

MacPherson, Adriana

Subject: FW: A012/19 - Addendum

From: Aleksandra Babic <[REDACTED]>

Sent: Tuesday, June 9, 2020 10:42 AM

To: Vigneault, Christine <Christine.Vigneault@vaughan.ca>

Cc: [REDACTED]

Subject: [External] Re: Committee of Adjustment Agenda & Staff Reports - June 11, 2020

Hello Christine,

I hope you are doing well.

We would like below note to be included into materials for the upcoming hearing - would you be able to assist with that.

Thank you,
Aleksandra

166 Woodbridge Avenue - Application A012/20

We have reviewed further public submissions and wish to provide a short response. The additional public comments opposing the proposed use are generally similar, expressing concern regarding noise, odour, traffic and parking. We provided our initial response to the Committee in our email on May 27, 2020.

We have these additional observations based on the new public submissions that appear to be summarized on behalf of the Condominium Corporation and the general public in the letter submitted by Mr. Evan Holt. Our response is as follows:

1. The proposed use is an unfortunate victim of zoning definitions. If there is another use definition that would more accurately reflect the intended use of a cafe (as detailed extensively in the covering letter filed with the application - coffee, chocolates and ice cream) we would have sought that instead of an eating establishment. The City's Zoning Examiner made the determination that the selling of coffee, chocolates and ice cream are deemed to be an eating establishment. There are no cooking facilities necessary for this purpose and none are proposed.
2. In respect of parking, there are 36 spaces that are available to the site as detailed in the covering letter. This has been approved through the planning process, including the establishment of easement rights for the access of the parking spaces. These parking spaces are more than sufficient to meet the needs of the proposed use. As provided in the covering letter, Unit "A" is approximately 600 square feet generating the most upwards to 10 parking spaces at its maximum zoning requirement (and as little as 3 parking spaces). This fact strongly suggests that there is no parking deficiency. As the Committee is also aware, there

is no parking variance sought with this proposal. Further, Planning Staff have provided their comments on this application without raising any concerns with parking or any other elements of the application. On this basis, we do not agree there is a need to do a traffic or parking study. The underlying zoning parking standards can be met.

We wish to also take this opportunity to correct an error in our covering letter when we quoted from Exception Number 9(1201) as it deals with parking is Section (a). Exception Number 9(1201) provides as follows:

(a) a minimum of 106 parking spaces shall be required, of which 36 parking spaces shall be located on the adjacent lands shown as "Other Lands Owned by the Applicant" (Market Lane) on Schedule "E"-327".

To reiterate, the property has legal access to 36 parking spaces as provided for in the above Exception.

3. In respect of noise and odour, since there is no food preparation on the premises, we fail to see how that can be a concern. It is very common to have retail/commercial activities on the ground level, including eating establishments, in mixed use buildings. There are no minimum separation distances that we are aware between those commercial uses and the residential units above them.

We also note the comments by Planning Staff:

"The property is designated "Low-Rise Mixed-Use" within the Woodbridge Centre Secondary Plan of Vaughan Official Plan 2010 (VOP 2010, Section 11.11, Volume 2), which permits restaurants provided that they are located at grade level. The proposed eating establishment is located on the ground floor of the existing building. The proposed eating establishment use conforms to VOP 2010 and the City's draft comprehensive zoning by-law, which is intended to implement the policies of VOP 2010.

Accordingly, the Development Planning Department has no objection to permitting an eating establishment within Unit A as the proposed GFA is within the permitted maximum GFA of 700 m², no additional parking is required, and the existing zoning permits a variety of other commercial uses on the ground floor. An eating establishment at grade level will activate the street and would be compatible with the broad range and mix of commercial uses currently existing along Woodbridge Avenue.

The Development Planning Department is 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.

4. In respect of loading (coffee, chocolates and ice cream products) will not be delivered by trucks. Given the scale of the relatively small scale of the operation, these products will be brought to the facility by the operator in their personal vehicles.

5. In terms of some of the proposed conditions of approval suggested by Mr. Holt, we can agree to some, but not all as some of the conditions are outside the jurisdiction of the Committee (for example, occupancy is established by the Health and Fire Departments through their regulatory provisions).

Nevertheless, should the Committee deemed it appropriate to approve this application, and in the spirit of addressing neighbour concerns, the Committee wish to include the following conditions in its decision:

- (a) That the approval for Unit "A" is subject to a maximum GFA of 55.74 m² as shown on the sketch provided;
- (b) That the approval expires within 5-years of the date of the decision; and,
- (c) That there will be no selling or serving of alcohol.

We trust that this response will assist the Committee.

Thank you.
