



Staff Report for Council Public Meeting

Date of Meeting: October 17, 2023

Report Number: SRPBS.23.011

Department: Planning and Building Services

Division: Development Planning

Subject: SRPBS.23.011 – Request for Comments –
Official Plan Amendment and Zoning By-law
Amendment Applications – 2426407 Ontario Inc.
City Files: OPA-23-0007 and ZBLA-23-0011

Owner:

2426407 Ontario Inc.
5409 Yonge Street, Unit 207
Toronto, ON
M2N 5R6

Agent:

Brutto Consulting
113 Miranda Avenue
Toronto, ON M6B 3W8

Location:

Legal Description: Part of Lot 20, Concession 3, E.Y.S.
Municipal Address: 9947 Leslie Street

Purpose:

A request for comments concerning proposed Official Plan Amendment and Zoning By-law Amendment applications to permit the construction of a 12-storey mixed use residential/commercial/office building on the subject lands.

Recommendation:

- a) That Staff Report SRPBS.23.011 with respect to the Official Plan Amendment and Zoning By-law Amendment applications submitted by 2426407 Ontario Inc. for lands known as Part of Lot 20, Concession 3, E.Y.S. (Municipal Address: 9947 Leslie Street), City Files OPA-23-0007 and ZBLA-23-0011, be received for information purposes only and that all comments be referred back to staff.

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Contact Person:

Giuliano La Moglie, Planner II – Site Plans, phone number 905-771-6465 and/or
Sandra DeMaria, Manager of Development - Site Plans, phone number 905-771-6312

Report Approval:

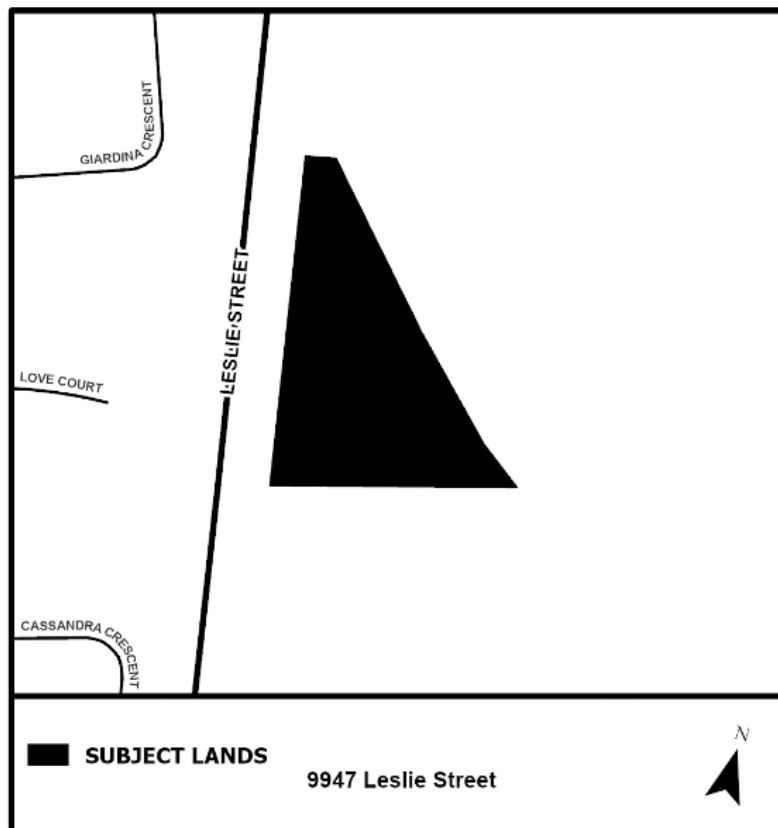
Submitted by: Kelvin Kwan, Commissioner of Planning and Building Services

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 Official Plan and Zoning By-law Amendment applications were received and deemed complete on June 29, 2023. The applications and supporting materials were subsequently circulated to relevant City departments and external agencies for review and comment. It should be noted that since the subject applications were received prior to July 5, 2023, they are exempt from the City's newly implemented Collaborative Application Process (CAP). Accordingly, the purpose of this report is to seek comments from Council and the public with respect to the subject 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 east side of Leslie Street, south of Major Mackenzie Drive East. The lands have a total lot area of 0.59 hectares (1.46 acres) and a frontage of 122.15 metres (400.75 feet) on Leslie Street. The lands contain an existing single detached dwelling that is proposed to be retained and repurposed. The lands abut existing natural heritage features of the Rouge River to the north and east, an existing Montessori school and child care facility to the south, and Leslie Street to the west, beyond which is a low density residential neighbourhood.

Development Proposal

The applicant is seeking Council's approval of its proposed Official Plan and Zoning By-law Amendment applications to permit the construction of a 12-storey mixed use residential and commercial/office building on its land holdings (refer to Maps 5 to 9). The development is to be comprised of 174 residential dwelling units for seniors, retail/office space at grade and on the second floor, and three levels of underground parking with 119 parking spaces. The lands contain an existing single detached dwelling on the lands which is to be retained and repurposed it into a Welcome Centre for seniors. Outlined below is a summary of the pertinent statistics of the applicant's development proposal based on the plans and drawings submitted to the City.

- **Total Lot Area:** **0.59 hectares (1.46 acres)**
 - **Total Gross Floor Area** **17,451 square metres (187,851.76 square feet)**
 - **Residential Floor Area:** **14,628 square metres (157,454.48 square feet)**
 - **Retail Floor Area:** **347.0 square metres (3,735.93 square feet)**
 - **Office Floor Area:** **1,567.0 square metres (16,867.05 square feet)**
- **Density:** **2.94 FSI**
- **Total Number of Units:** **174**
- **Building Height:** **12 storeys**
- **Total Parking:** **125 spaces**
 - **Accessible Parking Spaces:** **6**
 - **Standard Parking Spaces:** **119**

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Supporting Documentation/Reports

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

- Planning Justification Report;
- Draft Official Plan Amendment;
- Draft Zoning By-law Amendment;
- Site Plan;
- Architectural Plans (Elevation Plans, Floor Plans, Cross Section Plans);
- Shadow Study Plans;
- Architectural Renderings;
- Civil Engineering Plans;
- Development Application Summary;
- Functional Servicing Report;
- Stormwater Management Report;
- Geotechnical Investigation;
- Hydrogeological Study;
- Meanderbelt Study;
- Natural Heritage Evaluation;
- Tree Inventory and Protection Plan;
- Traffic Impact Study; and,
- Urban Design Brief.

Official Plan and Zoning By-law Amendment Applications

The applicant is proposing the following site specific amendments to the City of Richmond Hill Official Plan (the Plan) in order to facilitate the proposed development:

- to permit a building height of 12 storeys whereas **Section 4.12.1.4** of the Plan permits a maximum building height of 10 storeys; and,
- to permit residential apartment dwelling units for seniors as a permitted use in the **Leslie Street Institutional Area** designation, whereas **Section 4.12.1.5** of the Plan states that residential uses are not permitted, with the exception of residential uses that are accessory to long-term care facilities.

The related Zoning By-law Amendment application seeks approval to rezone the subject lands from **Rural Residential (RR1) Zone** under By-law 2325-68, as amended, to **Institutional (INST) Zone** with site specific provisions to permit the proposed development. The appropriateness of the proposed amendments are currently under review. The site specific exceptions sought through the amendments shall be considered and refined through the detailed application review process. Additional information concerning the Official Plan policies and the Zoning By-law governing the subject lands are set out later in this report.

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Planning Analysis:

Staff has undertaken a preliminary review 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"). 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 updated in 2020 and the ROP was updated in 2022. The Province has recently initiated a further update of the PPS and the *Growth Plan* to combine both documents into a consolidated PPS. In this regard, the City is currently conducting a Municipal Comprehensive Review (MCR) to update the Plan as necessary to align with more recent Provincial and Regional planning direction. Below is a more detailed outline of the proposal relative to the ROP and the Plan.

York Region Official Plan

The subject lands are designated **Urban Area** in accordance with Map 1 (Regional Structure) and more specifically designated as **Community Area** in accordance with Map 1A (Land Use Designations) of the ROP. The lands are further identified as being located on a **Rapid Transit Corridor** in accordance with Map 10 (Rapid Transit Network).

The **Urban Area** is considered to be the primary location of growth and development within York Region, which includes Towns, Villages, Centres, and Corridors. The **Community Area** policies are intended to support a wide range and mix of urban uses and to accommodate a significant portion of planned growth within the Region. The **Regional Rapid Transit Corridor** prioritizes development along existing corridors with water and wastewater. The applications have been circulated to York Region for review and comment and shall be reviewed in the context of the applicable policies in the ROP that will form part of a future recommendation to Council.

City of Richmond Hill Official Plan

The subject lands are designated **Leslie Street Institutional Area** and **Natural Core** in accordance with Schedule – A2 of the Plan (refer to Map 4). Leslie Street is identified as a **Regional Rapid Transit Corridor** in Appendix – 5 of the Plan. The **Leslie Street Institutional Area** designation supports a mix of institutional, office, small scale retail and commercial uses, and community uses that respect the cultural heritage resources in the area. The **Natural Core** designation supports fish, wildlife and forest management, conservation projects, flood and erosion control projects, essential infrastructure, low-intensity recreational uses, unserviced parks and accessory uses.

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The eastern portion of the subject lands are within the Toronto and Region Conservation Authority's (TRCA) regulated area due to its proximity to the adjacent valley corridor and associated regional storm floodplain of the Rouge River Watershed. Notwithstanding that this portion of the subject lands are designated **Natural Core**, the Plan provides the ability to refine the limits of these areas without an Official Plan Amendment through the submission of a Natural Heritage Evaluation (NHE) to the satisfaction of the City and the Toronto and Region Conservation Authority (TRCA) pursuant to **Policies 4.10.5.1.5** and **4.10.5.1.6** of the Plan. Staff notes that revisions to the development proposal may be required based on the developable limits and the associated buffers.

Development within the **Leslie Street Institutional Area** is encouraged to provide a hub for institutional uses compatible with the surrounding area that respects the cultural heritage resources in that area. The designation is intended to serve as an area that directs for an appropriate mix of institutional and other non-residential land uses that are compatible with the surrounding lands to the west, and the employment area lands that are designated for traditional industrial uses to the south.

As per the policies of the Plan, **Policy 4.12.1.1** notes that the predominant use of the lands under this designation shall be for a mix of institutional office development, complemented by retail and commercial development that is compatible with the surrounding area. **Policy 4.12.1.3** permits office, small-scale commercial, and small-scale retail uses provided that these uses are not the predominant use on the lands. Furthermore, **Policy 4.12.1.4** states that ***“development shall have a maximum building height of 10 storeys”***. It appears that the retail and office component of the proposed development is generally consistent with the aforementioned policies as the uses are to be accessory in scale, and to be provided on the first floor and second floor of the proposed building. However, the proposal does not conform with the applicable height provisions as the proposal contemplates a building height of 12 storeys.

As per **Policy 4.12.1.2 a.** of the Plan, ***“community uses are permitted in accordance with Policy 4.1.1(9) of the Plan”***. **Policy 3.1.7** states that ***“Community uses include public, private and not for profit institutions, facilities, and services that support the health, educational, recreational and socio-cultural needs of the City”***. In this regard, these uses include government facilities, public/private institutions, educational uses, places of worship, day nurseries, long-term care facilities, arts and cultural facilities, and social services in accordance with **Policy 4.1.1(9)** of the Plan. Furthermore, **Policy 4.12.1.5** states that ***“residential uses are not permitted in the Leslie Street Institutional Area, with the exception of residential uses that are accessory to long-term care facilities”***. This provides flexibility to long-term care facilities that may operate on a continuum of care business model that requires some self-contained units for seniors who may in the future require specialized long-term care. The terms “long term care facility” and “accessory” are terms that are defined in the City's Official Plan. A Long-term care facility is defined as ***“a facility that is licensed under the Long Term Care Homes Act.”***

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Staff acknowledges that the proposal is contemplating residential dwelling units for seniors but does not propose a long-term care facility that is licensed in accordance with Provincial legislative requirements as defined by the Plan. From a land use planning perspective, residential dwelling units for seniors are generally classified as a residential use, which is notably distinct from the operational model and purpose of a long-term care facility as permitted in the Plan. In accordance with the aforementioned policies, stand-alone residential uses are not permitted. As such, residential dwelling units for seniors as a principal use are not consistent with community uses as permitted by the Plan. Given the above, questions arise concerning the proposal's alignment with the intent of the Plan within the context of the **Leslie Street Institutional Area** and the permitted community uses.

Planning staff notes that community uses, such as a long-term care facility are integral to the **Leslie Street Institutional Area**. Staff note that there are no community uses proposed by this development. Moreover, residential uses, as proposed by this development, cannot be zoned for a particular demographic such as senior citizens. On this basis, the applicant will have to demonstrate how this proposal can meet the intent of the Official Plan which contemplates institutional and associated community uses, including a long term care facility as defined by the Plan. The appropriateness of enabling residential dwelling units for seniors as a principal use within the **Leslie Street Institutional Area** designation will require a more detailed review. In this regard, the applicant shall provide further information on what specific types of retirement residential units (such as independent supportive units, assisted living units, self-contained units, among other relevant categories) and other retirement care services are to be provided in the proposed development. This comprehensive information will be used to facilitate a more thorough analysis of the proposal in accordance with the policies of the Plan.

In addition to the preceding, based on a preliminary review of the proposed development relative to the Official Plan policies, the proposal does not conform with the applicable height provisions as well as policies related to land use as required by the Plan. The applicant is required to demonstrate conformity with all relevant policies of the Plan. A more detailed review and evaluation of the proposed amendments in the context of the applicable Plan policies 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

The subject lands are currently zoned **Rural Residential (RR1)** under By-law 2325-68, as amended, which permits, among other uses, a single family dwelling and agricultural uses (refer to Map 3). The existing zoning does not permit the uses proposed by the subject applications and therefore an amendment to the Zoning By-law is required to facilitate the proposed development. Accordingly, the applicant is proposing to rezone the lands to **Institutional (INST) Zone** to facilitate its development proposal. Outlined below are the proposed development standards in bold:

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Development Standard	Proposed INST(XX) Standards
Permitted Uses	Senior residential apartment units not associated with long-term care, Business uses, Office uses
Minimum Lot Frontage	120 metres (393.70 feet)
Minimum Lot Area	5,500 square metres (59,201.51 square feet)
Maximum Lot Coverage	40%
Maximum Floor Area Ratio/Floor Space Index	294% / 2.94 FSI
Maximum Height of Building	12 storeys/45 metres (32.81 feet)
Minimum Front Yard Setback	22 metres (72.18 feet)
Minimum Side Yard Setback (North)	10 metres (32.81 feet)
Minimum Side Yard Setback (South)	1.5 metres (4.92 feet)
Minimum Rear Yard Setback	1.0 metres (3.28 feet)
Minimum Parking Spaces	119 spaces

In addition to the preceding, the applicant is requesting approval of site specific exceptions and definitions as part of the proposed Zoning By-law Amendment (see Appendix “A”). As part of the review of the subject applications, staff will review, among other matters, the appropriateness of the proposed zone category as well as the appropriateness of the proposed uses, development standards and definitions to be applied to the lands.

Department and External Agency Comments:

The subject Official Plan and Zoning By-Law Amendment applications and associated background studies and reports submitted in support of 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 of this report.

Urban Design Section

The City’s Urban Design Section has advised that for high-rise buildings (i.e. having a built form greater than 8 storeys), the transition policies apply as per **Section 3.4.1.57** of the Plan. As such, the applicant shall incorporate a separation distance of 12.5 metres (41.01 feet) above the 8th storey of the building to not preclude any future high-rise development south of the lands. Furthermore, the proposed built form and massing of the building shall be revised to incorporate a slender tower form and floor plate in accordance with Section 6.6.42 and 6.6.44 of the City’s Urban Design Guidelines. Urban Design staff have provided comments relating to future amenity spaces, building articulation, access, and treatment of the proposed building (refer to Appendix “C”).

Development Engineering Division

The City’s Development Engineering Division has provided comments relating to functional servicing, hydrogeological, stormwater management, and transportation matters. Staff have identified the need for the applicant to revise the submitted Functional Servicing and Stormwater Management Report to ensure conformity with the related Site Plan statistics. Furthermore, additional information is required for staff to understand if adequate municipal water supply and pressure is available to support the water demand calculations for the development. The applicant is advised to coordinate

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sanitary and water service connections with the Region of York given that Leslie Street is a Regional road.

Transportation staff have provided comments with respect to traffic and parking. Further information is required to provide conformity with the City's 2010 Parking Strategy, as a shared occupancy formula does not apply to residential uses. As such, a greater number of parking spaces shall be provided. Development Engineering comments have been attached as Appendix "D" hereto.

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 seeking approval to permit an increase in building height and a high-rise built form, which is not contemplated under the policies of the Plan;
- the proposed residential dwelling units for seniors are generally classified as a residential use and do not meet the definition of a long-term care facility as defined in the City's Official Plan. On this basis, the proposed use is not permitted within the **Leslie Street Institutional Area** designation;
- further information and clarification on the type of retirement residential units designed for senior's living (such as independent supportive units, assisted living units, self-contained units, among other relevant categories) and other retirement care services to be provided in the proposed development is required for staff to undertake a more thorough analysis of the proposal;
- staff has significant concerns regarding the proposal's alignment with the intent of the **Leslie Street Institutional Area** designation. Given the unique character and vision of the area, appropriate regard must be had for the goals and policies of the land use designation applicable to the subject lands;
- comments have yet to be received from the City's Park and Natural Heritage Planning Section. Comments from this section are critical to the City confirming the limits of the Greenway System (i.e. limit of key natural heritage features/key hydrological features and their associated minimum vegetation protection zone) for the proposed development, along with other landscaping and natural heritage matters;
- the submitted plans do not incorporate any indoor or outdoor amenity spaces. The applicant shall explore opportunities to introduce amenity spaces and utilize the natural heritage system located at the rear of the lands;
- staff notes that servicing allocation is required for the proposed residential units;
- the **Institutional (INST) Zone** is not a zone category within By-law 2325-68, as amended. Staff will review the appropriateness of establishing this new zone

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category in By-law 2325-68, as amended, as part of its review of the applicant's development proposal;

- the proposed definitions to be included as part of the proposed Zoning By-law Amendment need to be consistent with previously approved Zoning By-laws and City wide zoning definitions;
- a future Site Plan application will be required to facilitate the proposed development;
- the applicant shall satisfactorily address any issues identified by City departments and external agencies that have been requested to review the subject development proposal; and,
- staff will continue to review the form, content and appropriateness of the proposed draft Official Plan and Zoning By-law Amendments as well as the site specific standards requested by the applicant with respect to the form, content and appropriateness of the amendments.

A comprehensive review and evaluation of the subject Official Plan Amendment 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 Building Services Division – Zoning Section, Community Services – Waste Division, Financial Services Division, Fire and Emergency Services Division, Toronto and Region Conservation Authority, Alectra Utilities, and Rogers. 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. At this time, comments remain outstanding from Park and Natural Heritage Planning Section and York Region.

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.

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Climate Change Considerations:

The recommendation of this report does not have any direct implications with respect to Council's Climate Change considerations at this time. An overview of how the subject applications support Council's climate change mitigation and/or adaptation measures to reduce carbon emissions 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 to permit a 12-storey mixed use residential/commercial/office 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 these 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.

- Appendix A – Applicant's Draft Zoning By-law Amendment
- Appendix B – Applicant's Draft Official Plan Amendment
- Appendix C - Heritage and Urban Design Section Comments, dated September 11, 2023
- Appendix D – Development Engineering Comments, dated August 18, 2023
- Map 1 Aerial Photograph
- Map 2 Neighbourhood Context
- Map 3 Existing Zoning
- Map 4 Existing Official Plan Designation
- Map 5 Proposed Site Plan
- Map 6 Proposed Elevation (west)
- Map 7 Proposed Elevation (east)
- Map 8 Proposed Rendering (south-west)
- Map 9 Proposed Rendering (west)

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Report Approval Details

Document Title:	SRPBS.23.011 - Request for Comments - 9947 Leslie Street - Official Plan Amendment and Zoning By-law Amendment Applications.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Draft Zoning By-law Amendment .docx- Appendix B - Draft Official Plan Amendment.docx- Appendix C - HUD Comments.docx- Appendix D - Engineering Comments.docx- Map 1 - Aerial Photograph AODA.docx- Map 2 - Neighbourhood Context AODA.docx- Map 3 - Existing Zoning AODA.docx- Map 4 - Existing Official Plan Designation AODA.docx- Map 4 - Existing Official Plan Designation AODA-sd.docx- Map 5 - Proposed Site Plan AODA.docx- Map 6 - Proposed Elevation (west) AODA.docx- Map 7 - Proposed Elevation (east) AODA.docx- Map 8 - Proposed Rendering (south-west) AODA.docx- Map 9 - Proposed Rendering (west) AODA.docx
Final Approval Date:	Sep 27, 2023

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

Gus Galanis - Sep 26, 2023 - 1:33 PM

Kelvin Kwan - Sep 27, 2023 - 2:07 PM

Darlene Joslin - Sep 27, 2023 - 2:31 PM