

Committee of the Whole (1) Report

DATE: Tuesday, September 12, 2023

WARD: 1

TITLE: KLEINBURG MILLS INC.:

**OFFICIAL PLAN AMENDMENT FILE OP.16.002,
ZONING BY-LAW AMENDMENT FILE Z.15.038,
SITE DEVELOPMENT FILE DA.15.091 -
10422 AND 10432 ISLINGTON AVENUE,
VICINITY OF ISLINGTON AVENUE AND NASHVILLE ROAD**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Official Plan and Zoning By-law Amendment, and Site Development Files OP.16.002, Z.15.038 and DA.15.091 ('Applications') to permit a 3-storey (12 m) building for ground floor commercial retail uses and 22 apartment units, and a 2-storey office building for a total gross floor area of 2,942.98 m², as shown on Attachments 4 to 7.

Report Highlights

- The Owner proposes to permit a 3-storey building for ground floor commercial retail use and 22 apartment units, and a 2-storey office building
- Official Plan and Zoning By-law Amendment and Site Development applications are required to permit the development
- The Development Planning Department supports the development as it is consistent with and conforms to Provincial policy, conforms to the York Region Official Plan 2022 and meets the intent of VOP 2010, and is considered to be compatible with the surrounding existing and planned land uses
- The overall architectural composition of the proposed buildings is in keeping with the commercial and residential architectural styles prevalent within the Kleinburg-Nashville Heritage Conservation District Study and Plan ('KNHCD Plan') and is consistent with the KNHCD Plan

Recommendations

1. THAT Official Plan Amendment File OP.16.002 (Kleinburg Mills Inc.) (the 'Owner'), BE APPROVED, to amend Vaughan Official Plan 2010 ('VOP 2010'), Volume 2, Area Specific Exception 12.4 - Kleinburg Core to permit the following:
 - a) redesignate a portion of the Subject Lands from "Natural Areas" to "Mainstreet Commercial";
 - b) permit a maximum building height of 12 m (3-storeys), as shown on Attachment 3, whereas VOP 2010 permits a maximum building height of 9.5 m (2.5-storeys);
 - c) permit a residential component (apartment dwelling units) on the ground floor and upper floors (second and third floors), whereas VOP 2010 permits a residential component only on the upper floor (second floor); and
 - d) permit a maximum Floor Space Index ('FSI') of 1.27 times the area of the lot, whereas VOP 2010 permits a maximum FSI of 1 times the area of the lot.
2. THAT Zoning By-law Amendment File Z.15.038 (Kleinburg Mills Inc.) BE APPROVED, to:
 - a) amend Zoning By-law 1-88 to rezone the Subject Lands from "C11 Mainstreet Commercial Zone" and "R1 Residential Zone" to "C11(H) Mainstreet Commercial Zone" with the addition of the Holding Symbol "(H)" and "OS1 Open Space Conservation Zone" in the manner shown on Attachment 4, together with the site-specific zoning exceptions identified in Table 1 on Attachment 11 of this report; and
 - b) amend Zoning By-law 001-2021 to rezone the Subject Lands from "KMS 2.5 / 0.2 - 1.0 Main Street Mixed-Use Kleinburg Zone with a Maximum Building Height of 2.5-Storeys and a FSI between 0.2 and 1.0 times the area of the lot" and "R1B(EN) First Residential Zone" to "KMS(H) 3.0 / 1.27 Main Street Mixed-Use Kleinburg Zone with the addition of the Holding Symbol (H) and with a Maximum Building Height of 3-Storeys and a Maximum FSI of 1.27 times the area of the lot" and "EP Environmental Protection Zone", in the manner shown on Attachment 4, together with the site-specific zoning exceptions identified in Table 2 on Attachment 12 of this report.
3. THAT the Holding Symbol "(H)" be placed on the Subject Lands and that the Subject Lands zoned with the Holding Symbol "(H)" shall be used only for:
 - a) The production of field crops or a use legally existing as of the date of the enactment of this By-law; and/or

- b) Site remediation, shoring and excavation works to address contamination in soil and groundwater.
4. THAT the Holding Symbol “(H)” shall not be removed from the Subject Lands or any portion thereof, until the following condition is addressed to the satisfaction of the City:
- a) The Owner shall complete full delineation of contamination in soil and groundwater to the satisfaction of the Ministry of Environment, Conservation and Parks (‘MECP’); complete the assessment/management of any potential off-site impacts; and implement the remedial action plan; and
 - b) The Owner shall file a Record of Site Condition (‘RSC’) on the Environmental Registry to the satisfaction of the Development Engineering Department.
5. THAT Site Development File DA.15.091 (Kleinburg Mills Inc.) BE DRAFT APPROVED AND SUBJECT TO THE CONDITIONS included on Attachment 10, to the satisfaction of the Development Planning Department, to permit a 3-storey building for ground floor commercial retail use, and ground floor and two upper floors for residential use consisting of 22 apartment units (Building ‘A’), and a 2-storey office building (Building ‘B’), as shown on Attachments 3 to 6.
6. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:
- “THAT Site Plan Development Application File DA.15.091 (Kleinburg Mills Inc.) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 22 residential apartment units (43 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.”

Background

Location: The 0.26 ha subject lands (the ‘Subject Lands’) are municipally known as 10422 and 10432 Islington Avenue and are located on the west side of Islington Avenue, south of Nashville Road. Two vacant buildings consisting of a 1-storey former commercial automotive garage and a residential building currently occupy the site. The Subject Lands and surrounding land uses are shown on Attachments 1 and 2.

An Official Plan Amendment, Zoning By-law Amendment and Site Development Applications has been submitted to permit the development

The previous owner of the Subject Lands (2383717 Ontario Inc.) submitted applications for a 3-storey (11.7 m high) mixed-use building comprised of a commercial use (dance

studio) containing 1,175.57 m² of Gross Floor Area ('GFA') and 13 residential units, as shown on Attachments 8 and 9.

Vaughan Council on May 17, 2016, ratified the recommendation of the Committee of the Whole (Public Meeting) to receive the Public Meeting report of May 3, 2016, and to forward a comprehensive technical report to a future Committee of the Whole meeting. The recommendation also required a community meeting be organized by the local Ward Councillor with the Owner, residents, and appropriate City staff and Regional Councillor's to address the following issues:

- conformity to the Kleinburg-Nashville Heritage Conservation District Plan ('KNHCD Plan');
- increasing residential growth and traffic in the KNHCD;
- proposed building height and Floor Space Index ('FSI') not in accordance with Vaughan Official Plan 2010 ('VOP 2010'); and
- increasing the front and side yard setbacks to provide greater landscape screening and privacy.

Kleinburg Mills Inc. (the 'Owner') purchased the Subject Lands on September 20, 2019 and submitted a revised development consisting of Applications to permit a 3-storey (12 m) building for ground floor commercial retail use, and ground floor and two upper floors for residential use consisting of 22 apartment units (Building 'A'), and a 2-storey office building for a total gross floor area of 2,942.98 m² (Building 'B'), with access onto Islington Avenue (the 'Development') as follows:

- 1) Official Plan Amendment File OP.16.002 to:
 - a) redesignate from "Natural Areas" to "Mainstreet Commercial";
 - b) permit a maximum building height of 12 m (3-storeys), as shown on Attachment 3, whereas VOP 2010 permits a maximum building height of 9.5 m (2.5-storeys);
 - c) permit a residential component (apartment dwelling units) on the ground floor and upper floors (second and third floors), whereas VOP 2010 permits a residential component only on the upper floor (second floor); and
 - d) permit a maximum FSI of 1.27 times the area of the lot, whereas VOP 2010 permits a maximum FSI of 1 times the area of the lot.
- 2) Zoning By-law Amendment File Z.15.038 to:
 - a) amend Zoning By-law 1-88 to rezone the Subject Lands from "C11 Mainstreet Commercial Zone" and "R1 Residential Zone" to "C11 Mainstreet Commercial Zone" and "OS1 Open Space Conservation Zone" in the manner shown on

Attachment 4, together with the site-specific zoning exceptions identified in Table 1 on Attachment 11 of this report; and

- b) amend Zoning By-law 001-2021 to rezone the Subject Lands from “KMS 2.5 / 0.2 - 1.0 Main Street Mixed-Use Kleinburg Zone with a Maximum Building Height of 2.5-storeys and a FSI between 0.2 and 1.0 times the area of the lot” to “KMS 3.0 / 1.27 Main Street Mixed-Use Kleinburg Zone with a Maximum Building Height of 3-storeys and a Maximum FSI of 1.27 times the area of the lot” and “EP Environmental Protection Zone”, in the manner shown on Attachment 4, together with the site-specific zoning exceptions identified in Table 2 on Attachment 12 of this report.
- 3) Site Development File DA.15.091 (Kleinburg Mills Inc.) to permit a 3-storey building for ground floor commercial retail use, and ground floor and two upper floors for residential use consisting of 22 apartment units, and a 2-storey office building, as shown on Attachments 4 to 7.

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

A new Public Meeting was required in accordance with Section 10.1.4.1 of VOP 2010:

- a) any application(s) that has not been considered by Council within two years after the date it was considered at a previous statutory public meeting; and/or
 - b) an application(s) has been significantly amended, such as an increase to the proposed density and/or building height, beyond what was proposed and considered by Council at a previous public meeting.
- Date of Notice (Extended Polling Area from Subject Lands as shown on Attachment 1): February 5, 2021
 - Location of Notice Sign: Islington Avenue
 - Date of Public Meeting: March 2, 2021, date ratified by Council May 10, 2021
 - Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: August 24, 2023

Public comments were received

The following is a summary of the comments provided and received to date. The comments are organized by theme as follows:

- Kathryn Angus, Kleinburg and Area Ratepayers’ Association, dated January 13, 2021
- Valentina Perrelli, dated February 25, 2021
- Mark Inglis, dated February 25, 2021
- Phil Greco, dated February 25, 2021
- Roger Dickinson, Donhill Crescent, Kleinburg, dated March 1, 2021

The comments are organized by theme as follows:

a) Inappropriate Development for the Kleinburg Core

The building height, FSI and rear yard setback are not appropriate for the community and will set the precedent for higher buildings, greater FSI and reduced setbacks.

Response

Cultural Heritage staff support the Development as it conforms to the policies and objectives of the KNHCD Plan. The Development employs heights and volumes consistent with new current construction industry standards, and the appearance maintains the look and feel of the village commercial architecture setting. The reduced rear yard setback from 15 m under the C11 Mainstreet Commercial Zone in By-law 1-88 to 1.5 m can be supported as the rear yard abuts open space lands and does not intrude on privacy for adjacent lots.

b) Appropriate remediation required to dispose of hazardous material

The proposed change in land use is for a more sensitive use than the previous service station use. Appropriate mitigation to dispose of hazardous material associated with the previous service station use is required for the Subject Lands and abutting open space lands and drinking water. Assurance is required that the removal of contamination is addressed to accommodate future residential use.

Response

The Ministry of Environment, Conservation and Parks ('MECP') and Development Engineering ('DE') Department have provided comments to the Owner advising of their concerns respecting on-site and off-site remediation. The Owner is required to complete soil verification and groundwater sampling prior to construction of the underground garage and the building foundation to the satisfaction of the MECP and DE Department. The Owner will be required to delineate the impacted area of contaminated soil and groundwater and provide sampling in order to receive the Record of Site Condition ('RSC'). The Holding Symbol "(H)" shall be placed on the Subject Lands, and will not be removed until these matters, including receiving a RSC, are addressed to the satisfaction of the DE Department.

c) Completion of public access is required

The provision of public access that is accessible for all users on-site and off-site and addresses sightlines.

Response

Access is provided on-site and allows for access to the buildings and intersects with the existing sidewalk on the west side of Islington Avenue. However, barrier free access is not provided along the north portion of the

Subject Lands and around the entirety of the office building due to the sloped topography / grading.

- d) Road Widening
No Islington Road widening is provided.

Response

The Vaughan Transportation Master Plan ('TMP') identifies a 24 m right-of-way for Islington Avenue within the Kleinburg Core. However, the Islington Streetscape Plan does not include land taking and road widening due to heritage constraints. Therefore, road widening for this Development will not be requested.

- e) Impact of Development on Adjacent Lands to the north, including foundation stability

The owner of the adjacent lands to the north is concerned about the impact of the construction of the building and the underground parking for the Development.

Response

The building is setback 1.10 m and underground parking structure is setback 0.19 m from the north property line. The Owner indicates on the architect prepared plans for the Development that all construction shall comply with the applicable Building Codes and Vaughan requirements. The retaining wall along the north property line will be designed by a structural engineer.

Previous Reports/Authority

Previous reports related to the Applications and Subject Lands can be found at the following links:

Official Plan Amendment File OP.16.002, and Zoning By-law Amendment File Z.15.038 (2385388 Ontario Inc.), Committee of the Whole (Public Meeting) Report
[May 3, 2016 Committee of the Whole \(Public Meeting\) \(Item 5, Report 22\)](#)

Official Plan Amendment File OP.16.002, and Zoning By-law Amendment File Z.15.038 (Kleinburg Mills Inc.), Committee of the Whole (Public Meeting) Report
[March 2, 2021 Committee of the Whole \(Public Meeting\) \(Item 4, Report 9\)](#)

Demolition and New Construction - Single Detached Dwelling with Attached Garage Located at 10,432 Islington Avenue, Kleinburg-Nashville Heritage Conservation District
[February 17, 2021 Heritage Vaughan Committee \(Item 2, Report 2\)](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement, conforms to the Growth Plan and YROP 2010 and 2022, and maintains the intent of the Mainstreet Commercial policies of VOP 2010

Provincial Policy Statement, 2020 ('PPS')

The PPS provides direction on matters of Provincial interest related to land use planning and development and include building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use, and management of resources, and protecting public health and safety.

The Development provides for a compact, mixed-use development that incorporates compatible commercial uses to support liveable and resilient communities with consideration of the housing policies and maintaining and enhancing the vitality and viability of downtowns and main streets. The Development complements and is compatible with the existing uses within the area. Additionally, the Subject Lands are located in an area where servicing and infrastructure are available for the Development, consistent with the PPS. Staff are satisfied that the Development is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended ('Growth Plan')

The Growth Plan provides a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant, and complete communities, developing a strong competitive economy, protecting, and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

The Development is consistent with the policy framework of the Growth Plan as the proposed built form would utilize the Subject Lands more efficiently, make more efficient use of existing infrastructure, and provide housing at a density that is supportive of the Growth Plan objectives and implementing the goals and objectives of the municipal cultural heritage plan. The Development conforms to the Growth Plan.

York Region Official Plan 2022 ('YROP 2022') / York Region Official Plan 2010 ('YROP 2010')

The YROP 2022 identifies the Subject Lands as "Urban Area" on Map 1 - Regional Structure, which permits a wide range of residential, commercial, industrial, and institutional uses and that is the primary location for growth and development. The Subject Lands are designated "Urban System - Community Area" on Map 1A - Land Use Designations, YROP 2022. The Applications provide for a mixed-use, integrated commercial and higher density residential development that contributes to, and enhance the character, cultural heritage, and sense of place when in the main street area of the KNHCD Plan. The Developments conforms to the YROP 2022.

The YROP 2022 replaces the YROP 2010 with respect to applications not deemed to be complete as of the YROP 2022 date of approval (Transition Policy 7.4.13). As the Applications were deemed complete prior to the approval of YROP 2022 (February 26,

2016), the YROP 2010 remains as the in-force Regional Official Plan against which conformity of the Applications is measured.

The Subject Lands are designated “Towns and Villages” on Map 1 - Regional Structure of YROP 2010. which permits a wide range of residential, commercial, industrial, and institutional uses. The YROP 2010 also encourages “local municipalities to consider urban design standards in core historic areas that reflect the areas’ heritage, character and streetscape.” The Subject Lands, located within the KNHCD Plan conform to the YROP 2010.

Vaughan Official Plan 2010 (‘VOP 2010’)

VOP 2010 sets out the municipality’s general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- Identified as an “Intensification Area”, specifically a “Local Centre”, on Schedule 1 - Urban Structure by VOP 2010
- Designated “Mainstreet Commercial” with a permitted FSI between 0.2 and 1 times the area of the lot, and a maximum building height of 2.5-storeys (9.5 m) and “Natural Areas” by VOP 2010, Volume 2, Section 12.4 - Kleinburg Core
- The “Mainstreet Commercial” designation permits small-scale mixed-use developments with at-grade commercial uses and an upper floor residential component, retail uses, and professional and business office uses.
- The “Mainstreet Commercial” and “Natural Areas” designation do not permit Development as it proposes a 3-storey (12 m) high building, a FSI of 1.27 times the area of the lot and residential uses on the ground and third floors.

The goals and policies in VOP 2010, Volume 2, Section 12.4 “Kleinburg Core” state (in part):

“12.4.1.1 a. General:

- i. Ensure that land use and built form are compatible with the scale and character of the existing community and integrated with the existing and contemplated pattern of development in the surrounding area;
- ii. Promote pedestrian-oriented development patterns;
- iv. Ensure, to the fullest extent possible, that the heritage resources, both built and natural, of the Kleinburg Core area are protected in accordance with the Kleinburg-Nashville Conservation District Study and Plan.

b. Commercial Growth:

- vi. Encourage mixed-use in the core area at a modest scale;

- viii. Ensure that commercial development takes place in accordance with the provisions of the Kleinburg-Nashville Heritage Conservation District Plan, ensure it remains at a village scale and ensure it complements the historic, rural village character and architectural heritage of the community;

12.4.1.1 d. Heritage:

- iii. Encourage that new development along the historic core areas of Kleinburg be sympathetic in scale, massing and architectural design with the existing 19th and early 20th Century heritage buildings in these historic core areas;
- iv. Ensure that development or redevelopment occurs in accordance with the provisions of the Kleinburg-Nashville Heritage Conservation District Plan adopted by By-law 183-2003 as amended by By-law No. 268-2003 and designated under Part V of the *Ontario Heritage Act*;

12.4.10.2 New development and redevelopment in the Core Area shall be compatible with, and complementary to, the distinctive and historic character of the building, with particular regard for the scale, setback, spacing, massing, and architectural design. Detailed development standards will be set out in the implementing zoning by-law.”

The Development Planning Department can support the proposed amendments to VOP 2010 for the following reasons:

a) Location and Surrounding Lands

The Subject Lands are located on Islington Avenue, a minor collector road, and are within a Local Centre as defined by VOP 2010. The proposed building height of 3-storeys (12 m) exceeds the maximum building height of 2.5-storeys (9.5 m) permitted by the “Mainstreet Commercial” designation in VOP 2010. The proposed FSI density of 1.27 times the area of the lot for the Development exceeds the maximum FSI of 1.0 times the area of the lot permitted by the “Mainstreet Commercial” designation in VOP 2010.

The Subject Lands abut an open space / valley corridor associated with a tributary of the Humber River to its west. The rear portion of the Subject Lands slopes to the west. Commercial Building “B” of the Development is located behind the City-owned Pierre Berton Heritage Centre (‘PBHC’) property, for community use, at 10418 Islington Avenue abutting the Development to its east and south. To the north is a 2.5-storey mixed-use residential/commercial development. Some of the height and mass of the Development is absorbed into the grading and screened by the open space / valley lands, as well as partially

screened by the adjacent buildings. The Development is compatible with the surrounding land uses.

b) Permitted Uses

The “Mainstreet Commercial” designation in VOP 2010 permits small-scale mixed-use developments with at-grade commercial uses and one upper floor residential component. The Applications maintain the intent of VOP 2010 by providing a viable mixed-use commercial and residential development.

The redesignation of a portion of the Subject Lands from “Natural Areas” to “Mainstreet Commercial” is due to the development limits being established by the Toronto and Region Conservation Authority (‘TRCA’). Policy 10.2.1.4. of VOP 2010, “permits minor extensions, reductions or expansions of such uses shall be permitted without amendment to this Plan provided that the intent of this Plan is not compromised and the tests prescribed below are met “within Natural Areas, it is demonstrated that there will be no negative impact on existing natural features and functions;”.

The TRCA, on December 20, 2020, advised that there was no objection to the Applications subject to addressing permit requirements for proposed site alteration works involving the removal of historically placed fill and restoration/naturalization on TRCA lands. As the Owner has submitted an Official Plan Amendment, the redesignation of the portion of the Subject Lands from “Natural Areas” to “Mainstreet Commercial” would be undertaken to reflect the updated development limits, should the Official Plan Amendment be approved.

c) Building Height and Scale

Policy 12.4.7.b.i. of the Kleinburg Core for the “Mainstreet Commercial” designation requires buildings to “generally not exceed a maximum building height of 9.5 m (2.5-storeys) above the finished grade.” The Development is for a 12 m (3-storey) high building. The building height for the Development, as shown on Attachments 4 to 6, is comparable to the building height and scale of surrounding mixed-use commercial and residential developments (Canadiana Square at 10462 Islington Avenue and Canadiana House at 10472 Islington Avenue both at 2.5-storeys, and Heritage Hill at 10425 Islington Avenue at 3-storeys).

The Heritage Vaughan Committee recommended approval of the Development and Vaughan Council ratified the Committee’s recommendation

The Subject Lands are located in the KNHCD and are designated under Part V of the *Ontario Heritage Act*. Therefore, all planning applications, demolitions and new constructions must be consistent with the KNHCD Plan. Section 9.2 “Architectural Styles” of the KNHCP requires new development “should be designed in a style that is consistent with the vernacular heritage of the community.” Also, Section 9.5.1 “New Development Overview” of the KNHCD Plan states, “new development within the District should conform to qualities established neighbouring heritage buildings, and the

overall character of the setting. Designs should reflect a suitable local heritage precedent style.”

The existing dwellings on the Subject Lands are identified as non-contributing architecture in the KNHCD Plan. The Development has been reviewed in consideration of the policies of the KNHCD Plan and is consistent with the relevant policies and objectives of the KNHCD Plan.

The Heritage Vaughan Committee (‘HVC’) at its February 17, 2021, meeting considered the proposed demolition of the existing dwelling and detached garage and the construction of the Development. The proposed architectural style for the Development is respectful of the materials and design language of the chosen architectural style and conforms to the requirements of the KNHCD Plan. The Development employs heights and volumes consistent with new current construction industry standards, yet the appearance maintains the look and feel of the village commercial architecture setting. The HVC recommended the proposed demolition of the existing dwelling and detached garage and the construction of the Development 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 Deputy City Manager, Planning and Growth Management;
- b) That Heritage Vaughan Committee recommendations to Council do not constitute specific support for any development application under the *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 Owner submit Building Permit stage architectural drawings and building material specifications to the satisfaction of the Chief Building Official; and
- d) A demolition permit for the removal of the existing building and detached garage shall not be issued until a Building Permit has been obtained for the construction of the proposed commercial-residential development consisting of a 3-storey building with 2-storeys of underground parking and a detached 3-storey additional building in accordance with the Kleinburg-Nashville Heritage Conservation District Plan.”

Vaughan Council on March 10, 2021, ratified the recommendations of the HVC.

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

As the Applications were received by the City on December 22, 2015, and deemed complete on January 28, 2016, the Applications are transitioned under Zoning By-law

001-2021. The Owner requests that both Zoning By-law 1-88 and Zoning By-law 001-2021 be amended.

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

Zoning:

- “C11 Mainstreet Commercial Zone” by Zoning By-law 1-88 and “R1 Residential Zone”, by Zoning By-law 1-88 subject to site-specific Exception 9(943).
- These zones do not permit the Development.
- The Development is to be rezoned to “C11(H) Mainstreet Commercial Zone” with the addition of the Holding Symbol “(H)” and “OS1 Open Space Conservation Zone” as shown on Attachment 4, together with the following site-specific zoning exceptions identified in Table 1 on Attachment 11.

Amendments to Zoning By-law 001-2021 are required to permit the Development

Zoning:

- “KMS 2.5 / 0.2 - 1.0 Main Street Mixed-Use Kleinburg Zone with a Maximum Building Height of 2.5-storeys and a FSI between 0.2 and 1.0 times the area of the lot” and “R1B(EN) First Residential Zone”, by Zoning By-law 001-2021
- These zones do not permit the Development.
- The Development is to be rezoned to “KMS(H) 3.0 / 1.27 Main Street Mixed-Use Kleinburg Zone with the addition of the Holding Symbol (H) and with a Maximum Building Height of 3-storeys and a Maximum FSI of 1.27 times the area of the lot” and “Environmental Protection Zone” as shown on Attachment 4, together with the following site-specific zoning exceptions identified in Table 1 on Attachment 12.

The Development Planning Department can support the rezoning of the Subject Lands and site-specific zoning exceptions identified in Attachments 10 and 11 on the basis that the proposed site-specific zoning standards would facilitate a Development that is consistent with the policies of the PPS, conforms to the Growth Plan and YROP 2022 and maintains the intent of the “Mainstreet Commercial” policies of VOP 2010.

Minor modifications may be made to the zoning exceptions identified in Table 1 and Table 2 prior to the enactment of an implementing Zoning By-laws as required, should the Applications be approved.

A Holding Symbol “(H)” shall be placed on the Subject Lands

A Holding Symbol “(H)” being placed on the Subject Lands and that the Subject Lands zoned with the Holding Symbol “(H)” shall be used only for:

- a) The production of field crops or a use legally existing as of the date of the enactment of this By-law; and/or
- b) Site remediation, shoring and excavation works to address contamination in soil and groundwater.

The DE Department supports the Development subject to a Holding Symbol “(H)” being placed on the Subject Lands. The Holding Symbol “(H)” shall not be removed from the

Subject Lands or any portion thereof, until the following condition is addressed to the satisfaction of the City:

- a) The Owner shall complete full delineation of contamination in soil and groundwater to the satisfaction of the MECP, complete the assessment/management of any potential off-site impacts, implement the Remedial Action Plan ('RAP') and file a RSC on the Environmental Registry to the satisfaction of the DE Department.

A condition to this effect is included in the Recommendations of this report.

The Subject Lands have archaeological potential

The Subject Lands are located within a Heritage Conservation Area and do have archaeological potential, so the following clauses shall apply:

- 1) The subject parcel of land lies in an area identified as a being of some archaeological potential, and consideration shall be maintained. As such, the following standard clauses shall apply at the Site Plan stage:
 - i. Should archaeological resources be found on the property during construction activities, all work must cease, and both the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan's Development Planning Department, Urban Design and Cultural Heritage Department shall be notified immediately.
 - ii. In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The proponent shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.
- 2) In the event of a future development application that involves further soil disturbance an archaeological assessment by a professional licensed archaeologist may be required and conditions of approval may apply.

Conditions to this effect are included in Attachment 10 of this report.

Financial Impact

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

Operational Impact

The Policy Planning and Special Programs ('Policy') Department supports the Development

The Policy Planning and Special Programs ('Policy') Department advised that the unauthorized placement of fill has taken place at the rear of the Subject Lands and onto

TRCA owned property to the west. In order to resolve the matter, the Owner will be required to remove the unauthorized fill and restoring the valley slope to a more naturalized state. While vegetation removals will be required in order to facilitate these works, the Owner has proposed an extensive restoration planting plan for the impacted area. As removal of the fill and restoration of the area will ultimately result in a net ecological gain, Policy Planning staff have no concerns with this aspect of the proposed works.

The Owner is also advised that the City of Vaughan has Species at Risk within its jurisdiction that are protected under the *Endangered Species Act, 2007*, S.O.2007 ('ES Act'). Policy Planning staff note that the onus is on the proponent to ensure the provisions of the Act are not contravened. As such, it is the responsibility of the applicant to comply with any MECP regulations and guidelines to protect Species at Risk and their habitat.

Given the initial submission date of the Applications in 2015 and 2016 for the Subject Lands, they are not subject to the City's Sustainability Performance Metric ('SPM') program. As such, a SPM scoring tool and accompanying cover letter will not be required in this instance.

The Development Engineering ('DE') Department supports the Development, subject to the comments in this report

The DE Department has provided the following comments:

Sanitary Servicing

Sanitary servicing is proposed for the Subject Lands via a proposed sanitary service connection connected to a proposed street manhole (SANMH02A) from the existing sanitary mainline sewer within the Islington Avenue right-of-way complete with a proposed sanitary control manhole at the property line to support internal servicing for the Development.

Water Distribution

Water servicing is proposed for the Subject Lands via a proposed 150 mm Dia. Industrial-Commercial-Institutional ('ICI') connection as per City Standard C-102 from the existing 350 mm Dia. watermain within the Islington Avenue right-of-way to support internal servicing for the Development.

Storm Drainage

Stormwater servicing is proposed for the Subject Lands via a proposed stormwater outfall to the TRCA owned and regulated valley lands west of the Development through a 100 mm orifice tube to meet allowable peak flow requirements. Prior to the stormwater outfall, an Oil-Grit Separator (OGS – ARMTEC First Defence Unit, Model FD-4HC)

complete with an Infiltration Trench is proposed to handle stormwater runoff from the Development.

Erosion and Sediment Control

Albeit a variety of erosion control best management practice manuals are available, the *Erosion and Sediment Control Guidelines for Urban Construction (December 2006)* guideline was created as a consolidated document that best suits jurisdictions within the Greater Golden Horseshoe Area Conservation Authorities for common usage in land development, construction and water management. 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 aforementioned document.

Site Lighting

A Photometric Private Site Lighting drawing, prepared by RTG Systems Inc, and dated April 24, 2020, which has indicated that the Development is to maintain a zero-cut-off light level distribution at the property line as per the City of Vaughan Standard Site Plan Notes.

Environmental Noise/Vibration Study

The Owner has provided a Detailed Noise Control Study, prepared by SS Wilson Associates Consulting Engineers, and dated November 1, 2021. The DE Department has no further comments at this time except to include the following warning clauses in all Development Agreement(s) and Offers of Sale and Purchase or Lease of the Subject Lands:

Building A - All Units:

- i) “This dwelling is fitted with provisions to accommodate the installation of a central air conditioning system if it is found necessary by the owner/occupant at any time in the future. If the air conditioning is to be provided at a later date, the outdoor unit must be located in a noise-insensitive location. The final installation should meet the Ministry of the Environment, Conservation and Parks criteria in Publications NPC-300 and NPC-21 (the maximum sound level LAS of 50 dBA2 at the neighbor’s closest window point(s) of reception, i.e., at their outdoor areas as well as at the closest window on any floor level).”
- ii) “Purchaser/tenants are advised that despite the inclusion of noise control features within this development area and within the dwellings, sound levels from increasing road traffic may continue to be of concern, occasionally interfering with some activities of the dwelling occupants as the sound level exceeds the Municipality’s and Ministry of the Environment, Conservation and Parks noise criteria.”

Building A - All Units with Balconies:

- i) “Purchaser/tenants are advised that despite the inclusion of noise control features within this development area and within the dwellings, sound levels from increasing road traffic will continue to be of concern as the levels in the balcony exceed the Ministry of the Environment, Conservation and Parks criteria” and that a protected Common Outdoor Living Area meeting the Ministry sound level criteria has been provided within the development.”

Environmental

The DE Department has reviewed the submitted Letter of Undertaking - Kleinburg Mills Inc., prepared by Macaulay Shiomi Howson Ltd., and dated August 9, 2022, and has provided the comments below.

The Letter of Undertaking provides the approximate timelines for the implementation of the RAP, a brief methodology for the RAP and the Owner’s commitment to prepare and implement, to the satisfaction of the City, noise/dust/odour control measures and communication strategy to notify and engage with potentially affected persons/groups in the neighboring lands and other regulators during the remediation activities.

It was further agreed upon with the Owner that the MECP comments regarding the delineation of the contamination in soil and groundwater (vertical and lateral), the assessment/management of any potential off-site impacts, and the details of remediation methodology and contingency/risk management will be included as conditions with the Holding Symbol “(H)” applied to the amending zoning by-law, with the removal conditional upon the City’s receipt of a RSC filed on the Environmental Registry to the satisfaction of the DE Department.

Based on the correspondence and discussion to address the outstanding information for the remedial activities the following conditions will apply at the Zoning and/or Site Plan Application Stages and conditions to this effect are included in the Recommendations of this report and Attachment 10:

- 1) The Owner shall complete full delineation of contamination in soil and groundwater to the satisfaction of the MECP; complete the assessment/management of any potential off-site impacts; and implement the remedial action plan as a conditions of the Holding Symbol “(H)”, applied to the amending zoning by-law with the removal of the condition upon the filing of a Record of Site Condition (‘RSC’) on the Environmental Registry to the satisfaction of the DE Department.
- 2) At the Site Plan Application stage, the Owner shall obtain a Fill Permit and shall submit a Letter of Credit, a detailed RAP, traffic management plan, construction management plan, and public notification and communication strategy for the proposed construction activities to the satisfaction of the City for the implementation of the remedial activities.

Transportation

The DE Department has reviewed Traffic Impact Study prepared by NexTrans Consulting Engineering and revised to April 8, 2022, and have no further comments to address.

Sewage and Water Allocation

On February 22, 2023, Vaughan Council endorsed its Allocation of Servicing Capacity Annual Distribution and Update and Allocation of Servicing Capacity Policy.

Accordingly, servicing capacity to Site Plan Development Application DA.15.091 is available and unrestricted. Therefore, the following resolution to allocate servicing capacity to Site Plan Development Application DA.15.091 may be recommended for Council approval:

“THAT Site Plan Development Application File DA.15.091 (Kleinburg Mills Inc.) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 22 residential apartment units (43 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.”

Wastewater Servicing

The City’s Focus Area Core Servicing Strategy dated December 2017 and Draft Interim Servicing (‘ISS’) Study dated April 2020 identify surcharging in several segments of the existing sanitary sewer on Nashville Road and Islington Avenue, downstream of the Development and has been confirmed by the City’s current sanitary sewage models. Surcharging is not permitted per the City’s design criteria. However, based on the conclusions of the City’s ISS Study and associated flow monitoring data, the Development may be adequately serviced in the interim with minimal surcharging to the City’s existing downstream sanitary sewers. It is anticipated that local infrastructure improvements will be required in the future, therefore the following condition of approval applies to the Development and is included in Attachment 10:

- i) The Owner shall provide the City a one-time financial contribution in the amount of \$98,583.00. This represents the Owner’s proportionate share of the required sanitary sewer system improvements in the Kleinburg-Nashville service area. The calculation is based on sanitary sewer system upgrades identified in the City’s Focus Area Core Servicing Strategy.

This financial contribution represents the Owner’s proportionate share of the Kleinburg-Nashville service area sanitary sewer improvements. The contribution amount of \$98,583.00 is the Owner’s share of the cost of improvements to the Nashville Road and Islington Avenue sanitary sewers as identified in the Core Servicing Strategy based on a cost per person equivalent. (The total cost of improvements is \$865,000.00. The equivalent persons total for active development applications in the Kleinburg-Nashville service area is 523 persons and the cost per person is \$1,652.77).

Hydrogeology

The submitted Geotechnical Investigation Report prepared by Soils Engineers Ltd., and dated August 2021, was reviewed by the Development Engineering Review Division and has determined from the report that there is no groundwater detected upon completion of drilling for the boreholes. Based on the water content and soil profile, continuous groundwater is not anticipated within the depth of investigation. There will be no proposed dewatering or pumping required during excavation and construction works for the proposed underground parking lot. No Hydrogeological report will be required.

Encroachment Agreement / Road Occupancy Permits

The submitted shoring plans, prepared by RWH Engineering Inc, has been reviewed by the DE Department and has no further comments at this time except for that the Owner will be required to enter into an Encroachment Agreement at a later date. The DE Department has reviewed the submitted Construction Management Plan and has no further comments at this time. Encroachment Agreements and Road Occupancy permits will be required to be obtained by the Owner. A condition to this effect will be included in Attachment 10.

Conditions of Development Engineering Approval

The DE Department requires the following be addressed prior to final approval:

- 1) Proof of TRCA site plan approval shall be forwarded to the DE Department prior to final engineering sign-off.
- 2) The Owner shall enter into an Encroachment Agreement with the City of Vaughan, via DE Department, for the shoring tiebacks proposed to encroach into Islington Avenue, east of the Subject Lands, as well as 10418 Islington Avenue which is owned by the City. The Agreement shall be registered against the Subject Lands which it applies and shall be duly executed to the sole satisfaction of the DE Department. The application fee for the Development Encroachment is \$5,565.00 plus HST. Additional payments and securities may be requested within said Agreement and will be detailed during the drafting of the Agreement. Payment may be made by cheque made out to the Corporation of the City of Vaughan, quoting the City application file numbers and address within the memo section of the cheque.
- 3) Prior to final site plan approval, the Owner shall provide the DE Department with written confirmation that the construction and alignment of the shoring and retaining wall structures bounding the Subject Lands will not encroach the neighboring properties, unless written consent of the encroachment from the respective neighboring property Owner(s) is obtained. Any written consent obtained shall be forwarded to the City for review and record.
- 4) The Owner shall provide the City a one-time financial contribution in the amount of \$98,583.00. This represents the Owner's proportionate share of the required sanitary sewer system improvements in the Kleinburg-Nashville

service area. The calculation is based on sanitary sewer system upgrades identified in the City's Focus Area Core Servicing Strategy.

- 5) Prior to site plan approval, the Owner shall ensure all comments received from DE Department has been addressed to the satisfaction of the DE Department.
- 6) Prior to final site plan approval, the Owner shall obtain a Fill Permit and shall submit a Letter of Credit, a detailed RAP, traffic management plan, construction management plan, and public notification and communication strategy for the proposed construction activities to the satisfaction of the City for the implementation of the remedial activities.

The DE Department has no objections to the Development subject to their conditions in Attachment 10 of this report.

The Parks Infrastructure Planning and Development ('PIPD') Department supports the Development

The Parks Infrastructure Planning and Development ('PIPD') Department supports the Development and advises cash-in-lieu of the dedication of parkland shall be required. Also, that the open space valley lands along with the ecological buffer/setback at the western end of the Subject Lands shall be dedicated into public ownership, either to the TRCA or the City of Vaughan, free of all charges and encumbrances. A condition to this effect is included in Attachment 10.

Cash-in-lieu of parkland dedication in accordance with the City's Cash-in-Lieu of Parkland and Policy and the Planning Act is required for the Development

The Real Estate ('RE') Department has no objection to the approval of the Applications. The Owner shall pay to the City of Vaughan cash-in-lieu of the dedication of parkland equivalent to 1 ha per 300 units or 5% of the value of the Subject Lands, whichever is higher, for the residential component, prior to the issuance of a Building permit, in accordance with the *Planning Act* and the City's Cash-in-Lieu of Parkland Policy. Two percent (2%) shall be paid for the commercial component in accordance with Section 42 of the *Planning Act* and the City's Cash-in-Lieu of Parkland Policy. The Owner shall submit an appraisal of the Subject Lands for the commercial component prepared by an accredited appraiser for approval by RE Department, and the approved appraisal shall form the basis of the cash-in-lieu payment.

Development Charges are applicable to the Development

The Financial Planning and Development Finance Department requires the Owner to pay all applicable development charges in accordance with the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board Development Charge By-laws. A standard condition to this effect will be included in the implementing Site Plan Agreement.

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

The Environmental Services Department, Waste Management Division has no objection to the Development as the Owner is meeting the City's Waste Collection Design standards including providing a refuse and recycling room for both the residential and commercial users to the satisfaction of the Waste Management Division.

Toronto and Region Conservation Authority supports the Development

The TRCA has reviewed the Applications and advises that a significant portion of the Subject Lands are located within TRCA's Regulated Area of the Humber River Watershed. Specifically, the Subject Lands contains a valley corridor associated with a tributary of the Humber River. As such, a TRCA permit pursuant to Ontario Regulation 166/06 will be required for any development or site alteration within the Regulated Area on the Subject Lands. As part of the permit process, the proposed site alteration works will involve the removal of historically placed fill and restoration/naturalization on TRCA lands and the Subject Lands. Further, the natural features and associated buffers, be placed in an appropriate open space/environmental protection zone.

TRCA has no objection to the approval of the Official Plan Amendment and Zoning By-Law Amendment Applications. Furthermore, TRCA has no objection to the approval of the Site Development Application, subject to the following condition, to be included as a condition on Attachment 10:

- 1) The Owner agrees in the Site Plan Agreement to obtain all necessary permits from TRCA pursuant to the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 166/06), as may be amended, to the satisfaction of TRCA.

Ministry of the Environment, Conservation and Parks

The MECP advises that the RSC and Risk Assessment ('RA') processes set out under Ontario Regulation 153 provide a proponent driven framework to remediate and/or develop property specific standards protective of site uses and receptors, which is a separate process from the assessment and abatement of impacts to other properties and the general provisions of the *Environmental Protection Act* to protect against potential adverse effects. The information received to date indicates that there is the potential for impacted groundwater to migrate from the Subject Lands and additional delineation to resolve the extent of any off-site impacts is required and may also pose risks of recontamination to the Subject Lands, in addition to risks to the impacted properties. The MECP will be in contact with the Owner to address their concerns with off-site impacts, the general provisions of the *Environmental Protection Act* and availability to support RA pre-consultation.

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

Alectra Utilities, Bell Canada, Enbridge Gas, and Hydro One have no objections to the Development, subject to the Owner coordinating servicing connections, easements and locates with the noted utilities prior to commencement of construction. A condition to this effect is included on Attachment 9.

Canada Post has no objection to the Development, subject to the condition in Attachment 10

Canada Post Corporation has no objection to the Applications, subject to their condition included on Attachment 10.

The School Boards have no objection to the Development

The York Region District School Board and York Catholic District School Board have no objection to the Development and no conditions. No comments were received from the Conseil Scolaire de District Catholique Centre-Sud.

Broader Regional Impacts/Considerations

The Subject Lands are designated “Town and Villages” by the YROP 2010, which encourages retail, commercial, office, and institutional structures to be well designed, street-oriented and pedestrian scaled and within the built-up area.

The Subject Lands are identified as “Urban Area” on Map 1 - Regional Structure, by YROP 2022, which permits a wide range of residential, commercial, industrial, and institutional uses and that is the primary location for growth and development. The Subject Lands are designated “Urban System - Community Area” on Map 1A - Land Use Designations, YROP 2022.

The Owner submitted a request for exemption of their Official Plan Amendment (‘OPA’) File OP.16.002 from York Region approval. York Region has reviewed this request and finds the proposed OPA to be a routine matter of local significance and in accordance with Regional Official Plan Policy 8.3.8. The proposed OPA does not adversely affect Regional planning policies or interests and the OPA is exempt from Regional approval.

York Region also has no comments or conditions for the proposed Zoning By-law Amendment (File Z.15.038) and Site Development Application (File DA.15.091) which are also considered a matter of local significance. York Region has no objection to the approval of the Applications.

Conclusion

The Development Planning Department is satisfied the Applications are consistent with the PPS, conforms to the Growth Plan and YROP, and maintains the intent of VOP 2010, and is appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department can recommend approval of the Applications, subject to the recommendations in this report and site-specific zoning exceptions in Attachments 10 and 11.

For more information, please contact: Judy Jeffers, Planner, Development Planning Department, ext. 8645.

Attachments

1. Context Map
2. Location Map
3. Vaughan Official Plan 2010, Volume 2, Map 12.4A - Kleinburg Core Land Uses
4. Proposed Zoning and Site Plan
5. Elevations - East and North: Mixed-Use Building 'A'
6. Elevations - West and South: Mixed-Use Building 'A'
7. Elevations - Commercial Building 'B'
8. May 3, 2016 Public Meeting: Site Plan
9. May 3, 2016 Public Meeting: Elevations
10. Conditions of Site Plan Approval – Site Development File DA.15.091
11. Zoning By-law 1-88 Table 1
12. Zoning By-law 001-2021 Table 2

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Reviewed by



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