



Staff Report for Committee of the Whole Meeting

Date of Meeting: December 4, 2024

Report Number: SRPBS.24.117

Department: Planning and Building Services

Division: Development Planning

Subject: **SRPBS.24.117 - Request for Approval - Zoning By-law Amendment Application - Greek Market Corner Ltd. - City File ZBLA-22-0023 (Related City File D06-22070)**

Owner:

Greek Market Corner Ltd.
60 King Road
Richmond Hill, ON
L4E 0H9

Agent:

JKO Planning Services Inc.
27 Fieldflower Court
Richmond Hill, ON
L4E 5E9

Location:

Legal Description: Part of Lots 17, 18, 19 and 62, Registered Plan 202
Municipal Address: 60 King Road

Purpose:

A request for approval concerning a proposed Zoning By-law Amendment application to permit the existing commercial, office and residential uses within the existing buildings and establish site-specific development standards on the subject lands.

Recommendations:

- a) **That the Zoning By-law Amendment application submitted by Greek Market Corner Ltd. for the lands known as Part of Lots 17, 18, 19 and 62, Registered Plan 202 (Municipal Address: 60 King Road), City File ZBLA-22-0023 be approved, subject to the following:**

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- i) that the “General Commercial One (GC1) Zone” and “Flood (F) Zone” of By-law 1275, as amended, applicable to the lands be further amended with site-specific development standards, and, that a portion of the subject lands zoned “Flood (F) Zone” be rezoned to “Environmental Protection Area One (EPA1) Zone” under By-law 1275, as amended, to facilitate the uses as outlined in Staff Report SRPBS.24.117;
 - ii) that the draft amending Zoning By-law attached hereto as Appendix “B” be finalized to the satisfaction of the Commissioner of Planning and Building Services and brought forward to the December 11, 2024 Council meeting for enactment;
 - iii) 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 on the subject lands;
- b) that the authority to assign servicing allocation to the proposed development to be constructed on the subject lands be delegated to the Commissioner of Planning and Building Services subject to the City’s Interim Growth Management Strategy, and that the assigned servicing allocation be released in accordance with By-law 109-11, as amended; and,
 - c) that By-law No 155-24 (Appendix “C”) be enacted to amend the Disabled Parking By-Law 10-04, as amended (*Municipal Code Chapter 1106*) to reduce the number of designated disabled parking spaces required for this site to align with Section 80.36 of O. Reg. 413/12: Integrated Accessibility Standard, respecting the minimum number of accessible parking spaces.

Contact Persons:

- Darren Ding, Planner II – Development, phone number 905-771-2459
- Kaitlyn Graham, Acting Manager of Development Planning, phone number 905-771-5563
- Deborah Giannetta, Director of Development Planning, phone number 905-771-5542
- Gus Galanis, Commissioner of Planning and Building Services, phone number 905-771-2465

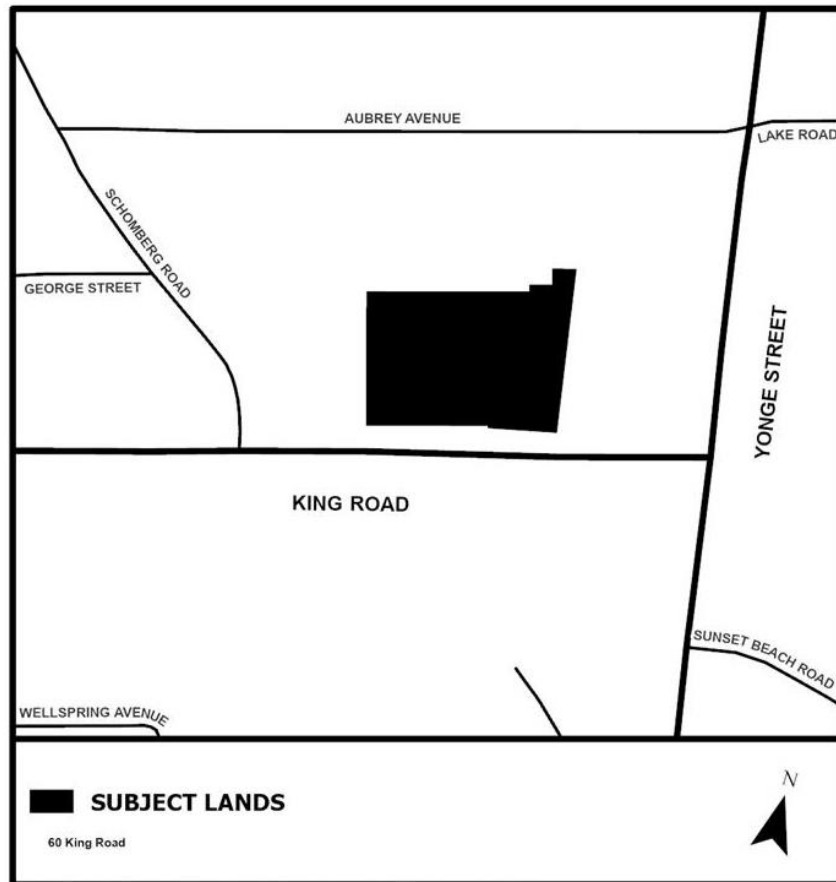
Report Approval:

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.

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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.



Key Messages:

- the applicant is seeking Council’s approval concerning its Zoning By-law Amendment application to recognize and the existing commercial, office and residential uses within the existing buildings located on the subject lands;
- modifications to the proposal have been made to address comments and concerns raised through the review of the development application with respect to the delineation, protection and restoration of the Provincially Significant Wetland (PSW) and its associated Minimum Vegetation Protection Zone (MVPZ) (or buffer area) on the lands; and the removal of residential uses located within the flood hazard area; and,
- the applicant has satisfactorily addressed the comments and concerns raised by City staff and external agencies. Therefore, staff recommends that Council approve the subject application in accordance with the recommendations outlined in this report.

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Background:

The applicant's Zoning By-law Amendment application (City File ZBLA-22-0023) was considered at a Council Public Meeting held on May 2, 2023, wherein Council received Staff Report SRPI.23.040 for information purposes and directed that all comments be referred back to staff (refer to Appendix "A"). No public comments were received at the meeting and no written correspondence was received with respect to the application. Members of Council raised concerns at the meeting with respect to *Ontario Building Code* and *Fire Code* violations, which are discussed in detail in subsequent sections of this report.

The applicant has satisfactorily addressed the comments and technical requirements related to its Zoning By-law Amendment application. All remaining technical comments are to be addressed through the finalization of the related Site Plan application (City File D06-22070) and through the Building Permit process. Accordingly, the purpose of this report is to seek Council's approval of the applicant's Zoning By-law Amendment application in order to permit the existing commercial, office and residential uses within the existing buildings on the subject lands.

Discussion:

Site Location and Adjacent Uses

The subject lands are located on the north side of King Road, west of Yonge Street. The lands have an area of approximately 1.23 hectares (3.04 acres) and frontage of approximately 127.21 metres (417.36 feet) along King Road (refer to Map 1). Adjacent land uses include existing low density residential uses to the north, commercial uses to the east fronting onto Yonge Street, a tributary of the East Humber River and associated naturalized area to the west, and King Road to the south beyond which is the municipally owned Charles Connor Room and Regional Oak Ridges Air Management Facility (refer to Map 2).

The easterly portion of the subject lands currently support three (3) existing buildings and a parking area which share a singular access from King Road. Building "A" is a two (2) storey building with an existing restaurant (inclusive of an enclosed patio and addition previously identified as Building "B") and office located on the ground floor with six (6) residential dwelling units on the second floor. Building "C" is a one (1) storey building currently being used for commercial purposes (a hair salon). Building "D" is a two (2) storey single detached dwelling containing three (3) existing residential dwelling units. The westerly portion of the subject lands contains a Provincially Significant Wetland (PSW) and the majority of the site is located within a Regional Storm Floodplain associated with the Humber River Watershed.

Development Proposal

The applicant is seeking Council's approval of its Zoning By-law Amendment application to recognize the existing commercial, office and residential uses within the existing

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buildings on its land holdings and to establish an **Environmental Protection Area One (EPA1) Zone** for a portion of the subject lands (refer to Map 5). The following is a summary table outlining the relevant statistics of the applicant’s development proposal based on the plans and drawings submitted to the City:

- **Total Lot Area:** 1.23 hectares (3.04 acres)
- **Total Lot Frontage:** 127.21 metres (417.36 feet)
- **Total Number of Buildings:** 3
- **Existing Total Gross Floor Area (GFA):** 1,241.01 sq. m. (13,358.12 sq. ft.)
 - **Building “A”** 913.68 sq. m. (9,834.77 sq. ft.)
 - **Building “C”** 59.37 sq. m. (639.05 sq. ft.)
 - **Building “D”** 267.96 sq. m. (2,884.30 sq. ft.)
- **Existing Building Heights:**
 - **Building “A”** 2 storeys
 - **Building “C”** 1 storey
 - **Building “D”** 2 storeys
- **Parking Spaces:** 56 spaces (incl. 3 accessible)

As previously noted, the applicant has made a number of modifications to its original development proposal in order to address comments and concerns raised through the development review process, which are summarized as follows:

- removal of the request to permit the six (6) existing residential units in Building “A” to address concerns associated with flooding and public safety;
- removal of a portion of the parking area encroaching into the MVPZ (or buffer area) of the PSW to the east; and,
- delineation of the area to be rezoned to **Environmental Protection Area One (EPA1) Zone** to ensure the long-term protection and preservation of the PSW and its associated buffer to be restored and enhanced.

Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** and **Natural Core** in accordance with Schedule A2 - Land Use of the City’s Official Plan (the “Plan”) (refer to Map 3). The easterly portion of the lands is designated **Neighbourhood** which permits low and medium density residential uses, neighbourhood commercial uses, community uses, parks and open spaces, and automotive service commercial uses, subject to specific policy criteria as outlined in Chapter 4 of the Plan. Building heights within the **Neighbourhood** designation are permitted to a maximum height of three (3) storeys, with the exception of arterial streets where a maximum height of four (4) storeys is permitted. In accordance with the policies of the **Neighbourhood** designation, the existing commercial, office and residential uses contained within the existing one (1) and two (2) storey buildings are permitted on the lands.

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The westerly portion of the subject lands is designated **Natural Core**, which is intended to maintain, improve and restore the ecological integrity of natural features and functions outside the central corridor of the Oak Ridges Moraine. The **Natural Core** designation permits fish, wildlife and forest management, conservation projects and flood and erosion control projects other than stormwater management works, essential transportation, infrastructure, low-intensity recreational uses, unserviced parks and uses accessory thereto. In accordance with **Section 4.10.5.1** of the Plan, refinement of the **Natural Core** boundaries may be permitted without an amendment to the Plan through the approval of a Natural Heritage Evaluation (NHE) by the City and the Toronto and Region Conservation Authority (TRCA).

Furthermore, the subject lands are located entirely within the TRCA's regulated area and a large portion of the subject lands are located within an existing floodplain and therefore subject to the **Natural Hazard** policies of the Plan. **Natural Hazards** such as flooding, erosion and slope failures pose a risk to human health and safety, as well as to property. As a matter of public safety, it is important to reduce the potential risks and costs associated with natural hazards by ensuring that development is directed away from these areas.

Accordingly, development and site alteration are prohibited within the floodplain subject to Conservation Authority regulations and the natural hazard policies of the *Provincial Policy Statement*, which has been replaced by the *Provincial Planning Statement, 2024*. The Plan requires that a minimum protection zone (or buffer area) of 10 metres (32.80 feet) be provided from the outer limits of hazardous lands and hazardous sites, or such greater distance as may be determined through appropriate environmental studies.

The applicant submitted an NHE to confirm the limits of the Key Natural Heritage Features (KNHFs), Key Hydrological Features (KHF) and the associated MVPZ (or buffer area) in accordance with the policies of the Plan. The applicant's NHE has identified that the subject development is located within the proximity of the East Humber River permanent stream, the St. George PSW Complex, a possible habitat of endangered and threatened species, a significant wildlife habitat, and a fish habitat as well as largely located within a floodplain hazard.

The NHE confirms that, while the proposed development is located outside of the KNHFs and KHF, a portion of the existing parking area is located within the 30 metre (98.43 feet) MVPZ (or buffer area) to the PSW. The City's Park and Natural Heritage Planning staff concur with the applicant's submitted NHE recommendations for a reduced MVPZ (or buffer area) ranging from 21.5 metres (70.54 feet) to 30 metres (98.43 feet) to the PSW, subject to the removal of a portion of the existing gravel parking area, appropriate restoration works to re-naturalize and protect the features and buffer area, and no additional development be permitted.

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With respect to the flood hazard, the applicant submitted a detailed Grading Plan to confirm the limits of the floodplain in relation to the as-built conditions for the existing buildings and a Flood Hazard Assessment (FHA) to evaluate the impact of the subject development in terms of flood risk. The applicant's submitted Grading Plan delineates that Building "A" is the only building located entirely within the floodplain, for which the applicant has removed its original request to permit the existing six (6) residential dwelling units. Given the location of the existing development within the floodplain, the provision of a 10 metre (32.80 feet) buffer is not applicable.

TRCA staff have reviewed the materials submitted in support of the subject Zoning By-law Amendment application and have expressed no concerns with the proposed Zoning By-law Amendment subject to restricting the number of residential units in Building "D" to the existing three (3) units, which is located outside of but adjacent to the flood hazard. Additional comments provided in relation to the technical flood-related matters are to be addressed through the related Site Plan and Building Permit applications.

It is further noted that the subject lands are also situated within the **Settlement Area** of the Oak Ridges Moraine, as defined in accordance with the *Oak Ridges Moraine Conservation Plan* ("ORMCP"). In accordance with **Section 3.2.1.1 (18)** of the Plan, all uses, including the creation of new lots which are otherwise permitted under the Plan, shall be permitted within the **Settlement Area**.

On the basis of the preceding, staff is of the opinion that the proposed development conforms with the applicable policies of the Plan and the ORMCP.

Zoning By-law Amendment

The applicant is seeking Council's approval to amend the **General Commercial One (GC1) Zone** and **Flood (F) Zone** provisions applicable to the subject lands to permit the existing commercial, office and residential uses within the existing buildings, to establish site-specific parking standards, and to establish an **Environmental Protection Area One (EPA1) Zone** under By-law 1275, as amended, on a portion of the subject lands.

The site-specific exceptions proposed for the **GC1 Zone** and **F Zone** would restrict permissions on the subject lands to recognize only the existing uses, buildings and parking areas that have been accepted by City staff and the TRCA in recognition of the flood hazard and environmental areas as discussed in the sections above. These uses are not typically permitted within the **F Zone** and no additional development would be permitted. Further, the existing zone boundary between the **GC1 Zone** and the **F Zone** is proposed to be adjusted slightly to align with the updated boundaries of the floodplain in accordance with the as-built conditions. Additionally, the following site-specific parking standards are proposed to apply across the **GC1 Zone** and **F Zone**:

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Parking Standard	GC1 Zone Standards, By-law 1275, as amended	Proposed Development Standard
Non-Residential (minimum spaces per 100 sq. m (1,076.39 sq. ft.) of Gross Floor Area)		
Restaurant	11 spaces	4.76 spaces
Take-Out Restaurant	14 spaces	4.76 spaces
Business or Professional Office	3.2 spaces	2.44 spaces
Personal Service Shop	3.2 spaces	5.25 spaces
Single Detached Dwelling with up to two (2) Additional Residential Units	None	4 spaces

It is important to note that Chapter 1106 – Disabled Parking of the City’s *Municipal Code* requires the provision of a minimum of four (4) accessible parking spaces when the total number of parking spaces provided on site ranges between 51 and 75 parking spaces. The proposed development provides for 56 parking spaces on site including three (3) accessible parking spaces which is deficient in accordance with the City’s *Municipal Code*. Although the number and type of accessible parking spaces proposed by the applicant does not comply with the City’s *Municipal Code*, the three (3) proposed spaces meet the latest standards under the *Accessibility for Ontarians with Disabilities Act (AODA)*. Transportation Engineering staff has reviewed the development proposal and has no objection to the provision of three (3) accessible parking spaces in support of the proposed development.

In order to implement the preceding, Transportation Engineering staff recommends an exception to the City’s Disabled Parking By-law 10-04, Chapter 1106 of the *Municipal Code*, to reduce the required number of accessible parking spaces from four (4) spaces to three (3) spaces in accordance with AODA standards be approved. In this regard, it is recommended that staff bring forward a site-specific amendment to the City’s Disabled Parking By-law 10-04 (Chapter 1106 of the *Municipal Code*) to a future Council Meeting.

With respect to the new **EPA1 Zone** category under By-law 1275, as amended, the proposed zone boundaries shall reflect the area of the PSW and its MVPZ (or buffer area) on the westerly portion of the property. The proposed **EPA1 Zone** would permit only conservation uses, thereby preventing development from occurring on this portion of the property and providing permanent protection to these lands.

Staff has reviewed the applicant’s Zoning By-law Amendment application and finds that the proposed amendments to the **GC1 Zone** and **F Zone** are appropriate in consideration of the overall design of the development proposal and the limitations of development given the flood hazard existent in this area and on the subject lands. Further, the proposed **EPA1 Zone** is considered appropriate to ensure the protection of the PSW and its MVPZ (or buffer area) on the westerly portion of the subject lands. Based on the preceding, staff are of the opinion that the subject Zoning By-law Amendment is appropriate and represents proper and orderly planning.

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Department and External Agency Comments:

As noted previously in this report, all comments from City departments and external agencies have been satisfactorily addressed with respect to the applicant's Zoning By-law Amendment application. All circulated City departments and external agencies have either indicated no objections or have provided comments to be addressed through the related Site Plan and/or Building Permit applications.

Council and Public Comments:

The following is an overview of and response to comments and concerns expressed by members of Council at the Council Public Meeting. As noted previously in this report, no public comments were received at the meeting or received in written correspondence with respect to the subject development proposal.

Ontario Building Code and Fire Code Violations

Concerns were raised with respect to *Ontario Building Code* and *Fire Code* violations associated with the enclosure of the patio addition to Building "A" without a Building Permit in 2021, which was originally established in accordance with the provisions of the City's Outdoor Patio Temporary Use By-law 91-20. The enclosure of the patio addition was reviewed as part of the subject Zoning By-law Amendment application and all City departments, including the City's Fire and Emergency Services Division and Building Division have expressed no objections. These departments have provided minor comments to be addressed through the related Site Plan application and required Building Permit application.

Interim Growth Management Strategy:

Council has approved and implemented a comprehensive strategy comprised of eight (8) growth management criteria as a means of assessing and prioritizing development applications for the receipt of servicing allocation. The criteria are as follows:

1. *Providing community benefits and completion of required key infrastructure.*
2. *Developments that have a mix of uses to provide for live-work relationships.*
3. *Developments that enhance the vitality of the Downtown Core.*
4. *Higher-order transit supportive development.*
5. *Developments that represent sustainable and innovative community and building design.*
6. *Completion of communities.*
7. *Small scale infill development.*
8. *Opportunities to provide affordable housing.*

The applicant has submitted a Sustainability Performance Metrics Tool (the "Metrics") in support of its Site Plan application. The Metrics submitted in support of the related Site Plan application demonstrates an overall application score of 33 points, which is within the acceptable threshold range of 32 to 45 points for Site Plan applications. At the time of writing of this report, the applicant's Site Plan application and metrics remain under

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review with respect to the feasibility and appropriateness of the proposed sustainability measures.

In consideration of the above and in order to streamline the servicing allocation assignment process for the residential component of the subject development, staff recommends that Council delegate its authority to assign allocation to the Commissioner of Planning and Building Services, subject to compliance with the City's IGMS.

Recommendation:

Planning staff has completed a comprehensive review of the proposed development and are in support of same for the following principle reasons:

- the existing commercial, office and residential uses housed within the existing buildings located on the subject lands are permitted under the **Neighbourhood** designation and comply with the applicable policies of the Plan with respect to land use;
- the proposal has been revised to exclude the proposed legalization of the existing residential units in Building "A" in order to reduce the potential risks associated with the flood hazard applicable to the lands;
- City and TRCA staff are satisfied the existing uses within or adjacent to the floodplain are appropriate to continue on site, with the exception of the residential units in Building "A", subject to the establishment of site-specific provisions for both the **GC1 Zone** and the **F Zone** which restrict further development on the subject property in recognition of the flood hazard;
- the westerly portion of the property designated **Natural Core**, which contains a PSW and the proposed 21.5 metre (70.54 feet) buffer, will be rezoned to **EPA1 Zone** under By-law 1275, as amended, and will be restored and enhanced to provide long-term protection and prohibit development in accordance with the Plan;
- Transportation Engineering staff have identified no concerns with the reduced accessible parking spaces proposed to facilitate the subject development as it is consistent with the current provisions of the *AODA Act*. A site-specific amendment to By-law 10-04, Chapter 1106 of the *Municipal Code* will be required to implement this exception (refer to Appendix "C").
- the applicant has submitted a Sustainability Metrics Tool which remains under review and shall be required to achieve the minimum threshold score for Site Plan applications to the satisfaction of the City in order to assign and release servicing allocation for the residential component of the subject development; and,
- the applicant has satisfactorily addressed all comments raised by City departments and external agencies as it relates to the subject Zoning By-law Amendment application. The remaining technical matters are required to be addressed as part of the related Site Plan application and/or through a Building Permit application.

On the basis of the preceding, it is recommended that the applicant's Zoning By-law Amendment application be approved.

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Financial Implications:

The recommendations of this report do not have any financial, staffing or other implications.

Relationship to Strategic Plan 2024-2027:

The recommendations of this report are aligned with **Pillar 1: Growing a Livable, Sustainable Community**, in ensuring the protection of natural heritage features in identifying and securing buffers by placing them into an appropriate zone category.

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, Site Plan
- Map 6, Existing Elevations of Building “A”
- Map 7, Existing Elevations of Building “C”
- Map 8, Existing Elevations of Building “D”
- Appendix A, Extract of Council Public Meeting C#17-23, held May 2, 2023
- Appendix B, Draft Zoning By-law 142-24
- Appendix C, Draft Disabled Parking Exemption By-law 155-24

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Report Approval Details

Document Title:	SRPBS.24.117 - Request for Approval - 60 King Rd - ZBLA-22-0023.docx
Attachments:	<ul style="list-style-type: none">- Map 1 Aerial Photograph.docx- Map 2 Neighbourhood Context.docx- Map 3 Existing Official Plan Designation.docx- Map 4 Existing Zoning.docx- Map 5 Site Plan.docx- Map 6 Elevations of Building A.docx- Map 7 Elevations of Building C.docx- Map 8 Elevations of Building D.docx- Appendix A - Extract of Council Public Meeting.docx- Appendix B - Draft Zoning By-law 142-24.docx- Appendix C - Draft Disabled Parking Exemption By-law 155-24.docx
Final Approval Date:	Nov 17, 2024

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

Deborah Giannetta - Nov 13, 2024 - 2:13 PM

Gus Galanis - Nov 13, 2024 - 4:25 PM

Darlene Joslin - Nov 17, 2024 - 10:54 AM