



Staff Report for Committee of the Whole Meeting

Date of Meeting: June 12, 2024

Report Number: SRPBS.24.049

Department: Planning and Building Services

Division: Development Planning

Subject: **SRPBS.24.049 – Request for Approval – Official Plan Amendment and Zoning By-law Amendment Applications – Neuhaus Developments – City Files: D01-21004 and D02-21007 (Related City File: D06-21028)**

Owner:

Neuhaus Developments Limited

410 Chrislea Road, Suite 20

Woodbridge, ON L4L 8B5

Agent:

Evans Planning

9212 Yonge Street, Unit 1

Richmond Hill, Ontario

L4C 7A2

Location:

Legal Description: Part of Lots 20 and 21, Registered Plan 2027

Municipal Address: 9593 Bathurst Street

Purpose:

A request for approval concerning Official Plan and Zoning By-law Amendment applications to permit a four (4) storey residential apartment building on the subject lands.

Recommendation(s):

- a) **That the Official Plan and Zoning By-law Amendment applications submitted by Neuhaus Developments Limited for lands known as Lots 20**

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and 21, Registered Plan 2027 (Municipal Address: 9593 Bathurst Street), City Files D01-21004 and D02-21007 be approved, subject to the following:

- (i) that the City’s Official Plan be amended to include site specific policies as outlined in Staff Report SRPBS.24.049;**
 - (ii) that the draft Official Plan Amendment 51 attached hereto as Appendix “B” be brought forward to the June 19, 2024 Council meeting for adoption;**
 - (iii) that the draft Zoning By-Law Amendment attached hereto as “Appendix C” rezone the subject lands from Second Density Residential (R2) Zone under Zoning By-law 2523, as amended, to Multiple Family Two (RM2) Zone under By-law 2523, as amended, with site-specific development standards to facilitate the development proposal as outlined in Staff Report SRPBS.24.049;**
 - (iv) that the draft amending Zoning By-law attached hereto as Appendix “C” be finalized to the satisfaction of the Commissioner of Planning and Building Services and brought forward to the June 19, 2024 Council meeting for consideration and enactment;**
- b) that pursuant to Section 34(17) of the *Planning Act*, Council deem that no further notice be required with respect to any necessary modifications to the draft amending Zoning By-law to implement the proposed development on the subject lands; and,**
- c) That the authority to 20.88 persons equivalent of municipal 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 City’s Interim Growth Management Strategy, and that the assigned municipal servicing allocation be released in accordance with the provisions of By-law 109-11.**

Contact Person:

Sophia Kanavas, Planner II, phone number 905-747-6436

Sandra DeMaria, Manager of Development, phone number 905-747-6312

Deborah Giannetta, Acting Director of Development Planning, phone number 905-771-5542

Report Approval:

Submitted by: Gus Galanis, Acting Commissioner of Planning and Business Services

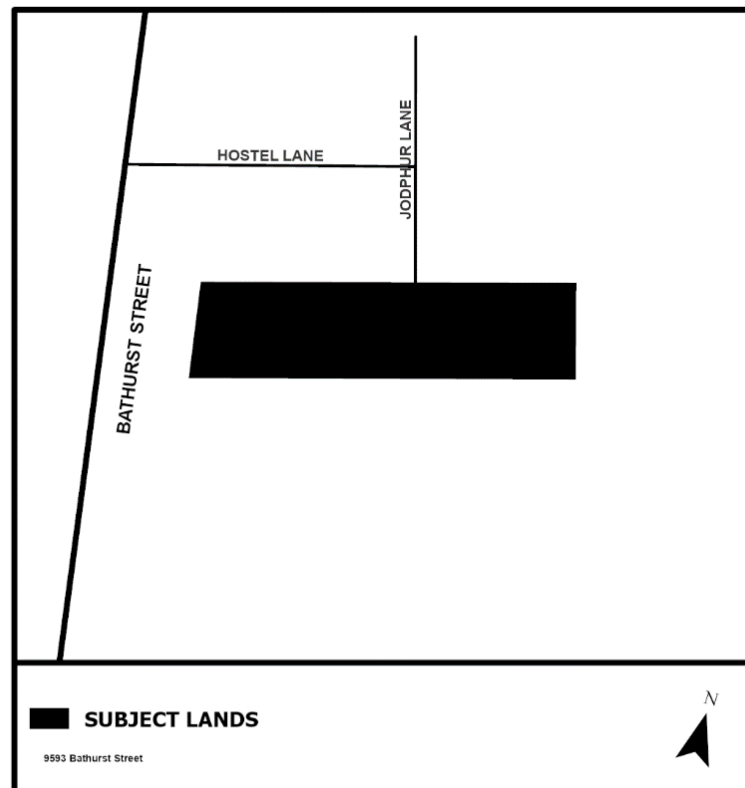
Approved by: Darlene Joslin, City Manager

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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.



Background:

The statutory Council Public meeting was held on September 22, 2021 to consider the subject Official Plan and Zoning By-law Amendment applications wherein Council received Staff Report SRPI.21.084 for information purposes and directed that all comments be referred back to staff (refer to Appendix “A”). A number of comments and concerns were raised at the meeting and through written correspondence received with respect to the proposed built form and the shared access with the adjacent development which are discussed in detail in subsequent sections of this report.

The applicant has satisfactorily addressed the comments and technical requirements related to the subject Official Plan and Zoning By-law Amendment applications, and staff are satisfied that all remaining technical matters can be adequately addressed as

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part of the associated Site Plan application (City File D06-21028). Accordingly, the purpose of this report is to seek Council's approval of the applicant's Official Plan and Zoning By-law Amendment applications.

Summary Analysis

Site Location and Adjacent Uses

The subject lands are located on the east side of Bathurst Street, between Weldrick Road and Pemberton Road and have a total lot area of 0.12 hectares (0.30 acres) (refer to Map 1). The lands presently support a single detached dwelling and detached garage that are to be demolished to facilitate the proposed development. Abutting uses include three (3) storey townhouses to the north, an established low-density residential neighbourhood to the east, a place of worship (Grace Baptist Church of Richmond Hill) to the south and Bathurst Street to the west (refer to Map 2).

Development Proposal

The applicant is seeking Council's approval of their Official Plan and Zoning By-law Amendment applications to permit a four storey residential apartment building comprised of 13 dwelling units with access to be shared via the existing townhouse development to the north, 9601 Bathurst Street (refer to Map 5). The following is a summary table outlining the relevant statistics of the applicant's development proposal based on the plans and drawings submitted in support of its development proposal:

Total Lot Area:	0.123 hectares (0.304 acres)
Lot Frontage:	17.81 metres (58.43 feet)
Total Gross Floor Area:	1,586.56 sq. metres (17,078 sq. feet)
Number of Buildings:	1
Density:	106 units per hectare (42.7 units per acre)
Number of Residential Units:	13
Building Height:	14.6 metres (47.90 feet) or 4 storeys
Lot Coverage:	48.9%
Parking Spaces:	18 spaces
Bicycle Spaces:	14 spaces
Amenity Area (Roof Terrace):	358 sq. metres (3,853 sq. feet)

In response to the comments and concerns raised at the Council Public Meeting and through the application review process, the applicant has made the following modifications to the original development proposal as follows:

- reduced lot coverage from 52% to 48.9%;
- reduced the total gross floor area from 1,822 sq. metres (19,615 sq. feet) to 1,586.56 sq. metres (17,078 sq. feet);
- reduced parking spaces from 22 spaces to 18 spaces;
- increased bicycle parking spaces from 12 spaces to 14 spaces; and,

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- reduced amenity area (roof to terrace) from 387 sq. metres (4,165.77 sq. feet) to 358 sq. metres (3,853 sq. feet)

At the time of writing this report, an associated Site Plan application (City File: D06-21028) is currently under review by the City.

Official Plan and Zoning By-law Amendment Applications

In order to facilitate its development proposal, the applicant is proposing a site-specific exception under **Chapter 6** of the City's Official Plan to permit the following:

- an increase in the maximum permitted density from 50 units per hectare (20 units per acre) to 106 units per hectare (42.7 units per acre) (based on a lot area of 0.123 hectares (0.304 acres)).

Additionally, the applicant is requesting to rezone the subject lands from **Residential Second Density (R2) Zone** to **Residential Multiple Family Two (RM2) Zone** under By-law 2523, as amended, with site-specific provisions.

Planning Analysis:

Staff has undertaken a comprehensive review and evaluation of the applicants' development proposal based on the policy framework as outlined within the *Provincial Policy Statement* ("PPS") (2020), the *Growth Plan for the Greater Golden Horseshoe* ("Growth Plan") (2020), the York Region Official Plan ("ROP") (2022) and the City's Official Plan ("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 have been updated. At the time of writing of this report, the City is undertaking Official Plan updates as necessary to align with more recent Provincial and Regional planning direction. A more detailed outline of the applicants' proposal relative to the relevant policies of the ROP and the Plan is provided in the sections below.

York Region Official Plan

The subject lands are designated **Urban Area** in accordance with Map 1 (Regional Structure of the York Region Official Plan, 2022 (ROP) and more specifically designated **Community Area** in accordance with Map 1A (Land Use Designations). The ROP identifies the **Urban Area** as areas intended to support a wide range and mix of uses which will accommodate a significant portion of planned growth within the Region, including a residential apartment building as proposed by the subject applications. The **Community Areas** are envisioned as the areas which will supply the majority of housing, personal services, retail, institutional, cultural, and recreational services. In this regard, the **Community Areas** shall contain a wide range and mix of housing types, sizes and tenures that include options that are affordable. Accordingly, the subject applications are consistent with the ROP.

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Further to the above, the Region of York has reviewed the subject applications and has advised of no objections and has advised that the appropriateness of the increased density and the consideration of compatibility are to be determined by the local municipality. Accordingly, the proposed Official Plan Amendment has been exempted from Regional approval citing the application is a matter of local significance.

City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** in accordance with Schedule A2 – Land Use (refer to Map 4) of the City of Richmond Hill Official Plan (the Plan) and are located within a priority infill area as identified in **Section 4.9.1.1** of the Plan bounded by Stockdale Crescent to the north, Bathurst Street to the west, Weldrick Road to the south and Yonge Street to the east. It should be noted that an infill study has not been completed for this area.

The **Neighbourhood** designation permits low density residential uses including single detached dwellings, semi-detached dwellings and townhouses and provides opportunities for small-scale infill development, including medium density residential uses such as low-rise townhouses and walk-up apartments. Furthermore, the **Neighbourhood** designation allows development up to a maximum of three storeys, except on an arterial street where the maximum building height can be four storeys as identified in **Section 4.9.1.4** of the Plan. In this regard, the built form and height of the proposed development conforms to the **Neighbourhood** policies of the Plan.

Notwithstanding the preceding, the proposed development does not conform with the applicable density provisions of the Plan. **Section 4.9.1.2.3.** of the Plan stipulates a maximum density of 50 units per hectare (20 units per acre) for development within the **Neighbourhood** designation. The subject applications propose a density of 106 units per hectare (42.7 units per acre) which is based on the subject property having a lot area of 0.123 hectares (0.304 acres). The proposed development provides a compact, small-scale infill built form that is contemplated in the **Neighbourhood** designation and is located along an arterial road. **Sections 3.4.1.55 and 4.9.2** of the Plan requires that development within the **Neighbourhood** designation be compatible with the character of the adjacent/surrounding area with respect to the predominant building forms and types, massing, general pattern of street, blocks, lots and lanes, landscaped areas and treatments, and the general pattern of yard setbacks. The Plan defines “compatible” as “*...land uses or development which are mutually tolerant of one another and capable of co-existing together in harmony in the same area.*” In this regard, the test of compatibility under the Plan does not require that new development be identical to what currently exists on adjacent lands. The proposed development articulates the vision for city in the neighbourhood at a scale that contributes to the City’s character and identity. The subject lands are located at a suitable location to achieve a higher-density housing mix that is compatible with the surrounding land uses and is located along a corridor served by existing public transit that can support an increase in density. On the basis of the preceding, the proposed additional density of the development is considered appropriate.

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With respect to housing affordability, **Section 3.1.5.3** of the Plan which requires that a minimum of 25% of new housing units within the **Settlement Area** shall be affordable and should be coordinated across the City including in Secondary Plan and Tertiary Plan areas, which remains applicable to the subject applications. Affordable housing should include a mix and range of types, unit sizes, functions, and tenures to provide opportunity for all household types across the City including larger families, seniors and residents with special needs.

As defined in Section 7.2 of the Plan, affordable with respect to ownership housing means:

a. housing for which the purchase price results in annual accommodation costs not exceeding 30% of gross annual household income for low and moderate income households; or

b. housing for which the purchase price is at least 10% below the average purchase price of a resale unit in the regional market area.

Additionally, “low and moderate-income households” are defined, in the case of ownership housing, to include “households with incomes in the lowest 60% of the income distribution for the regional market area”.

Notwithstanding the preceding, it should be noted that the development proposal does not provide an affordable housing component; it does provide for a unique housing option that seeks to address the “missing middle” and provides a variety of unit sizes including both 1 bedroom and 2 bedroom plus den units, with the majority of the units being 2 bedroom plus den units (7 units). The provision of larger unit sizes contributes to a diversified range of housing options within the city. Furthermore, the proposed development incorporates a barrier free design allowing the building to be accessible to seniors and residents with special needs.

Staff has evaluated the applicant’s development proposal in relation to the applicable land use, height, density, design and compatibility policies of the Plan and is of the opinion that the development proposal has appropriate regard for, and is consistent with the overarching planning principles of the Plan and that it represents good planning.

Zoning

The applicant is seeking approval to rezone the subject lands from **Residential Second Density (R2) Zone** to a site specific **Residential Multiple Family Two (RM2) Zone** under By-law 2523, as amended (refer to Appendix “C”). The RM2 zone currently does not exist within the By-law and as such there are no general development standards for medium-density residential, and in particular this built form. As such, the development standards for medium density residential development are determined on a site -by-site basis and in consideration of development standards established within the City for

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similar developments. In this regard, outlined below is a summary of the propose site-specific development standards:

Development Standard	Proposed Development Standard, RM2 Zone under by-law 66-24
Minimum Lot Frontage	17.6 metres (57.74 feet)
Maximum Lot Coverage	50%
Minimum Setbacks <ul style="list-style-type: none"> • North property line • South property line • Rear yard (east) • Front Yard (west) 	1.5 metres (4.92 feet) 1.2 metres (3.93 feet) 22.8 metres (72.17 feet) 0.7 metres (2.29 feet)
Building Height	4 storeys or 14.6 metres
Gross Floor Area	1,586.56 square metres (17,078 square feet)
Floor Space Index	1.31
Minimum Landscape Area	17.8%
Parking <ul style="list-style-type: none"> • Residential • Visitor 	18 spaces 15 3

Staff have undertaken a comprehensive review and analysis of the proposed zone category and associated site-specific development standards requested to facilitate the proposed development and consider them appropriate for the development of the subject property. The proposed apartment building meets all of the City’s standards and technical requirements required to support the development (i.e. parking, on-site circulation, waste management collection requirements) and it provides for transition and compatibility elements, including landscape buffers, setbacks and separation to adjacent land uses, among other matters. Accordingly, staff supports the subject Zoning By-law Amendment application.

It should be noted that at the time of writing this report, the applicant’s plans depict a building height that does not take into consideration the type of roof (i.e mansard roof) proposed, which may vary the height (in metres) identified in the above table slightly. The final confirmed building height will be reflected in the by-law that is forwarded to Council for enactment.

Council and Public Comments:

As noted previously, comments from members of Council and the public were raised at the Council Public Meeting held on September 22, 2021 regarding the proposed development. A summary of the comments received and staff responses are outlined in the following sections.

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Density, Compatibility and Transition

Concerns were raised with respect to the proposed density, massing, setbacks, and landscaping of the proposed development. With respect to density and massing, the applicant has reduced the proposed building length from 44.5 metres (145.99 feet) to 42.45 metres (139.27 feet) and incorporated a terraced, step back design at the third and fourth floors of the easterly elevation to provide transition to the existing low density residential neighbourhood. Furthermore, the applicant has provided 1.5 metre (4.92 feet) landscape buffers on all sides of the property that abut the existing residential uses to the east and north of the site and a 1.2 metre (3.93 feet) buffer on the south side adjacent to the existing church and the associated parking area. These landscape buffer requirements will be secured in the site-specific by-law to ensure sufficient separation to adjacent residential and institutional uses.

Shared Access

Concerns from the residents of the abutting townhouse development to the north regarding the shared access through their development to the subject property and regarding future maintenance arrangements were raised. At the time of approval of the existing townhouse development to the north, a reciprocal easement registered on title was required to provide future shared access to the subject property, if and when it redeveloped in order to minimize the number of access points along Bathurst Street in accordance with York Region policies. Similarly, as a condition of approval of this development, the requirement to register the same reciprocal easement in favour of the abutting property to the south (Grace Baptist Church of Richmond Hill) will be required to facilitate shared vehicular connection/access to the property should the property redevelop in the future. Discussions related to maintenance of the private driveway shall be arranged between the private condominium corporations as this is a matter between private landowners. However, staff will continue to encourage agreement on these matters as part of the remaining approvals needed to implement the proposed development.

Department and External Agency Comments:

All City departments and external agencies have indicated no objections in principle to the Official Plan and Zoning By-law Amendment applications and/or have provided comments that can be appropriately satisfied through the related Site Plan application. The following provides a summary of the comments received from the City's Infrastructure Planning and Development Engineering Division, Park and Natural Heritage Planning Section, and the Region of York that are to be addressed by the applicant through conditional Site Plan Approval. Comments include, but are not limited to the following:

- addressing remaining technical comments with respect to stormwater management, grading and erosion sediment control, construction management, exterior lighting, and noise;
- providing additional information regarding injury and removal of trees, and updated Arborist Report and Tree Preservation Plans; and,

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- provision of transportation related information to the Region including, but not limited to Traffic Management Plans, Construction Management Plans for each phase of construction, Subsurface Utility Engineering (SUE) Investigation Report, Phase 1 ESA Report and Reliance Letter, draft Reference Plan for property conveyance, Hydrogeological report, Temporary Dewatering Discharge Plan and Hoarding/Fencing and Crane Swing Plans..

Recommendation:

Planning staff has undertaken a comprehensive review and evaluation of the subject Official Plan and Zoning By-law Amendment applications and are in support of same, for the following principal reasons:

- the proposed four storey residential apartment building is consistent with the **Community Area** land use designation of the in-force ROP;
- the proposed four-storey apartment building complies with the applicable **Neighbourhood** designation policies of the Plan respecting land use, building height, transition and compatibility;
- the proposed additional density is considered appropriate as it is considered compatible with the surrounding land uses, is located along a corridor served by existing public transit that can support an increase in density and can be accommodated in consideration of the City's standards and requirements for this type of built form;
- the proposed **Residential Multiple Family Two (RM2) Zone** with site specific development standards to be established under By-law 2523, as amended, is appropriate for the proposed apartment building as the developments standards takes into consideration the technical requirements needed to support this unique housing type;
- the proposed development represents a unique, compact housing form in an area supported by full municipal services, making it an efficient land use and intensifying underutilized land in the area; and,
- the applicant has satisfactorily addressed all comments raised by City departments and external agencies.

Interim Growth Management Strategy:

Council has approved and implemented a comprehensive strategy comprised of eight growth management eligibility criteria as a means of assessing and prioritizing development applications for the receipt of municipal servicing allocation. The 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.*

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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.*

In accordance with Council direction, as part of the review of the above noted IGMS Criteria 7 the proposed development will make efficient use of land by providing small scale infill development. The built form proposed will help in growing the “missing middle” housing stock in which medium density residential development can be achieved in smaller scale infill development such as four-storey apartments. The applicants have submitted a Sustainability Performance Metrics Tool in support of their Site Plan application to demonstrate how the proposed development achieves the minimum threshold score of 40 points in order to receive servicing allocation. At this time, the Sustainability Metrics submission for the proposed development remains under review and will be finalized as part of the Site Plan application. The proposed development will require 20.88 persons equivalent of servicing allocation to accommodate the proposed development. The authority to assign servicing allocation is recommended to be delegated to the Commissioner of Planning and Building Services to be released in accordance with Bylaw 109-11 at the appropriate time.

Financial/Staffing/Other Implications:

The recommendations of this report do not have any financial, staffing or other implications.

Relationship to Council’s Strategic Priorities 2024-2027

The recommendations of this report are aligned with **Pillar 1: Growing Livable, Sustainable Community**, in supporting a range of housing options and affordability, on the basis that the development proposal supports a diversified range of dwelling unit sizes within the City.

Climate Change Considerations:

The recommendations of this report are generally aligned with Council’s climate change considerations as the design of the proposed development includes bicycle parking which supports options for zero-emission modes of transportation and public transit usage. Notwithstanding the above and as indicated in earlier sections of this report, a more detailed evaluation of technical and design-related matters will be undertaken as part of the related Site Plan application.

Conclusion:

The applicant is seeking approval of their Official Plan and Zoning By-law Amendment applications in order to permit the construction of a four (4) storey residential apartment building on their land holdings. Staff has undertaken a comprehensive review and

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evaluation of the applicant's development proposal and is of the opinion that the submitted applications are appropriate and represent good planning. Staff will continue to work collaboratively with the applicants to address any outstanding technical matters as part of the remaining Site Plan application review and approval process. Accordingly, staff recommends that Council approve the subject applications in accordance with the recommendations outlined in this report.

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 Public Meeting C#37-21, September 22, 2021
- Appendix B, Draft Official Plan Amendment
- Appendix C, Draft Zoning By-law Amendment
- Map 1, Aerial Photograph
- Map 2, Neighbourhood Context
- Map 3, Existing Official Plan Designation
- Map 3, Existing Zoning
- Map 4, Proposed Site Plan (2024)
- Map 5, Proposed Elevations

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Report Approval Details

Document Title:	SRPBS.24.049 - Request for Approval - D01-21004 and D02-21007 .docx
Attachments:	<ul style="list-style-type: none">- SRPBS.24.049 - Appendix A - CPM Extracts.docx- SRPBS.24.049 - Appendix B - Draft OPA No. 51.docx- SRPBS.24.049 - Appendix C- Draft By-law.docx- Map 1 - Aerial Photograph.docx- Map 2 - Neighbourhood Context.docx- Map 3 - Official Plan Designation.docx- Map 4 - Existing Zoning.docx- Map 5 - Proposed Site Plan.docx- Map 6 - Proposed Elevations.docx
Final Approval Date:	May 27, 2024

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

Deborah Giannetta - May 27, 2024 - 11:28 AM

Darlene Joslin - May 27, 2024 - 1:50 PM