



Staff Report for Council Public Meeting

Date of Meeting: October 17, 2023

Report Number: SRPBS.23.026

Department: Planning and Building Services

Division: Development Planning

Subject: **SRPBS.23.026 – Request for Comments –
Zoning By-law Amendment Application – Reza
Mortazi and Maryam Naji – City File ZBLA-23-
0008**

Owners:

Reza Mortazi and Maryam Naji
1 Cynthia Crescent
Richmond Hill, Ontario
L4E 2R6

Agent:

Mark Whitwell
AECO Innovation Lab
120 East Beaver Creek Road
Richmond Hill, Ontario
L4B 4V1

Location:

Legal Description: Lot 13, Registered Plan M-36
Municipal Addresses: 1 Cynthia Crescent

Purpose:

A request for comments concerning a proposed Zoning By-law Amendment application to facilitate the creation of two (2) additional building lots on the subject lands.

Recommendation:

- a) **That Staff Report SRPBS.23.026 with respect to the Zoning By-law Amendment application submitted by Reza Mortazi and Maryam Naji for the lands known as Lot 13, Registered Plan M36 (Municipal Address: 1 Cynthia Crescent), City File ZBLA-23-0008, be received for information purposes and that all comments be referred back to staff.**

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Background Information:

The subject Zoning By-law Amendment application was received and deemed complete by the City on May 11, 2023. The application and supporting materials were subsequently circulated to relevant City departments and external agencies for review and comment. The purpose of this report is to seek comments from Council and the public with respect to the applicant's development proposal pursuant to the statutory Public Meeting and associated notice requirements of the *Planning Act*.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located in the Beaufort Hills neighbourhood on the west side of Cynthia Crescent, south of Coons Road (refer to Map 1). The lands have a frontage of 56.95 metres (186.84 feet) along Cynthia Crescent, a total lot area of 3877.15 square metres (41,733.30 square feet) and currently support an existing single detached dwelling that is proposed to be demolished in order to facilitate the proposed development. The lands are substantially treed and are surrounded by established low density residential uses that consist of single detached dwellings (refer to Maps 1 and 2).

Development Proposal

The applicant is seeking Council's approval of its Zoning By-law Amendment application to facilitate the creation of two (2) additional building lots with frontage on Coons Road for single detached residential purposes on its landholdings. The existing and new lots shall accommodate three (3) new single detached dwellings (refer to Maps 6 to 9). The following is a summary table outlining the relevant statistics of the applicant's development proposal based on the plans and drawings submitted to the City:

- **Lot Area:** **3877.15 square metres (41,733.30 square feet)**
- **Lot Frontage:** **56.95 metres (186.84 feet)**
- **Number of Dwellings:** **3**
- **Building Height:** **2 storeys**
- **Proposed Lot 1 (West Side)**
 - **Proposed Lot Frontage:** **19.81 metres (64.99 feet)**
 - **Proposed Lot Area:** **1208.06 square metres (13,003.45 square feet)**
- **Proposed Lot 2 (Central)**
 - **Proposed Lot Frontage:** **19.81 metres (64.99 feet)**
 - **Proposed Lot Area:** **1207.99 square metres (13,002.80 square feet)**
- **Proposed Lot 3 (East Side)**
 - **Proposed Lot Frontage:** **19.81 metres (64.99 feet)**
 - **Proposed Lot Area:** **1461.10 square metres (15,727.15 square feet)**

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Supporting Documentation/Reports

The applicant has submitted the following documents/information to the City in support of its development proposal:

- Planning Justification Report;
- Topographic Survey;
- Site Plan;
- Floor Plans;
- Roof Plan;
- Elevations;
- Geotechnical Report;
- Water Balance Study;
- Scoped Natural Heritage Evaluation;
- Arborist Report;
- Tree Inventory and Preservation Plan; and,
- Draft Zoning By-law Amendment.

Zoning By-law Amendment Application

The subject lands are currently zoned **Residential Urban (RU) Zone** under By-law 1275, as amended by By-law 146-76. Permitted residential uses within this zone category includes single detached dwellings as proposed by the subject application (refer to Map 3). The applicant is seeking approval to amend the current zone category of the subject lands in order to establish site specific development standards to facilitate the proposed development. The following table provides a comparison of the proposed development standards relative to those of the current **Residential Urban (RU) Zone** category, with the proposed site specific exceptions highlighted in bold:

Development Standard	RU Zone Standards, By-law 1275, as amended	Proposed Development
Minimum Lot Frontage	22.86 metres (75 feet)	Lot 1, 2, 3: 19.81 metres (6.04 feet)
Minimum Lot Area	929.03 square metres (10,000 square feet)	Complies
Minimum Front Yard Setback	9.14 metres (30 feet) or the established building line, whichever is the greater of the two	Complies
Minimum Side Yard Setback (east)	combined width of 20% of the width of the lot, and a minimum of 1.52 metres (5 feet) for a building of masonry construction or a minimum of 3.05 metres (10 feet) for a building of frame construction	Lot 1, 2: 1.22 metres (4 feet) Lot 3: Complies

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Minimum Side Yard Setback (west)	combined width of 20% of the width of the lot, and a minimum of 1.52 metres (5 feet) for a building of masonry construction or a minimum of 3.05 metres (10 feet) for a building of frame construction	Lot 1, 2, 3: 1.22 metres (4 feet)
Minimum Rear Yard Setback	20% of the depth of the lot but shall not exceed 9.14 metres (30 feet)	Complies
Minimum Ground Floor Area	69.68 square metres (750 square feet) for a 2 storey building	Complies
Maximum Height	10.67 metres (35 feet) or 2½ storeys	Lot 1, 2: 12.2 metres (40.03 feet) Lot 3: Complies

In addition to the above, the applicant is seeking relief from Section 1(c) of By-law 146-76, as amended, which stipulates that the minimum lot frontage and minimum lot area requirements as established through the original registered Plan of Subdivision (Registered Plan M-36) shall apply. In this regard, the proposed development does not comply with the minimum lot frontage requirements of approximately 56.95 metres (186.85 feet) as well as the minimum lot area requirements of approximately 3,547.97 square metres (38,190 square feet) (irregular lot lines) stipulated by Section 1(c) of By-law 146-76, as amended.

Under the **RU Zone** of By-law 1275, the proposed lots do not comply with the minimum lot frontage requirements, but do comply with the minimum lot area requirements. It should also be noted that the **RU Zone** of By-law 1275, as amended, does not contain provisions with respect to maximum lot coverage, maximum ground/second floor area, or maximum gross floor area which will be established as part of the subject application. Further, the appropriateness of the proposed zoning provisions, as well as the need for additional standards will be further evaluated through the review of the subject development application.

Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** and **Natural Core** in accordance with Schedule A2 - Land Use of the City's Official Plan (the "Plan") (refer to Map 4). Within the **Neighbourhood** designation, permitted uses include low-density residential uses, medium-density residential uses, neighborhood commercial uses, community uses, parks and open spaces, and automotive service commercial uses – provided they adhere to specific policy criteria outlined in Chapter 4 of the Plan. In accordance with **Section 4.9.2** of the Plan, development shall be compatible with the character of

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adjacent and surrounding areas with respect to predominant building forms and types, massing, general patterns of streets, blocks and lots, landscaped areas and treatments and the general pattern of yard setbacks. Small scale infill development that enhances and strengthens the character of the existing area, promotes connectivity and achieves high quality design is also permitted.

Lands within the **Natural Core** designation are not intended for development and therefore limited land uses are permitted including 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 Plan; low-intensity recreational uses; unserviced parks; and accessory uses. Additionally, the lands are also identified on Schedule A4 – Key Natural Heritage Features and Key Hydrological Features of the Plan which identifies the potential of a Significant Woodland on the subject lands.

Policy 4.10.5.1.5 of the Plan states that the limits of **Natural Core** areas are based on the information available at the time of the adoption of the Plan and that the **Natural Core** boundaries can be refined as a result of a Natural Heritage Evaluation and also serves to confirm KNHF's, if any are present on the property. In this regard, the applicant has submitted a Natural Heritage Evaluation in accordance with the Plan and the ORMCP to confirm the limits of the **Natural Core** area of the subject lands and an evaluation of the potential Significant Woodland pursuant to the criteria set out in the ORMCP Technical Paper Number 7 – *Identification and Protection of Significant Woodlands* on the subject lands.

Additionally, the lands are also located within the **Settlement Area** of the Oak Ridges Moraine, in accordance with the *Oak Ridges Moraine Conservation Plan* ("ORMCP"). **Section 3.2.1.1 (18)** of the Plan states that all uses, including the creation of new lots which are otherwise permitted under the Plan, shall be permitted within the **Settlement Area** and permitted uses shall be subject to the requirements of Sections 19(3) and 31(4) of the ORMCP.

A more detailed review and evaluation of the submitted application will be completed following the receipt of comments from Council, the public, City departments and external agencies.

City Department and External Agency Comments:

The subject Zoning By-law Amendment application and the associated background studies and reports submitted in support of same have been circulated to various City departments and external agencies for their review and comment. Comments have been received from the City's Financial Services Division, Building Services Division – Zoning Section, Waste Management Section, in addition to Fire & Emergency Services, Alectra Utilities, Rogers, Enbridge, and the Regional Municipality of York. These City departments and external agencies have indicated no objections to the application and/or have provided comments to be considered by the applicants during the more

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detailed implementation stage of the approval process. All of the comments have been forwarded to the applicants for consideration but have not been appended to this report.

The following is a summary of the comments received as of the time of writing of this report.

Development Engineering Division

The City's Development Engineering Division has reviewed the applicant's development proposal and has provided technical comments with respect to site servicing and grading. These requirements will be further refined as part of a future Consent application to sever the lands, as well as a Site Alteration Permit to facilitate the construction of the proposed single detached dwellings.

Park and Natural Heritage Planning Section

The City's Park and Natural Heritage Planning (PNHP) Section has reviewed the applicant's Natural Heritage Evaluation and concurs with the findings that the existing woodland on the southern portion of subject lands is not considered a *Significant Woodland* based on the criteria outlined in the ORMCP Technical Paper Number 7. While the woodland is not deemed to be significant, PNHP staff recognizes that the woodland provides a benefit to the community and the environment and therefore recommends that the Zoning By-law Amendment application be revised to facilitate the creation of only one (1) additional building lot instead of two (2) as proposed.

PNHP staff also note that a number of the trees on the subject lands are mature and in good condition. A total of 126 native and non-native trees are located on and within 6 metres (19.68 feet) of the subject lands of which 46 will require removal as a result of the proposed development. The City will seek to restore the tree canopy within the development by securing tree replacement plantings and/or compensation for the loss of these trees through the development process.

Heritage and Urban Design Section

The City's Heritage and Urban Design Section (HUD) has reviewed the subject application and notes that Cynthia Crescent consists of large estate lots with large single-family dwellings to create a generous sense of separation between successive dwellings. With respect the distinguishing features of the neighbourhood along Cynthia Crescent, HUD staff recommend that the applicant consider revising their proposal to create only one (1) additional lot instead of two (2) additional lots as currently proposed. Staff also encourage the applicant to explore opportunities to retain the existing single-family dwelling located on the subject lands rather than proposing demolition. Additionally, HUD staff advise the applicant to consider maintaining the prevailing sideyard setbacks to preserve the mature trees along the Coon's Road and Cynthia Crescent frontages of the lands.

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Development Planning Division

Development Planning staff has completed a preliminary review of the applicants development proposal. In consideration of the policies of the Plan which are relevant to the evaluation of the proposed development, staff provides the following preliminary comments:

- the proposed development to permit lots for single detached residential purposes appears to be consistent with the policies of the **Neighbourhood** designation of the Plan and permitted within the **Settlement Area** of the *ORMCP*;
- the southern and eastern part of the subject lands are designated **Natural Core**, which does not permit residential development. Through the review of the applicant's Natural Heritage Evaluation, the boundary of the **Natural Core** designation on these lands may be refined pursuant to **Policy 4.10.5.1.5** of the Plan which may allow for the proposed lots to be created;
- the southern portion of the lands contains an existing woodlot that is proposed to be retained as part of the proposed development and in addition, replacement trees are proposed to be planted to maintain the **Natural Core** area;
- PNHP staff have confirmed that the existing woodlot on the lands does not meet the technical criteria to qualify as a *Significant Woodland*, and therefore the Key Natural Heritage System policies of the *Oak Ridges Moraine Conservation Plan* do not apply to the subject lands. Notwithstanding, the woodland continues to form part of the City's **Greenway System** and the proposed lot fabric and building locations/footprints must be reassessed by the applicant in order to explore greater opportunities for the retention and protection of existing trees on the subject lands;
- the proposed lots do not comply with the minimum lot frontage requirements, as well other development standards relating to building height and side yard setback requirements of the **Residential Urban (RU) Zone** under By-law 1275, as amended. Accordingly, staff recommend that the applicant reconsider more typical development standards consistent with those within this area with respect to the maximum building height and minimum side yard setback requirements for the proposed lots to ensure compatibility with the existing lot fabric in the area;
- a future Consent application will be required to sever the lands to create two additional lots for single detached residential purposes;
- staff will continue to work with the applicant with respect to the form and content of the draft Zoning By-law Amendment for its development proposal. The appropriateness of the site specific provisions proposed by the applicant will continue to be reviewed with respect to compatibility, design and function; and,
- the applicant must satisfactorily address any issues identified by City departments and external agencies that have been requested to review the subject development proposal.

A comprehensive review and evaluation of the subject Zoning By-law Amendment application will be conducted following the receipt of comments and feedback from City departments, external agencies, Council and the public.

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Financial/Staffing/Other Implications:

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

Relationship to Strategic Plan:

The recommendation of this report does not have any direct implications with respect to Council's Strategic Priorities. An overview of how the subject application is aligned with the Strategic Priorities will be included in a future recommendation report to Council following a comprehensive review and evaluation of the applicant's development proposal.

Conclusion:

The applicant is seeking Council's approval of their Zoning By-law Amendment application to facilitate the creation of two (2) additional building lots for single detached residential purposes on its land holdings. The purpose of this report is to provide Council and the public with an overview of the applicant's development proposal and to discuss the regulatory regime governing the evaluation of this planning application. This report has been structured for information purposes only, with a recommendation that all comments be referred back to staff for consideration.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person(s) listed in this document.

- Map 1, Aerial Photograph
- Map 2, Neighbourhood Context
- Map 3, Existing Zoning
- Map 4, Official Plan - Land Use Designation
- Map 5, Proposed Site Plan
- Map 6, Proposed Elevations – Type 1
- Map 7, Proposed Elevations – Type 2

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Report Approval Details

Document Title:	SRPBS.23.026 - Request for Comments - 1 Cynthia Crescent - Zoning By-law Amendment Application.docx
Attachments:	<ul style="list-style-type: none">- Map 1 - Aerial Photograph.docx- Map 2 - Neighbourhood Context.docx- Map 3 - Existing Zoning.docx- Map 4 - Existing Official Plan - Land Use Designation.docx- Map 5 - Proposed Site Plan.docx- Map 6 - Proposed Elevations - Type 1.docx- Map 7 - Proposed Elevations - Type 2.docx
Final Approval Date:	Oct 6, 2023

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

Gus Galanis - Sep 29, 2023 - 2:40 PM

Kelvin Kwan - Oct 6, 2023 - 10:02 AM

Sherry Adams on behalf of Darlene Joslin - Oct 6, 2023 - 11:05 AM