



Staff Report for Committee of the Whole Meeting

Date of Meeting: March 1, 2023

Report Number: SRPI.23.022

Department: Planning and Infrastructure

Division: Development Planning

Subject: **SRPI.23.022 – Request for Approval – Zoning By-law Amendment Application – Playlearn Preschool Inc. – City File ZBLA-22-0021 (Related File D06-23002)**

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 approval concerning a proposed Zoning By-law Amendment application to permit an Autism Centre as an additional use with site-specific exceptions on the subject lands.

Recommendations:

- a) that the 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 approved;
- b) that the amending Zoning By-law as set out in Appendix “B” to Staff Report SRPI.23.022 be finalized to the satisfaction of the Commissioner of

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Planning and Infrastructure, and be brought forward to a regular meeting of Council for consideration and enactment; and,

- c) 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.**

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:

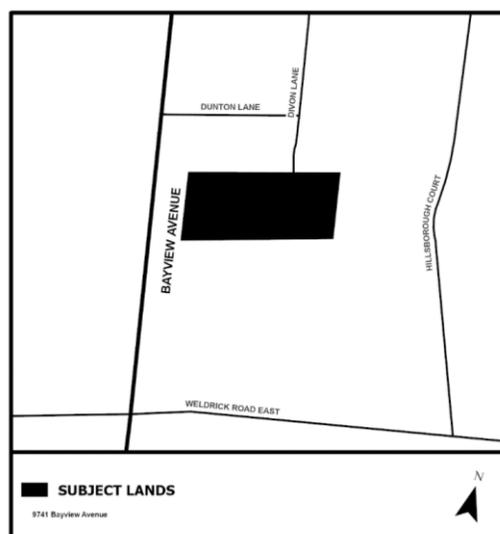
Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

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.



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Background:

The subject Zoning By-law Amendment application was considered at a statutory Council Public Meeting on February 1, 2023 wherein Council received Staff Report SRPI.22.005 for information purposes and directed that all comments be referred back to staff for consideration (refer to Appendix A). No concerns were raised at the Council Public Meeting from either Council or the public. All comments from City departments and external agencies pertaining to the subject proposal have been satisfactorily addressed by the applicant. 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 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 uses 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 its land holdings. Below is a summary of the pertinent development statistics for the proposed development based on the plans and drawings submitted to the City:

- **Total Lot Area:** 0.28 hectares (0.69 acres)
- **Existing Ground Floor Area:** 316.88 square metres (3,405.53 square feet)
- **Existing Number of Buildings:** 1
- **Number of Storeys:** 2
- **Proposed Parking Spaces:** 22 (inclusive of 3 barrier free parking spaces)

The proposed Autism Centre is to be operated by Breakthrough Autism which is an established organization providing services to children with autism. There are no proposed changes to the existing building. However, the applicant has proposed some minor alterations to the existing parking area and driveway on the lands in order to improve on-site circulation and parking in response to staff comments, as follows:

- the inclusion of (3) three barrier free parking spaces that comply to City standards;
- a revised parking layout to accommodate parking space dimensions, drive aisle widths and turning radii that comply with City standards;
- a reduction in the amount of parking from the existing 34 to 22 spaces to accommodate wider driveway aisle widths; and,

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- the incorporation of appropriate signage on site in order to provide adequate traffic management.

The applicant has also submitted an associated Minor Site Plan application in support of the subject development proposal (City File D06-23002), which is discussed in the later sections of this report and is being reviewed in conjunction with the subject Zoning By-law Amendment application.

Planning Analysis:

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 a range of uses including, but not limited to, Neighbourhood Commercial Uses and Community Uses as outlined in **Section 4.9.1.3** and **Section 4.1** of the Plan. The permitted uses within the Neighbourhood Commercial designation include, amongst other uses, small-scale retail, commercial, office, community uses and live-work units. The Community Uses permit 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.

Further, in accordance with **Section 7.1.15** of the Plan, permitted uses identified in the 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 applicable to the lands. In consideration of the above, staff are of the opinion that the proposed Autism Centre will provide a service that supports the needs of the community and therefore meets the intent of the land uses envisioned within the **Neighbourhood** designation and therefore conforms with the applicable policies of the Plan.

Zoning By-law Amendment Application

The subject lands are currently 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 proposed Autism Centre 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 shall offer 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 and accordingly cannot be interpreted/defined as such. Accordingly, a site-specific exception is required to permit the proposed use.

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Further to the above, the applicant is proposing site-specific development standards to facilitate the proposed use with respect to the applicable parking rate and the minimum drive aisle width. The following table provides a summary of the applicable development standards under By-law 88-86, as amended, relative to the proposed development including site-specific provisions proposed in bold by the applicant:

Development Standard	Permitted Standards	Proposed Development
Minimum Parking Rate	17 spaces (5.4 spaces per 100.0 square metres of gross floor area as per By-law 100-10, as amended)	22 spaces (inclusive of 3 barrier free spaces)
Minimum Aisle Width	Six (6) metres for two-way traffic	5.08 metres (16.6 feet)

Planning and Transportation staff has undertaken a comprehensive review of the applicant’s development proposal and is satisfied that the proposed site-specific provisions are supportable for the following reasons:

- the proposed use of an Autism Centre is not defined by By-law 88-86, as amended, and accordingly does not have an associated parking rate. As such, a parking rate of 5.4 spaces per 100.0 square meters of gross floor area as per By-law 100-10, as amended was applied. This is a standard rate for a medical office or clinic, which Transportation staff considered as an appropriate rate to apply. In this regard, the proposed parking count provided, inclusive of accessible parking spaces, exceeds the number of parking spaces required;
- the proposed drive aisle width reduction from 6 metres (19.68 feet) to 5.08 metres (16.6 feet) for two-way traffic is only applicable to a portion of the drive aisle, located along the northern limit of the site that provides access from the front parking lot to the rear of the building which leads to additional parking which is to be assigned to staff. Frequent two-way traffic is not anticipated through this drive aisle; and,
- the proposed drive aisles within the front and rear parking lot comply with the minimum 6 metres (19.68 feet) drive aisle width requirement of the by-law.

Staff note that the reduction in drive aisle width is an existing situation on the site and any expansion to the drive aisle would likely result in the damage or injury to existing trees located on site. The applicant has provided a Traffic Impact Brief and a Site Circulation Analysis that demonstrates that vehicles can safely maneuver through the site. Further, the applicant has submitted a Traffic Management Plan and Pavement Marking Plan which includes features such as signage (stop sign, accessible parking sign, yield to oncoming traffic sign, designated staff parking signs as well as fire route signs) and proposed convex mirrors to ensure the site can function in a safe manner without any operational concerns. Engineering staff have reviewed the above-noted plans and studies and are satisfied with same.

The applicant is also seeking to recognize the existing deficient landscape strip adjacent to residential lands to the north and where it abuts a street (i.e. Bayview Avenue) as

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part of the proposed Zoning By-law Amendment. Staff is satisfied that the applicant has demonstrated through the revised parking layout that existing vegetation and landscaping will be maintained, inclusive of all existing trees on site and an existing cedar hedge along the northern property limit between the proposed parking area and the adjacent residential property.

Planning staff has comprehensively reviewed the applicant's Zoning By-law Amendment application and is satisfied that the addition of an Autism Centre and the proposed site-specific development standards are appropriate for the development of the subject lands.

Site Plan Application

As noted previously, the applicant has submitted a Site Plan application to facilitate its development proposal (refer to Map 5). At the time of writing this report, the Site Plan application remains under review but only minor issues remain to be resolved. 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 the development will not impact the implementation of the amending Zoning By-law at this time.

City Department and External Agency Comments:

Comments received through the circulation of the applicant's Zoning By-law Amendment application from City departments and external agencies have been satisfactorily addressed. City Departments and external agencies have no further comments or objections with respect to the Zoning By-law Amendment application.

Development Planning Division

Planning staff has reviewed and evaluated the applicant's development proposal and is of the opinion that it has appropriate regard for and is consistent with the broader policy direction as outlined in the Plan. On this basis, it is recommended that the subject Zoning By-law Amendment application be approved for the following reasons:

- the proposed Autism Centre use is consistent with the land uses contemplated within the **Neighborhood** designation of the Plan;
- the proposed use and site specific development standards are considered to be appropriate to facilitate the orderly development of the site;
- the proposed revised layout of the parking lot is considered to be appropriate;
- the applicant has satisfactorily addressed comments raised by City departments as it relates to its Zoning By-law amendment application; and,
- the applicant will be required to address any outstanding comments through the related Site Plan approval process.

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Relationship to Council's Strategic Priorities 2020-2022:

The applicant's development proposal aligns with a **Strong Sense of Belonging** as it provides a service that fosters a commitment to community building and enables an inclusive sense of belonging.

Climate Change Considerations:

Climate change considerations are not applicable to this staff report.

Conclusion:

The applicant is seeking Council's approval of its proposal to permit an Autism Centre as an additional permitted use on its land holdings. The applicant's proposal conforms with the applicable policies of the City's Official Plan and constitutes good planning. In light of the preceding, it is recommended that the applicant's Zoning By-law Amendment application be approved by Council for the principle reasons outlined in this report.

Attachments:

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.

- Appendix A, Extract from Council Public Meeting C#06-23 held February 1, 2023
- Appendix B, Draft Zoning By-law
- Map 1, Aerial Photograph
- Map 2, Neighbourhood Context
- Map 3, Official Plan Designation
- Map 4, Existing Zoning
- Map 5, Proposed Site Plan

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Report Approval Details

Document Title:	SRPI.23.022 - Request for Approval - Zoning By-law Amendment Application - 9741 Bayview.docx
Attachments:	<ul style="list-style-type: none">- SRPI.23.022 - Appendix A - Extract from Council Public Meeting.pdf- SRPI.23.022 - Appendix B - Draft By-law 33-23.docx- SRPI.23.022 - Map 1 - Aerial Photograph.docx- SRPI.23.022 - Map 2 - Neighbourhood Context.docx- SRPI.23.022 - Map 3 - Official Plan Designation.docx- SRPI.23.022 - Map 4 - Existing Zoning.docx- SRPI.23.022 - Map 5 - Proposed Site Plan.docx
Final Approval Date:	Feb 25, 2023

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

Gus Galanis - Feb 24, 2023 - 3:22 PM

Kelvin Kwan - Feb 24, 2023 - 3:26 PM

Darlene Joslin - Feb 25, 2023 - 1:26 PM