



Staff Report for Committee of the Whole Meeting

Date of Meeting: March 20, 2024

Report Number: SRPBS.24.029

Department: Planning and Building Services

Division: Development Planning

Subject: **SRPBS.24.029 – Request for Approval - Servicing Allocation and Financial Contribution Request – Gil Shcolyar - City File D06-20035**

Owner:

Gil Shcolyar
188 Brookside Road
Richmond Hill, Ontario
L4C 9W5

Agent:

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

Location:

Legal Description: Lot 27, Registered Plan 10030
Municipal Address: 20 Bedford Park Avenue

Purpose:

A request for approval concerning the assignment of municipal servicing allocation and to accept a one-time financial contribution to facilitate the construction of a five (5) storey mixed-use residential/commercial building on the subject lands.

Recommendations:

- a) **That the request by Gil Shcolyar for 20.68 persons equivalent of servicing allocation for the lands known as Lot 27, Registered Plan 10030 (Municipal Address: 20 Bedford Park Avenue), City File D06-20035, be assigned to the development to be constructed on the subject lands, to be released by the Commissioner of Planning and Building Services in accordance with By-law 109-11, as amended;**

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- b) That Council direct City staff to accept a one-time financial contribution of \$34,399.58 from the applicant as compensation to satisfy the “best efforts” requirements of the *Source Protection Plan* under the *Clean Water Act, 2006*; and,
- c) That the one-time financial contribution of \$34,399.58 be directed to the Mill Pond Park Renewal project.

Contact Person:

Giuliano La Moglie, Planner II, phone number 905-771-6465 and/or
Sandra DeMaria, Manager of Development Planning, phone number 905-771-6312
Deborah Giannetta, Acting Director of Development Planning, phone number 905-771-5542

Report Approval:

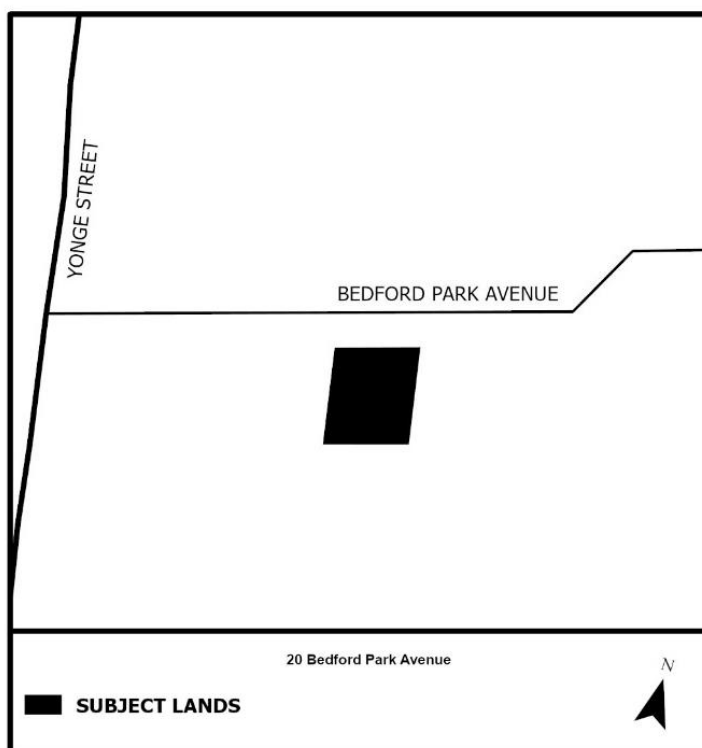
Submitted by: Gus Galanis, Acting Commissioner, Planning and Building Services

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 “Contact Person” above.



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Background:

A Site Plan Application was received by the City on July 14, 2020 and deemed complete on August 11, 2020 to facilitate the construction of a five (5) storey mixed-use residential/commercial building on the subject lands. The application and supporting materials were subsequently circulated to relevant City departments and external agencies for review and comment. The Site Plan application has now progressed to a stage that only minor technical matters remain to be addressed and comments from other City departments and external agencies have been satisfactorily addressed.

Through the technical review of the Site Plan application, it was determined by the Toronto and Region Conservation Authority (TRCA) and Development Engineering Division that the applicant was not able to satisfy the water balance requirements pursuant to the requirements under the *Source Protection Plan* under the *Clean Water Act, 2006*. As such, the applicant is proposing to meet the requirements through a financial contribution as outlined in this report. Accordingly, the purpose of this report is to seek Council's approval to assign municipal servicing allocation and to accept a one-time financial contribution from the applicant to satisfy the "best efforts" requirements of the *Source Protection Plan* under the *Clean Water Act, 2006*.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the south side of Bedford Park Avenue and east of Yonge Street (Refer to Map 1). The lands have a total lot area of approximately 715.51 square metres (7701.67 square feet) and a lot frontage of approximately 25 metres (82.02 feet) along Bedford Park Avenue. The lands currently contain a single detached dwelling and abut the St. Mary Immaculate Roman Catholic Church to the south, low density residential dwellings to the east and west, and a dental clinic to the north.

Development Proposal

The applicant is seeking Council's approval of municipal servicing allocation and to accept a one-time financial contribution in satisfaction of the applicant's water balance requirements of the *SPP* policies in support of its Site Plan application to construct a five storey, mixed-use residential/commercial building on the subject lands (refer to Maps 4 and 5). The following is a summary outlining the relevant statistics of the subject development proposal based on the plans and drawings submitted to the City:

- **Total Lot Area:** 715.51 square metres (0.17 acres)
- **Total Number of Units:** 12
 - **Residential Units:** 11
 - **Commercial Units:** 1
- **Building Height:** 18.5 metres (60.69 feet) or 5 storeys
- **Floor Space Index (FSI)** 2.31
- **Total Parking:** 12
- **Bicycle Parking:** 12

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Clean Water Act and Source Protection Plan

The *Source Protection Plan* under the *Clean Water Act, 2006*, contains a set of policies to ensure that existing and future activities on lands located within the *SPP* area will not become a significant threat to potable drinking water sources. Developed for the Credit Valley, Toronto and Region and the Central Lake Ontario Conservation Areas (CTC), the *SPP* took effect on December 31, 2015.

In summary, the *SPP* contains specific policies to ensure that the quality and quantity of municipal drinking water sources are protected and that all threats to these sources (existing and future) are mitigated to the greatest extent possible. One of the policies that is applicable to the City of Richmond Hill is the identification of vulnerable areas which are referred to as Wellhead Protection Areas – Q2 (WHPA-Q2) in accordance with technical guidelines developed by the Ministry of the Environment.

WHPA-Q2 areas are locations which have been identified to help manage activities that may reduce groundwater recharge to an existing aquifer. In this regard, certain types of applications within the WHPA-Q2 Recharge Area One (REC-1) are subject to the applicable policies to implement best management practices with the goal to maintain predevelopment groundwater recharge. This includes the requirement to submit a site-specific Water Balance Assessment to demonstrate how the proposed development can mitigate any related impacts and the reduction in groundwater infiltration.

After its enactment, a number of technical and implementation challenges were identified by municipalities and other source protection authorities. It was determined that on-site infiltration measures were not always possible and often considered too stringent to meet when municipalities were trying to balance the *SPP* policies with Provincial and Regional growth targets. In response, the proposed amendments introduced in 2019 brought the policies in alignment with other applicable policy documents (i.e., *the Oak Ridges Moraine Conservation Plan*).

The amendments also introduced the creation of an area located south of existing municipal wellheads, identified as the “downgradient line” within the WHPA-Q2 area. It was determined that lands south of this line would have very minimal impact on any existing municipal wells within adjacent municipalities (note: the City of Richmond Hill does not have any municipal wells) but would still be required to undertake a Water Balance Assessment and demonstrate “best efforts” to meet infiltration targets. This amendment provided municipalities with the flexibility to maintain the intent of the *SPP* policies to ensure the protection of municipal water sources, while greatly improving the ability to implement the *SPP* in growth areas. The *SPP* provides flexibility for applicants to demonstrate “best efforts” with respect to meeting water balance requirements pursuant to the *Clean Water Act*. The options include:

1. the establishment of compensating recharge opportunities on the development site within the WHPA-Q2 area. Should this not be technically feasible, the applicant has the option to satisfy “best efforts” through options 2 or 3 below;

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2. the provision of compensating recharge opportunities on another site within the WHPA-Q2 area where it is not feasible to provide pre-development recharge within the development site; or,
3. the provision of financial compensation to implement recharge opportunities elsewhere.

With respect to financial compensation, in circumstances where it has been determined that all reasonable efforts have been made but infiltration targets cannot be achieved on-site and no other lands are available, then financial compensation may be considered. Staff note that to date, the Toronto and Region Conservation Authority (TRCA) has not implemented an offsite compensation protocol.

With respect to the subject development application, TRCA has determined that the proposed development does not sufficiently meet the water balance requirements for groundwater recharge and infiltration due to the design and technical requirements. In this regard, due to the siting of the proposed building on the lands, the applicant has advised that they cannot meet the water balance requirements on-site and that they do not have any alternative land holdings in which infiltration infrastructure can be implemented.

As an option, the TRCA and the City staff from the Development Engineering Division recommended utilizing financial compensation as an option to meet their water balance requirements. While compensation may occur within the same WHPA-Q2 area, through discussions with the TRCA, the City's Water Resources Section, Development Engineering Staff and Development Planning staff, it was determined that funds required to compensate for lost infiltration opportunities within Richmond Hill should contribute to the funding of infiltration projects within the City.

In consultation with the City's Water Resources Section, it was determined that the City's Mill Pond Park Renewal project could provide an opportunity for the applicant to satisfy the requirements as noted above. The project has been initiated through funds allocated as part of the Stormwater Management Ten Year Capital Plan.

The Mill Pond Park Renewal project is intended to remove accumulated sediment, provide opportunities to rehabilitate, and provide opportunities to implement quantity and quality controls and enhancements for the Mill Pond in accordance with **Policy 3.1.9.2.14** of the Plan, including the evaluation and consideration of infrastructure options to promote groundwater recharge. This includes the installation of low impact development (LID) infrastructure to promote groundwater infiltration.

A Functional Servicing and Stormwater Management Report was submitted in support of the subject development, wherein a value of \$34,399.58 was calculated to provide for comparable off-site compensation. The applicant has agreed to provide a financial contribution of same which will go towards the implementation of infiltration infrastructure as part of the Mill Pond Renewal project in satisfaction of the applicant's required "best efforts" and the intent of the *SPP* policies. Based on the preceding, as municipalities are the final approval authority with

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respect to the *SPP*, staff are satisfied that the applicant has demonstrated “best efforts” in achieving the intent of the *SPP* policies for groundwater recharge. Accordingly, staff recommends Council direct staff to accept the financial contribution as proposed and direct these funds to the Mill Pond Renewal project.

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. The 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.*
8. *Opportunities to provide affordable housing.*

Staff has reviewed the applicants’ Sustainability Metrics submission and finds it acceptable as the proposed development demonstrates an overall Application Score of 42 points, which is within the acceptable threshold range of 32 to 45 to qualify as a “good” score.

On the basis of the preceding and based on the stage of review of the applicant’s Site Plan application, staff supports the applicant’s municipal servicing assignment request, and recommends 20.68 persons equivalent of municipal servicing allocation be assigned to the subject lands to facilitate the development proposal.

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 applicant’s development proposal aligns with **Goal Two – Strong Sense of Belonging** by providing alternative housing options available to the city and utilizing available land responsibly, as well as **Goal Four – Fiscal Responsibility** by supporting the ongoing Mill Pond Park Renewal Project.

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 Metrics. On the basis of the plans and reports submitted to the City, the applicant’s development proposal

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contemplates the use of materials that will use municipally approved techniques to reduce the heat island effect.

Conclusion:

The applicant is seeking Council's approval to grant municipal servicing allocation with respect to its proposal to construct a five storey mixed-use residential/commercial development proposal on its land holdings. The proposed development has achieved a "good score" as required by the City's Interim Growth Management Strategy for servicing allocation and accordingly, it is recommended that Council assign up to 20.68 persons equivalent of servicing allocation to the proposed development. In conjunction with the preceding, the applicant is also seeking Council's approval to accept a one-time financial contribution in satisfaction of the water balance requirements of the *Source Protection Plan* under the *Clean Water Act*. In this regard, it is recommended that Council direct staff to accept a one-time financial contribution in the amount of \$34,399.58 from the applicant which is to be directed towards the implementation of infiltration infrastructure as part of the Mill Pond renewal project.

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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.

- Map 1, Aerial Photograph
- Map 2, Official Plan Designation
- Map 3, Existing Zoning
- Map 4, Proposed Site Plan
- Map 5, Proposed Rendering

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Report Approval Details

Document Title:	SRPBS.24.029 – Request for Approval - Servicing Allocation and Financial Contribution Request.docx
Attachments:	- Map 1.docx - Map 2.docx - Map 3.docx - Map 4.docx - Map 5.docx
Final Approval Date:	Feb 29, 2024

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

Deborah Giannetta - Feb 28, 2024 - 4:58 PM

Gus Galanis - Feb 28, 2024 - 5:41 PM

Darlene Joslin - Feb 29, 2024 - 8:32 AM