



Staff Report for Committee of the Whole Meeting

Date of Meeting: December 4, 2019

Report Number: SRPRS.19.197

Department: Planning and Regulatory Services

Division: Development Planning

Subject: SRPRS.19.197 – Request for Approval – Zoning By-law Amendment and Draft Plan of Subdivision Applications – Althea Poulos – City Files D02-14037 and D03-18015 (Related Files D05-14010 and D06-14104)

Owner:

Althea Poulos
8905 Bayview Avenue
Richmond Hill, Ontario
L4B 2M8

Agent:

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

Location:

Legal Description: Part of Lot 13, Concession 2, E.Y.S.
Municipal Address: 8905 Bayview Avenue

Purpose:

A request for approval concerning revised Zoning By-law Amendment and draft Plan of Subdivision applications to permit a medium density residential development comprised of 26 townhouse dwelling units on the subject lands.

Recommendations:

- a) That the revised Zoning By-law Amendment and draft Plan of Subdivision applications submitted by Althea Poulos for lands known as Part of Lot 13, Concession 2, E.Y.S. (Municipal Address: 8905 Bayview Avenue), City Files

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D02-14037 and D03-18015 (Related Files D05-14010 and D06-14104), be approved, subject to the following:

- (i) that the subject lands be rezoned from Residential Single Family Five (R5) Zone to Multiple Residential One (RM1) Zone under By-law 107-86, as amended, with site specific provisions as set out in Appendix “B” to Staff Report SRPRS.19.197;**
 - (ii) that prior to forwarding the 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 and that the applicant’s Site Plan application (City File D06-14104) be substantially completed to the satisfaction of the Commissioner of Planning and Regulatory Services;**
 - (iii) that the Plan of Subdivision as depicted on Map 8 to Staff Report SRPRS.19.197 be draft approved, subject to the conditions as set out in Appendix “D”;**
 - (iv) 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;**
- b) 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 Zoning By-law to implement the proposed development on the subject lands;**
 - c) That the authority to assign 74.18 persons equivalent of additional 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,**
 - d) That all comments concerning the applicant’s related Site Plan application (City File D06-14104) be referred back to staff.**

Contact Person:

Simone Fiore, Planner II – Subdivisions, phone number 905-771-2479 and/or
Denis Beaulieu, Manager of Development – Subdivisions, phone number 905-771-2540

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Report Approval:

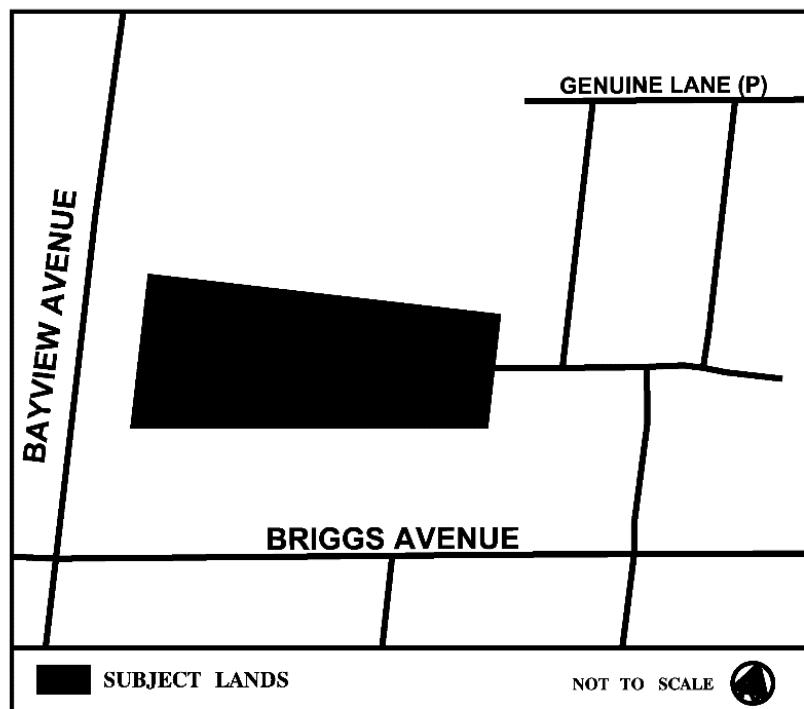
Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

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.

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 subject Zoning By-law Amendment application was considered at a Council Public Meeting held on March 30, 2016, wherein Council received Staff Report SRPRS.16.048 for information purposes and referred all comments to staff for consideration (refer to Appendix “A”). Following the submission of the Zoning By-law Amendment, the applicant submitted a draft Plan of Subdivision application which was considered at a Council Public Meeting held on April 17, 2019, wherein Council received Staff Report SRPRS.19.067 for information purposes and referred all comments to staff for consideration (refer to Appendix “B”). Concerns with the applicant’s proposal were raised by Council and the public pertaining to the height of the proposed dwellings and loss of privacy, potential traffic generation and tree preservation. These comments are addressed in later sections of this report.

All comments from circulated departments and external agencies related to the Zoning By-law Amendment and draft Plan of Subdivision applications have now been satisfactorily addressed by the applicant. Accordingly, 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 east side of Bayview Avenue, north of Briggs Avenue, and have a total lot area of 0.659 hectares (1.63 acres). The lands presently support a building used as a day nursery and a residence, which is intended to be demolished as part of the proposed development. The lands abut an institutional use (Anjuman-e-Burhani (Toronto) Mosque) to the north, medium density residential uses to the east, low and medium density residential uses to the south, and Bayview Avenue and Russell Farm Park to the west (refer to Map 1).

Revised Development Proposal

The applicant is seeking Council’s approval to permit a medium density residential development comprised of 26 townhouse dwelling units on its land holdings (refer to Maps 4 to 7).

The applicant submitted revised development proposals to the City in July 2019 and November 2019 in response to technical comments received from City departments and external agencies. The revised Site Plan maintains the same overall design and layout as the development proposal presented to Council in April 2019, but the elevation for Building 4 has been revised to incorporate a taller privacy screening fence for the rooftop terraces to address concerns from staff, Council and members of the public (refer to Map 7). Amenity space for each individual townhouse dwelling unit is to be provided through at-grade front and rear yard and private rooftop terraces. A private

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parkette is also proposed as amenity space. Vehicular access to the site is proposed from Bayview Avenue.

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

- **Total Lot Area:** 0.659 hectares (1.63 acres)
- **Total Lot Frontage:** 58.45 metres (191.77 feet)
- **Number of Buildings:** 4
- **Number of Units:** 26
- **Maximum Building Height:** 12.3 metres (40.35 feet)
- **Parking Spaces (Resident):** 52 spaces (2 spaces per unit)
- **Parking Spaces (Visitor):** 6 spaces (0.23 spaces per unit)
- **Lot Coverage:** 27.2%
- **Proposed Density:** 39.45 units per hectare (15.9 units per acre)

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 ("Plan") (refer to Map 2). The **Neighbourhood** designation permits low and medium density residential uses at a maximum building height of 4 storeys on an arterial street and a maximum density of 50 units per hectare (20 units per acre) for medium density development. In terms of land use and building height, the proposed 4 storey townhouse dwelling units are consistent with the **Neighbourhood** designation and the proposed density of 39.45 units per hectare (15.9 units per acre) conforms with the maximum density permitted by the Plan.

In accordance with **Section 4.9.2** of the Plan, development shall also be compatible with the character of the adjacent and surrounding areas with respect to the predominant building forms and types, massing, general patterns of streets, blocks, and lots, landscaped areas and treatments, and the general pattern of yard setbacks. Staff has evaluated the applicant's revised development proposal in relation to the land use, design and compatibility policies of the Plan and is satisfied that the proposal has regard for, and is compatible with existing development in the area. The proposed development provides for building types that are envisioned in the Plan and is similar to development that currently surrounds the subject lands. The massing of the proposed townhouse dwelling units is generally consistent with the existing dwellings and zoning permissions in the area.

Given all of the above, staff is of the opinion that the applicant's development proposal conforms with the applicable policies of the Plan.

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Revised Zoning By-law Amendment Application

The subject lands are zoned **Residential Single Family Five (R5) Zone** under By-law 107-86, as amended, with site specific provisions to permit a day nursery in addition to a single detached dwelling (refer to Map 3). Townhouse dwellings are not permitted under the **R5 Zone** classification. Accordingly, the applicant is seeking Council's approval to rezone the subject lands to **Residential Multiple Family Two (RM2) Zone** under By-law 107-86, as amended, with site specific development standards to facilitate the proposed development.

Staff has reviewed and analyzed the applicant's request and recommend that the lands be rezoned to **Residential Multiple Family One (RM1) Zone** under By-law 107-86, as amended. The **RM1 Zone** permits the same uses and has the same development standards as the **Residential Multiple Family Two (RM2) Zone**. The only difference is that the **RM2 Zone** permits a day nursery and an apartment retail store whereas the **RM1 Zone** does not. Given that the proposed development is for townhouse dwelling units only, staff is of the opinion that the **RM1 Zone** is the more appropriate zone category, and as such, the applicant has no objections to this direction.

The following table provides a summary of the development standards applicable to the proposed development and the **Residential Multiple Family One (RM1) Zone** under By-law 107-86, as amended, including site specific provisions proposed by the applicant depicted in bold. Staff note that the development standards for each individual parcel of tied lands may vary:

Development Standard	RM1 Zone Standards, By-law 107-86, as amended	Proposed Standards/Development
Minimum Lot Area (Interior)	200 square metres (2,152.78 square feet)	118.8 square metres (1,278.75 square feet)
Minimum Lot Area (Corner)	301 square metres (3,239.94 square feet)	160.2 square metres (1,724.38 square feet)
Minimum Lot Frontage (Interior)	6 metres (19.69 feet)	6 metres (19.69 feet)
Minimum Lot Frontage (Corner)	9 metres (29.53 feet)	6 metres (19.69 feet)
Minimum Front Yard	4.5 metres (14.76 feet)	4.2 metres (13.78 feet)
Minimum Side Yard	1.5 metres (4.92 feet)	3.1 metres (10.17 feet)
Minimum Side Yard (Flankage)	4.5 metres (14.76 feet) when adjacent to an arterial road	5.4 metres (17.72 feet)
Minimum Rear Yard	7.5 metres (24.61 feet)	5 metres (16.4 feet)
Maximum Height	11 metres (36.09 feet)	12.3 metres (40.35 feet)
Maximum Lot Coverage	50%	27.2%

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In addition to the site specific provisions noted above, the applicant is seeking approval to amend the general provisions of By-law 107-86, as amended, pertaining to parking spaces, encroachments, and definitions of a street and lot in order to facilitate its specific development proposal. 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 “C”).

Staff has undertaken a comprehensive review of the draft Zoning By-law Amendment provided by the applicant, including the requested site specific provisions and general provision amendments, and considers them to be appropriate in consideration of the overall design of the development proposal. More specifically, the proposed reduction in lot area and lot frontage, and reduced front yard will not negatively impact the look or feel of the streetscape. The intent of rear yard setbacks is to provide adequate amenity space, spacing separation and privacy between dwelling units. The proposed reduced rear yards for Buildings 1, 2 and 3, will still maintain the intent of the rear yard and will provide appropriate amenity space while still maintaining privacy and spacing separation between the existing residential area. The proposed rooftop amenity space for Building 1 abuts a parking lot to the north and Buildings 2 and 3 abut a laneway which is part of an existing townhouse development south of the subject lands. Therefore, there are no direct impacts on abutting land uses. Building 4 (the only building which directly abuts an existing residential development) maintains the required 7.5 metre (24.61 feet) rear yard. Lastly, the proposed dwelling designs contemplate the fourth storey and additional height for the rooftop enclosure to shield the mechanical and electrical units. This increase in height is not expected to adversely impact the neighbourhood.

On the basis of the preceding, staff is of the opinion that the subject Zoning By-law Amendment application implements the overall development proposal, conforms with the Plan, and represents good planning. Should Council approve the development proposal, the final form of the by-law will be forwarded to Council for enactment at such time as the applicant finalizes the Site Plan application for its development.

Revised Draft Plan of Subdivision Application

The applicant's draft Plan of Subdivision proposes the creation of two blocks; one for the purposes of a residential development block and one as a road widening block (refer to Map 8). The purpose of the draft Plan of Subdivision is to place the subject lands within a registered Plan of Subdivision in order to facilitate a future Part Lot Control Exemption approval to create the parcels of tied land for the individual dwelling units. Subject to the conditions of draft approval contained in Appendix “D” 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*.

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Revised Site Plan Application

The applicant has submitted a Site Plan application to facilitate its development proposal (refer to Maps 4 to 7). Amenity space for each individual townhouse dwelling unit is to be provided through at-grade front and rear yards and private rooftop terraces. A private parkette is also proposed as amenity space. Vehicular access to the site is proposed from Bayview Avenue via a private laneway.

The Site Plan application remains under review at this time as a number of technical matters still need to be addressed prior to final approval. Detailed comments must be addressed as part of a Site Plan application re-submission and prior to bringing forward the amending Zoning By-law to Council for consideration and passage.

Revised Draft Plan of Condominium Application

The applicant's revised draft Plan of Common Element Condominium application is intended to facilitate the creation of common element condominium tenure over a portion of the subject lands, intended for the common at-grade shared driveway, visitor parking, sidewalks, parkette and landscaping. The shared driveway will provide the townhouses within the development with access to Bayview Avenue. The draft Plan of Condominium application remains under review.

Public Meeting Comments:

The following is a summary of and response to the main comments and concerns expressed by members of the public in written correspondence and at the Council Public Meeting held on April 17, 2019, respectively:

- **Building Height and Privacy**

Concerns were raised with respect to the proposed building height of 12.3 metres and 4 storeys. The City's Official Plan permits a maximum building height of 4 storeys for lands on arterial roads, such as Bayview Avenue. As such, the applicant's proposal seeks to permit the construction of 4 storey dwelling units that will feature 3 storeys of enclosed livable space and a partially enclosed fourth floor that is to be used for storage and to accommodate mechanical equipment for each dwelling unit. Given that the fourth storey is to be used only for storage and mechanical equipment, staff have no concerns with the proposed 4 storey/3 level dwelling design.

In addition to building height, concerns were raised with respect to the compatibility of the proposed rooftop amenity spaces. Staff is of the opinion that the rooftop amenity space for Buildings 1, 2 and 3 are appropriate given the site design and context of the surrounding uses. In this regard, the proposed rooftop amenity space for Building 1 abuts the parking lot for the existing institutional use (Anjuman-e-Burhani (Toronto) Mosque) to the north and the proposed rooftop amenity spaces for Buildings 2 and 3 abut a private laneway for an existing townhouse development to the south. Staff is of the opinion that the proposed rooftop amenity spaces will not

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create any negative impacts for the surrounding uses. With respect to Building 4, staff has worked closely with the applicant to increase the height and the material of the proposed privacy screen. In this regard, the screen has been designed using tempered etched glass having an overall height of 1.93 metres (6.33 feet) to the top of the privacy screen. Further, staff note that the orientation, privacy screen and building design will be finalized through Site Plan approval. Based on the revised elevations for Building 4, staff believe that there will be no negative impacts to the existing townhouse development located east of the subject lands and the existing single detached dwellings located south of the subject lands.

- **Traffic**

Concerns were raised with respect to the potential for increased traffic. A Transportation Study was prepared by BA Consulting Group and submitted in support of the subject development, which was reviewed by the City's Transportation Section. The City's Transportation staff did not advise of any objections with the proposed development as it is not expected to generate adverse traffic impacts. Furthermore, York Region has not raised any concerns with respect to traffic generation.

- **Tree Preservation**

Concerns were raised with respect to the removal of mature, large trees as a result of the proposed development. A Tree Inventory/Preservation Plan and Arborist Report was submitted in conjunction with the subject Zoning By-law Amendment application which indicates that the applicant intends to retain approximately 39 trees on the subject lands. The Tree Inventory/Preservation Plan will be approved through the Site Plan application process and has been included as a condition of draft Plan of Subdivision approval (refer to Appendix "D"). Staff notes that either on-site tree replanting and/or cash-in-lieu thereof will be required through the Site Plan application stage as compensation for any tree removals to the satisfaction of Park and Natural Heritage Planning staff.

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 the City's Park and Natural Heritage Planning Section, the City's Development Engineering Division and the Regional Municipality of York. The schedule of draft plan conditions is attached as Appendix "D". Technical comments that need to be addressed through the Site Plan application process are summarized below.

Development Engineering Division

The City's Development Engineering Division has indicated that the applicant must demonstrate that there is adequate municipal water supply and pressures and the

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sanitary sewer analysis provided in the Functional Servicing Report must be revised to include the existing sanitary sewer downstream to the Regional trunk sewer. The applicant must address this comment through the resubmission of its Site Plan application as this issue may have implications on unit yield and design. In addition, the applicant is required to address detailed comments respecting the submitted Grading Plan, Servicing Plan, Erosion and Sediment Control Plan, Functional Servicing and Stormwater Management Report, Transportation and Traffic, and the Sustainability Metrics.

Park and Natural Heritage Planning Section

The City's Park and Natural Heritage Planning Section has provided detailed design comments with respect to revising the Tree Inventory and Preservation Plan to ensure that all grading and servicing is shown outside of the minimum tree protection zones and that the proposed construction mud mat is not located within the tree protection hoarding.

Urban Design and Heritage Section

The City's Urban Design and Heritage Section has provided comments on the Site Plan application with respect to reviewing the proposed design of the noise wall which is to be built along the Bayview Avenue frontage of the lands.

Regional Municipality of York

The Regional Municipality of York has no comments with respect to the applicant's Zoning By-law Amendment application and has provided conditions of approval for the draft Plan of Subdivision application as outlined in Appendix "D". The Regional Municipality of York has also provided detailed Site Plan comments with respect to the requirement of a Phase 1 Environmental Site Assessment, and the submission of additional materials, including, but not limited to a draft Reference Plan, Reliance Letter, Construction Management Report and Plans and a Traffic Management Plan. The applicant must address Landscape Plan redline comments.

Development Planning Division

Planning staff has reviewed the applicant's development proposal and has the following comments:

- the proposed development conforms with the applicable policies in the **Neighbourhood** designation of the Official Plan, including permitted land use, maximum height and maximum density;
- Planning staff supports the applicant's proposed zoning provisions and finds them appropriate for the proposed development. The format and details of the site specific provisions will be refined through the finalization of the Site Plan process; and,
- the Site Plan approval process must be substantially completed and the comments summarized in the preceding section of this report must be addressed prior to bringing forward the by-law for enactment.

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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 related Site Plan application, including the allocation of servicing capacity. The applicant's Sustainability Metrics submission is currently being reviewed by staff.

The subject lands are comprised of one lot of record equivalent to 3.56 persons for the purposes of municipal servicing allocation. The proposed total unit count comprised of 26 townhouse dwelling units is equivalent to 77.74 persons for the purposes of municipal servicing allocation. As such, staff recommends that Council authorize the Commissioner of Planning and Regulatory Services to allocate additional municipal servicing for the equivalent of 74.18 additional persons, at such time as the applicant is able to meet the minimum sustainability threshold score.

Staff further notes that the metrics proposed by the applicant in support of its allocation request are comprised of both site works and building design measures. These commitments will be secured through the Site Plan approval process and reflected in the Site Plan Agreement, where applicable. The approved plans forming part of the Site Plan Agreement must denote the applicable metrics and depict the requisite information on said plans. A response letter directing staff to where the information is depicted or denoted would assist staff's review of the associated plans.

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** by providing housing that offers 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 permit a residential development comprised of 26 townhouse dwelling units 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 City's Official Plan, are appropriate and represent good planning. On the basis of the preceding, staff recommends that Council approve the subject applications, subject to the conditions and directions outlined in this report.

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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#10-16 held March 30, 2016
- Appendix B, Extract from Council Public Meeting C#18-19 held April 17, 2019
- Appendix C, Draft Zoning By-law Amendment
- Appendix D, Schedule of Draft Plan of Subdivision Conditions
- Map 1 Aerial Photograph
- Map 2 Official Plan Designation
- Map 3 Existing Zoning
- Map 4 Proposed Site Plan
- Map 5 Proposed Elevation Plans
- Map 6 Proposed Elevation Plans
- Map 7 Proposed Building 4 Elevations
- Map 8 Proposed Draft Plan of Subdivision

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Report Approval Details

Document Title:	SRPRS.19.197 - Request for Approval - Zoning By-law Amendment and Draft Plan of Subdivision - 8905 Bayview Avenue.docx
Attachments:	<ul style="list-style-type: none">- Appendix A, SRPRS.19.197.pdf- Appendix B, SRPRS.19.197.pdf- Appendix C, SRPRS.19.197.pdf- Appendix D, SRPRS.19.197.pdf- MAP_1_AERIAL_PHOTOGRAPH.pdf- MAP_2_OFFICIAL_PLAN_DESIGNATION.pdf- MAP_3_EXISTING_ZONING.pdf- MAP_4_PROPOSED_SITE_PLAN.pdf- MAP_5_PROPOSED_ELEVATION_PLANS.pdf- MAP_6_PROPOSED_ELEVATION_PLANS_PART_2.pdf- MAP_7_PROPOSED_BUILDING_4_ELEVATIONS.pdf- MAP_8_PROPOSED_DRAFT_PLAN_OF_SUBDIVISION.pdf
Final Approval Date:	Nov 25, 2019

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

Gus Galanis - Nov 21, 2019 - 11:15 AM

Kelvin Kwan - Nov 25, 2019 - 8:32 AM

Neil Garbe - Nov 25, 2019 - 9:18 AM