



Staff Report for Council Meeting

Date of Meeting: April 8, 2020
Report Number: SRPRS.20.048

Department: Planning and Regulatory Services
Division: Development Planning

Subject: SRPRS.20.048 – Request for Approval – Zoning By-law Amendment Application – Fortune Real Estate Development Inc. – City File D02-18001 (Related Files D06-18003, D06-18004 and D06-18005)

Owner:

Fortune Real Estate Development Inc.
330 Highway 7 East, Suite 201
Richmond Hill, Ontario
L4B 3P8

Agent:

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

Location:

Legal Description: Lots 66, 67 and 68, Plan 201, and part of the former Ethelwyn Avenue road allowance, designated as Part 1, Plan 65R-37405
Municipal Address: 0 Briarhill Boulevard

Purpose:

A request for approval concerning a proposed Zoning By-law Amendment application to permit the construction of three single detached dwellings on the subject lands.

Recommendations:

- a) That the Zoning By-law Amendment application submitted by Fortune Real Estate Development Inc. for the lands known as Lots 66, 67 and 68, Plan 201, and part of the former Ethelwyn Avenue road allowance designated as

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Part 1, Plan 65R-37405 (Municipal Address: 0 Briarhill Boulevard), City File D02-18001, be approved, subject to the following:

- (i) that the subject lands be rezoned from Agricultural (A) Zone under By-law 1703, as amended, to Single Detached Four (R4) Zone and Environmental Protection Area Two (EPA2) Zone under By-law 313-96, as amended; and,
- (ii) that the amending Zoning By-law be brought forward to Council for consideration and enactment.

Contact Person:

Simone Fiore, Planner II – Subdivisions, phone number 905-771-2479 and/or
Denis Beaulieu, Manager of Development, Subdivisions, phone number 905-771-2540

Report Approval:

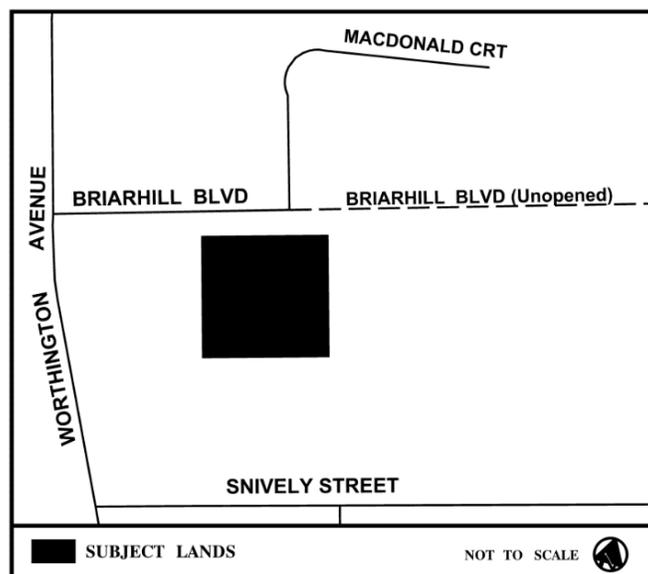
Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by: Mary-Anne Dempster, Interim 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 “Contact” above.



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Background:

The subject Zoning By-law Amendment application was considered at a statutory Council Public Meeting held on May 30, 2018 wherein Council received Staff Report SRPRS.18.096 for information purposes and referred all comments to staff for consideration (refer to Appendix “A”). Concerns with the applicant’s original development proposal were raised by Council and the public pertaining to the architectural design of the proposed dwellings, tree preservation, and the potential impacts of development on the adjacent environmental features. These comments are addressed in later sections of this report.

Revised submissions have been filed with the City to address outstanding matters. All comments from circulated departments and external agencies have now been satisfactorily addressed by the applicant. Accordingly, the purpose of this report is to seek Council’s approval of the applicant’s revised Zoning By-law Amendment application.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the south side of Briarhill Boulevard, east of Worthington Avenue (refer to Map 1). The lands have frontage of approximately 61.773 metres (202.67 feet) on Briarhill Boulevard and a total lot area of approximately 0.22 hectares (0.54 acres). Adjacent land uses include vacant City-owned lands and natural heritage features to the south and east, existing low density residential uses to the west, and a new residential development (MacDonald Court) to the north which extended Briarhill Boulevard and provided public street frontage to the subject lands.

Revised Development Proposal

The applicant is seeking Council’s approval of its revised Zoning By-law Amendment application to facilitate the construction of three single detached dwellings on its land holdings (refer to Maps 5 and 6).

The applicant submitted revised submissions to the City in April 2019, December 2019 and January 2020 in response to technical comments received from City departments and external agencies. The revised Site Plan maintains the same general overall design and layout as the original development proposal (refer to Map 4) presented to Council in May 2018, but the lot boundary for Site 3 has been revised to incorporate appropriate buffers from the natural heritage features to the south and east (refer to Map 5). Staff note that the proposed **Environmental Protection Area Two (EPA2) Zone** portion of the subject lands is to be dedicated to a public authority through the future Consent or Site Plan application approval process.

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

- **Total Lot Area:** 2,707.09 sq. m. (29,138.87 sq. ft.)
 - **Proposed Developable Area:** 1,512.43 sq. m. (16,279.66 sq. ft.)
 - **Proposed Land Conveyance:** 1,194.66 sq. m. (12,859.21 sq. ft.)
- **Number of Dwelling Units:** 3
- **Building Heights:** 2 storeys

Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** and **Natural Core** in accordance with Schedule A2 of the City's Official Plan (the "Plan"), in addition to being identified as a **Category 2 – ORM Landform Conservation Area** (refer to Maps 2 and 7 respectively). The predominant use of land within the **Neighbourhood** designation is to be for low-rise residential uses such as the proposed single detached dwellings, while the permitted uses in the **Natural Core** designation include fish, wildlife and forest management, conservation projects, flood and erosion control projects, essential infrastructure, low-intensity recreational uses, unserviced parks and accessory uses.

Notwithstanding that a portion of the subject lands are designated **Natural Core**, the Plan provides the ability to refine the limits of these areas without an Official Plan Amendment through the submission of a Natural Heritage Evaluation (NHE) to the satisfaction of the City and the Toronto and Region Conservation Authority (TRCA) **Policies 4.10.5.1.5** and **4.10.5.1.6**. A natural heritage feature staking exercise took place on the subject lands with the City and TRCA staff on May 17, 2018.

Additionally, a portion of the subject lands were the subject of an Ontario Municipal Board hearing (now known as the Local Planning Appeal Tribunal) in August 2014 respecting appeals to the Greenway System policies of the Plan (refer to Site 3 on Map 5). In this regard, Site 3 of the proposed development is located, in part, within 30 metres of a Significant Woodland and a Provincially Significant Wetland (refer to Maps 8 and 9). The previous landowner filed an appeal seeking clarification as to whether or not a single detached dwelling would be permitted on Site 3, being an existing lot of record. A settlement was reached between the City and the appellant clarifying that a single detached dwelling would be permitted, subject to the submission and findings of a Natural Heritage Evaluation. In this regard, Site 3 is identified as Exception 11 in the Official Plan, and the following exception policy applies:

“Notwithstanding any other provision of this Plan to the contrary, for the lands known as Lot 67 and 68 Registered Plan 201, Town of Richmond Hill and shown as Exception Area “11” on Schedule A11 (Exceptions) to this Plan, the following shall apply:

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- a. For the lands shown as Exception Area 11 on Schedule A11 (Exceptions) to this Plan, one single detached dwelling shall be permitted. The planning, design, siting, orientation, landscaping, construction, management practices and other natural heritage considerations relating to the development of the lands for a single detached dwelling shall be determined through a Scoped Natural Heritage Evaluation completed in accordance with Section 5.24(2) of this Plan to the satisfaction of the Town and the Conservation Authority.” (Policy 6.11)***

Lastly, the landform conservation policies of the Plan implement the *Oak Ridges Moraine Conservation Plan (ORMCP)* and serve to ensure that development and site alteration minimize disturbances to landform character (**Policy 3.2.1.1.35**). In this regard, when reviewing development applications within **Settlement Areas** in the ORMCP, approval authorities and proponents of development must identify planning, design and construction practices that will keep disturbance to landform character to a minimum, including: (1) maintaining significant landform features such as steep slopes, kames, kettles, ravines and ridges in their natural undisturbed form; (2) limiting the portion of the net developable area of the site that is disturbed to not more than 50 percent of the total area of the site; and (3) limiting the portion of the net developable area of the site that has impervious surfaces to not more than 20 per cent of the total area of the site, if possible.

A Natural Heritage Evaluation (NHE) prepared by Beacon Environmental was submitted by the applicant in support of the proposed development. The purpose of the NHE was to determine the location of any Key Natural Heritage Features (KNHFs) and Key Hydrologic Features (KHF) on and within a 120 metre area of influence, to confirm the developable limits, required buffers and mitigation measures, and to minimize disturbance to landform character. Through the NHE, it was identified that the subject lands consist of a woodland which is part of a significant woodland associated with the Wilcox-St. George Provincially Significant Wetland complex which is located southeast/east of the subject lands. The NHE and additional addendums provide mitigation measures, including but not limited to appropriate buffers, tree protection and land dedication to the City to ensure that there are no negative impacts to the ecological integrity of the environmental features. After a comprehensive review of the NHE and NHE addendums, City and TRCA staff have no concerns with the approval of the subject Zoning By-law Amendment application. Staff will continue to work with the applicant through the Site Plan approval process to ensure landform conservation preservation.

Given all of the above, staff is of the opinion that the applicant's development proposal conforms with the applicable policies of the Plan and the ORMCP.

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Revised Zoning By-law Amendment Application

The subject lands are zoned **Agricultural (A) Zone** under By-law 1703, as amended (refer to Map 3). The applicant is seeking Council's approval to rezone the subject lands to **Single Detached Four (R4) Zone** and **Environmental Protection Area Two (EPA2) Zone** under By-law 313-96, as amended, to permit the construction of three single detached dwellings on its land holdings (refer to Maps 5 and 6).

The following table provides a summary of development standards applicable to the proposed **Single Detached Four (R4) Zone** category under Zoning By-law 313-96, as amended, and the applicant's proposed development:

Development Standard	R4 Zone Standards, By-law 313-96, as amended	Proposed Standards/Development		
		Site 1	Site 2	Site 3
Minimum Lot Frontage (Interior)	12 metres (39.37 feet)	12.1 metres (39.7 feet)	12.1 metres (39.7 feet)	12.3 metres (40.35 feet)
Minimum Lot Area (Interior)	400 square metres (4,305.56 square feet)	552.51 square metres (5,947.17 square feet)	553.76 square metres (5,960.62 square feet)	406.16 square metres (4,371.87 square feet)
Maximum Lot Coverage	40%	36%	36%	33%
Minimum Front Yard	4.5 metres (14.76 feet)	6 metres (19.69 feet)	6 metres (19.69 feet)	6 metres (19.69 feet)
Minimum Side Yard	1.5 metres (4.92 feet)*	1.2 metres (3.94 feet)	1.2 metres (3.94 feet)	1.5 metres (4.92 feet)
Minimum Rear Yard	7.5 metres (24.61 feet)	18.7 metres (61.35 feet)	18.7 metres (61.35 feet)	7.5 metres (24.61 feet)
Maximum Height	11 metres (36.09 feet)	10 metres (32.8 feet)	10 metres (32.8 feet)	10 metres (32.8 feet)
*side yard may be reduced to 1.2 metres (3.94 feet) if there are no doors in any wall adjacent to the side lot line.				

The initial request proposed to rezone Site 3 to **Single Detached Eleven (R11) Zone**; however, the applicant revised their request and have now proposed that Site 3 also be zoned **R4 Zone** under By-law 313-96, as amended. City staff have no concerns with this request as the **R4 Zone** is more consistent with the surrounding residential area. In addition, the proposed Site 3 meets all of the **R4 Zone** development standards and does not require any site specific development standards.

In addition, staff has reviewed the proposed **Open Space (OS) Zone** and is of the opinion that the associated environmental lands should be zoned **Environmental Protection Area Two (EPA2) Zone** instead as it recognizes the related environmental features. There are no zone provisions for the **EPA2 Zone**; however, it is noted that through the development proposal, the City will be acquiring a total of 0.12 hectares (0.3 acres) of environmental lands, which includes a significant woodlot, as well as the respective buffer approximately 0.038 hectares (0.094 acres) in size (refer to Map 5).

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Given the above, staff is of the opinion that the applicant's revised Zoning By-law Amendment application is considered appropriate for the lands and constitutes good planning.

Revised Site Plan Applications

The submitted Site Plan applications (City Files D06-18003, D06-18004 and D06-18005) for the proposed building lots are currently under review. The Site Plan submission addresses matters including architectural design, building and siting setbacks, tree protection, landscaping, tree planting, landform conservation, site servicing, grading and drainage.

At the time of writing of this report, only technical matters remain to be addressed with respect to Development Engineering, Park and Natural Heritage Planning and TRCA requirements. Notwithstanding the foregoing, staff is satisfied with the design and placement of the proposed single detached dwellings and will continue to work with the applicant towards the finalization and execution of Site Plan Agreements should Council approve the subject Zoning By-law Amendment application.

Public Meeting Comments:

The following is a summary of and response to the main comments and concerns expressed by members of the public and Council at the Council Public Meeting held on May 30, 2018 and in written correspondence:

- **Architectural Design**

Concerns were raised with respect to the architectural design of the proposed dwellings. The applicant has worked with Urban Design staff to revise the design of the proposed dwellings to better align with the City's Urban Design Guidelines. These revisions include recessing the garages from the main front wall of the dwellings, adding various architectural elements to the proposed dwellings including taller windows, reducing the height of the mansard roof and revising the colour palette for the exterior materials to be consistent with the classical style of buildings.

- **Potential Environmental Impact and Tree Preservation/Removal**

Concerns were raised with respect to the potential negative environmental impact that the proposed development would create. As noted previously in this report, after a comprehensive review of the Natural Heritage Evaluation and Tree Inventory and Preservation Plan Report submitted by the applicant, City and TRCA staff have determined that the applicant's development proposal is appropriate and would not impact the ecological integrity of the existing woodlot and nearby Provincially Significant Wetland. Through the development proposal, the City will be acquiring a total of 0.12 hectares (0.3 acres) of environmental lands, as well as the respective buffer of approximately 0.038 hectares (0.094 acres) in size. Staff notes that replanting and/or cash-in-lieu thereof will be required at the Site Plan application

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stage as compensation for any tree removals to the satisfaction of the City's Park and Natural Heritage Planning staff.

City Department and External Agency Comments:

Comments received through the circulation of the applicant's development proposal from City departments and external agencies have been satisfactorily addressed. City departments and external agencies have no further comments or objections with respect to the proposed Zoning By-law Amendment application. Technical comments will be addressed through the subsequent Consent and Site Plan application processes, as detailed below:

Park and Natural Heritage Planning Section

The City's Park and Natural Heritage Planning staff have no objection to the subject Zoning By-law Amendment application. Technical comments relating to additional tree planting or tree compensation in lieu of, a landscape cost estimate, soil remediation, updated tree protection zones and landform conservation will be addressed through the Site Plan applications.

Toronto and Region Conservation Authority (TRCA)

The TRCA has provided their clearance for the subject Zoning By-law Amendment application and have provided grading, planting and erosion and sediment control comments that will be addressed through the Site Plan approval process. Further, a TRCA permit will be required prior to any works occurring on the subject property.

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 development proposal aligns with **Goal One – Stronger Connections in Richmond Hill** by improving environmental connections, in addition to **Goal Four – Wise Management of Resources in Richmond Hill** by using land responsibility.

Conclusion:

The applicant is seeking Council's approval of its revised Zoning By-law Amendment application to permit the construction of three single detached dwellings on its land holdings. Staff is of the opinion that the submitted Zoning By-law Amendment application conforms with the Oak Ridges Moraine Conservation Plan and the City's Official Plan, and that the development proposal is appropriate and represents good planning. On the basis of the preceding, it is recommended that Council approve the subject Zoning By-law Amendment application as outlined and described in this report.

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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 the contact person listed in this document.

- Appendix A, Extract from Council Public Meeting C#18-18 held May 30, 2018
- Appendix B, Draft Zoning By-law
- Map 1 Aerial Photograph
- Map 2 Official Plan Designation
- Map 3 Existing Zoning
- Map 4 Original Site Plan
- Map 5 Proposed Site Plan
- Map 6 Proposed Elevations
- Map 7 Landform Conservation
- Map 8 Significant Woodland
- Map 9 Provincially Significant Wetland

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Report Approval Details

Document Title:	SRPRS.20.048 - Request for Approval - Zoning By-law Amendment - 0 Briarhill Boulevard.docx
Attachments:	<ul style="list-style-type: none">- Appendix A, CPM Extract.pdf- Appendix B, Draft Zoning By-law.pdf- Appendix B, Draft Zoning By-law Schedule A.pdf- MAP_1_AERIAL_PHOTOGRAPH.pdf- MAP_2_OFFICIAL_PLAN_DESIGNATION.pdf- MAP_3_EXISTING_ZONING_S218001A_NEW.pdf- MAP_4_ORIGINAL_SITE_PLAN.pdf- MAP_5_PROPOSED_SITE_PLAN.pdf- MAP_6_PROPOSED_ELEVATIONS.pdf- MAP_7_LANDFORM_CONSERVATION.pdf- MAP_8_SIGNIFICANT_WOODLAND.pdf- MAP_9_PROVINCIALY_SIGNIFICANT_WETLAND.pdf
Final Approval Date:	Mar 23, 2020

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

Gus Galanis - Mar 23, 2020 - 9:27 AM

Kelvin Kwan - Mar 23, 2020 - 9:35 AM

MaryAnne Dempster - Mar 23, 2020 - 11:15 AM