



Staff Report for Council Public Meeting

Date of Meeting: February 25, 2025

Report Number: SRPBS.25.020

Department: Planning and Building Services

Division: Development Planning

Subject: SRPBS.25.020 – Request for Comments –
Official Plan and Zoning By-law Amendment
Applications – 45 Observatory Lane LP – City
Files OPA-24-0005 and ZBLA-24-0011

Owner:

45 Observatory Lane LP
1595 16th Avenue, Suite 203
Richmond Hill, Ontario
L4B 3N9

Agent:

Bousfields Inc.
3 Church Street, Suite 200
Toronto, Ontario
M5E 1M2

Location:

Legal Description: Lots 10 and 11, Registered Plan 4342
Municipal Addresses: 45 and 51 Observatory Lane

Purpose:

A request for comments concerning proposed Official Plan and Zoning By-law Amendment applications to permit a high density residential development on the subject lands.

Recommendation:

- a) That Staff Report SRPBS.25.020 with respect to the Official Plan and Zoning By-law Amendment applications submitted by 45 Observatory Lane LP for lands known as Lots 10 and 11, Registered Plan 4342 (Municipal Addresses: 45 and 51 Observatory Lane), City Files OPA-24-0005 and ZBLA-24-0011, be received for information purposes only and that all comments be referred back to staff.

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Contact Persons:

- Simone Fiore, Senior Planner, 905-771-2479
- Sandra DeMaria, Manager of Development, 905-747-6312
- Deborah Giannetta, Director of Development Planning, 905-771-5542
- Gus Galanis, Commissioner, Planning and Building Services, 905-771-2465

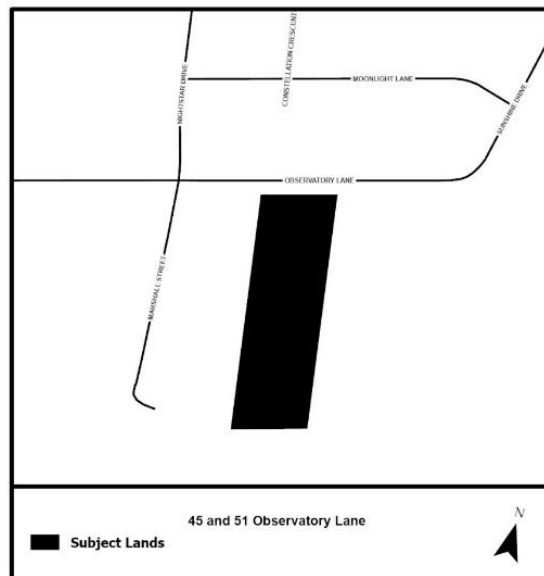
Report Approval:

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.

Key Messages:

- the applicant is seeking approval of Official Plan and Zoning By-law Amendment applications to permit a high density residential development to be comprised of three towers (12, 22 and 28 storeys in height), with a density of 5.5 FSI and 801 apartment dwelling units on its land holdings; and,
- 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*.

Location Map:



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Background:

A statutory Council Public Meeting took place on May 19, 2021 to consider Official Plan and Zoning By-law Amendment applications to permit an eight (8) storey mid-rise residential building on the lands municipally know as 45 Observatory Lane (City Files D01-20016 and D02-20030). The owner subsequently acquired the abutting property to the east (51 Observatory Lane) and submitted the subject Official Plan and Zoning By-law Amendment applications that apply to both properties. The applications were received by the City on September 25, 2024 and were deemed complete on October 18, 2024. The applications and supporting materials have been circulated to relevant City departments and external agencies for review and comment.

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 comprised of two contiguous parcels that have a combined frontage of 60 metres (196.85 feet) on Observatory Lane. They are located on the south side of Observatory Lane, east of Yonge Street and have a total lot area of approximately 1.13 hectares (2.8 acres) (refer to Map 1). The lands currently support manufacturing industrial facilities (asphalt and construction materials), associated outdoor storage and accessory office uses. The lands abut two (2) existing 10 and 13 storey rental apartment buildings to the west, Bridgeview Park to the south, commercial and industrial uses to the east and Observatory Lane to the north. Due to the subject land's proximity to existing industrial uses, the proposed development is subject to the Ministry of Environment, Conservation and Parks' Land Use Compatibility Guidelines. This will be discussed further in the later sections of this report.

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 high density residential development to be comprised of three (3) towers (12, 22 and 28 storeys in height, referred to as Tower A, B and C, respectively), connected by a six (6) storey base building. The proposed development includes 801 residential dwelling units and four (4) levels of underground parking (refer to Maps 4 to 6). Vehicular access is to be provided from Observatory Lane and connect to a proposed drop-off/loading area and ramp to the underground parking that is intended to serve the development.

The following is a summary outlining the pertinent statistics of the applicant's revised development proposal based on the plans and drawing submitted to the City:

- **Total Lot Area:** **11,337.62 square metres (122,037.13 square feet)**

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- **Total Number of Units:** 801
- **Building Heights:**
 - **Tower A:** 12 storeys
 - **Tower B:** 22 storeys
 - **Tower C:** 28 storeys
 - **Base Building:** 6 storeys
- **Total Gross Floor Area:** 62,404.8 square metres (671,719.68 square feet)
- **Density:** 5.5 Floor Space Index (FSI) (709 units/hectare)
- **Total Parking Spaces:** 1,076
 - **Residential:** 956
 - **Visitor:** 120
- **Number of Bicycle Spaces:** 528
 - **Residents:** 488
 - **Visitors:** 40
- **Underground Parking:** 4 levels
- **Outdoor Amenity Space:** 1,604.7 square metres (17,272.85 square feet)

Supporting Documentation

- Planning Justification Report;
- Draft Official Plan Amendment;
- Draft Zoning By-law Amendment;
- Site Plan;
- Underground Parking Plans;
- Floor Plans;
- Elevation Plans;
- Cross Sections;
- Sun and Shadow Study;
- Angular Plane Plan;
- 3D Renderings;
- Streetscape Elevations;
- Housing Affordability Matrix;
- Arborist Report;
- Concept Plan;
- Phase 1 Environmental Site Assessment;
- Functional Servicing Report;
- Geotechnical Study;
- Hydrogeological Report;
- Landscape Plan;
- Noise Report;
- Site Servicing and Grading Plan;
- Stormwater Management Report; and,
- Urban Design Brief.

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Official Plan Amendment and Zoning By-law Amendment Applications

The applicant is seeking Council's approval of its Official Plan Amendment application to establish site specific amendments to permit the following (refer to Appendix A):

- a building height of 28 storeys, whereas 4 storeys is permitted; and,
- a density of 5.5 Floor Space Index (FSI) (equivalent to 709 units per hectare or 287 units per acre), whereas a density of 50 units per hectare (or 20.24 units per acre) is permitted.

The applicant's Zoning By-law Amendment application would amend the current **Residential Multiple Family Four (RM4) Zone**, under By-law 2325-68, as amended, applicable to the subject lands, to establish the following site specific development standards, among others, in order to facilitate the development proposal (refer to Appendix B):

- maximum gross floor area, maximum floor space index, maximum number of dwelling units, maximum building height, maximum number of storeys, maximum tower floor plate, minimum front yard setback, minimum side yard setback, and minimum rear yard setback;
- parking and loading space standards including parking supply minimums and dimensions; and,
- amenity space requirements.

The appropriateness of the proposed amendments are currently under review. The site specific exceptions sought through the amendments shall be evaluated through the review of the applications with consideration for policy conformity, neighbourhood compatibility, urban design and function. Additional information concerning the applicable Official Plan policies and the Zoning By-law governing the subject lands are discussed in subsequent sections of this report.

Planning Analysis:

Staff has undertaken a preliminary review of the applicant's development proposal based on the policy framework contained within the *Provincial Planning Statement (2024)* (the "PPS"), the *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 the ROP that were in-force at the time of approval.

York Region Official Plan

In accordance with Bill 185, *Cutting Red Tape to Build More Homes Act* (effective July 1, 2024) the Region of York no longer has planning responsibilities under the *Planning Act* and therefore is no longer the approval authority of the City's Official Plan or its amendments. Accordingly, the York Region Official Plan 2022 ("ROP") is now deemed to be an Official Plan of the City of Richmond Hill.

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The subject lands are designated **Urban Area** in accordance with Map 1 (Regional Structure) of the York Region Official Plan (ROP) and more specifically designated as **Community Area** in Map 1A (Land Use Designations) of the York Region Official Plan (ROP). The **Urban Area** is considered the primary location for growth and development within York Region, which includes Towns, Villages, Centres and Corridors. The **Community Areas** are intended to support a wide range and mix of urban uses and to accommodate a significant portion of planned growth within York Region.

It is noted that the subject lands, although not within a Protected Major Transit Station Area (“PMTSA”) in accordance with Map 1B (Urban System Overlays) and Appendix 2 (York Region Major Transit Station Areas) of the ROP, are within close proximity to the **Weldrick Bus Rapid Transit Station (PMTSA 51)** along Yonge Street at Weldrick Road and the **16th-Carrville Bus Rapid Transit Station (PMTSA 39)** to the south of the subject lands at Yonge Street and 16th Avenue/Carrville Road. Specifically, the subject lands are located partially within the 500 metre radius to **PMTSA 51** and are located within the 800 metre radius, but outside of the 500 metre radius of **PMTSA 39**.

Notwithstanding the above, the City of Richmond Hill Official Plan is to be relied upon to set out more specific policies related to land use and design that refine the broader direction established in the ROP.

City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** in accordance with Schedule A2 - Land Use of the Plan (refer to Map 2). Uses permitted within the **Neighbourhood** designation include primarily low density residential uses as well as medium density residential uses subject to specific criteria. Development within the **Neighbourhood** designation permits maximum building heights of three storeys, except on an arterial street where the maximum height can be four storeys, and a maximum density of 50 units per hectare (20.24 units per acre).

In accordance with **Section 4.9.2** of the Plan, development within the **Neighbourhood** designation shall 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 proposed development is for a high-rise built form, therefore the policies in **Section 3.4.1** of the Plan with respect to high-rise residential building design and transition are applicable. In this regard, high-rise buildings shall generally have a slender floorplate above the podium of approximately 750 square metres (8,072.93 square feet) with step backs for tower elements proposed above the base building to reduce the visual impact of the built form, along with a more appropriate interface with the public realm and transition of the built form towards the existing, adjacent low rise residential built fabric. High-rise buildings shall also be designed with sufficient separation distance of approximately 25 metres (82.02 feet) between proposed or existing towers to maintain

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appropriate light, view and privacy conditions. Furthermore, **Section 3.4.1.55** of the Plan states that development must adhere to the principle of a 45 degree angular plane measured from adjacent low density residential areas.

Based on a preliminary review of the proposed development relative to the **Neighbourhood** designation policies and high-rise design policies of the Plan, the proposed high-rise use is not contemplated or permitted within this designation.

Additionally, **Sections 3.1.5.3** and **3.1.5.6** of the Plan require a minimum of 25% of new housing units to be affordable and that 5% of units shall contain three (3) or more bedrooms. The proposed development does not currently propose any affordable units. Out of the 801 dwelling units proposed, the applicant is proposing 21 units to be 3-bedroom units, which equals 3% of the total units across all three (3) buildings. Staff will continue to work with the applicant to ensure the affordability requirements and a minimum of 5% of the proposed dwellings are three (3) bedroom units as prescribed by the Plan.

Further to the above, based on the proximity of the lands to the existing industrial uses to the east, **Section 3.1.9.8** of the Plan regarding compatibility shall apply. The policies of the Plan stipulate that any adverse impacts from noise, odour, and vibration arising from industrial or commercial activities on sensitive land uses, such as residential areas, be effectively mitigated. Accordingly, the applicant will be required to demonstrate that the proposed development includes appropriate mitigation measures to buffer against these impacts, in accordance with both the Plan's requirements and the Ministry of Environment, Conservation and Parks' Land Use Compatibility Guidelines.

In accordance with **Section 3.2.3.11**, where a development application requests a change in land use to a more sensitive use, the applicant will be required to demonstrate that the site is either not contaminated or has been remediated in accordance with the standards and requirements identified in relevant Provincial legislation and regulations including but not limited to the *Environmental Protection Act* and regulations thereunder. Further to the above and as set out in **Section 3.2.3.12**, prior to development on sites which may be contaminated or potentially contaminated, the applicant shall be required to undertake a Phase 1 Environmental Site Assessment (ESA) in accordance with Provincial legislation and regulations. Where a Phase 1 ESA indicates a site subject to a development application may be contaminated, the City shall require that a Phase 2 ESA be undertaken in accordance with the relevant Provincial legislation and regulations.

A more detailed review and evaluation of the proposed amendments in the context of the applicable Plan policies and changing policies anticipated through the Plan Update 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.

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Zoning By-law

The subject lands are currently zoned **Residential Multiple Family Four (RM4) Zone** under By-law 2325-68, as amended. The **RM4 Zone** permits apartment buildings up to a maximum of 10 storeys and other related uses. However, the proposed development greatly exceeds the applicable development standards with respect to height, density, setbacks, among other development standards. In this regard, the applicant is seeking to amend the **RM4 Zone** to implement and establish site specific development standards in order to facilitate the proposed development. The following table provides a summary of the applicable development standards of the **RM4 Zone** under By-law 2325-68, as amended, relative to the site specific provisions proposed by the applicant:

Development Standard	RM4 Zone, By-law 2325-68, as amended	Proposed Development Standards
Minimum Lot Frontage	30 metres (98.42 feet)	60 metres (196.85 feet)
Minimum Lot Area	10,000 square metres (107,639.1 square metres)	11,337.62 square metres (122,037.13 square feet)
Maximum Lot Coverage	50%	Approximately 45%
Minimum Setbacks <ul style="list-style-type: none"> - Front Yard - Side Yard - Rear Yard 	<ul style="list-style-type: none"> - 7.5 metres (24.61 feet) - 7.5 metres (24.61 feet) - 7.5 metres (24.61 feet) 	<ul style="list-style-type: none"> - 7.5 metres (24.61 feet) - 7.5 metres (24.61 feet) - 7.2 metres (23.62 feet)
Maximum Building Height	10 storeys	28 storeys or 102 metres (334.65 feet)
Minimum Parking	1.5 spaces/unit, 20% of which shall be for visitor parking	Studio: 0.85 spaces/unit 1 Bedroom: 0.90 spaces/unit 2 Bedroom: 1.0 spaces/unit 3 Bedroom: 1.25 spaces/unit Visitor: 0.15 spaces/unit
Maximum Gross Floor Area	N/A	62,404.8 square metres (671,719.68 square feet)
Maximum Density	99 units per hectare	5.5 Floor Space Index (equivalent to 709 units per hectare)
Amenity Space	N/A	3.9 square metres/unit (41.98 square feet/unit)

The draft Zoning By-law amendment submitted by the applicant in support of its development proposal is currently under review (refer to Appendix B). The appropriateness of the proposed zone category, development standards, land uses, as well as the need for additional standards and/or restrictions will continue to be evaluated

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through the review of the submitted development applications with regards to policy conformity, compatibility, design and function.

City 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. Comments have been received from the City's Park and Natural Heritage Planning, Heritage and Urban Design, Infrastructure and Development Engineering Services, Community Services – Waste Collection, CN Rail, Toronto and Region Conservation Authority (TRCA), York Region, York Catholic District School Board, York Region District School Board, Alectra Utilities, and Enbridge Gas. 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. These comments have been forwarded to the applicant for consideration but have not been appended to this report. At the time of writing this report, the applications remain under review by the City's Building Services – Zoning Division, Corporate and Financial Services Department, Conseil Scolaire Viamonde and Conseil Scolaire De District Catholique Monavenir.

Outlined below is a summary of the key comments received as of the time of writing of this report:

Heritage and Urban Design Section

The City's Heritage and Urban Design Section has reviewed the applicant's development proposal in accordance with the City-wide Urban Design Guidelines and has provided comments with respect to the applicant's site specific Official Plan policy amendments and built form (refer to Appendix C). Specifically, Urban Design staff has made recommendations that the main entrance to the buildings be designed to include a continuous pedestrian network and seamless access to all primary building entrances.

Urban Design staff has also expressed concerns about the height of the proposed base building along Observatory Lane. Staff have noted that the proposed building heights do not align with the intended City Structure of the Official Plan that permit four (4) storey buildings heights in the **Neighbourhood** designation subject to criteria, and in proximity to the existing low rise two (2) storey residential dwellings north of the lands. Furthermore, the proposed building heights may result in adverse shadow impacts on adjacent properties to the north and west and the proposed at-grade landscaped amenities. On this basis, Urban Design staff advise that the applicant consider reducing the building heights to better align with the policies of the Plan and context of the surrounding area. Lastly, the applicant is advised to provide additional information regarding the gross floor area of each floor to ensure compliance with the tower floor plate requirement of 750 square metres (8,072.93 square feet).

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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 height and density of the proposed development greatly exceeds the permissions of the **Neighbourhood** designation which permits a maximum density of 50 units per hectare (20.24 units per acre) and a maximum height of four (4) storeys whereas the applicant is proposing a FSI of 5.5 (709 units per hectare) and building heights of 12, 22 and 28 storeys. Further evaluation is required to assess whether the proposed high density built forms are appropriate in terms of built form, height and density in consideration of the policies of **Sections 4.9.2** and **3.4.1** of the Plan
- notwithstanding the height and density requirements of the **Neighbourhood** designation of the Plan, the proposed development appears to meet a number of the high rise built form requirements of the Plan including the provision of a 45 degree angular plane, minimum tower separation distance, and the provision of step backs above the base building. Further information from the applicant is required in order to determine if the development meets the tower floor plate design policies;
- contextually, staff recognize that high rise built forms are existent on adjacent lands to the west and the subject lands are located in close proximity to the **Yonge Street and 16th Avenue/Carrville Road Key Development Area** of the Plan and two PMSTA's which may warrant consideration of additional height and density on the subject lands;
- the applicant is encouraged to consider reducing the base building height to minimize its potential impact on the public realm and in consideration of the surrounding context;
- the proposed development will be assessed on the basis of the City-wide Urban Design Guidelines as it relates to design, compatibility and acceptable transition within the public realm. In this regard, Urban Design comments have identified areas of concern which must be satisfactorily addressed;
- due to the proximity of the subject lands to existing industrial uses, the applicant will be required to demonstrate compliance with the Ministry of Environment, Conservation and Parks' Land Use Compatibility Guidelines to ensure appropriate separation distances are maintained from the proposed residential use to adjacent and surrounding incompatible land uses;
- given the existing manufacturing uses of the lands and the industrial uses of the adjacent properties, pursuant to **Sections 3.2.3.11** and **3.2.3.12** of the Plan, the applicant will be required to undertake a Phase 1 Environmental Site Assessment (ESA) and will be responsible for any site remediation in accordance with the

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standards and requirements identified in Provincial legislation. The applicant has submitted a Phase 1 ESA which is currently under review;

- the proposed development does not provide a minimum of 25% of new housing units to be affordable and does not provide 5% of units containing three (3) or more bedrooms pursuant to **Sections 3.1.5.3 and 3.1.5.6** of the Plan. Staff will continue to work with the applicant to ensure both policies are met throughout the development process;
- 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 applicants;
- the applicant must satisfactorily address any issues and requirements identified by City departments and external agencies that have been requested to review the subject development proposal; and,
- future Site Plan and draft Plan of Condominium applications will be required to facilitate the proposed development.

A comprehensive review and evaluation of the subject Official Plan 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, and standards requested by the applicant. 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.

Financial Implications:

The recommendation of this report does not have any financial, staffing or other implications.

Relationship to Strategic Plan 2024-2027:

The recommendation of this report does not have any direct implications with respect to the 2024-2027 Strategic Plan. 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.

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, Applicant's Draft Official Plan Amendment
- Appendix B, Applicant's Draft Zoning By-law Amendment

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- Appendix C, Memo from Heritage and Urban Design, dated November 28, 2024
- Map 1, Aerial Photograph
- Map 2, Official Plan Designation
- Map 3, Existing Zoning
- Map 4, Proposed Site Plan
- Map 5, Proposed Elevation Plans
- Map 6, Proposed 3D Renderings

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Report Approval Details

Document Title:	SRPBS.25.020 - Request for Comments - 45 and 51 Observatory Lane.docx
Attachments:	<ul style="list-style-type: none">- SRPBS.25.020 - Appendix A - Applicant's Draft OPA.pdf- SRPBS.25.020 - Appendix B - Applicant's Draft ZBL.pdf- SRPBS.25.020 - Appendix C - Memo from HUD.pdf- SRPBS.25.020 - Map 1 Aerial Photograph.docx- SRPBS.25.020 - Map 2 Official Plan Designation.docx- SRPBS.25.020 - Map 3 Existing Zoning.docx- SRPBS.25.020 - Map 4 Proposed Site Plan.docx- SRPBS.25.020 - Map 5 Proposed Elevation Plans.docx- SRPBS.25.020 - Map 6 Proposed 3D Renderings.docx
Final Approval Date:	Feb 5, 2025

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

Deborah Giannetta - Feb 5, 2025 - 9:30 AM

Gus Galanis - Feb 5, 2025 - 9:56 AM

Darlene Joslin - Feb 5, 2025 - 11:26 AM