



Staff Report for Council Meeting

Date of Meeting: September 13, 2023

Report Number: SRPBS.23.001

Department: Planning and Building Services

Division: Development Planning

Subject: SRPBS.23.001 – Request for Direction – Revised Development Proposal - Official Plan Amendment and Zoning By-law Amendment Applications – Leslie Elgin Developments Inc. – City Files D01-21008 and D02-21016

Owner:

Leslie Elgin Developments Inc.
600 Applewood Crescent
Vaughan, ON L4K 4B4

Agent:

Malone Given Parsons Ltd.
140 Renfrew Drive, Suite 201
Markham, ON L3R 6B3

Location:

Legal Description: Block 51, Registered Plan 65M-4668
Municipal Address: 0 John Birchall Road

Purpose:

A request for direction concerning a revised development proposal to permit a 16 storey high density, mixed use development on the subject lands.

Recommendations:

- a) That Staff Report SRPBS. 23.001 be received for information;
- b) That the Ontario Land Tribunal (OLT) be advised that Council supports the revised development proposal submitted by Leslie Elgin Developments Inc. for lands known as Block 51, Plan 65M-4668 (Municipal Address: 0 John Birchall Road), City Files D01-21008 and D02-21016, for the primary reasons outlined in Staff Report SRPBS.23.001, subject to the following:

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- (i) that the OLT be requested to approve the Official Plan Amendment substantially in accordance with the document contained in Appendix “B” to Staff Report SRPBS.23.001;
- (ii) that the OLT be requested to approve the Zoning By-law Amendment substantially in accordance with the document contained in Appendix “C” to Staff Report SRPBS.23.001;
- (iii) that the OLT be requested to withhold the issuance of its Final Order with respect to the revised Official Plan Amendment until such time as the City advises the Tribunal that the Official Plan Amendment has been finalized to the satisfaction of the Commissioner of Planning and Building Services;
- (iv) That the OLT be requested to withhold the issuance of its Final Order with respect to the revised Zoning By-law Amendment until such time as the City advises the Tribunal that the Zoning By-law Amendment has been finalized to the satisfaction of the Commissioner of Planning and Building Services;
- c) That pursuant to Section 34(17) of the *Planning Act*, Council deems that no further notice be required with respect to any necessary modifications to the amending Zoning By-law to implement the proposed development on the subject lands.
- d) That upon the recommendation of the Commissioner of Planning and Building Services, the Mayor and City Clerk be authorized to enter into Minutes of Settlement and any further agreements or documentation as necessary to implement the revised development proposal;
- e) That the authority to assign servicing allocation to the proposed development on the subject lands be delegated to the Commissioner of Planning and Building Services 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; and,
- f) That appropriate City staff be directed to appear at the OLT as necessary in support of Council’s position concerning the subject appeals

Contact Person:

Deborah Giannetta, Manager of Development, phone number 905-771-5542

Report Approval:

Submitted by: Kelvin Kwan, Commissioner of Planning and Building

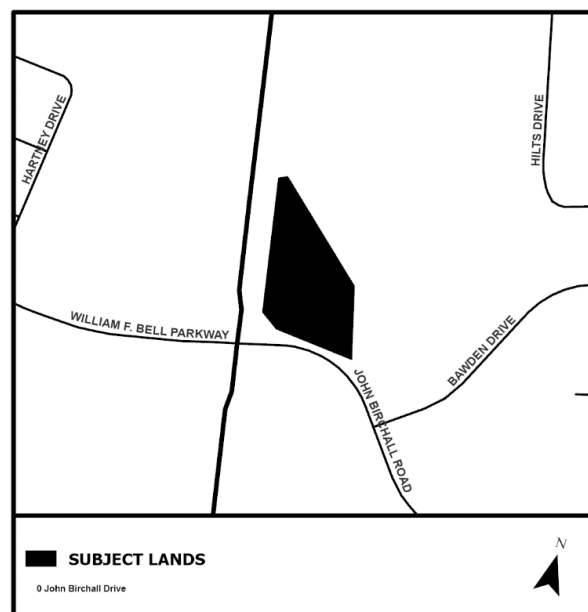
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Approved by: Darlene Joslin, City Manager

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 the person listed under the “Contact Person” above.



Background:

On June 28, 2022, the applicant appealed the subject Official Plan and Zoning By-law Amendment applications to the Ontario Land Tribunal (OLT) pursuant to Sections 22(7) and 34(11) of the *Planning Act* on the basis that Council did not make a decision on the applications within the statutory timeframes afforded under the *Planning Act*. Council subsequently considered Staff report SRPI.23.001 at its meeting of February 8, 2023 regarding the applicant's Official Plan and Zoning By-law Amendment applications to permit a high density residential development consisting of 31 and 27 storey apartment buildings connected by a four storey podium with a Floor Area Ratio of 5.8 and 650 apartment dwelling units (refer to Maps 5 and 6). Staff recommended refusal of the development proposal and Council endorsed staff's recommendation and passed the following resolution (refer to Appendix A):

“a) That the Ontario Land Tribunal be advised that Council does not support the Official Plan Amendment and Zoning By-law Amendment applications submitted by

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Leslie Elgin Developments Inc. for lands known as Block 51, Plan 65M-4668 (Municipal Address: 0 John Birchall Road), City Files D01-21008 and D02-21016, for the primary reasons outlined in Staff Report SRPI.23.001;

b) That appropriate City staff and/or external consultants be directed to appear at the Ontario Land Tribunal in support of Council's position concerning the subject applications and appeals; and,

c) That City staff and the applicant continue discussions towards a potential resolution of the outstanding appeals and the submission of a revised development proposal that is supportable and represents good planning on the subject lands"

In accordance with the above resolution, Staff have continued to work with the applicant to produce a revised development proposal that is supportable and represents good planning for the subject lands. In this regard, as outlined in this report, the applicant has revised their development proposal and are now proposing a high density, mixed use proposal that consists of two 16 storey apartment buildings connected by a six storey podium with live/work units at grade, a Floor Area Ratio of 3.8 and approximately 450 dwelling units.

A 12-day hearing on the subject applications is scheduled to commence on October 17, 2023. Accordingly, the purpose of this report is to seek Council's direction with respect to the applicant's revised development proposal in order to settle the applicant's appeal of the subject applications and to direct appropriate City staff to appear at the OLT in support of Council's position concerning the subject applications.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the northeast corner of Leslie Street and John Birchall Road within the North Leslie Secondary Plan Area (refer to Map 1). The lands are currently vacant and have a total lot area of 0.94 hectares (2.32 acres) with frontage on both Leslie Street and John Birchall Road. The lands abut Natural Heritage System lands owned by the City to the north and east, Leslie Street to the west and John Birchall Road to the south. Land uses beyond the subject lands include a home sales pavilion to the south, a designated heritage home (John Hilts House) and a recently constructed low and medium density residential community to the east, vacant land and a home sales office to the west, and Richmond Green Library and Richmond Green Secondary School to the southwest.

Revised Development Proposal

The applicant is seeking Council's support of its revised development proposal to permit a high density, mixed use development on its landholdings consisting of two apartment buildings 16 storeys in height connected by a six storey podium (refer to Maps 7 and 8). Vehicular access is proposed from both John Birchall Road (full move access) and

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Leslie Street (right-in/right-out access), along with a combination of both underground and above grade structured parking that will be incorporated in the podium of the building and wrapped with townhouse like residential units (refer to Maps 7 and 8).

The following is a summary table outlining the relevant statistics of the applicant's original and revised development proposal based on the plans and drawings submitted to the City:

	Original Proposal	Revised Proposal
Total Lot Area	0.94 hectares (2.32 acres)	0.94 hectares (2.32 acres)
Total GFA	54,616.0 m ² (587,881.7 ft ²)	35,704.8 m ² (384,323.2 ft ²)
Building Height	31 and 27 storeys	16 storeys
Number of Dwelling Units	650	450 (mix of units to be determined)
- Apartment Units	617	
- Townhouses Units	33	
Floor Area Ratio (FAR)	5.82	3.80
Total Parking	740	Parking Rates proposed:
- Residential	650	Bachelor/studio units: 0.9 spaces/unit;
- Visitor	90	1-bedroom units: 1.0 space/unit
- Live/Work	n/a	2-bedroom units: 1.2 spaces/unit
		3-bedroom units: 1.5 spaces/unit
		Live-work units: 2.0 spaces/unit
		Visitors: 0.2 spaces/unit
Amenity Space		
- Indoor	818 m ² (8,805 ft ²)	461 m ² (4,962 sf)
- Outdoor/Rooftop	5,644 m ² (60,752 ft ²)	1,844 m ² (19,848 sf)

Key differences between the applicant's original development proposal and the revised development are as follows:

- a decrease in height from 31 and 27 storeys to 16 storeys for both buildings;
- a decrease in Floor Area Ratio from 5.82 to 3.8;
- a reduction in the total dwelling units from 650 to 450;
- reduced parking rates relative to the rates prescribed by By-law 55-15, as amended; and,
- inclusion of live/work units at grade.

In order to implement the above noted revised development proposal and as shown on Maps 7 and 8, the applicant has submitted revised draft Official Plan and Zoning By-

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Law Amendments attached hereto as Appendices B and C. Staff have reviewed the revised planning instruments and advise that the instruments as proposed implement the revised development proposal. It is expected that these documents will be further refined and finalized as part of the review of a future Site Plan application for these lands.

It should be noted that the applicant's revised development proposal has been submitted to the City as a conditional settlement offer intended to settle the appeal of the subject Official Plan and Zoning Plan Amendment applications currently scheduled for a contested OLT hearing (Files OLT-22-0004102 and OLT-22-004103). Accordingly, should Council not support the revised proposal as outlined in this report, the applicant has reserved their right to proceed with their original proposal which seeks approval for a high density residential development of 31 and 27 storeys with a Floor Area Ratio of 5.8 at the OLT.

Planning Analysis:

Staff has undertaken a comprehensive review and evaluation of the applicant's revised development proposal based on the policy framework contained within the *Provincial Policy Statement* (PPS, 2020), the *Growth Plan for the Greater Golden Horseshoe* (Growth Plan, 2020), the Regional Official Plan (ROP, 2010) and the City's Official Plan (the "Plan"). Staff notes that the City's in-force Plan is consistent with the PPS, and conforms with the Growth Plan and the ROP that were in-force at the time of approval. Since the Plan's approval, the PPS and the Growth Plan were both updated in 2020.

Further to the above, in June 2022, York Region Council adopted a new Regional Official Plan, which was subsequently approved with modifications by the Minister of Municipal Affairs and Housing in November of 2022. The 2022 ROP implements and is aligned with the most recent updates to the PPS and Growth Plan, and serves to guide land use planning and development within York Region to 2051. The 2022 ROP is not fundamentally different in terms of the applicable policy framework within this area of the City, and effectively reconfirms the status of the subject lands in the context of a comprehensive and coordinated approach to accommodating growth and intensification.

Based on the preceding, it is Staff's opinion that the applicant's revised development proposal generally conforms with the upper tier policy framework in effect at the time the applications were submitted. Further, the revised proposal is generally in keeping with current direction of accommodating growth and intensification, and the provision of housing as directed by the Province and Region of York.

A more detailed review of the revised development proposal relative to the City's Official Plan and Secondary Plan is provided below.

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City of Richmond Hill Official Plan and North Leslie Secondary Plan

The subject lands are designated **Medium/High Density Residential** on Schedule “A” - Land Use Plan of the North Leslie Secondary Plan (“NLSP”), and permitted uses include low-rise to mid-rise apartment buildings at a maximum building height of 10 storeys and at a maximum density or Floor Area Ratio (FAR) of 2.0 (refer to Map 3). Mixed use developments including retail, office and personal service uses are also permitted on lands with frontage on arterial streets such as Leslie Street and major collector roads such as John Birchall Road.

Staff has undertaken a comprehensive review of the applicant’s revised development proposal from a planning, policy and design perspective relative to the provisions of the Plan and the NLSP. To this end, staff finds that the applicant’s revised development proposal can be supported for the following principal reasons:

- **Appropriate Building Height, Density and Built Form**

The applicant’s revised development proposal is considered to represent a moderate increase to the current height and density permissions of the **Medium/High Density Residential** designation applicable to the subject lands. Given the location of the subject lands at the intersection of John Birchall Road and Leslie Street, the planned neighbourhood commercial uses and existing large scale commercial development (Elgin Mills Cross) to the south; and in consideration of the fact that the site is entirely surrounded to the north and east by a significant Natural Heritage system ranging from 100 to 212 metres in width, the revised development can be accommodated with no adverse impact to adjacent lands and the surrounding area. The proposed siting of the buildings along the street frontages and the orientation of the north tower helps to reduce any shadow impacts on the Natural Heritage system lands. Further, the proposed increased height and density is generally aligned with recent approvals on properties designated **Medium/High Density Residential** in the NLSP where 14 storey buildings heights were approved. It should be noted that in comparison to the subject lands, the land area for these developments were two to four times larger than the subject lands and therefore relief from the density requirements of the NLSP was not needed.

In terms of built form, the applicant’s revised development proposal contemplates larger floor plates than prescribed in **Section 3.4.1.59** of the Plan which stipulates that “*High-rise residential buildings shall generally have a slender floorplate above the podium of approximately 750 square metres to adequately limit shadow and wind impacts and loss of skyview*”. Specifically the applicant’s revised development proposes 1,000m² floor plates up to the 14th floor and 850m² floor plates on floors 15 and 16. As the subject lands are buffered from adjacent low density residential uses by Natural Heritage system lands, the site can withstand some flexibility with respect to larger floorplates as they will not produce shadow, wind and loss of skyview for the adjacent low density residential lands which is in keeping with the intent of the policy. Further, the applicant has worked closely with Urban Design and Development Planning staff on the siting and

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general design approach, namely, the placement, siting and orientation of the buildings; the establishment of a street wall to frame the public realm; and the creation of clear and proportional massing of the podium, middle and top of the building. When all these design qualities are considered collectively with the proposed larger floorplates, the revised development proposal represents a built form that reflects good urban design principles, allows for reasonable and appropriate intensification and responds and enhances the context of this area.

- **Provision of a Mix of Uses**

The revised development proposal includes live/work units along the Leslie Street and John Birchall Road frontages. This is consistent with **Section 9.6.2.3** of the NLSP which supports mixed use developments including retail, office, personal service and residential uses within one building on lands within the **Medium/High Density Residential** designation for lands that have frontages on arterial streets and major collector roads. The proposed live/work units will foster an animated, pedestrian-oriented street along Leslie Street and John Birchall Road and will provide an appropriate transition from the more intense commercial uses (Elgin Mills Crossing) to less intense uses further north along Leslie Street where commercial uses are not contemplated.

- **Provision of Housing Affordability**

The applicant has completed the City's Housing Affordability template and based on the applicant's submission, staff are satisfied that the applicant's revised development proposal provides for affordable housing as defined in **Section 7.2** and prescribed by **Section 3.1.5.3** of the Plan which requires a *"minimum of 25% of new housing units within the Settlement Area shall be affordable and the provision of a diversity of unit sizes will be provided for."* Furthermore the proposed draft zoning by-law amendment includes the requirement for the provision of a minimum of 5% of the total dwelling units to be family sized units (3 bedroom units). Based on the total dwelling units proposed this would yield approximately 23 units.

Further to the above, the applicant has also made a commitment to working with the City to explore the option of including affordable housing within the development as an in-kind Community Benefits (CBC) contribution (in lieu of making a CBC cash payment) pursuant to Section 37 of the *Planning Act*.

- **Reduced Parking**

The applicant is proposing reduced parking rates to those prescribed in the North Leslie Zoning By-law 55-15, as amended, which are outlined in the Revised Development Proposal section of this report and the draft Zoning by-law attached hereto as Appendix C. Notwithstanding, City Staff and the applicant have agreed that further reduced parking rates may be considered subject to additional detailed parking studies to be submitted prior to the finalization of the future Site plan application pertaining to the subject lands which, among other matters, examines specific proxy site data for comparable developments as determined by City Staff as well as market sales data for

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comparable developments and both hard and soft TDM measures to the satisfaction of the Commissioner of Planning and Building Services.

- **Satisfactorily Addresses Council and Public Comments:**

Staff Report SRPI.23.001 identified a number of concerns raised by both members of Council and the public related to the applicant's previous proposal such as:

- the appropriateness and compatibility of the proposed building height, density and built form in this location;
- increased traffic congestion, safety concerns and parking implications;
- the adequacy of existing community services, infrastructure and public transit to accommodate the proposed development;
- loss of privacy and shadow impacts on the adjacent residential neighbourhoods;
- impacts to the natural environment; and,
- the establishment of precedent.

Staff are of the opinion that the applicant's revised development proposal adequately addresses these concerns and/or have rendered them no longer applicable. The revised proposal of 16 storeys with a Floor Area Ratio of 3.8 is significantly scaled back relative to the applicant's original proposal and is now more in keeping with the height, density and built form envisioned for this area as prescribed by the provisions of the **Medium/High Density Residential** policies of the NLSP. Accordingly, the revised proposed development is not expected to have adverse impacts on the surrounding lands. Furthermore, through the future Site Plan approval process, the revised proposed development will be reviewed and further refined to reflect City standards and requirements to ensure the adequacy of infrastructure and the protection of the Natural Heritage lands immediately adjacent to the subject lands.

On the basis of the preceding, staff is of the opinion that the applicant's revised development proposal represents moderate intensification on the subject lands that establishes building height, density and a built form that is appropriate to the context of the lands; does not produce adverse impact on adjacent lands; includes a mix of uses that will animate the public realm and provides transition to the commercial uses to the south; provides for affordable housing consistent with the policies of the Plan and the City's objectives and therefore represents proper and orderly planning. Accordingly, staff recommends Council support the applicant's revised development proposal outlined in this report.

City Department and External Agency Comments:

Due to the timing of the imminent upcoming OLT hearing, a full technical review of the revised development proposal (in its current iteration) has not been completed in the typical manner for development applications. Notwithstanding the foregoing, through the engagement of City staff in the preparation for the upcoming hearing, no significant concerns related to the feasibility of the proposed development has been raised as it relates to the servicing, stormwater management, geotechnical and hydrogeological

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matters that would affect the feasibility of the proposed development. As outlined in Staff Report SRPI.23.001 as part of the circulation of the applicant's original proposal to external agencies, no significant concerns were raised with respect to the feasibility and technical considerations of establishing a high density residential building on the subject lands.

Further, as part of the future Site Plan approval process, a fulsome comprehensive review of all technical matters, including consultation with applicable external agencies will be undertaken to ensure that the proposed development meets all City standards and requirements. It is noted that an associated Site Plan application has not yet been submitted to the City, therefore when a Site plan application is submitted to the City, the approval authority will rest with the City.

Financial/Staffing/Other Implications:

As the applications have been appealed to the Ontario Land Tribunal (OLT) and there will be a further draw on staff and financial resources to attend the proceedings. These costs will be/have been accommodated within existing budgets. It is noted that external consultants were retained to assist in supporting Council's position on the original development proposal.

Relationship to Council's Strategic Priorities 2020-2022:

The recommendations of this report are aligned with **Balancing Growth and Green** by recognizing the balance between economic development and environmental protection by supporting residential development within the City's settlement area as well as well as creating a Strong Sense of Belonging in providing for a mix and range of housing for the residents of Richmond Hill.

Climate Change Considerations:

The recommendations of this report are generally aligned with the City's Climate Change Considerations in that the proposed revised development will develop existing residential land and incorporate a more efficient use of land within a settlement area. It is noted that the development proposal will be subject to the minimum thresholds of the City's Sustainability Metrics through the submission of a future Site Plan application and that the sustainability commitments relating to site and building design will be secured through a future Site Plan agreement

Conclusion:

The applicant is seeking Council's support of its revised development proposal associated with the appeal of the subject Official Plan and Zoning By-law Amendment applications to permit a high density, mixed use development on its land holdings. For the principal reasons outlined in this report, staff is of the opinion that the revised development proposal represents good planning and therefore recommends that Council support the revised development proposal in accordance with the recommendations outlined herein. This will have the effect of settling the applicant's

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appeal currently at the OLT. Accordingly, staff recommends that the OLT be advised that Council supports the applicant's revised development proposal and that appropriate staff be directed to appear at the OLT in support of Council's position on this matter.

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 February 8, 2023
- Appendix "B", Draft Official Plan Amendment 45
- Appendix "C", Draft Zoning By-Law Amendment 98-23
- Map 1, Aerial Photograph
- Map 2, Existing Zoning
- Map 3, North Leslie Secondary Plan – Schedule 'A' – Land Use
- Map 4, North Leslie (East) Block Plan
- Map 5, Original Site Plan
- Map 6, Original Elevations
- Map 7, Revised Site Plan
- Map 8, Revised Elevations

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Report Approval Details

Document Title:	SRPBS.23.001 - Request for Direction - Leslie Elgin Developments Inc. - City Files D01-21008 and D02-21016.docx
Attachments:	<ul style="list-style-type: none">- Appendix A to SRPBS.23.001.pdf- Appendix B to SRPBS.23.001.pdf- Appendix C to SRPBS.23.001.pdf- Map 1 - Aerial Photograph.pdf- Map 2 - Existing Zoning.pdf- Map 3 - North Leslie Secondary Plan – Schedule ‘A’ – Land Use.pdf- Map 4 - North Leslie (East) Block Plan.pdf- Map 5 - Original Concept Site Plan.pdf- Map 6 - Proposed Elevations.pdf- Map 7 - Revised Proposed Site Plan.pdf- Map 8 - Revised Proposed Elevations.pdf
Final Approval Date:	Sep 8, 2023

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

Gus Galanis - Sep 7, 2023 - 11:14 PM

Kelvin Kwan - Sep 8, 2023 - 7:40 AM

Darlene Joslin - Sep 8, 2023 - 8:33 AM