



## **Staff Report for Council Meeting**

**Date of Meeting:** July 8, 2020  
**Report Number:** SRPRS.20.104

**Department:** Planning and Regulatory Services  
**Division:** Development Planning

**Subject:** **SRPRS.20.104 - Request for Direction – Official Plan Amendment and Zoning By-law Amendment – Vitmont Holdings (Oak Ridges) Inc. – City Files D01-15001 and D02-15006 (Related File D06-15014)**

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### **Owner:**

Vitmont Holdings (Oak Ridges) Inc.  
170 Industrial Parkway North  
Aurora, Ontario  
L4G 4C3

### **Agent:**

Weston Consulting  
201 Millway Avenue, Suite 19  
Vaughan, Ontario  
L4K 5K8

### **Location:**

Legal Description: Part of Lot 13, Plan 202  
Municipal Address: 13042 Yonge Street

### **Purpose:**

The purpose of this report is to seek Council's direction regarding revised Official Plan and Zoning by-law Amendment applications to facilitate the construction of a six storey residential apartment building on the subject lands.

### **Recommendations:**

- a) That Staff Report SRPRS.20.104 be received for information purposes;
- b) That the Local Planning Appeal Tribunal (LPAT) be advised as follows:

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- i) that Council supports the revised development proposal as generally depicted on Maps 5 and 6 to Staff Report SRPRS.20.104 associated with Official Plan and Zoning By-law Amendment applications submitted by Vitmont Holdings (Oak Ridges) Inc. (City Files D01-15001 and D02-15006) for lands known as Part of Lot 13, Plan 202, (Municipal Address: 13042 Yonge Street);
  - ii) that the LPAT be requested to approve the Official Plan Amendment substantially in accordance with the document shown in Appendix “B” to Staff Report SRPRS.20.104;
  - iii) that the LPAT be requested to approve the Zoning By-law Amendment substantially in accordance with the document in Appendix “C” to Staff Report SRPRS.20.104;
  - iv) that the LPAT be requested to withhold the issuance of its Final Order on both the Official Plan Amendment and Zoning By-law Amendment until such time as the City advises the Tribunal that the applicant has paid the applicable processing fees in accordance with the City’s Tariff of Fees By-law; and,
  - v) that the LPAT be requested to withhold the issuance of its Final Order on the Zoning By-law Amendment until such time as the City advises the Tribunal that the applicant’s Site Plan application has been finalized to the satisfaction of the Commissioner of Planning and Regulatory Services;
- c) That upon the recommendation of the Commissioner of Planning and Regulatory Services, the Mayor and City Clerk be authorized to enter into Minutes of Settlement pertaining to the Official Plan Amendment and Zoning By-law Amendment appeals before LPAT;
  - d) That Council approve the Section 37 Community Benefit package as outlined in Staff Report SRPRS.20.104;
  - e) That upon the recommendation of the Commissioner of Planning and Regulatory Services, the Mayor and City Clerk be authorized to enter into any agreements necessary to secure the Community benefits referred to in the recommendation above;
  - f) That the authority to assign servicing allocation to the proposed development to be constructed on the subject lands be delegated to the Commissioner of Planning and Regulatory Services subject to the criteria in the City’s Interim Growth Management Strategy, and that the assigned servicing allocation be released in accordance with the provisions of By-law 109-11; and,

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- g) That appropriate City staff be directed to appear at the Local Planning Appeal Tribunal in support of Council’s position concerning the above noted application.

### Contact Person:

Ferdi Toniolo, Senior Planner - Zoning, phone number 905-771-2442 and/or  
Deborah Giannetta, Manager of Development Planning –Site Plans, 905-771-2465

### Report Approval:

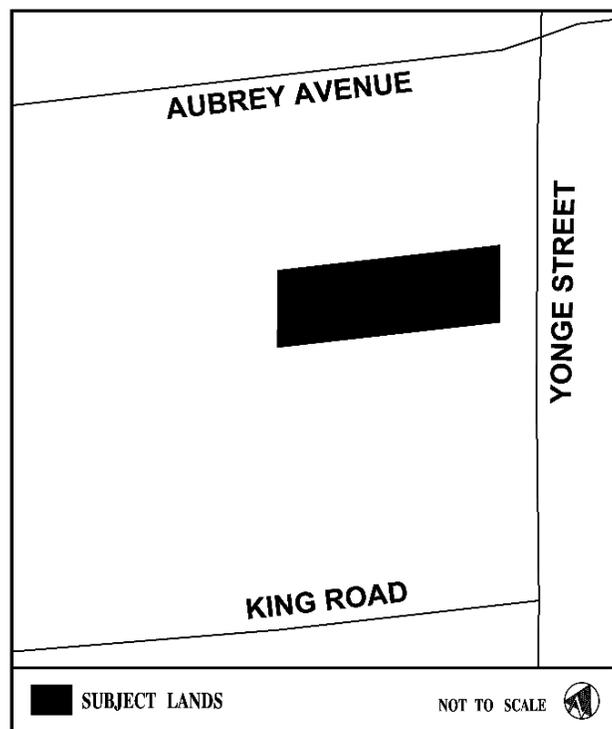
**Submitted by:** Kelvin Kwan, Commissioner of Planning and Regulatory Services

**Approved by:** Mary-Anne Dempster, 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 Person” above.



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### Background:

The applicant appealed the subject Official Plan Amendment and Zoning By-law Amendment applications to the former Ontario Municipal Board (now the Local Planning Appealed Tribunal (LPAT)) on November 27, 2017 on the basis that Council did not make a decision on the applications within the prescribed timeframes of the *Planning Act*. On June 26, 2018, Council approved Staff Report SRPRS.18.128 which recommended refusal of the subject applications and directed staff to appear at the LPAT in support of Council's position (refer to Appendix "A"). The principal issues and concerns with respect to the applicant's original proposal were the proposed height and density and the lack of submission of a Concept Plan in the absence of a Secondary Plan for the **Oak Ridges Local Centre** area. In addition, there were technical issues related to stormwater management, hydrogeology, servicing, grading, site circulation, access and parking.

Three Pre-Hearing Conferences have been held with respect to the appeal of the subject applications. At the third Pre-hearing Conference held on May 15, 2019, a hearing date was scheduled for June 22, 2020 to consider the appeals. However, due to the COVID-19 pandemic wherein the Government of Ontario passed Emergency Order (O. Reg. 73/20) under the *Emergency Management and Civil Protection Act*, the hearing was deferred to a future date which has yet to be scheduled.

In the interim, City staff has continued to work with the applicant to achieve a revised development proposal that is well-designed, appropriate and compatible within the **Oak Ridges Local Centre**. City staff and the applicant have come to an agreement in principle on a revised development proposal with the remaining technical matters to be addressed through the Site Plan approval process. Accordingly, the purpose of this report is to seek Council's approval in principle of the applicant's revised development proposal and an associated Section 37 Community Benefits package and to advise LPAT of Council's position.

### Summary Analysis:

#### Site Location and Adjacent Uses

The subject lands are located on the west side of Yonge Street, south of Aubrey Avenue and have a lot area of approximately 0.27 hectares (0.65 acres). The site presently supports an existing retail building and an accessory structure, both of which are to be demolished to facilitate the proposed development. Abutting land uses include existing commercial uses to the north, west and south, commercial and residential uses to the southwest, and Yonge Street to the east (refer to Map 1).

#### Revised Development Proposal

The applicant is seeking Council's approval of its revised development proposal to construct a six storey, 64 unit residential rental apartment building on its land holdings

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(refer to Maps 5 and 6). The following is a summary table outlining the relevant statistics of the applicant's original and revised development proposals based on the plans and drawings submitted to the City:

	Original Submission	Revised Submission
Total Lot Area:	0.265 hectares (0.65 acres)	0.265 hectares (0.65 acres)
Number of Buildings:	1 apartment building	1 apartment building
Number of Storeys	6	6
Total Number of Units:	51	64
Gross Floor Area:	3924.06 square metres (43,007.2 square feet)	5,955.3 square metres (64,104.4 square feet)
Proposed Parking:	49	73
Lot Coverage:	28.9%	43 %
Landscaped Area (Ground):	400 square metres (4,305.6 square feet)	510 square metres 5,489.8 square feet)
Green Roof Area:	120 square metres (1,291.7 square feet)	128 square metres (1,377.8 square feet)
Floor Space Index:	1.48	2.46

Key differences between the original and revised proposal are as follows:

- an increase in the FSI from 1.48 to 2.46;
- an increase in gross floor area from 3,924.06 square metres (43,007.2 square feet) to 5,955.3 square metres (64,104.4 square feet);
- an increase in the number of residential units from 51 to 64; and,
- the addition of underground parking with the provision of 73 parking spaces, whereas previously 49 parking spaces was proposed.

The applicant's original design proposed at-grade parking, whereas, the revised development concept has introduced underground parking to address the parking shortfall and improve on-site circulation. Additionally, the revised building design has included the ground floor that was previously used for parking as part of the apartment building as well as the lengthening of the building towards the rear.

It should be noted that the related Site Plan application that was submitted in conjunction with the subject applications was not appealed and staff continue to work with the applicant towards finalizing its approval.

### Planning Analysis:

Staff has undertaken a comprehensive review and evaluation of the applicant's development proposal based on the policy framework contained within the *Provincial Policy Statement* (PPS, 2020), the *Growth Plan for the Greater Golden Horseshoe* (Growth Plan, 2019), the *Greenbelt Plan* (2017), the *Regional Official Plan* (ROP, 2010) and the City's *Official Plan* (the "Plan").

Staff notes that the City's in-force Plan is consistent with the PPS, and conforms to the Growth Plan, the Greenbelt Plan and the ROP that were in-force at the time of approval.

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Since the Plan's approval, the PPS, the Growth Plan and the Greenbelt Plan were updated in 2014 and 2017, respectively. Outlined below is a more detailed discussion of the applicant's development proposal relative to the ROP and the City's Official Plan.

### York Region Official Plan

The subject lands are designated **Urban Area** and are within a Local Centre as identified in the Region Official Plan (ROP). In accordance with Map 1 - Regional Structure of the ROP, the **Urban Area** policies permit a full range and mix of urban uses which would permit the applicant's mid-rise apartment building. York Region has confirmed the comments provided on the applicant's original development proposal remain unchanged; namely, that the Region does not object to the proposed Official Plan Amendment application.

York Region has reconfirmed its continued support for the proposed development referring to its compliance with ROP **Policy 5.5.1** which states that "**local centres and corridors serve as important neighbourhood focal points and mainstreets that provide a range of working, shopping, recreation, human services and housing opportunities with appropriate forms and scale that complement the surrounding community.**" The Region has further noted that rental housing is a priority and that the applicant is encouraged to pursue the establishment of affordable rental housing (refer to Appendix "D").

### City of Richmond Hill Official Plan

The subject lands are designated **Oak Ridges Local Centre** in accordance with Schedule A2 - Land Use of the City's Official Plan (the Plan) (refer to Map 2) and are identified as a **Settlement Area** in accordance with Schedule A3 of the Plan. The **Oak Ridges Local Centre** designation permits medium density residential, office, commercial, retail, automotive service commercial, community uses, parks, open space and live-work units, subject to urban design criteria outlined in **Policy 4.3.2.2** of the Plan. Therefore, in terms of land use, the proposed development is consistent with the **Oak Ridges Local Centre** designation.

In terms of height and density, the **Oak Ridges Local Centre** permits a maximum density of 1.0 Floor Space Index (FSI) per development block and a maximum building height of four storeys with the tallest buildings oriented to the Yonge Street frontage of a property. Further, **Policy 4.3.2.1.7** of the Plan states that "**until such time as Council approves a Secondary Plan for the Oak Ridges Local Centre, applications for development shall be required to submit a Concept Plan in accordance with Section 5.2 of this Plan, which demonstrates how the development meets the land use and design policies of this Plan for areas identified as a development block by the City.**"

In support of its revised development proposal, the applicant submitted a Concept Plan Report to demonstrate that the revised development proposal with a building height of six storeys and a density of 2.48 FSI was appropriate. The applicant's Concept Plan

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provided an overview of the existing area context, as well as the planned context and development potential in the **Oak Ridges Local Centre** along Yonge Street and within the general area of the subject lands.

The report concluded that given that there is an existing six storey residential building on Yonge Street south of King Road, and there is underutilized development capacity within the general area of the subject lands, that there is potential for increased density and height for lands with redevelopment potential as proposed by the subject applications. Staff concurs with the findings of the report and is therefore satisfied that the applicant's revised development proposal for additional building height and density than the Plan prescribes is appropriate and compatible with the existing built community surrounding the subject lands.

Further, in accordance with **Section 3.2.1.1(18)** of the Plan, all uses, including the creation of new lots which are otherwise permitted under the Plan, shall be permitted within the **Settlement Area** and permitted uses shall be subject to the requirements of Sections 19(3) and 31(4) of the *Oak Ridges Moraine Conservation Plan* (ORMCP). No Key Natural Heritage Features (KNHF's) and/or Key Hydrologically Sensitive Features (HSF's) as prescribed by the ORMCP that have been identified within the vicinity to the subject lands will be impacted by the proposed development.

Based on the technical information submitted in support of the proposed development, staff is satisfied that the applicant's revised development proposal conforms to the ORMCP.

### **Proposed Zoning By-law Amendment**

The subject lands are presently zoned **General Commercial One (GC1) Zone** under By-law 1275, as amended by By-law No. 366-86 (refer to Map 3). Permitted uses under the **GC1 Zone** category include a range of commercial uses but does not permit residential uses as proposed by the subject applications. Accordingly, the applicant has proposed rezoning the subject lands to a **Yonge Street Commercial (YSC) Zone** category under Zoning By-law 313-96, as amended with the site specific development standards to facilitate the revised development.

Outlined below is a comparison of the proposed development standards for its revised development proposal relative to those of the associated parent zone category, with the requested site specific exceptions in bold:

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<b>Development Standard</b>	<b>YSC Zone Standard</b>	<b>Revised Development Proposal</b>
Minimum Lot Frontage	20.0 metres (65.62 feet)	Complies
Minimum Lot Area	0.2 hectares	Complies
Maximum Lot Coverage	N/A	N/A
Minimum Front Yard Setback	N/A	N/A
Minimum Side Yard Setback (north side)	6.0 metres (19.7 feet)	2.7 metres (8.86 feet)
Minimum Side Yard Setback (south side)	6.0 metres (19.7 feet)	2.9 metres (9.51 feet)
Minimum Rear Yard Setback	7.5 metres (24.60 feet)	Complies
Maximum Building Height	N/A	<b>23.0 metres (75.5 feet)</b>
Maximum Number of Storeys	4 storeys	<b>6 Storeys</b>
Maximum Floor Area Ratio	0.75	<b>2.46</b>

In addition to the above, in order to facilitate the applicant’s revised development proposal, the proposed Zoning By-law Amendment will require the following additional site specific development standards:

- a) a definition for amenity space;
- b) a maximum height 5.0 metres (16.4 feet) for the first storey of the building;
- c) the following parking standards for a rental apartment building:
  - i) 1 bedroom dwelling unit: 0.85 spaces per selling unit;
  - ii) 2 bedroom dwelling unit: 1.0 spaces per dwelling unit;
  - iii) 3 bedroom dwelling unit: 1.75 spaces per dwelling unit; and,
  - iv) 0.15 visitor spaces per dwelling unit;
- d) a reduced parking space dimension of 2.6 metres (8.5 feet) by 5.6 metres (18.37 feet)
- e) bicycle parking standards as follows:
  - i) 0.6 bicycle parking spaces per dwelling unit; and,
  - ii) 0.07 visitor bicycle spaces per dwelling unit;
- f) a minimum amenity space standard of 2.0 square metres (21.53 square feet) per dwelling unit;
- g) harmonization of the front yard landscape buffer strip with that of the building setback; and,
- h) provision for the Section 37 (*Planning Act*) Community Benefit.

Staff has undertaken a comprehensive review of the site specific development standards proposed to facilitate the applicant’s revised development proposal and can advise that the standards are considered to be appropriate and that they represent good planning. The subject Zoning By-law Amendment application shall implement the revised development proposal and is consistent with the development principles that are contemplated within the **Oak Ridges Local Centre**. Staff has worked with the applicant to finalize a draft by-law which is attached as Appendix “C” to this report. It should be noted that the final form of the by-law will be forwarded to the LPAT for passage at such time as the applicant finalizes the Site Plan approval process and upon payment of the applicable processing fee.

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### **Site Plan Application**

In support of the revised development proposal, the applicant submitted the following revised technical reports/studies:

- Functional Servicing Report;
- Stormwater Management Report;
- Concept Plan Report;
- Urban Design Brief;
- Traffic Impact Study;
- Transportation Demand Management Report;
- Parking Utilization Study;
- Environmental Noise Report;
- Parking Stall Size;
- Site Circulation Review;
- Hydrogeological Investigation; and,
- updated and revised engineering plans.

The applicant has worked closely with City staff and external agencies to address the comments/issues identified in Staff Report SRPRS.18.128 and those identified as part of City staff's review of its revised development proposal. Staff advises that at the time of writing this report, the review of the applicant's revised development proposal has reached a stage where the next step is to finalize the Site Plan for the proposed development.

On the basis of the preceding, staff recommends Council support the applicant's revised Official Plan Amendment and Zoning By-law Amendment applications at this time. However, it is recommended that the LPAT be requested to withhold its decision on the issuance of the Zoning By-law pending approval of the Site Plan application in order to provide some flexibility to facilitate further minor revisions to the Zoning By-law should the need arise during the finalization of Site Plan approval.

### **Section 37 Community Benefits Package:**

Section 37 of the *Planning Act* provides municipalities with the means to secure community benefits where a proposal exceeds the permitted height and/or density provisions of its Official Plan. Based on the revised development proposal outlined in this report, the applicant is proposing increases in the prescribed height and density beyond the limits outlined in the Plan. As such, a community benefits package has been negotiated with the applicant with respect to its revised development proposal. In this regard, the applicant has agreed to a financial contribution in the amount of \$300,000 towards the repair and replacement of Raccoon Park which is located to the northwest of the subject lands, or the provision of an alternative community benefit of equal value as approved by Council. The design for the repair and replacement of Raccoon Park is planned to begin in 2026 as per the City's on-going Capital Plan, with construction beginning the following year in 2027. The Section 37 contribution acquired as part of

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this approval would likely allow the works to commence sooner than currently scheduled.

Staff has carefully reviewed the proposed community benefits package and can advise that it is appropriate in the context of the applicant's revised development proposal and will directly benefit and serve the existing and planned community in which the subject lands are located. As such, it is recommended that Council approve the proposed community benefits package as agreed to by the applicant and staff.

### **Summary**

Based on the review and evaluation of the applicant's revised development proposal, staff supports the revised development proposal applications for the following principle reasons:

- the proposed residential land use is consistent with the **Oak Ridges Local Centre** policies of the Plan applicable to the subject lands;;
- the proposed density and height represent an appropriate built form along this portion of Yonge Street;
- the applicant's revised development proposal is compatible with existing context in the **Oak Ridges Local Centre** and can be appropriately integrated into the community;
- the proposed development is consistent with the policies of the *Oak Ridges Moraine Conservation Plan* applicable to the subject lands;
- sufficient residential and visitor parking shall be provided that can adequately support the proposed revised development;
- the proposed development is generally in keeping with the City's Urban Design Guidelines for apartment buildings;
- the proposed Section 37 benefits package is directly related to a local community need; and,
- the proposed development constitutes good planning and orderly planning and is considered to be appropriate for the development of the area in which the subject lands are located.

In light of the above, staff is of the opinion that the revised development proposal has appropriate regard for and is consistent with the broader policy direction for this part of the City as outlined in the Plan. Staff recommends that the Official Plan and Zoning By-law Amendments attached as Appendices "B" and "C" hereto be approved subject to the recommendations contained in this report.

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

The applicant has submitted a Sustainability Performance Metrics Tool for consideration by the City as part of its review and approval of the subject applications, including the allocation of servicing capacity. Technical comments have been received and the applicant is working towards a resubmission. Future recommendations concerning the

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allocation of servicing capacity will be based on a revised submission of the applicant's Sustainability Metrics in conjunction with the related Site Plan application for its proposed development. In order to streamline the servicing allocation assignment process, staff recommends that Council delegate its authority to assign allocation to the Commissioner of Planning and Regulatory Services.

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

The proposed Settlement of the subject appeals based on the revised development proposal as outlined in this report will eliminate the significant draw on staff and financial resources required to attend an LPAT hearing on these matters.

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

The applicant's revised development proposal aligns with **Goal Two - Better Choice in Richmond Hill** by providing a range of housing that provides options for people at all stages of life. The proposal also aligns with **Goal Four - Wise Management of Resources in Richmond Hill** by using land responsibly.

### **Conclusion:**

Staff are seeking Council's direction with respect to a revised development proposal and associated Section 37 Community Benefits Package to facilitate the construction of a residential development consisting of a six storey rental apartment building on the subject lands. The applicant has now satisfactorily addressed the principal issues and concerns raised in Staff Report SRPRS.18.128. The proposed development is consistent with the PPS, conforms with the Growth Plan, the ORMCP and the ROP. Furthermore, the revised development proposal maintains the general intent of the goals, objectives and policies of the City's Official Plan. In light of the preceding, staff is of the opinion that the revised development proposal is appropriate and represents good planning. Additionally, following careful consideration and review of the applicant's revised development proposal and Section 37 Community Benefits Package, it is recommended that Council approve same on the basis that the proposal is considered appropriate and represents good planning.

Given all of the above, it is recommended that LPAT be advised that Council supports the revised Official Plan Amendment and Zoning By-law Amendment in principle. In light of the fact that the related Site Plan application has not yet been finalized, staff would recommend that LPAT be advised to withhold its Final Order respecting the proposed Zoning By-law Amendment application until such time as the Site Plan application has been approved to the satisfaction of the Commissioner of Planning and Regulatory Services. Furthermore, it is recommended that City staff be directed to appear at the future LPAT proceedings in support of Council's position concerning the revised applications.

**Attachments:**

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

- Appendix A - Extract from Council Meeting C#24-18 held on June 26, 2018
- Appendix B - Official Plan Amendment
- Appendix C - Draft Zoning By-law
- Appendix D - York Region comments dated April 9, 2020
- Map 1 - Aerial Photograph
- Map 2 - Official Plan Designation
- Map 3 - Existing Zoning
- Map 4 - Original Site Plan
- Map 5 - Revised Site Plan
- Map 6 - Proposed Elevations

**Report Approval Details**

Document Title:	SRPRS.20.104 - Direction - Official Plan and Zoning By-law Amendments - Vitmont Holdings.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - June 26, 2018 - Extract of Council.docx</li><li>- Appendix B - Draft OPA.docx</li><li>- Appendix C - Draft Zoning By-law.docx</li><li>- Appendix D - York Region.docx</li><li>- MAP_1_AERIAL PHOTOGRAPH.pdf</li><li>- MAP_2_OFFICIAL_PLAN_DESIGNATION.pdf</li><li>- MAP_3_EXISTING_ZONING.pdf</li><li>- MAP_4_ORIGINAL_SITE_PLAN.pdf</li><li>- MAP_5_PROPOSED_SITE_PLAN.pdf</li><li>- MAP_6_PROPOSED_ELEVATIONS.pdf</li></ul>
Final Approval Date:	Jun 22, 2020

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

**Gus Galanis - Jun 18, 2020 - 7:03 PM**

**Kelvin Kwan - Jun 18, 2020 - 7:47 PM**

**MaryAnne Dempster - Jun 22, 2020 - 8:53 AM**