



Staff Report for Committee of the Whole Meeting

Date of Meeting: June 19, 2018 **Referred to the June 26, 2018 Council meeting**
Report Number: SRPRS.18.122

Department: Planning and Regulatory Services
Division: Development Planning

Subject: **SRPRS.18.122 – Request for Direction – Zoning
By-law Amendment and Site Plan Applications –
PEDRAM MAHMOUDIAN – Town Files D02-
16040 and D06-16096**

Owner:

Pedram Mahmoudian
186 Patricia Avenue
Toronto, Ontario
M2M 1J5

Agent:

A. Young Planner Ltd.
62 Pine Crest Road
Toronto, Ontario
M6P 3G5

Location:

Legal Description: Part of Lots 12 and 13, Plan 2300
Municipal Address: 79 Hunt Avenue

Purpose:

A request for direction concerning proposed Zoning By-law Amendment and Site Plan applications to permit the construction of two semi-detached dwellings on the subject lands.

Recommendations:

- a) **That the Local Planning Appeal Tribunal be advised that Council supports the proposed Zoning By-law Amendment and Site Plan applications submitted by Pedram Mahmoudian for lands known as Part of Lots 12 and 13, Plan 2300 (Municipal Address: 79 Hunt Avenue), Town Files D02-16040 and D06-16096 for the principle reasons outlined in SRPRS.18.122;**

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- b) That the Local Planning Appeal Tribunal withhold its Final Order with respect to the proposed Zoning By-law Amendment and Site Plan applications until the Zoning By-law Amendment and Site Plan Agreement has been finalized to the satisfaction of the Commissioner of Planning and Regulatory Services; and,
- c) That appropriate Town staff be directed to appear at the Local Planning Appeal Tribunal in support of Council's position concerning the subject applications.

Contact Person:

Katherine Faria, Planner II – Subdivisions, phone number 905-771-5543 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.



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Background:

The subject Zoning By-law Amendment and Site Plan applications were received and deemed complete by the Town on December 21, 2016. A Council Public Meeting was held on June 7, 2017 in accordance with the statutory Public Meeting requirements of the *Planning Act* wherein Council received Staff Report SRPRS.17.099 for information purposes and directed that all comments be referred back to staff (refer to Appendix “A”). Concerns were raised by members of Council and the public at the Council Public Meeting concerning the applicant’s proposal as it relates to its consistency with the recommendations of the Benson Hunt Tertiary Plan (“Tertiary Plan”). These matters are addressed in greater detail in a later section of this report.

At the February 5, 2018 Committee of the Whole Meeting, Council considered Staff Report SRPRS.18.030, wherein staff recommended that the subject Zoning By-law Amendment application be approved. Concerns were raised by members of Council and the public with regard to the appropriateness of the development proposal in consideration of the Tertiary Plan, particularly with respect to the proposed lot widths, unit size, built form, and side yard setbacks. The Committee approved a motion directing that Staff Report SRPRS.18.030 be referred back to staff to allow for further consultation with the applicant to resolve the concerns raised at the meeting and that staff report back at a future Committee of the Whole Meeting (refer to Appendix “B”).

Notices of Appeal to the Local Planning Appeal Tribunal (LPAT) of the subject Zoning By-law Amendment and Site Plan applications were received by the Town on March 23, 2018 on the basis that Council had not issued a decision within the prescribed timeframes in accordance with Section 34(11) and Section 41(12) of the *Planning Act*. It should be noted that at the time of the writing of this report a Hearing date has not been confirmed. Accordingly, the purpose of this report is to seek Council’s direction with respect to the applicant’s development proposal.

Summary Analysis

Site Location and Adjacent Uses

The subject lands are located on the north side of Hunt Avenue, west of Yonge Street and have a total lot area of approximately 604.6 square metres (6,507.86 square feet). The lands abut residential uses to the north, east and west and Hunt Avenue to the south. The surrounding neighbourhood is characterized by a mix of low and medium density housing forms, including townhouse, semi-detached and single-detached dwellings. The subject lands presently support an existing single detached dwelling that is proposed to be demolished as part of the subject development proposal (refer to Map 1).

Development Proposal

The applicant is seeking Council’s approval of its request to amend Zoning By-law 66-71, as amended, to permit the construction of two semi-detached dwelling units on its

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land holdings. The following is a summary outlining the pertinent statistics of the applicant's development proposal based on the plans and drawings submitted to the Town:

- Total Lot Area, 604.6 square metres (6,507.86 square feet)
- Total Lot Frontage, 13.41 metres (44 feet)
- Proposed Lot Frontages, 6.7 metres (21.98 feet) per lot
- Proposed Lot Areas, 302.29 square metres (3,253.82 square feet) per lot
- Proposed Unit Width, 5.4 metres (17.72 feet) per unit
- Proposed Number of Dwelling Units, 2
- Proposed Building Height, 10 metres (32.81 feet)

As noted previously, a Site Plan application has been submitted in conjunction with the subject Zoning By-law Amendment application and is discussed in greater detail in the later sections of this report.

Planning Analysis:

Town of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** in accordance with Schedule A2-Land Use of the Town's Official Plan ("Plan") (refer to Map 2). Uses permitted within the **Neighbourhood** designation include primarily low density residential uses as well as medium density residential uses, neighbourhood commercial, community uses, parks and urban open spaces, and automotive service commercial uses subject to specific policy criteria as defined in Chapter 4 of the Plan. Development within the **Neighbourhood** designation shall have building heights of up to three storeys, except on arterial streets where the maximum building height shall be 4 storeys.

Further, in accordance with Section 4.9.2 of the Plan, development shall be compatible with the character of the adjacent and surrounding areas with respect to the predominant building forms and types, massing, general patterns of streets, blocks, lots and lanes, landscaped areas and treatments, and the general pattern of yard setbacks. In addition, where development is subject to an infill plan or tertiary plan, the development shall be evaluated on the basis of the criteria as set out in the applicable infill plan or tertiary plan approved by Council for the area.

On the basis of the foregoing, the applicant's development proposal is considered to conform to the land use and design policies of the Plan.

Benson Hunt Tertiary Plan

The subject lands are situated within the boundaries of the Tertiary Plan (refer to Map 4) and are located within the **Medium Density Area** of the study area, wherein townhouse dwellings as well as single detached and semi-detached units, as proposed by this application, are permitted. The surrounding neighbourhood is characterized by a range

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of dwelling types and development standards, wherein both low and medium density uses exist. As described in Section 1.1 of the Plan, the purpose of the Benson Hunt Tertiary Plan, in accordance with the policies of the Official Plan, is to determine the appropriate locations for medium-density residential development and to establish design criteria to guide development within the neighbourhood. In this regard, Section 1.3 e) of the Tertiary Plan states as follows:

“The character, identity and heritage attributes of the Benson/Hunt Tertiary Plan area 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, meaning that:

‘Compatible new development should represent a ‘good fit’ within the physical context and character of the surrounding area’”.

Accordingly, the Tertiary Plan provides guidance for new development as outlined in Section 5.0 with respect to various criteria including setbacks and landscaping. As it relates to the subject development proposal, the Tertiary Plan recommends minimum side yard setbacks of 1.5 metres (4.92 feet) generally across the study area. In addition, the Tertiary Plan encourages enhancement of the urban canopy and landscape design elements that are in keeping with the character of the neighbourhood.

The proposed development is consistent with the overall objectives of the Tertiary Plan with respect to built form and design. While the proposed development does not achieve the recommended side yard setbacks of 1.5 metres (4.92 feet), the purpose of the Tertiary Plan is to provide guidance with respect to recommended development standards and there is a need to apply some flexibility, where appropriate, in order to allow for the form of development that is contemplated by the Tertiary Plan. In this regard, it is noted that there is substantial variation in lot frontages along Hunt Avenue, wherein the lot frontage of 13.41 metres (44.00 feet) for the subject property represents a unique condition on the street.

The Tertiary Plan does not provide specific guidelines with respect to lot width and unit size for semi-detached dwellings; however, the built form criteria set out within the Tertiary Plan for semi-detached dwellings recommends that the garage width not exceed 50% of the total front façade. On the basis of the drawings submitted, the proposed development would satisfy this principle. Therefore, the proposed side yard setbacks of 1.2 metres (3.94 feet) provide for an appropriate side yard condition for the proposed development, while allowing for a greater unit width and a relative reduction in the area devoted to the proposed garage doors on the front facades of the units.

Staff has reviewed the subject development in the context of the adjacent properties and the neighbourhood as a whole and considers the proposed development standards to be generally in keeping with the overall objectives of the Tertiary Plan.

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Proposed Zoning By-law Amendment

The subject lands are zoned **Residential Second Density (R2) Zone** under Zoning By-law 66-71, as amended (refer to Map 3), which permits single detached dwellings and various recreational and institutional uses and does not permit semi-detached dwellings as proposed by the subject application. In this regard, the applicant is proposing to rezone the subject lands to **Residential Multiple First Density – Special (RM1-S) Zone** under By-law 66-71, as amended, with site specific development standards to facilitate the subject development proposal.

The following table provides a summary of the development standards of the **Residential Multiple First Density – Special Zone (RM1-S) Zone** under By-law 66-71, as amended, including the site specific provisions proposed by the applicant:

Development Standard	Development Standards (RM1-S) Zone, Semi-detached dwellings	Proposed Development Standards
Minimum Lot Area	275 square metres (2,960.08 square feet)	Complies
Minimum Lot Frontage	9 metres (29.53 feet)	6.6 metres (21.65 feet)
Minimum Front Yard	6 metres (19.69 feet)	Complies
Minimum Side Yard (Interior)	1 metre (3.28 feet)	Complies
Minimum Rear Yard	7.62 metres (25.0 feet)	Complies
Maximum Height	10.67 metres (35.0 feet)	Complies
Maximum Lot Coverage	35%	Complies

As noted above, the standard provisions of the **RM1-S Zone** require a minimum lot frontage of 9 metres (29.53 feet), whereas minimum lot frontages of 6.6 metres (21.65 feet) are proposed. The proposal meets all other applicable provisions of the **Residential Multiple First Density – Special (RM1-S) Zone** under By-law 66-71, as amended.

It is noted that whereas a minimum side yard of 1.0 metre (3.28 feet) is permitted within the standard provisions of the **RM1-S Zone** under By-law 66-71, as amended, staff is recommending a site-specific provision requiring minimum side yard setbacks of 1.2 metres (3.94 feet) for the proposed development. As noted previously in this report, side yard setbacks of 1.2 metres (3.94 feet) are considered appropriate in light of the context of the adjacent properties and the neighbourhood as a whole and are in keeping with the overall objectives of the Tertiary Plan.

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Based on the foregoing, staff has undertaken a comprehensive review of the proposed Zoning By-law Amendment and considers it to be appropriate in light of the existing physical context and lot fabric within the area.

Proposed Site Plan

A Site Plan application (Town File D06-16096) was submitted concurrently with the subject Zoning By-law Amendment application to facilitate the construction of two semi-detached dwellings on the subject lands (refer to Maps 5 and 6). In response to technical comments received on the initial submission and the comments raised at the Council Public Meeting, the applicant submitted a revised submission to the Town, which included modifications to the orientation of the units and the design of the driveways and walkways in an effort to maximize the front yard area that can be used for planting and landscaping.

At the time of writing of this report, only technical matters with respect to grading and servicing for the proposed development remain to be addressed, which are described in greater detail in the later sections of this report. Staff is generally satisfied with the design and placement of the proposed dwellings subject to the resolution of the outstanding technical matters.

Department, External Agency and Public Comments

The Town departments and external agencies circulated for review and comment have signed off on the subject applications. As noted above, only technical matters with respect to grading and servicing for the proposed development remain to be addressed at the time of the writing of this report. The following is a summary of comments received on the applicant's development proposal, including a brief discussion on how concerns and issues have been addressed by the applicant.

Development Engineering Division

Development Engineering staff has provided technical comments with respect to the submitted Grading and Servicing Plan and a redline copy of the Grading and Servicing Plan has been provided to the applicant. These comments are as follows:

- certification for Grading Plans is required as per Schedule 'D' of the Town's Standards and Specifications Manual;
- the proposed driveway alignment is to be adjusted to avoid conflict with the roadside catch basin along the north curb line of Hunt Avenue;
- storm and sanitary laterals are to be designed such that the lateral invert elevations match the obvert elevation of the mainline sewer;
- discharge from the sunken patio floor drains is to outlet directly to storm laterals or to sumps. Connection to a building foundation drainage system (weepers) is not permitted; and,

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- the extent of the proposed retaining wall along the west property boundary should be reviewed as the elevations proposed along the west containment swale are sufficiently deep.

Development Planning Section

Following a comprehensive review of the applicant's development request, Planning staff recommends that Council support the applicant's Zoning By-law Amendment and Site Plan applications in principle on the basis of the following considerations:

- the proposed semi-detached dwelling units are permitted within the **Neighbourhood** designation of the Plan and within the **Medium Density Area** of the Council-approved Tertiary Plan;
- the design and development standards for the proposed semi-detached dwellings are considered appropriate in the context of the Benson/Hunt neighbourhood and are in keeping with the general intent of the Tertiary Plan;
- the applicant has satisfactorily addressed comments from Town staff with regard to such matters as site design and landscaping;
- Planning staff is generally satisfied with the design and placement of the proposed dwellings subject to the resolution of the outstanding technical matters as outlined in this report;
- the applicant is proposing to rezone the subject lands to **Residential Multiple First Density – Special (RM1-S) Zone** under By-law 66-71, as amended, which would permit both single detached and semi-detached dwelling uses. In this regard, the Zoning By-law Amendment should contain provisions to limit the application of the proposed site-specific development standards for semi-detached dwellings only; and,
- subject to approval of the proposed Zoning By-law Amendment application, a future Consent application will be required to facilitate the proposed development.

Public Comments

As noted previously, concerns were raised at the Council Public Meeting and Committee of the Whole Meeting with respect to the appropriateness of the subject development proposal as it relates to the recommendations of the Tertiary Plan pertaining to unit sizes, height, side yard setbacks and lot width. As described earlier in this report, the Tertiary Plan does not provide specific guidelines with respect to lot width and unit size for semi-detached dwellings. With respect to building height, the proposed development meets the standard provisions of By-law 66-71, as amended, which permits a maximum building height of 10.67 metres (35 feet) and is comparable with the permitted building heights of new dwellings in the area. In terms of the proposed side yard setbacks of 1.2 metres (3.94 feet), staff has undertaken a comprehensive review of the proposal and considers these setbacks to be appropriate

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for the reasons outlined in this report in consideration of the existing physical context of the neighbourhood and that this standard has been implemented in newer development across the Town. Finally, it should also be noted that the unit and driveway orientation for the applicant's proposal provides for enhanced planting and landscaping opportunities within the front yards of the proposed dwellings.

Servicing Allocation:

Servicing allocation for the proposed dwellings will be taken from the Part Lot Control/Consent pool subject to and at the time of the respective approvals.

Recommendation

As previously stated in this report, the applicant has filed appeals of both its Zoning By-law Amendment and Site Plan applications. The applicant has addressed the issues and concerns raised with respect to its proposed Zoning By-law Amendment and Site Plan applications, with the exception of technical comments related to grading and servicing matters, and therefore, it is recommended that Council support the subject applications in principle for the reasons outlined in this report.

Financial/Staffing/Other Implications:

As this application has been appealed to the LPAT, the recommendation of this report will require further draws on staff and financial resources. These will be accommodated in existing budgets.

Relationship to the Strategic Plan:

The proposed development is generally aligned with **Goal Two, Better Choice in Richmond Hill** in providing additional housing options within an existing residential neighbourhood. The proposed development is also generally aligned with **Goal Four, Wise Management of Resources in Richmond Hill** in committing to use land responsibly.

Conclusion:

Staff is requesting Council's direction with respect to the applicant's Zoning By-law Amendment and Site Plan applications to permit two semi-detached dwellings on its land holdings. The applicant has satisfactorily addressed the issues and concerns raised by circulated departments and agencies and the proposed development conforms to the Plan, it is aligned with the general intent of the Tertiary Plan and is considered to represent good planning. In light of the preceding, it is recommended that Council support the applicant's Zoning By-law Amendment and Site Plan applications in principle, subject to the applicant addressing outstanding technical matters as described in this report, and that that staff be directed to appear at LPAT in support of Council's position concerning the subject applications.

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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# 20-17, held June 7, 2017
- Appendix B, Committee of the Whole Extract CW#02-18, held February 5, 2018
- Map 1, Aerial Photograph
- Map 2, Official Plan Designation
- Map 3, Existing Zoning
- Map 4, Benson Hunt Tertiary Plan
- Map 5, Proposed Site Plan
- Map 6, Proposed Elevations

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Report Approval Details

Document Title:	SRPRS.18.122.docx
Attachments:	- SRPRS.18.122 Map 1.pdf - SRPRS.18.122 Map 2.pdf - SRPRS.18.122 Map 3.pdf - SRPRS.18.122 Map 4.pdf - SRPRS.18.122 Map 5.pdf - SRPRS.18.122 Map 6.pdf - SRPRS.18.122, Schedule A.pdf - SRPRS.18.122, Schedule B.pdf
Final Approval Date:	May 29, 2018

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

Gus Galanis - May 28, 2018 - 5:35 PM

Kelvin Kwan - May 29, 2018 - 9:51 AM

Neil Garbe - May 29, 2018 - 11:02 AM