



Staff Report for Committee of the Whole Meeting

Date of Meeting: March 18, 2019

Report Number: SRPRS.19.052

Department: Planning and Regulatory Services

Division: Development Planning

Subject: **SRPRS.19.052 – Request for Approval – Zoning By-law Amendment Application – Fifth Avenue (King North) Inc. – Town File D02-16037 (Related Files D03-16011 and D06-17088)**

Owner:

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 Zoning By-law Amendment application to permit the construction of a proposed residential development on the subject lands.

Recommendations:

- a) **That the Zoning By-law Amendment 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 D02-16037, be approved, subject to the following:**

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- (i) that the subject lands be rezoned from Residential Urban (RU) Zone under By-law 1275, as amended, and Single Detached Five (R5) Zone under By-law 313-96, as amended, to Semi-Detached One (RD1) Zone and Multiple Residential One (RM1) Zone under By-law 313-96, as amended, and that the amending Zoning By-law establish site-specific development standards for the entirety of the subject lands as outlined in Staff Report SRPRS.19.052;
 - (ii) that prior to the amending Zoning By-law being brought forward to a regular meeting of Council for consideration and enactment, confirmation be received that the applicant has registered restrictions over the subject lands under Section 118 of the *Land Titles Act*; and,
 - (iii) that pursuant to Section 34(17) of the *Planning Act*, Council deem that no further notice be required with respect to any necessary modifications to the draft Zoning By-law to implement the proposed development on the subject lands.
- b) That the authority to assign 125 persons equivalent of additional servicing allocation to the proposed development to be constructed on the subject lands be delegated to the Commissioner of Planning and Regulatory Services subject to the criteria in the Town's Interim Growth Management Strategy, and that the assigned servicing allocation be released in accordance with the provisions of By-law 109-11;
- c) That all comments concerning the applicant's Site Plan application (File D06-17088) be referred back to staff.

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: Kelvin Kwan, Commissioner of Planning and Regulatory Services

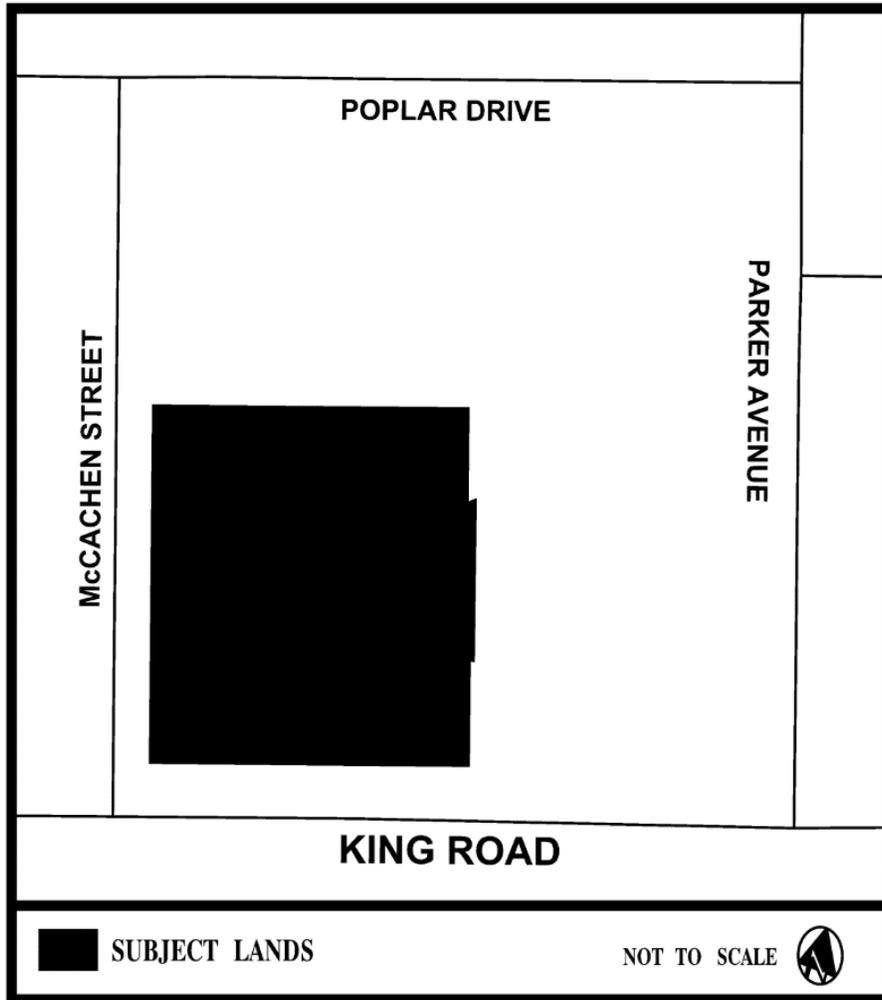
Approved by: Neil Garbe, Chief Administrative Officer

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 Zoning By-law Amendment application was considered at the Council Public Meeting held on February 21, 2018 along with a related draft Plan of Subdivision application (Town File D03-16011), wherein Council received Staff Report SRPRS.18.056 for information purposes and directed that all comments be referred back to staff for consideration (refer to Appendix A). The related draft Plan of Subdivision application was approved pursuant to the CAO's Delegated Authority during the Summer Recess in accordance with Staff Report DA.18.042, and has been appealed by an adjacent landowner to the Local Planning Appeal Tribunal (LPAT).

Subsequent to the statutory Council Public Meeting, the applicant submitted revised materials in support of its development proposal, which were circulated to relevant Town staff and external agencies for review and comment. At the time of writing of this report, the review of the applicant's development proposal has progressed to a point where Planning staff is in a position to support the proposed Zoning By-law Amendment application. As such, the applicant has requested that its Zoning By-law Amendment application be brought forward for Council's consideration.

Notwithstanding the above, there are technical comments that must be addressed prior to finalization of the related Site Plan application (Town File D06-17088). A summary of comments provided, including those raised at the Council Public Meeting is provided in the later sections of this report. Should Council approve the applicant's Zoning By-law Amendment application, it must be emphasized that any necessary revisions to the related Site Plan will need to comply with the approved Zoning By-law, or alternatively, the applicant will need to seek further planning approvals.

The purpose of this report is to seek Council's approval of the applicant's Zoning By-law Amendment application.

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 lands abut King Road to the south, McCachen Street to the west, existing low density residential uses to the north and a proposed 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.

Revised Development Proposal

The applicant is seeking approval of its Zoning By-law Amendment application to permit the construction of a common element condominium development comprising 47 dwelling units and private roads on its land holdings. The following is a summary

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outlining the pertinent statistics of the applicant's development proposal based on the plans submitted to the Town:

- **Total Area:** 0.95 hectares (2.35 acres)
- **Total Number of Dwelling Units:** 47
- **Number of Semi-detached Dwelling Units:** 10
- **Number of Townhouse Dwelling Units:** 37
- **Number of Storeys:** 3
- **Proposed Density:** 49.5 units per hectare (20 units per acre)
- **Minimum Number of Resident Parking Spaces:** 2 spaces per unit
- **Minimum Number of Visitor Parking Spaces:** 0.25 spaces per unit

As noted in the previous sections of this report, the applicant has filed a related Site Plan application that remains 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 local street 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. The subject lands are situated within the boundaries of the expanded Puccini Drive Neighbourhood Residential Infill Study in accordance with the Tertiary Plan approved by Council for the area.

In accordance with Section 4.9.2 of the Plan, development shall be compatible with the existing 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**. Permitted uses shall be subject to

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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 Residential Infill Study

The Puccini Drive Neighbourhood Residential Infill Study ("Puccini Drive Study") was endorsed by Council in 1998. The primary objective of the Puccini Drive Study is to guide infill development within the Puccini Drive Neighbourhood with respect to key design principles as outlined in the Study, including focusing higher density housing along the edges of the neighbourhood.

On November 27, 2017, Council approved the recommendations of Staff Report SRPRS.17.173 concerning a proposed expansion to the 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 Plan. The remainder of the study area is to be developed for low-density residential uses, such as single-detached and semi-detached dwellings (refer to Map 4).

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.

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 (refer to Map 3). The applicant is seeking Council's approval to rezone its land holdings to **Multiple Residential One (RM1) Zone** and **Semi-Detached One (RD1) Zone** under By-law 313-96, as amended, with site-specific provisions to permit the construction of a common element condominium development comprising 47 dwelling units.

The following is a general summary of the applicable development standards required under the above proposed zoning categories, including an overview of the site-specific provisions proposed by the applicant:

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Development Standard	RD1 Zone Provisions, Semi-Detached Units	Proposed Provisions	RM1 Provisions, Street Townhouse Units	Proposed Provisions
Minimum Lot Area (Interior)	485 square metres (5,220.5 square feet)	350 square metres (3,767.37 square feet)	200 square metres (2,152.78 square feet)	120 square metres (1,291.67 square feet)
Minimum Lot Area (Corner)	555 square metres (5,973.97 square feet)	415 square metres (4,467.02 square feet)	300 square metres (3,229.17 square feet)	150 square metres (1,614.59 square feet)
Minimum Lot Frontage (Interior)	14.6 metres (47.9 feet)	Standard Provisions Apply	6 metres (19.69 feet)	5.9 metres (19.36 feet)
Minimum Lot Frontage (Corner)	16.6 metres (54.46 feet)	Standard Provisions Apply	9 metres (29.53 feet)	7.5 metres (24.61 feet)
Minimum Front Yard	4.5 metres (14.76 feet)	3.0 metres (9.84 feet)	4.5 metres (14.76 feet), or 3.0 metres (9.84 feet) subject to criteria as outlined in By-law 313-96, as amended	3.0 metres (9.84 feet)
Minimum Side Yard	1.5 metres (4.92 feet), or 1.2 metres (3.94 feet) subject to criteria as outlined in By-law 313-96, as amended	Standard Provisions Apply	1.5 metres (4.92 feet)	1.2 metres (3.94 feet)
Minimum Flankage Yard	3.0 metres (9.84 feet)	2.4 metres (7.87 feet)	3.0 metres (9.84 feet)	1.6 metres (5.25 feet)
Minimum Rear Yard	7.5 metres (24.6 feet)	6.0 metres (19.69 feet)	7.5 metres (24.6 feet)	6.0 metres (19.69 feet), Parcels B and C 4.0 metres (13.12 feet), Parcels D and E
Maximum Lot Coverage	50%	Standard Provisions Apply	50%	57%, Parcels B and C 67%, Parcel D 68%, Parcel E
Maximum Building Height	11 metres (36.1 feet)	13.2 metres (43.31 feet)	11 metres (36.1 feet)	13.2 metres (43.31 feet)

A more detailed breakdown of the proposed site-specific development standards is outlined in the draft Zoning Bylaw Amendment appended to this report (refer to Appendix C). It should be noted that the proposed site-specific zoning standards generally reflect a “worst-case scenario” as it relates to the proposed development, whereby the proposed development standards may vary within the development. It should be further noted that the requested building height relates to the mansard roof designs for the proposed dwellings.

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Planning staff has reviewed the applicant's Zoning By-law Amendment request and find that the proposal to rezone the subject lands to **Multiple Residential One (RM1)** and **Semi-Detached One (RD1) Zones** under By-law 313-96, as amended, is consistent with the overall policy direction for the area. Furthermore, Planning staff can advise that the proposed site-specific development standards are appropriate in consideration of the overall design of the development proposal as well as the built form envisioned for the area as set out in the Tertiary Plan.

Proposed Draft Plan of Subdivision

The draft approved Plan of Subdivision contemplates the creation of a road widening block and a residential development block to facilitate the proposed common element condominium development on the subject lands (refer to Map 6). The creation of a residential block within a registered Plan of Subdivision would allow for the establishment of Parcels of Tied Land (POTLs) as part of the Common Element Condominium approval process by way of a Part Lot Control Exemption pursuant to Subsection 50(5) of the *Planning Act*.

Proposed Site Plan

The applicant has submitted a related Site Plan application (Town File D06-17088) that is currently in the final stages of review by Town departments and external agencies (refer to Map 5). The submitted Site Plan contemplates the construction of a total of 47 common element condominium dwelling units, including 10 semi-detached dwelling units and 37 townhouse dwelling units. Vehicular access for the proposed common element condominium development is to be from McCachen Street and the proposed development is to be linked via the private condominium roads to the proposed residential development that is to be constructed immediately to the east of the subject lands (refer to Map 7).

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, which are owned by Stateview Homes (Kings Landing) Inc. In this regard, Consent Applications B035/18 and B044/18 were submitted to facilitate lot additions to be merged with the subject lands. These applications were approved by the Committee of Adjustment at its meeting held on June 21, 2018, subject to a number of conditions. The applicant has submitted revised plans to the Town to reflect the additional lands shown as Block 4 on the adjacent draft approved Plan of Subdivision (Town File D03-15001) to be conveyed to the applicant. As it is understood that the transfer of the above described lands has yet to occur at the time of writing of this report, authorization from the abutting land owner with respect to the inclusion of these lands within the subject Zoning By-law Amendment has been provided to the Town.

Public Comments:

At the Council Public Meeting held on February 21, 2018, concerns were raised by members of the public with respect to stormwater runoff as well as the appropriateness

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of “Scenario A” to the Tertiary Plan approved by Council for the area (refer to Map 4). It was also noted at the Meeting that the 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.

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 (refer to Appendix B). The letter expresses concerns regarding such matters as right-of-way alignment, 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*. These matters were discussed in Staff Report SRPRS.18.042 and notwithstanding any technical matters to be satisfied through the Site Plan review process, staff is of the opinion that the above matters have been adequately addressed.

Department and External Agency Comments:

The subject Zoning By-law Amendment and Site Plan applications, in addition to 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 sections provide an overview of the comments received at the time of writing of this report.

Development Engineering Division

The Town’s Development Engineering Division has reviewed the applicant’s development proposal and has provided comments on the Site Plan application with respect to transportation and traffic, pedestrian connectivity, sustainability measures, noise mitigation, lighting, servicing, grading, erosion, sediment control, stormwater management, and a number of other technical matters. The Site Plan application remains under review, and 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.

Urban Design and Heritage Section

The Town’s Urban Design and Heritage Section has provided comments on the applicant’s development proposal with respect to articulation and design of the proposed dwelling units. At the time of writing of this report, the Site Plan application remains under review with Urban Design and Heritage staff.

Building Services Division

The Town’s Building Services Division has reviewed the applicant’s development proposal and has provided comments with respect to various Ontario Building Code related matters. At the time of writing of this report, the Site Plan application remains under review with Building Services staff.

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Park and Natural Heritage Planning Section

The Town's Park and Natural Heritage Planning staff has reviewed the applicant's development proposal and has provided comments with respect to parkland dedication, tree planting and landscaping. At the time of writing of this report, the Site Plan application remains under review with Park and Natural Heritage Planning staff.

Regional Municipality of York

The Regional Municipality of York (the "Region") has reviewed the applicant's development proposal and has confirmed that it has no comments on the proposed Zoning By-law Amendment and no objection in principle with respect to proposed development. The Region has provided comments on the applicant's Site Plan submission with respect to boulevard design, landscaping, tree preservation, traffic management, and other technical matters. At the time of writing of this report, the Site Plan application remains under review with York Region.

Development Planning Division

Planning staff has reviewed the applicant's Zoning By-law Amendment application and finds that it is 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. On this basis, it is recommended that the applicant's proposed Zoning By-law Amendment be approved for the reasons outlined below:

- low density residential uses are permitted generally throughout the **Neighbourhood** designation and medium density residential uses are permitted within the **Neighbourhood** subject to the policies of Section 4.9.1.2;
- the proposed development contemplates the construction of semi-detached dwelling units at the north end of the subject lands with townhouse dwelling units proposed for the balance of lands. In this regard, the proposed form of development and built-form transition are in keeping with the principles of the Tertiary Plan approved by Council as an expansion to the Puccini Drive Neighbourhood Residential Infill Study and conform to the **Neighbourhood** policies of the Plan;
- the proposed development conforms with the maximum permitted site density of 50 units per hectare for medium density residential development within the **Neighbourhood** designation. In addition, the proposed development conforms with the maximum permitted height of 3 storeys, or 4 storeys on an arterial road, within the **Neighbourhood** designation;
- Planning staff has reviewed the proposed development standards and considers the provisions to be appropriate both in consideration of the context of the area and the newer standards for such development approved within the Town; and
- the proposed site design incorporates proposed vehicular and pedestrian connections between the subject development and the residential development contemplated to the east of the subject lands.

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On the basis of the preceding, it is recommended that Council approve the applicant's Zoning By-law Amendment application as outlined in this report.

Other Department and External Agency Comments

Comments have also been received from Alectra Utilities, Rogers Communications, Canada Post, Enbridge Gas Distribution, Bell Canada, the York Catholic District School Board, the Town's Financial Services Division, the Town's Community Services Department, the Town's Fire and Emergency Services Division and the Toronto and Region Conservation Authority. These Town departments and external agencies have no objections to the application and/or have provided conditions of approval or comments to be considered by the applicant during a more detailed implementation stage of the approval process.

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 revised *Sustainability Performance Metrics Tool* in support of its proposed Site Plan application demonstrating an Overall Application score of 36 points, which meets the minimum score of 32 points required with respect to Site Plans. However, at the time of writing of this report, the revised plans and *Tool* remain under review with respect to the feasibility and appropriateness of the proposed sustainability measures. In this regard, staff will continue to work with the 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.

In consideration of the above and in order to streamline the servicing allocation assignment process for the proposed development, staff recommends that Council delegate its authority to assign allocation to the Commissioner of Planning and Regulatory Services.

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, in addition to **Goal Four – Wise Management of Resources in Richmond Hill** in supporting responsible use of available land.

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Conclusion:

The applicant is seeking Council's approval of its Zoning By-law Amendment application to permit a proposed residential development comprising 10 semi-detached dwelling units and 37 townhouse dwelling units on its land holdings. Staff supports the applicant's Zoning By-law Amendment application on the basis that the applicant has satisfactorily addressed the issues and concerns raised during the initial and subsequent circulations of the supporting documentation as they relate to the proposed Zoning By-law Amendment. The submitted Zoning By-law Amendment application conforms with the Town's Official Plan and the applicant's development proposal is considered to be appropriate for the development of the area in which it is located and constitutes good planning. In this regard, it is recommended that Council approve the Zoning By-law application for the principle reasons 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, Letter from Weston Consulting dated July 9, 2018
- Appendix C, Draft Zoning By-law Amendment
- Map 1, Aerial Photograph
- Map 2, Official Plan Designation
- Map 3, Existing Zoning
- Map 4, Tertiary Plan Scenarios “A”, “B” and “C”
- Map 5, Proposed Site Plan
- Map 6, Draft Approved Plan of Subdivision (Appealed to LPAT)
- Map 7, Proposed Demonstration Plan
- Map 8, Sample Elevation Plans (Semi-Detached Units)
- Map 9, Sample Elevation Plans (Townhouse Dwelling Units)
- Map 10, Sample Elevation Plans (Townhouse Dwelling Units)

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Report Approval Details

Document Title:	SRPRS.19.052 - Zoning By-law Amendment - D02-16037.docx
Attachments:	<ul style="list-style-type: none">- SRPRS.19.052 Appendix A.pdf- SRPRS.19.052 Appendix B.pdf- SRPRS.19.052 Appendix C.pdf- SRPRS.19.052 Map 1.pdf- SRPRS.19.052 Map 2.pdf- SRPRS.19.052 Map 3.pdf- SRPRS.19.052 Map 4.pdf- SRPRS.19.052 Map 5.pdf- SRPRS.19.052 Map 6.pdf- SRPRS.19.052 Map 7.pdf- SRPRS.19.052 Map 8.pdf- SRPRS.19.052 Map 9.pdf- SRPRS.19.052 Map 10.pdf
Final Approval Date:	Mar 5, 2019

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

Gus Galanis - Mar 5, 2019 - 10:21 AM

Kelvin Kwan - Mar 5, 2019 - 11:41 AM

Neil Garbe - Mar 5, 2019 - 12:13 PM