



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

**Date of Meeting:** October 7, 2020

**Report Number:** SRPRS.20.134

**Department:** Planning and Regulatory Services

**Division:** Development Planning

**Subject:** **SRPRS.20.134 – Request for Comments –  
Official Plan Amendment and Zoning By-law  
Amendment Applications – 2747883 Ontario Inc.  
and 2753502 Ontario Inc. – City Files D01-20003  
and D02-20009**

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### **Owner:**

2747883 Ontario Inc. and 275302 Ontario Inc.

305 16<sup>th</sup> Avenue

Richmond Hill, ON

L4C 7A6

### **Agent:**

Evans Planning Inc.

8481 Keele Street, Unit 12

Vaughan, Ontario

L4K 1Z7

### **Location:**

**Legal Description:** Part of Lot 1, Plan 200

**Municipal Addresses:** 13572 and 13586 Bayview Avenue

### **Purpose:**

A request for comments concerning proposed Official Plan and Zoning By-law Amendment applications to permit an eleven storey residential apartment building on the subject lands.

### **Recommendation:**

- a) **That Staff Report SRPRS.20.134 with respect to the Official Plan and Zoning By-law Amendment applications submitted by 2747883 Ontario Inc. and 2753502 Ontario Inc. for lands known as Part of Lot 1, Plan 200**

## Page 2

**(Municipal Addresses: 13572 and 13586 Bayview Avenue), City Files D01-20003 and D02-20009, be received for information purposes only and that all comments be referred back to staff.**

### Contact Person:

Simone Fiore, Planner II – Subdivisions, phone number 905-771-2479 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, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner and City Manager. Details of the reports approval are attached.

### Location Map:

Below is a map displaying the property location. Should you require an alternative format call person listed under the “Contact Person” above.



## Page 3

### Background Information:

In July 2015, Council approved Official Plan and Zoning By-law Amendment applications (City Files D01-10006 and D02-10018) to permit a four storey residential apartment building comprised of 48 dwelling units, having a gross floor area of 7,540 square metres (81,162.54 square feet), and a density of 106.6 units per net residential hectare (43.1 units per net residential acre) on the subject lands (refer to Maps 4 to 5 and Appendix A).

Subsequently, Council adopted Official Plan Amendment 280 on September 29, 2015 to implement said development. In accordance with the Council decision on the applications, prior to bringing forward the implementing Zoning By-law for enactment, the applicant was to obtain Site Plan approval for the proposed development. However a Site Plan application was not submitted, and therefore, the implementing Zoning By-law Amendment was never enacted.

The lands have since been sold to the current owners, 2747883 Ontario Inc. and 275302 Ontario Inc. who have submitted the subject Official Plan and Zoning By-law Amendment applications to permit an 11 storey high-density residential development on their land holdings. The subject applications were received by the City on May 1, 2020 and deemed complete on May 19, 2020.

The applications and supporting materials were subsequently circulated to relevant City departments and external agencies for review and comment. Accordingly, the purpose of this report is to seek comments from Council and the public with respect to the subject applications, pursuant to the statutory Public Meeting and associated notice requirements of the *Planning Act*.

### Summary Analysis:

#### Site Location and Adjacent Uses

The subject lands consist of two existing residential lots that are located on the west side of Bayview Avenue, north of Snively Street having a total lot area of 1.0977 hectares (2.71 acres). Single detached dwellings are currently located on each lot, which are proposed to be demolished to facilitate the proposed development. The topography of the subject lands is varied with a grade difference of approximately 5 metres (16.4 feet) between the highest elevation at the northeast corner and the southerly lot line. The lands abut the Wilcox-St. George Provincially Significant Wetland Complex to the north, south and west, Bayview Avenue to the east, and a single detached dwelling to the immediate south (refer to Map 1).

#### Development Proposal

The applicant is seeking Council's approval of its Official Plan and Zoning By-law Amendment applications to permit an 11 storey apartment building comprised of 122 dwelling units on its land holdings (refer to Maps 6 to 9).

## Page 4

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

- **Lot Area:** 1.0977 hectares (2.71 acres)
- **Total Gross Floor Area:** 14,303 square metres (153,956 square feet)
- **Density:** 111 units per hectare (45.02 units per acre)
- **Residential Units:** 122
- **Building Height:** 11 storeys (8 residential floors and 3 above grade parking levels)
- **Total Parking:** 159 spaces (including 20 visitor spaces)

### Supporting Documentation/Reports

- Draft Official Plan Amendment;
- Draft Zoning By-law Amendment;
- Survey;
- Site Plan;
- Elevation Plans;
- Floor Plans;
- Site Servicing and Grading Plans;
- Cross Sections and Details;
- Conceptual Landscape Design;
- Planning Justification Report;
- Natural Heritage Evaluation;
- Noise Impact Study;
- Urban Design Brief;
- Tree Inventory and Preservation Plan Report;
- Transportation Study;
- Functional Servicing Report;
- Geotechnical Report;
- Hydrogeological Report; and,
- Phase One Environmental Site Assessment.

### Official Plan Amendment Application

The applicant's is seeking a site specific exception to the **Neighbourhood** designation policies applicable to the subject lands to permit the following:

- an increase in the maximum permitted density from 50 units per hectare (20 units per acre) to 111 units per hectare (45.02 units per acre); and,
- to increase the maximum permitted building height from four storeys to 11 storeys.

## Page 5

### Zoning By-law Amendment Application

The applicant is proposing to rezone the subject lands from **Agricultural (A) Zone under By-law 1703, as amended**, to **Multiple Residential One (RM1) Zone** and **Environmental Protection Area Two (EPA2) Zone** under By-law 313-96, as amended, with the following site specific provisions:

- to permit an 11 storey residential building under the **RM1 Zone**;
- to permit stormwater management facilities and conservation structures for flood and erosion control within the **EPA2 Zone**; and,
- to establish site specific development standards related to minimum lot frontage, minimum lot area, maximum lot coverage, minimum front yard, minimum side yard, minimum rear yard, maximum height, and maximum floor area for the proposed residential building, as well as amending the general provisions pertaining to minimum required landscaping strips and parking spaces.

### 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 (2020)* (the "PPS"), the *Growth Plan for the Greater Golden Horseshoe (2019)* (the "Growth Plan"), the *Greenbelt Plan (2017)*, the *Oak Ridges Moraine Conservation Plan (2017)* (the "ORMCP"), the *Regional Official Plan (2010)* (the "ROP") and the City's Official Plan (the "Plan").

Staff notes that the City's in-force Plan is consistent with the PPS and conforms with the Growth Plan, Greenbelt Plan and the ROP that were in-force at the time of its approval. Since the Plan's approval, the PPS was updated in 2020, the Growth Plan was updated in 2019, and the Greenbelt Plan and ORMCP were updated in 2017. Below is a more detailed outline of the proposal relative to the Plan and ORMCP.

### York Region Official Plan

The ROP designates the subject property **Urban Area** and identifies the lands as being located within the **Regional Greenlands System** in accordance with Map 1 (Regional Structure) and Map 2 (Regional Greenlands System). Lands designated **Urban Area** support a wide range and mix of uses and are intended to accommodate a significant portion of planned growth within the Region. The **Regional Greenlands System** is intended to identify, protect and enhance Natural Heritage Features and provide an opportunity for passive recreation systems. Development and site alteration is prohibited within the **Regional Greenlands System** and the applicable policies require that any development located within 120 metres of a **Regional Greenlands System** provide sufficient environmental studies to measure impacts on Natural Heritage Features.

The subject applications have been circulated to York Region, but comments have not been provided by the Region as of the writing of this report. As a result, a more detailed

## Page 6

review and evaluation of the proposed development in the context of the applicable policies in the ROP will form part of a future recommendation report to Council where deemed necessary.

### City of Richmond Hill Official Plan

As noted previously, Official Plan Amendment 280 was approved by Richmond Hill Council which established site specific policies to permit a residential building of four storeys and a maximum site density of 106.6 units per net residential hectare (43.1 units per net residential acre) on the lands. Official Plan Amendment 280 preceded the adoption of the 2010 City of Richmond Hill Official Plan. Notwithstanding, the Plan is the determinative policy framework for reviewing the subject applications.

The subject lands are designated **Neighbourhood** and **Natural Core** in accordance with Schedule A2 - Land Use of the Plan (refer to Map 2). Further, the lands are located within and about the **Greenway System** and are situated within the **Settlement Area** of the *Oak Ridges Moraine Conservation Plan* (ORMCP).

Uses permitted within the **Neighbourhood** designation (where the subject lands front an arterial street) include medium density residential uses such as townhouses and multi-unit walk up apartments with building heights of up to four storeys. In accordance with **Section 4.9.2** of the Plan, development within the **Neighbourhood** designation shall be compatible with the character of the adjacent/surrounding area with respect to the predominant building forms and types, massing, general pattern of street, blocks, lots and lanes, landscaped areas and treatments, and the general pattern of yard setbacks. Further, **Section 4.9.1.2 (3)** of the Plan permits a maximum density of 50 units per hectare (20 units per acre) for medium density residential development fronting onto arterial streets within the **Neighbourhood** designation. The applicant's proposal seeks to increase the maximum permitted density to 111 units per hectare (45.02 units per acre) and increase the maximum permitted building height from four storeys to 11 storeys.

Further to the above, **Section 3.4.1** of the Plan sets out design criteria for all development which includes specific policies for high-rise residential buildings. Specifically, high-rise buildings shall generally have a slender floorplate of approximately 750 square metres and shall introduce step backs for tower elements proposed above base buildings to limit shadow and wind impacts and loss of skyview. The proposed floorplate for floors 5 to 7 of the building are approximately 1840 square metres and for floors 8 to 11 are approximately 1500 square metres which substantially exceeds the tower floor plate requirements. In addition, the proposed development is considered a high-rise high-density building, which is only contemplated along the **Centres** and **Corridors** of the Plan.

As the proposed application introduces a high rise built form in the **Neighbourhood** designation, the associated policies with respect to transition would be applicable. In this regard, **Section 3.4.1.55** states that development must adhere to the principle of a

## Page 7

45 degree angular plane measured from adjacent low density residential areas. Staff notes that the proposed development encroaches into the 45 degree angular plane from the edge of the southern property line.

The **Natural Core** designation is intended on maintaining, and/or improving or restoring the ecological integrity of the natural features and functions. As such, permitted uses in the **Natural Core** designation include fish, wildlife and forest management, conservation projects, flood and erosion control projects, essential infrastructure, low-intensity recreational uses, unserviced parks and accessory uses. Based on the plans and drawings submitted in support of the subject development it appears the proposed development encroaches into the **Natural Core** designation. Additionally, **Section 3.4.1.61** of the Plan requires that development in the **Settlement Area** that abuts the **Greenway System** shall provide a naturalized transition to the **Greenway System**.

In accordance with Schedule A1 – Urban Structure and Schedule A4 – Key Natural Heritage Features (KNHF) and Key Hydrological Features of the Plan (KHF), the subject lands contain portions of the **Greenway System**, specifically the Wilcox-St. George Provincially Significant Wetland Complex feature to the north, south and west, a Significant Woodland and a significant wildlife habitat. Lands within the Greenway System shall be protected, enhanced and actively managed. The **Greenway System** includes core natural features and linkages on the ORMCP Area.

In this regard, Table 3 of **Section 3.2.1.1** of the Plan establishes the minimum area of influence and the minimum vegetation protection zones that relate to a key natural heritage feature, key hydrological feature, or Areas of Natural and Scientific Interest. The minimum vegetation protection zone (buffer) required from any portion of a wetland and significant woodland is 30 metres (98.43 feet) unless a reduction can be justified through a Natural Heritage Evaluation approved by the City and TRCA. As part of this proposal, the applicant is proposing buffers ranging from 10 metres (32.81 feet) to 30 metres (98.43 feet). As per **Section 3.2.1.1 (14)(b)** of the Plan, the applicant must demonstrate that it's development proposal will not adversely affect the ecological integrity of the ORMCP Area.

The subject lands are also situated within the **Settlement Area** of the Oak Ridges Moraine, as defined in accordance with the ORMCP. 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 ORMCP. A more detailed review of the subject applications will be undertaken to ensure the proposed development is in keeping with the policies of the ORMCP and the Plan.

## Page 8

### Zoning By-law

As noted previously, the subject lands are zoned **Agricultural (A) Zone** under By-law 1703, as amended. The **A Zone** permits agricultural uses, accessory buildings and dwellings, a golf course, and domestic or household arts. The proposed high-rise residential apartment building is not a permitted use under the **A Zone**. As such, the applicant is seeking Council's approval to rezone the subject lands to **Multiple Residential One (RM1) Zone** and **Environmental Protection Two (EPA2) Zone** under By-law 313-96, as amended, with site specific development standards to facilitate the proposed development.

Staff notes that the proposed **RM1 Zone** does not permit an apartment building and the applicant is proposing to add this use as a permitted use in conjunction with its proposal to establish site specific development standards in support of its development proposal. The following table provides a summary of the requested site specific development standards of the **Multiple Residential One (RM1) Zone** under By-law 313-96:

Development Standard	Proposed Standard, RM1 Zone under By-law 313-96, as amended
Minimum Lot Frontage	110 metres (360.89 feet)
Minimum Lot Area	10,975 sq. metres (118,133.92 sq. feet)
Maximum Lot Coverage	26%
Minimum Front Yard	3.0 metres (9.84 feet)
Minimum Side Yard	16.0 metres (52.94 feet)
Minimum Rear Yard	29.0 metres (95.14 feet)
Maximum Height	43.23 metres (137.55 feet)
Maximum Gross Floor Area	14,310 sq. metres (154,031.56 sq. feet)
Minimum Front Yard Landscape Strip	3.0 metres (9.84 feet)
Maximum Parking Spaces	159 spaces (including 20 visitor spaces)

The **Environmental Protection Two (EPA) Zone** under By-law 313-96, as amended, permits conservation uses, limited to stream bank protection works, fish, wildlife and conservation management uses, pedestrian paths forming part of an approved interpretation, education or scientific programs, and a public park. The applicant is requesting approval to rezone a portion of the lands to **EPA2 Zone** and to amend this zone to permit stormwater management facilities and conservation structures for flood and erosion control.

The appropriateness of the proposed zoning provisions and land uses, as well as the need for additional standards and/or restrictions will continue to be evaluated through the review of the submitted development applications with regard to policy conformity, compatibility, design and function.

## Page 9

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

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

#### **Heritage and Urban Design Section**

Heritage and Urban Design staff has reviewed the subject applications and has advised of concerns with respect to the compatibility of the proposed high rise development with the existing low density residential and environmental character of the adjacent and surrounding areas. As such, Urban Design staff recommends that the applicant reduce the height and density of the proposed building to be more in keeping with the context of the surrounding neighbourhood and the policies of the **Neighbourhood** designation (refer to Appendix B).

#### **Park and Natural Heritage Planning Section**

Park and Natural Heritage Planning staff has provided comments related to the submitted Natural Heritage Evaluation, Landscape Plans and Tree Inventory and Preservation Plan. Specifically, Park staff note that development of these lands should protect as many mature healthy trees as possible and that all development and grading should be located outside of the tree protection zone and the KNHFs, KNFs and MVPZ/buffer in accordance with the provisions of the Plan.

Parks staff has also advised that the submitted Natural Heritage Evaluation (NHE) must be revised to confirm the limits of the PSW and to assess the woodland as significant. The revised NHE shall also provide adequate justification for the proposed reduction of the MVPZ/buffer to the southern portion of the PSW. Further, staff advise that the KNHF, KHF and MVPZ/buffer lands are to be dedicated to a public agency. Technical comments have also been provided with respect to the proposed stormwater measures, landscaping and restoration planting (refer to Appendix C).

#### **Toronto and Region Conservation Authority (TRCA)**

TRCA staff has advised that the delineation of the adjacent PSW and associated dripline are different from those which were agreed upon previously through the previous development proposal under City Files D01-10006 and D02-10018. In this regard, TRCA has advised that revisions to the PSW and dripline will require approval by the Ministry of Natural Resources and Forestry. Additionally, the proposed pathway encroachment into the buffer shall be removed as the buffer must be free and clear of any encumbrances and not accessible to the public. Further technical comments were also provided relating to ecology and water resources (refer to Appendix D).

## Page 10

### Development Planning Division

Planning staff has completed a preliminary review of the applicant's development proposal, including the plans and materials submitted in support of the proposed development. In consideration of the policies of the Plan which are relevant to the evaluation of the proposed development, staff provides the following preliminary comments:

- the proposed high-density, high-rise building is not a permitted use within the **Neighbourhood** designation;
- the proposed density of 111 units per hectare significantly exceeds the maximum density of 50 units per hectare within the **Neighbourhood** designation;
- the proposed building height of 11 storeys greatly exceeds the maximum building height of 4 storeys permitted for lands fronting on arterial roads within the **Neighbourhood** designation;
- further review and evaluation of the proposal is needed to determine the impact and appropriateness of the proposed development in accordance with **Section 4.9.2** of the Plan as it relates to compatibility with the existing area, building forms and types, massing, landscaped areas and treatments and the general pattern of setbacks;
- the proposed tower floorplates exceed the permitted 750 square metres as per **Section 3.4.59** of the Plan;
- the proposed development shall be revised to ensure conformity with **Section 3.4.1.55** of the Plan which requires a 45 degree angular plane measured from adjacent low density residential areas. The development does not meet the required angular plane from the edge of the southern property line;
- the applicant shall demonstrate conformity with **Section 3.4.1.61** of the Plan which requires the proposed development to provide a naturalized transition to the abutting **Greenway System**;
- the applicant is advised that the proposed density has been calculated using the gross lot area which includes the KHF, KHF and the MVPZ. However, the Plan states that density shall be calculated using developable lands only. In this regard, the applicant is advised to recalculate their density using the developable portion of the subject lands only;
- revisions to the submitted NHE are required in order to define the limits of the KNHF, KHF and the MVPZ/buffer lands and determine the development limits of the subject lands in accordance with the Plan and the ORMCP;
- development is proposed within the **Natural Core** designation of the lands which is not permitted by the Plan;
- encroachments within the MVPZ/buffer shall be removed;
- the applicant's draft Zoning By-law appears to contemplate stormwater management facilities and conservation structures within the proposed **EPA2 Zone**. The appropriateness of the applicant's requested exceptions will continue to be reviewed;
- the proposed development shall be assessed on the basis of the City-wide Urban Design Guidelines;

## Page 11

- future Site Plan and draft Plan of Condominium applications will be required to facilitate the proposed development. Staff recommends submission of a Site Plan Application prior to finalizing the Zoning By-law Amendment;
- the applicant must satisfactorily address comments and/or requirements identified by City departments and external agencies that have been requested to review the proposed development. In this regard, it is noted that the application is still under review by a number of City departments and external agencies; and,
- staff will continue to work with the applicant through the review of the form, content and appropriateness of the proposed Official Plan Amendment and draft Zoning By-law.

A comprehensive review of the applicant's Official Plan and Zoning By-law Amendment applications will be conducted following the receipt of comments and feedback from City departments, external agencies, Council and the public. The detailed review will be completed in advance of and addresses as part of a recommendation report to be prepared for a future Council meeting.

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

Comments have been received from the City's Finance Department, Fire and Emergency Services Division, Waste Management Section, Development Engineering Division – Site Plans Section, Enbridge Gas Inc., Canada Post, Rogers Communication, Alectra Utilities, the Toronto and Region Conservation Authority, York Region District School Board and York Catholic District School Board. These City departments and external agencies have no objections to the application and/or have provided comments to be considered by the applicant during a more detailed implementation stage of the approval process.

The development proposal is still under review by the City's Development Engineering Division – Transportation Section, Building Services Division – Zoning Section, the Regional Municipality of York and Bell Canada.

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

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

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

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

## **Page 12**

### **Conclusion:**

The applicant is seeking Council's approval of Official Plan and Zoning By-law Amendment applications to permit an 11 storey high-density residential building on its land holdings. The purpose of this report is to provide Council and the public with an overview of the development proposal and to discuss the regulatory regime governing the evaluation of these planning applications. This report has been structured for information purposes only, with a recommendation that all comments be referred back to staff for consideration.

### **Appendix Contents and Maps:**

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

- Appendix A, Extract from Council Meeting C#33-15 held July 13, 2015
- Appendix B, Memorandum from Urban Design and Heritage Section, dated July 22, 2020
- Appendix C, Memorandum from Park and Natural Heritage Planning, dated July 15, 2020
- Appendix D, Memorandum from Toronto and Region Conservation Authority, dated September 16, 2020
- Map 1, Aerial Photograph
- Map 2, Existing Official Plan Designation
- Map 3, Existing Zoning
- Map 4, Previous Proposed Site Plan (D01-10006 and D02-10018)
- Map 5, Proposed Site Plan
- Map 6, Proposed Elevations
- Map 7, Proposed Elevations
- Map 8, Proposed Coloured Renderings

## Page 13

### Report Approval Details

Document Title:	SRPRS.20.134 - Request for Comments - Official Plan and Zoning By-law Amendment Applications.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A, Council Extract.pdf</li><li>- Appendix B, UD Comments.pdf</li><li>- Appendix C, PNHP Comments.pdf</li><li>- Appendix D, TRCA Comments.pdf</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_PREVIOUS PROPOSED SITE_PLAN.pdf</li><li>- MAP_5_PROPOSED SITE PLAN.pdf</li><li>- MAP_6_PROPOSED ELEVATIONS.pdf</li><li>- MAP_7_PROPOSED ELEVATIONS.pdf</li><li>- MAP_8_PROPOSED COLOURED RENDERINGS.pdf</li></ul>
Final Approval Date:	Sep 21, 2020

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

**Gus Galanis - Sep 17, 2020 - 2:01 PM**

**Kelvin Kwan - Sep 21, 2020 - 1:52 PM**

**MaryAnne Dempster - Sep 21, 2020 - 1:59 PM**