

Committee of the Whole Report (1)

DATE: Tuesday, September 15, 2020

WARD: 5

**TITLE: DANIEL AND RAYA GLUZBERG
ZONING BY-LAW AMENDMENT FILE Z.19.001
SITE DEVELOPMENT FILE DA.19.008
1238 CENTRE STREET
VICINITY OF CENTRE STREET AND VAUGHAN BOULEVARD**

FROM:

Nick Spensieri, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.19.001 and Site Development File DA.19.008 for the subject lands shown on Attachment 3. The Owner proposes to permit the existing buildings at 1238 Centre Street to be used for a day nursery, as shown on Attachments 3 to 6.

Report Highlights

- The Owner proposes to use the two existing stand-alone buildings on the subject lands for a day nursery
- Zoning By-law Amendment and Site Development applications are required to permit the proposed day nursery use within the existing buildings
- The Development Planning Department supports the approval of the applications as they are consistent with the *Provincial Policy Statement 2020* and conform to *A Place to Grow – Growth Plan for the Greater Golden Horseshoe 2019* and the York Region Official Plan 2010 and Vaughan Official Plan 2010, and the day nursery use is compatible with the existing and planned land uses in the surrounding area

Recommendations

1. THAT Zoning By-law Amendment File Z.19.001 (Daniel and Raya Gluzberg) BE APPROVED, to amend Zoning By-law 1-88 to permit a day nursery use within the existing stand-alone buildings on the subject lands, as shown on Attachments 3 to 6, together with site-specific zoning exceptions in Table 1 of this report.
2. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the subject lands comes into full force and effect, to permit minor adjustments to the in-effect Zoning By-law.
3. THAT Site Development File DA.19.008 (Daniel and Raya Gluzberg) BE DRAFT APPROVED SUBJECT TO THE CONDITIONS included in Attachment 1, to the satisfaction of the Development Planning Department, to permit a day nursery use within the existing stand-alone buildings, as shown on Attachments 3 to 6.

Background

The subject lands (the 'Subject Lands') shown on Attachment 2 are municipally known as 1238 Centre Street and are located on the north side of Centre Street west of Vaughan Boulevard. There are currently two vacant buildings (Buildings "A" and "B") on the Subject Lands, as shown on Attachment 3, previously used as a private elementary school. The existing buildings consist of a main building (Building "A" - formerly a dwelling), and an accessory structure (Building "B") in the rear yard. The total gross floor area ('GFA') of the two buildings is 308 m². The surrounding land uses are shown on Attachment 2.

Prior Committee of Adjustment and Site Plan Approvals for the elementary school use

The Subject Lands were previously used as a private elementary school and minor variances (Files A06/07 and A089/12) for yard setbacks, landscape strip widths and parking to bring the Subject Lands into conformity with the Institutional Use requirements of Zoning By-law 1-88 were approved by the Committee of Adjustment. Vaughan Council approved a Site Plan application (File DA.00.139) in 2010 to facilitate the private school use and it was implemented through a Site Plan Letter of Undertaking in 2011.

Zoning By-Law Amendment and Site Development Applications have been submitted to permit a Day Nursery on the Subject Lands

The Owner has submitted the following applications (the 'Applications') for the Subject Lands shown on Attachment 3 to permit a day nursery within two existing buildings (the 'Development') as shown on Attachment 3 to 6:

1. Zoning By-law Amendment File Z.19.001 to amend the "R3 Residential Zone", subject to site-specific exception 9(776) to permit a day nursery use within the existing stand-alone buildings.
2. Site Development File DA.19.008 to recognize the existing buildings and site plan to be used for a day nursery on the Subject Lands.

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

The City on April 12, 2019, mailed a Notice of Public Hearing ('Notice') to all property owners within 150 m of the Subject Lands and to the Brownridge Ratepayers' Association. A copy of the Notice was also posted on the City's website at www.vaughan.ca and a Notice Sign was installed on the Subject Lands in accordance with the City's Notice Sign Procedures and Protocols.

The Owner attended the Public Hearing in support of the Zoning By-law Amendment and no deputations or written submissions were received by the Development Planning Department for the Applications. Vaughan Council on May 14, 2019 ratified the recommendations of the Committee of the Whole to receive the Public Hearing report of May 7, 2019 and to forward a comprehensive report to a future Committee of the Whole meeting.

Previous Reports/Authority

The following link provides information related to this report.

[Council Extract Committee of the Whole Public Hearing June 15, 2019 \(Daniel Gluzberg\) Item 2, Report No. 18](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement 2020

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the Provincial Policy Statement 2020 (the 'PPS'). The PPS provides policy direction on matters of provincial interest on land use planning and development. The policies support the overall goal of enhancing the quality of life for all Ontarians. The key policy objectives of the PPS include building strong, healthy communities; the

wise use and management of resources; and protecting public health and safety and recognition of local character and context. The *Planning Act* requires planning decisions be consistent with the PPS.

The Development is consistent the PPS, specifically Section 1.1.1.e) and Section 1.1.3.1 under the Part V – ‘Policies’ regarding cost-effective development patterns and standards to minimize land consumption and servicing costs and focusing growth and development in a Settlement Area.

The Owner proposes the re-use of existing buildings on the Subject Lands for a day nursery, a similar use to the previous private elementary school. The Subject Lands are located within a Settlement Area and the day nursery use would efficiently use the existing buildings in an area where significant infrastructure and public service facilities exist. The Subject Lands will be served by the Bus Rapid Transit (‘BRT’) service on Centre Street. The proposed day care use supports the development of a complete community and is consistent with the PPS.

The Development conforms to A Place to Grow - Growth Plan for the Greater Golden Horseshoe 2019

The Provincial Growth Plan: A Place to Grow – Growth Plan for the Greater Golden Horseshoe 2019 (‘Growth Plan’) is intended to guide decisions on a range of issues, including economic development, land use planning, urban form and housing. The Growth Plan provides a framework for managing growth, including directions for where and how to grow. The Growth Plan encourages compact built form; transit supportive communities; access to local amenities and connections to municipal water and sewer systems. Council’s planning decisions are required by the *Planning Act* to conform with the Growth Plan.

The Owner proposes to re-use existing buildings in a location with access to local amenities, existing connections to municipal water and sewer systems and access to public transit. The Development conforms to the Growth Plan objectives of Section 2.2.1 directing growth to settlement areas and locations with municipal water and wastewater systems and public transit to achieve complete communities and Section 3.2.3 optimizing public investments in higher order transit.

The Development conforms to the York Region Official Plan 2010

The York Region Official Plan 2010 (the ‘YROP 2010’) guides economic, environmental and community building decisions across York Region. The Subject Lands are designated “Urban Area” in the YROP 2010. This designation permits a range of residential, commercial, employment and institutional uses, subject to the policies of the

plan. The YROP 2010 encourages intensification within the Urban Area. The Subject Lands are located on Centre Street, identified on Map 11 of the YROP 2010 as a “Regional Rapid Transit Corridor” to be developed with higher order rapid transit to support future development within area. The Section 5.0 policies of the YROP provide for the development of sustainable communities designed to be accessible to people of all ages, cultures and abilities and designed in a compact form, pedestrian-oriented, transit supportive and multi-storey where appropriate.

The Subject Lands are located within a municipal secondary plan area (Centre Street Corridor Plan, Official Plan Amendment 672) containing policies to address intensification along the Centre Street corridor to reflect the YROP 2010 sustainable communities’ policies including design policies to ensure accessibility to people of all ages, cultures and abilities. The municipal secondary plan implements the YROP 2010 policies with regard to site design including orienting the main building entrances to face the public street, pedestrian friendly urban form and parking management. The Development conforms to the YROP 2010.

The Development conforms to the Vaughan Official Plan

The Subject Lands are designated “Office Commercial” by in-effect Official Plan Amendment 210 (Thornhill Vaughan Community Plan), as amended by Official Plan Amendment 672 (‘OPA 672’). This designation permits the proposed day care use, limits the maximum building height to 11 m and requires development to proceed by way of a site-specific Zoning By-law amendment and a Site Development application having regard to parking, lighting, loading and service areas and the consolidation of individual driveways where possible.

VOP 2010, Schedule 1 - Urban Structure, establishes the City of Vaughan’s urban structure and the hierarchy of Intensification Areas. This Schedule also identifies Centre Street as a Regional Intensification Corridor. The Subject Lands are identified within an area identified on VOP 2010 Schedule 14-B as being within the Centre Street Corridor Area Specific Policies. The Subject Lands are designated “Mid-Rise Mixed-Use ‘B’” subject to the Chapter 12 Area Specific policies of VOP 2010. This designation permits “day cares”. Although these VOP 2010 policies were adopted by Council and approved by York Region, they were appealed by landowners in the Amendment area to the then Ontario Municipal Board (‘OMB’) and remain before the now Local Planning Appeal Tribunal (‘LPAT’) and are not in effect.

OPA 672 and VOP 2010 use the term “day care” to describe the proposed use whereas Zoning By-law 1-88 uses the term “day nursery (as defined under the *Day Nurseries Act.*)” to describe the proposed use. Both terms have the same meaning in this report to

describe the proposed day nursery use on the Subject Lands.

Amendments to Zoning By-law 1-88 are required to permit the Day Nursery use

The Subject Lands are zoned “R3 Residential Zone” by Zoning By-law 1-88, as shown on Attachment 2, and are subject to site-specific Exception 9(776). The “R3 Residential Zone” does not permit a “Day Nursery” use as defined by Zoning By-law 1-88.

The existing buildings on the Subject Lands were previously used for a private elementary school. Schools are considered Institutional Uses in Zoning By-law 1-88 and subject to the corresponding requirements and development standards. The Owner, as noted above, obtained Committee of Adjustment approval for relief from the zone requirements for setbacks to the side yard, rear yard and landscape strips to permit a private elementary school within the existing buildings shown on Attachment 3.

The proposed day nursery would use the same existing buildings, play area and parking lot as the previous elementary school. The Committee of Adjustment approvals reflected the existing site conditions. During the review of the applications, minor discrepancies in setbacks approved through the Committee of Adjustment and the existing conditions have been identified. Therefore, a “Day Nursery” must be added as a permitted use in Exception 9(776) on the Subject Lands identified in Table 1, as follows and the actual setbacks of the existing buildings will be included in the exception:

Table 1

	Zoning By-law 1-88 Standard	‘R3 Residential Zone Requirements’	Proposed Exceptions to ‘R3 Residential Zone Requirements’
a.	Permitted Uses and Definition of a Day Nursery	A Day Nursery is not a permitted use within the R3 Residential Zone	Add a Day Nursery as a permitted use on the Subject Lands defined as follows: Day Nursery – Means a day nursery as defined in the <i>Day Nurseries Act, R.S.O 1980. C 111</i> Where a Day Nursery is a principal use not associated with a school
b.	Minimum Parking Requirement	11 employees @1.5 spaces per	11 employees @ 1 space per employee = 11 parking spaces

	Zoning By-law 1-88 Standard	'R3 Residential Zone Requirements'	Proposed Exceptions to 'R3 Residential Zone Requirements'
		employee = 17 parking spaces	

The Development Planning Department supports the proposed site-specific exceptions in Table 1 to permit the day nursery on the Subject Lands and the proposed parking standard. The day nursery use is similar to the private elementary school use previously occupying the existing buildings on the Subject Lands. The proposed parking standard is supported by a parking review and the Owner has submitted a Traffic Demand Management ('TDM') Plan for the Subject Lands as discussed later in this report.

The Development Planning Department will include the previous Committee of Adjustment approvals and recognize the existing site conditions in the implementing Zoning By-law.

The Planning Act permits Vaughan Council to pass a resolution to permit the Owner to apply for a Minor Variance application, if required, within 2 years of a Zoning By-law coming into full force and effect

Section 45 (1.3) of the *Planning Act* restricts a landowner from applying to the Committee of Adjustment for a Minor Variance application within two years of the day on which a Zoning By-law was amended. The *Planning Act* also permits Council to pass a resolution to allow a landowner to apply for a Minor Variance application(s) within 2 years of the passing of the zoning by-law amendment.

Should Council approve Zoning By-law File Z.19.001, the Development Planning Department has included a Recommendation to permit the Owner to apply for a Minor Variance application(s) if required, in advance of the two-year moratorium in order to address minor zoning deficiencies that may arise through the finalization and construction of the Development. A condition to this effect is included in the Recommendation of this report.

The Development Planning Department supports the Site Plan, subject to the Recommendations of this report

Site Design

The site plan shown on Attachment 3 includes two existing buildings for the proposed day nursery use, the play area behind the main building, 11 parking spaces and landscape areas at the front of the property. Access to the site is from Centre Street via

the existing slightly reconfigured driveway. The parking area includes a barrier free parking space and 3 parking spaces are allocated to passenger pick up and drop off ('PPUDO'). A bicycle rack for 6 bicycles is also provided at the front of the building.

Building Elevations

The building elevations shown on Attachments 5 and 6 reflect the existing buildings. No changes to the exterior of the buildings are proposed.

Landscape Plan

The Landscape Plan shown on Attachment 4 identifies existing trees in the rear yard to be retained and new plantings within the bioswales on the east and west property lines. Three Red Maples, and a variety of decorative and evergreen shrubs will be added to the front yard of the Subject Lands to enhance the Centre Street streetscape.

Tree Removal and Protection Plan

The mature Siberian elm tree adjacent to the parking lot will be removed and 14 remaining on-site trees and neighbouring trees will be protected in accordance with the approved Arborist Report and Tree Protection Plan. Prior to any tree removals, the Owner is required to abide by the *Endangered Species Act* and the *Migratory Birds Convention Act*. Since the Owner proposes a change in use of the existing buildings, the City's Sustainability Performance Metrics Threshold requirements are not applicable.

There are no cultural heritage concerns for this Development

The Cultural Heritage Division has advised that there are no cultural heritage concerns with this Development.

The Development Engineering ('DE') Department supports the Development subject to the comments and conditions in this report

The Owner proposes improvements to the parking lot (e.g. repaving and line repainting). The DE Department has no objection to these improvements subject to the Owner satisfying the comments and conditions of the DE Department regarding the existing driveway access, proposed site grading, site servicing and erosion sediment control plans and after hours parking restrictions to support waste collection turning movements.

Waste collection for the Subject Lands shall be in accordance with the City's requirements and not occur during the daycare hours of operation. To facilitate truck maneuvering for waste collection, signage shall be placed in the parking area to identify waste collection hours and indicate the need for these spaces to be available during this

time. The signage shall be identified on the site plan and within the Site Plan Agreement to the satisfaction of the DE Department. A condition to this effect is included in Attachment 1, Conditions of Site Plan Approval.

Environmental Site Assessment ('ESA')

The DE Department is satisfied with the submitted ESA documents for the Development and York Region has acquired the road widenings for the Centre Street sidewalk and streetscape improvements for the Bus Rapid Transit ('BRT') service on Centre Street.

Development Engineering Transportation Engineering

The Owner submitted a Parking and Garbage Collection Review by Dillon Consulting dated December 23, 2019 and a Transportation Demand Management (TDM) Plan prepared by Kilogram, dated May 1, 2020 in support of the proposed parking ratio. The TDM Plan for the Subject Lands concludes the proposed parking ratio of 1 space for each employee is adequate for the day nursery use based on: precedent for reduced parking standards documented in the IBI Draft Parking Report prepared for Vaughan; the implementation of site-specific TDM measures; and the opportunity for the employees to utilize the existing available public infrastructure provided by the Bus Rapid Transit ('BRT') service on Centre Street and cycling lanes on Centre Street to reduce single-occupant vehicle travel to mitigate congestion within the City.

As recommended by the TDM Plan, a rack for 6 bicycles is provided on site and a room within the Building A will provide an area for employees to change clothes and store equipment associated with a cycling commute. The day nursery employer will provide carpooling information including education on carpooling programs such as Smart Commute and ride matching opportunities for employees to assist staff in sharing rides with colleagues.

Five employees of the day nursery will be provided with preloaded PRESTO cards to cover one year's worth of travel (two daily trips on business days) to encourage the use of public transit with the aim to create long-term behavior change regarding transit use.

The day nursery use operates in shifts starting and ending at varied times of the day mitigating on site peak arrival and departure times for employees.

The DE Department concurs with the TDM Plan and the expectation 11 parking spaces will be adequate for the 11 employees of the proposed day nursery. The DE Department also recommends dedicating a minimum of three parking spots for a PPUDO appropriately identified to communicate time restrictions for their use, and the

provision of the measures identified in the TDM Plan. A condition regarding TDM measures for the Subject Lands is included in Attachment 1.

As noted above in comments on the Site Design, the Dillon Report recommends that garbage collection for the site occur after hours from day nursery use, to accommodate full truck turning maneuvers within the parking area. A condition regarding the timing of garbage pick-up and required site signage advising of the afterhours parking restrictions is included in Attachment 1.

The DE Transportation Engineering Department has no objection to the Development subject to the Owner addressing all comments of the DE Transportation Engineering Department,

Alectra Utilities Corporation, Enbridge and Bell Canada have no objections to the Development

The above noted utilities have no objection to the Development.

The following Departments have no objection to the Development

The Financial Planning and Development Finance, Parks Development Infrastructure Delivery Department, By-law and Compliance, Licensing and Permit Services and the Building Standards Departments have no objection to the Development.

Financial Impact

N/A

Broader Regional Impacts/Considerations.

York Region has no objection to the Development, subject to conditions of approval

York Region has identified and must approve detailed-design comments prior to the execution of the Regional Site Plan Letter of Undertaking. In addition, York Region requires that Regional Site Plan Approval be issued prior to any works being undertaken by the Owner. A condition requiring the Owner to satisfy all York Region requirements is included in Attachment 1 of this report.

Conclusion

The Development Planning Development has reviewed Zoning By-law Amendment File Z.19.001 and Site Development File DA.19.008 in consideration of the Provincial Policies, Regional and City Official Plan policies, the requirements of Zoning By-law 1-88, the comments received from the City Departments and external public agencies and the surrounding existing and planned area context.

The Development Planning Department is satisfied that the Applications to permit a day nursery use within the existing buildings on the Subject Lands are consistent with the PPS, conforms to the Growth Plan, the York Region Official Plan 2010, OPA 210 as amended by OPA 672 (Centre Street Corridor) and VOP 2010. The proposed day nursery would utilize existing buildings and infrastructure on the Subject Lands, located within a built-up area and on a Regional Transit Priority Corridor with existing public transit in an established community. The proposed use will contribute to achieving a complete community. On this basis, the Development Planning Department can support the approval of the Applications, subject to the Recommendations of this report.

For more information, please contact: Laura Janotta, Planner, Development Planning Department, extension 8634

Attachments

1. Conditions of Site Plan Approval
2. Context and Location Map Showing Existing Zoning
3. Site Plan, Proposed Zoning
4. Landscape Plan
5. Elevations – Building A (Existing)
6. Elevations – Building B (Existing)

Prepared by

Laura Janotta, Planner, ext. 8634

Eugene Fera, Senior Planner, ext. 8003

Nancy Tuckett, Senior Manager, Development Planning, ext. 8529

Mauro Peverini, Director of Development Planning, ext. 8407

Approved by

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Nick Spensieri, Deputy City Manager
Infrastructure Development

Reviewed by

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Jim Harnum, City Manager