



Report to: Development Services Committee

Report Date: January 17, 2023

SUBJECT: RECOMMENDATION REPORT
Three applications for Zoning By-law Amendments to facilitate the future severances and the creation of new lots with site-specific zoning provisions by Regency Property Inc. (Reego Xue) at 4 Sabiston Drive (two new lots), 14 River Bend Road (two new lots), and 15 River Bend Road (three new lots) (Ward 3)

File Nos. PLAN 21 130958, PLAN 21 130969, PLAN 21 130977

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RECOMMENDATION:

1. THAT the report dated January 17, 2023, titled "RECOMMENDATION REPORT, Three applications for Zoning By-law Amendment to facilitate the future severances and the creation of new lots with site-specific zoning provisions by Regency Property Inc. (Reego Xue) at 4 Sabiston Drive (two new lots), 14 River Bend Road (two new lots), and 15 River Bend Road (three new lots) (Ward 3), File Nos. PLAN 21 130958, PLAN 21 130969, PLAN 21 130977, be received;
2. THAT the Zoning By-law Amendment applications (PLAN 21 130958, PLAN 21 130969, PLAN 21 130977) submitted by Regency Property Inc. (Reego Xue) to amend By-law 122-72, as amended, be approved and the draft Zoning By-law Amendments, attached hereto as Appendices 'A', 'B', and 'C', be finalized and brought forward to a future Council meeting to be enacted without further notice;
3. THAT Council grant servicing allocation for up to seven residential units for the proposed development;
4. THAT the City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner; and,
5. THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

This report recommends approval of the Zoning By-law Amendment applications (the "Applications") submitted by Regency Property Inc. (the "Owner") to facilitate the future severances and the creation of new lots with site-specific zoning at 4 Sabiston Drive (two new lots), 14 River Bend Road (two new lots), and 15 River Bend Road (three new lots), as shown on Figures 1 and 2. Staff opine that the proposal provides for infill residential

intensification that is compatible with its surrounding area context and conforms to the City's Official Plan, and the implementing Zoning By-law Amendments (Appendices 'A', 'B' and 'C'). Therefore, Staff recommend approval of the Applications.

PURPOSE:

This report pertains to three separate applications that propose amendments to Zoning By-law No. 122-72, as amended, at 4 Sabiston Drive (two new lots), 14 River Bend Road (two new lots), and 15 River Bend Road (three new lots) from "Single Family Rural Residential" (RRH) to "Single Family Residential" (R3), including site-specific zoning provisions, to facilitate the future severances and the creation of new lots (collectively, "the Proposed Development").

PROCESS TO DATE:

- Staff deemed the Applications complete on September 16, 2021
- The Development Services Committee ("DSC") received the Preliminary Report on December 6, 2021
- The statutory Public Meeting was held on March 22, 2022

The 90-day period set out in the *Planning Act* before the Owner can appeal the Applications to the Ontario Land Tribunal (the "OLT") for a non-decision ended on December 15, 2021. Accordingly, the Owner is in a position to appeal the Applications to the OLT.

Next Steps

- Council Approval of the site-specific Zoning By-law Amendments
- Future submission of consent applications to the City's Committee of Adjustment

BACKGROUND:**Locations and Area Context**

Figures 1 and 2 show the subject lands (collectively, the "Subject Lands") within the Sabiston/Oakcrest community, which is undergoing a transition with several properties having received rezoning approvals to facilitate severances. Figure 3 shows the surrounding lands uses. The Subject Lands consist of the following properties:

a) 4 Sabiston Drive ("4 Sabiston")

- Approximate area: 0.20 ha (2,028.20 m²)
- Approximate frontage: 38.61 m (126.67 ft)
- Contains an existing one-storey single detached dwelling (circa 1952) and mature vegetation

b) 14 River Bend Road ("14 River Bend")

- Approximate area: 0.23 ha (2,312 m²)
- Approximate frontage: 30.48 m (100 ft)
- Contains an existing one-storey single detached dwelling (circa 1972) that abuts the Rouge River Valley system

c) 15 River Bend Road (“15 River Bend”)

- Approximate area: 0.22 ha (2,223.77 m²)
- Approximate frontage: 85.34 m (279.98 ft)
- Contains an existing one-storey single detached dwelling (circa 1964) with a generally flat topography and some mature trees

The Applicant Proposes to rezone the Subject Lands to facilitate future Severances

The intent of the Proposed Development is to demolish the existing dwellings, which have no heritage value, and construct five, two-storey single detached dwellings and two, three-storey single detached dwellings, for a total of seven new dwelling units on the Subject Lands. Figures 4 – 9 illustrate the proposed dwellings and summarize their respective site-specific development standards.

PUBLIC CONSULTATION

The statutory Public Meeting was held on March 22, 2022. Matters with respect to the Applications were identified through written submissions and comments made by the public and the DSC. The City received four written submissions and one deputation was made. The following is a summary of the key matters raised to date:

- That the severance of four new lots proposed for 15 River Bend Road is too dense and does not fit the existing lot pattern of the surrounding community.
- The design of the future dwellings should be reconsidered to reduce the massing.
- Concern with the loss of vegetation, including mature trees and shrubs, which currently provide a natural privacy screen and tree canopy.

Staff note that following the statutory Public Meeting, the Owner revised the proposal for 15 River Bend that reduced number of lots from four to a total of three lots. The Discussion section of this report outlines how these comments have been addressed or considered.

PLANNING POLICY AND REGULATORY CONTEXT:

The Applications are subject to a planning policy framework established by the Province, York Region, and City of Markham under the *Planning Act, R.S.O. 1990*. The following describes how the Applications meet the respective policies and legislation:

Provincial Policy Framework

Staff are satisfied that the Proposed Development is consistent with the Provincial Policy Statement, 2020 (the “2020 PPS”)

The 2020 PPS provides direction on matters of Provincial interest related to land use planning and development. These matters include building strong healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety.

The Subject Lands are located within a defined settlement area and designated for development in both the York Region and City of Markham Official Plans. Consistent

with the policies of the 2020 PPS, the Proposed Development achieves infill intensification, which efficiently uses land, resources, infrastructure, and public service facilities.

Staff opine that the Proposed Development conforms to the Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”)

The Growth Plan provides a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2051. The premise of the Growth Plan is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact, efficient form.

The Subject Lands are located within the ‘Built-Up Area’ in the Growth Plan, which specifies minimum intensification targets to be accommodated in the delineated built-up area, with the objective of achieving complete communities that feature a mix of land uses and housing options, providing convenient access to a range of transportation options, and fostering a compact built form and an attractive and vibrant public realm. The Subject Lands has convenient access to existing municipal infrastructure, in close proximity to public transit (including the Centennial GO Station and municipal and regional transit lines) and major arterial roads (including Highway 7, McCowan Road and Kennedy Road).

Regional Policy Framework

Staff opine that the Proposed Development conforms to the York Region Official Plan 2022 (“2022 ROP”), as approved by the Minister on November 4, 2022

The 2022 ROP designates the Subject Lands as “Community Area” within the “Urban Area” and requires that intensification utilizes land efficiently and sustainably that is commensurate with available hard and soft services and existing infrastructure, while having regard for the local context. The ROP sets out a minimum of 50% of all residential development in York Region to occur within the built-up area, as defined by the Province’s Built Boundary in the Growth Plan. The Proposed Development provides for residential intensification within the built-up area in a manner that consistent with the existing area context.

Municipal Framework

The Proposed Development Conforms to the Markham Official Plan, 2014 (the “2014 Official Plan”)

The 2014 Official Plan designates 4 Sabiston and 15 River Bend as “Residential Low Rise” and 14 River Bend as “Residential Low Rise” and “Greenway”. The “Residential Low Rise” designation permits single detached dwellings, as proposed in the applications. The “Greenway” designation is part of the City’s Natural Heritage Network and is intended to protect the valleyland and woodland features at the rear of 14 River Bend.

Both 4 Sabiston and 14 River Bend are subject to Area and Site Specific Policy 9.19.2, which states that Council may consider a zoning by-law amendment to permit a consent (severance) to create one additional lot generally equal to one half of the area and frontage of the lots from the original plans of subdivision.

Policy 8.2.3.5 (Development Criteria – Infill) requires that in consideration of a development approval application on lands designated “Residential Low Rise”, Council shall ensure infill development respects and reflects the existing pattern and character of adjacent area by adhering to the development criteria including, but not limited to, lot frontage, lot area, heights, massing and scale, setbacks, and existing trees and vegetation.

Staff are satisfied the Proposed Development conforms to the 2014 Official Plan as the “Residential Low Rise” designation permits single detached dwellings, the proposed lots respect the existing lot pattern of the area and the proposed dwellings reflect similar massing and scale, heights and setbacks of existing surrounding dwellings.

Zoning By-law

By-law 122-72, as amended by By-law 16-93, zones the Subject Lands “Single Family Rural Residential” (RRH), which permits single detached dwellings on lots with a minimum lot frontage of 30.5 m (100 ft) and a minimum lot area of 0.2 ha (0.5 ac). By-law 16-93 is an area specific infill by-law that applies to the Subject Lands and contains specific infill development standards. The rear portion of 14 River Bend is zoned “Open Space” (O1), which permits golf courses, public or private parks, athletic fields, and public conservation projects (Figure 2).

Draft Zoning By-law Amendments rezones the Subject Lands to the R3 zone category, adjusts the O1 zone limits, and incorporates minor site-specific exceptions that are appropriate

The draft Zoning By-law Amendments (“Draft ZBLA”), attached as Appendices ‘A’, ‘B’ and ‘C’, propose to rezone the Subject Lands from “Single Family Rural Residential” (RRH) to “Single Family Residential” (R3), with respective site-specific exceptions, as identified in Tables 1 to 3. The Proposed Development is consistent with other similar applications to permit lot severances in the community.

TABLE 1: 4 Sabiston – Site Specific Exceptions (Figures 4 and 10)		
Zone Standard	R3 Zone Requirement	North and South Lots
Min. Side Yard Setback	1.82 m (6 ft)	1.22 m (4 ft)
Height	9.8 m (32 ft)	10.60 m (34 ft)
Number of Storeys	2	3 ^{Note 2}
Max. Floor Area Ratio (“FAR”) ^{Note 1}	47%	60%

Note 1: FAR is a measure of the interior square footage of a dwelling as a percentage of the net lot area.

Note 2: Infill By-law 16-93, as amended, includes a basement in the definition of a storey. These dwellings include the garage as part of the basement level. Appendix A incorporates a site-specific provision that excludes basements from the definition of Gross Floor Area.

TABLE 2: 14 River Bend – Site Specific Exceptions (Figures 5 and 11)			
Zone Standard	R3 Zone Requirement	West Lot	East Lot
Min. Lot Area	696.77 m ² (7,500 ft ²)	591.74 m ² (6, 370 ft ²)	562.74 m ² (6, 058 ft ²)
Min. Lot Frontage	18.28 m (60 ft)	15.24 m (50 ft)	15.24 m (50 ft)
Min. Side Yard Setback	1.82 m (6 ft)	1.30 m (4.26 ft)	1.30 m (4.26 ft)
Height	9.8 m (32.15 ft)	10.58 m (34.71 ft)	10.64 m (34.9 ft)
Lot Coverage	33.3%	35.27%	35.64%
Max. FAR	47%	59.98%	59.87%
Max. Building Depth	16.8 m (55 ft)	19.68 m (64.6 ft)	19.68 m (64.6 ft)

The Owner proposes relief to a number of the R3 Zone provisions for 4 Sabiston and 14 River Bend. As previously noted, the 2014 Official Plan states that Council may consider a zoning by-law amendment to permit a consent (severance) to create one additional lot generally equal to one half of the area and frontage of the lots from the original plans of subdivision. The proposed lots at 14 River Bend, though less than the required lot frontage and area of the R3 zone, are equal to half of the original lot of record.

The rear portion of 14 River Bend is zoned O1, which will be conveyed into public ownership that would effectively reduce the buildable lot area (Figures 2 and 3). A satisfactory Environmental Impact Study has been submitted to support the proposed O1 Zone limits (see Figure 5). Table 2 identifies the proposed site specific lot coverage and FAR exceptions. The Owner worked with Staff on the design of the proposed dwellings and reduced the dwelling size and height from 603 m² (6,500 ft²) to 208 m² (2,200 ft²) and 336 m² (3,600 ft²) and from three to two storeys, respectively. Staff opine that the site-specific exceptions are appropriately justified and will not negatively impact the surrounding neighbourhood character.

TABLE 3: 15 River Bend – Site Specific Exceptions (Figures 6 to 9, and 12)				
Zone Standard	R3 Zone Requirement	Lot 1 (North Lot)	Lot 2 (Middle Lot)	Lot 3 (South Lot)
Min. Flanking Side Yard Setback	5.33 m (17.5 ft)	3.11 m (10.2 ft)	N/A	N/A
Height	9.8 m (32.15 ft)	10.67 m (35 ft)	10.67 m (35 ft)	10.67 m (35 ft)
Max. FAR	47%	51.81%	51.25%	51.85%
Max. Stair Encroachment	0.46 m (1.5 ft)	1.1 m (3.6 ft)	1.1 m (3.6 ft)	1.1 m (3.6 ft)

The Owner proposes relief to a number of the R3 zone provisions for 15 River Bend. Staff opine the increase to the maximum permitted height and FAR for the proposed lots is minor in nature and will not significantly contribute to the overall massing of the proposed dwellings. The proposed encroachment of stairs relates to the uncovered porch in the front yards of each dwelling (Figure 12). Staff have no objections to the requested zone provisions.

A Holding (H) provision will be added to each Zoning By-law Amendment as shown in Appendices ‘A’, ‘B’, and ‘C’

The Holding (H) provision will be lifted by Council once confirmation is received that a consent to sever has been issued by the Secretary-Treasurer for the Committee of Adjustment in accordance with subsection 53(42) of the *Planning Act*.

Open Space (O1) Zone to be adjusted at 14 River Bend Road

As previously discussed, Figure 2 shows the current zoning for 14 River Bend as “Single Family Rural Residential” (RRH) and “Open Space” (O1). Minor adjustments to the O1 zone are required (see Appendix ‘B’) to reflect appropriate buffers from the floodplain and top-of-bank, in consultation with the TRCA. The south portion of the Subject Lands will be rezoned to R3, to allow appropriate development limits for the two proposed lots. The draft ZBLA (see Appendices ‘A’, ‘B’ and ‘C’) remain in draft form as the Owner and City Staff continue to finalize it. Once finalized, the ZBLA will be brought forward to a future Council Meeting for enactment.

OPTIONS/ DISCUSSION:

The following section identifies how the comments from the statutory Public Meeting and review process have been resolved or considered:

Owner reduced the number of lots proposed for 15 River Bend from four to three in response to concerns raised at the statutory Public Meeting

Following the statutory Public Meeting, the Owner revised the proposal for 15 River Bend and now proposes to create three new lots instead of four new lots (Figure 6). Table 3 details that the proposed lots comply with the R3 zone requirements, except for the Lot 1 flanking side yard setback, height, FAR, and uncovered front yard stair encroachment. The proposed lot sizes are between 716.62 m² (7,713.63 ft²) and 791.59 m² (8,520.62 ft²), with proposed frontages from 23.47 m (77 ft) to 36.51 m (119.78 ft).

The Owner undertook an analysis of the immediate surrounding neighbourhood lot areas and frontages. Although the proposed lots are slightly smaller than surrounding lots, the decrease is appropriate as the shape and size still provide adequate space for a future dwelling that fits the general massing of the area. While the lot sizes directly adjacent to 15 River Bend are generally over 1,000 m² (10,763 ft²), the majority (58.4%) of lots in the surrounding area are between 500 m² (5,381 ft²) and 750 m² (8,072 ft²).

The Owner’s lot frontage analysis determined that 21% of the lots in the surrounding area, including those lots adjacent to 15 River Bend, have frontages greater than 24 m

(78.74 ft). There are also lots on the west side of River Bend Road, west of the Subject Lands that have smaller frontages that range from 16 m (52.49 ft) to 20 m (65.61 ft). The proposed lots, with frontages of 36.51 m (119.78 ft), 23.47 m (77 ft), and 25.36 m (83.20 ft), are consistent with other lots in the surrounding area.

Staff have reviewed the Owner's analysis findings and opine that the proposed lots are compatible with the surrounding community and will not set an undesirable precedent for new development that is out of scale with the existing dwellings in the area.

The Owner has worked with Staff to reduce the massing of the proposed dwellings, where possible, to address concerns expressed at the statutory Public Meeting

At the statutory Public Meeting, concerns were raised that the proposed dwellings were not keeping with the character of the area and that the proposed scale and massing were too large, specifically the lots originally proposed at 15 River Bend. In response, the Owner reduced the number of lots at 15 River Bend from four to three lots that results in less site-specific exceptions (only lot frontage, lot area, and reduced lot coverage as originally proposed, from 33.3% to 31.08%). The Owner also reduced the height of the proposed 14 River Bend dwellings from three to two storeys.

The preservation and removal of mature trees and shrubs will be reviewed prior to Building Permit issuance

The public cited concerns with the loss of mature trees and shrubs and the inability to replace them with vegetation that will be complementary with the area. Opportunities for tree preservation, protection, and replacement will be reviewed through the Residential Infill Grading and Servicing ("RGS") process, prior to Building Permit issuance.

TRCA has no objection to the Zoning By-law Amendment at 14 River Bend

The rear portion of 14 River Bend is located within the TRCA's Regulated Area due to the Rouge River Watershed valley corridor and regulatory flood plain. The TRCA has been working with City staff and the Owner to determine a suitable limit for the new residential lots and appropriate zoning limits of the natural system lands at the rear of the property (refer to Appendix 'B'). As noted, the O1 Zone portion of the Subject Lands will be dedicated into the City's ownership.

CONCLUSION

Staff are satisfied that the Applications are appropriate and represents good planning. The Proposed Development provides for infill residential intensification that is compatible with its surrounding area context and efficiently utilizes land, resources, infrastructure, and public service facilities. Therefore, Staff recommend that the Draft ZBLA (see Appendices 'A', 'B', and 'C') be finalized and brought forward to a future Council meeting for approval.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not Applicable

HUMAN RESOURCES CONSIDERATIONS

Not Applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Application aligns with the City's strategic priorities in the context of growth management and municipal services to ensure safe and sustainable communities.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications were circulated to various departments and external agencies. Requirements of the City and external agencies have been reflected in the implementing Draft ZBLA, as appropriate (refer to Appendices 'A', 'B' and 'C').

RECOMMENDED BY:

Darryl Lyons, MCIP, RPP

Deputy Director of Planning and Urban Design

Giulio Cescato, MCIP, RPP

Director of Planning and Urban Design

Arvin Prasad, MCIP, RPP

Commissioner of Development Services

ATTACHMENTS AND APPENDICES:

Figure 1: Location Map

Figure 2: Area Context and Zoning

Figure 3: Aerial Photo

Figure 4: Site Plan - 4 Sabiston Drive

Figure 5: Site Plan - 14 River Bend Road

Figure 6: Overall Site Plan – 15 River Bend Road

Figure 7: Site Plan - Lot 1 - 15 River Bend Road

Figure 8: Site Plan - Lot 2 - 15 River Bend Road

Figure 9: Site Plan - Lot 3 - 15 River Bend Road

Figure 10: Conceptual Elevations - 4 Sabiston Drive

Figure 11: Conceptual Elevations - 14 River Bend Road

Figure 12: Conceptual Elevations - 15 River Bend Road

Appendix 'A' – Draft ZBLA for 4 Sabiston Drive, PLAN 21 130958

Appendix 'B' – Draft ZBLA for 14 River Bend Road, PLAN 21 130969

Appendix 'C' – Draft ZBLA for 15 River Bend Road, PLAN 21 130977

AGENT:

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