



Staff Report for Council Meeting

Date of Meeting: June 10, 2020

Report Number: SRPRS.20.071

Department: Planning and Regulatory Services

Division: Development Planning

Subject: SRPRS.20.071 – Request for Approval – Zoning By-law Amendment and Draft Plan of Subdivision Applications – 2233721 Ontario Inc. – City Files D02-15032 and D03-15009 (Related File D06-15066)

Owner:

2233721 Ontario Inc.
227 Bridgeland Avenue
Toronto, Ontario
M6A 1Y7

Agent:

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

Location:

Legal Description: Part of Lot 16, Concession, 2 E.Y.S.
Municipal Address: 0 Bayview Avenue

Purpose:

A request for approval concerning Zoning By-law Amendment and draft Plan of Subdivision applications to permit the construction of a mixed use development comprised of six single detached residential lots and a commercial building on the subject lands.

Recommendations:

- a) That the Zoning By-law Amendment and draft Plan of Subdivision applications submitted by 2233721 Ontario Inc. for lands known as Part of Lot 16,

Page 2

Concession 2, E.Y.S. (Municipal Address: 0 Bayview Avenue), City Files D02-15032 and D03-15009, be approved, subject to the following:

- (i) that a portion of the subject lands be rezoned from Neighbourhood Commercial (NC) Zone to Residential Single Family Four (R4) Zone with site specific provisions as set out in Staff Report SRPRS.20.071;**
 - (ii) that the draft amending Zoning By-law as set out in Appendix “B” hereto be finalized to the satisfaction of the Commissioner of Planning and Regulatory Services;**
 - (iii) that pursuant to Section 34(17) of the *Planning Act*, Council deem that no further notice be required with respect to any necessary modifications to the draft amending Zoning By-law to implement the proposed development on the subject lands;**
 - (iv) that prior to forwarding the final amending Zoning By-law to Council for consideration and enactment, the applicant pay the applicable processing fee in accordance with the City’s Tariff of Fees By-law 108-19;**
 - (v) that the Plan of Subdivision as depicted on Map 5 to Staff Report SRPRS.20.071 be draft approved, subject to the conditions of draft approval as set out in Appendix “C” hereto; and,**
 - (vi) that prior to draft approval being granted, the applicant pay the applicable processing fee in accordance with the City’s Tariff of Fees By-law 108-19.**
- b) That all comments concerning the applicant’s related Site Plan application (City File D06-15066) 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

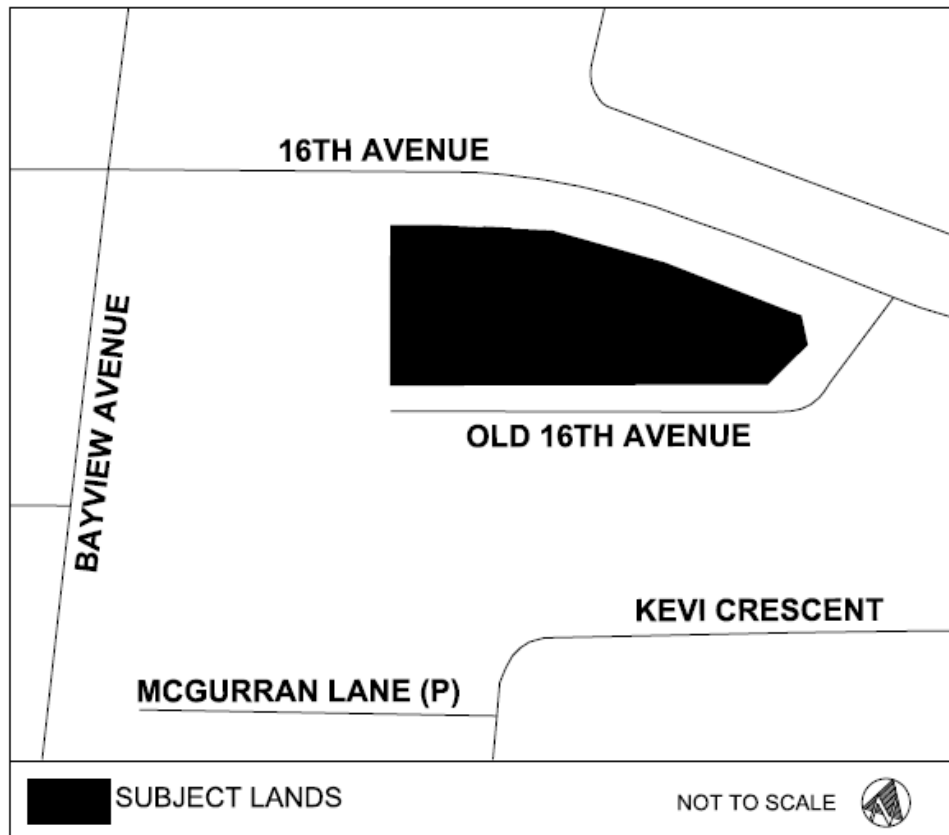
Approved by: Mary-Anne Dempster, Interim City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner and Interim 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 call person listed under “Contact” above



Page 4

Background:

The subject Zoning By-law Amendment and draft Plan of Subdivision applications were considered at a statutory Council Public Meeting on May 4, 2016, wherein Council received Staff Report SRPRS.16.082 for information purposes and directed that all comments be referred back to staff for consideration (refer to Appendix “A”). Prior to the Council Public Meeting, a Neighbourhood Residents Meeting was hosted by the local Councillor on March 22, 2016 and was attended by approximately a dozen members of the public. Comments and/or concerns regarding the proposed development were identified with respect to such matters as fencing, sight lines, ramp location, access, parking and traffic, as well as the design, appearance and scale of the commercial building. These matters are discussed later in this report.

All comments from City departments and external agencies have now been satisfactorily addressed in relation to the draft Plan of Subdivision and proposed Zoning By-law Amendment. A more detailed discussion of the requirements for final Site Plan approval is provided in the later sections of this report. In this regard, the purpose of this report is to seek Council’s approval of the applicant’s Zoning By-law Amendment and draft Plan of Subdivision applications.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the southwest corner of 16th Avenue and Old 16th Avenue, east of Bayview Avenue and have a total lot area of approximately 0.71 hectares (1.75 acres). The lands are vacant and abut 16th Avenue to the north, an existing commercial development to the west and Old 16th Avenue to the east and south (refer to Map 1).

The applicant’s land holdings are subject to an approved Site Plan application (City File D06-99061), which contemplated a phased commercial development comprised of five commercial buildings. Under this approved development concept, the lands to the west, municipally known as 9275 Bayview Avenue, were identified as the “Phase 1 Lands” and the subject lands were identified as the “Phase 2 Lands”. The Phase 1 lands were constructed in accordance with the approved Site Plan with two commercial buildings; however, the Phase 2 lands were never constructed and were subsequently severed from the Phase 1 lands in 2001.

Development Proposal

The applicant is seeking Council’s approval of its Zoning By-law Amendment and draft Plan of Subdivision applications to facilitate a mixed use development comprised of six single detached dwelling lots and a commercial block on its land holdings. The following is a summary table outlining the relevant statistics of the applicant’s development proposal based on the plans and drawings submitted to the City:

Page 5

- **Total Site Area:** 0.71 hectares (1.75 acres)
- **Residential Lots:**
 - **Total Area:** 0.26 hectares (0.64 acres)
 - **Number of Units:** 6
 - **Lot Frontage (per lot):** 13.0 metres (42.7 feet) to 15.49 metres (50.8 feet)
 - **Lot Area (per lot):** 417.67 square metres (4,495.8 square feet) to 469.22 square metres (5,050.6 square feet)
- **Commercial Block:**
 - **Total Area:** 0.41 hectares (1.0 acres)
 - **Gross Floor Area:** 1090.28 square metres (11,735.7 square feet)
 - **Maximum Building Height:** 7.2 metres (23.6 feet) or 1 storey
 - **Parking Spaces:** 45 spaces
 - **Bicycle Parking:** 6 spaces

The proposed residential lots are to have frontage and are to be accessed from Old 16th Avenue. Access to the proposed commercial block is proposed from 16th Avenue with a proposed interconnection to the adjacent commercial lands to the west.

Key modifications to the applicant's original development proposal are described below:

- the proposed number of residential lots has been reduced from seven to six;
- the minimum lot frontage for the proposed dwelling lots has been increased from 11.4 metres (37.4 feet) to 13.0 metres (42.7 feet);
- the proposed underground commercial parking has been eliminated;
- the height of the proposed commercial building has been reduced from two storeys to one storey;
- the Gross Floor Area (GFA) of the proposed commercial building has been reduced from 1,300.4 square metres (13,997.4 square feet) to 1090.28 square metres (11,735.7 square feet); and,
- the proposed 16th Avenue access for the commercial block has been shifted westward.

At the time of writing of this report, the related Site Plan application (City File D06-15066) for the proposed commercial block remains under review. An overview of the comments that remain to be addressed prior to Site Plan approval is provided in the later sections of this report.

Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** in accordance with Schedule A2 - Land Use of the City's Official Plan (the "Plan") (refer to Map 3). Permitted uses within

Page 6

the **Neighbourhood** designation include, among other uses, low-density residential and neighbourhood commercial uses, subject to specific policy criteria. In accordance with the policies of the Plan, development within the **Neighbourhood** designation shall be compatible with the character of the adjacent and surrounding area with respect to the predominant building forms and types, massing, general patterns of streets, blocks, lots and lanes, landscaped areas and treatments, and general pattern of yard setbacks and shall have a maximum building height of four storeys where the lands are located on an arterial street. In this regard, the proposed single detached dwellings are permitted and are consistent with the applicable policies for residential development within the **Neighbourhood** designation.

The subject lands are also identified as an existing neighbourhood commercial site as shown on Appendix 7 – Existing neighbourhood commercial sites of the Plan (refer to Map 4). In accordance with **Section 4.9.1.3** of the Plan, existing neighbourhood commercial sites shall be retained to serve the commercial needs of the neighbourhood and shall not exceed a maximum gross leasable floor area (GLA) of 5,575 square metres (60,000 square feet). Permitted uses within neighbourhood commercial sites include small-scale retail, commercial, office and community uses subject to additional policy criteria. Residential development of existing neighbourhood commercial sites shall be in a mixed-use form, pursuant to the policies of the Plan and shall be encouraged subject to the design policies of **Section 4.9.2** of the Plan as well as additional policy criteria. In this regard, any proposed development must retain the existing GLA devoted to commercial, retail or offices uses.

The subject applications propose a total of 1090.28 square metres (11,735.7 square feet) of GFA and 1045.31 square metres (11,251.6 square feet) GLA for commercial purposes. The proposed commercial GFA represents a minor reduction relative to the previously approved GFA for the subject lands; however, it is considered to maintain the general commercial function of the site and is appropriate in consideration of the development of the subject lands. On the basis of the proposed site design, built form and integration of residential and commercial uses, the applicant's development proposal meets the intent of the policies of the Plan as they relate to the development of existing neighbourhood commercial sites.

Zoning By-law Amendment Application

The subject lands are zoned **Neighbourhood commercial (NC) Zone** in accordance with By-law 107-86, as amended (refer to Map 2). The **NC Zone** permits a range of commercial uses, including retail and restaurant uses as proposed within the subject application; however, the existing zoning does not permit the proposed residential portion of the development as proposed. Accordingly, the applicant is proposing to rezone the southeast portion of the subject lands to **Residential Single Family Four (R4) Zone** under By-law 107-86, as amended, to facilitate the proposed single detached dwellings, and to establish site-specific development standards on the subject lands for both the proposed commercial and residential components. Additional detail with

Page 7

respect to the requested site specific provisions can be found in the draft Zoning By-law attached to this report (refer to Appendix B).

The following tables provide a general comparison of the applicable development standards as well as the site-specific provisions proposed by the applicant:

Development Standard	NC Zone Standards, By-law 107-86, as amended	Proposed NC Zone Standards
Minimum Lot Frontage	30.0 metres (98.4 feet)	Complies
Minimum Lot Area	0.4 hectares (1.0 acres)	Complies
Minimum Front Yard	15.0 metres (49.2 feet)	Complies
Minimum Side Yard	6.0 metres (19.7 feet)	3.0 metres (West) (9.8 feet)
Minimum Flankage Yard	6.0 metres (19.7 feet)	Not Applicable
Minimum Rear Yard	12.0 metres (39.4 feet)	3.8 metres (12.5 feet)
Maximum Height	7.5 metres (24.6 feet)	Complies

Development Standard	R4 Zone Standards, By-law 107-86, as amended	Proposed R4 Zone Standards
Minimum Lot Frontage	12.0 metres (39.4 feet) (Interior) 14.0 metres (45.9 feet) (Corner)	13.0 metres (42.7 feet) (Interior)
Minimum Lot Area	402 square metres (4,327.1 square feet) (Interior) 469 square metres (5,048.27 square feet) (Corner)	Complies
Maximum Lot Coverage	40%	Complies
Minimum Front Yard	4.5 metres (14.8 feet)	Complies
Minimum Side Yard	1.5 metres (4.9 feet), may be reduced to 1.2 metres (3.9 feet) subject to additional criteria	0.6 metres (1.9 feet) on one side 1.2 metres (3.9 feet) on the other side
Minimum Flankage Yard	3.0 metres (9.8 feet) 8.0 metres (26.2 feet) on an arterial road	Complies, Section 5.9 Not Applicable
Minimum Rear Yard	7.5 metres (24.6 feet)	4.0 metres (13.1 feet) (Corner Lot)
Maximum Height	11.0 metres (36.1 feet)	Complies

The applicant has proposed site specific provisions for the commercial block including establishing the front lot line as well as minimum gross leasable floor area, minimum landscaping, bicycle parking requirements and minimum rear and side yards in order to

Page 8

facilitate the construction of the proposed commercial building on the site. Staff has reviewed the requested site specific provisions and considers them appropriate and compatible with the character of the existing development within the surrounding area. Further, as noted in the earlier sections of this report and pursuant to **Section 4.9.1.3** of the Plan, the GLA devoted to commercial, retail or office uses is to be retained where existing neighbourhood commercial sites are developed to include residential uses in mixed-use form. A site specific requirement with respect to the minimum GLA has therefore been included within the proposed Zoning By-law Amendment.

Staff has also reviewed the appropriateness of the proposed **R4 Zone**, inclusive of the site specific provisions related to establishing the front lot line as well as minimum lot frontage, minimum rear and side yards, and setbacks to arterial roads and considers them to be appropriate. The development standards as proposed facilitate residential lots and built form that are compatible with the character of the existing adjacent residential neighbourhood and are generally consistent with newer development standards throughout the City.

Based on the preceding, Planning staff is satisfied that the site-specific development standards proposed for both the **NC Zone** and **R4 Zone** are appropriate for the orderly development of the lands. The structure and details of the amending Zoning By-law will be further refined through the finalization of the Site Plan approval process. In consideration of the above, staff is of the opinion that the Zoning By-law Amendment application implements the submitted draft Plan of Subdivision and proposed commercial development, conforms to the Plan and represents good planning.

Draft Plan of Subdivision Application

As noted in the earlier sections of this report, the applicant's draft Plan of Subdivision contemplates the establishment of six single detached dwelling lots, a commercial development block and a road widening block (refer to Map 5). Subject to the conditions of draft approval as outlined in Appendix "C" attached hereto, staff is of the opinion that the draft Plan of Subdivision application conforms with the applicable policies of the Plan and has appropriate regard for the criteria under Section 51(24) of the *Planning Act*.

Notwithstanding the foregoing, it should be noted that there are existing easements that traverse the subject lands. Prior to final approval of the draft Plan of Subdivision, matters related to the maintenance of servicing for existing properties that have easement rights over the lands as well as the removal of those easements as shown on the applicant's draft Plan of Subdivision must be addressed to the satisfaction of staff.

In this regard and among other conditions, Development Engineering requires that prior to final approval of the draft plan or any portion thereof, arrangements satisfactory to the City shall be in place to maintain sanitary and watermain service to the existing properties that have servicing easement rights over the plan. Such arrangements may include modification to the existing services, installation of new municipal services and

Page 9

conveyance of municipal easements to the satisfaction of the City in order to maintain servicing to the existing properties. All other conditions from applicable City departments and external agencies have been included as conditions of draft approval, as appropriate.

Public Comments:

As noted previously, various comments and/or concerns regarding the subject proposal were identified by members of the public at the Council Public Meeting and Neighbourhood Residents Meeting related to the provision of fencing, sight lines, ramp location, access, parking and traffic, as well as the design, appearance and scale of the commercial building. These comments and responses are summarized below.

- **Site and Building Design**

As noted in the earlier sections of this report, the applicant's development proposal has been revised, including a reduced height and GFA for the proposed commercial building, as well as the elimination of the proposed underground parking area and ramp. The location and type of fencing, as well as the design and appearance of the commercial building will continue to be reviewed as part of the related Site Plan application.

- **Traffic and Vehicular Access**

Specific concerns were raised by members of the public with respect to the impact of the proposal development on sight lines at the intersection of Old 16th Avenue and 16th Avenue, access to and from 16th Avenue, on-site traffic circulation, and vehicular movement onto 16th Avenue.

Relative to the applicant's initial development proposal, the proposed access to 16th Avenue has been shifted westward and generally aligns with the approved 16th Avenue access in accordance with City File D06-99061. With respect to 16th Avenue ingress and egress, York Region has advised that access to 16th Avenue shall be restricted to right-in/right-out movements. Additionally, as part of the Region of York's requirements, the draft Plan of Subdivision has been revised to reflect the required daylighting requirements at the intersection of 16th Avenue and Old 16th Avenue which addresses the sight line concerns raised. Further, onsite circulation has been improved with the removal of the underground parking area and underground parking access ramp.

Department and External Agency Comments:

With respect to the applicant's draft Plan of Subdivision application, all circulated City departments and external agencies have indicated no objections and/or have provided conditions of draft approval, including the City's Development Engineering Division, Park and Natural Heritage Planning Section and Urban Design and Heritage Section, in addition to the Regional Municipality of York. The schedule of draft plan conditions is attached as Appendix "C".

Page 10

The following sections provide an overview of the applicable technical comments received from circulated departments and agencies that remain to be addressed with respect to the proposed Site Plan application. The applicant will be required to address all comments prior to final Site Plan approval.

Building Services

The City's Building Services Division has provided comments with respect to the *Ontario Building Code* related information regarding fire hydrant locations, spatial separation requirements, rooftop mechanical equipment and enclosures, and barrier-free design, among other matters.

Development Engineering

The City's Development Engineering Division has reviewed the applicant's development proposal and has provided comments with respect to sanitary sewers, sanitary capacity, water distribution analysis, municipal services, MOECC requirements, grading, and coordination with the detailed subdivision design in addition to other technical matters. Development Engineering staff has also advised that approval of the related Site Plan application is subject to the receipt of documentation from the adjacent land owners granting consent to the realignment and modifications to the existing shared sewers and watermain (refer to Appendix D). Comments have also been received from Transportation staff with respect to vehicular turning movements and pavement markings.

Fire and Emergency Services

The City's Fire and Emergency Services Division has provided comments with respect providing information on fire route signage, fire hydrants and *Ontario Building Code* information.

Urban Design and Heritage Section

The City's Urban Design and Heritage Section has reviewed the applicant's development proposal and has provided comments with respect to the proposed colour scheme, fencing and retaining wall for the proposed commercial building.

Regional Municipality of York

The Regional Municipality of York (the "Region") has reviewed the subject Site Plan application and has provided comments with respect to road widening and daylighting, access, servicing, regional road works, as well as other matters. The Region has advised that they will be Party to the Site Plan Agreement.

Planning Division

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

Page 11

- the proposed mixed use development comprising commercial and low density residential uses is permitted in accordance with the land use and locational policies of the Plan for existing neighbourhood commercial sites within the **Neighbourhood** designation;
- the proposed single detached dwelling lots and commercial building provide for an appropriate built form, massing, and setbacks that are compatible with adjacent and surrounding lands as required pursuant to **Section 4.9.2** of the Plan;
- the commercial component of the proposed development conforms with the policies of the Plan with respect to maximum GLA for existing neighbourhood commercial sites and generally maintains both the approved commercial GFA and commercial function of the site;
- staff is satisfied that the proposed zoning categories and site specific development standards conform with the applicable policies of the Plan and are appropriate for the development of the subject lands. The Zoning By-law will be brought forward for Council's approval upon finalization of the related Site Plan;
- the applicant will be required to address the outstanding technical requirements by circulated City departments and external agencies through the remaining Site Plan approval process; and,
- servicing allocation will be required for the proposed residential dwelling units in accordance with the City's Interim Growth Management Strategy (IGMS).

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 Two – Better choice in Richmond Hill** in expanding the housing options available 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 draft Plan of Subdivision and Zoning By-law Amendment applications to facilitate the construction of a mixed use development comprised of six single detached dwelling lots and a commercial building on its land holdings. Staff has completed a comprehensive review and evaluation of the applicant's development proposal and is of the opinion that the submitted applications conform with the applicable policies of the Plan and represent good planning. On the basis of the preceding, staff recommends that Council approve the subject applications, subject to the conditions and recommendations 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.

- Appendix A, Extract from Council Public Meeting C#15-16 held on May 4, 2016
- Appendix B, Draft Zoning By-law
- Appendix C, Schedule of Draft Plan of Subdivision Conditions
- Appendix D, Memorandum from the Development Engineering Division dated December 20, 2019
- Map 1, Aerial Photograph
- Map 2, Existing Zoning
- Map 3, Official Plan Designation
- Map 4, Official Plan Schedule 7 – Neighbourhood commercial Sites
- Map 5, Proposed Draft Plan of Subdivision
- Map 6, Initial Conceptual Site Plan
- Map 7, Revised Conceptual Site Plan
- Map 8, Proposed Commercial Building – North Elevation
- Map 9, Proposed Commercial Building – East Elevation
- Map 10, Proposed Commercial Building – West Elevation
- Map 11, Proposed Commercial Building – South Elevation

Page 13

Report Approval Details

Document Title:	SRPRS.20.071 - Request for Approval - Draft Plan of Subdivision and Zoning By-law Amendment Applications.docx
Attachments:	<ul style="list-style-type: none">- SRPRS.20.071 Appendix A.pdf- SRPRS.20.071 Appendix B.pdf- SRPRS.20.071 Appendix C.pdf- SRPRS.20.71 Appendix D.pdf- SRPRS.20.071 Map 1.pdf- SRPRS.20.071 Map 2.pdf- SRPRS.20.071 Map 3.pdf- SRPRS.20.071 Map 4.pdf- SRPRS.20.071 Map 5.pdf- SRPRS.20.071 Map 6.pdf- SRPRS.20.071 Map 7.pdf- SRPRS.20.071 Map 8.pdf- SRPRS.20.071 Map 9.pdf- SRPRS.20.071 Map 10.pdf- SRPRS.20.071 Map 11.pdf
Final Approval Date:	May 21, 2020

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

Gus Galanis - May 20, 2020 - 6:49 PM

Kelvin Kwan - May 21, 2020 - 8:55 AM

MaryAnne Dempster - May 21, 2020 - 12:49 PM