



Staff Report for Committee of the Whole Meeting

Date of Meeting: June 21, 2023

Report Number: SRPI.23.070

Department: Planning and Infrastructure

Division: Development Planning

Subject: **SRPI.23.070 – Request for Comments – Site Plan Application – 2706379 Ontario Limited – City File: D06-20041 (Related City Files: D01-19004, D02-19021 and CON-22-0003)**

Owner:

2706379 Ontario Limited
2499 Rutherford Road, Unit 12
Concord, ON L4K 0J9

Agent:

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

Location:

Legal Description: Block 226, Plan 65M-3802
Municipal Address: 12600 Bayview Avenue

Purpose:

A request for comments and approval to delegate the assignment of servicing allocation with respect to a Site Plan application to facilitate the construction of a medium density residential development comprised of 19 townhouse dwelling units on the subject lands.

Recommendations:

- a) **That Staff Report SRPI.23.070 with respect to the Site Plan application submitted by 2706379 Ontario Limited for lands known as Block 226, Plan 65M-3802 (Municipal Address: 12600 Bayview Avenue), City File D06-20041, be received for information purposes and that all comments be referred back to staff; and,**

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- b) That the authority to assign 54.15 persons equivalent of servicing allocation to 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 that the assigned servicing allocation be released in accordance with the provisions of By-law 109-11, as amended.

Contact Person:

Leigh Ann Penner, Senior Planner – Subdivisions, phone number 905-771-2462 and/or Deborah Giannetta, Manager of Development, Subdivisions, phone number 905-771-5542

Report Approval:

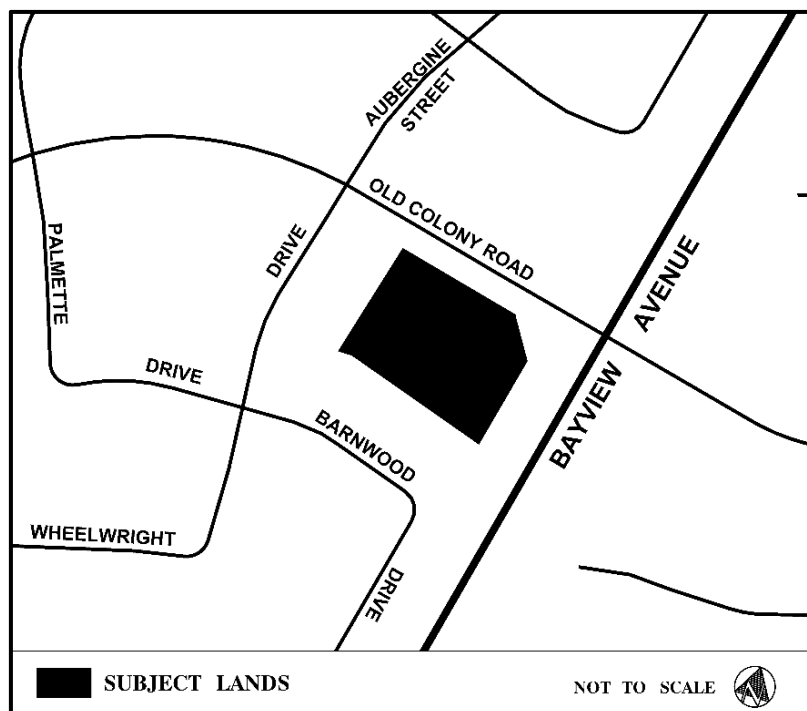
Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

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 the “Contact Person” above.



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Background:

Official Plan Amendment, Zoning By-law Amendment and Site Plan applications (City Files D01-19004, D02-19021 and D06-20041) for the subject lands were appealed to the Ontario Land Tribunal (OLT) in February 2021 pursuant to Sections 22(7), 34(11) and 41(12) of the *Planning Act*. The applications proposed a medium density residential development comprised of 19 townhouse dwelling units on a private condominium lane.

On June 23, 2021, Council considered Staff Report SRPI.21.072 which sought Council's endorsement and direction on the applicant's revised development proposal as part of a settlement of the applicant's appeals to the OLT (refer to Appendix "A"). Council refused the recommendations of Staff Report SPRI.21.072 and the matter was referred to the OLT (refer to Appendix "B"). A four day OLT hearing was subsequently held which commenced on January 31, 2022. On July 7, 2022, the OLT issued its Decision and Interim Order which approved the Official Plan Amendment, approved in principle the Zoning By-law Amendment, and the parties to the hearing agreed to defer the consideration of the appeal of the Site Plan application to a later date.

Subsequently, the applicant filed a Site Plan resubmission along with a draft Plan of Condominium application to the City in September 2022. The subject submissions and supporting materials were subsequently circulated to relevant City departments and external agencies for review and comment to implement the approved Official Plan Amendment and Zoning By-law Amendment applications (City Files D01-19004 and D02-19021) to facilitate a townhouse development proposal.

At the time of writing of this report, the applicant is working to address the outstanding technical comments and requirements identified through the circulation of its Site Plan application which are summarized in greater detail in the later sections of this report. Accordingly, the purpose of this report is to seek comments from Council with respect to the applicant's revised Site Plan application and to seek Council's approval to delegate the assignment of servicing allocation to the Commissioner of Planning and Infrastructure.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located at the southwest corner of Old Colony Road and Bayview Avenue (refer to Map 1). The lands have a total lot area of approximately 0.39 hectares (0.96 acres) and lot frontages of approximately 42.65 metres (139.93 feet) on Bayview Avenue and approximately 58.07 metres (190.52 feet) on Old Colony Road. The lands are presently vacant and abut existing semi-detached dwellings to the west, townhouse dwellings to the south, Old Colony Road to the north and Bayview Avenue to the east (refer to Map 2).

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York Region Transit (YRT) bus stops are presently located along Bayview Avenue and Old Colony Road, with a bus stop located on the south side of Old Colony Road, directly adjacent to the subject lands.

Revised Development Proposal

The applicant is seeking comments on its slightly revised proposal to permit a medium density residential development to be comprised of 19 townhouse dwelling units on its land holdings (refer to Maps 5 to 8). The proposed development contemplates a three storey built form with eight townhouse units fronting onto Bayview Avenue, five townhouse units fronting onto Old Colony Road and six townhouse units fronting onto an internal private laneway.

The street facing townhouses (Blocks 1 and 3) are designed with principal front entrances facing Bayview Avenue and Old Colony Road, rear facing garages to be accessed from the internal private road, and outdoor amenity space for each unit to be provided by way of above-grade patios over the garages (refer to Maps 6 and 7). The lane facing townhouses (Block 2) are designed with principal front entrances and garages to be accessed from an internal private road, and outdoor amenity space for each unit to be provided by way of traditional rear yards (refer to Map 8). Vehicular access to the site is proposed from Old Colony Road (refer to Map 5).

The following minor revisions to the original plan include the relocation of bicycle racks from the amenity area on the south side of Old Colony Road, the addition of two benches within the amenity area on the south side of Old Colony Road and a reduction in the number of bicycle racks from 3 to 2.

Outlined below are the relevant statistics of the applicant's revised development proposal based on the plans and drawings submitted to the City:

- **Total Lot Area:** 0.393 hectares (0.971 acres)
- **Number of Blocks:** 3
- **Number of Dwelling Units:** 19
- **Dwelling Unit Widths:** 6.0 metres (19.68 feet) and 5.76 metres (18.90 feet)
- **Number of Storeys:** 3
- **Density:** 48.35 units per hectare (19.57 units per acre)
- **Lot Coverage:** 33.25%
- **Landscape Area:** 23.89%
- **Total Parking Spaces:** 43 (2.25 spaces per unit required)
 - **Residential:** 38 (2.0 spaces per unit required)
 - **Visitor:** 5 (including 2 accessible spaces)
- **Bicycle Parking Spaces:** 4

The applicant has submitted a draft Plan of Condominium application in support of its development proposal to facilitate common element condominium tenure (City File

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CON-22-0003). The subject application remains under review by staff. It is also noted that the submission and approval of Private Street Naming, Municipal Addressing and Part Lot Control Exemption applications are required to facilitate the proposed development. This includes assigning a street name for the proposed private lane to be established as part of the development, assigning individual addressing for each lot, and to facilitate the creation of the lots for the Parcels of Tied Land (POTLs) as part of the proposed common element condominium.

Planning Analysis:

City of Richmond Hill Official Plan and Zoning

As noted previously, associated Official Plan and Zoning By-law Amendment applications for the proposed development were approved by the OLT in accordance with its Decision and Interim Order issued on July 7, 2022. In this regard, the approved Official Plan Amendment (OPA 37) allows a site-specific policy exception that removed the lands from Appendix 7, **Existing Neighbourhood Commercial Site**, in the City's Official Plan (the "Plan") in order to facilitate the applicant's residential development proposal in accordance with the provisions of the **Neighbourhood** designation (refer to Map 3).

Further, it is noted that as part of the ongoing Plan update, Regionally-approved Official Plan Amendment (OPA) 18.4 (Neighbourhoods) amended a number of the **Neighbourhood** land use policies, **Priority Infill Areas**, **Medium Density Residential** policies, among other matters. In this regard, it is noted that Appendix 7, **Existing Neighbourhood Commercial Site**, in the Plan has been removed and any related policies no longer refer to the Appendix.

Pursuant to the OLT's Decision, the Tribunal has withheld its Final Order pertaining to the Zoning By-law Amendment until the related Site Plan application has been finalized. In this regard, an amending by-law was submitted to the OLT that is close to a final form as agreed upon by all parties, at the time of hearing. The amending Zoning By-law rezones the lands from **Neighbourhood Commercial (NC) Zone** to **Multiple Residential One (RM1) Zone** under By-law 85-02, as amended, to permit the proposed Block Townhouse dwellings and to establish appropriate site specific development standards to implement the subject development. Staff note the amending by-law is subject to further minor modifications from a formatting and content perspective as the site plan is finalized and to facilitate the creation of individual parcels of tied land prior to condominium registration. Once the City is satisfied with the form and content of the zoning by-law, the OLT will be notified of same so as to finalize the Order pertaining to the zoning of the lands.

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

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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. The applicant will be required to address all outstanding technical matters identified through the Site Plan review process. Furthermore, any conditions provided by relevant City Departments and external agencies will be included in the Site Plan Agreement.

Development Planning Division

The City's Development Planning Division has reviewed the materials submitted in support of the applicant's revised Site Plan application and have the following comments:

- the proposed medium density residential development is consistent with OLT decision and the applicable policies of the **Neighbourhood** designation related to permitted land use, building height and density as set out in the Plan;
- the amending by-law structure and details of the finalization of site specific provisions will be refined through the remaining Site Plan approval process, including but not limited to, the confirmation of the POTL limits and the lands that are to be included within the future common elements so as to allow City staff to forward the final amending Zoning By-law to the OLT for approval;
- the applicant is required to address all remaining technical matters related to the Site Plan application;
- the applicant's revised Sustainability Performance Metrics Tool remains under review by staff. The applicant will be required to ensure that the minimum Sustainability Metrics threshold score for Site Plan applications is achieved;
- the applicant will be required to finalize their draft Plan of Condominium (Common Element) and submit Part Lot Control Exemption, Private Street Naming and Municipal Addressing applications to facilitate the intended form, tenure and approvals for the proposed development; and,
- staff will continue to work with the applicant to address all remaining comments and technical requirements of the site plan application.

Development Engineering Division

The City's Development Engineering Division has provided technical comments with respect to the stormwater management and functional servicing reports, redline comments on the civil engineering drawings as well as the need for updated cost estimates that the applicant will be required to address in a resubmission to the City.

Regional Municipality of York

The Regional Municipality of York has reviewed the applicant's revised submission and provided minor redline engineering comments on the Grading, Servicing and Sections Plans that the applicant will be required to address in a resubmission to the City. The Region also requires confirmation of servicing allocation from the City.

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Other City Departments and External Agencies

Comments have also been received from the City's Fire and Emergency Services Division, Park and Natural Heritage Planning Section, Urban Design and Heritage Section, Community Services Department – Public Works Operations, Building Services Division – Building Section, Financial Services Division, as well as the Toronto and Region Conservation Authority, the York Region District School Board, Alectra Utilities, Bell Canada, Canada Post, Enbridge Gas Distribution, and Rogers Communications. 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.

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. These eight growth management 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; and*
8. *Opportunities to provide affordable housing.*

Pursuant to Criteria Number 5 (Sustainable and Innovative Community and Building Design), the applicant has submitted a revised Sustainability Metrics Tool (the "Metrics") in support of its revised Site Plan application appears to achieve a "bronze" performance level score of 41 points which is within the acceptable threshold range for Site Plan applications. At the time of writing of this report, the Metrics remain under review with respect to appropriateness and technical feasibility of the proposed implementation measures. The Metrics the applicant has committed to 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.

The proposed total unit count of 19 townhouse dwelling units is equivalent to 54.15 persons for the purposes of municipal servicing allocation in order to facilitate construction of the proposed development on the subject lands.

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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 generally aligned with the strategic priorities of **Balancing Green and Growth** in supporting the integration of sustainable practices into new development and **Getting Around the City** by focusing transit-oriented development along Old Colony Road and the Bayview Avenue corridor and improving active transportation networks for cyclists and pedestrians.

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 development proposal is providing low impact development (LID) measures such as infiltration trenches, which will help to manage stormwater runoff from increased precipitation. The development proposal will also include the provision of rain barrels for 10 of the 19 dwelling units (53%) in order to reduce the use of potable water for irrigation which will help to support water conservation and reduce the amount of water entering the municipal storm sewer. Furthermore, the proposed internal sidewalk will provide connections to the existing sidewalk along Old Colony Road which will enable pedestrian access to the City's Larchmere Parkette (401 Old Colony Road), existing trails, cycling routes as well as a YRT bus stop on Old Colony Road adjacent to the subject lands, thereby contributing to encouraging zero-emission modes of transportation.

Conclusion:

The applicant is seeking comments from Council with respect to its revised Site Plan application to facilitate the construction of a medium density residential development on its land holdings. At the time of writing of this report, minor technical matters remain to be addressed prior to finalization of the subject Site Plan application. In accordance with the OLT's Interim Order, staff will forward the amending Zoning By-law for the Tribunal's approval once the applicant has addressed the remaining Site Plan comments. In consideration of the preceding, it is recommended that this Staff Report be received by Council and that all comments regarding the proposed development be referred back to staff. It is further recommended that the authority to assign municipal servicing allocation for the subject development proposal be delegated to the Commissioner of Planning and Infrastructure.

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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, Extract from Council Meeting C#32-21 held on June 23, 2021
- Appendix B, OLT Decision (Case Number OLT-22-001947 (Formerly PL210162)) dated July 7, 2022
- Map 1, Aerial Photograph
- Map 2, Neighbourhood Context
- Map 3, Official Plan Designation
- Map 4, Existing Zoning
- Map 5, Proposed Site Plan
- Map 6, Proposed Townhouse Elevations (Street Facing)
- Map 7, Proposed Townhouse Elevations (Street Facing)
- Map 8, Proposed Townhouse Elevations (Lane Facing)

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Report Approval Details

Document Title:	SRPI.23.070 - Request for Approval - 12600 Bayview Avenue - D06-20041.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Council Meeting Extract C32-21.pdf- Appendix B - OLT Decision and Interim Order.pdf- SRPI.23.070 - Map 1 - Aerial Photograph AODA.docx- SRPI.23.070 - Map 2 - Neighbourhood Context AODA.docx- SRPI.23.070 - Map 3 - Official Plan Designation AODA.docx- SRPI.23.070 - Map 4 - Existing Zoning AODA.docx- SRPI.23.070 - Map 5 - Proposed Site Plan AODA.docx- SRPI.23.070 - Map 6 - Proposed Townhouse Elevations (Street Facing) AODA.docx- SRPI.23.070 - Map 7 - Proposed Townhouse Elevations (Street Facing) AODA.docx- SRPI.23.070 - Map 8 - Proposed Townhouse Elevations (Lane Facing) AODA.docx
Final Approval Date:	Jun 6, 2023

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

Sandra DeMaria on behalf of Gus Galanis - Jun 2, 2023 - 5:48 PM

Kelvin Kwan - Jun 5, 2023 - 3:35 PM

Darlene Joslin - Jun 6, 2023 - 3:07 PM