



Staff Report for Committee of the Whole Meeting

Date of Meeting: May 22, 2018

Report Number: SRPRS.18.102

Department: Planning and Regulatory Services

Division: Development Planning

Subject: **SRPRS.18.102 – Request for Approval – Zoning By-law Amendment Application – Bryan Jackie Thai, Maggie Jade Lu and James Wong – Town File D02-16017**

Owner:

Bryan Jackie Thai, Maggie Jade Lu and James Wong
131 Burndale Avenue
Toronto, Ontario
M2N 1S8

Agent:

Memar Architects Inc.
2323 Yonge Street, Unit 503
Toronto, Ontario
M4P 2C9

Location:

Legal Description: Lot 170, Registrar's Compiled Plan 12003
Municipal Address: 100 Mill Street

Purpose:

A request for approval concerning a Zoning By-law Amendment application to facilitate the creation of one additional lot and two new single detached dwellings on the subject lands.

Recommendations:

- a) **That the Zoning By-law Amendment application submitted by Bryan Jackie Thai, Maggie Jade Lu and James Wong for lands known as Lot 170, Registrar's Compiled Plan 12003 (Municipal Address: 100 Mill Street), Town File D02-16017, be approved, as outlined in Staff Report SRPRS.18.102; and,**

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- (b) That the amending Zoning By-law be brought forward to a regular meeting of Council for consideration and enactment.

Contact Person:

Philip Liu, Planner I – Site Plans, phone number 905-747-6312 and/or
Deborah Giannetta, Manager of Development - Site Plans, phone number 905-771-5542

Report Approval:

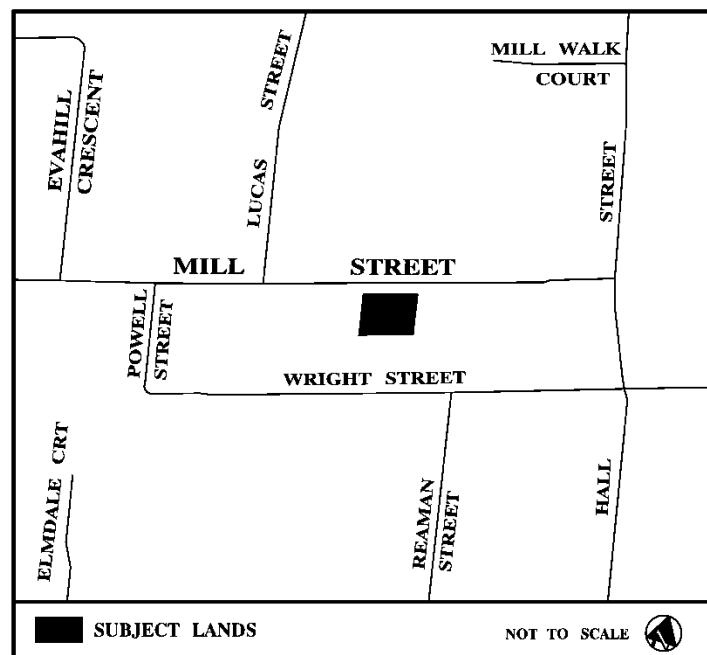
Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by: Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

Location Map:

Below is a map displaying the property location. Should you require an alternative format call person listed under “Contact Person” above.



Page 3**Background:**

The subject Zoning By-law Amendment application was considered at a statutory Council Public Meeting held on October 26, 2016 wherein Council received Staff Report SRPRS.16.165 for information purposes and referred all comments back to staff (refer to Appendix A). Members of the public were in attendance and provided comments and/or concerns with respect to the subject application which are discussed later in this report. The purpose of this report is to request approval of the applicant's Zoning By-law Amendment application.

Summary Analysis:**Site Location and Adjacent Uses**

The subject lands are located between Lucas Street and Hall Street on the south side of Mill Street within the Town's Village Core Neighbourhood. The lands have a total lot area of 776.06 square metres (8,353.44 square feet), and presently support a one storey, single detached dwelling that is proposed to be demolished as part of this application. Surrounding land uses include residential uses to the south, east and west and Mill Street to the north (refer to Maps 1 and 2).

Development Proposal

The applicant is seeking Council's approval of its request to amend the Zoning By-law to permit one additional residential lot on its land holdings (refer to Map 6). Related Site Plan Applications (Town File D06-16055 and D06-16056) to permit two new single detached dwellings have also been received by the Town in conjunction with the subject Zoning By-law Amendment application and are currently being reviewed by staff. The proposal has been revised to address comments by staff, members of the public, and members of Council. The following is a summary table outlining the pertinent statistics of the applicant's revised proposal relative to the original submission based on the plans and drawings submitted to the Town:

Development Standard	Original Submission	Revised Submission
Minimum Lot Area	339.8 square metres (3,657.58 square feet)	339.8 square metres (3,657.58 square feet)
Minimum Lot Frontage	16.02 metres (52.56 feet)	16.02 metres (52.56 feet)
Minimum Front Yard	5.47 metres (17.95 feet)	5.1 metres (16.73 feet)
Minimum Interior Side Yard (at first storey)	1.5 metres (4.9 feet)	1.5 metres (4.9 feet)
Minimum Interior Side Yard (at top of second storey)		
Minimum Rear Yard	5.31 metres (17.42 feet)	7.4 metres (24.6 feet)
Maximum Height	11.04 metres (36.22 feet)	8.5 metres (27.89 feet)
Maximum Permitted Gross Floor Area	299.30 square metres (3,221.73 square feet)	228.92 square metres (2,464.01 square feet)

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Key revisions to the proposal as outlined above include an increased rear yard of 7.4 metres (24.6 feet), a reduced height of 8.5 metres (27.89 feet), and a reduced gross floor area of 228.92 square metres (2,464.01 square feet).

Planning Analysis

Town of Richmond Hill Official Plan (2010)

The subject lands are designated **Neighbourhood** in accordance with Schedule A2 – Land Use of the Town’s Official Plan (the “Plan”) (refer to Map 5). The lands are also located within the Benson/Hunt Tertiary Plan (“Tertiary Plan”) area, and are subject to the Village Core Neighbourhood Design Guidelines (“Guidelines”) (refer to Map 4).

The **Neighbourhood** designation generally permits low-density and medium-density residential uses, neighbourhood commercial uses, community uses, parks and open spaces, as well as automotive service commercial uses subject to specific policy criteria as outlined in Chapter 4 of the Plan. Additionally, in accordance with Policy 4.9.2.4., the proposed single-detached dwellings must be compatible with the existing character of adjacent and surrounding areas. In this regard, the approved Tertiary Plan and Guidelines provide guidance with respect to the compatibility of the proposed development which is addressed in the following sections of this report.

Staff has reviewed the applicant’s development proposal and considers it to be consistent with the policies of the **Neighbourhood** designation of the Plan. Since the proposed single-detached dwellings are a permitted form of low-rise residential dwelling and the proposed building height of two storeys conforms with the maximum permitted height of the **Neighbourhood** designation.

Benson/Hunt Tertiary Plan

The objective of the Tertiary Plan is to provide guidance with new development proposals within this neighbourhood and to ensure new development represents a ‘good fit’ within the physical context and character of the surrounding area. Section 1.3 e) of the Tertiary Plan states as follows:

“The character, identity and heritage attributes of the Benson/Hunt Tertiary Plan shall be reinforced through appropriate height, massing, and architectural detailing of built form and appropriate landscaping and streetscaping elements. As such, all new development within the Benson and Hunt Area shall be evaluated on the basis of the principle of compatible development.”

The Tertiary Plan identifies the subject lands as being within the **Low Density Area** of the study area, wherein single detached dwellings, as proposed in this application, are permitted. Section 3.3.3 of the Tertiary Plan recognizes that Mill Street is characterized by single detached homes that range from one to two storeys in height. There are also a variety of lot sizes in terms of frontage and depth on both sides of the street. Therefore,

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in terms of the proposed lot size and built form, the proposal would be considered appropriate.

Section 5.0 of the Tertiary Plan provides guidance for new development with respect to various criteria including setbacks and landscape treatment. Section 5.1.2 c) of the Tertiary Plan states that ***“the front yard setback shall be minimized to create a pedestrian-oriented streetscape or shall reflect that of adjacent homes...”*** and Section 5.1.2 d) states that ***“side yard setback shall reflect that of adjacent homes, or be the average distance of those on either side of the development to a minimum of 1.5 metres”***. The proposed dwellings generally conform to both these guidelines with a front yard setback that is consistent with the front yard setbacks of nearby dwellings, and side yard setbacks of 1.5 metres (4.92 metres). Further, Section 5.1.2 e) recommends a maximum building height of two storeys which is consistent with the revised proposal. Based on the preceding, staff considers the proposed development standards to be generally in keeping with the objectives of the Tertiary Plan.

Village Core Neighbourhood Design Guidelines

The objective of the Guidelines is to encourage new development within the Village Core Neighbourhood that recognizes and enhances the existing historical character of the area. Accordingly, infill development shall be compatible with the existing design and form of development within the area and shall take into consideration colour and material, building orientation and design, lot size, frontage, setbacks, building mass and height, and landscape features. Further, and more specifically, the Guidelines recommend a range of lot frontages between 12 metres (39.37 feet) and 21 metres (68.90 feet), front yard setbacks in accordance with adjacent properties, a minimum side yard setback of 2 metres (6.56 feet), and dwelling heights that are compatible with the height of adjacent buildings up to a maximum of two and a half storeys.

The applicant's revised proposal has a reduced building height of 8.5 metres (27.89 feet) and lot frontages of 16.02 metres (52.56 feet), both of which are consistent with the Guideline recommendations. While the proposed side yard setbacks of 1.5 metres (4.92 metres) are less than the recommended 2 metres (6.56 feet), staff notes that the proposed setback is greater than new development standards applied throughout the Town which is generally a minimum of 1.2 metres (3.94 metres). Further, the revised proposal incorporates a number of key architectural design elements/features including wide verandas, dormer/roof windows, trim works and other architectural elements similar to those seen in the neighbourhood, as well as a combination of materials accented with colours similar to those seen on other new developments in the neighbourhood.

Given all of the above, staff is of the opinion that the submitted Zoning By-law Amendment application has appropriate regard for and is generally consistent with the broader policy direction for this part of the Town as outlined in the Plan, Tertiary Plan, and Guidelines.

Page 6**Proposed Zoning By-Law Amendment**

The subject lands are zoned **Residential Second Density (R2) Zone** under Zoning By-law 66-71, as amended, which permits single family residential uses, recreational and institutional uses, including churches, schools and day nurseries (refer to Map 3).

Additionally, amending Zoning By-laws 371-90 and 372-90 apply to this area of the Town. By-law 371-90 contains restrictions with respect to maximum permitted gross floor area, maximum permitted height, and minimum setbacks. By-law 372-90 permits increases in height and density subject to specific architectural and development control criteria.

The proposed new lots are intended to accommodate new single detached dwellings and are permitted by the **R2 Zone** category provisions of Zoning By-law 66-71, as amended. However, the subject proposal does not meet all the development standards of this zone category. As such, the applicant is seeking Council's approval to amend the **R2 Zone** standards, with site specific provisions for minimum lot area, minimum side yard, front yard setback, rear yard setback, and maximum encroachments for a basement walkout, porch and associated steps. Outlined below is a comparison of the proposed development relative to the standards of the **R2 Zone** category.

Development Standard	R2 Standards, By-law 66-71, as amended	Proposed Development Standards
Minimum Lot Area	464.5 square metres (5,000 square feet)	339.80 square metres (3,657.58 square feet)
Minimum Lot Frontage	15.24 metres (50 feet)	16.02 metres (52.56 feet)
Minimum Front Yard	9.1 m (29.9 ft) or existing building line	5.1 metres (16.73 feet)
Minimum Interior Side Yard (at first storey)	1.5 metres (4.9 feet)	1.5 metres (4.9 feet)
Minimum Interior Side Yard (at top of second storey)	3.0 metres (9.9 feet)	
Minimum Rear Yard	7.62 metres (25.0 feet)	7.40 metres (24.6 feet)
Maximum Projection Permitted into a Required Rear Yard (Steps)	2.44 metres (8.0 feet)	4.01 metres (13.17 feet)
Maximum Projection Permitted into a Required Front Yard (Porch and Steps)	2.44 metres (8.0 feet)	3.05 metres (10.01 feet)
Maximum Height	8.50 metres (27.89 feet)	8.50 metres (27.89 feet)
Maximum Permitted	237.57 square metres	228.92 square metres

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Gross Floor Area	(2,557.3 square feet)	(2,464.01 square feet)
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Planning staff has undertaken a comprehensive review and analysis of the site specific exceptions as outlined above that are required to facilitate the applicant's revised development proposal, and considers them appropriate for the following reasons:

- the proposed reduced lot area is generally in keeping with surrounding lot sizes and compatible with the existing neighbourhood which features a mix of different low-density residential building types and lots. The proposed lot frontages comply with the required minimum lot frontage of the **R2 Zone** category; therefore, the reduced lot area will not have an impact on the streetscape;
- the requested site specific provision for a reduced front yard setback is appropriate given the Tertiary Plan policies make provision for reduced front yards, and the setback proposed is generally in keeping with the existing setbacks of neighbouring dwellings. Further, the proposed front yard setback reduction is partly due to the planned road widening of Mill Street which requires the conveyance of lands for road widening purposes;
- the proposed reduced interior side yard interior setback of 1.5 metre (4.92 feet) at the top of the second storey is appropriate as it is typical to have a side yard setback applied to the entire dwelling. The required greater side yard setback at the top of the second storey is due to the nature of the dated zoning for the area (By-law 66-71) and is no longer a relevant practice today. It is noted that the proposed dwelling meets the existing required 1.5 metre (4.92 feet) side yard setback at the first storey; and,
- the requested reduced rear yard setback of 7.4 metres (24.28 feet) and increased encroachments for the basement walkout and porch are considered minor and therefore appropriate given that adequate amenity areas can still be provided on both lots.

Town Department and External Agency / Public Meeting Comments

As noted previously, a Council Public Meeting regarding the subject applications was held on October 26, 2016 at which a number of residents appeared and provided comments on the proposed development. Additionally, correspondence from residents unable to attend the meeting was also received regarding the proposal. These comments are outlined below along with staff's responses to them as follows:

The size of the proposed dwellings and its compatibility with the existing neighbourhood

The residents raised concern that the dwellings proposed by the applicant were too large and thus incompatible with those in the surrounding neighbourhood. In this regard, the applicant has reduced the size of the proposed dwellings in terms of both height and massing. The height was reduced from 11.04 metres (36.22 feet) to 8.5 metres (27.89 feet), or three storeys to two storeys, which is more in keeping with heights of other

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dwelling in the neighbourhood and the recommendations of the Tertiary Plan and the Guidelines. In addition, the gross floor area of the proposed dwellings have been reduced from 299.30 square metres (3,221.63 square feet) to 229.96 square metres (2,475.27 square feet) and 228.92 square metres (2,464.01 square feet) for the east and west lots respectively.

The design of the house and its compatibility with the existing neighbourhood

In addition to the building height and massing revisions outlined above, the applicant has worked closely with Urban Design staff to revise the design of the proposed dwellings to better align with the Guidelines and Tertiary Plan. These revisions included recessing the garages from the main front wall of the dwellings, adding various architectural elements to the proposed dwellings including larger porches, dormer/roof windows, trim works, and a more compatible colour palette for the exterior materials.

The impact of the new dwellings on drainage and runoff

Development Engineering staff has reviewed the submitted Grading Plans as part of the Site Plan application review and is satisfied that the drainage and storm water runoff will be contained on the subject lands and therefore will not adversely affect adjacent properties.

The removal of trees and potential impacts on privacy

Particular concern was raised with respect to the removal of mature, large trees as the result of the proposed development of the lands. It should be noted that only one large caliper (> 20 centimetre caliper) tree is proposed to be removed which is located on the adjacent property of the neighbor to the east. The property owner to the east has given the applicant consent to remove this tree in order to facilitate the subject development proposal. There is a large caliper Norway Maple on the proposed west lot which is to be preserved and protected throughout the construction of the dwellings. Cash-in-lieu of the replacement trees required for the removal of trees will be provided as compensation to the satisfaction of Park and Natural Heritage Planning staff.

With regards to the loss of privacy, it was suggested by neighbours that the rear yard setback be maintained in accordance with the **R2 Zone** category provisions to ensure there is adequate privacy. In this regard, the applicant has revised their development proposal so as to achieve as close as possible the required minimum rear yard setback of the **R2 Zone**. As such, the applicant is now proposing a minimum rear yard setback of 7.40 metres (24.28 feet), whereas the by-law requires 7.62 metres (25 feet).

Further related to loss of privacy concerns, the owner of one of the neighbouring properties to the rear of the subject lands has also requested that the decorative dormer windows on the rear elevation originally proposed be removed. The applicant has agreed and this request will be incorporated through the remaining Site Plan approval

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stage. The neighbouring property owner has also requested the applicant plant trees along their rear yard in order to provide further privacy, to which the applicant has not obliged. While the applicant has stated their intention to eventually plant some vegetation along the rear yard, they are of the opinion that the tall trees requested by the neighbouring property owner is unnecessary and that it will take away from the applicant's proposed amenity space.

Development Planning Division

Planning staff has reviewed the applicant's development proposal and is of the opinion that it is appropriate. Accordingly, staff recommends that the subject Zoning By-law Amendment application be approved on the following basis:

- the proposed additional residential lot intended to accommodate a single detached dwelling is consistent with the **Neighbourhood** designation policies of the Plan;
- the revised proposal aligns with the recommendations in the Tertiary Plan and Guidelines related to the architectural language, setbacks, and massing of the proposed new dwellings;
- the proposed site specific zoning provisions related to the reduced lot area, front yard, rear yard, and side yard setbacks, and porch and basement walkout encroachments are contextually appropriate and generally in keeping with the lot fabric, existing dwellings, and redevelopment in the area, and therefore constitutes proper and orderly planning; and,
- the applicant has satisfactorily addressed the major concerns/comments raised from the public.

Financial/Staffing/Other Implications:

This recommendation does not have any financial, staffing or other implications.

Relationship to the Strategic Plan:

The applicant's development proposal would align with **Goal Two - Better Choice in Richmond Hill** by providing housing that offers options for people at all stages of life. The proposal would also align with **Goal Four - Wise Management of Resources in Richmond Hill** by designing energy efficient dwellings and using land responsibly.

Conclusion:

The applicant is seeking Council's approval of its Zoning By-law Amendment application to permit one additional building lot on its land holdings to facilitate the construction of two new single detached dwellings. Planning staff are of the opinion that the submitted Zoning By-law Amendment application maintains the general intent of the goals, objectives and policies of the Town's Official Plan. The proposed development is considered appropriate and in keeping with the character of the surrounding area and therefore represents good planning. Based on the aforementioned, staff recommends approval of the submitted Zoning By-law Amendment application as outlined and described within this report.

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Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix A, Council Public Meeting Extract C# 23-17 Held June 21, 2017
- Appendix B, Draft Zoning By-law 40-18
- Map 1 Aerial Photograph
- Map 2 Neighbourhood Context
- Map 3 Existing Zoning
- Map 4 Benson/Hunt Tertiary Plan
- Map 5 Official Plan Designation
- Map 6 Proposed Site Plan
- Map 7 Proposed Elevations – West Lot
- Map 8 Proposed Elevations – East Lot

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Report Approval Details

Document Title:	SRPRS.18.102 - 100 Mill Street - D02-16017 (BRYAN JACKIE THAI, MAGGIE JADE LU AND JAMES WONG).docx
Attachments:	<ul style="list-style-type: none">- SRPRS.18.102 - Appendix A (CPM Extract).docx- SRPRS.18.102 - Appendix B (Draft By-law) - FINAL.docx- Schedule A - By-law 40-18.pdf- MAP_1_AERIAL_PHOTOGRAPH.pdf- MAP_2_NEIGHBOURHOOD_CONTEXT_S216017A_NEW.pdf- MAP_3_EXISTING_ZONING_S216017A_NEW.pdf- MAP_4_BENSON_HUNT_TERTIARY_PLAN.pdf- MAP_5_OFFICIAL_PLAN_DESIGNATION_LAND_USE.pdf- MAP_6_PROPOSED_SITE_PLAN.pdf- MAP_7_PROPOSED_ELEVATION_WEST_LOT.pdf- MAP_8_PROPOSED_ELEVATION_EAST_LOT.pdf
Final Approval Date:	May 7, 2018

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

Gus Galanis - May 4, 2018 - 4:51 PM

Kelvin Kwan - May 7, 2018 - 10:34 AM

Neil Garbe - May 7, 2018 - 10:49 AM