

Committee of the Whole (1) Report

DATE: Tuesday, December 01, 2020

WARD(S): 1

**TITLE: OFFICIAL PLAN AMENDMENT FILE OP.18.021 ZONING BY-LAW
AMENDMENT FILE Z.17.018 SITE DEVELOPMENT FILE
DA.17.042 PORTSIDE DEVELOPMENTS (KLEINBURG)
INC.10568 ISLINGTON AVENUE VICINITY OF ISLINGTON
AVENUE AND NASHVILLE ROAD**

FROM:

Nick Spensieri, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Official Plan and Zoning By-law Amendment and Site Development Files OP.18.021, Z.17.018 and DA.17.042. The Owner proposes to amend the policies of the “Mainstreet Commercial” designation of Vaughan Official Plan 2010 and rezone the Subject Lands from “R1 Residential Zone” to “C11 Mainstreet Commercial Zone” to permit the development of a three-storey mixed-use building consisting of 558.44 m² of at-grade commercial uses and a total of 16 rental residential units on the second and third floors as shown on Attachments 4 to 8.

Report Highlights

- The Owner proposes a three-storey mixed-use building consisting of at-grade commercial uses and 16 rental residential units on the second and third floors
- Official Plan and Zoning By-law Amendment and Site Development applications are required to permit the development
- The Development Planning Department supports the development as it is consistent with the Provincial Policy Statement, 2020, conforms to A Place to Grow - Growth Plan 2019 as amended, the York Region Official Plan 2010 and meets the intent of VOP 2010, and is considered to be compatible with the surrounding existing and planned land uses
- The Development is designed in the style of a 19th Century Inn, an approved and recognized style within the Kleinburg-Nashville Heritage Conservation District Study and Plan (‘KNHCD Plan’) and is consistent with the KNHCD Plan

Recommendations

1. THAT Official Plan Amendment File OP.18.021 (Portside Developments (Kleinburg) Inc.), BE APPROVED, to amend Vaughan Official Plan 2010 ('VOP 2010'), Volume 2, Area Specific Exception 12.4 - Kleinburg Core to permit the following:
 - a) a maximum building height of 12 m (three-storeys), as shown on Attachments 6 and 7, whereas VOP 2010 permits a maximum building height of 9.5 m (2.5-storeys);
 - b) a residential use (apartment dwelling units) on the third floor, whereas VOP 2010 permits a residential use only on the second floor;
 - c) parking located at the side (along the east property line) of the principal building, as shown on Attachment 4, whereas VOP 2010 requires parking to be located at the rear of the principal building; and
 - d) amend Volume 1, Schedule and 14C and Volume 2, Map 12.4.A: Kleinburg Core to make the necessary mapping changes to implement the proposed development.
2. THAT Zoning By-law Amendment File Z.17.018 (Portside Developments (Kleinburg) Inc.) BE APPROVED, to amend Zoning By-law 1-88 to rezone the Subject Lands from "R1 Residential Zone" to "C11 Mainstreet Commercial Zone" in the manner shown on Attachment 4, together with the site-specific zoning exceptions identified in Table 1 of this report.
3. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect, to permit minor adjustments to the implementing Zoning By-law, if required.
4. THAT Site Development File DA.17.042 (Portside Developments (Kleinburg) Inc.) BE DRAFT APPROVED AND SUBJECT TO THE CONDITIONS included on Attachment 1, to the satisfaction of the Development Planning Department, to permit a three-storey (12 m) mixed-use building consisting of 558.44 m² of gross floor area ('GFA') at-grade commercial uses and a total of 16 rental residential units on the second and third floors, as shown on Attachments 4 to 8.
5. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:

"THAT Site Plan Development Application DA.17.042 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 16 residential apartment units (31 persons equivalent). The allocation of said capacity

may be redistributed (at the discretion of the City) in accordance with the City's Servicing Capacity Allocation Policy if the development does not proceed to registration and/or building permit issuance within 36 months."

Background

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

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

The City on December 14, 2018, circulated a Notice of Public Meeting (the 'Notice') to all property owners within 150 m of the Subject Lands and to the Kleinburg and Area Ratepayer's Association ('KARA'). 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 Signs Procedures and Protocols.

Vaughan Council on January 29, 2019, ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of January 22, 2019, and to forward a comprehensive technical report to a future Committee of the Whole meeting. The following speakers and written submissions were received by the Development Planning Department and at the Public Meeting:

Speakers

- Mark Tatone, KARA
- Michael Mravyan, Lester B. Pearson Street, Kleinburg

Written Submissions

- KARA, dated August 27, 2017 and January 22, 2019
- Alexandra Battiston, Nashville Road, Kleinburg, dated August 24, 2017
- Carol 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
- Roger Dickinson, Donhill Crescent, Kleinburg, dated January 20, 2019
- Christopher J. Tanzola, Overland LPP, Yonge Street, dated January 22, 2019

Speakers and Written Submissions

- Mr. Mark J. McConville, Humphries Planning Group Inc., Chrislea Road, Vaughan, representing the Owner, and written submission dated January 22, 2019
- Peter Gould, Islington Avenue, Kleinburg, dated August 26, 2017 and January 22, 2019
- Chris Adamkowski, Gamble Street, Woodbridge, dated January 22, 2019
- Laura De Faveri, Lester B. Pearson Street, Kleinburg, dated January 22, 2019

The following is a summary of, and response to, the comments provided in the speakers and written submissions submitted at the Public Meeting of January 22, 2019, and written submissions received by the Development Planning Department:

a) The proposed Development contravenes the KNHCD Plan

The demolition of the existing buildings would be a lost opportunity to enhance their cultural contribution to the community.

Response

The Subject Lands are designated under Part V of the *Ontario Heritage Act*, as part of the KNHCD Plan and the Development was reviewed in accordance with the KNHCD Plan.

The *Census of Canada, 1861* lists a one and a half storey frame house on the Subject Lands, used as the principal dwelling with the general form of a vernacular Loyalist cottage. This dwelling has been altered with a large modern two-storey addition and a one-storey connecting element. Other than the general form, there are no historic features visible on the exterior of the original house. There is also a small one-storey stucco secondary dwelling of an undetermined date. Further, at the extreme southwest corner of the Subject Lands is a three-bay flat-roofed garage, built onto the front of a barn or drive shed.

The Development is designed in the style of a 19th Century Inn, being one of the approved and recognized styles within the KNHCD Plan, and includes a gable roof, attic dormers and a full-length porch along the front façade. Cultural Heritage staff are satisfied the Development is reflective of the 19th Century Inn building style with a gable roof, repeating dormers and consistent second-storey balcony walk-outs. In addition, the Development articulates the massing of the façade with distinguishable building portions. This architectural composition is in keeping with the historical architectural proportions of this building type, thus enhancing and reinforcing the KNHCD Plan attributes.

The Heritage Vaughan Committee ('HVC') on September 16, 2020, considered and recommended approval the Development as it was satisfied with the architectural style, building materials and landscaping. Vaughan Council on October 21, 2020, ratified the recommendations of the HVC.

b) The height and massing of the Development is not appropriate for the surrounding area

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.

Response

The Owner revised the Development from the original submission (Attachment 9) to reduce the height of the building by increasing the pitch and lowering the height of the gable roof to be integrated into the third-storey. This would allow the gable roofline to be more visible from the street and provide the same amount of livable space on the third-storey while not increasing the overall building height.

Cultural Heritage staff support the design of the proposed replacement building as its scale, massing proportions and architectural style are suitable to the area and will enhance the cultural heritage landscape of Islington Avenue in accordance with KNHCD Plan.

c) The existing trees should be maintained

The protection and integration of the significant tree inventory into the development as stated in VOP 2010 will be lost with the removal of the mature trees and canopy to accommodate the Development.

Response

The Owner has submitted an Arborist Report prepared by Azimuth Environmental Consultants Inc. dated December 2019. The Arborist Report recommends removal of the trees located on the Subject Lands and all trees on adjacent properties within 5 m of the Subject Lands. In total, 56 trees, including 10 located on the City-owned Islington Avenue right-of-way, are proposed to be removed as a result of the grading, retaining walls and underground parking required for the Development. In addition, one (1) tree is located on the adjacent commercial lands, 12 Nashville Road, to the east. The Owner cannot remove or damage trees on City-owned or privately-owned lands without authorization, approvals and compensation.

The Arborist Report states the trees primarily located along the perimeter of the Subject Lands would not survive the changes to the grading, drainage, excavation and building construction activities. To compensate for the loss of healthy mature trees and the trees in fair and poor health, the Owner is required to replace trees on-site and provide cash-in-lieu of trees to accommodate off-site tree planting, as the Subject Lands cannot accommodate all the required trees. In accordance with the City of Vaughan's tree replacement requirements, 59 replacement trees are required. This is discussed in greater detail later in the Arborist Report section of this report.

d) Pedestrian friendly street

VOP 2010 states 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.

Response

The development will include a sidewalk to allow for the continuation of the pedestrian network along Islington Avenue from Nashville Road and walkway and stair connections for pedestrian access to the commercial uses, as shown on Attachment 4.

According to the Transportation Study prepared by Nextrans Consulting and dated December 2016, based on the traffic volumes generated by the development, a left turn lane is not required to access the proposed driveway from Islington Avenue. The DE Department has reviewed the Transportation Study and agreed with the findings.

e) Building setbacks

The proposed building setbacks are not appropriate.

Response

The original submission (Attachment 9) included a rear two-storey extension above the entrance to the underground parking structure. The revised Development eliminates the rear two-storey extension to provide setbacks more in keeping with the "C11 Mainstreet Commercial Zone", as shown in Table 1 of this report.

f) Privacy and enjoyment of the surrounding properties

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.

Response

The Subject Lands are located along Islington Avenue and abut a residential property (10576 Islington Avenue) that wraps around the Subject Lands along the west and south property line. The backyard for 10576 Islington Avenue is screened with existing trees. The Development also includes proposed landscaping on the Subject Lands to minimize any car light intrusion. The proposed driveway for the development is directly located across from one residential property (10555 Islington Avenue) that is setback and landscaped with trees, screening the house from the street. Therefore, car light intrusion is minimal.

The Subject Lands are also located within an urban area and are intended to be used for mixed-use residential and commercial uses permitted by the C11 Mainstreet Commercial Zone. The City's Noise By-law 62-2018 regulates noise within the City and is enforced by the By-law and Compliance, Licensing and Permit Services Department should unacceptable noise levels be generated.

The Development Planning Department on November 20 2020, sent out a non-statutory courtesy notice of this Committee of the Whole meeting to those individuals requesting notice of further consideration of the applications.

Previous Reports/Authority

[January 22, 2019 Committee of the Whole \(Public Meeting\) Official Plan Amendment File OP.18.021 and Zoning By-law Amendment File Z.17.018 \(Portside Developments \(Kleinburg\) Inc.](#)

[September 16, 2020 Heritage Vaughan Committee - 10568 Islington Avenue](#)

Analysis and Options

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

Portside Developments (Kleinburg) Inc. (the 'Owner') has submitted the following applications (the 'Applications') to permit the development of a three-storey mixed-use building consisting of 558.44 m² of at-grade commercial uses and a total of 16 rental residential units on the second and third floors as shown on Attachments 4 to 8 (the 'Development'):

1. Official Plan Amendment File OP.18.021 to amend Vaughan Official Plan 2010 ('VOP 2010'), Volume 2, Area Specific Exception 12.4 "Kleinburg Core" to permit the following:
 - a) a maximum building height of 12 m (3-storeys), as shown on Attachments 6 and 7, whereas VOP 2010 permits a maximum building height of 9.5 m (2.5-storeys);
 - b) a residential use (apartment dwelling units) on the third floor, whereas VOP 2010 permits a residential use only on the second floor;
 - c) parking located at the side (along the south property line) of the principal building, as shown on Attachment 4, whereas VOP 2010 requires parking to be located at the rear of the principal building; and
 - d) amend Volume 1, Schedules 1 and 14C and Volume 2, Map 12.4.A: Kleinburg Core to make the necessary mapping changes to implement the Development.
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" to "C11 Mainstreet Commercial Zone" in the manner shown on Attachment 4, and to permit the site-specific zoning exceptions identified in Table 1 of this report.

- 3 Site Development File DA.17.042 to facilitate a three-storey (12 m) mixed-use building consisting of 558.44 m² of GFA at-grade commercial uses and a total of 16 residential units on the second and third floors, as shown on Attachments 4 to 8.

The Owner, in June 2017, submitted Zoning By-law Amendment and Site Development Files Z.17.018 and DA.17.042 to permit the Development and identified the building as two and a half-storeys in accordance with VOP 2010, Volume 2, Area Specific Exception 12.4 “Kleinburg Core”. Through a review of the proposed Development by City staff, the building was determined to be a three-storey building, and not a two and a half-storey building, thereby requiring an amendment to VOP 2010. The Owner in September 2018, submitted Official Plan Amendment File OP.18.021

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 (‘PPS’). The PPS provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include building strong, healthy communities; the wise use and management of resources; and protecting public health and safety.

The PPS recognizes the importance of the local context and character. Policies are outcome oriented, and some policies provide flexibility in their implementation provided Provincial interests are upheld. The *Planning Act* requires that Council’s planning decisions be consistent with the PPS.

The Development Planning Department has reviewed the Development in consideration of the policies of the PPS. The Development is consistent with the PPS, specifically the following:

- Section 1.1.1 b) - accommodating a market-based range and mix of residential types
- Section 1.1.3 - settlement areas being the focus of development based on densities and land uses which efficiently use land
- Section 1.3.1 d) - encouraging compact, mixed-use developments that incorporates compatible employment uses to support liveable and resilient communities with consideration of housing policy 1.4
- Section 1.4.3 f) - establishing development standards for residential intensification to facilitate compact form;
- Section 1.6.6 - promoting intensification and redevelopment within settlement areas to optimize the use of services
- Section 1.7 d) - maintaining and enhancing the vitality and viability of downtowns and mainstreets

The Development shown on Attachments 4 to 8 is for a three-storey mixed-use commercial and residential development within a settlement area. The Development will facilitate intensification with the replacement of one residential dwelling with 16 residential dwellings and 558.44 m² of commercial GFA. The commercial component will contribute to maintaining and supporting the Kleinburg-Nashville Mainstreet. On this basis, the Development is consistent with the PPS.

The Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 as amended

The Provincial Growth Plan: A Place to Grow - Growth Plan for the Greater Golden Horseshoe 2019 ('Growth Plan') as amended is intended to guide decisions on a wide range of issues, including economic development, land use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

Council's planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan. The Development is consistent with the policy framework of the Growth Plan as the proposed built form would utilize the Subject Lands more efficiently, make more efficient use of existing infrastructure, and provide housing at a density that is supportive of the Growth Plan objectives, specifically:

- Section 2.2.1.2.a) - directing growth to settlement areas that have existing or planned municipal water and wastewater systems
- Section 2.2.1.4.a) - featuring a diverse mix of land uses; including residential and employment, and convenient access to local stores and services
- Section 2.2.5.15 - supporting the retail sector by promoting compact built form and intensification of retail and service uses an encouraging the integration of those uses with other land uses to support the achievement of complete communities
- Section 4.2.7 - implementing the goals and objectives of the municipal cultural heritage plan

The Development shown on Attachments 4 to 8 provides for a mixed-use commercial and residential building within a settlement area and a delineated built-up compatible with the policies of VOP 2010. The Development's 19th Century Inn building with a gable roof architectural style, repeating dormers and consistent second-storey balcony walk-outs is in keeping with the KNHCD Plan. The HVC on September 16, 2020, considered the Development including recommendations to demolish the existing buildings and structure and to permit the Development. Vaughan Council on October 21, 2020, approved the recommendations from the HVC. In consideration of the above, the Development conforms to the Growth Plan.

The Development conforms to the York Region Official Plan 2010 ('YROP')

The York Region Official Plan 2010 ('YROP 2010') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Towns and Villages" on Map 1 - Regional Structure of YROP 2010. Section 3.4.8 of the YROP 2010 encourages "local municipalities to consider urban design standards in core historic areas that reflect the areas' heritage, character and streetscape." Section 5.3 of the YROP 2010 states "Intensification will occur in strategic locations in the built-up area to maximize efficiencies in infrastructure delivery, human services provision and transit ridership." Section 4.4.3 of YROP 2010 provides for "local municipalities to identify and protect historical main streets in the Region."

The Development is located within and conforms to the KNHCD Plan. The Development is located within a community with existing municipal water and sanitary services, and consists of commercial uses to support the Kleinburg-Nashville Mainstreet. The Development conforms to YROP 2010.

Amendments to VOP 2010 are required to permit the Development

The Subject Lands are located within an "Intensification Area", specifically a "Local Centre", on Schedule 1 - Urban Structure of VOP 2010. 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 than other Intensification Areas.

Local Centres provide a mixed-use focus for their respective communities, in a manner 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 proximity to where they live or work. VOP 2010 states historic village cores such as Kleinburg/Nashville will continue to be the main areas for local commercial activities and community facilities. Each village core will experience development and/or intensification to varying degrees, as befits the local context and in accordance with the Heritage District Plan (i.e., the KNHCD Plan).

The Subject Lands are designated "Mainstreet Commercial" by VOP 2010, Volume 2, Section 12.4 - Kleinburg Core, as shown on Attachment 3. This designation permits small-scale mixed-use developments with at-grade commercial uses and an upper floor residential component, with a permitted Floor Space Index ('FSI') between 0.2 and 1 times the area of the lot, and a maximum building height of 2.5-storeys (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.

The Development is not permitted by the "Mainstreet Commercial" designation of VOP 2010. Accordingly, an application to amend the policies of the "Mainstreet Commercial" designation (File OP.18.021) has been submitted to permit the following:

- a) a maximum building height of 12 m (three-storeys), as shown on Attachments 6 and 7, whereas VOP 2010 permits a maximum building height of 9.5 m (2.5-storeys)

- b) a residential component (apartment dwelling units) on the third floor, whereas VOP 2010 permits a residential component only on the second floor; and
- c) parking located at the side (along the east property line) of the principal building, as shown on Attachment 4, whereas VOP 2010 requires parking to be located at the rear of the principal building.

The goals and policies in VOP 2010, Volume 2, Section 12.4 “Kleinburg Core” state (in part):

“12.4.1.1.a. General:

- i. Ensure that land use and built form are compatible with the scale and character of the existing community and integrated with the existing and contemplated pattern of development in the surrounding area;
- iv. Ensure, to the fullest extent possible, that the heritage resources, both built and natural, of the Kleinburg Core area are protected in accordance with the Kleinburg-Nashville Conservation District Study and Plan.

12.4.1.1 d. Heritage:

- i. Protect and preserve the existing heritage features including buildings and other structures, sites, landscapes, natural features and vegetation through the application of the *Ontario Heritage Act* and other relevant legislation;
- ii. Encourage the retention and incorporation of existing heritage resources including buildings and other structures in the redevelopment of heritage property;
- iii. Encourage that new development along the historic core areas of Kleinburg be sympathetic in scale, massing and architectural design with the existing 19th and early 20th Century heritage buildings in these historic core areas;
- iv. Ensure that development or redevelopment occurs in accordance with the provisions of the Kleinburg-Nashville Heritage Conservation District Plan adopted by By-law 183-2003 as amended by By-law No. 268-2003 and designated under Part V of the *Ontario Heritage Act*;

- 12.4.10.2 New development and redevelopment in the Core Area shall be compatible with, and complementary to, the distinctive and historic character of the building, with particular regard for the scale, setback, spacing, massing, and architectural design. Detailed Development Standards will be set out in the implementing zoning by-law.”

The Development Planning Department can support the proposed amendments to VOP 2010 for the following reasons:

a) Location and Surrounding Lands

The Subject Lands are located on Islington Avenue, a minor collector road, and are within a Local Centre as defined by VOP 2010. The proposed density of 0.87 FSI for the Development conforms to VOP 2010. The location of the Subject Lands presents the opportunity for the Development to have a building height of 12 m (3-storeys), with minimal impact on the surrounding community. The higher height and density are compatible with the surrounding land uses.

The surrounding land uses include:

- a two-storey residential dwelling to the west and south
- a one-storey commercial building (12 Nashville Road) to the east
- the Klein House Museum (8 Nashville Road), to the east
- an existing detached two-storey commercial building subject to development applications for a three-storey mixed-use commercial-residential development (30 Nashville Road, Official Plan Amendment File OP.15.005 and Zoning By-law Amendment File Z.15.024) to the east
- three existing detached dwellings to the north

b) Permitted Uses

The “Mainstreet Commercial” designation in VOP 2010 permits small-scale mixed-use developments with at-grade commercial uses and one upper floor residential component. The Development maintains the intent of VOP 2010 by providing a viable mixed-use commercial and residential building supporting a mixture of local and tourism-oriented businesses together with additional residential units.

c) Building Height

Section 12.4.7.b.i. of the Kleinburg Core for the “Mainstreet Commercial” designation requires buildings to “generally not exceed a maximum building height of 9.5 m (2.5-storeys) above the finished grade.” The Development is for a 12 m (3-storey) high building. The building height for the Development, as shown on Attachments 6 and 7, is as follows:

- the 12 m high component is located in the central portion of the building

- the west portion of the building, closest to the existing two-storey residential dwelling and the east portion of the building are 9.5 m in height. The stepped-back building design provides for privacy to the surrounding low-rise buildings

The Development was revised to provide a 13.56 m setback to the rear (south) property line abutting the existing two-storey residential dwelling, as shown on Attachment 4. In addition, no balconies are located on the west façade to maintain privacy. The residential properties on the north side of Islington Avenue have an existing front yard setback of 42 m for 10555 Islington Avenue and 37 m for 10565 Islington Avenue from the street and are screened with trees.

The building exceeds the maximum building height of 9.5 m (2.5-storeys) for a portion of the Development. However, the stepped-back design and setback to the existing residential area to the west and south results in a building compatible with the surrounding area zoned “R1 Residential Zone” with maximum building heights of 9.5 m in accordance with Zoning By-law 1-88.

d) Parking

Eight (8) parking spaces are located along the south lot line in proximity to Islington Avenue, as shown on Attachment 4. VOP 2010 requires parking to be located to the rear of a building. The proposed eight (8) parking spaces are required to comply with the minimum parking space requirements in Zoning By-law 1-88. Landscape, consisting of coniferous trees, deciduous shrubs and perennials, is located on the southeast portion of the Subject Lands, and will mitigate the visual impact of parking spaces on Islington Avenue.

The Heritage Vaughan Committee recommended approval of the Development and Vaughan Council ratified the Committee’s recommendation

The Subject Lands are located in the KNHCD and are designated under Part V of the *Ontario Heritage Act*. Therefore, all planning applications, demolitions and new constructions must be consistent with the KNHCD Plan. Section 9.2 “Architectural Styles” of the KNHCP requires new development “should be designed in a style that is consistent with the vernacular heritage of the community.” Also, Section 9.5.1 “New Development Overview” of the KNHCD Plan states, “new development within the District should conform to qualities established neighbouring heritage buildings, and the overall character of the setting. Designs should reflect a suitable local heritage precedent style.”

The existing dwelling on the Subject Lands is identified as a non-contributing property in the KNHCD Plan. The Development has been reviewed in consideration of the policies of the KNHCD Plan. The Development is designed in the style of a 19th Century Inn, being one of the approved and recognized styles within the KNHCD Plan. Cultural Heritage staff support the proposed architectural design, as it contributes positively to the overall character of the KNHCD. Cultural Heritage staff support the design of the

Development as its scale, massing proportions and architectural style are suitable to the area, as shown on Attachments 6 and 7, and will enhance the cultural heritage landscape of Islington Avenue in accordance with the KNHCD Plan.

The HVC on September 16, 2020, considered the Development and was satisfied with the architectural style, building materials and landscaping details for the Development, and adopted the following recommendations:

“That the Heritage Vaughan Committee recommend:

THAT Council approve an application to demolish the existing dwelling, detached garage and a proposed three-storey mixed-use development, consisting of 6 ground floor retail units and 16 residential units above, with 30 underground parking spaces at 10568 Islington Avenue under Section 42 of *Ontario Heritage Act*, subject to the following conditions:

- Any significant changes to the proposal by the Owner may require reconsideration by the Heritage Vaughan Committee, to be determined at the discretion of the Acting Deputy City Manager, Planning and Growth Management;
- That HVC 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; and
- That the Owner submit Building Permit stage architectural drawings and building material specifications to the satisfaction of the Chief Building Official.”

Vaughan Council on October 21, 2020, ratified the recommendations of the HVC.

Summary of Planning Policy

In consideration of the applicable Provincial policies and Regional and City Official Plan policies outlined in this report, the Owner has demonstrated that the Development provides an appropriate low-rise residential built form that is compatible, but not identical, with the surrounding community. The Development provides an appropriate transition in density and built form within the surrounding land uses, thereby demonstrating compatibility between the existing and proposed building types.

The Development is in keeping with the KNHCD Plan with the architectural style of a 19th Century Inn, being one of the approved and recognized styles within the KNHCD Plan. Cultural Heritage staff support the proposed architectural design, as it contributes positively to the overall character of the KNHCD. The Development Planning Department is of the opinion that the Development is consistent with the policies of the PPS and conforms to the Growth Plan and the YROP 2010 and maintains the intent of VOP 2010 and the KNHCD Plan.

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 the “R1 Residential Zone” and therefore, an amendment to Zoning By-law 1-88 is required to rezone the property to “C11 Mainstreet Commercial Zone” as shown on Attachment 4, 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 of “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.	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 the two storeys 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 (15 Underground Parking Spaces)
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 (South) Yard Setback	15 m	13.5 m Main Building
e.	Minimum Lot Depth	45 m	32.75 m (Existing Lot Depth)
f.	Maximum Building Height	9.5 m	12 m
g.	Minimum Front Yard (Islington Avenue) Setback to an Underground Parking Structure	1.8 m	1 m
h.	Maximum Gross Floor Area	1,498.14 m ² (0.6 Times the Area of the Lot)	2,175.4 m ² (Main Building and Garbage Enclosure Building - 0.87 Times the Area of the Lot)
i.	Minimum Rear Yard Setback to an Accessory Building (Garbage Enclosure)	15 m	4 m
j.	Minimum Landscape Strip Width	i) Abutting Islington Avenue - 2 m ii) Abutting a Commercial Zone - 1.8 m	i) 0 m ii) 1.5 m (South and East Lot Lines)
k.	Maximum Retaining Wall Height	1 m	i) 3 m (Islington Avenue, and South property line) ii) 2 m (East and West of the Entrance to the Underground Parking on the Subject Lands)

	By-law Standard	C11 Mainstreet Commercial Zone Requirements	Proposed Exceptions to the C11 Mainstreet Commercial Zone Requirements
I.	Minimum Retaining Wall Setback	i) 3 m ii) 3m iii) 2 m	i) 0 m (North Lot Line) ii) 1.5 m (South and East Lot Lines) iii) 1.5 m (East Lot Line)
m.	Maximum Driveway Width	7.5 m	7.64m

The Development Planning Department supports the rezoning of the Subject Lands to “C11 Mainstreet Commercial Zone”, as the rezoning implements the “Mainstreet Commercial” designation of VOP 2010, resulting in a Development that is compatible with the surrounding area and in accordance with the KNHCD Plan.

The requested zoning exceptions identified in Table 1 facilitates a compact built form consistent with the policies of the PPS and conforms to the Growth Plan and YROP 2010, and maintains the intent of the VOP 2010. The Development has been approved by the HVC. The zoning exceptions facilitate a compatible development with the surrounding area. Accordingly, the Development Planning Department can support the site-specific exceptions identified in Table 1.

The Development Planning Department has no objection to the Development, subject to conditions in Attachment 1

Site Plan and Architectural Design

The Development shown on Attachments 4 to 8 consists of a 2,175.40 m² 3-storey mixed-use building with 558.44 m² of at-grade commercial uses (six retail units) and a total of 16 residential apartment units on the second and third floors with a GFA of 1,616.96 m². Access to the Subject Lands is from Islington Avenue. Zoning by-law 1-88 requires a minimum of 62 parking spaces be provided for the Development. A total of 63 parking spaces are proposed including 33 at-grade parking spaces, as shown on Attachment 4, and 30 parking spaces within an underground parking garage accessed from the rear of the building. Balconies are provided for amenity space for the Development in 14 of the 16 apartment units.

The Owner, in response to staff comments, will add steps located centrally between the east and west steps, connecting the sidewalk to the commercial units. These steps would encroach into the public right-of-way, and therefore the Owner is required to enter into an encroachment agreement with the City.

The Development has been reviewed in consideration of the policies of the KNHCD Plan. The Development is designed in the style of a 19th Century Inn, being one of the approved and recognized styles within the KNHCD Plan that contributes positively to the overall character of the KNHCD. Cultural Heritage staff support the design of the Development as its scale, massing proportions and architectural style are suitable to the area. The Development has been approved by the HVC.

Arborist Report

The Arborist Report identifies a total of 56 trees inventoried on or within 5 m of the Subject Lands. One (1) of the 56 trees are located on the abutting lands to the east and 10 trees are City-owned trees along Islington Avenue. All 56 trees are recommended for removal and compensation is required as changes to grading, drainage, excavation and building construction activities would impact the survival of the trees. One tree is located on the adjacent commercial lands, 12 Nashville Road, to the east. The Owner cannot remove or damage trees on City-owned or privately-owned lands without authorization, approvals and compensation.

Should the Owner not receive a letter of consent from the Owner of 12 Nashville Road for the removal of the tree located on the mutual property line, the Owner shall amend the Tree Protection Plan and Arborist Report to provide tree protection for the subject tree in accordance with the City's Tree Protection Protocol, and the Site Plan Agreement shall include the provision of securities to the satisfaction of the City for the protection and the replacement of the tree should the tree be damaged during construction. A condition to this effect is included in Attachment 1.

In accordance with the City of Vaughan's tree replacement requirements, 59 replacement trees are required. The Owner proposes to plant 24 trees on the Subject Lands. A cash-in-lieu payment for 35 trees is required at \$550 per tree (35 trees x \$550 = \$19,250). The Forestry Operations Division will provide a separate compensation value for the 10 City-owned trees along Islington Avenue proposed for removal, in accordance with Section 4.2 (Tree Valuation Formula for Public Trees) of the City of Vaughan Tree Protection Protocol.

Prior to final approval the City shall approve the final Arborist Report. The Owner shall not remove trees without written approval by the City. The Owner is required to enter into a Tree Protection Agreement in accordance with the Council enacted Tree By-law 52-2018, including a security for the trees to be protected and compensation planting. Conditions to this effect are included in Attachment 1 of this report.

Sustainability Performance Metrics

The Development achieves an overall Sustainability Performance Metrics ('SPM') application score of 37 points. The Development is located in proximity to commercial uses, is providing barrier-free access to units and connectivity to sidewalks. The Development is required to achieve a minimum application performance level score of 31 points and achieved 37 points to the satisfaction of the Development Planning Department.

Archaeology

The Subject Lands are located in the KNHCD and are designated under Part V of the Ontario Heritage Act. The Owner submitted a Stage 1 - 2 Archaeological Assessment ('AA') prepared by AMICK Consultants Limited dated March 31, 2017 in support of the Development. Cultural Heritage staff reviewed the AA, and the corresponding letter from the Ministry of Tourism, Culture, and Sport ('MTCS') confirming that the AA and the recommendations within it are consistent with Provincial guidelines.

The AA recommended a Stage 3 Archaeological Assessment be undertaken for the Howland Site, a Euro-Canadian archaeological site situated within the Subject Lands approximately 0.25 ha in size. The Stage 3 Archaeological Assessment ('AA3') prepared by This Land Archaeology Inc. and dated November 6, 2017 concludes the cultural heritage value of interest of the Howland Site has been sufficiently documented within the completed AA3 and is of no further archaeological concern. The MTCS, in its letter dated May 13, 2018, concurred with the findings in the AA3. Cultural Heritage staff concurs with the findings of the AA3 and therefore, there are no cultural heritage concerns regarding the Subject Lands. The Development Planning Department has no objection to the Development, subject to the standard archaeological conditions in Attachment 1 of this report.

Summary

The Development Planning Department is satisfied with the proposed Development, subject to the comments in this report as exploring the feasibility of an additional stairway access from front of the building to Islington Avenue and making the necessary modifications to the drawings should an additional stairway be possible, and updating plans and reports as the Arborist report and the recommendations and conditions outlined in Attachment 1 of this report.

The Policy Planning and Environmental Sustainability Department has no objection to the approval of the Development, subject to conditions

The Policy Planning and Environmental Sustainability Department has advised the Species at Risk screening information provided in the Arborist Report prepared by Azimuth Environmental and dated December 2019 for the Owner is to their satisfaction. However, prior to any tree removals on the Subject Lands, the Owner is required to abide by the *Endangered Species Act* (2007) and the *Migratory Birds Convention Act* (1994). A condition to this effect is included in Attachment 1) of this report.

The Development Engineering Department has no objection to the Development, subject to the comments in this report and conditions in Attachment 1

The Development Engineering ('DE') Department has reviewed the Applications and provides the following comments:

Water and Sanitary Servicing

A Functional Servicing and Stormwater Management Report prepared by Valdor Engineering Inc. dated December 2019, with addendums dated June 2020, was submitted in support of the Applications. Based on the review of documentation submitted in support of the Applications, the following comments apply:

- An existing 200 mm diameter watermain runs east-west along the southeast side of Islington Avenue fronting the Subject Lands and a 200 mm lateral connection is proposed to service the Development. The proposed service connection does not conform with the City's Standard and must be revised to the City's satisfaction prior to the execution of the Site Plan Agreement
- A hydrant flow test was conducted in the vicinity of the Subject Lands and flow calculations were completed to confirm that the available pressure and flow in the surrounding municipal watermain can adequately meet the expected water demand (maximum day demand plus fire flow) for the Subject Lands
- The Owner is required to ensure conveyance capacity is available in the existing sewer system and to obtain all satisfactory approvals from the York Region, as necessary, prior to execution of the Site Plan Agreement.

Storm Servicing

Stormwater quantity, quality, erosion, and infiltration design shall be designed in accordance with the Toronto and Region Conservation Authority's ('TRCA') criteria requirements, to the satisfaction of the City, in conjunction with TRCA, prior to the execution of the Site Plan Agreement.

Grading Design, Erosion and Sediment Control

Any retaining wall exceeding 1 m in exposed height shall be designed and certified by a Professional Engineer. The Owner must ensure all wall elevations are illustrated within the design drawings.

The Subject Lands fall within an area subject to the Credit Valley, Toronto and Region Conservation and Central Lake Ontario ('CTC') Source Protection Plan according to the TRCA. Erosion and sediment control mitigation measures are to be implemented during construction to minimize silt laden runoff discharge from the Subject Lands in accordance with the Erosion and Sediment Control Guidelines for Urban Construction (December 2006) ('ESC Guideline')

Noise Impact Study

The Owner submitted a Detailed Noise Impact Study prepared by HGC Engineering Ltd. dated May 16, 2017 ('Noise Study'). The DE Department provides the following comments regarding the Noise Study:

- a) The Owner shall satisfy all requirements regarding noise attenuation and ensure all recommendations are implemented in accordance with the Noise Study;
- b) Central air conditioning systems are required for all residential units;
- c) Upgraded glazing construction meeting minimum *Ontario Building Code* requirements are required for residential units along the north façade;
- d) Noise warning clauses in accordance with the Ministry of the Environment and Climate Change's ('MOECC') noise criteria are included in Attachment 1; and
- e) The Owner shall ensure that the noise impact of the Development is maintained within acceptable levels and in accordance with the Tarion Builder's Bulletin 19R certification requirements.

Environmental Site Assessment

The DE Department has no objection to the Site Screening Questionnaire and Environmental Certification submitted in support of the Applications.

Servicing Allocation is available for the Development

Vaughan Council on December 17, 2019, endorsed its Allocation of Servicing Capacity Annual Distribution and Update and Allocation of Servicing Capacity Policy. The next update is for consideration at the December 1, 2022 Committee of the Whole meeting. Accordingly, servicing capacity to Site Plan Development File DA.17.042 is available and unrestricted. Therefore, the following resolution to allocate capacity to the Subject Lands may be recommended for Council approval:

"THAT Site Plan Development Application DA.17.042 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 16 residential apartment units (31 persons equivalent). The allocation of said capacity may be redistributed (at the discretion of the City) in accordance with the City's Servicing Capacity Allocation Policy if the development does not proceed to registration and/or building permit issuance within 36 months."

The DE Department has no objections to the Development subject to their condition in Attachment 1 of this report.

The Environmental Services Department, Waste Management Division has no objection to the Development

The Environmental Services Department, Waste Management Division has no objection to the Development subject to the Owner removing the "west" loading pad due to the location of the underground parking ramp and increase the "east" loading pad to a minimum of 6 m wide to allow both residential and commercial share the pad to avoid

any impact to the vehicles entering and exiting from the parking garage below to their satisfaction. A condition to this effect is included in Attachment 1.

A separate wood and brick garbage enclosure for the commercial uses is provided at the rear of the Subject Lands (Attachment 8) instead of internal to the main building. The building materials and colours for the garbage enclosure are consistent with building materials and colours proposed for the main building. The separate garbage enclosure allows for refuse/recycling vehicles to enter and exit the Subject Lands without any maneuvering conflicts.

The Fire and Rescue Services Department has no objection to the Development

The Fire and Rescue Services Department has no objection to the Development, subject to the adequate provisions for fire safety and protection being provided in accordance with the *Ontario Building Code*.

Development Charges for the Development are applicable

The Financial Planning and Development Finance Department requires the Owner to satisfy all conditions, financial or otherwise, regarding matters the City may consider necessary, including paying all applicable development charges in accordance with the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board Development Charge By-laws.

Cash-in-Lieu of the Dedication of Parkland is required

The Office of the Infrastructure Development Department, Real Estate Services ('RE') has no objection to the approval of the Applications. The Owner shall pay to Vaughan cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the Subject Lands for the residential component, prior to the issuance of a Building permit, or a fixed unit rate per unit, whichever is higher, in accordance with the *Planning Act* and the City's Cash-in-Lieu of Parkland Policy. Two percent (2%) shall be paid for the commercial component in accordance with Section 42 of the *Planning Act*. The Owner shall submit an appraisal of the Subject Lands for the commercial component prepared by an accredited appraiser for approval by RE Services, and the approved appraisal shall form the basis of the cash-in-lieu payment.

The Parks Planning Department has no objection to the approval of the Development

The Parks Planning Department has no objection to the Applications subject to the Owner providing cash-in-lieu of parkland dedication in accordance with the requirements of the *Planning Act*, VOP 2010 (Section 7.3.3 Parkland Dedication) and By-law 139-90, as amended by 205-2012.

The Forestry Operations Division has no objection to the Development, subject to the condition in Attachment 1

The Forestry Operations Division will provide a separate compensation value for the 10 City-owned trees along Islington Avenue proposed for removal, in accordance with Section 4.2 (Tree Valuation Formula for Public Trees) of the City of Vaughan Tree Protection Protocol. The Forestry Operations Division has no objection to the Development, subject to compensation value of the trees being to the satisfaction of the City, and the Owner informing the Forestry Operations Division once tree protection measures have been installed for inspection and approval according to City specifications. A condition to this effect is included in Attachment 1.

The TRCA has no objection to the Applications, subject to the condition in Attachment 1

The Development meets the intent of the Quantity Recharge Policy 1 ('REC-1'), clause 2 (a) and (b) of the CTC Source Protection Plan, and the Owner agrees in the Site Plan Agreement to carry out, or caused to be carried out, the water balance mitigation strategy as described in the Functional Servicing and Stormwater Management Report, prepared by Valdor Engineering Inc. and revised to June 2020. A condition to this effect is included in Attachment 1 of this report.

The various utilities have no objection to the Development, subject to conditions

Alectra Utilities Corporation, Enbridge Gas Inc. and Hydro One have no objections to the Development, subject to the Owner coordinating servicing connections, easements and locates prior to the commencement of any site works subject to their conditions in Attachment 1 of this report.

Canada Post has no objection to the Development, subject to the condition in Attachment 1

Canada Post Corporation has no objection to the Applications, subject to their condition included in Attachment 1.

The School Boards have no objection to the Development

The York Region District School Board and York Catholic District School Board have no objection to the Development. No comments were received from the Conseil Scolaire de District Catholique Centre-Sud.

Financial Impact

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

Broader Regional Impacts/Considerations

The Subject Lands are designated "Towns and Villages" by the YROP 2010, which encourages retail, commercial, office, and institutional structures to be well designed, street-oriented and pedestrian scaled and within the built-up area. Section 5.3 of YROP 2010 sets out policies related to addressing residential and employment intensification within York Region.

Based on the review, the proposed Official Plan Amendment ('OPA') conforms to the Regional Official Plan as it will assist in building complete communities and will help in ensuring that a minimum of 40% of all residential development in York Region occurs within the built-up area as defined by the Province's Built Boundary in the Growth Plan (YROP 2010, Policy 5.3.1). Infill and redevelopment within intensification areas should be compatible with the built form of adjacent areas and support the use of existing infrastructure, including streets (YROP 2010, Policies 5.3.4 and 5.3.6).

The Owner submitted a request for exemption of their Official Plan Amendment ('OPA') File OP.18.021 from York Region approval. York Region has reviewed this request and finds the proposed Official Plan Amendment to be a routine matter of local significance and in accordance with Regional Official Plan Policy 8.3.8. The proposed OPA does not adversely affect Regional planning policies or interests and the OPA is exempt from Regional approval.

According to York Region the proposed Zoning By-law Amendment (File Z.17.018) is also considered a matter of local significance. York Region has no objection to the approval of the Applications.

Conclusion

The Development Planning Department has reviewed Official Plan and Zoning By-law Amendment and Site Development Files OP.18.021, Z.17.018 and DA.17.042, to facilitate a three-storey (12 m) mixed-use building consisting of 558.44 m² of at-grade commercial uses and a total of 16 rental residential units on the second and third floors as shown on Attachments 4 to 8, together with the site-specific amendments to the Official Plan and Zoning By-law.

The Development Planning Department is of the opinion that the Applications are consistent with the PPS, conform to the Growth Plan and the YROP 2010 and maintain the intent of VOP 2010, and are compatible with the surrounding area context. The Development is consistent with the KNHCD Plan and HVC, at its September 16, 2020 meeting, recommended approval of the Development. Accordingly, the Development Planning Department supports the approval of the Applications. Should Council approve the Applications, conditions of approval are included in the Recommendation section of this report and Attachment 1.

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

Attachments

1. Conditions of Approval
2. Context and Location Map
3. Schedule 12.4A -Vaughan Official Plan 2010
4. Proposed Zoning and Site Plan

5. Landscape Plan
6. Elevations - Mixed Use Building – North and East
7. Elevations - Mixed Use Building – South and West
8. Elevations - Refuse / Recycling Enclosure
9. Original Proposed Zoning and Site Plan January 22, 2019 Public Meeting

Prepared by


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Approved by

A handwritten signature in black ink, appearing to read 'Nick Spensieri', with a long horizontal line extending to the right.

Nick Spensieri, Deputy City
Manager, Infrastructure
Development

Reviewed by

A handwritten signature in black ink, appearing to read 'Jim Harnum', with a long horizontal line extending to the right.

Jim Harnum, City Manager