



Staff Report for Council Public Meeting

Date of Meeting: October 22, 2024

Report Number: SRPBS.24.111

Department: Planning and Building Services

Division: Development Planning

Subject: **SRPBS.24.111 - Request for Approval to Expand Permissions for Additional Residential Units and Increase Minimum Heights within Major Transit Station Areas with Mixed Use Centre or Corridor Designations - City of Richmond Hill - City Files MOPA-24-001 AND MZBA-24-001**

Purpose:

A request for comments concerning proposed municipally initiated Official Plan and Zoning By-law Amendments to expand existing additional residential units (“ARUs”) permissions to allow up to four units “as-of-right” where zoning permits single detached, semi-detached and townhouse dwelling forms and to allow up to four (4) storey heights “as-of-right” within a Major Transit Station Areas (“MTSAs”) located along Yonge Street, Highway 7 and the Newkirk GO Station.

Recommendation(s):

- a) That Staff Report SRPBS.24.111, with respect to the municipally initiated amendments to the City’s Official Plan and Zoning By-laws to permit additional residential units and to permit an increase to minimum heights within Major Transit Station Areas with Mixed Use Centre or Corridor Designations (City Files MOPA -24-0001 and MZBA-24-0001), be received for information purposes only and that all comments be referred back to staff.

Contact Person(s):

- Salvatore Aiello, Project Manager, Development Zoning, 905-771-2540
- Anna Henriques, Manager, Development Zoning and Committee of Adjustment, 905-771-6557
- Deborah Giannetta, Director Development Planning, 905-771-5542
- Gus Galanis, Commissioner Planning and Building Services, 905-771-2465

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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 report's approval are attached.

Key Messages:

- The Federal Government has made funding available through its Housing Accelerator Fund (HAF) to municipalities exploring and implementing initiatives related to increasing housing supply and supporting the development of complete, low-carbon and climate resilient communities that are affordable, inclusive, equitable and diverse;
- In response to the City's application to the HAF, the Federal Minister of Housing, Infrastructure and Communities issued two specific requests to enhance the City's application in an effort to create new housing opportunities. Accordingly, on October 25, 2023 City Council directed staff to:
 - amend the City's Official Plan and Zoning By-laws to permit up to four (4) residential units on a property wherever zoning permits single detached, semi-detached or townhouse dwelling units. The implementing Zoning By-law may prescribe additional criteria such as servicing capacity to support the proposed units for consideration by Council as soon as permitted by the statutory requirements of the *Planning Act*;
 - amend the City's Official Plan and Zoning By-laws to allow up to four (4) storeys "as-of-right" within an MTSA along the Yonge Street and Highway 7 priority transit corridors where there is a mixed-use centre or corridor designation in the Official Plan with permissions for building heights of three (3) storeys or greater; and,
 - undertake (on an expedited basis) community and stakeholder consultation and an assessment of impacts to infrastructure capacity as part of this initiative to obtain feedback prior to making a recommendation to Council.

Background:

The City of Richmond Hill is initiating Official Plan Amendments and Zoning By-law Amendments associated with two distinct but related initiatives to expand opportunities for gentle intensification and "missing middle" housing typologies within the City. This initiative is a result of the City's application for funding offered through the Federal Government's Housing Accelerator Fund (HAF) offered by the Canada Mortgage and Housing Corporation (CMHC). HAF provides funding to qualified municipalities to undertake various initiatives to increase housing supply and one of its main objectives is to make it easier to build more housing that is affordable.

In 2023, the City of Richmond Hill applied for and was granted \$31 million in funding. The City subsequently entered into an agreement with CMHC on a number of initiatives

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to support the HAF program's objectives. One of the initiatives encouraged is the consideration of increasing the City's current ARU permissions to four (4) units from the current permission of three (3) units and to permit up to four (4) storeys "as-of-right" within MTSA's located along Yonge Street, Highway 7 and the Newkirk GO Station with the aim being to encourage residential intensification and transit supportive development. To assist with exploring the feasibility of this initiative, the City retained Gladki Planning Associates Inc. (GPA), in association with LGA Architectural Partners (LGA), TYLin and Aird & Berlis LLP, to provide the City with planning, urban design, transportation, engineering and legal services (refer to Appendix 1).

Accordingly, the purpose of this report is to seek comments from Council and the public with respect to the proposed Official Plan and Zoning By-law Amendments pursuant to the statutory Public Meeting and associated notice requirements of the *Planning Act*.

Discussion:

This report will be divided into two components wherein the first part of the report will discuss the proposed additional ARUs and the second half will discuss the four storey building heights within the City's MTSA's.

Part One: Additional Residential Units (ARUs)

What are Additional Residential Units?

Additional Residential Unit (ARUs) are self-contained residential units with a private kitchen, bathroom facilities and sleeping areas that are housed within a primary dwelling or within structures that are accessory to a primary dwelling. ARUs are also commonly referred to as second units, secondary suites, granny suites, accessory apartments, laneway housing, or coach houses.

ARUs provide many benefits to the homeowner and community by providing for a flexible arrangement of independent living for families, caregivers, and seniors. Financially, ARUs can be mutually beneficial to the property owner and the occupant because they are a means of extra income that lowers the cost of home ownership while supplying affordable rental housing. For municipalities, ARUs are a form of gentle density increase, with minimal impact on neighbourhood character. Notwithstanding the intent of the Province and City to remove barriers to encourage the construction of ARUs, many factors impact the actual achievement of this goal including the landowner may not require such a unit (this may change over time), a landowner may not need more than one (1) ARU, a landowner may wish to maximize their use of the primary dwelling, the property may not have sufficient rear yard space to accommodate a detached ARU, costs associated with design, construction trades and materials, and stringent requirements of the *Ontario Building Code* (OBC) may prohibit or significantly increase costs. (i.e. the OBC requires additional fire safety measures when more than

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two (2) residential units are contained within one (1) structure and may include installation of a secondary staircase or sprinkler system).

Based on an analysis of Building Permits issued for ARUs since By-law 13-21 came into force in 2021 which established permissions for up to three (3) ARUs, 215 ARUs have been constructed to date. This represents less than 0.5% of the total ground related units currently existing within the City. As a contrast, the City of Brampton has encouraged the construction of ARUs with over 20,000 registered ARUs, representing approximately 14% of Brampton's total ground related units. The vast majority of ARUs constructed within the City of Richmond Hill and the City of Brampton have resulted in two (2) residential units per property (i.e. one (1) primary unit and one (1) ARU).

It is noted that ARUs should not be confused with short term rental accommodations. Short term rentals refer to the rental of an entire dwelling or a portion thereof (such as a room) for short periods of time (generally 30 days or less) through internet-based platforms.

Public Engagement

Pursuant to Council's direction, consultation with the public and external stakeholders was undertaken on the proposed initiative. In June 2024, two (2) in-person Public Information Sessions and one Virtual Public Information Session were held to obtain comments and feedback from Richmond Hill residents as well as other interested and impacted parties. Background on the initiative and education about gentle density and the planning process was presented for consideration. Several topics for public feedback were presented, including:

- education to the public on gentle density and the rationale for permitting ARUs in low-rise residential neighbourhoods;
- the chronology of the issue of ARUs in Richmond Hill, including the HAF agreement entered into with the Federal government;
- the applicable planning framework, including the Official Plan and Zoning By-laws; and,
- the use of built form demonstrations to illustrate the objectives of the proposed amendments and to collect informed feedback on key issues related to through the use of.

In addition to the June 4th, June 10th and June 13th 2024 Public Information Sessions, an on-line survey was conducted which was open to the public for a three week period starting on June 4th, 2024. (refer to Appendix 1).

The following is a summary of the feedback received through the public engagement sessions. The summary below outlines the concerns and comments raised both in support and in opposition to increasing permissions to permit four (4) ARUs:

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- **Opposed (including current permissions under By-law 13-21):**
 - **Concern with Built Form:** that Richmond Hill's low-rise residential neighbourhoods should be single detached dwellings with large yards as well as those who disagree with the idea that Richmond Hill should allow more housing of any kind and are against population growth in the city. It is noted that these individuals with this view typically did not provide specific feedback on the built form demonstrations and the potential Official Plan and Zoning By-law amendments.
 - **Impact on Real Estate Values:** concerns that allowing four (4) units per property will primarily benefit investors and will drive property values further out of reach;
 - **Doesn't address housing affordability:** the City's attention should be focused on different solutions to the housing crisis;
 - **Neighbourhood change:** a significant number (but not a majority) of residents stated that they chose to live in Richmond Hill because of the low population density, calm, and space provided. Allowing ARUs will change the neighbourhood in a way that is undesirable; and,
 - **Adequacy of Infrastructure:** there is an impression that infrastructure services are currently at-capacity and unable to support additional population. Residents are concerned that permitting four units per property may overwhelm City infrastructure and cause issues for existing residents.

- **In Support:**
 - **General support to allow additional units:** some residents held broad support for allowing more units to be built, while others were more measured in their support and included specific conditions about how they would like to see ARUs permitted within their neighbourhoods;
 - **Affordability:** residents understand housing affordability to be a critical and pressing issue facing everyone. These residents understand how ARUs could help reduce costs for both homeowners and renters alike. However, others expressed views that the City's attention should be focused on different solutions to the housing crisis;
 - **Supporting communities and families:** residents expressed a desire for a mix of housing types to foster a diverse and vibrant community. This includes housing options that can accommodate different family structures and needs, such as housing for adult children, caregivers, or seniors; and,
 - **Adequacy of Infrastructure:** there is broad support for upgrading community infrastructure of all sorts as the city grows. Public transit was commonly cited as a top priority, along with water, sewage, electricity, hospitals, recreation facilities, and social services.

- In addition to the above, there were a number of general comments and concerns that were raised that are indirectly associated with the ARU initiative that are relevant and worth noting. These include:

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- **Minimum parking rates:** there were mixed opinions on appropriate minimum parking rates with recommendations from the public ranging from 0 to 2 spaces per unit. Some participants promoted a market-based approach for the provision of parking, with no minimums and there was moderate support for decreasing parking minimums for properties near transit;
- **On-Street parking:** residents expressed views in support of and against on-street parking. Concerns included allowing on-street parking to alleviate parking issues while generating revenue for the City and acting as a traffic calming measure. While others raised issue with on-street parking as being unsightly and exacerbating traffic congestion;
- **Size of detached accessory structures:** there was split opinion on increasing the maximum lot coverage and allowing two storeys (with 53% favouring allowing larger structures on the online survey). Concerns included privacy, access to sunlight, and setbacks from adjacent properties. Support for allowing 2 and 3-bedroom units which provide a new housing typology suitable for families. In general, there was support for two units in a detached accessory structure, as long as it is appropriately sized; and,
- **Privacy:** designing detached accessory structures to mitigate privacy concerns of neighbours was articulated as an important priority to many. Suggestions included regulating the massing of the second storey, reducing the height of structures, and increasing setbacks.

Provincial Legislation Pertaining to Additional Residential Units

Ontario Planning Act

The *Planning Act* is a Provincial policy document which lays out the rules for land use planning and development. The *Planning Act* has been amended over time specifically dealing as it relates to ARUs. Outlined below is a chronology of the changes to the *Planning Act* starting in 2011 with respect to ARUs.

- 2011, *Bill 140, Strong Communities Through Affordable Housing Act*, amended various sections of the *Planning Act* to encourage affordable housing through measures including permissions for a second unit provisions in Official Plans and Zoning By-laws;
- 2016, *Bill 7, the Promoting Affordable Housing Act*, amended the *Planning Act* to further encourage affordable housing through measures including permissions for a second unit provisions in Official Plans and Zoning By-laws. In addition, the *Planning Act* was amended to remove appeal rights against permissions for one secondary unit;
- 2019, *Bill 108, More Homes, More Choice Act, 2019*, amended the *Planning Act* by mandating municipalities to permit one (1) ARU within single detached, semi-detached and row houses and one (1) within a structure that is accessory to such housing forms. Furthermore, the *Act* required municipalities to authorize the use of such ARUs through implementing Zoning By-laws;

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- 2022, *Bill 23, More Homes, More Choice Act, 2019*, amended the *Planning Act* by mandating municipalities to permit up to three (3) ARUs within single detached, semi-detached and row houses and/or in combination with a detached accessory structure. Furthermore, the *Act* required municipalities to authorize the use of such ARUs through implementing Zoning By-laws; and,
- 2024, *Bill 185, Cutting Red Tape to Build More Homes Act, 2024*, maintained the permissions of three (3) ARUs established through Bill 23 but added authorization for the Minister to establish regulations associated with potential development standards in an effort to remove barriers to the creation of the ARUs.

The various amendments to the *Planning Act* as outlined above mandated that Official Plans must authorize the use of ARUs through the establishment of implementing Zoning By-laws which cannot be appealed except by the Minister. Implementing Official Plan Amendments and Zoning By-law Amendments cannot have the effect of prohibiting a total of three (3) residential units to be created either within a primary dwelling or in association with a detached accessory structure. Official Plan and Zoning By-law Amendments permitting the addition of a fourth ARU are appealable. The Minister has authority to make regulations authorizing the use of ARUs including establishing requirements and standards for ARUs. These regulations apply as though they are Zoning By-laws and may override any existing Zoning By-laws that are more restrictive.

In 2019, *Ontario Regulation 299/19* was enacted which established standards and requirements for ARUs in order to reduce barriers to the approvals and construction of ARUs. Specifically, the regulation requires each ARU to have one (1) parking space that is provided and maintained for the sole use of the occupant of the ARU/ARUs except when the existing parent Zoning By-law does not require a parking space for the occupant of the primary residential unit. The parking spaces may be a tandem parking space. In addition, the regulation states that the ARUs can be occupied by any person regardless of their relationship to the owner or ownership status of the unit. The regulation further permits the reduction to zero parking spaces for the first two (2) ARUs. A fourth ARU will require a dedicated parking space. As a result of the requirements of the *Planning Act* to permit two (2) ARUs in addition to a primary dwelling, parking rates may not be imposed that have the effect of prohibiting one or both of the ARUs. Parking rate requirements will be discussed in later sections of this report.

Effects of Modifications to the *Planning Act*

Subsequent to Bill 108, the City enacted Official Plan Amendment No. 23 and Zoning By-law 13-21 to allow for one additional ARU within a primary dwelling and one (1) ARU within an accessory structure where the accessory structure abuts a road or a lane for a total of two (2) units. With the enactment of Bill 23, the *Planning Act* allowed up to three ARUs within a primary dwelling and/or within a detached accessory structure. These modifications have had the effect of replacing provisions of By-law 13-21 which restricted the ARUs to one within the primary dwelling and a second within an

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accessory structure. The new provisions further removed the provisions of By-law 13-21 requiring that a detached ARU must have frontage on a road or lane.

The recent enactment of Bill 185 did not modify the permissions associated with ARUs. However, it did modify the Minister's powers to enact regulations related to establishing requirements and standards in order to reduce barriers to the approvals and construction of ARUs. The Province has recently issued proposed amendments to *Ontario Regulation 299/19* for comment dealing with zoning standards associated with angular plane, maximum lot coverage, floor space index (FSI), maximum lot size and building distance separation. While By-law 13-21 (the City's current Zoning By-law for ARUs), does not include regulations pertaining to angular plane, floor space index and maximum lot size, it does contain a provision regulating maximum lot coverage for a detached accessory structure.

The proposed implementing Zoning By-law to permit up to four (4) ARUs does include regulations pertaining to building distance between a detached accessory structure and the primary dwelling. Until such time as when a new regulation is issued by the Minister, implications on the proposed draft Zoning By-law is unknown at this time. Prior to bringing forward the draft Zoning By-law, if authorized by Council, modifications may be required to be in conformity with any new regulation. New regulations apply as though they are Zoning By-laws and may override any proposed zoning standards included in the draft Zoning By-law that are not in conformity with the *Planning Act* and Regulations.

Legislative and Policy Context Applicable to ARUs

Provincial Policy Statement, 2020

The *Provincial Policy Statement* (PPS) is the planning document that outlines matters of Provincial interest. It provides the policy foundation for regulating the development and use of land in the Province. The land use goals for the Province will be achieved through planning for strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.

The PPS indicates that **Settlement Areas** shall be the focus of growth and development (1.1.3.1) and that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment (1.1.3.3). Further key policy direction includes:

- accommodating an appropriate affordable and market-based range and mix of residential types, employment (including industrial and commercial), institutional, and other uses to meet long-term needs (1.1.1, 1.4.1, 1.4.3);
- planning for densities and a mix of land uses that efficiently use land, resources, infrastructure, and public service facilities and support public transit and active transportation (1.1.3.2, 1.4.3, 1.6.7.4);
- identifying areas where growth and development will be directed, including a structure of nodes and corridors (1.2.1, 1.2.2, 1.8.1);

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- identifying appropriate locations and promoting opportunities for transit-supportive development; focusing major employment, commercial, and a significant supply and range of housing options in areas well-served by transit (1.1.3.3, 1.4.3, 1.8.1);
- directing the development of housing to areas where infrastructure and public service facilities are available to support projected needs (1.4.3);
- permitting and facilitating all residential intensification and providing housing options, such as additional residential units, to meet the social, health, economic and well-being requirements of current and future residents (1.4.3);
- making efficient use of and optimize existing municipal sewage and water services (1.6.6.1);
- maximizing the extent and function of vegetative and pervious surfaces for stormwater management (1.6.6.7);
- restricting development to protect natural heritage, water, natural resources, agricultural areas, and cultural heritage and archaeology (2.1, 2.2, 2.3, 2.4, 2.5, 2.6); and,
- protecting public health and safety by directing development away from hazardous lands and hazardous sites (3.1.1).

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

The Growth Plan guides growth management and environmental protection in the Greater Golden Horseshoe (GGH) through to 2051. Support for housing can be found throughout the Growth Plan, including, but not limited to Guiding principles (1.2.1) including:

- support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime;
- prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability;
- support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households; and,
- improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government.

The Growth Plan policies strongly promote the concept of complete communities which feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, transportation options, and public service facilities (2.2.1.4).

Further, housing intensification and choice is another prominent theme in the Growth Plan. The Growth Plan directs municipalities to provide a diverse range and mix of housing options, including ARUs and affordable housing, to meet the projected needs of current and future residents (2.2.6.1).

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Provincial Planning Statement (PPS), 2024

The PPS, 2024 will come into force on October 20th, 2024 and replaces both the PPS, 2020 and the Growth Plan, 2020 in one comprehensive Province wide land use policy framework that builds upon housing supportive policies from both documents. The PPS, 2024 provides municipalities with the tools and flexibility needed to build more homes through policies that enables municipalities to plan for and support development, and ultimately increase housing supply across the Province. Accordingly, the policies of the PPS, 2024, continue to reinforce the importance of the provision of housing and establishes a number of policies supporting housing options, affordability and aging in place as important objectives for land use in Ontario, including:

- 2.1 Planning for People and Homes:
 - to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:
 - a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development; and,
 - b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.
- Planning authorities should support the achievement of complete communities by:
 - accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated childcare facilities, long term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;
 - improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and,
 - improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.
- 2.2 Housing:
 - permitting and facilitating all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities.
 - promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and,

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- requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

Oak Ridges Moraine Conservation Plan, 2017

The *Oak Ridges Moraine Conservation Plan* (ORMCP) is set out in the *Oak Ridges Moraine Conservation Act, 2001*. The ORMCP was modified in 2017 and permits one (1) ARU in existing single detached houses in the **ORM Countryside** and **Rural Settlement** areas. This was undertaken by amending the definition of “single dwelling”. The ORMCP does not permit ARUs in the **Natural Core Area** or **Natural Linkage Area**.

Greenbelt Plan, 2017

The Greenbelt Plan together with the ORMCP and the *Niagara Escarpment Plan* (NEP), identify lands for permanent protection of agricultural land uses, ecological and hydrological functions. The Greenbelt Plan was updated in 2017 to permit one (1) ARU in existing single detached dwellings or in the associated accessory structure(4.5(3)) within the Protected Countryside, for the lands that are outside of the Natural Heritage System. ARUs are not permitted in the Greenbelt Natural Heritage System.

York Region Official Plan, 2022

The York Region Official Plan (YROP 2022) provides direction and policies that guide economic, environmental and community planning decisions. Integrating ARUs is one of the strategies to achieving housing affordability targets established under the Healthy Communities policies. The targets include achieving a minimum 25 percent of new housing units across the Region as affordable and a minimum 35 percent of new housing units in **Regional Centres** and **Key Development Areas** as affordable.

The Policies of the YROP 2022 encourage the provision of an appropriate mix and range of housing options that meets the needs of residents and workers of all income levels, ages, abilities and stages of their lives. Major elements of the YROP 2022 are based on a set of guiding principles, including:

- a minimum of 50% of residential development between 2021 to 2041, and 55% from 2041 to 2051 to occur through intensification within the built-up area as well as a resident to job ratio of 2:1 focusing on Regional Centres and Corridors and major transit station areas; and,
- provision of a full range of housing types with a region-wide target of 25% of all new housing units being affordable to low and middle-income households and in addition, a minimum of 35% of all new housing units within Regional Centres and major transit station areas.

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Regional Centres, Regional Corridors, and MTSAs are the strategic growth areas and shall be the primary locations for concentrations of high density and mixed-use development in York Region (4.4.3). Beyond these intensification areas, the Region will work with local municipalities to encourage integration of gentle density and a mix and range of housing options through redevelopment of existing neighbourhoods, where appropriate (4.4.10d, 4.4.16). The ROP requires local municipalities to target 35% of new housing units in Regional Centres and MTSAs to be affordable (4.4.21, 4.4.22, 4.4.42j).

City of Richmond Hill Official Plan and Official Plan Amendment No. 23 (OPA 23)

The housing policies of the City's Official Plan (the Plan) include policies which direct that a complete community includes the provision of adequate, affordable and suitable housing to meet the needs of a diverse population. Housing is essential to the health, security and wellbeing of the City's citizens. (3.1.5). This includes provision of a mix and range of housing types and affordability in order to meet the needs of the whole community. Additional residential units are permitted in areas zoned for residential development. (3.1.5(5)) and not permitted on environmentally sensitive areas unless otherwise permitted by Provincial plans.

As previously noted, in accordance with the *Planning Act* as amended by Bill 108, the *More Homes, More Choice Act, 2019*, Official Plan Amendment No. 23 (OPA 23) established on a municipal-wide basis, one ARU in single detached, semi-detached, and townhouse dwellings, as well as one (1) additional ARU in a detached accessory structure on the same lot as the primary dwelling for a total of three (3) units. However, OPA 23 did exclude ARUs in hazardous sites and hazard lands, as directed by the *PPS, 2020*; limited ARUs outside of the Natural Heritage System, to one (1) additional residential unit within an existing single detached dwelling or in a structure accessory to the existing single detached dwelling in accordance with the *Green Belt Plan* and similarly in the ORMCP area, outside of **Natural Core Area** and **Natural Linkage Area**, one (1) additional residential unit is permitted within a single detached dwelling, in accordance with the *ORMCP, 2017*.

Further to the above, OPA 23 amended 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. These Secondary Plans otherwise only permit one secondary unit within a single detached structure.

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Proposed Official Plan and Zoning By-law Amendments (to permit up to four (4) units)

Proposed Official Amendment

The proposed draft Official Plan Amendment attached hereto as Appendix 2, includes policies to permit on a City-wide basis, three (3) ARUs in single detached, semi-detached, and townhouse dwelling forms, as well as within a detached accessory structure related to the primary dwelling for a total of four (4) units per lot. Consequently, and in accordance with the *Planning Act* as amended by Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*, the OPA would authorize the implementing Zoning By-law to permit up to four (4) dwelling units where a ground-related residential lot is permitted.

Notwithstanding the intent of the proposed Official Plan Amendment to permit ARUs generally across the City for a total of four (4) units per property, in certain areas, four (4) units is not appropriate. In keeping with the restrictions previously instituted, these areas include hazardous sites and hazard lands, as directed by the *Provincial Policy Statement, 2020*; outside of the Natural Heritage System, one (1) 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*; and, outside of **Natural Core Area** and **Natural Linkage Area**, one (1) additional residential unit is permitted within a single detached dwelling, in accordance with the *Oak Ridges Moraine Conservation Plan, 2017*. The proposed Official Plan Amendment will not impact the Lake Wilcox Special Policy Area (OPA 22) which is currently under appeal and awaiting a decision by the Ontario Land Tribunal (OLT).

Proposed Zoning By-law Amendment

The purpose of the proposed Zoning By-law Amendment (refer to Appendix 3) is to implement the proposed Official Plan Amendment to permit, on a City-wide basis, in all zones that permit a single detached, semi-detached or townhouse dwelling forms, ARUs within the primary dwelling and/or in combination with a detached accessory building thereto. This would enable a maximum of four (4) total residential units within a primary dwelling or split in combination with a detached accessory structure where a maximum of two (2) of the four (4) ARUs may be located. Accordingly, the proposed Zoning By-law Amendment, if approved by Council, will:

- repeal By-law 13-21: as noted previously, with the enactment of Bill 23, provisions of the by-law were voided because they are contrary to the provisions of the *Planning Act*;
- define “Additional Residential Unit” and amend other definitions, as applicable;
- further amend area specific by-laws including the West Gormley Zoning By-law 54-15, as amended, the North Leslie Secondary Plan Area Zoning By-law 55-15, as amended and the David Dunlap Observatory lands Secondary Plan Area Zoning By-

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law 91-13, as amended to permit up to four (4) ARUs consistent with permissions proposed across balance of the City; and,

- amend By-law 2523, as amended, that applies to the southwest quadrant of the City and permits converted dwellings. Converted dwellings are defined as dwellings that predate the enactment of By-law 2523, as amended, which came into effect on November 21, 1960 and would allow for the alteration of the building to create a greater number of dwelling units subject to certain requirements. This by-law will be amended to permit up to four (4) ARUs consistent with permissions proposed across balance of the City.

In addition to the foregoing, the proposed Zoning By-law Amendment will not permit ARUs in the following areas of the City:

- on lands zoned **Oak Ridges Moraine Natural Core (ORMNC)** and **Oak Ridges Moraine Natural Linkage (ORMNL)** under By-law 128-04, as amended;
- on lands zoned **Oak Ridges Moraine Countryside (ORMCO)** and **Oak Ridges Moraine Hamlet (ORMH)** under By-law 128-04, as amended to only permit up to a maximum of one (1) additional residential unit to locate within a single detached dwelling;
- on lands which are zoned for residential uses but located within the lands designated **Natural Heritage System** within the North Leslie Secondary Plan and **Natural Core** within the Greenbelt Plan Protected Countryside;
- on lands currently zoned as hazardous lands. These would be lands subject to flooding and erosion hazards, which are generally contained within the Toronto and Region Conservation Authority (TRCA) Regulated Area; and,
- the forms of townhouse dwellings that would be permitted to accommodate ARUs would include built forms such as traditional street related townhouses, rear lane townhouses and back-to-back forms of attached dwellings. This permission would apply to dwellings that have direct access to a municipal right-of-way (i.e. public street) and dwellings under condominium tenure (standard and common element condominiums) and where each property has dedicated parking spaces (i.e. parking spaces within an attached or detached private garage and driveway). Existing condominium tenured developments may restrict creation of ARUs depending on any restrictions contained within registered documents.

In terms of development standards, the proposed Zoning By-law Amendment would establish the following development standards where ARUs are permitted:

- safe unobstructed access path of 1.0 metre (3.28 feet) shall be provided leading up to the main door of an Additional Residential Unit(s). It is noted that the interior side yard setback of 1.2 metres (4 feet) for primary dwellings is maintained. The purpose of this provision is to provide safe access in case of emergencies;
- no encroachments into the 1.0 metre (3.28 feet) access path save and except for structures required for access to the residential units (i.e.: stairs or porches). The access path must be hard landscaped;

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- a maximum of two (2) entrances may be located on the front elevation of the primary dwelling;
- a minimum vertical clearance of 2.1 metres (6.9 feet) across the full length of the clear access path;
- minimum side yard and rear yard setbacks of 1.2 metres (4 feet). Where an ARU is proposed above an existing detached garage, side yard and/or rear yard to the ARUs shall be minimum of 1.2 metres (4 feet);
- an ARU may not exceed two (2) storeys in height and may not exceed 7.5 metres (24.6 feet) measured to highest point of the roof;
- the maximum building coverage of an Accessory Residential Building shall not exceed 80 square metres (861 square feet);
- no rooftop outdoor amenity areas will be permitted;
- no balconies will be permitted on the side building elevation or rear building elevation of a detached accessory residential unit if that side lot line or rear lot line, respectively, directly abuts a lot in a residential zone;
- a minimum of 50% of the rear yard area shall be soft landscaping;
- home occupation uses shall not be permitted within ARUs; and,
- By-law 13-21 currently limits the size of detached accessory structures to 40 square metres and 55 square metres (430 square feet to 592 square feet) where the ARU is built over an existing detached garage. In no case may the total size exceed 5% of the lot. The maximum 5% restriction is derived from By-law 100-10, as amended, which established this provision related to all accessory structures that may be placed on a property with the exception of not applying to a detached garage. This provision is restrictive, depending on the size of a property and may not permit the 40 square metres (430 square feet) ARU to be achieved. The permissions for ARUs within detached accessory structures should not be tied to the typical accessory structures that are utilized on a seasonal basis (such as a shed, gazebo or cabana) but rather should be permitted similar to a detached garage. The location, size and height provisions for an ARU should be clear and directly related to this built form.

Parking

As part of this initiative, an assessment of parking specifically related to ARUs was undertaken by TYLin (refer to Appendix 1). The City's Parent Zoning By-laws vary as it relates to the minimum parking spaces for ground related residential units (i.e. single detached, semi-detached and townhouse dwellings). For example, the City's By-laws dating from the 1980s and older generally require a minimum of one (1) parking space per dwelling unit. By-laws 986 and 1275, as amended, require no parking for a primary dwelling and newer parent Zoning By-laws generally require two parking spaces per dwelling unit.

As a result of current parking space requirements, two additional neighbourhood areas (By-laws 986 and 1275, as amended, covering part of North Urban Development Area) cannot be assigned parking rates related to ARUs because Ontario Regulation 299/19

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specifically excludes parking requirements for ARU/ARUs where the primary dwelling also does not require any parking.

In addition, within the defined areas of MTSA's there are lands designated **Neighbourhood** under the Plan. Bill 185 amended the *Planning Act* to specifically remove the requirement of minimum parking rates within the MTSA's. As a result, no minimum parking may be assigned to any ARUs constructed within these areas.

As part of the review of the City's existing parent Zoning By-laws, two issues have arisen that impact parking requirements related to ARUs. First, several parent Zoning By-laws only require one (1) parking space for a primary dwelling. Second, for lots with frontages of less than 9 metres (29.5 feet), a maximum of two parking spaces could be provided on such lots. Small lot frontages include single detached with less than 9 metres (29.5 feet) of frontage, semi-detached lots which typically have 9 metres (29.5 feet) of frontage and townhouses which typically have 6 metres (19.69 feet) of frontage. City zoning requires that, for such lots, the maximum driveway width be 3 metres (9.84 feet). These built forms can only provide a maximum of two (2) parking spaces on-site and therefore would be limited to one (1) ARU if additional parking is required for each ARU. In the case where the parent Zoning By-laws require one (1) parking space per primary dwelling, the requirement for additional parking for each ARU would have effect of prohibiting the first two (2) ARUs required under the *Planning Act*.

Based on the preceding and as shown on Map 1 (refer to Appendix 4), the following parking rates are being proposed:

- parking rates greater than one (1) parking space for a primary dwelling may be dedicated to an ARU;
- zero additional parking space shall be required for each ARU located within the **Neighbourhood** designation within boundaries of MTSA's, within boundaries of By-laws 986 and By-law 1275, as amended, and for any single detached, semi-detached and townhouse dwellings with lot frontages of less than 9 metres (29.5 feet);
- zero parking space be required for lots with frontages of greater than 9 metres and located within 400 metres (1,312 feet) of the centre line of Yonge Street and Highway 7;
- two parking spaces are required within the Transit Corridors located along Yonge Street north of Tower Hill Road to Bloomington Road, along Major Mackenzie Drive between Bathurst Street to Highway 404 and along Leslie Street between Major Mackenzie Drive East and West and East Pearce Streets.
- two parking spaces be required for any lot with a frontage of greater than 10 metres (32.81 feet) for the balance of the City;
- parking spaces can be located in tandem; and,
- one (1) parking space is required for the fourth unit outside of the boundaries of MTSA's and within those areas covered by By-laws 986 and 1275, as amended.

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Servicing

Council directed that an assessment of impact to infrastructure capacity be undertaken as part of this initiative on the basis that the potential redevelopment of single-family properties into as many as four (4) total units may have significant impacts on the City's water and wastewater servicing capacity. Similarly, the potential non-residential intensification to four (4) stories within the MTSA's may also increase water demands and wastewater flow rates. While construction of a single residential unit may have an immeasurable impact to servicing, the City has a responsibility to anticipate and plan for a more significant uptake, and plan accordingly. Notwithstanding, it is not possible to predict where nor how many homeowners will choose to take advantage of the opportunity to add residential units. However, there is a need to anticipate what impacts this initiative may have on the City's infrastructure.

TYLin, working in concert with the City's Infrastructure Planning and Development Engineering (IPDE) staff, created a servicing model to identify areas of the City with existing "pinch points" for water and wastewater infrastructure that may be exacerbated by ARUs in neighbourhoods. The model is based on a 10% uptake of the proposed four (4) ARUs across the (refer to Appendix 1). It should be noted that the Servicing Results and Recommendations attached hereto as Appendix 1 is in draft form and remains under review by the City's IPDE Department. The finalization of this report, including recommendations thereto, will be brought forward as part of the Council report regarding the proposed Official Plan and Zoning By-law Amendments. The results of the impact assessment are that, at present, there are locations within the city which can permit ARUs and there are other areas where existing constraints in the water and wastewater networks indicate that the consideration of ARUs should be constrained. The City's IPDE Department has already identified system constraints within the built water and wastewater pipe networks and have identified and planned for improvements which will be constructed over the next 5 to 10 years.

Further, while the City has identified projects aimed at removing existing constraints from the water and wastewater networks in the growth corridor only, this will not permit ARUs to be constructed in all areas without introducing a degree of risk. Additional system upgrades will need to be considered in order to "unlock" all areas of the City. This may include specific area review to confirm level of possible constraints and possible solutions.

The impact of permitting ARUs on the City's water and wastewater infrastructure is dependent on where and when such units are constructed. The 10% uptake assumption has been made as it is anticipated that uptake of ARUs will take many years to achieve. In order to fully understand and anticipate the true impacts, it is recommended that the City track applications for ARUs, continue to monitor water pressures and wastewater flows, and update the computer models and analysis accordingly as uptake progresses

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to determine what adjustments to the policy are required to ensure the servicing systems function properly and remain stable.

Further to the above, in 2004, Council established a “Policy for the Interim Allocation of Sanitary Sewer Capacity”. This policy has been utilized over time to ensure that adequate municipal services are available to approved development prior to issuance of Building Permits. Building permits not associated with development approvals granted via Site Plan Approval, Draft Plan of Subdivision, Draft Plan of Condominium or Consent applications are not captured by this policy. TYLin has developed a conceptual predictive model to assess area specific impacts of permitting ARUs. To maintain the use of this model, Building Permit applications specific to the creation of ARUs will be required to be tracked. Staff recommend that such data be collected and provided to the IPDE Department to monitor and gauge potential infrastructure impacts and take appropriate measures. This may include restricting the issuance of Building Permits until such time as identified infrastructure constraints are resolved.

Summary

Staff support the proposed Official Plan Amendment and Zoning By-law Amendments attached hereto as Appendices 2 and 3 relating to ARUs, subject to comments received, on the following basis:

- various Provincial policy documents require municipalities to provide for an appropriate range and mix of housing options and densities required to meet projected needs of current and future residents. Specific to ARUs, the *Planning Act* has been amended over time to mandate the permissions for such residential units. Progressively, the *Planning Act* has been amended to increase the mandatory number of units from one to up to three, require that no policy or provision may be included that has the effect of restricting the achievement of the ARUs, appeal rights to the approval of implementing Official Plan Amendments and Zoning By-laws/Amendments were removed and the powers of the Minister to issue regulations outlining requirements and standards as they relate to zoning provisions, have been enhanced, and, finally, any policy or provision that is contrary to the *Planning Act* is of no legal effect;
- a primary requirement of the *Planning Act* is the provision of up to three (3) ARUs and no policy or standard may have effect of prohibiting up to three (3) residential units on a property. The *Planning Act* and regulations further restrict that no more than one parking space may be required for each residential unit provided that the primary dwelling is required to have parking. Parking space provisions are not a mandatory requirement for the creation of up to three (3) ARUs. This takes into consideration existing property conditions where additional parking spaces may not be physically possible or are not required by in effect Zoning By-laws. This has a direct implication within the City for areas where parent Zoning By-laws do not require any parking spaces for a primary dwelling, residential areas located within MTSA's and where parent Zoning By-laws only require one parking space for a

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primary dwelling. Imposition of parking rates for the two (2) residential units in addition to the primary dwelling requirements would be in contravention of the *Planning Act*,

- the background review and preparation of site specific demonstration plans concluded that it is possible to construct up to four (4) ARUs either within a primary dwelling or in combination with a detached accessory structure. Physical conditions such as small rear yards may not facilitate the construction of a detached accessory residential building;
- the proposed zoning standards have addressed resident concerns related to privacy by increasing setback requirements, prohibiting rooftop amenity areas and restricting balconies where a side or rear yard abut a residential property, and providing for a reduction to height of the building. The proposed Zoning By-law further requires a 1.0 metre (3.28 feet) unobstructed safe access path to the residential unit(s) and that 50% of the rear yard be landscaped to provide for water infiltration, protection of tree roots and provision of at grade amenity space; and,
- the proposed draft Official Plan Amendment and draft Zoning By-law Amendment attached hereto and discussed in this report conform with *Planning Act* requirements related to ARUS on lands zoned for single detached, semi-detached and townhouse dwellings.

Part Two: Four Storeys “as-of-right” within MTSA’s

This section of the report addresses Council's direction to amend the Plan and Zoning By-law to allow up to four (4) storeys “as-of-right” within MTSA’s located along the Yonge Street and Highway 7 priority transit corridors where there is a mixed-use centre or corridor designation in the Plan with permissions for building heights of three (3) storeys or greater. The Newkirk GO Station MTSA was included as part of this review (refer to Appendix 5).

Planning Policies and Plans Applicable to the Proposed Four (4) Storey Heights within MTSA’s

In addition to the policies outlined earlier in this report under the “Provincial Policy Statement, 2020”, “Provincial Policy Statement, 2024”, “A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020” and the “York Region Official Plan, 2010”, the following policies apply to the subject initiative to increase heights within the MTSA’s that have Mixed-Use Centre of Corridor Designation under the City’s Official Plan:

York Region Official Plan, 2022

The Regional Structure of the YROP is depicted on Map 1, with the **Richmond Hill Centre** identified as a **Regional Centre** and Yonge Street and Highway 7 identified as **Regional Corridors**. Map 10 of the YROP identifies Yonge Street and Highway 7 as **Rapid Transit Corridors** (with a small stretch of Yonge Street identified as BRT

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Curbside Service). Map 1B delineates a number of Protected Major Transit Station Areas along Yonge Street and Highway 7, and around the Richmond Hill GO Station.

Regional Centres, Regional Corridors, and MTSAs are strategic growth areas and shall be the primary locations for concentrations of high density and mixed-use development in York Region (4.4.3). Beyond these intensification areas, the Region will work with local municipalities to encourage integration of gentle density and a mix and range of housing options through redevelopment of existing neighbourhoods, where appropriate (4.4.10d, 4.4.16). The ROP requires local municipalities to target 35% of new housing units in **Regional Centres** and **MTSAs** to be affordable (4.4.21, 4.4.22, 4.4.42j).

The policies of the YROP state the importance of recognizing, conserving and promoting cultural heritage resources, cultural landscapes and built heritage of York Region (2.4.1, 2.4.2, 2.4.3, 2.4.4, 2.4.5). Additionally, the YROP encourages local municipalities to consider urban design standards or guidelines in core historic areas that reflect the areas heritage, character, and streetscape (2.4.10)

City of Richmond Hill Official Plan, 2010

Section 2 Vision and Guiding Principles of the Plan establish a comprehensive vision for the Official Plan and what Richmond Hill will become.

The policies of the OP will guide decisions to manage growth and development to implement the vision of the City over the 25-year planning horizon. The OP advances a vision of the City of Richmond Hill as “the centre piece of York Region and one of the most prominent, complete communities in the Greater Toronto Area”. Complete Communities, Environment, Economy, Place-making, and Connectivity and Mobility are important themes in the OP. The policies advance the following guiding principles, among others:

- direct growth to built-up urban areas with existing infrastructure and services in a network of centres and corridors;
- create an integrated, vibrant and diverse community that provides a mix of land uses, including a balance of housing, employment, community services, parks and open spaces; and,
- plan for transit and pedestrian oriented development.

Section 3 City Building of the Plan establishes that most of the City’s future development will happen through intensification. The policies outline an Urban Structure Framework (3.1.3.1) and an Intensification Hierarchy to guide this development (3.1.3.4). The majority of mixed-use intensification will be directed to the centres and corridors. New growth, particularly residential intensification, should be directed to the following areas, in order of priority:

1. Richmond Hill Centre

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2. Key Development Areas (KDAs) and Regional Corridors
3. Local Centres
4. Local Development Areas (LDAs) and Local Corridors
5. Neighbourhoods

The Centres are recognized as focal areas, whereas Corridors play a supporting role to these, providing connection and continuity between Centres to form a network of mixed-use lands (3.1.3.5). Development in the Centres and Corridors shall accommodate the highest densities and widest range of uses within the City and shall be provided at an appropriate scale and intensity (3.1.3.4). This includes a built form transitioning to the surrounding areas and ensures the creation of a high-quality, human-scaled, pedestrian-oriented public realm (3.1.3.6).

Unless otherwise specified by Chapter 4 (Land Use) policies, where Centres and Corridors abut **Neighbourhoods**, a 45-degree angular plane will be applied to ensure appropriate transition (3.4.1.55) is achieved. Where there is a street separating the **Neighbourhood** designation from the Centres and Corridors designation, the angular plane shall be measured from the adjacent low-density residential property line located in the **Neighbourhood** designation. In the event that the **Neighbourhood** designation immediately abuts the lot line of lands within the Centres and Corridors, such as a side-lot or back-lot condition, a building structure up to 10 metres (32.8 feet) in height may protrude into the angular plane.

The principle of angular plane applies throughout the Plan where development within the Centres and Corridors abut **Neighbourhood** designations. Within the **Yonge Street and Bernard Avenue KDA** the following angular plane policies apply:

- 12.2.2.3 *A building may not penetrate the 45-degree angular plane measured from the closest adjacent **Neighbourhood** designation property line; and,*
- 12.2.4.2.2 *In the event that the **Neighbourhood** designation immediately abuts the lot line of lands within the **KDA**, such as a side-lot or back-lot condition, the angular plane may be measured from 10 metres above grade at the lot line.*

In addition to the angular plane policies, the following impact height permissions within the **Yonge Street and Bernard Avenue KDA**:

- 4.4.3.2 *Development abutting the **Neighbourhood** designation shall have a maximum height of 3 storeys except where it abuts existing mid-rise or high-rise residential buildings in the **Neighbourhood** designation, subject to the angular plane policies of Section 3.4.1.55 of this Plan. Building heights may progressively increase away from lands within the **Neighbourhood** designation.*
- 12.2.2.1 *The height of buildings within the **Neighbourhood Edge Character** area shall be 3 storeys. The height of new buildings within the Interior Character and Corridor Character Area shall be a minimum of 4 storeys.*

Within the **Village Local Centre** the following angular plane policies apply:

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- 4.3.1.1.11 (b) For properties south of Wright Street and Dunlop Street, a maximum building height of 9 storeys, along with a maximum base building height of 3 storeys;
- 4.3.1.1.12 Development fronting on Yonge Street shall maintain a maximum 45-degree angular view plane projected from the adjacent property line on the opposite side of Yonge Street *to maintain the significant views to the church spires*; and,
- 4.3.1.2.8(a) *Development fronting on Church Street shall maintain a 30-degree angular plane* projected from the edge of the adjacent property line on the opposite side of Church Street.

Within the **Newkirk Local Centre** the following angular plane policies apply:

- 4.3.3.1(11)(f) in accordance with the angular plane policy 3.4.1(55) of this Plan, building heights may progressively increase away from lands within the Neighbourhood designation.

In addition to the angular plane policies, the following impact height permissions within the **Newkirk Local Centre**:

- 4.3.3.1(11)(b) a maximum base building height as follows:
 - i. 3 storeys for development that abuts the **Neighbourhood** designation; or
 - ii. 4 storeys, in all other areas.

Notwithstanding the above, within the **Richmond Hill Centre** the angular plane policies differ from that required under section 3.4.1.55 of the Plan as follows:

- 10.3.4.3 In the event that the **Neighbourhood** designation immediately abuts the lot line of lands within the RHC, such as a side-lot or back-lot condition, the angular plane as described in Policy 3.4.1(55) of the Part 1 Plan *may be measured from 10 metres above grade* at the lot line; and,
- 10.3.4.5 In the RHC, further projections may be permitted into the angular plane subject to criteria 10.3.3(1) and 10.3.4(1).

Public Comments

As noted previously, as part of the Public Information Sessions, detailed demonstration plans were present depicting transition between the Mixed-Use Centre or Corridor designated areas to abutting **Neighbourhoods** as they relate to the four (4) storey height proposal.

There was agreement that heights and densities should gradually transition from high-density areas along major streets to the low-density neighbourhoods. The majority of people consulted did not have concerns about permitting four (4) storey buildings “as-of-right” within the identified MTSA that abut neighbourhoods, especially if it provides opportunities for housing.

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Proposed Official Plan and Zoning By-law Amendments to Permit Four (4) Storeys within certain MTSAs

Proposed Official Plan Amendment

Staff have determined that the following Centres and Corridors are affected by the proposed Official Plan Amendment that seeks to permit four (4) storeys within some MTSAs:

- Yonge & Bernard KDA;
- Yonge & 16th/Carville KDA;
- Yonge Street Regional Corridor;
- Highway 7 Regional Corridor;
- Newkirk Local Centre;
- Village Local Centre; and,
- Major Mackenzie Local Corridor

The Centres or Corridors not identified above and are within the Plan are either not within an MTSA or do not permit residential development.

Review of the relevant Plan policies have identified the Centres or Corridors that have maximum height provisions that are less than four storeys or are impacted by the angular plane policies (refer to Appendix 6). In this regard, the following areas have been identified:

- Yonge Street and Bernard Avenue KDA;
- Village Local Centre; and,
- Newkirk Local Centre

With respect to angular plane policies, the following areas have been identified:

- Yonge Street and Bernard Avenue KDA;
- Yonge & 16th/Carville KDA;
- Yonge Street Regional Corridor;
- Highway 7 Regional Corridor;
- Newkirk Local Centre;
- Village Local Centre; and,
- Major Mackenzie Local Corridor

Angular Plane and the Proposed Official Plan Amendment

Angular plane policies were originally developed as a means to ensure that appropriate transition occurs between the higher density areas located within Centres and Corridors and adjacent areas within the **Neighbourhood** designation. The policies, as expressed within the **Yonge Street and Bernard Avenue KDA Secondary Plan**, represent the

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initial application of an angular plane principle when assessing proposed development applications within the Centres or Corridors.

The angular plane policy is applied under the condition that an imaginary plane angled at 45 degrees is taken from the nearest property within the **Neighbourhood** designation measured from the property line located across a roadway. However, historically, where property designated **Neighbourhood** would directly abut a Centre or Corridor designation, the measurement was taken at the property line but from a point 10 metres (32.81 feet) above grade. This exception would historically be granted on a site specific basis to take into consideration the additional storeys that would have been facilitated should a roadway have divided a Centre or Corridor designation from a **Neighbourhood** designation.

The angular plane policy in the Plan was modified to recognize the latter condition noted above. Specifically, the measurement is no longer applied 10 metres (32.81 feet) above grade but rather the measurement is taken from grade, and up to 10 metres (32.81 feet) of base of a building is permitted to project into the angular plane. This modification, was applied to all Centres and Corridors abutting a **Neighbourhood** designation, save and except the **Regional Centre**, the **Yonge Street and Bernard Avenue KDA** and the **Village Local Centre**. The effect of this modification has been to limit heights at the transitional area between the **Neighbourhood** and Centre or Corridor designated lands. Within the **Neighbourhood** designated areas, zoning typically permits 11 metre (36.10 feet) heights (three storeys) measured to mid-point of sloped roof. The revised angular plane measurement effectively requires similar building heights be constructed within the Centre or Corridor designated lands as transition to the **Neighbourhood** area.

It is important to note that transition does not necessitate matching the height of an adjacent property. However, it is recommended that the angular plane policy (3.4.1.55) of the Plan be amended to permit buildings or structures up to four storeys (15 metres or 49.21 feet) in height to penetrate any angular planes so as to provide transition between Centres or Corridors and adjacent **Neighbourhoods**. The 15 metre (49.21 feet) building height was selected as an appropriate building height to accommodate four storeys as proposed by the subject initiative, including flexibility for increased ground floor height for commercial uses and a rooftop parapet, and taking into consideration that within the **Neighbourhood** areas up to three storeys (11 metres or 36.10 feet) is typically required for low density built forms such as single detached dwellings. The proposed increase from three (3) to four (4) storeys height permissions between a **Neighbourhood** and Centre or Corridor is considered an appropriate transition and should represent the maximum height requirements proposed by the subject Official Plan and Zoning By-law Amendments.

Current Policy Requirements by MTSA

Outlined below are the policy requirements applicable to each of the City's MTSA's as it relates to the proposed increase to four (4) storey buildings heights.

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Regional Centre

The Regional Centre area permits the highest densities and heights based on the hierarchy established by the Plan. The angular plane policies contained in OPA 41 are more permissive than those found within the rest of the Plan and therefore not an issue. It is noted that for the lands subject to an MZO are not impacted by the proposed Official Plan amendment.

Village Local Centre

The **Village Local Centre** contains height limits for base building heights which is intended to maintain the Yonge Street built form. The **Village Local Centre** would be an exception to both the proposed Official Plan and ZBLA. The **Village Local Centre** maximum base building heights of three (3) storeys reinforces the traditional Yonge Street cultural heritage street wall height. It is appropriate to maintain this maximum height for the **Village Local Centre** due to its unique cultural heritage character. Regardless of the intent to maintain a consistent and maximum three-storey street wall along Yonge Street within the **Village Local Centre**, the 45 degree angular plane policy that is applied along Yonge Street, specifically in this area, does not prevent a four storey building from being constructed, rather, it would only require design modifications to protect for a three-storey street wall base building.

The policies further apply a 30 degree angular plane along Church Street. A detailed assessment has been undertaken as to the application of this policy along Church Street. This angular plane measurement was drafted taking into consideration the grading changes between the east and west sides of Church Street which vary by up to 2.0 metres (6.56 feet). The application of the 30 degree angle would continue to allow the construction of four storey buildings along the west side of Church Street. As a result, no modification to the policy is warranted.

Yonge Street and Bernard Avenue KDA

As noted above, the **Yonge Street and Bernard Avenue KDA Secondary Plan** contains angular plane policies to address appropriate transition between a **Neighbourhood** and the **KDA**. Application of the angular plane policy would allow for a four (4) storey building as proposed along the west side of Yorkland Street. However, the Secondary Plan specifically restricts heights to a maximum of three (3) storeys along the west side of Yorkland Street. It is recommended that a maximum of four storeys (15 metres or 49.21 feet) be required as an appropriate transition between a **Neighbourhood** and the **KDA**.

Newkirk Local Centre

Within this area, the policies of the Official Plan require a maximum base building height of three (3) storeys for development that abuts the **Neighbourhood** designation. It is

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recommended that a maximum of four storeys (15 metres or 49.21 feet) be required as an appropriate transition between a **Neighbourhood** and the **Newkirk Local Centre**.

Yonge & 16th/Carville KDA

OPA 18.5 which applied to this **KDA** does not include specific height limitations that would restrict constructing a four (4) storey building. The angular plane policy (3.4.1.55) of the Part One Plan does apply where the **KDA** is adjacent to a **Neighbourhood** designation. As noted above, this policy would restrict achievement of a four (4) storey building or structure along the boundary between these designation. The recommended modification to the angular plan policy would permit up to a four (4) storey (15 metres or 49.21 feet) and is considered an appropriate transition between a **Neighbourhood** designated area that allows for up to three storeys (11 metres or 36.10 feet)).

Yonge Street Regional Corridor/Highway 7 Regional Corridor/Major Mackenzie Local Corridor

Within the Corridors located along Yonge Street, Highway 7 and Major Mackenzie Drive, the angular plane policy (3.4.1.55) of the Plan applies between these Corridors and adjacent **Neighbourhoods**. It is recommended that a maximum of four (4) storeys (15 metres or 49.21 feet) be required as an appropriate transition between a **Neighbourhood** and the Corridors.

Proposed Zoning By-law Amendment

Staff have undertaken a detailed review of current Zoning By-laws that affect the lands within the MTSA's that have a Mixed-Use Centre or Corridor designation in the Plan. The purpose of this review was to assess which current Zoning By-laws have height limitations of less than four (4) storeys (15 metres or 49.21 feet), lands that have built forms that are in conformity with the Plan (i.e. high-rise buildings and block townhouses) and lands subject to a Ministers Zoning Order (MZO) or Enhanced Ministers Zoning Order (eMZO) (refer to Appendix 7). The Draft ZBA contains schedules identifying parcels of land that permit residential development, are located within a Mixed-Use Centre or Corridor designation and which have current height restrictions, in whole or in part, of less than four (4) storeys (15 metres or 49.21 feet). Lands that have been developed in conformity with the Plan and those subject to an MZO/eMZO are not included and therefore not subject to the proposed draft Zoning By-law.

Summary

Staff support the proposed Official Plan Amendment and Zoning By-law Amendments as they relate to the increased heights of four (4) storeys in certain MTSA's as proposed, subject to comments received, on the following basis:

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- the Official Plan and Secondary Plan affecting Centres and Corridor designated areas specifically located within defined MTSA. Centres and Corridors, and MTSA are the strategic growth areas and shall be the primary locations for concentrations of high density and mixed-use development. Permitting up to four (4) storeys is highly desirable and still provides appropriate transition to **Neighbourhoods** given that low-density residential zones typically permit ground-related dwellings with a maximum height of three storeys (11 metres or 36.10 feet); and,
- transition does not necessitate matching the height of an adjacent property, it simply involves moving densities in that direction. Permitting buildings up to four (4) storeys in height enables more housing to be built in proximity to transit and provides flexibility for different housing typologies such as stacked townhouses and low-rise apartment buildings. It is therefore recommended that the Plan policies that limit heights to three (3) storeys within the Centres or Corridor designated areas, as outlined in this report, be amended to permit up to four (4) storeys (15 metres or 49.21 feet) and that the angular plane policy (3.4.1.55) of the Plan be amended to increase the allowable projection above the angular plane from 10 metres (32.81 feet) to 15 metres (49.21 feet).

Financial Implications:

The proposed Official Plan and Zoning By-law Amendments as discussed and attached to this report to permit up to four (4) residential units on a property wherever zoning permits single detached, semi-detached or townhouse dwelling units and to allow up to four (4) storeys “as-of-right” within an MTSA along the Yonge Street and Highway 7 priority transit corridors where there is a mixed-use centre or corridor designation in the Official Plan with permissions for building heights of three (3) storeys or greater are deliverables included in the City’s HAF Action Plan (Initiative #9) which aims to increase the supply of housing, including affordable housing, across the city. Under the HAF Agreement with the Federal Government, the City must comply with all terms and conditions, including completion of deliverables within specified timeframes and meeting housing supply growth targets, to remain eligible to receive funding disbursements over the next three years to further increase supply of housing within the city.

Relationship to Strategic Plan 2024-2027:

The recommendation of this report does not have any direct implications with respect to Council’s Strategic Plan. An overview of how this project is aligned with the Strategic Plan will be included in a future recommendation report to Council.

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 1 - Final Built Form Memorandum RH HAF
- Appendix 2 - Draft OPA – Additional Residential Units

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- Appendix 3 - Draft ZBA – Additional Residential Units
- Appendix 4 - Map 1 – Parking Areas
- Appendix 5 - Map 2 – Location of Major Transit Station Areas
- Appendix 6 - Draft OPA – Four Storey Heights within MTSA's
- Appendix 7 - Draft ZBA – Four Storey Heights within MTSA's

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Report Approval Details

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Attachments:	<ul style="list-style-type: none">- SRPBS.24.111 - Appendix 1 - Final Build Form Memorandum RH HAF.pdf- SRPBS.24.111 - Appendix 2 - Draft OPA - Additional Residential Units.pdf- SRPBS.24.111 - Appendix 3 - Draft ZBA - Additional Residential Units.pdf- SRPBS.24.111 - Appendix 4 - Map 1 - Parking Areas.pdf- SRPBS.24.111 - Appendix 5 - Map 2 - Location of Major Transit Station Areas.pdf- SRPBS.24.111 - Appendix 6 - Draft OPA - Four Storey Heights within MTSA.pdf- SRPBS.24.111 - Appendix 7 - Draft ZBA - Four Storey Heights within MTSA.pdf
Final Approval Date:	Oct 6, 2024

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

Deborah Giannetta - Oct 3, 2024 - 4:31 PM

Gus Galanis - Oct 3, 2024 - 4:32 PM

Darlene Joslin - Oct 6, 2024 - 10:14 AM