



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

**Date of Meeting:** September 4, 2019

**Report Number:** SRPRS.19.140

**Department:** Planning and Regulatory Services

**Division:** Development Planning

**Subject:** **SRPRS.19.140 – Request for Approval – Zoning By-law Amendment Application – Igor Kotler and Margarita Asriyan – City File D02-16030 (Related File: D06-18044)**

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### **Owner:**

Igor Kotler and Margarita Asriyan  
10 Verwood Avenue  
Toronto, Ontario  
M3H 2K4

### **Agent:**

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

### **Location:**

Legal Description: Part of Lots 8 and 9, Plan 647  
Municipal Address: 35 Wright Street

### **Purpose:**

A request for approval regarding a Zoning By-law Amendment application to permit the construction of a six storey residential apartment building on the subject lands.

### **Recommendations:**

- a) **That the Zoning By-law Amendment application submitted by Igor Kotler and Margarita Asriyan for the lands known as Part of Lots 8 and 9, Plan 647 (Municipal Address: 35 Wright Street), City File D02-16030, be approved, subject to the following:**

## Page 2

- (i) that the subject lands be rezoned to establish site specific development standards as outlined in Staff Report SRPRS.19.140; and,
  - (ii) that the amending Zoning By-law be brought forward to a regular meeting of Council for consideration and enactment.
- b) That the authority to assign municipal servicing allocation to the proposed development to be constructed on the subject lands be delegated to the Commissioner of Planning and Regulatory Services subject to the City's Interim Growth Management Strategy, and that the assigned municipal servicing allocation be released in accordance with the provisions of By-law 109-11; and,
- c) That all comments concerning the applicant's related Site Plan application (City File D06-18044) be referred back to staff.

### Contact Person:

Katherine Faria, Planner II – Subdivisions, phone number 905-771-5543 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

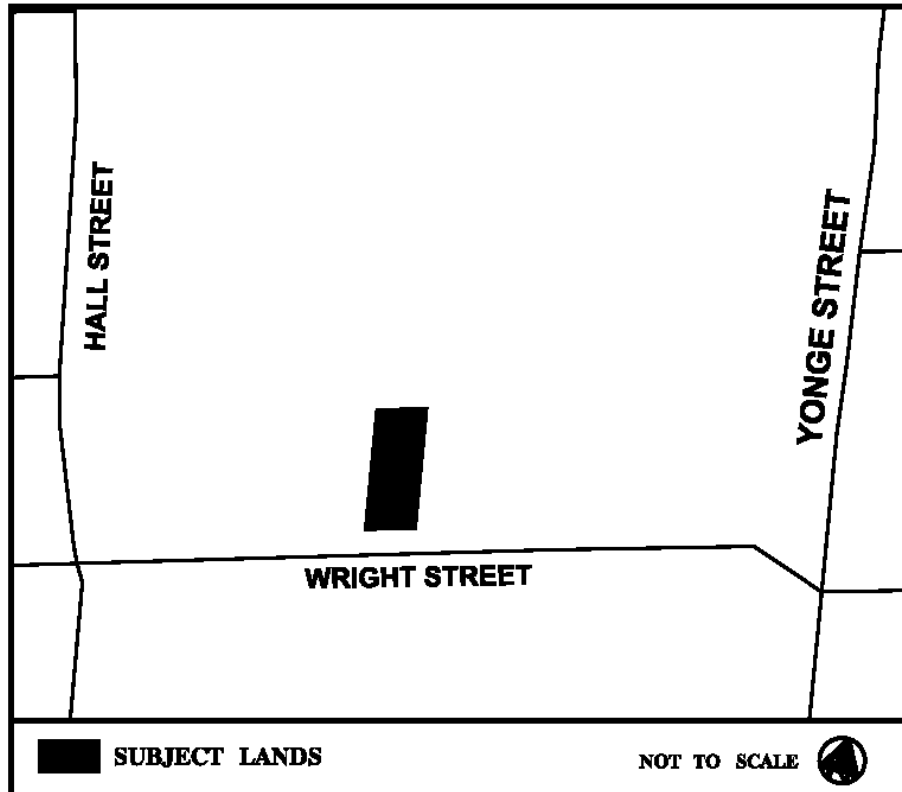
**Approved by:** Neil Garbe, City Manager

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.

## Page 3

### Location Map:

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



## Page 4

### Background:

The subject Zoning By-law Amendment application was considered at the statutory Council Public Meeting held on March 22, 2017 wherein Council received Staff Report SRPRS.17.047 for information purposes and directed that all comments be referred back to staff for consideration (refer to Appendix A). The statutory Council Public Meeting was preceded by a Residents Meeting hosted by the Local Councillor for Ward 4 on February 28, 2017. The applicant's initial proposal contemplated the construction of a six storey office building on the subject lands. The main concerns raised by members of the public with respect to the applicant's initial development proposal related to parking, land use compatibility and design, building height, and tree preservation.

In response to the concerns and comments raised at the statutory Council Public Meeting and Residents' Meeting, the applicant submitted a revised proposal in September 2018, and an associated Site Plan application to permit a six storey residential apartment building on its land holdings.

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

### Summary Analysis:

#### Site Location and Adjacent Uses

The subject lands are located on the north side of Wright Street, west of Yonge Street and have a total area of approximately 730.9 square metres (7,867.3 square feet). The lands currently support a one and a half storey single detached dwelling listed on the *City's Inventory of Buildings of Architectural and Historical Importance* and known as the "Harry Endean House". The lands abut residential uses to the east, institutional uses to the north and west, and Wright Street to the south (refer to Map 1). More specifically, the abutting property, 31 Wright Street, supports a one and half storey single detached dwelling, known as the "Percy Hill House" that is also listed within the *City's Inventory of Buildings of Architectural and Historical Importance*. The former "Richmond Hill High School" is located to the west of the subject lands at 51 Wright Street and is designated under the *Ontario Heritage Act*.

#### Revised Development Proposal

The applicant is seeking Council's approval of its revised Zoning By-law Amendment application to permit the construction of a six storey residential apartment building on its land holdings. The proposed mid-rise residential building is to be comprised of eight apartment dwelling units, 10 parking spaces at-grade and an enclosed rooftop amenity area. Vehicular access to the site is to be provided from Wright Street, with at-grade

## Page 5

resident and visitor parking to be located partially under the second storey of the proposed building (refer to Maps 4 and 5). The revised development concept contemplates the integration of an entry area within the proposed apartment building that is proposed to be constructed utilizing the original building materials of the existing dwelling on the lands to the extent possible.

The following is a summary table outlining the relevant statistics of the applicant’s initial and revised development proposals based on the plans and drawings submitted to the City:

	<b>Initial Development Proposal</b>	<b>Revised Development Proposal</b>
<b>Proposed Use</b>	Office	Residential
<b>Proposed Gross Floor Area</b>	2,132.1 square metres (22,949.7 square feet)	1,538.33 square metres (16,558.4 square feet)
<b>Proposed Building Height (top of roof)</b>	28.2 metres (92.5 feet) or 7 storeys	22.86 metres (75 feet) or 6 storeys
<b>Proposed Density</b>	2.92 FSI	2.11 FSI
<b>Proposed Parking Supply</b>	12 parking spaces	10 parking spaces

As noted previously, the applicant has also filed a Site Plan application in support of its revised development proposal (City File D06-18044), which is discussed later in this report.

## Planning Analysis:

### City of Richmond Hill Official Plan

The subject lands are designated **Downtown Local Centre** in accordance with Schedule A2 - Land Use of the City’s Official Plan (the “Plan”) and more specifically, are located within the Uptown District in accordance with Schedule A9 – Downtown Local Centre Districts of the Plan (refer to Map 3). Uses permitted with the Uptown District for lands without direct frontage on Yonge Street include low density and medium density residential uses, including apartment dwelling units as proposed by the applicant, among other uses subject to additional policy criteria.

In accordance with the policies of the Plan, building heights in the south end of the Uptown District and the north end of the Civic District shall be progressively lower towards the Village District ranging between six storeys to a maximum of eight storeys. The maximum permitted density of a development block within the Uptown District shall be 2.5 Floor Space Index (FSI). The applicant’s revised development proposal contemplates six storeys and a maximum site density of 2.11 FSI, which are below the maximum building height and overall development block density as set out in the Plan

## Page 6

for this area of the **Downtown Local Centre**. Pursuant to Policy 4.3.1 (11), the boundaries of development blocks shall be identified in the Secondary Plan for the **Downtown Local Centre**; however, as there is currently no Secondary Plan in effect for this area of the City, the boundaries of the respective development block have not been defined. Therefore, staff considers the proposal to conform with the applicable policies of the Plan.

The policies of the Plan direct that the character, identity and heritage attributes of the three distinct districts of the **Downtown Local Centre** be reinforced through appropriate height, massing, and architectural detailing. Wherever possible, heritage buildings are to be incorporated into the design of new development. In addition to the preceding and in accordance with the policies of Section 3.4.2 of the Plan, development shall be encouraged to retain, rehabilitate and adaptively re-use cultural heritage resources identified on the Register as an integral part of the development in order to maintain and enhance the identity and character of the City. The applicant's revised development proposal contemplates the reconstruction of the front building facade of the existing building. The dissembled original bricks are to be reused within the proposed structure to the extent possible.

In accordance with Policy 4.3.1.1(2) of the Plan, until such time as Council adopts a Secondary Plan for the **Downtown Local Centre**, the policies of this section and the land use and design guidelines which have been approved by Council as set out in the Downtown Design and Land Use Strategy Recommendations Report, May 2009 (DDLUS) shall be utilized in the review and evaluation of development applications. A summary of the key recommendations of the DDLUS is outlined in the section below.

### **Downtown Design and Land Use Strategy**

The Downtown Design and Land Use Strategy (DDLUS) provides a framework for shaping the role, function and character of the City's Downtown as well as establishing a vision for the area. In this regard, the DDLUS sets out recommendations for each district with respect to height, density, design, built form and various other matters. The subject lands are located within the "Downtown Transition" area, which is identified in the DDLUS to serve as a transition to the adjacent and abutting lower density residential neighbourhoods and that it is to support a mix of office, commercial, retail and residential uses. In accordance with Section 2.3 of the DDLUS, a height of six to eight storeys or 18 to 25 metres is recommended for the subject lands. On the basis of the proposed use and built form, the applicant's development proposal is considered to be consistent with the recommendations of the DDLUS.

On the basis of all of the above, staff is of the opinion that the applicant's revised development proposal meets the recommendations of the DDLUS and conforms with the applicable policies of the Plan.

## Page 7

### Revised Zoning By-law Amendment

The subject lands are zoned **Residential Multiple Fifth Density – Special (RM5-S) Zone** under By-law 76-91, as amended, which permits an apartment dwelling as contemplated by the applicant’s revised development proposal (refer to Map 2). The applicant’s initial development proposal contemplated the construction of an office building on the subject lands and therefore sought approval to rezone the subject lands to **General Commercial Residential (GCR) Zone** under By-law 76-91, as amended, with site specific development standards to permit the proposed office development; however, the applicant’s revised development proposal seeks to maintain the current **Residential Multiple Fifth Density – Special (RM5-S) Zone** under By-law 76-91, as amended, and to establish site specific development standards to facilitate the proposed residential apartment building as outlined in this report.

The following table provides a summary of the applicable development standards of the **RM5-S Zone**, including site specific development standards proposed by the applicant:

Development Standard	RM5-S Zone, under By-law 76-91, as amended	Proposed Development Standard
Minimum Front Yard	6.0 metres (19.7 feet)	<b>1.6 metres (5.2 feet)</b>
Minimum Side Yard	6.0 metres (19.7 feet)	<b>1.2 metres (3.9 feet) (east) 0.6 metres (2 feet) (west)</b>
Minimum Rear Yard	6.0 metres (19.7 feet)	Complies
Maximum Height	12.8 metres (41.2 feet) 18.3 metres (60 feet), within 163 metres of the centre line of Yonge Street 25.6 metres (84 feet), within 148 metres of the centerline of Yonge Street	<b>24.0 metres (78.7 feet) and 6 Storeys</b>
Maximum Lot Coverage	60%	Complies
Minimum Landscaped Area	35%	<b>11%</b>
Maximum Floor Area Ratio	125%	<b>213%</b>
Maximum Density (units per hectare)	136	Complies
Maximum Length of Building	70 metres (229.7 feet)	Complies

The applicant’s proposal also seeks to add site specific provisions related to encroachments, gross floor area, reduced parking, bicycle parking and loading requirements, as well as definitions for “Floor Area”, “Gross Floor Area”, “Porch” and “Bicycle Parking Space”. Additional details 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).

Planning staff has undertaken a comprehensive review of the applicant’s development proposal and is satisfied that the proposed site specific provisions are appropriate in consideration of the context, proposed building design and functionality of the site. Additionally, the proposed apartment building is compatible with the evolving patterns of development within the Uptown District and **Downtown Local Centre** as a whole and

## **Page 8**

provides for an appropriate transition to the Village District. In addition to the preceding, the proposed development meets the principles of the DDLUS for this area of the City.

In consideration of the above, staff is of the opinion that the proposed site specific provisions conform with the applicable policies of the Plan and are appropriate for the orderly development of the lands, subject to the finalization of technical matters remaining to be addressed through the Site Plan approval process.

### **Site Plan Application**

As noted previously, the applicant has submitted a Site Plan application to facilitate its revised development proposal. The Site Plan application remains under review with respect to various technical and design related matters that will be required to be addressed to the satisfaction of City staff prior to Site Plan approval. A more detailed overview of outstanding comments is outlined in the later sections of this report. Notwithstanding the preceding and on the basis of the comments that remain to be addressed through the Site Plan approval process, staff is satisfied that the review of the related Site Plan application has advanced such that substantial changes to the proposed built form are not anticipated.

It should be noted that due to the fact the existing residential building on the lands is listed in the *City's Inventory of Buildings of Architectural and Historical Importance*, consent from Council will be required as a condition of Site Plan approval with respect to the proposed demolition of said building. As such, the matter will be brought to Heritage Richmond Hill for consideration at the appropriate stage of the Site Plan approval process.

### **City Department and External Agency Comments:**

All circulated City departments and external agencies have indicated no objections or concerns in principle with the proposed Zoning By-law Amendment application and/or have provided comments to be considered as part of a more detailed stage of the approval process. The comments received to date that are to be addressed prior to Site Plan approval are summarized as follows.

#### **Development Engineering Division**

Development Engineering staff has provided technical comments with respect to the applicant's Site Plan application concerning curb radii, construction management, lighting, grading, servicing, stormwater management, and the submitted Sustainability Metrics among other matters. Additionally, staff has advised that a 3.0 metre road widening along the frontage of the property will be required.

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

The City's Heritage and Urban Design staff has reviewed the applicant's revised development proposal and at the time of writing of this report, only minor comments with respect to the proposed cladding and window and balcony design remain. Heritage and



## Page 9

Urban Design staff has worked extensively with the applicant to achieve the proposed building design and treatment.

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

Park and Natural Heritage Planning staff has provided minor technical comments with respect to landscaping, fencing and screening on the applicant's Site Plan application.

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

The Toronto and Region Conservation Authority (TRCA) has indicated no objections to the proposed Zoning By-law Amendment application. Technical matters concerning hydrogeology, stormwater, and geotechnical matters are to be addressed prior to the finalization of Site Plan approval.

### **Development Planning Division**

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

- the proposed residential apartment building is permitted in accordance with the land use policies of the Plan for lands within the Uptown District of the **Downtown Local Centre** designation;
- the proposed six storey apartment building conforms with the policies of the Plan with respect to maximum building height of six to eight storeys within this area of the **Downtown Local Centre** designation;
- the proposed site density of approximately 2.11 FSI (211% FAR) is below the maximum development block density of 2.5 FSI for lands within the Uptown District;
- the proposed development provides for an appropriate built form, massing and design that is appropriate in consideration of the evolving character of the **Downtown Local Centre** and is consistent with the direction for the Uptown District as set out in the Plan and DDLUS;
- the applicant will be required to address the outstanding comments identified through the related Site Plan approval process; and,
- the applicant will be required to submit a Sustainability Performance Metrics Tool that satisfies the minimum threshold score for Site Plans to the satisfaction of City staff.

On the basis of the preceding, it is recommended that Council approve the applicant's Zoning By-law Amendment application as outlined in this report.

### **Public Comments:**

The following is a summary of and response to the comments and concerns expressed by members of the public with respect to the applicant's initial development proposal at the Residents Meeting and Council Public Meeting held on February 28, 2017 and March 22, 2017, respectively.

## Page 10

- **Land Use Compatibility and Design**

Concerns were raised regarding the appropriateness of the design, land use as well as the setback of the proposed development to the property boundary. The applicant's initial development proposal proposed an office building, whereas the applicant's revised development proposal now contemplates a residential apartment building. Additionally, it should be noted that apartment dwellings are permitted on the subject lands in accordance with the existing **RM5-S Zone** under By-law 76-91, as amended. With respect to the proposed setbacks, the applicant's revised development proposal provides for an increased minimum side yard to the east property boundary of 1.2 metres (3.9 feet), whereas the applicant's initial proposal contemplated a 0.6 metre (2 feet) setback to this lot line.

In terms of design, the applicant's revised development proposal reflects a building design that has been reviewed and accepted by the City's Heritage and Urban Design staff. As noted previously, the applicant has worked closely with Heritage and Urban Design staff on the proposed building design and treatments, including the proposed reconstruction of the front entry feature of the original building. In this regard, staff is of the opinion that the proposed building design supports the character of the streetscape and area as a whole.

- **Building Height**

Concerns were raised regarding the building height of the applicant's initial proposal. The applicant's revised development proposal seeks approval for a maximum building height of approximately 22.86 metres, which is reduced from the applicant's initial proposal of 28.2 metres (92.5 feet). Further, as outlined in the earlier sections of this report, the applicant's revised development proposal conforms with the policies of the Plan and the recommendations of the DDLUS with respect to the maximum building height within the Uptown District.

- **Parking**

Concerns were raised with respect to the adequacy of the proposed parking supply and the potential for parking issues to arise as a result of the proposed office use. The applicant's revised development proposal now contemplates a residential use and in terms of parking supply, Transportation Planning staff is satisfied that the proposed parking supply complies with the City's standard parking rates and minimum provisions for visitor and resident parking.

- **Tree Preservation**

A concern was raised regarding the impact to existing trees on and adjacent to the subject lands. On the basis of the materials submitted to the City, an existing mature tree situated on the adjacent property to the east is proposed to be preserved. However, the applicant's revised development proposal will require the injury to and removal of a number of mature trees on the subject lands and along the shared property boundaries.

## Page 11

The applicant will be required to provide for compensatory planting on the Landscape Plan and/or cash-in-lieu in accordance with City standards.

### **Interim Growth Management Strategy:**

Council has approved and implemented a comprehensive strategy comprised of eight growth management criteria as a means of assessing and prioritizing development applications for the receipt of servicing allocation. The applicant has submitted a Sustainability Performance Metrics Tool for consideration by the City as part of its review and approval of the subject application, including the allocation of servicing capacity. The submitted Tool demonstrates an Overall Application score of 31 points, which does not meet the minimum threshold score of 32 points required with respect to Site Plans. In this regard, staff will continue to work with the applicant in meeting the City's minimum score requirements applicable to the subject development in order to enable the consideration of servicing allocation assignment in the future.

In consideration of the above and in order to streamline the servicing allocation assignment process, staff recommends that Council delegate its authority to assign allocation to the Commissioner of Planning and Regulatory Services.

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

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

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

The applicant's revised development proposal aligns with **Goal Two – Better choice in Richmond Hill** in providing for a range of housing options 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 application to permit the construction of a six storey residential apartment building on its land holdings. Staff has undertaken a comprehensive review and evaluation of the applicant's revised development proposal and is of the opinion that the submitted application conforms with the applicable policies of the Plan and represents good planning. On the basis of the preceding, staff recommends that Council approve the subject application, subject to the directions outlined in this report.

## **Page 12**

### **Attachments:**

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

- Map 1, Aerial Photograph
- Map 2, Existing Zoning
- Map 3, Official Plan Designation
- Map 4, Proposed Site Plan
- Map 5, Proposed Elevation Plans
- Appendix A, Extract from Council Public Meeting C#09-17 held March 22, 2017
- Appendix B, Draft Zoning By-law Amendment

## Page 13

### Report Approval Details

Document Title:	SRPRS.19.140 - Request for Approval - Zoning By-law Amendment Application.docx
Attachments:	- Appendix A SRPRS.19.140.pdf - Appendix B SRPRS.19.140.pdf - Map 1 SRPRS.19.140.pdf - Map 2 SRPRS.19.140.pdf - Map 3 SRPRS.19.140.pdf - Map 4 SRPRS.19.140.pdf - Map 5 SRPRS.19.140.pdf
Final Approval Date:	Aug 27, 2019

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

**Gus Galanis - Aug 22, 2019 - 4:25 PM**

**Kelvin Kwan - Aug 22, 2019 - 4:28 PM**

**Task assigned to Neil Garbe was completed by delegate Italo Brutto**

**Italo Brutto on behalf of Neil Garbe - Aug 27, 2019 - 9:00 AM**