



Staff Report for Council

Date of Meeting: January 22, 2020

Report Number: SRPRS.20.008

Department: Planning and Regulatory Services

Division: Development Planning

Subject: SRPRS.20.008 – Request for Approval – 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 approval concerning a proposed Zoning By-law Amendment application to permit a day nursery within the existing single detached dwelling located on the subject lands.

Recommendations:

- a) That 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 (Related City File D06-19030) be approved, subject to the following:

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- (i) That a day nursery be added as a stand-alone use on the portion of the subject lands zoned “Special Residential One (SR-1) Zone” under By-law 255-96, as amended, and that the amending Zoning By-law establish site specific development standards as outlined in Staff Report SRPRS.20.008;
- b) That pursuant to Section 34(17) of the *Planning Act*, Council deem that no further notice be required with respect to any necessary modifications to the draft Zoning By-law to implement the proposed development on the subject lands; and,
- c) That all comments concerning the related Site Plan application, City File D06-19030 be referred back to staff.

Contact Person:

Kelsey Prentice, Planner I – Zoning, phone number 905-771-2470
Deborah Giannetta, Manager of Development – Site Plans, phone number 905-771-5542

Report Approval:

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

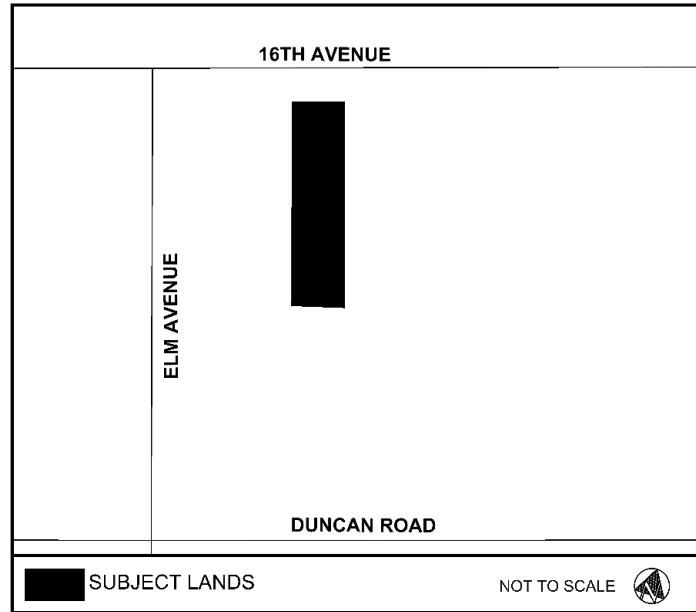
Approved by: Neil Garbe, City Manager

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.

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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:

A statutory Council Public Meeting regarding the subject proposal was held on June 19, 2019, wherein Council received Staff Report SRPRS.19.116 for information purposes and directed that all comments be referred back to staff for consideration (refer to Appendix A).

The comments provided by City departments and external agencies concerning the applicant's proposed Zoning By-law Amendment and overall site layout have been satisfactorily addressed and only technical matters remain outstanding at the time of writing of this report. In this regard, the purpose of the report is to seek Council's approval of the applicant's Zoning By-law Amendment application and to seek its comments with respect to the related Site Plan application.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located 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. The dwelling is proposed to be converted to a day nursery and the detached garage is to be demolished. Existing land uses along 16th Avenue include a mix of single detached and semi-detached dwellings, community uses such as schools and places of worship, and single detached dwellings that have been converted to office uses. Abutting land uses include a semi-detached dwelling to the west, single detached dwellings to the east and south and 16th Avenue to the north.

Development Proposal

The applicant is seeking Council approval to amend By-law 255-96, as amended, to facilitate the conversion of the single detached dwelling on the lands 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)
- **Existing Building Height:** 4.2 metres (13.77 feet) or 1 storey
- **Existing Gross Floor Area:** 160.97 square metres (1,732.66 square feet)
- **Proposed Parking:** 6 spaces
- **Proposed Number of Children:** 20

The applicant's initial proposal contemplated retaining the detached garage currently on site and providing five parking spaces in the front yard. Following the receipt of comments from City departments and external agencies, the applicant filed a revised

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submission in October 2019 proposing the demolition of the garage and the provision of 4 parking spaces in the rear of the property and 2 accessible spaces in the front yard. It should be noted that minor modifications to the existing facade are proposed including the addition of a ramp and changes to the cladding materials

With respect to the rear portion of the property, these lands are intended for future low-density residential uses and are currently zoned **Low Density Residential Six (R6 Zone)** under By-law 255-96, as amended. The applicant has made provision to provide for a 10 metre (2.80 feet) right-of-way that is intended for a future road that will facilitate backlotting of the Duncan Road properties (refer to Maps 5 and 7). At this time, no development is contemplated for this portion of the lands.

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) and are located within a Priority Infill Area. In accordance with **Section 4.1.1** of the Plan, a range of community uses are permitted within the **Neighbourhood** designation, including a day nursery as proposed by the subject application. However, day nurseries are only permitted where the lands front onto an arterial street, or on a collector street where integrated with or adjacent to another community use or adjacent to a park or the Greenway System. Further, **Section 4.2.1** of the Plan provides that, where community uses are permitted, such development shall be compatible and integrated with the surrounding area and lands shall be appropriately sized to accommodate sufficient on-site pick-up and drop-off facilities, access and parking, buffering and landscaping, and amenity space. 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.

As noted above, the subject lands are situated within a Priority Infill Area for low-density residential development. The applicant’s proposal does not contemplate development on the rear portion of the lands and preserves the back half of the property for future low-density residential uses (R6 Zone) and the provision of the lands intended for the future infill road (refer to Map 7)

On the basis of the foregoing, the applicant’s development proposal is considered to conform with the applicable land use and design policies of the Plan for the following reasons:

- the proposed day nursery is permitted within the **Neighbourhood** designation in accordance with the locational criteria stipulated in **Policy 4.1.1(3)** of the Plan;
- the proposed development satisfies the design criteria outlined in **Section 4.1.2** of the Plan applicable to community uses. In this regard, the proposed development

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makes appropriate provisions for on-site pick-up and drop-off facilities, access, a functional parking layout, landscaped areas, and amenity space;

- the proposed development is compatible with the general character of the adjacent and surrounding lands as it maintains the existing residential dwelling; and,
- the proposal is consistent with the Priority Infill Area policies for low-density residential development as the rear portion of the property is not proposed to be developed for non-residential purposes which will allow for the backlotting of the properties off Duncan Road and the construction of an infill road.

Proposed Zoning By-law Amendment

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)**, under By-law 255-96, as amended, which pre-dates the adoption and approval of the Plan. The **SR-1 Zone** permits day nurseries, provided that the day nursery complies with the provisions of By-law 126-88, as amended, which provides City-wide requirements for day nurseries. By-law 126-88, as amended, does not allow day nurseries within stand-alone buildings. As such, 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**:

Development 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	15 metres (49.2 feet) to an arterial road	10.4 metres (34.12 feet)	No (existing building)
Minimum Rear Yard Setback	7.5 metres (24.60 feet)	73.5 metres (241.14 feet)	Yes
Minimum Interior Side Yard Setback	1.5 metres (4.92 feet)	3.5 metres (11.48 feet) (west) and 7.3 metres (23.95 feet) (east)	Yes
Location of Parking	Parking spaces shall be permitted within a rear yard only and shall only be located entirely within the SR-1 Zone.	Parking will be located in the front yard and the rear yard.	No
Width of Driveways Leading to a Parking area or Parking Lot	Minimum of 6 metres for two-way traffic	5.0 metres	No

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Further to the above, the proposal requires a site-specific exemption to By-law 84-03, which provides a City-wide minimum front yard landscaping requirement. By-law 84-03 requires that 45% of a front yard be landscaped, whereas the proposal only provides 35% due to an existing driveway in the front yard that is proposed to be utilized for accessible parking spaces.

As noted previously, the provisions of **Special Residential One (SR-1) Zone** stipulate that day nurseries comply with the provisions of By-law 126-88, as amended, which provides City-wide requirements for day nurseries. Accordingly, the development proposal has been evaluated based on the standards applicable to day nursery uses outlined in By-law 126-88, as amended:

- the by-law requires 1 parking space per 5 children or 1 parking space per employee, and the development proposal complies with this requirement as 6 parking spaces are provided for 20 children; and,
- the by-law requires that a day nursery be located 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, whereas the applicant is proposing to locate a day nursery within a stand-alone building.

Staff have reviewed the proposed site-specific exceptions and find that they are appropriate to facilitate the conversion of the residential dwelling to a day nursery. As noted above, the standard provisions of the **SR-1 Zone** require a minimum front yard setback of 15 metres (49.21 feet) to an arterial road. However, based on the property survey submitted to the City for the existing building, the front yard setback does not comply with the minimum requirement. In this regard, a site-specific provision is recommended to recognize the existing deficient front yard setback; however, it is not required to facilitate the proposed use of the lands as a day nursery.

As noted previously, the proposal utilizes an existing driveway in the front yard to provide two accessible parking spaces and requires a site-specific exemption to By-law 84-03 in order to permit a reduced minimum front yard landscaping requirement of 35%. In addition, the provisions of **SR-1 Zone** require that all parking be located in the rear yard of a property to maintain the residential character of the area. The location of the accessible parking spaces in the existing driveway in the front yard ensure a functional parking layout and these spaces are appropriately screened from adjacent residential uses. In this regard, site-specific provisions to allow parking in the front yard and a reduced minimum front yard landscaping requirement are recommended.

Site Plan Application

An associated Site Plan application (City File D06-19030) was submitted in conjunction with the subject Zoning By-law Amendment application to facilitate the requisite site works and modifications to the existing single detached dwelling to accommodate the proposed day nursery facility (refer to Maps 5 and 6). The applicant has revised the Site Plan with respect to the proposed parking area to include adequate space for vehicular

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circulation, a snow storage area and a waste enclosure area. At the time of writing of this report, only technical matters remain to be addressed with respect to the applicant's development proposal.

City Department, External Agency and Public Comments:

The subject Zoning By-law Amendment and Site Plan applications, including the associated background studies and reports submitted in support of same were circulated to various City departments for their review and comment. The following is a summary of comments received on the materials submitted to the City, including a brief discussion on how concerns and issues have been addressed by the applicant as well as a summary of outstanding technical matters to be addressed prior to finalization of the related Site Plan application.

Development Engineering Division

Development Engineering staff have provided comments with respect to various technical and functional considerations related to the proposed development, including servicing and grading, accessibility and design, transportation and traffic, sustainable design, stormwater management, and erosion and sediment control. At the time of writing of this report, only technical matters remain to be addressed relating to servicing, grading and traffic management that can be finalized through the Site Plan approval process.

Regional Municipality of York

The Regional Municipality of York ("Region") has reviewed the subject applications and has no objections to the proposed Zoning By-law Amendment. With regard to the Site Plan application, the Region has provided technical comments with respect to traffic management, grading, stormwater management, utilities and servicing, landscaping and proposed works within the Regional right-of-way.

Development Planning Division

Planning staff has reviewed the applicant's development proposal and is of the opinion that it conforms with the applicable policies of the Plan and represents good planning. On this basis, it is recommended that the subject Zoning By-law Amendment application be approved for the following reasons:

- the subject development proposal conforms to the applicable policies of the Plan; and,
- the applicant has satisfactorily addressed comments from City departments, external agencies and the public with respect to site circulation and the provision of a functional parking area layout, snow storage areas, landscaping, tree preservation and pedestrian connectivity.

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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 proposal to permit a day nursery as a stand alone use within the existing single detached dwelling located on its land holdings. The proposed Zoning By-law Amendment is consistent with the broader policy direction for this part of the City, as outlined in the City's Official Plan. The applicant has satisfactorily addressed the principle issues and concerns raised by the circulated departments and agencies. Accordingly, the proposal represents good planning and therefore staff recommends Council approve the subject Zoning By-law Amendment and refer any additional comments from Council related to the Site Plan back to staff for consideration.

Attachments:

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

- Appendix A, Extract from Council Public Meeting #28-19 held on June 19, 2019
- Appendix B, Draft Zoning By-law Amendment
- 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

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Report Approval Details

Document Title:	SRPRS.20.008.docx
Attachments:	<ul style="list-style-type: none">- Appendix A.pdf- Appendix B.pdf- MAP_1_AERIAL_PHOTOGRAPH.pdf- MAP_2_NEIGHBOURHOOD_CONTEXT_S219005A.pdf- MAP_3_EXISTING_ZONING_S219005.pdf- MAP_4_OFFICIAL_PLAN_DESIGNATION.pdf- MAP_5_PROPOSED_SITE_PLAN.pdf- MAP_6_PROPOSED_ELEVATIONS.pdf- MAP_7_PROPOSED_CONCEPT_PLAN.pdf
Final Approval Date:	Jan 9, 2020

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

Gus Galanis - Jan 9, 2020 - 1:22 PM

Kelvin Kwan - Jan 9, 2020 - 1:30 PM

Neil Garbe - Jan 9, 2020 - 2:00 PM