

COMMITTEE OF THE WHOLE DECEMBER 9, 2002

**ZONING BYLAW AMENDMENT FILE Z.02.035
BEATRICE CARUSI
REPORT #P.2002.68**

Recommendation

The Commissioner of Planning recommends:

That Zoning By-law Amendment File Z.02.035 (Beatrice Carusi) to permit a Personal Service Shop use in the EM2 Zone, BE REFUSED.

Purpose

On April 26, 2002, the Owner submitted an application to amend the Zoning By-law to permit a Personal Service Shop use in the EM2 General Employment Area Zone. The proposed zoning exception would facilitate a hair/esthetics/tanning salon in Unit #9 (179.11m²) of the condominium building.

Background - Analysis and Options

The site is located southeast of Regional Road 7 and Martin Grove Road, being Lots 10 and 11 on Registered Plan 65M-2464 (120 Woodstream Boulevard), specifically Unit #9 of York Region Condominium Corporation No. 634, in Lot 5, Concession 8, City of Vaughan.

The site is designated "Employment Area General" by OPA 450 and zoned EM2 General Employment Area Zone by By-law 1-88. The surrounding land uses are:

- North - service commercial (C7 Service Commercial Zone)
- South - Woodstream Boulevard; employment (EM2 General Employment Area Zone)
- East - Woodstream Boulevard; employment (EM1 Prestige Employment Area Zone)
- West - employment (EM2 General Employment Area Zone)

The application was held in abeyance pending completion of a general review of the City's zoning by-law to add Personal Service Shop uses as a permitted use in appropriate Employment Area Zones. The study was completed in August 26, 2002 and implemented by By-law 292-2002, with the result that the proposed use would not be permitted in the EM2 Zone. Notwithstanding the results, the applicant requested that the application be processed.

On September 27, 2002, a notice of public hearing was circulated to all property owners within 120m of the subject lands and to the West Woodbridge Homeowner's Association. To date, no comments have been received. The recommendation of the Committee of the Whole at the Public Hearing on October 21, 2002, to receive the public hearing and forward a comprehensive report to a future Committee meeting, was ratified by Council on October 28, 2002.

Official Plan

The site is designated "Employment Area General" by OPA 450, which permits a broad range of industrial, office, business and civic uses, including outside storage, within the interior of Employment Areas. The proposed use would conform to the Official Plan.

Zoning

The site is zoned EM2 General Employment Area Zone by By-law 1-88. The EM2 Zone does not permit the proposed personal service shop use, and would require an exception to the by-law.

The applicant is currently operating a massage/spa aromatherapy use in Unit 9, which is not permitted at this location. On September 19, 2002, the applicant deleted this use from the zoning application, when Staff advised that the use could not be supported, given the strict locational requirements established for body-rub parlours in By-law 31-99.

On June 18, 2002, the Building Standards Department issued an Order to Comply under the Building Code Act, which is still outstanding, for interior alterations made to the unit with respect to the erection of partitions, installation of plumbing systems, and the alteration/installation of a heating and air conditioning system, without first obtaining a building permit. Notwithstanding the outcome of the zoning application, the applicant will be required to obtain a building permit to bring the subject unit into compliance with the Building Code.

Personal Service Shop Study - Employment Areas

On November 12, 2001, Council resolved to consider a City-wide zoning amendment to add a Personal Service Shop as a permitted use in appropriate Employment Area Zones, given the number of zoning amendment applications being received for this purpose. The study considered acceptable employment zones and standards to add this use, which would not cause any negative impacts to permitted employment uses. A "Personal Service Shop" is defined in By-law 1-88 as follows:

Service Shop, Personal - Means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and includes a barber's shop, hairdressing establishment, shoe shine shop and other similar services, but does not include a body rub parlour.

The study considered placing limitations on personal service shop uses to maintain the employment character of buildings and to ensure that each site functions properly in terms of parking availability. Personal service shops rely on good exposure and easy accessibility, which is conducive to the EM1 Zone along arterial roads, and in the currently permitted C7 Service Commercial Zone, whereas the EM2 Zone is located within the interior of employment areas and does not have good street exposure. The study also indicated that personal service shops are not compatible with EM2 Zone uses, which includes heavier manufacturing, factory, autobody and service repair shop uses, due to noise, dust, possible fumes and potential visible impacts associated with outside storage. The study also indicated that personal service shops typically generate more parking than employment uses, and have a higher parking standard (6 spaces/100m²) than employment uses (2 spaces/100m²).

Through the study, the Economic and Technology Development Department commented (in part):

"The City is seeking to encourage higher value land uses and higher quality buildings in our employment areas. Allowing these uses erodes the character of our employment area and opens the door to other lower value land uses.

Potential investors as well as existing businesses have expressed a wish for our employment areas to have a more homogenous nature focusing on the industrial, manufacturing, and warehouse and distribution functions. Many investors have relocated to Vaughan to escape the mixed industrial and service commercial neighbourhoods in Toronto. They felt the lack of a corporate or cohesive feel in their former neighbourhoods to be a negative impact on property value, business image and operations."

On August 26, 2002, Council approved the Staff recommendation to permit a Personal Service Shop use, restricted to one per multi-unit building, to a maximum of 185m², within the EM1 Prestige Employment Area Zone only. This resolution was implemented through the enactment of By-law 292-2002 on September 23, 2002, which is in full force and effect. The implementing by-law does not include the proposed personal service shop use in the EM2 Zone as a permitted use.

Compatibility

The site is developed with a two-storey, 24-unit, 4,535.28m² industrial building, containing employment, office and café uses. The uses surrounding the subject lands to the south and east, are occupied by a mix of employment, office and banquet hall uses. Two service commercial sites are located to the north and northeast of the site and would permit a personal service shop as-of-right.

The subject unit is located within the interior of an employment area in the EM2 Zone. The planning rationale and recommendations contained in the City's recently completed Personal Service Shop Study, as outlined earlier in this report, would not support the proposed use in this location. Personal service shops (hair, esthetics, tanning salon) rely on good street exposure and easy accessibility, which the subject location does not provide. These uses are more appropriate along arterial roads where they are permitted as-of-right in commercial zones (C1 to C5, C9 and C10), and within the Employment Area in the C7 Zone and EM1 Zone restricted to one per multi-unit building. The higher parking standard of 6 spaces/100m² GFA for personal service shop uses also results in a parking deficiency, as described later in this report. In order to maintain the integrity of the Employment Area, a personal service shop use is not considered compatible to surrounding uses.

Parking

The site parking was originally based on the standards of By-law 247-86, which pre-dated By-law 1-88, and required a minimum of 86 spaces to be provided, as follows:

Industrial (4060.917 at 1.5/100m ²)	61 spaces
10% Accessory Retail (451.213 at 5.5/100m ²)	<u>25 spaces</u>
Parking Required:	86 spaces
Parking Provided:	96 spaces

Based on the current standard of 6 spaces/100m² GFA for a personal service shop, and the decrease in the current parking provided on site, the parking calculation would be as follows:

Industrial (3899.718 @ 1.5/100m ²)	59 spaces
10% Accessory Retail (433.302 @ 5.5/100m ²)	24 spaces
Personal Service Shop (179.11 @ 6.0/100m ²)	<u>11 spaces</u>
Parking Required:	94 spaces
Parking Provided:	89 spaces

Based on this parking calculation, the site would be deficient 5 parking spaces or 5.3%, with the addition of the proposed use.

Conclusion

Staff have reviewed the proposed zoning amendment application in accordance with the City's recent comprehensive zoning review of personal service shops and the implementing By-law 292-2002, as well as the uses and character of the surrounding area. Staff are of the opinion that the proposed personal service shop (hair, esthetics, tanning salon) is not appropriate at the subject location.

Accordingly, Staff cannot support the zoning amendment application to permit a personal service shop use in Unit #9, and recommends that this application be refused. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

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Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

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Location Map

Part of Lot 5,
Concession 8

APPLICANT:
BEATRICE CARUSI



Community Planning Department

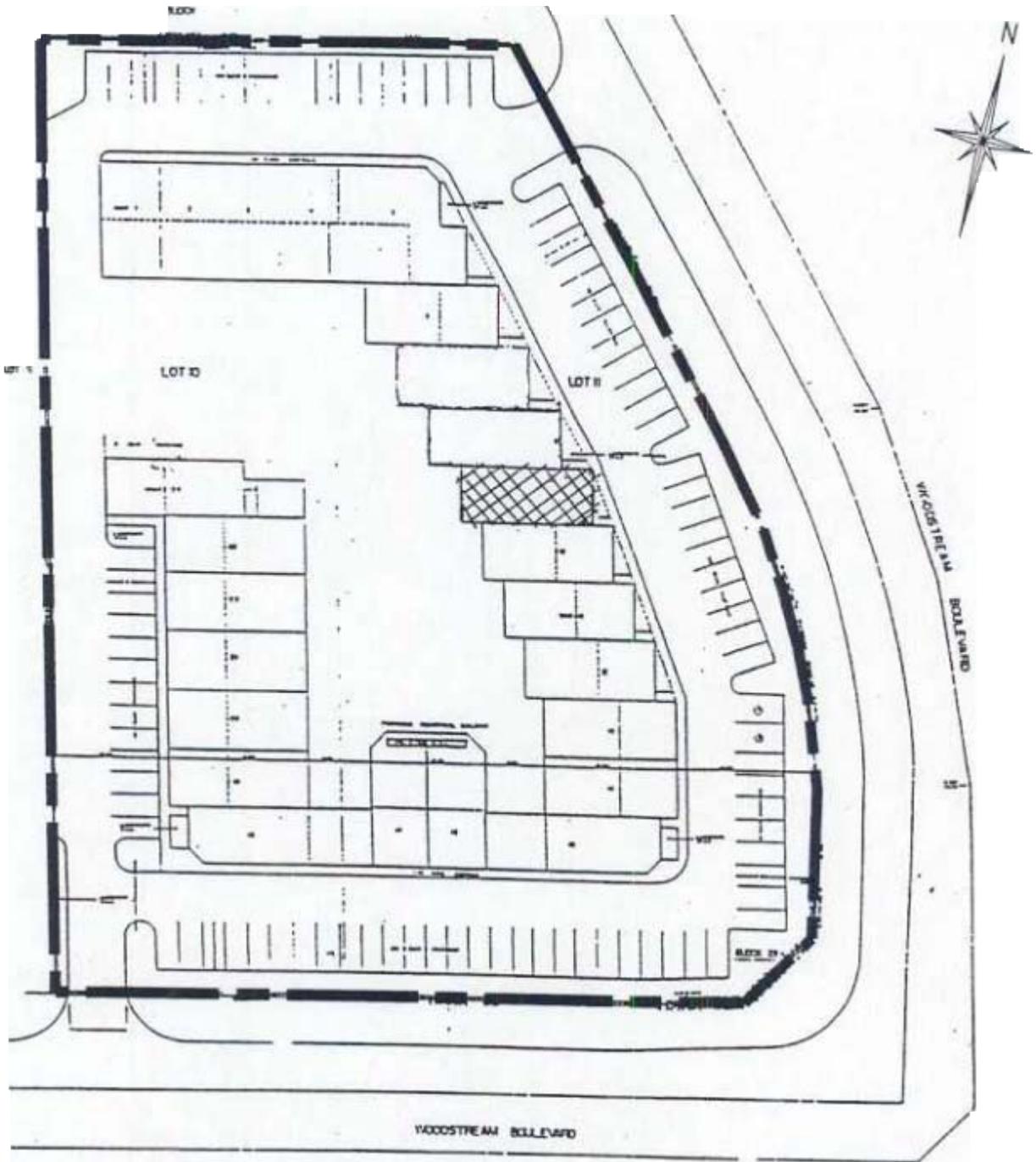
Attachment

FILE No.:
Z.02.035

September 19, 2002

Not to Scale

1



— ■ — ■ — ■ SUBJECT LANDS

Site Plan

Part of Lot 5,
Concession 8

APPLICANT:
BEATRICE CARUSI



Community Planning Department

Attachment

FILE No.:
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September 19, 2002

Not to Scale

2