



Staff Report for Council Public Meeting

Date of Meeting: February 1, 2023

Report Number: SRPI.23.005

Department: Planning and Infrastructure

Division: Development Planning

Subject: **SRPI.23.005 – Request for Comments – Zoning By-law Amendment Application – Playlearn Preschool Inc. – City File ZBLA-22-0021**

Owner:

Playlearn Preschool Inc.
9741 Bayview Avenue
Richmond Hill, Ontario
L4C 9X7

Agent:

Devry Smith Frank LLP
100-95 Barber Greene Road
Toronto, Ontario
M3C 3E9

Location:

Legal Description: Part of Lot 4, Plan 3640
Municipal Address: 9741 Bayview Avenue

Purpose:

A request for comments concerning a Zoning By-law Amendment application to permit an Autism Centre as an additional use on the subject lands.

Recommendation:

- a) **That Staff Report SRPI.23.005 with respect to Zoning By-law Amendment Application submitted by Playlearn Preschool Inc. for the lands known as Part of Lot 4, Plan 3640 (Municipal Address: 9741 Bayview Avenue), City File ZBLA-22-0021, be received for information purposes only and that all comments be referred back to staff.**

Page 2

Contact Person:

Amanda Dunn, Senior Planner – Zoning, phone number 905-747-6480 and/or
Sandra DeMaria, Manager of Development, Site Plans, phone number 905-747-6312

Report Approval:

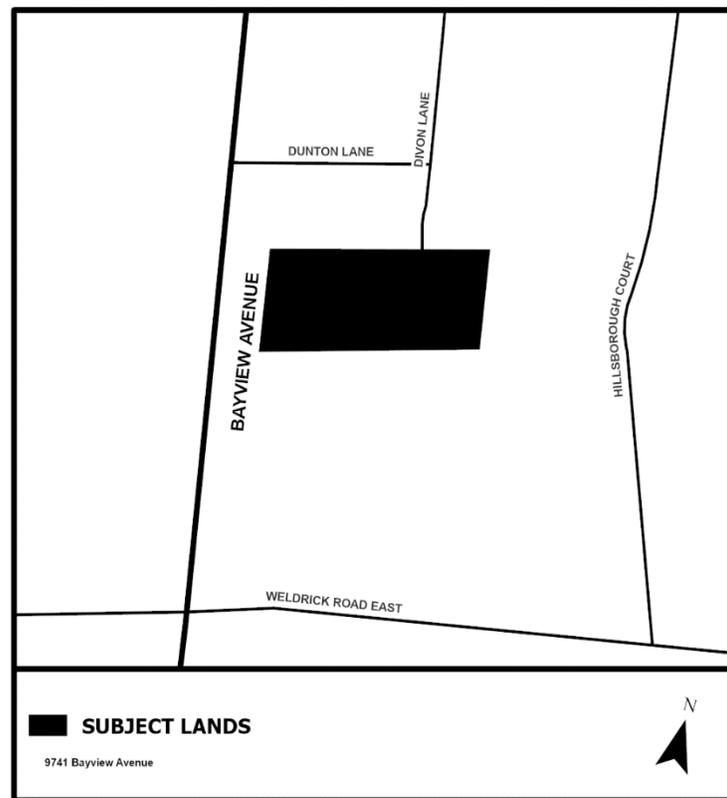
Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

Approved by: Darlene Joslin, 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.



Page 3

Background Information:

The subject Zoning By-law Amendment application was received on October 20th, 2022 and deemed complete on October 28th, 2022. 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 on the east side of Bayview Avenue, north of Weldrick Road East having a lot area of approximately 0.28 hectares (0.69 acres) and a lot frontage of approximately 35.94 metres (117.91 feet) along Bayview Avenue. The lands currently support an existing two-storey building that has previously been used as a Daycare Centre (refer to Map 1). The lands abut medium density residential uses to the north, a private school (The Richmond Hill Christian Academy) to the south, low density residential to the east and Bayview Avenue to the west (refer to Map 1 and 2).

Development Proposal

The applicant is seeking Council's approval of its Zoning By-law Amendment application to permit a centre for the care of children with autism within the existing building located on the subject property. The centre will be operated by Breakthrough Autism which is an established organization providing services to children with autism by assisting them in a number of areas such as self-care, communication, social skills and academic support. The applicant is not proposing any changes to the existing building on the lands. The following is a summary of the pertinent statistics of the applicant's development proposal based on the plans and drawings submitted to the City:

Total Lot Area:	0.28 hectares (0.69 acres)
Existing Gross Floor Area:	316 square metres (3,401.4 square feet)
Existing Parking Spaces:	26
Number of Buildings:	1
Number of Storeys:	2

As noted previously, there are no contemplated changes to the existing building in order to facilitate the proposed additional use on the subject lands. A minor Site Plan application will be required to facilitate the proposed use as will be outlined in the latter sections of this report.

Supporting Documentation/Reports

The applicant has submitted the following documents/information to the City in support of its development proposal:

Page 4

- Planning Justification Statement;
- Development Application Summary;
- Survey;
- Site Concept Plan;
- Traffic Impact Brief; and,
- Draft Zoning By-law.

Zoning By-law Amendment Application

The subject lands are presently zoned **Institutional One (I1) Zone** under By-law 88-86, as amended (refer to Map 4). The **I1 Zone** permits a range of uses including a Community Center, Day Nursery, Park, Place of Worship, Primary School, Private Hospital, Public Library, and a Recreational Use. The Autism Centre, as proposed by the applicant, will operate similarly to a Day Nursery but does not meet the definition of Day Nursery within By-law 88-86 which defines a day nursery within the meaning of the Day Nurseries Act, R.S.O. 1980, Chapter 111, as amended (now Child Care and Early Years Act, 2014, S.O.2014).

The applicant has provided staff with a description of the services that the center offers and although staff acknowledge that the proposed use has attributes which are similar to that of a Day Nursery, the described services are different than those of a Day Nursery. In this regard, the proposed Autism Centre specializes in Applied Behavior Analysis (ABA) which is an evidence based treatment for children with Autism with a focus on adaptive and cognitive betterment. The center assists children with communication and reading skills, provides academic support, as well as social skills such as hygiene and grooming. Accordingly, the proposed use cannot be defined as a Day Nursery. As such, the applicant is seeking approval to amend the **I1 Zone** to add a site-specific exception to permit the use of an Autism Centre on the subject lands.

Planning Analysis:

City of Richmond Hill Official Plan Zoning

The subject lands are designated **Neighbourhood** on Schedule A2-Land Use of the City's Official Plan (the "Plan") (refer to Map 3). The **Neighbourhood** designation permits a range of uses including but not limited to low to medium density residential uses, Neighbourhood Commercial uses in accordance with **Section 4.9.1.3** and Community Uses in accordance with **Section 4.1** of the Plan. The Plan identifies that Community uses include public, private and not for profit institutions, facilities and services that support the health, educational, recreational and socio-cultural needs of the City. Community Uses permitted within the neighbourhood designation include public and private elementary and secondary schools, places of worship, government facilities, arts and cultural recreation, day nurseries, private home daycare facilities and long-term care facilities.

Page 5

Neighbourhood Commercial Uses are intended to serve resident's day-to-day needs and activities within the surrounding neighbourhood. Uses permitted within the Neighbourhood Commercial designation include small-scale retail, commercial, office, community uses and live-work units. **Section 7.1.15** of the Plan states permitted uses identified in the policies of this Plan are intended to illustrate the range of activities in each respective land use designation and do not denote a complete list of permitted uses. A list of specific uses are intended to be defined in the Zoning By-law. In this regard, staff acknowledge that the proposed use will support the needs of the community and meets the general intent and is consistent with the policies of the **Neighbourhood** designation of the Plan.

Department and External Agency Comments:

The subject Zoning By-law Amendment application and the supporting 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 of this report.

Transportation Planning Section

Transportation Planning staff have requested additional information, including plans that demonstrate the parking spaces including accessible spaces, drive aisle widths and on-site vehicular circulation comply with City standards. In this regard, a minor Site Plan application will be required to be submitted by the applicant to establish these requirements.

Development Planning Division

Development Planning staff have undertaken a preliminary review of the applicant's proposed Zoning By-law Amendment and have the following comments:

- the proposed Autism Centre is consistent with the permitted uses contemplated in the **Neighbourhood** designation applicable to the subject lands;
- no works are proposed to the existing building in order to accommodate the proposed use;
- the applicant has submitted a Traffic Impact Brief to demonstrate that the parking requirements, including accessible parking spaces, parking space dimensions, aisle widths and on-site circulation meets City standards;
- a Minor Site Plan Amendment will be required in order to facilitate the proposal; and,
- staff will continue to work with the applicant to review the form, content and appropriateness of the draft Zoning By-law concurrently with the Minor Site Plan application.

Page 6

Other City Department and External Agency Comments

Comments have also been received from the City's Park and Natural Heritage Planning Section, Financial Services Department, Building Services Division - Zoning Section, Fire and Emergency Services Department and Community Services Department, in addition to the Regional Municipality of York, Canada Post, Enbridge Gas Inc., Toronto and Region Conservation Authority, Alectra Utilities. These departments and agencies have no objections to the proposed development.

Financial/Staffing/Other Implications:

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

Relationship to Council's Strategic Priorities 2020-2022:

The recommendation of this report does not have any direct implications with respect to Council's Strategic Priorities. 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 owner of the subject lands is seeking Council's approval of its Zoning By-law Amendment application to permit the addition of an Autism Centre within the existing building located on its land holdings. The purpose of this report is to provide Council and the public with an overview of the applicant's development proposal and to discuss the regulatory regime governing the evaluation of this application. 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. All attachments have been reviewed and made accessible. 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, Zoning
- Map 5, Existing Site Plan
- Appendix A, Applicant's Draft Zoning By-law

Page 7

Report Approval Details

Document Title:	SRPI.23.005 - Request for Comments - 9741 Bayview.docx
Attachments:	<ul style="list-style-type: none">- SRPI.23.005 - Map 1 - Aerial Photograph.docx- SRPI.23.005 - Map 2 - Neighbourhood Context.docx- SRPI.23.005 - Map 3 - Official Plan Designation.docx- SRPI.23.005 - Map 4 - Existing Zoning.docx- SRPI.23.005 - Map 5 - Site Plan.docx- SRPI.23.005 - Appendix A - Applicant's Draft Zoning By-law.pdf
Final Approval Date:	Jan 12, 2023

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

Gus Galanis - Jan 11, 2023 - 9:41 AM

Kelvin Kwan - Jan 12, 2023 - 1:37 PM

Darlene Joslin - Jan 12, 2023 - 2:42 PM