



MEMORANDUM

To: Mayor and Members of Council

From: Arvin Prasad, Commissioner of Development Services

Prepared by: Daniel Brutto, Senior Planner, Planning and Urban Design

Date: March 8, 2022

Re: SUPPLEMENTARY MEMORANDUM - Minotar Holdings Inc. and Hal-Van 5.5 Investments Ltd., Applications for a Draft Plan of Subdivision and Zoning By-law Amendment to permit approximately 823 dwelling units (756 ground relates and 67 in a mixed-use block) on part of lots 23 and 24, Concession 6 (East side of Kennedy Road, north of Major Mackenzie Drive) (Ward 6) File No. PLAN 20 133038

PURPOSE:

The purpose of this memorandum is to advise Council of the secondary suite permissions included in the implementing zoning by-law on Council agenda today, with respect to the above noted development application.

BACKGROUND:

- The Draft Plan of Subdivision and Zoning By-law Amendment Applications apply to lands located within the Robinson Glen Secondary Plan Area, which is bounded by Elgin Mills Road East to the north, the Robinson Creek to the east, Major Mackenzie Drive to the south and Kennedy Road to the west, within the City's Future Urban Area (See Figure 1: Location Map).
- The Applications facilitate the creation of approximately 756 single detached, semi detached and townhouse units, a future mixed use development block, parkland, stormwater management facilities, open space, greenway protection and the supporting road network (See Figure 2: Draft Plan of Subdivision).
- Council, on February 23, 2022, ratified recommendations as adopted by the Development Services Committee on February 7, 2022, including approval of the finalized draft plan of subdivision conditions, however, approval of the zoning by-law amendment was deferred to provide more information on the secondary suite use permissions included in the implementing zoning by-law (See Appendix A: February 7, 2022 DSC Resolution Extract).

DISCUSSION

- The *Planning Act* under section 16(3) requires the City's Official Plan to authorize the use of additional residential units in a detached, semi-detached, or rowhouse. Section 35.1 of the Act further requires the Council of each local municipality to ensure that zoning by-laws passed bring effect to the policies under section 16(3). Any zoning by-law passed that does not comply with the requirements of the Act would be subject to appeal to the Ontario Land Tribunal (OLT).
- The Planning Act authorizes cities to require one additional parking space for each additional dwelling unit permitted on a property. The city's current zoning by-law requires one additional parking space for each additional dwelling unit.
- With respect to the 756 ground related units proposed as part of the subject application, the Robinson Glen Secondary Plan policies provide for secondary suites in accordance with Section 8.13.8 of the 2014 Official Plan
- Section 8.13.8 states that in considering an application to amend the zoning by-law to permit the establishment of a secondary suite where provided for in this Plan, Council shall be satisfied that an appropriate set of development standards are provided for in the zoning by-law.
- The zoning by-law placed on today's Council agenda for approval conforms with the requirements of the Planning Act, the City's Official Plan and the Robinson Glen Secondary Plan as it:
 - permits secondary suites in all detached, semi-detached and townhouse units;
 - does not exempt the secondary suite from demonstrating compliance with the City's Parking By-law which requires 1 parking space per accessory dwelling unit.

While the draft by-law broadly permits the use, additional dwelling units would only be permitted where a site can demonstrate there are three required parking spaces on the lot.

- Important to note is that Draft Plan of Subdivision condition 13.6 requires the Owner to construct 5% of the single detached dwellings with a "built in" secondary suite. This requires 10 purpose built secondary suites which the applicant has indicated will be accommodated on Lots 256 to 259 and 212 to 217. These lots are located on the east side of the plan fronting Streets 17 and 19 and backing onto the Greenway System (See Figure 2: Draft Plan of Subdivision).
- These ten (10) single detached lots have frontages greater than 12 m (40') which will permit double car garages, setback 5.8 metres from the front property line. This allows the opportunity to park four (4) cars (2 in the garage and 2 in the driveway) thereby meeting the City's Parking By-law requirements of 2 spaces per dwelling unit and 1 space for accessory dwelling unit.

- All additional dwelling units, whether installed during the construction of the dwelling, or added through retrofitting an existing dwelling, must comply with the requirements of the Ontario Building Code through the building permit process. Among other things, the Building Code ensures units and rooms have proper natural light, there is safe means of exiting in the event of an emergency, and that there is proper fire separation between the units to ensure occupants can safely exit in the event of a fire.
- In addition to complying with the Building Code, all additional dwelling units must be registered with the Fire Department through the City's Registration By-law. Registration ensures Emergency Services are aware of an additional unit in the building in the event of an emergency. Registration also ensures proper electrical inspections are completed, and allows inspectors to ensure fire safety measures are maintained.

NEXT STEPS

- If the by-law is approved, the Owner will be required to clear conditions of Draft Plan of Subdivision approval, enter into subdivision agreements with the City and register the respective Draft Plan of Subdivision.

ATTACHMENTS:

Figure 1: Location Map

Figure 2: Draft Plan of Subdivision

Appendix A: February 7 DSC Resolution Extract