



## **Staff Report for Council Meeting**

**Date of Meeting:** June 24, 2020

**Report Number:** SRPRS.20.095

**Department:** Planning and Regulatory Services

**Division:** Development Planning

**Subject:** **SRPRS.20.095 – Request for Approval – Zoning By-law Amendment Application – Feridon Rasti-Aval – City File D02-16033 (Related File D06-16080)**

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### **Owner:**

Feridon Rasti-Aval  
38A Horizon Court  
Richmond Hill, Ontario  
L4B 3E8

### **Agent:**

Walker, Nott, Dragicevic Associates Limited  
90 Eglinton Avenue East, Suite 970  
Toronto, Ontario  
M4P 2Y3

### **Location:**

Legal Description: Part of Lots 118 and 119, Plan 1883  
Municipal Address: 110 Major Mackenzie Drive East

### **Purpose:**

A request for approval regarding a Zoning By-law Amendment application to permit the construction of a two-storey medical office building on the subject lands.

### **Recommendations:**

- a) **That the Zoning By-law Amendment application submitted by Feridon Rasti-Aval for the lands known as Part of Lots 118 and 119, Plan 1883 (Municipal Address: 110 Major Mackenzie Drive East), City File D02-16033, be approved, subject to the following:**
  - (i) **that the subject lands be rezoned to establish site specific development standards and that a medical office and clinic be**

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**approved as additional permitted uses as outlined in Staff Report SRPRS.20.95;**

- (ii) that the amending Zoning By-law be brought forward to a regular meeting of Council for consideration and enactment; and,**
  - (iii) 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 amending Zoning By-law to implement the proposed development of the subject lands.**
- b) That all comments concerning the applicant’s related Site Plan application (City File D06- 16080) be referred back to staff.**

### Contact Person:

Amanda Dunn, Planner II – Site Plans, phone number 905-747-6480 and/or  
Deborah Giannetta, Manager of Development, Site Plans, phone number 905-771-5542

### Report Approval:

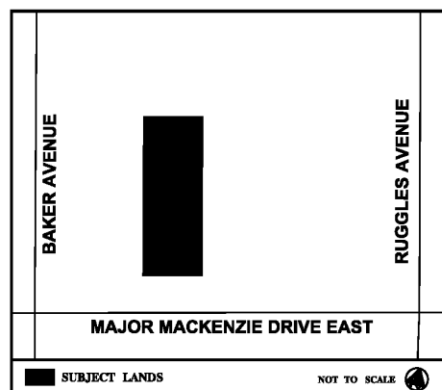
**Submitted by:** Kelvin Kwan, Commissioner of Planning and Regulatory Services

**Approved by:** Mary-Anne Dempster, Interim 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 please call person listed under “Contact Person” above.



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### Background:

The subject Zoning By-law Amendment application was considered at a statutory Council Public Meeting held on March 29, 2017 wherein Council received Staff Report SRPRS.17.055 for information purposes and directed that all comments be referred back to staff for consideration (refer to Appendix A). No members of the public provided comments on the subject application at the public meeting; however, concerns were raised by Council with respect to the adequacy of the proposed parking supply, the proposed setbacks and the proposed building design, which are detailed later in this report.

The applicant has now satisfactorily addressed the main comments provided by circulated City departments and external agencies with respect to its Zoning By-law Amendment application. Accordingly, the purpose of this report is to seek Council's approval of the applicant's Zoning By-law Amendment application.

### Summary Analysis:

#### Site Location and Adjacent Uses

The subject lands are located on the north side of Major Mackenzie Drive East, east of Yonge Street and have a total lot area of 682.2 square metres (7,343.14 square feet). The lands presently support a one and a half single storey single detached dwelling which is proposed to be demolished to facilitate the proposed development. Surrounding uses include residential uses to the north and west, a home based business to the east, and Major Mackenzie Drive East to the south (refer to Maps 1 and 2).

#### Development Proposal

The applicant is seeking Council's approval of its Zoning By-law Amendment application to permit the construction of a two storey medical office building with 12 at grade parking spaces on the subject lands (refer to Maps 7 and 8). The following is a summary table outlining the relevant statistics of the applicant's development proposal based on the plans and drawings submitted to the City:

<b>Existing Lot Area:</b>	<b>682.5 square metres (7,346.4 square feet)</b>
<b>Lot Frontage:</b>	<b>16 metres (52.49 feet)</b>
<b>Number of Buildings:</b>	<b>1</b>
<b>Building Height:</b>	<b>9 metres (29.52 feet) or 2 storeys</b>
<b>Proposed Gross Floor Area:</b>	<b>222.7 square metres (2,397 square feet)</b>
<b>Proposed Parking Spaces:</b>	<b>12 (including 2 accessible spaces)</b>

In response to the comments received at the Council Public Meeting, the applicant has made the following revisions to its development proposal:

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- an increase to the proposed minimum side yard setback from 0.9 metres (2.95 feet) to 1.2 metres (3.93 feet); and,
- the provision of a revised site layout to accommodate additional parking spaces to meet the requisite number of 12 parking spaces.

The applicant has also submitted an associated Site Plan application in support of the subject development proposal (City File D06-16080), which is discussed later in this report.

### Planning Analysis:

#### City of Richmond Hill Official Plan

The subject lands are designated **Local Mixed-Use Corridor** in accordance with Schedule A2 - Land Use of the City's Official Plan ("the Plan"). Uses permitted within the **Local Mixed-Use Corridor** designation include medium density residential, office, small-scale commercial and small-scale retail uses that complement the residential character of the area; community uses in accordance with Section 4.1 of the Plan, among other uses. As such, the proposed medical office as contemplated by the subject application is permitted within the **Local Mixed-Use Corridor** designation.

Further, in accordance with **Sections 4.7.1.4** and **4.7.1.5** of the Plan, buildings within the **Local Mixed-Use Corridor** shall have a maximum building height of four (4) storeys and a maximum permitted density of 1.5 Floor Space Index (FSI). The applicant's development proposal contemplates a building height of two (2) storeys and a maximum site density of 0.40 FSI, which is well below the maximum building height and overall development block density as set out in the Plan for this area of the City.

In addition to the preceding, development within the **Local Mixed-Use Corridor** is also required to enhance the character and identity of the **Local Mixed-Use Corridor** by creating walkable streets and people places. **Section 4.7.2.2** of the Plan states that built form must be designed to create breaks in the streetwall along the **Local Mixed-Use Corridor** to provide pedestrian-oriented parks and urban open spaces or other appropriate pedestrian amenities to the satisfaction of the City. Further, the Plan directs that access routes are permitted to create breaks in the streetwall along the **Local Mixed Use Corridor** designation.

The building design of the proposed medical office provides a break in the ground floor streetwall along Major Mackenzie Drive East to allow for vehicular access beneath the second storey of the building to the rear of the property in order to provide access to the proposed parking area on the subject property. The proposed development also includes a 1.8 metre (5.9 feet) pedestrian connection to the existing sidewalk along Major Mackenzie Drive East and provides for two bicycle parking spaces which supports walkable streets and people places in accordance with the policies of the Plan. In consideration of all of the above staff considers the proposal to conform with the applicable policies of the Plan.

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### Zoning By-law Amendment

The subject lands are currently zoned **Residential Multiple Third Density (RM3) Zone** under By-law 66-71, as amended (refer to Map 4) which permits apartments, parks, playgrounds, and a day nursery among other uses, however does not include the proposed medical office/clinic as proposed by the subject application. The applicant originally proposed to rezone the subject lands to **General Commercial Residential (GCR) Zone**, under By-law 66-71, as amended, with the additional medical office and clinic uses to be added to the zone category. The **GCR Zone** permits a range of uses including offices, a day nursery, restaurant, hotel or motel, dairy or bakery, automobile service station, places of entertainment or recreation, and dwelling units connected to and forming an integral part of the commercial building.

In conjunction with the resubmission of its original development proposal, the applicant has proposed to rezone its land holdings to **General Commercial (GC) Zone** rather than the **GCR Zone** as contemplated in its original submission (refer to Map 5). The **GC Zone** permits the same uses as the **GCR Zone**, with the addition of a shopping centre and no permissions for residential uses. Staff have reviewed that applicant's request in this regard, and subject to the refinement of the proposed uses in accordance with the applicable policies of the Plan and in the context of the surrounding land uses, staff are satisfied that the proposed **GC Zone** is an appropriate zone category as no residential uses are being proposed. Through the site specific zoning of the property, the permitted uses will be restricted to an office, day nursery, restaurant, bakery and retail trade within an enclosed building in addition to a medical office and clinic uses proposed by the subject application.

Further to the above, the applicant is proposing site-specific development standards to facilitate the proposed medical office building with respect to the minimum front yard setback, side yard setbacks, and minimum drive aisle width. The following table provides a summary of the applicable development standards within the **GC Zone** under By-law 66-71, as amended, relative to the proposed development, including site-specific provisions in bold proposed by the applicant:

Development Standard	Permitted Standards within the GC Zone	Proposed Development
Minimum Lot Area	N/A	682.20 square metres (7,343.14 square feet)
Minimum Lot Frontage	N/A	16.0 metres (52.49 feet)
Minimum Front Yard	2.92 metres (9.6 feet)	<b>1.0 metre (3.3 feet)</b>
Minimum Rear Yard	10.6 metres (35 feet)	17.72 metres (58.13 feet)
Minimum Side Yard	4.5 metres (15 feet)	<b>1.2 metres (3.93 feet)</b>
Maximum Gross Floor Area	250%	100%
Maximum Height	30.48 metres (100 feet)	9.87 metres (32.4 feet)
Minimum Parking Rate	12 spaces (5.4 spaces per 100.0 square metres gross floor area for clinics and medical uses as per By-law 100-10, as amended)	12 spaces
Minimum Aisle Width	7.01 metres (23 feet)	<b>6.0 metres (19.7 feet)</b>

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Planning staff has undertaken a comprehensive review of the applicant's development proposal and is satisfied that the proposed site-specific provisions are appropriate for the orderly development of the lands for the following reasons:

- the proposed reduced front yard setback relative to the adjacent dwellings is not expected to negatively impact the streetscape along Major Mackenzie Drive East;
- the proposed minimum side yard setback of 1.2 metres (3.93 feet) is from the south property line whereas a setback of 2.34 metres (7.67 feet) is proposed along the north property line. Staff are satisfied that the proposed setbacks are sufficient and that adequate screening/buffering shall be provided to adjacent properties; and,
- the reduced minimum driveway aisle width of 6.0 metres (19.68 feet) will not result in any functional or operational concerns.

The applicant is also seeking a reduction to the landscaping requirements applicable to the lands. Zoning By-law 66-71, as amended, requires 1.5 metres (5 feet) of landscaping from all property lines, and a 3.0 metres (10 feet) landscape strip where parking in a commercial zone abuts a residential zone. Staff are of the opinion that the proposal provides a sufficient amount of landscaping in the front yard in combination with the preservation of an existing cedar hedge along the southern property limit between the proposed parking area and the adjacent property. Further, the applicant is also proposing the erection of a 1.7 metre (5.5 feet) privacy wood fence along the rear and south property limits of the lands.

Based on the preceding, Planning staff is satisfied that the site-specific development standards proposed are appropriate for the development of the lands. The structure and details of the amending Zoning By-law will be further refined through the finalization of the Site Plan approval process.

## Council Comments

As noted previously, Council expressed concerns and/or provided comments with the proposed development at the Council Public Meeting held on March 29, 2017. These comments are outlined below along with staff's responses as follows:

- **Parking**

Council expressed concern that the proposed development did not meet the minimum parking requirements for the proposed medical office use. In this regard, staff previously identified that 30 parking spaces were required for the proposed development on the basis of a Gross Floor Area (GFA) of 542.4 square metres (5,838.35 square feet) which included the basement as part of the calculation of GFA. In accordance with the definition of GFA under By-law 66-71, as amended, below grade areas, such as basements, are excluded from the calculation of GFA. Further, the applicant has advised that the basement is to be unfinished and not used as part of the proposed medical office. Therefore, the gross floor area of the proposed building (exclusive of the basement) is 222.7 square metres (2,397 square feet), which requires 12 parking spaces on the basis of 5.4 spaces per 100 square metres. This is consistent with By-law 100-10, as amended, in this regard, the

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applicant has revised the proposal to provide the requisite 12 parking spaces, inclusive of two barrier free parking spaces, whereas previously only eight parking spaces were provided.

- **Setbacks**

Council expressed concern regarding the applicant's proposed reductions to the front yard and side yard setbacks. With respect to the front yard setback, the reduction is primarily attributable to the road widening requirement along Major Mackenzie Drive East by the Region of York in combination with the need to provide the requisite parking in the rear of the property, which makes it difficult to provide a larger front yard setback than has been proposed. Notwithstanding, staff have reviewed the reduced front yard setback in relation to the adjacent dwellings and from a streetscape perspective, and are satisfied that it will not produce a negative impact.

With respect to the proposed reduced side yard setback of 0.9 metres (2.95 feet) as originally proposed, the applicant has since increased the setback to 1.2 metres (3.93 feet) whereas the by-law requires a minimum setback of 4.5 metres (15 feet). To address the impact of the proposed reduced setback, the applicant is proposing to install a 1.7 metre (5.6 feet) wood privacy fence along the south property boundary to provide privacy and screening. Staff are satisfied that the proposed measure adequately addresses any impact of the reduced setback.

- **Building Design**

Heritage and Urban Design staff and Council raised concern with the proposed design of the building. Specifically, the concern was the incompatibility of the design and façade treatment originally proposed in relation to the existing predominantly residential character of the area. The applicant has since revised the design of the building to incorporate different windows, doors, wall treatments and a canopy that are both practical and sustainable. The façade materials include glass, and smaller wall panel sizes which consist of wood grain and white metal that are in keeping and compatible with the surrounding residential character of the area. Staff are satisfied that the revisions made to the proposed building elevations and façade treatment are consistent with the Village Core Urban Design Guidelines.

## Site Plan Application

As noted previously, the applicant has submitted a Site Plan application to facilitate the subject development proposal (refer to Maps 7, 8, 9). The Site Plan application remains under review with respect to various minor technical matters that are required to be addressed to the satisfaction of City staff prior to the finalization of Site Plan approval. At the time of writing of this report, staff are awaiting a revised submission to address outstanding matters. Notwithstanding the preceding and on the basis that the remaining comments will be addressed prior to Site Plan approval, staff is satisfied that the review of the related Site Plan application has advanced such that substantial changes to the proposed form of development are not anticipated and will not impact the zoning of the property.

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### City Department and External Agency Comments

All circulated City departments and external agencies have indicated no objections or concerns in principle with the proposed Zoning By-law Amendment application and/or have provided comments to be considered as part of the Site Plan approval process. The comments received to date are required to be addressed prior to Site Plan approval and are summarized as follows.

#### Development Engineering Division

The City's Development Engineering Division has provided technical comments on the applicant's Site Plan application with regard to the Hydrogeological Study, servicing, stormwater management and other technical matters which will be required to be addressed as part of the remaining Site Plan approval process.

#### Regional Municipality of York

The Region of York requires a land conveyance for road widening purposes along Major Mackenzie Road East and has also provided comments regarding stormwater management and other technical matters to be addressed through the Site Plan approval process. The Region has requested to be a party to the Site Plan Agreement.

#### Development Planning Division

Planning staff has completed a review of the applicant's revised development proposal and recommends that Council approve the applicant's Zoning By-law Amendment application on the basis of the following:

- the proposed two storey medical office and clinic with an FSI of 0.4 conforms with the policies of the **Local Mixed Use Corridor** designation of the property;
- the proposed zone category and site specific zoning standards to facilitate the proposed development are considered to be appropriate to facilitate the orderly development of the site;
- the built form, design and site layout of the proposed medical office is considered to be appropriate and compatible in consideration of the policies of the **Local Mixed Use Corridor** designation and the Village Core Design Guidelines; and,
- the applicant has satisfactorily addressed the comments raised through the circulation of the application and concerns raised by Council as it relates to the zoning bylaw amendment application. The applicant will be required to address the outstanding comments identified through the related Site Plan approval process.

#### Interim Growth Management Strategy:

The applicant has submitted a Sustainability Metrics Tool for consideration by the City as part of its review and approval of the related Site Plan application. The submitted Tool demonstrates an Overall Application score of 42 points, which satisfies the minimum threshold score of 32 points required for Site Plan Applications. At the time of



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writing of this report, the Tool remains under review with City staff and will be finalized through the related Site Plan approval process.

### **Financial/Staffing/Other Implications:**

The recommendations of this report do not have any financial, staffing or other implications.

### **Relationship to the Strategic Plan:**

The applicant's revised development proposal aligns with **Goal Four – Wise Management of Resources in Richmond Hill** in utilizing available land responsibly.

### **Conclusion:**

The applicant is seeking Council's approval of its Zoning By-law Amendment application to permit the construction of a two storey medical office building on its land holdings. Staff has undertaken a comprehensive review and evaluation of the applicant's development proposal and is of the opinion that the submitted application conforms with the applicable policies of the Plan and represents good planning. On the basis of the preceding, staff recommends that Council approve the subject application, subject to the direction outlined in this report and refer all comments respecting the site plan application back to staff.

### **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.

- Map 1, Aerial Photograph
- Map 2, Neighbourhood Context
- Map 3, Official Plan Designation
- Map 4, Existing Zoning
- Map 5, Proposed Zoning
- Map 6, Original Proposed Site Plan
- Map 7, Proposed Site Plan
- Map 8, Proposed Ground Floor Area
- Map 9, Proposed Second Floor Area
- Map 10, Proposed Rendering
- Appendix A, Extract from Council Public Meeting C#11-17 held March 29, 2017

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### Report Approval Details

Document Title:	SRPRS.20.095 - Request for Approval - Zoning By-law Amendment Applications - 110 Major Mackenzie - City File D02-16033.docx
Attachments:	<ul style="list-style-type: none"><li>- SRPRS.20.095 - Appendix A.pdf</li><li>- SRPRS.20.095 - MAP_1_AERIAL PHOTOGRAPH.pdf</li><li>- SRPRS.20.095 - MAP_2_NEIGHBOURHOOD CONTEXT.pdf</li><li>- SRPRS.20.095 - MAP_3_OFFICIAL_PLAN_DESIGNATION.pdf</li><li>- SRPRS.20.095 - MAP_4_EXISTING_ZONING.pdf</li><li>- SRPRS.20.095 - MAP_5_PROPOSED_ZONING.pdf</li><li>- SRPRS.20.095 - MAP_6_ORIGINAL_PROPOSED_SITE_PLAN.pdf</li><li>- SRPRS.20.095 - MAP_7_PROPOSED_SITE_PLAN.pdf</li><li>- SRPRS.20.095 - MAP_8_PROPOSED_GROUND_FLOOR_AREA.pdf</li><li>- SRPRS.20.095 - MAP_9_PROPOSED_SECOND_FLOOR_AREA.pdf</li><li>- SRPRS.20.095 - MAP_10_PROPOSED_RENDERING.pdf</li></ul>
Final Approval Date:	Jun 3, 2020

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

**Gus Galanis - Jun 2, 2020 - 5:35 PM**

**Kelvin Kwan - Jun 3, 2020 - 8:08 AM**

**MaryAnne Dempster - Jun 3, 2020 - 10:23 AM**