposed to Tertiary Plan Scenario A identified in staff report SRPRS.18.056 as the proposed new private road would go onto his property which would make it difficult to sell in the future.

Moved by: Councillor Beros
Seconded by: Councillor Muench

That staff report SRPRS.18.056 with respect to the Zoning By-law Amendment and draft Plan of Subdivision applications submitted by Fifth Avenue (King North) Inc. for lands known as Lots 11 and 12 and Blocks B and C, Plan 484 (municipal addresses: 3, 5, 7 and 9 McCachen Street and 300 King Road), File Numbers D02-16037 and D03-16011 (Related File Number D06-17088) be received for information purposes only and that all comments be referred back to staff.

Carried Unanimously

The Corporation of The Town of Richmond Hill

Schedule of Conditions

Draft Plan of Subdivision

File 19T(R)-16011

Fifth Avenue (King North) Inc.

Lots 11 and 12 and Blocks B and C, Plan 484 and Part of Lots 2 and 4, Plan 563

Town of Richmond Hill

Town of Richmond Hill

Development Planning Division

1. Approval shall relate to a draft Plan of Subdivision prepared by KLM Planning Partners Inc., having Project No. P-2750, dated June 22, 2018 having a signed Surveyor's Certificate date of July 6, 2018.
2. The lands within this draft Plan of Subdivision shall be appropriately zoned by a zoning by-law which has come into effect in accordance with the provisions of the *Planning Act*.
3. Prior to final approval of the Plan, the Owner shall provide the Town with evidence in the form of an Ontario Land Surveyor Certificate that:
 - a) any existing buildings or structures on the lands as of the date of final approval, are situated so as to comply with applicable zoning by-laws after registration of the plan; and,
 - b) all lot frontages and lot areas within the plan conform to the applicable zoning by-law.
4. The road allowances included within this draft Plan of Subdivision shall be named to the satisfaction of the Town and the York Region Planning and Development Services Department.

Development Engineering Division

5. The Owner shall agree that maintenance of any retaining walls constructed within this draft Plan of Subdivision shall be the responsibility of the Owner, and of subsequent Owners. Retaining walls shall not be constructed upon lands to be transferred to the Town.

6. The Owner(s) shall agree to provide the Town with digital copies of the draft and final Plan of Subdivision and all reference plans in accordance with the Town's digital submission requirements. These plans shall be tied to horizontal control at a minimum of three (3) locations at the extreme corners of the plan.
7. The Owner shall convey to the Town all lands and/or easements required for municipal servicing of lands within or external to the plan to the satisfaction of the Commissioner of Planning and Regulatory Services. Such lands and/or easements shall be granted to the Town in priority to all charges and encumbrances and shall be conveyed without monetary consideration.

Regional Municipality of York

Regional Planning and Development Services Department

8. The Owner shall save harmless the Town of Richmond Hill and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
9. The Owner shall agree that no direct private vehicular access is permitted on King Road. All vehicular access shall be provided through local/private roads.
10. The Owner shall agree to permit vehicular, pedestrian and cycling interconnections with the adjacent properties to the east.
11. The road allowances included within the draft Plan of Subdivision shall be named to the satisfaction of the Town of Richmond Hill and York Region.
12. York Region shall confirm that adequate water supply and sewage capacity are available and have been allocated by the Town of Richmond Hill for the development proposed within this draft Plan of Subdivision or any phase thereof.
13. The Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:
 - a) A widening across the full frontage of the site where it abuts King Road of sufficient width to provide a minimum of 18 metres from the centreline of construction of King Road; and,
 - b) A 10 metre by 10 metre daylight triangle at the intersection of King Road and McCachen Street.
14. The Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
15. The Region requires the Owner submit a Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition, as

amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.

16. The Owner or the Owner's authorized representative shall submit a Statutory Declaration that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under lands to be conveyed to the Region (including soils, substrata, surface water and groundwater, as applicable): (i) at the time of conveyance, at a level or concentration that exceeds the Environmental Protection Act O. Reg. 153/04 (as amended) full depth generic site condition standards applicable to the intended use of such lands by the Region or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.

17. The Owner shall agree to be responsible to decommission any existing wells on the Owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
18. The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable.

Ministry Of Culture

19. Prior to final approval, and prior to the initiation of any grading, the Owner shall carry out an archaeological assessment of the entire area within this draft Plan of Subdivision and shall prepare a report which will identify significant archaeological sites to the satisfaction of the Town of Richmond Hill and the Archaeology and Heritage Planning Unit of the Ministry of Culture.
20. The Owner shall agree that no development or grading shall occur on any site identified as being archaeologically significant by the assessment referred to in Condition 19, until archaeological excavations of all significant sites within any phase for which final approval is sought has been carried out to the satisfaction of the Town of Richmond Hill and the Archaeology and Heritage Planning Unit of the Ministry of Culture.

Clearance Conditions

21. The Town of Richmond Hill shall advise that Conditions 1 to 7 inclusive have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.
22. The Regional Planning and Development Services Department shall advise that Conditions 8 to 18 inclusive have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.
23. The Ministry Culture shall advise that Conditions 19 and 20 have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.

NOTE: Where final approval for registration has not been given within three (3) years after the date upon which approval to the proposed Plan of Subdivision was given, The Town of Richmond Hill may, in its discretion, and pursuant to the *Planning Act*, R.S.O. 1990, withdraw its approval to this proposed Plan of Subdivision, unless approval has been sooner withdrawn, but The Town of Richmond Hill may from time to time extend the duration of the approval.

In accordance with Section 51(41) of the *Planning Act*, R.S.O. 1990, the decision to approve the draft Plan of Subdivision, subject to the above conditions, is deemed to have been made on _____.

Kelvin Kwan
Commissioner of Planning and Regulatory Services
The Town of Richmond Hill

Date:



**WESTON
CONSULTING**

planning + urban design

Appendix	C
SRPRS	DA.18.042
File(s)	D03-16011

Town of Richmond Hill
225 East Beaver Creek Road
Richmond Hill, ON
L4B 3P4

July 9th, 2018
File 8238-1

Attn: Katherine Faria

Dear Sir,

**RE: Planning Response Letter
3, 5, 7, 9 McCachen Street and 300 King Road, Richmond Hill
Town File No. D02-16037, D03-16011**

Weston Consulting is the planning consultant for Aldo Sciulli, the legal registered owner of the property municipally addressed 11 McCachen Street, in the Town of Richmond Hill (herein referred to as the 'subject property').

We are submitting this letter to express several matters of concern with the proposed Fifth Avenue Inc. development in relation to our client's lands. We ask that our comments be taken into consideration as part of the municipal review of the proposed Fifth Avenue Inc. development.

Our firm has reviewed the:

- Proposed and approved development plans for adjacent developments;
- Three Tertiary Plan land development scenarios prepared by the Town of Richmond Hill; and
- Proposed development concept for the Fifth Avenue Inc.

Our assessment of the proposed Fifth Avenue Inc. Draft Plan of Subdivision is that it fails to provide the subject property:

- A suitable right-of-way alignment;
- Appropriate lotting configuration; and,
- Access to the property and the means to provided appropriate servicing infrastructure.

Our opinion is that the Fifth Avenue Inc. development does not meet the criteria for development set out under Section 51(24) (a)(b)(c)(e)(f) and (g) of the Planning Act. We urge staff to reject the redevelopment application until such time as the criteria set out in Section 51(24) are satisfactorily addressed.

Description of Property

The subject property is situated on the east side of McCachen Street, north of King Road, in the Town of Richmond Hill (see figure 1). It is currently occupied by an existing single detached dwelling with a lot area of approximately 0.21 hectares (0.51 acres) and frontage along McCachen Street of approximately 22.8 metres.

The subject property is designated *Neighbourhoods* in the Town of Richmond Hill Official Plan which allows low density residential uses, including single detached, semi-detached and duplexes. Additionally medium density residential uses are permitted in the Neighbourhoods designation which include low-rise townhouses and walk up apartments. The Zoning By-law zones the subject property *Residential Urban Zone (RU)* which permits single family detached dwellings.

The current planning framework proposes that the subject property be integrated with adjacent lands contemplated in the King Road Tertiary Plan scenarios approved by Council on November 27, 2017. (See pages 6, 7, 8)

Adjacent Development Properties

The subject property is within an existing neighbourhood which is subject to three (3) separate development applications as shown on Figure 1.



Figure 1 – Surrounding Development Applications

Fifth Avenue Inc. (3, 5, 7, 9 McCachen Street & 300 King Road)

The Fifth Avenue Inc. lands abut the subject property to the south and are municipally addressed 3, 5, 7, 9 McCachen Street and 300 King Road. These properties are currently residential single detached dwellings. Fifth Avenue Inc. has submitted a Zoning By-law Amendment and Draft Plan of Subdivision Applications (D02-16037 and D03-16011). The applications are to facilitate a residential development comprising of 10 semi-detached and 37 townhouse dwelling units on a private common element condominium road (see figure 2). The lands are currently zoned *Residential Urban (RU)*, and is proposing to be rezoned as *Multiple Residential One (RM1)* with site specific development standards.

Status of Application

Applications were heard at Council Public Meeting on February 21, 2018. No decision has been made; applications are still under review with the Town of Richmond Hill.

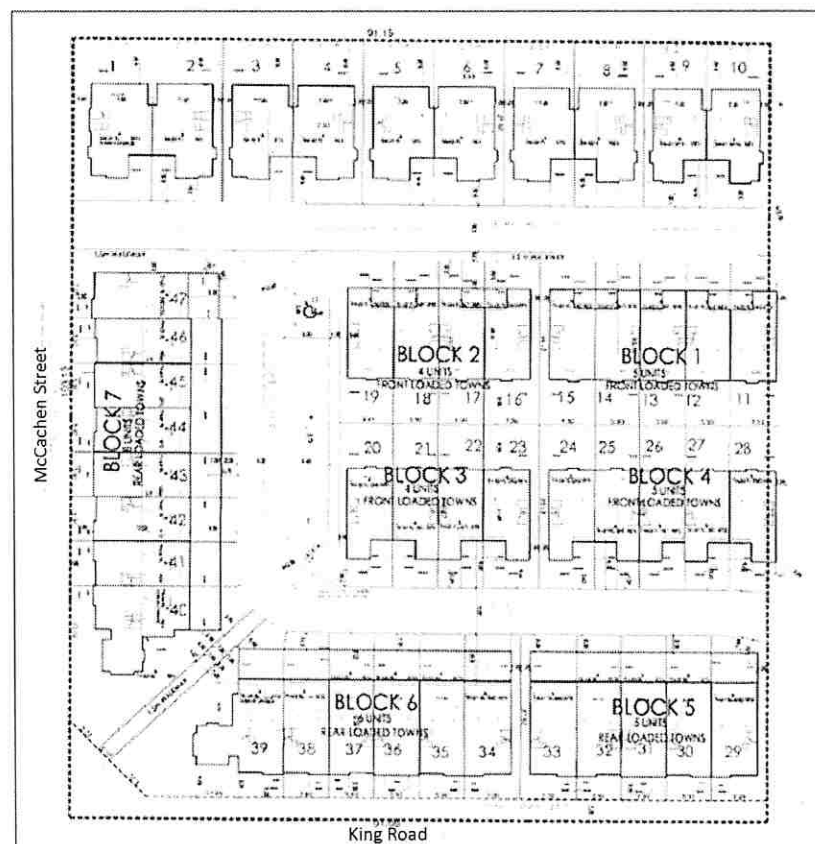


Figure 2 – Fifth Avenue Inc. proposed Site Plan

2559986 Ontario Limited, Nicola Di Placido and Teresina Di Placido (11 & 13 Poplar Drive)

2559986 Ontario Limited, Nicola Di Placido and Teresina Di Placido's proposed development located north of the subject property and is comprised of two lots municipally addressed as 11 and 13 Poplar Drive. These properties are currently occupied by single detached dwellings.

A Zoning By-law Amendment application has been submitted to facilitate the creation of three (3) additional building lots for a total of five (5) lots. The application is proposing that three lots with frontage on Poplar Drive and two lots with frontage on McCachen Street allowing for five two-storey single family detached residential units to be constructed. The properties are currently zoned *Residential Urban (RU)* and proposing to rezone the properties to *Single Detached Five (R5)* and *Single Detached Six (R6)* zones.

Status of Application

The Zoning By-law Amendment application was approved at February 5, 2018 Committee of the Whole Meeting.

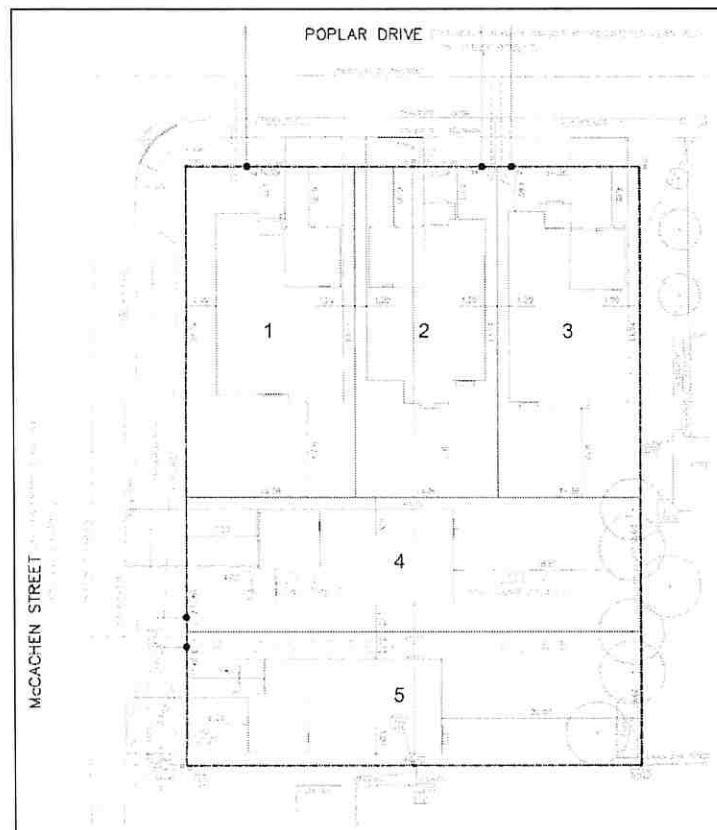


Figure 3 - 2559986 Ontario Limited and Nicola Di Placido and Teresina Di Placido Site Plan

Stateview Homes (272, 286, 296, 298 King Road and 4, 6 and 8 Parker Avenue)

The Stateview Homes development is located east of the subject property municipally addressed as 272, 286, 298 King Road and 4, 6, 8 Parker Avenue. Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, Plan of Condominium and Site Plan Applications have been submitted and were approved by the Local Planning Appeal Tribunal (LPAT) on June 6, 2018. The applications provide for a residential development comprising of 10 semi-detached units and 33 townhouse units on a private condominium road.

The properties are situated at the northwest corner of King Road and Parker Avenue and have a total area of approximately 0.95 hectares (2.4 acres) with 75.11 metres (246.4 feet) of frontage along King Road and 104.6 metres (343.2 feet) of frontage along Parker Avenue. The Official Plan designates the subject lands Neighbourhood. The applicant has proposed to amend Policy 4.9.1.2 of the Official Plan to permit medium density residential uses. The Zoning By-law zones the subject lands *Residential Urban (RU)* and the applicant is proposing to rezone the lands to *Multiple Residential One (RM1)* to permit townhouses and semi-detached dwellings.

Status of Applications

Applications were approved by the Local Planning Appeal Tribunal (LPAT) on June 6, 2018.

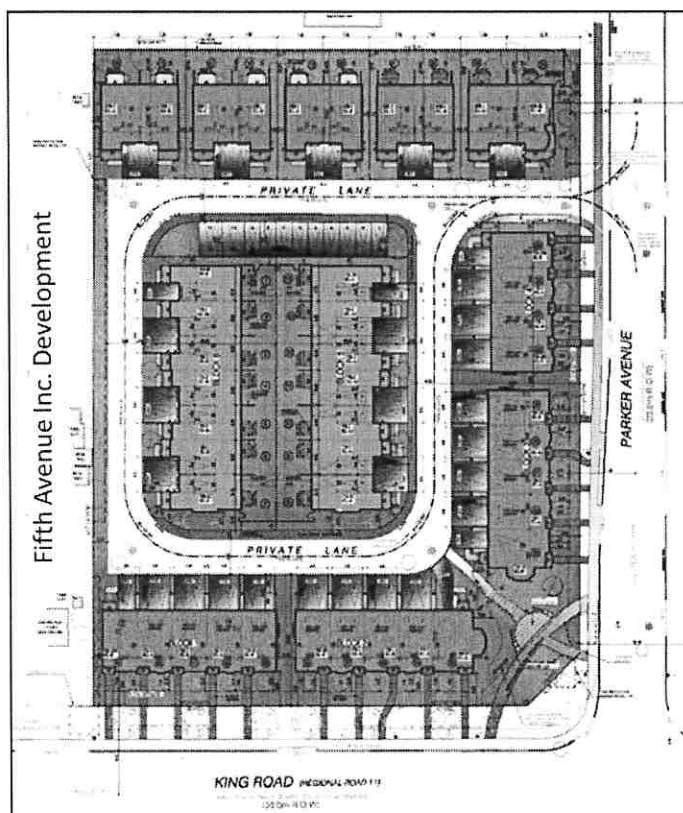


Figure 4 – Stateview Homes Site Plan

Tertiary Plan

Richmond Hill staff has prepared a Tertiary Plan for the area bounded by King Road, Parker Avenue, McCachen Street, and Poplar Drive. The purpose of the Tertiary Plan is to guide future development within the area. It was approved by Council on November 27, 2017. It is comprised of three (3) different scenarios none of which are identified as a 'preferred scenario'.

Scenario A

Scenario "A" proposes a road alignment traveling east to west from McCachen Street to Parker Avenue along the northern portion of 11 McCachen Street property. This development scenario provides for a road way across our client's property leaving insufficient lot depth for any independent development to occur on the subject lands.

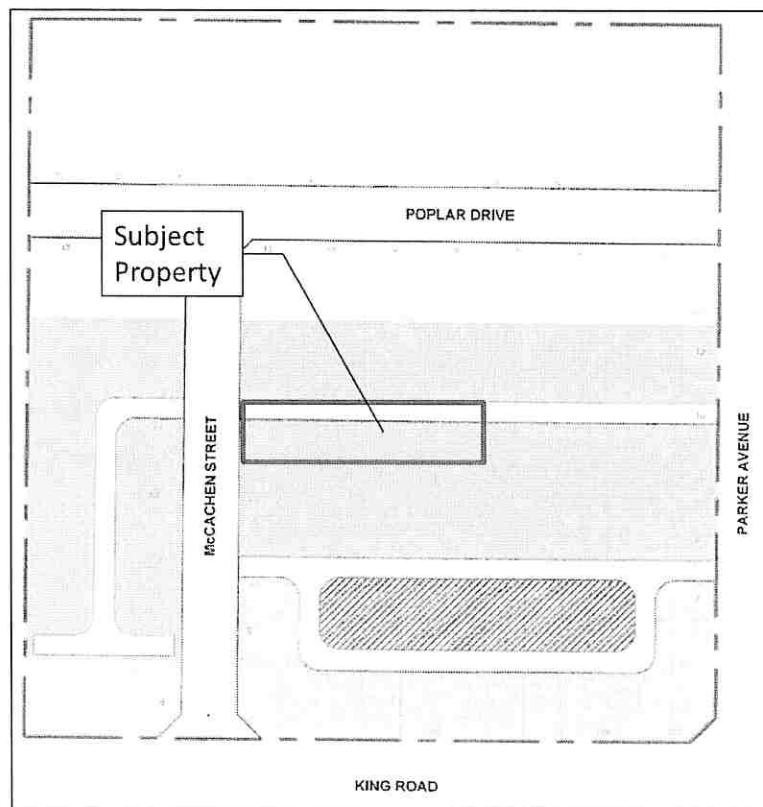


Figure 5 - Scenario 'A' - Development Sketch

Scenario A is not an appropriate development scheme for the subject property. The reasons for this are that:

- Our client's property does not have sufficient depth to front lots onto the proposed Scenario 'A' road way;
- The lotting pattern from the approved 11 & 13 Poplar Drive does not rely on Scenario 'A' road way alignment; and,

- The cost for provisions of the right-of-way road cannot be recovered by our client.

The only viable option for development of our client's property in consideration of Scenario 'A' is to consolidate with the lands to the south (Fifth Avenue Inc.).

Scenario B

Scenario 'B' of the Tertiary Plan proposes a north south road way with access from the properties located at 7 and 5 Poplar Drive. The roadway would extend from Poplar Drive south to the west side of the subject property where a cul-de-sac would be provided. The scenario would ultimately require properties located along Poplar Drive to accept this development configuration.

Scenario 'B' is not a viable development option as it would require those properties along Poplar Drive to provide road way access from their properties. There is no direct benefit for that the properties fronting on Poplar Drive to construct the cul-de-sac.

Our client cannot rely on this outcome, to provide for adequate development of their lands.

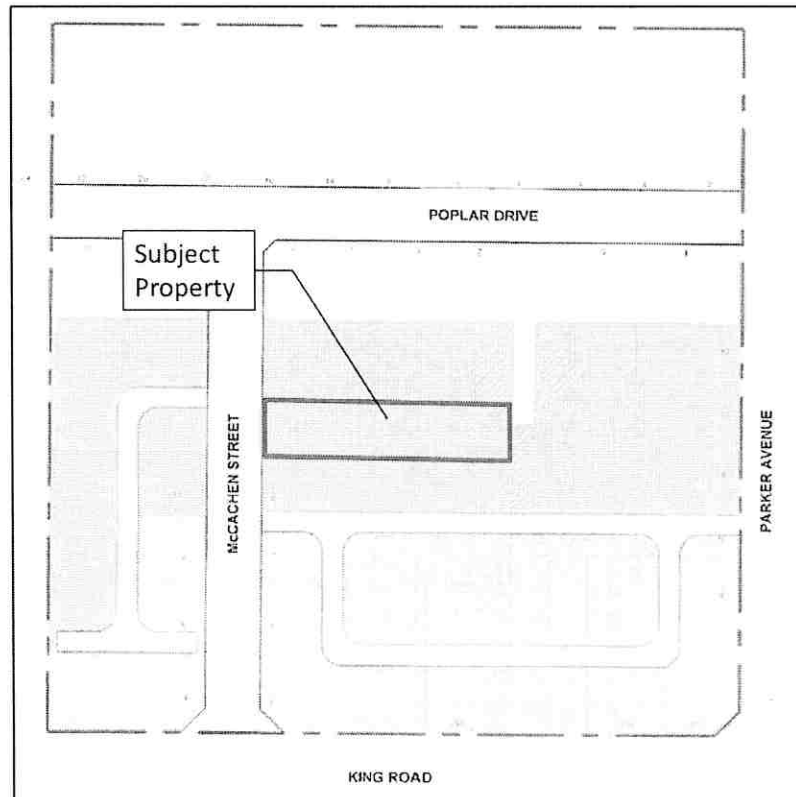


Figure 6 - Scenario B – Development Sketch

Scenario C

Scenario 'C' proposes a north south road way from the proposed Stateview Homes development application.

The LPAT approved Stateview Homes development which does not provided for road access to the subject property. This Scenario is no longer a viable option, as the approved applications have not provided for road access to our clients property as shown in Figure 7.

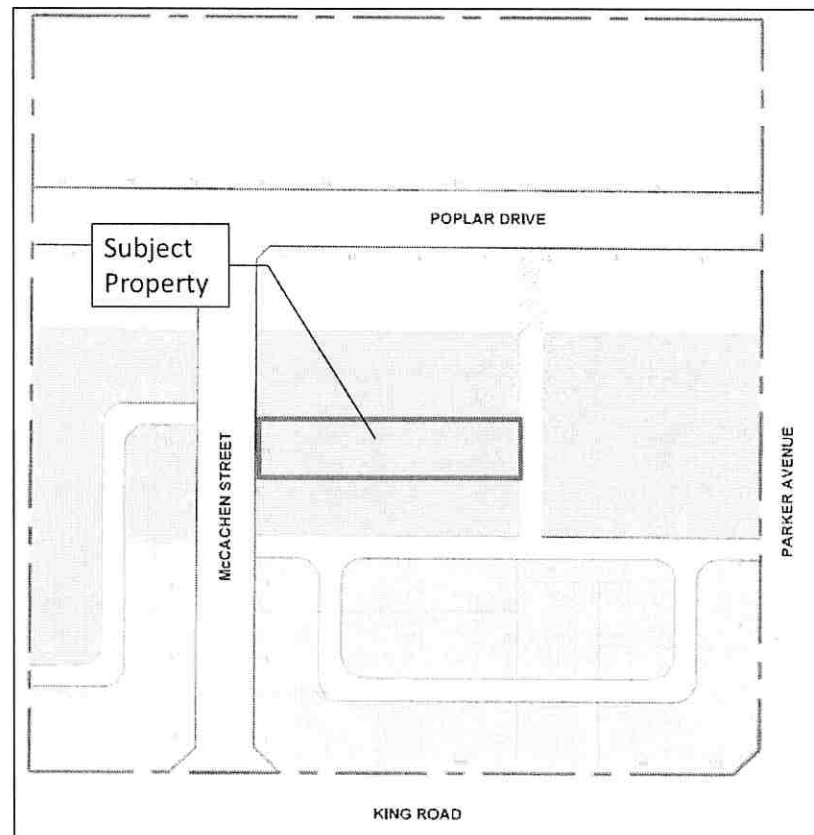


Figure 7 - Scenario C – Development Sketch

In our view, none of the Tertiary Plan options provide a reasonable path to development for our client's property.

Modified Fifth Avenue Inc. Development Scenario

The adjacent land owners Fifth Avenue Inc. and Stateview Homes are proposing or have received approval, to develop townhouses and semi-detached units on private common element condominium roads. The two proposed developments share a private road which connects to provide access from McCachen Street and Parker Avenue.

The most striking feature is a misaligned right-of-way access between Fifth Avenue Inc. and Stateview Homes (see figure 8). The Fifth Avenue Inc. development is inappropriate in:

- The misalignment of the proposed right-of-way shared with Stateview Homes;
- Its exclusion of our client's property for development purposes; and
- Undersized lotting provided on the plan.

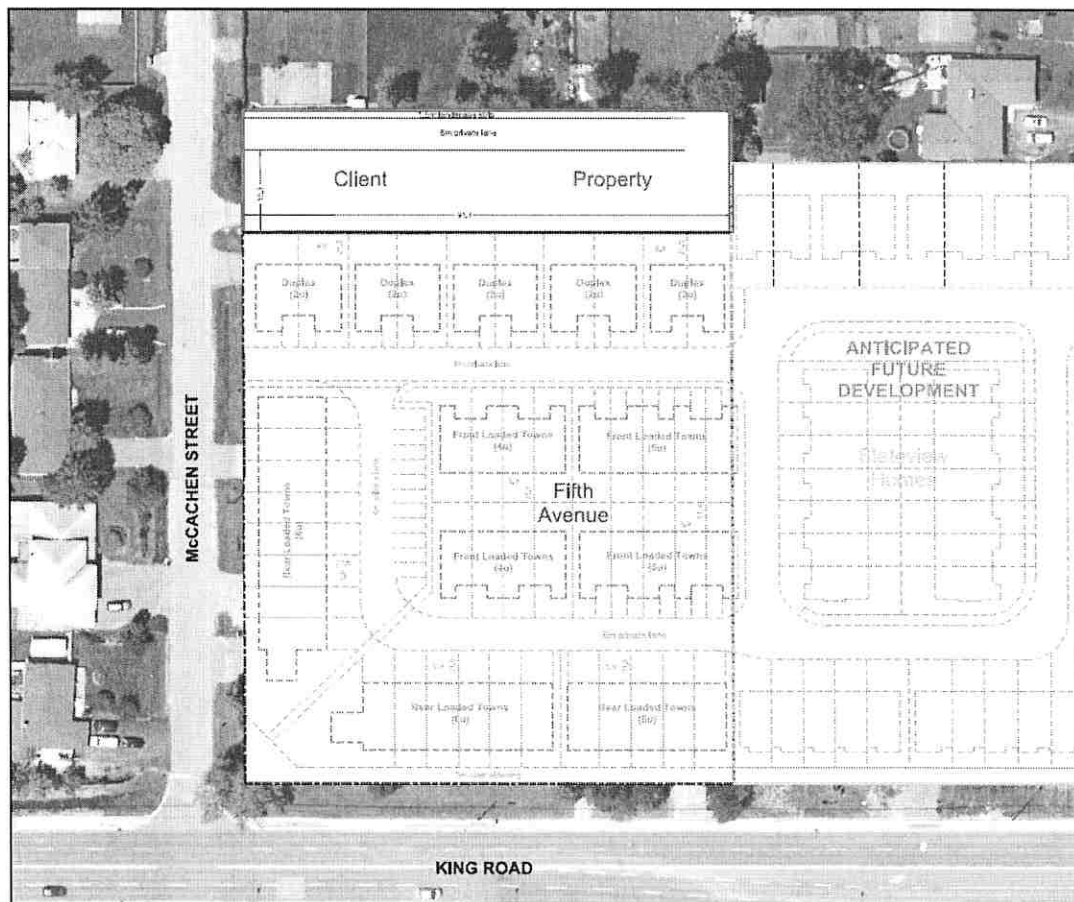


Figure 8 – Adjacent Development Applications

The revised concept (Figure 9) was prepared by Weston Consulting to illustrate the consolidation of the client's property and Fifth Avenue Inc. proposed development. It provides for appropriate development by resolving the defects in Fifth Avenue Inc. proposed development by:

- Allowing for a more efficient road alignment between Fifth Avenue Inc. and Stateview Homes developments;
- Opportunity for additional units (approximately 5 units);
- Provide sufficient lot depth for and large backyards on the Fifth Avenue Inc. property; and,
- Will resolve our client's issue of the property being an "orphaned lot".

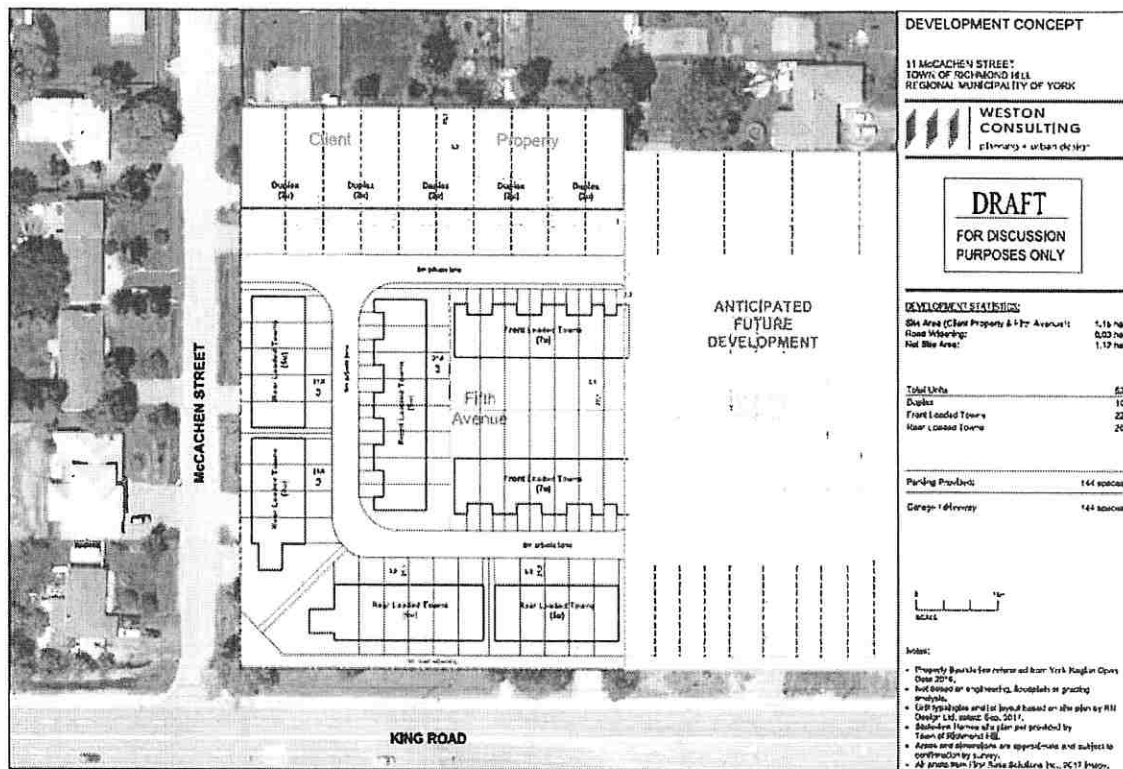


Figure 9 – Proposed Consolidation of Land

These revisions will assist the Fifth Avenue Inc. in meeting the criteria for development set out under Section 51(24) (a)(b)(c)(e)(f) and (g) of the Planning Act.

Please contact the undersigned (ext. 236) for further review of this matter.

Yours truly,
Weston Consulting
Per:

Kevin Bechard, BES, MSc, RPP
Senior Associate

cc Fifth Avenue Inc.

MAP 1 - AERIAL PHOTOGRAPH



Copyright J.D.Barnes Limited 2017 NEW Orthophotography

File No.D03-16011

BLOCK 01

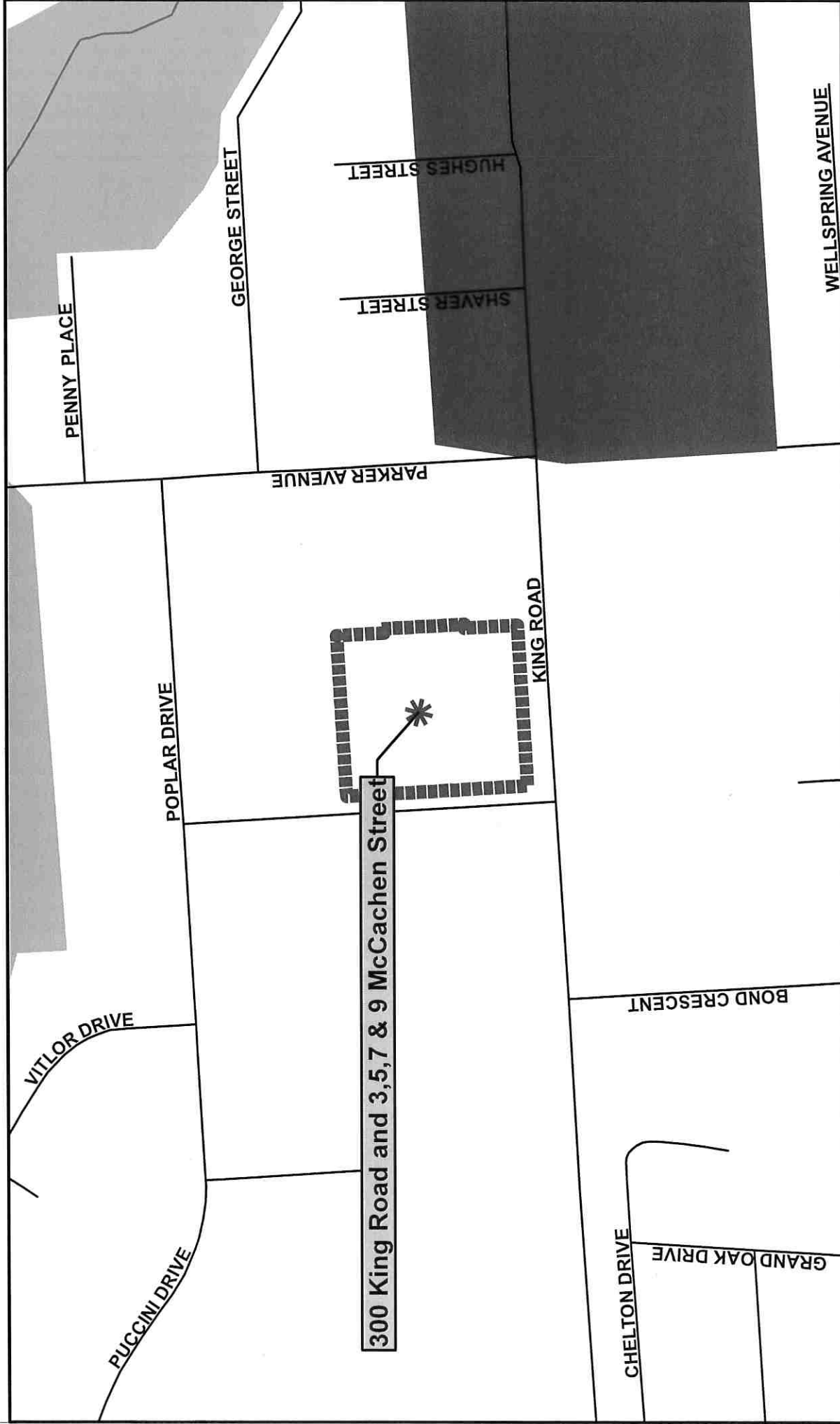


TOWN OF RICHMOND HILL
PLANNING AND REGULATORY
SERVICES DEPARTMENT

Legend
SUBJECT LANDS

KF/SS D.A.18.042

MAP 2 - OFFICIAL PLAN DESIGNATION



NOTE: The information provided in this map is a depiction of a portion of the Richmond Hill Official Plan. For accurate reference, the schedules and policies of the Richmond Hill Official Plan must be consulted. In the case of a discrepancy between the schedules and the policies of the Richmond Hill Official Plan, the policies shall take precedence.

Subject Lands

Subject Areas

Natural Core

Neighbourhood

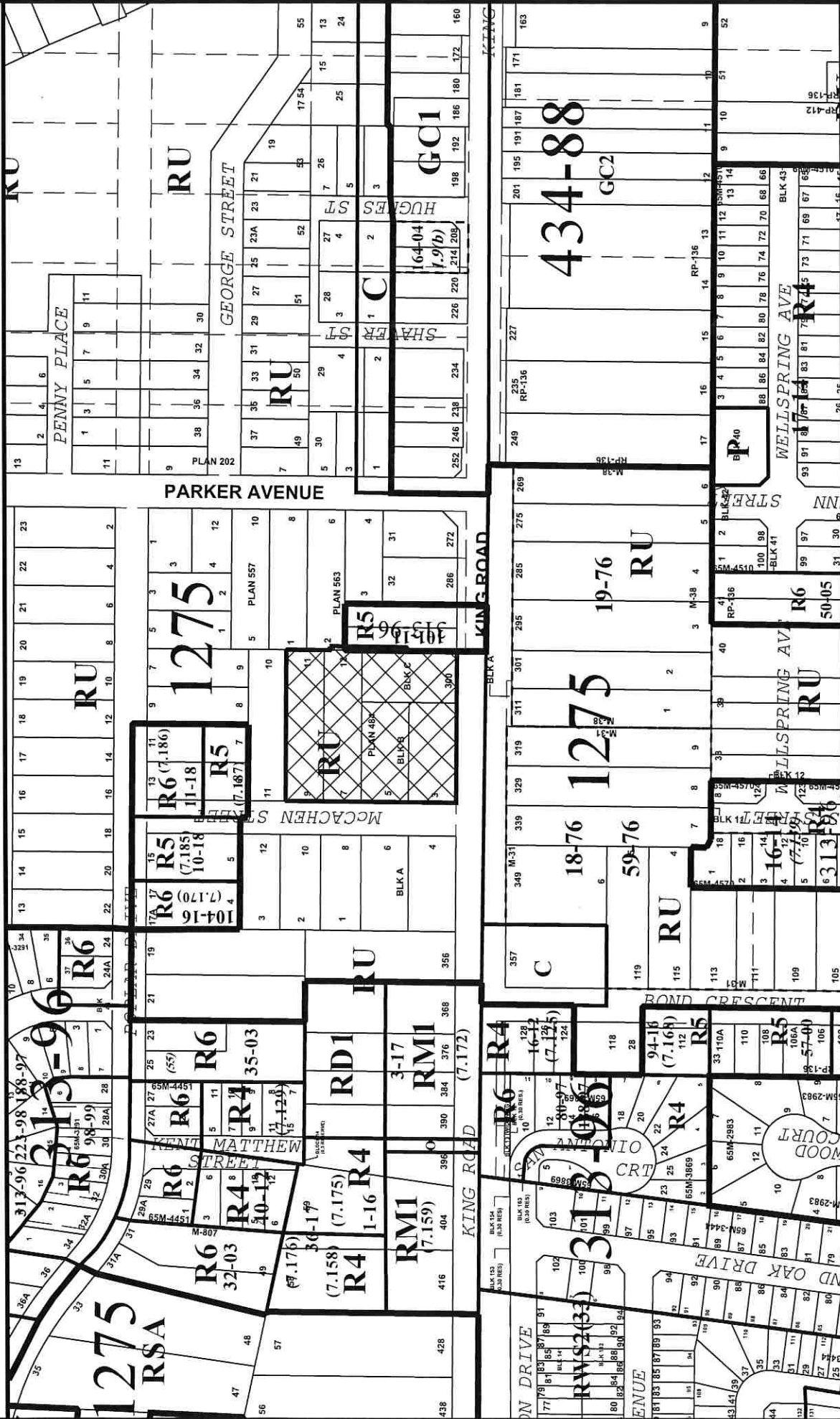
Oak Ridges Local Centre

KF/SS D.A.18.042



BLOCK 01
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TOWN OF RICHMOND HILL
PLANNING AND REGULATORY
SERVICES DEPARTMENT

MAP 3 - EXISTING ZONING



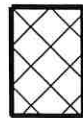
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BLOCK 01

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PLANNING AND REGULATORY
SERVICES DEPARTMENT



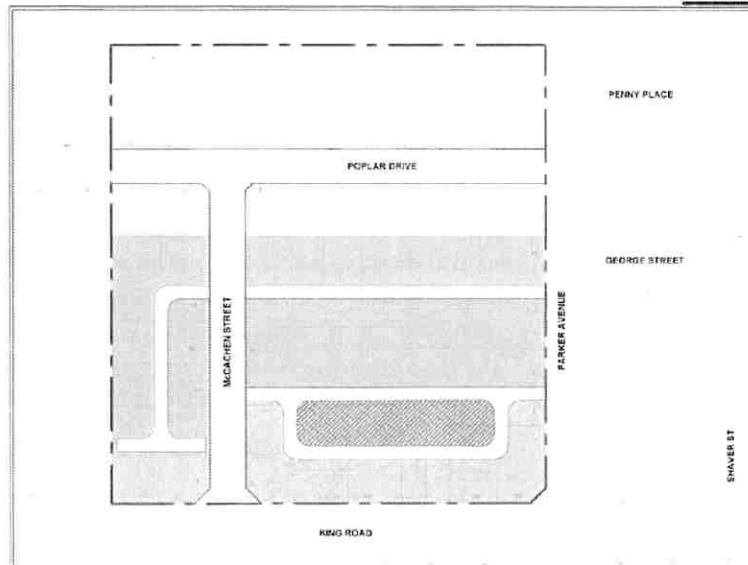
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KF/SS D.A. 18.042

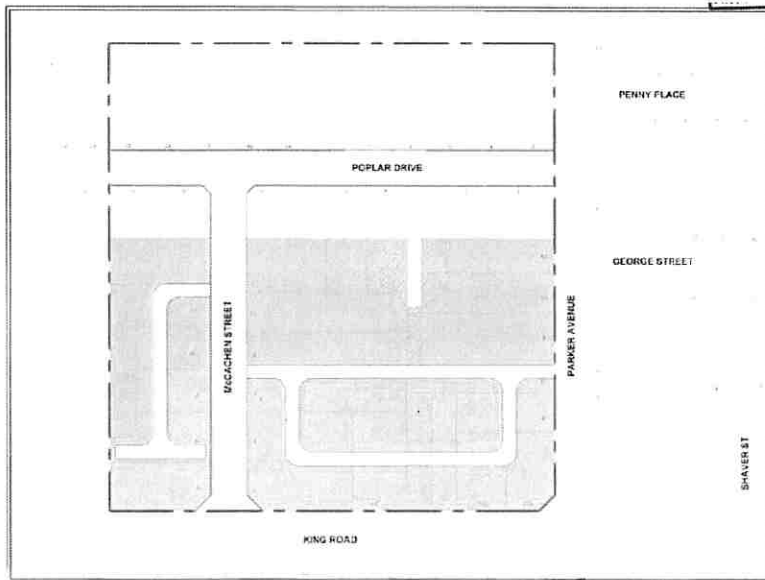
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MAP 4 - TERTIARY PLAN SCENARIOS "A", "B" and "C"



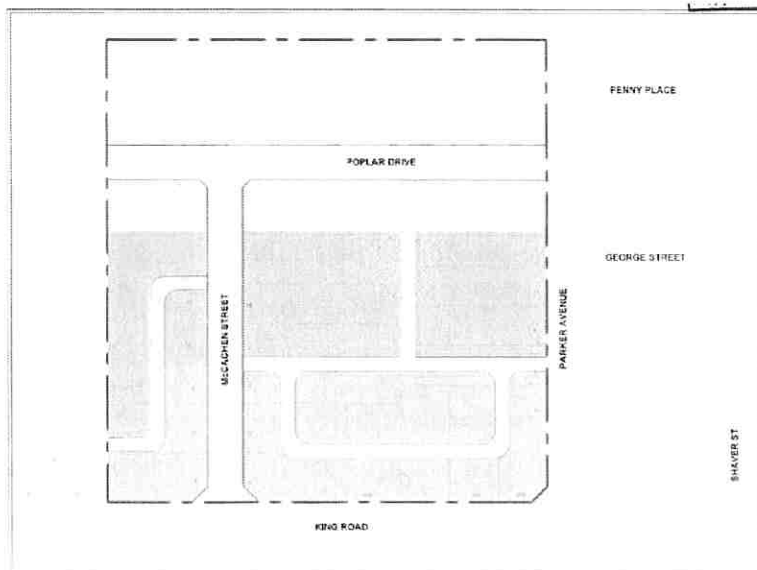
Scenario A

- | | |
|----------------------------------|-------------------------------|
| Single Detached | Traditional Townhouse Blocks |
| Single Detached | Back-to-Back Townhouse Blocks |
| Singles or Semi-Detached | New Private Road |
| Single Detached or Semi-Detached | Study Area |



Scenario B

- | | |
|----------------------------------|-------------------------------|
| Single Detached | Traditional Townhouse Blocks |
| Single Detached | Back-to-Back Townhouse Blocks |
| Singles or Semi-Detached | New Private Road |
| Single Detached or Semi-Detached | Study Area |



Scenario C

- | | |
|----------------------------------|-------------------------------|
| Single Detached | Traditional Townhouse Blocks |
| Single Detached | Back-to-Back Townhouse Blocks |
| Singles or Semi-Detached | New Private Road |
| Single Detached or Semi-Detached | Study Area |

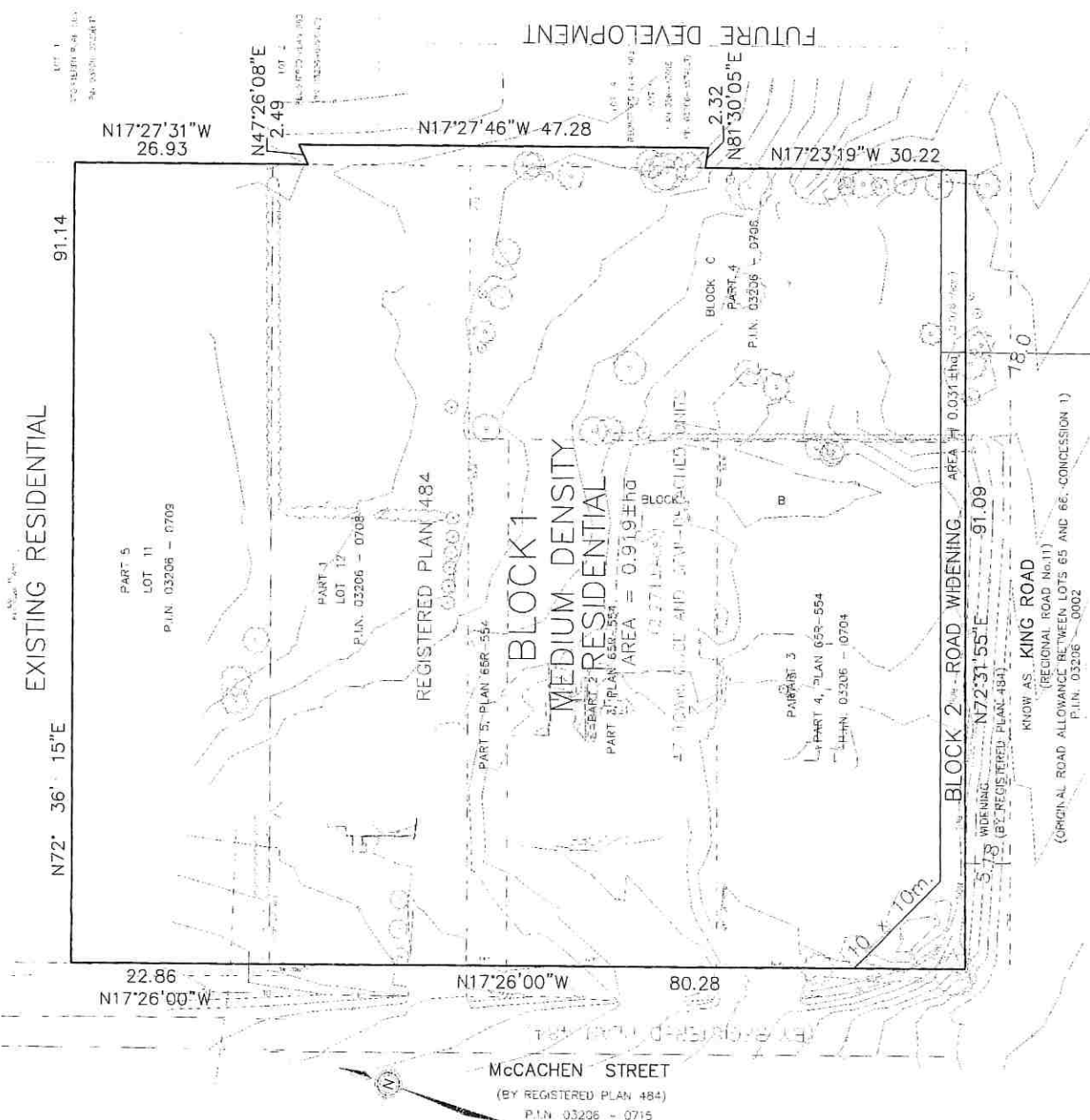
BLOCK NO. 01

FILE No. D03-16011

KF/SS D.A..18.042

**Town of Richmond Hill
Planning and Regulatory
Services Department**

MAP 5 - PROPOSED DRAFT PLAN OF SUBDIVISION 19T(R)-16011

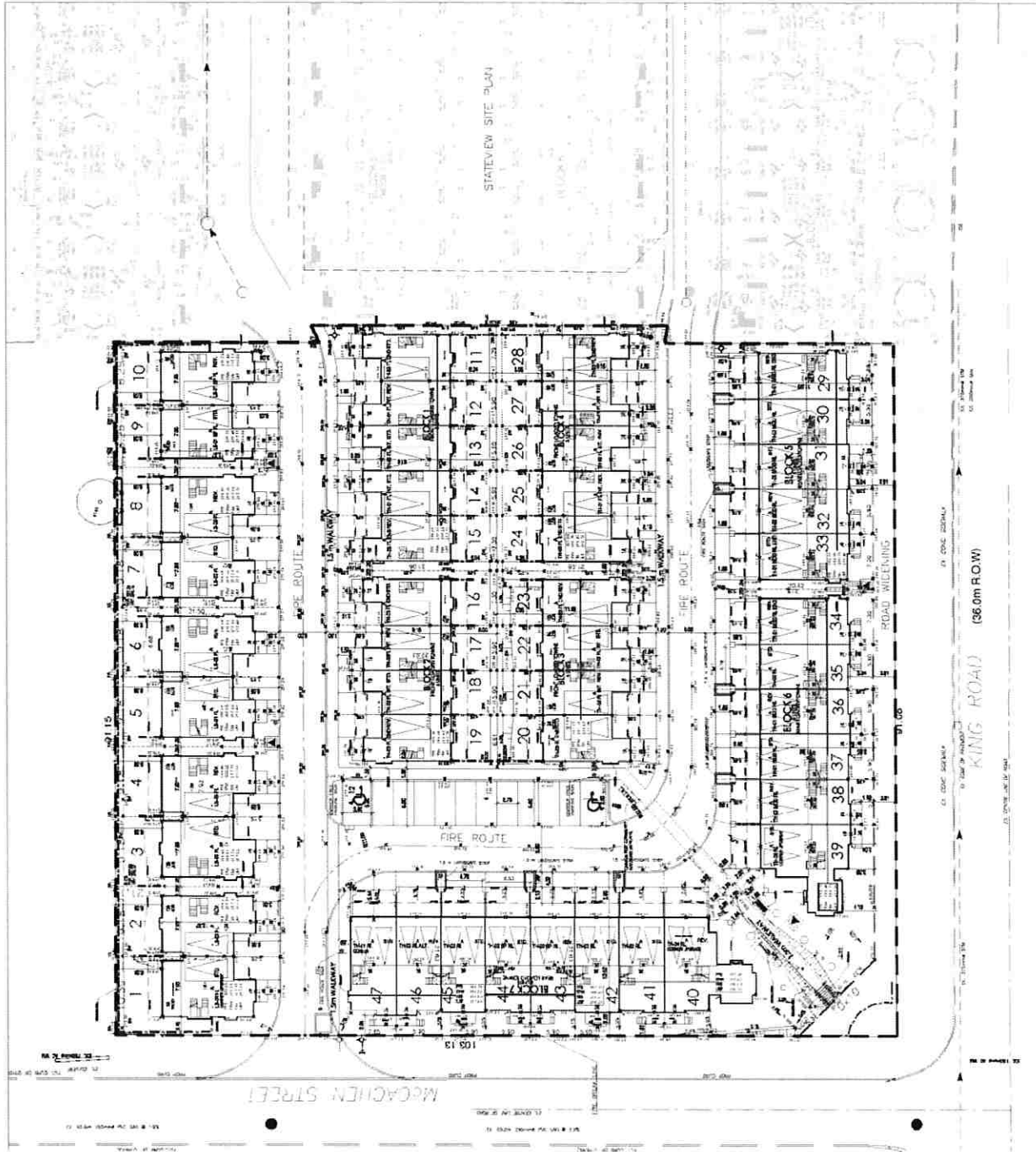


BLOCK 01
FILE No.D03-16011

TOWN OF RICHMOND HILL
PLANNING AND REGULATORY
SERVICES DEPARTMENT

KF/SS D.A.18.042

MAP 6 - PROPOSED SITE PLAN



FILE No.D03-16011

BLOCK 01

TOWN OF RICHMOND HILL
PLANNING AND REGULATORY
SERVICES DEPARTMENT

KF/SS D.A.18.042



Report Subject: Delegated Authority Staff Report – D03-16011 – Draft Plan of Subdivision

Report Author: Katherine Faria

Report No.: D.A.18.042

Report Author Checklist

- ☒ Have I proofread the report?
- ☒ Have I checked to ensure that the format complies with the Town's standards? (see Report Writing Toolbox on News & Views for assistance)
- Does the report have financial implications?
- ☐ Yes
- ☒ No
- If yes:
- ☐ Was the Treasurer consulted?
- ☐ Has the report received sign off from Finance?
- If yes, on what date?

Have comments from other Departments been included, as necessary?

- ☐ Yes
- ☒ No, not necessary

If yes, note contact name (Dept.) and date:

Reviewed by:	Date:

Does the report require that notice be given to residents, etc. in accordance with the *Municipal Act* or *Planning Act*, based on notification requests, etc. ☐ Yes ☒ No

If yes, how was notice provided? (Check all that apply)

- ☐ Mailing
- ☐ The Liberal
- ☐ Other, please specify: _____

On what date was notice given? _____

Have I described how the report aligns with the goals, outcomes and strategies of the new 2009 Strategic Plan?

- ☒ Yes
- ☐ No

***Please consult with Strategic Initiatives for more information.**

Planner has conducted site visit: ☒ Yes ☐ No
When? 2017

Report Routing Form

Report is to be presented at:

- ☐ Committee of the Whole
- ☐ Council
- ☐ Council Public Meeting
- ☒ Other (please specify): Delegated Authority

Date of meeting: NA

Due date to Clerk's: Aug 31-18

***See News & Views for schedule and due dates or contact the Clerk's Office**

Type of report:

- ☐ For information purposes
- ☒ With recommendation
- ☐ Requests direction
- ☐ Closed Session (confidential)

If it is a Closed Session report, for what reason?

- ☐ security of property
- ☐ personal matters
- ☐ acquisition or disposition of land
- ☐ labour relations
- ☐ litigation
- ☐ solicitor/client privilege
- ☐ consideration of an MFIPPA request

***Please consult with the Clerk's Office for more information.**

Is this report time sensitive?

- ☐ Yes (if so, why?): _____

☒ No

Reviewed/Signed Off:	Date:
Katherine Faria Planner	<u>Aug 9-18</u>
Denis Beaulieu Manager of Development, Subdivisions <u>DB</u>	<u>Aug. 13/18</u>
Gus Galanis <u>DB FOR</u> Director of Development	<u>Aug 13/18</u>
Kelvin Kwan <u>per PL</u> Commissioner	<u>Aug 14/18</u>

Additional comments, if necessary:

