



Staff Report for Council Meeting

Date of Meeting: September 14, 2022

Report Number: SRPI.22.106

Department: Planning and Infrastructure

Division: Development Planning

Subject: **SRPI.22.106 – Request for Approval – Zoning
By-law Amendment Application – Richmond Hill
Ecumenical Homes Corporation c/o DMS
Property Management Ltd. – City File D02-20016**

Owner:

Richmond Hill Ecumenical Homes Corporation
c/o DMS Property Management Ltd.
4810 Dufferin Street, Suite E
Toronto, ON
M3H 5S8

Agent:

Groundswell Urban Planners Inc.
95 Mural Street, Suite 402
Richmond Hill, ON
L4B 3G2

Location:

Legal Description: Part of Lot 46, Concession 1, E.Y.S.
Municipal Address: 286 Major Mackenzie Drive East

Purpose:

A request for approval concerning a proposed Zoning By-law Amendment application to permit an eight storey residential apartment building on the subject lands.

Recommendations:

- a) **That the Zoning By-law Amendment application submitted by Richmond Hill Ecumenical Homes Corporation c/o DMS Property Management Ltd. for lands known as Part of Lot 46, Concession 1, E.Y.S. (Municipal Address: 286 Major Mackenzie Drive East), City File D02-20016, be approved, subject to the following:**

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- (iii) that the subject lands be rezoned from Residential Multiple Six Density (RM6) Zone and Industrial – Class 1 (IC-1) Zone, as amended, to Multiple Residential One (RM6) Zone and Open Space (O) Zone under By-law 66-71, as amended, with site specific development standards to facilitate the development proposal as outlined in Staff Report SRPI.22.106;
 - (iv) that the draft amending Zoning By-law as set out in Appendix “B” be brought forward to a regular meeting of Council for consideration and enactment;
- b) that pursuant to Section 34(17) of the *Planning Act*, Council deem that no further notice be required with respect to any necessary modifications to the draft amending Zoning By-law to implement the proposed development on the subject lands;
 - c) That the authority to assign 185.4 persons equivalent of additional servicing allocation to the proposed development to be constructed on the subject lands be delegated to the Commissioner of Planning and 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; and,
 - d) That all comments concerning the applicant’s related Site Plan application (City File D06-21034) be referred back to staff.

Contact Person:

Simone Fiore, Senior Planner – Site Plans, phone number 905-771-2479 and/or
Sandra DeMaria, Manager of Development, Site Plans, phone number 905-771-6312

Report Approval:

Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

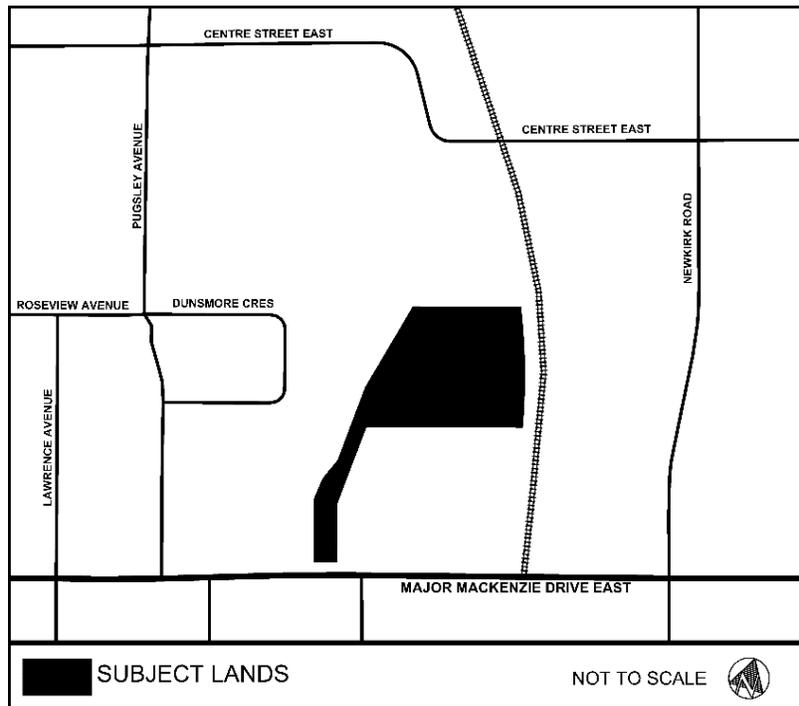
Approved by: Darlene Joslin, Interim City Manager

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 Zoning By-law Amendment application was presented at a statutory Council Public Meeting held on September 23, 2020, wherein Council received Staff Report SRPRS.20.131 for information purposes and directed that all comments be referred back to staff for consideration (refer to Appendix “A”). A number of comments were made and concerns were raised at the meeting related to the potential of increased traffic as a result of the proposed development and construction impacts. These matters are addressed in subsequent sections of this report.

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

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the north side of Major Mackenzie Drive East, between the CNR Bala Mainline and Pugsley Avenue. The lands have a total lot area of 1.66 hectares (4.09 acres) (refer to Map 1) and currently support an eight storey (150 unit) apartment building (St. Mark’s Apartment) and associated surface parking which is proposed to be retained and integrated into the subject development proposal. Access to the property is currently provided from a shared driveway with the existing eight storey apartment building located at 326 Major Mackenzie Drive East (Mackenzie Square) to the south, through a fully signalized intersection.

The lands abut a vacant residential property to the north, the CN Bala Mainline, Newkirk Go Train Station and its associated commuter parking lot to the east, German Mills Creek and its natural heritage system and associated floodplain to the west and Major Mackenzie Drive to the south. Uses beyond Major Mackenzie Drive include two 10-storey condominium apartment buildings and an established low density residential neighborhood.

Development Proposal

The applicant is seeking Council’s approval of its revised development proposal to construct an eight storey, 90 unit residential rental apartment building on its land holdings (refer to Maps 4 to 7). Access to the proposed development is via Major Mackenzie Drive East, which utilizes the existing shared driveway with 326 Major Mackenzie Drive East directly south of the subject lands. The first two floors of the proposed building will be for above ground parking, and the remaining six floors will be residential.

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

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- **Total Lot Area:** 1.66 hectares (4.09 acres)
 - **Developable Lands:** 1.56 hectares (3.85 acres)
 - **Environmental Lands:** 0.1 hectares (0.24 acres)
- **Total GFA:** 19,311.5 square metres (207,867 square feet)
 - **Existing Building:** 12,800 square metres (137,778 square feet)
 - **Proposed Building:** 6,511.5 square metres (70,089 square feet)
- **Number of Buildings:** 2 (1 proposed, 1 existing)
- **Building Height:** 8 storeys or 26.41 metres (86.65 feet)
- **Total Number of Units:** 240 units
 - **Existing Building:** 150 units
 - **Proposed Building:** 90 units
- **Total Parking Spaces:** 198 spaces
 - **Existing Parking:** 207 surface parking spaces
 - **Existing Parking Retained:** 7 spaces
 - **Proposed Parking:** 78 above grade within the building
113 surface parking spaces
- **Proposed Floor Space Index:** 1.24
- **Building Coverage (combined):** 23%

Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Local Development Area** and **Natural Core** on “Schedule A2: - Land Use” of the City of Richmond Hill Official Plan (the ‘Plan’) (refer to Map 2). More specifically, the subject lands are located within the **Newkirk Local Development Area (Newkirk LDA)** which is intended to be a “*pedestrian-oriented centre focused on access to transit and building on the existing employment uses and residential form of development that is in proximity to the Newkirk GO Train Station*”. In accordance with **Section 4.5** of the Plan, uses permitted within this designation include, but are not limited to, medium and high density residential uses, office and commercial, uses, retail, and parks and urban open spaces. The proposed high density residential use is permitted on the subject lands.

Section 4.5.1.9 of the Plan sets out the height and density requirements for development in **Local Development Areas**. In this regard, the maximum density of a development block within the **Newkirk LDA** shall not exceed 2.0 FSI, with a maximum building height of 15 storeys and a maximum base building height of four storeys. The policy directs that the tallest buildings shall be located along the frontage of Major Mackenzie Drive. Based on a review of the proposed development relative to the **Newkirk Local Development Area** policies, the subject proposal is consistent with respect to land use, height and density provisions of the Plan.

Section 3.1.5.3 of the Plan provides that a minimum of 25% of new housing units within the **Settlement Area** shall be affordable and should be coordinated across the City including in Secondary Plan and Tertiary Plan areas. A portion of these units should also be designed to be accessible, and affordable housing units should include a mix

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and range of unit sizes, among other variables. The applicant is part of a subsidized housing program administered by the Region of York. If approved, this proposed apartment building will become part of the subsidized rental housing stock within the Region, providing additional rental housing opportunities and, as such, the proposal is consistent with this policy.

Section 3.1.5.3 also requires a portion of the proposed units to be designed to be accessible for people with disabilities and to provide opportunities for all household types, ***“including larger families, seniors and residents with special needs.”*** In accordance with this policy, the 15% of the proposed units are intended to be fully accessible.

The portion of the subject lands designated **Natural Core** abut the German Mills Creek valley corridor and are intended to remain and/or will be restored to the ecological integrity of its natural features and functions. Permitted uses in the **Natural Core** designation include fish, wildlife and forest management, conservation projects, flood and erosion control projects, essential infrastructure, low-intensity recreational uses, un-serviced parks and accessory uses. Staff note that no development is proposed within the **Natural Core** designation.

Section 3.2.2.3 of the Plan speaks to hazardous lands which are susceptible to flooding, erosion or slope failure. More specifically, the Plan prohibits development and site alteration within a floodplain and requires that a minimum protection zone (buffer) of 10 metres or greater shall be provided and enhanced from the outer limits of hazardous lands and hazardous sites. As noted above, a portion of the subject lands are within the Toronto and Region Conservation Authority’s (TRCA) Regulated Area as the lands are partially within a valley corridor and floodplain associated with the Don River Watershed.

In this regard, the applicant has submitted an Environmental Impact Study (EIS) which was reviewed and approved by the City’s Park and Natural Heritage Planning and TRCA staff. The EIS accurately depicts the staked feature (i.e. the combined physical top of bank and dripline of contiguous vegetation associated with the valley corridor) in the area of the proposed development. The proposed development will be located outside of the required 10 metre buffer save and except for a portion of the existing driveway and parking. Staff are satisfied that the proposed development and existing driveway are beyond the limits of the Regulatory floodplain and therefore have no concerns with the development as proposed.

Revised Zoning By-law Amendment Application

The subject lands are currently zoned **Residential Multiple Six Density (RM6) Zone** and **Industrial – Class 1 (IC-1) Zone** under By-law 66-71, as amended (refer to Map 3). The **RM6 Zone** allows for apartment buildings, parks, playgrounds and day nurseries, whereas the **IC-1 Zone** permits manufacturing and industrial operations,

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warehousing and storage uses. The **IC-1 Zone** does not permit the residential use as proposed by the subject application.

Based on the foregoing, the applicant is seeking Council’s approval to rezone a remnant portion of its land holdings from **I-C1 Zone** to **RM6 Zone** and **Open Space (O) Zone** under By-law 66-71, as amended, in order to facilitate the subject proposal. This will have the effect of providing a consistent **RM6 Zone** across the entire property and establish site specific development standards to accommodate the proposed development. As noted above, the portion of the subject lands within the Regulatory floodplain and the associated buffer is proposed to be rezoned **Open Space (O) Zone**.

The following is a summary table outlining the relevant statistics of the applicant’s development proposal with site specific provisions highlighted in bold:

Development Standards	RM6 Zone By-law 66-71 as amended	Proposed Development Standards
Minimum Lot Frontage	38 metres (125 feet)	23 metres (75.46 feet) (existing)
Minimum Front Yard Setback	7.62 metres (25 feet)	N/A
Minimum Side Yard Setback	6.1 metres (20 feet)	Complies
Minimum Rear Yard Setback	7.62 metres (25 feet)	Complies
Maximum Building Height	30.48 metres (100 feet)	Complies
Maximum GFA % of Lot Area	150%	Complies
Maximum Density	148.2 units per hectare (60 units per acre)	153.85 units per hectare (62.34 units per acre for both buildings)
Minimum Distance Between Buildings (equal to the average height of two buildings on the same site)	30.48 metres (100 feet)	22 metres (72.18 feet) at lobby 27 metres (88.58 feet) at main wall
Minimum Open Space % of GFA	45%	Complies
Minimum Floor Area per Unit 1 Bedroom Unit 2 Bedroom Unit	51.1 square metres (550 square feet) 62.71 square metres (675 square feet)	47.62 square metres (512.58 square feet) 60.2 square metres (647.99 square feet)
Minimum Usable Open Space % of GFA	45%	Complies
Minimum Parking Requirements	1.25 spaces per dwelling unit	0.675 spaces per unit and 0.15 spaces per unit for visitor parking
Minimum Landscape Strip	2.13 metres (7 feet)	Complies

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In addition to the above, the applicant is seeking approval to add the definition of 'amenity area' and amend the general residential provisions pertaining to minimum outdoor amenity space required. This revised definition will clarify that amenity space is communal and available for use by occupants of any building on the lot for recreational and social activities. This definition is consistent with newer City by-laws and therefore staff have no concerns with this aspect of the applicant's development proposal. Additional details with respect to the requested site specific provisions can be found in the draft Zoning By-law attached to this report (refer to Appendix "B").

Staff has undertaken a comprehensive review of the draft Zoning By-law Amendment provided by the applicant, including the requested site specific provisions and general provision amendments, and considers them to be appropriate in consideration of the overall design of the development proposal. Given all of the preceding, staff is of the opinion that the subject Zoning By-law Amendment application conforms with the applicable policies of the Plan, and represents good planning.

Proposed Site Plan Application

The applicant has submitted a related Site Plan application (City File D06-21034) that is currently under review by City departments and external agencies. The submitted Site Plan contemplates the construction of an eight storey rental apartment building which is to be comprised of 90 dwelling units on the subject lands. As noted previously, the proposed apartment building is to be constructed on a portion of the existing parking lot on the lands that presently serves the existing eight storey rental apartment building on the property (refer to Maps 4 to 7). The proposed building and existing building shall have a minimum building separation of 22.0 metres (72.18 feet). Access to the proposed development is to be provided via Major Mackenzie Drive East by utilizing the existing shared driveway with 326 Major Mackenzie Drive East.

The proposed 8-storey building is to have a total gross floor area of 6,511.50 square metres (70,089 square feet). Floors one and two of the proposed building are to be utilized for above ground parking purposes with the remaining six storeys to be for residential units. A total of 78 parking spaces are proposed within the first and second storey (above ground parking levels). A total of 120 surface level parking spaces surrounding the proposed and existing buildings are proposed. The total net parking spaces for the entire site will be 198 spaces and a total of 114 bicycle parking spaces are also to be provided. A total of 381.80 square metres (4,110 square feet) of indoor amenity is to be provided with an additional 401 square metres (4,316 square feet) of outdoor amenity space for future residents.

As noted previously, the applicant's Site Plan application remains under review at this time as minor technical matters need to be addressed prior to final approval. Detailed comments must be addressed as part of a Site Plan application resubmission prior to bringing forward the amending Zoning By-law to Council for consideration and enactment.

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Council and Public Meeting Comments:

The following is a summary of and response to the main comments and concerns expressed by members of the public in written correspondence, and Council Public Meeting held on September 23, 2020:

- **Increased Traffic**

Concerns were raised with respect to the increased volume of traffic that would be generated by the proposed development and its impacts on adjacent properties. In this regard, a Transportation Mobility Study was submitted in support of the proposal to address current and future traffic volumes, site access and circulation, parking and Transportation Demand Management (TDM) measures, which was reviewed by the City's Development Engineering - Transportation Section and York Region. The study concluded that the proposed development will not significantly contribute to traffic at the intersection or in the general area and can be accommodated by the existing transportation network. Furthermore, the proposed development proposes tangible TDM measures such as the distribution of Presto cards, and bicycle parking spaces,

- **Construction and Noise**

Comments were raised with respect to the potential noise and dust as a result of the future construction and the impacts of same on the existing residential buildings to the south. The applicant has submitted a Construction Management Plan which will be approved through the Site Plan process. The Construction Management Plan shall include a variety of techniques for construction and dust control including, but not limited to, the installation of mud mats and all truck access points, ensuring that all existing sidewalks remain free, clear and passable at all times, construction schedule and hours in accordance with the City's Noise By-law, and construction site protection and details (i.e. hoarding, fencing, gate swing, etc.) in accordance with the Occupational Health and Safety Act.

City Department and External Agency Comments

The following sections provide a summary of the comments received from circulated City departments and external agencies at the time of writing of this report that are required to be addressed as part of the Site Plan review of the applicants' development proposal.

Park and Natural Heritage Planning Section

Park and Natural Heritage Planning staff have advised that the environmental and hazard lands and their minimum vegetation protection zones/buffers will be required to be dedicated to a public authority. In addition, staff have provided technical comments related to the proposed landscaping to be addressed through the Site Plan application process.

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Development Engineering Division

Development Engineering staff have provided technical comments related to such matters as grading, servicing, stormwater management, and lighting to be addressed through the Site Plan application process.

Development Planning Division

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

- the proposed development conforms with the applicable policies of the **Local Development Area** and **Natural Core** designations of the Plan, including permitted land use, maximum building height and maximum density;
- **Section 3.1.5.3** of the Plan requires a minimum of 25% of new housing units to be affordable. The Richmond Hill Ecumenical Homes Corporation is part of a subsidized housing program administered by Region of York. The proposed apartment building will become part of the subsidized rental housing stock within the Region, providing additional rental housing opportunities;
- **Section 3.1.5.3** also requires a portion of these units to be designed accessible for people with disabilities and to provide opportunities for all household types, ***“including larger families, seniors and residents with special needs.”*** The applicant has advised that 15% of the proposed units are to be fully accessible and, as such, this proposal is consistent with this policy;
- the lands contain a portion of the Regulatory Floodplain associated with the German Mills Creek and Don River Watershed. The proposed development provides for a minimum vegetation protection zone of 10 metres that is to be naturalized which is consistent with **Section 3.2.1.2.25** of the Plan;
- staff supports the applicant's proposed zoning provisions and finds them to be appropriate for the proposed development. The format and details of the site specific provisions will be refined through the finalization of the Site Plan process; and,
- technical comments must be addressed prior to the finalization of the related Site Plan application. In this regard, it is recommended that the Site Plan application process be substantially completed prior to the finalization and enactment of the amending Zoning By-law.

Planning staff has undertaken a comprehensive review and analysis of the applicant's revised 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 this basis, it is recommended that the applicant's revised Zoning By-law Amendment application be approved by Council.

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 applicant has submitted a

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Sustainability Metrics Tool (the “Metrics”) in support of its development proposal, demonstrating an overall “Application” score of 22, which does not achieve the minimum threshold score for Site Plan applications.

However, 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. In this regard, staff will continue to work with the applicant in meeting the City’s minimum score applicable to the subject development in order to enable the consideration of servicing allocation assignment in the future.

Municipal Servicing allocation for 185.4 persons equivalent will be required to facilitate the applicant’s revised development proposal. In consideration of the preceding 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.

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 Green and Growth** in supporting an appropriate level of intensification together with the enhancement and protection of the City’s Greenway System. The recommendations of this report are also generally aligned with **Strong Sense of Belonging** on the basis that the development proposal supports a diversified range of dwelling unit sizes within the City.

Climate Change Considerations:

The recommendations of this report are generally aligned with Council’s climate change considerations as the design of the proposed development includes bicycle parking which supports options for zero-emission modes of transportation and public transit usage. Notwithstanding the above and as indicated in the earlier sections of this report, a more detailed evaluation of technical and design-related matters will be undertaken as part of the review of the related Site Plan application.

Conclusion:

The applicant is seeking Council’s approval of its revised Zoning By-law Amendment application to permit the construction of an eight storey apartment building on its land holdings. Staff has undertaken a comprehensive review and evaluation of the proposed development and is of the opinion that the submitted applications conform with the applicable principles of the City’s Official Plan, are appropriate in the context of the area and represent good planning. On the basis of the preceding, staff recommends that

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Council approval the subject applications, subject to the conditions and direction outlined in this report.

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#42-20, held September 23, 2020
- Appendix “B”, Zoning By-law Amendment, Draft By-law XX-22
- Map 1, Aerial Photograph
- Map 2, Official Plan Designation
- Map 3, Existing Zoning
- Map 4, Proposed Site Plan
- Map 5, Proposed Enlarged Site Plan
- Map 6, Proposed Elevations
- Map 7, Proposed 3D Renderings

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Report Approval Details

Document Title:	SRPI.22.106 - Request for Approval - Zoning By-law Amendment Application - 286 Major Mackenzie Drive East.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - CPM Extract.doc- Appendix B - Draft By-law.docx- Map 1 - Aerial Photograph.docx- Map 2 - Official Plan Designation.docx- Map 3 - Existing Zoning.docx- Map 4 - Proposed Site Plan.docx- Map 5 - Proposed Enlarged Site Plan.docx- Map 6 - Proposed Elevations.docx- Map 7 - Proposed 3D Rendering.docx
Final Approval Date:	Aug 24, 2022

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

Gus Galanis - Aug 23, 2022 - 3:50 PM

Kelvin Kwan - Aug 24, 2022 - 9:19 AM

Darlene Joslin - Aug 24, 2022 - 11:11 AM