



## **Staff Report for Committee of the Whole Meeting**

**Date of Meeting:** September 18, 2024

**Report Number:** SRPBS.24.077

**Department:** Planning and Building Services

**Division:** Development Planning

**Subject:** **SRPBS.24.077 – Request for Direction – Zoning By-law Amendment Application – Reza Mortazi and Maryam Naji – City File ZBLA-23-0008**

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### **Purpose:**

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

### **Recommendations:**

- a) That Staff Report SRPBS.24.077 be received for information purposes;
- b) That the Ontario Land Tribunal (OLT) be advised that Council supports the proposed Zoning By-law Amendment dated August, 28, 2024 submitted by Reza Mortazi and Maryam Naji for the lands known as 1 Cynthia Crescent (City File ZBLA-23-0008), for the primary reasons outlined in Staff Report SRPBS.24.077, subject to the following:
  - i) That the OLT be requested to approve the Zoning By-law Amendment generally in accordance with the document set out in Appendix "B" to Staff Report SRPBS.24.077; and,
  - ii) That the OLT be requested to withhold the issuance of its Final Order with respect to the Zoning By-law Amendment, if required, until such time as the City advises the Tribunal that the Zoning By-law Amendment has been finalized to the satisfaction of the Commissioner of Planning and Building Services;
- c) That upon the recommendation of the Commissioner of Planning and Building Services, the Mayor and City Clerk be authorized to enter into Minutes of Settlement and any further agreements or documentation; and,
- d) That appropriate City staff be directed to appear at the Ontario Land Tribunal in support of Council's position concerning the subject application.

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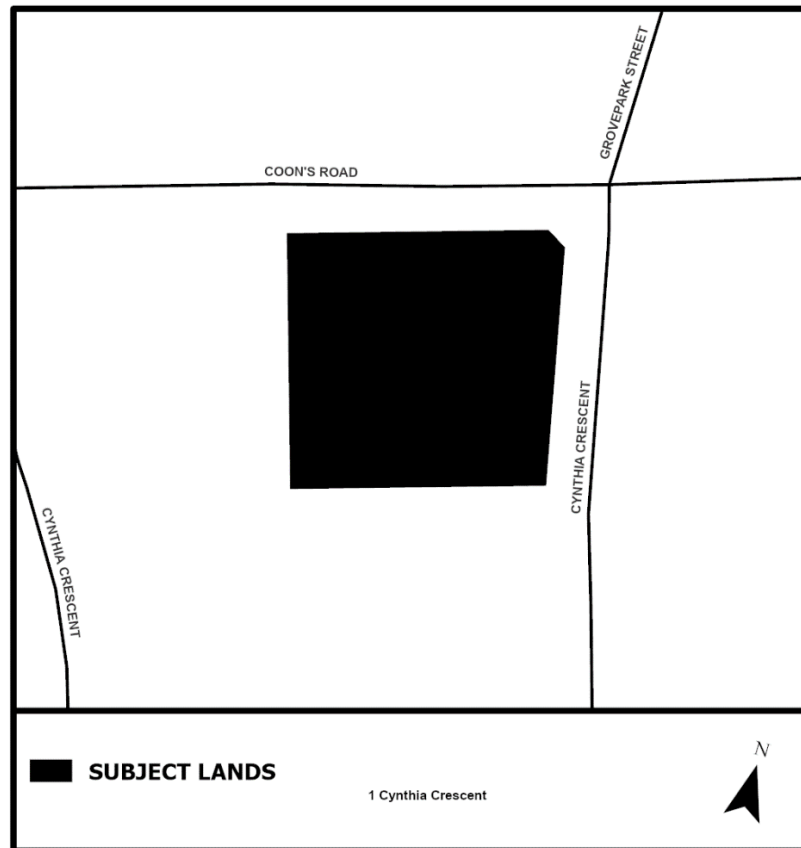
### Contact Persons:

- Giuliano La Moglie, Senior Planner, 905-747-6465
- Kaitlyn Graham, Acting Manager of Development Planning, 905-771-5563
- Deborah Giannetta, Director of Development Planning, 905-771-6312
- Gus Galanis, Commissioner, Planning and Building Services, 905-771-9966

### Report Approval:

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:



### Key Messages:

- the subject Zoning By-law Amendment application to permit two (2) additional residential building lots on the subject lands (City File ZBLA-23-0008) was appealed to the Ontario Land Tribunal (OLT) in April 2024 on the basis that Council did not make a decision on the application within the statutory timeframe prescribed under the *Planning Act*;

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- modifications to the proposal have been made to address staff comments and concerns related to the protection of trees and the existing woodland on the subject property as well as revised development standards related to reduced side yard setbacks and increased building height; and,
- the modifications to the development proposal satisfactorily address the City's comments and concerns and therefore staff recommends that Council support the development proposal as outlined in SRPBS.24.077.

### Background:

A statutory Council Public Meeting was held on October 17, 2023 to consider the subject Zoning By-law Amendment application wherein Council received Staff Report SRPBS.23.026 for information purposes and directed that all comments be referred back to staff (refer to Appendix "A"). A number of comments and concerns were raised in the staff report and at the meeting regarding tree preservation, including the existing woodland, the level of intensification in the neighbourhood, the potential for drainage issues and the issue of affordable housing which are addressed in detail in later sections of this report.

In April 2024, the applicants appealed their Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) pursuant to Section 34(11) of the *Planning Act* on the basis that Council did not make a decision on the application within the statutory timeframes prescribed under the *Planning Act*.

On July 4, 2024, a Case Management Conference (CMC) was held with respect to the applicants' appeal and a second CMC has been scheduled for October 17, 2024. In August 2024, the applicants provided a revised submission to the City to address outstanding issues, including but not limited to, the protection of trees and the existing woodland on the subject lands, the removal of various site specific development standards related to reduced side yard setbacks and increased building height, and the demonstration of appropriate stormwater management for the proposed lots. Staff have reviewed the applicants' revised development proposal and are satisfied that all comments, including matters outlined in Staff Report SRPBS.23.026 have now been satisfactorily addressed.

Accordingly, the purpose of this report is to seek Council's direction with respect to the applicants' revised development proposal and to direct appropriate City staff to appear at the OLT in support of Council's position concerning the subject application.

### Discussion:

#### Site Location and Adjacent Uses

The subject lands are located on the west side of Cynthia Crescent, south of Coon's Road in the City's Beaufort Hills neighbourhood (refer to Map 1). The lands have a frontage of approximately 56.95 metres (186.84 feet) along Cynthia Crescent and 62.30 metres (204.39 feet) along Coon's Road, a total lot area of approximately 3,877.15 square metres (41,733.30 square feet), and currently support an existing single

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detached dwelling fronting onto Cynthia Crescent which is proposed to be demolished in order to facilitate the proposed development. The lands are surrounded by existing low density residential uses that consist of single detached dwellings on larger lots (refer to Maps 1 and 2).

### Development Proposal

The applicants are seeking the OLT's approval of their Zoning By-law Amendment application to facilitate the creation of two (2) additional residential building lots with frontage on Coon's Road for single detached residential purposes on their land holdings. Currently, access to the subject lands is provided via an existing driveway from Cynthia Crescent. The proposed new lots are to front onto Coon's Road to accommodate a total of three (3) new single detached dwellings (refer to Maps 5 to 7). Since the initial submission, there are no principal changes to the proposed building lots. The following is a summary table outlining the relevant statistics of the applicants' development proposal based on the plans and drawings submitted to the City:

- **Total Lot Area:** 3,877.15 square metres (41,733.30 square feet)
- **Lot Frontage (Cynthia Cres.):** 56.95 metres (186.84 feet)
- **Lot Frontage (Coon's Road):** 62.30 metres (204.39 feet)
- **Number of Dwellings:** 3
- **Proposed Building Height:** 2 storeys
- **Proposed Lot 1 (West Side)**
  - **Proposed Lot Frontage:** 19.81 metres (64.99 feet)
  - **Proposed Lot Area:** 1,208.06 square metres (13,003.45 square feet)
- **Proposed Lot 2 (Central)**
  - **Proposed Lot Frontage:** 19.81 metres (64.99 feet)
  - **Proposed Lot Area:** 1,207.99 square metres (13,002.80 square feet)
- **Proposed Lot 3 (East Side)**
  - **Proposed Lot Frontage:** 25.9 metres (84.97 feet)
  - **Proposed Lot Area:** 1,461.10 square metres (15,727.15 square feet)

As previously noted, the applicants have made a number of modifications to their original development proposal in order to address outstanding matters. These include:

- the provision of updated tree protection zones and delineation of the area to be rezoned to an **Open Space (O) Zone** category to ensure long term preservation and protection of the woodland on site;
- revised development standards that no longer propose reduced setbacks and increased building height which now comply with the zone standards of the applicable **RU Zone** category; and,
- the provision of a drainage area along the westerly side yard of Lot 1 to ensure sufficient area for stormwater management control purposes.

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### Zoning By-law Amendment Application

The lands are currently zoned **Residential Urban (RU) Zone** under By-law 1275, as amended (refer to Map 3). The **RU Zone** permits single detached dwellings as proposed by the subject application. However, in order to facilitate the proposed creation of two (2) additional building lots as proposed, the applicants are requesting relief from Section 1(c) of By-law 1275, as amended by By-law 146-76 which stipulates that the minimum lot frontage and lot area requirements for lots within the Beaufort Hills neighbourhood are to remain as established through the original registered Plan of Subdivision, and relief from Section 3.7 of By-law 1275, as amended, which requires a minimum lot frontage of 22.86 metres (75 feet) for a building lot.

The proposal now only requires relief from the by-law with respect to a reduced lot frontage of 19.8 metres (64.96 feet) for two (2) of the three (3) lots proposed. As outlined above, compliance with all other development standards is proposed. Further to above, staff have identified the need to include an additional site-specific provision to provide a minimum flankage yard setback of 5.8 metres (19.02 feet) for the proposed corner lot. This is due to the proposed siting of the proposed dwelling on lot 3, where access is to be provided by a proposed driveway from Cynthia Crescent that is located in the flankage yard. This site specific provision will ensure adequate parking space depth is provided on the driveway while also maintaining the existing streetscape. The applicant has agreed to staff's request. The following table provides a general summary of the applicable development standards within the **RU Zone** under By-law 1275, as amended, relative to the development proposal including a site specific provision for lot frontage and minimum flankage yard setback (refer to Appendix "B"):

Development Standard	RU Zone Standards By-law 1275, as amended	Development Proposal
Minimum Lot Frontage	22.86 metres (75 feet)	<b>Lots 1 and 2: 19.81 metres (64.96 feet)</b>  Lot 3: Complies
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	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 masonry construction or a minimum of 3.05 metres (10 feet) for frame construction	Complies
Minimum Side Yard Setback (west)	Combined width of 20% of the lot width 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	Complies
Minimum Side Yard Setback (Flankage)	4.57 metres (15 feet)	<b>5.8 metres (19.02 feet)</b>
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	Complies

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Staff have comprehensively reviewed the applicant's revised Zoning By-law Amendment application and consider it appropriate for the development of the subject lands. In this regard, the proposed development is consistent with previous infill developments approved within the surrounding Beaufort Hills neighbourhood. For example, a Zoning By-law Amendment application for 57 Beaufort Hills Road (City File D02-20005) was approved by the former Local Planning Appeal Tribunal (now Ontario Land Tribunal) in May 2021 to facilitate a severance to create one (1) additional residential building lot on the subject lands; 52 Beaufort Hills Road (City File D02-22003) was granted approval by Council for a Zoning By-law Amendment in December 2023 to facilitate a severance to create one (1) additional residential building lot on the subject lands; and most recently, 34 Cynthia Crescent (City File D02-22012) and 25 Cynthia Crescent (City File D02-22011) were both granted approval in February 2024 by Council for Zoning By-law Amendments to facilitate the establishment of additional building lots.

Further to the above, in order to protect the existing woodland located on the subject lands, the applicants have agreed with staff's recommendation to rezone the southern portion of the proposed lots from **RU Zone** to **Open Space (O) Zone** under Zoning By-law 1275, as amended. The **O Zone** permits only parks and conservation areas among other limited uses thereby preventing residential development from occurring on this portion of the lots and providing permanent protection for the woodland which includes the existing mature trees and vegetation located on the subject lands.

Based on the preceding, staff concludes that the development proposal is appropriate on the basis the proposed creation of lots are generally in keeping with the lot fabric of the existing and emergent neighbourhood context. The proposal is compatible with the existing lot pattern both along Coons Road and Cynthia Crescent in maintaining similar lot frontages and lot areas.

### 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) and are located within the **Settlement Area** of the Oak Ridges Moraine (the "ORM"), in accordance with the *Oak Ridges Moraine Conservation Plan* (the "ORMCP"). Uses permitted within the **Neighbourhood** designation include primarily low density residential uses, as proposed by the applicants. In accordance with **Section 4.9.2** of the Plan, development within the **Neighbourhood** is required to be compatible with the character of adjacent and surrounding development with respect to the size and configuration of lots, massing of nearby residential properties, patterns of yard setbacks and landscaped areas, and preservation of mature trees that characterize the properties on Cynthia Crescent and Coon's Road.

Planning Staff conducted a comprehensive lot study of the surrounding neighbourhood to assess the existing lotting pattern and physical characteristics of lots in proximity to

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the proposed development. The study revealed significant variability in both lot frontages and lot areas, the configuration of lots, and the size and forms of dwellings in this neighbourhood. Generally, lot frontages within this area range from approximately 18 metres to 76 metres (59.05 feet to 249.34 feet) and lot areas range from approximately 1,000 square metres to 4,500 square metres (10,763.91 square feet to 48,437.60 square feet). It is noted that nearby lots fronting onto Coon's Road are generally the smallest lots in the neighbourhood with lot frontages ranging from 18 metres to 36 metres (59.05 feet to 118.11 feet) and lot areas ranging from 1,000 square metres to 1,700 square metres (10,763.91 square feet to 18,298.65 square feet). As identified previously in this report, several properties in this neighbourhood recently have been subject to Zoning By-law Amendment and Consent applications, resulting in the creation of new lots with smaller lot frontages and lot areas than those set out in the original plans of subdivision.

Based on the preceding, staff has reviewed the proposed development within the context of the **Neighbourhood** policies applicable to the lands and are of the opinion that the proposed lots, with lot frontages ranging from 19.81 metres (64.96 feet) to 25.9 metres (84.97 feet) and lot areas ranging from 1,207.99 square metres (13,002.80 square feet) to 1,461.10 square metres (15,727.15 square feet) are consistent with lots within this neighbourhood and in particular, are compatible with the existing lot pattern along both Coons Road and Cynthia Crescent. With the exception of the proposed site specific provision for a reduced minimum lot frontage for proposed Lots 1 and 2 and the site specific provision regarding the parking space depth to be provided in the flankage yard of Lot 3 as requested by staff, the proposal complies with all other **RU Zone** standards applicable to the subject lands.

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 southern portion of the site that supports a woodland. Permitted uses within the **Natural Core** designation 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. Accordingly, development is not permitted. 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 applicants submitted an NHE to assess the limits of the environmental features on their land holdings, including an assessment of the woodland located on the southern portion of the property pursuant to the ORMCP Technical Paper Number 7 – Identification and Protection of Significant Woodlands. Park and Natural Heritage Planning staff accepted the findings of the NHE which concluded that the limits of the **Natural Core** designation could be refined in order to facilitate the creation of additional building lots as proposed. Further, the NHE concluded that the woodland located on the subject lands does not meet the ORMCP definition for a Significant

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Woodland; however, it is considered a woodland in accordance with the applicable policies of the Plan. Pursuant to 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 recommends that the woodland on the subject lands be maintained and, accordingly, have recommended that a portion of lands for all three (3) of the proposed lots be placed into a protective zone category to which the applicants have agreed.

With respect to 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**. It is further noted that the lands are also located within an Area of High Aquifer Vulnerability, which are areas susceptible to contamination from both human and natural impacts on water quality. **Section 3.2.1.1(37)** of the Plan identifies specific uses prohibited within an Area of High Aquifer Vulnerability such as storage of hazardous waste or liquid industrial waste and waste disposal sites. The proposed residential development is not a prohibited land use and therefore is considered to comply with this policy of the Plan.

The lands are also located within a **Landform Conservation Area – Category 1** designation in accordance with Schedule A6 – Landform Conservation Areas of the Plan. The landform conservation policies of the Plan implement the ORMCP and serve to ensure that development and site alteration minimize disturbances to landform character in accordance with **Policy 3.2.1.1.35** of the Plan. In this regard, staff have reviewed the submitted NHE and are of the opinion that it satisfactorily addresses the landform conservation policies of the ORMCP. Minor grading will be required to facilitate the proposed development and will not have a material impact on the integrity of the **Landform Conservation Area** in this location. Additionally, there will be no disturbance to the landform character on the southern portion of the subject lands corresponding with the existing woodland.

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

### **Department and External Agency Comments:**

As previously noted in this report, all comments from City departments and external agencies previously identified in SRPBS.23.026 and through the review of the development proposal have now been satisfactorily addressed. In this regard, all circulated City departments and external agencies have either indicated no objections or have provided comments to be addressed through future Consent and Site Alteration Permit processes, including the following:

- detailed lot grading and drainage plans will be reviewed to ensure compliance with the *Ontario Building Code* and City Standards through the future required Consent and Site Alteration Permit processes; and,
- a Tree Removal Permit will be required for the removal of trees on the subject lands.



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### Council and Public Comments:

The following is an overview of and response to comments and concerns expressed by members of Council and the public at the Council Public Meeting held on October 17, 2023, and through written correspondence received by the City with respect to the applicants' development proposal:

#### Neighbourhood Character

Concerns were raised with respect to the compatibility of the proposed lot sizes and number of building lots in relation to the existing lot fabric and character of the community. As noted previously, Planning staff conducted a comprehensive lot study to analyze the existing lotting pattern within the surrounding neighbourhood, including a detailed review of lot frontages and lot areas, as well as other physical characteristics of lots in the area surrounding the subject property. Staff are satisfied that the proposed lots are appropriate and compatible as they maintain similar lot frontages and lot areas to both the existing lots in the immediate context along Coon's Road and within the larger neighbourhood. Further, the proposed lots are able to accommodate landscaped setbacks and vegetation consistent with other lots in this area.

#### Woodland and Tree Preservation

Concerns were raised with respect to protection of the natural environment, tree removal, and more specifically, preservation of the existing mature tree canopy that forms part of the character of Cynthia Crescent. The Arborist Report submitted by the applicants identifies that the proposal will necessitate the removal of approximately 45 trees on the subject lands, for which a Tree Removal Permit application will be required. The applicants are proposing to replant a total of 47 replacement trees on site, of which 22 trees are proposed to be planted in the woodland and 25 trees are proposed to be planted outside the woodland. As noted in the preceding sections of this report, the applicants have agreed to protect the woodland located at the southern portion of the lands by rezoning this portion of the property to an **Open Space (O) Zone** category which would not permit any development and would provide permanent protection to the existing trees within that portion of the subject lands.

#### Grading and Drainage

Concerns were raised with respect to potential flooding on adjacent properties as a result of the proposed development due to the high water table in this area. Staff note that a Stormwater Management Report has been submitted which proposes stormwater management measures to maintain appropriate drainage on the proposed lots which includes the establishment of a drainage area along the western side yard of proposed Lot 1. Furthermore, a portion of the lands are to be placed in the **Open Space (O) Zone** which will preserve the existing mature trees and also contribute to stormwater management on site. Additionally, the side yard setbacks of the proposed dwellings will allow for sufficient space for proper drainage swales between the dwellings. It is also important to note that detailed lot grading and drainage plans will be reviewed by Infrastructure Planning and Development Engineering staff through future Consent and Site Alteration Permit applications to ensure compliance with City standards.

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### Affordable Housing

Residents noted that the proposal does not meet the definition of affordable housing. The subject development is not proposed as an affordable housing development. Notwithstanding, the development proposal will add two (2) additional residential building lots to the City's housing stock compatible with the character of the surrounding neighbourhood.

### Recommendation

Staff has reviewed the applicants' development proposal and advises that the concerns and issues that were previously identified have been satisfactorily addressed. In consideration of the foregoing, staff support the subject Zoning By-law Amendment application for the following principal reasons:

- the proposal to permit two (2) additional single detached residential lots for a total of three (3) single detached residential lots complies with the applicable **Neighbourhood, Natural Core** and **Settlement Area** policies of the Plan and the ORMCP;
- based on a detailed analysis of the lot frontages and lot areas within this neighbourhood, staff are of the opinion that the proposed lots are contextually appropriate and compatible with the character of the surrounding neighbourhood in accordance with **Section 4.9.2** of the Plan;
- the proposed **Open Space (O) Zone** category will provide long term protection for the existing mature trees that form part of the woodland on the subject lands; and,
- the applicants have satisfactorily addressed all comments raised by City departments and external agencies.

Notwithstanding the foregoing, it is recommended that the OLT withhold its final Order with respect to the applicants' Zoning By-law Amendment, as may be required, until the City advises the Tribunal that it has been finalized to the satisfaction of the Commissioner of Planning and Building Services. Further, should the Zoning By-law Amendment application be approved by the OLT, the applicants will be required to submit future Consent applications in order to facilitate the creation of the two (2) additional building lots on the subject lands.

### Financial Implications:

The recommendations of this report do not have any financial, staffing or other implications. However, due to the fact that the subject application has been appealed to the OLT, there will be a draw on financial resources for staff to attend the proceedings on the application.

### Relationship to Strategic Plan 2024-2027:

The recommendations of this report are aligned with **Pillar 1: Growing a Livable, Sustainable Community** as it demonstrates infill development within an existing neighbourhood which reduces the need to expand development into undeveloped areas of the municipality. This will add additional housing stock within an existing community.

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### **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 Public Meeting C#36-23, held October 17, 2023
- Appendix B – Applicants' Draft Zoning By-law Amendment
- Map 1 – Aerial Photograph
- Map 2 – Neighbourhood Context
- Map 3 – Existing Zoning
- Map 4 – Official Plan Designation
- Map 5 – Conceptual Site Plan
- Map 6 – Conceptual Elevation (Coon's Road Frontage) - Lots 1 and 2
- Map 7 – Conceptual Elevation (Coon's Road Frontage) - Lot 3

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### Report Approval Details

Document Title:	SRPBS.24.077 - Request for Direction - Zoning By-law Amendment Application - 1 Cynthia Crescent - City File ZBLA-23-0008.docx
Attachments:	- Appendix A.docx - Appendix B.docx - Map 1.docx - Map 2.docx - Map 3.docx - Map 4.docx - Map 5.docx - Map 6.docx - Map 7.docx
Final Approval Date:	Sep 2, 2024

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

**Deborah Giannetta - Aug 29, 2024 - 4:51 PM**

**Gus Galanis - Aug 29, 2024 - 4:55 PM**

**Darlene Joslin - Sep 2, 2024 - 11:21 AM**