



Overland LLP  
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June 3, 2020

**VIA EMAIL**

Mayor and Members of Council  
City of Richmond Hill  
225 East Beaver Creek  
Richmond Hill, ON L4B 3P4

**Attention: City Clerk**

**RE: SRPRS.20.0.61 – Request for Comments – Zoning By-law Amendment and Draft Plan of Subdivision Applications – Silver Spring Homes Development Inc. – City Files D02-20004 and D03-20002**

**City Council Public Meeting, June 3, 2020: Agenda Item No. 3.2**

We are the lawyers for 2522772 Ontario Inc. ("**2522772**"), the registered owner of the property municipally known as 243 16<sup>th</sup> Avenue in the City of Richmond Hill.

Our client's lands were recently the subject of a settlement hearing before the Local Planning Appeal Tribunal (the "**LPAT**") regarding appeals that it filed in respect of its Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, Draft Plan of Condominium and Site Plan applications (LPAT Case No. PL171444).

As identified on the third page of the Staff Report that was prepared for the above-noted item (Report Number: SRPRS.20.061), our client's appeals of its Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications were approved in principle by the LPAT in a decision issued on March 10, 2020. A copy of this decision is attached for reference. As directed by the LPAT at the settlement hearing, our client has been working expeditiously with staff on behalf of the City of Richmond Hill and the Regional Municipality of York to resolve its Draft Plan of Condominium and Site Plan appeals.

We have reviewed the supporting materials filed by the applicant and attached to the Staff Report. These materials highlight the various ways in which the applicant's proposed development will need to be revised in a manner that respects the planned function of our client's lands, including but not limited to matters regarding the applicant's proposed floodplain controls, elevation and grading features, and the configuration of the proposed public roadway.

Based on our review, the materials filed with the development applications are in direct conflict with the planned function of our client's lands, and are therefore at odds with a recently approved development that was endorsed by City Council and supported by the City and adjacent landowners at the LPAT. As illustrated on the proposed concept plan (Map 8), the

public roadway appears to traverse the southern limits of our client's lands, which are approved in principle for townhouse dwellings. As proposed on the preliminary site plan (Map 6), the temporary cul-de-sac would be located at or within the backyards of the townhouse dwelling units on our client's lands. The proposed concept plan and preliminary site plan also fail to accurately depict and appropriately consider the approved development on our client's lands.

It appears that the applicant designed the proposed development without pertinent information regarding the status of our client's appeals. In this regard, we note that the applicant has not made any efforts to contact our client regarding the proposed development.

At this juncture, we are writing to advise that our client has an ongoing interest in this matter, and that it will continue to participate in the process moving forward in order to ensure that the proposed development does not negatively impact the planned function of its lands.

We hereby request notice of any future public meeting, proceeding or decision in connection with the above-noted matter.

Yours truly,  
**Overland LLP**

A handwritten signature in black ink, appearing to read 'Michael Cara', with a stylized, cursive script.

Per: Michael Cara

Encl.

**Schedule “A” – Decision issued by the Local Planning Appeal Tribunal in respect  
of 243 16<sup>th</sup> Avenue (LPAT Case No. PL171444) dated March 10, 2020**

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** March 10, 2020

**CASE NO(S):** PL171444

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	2522772 Ontario Inc.
Subject:	Application to amend Zoning By-law No. 255-96 - Refusal or neglect of the Town of Richmond Hill to make a decision
Existing Zoning:	Special Residential One (SR-1) Zone and Low Density Residential (R6) Zone
Proposed Zoning:	Multiple Family One (RM1) Zone with site specific provisions
Purpose:	To permit the development of 11 three storey townhouse units within a common element condominium development
Property Address/Description:	243 16th Avenue
Municipality:	City of Richmond Hill
Municipality File No.:	D02-14013
OMB Case No.:	PL171444
OMB File No.:	PL171444
OMB Case Name:	2522772 Ontario Inc. v. Richmond Hill (Town)

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	2522772 Ontario Inc.
Subject:	Proposed Plan of Subdivision - Failure of the Town of Richmond Hill to make a decision
Purpose:	To permit the development of 11 three storey townhouse units within a common element condominium development
Property Address/Description:	243 16th Avenue

Municipality: City of Richmond Hill  
 Municipality File No.: D03-14002  
 OMB Case No.: PL171444  
 OMB File No.: PL171445

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 2522772 Ontario Inc.  
 Subject: Request to amend the Official Plan - Failure of the Town of Richmond Hill to adopt the requested amendment  
 Existing Designation: Neighbourhoods  
 Proposed Designation: Neighbourhoods  
 Purpose: To permit the development of 11 three storey townhouse units within a common element condominium development  
 Property Address/Description: 243 16th Avenue  
 Municipality: City of Richmond Hill  
 Approval Authority File No.: D01-17007  
 OMB Case No.: PL171444  
 OMB File No.: PL180381

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 2522772 Ontario Inc.  
 Subject: Proposed Plan of Condominium - Failure of the Town of Richmond Hill to make a decision  
 Purpose: To permit the development of 11 three storey townhouse units within a common element condominium development  
 Property Address/Description: 243 16th Avenue  
 Municipality: City of Richmond Hill  
 Municipality File No.: D05-14003  
 OMB Case No.: PL171444  
 OMB File No.: PL180382

**PROCEEDING COMMENCED UNDER** subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by:  
 Subject: Site Plan  
 Property Address/Description: 243 16th Avenue  
 Municipality: Town of Richmond Hill  
 LPAT Case No.: PL171444  
 LPAT File No.: PL180261

**Heard:** February 4, 2020 in Richmond Hill, Ontario.

**APPEARANCES:**

**Parties**

**Counsel/Representative\***

2522772 Ontario Inc.

Michael Cara, Daniel Artenosi

City of Richmond Hill

Carlton Thorne

Emilio Russo

Kristie Jennings

**DECISION DELIVERED BY D. CHIPMAN AND T.F. NG ON FEBRUARY 4, 2020  
AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] This hearing session of the Local Planning Appeal Tribunal (the “Tribunal”) proceeded as a settlement hearing with respect to appeals filed by 2522772 Ontario Inc. (the “Applicant”) from the failure of the City of Richmond Hill to make a decision in respect to applications for amendments under s. 22(7) to the Official Plan (the “OP”), s. 34(11) to Zoning By-law No. 255-96 (the “ZBL”), s. 51(34) to the Plan of Subdivision (PL171445) and Draft Plan of Condominium (PL180382).

[2] The purpose of the application is to permit the redevelopment of the subject site to permit the development of eleven (11) three storey townhouse units within a common element condominium development. The site plan application (PL180261) was also referred to the Tribunal.

[3] The subject property (“site”) is legally known as Part of Lot 12, Registered Plan 3806 and is municipally known as 243 16<sup>th</sup> Avenue, in the City of Richmond Hill. The subject site is located on the south side of 16<sup>th</sup> Avenue where the right-of-way is extended south of the Canadian National Rail overpass to meet Red Maple Road. The

subject site measures approximately 0.26 hectares in size. A vacant, 1.5 storey single detached dwelling currently occupies the northeast portion of the subject site. Access to the existing double driveway is along the eastern limit of the property frontage.

[4] Present at the hearing was Kristie Jennings, counsel for Emilio Russo who did not file any witness statements. Ms. Jennings noted that her client has had his issues largely addressed but would like to see the instrument in its final form to ensure certain items have been included.

### **Background and Context**

[5] The intention of the Application is to rezone the site from Special Residential One (SR-1) Zone and Low Density Residential (R6) Zone to Multiple Family One (RM1) Zone with site specific provisions. The Plan of Subdivision proposes the establishment of a single residential block.

[6] The site is designated Neighbourhoods within a priority infill area and permits medium density residential uses. The lands are partially located in a floodplain area of the Toronto Region Conservation Area ("TRCA"), abutting a natural and hydrological feature known as German Mills Creek.

[7] On September 29, 2017 the Applicant filed an Official Plan Amendment Application for the purposes of amending Policy 3.2.2.3.7 of the OP to reduce the minimum protection zone (buffer) to the German Mills Creek floodplain.

[8] On February 28, 2019 following a process of review of the proposal with City Staff, the Applicant filed a 'With Prejudice' Settlement Offer for the purposes of settling the appeals of the OPA, ZBA and Draft Plan of Subdivision Application. The 'With Prejudice' Settlement Offer cited that the Applicant, if the City was agreeable to the Offer, would work to implement any reasonable and necessary changes to the Site Plan Approval and Draft Plan of Condominium Applications to implement the Revised Proposal.

- [9] The Revised Proposal through the 'With Prejudice' Settlement Offer proposed:
- a) Eleven (11) common element condominium townhouse units;
  - b) Three storey maximum building height and minimum unit width of 6 metres;
  - c) A single, restricted right-in, right-out private laneway access near the westerly limit of 16<sup>th</sup> Avenue;
  - d) A minimum 0.3 m vertical free board buffer (retaining wall) plus an additional 'horizontal buffer' ranging between 0.4 m to 10 m to the adjacent floodplain as an alternative to the 10 m 'horizontal' minimum protection zone; and
  - e) A road widening along 16<sup>th</sup> Avenue to accommodate a new public sidewalk.

[10] On March 1, 2019, the Applicant filed with the City an updated Draft Plan of Subdivision and Draft Plan of Condominium for the purpose of settling the associated Applications. The updated Draft Plan of Subdivision proposes the creation of four (4) blocks; including a residential block as well as two (2) reserve blocks and a road widening block along 16<sup>th</sup> Avenue. In addition to creating the proposed blocks the Draft Plan of Subdivision Application will place the subject site within a registered Plan of Subdivision, which will in turn facilitate a potential Part Lot Control Exemption By-law towards the creation of the parcels of tied land for the individual residential units. The purpose of the Draft Plan of Condominium is to facilitate the creation of the common element condominium tenure over the common element portions of the development (i.e. private laneway and sidewalk, parking area, landscape areas, utility area).

### **Planning Evidence**

[11] Michael Cara, counsel for the Applicant called their expert witness to give evidence on behalf of the Applicant. The evidence to support the settlement was called through the consulting planner retained by the Applicant Michael Gagnon. Mr. Gagnon



was qualified to proffer opinion evidence on land use planning matters. Mr. Gagnon was sworn in to provide expert testimony.

[12] Mr. Gagnon detailed the retainer of his firm from June 6, 2016 to provide planning services with respect to the proposed redevelopment of the Property for a common element condominium townhouse development. Mr. Gagnon has been involved through out the process including the ongoing review of the proposal with City and Regional Staff, which culminated in the submission of a “Revised Proposal” and accompanying settlement offer that was accepted by City Council at its meeting on March 25, 2019.

[13] Mr. Gagnon provided a Land Use Planning Justification Report [Exhibit 8, Tab D] which outlines a summary of Planning Evidence and Opinions in support of the Applications in relation to the Provincial Policy Statement; the Growth Plan 2010; the Region of York OP; the City of Richmond Hill OP and the City of Richmond Hill Zoning By-law No. 255-96 Amendment.

[14] Mr. Gagnon stated that he is of the opinion that the Application is consistent with the PPS on the basis it is an appropriate level of intensification within the built-up area which will assist in achieving growth and intensification targets. Further, in keeping with the PPS, this development is supported by existing storm, sanitary and water services; provides urban design and built-form that effectively integrates, complements and is compatible with existing surrounding built-forms and promotes active transportation and the use of transit.

[15] Mr. Gagnon cited that the proposal also encourages the development of an increased mix and supply of housing and protects the environment and public safety.

[16] In respect to the 2019 Growth Plan, Mr. Gagnon explained that several policies apply. He directed attention to Policies 4.2.1 and 4.2.2 regarding the protection of Water Resource Systems as it relates to German Mills Creek. Further, he is of the opinion that the Application represents infill development and intensification that will

optimize existing hard infrastructure, transit service and makes more efficient use of land. Further examples that illustrate his evidence are found in Exhibit 8, Tab C.

[17] Mr. Gagnon spoke to the Region of York OP citing the subject site as an Urban Area having the potential for intensive and mixed-use land development which is supported by infrastructure, services and public transit services.

[18] With respect to land use, the proposed three-storey townhouse development, conforms with the land use permissions of the *Neighbourhoods* designation in the City of Richmond Hill's OP on Schedule A2: Land Use of the Richmond Hill Official Plan and is also identified in s. 4.9 as being located within a 'Priority Infill Area' where small infill is permitted. Medium density residential uses, such as low-rise townhouses are permitted on lands that have frontage on an Arterial Road up to a height of four storeys and to a maximum density of 50 units per hectare (20 units per acre).

[19] Mr. Gagnon testified that the revised proposal responds appropriately to matters of provincial interest as enumerated in s. 2 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, specifically section:

(p) the appropriate location of growth and development;

(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

[20] On conclusion of providing evidence, Mr. Gagnon reiterated that this Revised Proposal was endorsed by the City, that issues with other original Parties were resolved and that in his opinion this development met all planning requirements.

[21] Ms. Jennings on behalf of Mr. Russo, questioned Mr. Gagnon that if the private driveway is to be utilized to facilitate vehicular and pedestrian access to any future development on the Russo Lands, would such a right be confirmed by the Applicant per the contents of the Statement of Agreed Facts (Land Use Planning). Mr. Gagnon cited that subject to parties' satisfactory legal arrangements; the principle of the Statement of

Agreed Facts is acceptable.

[22] The Tribunal informed Ms. Jennings and the Applicant that while conversations on a mutual access are being conducted between the Applicant and Mr. Russo, the Tribunal will not consider any matter that is not before the Tribunal and will not consider any private agreement on the future development of the Russo Lands. The Panel stated that the proposal was revised to satisfy the City on a road widening, the TRCA on a retaining wall and a design conducive to the Applicant and the City on the alignment of the driveway as it pertains to the 243 16<sup>th</sup> Avenue development.

The City had no questions of Mr. Gagnon.

### **Analysis and Findings**

[23] In determining this matter, the Tribunal accepts and adopts the uncontested land use planning evidence and expert opinions provided Mr. Gagnon. The Tribunal is persuaded by the evidence that the proposal promotes efficient development of land, accommodates a range of appropriate mixed uses, intensifies uses within the settlement area, and contributes to the range of housing options in the area.

[24] The Tribunal accepts the uncontroverted evidence of Mr. Gagnon and concludes that the revised proposal is consistent with the Provincial Policy Statement, 2014, will conform with the Growth Plan for the Greater Golden Horseshoe, 2019 and will conform with the City OP.

### **ORDER**

[25] The Tribunal Orders that the appeal is allowed, in part, and Official Plan Amendment 17, as set out in Attachment 1 to this order is approved;

[26] The Tribunal Orders that the appeal is allowed, in part, and Zoning By-law 11-20 of the City of Richmond Hill, is amended in the manner set out in Attachment 2 to this

order, subject to the fulfilment of the conditions set out in Attachment 3 to this order.

[27] The Tribunal Orders that the appeal is allowed, in part, and the Draft Plan of Subdivision shown on the plan prepared by Speight, Van Nostrand & Gibson Limited, dated March 1, 2019, comprising Part of Lot 12, Registered Plan 3806, and appended to this order as Attachment 4, is approved subject to the fulfilment of the conditions set out in Attachment 3 & 5 to this order.

[28] The Tribunal directs that a written update as to the progress in this matter is to be provided one year from the date of this order.

[29] In the event that there are any issues relating to the clearance of the above referenced conditions or otherwise arising out of this Decision, the panel may be spoken to through the Case Coordinator at the Tribunal, who will advise the Members, and direction will be given to the Parties as to how their issues will be addressed.

*“D. Chipman”*

D. CHIPMAN  
MEMBER

*“T.F. Ng”*

T.F. NG  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario – Environment and Land Division  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

# **ATTACHMENT 1**

## **Amendment 17 to the Richmond Hill Official Plan**

## **Richmond Hill Official Plan**

### **Official Plan Amendment 17**

The attached schedule and explanatory text constitute Amendment No. 17 to the City of Richmond Hill Official Plan.

This amendment was approved by the Local Planning Appeal Tribunal in accordance with Sections 17 and 21 of the *Planning Act* on the \_\_\_\_ day of \_\_\_\_\_, 2020.

**Part One - The Preamble** is not a part of the Amendment.

**Part Two - The Amendment**, consisting of text and maps, constitutes Amendment 17 to the Richmond Hill Official Plan.

## **Part One – The Preamble**

### **1.1 Purpose**

The purpose of this Amendment to the Richmond Hill Official Plan is to permit a medium density residential development consisting of 11 townhouse dwelling units provided that a vertical freeboard floodplain buffer is provided through grade transitioning as a component of a reduced floodplain buffer to the German Mills Creek flood line.

### **1.2 Location**

The lands affected by this Amendment are legally described as Part of Lot 12, Plan 3806 (Municipal Address: 243 16<sup>th</sup> Avenue). The lands are located on the south side of 16<sup>th</sup> Avenue, east of Yonge Street and are shown on Schedule “1” attached hereto.

### **1.3 Basis**

The proposed amendment is considered appropriate in accordance with the reasons provided by the Local Planning Appeal Tribunal in its Decision dated \_\_\_\_\_ (Case No. PL171444).



## Part Two - The Amendment

### 2.1 Introduction

All of this part of the document entitled **Part Two – The Amendment**, consisting of the following text and the attached schedule designated as Schedule “1”, constitute Amendment 17 to the Richmond Hill Official Plan.

### 2.2 Details of the Amendment

The Richmond Hill Official Plan is amended as follows:

2.2.1 That **Schedule A11** (Exceptions) to the Richmond Hill Official Plan be amended to identify the subject lands as Exception Area Number 27, as shown on Schedule “1” attached.

2.2.2 By adding the following to Chapter 6 (Exceptions):

“6.27

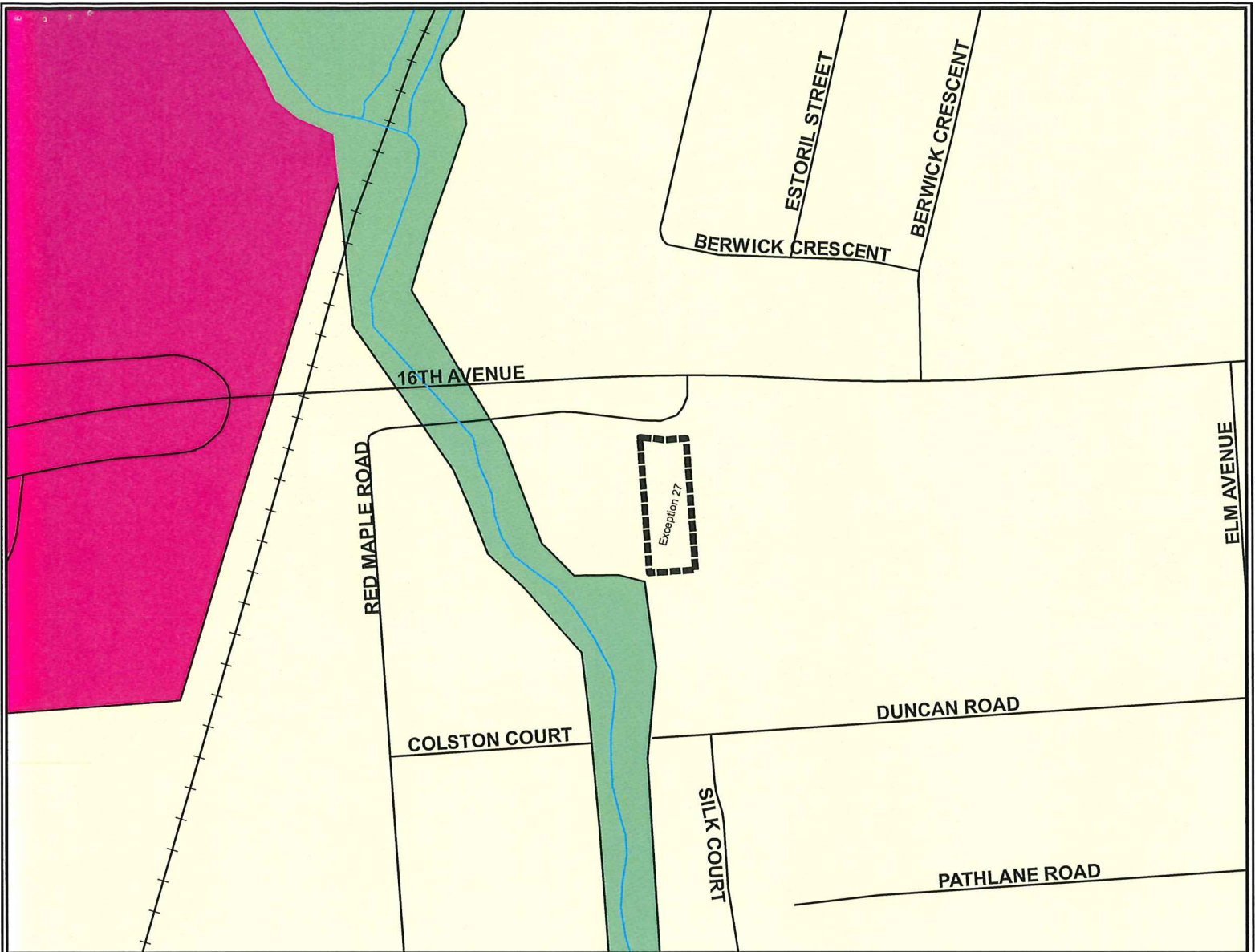
Notwithstanding Section 3.2.2.3.7 of this Plan, in accordance with Local Planning Appeal Tribunal Decision dated \_\_\_\_\_ (Case No. PL171444) for the lands known as Part of Lot 12, Plan 3806 (Municipal Address: 243 16<sup>th</sup> Avenue) and shown as Exception Area Number 27 on **Schedule A11** (Exceptions) to this Plan, the following shall apply:

- a) a vertical freeboard floodplain buffer provided through grade transitioning shall be permitted as a component of a reduced floodplain buffer to the German Mills Creek flood line as defined through a Floodplain Assessment to the satisfaction of the City and the Conservation Authority.”

### 2.3 Implementation and Interpretation

The implementation of this Amendment shall be in accordance with the provisions of the *Planning Act*, R.S.O. 1990, and the respective policies of the City of Richmond Hill Official Plan.

The provisions of the Official Plan as amended from time to time, regarding the interpretation of the Official Plan of the City of Richmond Hill, apply in regard to this Official Plan Amendment. In the event of conflict with the Official Plan or any amendment thereto, the provisions of Amendment 17 shall prevail unless otherwise specified.



## AMENDMENT No. 17 TO THE OFFICIAL PLAN OF THE RICHMOND HILL PLANNING AREA SCHEDULE 1

NOTE: THIS SCHEDULE FORMS PART OF AMENDMENT No. 17 TO THE  
OFFICIAL PLAN OF THE RICHMOND HILL PLANNING AREA  
AND MUST BE READ IN CONJUNCTION WITH THE WRITTEN TEXT

### LEGEND



Area affected by this amendment



Neighbourhood



Key Development Area



Natural Core



# ATTACHMENT 2

## The Corporation of the City of Richmond Hill

### By-law 11-20

A By-law to Amend By-law 255-96, as amended, of

The Corporation of the City of Richmond Hill

Whereas the Council of The Corporation of the City of Richmond Hill (the "Corporation") at its Meeting of March 25, 2019, passed a resolution to advise the Local Planning Appeal Tribunal that a proposed Zoning By-law Amendment to permit a conceptual condominium residential development on the lands shown on Schedule "A" to this By-law 11-20 (the "Lands") is supported in principle;

The Local Planning Appeal Tribunal approves as follows:

1. That By-law 255-96, as amended, of the Corporation of the City of Richmond Hill ("By-law 255-96") be and hereby is further amended as follows:

- a) by rezoning the Lands to "Multiple Family One (RM1) Zone" under By-law 255-96 as shown on Schedule "A" of this By-law 11-20;

- b) by adding the following to Section 7 - EXCEPTIONS

"7.40

Notwithstanding any inconsistent or conflicting provisions of By-law 255-96 of the Corporation, as amended, the following special provisions shall apply to the lands zoned "Multiple Family One (RM1) Zone" and more particularly shown as "RM1" on Schedule "A" to By-law 11-20 and denoted by a bracketed number (7.40):

- i) For the purposes of this By-law, the following shall apply:

- (a) A **LANE** shall include a parcel of land which is a **COMMON ELEMENT CONDOMINIUM** for means of primary vehicular and pedestrian access.
- (b) A **LOT** shall include a **PARCEL OF TIED LAND**.
- (c) A **STREET** shall include a **LANE**.
- (d) The Lands shall be deemed to be a **LOT**.
- (e) The westerly **LOT LINE** that abuts a private driveway shall be deemed to be the **FRONT LOT LINE**.

- ii) The following uses shall be permitted on the Lands:

- (a) **BLOCK TOWNHOUSE DWELLING**

- iii) The following provisions shall apply to the Lands:

- (a) Maximum Number of **DWELLING UNITS**: 11
- (b) Minimum **LOT AREA**: 125 square metres  
(1,345 square feet)
- (c) Minimum **LOT FRONTAGE**: 6 metres (19.69 feet)
- (d) Minimum **FRONT YARD**: 4.3 metres  
(14.11 feet)(1)(2)(3)
- (e) Minimum **SIDE YARD**: 3.5 metres  
(11.48 feet)
- (f) Minimum **FLANKAGE YARD**: 0.7 metres  
(2.3 feet)
- (g) Minimum **REAR YARD**: 5.5 metres  
(18.04 feet)
- (h) Maximum Building **HEIGHT**: 11 metres

(i) Maximum Number of <b>STOREYS</b> :	(36.09 feet) 3
(j) Maximum <b>LOT COVERAGE</b> :	55%

NOTES:

- (1) A **PRIVATE GARAGE**, whether or not attached to a **MAIN BUILDING** shall have a minimum **FRONT YARD SETBACK** of 5.8 metres
  - (2) A **CORNER LOT** shall have a minimum **FRONT YARD** of 3.35 metres
  - (3) On a **CORNER LOT** where a street rounding is provided, a **FRONT LOT LINE** shall be considered to include the projected point of intersection of the **FRONT LOT LINE** with the projected exterior **SIDE LOT LINE** abutting the **STREET**, as if no street rounding was to exist
  - (4) A **LOT** with flankage along an arterial road shall have a minimum **FLANKAGE YARD** of 2.6 metres
- iv) Notwithstanding Section 5 – GENERAL PROVISIONS, the following shall apply:
- (a) A cantilevered window bay may project into the **FRONT YARD, REAR YARD, SIDE YARD** and/or **FLANKAGE YARD** a maximum of 1 metre over a maximum width of 3.2 metres for each dwelling unit.
  - (b) Minimum Number of **PARKING SPACES**:
    - i. 2 **PARKING SPACES** per **DWELLING UNIT**.
    - ii. 0.25 visitor **PARKING SPACES** per **DWELLING UNIT**;
  - (c) Section 5.7 and 5.8 shall not apply to the Lands; and,
  - (d) A strip of land not less than 0.6 metres in depth immediately abutting the westerly and easterly property lines and 2.0 metres in depth immediately abutting the northerly and southerly property lines shall be used for only **LANDSCAPING**."
2. All other provisions of By-law 255-96, as amended, not inconsistent with the foregoing, shall continue to apply to the lands shown on Schedule "A" attached hereto.
  3. The imperial measurements found in this by-law in brackets are provided for information purposes only and are intended to be an approximate conversion of the metric measurements. The metric or SI measurements shall be deemed to be the standards established by this by-law and, wherever there is a variance between the metric or SI measurements and the imperial measurements, the metric or SI measurements shall apply.
  4. Schedule "A" attached to By-law 11-20 is declared to form a part of this by-law.

## **The Corporation of the City of Richmond Hill**

### **Explanatory Note to By-law 11-20**

By-law 11-20 affects the lands described as Part of Lot 12, Plan 3806, municipally known as 243 16<sup>th</sup> Avenue.

By-law 255-96, as amended, zones the subject lands "Low Density Residential Six (R6) Zone" and "Special Residential One (SR-1) Zone".

By-law 11-20 will have the effect of rezoning the subject lands to "Multiple Family One (RM1) Zone" under By-law 255-96, as amended, to permit the construction of a common element condominium townhouse development with site specific provisions on the subject lands.

16TH AVENUE

RED MAPLE ROAD

"RM1"  
(7.40)

LOT 40, CONCESSION 1, EYS

LOT 10  
R.P.3805

LOT 12  
R.P.3806

LOT 12  
R.P.3806

AREA SUBJECT TO THIS BY-LAW

# SCHEDULE "A"

TO BY-LAW 11-20

This is Schedule "A" to By-Law  
11-20 approved by the  
Local Planning Appeal Tribunal on the  
Day of , 2020

2-14013A.DGN  
SF/SS

## **ATTACHMENT 3**

**Exhibit \_\_\_\_\_**

### **Preconditions to Tribunal Issuing its Final Order**

#### **(Zoning By-law Amendment)**

2522772 Ontario Inc. and the City of Richmond Hill request that the Tribunal withhold its final Order in respect of the proposed Zoning By-law Amendment until the following three (3) preconditions are satisfied:

- 1) The Applicant's Site Plan Application has been finalized to the satisfaction of the Commissioner of Planning and Regulatory Services;
- 2) The Applicant has registered restrictions over the Subject Lands under Section 118 of the Land Titles Act to the satisfaction of the City; and
- 3) The Applicant has paid the applicable processing fee in accordance with the City's Tariff of Fees By-law.

**Exhibit \_\_\_\_\_****Precondition to Tribunal Issuing its Final Order****(Draft Plan of Subdivision)**

2522772 Ontario Inc. and the City of Richmond Hill request that the Tribunal withhold its final Order in respect of the proposed Draft Plan of Subdivision until the following precondition is satisfied:

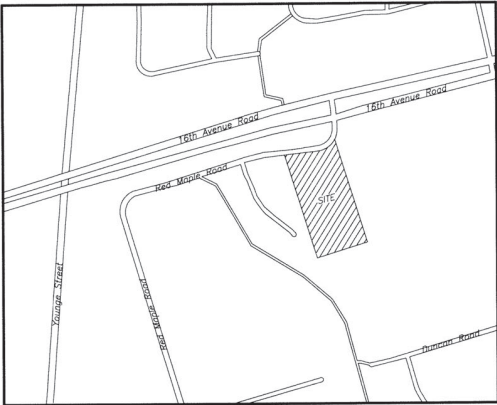
- 1) The Applicant has paid the applicable processing fee in accordance with the City's Tariff of Fees By-law.



ATTACHMENT 4

1-3806NY

KEY PLAN



NOT TO SCALE



16TH AVENUE

(ROAD ALLOWANCE BETWEEN LOTS 40 AND 41, CONCESSION 1, EAST OF YONGE STREET)  
PIN 03144-0697 (LT)

DRAFT PLAN OF SUBDIVISION  
**PART OF LOT 12**  
**REGISTERED PLAN 3806**  
**TOWN OF RICHMOND HILL**  
REGIONAL MUNICIPALITY OF YORK

SCALE 1 : 200

**SPEIGHT, VAN NOSTRAND & GIBSON LIMITED**  
ONTARIO LAND SURVEYORS

BEARING NOTE

BEARINGS ARE GRID BEARINGS, DERIVED FROM SPECIFIED CONTROL POINT BM93004, MTM ZONE 10, CENTRAL MERIDIAN 79°30'W LONGITUDE.

SPECIFIED CONTROL POINTS (SCP's): MTM ZONE 10, CENTRAL MERIDIAN 79°30'W LONGITUDE. COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O. REG 216/10		
POINT ID	NORTHING	EASTING
BM93004	4856678.414	310636.970

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999902.

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17), OF THE PLANNING ACT

- a) SEE PLAN
- b) SEE PLAN
- c) SEE PLAN
- d) COMMON ELEMENT CONDOMINIUM FREEHOLD TOWNHOUSES
- e) SEE PLAN
- f) SEE PLAN
- g) SEE PLAN
- h) TOWN OF RICHMOND HILL WATER SUPPLY
- i) CLAY/LOAM
- j) SEE SITE PLAN
- k) FULLY SERVICED
- l) NONE

TOTAL SITE AREA 2646 sq. metres

THIS DRAFT PLAN OF SUBDIVISION IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT AND SECTION 9 OF THE SUBDIVISION ACT SUBJECT TO THE CONDITIONS, SET FORTH IN LETTER DATED

DATE : \_\_\_\_\_  
CHIEF PLANNER AND EXECUTIVE DIRECTOR,  
CITY PLANNING DIVISION, TOWN OF RICHMOND HILL

OWNER'S CERTIFICATE

I AUTHORIZE GAGNON WALKER DOMES LTD. TO SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF RICHMOND HILL FOR APPROVAL.

DATE : MARCH 1st, 2019

K. K. TANG  
I HAVE THE AUTHORITY  
TO BIND THE CORPORATION  
2522772 ONTARIO INC.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE SUBJECT LANDS AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE CORRECTLY SHOWN

MARCH 1st, 2019

D. A. WILTON  
ONTARIO LAND SURVEYOR

**SPEIGHT, VAN NOSTRAND & GIBSON LIMITED**  
ONTARIO LAND SURVEYORS  
750 OAKDALE ROAD, Units 65 & 66  
TORONTO, ONTARIO M3N 2Z4  
TEL. 416 749-5VNG(7864) FAX 416 749-7866  
E-MAIL: toronto@svng.on.ca

DRAWN :	F. P. B.	FILE NAME :	A1300162.DWG
CHECKED :	D. A. W.	PLOT SCALE :	MET. 1=0.20
JOB No. :	130-0162	PLOTTED :	April 14, 2014
REF. No. :	1-3806NY	UPDATED :	

AT (294840)

## **ATTACHMENT 5**

The Corporation of The City of Richmond Hill

Schedule of Conditions

Draft Plan of Subdivision

File 19T(R)-14002

**2522772 Ontario Inc. (c/o Zen Homes Inc.)**

**Part of Lot 12, Plan 3806**

**City of Richmond Hill**

### **City of Richmond Hill**

#### **Development Planning Division**

1. Approval shall relate to a draft Plan of Subdivision prepared by Speight, Van Nostrand and Gibson Limited, dated March 1, 2019.
2. The lands within this draft Plan of Subdivision shall be appropriately zoned by a zoning by-law which has come into effect in accordance with the provisions of the *Planning Act*.
3. Prior to final approval of the Plan, the Owner shall provide the City with evidence in the form of an Ontario Land Surveyor Certificate that:
  - a) any existing buildings or structures on the lands as of the date of final approval, are situated so as to comply with applicable zoning by-laws after registration of the plan; and,
  - b) all lot frontages and lot areas within the plan conform to the applicable zoning by-law.
4. a) The road allowances included within this draft Plan of Subdivision shall be named to the satisfaction of the City and the York Region Planning and Development Services Department. The Owner shall agree that all street names shall be identified to the satisfaction of the City prior to construction of any buildings.

#### **Development Engineering Division**

5. The Owner shall agree that maintenance of any retaining walls constructed within this draft Plan of Subdivision shall be the responsibility of the Owner, and of subsequent Owners. Retaining walls shall not be constructed upon City lands, or lands to be transferred to the City.

6. The Owner shall agree to provide the City with digital copies of the draft and final Plan of Subdivision and all reference and in accordance with the City's digital submission requirements. These plans shall be tied to horizontal control at a minimum of three (3) locations at the extreme corners of the plan.
7. The Owner shall convey to the City all lands or easements required for municipal servicing of lands within or external to the plan to the satisfaction of the Commissioner of Planning and Regulatory Services. Such lands or easements shall be granted to the City in priority to all charges and encumbrances and shall be conveyed without monetary consideration.

### **Regional Municipality of York**

8. The Owner shall save harmless York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
9. The Owner shall in wording satisfactory to Development Engineering agree that the proposed access onto Red Maple Road shall be restricted to right-in/right-out operation only.
10. The Owner shall agree in wording satisfactory to Development Engineering, at the time of occupancy, to assist the Region with contacting new homeowners for the purpose of implementation of the Travel Demand Management Plan.
11. The Owner shall agree in wording satisfactory to Development Engineering to advise all potential purchasers of the existing and future introduction of transit services in this development.
12. The Owner shall agree in wording satisfactory to Development Engineering that a Site Plan Application approval from the Region is required to be in place before the commencement of any site alteration or construction works for Block 1 abutting Red Maple Road.
13. York Region shall confirm that adequate water supply and sewage capacity are available and have been allocated by the City of Richmond Hill for the development proposed within this draft Plan of Subdivision or any phase thereof.
14. The Owner shall provide an electronic set of the final engineering drawings showing the watermains and sewers for the proposed development to the Community Planning and Development Services Division and the Infrastructure Asset Management Branch for record.
15. The Owner shall demonstrate that sidewalk facilities will be provided that connect from the proposed development to the sidewalk facilities on 16<sup>th</sup> Avenue.
16. The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable.

## Toronto and Region Conservation Authority

17. That prior to any development, pre-servicing and site alteration, or registration of this plan or any phase thereof, the applicant shall submit, provide and/or attain the approval from the TRCA for:
  - a) A detailed engineering report stamped by a professional engineer that in addition to describing the storm drainage system for the proposed development of the subject lands, includes:
    - i) location and description of all outlets and other facilities, grading, site alterations or development which may require a permit pursuant to Ontario Regulation 166/06, the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourse Regulation;
    - ii) confirmation that TRCA's stormwater management criteria and the criteria requirements for water balance have been met or exceeded;
    - iii) water balance measures with supporting calculations;
    - iv) detail drawings, locations and plans for proposed water balance and LID measures on the appropriate drawings; and,
    - v) detailed grading plans and site servicing plans.
  - b) Confirmation that the proposed development has been adequately flood proofed and buffered from the Regulatory Flood Plain through detailed grading plans and elevation drawings of the proposed townhouse blocks;
  - c) A detailed and comprehensive Erosion and Sediment Control Plan, which complies with the TRCA's *Erosion and Sediment Control Guidelines for Urban Construction* (available at [www.sustainabletechnologies.ca](http://www.sustainabletechnologies.ca));
  - d) An up-to-date Natural Heritage Evaluation to the satisfaction of TRCA; and,
  - e) A detailed Planting / Restoration Plan(s) which includes proposed species and quantities as well as planting locations to the satisfaction of TRCA and City of Richmond Hill staff.
18. The applicant provide an updated Flood Plain Map sheet as well as accompanying digital modeling.
19. The applicant obtain all Ontario Regulation 166/06 (as amended) permits from the TRCA for all works proposed on the subject property for which permits would be required and that sufficient securities are provided for the proposed restoration plantings.

## Ministry of Culture

20. Prior to final approval, and prior to the initiation of any grading, the Owner shall carry out an archaeological assessment of the entire area within this draft Plan of Subdivision and shall prepare a report which will identify significant

archaeological sites to the satisfaction of the City of Richmond Hill and the Archaeology and Heritage Planning Unit of the Ministry of Culture.

21. The Owner shall agree that no development or grading shall occur on any site identified as being archaeologically significant by the assessment referred to in Condition 20, until archaeological excavations of all significant sites within any phase for which final approval is sought has been carried out to the satisfaction of the City of Richmond Hill and the Archaeology and Heritage Planning Unit of the Ministry of Culture.

### **Clearance Conditions**

22. The City of Richmond Hill shall advise that Conditions 1 to 7 inclusive have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.
23. The Regional Municipality of York shall advise that Conditions 8 to 16 inclusive have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.
24. The Toronto and Region Conservation Authority shall advise that Conditions 17 to 19 inclusive have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.
25. The Ministry of Culture shall advise that Conditions 20 and 21 have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.

**NOTE: Where final approval for registration has not been given within three (3) years after the date upon which approval to the proposed Plan of Subdivision was given, The City of Richmond Hill may, in its discretion, and pursuant to the *Planning Act*, R.S.O. 1990, withdraw its approval to this proposed Plan of Subdivision, unless approval has been sooner withdrawn, but The City of Richmond Hill may from time to time extend the duration of the approval.**