



Staff Report for Council Public Meeting

Date of Meeting: October 16, 2019

Report Number: SRPRS.19.159

Department: Planning and Regulatory Services

Division: Development Planning

Subject: **SRPRS.19.159 – Request for Comments –
Zoning By-law Amendment – City of Richmond
Hill – City File D24-19002**

Purpose:

A request for comments concerning a City initiated Zoning By-law Amendment with respect to the commercial revitalization of the Downtown Area.

Recommendation:

- a) That Staff Report SRPRS.19.159 be received and all comments be directed to staff.

Contact Person:

Salvatore Aiello, Manager of Development, Zoning, phone number 905-771-2471
Dan Terziewski, Director Development Engineering and Transportation, phone number 905-771-9996 extension 6358

Report Approval:

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

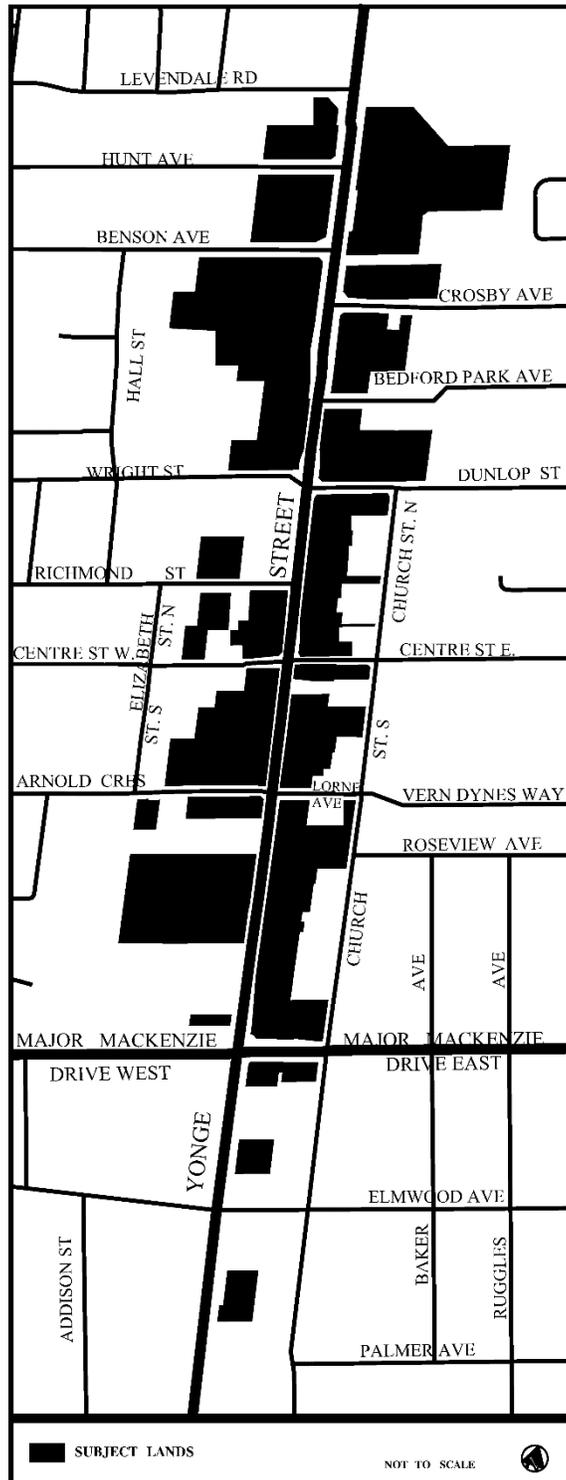
Approved by: Neil Garbe, City Manager

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.

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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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Introduction:

The subject Omnibus Zoning By-law Amendment (Omnibus ZBLA) is being brought forward at this time as an interim measure to encourage the continued commercial revitalization of the City's Downtown Area prior to the approval of a new Secondary Plan, which will establish a long-term vision for the redevelopment of the Downtown Local Centre.

The Omnibus ZBLA proposes to expand the commercial use permissions prescribed in Zoning By-laws 66-71, 76-91 and 312-96, as amended, and to review the applicable parking standards for permitted commercial uses located within existing buildings. More specifically, the Omnibus ZBLA will focus on existing buildings that are commercially designated under the City's Official Plan (the Plan) and are zoned to permit commercial uses. Principally, the affected properties are located on Yonge Street, Major Mackenzie Drive East, Arnold Crescent, Lorne Avenue, Church Street South, Centre Street West, Richmond Street, Dunlop Street, Benson Avenue, and Hunt Avenue (the subject properties) (refer to Map 4). It should be noted that where a change of use from institutional or residential to a commercial use, a building expansion, or new construction is proposed, the minimum parking standards required under the existing parent zoning by-laws would continue to apply.

The proposed expansion to current commercial use permissions would permit a full range of office, service, and retail operations. The purpose of the proposed expansion is to provide existing buildings with more opportunity to attract new businesses which will enhance the revitalization of the Downtown Area.

Background:

Richmond Hill's Downtown Area is recognized as the historic heart of the City due to its unique pedestrian-oriented built form, making it distinct from the rest of the City in terms of architectural style, pedestrian experience, unique shops and its narrower, more intimate street widths. The settlement of the Village of Richmond Hill began in the late 1700's and early 1800's around the intersection of Yonge Street and Major Mackenzie Drive. The large farm lots that flanked Yonge Street were divided into smaller parcels to accommodate stores, workshops, churches, schools and homes for the emerging village. The development of the Village was closely tied to the development of Yonge Street, which served as a main thoroughfare for connecting northern communities to the City of Toronto.

The existing lot pattern along Yonge Street commenced in the early to mid-1800s and was well established by the late 1930s, with the majority of the lots having a frontage of less than 70 feet (21.34 metres). By the mid 1800s, Yonge Street had become a thriving commercial corridor, with merchants, hotels, taverns, tailors and other businesses catering to farmers on their way to Toronto markets (refer to Map 1). The commercial buildings of this era were constructed fronting directly on Yonge Street, with limited or no front and side yard setbacks between buildings and minimal access to rear yards.

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Notably, the lot fabric and built form of the area were established prior to the advent of Zoning By-laws, as the first Zoning By-law for the Village of Richmond Hill was passed on August 11, 1952 (By-law 635). Since the village was established prior to the proliferation of the automobile, parking was not a consideration when these properties were developed. Over time, with the increase in automobile use, some of these properties converted parts of existing yards to establish areas for on-site private parking spaces.

Presently, the Downtown Area continues its role as a vital cultural and commercial centre for the City. However, the unique context of the area has created challenges for property owners and local businesses that wish to introduce new commercial uses within existing buildings. Currently, a range of commercial uses may be permitted under the applicable Zoning By-laws, however a proposed change of use to a building, or to one or more units within a building, often results in an increase in the number of parking spaces required due to the existing by-law provisions. This can create a challenge in attracting new businesses for existing properties, which may have limited parking and an existing parking deficiency.

Planning Analysis:

City of Richmond Hill Official Plan

The City's Official Plan (the Plan) envisions an urban structure framework that depicts the physical make-up of the municipality over the long-term. Based on the guiding principles of the Plan, the urban structure framework includes the Centres and Corridors, the Neighbourhoods, the Employment Lands and the Greenway System. Over the time horizon of the Plan, development in the Centres and Corridors is intended to accommodate the highest densities and widest range of uses. As it relates to commercial uses, the Plan defines "commercial" broadly to encompass the *"buying or selling of commodities and the supplying of services, including personal service uses provided to the public or where entertainment is offered for gain or profit."*

The properties that will be applicable to the Omnibus ZBLA are located in the **Downtown Local Centre** designation in accordance with Schedule "A2" of the Plan (refer to Maps 2 and 4). The policies for this designation aim to protect the Downtown Area's role as the historic, symbolic, cultural and civic heart of Richmond Hill. In accordance with **Section 4.3.1 Downtown Local Centre**, it is envisioned that the Downtown Area will continue to be a compact, transit-supportive, pedestrian-oriented mixed-use centre. A new Secondary Plan will establish a long term vision for the redevelopment of the Downtown Local Centre.

For lands fronting on Yonge Street, the Plan generally permits a wide range of commercial uses including office, service and retail operations, in addition to residential apartments and community uses. For lands without direct frontage on Yonge Street, small-scale office, service, and retail uses that complement the residential character of the area are permitted on the lands shown in Schedule A9 of the Plan (refer to Map 3).

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The range of commercial uses on and off Yonge Street serve to support the vision of a commercially vibrant centre.

Existing Zoning By-laws

The properties that shall be affected by the Omnibus ZBLA are currently subject to three different parent by-laws; being By-laws 66-71, 76-91 and 312-96, with multiple commercial zone categories (refer to Map 4) including the **General Commercial (GC) Zone**, the **General Commercial Residential (GCR) Zone** and the **CBD Special Residential (CBDSR) Zone** under Zoning By-law 66-71, the **General Commercial Residential (GCR) Zone** and the **Office Commercial (OC) Zone** under Zoning By-law 76-91 and the **General Commercial (GCR) Zone** under Zoning By-law 312-96. In addition, there are numerous residentially zoned properties with site specific amendments that permit commercial uses.

The Official Plan predating the current Plan established a commercial hierarchy of uses, and the Zoning By-laws of the previous eras reflected this hierarchy and permitted a list of uses in one zone category that were different from another. For example, the list of permitted uses in **General Commercial Residential Zone (GCR)** under Zoning By-law 76-91 includes private club, pet grooming centre, clinics and medical offices, financial institution, commercial school, restaurant and fast-food restaurant, amongst other uses. Since the uses are articulated in detail and differentiated amongst the zone categories, uses which are not listed within a specific zone category are therefore not permitted. This form of zoning no longer addresses today's commercial needs.

The applicable Zoning By-laws are each a product of their time, and as a result are not consistent in terms of definitions, permitted uses and parking rates. For instance, the **GCR Zone** under By-law 76-91 specifically lists clinic and medical office as permitted uses whereas medical office falls within the definition of office in the **GCR Zone** in By-law 66-71. Another example is the range of restaurant uses permitted in the three parent Zoning By-laws which lists fast food restaurant, restaurant and bakery as permitted uses, notwithstanding that today's restaurants may contain all three components of these listed permitted uses. Further, the City's Patio By-law restricts the establishment of a patio which abuts a residential zone and do not recognize today's vision of pedestrian animated mixed use centre that encourages residential buildings with at-grade commercial uses. Adding to the complexity, certain residential zones have had site-specific amendments to permit various commercial uses. The result is a patchwork of by-laws that are confusing for landowners to navigate and staff to administer. Further, the inconsistent permissions can result in landowners situated within the same area having different commercial permissions.

Additionally, the existing by-laws do not account for the unique physical limitations of the Downtown Area, specifically the lack of adequate land to provide for parking for some of the existing sites. The existing Zoning By-laws require a specific parking rate based on a use. In the past, this has resulted in certain uses (which generated a higher parking demand) not be able to locate within an existing building or not without cash-in-

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lieu payment to offset the site being constrained and limited in terms of the amount of parking that could be provided. The effect is that certain properties are limited in the range of commercial uses that can locate within an existing building, notwithstanding that the property is permitted to have a wide range of uses. Further, the parking rates in these by-laws do not reflect the modern parking standards found in the City's newer by-laws that generally provide for lower parking rates, which are generally supported by the implementation of transportation demand measures.

Parking Analysis:

Staff has undertaken an inventory and parking sensitivity analysis to assess the existing parking supply and future parking demand in the Downtown Area. The purpose of this assessment is to determine the impact of exempting the parking requirement related to any change of use that is permitted under the proposed Omnibus ZBLA.

In August 2019, staff conducted an inventory survey of the existing parking supply and land uses in the Downtown Area and determined that the total available number of parking spaces is approximately 3,141. Of these, approximately 2,231 spaces are privately owned and operated in commercial parking lots. The remaining 910 spaces are available for general public use, consisting of 367 on-street, non-metered parking spaces and 543 spaces in off-street municipal parking lots. Map 5 identifies the location of public parking spaces within the Downtown Area.

Currently, approximately 90% of the commercial gross floor area (GFA) in the Downtown Area is comprised of four land use types: 40% retail, 23% medical office, 17% office, and 10% restaurant. Among these land uses, medical office has the highest parking requirement followed by retail uses. The remaining 10% of the floor area in the Downtown is comprised of other commercial uses.

In order to promote the revitalization of the Downtown, local businesses may need to rely on the publicly available parking spaces to compensate for the lack of on-site parking supply. As a result, staff carried out a parking analysis which considered the publicly available parking spaces as an opportunity to offset any parking deficiency for these sites. In this regard, the City Transportation staff's parking sensitivity analysis examined a combination of reasonable land use scenarios and tested whether the existing private and public parking supply could support any change of use permitted under the proposed Omnibus ZBLA for existing buildings. One of the land use scenarios tested assumes up to 50% of the existing commercial floor space be occupied as medical offices and the analysis has concluded that the existing public parking supply is sufficient to accommodate this change. It is staff's opinion that this is a conservative scenario, as existing medical office floor spaces would have to double to achieve this land use scenario, which is unlikely to occur on an interim basis. In light of this, staff is satisfied that there is sufficient parking to support a full range of commercial uses for existing buildings within the Downtown Area.

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The findings of the detailed inventory and parking sensitivity analysis provided staff with the confidence to consider exempting the parking requirement for any change of use permitted under the proposed Omnibus ZBLA reasonable and supportable within the Downtown Area. It is emphasized that the parking requirement exemption is only applicable to existing commercial buildings and is not applicable for redevelopments and/or any proposals that contemplate an expansion of existing commercial floor space, and change of use from institutional or residential to a commercial use. For a future redevelopment of a site where more parking is required than presently available on the lands, the proposal shall be assessed through the development approval process, as current parking rates will apply, including the continued administration of the payment in lieu parking by-law.

It should be noted that in the near future, the City is set to implement the Wayfinding Strategy in the Downtown. This project will complement the proposed Omnibus ZBLA by providing parking direction and parking identification signage at strategic locations to guide visitors and to enhance their understanding and experience in the Downtown.

Lastly, the Yonge Street Rapidway construction is underway and is expected to be completed by late 2020. This project is expected to increase transit modal share along the Yonge Street corridor and the Downtown Area. Subsequently, it could reduce some of the existing parking demand along Yonge Street and further support the proposed Omnibus ZBLA from a parking perspective.

Proposed Omnibus Zoning By-law Amendment

The intent of the Omnibus ZBLA is to provide flexibility for existing buildings to attract new businesses on an interim basis, while the long term redevelopment of the corridor takes its course. In support of this flexibility, a reconsideration of the applicable parking standards is required where such commercial uses are proposed to locate in existing buildings. A parking review has been undertaken by the City's Transportation staff, and has concluded that no additional on-site parking spaces are required for a business or landowners that wish to change their current commercial use to any other commercial use permitted by the Omnibus ZBLA. Staff recognize the unique built form and physical limitations of the existing properties located within the Downtown Area given the historical development pattern that occurred in the 19th Century.

The Plan removes the commercial hierarchy originally established by the previous Official Plan and generally provides for a broad range of commercial uses along the Centres and Corridors and encourages mixed use centres. In keeping with the land use permissions of the Plan, the proposed Omnibus ZBLA introduces a broad definition of "commercial" which will allow any office, retail and service type use. This would permit a wide range of commercial uses including medical offices, restaurants, and financial institutions for all the properties subject to the proposed amendment. However, the definition will exclude land uses not prescribed by the Plan. This method of defining "commercial" on a broad basis has been incorporated previously within the Yonge and Bernard KDA Zoning By-law to give effect to a wide range of commercial use

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permissions reflective of modern commercial needs. Amongst others, the Omnibus ZBLA will:

- apply to the properties that are located within a commercial zone category or a residential zone category that have site specific commercial use permissions. As the amendment only proposes to address commercial uses, it will not affect pre-existing designated institutional and residential use permissions;
- not affect community uses such as a day nursery which are presently permitted under the existing parent Zoning By-laws;
- permit patios accessory to restaurant-type uses to locate in mixed use buildings and properties. The approach was applied in the Yonge and Bernard and Yonge and 16th Key Development Areas Zoning By-laws recognizing that these are envisioned to be mixed use centres with active at-grade pedestrian realms;
- exclude City owned properties that are subject to existing public authority provisions;
- exclude properties that are subject to active development applications or redevelopment as these will be considered by Council through the development approvals process;
- amend By-laws 66-71, 76-91 and 312-96 to delete the current lists of permitted commercial uses;
- add the following definition of “commercial” to replace the deleted lists of permitted commercial uses. The definition would allow for a variety of uses as follows:

*“**Commercial** means the use of land, buildings or structures for the purpose of buying or selling commodities and supplying of services, including personal service uses provided to the public or where entertainment is offered for gain or profit.”*

- exclude automobile service station, gas bar convenience retail store, gas bar, motor vehicle/lubrication establishment, motor vehicle washing establishment, auto body repair shop, repair shops for internal combustion engines, motorized vehicles or similar uses, or public garage as these uses would not conform to the current Plan permissions; and,
- amend the parking requirement to only require the number of parking spaces which presently exists on a property as of the adoption of the Omnibus ZBLA for any commercial use which proposes to locate within an existing building. The intent of this exemption is to recognize that an existing property is constrained. However, if a change of use from institutional or residential to a commercial use, a building addition, or new construction is proposed, the minimum parking standards required under the existing parent zoning by-laws would continue to apply, including payment in lieu of parking.

Financial/Staffing/Other Implications:

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

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Relationship to the Strategic Plan:

The proposed Zoning By-law Amendment would align with **Goal Three of the City's Strategic Plan – A More Vibrant Richmond Hill** by promoting a vibrant Downtown and **Goal Four – Wise Management of Resources in Richmond Hill** by committing to use land responsibly and by servicing as a role model for municipal management.

Conclusion:

The City initiated Omnibus Zoning By-law Amendment will serve to implement the policies of the City's Official Plan and encourage the continued revitalization of the Downtown Area. The Omnibus Zoning By-law proposes to expand the commercial use permissions prescribed in Zoning By-laws 66-71, 76-91 and 312-96, as amended, and to review the applicable parking standards for permitted commercial uses located within existing buildings.

The purpose of this report is to provide Council and the public with an overview of the proposed zoning by-law amendment. This report has been structured for information purposes only, with a recommendation that all comments be referred back to staff for consideration.

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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.

- Map 1 Village of Richmond Hill 1840-1850
- Map 2 Schedule A2 Official Plan Land Use Designation
- Map 3 Schedule A9 Downtown Local Centre District
- Map 4 Existing Zoning Designations
- Map 5 Existing Public Parking

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Report Approval Details

Document Title:	SRPRS.19.159 - Request for Comments - Downtown Commercial Zoning By-law Amendment.docx
Attachments:	<ul style="list-style-type: none">- MAP_1_VILLAGE_OF_RICHMOND_HILL_1840-1850.pdf- Map2_Official_Plan_Designation_1.pdf- Map3_Downtown_Local_Centre_District.pdf- Map4_Zoning_Map_Lot_Fabric.pdf- Map5_Existing_Public_Parking_Label_1.pdf
Final Approval Date:	Oct 3, 2019

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

Gus Galanis - Oct 2, 2019 - 9:04 PM

Kelvin Kwan - Oct 3, 2019 - 7:45 AM

Neil Garbe - Oct 3, 2019 - 11:27 AM