



## Staff Report for Council Public Meeting

Date of Meeting: September 24, 2024

Report Number: SRPBS.24.093

Department: Planning and Building Services

Division: Development Planning

**Subject: SRPBS.24.093 - Request for Comments - Official Plan and Zoning By-law Amendment Applications - Ezatollah Ciamak Khoshzamir - City Files OPA-23-0005 and ZBLA-23-0009**

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### Owner:

Ezatollah Ciamak Khoshzamir  
2 MacKay Drive  
Richmond Hill, Ontario  
L4C 6P1

### Agent:

Design Plan Services Inc.  
900 The East Mall, Suite 300  
Toronto, Ontario  
M9B 6K2

### Location:

Legal Description: Part of Lot 51, Registered Plan 3852  
Municipal Address: 2 MacKay Drive

### Purpose:

A request for comments concerning proposed Official Plan and Zoning By-law Amendment applications to permit an office use as a primary commercial use on the subject lands.

### Recommendation:

- a) That Staff Report SRPBS.24.093 with respect to the Official Plan and Zoning By-law Amendment applications submitted by Ezatollah Ciamak Khoshzamir for lands known as Part of Lot 51, Registered Plan 3852 (Municipal Address: 2 MacKay Drive), City Files OPA-23-0005 and ZBLA-23-0009, be received for information purposes only and that all comments be referred back to staff.

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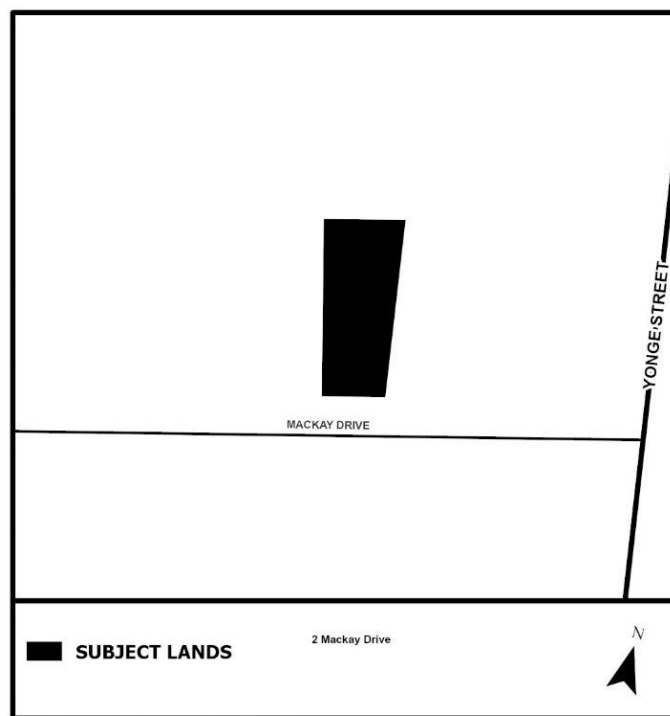
### Contact Persons:

- Darren Ding, Planner II - Development, phone number 905-771-2459 and/or
- Sandra DeMaria, Manager of Development Planning, phone number 905-747-6312
- Deborah Giannetta, Director of Development Planning, phone number 905-771-5542
- Gus Galanis, Commissioner of Planning and Building Services, phone number 905-771-2465

### Report Approval:

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:



### Key Messages:

- the applicant has submitted Official Plan and Zoning By-law Amendment applications to permit the expansion of an existing home occupation use (dental office) as a primary use within the existing residential dwelling located on the subject lands; and,

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- the purpose of this report is to seek comments from Council and the public with respect to the subject applications, pursuant to the statutory Public Meeting and associated notice requirements of the *Planning Act*.

### Background:

The subject Official Plan and Zoning By-law Amendment applications were received by the City on April 17, 2023 and deemed to be complete on June 14, 2024. The applications and supporting materials have been 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 applications, pursuant to the statutory Public Meeting and associated notice requirements of the *Planning Act*.

### Discussion:

#### Site Location and Adjacent Uses

The subject lands are located on the north side of Mackay Drive, west of Yonge Street (refer to Maps 1 and 2). The property has a lot frontage of 16.44 metres (53.94 feet) along Mackay Drive and a total lot area of 858.93 square metres (0.21 acres). The lands contain an existing two-storey single detached dwelling, a portion of which is occupied by an existing dental office operating as a home occupation, and accessory structures, including an attached garage, which are proposed to remain.

Surrounding land uses include single detached residential dwellings to the north, west, and south. To the east and southeast are two commercial plazas fronting onto Yonge Street, both of which have shared access via MacKay Drive.

#### Development Proposal

The applicant is seeking Council's approval of its Official Plan and Zoning By-law Amendment applications to permit an office use within the existing residential dwelling located on its land holdings. Specifically, the applicant is seeking approval from Council to permit the expansion of the existing dental office that currently operates as a home occupation within the dwelling. The proposed expansion would result in the dental office becoming the primary use of the property, occupying approximately 50% of the total gross floor area of the existing dwelling on the subject lands. The second floor and basement of the existing dwelling would continue to be used for residential purposes. The proposed development would also include exterior site alteration works including the addition of a parking area to the rear of the existing dwelling to be accessed through the existing garage (refer to Maps 5 and 6).

The following is a summary table outlining the pertinent statistics of the applicant's development proposal based on the plans and drawings submitted to the City:

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- **Total Lot Area:** 0.086 hectares (0.21 acres)
- **Building Height:** 10.9 metres (35.76 feet) or two (2) storeys
- **Total Gross Floor Area (GFA):** 321.46 square metres (3,460.17 square feet)
  - Existing Commercial GFA 112.63 square metres (1,212.34 square feet)
  - Proposed Commercial GFA 160.73 square metres (1,730.08 square feet)
- **Proposed Parking Spaces:** 9 spaces (including 1 accessible space)

It should be noted that a related Site Plan application (City File SP-23-0019) has been submitted concurrently with the subject Official Plan and Zoning By-law Amendment applications. At the time of preparation of this report, the Site Plan application is under review by relevant departments and external agencies.

### Supporting Documentation/Reports

The following documents/information have been submitted to the City in support of the development proposal:

- Draft Official Plan Amendment;
- Draft Zoning By-law Amendment;
- Site and Landscape Plan;
- Floor Plans;
- Elevation Plans;
- Planning Justification Report;
- Arborist Report, including Tree Inventory and Tree Protection Plan;
- Parking Justification Study;
- Site Grading and Servicing Plan;
- Lighting Plan;
- Exterior Materials and Colour Schedule; and,
- Plan of Survey.

### Official Plan and Zoning By-law Amendment Applications

The applicant is seeking approval of its Official Plan Amendment application in order to amend the policies of the **Neighbourhood** designation to permit neighbourhood commercial uses where the site fronts onto a local street, whereas the **Neighbourhood** designation permits neighbourhood commercial uses where a site fronts onto an arterial street.

The related Zoning By-law Amendment application would rezone the subject lands from **Third Density Residential (R3) Zone** under By-law 2523, as amended, to **Neighbourhood Commercial (NC) Zone** under By-law 369-86, as amended, with site-specific provisions to facilitate the proposed commercial uses on the subject lands. The following table provides a summary of the existing development standards applicable to the **NC Zone** category under By-law 369-86, as amended and the requested site-specific exceptions in bold:

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<b>Development Standard</b>	<b>NC Zone Standards under By-law 369-86, as amended</b>	<b>Proposed Development</b>
<b>Permitted Uses</b>	A range of commercial uses as required in Section 1.4. a) of the By-law	<b>Residential dwelling unit in conjunction with a permitted commercial use</b>
<b>Minimum Lot Frontage</b>	30 metres (98.43 feet)	<b>16 metres (52.49 feet)</b>
<b>Minimum Lot Area</b>	0.4 hectares (43,055.64 square feet)	<b>0.085 hectares (9,149.32 square feet)</b>
<b>Minimum Front Yard Setback</b>	15 metres (49.21 feet)	<b>9.25 metres (30.35 feet)</b>
<b>Minimum Side Yard Setback</b>	6 metres (19.69 feet)	<b>1.25 metres (4.10 feet) (west) 1.55 metres (5.09 feet) (east)</b>
<b>Minimum Rear Yard Setback</b>	12 metres (39.37 feet)	19.31 metres (63.35 feet)
<b>Maximum Building Height</b>	7.5 metres (24.61 feet)	<b>10.9 metres (35.76 feet)</b>
<b>Minimum Landscape Strip abutting Street Line</b>	6 metres (19.69 feet), where a strip of land not less than 6 metres (19.69 feet) in depth	<b>Nil</b>
<b>Minimum Landscape Strip abutting Residential Zone</b>	3 metres (9.84 feet)	<b>1.26 metres (4.13 feet) (West) 1.52 metres (4.99 feet) (North)</b>
<b>Minimum Parking Spaces</b>	5 parking spaces per practitioner	<b>9 parking spaces total</b>
<b>Length of Parking Spaces</b>	6 metres (19.69 feet)	<b>5.80 metres (19.03 feet)</b>
<b>Driveway Width</b>	3.7 metres (12.14 feet) for one-way traffic 6 metres (19.69 feet) for two-way traffic	<b>5.50 metres (18.04 feet) for one-way and two-way traffic</b>

Further to the above, the **NC Zone** of By-law 369-86, as amended, permits a full range of commercial uses included but not limited to bakery, convenience retail store, restaurant, and business or professional offices. The appropriateness of the proposed amendments to the City's Official Plan policies and applicable Zoning By-law provisions are currently under review. The site-specific exceptions sought through the amendments shall be considered and refined through the detailed application review process.

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### Planning Analysis:

Staff has undertaken a preliminary review and evaluation of the applicant's development proposal based on the policy framework contained within the *Provincial Policy Statement* (2020) (the "PPS"), the *Growth Plan for the Greater Golden Horseshoe* (2020) (the "Growth Plan"), the Regional Official Plan (2022) (the "ROP") and the City's Official Plan (2010) (the "Plan"). The following sections provide an overview of the policies relevant to the subject applications.

### York Region Official Plan

On June 6, 2024, **Bill 185 (Cutting Red Tape to Build More Homes Act)** received Royal Assent bringing into effect a series of changes to the *Planning Act* among which included the removal of planning responsibilities from the Regional municipalities of Peel, Halton and York. Effective July 1, 2024, these Regions no longer have planning responsibilities under the *Planning Act* and are no longer approval authorities of local municipal Official Plans. To that end, York Region is no longer the approval authority of the City's Official Plan and its amendments, and the York Region Official Plan 2022 ("ROP") is now deemed to be an Official Plan of the City of Richmond Hill.

The subject lands are located within the **Urban Area** in accordance with Map 1 (Regional Structure) and designated **Community Area** in accordance with Map 1A (Land Use Designations) of the ROP. Lands designated **Community Area** support a wide range and mix of uses and are intended to accommodate a significant portion of planned growth within the Region.

The ROP establishes a comprehensive policy framework that outlines a Regional intensification strategy, setting forth principles and objectives to guide the form and location of development across the Region, which are to be further refined through local planning policies. In accordance with **Section 4.4** of the ROP, intensification shall be directed within strategic growth areas, which consists of Regional Centers, subway stations, MTSAs, Regional Corridors, and local Centres and Corridors. With respect to proximity to transportation infrastructure, the subject lands are not located within, but are adjacent to a Protected MTSA (Bantry-Scott BRT Station) and Regional Corridor (Yonge Street) as identified on Map 1B (Urban System Overlays) in the ROP.

In accordance with **Policy 4.2.1** of the ROP, **Community Areas** are where the majority of residents, personal services, retail, arts, culture, recreational facilities and human services needs will be located. Employment opportunities shall also be encouraged within **Community Areas**. Additionally, in accordance with **Policies 4.2.4** and **4.2.5** of the ROP, local municipalities shall provide for a balance of residential uses and compatible employment uses that provide services to residents throughout **Community Areas** to provide for working, living and daily activities in close proximity. Furthermore, local municipalities encourage and permit live-work development opportunities through a combination of flexible zoning permissions and accommodations for combined residential and business or personal services, office uses, and home occupations.

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### City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** in accordance with Schedule A2 - Land Use of the Plan (refer to Map 3). It is important to note that the subject lands abut the **Richmond Hill Centre** to the east. Permitted uses within the **Neighbourhood** designation include low and medium density residential uses, neighbourhood commercial and community uses, parks and open spaces, and automotive service commercial uses subject to specific policy criteria as defined in **Section 4.9.1** of the Plan. Home occupations are permitted pursuant to **Sections 4.9.1** and **3.3.2 (10)** of the Plan which permits home occupation uses, where permitted within the Zoning By-law in the **Neighbourhood** designation and are subject to a range of policies, including but not limited to:

- **Policy 3.3.2 (10) c:** The home occupation remains accessory to the primary residential use and is limited in floor space to a portion of the dwelling as determined by the Zoning By-law; and,
- **Policy 3.3.2 (10) f:** Adequate on-site parking is provided.

As the subject application seeks to increase the ground floor area of the existing dental office to become the primary use of the subject lands and requires additional parking to support the proposed larger office use, the dental office no longer qualifies as a home occupation as it does not meet the criteria of the Plan.

The **Neighbourhood** designation permits neighbourhood commercial uses including small-scale retail, commercial, office, community uses and live-work units where a site fronts onto an arterial street. The subject lands front onto MacKay Drive, which is classified as a local street in accordance with Schedule A8 - Street Classification Map of the Plan. The applicant is seeking a site-specific amendment to **Section 4.9.1.3.1** of the Plan to permit an office use, on a property that fronts onto a local street (refer to Appendix A).

A more detailed review and evaluation of the proposed applications in the context of the applicable policies of the Plan will form part of a future recommendation report to Council.

### Zoning By-law

The applicant is seeking approval to rezone the subject lands from **Third Density Residential (R3) Zone**, under By-law 2523, as amended, to **Neighbourhood Commercial (NC) Zone**, under By-law 369-86, as amended, with site-specific provisions to permit the expansion of the existing dental office on the subject lands.

The **R3 Zone** permits single detached dwellings, converted dwelling houses, home occupations, and a range of institutional uses and recreational uses (refer to Map 4). In accordance with **Section 10 (2) (d)** of By-law 2523, as amended, a home occupation is defined as “***an office of a veterinarian, physician, dentist or drugless practitioner located in the single-family detached dwelling used by such person as his private***”

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***residence provided such use shall only be permitted on the ground floor of the dwelling and the ground floor area for such use shall not exceed twenty-five (25) percent of the total floor area of the building.”***

Although the proposed expansion would be limited to the ground floor of the existing dwelling, if approved, it would increase the ground floor area of the dental office from 112.63 square meters (1,212.34 square feet) to 160.73 square metres (1,730.08 square feet), or a total of 48.10 square metres (517.74 square feet). As a result, the dental office would occupy approximately 50% of the total ground floor area of the building, exceeding the maximum 25% permission for home occupations.

The applicant is seeking approval from Council to rezone the subject lands to a site-specific **NC Zone**, under By-law 369-86, as amended, to permit the proposed development. The **NC Zone** permits a range of commercial uses including bakery, convenience retail store, restaurant, and business or professional offices, among others, however, residential uses are not permitted uses in the **NC Zone**. As the second floor and basement of the existing dwelling will continue to be used for residential purposes, the proposed Zoning By-law Amendment seeks to include a residential dwelling unit as an additional permitted use in the **NC Zone** on the subject lands (refer to Appendix B).

### **Department and External Agency Comments:**

The subject Official Plan and Zoning By-law Amendment applications, in addition to the associated background studies and reports submitted in support of same, have been circulated to various City departments and external agencies for their review and comment. Comments have been received from the City’s Waste Management Section, Fire and Emergency Services Division, Heritage and Urban Design Section, as well as York Region, Alectra Utilities, Enbridge Gas, Metrolinx and Rogers. These City Departments and external agencies have no objections to the applications and/or have provided comments to be addressed by the applicant through the related Site Plan application. The applications remain under review by the City’s Building Services Division (including Zoning Section), Financial Services Division, and Canada Post.

The following is a summary of the comments received to date.

### **Infrastructure Planning and Development Engineering Division**

The City’s Infrastructure Planning and Development Engineering Division has provided technical comments on the Site Plan application with respect to transportation and traffic, on-site circulation, servicing and grading, stormwater management, and lighting.

The Development Engineering Division has confirmed that the proposed parking configuration and access to support the proposed office use is acceptable with the condition that the rear lot be used exclusively by the property owner and dental office employees. Patients of the dental office may use on-street parking along both sides of Mackay Drive for up to three hours, as per City By-law 402-89. Given the establishment



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of a new, impervious parking area in the rear of the property, the submitted Site Grading and Servicing Plan will need to be revised to remove the proposed infiltration trenches, identify all downspout locations and show the emergency overland flow route.

### Park and Natural Heritage Planning Section

The City's Park and Natural Heritage Planning (PNHP) Section has reviewed the applicant's development proposal and has no comments regarding the proposed Official Plan Amendment application. However, PNHP staff have indicated that the proposed parking area will require revisions to address the landscaping area and proposed tree planting, and the removal of the proposed infiltration trenches. Further, PNHP staff have noted that consent from the neighboring property owner(s) will be required if any neighboring trees are to be injured or removed. PNHP also notes that the provided Tree Protection Plan is not acceptable and must be revised to clearly show the tree protection zones and tree protection fencing to scale.

### Development Planning Division

Planning staff have undertaken a preliminary review of the applicant's development proposal, including the plans and materials submitted in support of the proposed development. In consideration of the policies of the ROP and the Plan which are relevant to the evaluation of the proposed development, staff provides the following preliminary comments:

- the development proposal is permitted within the **Community Area** designation, aligning with **Policies 4.2.4** and **4.2.5** of the ROP, which require a balance of residential and employment uses and support live-work opportunities. Therefore, the development proposal conforms with the ROP;
- the proposed office use is permitted within the **Neighborhood** designation in accordance with **Section 4.9.1** of the Plan subject to criteria. **Section 4.9.1.3** of the Plan sets out the criteria which stipulates that neighborhood commercial uses are only permitted within the **Neighborhood** designation where the site fronts onto an arterial street. As MacKay Drive is classified as a local street, the proposed development does not meet the locational criteria for neighborhood commercial uses within the **Neighbourhood** designation;
- the proposed Zoning By-law Amendment seeks to rezone the subject lands to the **NC Zone** category with site-specific development standards under By-law 369-86, as amended. The application requests several site-specific provisions as outlined in this report, including permission for a residential dwelling unit. Planning staff have concerns regarding appropriateness of the proposed **NC Zone** category to facilitate the subject proposal as the NC Zone category introduces a range of commercial uses, some of which include restaurants, retail stores, and supermarkets, which may result in land use compatibility issues with the surrounding residential neighborhood. Staff will continue to work with the applicant to review the appropriateness of the request to rezone to the subject lands to the **NC Zone** category as proposed, as well

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as the site-specific provisions requested in the draft Zoning By-law Amendment submitted in support of the development proposal;

- staff will continue to review the form, content and appropriateness of the proposed draft Official Plan Amendment and Zoning By-law Amendment, including the site-specific standards requested by the applicant with respect to compatibility, design and function; and,
- the applicant must satisfactorily address comments and requirements identified by City departments and external agencies that have been requested to review the development proposal.

A comprehensive review and evaluation of the subject Official Plan and Zoning By-law Amendment applications will be conducted following the receipt of comments and feedback from all circulated City departments, external agencies, Council and the public. This detailed review will be completed in advance of and addressed as part of a recommendation report to be prepared for a future Council meeting.

### **Financial Implications:**

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

### **Relationship to Strategic Plan 2024-2027:**

The recommendation of this report does not have any direct implications with respect to Council's 2024 – 2027 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.

### **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.

- Map 1, Aerial Photograph
- Map 2, Neighbourhood Context
- Map 3, Official Plan Designation
- Map 4, Existing Zoning
- Map 5, Conceptual Site Plan
- Map 6, Conceptual Elevations
- Appendix A, Proposed Draft Official Plan Amendment
- Appendix B, Proposed Draft Zoning By-law Amendment

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### Report Approval Details

Document Title:	SRPBS.24.093 - Request for Comments - 2 MacKay Dr - City Files OPA-23-0005 and ZBLA-23-0009.docx
Attachments:	<ul style="list-style-type: none"><li>- Map 1 Aerial Photograph.docx</li><li>- Map 2 Neighbourhood Context.docx</li><li>- Map 3 Official Plan Designation.docx</li><li>- Map 4 Existing Zoning.docx</li><li>- Map 5 Conceptual Site Plan.docx</li><li>- Map 6 Conceptual Elevations.docx</li><li>- Appendix A Draft OPA.docx</li><li>- Appendix B Draft ZBLA.docx</li></ul>
Final Approval Date:	Sep 5, 2024

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

**Deborah Giannetta - Sep 5, 2024 - 10:17 AM**

**Gus Galanis - Sep 5, 2024 - 10:26 AM**

**Darlene Joslin - Sep 5, 2024 - 11:01 AM**