

## Committee of the Whole (1) Report

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**DATE:** Tuesday, December 03, 2019

**WARD:** 2

**TITLE: NATIONAL CAPITAL FINANCIAL INC.  
ZONING BY-LAW AMENDMENT FILE Z.19.005  
VICINITY OF KIPLING AVENUE AND WOODBRIDGE AVENUE**

**FROM:**

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

**ACTION:** DECISION

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**Purpose**

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.19.005 to amend the “C3 Local Commercial Zone” subject to site-specific Exception 9(1054) of Zoning By-law 1-88, for the Subject Lands shown on Attachment 1, to permit the full range of “C3 Local Commercial Zone” uses on the ground floor and one residential unit on the second floor of the existing building, as shown on Attachment 2.

**Report Highlights**

- The Owner proposes to permit the full range of “C3 Local Commercial Zone” uses on the ground floor and one residential unit on the second floor of the existing building located on the Subject Lands.
- Zoning By-law Amendment and Site Development applications are required to permit the proposed uses and site alterations.
- The Development Planning Department supports the approval of the Zoning By-law Amendment as it is consistent with the *Provincial Policy Statement 2014*, conforms to *A Place to Grow: the Growth Plan for the Greater Golden Horseshoe 2019*, the York Region Official Plan 2010, and the Vaughan Official Plan 2010, and is compatible with the existing and planned land uses in the surrounding area.

## **Recommendations**

1. THAT Zoning By-law Amendment File Z.19.005 (National Capital Financial Inc.) BE APPROVED, to amend the “C3 Local Commercial Zone”, subject to site-specific Exception 9 (1054) of Zoning By-law 1-88, for the Subject Lands shown on Attachment 1, to permit commercial uses as identified in this report on the ground floor and a residential dwelling unit on the second floor only of the existing building.
2. THAT prior to the enactment of the implementing Zoning By-law, the Owner shall confirm the Record of Site Condition requirements and finalize all outstanding comments of Site Development File DA.19.065 to the satisfaction of the City.

## **Background**

The Subject Lands (the ‘Subject Lands’) shown on Attachment 1 are located on the west side of Kipling Avenue, south of Woodbridge Avenue, and are municipally known as 7938 Kipling Avenue. The Subject Lands are currently developed with a two-storey commercial building having a gross floor area (‘GFA’) of 208.54 m<sup>2</sup>, as shown on Attachment 2, that was formerly used as a residential dwelling.

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

On August 23, 2019, the City circulated a Notice of Public Hearing (the ‘Notice’) to all property owners within 150 m of the Subject Lands and to the Village of Woodbridge Ratepayer’s Association and West Woodbridge Homeowners Ratepayer’s Association. A copy of the Notice was also posted on the City’s website at [www.vaughan.ca](http://www.vaughan.ca) and a notice sign was installed on the Subject Lands in accordance with the City’s Notice Signs Procedures and Protocols. No deputations were made at the Public Hearing or written submissions received by the Development Planning Department.

Vaughan Council on October 2, 2019, ratified the recommendation of the Committee of the Whole to receive the Public Hearing report of September 17, 2019, and to forward a comprehensive technical report to a future Committee of the Whole meeting.

## **Previous Reports/Authority**

[September 17, 2019, Committee of the Whole \(Public Hearing\) - Zoning By-law Amendment File Z.19.005](#)

## **Analysis and Options**

### ***A Zoning By-law Amendment Application was submitted to permit additional uses and site-specific exceptions***

National Capital Financial Inc. (the 'Owner') has submitted Zoning By-law Amendment File Z.19.005 (the 'Application') to amend the "C3 Local Commercial Zone" ('C3 Zone') subject to site-specific Exception 9(1054) of Zoning By-law 1-88, to permit the full range of uses permitted by the C3 Zone on the ground floor, and one residential unit on the second floor of the existing building. Site-specific Exception 9(1054) limits the permitted uses on the Subject Lands to a Bridal Retail Store with an accessory work area and storage on the second floor, and a storage area in the basement.

### ***The Application is consistent with the Provincial Policy Statement 2014***

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the *Provincial Policy Statement, 2014* (the 'PPS'). The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS recognizes that local context and character is important.

The Development Planning Department is of the opinion that the Application is consistent with provincial policies, specifically Sections 1.1.3.1, 1.1.3.2, 1.4.3 and 1.7.1 regarding development in settlement areas, efficient land use patterns, the range and mix of housing options and encouraging a sense of place through conserving cultural heritage features.

The Subject Lands are located within a Settlement Area as defined by the PPS. The Application is consistent with the policies of the PPS as it makes more efficient use of the existing building and Subject Lands by allowing a broader range of commercial uses and modest intensification by the addition of one residential unit which provides an additional housing option, while maintaining the existing Cultural Heritage resources on the Subject Lands.

### ***The Application conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019***

The Provincial Plan: *A Place to Grow – Growth Plan for the Greater Golden Horseshoe 2019* ('Growth Plan') is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form, and housing. Council's planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The Application is consistent with the policy framework of the Growth Plan as the built form would utilize the Subject Lands and existing infrastructure more efficiently, preserve Cultural Heritage resources and provide housing at densities that are

supportive of the Growth Plan objectives, specifically Sections 2.2.1(2)(a) and 4.2.7 regarding the achievement of complete communities and conserving cultural heritage resources.

The Subject Lands are located within a settlement area and a delineated built-up area that efficiently utilizes existing municipal water and wastewater systems, will contribute to the range of unit types available in the community and maintain a sense of place by conserving cultural heritage resources. The Application conforms to the Growth Plan.

***The Application conforms to the York Region Official Plan 2010***

The York Region Official Plan 2010 ('YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" on Map 1, "Regional Structure" of the YROP. The "Urban Area" designation permits a range of residential, commercial, industrial and institutional uses, subject to additional policy criteria. Section 5.3.10 of the YROP encourages retail, commercial, office and institutional structures to include a mix of uses, where appropriate.

The Application proposes to utilize the existing commercial building on the Subject Lands with an expanded range of commercial uses and facilitates a mixed-use development through the addition of one residential unit. The Application conforms to the YROP.

***The Application conforms to the Vaughan Official Plan 2010***

The Subject Lands are designated "Mid-Rise Mixed-Use" by Vaughan Official Plan 2010 ('VOP 2010'), Volume 2, Section 11.5 Kipling Avenue Corridor Secondary Plan ('KACSP'). The "Mid-Rise Mixed-Use" designation represents the primary retail and commercial centre for the KACSP and is intended to concentrate a significant residential population. The "Mid-Rise Mixed-Use" designation permits small scale, grade-related retail, service commercial, restaurant and office uses as part of a contiguous mixed-use building. Residential units in the form of townhouse, low-rise or mid-rise building types are permitted, provided they are not located on the street facing ground level. Stand alone, single use buildings are not permitted.

The existing two-storey building on the Subject Lands is a permitted building type. The proposed commercial uses on the ground floor and residential unit on the second floor are permitted by the "Mid-Rise Mixed-Use" designation of the KACSP. The Application conforms to VOP 2010.

***The Development Planning Department has no objection to the Application, as it is compatible with the existing and planned development in the area***

The Subject Lands are zoned C3 Zone and subject to site-specific Exception 9(1054) by Zoning By-law 1-88, as shown on Attachments 2 and 3, which only permits a Bridal Retail Store. The Owner is proposing to amend Zoning By-law 1-88 by adding the following uses on the Subject Lands:

- a) on the ground floor only:
  - Bank or Financial Institution
  - Business or Professional Office
  - Personal Service Shop
  - Pharmacy
  - Photography Studio
  - Retail Store
  - Video Store
- b) a residential dwelling unit on the second floor only.

The Development Planning Department supports the Application as it will facilitate a mixed-use residential development in accordance with the “Mid-Rise Mixed-Use” designation of the KACSP in VOP 2010. The existing development in the surrounding area within the KACSP consists of a mix of residential, commercial and institutional uses in building types ranging from two-storey single detached dwellings, one-storey commercial plazas and six-storey mixed-use apartment buildings. The Application will permit a wider range of commercial uses and one residential unit that is compatible with, and complementary to, the existing development in the area. Parking on the Subject Lands complies with the requirements of Zoning By-law 1-88 (9 spaces for the commercial uses and 1 space for the residential unit).

**Related Site Development Application**

Site Development File DA.19.065 has been submitted to facilitate the addition of an exterior staircase for access to the proposed residential unit and the reconfiguration of the rear parking area to meet the minimum required accessible parking space dimensions by Zoning By-law 1-88, as shown on Attachment 2.

The existing driveway access from Kipling Avenue on the Subject Lands is proposed to remain. A total of 10 parking spaces exist at the rear of the commercial building, and one parking space will be converted into an accessible parking space to satisfy the parking requirements of Zoning By-law 1-88 for the proposed uses.

Site Development File DA.19.065 is deemed a minor site development application with approval delegated to the Development Planning Department. The Owner is required to satisfy all comments provided through the review of File DA.19.065 to the satisfaction of the Development Planning Department and Development Engineering Department. A condition to this effect is included in the Recommendations of this report.

### Cultural Heritage

The Subject Lands are located within the “Woodbridge Heritage Conservation District Study and Plan” (‘WHCD Plan’) and designated Part V under the *Ontario Heritage Act*; however, the Subject Lands are not considered a contributing property.

The Development Planning Department has no objection to the Application or proposed alterations as the alterations are located at the rear of the property with no changes to the front elevation or any elements identified as cultural heritage resources. Given the scale of the Application, approval by the Heritage Vaughan Committee is not required.

The Subject Lands are not identified as having archaeological potential. However, the following standard archaeological clauses apply:

- a) Should archaeological resources be found on the Subject Lands during construction activities, all work must cease, and both Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan’s Development Planning Department shall be notified immediately.
- b) If human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries and Crematoriums Regulation Unit of the Ministry of Government and Consumer Services.

### ***The Development Engineering Department has no objection to the Application, subject to conditions***

The Development Engineering (‘DE’) Department has provided the following comments:

### Environmental Site Assessment

As the Application proposes a more sensitive land use (residential unit) than what currently exists on the Subject Lands (commercial), the Owner’s environmental consultant shall confirm if a Ministry of Environment, Conservation and Parks (‘MECP’) Record of Site Condition (‘RSC’) is required. A letter and/or Environmental Site

Assessment ('ESA') prepared by a Professional Engineer confirming the RSC requirements shall be provided to the DE Department for review and approval prior to the enactment of the implementing Zoning By-law. A condition to this effect is included in the Recommendations of this report.

Additional minor comments by the DE Department have been provided through the review of the related Site Development File DA.19.065. This includes the requirement to provide proof of existing backflow prevention in accordance with the City's backflow prevention By-law 004-2018 and adding appropriate traffic signs to enhance the safety of two-way traffic movements. The Owner is required to satisfy all requirements of the DE Department prior to the enactment of the implementing Zoning By-law. A condition to this effect is included in the Recommendations of this report.

***Sewage and Water Allocation currently exist for one residential unit***

The Subject Lands were formerly a residential dwelling prior to its use as a commercial building and will utilize existing service connections. Additional servicing allocation is not required as the Application is reintroducing one residential unit.

***The Environmental Services Department is satisfied with the Application***

The Waste Management Division of the Environmental Services Department is satisfied with the Application. Waste collection is currently privately administered on the Subject Lands and will remain the same.

***The Financial Planning and Development Finance Department has no objection to the Application***

The Owner shall pay applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board.

***The Real Estate Department has no objection to the Application***

The Real Estate Department has confirmed that no further cash-in-lieu of parkland dedication under the *Planning Act* is required for the Application.

***Canada Post has no objection to the Application***

Canada Post has no objection to the Application. Mail delivery to the Subject Lands will remain as counter/door-to-door delivery. The Owner is required to contact Canada Post to update their records to reflect the new residential unit on the second floor.

**Financial Impact**

N/A

### **Broader Regional Impacts/Considerations**

The Subject Lands do not front onto a Regional Road. The York Region Community Planning and Development Services Department have no objection to the Application.

### **Conclusion**

The Development Planning Department has reviewed Zoning By-law Amendment File Z.19.005 in consideration of the applicable Provincial Policies, York Region and City Official Plan policies, the requirements of Zoning By-law 1-88, the comments received from City Departments and external public agencies, and the surrounding area context.

The Development Planning Department is of the opinion that the Application is consistent with the PPS, conforms to the Growth Plan, the YROP and VOP 2010, and is compatible with the surrounding area context. On this basis, the Development Planning Department can support the approval of the Application, subject to the Recommendations in this report.

**For more information**, please contact: Chris Cosentino, Planner at extension 8215.

### **Attachments**

1. Location Map
2. Site Plan and Zoning
3. Site-Specific Zoning Schedule E-1153

### **Prepared by**

Chris Cosentino, Planner, ext. 8215

Mark Antoine, Senior Planner, ext. 8212

Carmela Marrelli, Senior Manager of Development Planning, ext. 8791

Mauro Peverini, Director of Development Planning, ext. 8407

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