



Staff Report for City Manager Delegated Authority

Date of Meeting: November 4, 2022

Report Number: D.A.22.011

Department: Planning and Infrastructure

Division: Development Planning

Subject: D.A.22.011 – Request for Approval – Draft Plan of Condominium Application – Fifth Avenue Homes (King West) Inc. – City File D05-21001

Owner:

Fifth Avenue Homes (King West) Inc.
101B Roytec Road
Vaughan, Ontario
L4L 8A9

Agent:

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

Location:

Legal Description: Block 1, Plan 65M-4727
Municipal Addresses: 4, 6, 8, 10 and 12 McCachen Street

Purpose:

A request for approval of a draft Plan of Condominium application to establish common element condominium tenure concerning a residential development to be comprised of two semi-detached dwelling units and 34 townhouse dwelling units on the subject lands.

Recommendations:

- a) That the draft Plan of Condominium application submitted by Fifth Avenue Homes (King West) Inc. for lands known as Block 1, Plan 65M-4727 (Municipal Addresses: 4, 6, 8, 10 and 12 McCachen Street), City File D05-21001, be approved, subject to the following:
 - (i) that draft approval be subject to the conditions as set out in Appendix “A” to Staff Report D.A.22.011;

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- (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.22.011, if requested to do so.

Contact Person:

Katherine Faria, Senior Planner – Subdivisions, phone number 905-771-5543 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:

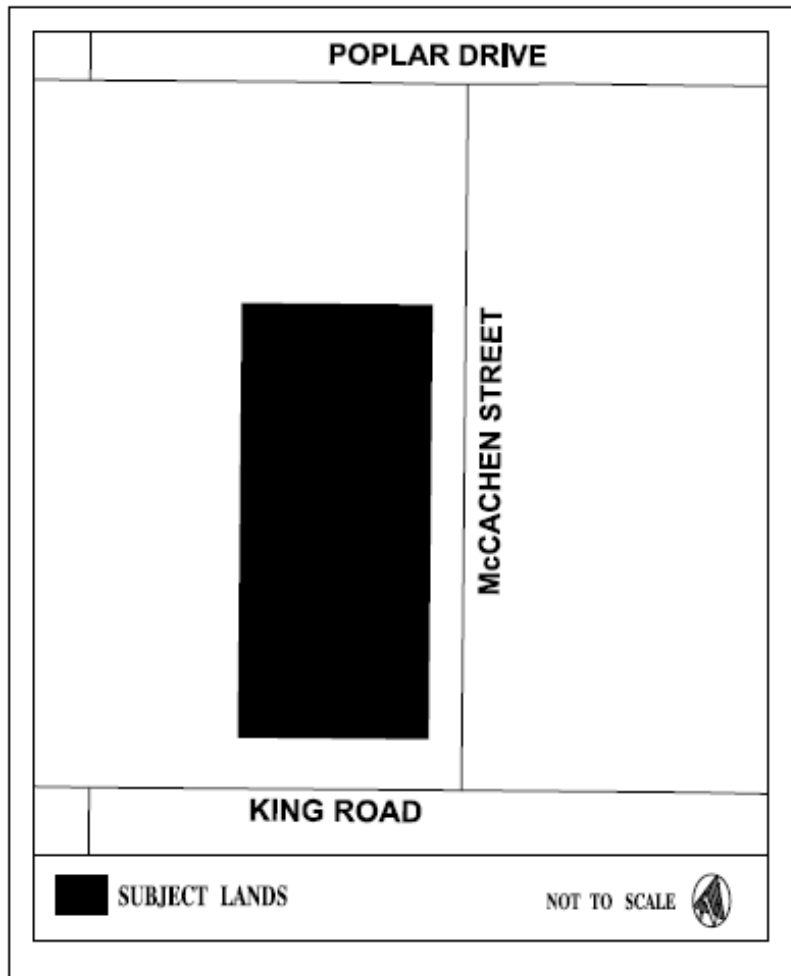


_ Darlene Joslin, Interim City Manager

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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 in February 2021. The application was subsequently circulated to City departments and external agencies for review and comment. The purpose of the application is to establish common element condominium tenure for a residential development currently under construction on the subject lands, which is related to a previously approved Site Plan application (City File D06-19053). 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 northwest corner of King Road and McCachen Street and have a total combined area of approximately 0.73 hectares (1.8 acres) (refer to Map 1). The lands, which were originally comprised of five existing residential lots, form a block on a registered Plan of Subdivision (City File D03-17011).

The lands abut King Road to the south, McCachen Street to the east, low density residential uses to the north and a proposed low and medium density residential development to the west (City Files D02-17006, D03-17002, D05-20006 and D06-20033). In this regard, the approved Site Plan application for the subject lands (City File D06-19053) provides for vehicular and pedestrian interconnections through the adjacent development proposal located immediately to the west of the subject lands. The proposed medium density component of the abutting development proposal is subject to an active Site Plan application that is under review at the time of writing of this report.

Development Proposal

The applicant is seeking approval of its draft Plan of Condominium application pursuant to Section 51 of the *Planning Act* in order to facilitate the establishment of common element condominium tenure for a 36-unit residential development that is currently under construction on the subject lands (refer to Map 5). The following is a summary of the pertinent statistics for the development on the basis of the plans and drawings submitted to the City:

- **Site Area:** 0.73 hectares (1.8 acres)
- **Common Element Area:** 0.17 hectares (0.42 acres)
- **Number of Dwelling Units:** 36
 - **Semi-Detached Units:** 2
 - **Townhouse Units:** 34
- **Number of Storeys:** 3
- **Visitor Parking (Common Area):** 4 parking spaces
- **Visitor Parking (Driveways):** 22 parking spaces

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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). Uses permitted within the **Neighbourhood** designation include primarily low-rise residential uses, as well as medium-density residential and other uses subject to specific policy criteria as outlined in the Plan. The lands are located within the boundaries of the expanded Puccini Drive Neighbourhood Infill Study in accordance with the Tertiary Plan approved by Council for the area, and the proposal conforms with the applicable policies of the Plan.

Zoning By-law

The subject lands are zoned “**Multiple Residential One (RM1) Zone**” and “**Semi-Detached One (RD1) Zone**” in accordance with By-law 313-96, as amended by By-law 108-21, which permit townhouse dwellings as well as semi-detached dwellings to be constructed on the lands, respectively (refer to Map 3). By-law 108-21 has come into effect in accordance with the provisions of the *Planning Act* and contains site specific provisions to facilitate the construction of the subject development. In this regard, the proposed development complies with the provisions of the applicable Zoning By-law.

Site Plan Application

A related Site Plan application (City File D06-19053) has been approved with respect to the subject proposal and a Site Plan Agreement was registered at the Land Registry Office on September 21, 2022 as Instrument Number YR3479018 (refer to Map 4).

Draft Plan of Condominium

The draft Plan of Condominium application and related documents submitted in support of same were circulated to various City departments and external agencies for their review and comment which have advised of no concerns or objections to the application and/or have provided conditions of approval which are included in Appendix “A” attached hereto.

Planning staff has reviewed the subject draft Plan of Condominium and notes that it is consistent with the related Site Plan application that has been approved for the subject development (refer to Maps 4 and 5). As indicated previously in this report, the applicant’s land holdings about a proposed medium density residential development to the west. Both the subject development and the adjacent development proposal support pedestrian and vehicular interconnectivity between the sites through the alignment of the private laneways to be established within each respective development. In this regard, as a condition of draft plan approval, the applicant will be required to establish an easement in favour of the lands to the west in order to provide for the appropriate rights of access (refer to Appendix “A”).

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It should be noted that a Part Lot Control Exemption application (City File PLC-22-0004) has been submitted to facilitate the subject draft Plan of Condominium application. This application remains under review pending draft approval of the Plan of Condominium.

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 a **Strong Sense of Belonging** in providing a range of housing and tenure options within the City.

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 in order to facilitate common element tenure for an approved residential development to be comprised of 36 common element dwelling units on its land holdings. Planning staff is satisfied that the proposed draft Plan of Condominium application is appropriate and represents good planning. Therefore, 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. If you require an alternative format please call contact person listed in this document.

- Appendix "A", Schedule of Draft Conditions, 19CDM(R)-21001
- Map 1, Aerial Photograph
- Map 2, Official Plan Designation (Schedule A2)
- Map 3, Existing Zoning
- Map 4, Approved Site Plan
- Map 5, Draft Plan of Condominium, 19CDM(R)-21001

Appendix “A”

The Corporation of the City of Richmond Hill

Schedule of Conditions

Draft Plan of Condominium
(“Common Element Condominium”)

File 19CDM(R)-21001

Fifth Avenue Homes (King West) Inc.

Block 1, Registered Plan 65M-4727

City of Richmond Hill

City of Richmond Hill

Development Planning Division

1. Approval shall relate to a Draft Plan of Condominium prepared by R-PE Surveying Ltd., Ontario Land Surveyors, Project Number 17-249, having a Surveyor’s Certificate dated August 4, 2022.
2. The Owner shall fulfill Site Plan provisions pertaining to a related Site Plan Agreement between the Owner and the City dated August 22, 2022 and registered in the Land Registry Office of the Land Titles Division of York Region as Instrument YR3479018, to the satisfaction of the Commissioner of Planning and Infrastructure.
3. The Owner shall enter into a Condominium Agreement, if required to do so by the City, which shall be registered on title and to the satisfaction of the City Solicitor, in priority to all other claims or interest.
4. 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.
5. 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, S.O. 1998, c. 19*, all right(s)-of-way and easements for vehicular and pedestrian access, on-site traffic circulation, private servicing, municipal servicing or utility servicing to the satisfaction of the City.
6. The Owner shall agree to create a non-exclusive surface easement (the “Access Easement”) over the interior private driveway to be built on a portion of the grade

level of the Subject Lands. The Access Easement shall be in favour of the lands located immediately to the west of the Subject Lands, municipally known as 356 King Road and legally described as Part of Lot 37, Registered Plan 202, designated as Part 1 on Plan 65R-39405 (PIN 03206-4432) (the "West Benefitting Lands") for the purpose of providing vehicular and pedestrian access, ingress and egress, to and from the West Benefitting Lands, and to and from all public highways known as McCachen Street and Seguin Street. The Access Easement shall be a strata/surface easement, which may be created and/or granted all at once or in phases and may be created pursuant to Section 20 of the *Condominium Act*, 1998 by describing the Access Easement in the Condominium Declaration and description or approval by the Committee of Adjustment. The Access Easement shall be in a form and location satisfactory to the Commissioner and the Owner shall be responsible for the preparation of any and all Reference Plan(s) necessary for the creation or conveyance of the Access Easement and all other costs related thereto.

Building Division

7. 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 August 22, 2022.
8. Prior to final approval of the Plan, the Owner shall have fully complied with any orders issued pursuant to the *Building Code Act*, 1992, S.O. 1992, c. 23 and shall have completed all work necessary to correct any building deficiencies related to said orders to the satisfaction of the City.

Development Engineering Division

9. Prior to final approval of the Plan, the Owner shall provide the City with evidence in the form of Engineer's Certificate stating 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, any retaining walls, low impact development features that are to be located within the Parcels of Tied Land and are to be secured with easements in favour of the Condominium Corporation, have been substantially completed in accordance with the plans and conditions in the said Site Plan Agreement. To guarantee completion of the aforesaid work, the letter of credit secured through the Site Plan Agreement will be kept in full force by the City.
10. The Owner shall file with the City, if required to do so by the City, certification from a Professional Engineer or Ontario Land Surveyor or Solicitor authorized to practice in the Province of Ontario 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 with the lands within the Plan) for, but not limited to, access, parking, street lighting, water, sanitary sewer, storm sewer, structural support grading, retaining walls, low impact development

features, amenity areas, access and maintenance purposes, have been lawfully created or will be lawfully created upon the registration of the Declaration referred to in Condition 5.

11. The Owner shall include the following noise warning clauses in the Condominium Declaration as per the approved Noise Feasibility Study for the Subject Lands, prepared by HGC Engineering, dated October 2, 2017. The dwelling units included in the following noise warning clauses correspond to the Draft Plan of Condominium dated August 4, 2022:

Type C: (Provision for adding central air conditioning)

“Purchasers/tenants of dwelling units in Blocks 1, 2 and 4 to 6 are advised that the 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 density developments will allow windows and exterior doors to be remained 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.”

Type D: (Supply with central conditioning system)

“Purchasers/tenants of dwelling units in Block 3 only are advised that the 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.”

Park and Natural Heritage Planning Section

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

Corporate and Financial Services Department

14. Prior to final approval, the Owner shall pay the applicable Release Fees to the satisfaction of the City.
15. Prior to final approval, the Owner shall pay any outstanding taxes owing to the City.
16. Prior to final approval, the Owner shall pay any outstanding Local Improvement charges owing against the subject lands.

Regional Municipality of York

17. Prior to final approval, the Owner shall obtain Site Plan Approval under Regional file number SP.19.R.0290.
18. Prior to final approval, the Owner shall obtain Regional clearance for the related Draft Plan of Subdivision application SUBP.18.R.0003 (City File D03-17011).
19. Prior to final approval, the Owner shall confirm that all works within the Regional 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.
20. Prior to final approval, the Owner shall provide confirmation that all Transfers of Obligations have been completed where Regional Agreements require a responsibility to change from the Owner to the Condominium Corporation.
21. The Owner shall include in all Agreements of Purchase and Sale and/or Lease, Condominium Agreement, Condominium Declaration the following clause:

“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.”

Alectra Utilities

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

Bell Canada

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

Canada Post

24. Prior to final approval, the Owner shall satisfy the requirements of Canada Post, including but not necessarily limited to the requirements outlined in the letter from Canada Post, dated November 29, 2021 with respect to the proposed condominium development on the subject lands.

Enbridge Gas Inc.

25. 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

26. The City of Richmond Hill shall advise that Conditions 1 to 16 inclusive have been satisfied. The clearance letter shall contain a brief statement detailing how each condition has been met.
27. The Regional Municipality of York shall advise that Conditions 17 to 21 inclusive has been satisfied. The clearance letter shall include a brief statement detailing how each condition has been met.
28. Alectra Utilities shall advise that Condition 22 has been satisfied. The clearance letter shall include a brief statement detailing how the condition has been met.
29. Bell Canada shall advise that Condition 23 have been satisfied. The clearance letter shall include a brief statement detailing how each condition has been met.
30. Canada Post shall advise that Condition 24 has been satisfied. The clearance letter shall include a brief statement detailing how the condition has been met.
31. Enbridge Gas Inc. shall advise that Condition 25 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

4,6,8,10 & 12 McCachen Street

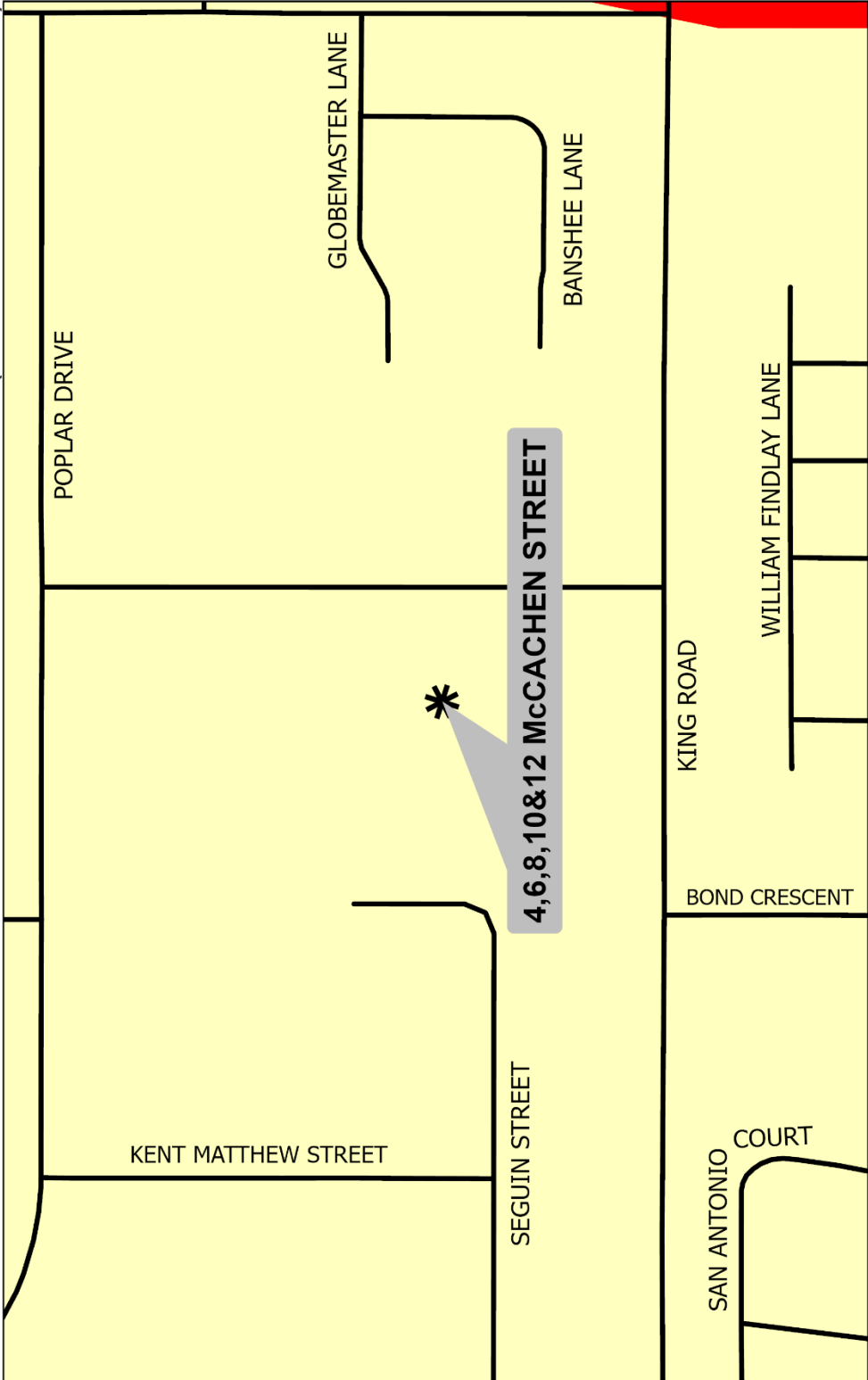
KF/DW D.A.22.011

BLOCK 1 **File No. D05-21001**

**CITY OF RICHMOND HILL
PLANNING AND INFRASTRUCTURE
DEPARTMENT**

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MAP 2 - OFFICIAL PLAN DESIGNATION (SCHEDULE A2)



Legend

Subject Lands

Oak Ridges Local Centre

Neighbourhood

4,6,8,10 & 12 McCachen Street

KF/DW D.A.22.011

NOTE: The information provided in this map is a depiction of a portion of the Richmond Hill Official Plan. For the purposes of the Official Plan, the boundaries and locations of the subject lands are shown. The boundaries and locations of the subject lands are shown. The boundaries and locations of the subject lands are shown. The boundaries and locations of the subject lands are shown.

BLOCK 1 File No. D05-21001

CITY OF RICHMOND HILL
PLANNING AND INFRASTRUCTURE
DEPARTMENT

The map displays a grid of lots with the following zoning designations:

- R6:** Residential Medium Density (Lots 13, 15, 16, 17A, 17, 23, 25, 27A)
- RD1:** Residential Single-Family Detached (Lots 11, 12, 14, 18, 20, 21, 22, 24, 26, 376, 384, 390, 396)
- R4:** Residential Single-Family Detached (Lots 9, 11, 15, 19-21)
- RM1:** Residential Medium Density Multi-Family (Lots 1, 3, 5, 7, 9, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100)
- R5:** Residential Medium Density (Lots 15-17)

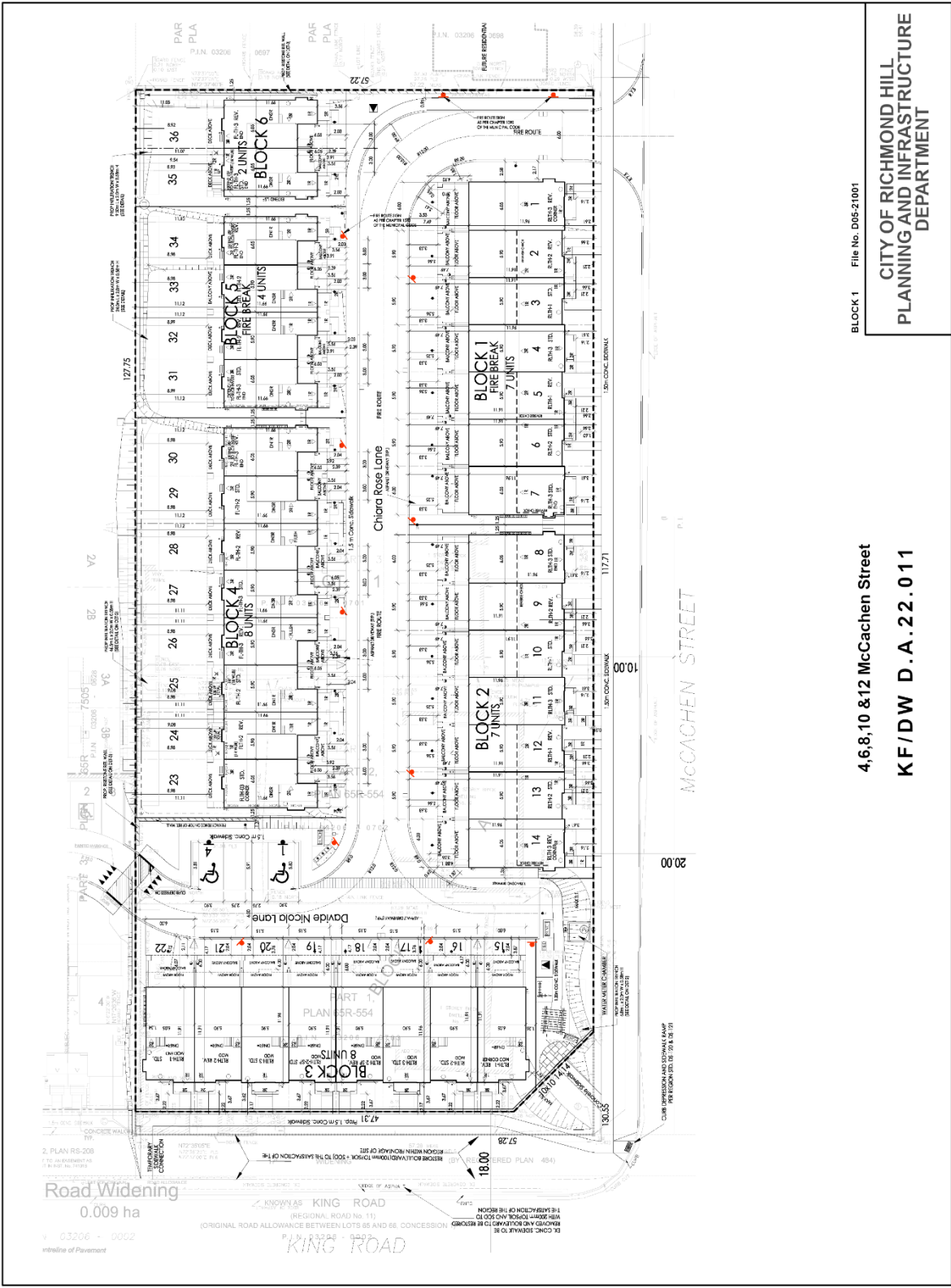
Streets shown include McEachen Street, Globemac Street, and Banshee Lane. A large area is shaded with a cross-hatch pattern, indicating a specific zoning or planning area.

File No. D05-21001



CITY OF RICHMOND HILL
PLANNING AND INFRASTRUCTURE
DEPARTMENT

MAP 4 - APPROVED SITE PLAN



BLOCK 1 File No. D05-21001
CITY OF RICHMOND HILL
PLANNING AND INFRASTRUCTURE
DEPARTMENT

4,6,8,10 & 12 McCachen Street
KF/DW D.A.22.011

REGISTERED LOT 37
PLAN 39405
PART 1, PLAN 65R - 39405
SUBJECT TO AN EASEMENT AS SET OUT IN T33B0489
P.L.N. 03206 - 4432

REGISTERED LOT 42
PLAN 65R - 39453
PART 1, PLAN 65R - 39453
P.L.N. 03206 - 4415

MCCACHEN STREET
(BY REGISTERED) PLAN 484
P.L.N. 03206 - 0718

BLOCK 3
(20.30 FEET)

BLOCK 2, (STREET WIDENING)
PLAN 65M-4727

PART 2,
PLAN RS-208

WIDENING (BY REGISTERED) PLAN 484

BLOCK 1 **File No. D05-21001**

4,6,8,10 & 12 McCachen Street

KF/DW D.A.22.011

CITY OF RICHMOND HILL
PLANNING AND INFRASTRUCTURE
DEPARTMENT