

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, December 3, 2024

WARD(S): 1

TITLE: 2081447 ONTARIO INC.

OFFICIAL PLAN AMENDMENT FILE OP.17.012

ZONING BY-LAW AMENDMENT FILE Z.17.033

10489 ISLINGTON AVENUE

VICINITY OF ISLINGTON AVENUE AND NASHVILLE ROAD

FROM:

Haiqing Xu, Deputy City Manager, Planning, Growth Management and Housing Delivery

ACTION: FOR INFORMATION

Purpose

To receive comments from the public and the Committee of the Whole on applications to amend the official plan and zoning by-law to permit a mixed-use development on the subject lands consisting of an addition to an existing building to facilitate a 3-storey (10.62 m) building containing five (5) residential rental units and 337.27 m² (154.22 m² existing and 183.05 m² proposed) of commercial use, with a Floor Space Index ('FSI') of 1.09 times the area of the lot, as shown on Attachments 3 and 4 (the 'Development').

Report Highlights

- The Owner proposes to redesignate and rezone the subject lands to permit a mixed-use residential-commercial development consisting of an addition to an existing building to facilitate a development consisting of a 3-storey (10.62 m) building containing five (5) residential rental units and 337.27 m² (154.22 m² existing and 183.05 m² proposed) of commercial use, with a FSI of 1.09 times the area of the lot.
- This is the second Public Meeting for the Development. The first Public Meeting was held on May 8, 2018.
- This report identifies preliminary issues to be considered in a technical report to be prepared by the Development and Parks Planning Department at a future Committee of the Whole meeting.

Recommendations

1. THAT the Public Meeting report for Official Plan and Zoning By-law Amendment Files OP.17.012 and Z.17.033 (2081447 Ontario Inc.) BE RECEIVED, and that any issues identified be addressed by the Development and Parks Planning Department in a comprehensive report to the Committee of the Whole.

Background

Location: 10489 Islington Avenue (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: January 16, 2017

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

The Owner has submitted the following applications ('Applications') for the Subject Lands to permit the Development as shown on Attachments 3 and 4:

1. Official Plan Amendment File OP.17.012 to amend the policies of Vaughan Official Plan 2010 ('VOP 2010'), Volume 2, specifically Area Specific Policy 12.4 – Kleinburg Core, respecting the policies of the "Mainstreet Commercial" designation, from a maximum building height of 2½ storeys (9.5 m) and a maximum a FSI of one (1) times the area of the lot, to a maximum building height of three (3) storeys with residential on the 2nd and 3rd floors and a maximum FSI of 1.09 times the area of the lot, as shown on Attachment 2.
2. Zoning By-law Amendment File Z.17.033 to amend the zoning requirements of the "KMS, Main Street Mixed-Use - Kleinburg Zone", in Zoning By-law 001-2021 in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 (Attachment 7) of this report.

The Committee of the Whole (Public Meeting) considered the Applications on May 18, 2018

The first public meeting for the Applications was held on May 18, 2018. A second public meeting is required as it has been over two (2) years since the first public meeting and a decision on the Applications from Council has not occurred, in accordance with Policy 10.1.4.1. of VOP 2010 which states (in part):

That at least one (1) public meeting shall be held prior to the adoption of an Official Plan or Zoning By-law amendment at which the public may make representations in respect of the matter being considered. A new public meeting for a planning application(s) shall automatically be required when any of the following circumstances occur:

- a. any application(s) that has not been considered by Council within two (2) years after the date it was considered at a previous statutory public meeting.

The Owner has undertaken the following modifications to the Development since the first Public Meeting to address comments from City departments:

	May 18, 2018 Public Meeting (Attachments 5 and 6)	December 3, 2024 Public Meeting (Attachments 3 and 4)	Modifications
Proposal	3-storey (10.62 m) mixed-use building containing five (5) residential units and 400.72 m ² of commercial and office use	3-storey (10.62 m) mixed-use building containing five (5) residential units and 337.27 m ² of commercial and office use	Reduction of commercial and office use from 400.72 m ² to 337.27 m ²
Driveway Location/ Parking Configuration	Driveway located six (6) m from the rear lot line and the parking is oriented in an east - west direction	Driveway located 0.70 m from the rear lot line and the parking is oriented in a north-south direction	Modifications to the driveway location and parking layout are to accommodate an Alectra Utilities transformer to be located at the southeast corner of the Subject Lands

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

a) Date the Notice of Public Meeting was circulated: November 8, 2024.

The Notice of Public Meeting was also posted on the City’s website at www.vaughan.ca and a Notice Sign was installed along Islington Avenue 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 Kleinburg and Area Ratepayers Association and to anyone on file with the Office of the City Clerk having requested notice.

c) The following is a summary of written comments received as of November 12, 2024. The comments are organized by theme as follows:

Density, Built Form and Building Design

- the Development’s scale and building character in the Kleinburg-Nashville Heritage Conservation District (‘KNHCD’) is not compatible with the low-rise

buildings in the surrounding area with respect to density, height, setbacks, and heritage architecture/character

- the Owner should work with the existing 2-storey built form and footprint

Parking and Traffic

- residents are concerned there will be a shortage of parking spaces on the site resulting in illegal parking of vehicles and commercial trucks on Kellam Street, blocking the Islington Avenue and Kellam Street intersection
- traffic and on-street parking create safety concerns for pedestrians
- private parking is being provided to the rear of the building traffic

Landscaping and Tree Removal

- the Development's landscaping is not in keeping with the KNHCD character
- the removal of three (3) existing trees along the south lot line is not appropriate

Any additional 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 and be reviewed and addressed by the Development and Parks Planning Department in a future technical report to the Committee of the Whole.

Previous Reports/Authority

The following links are to previous reports regarding the Subject Lands:

[May 18, 2018, Committee of the Whole Public Meeting \(Item 2, Report No. 19\)](#)

[September 26, 2024, Heritage Vaughan Meeting \(Item 2\)](#)

[October 22, 2024, Committee of the Whole, Heritage Vaughan Transmittal \(Item 17, Report No. 35\)](#)

Analysis and Options

An amendment to VOP 2010 is required to permit the Development

Official Plan Designation:

- Located within an "Intensification Area - Local Centre" on Schedule 1 – Urban Structure of VOP 2010
- Abuts a "Minor Collector" (Islington Avenue) on Schedule 9 – Future Transportation Network of VOP 2010
- Designated "Mainstreet Commercial" with a maximum building height of 2½ storeys (9.5 m) with an upper floor residential component and a maximum FSI of one (1) times the area of the lot on Map 12.4.A – Kleinburg Core Land Uses by VOP 2010, Volume 2, Area Specific Policy 12.4 – Kleinburg Core

- This designation permits small scale mixed-use developments with at-grade commercial uses and an upper floor residential component at a building height of 2½ storeys (9.5 m) and a maximum FSI of one (1) times the area of the lot.
- An amendment to VOP 2010 is required to increase the maximum building height and the maximum FSI, and to permit a residential component on the 3rd floor.

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

As the Applications were received by the City on November 29, 2017, and deemed complete on December 20, 2017. The Applications shall be reviewed under Zoning By-law 001-2021 as it is in-force for the Subject Lands.

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

- “KMS, Mainstreet Mixed-Use – Kleinburg Zone”, by Zoning By-law 001-2021 as amended
- This Zone does not permit the Development.
- The Owner proposes site-specific zoning exceptions to the existing “KMS, Mainstreet Mixed-Use – Kleinburg Zone” as identified in Table 1 (Attachment 7), to permit the Development on the Subject Lands.

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

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies and City Official Plan Policies	<ul style="list-style-type: none"> ▪ The Applications will be reviewed for conformity and consistency with the Provincial Planning Statement, 2024 (the ‘PPS 2024’), VOP 2010 Volume 1 and Volume 2, Area Specific Policy 12.4 – Kleinburg Core, and any other deemed City official plan policies.
b.	Appropriateness of Amendments to VOP 2010 and Zoning By-law	<ul style="list-style-type: none"> ▪ The appropriateness of the amendments to VOP 2010 will be reviewed in consideration of the proposed land use designation, building height, FSI/density, and community area, intensification, and compatibility policies. ▪ The appropriateness of the site-specific exceptions identified in Table 1 (Attachment 7) for the “KMS, Mainstreet Mixed-Use – Kleinburg Zone”, by Zoning By-law 001-2021 will be reviewed in consideration of the existing and planned surrounding land uses.

	MATTERS TO BE REVIEWED	COMMENT(S)
c.	Kleinburg-Nashville Heritage Conservation District	<ul style="list-style-type: none"> ▪ The Subject Lands are located in the KNHCD and are designated under Part V of the <i>Ontario Heritage Act</i>. The Development must be reviewed by the Vaughan Development and Parks Planning Department and Cultural Heritage Division and the Heritage Vaughan Committee. ▪ On October 29, 2024, Vaughan Council, at its meeting, ratified the recommendation of the September 26, 2024, Heritage Vaughan Committee to approve the Development at its meeting subject to the following conditions: <ul style="list-style-type: none"> 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 prior to issuance of Heritage Permit, the applicant enters into a letter of undertaking for the purpose of completion of all landscaping in accordance with the approved plans to the satisfaction of the City; d) That prior to issuance of Heritage Permit, the applicant applies for a Private Tree Removal to the satisfaction of the City; and e) 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.”

	MATTERS TO BE REVIEWED	COMMENT(S)
d.	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner submitted studies and reports in support of the Applications available on the City’s website at https://maps.vaughan.ca/planit/ (PLANit Viewer) and must be approved to the satisfaction of the City or respective approval authority. Additional studies and/or reports may be required as part of the application review process.
e.	Allocation and Servicing	<ul style="list-style-type: none"> ▪ The availability of water and sanitary servicing capacity for the Development must be identified and allocated by Vaughan Council, if the Applications are approved. If servicing allocation is unavailable, the Subject Lands will be zoned with a Holding Symbol “(H)”, which will be removed once servicing capacity is identified and allocated to the Subject Lands by Vaughan Council.
f.	Urban Design Guidelines and Streetscape Improvement Plan	<ul style="list-style-type: none"> ▪ The Development will be reviewed in consideration of the City of Vaughan City-wide Urban Design Guidelines and the Kleinburg Islington Streetscape Improvement Plan.
g.	Public Agency/Municipal Review	<ul style="list-style-type: none"> ▪ The Applications must be reviewed by external public agencies and utilities and the Public, Separate, and French School Boards.
h.	Parkland Dedication	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of the requirements of the <i>Planning Act</i> and the City of Vaughan’s Parkland Dedication Policy.
i.	Community Benefits Charges	<ul style="list-style-type: none"> ▪ The Development does not meet the criteria for Community Benefits Charges (‘CBC’) of being five (5) or more storeys and 10 or more units. The City passed the CBC By-law on September 14, 2022, which is therefore the applicable mechanism used to collect community benefits. The Development is not subject to the CBC.

	MATTERS TO BE REVIEWED	COMMENT(S)
j.	City's Tree Protection Protocol ('TPP')	<ul style="list-style-type: none"> ▪ There are three (3) trees on the Subject Lands, and all three (3) of which are required to be removed to accommodate the Development. ▪ The Development will be reviewed in accordance with the City's Tree Protection Protocol, for the protection and the replacement of any tree(s) should they be damaged during construction, if the Applications are approved. ▪ A Private Property Tree Removal and Protection Permit (Construction/Infill) ('Tree Permit') for the removal/injury of any tree is required. The Owner removed a tree without the Tree Permit which is under review by Parks, Forestry and Horticulture Operations.
k.	Traffic Impacts, Road Widening and Access	<ul style="list-style-type: none"> ▪ The Transportation Impact Study will be reviewed in accordance with the City's Transportation Impact Study Guidelines to the satisfaction of the Development Engineering Department. ▪ The proposed traffic generated by the Development at the requested density will be reviewed in consideration of existing traffic conditions at Islington Avenue and Kellam Street. ▪ Matters including the driveway entrance, parking, waste collection truck manoeuvring, and Transportation Demand Management requirements are required to be reviewed to the satisfaction of the Development Engineering Department. ▪ The Subject Lands are located on Islington Avenue, a minor collector road under the jurisdiction of the City. <p>The City will identify any required land conveyances.</p>

	MATTERS TO BE REVIEWED	COMMENT(S)
I.	Cash-in-Lieu of Parking	<ul style="list-style-type: none"> <li data-bbox="570 285 1490 405">▪ The Cash-in-Lieu ('CIL') of Parking Policy in the Community of Kleinburg By-law 159-2006, as amended, applies to the Applications. <li data-bbox="570 443 1490 720">▪ The submitted Parking Justification and Access Study indicated that the Development requires 14 spaces. The Development is providing 12 on-site parking spaces. However, two (2) of the parking spaces shall not be included in the required parking calculation as these parking spaces are located within the refuse/recycling loading area. Therefore, the Development is providing 10 parking spaces. <li data-bbox="570 758 1490 1035">▪ There is a shortage of four (4) on-site parking spaces that would require CIL of parking. However, the Development Engineering Department has advised that CIL will be required for two (2) parking spaces only, as the two (2) proposed commercial parking spaces located in the refuse/recycling loading area are sufficient. The CIL agreement will layout the specific conditions to the satisfaction of the City. <li data-bbox="570 1073 1490 1549">▪ Originally, as part of the Kleinburg Village Improvement Project works, the two (2) lay-by parking spaces located on the south side of Kellam Street abutting the Subject Lands were to be removed. These lay-by parking spaces were provided in 2015 as part of a capital infrastructure rehabilitation project. The lay-by parking spaces are in contravention of the City's Parking By-law 64-2019 which prohibits parking on Kellam Street. As part of the Kleinburg Village Improvement Project, new lay-by parking spaces are proposed to be located on Islington Avenue and Nashville Road and a sidewalk will be constructed along the south side of Kellam Street. <li data-bbox="570 1587 1490 1822">▪ The Infrastructure Delivery Department in response to direction from Council, will not remove the two (2) lay-by parking spaces located on the south side of Kellam Street as part of the Kleinburg Village Improvement Project and seek to amend the City's Parking By-law 64-2019 to permit the lay-by parking spaces on Kellam Street.

	MATTERS TO BE REVIEWED	COMMENT(S)
m.	Encroachment Agreement	<ul style="list-style-type: none"> ▪ An encroachment agreement may be required for the existing stairs and planter boxes outside of the property lines for the Subject Lands.
n.	Related Site Development Application	<ul style="list-style-type: none"> ▪ The Owner has submitted related Site Development File DA.17.071 to be reviewed with the Applications in a future technical report.

Financial Impact

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

Operational Impact

Development and Parks Planning staff have circulated the Applications to internal City Departments and external agencies for review.

Broader Regional Impacts/Considerations

York Region Council adopted the YROP 2022 in June 2022. YROP 2022 was approved, as modified, by the Minister of Municipal Affairs and Housing in November 2022, bringing it into full force and effect. Bill 150 (*Planning Statue Law Amendment Act, 2023*) and Bill 162 (*Get It Done Act, 2024*) later rescinded some of those modifications.

On June 6, 2024, Bill 185 (*Cutting Red Tape to Build More Homes Act, 2024*) (“Bill 185”) received Royal Assent which includes amendments to the *Planning Act*. In accordance with the amendments to the *Planning Act* implemented through Bill 185, York region became a Region without planning responsibilities effective July 1, 2024.

Pursuant to subsection 70.13(2) of the *Planning Act*, YROP 2022 is deemed to constitute an official plan of the City in respect of any area in the City to which it applies and will remain in effect until the City revokes or amends it.

The Applications were circulated to York Region for the purpose of receiving comments on matters of Regional interest i.e., roads and servicing infrastructure. The Subject Lands are located on the segment of the Islington Avenue road allowance that is under the jurisdiction of the City of Vaughan. York Region advised that this Development does not adversely affect Regional interests and accordingly has no objection to the approval of the Applications.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Applications will be considered in the technical review of the

Applications. Comments from the public and Vaughan Council expressed at the Public Meeting or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

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

Attachments

1. Context and Location Map
2. Vaughan Official Plan 2010, Volume 2, Map 12.4.A – Kleinburg Core Land Uses
3. Existing Zoning and Proposed Site Plan
4. Proposed Building Elevations
5. May 18, 2018, Public Meeting - Proposed Site Plan
6. May 18, 2018, Public Meeting - Proposed Building Elevations
7. Proposed Site-Specific Exceptions to Zoning By-law 001-2021 - Table 1

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