

Committee of the Whole (Public Hearing) Report

DATE: Tuesday, January 22, 2019

WARD: 1

**TITLE: OFFICIAL PLAN AMENDMENT FILE OP.18.021
ZONING BY-LAW AMENDMENT FILE Z.17.018
PORTSIDE DEVELOPMENTS (KLEINBURG) INC.
VICINITY OF ISLINGTON AVENUE AND NASHVILLE ROAD**

FROM:

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

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on Official Plan and Zoning By-law Amendment Files OP.18.021 and Z.17.018 for the Subject Lands shown on Attachments 1 and 2, to permit a three-storey mixed-use development comprised of seven ground floor commercial units and a total of 16 residential units on the upper two floors (8 units per floor), as shown on Attachments 3 to 6.

Report Highlights

- To receive input from the public and the Committee of the Whole regarding a three-storey, mixed-use development comprised of seven ground floor commercial units and 16 residential units.
- Amendments to Vaughan Official Plan 2010 and Zoning By-law 1-88 are required to permit the development.
- A technical report to be prepared by the Development Planning Department will be considered at a future Committee of the Whole meeting.

Recommendations

1. THAT the Public Hearing report for Official Plan and Zoning By-law Amendment Files OP.18.021 and Z.17.018 (Portside Developments (Kleinburg) Inc.) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Background

The Subject Lands (the 'Subject Lands') are located at 10568 Islington Avenue, on the west side of Islington Avenue, north of Nashville Road, shown as "Subject Lands" on Attachments 1 and 2. The surrounding land uses are shown on Attachment 2.

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

The Owner has submitted the following applications (the 'Applications') to permit the proposed development (the 'Development'):

1. Official Plan Amendment File OP.18.021 to amend Vaughan Official Plan 2010 ("VOP 2010"), Volume 2, specifically Area Specific Exception 12.4 Kleinburg Core, respecting the policies of the "Mainstreet Commercial" designation as follows:
 - a) Permit a three-storey (12 m) mixed-use building consisting of seven at-grade commercial uses (563 m²) and a total of 16 residential units on the second and third floors (8 units per floor), whereas VOP 2010 permits a mixed-use building with a maximum building height of 2-storeys (9.5 m), with at-grade commercial uses and only one additional floor of residential.
 - b) Permit a Floor Space Index ('FSI') of 1.06 times the area of the lot, whereas VOP 2010 permits a maximum FSI of 1.
2. Zoning By-law Amendment File Z.17.018 to amend Zoning By-law 1-88, to rezone the Subject Lands from R1 Residential Zone, as shown on Attachment 2, to C11 Mainstreet Commercial Zone in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report.

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

- a) Date the Notice of Public Hearing was circulated: December 14, 2018.

The Notice of Public Hearing was also posted on the City's web-site at www.vaughan.ca and a Notice Sign installed on the property in accordance with the City's Notice Signs Procedures and Protocols.
- b) Circulation Area: To all property owners within 150 m of the Subject Lands and to the Kleinburg and Area Ratepayers' Association.

c) Comments received:

Written comments have been received by the Development Planning Department from the following individuals/organizations:

- the Kleinburg and Area Ratepayer's Association, dated August 27, 2017
- Alexandra Battiston, Nashville Road, Kleinburg, dated August 25, 2017
- Carol Gould, Islington Avenue, Kleinburg, dated August 26, 2017
- Peter Gould, Islington Avenue, Kleinburg, dated August 26, 2017
- Mark and Lorraine Inglis, Main Street, Kleinburg, dated August 27, 2017
- Maria Bertlik, Annsleywood Court, Kleinburg, dated August 27, 2017
- Heather Ireland, Lester B. Pearson Street, Kleinburg, dated August 28, 2017
- Valeria and Michael Mravyan, dated August 28, 2017

The following is a summary of the comments that were provided:

- i) Demolition of the existing buildings would be a lost opportunity to enhance their cultural contribution to the community.
- ii) The higher grade of the Subject Lands and the siting and mass of the proposed buildings in relation to the surrounding buildings does not reflect the scale and pattern of the village and surrounding properties at ten times the size, and will cause negative impacts such as shadowing, wind and other environmental factors.
- iii) The protection and integration of the significant tree inventory into the Development as stated in the Official Plan will be lost with the removal of the mature trees and canopy to accommodate the Development.
- iv) The Official Plan states that Islington Avenue is to be a pedestrian friendly mainstreet. This may not be achievable with additional traffic and noise generated by the proposal. In addition, there is no room on Islington Avenue for a left turning lane.
- v) The proposed building setbacks are not appropriate.
- vi) The privacy and enjoyment of the surrounding properties will be decreased due to car lights shining into the backyards and onto houses, the proximity of balconies, and noise from the residential, commercial and service vehicles.

The concerns noted above and 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. All written comments that are received will be reviewed by the Development Planning Department as input in the application review process and will be addressed in the final technical report at a future Committee of the Whole meeting.

Previous Reports/Authority

Not Applicable.

Analysis and Options

Amendments to the “Mainstreet Commercial” policies of VOP 2010 are required to permit the Development

The Subject Lands are designated “Mainstreet Commercial” by VOP 2010, specifically Volume 2, Section 12.4 Kleinburg Core. This designation permits small-scale mixed-use developments with at-grade commercial uses and one upper floor residential component with a maximum building height of 9.5 m and a FSI between 0.2 to 1 times the area of the lot. Development shall have consideration for the scale, massing and use of the existing development on abutting or adjacent properties.

The Subject Lands are also located within an “Intensification Area”, specifically a “Local Centre”, by VOP 2010 - Schedule 1, Urban Structure. Local Centres within Intensification Areas are intended to act as the focus for communities, are lower in scale and offer a more limited range of uses. In addition, Local Centres provide a mixed-use focus for their respective communities, in a manner that is compatible with the local context. They will be predominantly residential in character but will also include a mix of uses to allow residents of the Local Centre and of the surrounding community to meet daily needs in close proximity to where they live or work.

The Development exceeds the maximum permitted number of storeys (2-storeys), building height (9.5 m) and FSI (1.0) identified by VOP 2010, and accordingly an application to amend the Official Plan has been submitted.

The Subject Lands are located in the Kleinburg-Nashville Heritage Conservation District

The Subject Lands are designated under Part V of the *Ontario Heritage Act*, as part of the Kleinburg-Nashville Heritage Conservation District Study and Plan (“KNHCD Plan”).

The Development will be reviewed in consideration of the policies of the KNHCD Plan and by the Heritage Vaughan Committee.

The Low-Rise Guidelines do not apply to the Subject Lands

The City initiated the Community Area Policy Review for Low-Rise Residential Designations, which has resulted in the Council adopted Urban Design Guidelines ('Guidelines') for Infill Development in Established Low-Rise Residential Neighbourhoods and the Community Area Policy Review for Low-Rise Residential Designations Study ('Study'). Council on October 19, 2016, approved the Guidelines, which serve to help clarify and implement Policy 9.1.2.3 of VOP 2010 related to compatibility. The Subject Lands are designated “Mainstreet Commercial” by VOP 2010 and are located within a “Local Centre” by VOP 2010. The Guidelines do not apply to the Subject Lands as they are located within a “Local Centre” and not a “Low-Rise Residential Area”.

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

The Subject Lands are zoned “R1 Residential Zone” by Zoning By-law 1-88, as shown on Attachment #2. The Development is not permitted in a “R1 Residential Zone” and therefore, an amendment to Zoning By-law 1-88 is required to rezone the property to “C11 Mainstreet Commercial Zone”, together with the following site-specific zoning exceptions:

Table 1:

	By-law Standard	C11 Mainstreet Commercial Zone Requirements	Proposed Exceptions to the C11 Mainstreet Commercial Zone Requirements
a.	Definition – “Mixed Use Development Mainstreet”	“Mixed Use Development Mainstreet” means a building or part of a building that contains permitted commercial uses and residential uses in combination, excluding a hotel, motel or tourist home, provided that all main residential uses are located in a storey above the first storey, except for entrances and lobbies which are located on the first floor and accessory uses, such as but not limited to storage, mechanical and laundry facilities, which may be permitted to be located in a basement or cellar.	Amend the definition of “Mixed Use Development Mainstreet” to mean a building or part of a building that contains permitted commercial uses and residential uses in combination, excluding a hotel, motel or tourist home, provided that all main residential uses are located in the <u>two storeys</u> above the first storey, except for entrances and lobbies which are located on the first floor and accessory uses, such as but not limited to storage, mechanical and laundry facilities, which may be permitted to be located in a basement or cellar.
b.	Minimum Parking Space Size	2.7 m x 6 m	2.7 m x 5.8 m
c.	Minimum Front Yard Setback (Islington Avenue)	2 m	0 m

	By-law Standard	C11 Mainstreet Commercial Zone Requirements	Proposed Exceptions to the C11 Mainstreet Commercial Zone Requirements
d.	Minimum Rear (West) Yard Setback	15 m	1.5 m (For a length of 15 m along the Main Building)
e.	Maximum Lot Coverage	30%	35.6%
f.	Minimum Lot Depth	45 m	40.87 m (Existing Lot Depth)
g.	Maximum Building Height	9.5 m	12 m
h.	Minimum Front Yard (Islington Avenue) Setback to an Underground Parking Structure	1.8 m	1 m
i.	Maximum Gross Floor Area	1,498.14 m ² (0.6 Times the Area of the Lot)	2,350 m ² (Main Building and Garbage Enclosure Building - 1.06 Times the Area of the Lot)
j.	Minimum Interior Side Yard Setback to a Residential Zone (North Lot Line)	2.40 m	2.03 m
k.	Minimum Rear Yard Setback to an Accessory Building (Garbage Enclosure)	15 m	3.2 m

	By-law Standard	C11 Mainstreet Commercial Zone Requirements	Proposed Exceptions to the C11 Mainstreet Commercial Zone Requirements
l.	Minimum Landscape Strip Width	i) Abutting Islington Avenue - 2 m ii) Abutting a Residential Zone – 2.4 m iii) Abutting a Commercial Zone – 1.8 m	i) 0 m ii) 1.5 m (North Lot Line) iii) 1.5 m (South and West Lot Lines)
m.	Maximum Retaining Wall Height	1 m	Up to 2.61 m (Islington Avenue, West and South property lines)
n.	Minimum Retaining Wall Setback	2.61 m	i) 0.94 m (North Lot Line) ii) 1.5 m (South Lot Line) iii) 0 m (East Lot Line) iv) 1 m (West Lot Line)

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

Analysis and Options

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

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity with Provincial Policies, York Region and City Official Plans	<ul style="list-style-type: none"> The Applications will be reviewed in consideration of the statutory Provincial policies including the <i>Provincial Policy Statement, 2014</i> (“PPS”) and the <i>Growth Plan for the Greater Golden Horseshoe (2017)</i> (the “Growth Plan”) and the policies of the York Region (“YROP”) and the City of Vaughan Official Plans.

	MATTERS TO BE REVIEWED	COMMENT(S)
b.	Appropriateness of Proposed Uses and Site-Specific Official Plan and Zoning Exceptions	<ul style="list-style-type: none"> ▪ The appropriateness of the proposed amendments to the Official Plan and Zoning By-law will be reviewed in consideration of the existing and planned surrounding land uses, with particular consideration given to land use and built form compatibility, and appropriate development standards, including but not limited to: <ul style="list-style-type: none"> i) the scale and massing of the proposed building in relation to the surrounding lands; ii) the building height, lot coverage and setbacks, specifically reduced front yard setback to 0 m, and reduced landscape setbacks; iii) the proposed landscaping within the Heritage Conservation District and proposed retaining wall ranging up to a maximum height of 2.61 m along the Islington Avenue frontage; and, iv) the urban design policies for the Mainstreet Commercial designation.
c.	Kleinburg-Nashville Heritage Conservation District ("KNHCD") Plan	<ul style="list-style-type: none"> ▪ The Development will be reviewed in consideration of the policies of the KNHCD Plan. ▪ The Applications must be considered by the Heritage Vaughan Committee. ▪ The Development Planning Department will review the findings of the Cultural Heritage Impact Assessment ('CHIA') respecting the heritage value for the existing main dwelling and the garage/drive shed to warrant retention.
d.	Cultural Heritage/Urban Design	<ul style="list-style-type: none"> ▪ The Owner has submitted an Arborist Report which recommends removal of trees currently on the property and all trees on adjacent properties within 5 metres of the Subject Lands. A total of 56 trees are proposed to be removed, including 10 located on City-owned lands abutting Islington Avenue and one (potentially 2) located on the adjacent residential lands to the south. The Owner cannot remove trees on City-owned or privately-owned lands without authorization and approvals.

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> ▪ As per Section 9.5.2.1 of the KNHCD Plan, “existing mature trees should be preserved, and new tree planting should be designed to reflect the traditional village pattern”. Section 5.2.1 of the KNHCD Plan states that an objective of the Plan is to “encourage conservation or re-introduction of historic landscape treatments in both the public and private realms, including both hard and soft landscape treatments.” The proposed removal of all trees on the Subject Lands and the proposed landscaping treatment will be reviewed. ▪ The Development will be reviewed in consideration of the policies of VOP 2010 with respect to accessing opportunities to preserve and integrate significant trees into the Development. ▪ The proposed ground floor retail units along Islington Avenue should be setback and stepped with the existing grade to provide for an appropriate grade related pedestrianized environment in the Kleinburg Core ▪ On-street or lay-by parking should be considered along Islington Avenue to support the proposed retail and provide convenience parking in the Kleinburg Core. ▪ The surface parking area should be designed to maximize the preservation of the existing trees along the rear of the property.
e.	Approved Source Water Protection Plan	<ul style="list-style-type: none"> ▪ The Subject Lands are located within the Wellhead Protection Area as identified in the approved Source Water Protection Plan, and as shown on Schedule 1 of VOP 2010, which provides policies for protecting drinking water sources/supply. The Owner shall satisfy all requirements of York Region.

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> The Subject Lands are located within the WHPA-Q (Wellhead Protection Area - Recharge Management Area), Significant Groundwater Recharge Area and Highly Vulnerable Aquifer as identified in the approved Source Protection Plan, which provides policies for protecting the drinking water sources/supply. The Owner is required to satisfy the requirements of the Toronto and Region Conservation Authority.
f.	Water and Servicing Allocation	<ul style="list-style-type: none"> The availability of water and sanitary sewage servicing capacity for the proposed residential units must be identified and allocated by Vaughan Council, if the Applications are approved. If servicing capacity is unavailable, the Holding Symbol “(H)” may be applied to the Subject Lands. Removal of the Holding Symbol will be conditional on servicing being identified and allocated by Vaughan Council.
g.	Transportation and Parking Study	<ul style="list-style-type: none"> The Transportation and Parking Study submitted in support of the Applications must be reviewed and approved by the Development Engineering (“DE”) Department, including trips generated due to the Development, existing and future traffic conditions, and the operational level of service at the Nashville Road and Islington Avenue intersection, and the proposed access driveway at Islington Avenue.
h.	Cash-in-lieu of Parkland	<ul style="list-style-type: none"> The provision of cash-in-lieu of parkland dedication in accordance with the City’s Cash-in-Lieu of Parkland and Policy and the <i>Planning Act</i> is required, if the Applications are approved.
i.	Encroachment Agreement	<ul style="list-style-type: none"> An encroachment agreement will be required between the Owner and the City should it be determined that any stairs and/or retaining wall crosses City land, should the Development be approved.

	MATTERS TO BE REVIEWED	COMMENT(S)
j.	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner has submitted the following studies and reports in support of the Applications, which must be approved to the satisfaction of the City and/or respective public approval authority: <ul style="list-style-type: none"> • Planning Analysis Brief • Transportation and Parking Study • Cultural Heritage Impact Assessment • Archaeological Assessment Report • Urban Design Brief • Arborist Report • Functional Servicing and Stormwater Management Report • Noise Impact Study ▪ The requirement for additional studies/information may be identified through the development application review process.
k.	Related Site Development Application	<ul style="list-style-type: none"> ▪ The related Site Development File DA.17.042 will be reviewed in consideration of, but not limited to, appropriate building and site design, barrier free accessibility, pedestrian connectivity, the location and size of amenity space, vehicular access, internal traffic circulation, parking, landscaping (hard and soft), the location of permeable pavers, landscape buffers, fencing/retaining walls, environmental sustainability, waste management including the proposed exterior garbage enclosures, outdoor lighting designed to eliminate light spillage to neighbouring properties, stormwater management, and servicing and grading, if the Applications are approved.

	MATTERS TO BE REVIEWED	COMMENT(S)
I.	Sustainable Development	<ul style="list-style-type: none"> ▪ Opportunities for sustainable design, including CEPTD (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, bicycle racks to promote alternative modes of transportation, energy efficient lighting, reduction in pavement and roof-top treatment to address the "heat island" effect, green roofs, etc., will be reviewed and implemented through the site plan approval process, if the Applications are approved. ▪ In accordance with the City of Vaughan Sustainability Metrics Program, the Development must achieve a minimum Bronze Threshold Overall Application Score.
m.	Draft Plan of Condominium Application	<ul style="list-style-type: none"> ▪ Should the Applications be approved, a Draft Plan of Condominium (Standard) Application will be required to establish the condominium tenure for the Development.
n.	Section 37	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of the bonusing provisions of Section 37 of the <i>Planning Act</i>, VOP 2010 and the City's Guidelines for the Implementation of Section 37 of the Planning Act. Section 37 of the <i>Planning Act</i> allows municipalities to authorize an increase in the height and density of a development in return for community benefits, should the Applications be approved.

Financial Impact

Not Applicable.

Broader Regional Impacts/Considerations

The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. The Region advised that the Official Plan Amendment Application can be considered for exemption from York Region approval and are reviewing the Owner's exemption request. Any issues will be addressed when the technical report is considered.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Applications will be considered in the technical review of the Applications, together with comments from the public and Vaughan Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

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

Attachments

1. Context Location Map
2. Location Map
3. Site Plan and Proposed Zoning
4. Landscape Plan
5. Elevation Plan (East and North)
6. Elevation Plan (South and West)

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