



## **Staff Report for Council Meeting**

**Date of Meeting:** June 23, 2021

**Report Number:** SRPI.21.072

**Department:** Planning and Infrastructure

**Division:** Development Planning

**Subject:** SRPI.21.072 – Request for Direction – Official Plan Amendment, Zoning By-law Amendment and Site Plan Applications – 2706379 Ontario Limited – City Files D01-19004, D02-19021 and D06-20041 – LPAT Case No. PL210162

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### **Owner:**

2706379 Ontario Limited  
2499 Rutherford Road, Unit 12  
Concord, ON L4K 0J9

### **Agent:**

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

### **Location:**

Legal Description: Block 226, Plan 65M-3802  
Municipal Address: 12600 Bayview Avenue

### **Purpose:**

A request for direction concerning proposed Official Plan Amendment, Zoning By-law Amendment and Site Plan applications to permit a medium density residential development comprised of 19 townhouse dwelling units fronting on a private condominium lane on the subject lands.

### **Recommendations:**

- a) That Staff Report SRPI.21.072 be received for information purposes;
- b) That the Local Planning Appeal Tribunal (LPAT) be advised as follows:
  - i) That Council supports in principle the proposed Official Plan Amendment, Zoning By-law Amendment and Site Plan applications submitted by 2706379 Ontario Limited for lands known as Block 226,

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**Plan 65M-3802 (Municipal Address: 12600 Bayview Avenue), City Files D01-19004, D02-19021 and D06-20041, for the reasons set out in Staff Report SRPI.21.072, subject to the following:**

- (a) that the subject lands be removed from Appendix 7 – Existing Neighbourhood Commercial Sites – of the City’s Official Plan to permit the proposed medium density residential development;**
- (b) that the Local Planning Appeal Tribunal be requested to withhold the issuance of its Final Order respecting the Official Plan Amendment application until such time as the City advises the Tribunal that the draft Official Plan Amendment as set out in Appendix “B” to Staff Report SRPI.21.072 has been finalized to the satisfaction of the Commissioner of Planning and Infrastructure;**
- (c) that the subject lands be rezoned from Neighbourhood Commercial (NC) Zone to Multiple Residential One (RM1) Zone under By-law 85-02, as amended, and that the amending Zoning By-law establish site specific development standards as outlined in Staff Report SRPI.21.072;**
- (d) that the Local Planning Appeal Tribunal be requested to withhold the issuance of its Final Order respecting the Zoning By-law Amendment application until such time as the City advises the Tribunal that:**
  - (i) the draft Zoning By-law Amendment as set out in Appendix “C” to Staff Report SRPI.21.072 has been finalized to the satisfaction of the Commissioner of Planning and Infrastructure;**
  - (ii) the applicant’s Site Plan application has been finalized to the satisfaction of the Commissioner of Planning and Infrastructure; and,**
  - (iii) the applicant has registered restrictions over the subject lands under Section 118 of the *Land Titles Act* to the satisfaction of the City;**
- (e) that the Local Planning Appeal Tribunal be requested to withhold the issuance of its Final Order respecting the Site Plan application until such time as the City advises the Tribunal that a Site Plan Agreement has been finalized to the satisfaction of the Commissioner of Planning and Infrastructure;**

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- c) That the authority to assign 56.81 persons equivalent of servicing allocation to the proposed development to be constructed on the subject lands be delegated to the Commissioner of Planning and Infrastructure 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, as amended;**
- d) That the Commissioner of Planning and Infrastructure be authorized to approve and execute any agreements or documentation as necessary to implement the development proposal described in Staff Report SRPI.21.072; and,**
- e) That appropriate City staff be directed to appear at the Local Planning Appeal Tribunal in support of Council's position concerning the subject applications.**

### **Contact Person:**

Leigh Ann Penner, Senior Planner – Subdivisions, phone number 905-771-2462 and/or Denis Beaulieu, Manager of Development, Subdivisions, phone number 905-771-2540

### **Report Approval:**

**Submitted by:** Kelvin Kwan, Commissioner of Planning and Infrastructure

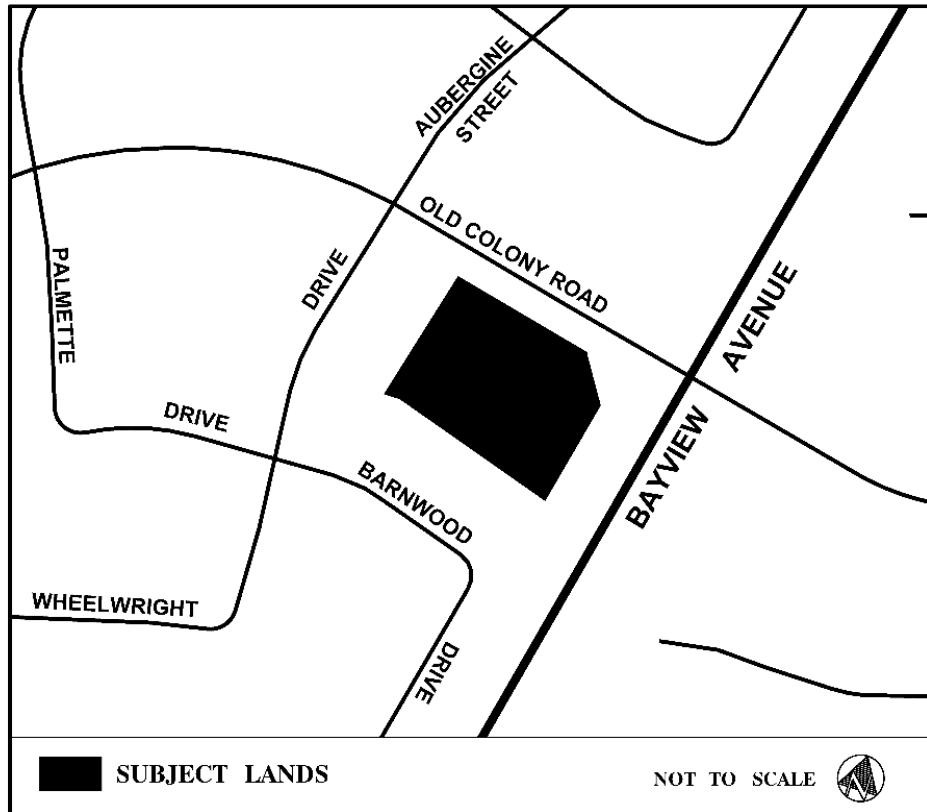
**Approved by:** Mary-Anne Dempster, City Manager

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.

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### Location Map:

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



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### Background:

The subject Official Plan Amendment and Zoning By-law Amendment applications were considered at a statutory Council Public Meeting held on March 4, 2020 wherein Council received Staff Report SRPRS.20.032 for information purposes and directed that all comments be referred back to staff (refer to Appendix “A”). At the public meeting, concerns were raised by several members of Council and the public with respect to the applicant’s development proposal. The main issues raised at the public meeting pertained to the lack of commercial uses in the area, building height compatibility with the existing two storey dwellings in the surrounding residential area and concerns regarding the use of the proposed private lane for emergency services access. These concerns are discussed in the later sections of this report.

On August 27, 2020, the applicant submitted a Site Plan application to the City which was deemed complete on September 8, 2020. The subject application and supporting materials, including a revised draft Zoning By-law Amendment, were subsequently circulated to relevant City departments and external agencies for review and comment, and serve to implement the applicant’s townhouse development proposal.

On February 24, 2021, the applicant filed appeals of its Official Plan Amendment, Zoning By-law Amendment and Site Plan applications to the Local Planning Appeal Tribunal (LPAT) on the basis that the City had failed to make a decision respecting same within the statutory timelines as outlined in the *Planning Act*. A Case Management Conference (CMC) with respect to the subject applications and appeals will be held on July 8, 2021 to identify Parties and Participants, and to address procedural and administrative matters.

The purpose of this report is to seek Council’s direction with respect to the applicant’s development proposal and to direct City staff to appear at the LPAT in support of Council’s position concerning the subject applications.

### Summary Analysis:

#### Site Location and Adjacent Uses

The subject lands are located at the southwest corner of Old Colony Road and Bayview Avenue (refer to Map 1). The lands have a total lot area of approximately 0.39 hectares (0.96 acres) and lot frontages of approximately 42.65 metres (139.93 feet) on Bayview Avenue and approximately 58.07 metres (190.52 feet) on Old Colony Road. The lands are presently vacant and abut existing semi-detached dwellings to the west, townhouse dwellings to the south, Old Colony Road to the north and Bayview Avenue to the east (refer to Map 2).

York Region Transit (YRT) bus stops are presently located along Bayview Avenue and Old Colony Road, with a bus stop located on the south side of Old Colony Road, directly adjacent to the subject lands.

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### Revised Development Proposal

The applicant is seeking the LPAT's approval of its Official Plan Amendment, Zoning By-law Amendment and Site Plan applications to facilitate the construction of a medium density residential development to be comprised of 19 townhouse dwelling units on its land holdings (refer to Maps 7 to 10). The applicant's development proposal contemplates a three storey built form and includes eight townhouse dwelling units to front onto Bayview Avenue, five townhouse dwelling to front onto Old Colony Road and six townhouse dwelling units to front onto an internal private laneway.

The three storey street facing townhouses (Blocks 1 and 3) are designed with principal front entrances facing Bayview Avenue and Old Colony Road, rear facing garages to be accessed from the internal private road, and outdoor amenity space for each unit to be provided by way of above-grade patios over the garages (refer to Map 8). The three storey lane facing townhouses (Block 2) are designed with principal front entrances and garages to be accessed from an internal private road, and outdoor amenity space for each unit to be provided by way of traditional rear yards (refer to Map 9).

Vehicular access to the site is proposed from Old Colony Road with no access to adjacent lands to the east (Bayview Avenue), west or south (refer to Map 7). The proposed private 6.0 metre laneway is designed with a hammerhead turnaround at the northern and southern limits of the development to facilitate movements for municipal waste collection and emergency services vehicles within the site. Furthermore, a 1.5 metre concrete sidewalk is proposed along the laneway adjacent to Blocks 1 and 2. A sidewalk connection is also proposed along the site's Bayview Avenue frontage which will connect to the existing sidewalk located on the south side of Old Colony Road. A surface visitor parking area comprised of five parking spaces is to be provided within the southern portion of the development adjacent to Block 2, west of the private laneway.

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

• <b>Total Lot Area:</b>	<b>0.393 hectares (0.971 acres)</b>
• <b>Number of Buildings:</b>	<b>3</b>
• <b>Number of Dwelling Units:</b>	<b>19</b>
• <b>Dwelling Unit Widths:</b>	
○ <b>6.0 metres (19.68 feet):</b>	<b>6</b>
○ <b>5.76 metres (18.90 feet):</b>	<b>13</b>
• <b>Number of Storeys:</b>	<b>3</b>
• <b>Density:</b>	<b>48.35 units per hectare (19.57 units per acre)</b>
• <b>Lot Coverage:</b>	<b>33.25%</b>
• <b>Landscape Area:</b>	<b>23.89%</b>
• <b>Total Parking Spaces:</b>	<b>43 (2.25 spaces per unit required)</b>
○ <b>Residential:</b>	<b>38 (2.0 spaces per unit required)</b>
○ <b>Visitor:</b>	<b>5 (including 2 accessible spaces)</b>
• <b>Bicycle Parking Spaces:</b>	<b>6</b>

The only modifications made to the applicant's development proposal between the original and revised submissions are as follows:

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- the location of proposed waste storage areas within the private garages and waste setout areas on the private driveways are denoted on the applicant's revised Site Plan, which accounts for a reduction in the number of parking spaces reported on the drawing. Notwithstanding the preceding, the proposed development complies with the minimum parking requirements for residential and visitor parking spaces; and,
- the location of fire hydrants, light standards and catch basins are denoted on the applicant's revised Site Plan.

Draft Plan of Condominium, Private Street Naming and Part Lot Control Exemption applications will also be required in the future to facilitate the intended form of development and to implement common element condominium tenure. This includes establishing the future parcels of tied land and assigning a street name for the proposed private lane to be established as part of the development.

### 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 *Oak Ridges Moraine Conservation Plan* (2017) (the "ORMCP"), the *Regional Official Plan* (2010) (the "ROP") and the City of Richmond Hill Official Plan (the "Plan").

### Provincial Policy Regime

The PPS sets the policy foundation for land use planning in the Province of Ontario. It is complemented by the Growth Plan, which focuses on the land use challenges and opportunities of the region. Through its policies, these documents provide direction on growth management, transportation, infrastructure, urban form, housing, natural heritage and resource protection. Municipalities are responsible for implementing the broader Provincial policy framework at the local level through the development of Regional and Municipal Official Plan documents.

Staff notes that the City's in-force Plan is consistent with the PPS and conforms with the Growth Plan, the ORMCP 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 ORMCP was updated in 2017, and the Growth Plan was updated in 2019. In this regard, both York Region and the City are currently conducting Municipal Comprehensive Reviews (MCRs) to update their respective Official Plans as necessary to align with more recent Provincial planning direction.

Notwithstanding the preceding, Planning staff can advise that the applicant's development proposal is consistent with the PPS, and conforms with the Growth Plan, the ORMCP and the ROP. Furthermore, Planning staff can advise that the subject development proposal maintains the general intent of the goals, objectives and policies of the Plan. Outlined below is a more detailed discussion of the applicant's proposal relative to the current Regional and City Official Plans and the ORMCP.

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### York Region Official Plan

The subject lands are designated **Urban Area** in accordance with Map 1 (Regional Structure) to the ROP. The **Urban Area** policies permit a full range and mix of urban uses which would permit a residential development, as proposed in the subject applications. Comments have been received from the Region which confirm that the proposal is consistent with the ROP and that the proposed Official Plan Amendment would not adversely affect Regional planning policies or interests (refer to Appendix “F”). The Region has also advised that the proposed Official Plan Amendment is considered to be of local significance and is therefore exempt from Regional approval, albeit the LPAT is now the final approval authority. Given the preceding, Planning staff is of the opinion that the applicant’s development proposal and Official Plan Amendment application conform to the ROP.

### City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** in accordance with Schedule A2 (Lane Use) of the Plan (refer to Map 4) and are identified as an **Existing Neighbourhood Commercial Site** on Appendix 7 of the Plan (refer to Map 6). The lands are also situated within the **Settlement Area** of the ORMCP in accordance with Schedule A3 (Settlement Area) to the Plan and are located within an **Area of High Aquifer Vulnerability** in accordance with Schedule A5 (ORM Areas of High Aquifer Vulnerability and Wellhead Protection Areas) and a **Category 2 – Landform Conservation Area** in accordance with Schedule A6 (ORM Landform Conservation Areas) of the Plan (refer to Map 5).

The **Neighbourhood** designation is intended to accommodate limited intensification through small-scale infill and redevelopment (**Section 4.9**). Permitted uses within the **Neighbourhood** designation include low-density residential uses such as single detached, semi-detached and duplex dwellings, medium density residential uses such as townhouses and walk-up apartments, neighbourhood commercial and community uses, parks and urban open spaces, and automotive service commercial uses subject to specific policy criteria (**Policy 4.9.1.2**).

In accordance with the policies of the Plan, development within the **Neighbourhood** designation shall 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 and lanes, landscaped areas and treatments, and the general pattern of yard setbacks (**Policy 4.9.2.4**) and shall have a maximum building height of four storeys where the lands are located on an arterial street (**Policy 4.9.1.4**) and a maximum density of 50 units per hectare (20 units per acre) for medium density development (**Policy 4.9.1.2.3**). In this regard, the proposed three storey townhouse dwellings are consistent with the applicable policies for residential development within the **Neighbourhood** designation. Furthermore, the proposed density of 48.35 units per hectare (19.57 units per acre) conforms with the density criteria as set out in the Plan.

The subject lands are also identified as an **Existing Neighbourhood Commercial Site** as shown on Appendix 7 of the Plan and are subject to the provisions of **Policy 4.9.1.3**



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of the Plan. This policy provides for the retention of existing neighbourhood commercial sites and encourages the development of these sites to include residential development in a mixed-use form subject to the design policies of **Section 4.9.2** of the Plan as well as additional policy criteria. In accordance with the policies of the Plan, the submission of a Commercial Needs Study was required to determine the appropriateness of the applicant's proposal and to assess the market in terms of local retail/service commercial space requirements in the area and the commercial viability of the site.

The submitted Commercial Needs Study was peer reviewed by Kircher Research Associates Ltd. on behalf of the City. The findings of the peer review indicate that while the residential areas in the vicinity of the lands are fully developed and the retail and related service needs of the residing population are currently being satisfied in other areas, the subject lands would serve as an ideal location for a neighbourhood convenience centre development. Notwithstanding, the findings of the peer review also concluded that the subject site may never be developed as a neighbourhood convenience centre due to cost factors and tenant shortages, and therefore, it was concluded that determining the appropriateness of the applicant's development proposal would be more of a planning matter than a market demand issue. Given all of the above, and in addition to the fact that the **Neighbourhood** policies of Plan contemplate the establishment of townhouse development along arterial streets, staff is of the opinion that the applicant's request to remove the subject lands from Appendix 7 - **Existing Neighbourhood Commercial Sites** is supportable from a planning perspective.

The subject lands are situated within the **Settlement Area** of the Oak Ridges Moraine, as defined by the ORMCP and are also located within a **Landform Conservation Area Category 2** in accordance with Schedule A6 (ORM Landform Conservation Areas) of the Plan (refer to Map 5). 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 and applicable Secondary Plans, shall be permitted within the **Settlement Area**. In addition, permitted uses shall be subject to the requirements of Sections 19(3) and 31(4) of the ORMCP and **Section 3.2.1.1** of the Plan. As previously noted, the subject lands are located within an **Area of High Aquifer Vulnerability** in accordance with Schedule A5 (ORM Areas of High Aquifer Vulnerability and Wellhead Protection Areas) of the Plan and such lands may be susceptible to contamination. Certain uses that may cause contamination or negatively impact water quality, as described in **Policy 3.2.1.1.37**, are prohibited in these areas. The proposed residential use does not conflict with these policies.

The landform conservation policies of the Plan implement the ORMCP and serve to ensure that development and site alteration minimize disturbances to landform character (**Policy 3.2.1.1.35**). In this regard, when reviewing development applications within **Settlement Areas** in the ORMCP, approval authorities and proponents of development must identify planning, design and construction practices that will keep disturbances to landform character to a minimum where possible, including:

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1. maintaining significant landform features such as steep slopes, kames, kettles, ravines and ridges in their natural undisturbed form;
2. limiting the portion of the net developable area of the site that is disturbed to not more than 50 percent of the total area of the site; and,
3. limiting the portion of the net developable area of the site that has impervious surfaces to not more than 20 per cent of the total area of the site.

In this regard, an Oak Ridges Moraine Conformity Report (“ORM Conformity Report”) prepared by Evans Planning was submitted by the applicant in support of the proposed development. A Landform Conservation Area Assessment was also provided as part of the required ORM Conformity Report in accordance with **Policies 3.2.1.1.18** and **3.2.1.1.35** of the Plan. The purpose of this report was to assess the applicant’s development proposal for conformity with the ORMCP, to determine the location of any Key Natural Heritage Features (KNHFs) and Key Hydrologic Features (KHF) on and within a 120 metre area of influence to the lands, to confirm the developable limits, required buffers and mitigation measures, and to minimize disturbance to landform character.

The report acknowledges that the Ministry of Natural Resources and Forestry (MNR) mapping identified two Woodland features in the vicinity of the subject lands; however, review of aerial photography and existing development in the area confirmed that both Woodland features do not exist. The report concluded that there are no KNHFs or KHF present on the subject lands and that the lands are not situated within the Minimum Area of Influence or Minimum Vegetation Protection Zone of any other such features. It is further noted that the subject lands were previously approved for development and graded through the construction of Registered Plan of Subdivision 65M-3802.

City staff has undertaken a comprehensive review of the ORM Conformity Report submitted in support of the subject development and are satisfied that no landform features exist on the site and that the proposed residential use of the property would not result in the generation or storage of contaminants, nor have an impact on the underlying aquifer.

In consideration of the preceding, staff is of the opinion that the applicant’s development proposal constitutes good planning on the basis that it is in keeping with the broader policy direction for this part of the City as outlined in both the ROP and the Plan, as well as the relevant policies of the ORMCP applicable to the subject lands.

### Official Plan Amendment Application

The applicant submitted an Official Plan Amendment application to remove the subject lands from the list of existing neighbourhood commercial sites (**Policy 4.9.1.3**) in order to permit the proposed medium density residential development in accordance with the provisions of the **Neighbourhood** designation. In this regard, the applicant’s development proposal is to be comprised of 19 townhouse dwelling units, and no neighbourhood commercial uses are proposed on the subject lands. The applicant’s draft Official Plan Amendment is attached to this report as Appendix “B”.

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### Revised Zoning By-law Amendment Application

The subject lands are zoned **Neighbourhood Commercial (NC) Zone** under By-law 85-02, as amended (refer to Map 3). Permitted uses in the **NC Zone** include, among other uses, an automobile service station, business and professional offices, convenience retail store, fast food restaurant, gas bar, laundromat, pet store, supermarket and veterinary clinic uses.

The **NC Zone** does not permit townhouse dwellings as proposed by the subject applications. Accordingly, the applicant is seeking approval to rezone its land holdings to **Multiple Residential One (RM1) Zone** under By-law 85-02, as amended, to permit Block Townhouse dwellings on the lands and to establish appropriate site specific development standards to implement its development proposal. Additional detail with respect to the requested site specific provisions can be found in the applicant's draft Zoning By-law attached to this report as Appendix "C". The following summary table outlines the relevant statistics of the applicant's development proposal relative to the **RM1 Zone** requirements for Block Townhouse dwellings, with requested and required site specific exceptions outlined in bold. Staff note that the block townhouse development standards for each individual parcel of tied land may vary:

Development Standard	RM1 Zone Standards By-law 85-02, as amended	Proposed Standard
<b>Minimum Lot Frontage</b> <b>Interior Lot:</b> <b>Corner Lot:</b>	20.0 metres (65.61 feet) 30.0 metres (98.43 feet)	Parcel A: Complies Parcel B: Complies Parcel C: Complies
<b>Minimum Lot Area</b>	N/A	Parcel A: Complies Parcel B: Complies Parcel C: Complies
<b>Maximum Number of Units</b>	N/A	Parcel A: 8 Parcel B: 5 Parcel C: 6
<b>Maximum Lot Coverage</b>	50%	Complies
<b>Minimum Front Yard</b>	4.5 metres (14.76 feet)	<b>3.5 metres (11.48 feet)</b> (Bayview Avenue)
<b>Minimum Side Yard</b>	1.5 metres (4.92 feet)	Complies
<b>Minimum Flankage Yard</b>	3.0 metres (9.84 feet)	Complies
<b>Minimum Rear Yard</b>	4.5 metres (14.76 feet)	<b>1.5 metres (4.92 feet)</b>
<b>Minimum Setback to a Regional Daylight Triangle</b>	0.6 metres (1.97 feet)	Complies
<b>Maximum Building Height</b>	11.0 metres (36.09 feet)	<b>12.0 metres (39.37 feet)</b>
<b>Density</b>	25 to 75 UPH	48.35 UPH
<b>Parking Requirements</b>	2.25 spaces per unit of which 0.25 spaces per unit shall be for visitor parking	Complies

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Staff has undertaken a comprehensive review and analysis of the applicant's revised draft Zoning By-law Amendment, including the requested site specific provisions, and considers them to be appropriate for the following reasons:

- the proposed townhouse dwellings are compatible with the character of the existing residential development and the Zoning By-law permissions in the area;
- the proposed **RM1 Zone** under By-law 85-02, as amended, is appropriate in the context of the subject lands and consistent with similar townhouse developments in the surrounding area;
- the zoning standards being applied to the proposed building lots are consistent with the lot fabric in the overall context of the surrounding neighbourhood, which includes townhouse dwellings;
- the requested site specific provisions for the proposed dwelling setbacks are appropriate in terms of providing sufficient separation from Bayview Avenue, Old Colony Road, the proposed private laneway and existing residential uses to the south and west of the subject lands; and,
- the proposed development standards are in keeping with newer development standards applied throughout the City.

Notwithstanding the preceding, it is noted that the draft Zoning By-law prepared by the applicant will be subject to further modifications from a formatting and content perspective. In this regard, the applicant has confirmed that Section 118 restrictions under the *Land Titles Act* will be registered over the subject lands, thus the by-law will need to be structured to facilitate the creation of individual parcels of tied land prior to condominium registration. Additional revisions are also likely as the applicant finalizes the Site Plan approval process and the content of the by-law is refined to be consistent with the City's formatting.

Based on the preceding, staff is of the opinion that the development proposal represents proper and orderly planning. Given that the final form of the by-law and standards will be further refined through the Site Plan approval process, staff recommends that the LPAT be requested to withhold its Final Order pertaining to the Zoning By-law Amendment until the related Site Plan application has been finalized.

### Revised Site Plan Application

The applicant's revised Site Plan serves to facilitate its development proposal, including matters such as architectural design, building and siting setbacks, landscaping, tree planting, landform conservation, site servicing, grading, drainage and lighting (refer to Maps 7 to 10). As noted previously, the proposal involves a medium density residential development comprised of 19, three storey townhouse dwelling units arranged in three blocks on the subject lands. The three storey street facing townhouses (Blocks 1 and 3) are designed with principal front entrances facing Bayview Avenue and Old Colony Road, rear facing garages to be accessed from an internal private road, and outdoor amenity space for each unit to be provided by way of above-grade patios over the garages (refer to Map 8). The three storey lane facing townhouses (Block 2) are designed with principal front entrances and garages to be accessed from an internal private road, and outdoor amenity space for each unit to be provided by way of rear

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yards (refer to Map 9). Vehicular access to the site is proposed from Old Colony Road via a private laneway with no access to adjacent lands to the east (Bayview Avenue), west or south. The applicant's proposal contemplates the location of visitor parking in between Blocks 1 and 2 within the southern portion of the site.

While the revised Site Plan application remains under review at this time, staff is generally satisfied with same. The applicant will be required to address all remaining comments and technical requirements identified by City departments and external agencies prior to finalizing the form and content of the implementing draft Official Plan and draft Zoning By-law documents to the satisfaction of the Commissioner of Planning and Infrastructure. Staff will continue to work cooperatively with the applicant to finalize same.

Staff recommends that the LPAT be requested to withhold the issuance of its Final Order with respect to the Site Plan application until such time as the City advises the Tribunal that the Site Plan approval process has been completed and a Site Plan Agreement is ready to be executed.

### Council and Public Comments:

As noted previously, the applicant's Official Plan Amendment and Zoning By-law Amendment applications were considered at the March 4, 2020 Council Public Meeting wherein a number of comments and/or concerns were raised by the public and members of Council. These comments along with staff's responses are outlined below:

- **Commercial Uses in the Area**

Concerns were raised with respect to the lack of commercial uses and amenities to serve the needs of the surrounding residential area. Comments received also indicated a preference for the development proposal to include a commercial component as part of the site development. In this regard, the findings of the applicant's Commercial Needs Study and the City's peer review note that retail commercial developments of all types have become increasingly more difficult in the recent past on account of the increasing prominence of e-commerce, rising development costs and a shortage of suitable tenants. Furthermore, the subject lands would have a very small geographic area of influence due to the size of the property (approximately 0.9 acres). Lastly, it was also noted that the residing population is currently satisfying any retail and related service needs in other parts of Oak Ridges and beyond. Staff have reviewed the findings of the peer review and are satisfied with its conclusions in this regard.

- **Number of Dwelling Units**

A concern was raised with respect to the total number of dwelling units proposed on the subject lands. In this regard, the Official Plan allows a maximum density of 50 units per hectare (20 units per acre) for medium density development within the **Neighbourhood** designation. The applicant's development proposal is comprised of 19 townhouse dwelling units with a proposed density of 48.35 units per hectare (19.57 units per acre) which conforms with the density policy as set out in the Plan.

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- **Building Height**

Concerns were raised that the proposed height of the townhouse dwellings is not in keeping with the character of the neighbourhood. Privacy concerns as a result of the proposed three storey building heights relative to the existing two storey semi-detached and townhouse dwellings abutting the subject lands were also noted. In this regard, the proposed building height conforms with the Official Plan as a maximum building height of up to four storeys is permitted for properties on an arterial road such as Bayview Avenue, and three storeys elsewhere. While the applicant is seeking an increase in the permitted physical height of the buildings from 11.0 metres (36.09 feet) to 12.0 metres (39.37 feet) based on the standard **RM1 Zone** provisions, the proposed building heights of three storeys are less than what is permitted from a policy perspective, and are also consistent with the built form being implemented for new townhouse developments in other areas of the City.

- **Safety and Access**

Safety concerns were raised with respect to the proposed 6.0 metre wide private lane access into the subject development. In addition, access concerns were raised related to waste management and emergency services vehicles being able to access the subject development. In accordance with the City's Waste Management Design and Collection Standards for Development, access routes, including points of ingress and egress that are designed for two-way traffic, must have a minimum width of 6.0 metres and a minimum inside turning radius of 9.0 metres. In cases where the size of a site does not allow for continuous forward motion throughout the site, it is acceptable to use the *Private Road – "T" Turnaround Minimum Standard* design as detailed in the City's Standards and Specifications Manual. Furthermore, the City's Fire and Emergency Services Division has advised that the minimum fire route and turning radius requirements are achieved for this development, and the City's Development Engineering Division is satisfied with the proposed laneway design.

- **Impact on Local School**

A concern was raised that the proposed development will cause added pressure on the local school in the area. In this regard, comments were received from the York Region District School Board following the circulation of the applications which advised of no comments or objections to the subject development proposal.

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

All City departments and external agencies that were circulated the proposed Official Plan Amendment, Zoning By-law Amendment and Site Plan applications have indicated no objections or have provided comments to be addressed through the Site Plan approval process, including the City's Development Engineering Division, Park and Natural Heritage Planning Section, Urban Design and Heritage Section, Community Services Department – Public Works Operations, Building Section, Zoning Section, Financial Services Division and Fire and Emergency Services Division, in addition to the Toronto and Region Conservation Authority (TRCA), Alectra Utilities, Rogers Cable,

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Canada Post, Enbridge Gas, Hydro One, Bell Canada, the York Region District School Board and the Regional Municipality of York.

The following sections provide an overview of the comments received from circulated departments and external agencies based on the review of the subject applications and the associated background studies and reports submitted in support of same. The applicant will be required to address all comments prior to final Site Plan approval.

### **Development Engineering Division**

The City's Development Engineering Division has reviewed the subject applications and advises that they do not object to approval of the proposal in principle, subject to the resolution of outstanding technical matters as part of the Site Plan application (refer to Appendix "D"). In this regard, the applicant is required to address detailed comments respecting the submitted Hydrogeological Site Assessment, Servicing Plan, Grading Plan, Erosion and Sediment Control Plans, Functional Servicing Report, Stormwater Management Report and the provision of a Construction Management Plan.

Furthermore, the City's Transportation Engineering staff advise that a sidewalk on the south side of Block 1 will be required to allow a continuous pedestrian connection to the proposed sidewalk on Bayview Avenue. Alternatively, staff advise that this sidewalk connection can be accommodated by breaking up Block 1 into two townhouse blocks and placing the sidewalk between Units 4 and 5. Either option will require modifications to the applicant's development proposal (e.g. reduction in the width of the end units).

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

The City's Urban Design Section has reviewed the subject applications and advises that the proposed three storey townhouses appropriately address the transition criteria for developments adjacent to existing low and medium density neighbourhoods. Staff also note that the proposed setbacks appear adequate, but require the applicant to update the Site Plan drawing to include the dimensions of the proposed outdoor amenity spaces for the townhouse units (refer to Appendix "E"). The applicant will be required to address this comment through the Site Plan approval process.

### **Regional Municipality of York**

The Region has no objection to the proposed Official Plan Amendment and Zoning By-law Amendment applications and has also advised that the proposed Official Plan Amendment is considered to be of local significance and is therefore exempt from Regional approval (refer to Appendix "F"). Detailed Site Plan comments have been provided respecting the applicant's development proposal which will need to be addressed through the Site Plan approval process. In addition, Regional Transportation Services staff advise that no vehicular access will be permitted to Bayview Avenue and that all vehicular access shall be through local roads.

### **Toronto and Region Conservation Authority**

The Toronto and Region Conservation Authority has provided technical comments related to stormwater management and water balance for the proposed development.

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The applicant will be required to address the remaining comments through the Site Plan approval process and the related Site Plan Agreement.

### Development Planning Division

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

- the proposed development is consistent with the PPS and conforms to the Growth Plan and the ROP;
- the proposed medium density residential development conforms with the applicable policies of the **Neighbourhood** designation, including permitted land use, maximum building height and maximum density as set out in the Plan;
- the proposed residential land use is considered appropriate in consideration of the applicable policies of the Plan, the abutting residential properties, and the surrounding residential uses;
- the proposed townhouse development provides for appropriate built form, massing and setbacks that are compatible with adjacent and surrounding lands as required pursuant to **Section 4.9.2** of the Plan;
- the subject development proposal does not meet **Policy 4.9.1.3** of the Plan which provides for the retention of existing neighbourhood commercial sites. The submitted Official Plan Amendment application proposes to remove the subject lands from the existing neighbourhood commercial inventory of sites in this area. Staff has reviewed the applicant's development proposal and is supportive of the removal of the lands as an **Existing Neighbourhood Commercial Site** as shown on Appendix 7 of the Plan as there will not be an adverse impact on the local commercial needs of the community, as determined through the Commercial Needs Study submitted in support of the proposed development;
- while staff is supportive of the proposed land use and general layout of the proposed development, the final design, development standards and implementation details must still be sorted out through the Site Plan approval process. In addition to addressing technical comments, a pedestrian connection from the internal sidewalk adjacent to Block 1 to the proposed sidewalk along Bayview Avenue is required;
- the proposed site specific **RM1 Zone** category under By-law 85-02, as amended, is generally consistent with the surrounding context of the neighbourhood;
- staff supports the applicant's proposed development standards and find them appropriate for the subject development and in the context of the area. The by-law structure and details of the site specific provisions will be refined through the finalization of the Site Plan approval process, and the applicant shall confirm the POTL limits and the lands that are to be included within the future common elements;
- the applicant will be required to address all outstanding comments and technical requirements provided by circulated City departments and external agencies through the Site Plan approval process prior to finalizing the form and content of the implementing draft Official Plan and draft Zoning By-law documents;
- the applicant will be required to register Section 118 restrictions on the lands pursuant to the *Land Titles Act* prior to finalization and approval of the amending



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Zoning By-law. This restriction is intended to prevent the transfer of lands unless consent is provided by the City's Commissioner of Planning and Infrastructure, thereby ensuring that the Plan of Condominium is registered prior to the conveyance of parcels to future homebuyers;

- the applicant will be required to submit draft Plan of Condominium (Common Element), Part Lot Control Exemption, Private Street Naming and Municipal Addressing applications to facilitate the approvals for the proposed residential development; and,
- the applicant will be required to submit a revised Sustainability Performance Metrics Tool in support of the Site Plan application to ensure that the minimum threshold score for Site Plans is satisfied and that servicing allocation assignment is warranted.

Planning staff has undertaken a comprehensive review and analysis of the applicant's development proposal and finds that it has appropriate regard for, and is consistent with the broader policy direction for this part of the City as outlined within the Plan. On the basis of the preceding, it is recommended that Council support the applicant's Official Plan Amendment, Zoning By-law Amendment and Site Plan applications in principle and that the LPAT be advised of the City's position in this regard in accordance with the recommendations contained in this report.

### Interim Growth Management Strategy:

Council has approved and implemented a comprehensive strategy comprised of eight growth management criteria as a means of assessing and prioritizing development applications for the receipt of servicing allocation. The criteria are as follows:

1. *Providing community benefits and completion of required key infrastructure.*
2. *Developments that have a mix of uses to provide for live-work relationships.*
3. *Developments that enhance the vitality of the Downtown Core.*
4. *Higher-order transit supportive development.*
5. *Developments that represent sustainable and innovative community and building design.*
6. *Completion of communities.*
7. *Small scale infill development.*
8. *Opportunities to provide affordable housing.*

The applicant has submitted a Sustainability Performance Metrics Tool (the "Metrics") in support of its development proposal and 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 Metrics submitted in support of the submitted Site Plan application demonstrates an overall application score of 32 points, which is within the acceptable threshold range of 32 to 45 points for Site Plan applications. At the time of writing of this report, the applicant's Site Plan application and metrics remain under review with respect to the feasibility and appropriateness of the proposed sustainability measures. Staff will continue to work with the applicant to explore opportunities to ensure that the applicant achieves a "good" score as part of the finalization of the related Site Plan application for the development.

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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.

The proposed total unit count of 19 townhouse dwelling units is equivalent to 56.81 persons for the purposes of municipal servicing allocation. In consideration of the above and in order to streamline the servicing allocation assignment process for the proposed development, staff recommends that Council delegate its authority to assign allocation to the Commissioner of Planning and Infrastructure, subject to compliance with the City's IGMS.

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

The recommendations of this report do not have any financial implications, however, in light of the appeals to the LPAT there will be further draw on staff time and resources to attend and participate in LPAT proceedings as necessary.

### **Relationship to Council's Strategic Priorities 2020-2022:**

The recommendations of this report are aligned with **Balancing Growth and Green** in recognizing the balance between economic development and environmental protection, and **Getting Around the City** by improving active transportation networks for cyclists and pedestrians.

### **Climate Change Considerations:**

The recommendations of this report are aligned with Council's climate change considerations as the development proposal is providing low impact development (LID) measures such as infiltration trenches, which will help to manage stormwater runoff from increased precipitation. The development proposal will also include the provision of rain barrels for 10 of the 19 dwelling units (53%) in order to reduce the use of potable water for irrigation which will help to support water conservation and reduce the amount of water entering the municipal storm sewer. Furthermore, the proposed internal sidewalk will provide connections to the existing sidewalk along Old Colony Road which will enable pedestrian access to the City's Larchmere Parkette (401 Old Colony Road), existing trails, cycling routes as well as a YRT bus stop adjacent to the subject lands, thereby contributing to encouraging zero-emission modes of transportation.

### **Conclusion:**

The applicant is seeking approval of Official Plan Amendment, Zoning By-law Amendment and Site Plan applications from the LPAT in order to permit the construction of a medium residential development to be comprised of 19 townhouse dwelling units on its land holdings. In this regard, the LPAT has scheduled a first Case Management Conference on July 8, 2021. Staff has undertaken a comprehensive

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review and evaluation of the applicant's development proposal and is of the opinion that the submitted applications constitute good planning on the basis that they are in keeping with the *Provincial Policy Statement*, the *Growth Plan*, the Region's Official Plan and the principles and policies of the City's Official Plan. Accordingly, staff recommends that the LPAT be advised that the City supports the applications in principle, as outlined in the recommendations of Staff Report SRPI.21.072.

### Attachments:

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

- Appendix A – Extract from Council Public Meeting C#07-20, held March 4, 2020
- Appendix B – Applicant's Draft Official Plan Amendment
- Appendix C – Applicant's Draft Zoning By-law
- Appendix D – Consolidated comments from the Development Engineering Division, dated March 26, 2020, December 4, 2020 and May 19, 2021
- Appendix E – Comments from the Urban Design and Heritage Section, dated January 22, 2020
- Appendix F – Letter from the Regional Municipality of York, dated January 17, 2020
- Map 1 – Aerial Photograph
- Map 2 – Neighbourhood Context
- Map 3 – Existing Zoning
- Map 4 – Official Plan (2010) Schedule A2 – Land Use
- Map 5 – Official Plan Schedule A6 – ORM Landform Conservation Areas
- Map 6 – Official Plan Appendix 7 – Existing Neighbourhood Commercial Sites
- Map 7 – Proposed Context Site Plan
- Map 8 – Proposed Townhouse Elevations (Street Facing)
- Map 9 – Proposed Townhouse Elevations (Lane Facing)
- Map 10 – Proposed Landscape Plan

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### Report Approval Details

Document Title:	SRPI.21.072 - Request for Direction - 2706379 Ontario Limited - D01-19004, D02-19021 and D06-20041.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Extract from CPM C07-20 AODA.pdf</li><li>- Appendix B - Applicant's Draft Official Plan.pdf</li><li>- Appendix C - Applicant's Draft Zoning By-law.pdf</li><li>- Appendix D - Consolidated Comments from the Development Engineering Division.pdf</li><li>- Appendix E - Comments from the Urban Design and Heritage Section AODA.pdf</li><li>- Appendix F - Letter from the Region of York AODA.pdf</li><li>- SRPI.21.072 - Map 1 - Aerial Photograph.docx</li><li>- SRPI.21.072 - Map 2 - Neighbourhood Context.docx</li><li>- SRPI.21.072 - Map 3 - Existing Zoning.docx</li><li>- SRPI.21.072 - Map 4 - Official Plan Schedule A2 - Land Use.docx</li><li>- SRPI.21.072 - Map 5 - Official Plan Schedule A6 - ORM Landform Conservation Areas.docx</li><li>- SRPI.21.072 - Map 6 - Official Plan Appendix 7 - Existing Neighbourhood Commercial Sites.docx</li><li>- SRPI.21.072 - Map 7 - Proposed Context Site Plan.docx</li><li>- SRPI.21.072 - Map 8 - Proposed Townhouse Elevations (Street Facing).docx</li><li>- SRPI.21.072 - Map 9 - Proposed Townhouse Elevations (Lane Facing).docx</li><li>- SRPI.21.072 - Map 10 - Proposed Landscape Plan.docx</li></ul>
Final Approval Date:	Jun 8, 2021

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

**Gus Galanis - Jun 7, 2021 - 4:14 PM**

**Kelvin Kwan - Jun 7, 2021 - 4:37 PM**

**Task assigned to MaryAnne Dempster was completed by delegate Darlene Joslin**

**Darlene Joslin on behalf of MaryAnne Dempster - Jun 8, 2021 - 7:52 AM**