



## **Staff Report for Council Meeting**

**Date of Meeting:** October 13, 2021

**Report Number:** SRPI.21.081

**Department:** Planning and Infrastructure

**Division:** Development Planning

**Subject:** **SRPI.21.081 – Request for Approval – Official Plan Amendment Application – Deergate Holdings Inc. – City File D01-18005 (Related Files D02-03072 and D03-03013)**

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### **Owner:**

Deergate Holdings Inc.  
361 Four Valley Drive  
Vaughan, ON L4K 5Z3

### **Agent:**

Humphries Planning Group Inc.  
190 Pippin Road, Suite A  
Vaughan, ON L4K 4X9

### **Location:**

**Legal Description:** Part of Lot 31, Concession 2, E.Y.S.  
**Municipal Address:** 11546 Leslie Street

### **Purpose:**

A request for approval of a proposed Official Plan Amendment application to permit medium density residential uses on the subject lands.

### **Recommendations:**

- a) **That the revised Official Plan Amendment application submitted by Deergate Holdings Inc. for the lands known as Part of Lot 31, Concession 2, E.Y.S. (Municipal Address: 11546 Leslie Street), City File D01-18005, be approved, subject to the following:**
  - (i) **that Policy 9.6.3.3 (a) of the North Leslie Secondary Plan be amended to add residential uses as permitted uses on the subject lands, as outlined in Staff Report SRPI.21.081; and,**

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- (ii) that the Official Plan Amendment be forward to a future Council meeting for consideration and adoption.

### 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:

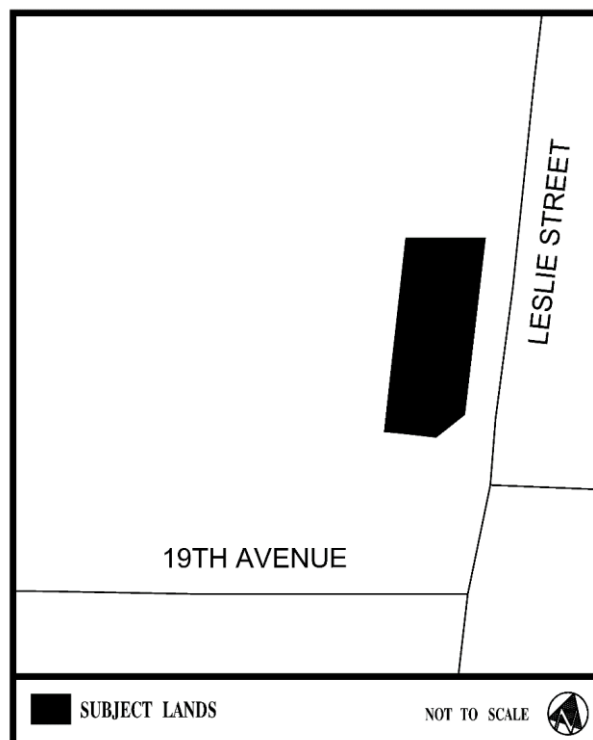
**Submitted by:** Kelvin Kwan, Commissioner of Planning and Infrastructure

**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.

### 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 application was considered at a statutory Council Public Meeting held on June 5, 2019, wherein Council received Staff Report SRPRS.19.114 for information purposes and directed that all comments be referred back to staff for consideration (refer to Appendix “A”). No concerns were raised by members of Council or the public at the meeting with respect to the applicant’s development proposal.

By way of background, the subject lands are situated within a draft approved Plan of Subdivision by Deergate Holdings Inc. (“Deergate”) (refer to Map 6). On May 25, 2018, the Local Planning Appeal Tribunal (now the Ontario Land Tribunal) issued its written Order approving Zoning By-law Amendment and draft Plan of Subdivision applications (City Files D02-03072 and D03-03013) to permit a low and medium density residential development comprising approximately 345 dwelling units, as well as blocks for elementary school, parkland, commercial, natural heritage and open space uses on the Deergate landholdings. Enactment of the amending Zoning By-law has been withheld for a condominium townhouse block (Block 195) and a future development commercial block (Block 200) pending the submission and finalization of Site Plan applications for those lands. The subject Official Plan Amendment application relates to the commercial block (Block 200) on the draft approved Plan of Subdivision.

The applicant’s original Official Plan Amendment application sought approval to permit stand-alone residential dwelling units on the subject lands. Staff has worked with the applicant to refine its Official Plan Amendment application which now seeks to retain the existing neighbourhood commercial land use permissions and to add residential uses as an additional permitted use on the subject lands. All comments from circulated City departments and external agencies as they relate to this stage of the approval process have now been satisfactorily addressed by the applicant. All remaining design and technical comments will be addressed as part of a future Site Plan application. A more detailed discussion of these matters is contained in the later sections of this report.

Accordingly, the purpose of this report is to seek Council’s approval of the applicant’s Official Plan Amendment application.

### **Summary Analysis:**

#### **Site Location and Adjacent Uses**

The subject lands are located at the northwest corner of Leslie Street and 19<sup>th</sup> Avenue within the North Leslie Secondary Plan area (refer to Maps 1 and 4). The subject lands are identified as Block 200 within the Deergate draft approved Plan of Subdivision and are situated at the southeast corner of the Deergate plan (refer to Map 6). The lands have a total lot area of approximately 0.48 hectares (1.186 acres) and lot frontages of approximately 27 metres (88.58 feet) on 19<sup>th</sup> Avenue and approximately 96.37 metres (316.17 feet) on Leslie Street. The lands are presently vacant and abut lands subject to

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planning applications to facilitate a proposed medium density residential development (11580 Leslie Street; City Files D02-18006, D03-18005, D05-18001 and D06-19032) and lands approved for low and medium density residential development within the Deergate draft approved Plan of Subdivision to the north, Leslie Street to the east, lands approved for low and medium density residential development within the Deergate draft approved Plan of Subdivision to the west and 19<sup>th</sup> Avenue to the south (refer to Maps 2 and 4).

### Revised Development Proposal

The applicant is seeking Council's approval of its revised Official Plan Amendment application to permit a medium density residential development to be comprised of approximately 15 townhouse dwelling units on the subject lands (refer to Map 7). The following is a summary table outlining the relevant statistics of the applicant's current development proposal based on the conceptual plans and drawings submitted to the City:

- **Total Lot Area (Block 200):** 0.48 hectares (1.186 acres)
- **Total Number of Dwelling Units:** 15 <sup>(1)</sup>
- **Density:** 31.25 units per net residential hectare <sup>(2)</sup>  
(12.65 units per net residential acre)
- **Floor Area Ratio (FAR):** TBD
- **Building Height:** 3 storeys
- **Dwelling Unit Width:** 6.1 metres (20.01 feet)
- **Total Parking Spaces:** 60 spaces (4 spaces per dwelling unit) <sup>(3)</sup>

(1) The total number of dwelling units within Block 200 will be determined at a future date, upon the submission of a Site Plan application. This block is presently anticipated to accommodate a total of 15 common element condominium townhouse dwelling units; however, the applicant has expressed an interest in submitting a revised development proposal with an increased number of townhouse dwellings.

(2) The final density of the subject lands will be determined at such time as a Site Plan application has been submitted and the number of proposed dwelling units has been confirmed.

(3) The total number of parking spaces within Block 200 will be determined at a future date, upon the submission of a Site Plan application.

A medium density residential development proposal has been submitted by Leslie View Developments 11580 Inc. (City Files D02-18006, D03-18005, D05-18001, D06-19032) on the abutting lands to the north (11580 Leslie Street) which contemplates the establishment of 19 townhouse dwelling units and an opportunity for a future vehicular and pedestrian interconnection to the subject lands (refer to Map 1). As the Leslie View Developments 11580 Inc. applications are further advanced in the approval process, and they incorporate a private condominium road, the development scheme for the subject lands will need to be modified to ensure the coordination of plans.

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Site Plan approval, draft Plan of Condominium 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 (POTLs).

Lastly, the Zoning By-law Amendment application associated with the subject lands continues to be under the jurisdiction of the Ontario Land Tribunal (OLT). In accordance with the Tribunal's original Decision, the appropriate zoning of the subject lands will be determined based on Council's position respecting the subject Official Plan Amendment application and the submission of a future Site Plan application to formalize a development proposal, all of which are ultimately to be disposed of by the OLT.

### 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* (2000) (the "PPS"), the *Growth Plan for the Greater Golden Horseshoe* (2020) (the "Growth Plan"), the *Greenbelt Plan* (2017), the *Oak Ridges Moraine Conservation Plan* (2017) (the "ORMCP"), the *Regional Official Plan* (2010) (the "ROP") and the City 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 Greenbelt Plan, the ORMCP and the ROP that were in force at the time of its approval. Since the Plan's approval, the PPS and the Growth Plan were updated in 2020 and the Greenbelt Plan and the ORMCP were updated in 2017. 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 Greenbelt 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.

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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 application. Comments have been received from York Region which confirm that the proposal conforms with the ROP and that the proposed Official Plan Amendment will not adversely affect Regional planning policies or interests (refer to Appendix “C”). The Region has also advised that the proposed Official Plan Amendment is considered a routine matter of local significance and is therefore exempt from Regional approval. Given the preceding, Planning staff is of the opinion that the applicant’s development proposal and Official Plan Amendment application conform with the ROP.

### City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood Commercial** in accordance with Schedule A (Land Use Plan) in the North Leslie Secondary Plan (refer to Map 5). The **Neighbourhood Commercial** designation permits a range of commercial uses that may take the form of a shopping centre, individual stores, a group of stores and buildings clustered on one site or as a mixed use development (**Policy 9.6.3.3**). In the context of a mixed use development, the **Neighbourhood Commercial** designation also permits **Medium/High Density Residential** uses, including townhouses, stacked townhouses, back-to-back townhouses, and low-rise to mid-rise apartment buildings (**Policy 9.6.2.3**). In accordance with **Policy 9.6.2.3 (f)**, the permitted density is between 1.0 and 2.0 Floor Area Ratio (FAR).

While the **Neighbourhood Commercial** policies of the Secondary Plan permit medium density residential uses, it is the intent that development occur in a mixed use, commercial/residential form and not as a stand-alone residential development. In this regard, the applicant is seeking an Official Plan Amendment to amend the **Neighbourhood Commercial** policies to also permit stand-alone residential uses, including live-work units on the subject lands. Additional details are provided below in the review and evaluation of the submitted Official Plan Amendment application.

### Revised Official Plan Amendment Application

The applicant’s original Official Plan Amendment application sought approval for stand-alone medium density residential uses on the subject lands. The applicant’s revised Official Plan Amendment proposes to retain the existing commercial permissions, add medium density residential uses and live-work dwelling units as additional permitted uses, and incorporate minimum and maximum density provisions in order to facilitate its development proposal on the subject lands. The draft Official Plan Amendment is attached to this report as Appendix “B”.

The policies of the **Neighbourhood Commercial** designation permit a range of commercial uses that may include a shopping centre, individual stores, a group of stores and buildings clustered on one site, in addition to a mixed use development

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which may also include residential uses such as townhouses, stacked townhouses, back-to-back townhouses, and low-rise to mid-rise apartment buildings. Notwithstanding the preceding, the applicable land use policies prohibit stand-alone residential uses on the subject lands. In accordance with the policies of the North Leslie Secondary 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 a neighbourhood commercial development on the subject lands is not essential to providing a competitive service level for the future population of the Secondary Plan area, the subject lands are considered appropriate and suitable for a convenience retail centre development. Notwithstanding, the findings of the peer review also concluded that neighbourhood commercial development at the site is not essential to provide a competitive service level for the future population of the Secondary Plan area and that there are sufficient existing and planned commercial developments to supply the normal needs for convenience retail and related services. Therefore, it was concluded that determining the appropriateness of the applicant's development proposal would be more of a planning matter than a market issue. In consideration of the preceding, and in addition to the fact that the **Neighbourhood Commercial** policies of the Secondary Plan permit medium density residential uses, staff is of the opinion that the applicant's proposal is supportable from a planning perspective.

The applicant's revised Official Plan Amendment application maintains the intent of the policy through the provision of live-work units with frontage along an arterial road (Leslie Street). Furthermore, the addition of live-work dwelling units within the approved Deergate subdivision will provide the opportunity to add to the housing stock diversity in the North Leslie Secondary Plan area.

Staff has considered the viability of commercial uses on the subject lands and is of the opinion that notwithstanding the request for residential land use permissions, the applicant's revised Official Plan Amendment application maintains the general intent and purpose of the Secondary Plan by providing commercial and retail opportunities to serve the local community through the inclusion of live-work units.

Given the above, staff is of the opinion that the applicant's revised Official Plan Amendment application maintains the general intent and purpose of the North Leslie Secondary Plan and represents good planning.

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

All City departments and external agencies that were circulated the proposed Official Plan Amendment application have indicated no objections or have provided comments to be addressed or requirements to be implemented through the Site Plan approval

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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, 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, Canada Post, Enbridge Gas, the York Region District School Board, the York Catholic 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 application and the associated background studies and reports submitted in support of same. The applicant will be required to address all comments through the future Site Plan application review and approval process.

### **Regional Municipality of York**

York Region staff has reviewed the proposed Official Plan Amendment application and advised that the application is of local significance, and as such, does not adversely affect Regional planning policies or interests (refer to Appendix "C"). In this regard, the subject Official Plan Amendment application is exempted from Regional approval. Furthermore, as the lands abut a Regional Road (Leslie Street), the Region has provided comments regarding the provision of a pedestrian/cycling facility to the intersection of Leslie Street and 19<sup>th</sup> Avenue that will need to be addressed through the review and approval of the future Site Plan application for the proposed development.

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

Toronto and Region Conservation Authority (TRCA) staff has reviewed the applicant's development proposal and do not object to approval of the Official Plan Amendment for the subject lands. Notwithstanding the preceding, TRCA staff has provided comments to be addressed by the applicant prior to any development occurring on the lands, which include but are not limited to, the submission and review of required reports, plans and supporting technical materials through the future Site Plan application and the demonstration to the satisfaction of the TRCA that the wetland relocation approved as part of the related draft Plan of Subdivision has been successfully completed in accordance with all permits issued by the TRCA pursuant to Ontario Regulation 166/06. The applicant will be required to address the remaining application specific comments through the Site Plan approval process and the related Site Plan Agreement.

### **Development Engineering Division**

The City's Development Engineering Division has reviewed the subject Official Plan Amendment application and has no objections to same, subject to provision of a multi-use connection directly to the future Leslie Street multi-use path. The detailed review of transportation and parking standards, servicing, grading, water balance and stormwater management requirements will be addressed as part of the future Site Plan application.



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### Park and Natural Heritage Planning Section

The City's Park and Natural Heritage Planning Section has no objections to the proposed Official Plan Amendment application and has provided advisory comments at this time relating to site design, landscaping, tree planting and water balance matters. All comments from Park and Natural Heritage Planning staff related to the above matters will be addressed through the submission of a Site Plan application and accompanying required plans and supporting technical materials.

### Urban Design and Heritage Section

The City's Urban Design and Heritage Section has reviewed the applicant's Official Plan Amendment application and has provided comments relating to site design matters, which include an increase in soft landscaping, a reduction in the proposed retaining wall height and the provision of a continuous pedestrian connection through the site. Detailed design comments will need to be satisfactorily addressed through the submission and review of the required Site Plan application. This will include the submission of an addendum to the approved North Leslie West Community Architectural Control Guidelines. In this regard, the required addendum shall include provisions that address the site as a corner lot with upgraded features, live-work typology and locational information, as well as a Priority Lot Plan.

### Development Planning Division

Planning staff has completed a review of the applicant's development proposal and recommends that Council approve the subject Official Plan Amendment application on the basis of the following:

- the proposed development is consistent with the PPS and conforms with the provisions of the Growth Plan, the ORMCP and the ROP;
- the proposed development maintains the general intent and purpose of the overall **Neighbourhood Commercial** policies of the North Leslie Secondary Plan by providing opportunities for a mix of residential and/or live-work opportunities at the intersection of Leslie Street and 19<sup>th</sup> Avenue. Notwithstanding that the original intent of the **Neighbourhood Commercial** land use designation is for development to occur in a mixed use format, staff supports the applicant's proposal as the site is relatively small in size and not essential to provide a competitive service level for the future population of the Secondary Plan Area. In this regard, it has been demonstrated that there are sufficient existing and planned commercial developments to supply the typical needs for convenience retail and related services, as determined through the Commercial Needs Study submitted in support of the proposed development;
- the subject development proposal consists of a low-rise built form. In this regard, a maximum building height provision of 4 storeys as provided in the **Medium Density Residential** designation shall be applied to the subject lands. The applicant's development proposal indicates a building height of 3 storeys which conforms with this requirement;

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- the applicant’s final development proposal and implementing Zoning By-law will need to demonstrate conformity with the density range of 35 to 60 units per net residential hectare;
- the applicant has satisfactorily addressed the comments raised through the circulation of the applications as it relates to the subject Official Plan Amendment application. The applicant will be required to address urban design and technical comments through the Site Plan approval process, prior to staff bringing forward the amending Zoning By-law to the Ontario Land Tribunal for consideration;
- staff support the applicant’s revised Official Plan Amendment application and a draft of the Official Plan Amendment is attached to this report for adoption by Council at a future date (refer to Appendix “B”);
- the applicant will be required to obtain Site Plan approval for the proposed development to address various design and technical matters, including but not limited to, architectural design, building and siting setbacks, outdoor amenity space for each individual dwelling unit, pedestrian connections, parking requirements, tree protection, landscaping, tree planting, site servicing, grading, drainage and lighting. It is noted that all matters must be addressed prior to final approval;
- the applicant will be required to submit a draft Plan of Condominium and Part Lot Control Exemption applications in order to facilitate Common Element Condominium tenure and the creation of Parcels of Tied Land (POTL) to facilitate the approval for the proposed development; and,
- the applicant will be required to submit a Sustainability Performance Metrics Tool in support of a future Site Plan application to ensure that the minimum threshold score for Site Plans is satisfied and that servicing allocation assignment is warranted.

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

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

### **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. The proposal also aligns with **Getting Around the City** by providing direct pedestrian and cycling connections from the site to the balance of the Deergate subdivision via a sidewalk along the east side of “Street D” as well as a future multi-use path along Leslie Street and a public transit stop at the corner of 19<sup>th</sup> Avenue and Leslie Street. The proposal also aligns with a **Strong Sense of Belonging** by providing housing and the opportunity for alternative employment opportunities within the North Leslie community.

### **Climate Change Considerations:**

The recommendations of this report are aligned with Council’s Climate Change Considerations as the development proposal is providing an internal sidewalk and pedestrian connection which shall contribute to climate change mitigation by

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encouraging zero-emission modes of transportation. The proposed pedestrian connection from the subject lands to the planned sidewalk within the approved Deergate subdivision and to the future multi-use path planned along the west side of Leslie Street will enable pedestrian access to the existing and planned pedestrian and cycling network, existing trail network as well as public transit stops located along Leslie Street, which will reduce the need for single occupancy vehicle trips and help to lower emissions in Richmond Hill. It is noted that the Region has accommodated space for a public transit bus pad at the northwest corner of 19<sup>th</sup> Avenue and Leslie Street which will support same.

Furthermore, the applicant will be required to submit a Sustainability Performance Metrics Tool as part of a future Site Plan application. In this regard, the applicant will be required to incorporate green infrastructure enhancements as part of the proposed site works and building design measures. This may include designing the dwellings for solar readiness and installing water conserving fixtures, providing permeable pavers and low impact development (LID) measures such as infiltration trenches to help manage stormwater runoff from increased precipitation, and incorporating water conservation measures such as rain barrels to help reduce the use of potable water for irrigation and reduce the amount of water entering the municipal storm sewer. Such measures will be secured through a future Site Plan application.

### **Conclusion:**

The applicant is seeking Council's approval of its revised Official Plan Amendment application to permit the construction of a medium density residential development 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 application constitutes good planning on the basis that it is in keeping with the *Provincial Policy Statement*, the *Growth Plan*, the Region's Official Plan and the principles and policies of the North Leslie Secondary Plan. On the basis of the preceding, staff recommends that Council approve the subject Official Plan Amendment application, subject to the directions outlined in this report.

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### **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#25-19, held on June 5, 2019
- Appendix “B” – Draft Official Plan Amendment
- Appendix “C” – Letter from the Regional Municipality of York, dated June 19, 2019
- Map 1 – Aerial Photograph
- Map 2 – Neighbourhood Context
- Map 3 – Existing Zoning
- Map 4 – North Leslie (West) Overall Concept Plan
- Map 5 – North Leslie Secondary Plan Schedule A – Land Use Plan
- Map 6 – Draft Approved Plan of Subdivision 19T(R)-03013
- Map 7 – First Submission Conceptual Site Plan (Block 200)

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### Report Approval Details

Document Title:	SRPI.21.081 - Request for Approval - Deergate Holdings Inc. - D01-18005.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Extract from CPM C25-19 AODA.pdf</li><li>- Appendix B - Draft Official Plan Amendment AODA.docx</li><li>- Appendix C - Letter from the Region of York AODA.pdf</li><li>- SRPI.21.081 - Map 1 - Aerial Photograph AODA.docx</li><li>- SRPI.21.081 - Map 2 - Neighbourhood Context AODA.docx</li><li>- SRPI.21.081 - Map 3 - Existing Zoning AODA.docx</li><li>- SRPI.21.081 - Map 4 - North Leslie (West) Overall Concept Plan AODA.docx</li><li>- SRPI.21.081 - Map 5 - North Leslie Secondary Plan Schedule A - Land Use Plan AODA.docx</li><li>- SRPI.21.081 - Map 6 - Draft Approved Plan of Subdivision 19T(R)-03013 AODA.docx</li><li>- SRPI.21.081 - Map 7 - First Submission Conceptual Site Plan (Block 200) AODA.docx</li></ul>
Final Approval Date:	Sep 24, 2021

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

**Gus Galanis - Sep 22, 2021 - 7:06 PM**

**Kelvin Kwan - Sep 23, 2021 - 10:00 AM**

**MaryAnne Dempster - Sep 24, 2021 - 10:47 AM**