

COMMITTEE OF THE WHOLE JUNE 2, 2009

**ZONING BY-LAW AMENDMENT FILE Z.08.019
KRCMAR PROPERTIES INC.
WARD 4**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.08.019 (Krcmar Properties Inc.) BE APPROVED, specifically to amend the C1 Restricted Commercial Zone of By-law 1-88 as amended by Exception 9(1292) to permit a "Regulated Health Professional" use on the subject lands shown on Attachment #2, and to provide the following additional site-specific zoning exceptions to recognize the existing as-built site conditions shown on Attachment #3:

	By-law Standard	By-law 1-88 Requirements as Amended by Exception 9(1292)	Proposed Exceptions to C1 Zone of By-law 1-88 as Amended by Exception 9(1292)
a.	Minimum width of a landscape buffer where a Commercial Zone abuts a Residential Zone (east)	2.4m	2.36m
b.	Minimum width of landscape strip along a lot line which abuts a street line (Centre Street)	1.04m to 6.0m	0.0m to 6.0m
c.	Use of required landscaped area abutting a street line	A strip of land shall be provided along a lot line which abuts a street line, and shall be used for no purpose other than landscaping.	Permit stairs in the strip of land along a lot line which abuts a street line.
d.	Minimum interior side yard setback to an accessory building (east)	3.55m	3.46m
e.	Minimum number of parking spaces required	Minimum 55 spaces based on Business or Professional Office uses only (ie. no Regulated Health Professional)	Propose a ratio for a Business or Professional Office use of: 3.2 spaces/100m ² of GFA and,

	By-law Standard	By-law 1-88 Requirements as Amended by Exception 9(1292)	Proposed Exceptions to C1 Zone of By-law 1-88 as Amended by Exception 9(1292)
			Regulated Health Professional use of: 5.0 parking spaces/practitioner, or the (new) parking standard identified in the City's Comprehensive Zoning By-law, whichever is lesser
f	Regulated Health Professional Use	Not Permitted	Permit a Regulated Health Professional Use

2. THAT the implementing Zoning By-law include the following site-specific definition for a "Regulated Health Professional":

"Means a person registered under the Regulated Health Professions Act, S.O. 1991, C.18, or as a drugless practitioner under the Drugless Practitioners Act, R.S.O. 1990, C.D.18 including: Audiologists, Chiropractors, Chiropractors, Dental Hygienists, Dental Technologists, Denturists, Dentists, Dieticians, Midwives, Naturopaths, Nurses, Occupational Therapists, Opticians, Optometrists, Physicians, Physiotherapists, Podiatrists, Psychologists, Respiratory Therapists, and Speech Language Pathologists."

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

On April 11, 2008, a Notice of Public meeting was circulated to all property owners within 120m of the subject lands, and to the Brownridge Ratepayers Association. At the May 5, 2008 Public Meeting, area residents expressed concerns with respect to the proposed Regulated Health Professional use, as discussed later in this report.

On May 21, 2009, the Development Planning Department notified those individuals requesting notice of the subject Committee of the Whole meeting, by way of mail. Those notified included all homeowners on Parsons Place, and the six homeowners that back onto the subject lands on Thornway Avenue to the east.

Purpose

The Owner has submitted a Zoning By-law Amendment Application on the subject lands shown on Attachment #2, specifically to amend the C1 Restricted Commercial Zone requirements of By-law 1-88, as amended by Exception 9(1292), to permit a "Regulated Health Professional" use within the existing 3-storey business or professional office building shown on Attachment #3, and to provide additional site-specific zoning exceptions to recognize the existing as-built site conditions.

Background - Analysis and Options

The subject lands shown on Attachments #1 and #2, are located east of Dufferin Street, on the south side of Centre Street and north side of Parsons Place, municipally known as 1137 Centre Street, in Part of Lot 5, Concession 2, City of Vaughan. The surrounding land uses are shown on Attachment #2.

A three-storey office building (1,712.76m²) has been recently constructed on the subject lands as shown on Attachment #3, and most of the site works have been completed. This development was originally reviewed through Zoning By-law Amendment and Site Development Files Z.03.104 and DA.03.080, respectively, which proposed to rezone the subject lands from A Agricultural Zone to C1 Restricted Commercial Zone and to facilitate the 3-storey office building. These files were appealed by the Applicant and were subject to an Ontario Municipal Board Hearing that resulted in a Business or Professional Office use being approved on the subject lands on July 10, 2007, which specifically excluded a Regulated Health Professional use, given the higher parking standard for this use. The implementing Site Plan Agreement was registered on August 20, 2007.

In 2008, the Owner submitted a Minor Variance Application (File A058/08) to the Vaughan Committee of Adjustment to permit a "Regulated Health Professional" use on the subject lands. On March 13, 2008, the Committee of Adjustment refused the application on the basis that the use was not considered minor in nature, and recommended that this matter proceed by way of a Zoning By-law Amendment application. On April 2, 2008, the applicant appealed the Committee of Adjustment's refusal of File A058/08 to the Ontario Municipal Board. Earlier, on March 25, 2008, the Applicant submitted the subject Zoning By-law Amendment Application (File Z.08.019). To date, the appeal of the Minor Variance Application to the Ontario Municipal Board is still active and pending the disposition of this Zoning By-law Amendment Application (File Z.08.019).

Public Meeting

The following concerns were raised by area residents at the Public Meeting held on May 5, 2008, respecting the subject Zoning By-law Amendment File Z.08.019:

- a) concerns respecting the hours of operation and no 24 hour activity on-site; the residents do not have any issues with a 9:00 am - 5:00 pm operation;
- b) the potential for parking to become an issue if a medical clinic is introduced as a use on the subject lands causing spillover parking onto Parsons Place;
- c) concerns with medical waste in the community and the storage of chemicals and drugs on the site;
- d) the need for the Regulated Health Professional use has not been demonstrated within the area. There are other buildings in the vicinity that are vacant and could facilitate medical practitioners; and,
- e) clarification is required as to whether the intended use is for a medical clinic or a doctor's office.

In April of 2008, the applicant met with the local residents on a number of occasions, in an attempt to address their concerns respecting the proposed Regulated Health Professional use. To address their concerns, the following changes to the approved site plan will be undertaken and/or have been implemented by the applicant:

- a) exterior light posts have been installed and are located behind large trees to minimize the impact on the adjacent lands;

- b) lights and video surveillance are provided in the parking area addressing safety concerns;
- c) additional landscaping has been included within the Parsons Place municipal boulevard;
- d) the landscape berm and the number of coniferous trees planted in the landscape buffer at the rear of the subject lands have been increased and larger caliper trees have been planted to provide residents living along Parsons Place with more privacy;
- e) the Applicant is replacing the originally approved 3' high fence with a 6' high decorative iron fence along Parsons Place; and, will restore and/or recondition the existing wood privacy fence along the east property line, which includes replacing panels and boards;
- f) the external rear walkway leading to the subject lands from the Parsons Place right-of-way and the rear entrance gate to the subject lands have been eliminated. Instead, the Applicant will provide a private walkway from 55 Parsons Place, being the Krcmar residence, directly to 1137 Centre Street to allow for access between the two private properties;
- g) the lower half of the third floor windows located on the east and west elevations have been frosted to address the privacy issues of the abutting residents to the east on Thornway Avenue and to the west on Parsons Place;
- h) sixteen smaller roof-top air conditioners have been provided as opposed to one large unit in an effort to reduce noise and vibration impacts;
- i) the Owner retained Octagon Medical Services Limited, a licensed medical waste disposal service provider, to review and oversee the storage and removal of medical waste from the subject lands;
- j) the Owner will require that employees of the Regulated Health Professional and Business or Professional Office uses, and Krcmar surveyors office, be directed to park their vehicles on the south side of the building towards the rear of the lot after office hours and during the weekends, whereas visitors/patients will be directed to park on the north side of the building adjacent to Centre Street during business hours of operation;
- k) the Owner has agreed to limit hours of operation for the public to 8:00 AM to 9:00 PM on weekdays and 8:00 AM to 1:00 PM on weekends and regulate the site signage through leasing agreements;
- l) the definition of a Regulated Health Professional will exclude the following uses: emergency service medical uses, walk-in medical clinic, massage therapist, medical laboratory technologist, medical laboratory, x-ray or other diagnostic clinic, body rub parlour accessory to a permitted Regulated Health Professional office, veterinarian, animal hospital, public clinic operated by or directly funded by a government agency or non-profit institution, and a pharmacy.

All of the above noted issues, except for the definition of a Regulated Health Professional use are site plan issues that are more appropriately addressed through the Site Development approval process. The Applicant has submitted a Site Development Application, File DA.09.019 (Krcmar Properties Inc.) to amend the existing Site Plan Agreement (which was approved by the Ontario Municipal Board), to address the minor changes to the site as a result of the construction process and the issues noted, which can be reviewed and approved to the satisfaction of the Development Planning Department as a Minor Amendment to the existing Site Plan Agreement.

With respect to controlling the hours of operation noted in "(k)" above, the applicant will be including the identified hours of operation in their lease agreements with their tenants. The Vaughan Development Planning Department will also be including the identified hours in the implementing Site Plan Letter of Undertaking and registering this document on title to ensure such hours are clearly stated, recognized and abided by all occupants of this building (both Owner and Tenants).

Official Plan

The subject lands are designated "General Commercial" by OPA #210 (Thornhill-Vaughan Community Plan), as amended by OPA #256. The proposal conforms to the Official Plan.

Zoning

a) Regulated Health Professional Use

The subject lands are zoned C1 Restricted Commercial Zone by By-law 1-88, subject to site-specific Exception 9(1292). The C1 Restricted Commercial Zone permits a Business or Professional Office use as-of-right, which normally includes a Regulated Health Professional use, as defined in By-law 1-88. However, through the OMB's approval of Zoning By-law Amendment Application Z.03.104 on July 10, 2007, site-specific Exception 9(1292) removed the Regulated Health Professional use as a permitted use within a Business or Professional Office, given the higher parking standard for a Regulated Health Professional Use. As the entire building was going to be used for a surveyors office only, the Regulated Health Professional use was eliminated. Through the recent as-built changes to the site, the number of parking spaces has increased from 55 to 66 spaces.

By-law 1-88 currently defines a "Regulated Health Professional" use as follows:

"Means a person registered under the Regulated Health Professions Act, S.O. 1991, C.18, or as a drugless practitioner under the Drugless Practitioners Act, R.S.O. 1990, C.D. 18 including: Audiologists, Chiropractors, Chiropractors, Dental Hygienists, Dental Technologists, Denturists, Dentists, Dieticians, Massage Therapists, Medical Laboratory Technologists, Medical Radiation Therapists, Midwives, Naturopaths, Nurses, Occupational Therapists, Opticians, Optometrists, Pharmacists, Physicians, Physiotherapists, Podiatrists, Psychologists, Respiratory Therapists, Speech Language Pathologists. A BODY RUB PARLOUR may also be permitted as an accessory use to a REGULATED HEALTH PROFESSIONAL office provided such accessory use does not exceed a maximum of 30% of the total gross floor area of the REGULATED HEALTH PROFESSIONAL office, and provided that the main business access shall only be from an entrance in common with the principal REGULATED HEALTH PROFESSIONAL office."

The Applicant has agreed to a site-specific definition of a Regulated Health Professional use for the subject lands, as follows:

REGULATED HEALTH PROFESSIONAL – Means a person registered under the Regulated Health Professions Act, S.O. 1991, C. 18, or as a drugless practitioner under the Drugless Practitioners Act, R.S.O. 1990, C.D.18 including: Audiologists, Chiropractors, Chiropractors, Dental Hygienists, Dental Technologists, Denturists, Dentists, Dieticians, Midwives, Naturopaths, Nurses, Occupational Therapists, Opticians, Optometrists, Physicians, Physiotherapists, Podiatrists, Psychologists, Respiratory Therapists, and Speech Language Pathologists.

This definition specifically excludes the following list of uses that are permitted within the By-law 1-88 definition for a Regulated Health Professional: Massage Therapists, Medical Laboratory

Technologists, Pharmacists, a Body-Rub Parlour accessory to a permitted Regulated Health Professional, and Medical Radiation Therapists. The proposed site-specific definition will be included in the implementing Zoning By-law, if approved.

b) Zoning Exceptions

In addition, site-specific exceptions are required to recognize the existing site conditions on the subject lands, as follows:

	By-law Standard	By-law 1-88 Requirements, as Amended by Exception 9(1292)	Proposed Exceptions to C1 Zone of By-law 1-88 as Amended by Exception 9(1292)
a.	Minimum width of landscape buffer where a Commercial Zones abuts the boundary of lands zoned Residential (east)	2.4m	2.36m
b.	Minimum width of landscape strip along a lot line which abuts a street line	1.04m to 6.0m	0.0m to 6.0m
c.	Use of required landscaped area abutting a street	A strip of land shall be provided along a lot line which abuts a street line, and shall be used for no purpose other than landscaping.	Permit stairs in the strip of land along a lot line which abuts a street line.
d.	Minimum interior side yard setback to an accessory building (east)	3.55m	3.46m
e.	Minimum number of parking spaces required	Minimum 55 spaces based on Business or Professional Office Uses only (ie. no Regulated Health Professional)	Propose a ratio for a Business or Professional Office use of: 3.2 spaces/100m ² of GFA Regulated Health Professional use of: 5.0 parking spaces/practitioner

The reduction to a very small portion of the landscape strip abutting Centre Street is as a result of paving the area around the man hole that was required for maintenance purposes. The minor reductions to the required 2.4 m wide landscape buffer abutting a Residential Zone (east) and the minimum interior side yard setback to an accessory structure (for survey equipment) along the

east property line (Attachment #3) are a result of a slight reconfiguration of the parking area. The stairs located in the landscape buffer adjacent to Centre Street are required for pedestrian access to the site and address a change in grading. The proposed parking standards are discussed in the following section of this report. The Development Planning Department can support these minor zoning exceptions which do not have a significant impact on the approved site plan.

Parking

Exception 9(1292) to By-law 1-88 requires a minimum of 55 parking spaces for the existing Business or Professional Office building, based on a building size of 1,712.76 m², which equates to a parking ratio of 3.2 spaces/100m² of gross floor area. It is being recommended that the minimum required parking for a Business or Professional Office use be stated as a ratio rather than as "a minimum of 55 parking spaces" as originally approved by the OMB.

With the addition of a Regulated Health Professional use on the subject lands, the parking on site will be calculated based on a combination of the ratios approved for the Business or Professional Office use and the By-law 1-88 parking requirement for the proposed Regulated Health Professional use, as follows:

Business or Professional Office Use - 3.2 spaces/100m² of GFA (proposed ratio to be applied as discussed above)

Regulated Health Professional Use - 5 parking spaces/practitioner (current By-law 1-88 standard to be applied)

Using these ratios for calculating parking will allow for a combination of the permitted uses provided the required number of parking spaces can be supplied. Furthermore, the existing site now accommodates 66 parking spaces, an increase of 11 spaces from the minimum parking requirements under Exception 9(1292), as a result of minor changes to the site plan, including the removal of a dead tree adjacent to Centre Street.

Based on the above-noted parking ratios for a Business or Professional Office and Regulated Health Professional uses, and the 66 space parking supply on the property, the chart below indicates that the 3-storey, 1,712.76m² building is currently occupied with 1,119m² of office uses, requiring 36 parking spaces. There is currently 593.76m² of gross floor area (GFA) remaining in the building to be occupied, and 30 parking spaces remaining to be allocated within the parking lot. If for example, the remaining GFA was to be occupied by Regulated Health Professionals only, based on the remaining parking supply (30 spaces), and the 5 spaces/practitioner ratio, 6 Regulated Health Professionals could operate within the building under today's existing situation.

Total Building GFA		1,712.76m ²		
TENANT	BUSINESS	GFA (m²)	FLOOR	Parking @ 3.2/100m² (office)
Krcmar Surveyors Ltd.	Professional Surveying	394m ²	Ground	
eBase Solutions	Technology	142m ²	Ground	
Mark Feigenbaum	Accountant	156m ²	Second	
Raphael Barristers	Lawyers	427m ²	Second	
Totals		1,119m ²		35.8 spaces (or 36 rounded-up)
Remaining GFA		593.76m ²		30 spaces (available/remaining)
• 30 remaining spaces @ 5 spaces/practitioner = 6 Regulated Health Practitioners (could be permitted to operate in the building under today's existing situation)				

a) Proposed New City Parking Standards

The Policy Planning Department is currently working on new parking standards for all uses in the City's Comprehensive Zoning By-law 1-88, which is expected to be completed in Fall 2009. The subject lands are located on Centre Street between Dufferin Street and Bathurst Street, which is proposed as a "Community-Scale Intensification Area" in the draft parking study. In this location, the required parking for a Regulated Health Professional is currently proposed as a minimum of 3 parking spaces/100m² GFA to a maximum of 4.5 spaces/100m² GFA. The criteria to determine when the minimum or maximum parking standard can be applied is currently being established by the Policy Planning Department.

Based on the above-noted chart, there is currently 593.76m² GFA remaining to be occupied within the building, and 30 parking spaces to be allocated for use. If for example, the proposed new parking standards for a Regulated Health Professional use were to be applied to the remaining GFA, the following is revealed:

$$\begin{aligned} 593.76\text{m}^2 @ 3 \text{ spaces}/100\text{m}^2 \text{ GFA} &= 18 \text{ spaces (12 surplus)} \\ 593.76\text{m}^2 @ 4.5 \text{ spaces}/100\text{m}^2 \text{ GFA} &= 27 \text{ spaces (3 surplus)} \end{aligned}$$

On this basis, the proposed newer standards would result in sufficient on-site parking that is more reflective of today's mixed use intensification policies compared to the existing parking standards derived 21 years ago in 1988 (ie. By-law 1-88). Accordingly, the Recommendation in this report will suggest the application of the current Regulated Health Professional ratio of "5 spaces/practitioner" until the proposed newer standards and criteria (ie. when the minimum and maximum ratios are applicable) are confirmed and approved by Council. The implementing by-law will include wording that will require "a minimum of 5 parking spaces/practitioner, or the parking standard identified in the City's Comprehensive Zoning By-law, whichever is lesser". This will enable the applicant to later utilize the new parking standards when they come into effect.

Although the "Office" parking standard is also proposed to be reduced, and will range between a minimum of 2 spaces/100m² GFA to a maximum of 3 spaces/100m² GFA in the Parking Standards Review Study, Development Planning Staff are not recommending reducing the parking ratio below the 3.2 spaces/100m² GFA identified in this staff report, as it is reflective of the "minimum 55 space requirement" in the OMB's July 2007 decision as discussed earlier.

Planning Considerations

The site is developed with a freestanding 3-storey office building used for Business or Professional Office uses, and having a gross floor area of 1,712.76m² and an accessory building used for the storage of survey equipment. The introduction of a Regulated Health Professional use on the property is appropriate as this use is normally permitted to locate as-of-right in a Business or Professional Office building under the By-law 1-88 definition for a "Business or Professional Office". The original Zoning By-law Amendment Application (File Z.03.104) excluded a Regulated Health Professional use on the property as discussed earlier, given the parking supply of 55 spaces (Attachment #4), and therefore, this use was not permitted. As a result of minor changes to the site plan, the as-built site condition now includes an additional 11 parking spaces for a total of 66 parking spaces (Attachment #3).

The Development Planning Department is of the opinion that the scoped down definition for the proposed Regulated Health Professional use will result in a use that is compatible with the existing uses on the site and in the surrounding area. The site-specific definition for a Regulated Health Professional use has been modified as identified above to respond to the concerns raised by the residents. The Owner has agreed to this modification and the Development Planning Department has no objection to the revised definition. The uses on the property will be conducted entirely within the building and the parking supply will regulate the number of Business or Professional Office and Regulated Health Professional office uses on the site.

As a result of the meetings with the local residents, the Owner will be undertaking a number of modifications to their site to ensure the inclusion of the Regulated Health Professional use does not negatively impact the surrounding area. The modifications noted in this report will be addressed through a minor amendment to the existing Site Plan Agreement, to the satisfaction of the Development Planning Department. The implementing Site Plan Letter of Undertaking will be registered on title, and will include the hours of business operation for the site.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly “Plan & Manage Growth & Economic Vitality”.

Regional Implications

The Region of York has indicated that they have no comments or objections to the proposed addition of a Regulated Health Professional use on the subject lands, as the appropriateness of the use will be determined by the City.

Conclusion

The Zoning By-law Amendment application has been reviewed in accordance with the policies of OPA #210 (Thornhill-Vaughan Community Plan), the requirements of By-law 1-88, the comments received from City Departments, external public agencies, and residents in the surrounding area. The Development Planning Department is satisfied that the proposal to permit a Regulated Health Professional use as defined in this report, on the subject lands, is appropriate and compatible with the existing office uses on the site and in the context of the surrounding area. Also, the proposed exceptions to the by-law to reflect the existing as-built site conditions are minor and can be supported by the Development Planning Department. On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment Application.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan (2009 As-built Condition)
4. Original Site Plan (OMB Approved – July10, 2007)

Report prepared by:

Arminé Hassakourians, Planner, ext. 8368
Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

/CM



SUBJECT LANDS

Context Location Map

Part of Lot 5,
Concession 2

Applicant:
KRCIMAR PROPERTIES INC.
N:\DFT\1 ATTACHMENTS\21.X.08.015a.dwg



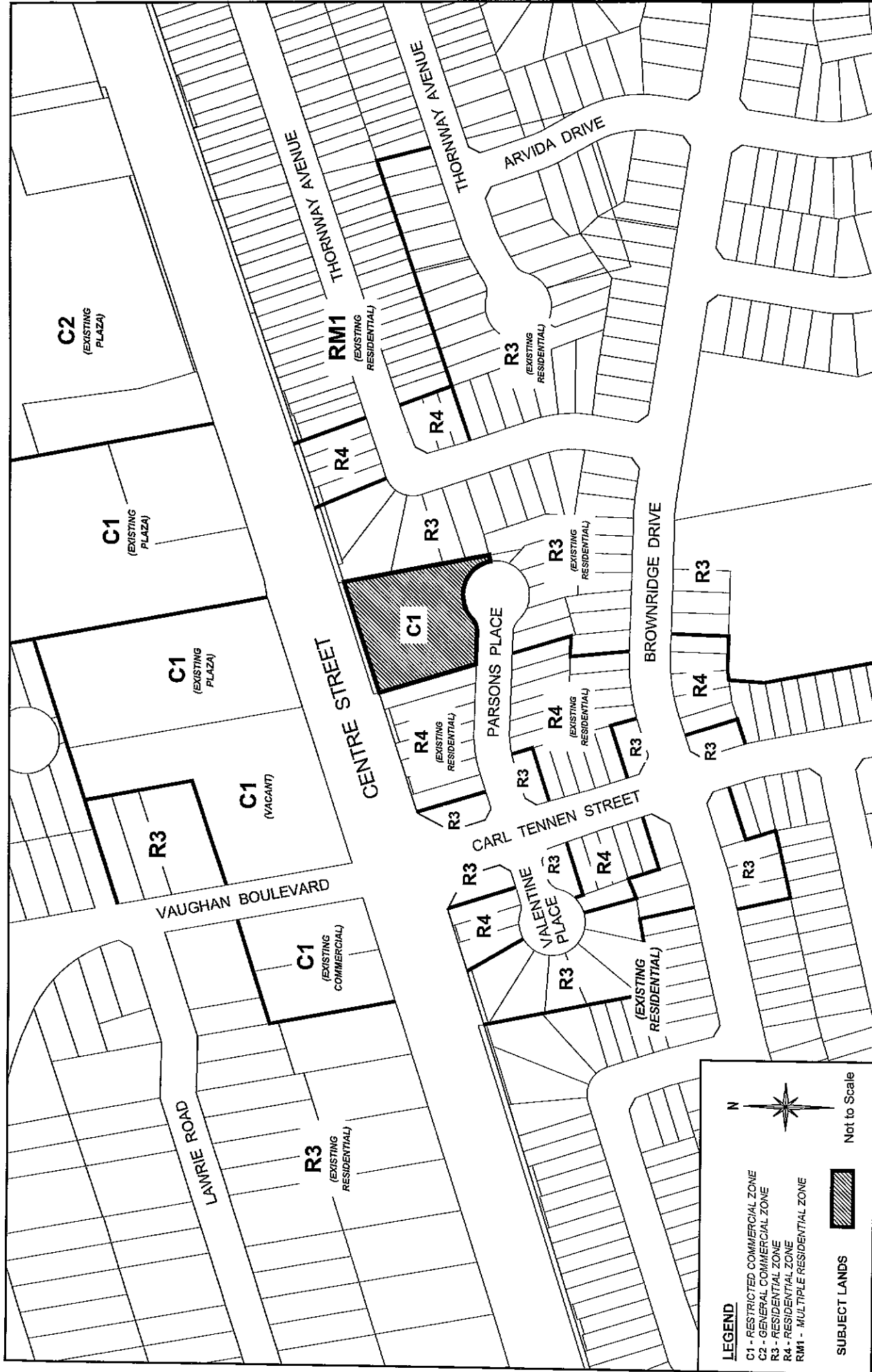
Development Planning Department

Attachment

File: Z.08.019


Date:
May 12, 2009

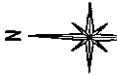
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LEGEND

- C1 - RESTRICTED COMMERCIAL ZONE
- C2 - GENERAL COMMERCIAL ZONE
- R3 - RESIDENTIAL ZONE
- R4 - RESIDENTIAL ZONE
- RM1 - MULTIPLE RESIDENTIAL ZONE

SUBJECT LANDS  Not to Scale

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Location Map

Part of Lot 5,
Concession 2

Applicant:
KRCMAR PROPERTIES INC.
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The City Above Toronto
Development Planning Department

Attachment

File: Z.08.019

Date:
May 12, 2009

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Not to Scale

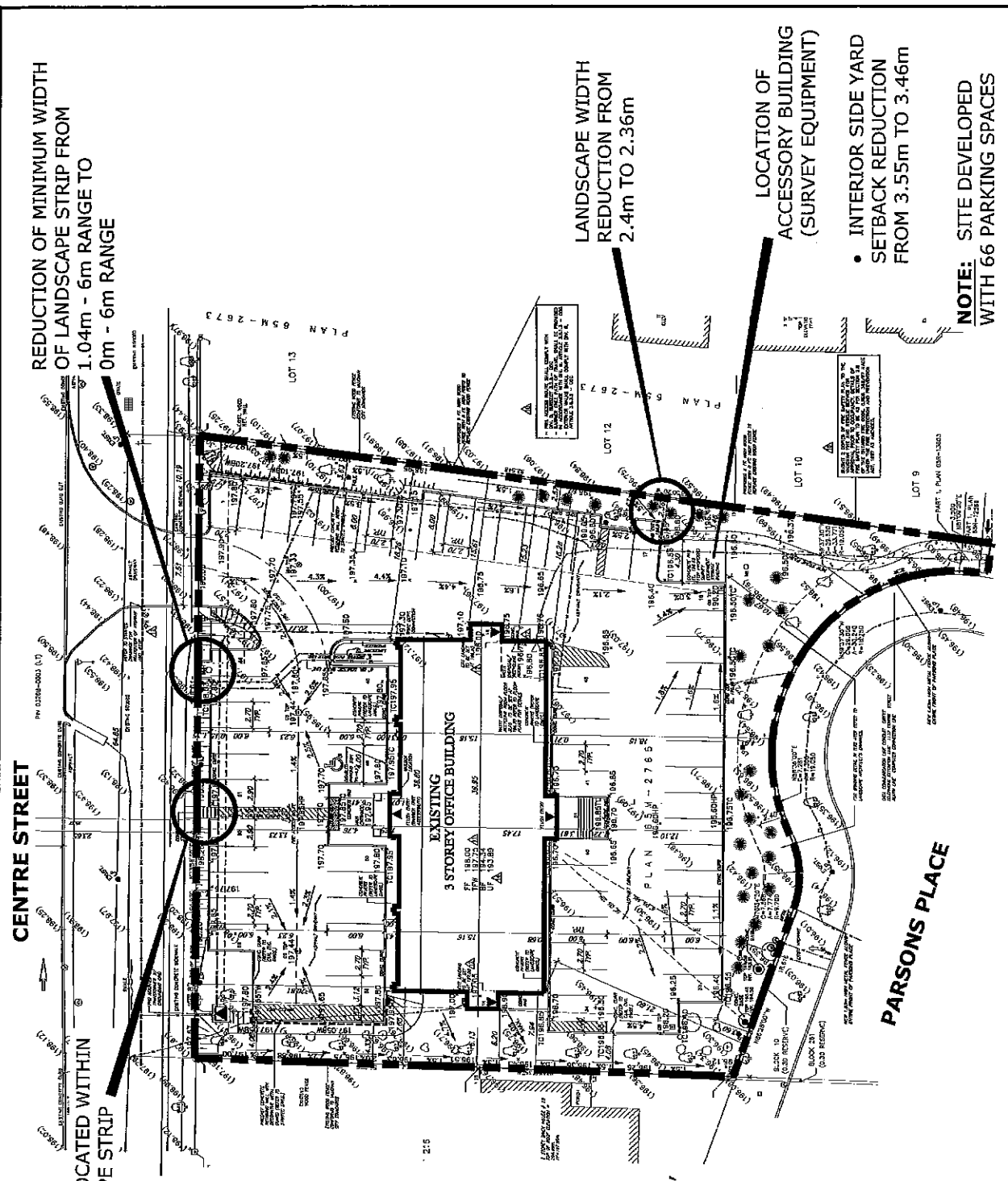
PROPOSAL:

A ZONING BY-LAW AMENDMENT APPLICATION TO :

- a) PERMIT A REGULATED HEALTH PROFESSIONAL USE IN THE EXISTING 3 STOREY OFFICE BUILDING; AND,
- b) TO PERMIT ZONING EXCEPTIONS TO RECOGNIZE THE EXISTING SITE CONDITIONS, INCLUDING THOSE NOTED ON THIS PLAN, AND CHANGING THE MINIMUM PARKING REQUIREMENT FROM 55 SPACES TO THE FOLLOWING RATIOS:

- i) Proposed 3.2 spaces / 100m² GFA for Business or Professional Office use; and,
- ii) Proposed 5 parking spaces / Practitioner.

SUBJECT LANDS



REDUCTION OF MINIMUM WIDTH OF LANDSCAPE STRIP FROM 1.04m - 6m RANGE TO 0m - 6m RANGE

LANDSCAPE WIDTH REDUCTION FROM 2.4m TO 2.36m

LOCATION OF ACCESSORY BUILDING (SURVEY EQUIPMENT)

- INTERIOR SIDE YARD SETBACK REDUCTION FROM 3.55m TO 3.46m

NOTE: SITE DEVELOPED WITH 66 PARKING SPACES

Site Plan (2009)
As-Built Condition)

Applicant:
 KRCMAR PROPERTIES INC.
 Part of Lot 5,
 Concession 2

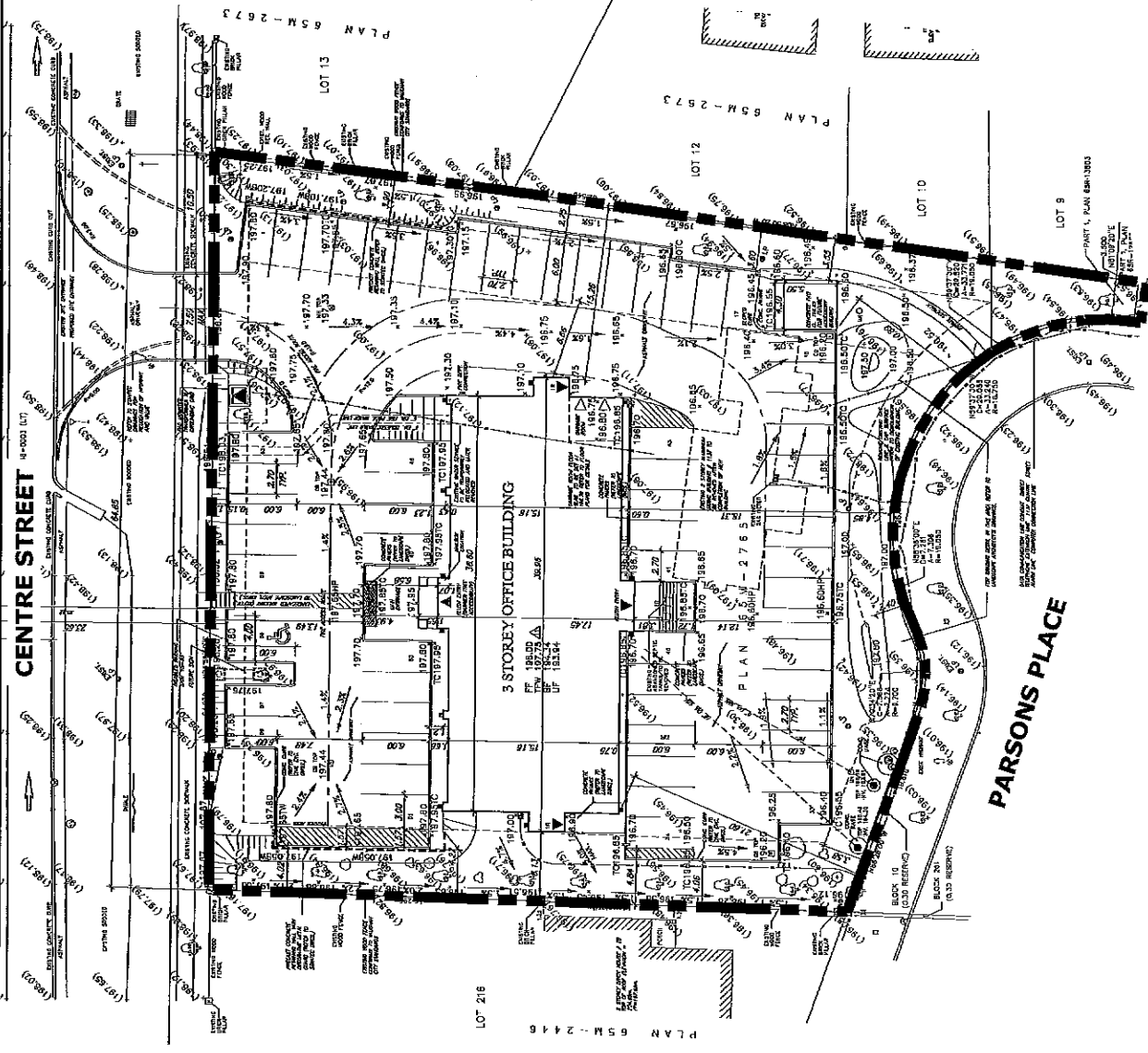
The City Above Toronto
 Development Planning Department

Attachment

File: Z.08.019
 Date:
 May 15, 2009

3

NOTE: SITE PLAN APPLICATION WITH 55 PARKING SPACES



Original Site Plan (OMB Approved - July 10, 2007)

Applicant: **KRC/MAR PROPERTIES INC.**
 Part of Lot 5, Concession 2
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Legend
 ——— SUBJECT LANDS

Not to Scale