

## Committee of the Whole (Public Meeting) Report

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**DATE:** Tuesday, March 2, 2021

**WARD(S):** 1

**TITLE:** KLEINBURG MILLS INC.

**OFFICIAL PLAN AMENDMENT FILE OP.16.002**

**ZONING BY-LAW AMENDMENT FILE Z.15.038**

**10422 AND 10432 ISLINGTON AVENUE**

**VICINITY OF ISLINGTON AVENUE AND NASHVILLE ROAD**

**FROM:**

Jim Harnum, City Manager

**ACTION:** DECISION

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### **Purpose**

To receive comments from the public and the Committee of the Whole on Official Plan Amendment and Zoning By-law Amendment Files OP.16.002 and Z.15.038 for the subject lands shown on Attachment 1. The Owner seeks approval to permit a mixed-use building consisting of 22 apartment dwelling units and 443.38 m<sup>2</sup> of at-grade commercial uses ('Building A'), and a 300 m<sup>2</sup> three-storey free-standing commercial building ('Building B'), as shown on Attachments 3 to 7.

### **Report Highlights**

- The Owner proposes to amend the Official Plan and rezone the subject lands to permit a mixed-use building and a free-standing commercial building
- This report identifies preliminary issues to be considered in a technical report to be prepared by the Development Planning Department at a future Committee of the Whole meeting

### **Recommendations**

1. THAT the Public Meeting report for Official Plan Amendment and Zoning By-law Amendment Files OP.16.002 and Z.15.038 (Kleinburg Mills Inc.) BE RECEIVED; and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

## **Background**

**Location:** The 0.26 ha subject lands (the 'Subject Lands') are municipally known as 10422 and 10432 Islington Avenue, and are located on the west side of Islington Avenue, south of Nashville Road. Two vacant buildings consisting of a one-storey former commercial automotive garage and a residential building currently occupy the site. The Subject Lands and surrounding land uses are shown on Attachment 1.

Date applications deemed complete: February 17, 2016

The previous owner of the Subject Lands (2383717 Ontario Inc.) submitted applications for a three-storey (11.7 m high) mixed-use building comprised of a commercial use (dance studio) containing 1,175.57 m<sup>2</sup> of Gross Floor Area ('GFA') and 13 residential units, as shown on Attachments 8 and 9.

Vaughan Council on May 17, 2016, ratified the recommendation of the Committee of the Whole (Public Meeting) to receive the Public Meeting report of May 3, 2016, and to forward a comprehensive technical report to a future Committee of the Whole meeting. The recommendation also required a community meeting be organized by the local Ward Councillor with the Owner, residents, and appropriate City staff and Regional Councillor's to address the following issues:

- conformity to the Kleinburg-Nashville Heritage Conservation District Plan ('KNHCD Plan'),
- increasing residential growth and traffic in the KNHCD
- proposed building height and Floor Space Index ('FSI') not in accordance with Vaughan Official Plan 2010 ('VOP 2010')
- increasing the front and side yard setbacks to provide greater landscape screening and privacy

Kleinburg Mills Inc. (the 'Owner') purchased the Subject Lands on September 20, 2019 and revised the proposed development, as described below. A new Public Meeting is required in accordance with Section 10.1.4.1 of VOP 2010.

### ***Revised Official Plan Amendment and Zoning By-law Amendment Applications have been submitted to permit the proposed development***

The Owner has submitted the following revised applications (the 'Applications') for the Subject Lands to permit a three-storey building with 22 apartment dwelling units, 443.38 m<sup>2</sup> of at-grade commercial uses, as well as 377.67 m<sup>2</sup> of rooftop amenity space. In addition, a three-storey free-standing office building (two-storeys from Islington Avenue and three-storeys at the rear due to the grading) is proposed that forms part of the proposed development (the 'Development') as shown on Attachments 2 to 7.

1. Official Plan Amendment File OP.16.002 to amend VOP 2010, Volume 2, Section 12.4 - Kleinburg Core, respecting the policies of the “Mainstreet Commercial” designation as follows:
  - a) permit a maximum building height of 12 m (three-storeys), as shown on Attachments 5 to 7, whereas VOP 2010 permits a maximum building height of 9.5 m (2.5-storeys);
  - b) permit a residential component (apartment dwelling units) on the ground, second and third floors, whereas VOP 2010 permits a residential component only on the second floor; and
  - c) permit a maximum FSI of 1.16 times the area of the lot, whereas VOP 2010 permits a maximum FSI of 1 times the area of the lot.
2. Zoning By-law Amendment File Z.15.038 to amend Zoning By-law 1-88, to rezone the Subject Lands from “R1 Residential Zone”, as shown on Attachment 1, to “C11 Mainstreet Commercial Zone” and “OS1 Open Space Conservation Zone” in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report.

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

- a) Date the Notice of Public Meeting was circulated: February 5, 2021.

The Notice of Public Meeting was also posted on the City's web-site at [www.vaughan.ca](http://www.vaughan.ca) and Notice Signs installed on the property in accordance with the City's Notice Signs Procedures and Protocols.
- b) Circulation Area: All property owners within 150 m of the Subject Lands, the Kleinburg and Area Ratepayers Association, and the expanded polling shown on Attachment 1.
- c) Comments received: Written comments from the Kleinburg and Area Ratepayer's Association, dated January 13, 2021:
  - the Development exceeds the height and density requirements of VOP 2010
  - the Development proposes a rear yard of 1.5 m instead of the minimum rear yard setback of 15 m for the “C11 Mainstreet Commercial Zone”
  - a Record of Site Condition ('RSC') be produced by a qualified professional ensuring that any contamination and water on the Subject Lands and surrounding lands is removed, and the lands be remediated for a residential use

The comments noted above, and any additional written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments received will be reviewed by the Development Planning Department as input in the application review process and will be addressed in the final technical report at a future Committee of the Whole meeting.

### **Previous Reports/Authority**

The following link relates to a previous report regarding the Subject Lands:

[May 3, 2016 Committee of the Whole \(Public Meeting\) Official Plan Amendment File OP.18.021 and Zoning By-law Amendment File Z.15.038 \(2383717 Ontario Inc.\)](#)

### **Analysis and Options**

#### ***Amendments to VOP 2010 are required to permit the Development***

##### **Official Plan Designation:**

- Located within an “Intensification Area”, specifically a “Local Centre”, on Schedule 1 – Urban Structure of VOP 2010, and are designated “Mainstreet Commercial” and “Natural Areas” by VOP 2010, Volume 2, Section 12.4 – Kleinburg Core, as shown on Attachment 2
- The “Mainstreet Commercial” designation permits small-scale mixed-use developments with at-grade commercial uses and an upper floor residential component, with a permitted FSI between 0.2 and 1 times the area of the lot, and generally a maximum building height of 2.5-storeys (9.5 m)
- The “Natural Areas” designation shown on Attachment 2 does not permit development. The limits of development shall be established and finalized to the satisfaction of the Toronto and Region Conservation Authority (‘TRCA’)
- The proposed building height, distribution of the residential use and FSI for the Development do not comply with the “Mainstreet Commercial” designation. Accordingly, an application to amend the policies of the “Mainstreet Commercial” designation (File OP.16.002) has been submitted to permit the Development.

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

##### **Zoning:**

- “C11 Mainstreet Commercial Zone” by Zoning By-law 1-88 and “R1 Residential Zone”, by Zoning By-law 1-88 subject to site-specific Exception 9(943)
- 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 Subject Lands to “C11 Mainstreet Commercial Zone” and “OS1 Open Space Conservation Zone” as shown on Attachment 3, together with the following site-specific zoning exceptions:

Table 1:

	<b>By-law Standard</b>	<b>C11 Mainstreet Commercial Zone Requirements</b>	<b>Proposed Exceptions to the C11 Mainstreet Commercial Zone Requirements</b>
a.	Definition of "Mixed Use Development Mainstreet"	Only permits main residential uses located in a storey above the first storey	Permit residential uses located on the first, second and third storey
b.	Minimum Front Yard Setback	2 m	0 m - Building A (Islington Avenue)
c.	Minimum Rear (West) Yard Setback	15 m	1.5 m
d.	Minimum Interior Side Setback	1.8 m	1.1 m - North Lot Line 1.46 - South Lot Line
e.	Maximum Lot Coverage	30%	41.96%
f.	Maximum Building Height	9.5 m	12 m - Building A 10.6 m - Building B
g.	Maximum GFA	1,546.08 m <sup>2</sup> (0.6 Times the Area of the Lot of 2,576.8 m <sup>2</sup> )	2,980.68 m <sup>2</sup> (Buildings A and B - 1.16 Times the Area of the Lot)
h.	Maximum Driveway Width	7.5 m (Two-way Driveway)	9.88 m

	<b>By-law Standard</b>	<b>C11 Mainstreet Commercial Zone Requirements</b>	<b>Proposed Exceptions to the C11 Mainstreet Commercial Zone Requirements</b>
i.	Minimum Parking Spaces	<p>Total Required Parking Spaces = 77</p> <p>i) 22 units @ 1.5 Parking Spaces / Unit = 33 Parking spaces</p> <p>ii) 22 units @ 0.25 Parking Spaces / Unit = 6 Parking Spaces</p> <p>iii) 6 Parking Spaces/100m<sup>2</sup> of Retail Store GFA @ 443.38 m<sup>2</sup> GFA = 27 parking spaces</p> <p>iv) 3.5 Parking Spaces / 100 m<sup>2</sup> of Office Building GFA @ 300 m<sup>2</sup> = 11 Parking Spaces</p> <p>Total Parking Required = 77 spaces</p>	<p>Total Provided Parking Spaces = 69</p> <p>i) 22 units @1.5 Parking Spaces / Unit = 33 Parking Spaces</p> <p>ii) 22 units @ 0.25 Parking Spaces / Unit = 6 Parking Spaces</p> <p>iii) 4.25 Parking Spaces / 100 m<sup>2</sup> of Retail Store GFA @ 443.38 m<sup>2</sup> GFA = 19 parking spaces</p> <p>iv) 3.5 Parking Spaces / 100m<sup>2</sup> of Office Building GFA @ 300 m<sup>2</sup> = 11 Parking Spaces</p> <p>Total parking proposed = 69 spaces</p>
j.	Minimum Front Yard (Islington Avenue) Setback to an Underground Parking Structure	1.8 m	1 m
k.	Maximum Height of Exterior Stairways	2.34 m (½-Storey, Rear Yard Exterior Stairways)	3 m
l.	Maximum Encroachment of Exterior Stairways	0.3 m (Any Required Side Yard)	1.5 m (Rear Yard)

	<b>By-law Standard</b>	<b>C11 Mainstreet Commercial Zone Requirements</b>	<b>Proposed Exceptions to the C11 Mainstreet Commercial Zone Requirements</b>
m.	Minimum Interior Side Yard Setback to Exterior Stairways	1.2 m	0.22 m (North Lot Line)
n.	Minimum Landscape Strip Width	i) 2.4 m abutting Open Space and Residential Zones	i) 1.5 m (West Lot Line) ii) 1.46 m (South Lot Line)
o.	Maximum Retaining Wall Height	1 m	6.41 m (South Lot Line)
p.	Minimum Retaining Wall Setback	6.41 m	1.46 m (South Lot Line)
q.	Definition of "Lot Line, Front"	Means the street line	Means the east property line

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

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

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
a.	Conformity and Consistency with Provincial Policies and Regional and City Official Plans	<ul style="list-style-type: none"> <li>The Applications will be reviewed for consistency with the Provincial Policy Statement, 2020 ('PPS'), and conformity to A Place to Grow - Growth Plan for the Greater Golden Horseshoe 2019, as amended ('Growth Plan'), and the York Region Official Plan 2010 ('YROP') and VOP 2010 policies</li> </ul>
b.	Appropriateness of the Proposed VOP 2010 Amendments,	<ul style="list-style-type: none"> <li>The appropriateness of the proposed VOP 2010 exceptions, rezoning and zoning exceptions identified in Table 1 will be reviewed in consideration of, but not</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
	Rezoning and Zoning By-law 1-88 Exceptions	limited to, the following: compatibility with existing uses; the scale, massing, height and density of the proposed buildings; proposed landscape; amenity space and urban design policies for the “Mainstreet Commercial” designation
c.	KNHCD Plan	<ul style="list-style-type: none"> <li>▪ The Subject Lands are located within the KNHCD Plan and are designated under Part V of the <i>Ontario Heritage Act</i>. All demolitions and new construction must be consistent with the objectives of the KNHCD Plan. The Development must be reviewed by the Heritage Vaughan Committee</li> </ul>
d.	Parkland Dedication	<ul style="list-style-type: none"> <li>▪ The provision of cash-in-lieu of parkland dedication in accordance with the City’s Cash-in-lieu of Parkland Policy and the <i>Planning Act</i> is required at the Site Development Application stage, should the Applications be approved</li> </ul>
e.	Development Limits	<ul style="list-style-type: none"> <li>▪ The development limits, ecological and maintenance buffers, and appropriate site grading must be established to the satisfaction of the City and the TRCA, as the Subject Lands are located within the TRCA’s Regulation Area</li> <li>▪ TRCA requires the Owner to remove the historically placed fill on the Subject Lands and TRCA lands abutting the Subject Lands, and restore/naturalize both as shown on Attachment 4</li> <li>▪ The appropriateness of maintaining the ecological and maintenance buffers in private ownership in accordance with Policy 3.3.3.1.d) of VOP 2010 “To Enhance and Protect Woodlands” will be reviewed</li> </ul>
f.	Parking Study	<ul style="list-style-type: none"> <li>▪ The Transportation Impact Study prepared by Nextrans and dated May 2020 in support of the Applications includes a parking analysis for the Development. The parking analysis shall be updated to include the entire GFA of the Development (i.e. retail, office, and common areas) to determine the correct parking calculation in accordance with Zoning By-law 1-88</li> </ul>



	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
g.	Water and Servicing Allocation	<ul style="list-style-type: none"> <li>▪ If the Applications are approved, the availability of water and sanitary servicing capacity for the Development must be formally allocated by Vaughan Council. If servicing capacity is unavailable, the lands will be zoned with a Holding Symbol “(H)”, to be removed once servicing capacity is identified and allocated by Vaughan Council</li> </ul>
h.	Environmental Site Assessments	<ul style="list-style-type: none"> <li>▪ The Development Engineering Department requires the Owner to submit updated Phase One and Two Environmental Site Assessments and a Record of Site Condition for the Subject Lands, as the change from a commercial use to a mixed-use residential/commercial use is considered a more sensitive land use</li> </ul>
i.	Studies and Reports	<ul style="list-style-type: none"> <li>▪ The Owner has submitted the required studies and reports in support of the Applications. These reports and studies are available on the City’s website at <a href="https://maps.vaughan.ca/planit/">https://maps.vaughan.ca/planit/</a> (PLANit Viewer), and must be approved to the satisfaction of the City and/or respective approval authority</li> <li>▪ The requirement for additional studies/information may be identified through review of the Applications</li> </ul>
j.	Site Development Application (File DA.15.091)	<ul style="list-style-type: none"> <li>▪ The related Site Development File DA.15.091 will be reviewed with the Applications in a future technical report</li> </ul>
k.	Draft Plan of Condominium (Standard) Application	<ul style="list-style-type: none"> <li>▪ A Draft Plan of Condominium (Standard) Application is required to permit the proposed condominium tenure for the Development, should the Applications be approved</li> </ul>
l.	Sustainable Development	<ul style="list-style-type: none"> <li>▪ The Development must achieve a minimum Bronze Threshold Overall Application Score In accordance with the Sustainability Metrics Program</li> </ul>

	MATTERS TO BE REVIEWED	COMMENT(S)
m.	Section 37	<ul style="list-style-type: none"> <li>Section 37 of the <i>Planning Act</i> allows municipalities to authorize an increase in the height and density of a development in return for community benefits. The City's Guidelines for Section 37 applies to Developments where the GFA is greater than 4,000m<sup>2</sup>. The section 37 provisions do not apply to the Development as the total GFA is 2,966.46 m<sup>2</sup></li> </ul>

### **Financial Impact**

There are no funding requirements associated with this report.

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

The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. York Region advised on March 26, 2016 and reconfirmed on December 3, 2020 that the Official Plan Amendment Application is exempt from York Region approval and considered the Official Plan Amendment Application of local significance. Any issues will be addressed when the technical report is considered.

### **Conclusion**

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

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

### **Attachments**

1. Context and Location Map
2. Schedule 12.4A - Vaughan Official Plan 2010
3. Proposed Zoning and Site Plan
4. Landscape Plan
5. Elevations - East and North: Mixed-Use Building
6. Elevations - West and South: Mixed-Use Building
7. Elevations - Commercial Building
8. May 3, 2016 Public Meeting: Site Plan

9. May 3, 2016 Public Meeting: Elevations

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