

File: A020/20

Applicant: 2180074 Ontario Ltd.

Address: 7718 Yonge St. Units 1 & 2, Vaughan

Agent: Unity Design

Please note that comments and written public submissions received after the preparation of this Staff Report (up until noon on the last business day prior to the day of the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/> Negative Comment	
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	
Cultural Heritage (Urban Design)		
Development Engineering	<input checked="" type="checkbox"/>	
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	
TRCA		
Ministry of Transportation		
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)		

Adjournment History: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala
Hearing Date: Thursday, June 11, 2020



Minor Variance Application

Agenda Item: 13

A020/20

Ward: 5

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, June 11, 2020 at 6:00 p.m.

As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

A live stream of the meeting is available at [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil)

Please submit written comments by mail or email to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

To make an electronic deputation at the meeting please see Important Information on next page for instructions or contact the Committee of Adjustment at cofa@vaughan.ca or 905-832-8585. Ext. 8332.

Written comments and public deputation requests must be received by noon on the last business day before the meeting.

Applicant: 2180074 Ontario Ltd.

Agent: Unity Design

Property: 7718 Yonge St. Units 1 & 2 Vaughan

Zoning: The subject lands are zoned C1, Restricted Commercial under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Mixed-Use"

Related Files: None

Purpose: Relief from the by-law is being requested to permit an eating establishment within Unit 1 & 2.

The following variances are being requested from By-Law 1-88, as amended, to accommodate the above proposal:

By-law Requirement	Proposal
The gross floor area of any or all Eating Establishment uses shall not exceed 20% (67.61 m ²) of the total gross floor area of the development.	To permit a gross floor area of 32.7% (110.52 m ²) for an Eating Establishment use in a multi-unit building.

Background (previous applications approved by the Committee on the subject land): N/A

For information on the previous approvals listed above please visit www.vaughan.ca. To search for a file number, enter it using quotes around it. For example, "A001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

Adjournment History: N/A

Staff & Agency Comments

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will only be received by the Secretary Treasurer until **noon** on the last business day **prior** to the day of the scheduled Meeting.

Committee of Adjustment:

Public notice was mailed on May 27, 2020

Applicant confirmed posting of signage on May 27, 2020

Property Information	
Existing Structures	Year Constructed
Building	1898

Applicant has advised that they cannot comply with By-law for the following reason(s): The existing unit space is 191.7m² which would potentially allow 56.6% coverage for an eating establishment. As per by-law C1-5-2, the maximum allowed is 20% which will strip 70.2m² (56.6% - 20% = 36.6%) potential area of usable and income generating space. The proposed eating establishment layout may function (minimally) at 110.54m² (32.7% in lieu of maximum 20%) This will reduce the aforementioned loss from 70.2m² to 45.8m² (56.6% - 32.7% = 23.9%)

Adjournment Request: N/A

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: Order No. 19-000137, Order to Comply for construction of interior partitions and other construction, having been undertaken prior to obtaining the required building permit., Issue Date: Aug 28, 2019.

Building Permit No. 19-001790 for Eating Establishment - Interior Unit Alteration, Issue Date: (Not Yet Issued)

The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit.

The Applicant shall be advised that drawings submitted for Minor Variance and building permit application shall match.

For your information, drawings submitted for building permit indicate that the second floor of the building consists of apartment units. As such, gross floor area of the second floor is not included in determining gross floor area of any or all eating establishments in the subject building.

The subject lands are located within the Thornhill Vaughan Heritage Conservation District.

Building Inspections (Septic):

No comments or concerns

Development Planning:

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

The Owner is requesting permission to devote additional gross floor area ('GFA') to an existing eating establishment use in a multi-unit building with the above noted variance. The Owner is proposing to devote 32.7% (110.52 m²) of the multi-unit building GFA of the ground floor (338.03m²) for an Eating Establishment use.

VOP 2010 designates the subject lands "Low-Rise Mixed-Use" and is within a 'Local Centre' Intensification Area. Retail uses are permitted within the "Low-Rise Mixed-Use" designation and can occupy up to 70% of the subject lands where they are located within an intensification area.

Zoning By-law 1-88 zones the property 'C1 Restricted Commercial', which permits a range of commercial uses, including retail, personal service shops, and eating establishments. The eating establishment is limited to a maximum GFA of 20% of the total GFA of the building. The Owner of the subject lands is seeking to operate an eating establishment in a multi-unit building with additional GFA increase of 12.7% (42.93 m²). The Development Planning Department deems this increase to be minor and appropriate given that there is sufficient parking to sustain this increase and the multi-unit building fronts onto an arterial road (Yonge Street) with other retail businesses in close proximity.

The Development Planning Department has reviewed the application and is of the opinion that it 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.

The Development Planning Department recommends approval of the application.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A020/20.

Parks, Forestry and Horticulture Operations:

Forestry has no comments or concerns.

By-Law and Compliance, Licensing and Permit Services:

No Response.

Financial Planning and Development Finance:

No comment no concerns

Fire Department:

If a new commercial cooking system is being added drawings must be submitted to the fire dept and a building permit must be taken out. (2) provision for firefighting shall comply with OBC 3.2.5.

Schedule A – Plans & Sketches**Schedule B – Public Correspondence**

None

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

Schedule D - Previous Approvals (Notice of Decision)

None

Staff Recommendations:

Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application considers the following:

- ✓ That the general intent and purpose of the by-law will be maintained.
- ✓ That the general intent and purpose of the official plan will be maintained.
- ✓ That the requested variance(s) is/are acceptable for the appropriate development of the subject lands.
- ✓ That the requested variance(s) is/are minor in nature.

Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application as required by Ontario Regulation 200/96, the following conditions have been recommended:

Please Note:

Relief granted from the City's Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.

Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City's Zoning By-law or additional variances may be required.

Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of roof approved by the Committee, are not regulated by this decision.

Conditions

It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency. This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.

Notice to the Applicant – Development Charges

That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department;

Notice to Public

PUBLIC CONSULTATION DURING OFFICE CLOSURE: Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Written submissions on an Application shall only be received until **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be mailed and/or emailed to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting at vaughan.ca/LiveCouncil. To make an electronic deputation, residents must contact the Committee of Adjustment no later than **noon** on the last business prior to the day of the scheduled hearing (see above for contact details).

Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings may be audio/video recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

PUBLIC RECORD: Personal information is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Local Planning Appeal Tribunal (LPAT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

For further information please contact the City of Vaughan, Committee of Adjustment

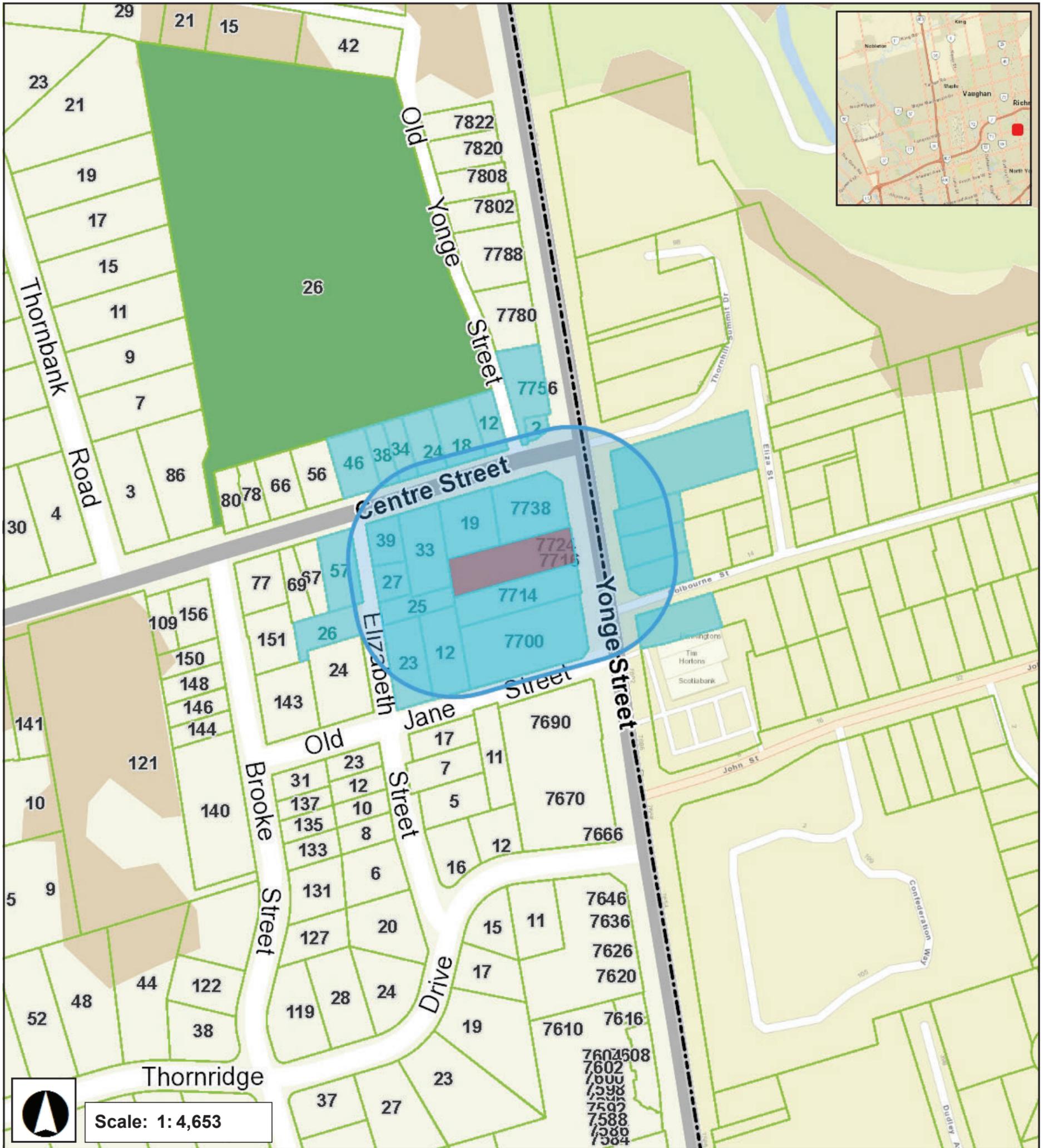
T 905 832 8585 Extension 8002
E CofA@vaughan.ca

Schedule A: Plans & Sketches

Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

**Location Map
Sketches**

7718 YONGE STREET, VAUGHAN



A020/20

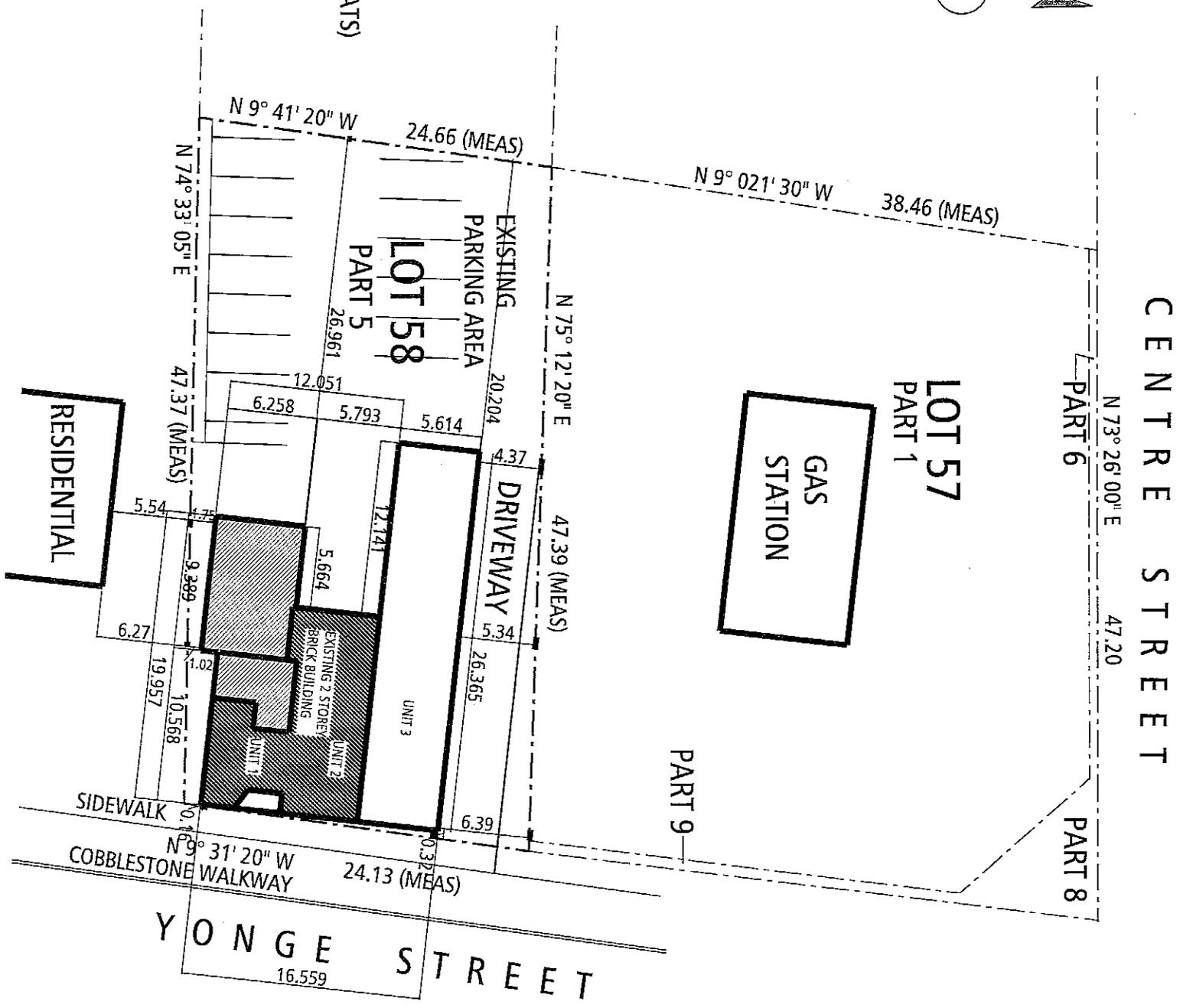
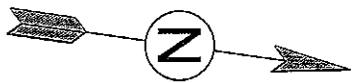
Permit GFA of 32.7% (110.52m²) for an eating establishment in a multi-unit building

LOT 58
PLAN 65R-18690
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK

SURVEY INFORMATION DERIVED FROM
SEXTON MCKAY LIMITED
ONTARIO LAND SURVEYORS
1996

ZONING: C1
BUILDING AREA - 341.13 m² GROUND FLOOR
NO. OF STOREYS - 2
BUILDING CLASSIFICATION -
MAIN FLOOR CLASS E (MERCANTILE)-
UNITS 1 & 2 (BAKERY/RESTAURANT LESS THAN 30 SEATS)
UNIT 3 RETAIL

SITE PLAN
SCALE: 1:400



02-1-3-0100 LAND USE VARIANCE
02-17-2-0100 PERMIT REVIEW
02-17-2-0100 CONSENTED DEVELOPMENT
02-17-2-0100 CONSENTED DEVELOPMENT

unity DESIGN

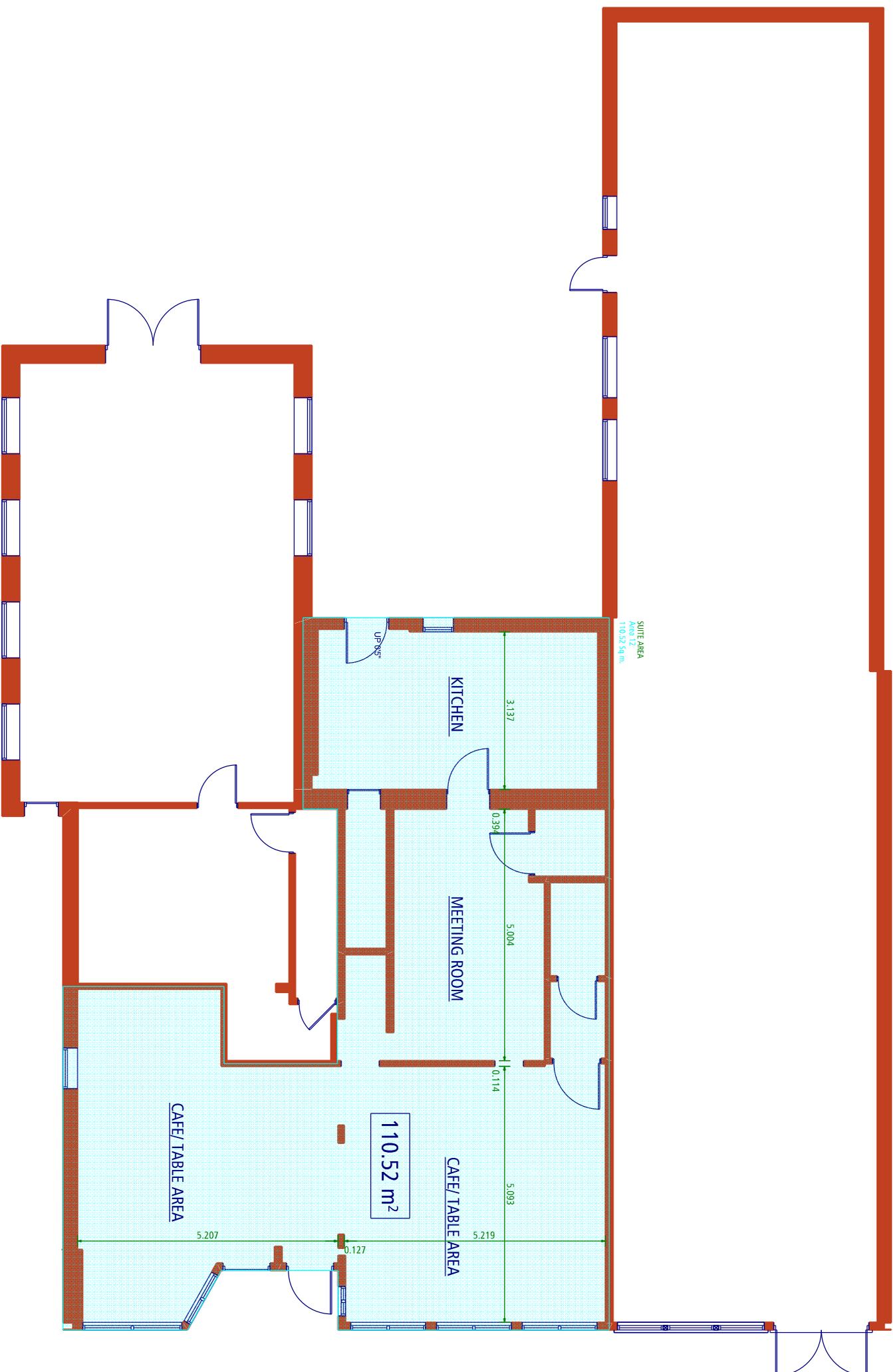
LOUIS SIMENZI 2585 HARTWELL DR
11400 7TH ST S
MISSISSAUGA, ONTARIO L4X 1L3
416-291-8888
www.unitydesign.com

PROJECT:
VEGAN DANISH BAKERY
7718 YONGE ST
THORNHILL, ON

DRAWING: GENERAL
DATE: MARCH 2019
SCALE: AS SHOWN

SP-1

TOTAL MAIN FLOOR AREA
338.03 sq m.



SUITE AREA VS TOTAL MAIN FLOOR AREA

SCALE: 1:100

SUITE AREA: $\frac{110.52 \text{ m}^2}{338.03 \text{ m}^2} = 32.695\%$ OR 32.7%
TOTAL MAIN FLOOR AREA: $\frac{338.03 \text{ m}^2}{338.03 \text{ m}^2}$

Schedule B: Public Correspondence Received

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum.

None

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum.

Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections



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COMMENTS:

- We have reviewed the proposed Variance Application and have no comments or objections to its approval.
- We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).
- We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

Mr. Tony D'Onofrio
Supervisor, Subdivisions (Alectra East)
Phone: 1-877-963-6900 ext. 24419

E-mail: stephen.cranley@alectrautilities.com

Email: tony.donofrio@alectrautilities.com

Attwala, Pravina

Subject: FW: A020/20 - REQUEST FOR COMMENTS

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

Sent: March-19-20 3:52 PM

To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>; 'lenore.proviaence@vaughan.ca' <lenore.proviaence@vaughan.ca>; MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>

Subject: [External] RE: A020/20 - REQUEST FOR COMMENTS

Good afternoon Adriana,

The Regional Municipality of York has completed its review of the above minor variance and has no comment.

Regards,

Gabrielle

Gabrielle Hurst, MCIP,RPP
Community Planning and Development Services
Regional Municipality of York
gabrielle.hurst@york.ca
www.york.ca