



## **Staff Report for Council Public Meeting**

**Date of Meeting:** November 6, 2019

**Report Number:** SRPRS.19.152

**Department:** Planning and Regulatory Services

**Division:** Development Planning

**Subject:** **SRPRS.19.152 – Request for Comments – Zoning By-law Amendment and Draft Plan of Subdivision Applications – Robert Grabarczyk – City Files D02-19011 and D03-19003 (Related Files D05-19005 and D06-19041)**

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### **Owner:**

Robert Grabarczyk  
18 Elm Grove Avenue  
Richmond Hill, ON L4E 2T1

### **Agent:**

JKO Planning Services Inc.  
27 Fieldflower Crescent  
Richmond Hill, ON L4E 5E9

### **Location:**

Legal Description: Part of Lot 157, Plan 202  
Municipal Address: 18 Elm Grove Avenue

### **Purpose:**

A request for comments concerning proposed Zoning By-law Amendment and draft Plan of Subdivision applications to permit the construction of 16 three storey townhouse dwelling units fronting onto a private road on the subject lands.

### **Recommendation:**

- a) **That Staff Report SRPRS.19.152 with respect to the Zoning By-law Amendment and draft Plan of Subdivision applications submitted by Robert Grabarczyk for lands known as Part of Lot 157, Plan 202 (Municipal Address: 18 Elm Grove Avenue), City Files D02-19011 and D03-19003**

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**(Related Files D05-19005 and D06-19041), be received for information purposes only and that all comments be referred back to staff.**

### Contact Person:

Kaitlyn Graham, Senior Planner – Site Plans, phone number 905-771-2459 and/or  
Denis Beaulieu, Manager of Development, Subdivisions, phone number 905-771-2540

### Report Approval:

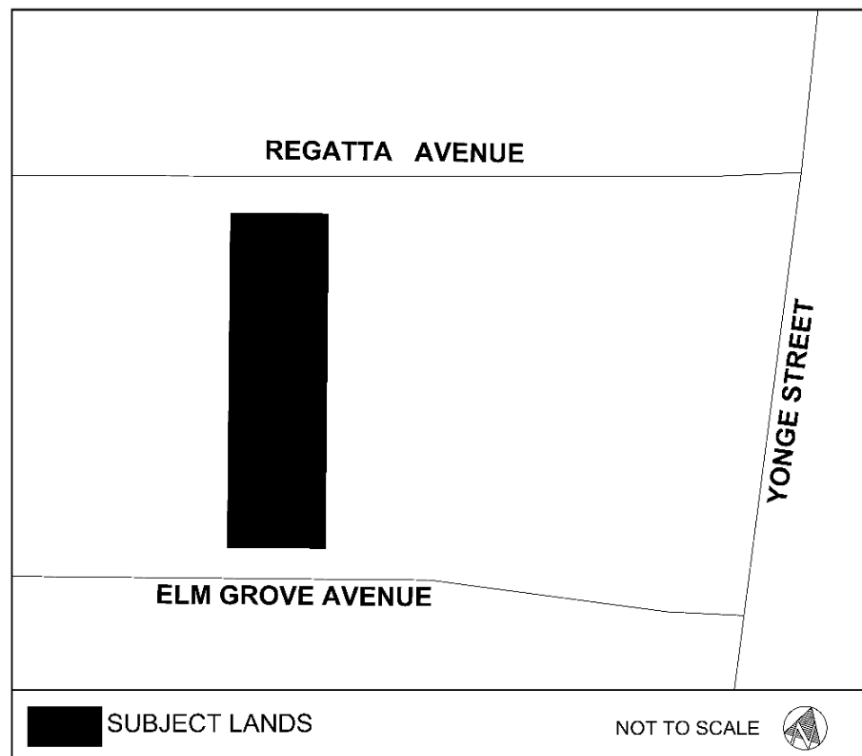
**Submitted by:** Kelvin Kwan, Commissioner of Planning and Regulatory Services

**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 person listed under the “Contact Person” above.



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### Background Information:

The subject Zoning By-law Amendment and draft Plan of Subdivision applications, in addition to related draft Plan of Condominium and Site Plan applications, were received and deemed complete by the City on August 20, 2019. The applications and supporting materials were subsequently circulated to relevant City departments and external agencies for review and comment. The purpose of this report is to seek comments from Council and the public with respect to the subject applications, pursuant to the statutory Public Meeting and associated notice requirements of the *Planning Act*.

### Summary Analysis:

#### Site Location and Adjacent Uses

The subject lands are located north of Elm Grove Avenue, south of Regatta Avenue, and west of Yonge Street (refer to Map 1). The property is a through lot and has a frontage of approximately 32 metres (105 feet) along both Elm Grove Avenue and Regatta Avenue, and a total site area of 0.35 hectares (0.87 acres). The lands currently support a single detached dwelling, two detached garages operating as an autobody repair shop, and several accessory shed structures, all of which are proposed to be demolished. Uses surrounding the property include institutional uses to the north, low density residential uses to the west, commercial uses to the east, and Académie de la Moraine, a French language elementary school to the south (refer to Map 2).

#### Development Proposal

The applicant is seeking Council's approval of its Zoning By-law Amendment and draft Plan of Subdivision applications to permit 16 three storey townhouse dwelling units fronting onto a private road on the subject lands (refer to Maps 3, 4 and 5). A six metre wide private road is proposed to provide a connection between Regatta Avenue to the north and Elm Grove Avenue to the south. The following is a summary outlining the pertinent statistics of the applicant's development proposal based on the plans and drawings submitted to the City:

#### Existing Site Statistics

|                                  |                            |
|----------------------------------|----------------------------|
| Lot Area:                        | 0.35 hectares (0.87 acres) |
| Lot Frontage (Elm Grove Avenue): | 32.26 metres (105.8 feet)  |
| Lot Frontage (Regatta Avenue):   | 32.26 metres (105.8 feet)  |

#### Proposed Site Statistics

|                         |  |
|-------------------------|--|
| Number of Blocks:       | 7 (2 residential, 5 non-residential)         |
| Number of Units:        | 16   |
| Gross Floor Area:       | 3,428 square metres (36,900 square feet)     |
| Density:                | 45.7 units per hectare (18.5 units per acre) |
| Height:                 | 3 storeys/12.5 metres (41 feet)              |
| Vehicle Parking Spaces: | 32 spaces (2 spaces/unit)                    |
| Visitor Parking Spaces: | 4 spaces (0.25 spaces/unit)                  |

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### Supporting Documentation/Reports

The applicant has submitted the following documents/information to the City in support of its development proposal:

- Survey;
- Planning Justification Statement (Inclusive of Draft Zoning By-law);
- Draft Plan of Subdivision;
- Draft Plan of Condominium;
- Site Plan;
- Adjacent Property Plan;
- Area Concept Plan;
- Floor, Elevation, and Streetscape Plans;
- Exterior Cladding Materials and Colour Palette Schedule;
- Urban Design Brief;
- Natural Heritage Evaluation;
- Geotechnical Investigation;
- Landscape Plan and Landscape Details;
- Tree Inventory and Tree Preservation Plan;
- Phase 1 Environmental Assessment;
- Exterior Lighting Plans;
- Functional Servicing Report;
- Stormwater Management Report (Inclusive of Water Balance Assessment);
- Site Grading, Servicing and Drainage Plans;
- Erosion and Sediment Control Plan;
- Construction/Traffic Management Plan;
- Transportation Study (Inclusive of Traffic Impact Study, Parking Study, Transportation Demand Management Strategy, Site Circulation, and Waste Management Plan); and,
- Sustainability Metrics and IGMS Response Letter.

### Zoning By-law Amendment Application

The subject lands are zoned **Residential Urban (RU) Zone** under By-law 1275, as amended (refer to Map 6). The **RU Zone** permits a single detached dwelling, municipal uses, parks, playgrounds, golf courses, private greenhouses, and accessory buildings and uses. The townhouse built form and development standards proposed by the subject applications are not permitted under the **RU Zone**. Accordingly, the applicant is seeking Council's approval to rezone the subject lands to **Multiple Residential One (RM1) Zone** under By-law 313-96, as amended, with site specific exceptions. Zoning By-laws 1275 and 313-96, as amended, both pre-date the adoption and approval of the City's Official Plan (the "Plan"). Outlined below is a comparison of the applicant's proposed development standards relative to those of the associated parent zone category, with requested and required site specific exceptions in bold:

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| <b>Development Standard</b>           | <b>RM1 Zone Standards, By-law 313-96, as amended (Block Townhouse)</b> | <b>Proposed RM1 Zone Standards (Block Townhouses on Blocks A and B)</b> |
|---------------------------------------|--|---|
| Minimum Lot Frontage                  | 30.0 metres (98.43 feet)   | 50.55 metres (165.85 feet)  |
| Minimum Lot Area                      | N/A  | N/A   |
| Maximum Lot Coverage                  | 50%  | 47.5%   |
| Minimum Front Yard Setback            | 4.5 metres (14.76 feet)  | <b>1.85 metres (6.07 feet)</b>  |
| Minimum Side Yard Setback (End Units) | 1.5 metres (4.92 feet)   | 1.5 metres (4.92 feet)  |
| Minimum Flankage Yard Setback         | 3.0 metres (9.84 feet)   | <b>2.55 metres (8.36 feet)</b>  |
| Minimum Rear Yard Setback             | 7.5 metres (24.60 feet)  | <b>6.0 metres (19.68 feet)</b>  |
| Maximum Height                        | 11 metres (36.09 feet)   | <b>12.5 metres (41 feet)</b>  |
| Minimum Residential Parking Spaces    | 2 spaces/unit  | 2 spaces/unit   |
| Minimum Visitor Parking Spaces        | 0.25 spaces/unit   | 0.25 spaces/unit  |

The applicant's draft Zoning By-law is currently under review. The site specific provisions and exceptions sought through the amendment shall be considered and refined in conjunction with revisions made to the subject applications through the detailed review process.

### **Draft Plan of Subdivision Application**

The applicant has submitted a draft Plan of Subdivision application that proposes the creation of seven blocks for residential, landscaping, private road/laneway purposes (refer to Map 3). The purpose of the draft Plan of Subdivision application is to facilitate the construction of 16 townhouse dwelling units fronting onto a private road. Should the applications be approved in the future, a Part Lot Control Exemption application will be required to create the townhouse dwelling unit lots within the residential blocks as "parcels of tied land" in relation to the applicant's draft Plan of Common Element Condominium application. In addition, a future Street Naming Application for the private common element condominium road will also be required.

### **Draft Plan of Common Element Condominium Application**

The applicant has submitted a draft Plan of Common Element Condominium application that proposes the creation of a common element condominium with respect to establishing "parcels of tied land" and ownership of common elements, including the proposed private road (refer to Map 4). The draft Plan of Common Element Condominium application will be reviewed concurrently with the other applications submitted, and will be revised and refined in accordance with comments provided.

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### Site Plan Application

The applicant has submitted a Site Plan application to facilitate the townhouse development as proposed (refer to Map 5). The Site Plan application will include detailed review of the development with respect to the siting and location of buildings, exterior design and materials, landscaping details and elements related to sustainability, as well as other technical comments relating to the development. The Site Plan application will be reviewed concurrently with the other applications submitted, and will be revised and refined in accordance with comments provided.

### Planning Analysis:

#### City of Richmond Hill Official Plan

The subject lands are located within the **Settlement Area** of the Oak Ridges Moraine, as defined in accordance with the Oak Ridges Moraine Conservation Plan (“ORMCP”) and are designated **Neighbourhood** in accordance with Schedule A2 (Land Use Plan) of the Plan (refer to Map 7).

In accordance with Section 4.9.1 of the Plan, lands designated **Neighbourhood** are generally characterized by low density residential areas that also provide for a range of service uses and facilities. Uses permitted within the **Neighbourhood** designation include low density residential uses such as single detached, semi-detached and duplex dwellings; medium density residential uses such as low rise townhouses and walk up apartments; as well as commercial uses, community uses, parks and urban open spaces, and automotive service commercial uses, subject to specific policies and criteria.

Opportunities for small-scale infill development are contemplated within the **Neighbourhood** designation, provided that proposed development is compatible with the character of the adjacent and surrounding area. Development in the **Neighbourhood** designation is restricted to a maximum building height of three storeys, except where located on an arterial street where a maximum building height of four storeys is permitted.

Where medium-density residential uses are proposed, the policies of Section 4.9.1.2 apply. Pursuant to Section 4.9.1.2, medium-density residential uses are permitted in the **Neighbourhood** designation to a maximum density of 50 units per hectare (20 units per acre) provided that they are on lands that have frontage on an arterial street; have frontage on a collector street and within walking distance of a public transit stop identified in a Tertiary Plan or priority infill area; or, have frontage on a local street in proximity to an existing medium-density residential development as identified in a Tertiary Plan or priority infill area.

Pursuant to Section 3.2.1.1.18 of the Plan, all uses are permitted within the **Settlement Area**, including the creation of new lots which are otherwise permitted under the Plan, subject to the requirements of Section 19(3) and 31(4) of the ORMCP and Section

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3.2.1.1 of the Plan. Section 3.2.1.1.18 further requires Minimum Vegetation Protection Zones to provide for appropriate buffer distances to Key Natural Heritage and Key Hydrological Features within the **Settlement Area**, which may be determined through a Natural Heritage Evaluation required in connection to an application for development or site alteration. The subject property is adjacent to an unevaluated wetland. The applicant has submitted a Natural Heritage Evaluation containing an Oak Ridges Moraine Conformity Statement which is currently under review.

It should also be noted that the subject lands are located within an Area of High Aquifer Vulnerability in the Oak Ridges Moraine, in accordance with Schedule A5 (ORM Areas of High Aquifer Vulnerability and Wellhead Protection Areas) of the Plan (refer to Map 8). Areas of High Aquifer Vulnerability are susceptible to contamination from both human and natural impacts on water quality. As described in Section 3.2.1.1.37 of the Plan, certain uses that may cause contamination or negatively impact water quality are prohibited in these areas. The proposed residential uses do not conflict with these policies and are permitted.

### **Elm Grove/Maple Grove/Aubrey Avenue Residential Infill Study**

In accordance with Section 4.9.1.1.1 p), of the Plan, the subject lands are located within the Elm Grove/Maple Grove/Aubrey Avenue Residential Infill Study area (the Study), which was approved by Council in 1999 (refer to Map 9). The Study provides direction through development concepts and design principles based on varying degrees of scale to guide how the neighbourhood may develop or evolve over time. Within the Study concepts, the subject lands are identified as a potential location for medium density development to provide for an appropriate transition between the existing low density residential uses to the west and commercial uses to the east of the lands, as well as to provide for a vehicular and pedestrian connection between Regatta Avenue and Elm Grove Avenue. The Study recommends a maximum density of 37.5 units per hectare and the implementation of the RM1 standards under By-law 313-96 to achieve appropriate medium density development. Pursuant to Section 4.9.1.1.3 of the Plan, development within a priority infill area is to be assessed based on conformity with the infill and urban design guidelines approved by Council.

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

The subject Zoning By-law Amendment, draft Plan of Subdivision, draft Plan of Condominium and Site Plan applications, in addition to the associated background studies and reports submitted in support of same, have been circulated to various City departments and external agencies for their review and comment. The following is a summary of the comments received as of the time of writing of this report.

### **Fire and Emergency Services Division**

The City's Fire and Emergency Services Division has requested additional information with respect to the design, construction and identification of the fire route as well as to

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ensure sufficient provision of fire hydrants. Further, staff have requested the designation of fire lots/blocks (refer to Appendix A).

### Urban Design Section

The City's Urban Design Section has identified concerns with the proposed lot depths and setbacks, particularly as they relate to the provision of adequate space for tree planting and privacy for neighbouring properties to the west. Staff has suggested that the north-south connection be proposed as a municipal road rather than a private laneway to facilitate pedestrian and vehicular movements while also providing for the planting of street trees. In addition, staff has requested that townhouses proposed to have flankage on Regatta Avenue and Elm Grove Avenue be revised to better address these streets (refer to Appendix B).

### Park and Natural Heritage Planning Section

The City's Park and Natural Heritage Planning Section has requested additional information with respect to the evaluation and assessment of a wetland on the abutting property identified by the applicant's Natural Heritage Evaluation to establish conformity with the policies of the ORMCP and the Plan. Staff recommend that the draft Zoning By-law, draft Plan of Subdivision, draft Plan of Condominium and Site Plan, as well as all materials submitted in support of the applications be revised to identify the limits of the feature as well as appropriate buffers, and measures for preservation and protection of the feature. Further, staff recommend conveyance of the feature and any associated buffer lands to a public agency (refer to Appendix C).

### Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority (TRCA) has requested that the Natural Heritage Evaluation be revised to include further information to assess and determine whether the wetland on the adjacent property to the east is a regulated wetland under Ontario Regulation 166/06 and to determine compliance with TRCA regulations and policies, as well as the ORMCP. Additional comments relating to stormwater management, including water balance, water quantity and quality, as well as site grading, erosion and sediment control, and hydrogeological matters have also been provided (refer to Appendix D).

### Development Planning Division

- the proposed medium density residential use in the form of a townhouse development is generally permitted within the **Settlement Area** located within the **Neighbourhood** designation in the Plan, and is contemplated within the Elm Grove/Maple Grove/Aubrey Avenue Residential Infill Study;
- additional information is required to ensure that the proposal conforms with the policies of the ORMCP and the Plan as they relate to the assessment and protection of Key Natural Heritage and Key Hydrological Features as may be identified in the Natural Heritage Evaluation submitted in support of the proposal;



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- the applicant is required to demonstrate that the development proposal conforms to the policies of the Plan and conforms to the Elm Grove/Maple Grove/Aubrey Avenue Residential Infill Study. The proposal must be compatible with and respect the density, scale and character of the existing area;
- additional review is required with respect to the appropriateness of the site specific development standards proposed that request relief from the zoning by-law, including the proposed height, setbacks, and density of the development;
- further review of the site organization and detailed building design, including proposed landscaping, location of visitor parking, pedestrian connectivity and circulation and amenity areas is required in accordance with the direction set out in the design principles of the Elm Grove/Maple Grove/Aubrey Avenue Residential Infill Study;
- the Functional Servicing Report submitted in support of the development shall be reviewed for conformity with the requirements of the approved OPA 129 Study Area C Functional Servicing Plan and Environmental Impact Statements (MESP), March 2014 (Final Copy December 1995);
- the applicant will be required to submit additional details to verify achievement of the requirements of the City's Sustainability Metrics; and,
- comments remain outstanding from several commenting departments and agencies which may raise additional and/or other technical, design, or policy concerns and issues that will be required to be addressed through subsequent submissions.

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

Comments have also been received from Alectra Utilities, Hydro One, Rogers, Enbridge Gas Inc., in addition to the City's Community Services Department and Financial Services Division as well as the Regional Municipality of York. These City Departments and external agencies have no objections to the applications and/or have provided comments to be considered by the applicant during the more detailed implementation stage of the approval process.

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

As of the writing of this report, comments remain outstanding from the City's Development Engineering Division and Building Services Division – Zoning Section.

### **Interim Growth Management Strategy**

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.*

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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.*

The applicant has submitted a letter advising how the proposal addresses the IGMS criteria, which is to be reviewed by City staff. As part of the review of the above noted IGMS Criteria Number 5 (Sustainable and Innovative Community and Building Design), the applicant has submitted a Sustainability Performance Metrics Tool in support of its proposed Site Plan application identifying an intent to achieve an Overall Application score of 33 points, which would satisfy the required threshold of 32-45 points for a “good” score. The Sustainability Performance Metrics Tool submitted is currently under review by Staff. Staff will continue to work with the applicant to revise and update the Sustainability Performance Metrics Tool in coordination with revisions to the proposal to ensure that the proposal meets the performance level required.

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

The recommendation of this report does not have any financial, staffing or other implications.

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

The recommendation of this report does not have any direct implications with respect to the City’s Strategic Plan. An overview of how the subject applications are aligned with the Strategic Plan will be included in a future recommendation report to Council following a comprehensive review and evaluation of the applicant’s development proposal.

### **Conclusion:**

The applicant is seeking Council’s approval of its Zoning By-law Amendment and draft Plan of Subdivision applications to permit a residential development comprised of 16 three storey townhouse dwelling units fronting onto a private road on the subject lands. The purpose of this report is to provide Council and the public with an overview of the development proposal and to discuss the regulatory regime governing the evaluation of these planning applications. This report has been structured for information purposes only, with a recommendation that all comments be referred back to staff for consideration.

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### **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 the contact person listed in this document.

- Map 1 Aerial Photograph
- Map 2 Neighbourhood Context
- Map 3 Proposed Draft Plan of Subdivision
- Map 4 Proposed Draft Plan of Condominium
- Map 5 Proposed Site Plan
- Map 6 Existing Zoning
- Map 7 Official Plan – Land Use Designation
- Map 8 Official Plan – ORM Areas of High Aquifer Vulnerability and Wellhead Protection Areas
- Map 9 Elm Grove/Maple Grove/Aubrey Avenue Residential Infill Study
- Appendix A – Memo from the Fire and Emergency Services Division dated September 18, 2019
- Appendix B – Memo from the Urban Design Section dated September 27, 2019
- Appendix C – Email from the Park and Natural Heritage Planning Section dated October 2, 2019
- Appendix D – Letter from the Toronto and Region Conservation Authority dated October 4, 2019

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### Report Approval Details

|                      |  |
|----------------------|--|
| Document Title:      | Request for Comments - Zoning By-law Amendment and Draft Plan of Subdivision Applications - 18 Elm Grove Avenue.docx   |
| Attachments:         | <ul style="list-style-type: none"> <li>- SRPRS.19.152_MAP_1_AERIAL_PHOTOGRAPH.pdf</li> <li>- SRPRS.19.152_MAP_2_NEIGHBOURHOOD_CONTEXT_S219011A_S319003.pdf</li> <li>- SRPRS.19.152_MAP_3_PROPOSED PLAN OF SUBDIVISION.pdf</li> <li>- SRPRS.19.152_MAP_4_PROPOSED DRAFT PLAN OF CONDOMINIUM.pdf</li> <li>- SRPRS.19.152_MAP_5_PROPOSED SITE PLAN.pdf</li> <li>- SRPRS.19.152_MAP_6_ZONING_S219011A_S319003.pdf</li> <li>- SRPRS.19.152_MAP_7_OFFICIAL_PLAN LAND USE DESIGNATION.pdf</li> <li>- SRPRS.19.152_MAP_8_OFFICIAL_PLAN ORM Areas of High Aquifer Vulnerability and Wellhead Protection Areas.pdf</li> <li>- SRPRS.19.152_MAP_9_ELM GROVE MAPLE GROVE AUBREY AVENUE RESIDENTIAL INFILL STUDY.pdf</li> <li>- SRPRS.19.152_Appendix_A.pdf</li> <li>- SRPRS.19.152_Appendix_B.pdf</li> <li>- SRPRS.19.152_Appendix_C.pdf</li> <li>- SRPRS.19.152_Appendix_D.pdf</li> </ul> |
| Final Approval Date: | Oct 16, 2019   |

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

**Gus Galanis - Oct 16, 2019 - 9:06 AM**

**Kelvin Kwan - Oct 16, 2019 - 9:11 AM**

**Neil Garbe - Oct 16, 2019 - 10:11 AM**