

Committee of the Whole (Public Hearing) Report

DATE: Monday, September 17, 2018

WARD: 1

**TITLE: OFFICIAL PLAN AMENDMENT FILE OP.16.009
ZONING BY-LAW AMENDMENT FILE Z.16.036
DRAFT PLAN OF SUBDIVISION FILE 19T-18V006
HIGHVIEW BUILDING CORP. INC.
VICINITY OF NASHVILLE ROAD AND REGIONAL ROAD 27**

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.16.009 and Z.16.036, and Draft Plan of Subdivision File 19T-18V006 for the Subject Lands to permit 25 residential dwelling units consisting of 4 townhouse dwellings, 2 semi-detached dwellings and 19 detached dwellings (above grade), and the retention of two heritage buildings with access onto a private common element condominium road, as shown on Attachments #3 to #12.

Report Highlights

- To receive input from the Committee of the Whole an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications for the subject lands to permit the development of 25 residential dwelling units and the retention of two existing heritage buildings (89 and 99 Nashville Road) with access on to a private common element condominium road.
- The applications have been appealed to the Local Planning Appeal Tribunal ("LPAT") formerly known as the Ontario Municipal Board ("OMB").
- 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 Files OP.16.009, Z.16.036 and 19T-18V006 (Highview Building Corp Inc.) BE RECEIVED; and, that any issues identified be addressed by the Vaughan Development Planning Department in a comprehensive report to the Committee of the Whole.

Background

The Subject Lands ("Subject Lands") are located on the southeast corner of Nashville Road and Regional Road 27, and are municipally known as 89 and 99 Nashville Road and 10515 Regional Road 27, as shown on Attachments #1 and #2.

The Official Plan and Zoning By-law Amendment Applications respecting the original development submission has been appealed to the Local Planning Appeal Tribunal ("LPAT") formerly known as the Ontario Municipal Board ("OMB")

The Owner on August 26, 2016, submitted Official Plan and Zoning By-law Amendment Applications for a 10-storey mixed-use building consisting of 472.4 m² of commercial uses and 173 apartment dwellings, and a stand alone 2-storey building consisting of ground floor commercial and upper floor amenity area for residential users, as shown on Attachments #13 to #15. On May 18, 2017, the City received the Owner's appeal to the LPAT for the current development concept, which is the subject of the report. LPAT Prehearing Meetings were held on October 26, 2017, and April 3, 2018, to allow the Owner time to revise the proposal and to allow for its consideration by Heritage Vaughan. The next Prehearing Meeting is scheduled for October 18, 2018.

The Owner has submitted revised Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications to permit the Development

The Owner on April 10, 2018 submitted a revised development concept to permit 25 dwelling units (4 townhouse, 2 semi-detached and 19 detached dwelling units (above grade)) and the retention of the existing heritage buildings at 89 and 99 Nashville Road with access on to a private common element condominium road (the "Development") as shown on Attachments #3 to #12.

The applications (the "Applications") were revised as follows:

1. Official Plan Amendment File OP.16.009 to redesignate the Subject Lands from "Main Street Commercial" and "Natural Area" to "Village Residential", including the following site-specific exceptions:
 - i) permit as additional uses detached (above-grade), semi-detached and townhouse dwellings (all connected below grade) whereas the Official Plan permits only detached dwelling units;

- ii) increase the permitted maximum building height from 9.5 m (2-½ storeys) to 11.25 m (3-storeys); and
 - iii) increase the maximum permitted density (Floor Space Index - "FSI") from 1.0 to 1.25 times the area of the Subject Lands;
2. Zoning By-law Amendment File Z.16.018 to rezone the Subject Lands from "R1 Residential Zone" and "OS2 Open Space Park Zone" to "R5 Residential Zone" in the manner shown on Attachment #4, together with the site-specific zoning exceptions identified in Table 1 of this report.
 3. Draft Plan of Subdivision File 19T-18V006 to facilitate a Plan of Subdivision (the "Draft Plan") for the Subject Lands shown on Attachment #3 consisting of the following:

Block	Land Use	Area (ha)	Number of Units
1	Detached (Above-Grade) Linked Underground Existing Heritage Dwellings (freehold on a future private common element condominium road)		2
	Detached Dwellings (Above-Grade) Linked Underground (freehold on a future private common element condominium road)		19
	Semi-Detached Dwellings Linked Underground (freehold on a future private common element condominium road)		2
	Townhouses Dwelling Linked Underground (freehold on a future private common element condominium road)		4
TOTAL		0.743	27

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: August 10, 2018.

The Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and Notice Signs were installed on Nashville Road and on Regional Road 27, in accordance with the City's Notice Signs Procedures and Protocols.
- b) Circulation Area: All property owners within a 250 m distance from the boundary of the Subject Lands and to the Kleinburg and Area Ratepayers' Association.

- c) 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 Vaughan 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.

One written submission has been received by the Development Planning Department from Kathryn Angus, Kleinburg and Area Ratepayers Association ("KARA"), dated July 23, 2018. The following is a summary of the comments provided in the written submissions received by the Development Planning Department:

- a) The Development provides for the consolidation of lands which is discouraged in the Official Plan and the Kleinburg-Nashville Heritage Conservation District Plan and Guidelines.
- b) Vehicular access to the Subject Lands has not been addressed adequately in the traffic study and does not address the impact of the Doctor's House hotel when it is approved. The sharing of the driveway access with the Montessori School for the purpose of refuse/recycling collection poses a risk to children at the Montessori School. Poor site visibility of approaching vehicles due to the steep grade of Nashville Road. Pedestrian-friendly streets should be provided to reduce the use of cars.
- c) The uses within the Development result in the proposal being crowded. Pedestrians cannot move through the Development. There is no pedestrian connection to the surrounding community.
- d) The Development exceeds the maximum building height of 9.5 m permitted in the Zoning By-law. The Development provides for a building height of 11.5 m and a building height of 21.5 m when the podium/stone foundation structure is included at the southwest corner of the Subject Lands.
- e) The Development does not include any commercial use. More commercial floor space should reduce rents and provide for more commercial uses besides eating establishments.
- f) The Development attempts to design attractive and Village compatible buildings but the mass of the proposal detracts from this. The Subject Lands are a Gateway to the Kleinburg-Nashville community. The proposed brickwork should be more compatible and decorative with similar colours as the commercial plaza to the north. Further details respecting the look of the backyards abutting Regional Road 27, fencing and landscaping are required.

Previous Reports/Authority

Not Applicable.

Analysis and Options

The Subject Lands are designated “Mainstreet Commercial” and “Natural Areas” by VOP 2010

Part "A" of the Subject Lands, as shown on Attachments #2 and #4, is designated “Mainstreet Commercial” by VOP 2010, Volume 2, Section 12.4 - Kleinburg Core. This designation permits small-scale mixed-use developments with at-grade commercial uses and an upper floor residential component. The designation permits a Floor Space Index ("FSI") between 0.2 to 1 times the area of the lot, and a maximum building height of 9.5 m. Development within this designation shall have consideration for the scale, massing and use of the existing development on abutting or adjacent properties.

Part "A" of the Subject Lands is also identified as a Strategic Site and Gateway warranting buildings to have a high quality design and architectural elements because of it's location at the corner of Regional Road 27 and Nashville Road. The northerly portion of the Lands is located within a Local Centre designation in VOP 2010. The Local Centre acts as the focus for communities, is lower in scale and offers a limited range of uses.

VOP 2010 states historic village cores (i.e., Kleinburg/Nashville) will continue to be the main areas for local commercial activities and community facilities and that each village core will experience development and/or intensification to varying degrees, as befits the local context, and would also be subject to the Kleinburg-Nashville Heritage Conservation District Plan.

Part "B" of the Subject Lands as shown on Attachments #2 and #4, is designated “Natural Areas” by VOP 2010, which does not permit the Development.

The Development is not permitted by the “Mainstreet Commercial” and “Natural Areas” designations of 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 located within the *Kleinburg-Nashville Heritage Conservation District Vol.1: The Study and Plan* (“KNHCD Plan”), and are designated under Part V of the *Ontario Heritage Act* (“OHA”), as part of the KNHCD Plan. The Development will be reviewed in consideration of the policies of the KNHCD Plan.

The KNHCD Plan’s Guidelines includes objectives to:

- encourage new development that will enhance the heritage character of the District as infill, construction on vacant lands and replacement construction or alterations to non-heritage buildings; and

- guide new development so it can provide for contemporary needs, and to ensure its design will be compatible with and complementary to the character of the District and the heritage resources within.

The KNHCD Guidelines provides policies that include, but are not limited to the following:

- new development should complement and enhance the heritage character of the District; and
- new buildings should be sympathetic in siting, scale, material, texture, and general design to the heritage buildings around them.

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, and serve to help clarify and implement the existing Policy 9.1.2.3 of VOP 2010 related to compatibility. The Subject Lands are designated “Mainstreet Commercial” and “Natural Areas” by Vaughan Official Plan (“VOP 2010”). The Subject Lands 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 and OS2 Open Space Park Zone by Zoning By-law 1-88, as shown on Attachment #2. The Owner is proposing to rezone the Subject Lands to R5 Residential Zone in order to permit the Development, together with the following site-specific zoning exceptions:

Table 1

	By-law Standard	Zoning By-law 1-88, R5 Residential Zone Requirements	Proposed Exceptions to the R5 Residential Zone Requirements
a.	Definition - Dwelling Detached, Linked Underground, on a Private Common Element Condominium Road	Zoning By-law 1-88 does not provide a definition for a Detached Dwelling, Linked Underground, on a Private Common Element Condominium Road	Add a detached dwelling above grade and connected below grade as an additional permitted use defined as follows:

	By-law Standard	Zoning By-law 1-88, R5 Residential Zone Requirements	Proposed Exceptions to the R5 Residential Zone Requirements
			Means a detached dwelling above grade, in which each dwelling unit is situated on its own lot and that is attached to another dwelling or parking structure below grade, where the lot abuts or has access to a private common element condominium road.
b.	Definition - Dwelling, Semi-Detached, Linked Underground, on a Private Common Element Condominium Road	Zoning By-law 1-88 does not provide a definition for a Semi-Detached, Linked Underground, on a Private Common Element Condominium Road	Means a semi-detached dwelling in which each dwelling unit is situated on its own lot, and that is attached to another dwelling or parking structure below grade, where the lot abuts or has access to a private common element condominium road.
c.	Definition - Dwelling, Townhouse, Linked Underground, on a Private Common Element Condominium Road	Zoning By-law 1-88 does not provide a definition for a Townhouse, Linked Underground, on a Private Common Element Condominium Road	Means a townhouse dwelling in which each dwelling unit is situated on its own lot, and that is attached to another dwelling or parking structure below grade, where the lot abuts or has access to a private common element condominium road.
d.	Minimum Lot Frontage	7.5 m	5.5 m (Units 1 - 4, 7 and 8)
e.	Minimum Lot Area	225 m ²	140 m ² (Units 1 - 4 and 7 - 27)

	By-law Standard	Zoning By-law 1-88, R5 Residential Zone Requirements	Proposed Exceptions to the R5 Residential Zone Requirements
f.	Minimum Front Yard	4.5 m	<p>4 m (Units 1 - 5 and 7 - 18)</p> <p>3.5 m (Units 6 and 19 - 27)</p> <p>6.5 m (Units 19 - 27)</p>
g.	Minimum Rear Yard	7.5 m	<p>4 m (Units 9 - 18)</p> <p>6 m (Units 1 - 8)</p> <p>6.5 m (Units 19 - 27)</p>
h.	Minimum Interior Side Yard	1.2 m	<p>1 m (Units 4 - 7)</p> <p>0.6 m (Units 9 - 27)</p>
i.	Minimum Exterior Side Yard	4.5 m	<p>0 m (Unit 8)</p>
j.	Maximum Lot Coverage	50%	<p>65% (Units 1 - 8)</p> <p>55% (Units 9 - 27)</p>
k.	Maximum Building Height	11 m	<p>11.25 m (Interior Units 9 - 27)</p>

	By-law Standard	Zoning By-law 1-88, R5 Residential Zone Requirements	Proposed Exceptions to the R5 Residential Zone Requirements
I.	Maximum Floor Space Index ("FSI")	Zoning By-law 1-88 does not provide a Maximum FSI for Dwellings, Linked Underground, on a Private Common Element Condominium Road	1.25 FSI
m.	Minimum Amenity Area	Zoning By-law 1-88 does not provide a Minimum Amenity Area for Dwellings, Linked Underground, on a Private Common Element Condominium Road	<p>20 m² Rear yard (Units 1 - 4)</p> <p>60 m² Rear yard (Units 5 and 6 - Heritage)</p> <p>30 m² Rear yard (Units 7 and 8)</p> <p>10 m² Deck/Terrace (Units 9 - 18)</p> <p>45 m² Rear yard (Units 19 - 27)</p>
n.	Minimum Landscape Strip	Zoning By-law 1-88 does not provide a Minimum Landscape Strip for Dwellings, Linked Underground, on a Private Common Element Condominium Road	4 m (Nashville Road)
o.	Permitted Accessory Buildings and Structures	Accessory buildings and structures, including garden and storage sheds, shall be located in the rear yard and subject to the required setbacks of the main dwelling.	No accessory buildings and structures, including garden and storage sheds shall be permitted except for a refuse/recycling enclosure

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.

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"), the <i>Growth Plan for the Greater Golden Horseshoe (2017)</i>, (the "Growth Plan") and the York Region and VOP 2010 Official Plan policies.
b.	Appropriateness of Proposed Uses and Site-Specific Official Plan and Zoning Exceptions	<ul style="list-style-type: none"> ▪ The appropriateness of the site-specific VOP 2010 amendments and Zoning By-law 1-88 exceptions 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 buildings in relation to the surrounding lands; ii) the building heights and lot coverage; iii) the proposed landscaping within the KNHCD Plan's Guidelines; iv) siting and scale of the rear buildings, building materials, and the relationship of the Development with the surrounding area; v) the urban design policies of the Official Plan; and vi) the proposed lot pattern, configuration and transition and built form compatibility in relation to the immediate surrounding area.

	MATTERS TO BE REVIEWED	COMMENT(S)
c.	Kleinburg-Nashville Heritage Conservation District	<ul style="list-style-type: none"> ▪ The appropriateness of the Development will be reviewed with regard to maintaining the heritage character of the KNHCD and conformity with the KNHCD Plan. ▪ The Applications must be reviewed by the Heritage Vaughan Committee.
d.	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 Planning Act allows municipalities to authorize an increase in the height and for density of a development in return for community benefits, should the Applications be approved.
e.	Design Review Panel	<ul style="list-style-type: none"> ▪ The Development must be reviewed by the Vaughan Design Review Panel.
f.	Traffic Impact and Parking Review Study	<ul style="list-style-type: none"> ▪ The Transportation Report submitted in support of the Applications must be reviewed and approved by the Development Engineering ("DE") Department, including the proposed driveway access from Nashville Road and the proposed easement over the existing driveway located on the abutting lands to the south (10515 Regional Road 27 – the Montessori School site) for use by refuse/recycling and emergency vehicles. ▪ The Future Transportation Network Schedule 9, in VOP 2010 indicates a proposed road width for a major arterial (Regional Road 27) 23 m to 24 m, which may impact the Subject Lands and must be reviewed and approved by York Region.

	MATTERS TO BE REVIEWED	COMMENT(S)
g.	Allocation and Servicing	<ul style="list-style-type: none"> Vaughan Council must identify and allocate water and sanitary sewage servicing capacity for the proposed residential, if the Development is approved. If servicing capacity is unavailable, the Subject Lands will be zoned with a Holding Symbol "(H)", which will be removed once Vaughan Council has identified and allocated servicing capacity.
h.	Toronto and Region Conservation Authority ("TRCA")	<ul style="list-style-type: none"> The Applications have been circulated to the TRCA for review and comments. The development limits, appropriate buffers to any natural features and appropriate site grading must be established to the satisfaction of the City and the TRCA.
i.	Parkland Dedication	<ul style="list-style-type: none"> The Owner will be required to pay to the City of Vaughan cash-in-lieu of the dedication of parkland in accordance with the City's Cash-in-Lieu of Parkland Policy and the <i>Planning Act</i>, should the Applications be approved. The final value of the cash-in-lieu of parkland dedication will be determined by the Office of the City Solicitor, Real Estate Department.
j.	Studies and Reports	<ul style="list-style-type: none"> The following reports and studies in support of the Applications must be reviewed and approved to the satisfaction of the City and/or respective public approval authority: <ul style="list-style-type: none"> - Planning Justification Report - Cultural Heritage Resource Impact Assessment - Heritage Conservation District Conformity Report - Urban Design and Sustainability Guidelines - Commercial Market Justification Study - Tree Inventory and Preservation Plan Report - Functional Servicing and Stormwater

	MATTERS TO BE REVIEWED	COMMENT(S)
		<p>Management Report</p> <ul style="list-style-type: none"> - Noise Impact Study - Traffic Impact and Parking Review Study - Tree Inventory and Preservation Plan - Stage 1 and 2 Archaeological Assessment <ul style="list-style-type: none"> ▪ The requirement for additional studies, reports or information may be identified through the development application review process.
k.	Site Development Application	<ul style="list-style-type: none"> ▪ Site Development File DA.18.028 has been submitted to permit the Development and will be reviewed concurrently with the Zoning By-law Amendment Application to ensure consideration of, but not limited to, the appropriate building and site design, barrier free accessibility, pedestrian connectivity, vehicular access, internal traffic circulation, parking, landscaping, environmental sustainability, waste management, storm water management, and servicing and grading. ▪ All issues identified through the review of the Site Development application will be addressed together with the subject Applications in a comprehensive technical report to a future Committee of the Whole meeting.
l.	Tree Inventory and Preservation Plan	<ul style="list-style-type: none"> ▪ The Tree Inventory and Preservation Plan submitted in support of the Applications, indicate 40 will be removed to accommodate the proposed development and 17 trees will be preserved. The ownership of five tree along the easterly property line have to be confirmed prior to its removal. Tree Inventory and Preservation Plan must be approved to the satisfaction of Vaughan Development Department, Urban Design Section.

	MATTERS TO BE REVIEWED	COMMENT(S)
m.	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, should the Applications be approved.
n.	Draft Plan of Condominium (Standard)	<ul style="list-style-type: none"> ▪ A Draft Plan of Condominium (Common Element) Application will be required to permit a private common element condominium road, and to create the condominium tenure for the Development, 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 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. Draft Plan
4. Proposed Zoning and Site Plan
5. Underground Parking (A-Level)
6. Underground Parking (B-Level)
7. Elevation Plan (89 Nashville Road)
8. Elevation Plan (99 Nashville Road)
9. Elevation Plan (North & South)
10. Elevation Plan (West)
11. Elevation Plan (East)
12. Landscape Plan
13. Original Site Plan
14. Original Elevation Plan (Building A - 2-storey Building)
15. Original Elevation Plan (Building B - 10-storey Mixed Use Building)

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