

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: May 15, 2024
Name of Owner: Philiip Duchon
Location: 7117 Bathurst Street
File No.(s): A202/23

Proposed Variance(s) (By-law 001-2021):

1. To permit a minimum of 103 parking spaces, including 2 Type A barrier free spaces for the 2 storey office building with a maximum gross floor area of 2,600.0 m².
2. To permit eating establishments, clinic and personal service uses at the basement and second floors.
3. To permit eating establishments with no maximum restriction of the gross floor area.

By-Law Requirement(s) (By-law 001-2021):

1. A minimum of 106 parking spaces shall be provided on the lot, including 2 barrier free parking spaces for the 2 storey office building with a maximum gross floor area of 2,600.0 m².
2. The second floor shall be used for office uses only, and the basement shall be used for utility and storage space only.
3. Eating establishment uses shall be restricted to the ground floor only. The total gross floor area of all the eating establishment uses shall be restricted to 20% of the gross floor area of the ground floor.

Official Plan:

City of Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Mixed-Use".

Comments:Proposal

The Owners are requesting relief to permit eating establishments, clinic and personal service uses at the basement and second floors; eating establishments with no maximum restriction of the gross floor area; and a reduction in parking spaces.

Background

According to the-then Ministry of Energy and Environment ('MOEE'), the Subject Lands used to contain an Imperial Oil/Texaco gas station. OPA 441 was approved with modification by the Ontario Municipal Board ('OMB') on June 8, 1995, to facilitate the development of the current commercial building. The OPA changed the designation from "Low Density Residential" to "General Commercial". The OMB added the following clause to the OPA: "In addition to the general commercial policies the proponent shall incorporate such measures as may be necessary to protect the development from the potential impacts from residual soil contamination to the satisfaction of the City."

The Subject Lands were remediated to Alberta MUST Level II criteria, which was the generally accepted standard, in 1993. However, current remediation standards are more stringent. The applicant was required to submit a Phase 1 and 2 Environmental Site Assessment ('ESA') in conformance with O. Reg. 153/04 Standards (as amended), and a Soil Vapour Survey (Indoor Air Quality Assessment) in support of the proposed basement uses.

On May 17, 2012, the Committee of Adjustment approved Minor Variance Application, File A058/12 to permit the expansion of the total gross floor area ('GFA') of all Eating Establishment uses from 20% to 40% of the GFA of the ground floor. Development Planning Department Staff at the time did not support the application due to concerns of insufficient parking supply.

Analysis

Development Planning Department Staff has no objection to Variance 1 for the proposed reduction of parking spaces. A parking study prepared by LEA Consulting Ltd., dated May 2024 was submitted in support of the application. In order to meet the forecasted demand of the future uses, the parking study recommends off-site parking in which eleven (11) employee parking spaces will be assigned off-site at the neighbouring property, 7131 Bathurst Street, which has been determined to have excess parking. Development Engineering Staff has reviewed the study and have determined that there is sufficient parking to service the site, provided that a permanent parking agreement is registered on title for 7131 Bathurst Street. Development Engineering has advised that they will be providing condition(s) to this effect.

Development Planning Department Staff have no objections to Variances 2 and 3, to permit eating establishment, clinic and personal service uses within the basement and second floor and to have eating establishments with no maximum restriction of the gross floor area. Prior to their redevelopment, an Imperial Oil gas station was formerly located on the Subject Lands. As such, additional studies were required to assess potential impacts upon the basement from residual soil contamination. The Owner submitted:

1. A Phase 1 Environmental Site Assessment, prepared by McIntosh Perry Consulting Engineers Ltd., dated May 1, 2023,
2. A Phase 2 Environmental Site Assessment, prepared by McIntosh Perry Consulting Engineers Ltd., dated August 8, 2023,
3. Reliance Letter for the two ESAs prepared by Geo-Environmental, dated March 12, 2024,
4. An Indoor Air Quality Assessment prepared by Corrin Environmental Consulting, dated August 2023; and
5. A Reliance Letter prepared by Corrin Environmental Consulting, dated February 14, 2024,

in support of the application. The Development Engineering Department reviewed the supporting documents and has no concerns. The proposed uses in the basement are desirable for the Subject Lands, as it allows for the increased functionality of the space. The Low-Rise Mixed Use designation permits an integrated mix of residential, community and small scale retail uses intended to serve the local population. The proposed eating establishment uses will help provide flexibility in the mix of uses in the local community, as envisioned by the VOP 2010. As such, the proposed eating establishment, clinic and personal service uses are appropriate for the Subject Lands. Accordingly, Development Planning Department Staff can support the requested variances and are of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

Recommendation:

Development Planning Department Staff recommends approval of the application, subject to the following conditions:

Conditions of Approval:

If the Committee finds merit in the application, the following conditions of approval are recommended:

None.

Comments Prepared by:

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David Harding, Senior Planner