



Staff Report for Council Public Meeting

Date of Meeting: May 16, 2023

Report Number: SRPI.23.047

Department: Planning and Infrastructure

Division: Development Planning

Subject: SRPI.23.047 – Request for Comments – Official Plan and Zoning By-law Amendment Applications – 162 to 182 Norfolk Avenue – City Files OPA-23-0002 and ZBLA-23-0003

Owner:

Norfolk Development Inc.
68 Yorkville Avenue, Ph19
Toronto, ON
M5R 3V7

Agent:

Groundswell Urban Planners Inc.
95 Mural Street, Suite 402
Richmond Hill, ON
L4B 3G2

Location:

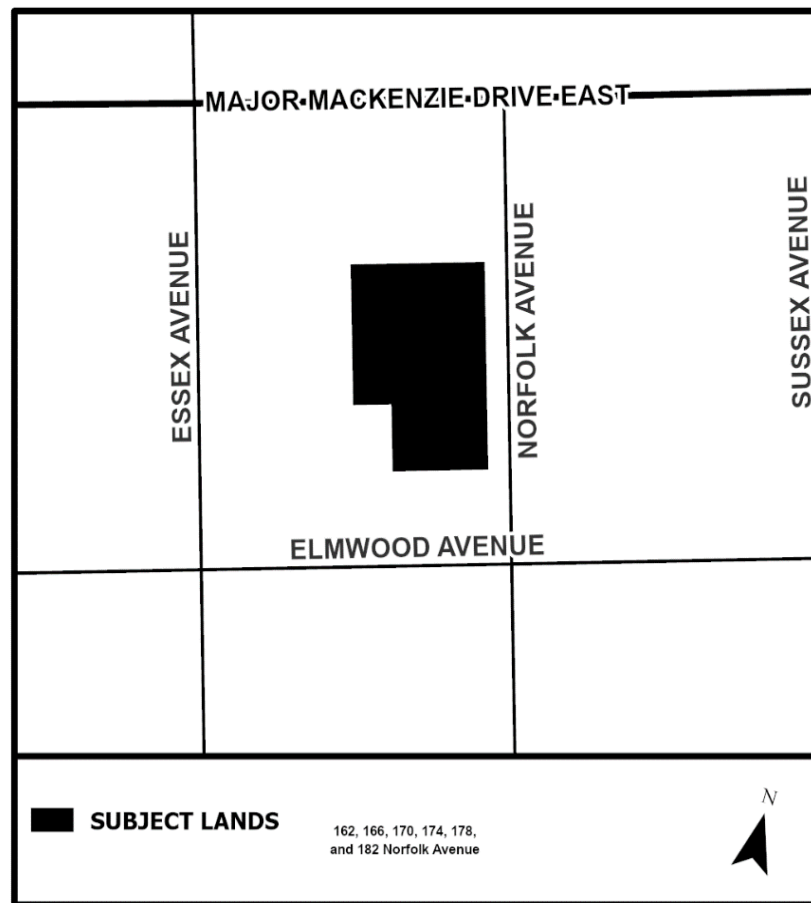
Legal Description: Part of Lots 226 and 227, Plan 2383
Municipal Address: 162, 166, 170, 174, 178, and 182 Norfolk Avenue

Purpose:

A request for comments concerning proposed Official Plan and Zoning By-law Amendment applications to permit a high density residential development on the subject lands.

Recommendation:

- a) That Staff Report SRPI.23.047 with respect to the Official Plan and Zoning By-law Amendment applications submitted by Norfolk Development Inc. for lands known as Part of Lots 226 and 227, Plan 2383, (Municipal Addresses: 162, 166, 170, 174, 178, and 182 Norfolk Avenue), City Files OPA-23-0002 and ZBLA-23-0003, be received for information purposes only and that all comments be referred back to staff.



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Background Information:

The subject Official Plan Amendment and Zoning By-law Amendment applications were received February 23, 2023 and deemed complete by the City on March 23, 2023 following the receipt of additional information and materials. The applications and supporting materials were subsequently circulated to relevant City departments and external agencies for review and comment. Accordingly, the purpose of this report is to seek comments from Council and the public with respect to the subject development applications pursuant to the statutory Public Meeting and associated notice requirements of the *Planning Act*.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the west side of Norfolk Avenue, south of Major Mackenzie Drive East (refer to Maps 1 and 2) and are comprised of six residential lots that have been assembled to facilitate the proposed development. Collectively, the lands have a total lot frontage of 94.3 metres (309.4 feet) on Norfolk Avenue and a total lot area of 0.55 hectares (1.36 acres). The lands presently support 6 single detached dwellings which are to be demolished to facilitate the proposed development. The lands abut an existing 4 storey apartment building to the north, single detached dwellings to the south, Essex Parkette and single detached dwellings to the west, and Norfolk Avenue to the east beyond which are single detached dwellings. The subject lands are located within an established residential neighbourhood east of the CN Bala mainline and southeast of the Richmond Hill GO station.

Development Proposal

The applicant is seeking Council's approval of its Official Plan and Zoning By-law Amendment applications to permit the construction of a high density residential development to be comprised of two towers (14 and 16 storey in height) connected by a 6 storey podium, containing a total of 406 dwelling units with three levels of underground parking (refer to Maps 5 and 6). The proposal also contemplates the establishment of a park along the northern property line to create a connection to Essex Parkette from Norfolk Avenue. The following is a summary table outlining the relevant statistics of the applicant's development proposal:

- | | |
|---|---|
| • Total Lot Area: | 0.55 hectares (1.36 acres) |
| • Total Lot Frontage: | 94.3 metres (309.4 feet) |
| • Total Number of Buildings: | 2 connected by a podium |
| • Proposed Building Height: | 14 and 16 storeys |
| • Proposed Gross Floor Area (GFA): | 27,989.0 sq. metres (301,271.1 sq. feet) |
| • Floor Space Index (FSI): | 5.4 |
| • Proposed Dwelling Units: | 406 |
| ○ Studio: | 18 |
| ○ 1 Bedroom: | 133 |
| ○ 2 Bedroom: | 76 |
| ○ 3 Bedroom: | 30 |
| • Proposed Parking Spaces: | 388 |
| • Proposed Parkland: | 273.76 sq. metres (2,946.73 sq. feet) |

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Applications for Site Plan approval and draft Plan of Condominium will be required to facilitate the intended form of development and to implement the proposed condominium tenure. At the time of preparation of this report, the aforementioned applications have not been submitted to the City.

Supporting Documentation/Reports

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

- Planning Justification Report;
- Draft Official Plan Amendment;
- Draft Zoning By-law;
- Survey;
- Site Plan;
- Architectural Plans (Floor Plans and Elevation Plans);
- Grading and Servicing Plans;
- Landscape Plans;
- Traffic Impact and Parking Study;
- Tree Inventory Report and Plan;
- Functional Servicing Report;
- Stormwater Management Report;
- Geotechnical Report;
- Hydrogeology Study;
- Concept Plan;
- Urban Design Brief; and,
- Shadow Study.

Official Plan and Zoning By-law Amendment Applications

The applicant's Official Plan Amendment application seeks to amend the policies of the **Local Development Area (LDA)** designation applicable to the subject lands in order to permit the following:

- an increase in permitted density from 2.0 FSI to 5.4 FSI;
- an increase in the maximum permitted building height from 3 to 16 storeys abutting the **Neighbourhood** designation;
- an increase in the maximum permitted building height from 15 to 16 storeys within the **Local Development Area**; and,
- an increase in the maximum permitted base building height from 4 storeys to 6 storeys.

The related Zoning By-law Amendment application seeks approval to rezone the lands from **Residential Second Density (R2) Zone** to **Residential Multiple Six Density (RM6) Zone** under By-law 66-71, as amended, with site specific development standards to facilitate the proposed development. Amongst other matters, the proposed Zoning By-law Amendment seeks to:

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- establish site specific development standards that allow for flexibility with respect to the minimum front yard, minimum side yard, minimum rear yard, maximum building height, floor area per unit (1 bedroom), maximum gross floor area percentage of lot area, landscaping, amenity space, parking and loading space requirements; and,
- permit an increase in maximum permitted density.

The appropriateness of the proposed amendments to the City's Official Plan policies and applicable Zoning By-law provisions are currently under review. The site specific exceptions sought through the amendments shall be considered and refined through the detailed application review process.

Planning Analysis:

Staff has undertaken a preliminary review and evaluation of the applicant's development proposal based on the policy framework contained within the *Provincial Policy Statement* (2020) (the "PPS"), the *Growth Plan for the Greater Golden Horseshoe* (2020) (the "Growth Plan"), the new Regional Official Plan (2022) (the "ROP") and the City's Official Plan (2010) (the "Plan"). In this regard, staff advises that the Plan is consistent with the PPS and conforms with the Growth Plan and the ROP that were in force at the time of its approval.

Since the Plan's approval, the PPS and the Growth Plan were updated in 2020 and the ROP was updated in 2022. In this regard, the City is currently undertaking a Municipal Comprehensive Review (MCR) to update the Plan as necessary in order to align with more recent Provincial and Regional planning direction. Below is a more detailed outline of the applicant's proposal relative to the current Regional and City Official Plans.

York Region Official Plan

The subject lands are located within the **Urban Area** in accordance with Map 1 (Regional Structure) and designated **Community Area** in accordance with Map 1A (Land Use Designations) of the ROP. Lands designated **Community Area** support a wide range and mix of uses and are intended to accommodate a significant portion of planned growth within the Region. Additionally the subject lands are also located within the boundary of Protected Major Transit Station Area – 50 associated with the Richmond Hill GO Station, as illustrated in Appendix 2 – York Region Major Transit Station Areas of the ROP (2022), which has a proposed density target of 150 people/jobs per hectare. Furthermore, the lands are located in proximity to Major Mackenzie Drive East which is considered a Rapid Transit Corridor.

The subject applications have been circulated to York Region for review and comment, but formal comments have yet to be provided at the time of writing this report. Among other matters, the Region will be required to provide written confirmation as to whether the proposed Official Plan Amendment may be exempted from Regional approval and delegated to the City for final consideration. A more detailed review and evaluation of the proposed applications in the context of the applicable policies of the ROP will form part of the future recommendation report to Council.

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City of Richmond Hill Official Plan

The subject lands are designated **Local Development Area (LDA)** in accordance with Schedule A2 of the City's Official Plan (the "Plan") (refer to Map 4). In accordance with **Section 4.5** of the Plan, the predominant land use within the **LDA** shall be for mixed-use, transit-oriented development and permitted uses within the **Local Development Area** include medium and high density residential, office, commercial, retail, as well as automotive service commercial, community uses, parks and urban space and live-work units in accordance with specific policies.

In accordance with **Policy 4.5.1.8** of the Plan, the maximum density of a development block within the **Newkirk LDA** shall be 2.0 FSI with an additional 0.5 FSI where office, commercial and/or retail uses in a mixed-use form are provided. Furthermore, the boundaries of a development block shall be determined by the City through a Tertiary Plan or through the review of a required Concept Plan.

In accordance with **Policy 4.5.1.9**, the minimum building height is 3 storeys, with a maximum building height of 15 storeys and a maximum base building height of 4 storeys within the **Newkirk LDA**. The tallest buildings are to be directed to the Major Mackenzie Drive frontage. However, **Policy 4.5.1.10** requires that development abutting the **Neighbourhood** designation shall have a maximum building height of 3 storeys except where it abuts existing mid-rise or high-rise residential buildings in the **Neighbourhood** designation subject to angular plane policies of **Section 3.4.1.55**. This policy also provides flexibility, allowing for a gradual increase in height away from lands within the **Neighbourhood** designation.

Where permitted, high-rise development is subject to specific urban design policies under **Section 3.4.1** of the Plan which requires the provision of a 45-degree angular plane to be measured from the adjacent low density residential or medium density residential property line in order to ensure built form compatibility and transition of building heights, a sufficient separation distance of approximately 25.0 metres between towers to maintain appropriate light, view and privacy conditions as well as slender floor plates of approximately 750.0 square metres to limit shadow and wind impacts and loss of sky view. High-rise buildings are also required to introduce setbacks above the base building to create a discernable podium and street wall as per **Section 3.4.1.58**.

Further to the above policies, staff note that the City's urban structure framework as outlined in the Plan, guides where development and intensification should be planned for and directs the land use policies defined in **Section 4** for each area. In accordance with **Section 3.1.3**, the Plan establishes an urban structure framework to depict and guide the physical make-up of the City over the long-term planning horizon, and includes centres and corridors, neighbourhood areas, employment lands and the Greenway System. The majority of the City's population growth and intensification is to be accommodated within a network of centres and corridors supported by existing or planned higher order public transit, in accordance with the following intensification hierarchy:

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- Richmond Hill Centre;
- Key Development Areas and Regional Corridors;
- Local Centres;
- Local Development Areas and Local Corridors;
- Neighbourhood Infill; and,
- Secondary Suites.

In accordance with Schedule A1 (Urban Structure) of the Plan, the subject lands are located within the **Newkirk Local Centre. Policy 3.1.3.11** which directs that **Local Centres** accommodate intensification at varying scales and an intensity that is less than the **Key Development Areas (KDAs)**. These areas are meant to be focal points that will develop as revitalized, mixed-use centres with pedestrian-oriented, human scaled main streets.

The *Official Plan Update Key Directions Report* (2021) which was endorsed by Council at its meeting on February 9, 2022, provides direction for future City initiated Official Plan Amendments. As noted in the Key Directions Report, the redesignation of this area as a **Local Centre** will enable the City to do more detailed secondary planning in order to create area-specific policies and plans to guide future development which will also serve to implement the Region's MTSA criteria, including the required density targets.

Furthermore, the City initiated Official Plan Amendments ("OPA") 18.3 and 18.4 which were adopted by Council as of July 6, 2022 and the Region on September 9, 2022 are now in full and partial force and effect, respectively. In accordance with **Policy 2.2.10** and **2.2.11** of OPA 18.3, the **Newkirk Local Development Area** has been redesignated as the **Newkirk Local Centre**. Notwithstanding this change, the policy overview in this report will maintain the reference to the **Newkirk Local Development Area** designation as currently identified in Schedule A2 (Land Use Plan) and **Section 4** of the City's current Official Plan.

Through the Official Plan update review, the City has initiated changes to the Newkirk/Richmond Hill GO Station area. The key directions relating to the Newkirk/Richmond Hill GO Station study area are as follows:

- convert employment lands south of Centre Street East from **Employment Area** and **Employment Corridor** designations to **Local Centre** designation;
- elevate the area within the intensification hierarchy by redesignating the lands from **Newkirk Local Development Area** to **Local Centre**;
- support development of a new community with a mix of uses and encourage structured commuter parking to allow for intensification opportunities;
- update land use compatibility policies to ensure that existing and adjacent uses may continue;
- provide new, and maintain existing affordable housing; and,
- enhance and provide connections to open space.

In accordance with the policies under **Section 3.1.5** of the Plan, a minimum of 25% of new housing units within the **Settlement Areas** are to be affordable and offer a range of affordability for low and moderate income households of varying sizes, including the provision

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of family sized units to address the City's affordable housing targets. With respect to affordability, the Key Directions Report directs to provide new, and maintain existing, affordable housing within the **Newkirk Local Centre** designation. A more detailed review and evaluation of the proposed amendments in the context of the applicable Plan policies and changing policies anticipated through the City's Official Plan Update will be completed following the receipt of comments from Council, the public, City departments and external agencies and will form part of the future recommendation report to Council.

Zoning By-law

As previously noted, the subject lands are zoned **Residential Second Density (R2) Zone** under By-law 66-71, as amended (refer to Map 2). The current zone classification permits a range of uses, including but not limited to, single detached dwellings, parks, playgrounds, non-profit making organizations, churches, schools and day nurseries among other uses. In this regard, the applicant is seeking Council's approval to rezone its land holdings to **Residential Multiple Sixth Density (RM6) Zone** which permits a residential apartment, parks, playgrounds, day nursery, subject to specific criteria. The applicant's development proposal contemplates the establishment of site-specific development standards with respect to building height, parking spaces, gross floor area, lot frontage, floor area, front yard setback, side yard setbacks, rear yard setback and density.

The following table provides a summary of the applicable development standards within the **Residential Multiple Sixth Density (RM6) Zone** under By-law 66-71, as amended, including site-specific provisions proposed by the applicant highlighted in bold text:

| Development Standard | Standard RM6 Zone under By-law 66-71 as amended | Proposed Standards |
|---|---|---------------------------------|
| Permitted Uses | Apartment | Apartment |
| Minimum Lot Frontage | 38.1 metres (125.0 feet) | Complies |
| Minimum Lot Area | N/A | N/A |
| Minimum Setbacks | | |
| • Front Yard | 7.62 metres (25.0 feet)* | 2.5 metres (8.2 feet) |
| • Side Yard | 6.1 metres (20.0 feet)* | 1.4 metres (4.6 feet) |
| • Rear Yard | 7.62 metres (25.0 feet)* | 2.5 metres (8.2 feet) |
| Minimum Floor Area per Dwelling Unit | | |
| • Bachelor | 32.5 sq.m (350.0 sq.ft) | Complies |
| • 1 Bedroom | 51.1 sq.m (550.0 sq.ft) | 50.5 sq.m (543.6 sq.ft) |
| • 2 Bedroom | 62.7 sq.m (675.0 sq.ft) | Complies |
| • 3 Bedroom | 74.3 metres (800.0 sq.ft) | Complies |
| • 4 Bedroom | 83.6 metres (900.0 sq.ft) | N/A |
| Maximum Building Height | 30.48 metres (100.0 feet) | 52.0 metres (171.0 feet) |
| Minimum Parking | 1.75 spaces/unit | 0.95 spaces per unit |
| Minimum Percentage of Usable Open Space of GFA | 45% | 14% |
| Maximum GFA Percentage of Lot Area | 150% | 509% |
| Maximum Density | 60 units per acre | 298.53 units per acre |

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The draft Zoning By-law submitted by the applicant in support of its development proposal is currently under review. The appropriateness of the proposed zoning provisions and land uses, as well as the need for additional standards and/or restrictions will continue to be evaluated through the review of the submitted development applications with regards to policy conformity, compatibility, design and function.

City Department and External Agency Comments:

The subject Official Plan and Zoning By-law Amendment applications and the associated background studies and reports submitted in support of the same have been circulated to various City departments and external agencies for their review and comment. The following is a summary of the comments received as of the time of writing this report.

Canadian National Railway

CN staff has completed a preliminary review of the applicant's development proposal and advises that they have concerns with developing/densifying residential uses in proximity to the railway right-of-way due to noise, vibration and potential trespass. Detailed comments, including development conditions, have been provided which include, but are not limited to, completion and review of a Noise Study, adding warning clauses to all development agreements with respect to noise and vibration, the registration of restrictive covenants, and registration of an environmental easement, where required. CN staff has advised that the submitted Noise Report remains under review and further comments are pending.

Development Planning Division

Planning staff has completed a preliminary review of the applicant's development proposal, including plans and materials submitted in support of the proposed development. In consideration of the policies of the Plan that are relevant to the evaluation of the proposed development, staff provides the following preliminary comments:

- the applicant is advised that the City is undertaking a further review of the **Newkirk Local Development Area** (now "**Newkirk Local Centre**") policies as part of the ongoing Official Plan update. In this regard, consideration shall be had with respect to these updates through the application review process;
- the proposed density of 298.53 units per acre significantly exceeds the maximum permitted density of 60 units per acre under By-law 66-71, as amended. Furthermore, the density of 5.4 FSI greatly exceeds the maximum permitted density of 2.0 FSI within the **Newkirk LDA**;
- the proposed building height of 16 storeys significantly exceeds the maximum building height of 3 storeys permitted for development within the **LDA** abutting the **Neighbourhood** designation where there are no existing mid or high-rise developments;
- further to the above, it should be noted the proposed building height of 16 storeys also exceeds the maximum permitted height of 15 storeys permitted within the **LDA** which is intended for development along Major Mackenzie Drive. The applicable policy direction requires development on lands without frontage on Major Mackenzie Drive to be stepped down in order to transition into the neighbourhood;

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- based on the submitted architectural plans, it is evident that the proposed development does not conform with the 45 degree angular plane from the lands to the east along Norfolk Avenue, located outside of the **LDA** boundary;
- in accordance with City policy, the tallest buildings shall be directed to the Major Mackenzie Drive frontage. The scale of the proposed development should be reduced in accordance with the policies of the Plan, in consideration of the context of the area and provide for appropriate transition to adjacent lands within the **Neighbourhood** designation;
- staff have concerns with the compatibility of the proposed development in relation to the existing built form and character of the surrounding area; in particular with respect to the proximity and height of the proposed residential development to the existing low density residential development to the east, west and south as well as the compatibility with the existing 4 storey residential building to the north.
- the proposed towers significantly exceed the height and density of the existing high-rise buildings located within the Newkirk area which are generally 10 storeys;
- the applicant is required to demonstrate how its proposal meets the City's Housing Affordability requirements as outlined in **Section 3.1.5** of the Plan, including the provision of a minimum of 25% of new residential units as affordable units, as well as providing a mix of unit sizes, including family sized units of three bedrooms or larger. A minimum of 5% of the total number of units shall be a minimum of three bedrooms. At this time, the applicant has not demonstrated how the proposed development achieves the City's Housing Affordability requirements;
- as previously noted in this report, the Key Directions Report further supports the above comment, with respect to enhancing the supply of affordable units within the **Newkirk Local Centre**;
- **Section 5.2** of the Plan requires the submission of a Concept Plan which must demonstrate how the proposed development meets the land use and design policies of the Plan, including but not be limited to, interconnections, parking, land use, built form, parks and open space. The Concept Plan will be evaluated as part of the application review;
- the applicant is encouraged to preserve as many mature healthy trees, where possible;
- the applicant is encouraged to contact the adjacent landowners to determine the potential to undertake a joint development;
- future Site Plan and draft Plan of Condominium applications will be required to facilitate the proposed development. Staff recommend submission of a Site Plan application prior to finalizing the Zoning By-law Amendment;
- staff will continue to review the proposed development to determine the appropriateness of the request to amend the Plan with respect to height and density as well as the proposed site specific development standards;
- the applicant must satisfactorily address issues and requirements identified by the City departments and external agencies that have been requested to review the applicant's development proposal. In this regard, it should be noted that a number of City departments and external agencies continue to review the applications at the time of writing this report; and,
- staff will continue to review the form, content and appropriateness of the proposed draft Official Plan and Zoning By-law Amendments, including the site specific standards requested by the applicant with respect to the form, content and appropriateness of the amendments.

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A comprehensive review and evaluation of the subject Official Plan and Zoning By-law Amendment applications will be conducted following the receipt of comments and feedback from City departments, external agencies, Council and the public. Staff will continue to review the form, content and appropriateness of the proposed draft Official Plan and Zoning By-law Amendments, including the site specific uses, standards requested by the applicant with respect to the form, content and appropriateness of the amendments. This detailed review will be completed in advance of and addressed as part of a recommendation report to be prepared for a future Council meeting.

Other City Department and External Agency Comments

Comments have been received from the City's Financial Services Division, as well as Toronto and Region Conservation Authority, Alectra Utilities, the York Region District School Board and the York Catholic District School Board. These City departments and external agencies have no objections to the applications and/or have provided comments to be considered by the applicant during the more detailed implementation stage of the approval process.

As of the time of writing this report, the subject applications remain under review by the City's Park and Natural Heritage Planning Section, the City's Community Services Department – Waste Management Section, the City's Building Services – Zoning Section, the City's Development Engineering Division, the City's Heritage and Urban Design Section, the City's Fire and Emergency Services Division, as well as the Regional Municipality of York, Metrolinx, Enbridge Gas Distribution Inc., Rogers Communications Canada Inc., Canada Post, Bell Canada and le Conseil Scolaire de District Catholique Monavenir.

Financial/Staffing/Other Implications:

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

Relationship to Council's Strategic Priorities 2020-2022:

The recommendation of this report does not have any direct implications with respect to Council's Strategic Priorities. An overview of how the subject applications are aligned with the Strategic Priorities will be included in a future recommendation report to Council following a comprehensive review and evaluation of the applicant's development proposal.

Conclusion:

The applicant is seeking Council's approval of its Official Plan and Zoning By-law Amendment applications to permit a high density residential development on its land holdings. The purpose of this report is to provide Council and the public with an overview of the development proposal and to discuss the regulatory regime governing the evaluation of the planning applications. This report has been structured for information purposes only, with a recommendation that all comments be referred back to staff for consideration.

Appendix Contents and Maps:

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.

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- Map 1, Aerial Photograph
- Map 2, Neighbourhood Context
- Map 3, Existing Zoning
- Map 4, Official Plan Designation
- Map 5, Proposed Site Plan
- Map 6, Proposed Elevation Plans
- Map 7, Proposed Concept Plan

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Report Approval Details

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|----------------------|--|
| Document Title: | SRPI.23.047 - Request for Comments - OPA-23-0002 and ZBLA-23-0003.docx |
| Attachments: | <ul style="list-style-type: none">- SRPI.23.047 - Map 1 - Aerial Photograph.docx- SRPI.23.047 - Map 2 - Neighbourhood Context.docx- SRPI.23.047 - Map 3 - Existing Zoning.docx- SRPI.23.047 - Map 4 - Official Plan Designation.docx- SRPI.23.047 - Map 5 - Proposed Site Plan.docx- SRPI.23.047 - Map 6 - Proposed Elevation Plans.docx- SRPI.23.047 - Map 7 - Proposed Concept Plan.docx |
| Final Approval Date: | May 2, 2023 |

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

Gus Galanis - Apr 26, 2023 - 12:18 PM

Kelvin Kwan - Apr 27, 2023 - 4:31 PM

Darlene Joslin - May 2, 2023 - 11:15 AM