

City-Initiated Priority Retail Streets – Zoning By-law Amendments - Supplementary Report

Date: November 20, 2019

To: City Council

From: Chief Planner and Executive Director, City Planning

Wards: 10, 11 and 13

SUMMARY

At its meeting of November 13, 2019, Planning and Housing Committee adopted the "Final Report: City-Initiated Priority Retail Streets Zoning By-law Amendments" This Supplementary Report responds to written submissions, as well as a final review by staff of the proposed by-laws to ensure consistency between 438-86 and 569-2013 as proposed, and provides direction by revising the draft by-laws contained in the previously submitted Final Report from the Chief Planner and Executive Director, City Planning, dated October 28, 2019 to address the changes detailed in this Supplementary Report.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council delete Planning and Housing Committee's recommendation 1 and replace it with the following:

City Council amend Zoning By-law 438-86 in accordance with the draft Zoning By-law Amendment substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 1 to the Supplementary Report from the Chief Planner and Executive Director, City Planning dated November 20, 2019.

2. City Council delete Planning and Housing Committee's recommendation 2 and replace it with the following:

City Council amend Zoning By-law 569-2013 in accordance with the draft Zoning By-law Amendment substantially in accordance with the draft Zoning By-law Amendment

attached as Attachment to the Supplementary Report from the Chief Planner and Executive Director, City Planning dated November 20, 2019.

3. City Council determine that the revisions reflected in the proposed Zoning by-law Amendments appended to this Supplementary Report as Attachments 1 and 2 are minor in nature and pursuant to Section 34 of the Planning Act, no further public notice is required in respect of the proposed Zoning By-law Amendments.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

On November 13, 2019, Planning and Housing Committee recommended to City Council to adopt the proposed amendments to the Zoning By-law to implement the priority retail streets policies. Planning and Housing Committee's decision can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH10.1>

COMMENTS

In response to the written submissions made to Planning and Housing Committee, this Supplementary Report provides for minor changes to ensure consistency between both proposed Zoning By-law Amendments and to provide transition for certain applications that were made prior to June 5, 2019. Staff are recommending the following provisions of draft Zoning By-law 438-86 and 569-2013 contained in Attachments 1 and 2 to the staff report dated October 28, 2019 be revised as follows:

- In the amendment to Zoning By-law 438-86, clarify that the Priority Retail Street regulations only apply in those districts/zones where retail and related non-residential uses are permitted;
- In the amendment to Zoning By-law 438-86, add office as one of the permitted street-related retail and service uses; and
- In the amendment to Zoning By-law 569-2013 amendment, include transition regulations for certain types of complete applications.

The original Priority Retail Streets provisions in Zoning By-law 438-86 do not refer to any particular districts/zones. This is due to the fact that they only applied to areas that were zoned commercial and institutional (CR, MCR and Q). Given that the amendment is expanding the geographic area where the regulations apply, other districts/zones may be affected. For example, it is not reasonable to require street-related retail and service uses for sites that are zoned I1 (an Industrial district) because commercial uses are not generally permitted in these areas. A revision is recommended so that the regulations

would only apply in districts where street-related retail and service uses are permitted by the base zoning: CR, MCR, Q, RA and IC.

The Minister of Municipal Affairs and Housing's modifications to OPA 406 (Downtown Plan) allowed for small-scale office uses as part of the ground floor frontage of development that fronts onto the Priority Retail Streets. Zoning By-law 438-86 does not currently include a permission for a general office as a street-related retail or service use, while it does allow for the office of a community or non-profit to be considered as one of those uses. Given that Zoning By-law 569-2013 does not make a distinction between different types of offices and that office is considered to be a use that can animate the street, office was included as a street-related use in the Zoning By-law 569-2013 amendment, but was inadvertently omitted in the Zoning By-law 438-86 amendment due to the structure of the former by-law. It should be noted that office is one of the uses that would be limited to a maximum of 15.0 metres of frontage for the purposes of calculating the 60% priority retail street frontage.

The revisions to the amendment to Zoning By-law 438-86 are consistent with the draft regulations in the amendment to Zoning By-law 569-2013, considered by the Planning and Housing Committee.

The By-law 569-2013 amendment revisions provide transition regulations for certain complete applications: building permit applications, zoning by-law amendment applications, and minor variance applications. These would apply to complete applications submitted before June 5, 2019, which is the date that OPA 406 (Downtown Plan) was approved by the Ministry. This will ensure fairness for sites that began a planning approval process before the Downtown policies were in place.

Conclusion

The recommended revisions to the draft Zoning By-laws are consistent with the Provincial Policy Statement (2014) and conforms to, and does not conflict with, A Place to Growth: Growth Plan for the Greater Golden Horseshoe, 2019. Furthermore, the recommended revisions conform to and maintain the intent of the Toronto Official Plan and the Downtown Plan and the relevant Secondary Plans, Site and Area Specific Policies and Design Guidelines.

This Supplementary Report contains two revised Draft Zoning By-law Amendments which are to replace the two Draft Zoning By-law Amendments contained in the October 28, 2019 Final Report. The revised By-laws reflect changes which are minor in nature and do not alter the intent of the draft By-laws attached to the Final Report of October 28, 2019.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Draft Zoning By-law 438-86 Amendment
Attachment 2: Draft Zoning By-law 569-2013 Amendment