



Staff Report for Committee of the Whole Meeting

Date of Meeting: November 6, 2017

Report Number: SRPRS.17.180

Department: Planning and Regulatory Services

Division: Development Planning

Subject: Request for Direction - Zoning By-law Amendment, Draft Plan of Subdivision, Draft Plan of Common Element Condominium and Site Plan Approval Applications – 2468390 Ontario Inc. – Town Files D02-16003, D03-16001, D05-16004 and D06-17057 (SRPRS.17.180)

Owner:

2468390 Ontario Inc.
850 Elgin Mills Road East
Richmond Hill, Ontario
L4S 1M4

Agent:

Evans Planning Inc.
8481 Keele Street, Unit 12
Vaughan, Ontario
L4K 1Z7

Location:

Legal Description: Part of Lot 26, Concession 2, E.Y.S.
Municipal Address: 850 Elgin Mills Road East

Purpose:

A request for direction concerning proposed Zoning By-law Amendment, draft Plan of Subdivision, draft Plan of Common Element Condominium and Site Plan approval applications to permit a residential development comprised of 41 block townhouse units on the subject lands, within the North Leslie Secondary Plan Area.

Recommendations:

a) That the Ontario Municipal Board be advised as follows:

- I. That Council supports the Zoning By-law Amendment and draft Plan of Subdivision applications submitted by 2468390 Ontario Inc. for lands known as Part of Lot 26, Concession 2, E.Y.S. (Municipal Address: 850 Elgin Mills Road East), Town Files D02-16003 and D03-16001 for the principle reasons outlined in staff report SRPRS.17.180;**

- II. That Council requests the Ontario Municipal Board to withhold its Final Order respecting the proposed Zoning By-law Amendment until such time as the applicant's Site Plan application has been approved by the Town;
 - III. That Council endorses the conditions of draft approval as set out in Appendix A to staff report SRPRS.17.180, subject to the payment of applicable processing fees in accordance with the Town's Tariff of Fees By-law;
- b) That appropriate Town staff be directed to appear at the Ontario Municipal Board in support of Council's position concerning the subject applications;
 - c) That approval of the applicant's draft Plan of Common Element Condominium application be deferred until such time as the applicant's Site Plan application has been approved by the Town;
 - d) That Council resolve to accept cash-in-lieu of parkland dedication for the subject applications; and,
 - e) That all comments concerning the applicant's Site Plan application be referred back to staff.

Contact Person:

Bruce Robb, Senior Planner, phone number 905-771-2459 and/or
Denis Beaulieu, Manager of Development - Subdivisions, phone number 905-771-2540.

Submitted by:

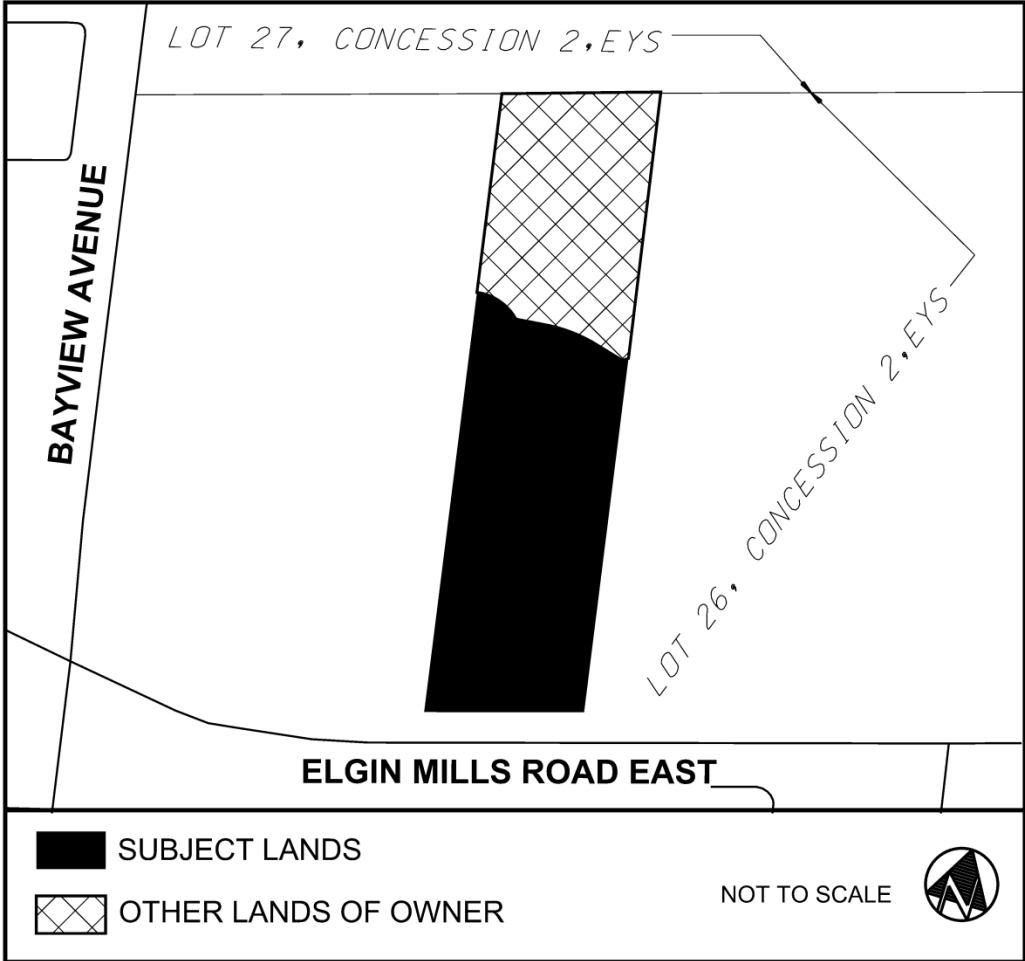
Kelvin Kwan
Commissioner of Planning and Regulatory Services

Approved by:

Neil Garbe
Chief Administrative Officer

Location Map

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



Background Information

The applicant's Zoning By-law Amendment and draft Plan of Subdivision applications were received by the Town on January 25, 2016 and were deemed complete on February 8, 2016. A related application for approval of a draft Plan of Common Element Condominium was received on April 20, 2016 and was deemed complete on April 22, 2016. The applicant's proposal was for a 43-unit block townhouse development (refer to Map 11).

On August 9, 2016, the Town received Notices of Appeal to the Ontario Municipal Board (OMB) for the applicant's Zoning By-law Amendment and draft Plan of Subdivision applications. The reason cited for the appeals was that decisions on the applications were not made within the statutory timelines outlined in the *Planning Act*.

Over the course of the next several months, the applicant worked with Town and Region of York staff with a view to revising its development proposal to address outstanding concerns identified by internal departments and external agencies. Those revisions focused on internal and external access design, urban design elements and protection of the Natural Heritage System within the subject lands.

On July 7, 2017, the applicant submitted a revised development proposal, which is the subject of this report. To implement its revised proposal, the applicant submitted revised Zoning By-law Amendment, draft Plan of Subdivision and draft Plan of Common Element Condominium applications. The applicant also submitted a Site Plan application. These applications were circulated for review and comment by Town staff on July 25, 2017.

Following a Pre-Hearing Conference held on June 28, 2017, the OMB scheduled a two-day Settlement Hearing starting on November 30, 2017 to consider matters related to approval of the subject Zoning By-law Amendment and draft Plan of Subdivision applications.

The purpose of this report is to seek Council's direction regarding the subject appealed applications and to make recommendations concerning the applicant's related draft Plan of Common Element Condominium and Site Plan applications.

Summary Analysis

Further information in regards to site location is as follows:

Site Location and Adjacent Uses

The owner's lands are located on the north side of Elgin Mills Road East, east of Bayview Avenue and have a total area of 3.96 hectares (9.8 acres). It is the southern 2.405 hectares (5.9 acres) of the property that comprises the subject applications. Within the subject lands there is a two-storey dwelling, a detached garage and the natural heritage system associated with a tributary of the Rouge River (refer to Map 1). The northern part of the property is subject to separate applications for Zoning By-law Amendment and draft Plan of Subdivision (Town Files D02-16010 and D03-16004).

The current surrounding land uses are primarily vacant, agricultural and environmental lands to the west, north and east. The Hindu Temple Society of Canada has a place of worship to the west of the northern portion of the owner's lands (refer to Map 1). Portions of the adjacent

lands are designated for urban development under the policies of the North Leslie Secondary Plan (refer to Maps 2 and 3).

Development Proposal

Outlined below are the relevant statistics of the applicant's original and revised development proposals based on the plans and drawings submitted to the Town (refer to Maps 7 and 11):

Original Proposal

Site Area:	2.416 hectares (6.0 acres)
Residential Area:	0.954 hectares (2.4 acres)
- Block townhouses (min. 6.0 metres / 19.7 feet frontage)	43 units total
3-storey front accessed:	29 units
3-storey rear accessed:	14 units
Natural Heritage System Area:	1.462 hectares (3.6 acres)
Parking:	
- Residential:	86 spaces
- Visitor:	16 spaces
Gross Floor Area:	9,476 sq. metres (102,000 sq. feet)
Floor Area Ratio (Permitted: 1.0 – 2.0 FAR):	0.99

Revised Proposal

Site Area:	2.405 hectares (5.9 acres)
Residential Area:	0.947 hectares (2.3 acres)
- Block townhouses (min. 6.0 metres / 19.7 feet frontage)	41 units total
3-storey front accessed:	13 units
3-storey rear accessed:	22 units
3-storey back-to-back:	6 units
Natural Heritage System Area:	1.458 hectares (3.6 acres)
Parking:	
- Residential:	82 spaces
- Visitor:	11 spaces
Gross Floor Area:	11,032 sq. metres (118,747 sq. feet)
Floor Area Ratio (Permitted: 1.0 – 2.0 FAR):	1.16

Supporting Documentation/Reports

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

- Planning Justification Report;
- Draft Plan of Subdivision;
- Draft Plan of Common Element Condominium;
- Draft Zoning By-law Amendment;
- Site Plan with Floor Plans;
- Elevation Plans;
- Urban Design Brief;
- Functional Servicing Report;
- Hydrogeological and Geotechnical Reports;
- Environmental Features and Buffers Map;
- Environmental Impact Study;
- Environmental Restoration Plan;
- Traffic Impact Study;

- Sustainability Metrics Checklist;
- Tree Inventory and Preservation Report; and,
- Phases 1 and 2 Environmental Site Assessment.

Planning Analysis

Town of Richmond Hill Official Plan

The North Leslie Secondary Plan (the “Secondary Plan”)

The Secondary Plan was initially approved in accordance with Section 22 of the *Planning Act* by the OMB, through a series of Decisions released between November 23, 2006 and February 2, 2012. The Secondary Plan was subsequently included within Part II of the Town’s new Official Plan. The Secondary Plan applies to the lands located within the area generally bounded by Bayview Avenue to the west, Highway 404 to the east, Elgin Mills Road East to the south and Nineteenth Avenue to the north including lands located at the northwest corner of Nineteenth Avenue and Leslie Street.

The subject lands are designated “**Neighbourhood Commercial**” and “**Natural Heritage System**” on Schedule “A” Land Use Plan of the Secondary Plan (refer to Map 2). “**Neighbourhood Commercial**” permits a variety of commercial uses as well as day nurseries, places of worship, private schools and “**Medium/High Density Residential**” uses, subject to the policies of that residential designation. The “**Neighbourhood Commercial**” designation applies to the four properties at the northeast corner of Bayview Avenue and Elgin Mills Road East and the policies require these lands to be “planned comprehensively as one development with joint accesses”. The “**Medium/High Density Residential**” designation permits a variety of low and mid-rise housing forms including street, block and stacked townhouses and apartments, having a maximum building height of 10 storeys. The permitted density is expressed as “Floor Area Ratio” (FAR), being the ratio of Gross Floor Area to residential site area; the permitted FAR in this designation is between 1.0 and 2.0.

The lands designated “**Natural Heritage System**” are to be set aside for environmental protection and acquired by the Town or other public agency. These lands are to be zoned with an environmentally protective zone category, with their boundaries established through the Master Environmental Servicing Plan (MESP) and the approval of a site-specific Environmental Impact Statement (EIS).

The applicant’s proposal is in conformity with the relevant policies found in the following documents:

- *Provincial Policy Statement*
- *Oak Ridges Moraine Conservation Plan*
- *Provincial Growth Plan*
- Region of York Official Plan
- Town of Richmond Hill Official Plan (2010), including the Part 2 North Leslie Secondary Plan

Zoning By-Law Amendment Application

The subject lands are zoned “**Rural Residential Four (RR4) Zone**” under Zoning By-law 2325-68, as amended. The “RR4” zone permits one single family detached dwelling, a clinic

and conservation projects. This zoning does not permit the uses envisioned by the Secondary Plan nor those proposed by the subject development. An amendment to the Zoning By-law is therefore required to facilitate the proposed development.

The applicant has submitted a draft Zoning By-law Amendment which will bring the subject lands into By-law 55-15, as amended (the North Leslie Secondary Plan Area Zoning By-law) and zone the lands “**Multiple Residential Four (RM4) Zone**” and “**Environmental Protection Two (EPA2) Zone**”. The applicant has also requested a number of site specific development standards to implement the proposed development, including provisions to facilitate a future Part Lot Control Exemption application related to the draft Plan of Common Element Condominium application.

Staff Report SRPRS.16.110 recommended approval of three development applications within the western portion of the Secondary Plan. A series of general “housekeeping” revisions to By-law 55-15 were needed to better accommodate the various housing forms envisioned by the Secondary Plan and to provide for more consistent streetscapes within the residential lands. 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. Council approved the recommended revisions to By-law 55-15 and the revisions were included in Zoning By-laws 82-16, 83-16 and 84-16, which implemented the applications by Raki Holdings Inc., Autumnhill Investment Ltd. and Richview 19 Holdings Inc. These “housekeeping” revisions have also been included in the Zoning By-law Amendment for Mattamy (Elgin Mills) Ltd. and Virtual Developments Inc.

The applicant has requested the same package of general “housekeeping” amendments to By-law 55-15, which is 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.

Draft Plan of Subdivision Application

The applicant’s draft Plan of Subdivision consists of two blocks of land. One is intended for 41 block (condominium) townhouse units while the other is for natural heritage protection (a tributary of the Rouge River) (refer to Map 4). The draft Plan of Subdivision application will facilitate the applicant’s future use of the Part Lot Control Exemption process, to permit the further division of lands into “parcels of tied land” related to the draft Plan of Common Element Condominium application.

Draft Plan of Common Element Condominium Application

The applicant’s draft Plan of Common Element Condominium application is to facilitate the creation of common element condominium tenure over a portion of the subject lands, intended for the common at-grade shared driveway, visitor parking, sidewalks and landscaping (refer to Map 6). The shared driveway will provide the townhouses within the development with access to Elgin Mills Road East. The driveway is also intended to provide access to the abutting lands to the east and west, so that they will have a coordinated, full-moves access to Elgin Mills Road East, as required by the Secondary Plan policies.

As discussed below, a Site Plan application for the proposed development was only recently submitted to the Town. As it is the Town’s practice to not approve draft Plan of Condominium

applications until such time as Site Plan approval has been given (and, in some cases, the building is under construction), it is recommended that approval of the applicant's condominium application be deferred until such time as the applicant receives Site Plan approval by the Town. This will ensure that the condominium draft plan will be consistent with the approved Site Plan. It is noted that future conditions of draft approval will secure for the creation of reciprocal easements between the subject lands and the abutting lands to the east and west.

Site Plan Application

The owner's Site Plan application, submitted on July 7, 2017, will implement its revised development proposal. Through the review of the Site Plan application, detailed site design matters will be addressed, including the following:

- Common elements, internal and external access requirements and individual unit/lot sizes and orientation within the proposed development blocks;
- Appropriately sized amenity areas and building setbacks for the proposed units;
- Site servicing, grading and stormwater management, including excavation and basement elevations, to ensure protection of the natural heritage system and the groundwater regime; and,
- Compliance with the approved Master Environmental Servicing Plan (MESP) for North Leslie West.

Department and External Agency Comments

The following is a summary of the comments received from internal departments and external agencies as of the writing of this report. These comments have been forwarded to the applicant to consider and will be addressed through the detailed review of the Site Plan application.

Development Planning Division

- The subject development proposal conforms with the policies of the North Leslie Secondary Plan, including the minimum and maximum density provisions for residential development within the "**Neighbourhood Commercial**" designation of the site; and,
- The area designated "**Natural Heritage System**" is being protected through the creation a separate block on the draft Plan of Subdivision which will be dedicated to the Town or the TRCA.
- As a Site Plan application for the proposed development was only recently submitted to the Town, the OMB should be requested to withhold its Final Order respecting the Zoning By-law Amendment application, until such time as the applicant's Site Plan application has been approved by the Town.

Development Engineering Section - Subdivision

Staff has reviewed the draft Plan of Subdivision and has provided conditions of draft approval contained in Appendix A.

Development Engineering Section - Site Plan

Detailed technical comments regarding servicing, grading, stormwater management, groundwater protection and erosion and sediment control measures have been provided to the applicant.

Park and Natural Heritage Planning Section

Parks staff has provided technical comments pertaining to access to the natural heritage system and proposed landscaping. These comments are to be addressed through the Site Plan application. Further, staff noted that cash-in-lieu of parkland is recommended for this proposal. Parks staff has also provided conditions of approval contained in Appendix A.

Other Town Departments and External Agency Comments

Comments have also been received from the Town's Corporate and Financial Services Department, Regulatory Services Division, the Region of York and the Toronto Region and Conservation Authority. All of these comments have been forwarded to the applicant for consideration but have not been appended to this report. These Town departments and external agencies have no objections to the application and/or have provided their conditions of draft approval. The Schedule of Conditions of draft approval for the applicant's draft Plan of Subdivision is attached as Appendix "A" to this report.

Recommendations

Staff has undertaken a comprehensive review of the applicant's development proposal and can advise that it is in conformity with the *Provincial Policy Statement*, the *Growth Plan*, *Oak Ridges Moraine Conservation Plan* and *North Leslie Secondary Plan*. On the basis of revisions which the applicant has made to its applications, the revised development proposal is supported. Accordingly, it is recommended that Council advise the OMB that Council supports the Zoning By-law Amendment and draft Plan of Subdivision applications, subject to the conditions of approval contained in Appendix A to this report and to the Board withholding its Final Order respecting the Zoning By-law Amendment application, until such time as the applicant's Site Plan application has been approved by the Town. It is also recommended that Town staff be directed to appear at the OMB Hearing in support of Council's position concerning the subject applications.

As it is the Town's practice to not approve draft Plan of Condominium applications until such time as Site Plan approval has been given, it is recommended that approval of the applicant's draft Plan of Common Element Condominium application be deferred until such time as the applicant's Site Plan application has been approved by the Town. It is also recommended that Council accept cash-in-lieu of parkland dedication for the subject development proposal and that all comments concerning the applicant's Site Plan application be referred back to staff.

Richmond Hill Sustainability Metrics

In collaboration with the City of Brampton and the City of Vaughan, Richmond Hill developed a set of sustainability metrics to ensure new development helps create healthier, sustainable communities through the project "Measuring the Sustainability Performance of New Developments." The sustainability metrics were created as a performance tool to quantify the

sustainability of new development projects consistently across the three municipalities. With more than 50 potential criteria listed, the sustainability metrics tool is used by applicants to calculate the score of each proposed application, ensuring it meets Richmond Hill's sustainability standards. Each draft plan or site plan application must include sustainable elements in their plans, such as producing their own energy, conserving water, using environmentally-friendly materials in construction, reducing greenhouse gas emissions by encouraging use of sustainable transportation like public transit, and more.

Staff has reviewed the Sustainability Performance Metrics Tool submitted by the applicant in support of the proposed development, including the allocation of servicing capacity. The overall application score is 28 out of 110 points whereas a score of 32 to 45 points represents a "Good" (minimum) score. Further, the applicant has not satisfied all of the mandatory metrics. It is recommended that the applicant consider the available metrics that can be implemented within its development to achieve at least the minimum score for a Site Plan application.

For the next submission of the Site Plan application, the applicant is requested to provide a plan, or revise the submitted plans, to demonstrate how the proposed metrics are to be met. The applicant is to note on the plans the applicable metrics and show how those metrics are implemented. The applicant should refer to the Guidebook and Glossary for direction on same. A response letter indicating where the information is shown would assist staff's review of the metrics and associated plans. On the basis of the foregoing, staff recommends that Council not allocate servicing capacity to the proposal at this time. At such time as the applicant submits a revised Sustainability Performance Metrics Tool which meets or exceeds the minimum score for a Site Plan application, staff will report back to Committee of the Whole with respect to servicing allocation for the subject lands.

Financial/Staffing/Other Implications

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

Relationship to Strategic Plan

The development proposal is generally aligned with **Goal One: Stronger Connections in Richmond Hill** by providing for physical connections in the community and improving connections in our environment. The proposal would also align with **Goal Two: Better Choice in Richmond Hill** by providing better options for where to live, and **Goal Four: Wise Management of Resources in Richmond Hill** by being responsible through committing to use land responsibly.

Conclusions

The applicant is seeking Council's approval of its revised Zoning By-law Amendment, draft Plan of Subdivision, draft Plan of Common Element Condominium and Site Plan applications, to permit a residential development consisting of 41 block townhouse units and the preservation of the natural heritage system on its landholdings.

Staff has carefully reviewed the applicant's development proposal and is recommending that Council support the subject Zoning By-law Amendment and draft Plan of Subdivision applications in accordance with the recommendations found in this report and direct appropriate Town staff to appear at the Ontario Municipal Board in support of Council's position concerning the subject applications. Staff also recommends that approval of the applicant's draft Plan of Common Element Condominium application be deferred until such time as the applicant's Site Plan application has been approved by the Town, that Council accept cash-in-lieu of parkland dedication for this development proposal and that all comments concerning the applicant's Site Plan application be referred back to staff.

Appendix Contents and Maps:

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, Schedule of Conditions of Draft Approval 19T(R)-16001
- Map 1, Aerial Photograph
- Map 2, North Leslie Secondary Plan Designations
- Map 3, North Leslie West Block Plan
- Map 4, Revised Draft Plan of Subdivision
- Map 5, Revised Development Concept
- Map 6, Revised Draft Plan of Common Element Condominium
- Map 7, Site Plan
- Map 8, Elevations Plan – Rear Access Townhouses
- Map 9, Elevations Plan – Front Access Townhouses
- Map 10, Elevations Plan – Back-To-Back Townhouses
- Map 11, Original Development Concept