



MEMORANDUM

To: Mayor and Members of Council

From: Arvin Prasad, Commissioner of Development Services

Prepared by: Clement Messere, Manager, Planning and Urban Design

Date: July 14, 2022

Re: 4551 Elgin Mills Developments Ltd., Major Kennedy Developments Ltd., and Major Kennedy South Developments Ltd., Applications for a Draft Plan of Subdivision and Zoning By-law Amendment to permit a residential subdivision including mixed use multi-storey development blocks at 4551 Elgin Mills Road East, 10225 - 10227 Kennedy Road and 4638 Major Mackenzie Drive East (Ward 6)
File No.: PLAN 20 113780

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 Zoning By-law Amendment (and related Draft Plan of Subdivision) applications are 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 2,072 single detached and townhouse units, future mixed-use and residential development blocks, parks, schools, stormwater management facilities, open space, greenway protection and the supporting road network (See Figure 2: Draft Plan of Subdivision).
- Council, on December 14, 2021, ratified recommendations as adopted by the Development Services Committee on December 6, 2021, including endorsement of the Draft Plan of Subdivision.
- However, approval of the Draft Plan of Subdivision conditions and finalization of the by-law were deferred to a later date until all outstanding matters were resolved (See Appendix A: December 14, 2021 Council Resolution Extract Item 8.3.3).

- Council on March 8, 2022 approved the Draft Plan of Subdivision including the conditions (See Appendix B: March 8, 2022 Council Resolution Extract Item 6.3).
- The implementing Zoning By-law is being brought forward for enactment on today's agenda and includes permissions for secondary suites in all units subject to satisfying required regulations.

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 may be appealed 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 2,072 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 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 and townhouse units;
 - does not exempt the secondary suite from compliance with the City's Parking By-law requiring 1 parking space per accessory dwelling unit.

While the draft by-law broadly permits the use, additional dwelling units would only be permitted if the lot can accommodate three required parking spaces.

- Draft Plan of Subdivision Condition 13.6 requires the Owner to construct a minimum of 5% of the low rise units (665 in total) with a "built in" secondary suite.
- This requires a minimum of 33 purpose built secondary suites. The Owner is proposing 36 purpose built secondary suites within single detached dwellings (See Figure 3: Location of Secondary Suites).

- Of the thirty six (36) purpose built secondary suites, sixteen (16) are street accessed single detached lots with frontages greater than 11.6 m (38ft) permitting 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.
- The remaining twenty (20) purpose built secondary suites are lane accessed single detached lots. These lots are capable of accommodating double car garages with a parking pad beside, accessed from the lane. This allows opportunity to park three (3) cars (2 in the garage and 1 on the parking pad) thereby meeting the City's Parking By-law requirements of 2 spaces per dwelling unit and 1 space for accessory dwelling unit.
- All additional secondary suites, 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 (the "OBC") through the building permit process. The OBC requires units and rooms have proper natural light; safe means of exiting in the event of an emergency; proper fire separation between the units to ensure occupants can safely exit in the event of a fire, amongst other matters.
- In addition to complying with the OBC, all additional secondary suites 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 allows the Fire Department to ensure proper electrical inspections are completed; during the registration inspection the Fire Department will also ensure that both dwelling units are in compliance with the Ontario Fire Code.

BUILDING CODE REQUIREMENTS FOR SECOND UNITS

Council, on May 31, 2022, requested additional information regarding OBC matters related to secondary suites. The OBC sets out minimum construction standards for how to build a second unit in a house. Appendix C includes a pamphlet, prepared by the Ministry of Municipal Affairs and Housing, "Adding a Second Unit in an Existing House". The following highlights pertinent information.

Age of the house

Different OBC rules apply depending on the age of the house.

- If the house is more than five years old, it is classified as an existing house and the OBC provides compliance alternatives in lieu of new building requirements.
- If the house is less than five years old, then it is classified as a new building and must comply with all current sections of the OBC in effect on the date of building permit application.

Location of the second unit

A second unit may be built in any part of the house. It can be all on one floor or on multiple levels. Most second units are built in the basement or attic. OBC requirements may vary depending on where the second unit is located in the house.

Room sizes and floor area

The OBC sets out minimum room sizes in dwelling units, including second units. Room sizes vary depending on the design of the suite.

Windows

Windows are required in a second unit. The size of windows needed is determined by the size of the unit. Larger units will require more or bigger windows. Window sizes are also based on what type of room they are in. Some windows can also be used as another way to exit a second unit.

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.
- Once the Plan is registered Building Permit applications may be submitted for review by Building Standards

ATTACHMENTS:

Figure 1: Location Map

Figure 2: Draft Plan of Subdivision

Figure 3: Proposed Location of Secondary Suites

Appendix A: December 14, 2021 Council Resolution Extract Item 8.3.3

Appendix B: March 8, 2022 Council Resolution Extract Item 6.3

Appendix C: “Adding a Second Unit in an Existing House” prepared by the Ministry of Municipal Affairs and Housing