



Staff Report for Committee of the Whole Meeting

Date of Meeting: December 6, 2023

Report Number: SRPBS.23.038

Department: Planning and Building Services

Division: Development Planning

Subject: SRPBS.23.038 – Request for Approval – Zoning By-law Amendment Application – BH Properties Limited – City File D02-22003

Owner:

BH Properties Limited
527 Conservation Drive
Brampton, ON L6Z 0C1

Agent:

Evans Planning Inc.
9212 Yonge Street, Unit 1
Richmond Hill, ON L4C 7A2

Location:

Legal Description: Lot 215, Plan M-37
Municipal Address: 52 Beaufort Hills Road

Purpose:

A request to approve a Zoning By-law Amendment application to permit one (1) additional residential building lot on the subject lands.

Recommendation:

- a) that the Zoning By-law Amendment application submitted by BH Properties Limited for lands known as Lot 215, Plan M37 (Municipal Address: 52 Beaufort Hills Road), City File D02-22003, be approved as outlined in this report subject to the following:
 - i. that a site specific exception be applied to the portion of the lands zoned “Residential Urban (RU) Zone” under By-law 1275 and that a portion of the subject lands be rezoned from “Residential Urban (RU) Zone under By-law 1275, as amended, to “Open Space (O) Zone” by By-

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law 122-23, as set out in Appendix “B” to Staff Report SRPBS.23.038;
and,

- ii. that the amending Zoning By-law be brought forward to the December 13, 2023 Council meeting for enactment.

Contact Person:

Deborah Giannetta, Acting Director of Development Planning, phone number 905-771-5542

Report Approval:

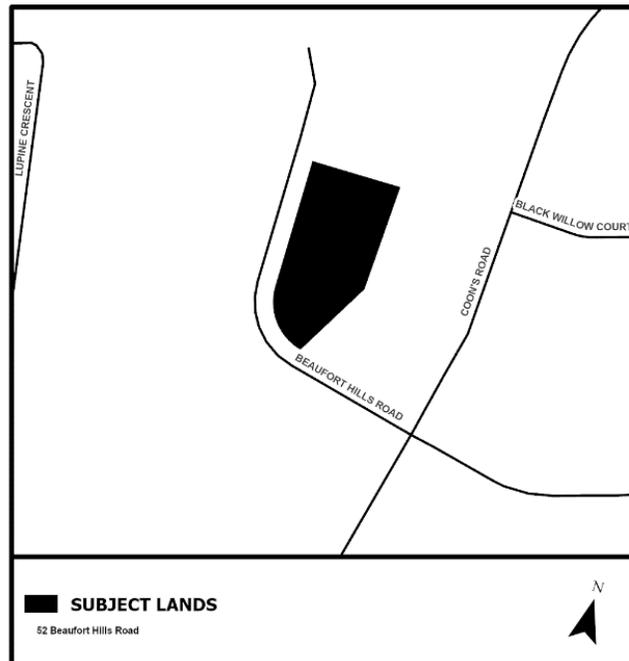
Submitted by: Gus Galanis, Acting Commissioner of Planning and Building Services

Approved by: Darlene Joslin, 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.

Location Map:

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



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Background:

A statutory Council Public Meeting was held on June 1, 2022 regarding the subject Zoning By-law Amendment application wherein Council received Staff Report SRPI.22.064 for information purposes and directed that all comments be referred back to staff for consideration (refer to Appendix A). The application sought approval to permit the creation of two (2) additional single detached residential building lots on the subject lands. Comments and concerns were raised with the application regarding the preservation of the existing woodlot/loss of trees, intensification in the neighbourhood, stormwater management, traffic, noise, the need for Site Plan control and affordable housing, all of which are addressed in subsequent sections of this report.

All comments from City departments and external agencies related to this application have now been satisfactorily addressed by the applicant. Accordingly, the purpose of this report is to seek Council's approval of the subject revised Zoning By-law Amendment application.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the east side of Beaufort Hills Road, west of Coon's Road within the Beaufort Hills neighbourhood (refer to Map 1). The lands have an area of approximately 0.43 hectares (1.06 acres) and a lot frontage of approximately 113.43 metres (372.15 feet). The subject lands contain an existing single detached dwelling that is proposed to remain. The lands are surrounded by existing single detached dwellings (refer to Maps 1 and 2).

Revised Development Proposal

The applicant is seeking Council's approval of its revised Zoning By-law Amendment application to permit one (1) additional single detached residential building lot on the subject lands (refer to Map 6) whereas previously two (2) additional lots were proposed (refer to Map 5). The revised development proposal no longer requires changes to the location of the existing attached garage on Lot 1 as the proposed new Lot 2 is to be located on the south side of the existing single detached dwelling.

The following is a summary of the pertinent statistics as proposed by the applicant based on the revised plans and drawings submitted to the City:

- **Total Lot Area:** **0.43 hectares (1.06 acres)**
- **Total Lot Frontage:** **113.43 metres (372.15 feet)**
- **Total Number of Units:** **2**
- **Proposed Lot 1:**
 - **Proposed Lot Area:** **2,300 square metres (24,757 square feet)**
 - **Proposed Lot Frontage:** **46.09 metres (151.21 feet)**
- **Proposed Lot 2:**

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- **Proposed Lot Area:** 2,008 square metres (21,613.93 square feet)
- **Proposed Lot Frontage:** 67.34 metres (220.93 feet)

In order to facilitate its revised development proposal, the applicant's has revised Zoning By-law Amendment application to seek relief from Section 1(c) of By-law 146-76 and proposes to rezone a portion of the lands to **Open Space (O) Zone** under By-law 1275, as amended.

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 3). Uses permitted within the **Neighbourhood** designation include primarily low density residential uses, as proposed by the applicant. In accordance with **Section 4.9.2** of the Plan, the proposed additional single detached residential lot is consistent with the character of adjacent and surrounding development with respect to the predominant building forms, massing, general patterns of streets, blocks and lots, landscaped areas and treatments and the general pattern of yard setbacks as the properties along the northern terminus of Beaufort Hills Road consist of a variety of lot configurations, lot frontages and lot sizes.

The **Natural Core** designation corresponds to the *Significant Woodlands* identified on Schedule A4 – Key Natural Heritage Features and Key Hydrological Features of the Plan which is consistent with the southwesterly portion of the site which contains a woodlot. Development is not permitted within this designation as the permitted uses include fish, wildlife and forest management; conservation projects and flood and erosion control projects among other essential uses subject to specific policy criteria as outlined in Chapter 4 of the Plan etc. Notwithstanding the foregoing, **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 through the submission and approval of a Natural Heritage Evaluation (NHE).

In this regard, the applicant submitted an NHE to assess the limits of the environmental features on its land holdings and an assessment of the woodlot on the property pursuant to *Oak Ridges Moraine Conservation Plan* (the "ORMCP") Technical Paper Number 7 – *Identification and Protection of Significant Woodlands*. The City's Park and Natural Heritage Division reviewed the NHE and concluded that the limits of the **Natural Core** designation could be refined as proposed by the applicant in order to facilitate the creation of an additional building lot as proposed. Further, the woodlot located on the subject lands does not meet the ORMCP definition for a *Significant Woodlands*; however, it is considered a *woodland* in accordance with the applicable policies of the Plan. The purpose of the **Natural Core** designation is to maintain and, wherever possible, improve or restore the ecological integrity of the natural features and functions outside of the central corridor of the ORMCP area. As such, staff have recommended that the woodland feature on the subject lands should be maintained and as accordingly have

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recommended that a portion of lands be placed in a protective zone category to which the applicant has agreed.

Additionally, the lands are located within the **Settlement Area** of the Oak Ridges Moraine (the “ORM”), in accordance with the 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**.

Based on the preceding, the proposed development is consistent with the applicable policies of the Plan.

Revised Zoning By-law Amendment

The subject lands are currently zoned **Residential Urban (RU) Zone** under By-law 1275, as amended. The **RU Zone** permits single detached dwellings (refer to Map 4) as proposed by the subject application. The existing residential dwelling on proposed Lot 1 and the new lot and proposed single detached dwelling on proposed Lot 2 comply with all the zoning standards of the **RU Zone**. However, in order to facilitate the proposed creation of an additional building lot, the applicant needs relief from Section 1(c) of By-law 146-76, which amended By-law 1275 and stipulated that the minimum lot frontage and lot area requirements for lots within the Beaufort Hills neighbourhood are to remain as those established through the original registered Plan of Subdivision. Further, By-law 146-76 also established minimum ground floor areas for said dwellings of 116.13 square metres (1,250 square feet), which both the existing and proposed dwellings meet.

It should be noted that the subject Zoning By-law Amendment Application seeking relief from Section 1(c) of By-law 146-76 is similar to previous infill developments approved within the Beaufort Hills neighbourhood. Specifically, 125 Coon’s Road (City File D02-09020) was granted approval by the former OMB (now Ontario Land Tribunal) which approved a Zoning By-law Amendment to facilitate a severance and more recently, the approval of 57 Beaufort Hills Road (City File D02-20005) by the former Local Planning Appeal Tribunal (now Ontario Land Tribunal, OLT) in May 2021.

In order to protect a portion of the existing woodlot located on the subject lands, the applicant has agreed with staff’s recommendation to rezone the southwesterly portion of proposed Lot 2 from **RU Zone** to **Open Space (O) Zone** under Zoning By-law 1275, as amended. The **O Zone** permits parks, conservation areas among other like uses thereby preventing development from occurring on this portion of Lot 2 and providing permanent protection to the woodlot which includes the existing mature trees and vegetation located on the subject lands.

Planning staff has undertaken a comprehensive review of the applicant’s revised Zoning By-law Amendment application and on the basis of the foregoing, is of the opinion that the proposal is appropriate for the development of the subject lands.

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Council and Public Comments:

The following is an overview of and response to the main comments and concerns expressed by the public and members of Council at the Council Public Meeting held on June 1, 2022, as well as through written correspondence received by the City with respect to the applicant's development proposal:

- **Site Plan Control**

Residents noted that the City imposed Site Plan control on a similar application for 57 Beaufort Hills Road which was approved by the LPAT (now referred to as the Ontario Land Tribunal (OLT)) in order to address various matters including tree preservation/compensation. Residents have requested that the City similarly impose Site Plan control on the subject lands as a means to implement tree protection and ecological restoration measures on the subject lands. However, *Bill 23, the More Homes Built Faster Act*, which was approved by the Province last year, exempts residential developments containing ten (10) residential units or less from Site Plan control. Therefore, the City cannot impose Site Plan control as requested. Notwithstanding, the woodland feature on the lands will be protected through the establishment of the **O Zone** on the subject lands.

- **Woodlot Benefits**

Council and residents noted that the Beaufort Hills subdivision is characterized by the mature tree canopy in the area and, as such, the residents requested the natural environment be maintained for all severance and infill proposals. As noted in preceding sections of this report, the applicant has agreed to protect the woodland located at the southwesterly portion of the lands by placing this portion of the property in an **Open Space (O) Zone** category, thereby providing permanent protection to the existing trees located on that portion of the subject lands.

- **Removal of Healthy Trees**

Residents noted that there were a number of trees that were removed by the applicant without approval from the City and requested that appropriate tree protection and ecological restoration measures be implemented for any development of the subject lands. In this regard, a Compliance Letter was issued to the property owner and subsequently, the owner submitted a tree removal permit application. Parks staff identified that 38 trees are to be replanted on site. Through the review of the subject application, the applicant has submitted a tree re-planting plan that provides for 31 replacement tree plantings on the subject lands. The remaining 7 trees provided will be provided by way of cash-in lieu which staff are satisfied with. The owner has one (1) year from the date the Zoning By-law is approved by Council to fulfill the above noted requirements.

Additionally, as previously noted, the south-west portion of the property that contains a woodland will be placed in a protective zone category, that will not permit any further

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development and imposes more stringent regulations for the removal of any more trees from the property.

- **Community Character**

Council and residents noted that the existing lotting pattern of the subject community is unique and the addition of two (2) additional residential building lots as originally proposed by applicant was incompatible with the existing character of the community. Further, there was concern that the original development could potentially set a precedent for the community, opening it up to further intensification. The applicant has since revised their development proposal which seeks approval for only one (1) additional building lot on the subject lands which is more in keeping with the character of the neighbourhood.

- **Drainage and Water Table**

Council and residents expressed concerns related to on-site drainage and a high water table in the area. Council noted that there is a lack of storm drainage in the area and that existing trees aid in the management of stormwater runoff. Concern was also raised regarding the potential need for the City to upgrade infrastructure to address large storm events should any additional trees be removed as a result of the proposed development. The portion of the lands that are proposed to be placed in the **Open Space (O) Zone** will preserve and protect the existing mature trees on the subject lands which will assist in maintaining existing stormwater runoff in the area. As part of the Site Alteration Permit process required prior to the issuance of a Building Permit for the proposed additional building lot, any increased stormwater runoff from this development will be mitigated through Low Impact Development measures. It is further noted that the City's Development Engineering Division has reviewed the subject proposal, including the associated technical reports submitted in support of the application, and have no objections to the applicant's revised development proposal.

- **Traffic and Noise**

Residents expressed concerns with regards to the potential for increased traffic and noise in the area as a result of the proposed development. Staff are of the opinion that the proposed additional building lot will not adversely impact the traffic and noise volumes for the neighbourhood.

- **Affordable Housing**

Council and residents noted that the proposal does not meet the definition of affordable housing. Neither the original or revised development are proposed as an affordable housing development. Notwithstanding, the revised development proposal to add one additional residential building lot is in keeping with the Provincial direction to intensify within existing urban areas while maintaining compatibility and character with the surrounding neighbourhood.

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Recommendation:

Planning staff has undertaken a comprehensive review and evaluation of the applicant's Zoning By-law Amendment application and are in support of same for the following principle reasons:

- the proposed additional single detached residential lot complies with the applicable **Neighbourhood** and **Natural Core** policies of the Plan and the **Settlement Area** policies of the ORMCP;
- the proposed lot areas and lot frontages are in keeping with the requirements of the **Residential Urban (RU) Zone** under By-law 1275, as amended, and no site specific development standards are required in order to facilitate the proposed new residential lot or dwelling;
- the proposed lotting pattern is considered to be contextually appropriate and in keeping with the character of the surrounding neighbourhood;
- the proposed **Open Space (O) Zone** category will provide long term protection for the existing mature trees that form part of the woodland feature on the subject lands; and,
- the applicant has satisfactorily addressed all comments raised by City departments.

On the basis of the preceding, it is recommended that the proposed Zoning By-law Amendment application be approved. It is noted that a future Consent application will be required in order to facilitate the creation of the additional lot proposed.

Financial/Staffing/Other Implications:

The recommendations of this report do not have any financial, staffing or other implications.

Relationship to Council's Strategic Priorities 2020-2022:

The recommendations of this report are aligned with **Balancing Growth and Green** as they demonstrate responsible residential infill development within an existing neighbourhood which thereby reduces the need to expand development into undeveloped areas of the municipality. Further, the recommendations of this report are aligned with **Strong Sense of Belonging** by adding additional housing stock in existing communities.

Climate Change Considerations:

The recommendations of this report are aligned with Council's climate change considerations as the development proposal intensifies development within an existing residential area and prevents urban sprawl which represents an efficient use of land within this area of the City.

Conclusion:

The applicant is seeking Council's approval of its revised Zoning By-Law Amendment application to permit one (1) additional residential building lot on its land holdings. The applicant's development proposal conforms with the applicable policies of the Plan and is

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considered to represent good planning. On the basis of the preceding, it is recommended that Council approve the subject revised Zoning By-law Amendment application as outlined and described in this report.

Attachments:

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

- Appendix A, Extract from Council Meeting C#24-22 held on June 1, 2021
- Appendix B, Draft Zoning By-law
- Map 1, Aerial Photograph
- Map 2, Neighbourhood Context
- Map 3, Existing Zoning
- Map 4, Official Plan Designation
- Map 5, Original Site Plan
- Map 6, Revised Site Plan
- Map 7, Revised Streetscape

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Report Approval Details

Document Title:	SRPBS.23.038 - Request for Approval - D02-22003.docx
Attachments:	<ul style="list-style-type: none">- SRPBS.23.038 - Appendix A - CPM Extract.docx- SRPBS.23.038 - Appendix B - Draft Zoning By-law.docx- SRPBS.23.038 - Map 1 - Aerial Photograph.docx- SRPBS.23.038 - Map 2 - Neighbourhood Context.docx- SRPBS.23.038 - Map 3 - Official Plan Designation.docx- SRPBS.23.038 - Map 4 - Existing Zoning.docx- SRPBS.23.038 - Map 5 - Original Site Plan.docx- SRPBS.23.038 - Map 6 - Revised Site Plan.docx- SRPBS.23.038 - Map 7 - Revised Streetscape.docx
Final Approval Date:	Nov 19, 2023

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

Deborah Giannetta - Nov 16, 2023 - 4:58 PM

Gus Galanis - Nov 16, 2023 - 4:59 PM

Darlene Joslin - Nov 19, 2023 - 10:04 AM