

memorandum

DATE: NOVEMBER 18, 2013
TO: HONOURABLE MAYOR & MEMBERS OF COUNCIL
FROM: JOHN MACKENZIE, COMMISSIONER OF PLANNING
RE: COMMUNICATION - COUNCIL MEETING - NOVEMBER 19, 2013

ITEM #1, COMMITTEE OF THE WHOLE - OCTOBER 15, 2013

OFFICIAL PLAN AMENDMENT FILE OP.12.008
ZONING BY-LAW AMENDMENT FILE Z.12.022
SITE DEVELOPMENT FILE DA.12.056
HERITAGE HILL DEVELOPMENTS (II) CORPORATION
WARD 1 - VICINITY OF ISLINGTON AVENUE AND NASHVILLE ROAD

C	11
Item #	2
Report No.	Referred
Council - November 19/13	

Recommendation

The Commissioner of Planning and Director of Development Planning recommend:

1. THAT recommendations 1. a) and b) be replaced as follows:
 - "a) permit a small scale mixed-use development to include a commercial component and a residential component, where the residential component is contained within the same building as the commercial component and is also located at-grade;
 - b) permit a maximum Floor Space Index (FSI) for the overall development on the site of 1.022;"
2. THAT recommendation 2. a) be replaced as follows:
 - "a) permit a small scale mixed-use development to include a commercial component and a residential component, where the residential component is contained within the same building as the commercial component and is also located at-grade, with a residential component on the upper floors;"
3. THAT the following recommendation be added after 1. d) and 2. c), as 1. e) and 2. d), respectively:

"the implementing Official Plan Amendment shall incorporate wording specifying that a small scale mixed-use development, which shall be comprised of both a commercial component and a residential component, where the residential component shall be contained within the same building as the commercial component and may also be located at-grade, shall only be permitted due to the retention and restoration of the existing heritage buildings (Buildings "A" and "B") for commercial uses facing a public street. In addition, the location of the existing heritage buildings, along with the topography (grading) sloping to the south and east, and the lot configuration (lot size and lot depth) of the subject lands, has contributed to amendments to the Mainstreet Commercial policies

resulting in increases to the floor space index, building height and the location of parking between a main building (Building "C") and a public street."

4. THAT the following sentence be added to the end of Recommendation 3:

"The implementing Zoning By-law Amendment shall include wording specifying that the site specific exceptions to the Zoning By-law definition of "mixed-use development mainstreet" are due as a result of the retention and restoration of the existing heritage buildings (Buildings "A" and "B") for commercial uses facing a public street. Furthermore, increases to the building height are due to the topography (grading) of the subject lands sloping to the south and east, and the increased front yard, reduced interior and rear yards, increased lot coverage and reduced on-site parking are due to the lot configuration (lot size and lot depth), and the location of the existing heritage buildings."

5. THAT the following site-specific exceptions identified in Table 1 be replaced and/or added, as follows:

Table 1:

	By-law Standard	Zoning By-law 1-88, C11 Mainstreet Commercial Zone Requirements	Proposed Exceptions to Zoning By-law 1-88, C1 Mainstreet Commercial Zone
a.	Definitions	i) "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.	i) "Mixed Use Development Mainstreet" means a building or part of a building that contains permitted commercial uses and residential uses in combination, and where the permitted commercial uses are both in separate buildings and in the same building with the permitted residential use, where the permitted residential use is located at-grade with the permitted commercial use within the same building on the same lot, excluding a hotel, motel or tourist home, and provided that residential uses can be located on the ground floor and in a storey above the first storey, including 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.

	By-law Standard	Zoning By-law 1-88, C11 Mainstreet Commercial Zone Requirements	Proposed Exceptions to Zoning By-law 1-88, C1 Mainstreet Commercial Zone
b.	Permitted Uses	Small scale mixed-use with at-grade commercial uses facing the street, and an upper floor residential component.	<p>i) Small scale mixed-use development shall be at-grade commercial uses, facing a public street, in the same building with at-grade residential uses and upper floor residential uses (Building "C"), and may include additional commercial uses that face a public street in separate buildings (Buildings "A" and "B").</p> <p>iii) Permit only an Apartment Dwelling, up to a maximum of 24 units in Building "C".</p> <p>iv) An eating establishment use shall not be permitted in Building "C".</p>
c.	Minimum Parking Requirements	<p>i) Eating Establishment: 16 spaces/100 m² GFA @ 390 m² (62.4 spaces)</p> <p>+</p> <p>ii) Residential Apartment Units: 1.5 spaces/unit @ 24 units (36 spaces)</p> <p>+</p> <p>iii) Residential Visitor: 0.25 spaces/unit @ 24 units (6 spaces)</p> <p>Total Required Parking Spaces = 105 spaces (rounded)</p>	<p>i) *Eating Establishment Use: 8 spaces/100 m² @ 390 m² (31.2 spaces)</p> <p>+</p> <p>ii) Residential Use (plus 6 Tandem Parking - which are not recognized as part of the parking calculation): 0.8 spaces/1 bedroom unit @ 16 units (12.8 spaces) and 1 spaces 2 bedroom unit @ 8 units (8 spaces) = (20.8)</p> <p>+</p> <p>iii) *Residential Visitor: 0.2 spaces/unit @ 24 units (4.8 spaces)</p> <p>+</p> <p>iv) Retail/Business or Professional Office (3 spaces/100 m² @ 285.6 m² (8.56 spaces)</p> <p>Total Proposed Parking = 66 spaces (rounded)</p> <p>*45 spaces will be provided on site, and 23 parking spaces</p>

	By-law Standard	Zoning By-law 1-88, C11 Mainstreet Commercial Zone Requirements	Proposed Exceptions to Zoning By-law 1-88, C1 Mainstreet Commercial Zone
			<p>will be provided off-site for the commercial and residential visitor users at the combined site of Canadiana Square (10462 Islington Avenue) and Canadiana House (10472 Islington Avenue).</p> <p>*The revised parking calculation is to be finalized with the submission of an updated parking study to reflect the modified proposal and to be approved by the Vaughan Development/ Transportation Engineering Department.</p>
d.	Minimum Parking Space and Barrier Free Parking Space Size (Length x Width)	i) 6 m x 2.7 m Parking Space	iii) 5.8 m x 2.7 m for 4 at-grade parking spaces (east side of Building "B")
n.	Maximum Lot Coverage	30%	47.18% (1,455.6 m ²)
p.	Maximum Gross Floor Area	1,850.44 m ² (0.6 times the Lot Area)	3,154 m ² (1.022 times the Lot Area)

6. THAT Attachments #4 and #7 be deleted and substituted therefor with Attachments #4 and #7, attached hereto, to reflect the revised proposal where a commercial use component is included with the at-grade residential use component within Building "C".
7. THAT the revised proposal, previously approved by Heritage Vaughan, at its meeting on May 22, 2013, be reconsidered at a future meeting of the Heritage Vaughan Committee, as a result of the modifications to the elevations of Building "B" due to the decrease in the GFA and to the elevations of Building "C" for the window treatment.

Background

On October 29, 2013, Council, at its meeting, deferred the above-noted Official Plan Amendment, Zoning By-law Amendment and Site Development applications and resolved:

"That Planning and Legal staff provide a report on the following:

1. Concerns raised regarding setting a precedent with respect to this application;
2. How the application will be dealt with in a site specific by-law; and,
3. Whether the site specific by-law could be open to challenge."

Kleinburg and Area Ratepayers' Association Concerns

On November 15, 2013, the applicant, Kleinburg and Area Ratepayers' Association (KARA), and Vaughan Development Planning staff met to discuss the issues raised in KARA's Communications C16 and C17, which were received at the October 29, 2013, Council meeting. KARA advised of their concerns respecting the precedent this development would have on future proposals in the Kleinburg Core, and the proposed number of amendments to the Official Plan and Zoning By-law, which included, but were not limited to:

- i) the building height exceeds 9.5 m in height, as required by the Official Plan and Zoning By-law 1-88;
- ii) the amendment to the definition of mixed-use development mainstreet to permit commercial and residential uses on the same lot rather than within the same building, whereas the Official Plan requires the commercial to be located on the ground floor and residential on the upper floors; and,
- iii) the proposed 4 m rear yard setback to Building "C", whereas 15 m is required by the Zoning By-law.

Written comments were submitted to the City on November 17, 2013 from KARA with the following comments:

- i) November 12, 2013 petition from several residents of Napier Street, Donbay Drive and Windrush Road respecting the number of units, building height, size and massing of Building "C", which is not in keeping with the policies of the Kleinburg-Nashville Heritage Conservation District and the policies of the Mainstreet Commercial Area, and that they would support a proposal that was more modest in size, with commercial on the ground floor and residential on the upper floor in accordance with the current Official Plan and By-law; and,
- ii) October 30, 2012 correspondence from S. Davis and the Davis Family, Islington Avenue, respecting the height and size of Building "C" not being in keeping with the character of Kleinburg; and, the proposal contributing to traffic congestion and parking shortages in the Mainstreet Area (previously submitted).

Revised Proposal

The applicant, as a result of KARA and Members of Council concerns undertook modifications to the proposal and formally submitted a revised site plan and building elevations on November 8, 2013 as shown on Attachments #4 and #7, which included the following:

- i) eliminating 4, 1 bedroom apartment dwelling units and patios on the westerly ground floor of Building "C" resulting in 24 apartment dwelling units instead of 28 apartment dwelling units, and replacing with 285.6 m² of commercial gross floor area (GFA) on the ground floor of Building "C". This will result in a total of 675.6 m² of commercial GFA (includes the patio accessory to Building "A") instead of 366m² on the overall property; the westerly ground floor elevations were also amended to reflect a commercial façade rather than residential units;

- ii) reducing the amount of landscaping in order to add 9 parking spaces in front of Building "C" in order to permit retail and business or professional office uses at 3 parking spaces/100 m² of GFA;
- iii) reducing the GFA in Building "B" from 221.2 m² to 205 m² in order to provide 4 parking spaces that are 5.8 m in length and a parking area aisle that is 6 m in width, as well as revising the elevations accordingly to reflect the modifications to the building elevation as a result of the decrease in GFA; and,
- iv) increasing the GFA in Building "A" to 136 m² for the eating establishment and 49 m² patio totaling 185 m² instead of 98 m² for the eating establishment and 46 m² patio totaling 144.8 m² in order to comply with the Vaughan Building Standards Department requirements that a use other than storage located in basements, such as the case of the washroom facilities in Building "A", are to be included in the GFA calculation.

The revised proposal is similar to the original proposal submitted by the applicant, which was changed as a result of the Vaughan Development Planning Department staff review of the proposal in order to provide more landscaping, private amenity space (patios) and pedestrian connections, as well as, address the Design Review Panel's comments respecting the viability of commercial uses as the relationship from the public street was limited due to the building being located partially behind the existing heritage buildings and its distance of 35 m from Islington Avenue. The Vaughan Development Planning Department has no objections to the proposed modifications, as these changes are still in keeping with the intent of the policies of the Kleinburg-Nashville Heritage Conservation District to maintain a commercial mainstreet. The revised plans and elevations reflecting the modifications will be required, including modifications to the elevations of Building "B" due to the decrease in the GFA and to the elevations of Building "C" for the window treatment, which must be approved by Heritage Vaughan. The final site plan, building elevations, landscape plan must be approved to the satisfaction of the Vaughan Development Planning Department and Vaughan Recreation and Culture Department - Cultural Services Division. As a result of the modifications to the proposal, with respect to accommodating the additional 9 parking spaces for the commercial use in Building "C", the Vaughan Development/Transportation Engineering Department will require an updated Parking Study to reflect this modification, and that the final site grading, servicing, stormwater management and lighting plans, and supporting reports including the Functional Servicing Report, Traffic Impact and Parking Study be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department.

Appropriateness of the Exceptions

The objective of Official Plan Amendment #633 is to provide a policy framework to work towards the objective of providing a mainstreet commercial area, within the Kleinburg-Nashville Heritage Conservation area. In working towards that objective, the Official Plan provides policies relating to the appropriate land use, development standards, scale and massing, building compatibility and heritage conservation that are reviewed in order for new development, as well as changes to existing development, to ensure that these developments are contributing towards maintaining a commercial mainstreet. No one policy has greater weight than another policy. A development proposal is reviewed against all the policies and given the proposal and subject lands physical characteristics, modifications may be required to the Official Plan policies and Zoning By-law requirements in order to achieve the end objective of creating a development that is appropriate for the mainstreet commercial area.

The Official Plan and Zoning By-law for the mainstreet commercial area requires a mixed-use development to be a building that contains both commercial and residential uses where the commercial use is at-grade and the residential use is on the upper floor(s) above the commercial use. This revised proposal provides for commercial uses in the existing heritage buildings (Buildings "A" and "B") facing Islington Avenue, and at-grade commercial facing Islington Avenue with at-grade residential use facing the residential area to the east with residential use on the upper floor in Building "C" as shown on Attachment #4. The applicant has advised that the commercial uses in Building "C" will be limited to retail and business or professional office uses and that the commercial uses will be limited to the portion of the

ground floor which faces Islington Avenue as commercial uses will not be viable if there is not a relationship to the street with respect to pedestrian connections and visibility. Also, having the entire ground floor being commercial with deeper units from front to back is not feasible as an additional 17 parking spaces would need to be facilitated, which is not possible. There will be no eating establishment in Building "C" as there is not sufficient parking to support the use. The commercial uses will have no access to the residential area in Building "C". Given that the subject lands propose both commercial, which provides direct access to the public sidewalk along Islington Avenue, and residential on the subject lands, the proposal maintains the intent of providing for a mixed-use development that still maintains commercial uses to support the mainstreet commercial area.

The individual characteristics of a site such as the presence of any buildings, lot size and configuration, and topography (grading) can dictate how a site will develop. The subject lands contain two heritage buildings, which are both located approximately 1 m from the Islington Avenue property line and both occupy a total of 26 m (approximately) frontage along Islington Avenue, when the north and south interior side yards to the property lines are included, whereas the total frontage along Islington Avenue is 40 m for the subject lands. The remaining 14 m (approximately) of frontage along Islington Avenue was not sufficient to locate proposed Building "C" along the Islington Avenue frontage, as well as provide for driveway access to the subject lands to on-site parking or for service vehicles for waste/recycling pick-up or emergency vehicles (fire, ambulance). The location of Building "C" behind the existing heritage buildings, with the main elevations facing Islington Avenue, was deemed to be the best location in the context of the location of the existing heritage buildings on the subject lands. Furthermore, the larger scale and mass of Building "C" in relationship to the existing heritage buildings, with its location to the rear of the site is less imposing on the street due to its distance from Islington Avenue and limited visibility of Building "C" behind the heritage buildings. Large mature plantings at the rear, will over time, help to screen the building from the low-rise residential property to the east.

Building "C" proposes a rear yard of 4 m, whereas the C11 Mainstreet Commercial Zone requires 15 m. The depth of the subject lands at 62.62 m for the northerly property line and 68 m for the southerly property line is not sufficient to provide, behind the existing heritage buildings, the required 6 m wide parking area aisle widths, the two aisles of 6 m and 5.8 m long parking spaces, pedestrian connections to the street, landscaping and snow storage areas for the subject lands to function. The depth of Building "C" is 24.14 m and the rear yard is 4 m. To provide a 15 m rear yard would require the depth of Building "C" to be reduced by 11 m to 13.14 m. Based on the floor plan of Building "C", the residential units, which are 8.9 m in depth with a 1.8 m balcony, facing the east would be eliminated. The applicant advised the proposal, as well as, the restoration of the heritage buildings, would not be viable with a 15 m rear yard setback if half of Building "C" is eliminated.

The topography (grading) on the subject lands slopes to the south and east. The north end of Building "C" from grade to the top of the flat roof is 10.43 m, and at the south end of Building "C" is 13.77 m due to the grading. The building height is calculated based on the average finished grade at the front of the building. The building height is 12.7 m for the Building "C" proposal, which includes the underground parking entrance, shown on Attachment #7. Specifically, the 3 storey building facing Islington Avenue, if the zoning definition was not applied with respect to the averaging of the grade would be 10.43 m to the top of the flat roof which is 0.93 m higher than the maximum 9.5 m building height for the C11 Mainstreet Commercial Zone, and deemed to be minor as the overall intent is maintained for a building design style for a 19th Century Inn in keeping with the heritage policies for the Kleinburg-Nashville Heritage Conservation District.

The implementing site specific Official Plan and Zoning By-law Amendments for the subject lands, should Council approve the proposal, will indicate that the proposal for the subject lands was supported due to the retention and restoration of the existing heritage buildings (Buildings "A" and "B") for commercial uses facing a public street. In addition, the location of the existing heritage buildings, along with the topography (grading) sloping to the south and east, and the lot configuration (lot size and lot depth) of the subject lands, has dictated the location of Building "C" resulting in amendments to the Mainstreet Commercial policies in the Official Plan and requirements in the C11 Mainstreet Commercial Zone, which have been discussed in this Communication and previously in the Committee of the Whole report, and will

include the definition of a mixed-use development, increases to the building height, front yard and lot coverage for Building "C", decreases to the interior and rear yards and the location of parking between a main building (Building "C") and a public street. Should the existing heritage buildings not exist on the subject lands, there would not have been a limitation to locating a building closer to the public street, with at-grade commercial which would have a relationship to the street, and providing 1.8 m interior and 15 m rear yards, as well as, conforming more to the Official Plan policies and complying with the zoning requirements. However, as the existing heritage buildings are on the subject lands, modifications are required in order to encourage the restoration and adaptive re-use of the heritage buildings otherwise the heritage buildings could be lost due to neglect and/or abandonment.

Precedent Setting/Challenges to the OPA and By-law

All proposals are reviewed on their own merit, against the "Mainstreet Commercial" policies of the Kleinburg-Nashville Heritage Conservation District Official Plan and requirements in the C11 Mainstreet Commercial Zone, as well as, take into consideration the site characteristics and the surrounding area. Given the unique characteristics of the subject lands, which includes the location of the existing heritage buildings, the lot configuration (lot size and lot depth) and the topography (grading), it cannot be concluded that this proposal due to the proposed amendments to the mainstreet commercial policies and C11 Mainstreet Commercial Zone requirements will be common place, and/or precedent setting for the reasons discussed above in this Communication and in the Committee of the Whole report.

Both the implementing Official Plan and Zoning By-law Amendments to facilitate the proposal, shown on Attachments #4 to #8, should Council approve the proposal and the implementing documents, can be appealed to the Ontario Municipal Board (OMB) in accordance with the Planning Act, which is a process that cannot be controlled. The focus is on ensuring that the proposal, should it be approved, addresses the concerns of the commenting City Departments and external public agencies to facilitate a development that represents good planning in accordance with the Planning Act, policies of the Kleinburg-Nashville Heritage Conservation District to maintain a commercial mainstreet, the Official Plan, the Zoning By-law, and the surrounding land use context.

Conclusion

The Development Planning Department is satisfied that the proposal is appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, should Council concur, the staff recommendation in the Committee of the Whole report as amended in this Communication, can be adopted.

Respectfully submitted,



JOHN MACKENZIE
Commissioner of Planning

Attachments

Revised Attachment #4 - Site Plan
Revised Attachment #7 - Elevations for Building "C" - Revised

JJ/cm

Copy to: Barbara Cribbitt, Interim City Manager
Jeffrey A. Abrams, City Clerk
Grant Uyeyama, Director of Development Planning



SITE STATISTICS

LOT AREA:	3084.7m ² (0.3085 ha)
LOT FRONTAGE:	40.1m
BUILDING GFA:	
Building A (1 storey)	185m ²
Building B (1 storey)	205m ²
Building C (2 1/2 storey)	2764m ²
TOTAL	3105m²
PARKING:	
Surface	18
Underground	26
Shared - Canadiana Square	23
TOTAL	67

COMMERCIAL GFA:	
Building A (1 storey)	185m ²
Building B (1 storey)	205m ²
Building C (2 1/2 storey)	285.6m ²
TOTAL	675.6m²
RESIDENTIAL GFA:	
Building C	2478.4

Site Plan - Revised

Location: Part of Lot 24,
Concession 8

Applicant:
Heritage Hill Developments (11) Corporation

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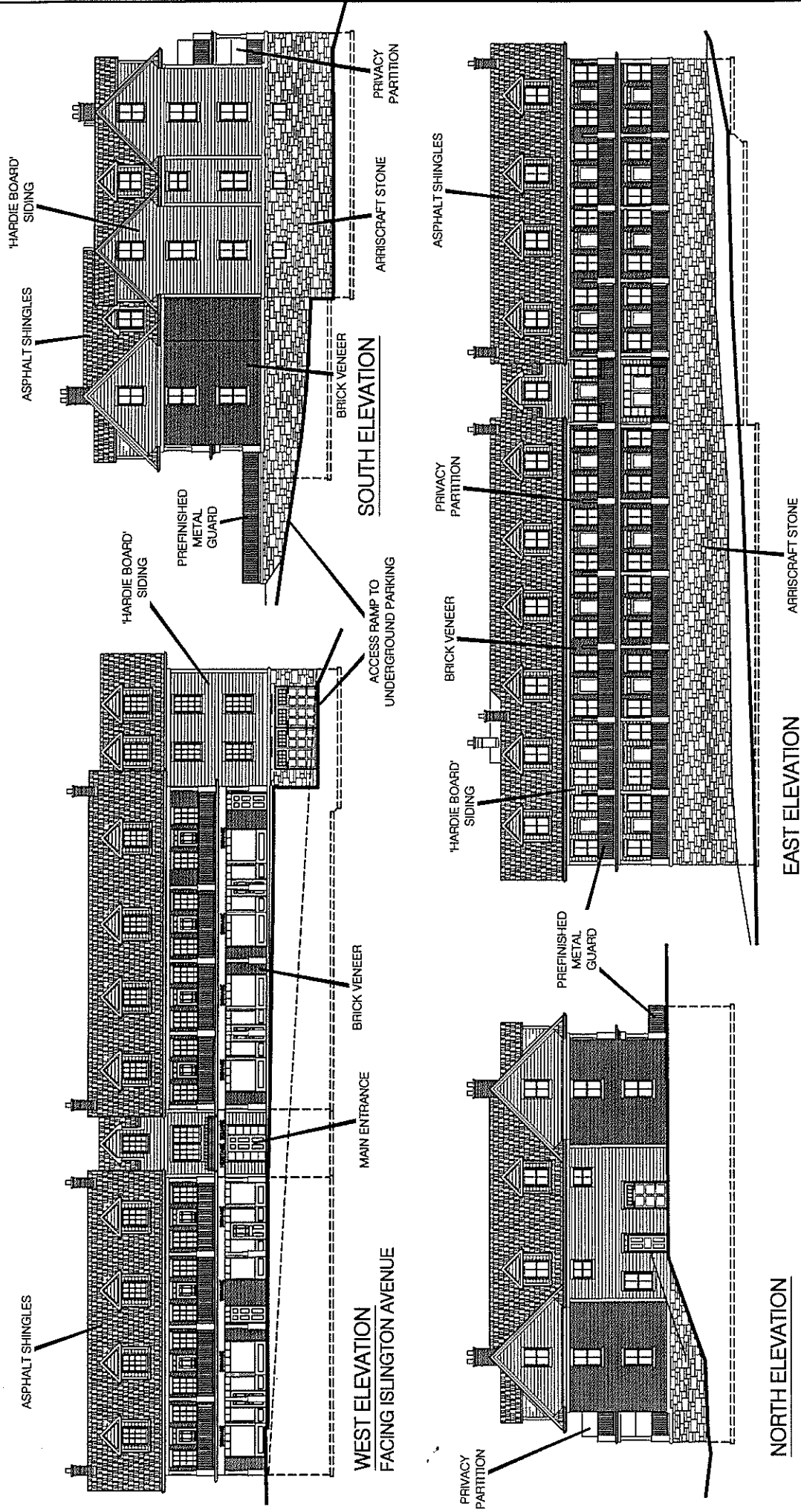


Development Planning Department

Attachment

Files: OP.12.008 & Z.12.022
Related File: DA.12.056
Date: November 19, 2013

4



Elevations - Building 'C' - Revised

Applicant: Heritage Hill
Developments (11) Corporation

Location: Part of Lot 24,
Concession 8



Development Planning Department

Attachment

7

Files: OP.12.008 & Z.12.022

Related File: DA.12.056

Date: November 19, 2013