



Staff Report for Council Public Meeting

Date of Meeting: January 20, 2021

Report Number: SRPI.21.002

Department: Planning and Infrastructure

Division: Development Planning

Subject: **SRPI.21.002 – Request for Comments – Zoning By-law Amendment Application – Masoumeh Zare – City File D02-20022 (Related File D06-20036)**

Owner:

Masoumeh Zare
164 Mill Street
Richmond Hill, ON
L4C 4B2

Agent:

Nima Nikseresht
286 Kirby Crescent
Newmarket, ON
L3X 1H4

Location:

Legal Description: Lot 1, Plan 6297

Municipal Address: 164 Mill Street

Purpose:

A request for comments concerning a proposed Zoning By-law Amendment application to establish site specific development standards to permit a 142.38 square metre (1,532.56 square feet) addition to an existing dwelling and a proposed secondary dwelling unit on the subject lands.

Recommendation:

- a) **That Staff Report SRPI.21.002 with respect to the Zoning By-law Amendment application submitted by Masoumeh Zare for the lands known as Lot 1, Plan 6297 (Municipal Address: 164 Mill Street), City File D02-**

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2022, be received for information purposes only and that all comments be referred to staff.

Contact Person:

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

Report Approval:

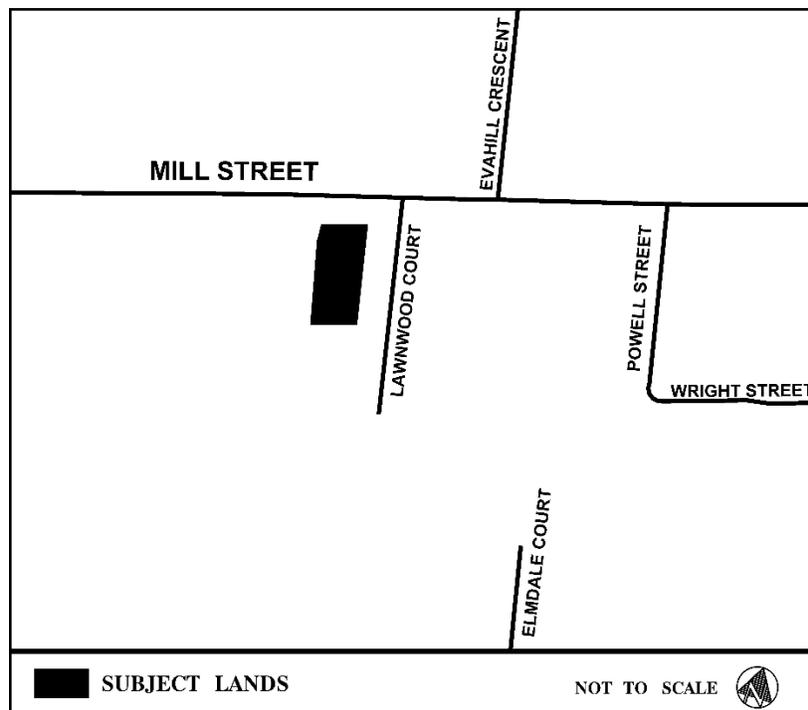
Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

Approved by: Mary-Anne Dempster, 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 was received on October 13, 2020 and deemed complete by the City on October 27, 2020. The application and supporting materials 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 located at the southwest corner of Mill Street and Lawnwood Court. The lands have a lot area of 505.78 square metres (5,444.22 square metres) and presently support a one and a half storey single detached dwelling (Nicholas Johnson House) that is listed on the City's *Inventory of Cultural Heritage Resources*. The lands abut residential uses to the west and south, Lawnwood Court to the east and Mill Street to the north.

Development Proposal

The applicant is seeking Council's approval of its request to establish site specific development standards to facilitate the construction of an 142.38 square metre (1,532.56 square feet) addition to the existing dwelling located on its land holdings and to permit a secondary dwelling unit to be located in the basement of the home. More specifically, the renovation of the existing dwelling is to include the replacement of the existing partial second storey and the existing one storey portion at the rear of the dwelling with a new two-storey addition, and the replacement of the existing detached garage with a new one-storey attached garage. The following is a summary table outlining the relevant statistics of the applicant's development proposal based on the plans and drawings submitted in support of the applications:

- **Lot Area:** 0.05 hectares (0.12 acres)
- **Existing Gross Floor Area:** 169.49 square metres (1,824 square feet)
- **Proposed Gross Floor Area:** 311.87 square metres (3,356.94 square feet)
- **Existing Building Height:** 6.15 metres (20.17 feet) or 1.5 storeys
- **Proposed Building Height:** 7.86 metres (25.78 feet) or 2 storeys
- **Total Number of Units:** 2 (primary dwelling and secondary unit)

The applicant has submitted a Site Plan Application (D06-20036) in conjunction with its Zoning By-law Amendment application.

Zoning By-law Amendment Application

In order to facilitate the proposed building addition to the existing dwelling, the applicant is proposing site-specific development standards to the "**Residential Second**

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Density (R2) Zone standards under By-law 66-71, as amended, applicable to the subject lands. Further, the applicant is also seeking approval to permit a secondary dwelling unit within the existing dwelling which is a use that is currently not permitted by the by-law. The following is a summary table outlining the relevant statistics of the applicant's development proposal compared to the existing standards of the **R2 Zone**, with requested and required site specific exemptions in bold:

Development Standard	R2 Standards, By-law 66-71, as amended	Proposed Development Standards
Permitted Uses	Single detached dwelling	Single detached dwelling with a secondary suite
Maximum Gross Floor Area	231.50 square metres (2,491.84 square feet)	311.87 square metres (3,356.94 square feet)
Minimum Front Yard Setback	First storey – 6.1 metres (20 feet) Second storey – 9.1 metres (29.85 feet)	5.28 metres (existing) (17.32 feet) 5.28 metres (not existing) (17.32 feet)
Minimum Interior Side Yard Setback	First storey – 1.5 metres (4.92 feet) Second storey – 3.0 metres (4.92 feet)	1.1 metres (3.6 feet) 1.1 metres (3.6 feet)
Minimum Exterior Side Yard Setback to the Dwelling	3.05 metres (10.0 feet)	2.83 metres (9.28 feet)
Minimum Exterior Side Yard Setback to the Garage	6.1 metres (20.0 feet)	2.6 metres (8.53 feet)
Maximum Building Height	8.5 metres (27.88 feet)	7.86 metres (25.78 feet)
Minimum Rear Yard Setback	7.62 metres (25.0 feet)	8.04 metres (26.37 feet)
Minimum Number of Parking Spaces	1 space per dwelling unit	2 spaces

The appropriateness of the proposed Zoning By-law amendment will continue be evaluated through the review of the submitted development application with regard to policy conformity and function.

Supporting Documentation/Reports

- Draft Zoning By-law;
- Planning Justification Statement;
- Site Plan;

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- Elevation Plans;
- Floor Plans; and,
- Tree Inventory and Protection Plan.

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 3). The **Neighbourhood** designation permits low-density residential uses such as low-rise single detached dwellings, and semi-detached dwellings. Since the subject property presently supports a single detached dwelling (Nicholas Johnson House) that is listed on the City’s *Inventory of Cultural Heritage Resources*, **Section 3.4.2** of the Plan states that development shall be encouraged to retain, rehabilitate and adaptively re-use cultural heritage resources identified on the City’s Register of Cultural Heritage Resources as an integral part of the development in order to maintain and enhance the identity and character of the City.

In accordance with **Section 3.4.1.2** of the Plan, relevant design guidelines which have been approved by Council shall be utilized in the review and evaluation of development applications. In this regard, the subject lands are located within the City’s Village Core neighbourhood, and as such, the Council approved Village Core Neighbourhood Design Guidelines (the “Guidelines”) apply to the subject lands. As outlined in the Guidelines, the neighbourhood character can be defined with reference to architectural style, variety of lot size and frontage, building scale, landscape features, and heritage elements. The objective of the Guidelines is to allow for new construction within the study area that recognizes and enhances the unique character of the neighbourhood.

Additionally, in accordance with **Section 3.1.5.5** of the Plan, secondary suites may be permitted within the City to provide a form of affordable housing subject to Council approval of a Zoning By-law consistent with the following policies:

- one secondary suite is permitted per ground-related dwelling;
- the dwelling and secondary suite meets all Provincial building and fire code regulations and requirements;
- exterior changes to the existing residential dwelling are minimal and compatible with the character of the area;
- adequate on-site parking is provided in accordance with the Zoning By-law; and,
- appropriate development standards are established in the Zoning By-law which address maximum floor area requirements and other relevant development standards in accordance with the policies of the Plan.

At the December 2, 2020 Council Public Meeting, Council provided comments concerning a proposed municipally initiated Official Plan and Zoning By-law Amendment applications to expand existing permissions for additional residential units, also known as secondary suites. Official Plan Amendment (OPA) 23 proposes to permit, on a

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municipal-wide basis, one additional residential unit in single detached, semi-detached, and townhouse dwellings, as well as one additional residential unit in a structure accessory to these ground-related dwellings on the same lot consequently authorizing up to three dwelling units where a ground-related residential lot is permitted. The applicant is aware of the City-initiated OPA and Omnibus Zoning By-law to permit additional residential units as a use city-wide, and notwithstanding this, has requested that their application be processed as there are other development standards which need to be resolved through an amendment to the by-law.

A detailed review and evaluation of the subject proposal relative to the above noted policies of the Plan will be completed following the receipt of comments from Council, the public, and City departments and external agencies.

Zoning

The subject lands are currently zoned **Residential Second Density (R2) Zone** under By-law 66-71, as amended (refer to Map 2). The **R2 Zone** permits single family detached dwellings on the lands, however does not permit a secondary dwelling unit as proposed by the subject application. Accordingly, the applicant is seeking to amend By-law 66-71, as amended, to permit a secondary dwelling unit on its land holdings in addition to the specific development standards that are required to accommodate the proposed building addition.

As part to the evaluation of the subject application, staff will also take into consideration the development standards that are currently being considered as part of the municipally initiated city wide Zoning By-law Amendment (D24-20002) to allow additional residential units on ground-related residential lots in addition to the following site specific development standards as proposed by the applicant:

- a minimum 1.2 metre wide unobstructed yard leading to the main entrance of the additional unit from the street;
- one additional parking space required per additional residential unit; and,
- the entrance to the additional unit shall not be contained within a garage.

Department and External Agency Comments:

The subject Zoning By-law Amendment application and associated studies and reports submitted in support of same have been circulated to various City departments and external agencies for their review and comment. The following is a summary of the comments received as of the time of writing this report.

Development Planning Division

Planning staff has completed 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 that are relevant to the

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consideration of the proposed development, staff provides the following preliminary comments:

- the proposed expansion to the existing single detached dwelling on the lands is in keeping with the **Neighbourhood** policies applicable to the subject lands;
- the proposed secondary dwelling unit is permitted within the **Neighbourhood** designation, subject to the criteria outlined in **Section 3.1.5.5** of the Plan;
- the proposed secondary suite is consistent with proposed Official Plan Amendment 23 (D01-20011) currently under consideration by the City regarding Additional Residential Units;
- the proposed secondary dwelling unit appears to meet the development standards currently being considered as part of the municipally initiated city wide Zoning By-law Amendment (D24-20002) to permit additional residential units on ground-related residential lots, namely, provision of a minimum 1.2 metre (4 feet) wide yard providing access from the main entrance of the secondary suite to Lawnwood Court and, provision of one additional parking space for the secondary suite, and the main entrance for the proposed secondary suite is proposed to be located directly into the rear yard (not within a garage);
- the existing dwelling is listed in the City's *Inventory of Cultural Heritage Resources* and staff will continue to work with the applicant to retain and rehabilitate this cultural heritage resource;
- the subject lands are located within the City's Village Core neighbourhood and will be evaluated based on conformity with the Village Core design guidelines;
- the applicant must satisfactorily address any comments/issues identified by City departments and external agencies as part of the review of the subject development proposal; and,
- staff will continue to work with the applicant with respect to the suitability of the addition to the existing heritage dwelling.

A comprehensive review of the applicant's Zoning By-law Amendment application will be conducted following the receipt of comments and feedback from City departments, external agencies, Council and the public. The detailed review will be completed in advance of and addressed as part of a recommendation report to be prepared for a future Council meeting.

Other City Department and External Agency Comments

Comments have been received from the City's Development Engineering Division, Park and Natural Heritage Planning Section, Building Services Division – Zoning Section, Alectra Utilities, Enbridge, Canada Post, Region of York and Toronto and Region Conservation Authority. These external agencies have advised of no objections to the application and/or have provided comments to be considered by the applicant during a more detailed implementation stage of the approval process.

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The development proposal is still under review by the City's Urban Design and Heritage Section, Fire and Emergency Services Division and Financial Services Division and Rogers Communication.

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 applications are 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 its Zoning By-law Amendment application to establish site specific development standards to facilitate the construction of an 142.38 square metre (1,532.56 square feet) addition to the existing dwelling located on its land holdings and to permit a secondary dwelling unit within said dwelling. 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.

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 the contact person listed in this document.

- Map 1 - Aerial Photograph
- Map 2 - Existing Zoning
- Map 3 - Existing Official Plan Designation
- Map 4 - Site Plan
- Map 5 - Proposed North Elevation
- Map 6 - Proposed East Elevation
- Map 7 - Proposed West Elevation
- Map 8 - Proposed South Elevation

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Report Approval Details

Document Title:	SRPI.21.002.docx
Attachments:	- MAP 1 - AERIAL PHOTOGRAPH.pdf - MAP 2 - EXISTING OFFICIAL PLAN DESIGNATION.pdf - MAP 3 - EXISTING ZONING.pdf - MAP 4 - PROPOSED SITEPLAN.pdf - MAP 5 - PROPOSED NORTH ELEVATION.pdf - MAP 6 - PROPOSED EAST ELEVATION.pdf - MAP 7 - PROPOSED WEST ELEVATION.pdf - MAP 8 - PROPOSED SOUTH ELEVATION.pdf
Final Approval Date:	Dec 24, 2020

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

Gus Galanis - Dec 23, 2020 - 10:27 AM

Task assigned to Kelvin Kwan was completed by delegate Patrick Lee

Patrick Lee on behalf of Kelvin Kwan - Dec 24, 2020 - 9:53 AM

MaryAnne Dempster - Dec 24, 2020 - 10:31 AM