



Staff Report for Committee of the Whole Meeting

Date of Meeting: December 4, 2019

Report Number: SRPRS.19.185

Department: Planning and Regulatory Services

Division: Development Planning

Subject: **SRPRS.19.185 – Request for Approval – Zoning By-law Amendment and Draft Plan of Subdivision Applications – Centrex Homes Inc. – City Files D02-17029 and D03-17008**

Owner:

Centrex Homes Inc.
1118 Centre Street, Suite 208
Vaughan, Ontario
L4J 7R9

Agent:

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

Location:

Legal Description: Part of Lots 70 to 73, Plan 1960
Municipal Address: 107 Birch Avenue

Purpose:

A request for approval concerning proposed Zoning By-law Amendment and draft Plan of Subdivision applications to facilitate the construction of a residential development comprised of 10 single detached dwelling units and the easterly extension of Day Lily Crescent on the subject lands.

Recommendations:

- a) **That the revised Zoning By-law Amendment and Draft Plan of Subdivision applications submitted by Centrex Homes Inc. for lands known as Part of Lots 70 to 73, Plan 1960 (Municipal Address: 107 Birch Avenue), City Files D02-17029 and D03-17008, be approved, subject to the following:**

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- (i) that a portion of the subject lands be rezoned from Third Density Residential (R3) Zone to Open Space (O) Zone under By-law 2523, as amended, and that the amending Zoning By-law establish site-specific development standards as set out in Appendix “B” to Staff Report SRPRS.19.185;
 - (ii) that the amending Zoning By-law be brought forward to a regular meeting of Council for consideration and enactment;
 - (iii) that the Plan of Subdivision as depicted on Map 6 to Staff Report SRPRS.19.185 be draft approved, subject to the conditions as set out in Appendix “C”;
 - (iv) that prior to draft plan approval being granted, the applicant pay the applicable processing fee in accordance with the City’s Tariff of Fees By-law 65-18;
- b) That Council approve the Site Plan Control By-law as set out in Appendix “D” to Staff Report SRPRS.19.185 to implement the applicant’s sustainability commitments and that said by-law be brought forward to a regular meeting of Council for consideration and enactment; and,
- c) That 35.1 persons equivalent of additional servicing allocation be assigned to the subject lands, to be released by the Commissioner of Planning and Regulatory Services in accordance with By-law 109-11, as amended.

Contact Person:

Amanda Dunn, Planner II – Site Plans, phone number 905-747-6480 and/or
Denis Beaulieu, Manager of Development, Subdivisions, phone number 905-771-2540

Report Approval:

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

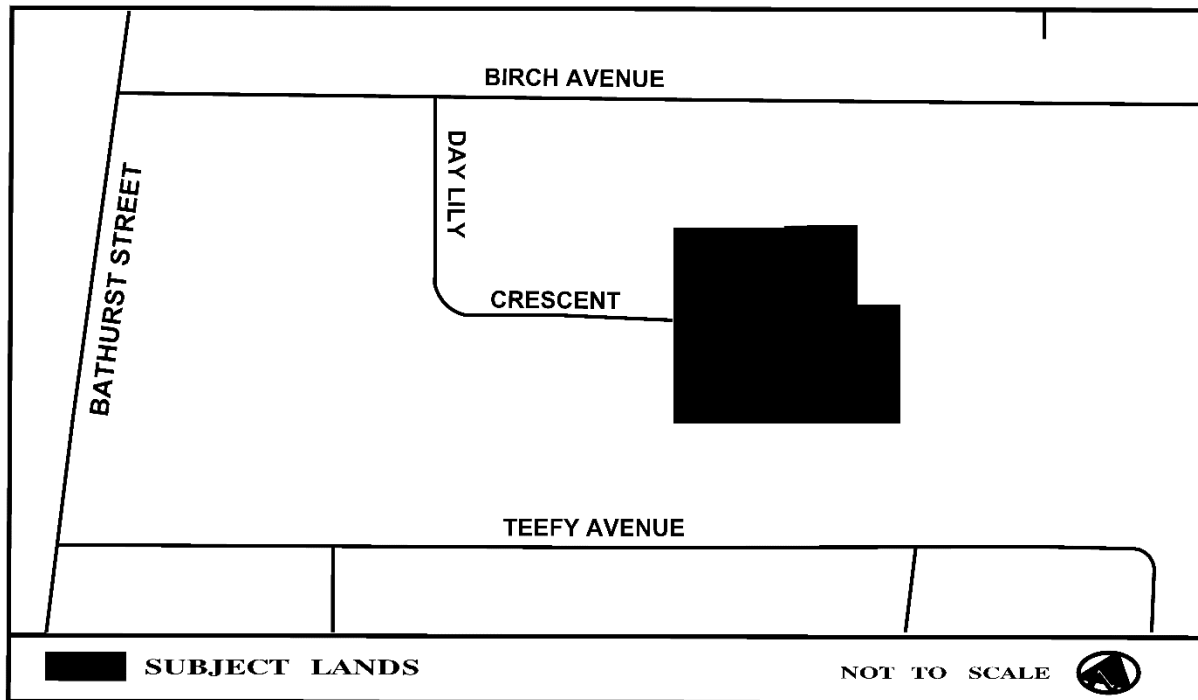
Approved by: Neil Garbe, City Manager

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.

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Location Map:

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



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Background:

The subject Zoning By-law Amendment and draft Plan of Subdivision applications were considered at a statutory Council Public Meeting on February 21, 2018 wherein Council received Staff Report SRPRS.18.026 for information purposes and directed that all comments be referred back to staff for consideration (refer to Appendix “A”). A number of comments and concerns were raised by the public with respect to grading and drainage, proposed setbacks, and privacy.

On April 24, 2019 and August 26, 2019, respectively, the applicant filed revised submissions to address the comments received from circulated City departments and external agencies, as well as comments provided by members of the public. A more detailed discussion of the above listed matters is provided in the later sections of this report.

All comments from internal departments and external agencies have now been satisfactorily addressed by the applicant. As a result, the purpose of this report is to seek Council’s approval of the applicant’s revised Zoning By-law Amendment and draft Plan of Subdivision applications.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the south side of Birch Avenue, east of Bathurst Street (refer to Maps 1 and 2) and have a total lot area of 0.759 hectares (1.87 acres). The lands are comprised of the southern portions of the lands municipally known as 105 to 117 Birch Avenue, which were assembled through the approval of earlier Consent applications (City Files B013/15, B014/15, B015/15, and B016/15). The subject lands are currently vacant. The surrounding area is predominately low-rise residential in nature, with a natural feature to the east (valley feature and associated woodlot).

Revised Development Proposal

The applicant is seeking Council’s approval of its revised Zoning By-law Amendment and draft Plan of Subdivision applications to facilitate a residential development comprised of 10 single detached dwellings on the subject lands, along with the easterly extension of Day Lily Crescent (refer to Map 6 to 8).

The proposed draft Plan of Subdivision would establish 10 building lots on the subject lands. The 10 building lots would have frontage onto the extension of a public road, Day Lily Crescent. The extension of Day Lily Crescent would provide a right-of-way (ROW) width of 17.0 metres (55.8 feet) which will terminate in a cul-de-sac. The originally submitted draft Plan of Subdivision also contemplated 10 lots along with a 10 metre buffer block (refer to Map 5). The applicant’s revised development proposal has now removed the buffer block from the draft Plan of Subdivision, and these lands will be incorporated within the limits of Lot 6 (refer to Map 6). The following is a summary of the

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pertinent statistics of the applicant's revised development proposal based on the plans and drawings submitted to the City:

- **Total Lot Area:** 0.759 hectares (1.87 acres)
 - **Single Detached Lots:** 0.587 hectares (1.45 acres)
 - **Road:** 0.172 hectares (0.42 acres)
- **Total Number of Units:** 10
- **Number of Storeys:** 2
- **Proposed Density (Net):** 17.7 units per hectare (7.16 units per acre)
- **Proposed Lot Frontages:** 15.25 metres (50.03 feet) to 21.39 metres (70.18 feet)

Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** in accordance with Schedule A2-Land Use of the City of Richmond Hill Official Plan (2010) (the "Plan") (refer to Map 3). Uses permitted within the **Neighbourhood** designation include primarily low and medium-density residential uses, neighbourhood commercial uses, community uses, parks and open spaces, and automotive service uses, subject to specific policy criteria as defined in Chapter 4 of the Plan. The proposed single detached dwellings are permitted within the **Neighbourhood** designation.

The subject lands are located within a Priority Infill Area for low-density residential development, as identified in **Policy 4.9.1.1 (c)** of the Plan. The **Neighbourhood** designation allows for small-scale infill development that enhances and strengthens the character of the existing area and promotes connectivity and high quality design. As required by **Policy 4.9.1 (3)** of the Plan, new infill development must be compatible with the character of the adjacent and surrounding area, in accordance with **Policy 4.9.2.4** of the Plan. In particular, infill development must be compatible with the predominant building forms and types, massing, the general pattern of streets, blocks, lots and lanes, landscaped areas and treatments, and the general pattern of yard setbacks within an area. The proposed single detached dwellings would maintain the predominant building form, massing and general lot fabric and setbacks of the lands within the existing subdivision to the immediate west.

The easterly portion of the subject lands are designated **Natural Core**. The purpose of the **Natural Core** designation is to maintain and, wherever possible, improve or restore the ecological integrity of natural features and functions outside of the central corridor of the Oak Ridges Moraine Conservation Plan area. Lands within the **Natural Core** designation shall be protected over the long term in order to maintain and, wherever possible, enhance the size, diversity, health, connectivity, and resiliency of the Greenway System. On March 17, 2016, a Top of Bank staking was completed at 103 Birch Avenue which confirmed the physical top of bank and feature limit (dripline) staking with the Toronto and Region Conservation Authority (TRCA), City Staff, the

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applicants and the applicant's Surveyor. Based on the staking and the submitted Natural Heritage Evaluation, the TRCA determined that a 10 metre buffer should be established from the staked limit of the natural feature to the adjacent lands to the east.

A portion of the 10 metre buffer to the natural feature falls within the southeast corner of the subject lands, within Lot 6 (refer to Map 6). **Section 3.2.1.8** of the Plan states that the City shall seek the dedication of key natural heritage features and key hydrological features and their associated minimum vegetation protection zone(s) through the development approval process to an appropriate public agency at no public expense. Although buffers typically would be conveyed to a Public Authority, in this instance the conveyance of the buffer area is not feasible due to access and maintenance issues identified by City staff and the TRCA. As such, the buffer to the feature will remain in private ownership and is proposed to be zoned **Open Space (O) Zone**. The conditions of approval of the draft Plan of Subdivision contained in Appendix "C" hereto provide restrictions that apply to the lands zoned **Open Space (O) Zone** of the subject lands. The restrictions include the prohibition of access routes, any construction, and the storage of construction related debris or material.

Given all of the above, staff is of the opinion that the applicant's development proposal conforms with the land use and design policies of the Official Plan.

Revised Zoning By-law Amendment Application

The subject lands are currently zoned **Third Density Residential (R3) Zone** under Zoning By-law 2523, as amended (refer to Map 4). The **R3 Zone** category permits single, low-rise detached residential dwellings. However, the applicant's development proposal provides for smaller lot sizes than permitted through the development standards of the **R3 Zone**. Accordingly, the applicant is proposing to implement site-specific development standards to the existing **R3 Zone** category of By-law 2523 to permit the construction of ten single detached dwelling units on the subject lands. Adding site-specific provisions to the **R3 Zone** is consistent with the zoning of surrounding lands and will ensure that the proposed lots are compatible with the surrounding neighbourhood.

The following table provides a general summary of the applicable development standards within the **R3 Zone** category under By-law 2523, as amended, including site-specific provisions proposed by the applicant highlighted in bold:

Standard	R3 Zone Standard	Proposed Standard
Minimum Lot Frontage (Interior)	15.24 metres (50.0 feet)	complies
Minimum Lot Area (Interior)	557.41 square metres (6,000 square feet)	460 square metres (4,951 square feet)
Maximum Lot Coverage	30%	40%
Minimum Front Yard Setback to main building	7.62 metres (25.0 feet)	4.5 metres (14.76 feet)

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Standard	R3 Zone Standard	Proposed Standard
Minimum Interior Side Yard	1.52 metres (5.0 feet)	1.2 metres (3.9 feet)
Maximum Building Height	10.67 metres (35.0 feet)	11.5 metres (37.73 feet)
Minimum Front Yard Setback to garage	n/a	6.0 metres (19.7 feet)
Maximum Encroachment for exterior stairs, porches or porticos into a required front yard	n/a	2.0 metres (6.56 feet)
Maximum encroachment for a deck into a required rear yard	n/a	2.5 metres (8.2 feet)

In addition to the site-specific provisions noted above, the applicant has requested approval to rezone a portion of the southeast corner of the lands to **Open Space (O) Zone** to protect the buffer to the adjacent natural feature. The permitted uses for the proposed **Open Space (O) Zone** will be restricted to flood control, conservation and forestry uses. The applicant has also requested to increase the maximum building height of dwellings to 11.5 metres (37.73 feet), an increase of 0.83 metres (2.72 feet) from the existing requirement. The requested site specific provision is considered minor in nature and will have no negative impact to the surrounding neighbourhood. Additional details with respect to the requested site specific provisions can be found in the draft Zoning By-law attached to this report (refer to Appendix “B”).

Planning staff has reviewed the applicant’s revised development proposal and is satisfied that the proposed site specific standards for the **Third Density Residential (R3) Zone** category and the rezoning of a portion of the lands to the **Open Space (O) Zone** under By-law 2523, as amended, conforms with the applicable policies of the Official Plan and is appropriate in consideration of the overall design of the development proposal, as well as the built form envisioned for the Priority Infill Areas.

Revised Draft Plan of Subdivision Application

The submitted draft Plan of Subdivision contemplates the creation of 10 single detached residential lots and the extension of Day Lily Crescent (refer to Map 5). The conditions of approval of the draft Plan of Subdivision contained in Appendix “C” hereto also provide for protection of the buffer lands to the natural feature. Subject to the conditions of draft approval contained in Appendix “C” attached hereto, staff is of the opinion that the draft Plan of Subdivision application conforms with the Official Plan and has appropriate regard for the criteria under Section 51(24) of the *Planning Act*.

Public Meeting Comments:

As noted previously in this report, concerns were raised by the public at the Council Public Meeting held on February 21, 2018 with regard to grading and drainage, proposed setbacks, and privacy. Comments related to these concerns are outlined along with staff’s responses as follows:

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- **Grading and Drainage**

Concerns were raised with respect to the grading being proposed on the subject lands in relation to the lands to the immediate east. The easterly portion of the subject lands will maintain the existing grades and vegetation along the boundary to adjacent lands to the east. The current site drainage is directed southerly towards existing properties. This drainage pattern will be maintained and swales will be constructed directing run-off to a silt trap properly sized to provide sediment removal and quantity control. Further, all catchbasins have been sited at low points and have been sized appropriately to ensure full capture of storm events. Development Engineering staff has reviewed the subject development and have no objections.

- **Setbacks**

The proposed setbacks are comparable to the existing subdivision to the west and the requirements of Zoning By-law 2523, with the exception of the front yard and the interior side yard setback provisions. The reduction in the requested front yard setback provisions are a result of the dwellings being sited on irregular pie shape lots located on a cul-de-sac. The interior side yard setback reduction is similar to side yard setbacks that been approved in the immediate neighbourhood, and is considered appropriate and compatible with the surrounding lands.

- **Privacy**

Concerns were also raised with regard to privacy and fencing and overshadowing of the proposed development to adjacent lands. Proposed fencing for the subject development will be reviewed through the detailed design of the subdivision and will be required to meet the City's Fence By-law, which generally permits a backyard and side yard fence to a maximum height of 1.9 metres (6 feet), and front yard fences to a maximum height of 1.2 metres (4 feet). With regards to overshadowing, the proposed dwellings are generally in line with the existing dwellings to the immediate west. Although the height being proposed exceeds what is permitted through By-law 2523, as amended, by 0.83 metres (2.72 feet), similar heights have been approved in the immediate neighbourhood. In this regard, staff is of the opinion that the proposed building heights will have minimal impacts on adjacent lands.

Department and External Agency Comments:

All circulated City departments and external agencies have indicated no objections and/or have provided conditions of draft approval with respect to the proposed Zoning By-law Amendment and draft Plan of Subdivision applications, including York Region, the Toronto and Region Conservation Authority, the City's Development Engineering Division and the City's Park and Natural Heritage Planning Section.

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. Staff has reviewed the applicant's submission and finds it acceptable as the proposed development demonstrates achievement of a "good" score

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of 22 points, which meets the approved threshold score range of 21-35 points for draft Plan of Subdivision applications. In support of the noted score, the applicant is committing to install buildings with exterior light shields to prevent light pollution, no up lighting is proposed on the exterior of the dwellings. To secure implementation of the sustainability commitments at the Building Permit Stage, staff recommends that Site Plan Approval be required for the subject lands.

The proposed total unit count comprised of ten single detached dwelling units is equivalent to 35.1 persons for the purpose of municipal servicing allocation. As such, staff recommends that 35.1 persons equivalent of servicing allocation be assigned to the subject lands.

Financial/Staffing/Other Implications:

The recommendations of this report do not have any financial, staff or other implications.

Relationship to the Strategic Plan:

The recommendations of this report are aligned with **Goal Two – Better Choice in Richmond Hill** by providing housing that offer options for people at all stages of life, in addition to **Goal Four – Wise Management of Resources in Richmond Hill** by designing energy efficient dwellings and using land responsibly.

Conclusion:

The applicant is seeking Council's approval of its revised Zoning By-law Amendment and draft Plan of Subdivision applications to facilitate the construction of a residential development comprised of 10 single detached dwelling units on the subject lands. Staff is of the opinion that the submitted applications conform with the City's Official Plan, and that the proposed development is appropriate and represents good planning. On the basis of the preceding, it is recommended that Council approve the subject Zoning By-law Amendment and draft Plan of Subdivision applications in accordance with the direction outlined in this report.

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.

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- Map 1, Aerial Photograph
- Map 2, Neighbourhood Context
- Map 3, Existing Official Plan Designation
- Map 4, Existing Zoning
- Map 5, Original Proposed draft Plan of Subdivision
- Map 6, Revised Proposed draft Plan of Subdivision
- Map 7, Proposed Conceptual Site Plan
- Map 8, Proposed Elevation Plans
- Appendix A, Extract from Council Public Meeting C#06-18, held February 21, 2018
- Appendix B, Draft Zoning By-law 142-19
- Appendix C, Schedule of Draft Plan of Subdivision Conditions
- Appendix D, Draft Site Plan Control By-law

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Report Approval Details

Document Title:	SRPRS.19.185 - 107 Birch Avenue - D02- 17029 and D03- 17008 (CENTREX HOMES INC.).docx
Attachments:	<ul style="list-style-type: none">- SRPRS.19.185 - MAP_1_AERIAL PHOTOGRAPH (1).pdf- SRPRS.19.185 - MAP_2_NEIGHBOURHOOD CONTEXT.pdf- SRPRS.19.185 - MAP_3_EXISTING OFFICIAL PLAN DESIGNATION.pdf- SRPRS.19.185 - MAP_4_EXISTING ZONING.pdf- SRPRS.19.185 - MAP_5_ORIGINAL PROPOSED DRAFT PLAN OF SUBDIVISION.pdf- SRPRS.19.185 - MAP_6_REVISED PROPOSED DRAFT PLAN OF SUBDIVISION.pdf- SRPRS.19.185 - MAP_7_PROPOSED CONCEPTUAL SITE PLAN.pdf- SRPRS.19.185 - MAP_8_PROPOSED ELEVATION PLANS.pdf- SRPRS.19.185 - Appendix A - Extract from Council Public Meeting.pdf- SRPRS.19.185 - Appendix B - Draft Zoning By-law 142-19.pdf- SRPRS.19.185 - Appendix C - Schedule of Draft Plan of Subdivision Conditions.pdf- SRPRS.19.185 - Appendix D - Site Plan Control By-law.pdf
Final Approval Date:	Nov 20, 2019

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

Gus Galanis - Nov 15, 2019 - 3:56 PM

Kelvin Kwan - Nov 20, 2019 - 9:26 AM

Neil Garbe - Nov 20, 2019 - 10:32 AM