

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 19, 2018

Item 2, Report No. 21, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 19, 2018.

2 ZONING BY-LAW AMENDMENT FILE Z.16.029 SITE DEVELOPMENT FILE DA.16.059 2423089 ONTARIO CORP. VICINITY OF YONGE STREET AND CENTRE STREET

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management dated June 5, 2018, be approved; and
- 2) That the coloured elevations submitted by the applicant be received.

Recommendations

1. THAT Zoning By-law Amendment File Z.16.029 (2423089 Ontario Corp.) BE APPROVED; to amend Zoning By-law 1-88 to rezone the Subject Lands shown on Attachments #1 and #2 from "R1V Old Village Residential Zone", subject to site-specific Exception 9(622), to "C1 Restricted Commercial Zone", together with the site-specific zoning exceptions identified in Table 1 of this report.
2. THAT Site Development File DA.16.059 (2423089 Ontario Corp.) BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS; to permit 1 and 2- storey additions to the rear addition to the rear of the existing heritage building and site alterations, as shown on Attachments # 3 to #5:
 - a) That prior to the execution of the Site Plan Agreement:
 - i) the Development Planning Department shall approve the final site plan, landscape plan, landscape Letter of Credit, building elevations, signage details and lighting plan;
 - ii) the Development Engineering Department shall approve the final site servicing, site grading, storm water management report, and on-site traffic circulation; and
 - iii) the Owner shall obtain a Heritage Permit from the Urban Design and Cultural Heritage Division of the Development Planning Department for the proposed renovation and construction works.
 - b) The Site Plan Agreement shall include the following clauses:
 - i) "Prior to the issuance of a Building Permit, the Owner shall pay to the City, all applicable Development Charges

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in accordance with the Development Charge By-laws of the City of Vaughan, York Region, York Region District School Board (“YRDSB”) and the York Catholic District School Board (“YCDSB”).”

- ii) “Should the Owner decide to share a driveway access in the future, an amendment to the Site Plan Agreement, will be required to modify the driveway design and the Owner of the Subject Lands, together with the Owner of 33 Centre Street, must successfully obtain approval of Consent applications from the Committee of Adjustment to create reciprocal shared access easements over the driveway.”

Item:



Committee of the Whole Report

DATE: Tuesday, June 05, 2018

WARD: 5

**TITLE: ZONING BY-LAW AMENDMENT FILE Z.16.029
SITE DEVELOPMENT FILE DA.16.059
2423089 ONTARIO CORP.
VICINITY OF YONGE STREET AND CENTRE STREET**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole to rezone the Subject Lands to “C1 Restricted Commercial Zone” and to permit 1 and 2-storey additions to the rear of the existing heritage building, to be used for the offices of two Regulated Health Professionals (i.e. psychologists).

Report Highlights

- To seek approval from the Committee of the Whole to rezone the Subject Lands to “C1 Restricted Commercial Zone” and to permit 1 and 2-storey additions to the rear of the existing heritage building to be used for a business or professional office use (i.e. psychologists) and site alterations.
- The existing heritage building (“Robert Shuter” house) on the Subject Lands will be preserved.
- The Development Planning Department supports the approval of the Applications, which are consistent with the *Provincial Policy Statement (2014)*, and conform to the Growth Plan, and the policies of the York Region Official Plan and Vaughan Official Plan 2010.
- The Development is consistent with the Thornhill Heritage Conservation District Plan.
- The development is considered to be compatible with the existing and planned land uses in the surrounding area, subject to the Recommendations and conditions in this report.

Recommendations

1. THAT Zoning By-law Amendment File Z.16.029 (2423089 Ontario Corp.) BE APPROVED; to amend Zoning By-law 1-88 to rezone the Subject Lands shown on Attachments #1 and #2 from “R1V Old Village Residential Zone”, subject to site-specific Exception 9(622), to “C1 Restricted Commercial Zone”, together with the site-specific zoning exceptions identified in Table 1 of this report.

2. THAT Site Development File DA.16.059 (2423089 Ontario Corp.) BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS; to permit 1 and 2-storey additions to the rear addition to the rear of the existing heritage building and site alterations, as shown on Attachments # 3 to #5:
 - a) That prior to the execution of the Site Plan Agreement:
 - i) the Development Planning Department shall approve the final site plan, landscape plan, landscape Letter of Credit, building elevations, signage details and lighting plan;
 - ii) the Development Engineering Department shall approve the final site servicing, site grading, storm water management report, and on-site traffic circulation; and
 - iii) the Owner shall obtain a Heritage Permit from the Urban Design and Cultural Heritage Division of the Development Planning Department for the proposed renovation and construction works.

 - b) The Site Plan Agreement shall include the following clauses:
 - i) “Prior to the issuance of a Building Permit, the Owner shall pay to the City, all applicable Development Charges in accordance with the Development Charge By-laws of the City of Vaughan, York Region, York Region District School Board (“YRDSB”) and the York Catholic District School Board (“YCDSB”).”

 - ii) “Should the Owner decide to share a driveway access in the future, an amendment to the Site Plan Agreement, will be required to modify the driveway design and the Owner of the Subject Lands, together with the Owner of 33 Centre Street, must successfully obtain approval of Consent applications from the Committee of Adjustment to create reciprocal shared access easements over the driveway.”

Background

The 1.3 ha subject lands (the “Subject Lands”) are located on Centre Street, west of Yonge Street and are municipally known as 19 Centre Street. The surrounding land uses are shown on Attachment #2.

Zoning By-law Amendment and Site Development Applications have been submitted to permit the Development

The Owner has submitted the following applications (the Applications”) to rezone the Subject Lands and to permit additions to the existing heritage building:

1. Zoning By-law Amendment File Z.16.029 to rezone the Subject Lands from “R1V Old Village Residential Zone”, as shown on Attachment #2, to “C1 Restricted Commercial Zone” in the manner shown on Attachment #3, to permit a business and professional office use (i.e. Regulated Health Professional).
2. Site Development File DA.16.059 to permit 1 and 2-storey additions to the rear of the existing heritage building (the “Development”) and site alterations, as shown on Attachments #3 to #5.

Public Notice was provided in accordance with the Planning Act and Council’s Notification Protocol

On November 11, 2016, a Notice of Public Hearing was circulated to all property owners within 150 m of the Subject Lands and the Springfarm Ratepayers’ Association. A copy of the Notice of Public Hearing was also posted on the City’s website at www.vaughan.ca. A Notice Sign was installed on the property in accordance with the City’s Notice Signs Procedures and Protocols.

The Public Hearing was held on December 6, 2016, to receive comments from the public and the Committee of the Whole. The recommendation of the Committee of the Whole to receive the Public Hearing report of December 6, 2016, and forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Council on December 13, 2016. The Owner’s agent Ken Trevelyan, Trevelyan Architect Inc., Dublin Street, Peterborough, attended the Public Hearing in support of the Applications. No issues were identified by the public or the Committee of the Whole at this meeting and no individuals have submitted written correspondence to the Development Planning Department or requested notification regarding these Applications.

Previous Reports/Authority

[December 13, 2016, Committee of the Whole \(Public Hearing\) \(Item 2, Report No. 44, Recommendations 1 and 2\)](#)

Analysis and Options

Land Use Policies and Planning Considerations

The Proposed Land Use is consistent with the Provincial Policy Statement (PPS), 2014

Section 3 of the *Planning Act*, requires that all land use decisions in Ontario “shall be consistent” with the *Provincial Policy Statement, 2014* (the “PPS”). The PPS provides policy direction on matters of provincial interest related to land use planning and development. These policies state, as follows (in part):

- a) Section 1.1.1 - to accommodate an appropriate range of residential, employment, institutional, recreation, park and open space to meet long term needs and promote cost effective development to minimize land consumption and servicing costs;
- b) Section 1.1.3 - settlement areas shall be the focus of development based on densities, land uses and opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs;
- c) Section 1.7.1 - promoting opportunities for economic development and maintain and enhancing the vitality and viability of mainstreets, and conserving built heritage resources and cultural heritage landscapes
- d) Section 2.6 – ensuring the protection of significant built heritage resources and significant cultural heritage resources; and
- e) Section 4.7 – implementing the PPS through the official plan which identifies provincial interests and appropriate land use designations and policies.

The Development shown on Attachments #3 to #6 provides for the re-use of the existing heritage building on the Subject Lands, within the settlement area. The Development will conserve a built heritage resource within the community and enhance the vitality and viability of this community within the settlement area. The proposed land use conforms with the “Low-Rise Mixed-Use” land use designation and the “Heritage Main Street” - “Area A” policies of Section 12.8 of VOP 2010. The Owner proposes to conserve the existing building and most of the mature trees, as shown on Attachment #3. On this basis, the Development maintains and conserves the built heritage resource within a Heritage Conservation District and is consistent with the PPS.

The Proposed Commercial Use conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan)

The Provincial *Growth Plan for the Greater Golden Horseshoe* (2017) (the “Growth Plan”) is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. The Growth Plan requires that Council’s planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The proposed adaptive re-use of the existing heritage building for office uses is consistent with the policy framework of the Growth Plan as the built form would conserve the heritage resource on the Subject Lands and address the Section 4.2.7 objectives of the Growth Plan to conserve the cultural heritage resources and foster a sense of place and benefit communities, particularly in *strategic growth areas*.

The Development shown on Attachments #3 to 6 provides for the re-use of the existing heritage building within a settlement area and a delineated built-up area that contributes to an existing heritage district with the neighbourhood. The Subject Lands are also located near Yonge Street, which is planned for higher order transit (Yonge Subway Extension).

The Proposed Commercial Use conforms to the York Region Official Plan, 2010

The York Region Official Plan 2010 (the “YROP”) guides economic, environmental and community building decisions across York Region. The Subject Lands are located within the area designated “Urban Area” on Map 1, “Regional Structure” of the YROP and is adjacent to the Yonge Street area “Regional Corridor”, which is also identified for the “Subway Extension” on Map 11.

The YROP recognizes that protection of heritage and culture is a key element of healthy communities and the Cultural Heritage policies in Section 3.4. of the YROP promote the conservation of heritage resources. The proposal to retain the existing heritage dwelling and use the building for business and professional offices conforms to the YROP.

The Proposed Commercial Use conforms to Vaughan Official Plan 2010

The Subject Lands are located within a “Local Centre” by Vaughan Official Plan 2010 (“VOP 2010”) and are designated “Low-Rise Mixed-Use”, subject to the “Heritage Main Street” - “Area A” policies of Section 12.8 of VOP 2010. This designation permits the proposed business or professional office use, with a maximum building height of three-storeys, and a maximum density (Floor Space Index - “FSI”) of 0.75 times the area of the lot. The Owner proposes to use the building for the offices of two Regulated Health

Professionals. The existing building and the proposed 1 and 2-storey additions would have a total Gross Floor Area (“GFA”) of 470.4 m², yielding a density of 0.35 FSI. The Development conforms to the VOP 2010.

The Development conforms to the Thornhill Heritage Conservation District Plan

The Subject Lands are designated Part V under the *Ontario Heritage Act* (“OHA”), as it is located in the Thornhill Heritage Conservation District (“HCD”). The existing dwelling on the Subject Lands is also listed on the Register of Property of Cultural Heritage Value in accordance with the OHA. The existing two-storey heritage residential building was constructed in 1825, in the Neoclassical architectural style and is known as the “Robert Shuter” house. All alterations, demolition, and new construction within a HCD must conform to the policies within the HCD Plan and requires a Heritage Permit, review by the Heritage Vaughan Committee, and Vaughan Council approval.

The proposed change in use is supported by VOP 2010 and the proposed additions to the existing heritage dwelling are consistent with the HCD Plan. Heritage Vaughan recommended approval of the Development on June 21, 2017, and City staff on September 15, 2018, approved the Heritage Permit in accordance with the OHA.

Amendments to Zoning By-law 1-88 are required to permit the Development

The Subject Lands are zoned “R1V Old Village Residential Zone” (“R1V Zone”), by Zoning By-law 1-88, as shown on Attachment #2. Business and Professional Office uses are not permitted within the R1V Zone. The Owner is proposing to rezone the Subject Lands to “C1 Restricted Commercial Zone” (“C1 Zone”) together with the following site-specific amendments to Zoning By-law 1-88 to permit the Development:

Table 1:

	Zoning By-law 1-88 Standards	Zoning By-law 1-88 - C1 Restricted Commercial Zone Requirements	Proposed Exceptions to the C1 Restricted Commercial Zone
a.	Minimum Front Yard Setback (North)	9 m	3.95 m
b.	Minimum Front Yard Setback to a Covered Porch	9 m	5 m

	Zoning By-law 1-88 Standards	Zoning By-law 1-88 - C1 Restricted Commercial Zone Requirements	Proposed Exceptions to the C1 Restricted Commercial Zone
c.	Minimum Rear Yard Setback (South)	15 m	12.9 m
d.	Minimum Lot Depth	60 m	37.7 m (existing lot depth)
e.	Minimum Landscape Strip Width Along a Residential Zone (West Lot Line)	2.4 m	0 m
f.	Minimum Landscape Strip Width Along a Centre Street	6 m	3.9 m
g.	Permitted Uses	<p>a) Uses Permitted in all Commercial Zones:</p> <ul style="list-style-type: none"> ▪ Institutional and Recreational Uses <p>b) Uses Permitted in C1 Restricted Commercial Zone:</p> <ul style="list-style-type: none"> ▪ Automotive Retail Store ▪ Banking or Financial Institution ▪ Boating Showroom ▪ Business or Professional Office ▪ Club or Health Centre ▪ Eating Establishment, Convenience, and 	Permit the building on the Subject Lands to only be used for business and professional offices for a maximum of 2 Regulated Health Professionals.

	Zoning By-law 1-88 Standards	Zoning By-law 1-88 - C1 Restricted Commercial Zone Requirements	Proposed Exceptions to the C1 Restricted Commercial Zone
		Take-Out <ul style="list-style-type: none"> ▪ Funeral Home ▪ Hotel ▪ Laboratory ▪ Motor Vehicle Sales Establishment ▪ Office Building ▪ Personal Service Shop ▪ Pharmacy ▪ Photography Studio ▪ Place of Entertainment ▪ Radio Transmission Establishment ▪ Retail Store ▪ Service or Repair Shop ▪ Video Store 	

The Development Planning Department supports the proposed rezoning of the Subject Lands and the site-specific zoning exceptions for the following reasons:

a) Proposed Rezoning to C1 Restricted Commercial Zone and Proposed Use

The proposed rezoning of the Subject Lands to a “C1 Zone” and the site-specific use permission is supported by the “Low-Rise Mixed Use” policies of VOP 2010 and the HCD Plan’s adaptive re-use policies for heritage buildings. The existing uses in the surrounding area include other professional offices, medical offices and service commercial retail uses which are located within existing heritage buildings and other properties that have been rezoned to a Commercial Zone, as shown on Attachment #2. The Development on the Subject Lands conforms to the policies of the VOP 2010 and the HCD Plan and the proposed use is compatible with the existing and planned land uses within the area.

b) Minimum Building Setbacks and Lot Depth

The Owner is proposing to reduce the building setbacks and the lot depth requirements of Zoning By-law 1-88. The existing residential heritage building was constructed in 1825, prior to the enactment of current zone standards in Zoning By-law 1-88 and reflects the existing lot depth of 37.7m. The HCD Plan strives to conserve the heritage value of the existing heritage buildings and encourages the adaptive re-use of these buildings to protect the heritage resources within the HDC District. The policies of VOP 2010 permit the proposed business and professional office use on the Subject Lands and in the surrounding area and therefore, the Development Planning Department can support the proposed building/porch setbacks and the lot depth.

Landscape Strip Widths and Encroachment

A minimum 2.4 m wide landscape strip is required between a Residential and a Commercial Zone. The adjacent property at 33 Centre Street is currently zoned "R1V", but is designated "Low-Rise Mixed-Use" by VOP 2010 and is therefore intended for commercial uses. Zoning By-law 1-88 does not require a landscape strip between two commercial properties. The Development Planning Department supports the removal of the requirement for a landscape strip, based on the long-term vision for the adjacent lands in VOP 2010. The building on the Subject Lands (19 Centre Street) existed prior to the requirement for a 6m wide landscape strip along Centre Street. An exception to allow the proposed landscape strip width and to permit the encroachment of the porch is supported.

In consideration of the above, the Development Planning Department is satisfied that the proposed rezoning of the Subject Lands and the site-specific exceptions to Zoning By-law 1-88, are appropriate and will allow for the adaptive re-use of the existing heritage building.

The Development Planning Department supports the proposed site plan, subject to the conditions in this report

The proposal to maintain the existing two-storey heritage dwelling on the Subject Lands and permit 1 and 2-storey additions at the rear of the existing heritage building to accommodate its re-use specifically for the offices of two Regulated Health Professionals (i.e. psychologists), as shown on Attachments #3 to #5, has been reviewed by the Urban Design and Cultural Heritage Division of the Development Planning Department, the Vaughan Development Engineering Department, Heritage Vaughan and York Region.

A total of 12 surface parking spaces are proposed, including 10 spaces along the rear lot line (including 2 barrier free parking spaces) and 2 spaces parallel to the proposed driveway on the Subject Lands. The building will be used for the offices of two psychologists. Based on the parking requirement of Zoning By-law 1-88 (i.e. 5 parking

spaces per practitioner) a maximum of 2 Practitioners are permitted on the Subject Lands.

The Owners of 19 and 33 Centre Street considered coordinating the development of their respective properties to benefit from a shared driveway access, which would minimize the width of the driveway access and maintain the existing Centre Street streetscape. To date the Owner of 33 Centre Street has not submitted a redevelopment plan for their property.

The Owner of the Subject Lands are proceeding with the Development shown on Attachments #3 to #5, which accommodates a two-way driveway entirely within the boundary of the Subject Lands. This proposed site plan as shown on Attachment #3, will result in the removal of two Red-Pine trees (which are plantation trees) at the street frontage. The removal of these trees has been reviewed by the Urban Design and Cultural Heritage Division of the Development Planning Department. Although the trees are mature, the tree species is not native to this area. The Tree Inventory provided by the Owner, has been reviewed and staff can support the removal of the two trees, with their replacement and compensation being Honey locust and Tulip Trees that are native to this area of the HCD. The Subject Lands are located in the HCD, and therefore, the Owner will be required to submit all signage details for the Subject Lands.

Should the Owners of 19 and 33 Centre Street decide to share a driveway access in the future, an amendment to the Site Plan Agreement, if approved, would be required to modify the driveway design. The Owners would also need to successfully obtain approval of a Consent applications from the Committee of Adjustment to create the reciprocal shared access easements over the driveway to grant vehicular access to the adjacent Owner. If this Site Plan Application is approved, a clause will be included in the implementing Site Plan Agreement indicating that the Owner, in cooperation with the adjacent Owner will need to obtain the necessary reciprocal easements to provide shared vehicular access to the adjoining property. A condition to this effect is included in the Recommendations of this report.

Heritage Vaughan Approved the Site Design

Heritage Vaughan on June 21, 2017, approved the proposed site plan and building elevations. The Heritage Vaughan Permit was approved in accordance with the OHA on September 15, 2017.

Building Elevations

The building addition, as shown on Attachment #5, is designed to complement the existing heritage building. No change to the front elevation of the existing building is proposed.

The Urban Design and Cultural Heritage Division of the Vaughan Development Planning Department advises that the Development is consistent with the HCD Plan.

The Owner shall obtain a Heritage Permit for the proposed building addition, and the proposed landscaping works from the Urban Design and Cultural Heritage Division of the Development Planning Department. A condition to this effect is included in the Recommendations of this report.

The Development Planning Department is satisfied with the Development as shown on Attachments #3 to #5. The final site plan, elevation plans, landscape plan, landscape cost estimate, signage details and exterior lighting must be approved prior to the execution of this Site Plan Agreement. A condition to this effect is included in the Recommendations of this report.

The Development Engineering Department supports the Development, subject to the conditions in this report

On site-snow storage of 2% of the total site area is required and must be demonstrated on the site plan. The site plan provides less than the required 2% and the Owner shall acknowledge that on-site snow removal is the responsibility of the Owner. The Development Engineering (“DE”) Department is generally satisfied with the Development. Prior to final site plan approval, the final site servicing, site grading and stormwater management plans must be to the satisfaction of the DE Department. A condition to this effect is included in the Recommendations of this report.

Environmental Services Division, Waste Management Section

The Environmental Services Division, Waste Management Section has no objection to the Development.

Cash-in-lieu of the Dedication of Parkland is not required

The Office of the City Solicitor, Real Estate Department has advised that there is no parkland dedication requirement for this proposal.

Development Charges are applicable for the Development

The Financial Planning and Development Finance Department have confirmed that the Owner is required to pay Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, York Region, the York Region District School Board and the York Catholic District School Board. A condition to this effect is included in the Recommendations of this report.

The various utilities have no objection to the Development

Enbridge Gas, Rogers Communications Inc., Canada Post, and Alectra Utilities Corporation have no objection to the Development.

Financial Impact

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

Broader Regional Impacts/Considerations

The York Region Community Planning and Development Services Department has no objection to the Development.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment File Z.16.029 and Site Development File DA.16.059 in consideration of the policies of the PPS, the Growth Plan, York Region and VOP 2010, the requirements of Zoning By-law 1-88, comments from City Departments, external public agencies, and the surrounding area context. The Development Planning Department is satisfied that the proposed rezoning of the Subject Lands and the use of the existing heritage building for the offices of two Regulated Health Professionals and the site alterations, as shown on Attachments #3 and #5, conforms to VOP 2010, and is compatible with the existing and permitted uses in the surrounding area. The Development Planning Department supports the approval of the Zoning By-law Amendment and Site Development applications, subject to the conditions included in the Recommendations of this report.

For more information, please contact: Laura Janotta, Planner, extension 8634

Attachments

1. Context Location Map
2. Location Map
3. Proposed Zoning and Site Plan
4. Proposed Landscape Plan
5. Proposed Building Elevations

Prepared by

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