

## Committee of the Whole (Public Hearing) Report

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**DATE:** Tuesday, May 07, 2019

**WARD:** 5

**TITLE: DANIEL GLUZBERG  
ZONING BY-LAW AMENDMENT FILE Z.19.001  
SITE DEVELOPMENT FILE DA.19.008  
1238 CENTRE STREET  
VICINITY OF CENTRE STREET AND VAUGHAN BOULEVARD**

**FROM:**

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

**ACTION:** DECISION

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**Purpose**

To receive comments from the public and the Committee of the Whole on Zoning Amendment Z.19.001 for the Subject Lands shown on Attachment 1, to permit the use of the existing buildings at 1238 Centre Street for a day nursery use, as shown on Attachments 2 - 5.

**Report Highlights**

- To receive input from the public and the Committee of the Whole to amend Zoning By-law 1-88 to permit a day nursery use within the existing buildings.
- Amendments to Zoning By-law 1-88 are required to permit the proposed day nursery use within the existing buildings at 1238 Centre Street.
- A technical report prepared by the Development Planning Department will be considered at future Committee of the Whole meeting.

**Recommendations**

1. THAT the Public Hearing report for Zoning By-law Amendment File Z.19.001 (Daniel Gluzberg) BE RECEIVED; and, that any issues identified be addressed

by the Vaughan Development Planning Department in a comprehensive report to the Committee of the Whole.

## **Background**

The Subject Lands (the 'Subject Lands') are located on the north side of Centre Street, west of Vaughan Boulevard and are municipally known as 1238 Centre Street. The Subject Lands and the surrounding lands uses are shown on Attachment 1. The Subject Lands are currently occupied with two existing vacant one-storey buildings (previously occupied by a private elementary school). The existing buildings consist of a main building (formerly a dwelling) and an accessory structure in the rear yard. The total gross floor area of these buildings is 308 m<sup>2</sup> (Buildings "A" and "B"), as shown on Attachments 2 - 5.

The Subject Lands were subject to a previous Site Development File DA.00.139 which was approved by Council on May 4, 2010 for a private elementary school use. The Committee of Adjustment approved Minor Variances to bring the Subject Lands into conformity with the Institutional Use requirements of By-law 1-88 for the private school use. Variances (for yard setbacks, landscape strip widths and parking) were approved by the Committee of Adjustment under File A062/07. A Site Plan Letter of Undertaking for the private school use was executed in March 2011 and the property was used for this purpose.

Since the execution of the Site Plan Letter of Undertaking, York Region has expropriated frontage along Centre Street for the York Region Bus Rapid Transitway. Construction for the road improvements on Centre Street is now underway. The related Site Development Application (DA.19.008) includes a driveway re-alignment, a parking area and landscaping consistent with the York Region streetscape for Centre Street.

### ***A Zoning By-law Amendment Application has been submitted to permit the Day Nursey use***

The Owner has submitted Zoning By-law Amendment File Z. 19.001 (the 'Application') for the Subject Lands shown on Attachments 1 and 2 to:

- i) permit a day nursery use within the existing stand-alone buildings in an "R3 Residential Zone", on the Subject Lands, together with site-specific zoning exceptions identified in Table 1 of this report.

***Public Notice was provided in accordance with the Planning Act and Vaughan Council's Notice Signs Procedures and Protocol***

- a) Date the Notice of Public Hearing was circulated: April 12, 2019.

The Notice of Public Hearing was also posted on the City's web-site at [www.vaughan.ca](http://www.vaughan.ca) and a Notice Sign was installed on the property in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: To all property owners within 150 m of the Subject Lands and to the Brownridge Ratepayers' Association.

- c) Comments received:

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments that are received will be reviewed by the Development Planning Department as input in the application review process and will be addressed in the final technical report to be considered at a future Committee of the Whole meeting.

**Previous Reports/Authority**

[Council Extract May 4, 2010 Item 22, Report 17 Site Development File DA.00.139 Daniel Gluzberg 1238 Centre Street](#)

**Analysis and Options**

The Subject Lands are designated "Mid-Rise Mixed-Use "B" by Vaughan Official Plan ('VOP 2010') and are subject to the Chapter 12 Area Specific policies. These policies permit day cares. These policies were adopted by Council but are before the Local Planning Appeal Tribunal.

***The proposed Day Nursery Use conforms to Official Plan Amendment 672***

The proposed day nursery use conforms to the in-effect Official Plan Amendment 672 ('OPA 672') which designates the Subject Lands "Office Commercial" and permits a day care use. The "Office Commercial" policies limit the maximum building height within this designation to 11 m and require that any development within the "Office Commercial" designation proceed by way of a site-specific zoning by-law amendment and site development applications which have regard to parking, lighting, loading and service areas and, wherever possible, the consolidation of individual driveways.

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

The Subject Lands are zoned “R3 Residential Zone” by Zoning By-law 1-88, subject to Exception 9(776) as shown on Attachment 1. The proposed day nursery use is not permitted within this zone. The Owner previously obtained Committee of Adjustment approvals (for rear yard and interior side yard setbacks, landscape strip widths and parking) under Files A062/07 and A089/12 (for a side yard setback to steps). The Subject Lands must be zoned with the proposed site-specific exceptions identified in Table 1 to permit the day nursery use, together with the following site-specific zoning exceptions to By-law 1-88 to permit the Development and recognize Committee of Adjustment approvals.:

Table 1:

	<b>Zoning By-law 1-88 Standard</b>	<b>R3 Residential Zone Requirements</b>	<b>Proposed Exceptions to the R3 Residential Zone Requirements</b>
a.	Permitted Uses and Definition of a “Day Nursery”	Not a permitted use within the R3 Residential Zone	<p>Permit a Day Nursery on the Subject Lands defined as follows:</p> <p>Day Nursery – Means a day nursery as defined in the Day Nurseries Act, R.S.O. 1980, C 111.</p>
b.	Minimum Rear Yard Setback (to an Accessory Building – north lot line)	15 m	1.2 m (Building B to north lot line)– Approved by Committee of Adjustment File A062/07).
c.	Interior Side Yard Setback	15 m	<ul style="list-style-type: none"> <li>• 5.53 m (Building A - west side yard).</li> <li>• 5.69 m (Building A – east side yard) Approved by Committee of Adjustment File A062/07.</li> </ul>

	Zoning By-law 1-88 Standard	R3 Residential Zone Requirements	Proposed Exceptions to the R3 Residential Zone Requirements
			<ul style="list-style-type: none"> <li>3.45 m (Building B – west side yard to steps) (Approved by Committee of Adjustment File A062/07).</li> </ul>
d.	Minimum Landscape Strip Width Abutting Residential Zone	2.4 m along lot line abutting a residential zone	1.0 m abutting residential zone on west property line 1.22 m abutting the northerly property line (Approved by Committee of Adjustment File A062/07).
e.	Minimum Landscape Strip Width Abutting Street Line	6.0 m along street line	2 m abutting Centre Street (Approved by Committee of Adjustment File A063/07).

Additional zoning exceptions may be identified through the detailed review of the Applications and will be considered in a technical report to a future Committee of the Whole meeting.

The Owner has submitted a related Site Development Application for the Subject Lands as shown on Attachments 2 - 5. No new development is proposed on the Subject Lands. The day nursery use is proposed within the existing buildings and will use the existing classrooms, ancillary spaces, staff and administrative rooms which were previously used as a private elementary school. The play area in the rear of the property will remain.

The parking area in front of the building will be repaired and the driveway access from Centre Street will be aligned with the York Region design for Centre Street and a landscape strip adjacent to Centre Street will be provided in accordance with York Region's streetscape for Centre Street.

**Following a preliminary review of the Applications, the Development Planning Department has identified the following matters to be reviewed in greater detail:**

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT</b>
a.	Consistency and Conformity with Provincial Policies, Regional and City Official Plan Policies	<ul style="list-style-type: none"> <li>▪ The Application will be reviewed for consistency with the <i>Provincial Policy Statement, 2014</i> (the 'PPS') and the <i>Growth Plan for the Greater Golden Horseshoe 2017</i> (the 'Growth Plan') and the policies of the York Region Official Plan ('YROP') and the City of Vaughan Official Plan policies of VOP 2010 Chapter 12 and the in effect Official Plan policies ('OPA 672').</li> </ul>
b.	Appropriateness of the Proposed Zoning Amendment and Site-Specific Zoning Exceptions	<ul style="list-style-type: none"> <li>▪ The appropriateness of the proposed zoning amendment to permit the proposed day nursery use will be reviewed in consideration of, but not limited to the following:               <ul style="list-style-type: none"> <li>- the compatibility with the existing and planned surrounding land uses;</li> <li>- the proposed land use;</li> <li>- the appropriateness of the site design and existing building for the use;</li> <li>- the appropriateness of the site-specific development standards</li> </ul> </li> </ul>
c.	Studies and Reports	<ul style="list-style-type: none"> <li>▪ The Owner has submitted the following studies and reports in support of the application, which must be approved to the satisfaction of the City and/or respective public approval authority:               <ul style="list-style-type: none"> <li>- Stormwater Management Brief</li> <li>- Site Plan Accessibility Check List</li> <li>- Tree Inventory and Preservation Study</li> </ul> </li> <li>▪ Additional reports or studies may be required as part of the development application review process.</li> </ul>
d.	Site Development Application	<ul style="list-style-type: none"> <li>▪ A Site Development Application is required for the proposed use. The Owner has submitted related Site Development File DA.19.008. Although no changes are proposed to the existing buildings on the site, the site plan will</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT</b>
		<p>be reviewed in consideration of, but not limited to, appropriate site design, pedestrian connectivity, barrier free accessibility, appropriate driveway and vehicular access to Centre Street, appropriate landscaping, environmental sustainability, servicing and grading, stormwater management, appropriate provisions for waste management.</p> <ul style="list-style-type: none"> <li>▪ A Site Development Application is being processed concurrently with the Zoning Application and will be considered together in a comprehensive technical report to a future Committee of the Whole Meeting.</li> </ul>
e.	Sustainable Development	<ul style="list-style-type: none"> <li>▪ Opportunities for sustainable design, including CPTED (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, energy efficient lighting, reduction in pavement etc., will be reviewed and implemented through the site plan approval process, if the application is approved.</li> <li>▪ The proposed use will occur within the existing buildings located on the site and no additional development is proposed as a result of these applications.</li> </ul>

### **Financial Impact**

Not Applicable.

### **Broader Regional Impacts/Considerations**

The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues will be addressed when the technical report is considered.

### **Conclusion**

The preliminary issues identified in this report and any other issues identified through the processing of the Zoning By-law Amendment and Site Development Files Z.19.001

and DA.19.008 will be considered in the technical review of these Applications, together with comments from the public and Vaughan Council expressed at the Public Hearing or in writing and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

**For more information**, please contact: Laura Janotta, Planner, Development Planning Department, ext. 8634.

### **Attachments**

1. Location Map
2. Site Plan and Proposed Zoning
3. Landscape Plan
4. Elevations – Building A (Existing)
5. Elevations – Building B (Existing)

### **Prepared by**

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