



Staff Report for Council Meeting

Date of Meeting: September 14, 2022

Report Number: SRPI.22.105

Department: Planning and Infrastructure

Division: Development Planning

Subject: SRPI.22.105 – Request for Approval – Zoning By-law Amendment and Draft Plan of Subdivision Applications – 2322669 Ontario Inc. – City Files D02-19011 and D03-19003

Owner:

2322669 Ontario Inc.
117 Kennedy Road South
Brampton, Ontario
L6W 3G3

Agent:

JKO Planning Services Inc.
27 Fieldflower Crescent
Richmond Hill, Ontario
L4E 5E9

Location:

Legal Description: Part of Lot 157, Plan 202

Municipal Address: 18 Elm Grove Avenue

Purpose:

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

Recommendations:

- a) That the revised Zoning By-law Amendment and draft Plan of Subdivision applications submitted by 2322669 Ontario Inc. for the lands known as Part of Lot 157, Plan 202 (Municipal Address: 18 Elm Grove Avenue), City Files D02-19011 and D03-19003, be approved, subject to the following:

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- (i) that the subject lands be rezoned from Residential Urban (RU) Zone under By-law 1275, as amended, to Multiple Residential One (RM1) Zone under By-law 313-96, as amended, with site specific exceptions as set out in Appendix “B” to Staff Report SRPI.22.105;
 - (ii) that the amending Zoning By-law be brought forward to the September 14, 2022 Council meeting for consideration and enactment;
 - (iii) that the Plan of Subdivision as depicted on Map 5 to Staff Report SRPI.22.105 be draft approved, subject to the conditions as set out in Appendix “C” to SRPI.22.105;
 - (iv) that prior to draft approval being granted, the applicant pay the applicable processing fee in accordance with the City’s Tariff of Fees By-law;
- b) That Site Plan Control By-law 137-09, as amended, be further amended to place the subject lands within a Site Plan Control Area for the purposes of securing the applicant’s sustainability commitments, and that said by-law be brought forward to the September 14, 2022 Council meeting for consideration and enactment; and,
- c) That 44.28 persons equivalent of additional servicing allocation be assigned to the proposed development to be constructed on the subject lands, to be released by the Commissioner of Planning and Infrastructure in accordance with By-law 109-11, as amended.

Contact Person:

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

Report Approval:

Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

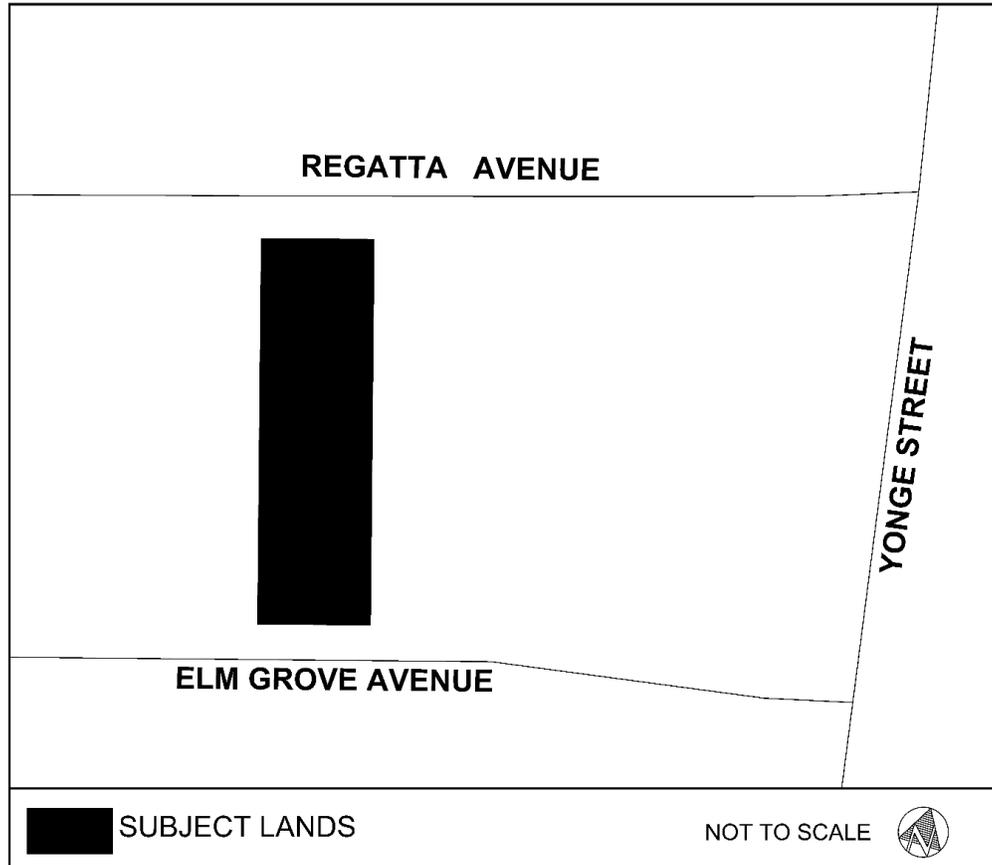
Approved by: Darlene Joslin, Interim City Manager

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.

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Location Map:

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



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Background:

The subject Zoning By-law Amendment and draft Plan of Subdivision applications were originally considered at a statutory Council Public Meeting held on November 6, 2019, wherein Council received Staff Report SRPRS.19.152 for information purposes and directed that all comments be referred back to staff for consideration (refer to Appendix “A”).

Comments and concerns were raised by members of Council and the public at the meeting with respect to the compatibility of townhouses within a predominantly single detached residential area and the inclusion of a private lane rather than a public street within the proposed development. These matters are discussed in detail in later sections of this report.

The applicant has filed revised submissions with the City in order to address various planning, design, transportation and technical matters. All comments from internal departments and external agencies have now been satisfactorily addressed by the applicant. Accordingly, the purpose of this report is to seek Council’s approval of the applicant’s revised Zoning By-law Amendment and draft Plan of Subdivision applications.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands form a through lot with frontage on both Elm Grove Avenue and Regatta Avenue, west of Yonge Street (refer to Map 1). The lands have a frontage of approximately 32.26 metres (105.8 feet) along both Elm Grove Avenue and Regatta Avenue, and a total site area of 0.361 hectares (0.892 acres). The lands currently support a single detached dwelling, two detached garages operating as an autobody repair shop, and several accessory structures, all of which are proposed to be demolished.

The lands abut Regatta Avenue and institutional uses (Dr. Bette Stephenson Centre for Learning, Oak Ridges Library) to the north, a single detached dwelling and an unevaluated wetland to the east, Elm Grove Avenue and an elementary school (Académie de la Moraine) to the south, and an existing single detached dwelling and an approved semi-detached dwelling to the west.

Revised Development Proposal

The applicant is seeking Council’s approval of its revised Zoning By-law Amendment and draft Plan of Subdivision applications to permit a medium density residential development to be comprised of 16 three storey townhouse dwelling units on its land holdings (refer to Maps 6 and 7). The following is a summary outlining the pertinent statistics of the applicant’s revised development proposal based on the plans and drawings submitted to the City:

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- **Total Lot Area:** **0.361 (0.892 acres)**
 - **Townhouse Lots:** **0.214 hectares (0.529 acres)**
 - **Public Road:** **0.132 hectares (0.326 acres)**
 - **Reserve Blocks:** **0.01 hectares (0.025 acres)**
 - **Easement Block:** **0.005 hectares (0.012 acres)**
- **Total Number of Units:** **16**
- **Proposed Lot Frontages:** **6.2 metres (20.34 feet) to 9.83 metres (32.25 feet)**
- **Proposed Lot Areas:** **125.55 square metres (1,351.41 square feet) to 188.53 square metres (2,029.32 square feet)**
- **Proposed Building Heights:** **10.93 metres (35.86 feet) and 10.97 metres (35.99 feet)**
- **Proposed Number of Storeys:** **3**
- **Proposed Density:** **45.33 units per hectare (18.35 units per acre)**

As noted previously, in response to the comments and concerns regarding the proposed development, including those provided by City departments, the applicant has made modifications to its original development proposal (refer to Map 8). The revised development proposal does not result in a change to the proposed number of dwelling units or overall layout, but does incorporate a number of modifications including the following:

- the deletion of the proposed private laneway to provide access for the development and its replacement with a new a new public road;
- the deletion of the proposed parallel visitor parking spaces within the original private laneway along the easterly property line;
- a reduction of the proposed building height from a maximum of 12.87 metres (42.22 feet) to a maximum of 10.97 metres (35.99 feet); and,
- the provision of an increased the flankage yard setback abutting Regatta Avenue from 2.55 metres (8.37 feet) to 3.0 metres (9.84 feet).

Staff note that the related Site Plan and draft Plan of Condominium applications (City Files D06-19041 and D05-19005) submitted in support of the original condominium-based townhouse development proposal are no longer required.

Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** in accordance with Schedule A2 – Land Use of the City’s Official Plan (the “Plan”) (refer to Map 2). The lands are also located within the **Settlement Area** of the *Oak Ridges Moraine Conservation Plan* (“ORMCP”), and within the boundaries of the **Elm Grove/Maple Grove/Aubrey Avenue Residential Infill Study area**.

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In accordance with **Sections 4.9.1** and **4.9.1.2** of the Plan, medium density residential uses in the form of low rise townhouses are permitted within the **Neighbourhood** designation subject to certain locational criteria, including where medium density residential uses have been identified in an approved Infill Plan. In this regard, the subject lands are located within the Elm Grove/Maple Grove/Aubrey Avenue Residential Infill Study area (the “Study”) and have been identified as an appropriate location for medium density residential development (refer to Map 3). The recommendations of the approved Infill Study are discussed in greater detail in a subsequent section of this report below.

Furthermore, pursuant to **Sections 4.9.1.4** and **4.9.1.2.3** of the Plan, development in the **Neighbourhood** designation is restricted to a maximum building height of three storeys along local streets and such development shall have a maximum site density of 50 units per hectare (20 units per acre). In this regard, the applicant’s development proposal is comprised of three storey townhouses at a site density of 45.33 units per hectare (18.35 units per acre) which is in keeping with the policy. Lastly, pursuant to **Sections 4.9.1.3** and **4.9.2.4** of the Plan, development shall be compatible with the character of the adjacent and surrounding area with respect to matters including predominant building forms and types, massing and yard setbacks, including the criteria set out in the approved Infill Plan. These matters are addressed in a subsequent section of this report.

With respect to the applicable policies of the ORMCP, pursuant to **Section 3.2.1.1.18** of the Plan, all uses are permitted within the **Settlement Area**, including the creation of new lots which are otherwise permitted under the Plan, subject to the requirements of Sections 19(3) and 31(4) of the ORMCP and **Section 3.2.1.1** of the Plan. **Section 3.2.1.1.18** further requires the provision of a Minimum Vegetation Protection Zone (MVPZ) to provide for appropriate buffer distances to Key Natural Heritage (KNHF) and Key Hydrological Features (KHF) within the **Settlement Area**, which may be determined through a Natural Heritage Evaluation required in connection to an application for development or site alteration. As noted previously, there is an unevaluated wetland located immediately to the east of the subject lands.

The applicant has submitted a Natural Heritage Evaluation (NHE) containing an Oak Ridges Moraine Conformity Statement which has been reviewed and accepted by the City’s Park and Natural Heritage Planning Section and the Toronto and Region Conservation Authority. The NHE ultimately determined that although the unevaluated wetland is classified as a KNHF, a typically required 30-metre MVPZ is excessive and disproportionate to the type and function of the wetland in its current state. As such, an MVPZ from the proposed street on the subject lands is not required to protect the wetland or maintain its ecological function. From a policy perspective, **Section 3.2.1.1.26** of the Plan permits infrastructure such as streets and municipal services within a KNHF or the related MVPZ where the need has been demonstrated and there is no reasonable alternative. In this regard, the proposed north-south street on the lands is identified as being necessary in the Council-approved Infill Study and is to be located entirely outside of the adjacent wetland.

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More broadly speaking, **Section 21** of the ORMCP stipulates that where land was identified as being located within a **Settlement Area** as of April 22, 2002 and an Official Plan had been adopted on the basis of approved environmental studies (e.g. Master Environmental Servicing Plan or “MESP”), the policies of the Official Plan prevail to the extent of any conflict respecting a MVPZ. In accordance with **Section 3.1.9.3.2** of the Official Plan, MESP’s completed and approved prior to the adoption of the Plan shall apply to development within the lands subject to the respective MESP. In this case, the subject lands are located within the boundaries of an MESP completed in support of the former North Urban Development Area Secondary Plan (OPA 129). While OPA 129 has since been repealed and replaced by the 2010 Official Plan, the approved MESP continues to apply to the proposed development and the unevaluated wetland is not captured in either OPA 129 or the MESP. Furthermore, OPA 129 and the related MESP contemplated minimum buffers of 10 metres from natural heritage features, with the opportunity for further refinement through the submission of an Environmental Impact Statement, as undertaken by the applicant in support of its development proposal.

Lastly, the subject lands are located within an Area of High Aquifer Vulnerability on the Oak Ridges Moraine in accordance with Schedule A5 (ORM Areas of High Aquifer Vulnerability and Wellhead Protection Areas) of the Plan. Areas of High Aquifer Vulnerability are susceptible to contamination from both human and natural impacts on water quality. As described in **Section 3.2.1.1.37** of the Plan, certain uses that may cause contamination or negatively impact water quality are prohibited in these areas. The proposed residential uses do not conflict with these policies and are permitted. On the basis of the foregoing, staff is of the opinion that the applicant’s development proposal conforms to the Official Plan.

Elm Grove/Maple Grove/Aubrey Avenue Residential Infill Study

In accordance with **Section 4.9.1.1.1(p)** of the Plan, the subject lands are located within the Elm Grove/Maple Grove/Aubrey Avenue Residential Infill Study area (the Study) which was approved by Council in 1999 (refer to Map 3). The Study provides direction through development concepts and design principles based on varying degrees of scale to guide how the neighbourhood may develop or evolve over time. Within the Study concepts, the subject lands are identified as a potential location for medium density residential development to provide for an appropriate transition between the existing/planned low density residential uses to the west and commercial uses to the east along Yonge Street, as well as to provide for a vehicular and pedestrian connection between Regatta Avenue and Elm Grove Avenue. The Study recommends a maximum density of 37.5 units per hectare, a maximum height of 3 storeys, and the implementation of the **RM1 Zone** standards under By-law 313-96 to achieve appropriate medium density residential development. Pursuant to **Section 4.9.1.1.3** of the Plan, development within a priority infill area is to be assessed based on conformity with the infill and urban design guidelines approved by Council.

Staff note that the proposed development is consistent with the overall objectives and recommendations of the Study with respect to land use, building height and the introduction of a new north-south public street to connect Regatta Avenue and Elm

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Grove Avenue. While the proposal exceeds the recommended maximum density of 37.5 units per hectare, the original density threshold was based on the former policies of the North Urban Development Area Secondary Plan (OPA 129). OPA 129 has since been repealed and replaced by the 2010 Official Plan, which permits a maximum density of 50 units per hectare for medium density residential development in the **Neighbourhood** designation. The Study provides guidance and where appropriate, flexibility, in order to allow for the form of development that is contemplated by the Study. As such, staff have no concerns with the proposed density as it conforms to the maximum density policies of the Official Plan and provides an appropriate transition between the existing commercial uses along Yonge Street and the existing low density residential neighbourhood to the west of the subject lands.

Given all of the above, staff is of the opinion that the proposed development meets the recommendations and intent of the Study. Staff has reviewed the subject development in the context of the adjacent properties and the neighbourhood as a whole and considers the proposed development standards to be generally in keeping with the overall objectives of the Study.

Revised Zoning By-law Amendment Application

The subject lands are currently zoned **Residential Urban (RU) Zone** under By-law 1275, as amended, which permits single detached dwellings among other uses (refer to Map 4). The applicant is seeking to rezone the entirety of the subject lands to **Multiple Residential One (RM1) Zone** under By-law 313-96, as amended, with site specific provisions in order to facilitate its revised development proposal (refer to Maps 6 and 7).

The following table provides a comparison of the proposed development standards relative to those of the associated parent zone category, with required and requested site specific exceptions highlighted in bold:

Development Standard	RM1 Zone Standards, By-law 313-96, as amended (Street Townhouse)	Proposed Development Standard
Minimum Lot Frontage (Interior)	6.0 metres (19.69 feet)	Complies
Minimum Lot Frontage (Corner)	9.0 metres (29.53 feet)	Complies
Minimum Lot Area (Interior)	200 square metres (2,152.78 square feet)	120 square metres (1,291.67 square feet)
Minimum Lot Area (Corner)	300 square metres (3,229.17 square feet)	180 square metres (1,937.5 square feet)
Maximum Lot Coverage	50%	60%
Minimum Front Yard	4.5 metres (14.76 feet)	1.9 metres (6.23 feet)
Minimum Site Yard	1.5 metres (4.92 feet)	Complies
Minimum Flankage Yard	3.0 metres (9.84 feet)	2.5 metres (8.20 feet)
Minimum Rear Yard	7.5 metres (24.61 feet)	6.0 metres (19.69 feet)
Maximum Height	11.0 metres (36.09 feet)	11.5 metres (37.73 feet)

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In addition to the above, the applicant is seeking approval to amend the general provisions of By-law 313-96, as amended, pertaining to encroachments. 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 applicant’s Zoning By-law Amendment application, 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 and the context of the site. In this regard, the proposed reduction in minimum lot areas and front yard setbacks, in addition to the proposed increase in maximum lot coverage are largely a function of the requirement to incorporate a new public street into the development proposal and are not expected to create any adverse impacts on the streetscape or adjacent lands.

The proposed minimum front yard setback of 1.9 metres is to be measured from the closest part of the townhouse dwellings to the front lot line; however; staff note that the proposed dwellings have been designed with recessed private garages that will allow each driveway to be a minimum of 5.8 metres in length in order to accommodate an additional parking space. In this regard, the policies of the Plan encourage grade-related residential units to be directly accessible from the public sidewalk in order to animate the street. The intent of a rear yard setback is to provide adequate amenity space, separation and privacy between dwelling units, both existing and proposed. Staff note that the proposed rear yard setback of 6.0 metres still provides an appropriate amenity space and buffer to the existing lots to the west, which have been or are in the process of being redeveloped in accordance with the approved Infill Plan. The proposed flankage yard of 2.5 metres provides an appropriate setback to both Elm Grove Avenue and Regatta Avenue and as such, staff have no concerns with this particular site specific provision.

Lastly, the applicant is requesting an increase in the maximum allowable building height from 11.0 to 11.5 metres in order to provide some flexibility in the implementing Zoning By-law to ensure that there are no compliance issues during the detailed design process. Staff note that the proposed height of the townhouse dwelling units is depicted at less than 11.0 metres on the submitted plans for the development. As such, staff have no concerns with this request.

Given all of the above, staff is of the opinion that the revised Zoning By-law Amendment application implements the submitted draft Plan of Subdivision application, conforms with the applicable policies of the Plan, and represents good planning.

Revised Draft Plan of Subdivision Application

The applicant’s revised draft Plan of Subdivision application contemplates the creation of two blocks for the townhouse dwellings, one block for a new public street, two blocks for reserves, and one block for an easement (refer to Map 5). As noted in the conditions of draft approval attached as Appendix “C” hereto, a separate easement block is not required as the lands are to remain in private ownership with an easement to be

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conveyed to the City. Through the clearance of conditions, the draft Plan of Subdivision will be revised to remove said block. Subject to the conditions of draft approval for the development, staff is of the opinion that the revised draft Plan of Subdivision application conforms with the applicable policies of the Plan and has appropriate regard for the criteria under Section 51(24) of the *Planning Act*.

Public Meeting Comments:

The following is a summary of and response to the main comments and concerns expressed by members of Council and the public at the Council Public Meeting held on November 6, 2019:

- **Compatibility**

A concern was raised with respect to the compatibility of the townhouse built form on the subject lands given the predominantly single detached residential nature of the surrounding area. In this regard, medium density residential development in the form of townhouses is permitted in the **Neighbourhood** designation of the Official Plan and the Council-approved Infill Study for this area contemplates medium density residential forms of development on the subject lands as an appropriate form of transition between the existing/planned low density residential uses to the west and commercial uses to the east along Yonge Street. As a result, staff is of the opinion that the applicant's development proposal is compatible with the surrounding area.

- **Private Street**

Concerns were raised with respect to the inclusion of a private laneway in the applicant's original development proposal, whereas the Infill Study recommends the establishment of a new public street connecting Regatta Avenue to Elm Grove Avenue through the subject lands. In this regard, the applicant's development proposal has been revised to include a public street and staff is of the opinion that the proposal is consistent with the recommendations of the Infill Study.

City Department and External Agency Comments:

All circulated City department and external agencies have indicated no objections and/or have provided conditions of draft approval with respect to the applicant's revised development proposal, including the City's Development Engineering Division and Park and Natural Heritage Planning Section, in addition to the Toronto and Region Conservation Authority and the Regional Municipality of York. Applicable conditions of draft approval are contained in Appendix "C" attached hereto.

Development Planning Division

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

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- the proposed development conforms with the applicable policies of the **Neighbourhood** designation of the Plan, including permitted land use, maximum building height and maximum density;
- the proposed development is generally consistent with the recommendations of the Elm Grove/Maple Grove/Aubrey Avenue Residential Infill Study; and,
- staff supports the applicant's proposed zoning provisions and finds them appropriate for the proposed development.

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 by the Plan. On this basis, it is recommended that the applicant's revised Zoning By-law Amendment and draft Plan of Subdivision applications be approved by Council.

Interim Growth Management Strategy:

Council has approved and implemented a comprehensive strategy comprised of eight growth management eligibility criteria to assess and prioritize development applications for the receipt of servicing allocation. The criteria are as follows:

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

Staff has reviewed the applicant's Sustainability Metrics submission and finds it acceptable as the proposed development demonstrates an overall score of 38 points, which exceeds the threshold score of 21 points for draft Plan of Subdivision applications. The lands are comprised of one existing lot of record equivalent to 3.56 persons for the purposes of municipal servicing allocation. The proposed total unit count of 16 townhouse dwelling units is equivalent to 47.84 persons. As such, staff recommends that 44.28 persons equivalent of additional servicing allocation be assigned to the lands to facilitate the proposed development. In order to secure implementation of the sustainability commitments at the Building Permit stage, staff recommends that a Site Plan Control By-law be passed and a Sustainability Agreement be required for the subject lands (refer to Appendix "D").

Financial/Staffing/Other Implications:

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

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Relationship to Council’s Strategic Priorities 2020-2022:

The recommendations of this report are aligned with **Balancing Growth and Green** by recognizing the balance between economic development and environmental protection by supporting residential infill development within a Priority Infill Area.

Climate Change Considerations:

The recommendations of this report are aligned with Council’s climate change considerations as the development proposal contemplates infill development within a Priority Infill Area and meets the Sustainable Metrics threshold score for approval of a draft Plan of Subdivision application.

Conclusion:

The applicant is seeking Council’s approval of its revised Zoning By-law Amendment and draft Plan of Subdivision applications to permit a medium density residential development to be comprised of 16 townhouse dwelling units on its land holdings. Staff has undertaken a comprehensive review and evaluation of the applicant’s development proposal and is of the opinion that the submitted applications conform with the applicable policies of the City’s Official Plan, have regard for the criteria described under Subsection 51(24) of the *Planning Act* and represent good planning. On the basis of the preceding, staff recommends that Council approve the subject applications in accordance with the 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#39-19 held November 6, 2019
- Appendix “B”, Draft Zoning By-law
- Appendix “C”, Schedule of Draft Plan of Subdivision Conditions
- Appendix “D”, Draft Site Plan Control By-law
- Map 1 - Aerial Photograph
- Map 2 - Official Plan Designation
- Map 3 - Elm Grove/Maple Grove/Aubrey Avenue Residential Infill Study
- Map 4 - Existing Zoning
- Map 5 - Draft Plan of Subdivision
- Map 6 - Revised Site Plan (2022)
- Map 7 - Proposed Elevations
- Map 8 - Original Site Plan (2019)

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Report Approval Details

Document Title:	SRPI.22.105 - Request for Approval - Zoning By-law Amendment and Draft Plan of Subdivision - 18 Elm Grove Avenue.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - CPM Extract.doc- Appendix B - By-law 116-22.docx- Appendix C - Conditions.docx- Appendix D - By-law 117-22.docx- Map 1 - Aerial Photograph.docx- Map 2 - Official Plan Designation.docx- Map 3 - Elm Grove-Maple Grove-Aubrey Avenue Infill Study.docx- Map 4 - Existing Zoning.docx- Map 5 - Draft Plan of Subdivision.docx- Map 6 - Revised Site Plan (2022).docx- Map 7 - Proposed Elevations.docx- Map 8 - Original Site Plan (2019).docx
Final Approval Date:	Sep 6, 2022

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

Gus Galanis - Aug 24, 2022 - 10:03 AM

Kelvin Kwan - Aug 24, 2022 - 10:46 AM

Darlene Joslin - Sep 6, 2022 - 4:28 PM