



Staff Report for Committee of the Whole Meeting

Date of Meeting: April 2, 2019
Report Number: SRPRS.19.064

Department: Planning and Regulatory Services
Division: Development Planning

Subject: SRPRS.19.064 – Request for Direction – Zoning By-law Amendment and Draft Plan of Subdivision Applications – Earlglen Investments Inc. – Town Files D02-03044 and D03-03010 – LPAT Case PL051273

Owner:

Earlglen Investments Inc.
3550 Langstaff Road, Suite 200
Vaughan, Ontario
L4L 9G3

Agent:

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

Location:

Legal Description: Part of Lot 30, Concession 2, E.Y.S.
Municipal Address: 921 19th Avenue

Purpose:

A request for approval concerning proposed Zoning By-law Amendment and draft Plan of Subdivision applications to facilitate the construction of a medium density residential development on the subject lands.

Recommendations:

- a) That Staff Report SRPRS.19.064 be received for information purposes;
- b) That the Local Planning Appeal Tribunal be advised as follows:

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- i) That Council supports the revised Zoning By-law Amendment and draft Plan of Subdivision applications submitted by Earlglen Investments Inc. for lands known as Part of Lot 30, Concession 2, E.Y.S. (Municipal Address: 921 19th Avenue), Town Files D02-03044 and D03-03010, for the principle reasons outlined in Staff Report SRPRS.19.064, subject to the following:**
 - (a) That the subject lands be rezoned from Agricultural (A1) Zone under By-law 2325-68, as amended, and Urban (UR) Zone under By-law 128-04, as amended, to Residential Wide Shallow Two (RWS2) Zone, Multiple Residential Four (RM4) Zone, Park (P) Zone, Environmental Protection Two (EPA2) Zone and Open Space (O) Zone under By-law 55-15, as amended, with site specific provisions as set out in Appendix B;**
 - (b) That the Local Planning Appeal Tribunal be requested to withhold the issuance of its Final Order with respect to the applicant's Zoning By-law Amendment until such time as the Town advises the Tribunal that:**
 - (i) the draft amending Zoning By-law as set out in Appendix B hereto has been finalized to the satisfaction of the Commissioner of Planning and Regulatory Services; and,**
 - (ii) the applicant has paid the applicable processing fee in accordance with the Town's Tariff of Fees By-law;**
 - (c) That the draft Plan of Subdivision attached as Map 6 to Staff Report SRPRS.19.064 be draft approved, subject to the conditions of draft approval as set out in Appendix C hereto and the payment of the applicable processing fee in accordance with the Town's Tariff of Fees By-law;**
 - (d) That the Local Planning Appeal Tribunal delegate authority to the Town to clear conditions of draft plan approval and to issue final subdivision approval for the proposed development;**
- c) That 425 persons equivalent of servicing allocation (142 Townhouse dwelling units) be assigned to the subject lands to facilitate the first phase of development and that the authority to assign additional servicing allocation to a future phase(s) of development 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;**

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- d) That the assigned servicing allocation be released by the Commissioner of Planning and Regulatory Services in accordance with By-law 109-11;
- e) That the Commissioner of Planning and Regulatory Services be authorized to approve and execute any agreements or documentation as necessary to implement the revised development proposal described in Staff Report SRPRS.19.064; and,
- f) That appropriate Town staff be directed to appear at the Local Planning Appeal Tribunal in support of Council's position concerning the subject applications.

Contact Person:

Leigh Ann Penner, Senior Planner – Subdivisions, phone number 905-771-2462 and/or Denis Beaulieu, Manager of Development, Subdivisions, phone number 905-771-2540

Report Approval:

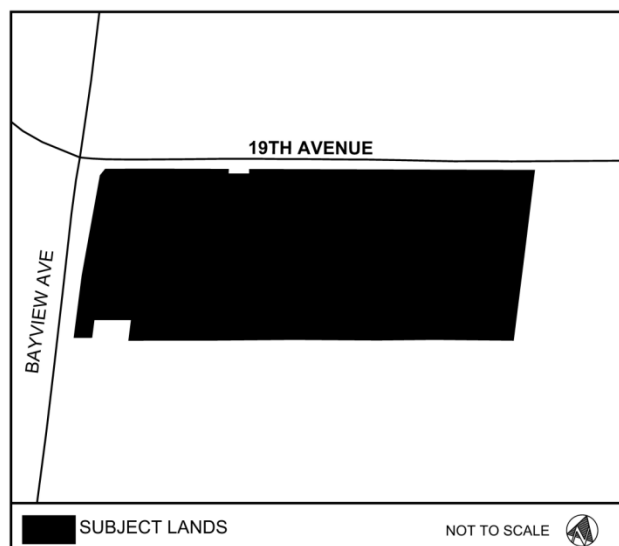
Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

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.

Location Map:

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



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Background:

The subject Zoning By-law Amendment and draft Plan of Subdivision applications were originally submitted by S&Z Mizrahi Investments Ltd. and Mahtaf Investments Limited (“Mizrahi”) to the Town on April 25, 2003 (refer to Map 4). At that time, the North Leslie Secondary Plan was under appeal to the Ontario Municipal Board (the “OMB”). On November 23, 2005, the applicant appealed its applications to the OMB (now the Local Planning Appeal Tribunal or “LPAT”) on the basis that the Town failed to make a decision on its applications within the prescribed time frames in the *Planning Act*.

The new owners of the subject lands, Earlglen Investments Inc. (“Earlglen”), filed a revised submission to the Town on February 4, 2015, prior to Bill 139 receiving Royal Assent on December 12, 2017. A statutory Council Public Meeting was subsequently held on April 1, 2015 regarding this development proposal wherein Council received Staff Report SRPRS.15.060 for information purposes and directed that all comments be referred back to staff (refer to Appendix A).

The applicant originally sought approval of a residential development comprised of 419 dwelling units including 283 street townhouse dwellings, 103 condominium townhouse dwellings, one (1) medium density block containing 33 dwelling units, and blocks for park, open space, landscape buffer, stormwater management and natural heritage system purposes (refer to Map 5). A revised submission was received by the Town on July 18, 2018 and circulated to relevant Town departments and external agencies for review and comment. Earlglen’s revised development proposal consists of 345 dwelling units including 316 street townhouse dwellings, one (1) medium density block containing 29 dwelling units, and blocks for park, open space, landscape buffer, stormwater management and natural heritage system purposes (refer to Map 6).

An LPAT Pre-Hearing Conference (“PHC”) was held on December 11, 2018 to identify Parties and Participants, and to address procedural and administrative matters. In this regard, the applicant and the Town have been granted Party status, the Toronto and Region Conservation Authority (“TRCA”) has been granted Participant status, and three (3) individuals have been granted Observer status for the proceedings. The LPAT has scheduled a second PHC on April 24, 2019 in anticipation that the Town will have a position from Council on the subject applications.

The purpose of this report is to seek Council’s direction regarding the applicant’s revised Zoning By-law Amendment and draft Plan of Subdivision applications, and to direct Town staff to appear at the LPAT in support of Council’s position concerning the subject applications.

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Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located at the southeast corner of 19th Avenue and Bayview Avenue within the North Leslie Secondary Plan (the “Secondary Plan”). The lands have a total lot area of 36.811 hectares (90.962 acres) and are presently vacant. The lands are partially used for agricultural purposes while the remainder of the site contains a natural heritage system associated with a Provincially Significant Wetland, Significant Woodlands and a tributary of the Rouge River which traverses the lands (refer to Map 1).

Surrounding uses include primarily natural heritage features and agricultural uses on lands that are also subject to planning applications to facilitate urban development within the North Leslie Secondary Plan area (refer to Maps 2 and 3). In this regard, the abutting land uses are as follows:

- to the north is 19th Avenue, beyond which are existing residential lots and agricultural lands;
- to the south is the TransCanada Pipeline Easement, beyond which are agricultural lands proposed for development and natural heritage protection;
- to the east are lands proposed for development and natural heritage protection; and,
- to the west is Bayview Avenue, beyond which are open space lands within the natural heritage system.

Revised Development Proposal

The applicant submitted a revised development proposal to the Town on July 18, 2018, in response to comments arising from previous submissions of its draft Plan of Subdivision (refer to Map 6). The applicant is now seeking the LPAT’s approval to construct a 345-unit residential development, as well as protection of the natural heritage system on the subject lands. The applicant’s original draft plan (refer to Map 5) had a similar overall design; the revisions to that plan generally are as follows:

- replacement of the condominium townhouse block within the northern limit of the plan with street townhouse blocks;
- relocation of the park block to a central location within the developable portion of the plan, including the realignment of “Street 4”;
- addition of street townhouse blocks on the east side of “Street 1” adjacent to the natural heritage system; and,
- addition of a buffer block abutting “Street 1” and 19th Avenue.

Access to the site is proposed off of 19th Avenue and an internal road connection through the adjoining Devon Lane subdivision (File D03-02002). Outlined below are the relevant statistics for the applicant’s revised development proposal based on the plans and drawings submitted to the Town:

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• Total Lot Area:	36.811 hectares (90.962 acres)
• Total Number of Units:	345 *
- Street Townhouses:	316
- Block Townhouses:	29 *
• Density (units/net residential hectare):	35.0 (14.2 units/net residential acre)
• Street Townhouse Blocks:	6.763 hectares (16.712 acres)
• Medium Density Block:	0.825 hectares (2.039 acres)
• Stormwater Management Pond Block:	1.133 hectares (2.8 acres)
• Park Block:	1.483 hectares (3.664 acres)
• Open Space Blocks:	0.301 hectares (0.744 acres)
• Natural Heritage System Blocks:	22.3 hectares (55.104 acres)
• Buffer Blocks:	0.108 hectares (0.267 acres)
• Road Widening Blocks:	0.291 hectares (0.719 acres)
• Reserve Blocks:	0.038 hectares (0.094 acres)
• Streets:	3.569 hectares (8.819 acres)

* The total number of townhouse dwelling units within Block 53 (Medium Density Residential) will be determined at a future date, upon the submission of a Site Plan application

Planning Analysis:

Town of Richmond Hill Official Plan

The subject lands are designated **Medium Density Residential**, **Natural Heritage System** and **Protected Countryside** in accordance with Schedule A (Land Use Plan) to the North Leslie Secondary Plan (the “Secondary Plan”) (refer to Map 2). The **Medium Density Residential** designation permits street and block townhouses and other low rise housing forms to a density of between 35-60 units per net residential hectare (14 to 25 units per net residential acre) and a maximum building height of 4 storeys. The proposed townhouse dwellings on the subject lands are contained within the limits of this designation, and the proposed development conforms with the relevant land use, density and height policies prescribed in the Secondary Plan.

The portion of the lands designated **Natural Heritage System** and **Protected Countryside** are located within the Greenbelt Plan Area and are to be set aside for environmental protection and acquired by the Town or other public agency. These lands are to have their boundaries established through the approved Master Environmental Servicing Plan and the approval of a site-specific Environmental Impact Statement, and are to be placed in an environmentally protective zoning category.

Oak Ridges Moraine Conservation Plan

The majority of the subject lands are located within the *Oak Ridges Moraine Conservation Plan* (the “ORMCP”) and are designated **Settlement Area**. Permitted uses within this designation include all uses permitted by the applicable Official Plan

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(i.e. the North Leslie Secondary Plan), subject to compliance with a number of provisions of the ORMCP relating to the identification and protection of natural heritage and hydrological features. Based on the preceding, staff is of the opinion that the applicant's development proposal conforms to the Official Plan and the ORMCP.

Zoning By-law Amendment Application

The subject lands are zoned **Agricultural (A1) Zone** under By-law 2325-68, as amended, and **Urban (UR) Zone** under By-law 128-04, as amended. Permitted uses in the **Agricultural (A1) Zone** include agricultural and related uses, kennels or veterinarian establishments, one single detached dwelling, schools, clinics, places of worship and conservation projects. Permitted uses in the **Urban (UR) Zone** include uses lawfully in existence as of November 15, 2001, bed and breakfast establishments, public infrastructure, one single detached dwelling and home occupation. The existing zoning of the lands does not permit the uses envisioned by the Secondary Plan nor the uses proposed by the subject development applications.

By-law 55-15 is the parent Zoning By-law for the North Leslie Secondary Plan area. The applicant is proposing to include the subject lands within the boundaries of By-law 55-15 and to rezone the lands accordingly to implement the draft Plan of Subdivision. The applicant is seeking approval to rezone the subject lands to **Residential Wide Shallow Two (RWS2) Zone, Multiple Residential Four (RM4) Zone, Park (P) Zone, Environmental Protection Two (EPA2) Zone** and **Open Space (O) Zone** under By-law 55-15, as amended, in order to facilitate the construction of 345 townhouse dwellings, and to set-aside parkland, open space and lands for environmental protection (refer to Appendix B). The applicant has also requested site-specific development standards or exceptions to the residential zones to recognize the following:

- to increase the maximum building height to 4 storeys for Blocks 8-13 adjacent to the TransCanada Pipeline easement and Blocks 5-7 adjacent to the proposed stormwater management pond (Block 54);
- a blanket provision to prohibit swimming pools within the requested **RWS2** and **RM4** residential zones;
- protection for geotechnical and groundwater stability and quality by way of prohibiting any excavations and/or structures to be located below the Inferred Maximum Excavation Depth (the "IMED");
- provision for permanent building or structure setbacks to protect for the adjacent TransCanada Pipeline;
- consistency with the Town's current standards for building setbacks from daylighting triangles acquired by either the Town or the Region of York; and,
- general "housekeeping" amendments to By-law 55-15 which are discussed below.

The requested site specific exceptions serve to implement the submitted draft Plan of Subdivision and are largely due to the unusual limits of development in the ORMCP as well as grading issues on account of the IMED. Specific elevations consistent with the

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Secondary Plan relating to safe excavation depth have been captured in the implementing Zoning By-law to ensure a sufficient till cap over the underlying aquifer is maintained. Furthermore, the applicant is proposing to comply with the majority of typical development standards, including maximum lot coverage and minimum yard requirements.

Council has previously approved a series of general “housekeeping” revisions to By-law 55-15 that were needed to accommodate the various housing forms envisioned by the Secondary Plan and to provide for more consistent streetscapes within the residential portions of the plan area. The revisions also correct redundancies in the existing document and provide more flexibility in housing design to assist landowners in achieving the minimum density requirements of the Secondary Plan. Furthermore, an updated version of By-law 55-15 was recently approved by the LPAT through its Decision issued November 7, 2018 which incorporates a number of general “housekeeping” amendments to address live-work units and rear lane townhouses.

The applicant's draft Zoning By-law Amendment includes the same general “housekeeping” amendments to By-law No. 55-15, which are supported because they are intended to become applicable to other North Leslie developments at such time as they are approved and their lands brought into By-law 55-15. As such, the applicant's proposed Zoning By-law amendment is supported, as it will implement the draft Plan of Subdivision. The amending Zoning By-law will be finalized in conjunction with the applicant, for approval by the LPAT.

Based on the preceding, staff is of the opinion that the proposed Zoning By-law Amendment application implements the submitted draft Plan of Subdivision, conforms to the Official Plan and the ORMCP, and represents good planning.

Draft Plan of Subdivision Application

The draft Plan of Subdivision is an integral component of the comprehensively planned North Leslie Secondary Plan (refer to Maps 2 and 3). The draft Plan of Subdivision proposes to facilitate a residential development comprised of 52 blocks of street townhouses and 1 block for medium density residential purposes for a total of 345 dwelling units. The proposed development is supported by blocks for stormwater management (Block 54), parkland (Block 55), open space (Blocks 56 and 57), landscape/grading buffer (Blocks 60 and 61), road widening (Blocks 62 – 64) and related 0.3 metre reserve (Blocks 65 – 67) purposes (refer to Map 6). Blocks 62 – 67 will be conveyed to York Region for improvements to 19th Avenue and Bayview Avenue. Similarly, stormwater management pond Block 54, Park Block 55, natural heritage system Blocks 58 and 59 (for environmental protection purposes) and open space Blocks 56 and 57 (environmental buffer) will be conveyed to the Town.

Subject to the conditions of draft approval contained in Appendix C attached hereto, staff is of the opinion that the draft Plan of Subdivision application conforms with the

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Official Plan and the *Oak Ridges Moraine Conservation Plan*, and has appropriate regard for the criteria under Section 51(24) of the *Planning Act*.

Parkland

For the North Leslie West area, the parkland dedication requirements have been determined at the Block Plan level. This approach to parkland dedication is beneficial from the Town's perspective because it will facilitate parkland over-dedications within specific subdivisions and thereby enable the Town to consolidate large parkland parcels (e.g. community parks) without the need to purchase land outside the development approvals process.

On January 30, 2017, Council approved the recommendations of Staff Report SRPRS.17.018, which facilitated approval of a North Leslie West Master Parks Agreement for the North Leslie West community. The purpose of the Master Parks Agreement is to balance the inequitable distribution of parkland amongst the individual subdivisions through a single guiding agreement that simplifies administration. The recommended Conditions of Draft Approval (refer to Appendix C) require the owner to enter into this Master Parks Agreement with the Town and to provide the Town with confirmation by the Trustee for the North Leslie West Landowners Group, that the Master Parks Agreement has been adhered to, prior to registration of any phase of the subdivision.

Council and Public Comments

No comments from Council or members of the public were received for this subject development proposal as of the writing of this report.

Department and External Agency Comments

All circulated Town departments and external agencies have indicated that they have no objections and/or have provided conditions of draft approval with respect to the proposed Zoning By-law Amendment and draft Plan of Subdivision applications, including York Region and the Toronto and Region Conservation Authority, as well as the Town's Development Engineering Division and Park and Natural Heritage Planning Section. The schedule of draft plan conditions is attached as Appendix C hereto.

Interim Growth Management Strategy:

Council has approved and implemented a comprehensive strategy comprised of eight growth management eligibility criteria as a means of assessing and prioritizing development applications for the receipt of servicing allocation. The criteria are as follows:

1. *Providing community benefits and completion of required key infrastructure.*
2. *Developments that have a mix of uses to provide for live-work relationships.*
3. *Developments that enhance the vitality of the Downtown Core.*
4. *Higher-order transit supportive development.*

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5. *Developments that represent sustainable and innovative community and building design.*
6. *Completion of communities.*
7. *Small scale infill development.*
8. *Opportunities to provide affordable housing.*

The applicant has submitted a Sustainability Performance Metrics Tool in support of fulfilling the requirements of IGMS Criteria 5 (Sustainable and Innovative Community and Building Design), demonstrating an overall application score of 22 points which represents a “good” score for a draft Plan of Subdivision application. As the submission was filed in 2017, staff will need to complete another review to ensure that it is current and that the proposed sustainability measures are achievable. An updated submission or additional details may be requested of the applicant prior to finalization of a Sustainable Building Design Agreement to secure the works (if necessary) and subdivision registration. Given that the initial submission exceeds the established minimum threshold score, staff recommends that 425 persons equivalent of servicing allocation (142 townhouse dwelling units) be assigned to the subject lands to facilitate the first phase of development at this time. Staff note that the allocation of servicing capacity to Block 53 (Medium Density Residential) on the draft plan will occur through a future Site Plan approval process.

The Town’s Interim Growth Management Strategy (IGMS) provides that in the case of multi-phase ground-related developments, additional servicing allocation will be considered once 50% of the registered lots in the prior phase are under construction. 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 future phases of servicing 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 One – Stronger Connections in Richmond Hill** in working towards stronger connections of natural corridors and green spaces, **Goal Two – Better Choice in Richmond Hill** in facilitating a range of housing options within the Town, and **Goal Four - Wise Management of Resources in Richmond Hill** by protecting green spaces and supporting responsible use of available land.

Conclusion:

The applicant is seeking approval of its Zoning By-law Amendment and draft Plan of Subdivision applications from the Local Planning Appeal Tribunal in order to facilitate

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the construction of a medium density residential development comprised of approximately 345 townhouse dwelling units on the subject lands. In this regard, the LPAT has scheduled a second Pre-hearing Conference on April 24, 2019.

Staff is of the opinion that the revised Zoning By-law Amendment and draft Plan of Subdivision applications conform with the North Leslie Secondary Plan, are consistent with the approved Master Environmental Servicing Plan (MESP) for the North Leslie West area, have regard for the criteria under Section 51(24) of the *Planning Act*, and represent good planning. On this basis, staff recommends that the LPAT be advised that the Town supports the revised applications, as outlined in the recommendations of Staff Report SRPRS.19.064.

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#16-15 held April 1, 2015
- Appendix B – Draft Zoning By-law
- Appendix C – Schedule of Conditions of Draft Plan Approval 19T(R)-03010
- Map 1 – Aerial Photograph
- Map 2 – North Leslie Secondary Plan – Schedule ‘A’ Land Use Plan
- Map 3 – North Leslie (West) Overall Concept Plan
- Map 4 – “Mizrahi” Draft Plan of Subdivision
- Map 5 – Original (“Earlglen”) Draft Plan of Subdivision
- Map 6 – Revised (“Earlglen”) Draft Plan of Subdivision

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Report Approval Details

Document Title:	SRPRS.19.064 - Earlglen Investments Inc. - Request for Approval - D02-03044 and D03-03010.docx
Attachments:	<ul style="list-style-type: none">- SRPRS.19.064 - Appendix A.pdf- SRPRS.19.064 - Appendix B.pdf- SRPRS.19.064 - Appendix C.pdf- MAP_1_AERIAL_PHOTOGRAPH.pdf- MAP_2__NORTH_LESLIE_SECONDARY_PLAN_SCHEDULE_A_LAND_USE.pdf- MAP_3_NORTH_LESLIE_WEST_OVERALL_CONCEPT_PLAN.pdf- MAP_4_MIZRAHI_DRAFT_PLAN_OF_SUBDIVISION.pdf- MAP_5_ORIGINAL_EARGLLEN_DRAFT_PLAN_OF_SUBDIVISION.pdf- MAP_6_REVISIED_EARGLLEN_DRAFT_PLAN_OF_SUBDIVISION.pdf
Final Approval Date:	Mar 21, 2019

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

Gus Galanis - Mar 20, 2019 - 4:46 PM

Kelvin Kwan - Mar 21, 2019 - 7:27 AM

Neil Garbe - Mar 21, 2019 - 9:07 AM