



Staff Report for Council Meeting

Date of Meeting: April 27, 2022

Report Number: SRPI.22.045

Department: Planning and Infrastructure

Division: Development Planning

Subject: SRPI.22.045 – Request for Denial – Official Plan Amendment and Zoning By-law Amendment - Elgin House Properties Limited – City Files D01-21005 and D02-21008 - Related File D06-21032

Owner:

Elgin House Properties Limited
8611 Weston Road, Unit 18
Vaughan, Ontario
L4L 9P1

Agent:

KLM Planning Partners Inc.
64 Jardin Drive, Unit 1B
Vaughan, Ontario
L4K 3P3

Location:

Legal Description: Part of Lots 26 and 27, Concession 2, E.Y.S.
Municipal Address: 1000 Elgin Mills Road East

Purpose:

A request for refusal concerning proposed Official Plan Amendment and Zoning By-law Amendment applications to facilitate the construction of a 14 storey apartment building on the subject lands.

Recommendations:

- a) That the Official Plan Amendment and Zoning By-law Amendment applications submitted by Elgin House Properties Limited for lands known as Part of Lots 26 and 27, Concession 2, E.Y.S. (Municipal Address: 1000 Elgin Mills Road East), City Files D01-21005 and D02-21008, be refused for the primary reasons outlined in SRPI.22.045.

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Contact Person:

Jeff Healey, Senior Planner – Subdivisions, phone number 905-747-6452 and/or
Denis Beaulieu, Manager of Development - Subdivisions, phone number 905-771-2540

Report Approval:

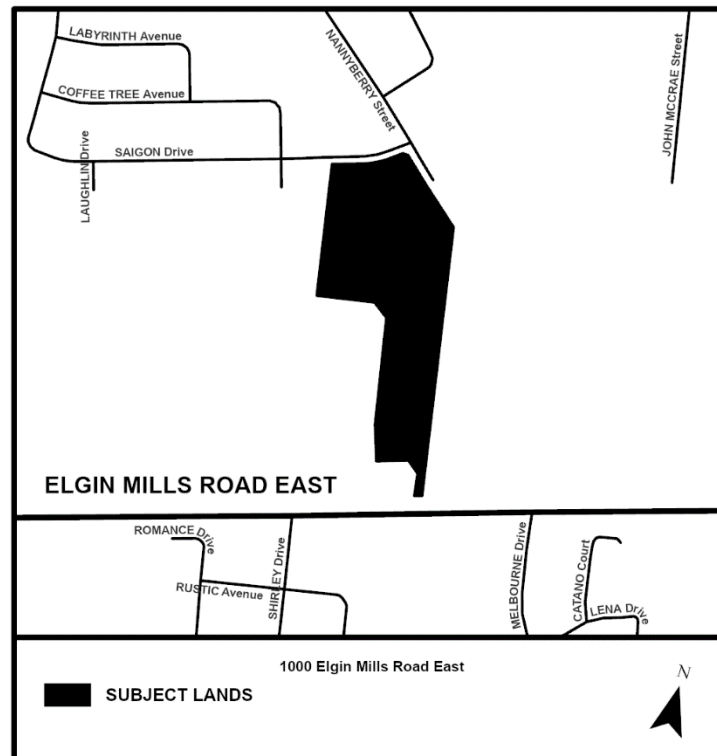
Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

Approved by: Darlene Joslin, Interim 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 and Zoning By-law Amendment applications were originally considered at a statutory Council Public Meeting held on October 6, 2021 wherein Council received Staff Report SRPI.21.087 for information purposes and directed that all comments be referred back to staff for consideration (refer to Appendix “A”). A number of comments and concerns respecting the applicant’s development proposal were raised by members of Council at the Council Public Meeting and by members of the public through written correspondence, all of which are discussed in further detail in the later sections of this report.

The applicant filed a revised submission with the City in November 2021 in an attempt to address various planning, design and technical comments provided by internal departments and external agencies respecting its original submission. While certain technical matters such as parking supply have been satisfactorily addressed, no revisions to the development proposal have been made to address concerns such as built form, design, transition, angular plane, floor plate sizes and tower separation distances. In this regard, the apartment building pertaining to the applicant’s request for increased height is currently under construction and there is little to no opportunity at this stage of construction to satisfactorily address the above noted concerns.

On the basis of the preceding, the purpose of this report is to recommend that Council refuse the applicant’s Official Plan Amendment and Zoning By-law Amendment applications for the principal reasons cited in this report.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the north side of Elgin Mills Road East, between Bayview Avenue and Leslie Street, and have a total lot area of 4.035 hectares (9.97 acres). The lands contain an existing designated heritage dwelling (Steckley-Eyer House and Stone Shed), and an approved medium/high density residential development which is currently under construction.

The lands abut existing retirement residences (Hilltop Place and Brookside Court) and Elgin Mills Road East to the south and southwest, approved medium density residential uses to the west, approved low density residential uses to the north, and proposed low and medium density residential uses to the east (refer to Maps 1 and 2).

Development Proposal

The applicant is seeking Council’s approval of its proposed Official Plan and Zoning By-law Amendment applications to permit an increase in the permitted height from 10 storeys to 14 storeys for one approved apartment buildings (Building “B”) to be constructed on its land holdings (refer to Maps 6 to 11). The subject applications propose to revise a previously approved medium/high density development presently

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under construction on the lands, currently comprised of two 10 storey apartment buildings, stacked townhouses, back-to-back townhouses and the restoration of an existing heritage dwelling, to be comprised of 601 dwelling units (City Files D01-15007, D02-15036 and D06-15079). The revised development proposal would permit an additional 52 apartment dwelling units within Building “B” generally located in the northwest quadrant of the lands as part of the requested increase in the allowable building height from 10 to 14 storeys. The applicant has not proposed any substantive revisions to the development proposal since the original submission of its applications and their consideration at a statutory Council Public Meeting, although some additional outdoor amenity area and a bicycle repair facility have been added to the design.

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

• Total Lot Area:	4.035 hectares (9.97 acres)
○ Development Lands:	3.829 hectares (9.46 acres)
○ Heritage House Lands:	0.158 hectares (0.39 acres)
○ Pedestrian/Maintenance Access:	0.048 hectares (0.12 acres)
• Gross Floor Area:	64,923.3 square metres (698,828.6 square feet)
• Total Number of Units:	653
○ Apartment Dwelling Units:	336
○ Townhouses:	316
○ Existing Heritage Home:	1
• Building Height:	
○ Building “B”:	14 Storeys
○ Building “A”:	10 Storeys
○ Stacked Townhouses:	4 storeys
○ Back to Back Townhouses:	3 storeys
• Proposed Density:	1.69 Floor Area Ratio (FAR)
• Amenity Space:	2,221 square metres (23,906.64 square feet)
○ Indoor Amenity Space:	656 square metres (7,061.1 square feet)
○ Outdoor Amenity Space:	1,565 square metres (16,845.52 square feet)
• Loading Spaces:	1
• Parking Spaces:	900
○ Residents:	737
○ Visitor (Surface):	64
○ Visitor (Underground):	99 (including 14 barrier free spaces)
• Bicycle Parking Spaces:	656

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Policy and Planning Analysis:

Provincial Policy Regime

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* (PPS, 2020), the *Growth Plan for the Greater Golden Horseshoe* (Growth Plan, 2020), the Regional Official Plan (ROP, 2010) and the City's Official Plan (the "Plan"). Staff notes that the City's in-force Plan is consistent with the PPS and conforms to the Growth Plan 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 both the Region of York and the City are currently conducting Municipal Comprehensive Reviews (MCRs) to update their respective Official Plans as necessary to align with the more recent Provincial planning policy direction.

Staff is of the opinion that the applicant's development proposal is consistent with the PPS and conforms with the Growth Plan; however, as identified in the PPS, Official Plans are the most important vehicle for implementation of the PPS and for achieving comprehensive, integrated and long-term planning. In this regard, Official Plans shall identify Provincial interests and set out appropriate land use designations and policies. Below is a more detailed outline and analysis of the proposed development relative to the ROP, the Plan and the North Leslie Secondary Plan.

York Region Official Plan

The subject lands are designated **Urban Area** and **Regional Greenlands System** in accordance with Map 1 (Regional Structure) of the ROP. The **Urban Area** policies permit a full range and mix of urban uses and are intended to accommodate a significant portion of the planned growth in the Region. The **Regional Greenlands System** is located at the southerly portion of the property and serves to identify, protect and enhance Natural Heritage Features and provide an opportunity for the establishment of passive recreation systems. The subject applications affect development within the northerly portion of the property and will not impact the lands within the **Regional Greenlands System**.

The ROP includes an Intensification Matrix and policy framework which outlines that Regional Centres and Regional Corridors shall be the areas where the highest density and scale of development shall occur to support transit-oriented development and to achieve an appropriate transition of built form to adjacent areas. Notwithstanding that the subject lands are within a designated greenfield area and are not targeted for significant levels of density or intensification, **Policy 8.4.9** recognizes in-force Secondary Plans such as the North Leslie Secondary Plan and deems those plans to conform with the ROP.

Given all of the above, staff is of the opinion that the proposed Official Plan Amendment application conforms with the applicable policies of the ROP. In this regard, York Region

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has confirmed that in accordance with **Policy 8.3.8**, the proposed Official Plan Amendment is considered to be of local significance and is therefore exempt from Regional approval as no Regional interests are adversely affected. Notwithstanding the foregoing, local Official Plans are relied upon to set out more specific policies related to land use and design that refine the broader direction established within the ROP, inclusive of appropriate built-form, density and design within the North Leslie Secondary Plan area.

City of Richmond Hill Official Plan and North Leslie Secondary Plan

The subject lands are designated **Medium/High Density Residential** and **Natural Heritage System** on Schedule “A” - Land Use Plan of the North Leslie Secondary Plan (the “Secondary Plan” or “NLSP”), as amended by Official Plan Amendment 9 (“OPA 9”) adopted by City Council in 2017 and approved by York Region in 2018 (refer to Map 2). The **Medium/High Density Residential** designation permits street townhouses, stacked townhouses, back-to-back townhouses, and low-rise to mid-rise apartment buildings at a maximum building height of 10 storeys and at a density of between 1.0 and 2.0 Floor Area Ratio (F.A.R.).

The NLSP was approved by the then Ontario Municipal Board (“OMB”) prior to the adoption and approval of the City’s 2010 Official Plan (the “Plan”), and was incorporated as a stand-alone Secondary Plan to carry forward the previous OMB approvals and to provide more detailed policies for the North Leslie Planning Area. **Section 5.1.4** of the Plan provides that consideration and approval of development applications within the NLSP area shall be assessed on the basis of conformity with the NLSP, save and except in the case of Official Plan Amendment applications where the policies of the Plan shall also apply. As such, Official Plan Amendment applications are to be evaluated on the basis of whether the proposal maintains the intent of the vision, guiding principles and policies of both the Plan and the Secondary Plan.

The design policies within **Section 3.4.1** of the Plan apply to high-rise development applications that require an Official Plan Amendment. Urban Design policies within the Plan require each high-rise development to meet a maximum floor plate size, to maintain a minimum distance separation between high-rise buildings and to provide a 45 degree angular plane from adjacent low and medium density development. These policies are intended to limit the massing of towers on the streetscape and adjacent uses from a shadow, view and privacy perspective, and to provide an appropriate transition between low and high density developments. The proposed development does not conform with these policies, as explained in further detail later in this report.

The applicant has submitted an Official Plan Amendment application that seeks approval to increase the permitted building height from 10 to 14 storeys within the **Medium/High Density Residential** designation applicable to the subject lands. No changes are proposed for the portion of the lands designated **Natural Heritage System**, nor have any amendments been sought to the Plan.

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Discussion and Analysis

The following is an overview of the applicable policies of the Plan and the NLSP that are relevant to the evaluation of the proposed development. In this regard, staff has undertaken a comprehensive review of the applicant's development proposal and has identified a number of significant concerns from a policy and design perspective. To this end, staff finds that the applicant's development proposal cannot be supported for the following principal reasons:

Built Form and Building Height

The **Medium/High Density Residential** designation in the NLSP permits street townhouses, stacked townhouses, back-to-back townhouses, and low-rise to mid-rise apartment buildings at a maximum building height of 10 storeys on the subject lands. The NLSP does not contemplate high-rise buildings, while the Urban Structure Framework of the Plan generally directs high-rise, high density forms of development to centres and corridors where there is existing or planned higher order transit. Where high-rise development is permitted and appropriate, **Section 3.1.3.5** of the Plan states that development shall be accommodated at an appropriate scale and intensity, and include a built form transitioning to the surrounding areas. Matters of appropriate scale, intensity and built form transitioning are addressed through a series of design policies that speak to requirements such as angular view planes, podium heights, tower separation distances and floor plate sizes, all of which are discussed in the following sections.

Angular Plane and Building Stepbacks

Section 9.6.2.3 (g) of the NLSP stipulates that “***Buildings in excess of 4 storeys in height shall be stepped at minimum intervals of 2 storeys where they abut a Low or Medium Density Residential designation or existing development***”. Furthermore, **Section 9.6.2.3 (h)** stipulates that “***Where adjacent lands are designated Low or Medium Density Residential, the height of all new buildings within 25 metres of the property line of these designations shall not be greater than 2 storeys above the existing adjacent buildings, or, if vacant, 2 storeys above the maximum permitted height in the adjacent designation***”. The intent of these policies is to ensure built form compatibility, suitable massing and design, and a transition of building heights with adjacent low and medium density residential forms of development. These policies serve a similar purpose as the 45 degree angular view plane requirement for high-rise development in the centres and corridors.

As part of the approval of OPA 9 applicable to the subject lands in 2017, the requirements for conformity with **Sections 9.6.2.3 (g)** and **(h)** were replaced with a site specific policy requiring all buildings to maintain a 45 degree angular plane adjacent to lands designated **Low Density Residential**. At the time, both proposed apartment buildings on the subject lands were intended to be 10 storeys in height and incorporated terracing/stepbacks to adhere to a 45 degree angular plane from the adjacent lands to the west, north and east.

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In June 2019, OPA 14 was approved by Council for lands located to the immediate west of the subject lands (930 Elgin Mills Road East), which redesignated the lands from **Low Density Residential** to **Medium/High Density Residential** in order to facilitate the construction of a stacked townhouse development with maximum building heights of 4 storeys. The intent of applying a **Medium/High Density Residential** designation to the adjacent lands was solely to permit stacked townhouses and an increase in the allowable site density. Once the adjacent lands were redesignated to **Medium/High Density Residential**, the applicant was no longer required to adhere to a 45 degree angular plane requirement to the west, and a revised proposal was submitted to the City that eliminated the terracing and setbacks within the design of the adjacent 10 storey apartment building (Building “B”). The applicant is now proposing to increase the permitted building height from 10 to 14 storeys on the subject lands, being a change that was never contemplated, justified or assessed during the approvals process for OPA 9 and OPA 14.

Given that the applicant has submitted an Official Plan Amendment application that seeks to increase the permitted building height and to implement a high-rise built form, staff is of the opinion that it is appropriate to apply and implement the angular plane and setback policies of the Plan and NLSP to adjacent low and medium density residential forms of development. In this regard, adherence to the angular plane principles is consistently applied throughout the City as a means of achieving an appropriate transition and minimizing the impact of new development and intensification on lower intensity uses. In this regard, a 45 degree angular view plane measured from the adjacent low and medium density residential property lines functions together with suitable massing and design principles to achieve appropriate skyviews, light and separation.

The applicant’s development proposal does not incorporate any terracing or stepping of the upper storeys to minimize privacy and massing impacts on the streetscape and the approved townhouse development to the west, and the proposed high-rise building punctures the angular plane (refer to Map 11). A 14 storey high-rise building on the subject lands would further exacerbate the built form, massing, privacy and transition concerns with the approved 4 storey townhouse development to the west. On this basis, the proposed development does not conform to the transition and design policies of the Plan and NLSP.

Tower Separation

Section 3.4.1.58 of the Plan stipulates that “***High-rise buildings shall be designed to provide a sufficient separation distance of approximately 25 metres between both proposed and existing towers to maintain appropriate light, view and privacy conditions***”. The proposed separation distance between Buildings “A” and “B” on the subject lands is measured between 12 metres (39.37 feet) and 23.8 metres (78.08 feet), with an average separation distance of approximately 17.9 metres (58.72 feet). Based on the submitted and previously approved floor plans, approximately 52 dwelling units within Buildings “A” and “B” will not benefit from an appropriate separation distance of

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25 metres, of which 26 dwelling units within Building “A” will directly face the additional four storeys proposed on Building “B”. In this regard, the additional four storeys will result in a loss of privacy and increased shadow impacts for the 26 dwelling units located on the west side of Building “A”, in addition to reduced light and skyviews through the development. Given that the applicant’s development is currently under construction with a mid-rise design typology consisting of larger building footprints without traditional tower elements, there is no opportunity to modify the slab design or to increase the building separation distances.

Floorplates

Section 3.4.1.59 of the Plan stipulates that *“High-rise residential buildings shall generally have a slender floorplate above the podium of approximately 750 square metres to adequately limit shadow and wind impacts and loss of skyview”*.

The proposed floorplate of Building “B” ranges in size from approximately 1,000 to 1,455 square metres (10,763.9 to 15,661.5 square feet), owing to its original mid-rise design. The addition of four storeys will negatively contribute to the overall massing of the development, exacerbate the impacts of shadowing and loss of views, and result in a high-rise building that is inconsistent with the City’s compatibility and design policies. Given that the applicant’s development is currently under construction with a mid-rise design typology consisting of large floorplates without traditional tower elements, there is no opportunity to modify the slab design or to reduce the floorplate sizes at this time.

Section 37 Bonusing

Section 37 of the *Planning Act* and **Section 5.5** of the Plan authorize the City to permit increases in the height and/or density provisions of its Official Plan in exchange for certain community benefits, where a development proposal is appropriate and represents good planning. In this regard, community benefits have been secured by the City on numerous occasions where increased height and/or density is being sought by a proponent.

The applicant has not proposed any community benefits in exchange for the additional height being requested. If a determination is made by Council that the subject applications should be approved, staff recommends that a negotiated community benefits package be imposed as a condition of approval. Should a community benefits package not be secured in advance of the City’s pending adoption of a Community Benefits Charge (CBC) By-law, the applicant’s development proposal will be subject to the payment of the applicable CBC fee in place at the time of Building Permit issuance.

Zoning By-law Amendment Application

The subject lands are zoned **Multiple Residential Ten (RM10) Zone** and **Environmental Protection Two (EPA2) Zone** under By-law 55-15, as amended by By-law 108-18 (refer to Map 4). The **RM10 Zone** permits a variety of townhouse dwelling types and apartment dwellings, in addition to retail, office and personal service uses within a building containing residential uses. The **EPA2 Zone** permits agriculture, conservation, forestry and stormwater management facilities. A site specific exception

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within a portion of the **EPA2 Zone** also permits a single detached dwelling and a home occupation to recognize the retention and use of an existing heritage dwelling.

The applicant is proposing amendments to the **Multiple Residential Ten (RM10) Zone** which was previously approved for the lands to increase the overall permitted building height from 10 to 14 storeys and to reduce the minimum parking rates from 1.5 parking spaces per unit (of which 0.25 spaces per unit are to be visitor parking) to the following:

- Townhouse Dwelling Unit: 1.25 spaces per unit
- 1 Bedroom Apartment Dwelling Units: 0.9 spaces per unit
- 2 Bedroom Apartment Dwelling Units: 1.1 spaces per unit
- 3+ Bedroom Apartment Dwelling Units: 1.25 spaces per unit

No changes are proposed to the visitor parking rates, such that 0.25 visitor spaces per townhouse or apartment unit will be required. Although staff has no objection to the revised parking rates, the principle of a 14 storey apartment building without appropriate provisions related to angular plane requirements, maximum floor plate sizes and minimum tower separation distances is not supported.

Site Plan Amendment Application

The approved Site Plan for the subject lands depicts a total of 601 residential dwelling units to be accommodated within two apartment buildings, 14 townhouse blocks (to be comprised of back-to-back and stacked townhouse dwelling units) and the retention of an existing heritage house. The applicant has submitted a Site Plan Amendment application to facilitate the proposed increase in building height and the number of dwelling units within Building “B” (Refer to Maps 6 to 10). No other significant changes to the Site Plan are proposed, albeit minor revisions include a reconfiguration of parking spaces, an increase to the outdoor amenity area, an increase in the number of bicycle parking spaces and additional capacity for waste storage facilities.

Council and Public Comments:

The following is a summary of the main comments and areas of concern raised by members of Council at the Council Public Meeting held on October 6, 2021, in addition to the comments provided by members of the public in written correspondence, regarding the applicant’s development proposal:

- the appropriateness of the proposed building height and built form in this location;
- increased density;
- lack of adherence to angular plane, tower separation and floor plate size considerations;
- traffic generation and parking implications;
- the establishment of precedent;
- housing affordability; and,
- construction delays.

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The above noted comments and concerns with respect to building height, built form and design considerations have been specifically addressed in various other sections of this report. Below is an overview of and response to other comments raised by members of Council and the public:

- **Density**

Concerns were raised with respect to the impacts and appropriateness of increased density on the subject lands. In this regard, the **Medium/High Density Residential** designation in the NLSP permits a Floor Area Ratio (FAR) between 1.0 and 2.0 on the subject lands. Notwithstanding that the requested increase in building height would result in approximately 52 additional apartment dwelling units, the development proposal would continue to conform with the prescribed density policies in the NLSP with an FAR of approximately 1.7.

- **Traffic and Parking**

Concerns were raised with respect to the increased traffic volumes to be generated by the proposed development and the reduced parking standards being sought by the applicant. In this regard, the applicant submitted an updated Transportation Impact Study to address the traffic related impacts of the revised development proposal. The City's Transportation Engineering staff have reviewed the report and have no concerns with the additional dwelling units on the basis that the proposed traffic generation onto the local road (Saigon Drive) and minor collector street (Nannyberry Drive) will not result in any significant impacts to the anticipated levels of service. As the proposed density is within the permitted FAR of 2.0 in accordance with the **Medium/High Density Residential** designation, the road network has been planned to accommodate the anticipated traffic volumes assessed as part of the North Leslie West Master Environmental Servicing Plan (MESP).

In relation to parking, the applicant is not proposing to increase the parking supply despite the proposal to accommodate an additional 52 apartment dwelling units on the subject lands. In this regard, the approved development currently under construction shall provide a total of 900 parking spaces, based on the requirement in the Zoning By-law for townhouses and apartment dwellings to provide a minimum of 1.5 parking spaces per unit (of which 0.25 spaces per unit are to be visitor parking). As previously discussed, the applicant is proposing to reduce the parking rates per unit, while maintaining a requirement for 0.25 visitor spaces per unit. The applicant has worked with the City's Transportation Engineering staff to justify the reduced parking rates and has provided current sales data for the development demonstrating lesser parking demand than anticipated and confirming that the current parking supply of 900 spaces can accommodate an increase in the total number of dwelling units from 601 to 653. On the basis of the foregoing, the City's Transportation Engineering Section has no concerns with the proposed parking standards for the revised development.

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- **Precedent**

A concern was raised that the proposed building height and scale of development, if approved, would set a precedent for similar types of development proposals in an area where residential uses are predominantly low-rise and ground related in nature. In this regard, staff note that the North Leslie Secondary Plan Area was comprehensively planned to accommodate a range of housing types, including low-rise to mid-rise apartment buildings at a maximum building height of 10 storeys in select locations, being predominantly at the intersections of arterial and/or major collector streets. Any future applications for increased building height and/or density will need to be assessed on their own merits against the applicable policy framework and good planning principles.

The only other development proposal approved with increased building heights in the NLSP area is located at the northeast corner of Bayview Avenue and Elgin Mills Road East (City Files D01-18008, D02-16036, D03-20003 and D06-16091). This proposal has been approved to accommodate, amongst other uses, two apartment buildings with maximum building heights of 14 storeys. The proposal was evaluated and supported by staff on the basis that the lands are at the intersection of two major Regional arterial roads and the proposed development adheres to all of the required transition and design policies, including angular view plane requirements, minimum tower separation distances and maximum floor plate sizes. Additionally, the proposal conforms with the maximum density policies, has been designed to accommodate a range of commercial and non-residential uses in a mixed use format on the ground floor of the apartment buildings, and is subject to community benefits under Section 37 of the *Planning Act*.

The applicant's development proposal is located at the intersection of a future local street (Saigon Drive) and a future minor collector street (Nannyberry Street), and proposes a high-rise built form that does not adhere to the required transition and design policies, including angular view plane requirements, minimum tower separation distances and maximum floor plate sizes. In this regard, staff is of the opinion that approval of the subject applications will make it more challenging for staff to defend and the City to enforce its approved policy and design framework should similar proposals come forward elsewhere in the City.

- **Construction Delays**

Concerns were raised by a member of the public that the applicant did not provide notice to purchasers of the proposed changes to the approved development, that construction has already been delayed, and that increasing the building height during construction will cause further delays to the completion dates. Staff is not privy to the terms and conditions of individual agreements of purchase and sale, nor is staff in a position to provide an opinion as to whether the proposed changes to the approved development will result in construction or occupancy delays. Any concerns respecting home buyer rights and builder obligations should be directed to the Home

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Construction Regulatory Authority (HCRA) or Tarion as these are matters of Provincial regulatory responsibility.

- **Housing Supply and Affordability**

A comment was made by a member of Council with respect to the importance of addressing the housing affordability crisis in Richmond Hill and York Region. In this regard, staff notes that **Section 3.1.5.3** of the Plan stipulates that ***“A minimum of 25% of new housing units within the settlement area shall be affordable and should be coordinated across the Town including secondary plan and tertiary plan areas. A portion of these units should be designed to be accessible for people with disabilities. Affordable housing units should include a mix and range of types, lot sizes, unit sizes, functions and tenures to provide opportunity for all household types across the Town including larger families, seniors and residents with special needs”***.

Section 7.2 of the Plan defines “affordable” with respect to ownership housing as the least expensive of: ***“a) housing for which the purchase price results in annual accommodation costs not exceeding 30% of gross annual household income for low- and moderate-income households; or b) housing for which the purchase price is at least 10% below the average purchase price of a resale unit in the regional market area”***. In the case of ownership housing, “low and moderate-income households” is defined as ***“households with incomes in the lowest 60% of the income distribution for the regional market area”***.

The applicant’s development proposal would undoubtedly increase the supply of housing through the provision of 52 additional apartment dwelling units, over and above the current approvals comprised of 601 townhouse and apartment dwelling units. Notwithstanding, the development is being pre-sold at market based rates and the applicant has not supplied any information to demonstrate whether the proposal will provide any affordable housing units as encouraged by the Plan. Furthermore, in terms of the mix of unit sizes, the additional dwelling units being proposed within Building “B” are one and two bedroom units, while only 10 out of 336 apartments in total (+/- 3%) are proposed to be three bedroom units.

City Department and External Agency Comments:

Comments have been received from the City’s Development Engineering Division, Park and Natural Heritage Planning Section, Community Services Department – Public Works Operations and Fire Services Division, in addition to the Regional Municipality of York, the Toronto and Region Conservation Authority, the York Region District School Board, the York Catholic School Board, Transport Canada and NAV Canada. These City departments and external agencies have indicated no objections with respect to the applicant’s development proposal and/or have provided technical comments to be addressed at the Site Plan approval stage. The following is a summary of the comments

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and concerns from the City's Urban Design and Heritage Section, which supplement the issues raised by Planning staff in this report.

Urban Design and Heritage Section

The City's Urban Design and Heritage Section has raised a number of issues and concerns with the applicant's development proposal related to design, tower floorplate sizes and building separation distances (refer to Appendix "B"). Urban Design staff have requested adherence to these policies to maintain appropriate light and privacy, and to ensure appropriate pedestrian perspective including lines of sight and scales.

A sun shadow analysis has been prepared by the applicant for the proposed development. The applicant must prepare a summary letter that outlines how the shadow impact evaluation has been met and a description of any mitigating features have been incorporated into the site and building design.

Staff have explored opportunities to incorporate terracing into the design of Building "B" to alleviate massing, privacy and proximity concerns with the lands to the west; however, since the building is currently under construction there are no opportunities to provide meaningful terracing without significant changes to the building interior including elevator and emergency exit locations.

Summary of Policy and Planning Analysis:

On the basis of staff's review and evaluation of the subject development proposal, staff do not support the applicant's Official Plan and Zoning By-law Amendment applications for the following principal reasons:

- the proposed high-rise built form and scale of development is not contemplated under the policies of the Secondary Plan and the proposal does not conform with the design and compatibility policies of both the Plan and NLSP. In this regard, the proposed development significantly exceeds the allowable floorplate sizes, is well below the minimum distance separation requirement for high-rise apartment buildings, and breaches the 45 angular plane to the approved townhouse development to the west, all of which results in design, privacy, transition and massing concerns;
- the proposed development would result in a built form that is inconsistent with high-rise building design principles that have been implemented in the City since the approval of the Plan;
- prior to the submission of formal planning applications and the commencement of construction on Building "B", the applicant was made fully aware of the concerns raised in this report respecting the appropriateness of increasing the building height without any substantive changes to the overall design. Given that Building "B" is now partially constructed, there is no opportunity to satisfactorily address the stated concerns at this time; and,

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- although the revised Site Plan only contemplates an increase in height from 10 to 14 storeys for Building “B”, staff note that the submitted draft Official Plan Amendment and draft Zoning By-law Amendment documents are structured such that the development proposal could be further revised to also increase the height of Building “A” up to 14 storeys.

On the basis of the preceding, staff is of the opinion that the applicant’s development proposal is not appropriate and does not represent good planning in consideration of the context of the subject lands, the relationship of the site to adjacent lands and the overall policy vision for this area of the City. Further, the proposal does not have regard for the principles and broader policy direction in the Plan or the NLSP.

Financial/Staffing/Other Implications:

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

Relationship to Council’s Strategic Priorities 2020-2022:

The recommendations of this report do not have any direct implications with respect to Council’s Strategic Priorities. In this regard, the proposed development does not align with the overall planning vision for the North Leslie Secondary Plan or the Official Plan.

Climate Change Considerations:

The recommendations of this report do not have any direct Climate Change Considerations. In this regard, the proposed development does not align with the overall planning vision for the North Leslie Secondary Plan or the Official Plan.

Conclusion:

The applicant is seeking Council’s approval of its Official Plan and Zoning By-law Amendment applications to permit an increase in the allowable building height from 10 to 14 storeys on its land holdings. Based on the principal reasons outlined in this report, staff is of the opinion that the subject applications do not represent good planning and therefore cannot support the applications. Accordingly, staff recommends that Council refuse the applicant’s Official Plan and Zoning By-law Amendment applications.

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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#39-21 held on October 6, 2021
- Appendix “B”, Memorandum from the Urban Design and Heritage Section dated August 24, 2021
- Map 1, Aerial Photograph
- Map 2, North Leslie Secondary Plan – Schedule “A” Land Use
- Map 3, North Leslie (West) Overall Concept Plan
- Map 4, Existing Zoning
- Map 5, Approved Site Plan (Under Construction)
- Map 6, Proposed Site Plan (North)
- Map 7, Proposed Site Plan (South)
- Map 8, Proposed Building “B” Elevations – North Elevation
- Map 9, Proposed Building “B” Elevations – South Elevation
- Map 10, Proposed Building “B” Elevations – East and West Elevations
- Map 11, Streetscape Elevations

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Report Approval Details

Document Title:	SRPI.22.045 - Request for Refusal - Elgin House Properties Ltd. -1000 Elgin Mills Road East.docx
Attachments:	<ul style="list-style-type: none">- SRPI.22.045 - Appendix A.docx- SRPI.22.045 - Appendix B.pdf- SRPI.22.045 Map 1 Aerial Photograph.docx- SRPI.22.045 Map 2 North Leslie Secondary Plan.docx- SRPI.22.045 Map 3 North Leslie West Overall Concept Plan.docx- SRPI.22.045 Map 4 Existing Zoning.docx- SRPI.22.045 Map 5 Approved Site Plan Under Construction.docx- SRPI.22.045 Map 6 Proposed Site Plan (North).docx- SRPI.22.045 Map 7 Proposed Site Plan (South).docx- SRPI.22.045 Map 8 Proposed Building B Elevations North Elevation.docx- SRPI.22.045 Map 9 Proposed Building B Elevations South Elevation.docx- SRPI.22.045 Map 10 Proposed Building B Elevations East and West Elevations.docx- SRPI.22.045 Map 11 Streetscape Elevations.docx
Final Approval Date:	Apr 8, 2022

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

Gus Galanis - Apr 7, 2022 - 6:14 PM

Kelvin Kwan - Apr 7, 2022 - 7:05 PM

Darlene Joslin - Apr 8, 2022 - 10:38 AM