



## **Staff Report for Committee of the Whole Meeting**

**Date of Meeting:** April 9, 2018  
**Report Number:** SRPRS.18.094

**Department:** Planning and Regulatory Services  
**Division:** Development Planning

**Subject:** **SRPRS.18.094 – Request for Direction – Official Plan and Zoning By-Law Amendment Applications – T-York 7 Holding Ltd. – Town Files D01-16004 and D02-16031 (related File D06-16068)**

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### **Owners:**

T-York 7 Holding Ltd.  
5255 Yonge Street, Suite #1100  
Toronto, Ontario  
M2N 6P4

### **Agent:**

Goldberg Group  
2098 Avenue Road  
Toronto, Ontario M5M 4A8

### **Location:**

Legal Description: Part of Block 2, Registered Plan 65M-2287  
Municipal Addresses: 157-165 York Boulevard

### **Purpose:**

A request for direction regarding Applications to Amend the Official Plan and Zoning By-law to permit an additional 687 square metre (7,394 square feet) stand-alone restaurant on the subject lands.

Recommendations:

- a) **That the Ontario Municipal Board be advised that Council does not support the Official Plan and Zoning By-law Amendment Applications submitted by T-York 7 Holding Ltd. for lands known as Part of Block 2, Registered Plan 65M-2287 (Municipal Addresses: 157-165 York Boulevard), Town Files D01-16004 and D02-16031 for the principle reasons outlined in SRPRS.18.094; and,**

**b) That appropriate Town staff be directed to appear at the Ontario Municipal Board in support of Council’s position concerning the subject applications.**

**Contact Person:**

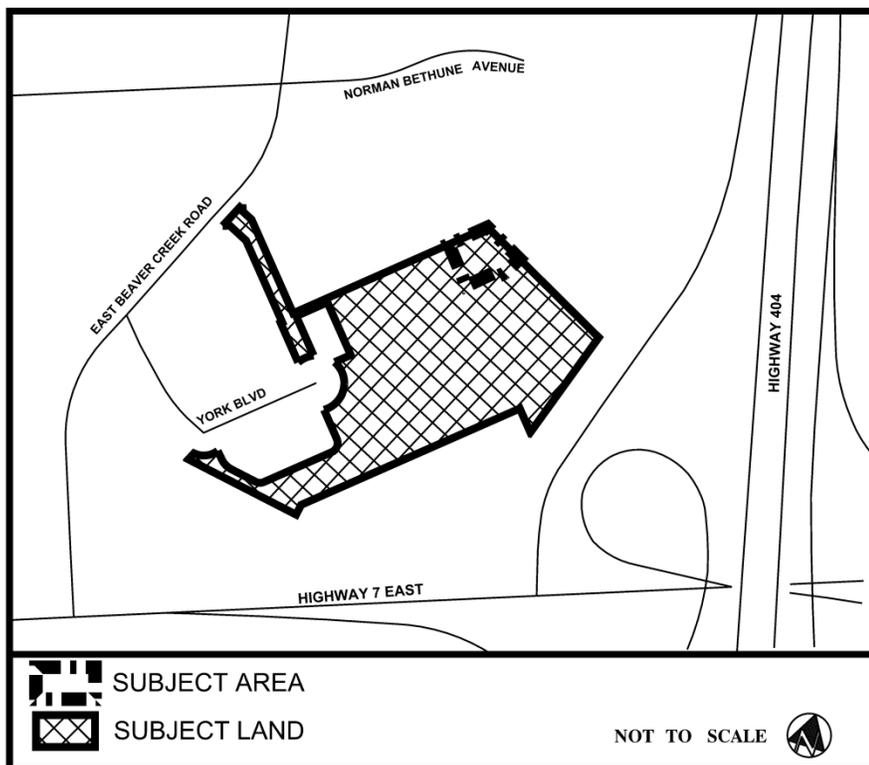
Deborah Giannetta, Manager of Development – Site Plans, phone number 905-771-5542

**Report Approval:**

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

**Approved by:** Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.



## **Background:**

A statutory Council Public Meeting was held on March 22, 2017 regarding the subject development proposal wherein Council received Staff Report SRPRS.17.045 for information purposes and directed that all comments be referred back to staff (refer to Appendix A). Several members of the Public attended the meeting and submitted correspondence for the public record to advise of their objection and concern with the proposal. These comments are discussed later in this report.

On June 19, 2017, the applicant appealed their Official Plan and Zoning By-Law Amendment applications to the Ontario Municipal Board (OMB) pursuant to Sections 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, on the basis that the Town failed to make a decision on its applications within the prescribed statutory timeframes. The related Site Plan application has not been appealed.

An OMB Pre-Hearing Conference was held on February 8, 2018 with respect to the subject applications. In addition to the Town, one of the adjacent landowners has been granted Party status to the proceedings with the potential of a second landowner being added at a later date. Also in attendance were several tenants of the restaurants within the restaurant campus that have also requested and been granted Participant status. A second Pre-Hearing Conference is scheduled for April 9, 2018 in anticipation that the Town will have an issues list, a position from Council on the subject applications as well as authorization for Town staff and legal counsel to attend future OMB proceedings on these matters. Accordingly, the purpose of this report is to seek Council's direction with respect to the subject development proposal and to direct Town staff and legal counsel to appear at the hearing in support of Council's position concerning the subject applications.

## **Summary Analysis:**

### **Site Location and Adjacent Uses**

The subject property is located within the northeast quadrant of East Beaver Creek Road and Highway 7 East (see Maps 1 and 2). The lands form part of the Beaver Creek Business Park campus that has multiple ownerships and land uses, and are served by a private road and driveway system.

The subject lands total approximately 3.81 hectares (9.41 acres) in size and are occupied by six existing free standing restaurants that have a combined gross floor area of 4,554.66 square metres (48,920 square feet). The portion of the site that is proposed for development is currently used as a surface parking area for the existing restaurants. The lands abut existing industrial uses to the west, existing office, theatre and restaurant uses to the south, an existing eight storey residential condominium and future residential and office uses to the north and Highway 404 to the east.

## Development Proposal

The applicant is seeking Council's approval to construct an additional stand-alone restaurant with site specific development standards on the subject lands (see Maps 3 and 4). Outlined below are the relevant statistics for the applicant's development proposal based on the plans and drawings submitted to the Town:

- **Total Lot Area:** 3.81 hectares (9.41 acres)
- **Total Lands Subject to these Applications:** 0.18 hectares (0.44 acres)
- **Proposed Number of Buildings:** 1
- **Proposed Gross Floor Area (revised):** 687m<sup>2</sup> (7,394ft<sup>2</sup>)  
**(original submission):** 502m<sup>2</sup> (5,403.66ft<sup>2</sup>)
- **Building Height:** 5.64 metres (18.5 feet)

The proposed additional stand-alone restaurant with an associated 141 square metre (1,520 square feet) outdoor patio is to be located at the northeast portion of the site, immediately north of the existing Building D (Destiny Restaurant). In order to facilitate the establishment of the proposed restaurant, the applicant is proposing the following site specific development standards:

- reduced minimum building setbacks of 9 metres (29.5 feet) to the east yard and 6 metres (19.68 feet) to the north yard whereas the minimum building setback from the street lines of Highway 7 and Highway 404 shall not be less than 21 metres;
- reduced minimum ground floor area of buildings of 500 square metres (5,403 square feet) whereas the minimum required ground floor area of a building is 557 square metres (6,000 square feet);
- reduced parking rate of 10.55 spaces per 100 square metres of gross floor area whereas the by-law requires a minimum of 12.9 spaces per 100 square metres of gross floor area;
- a proposed parking supply of 1,590 parking spaces whereas the by-law requires a peak parking space requirement of 1752 spaces (162 parking space deficit);
- a revised shared parking formula for the subject lands; and,
- reduced parking space dimensions of 2.6 metres by 5.6 metres whereas the by-law requires the dimension of a parking space to be 2.75 metres by 5.8 metres.

It should be noted that on March 16, 2018 the applicant submitted a revised Site Plan that proposes an additional 186 square metres (2,002.09 square feet) of gross floor area within the same building footprint of the new stand-alone restaurant by way of the introduction of an internal mezzanine level for a total proposed gross floor area of 687 square metres (7,400 square feet). An updated parking study in support of this revision was also submitted.

## Planning Analysis:

Staff has undertaken a comprehensive review and evaluation of the applicant's development proposal based on the policy framework contained within the *Provincial Policy Statement* (PPS), the *Growth Plan*, the *Regional Official Plan*, and the Town's

Official Plan. A detailed overview of the applicable Provincial, Regional and Town policies was provided in Staff Report SRPRS.17.045 and staff's conclusions thereto remain unchanged. Outlined below is a more detailed discussion of the proposal relative to the Town's Official Plan.

## **Town of Richmond Hill Official Plan**

The subject lands are designated **Employment Corridor** in accordance with Schedule A2 of the Town of Richmond Hill Official Plan (2010) (Plan) (see Map 5). The predominant land use within this designation is to be office, major office and other high density employment uses such as hotels, convention centres, banquet facilities as well as ancillary supporting commercial and retail uses intended to support the business needs of the employment corridor. Among these supporting/ancillary uses are restaurant uses; however, these uses are to be integrated with one of the principle land uses and not as a stand-alone independent use. As such, the proposed additional stand-alone restaurant use as proposed by the subject applications is not permitted.

Notwithstanding the above policies, consideration of the existing and surrounding context of the subject lands is a necessary component of reviewing the applicant's development proposal. As noted previously, the subject lands form part of an existing restaurant campus that consists of multiple ownerships and land uses. The campus, established by the passing of the Zoning By-law 150-80, as amended, intended for these lands to be a predominantly employment based in nature with office building uses that were to be supported by commercial uses, including restaurants. Over time, the subject property and surrounding lands evolved into a commercial campus with the primary land use being stand-alone restaurants. In this regard, restaurant uses comprise 4,554 square metres (48,920 square feet) on the subject lands, with an additional 5,177 square metres (55,726 square feet) of restaurant gross floor area on adjacent lands within the restaurant campus.

Having regard for the preceding, staff considers the subject proposal to represent a minor addition/expansion of the existing restaurant uses on the lands in conformity with Policy 3.4.1.39(b) of the Plan dealing with minor expansions of buildings or structures along the centres and corridors. More specifically, Policy 3.4.1.39 (b) of the Plan states:

***“...Notwithstanding the minimum height and density provisions as set out in Chapter 4 of this Plan, expansions of existing buildings or structures may be permitted provided that the expansion is not greater than 15% of the gross floor area of the existing building or structure as of the date of adoption of this Plan.”***

The proposed additional gross floor area of the restaurant represents 15.1% of the gross floor area of the existing restaurant uses on the subject lands and only 7% of the total gross floor area of restaurant uses within the campus as a whole. On this basis, staff are satisfied that the proposed development would fall within the minor expansions of the existing uses on site as proposed by the subject applications.

Further, staff are of the opinion that this relatively minor expansion does not compromise the broader intent and objectives for the Town's Employment Lands and those lands within the **Employment Corridor** specifically, in providing a long term stable supply of employment lands in strategic locations in Town, like Highways 7 and 404 where the lands are located. Rather, the proposed development may be considered a transitional/interim continuation of the existing use of the lands until such time that the lands are redeveloped for the purposes as envisioned by the Plan subject to an evaluation of the zoning /technical impacts of the proposed development.

## **Zoning and Parking**

The subject lands are zoned **High Performance Commercial Industrial (MC-1) Zone** under to Zoning By-Law 150-80, as amended (see Map 6). This zone category permits stand-alone restaurant uses among others. However, the permitted uses within this zone category are subject to complying with other required development standards. In order to facilitate the proposed additional stand-alone restaurant by the subject applications, site specific zoning provisions related to reduced setbacks, reduced separation distances between buildings, reduced minimum ground floor area for restaurants, a reduced parking rate of 10.55 spaces per 100 metres of gross floor area (for restaurant uses) and a revised shared parking formula are needed as outlined in the applicant's draft Zoning By-law (see Appendix B). Planning staff have a general concern with the proposed site specific provisions as the appropriateness of the additional restaurant use becomes questionable given that it cannot be accommodated on the subject lands without compromises to the development standards of the existing zoning. This is particularly evident when reviewing the proposed development in terms of parking.

In this regard, the Town's Transportation Planning Section have reviewed the Parking Study and the addendums thereto, submitted in support of the proposal and have significant concerns with the findings contained therein (see Appendix C). Based on the applicant's parking analysis, the area where the additional restaurant is proposed (Zone 4) currently operates at the highest parking utilization rate of 94% within the entire campus. This parking utilization rate is indicative of operational issues wherein the parking lot is operating at or near available capacity and visitors to the site during these times will not have access to parking. The proposal will significantly exacerbate the existing parking conditions because in order to establish the proposed new restaurant, the removal of 34 existing parking spaces is required (33 for the proposed new building and one to accommodate a new loading space). The new restaurant will also generate the demand of an additional 88 parking spaces in accordance with the Town's current zoning requirements of 12.9 spaces per 100 square metres of gross floor area.

In addition, the applicant is also proposing a reduced parking rate applicable to restaurant uses from 12.9 spaces to 10.55 spaces per 100 square metres of gross floor area, a revised shared parking formula as outlined in the applicant's draft by-law attached hereto as Appendix B, and reduced parking space dimensions to

accommodate the proposed restaurant. Transportation Planning staff have advised that they are not in support of these amendments as they are also expected to further exacerbate the parking and operational issues currently being experienced on site which are expected to worsen with the addition of the proposed stand-alone restaurant.

Based on the preceding, Planning staff cannot support the applicant's development proposal since it would have significant adverse impacts on the parking and overall function of the larger site.

## **Application Review/Public Comments:**

Site Plan comments related to landscaping, site servicing, grading and stormwater management have been provided to the applicant and have not been appended to this report. It is expected that these matters shall be addressed through the future the Site Plan approval process following the disposition of the Official Plan and Zoning By-law Amendment applications through the OMB.

## **Development Engineering Division**

Transportation staff have significant concerns with respect to the proposed development in terms of the proposed reduction of existing parking to facilitate the proposal, the additional parking supply required to accommodate an additional restaurant and the impact on the overall restaurant campus as a result of the subject applications. Detailed comments in this regard are attached in Appendix C to this report.

## **Public Comments**

As noted previously, several members of the public were in attendance at the Council Public Meeting and raised concern with the subject proposal. Those in attendance were either adjacent property owners that share the parking area with T-York 7 Holdings and/or tenants of the existing restaurants within the restaurant campus. The primary concern with the subject proposal is that the larger site already experiences significant parking challenges and the removal of existing parking in order to facilitate a new restaurant as proposed by these applications would significantly exacerbate the current parking issues experienced by area businesses.

## **Development Planning Division**

Based on the review and evaluation of the applicant's development proposal, staff do not support the subject applications for the following reasons:

- while there is some consideration of the proposed land use from a policy perspective as outlined in the Town of Richmond Hill Official Plan section of this report, the appropriateness of expanding the existing restaurant uses on the subject lands is dependent on its feasibility from a zoning and technical perspective. Based on the applicant's draft zoning by-law and the fact that the proposal cannot meet the current development standards and parking requirements of the existing zone category applicable to the lands as outlined in this report, the proposed land use cannot be considered an extension of the restaurant uses existent on the subject lands;

- transportation planning concerns related to parking are considered significant and therefore do not represent good planning principles upon which staff can support the subject proposal; and,
- the proposal does not represent good planning and therefore staff recommends that the applicant's Official Plan and Zoning By-law Amendment applications be denied.

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

As these applications have been appealed to the OMB, there will be further draw on staff and financial resources. These will be accommodated in existing budgets.

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

The proposed development does not demonstrate good planning and therefore is not aligned with the overall vision of the Town's Strategic Plan.

### **Conclusion:**

The applicant is seeking Council's approval of its Official Plan and Zoning By-law Amendment applications submitted to the Town in order to permit an additional stand-alone restaurant on its landholdings. Based on the principle reasons outlined in this report, staff is of the opinion that the subject applications do not represent good planning and therefore cannot support the applications. Accordingly, staff recommends that Council deny the applicant's development proposal and direct appropriate staff appear at the OMB in support of Council's position on this matter.

## **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix A – Extract of Council Public Meeting C#15-17
- Appendix B – Proposed Draft By-Law by Applicant
- Appendix C – Memos from Development Engineering dated September 27, 2017 and March 26, 2018
- Map 1 Aerial Photograph
- Map 2 Neighbourhood Context
- Map 3 Proposed Site Plan
- Map 4 Proposed Building Elevations
- Map 5 Official Plan (2010) Land Use
- Map 6 Existing Zoning

### Report Approval Details

Document Title:	SRPRS.18.094.docx
Attachments:	<ul style="list-style-type: none"><li>- MAP_1_AERIAL_PHOTOGRAPH.pdf</li><li>- MAP_2_NEIGHBOURHOOD_CONTEXT_S216031A.pdf</li><li>- MAP_3_PROPOSED_SITE_PLAN.pdf</li><li>- MAP_4_PROPOSED_BUILDING_ELEVATIONS.pdf</li><li>- MAP_5_OFFICIAL_PLAN_2010_LAND_USE.pdf</li><li>- MAP_6_EXISTING_ZONING_S216031A.pdf</li><li>- Appendix A.pdf</li><li>- Appendix B.pdf</li><li>- Appendix C.pdf</li></ul>
Final Approval Date:	Apr 5, 2018

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

**Gus Galanis - Apr 4, 2018 - 11:58 AM**

**Kelvin Kwan - Apr 4, 2018 - 12:04 PM**

**Neil Garbe - Apr 5, 2018 - 11:15 AM**