



Staff Report for City Manager Delegated Authority

Date of Meeting: October 1, 2022

Report Number: D.A.22.007

Department: Planning and Infrastructure

Division: Development Planning

Subject: **D.A.22.007 – Request for Approval – Draft Plan of Condominium - The Gates of Bayview Glen Phase XI Corporation – City File D05-21005**

Owner:

The Gates of Bayview Glen Phase XI Corporation
50 Confederation Parkway
Vaughan, ON
L4K 4T8

Agent:

The Muzzo Group of Companies
50 Confederation Parkway
Vaughan, ON
L4K 4T8

Location:

Legal Description: Part of Blocks 16, 17, 19 and 20, Plan 65M-2838, and Part of Lot 38, Concession 1, E.Y.S.

Municipal Address: 95 and 105 Oneida Crescent

Purpose:

A request for approval of a draft Plan of Condominium application with respect to high density residential development comprised of a 24 storey and a 30 storey apartment buildings that are currently under construction on the subject lands.

Recommendations:

- a) That the draft Plan of Condominium application submitted by The Gates of Bayview Glen Phase XI Corporation for the lands known as Part of Blocks 16, 17, 19 and 20, Plan 65M-2838, Part of Lot 38, Concession 1, E.Y.S. (Municipal Addresses: 95 and 105 Oneida Crescent), City File D05-21005 (19CDM(R)-21005), 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.22.007; 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.

Contact Person:

Diane Pi, Planner II – Site Plans, phone number 905-747-6436 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

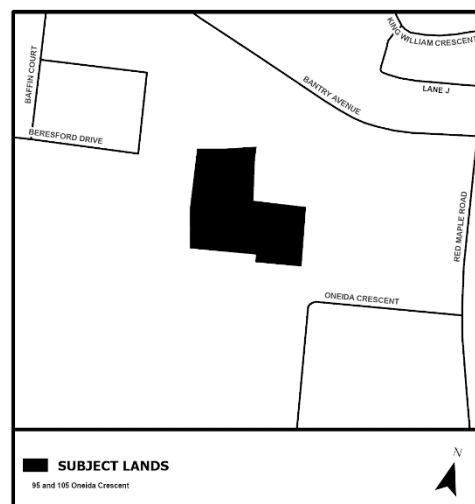
Approved by:



Darlene Joslin, Interim City Manager

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 by the City on November 11, 2021 and was deemed complete on November 17, 2021. The application was subsequently circulated to City departments and external agencies for review and comment.

Official Plan Amendment and Zoning By-law Amendment applications to facilitate the construction of a high density residential development on the subject lands were approved by the former Ontario Municipal Board on June 12, 2014 (City Files D01-12004 and D02-12018). The development is comprised of two phases, with the first phase consisting of two 20 storey residential apartment buildings with approximately 428 units and the second phase consisting of four residential apartment buildings ranging in height from 19 to 30 storeys with approximately 1,211 units.

An associated Site Plan application (City File D06-17085) was subsequently submitted to the City for three of the four buildings proposed as part of the Phase 2 of the development. A Site Plan Agreement for these buildings was registered on May 11, 2020. A draft Plan of Condominium application for one of the towers (85 Oneida Crescent) was approved on August 21, 2020 (City File D05-20003).

The subject draft Plan of Condominium application is for the remaining two towers presently under construction on the lands, specifically for the buildings located at 95 and 105 Oneida Crescent. 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 on the south side of Bantry Avenue west of Oneida Crescent, and have a total lot area of approximately 1.97 hectares (4.88 acres). Construction of the approved high density residential development is currently underway on the site. The lands abut Bantry Avenue to the north, high density residential and mixed use developments to the east and south, and the Canadian National Railway line to the west (refer to Map 1).

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 standard condominium tenure for the approved 24 storey and 30 storey residential apartment buildings currently under construction on a portion of its land holdings (95 and 105 Oneida Crescent) (refer to Map 5). The following is a summary of the development statistics for the development based on the plans and drawings submitted to the City:

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- **Total Lot Area:** 1.97 hectares (4.88 acres)
- **Total Net Site Area:** 0.85 hectares (2.11 acres)
- **Building Height:** 30 Storey (Tower C)
24 Storey (Tower D)
- **Number of Dwelling Units:** 575
- **Density:** 673 units per hectare (273 units per acre)
- **Total Parking Spaces:** 726
 - **Residential spaces:** 640
 - **Visitor Spaces:** 86

Planning Analysis:

City of Richmond Hill Official Plan Designation

The subject lands are designated **Richmond Hill Centre** in accordance with Schedule A2-Land Use of the City's Official Plan (the "Plan") (refer to Map 3). A wide range of uses are permitted within the **Richmond Hill Centre** designation including major office, office, commercial and retail, in addition to high density residential, medium density residential, community uses, parks and open spaces, and live-work units uses subject to specific policy criteria as outlined in Chapters 3 and 4 of the Plan. The proposed high density residential development is consistent with the uses contemplated within the **Richmond Hill Centre** designation of the Plan.

Zoning

The subject lands are zoned **Special Commercial Five (SC-5) Zone** under By-law 278-96, as amended (refer to Map 4). The **SC-5 Zone** permits a residential apartment building as proposed by the subject application and therefore, the proposed development complies with the zoning applicable to the subject lands.

Site Plan

As noted previously in this report, a Site Plan Agreement for this phase of the development was executed on May 11, 2020 and registered at the Land Registry Office on May 11, 2020 Instrument No. YR3097364 (refer to Map 5).

Draft Plan of Condominium

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 presently under construction on the lands (refer to Map 5). Further, 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. These conditions of approval are included in the Schedule of Conditions attached hereto as Appendix "A".

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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** by providing alternative housing and alternative employment opportunities, contributing to the building of the North Leslie community. Finally, 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.

Climate Change Considerations:

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

Conclusion:

The applicant is seeking approval of a draft Plan of Condominium application related to a 24 storey and a 30 storey residential development presently under construction on its land holdings. Planning staff are 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)-21005
- Map 1, Aerial Photograph
- Map 2: Neighbourhood Context
- Map 3: Official Plan Designation
- Map 4: Zoning
- Map 5: Approved Site Plan
- Map 6: Draft Plan of Condominium, 19CDM(R)-21005 (SHEET 1)
- Map 7: Draft Plan of Condominium, 19CDM(R)-21005 (SHEET 2)
- Map 8: Draft Plan of Condominium, 19CDM(R)-21005 (SHEET 3)
- Map 9: Draft Plan of Condominium, 19CDM(R)-21005 (SHEET 4)

Appendix “A”

Schedule of Conditions “Standard Condominium”

Draft Plan of Condominium

**The Gates of Bayview Glen Phase XI Corporation
Part of Blocks 16, 17, 19, and 20, Plan 65M-2838, and Part of Lot 38, Concession 1,
E.Y.S.
City of Richmond Hill**

City File: D05-21005 (19CDM(R)-21005)

The conditions of the Council of the City of Richmond Hill to be satisfied prior to the release for registration of Plan of Condominium 19CDM(R)-21005, City of Richmond Hill, are as follows:

City of Richmond Hill

Planning and Infrastructure Department (Development Planning Division)

1. Approval shall relate to a draft Plan of Condominium prepared by R-PE Surveying Ltd., Project Number. 18-162, dated October 7, 2021.
2. The Owner shall fulfill Site Plan provisions pertaining to a related Site Plan Agreement between the Owner and the City dated March 31, 2020 and registered in the Land Registry Office of the Land Titles Division of York Region as Instrument YR3097364, to the satisfaction of the Commissioner, Planning and Infrastructure Department.
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*, 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.

Planning and Infrastructure Department (Building Division)

6. Prior to final approval of the Plan, the Owner shall provide the City with evidence in the form of an Architect's Certificate or other certification, satisfactory to the City, stating that all buildings are substantially completed to the extent that all boundaries of the units to be created have been constructed.
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 March 31, 2020.
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*, and shall have completed all work necessary to correct any building deficiencies related to said orders to the satisfaction of the City.

Planning and Infrastructure Department (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 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 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 easements 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.
11. The Owner shall include noise warning clauses in the condominium declaration as per the recommendations of the approved noise study dated March 22, 2019 prepared by HGC Engineering. As applicable, all dwelling units should include the following noise warning clauses.

Type A: Purchasers/tenants are advised that sound levels due to increasing road and rail 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.

Type B: 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.

Type C: Purchasers are advised that due to the proximity of the nearby commercial and retail facilities, sound levels from the facilities may at times be audible.

Type D: Purchasers or tenants are to be advised that Canadian National Railway or its successors or assigns, have an operating right-of-way within 300 metres from the land subject hereof and there may be alterations to the right-of-way including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from use of its facilities and/or operations.

Type E: Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest are the owners of lands within 300 metres from the land which is the subject hereof. In addition to the current use of the lands owned by Metrolinx, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the Metrolinx lands or Metrolinx and their respective assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under its lands.

City Clause: Purchasers and tenants are advised that the ownership and future maintenance of any acoustic fence or rooftop acoustic barrier will be responsibility of the condominium corporation as they will not be owned or maintained by the City of Richmond Hill in the future.

Planning and Regulatory Services Department (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 and private landscaping.
13. The Owner shall complete all required landscape works to the satisfaction of the Commissioner of Planning and Regulatory Services.

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 provide confirmation that all of the conditions of the Site Plan Approval issued for the subject property on May 17, 2019, under Regional File No. No.SP.17.R.0271, have been satisfied.

Alectra Utilities

18. Prior to final approval, the Owner shall enter into a Licence Agreement with Alectra Utilities.

Bell Canada

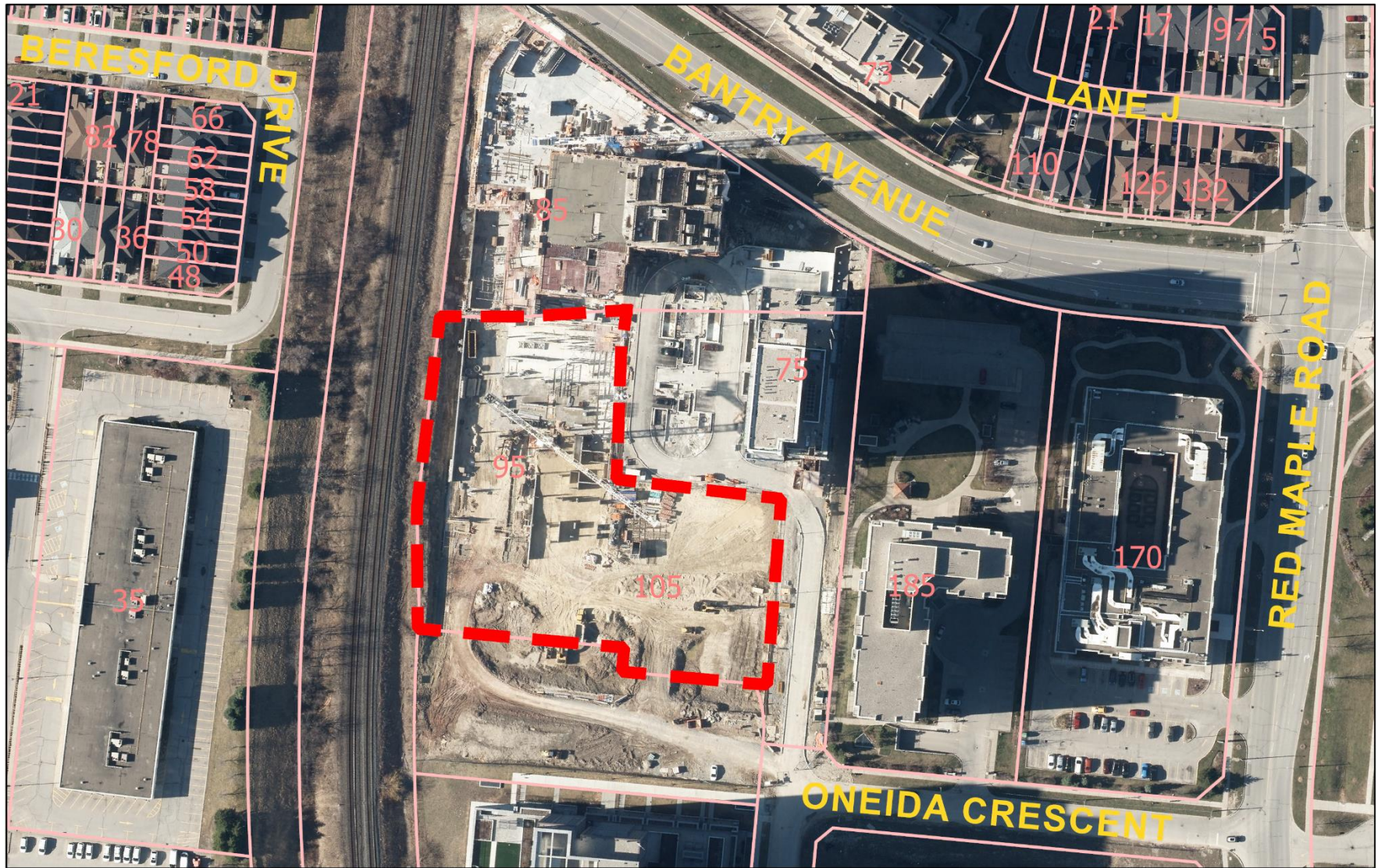
19. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
20. The Owner agrees that should any conflict arise with existing Bell Canada 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.

Clearance Conditions

21. The City shall advise that Condition 1 to 16 have been satisfied. The clearance letter shall include a brief statement detailing how each condition has been met.
22. Regional Municipality of York shall advise that Condition 17 has been satisfied. The clearance letter shall include a brief statement detailing how this condition has been met.
23. Alectra Utilities shall advise that Condition 18 has been satisfied. The clearance letter shall include a brief statement detailing how this condition has been met.
24. Bell Canada shall advise that Condition 19 to 20 have been satisfied. The clearance letter shall include a brief statement detailing how each 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

95 and 105 Oneida Crescent

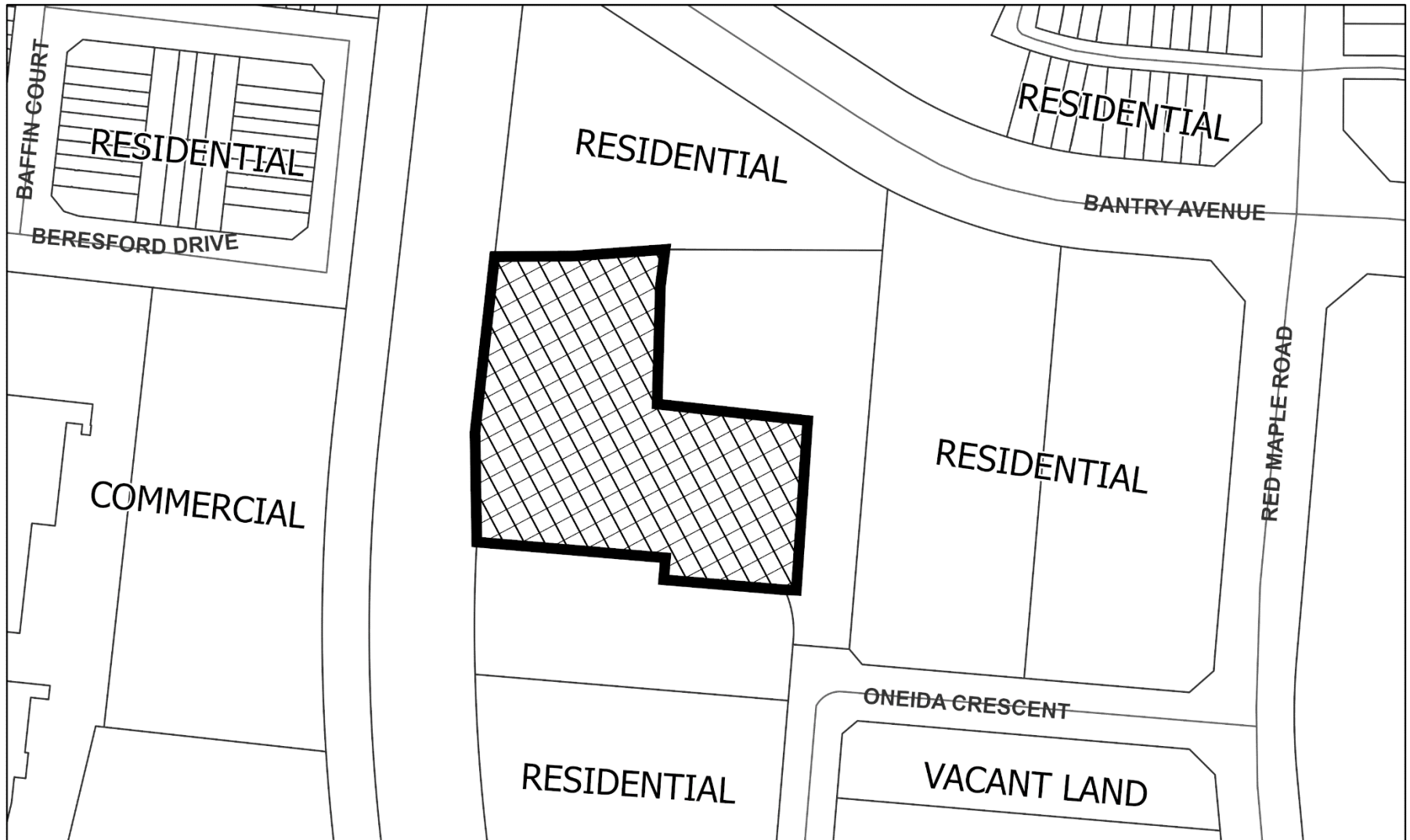
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DEPARTMENT

MAP 2 - NEIGHBOURHOOD CONTEXT



Legend



Subject Lands

95 and 105 Oneida Crescent

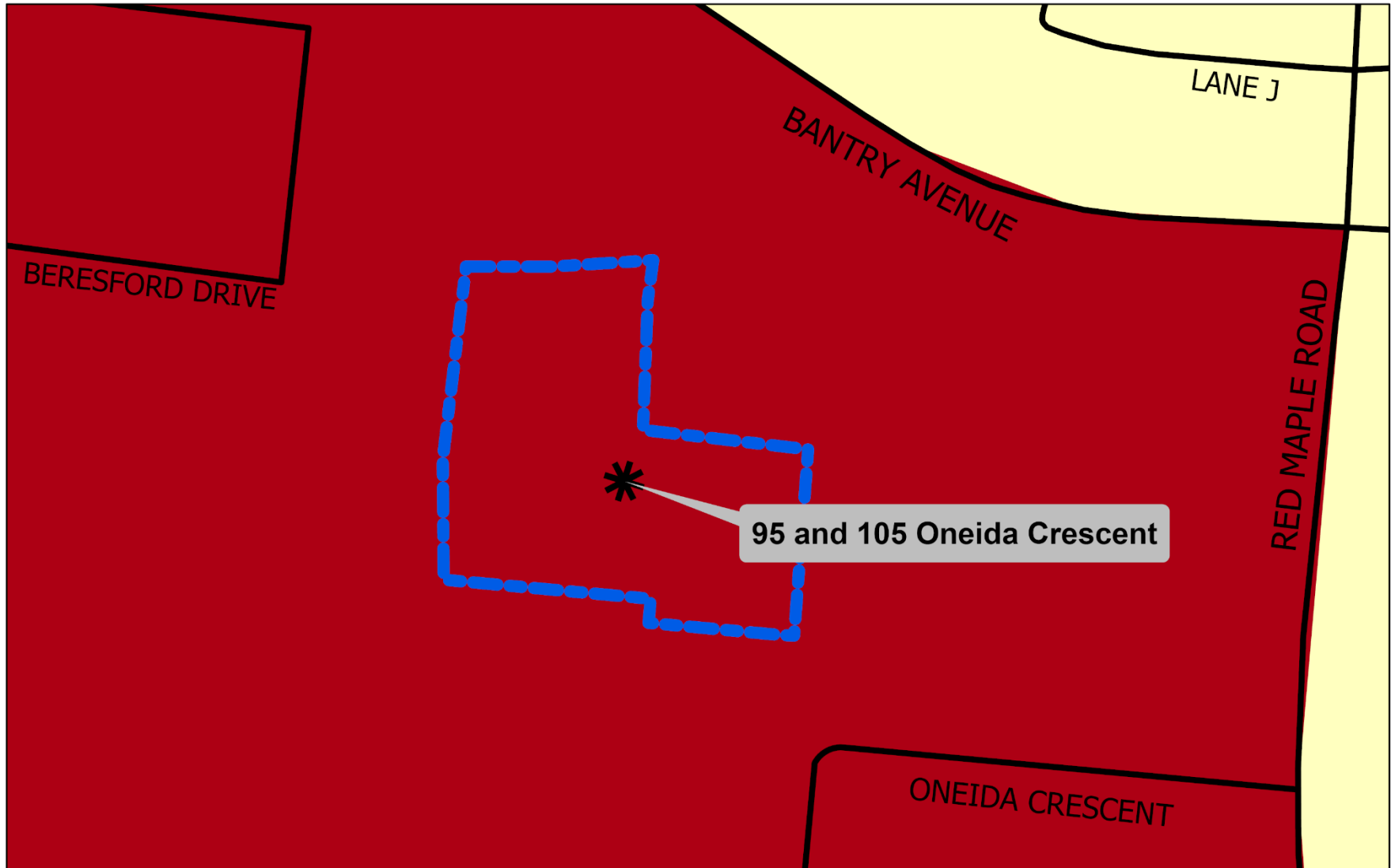
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DEPARTMENT**

MAP 3 - OFFICIAL PLAN DESIGNATION



Legend



Subject Lands



Richmond Hill Centre



Neighbourhood

95 and 105 Oneida Crescent

DP/DW D.A.22.007

NOTE: The information provided in this map is a depiction of a portion of the Richmond Hill Official Plan. For accurate reference, the schedules and policies of the Richmond Hill Official Plan must be consulted. In the case of a discrepancy between the schedules and policies of the Richmond Hill Official Plan, the policies shall take precedence.

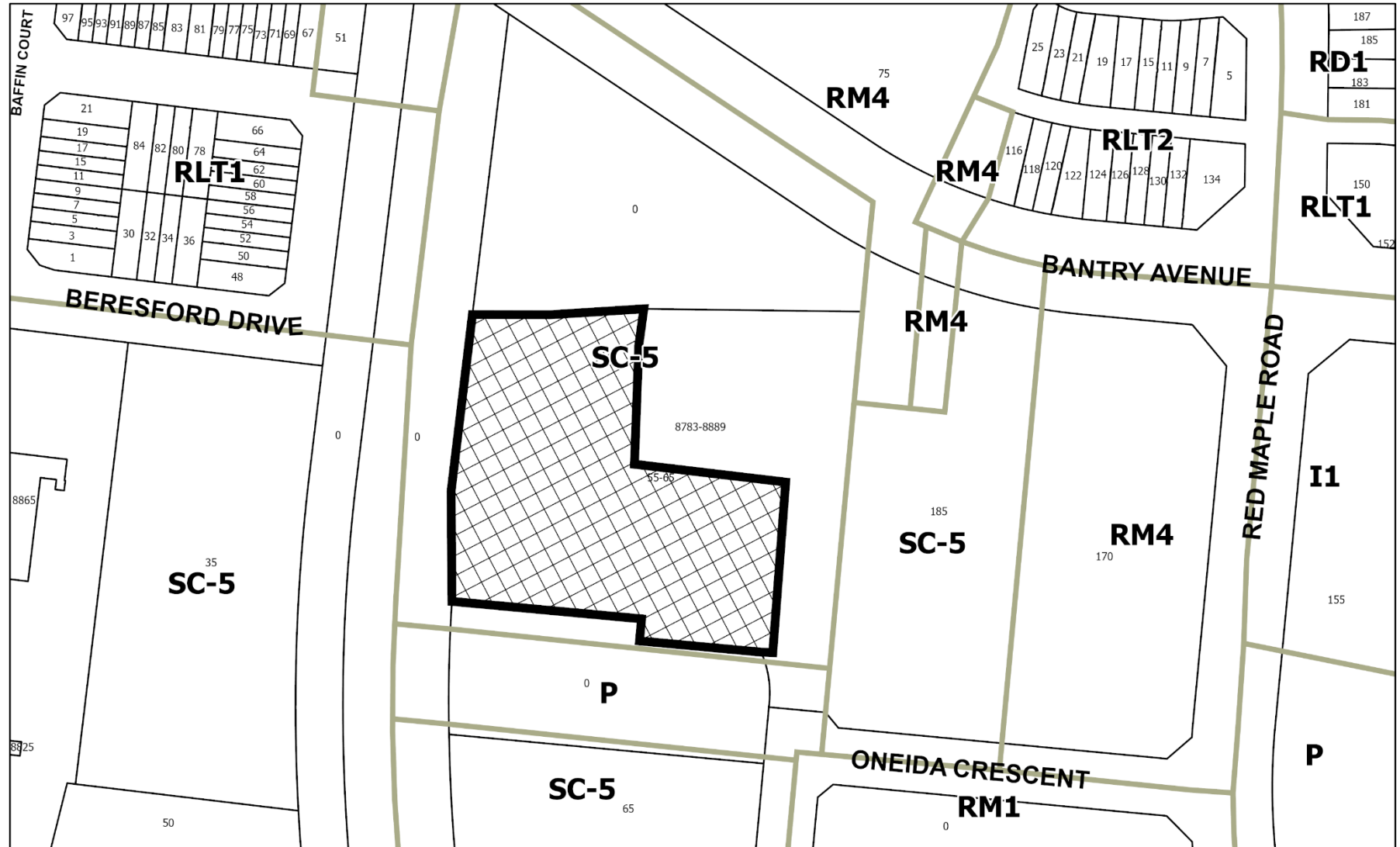
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MAP 4 - EXISTING ZONING



Legend



Subject Lands

95 and 105 Oneida Crescent

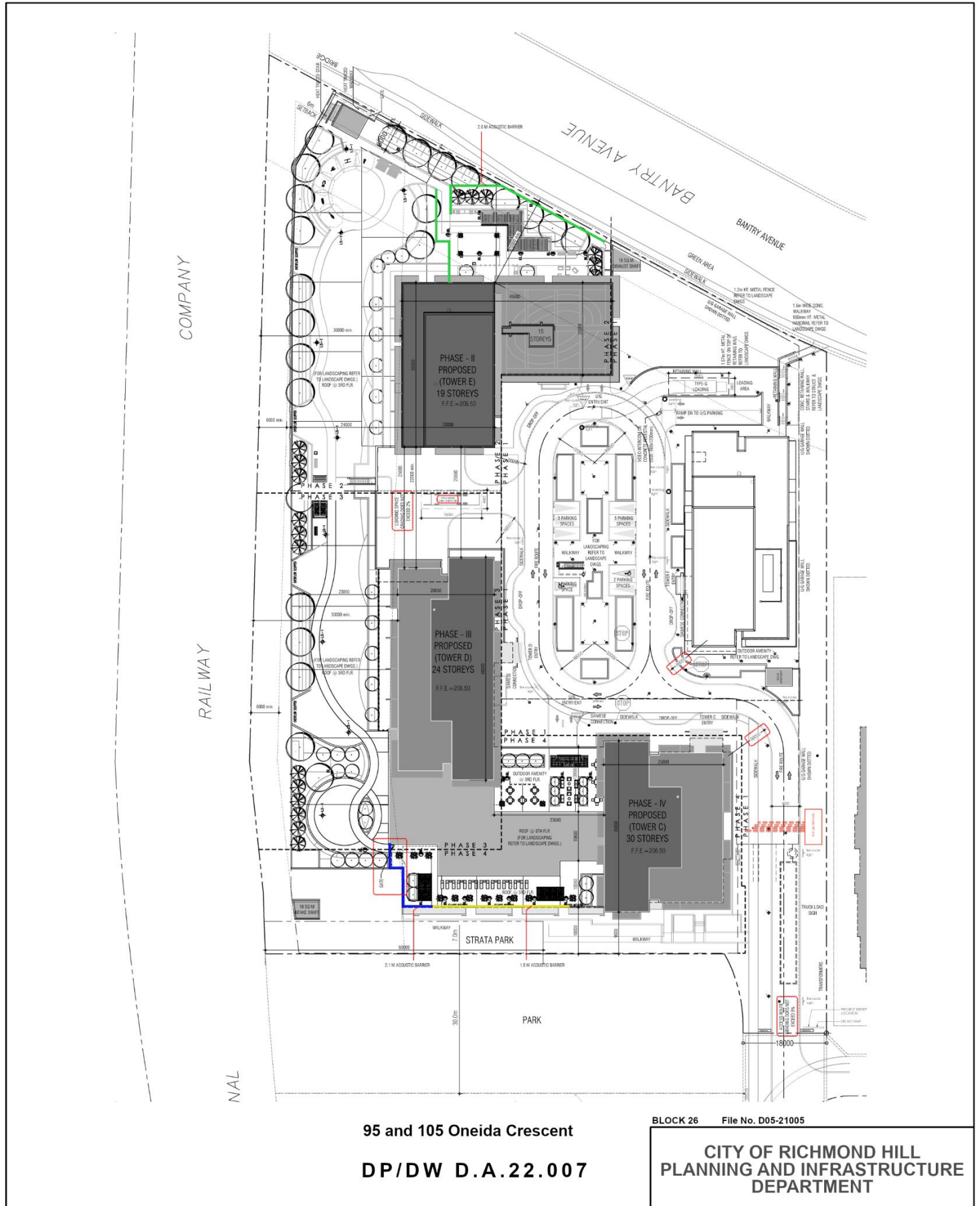
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BLOCK 26 File No. D05-21005



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MAP 5 - SITE PLAN



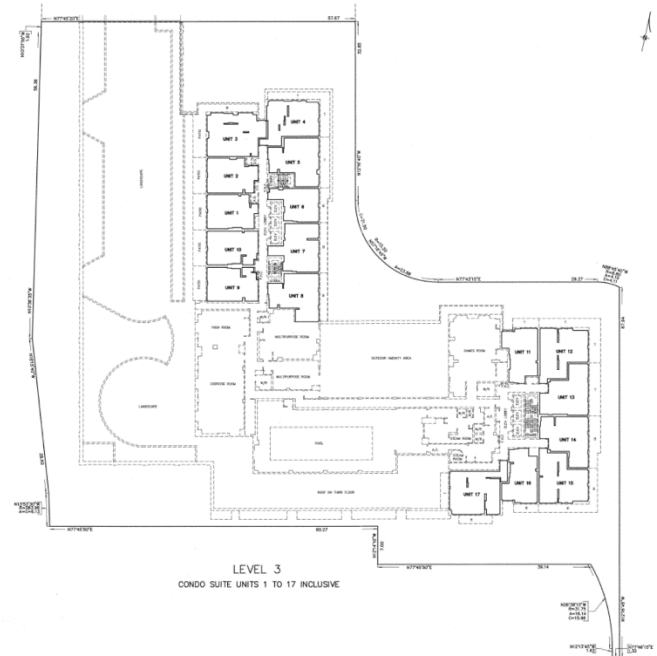
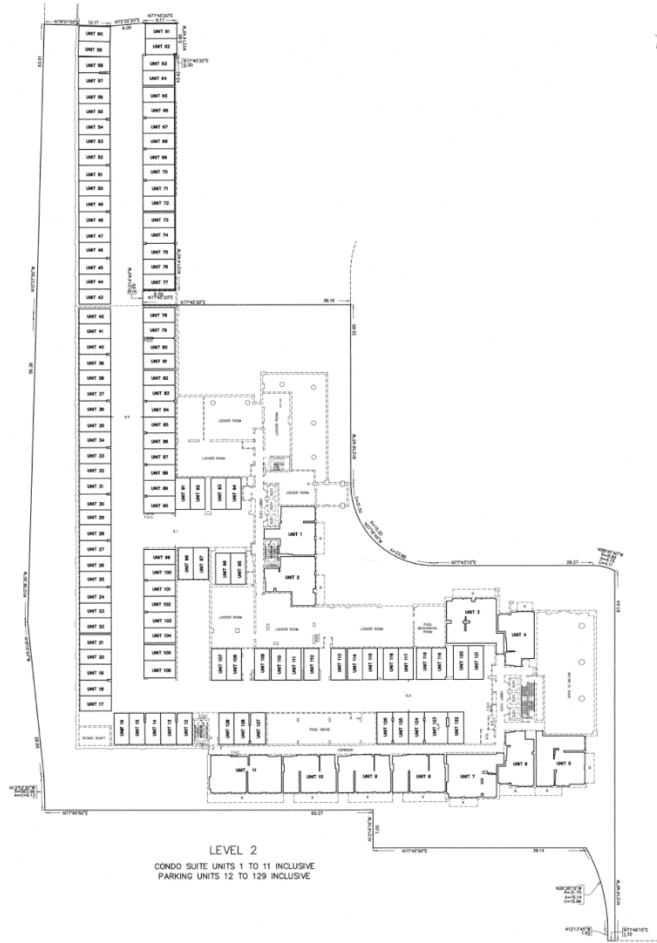
95 and 105 Oneida Crescent

DP/DW D.A.22.007

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MAP 7 - DRAFT PLAN OF CONDOMINIUM, 19CDM(R)-21005 (SHEET 2)



95 and 105 Oneida Crescent

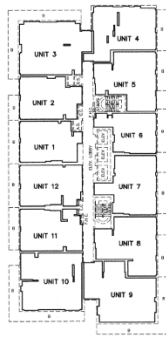
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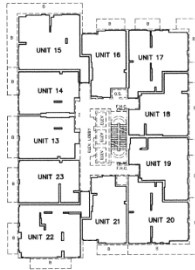
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MAP 8 - DRAFT PLAN OF CONDOMINIUM, 19CDM(R)-21005 (SHEET 3)

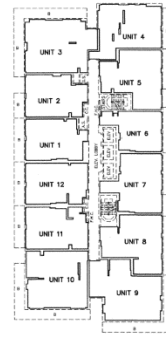
SHEET 3 OF 4 SHEETS



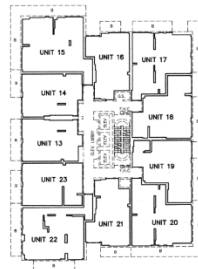
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CONDO SUITE UNITS 1 TO 23 INCLUSIVE



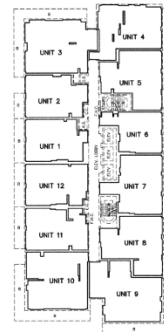
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CONDO SUITE UNITS 1 TO 23 INCLUSIVE



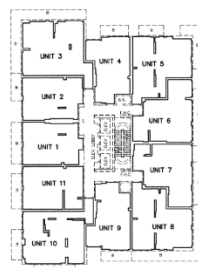
LEVELS 8, 12, 16, 20 AND 24
CONDO SUITE UNITS 1 TO 23 INCLUSIVE



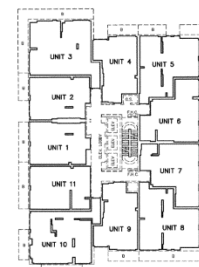
LEVELS 9, 13, 17 AND 21
CONDO SUITE UNITS 1 TO 23 INCLUSIVE



LEVEL 25
CONDO SUITE UNITS 1 TO 11 INCLUSIVE



LEVEL 26
CONDO SUITE UNITS 1 TO 11 INCLUSIVE



LEVEL 27
CONDO SUITE UNITS 1 TO 11 INCLUSIVE

95 and 105 Oneida Crescent

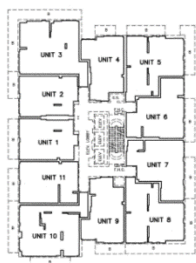
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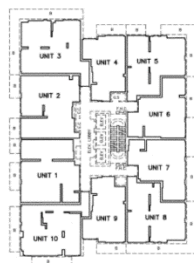
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MAP 9 - DRAFT PLAN OF CONDOMINIUM, 19CDM(R)-21005 (SHEET 4)

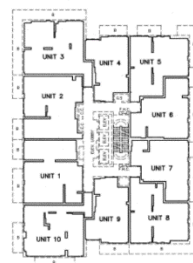
SHEET 4 OF 4 SHEETS



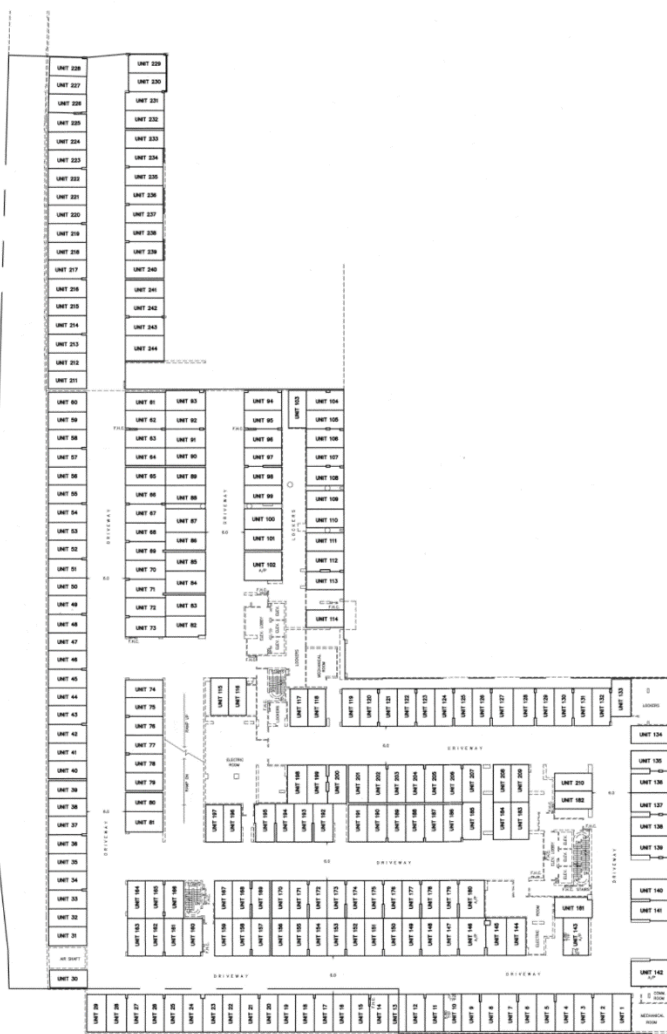
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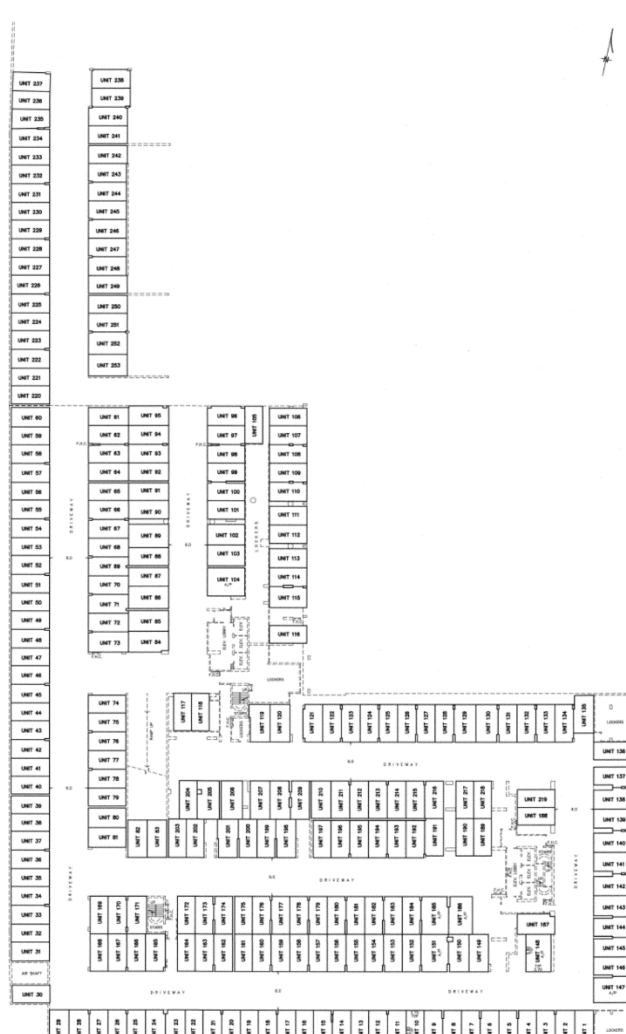
LEVEL 29
CONDO SUITE UNITS 1 TO 10 INCLUSIVE



LEVEL 30
CONDO SUITE UNITS 1 TO 10 INCLUSIVE



LEVEL A
PARKING UNITS 1 TO 244 INCLUSIVE



LEVEL B
PARKING UNITS 1 TO 253 INCLUSIVE

95 and 105 Oneida Crescent

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