



Staff Report for Committee of the Whole Meeting

Date of Meeting: May 17, 2023

Report Number: SRPI.23.057

Department: Planning and Infrastructure

Division: Development Planning

Subject: SRPI.23.057 – Request for Comments – Site Plan Application – Montagna Capital (BT) Inc. – City File SP-23-0011 (Related File D03-11004/19T-11004)

Owner:

Montagna Capital (BT) Inc.
1-1681 Langstaff Road
Vaughan, Ontario L4K 5T3

Agent:

Malone Given Parsons Ltd.
140 Renfrew Drive, Suite 201
Markham, Ontario LR3 6B3

Location:

Legal Description: Part of Lots 19 and 20, Concession 3, E.Y.S.
Municipal Address: 1577 to 1621 Major Mackenzie Drive East

Purpose:

A request for comments concerning a Site Plan application to permit a medium density residential development on the subject lands.

Recommendations:

- a) That Staff Report SRPI.23.057 with respect to the Site Plan application submitted by Montagna Capital (BT) Inc. for lands known as Part of Lots 19 and 20, Concession 3, E.Y.S. (Municipal Address: 1577 to 1621 Major Mackenzie Drive East), City File SP-23-0011, be received for information purposes and that all comments be referred back to staff;
- b) That the authority to assign municipal servicing allocation for the proposed development to be constructed on the subject lands be delegated to the Commissioner of Planning and Infrastructure subject to the criteria in the City's Interim Growth Management Strategy; and,

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- c) That the subject lands be classified as a Class 4 Area as defined by the Ontario Ministry of Environment, Conservation and Parks in its “Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning (NPC-300)” to address Stationary Noise.

Contact Person:

Simone Fiore, Senior Planner – Site Plans, phone number 905-771-2479 and/or
Deborah Giannetta, Manager of Development – Subdivisions, phone number 905-771-5542

Report Approval:

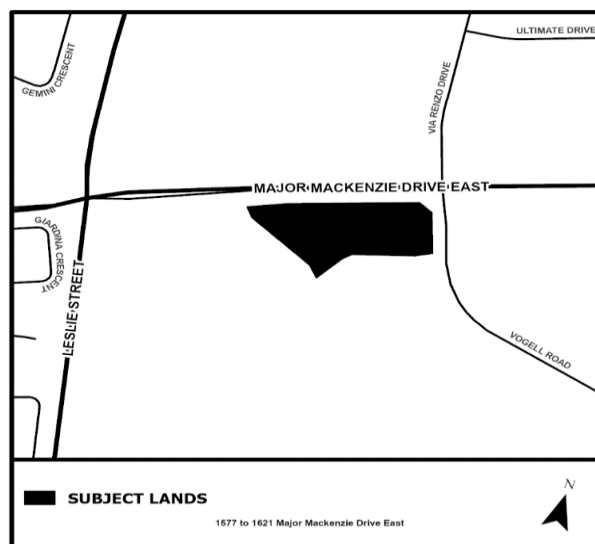
Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

Approved by: Darlene Joslin, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

Location Map:

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



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Background:

The subject Site Plan application was received by the City and deemed complete on March 29, 2023. The application and supporting materials were subsequently circulated to relevant City departments and external agencies for review and comment.

The application is intended to facilitate the construction of a medium density residential development to be comprised of 150 stacked back-to-back townhouse dwelling units on a private road network on the subject lands. In this regard, the proposed development requires servicing allocation, and it has been further determined through the ongoing review of a Noise and Vibration Study submitted by the applicant, that the subject lands also require a Class 4 Area noise classification in order to address stationary noise sources to facilitate the proposed development. This matter is discussed in the subsequent sections of this report.

By way of background, the subject lands are located within draft approved Plan of Subdivision 19T-11004 (City File D03-11004), which was approved by Council in 2012 in order to facilitate the creation of development blocks for high performance industrial-commercial and open space uses, in addition to facilitating the southerly extension of Vogell Road from Major Mackenzie Drive East (refer to Map 4). On April 8, 2021, the applicant filed a reapplication seeking revisions to the draft approved Plan of Subdivision including, but not limited to, a change in land use from industrial/commercial to predominantly residential/institutional uses, and to permit revisions to the limits of Block 1 (Open Space) (refer to Map 5). The subdivision reapplication is draft approved, and serves to implement a Minister's Zoning Order as described below.

On December 2, 2020, the Minister of Municipal Affairs and Housing issued a Zoning Order (Ontario Regulation 698/20) under the *Planning Act* which has the effect of zoning the applicant's landholdings to facilitate a range of low, medium and high density residential uses, in addition to institutional, commercial and conservation uses (refer to Appendix "A").

Accordingly, the purpose of this report is to seek comments from Council with respect to the applicant's Site Plan application.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the west side of the future extension of Vogell Road, which is proposed to be constructed in accordance with a draft approved Plan of Subdivision (19T-11004) on the applicant's overall landholding bounded by Major Mackenzie Drive East to the north, Highway 404 to the east, and Leslie Street and the Rouge River to the west (refer to Map 1). The lands are approximately 1.71 hectares (4.23 acres) in size, and currently vacant.

Adjacent uses include valleylands to the west, Major Mackenzie Drive East to the north (beyond which is the LIUNA training centre and the Ministry of Transportation's Road Maintenance Depot), a draft approved subdivision to be comprised of 114 single detached dwellings to the south (beyond which are vacant lands that are designated for employment

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uses in the Headford Business Park), and the Vogell Road extension and a proposed medium density residential development to the east (City File D06-21023) on other lands owned by the applicant (beyond which is Highway 404).

Development Proposal

The applicant is seeking approval of its Site Plan application to permit a medium density residential development which is to be comprised of 150 stacked back-to-back townhouse dwelling units on a private condominium road on its land holdings with access to be provided from the future Vogell Road extension (refer to Maps 6 and 7).

The following is a summary outlining the relevant statistics of the subject development proposal based on the plans and drawings submitted to the City:

- **Total Lot Area:** 1.71 hectares (4.23 acres)
- **Total Number of Units:** 150
- **Total Number of Blocks:** 13
- **Density:** 87.72 units per hectare (35.46 units per acre)
- **Building Height:** 3 storeys
- **Lot Coverage:** 45%

At the time of writing this report, a draft Plan of Condominium application had not yet been submitted to the City. This application will be required to facilitate the proposed standard condominium tenure.

Supporting Documentation/Reports

The applicant has submitted the following documents/information to the City in support of its development proposal:

- Site Plan;
- Elevations;
- Floor Plans;
- Landscape Plans;
- Urban Design Brief;
- Erosion and Sediment Control Plans;
- Servicing and Grading Plans;
- Sanitary Drainage Plans;
- Storm Drainage Plans;
- Lighting Plans;
- Dewatering Report;
- Servicing and Storm Water Management Report; and,
- Sustainability Metrics Summary.

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Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Employment Corridor** in accordance with Schedule “A2 – Land Use” by the City’s Official Plan (the Plan) (refer to Map 2). Uses permitted within the **Employment Corridor** include major office and office uses, as well as hotels, convention centres, banquet facilities, automotive service commercial, community uses, linear parks and urban squares subject to specific criteria detailed in the Plan. Secondary uses including day nurseries, and ancillary commercial and retail uses are also permitted in both designations subject to specific criteria.

At its meeting of February 26, 2020, Council considered Staff Report SRPRS.20.003 entitled “*York Region’s Municipal Comprehensive Review (Part 1): Requests for Employment Area Conversions*”. The staff report outlined the Regional Municipal Comprehensive Review (MCR) Process currently underway to respond to evolving employment land trends within the Region as well as emerging policy changes to be considered as part of the update to York Region’s Official Plan (the “ROP”).

Additionally, the report considered a number of employment land conversion requests received by the City and the Region, among which was a request by the former owner of the subject lands (Rice Commercial Group) to redesignate the lands to permit a mixed use development comprised of high density residential, commercial and office uses. Council supported the employment land conversion request and at its meeting of October 15, 2020, Regional Council approved the site specific request to redesignate the subject lands as part of the Regional MCR process. The lands were subsequently sold to Montagna Capital (BT) Inc.

Minister’s Zoning Order

On December 2, 2020, the Minister of Municipal Affairs and Housing issued a Zoning Order (“MZO”) pursuant to Ontario Regulation 698/20 under the *Planning Act* in order to permit a range of low, medium and high density residential uses, in addition to institutional, commercial and conservation uses on the applicant’s landholdings (refer to Appendix “A”). The MZO has the effect of zoning the subject lands **Multiple Residential One (RM1) Zone** under Zoning By-law 55-15, as amended, with a range of site specific provisions including permissions for stacked back-to-back townhouse units (refer to Map 3).

Site Plan Application

The subject Site Plan application is currently under review for matters such as grading and servicing, lighting, transportation, landscaping, building and site design, and confirmation of sustainability commitments. Conditions provided by circulated City departments and external agencies shall be included in the Site Plan Agreement to address any remaining concerns and staff will continue to work with the applicant to finalize Site Plan approval.

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Noise and Vibration

The applicant has submitted an Environmental Noise Study prepared by Valcoustics Canada Ltd. (the “Study”) to assess the impact of existing transportation and stationary noise sources on the subject development. With respect to transportation noise sources, the subject lands are affected by road traffic from Major Mackenzie Drive East, Highway 404, Leslie Street, and in the future from the Vogell Road extension and the bus rapid transit corridor to be established within the Major Mackenzie Drive East right of way. A stationary noise source with the potential to impact the subject lands is the current and future operations of the Ministry of Transportation Road Maintenance Depot located to the northeast of the subject lands. The Study recommends a number of mitigation measures to address both noise sources and stationary noise sources, including the reclassification of the subject lands from a Class 1 to a Class 4 Area to specifically address noise generated by the stationary noise source.

The Ministry of the Environment, Conservation and Parks (“MECP”) **Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning (NPC-300)** (“NPC-300 Guideline”) provides municipalities with the ability to formally recognize and declare a site as a “Class 4 Area”. This classification would allow for development and intensification in areas impacted by existing stationary noise sources that have higher sound level limits than Class 1, 2 and 3 Areas, typically associated with residential areas. Should a Class 4 Area classification not be granted, there is no other flexibility to allow a development to proceed without addressing the exceedances of the sound limits of the NPC-300 Guideline. In this regard, the NPC-300 Guideline defines a Class 4 Area as an area or specific site that would otherwise be defined as Class 1 or 2 and which:

- is an area intended for development with new noise sensitive land use(s) that are not yet built;
- is in proximity to existing, lawfully established stationary source(s); and,
- has formal confirmation from the land use planning authority with the Class 4 Area classification which is determined during the land use planning process.

The Class 4 Area classification increases the allowable sound level limits for new noise sensitive land uses, thereby requiring less noise mitigation. For outdoor points of reception, the difference between Class 1 (which would apply to the subject proposal) and Class 4 is 5 dBA from 7:00 am to 11:00 pm. There are no sound level limits for outdoor points of reception during the night. For indoor points of reception (the plane of windows), the difference between Class 1 and Class 4 is 10 dBA at all times of the day.

The NPC-300 Guideline identifies a number of considerations to apply to a proposed Class 4 Area classification and associated new noise sensitive land uses, including the following:

- submission of a satisfactory Noise Impact Assessment which includes noise control measures as required by the NPC-300 Guideline;
- appropriate notification to prospective purchasers that the dwelling is located in a Class 4 Area, which may include, but is not limited to, agreements for noise mitigation (registered on title) and appropriate warning clauses in future agreements of purchase and sale;

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- providing a copy of the approved Environmental Noise Study and Class 4 Area classification confirmation to the surrounding owners of the stationary noise sources; and,
- once a site is classified as a Class 4 Area, it would remain as such, subject to the continuing presence of the stationary noise sources.

In consideration of the preceding, the Study concludes that through the provision of appropriate acoustical design, a suitable acoustical environment can be provided and applicable MECP NPC-300 Guidelines met for the proposed development. The Study has been circulated to the City's Development Engineering Division for review and comment. Engineering staff has advised that they are in agreement with the conclusions of the Study, indicating no objections to the Class 4 Area classification request, and will be providing conditions related to noise matters to be addressed through the finalization of the Site Plan approval process.

Interim Growth Management Strategy:

Council has approved and implemented a comprehensive strategy comprised of eight growth management criteria as a means of assessing and prioritizing development applications for the receipt of servicing allocation. The 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.*

Pursuant to Criteria Number 5 (Sustainable and Innovative Community and Building Design), the applicant has submitted a Sustainability Metrics Tool (the "Metrics") in support of its revised Site Plan application that achieves a preliminary score of 44 points which achieves a 'Bronze' rating for Site Plan applications for proposals submitted after January 1, 2023. At the time of writing of this report, the applicant's Metrics submission remains under review with respect to appropriateness and technical feasibility of the proposed implementation measures, including but not limited to waste requirements, tree planting, lighting and transportation-related criteria. In this regard, staff will continue to work with the applicant towards the finalization of its Metrics submission. Staff further notes that the Metrics proposed by the applicant in support of its allocation request are comprised of both site works and building design measures. These commitments will be secured through the Site Plan approval process and reflected in the Site Plan Agreement, where applicable.

In an effort to streamline the servicing allocation assignment process for the proposed development, staff recommends that Council delegate its authority to assign the entirety of required servicing allocation to the Commissioner of Planning and Infrastructure.

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City Department and External Agency Comments:

The applicant's revised Site Plan application, including the associated background studies and reports submitted in support of same have been circulated to relevant City departments and external agencies for their review and comment. In this regard, the following sections contain an overview of the outstanding comments and requirements with respect to the applicant's revised Site Plan application. These comments have been forwarded to the applicant for consideration but have not been appended to this report.

Development Planning Section

The City's Development Planning Section has reviewed the materials submitted in support of the applicant's revised Site Plan application and has provided comments related to the presentation of required information on the submitted plans and drawings, and sustainability metrics commitments, among other matters.

Development Engineering Division

The City's Development Engineering Division has provided technical comments with respect to transportation and traffic related matters, exterior site lighting, hydrogeological analyses, grading, servicing and erosion and sediment control management among various other technical matters.

Heritage and Urban Design Section

The City's Heritage and Urban Design Section has reviewed the applicant's development proposal and has provided comments with respect to the submitted Urban Design Brief, built-form, massing, and the public realm. It should be noted that staff continue to work with the applicant towards the finalization of the proposed design.

Park and Natural Heritage Planning Section

The City's Park and Natural Heritage Planning Section has provided comments with respect to the proposed stormwater outfall and spillway, landscaping, and coordination with engineering drawings, among other matters.

Regional Municipality of York

Comments have been provided by the Regional Municipality of York (the "Region") with respect to road widening conveyance requirements along Major Mackenzie Drive, construction and traffic management, source water protection, and landscaping in addition to various other technical matters. The owner will be required to enter into a Site Plan Agreement with the Region as a condition of Site Plan approval.

Community Services Department

The City's Community Services Department has provided comments with respect to waste management as it relates to minimum standards for access routes as well as waste storage for the applicant's development proposal.

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Other City Departments and External Agencies

Comments have also been received from the City's Building Services Division, the City's Financial Services – Development Section, York Region District School Board, York Catholic District School Board, Conseil Scolaire Viamonde, Rogers Communications, and Enbridge Gas Inc. These departments and external agencies have no objections to the application and/or have provided minor comments to be addressed prior to Site Plan approval or at a later stage in the process.

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 **Goal Two - Strong Sense of Belonging** by providing alternative housing types.

Climate Change Considerations:

The recommendations of this report are generally aligned with the City's Climate Change Considerations as it relates to the applicant's proposed sustainability measures. On the basis of the plans and reports submitted to the City, the applicant's development proposal contemplates the integration of various features that address either climate change mitigation and/or adaptation. As indicated in the earlier sections of the report, the technical review of the above proposed design and features remains in process at the time of writing of this report.

Conclusion:

The applicant is seeking Council's comments on their Site Plan application to permit a medium density residential development on its land holdings. Staff has undertaken a detailed review of the applicant's development proposal and is recommending to Council that all comments be referred back to staff for final consideration, that Council delegate the authority to assign servicing allocation for the proposed development to be constructed on the subject lands to the Commissioner of Planning and Infrastructure subject to the criteria in the City's Interim Growth Management Strategy and lastly, that the subject lands be classified as a Class 4 Area under the MECP Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning (NPC-300).

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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”, Ontario Regulation 698/20, Zoning Order filed December 2, 2020
- Map 1, Aerial Photograph
- Map 2, Official Plan Designation
- Map 3, Existing Zoning – Ontario Regulation 698/20
- Map 4, Original Draft Approved Plan of Subdivision (19T-11004)
- Map 5, Revised Draft Approved Plan of Subdivision (19T-11004)
- Map 6, Proposed Site Plan
- Map 7, Proposed Elevation Plans

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Report Approval Details

Document Title:	SRPI.23.057 - Request for Comments - Site Plan Application - SP-23-0011.docx
Attachments:	<ul style="list-style-type: none">- Appendix A, O. Reg 698-20.pdf- Map 1 - Aerial Photograph.docx- Map 2 - Official Plan Designation.docx- Map 3 - Existing Zoning – Ontario Regulation 698 20.docx- Map 4 - Original Draft Approved Plan of Subdivision (19T-11004).docx- Map 5 - Revised Draft Approved Plan of Subdivision (19T-11004).docx- Map 6 - Proposed Site Plan.docx- Map 7 - Proposed Elevation Plans.docx
Final Approval Date:	May 2, 2023

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

Gus Galanis - Apr 27, 2023 - 4:23 PM

Kelvin Kwan - Apr 27, 2023 - 4:26 PM

Darlene Joslin - May 2, 2023 - 11:14 AM