



## **Staff Report for Council Public Meeting**

**Date of Meeting:** December 2, 2020

**Report Number:** SRPI.20.009

**Department:** Planning and Infrastructure Department

**Division:** Policy Planning  
Development Zoning

**Subject:** **SRPI.20.009 Request for Comments on Expanded Permissions for Additional Residential Units (Secondary Suites) – City of Richmond Hill – City Files: D01-20011 and D24-20002**

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### **Purpose:**

The purpose of this report is to request comments concerning a proposed municipally initiated Official Plan Amendment and Zoning By-law Amendment to expand existing permissions for additional residential units, also known as secondary suites.

### **Recommendation:**

- a) That Staff Report SRPI.20.009, with respect to the municipally initiated amendments to the City's Official Plan and Zoning By-laws to permit additional residential units (City Files D01-20011 and D24-20002), be received for information purposes only and that all comments be referred back to staff.

### **Contact Person:**

Chun Chu, Senior Planner, phone number 905-771-5493 (Re: OPA 23 or D01-20011)  
Shelly Cham, Manager of Development Zoning, phone number 905-747-6470 (Re: D24-20002)

### **Report Approval:**

**Submitted by:** Kelvin Kwan, Commissioner of Planning and Infrastructure

**Approved by:** Mary-Anne Dempster, 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.

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### Background:

The City of Richmond Hill is initiating an Official Plan Amendment and Zoning By-law Amendment to permit, on a City-wide basis, additional residential units to be established within single detached, semi-detached and townhouse dwellings and within an accessory structure thereto. The purpose of this report is to provide information with regard to the proposed amendments and to seek Council and the public's comments.

### Proposed OPA 23

Official Plan Amendment (OPA) 23 proposes to permit on a municipal-wide basis, one additional residential unit in single detached, semi-detached, and townhouse dwellings, as well as one additional residential unit in a structure accessory to these ground-related dwellings on the same lot. Consequently, and in accordance with the *Planning Act* as amended by Bill 108, the *More Homes, More Choice Act, 2019*, OPA 23 would authorize up to three dwelling units where a ground-related residential lot is permitted.

While the intent of OPA 23 is to permit additional residential units, this housing form would not be appropriate in certain areas. As such, additional residential units are prohibited in hazardous sites and hazard lands, as directed by the *Provincial Policy Statement, 2020*. In the *Greenbelt Plan* area, outside of the Natural Heritage System, one additional residential unit is permitted within an existing single detached dwelling or in a structure accessory to the existing single detached dwelling, in accordance with the *Greenbelt Plan, 2017*. In the Oak Ridges Moraine Conservation Plan area, outside of Natural Core Area and Natural Linkage Area, one additional residential unit is permitted within a single detached dwelling, in accordance with the *Oak Ridges Moraine Conservation Plan, 2017*.

In addition, OPA 23 proposes to amend the West Gormley Secondary Plan and the North Leslie Secondary Plan to explicitly permit additional residential units both within a ground-related dwelling and in a structure accessory to the ground-related dwelling.

Finally, OPA 23 proposes to update or add definitions that are intended to add clarity to the proposed policies. Details of OPA 23 are found in Appendix A.

### Proposed ZBA

The purpose of the proposed Zoning By-law Amendment (ZBA) is to implement the proposed Official Plan Amendment and include the following principles:

- define “Additional Residential Unit” and amend other definitions, as applicable;
- permit, on a City-wide basis, in all zones that permit a single detached, semi-detached or townhouse dwelling, one additional residential unit within the principal dwelling and one additional residential unit within an accessory building thereto. This would enable a maximum of two additional residential units, for a total of three units, within one property;

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- notwithstanding the foregoing, restrict additional residential units as follows:
  - from lands which are zoned Oak Ridges Moraine Natural Core and Oak Ridges Moraine Natural Linkage Zones under By-law 128-04;
  - for lands zoned Oak Ridges Moraine Countryside and Oak Ridges Moraine Hamlet Zones under By-law 128-04, only permit up to a maximum of one additional residential unit to locate within a single detached dwelling;
  - from lands which are zoned for residential use but located within the lands designated Natural Heritage System within the North Leslie Secondary Plan and Natural Core within the Greenbelt Plan Protected Countryside;
  - from lands which do not have access to a municipal street or a driveway within a condominium development; and,
- establish appropriate development standards for additional residential units.

**Location:** Both OPA 23 and ZBA apply City-wide.

## Background:

### What are Additional Residential Units?

Additional residential units are self-contained residential units with a private kitchen, bathroom facilities and sleeping areas within a primary dwelling or within structures that are ancillary to the primary dwelling, such as above a garage.<sup>1</sup> Additional residential units are also commonly referred to as: second units, secondary suites, granny suites, accessory apartments, laneway housing, or coach houses.

There are many benefits of additional residential units. They provide for flexible arrangement of independent living for families, caregivers, and seniors. Financially, additional residential units are mutually beneficial to landlords and tenants because they are a means of extra income that lower the cost of homeownership while supplying affordable rental housing. For municipalities, additional residential units are a form of gently increasing density, with minimal impact on neighbourhood character and infrastructure.

Staff notes that additional residential units are not the same as short term rental accommodations. Short term rental accommodations (STRAs) are generally understood to be when private individuals rent out their home, or part of their home such as a room, for short periods of time (generally 30 days or less) through internet-based platforms. The Planning and Infrastructure Department is presently undertaking an Official Plan Update and Comprehensive Zoning By-law Review. Through these projects, staff will investigate an appropriate land-use planning framework for STRAs. Following the

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<sup>1</sup> Ministry of Municipal Affairs and Housing (2017), Second Units Info Sheet

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planning work, the Community Standards Division will evaluate whether further regulation of STRAs (e.g., via licensing) is recommended.

### Why an OPA and ZBA Now?

In 2019, the Provincial government amended the *Planning Act* via Bill 108, *the More Homes, More Choice Act, 2019*. This amendment requires municipalities to update their official plans and zoning by-laws to permit additional residential units within single detached, semi-detached and townhouses and also within structures accessory to them

Richmond Hill, like the rest of the Greater Toronto Area, is in a housing crisis. In response, the City is currently developing an Affordable Housing Strategy<sup>2</sup>. The background study for this project has highlighted that the City has a shortage of affordable rental housing. Additional residential units contribute to the secondary rental market and they are a good source of affordable rental housing.

From a market demand perspective, there is considerable demand for additional residential units. Anecdotally, staff from the Planning and Buildings Divisions have been receiving inquiries from local residents about permissions for additional residential units on almost a daily basis. While some additional residential units are legal by way of the *Planning Act* from 1994, the majority of ground-related residential properties in the City are not permitted to have additional residential units.

### Current Land Use Planning Context in the City of Richmond Hill

Presently, the City's Official Plan permits additional residential units City-wide within single detached, semi-detached, and townhouses, subject to the approval of a zoning by-law that would satisfy Policy 3.1.5 (5) of the Official Plan. However, the current Official Plan does not conform to Bill 108, *More Homes More Choice Act, 2019*, because additional residential units are not permitted in structures accessory to the aforementioned ground-related dwellings.

The following four area specific zoning by-laws presently permit additional residential units to locate within ground related dwellings in a residential zone:

- West Gormley Zoning By-law (By-law 54-15);
- North Leslie Secondary Plan Area Zoning By-law (By-law 55-15);
- David Dunlap Observatory lands Secondary Plan Area Zoning By-law (By-law 91-13); and
- Zoning By-law 2523 (southwest quadrant of the City).

By-laws 54-15, 55-15 and 91-13 permit one additional residential unit within a single detached dwelling, semi-detached dwelling or above a detached garage which has access to a rear lane. By-law 2523 applies to the southwest quadrant of the City and permits converted dwellings. Converted dwellings are defined as dwellings that predate

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<sup>2</sup> For more information regarding the Affordable Housing Strategy, please see: [www.richmondhill.ca/AHS](http://www.richmondhill.ca/AHS).

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the enactment of By-law 2523 which came into effect on November 21, 1960 and would allow for the alteration of the building to create a greater number of dwelling units subject to certain requirements. Outside of these four zoning by-law areas, additional residential units are not permitted by area specific by-laws. Staff notes that in addition to the by-law permissions, there are existing additional residential units which were established in single detached, semi-detached and townhouse dwellings under *Ontario Regulation 384/94* between November 16, 1995 and May 22, 1996, and these continue to be permitted.

The current planning regime in the City would require a proponent to apply for a zoning by-law amendment to permit an additional residential unit on a property. To that end, the City has recently implemented a new planning application fee specifically to permit an additional residential unit. This fee is substantially less than a standard zoning by-law amendment application fee in order to facilitate the development process. However, this is an interim measure until the Official Plan policies and zoning by-laws are updated to reflect the changes established under Bill 108.

The proposed OPA and ZBA would permit additional residential units “as-of-right” on a municipal-wide basis so that a landowner would only need to apply for a building permit to enable up to a maximum of two additional residential units on a property, thereby creating a new supply of additional residential units.

### Background Research

Staff have undertaken background research on the legislative requirements and appropriate standards for additional residential units. In addition, the City has commissioned Gladki Planning Associates Inc. to help inform the proposed zoning by-law amendment and to establish a framework for setting appropriate development standards. The Additional Residential Units Zoning By-law Technical Paper, Summary of Findings Report, November 2020, prepared by Gladki Planning Associates Inc. is available in Appendix E of this staff report. The next section highlights key findings.

### Provincial Requirements

From 2017 to 2020, the Provincial government undertook many reforms to provincial plans and legislation to address housing affordability. Chief among them is Bill 108, *More Homes More Choice Act, 2019*. Bill 108 amended numerous pieces of legislation, including the *Planning Act* and the *Development Charges Act*.

### Planning Act Changes

Bill 108 amended the *Planning Act* to permit additional residential units in single detached, semi-detached, and rowhouses, as well as in structures accessory to such dwellings. Bill 108 effectively allows up to three dwelling units on a ground-related property: two in the primary dwelling, and one in the structure accessory to the primary dwelling.

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Municipalities are required to update their official plans to conform to these changes, and further, to enact zoning by-law(s) that give effect to the enabling official plan policies. Moreover, the Province has removed the right of appeal on any OPA or zoning by-law related to additional residential units, except by the Minister of Municipal Affairs and Housing.

### **Ontario Regulation 299/19 Additional Residential Units**

*Ontario Regulation 299/19* is authorized under the *Planning Act*, and it prescribes development standards to remove barriers in the creation of additional residential units. The regulation states that a maximum of one parking space is required per additional residential unit, and tandem parking is permitted. In addition, anyone can occupy the additional residential unit, regardless if they own the ground-related property and regardless of their relationship to the owner of the primary dwelling. Lastly, additional residential units are permitted regardless of the construction date of the primary dwelling. Thus, additional residential units are permitted in both existing dwellings and in new builds. It is important to note that *Ontario Regulation 299/19* prevails over any local zoning by-law should there be a conflict.

### **Development Charges Act**

Bill 108 amended the *Development Charges Act* to exempt development charges on additional residential units within ground-related dwellings and in structures accessory to these dwellings. This exemption applies to additional residential units in both existing dwellings and in new builds.

### **Provincial Policy Statement, 2020 (PPS)**

The PPS directs municipalities to accommodate appropriate affordable and market-based range and mix of housing types, including “additional residential units” and to facilitate all types of residential intensification. Further, the PPS requires municipalities to direct developments away from areas of natural hazards.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020**

The Growth Plan requires municipalities meet minimum intensification targets and create a range and mix of housing options and densities, including the provision of additional residential units.

### **Greenbelt Plan, 2017**

The Greenbelt Plan permits an additional residential unit in a single detached dwelling or within a structures accessory to the single detached dwelling on the same lot located outside of the Natural Heritage System.

### **Oak Ridges Moraine Conservation Plan, 2017**

The Oak Ridges Moraine Conservation Plan permits an additional residential unit in a single detached dwellings located outside of a Natural Core Area or Natural Linkage Area.

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### Regional Official Plan

As a part of the Regional Municipal Comprehensive Review (MCR), York Region will be considering housing affordability and increasing the range of housing options. Presently, the Region's additional residential unit policies have not been updated to conform to new Provincial requirements. Richmond Hill is advancing ahead of the Region's MCR through the subject proposed OPA and ZBA. But, this action is rationalized by Policy 8.3.4(a) of the Regional Official Plan, which reconciles the difference between the Regional and local official plans based on "conformity with Provincial Plans, statutes, and regulations".

While the Region is the approval authority for the City's Official Plan and amendments to it, Policy 8.3.8 provides direction where a municipal OPA may be exempt from its approval. Accordingly, the City is seeking exemption of approval from York Region on OPA 23 because the proposed amendment is of local significance, does not adversely affect the Region, and is intended to comply with Provincial directions.

### Zoning for Additional Residential Units

It is proposed that the Zoning By-law Amendment would permit additional residential units on a City wide basis in accordance with the proposed OPA 23. Staff proposes that the following specific matters would form the basis of the by-law:

- all zones which presently permit single detached, semi-detached and townhouse dwellings would be amended to permit one additional residential unit to locate within the principal dwelling and one additional residential unit within an accessory structure or detached garage on the same lot. This would enable up to a maximum of two additional residential units (for a total of three units) per property;
- the forms of townhouse dwellings that would be permitted to accommodate additional residential units would include built forms such as traditional street related townhouses, rear lane townhouses and back to back forms of attached dwellings. This permission would apply to dwellings that have direct access to a municipal right-of-way (i.e. street related) and dwellings under condominium tenure (standard and common element) and where each dwelling unit has dedicated parking spaces (i.e. parking spaces within an attached or detached private garage and driveway);
- Lots that are located within the Toronto and Region Conservation Authority's (TRCA) Regulated Area, pursuant to *Ontario Regulation 166/06* would be subject to TRCA approval.
- The additional residential units permission would not apply under the following conditions:
  - an existing single detached dwelling located within the ORM Countryside and ORM Hamlet zones under By-law 128-04 would be permitted a maximum of one additional residential unit within a dwelling;

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- existing or authorized single detached dwellings in the ORM Natural Core and ORM Natural Linkage zone categories would not be permitted an additional residential unit;
- existing or authorized dwellings located on lands designated Natural Heritage System within the North Leslie Secondary Plan and Natural Core within the Greenbelt Plan Protected Countryside would not be permitted an additional residential unit; and,
- landlocked properties and properties with driveway access through shared private means would not be permitted an additional residential unit. Such lots do not typically have direct frontage onto a municipal right-of-way and are not under condominium tenure.

As noted previously in this report, the City's newest area specific by-laws contain provisions related to additional residential units (refer to Appendix B). Staff has evaluated the present zoning regime and note that the existing zoning permissions provide a good basis for developing the proposed development standards discussed in this report. Further, staff has reviewed the best practice research summarized in the Gladki report and prepared a detailed analysis of the most recent zoning regime in area municipalities related to permissions for additional residential units in detached accessory structures (refer to Appendix D).

### Definitions

The City's current zoning regime terms additional residential unit as secondary suites and defines it to "**mean a self contained dwelling unit accessory to the main dwelling unit**". In order to be consistent with the terminology of proposed OPA 23, staff suggests that this term be replaced with the term "additional residential unit," also in accordance with *Ontario Regulation 299/19*.

Further, staff notes that the present definition in the City's by-laws limit an additional residential unit to be located within the main dwelling unit. Given that OPA 23 proposes to permit an additional residential unit to be located within an accessory structure outside of the principal building, it should not be defined to limit its location to within the main dwelling unit. Staff suggests a revised definition that removes the locational limitation. In addition to the preceding, staff notes that due to the varied parent zoning by-laws that apply across the City, there may be minor differences to defined terms that may have to be revised to ensure consistency.

### Townhouse Types

Staff notes that *Ontario Regulation 299/19* permits additional residential units within a rowhouse which is not a defined term. Rowhouses can include various forms of townhouses. Historically, the City's by-laws permit street related townhouses which front onto a municipal street. In more recent developments, townhouses front onto a driveway under a condominium tenure, similar to a street townhouse. Further, more

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modern by-laws recognize the change in built forms that provide for dwelling units to be attached and divided vertically. These forms include townhouses with garages accessed by a rear lane and back to back townhouses. These forms continue to have units divided vertically wherein there is direct and dedicated pedestrian and driveway accesses. Staff is proposing that all forms of attached townhouse dwellings which are divided vertically and maintain dedicated pedestrian and driveway accesses to be permitted additional residential units.

### **Safe Access**

A review of area municipalities' by-laws identifies that most have a requirement for a minimum 1.2 metre wide yard which must be unobstructed leading to the main entrance of an additional residential unit. The purpose of this provision appears to address safe access to entrances to the main building or to accessory structures located on a side or rear yard condition. Staff proposes a similar provision that would require a minimum 1.2 metre unobstructed yard leading to an entrance of an additional residential unit.

### **Landlocked Properties and Properties without Driveway Access to ROW**

Generally, municipal streets and designated fire routes are designed to achieve proper access to a property. Landlocked properties are properties that do not have direct frontage and access onto municipal streets or condominium driveways, respectively. These properties generally have shared access with other properties through private means. Staff also notes that there are certain properties in the City which while technically have frontage onto a municipal street, such properties are physically constrained and driveway access to such properties are through shared access with other properties by private means. These lots historically exist in older parts of the City. In today's by-laws, there is a prohibition on the creation of such lots without direct frontage onto a municipal street. Further, driveway access from one private property over other private properties would not be permitted today. While the existing uses on such lots are recognized, staff proposes that additional residential units be restricted on such properties.

### **Accessory Structures**

Accessory structures are governed on a City-wide basis through By-law 100-10 which harmonized standards across the City's various parent by-laws. The standards contained in this by-law have similarly been incorporated into the newer by-laws, where appropriate. By-law 100-10 has the effect of permitting one or more accessory structures on one lot provided that the overall lot coverage of the structure(s) does not exceed a maximum of 5%. In addition, By-law 100-10 restricts an accessory structure to a maximum height of 3.6 metres to the top of a peaked roof and 2.75 metres to a flat roof. Setbacks for accessory structures continue to be governed under the various parent by-laws. Generally, the newer by-laws allow for a 0.6 metre setback to side and rear lot lines.

Staff notes that accessory structures are generally intended to be used on a seasonal basis (such as cabanas and gazebos) and for storage purposes; whereas, an additional

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residential unit is intended to be inhabited and occupied on a year round basis. In this regard, the existing height permissions of 2.75 metres and 3.6 metres may be restrictive for an inhabited area, considering building construction which typically provides clearance from grade, finished floor to ceiling clearance, roof structures and appurtenances. Staff notes that detached garages presently are permitted to have a maximum building height of 4.2 metres to the top of the roof. This height generally would permit an eight foot floor to ceiling height. As such, it is proposed that the building height for an accessory structure which will accommodate an additional residential unit to be increased to 4.2 metres to the top of the roof structure. This would be consistent with the existing height provision for detached garages on a City-wide basis. Accessory structures that would be used for storage or on a seasonal basis would continue to be permitted a maximum height limit of 2.75 metres to a flat roof and 3.6 metres to the top of a pitched roof.

Further, staff notes that the existing permission for 5% lot coverage for one or more accessory structures could on larger urban estate lots achieve an accessory structure that is over 200 square metres in gross floor area. In this regard, staff proposes to limit the size of an accessory structure used for an additional residential unit to 40 square metres. This would be consistent with the detached garage provision which has the same size limitation. This would recognize a situation where a proponent desires to retrofit an existing detached garage space to accommodate an additional residential unit. The 40 square metres size would continue to contribute to the 5% lot coverage.

### Detached Garages

As noted earlier in the staff report, an additional residential unit located above a detached garage accessed by a rear lane is permitted in more recent area specific by-laws. Staff notes that a detached garage with a second storey residential unit would be permitted a height ranging from 7.5 metres to 8.5 metres and the measurement is either to the mid-point of a roof or top of the roof. In this regard, staff notes that By-law 96-17 which amended the David Dunlap Observatory (DDO) lands by-law, represents the most recent update to this standard that enabled the 8.5 metres building height measured to the top of a roof. Further, this amendment has resulted in a built product on the DDO lands. Staff proposes to carry forward this height permission on a City-wide basis, and to clarify in the provisions that such structures are permitted up to a maximum of two storeys with rear lane access only.

By-law 100-10 also established provisions which harmonized standards for detached garages on a City-wide basis. The by-law would permit the size of a detached garage up to 40 square metres, and this standard is maintained in the parent by-laws which permit second storey residential units. By-law 96-17 further established that the gross floor area of a detached garage can increase to 55 square metres to accommodate an enclosed staircase. With regard to side and rear yards, in newer by-laws, the side yard remains at 0.6 metres and the rear yard will vary depending on the parent by-law.

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On the basis of the preceding, staff proposes that the subject amendment permit an additional residential unit to locate above a detached garage in a rear lane condition. Where such conditions exist for single detached and semi-detached dwellings, the same would apply to such detached garages. Further, the maximum size of a detached garage with a second storey residential unit can be up to 40 square metres and 55 square metres to accommodate for an enclosed staircase. The maximum height of such structure is proposed to be 8.5 metres to the top of the roof consistent with the most recent permissions.

### Parking

Staff has reviewed the City's parent zoning by-laws and notes that generally more modern by-laws require single-detached, semi-detached and townhouse dwellings to provide a minimum of two parking spaces per dwelling unit. By-laws dating from the 1980s and older generally require a minimum of one parking space per dwelling unit and in By-laws 986 and 1275, no parking is required for dwelling units.

*Ontario Regulation 299/19* directs that a maximum of one parking space can be required for an additional residential unit and such spaces can be in tandem. However, where the parent zoning by-law does not require any parking spaces, then no parking requirement shall apply to an additional residential unit.

On the basis of the preceding, staff would suggest one parking space per additional residential unit. Further, staff noted that the proposed parking would be on the basis of dedicated parking spaces for such units. For example, such spaces would be located within a dedicated garage and driveway to the dwelling unit. For developments which have shared parking such as parking spaces within a shared garage or parking lot, it would not be feasible to determine parking sufficiency for each of the units sharing the parking. Based on the foregoing, staff proposes the following:

- one additional parking space would be required for each additional residential unit;
- the dwelling unit must have dedicated parking spaces which can be achieved through a parking space within a garage space, the driveway or a combination of both;
- parking spaces can be located in tandem; and,
- for lands within By-laws 986 and 1275 which generally govern the northern part of the City, located north of King Road on the west side of Yonge Street, no parking spaces would be required for the additional residential units pursuant to *Ontario Regulation 299/19* which prohibits the City from requiring parking for an additional residential unit where the parent by-law does not require parking for the principal units; and,
- should there be other site specific by-laws which presently do not require any parking for the principal dwelling, then no further parking would apply to the additional residential units pursuant to *Ontario Regulation 299/19*.

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### **Additional Dwelling Unit Located within a Principal Building**

The North Leslie, David Dunlap Observatory lands and West Gormley by-laws presently contain provisions pertaining to an additional dwelling unit located within a principal building on matters related to minimum unit size, number of entrances located on a main building wall, location of entrance and having to meet all applicable laws. Staff notes that the minimum unit size and the requirement to meet the applicable laws are matters under the Ontario Building Code. In this regards, such matters do not need to be included in the zoning by-law. With regards to the number of entrances and the location of same, staff notes that such matters will be constrained by the physical building design and layout. For example, the location of an external entrance on a main wall could be constrained by living space and the hallway configuration. As such, there is no need to prescribe such matters in the zoning by-law. The Zoning By-law will continue to regulate setbacks and encroachments to the main building.

### **Hazardous Lands and Hazardous Sites**

The Official Plan prohibits additional residential units from being established within lands which constitute hazardous lands and hazardous sites. These would be lands subject to flooding and erosion hazards, which are generally contained within the Toronto and Region Conservation Authority (TRCA) Regulated Area. In consultation with the TRCA, staff has been advised that an additional residential unit is prohibited within the floodplain, consistent with Provincial natural hazards policy. This prohibition is proposed in OPA 23. Accordingly, through the TRCA's permitting process, pursuant to *Ontario Regulation 166/06*, a permit would not be issued where a proponent seeks to add an additional residential unit under this condition.

The City's present parent by-laws vary in the degree to which the floodplain is regulated. Floodplains are mapped and defined as zone categories, referred to as a measurement from the centreline of a stream and in the case of the North Leslie and West Gormley By-laws, floodplain is an undefined term. For the purposes of the proposed by-law, the intent is to ensure that additional residential units are located within a safe environment outside of such hazards, consistent with the TRCA's objectives. It is not the intent of this by-law to define the floodplain in advance of the comprehensive zoning by-law project, which would consider the implementation of the City's Greenway policies, including matters related to the hazardous lands and hazardous sites on a City-wide basis.

In this regard, staff proposes to include a provision which would have the effect of generally not permitting an additional residential unit on a lot which is situated within the TRCA's regulated area, unless the TRCA approval is received. Such proposed development would be subject to confirmation from the TRCA that the use is located outside of a floodplain. For example, there may be a lot that is partially located within the TRCA regulated area and through the TRCA review process determine that the use is outside of the floodplain and there is safe access, then such use would be permitted. This provides a balanced approach to address the concerns raised by TRCA under the various existing zoning permissions that applies.

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### **Servicing**

By-law 109-11 established provisions which required that all dwelling units within the Settlement Area be municipally serviced. Staff notes that the intent of these provisions was to address servicing and allocation requirements for new developments or redevelopment applicable to the primary dwelling units. Presently, there are existing lots which are on private services within the Settlement Area and it is not the intent of this amendment to restrict additional residential units from said lots. Building Services staff has noted that matters related to servicing additional residential units in the principal building or in an accessory structure will be addressed through the *Ontario Building Code*. For developments on private services, it must be demonstrated through the building permit application that such services can support the additional residential unit.

From a servicing perspective, Development Engineering staff noted that a proponent of additional residential units would not be required to undertake a system capacity analysis for water or wastewater services similar to how consent applications are dealt with by the City. Further, staff notes that the Region does not require servicing allocation to be assigned to additional residential units and historically the City has not assigned allocation to such units, where they are permitted. On the basis of the preceding, staff would suggest that this amendment exempt additional residential units from the applicable servicing provisions related to connecting to municipal services within the settlement area and servicing allocation contained in By-law 109-11.

### **Yonge and Bernard Key Development Area (KDA) By-law**

The Yonge and Bernard KDA By-law is presently under appeal by various appellants. The By-law is presently in effect only for 70 Bernard Avenue, which is an institutional use and not subject to the proposed provision of this by-law. Presently, the KDA by-law would permit one additional residential unit in townhouse type uses. The provisions proposed in this by-law would be more permissive, only insofar as it permits one additional unit in an accessory structure.

Given that the KDA by-law is presently under appeal, the proposed by-law would not be applicable to the lands contained in the KDA by-law area until such time that the appeal has been dealt with by the Local Planning Appeal Tribunal (LPAT). The Phase 2 hearing is scheduled to commence in July 2021. In this regard, staff suggest that the KDA lands be included in this proposed zoning by-law amendment. However, the implementing by-law specifically for KDA lands would be held in abeyance until such time that the KDA by-law appeal has been addressed by the LPAT.

### **Fire Services**

As noted previously in this report, staff proposes a 1.2 metre unobstructed yard to the main entrance of the additional residential unit(s) and to restrict additional residential units on landlocked parcels and parcels which rely on driveway access over other properties through private means to ensure safe access is provided. Fire Services staff noted that the 1.2 metre yard must be unobstructed to the additional residential unit entrance to ensure a path of travel for emergency service operations.

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### Urban Design Section

Urban Design staff was consulted with regard to the need for additional zoning provisions to address urban design matters such as the treatment of the existing front façade and streetscape of dwellings. In order to promote additional residential units, staff proposes that no additional urban design provisions would be required. Additions or modifications to the existing front façade of a dwelling would be addressed through existing zoning by-law provisions pertaining to setbacks, lot coverage, building height, and porch and stair encroachments to ensure a built form that is consistent with the present zoning permissions.

### Notification:

The proposed Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) on additional residential units are made under Section 17 of the *Planning Act*. The *Planning Act* requires public consultation on the proposed amendments be conducted through at least one public meeting with a 20-day notice issued beforehand. Accordingly, notice for today's public meeting was issued on November 5, 2020 through the City's website, social media, and the Liberal newspaper (see Attachment C).

### Next Steps:

In addition to comments received through this Council Public Meeting, a survey is available on the City's website regarding additional residential units. Staff will analyze all feedback received. Following this, staff will return to Council with a final draft of the OPA and ZBA to be adopted in 2021. After the end of the notice period for Council decision, and subject to no appeals from the Minister, the OPA and ZBA will be in force as no other parties are granted appeal rights on amendments relating to additional residential units under the *Planning Act*.

In addition to the preceding, staff has commenced discussions with By-law Enforcement, Building Services and Fire Services staff with regards to an implementation strategy, where applicable, post zoning by-law amendment enactment.

### Financial/Staffing/Other Implications:

There are no financial implications resulting from this staff report.

### Relationship to the Strategic Plan:

OPA 23 and ZBA aligns with Goal 2 of the City's Strategy Plan by providing "Better Choice in Richmond Hill". More specifically, the proposed amendments will help achieve Outcome 3 of this goal, whereby the City will create "better options for where to live", and "plan for a range of housing that provides options for people at all stages of life". Additional residential units will increase the supply of affordable rental housing to serve all households, including seniors (aged 65 or older) and millennials (aged 25-44).

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### **Conclusion:**

This report provides information on the proposed OPA and ZBA to authorize additional residential units within a ground-related dwelling and within a structure accessory to the ground-related dwelling on a City-wide basis. These amendments will remove barriers to legalizing additional residential units and enable the provision of more affordable housing. It is recommended that comments from Council and the public on the proposed OPA and ZBA be referred back to staff for consideration.

### **Attachments:**

The following attached documents comprises of the proposed OPA and ZBA, public notice, a background research paper, and maps of referenced areas. If you require an alternative format please call the contact person listed in this document.

- Appendix A – Proposed OPA 23
- Appendix B – Proposed Zoning By-law Amendment Comparison Chart
- Appendix C – Notice of Public Consultation Meeting
- Appendix D – Area Municipalities Best Practice Comparison Chart
- Appendix E – Additional Residential Units Zoning By-law Technical Paper, Summary of Findings Report, November 2020, prepared by Gladki Planning Associates Inc.

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### Report Approval Details

Document Title:	SRPI.20.009 Additional Residential Units Official Plan Amendment 23 and Zoning By-law Amendment.docx
Attachments:	- Complete Appendices-SRPI.20.009.pdf
Final Approval Date:	Nov 12, 2020

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

**Gus Galanis - Nov 12, 2020 - 8:52 AM**

**Patrick Lee - Nov 12, 2020 - 9:00 AM**

**Kelvin Kwan - Nov 12, 2020 - 12:31 PM**

**Task assigned to MaryAnne Dempster was completed by delegate Darlene Joslin**

**Darlene Joslin on behalf of MaryAnne Dempster - Nov 12, 2020 - 7:35 PM**