

Committee of the Whole (1) Report

DATE: Tuesday, January 17, 2023

WARD: 5

TITLE: 1840657 ONTARIO INC.
SITE DEVELOPMENT FILE DA.19.024
46 CENTRE STREET
VINCINITY OF CENTRE STREET AND YONGE STREET

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.19.024 for the subject lands shown on Attachment 2, to permit a mixed-use development consisting of an addition to an existing low-rise building, Building 'A', and the construction of a new 2-storey mixed-use building with at grade commercial uses and one residential unit, Building 'B', as shown on Attachments 2 to 6.

Report Highlights

- The Owner proposes to develop the subject lands with a mixed-use development consisting of an addition to an existing low-rise building, Building 'A', and the construction of a new 2-storey mixed-use building, Building 'B'.
- Site Development approval is required to facilitate the development.
- Heritage Vaughan has approved the development as the Subject Lands are designated under Part V of the *Ontario Heritage Act* as part of the Thornhill Heritage Conservation District Plan and include an existing built heritage resource.
- The Development Planning Department supports the approval of the development as it is consistent with the Provincial Policy Statement 2020, conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, the York Region Official Plan 2022, and Vaughan Official Plan 2010 and is compatible with the existing and planned land uses in the surrounding area.

Recommendations

1. THAT Site Development File DA.19.024 (1840657 Ontario Inc.) BE DRAFT APPROVED AND SUBJECT TO THE CONDITIONS of Site Plan Approval included in Attachment 1, to the satisfaction of the Development Planning Department, to permit a mixed-use development consisting of an addition to an existing commercial building and the construction of a new 2-storey mixed-use building with at grade commercial uses and one residential unit on the second floor, as shown on Attachments 2 to 6;
2. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage capacity:

“THAT Site Development Application DA.19.024 be allocated servicing capacity from the York Sewage Servicing/Water Supply System for a total of 1 residential apartment unit (2 persons equivalent). The allocation of said capacity may be redistributed (at the discretion of the City) in accordance with the City’s Servicing Capacity Allocation Policy if the development does not proceed to registration and/or building permit issuance within 36 months; and,
3. THAT prior to the execution of the Site Plan Agreement, the Owner obtain approval from the City of Vaughan Committee of Adjustment for a Minor Variance Application for the required zoning exceptions to Zoning By-law 1-88, as identified in this report. The Committee’s decision shall be final, and binding and the Owner shall satisfy any conditions of approval imposed by the Committee.

Background

The subject lands (the 'Subject Lands') as shown on Attachment 2, are municipally known as 46 Centre Street, and are located on the north side of Centre Street, west of Yonge Street. The Subject Lands are 0.015 ha in size and are developed with a 1.5-storey commercial building. The Subject Lands are located within the Thornhill Heritage Conservation District and the surrounding land uses are shown on Attachment 2.

A Site Development Application has been submitted to permit the proposed development

1840657 Ontario Inc. (the 'Owner') has submitted a Site Development application (the 'Application') to permit a mixed-use development consisting of an addition to an existing building and the construction of a new 2-story mixed-use building which will include at grade commercial uses and one residential unit on the second floor.

Previous Reports/Authority

Heritage Vaughan Committee:

[July 20, 2022, Heritage Vaughan Committee Meeting \(Item 1\)](#)

September 13, 2022, Committee of the Whole Report:

[September 13, 2022, Committee of the Whole \(Item 12\)](#)

Heritage Vaughan Committee

The Subject Lands are within the Thornhill Heritage Conservation District ('THCD') and are designated under Part V of the *Ontario Heritage Act*, the existing building is identified as a contributing property, therefore, the Application required consideration by the Heritage Vaughan Committee ('HVC'). The HVC considered the Application at the July 20, 2022, HVC Meeting, and approved staff recommendation for the proposed adaptive reuse and renovation of an existing built heritage resource, including a new addition and a separate new construction of a 2-storey mixed-use building.

On September 28, 2022, Vaughan Council considered the HVC report and accepted staff recommendation as follows:

THAT Heritage Vaughan Committee recommend Council approve the proposed adaptive reuse and renovation of an existing built heritage resource, including a new addition and a separate new office/residential mixed-use construction at 46 Centre Street under Section 42 of the *Ontario Heritage Act*, subject to the following conditions:

- a) Any significant changes to the proposal by the Owner may require reconsideration by the Heritage Vaughan Committee, which shall be

determined at the discretion of the Director of Development Planning and Manager of Urban Design and Cultural Heritage;

- b) That Heritage Vaughan Committee recommendations to Council do not constitute specific support for any Development Application under the *Ontario Planning Act* or permits currently under review or to be submitted in the future by the Owner as it relates to the subject application;
- c) That the applicant submits Building Permit stage architectural drawings and building material specifications to the satisfaction of the Vaughan Development Planning Department, Urban Design and Cultural Heritage Division.

Analysis and Options

The Application is consistent with the Provincial Policy Statement, 2020

In accordance with Section 3 of the *Planning Act* all land use decision in Ontario shall be consistent with the *Provincial Policy Statement 2020*. (the 'PPS'). The PPS provides policy direction on matters of provincial interest related to land use planning and development. Sections 1.1 "Managing and Directing Land Use" and 2.6 "Cultural Heritage and Archaeology" were considered through the review of the Application.

The Development is located within a Local Centre as identified in VOP 2010, where appropriate levels of infrastructure and public service facilities exist. The Development also conforms to the policies of the Thornhill Heritage District Plan, 2007, and Council has approved Heritage Vaughan's recommendation to approve the Development.

On this basis, the Development is consistent with the PPS.

The Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended

A Place to Grow - Growth Plan for the Greater Golden Horseshoe 2019 (the 'Growth Plan') is intended to guide decision making on the development of land by encouraging compact built form, transit supportive communities, diverse land uses, and a range and mix of housing types. The Growth Plan encourages the concentration of population and employment growth within settlement areas, and promotes the development of complete communities that offer a mix of housing types, access to local amenities, and connections to municipal water the wastewater systems. In accordance with Section 3(5) of the *Planning Act*, Vaughan Council's planning decisions "shall conform with" the Growth Plan.

Sections 2.2.1 “Managing Growth” and Section 4.2.7 “Cultural Heritage Resources” were considered through the review of the Application.

In consideration of the Growth Plan policies, the Development conforms to the Growth Plan by directing growth to a built-up area while respecting the cultural heritage resources.

The Development conforms to the York Region Official Plan (YROP)

The Subject Lands are designated Urban Area by the YROP which permits a wide range of uses, including retail and residential uses. The Development conforms to the recently approved YROP 2022.

The Development conforms to Vaughan Official Plan 2010 and Zoning By-law 1-88, subject to the approval of a Minor Variance Application

The Subject Lands are designated “Low-Rise Residential” by Vaughan Official Plan 2010 (‘VOP 2010’), are located within a Local Centre, and are governed by the requirements of the Thornhill Heritage Conservation District Plan. The Low-Rise Residential designation permits residential and small-scale convenience retail uses.

Building Types in the Low-Rise Residential designation include detached, semi-detached, townhouse units, and public and private institutional buildings.

The Subject Lands are zoned R1 Residential Zone subject to Exception 9(345) by Zoning By-law 1-88, and permits a retail store, business, and professional offices, and one residential dwelling unit in each of the permitted low-rise buildings on the Subject Lands, subject to maximum floor areas for each use.

The proposed retail uses, business and professional office and residential unit conforms to the site-specific zoning for the Subject Lands.

The Development requires approval from the Vaughan Committee of Adjustment

Prior to the execution of the Site Plan Agreement, the Owner must obtain approval from the Committee of Adjustment for the following variances:

1. To erect a building outside of the permitted building envelope as depicted under Schedule E-357 under Exception 9(345).
2. To permit a minimum rear yard setback for Building B of 18.55 metres.
3. To permit an eave encroachment for Building B of 0.619 meters.
4. To permit an encroachment of the roof overhang canopy for the residential entrance into the proposed minimum rear yard on Building B of 1.25 metres.

5. To permit a minimum required soft landscape area of 157.5 metres.

Should Council approve the recommendations in this Report, the Owner shall submit a Minor Variance Application for consideration by the Committee of Adjustment to permit the above noted variances. The Minor Variance Application must be approved by the Committee of Adjustment, and the decision must be final and binding prior to execution of the Site Plan Agreement. A Condition to this effect is included in the Conditions of Approval, included as Attachment 1.

Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law

On October 20, 2021, Council enacted Zoning By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law. A notice of passing was circulated on October 25, 2021, in accordance with the *Planning Act*. The last date for filing an appeal to the Ontario Land Tribunal ('OLT') in respect of By-law 001-2021 was November 15, 2021. Zoning By-law 001-2021 is currently under appeal and, when in force, will replace Zoning By-law 1-88, as amended. Until such time as Zoning By-law 001-2021 is in force, the Owner will be required to demonstrate conformity with both Zoning By-law 001-2021 and 1-88, as amended unless the transition provision under By-law 001-2021 applies. Transition provisions apply to File DA.19.024.

The Development Planning Department, Urban Design and Cultural Heritage Division has no objection to the Development

The Cultural Heritage Division of the Development Planning Department has identified the Subject Lands as not being within an area of archaeological potential. However, as noted above, the Subject Lands are within the ('THCD') and are designated under Part V of the *Ontario Heritage Act*. The Subject Lands are developed with a 1.5-storey building which is identified as a contributing property in the THCD Plan.

The Development was reviewed under the THCD Plan enacted in 2007 and VOP 2010.

All planning application demolitions and new construction must be consistent with the THCD Plan and Guidelines. As noted in this report, Council approved the recommendations of the Heritage Vaughan Committee for the adaptive reuse and renovation of the existing built heritage resource, including a new addition, and the construction of a new low-rise mixed-use building.

Cultural Heritage Conservation Plan

A Conservation Plan was prepared by Common Bond Collective – Michael Scott Architect Inc. The report was prepared in accordance with the City of Vaughan's

“Guidelines for Preparing a Conservation Plan for Heritage Resources” and provides information for the renovation and adaptive reuse of the built heritage resource on the Subject Lands, along with the construction of the new low-rise mixed-use building. Cultural Heritage Division staff are satisfied that the Development conforms to the policies and guidelines within the THCD Plan.

Site Plan

The Site Plan shown on Attachment 3 includes a 1-storey addition to the existing 1.5-storey building on the Subject Lands, and the construction of a new 2-storey mixed-use building. The existing building has a front yard setback of 4.5 m and will have a new rear yard setback of 18.75 m. The new building provides a front yard setback of 10.3 m and a rear yard setback of 18.88 m which provides for consistent back entrances from the parking lot. The Development provides 7 at grade parking spaces at the rear of the property which includes 1 barrier free space. The Subject Lands have one access that will be provided by a 6.0 m driveway from Centre Street.

Landscape Plan

The Landscape Plan shown on Attachment 4, includes a variety of trees, shrubs, and hard and soft landscaping. A 4.3 m landscape strip along the rear property line provides screening for the surface parking lot. Unit paving provides pathways to the building entrances at both the front and rear of the buildings. Signage and bench seating along with a bike rack are located in the front entry for Building ‘B’.

Building Elevations

The building elevations for the existing Building ‘A’ and building addition, shown on Attachments 5 and 6, include clapboard siding, metal trim and siding, and cedar and laminated shingles. The new Building ‘B’ includes clapboard siding metal trim and siding and laminated roof shingles using the same colour palate as the addition for Building ‘A’.

The Development Planning Department will continue to work with the Owner to finalize the Site Plan, Building Elevations, and Landscape Plan as discussed above.

Sustainability Performance Metrics

The Development achieves an overall Sustainability Performance Metrics (‘SPM’) application score of 50 (silver level). This score meets minimum threshold requirements for the City of Vaughan.

Tree Protection Protocol

The Owner, prior to the execution of the Site Plan Agreement, is required to enter into a Tree Protection Agreement with the City in accordance with the Vaughan Council enacted Tree Protection By-law 052-2018 and the City's Tree Protection Protocol. The Agreement regulates the preservation and removal of trees on public and private property in the City of Vaughan. The submitted Arborist report, prepared by Central Tree Care Ltd., identifies that a total of 18 replacement trees are required to be planted on the Subject Lands. The proposed Landscape Plan proposes that 50 mm caliper trees are to be planted, therefore, a total of 8 trees can be considered for compensation. Cash-in-lieu tree compensation costs are required for 10 trees at a rate of \$550 per tree.

One municipally owned boulevard tree has been requested for removal by the Applicant. The subject tree has been valued at \$787 and must be paid to satisfy By-law 052-2018.

The Arborist Report has identified that tree T6 is a neighbouring tree. The Owner will be required to submit a consent letter from the neighbouring owner for the removal.

The Owner shall notify Vaughan Forestry or Development Planning Department once the Tree Protection Hoarding has been installed to allow Vaughan Forestry to inspect and approve in accordance with By-law 052-2018 and/or the City of Vaughan's Tree Protection Protocol.

A condition to this effect is included in Attachment 1.

Archaeology

The Subject Lands are not located within an area as having archaeological potential. The appropriate warning clauses regarding archaeological resources or human remains being located during construction are included in Attachment 1 of this report.

The Policy Planning and Special Programs ('PPSP') Department has no objection to the approval of the Development

The PPSP Department has reviewed the Application and confirm that there are no natural heritage features on site. PPSP defers to Urban Design and Vaughan Forestry to provide comments on tree removals and landscape plans.

The Owner is required to abide by the *Endangered Species Act, 2007* and the *Migratory Birds Convention Act, 1994*. The following condition shall be included in the Site Plan Agreement:

“The Owner acknowledges that the City has Species at Risk within its jurisdiction which are protected under the *Endangered Species Act*. 2007, S.O. 2007. The Owner is required to comply with Ministry of Natural Resources and Forestry regulations and guidelines to protect these Species at Risk and their habitat. The Owner acknowledges that, notwithstanding any approvals made or provided by the City in respect to the Plan or the related Site Plan Agreement, the Owner must comply with the provisions of the *Act*.”

Development Engineering (‘DE’) Department has no objection to the Development, subject to conditions

The DE Department has reviewed the Applications and has no objection to the Development. The DE Department provides the following comments:

Water Servicing

The Subject Lands are proposed to be connected to the municipal watermain below Centre Street. An existing 19 mm diameter watermain connection to the municipal watermain currently provide water to the property. The 19 mm water service is to be decommissioned and a 50 mm diameter water service it to be installed to Centre Street to better service the increase water demand generated by the Development.

Sanitary Servicing

There is an existing sanitary sewer on the south side of Centre Street. The Subject Lands are currently serviced by a 125 mm diameter double lot connection, accommodating flows from 46 Centre Street and the property immediately west of the Subject Lands. The existing sanitary service is proposed to continue to service the development. The Functional Servicing Report, as prepared by JSW and Associates, has indicated that the receiving sanitary sewer has adequate capacity to service the Development.

Storm Servicing

The Subject Lands currently drains back to front towards Centre Street, except for a portion in the northeast corner which drains to the north. There is no municipal storm sewer system draining Centre Street. Drainage from most of the Subject Lands flows overland southward where it enters the municipal right-of-way to be captured by a roadside ditch and driveway culver system. Post-development flows are proposed to be controlled to pre-development levels by the use of a storage tank with a pump sized to deliver the maximum allowable flow rate to the Center Street right-of-way. Quality control for the west portion of the site is proposed to be provide by a jellyfish treatment devise, permeable pavers, and an infiltration gallery.

Erosion & Sediment Control

Erosion and Sediment control mitigation measures are to be implemented during construction to minimize silt laden runoff discharge from the Subject Lands in accordance with the TRCA *Erosion & Sediment Control Guidelines for Urban Construction* (December 2019).

Environmental Engineering

The Environmental Services Department reviewed the civil engineering drawings and Functional Servicing Report prepared in support of the Application and can support the findings.

Transportation Engineering

Truck maneuvering diagrams and sightline analysis have been submitted in support of the application to assess the parking lot and access design. Based on Development Transportation Engineering's review of the application, overall proposal is acceptable given the 'No Parking' signage is to be posted during indicated off-peak hours for garbage collection at the parking spaces that are impacted. The reduced westerly curb return at the driveway with a 4.5 m radius complies with Ontario Provincial Standard Drawing (OPSD 350.010). The turn diagrams show the reduced curb radius is sufficient for truck maneuvering. An existing tree on the City's boulevard immediately west of the driveway will be removed to provide sufficient sightline for egress traffic.

The DE Department will continue to work with the Owner to finalize the site servicing and grading plans and truck maneuvering diagrams for this Application.

The Forestry Operations Division of the Parks, Forestry and Horticulture Operations Department has no objection to the approval of the Development

The Forestry Operations Division is satisfied with the Development. In accordance with By-law 052-2018, 18 replacement trees are required. The Owner is proposing to plant 50 mm caliper trees on the Subject Lands; therefore, cash-in-lieu is required for 10 replacement trees at a value of \$550. The Owner has requested to remove one City owned tree valued at \$797. The Owner is required to notify Vaughan Forestry or the Development Planning Department once the Tree Protection (Hoarding) has been installed to allow Vaughan Forestry to inspect and approve in accordance with By-law 052-2018 and/or in accordance with the City of Vaughan Tree Protection Protocol (2018).

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

The City of Vaughan Real Estate Department has confirmed that cash-in-lieu of parkland is not required for this Application.

The Financial Planning and Development Finance Department has no objection to the Development

The Owner will be required to pay applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board.

The Environmental Services Department Solid Waste Management Division has no objection to the Development

Environment Services Department Solid Waste Management Division have reviewed the Application and are satisfied that the Development meets the Vaughan Waste Collection Design Standards.

Vaughan Fire and Rescue Service Support the Development

Vaughan Fire and Rescue Service supports the Development subject to the Owner satisfying all Building Code requirements and providing a minimum level of fire safety and protection at the building construction stage of development.

The various utilities have no objection to the Development, subject to conditions

Bell Canada, Alectra Utilities, Enbridge Gas and Rogers Telecommunications have no objections to the Development, subject to the Owner coordinating servicing connections and easements prior to the commencement of any site works.

Canada Post has no objection to the Development, subject to conditions

Canada Post advised that mail delivery will remain as it is currently, which is door to door delivery. The Owner is not required to provide Canada Post with anything at this time. If unit numbers change or are added the Owner must contact Canada Post to adjust their records to ensure accurate and timely delivery.

Financial Impact

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

Broader Regional Impacts/Considerations

The Application has been circulated to York Region Community Planning and Development Services for review and comment. York Region reviewed the material in support of the Application and find it to be satisfactory and can provide Regional approval.

Conclusion

The Development has been reviewed in consideration of the policies of the PPS, the Growth Plan, York Region and Vaughan Official Plan policies, the requirements of Zoning By-law 1-88, comments from City Departments, external public agencies, and the area context. The Development Planning Department is satisfied that the Development is consistent with the PPS, conforms to the Growth Plan, YROP 2022 and VOP 2010, is consistent with Zoning By-law 1-88, subject to the approval of a Minor Variance Application, and is appropriate for the development of the Subject Lands. In consideration of the above, the Development Planning Department can support the approval of the Development subject to the Recommendations contained in this report and the Conditions of Site Plan Approval identified in Attachment 1.

For more information, please contact: Carol Birch, Planner, Development Planning Department, ext. 8485.

Attachments

1. Conditions of Site Plan Approval
2. Context and Location Map
3. Site Plan
4. Landscape Plan
5. Building Elevations – South and West
6. Building Elevations – North and East

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