

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 26, 2017

Item 2, Report No. 31, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on September 26, 2017.

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ZONING BY-LAW AMENDMENT FILE Z.16.008

SITE DEVELOPMENT FILE DA.17.045

2472406 ONTARIO LIMITED

WARD 2 - SOUTHWEST CORNER OF KIPLING AVENUE AND WOODBRIDGE AVENUE

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Director of Development Planning and Senior Manager of Development Planning, dated September 19, 2017:

Recommendation

The Deputy City Manager, Planning & Growth Management, Director of Development Planning and Senior Manager of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.16.008 (2472406 Ontario Limited) BE APPROVED, to amend the C3 Local Commercial Zone, subject to site-specific Exception 9(128) of Zoning By-law 1-88, for the subject lands shown on Attachments #1 and #2 to:
 - a) permit one of the following commercial uses on the ground floor of the existing building to a maximum Gross Floor Area (GFA) of 178 m²:
 - Business or Professional Office
 - Regulated Health Professional Office or Clinic (restricted to one (1) practitioner)
 - Personal Service Shop (limited to a Laundromat use)
 - Print Shop
 - Retail Store
 - Retail Store, Convenience
 - Veterinary Clinic (restricted to one (1) practitioner), excluding the boarding of animals.
 - b) permit a residential dwelling unit on the second floor with a maximum GFA of 70m² in the existing building; and
 - c) permit the site-specific zoning exceptions identified in Table 1 of this report.
2. THAT Zoning By-law Amendment File Z.16.008 (and related Site Development File DA.17.045) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 1 residential unit (3 persons equivalent).
3. THAT prior to the enactment of the implementing Zoning By-law:
 - i) the Development Planning Department shall finalize the review of Site Development File DA.17.045; and
 - ii) the Owner shall pay Development Charges in accordance with the City of Vaughan, York Region, and both Boards of Education Development Charge By-laws in effect at the time of payment, to the satisfaction of the Financial Planning and Development Finance Department.

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Contribution to Sustainability

The subject applications implement the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.1: To achieve sustainable growth and development by completing and implementing Vaughan Tomorrow, the City's Consolidated Growth Management Strategy-2031

Goal 4: To create a vibrant community where citizens, business and visitors thrive

- Objective 4.2: Ensure that the City of Vaughan attracts businesses and investment that will result in well-paying jobs for Vaughan citizens, a sustainable tax base and continuing prosperity into the 21st century

Economic Impact

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

Communications Plan

On May 27, 2016, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands, and the West Woodbridge Homeowners' Association and Village of Woodbridge Ratepayers' Association. The Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and Notice Signs were installed on the property (on Kipling Avenue and Woodbridge Avenue) in accordance with the City's Notice Sign Procedures and Protocols. To date, no comments have been received by the Development Planning Department. The recommendation of the Committee of the Whole to receive the Public Hearing report of June 21, 2016, was ratified by Vaughan Council on June 28, 2016.

The original Zoning By-law amendment application submitted to the City requested additional uses, including "Bank and/or Financial Institution", "Eating Establishment(s) with or without Take-out", "Pharmacy", "Photography Studio" and "Technical School". These uses were included in the Public Hearing report considered by Council. However, subsequent to the Public Hearing, the Owner informed the Development Planning Department that these uses were no longer being sought. The Owner has requested that two additional uses, a "Print Shop" and "Veterinary Clinic", be considered on the site.

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.16.008 to amend Zoning By-law 1-88, specifically the C3 Local Commercial Zone, subject to site-specific Exception 9(128), for the subject lands shown on Attachments #1 and #2, to permit:

- a) one of the following commercial uses on the ground floor of the existing building to a maximum Gross Floor Area (GFA) of 178 m²:
 - Business or Professional Office
 - Regulated Health Professional Office or Clinic (restricted to one (1) practitioner)
 - Personal Service Shop (limited to a Laundromat use)
 - Print Shop
 - Retail Store

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- Retail Store, Convenience
 - Veterinary Clinic (restricted to one (1) practitioner), excluding the boarding of animals.
- b) a residential dwelling unit on the second floor of the existing building having a maximum GFA of 70 m²; and
- c) the site-specific zoning exceptions identified in Table 1 of this report.

Background - Analysis and Options

Synopsis:

The Owner is proposing to amend the C3 Local Commercial Zone, specifically site-specific Exception 9(128) of Zoning By-law 1-88, to permit one out of a range of commercial uses on the ground floor, and a residential unit on the second floor of the existing commercial building. The Development Planning Department supports the proposal as it implements the policies of Vaughan Official Plan 2010 and would facilitate a commercial use on the property that is compatible with the surrounding existing and planned land uses.

Location

The subject lands are located at the southwest corner of Kipling Avenue and Woodbridge Avenue, and are municipally known as 7944 Kipling Avenue, as shown on Attachments #1 and #2. The surrounding land uses are identified on Attachment #2.

Previous Development Applications

This site was subject to previous Zoning By-law Amendment File Z.94.082 and Site Development File DA.95.048 that were approved by Council to rezone the subject lands from R3 Residential Zone to C3 Local Commercial Zone with site-specific zoning exceptions, to permit a flower shop use and to facilitate a 118 m² ground floor addition to the existing building, as shown on Attachment #7. The implementing Zoning By-law (By-law 112-95) included zoning exceptions to the width of parking spaces, minimum parking requirements, landscaped widths, lot depth and building setbacks.

Land Transfer

On December 20, 2016, the City of Vaughan sold a portion of City-owned land, as shown on Attachment #3, containing a public sidewalk on Woodbridge Avenue, to the Owner of the subject lands. These lands were sold to the Owner to provide legal access to the subject lands from Kipling Avenue. These lands are subject to an easement granted in favour of the City of Vaughan in perpetuity for the purpose of free, uninterrupted and unobstructed right and access to maintain the public sidewalk as may be required from time-to-time.

Official Plan

The subject lands are designated “Mid-Rise Mixed-Use” by Vaughan Official Plan 2010 (VOP 2010), Volume 2, Section 11.5 - Kipling Avenue Corridor Secondary Plan. The “Mid-Rise Mixed-Use” designation permits a variety of residential, commercial, employment, institutional, civic, recreational and open space uses that will support a “fine-grained” urban street and a healthy pedestrian environment. Section 11.5.16.8, Volume 2, of VOP 2010 also permits Townhouses, Low-Rise buildings, and Mid-Rise buildings in areas designated “Mid-Rise Mixed-Use”. The

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ground level of a building facing a street cannot include residential uses. In addition, stand alone, single use buildings are not permitted, and all buildings must be sited close to, and fronting, the street right-of-way.

The Owner is proposing to add a residential use in the existing building and to allow a broader range of permitted uses other than a flower shop on the property. The proposal for a mixed-use commercial and residential development within the existing 2-storey building conforms to VOP 2010.

Zoning

The subject lands are zoned C3 Local Commercial Zone, subject to site-specific Exception 9(128) by By-law 1-88, which permits only the following uses:

- a Flower Shop located only on the ground floor having a maximum gross floor area of 186 m²;
- storage for the main use on the second floor having a maximum gross floor area of 68 m²; and
- heating, ventilation or air conditioning equipment and storage accessory to the main use located in the basement/cellar.

An amendment to Zoning By-law 1-88 is required to permit the following site-specific zoning exceptions:

Table 1

	By-law 1-88 Standards	C3 Local Commercial Zone, Site-Specific Exception 9(128) Requirements	Proposed Exceptions to C3 Local Commercial Zone, Site- Specific Exception 9(128) Requirements
a.	Permitted Uses (Ground Floor)	Flower Shop located only on the ground floor having a maximum gross floor area of 186 m ²	Permit only one of the following commercial uses on the ground floor to a maximum GFA of 178 m ² : <ul style="list-style-type: none">• Business or Professional Office• Regulated Health Professional Office or Clinic (restricted to one (1) practitioner)• Laundromat (defined as a Personal Service Shop in Zoning By-law 1-88)• Print Shop• Retail Store• Retail Store, Convenience• Veterinary Clinic (restricted to one (1) practitioner), including the boarding of animals

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b.	Permitted Uses (Second Floor)	The maximum gross floor area of the second floor shall be 68 m ² and shall be used only for the purposes of storage for the main use	Permit one (1) Residential Dwelling Unit, with a maximum Gross Floor Area (GFA) of 70 m ²
c.	Minimum Number of Parking Spaces	7 parking spaces for the ground floor area only for a flower shop use	9 parking spaces (8 parking spaces for the ground floor commercial use (including 1 barrier-free space) and 1 parking space for the second floor residential dwelling unit).
d.	Permitted Building Envelope (including encroachment of porch steps and all minimum yard setbacks)	As shown on Schedule E-132 (Attachment #6)	Permit the existing building on site (including the porch step on the north side of building) to be located outside of the permitted building envelope (as shown on Attachment #3)
e.	Minimum Landscaped Strip Width Abutting Kipling Avenue and Woodbridge Avenue	As shown on Schedule E-132 (Attachment #6)	Permit landscape strips as shown on Attachment #3
f.	Minimum Driveway Width	7.5 m	6 m

The Development Planning Department can support the proposed site-specific zoning exceptions to the C3 Local Commercial Zone, subject to site-specific Exception 9(128), for the following reasons:

a) Permitted Uses and Parking

The C3 Local Commercial Zone permits the following proposed commercial uses as-of-right:

- Business or Professional Office
- Personal Service Shop (which includes a Laundromat Use)
- Retail Store

A veterinary clinic is a permitted use in all Commercial Zones, provided that all boarding of animals is within a wholly enclosed building. Based on the introduction of a residential unit on the second floor, staff do not support the boarding of animals because it may create potential noise issues. The Owner is proposing to restrict the Personal Services Use to a laundromat and a Print Shop which is considered compatible with the permitted and requested uses on the site. The proposed range of commercial uses implements the policies and permitted uses of the “Mid-Rise Mixed-Use” designation.

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In consideration of the limited amount of GFA within the existing building (178 m² on ground floor and 70 m² on the second floor) and the limited amount of parking available on site, it is recommended that only one of the range of commercial uses being requested be permitted on the ground floor only.

The Owner is proposing a total of 9 parking spaces, including 1 barrier-free parking space on the subject lands, as shown on Attachment #3. The Owner submitted a Parking Utilization Study prepared by LEA Consulting Ltd, dated November 21, 2016, and a Parking Study Update by LEA Consulting, dated February 10, 2017. The studies concluded that 9 parking spaces are sufficient to fulfill the requirements of the proposed commercial and residential uses. The Development Engineering and Infrastructure Planning (DEIP) Department has reviewed both studies and concurs with the overall methodology and have accepted the conclusions and recommendations. Accordingly, the Vaughan Development Planning Department has no objection to the proposed total parking supply of 9 spaces.

The Development Planning Department is satisfied that the proposed uses are consistent with the permitted uses in the C3 Local Commercial Zone, conform to the policies of VOP 2010, and that there is sufficient parking provided on site to accommodate the proposed uses.

b) Building Envelope

The existing building located on the subject lands was approved through Site Development File DA.95.048. However, portions of the existing building, including one of the existing porch steps at the commercial entrance, were constructed outside of the permitted building envelope delineated on Schedule E-132 in site-specific Exception 9(128), as shown on Attachment #7. The Development Planning Department considers the portions of the building located outside the permitted building envelope to be minor encroachments, and therefore can be supported.

In addition, Encroachment Permit #16-001 was issued to the Owner in May 2017 by the City of Vaughan By-law & Compliance, Licensing & Permit Services Department to permit the encroachment of the existing porch step located off the commercial entrance onto the abutting property, which is owned by the City of Vaughan, and does not comply with the setback requirements of Zoning By-law 1-88. The implementing Zoning By-law will replace the existing building envelope, with a new building envelope that reflects the current site layout, should the subject applications be approved.

c) Landscape Strip Widths

As part of the review of the subject Zoning By-law Amendment Application, the Owner submitted Site Development File DA.17.045 to address matters such as the parking layout and landscape strip widths on the subject site. In accordance with Site Plan Control By-law 123-2013, the approval of the Site Development application is delegated to staff. The implementing Zoning By-law schedule will reflect the new site layout, including the updated building envelope, parking layout, and landscape strips.

d) Minimum Driveway Width

In order to accommodate the proposed 9 parking spaces and facilitate minor improvements to the existing parking lot, a reduced driveway width of 6 m is required. The Development Planning Department in consultation with the DEIP Department has no objection to the proposed driveway width.

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Site Development Application

The subject lands are currently developed with a two-storey commercial building and a 7 space surface parking lot, as shown on Attachment #7. No changes are proposed to the exterior of the existing building. However, the parking lot layout previously approved through Site Development File DA.95.048 will be amended through Site Development File DA.17.045, as a result of the additional lands the Owner purchased from the City of Vaughan. The additional lands have allowed the parking area to be reconfigured to accommodate 2 additional parking spaces (including a barrier-free parking space), a wider drive-aisle and an increased landscaped area, as shown on Attachment #3.

Site-specific Exception 9(128) permits a reduced parking space width of 2.5 m from the required width of 2.7 m contained in Zoning By-law 1-88. This exception will be maintained on the site in order to accommodate the proposed 9 parking spaces on the subject lands for the proposed uses.

Three trees currently located in the existing landscaped area are proposed to be removed in order to accommodate a barrier-free parking space in accordance with the requirements of the *Accessibility for Ontarians with Disabilities Act*. These trees will be replaced with three new trees within the proposed landscaped areas as shown on Attachment #3. A condition included in this report recommends that the Development Planning Department be satisfied with the Site Plan Application prior to the implementing Zoning By-law for the application being considered by Council.

Urban Design and Cultural Heritage Division – Development Planning Department

The Urban Design and Cultural Heritage Section of the Development Planning Department has reviewed the subject applications. The subject lands are located within the Woodbridge Heritage Conservation District (HCD) and are therefore Designated Part V under the *Ontario Heritage Act*. Since no exterior alterations are proposed to the existing building and the proposed changes are limited to the reconfiguration of the existing parking lot, the Cultural Heritage Division has no objections to the proposal and have advised that no Heritage Permit or Heritage Vaughan Review is required.

Vaughan Development Engineering and Infrastructure Planning (DEIP) Department

The DEIP Department has reviewed the subject applications, which included the site plan, a Functional Servicing Brief (FSB), a Noise Feasibility Study, and a Phase 1 Environmental Site Assessment (ESA), and offers the following comments:

a) Servicing

The FSB has confirmed that all existing municipal services (water, sanitary, storm) can service the proposed uses in the existing building and that the existing services will adequately serve the proposed residential unit proposed on the second floor of the existing building. The DEIP Department has reviewed the report and agrees with the findings and recommendations.

On December 13, 2016, the City's latest annual servicing capacity allocation strategy report was endorsed by Vaughan Council. The report confirmed servicing capacity is available to support continued urban growth throughout the City over the next three years. Accordingly, servicing capacity is available for the proposed residential unit and a formal resolution for allocation capacity is included in the recommendation of this report.

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b) Noise

The DEIP Department has reviewed a Noise Feasibility Study which notes that a forced air ventilation system with ducts sized to accommodate the future installation of air conditioning for the residential unit is required. It also recommends noise control measures be certified by a qualified Acoustical Engineer and/or inspected to the satisfaction of the Municipal Building Inspector prior to issuance of an occupancy permit. In addition, the Study recommends that the following warning clauses be incorporated into the property and tenancy agreements:

- i) Tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound level exceeds the sound level limits of the Municipality and the Ministry of the Environment and Climate Change.
- ii) This dwelling unit has been designated with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning will allow windows and exterior doors to be closed, thereby ensuring that the indoor sound levels are within the criteria of the Ministry of the Environment and Climate Change.

The DEIP Department has reviewed the report and agrees with the findings and recommendations.

c) Environmental

The Environmental Engineering Section of the DEIP Department has reviewed a Phase 1 Environmental Site Assessment (ESA), and concurs with the conclusions of the ESA. A Record of Site Condition (RSC) has been filed with the Ministry of Environment and Climate Change (MOECC).

d) Transportation/Parking

The Transportation Planning Section of the DEIP Department has no objection to the proposal based on the parking studies submitted in support of the subject applications. However, the Owner is advised that both Woodbridge Avenue and Kipling Avenue are identified as having a future right-of-way width of 26 m in the approved Transportation Master Plan (TMP). As such, the dedication of a portion of the subject lands along Kipling Avenue and/or Woodbridge Avenue may be required in the future.

Accordingly, the DEIP Department has no objection to the applications subject to the above-noted recommendations being satisfied.

Financial Planning and Development Finance Department

The Financial Planning and Development Finance Department has advised that the City of Vaughan, York Region, and both Boards of Education Development Charges are applicable, and has requested that they be paid prior to the enactment of the implementing Zoning By-law. A condition to this effect is included in the recommendation of this report.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This report supports the following priority set forth in Term of Council Service Excellence Strategy Map (2014-2018):

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- Attract investment and create jobs
- Create and manage affordable housing options (secondary suites)

Regional Implications

York Region has no objection to the Zoning By-law Amendment and Site Development applications. Kipling Avenue and Woodbridge Avenue are City roads, and therefore, there are no Regional implications associated with these applications.

Conclusion

Zoning By-law Amendment File Z.16.008 and Site Development File DA.17.045 have been reviewed in accordance with the policies of VOP 2010, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The proposed Zoning By-law Amendment will facilitate additional commercial uses and a residential unit on the subject lands that conform with the Official Plan, and implement uses that are compatible with the existing and planned uses in the surrounding area. On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment and Site Development applications subject to the recommendations contained in this report.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Site Plan
4. Internal Floor Plan for Proposed Second Floor Residential Use
5. Internal Floor Plan of Existing Ground Floor Commercial Area
6. Site-Specific Zoning Schedule 'E-132'
7. Original Approved Site Plan (File DA.95.048)

Report prepared by:

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)