

COMMITTEE OF THE WHOLE MAY 17, 2004

**OFFICIAL PLAN AMENDMENT FILE OP.02.019
ZONING BY-LAW AMENDMENT FILE Z.02.068
MARKET LANE HOLDINGS LTD.
REPORT #P.2004.45**

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.02.019 (Market Lane Holdings Ltd.), BE APPROVED, to provide an exception to the "Mixed Use Commercial" policy of OPA #440 (Woodbridge Core Area), to permit an increase in the maximum height of the building on the subject lands from 4 to 6 storeys, and that the Official Plan Amendment include the following development policies:
 - a) restricting the permitted uses to business and professional offices, personal service type uses and commercial uses which are compatible with the residential uses;
 - b) that the necessary studies (ie. noise, traffic, environmental, parking, etc.) be submitted in support of the site plan application; and
 - c) policies ensuring the proper incorporation and restoration of the Inkerman House, and conformity of the development with the Woodbridge Core Urban Design Guidelines.
2. THAT Zoning By-law Amendment File Z.02.068 (Market Lane Holdings Ltd.) and not be brought forward for consideration in conjunction with the required site plan application, until such time as servicing capacity has been identified and allocated by the City.

Background

In 2002, the applicant submitted applications to amend both the Official Plan and Zoning By-law to permit a 65 unit, 6-storey apartment building comprised of 6,670sq.m gross floor area, of which 644 sq.m was for ground floor commercial purposes. This proposal was considered at the October 21, 2002 Public Hearing at which time a number of people attended and submitted letters, both in support and in opposition to the applications. At this meeting, Council resolved that a Ward 2 Subcommittee meeting involving the owner, residents and local Ratepayers Group be held to discuss the issues raised at the meeting, specifically on height, size and density, parking, and the restoration of the historical building.

In February 2003, the owner revised the applications by reducing the number of units from 65 to 51 units, the height from 6-storeys to 5-storeys, and the gross floor area from 6,670sq.m to 5,433sq.m, with 127 parking spaces. This proposal did not incorporate the restoration of the heritage structure at 166 Woodbridge Avenue (the Inkerman House).

Latest Proposal

On January 26, 2004, further revised applications were submitted for a 6-storey, 56 unit building, having a gross floor area of 6,474sq.m, of which 414sq.m is ground floor commercial area. A total of 106 parking spaces are provided, 55 being underground. The historical building at 166 Woodbridge Avenue (former Inkerman House/Hotel) has been incorporated into the design.

Location

The subject lands are located on the north side of Woodbridge Avenue, between Fairground Lane and Clarence Street, being part of Lots A, B, and C, Registered Plan 1200 (154 to 166 Woodbridge Avenue) in Lot 7, Concession 7, City of Vaughan. The site is irregular in shape, having 54.22m frontage on Woodbridge Avenue, and is developed with a number of commercial buildings, some with second storey residential units. The surrounding land uses are as follows:

- North - Market Lane; commercial (C4 Zone), Arbors apartment building (RM2 Zone)
- South - Woodbridge Avenue; commercial (C1 Restricted Commercial Zone)
- East - library and commercial (C4 Neighbourhood Commercial Zone)
- West - Fairground Lane; residential (RM2 Multiple Residential Zone)

Public Hearing

At the March 1, 2004 Public Hearing, a number of area ratepayers and residents raised several concerns with respect to access, traffic, density and height, and the historical building at 166 Woodbridge Avenue.

The Vaughan Library Board also expressed concerns with the building design as it is shown abutting the existing library building, blocking a fire escape exit. The applicant has met with the Library Board and Planning Staff to discuss the provision of a new access for the library building through the proposed building. The parties agreed that the details of the design can be finalized at the site plan approval stage.

At the Public Hearing, Council resolved the following:

“That the Public Hearing for Files OP.02.019 and Z.02.068 BE RECEIVED and that any issues identified be addressed in a comprehensive report to the Committee of the Whole.”

Land Use Status

a) Provincial Policy Statement

The Provincial Policy Statement (PPS) sets out overall directions on matters of provincial interest related to land use planning and development, and includes policies that encourage the focus of new growth to urban areas. The PPS promotes efficient, cost effective development and land use patterns that are based on densities which:

- i) efficiently use land, resources, infrastructure and public service facilities;
- ii) avoid the need or unnecessary and/or uneconomical expansion of infrastructure;
- iii) support the use of public transit in areas where it exists or is to be developed; and
- iv) are appropriate to the type of sewage and water systems which are planned or available.

The PPS promotes a full range of housing types and densities to meet projected demographic and market requirements of current and future residents, by ensuring all forms of residential intensification in parts of built-up areas that have sufficient infrastructure to create a potential supply of new housing units. Development and land use patterns which may cause environmental or public health and safety concerns shall be avoided.

The Provincial Policy Statement encourages the conservation of significant built heritage resources and cultural landscapes. The PPS defines “Built Heritage Resources” as one or more buildings, structures, monuments installations, or remains associated with architectural, cultural, social, political, economic, or military history, and identified as being important to a community. The structure at 166 Woodbridge Avenue has been identified by the community at large as an important structure worth saving and restoring, and is included in the City’s” Inventory of Significant Heritage Structures”. The owner proposes to restore this building and incorporate it as part of the development.

b) Regional Official Plan

The Regional Official Plan identifies Vaughan and specifically the subject lands, as an Urban Area served by major transportation corridors and future transit systems. An objective of the Regional Plan is to target growth to existing built-up portions of urban areas and to encourage carefully planned intensification and provide for a broad range of housing types.

c) Vaughan Official Plan

The subject lands are designated "Mixed Use Commercial" by OPA #240, as amended by OPA #440 (Woodbridge Core Area) which permits residential uses, provided they can be appropriately integrated with the permitted commercial uses.

A goal of the Official Plan is to strengthen the existing commercial uses through sensitive redevelopment and the preservation and restoration of historic buildings, as well as through the implementation of improvement plans and the protection of buildings of architectural or historical significance. Another goal of the Official Plan is to permit, where appropriate, a mix of residential commercial uses at a scale compatible with existing development.

A general policy of the core area Official Plan is to ensure that all buildings, structures and streetscapes having architectural and historic merit, as identified by Heritage Vaughan, shall be retained and incorporated into development proposals in a functionally integrated manner, achieving an aesthetically attractive and integrated streetscape. In addition, any building is encouraged to be designed in a manner that is complementary to the overall heritage character of the area. Building form, height, shape and details should complement the surrounding historical/architecturally significant buildings as much as possible.

New development within the “Mixed Use Commercial” designation is subject to design objectives and criteria in part, as follows:

- In order to maintain and provide for a continuous ground-related commercial façade, residential uses in new developments will not be permitted to front onto Woodbridge Avenue at street level.
- All development shall be of a low profile, street-oriented nature. Building heights should generally not exceed three storeys with an opportunity for a fourth storey to be incorporated into the roof area, depending on a compatible relationship to adjacent development.
- Mixed-use development shall be designed to minimize the impacts from the commercial component, including noise, vibration security, odours and lighting, on the residential part of the development.
- Parking areas may be provided in a combination of surface, underground or deck structures and will not be permitted in any front yard and screened from public streets by buildings or other means, such as landscaping.

The development proposes a 6-storey building at its highest point, and therefore an Official Plan amendment is required.

Zoning

The subject lands are zoned C4 Neighbourhood Commercial Zone by By-law 1-88, subject to Exception 9(348). The C4 Zone does not permit residential uses. The owner is proposing a mixed use commercial/residential development comprised of 56 residential units and ground floor commercial along Woodbridge Avenue.

As By-law 1-88 does not contain a zoning category recognizing mixed-use development, therefore a site-specific zoning is required. With residential use being the primary component, an RA3 Residential Apartment Zone category with an exception to permit limited commercial use, would be appropriate.

The exact exception to the zoning standards cannot be determined until such time as a site plan application has been submitted and finalized. Prior to the enactment of the implementing by-law, a site plan application must be approved and the Region of York must confirm water and sewer capacity for the development. As such, it is recommended that the zoning application not be dealt with at this time, and be considered in conjunction with the site plan application.

Planning Consideration

Surrounding Area

The subject lands front onto Woodbridge Avenue and comprise part of the Market Lane land holdings within the Woodbridge Core Area. The core area has been undergoing intensification in the form of mixed use/ high density development along Woodbridge Avenue. The Market Lane shopping complex functions as the central commercial nucleus for the core area. The south side of Woodbridge Avenue between Islington Avenue and Wallace Street is characterized by newer high density/mixed use development ranging in height from 4 to 6 storeys in height, as well as older commercial buildings with apartments above. The north side of Woodbridge Avenue includes 2-storey commercial buildings, Market Lane and a stretch of townhomes west of Wallace Street. The northeast and northwest corners of Woodbridge Avenue and Clarence Street are the subject of development applications proposing 3 and 4 storey mixed-use commercial/residential buildings.

The Urban Design Guidelines

On October 14, 1994, Council adopted the Woodbridge Historic Commercial Centre Guidelines to establish urban design, architectural and landscape guidelines as a basis for reviewing development applications within the Core Area. In addition, the guidelines established an inventory of significant heritage structures in Groups 1 to 3, with Group 1 being the most significant.

The structure at 166 Woodbridge Avenue is identified as a Group 2 significant historic structure, known as the Inkerman House/Hotel. The latest plans would incorporate and restore this structure as part of the development.

The Core Guidelines are divided into two parts; the first deals with the current conditions and identifies the proposed urban fabric, and the second deals more specifically with issues related to the development and redevelopment of individual properties within the area. Specifically, the guidelines address building siting, setback, access and parking, scale and massing, and building height.

a) Siting and Setbacks

The correct building siting is vital to the urban environment as it enhances the human scale and pedestrian circulation. The guidelines envision building setbacks along Woodbridge Avenue generally aligned with historical structures, with no side yard setbacks unless required for vehicle and pedestrian access. The proposed development incorporates a historical structure and continues to align with the adjacent structures along Woodbridge Avenue, including the adjacent Library and flower shop.

b) Access and Parking

The guidelines encourage the consolidation of driveways along Woodbridge Avenue, concealment of surface parking and the provision of vehicle links. The proposed development would gain access from an existing laneway to the west. Both underground and surface parking are located behind the building and away from Woodbridge Avenue and pedestrian accesses. The Engineering Department must confirm the driveways, parking circulation, parking and ramps as part of the site plan process.

c) Scale and Massing

The scale and massing of new development should be compatible with the scale and massing established adjacent to, or in close proximity by, existing buildings. The predominant determinants of building scale are door and window openings, roof shapes, balconies, porticoes and the particular architectural treatments of facades. The proposed 6-storey building is in close proximity to a 6-storey building to the southeast and a 7-storey building to the north, with smaller 2-storey commercial buildings adjacent to the site. The building is to be tiered back from the 4-storey height along Woodbridge Avenue, to 6-storeys at the rear, to provide a pedestrian-related scale along the street frontage.

d) Building Heights

The guidelines suggest building heights for mixed use, usually ground floor commercial with two or three levels of residential above, to a maximum of 13.2m. Buildings on the south side of Woodbridge Avenue range from 18.5m at the street to 21.5m. The subject building is 4-storeys (11.4m) along Woodbridge Avenue, rising to 6-storeys (16.6m) at the rear.

The building somewhat reflects the mixed-use building to the southeast, which is 4-storeys (12.1m) along Woodbridge Avenue and tiering back to 6-storeys (18.1m) at the rear. The building to the north (100 Arbors Lane) is a 6-storey tiered apartment building with an additional rooftop storey. The height of the building at the southern elevation is approximately 18.2m, and increases as the grade varies to the east and north.

In consideration of the above, the proposed building is compatible with the more recent redevelopment in the area. In addition, the heritage structure (166 Woodbridge Avenue) is to be restored to its original form and incorporated into the development. The site plan shall be reviewed to ensure that the final built form and design is sympathetic to the surrounding area.

Servicing

The Engineering Department has indicated that a Storm Water Management Report Sanitary/Water Servicing Plan and the necessary grading plans will have to be submitted at the site plan stage.

This Department also indicated that the section of Woodbridge Avenue adjacent to the site is currently a 20m right-of-way (approximately) whereas a 26m right-of-way is required. As such, dedication of a 3.0m road widening will be required through the site plan/zoning process.

Currently, water and sewer allocation are not available. The Region of York and City of Vaughan Council shall confirm water and sewer allocation prior to the enactment of the zoning by-law and site plan approval.

Parking and Access

The preliminary site plan is proposing a single full-movement access from Woodbridge Avenue to the west of the building, from an existing driveway serving Market Lane customers. This driveway will provide the primary access to both the surface and underground parking areas. The parking area can also be accessed by the Market Lane entrances to the east and north. The Engineering Department shall ensure the appropriateness of the access, the ramp to the underground parking garage and site circulation, through site plan review.

The preliminary plan provides 106 parking spaces, 55 of which are in an underground garage, and 51 surface spaces behind the building. Based on the proposed development and residential and commercial/office parking standards in By-law 1-88, required parking would be calculated as follows:

Condominiums - 56 units x 1.75 spaces/unit (inc. .25 spaces for visitor parking) =	98 spaces
Retail Commercial - GFA @ 6 spaces/100 sq.m. GFA =	25 spaces
Parking Required =	123 spaces
Parking Provided =	106 spaces

A parking study was submitted based on the original plan, which had a parking shortfall of 37 spaces. The parking study was reviewed by the City Transportation Department, indicating that the 37-space reduction was acceptable, based on the availability of parking on the adjacent Market Lane lot, which would facilitate any overflow parking from the proposed development. The Engineering Department will determine if an updated parking study is required in support of the site plan application for the most recent proposal.

The City of Vaughan currently owns approximately 3,250sq.m of area at the northeast corner of the parking lot within the Market Lane developments. The area serves as a municipal parking area, which is maintained and operated by the developer for the use of shoppers and merchants of the core area. Several other parking stalls have been designated specifically for library use; the remainder of the parking area belongs to the Market Lane campus. The parking areas are not defined or isolated, and function as one large parking area.

The Market Lane campus is providing approximately 312 parking spaces, which includes the City-owned parking area.

A traffic study should be submitted and approved by the City Engineering Department prior to site plan approval.

Library Board

The latest submission shows the proposed building abutting the existing library building to the east and blocking a fire escape exit, with the intention of providing a new access through the proposed building. The applicant will be required to provide further clarification on the function and safety of the connection through site plan review.

Heritage Vaughan

The Vaughan Cultural Services Department has reviewed this latest submission and provide the following comments:

1. The changes do not reflect Heritage Vaughan's recommendation of October 15, 2003 which stated that the façade of the new development be modified to produce a look of two smaller buildings - that is, a portion of the Woodbridge Avenue façade of the new structure should be scaled in such a way as to evoke the rhythm of the historic structures on the streetscape. While the change to the entrance directly to the east of the historic structure at 166 Woodbridge Avenue is of a new improvement, the remainder of the façade does not allow the historic building to be clearly defined as a separate entity.
2. In order to sympathetically integrate the historic structure at 166 Woodbridge Avenue, any improvements, modifications, or alterations to the building shall be submitted to the City of Vaughan via Cultural Services/Heritage Vaughan in the form of a detailed restoration strategy and plan to be prepared by recognized heritage consultant/architect having membership with the Canadian Association of Professional Heritage Consultants (CAPHC). This would ensure that the architectural features of the historic structure are appropriately dealt with. These include, but are not exclusive to the two-over-two, double-hung sash windows, the centrally placed entrance door with transom and fanlight, and the columns and trellage of the covered verandahs.
3. Cultural Staff and Heritage Vaughan will need to review all final building materials, colour schemes, balcony railings, and window and door designs of the new structure to ensure compatibility with the historic structure at 166 Woodbridge, and Woodbridge historic core as a whole.

The elevations for the proposed development will be addressed in detail through the site plan review.

Toronto Region and Conservation Authority

The Authority has indicated that they have no objection to the Official Plan and zoning by-law amendment applications and that the subject lands fall within the TRCA Regulated Area, pursuant to Ontario Regulation 158. In accordance with this regulation, a permit is required from the Authority prior to any works on the lands, including construction, placing of fill and alterations to any water channels.

In addition, the subject property is located on the floor of the Humber River Valley adjacent to the Woodbridge Special Policy Area (SPA). The SPA designation recognizes areas of development that have historically occurred within a floodplain and allows for continued development within the floodplain, provided adequate floodproofing measures are incorporated into the design and construction of the building. TRCA Staff will be treating this application in a comparable manner to these adjacent floodplain lands in the review of the site plan. A policy to this effect should be included in the Official Plan Amendment.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities established in Section 4.6 of the Vaughan Vision 2007 to preserve and enhance the natural and built heritage environment by encouraging the preservation of significant historical structures and communities.

Conclusion

The Provincial Policy Statement promotes a full range of housing types and densities to meet projected demographic and market requirements of current and future residents by ensuring all forms of residential intensification in parts of built-up areas have sufficient infrastructure to create a potential supply of new housing units. The PPS also encourages the conservation of significant heritage structures which are identified as being important to a community.

Official Plan Amendment #440 designates the subject land "Mixed Use Commercial", which permits a mix of residential commercial uses at a scale compatible with existing development. The Official Plan also encourages the preservation and restoration of historic buildings, and their incorporation into development proposals in a functionally integrated manner. Building height form, shape and details should complement the surrounding historical/architecturally significant buildings as much as possible.

While the Official Plan limits the number of storeys along Woodbridge Avenue to 4-storeys, the application proposes 6-storeys, and therefore, an amendment to the Official Plan is required. Although there are an additional 2-storeys, the actual height is consistent with other new buildings in the core area.

Staff can support the proposed Official Plan Amendment to permit a building tiered up to 6-storeys, from the maximum permitted 4-storeys along the street line. The Official Plan Amendment should contain policies to address parking and traffic, incorporation of the historical structure, and conformity of the development to the Urban Design Guidelines. Should Council concur, the Recommendation of this report can be adopted.

Attachments

1. Location Map
2. Site Plan
3. Front Elevation
4. Rear Elevation
5. Building Section – Looking East

Report prepared by:

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Art Tikiryan, Senior Planner, ext. 8212

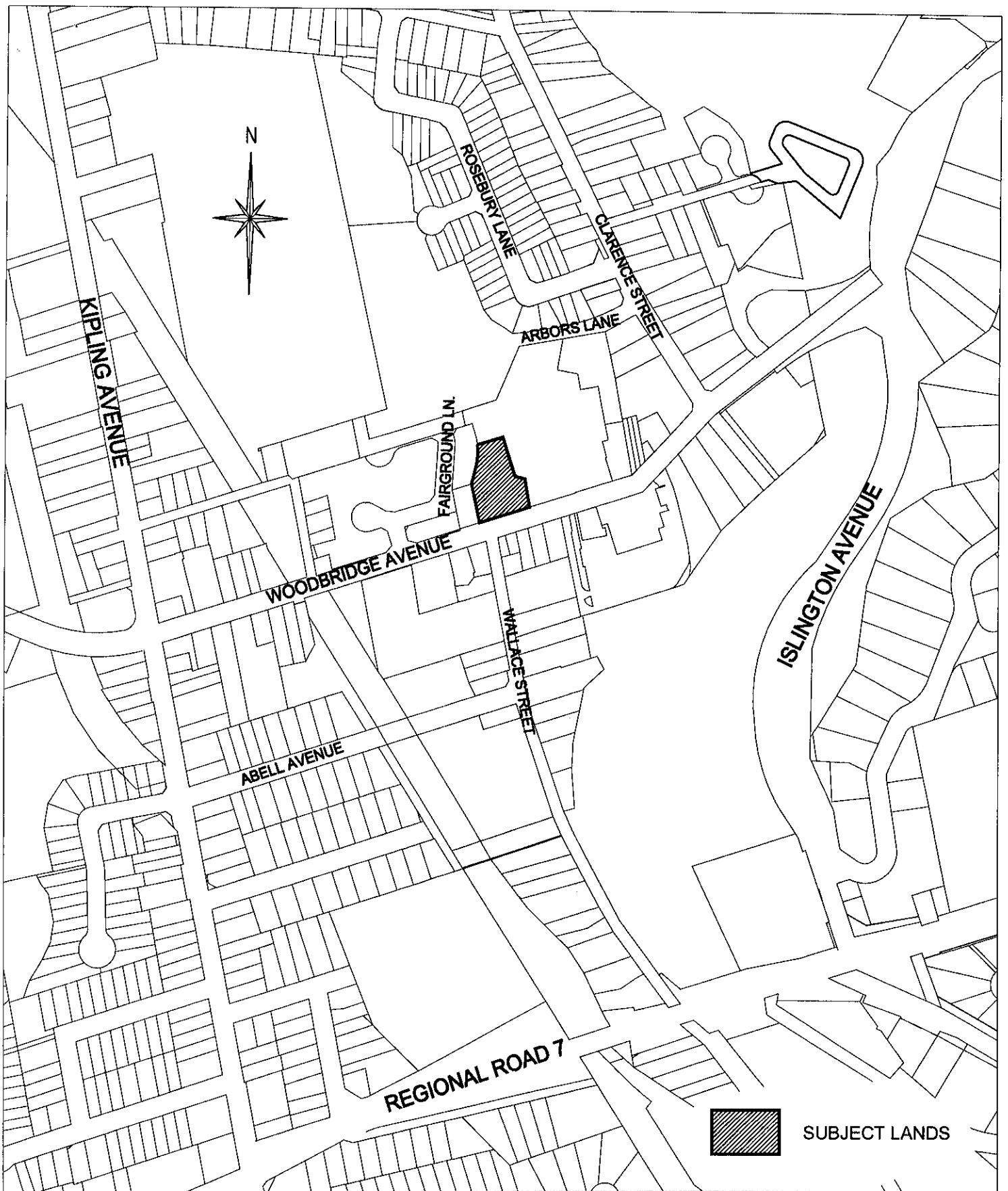
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Manager of Development Planning

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 SUBJECT LANDS

Location Map

Part of Lot 7,
Concession 7

APPLICANT:
MARKET LANE
HOLDINGS LTD.



Community Planning Department

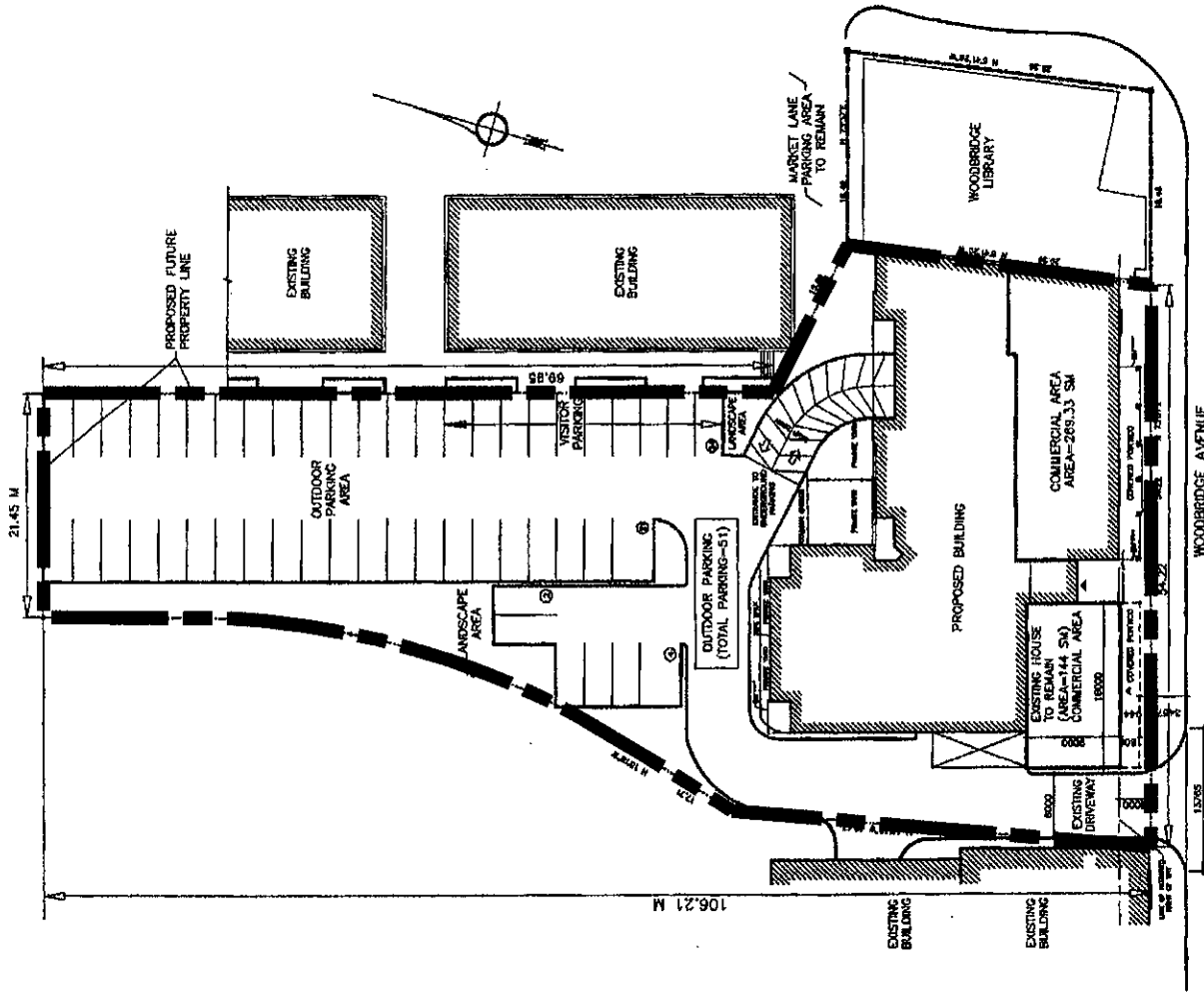
Attachment

FILE No.:
OP.02.019 & Z.02.068

September 5, 2003

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 SUBJECT LANDS

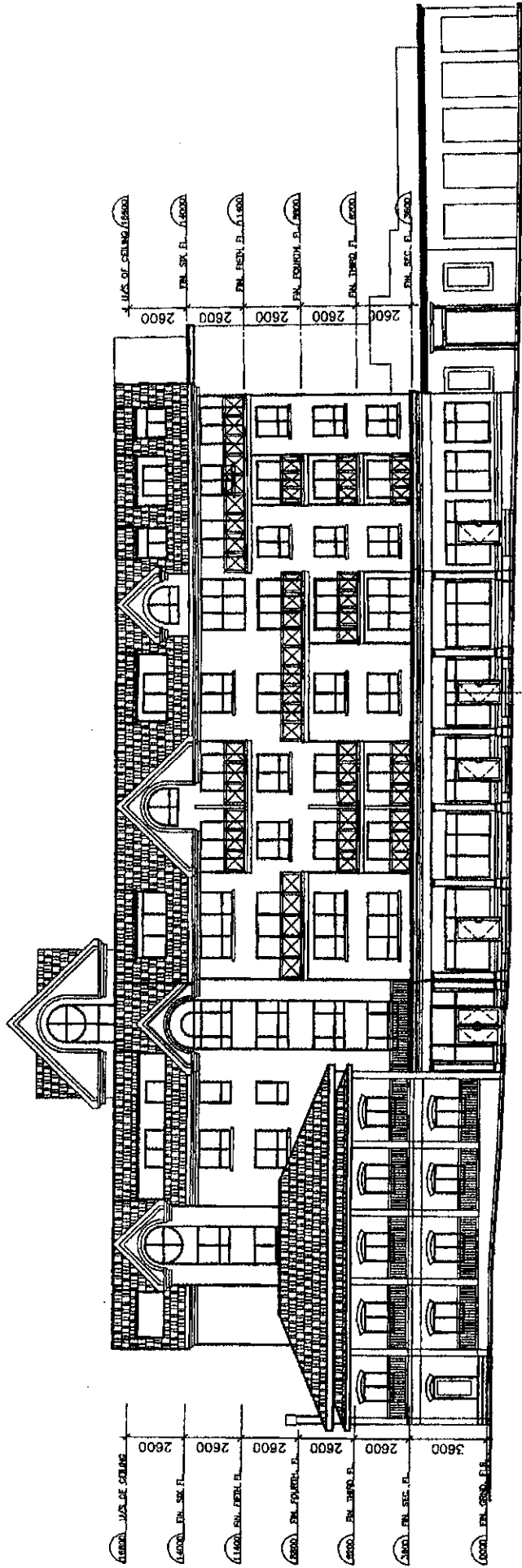
City of
Vaughan

Community Planning Department

Attachment 2
 FILE No.: OP.02.019 & Z.02.068
 January 22, 2004
 Not to Scale

Site Plan
 Part Lot 7,
 Concession 7
 APPLICANT:
 MARKET LANE
 HOLDINGS LTD.

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Front Elevation

Part Lot 7,
Concession 7

APPLICANT:
MARKET LANE
HOLDINGS LTD.

City of
Vaughan

Community Planning Department

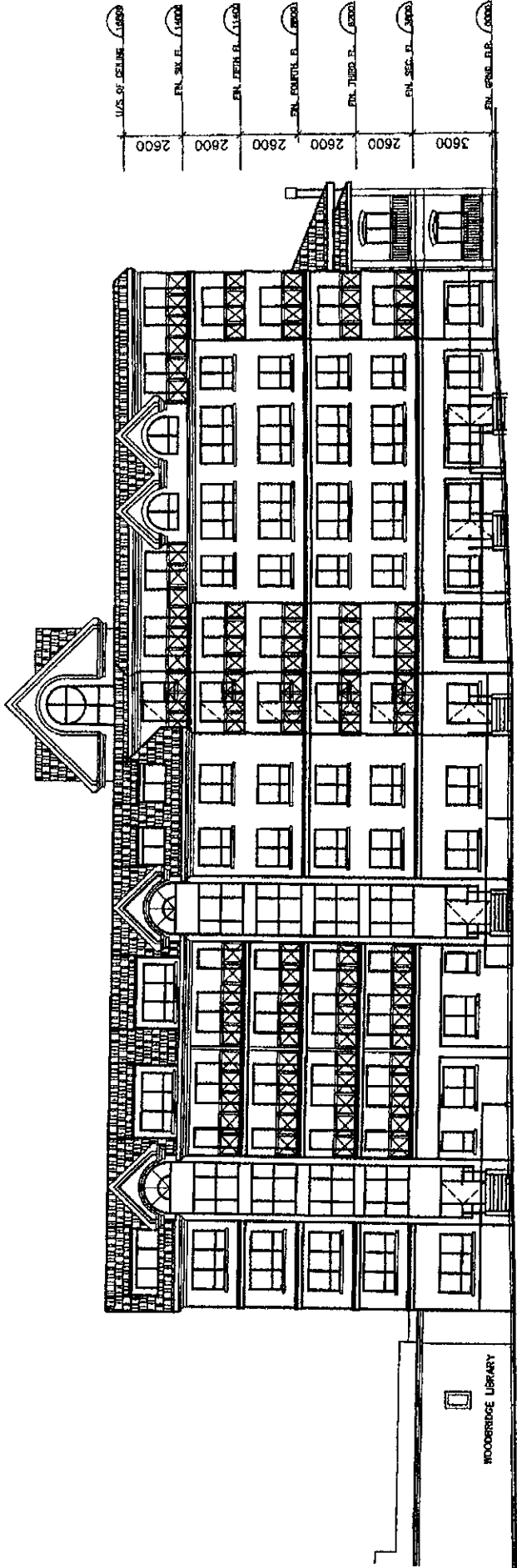
Attachment

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FILE No.:
OP.02.019 & Z.02.068

January 22, 2004

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Rear Elevation

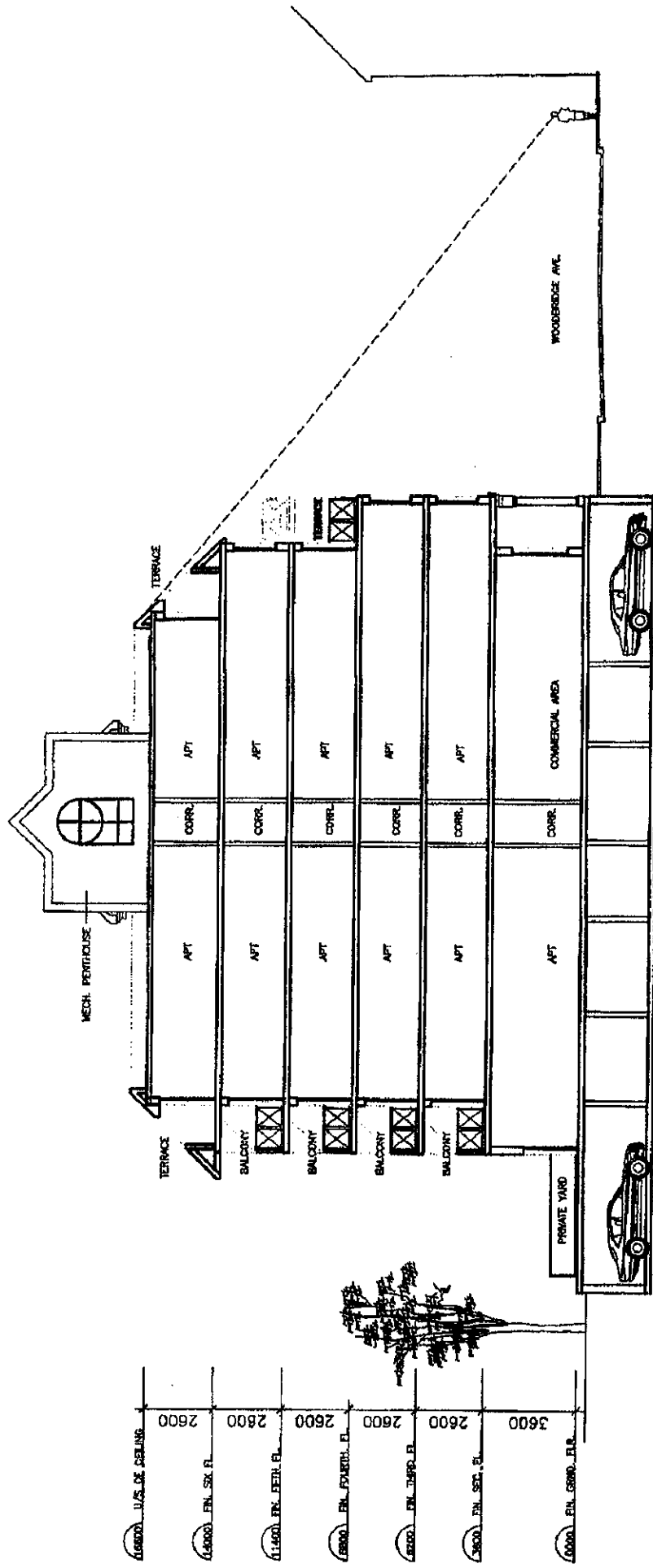
Part Lot 7,
Concession 7
APPLICANT:
MARKET LANE
HOLDINGS LTD.

City of
Vaughan
Community Planning Department

Attachment

FILE No.:
OP.02.019 & Z.02.068
January 22, 2004
Not to Scale

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Attachment 5
 FILE No.: OP.02.019 & Z.02.068
 January 22, 2004
 Not to Scale

City of **Vaughan**
 Community Planning Department

Building Section - Looking East
 APPLICANT: MARKET LANE HOLDINGS LTD.
 Part Lot 7, Concession 7