



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

**Date of Meeting:** October 16, 2017

**Report Number:** SRPRS.17.145

**Department:** Planning and Regulatory Services

**Division:** Development Planning

**Subject:** Request for Approval – Zoning By-law Amendment  
Application – 1703173 ONTARIO INC. – Town File No.  
D02-15044 (Related File: D06-15094) (SRPRS.17.145)

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### **Owner:**

1703173 Ontario Inc.  
17 Glenarden Crescent  
Richmond Hill, Ontario  
L4B 2G3

### **Agent:**

London Pub  
9724 Yonge Street  
Richmond Hill, Ontario  
L4C 1V9

### **Location:**

Legal Description: Part of Lots 3 and 4, Registered Plan 1987  
Municipal Address: 9724 Yonge Street

### **Purpose:**

A request for approval concerning a proposed Zoning By-law Amendment application to permit the expansion of an existing outdoor patio located on the subject lands.

### **Recommendations:**

**That the Zoning By-law Amendment application submitted by 1703173 Ontario Inc. for lands known as Part of Lots 3 and 4, Plan 1987, municipally known as 9724 Yonge Street, Town File D02-15044, be approved, subject to the following;**

- a) **That Council enact the Zoning By-law attached as Appendix “B” to Staff Report SRPRS.17.145;**

- b) **That prior to the enactment of the Zoning By-law amendment, that the applicant pay the applicable processing fees in accordance with the Town's Tariff of Fees By-law No. 95-16.**

**Contact Person:**

Philip Liu, Planner I – Site Plans, phone number 905-747-6312 and/or  
or Deborah Giannetta, Acting Manager of Development, Site Plans, phone number 905-771-5542

**Submitted by:**

"Signed version on file in the Office of the Clerk"

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Kelvin Kwan  
Acting Commissioner of Planning and Regulatory Services

**Approved by:**

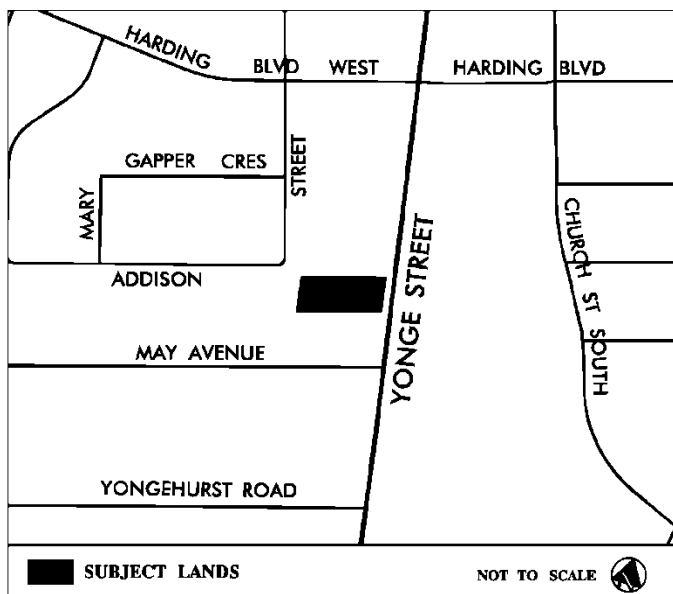
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Neil Garbe  
Chief Administrative Officer

**Location Map**

Below is a map displaying the property location. Should you require an alternative format call person listed under "Contact Person" above.



## Background Information

The subject Zoning By-law Amendment and related Site Plan Amendment applications were received by the Town and deemed complete on February 9, 2016. A statutory Council Public Meeting was held on May 4, 2016 wherein Council received Staff Report SRPRS.16.081 for information purposes and referred all comments back to staff. The extract of this meeting is attached hereto as Appendix “A”.

## Summary Analysis

### Site Location and Adjacent Uses

The subject lands are located on the west side of Yonge Street, north of May Avenue, and have a lot area of 0.318 hectares (0.786 acres). The lands support a one-storey restaurant (London Pub) and abut existing residential uses to the west, commercial uses to the south, Yonge Street to the east, and vacant lands to the north which are the subject of a proposed mixed-use development proposal including three (3) condominium apartment buildings (Town File No: D06-12103) (refer to Maps 1 and 2).

### Development Proposal

The applicant is requesting Council's approval of a Zoning By-law Amendment to permit the expansion of the existing outdoor patio located on the subject lands (refer to Map 3). The patio expansion is proposed to extend along the north side of the existing restaurant. It will be enclosed by a brick and tempered frost glass barrier surrounded by a planter landscape buffer. 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 town:

|  |  |
|--|--|
| <b>Total Lot Area:</b>                 | <b>0.318 hectares (0.786 acres)</b>                |
| <b>Lot Frontage:</b>                   | <b>37.04 metres (121.52 feet)</b>                  |
| <b>Number of Buildings (Existing):</b> | <b>1</b>   |
| <b>Gross Floor Area (Existing):</b>    | <b>468.65 square metres (5,044.51 square feet)</b> |
| <b>Existing Patio Area:</b>            | <b>83.16 square metres (895.13 square feet)</b>    |
| <b>Proposed Total Patio Area:</b>      | <b>111.73 square metres (1,202.65 square feet)</b> |

As part of the road widening required for the vivaNext Rapidway along Yonge Street, a temporary easement which included a portion of the existing patio was initially required by the Region of York to facilitate the construction of the proposed transit project. The proposal brought to Council Public Meeting on May 4, 2016 was phased so that once construction of the Rapidway is completed and the temporary easement is removed, the original patio in that area would be rebuilt and added to the total patio area. However, the Region of York has confirmed that the temporary easement is no longer required. The applicant still wishes to proceed with the patio expansion (refer to Map 3 and 4).

## Planning Analysis

### Town of Richmond Hill Official Plan (2010)

The subject lands are designated “**Regional Mixed Use Corridor**” in accordance with Schedule “A2” - Land Use of the Town’s Official Plan (the “Plan”) (refer to Map 6). This designation permits a broad range of uses including, but not limited to, medium and high density residential uses, offices, commercial uses, retail uses, and automotive service commercial uses. Given that there is no proposed land use change, and that the current restaurant use is permitted, the proposed patio expansion is considered to conform with the “Regional Mixed Use Corridor” policies of the Plan.

### Proposed Zoning By-Law Amendment

The subject lands are zoned “**General Commercial One (GC1) Zone**” under Zoning By-law No. 2523, as amended (refer to Map 7). This zone category permits a wide range of commercial uses including, but not limited to, restaurants and retail stores, as well as development standards related to lot frontage, lot area, lot coverage, yard setbacks, building height, floor area ratio, and minimum setbacks to a residential zone.

The lands are also subject to the Town’s Outdoor Patio Zoning By-law No. 83-97, as amended. This by-law contains provisions including, but not limited to, the use, location, and size of outdoor patios. Outlined below are the specific provisions of By-law 83-97, as amended, that the applicant is requesting relief from:

| Development Standard                                  | Outdoor Patio Zoning By-law 83-97, as amended   | Proposed Site Specific Provisions   |
|---|---|---|
| <b>Maximum Outdoor Patio Area</b>                     | <ul style="list-style-type: none"><li>• 20% Gross Floor Area of Restaurant, and;</li><li>• Up to 115.00 square metres (1,237.85 square feet).</li></ul> | <ul style="list-style-type: none"><li>• 24% Gross Floor Area of Restaurant, and;</li><li>• 111.73 square metres (1,202.65 square feet).</li></ul> |
| <b>Prohibited in Yards Abutting Residential Zones</b> | <ul style="list-style-type: none"><li>• Any Residential (R) Zone or a Residential Multiple (RM) Zone.</li></ul>   | <ul style="list-style-type: none"><li>• Patio expansion on north side abuts a Residential Office (RO) Zone.</li></ul>                             |

A comprehensive analysis of the applicant’s proposed Zoning By-law Amendment has been undertaken and staff is of the opinion that the relief being sought is appropriate. The proposed expansion will bring the total outdoor patio area from 83.16 square metres (895.13 square feet) to 111.73 square metres (1,202.65 square feet), which is below the maximum permitted outdoor patio area of 115 square metres (1,237.85 square feet) despite exceeding 20% of the restaurant’s gross floor area by 4%.

Beyond this, the outdoor patio will be located 14.29 metres (46.88 feet) from the northern property line. There is an 11 metre (36.09 feet) easement between the adjacent property’s southern property line and the proposed mixed-use residential

building. Therefore, the proposed outdoor patio will maintain at least a 25 metre (82 feet) separation distance from the proposed mixed-use residential building to the north. It should also be noted the residential component of the proposed neighbouring building to the north shall start at the third-storey.

Given the minor nature of the proposed expansion to a long existing patio and the distance from the adjacent proposed mixed-use residential development, staff is of the opinion that the proposed patio expansion is in keeping with the general intent of the Outdoor Patio By-law. Further, the proposed patio expansion conforms with the broader policy direction for this part of the Town and the intent of the permitted uses of the **“General Commercial One (GC1) Zone”** under Zoning By-law No. 2523. Hence, the proposed Zoning By-law Amendment is appropriate and represents good planning.

## **Public Meeting Comments**

The following concerns were raised by Council at the Council Public Meeting:

### **Noise impact on the surrounding residential neighbourhoods**

As per provincial MOECC (Ministry of the Environment and Climate Change) guidelines, a Noise Study is not required for applications relating to outdoor patios. However, the applicant has confirmed their intentions to adhere to Chapter 1055 of Richmond Hill's Municipal Code (Noise By-law), including Table 3-1 which sets out noise prohibitions for all residential areas and properties within 20 metres (65.62 feet) of a residential area. They have also expressed their intentions to adhere to Section 9 of Town By-law 83-97 (Outdoor Patio Zoning By-law) prohibiting music and performances on the patio. Given the minor nature of the proposed expansion to a long existing outdoor patio, staff is satisfied that there will continue to be no significant noise concerns relating to the subject proposal.

### **Parking supply**

According to Section 7 of the Outdoor Patio Zoning By-law, outdoor patios are exempt from the parking requirements of any Zoning By-law. Further, the property has a surplus of 11 parking spaces based on the parking requirements of the applicable Zoning By-law. Therefore, staff is satisfied there will be no parking issues related to the subject proposal.

## **Town Department and External Agency Comments**

### **Development Planning Division**

Planning staff has reviewed the applicant's development proposal and is recommending approval of the Zoning By-law Amendment for the following reasons:

- the development proposal conforms with the **“Regional Mixed Use Corridor”** policies of the Plan;
- the proposed development is a minor expansion of an existing patio and there are no additional changes proposed to the existing building and parking areas on the subject lands; and,

- the proposed Zoning By-law Amendment is minor in nature, appropriate, and constitutes good planning.

### **Other Departments/External Agencies**

Comments that have been received by Town departments and external agencies have no objections to the application.

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

This recommendation does not have any financial, staffing or other implications.

### **Relationship to Strategic Plan**

The proposed development is generally aligned with **Goal One of the Town's Strategic Plan – Better Connections** by supporting an existing vibrant use along Yonge Street. Further, the proposal aligns with **Goal Four of the Strategic Plan – Wise Management of Resources** in Richmond Hill by being responsible and committing to the use of land responsibly.

### **Conclusions**

The applicant is seeking Council's approval of a Zoning By-law Amendment to facilitate the expansion of an existing outdoor patio abutting a residential zone on its land holdings. The proposed Zoning By-law Amendment application maintains the general intent of the goals, objectives and policies of the Plan. Accordingly, staff is of the opinion that the proposed amendment is appropriate and represents good planning. Therefore, staff recommends approval of the Zoning By-law Amendment as outlined and described in this report.

### **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.

- Appendix A, Council Public Meeting Extract C# 15-16 Held May 4, 2016
- Appendix B, Draft Zoning By-law 78-17
- Map 1 Aerial Photograph
- Map 2 Neighbourhood Context
- Map 3 Proposed Site Plan
- Map 4 Proposed Patio Floor Plan
- Map 5 Proposed Elevations
- Map 6 Official Plan Designation
- Map 7 Existing Zoning

## **Appendix A**

### **Council Public Meeting Extract C# 15-16 Held May 4, 2016**

#### **3.2 Request for Comments - Zoning By-law and Site Plan Amendment Applications - 1703173 Ontario Inc. - 9724 Yonge Street- File Nos. D02-15044 and D06-15094 - (SRPRS.16.081)**

Derek Lau of the Planning and Regulatory Services Department provided an overview of the proposed Zoning By-law and Site Plan Amendment applications to permit an expansion to an existing outdoor patio on the subject lands. Mr. Lau advised that staff's recommendation was that the staff report be received for information purposes only and all comments be referred back to staff.

Nick Maroulis, 9724 Yonge Street, representing the owner, advised that in his opinion, the variances for the proposed application were minor in nature. He advised the temporary patio loss fronting onto Yonge Street was part of the road widening for the vivaNext Rapidway to facilitate the construction of the proposed transit project, and expressed the significance for the restaurant patio expansion during the spring and summer seasons. He reviewed the proposed extension, and acknowledged the proximity to the adjacent residential properties noting that substantial plantings would be provided as a noise buffer between the subject lands and abutting properties. Mr. Maroulis requested consideration to permit the expansion of the existing outdoor patio.

There were no members of the public who responded to the Chair's invitation to address Council on this matter.

Moved by: Regional and Local Councillor Hogg  
Seconded by: Councillor Chan

That SRPRS.16.081 with respect to the Zoning By-law and Site Plan Amendment applications submitted by 1703173 Ontario Inc. for lands known as Part of Lots 3 and 4, Plan 1987 (Municipal Address: 9724 Yonge Street), File Nos. D02-15044 and D06-15094, be received for information purposes only and that all comments be referred back to staff.

Carried Unanimously

## Appendix B

# The Corporation of the Town of Richmond Hill

## By-law 78-17

A By-law to Amend By-law 2523, as amended,  
of the former Township of Vaughan,  
as further amended by By-law No. 83-97,  
of The Corporation of the Town of Richmond Hill

Whereas the Council of The Corporation of the Town of Richmond Hill (the “Corporation”) at its Meeting of October 19, 2017, directed that this by-law be brought forward to Council for its consideration;

The Council of The Corporation of the Town of Richmond Hill enacts as follows:

1. That By-law No. 2523 of the former Township of Vaughan (“By-law No. 2523”), as amended by By-law No. 83-97 of The Corporation of the Town of Richmond Hill (“By-law No. 83-97”), be and is hereby further amended as follows:
  - a) By adding the following to **Section 25 – EXCEPTIONS** of By-law No. 2523, of the Corporation of the former Township of Vaughan:

**“176**

Notwithstanding any inconsistent or conflicting provisions of By-law No. 2523, as amended, of The Corporation of the former Township of Vaughan, the following special provisions shall apply to those lands legally described as Part of Lots 3 and 4 on Registered Plan 1987, and more particularly shown on “Schedule A” to By-law No. 78-17:

    - i. Outdoor patios shall be permitted in the front yard and north side yard.
    - ii. An outdoor patio shall constitute up to but not more than twenty-four (24%) percent of the Gross Floor Area (G.F.A.) of the restaurant, tavern, banquet hall or eating establishment it services but in no case shall constitute more than one hundred and fifteen (115 m<sup>2</sup>) square metres (1238 square feet) in total outdoor patio area.
2. All other provisions of By-law 2523, as amended, of the former Township of Vaughan, not inconsistent with the foregoing, shall continue to apply to the lands shown on Schedule “A” attached hereto.



3. The imperial measurements found in this by-law in brackets are provided for information purposes only and are intended to be an approximate conversion of the metric measurements. The metric or SI measurements shall be deemed to be the standards established by this by-law and, wherever there is a variance between the metric or SI measurements and the imperial measurements, the metric or SI measurement shall apply.
4. Schedule A attached to By-law No. 78-17 is declared to form a part of this bylaw.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2017.

## **The Corporation Of The Town Of Richmond Hill**

### **Explanatory Note To By-Law 78-17**

By-law 78-17 affects lands known as Part of Lots 3 to 4, Registered Plan 1987, municipally known as 9724 Yonge Street.

By-law 2523, as amended, of the former Township of Vaughan, presently zones the subject lands "General Commercial One (GC1)". By-law 83-97 (Outdoor Patio Zoning By-law) amended By-law 2523, and presently permits a maximum outdoor patio area of no more than twenty (20%) percent of the Gross Floor Area (G.F.A.) of the restaurant, tavern, banquet hall or eating establishment it services. Outdoor patios are also prohibited in any yard which abuts any Residential (R) Zone or a Residential Multiple (RM) Zone except where such zones are separated by an Arterial Road as designated in the Town of Richmond Hill Official Plan.

The purpose of By-law 78-17 is to permit the expansion of an existing outdoor patio that will abut a residential zone and bring the outdoor patio area to twenty-four (24%) percent of the restaurant's G.F.A.