



Staff Report for Council Meeting

Date of Meeting: July 9, 2019

Report Number: SRPRS.19.124

Department: Planning and Regulatory Services

Division: Development Planning

Subject: SRPRS.19.124 – Request for Direction – Zoning By-law Amendment Applications – 9265988 Canada Corp. – City Files D02-15011 (Related City Files D05-16001 and D06-16002) and D02-16002 (Related City Files D05-16002 and D06-16001)

Owner:

9265988 Canada Corp.
59 East Liberty Street, Suite 111
Toronto, Ontario
M6K 3R1

Agent:

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

Location:

Legal Description: Part of Lots 13, 14, 15 and 16, Plan 136
Municipal Addresses: 0, 227 and 235 King Road

Purpose:

A request for direction concerning proposed Zoning By-law Amendment applications to permit a medium density residential development located on the subject lands.

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Recommendations:

- a) That Staff Report SRPRS.19.124 be received for information purposes;**
- b) That the Local Planning Appeal Tribunal be advised as follows:**
 - i) That Council supports in principle the revised Zoning By-law Amendment applications submitted by 9265988 Canada Corp. for lands known as Part of Lots 13, 14, 15 and 16 on Plan 136 (Municipal Addresses: 0, 227 and 235 King Road), City Files D02-15011 and D02-16002, for the principle reasons outlined in Staff Report SRPRS.19.124, subject to the following;**
 - a) That the subject lands be rezoned from General Commercial Two (GC2) Zone under Zoning By-law 1275, as amended, to Multiple Residential One (RM1) Zone and Park (P) Zone under Zoning By-law 313-96, as amended, with site specific provisions as set out in Appendix E hereto;**
 - b) That the Local Planning Appeal Tribunal be requested to withhold the issuance of its Final Order respecting the revised Zoning By-law Amendment applications until such time as the City advises the Tribunal that:**
 - (i) the applicant's Site Plan applications have been finalized to the satisfaction of the Commissioner of Planning and Regulatory Services;**
 - (ii) the draft amending Zoning By-law as set out in Appendix E has been finalized to the satisfaction of the Commissioner of Planning and Regulatory Services; and,**
 - (iii) the applicant has paid the applicable processing fees in accordance with the City's Tariff of Fees By-law;**
- c) That 529 persons equivalent of additional servicing allocation be assigned to the subject lands to facilitate the proposed development, to be released by the Commissioner of Planning and Regulatory Services in accordance with By-law 109-11;**
- d) That appropriate City staff be directed to appear at the Local Planning Appeal Tribunal in support of Council's position concerning the subject applications; and,**
- e) That all comments concerning the applicant's related Site Plan applications (City Files D06-16001 and D06-16002) be referred back to staff.**

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Contact Person:

Ferdi Toniolo, Senior Planner - Zoning, phone number 905-771-2442
Denis Beaulieu, Manager, Development – Subdivisions, phone number 905-771-2540

Report Approval:

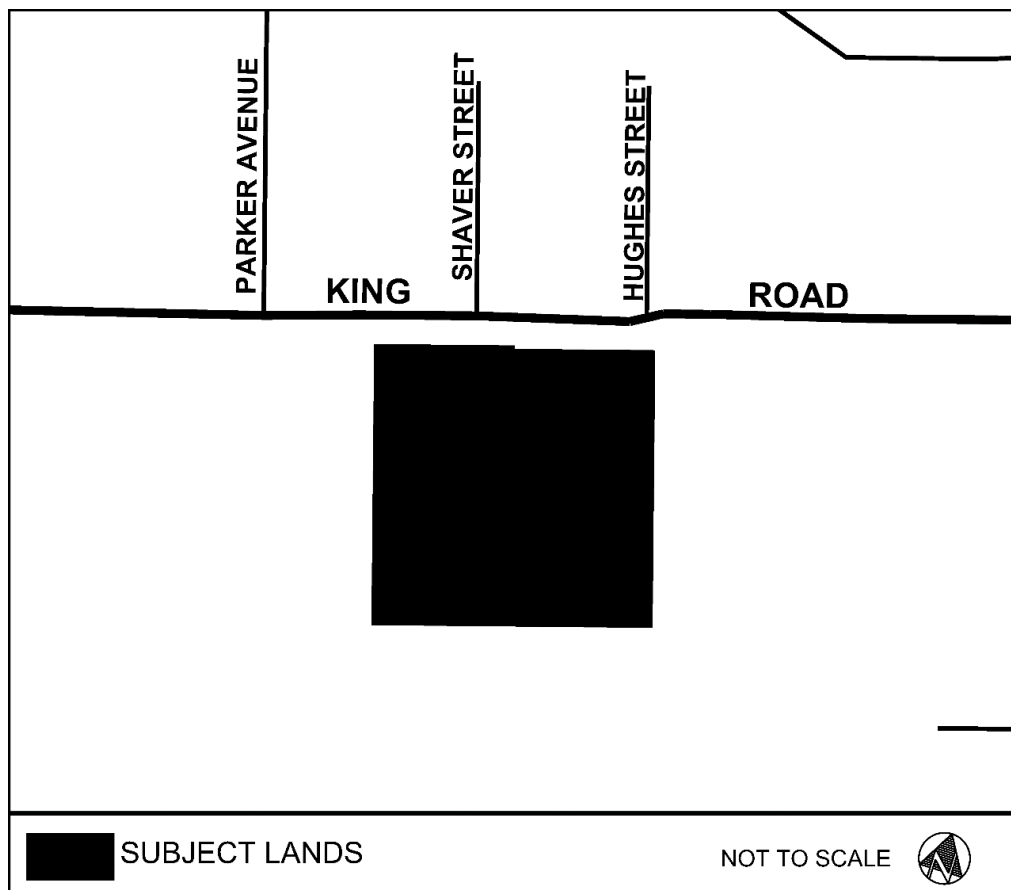
Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

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.

Location Map:

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



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Background:

Original Development Proposals

9183183 Canada Corp. originally submitted a Zoning By-law Amendment application (File D02-15011) for 0 King Road in April of 2015. The application was considered at a Council Public Meeting held on October 21, 2015, wherein Council considered Staff Report SRPRS.15.180 (refer to Appendix A). This application sought the approval of a medium density residential development comprised of 88 stacked, back-to-back townhouse dwelling units with access to King Road, the provision of a communal garbage storage area, a private amenity space and an underground parking facility. At the time of submission, Site Plan and draft Plan of Condominium applications had not been submitted in support of the proposal. The main issues raised at the public meeting pertained to urban design, tree removal, stormwater management, water balance, hydrogeology, site access and the coordination of access with adjoining properties, waste removal facilities, parking and fencing.

9265988 Canada Corp. submitted Zoning By-law Amendment, draft Plan of Condominium and Site Plan applications in January of 2016 (Files D02-16002, D05-16002 and D06-16001) for lands immediately abutting to the west of 0 King Road and known municipally as 227 and 235 King Road. The applications were considered at a Council Public Meeting held on June 22, 2016, wherein Council considered Staff Report SRPRS.16.128 (refer to Appendix B). The applications sought approval to permit a medium density residential development comprised of 90 stacked, back-to-back townhouse dwellings having access to King Road. There were no members of the public who commented at the public meeting. The principle issue discussed in the staff report was a request from the City's Park and Natural Heritage Planning Section for parkland dedication at the southwest corner of the site, comprising approximately 0.297 hectares (0.73 acres) to expand a municipal park that is being developed as part of an approved infill residential Plan of Subdivision to the south.

It is noted that the ownership of the properties described above are related and that at the time of the development submission pertaining to 227 and 235 King Road, a concurrent revised submission was made for 0 King Road, including the submission of draft Plan of Condominium and Site Plan applications (Files D05-16001 and D06-16002). The purpose of this revised submission was to have the two abutting developments mirror one another and function as a single development, both above and below ground (refer to Map 4). The underground parking is proposed to interconnect between the two developments, as would the main private access road, sidewalks and centrally located amenity space. It was further proposed that each development would have its own condominium ownership but each would share access and maintenance. Though designed to appear as an overall single development, the intent of the two separate development submissions was to facilitate phasing. As will be discussed later in this report, the applicant has since consolidated ownership of both properties under 9265988 Canada Corp.

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Subsequent to the public meetings, staff met with the applicant and its consultants to address the issues noted above and technical comments submitted by City departments and external agencies.

Local Planning Appeal Tribunal

On November 14, 2017, the applicant appealed the subject Zoning By-law Amendment applications to the Ontario Municipal Board (refer to Appendices C and D). The primary reasons cited for the appeals were that decisions on the applications were not made by Council within the prescribed timeframes of the *Planning Act* and that given the changes being implemented to facilitate the newly created Local Planning Appeal Tribunal (LPAT), the applicant believed it was prudent to appeal the applications in order to preserve its rights to a hearing before the Board.

A Pre-Hearing Conference (“PHC”) was held on May 8, 2018 with respect to the lands known as 227 and 235 King Road (File D02-16002). Similarly, a PHC was held on May 9, 2018 with respect to the lands known as 0 King Road (File D02-15011). In this regard, Counsel for the applicants advised that it was their intent to make further submissions to the City to address technical comments received to date. A number of area residents and property owners attended the PHC and were granted Participant status. Given the similarities and close relationship of the development applications, LPAT consolidated the appeals into one hearing and scheduled a second PHC for November 5, 2018. At the second PHC, the LPAT was advised by Counsel for the applicant that more time would be needed to address the technical comments provided by the City and to present a Settlement. As a result, a third Pre-Hearing Conference has been scheduled for July 2, 2019 to present a Settlement or, alternatively, in the event that a Settlement is not reached, to present a draft Procedural Order and Issues List for consideration by the LPAT.

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

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the south side of King Road, east of Bond Crescent, and have a combined frontage of approximately 125.6 metres (412.1 feet) on King Road and a lot area of approximately 1.57 hectares (3.87 acres). Trees mostly cover 0 King Road, 227 King Road is vacant land and 235 King Road contains an existing single detached dwelling. The lands abut an existing Montessori school to the east, a recently constructed residential infill plan of Subdivision to the south (City File D03-12011), vacant land to the west and King Road to the north (refer to Map 1).

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Revised Development Proposal

Following the LPAT appeals, staff has continued dialogue with the applicant with the goal of resolving the technical comments received from City departments and external agencies and comments received at the Council Public Meetings. As a result, the applicant submitted a revised development submission on March 29, 2019 for review and technical comment. Furthermore, at the request of City staff to simplify the two separate development submissions for the lands, the applicant has advised that it has formally consolidated the ownership of the lands under 9265988 Canada Corp. and recognized that the two developments will be merged into a single development submission.

The following is a summary of the changes proposed (refer to Maps 5, 6 and 7):

- a reduction in the overall unit count from 180 to 178 dwelling units;
- the dedication of parkland to the City at the southwest corner of the subject lands that will align with existing parkland to the south and planned parkland to the west;
- the realignment of the private road at the west end with Shaver Street to the north;
- the realignment of the buildings and outdoor amenity spaces;
- the inclusion of vehicular and pedestrian connections to abutting properties to the east and west of the subject lands should the adjoining lands redevelop in the future;
- the provision of two levels of underground parking to service the parking needs of the future residents and visitors;
- the provision of bicycle parking spaces above and below ground for use by both residents and visitors;
- the provision of snow storage areas along the private internal road;
- the provision of indoor waste collection facilities and centrally located aboveground holding areas on waste removal days, away from adjoining lands; and,
- the provision of extensive landscape amenity space throughout the site with pedestrian connections to the future municipal park.

The following summary table outlines the relevant statistics of the applicant's revised development proposal based on the plans and drawings submitted to the City:

Total Site Area:	1.57 hectares (3.87 acres)
Road Widening:	0.05 hectares (0.11 acres)
Parkland Dedication:	0.09 hectares (0.23 acres)
Net Site Area:	1.43 hectares (3.52 acres)
Number of Buildings:	12
Number of Storeys:	2 and 3
Total Number of Dwelling Units:	178
Total Proposed Parking:	344 spaces (all underground)
Resident:	299 spaces
Visitor:	45 spaces
Proposed Lot Coverage:	26.0 %

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Proposed Paved Area:	32.0 %
Proposed Landscaped Area:	29.4%
Proposed Floor Space Index (FSI):	1.0

Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Oak Ridges Local Centre** in accordance with Schedule A2 – Land Use of the City’s Official Plan (the “Plan”) (refer to Map 2) and are identified as a **Settlement Area** in accordance with Schedule A3 of the Plan. The **Oak Ridges Local Centre** designation permits medium density residential, office, commercial, retail, automotive service commercial, community uses, parks, open space and live-work units, subject to urban design criteria outlined in Policy 4.3.2.2. The maximum density of a development block within the **Oak Ridges Local Centre** is 1.0 Floor Space Index (“FSI”) and the maximum building height permitted is 4 storeys with the tallest buildings oriented to the King Street frontage. The proposed development will be comprised of three storey stacked, back-to-back townhouses along King Road which transition down to two storey stacked, back-to-back townhouses towards the rear of the subject lands.

Staff has reviewed the applicant’s revised development proposal in the context of the policies of the Plan and has the following comments:

- the proposed development is a permitted form of medium density residential use within the **Oak Ridges Local Centre**;
- the proposed FSI of 1.0 conforms with the maximum permitted FSI of 1.0 for the **Oak Ridges Local Centre**;
- the proposed building heights range from 2 to 3 storeys, with the majority of the taller buildings oriented towards King Road and the 2 storey buildings oriented at the south end of the lands, all of which conforms with the maximum building height permitted within the **Oak Ridges Local Centre**;
- the proposed westerly access to the site will align with Shaver Street to the north;
- the proposed development provides for an interconnected private roadway system with adjoining lands;
- sufficient underground residential and visitor parking will be provided to support the proposed development;
- the proposed development will generally be in keeping with the City’s Urban Design Guidelines for block townhouse developments; and,
- the applicant has demonstrated to the satisfaction of the Toronto and Region Conservation Authority and City staff that there are no significant Natural Heritage Features located within the vicinity of the subject lands and that the proposed development will not impact the hydrogeology of the site or surrounding areas.
- pursuant to Policy 4.3.2.1.7, until such time a Secondary Plan is approved for the **Oak Ridges Local Centre**, applications for development must demonstrate how

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they meet the land use and design policies of the Plan as a development block. The applicant has demonstrated that its development proposal addresses proposed and approved development on adjacent lands, including future potential vehicular and pedestrian interconnections and the planned future municipal park; and,

- the subject lands are located within an area that has been identified as a **Significant Woodland** feature and within an **Area of High Aquifer Vulnerability**. In accordance with Policy 3.2.11 of the Plan, the applicant has submitted a Natural Heritage Evaluation, an Oak Ridges Moraine Conservation Plan Conformity Statement and a Hydrogeological Study in support of the proposed development which have demonstrated to the satisfaction of the Toronto and Region Conservation Authority and City staff that the subject lands are not located within the vicinity of any Natural Heritage Features and that the proposed development will not impact the hydrogeology of the site and vicinity.

In light of the above, staff is of the opinion that the revised development proposal has appropriate regard for and is consistent with the broader policy direction for this part of the City as outlined in the Plan.

Revised Zoning By-law Amendment Applications

The subject lands are zoned **General Commercial Two (GC2) Zone** under Zoning By-law 1275, as amended by By-law 434-88 (refer to Map 3), which permits a variety of commercial uses, including, retail, office, restaurants, service commercial, personal service, hotels, and indoor recreational uses. The proposed development is not permitted under the **GC2 Zone** category.

The applicant is seeking approval to rezone the subject lands from **General Commercial Two (GC2) Zone** under Zoning By-law 1275, as amended, to **Multiple Residential One (RM1) Zone** and **Park (P) Zone** under Zoning By-law 313-96. Furthermore, the applicant is seeking to establish various site specific development standards to facilitate the proposed medium density residential development. The following table provides a general summary of the applicable development standards within the **Multiple Residential One (RM1) Zone** under By-law 313-96, as amended, including site-specific provisions proposed for the development.

Block Townhouse Dwellings

Standard	Standard Provisions (RM1)	Proposed Provisions (RM1)
Minimum Lot Area	Not applicable	Complies
Minimum Lot Frontage	30.0 metres (98.4 feet)	Complies
Maximum Lot Coverage	50%	Complies

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Standard	Standard Provisions (RM1) Zone	Proposed Provisions (RM1) Zone
Maximum Density	Not less than 25 units per hectare nor a density in excess of 75 units per hectare	113 units per hectare – A rate of 1.0 FAR proposed in accordance with the City's Official Plan
Maximum Gross Floor Area	Not applicable	Complies
Minimum Front Yard	4.5 metres (14.76 feet)	Complies
Minimum Side Yard	1.5 metres (4.92 feet)	Complies
Minimum Side Yard Setback from the Park (P) Zone	1.5 metres (4.92 feet)	Complies
Minimum Rear Yard	7.5 metres (24.6 feet)	Complies
Minimum Rear Yard Setback from the Park (P) Zone	7.5 metres (24.6 feet)	Complies
Maximum Height	11.0 metres (36.1 feet)	Complies
Minimum Number of Parking Spaces	2.25 spaces per dwelling unit of which 0.25 spaces per dwelling unit shall be for visitor parking which translates to a total of 401 parking spaces required	Complies with Richmond Hill Parking Strategy – Final Draft Report – Establishes a parking rate of 1.25 spaces per 1 bedroom dwelling unit, 1.5 spaces per 2 bedroom dwelling unit, 1.75 spaces per 3 bedroom dwelling unit and 0.25 spaces per dwelling unit for visitor parking which translates to a total of 344 parking spaces provided
Minimum Number of Bicycle Spaces Required	Not applicable	0.65 spaces per unit which translates to a total of 116 spaces provided

In addition to the above site-specific development standards, the proposed draft Zoning By-law introduces a new definition for a block townhouse dwelling which is in keeping with newer comprehensive Zoning By-laws such as By-law 55-15 (The North Leslie

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Secondary Plan Area Zoning By-law), as amended, which permits this form of block townhouse development. The proposed draft Zoning By-law further provides for encroachments of porches and stairs into the required setbacks from the Park (P) zone and provides an exemption to Section 7.7 a) of By-law 313-96, being the required landscape strip abutting a street, in order to avoid conflict with the proposed front yard setback. The applicant proposes extensive landscape and buffer treatment for the site, which is possible given that all parking has been located underground (refer to Map 7).

Revised Draft Plan of Condominium Applications

The draft Plans of Condominium (standard) contemplate phasing of the proposed development. The applicant proposes that the underground portion and buildings comprising the lands described as 227 and 235 King Road will constitute the first phase and the remaining buildings located at 0 King Road will constitute the second phase. Given that the revised development proposal provides for future vehicular and pedestrian interconnections with adjoining lands to the east and west, the City will require the conveyance of easements for rights of access to the abutting lands through the conditions of approval when the applicant revises its applications for draft Plan of Condominium, in accordance with the revised development proposal.

Public Comments

Comments with respect to the applicant's development proposal were provided by members of the public at the Council Public Meeting held on October 21, 2015, wherein Staff Report SRPRS.15.180 was received by Council for information purposes. In this regard, concerns were raised with respect to traffic issues, impact on existing trees, underground water displacement, parking, fencing and garbage storage. The applicant has satisfactorily addressed those matters as part of its last major revised submission to the City and more recently, through the submission of additional drawings and reports, including a revised Transportation Study and a Tree Inventory and Preservation Plan and Report.

Department and External Agency Comments

A number of comments received since the original circulation of the applicant's development proposal from City departments and external agencies were appended to Staff Report SRPRS.15.180 considered at the October 21, 2015 Council Public Meeting and Staff Report SRPRS.16.128 considered at the June 22, 2016 Council Public Meeting. As noted earlier in this report, the key issues associated with the development proposal pertained to building design, preservation of mature trees, stormwater management and water balance, hydrogeology, site access and coordination of interconnections with adjoining properties, placement of waste removal facilities, parking, perimeter fencing and the dedication of land for a municipal park.

The applicant has addressed the major issues identified as part of the circulation for review and approval of its development submission and the development submission

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has reached a stage where the next step is final Site Plan approval. Therefore, staff is in a position to support the applicant's Zoning By-law Amendment applications at this time.

Summary

The applicant has made significant strides through several detailed resubmissions, to address many of the technical issues identified to date. However, staff notes that the final form of the Zoning By-law and the proposed standards may require further modification as a result of the additional design changes that may arise through the Site Plan approval process. In this regard, it would be appropriate to finalize the detailed provisions following approval of the finalization of Site Plan approval. This would ensure that the Zoning By-law Amendment implements the proposal as approved by the LPAT, thus avoiding the need for further relief from the Zoning By-law in order to address specific site design issues that arise through the detailed Site Plan review process.

On the basis of the preceding, staff is of the opinion that the proposed Zoning By-law Amendment is in keeping with the City's Official Plan and is appropriate for the development of the subject lands. Given that the Site Plan submissions have not been finalized to date and that at least one further submission will be required prior to final Site Plan approval of the development, it is recommended that LPAT be requested to withhold its Final Order with respect to the applicant's Zoning By-law Amendment applications pending finalization of Site Plan approval.

Interim Growth Management Strategy (IGMS)

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

1. *Providing community benefits and completion of required key infrastructure.*
2. *Developments that have a mix of uses to provide for live-work relationships.*
3. *Developments that enhance the vitality of the Downtown Core.*
4. *Higher-order transit supportive development.*
5. *Developments that represent sustainable and innovative community and building design.*
6. *Completion of communities.*
7. *Small scale infill development.*
8. *Opportunities to provide affordable housing.*

As part of the review of the above noted IGMS Criteria 5 (Sustainable and Innovative Community and Building Design), the applicant has submitted an IGMS letter and an updated Sustainability Performance Metrics Tool (the "Metrics Tool"). The submitted Metrics Tool demonstrates an overall application score of 44 points, which would meet the applicable minimum score and would achieve a "good" score in accordance with the City's sustainability performance criteria.

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In consideration that the applicant's initial Metrics Tool would meet the required minimum threshold score, staff recommends that 529 persons equivalent of additional servicing allocation (178 stacked, back-to-back townhouse dwelling units less the existing single detached dwelling) be assigned to the subject lands to facilitate the applicant's development proposal. It is noted that there is an existing dwelling located at 235 King Road, and as such, the allocation for this dwelling will be carried forward to the proposed development.

Financial/Staffing/Other Implications:

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

Relationship to the Strategic Plan:

The recommendations of this report would generally align with **Goal One – Stronger Connections in Richmond Hill** by providing opportunities for connections at a neighbourhood level, **Goal Two – Better Choice in Richmond Hill** by providing housing that offers options for people at all stages of life, and with **Goal Four – Wise Management of Resources in Richmond Hill** by designing dwellings that are energy efficient and using land responsibly.

Conclusion:

The applicant is seeking approval of its revised Zoning By-law Amendment applications from the Local Planning Appeal Tribunal in order to facilitate the construction of 178 stacked, back-to-back townhouse dwelling units on the subject lands. In this regard, the LPAT has scheduled a third Pre-Hearing Conference for July 22, 2019, which may be converted into a Settlement Hearing. The applicant has satisfactorily addressed the main issues and concerns outlined in the Council Public Meetings and through the development application review process.

On this basis, staff recommend that LPAT be advised that Council supports the Zoning By-law Amendment applications in principle. Given that the applicant is still working to resolve the remaining technical issues associated with its Site Plan applications, staff recommend that LPAT be advised to withhold its Final Order respecting the proposed Zoning By-law Amendment applications until such time as the Site Plan applications have been finalized to the satisfaction of the Commissioner of Planning and Regulatory Services. Furthermore, it is recommended that City staff be directed to appear at the LPAT Pre-Hearing Conference in support of Council's position concerning the subject applications.

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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.

- Map 1, Aerial Photograph
- Map 2, Official Plan Designation
- Map 3, Zoning By-law Designation
- Map 4, Original Site Plan
- Map 5, Revised Site Plan
- Map 6, Coloured Perspectives
- Map 7, Landscape Plan
- Appendix A, Extract from Council Public Meeting C#43-15 held October 21, 2015
- Appendix B, Extract from Council Public Meeting C#23-16 held June 22, 2016
- Appendix C, Letter of Appeal to the Ontario Municipal Board prepared by Goodmans LLP, dated November 14, 2017 (File D02-15011)
- Appendix D, Letter of Appeal to the Ontario Municipal Board prepared by Goodmans LLP, dated November 14, 2017 (File D02-16002)
- Appendix E, Draft Zoning By-law Amendment

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Report Approval Details

Document Title:	SRPRD.19.124 - 9265988 Canada Corp. - 0, 227 and 235 King Road - Files D02-15011 and D02-16002 - Request for Direction.docx
Attachments:	<ul style="list-style-type: none">- SRPRS.19.124 - Map 1- AERIAL PHOTOGRAPH.pdf- SRPRS.19.124 - Map 2 - OFFICIAL PLAN DESIGNATION.docx- SRPRS.19.124 - MAP 3 - ZONING BY-LAW DESIGNATION.pdf- SRPRS.19.124 - MAP 4 - ORIGINAL SITE PLAN.pdf- SRPRS.19.124 - MAP 5 - REVISED SITE PLAN.pdf- SRPRS.19.124 - MAP 6 - COLOURED PERSPECTIVES.pdf- SRPRS.19.124 - MAP 7 - LANDSCAPE PLAN.pdf- SRPRS.19.124 - Appendix A - Council Extract C43-15.pdf- SRPRS.19.124 - Appendix B - Council Extract C23-16.pdf- SRPRS.18.124 - Appendix C - Appeal D02-15011.pdf- SRPRS.19.124 - Appendix D - Appeal D02-16002.pdf- SRPRS.19.124 - Appendix E - Draft By-law.pdf
Final Approval Date:	Jul 3, 2019

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

Gus Galanis - Jul 3, 2019 - 11:26 AM

Kelvin Kwan - Jul 3, 2019 - 2:05 PM

Neil Garbe - Jul 3, 2019 - 2:08 PM