



## **Staff Report for Council Public Meeting**

**Date of Meeting:** June 6, 2023

**Report Number:** SRPI.23.062

**Department:** Planning and Infrastructure

**Division:** Development Planning

**Subject:** SRPI.23.062 – Request for Comments – Zoning  
By-law Amendment Application – Marina  
Shcolyar and 2814845 Ontario Inc – City File  
ZBLA-23-0006

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### **Owner:**

Marina Shcolyar and 2814845 Ontario Inc.  
18 Erica Road  
Thornhill, Ontario L4J 2G1

### **Agent:**

Evans Planning Inc.  
9212 Yonge Street, Unit 1  
Richmond Hill, Ontario L4C 7A2

### **Location:**

Legal Description: Part of Lots 1 and 2, Plan 470  
Municipal Addresses: 94 and 96 Church Street South

### **Purpose:**

A request for comments concerning a proposed Zoning By-law Amendment application to facilitate a proposed five storey residential building to be comprised of 36 apartment dwelling units on the subject lands.

### **Recommendation:**

- a) That Staff Report SRPI.23.062 with respect to the Zoning By-law Amendment application submitted by Marina Shcolyar and 2814845 Ontario Inc for lands known as Part of Lots 1 and 2, Plan 470 (Municipal Addresses: 94 and 96 Church Street West), City File ZBLA-23-0006, be received for information purposes only and that all comments be referred back to staff.

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### Contact Person:

Sarah Mowder, Planner II – Subdivisions, phone number 905-771-5475 and/or  
Sandra DeMaria, Manager of Development – Site Plans, phone number 905-747-6312

### Report Approval:

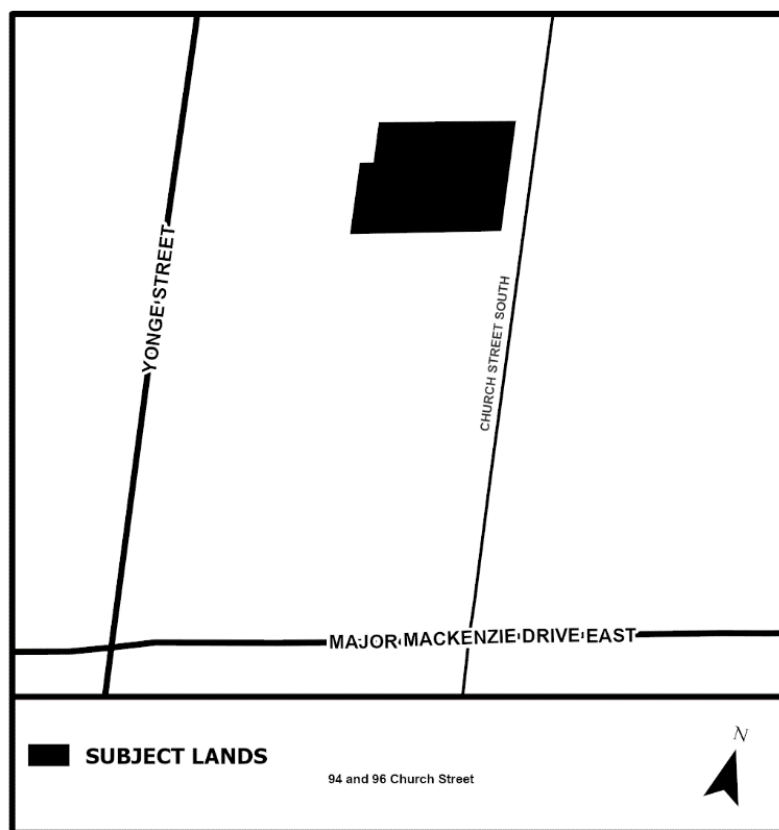
**Submitted by:** Kelvin Kwan, Commissioner of Planning and Infrastructure

**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 the “Contact Person” above.



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### Background Information:

The subject Zoning By-law Amendment Application was received March 24, 2023 and deemed complete by the City on April 13, 2023. The application and supporting materials were subsequently circulated to relevant City departments and external agencies for review and comment. The purpose of this report is to seek comments from Council and the public with respect to the applicant's development proposal 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 Church Street South, north of Major Mackenzie Drive East. The lands are comprised of two building lots with a combined lot frontage of 37.38 metres (122.64 feet) along Church Street South and a total site area of 0.18 hectares (0.44 acres) (refer to Map 1). The lands presently support two residential buildings, one multi-unit residential building and the other a single detached dwelling as well as several existing accessory structures which are proposed to be demolished.

The lands abut existing residential uses to the north, a mix of existing residential and commercial uses to the south, existing commercial properties fronting Yonge Street to the west and Church Street South to the east (refer to Map 1). The subject lands are located within the City's Village Core neighbourhood and are surrounded by several buildings listed in the City's Inventory of Cultural Heritage. The existing dwelling on the subject lands, municipally known as 96 Church Street South is currently identified as a 'listed' property in the City's heritage inventory as the Jacob Lunau House. This property is believed to be of cultural heritage interest, but has not fully been evaluated for its cultural heritage significance under the *Ontario Heritage Act*. Other buildings identified as 'listed' properties along Church Street South which are in proximity to the subject lands include the dwellings municipally known as 81, 85, 91, 95, 99, 103, 107, 110, 115 Church Street South.

#### Development Proposal

The applicant is seeking Council's approval of its Zoning By-law Amendment application to permit a five storey residential development to be comprised of 36 apartment dwelling units on its land holdings (refer to Maps 5 and 6). The following is a summary table outlining the relevant statistics of the applicant's development proposal based on the plans and drawings submitted to the City:

- **Total Lot Area:** 0.18 hectares (0.44 acres)
  - **Road Widening:** 99.50 square metres (1,071.01 square feet)
  - **Net Lot Area:** 0.17 hectares (0.42 acres)
- **Total Lot Frontage:** 37.38 metres (122.64 feet)
- **Number of Buildings:** 1

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- **Number of Storeys:** 5
- **Gross Floor Area:** 3,417.67 sq. metres (36,787.49 sq. feet)
- **Total Number of Units:** 36
  - 1 Bedroom: 26
  - 2 Bedroom: 10
- **Floor Space Index:** 1.87
- **Parking Spaces:** 42 (including 3 visitor parking and 1 accessible space)

The proposed development contemplates the construction of a 5 storey residential condominium building, with the integration of a portion of the existing heritage dwelling (municipal address 96 Church Street South). The development is designed with ground level vehicle and bicycle parking and loading area with one level of underground parking. The proposal includes an outdoor play area on the ground level and rooftop amenity areas on the fourth level, and indoor amenity space within the front portion of the existing heritage building. Additionally, each unit is designed to have its own balcony. It should be noted that a portion of the lands will be conveyed to the City for road widening purposes along Church Street South. The extent of the widening will be reviewed and determined through the application review process.

### Supporting Documentation/Reports

The applicants have submitted the following documents/information to the City in support of the proposed development:

- Planning Justification Report;
- Topographic Survey;
- Site Plan;
- Architectural Plans;
- Landscape Plan;
- Tree Inventory and Preservation Plan Report;
- Noise Feasibility Study;
- Cultural Heritage Impact Assessment;
- Urban Design Brief;
- Transportation Study;
- Functional Servicing and Stormwater Management Report;
- Hydrogeological Assessment;
- Geotechnical Investigation;
- Draft Zoning By-law Amendment.

### Zoning By-law Amendment Application

The subject lands are currently zoned **Residential Second Density (R2) Zone** under By-law 66-71, as amended (refer to Map 2). The current zoning permits single detached dwellings, parks, playgrounds, non-profit making organizations, churches, schools and day nurseries, subject to specific criteria. In this regard, the applicant is seeking Council's approval to rezone the lands to **Residential Multiple Sixth Density (RM6)**

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**Zone** which permits a residential apartment, parks, playgrounds, day nursery, subject to specific criteria. The applicant's development proposal contemplates site-specific development standards with respect to lot frontage, minimum floor area per unit, setbacks, usable open space, density, and parking, among others. 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	RM6 Zone Standards, By-law 66-71, as amended	Proposed Standards
Minimum Lot Frontage	38.1 metres (125.0 feet)	<b>37.38 metres (122.64 feet)</b>
Minimum Lot Area	N/A	N/A
Maximum Gross Floor Area % of Lot Area	150%	<b>200%</b>
Minimum Floor Area 1 Bedroom Unit	51.1 sq. metres (550 sq. feet)	<b>41.34 sq. metres (445 sq. feet)</b>
2 Bedroom Unit	62.71 sq. metres (675 sq. feet)	<b>53.42 sq. metres (575 sq. feet)</b>
Minimum Front Yard Setback	7.62 metres (25.0 feet)	<b>3.0 metres (9.84 feet)</b>
Minimum Side Yard Setback	6.1 metres 20.0 feet	<b>1.22 metres (4.0 feet)</b>
Minimum Rear Yard Setback	7.62 metres (25.0 feet)	<b>2.0 metres (6.56 feet)</b>
Minimum Usable Open Space % of Gross Floor Area	50%	<b>0%</b>
Maximum Density	60 units per acre	<b>90 units per acre</b>
Maximum Height	30.48 metres (100.0 feet)	19.81 metres (65.0 feet)
Minimum Parking	1.75 spaces/unit	<b>1 bedroom: 0.85 spaces/unit 2 bedroom: 1.0 spaces/unit 3 bedroom: 1.2 spaces/unit Visitor: 0.15 spaces/unit Bicycle: 0.6 spaces/unit</b>

It should be noted that the applicant's draft Zoning By-law includes other site specific standards in addition to the general standards outlined in the table above. In particular, the applicant's draft by-law includes specific standards related to setback from the centerline of Church Street South, parking stall dimensions, maximum gross floor area and height of the proposed building, porch and stair encroachments, encroachment of the proposed ramp to underground parking, as well as the proximity of a play space to a building wall. The draft Zoning By-law submitted by the applicant in support of the

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development proposal is currently under review. The appropriateness of the proposed zoning provisions and land use, as well as the need for additional standards and/or restrictions will continue to be evaluated through the review of the submitted development application with regards to policy conformity, compatibility, design and function.

### Planning Analysis:

#### City of Richmond Hill Official Plan

The subject lands are designated **Downtown Local Centre** in accordance with Schedule A2 – Land Use of the City's Official Plan (the "Plan") and are located within the Village District of the **Downtown Local Centre** (refer to Map 3). In accordance with Policy 4.3.1.1(3), the predominant land use within the **Downtown Local Centre** shall be for mixed-use, transit-oriented development. Uses permitted within the Village District of the **Downtown Local Centre** designation for lands without direct frontage on Yonge Street include low and medium density residential uses as well as small scale office, commercial and retail uses subject to certain criteria.

Further, **Section 4.3.1.1** of the Plan, requires Development in the Village District that does not have direct frontage on Yonge Street shall have a maximum density of 2.0 FSI per development block, and a maximum building height of 5 storeys, with a maximum base height of 3 storeys. With respect to providing transition to neighbourhoods, in accordance with **Policy 4.2.1.2(10)**, development fronting Church Street in the Village District is required to provide a 30 degree angular plane projected from the adjacent property line on the opposite side of Church Street.

**Policy 2.2.6.3** of OPA 18.4, updates the definition of "**medium density residential**" to mean "**low-rise triplex, fourplex, townhouse, or walk-up apartment forms of dwellings**". In accordance with the updated Plan, the applicant's proposal is considered a high density residential development, which is not a permitted use in the Village District of **Downtown Local Centre** as noted above. Notwithstanding, the interpretation policies contained within **Section 7.1** of the Plan, more specifically **Policy 7.1.1**, stipulates that should there be any conflicting policies between the current Plan and the interim Official Plan policy updates while City initiates amendments to the 2010 Official Plan, the more specific land use policies (i.e. in Chapter 4) and/or mapping (i.e. Schedule A2 – Land Use) shall take precedence over the general policies of Chapters 1 through 3 of the Plan. In consideration of the preceding, although the definition the land use has changed, the proposed built form is permitted.

In this regard, **Policy 4.3.1.1(2)** of the Plan directs the review and evaluation of development applications within the **Downtown Local Centre** shall be undertaken in accordance with the land use and design guidelines set out in the Council approved *Downtown Design and Land Use Strategy Recommendations Report* (the "DDLUS") (2009) until such time as Council adopts a Secondary Plan for the **Downtown Local Centre**. The subject lands are located within the "Village Neighbourhood" identified by

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the Strategy Report, which is expected to remain as ***“integrated components of the adjacent residential neighbourhood”*** and identifies that ***“there is moderate potential for residential intensification that is compatible with adjacent residential land uses”***.

It should be noted that the *Official Plan Update Key Directions Report* (2021) was endorsed by Council at its meeting on February 9, 2022, which provides direction for future City initiated Official Plan Amendments. The Key Directions Report highlights proposed changes to the **Downtown Local Centre**, renaming the **Downtown Local Centre** to **“Village Local Centre”**, boundary adjustments of the **Village Local Centre** area, and new policy framework. The key directions related to this study area are as follows:

- to reduce the Downtown Local Centre to lands only in what is presently called the Village District in the current Official Plan, and redesignate this area as “the Village Local Centre”;
- to plan for this area to be vibrant and locally and regionally attractive as a dining, shopping, cultural, and entertainment hub;
- to plan for the area as “The Village in the City” and to continue to celebrate the historic character, and support the arts and culture of the area through ongoing façade improvement and building renovation, along with redevelopment of sites that are complementary and contextually sensitive to the area overall;
- to apply urban design principles in the determination of appropriate height and density that support revitalization and the vision for this area by considering “human scaled’ podiums/building heights; and,
- to explore opportunities for widening sidewalks, creating new cycling facilities and pedestrian paths.

Furthermore, it should be noted that City initiated Official Plan Amendments (“OPA”) 18.3 and 18.4, were adopted by Council as of July 6, 2022 and the Region on September 9, 2022 and are now in full and partial force and effect, respectively. In accordance with OPA 18.3, the **Downtown Local Centre** has been renamed to the **Village Local Centre**.

In addition to the preceding policy documents, staff notes that the lands are subject to the Village Core Neighbourhood Design Guidelines. The Guidelines were established to provide a framework to evaluate proposed development on lands located within the Study Area with respect to architecture, building/lot relationship and landscape. A more detailed review and evaluation of the submitted application will be completed following receipt of comments from Council, the public, City departments and external agencies.

### City Department and External Agency Comments:

The subject Official Plan Amendment and Zoning By-law Amendment applications, in addition to the associated background studies and reports submitted in support of these applications have been circulated to various departments and external agencies for their

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review and comment. The following is a summary of the comments received as of the time of writing this report.

### Park and Natural Heritage Planning Section

The City's Park and Natural Heritage Planning Section has reviewed the applicant's development proposal and has advised that the amount of parkland generated for this development does not create a viable park that can be programmed or contribute to the overall park system and therefore recommends accepting cash-in-lieu of parkland. Additionally, staff have provided comments with respect to ensuring adequate space be provided for tree planting and landscaping as well as outdoor amenity areas, requiring consent for removal of trees, and additional matters that will need to be addressed through a future Site Plan application (refer to Appendix A).

### Development Planning Division

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

- the applicant is advised that the City initiated Official Plan Amendments 18.3 and 18.4 are now in full and partial force and effect, respectfully, as of September 9, 2022. In accordance with the revised definition of medium density under OPA 18.4, a 5 storey building is now considered a high density development;
- in accordance with **Section 4.3.1.1(7)**, high density residential development is not permitted within the Village District of the **Downtown Local Centre**. Following the approval of OPA 18.4, the proposed development is considered a high density residential development;
- notwithstanding the preceding, in accordance with **Policy 7.1.1** of the Plan, staff notes that the operative policies of the City's Official Plan are maintained within Chapter 4 in Part 1 of the Plan. As such, the proposed development is to be evaluated in accordance with the current policies set out in **Section 4.3** of the Plan. In this regard, although now considered a high density residential development, the development as proposed would be permitted from a built form perspective by the current policies applicable to the subject lands;
- the proposed density of 1.87 FSI appears to be in keeping with the maximum permitted development block density of 2.0 FSI for this area of the **Downtown Local Centre** in accordance with **Policy 4.3.1.1(11)**;
- the proposed building height appears to be in keeping with the maximum height of 5 storeys permitted within the Village District of the **Downtown Local Centre** designation as set out in **Policy 4.3.1.1(16)** of the Plan;
- as presently designed, the proposal does not appear to conform with **Policy 4.3.1.1(17)** which permits a maximum base building height of 3 storeys in the Village District. It appears the proposed base building height is 4 storeys;

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- the proposed front elevation encroaches into the required 30 degree angular plane. In this regard, the proposal shall be redesigned to conform with the Official Plan;
- the applicant shall demonstrate how the proposed development complies with all applicable policies of the Official Plan;
- the applicant is advised that the City is undertaking a further update to the **Downtown Local Centre** (now “**Village Local Centre**”) policies of the current plan and the development proposal will be taken into consideration through the review process;
- in addition to the preceding policies of the Plan, the proposed development will be assessed on the basis of the Village Core Neighbourhood Design Guidelines;
- the preservation of the existing listed heritage building (Jacob Lunau House) will be considered through the application review process;
- staff will continue to review the proposed development to determine the appropriateness of the proposed site specific development standards;
- the applicant is advised that the conveyance of lands for road widening purposes will be reviewed and the extent of the widening will be determined through the application process which may impact the site development area and proposed setbacks;
- 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;
- the applicant shall demonstrate how the proposed development conforms with the housing affordability requirements for new development within the settlement area;
- future Site Plan and draft Plan of Condominium applications will be required to facilitate the proposed development. Staff recommends submission of a Site Plan application prior to finalizing the Zoning By-law Amendment; and,
- staff will continue to work with the applicant through the review of the form, content and appropriateness of the Zoning By-law Amendment.

A comprehensive review and evaluation of the subject application 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 Zoning By-law Amendment, including the site specific standards requested by the applicant with respect to the form, content and appropriateness of the amendment. 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 also received from the City's Financial Services Division, Alectra Utilities, Enbridge Gas Distribution Inc., Rogers Communications Canada Inc., York Catholic District School Board and the Toronto and Region Conservation Authority.

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These external agencies have no objections to the application 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 Development Engineering Division, Urban Design and Heritage Section, Building Department – Zoning Section, Community Services Department – Waste Management Section, and Fire and Emergency Services Division, as well as the Regional Municipality of York, Bell Canada, Canada Post, York Region District School Board and 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 Plan 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 five storey residential building 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 this planning application. 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.

- Appendix "A", Park and Natural Heritage Planning Comments, dated May 8, 2023
- Map 1, Aerial Photograph
- Map 2, Neighbourhood Context
- Map 3, Official Plan Designation
- Map 4, Existing Zoning
- Map 5, Proposed Development Plan
- Map 6, Proposed Elevation Plans

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### Report Approval Details

Document Title:	SRPI.23.062 - Request for Comments - ZBLA-23-0006.docx
Attachments:	<ul style="list-style-type: none"><li>- SRPI.23.062 - Appendix A.pdf</li><li>- SRPI.23.062 - Map 1 - Aerial Photograph.docx</li><li>- SRPI.23.062 - Map 2 - Neighbourhood Context.docx</li><li>- SRPI.23.062 - Map 3 - Existing Zoning.docx</li><li>- SRPI.23.062 - Map 4 - Official Plan Designation.docx</li><li>- SRPI.23.062 - Map 5 - Proposed Development Plan.docx</li><li>- SRPI.23.062 - Map 6 - Proposed Elevation Plans.docx</li></ul>
Final Approval Date:	May 18, 2023

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

**Gus Galanis - May 17, 2023 - 2:21 PM**

**Kelvin Kwan - May 17, 2023 - 2:24 PM**

**Darlene Joslin - May 18, 2023 - 10:56 AM**