

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 16, 2015

Item 15, Report No. 31, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on September 16, 2015.

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ZONING BY-LAW AMENDMENT FILE Z.14.074 WORLD MEDIA FORUM INC. WARD 4 - VICINITY OF JANE STREET AND RUTHERFORD ROAD

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, Director of Development Planning and Manager of Development Planning, dated September 9, 2015:

Recommendation

The Commissioner of Planning, Director of Development Planning and Manager of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.14.074 (World Media Forum Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically the EM1 Prestige Employment Area Zone subject to site-specific Exception 9(1057), to add a Video Production Studio as a permitted use, as defined in Table 1 of this report, in Units #53 and #54 of the existing multi-unit employment building shown on Attachment #3.

Contribution to Sustainability

The application implements the following Goal and Objective of Green Directions Vaughan:

Goal 4: To create a vibrant community where citizens, business and visitors thrive.

- Objective 4.2: Ensure that the City of Vaughan attracts businesses and investment that will result in well-paying jobs for Vaughan citizens, a sustainable tax base and continuing prosperity into the 21st century

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

On February 6, 2015, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands. The Notice of Public Hearing was also posted on the City's web-site at www.vaughan.ca and Notice Signs were installed on the property in accordance with the City's Notice Sign Protocol and Procedures.

On March 3, 2015, the Vaughan Planning Department received a letter from Fine & Deo, the lawyers for York Region Standard Condominium Corporation No. 1026, to which the Applicant belongs. The letter included the following concerns:

- i) That the Applicant did not receive permission from the Condominium Corporation to amend Zoning By-law 1-88 for the subject units (#53 and #54), in breach of the Condominium Declaration.
- ii) That contrary to the information included in the Applicant's planning justification report, all of the units on the site are occupied, and all of the parking spaces are in regular use. (The subject units each have two parking spaces dedicated for their use, and the use of 2 additional undedicated visitor parking spaces each, for a total of 8 parking spaces.)

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At the Public Hearing, the lawyers for the Condominium Corporation also identified that unpermitted mezzanines (or enclosed second floors) in other units on the site have an impact on parking.

Vaughan Council requested that the Vaughan By-law and Compliance Department examine the issue related to the mezzanines (or enclosed second floors).

Responses

The Vaughan Planning Department offers the following responses to the above concerns.

- i) The issue of the Applicant seeking permission to file a Zoning By-law Amendment application is a private matter between the Condominium Corporation and the Applicant.
- ii) Vaughan Planning Department staff conducted two site visits, once on Thursday July 2, 2015, in the afternoon (3:10 pm), and once on Monday August 17, 2015, in the evening (6:15 pm). On the afternoon site visit, the parking lot was not full with a minimum of 20 available parking spaces, and at least 20 visitor parking spaces were empty at the north side of the property. On the evening visit (at 6:15 pm), the lot was approximately 20% full and approximately 31 of the 137 visitor parking spaces were occupied. Parking for the subject units is further addressed below in the Vaughan Development Engineering and Infrastructure Planning Services Department section of this report.
- iii) The Vaughan Planning Department consulted with the Building Standards Department and the By-law and Compliance Department and is satisfied that only the parking demands of the subject application proposal will be reviewed at this time. Concerns about increased demand on the existing parking on the site as a result of the unauthorized construction of enclosed mezzanines/second floors built in other units are currently under investigation and are being addressed through the appropriate enforcement processes under the corresponding legislation in order to bring them into compliance.

In 2014, the Vaughan Committee of Adjustment approved Minor Variance Application A301/14 to permit a reduction in the number of parking spaces on the site to facilitate the construction of a second floor in Unit #49 of 100 Bass Pro Mills Drive. The second floor created additional gross floor area (GFA) and a parking deficiency for the whole site (encompassing 80, 100, and 130 Bass Pro Mills Drive). The site required 284 spaces, and provided only 265 spaces. The application was approved. There have been no subsequent Minor Variance Applications to amend the parking requirement on the subject lands.

The recommendation of the Committee of the Whole to receive the Public Hearing report of March 3, 2015, was ratified by Vaughan Council on March 24, 2015.

Purpose

The purpose of this report is to seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.14.074 in order to amend the EM1 Prestige Employment Area Zone, subject to site-specific Exception 9(1057) to permit a Video Production Studio use, as defined in Table 1 of this report in Units #53 and #54 of the existing multi-unit employment building shown on Attachment #3.

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Background - Analysis and Options

Synopsis:

The Owner is proposing to amend the City's Zoning By-law 1-88 to permit a Video Production Studio in the EM1 Prestige Employment Area Zone. The proposed zoning by-law amendment will facilitate an employment use that is in conformity with Vaughan Official Plan 2010 (VOP 2010). The Vaughan Planning Department supports the proposed zoning by-law amendment as it will implement VOP 2010 and the proposed use is compatible with the surrounding existing and planned land uses within the employment area.

Location

The subject lands shown on Attachments #1 and #2 are located southwest of Jane Street and Rutherford Road, municipally known as 130 Bass Pro Mills Drive. The surrounding land uses are identified on Attachment #2.

Official Plan

The subject lands are designated "General Employment" by Vaughan Official Plan 2010 (VOP 2010). The "General Employment" designation permits a wide range of employment uses including manufacturing, warehousing, processing, transportation, distribution, and office uses accessory to and directly related to the permitted employment uses. A Video Production Studio is not specifically identified as a permitted use in VOP 2010, or the employment designation. However, the proposed use is carried out completely within the existing building, is considered to be compatible with other General Employment uses, and will not destabilize the planned function of the Employment Area.

The proposed addition of a Video Production Studio as a permitted use in the EM1 Zone conforms to the policies of the Official Plan.

Zoning

The subject lands are zoned EM1 Prestige Employment Area Zone by Zoning By-law 1-88, and subject to Exception 9(1057), which does not permit the proposed Video Production Studio use. The Owner has submitted Zoning By-law Amendment File Z.14.074 to add the use to the list of permitted uses, as defined below.

Table 1

	By-law Standard	By-law 1-88 EM1 Prestige Employment Area Zone, Exception 9(1057) Requirements	Proposed Exception to the EM1 Prestige Employment Area Zone, Exception 9(1057) Requirements
a.	Permitted Uses	<ul style="list-style-type: none">• Employment Use• Accessory Retail Sales to an Employment Use• Accessory Office Uses to an Employment Use• Banquet Hall, in a Single Unit Building• Bowling Alley	<p>In addition to the permitted uses in Exception 9(1057), add the following use in Units #53 and #54, which is defined as follows:</p> <ul style="list-style-type: none">• A Video Production Studio in Units #53 and #54. A Video Production Studio

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	<ul style="list-style-type: none">• Business or Professional Office, not including a Regulated Health Professional• Club, Health Centre• Convention Centre, Hotel, Motel• Funeral Home in a Single Unit Building• Car Brokerage• Office Building• Recreational Uses• Service and Repair Shop• A Place of Entertainment, eating establishments, bingo halls, bowling alleys, ice or roller skating rinks, and billiard halls shall also be permitted, but only on those lots abutting Street "A" [Bass Pro Mills Drive]	shall be defined as: a building or part of a building used for the on-site taping, recording, production and post-production activities as well as accessory administration uses related to video programming which include discussion style programs for religious, social, and education purposes. The Video Production Studio shall not include a Place of Worship
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Units #52 and #53 are proposed to be used as a Video Production Studio, as defined in Table 1, by the Owner and will include the video taping of religious education and instruction. The Owner has confirmed that the units will not be used as a Place of Worship.

The Vaughan Planning Department is satisfied that the proposed use conforms to the Official Plan and is compatible with the existing and potential range of land uses permitted on the site, and can support the application.

Vaughan Development Engineering and Infrastructure Planning Services Department

There is no minimum parking requirement for a Video Production Studio use in the City's Zoning By-law 1-88.

The Owner has submitted a reliance letter from Weston Consulting, which advises that the proposed use is an employment use, and will not generate a higher parking rate than the employment use requirements in Zoning By-law 1-88. The Owner intends to have a maximum of 10-15 members at the site including employees, volunteers, guests, and additional support personnel from the Ahmadiyya Muslim Jam'at Community (as required) to operate the studio. The proposed Video Production Studio will not generate additional guests /visitors as no retail, commercial, or place of worship functions are proposed.

The Owner also confirmed that the users of the site will respect the arrangement of two dedicated parking spaces per unit, as well as two visitor parking spaces per unit (8 parking spaces in total). Weston Consulting conducted parking surveys at the site on Tuesday February 24, 2015 and Thursday February 26, 2015, during the AM and PM peak periods. Their parking counts revealed that the property was at 43% capacity in the AM peak period and 50% capacity in the PM peak period.

The reliance letter confirms that Units #53 and #54 will be used as a Video Production Studio during the afternoon and evening hours by volunteers who will be bussed in from the near-by community centre/mosque at Jane Street and Teston Road. The reliance letter also indicates parking utilization surveys were carried out earlier in the year and it was observed that parking

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was only at 50% utilization during the peak usage time of the day. Based on these justifications, the Vaughan Development Engineering and Infrastructure Planning Services Department has no objection to the application. Accordingly, the Vaughan Planning Department can support the application.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiative set forth in the Vaughan Vision 2020/Strategic Plan:

i) Plan and Manage Growth & Economic Vitality

The proposed development implements the City's Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010.

Regional Implications

The York Region Transportation and Community Planning Department has no objection to the Zoning By-law Amendment application.

Conclusion

Zoning By-law Amendment File Z.14.074, has been reviewed in accordance with VOP 2010, Zoning By-law 1-88, comments from the public and City Departments and the area context. The proposal to add Video Production Studio as a permitted use in the EM1 Prestige Employment Zone, subject to Exception 9(1057), for Units #53 and #54 on the subject lands conforms to the Official Plan and is compatible with existing and planned uses in the Employment Area, and will not cause a negative parking situation on the site. Parking surveys by both the applicant's planning consultant and Vaughan Planning staff have demonstrated that there is sufficient parking available on the property at peak periods, which the Vaughan Development Engineering and Infrastructure Services Department has confirmed. In addition, Units #53 and #54 have access to 8 dedicated parking spaces and some of the 10-15 occupants of the units will be bussed in from the community centre/mosque at Jane Street and Teston Road during the afternoon and evening hours. On this basis, the Vaughan Planning Department can support the approval of the Zoning By-law Amendment application, subject to the recommendation in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan

Report prepared by:

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)