



Staff Report for Committee of the Whole Meeting

Date of Meeting: May 21, 2019
Report Number: SRPRS.19.088

Department: Planning and Regulatory Services
Division: Development Planning

Subject: **SRPRS.19.088 – Request for Approval – Site Plan Application – Foad Seyed Sedighi – City File D06-15092 (Related File D02-15043)**

Owner:

Foad Seyed Sedighi
13029 Bathurst Street
Richmond Hill, Ontario
L4E 2Z2

Agent:

Alexander Planning Inc.
72 Herefordshire Crescent
East Gwillimbury, Ontario
L9N 0B6

Location:

Legal Description: Part of Lot 21, Plan M-807
Municipal Address: 13029 Bathurst Street

Purpose:

A request for Site Plan approval to permit a day nursery within the existing single detached dwelling located on the subject lands.

Recommendation:

- a) **That the Site Plan application submitted by Foad Seyed Sedighi for the lands known on Part of Lot 21, Plan M-807 (Municipal Address: 13029 Bathurst Street), City File D06-15092 (Related File D02-15043), be approved.**

Contact Person:

Katherine Faria, Planner II, Subdivisions, phone number 905-771-5543
Deborah Giannetta, Manager of Development, Site Plans, phone number 905-771-5542

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Report Approval:

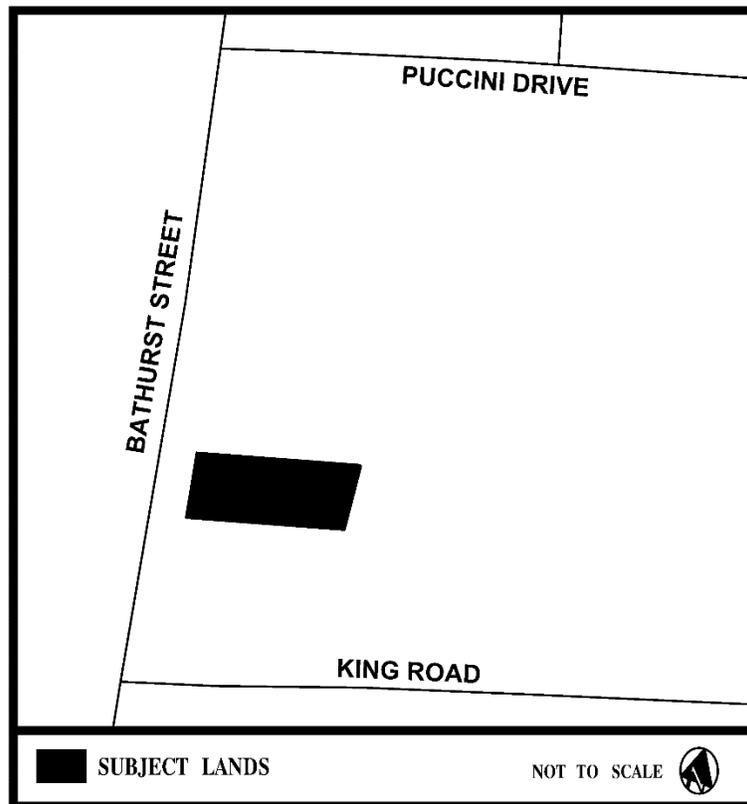
Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by: Neil Garbe, City Manager

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

Location Map:

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



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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 day nursery operation. Specifically, the church identified concerns related to parking, area traffic and the preservation of mature trees located on the church's property.

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, wherein the church reiterated the concerns previously identified at the Committee of the Whole meeting of July 3, 2018. 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 resolve the concerns identified to date.

At the September 4, 2018 Committee of the Whole meeting, the representatives of the church reiterated their concerns with respect to the subject proposal; however, Council approved the requested Zoning By-law Amendment to permit the day nursery as a stand-alone use on the subject lands with site-specific development standards as recommended in Staff Report SRPRS.18.160. As part of that approval, Council also directed that the related Site Plan application be returned to Council for final approval in an effort to provide another opportunity for the church's concerns to be addressed.

Zoning By-law 86-18 was passed at the September 12, 2018 Council meeting and came into full force and effect on October 25, 2018 following the expiry of the statutory appeal period.

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 City departments and external agencies through the review of the applicant's Zoning By-law Amendment and Site Plan applications. Subsequently, further technical comments provided by City departments and external agencies regarding the applicant's development proposal have also been addressed by the applicant. In this regard, only administrative and minor drafting matters remain prior to finalization of the Site Plan application.

On the basis of the foregoing, the purpose of this report is to seek Council's approval of the applicant's Site Plan application.

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Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the east side of Bathurst Street, north of King Road and have a lot area of approximately 0.12 hectares (0.30 acres). The lands abut low-density uses to the north, Bathurst Street to the west, an approved residential development to the east and the Temperanceville United Church and Cemetery to the south (listed on the City's Inventory of Buildings of Architectural and Historical Significance) (refer to Map 1). The existing single detached dwelling located on the subject lands is proposed to remain in order to accommodate the day nursery.

Development Proposal

The applicant is seeking Council's approval of its Site Plan application to facilitate a day nursery with a maximum capacity of 45 children within the existing single detached dwelling located on its land holdings. The following is a summary table outlining the pertinent statistics of the applicant's development proposal on the basis of the plans and drawings submitted to the City:

Total Site Area:	0.12 hectares (0.30 acres)
Lot Frontage:	19.49 metres (63.94 feet)
Gross Floor Area:	481.8 square metres (5,186.05 square feet)
Number of Parking Spaces:	9 spaces (inclusive of 2 barrier-free parking spaces)

The applicant's current submission proposes a total of nine parking spaces, inclusive of two barrier-free spaces and two parking spaces to be located within the existing garage on the two subject lands. In addition, bike parking is proposed within the north side yard of the existing dwelling.

Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** in accordance with Schedule A2-Land Use of the City's Official Plan ("Plan") (refer to Map 2) and are located within the **Settlement Area** of the *Oak Ridges Moraine Conservation Plan* ("ORMCP"). As outlined in Staff Report SRPRS.18.160, the applicant's development proposal conforms with the applicable policies of the Plan.

Zoning

As noted previously, By-law 86-18 was approved by Council at its meeting of September 12, 2018, which had the effect of permitting a day nursery as a stand-alone use with site-specific development standards to facilitate the proposed development on the subject lands.

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Site Plan Application

The subject Site Plan application was submitted concurrently with the Zoning By-law Amendment application (City File D02-15043) to permit modifications to the existing single detached dwelling and site to accommodate a proposed day nursery facility (refer to Maps 4 to 8). The applicant's initial development proposal sought approval for a day nursery to accommodate a total of 70 children within the existing single detached dwelling. However, the proposal did not provide for adequate parking facilities to support the proposed capacity of the day nursery.

In response to the comments received as part of the application review as well as those raised by Council and the abutting land owner, the applicant submitted a revised proposal that sought approval for a maximum capacity of 45 children. Following a comprehensive review of the materials submitted by the applicant in support of its revised proposal, various technical matters were reviewed including, among other matters, parking supply, onsite vehicular circulation, the provision of a functional turnaround area and parking stall ingress/egress, pick-up and drop-off capacity, pedestrian circulation and connectivity to Bathurst, landscaping and the protection of existing vegetation on the adjacent property. The above matters have been satisfactorily addressed and are discussed in detail below.

Parking

By-law 313-96, as amended, requires a minimum parking rate for a day nursery equivalent to the greater of one parking space for each five children to be accommodated at any given time or one parking space per employee. It is further noted that the above minimum parking rate is consistent with the recommended parking supply for a day care use for this area of the City pursuant to the *Richmond Hill Parking Strategy – Final Draft Report*.

On the basis of the approved Zoning By-law, the standard provisions of By-law 313-96, as amended apply to the subject Site Plan application. In this regard, the applicant's Site Plan proposes a total of nine parking spaces and a maximum capacity of 45 children, which would comply with the minimum parking requirements for a day nursery in accordance with By-law 313-96, as amended.

On-Site Circulation and Site Design

As indicated above, comments were provided by circulated City departments and external agencies on the applicant's development proposal with respect to onsite vehicular movement, pick-up and drop-off capacity, and pedestrian circulation. The applicant's revised Site Plan reflects the following modifications to the proposed parking area with respect to its initial submission:

- the reorientation of the proposed parking spaces to accommodate adequate facilities and address issues related to ingress/egress for individual parking spaces;
- the provision of a parking space designated for pick-up and drop-off use; and,

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- the provision of an onsite pedestrian walkway connecting the day nursery entrance to the existing Bathurst Street sidewalk.

The revised plans and supporting documentation, including reports related to vehicular turning movements (including parking space ingress and egress), pick-up and drop-off operations, and sight distance analyses were circulated to the relevant City departments and external agencies for review and comment. Both York Region and the City's Development Engineering staff have reviewed the submitted materials, including the relevant technical reports, and have advised that they have no concerns with these aspects of the applicant's Site Plan application.

Landscaping and Tree Preservation

The applicant's revised Site Plan addresses the concerns previously identified with respect to removal of or injury to existing vegetation on neighbouring property and the provision of landscape buffering. In this regard, the proposed grading and site design has been revised to provide for the preservation of the existing trees on adjacent property, including a mature tree located on the abutting lands to the south of the subject lands. The City's Park and Natural Heritage Planning Section has reviewed the applicant's current Site Plan application and advises that it has no concerns with these aspects of the applicant's Site Plan application.

City Department, External Agency and Public Comments:

The subject Site Plan application, including the associated background studies and reports submitted in support of same were circulated to various City departments and external agencies for their review and comment. As outlined in Staff Report SRPRS.18.160, the technical requirements of circulated City departments and agencies have been satisfactorily addressed.

Public Comments

As noted previously, concerns from the adjacent landowner were raised with respect to the subject development proposal in relation to the adequacy of the proposed parking supply, pick-up and drop-off and turnaround facilities, the protection of existing vegetation on the adjacent property, a lack of green space, snow storage areas and access and egress. As outlined in the preceding section of this report and in Staff Report SRPRS.18.160, the applicant has revised the proposed site layout to provide the following:

- the minimum parking supply required for the proposed use in accordance with the applicable provisions of By-law 313-96, as amended;
- sufficient on-site circulation, pick-up and drop-off facilities in accordance with City standards;
- appropriate access and egress in accordance with City and Regional requirements; and,

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- landscaping in accordance with City standards and by-law requirements which ensures the preservation of existing vegetation on the abutting private property.

Pursuant to the direction of Council provided at the Committee of the Whole Meeting of September 4, 2018 (refer to Appendix A), City staff facilitated a further meeting between the owner of the subject lands, its representatives and representatives of the church on April 15, 2019. The purpose of this meeting was to provide another opportunity for discussion regarding any outstanding concerns of the church related to the future operation of the permitted day nursery. At this meeting, City staff and the owner's representatives provided an update on the status of the Site Plan application in addition to providing clarification with respect to various technical and design considerations. The representatives of the church reiterated the issues that had been identified previously and indicated that they continue to have concerns with respect to the parking and traffic operations for the day nursery.

Recommendation:

City staff has carefully reviewed the applicant's current Site Plan application, including the issues identified by the church and is of the opinion that it satisfactorily addresses requirements related to, among other matters, parking and vehicular circulation and the preservation of the existing vegetation on the abutting property to the south of the subject lands. At the time of writing of this report, only administrative and minor drafting matters remain to be addressed prior to finalization of the Site Plan drawings. In consideration of the foregoing, staff recommends that Council approve the applicant's Site Plan application.

Financial/Staffing/Other Implications:

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

Relationship to the Strategic Plan:

The applicant's development proposal aligns with **Goal One – Stronger Connections in Richmond Hill** in providing a service within the community. The proposed development also aligns with **Goal Four – Wise Management of Resources in Richmond Hill** in committing to use land and resources responsibly.

Conclusion:

The applicant is seeking Council's approval of its Site Plan application to permit a day nursery as a stand-alone use within the existing single detached dwelling located on its land holdings. The applicant has satisfactorily addressed the principle issues and concerns raised by members of the public as well as the comments from circulated departments and agencies. Staff therefore recommends Council approve the subject Site Plan application.

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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, Extract from Council Meeting #27-18 held on September 12, 2018
- Map 1, Aerial Photograph
- Map 2, Official Plan Designation
- Map 3, Existing Zoning
- Map 4, Proposed Site Plan
- Map 5, Proposed West (Front) Elevation
- Map 6, Proposed East (Rear) Elevation
- Map 7, Proposed South (Side) Elevation
- Map 8, Proposed North (Side) Elevation

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Report Approval Details

Document Title:	SRPRS.19.088 - Request for Approval of Site Plan Application - D06-15092.docx
Attachments:	<ul style="list-style-type: none">- SRPRS.19.088 Appendix A.pdf- SRPRS.19.088 Map 1.pdf- SRPRS.19.088 Map 2.pdf- SRPRS.19.088 Map 3.PDF- SRPRS.19.088 Map 4.pdf- SRPRS.19.088 Map 5.pdf- SRPRS.19.088 Map 6.pdf- SRPRS.19.088 Map 7.pdf- SRPRS.19.088 Map 8.pdf
Final Approval Date:	May 8, 2019

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

Gus Galanis - May 8, 2019 - 3:13 PM

Kelvin Kwan - May 8, 2019 - 3:29 PM

Neil Garbe - May 8, 2019 - 3:32 PM