

C105
COMMUNICATION
COUNCIL – October 20, 2021
CW (2)- Report No. 46, Item 9

From: [Assunta Ferrante](mailto:Assunta.Ferrante@vaughan.ca)
To: [Adelina Bellisario](mailto:Adelina.Bellisario@vaughan.ca)
Subject: FW: [External] Marketlane Holding Inc. City of Vaughan Comprehensive Zoning By-Law Submission Item 9 Committee of the Whole October 13, 2021
Date: October-13-21 11:45:03 AM
Attachments: [Marketlane Holdings Inc. Vaughan CZBL Committee of the Whole Submission.October 12, 2021.pdf](#)

From: Clerks@vaughan.ca <Clerks@vaughan.ca>
Sent: Tuesday, October 12, 2021 2:01 PM
To: Assunta Ferrante <Assunta.Ferrante@vaughan.ca>
Subject: FW: [External] Marketlane Holding Inc. City of Vaughan Comprehensive Zoning By-Law Submission Item 9 Committee of the Whole October 13, 2021

From: Christopher Cerone <[REDACTED]>
Sent: Tuesday, October 12, 2021 1:56 PM
To: Clerks@vaughan.ca
Cc: Todd Coles <Todd.Coles@vaughan.ca>; Brandon Correia <Brandon.Correia@vaughan.ca>
Subject: [External] Marketlane Holding Inc. City of Vaughan Comprehensive Zoning By-Law Submission Item 9 Committee of the Whole October 13, 2021

Kindly find attached hereto our written submission regarding the City of Vaughan Comprehensive Zoning By-Law which will be considered at the committee of the whole meeting as Item 9 on the agenda.

Please confirm your receipt of the same and that such communication will be included.

Thank you.

Sincerely,

Marketlane Property Management

Per:

Christopher Cerone

B.A, LL.B

C: [REDACTED] | O: [REDACTED]

E: [REDACTED]

[REDACTED] Woodbridge Avenue, [REDACTED]

Woodbridge, On [REDACTED]



DELIVERED VIA EMAIL CLERKS@VAUGHAN.CA

October 12, 2021

Clerks Department
City of Vaughan
2141 Major Mackenzie Drive.
Vaughan, On L6A 1T1

Dear Mr. Coles;

RE: VAUGHAN COMPREHENSIVE ZONING BY-LAW FINAL DRAFT – MARKETLANE HOLDINGS INC. COMMENTS

Marketlane Holdings Inc. is the owner of Marketlane Shopping Centre (“Marketlane”) located at 140 Woodbridge Avenue in the heart of downtown Woodbridge. Marketlane is a 70,000 square foot neighbourhood shopping centre which caters to the residents who live within the local area. We wish to provide the following correspondence on the Final Draft of the proposed Comprehensive Zoning By-Law (CZBL). This letter is to be read together with our correspondence to the Clerk’s office submitted on February 1, 2021 and attached hereto as Schedule “A”.

After some discussions with planning staff our concerns as they pertain to the CZBL have not been addressed and in some respects have provided for more stringent requirements than those provided for in the CZBL.

“SHOPPING CENTRE” IS NOT INCLUDED WITHIN THE “MAIN STREET MIXED USE – WOODBRIDGE ZONE (“WMS”)

Marketlane Shopping Centre under by-law 1-88 is designated as C4 Commercial Zone with entitled uses to be carried on within a shopping centre. Currently the final draft of the CZBL does not incorporate “Shopping Centre” as a permitted use within the WMS Zone while being provided in multiple other zones. This has significant implications for Marketlane more importantly implications on parking ratios for the property. Marketlane relies heavily on transportation to and from the shopping centre and any reduction in parking requirements would severely impact its viability both in tenant mix and service to the local community.

“OUTDOOR PATIO” – EXCEPTION PROVIDES FOR FURTHER RESTRICTIONS THAN REQUIRED IN THE CZBL

In working with staff an exception was drafted noted as Exception 191. Such exception to the CZBL contained provisions for Outdoor Patio that are more restrictive than the provisions provided for in the CZBL. More specifically the requirement under 14.191.4 Paragraph 2(e) that *“The use of musical instruments, or other mechanical or electrical music equipment, and dancing, theatrical performances or audio-visual presentations, music concerts and shows, shall not be permitted in areas designated for outdoor patio use.”*

Marketlane prides itself on bringing the community together in an effort to unify those who live in the local community and to celebrate local and international accomplishments. Our tenants provide live music in the summer time to their customers. More recently the celebrations of the Euro Cup is a prime example of this unification of the local community. These restrictions placed on our outdoor patios would be a great hinderance to the local community and the atmosphere they have become accustomed to enjoy.

“PHARMACY” IS PERMITTED AS AN ACCESSORY USE AND NOT A STAND ALONE USE

Under the CZBL Pharmacy has been included as an accessory use in the definition of a Clinic as follows, *“Clinic: Means premises used for the examination, diagnosis and/or treatment of outpatients by regulated health professionals, including a massage establishment, as well as accessory uses (Emphasis added) such as associated laboratories, facilities and equipment, drug and optical dispensing to outpatients, and the accessory sales of medical supplies and equipment.”* According to the definition of Clinic a Pharmacy may only operate as an accessory use to a Clinic and not as a stand-alone use. This severely impacts Marketlane in that without a Clinic there would be no Pharmacy as a stand-alone use within the shopping centre.

“PLACE OF ENTERTAINMENT” HAS BEEN REMOVED AS A USE

Under the CZBL Place of Entertainment is not included as a use and is defined as follows, *“Place of Entertainment: Means a building, or part of a building used to provide entertainment, amusement or social and leisure time activities to patrons and may include. Theatre, concert hall, arcade, billiard hall, indoor miniature golf, axe throwing, escape room, bingo hall, bowling alley, paintball, laser tag or similar electronic game, or similar indoor gaming facility.”* As a shopping centre it is unconscionable that this use would not be provided seeing that serving the local community it would be paramount to have entitlements that would allow for social and leisure time activities.

Marketlane Holdings Inc. has made multiple requests on matters identified in this letter and in previous correspondence. It is our opinion that there needs to be further consultation on the above noted matters to ensure concerns have been addressed. Marketlane is committed to working with staff to resolve these outstanding matters prior to the conclusion of the CZBL process.

Please feel free to contact us should you have any questions.

Sincerely,

MARKET LANE HOLDINGS INC.

Per:


Rocco Cerone
President

cc: Todd Coles, City Clerk, City of Vaughan
cc: Brandon Correia, Manager Special Projects, City of Vaughan

SCHEDULE "A"

February 1st, 2021

HPGI File: 11280

Development Planning

Vaughan City Hall, Level 100

2141 Major Mackenzie Drive

Vaughan, ON, L6A 1T1




Attn: Brandon Correia, Manager, Special Projects

Re: Third Draft Comprehensive Zoning By-law Review

112-116, 124 -140 & 166 Woodbridge Avenue (the "Subject Lands")

Part of Lot 7, Concession 7 - Market Lane Holdings Inc.

Humphries Planning Group Inc. (HPGI) represents Market Lane Holdings Inc., owner of the lands located at 112-116, 124-140 and 166 Woodbridge Avenue, City of Vaughan and legally described as Part of Lot 7, Concession 7, City of Vaughan, Region of York. The Third Draft of the City of Vaughan's Comprehensive Zoning By-law was brought forward to Council on October 29, 2020 and HPGI requests herein that the Comprehensive Zoning By-law include site-specific exceptions for the above noted Subject Lands consistent with the existing approved By-law 142-2015 exceptions and the current permitted commercial uses, some of which are proposed for removal compared to Zoning By-law 1-88.

-  124-140 Woodbridge Avenue
-  166 Woodbridge Avenue
-  112-116 Woodbridge Avenue (Building G)

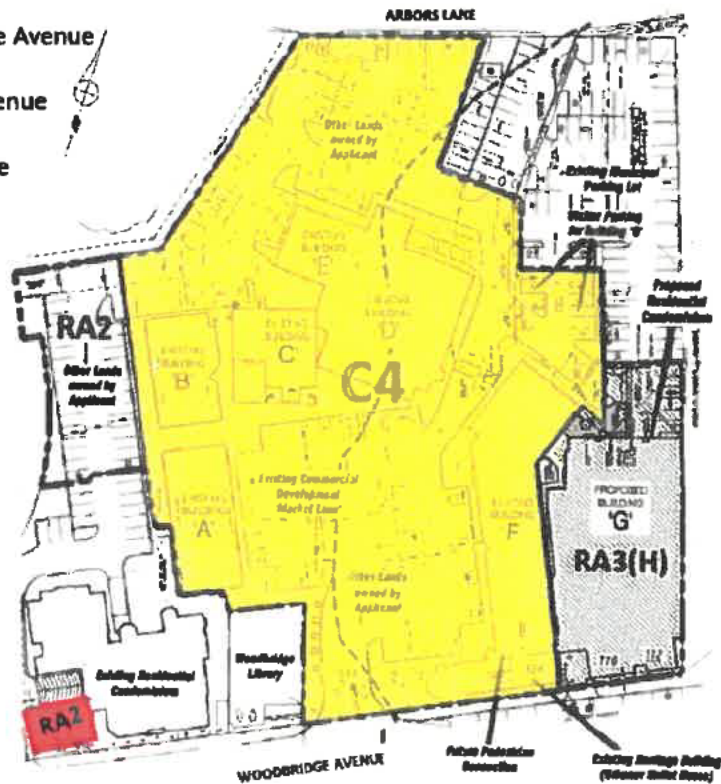


Figure 1 – Map of Subject Lands

190 Pippin Road
Suite A
Vaughan ON
L4K 4X9

T: 905-264-7678
F: 905-264-8073

www.humphriesplanning.com

~ Do Something Good Everyday! ~ STAY SAFE ~

A portion of Subject Lands, specifically 124 -140 Woodbridge Ave., are currently zoned "C4 Commercial Zone" with site-specific exception 9 (348) per By-law 1-88 (highlighted in yellow in Figure 1), whereas the third draft of the City's Comprehensive Zoning By-law identifies the both of these portions of the Subject Lands as "WMS" Zone (Main Street Mixed Use – Woodbridge Zone).

Another portion of the Subject Lands, specifically 166 Woodbridge Ave., is currently zoned "RA2 Apartment Residential" with site-specific exception 9(1201) per By-law 1-88 (highlighted in red in Figure 1), whereas the third draft of the City's Comprehensive Zoning By-law identifies the both of these portions of the Subject Lands as "WMS" Zone (Main Street Mixed Use – Woodbridge Zone).

A further portion of the Subject Lands, specifically 112-116 Woodbridge Ave., are zoned "RA3 Apartment Residential Zone" through site-specific Zoning By-law 142-2015 (shown in grey in Figure 1), whereas the third draft of the City's Comprehensive Zoning By-law identifies the Subject Lands as "WMS" Zone (Main Street Mixed Use – Woodbridge Zone).

Comments on current C4 Zoned Lands

A number of permitted uses have been added and removed from the C4 Zone per By-law 1-88 and the WMS Zone per the Third Draft of the City's Comprehensive Zoning By-law. The following permitted uses in by-law 1-88 under the C4 Zone are no longer permitted in the latest draft of the Comprehensive Zoning By-law, where they were permitted only if the uses were carried on entirely within a shopping centre with no open storage:

- Brewers Retail Outlet;
- LCBO Outlet;
- Pharmacy;
- Photography Studio;
- Place of Entertainment (i.e. theatre, arena, auditorium, bowling alley, ice- or roller-skating rink, billiard hall);
- Shopping Centre;
- Supermarket; and,
- Video Store.

REQUEST: In addition to the shopping centre use permitted in By-law 1-88, we respectfully request that Staff and Council include these uses that are currently permitted on the portion the Subject Lands currently zoned "C4 Commercial Zone" with site-specific exception 9 (348) per By-law 1-88, on a site-specific basis on the updated version of City of Vaughan's Comprehensive Zoning By-law.

Comments on current RA2 Zoned Lands

166 Woodbridge Avenue is identified as "RA2 Apartment Residential Zone" with site specific exceptions per By-law 1-88. Site specific exception 9(1201) states that the ground floor

commercial space shall be permitted, with such commercial area to be restricted to the following commercial uses:

- Business and Professional Office;
- Bank and/or Financial Institution;
- Personal Service Shop; and,
- Retail Stores

REQUEST: In addition to the proposed permitted uses in the WMS Zone, we request that the above noted uses outlined in the current exception 9(1201) and approved minor variance file A012/20 also be included in the zoning for 166 Woodbridge Avenue as part of the City-Wide Comprehensive Zoning By-law Review as a site specific exception for the subject lands.

Comments on current RA3 Zoned Lands

A portion of the Subject Lands are currently zoned "RA3 Apartment Residential Zone" through site-specific Zoning By-law By-law 142-2015, whereas the third draft of the City's Comprehensive Zoning By-law identifies the Subject Lands as "WMS" Zone (Main Street Mixed Use – Woodbridge Zone). Given the new zoning category, it was noted that there are several exceptions that are no longer applicable to the Subject Lands. The site-specific exception changes are outlined in the Table 1 below:

Table 1 – Comparison of site-specific provisions

Exception	By-law 142-2015	2020 Comprehensive ZBL
Parking Space Dimensions	2.6m x 5.7m	2.7m x 5.7m
Minimum Lot Area	30 sq.m/unit	650 sq.m
Minimum interior yard	0m (including landscape strip)	1.8m
Maximum Building Height	21.3m + 0.15m for parapet for a total of 21.45m	11.0m/4-6 storeys
Maximum driveway width	10m	----
Minimum Amenity Area	1560 sq.m	---
Front Yard Setback	1.3m	2.0m
Underground Setback	0m from Woodbridge Avenue	----

Definitions

In addition to the table above, the definition of Lot, Storey and Special Policy Areas have been defined as follows, per By-law 142-2015:

Lot: The Subject Lands shall be deemed to be one lot, with a common element private condominium road, regardless of the number of buildings or structures constructed on the lot, the creation of any new lot or separate units by plan of condominium, part lot control, consent or any other permissions, and any encroachments, easements or

restriction including stratified arrangements shall be deemed to comply with the provision of this by-law.

Storey: Means the portion of the building other than the cellar, basement, unfinished attic or as in the case of a Special Policy Area an area used for non-habitable floor space that is predominantly for parking located on the ground floor only, which lies between the surface of the floor and the surface of the next floor above it, and if there is no floor above it, then the surface next above it, provided its height is not less than 2.3m. Furthermore, as in the case of the subject building, which is in a Special Policy Area no residential dwelling unit or use that creates a risk to life shall be permitted on the (first/ground floor) or below the Regulatory Flood Level.

Special Policy Area: Is a flood plain identified in the Vaughan Official Plan 2010 as an area which has been approved by both the Ministries of Natural Resources and Municipal Affairs and Housing. The following parking requirements shall apply:

- i) A minimum of 84 parking spaces shall be provided, as shown on Schedule "E-1555" of which 14 are set aside for visitor;
- ii) The minimum parking space dimensions shall be 2.6m x 5.7m, and 3.9m x 5.7m for a barrier free parking space;
- iii) Visitor parking and access shall be permitted over the entirety of the Subject Lands including the portion zoned C4 Neighbourhood Commercial Zone through the necessary cross easements registered on title.

We request that Staff include these definitions as part of the Site-Specific Exception.

Parking

By-law 142-2015 includes a site-specific provision for a minimum of 84 parking spaces. These parking spaces are distributed as follows: 70 residential spaces and 14 visitor spaces. A Minor Variance (A251/17) was approved September 14th 2017 to allow for a minimum of 82 spaces. Based on Section 6.3.5 (Parking Requirements) of the Draft Comprehensive Zoning By-law, a site-specific exception will be required to include a minimum of **82 parking spaces**.

Waste Storage

Section 4.24.1 of the Draft Comprehensive Zoning By-law states that "waste storage shall be wholly located within a building" in the WMS Zone, whereas By-law 1-88 makes no mention of waste storage within wholly enclosed buildings. We request that the site-specific exception to the Draft By-law remove this provision. The current site plan has been approved for outdoor storage.

Outdoor Patios

Section 5.1.6c) of By-law 1-88 states that "*an outdoor patio shall not be permitted in any yard located between the building containing the main eating establishment and any Residential Zone*", whereas Section 5.12.4 of the Comprehensive Zoning By-law states "*an outdoor patio located at grade and with direct access from the first storey of a building shall be located a*

minimum distance of 30.0m from any lot line abutting a Residential Zone, Open Space Zone or Institutional Zone.”

Additionally, Section 5.12.5 of the Comprehensive By-law states that *“An outdoor patio located above the first storey of a building shall be located a minimum distance of 40.0m from any lot line abutting a Residential Zone, Open Space Zone or Institutional Zone”.*

We request that the site-specific exception within the Draft Comprehensive Zoning By-law state that *“an outdoor patio shall not be permitted in any yard located between the building containing the main eating establishment and any Residential Zone”* in order to stay consistent with the standards of Zoning By-law 1-88.

Seasonal Outdoor Display Area

Section 5.19 of the Third Draft of the Comprehensive Zoning By-law Review states that *“a seasonal outdoor display area shall not be permitted for more than 120 days cumulatively within any single calendar year”.* We request that this provision be removed from the site-specific exception as by-law 1-88 does not specify the timeframe for seasonal outdoor display areas.

Minor Variance Approval – A251/17

Additionally, a minor variance was approved in 2017 to allow for the following variances:

- 1) To permit a minimum front yard setback of 1.1 metres to the structure;
- 2) To permit a minimum of 82 parking spaces;
- 3) To permit parking space sizes of 2.6m x 5.36m and two spaces at 2.6m x 5.6m as shown on the Notice of Decision attachments;
- 4) To permit an interior garage dimension of 5.2m x 5.6m; and
- 5) To permit the hot tub to be located on the roof top patio.

We request that all approved variances be included as part of the site-specific exception. Alternatively, we request that Planning staff prepare a memorandum stating that the minor variance approvals will not be affected through the Draft Comprehensive Zoning By-law Review.

The following materials have been attached to support the proposed zoning designation category change:

- Implementing Zoning By-law By-law 142-2015; and,
- Minor Variance Notice of Decision, dated September 14, 2017.

REQUEST: We respectfully request that Staff and Council consider including the existing site-specific exceptions outlined in By-law 142-2015 and detailed above on the portion the Subject Lands currently zoned “RA3 Apartment Residential Zone” per By-law 142-2015 on a site-specific basis on the updated version of City of Vaughan’s Comprehensive Zoning By-law.

Further, we ask to be provided notice regarding the status of the Draft Comprehensive Zoning By-law, including any further public meetings and future Committee of the Whole and Council meetings. Notice can be delivered to the following mailing address:

Humphries Planning Group Inc.
c/o Rosemarie Humphries
190 Pippin Road, Suite A
Vaughan, ON, L4K 4X9

We thank you for your consideration in this matter. If you have any further questions regarding the above information, feel free to contact the undersigned at extension 244.

Yours sincerely,
HUMPHRIES PLANNING GROUP INC.

A handwritten signature in black ink, appearing to be 'Rosemarie Humphries', written over the printed name below.

Rosemarie Humphries, BA, MCIP, RPP
President

cc: Market Lane Holdings Inc.
City Clerk, City of Vaughan