



Staff Report for Committee of the Whole Meeting

Date of Meeting: February 5, 2018

Report Number: SRPRS.18.021

Department: Planning and Regulatory Services

Division: Development Planning

Subject: **SRPRS.18.021 – Request for Approval – Zoning By-law Amendment Application – Kayvan Hakimzadeh – Town File D02-16035**

Owner:

Kayvan Hakimzadeh
1622 Tipperary Court
Mississauga, Ontario
L5H 3Z4

Agent:

Evans Planning Inc.
8414 Keele Street, Unit 12
Vaughan, Ontario
L4K 1Z7

Location:

Legal Description: Part of Lot 25, Plan 355
Municipal Address: 0 Sunset Beach Road

Purpose:

A request for approval concerning a proposed Zoning By-law Amendment application to facilitate the creation of one (1) additional building lot on the subject lands.

Recommendations:

That the Zoning By-law Amendment application submitted by Kayvan Hakimzadeh for the lands known as Part of Lot 25, Plan 355 (Municipal Address: 0 Sunset Beach Road), Town File D02-16035, be approved, subject to the following:

- a) that the subject lands be rezoned from Residential Second Density (R2) Zone under By-law 1703, as amended, to Single Detached Six (R6) Zone**

and Open Space (O) Zone under By-law 313-96, as amended, and that the amending Zoning By-law establish site specific development standards as outlined in Staff Report SRPRS.18.021; and,

- b) that the amending Zoning By-law be brought forward to a regular meeting of Council for consideration and enactment.**

Contact Person:

Simone Fiore, Planner I – Subdivisions, phone number 905-771-2479 and/or
Denis Beaulieu, Manager of Development, Subdivisions, phone number 905-771-2540

Report Approval:

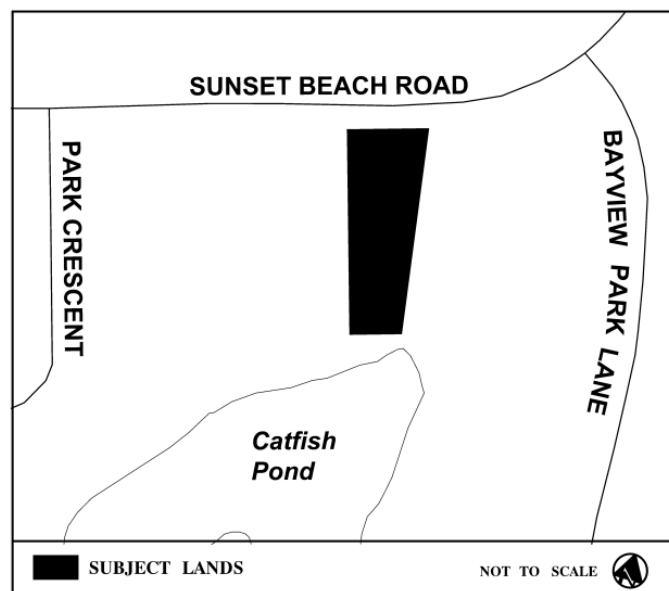
Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by: Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

Location Map:

Below is a map displaying the property location. Should you require an alternative format, call the person listed under “Contact Person” above.



Background:

The subject Zoning By-law Amendment application was considered at a statutory Council Public Meeting on March 22, 2017 wherein Council received Staff Report SRPRS.17.052 for information purposes and directed that all comments be referred back to staff for further consideration (refer to Appendix “A”).

Concerns were raised by Council and members of the public with respect to the applicant’s development proposal. The concerns identified included the potential environmental impacts as a result of the proposed lot creation. Council members also discussed the possibility of conveying a portion of the subject lands to a public authority for conservation purposes. These matters will be addressed in greater detail in the later sections of this report.

It should be noted that all comments from internal departments and external agencies pertaining to the subject proposal have been satisfactorily addressed by the applicant. In this regard, the purpose of this report is to seek Council’s approval of the applicant’s Zoning By-law Amendment application to facilitate the creation of one (1) additional building lot on its land holdings.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the south side of Sunset Beach Road, west of Bayview Park Lane and have a total lot area of 0.25 hectares (0.62 acres). The lands form an existing building lot which was created through the approval of a Consent application in 2015 (Town File B008/15). The subject lands are currently vacant, and abut Sunset Beach Road to the north, residential uses to the east and west, and Town-owned lands (Catfish Pond) to the south (refer to Maps 1 and 2).

Revised Development Proposal

The applicant submitted a revised development proposal to the Town in response to comments arising from the initial submission of November 2016. The applicant revised the proposal to provide for an increased front yard setback to ensure compatibility and consistency with the established building line along Sunset Beach Road. The applicant is seeking Council’s approval of its request to amend the Zoning By-law to facilitate the creation of one (1) additional building lot on its land holdings (refer to Map 5). Each lot is to support one (1) single detached dwelling having frontage onto Sunset Beach Road. The following is a summary table outlining the pertinent statistics of the applicant’s development proposal based on the revised plans and drawings submitted to the Town:

- **Total Lot Area: 0.025 hectares (0.62 acres)**
- **Lot 1:**
 - **Lot Frontage: 17.27 metres (56.66 feet)**
 - **Lot Area: 1,251 square metres (13,465.65 square feet)**

- **Lot 2:**
 - **Lot Frontage: 17.27 metres (56.66 feet)**
 - **Lot Area: 1,273 square metres (13,702.46 square feet)**

Proposed Zoning By-law Amendment:

The subject lands are currently zoned **Residential Second Density (R2) Zone** under By-law 1703, as amended (refer to Map 3). This zone category permits a single detached dwelling among other uses. The development as proposed does not meet the majority of the development standards of the **R2 Zone** category including the minimum lot frontage and lot area requirements of 22.86 metres (75 feet) and 929.03 square metres (10,000 square feet) respectively. As such, the applicant is seeking Council's approval to rezone the majority of the subject lands to **Single Detached Six (R6) Zone** under Zoning By-law 313-96, as amended.

The following table provides a comparison between the development standards of the **R2 Zone** under By-law 1703, as amended, the development standards within the **R6 Zone** under By-law 313-96, as amended, and the applicant's proposed development standards:

Statistic	R2 Zone Standards, By-law 1703, as amended	R6 Zone Standards, By-law 313-96, as amended	Proposed Development
Minimum Lot Area	929.03 square metres (10,000 square feet)	500 square metres (5,381.96 square feet)	1,273 square metres (13,702.46 square feet) (Lot 1) 1,251 square metres (13,465.65 square feet) (Lot 2)
Minimum Lot Frontage	22.86 metres (75 feet)	15 metres (49.21 feet)	17.27 metres (56.66 feet)
Minimum Front Yard	17.68 metres (58 feet) from centerline of street	4.50 metres (14.76 feet)	25.88 metres (84.91 feet) (Lot 1) 25.85 metres (84.81 feet) (Lot 2)
Minimum Side Yard	3.0 metres (10 feet)	1.5 metres (4.92 feet)	1.5 metres (4.92 feet)
Minimum Rear Yard	4.58 metres (15 feet)	7.5 metres (24.61 feet)	7.5 metres (24.61 feet)
Maximum Lot Coverage	20%	40%	40%

Planning staff has undertaken a comprehensive analysis of the applicant's revised development proposal and is satisfied that the proposed **R6 Zone** category and site specific provisions are appropriate to facilitate the applicant's development proposal.

Planning Analysis:

Town of Richmond Hill Official Plan (2010)

The subject lands are designated **Neighbourhood** and **Natural Core** in accordance with Schedule A2 – Land Use of the Town’s Official Plan (the “Plan”) (refer to Map 4). The lands are also within the **Settlement Area** of the *Oak Ridges Moraine Conservation Plan* (“ORMCP”).

Uses permitted within the **Neighbourhood** designation include primarily low-density residential uses, medium-density residential uses, neighbourhood commercial uses, community use, parks and open spaces, and automotive service commercial uses subject to specific policy criteria as outlined in Chapter 4 of the Town’s Official Plan. The applicant is proposing single detached dwellings which are permitted within the **Neighbourhood** designation. In accordance with Section 4.9.2 of the Plan, development shall be compatible with the character of the adjacent and surrounding areas with respect to the predominant building forms and types, massing, general patterns of streets, blocks, and lots, landscaped areas and treatments, and the general pattern of yard setbacks.

The **Natural Core** designation includes natural core areas located within the **Settlement Areas** both on and off the Oak Ridges Moraine. Permitted uses in the **Natural Core** designation include fish, wildlife and forest management, conservation projects and flood and erosion control projects other than stormwater management works, essential transportation, infrastructure, and utilities subject to specific policy criteria as outlined in Chapter 4 of the Town’s Official Plan, low-intensity recreational uses, unserviced parks and accessory uses.

Section 3.2.1.8 of the Plan speaks to dedicating key natural heritage features and key hydrological features and their associated minimum vegetation protection zones through the development approval process to an appropriate public agency. Staff note that through the previous Consent application a 10 metre buffer from Catfish Pond was conveyed to the Town, and the portion of the subject lands to be zoned **Open Space (O) Zone** is intended to serve as a restorative planting area to be maintained in private ownership.

Prior to the approval of the Town’s new Official Plan, development on and in the vicinity of the subject lands was guided by the North Urban Development Area Secondary Plan (OPA 129). OPA 129 identified various infill areas (i.e. Douglas Road Neighbourhood Infill Study Area) where redevelopment of existing lots through backlot Plans of Subdivision and Consents on existing streets was permitted and encouraged. Lands along Park Crescent and Sunset Beach Road (east of Dunn Drive) were not included in an infill area in order to preserve the larger lot character along those streets.

At the time, lots on the north side of Sunset Beach Road (east of Dunn Drive) were primarily zoned **Residential Third Density (R3) Zone** with minimum lot frontage and lot

area requirements of 22.86 metres (75 feet) and 929.03 square metres (10,000 square feet) respectively, while lots on Park Crescent and the south side of Sunset Beach Road (east of Dunn Drive) were primarily zoned **Residential Second Density (R2) Zone** with minimum lot frontage and lot area requirements of 22.86 metres (75 feet) and 929.03 square metres (10,000 square feet) respectively. As a result, the creation of smaller residential infill lots was generally discouraged from a policy perspective and several development applications submitted to the Town were not supported by staff and/or approved by Council.

In the past 20 years, the context of the area has evolved, particularly on Sunset Beach Road, west of Park Crescent where small infill subdivisions and individual Consents have been approved, as well as south of Sunset Beach Road where larger subdivisions (i.e. Nantucket Drive, Sandbanks Drive) have been approved. Further, staff note that there are multiple lots along Sunset Beach Road (at its junction with Bayview Park Lane) that have gone through the Consent approval process resulting in lot frontages of less than 22.86 metres (75 feet).

Staff has evaluated the applicant's development proposal in relation to the design and compatibility policies of the 2010 Official Plan and is satisfied that the proposal has regard for and is compatible with the surrounding and adjacent area. The proposed lot frontages of 17.27 metres (56.66 feet) combined with large lot areas of 1,273 square metres (13,702.46 square feet) and 1,251 square metres (13,465.65 square feet) provide for a form of development that will be compatible with the current character of Sunset Beach Road, which has varied lot frontages. The depth of the proposed lots allows increased flexibility for locating a dwelling and minimizes any impacts of the reduced lot frontages from a streetscape perspective. Further, staff have incorporated an increased minimum front yard setback of 20 metres (65.62 feet) into the draft by-law which acknowledges the established building line along this section of Sunset Beach Road and minimizes any streetscape impacts.

Given all of the above, Planning staff is of the opinion that the subject Zoning By-law Amendment application has appropriate regard for and is consistent with the **Neighbourhood** designation and the broader policy direction for this part of the Town as outlined in the Town's Official Plan.

Oak Ridges Moraine Conservation Plan (2017)

The subject lands are located within the **Settlement Area** of the Oak Ridges Moraine as defined in accordance with the ORMCP. In accordance with Section 3.2.1.1 (18) of the Town's Official Plan, all uses which are otherwise permitted under the Plan shall be permitted within the **Settlement Area**.

In accordance with Subsection 18 (3) of the ORMCP, the creation of new lots is generally permitted within **Settlement Areas** subject to conformity with the ORMCP policies with respect to the consideration of key natural heritage features (KNHFs), hydrologically sensitive features (HSFs), watersheds and subwatersheds, wellhead and

aquifer protection, transportation, infrastructure and utilities, sewage and water services, partial services, stormwater management, and rapid infiltration basins and columns.

The subject lands directly abut a strip of Town-owned land that contains Catfish Pond which is located within the Wilcox-St. George Provincially Significant Wetland. In accordance with the ORMCP, wetlands are identified as KNHFs and HSFs and therefore a Minimum Area of Influence (MAI) of 120 metres and a 30 metre Minimum Vegetation Protection Zone (MVPZ) is required from the feature. As outlined in Sections 21 (3) and (4) of the ORMCP, an Environmental Study is required in order to determine if a reduction to a feature is possible and appropriate.

North Urban Development Area Master Environmental Servicing Plan

The environmental policies outlined in the Master Environmental Servicing Plan (MESP) prepared in support of the North Urban Development Area Secondary Plan (1996) are also applicable to the subject lands. In particular, the MESP provides guidelines regarding the required buffer areas to environmental lands and features. As Catfish Pond and a portion of abutting lands is designated as an Environmental Protection Area 1 (EPA1), minimum buffer requirements are applicable. The MESP outlines that a minimum buffer of 10 metres is required from the limits of the feature, unless otherwise demonstrated through an Environmental Impact Study (EIS). The applicant is proposing a 10 metre buffer from the EPA area and is therefore in compliance with the policies outlined in the MESP.

In addition to the requirements of the North Urban Development Area Secondary Plan Master Environmental Servicing Plan (MESP) applicable to the lands, and the completed Environmental Study submitted in support of the development, the applicant also submitted a Natural Heritage Evaluation (NHE) prepared by Beacon Environmental dated March 2015 to Town and Toronto and Region Conservation Authority (TRCA) staff as part of the approval process for its previous Consent Application B008/15. The NHE determined that the edge of the wetland is approximately eight (8) metres from the property boundary at its nearest point; however, the majority of the separation distance is twelve (12) metres. As such, there will be no development within ten (10) metres of the wetland, effectively serving as a buffer zone. As noted above, this portion of the subject lands is to be zoned **Open Space (O) Zone** and shall serve as a restorative planting area to be maintained in private ownership.

On the basis of the preceding, Planning staff is satisfied that the development proposal is consistent with the **Settlement Area** policies of the ORMCP and with the MESP for the North Urban Development Area.

Public Meeting Comments

The following concern was raised by Council and the public at the Council Public Meeting held March 22, 2017:

Environmental Impact

Concerns were raised with regard to the possible impact that the proposed lot severance and construction of two new dwellings will have on the environment, especially Catfish Pond. As noted in the preceding section, staff is satisfied that there will be no negative environmental impacts related to the subject proposal.

Town Department and External Agency Comments:

Development Planning Division

Planning staff has reviewed the applicant's development proposal and is recommending approval of its Zoning By-law Amendment application for the following reasons:

- as noted under the Planning Analysis section, the proposed land uses are permitted in the **Neighbourhood** designation;
- the applicant's revised submission has appropriately addressed the Town's Official Plan policies, especially Section 4.9.2 which speaks to design and compatibility;
- the development proposal conforms with the applicable development policies of the *Oak Ridges Moraine Conservation Plan*;
- the proposed development standards conform with the provisions of the **R6 Zone** under By-law 313-96, as amended;
- the proposed **O Zone** is appropriate and will serve as a restorative planting area;
- the proposed front yard setback would provide for a building line along Sunset Beach Road that would be consistent with the established building line on this portion of said street;
- through the future Consent and/or Site Plan approval stage, the applicant has acknowledged that measures will be undertaken to protect and preserve the trees on the eastern property line as indicated by Parks and Natural Heritage Planning staff; and,
- circulated Town departments and external agencies have no further concerns or comments regarding the subject Zoning By-law Amendment application.

Park and Natural Heritage Planning Division

Parks staff reviewed the revised proposal and note that an increased side yard setback along the easterly property line is desired in order to accommodate tree protection measures. Further, a Tree Inventory and Preservation Plan, Landscape Plan and Tree Replacement Plan will be a requirement of future applications.

Department and External Agency Comments

The applicant's revised development proposal satisfactorily addresses the comments from Town departments and external agencies. Town departments and external agencies have no further comments or objections with respect to the application.

Financial/Staffing/Other Implications:

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

Relationship to Strategic Plan:

The applicant's development proposal aligns with **Goal Two - Better Choice in Richmond Hill** by providing housing that offers options for people at all stages of life, in addition to **Goal Four - Wise Management of Resources in Richmond Hill** by designing energy efficient dwellings and using land responsibly.

Conclusion:

The applicant is seeking Council's approval of its proposal to facilitate the creation of one (1) additional building lot on its land holdings. The submitted Zoning By-law Amendment application conforms with the Town's Official Plan and staff is of the opinion that the proposed amendment is appropriate and represents good planning. On the basis of the preceding, it is recommended that Council approve the subject Zoning By-law Amendment application in accordance with the direction outlined in this report.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix A, Extract from Council Public Meeting C#09-17 held March 22, 2017
Public Meeting
- Appendix B, Draft Zoning By-law
- Map 1 Aerial Photograph
- Map 2 Neighbourhood Context
- Map 3 Existing Zoning
- Map 4 Official Plan Designation
- Map 5 Proposed Concept Plan

Report Approval Details

Document Title:	SRPRS.18.021 - Request for Approval - Zoning By-law Amendment - 599 Sunset Beach Road.docx
Attachments:	<ul style="list-style-type: none">- Appendix A, Extract from Council Public Meeting held March 22, 2017.pdf- Appendix B, Draft By-law 6-18.pdf- Appendix B, Schedule A.pdf- MAP_1_AERIAL_PHOTOGRAPH.pdf- MAP_2_NEIGHBOURHOOD_CONTEXT_S216035_NEW.pdf- MAP_3_EXISTING_ZONING_S216035_NEW.pdf- MAP_4_OFFICIAL_PLAN_DESIGNATION.pdf- MAP_5_PROPOSED_CONCEPT_PLAN.pdf
Final Approval Date:	Jan 22, 2018

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

Gus Galanis - Jan 20, 2018 - 4:42 PM

Kelvin Kwan - Jan 22, 2018 - 10:08 AM

Neil Garbe - Jan 22, 2018 - 10:23 AM