



## Memorandum

August 29, 2018

**Memo To:** Mayor and Council

**Copy To:** Neil Garbe, Chief Administrative Officer  
Antonio Dimilta, Town Solicitor  
Stephen Huycke, Town Clerk

**From:** Kelvin Kwan, Commissioner of Planning and Regulatory Services

**Subject:** **SRPRS.18.160 - Request for Approval - Zoning By-law Amendment Application - Seyed Mohammad Shams and Lida Shahi - File Number D02-15043 (Related File D06-15092)**

---

### Recommendation:

That the memorandum from the Commissioner of Planning and Regulatory Services dated August 29, 2018 be received.

### Background:

On July 3, 2018, Committee of the Whole considered Staff Report SRPRS.18.160 with respect to the applicant's request for approval of Zoning By-law Amendment and Site Plan applications to permit a day nursery within the existing single detached dwelling located on the subject lands. At the meeting, concerns were identified by the adjacent property owner, the Temperanceville United Church (the "church"), with respect to the proposed daycare operation. Specifically, the church identified concerns related to the proposed parking supply, access and egress, safety concerns, the impact of the subject proposal on area traffic and the preservation of the mature trees located along the mutual property line.

Following consideration of the issues raised at the meeting, the Committee deferred consideration of Staff Report SRPRS.18.160 to the July 9, 2018 Council meeting (refer to Appendix 1). At the Council meeting, the church reiterated the concerns identified at the July 3, 2018 Committee of the Whole meeting. Following further consideration of the issues, Council referred Staff Report SRPRS.18.160 to the September 4, 2018 Committee of the Whole meeting in order to provide an opportunity for discussion between the church and the applicant to address the concerns identified to date (refer to Appendix 2).

The purpose of this memorandum is to address the concerns with respect to the proposed daycare use identified to date and to provide the Committee with a summary of the meeting held between Town staff, the applicant and the church on August 29, 2018.

## **Issue Summary:**

Following the July 9, 2018 Council meeting, the church advised Town staff that its concerns with the subject proposal are as follows:

- insufficient parking and drop-off facilities to serve the proposed day nursery use and the potential for vehicle spillover onto the church parking area;
- insufficient space for onsite vehicular movements and potential vehicle queuing; and,
- possible damage to the existing mature trees located along the mutual property line.

Counsel for the church (Counter & Mitchell) has filed correspondence from the Region of York (the "Region") and has requested that said correspondence be considered by Committee of the Whole at its meeting on September 4, 2018. This correspondence is dated June 23, 2016 and it identifies a number of issues with respect to the initial circulation of the subject development proposal. Town staff has provided the church with correspondence from the Region dated July 26, 2018 (attached as Appendix 4) that provides comments on the most recent submission provided by the applicant that address the concerns identified by the Region in their initial correspondence to the Town.

As noted in Staff Report SRPRS.18.160, the Region and the Town's Development Engineering staff have reviewed the subject development proposal, including the revised submissions for same which include a review of the parking supply, pick up and drop areas, all vehicular onsite movements and potential queuing and have determined that the development as proposed satisfactorily addresses the issues previously identified with respect to the preceding matters. In this regard, the subject development proposal meets the Town's and the Region's operational standards and complies with the parking requirements of By-law 313-96, as amended.

With respect to the protection of the existing mature trees along the mutual property boundary, Parks staff has advised that the applicant's latest submission has addressed its previous concerns by limiting the proposed site works to areas located outside of the minimum protection zones for said trees. In this regard, the applicant will be following the tree preservation measures outlined in the approved Tree Inventory and Preservation Plan for the development.

## **Meeting Summary:**

As noted previously, on August 29, 2018, Town staff facilitated a meeting between the owner of the subject lands, its representatives and representatives of the church. At this

meeting, Town staff provided the church representatives with clarification concerning the comments received as part of the application circulation, the Town's review and evaluation process, the applicable minimum parking rates for day nursery uses, the feasibility of vehicular movements on the basis of the proposed Site Plan and the technical studies that were submitted and reviewed by both the Town and Region with respect to the proposed daycare proposal. Supplementary information concerning the functionality of vehicular movements and the impact on traffic both on and off the site was also provided by the applicant's traffic engineer. In this regard, the direction provided to the church was that the latest iteration of the applicant's development proposal has satisfactorily addressed the issues previously identified by the Town and the Region and that the proposed development was acceptable from a traffic operations perspective.

In addition, the parties discussed various mitigation measures that could be implemented to discourage potential overflow parking onto the church property including the installation of appropriate signage on the subject lands and/or the church property and the education of the day nursery patrons with respect to accessing and parking on the site. Planning staff would encourage the applicants and the church to continue this positive dialogue in order to determine the most appropriate options for both parties in this regard.

## **Conclusions:**

As outlined in Staff Report SRPRS.18.160, the applicant has satisfactorily addressed the principle issues that were raised by members of the public as well as those concerns and requirements identified by circulated Town departments and external agencies through the comprehensive review of its Zoning By-law Amendment and Site Plan applications. In this regard, principle considerations related to onsite traffic operations, parking and pick-up and drop-off and tree preservation have been addressed to the satisfaction of Town and where applicable, the Region (refer to Appendices 3 and 4). On the basis of the preceding, staff recommends approval of the subject proposal in accordance with the recommendations of Staff Report SRPRS.18.160.

"Original signed by Gus Galanis, Director of Development Planning, is on file in the Office of the Clerk"

---

Kelvin Kwan  
Commissioner of Planning and Regulatory Services

## **Attachments:**

- Appendix 1, Extract from Committee of the Whole Meeting #11-18 held on July 3, 2018
- Appendix 2, Extract from Council Meeting #25-18 held on July 9, 2018
- Appendix 3, Comment Memo from York Region, dated July 26, 2018
- Appendix 4, Comment Memo from Development Engineering, dated June 12, 2018

**Extract from  
Committee of the Whole Meeting  
CW#11-18 held July 3, 2018**

|          |           |
|----------|-----------|
| Appendix | 1         |
| SRPRS    | Memo      |
| File(s)  | D02-15043 |

**10.3 David Tarsky, Talize Inc., regarding the Textile Diversion Program Options and Private Textile Donation Bin Regulation - refer to Item 11.8**

Triveni Singh, Director of Operations, Talize Inc., on behalf of David Tarsky, President, Talize Inc., addressed Committee regarding the Textile Diversion Program Options and Private Textile Donation Bin Regulation. He provided background information on Talize, a privately owned Canadian thrift store chain, and advised that they were looking to partner with the Town of Richmond Hill to create and manage textile diversion programs including donation bins and collections.

**10.4 Shirley Sukharrie, Operations Manager, Envirotex Recycling Inc., regarding the Textile Diversion Program Options and Private Textile Donation Bin Regulation - refer to Item 11.8**

Shirley Sukharrie, Operations Manager, Envirotex Recycling Inc., addressed Committee regarding the Textile Diversion Program Options and Private Textile Donation Bin Regulation. She provided background information on Envirotex Recycling Inc. and the services they provide, addressed the diversion outcomes identified in the staff report, and advised that they would like to partner with the Town of Richmond Hill on whichever textile diversion program option is selected.

**10.5 Valerie Petroff, Chair of the Board, Temperanceville United Church, regarding the proposed Zoning By-law Amendment application submitted by Seyed Mohammad Shams and Lida Shahi for 13029 Bathurst Street - refer to Item 11.16**

Valerie Petroff, Chair of the Board, Temperanceville United Church, addressed Committee regarding the proposed Zoning By-law Amendment application submitted by Seyed Mohammad Shams and Lida Shahi for 13029 Bathurst Street. She noted outstanding concerns since the Council Public Meeting held in May 2016 related to the preservation of the mature Maple trees on the Church property. Ms. Petroff further advised of concerns with the proposed day nursery because of the reduced number of parking spaces, access and egress, safety of the children using the day nursery, and impact on area traffic.

**Extract from  
Committee of the Whole Meeting  
CW#11-18 held July 3, 2018**

**11. Committee and Staff Reports**

**11.16 SRPRS.18.160 - Request for Approval - Zoning By-law Amendment Application - Seyed Mohammad Shams and Lida Shahi - 13029 Bathurst Street - File Number D02-15043 (Related Fiie Number D06-15092)**

**Motion to Defer:**

Moved by: Councillor Beros

That consideration of staff report SRPRS.18.160 regarding the proposed Zoning By-law Amendment Application submitted by Seyed Mohammad Shams and Lida Shahi for 13029 Bathurst Street be deferred to the Council meeting on July 9, 2018.

Motion to Defer Carried Unanimously

**Extract from Council Meeting  
C#25-18 held July 9, 2018  
Confirmatory By-law 95-18**

|          |           |
|----------|-----------|
| Appendix | 2         |
| SRPRS    | Memo      |
| File(s)  | DD2-15043 |

**12.3 Deborah Alexander, Alexander Planning Inc., regarding the Zoning By-law Amendment application submitted by Seyed Mohammad Shams and Lida Shahi for 13029 Bathurst Street - refer to Item 13.4 and Proposed By-law 86-18**

Deborah Alexander, Alexander Planning Inc., agent for the applicant, addressed Council regarding the proposed Zoning By-law Amendment application submitted by Seyed Mohammad Shams and Lida Shahi for 13029 Bathurst Street. She advised that the proposed development would reuse the existing dwelling for a day nursery and noted that the concerns raised by the Temperanceville United Church related to the mature trees along the property line, adequacy of the proposed parking area, pick-up and drop-off facilities, and access and egress had been addressed by her client and that they had undertaken a Vehicle Movement Study and Site Line Study. Ms. Alexander confirmed that the mature trees along the property line would be fully protected, proposed parking was at the Town approved rate, provided a history of the activity between her client and the Church, and requested that Council approve the staff report recommendations.

**12.4 Karen Mitchell, Temperanceville United Church, regarding the proposed Zoning By-law Amendment application submitted by Seyed Mohammad Shams and Lida Shahi for 13029 Bathurst Street - refer to Item 13.4 and Proposed By-law 86-18**

Valerie Petroff, on behalf of Karen Mitchell, Temperanceville United Church, addressed Council regarding the proposed Zoning By-law Amendment application submitted by Seyed Mohammad Shams and Lida Shahi for 13029 Bathurst Street. She noted the mature trees were located on the Church property and not on the property line; provided a history of the activity between the Church, the developer and applicant, and local Councillor; and advised of their concern with being subject to a Minor Variance application which they did not receive notice of. Ms. Petroff reiterated the concerns that she identified at the July 3<sup>rd</sup> Committee of the Whole meeting related to the preservation of the mature trees, reduced number of parking spaces, access and egress, safety of the children using the day nursery, and impact on area traffic.

---

**FOR YOUR INFORMATION AND ANY ACTION DEEMED NECESSARY**

---

**Extract from Council Meeting  
C#25-18 held July 9, 2018  
Confirmatory By-law 95-18**

**12.5 Mona Sedighi, 13025 Bathurst Street, regarding the Zoning By-law Amendment application submitted by Seyed Mohammad Shams and Lida Shahi for 13029 Bathurst Street - refer to Item 13.4 and Proposed By-law 86-18**

Mona Sedighi, 13025 Bathurst Street, addressed Council regarding the Zoning By-law Amendment application submitted by Seyed Mohammad Shams and Lida Shahi for 13029 Bathurst Street. She highlighted her qualifications and love of children and advised the sole reason for purchasing the subject lands was to open a new daycare. She provided a history of the property and applications that had been submitted, advised all comments and concerns received had been addressed, and noted the value a daycare facility would bring to the community. Ms. Sedighi confirmed that the mature trees along the property line would be fully protected, provided details of the proposed landscape plan, and requested that Council approve the staff report recommendations.

---

**FOR YOUR INFORMATION AND ANY ACTION DEEMED NECESSARY**

---

**Extract from Council Meeting  
C#25-18 held July 9, 2018  
Confirmatory By-law 95-18**

**13. Committee and Staff Reports**

- 13.4 SRPRS.18.160 - Request for Approval - Zoning By-law Amendment Application - Seyed Mohammad Shams and Lida Shahi - 13029 Bathurst Street - File Number D02-15043 (Related File Number D06-15092) - (Proposed By-law 86-18)**

**Motion to Refer:**

Moved by: Councillor Beros

Seconded by: Councillor Muench

a) That consideration of staff report SRPRS.18.160 regarding the proposed Zoning By-law Amendment Application submitted by Seyed Mohammad Shams and Lida Shahi for 13029 Bathurst Street be referred to the Committee of the Whole meeting on September 4, 2018.

Carried Unanimously



## COMMENTS

### PLANNING AND REGULATORY SERVICES DEPARTMENT DEVELOPMENT ENGINEERING DIVISION

June 12, 2018

**MEMO TO:** Katherine Faria, Planner II

**FROM:** Paul Guerreiro, Manager of Site Plans

**SUBJECT:** Circulation of Site Plan Application FOR APPROVAL - Comments  
D06-15092 (SITE PLAN) & D02-15043 (Zoning By-law Amendment)  
Shams, Seyed Mohammad & Shahi, Lida  
13029 Bathurst Street

The Development Engineering Division has reviewed the above noted application.  
The applicant/consultant shall confirm that all comments noted below have been addressed by ensuring each box is checked off, initialed and included with the next submission.

**Transportation and Traffic** - Please contact Rob Cowie, Senior Traffic Analyst at (905) 747-6455 if you have any questions or concerns.

We have no concerns/objections to these proposed adjustments. Having said that, we would prefer the designated disabled parking space to be located at the end of the drive aisle.

**Lighting** - Please contact Rob Cowie, Senior Traffic Analyst at (905) 747-6455 if you have any questions or concerns.

No further comments.

**Servicing, Grading, Storm Water Management & ESC** - Please contact Annie Kwok, Project Coordinator at (905) 771-2456 if you have any questions or concerns.

#### Servicing

#### Initial

- The storm sewer connection requires Region of York approval. Please provide a copy of the approval letter to the Town.
- Ensure engineering plans are updated according to the changes made to the Site Plan via email from Planning, June 6, 2018. Refer to Transportation comments.
- The proposed storm connection crosses under the existing municipal watermain and appears to be in conflict. When crossing under municipal watermain, a minimum of 0.3m vertical clearance is required. Please verify the elevation of the watermain to ensure 0.3m vertical clearance is provided
- Revise according to the red-lined drawings attached.

Comments based on: Servicing Plan dwg. no. C-02, Notes and Details dwg. no. C-04, prepared by Eden Engineering & Design Inc., revision 3 dated May 6, 2018

**Grading**

**Initial**

- Revise according to the red-lined drawings attached.

Comments based on: Grading Plan dwg. no. C-01, prepared by Eden Engineering & Design Inc., revision 3 dated May 6, 2018

**Storm Water Management (SWM)**

No further comments.

Comments based on: SWM Report prepared by Eden Engineering & Design Inc. dated May 2018

**Erosion and Sedimentation Control (ESC)**

No further comments.

Comments based on: Erosion and Sediment Control Plan dwg. no. C-03, prepared by Eden Engineering & Design Inc., revision 3 dated May 6, 2018

**General**

**Initial**

- Revise the sidewalk alignment through driveway as indicated on the attached plans. The existing sidewalk on Bathurst Street was constructed under Town's capital contract in 2016 and may still be under maintenance. Please contact Carrie Park, Project Manager – Municipal Engineering at 905-771-9996 Ext. 3563 before commencing construction.
- Update Construction Traffic Management Plan per redlines attached.

These comments have been addressed by:

Name: \_\_\_\_\_

Contact Number: \_\_\_\_\_



Paul Guerreiro

PG/ph



|          |           |
|----------|-----------|
| Appendix | 4         |
| SRPRS    | Memo      |
| File(s)  | D02-15D43 |

Corporate Services  
Community Planning and Development Services

July 26, 2018

Katherine Faria  
Town of Richmond Hill  
225 East Beaver Creek Road  
Richmond Hill, ON L4B 3P4

Dear Ms. Faria:

**Re: Preliminary Site Plan Comments (4th Submission)  
Shams, Seyed Mohammad & Shahi, Lida  
Proposed Day Nursery  
13029 Bathurst Street  
East side of Bathurst Street, North of King Road  
Town of Richmond Hill  
Town File D06-15092  
Regional File No.: SP-R-031-15 (SP.15.R.0132)**

This is a preliminary letter, not an approval and is subject to modification. It is intended to provide information to the applicant regarding the Regional requirements and comments that have been identified to date.

York Region has reviewed Plans and Reports submitted as part of the 4<sup>th</sup> Submission and has no objection to the development proposal, **in principle**.

The Region therefore has no objection to this Site Plan application's endorsement by local municipal Council. **The Regional Municipality of York does not require being party to the site plan agreement for this development.**

This is not a Regional Site Plan Approval. To obtain Regional Site Plan approval the Owner must satisfy all the conditions below.

**Submission Requirements**

1. The Owner shall address, to the Region's satisfaction, the comments on the red-lined plans and/or reports provided by email to the Town and the applicant's representative on July 25, 2018.

2. The Owner shall submit to the Region the following:
  - a) A revised cost estimate for works in the Region's right of way based on the redlined plans

**Property Conveyance**

3. No property is required to be conveyed to the Region.
4. York Region is protecting a 36.0 metre right-of-way for this section of Bathurst Street. As such, York Region requests that all municipal setbacks be referenced from a point 18.0 metre(s) from the centreline of construction of Bathurst Street.

**Technical Comments**

5. The Owner must obtain a road occupancy permit from Corridor Control and Safety with the Roads and Traffic Operations Branch, prior to commencing any work on the Bathurst Street right-of-way. The Road Occupancy permit will be released once the contractor has supplied proof that the Region is in receipt of securities and the Certificate of Insurance to the satisfaction of the Commissioner of Finance. A road occupancy permit will be required as a condition of site plan approval. Details regarding the road occupancy permit will be provided upon submission of the revised plan.
6. Please note the following minimum requirements for working within a York Region Road allowance unless dictated otherwise on the Traffic/Construction Management Plan and Road Occupancy Permit:
  - i. No lane closures are permitted on weekdays between the hours of 7:00 a.m. to 9:30 a.m. and 3:30 p.m. to 6:00 p.m.;
  - ii. Any lane closures or lane encroachments that occur must be signed in accordance with the Ontario Traffic Manual (OTM) Book 7 "Temporary Conditions";
  - iii. Safe pedestrian access must be maintained at all times by the Owner's contractors. As such, safe passage for all pedestrians, including pedestrians with disabilities (blind, hearing impaired, on wheelchairs, etc.), must be ensured by the Owner's contractors.
  - iv. A 24-hour contact must be available throughout the duration of the project;
  - v. The characteristic and placement of all signs and traffic control or management shall conform to the standards of the Ontario Traffic Manual (OTM) Book 7 "Temporary Conditions" and as per the Occupational Health and Safety Act;

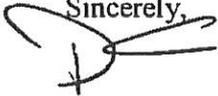
- vi. The manufacture and the erection of all signs for the Traffic Management Plan shall be the responsibility of the Contractor.
  - vii. Paid Duty officers will be required for proposed or existing signalized works within intersections.
7. Upon final review York Region shall advise the Owner of any other property, financial, legal, insurance, technical, notification and other requirements, which will become part of the conditions of approval for the subject application.

Landscaping Comments

8. The landscape plans circulated with this submission are to the satisfaction of the Region's Streetscape and Natural Heritage Forestry staff. No further revisions to the landscape plans are required.

Additional comments may be provided upon review of a subsequent site plan submission. If there are any questions regarding these comments, please contact me at extension 75221.

Sincerely,



Duane Carson  
Development Review Technologist

Copy to: Deb Alexander, Alexander Planning Inc.(e-mail)

DC/jb

YORK-#8633905-v2\_Letter\_SP\_15\_R\_0132 (SP-R-031-15)\_July\_20\_2018\_Shams\_Seyed\_Mohammad\_4th\_Submission\_Comment\_Letter\_docx