



Staff Report for City Manager Delegated Authority

Date of Meeting: November 4, 2022

Report Number: D.A.22.006

Department: Planning and Infrastructure

Division: Development Planning

Subject: D.A.22.006 – Request for Approval – Draft Plan of Condominium Application – Leslie Elgin Developments Inc. – City File CON-22-0002

Owner:

Leslie Elgin Developments Inc.
600 Applewood Crescent
Vaughan, ON
L4K 4B4

Agent:

Malone Given Parsons Ltd.
140 Renfrew Drive, Suite 201
Markham, ON
L3R 6B3

Location:

Legal Description: Block 284, Plan 65M-4571
Municipal Address: 0 McCague Avenue

Purpose:

A request for approval of a draft Plan of Condominium application to establish common element condominium tenure for a residential development to be comprised of 19 live-work and 16 back-to-back townhouse dwelling units to be constructed on the subject lands.

Recommendations:

- a) That the proposed draft Plan of Condominium application submitted by Leslie Elgin Developments Inc. for the lands known as Block 284, Plan 65M-4571 (Municipal Address: 0 McCague Avenue), City File CON-22-0002, be approved, subject to the following:

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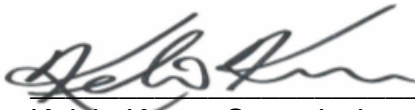
- (i) that draft approval be subject to the conditions as set out in Appendix “A” to Staff Report D.A.22.006; and,
- (ii) that prior to draft approval being granted, the applicant pay the applicable processing fee in accordance with the City’s Tariff of Fees By-law; and,
- (iii) that the Mayor and Clerk be authorized to execute the Condominium Agreement referred to in Appendix “A” to D.A.22.006, if requested to do so.

Contact Person:

Giuliano La Moglie, Planner II – Subdivisions, phone number 905-771-5475 and/or
Denis Beaulieu, Manager of Development – Subdivisions, phone number 905-771-2540

Report Approval:

Submitted by:



Kelvin Kwan, Commissioner of Planning and Infrastructure

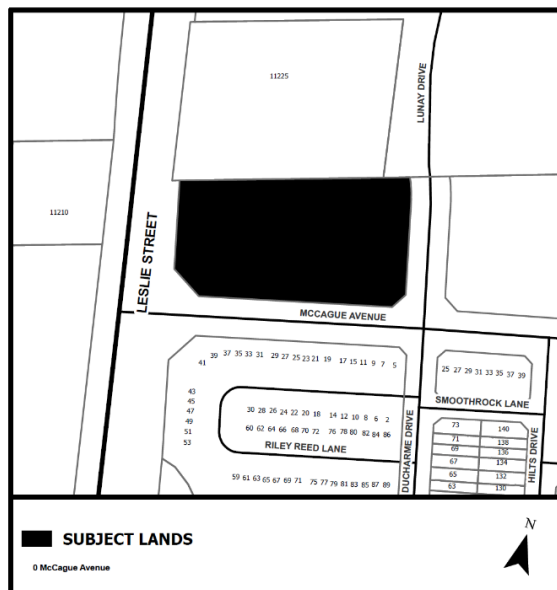
Approved by:



Darlene Joslin, Interim City Manager

Location Map:

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



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Background:

The subject draft Plan of Condominium application was received and deemed complete by the City on June 7, 2022. The application was subsequently circulated to City departments and external agencies for review and comment. The purpose of this application is to implement common element condominium tenure for a medium density residential development to be constructed on the subject lands. In this regard, the subject application is related to previously approved Official Plan Amendment, Zoning By-law Amendment, and Site Plan applications (City Files D01-20002, D02-20007 and D06-20054). Accordingly, the purpose of this report is to seek approval of the applicant's draft Plan of Condominium application.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located at the northeast corner of Leslie Street and McCague Avenue and are presently vacant (refer to Map 1). The lands have a total lot area of 0.952 hectares (2.37 acres) and were created as part of the first phase registration of draft approved Plan of Subdivision 19T-04009. The lands abut Leslie Street to the west, McCague Avenue to the south, Lunay Drive to the east, and the York Hills Centre for Children, Youth and Families to the north.

Development Proposal

The applicant is requesting approval of a draft Plan of Condominium application pursuant to Section 51 of the *Planning Act*, R.S.O., 1990, in order to establish common element condominium tenure for a residential development to be comprised of 19 live-work and 16 back-to-back townhouse dwelling units to be constructed on its land holdings (refer to Map 4). The following is a summary of the pertinent statistics for the development based on the plans and drawings submitted to the City:

- **Total Lot Area:** **0.952 hectares (2.35 acres)**
 - **Open Space Area:** **0.114 hectares (0.28 acres)**
 - **Residential Area:** **0.838 hectares (2.07 acres)**
- **Total Number of Units:** **35**
 - **Live-Work Townhouses:** **19**
 - **Back-to-Back Townhouses:** **16**
- **Total Density:** **41.77 units per hectare (16.9 units per acre)**
- **Building Height:** **3.5 storeys (Live-Work Townhouses)**
4 storeys (Back-to-Back Townhouses)
- **Total Parking Spaces:** **117**
 - **Resident Spaces:** **108**
 - **Barrier Free Spaces:** **1**
 - **Visitor Spaces:** **8**

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Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Mixed Use Commercial/Residential** and **Protected Countryside** in accordance with Schedule “A” - Land Use Plan in the North Leslie Secondary Plan (refer to Map 2). Pursuant to Official Plan Amendment 27 (OPA 27) and **Policy 9.6.3.2 (j)** of the Plan, the proposed development is in keeping with the **Mixed Use Commercial/Residential** designation for the lands and conforms with the applicable policies of the North Leslie Secondary Plan.

Zoning By-law

The subject lands are zoned **Mixed Use One (MU1) Zone** and **Environmental Protection Two (EPA2) Zone** in accordance with By-law 55-15, as amended by By-law 11-22 (refer to Map 3). The proposed development of 19 live-work and 16 back-to-back townhouse dwelling units is permitted within the **Mixed Use One (MU1) Zone** applicable to the lands, and the proposal complies with the provisions of the applicable Zoning By-law.

Site Plan Application

A Site Plan Agreement for the subject development was executed on June 23, 2022 and registered at the Land Registry Office on September 1, 2022 as Instrument No. YR3472718 (refer to Map 4).

Draft Plan of Condominium Application

Planning staff has reviewed the applicant’s draft Plan of Condominium and can advise that it is consistent with the approved Site Plan for the subject development (refer to Map 5). In this regard, the proposed draft Plan of Condominium will establish various common elements within the proposed development, including a private lane, visitor parking spaces and pedestrian walkways. Circulated City departments and external agencies have advised of no concerns or objections to the application and/or have provided conditions of approval for the proposed draft Plan of Condominium. The conditions of approval have been included within the Schedule of Conditions in Appendix “A” attached hereto.

It should be noted that a Part Lot Control Exemption application will be required to facilitate the subject draft Plan of Condominium. At the time of writing this report, a Part Lot Control Exemption application had not been submitted to the City.

Financial/Staffing/Other Implications:

The recommendations of this report do 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 a **Strong Sense of Belonging** by providing alternative housing and alternative employment opportunities, contributing to the building of the North Leslie community. The application also aligns with **Getting Around the City** by providing direct pedestrian connections from the proposed development to a future public transit stop on Leslie Street and by providing bicycle racks for cycles within the proposed development.

Climate Change Considerations:

The recommendations of this report do not have any climate change considerations.

Conclusion:

The applicant is seeking Council's approval of a draft Plan of Condominium application to facilitate common element tenure for a residential development to be comprised of 19 live-work and 16 back-to-back townhouse dwelling units on its land holdings. Planning staff is satisfied that the proposed draft Plan of Condominium is appropriate and represents good planning. Accordingly, staff recommends that the applicant's request be approved subject to the conditions set out in Appendix "A" to 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", Schedule of Draft Conditions, 19CDM(R)-22002
- Map 1, Aerial Photograph
- Map 2, North Leslie Secondary Plan – Land Use (Schedule A)
- Map 3, Existing Zoning
- Map 4, Site Plan
- Map 5, Draft Plan of Condominium

Appendix “A”

The Corporation of the City of Richmond Hill

Schedule of Conditions

Draft Plan of Condominium
(Common Element Condominium)

File CON-22-0002 (19CDM(R)-22002)

Leslie Elgin Development Inc.

Block 284, Plan 65M-4571

City of Richmond Hill

City of Richmond Hill

Development Planning Division

1. Approval shall relate to a Draft Plan of Condominium prepared by David B. Searles Surveying Ltd., dated May 24, 2022.
2. The Owner shall fulfill Site Plan provisions pertaining to a related Site Plan Agreement between the Owner and the City dated June 23, 2022 and registered in the Land Registry Office of the Land Titles Division of York Region as Instrument YR3472718, to the satisfaction of the Commissioner of Planning and Infrastructure.
3. The Owner shall submit Plans of Condominium pre-approved by the Land Registry Office, satisfactory to the City, prior to final approval of the Plan of Condominium.
4. Prior to final approval, the Owner shall, if required to do so by the City, submit to and obtain the approval of the City for the form and content of the Condominium Description and Declaration and the Owner shall incorporate into the Plan and Declaration under Section 7 of the *Condominium Act*, 1998, all right(s)-of-way and easements for vehicular access, on-site traffic circulation, municipal servicing or utility servicing to the satisfaction of the City.

Building Division

5. Prior to final approval of the Plan, the Owner shall provide the City with evidence in the form of an Ontario Land Surveyor's Certificate stating that all buildings

have been located on the ground in accordance with the Site Plan contained in the said Site Plan Agreement between the Owner and the City dated June 23, 2022.

6. Prior to final approval of the Plan, the Owner shall have fully complied with all orders issued pursuant to the *Building Code Act*, 1992 and shall have completed all work necessary to correct any building deficiencies related to said order to the satisfaction of the City.

Development Engineering Division

7. Prior to final approval of the Plan, the Owner's Engineer shall confirm that all grading, drainage, above and below ground services, asphalt paving, concrete works and demarcation of parking spaces within the Common Element Condominium area, and any other matters required to support the development of the lands within the Plan, including but not limited to, storm sewer outfall, any retaining walls, noise walls, utilities, rain barrels, low impact development features that are to be located within the Parcels of Tied Land and are to be secured with easements in favor of the Condominium Corporation, have been substantially completed in accordance with the plans and conditions in the said Site Plan Agreement or that the City holds sufficient security to cover the cost of the remaining works. Should there be insufficient security to cover the cost of the remaining works, the Owner shall arrange for the deposit of additional securities in the amount sufficient to cover the cost of all outstanding works through an amending Site Plan Agreement. To guarantee completion of the aforesaid work, the letter of credit secured through the Site Plan Agreement or an amending Site Plan Agreement will be kept in full force by the City.
8. The Owner shall file with the City certification from a professional engineer or Ontario Land Surveyor that all necessary easements required to service the lands and buildings within the Plan and any adjoining lands (if such adjoining lands were, at any time, a single parcel of land within the Plan) for, but not limited to, access, parking, water, sanitary and storm sewer and maintenance have been granted or will be granted upon registration of the Condominium Declaration, together with a certification from a solicitor authorized to practice in Ontario that a reciprocal operating and cost-sharing agreement that deals with mutual easement for the provision of services and access for installation and maintenance of services will be in place and will bind the landowner and Condominium Corporation to be created on the subject lands by registration of the Condominium Declaration referred to in Condition 4.
9. The Owner shall include the following noise warning clauses in the Condominium Declaration and in all Agreements of Purchase and Sale, Rental or Lease for the applicable dwelling units as per the approved Detailed Environmental Noise Report for the subject lands by Jade Acoustics Inc. dated July 9, 2021. The dwelling units in the following noise clauses correspond to the Draft Plan of Condominium, dated May 24, 2022:

- a) Block 3 (Unit 19) shall include warning clauses A, D and E.
- b) Block 3 (Units 13 to 18) shall include warning clauses D and E.
- c) Block 1 (Units 1 to 6), Block 2 (Units 7 to 12) and Block 4 (Units 20 to 35) shall include warning clauses C and E.

The Owner agrees to incorporate the following warning clauses, as per the references in Table 3 (Summary of Minimum Noise Mitigation Measures due to Transportation Sources) from the Detailed Environmental Noise Report into the Condominium Declaration as noted below:

Clause A: Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Clause C: This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low, medium and/or high density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Clause D: This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Clause E: Purchasers/tenants are advised that this dwelling unit is in the proximity of an existing institutional facility whose activities and/or equipment may at times be audible.

Park and Natural Heritage Planning Section

- 10. The Owner shall agree within the Condominium Declaration to make provisions for the ongoing maintenance and replacement of all common element landscape areas and private landscaping.
- 11. The Owner shall complete all required landscape works to the satisfaction of the Commissioner of Planning and Infrastructure.

Corporate and Financial Services Department

- 12. Prior to final approval, the Owner shall pay the applicable Release Fees to the satisfaction of the City.
- 13. Prior to final approval, the Owner shall pay any outstanding taxes owing to the City.

14. Prior to final approval, the Owner shall pay any outstanding Local Improvement charges owing against the subject lands.

Regional Municipality of York

15. Prior to final approval, the Owner shall provide confirmation that all of the conditions of Site Plan Approval issued for the subject property under Regional File No. SP.20.R.0257, have been satisfied.
16. Prior to final approval, the Owner shall execute all Regional Agreements and obtain all of the necessary permits required as part of the Site Plan Approval for the subject property under Regional File No. SP.20.R.0257.
17. Prior to final approval, the Owner shall confirm that all works within the Leslie Street right-of-way have been completed to the satisfaction of the Region or that the Region holds sufficient securities to cover the cost of any outstanding works. Should there be insufficient security to cover the cost of the remaining works, the Owner shall arrange for the deposit of additional securities in the amount sufficient to cover the cost of all outstanding works.
18. Prior to final approval, the Owner shall provide confirmation that all Transfers of Obligations have been completed where Regional Agreements require responsibility to change from the Owner to the Condominium Corporation.
19. The Owner shall include the following warning clause in all Agreements of Purchase and Sale and/or Lease, Condominium Agreement and Condominium Declaration:

“Despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building’s occupants.”

Bell Canada

20. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
21. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.
22. The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

Alectra Utilities

23. Prior to final approval, the Owner shall satisfy the requirements of Alectra Utilities with respect to the proposed condominium development on the subject lands.

Enbridge Gas Inc.

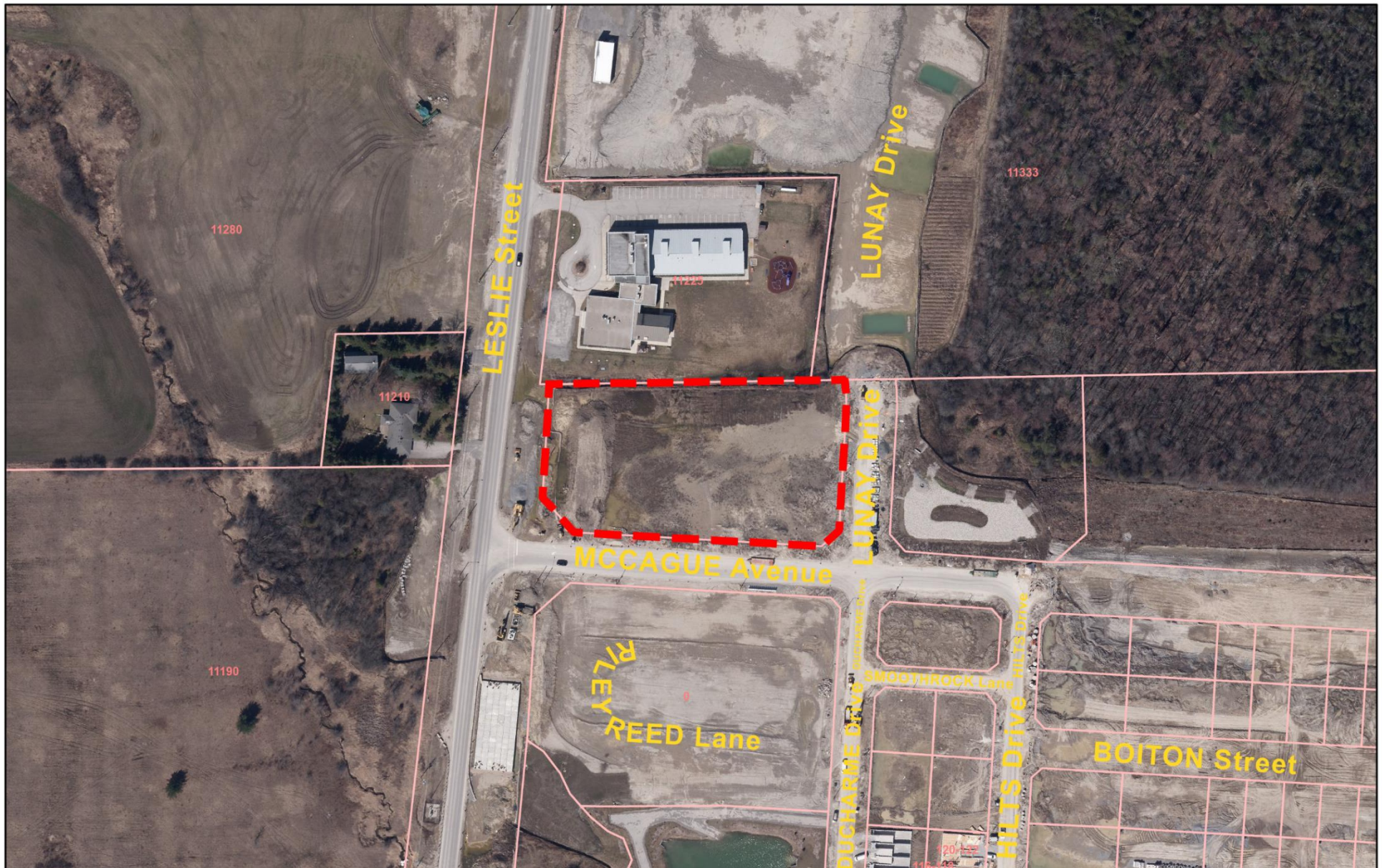
24. Prior to final approval, the Owner shall satisfy the requirements of Enbridge Gas Inc. with respect to the proposed condominium development on the subject lands.

Clearance Conditions

25. The City of Richmond Hill shall advise that Conditions 1 to 14 inclusive have been satisfied. The clearance letter shall include a brief statement detailing how each condition has been met.
26. The Regional Municipality of York shall advise that Conditions 15 to 19 inclusive have been satisfied. The clearance letter shall include a brief statement detailing how each condition has been met.
27. Bell Canada shall advise that Conditions 20 to 22 have been satisfied. The clearance letter shall include a brief statement detailing how each condition has been met.
28. Alectra Utilities shall advise that Condition 23 has been satisfied. The clearance letter shall include a brief statement detailing how the condition has been met.
29. Enbridge Gas Inc. shall advise that Condition 24 has been satisfied. The clearance letter shall include a brief statement detailing how the condition has been met.

NOTE: Where final approval for registration has not been given within three (3) years after the date upon which approval to the proposed Plan of Condominium was given, The City of Richmond Hill may, in its discretion, and pursuant to the *Planning Act*, R.S.O. 1990, withdraw its approval to this proposed Plan of Condominium, unless approval has been sooner withdrawn, but The City of Richmond Hill may from time to time extend the duration of the approval.

MAP 1 - AERIAL PHOTOGRAPH



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LEGEND



SUBJECT LANDS

0 McCague Avenue

GL/VC D.A.22.006

BLOCK 13 CON-22-0002



CITY OF RICHMOND HILL
PLANNING AND INFRASTRUCTURE
DEPARTMENT

MAP 2 - NORTH LESLIE SECONDARY PLAN - LAND USE (SCHEDULE A)



NORTH LESLIE SECONDARY PLAN

SCHEDULE "A" - LAND USE PLAN

LEGEND

- Area of North Leslie Secondary Plan
- Low Density Residential
- Medium Density Residential
- Medium/High Density Residential
- Office
- Neighbourhood Commercial
- Mixed Use Commercial / Residential
- Institutional
- Employment Corridor
- Mixed Use / Institutional
- P / pk Park / Parkette
- Existing Secondary School
- Elementary School
- Places of Worship
- SWP Storm Water Pond
- Storm Water Treatment
- Natural Heritage System
- Protected Countryside
- Protected Countryside Area of the Greenbelt Plan
- Oak Ridges Moraine from Greenbelt Act
- 245m Contour
- Green Link
- Provincial Highway
- Arterial Road
- Major Collector Road
- Minor Collector Road
- Major Tributary
- Minor Tributary



0 100 200 300 400 metres

Scale N.T.S.

LEGEND



SUBJECT LANDS

0 McCague Avenue

GL/VC D.A.22.006

BLOCK 13 CON-22-0002

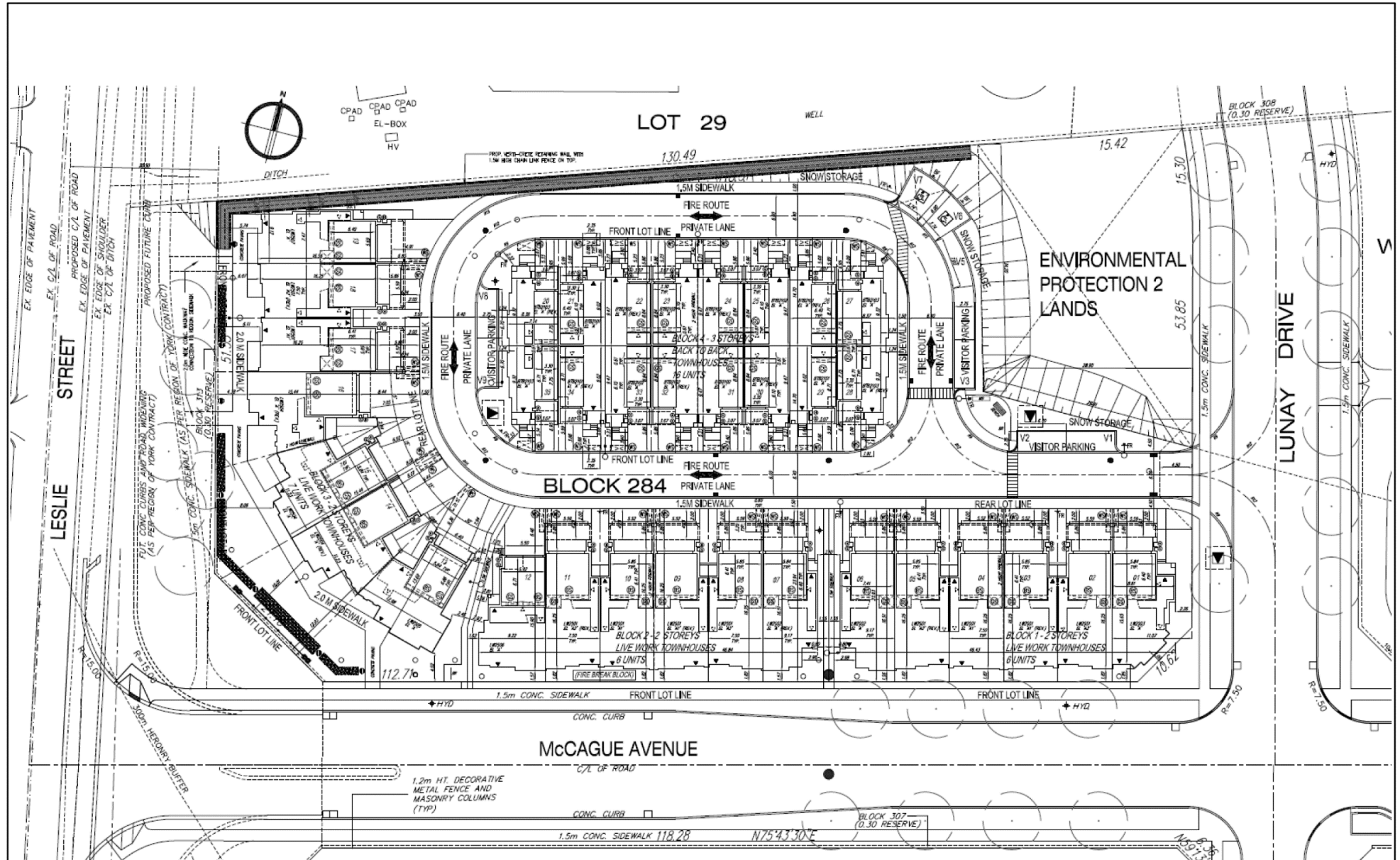
CITY OF RICHMOND HILL
PLANNING AND INFRASTRUCTURE
DEPARTMENT

0 McCague Avenue

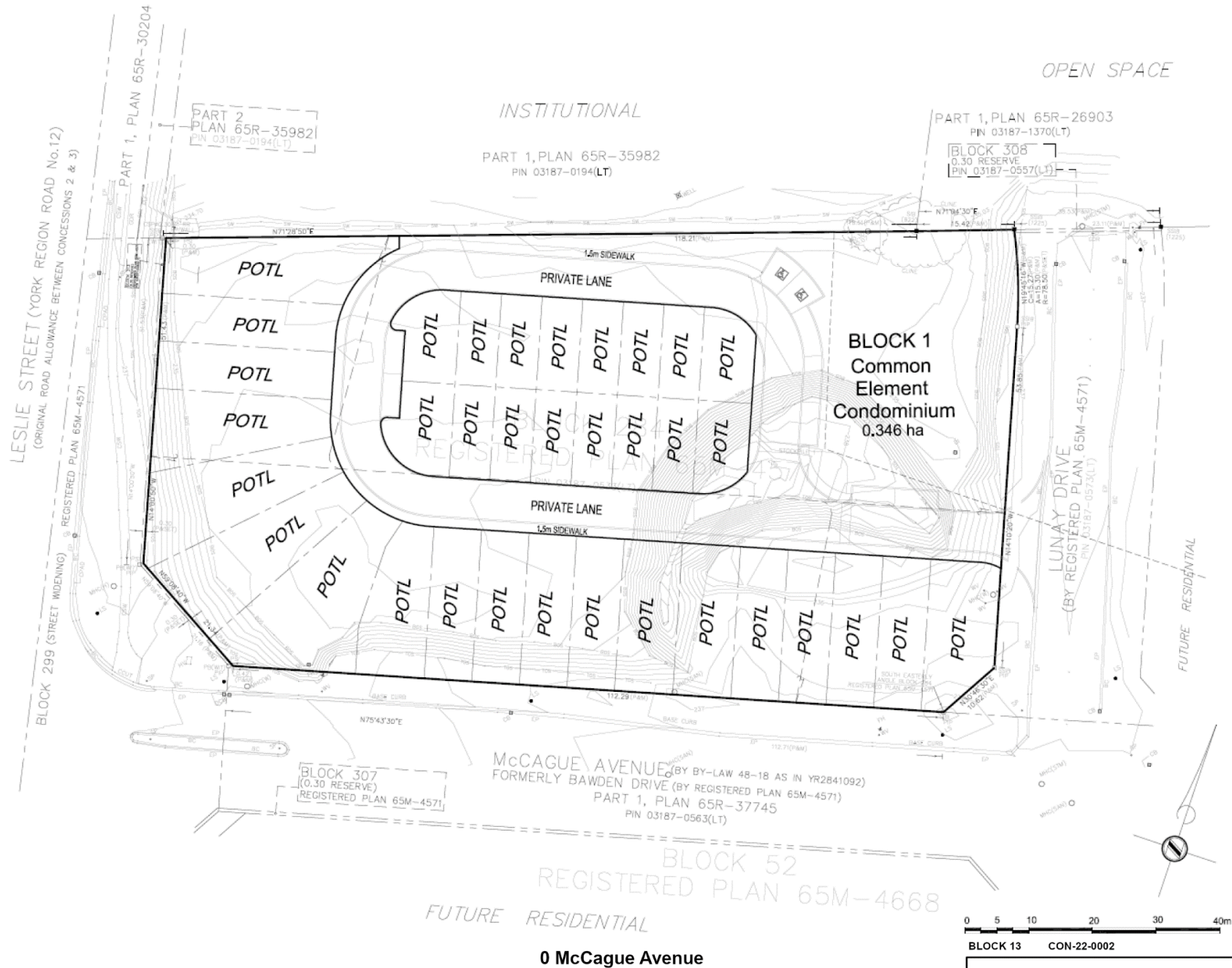
BLOCK 13 CON-22-0002

**CITY OF RICHMOND HILL
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MAP 4 - SITE PLAN



MAP 5 - DRAFT PLAN OF CONDOMINIUM



GL/VC D.A.22.006

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