



## **Staff Report for Council Meeting – Deferred to March 24, 2021 Council meeting**

**Date of Meeting:** February 24, 2021

**Report Number:** SRPI.21.023

**Department:** Planning and Infrastructure Department  
**Division:** Policy Planning  
Development Zoning

**Subject:** SRPI.21.023 Request for Approval 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 recommend adoption of municipally initiated amendments to the Official Plan and Zoning By-law to expand the existing permissions for “additional residential units”, also known as “secondary suites”.

### **Recommendations:**

- a) That staff report SRPI.21.023 be received;
- b) That Council address the City initiated Official Plan and Zoning By-law Amendments to permit Additional Residential Units, City Files D01-02100 and D24-20002, as follows:
  - (i) That City Council adopt Official Plan Amendment 23 (OPA 23) with respect to Additional Residential Units (attached as Appendix A to SRPI.21.023);
  - (ii) That City Council enact the Omnibus Zoning By-law to permit Additional Residential Units with appropriate development standards (attached as Appendix B to SRPI.21.023); and,
  - (iii) That City Council approve in principle the draft Zoning By-law to permit Additional Residential Units with appropriate development standards (attached as Appendix C to SRPI.21.023) and that the draft Zoning By-law be brought forward to a Council Meeting for enactment, substantially in accordance with Staff Report SRPI.21.023, when Zoning By-law 111-17 (the Yonge and Bernard Key Development Area Secondary Plan Zoning By-law) receives final approval from the Local Planning Appeal Tribunal.

## Page 2

### Contact Person:

Chun Chu, Senior Planner, phone number 905-771-5493 (Re: OPA 23 or D01-20011)  
Ferdi Toniolo, Senior Planner - Zoning, phone number 905-771-2442 (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.

### Proposal:

This staff report recommends amendments to the City's Official Plan (2010), as well as enactment of an Omnibus Zoning By-law Amendment and an area specific Zoning By-law Amendment to expand the permission of "additional residential units" on a City-wide basis. These permissions would permit an additional residential unit within a ground-related dwelling and within a structure accessory to such use in most areas within the City where ground-related dwellings are permitted to locate.

### Official Plan Amendment 23 (OPA 23)

OPA 23 proposes to permit 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 a municipal-wide basis. Thus, in accordance with the *Planning Act* as amended by *Bill 108, the More Homes, More Choice Act, 2019*, and subject to specific criteria, OPA 23 would authorize up to three dwelling units on a lot where a ground-related dwelling is permitted.

Additional residential units will be limited in certain areas where lands are unsafe for housing and where restrictions are placed by Provincial policies. As such, additional residential units are prohibited on hazardous sites and hazard lands, as directed by the *Provincial Policy Statement, 2020*. In the Greenbelt Plan area, outside of the Natural Heritage System, only 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, only one additional residential unit is permitted within an existing or new 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.

## **Page 3**

Finally, OPA 23 proposes to update and add definitions that are intended to clarify the proposed policies. A copy of OPA 23 is found in Appendix A to this report.

### **Zoning By-law Amendment**

The Omnibus Zoning By-law (draft Omnibus ZBLA) will implement OPA 23 and incorporate the regulations under Bill 108 (refer to Appendix B). The effect of the by-law will be to permit an additional residential unit within a ground-related dwelling, and within a detached structure or a detached garage that are accessory to the ground-related dwelling in most areas of the City where a ground-related dwelling is permitted. From a City-wide zoning perspective, the draft Omnibus ZBLA will add new development standards and harmonize the City's zoning by-laws with respect to the following:

- The provision of definitions for an additional residential unit and floor area;
- the permission of one additional dwelling unit within the principal dwelling and one additional dwelling unit within one accessory detached structure or detached garage. In total, up to a maximum of two additional residential units are permitted on a lot;
- the permission of additional residential units on lots that have frontage onto a street, or on lots that abut a side or rear lane, or on lots that are under condominium tenure;
- the restriction of additional residential units for lands located within the Toronto and Region Conservation Authority's (TRCA) Regulated Area, unless approved by the Authority;
- the restriction of additional residential units within the Oak Ridges Moraine Conservation Plan and Greenbelt Plan as per the description of OPA 23 noted above;
- the establishment of development standards for additional residential units; and,
- the establishment of parking standards for additional residential units.

In addition to the preceding, staff has also prepared a draft Zoning By-law Amendment specific to the Bernard KDA area (draft KDA ZBLA) which is presently subject to an Interim Control By-law and area specific Zoning By-law 111-17, which is under appeal to the Local Planning Appeal Tribunal. A more detailed description of the two proposed Zoning By-law amendments is provided following the Planning Analysis section of this staff report.

### **Location:**

Both OPA 23 and the Zoning By-law Amendment will apply City-wide.

## Page 4

### Background:

This staff report builds on the findings of the Staff Report, SRPI.20.009 which was considered at the statutory Council Public Meeting held December 2, 2020. At this meeting, draft OPA 23 and the principles of the associated Zoning By-law Amendment to expand the permission of additional residential units were introduced to City Council and the public (refer to Appendix D). Since that time, the City has received correspondence from commenting agencies and the public regarding the proposed amendments. Based on the feedback received, City staff has conducted additional research and reviewed the proposed OPA and Zoning By-law Amendment. This staff report is a culmination of the work to finalize OPA 23, the draft Omnibus ZBLA and a separate draft KDA ZBLA that will be apply to the Yonge and Bernard Key Development Area Secondary Plan Zoning By-law (By-law 111-17) when By-law 111-17 receives final approval from the Local Planning Appeal Tribunal.

### What are Additional Residential Units?

Additional residential units are self-contained residential units with a private kitchen, bathroom facilities, and sleeping areas contained within a primary dwelling or within structures that are ancillary to the primary dwelling, such as above a garage.<sup>1</sup> In the current 2010 Official Plan, additional residential units are referred to as “secondary suites.”

### Rationale for OPA 23 and the Zoning By-law Amendments

As noted in Staff Report SRPI.20.009, the City is mandated by the Province through *Bill 108, More Homes, More Choice Act, 2019* to provide Official Plan policies and Zoning By-law permissions to enable the creation of additional residential units. The Provincial direction for this form of housing is principally as a means to provide affordable housing. Based on research and analysis undertaken to date through the City’s on-going development of an Affordable Housing Strategy, there is demand for such housing; this is further demonstrated by the frequent inquiries on the approval process for creating additional residential units. OPA 23, the draft Omnibus ZBLA and draft KDA ZBLA will enable additional residential units to be as-of-right, subject to the Building Permit approval process.

### Planning Principles

OPA 23, the draft Omnibus ZBLA and the draft KDA ZBLA are drafted based on the following planning principles:

- complying with provincial legislation and regulation;
- integrating additional residential units into existing communities by;
  - maintaining existing zoning and enabling additional residential units as a new permission within zones where ground-related housing is permitted; and,

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

## Page 5

- maintaining existing neighbourhood character by retaining existing development standards such as setbacks, lot coverage, height and size of accessory structure.

### Planning Analysis

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. OPA 23, the draft Omnibus ZBLA and the draft KDA ZBLA rectify this deficiency and updates the City's planning framework to conform to Provincial and Regional policies.

### 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.

OPA 23 conforms to these changes, and the draft Omnibus ZBLA and the draft KDA ZBLA give effect to the enabling official plan policies.

### 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 can be required per additional residential unit, and that 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.

OPA 23 provides general directions to expand the permission of additional residential units. The implementation of OPA 23 is through the draft Omnibus ZBLA and the draft KDA ZBLA which elaborate on the development standards for additional residential units and conform with the parking requirements as set out in *Ontario Regulation 299/19*. The draft omnibus ZBLA and the draft KDA ZBLA will not regulate relationship of occupants nor will they regulate the construction date of the primary dwelling. Accordingly, the prescriptions of *Ontario Regulation 299/19* have been met.

## **Page 6**

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

OPA 23, the draft Omnibus ZBLA and draft KDA ZBLA are consistent with the PPS, which 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 amendments align with the PPS by directing development away from areas susceptible to natural hazards (i.e. flooding and erosion).

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

OPA 23, the draft Omnibus ZBLA and the draft KDA ZBLA conform with the policies of the Growth Plan, which requires municipalities to meet minimum intensification targets and to create a range and mix of housing options and densities, including the provision of additional residential units.

### **Greenbelt Plan, 2017**

OPA 23 and the draft Omnibus ZBLA conform with the policies of the Greenbelt Plan, which permits a second dwelling unit in existing single dwellings or within accessory structures on the same lot, where the lot is located outside of the Natural Heritage System. It should be noted that the proposed policy prohibits additional residential units in the “Natural Core” designation of the City’s Official Plan for the lands located in the Greenbelt Plan area (outlined on the Schedule A2 of the City’s Official Plan as “Greenbelt Plan Protected Countryside”). These corresponding lands are designated as “Natural Heritage System” in the Greenbelt Plan, and hence additional residential units are not permitted on such lands.

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

OPA 23 and the draft Omnibus ZBLA conforms with the policies of the Oak Ridges Moraine Conservation Plan, which permits a secondary dwelling unit in single detached dwellings located outside of a Natural Core Area or Natural Linkage Area.

### **Regional Official Plan**

Presently, the Region of York’s additional residential unit policies have not been updated to conform to new Provincial requirements. Richmond Hill is advancing ahead of the Region’s Municipal Comprehensive Review through OPA 23, the draft Omnibus ZBLA and the draft KDA ZBLA. 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”.

### **Description of Proposed Zoning By-Law Amendments**

The following is a detailed description of both the draft Omnibus ZBLA and the draft KDA ZBLA (refer to Appendices B and C). It is also noted that the KDA ZBLA has been modelled after the draft Omnibus ZBLA.

## Page 7

### Definitions

As discussed in CPM report, the definition of a secondary suite has been revised to be consistent with OPA 23 and with Ontario Regulation 299/19. Accordingly, the following definition for an additional residential unit will be introduced and replaces the definition of secondary suites where it exists in all parent by-laws as follows:

**“Additional Residential Unit” means a self-contained dwelling unit accessory to the primary dwelling unit.”**

The following definition for “**Floor Area**” has been introduced to provide further clarification and create consistency in interpretation of what constitutes floor area in a detached accessory building:

**“Floor Area means the total horizontal area of all floors in a building measured between the exterior faces of the exterior walls of the buildings”.**

This definition will serve to harmonize the various defined terms in the parent by-laws. Staff notes that By-law 100-10 permits a maximum lot coverage of 5% for all accessory structures on a residential lot and this definition provides a consistent reference for the purpose of calculating same. As a result, staff can accurately determine the floor area and lot coverage of detached accessory structures that include an additional residential unit.

### Land Use Permissions

In conformity with OPA 23 and with Bill 108, the draft Omnibus ZBLA will permit additional dwellings units within any zone where the following types of primary dwelling units are permitted in the parent zoning by-laws:

- single detached dwellings;
- semi-detached dwellings;
- back to back dwellings;
- block townhouse dwellings;
- group dwellings, but only with respect to group dwellings that are comprised of the primary dwellings units permitted in this list;
- link villa dwellings;
- rear lane townhouse dwellings;
- row-house dwellings; and,
- street townhouse dwellings.

The draft KDA ZBLA will permit additional residential units where the following primary dwelling units are permitted: back to back dwellings, block townhouse dwellings, rear lane townhouse dwellings, street townhouse dwellings and townhouse dwellings, as these are the only built forms permitted in the KDA By-law 111-17.

The draft Omnibus ZBLA will permit a maximum of one additional residential unit within the primary dwelling and one additional residential unit within a detached accessory

## Page 8

structure, or above a detached garage that has a side lot line or rear lot line that abuts a lane. This would permit up to two additional residential units on one lot.

An additional residential unit will only be permitted where the primary dwelling unit is located on a lot that has frontage onto a street and has direct driveway access to a street, on a parcel of tied land, or within a standard condominium. Landlocked properties and properties with driveway access through shared private means would not be permitted to contain an additional residential unit as such lots do not typically have direct frontage onto a municipal right-of-way and are not under condominium tenure.

Subsequent to the Council Public Meeting staff report with respect to this matter, the permission for an additional residential unit above a detached garage has been modified. The staff report noted that an additional residential unit would be permitted to locate on top of a detached garage abutting a rear lane. The draft omnibus ZBLA now proposes that a detached garage abutting a lane in a rear yard or side yard condition would be permitted in order to ensure this development standard is consistent with the more recently approved parent Zoning By-laws, including the David Dunlap Observatory Lands Secondary Plan Area Zoning By-law (91-13, as amended) and the North Leslie Secondary Plan Area Zoning By-law (55-15).

The Official Plan prohibits additional residential units from locating on lands which constitute hazard 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. This prohibition has been further addressed in OPA 23. To ensure that additional residential units are located within a safe environment outside of such hazards, consistent with OPA 23, the draft Omnibus ZBLA will include a provision that will restrict an additional residential unit from locating within the TRCA regulated area unless it is approved by the TRCA.

In accordance with the land use permissions of OPA 23, for lands within Zoning By-law 128-04, the Omnibus ZBLA will not permit an additional residential unit within the “**Oak Ridges Moraine Natural Core (ORMNC) Zone**” and the “**Oak Ridges Moraine Natural Linkage (ORMNL) Zone**”; but, a maximum of one additional residential unit in a new or existing dwelling will be permitted in the “**Oak Ridges Moraine Countryside (ORMCO) Zone**” and the “**Oak Ridges Moraine Hamlet Zone (ORMH) Zone**”.

Similarly, with respect to North Leslie Secondary Plan Zoning by-law (By-law 55-15), for lands that are designated “**Natural Heritage System**” within the **North Leslie Secondary Plan**, an additional residential unit will not be permitted. These affected parcels of land have been excluded from the draft Omnibus ZBLA and individually shown on the draft schedules as excluded Areas 1 to 4 (refer to Appendix B). All other lands zoned “**Agricultural One (A1) Zone**” under Zoning By-law 55-15 and located outside of the “**Natural Heritage System**” within the **North Leslie Secondary Plan**, will be permitted a maximum of one additional residential unit in the existing single detached dwelling, or in an existing detached accessory structure that is accessory to the single detached dwelling.



## Page 9

### Design and Development Standards

The design and development standards proposed in the draft Omnibus ZBLA is consistent with the suggestions noted in the CPM staff report and is summarized as follows:

#### Accessory Structure and Detached Garage Standards

The development standards proposed for the draft Omnibus ZBLA are generally in accordance with Omnibus By-law 100-10 which harmonized development standards for accessory structures and detached garages on a City-wide basis. To remain consistent with Omnibus By-law 100-00, the draft Omnibus ZBLA clarifies that the existing provision which permits maximum lot coverage of 5% of the lot area applicable to all accessory detached structures on a lot also includes in that calculation an additional residential unit located within an accessory detached structure. Further, the draft Omnibus ZBLA will limit the floor area of the additional residential unit located in an accessory detached structure to 40 square metres (431.0 square feet). The lesser of 5% lot coverage or 40 square metres will apply. Similarly, this will also apply to a detached garage that is converted into an additional residential unit. In addition, accessory detached structures and converted detached garages containing additional residential units will not be permitted to exceed a maximum height of 4.2 metres measured from the established grade to the highest point of the roof.

With respect to an additional residential unit located above a detached garage that abuts a side or rear lane, the maximum floor area of the additional residential unit is 40 square metres (431 square feet) where there is an unenclosed staircase to the entrance or increase to 55 square metres (592.00 square feet) where there is an enclosed staircase. The garage height will be up to a maximum of 8.5 metres (27.9 feet) from grade to the highest point of the roof, which is in keeping with modern development standards established under the David Dunlap Observatory Lands Secondary Plan Area Zoning By-law (By-law 91-13, as amended).

#### Yard Access

As noted in the CPM Staff Report, Fire Services required a minimum unobstructed yard/pathway of 1.2 metres (3.94) to the main entrance of the additional residential unit for fire safety and access purposes. To ensure consistency of application, the draft Omnibus ZBLA will require minimum side and rear yard setbacks of 1.2 metres (3.94 feet) for both the primary dwelling and additional residential units located in an accessory detached structure or detached garage, where applicable. The purpose is to ensure a 1.2 metre access is maintained from one yard into another yard.

For an additional residential unit located within a primary dwelling and where access to the additional residential unit is from the side or rear yard of that primary dwelling, the by-law would require the side yard to have a minimum interior side yard setback of 1.2 metres (3.94 feet).

## Page 10

This development standard also applies to an additional residential unit located within a detached accessory structure or above a detached garage. Recognizing that these structures would be located in a rear yard situation, the draft Omnibus ZBLA requires the structures and the primary building to provide for the 1.2 metre setback to maintain a continuous building setback (applicable to both the primary dwelling and the accessory detached structure) of 1.2 metres (3.94 feet) from the point of access of the additional residential unit to the street or lane. In this regard, for an interior lot, a minimum 1.2 metre (3.94 feet) setback is required from the access point of the additional residential unit to the street. For a corner lot, a minimum 1.2 metre (3.94 feet) setback is required from the access point to the street. Similarly, an interior side yard setback of 1.2 metres (3.94 feet) is required for an additional residential unit located above a detached garage abutting a side or rear lane if access is from an interior yard that does not face a side or rear lane (i.e., located within the interior of the rear yard).

### Home Occupation Use

Staff has clarified the operation of home occupation uses and will restrict such uses to the primary dwelling unit only. This is consistent with the other by-laws which presently permit additional residential units as a use. Further, staff notes that the permissions for home occupations will be considered as part of the technical paper on this matter which is presently underway in support of the comprehensive zoning by-law project.

### Servicing

In addition, for the reasons discussed later in this report, the Omnibus ZBLA will exempt additional residential units from the requirement to have specific water and sanitary sewer servicing allocation assigned to them.

### Parking Requirements

In accordance with the standards established under *Ontario Regulation 299/19*, the Omnibus ZBLA establishes the following parking standards:

- a minimum of one parking space is required for each additional residential unit; for Zoning By-laws 91-13, 54-15 and 55-15, where two parking spaces are provided for the primary dwelling, no additional parking is required for the first additional residential unit and a minimum of one parking space is required for the second additional residential unit;
- for By-law 111-17, where the primary dwelling unit provides for the required parking spaces, no additional parking is required for the first additional residential unit and a minimum of one parking space is required for the second additional residential unit;
- no parking spaces shall be required where the Zoning By-laws do not require parking spaces for the primary dwelling unit;
- parking space may be arranged in tandem;

## Page 11

- parking shall be provided on a dedicated driveway and/or within a garage, whether attached or detached, on the same lot or parcel of tied land on which the primary dwelling is located; and,
- parking spaces provided by shared parking areas within block developments such as standard condominiums or common element condominiums, shall not count towards parking required for additional residential units.

### **Draft Zoning By-law (draft KDA ZBLA) to amend the Yonge and Bernard Key Development Area Secondary Plan Zoning By-law Amendment (By-law 111-17)**

It is noted that Schedule A – Area 2 to the draft Omnibus ZBLA excludes the lands affected by the Interim Control By-law and the Council endorsed Key Development Area Zoning By-law 111-17 as it is presently under appeal. As a result, the draft KDA ZBLA (attached as Appendix C) has been prepared to address the area excluded under the draft Omnibus ZBLA and modelled after the draft Omnibus ZBLA and has been prepared at this time for consideration and approval in principal. It is recommended that the proposed draft KDA ZBLA not be brought forward for Council enactment until such time that the appeal with regards to By-law 111-17 has been dealt with by the Local Planning Appeal Tribunal (LPAT) and the Interim Control By-law ceases to be in effect.

It should be noted that the final disposition of the appeal may result in minor adjustments to the limit of the KDA boundary; this will be reflected in Schedule A to the draft KDA ZBLA that will be brought forward for Council enactment only after By-law 111-17 is in full force and effect. For lands that become excluded from the draft KDA ZBLA, staff will bring forward a draft zoning by-law amendment consistent with the draft Omnibus ZBLA to ensure that all lands have the additional residential unit permissions.

### **Consultation**

A Council Public Meeting was held on December 2, 2020, whereby the draft OPA 23 and the principles of the Omnibus Zoning By-law Amendment were presented to City Council and the general public. An extract of that meeting can be found in Appendix D of this report.

City staff has received correspondence regarding these proposed amendments. A summary of the consultation is provided in the next few sections of this report. The original correspondence can be found in Appendix E.

Additionally, the City engaged the public in an online survey regarding additional residential units. This survey was made available from November 6 to December 16, 2020 and it drew a total of 122 responses. The results of this survey are presented below.

## Page 12

### Survey on Additional Residential Units

As part of the Richmond Hill Comprehensive Zoning By-law Review project, a Technical Paper was issued on Additional Residential Units. The Summary of Findings Report for the Technical Paper was attached to the SRPI.20.009 CPM Staff Report as Appendix E. The preparation of this Paper coincided with the commencement of the Affordable Housing Strategy review and with the municipally initiated Official Plan Amendment and Zoning By-law Amendment to expand existing permissions for additional residential units described herein.

Related to the Technical Paper and the Affordable Housing Strategy, staff coordinated the posting of a survey to follow closely the Public Open House on Affordable Housing on the evening of November 5, 2020, as well as the Public Meeting process for the proposed municipally initiated Official Plan Amendment and Zoning By-law Amendment to permit additional residential units held on December 2, 2020. As a result of the interest in these matters, over 122 responses were received. The results of this survey helped inform staff and Council about current issues and concerns members of the public have in relation to additional residential units. In all, 15 questions were posted for public input.

Some common observations about additional residential units have been noted from the results of the survey:

- a majority of the responders confirmed that renters face a combination of low supply of rental housing options and high unaffordable rental rates;
- a majority of responders agreed that the issues relating to additional residential units could be addressed in the Zoning By-law, including parking, location of entrances, external appearance, height of accessory building, location of accessory building and location of rental unit;
- a majority of responders believed the size of a detached additional residential unit should be proportional to the size of the property; and
- most responded preferred to limit a detached additional dwelling unit to one storey; however, a smaller proportion selected same height as the main house and a smaller proportion selected two storeys.

In terms of the respondents to the survey, the vast majority of responders are home owners at 80%; other respondents were renters and renters that are potentially first-time buyers at approximately 7.6% and 8.5%, respectively. A large majority (90%) of responders advised that they do not have additional residential units. Only 10% advised that they had an additional residential unit, half of which indicated that the unit is rented/occupied, and the other half indicate that the unit is available for rent and not presently occupied.

## Page 13

Based on the responses received in relation to Additional Residential Units, staff believe that the proposed zoning provisions will address the majority of concerns and issues identified through the survey responses.

### Comments from External Agencies and Prescribed Bodies

Request for comments on OPA 23 was circulated to external agencies and prescribed bodies as required by the Planning Act. The City received no objections to OPA 23. The following is a summary of comments received to date.

#### Ministry of Municipal Affairs and Housing (MMAH)

MMAH has indicated that it has no significant concerns with OPA 23, but has offered a few minor suggestions to further clarify policies in the OPA. These suggestions have been addressed through a modification to the definition of “additional residential unit” to be clear that one ADU is permitted in the primary building and one ADU is permitted in the structure accessory to the primary building. The balance of the Ministry’s suggestions are addressed through the details of the implementing Zoning By-laws.

#### Region of York

The Region of York has reviewed OPA 23 and support the proposed changes to the Official Plan. Furthermore, the Region has exempted OPA 23 from its approval given that it is a “routine matter of local significance” and it “does not adversely affect Regional planning policies or interests”.<sup>2</sup>

#### School Boards

The York Region District School Board and the York Catholic District School Board submitted a joint response to the City’s request for comments on OPA 23. They indicated that OPA 23 will not create any immediate changes to school boundaries or additional school site requirements. In the future, when data on the implementation of additional residential units is available, both school boards will further review the impacts of additional residential units on pupil enrolment.

The City did not receive comments from the French-speaking school boards.

#### Other Prescribed Bodies

Other prescribed bodies, such as the Toronto and Region Conservation Authority and the neighbouring municipalities, as well as Enbridge Gas Inc., had no comments or objections regarding OPA 23.

### Comments from Interest Groups

Generally, local businesses and non-profit organizations support OPA 23. This support was communicated through organizations such as Toronto Regional Real Estate Board

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<sup>2</sup> Region of York Letter dated on November 19, 2020

## Page 14

(TRREB), Richmond Hill Board of Trade, and 360°kids. A copy of comments received from TRREB is found in Appendix E.

### Comments from Residents

Three residents provided written correspondence and 122 respondents participated in the online survey. As noted from the online survey and both oral and written comments received, most local residents support additional residential units as a form of affordable housing. However, some common concerns were raised. The following section responds to these concerns.

#### Number of New Additional Residential Units

There is a misconception that OPA 23 will double the number of dwellings in the City, as implied by the permission of two additional residential units allowed for each ground-related house. But in reality, not all ground-related houses will be able to accommodate additional residential units. This is because the draft Omnibus ZBLA and the draft KDA ZBLA set out development standards related to setbacks, lot coverage, height and size of accessory structures, parking, access to streets, etc. Only properties which meet the applicable zoning provisions would be permitted additional residential units. Further, properties which meet the applicable zoning provisions continue to be subject to other applicable requirements such as the Ontario Building Code.

#### Parking and Traffic Congestion

Some residents are concerned that additional residential units will create increased vehicular traffic and increase parking demand. While the proposed draft Omnibus ZBLA and the draft KDA ZBLA will require that a maximum of one parking space be provided per additional residential unit in most areas, it is important to note that research conducted by the Canadian Mortgage and Housing Corporation (CMHC) indicates that occupants of additional residential units are less likely to own cars, especially if they reside near transit and amenities.<sup>3</sup> With respect to parking, local municipalities are directed by *Ontario Regulation 299/19 Additional Residential Units*, which states that a maximum of one parking space is required per additional residential unit. The regulation further states that where an existing Zoning By-law does not require parking, no parking shall be required for the additional residential units. It should be noted that the areas subject to By-laws 1275 and 986, which do not require parking, are located in older mature areas where there are generally comprised of larger lots that can accommodate parking, irrespective of whether required parking is prescribed. As these lands redevelop, they will be placed into newer Zoning By-laws which will have applicable required parking rates and the requirement for parking for the additional residential unit would also apply.

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<sup>3</sup> CMHC (2016), Literature Review and Case Studies of Local Jurisdictions that Permit Secondary Suites.

## Page 15

### Neighbourhood Character

Local constituents have voiced their desire to preserve existing neighbourhood character. In response, a key principle behind OPA 23, the draft Omnibus ZBLA and the draft KDA ZBLA is to maintain existing neighbourhood character while permitting the addition of a unit within a ground-related dwelling and/or in a detached structure accessory or a detached garage. As such, the proposed Zoning By-law provisions aim to ensure that additional residential units can integrate well into the existing neighbourhood. In this regard, additional residential units would be subject to current standards in the existing Zoning By-laws as they relate to setbacks, lot coverage, landscaping, parking, height and size of accessory structures, etc. Since all of these elements are consistent with the current zoning standards, the look and feel of the City's neighbourhoods will not be impacted by the permission for additional residential units.

Moreover, the draft Omnibus ZBLA and the draft KDA ZBLA do not include any changes with respect to front yard landscaping requirements found in the parent by-laws. In this regard, the requirement for additional parking spaces is balanced by the existing requirement to maintain front yard landscaping. Only properties which can satisfy both requirements would be permitted to have an additional residential unit.

### Refuse Collection

Concern was also raised with respect to adherence to the City's policy regarding refuse pick-up limits. Staff confirmed that if properties with additional residential units have more refuse than the amount allotted per property, additional garbage tags may be purchased from the City to ensure adherence to the City's policies regarding same. In terms of storage of waste between collection days, property owners are responsible for ensuring that there is appropriate on-site space provided for waste storage.

### Building Code and Fire Safety

Safety of residents is of utmost importance to the City, and therefore, OPA 23 will require that both additional residential units and the primary unit comply with the Ontario Building Code and Fire Code. Similarly, the draft Omnibus ZBLA provides for setback provisions to ensure adequate access to such units.

### Water, Wastewater, and Stormwater Management Services

Some residents asked how additional residential units could impact municipal services such as water, wastewater, and stormwater management. Research by CMHC found that additional residential units generally do not draw on municipal infrastructure or services beyond their original design capacity due to declining household sizes.<sup>4</sup> In other words, municipal infrastructure that was designed in 1996 served an average household size of 3.7 in single-detached homes. In 2016, the same infrastructure is now serving a reduced average household size of 3.4 people.<sup>5</sup> Hence it can be deduced that

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<sup>5</sup> Statistics Canada, Census 1996 and Census 2016 based on the City of Richmond Hill.



## Page 16

there is sufficient municipal servicing capacity to accommodate additional residential units, and in some cases, these additional residential units may even absorb underutilized capacity. This statement is further supported by advice from Development Engineering staff that the creation of additional residential units would not be required to undertake a system capacity analysis for water or wastewater services. Furthermore, York Region does not require servicing allocation to be assigned for additional residential units.

### School Enrolment

Some residents were concerned about the impact of additional residential units on current school capacity. However, as noted previously, both the York Region District School Board and the York Region Catholic District School Board have indicated that the permission for additional residential units has no immediate impact on pupil enrolment.

### Property Assessment and Property Taxes

In response to questions regarding the property tax implications related to the permission of additional residential units, staff consulted with the Municipal Property Assessment Corporation (MPAC). Staff from MPAC advised that additional residential units may add resale value to a home, and consequently, they can increase the assessment value of a house. MPAC Staff further clarified that additional residential units, when created, would be assessed based on the quality, square footage, and amenities of the unit (such as bathrooms). Typically, higher quality of finish would yield a higher overall assessment value as demonstrated by historic market prices. For further information, the proponent of an additional residential unit should contact MPAC with regards to this matter.

### Monitoring and Tracking of Additional Residential Units

Some residents expressed concern about whether a unit is legal or not. By providing a permissive framework to enable additional residential units, proponents are able to apply for a Building Permit to legally recognize their units. It should be noted that the approval of OPA 23, the draft Omnibus ZBLA and the draft KDA ZBLA will remove barriers to legalizing additional residential units, which will help to reduce the number of unsafe, illegal units.

In closing, many of these common concerns are implementation considerations that may be addressed post approval, OPA 23 and the Omnibus ZBLA. Accordingly, City staff has commenced internal discussions with regards to public education and ongoing tracking and monitoring strategies.



## **Page 17**

### **Financial/Staffing/Other Implications:**

There are no financial implications resulting from recommendations made in this staff report.

### **Relationship to the Strategic Plan:**

OPA 23, the draft Omnibus ZBLA and the draft KDA ZBLA align with Goal 2 of the City's Strategic 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 types of households, including seniors (aged 65 or older) and millennials (aged 25-44). Furthermore, the approval of these amendments support Council's Strategic Priority for 2020-2022 related to "Strong Sense of Belonging" as the permission for this form of housing provides greater opportunities for households: who wish to live in ground oriented housing, who wish to access rental housing, and/or who are seeking affordable housing.

### **Next Steps:**

Following Council approval of OPA 23 and the draft Omnibus ZBLA, staff will provide Notice of Decision to all prescribed bodies and those who have requested to be notified of Council's decision. Since York Region has exempted OPA 23 from their approval. Following adoption, there is a 20-day appeal period when only the Minister of Municipal Affairs and Housing has the ability to appeal the proposed amendments. After the appeal period, and subject to no appeal by the Minister, the amendments will come into force. When the Yonge Bernard Key Development Area Secondary Plan Zoning By-law (By-law 111-17) receives final approval, the draft KDA ZBLA attached as Appendix "C" to this report will be brought forward to Council for enactment.

With respect to the implementation of OPA 23, the draft Omnibus ZBLA and the future adoption of the draft KDA ZBLA, public education and guidance on additional residential units will be provided in the applicable locations on the City's website.

Lastly, other implementation measures may be considered through the Affordable Housing Strategy, which is anticipated to be completed in the spring of 2021.

## **Page 18**

### **Conclusion:**

OPA 23 and the related Omnibus Zoning By-law Amendment have been initiated by the City in response to Provincial mandates stemming from *Bill 108, More Homes, More Choice Act*. These amendments will remove barriers to legalizing existing secondary suites while creating new additional residential units – all of which will contribute to affordable housing in Richmond Hill. Hence, it is recommended that Council adopt OPA 23 (attached as Appendix A), approve the draft Omnibus ZBLA (attached as Appendix B) and approve in principal the draft KDA ZBLA (attached as Appendix C), but, hold in abeyance until such time that the appeal to Zoning By-law 111-17 has been heard by the Local Planning Appeal Tribunal and has come into full force and effect.

## Page 19

### Attachments:

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

- Appendix A – Official Plan Amendment 23 on Additional Residential Units
- Appendix B – Draft Omnibus ZBLA on Additional Residential Units
- Appendix C – Draft Yonge and Bernard KDA ZBLA on Additional Residential Units
- Appendix D – Extract of Council Public Meeting on December 2, 2020
- Appendix E – Comments from External Agencies, Prescribed Bodies, and Other Organizations

### Report Approval Details

Document Title:	SRPI.21.023 Request for Approval on Expanded Permissions for Additional Residential Units (Secondary Suites)-City Initiated.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Draft Official Plan Amendment 23.pdf</li><li>- Appendix B - Draft City-wide Omnibus Zoning By-law Amendment.pdf</li><li>- Appendix C - Yonge and Bernard Key Development Area Zoning By-law Amendment.pdf</li><li>- Appendix D - Extract from Council Public Meeting on December 2, 2020.pdf</li><li>- Appendix E - Consultation Comments.pdf</li></ul>
Final Approval Date:	Feb 4, 2021

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

**Patrick Lee - Feb 3, 2021 - 11:06 AM**

**Gus Galanis - Feb 3, 2021 - 11:07 AM**

**Kelvin Kwan - Feb 3, 2021 - 4:42 PM**

**MaryAnne Dempster - Feb 4, 2021 - 7:32 AM**