



Staff Report for Council Public Meeting

Date of Meeting: June 19, 2019

Report Number: SRPRS.19.116

Department: Planning and Regulatory Services

Division: Development Planning

Subject: **SRPRS.19.116 – Request for Comments –
Zoning By-law Amendment Application – Mahin
Emadi Khiav – City File D02-19005 (Related City
File D06-19030)**

Owner:

Mahin Emadi Khiav
40 Harding Boulevard West, Unit 904
Richmond Hill, Ontario
L4C 9S5

Agent:

Deborah Alexander
72 Herefordshire Crescent
East Gwillimbury, ON
L9N 0B6

Location:

Legal Description: Part of Lot 17, Plan 3806
Municipal Address: 429 16th Avenue

Purpose:

A request for comments concerning a proposed Zoning By-law Amendment application to permit the conversion of a single detached dwelling to a day nursery.

Recommendation:

- a) **That Staff Report SRPRS.19.116 with respect to the Zoning By-law Amendment application submitted by Mahin Emadi Khiav for the lands known as Part of Lot 17, Plan 3806 (Municipal Address: 429 16th Avenue), City File D02-19005, be received for information purposes only and that all comments be referred back to staff.**

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Contact Person:

Kelsey Prentice, Planner I – Zoning, phone number 905-771-240 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, 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 person listed under the “Contact Person” above.



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Background Information:

The subject Zoning By-law Amendment application and related Site Plan application (City File D06-19005) were received on April 26, 2019 and deemed complete by the City on May 8, 2019, after Bill 139 received Royal Assent on December 12, 2017. The applications were subsequently circulated to relevant City departments and external agencies for review and comment. The purpose of this report is to seek comments from Council and the public with respect to the subject application, pursuant to the statutory Public Meeting and associated notice requirements of the *Planning Act*.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are on the south side of 16th Avenue, east of Elm Avenue (refer to Maps 1 and 2). The lands have a frontage of 25.12 metres (82.41 feet) on 16th Avenue and a lot area of 0.24 hectares (0.59 acres). The lands currently support a single-detached dwelling and detached garage, which is proposed to be converted to a day nursery. Existing land uses along 16th Avenue include a mix of uses such as single-detached and semi-detached dwellings, community uses such as schools and places of worship, and some single-detached dwellings that have been converted to office uses. Abutting land uses include a semi-detached dwelling to the west, a single-detached dwelling to the east, a single detached dwelling to the south, 16th Avenue to the north and Sixteenth Avenue Public School and Elvis Stojko Arena beyond 16th Avenue to the northwest.

Development Proposal

The applicant is seeking Council approval to amend By-law 255-96, as amended to facilitate the conversion of a single detached dwelling to a day nursery (refer to Map 5 and 6). Below is a summary of the pertinent development statistics of the applicant's development proposal based on the plans and drawings submitted to the City:

- **Lot Area:** 0.24 hectares (0.59 acres)
- **Lot Frontage:** 25.12 metres (82.41 feet)
- **Building Height:** 4.2 metres (13.77 feet)
- **Ground Floor Area:** 160.57 square metres (1,728.36 square feet)
- **Parking:** 5 spaces
- **Number of Children:** 20 children
- **Garage Floor Area:** 46 square metres (495.13 square feet)

Further to the above, the applicant's proposal contemplates the preservation of the back half of the property for future low-density residential uses (R6 Zone) and the provision of lands 10 metres (2.80 feet) in width intended to form a future infill road (refer to Maps 5 and 7). The subject lands are located in a Priority Infill area for low-density residential development and it is anticipated the future road will facilitate the backlotting of the Duncan Road properties to the south of the subject lands.

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Supporting Documentation/Reports

The applicant has submitted the following documents/information to the City in support of the proposed:

- Planning Justification Statement;
- Site Plan;
- Elevations;
- Grading Plan;
- Tree Inventory and Preservation Plan;
- Infill Development Concept Plan; and,
- Landscape Plan.

Zoning By-law Amendment Application

The subject lands are split-zoned with the northern portion of the lands zoned **Special Residential One (SR-1) Zone** and the southern portion zoned **Low Density Residential Six (R6 Zone)**, both under By-law 255-96, as amended, and which pre-dates the adoption and approval of the City of Richmond Hill's Official Plan. Permitted uses in the **SR-1 Zone** include single detached dwellings, semi-detached dwelling, home occupations, group homes, places of worship, business and professional offices, and day nurseries, provided that the day nursery complies with the provisions of By-law 126-88.

The applicant is proposing site-specific development standards to permit the conversion of the existing single detached dwelling to a day nursery. The following is a summary table outlining the relevant statistics of the applicant's proposal compared to standards applicable to day nursery uses in **Special Residential One (SR-1) Zone**:

Standard	By-law 255-96	Development Proposal	Complies
Minimum Lot Frontage (interior lot)	16.5 metres (54.13 feet)	25.12 metres (82.41 feet)	Yes
Minimum Lot Area (interior lot)	814.6 square metres (8,768.28 feet)	2,412 square metres (25,962.55 feet)	Yes
Maximum Lot Coverage	40%	7%	Yes
Minimum Front Yard Setback	9 metres (29.52 feet) provided that all of the yard between the lot line and the building is used for landscaping	10.4 metres (34.12 feet)	No (parking is located in the front yard of the building)
Minimum Rear Yard Setback	7.5 metres (24.60 feet)	73.5 metres (241.14 feet)	Yes

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Minimum Interior Side Yard Setback	1.5 metres (4.92 feet)	3.5 metres (11.48 feet)	Yes
Maximum Floor Area (Detached Private Garages)	37 square metres (398.26 square feet)	46 square metres (495.13 square feet)	No
Location of Parking	Parking spaces shall be permitted within a rear yard only and shall be only located entirely within the SR-1 Zone.	Parking will be located in the front yard.	No

In addition, as per the provisions of **Special Residential One (SR-1) Zone**, day nursery uses are required to comply with By-law 126-88, which provides Town-wide provisions for day nurseries. The following is a summary table outlining the relevant statistics of the applicant's proposal compared to the zone standards applicable to day nursery uses in By-law 126-88, as amended:

Standard	By-law 126-88	Development Proposal	Complies
Parking	1 space per 5 children or 1 space per employee	5 spaces for 20 children	Yes
Permitted Buildings	Permitted within a church or place of worship, a private or public school, a Community Centre, a Meeting Hall, a Recreation Centre and an Apartment Building	Stand-alone building	No

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 (the "Plan") (refer to Map 4). Uses permitted within the **Neighbourhood** designation include low-density residential uses, medium density residential uses, neighbourhood commercial uses, parks and open spaces, and community uses, including day nurseries. Day nurseries are permitted in the **Neighbourhood** designation subject to locational criteria which includes fronting onto an arterial street, or fronting onto a collector street and integrated with or adjacent to another community use or the Greenway system. In addition, the subject lands are situated within a Priority Infill Area for low-density residential development.

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In accordance with Section 4.9.2 of the Plan, development in the **Neighbourhood** shall be compatible with the character of the adjacent and surrounding areas with respect to the predominant building forms and types, massing, and the general pattern of yard setbacks.

Department and External Agency Comments:

The subject Zoning By-law Amendment application and the associated background studies and reports submitted in support of same have been circulated to various City departments and external agencies for their review and comment. As of the time of writing of this report, staff have received comments from the Toronto and Region Conservation Authority (TRCA) and the City's Parks and Natural Heritage Planning division. Both commenters have advised that they have no comments or concerns with the application.

Development Planning Division

Development Planning staff has undertaken a preliminary review of the applicant's development proposal, including plans and materials submitted in support of the proposed development. In consideration of the policies of the Plan, which are relevant to the evaluation of the proposed development, staff provides the following preliminary comments:

- the proposed day nursery use is permitted within the **Neighbourhood** designation of the Plan and meets the locational criteria for this use, as it located on an arterial road (16th Avenue);
- the applicant's Infill Development Concept Plan depicts a future mid-block road which extends west of the subject lands connecting to Elm Avenue (see Map 7). However, the lands to the west of this property have been redeveloped with infill lots, and this precludes the extension of the east-west road connecting to Elm Avenue. Therefore, it is anticipated that the local street will either terminate in a cul-de-sac design or connect to Duncan Road to the south. Both of these design options will impact the subject lands and may require a road allowance greater than the 10 metres (32.80 feet) proposed by the applicant. Accordingly, the applicant will be required to demonstrate through its development proposal how the local street will be protected for and the impact on the adjacent landowner's development potential; and,
- the draft Zoning By-law provided by the applicant proposes to amend By-law 10-04 to reduce the number of accessible parking spaces required from 2 spaces to 1 space. However, By-law 10-04 is a *Municipal Act* by-law and cannot be amended through a Zoning By-law. As such, the applicant must revise their proposal to provide for two accessible parking spaces.

A comprehensive review of the subject application and associated Site Plan application (City File D06-19030) will be conducted following the receipt of comments and feedback from City departments, external agencies, Council and the public. This detailed review

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will be completed in advance of and addressed as part of a recommendation report to be prepared for a future Committee of the Whole meeting.

Outstanding City Department and External Agency Comments

As of the writing of this report, comments remain outstanding from the City's Development Engineering Division, Building Section, Zoning Section, Urban Design Section, and Parks and Natural Heritage Planning Section, Region of York, Canada Post, Alectra Utilities, and Enbridge Gas Distribution Inc.

Financial/Staffing/Other Implications:

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

Relationship to the Strategic Plan:

The recommendation of this report does not have any direct implications with respect to the City's Strategic Plan. An overview of how the subject application is aligned with the Strategic Plan will be included in a future recommendation report to Council following a comprehensive review and evaluation of the applicant's development proposal.

Conclusion:

The applicant is seeking Council's approval of a Zoning By-law Amendment application to facilitate the conversion of the single detached house located on its land holdings to a day nursery. The purpose of this report is to provide Council and the public with an overview of the development proposal and to discuss the regulatory regime governing the evaluation of these planning applications. This report has been structured for information purposes only, with a recommendation that all comments be referred back to staff for consideration.

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Appendix Contents and Maps:

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.

- Map 1, Aerial Photograph
- Map 2, Neighbourhood Context
- Map 3, Official Plan Designation
- Map 4, Existing Zoning
- Map 5, Proposed Site Plan
- Map 6, Proposed Elevations
- Map 7, Proposed Concept Plan

Report Approval Details

Document Title:	SRPRS.19.116.docx
Attachments:	- MAP_1_AERIAL_PHOTO.pdf - MAP_2_NEIGHBOURHOOD_CONTEXT_S219005A.pdf - MAP_3_OFFICIAL_PLAN_DESIGNATION.pdf - MAP_4_EXISTING_ZONING_S219005.pdf - MAP_5_PROPOSED_SITE_PLAN.pdf - MAP_6_PROPOSED_ELEVATIONS.pdf - MAP_7_PROPOSED_CONCEPT_PLAN.pdf
Final Approval Date:	Jun 7, 2019

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

Gus Galanis - Jun 4, 2019 - 2:22 PM

Kelvin Kwan - Jun 5, 2019 - 3:43 PM

Neil Garbe - Jun 7, 2019 - 11:40 AM