

FROM: 10462 Islington Avenue Inc. for:
 Canadiana Square 10462 Islington Ave., Kleinburg
 Canadiana House., 10472 Islington Ave., Kleinburg

Sept., 8, 2023

10504 Islington Avenue Inc. for:
 The Post Office Building, 10504 Islington Ave., Kleinburg

**Communication : C 3
 Committee of the Whole (1)
 September 12, 2023
 Agenda Item # 4**

Heritage Hill Developments Inc. for:
 Heritage Square, 10425 Islington Ave., Kleinburg
 10435 Islington Ave., Kleinburg

TO: Members of the Committee of the Whole (Vaughan Council)
 Mr. Todd Coles, Clerk for the City of Vaughan Sent to email: clerks@vaughan.ca

RE: Committee of the Whole, Item #4
 Kleinburg Mills Inc., OP.16.002, Zoning Z.15.038, Site Development DA.15.091
 10422 & 10432 Islington Ave., (vicinity of Islington Ave & Stegman's Mill Rd., Kleinburg)

This letter is sent on behalf of the above property owners.

REQUEST BY PROPERTY OWNERS

The above listed owners strongly recommend the following:

- 1. That the Committee of the Whole removes the Road Allowance exemption for the subject property and take the 12m Road Allowance on Islington Ave. as required in the Vaughan Transportation Plan (VTP) in VOP2010 OR;**
- 2. That Committee of the Whole defer this application until a review/clarification is done on the Road Allowance policy on Islington Ave through the Kleinburg Village core as found in the Vaughan Transportation Plan (OP2010) with the consultation of stakeholders AND:**
- 3. This item be deferred to allow the owner of the proposed development to meet with Village core property owners, Kleinburg BIA, local residents and KARA to try and resolve the outstanding matters of concern.**

Background

The above application was started years ago in 2016. The Public Hearing for the new owner was held on March 10, 2021. A number of emails were sent to the planner and other city staff with respect to the lack of Road Allowance (Right-of-Way) being shown on the subject Site Plan. We were always assured that the applicant would be made aware of the 24m Road Allowance (12m from the centreline of the road) along Islington Ave in the Kleinburg Village Core (See ATT #1). That policy is still in effect today. It has not been changed at any point to date.

We were sent a courtesy notice from the planner for the CofW meeting for Sept 12, 2023. The required Road Allowance is still not shown on the Site Plan. After many emails and calls we were sent an email from Dev't Transportation Eng. that the 24m Road Allowance policy is required. (see ATT #2). The email goes on

to state that “no road widening should be taken from the entire Village Core due to its impacts to the heritage sites and other considerations and until such time as this becomes a policy, development applications are reviewed on a case-by-case basis”.

How can a required City Road Widening policy that is in effect for Islington Ave in the Kleinburg Village core be turned upside down and exempted for any property in the core by city staff without any Council knowledge, direction or approval and without any public consultation?

Right-of-Way is a Policy in VOP2010 and 2020

The 24m Right-of-Way policy is found in the Vaughan Transportation Plan (‘TMP’) schedule in the Vaughan OP2010. The 2020 updated neighbourhood OP for Kleinburg-Nashville encourages higher forms of urban design and pedestrian spaces along the Village core. The 24m Right-of-Way policy was not changed in the updated OP. City staff, presumably heritage and urban design staff, took it upon themselves to change the requirement for Road Allowances in the Kleinburg Village core over Transportation Engineering staff AND without any Council knowledge and/or direction. As explained to me Transportation Engineering staff have asked for the required Road Allowance. Given that this policy is within the OP2010 and the TMP, a city staff review with Vaughan Council’s direction, is required including public consultation with affected stakeholders, Kleinburg BIA, KARA and local residents. It is my opinion that city staff does not have the authority to exempt any property from the required Road Allowance without just cause like a heritage building too close to the street line. This is not the case on this property.

Loss of Future Parking, Landscaped Area, Public Amenity

A Road Allowance has always been taken by the City on every new development application in the Kleinburg Village Core including for properties where “heritage buildings” existed (See ATT #3 & #4). The purpose of the Road Allowance is to create a direct benefit to the city for wider pedestrian spaces, landscaping (trees), benches and future parking where none exists today. ONLY properties that have existing heritage buildings too close to the sidewalk have been exempted to preserve the building. Exempting this application from any Road Allowance doesn’t make any rational sense as there are NO heritage restrictions/ buildings or trees on the site where the Road Allowance would be taken. This exemption would also remove any benefit to the City for future use or streetscaping enhancements.

Furthermore, the Kleinburg BIA, KARA and local residents have been working with city staff for almost 2 years to find and create more parking spaces in the Village core. Parking is a serious issue in the Village of Kleinburg. Future parking spaces could be created in front of the subject property if the required Road Allowance is taken as the existing policy is intended to do. Boulevard parking exists right up to and just passed the intersection of Nashville Rd. A similar design can occur at Stegman’s Mill Rd in front of the subject property. The Streetscape work commencing next year in Kleinburg could include 3-4 parking spaces in front of this property if a Road Allowance is taken.

Distance of Buildings to Sidewalk & Urban Design Impact

ATT #2 “Road Allowances Taken and Distance of Buildings to Sidewalk” shows the 12m Road Allowance and distance of neighbouring buildings to the sidewalk directly in front of their property vs. the proposed distance of the subject building to the sidewalk with no Road Allowance taken. ATT #2 also indicates which property has boulevard parking on Islington Ave in front of the building.

NOTE:

- 1) The subject building would be over 7ft closer to the sidewalk than any other neighbouring building, including even the two heritage buildings at 10425 Islington Ave.(Belsito) & 10435 Islington Ave. (florist) and with NO boulevard parking and;
- 2) The subject proposed building is 16.5ft/ 5m closer to the sidewalk than the adjacent building Canadiana Square 10462 Islington Ave. This would have a serious impact on the adjacent Canadiana Square (10462 Islington Ave.) and the Islington Ave. streetscape character. It would completely block out any view of Canadiana Square driving north on Islington Ave. until the intersection with Stegman's Mill Rd is reached. This is unacceptable from an urban design review.
- 3) The existing Road Allowance in front of the subject property (5.5m) is less than half the required 12m Road Allowance.

The character of the west side of Islington Ave through the Village core is characterized by a wide pedestrian/ public space and the potential for boulevard parking in the future. The existing Road Allowance by-law requires a 24m Right of Way on Islington Ave. It is mandated by Vaughan OP 2010 policy. This has usually resulted in the city taking about 5-6m along each property in the core where no heritage restrictions/buildings exist. There are NO "heritage restrictions" on the subject property or any significant trees to protect. There is no reason to exempt this property from a Road Allowance. The result is a building that is a full 5m closer to the sidewalk than it would normally be with the required 12m Road Allowance. This has resulted in a much larger building in scale than any other building in the Village core that close to the street. It would be completely out of character with the existing urban character of the west side of Islington Ave.

Furthermore, the proposed building is 5m closer to the streetline than the adjoining property, Canadiana Square. This will be a serious visual barrier on the businesses located in the building. Vaughan Urban design planners have always argued that buildings in the village core along the west side should be kept at a similar distance from the road to create larger pedestrian and public spaces. This is not possible with the proposed building location resulting from a Road Allowance exemption.

Potential Legal Issue for City

This Road Allowance exemption decided by city staff was made on a "case-by-case basis" where no heritage restrictions/building exist. There is no reason a Road Allowance shouldn't be taken for a future benefit to the city and Village core. By excluding the subject property from any Road Allowance given that there are no heritage restrictions on the property, may certainly result in a legal challenge by owners of other developments that have been built and where the required Road Allowances were taken by the City. This legal challenge if successful, would result in the city losing public pedestrian spaces and in some cases boulevard parking. Does the City want to open up this potential challenge? I think not.

Response to the Planning Report re: Road Allowance

The "Islington Avenue Streetscape Plan" completed in 2010 only took existing R-O-W (Right-of-Way/Road Allowance) and described the possibility of future Road Allowances along Islington Ave. It does not recommend or envision not taking Road allowances where there are NO heritage constraints. Any heritage constraints refer to existing heritage buildings too close to the street to accommodate any Road Allowance. There are no heritage restrictions, constraints whatsoever on the subject property. Thus, the argument to exempt the subject property from the required 12m Road Allowance is not relevant to this application. Heritage city staff cannot and should not have any say over Transportation Engineering staff who are responsible for the required 12m Road Allowance policy.

CONCLUSION

The Road Allowance for Islington Ave in the Kleinburg Village core found in OP2010 and the Vaughan Transportation Plan cannot be amended or exempted by city staff for any development unless there are obvious heritage buildings too close to the streetline. The argument that it was made on a "case-by-case" basis results in a lack of clarity and transparency, while creating confusion for stakeholders in the Kleinburg Village core. The reasons given to exempt this property from the required 12m Road Allowance and the lack of communication with concerned property owners who have requested answers for years (emails are available) raises serious questions about the integrity of the planning process. Any amendment of changes to the existing required Road Allowance policy in OP2010 and the updated OP2020 must be made with the direction of Vaughan Council.

The role of city staff in making ad hoc decisions relating to any policy changes has circumvented the decision-making role of Vaughan Council.

The request by the various property owners listed is outlined at the beginning of this letter. Please advise me on any decisions by Committee of the Whole on this matter.

Sincerely,

Phil Greco

Phil Greco
10462 Islington Avenue Inc.
[REDACTED]

See ATTACHMENTS:

Att: #1A: Proposed Dev't Site Plan with no required 12m Road Allowance

TABLE #1: Road Allowances, ex. parking, distance to sidewalk of neighbouring & subject property

Att: #1: Email dated Apr. 22, 2021 from Manager of Dev't Transportation Engineering

Att #3: Photo of 10425 Islington Ave. with the req'd 12m Road Allowance in front of the heritage building

Att #4: Photo of 10435 Islington Ave with the req'd 12m Road Allowance in front of the heritage building

Att #5: Photo of 10462 Islington Ave (adjoining property) and distance to sidewalk vs. proposed building

Att #6: Photo of 10472 Islington Ave with the required 12m Road Allowance

Att #7: Photo of 10480 Islington Ave with the required 12m Road Allowance

Att #8: Photo of Pierre Berton Heritage Centre (city-owned heritage bldg) with 12m Road Allowance available and 30 ft from sidewalk to the existing heritage building.

end

ATT#1A:
Proposed Dev't

5.5m current Road Allowance.

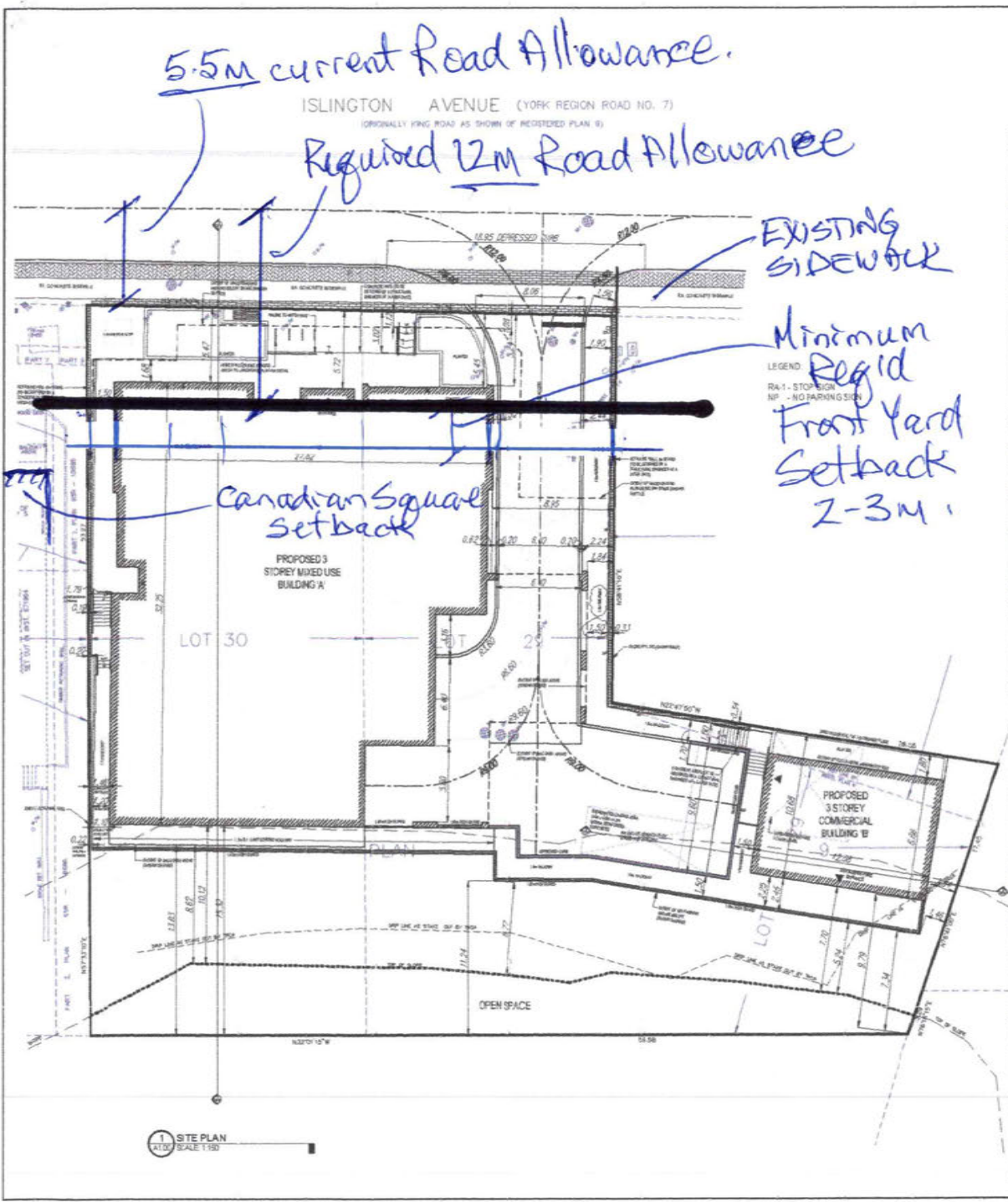
ISLINGTON AVENUE (YORK REGION ROAD NO. 7)
(ORIGINALLY KING ROAD AS SHOWN ON REGISTERED PLAN B)

Required 12m Road Allowance

EXISTING SIDEWALK

Minimum Reg'd Front Yard Setback 2-3m

Canadian Square Setback



1 SITE PLAN
SCALE: 1:50

SITE STATISTICS		REQUIRED		PROVIDED	
1	NET LOT AREA (M ²)	143.90	143.90	143.90	143.90
2	NET LOT FRONTAGE (M)	23.00	23.00	23.00	23.00
3	NET LOT DEPTH (M)	61.71	61.71	61.71	61.71
4	GROSS FLOOR CALCULATIONS	RESIDENTIAL (SQ UNITS)		COMMON	
		NO. UNITS	NO. UNITS	NO. UNITS	NO. UNITS
		PERMITTED	PROVIDED	PERMITTED	PROVIDED
		REQUIREMENTS	PROVIDED	REQUIREMENTS	PROVIDED
5	LANDSCAPE AREA (M ²)	143.90	143.90	143.90	143.90
6	DRIVE FLOOR AREA (M ²)	143.90	143.90	143.90	143.90
7	PERMITTED AREA (M ²)	143.90	143.90	143.90	143.90
8	SETBACKS	REQUIRED	PROVIDED	REQUIRED	PROVIDED
9	GROUND FLOOR HEIGHT	REQUIRED	PROVIDED	REQUIRED	PROVIDED
10	VEHICLE PARKING	REQUIRED	PROVIDED	REQUIRED	PROVIDED
11	SHARED PARKING	REQUIRED	PROVIDED	REQUIRED	PROVIDED
12	ACCESS	REQUIRED	PROVIDED	REQUIRED	PROVIDED



IAN ROBERTSON DESIGN

TRUE NORTH

KLEINBURG MILLS INC.

MIXED USE DEVELOPMENT
1042 KING STREET EAST
CITY OF VAUGHAN

SITE PLAN

FIGURE NO. 101
DATE: 15.19
SCALE: A1.00

NOTED

TABLE #1:

Road Allowances, Distance from Building to Sidewalk, Existing Parking in front of property

Property	Road Allowance (m)	Distance of Bldg to Sidewalk	Heritage Building	Parking in front
SUBJECT PROPERTY 10423 Islington Ave.	Existing 5.5m	5.5m (Proposed)	NO	none no R-of-W proposed
Canadiana Square 10462 Islington Ave	12m	10.7m	NO	none R-of-W taken
Canadiana House 10472 Islington Ave	12m	11m	NO	none R-of-Way taken
Courtyards Kleinburg 10480 Islington Ave	12m	7.9m	NO	YES
Immanuel Florist 10423 Islington Ave	12m	8.07m	YES	YES
Belsito Restaurant 10435 Islington Ave	12m	7.9m	YES	YES R-of-W taken
Pierre Berton Her. Cent	12m available	9.1m	YES	none R-of-W available

ATT: # 1



Frank Greco <[REDACTED]>

RE: [External] Road allowance for subject property

1 message

Saadi Nejad, Samar <Samar.SaadiNejad@vaughan.ca> Thu, Apr 22, 2021 at 1:47 PM

To: "[REDACTED]" <[REDACTED]>
Cc: "Peverini, Mauro" <MAURO.PEVERINI@vaughan.ca>, "Jeffers, Judy" <Judy.Jeffers@vaughan.ca>, "Phil Greco" <[REDACTED]>, "Tang, Wai Lam" <WaiLam.Tang@vaughan.ca>

Hi Frank,

It has been a while since we last talked. Hope you are doing very well and staying safe!

I appreciate your concerns regarding the application of 10422 AND 10432 ISLINGTON AVENUE. I can confirm that the City requests road widening to provide for a 24m ROW on that stretch of Islington Avenue (applicable to any application after 2012). Through our review and comments we asked the applicant to provide measurements on their plan drawing to identify the ROW. We will ensure that they are aware of this requirement.

Please let me know if you had any further questions.

Thanks,

Samar SaadiNejad, P.Eng., M.A.Sc.
Manager, Development Transportation Engineering
905-832-8585, ext. 8253 | samar.saadinejad@vaughan.ca

City of Vaughan | Planning & Growth Management Portfolio
2141 Major Mackenzie Dr., Vaughan, ON L6A 1T1
vaughan.ca



From: Frank Greco <[REDACTED]>
Sent: Wednesday, March 17, 2021 12:22 PM
To: Nalli, Augusto <Augusto.Nalli@vaughan.ca>
Cc: Peverini, Mauro <MAURO.PEVERINI@vaughan.ca>; Jeffers, Judy <Judy.Jeffers@vaughan.ca>; Phil Greco

ATT: #3

10425 ISLINGTON AVE.
(Heritage Building)

Road Allowance: 12M



ATT: #4

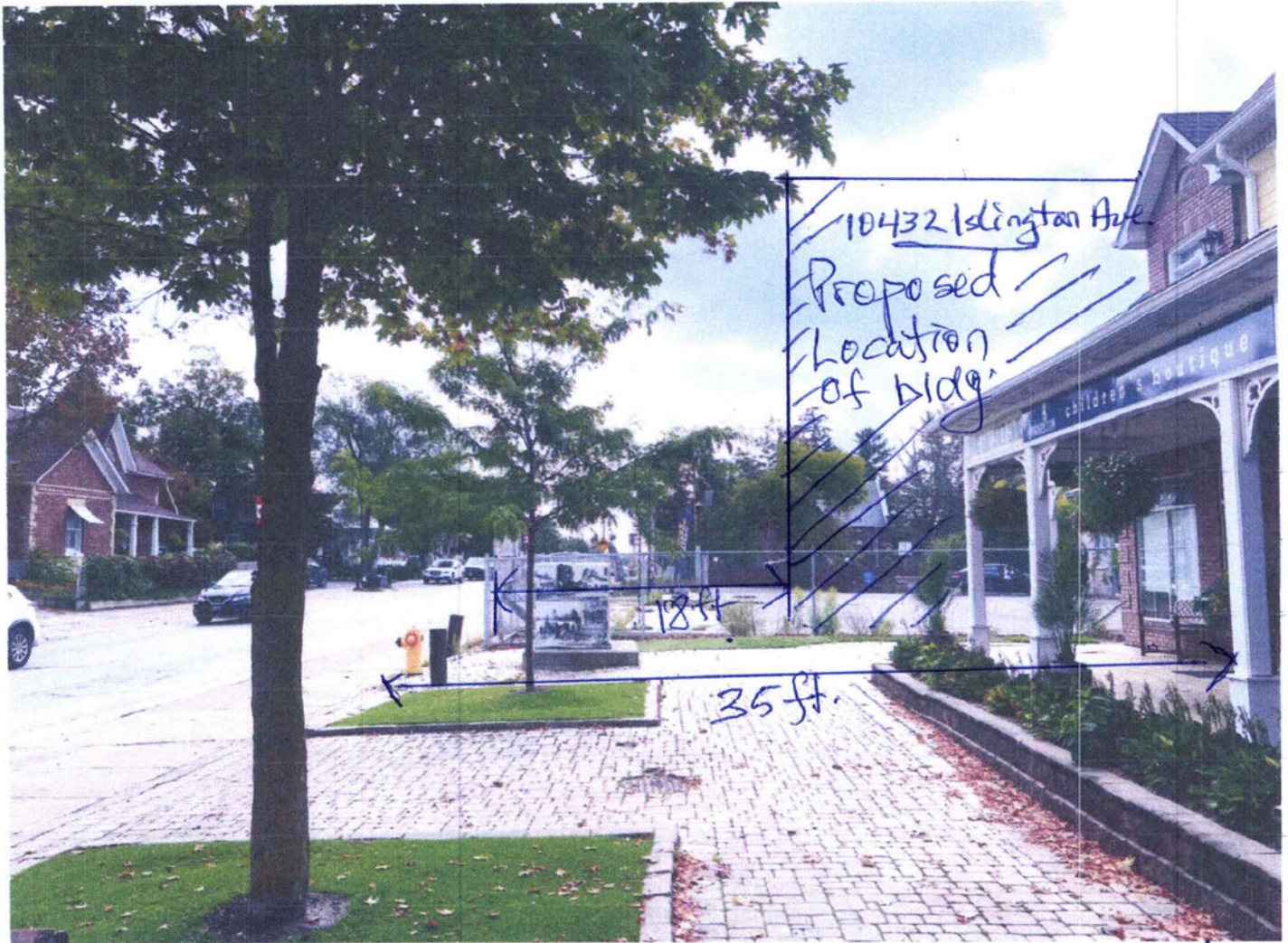
10435 ISLINGTON AVE
(Heritage Building)

Road Allowance: 12 m



ATT: #5

10462 ISLINGTON AVENUE
Road Allowance: 12 m.



Proposed building to sidewalk 18 ft. (5.5 m)
 Adjacent building to sidewalk 35 ft. (10.7 m)

Difference 17 ft. (5 m)

ATT#6.

10472 ISLINGTON AVENUE

Road Allowance: 12m.



Road Allowance 12m from centreline
of roadway.

Distance of bldg to sidewalk: 36 ft.
11m.

ATT: #7

10480 ISLINGTON AVENUE

Road Allowance : 12M



Road Allowance : 12M from centre line of road
Distance to building from sidewalk : 26ft
(7.9m)

ATT #8

Pierre Berton Heritage Centre
Road Allowance available: 12m



Adjacent property to the south.
30ft to building from sidewalk