



Staff Report for Committee of the Whole Meeting

Date of Meeting: July 2, 2019
Report Number: SRPRS.19.128

Department: Planning and Regulatory Services
Division: Development Planning

Subject: **SRPRS.19.128 – Request for Approval – Zoning By-law Amendment and Draft Plan of Subdivision Applications – Highyon Development No. 118 LP – City Files D02-16016 and D03-16012**

Owner:

Highyon Development No. 118 LP
350 Highway 7 East, Suite 310
Richmond Hill, Ontario
L4B 3N2

Agent:

Brutto Consulting
999 Edgeley Boulevard, Unit 6
Vaughan, Ontario
L4K 5Z4

Location:

Legal Description: Part of Lots 11 and 12, Plan 1960
Municipal Addresses: 9113 and 9125 Bathurst Street

Purpose:

A request for approval concerning proposed Zoning By-law Amendment and draft Plan of Subdivision applications to permit a residential development comprised of 21 common element condominium townhouse dwelling units on the subject lands.

Recommendations:

- a) **That the Zoning By-law Amendment and draft Plan of Subdivision applications submitted by Highyon Development No. 118 LP for the lands known as Part of Lots 11 and 12, Plan 1960 (Municipal Addresses: 9113 and**

Page 2

9125 Bathurst Street), City Files D02-16016 and D03-16012, be approved, subject to the following:

- (i) that the subject lands be rezoned from Third Density Residential (R3) Zone to Multiple Family One (RM1) Zone under By-law 2523, as amended, and that the amending Zoning By-law establish site specific development standards as outlined in Staff Report SRPRS.19.128;**
 - (ii) that prior to forwarding the amending Zoning By-law to Council for consideration and enactment, the applicant submit a Site Plan application with respect to its development proposal and that the related Site Plan application be substantially completed to the satisfaction of the Commissioner of Planning and Regulatory Services;**
 - (iii) that the Plan of Subdivision depicted on Map 4 to Staff Report SRPRS.19.128 be draft approved, subject to the conditions as set out in Appendix “C”; and,**
 - (iv) that prior to draft approval being granted, the applicant pay the applicable processing fee in accordance with the City’s Tariff of Fees By-law.**
- b) That pursuant to Section 34(17) of the *Planning Act*, Council deem that no further notice be required with respect to any necessary modifications to the draft Zoning By-law to implement the proposed development on the subject lands.**

Contact Person:

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

Report Approval:

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

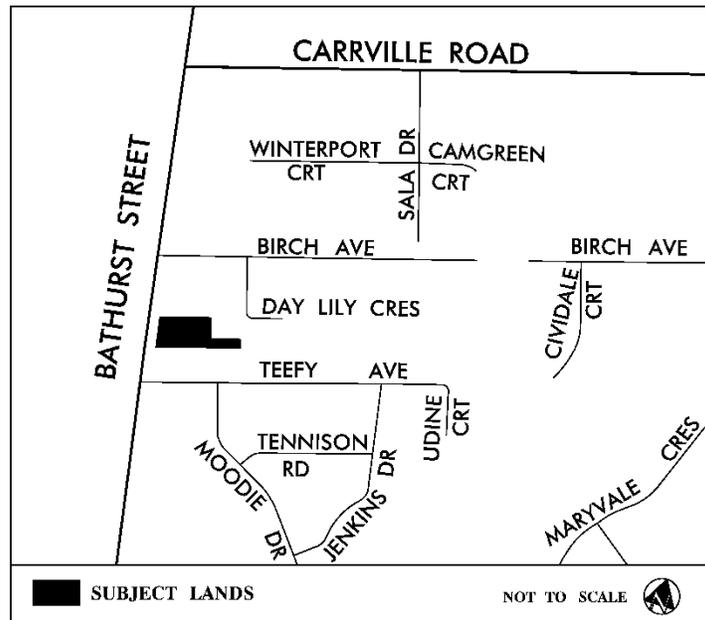
Approved by: Neil Garbe, City Manager

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.

Page 3

Location Map:

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



Page 4

Background:

The subject Zoning By-law Amendment and draft Plan of Subdivision applications were considered at a statutory Council Public Meeting held on June 21, 2017 wherein Council received Staff Report SRPRS.17.107 for information purposes and directed that all comments be referred back to staff for consideration (refer to Appendix A). The Council Public Meeting was preceded by a Residents Meeting hosted by the Ward Councillor on May 18, 2017. Concerns raised by members of the public with respect to the applicant's original development proposal included parking, traffic, site circulation, waste storage, landscape buffering, building height, density, the proposed location of a surface parking area and a "tot lot", and potential impacts to adjacent residential properties.

The applicant filed revised submissions in June 2018 and March 2019 to address the comments provided by members of the public, as well as those from circulated City departments and external agencies with respect to parking, site design, minimum unit widths, site circulation and building setbacks. A more detailed discussion of the above listed matters, as well as those requirements that remain to be addressed as part of a future Site Plan application, are provided in the later sections of this report. In this regard, it is noted that at the time of the writing of this report, a Site Plan application has yet to be submitted to the City with respect to the applicant's revised development proposal.

The applicant has now satisfactorily addressed the main comments provided by circulated City departments and external agencies. Accordingly, the purpose of this report is to seek Council's approval of the applicant's revised Zoning By-law Amendment and draft Plan of Subdivision applications to facilitate its revised development proposal.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the east side of Bathurst Street, south of Carrville Road, and have a total combined area of 0.466 hectares (1.15 acres) (refer to Map 1). The lands abut Bathurst Street to the west, low density residential uses to the south and east, and an approved private community centre to the north (City Files D01-15006, D02-15022 and D06-16037). The lands presently support a single detached dwelling on each of the existing lots.

Revised Development Proposal

The applicant is seeking Council's approval of its revised Zoning By-law Amendment and draft Plan of Subdivision applications to permit 21 common element condominium townhouse dwelling units on its land holdings. The applicant's revised development proposal contemplates, among other matters, modifications to the original site layout as described below (refer to Maps 5 and 6):

Page 5

- the internal layout and orientation of the proposed development has been revised to incorporate a townhouse block backing onto existing residential lots on Day Lily Crescent;
- the proposed visitor parking has been relocated from the “panhandle” area on the easterly portion of the subject lands to the interior of the proposed development;
- a proposed “tot lot” in the “panhandle” area on the easterly portion of the subject lands has been eliminated from the proposed development;
- the proposed building setbacks adjacent to the existing residential lots on Teefy Avenue have been increased from approximately 4.5 metres (14.76 feet) to approximately 6.5 metres (21.3 feet); and,
- a proposed common waste storage and pick-up area has been eliminated and the condominium laneway has been re-designed to facilitate municipal curb side waste pick-up.

The applicant’s revised development proposal contemplates the construction of three blocks of three-storey townhouse dwellings with access onto a proposed common element laneway from Bathurst Street (refer to Map 6). The following is a summary table outlining the relevant statistics of the applicant’s revised development proposal based on the plans and drawings submitted to the City:

- **Total Lot Area:** **0.466 hectares (1.15 acres)**
- **Number of Units:** **21**
- **Density:** **45.1 units per hectare (18.3 units per acre)**
- **Height:** **3 storeys or approximately 10.4 metres (34.1 feet)**
- **Unit Width:** **6.0 metres (19.69 feet)**
- **Parking:**
 - **Visitor:** **6 spaces (0.25 spaces per unit)**
 - **Resident:** **42 spaces (2 spaces per unit)**

The applicant has yet to file a Site Plan application at the time of the writing of this report. In addition, draft Plan of Condominium and Part Lot Control Exemption applications will be required to facilitate the proposed common element condominium tenure and to establish the future parcels of tied land.

Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** in accordance with Schedule A2 - Land Use of the City’s Official Plan (the “Plan”) (refer to Map 3). Permitted uses within the **Neighbourhood** designation include, among other uses, medium density residential uses such as townhouses on lands having frontage on an arterial street, to a maximum site density of 50 units per hectare (20 units per acre) and a maximum building height of 4 storeys.

Page 6

In accordance with Section 4.9.2 of the Plan, development shall be compatible with the existing character of adjacent and surrounding areas with respect to predominant building forms and types, massing, general patterns of streets, blocks, lots and lanes, landscaped areas and treatments, and general pattern of yard setbacks. In addition, the relevant Urban Design Guidelines that have been approved by Council shall be utilized in the review and evaluation of development applications. Lastly, the subject lands are situated within a Priority Infill Area in accordance with Section 4.9.1.1 of the Plan.

The subject lands are located on an arterial street (Bathurst Street) and the proposed development contemplates three-storey townhouse dwellings and a site density of approximately 45 units per hectare (18 units per acre), which conforms with the Plan's height, density and locational criteria policies for the consideration of medium density residential development. In addition, the applicant's revised development proposal is compatible with adjacent and surrounding lands with respect to permitted building heights, and the proposed site design provides for rear and side yards that are oriented towards the rear yards of existing residential lots on Day Lily Crescent and Teefy Avenue.

On the basis of the preceding, staff is of the opinion that the applicant's revised development proposal conforms with the land use and design policies of the Plan.

Revised Zoning By-law Amendment Application

The subject lands are zoned **Third Density Residential (R3) Zone** in accordance with By-law 2523, as amended, which permits single detached dwellings and various institutional and recreational uses (refer to Map 2). It should be noted that By-law 2523 does not include a zoning category that permits the proposed medium density residential uses. Accordingly, the applicant is proposing to rezone the lands to **Multiple Family One (RM1) Zone** under By-law 2523, as amended, to add townhouse dwellings as a permitted use, and to establish site specific development standards to permit the construction of 21 townhouse dwelling units on the subject lands.

The following table provides a general summary of the site-specific provisions proposed by the applicant:

Standard	Proposed Provisions - RM1 Zone
Minimum Lot Frontage	45.0 metres (147.6 feet)
Minimum Lot Area	4,500.0 square metres (48,437.6 square feet)
Maximum Number of Dwelling Units	21
Maximum Lot Coverage	35%
Minimum Setback to Bathurst Street	3.0 metres (9.8 feet)

Page 7

Minimum Setback to the Easterly Lot Line	6.5 metres (21.3 feet)
Minimum Setback to the Southerly Lot Line	6.5 metres (21.3 feet) and 5.3 metres (17.4 feet) for Parcel B
Minimum Setback to the Northerly Lot Line	4.2 metres (13.8 feet) and 1.2 metres (3.9 feet) for Parcel B
Minimum Dwelling Unit Width	6.0 metres (19.7 feet)
Maximum Building Height	10.7 metres (35.1 feet)
Maximum Number of Storeys	3
Minimum Number of Parking Spaces	2 resident parking spaces per unit and 0.25 visitor parking spaces per unit

The draft Zoning By-law also seeks to add various site specific provisions to address the definitions of “Lane”, “Lot”, “Street”, “Townhouse Dwelling”, “Lot Line”, “Established Grade”, “Porch”, “Deck” and “Main Wall” for the purposes of the by-law. Additional detail with respect to the requested site specific provisions can be found in the draft Zoning By-law attached to this report (refer to Appendix B).

The submission of a Site Plan application will be required to facilitate the proposed development and to facilitate the finalization of the draft Zoning By-law prior to its enactment. Various technical matters identified through the review of the Zoning By-law Amendment and draft Plan of Subdivision applications will need to be satisfactorily addressed prior to the approval of a future Site Plan application, and may result in the need for modifications to the proposed site design and unit yield.

Planning staff has reviewed the applicant’s revised development proposal and is satisfied that the proposed **RM1 Zone** category, including site-specific provisions, conforms with the applicable policies of the Official Plan and is appropriate for the orderly development of lands, subject to the resolution of technical matters at the Site Plan approval stage. The proposed maximum permitted height of 10.7 metres (35.1 feet) is consistent with the maximum building height of 10.67 metres (35 feet) permitted under the current **R3 Zone** applicable to the subject lands and in accordance with the current zoning provisions applicable to abutting lands. Furthermore, the minimum setbacks shown on the applicant’s revised development proposal are satisfactory as they relate to the proposed form of development and the provision of an appropriate interface with adjacent land uses.

The draft Zoning By-law and Conceptual Site Plan provide for a minimum rear yard setback of approximately 6.5 metres (21.3 feet) adjacent to the existing residential lots on Teefy Avenue. Notwithstanding, the development proposal will need to be modified to accommodate a sidewalk on one side of the proposed private lane. Specific details regarding the location of the sidewalk, as well as the appropriateness of any minor

Page 8

revisions to the proposed development standards, will be evaluated through a future Site Plan approval process. In this regard, the applicant will need to provide appropriate justification for any requested reduction to the minimum required rear yard setback to the southerly lot line, and in no case shall that setback be less than 6.0 metres (19.96 feet).

In consideration of the above, staff is of the opinion that the revised Zoning By-law Amendment application implements the submitted draft Plan of Subdivision and Conceptual Site Plan, conforms to the Official Plan and represents good planning.

Revised Draft Plan of Subdivision Application

The applicant's revised draft Plan of Subdivision contemplates the creation of a residential development block to facilitate a future Part Lot Control Exemption application that will establish the proposed common element condominium comprising of 21 townhouse dwelling units on the subject lands (refer to Map 4). Subject to the conditions of draft approval contained in Appendix C attached hereto, staff is of the opinion that the revised draft Plan of Subdivision application conforms with the Plan and has appropriate regard for the criteria under Section 51(24) of the *Planning Act*.

Department and External Agency Comments:

All circulated City departments and external agencies have indicated 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 the City's Development Engineering Division and Park and Natural Heritage Planning Section, and the Regional Municipality of York. Comments received to date that are to be addressed at the Site Plan approval stage are summarized as follows.

Development Engineering Division

The City's Development Engineering Division has provided comments with respect to matters including minimum garage setbacks, the provision of a private sidewalk connection, noise mitigation requirements and transportation demand management (refer to Appendix D).

Fire and Emergency Services Division

The City's Fire and Emergency Services Division has provided comments with respect to matters including fire route and hydrant requirements, fire breaks, and private street naming and addressing.

Park and Natural Heritage Planning Section

The City's Park and Natural Heritage Planning Section has provided comments with respect to matters including tree protection measures, tree planting and landscaping, and the preservation of mature healthy trees.

Page 9

Toronto and Region Conservation Authority (TRCA)

The TRCA has provided comments with respect to water quality control measures.

Development Planning Division

Development Planning staff has completed a review of the applicant's revised development proposal and provides the following comments:

- the proposed townhouse dwellings are permitted in accordance with the land use policies of the Plan for lands on arterial streets within the **Neighbourhood** designation;
- the proposed three-storey townhouse dwellings conform with the policies of the Plan with respect to maximum building height of four storeys and maximum permitted site density of 50 units per hectare (20 units per acre) for medium density residential development within this **Neighbourhood** designation;
- the proposed development provides for appropriate built form, massing, and setbacks that are compatible with adjacent and surrounding lands as required pursuant to Section 4.9.2 of the Plan;
- the applicant will be required to submit a Site Plan application to facilitate its development proposal. Prior to finalization of the applicant's amending Zoning By-law, the Site Plan application process shall be substantially completed to the satisfaction of the Commissioner of Planning and Regulatory Services;
- in addition to the foregoing, the applicant shall confirm the lands that are to be included within the future common elements. In this regard, the applicant is encouraged to consider the provision of passive amenity space within the rear portion of the lands to serve the proposed residential development. Should the applicant choose to create a future development block within this portion of the lands, an appropriate zone category for this area will be considered prior to finalization of the by-law. In this regard, it is recommended that no further notice be required with respect to any modifications to the draft Zoning By-law that are necessary in order to implement the proposed development on the subject lands;
- the proposed development shall be assessed for compliance with the City-wide Urban Design Guidelines as part of the future Site Plan approval process;
- the applicant will be required to address the outstanding technical requirements identified by circulated City departments and external agencies through a future Site Plan approval process;
- the applicant will be required to submit Site Plan, draft Plan of Condominium (Common Element), Part Lot Control Exemption and Private Street Naming applications to facilitate its revised development proposal; and,
- the applicant will be required to submit a Sustainability Performance Metrics Tool in support of a future Site Plan application that satisfies the minimum threshold score for Site Plans.

Page 10

Public Comments:

The following is a summary of and response to the main comments and concerns expressed by members of the public at the Residents Meeting and Council Public Meeting held on May 18, 2017 and June 21, 2017, respectively.

- **Waste Storage**

Concerns were raised with respect to the location of the proposed waste storage area as depicted on the applicant's initial development proposal. The applicant's development proposal has been revised to remove the common waste storage area and to provide for municipal refuse collection pads at the front of each of the proposed townhouse units.

- **Impacts to Adjacent Properties**

Concerns were raised regarding impacts to adjacent properties and the need for landscape buffering. The applicant's revised development proposal reflects a re-orientation of the proposed townhouse "blocks" and common element laneway as well as the relocation of the proposed visitor parking area away from the southerly lot boundary. In addition, the proposed minimum setbacks to the southerly lot boundary have been increased from approximately 4.5 metres (14.76 feet) to approximately 6.5 metres (21.3 feet). Accordingly, the revised development proposal provides for an appropriate interface between the proposed medium density residential development and the surrounding low density residential uses. It should be noted that any applicable landscaping requirements will be addressed through the Site Plan approval process.

- **Height and Density**

Concerns were raised with respect to the height and density of the proposed development. The proposed three storey townhouses conform with the maximum height and density provisions applicable to medium density residential development within the **Neighbourhood** designation in accordance the Plan. In addition, the proposed maximum building height of 10.7 metres (35.1 feet) is consistent with the maximum building height permitted under the current **R3 Zone** applicable to the subject lands, in addition to the maximum building height on adjacent lands.

- **Traffic, Parking and Site Circulation**

Concerns were raised with respect to an increase in traffic and the adequacy of parking and site circulation for the proposed development. The applicant's revised development proposal has been reviewed by the appropriate City departments and external agencies and no concerns have been raised with respect to traffic, site circulation and the number of parking spaces. Accordingly, the applicant's Zoning By-law Amendment includes minimum provisions for visitor and resident parking in accordance with the City's standards.

Page 11

Financial/Staffing/Other Implications:

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

Relationship to the Strategic Plan:

The applicant's revised development proposal aligns with **Goal Two – Better choice in Richmond Hill** in expanding the housing options available within the City, as well as **Goal Four – Wise Management of Resources in Richmond Hill** in utilizing available land responsibly.

Conclusion:

The applicant is seeking Council's approval of its revised Zoning By-law Amendment and draft Plan of Subdivision applications to permit the construction of 21 townhouse dwelling units on its land holdings. Staff has completed a comprehensive review and evaluation of the applicant's revised development proposal and is of the opinion that the submitted applications conform with the applicable policies of the Plan and represent good planning. On the basis of the preceding, staff recommends that Council approve the subject applications, subject to the conditions and directions outlined in this report.

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.

- Map 1, Aerial Photograph
- Map 2, Existing Zoning
- Map 3, Official Plan Designation
- Map 4, Proposed Draft Plan of Subdivision
- Map 5, Initial Conceptual Site Plan
- Map 6, Revised Conceptual Site Plan
- Map 7, Conceptual Elevations
- Appendix A, Extract from Council Public Meeting C#23-17 held June 21, 2017
- Appendix B, Draft Zoning By-law Amendment
- Appendix C, Schedule of Conditions of Draft Approval
- Appendix D, Memorandum from the Development Engineering Division dated May 29, 2019

Page 12

Report Approval Details

Document Title:	SRPRS.19.128 Zoning By-law Amendment and Draft Plan of Subdivision.docx
Attachments:	<ul style="list-style-type: none">- SRPRS.19.128 Map 1.pdf- SRPRS.19.128 Map 2.pdf- SRPRS.19.128 Map 3.pdf- SRPRS.19.128 Map 4.pdf- SRPRS.19.128 Map 5.pdf- SRPRS.19.128 Map 6.pdf- SRPRS.19.128 Map 7.pdf- SRPRS.19.128 Appendix A.pdf- SRPRS.19.128 Appendix B.pdf- SRPRS.19.128 Appendix C.pdf- SRPRS.19.128 Appendix D.pdf
Final Approval Date:	Jun 20, 2019

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

Gus Galanis - Jun 20, 2019 - 2:43 PM

Kelvin Kwan - Jun 20, 2019 - 2:55 PM

Neil Garbe - Jun 20, 2019 - 3:03 PM