

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2013**

Item 29, Report No. 52, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 10, 2013.

**29**

**ZONING BY-LAW AMENDMENT FILE Z.13.026**

**1801402 ONTARIO INC.**

**WARD 2 - VICINITY OF REGIONAL ROAD 27 AND MILANI BOULEVARD**

**The Committee of the Whole recommends:**

- 1) That the recommendation contained in the following report of the Commissioner of Planning and the Director of Development Planning, dated November 26, 2013, be approved; and**
- 2) That the deputation of Mr. Gerard Borean, Parente Borean, Hwy 7, Vaughan, be received.**

**Recommendation**

The Commissioner of Planning and the Director of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.13.026 (1801402 Ontario Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically the C2 General Commercial Zone, subject to Exception 9(343) on the subject lands shown on Attachments #1 and #2, as follows:
  - i) Permit a maximum of 975 m<sup>2</sup> (66.6%) of the existing 1,462.5 m<sup>2</sup> one-storey office building to be used for commercial uses and a minimum of 487.5 m<sup>2</sup> (33.3%) to be used for Business or Professional Office uses;
  - ii) to permit the zoning exceptions identified in Table #1 of this report, subject to the land uses permitted on the subject lands being limited to the following:  
  
Banking or Financial Institution;  
Business or Professional Office (not including a body-rub parlour);  
Eating Establishment;  
Eating Establishment, Take Out;  
Eating Establishment, Convenience;  
Personal Service Shop;  
Pet Grooming Establishment, within a wholly enclosed building;  
Pharmacy;  
Laboratory;  
Photography Studio;  
Retail Store;  
Video Store; and,
  - iii) the total gross floor area on the subject lands devoted to any or all permitted eating establishment type uses shall not exceed 321.75 m<sup>2</sup> (i.e. 22%) of the gross floor area of the development (1,462.5 m<sup>2</sup>).

**Contribution to Sustainability**

The proposal addresses a change in uses on the subject lands, and therefore, there is no contribution to sustainability through this application.

**Economic Impact**

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

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#### **Communications Plan**

On September 20, 2013, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands, and to the West Woodbridge Homeowners Association. No written comments have been received to date by the Vaughan Development Planning Department. The recommendation of the Vaughan Committee of the Whole to receive the Public Hearing report of October 15, 2013, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Vaughan Council on October 29, 2013.

#### **Background**

On June 26, 2012, Vaughan Council approved Site Development File DA.12.099 for a one-storey office building with a gross floor area of 1462.5 m<sup>2</sup>, 55 parking spaces and driveway access from Regional Road 27 as shown on Attachment #3. The site and building are currently under construction.

On October, 4, 2013, the Owner submitted Site Development File DA.13.091 for the subject lands, which proposes to lease a 28.5 m<sup>2</sup> area of the northwest corner of the site to Bell Mobility Inc. for the purpose of installing a 35 m high monopole telecommunication tower. The proposed leased area will utilize 2 parking spaces for the actual compound, and require access to half of the driveway for the purpose of maneuverability as shown on Attachment #5. Telecommunication Towers and Broadcasting Antenna systems are federally regulated by Industry Canada and as part of the City's protocol the applicant (Bell Mobility Inc.) will be responsible to notify the public and hold a Public Consultation Meeting in the near future. This application is currently being reviewed by City staff, which has the effect of reducing the available parking for the as-built development from 55 spaces to 53 spaces, if approved. The Parking Study submitted in support of this application has been revised to reflect the proposed telecommunication tower and indicates that 53 spaces are sufficient to serve the proposed development. The Parking Study has been reviewed and approved by the Vaughan Development/Transportation Engineering Department. As such the exception required for the proposed Zoning By-law Amendment application would be 53 spaces, rather than 55 spaces, which has been reflected in Table 1 of this report. Should Vaughan Council not support the site plan application for the telecommunication tower when it is considered at a future meeting, a total of 55 spaces would physically exist on the property to serve the office and commercial uses.

#### **Purpose**

The Owner has submitted Zoning By-law Amendment File Z.13.026 for the subject lands shown on Attachments #1 and #2, to amend Zoning By-law 1-88, specifically the C2 General Commercial Zone, subject to site-specific Exception 9(343), to permit a maximum of 974.5 m<sup>2</sup> (66.6%) of the 1,462.5 one-storey office building currently under construction on the site (Attachments #3 and #4) to be used for commercial uses, and a minimum of 487.5 m<sup>2</sup> (33.3%) for Business or Professional Office uses, whereas Zoning By-law 1-88 only permits office uses within the building. The following site-specific zoning exceptions are required to implement the proposal:

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**TABLE 1**

	<b>By-law Standard</b>	<b>Zoning By-law 1-88 Requirements of the C2 General Commercial Zone, subject to site-specific Exception 9(343)</b>	<b>Proposed Exceptions to the C2 General Commercial Zone, subject to site-specific Exception 9(343)</b>
a.	Minimum Parking Requirements	Commercial: 974.5 m <sup>2</sup> @ 5.5 spaces/100 m <sup>2</sup> GFA = 54 spaces  + Office: 487.5 m <sup>2</sup> @ 3.5 spaces/100 m <sup>2</sup> GFA = 17 spaces  Total Parking Required = 71 spaces	Total Parking Provided for Commercial and Business or Professional Office Uses: 53 parking spaces (minimum 3.6 spaces/100 m <sup>2</sup> ) (53 spaces reflects the telecommunication tower proposed under File DA.13.091; should this application not be approved, there will be 55 spaces physically on the lot)
b.	Permitted Uses	An office building with a minimum GFA of 1,371.25 m <sup>2</sup>	i) permit a minimum of 487.5 m <sup>2</sup> of gross floor area devoted to Business or Professional Office uses; ii) permit a maximum of 974.98m <sup>2</sup> of gross floor area devoted to the following commercial uses:  - Bank or Financial Institution; - Business or Professional Office; - Car Rental Service; - Club or Health Centre; - Eating Establishment; - Eating Establishment, Convenience; - Eating Establishment, Take Out; - Laboratory; - Office Building; - Personal Service Shop; - Pet Grooming Establishment; - Pharmacy; - Photography Studio; - Radio Transmission Establishment; - Service or Repair Shop - Retail Store; - Veterinary Clinic; and, - Video Store.
c.	Maximum Lot Coverage	30%	32.2 %

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#### **Analysis and Options**

##### Location

The 0.45 ha parcel is located on the west side of Regional Road 27, north of Milani Boulevard, known municipally as 8290 Regional Road 27, City of Vaughan, as shown on Attachments #1 and #2. The site has 71.3 m of frontage on Regional Road 27, and is currently being developed with a one-storey office building. The surrounding land uses are shown on Attachment #2.

##### Official Plan

The subject lands are designated “General Commercial” by in-effect OPA #240 (Woodbridge Community Plan), as amended by OPA #345 (Woodbridge Commercial Structure Study), as further amended by site-specific OPA #451.

OPA #451 applies to a larger parcel of land, which includes the subject lands and the lands zoned C2 General Commercial Zone to the immediate west as shown on Attachment #2. The intent of OPA #451 was to develop the overall parcel for “big box” type retail uses, general commercial uses, as well as, the requirement for office uses. OPA #451 includes a policy that requires that an office component be provided on the overall site and that the percentage or amount of office space be identified in the implementing zoning by-law. On December 10, 2007, Council approved Zoning By-law Amendment File Z.07.013, that resulted in site-specific zoning Exception 9(343). This Exception provides site-specific zoning standards for the entire parcel, including the requirement that the subject lands of this current application be developed with an office building, with a minimum GFA of 1371.25 m<sup>2</sup>, thereby satisfying the office component requirement of OPA #451.

The lands subject to OPA #451 have since been developed with both commercial and office uses and the subject lands were subsequently severed from the larger parcel. Given the existence of office uses on the larger parcel (e.g. dentist and veterinary clinic) and the current Zoning By-law Amendment application proposing to maintain a minimum of 487.5m<sup>2</sup> (33.3%) of office uses for the existing building on the subject lands, the Vaughan Development Planning Department is of the opinion that the proposed development for a mixed-use building conforms to the policies of OPA #451, as office uses will continue to be permitted and form a component of the overall development.

The subject lands are designated “Employment Commercial Mixed-Use” by the new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified by Vaughan Council on September 27, 2011, March 20, 2012, and April 17, 2012), as further modified and endorsed by Region of York Council on June 28, 2012, and was approved, in part, by the Ontario Municipal Board on July 23, 2013. The “Employment Commercial Mixed Use” designation permits office and commercial uses to a maximum of 12,500m<sup>2</sup> and 3,500 m<sup>2</sup> GFA, respectively. The proposed development conforms to VOP 2010.

##### Zoning

The subject lands are zoned C2 General Commercial Zone by Zoning By-law 1-88, subject to Exception 9(343), which requires that an office building with a minimum gross floor area of 1,371.25 m<sup>2</sup> be developed on the property. The Owner is proposing to amend Zoning By-law 1-88 to permit a maximum of 975 m<sup>2</sup> (66.6%) of the gross floor area of the building to be devoted to commercial uses and a minimum of 487.5 m<sup>2</sup> (33.3%) GFA to Business or Professional Office uses, together with the site-specific exceptions identified in Table 1 of the “Purpose” section of this report.

The Development Planning Department has reviewed the proposed exception to Zoning By-law 1-88 to increase the permitted lot coverage from 30% to 32.2%, and is of the opinion that this

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variance is minor in nature given the as-built condition of the building, and will not impact on the surrounding land uses. The Owner is proposing that the parking for the building, comprised of a maximum of 66.6% commercial uses and a minimum of 33.3% Business or Professional Office uses, be provided at an overall rate of 3.6 spaces/100m<sup>2</sup> of gross floor area (GFA) or a total of 53 parking spaces for the entire site, whereas Zoning By-law 1-88 requires that a minimum of 71 parking spaces be provided. The Owner has submitted a Parking Study prepared by Tranplan Associates, dated August 2013, in support of the proposed parking supply, which concludes that 53 parking spaces are sufficient to support only the following uses:

- Banking or Financial Institution;
- Business or Professional Office;
- Car Rental Service;
- Eating Establishment;
- Eating Establishment, Take Out and Convenience;
- Laboratory;
- Office Building;
- Personal Service Shop;
- Pet Grooming Establishment;
- Pharmacy;
- Photography Studio;
- Radio Transmission Establishment
- Retail Store; and,
- Video Store.

The Vaughan Development/Transportation Engineering Department has reviewed the Parking Study and has accepted its recommendations, subject to the comments as discussed later in this report. In addition, the Committee of Adjustment approved Application A184/10 to permit a reduced parking standard from 5.5 spaces/100 m<sup>2</sup> to 3.5 spaces/100 m<sup>2</sup> of gross floor area on the basis that that the entirety of the building would function solely for office uses.

The proposed commercial uses listed on Table 1 of this report are considered appropriate for the subject lands and compatible with the surrounding commercial complex, save and except for the Car Rental Service, Service or Repair Shop, Radio Transmission Establishment, Club or Health Centre, and Veterinary Clinic. With respect to the proposed Club or Health Centre, Veterinary Clinic, and Service or Repair Shop uses, the Parking Study submitted in support of the application does not include these uses in the analysis, and therefore, the uses are not supported. The proposed Radio Transmission Establishment, although identified as a use in Zoning By-law 1-88, is not a defined use in the Zoning By-law and is not considered appropriate in the context of the surrounding uses. The proposed Car Rental Service would likely require the open storage of vehicles on the site that would occupy an already reduced number of parking spaces and therefore, is not supported.

The Owner has proposed that Eating Establishment and Eating Establishment-Take Out and Convenience uses be permitted on the site. However, the owner has not identified a maximum gross floor area that would be devoted to these uses. As proposed, 100% of the gross floor area (975m<sup>2</sup>) devoted to commercial uses could be occupied by any eating establishment type uses with an on-site parking supply of 53 spaces or 3.6 spaces / 100m<sup>2</sup> of gross floor area. Zoning By-law 1-88 utilizes a substantially higher parking standard of up to 20 spaces / 100 m<sup>2</sup> for an Eating Establishment - Convenience, and up to 10 spaces / 100 m<sup>2</sup> for an Eating Establishment-Take-Out. In addition, the C2 General Commercial Zone requires that where the uses permitted in the Zone are developed in combination that the required parking be provided at a rate of 6 spaces/100 m<sup>2</sup> and that the gross floor area of any or all eating establishment uses shall not exceed 20% of the total gross floor area of the development. In addition, the Parking Standards review initiated by the City and undertaken by the IBI Group identifies a minimum parking

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standard of 8 spaces/100 m<sup>2</sup> for an Eating Establishment use and 4 spaces/100 m<sup>2</sup> for an Eating Establishment, Take-Out at this location. Given that parking on this site is proposed to be provided at a reduced rate of 3.6 parking spaces/100 m<sup>2</sup>, the Development Planning Department recommends that the maximum gross floor area devoted to the proposed eating establishment uses be capped at 22% (371.75 m<sup>2</sup>) of the gross floor area of the development, which is generally consistent with the Zoning By-law 1-88 standard. After reviewing the ground floor unit plans and unit sizes it is appropriate to increase the capped limit to 22% (equivalent of two full units comprising 1 small unit and 1 medium sized unit to a maximum of 321.75 m<sup>2</sup>) instead of 20%. This represents an additional 26 m<sup>2</sup> increase and would allow realistic leasing opportunities for the Owner.

Accordingly, the Development Planning Department recommends that only the following commercial uses to a maximum of 975 m<sup>2</sup> be permitted on the subject lands and that a minimum gross floor area of 487.5m<sup>2</sup> be devoted to Business or Professional Office uses only:

- Banking or Financial Institution;
- Business or Professional Office (not including a body rub parlour);
- Eating Establishment;
- Eating Establishment, including Take Out and Convenience
- Personal Service Shop;
- Pharmacy;
- Laboratory;
- Pet Grooming Establishment, within a wholly enclosed building;
- Photography Studio;
- Retail Store;
- Video store; and,
- any or all eating establishment type uses shall not exceed 321.75 m<sup>2</sup> (22% of the total gross floor area of the development 1,462.5m<sup>2</sup>)).

It is noted that a Business or Professional Office use is defined by Zoning By-law 1-88 and permits a Regulated Health Professional as a permitted use. A Regulated Health Professional as defined permits a body rub parlour as an accessory use provided it does not exceed 30% of the total gross floor area of the Regulated Health Professional office. The accessory body rub parlour use is not considered appropriate for this site and the Development Planning Department recommends that it be specifically deleted as a permitted use on the site.

The Vaughan Development Planning Department is of the opinion that the proposed exceptions to Zoning By-law 1-88 that are shown in Table #1 and the land uses specifically listed above are appropriate for the site, subject to the comments and recommendations in this report, the policies of the Official Plan, and in accordance with the approved site plan, and are compatible with the surrounding development.

Vaughan Development/Transportation Engineering Department

The Development/Transportation Engineering Department has provided the following comments:

a) Servicing

This Department has reviewed the Zoning By-law Amendment application and advises that the road network, storm water management, and the sanitary and water servicing for the site have been approved under Site Development File DA.12.009, and no further changes are required as a result of the zoning amendment.

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#### **b) Parking**

This Department has reviewed the revised Parking Study prepared by Tranplan Associates, which reflects the loss of 2 parking spaces for the proposed telecommunication tower, and are satisfied that the proposed parking reduction from 71 spaces to 53 spaces (reduction of 18 spaces) is appropriate for the following reasons:

- i) Although the proxy sites are not exactly comparable, they were previously agreed upon in the Terms of Reference and provide adequate justification that parking will not be an issue.
- ii) Due to the nature of the mixed land uses proposed, it is expected parking will peak at different times for different land uses, therefore the proposed reduction is justified due to shared parking opportunities. However, should the commercial portion be 100% leased for food establishments Staff is of the view that there may be a lack of shared parking supply, as all demand will peak at the same time. Although the Parking Study does not mention a particular percentage, the Vaughan Development/Transportation Department supports limiting the area devoted to eating establishment use.
- iii) The proposed 53 parking spaces meet the minimum parking standards recommended in the City's Parking Standards review undertaken by the IBI Group however, concurs that the maximum gross floor area devoted to any eating establishment use be limited to 22% of the gross floor area of the building. However, it should be noted that the IBI Study has been approved by Vaughan Council and that an implementing Zoning By-law has not been enacted by Vaughan Council to implement the parking standards recommended by the IBI Study.

#### **Relationship to Vaughan Vision 2020/Strategic Plan**

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

- i) Plan and Manage Growth and Economic Well-Being  
The proposed development implements the City's current Official Plan and the Growth Management Strategy as set out in Vaughan Official Plan 2010.

#### **Regional Implications**

The application proposes a change in land uses permitted on the subject lands which has no Regional implications. Regional matters with respect to the development of the subject lands were addressed through Site Development File DA.13.009.

#### **Conclusion**

Zoning By-law Amendment File Z.13.037 has been reviewed in accordance with the policies of the Official Plan, the requirements of Zoning By-law 1-88, the comments received from City Departments and external public agencies, and taking into account the site and area context. The Vaughan Development Planning Department is satisfied that the proposed application to permit the existing building (currently under construction) to be used for commercial uses (maximum 975 m<sup>2</sup>) and for business or professional office uses (minimum 475 m<sup>2</sup>) together with the proposed site-specific zoning exceptions identified in this report are appropriate for the development of the

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subject lands and implement the policies of the Official Plan. Accordingly, the Development Planning Department can support the approval of Zoning By-law Amendment File Z.13.026, subject to the recommendation of this report.

**Attachments**

1. Context Location Map
2. Location Map
3. Approved Site Plan (File DA.12.009)
4. Approved Building Elevations (File DA.12.009)
5. Location of Telecommunication Tower

**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.)