



## **Staff Report for Committee of the Whole Meeting**

**Date of Meeting:** May 7, 2019

**Report Number:** SRPRS.19.046

**Department:** Planning and Regulatory Services

**Division:** Development Planning

**Subject:** **SRPRS.19.046 – Request for Direction – Official Plan Amendment and Zoning By-law Amendment Applications – 2515756 Ontario Inc. and Joey Falvo – City Files D01-14003 and D02-14014**

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### **Owners:**

2515756 Ontario Inc.  
7685 Martin Grove Road  
Woodbridge, Ontario  
L4L 1B5

Joey Falvo  
PO Box 77057  
Martin Grove Road  
Woodbridge, Ontario  
L4L 9S3

### **Agents:**

Parente Borean LLP  
3883 Highway 7, Suite 207  
Woodbridge, Ontario  
L4L 6C1

MPLAN Inc.  
23 Foxwood Road  
Thornhill, Ontario  
L4J 9C4

### **Location:**

Legal Description: Part of Block A and all of Block B, Plan 4667  
Municipal Addresses: 11488 Yonge Street and 49 Gamble Road

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### **Purpose:**

A request for direction regarding Official Plan Amendment and Zoning By-law Amendment applications to permit a high density residential development comprised of stacked townhouses and an apartment building on the subject lands.

### **Recommendations:**

- a) **That the Local Planning Appeal Tribunal be advised that Council does not support the Official Plan Amendment and Zoning By-law Amendment applications submitted by 2515756 Ontario Inc. and Joey Falvo for lands known as Part of Block A and all of Block B, Plan 4667 (Municipal Addresses: 11488 Yonge Street and 49 Gamble Road), City Files D01-14003 and D02-14014 for the principle reasons outlined in SRPRS.19.046; and,**
- b) **That appropriate City 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 Deborah Giannetta, Manager of Development, Site Plans, phone number 905-771-5542

### **Report Approval:**

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

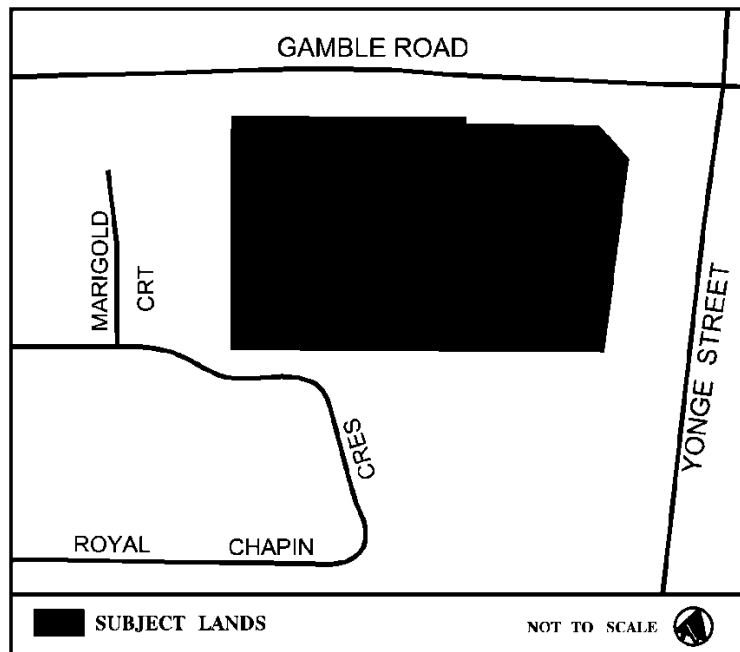
**Approved by:** Neil Garbe, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. 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 person listed under “Contact Person” above.



### Background:

The subject Official Plan Amendment and Zoning By-law Amendment applications were originally submitted to the City by The Emerald Developments Inc. on May 9, 2014 and deemed complete on June 24, 2014, prior to Bill 139 receiving Royal Assent on December 12, 2017. The original development proposal sought approval of a high density residential development comprised of two apartment buildings of eight and five storeys in height, with a total of 264 dwelling units and vehicular access from Gamble Road (refer to Map 3). A statutory Council Public Meeting was held on September 17, 2014 wherein Council received Staff Report SRPRS.14.174 for information purposes and directed that all comments be referred back to staff (refer to Appendix A). A Neighbourhood Residents Information Meeting regarding the subject applications was hosted by the local Ward Councillor on September 11, 2014. At both meetings, a number of issues and concerns were raised by staff, Council and the public with respect to the applicants' development proposal, which are detailed later in this report.

Ownership of the subject lands changed to 2515756 Ontario Inc. and Joey Falvo. On February 28, 2018, the current owners submitted a revised development proposal consisting of two five storey stacked townhouse buildings with a total of 56 units on the westerly portion of the subject lands and a 10 storey apartment building with 114 dwelling units on the easterly portion of the subject lands, with vehicular access for both

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sites from Gamble Road (refer to Maps 4 to 10). The revised proposal was not deemed complete until June 6, 2018.

On March 27, 2018, the new owners appealed their Official Plan and Zoning By-Law Amendment applications to the Ontario Municipal Board (now the Local Planning Appeal Tribunal (LPAT)) on the basis that the City failed to make a decision on its applications within the prescribed timeframes under the *Planning Act*.

An LPAT Pre-Hearing Conference (“PHC”) was held on November 7, 2018 with respect to the subject applications. The City, the appellant, and the Toronto and Region Conservation Authority (“TRCA”) were granted Party status to the proceedings, and 11 residents were granted Participant status. A second PHC by teleconference call has been scheduled for May 31, 2019 in anticipation that the City will have a position from Council with regard to the applicants revised development proposal, as well as authorization for City staff to attend LPAT proceedings in support of said position. Accordingly, the purpose of this report is to seek Council’s direction with respect to the applicants revised development proposal and to direct City staff to appear at the LPAT in support of Council’s position concerning the subject applications. As the appeals predate April 3, 2018, they will be addressed through the statutory regime that was in effect at the time of the appeals, that is the former Ontario Municipal Board process.

## Summary Analysis:

### Site Location and Adjacent Uses

The subject lands are located on the southwest corner of Yonge Street and Gamble Road and are comprised of two properties with a combined lot area of 1.19 hectares (2.94 acres) (refer to Map 1). The lands presently support a new homes sales pavilion at 11488 Yonge Street and an existing single detached dwelling at 49 Gamble Road, both of which are to be demolished to facilitate the proposed development. A tributary of the Rouge River bisects the lands in a southeasterly direction. Adjacent land uses consist of primarily medium density residential uses and environmental lands (refer to Map 2) as follows:

- to the north Gamble Road, vacant lands and City-owned environmental lands;
- to the south existing medium density residential development and City-owned environmental lands;
- to the east Yonge Street and existing low density residential development; and,
- to the west existing medium density residential development fronting on Royal Chapin Crescent and Marigold Court.

### Revised Development Proposal

The applicants are seeking approval to construct a high density residential development comprised of 56 stacked townhouse units within two five storey buildings on the westerly portion of the lands and a 10 storey apartment building with 114 dwelling units on the easterly portion of the lands abutting Yonge Street (refer to Maps 4 to 10).

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Underground parking and two access points onto Gamble Road are proposed to support the proposed development. Outlined below is a comparison of the relevant statistics with respect to the applicants original and revised proposal based on the plans and drawings submitted to the City:

STATISTICS	ORIGINAL PROPOSAL	REVISED PROPOSAL
<b>Combined Lot Area:</b>	<b>1.19 hectares (2.94 acres)</b>	<b>1.19 hectares (2.94 acres)</b>
<b>Area of Valley Land Feature</b> (based on the proposal):	<b>0.41 hectares (1.01 acres)</b>	<b>0.45 hectares (1.11 acres)</b>
<b>Developable Area</b> (based on the proposal):	<b>0.79 hectares (1.94 acres)</b>	<b>0.67 hectares (1.65 acres)</b>
<b>Number of Buildings:</b>	<b>2 apartment buildings</b>	<b>3 (1 apartment building and 2 blocks of stacked townhouses)</b>
<b>Total Number of Units:</b>		<b>170</b>
Apartment:	<b>264 apartment units</b>	<b>114</b>
Townhouses:		<b>56</b>
<b>Total GFA:</b>	<b>21,605.0 square metres (232,562.0 square feet)</b>	<b>20,379.6 square metres (219,371.4 square feet)</b>
<b>Density/Floor Space Index</b> (based on Developable Area):	<b>2.0 FSI (49 Gamble Road) 3.56 FSI (11488 Yonge Street)</b>	<b>4.8 FSI</b>
Apartment:		<b>151.2 units per hectare (61.2 units per acre)</b>
Townhouses:		<b>N/A</b>
<b>Building Heights:</b>	<b>5 storeys (17 metres) (Gamble Road)</b>	<b>10 storeys (36.1 metres)</b>
Apartment:	<b>8 storeys (26 metres) (Yonge Street)</b>	
Townhouses:	<b>N/A</b>	<b>5 storeys (15.3 metres)</b>
<b>Total Parking Spaces:</b>	<b>322</b>	<b>255</b>
Apartment:	<b>123 underground (Gamble Road) 199 underground (Yonge Street)</b>	<b>170 (8 surface, 162 underground)</b>
Townhouses:	<b>N/A</b>	<b>85 (3 surface, 82 underground)</b>

The proposed development is subject to Site Plan Control. At the time of preparation of this report, a Site Plan application in support of the proposed development had not been submitted to the City.

## Planning Analysis:

Staff has concluded a comprehensive review of the subject applications and is of the opinion that the revised development proposal as presently constituted is not supportable for the following principle reasons:

- the applicants have not demonstrated conformity with the provisions of the *Oak Ridges Moraine Conservation Plan* (2017) (the “ORMCP”), *Regional Official Plan* (2010) (the “ROP”) and *City of Richmond Hill Official Plan*, 2010 (the “Plan”) given that the limits of development alongside the tributary that bisects the lands and its associated minimum buffers/vegetation protection zones have not been determined;

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- the proposal has not demonstrated conformity with the ORMCP and the Plan as it pertains to key natural heritage features, key hydrological features, related minimum vegetation protection zones, major development policies and conformity with the *Rouge River Watershed Plan* (2007);
- the proposal has not demonstrated conformity with the provisions of the *CTC Sourcewater Protection Plan* (2015) (the “CTC SPP”);
- the proposal does not have regard for the Plan in terms of land use, building height, density, compatibility and transitional neighbourhood policies;
- the proposal does not have regard for the Plan in terms of the urban structure framework and constitutes over development of the site;
- the applicants have not demonstrated the technical feasibility of the development proposal;
- the high density residential use in the form of a high-rise apartment building proposed within the portion of the site designated **Regional Mixed Use Corridor** is not considered appropriate; and,
- the medium density residential use in the form of a mid-rise building (stacked townhouses) fronting onto Gamble Road and proposed within the portion of the site designated **Neighbourhood** is not considered appropriate.

Outlined below is a detailed analysis of the aforementioned key issues with respect to the proposed development relative to the Provincial policy regime and the Plan.

### Provincial Policy Regime

Staff has undertaken a comprehensive review and evaluation of the applicants revised development proposal based on the policy framework contained within the *Provincial Policy Statement* (2014) (the “PPS”), the *Growth Plan for the Greater Golden Horseshoe* (2017) (the “Growth Plan”), the *Greenbelt Plan* (2017), the *Oak Ridges Moraine Conservation Plan* (2017) (the “ORMCP”), the *Regional Official Plan* (2010) (the “ROP”) and the City’s Official Plan (the “Plan”). A detailed overview of the applicable Provincial, Regional and City policies was provided in Staff Report SRPRS.14.174.

Staff notes that the City’s in-force Plan is consistent with the PPS, and conforms with the Growth Plan, Greenbelt Plan and the ROP that were in-force at the time of its approval. Since the Plan’s approval, the PPS was updated in 2014 and the Growth Plan, Greenbelt Plan and ORMCP were updated in 2017. Below is a more detailed outline of the proposal relative to the ROP, the Plan and ORMCP.

### Region of York Official Plan (2010)

The lands are designed **Urban Area** and **Regional Greenland System** in accordance with Map – 1 (Regional Structure) and Map – 2 (Regional Greenlands System) of the ROP (refer to Maps 11 and 12). The lands are located on Yonge Street, a **Regional Corridor** (refer to Maps 11 and 13) and also identified as a **Regional Rapid Transit Corridor** on Map – 11 (Transit Network) of the ROP (refer to Map 13).

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The **Urban Area** policies permit a full range and mix of urban uses including residential, commercial, industrial and institutional uses. The portion of the property containing the tributary of the Rouge River is designated **Regional Greenland System** (Regional Greenlands). In accordance with the policies of the ROP, Regional Greenlands are to be protected and enhanced, and new development and site alteration within the vicinity of the System is to be controlled (Policy 2.1.1). The ROP policies also stipulate that development and site alteration be prohibited within the **Regional Greenlands System** and require that development and site alteration applications within 120 metres of the **Regional Greenlands System** shall be accompanied by an Environmental Impact Study in accordance with the requirements of applicable Provincial Plans and the local municipality (Policy 2.1.9). Regional Planning staff have provided comments on the subject development proposal and have deferred the evaluation of natural heritage and environmental studies to the City and TRCA (refer to Appendix F). To date, the applicants have not provided sufficient information to allow the City and the TRCA to confirm the limits of development which is fundamental in determining compliance with the ROP and ultimately the appropriateness of the development proposal.

### City of Richmond Hill Official Plan (2010)

The Plan establishes a comprehensive Urban Structure and policy regime for the City. In this regard, the lands are designated **Regional Mixed Use Corridor**, **Neighbourhood** and **Natural Core** in accordance with Schedule – A2 (Land Use) to the Plan (refer to Map 15) and are located within the **Greenway System** in accordance with Schedule – A1 (Urban Structure) (refer to Map 14). The lands are also located within the **Settlement Area** of the ORMCP in accordance with Schedule – A3 (Settlement Area) to the Plan (refer to Map 16) and are located along Yonge Street which is identified as a **Regional Rapid Transit Corridor** in accordance with Appendix – 5 (Public Rapid Transit) to the Plan (refer to Map 17). It is noted that both Yonge Street and Gamble Road are classified as arterial streets in accordance with Schedule – A8 (Street Classification) to the Plan (refer to Map 18).

The **Regional Mixed Use Corridor** designation applies to the easterly portion of the lands and supports a broad range and mix of land uses and activities in a compact, pedestrian-friendly and transit-oriented built form. The **Neighbourhood** designation applies to the westerly portion of the lands and is intended to accommodate limited intensification through small-scale infill and redevelopment with low-rise low density built forms. The central portion of the property containing the tributary of the Rouge River is designated **Natural Core** and **Greenway System**. The purpose of **Natural Core** areas is to maintain and, wherever possible, improve or restore the ecological integrity of natural features and functions outside of the central corridor of the ORMCP. Pursuant to the **Natural Core** designation that traverses the subject lands, the predominant use of land within this designation shall be for fish, wildlife and forest management, conservation projects and flood and erosion control projects, essential transportation, infrastructure and utilities, low-intensity recreational uses, unserviced parks and accessory uses. Furthermore, lands within the **Natural Core** designation shall be protected over the long term in order to maintain and, wherever possible, enhance the

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size, diversity, health, connectivity, and resiliency of the **Greenway System**. Similarly, the **Greenway System** is comprised of environmental, agricultural and urban open space lands that are intended to be protected, enhanced and actively managed over the long term.

Additionally, the central portion of the lands are also subject to the **Settlement Area** policies of the ORMCP. Development on lands within the **Settlement Area** designation is to be focused and contained by minimizing the impact on significant ecological and hydrological features. As the development proposal qualifies as “Major Development” on the ORMCP, the subject proposal is required to conform with the applicable watershed plan (i.e. Rouge River Watershed Plan, 2007).

### Discussion and Analysis

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

#### ORMCP Conformity

As noted previously, the lands are located within the **Settlement Area** as defined in accordance with the ORMCP. Permitted uses within the **Settlement Area** designation include urban uses and development as permitted by the applicable Official Plan (i.e. City of Richmond Hill Official Plan), subject to compliance with a number of provisions of the ORMCP relating to the identification and protection of natural heritage and hydrological features and the provision of required supporting documents and materials. In consideration of the **Settlement Area** policies of the ORMCP which are relevant to the evaluation and appropriateness of the proposed development on the subject lands, staff provides the following overview:

- the lands are located within the **Settlement Area** land use designation of the ORMCP and are therefore subject to the requirements of Sections 19(3) and 31(4) of the ORMCP;
- the development proposal qualifies as Major Development in accordance with the ORMCP (Section 3(1)); and,
- the minimum area of influence (“AOI”) and minimum vegetation protection zone(s) (“MVPZs”) that relate to the *Key Natural Heritage Features* (“KNHFs”) and *Key Hydrological Features* (“KHF”) are to be established (Section 21(1)).

In addition to the above, a key element in the review and evaluation of the subject development proposal is the provision of required supporting documents and materials in accordance with the ORMCP. In this regard, sufficient information, such as revised Natural Heritage Evaluation, Environmental Impact Study and ORMCP Conformity Statement, etc., has not been submitted to allow City and TRCA staff to confirm the limits of development and therefore conformity with the ORMCP and ROP cannot be determined. This is fundamental in the continued review and evaluation of the development proposal. Confirmation is contingent upon the submission of revised reports and materials that accurately delineate the Regulatory Flood Plain and



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corresponding development limits of the property. These materials are required by the City and TRCA to not only determine the limits of features designated as KNHFs and KHF on the site, but to establish the requisite minimum buffers/vegetation protection zones from the limit of the feature(s) in order to accurately calculate the developable area and site density relating to the subject proposal.

It is important to note that the Plan policies were derived from the ORMCP which forms the basis of staff's review of the subject development proposal. In this regard, lands located within the City's **Greenway System** in accordance with the Plan form part of the larger **Regional Greenlands Systems** which are also governed by the ORMCP. The **Greenway System** policies stipulate that natural features and functions shall be protected and enhanced both on and off the ORMCP Area over the long term and state that the limits of a KNHF or a KHF or its functions must be determined through the appropriate application approval process. Development in the **Settlement Area** that abuts the **Greenway System** must also provide a naturalized transition to the **Greenway System**.

With respect to the **Natural Core** designation, a tributary is located within the central portion of the lands which forms part of the Rouge River watershed (refer to Map 15). Accordingly, the tributary and its environs constitute a KNHF and KHF. As such, the ORMCP and the Plan policies pertaining to KNHFs and KHF and the prescribed MVPZs apply to this tributary. The greatest extent of the delineated limit of the features and the related MVPZs constitutes the **Natural Core** designation. The delineated limit of the key natural heritage/hydrological features depicted on the applicants Site Plan does not appear to conform to the ORMCP or the Plan policies (refer to Appendices C and E). In addition, the tributary and its environs also constitute hazardous lands as defined within the Plan. TRCA staff has also noted concerns with the delineated Regulatory Flood Plain, erosion hazard limit, extent of the natural feature (stream corridor) and the related buffers depicted on the applicants Site Plan (refer to Appendix 4). Based on their concerns, TRCA has requested to be a party to the appeal of the development applications and matters relating to applicable regulations and policies. Furthermore, the policies require the conveyance of environmental and hazardous lands into public ownership to ensure its protection over the long term. However, until the limit of the **Natural Core** designation, the hazardous lands and its related buffer(s) are determined, the appropriateness of the proposed limit of development along the tributary cannot be appropriately evaluated.

To summarize the above conformity issues, the development limits of the applicants' landholdings and related minimum buffers/vegetation protection zones have not been confirmed in accordance with the provisions of the ORMCP, ROP and the Plan. On this basis, staff cannot determine conformity with respect to the provisions of the ORMCP, ROP and the Plan. This is a fundamental component of the application review process and required in order for the City and TRCA to evaluate the appropriateness of the applicants' proposal. Furthermore, any proposed development or encroachment into

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required buffers to any development limits, once determined, will not be permitted due to the significant ecological and hydrological features on the site.

Based on the preceding, staff cannot support the subject applications as the development limits and requisite minimum buffers have not been established in accordance with the ORMCP.

### Land Use

In terms of land use, the subject development proposal is not entirely consistent with the prescribed vision and policies of the City's Plan which contemplates an integrated, mixed-use development scheme within the **Regional Mixed Use Corridor** portion of the site and low-rise residential uses within the **Neighbourhood** portion of the site. The applicants' proposal considers a high-rise apartment building and a mid-rise building (stacked townhouses) with building heights and densities that exceed the maximum requirements stipulated in the Plan. Furthermore, the increased heights and densities sought in the applicants' proposal profoundly change the built form of development contemplated in the Plan. In this regard, transitional policies direct that development transition to a compatible built form adjacent to low-rise residential areas. The subject proposal introduces a built form not envisioned in the **Regional Mixed Use Corridor** or **Neighbourhood** designations as discussed below.

Regional Corridors function as key connections between centres in York Region and across the Greater Toronto Area, accommodating rapid transit. While the Regional Corridors are anticipated to accommodate intensification, the Plan recognizes that the character of the areas along the corridors vary and therefore, certain portions of the Regional Corridors will not develop or intensify in order to protect the **Greenway System** and maintain neighbourhood character. Intensification is planned along the **Regional Mixed Use Corridor**, but not envisioned at the height and density as proposed by the subject applications. This is evidenced by policies that support a mid-rise built form up to eight storeys as prescribed by the Plan for this portion of the **Regional Mixed Use Corridor** that responds to the existing and planned low-rise context of the surrounding area. Furthermore, development within the **Regional Mixed Use Corridor** is encouraged to provide a mix of uses within the same building or in separate buildings that are functionally integrated on the same site. The integration of uses contributes to the development of complete communities and supports the efficient use of land, infrastructure and public transit, particularly along Yonge Street, where mixed use developments contribute to the animation of Regional Corridors. The proposed apartment building does not incorporate at-grade commercial uses and activities to support a compact, pedestrian-friendly and transit-oriented built form in accordance with the policies of the Plan.

Within the portion of the site designated **Neighbourhood**, the Plan directs for limited intensification with redevelopment and new development in a low-rise, low density built form. The applicants' proposal includes medium density residential uses in the form of stacked townhouses in two five storey buildings. In this regard, Policy 4.9.1.2 of the

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Plan permits medium density uses such as townhouses along arterial streets within the **Neighbourhood** designation, and only on collector and local streets where there is a Council approved Tertiary Plan that directs these uses, where appropriate. The subject lands have frontage on Gamble Road, an arterial street, and Royal Chapin Crescent, a local street. Townhouse Block 1 is proposed to front onto Royal Chapin Crescent which does not conform with the medium density residential development policies or transitional neighbourhood policies of the Plan. Furthermore, the increased height and density proposed by the subject applications constitutes a mid-rise form of development which is defined in the Plan as “buildings or structures with heights ranging between five storeys and eight storeys.” Based on the foregoing, the subject development proposal does not provide for appropriate transition to the surrounding low-rise context in accordance with the policies of the Plan.

In addition to the above land use matters, staff is unable to make a determination on conformity with respect to the ORMCP and ROP given that the limits of development alongside the tributary and the associated minimum buffers/vegetation protection zones have not yet been determined. As noted previously, the central portion of the lands are subject to the **Natural Core** policies of the Plan and **Settlement Area** policies of the ORMCP on account of a tributary of the Rouge River which traverses and bisects the property. The tributary forms part of the **Greenway System**, a component of the City’s urban framework structure, and larger **Regional Greenlands System** which is also governed by the ORMCP. In accordance with the applicable Provincial, Regional and City policies, the lands subject to the tributary are to be protected and enhanced over the long term.

In addition to the preceding, there are a number of key elements of the subject development proposal that do not align specifically with the Plan. These include building height, site density, compatibility and transition to the surrounding neighbourhood areas, as well as the provision of required supporting documents and materials which are discussed in detail below.

### Height and Density

The proposed development contemplates one 10 storey apartment building comprising 114 units and a density of 4.8 FSI within the portion of the site designated **Regional Mixed Use Corridor** whereas the Plan stipulates a maximum building height of eight storeys (Policy 4.6.1.10) and a maximum density of 2.0 FSI (Policy 4.6.1.8). With regard to the portion of the site designated **Neighbourhood**, the proposed development contemplates two blocks of stacked townhouses comprising 56 dwelling units with a building height of five storeys and a density of 151.2 units per hectare (61.3 units per acre). The Plan stipulates a maximum building height of four storeys on an arterial street (i.e. Gamble Road) (Policy 4.9.1.4) and a maximum density of 50 units per hectare (20 units per acre) (Policy 4.9.1.2.3) within the **Neighbourhood** designation. The proposed apartment building and stacked townhouses depart significantly from the height and density provisions established in the Plan.

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The proposed development contemplates a 10 storey apartment building within the portion of the site designated **Regional Mixed Use Corridor**. High-rise development is defined in the Plan as buildings or structures with a height of nine storeys or greater. In this regard, the proposal is subject to the transitional policies relating to high-rise buildings which require proper built form, design and landscape transitions to ensure compatibility with adjacent low density residential areas. More specifically, Policy 3.4.1.59 indicates that high-rise residential buildings shall generally have a slender floorplate above the podium of approximately 750 square metres (8,073.20 square feet) to adequately limit shadow and wind impacts and loss of skyview. The proposed apartment building comprises a slab building with a continuous building height of 10 storeys oriented along the Yonge Street frontage. Additional key site design elements that have not been achieved or demonstrated include, but are not limited to, the provision of adequate landscaping, appropriate outdoor amenity areas and on-site vehicular movements. Based on the applicants' development proposal, staff is of the opinion that the proposed 10 storey apartment building would not create a built form that achieves an appropriate transition in accordance with the policies of the Plan nor is it compatible in terms of the surrounding low-rise context.

According to policy 4.9.1.3 of the Plan, development shall be compatible with the existing character of adjacent and surrounding areas, including but not limited to, building forms and types, massing and provision for the appropriate transition of new development to adjacent low density or medium density residential areas. With regard to the proposed stacked townhouse buildings, this policy was intended to protect lands within the **Neighbourhood** designation (predominantly low density, low-rise residential uses) from the intrusion of higher density development on adjacent low density neighbourhoods and to minimize the associated adverse impacts of higher density developments in close proximity to low density residential areas. This policy also serves to ensure an appropriate balance is achieved between intensification efforts and the established abutting neighbourhoods through the application of provisions, including but not limited to, setback requirements. Staff is of the opinion that the proposed five storey stacked townhouses are not appropriate as they do not provide an appropriate transition to, nor are they compatible with, the existing two storey townhouses to the west and south of the subject site.

Additionally, Policy 4.9.1.2.2(a) of the Plan states that medium density residential uses may be permitted on lands that have frontage on an arterial street. The proposed development includes two blocks of stacked townhouses; one block fronting onto Gamble Road and one block fronting onto Royal Chapin Crescent. In accordance with Schedule A8 – (Street Classification) of the Plan, Gamble Road is classified as an arterial street, whereas Royal Chapin Crescent is classified as a local street (refer to Map 18). In this regard, conformity with the medium density residential policies espoused in Section 4.9.1.2 of the Plan is not fully achieved.

Further to the above, the urban structure framework identified in the Plan indicates that ***“the Neighbourhoods will accommodate only limited intensification through***

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***small-scale infill and redevelopment at a lower scale and intensity than any other area of the urban structure***” (Policy 3.1.3.14). Based on the increased building height sought, staff is of the opinion that this component of the subject proposal constitutes a “mid-rise” form of development which is not contemplated in a **Neighbourhood** designation.

The gradient heights and densities prescribed within the Plan ensure the provision of appropriate transition to existing lower density residential lands, yet at the same time, allow intensification that is in keeping with the broader policy objectives of the Plan. This is further supported by policies that limit height and densities coupled with additional policies (i.e. limiting building heights to a maximum of three storeys where new development abuts **Neighbourhood** designated lands) in order to ensure compatibility and to minimize the impact of intensive land uses. Furthermore, conformity with the transitional neighbourhood policies in the Plan relating to appropriate built form and landscape transitions of new development to adjacent areas shall be demonstrated. In this regard, development adjacent to the **Greenway System** shall provide a naturalized transition to the **Greenway System** (Policy 3.4.1.61) which the proposed development does not provide for.

Staff is of the opinion that the applicants’ development proposal is not compatible from a land use planning perspective as it does not demonstrate an appropriate transition with respect to the established built form and landscape on abutting lands and its surrounding low-rise context. The increased site density and building height sought in the applicants’ development proposal is not compatible in terms of the existing and planned surrounding low-rise context. It is important to note that other development proposals in proximity to the subject lands contemplate building heights that conform with the maximum height requirement as prescribed in the Plan and are more in keeping with the context of Yonge Street and Gamble Road. To illustrate this point, the development proposal on the southeast corner of Yonge Street and Gamble Road is seeking approval for a three storey office building (City File D02-15021) and the development on the northwest corner of Yonge Street and Gamble Road is seeking approval for four mixed use buildings with heights of four to six storeys with commercial uses at grade (fronting Yonge Street) (City File D02-16014).

Based on the preceding discussion, staff find that the applicants development scheme constitutes over development of the site which correlates with the requested increases in building heights, site density and reduction in requisite buffers as required by the Plan.

### **Feasibility of Development**

To ensure that the proposed development is feasible, a number of studies are required related to technical matters such as water balance, hydrogeology and access. In this regard, staff are of the opinion that the applicants have not fully demonstrated the technical feasibility of the development as outlined in the sections below.

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### **Major Development and CTC Sourcewater Protection Plan**

The proposal constitutes Major Development as defined by the ORMCP and the Plan. The Major Development policies direct that the proposal must conform with the approved watershed plan for the area (in this case, the Rouge River Watershed Plan, 2007). In addition, the subject lands are located within the Wellhead Protection Area – Q2 (WHPA-Q2) in the CTC. Accordingly, the proposal must meet the water balance requirements for pre and post development as prescribed in the CTC. The applicants have yet to satisfactorily address the aforementioned requirements of the ORMCP, the Plan and the CTC as it pertains to major development and the water balance for pre and post development (refer to Appendix E). Based on the foregoing, the proposal as presently constituted, does not conform to the ORMCP, the Plan and the CTC.

### **Hydrogeology**

The TRCA has advised that the lands are located within the Oak Ridges Aquifer. City and TRCA staff have reviewed the applicants' latest submission filed in support of the subject applications and note that the submission of a Hydrogeological Report and revisions to the Geotechnical Report is required (refer to Appendices B and E). Among other matters, the supporting documents must determine the feasibility of the proposed underground parking structure. In order to determine if the depth of excavation to construct the underground parking structure can be supported, additional information that includes but is not limited to, any construction or permanent dewatering impacts to the groundwater system, Natural Heritage system, adjacent structures and existing wells is required. This assessment shall also confirm the type of shoring system to be used for excavation of the underground parking structure. The applicants have proposed a three storey underground parking structure associated with the apartment building and one storey of underground parking to support the stacked townhouse development. Based on the foregoing, approval of the proposed development is premature and not supportable until such time that the aforementioned supporting documentation has been provided and determined appropriate.

### **Access**

In terms of access, the Region of York has directed that the proposed easterly access onto Gamble Road will be restricted to right-in/right-out operation only to serve the proposed apartment building and access will not be permitted to Gamble Road for the townhouse portion of the development, rather it is to be provided through Royal Chapin Crescent to the south. This requires significant revisions to the proposal as well as a revised Transportation Study to support the functionality of the proposed development (refer to Appendices B and F).

### **Departmental/Agency Comments:**

The following sections provide a summary of the comments received as of the writing of this report based on the review of the subject Official Plan and Zoning By-law Amendment applications and the associated background studies and reports submitted in support of same.

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### **Development Engineering Division**

Development Engineering staff has provided technical comments that need to be addressed for the proposed high density residential component of the development. Key matters raised include the feasibility of the proposed underground parking structure and compliance with minimum parking requirements, including the provision that visitor spaces be distributed between the surface and underground parking levels. Detailed comments in this regard are provided in Appendix B to this report.

### **Park and Natural Heritage Planning Section**

Parks staff has advised that neither the key natural heritage features nor buffers have been appropriately identified as per the policies of the Plan. A site visit in October 2018 identified a potential wetland at the south portion of the subject property. Additionally, staff has made technical comments with respect to the required Natural Heritage Evaluation, which must identify the impacts to key natural heritage or hydrologic features, and/or how these impacts can be mitigated through restoration or enhancement measures. Detailed comments that should be taken into consideration have been provided and are outlined in the memo attached as Appendix C to this report.

### **Urban Design and Heritage Section**

Urban Design staff has raised concerns with regard to the increased building height and density proposed for the subject development. Preliminary comments on the design elements of the proposal that should be taken into consideration have been provided and are outlined in the memo attached as Appendix D to this report.

### **Toronto and Region Conservation Authority**

The TRCA considers the subject applications premature and incomplete as a number of comments previously provided to the applicants remain outstanding. To this end, the development limits of the property and associated buffer requirements have not yet been established in a manner consistent with applicable policies. Detailed, general and technical comments in this regard have been provided and are outlined in the memo attached as Appendix E to this report.

### **Regional Municipality of York**

Based on the initial comments received from York Region, the applicants proposed Official Plan Amendment application generally conforms with the 2010 Regional Official Plan; however, Regional staff defers the evaluation of natural heritage and environmental studies to the City and TRCA. Key technical comments raised include the removal of proposed encroachments into the Regional road allowance, removal of existing entrances off of Yonge Street and restrictions to site access as previously mentioned (refer to Appendix F).

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### Public Comments

A number of concerns were raised at the Council Public Meeting as well as at the Neighbourhood Residents Meeting held by the local Ward Councillor and further identified at the PHC of November 7, 2018. These comments are summarized below:

- the proposal is excessive in terms of building height and density;
- the development proposal is incompatible with the character of the neighbourhood and will negatively impact existing properties;
- lower density development is preferred to maintain the character of the neighbourhood;
- an appropriate transition to the neighbouring townhouses is not achieved;
- insufficient ingress and egress onto Gamble Road;
- consideration to be given to the natural hazards including valley slopes and flooding from the Rouge River;
- increased levels of vehicular traffic on Lacewood Drive and Gamble Road as a result of the proposed development;
- increased noise levels and concerns relating to waste management service vehicles and emergency services vehicles accessing the area;
- shadowing and privacy concerns because of the height of the proposed buildings;
- safety concerns noted; and,
- the impact on local schools to accommodate the increased density as proposed by the subject applications.

### Development Planning Division

Based on the review and evaluation of the applicants revised development proposal, staff does not support the subject applications for the following principle reasons:

- the development limits along the tributary of the Rouge River have not been sufficiently established by the City and TRCA in accordance with the ORMCP;
- the required minimum buffers/vegetation protection zones from the limit of the feature(s) has not been sufficiently established by the City and TRCA as the development limits of the property have not been confirmed;
- staff are unable to confirm the site density and lot area calculations that apply to the **Regional Mixed Use Corridor** and **Neighbourhood** designated portions of the site proposed for development until the City and TRCA have confirmed and approved the limits of development and related 10 metre buffers to the feature(s);
- the City's **Greenway System** forms part of the larger **Regional Greenlands System** which includes portions of the ORMCP Area, the *Greenbelt Plan Area* and the *Parkway Belt West Plan Area* (Section 3.2.1). The proposed development does not conform with the transitional neighbourhood policies in the Plan which stipulate that development in the **Settlement Area** that abuts the **Greenway System** shall provide a naturalized transition to the **Greenway System**;



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- the site must demonstrate compliance with minimum required setbacks to any development limits, once determined, and deemed acceptable by the City and TRCA. Proposed development or encroachment into required buffers to any development limits will not be permitted due to the presence of significant ecological and hydrological features on the site;
- the proposed development constitutes over development of the site which is evidenced by the proposed excessive site density, building heights and reductions to requisite buffers contemplated in the subject applications;
- the proposed development does not conform with the building height and density policies for lands within a **Neighbourhood** designation as espoused in the Plan and does not provide for appropriate transition to the surrounding low-rise context;
- the proposed site density of 151.2 units per hectare (61.3 units per acre) for the stacked townhouse component does not conform with the urban structure framework identified in the Plan which stipulates that “***the Neighbourhoods will accommodate only limited intensification through small-scale infill and redevelopment at a lower scale and intensity than any other area of the urban structure***”;
- the proposed building height of five storeys exceeds the maximum height requirement of four storeys fronting Gamble Road (an arterial street) and three storeys fronting Royal Chapin Crescent (a local street) and therefore does not provide for appropriate transition to the surrounding 2 storey built form. Furthermore, a five storey building would constitute a “mid-rise” form of development which is not contemplated in the **Neighbourhood** designation;
- the proposed density of 151.2 units per hectare (61.3 units per acre) significantly departs from the Plan which stipulates a maximum density of 50 units per hectare (20 units per acre) permitted for medium density land uses within a **Neighbourhood** designation;
- the introduction of a five storey “mid-rise” building (stacked townhouses) fronting onto Royal Chapin Crescent (a local street) does not respect the established low-rise context or existing character of the neighbourhood;
- the proposed development does not conform with the building height, density and built form policies for lands within the **Regional Mixed Use Corridor** designation as established in the Plan and therefore does not provide for transition nor does it respond to the surrounding low-rise context. The proposed building height of 10 storeys exceeds the maximum height requirement of eight storeys as stipulated in the Plan. Furthermore, the proposed site density of 4.8 FSI (based on developable area) significantly departs from the Plan which stipulates a maximum of 2.0 FSI permitted for lands within this portion of the **Regional Mixed Use Corridor** (Yonge Street north of the **Key Development Area**);
- the proposed development does not include at-grade commercial uses in accordance with the Plan; and,

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- technical concerns related to hydrogeological, environmental and general site development matters on local, Regional and Conservation Authority levels are considered significant and therefore do not represent good planning principles upon which staff can support the subject proposal.

### **Financial/Staffing/Other Implications:**

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

### **Relationship to the Strategic Plan:**

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

### **Conclusion:**

The applicants are seeking approval of revised Official Plan and Zoning By-law Amendment applications in order to permit the construction of a high density residential development on its landholdings. Based on the principle reasons outlined in this report, staff is of the opinion that the subject applications do not represent good planning and therefore cannot support the applications. Accordingly, staff recommends that Council deny the applicants revised development proposal and direct appropriate staff appear at the LPAT in support of Council's position on this matter.

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### Attachments:

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

- Appendix A – Extract of Council Public Meeting C#29-14
- Appendix B – Memo from Development Engineering dated September 21, 2018
- Appendix C – Email from Parks and Natural Heritage Planning Section dated March 11, 2019
- Appendix D – Memo from Urban Design and Heritage Section dated February 27, 2019
- Appendix E – Letter from Toronto and Region Conservation Authority dated October 31, 2018
- Appendix F – Letter from the Region of York dated December 6, 2018
- Map 1 Aerial Photograph
- Map 2 Neighbourhood Context
- Map 3 Original Proposed Site Plan
- Map 4 Revised Submission Proposed Site Plan
- Map 5 Proposed North Townhouse (Block 2) Elevations
- Map 6 Proposed South Townhouse (Block 1) Elevations
- Map 7 Proposed Tower South Elevation
- Map 8 Proposed Tower East Elevation
- Map 9 Proposed Tower North Elevation
- Map 10 Proposed Tower West Elevation
- Map 11 Region of York Official Plan (2010) Map 1 – Regional Structure
- Map 12 Region of York Official Plan (2010) Map 2 – Regional Greenlands System
- Map 13 Region of York Official Plan (2010) Map 11 – Transit Network
- Map 14 Official Plan (2010) Schedule A1 – Urban Structure
- Map 15 Official Plan (2010) Schedule A2 – Land Use
- Map 16 Official Plan (2010) Schedule A3 – Settlement Area
- Map 17 Official Plan (2010) Appendix 5 – Public Rapid Transit
- Map 18 Official Plan (2010) Schedule A8 – Street Classification

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### Report Approval Details

Document Title:	SRPRS.19.046 - Request for Direction - 2515756 Ontario Inc. and Joey Falvo.docx
Attachments:	<ul style="list-style-type: none"><li>- SRPRS.19.046 - Appendix A.pdf</li><li>- SRPRS.19.046 - Appendix B.pdf</li><li>- SRPRS.19.046 - Appendix C.pdf</li><li>- SRPRS.19.046 - Appendix D.pdf</li><li>- SRPRS.19.046 - Appendix E.pdf</li><li>- SRPRS.19.046 - Appendix F.pdf</li><li>- SRPRS.19.046 - MAP 1.pdf</li><li>- SRPRS.19.046 - MAP 2.pdf</li><li>- SRPRS.19.046 - MAP 3.pdf</li><li>- SRPRS.19.046 - MAP 4.pdf</li><li>- SRPRS.19.046 - MAP 5.pdf</li><li>- SRPRS.19.046 - MAP 6.pdf</li><li>- SRPRS.19.046 - MAP 7.pdf</li><li>- SRPRS.19.046 - MAP 8.pdf</li><li>- SRPRS.19.046 - MAP 9.pdf</li><li>- SRPRS.19.046 - MAP 10.pdf</li><li>- SRPRS.19.046 - MAP 11.pdf</li><li>- SRPRS.19.046 - MAP 12.pdf</li><li>- SRPRS.19.046 - MAP 13.pdf</li><li>- SRPRS.19.046 - MAP 14.pdf</li><li>- SRPRS.19.046 - MAP 15.pdf</li><li>- SRPRS.19.046 - MAP 16.pdf</li><li>- SRPRS.19.046 - MAP 17.pdf</li><li>- SRPRS.19.046 - MAP 18.pdf</li></ul>
Final Approval Date:	Apr 30, 2019

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

**Gus Galanis - Apr 30, 2019 - 1:31 PM**

**Kelvin Kwan - Apr 30, 2019 - 2:26 PM**

**Neil Garbe - Apr 30, 2019 - 4:30 PM**