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Town of Aurora

Public Planning Report

No. PDS21-159

Subject: Applications for Official Plan and Zoning By-law Amendment
2766872 Ontario Inc.
15296, 15306 and 15314 Yonge Street
Lots B and C and Part of Lot D, registered Plan 36 and Part of Lots
15 and 16, Registered Plan 246, Town of Aurora
File Number: OPA-2021-03 and ZBA-2021-03
Related File Number: SP-2021-07

Prepared by: Stephen Corr, Senior Development Planner

Department: Planning and Development Services

Date: December 7, 2021

Recommendation

1. That Report No. PDS21-159 be received; and,
2. That comments presented at the Public Planning Meeting be addressed by Planning and Development Services in a report to a future General Committee meeting.

Executive Summary

The purpose of this report is to update Council on revised submissions addressing the comments and questions received at the October 12, 2021, Statutory Public Planning Meeting for proposed Official Plan and Zoning By-law Amendment applications at 15296, 15306 and 15314 Yonge Street (the 'subject lands'). The following is a summary of the proposal:

- Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications have been submitted to permit the development of a 6-storey apartment building with a total of 136 units.
- The Official Plan Amendment proposes to add residential uses at grade and to increase the building height to 23.54 m. The Region has confirmed that the Town is the approval authority for the private Official Plan Amendment.

- The Zoning By-law Amendment proposes to continue permitting residential and commercial uses at grade, reduce amenity space and introduce site-specific performance standards to permit the proposed apartment-built form.
- The Site Plan Control Application initiates the detailed technical review to facilitate this development.
- The Application was presented to the Aurora Design Review Panel (DRP) in July 2021.
- A Statutory Public Meeting was held on October 12, 2021, where it was resolved to schedule a second Public Meeting to advise on how comments and questions have been addressed.
- A third submission is under review to confirm whether all comments identified to date have been addressed. All comments will need to be adequately addressed prior to the preparation of a recommendation report for Council's consideration.

Background

Application History

- The Pre-Consultation for this development was submitted to the Town in October of 2020 and a detailed list of submission requirements was provided to the Applicant at that time.
- The Applications were submitted on April 19, 2021, and deemed complete on May 20, 2021, at which time they were circulated for review.
- The applications were presented to the Aurora Design Review Panel (DRP) on July 12, 2021.
- The second submission was filed on September 2, 2021, to address first submission comments. The second submission reduced the total number of proposed apartment units by one, from 137 to 136.
- The Statutory Public Meeting was scheduled on October 12, 2021.

- The third submission was submitted on November 23, 2021 and is currently under review by Town Departments and external agencies.

Location/Land Use

The subject lands are located at the southwest quadrant of Yonge Street and Irwin Avenue, and north of Wellington Street West (See Figure 1). The site consists of three properties, municipally known as 15296, 15306 and 15314 Yonge Street which have a combined area of approximately 0.4 ha (0.99 ac) and frontages of approximately 85 m (280 ft) along Yonge Street and 50.0 m (160 ft) along Irwin Avenue.

The subject lands are currently vacant and do not contain any significant vegetation. Tree removals on the subject lands were permitted by the Parks Operations Division in August 2020. Past uses on the two south properties at 15296 and 15306 Yonge Street included automotive related uses. Past use of the north property at 15314 Yonge Street was a detached dwelling which was demolished in the mid 1990s.

Surrounding Land Uses

The surrounding land uses are as follows:

- North: Properties to the north and northwest, across Irwin Avenue, are within the Northeast Old Aurora Heritage Conservation District. These properties predominantly consist of detached dwellings, with office uses fronting Yonge Street.
- South: A recently developed 4-storey stacked townhouse development abuts the subject property to the south and southwest.
- East: A 6-storey apartment building with at grade commercial units fronting Yonge Street is located east of the subject lands, across Yonge Street.
- West: Properties to the west consist predominantly of detached dwellings. A six-storey apartment building is also located to the west at 36 Machel Avenue.

Policy Context

Provincial Policies and York Region Official Plan (YROP)

Analysis of Provincial Policy and YROP conformity is articulated in the previous Staff Report, PDS21-117, dated October 12, 2021.

Town of Aurora Official Plan

Most of the subject lands are designated “Aurora Promenade – Upper Downtown” in the Town of Aurora Official Plan. The northwest portion of the site, having an approximate area of 7 m² (75 ft²) is designated ‘Private Parkland’ (See Figure 2).

The intent of the “Upper Downtown” designation is to guide development to extend and reinforce the heritage ‘main street’ character and identity associated with the “Downtown” designation south of Wellington Street. This to be achieved through ‘careful regulation of land uses and control over [the] scale and character of new structures to enhance pedestrian experience. Retail, entertainment and cultural venues are encouraged as well as the introduction of more residential uses.’

Further, ‘a mixture of uses is encouraged to provide high activity to animate the streetscape, such as retail and restaurants at grade with offices and residential uses on second floors above. As such, this designation provides for a range of commercial uses including financial institutions, offices retail stores, personal services, funeral parlours, tourist accommodations such as Hotels or Information Centres, small scale institutional uses, cultural, recreational and entertainment uses.

Dwelling units are permitted on the second storey and/or above of all building types. Section 11.4.1 c) specifically prohibits residential uses at grade and/or below grade. (Although a limited number of ancillary residential units are permitted at grade and/or below, providing they are at the rear of a site and maintain the intent of the Official Plan and Aurora Promenade Concept Plan – Urban Design Strategy.)

The intent of the “Private Parkland” designation is to augment the Town’s existing open space system by providing important physical linkages. Permitted uses include passive and active recreation uses, conservation uses, cemeteries, commercial or office uses accessory to conservation or cemetery uses, public uses and private infrastructure. Staff note that where appropriate Conservation Authority and any other required Ministry of Environment of Climate and Parks (MOECP) or Ministry of Natural Resources (MNRF) approval are obtained for development, limited extension of uses permitted on subject lands is permitted without requiring an Official Plan Amendment.

Aurora Promenade Concept Plan – Urban Design Strategy

The subject lands are located within the 'Old Town' Character Area in the Aurora Promenade Concept Plan – Urban Design Strategy. Key objectives for new development are to:

- Provide a transition in scale and use from Yonge Street to the adjacent residential neighbourhoods.
- Protect and reinforce heritage residential character and identify, particularly with the sites proximity to the abutting Aurora Conservation District to the north and northeast.
- Enhance the public realm with a focus on creating an inviting pedestrian environment.

The Promenade Concept Plan also identifies the Yonge Street and Irwin Avenue intersection on the subject lands, as a Key Visual Terminus Site, due to its prominence when traveling south along Yonge Street into the Upper Downtown and Downtown areas, and as view corridor from the Catherine Street in the Conservation District east of Yonge Street. The Concept Plan strives to enhance the visual distinction and landmark quality of new buildings at Key Terminus View Sites, by encouraging massing and design that accentuate the sites visual prominence. Recommendations to achieve this include unique architectural elements such as drums, spires and turrets.

Zoning By-law 6000-17, as amended

The subject lands are zoned Promenade Downtown (PD1) under Zoning By-law 6000-17 (see Figure 3). This zone permits the commercial uses provided for in the "Upper Downtown" Official Plan designation and requires that dwelling units be located above the first storey of a building. Parking for new residential development within the Promenade Downtown designations, as required by the Zoning By-law, is one (1) space per unit inclusive of visitor parking. Amenity space is to be provided at a rate of 18 m² (193.6 ft²) per unit, of which 50% is to be provided as indoor amenity space.

Reports and Studies

The list of application submission materials is articulated in the previous Staff Report, PDS21-117, dated October 12, 2021.

Proposed Applications

Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications have been submitted to permit the development of a 6-storey apartment building with a total of 136 units.

The proposed Official Plan Amendment and Zoning By-law Amendment Applications will facilitate the development of a 6-storey, 136-unit condominium apartment building at the southwest intersection of Yonge Street and Irwin Avenue (See Figure 1).

The proposed site plan is shown in Figure 4. The proposed building is 'L' shaped in design and oriented to both street frontages to provide strong urban street edge. Pedestrian access to the site is provided to a Lobby with entrances of Yonge Street and the rear of the building.

Ground floor units also have direct and independent access to Yonge Street. Vehicular access to the site is provided via Irwin Avenue at the rear of the building, to access passenger pick-up/drop-off areas, limited surface parking, waste management functions, and two-levels of underground parking. Passive amenity space with tables, seating and landscaping is provided at the rear of the building, at the southwest portion site, and having an approximate area of 369.2 m² (3974.7 ft²).

A total of 136 parking spaces are provided to accommodate the proposed development, which includes 5 surface spaces, 42 on the first level of underground parking and 89 on the second level. This satisfies the parking requirements of Zoning By-law 6000-17 which requires one space per unit, inclusive of visitor parking. The total amount of parking also includes six barrier free spaces, which also satisfies the zoning by-law standard. The total amount of bicycle parking spaces is 28 which also satisfies zoning by-law requirement for 1 space per 5 units. This includes 5 short term bicycle spaces in the form of bike racks at the front and rear entrances to the building and 23 spaces within the underground parking levels for residents.

A rendering of the proposed building elevations is shown in Figure 5. The building materials comprise of a brick base on the first three levels, windows and glazing on the upper levels, metal panel window boxes, and exterior insulation and finish system (EIFS) around the mechanical penthouse enclosures. The total proposed building height is 23.54 m (77.2 ft), measured from Average Finished Grade to the highest point of the structure. This height excludes the roof-top mechanical enclosure, which is exempted from being included in the total height calculation, as defined in the Zoning By-law (providing it does not include any other gross-floor-area or amenity space).

While the proposed building is six-storeys in height, staff note that existing grading conditions which slope to the southwest, result in exposed basement elevations at the rear of the building. Thus, the building is 6-storeys along the Yonge Street frontage and visually appears as 8-storeys along the Irwin Avenue frontage and the rear. The building design incorporates step-backs above the third storey and angular plane requirements to comply with the Official Plan and Aurora Promenade Concept Plan – Urban Design Strategy.

The Official Plan Amendment proposes to add residential uses at grade and to increase the building height to 23.54 m.

The Region has confirmed that the Town is the approval authority for the private Official Plan Amendment.

The “Aurora Promenade – Upper Downtown” designation only permits dwelling units on the second storey and/or above of all building types and prohibits dwelling units at grade or below grade. The Applicant is proposing an entirely residential condominium apartment building, and therefore has submitted an Official Plan Amendment to permit dwelling units at grade/on the first level of the building in addition to at grade commercial space.

For this designation, the Official Plan contemplates building heights between 2 to 5 storeys, with allowance for a bonus floor up to the lesser of 6-storeys or 22 m (72.18 ft) subject to the provision of public benefits. The Official Plan Amendment proposes to permit an increased height up to 23.54 m and to reflect the 8-storey building form at the rear.

The Zoning By-law Amendment proposes to permit residential uses at grade, reduce amenity space and introduce site-specific Zone Standards to permit the proposed apartment-built form.

Similar to the above, the applicant is proposing a Zoning by-law Amendment to permit dwelling units at grade as an additional land use in the Promenade Downtown (PD1) Zone. The PD1 zone permits mixed-use buildings, with permissions for dwelling units on the second storey and above. The permission for dwelling units at grade as an additional use could allow the possible transition of these units to non-residential uses.

The applicant is also requesting zoning approval to permit a total amenity area of 1,656.20 m² (17,827.2 ft²), whereas the By-law requires 18 m² (193.75 ft²) per unit for a total of 2,448 m² (26,350 ft²). Fifty percent, or 1,224 m² (13,175 ft²) of the required

Amenity Area is to be provided as indoor Amenity Area. The applicant is proposing Amenity Area as follows:

- 1,012.9 m² (10,902.8 ft²) as private Amenity Area (balconies, terraces and patios)
- 369.2 m² (3,974.0 ft²) as common outdoor Amenity Area, and
- 274.1 m² (2,950.4 ft²) as common indoor Amenity Area.

The draft Zoning By-law also requests an increase in the permitted building height to 23.54 m, whereas the PD1 zone permits a maximum building height of 10 m (32.8 ft) and up to 18.5 m (60.7 ft) for the upper levels provided the main wall above the third storey is step-backed by 3.0 m (9.8 ft). It also proposes to deem Yonge Street as the lot frontage which is a technical matter for the interpretation of rear and interior side yard setback locations.

The Site Plan Control Application initiates the detailed technical review to facilitate this development

In conjunction with the Official Plan and Zoning By-law Amendment applications, the Applicant has submitted a Site Plan Control Application to initiate the detailed technical review to facilitate this proposed development. Thus, the three applications are being reviewed comprehensively and will be reported back to Council when all comments from Town Departments, external agencies, and those provided by the public and members of Council at the Public Planning Meeting have been adequately addressed. A summary of outstanding matters is provided in the following section.

Department/Agency Comments

A third submission is under review to confirm whether all comments identified to date have been addressed. All comments will need to be adequately addressed prior to the preparation of a recommendation report for Council's consideration.

Below is a summary of the comments received to date from Town Departments and external agencies. With the third submission review underway some of following comments may be addressed but have not been confirmed via responses from the associated Town Departments or external agencies.

Planning

Staff are assessing the planning merits of the proposal based on the subject site's relationship with the surrounding lands and compatibility with the adjacent Northeast Aurora Heritage Conservation District; applicable planning policies and plans; and review comments provided by Town Departments, agencies and DRP. Staff will continue to work with the applicant to address comments arising from the technical review of the development applications and the Public Planning Meetings.

Planning Staff are reviewing the appropriateness of the proposed Official Plan and Zoning By-law Amendment applications to permit residential uses at grade, and the associated impact on protecting for an active pedestrian streetscape fronting Yonge Street. To support the objective of protecting for an active Yonge Street corridor, the applicant has agreed that the zoning amendment, if approved, be permissive to allow residential and commercial uses within ground floor units fronting Yonge Street. This would allow for a transition to non-residential or live-work uses as market conditions may favour over time.

The corner unit at the Yonge Street and Irwin Avenue intersection will be designed to fully accommodate commercial uses, in compliance with accessibility requirements in the Ontario Building Code. Other units fronting Yonge Street could become live-work or expanded home occupations without modification.

The Zoning By-law requires one parking space per dwelling unit in the PD1 zone, inclusive of visitor parking. The By-law also requires one parking space 100 m² (1,076 ft²) for non-residential uses in the PD1 zone. Each of the units fronting Yonge Street are proposed to be less than 100 m², and the parking requirement for these units would be the same should they transition from residential to non-residential uses.

Planning Staff are reviewing the proposed increase in height, including the 'bonus' 6th storey and the proposed public benefits to support it in accordance with Section 37 of the Planning Act and the Town's Official Plan. Section 11.4.2 of the Official Plan provides criteria for the height bonus, which states that 'the development must provide a public benefit which may include, but is not limited to, heritage protection, public amenity space, public art, social housing, affordable artist space and streetscape improvements.

The Applicant is proposing streetscape improvements and an area for public art at the Yonge Street and Irwin Avenue intersection to support the height bonus as a Section 37 benefit. Other considerations are local area improvements, which could include off-street parking, supportive of Fleury Park at Machell Avenue. The feasibility of this

option, however, still needs to be investigated. Staff are still assessing the adequacy of the proposed public benefits and will work with the applicant to ensure appropriate considerations are provided to quantify any approved increase in building height.

Building and Zoning

Technical Building and Zoning comments on the Draft Zoning By-law Amendment have been addressed with the third resubmission of the applications.

Engineering and Municipal Servicing

Water and Sanitary Service is proposed to be provided via existing services on Irwin Avenue. The Functional Servicing Report (FSR) and Storm Water Management Report (SWMR) submitted in support of the proposal confirm sufficient sanitary capacity in the Irwin Avenue sewer. However, the Operations Department has conducted visual inspections and observed that there is excessive flow in the Machell Avenue pipe at the manhole connection with Irwin Avenue, which appears to interfere with the Irwin Avenue discharge.

Development Engineering has requested that the reports be updated to address visual sanitary sewer inspections to determine:

- Why the discharge and release rate from Irwin Avenue to Machell Avenue may be slow;
- What the impact to the Machell Avenue sewer system may be.
- Whether there is potential impact to existing residents upstream.
- How the sewer network will perform/improve by analyzing the removal of approximately 4,500 units from the watershed, anticipated for when the Henderson Pumping station is online.

If it is demonstrated that the Irwin Avenue and Machell Avenue sanitary sewer is constrained, potential solutions could be upgrading the sanitary sewer on Irwin Avenue, implementation of a holding tank within the proposed development for controlled release into the sewer system, and upgrading manhole covers to minimize storm water infiltration into the sanitary sewer system. The observed constraints will need to be addressed prior to any development approval on the subject lands and be secured by a Holding Provision as part of the Zoning By-law Amendment. In addition, Development Engineering has provided technical comments on the civil engineering plans and

identified review fee and securities amounts to be collected through the future site plan agreement. Development Engineering has confirmed that the construction mitigation plan is acceptable.

Traffic Analysis

The Town's Traffic Analyst has reviewed an updated Transportation Impact Study (TIS) which has adequately addressed first submission review comments. Transportation Engineering has no further comments or concerns to be addressed by the applicant.

Parks Operations

The Parks Operations Department has confirmed that their previous comments have been adequately addressed, and that there are no further comments respecting the proposed Official Plan and Zoning By-law Amendment applications. As a new comment, the Parks Operations Department has provided required landscaping fees and securities to be secured in the future site plan agreement.

Lake Simcoe Region Conservation Authority (LSRCA)

At the time of writing this report, comments from the LSRCA on the second submission had not been provided to the Town. The LSRCA is in receipt of the third submission and any additional comments will have to be addressed by the applicant and will be detailed in a future recommendation report.

In a letter dated June 22, 2021, which was based on the first submission review, the LSRCA did however confirm that they have no objection to approval of the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control Applications, provided that their technical comments are addressed by the applicant. Technical comments relate to review of the Storm Water Management Report, Groundwater Report, Hydrogeological Assessment and Tree Protection and Preservation Plans. The LSRCA has also provided site plan conditions to be addressed prior to Site Plan Approval or included as clauses within the Site Plan Agreement.

York Region

In letters dated October 7 and 8, 2021, the Region of York provided updated comments related to review of the development applications. A summary of key comments is as follows:

- Acknowledgement that through the proposed Official Plan Amendment, the northwest portion of the subject lands, with an approximate of 7m², will be

redesignated from 'Private Parkland' to 'Aurora Promenade – Upper Downtown'. And that this is considered a housekeeping matter by the Town to ensure a consistent land use designation and is acceptable to the LSRCA, as the lands are outside the regulatory flood plan.

- The availability of water and sewer service allocation is to be provided through a Town Council resolution, and if not available, that the proposed Zoning By-law Amendment should include a Holding provision.
- The Region has delegated approval of the OPA to the Town as it is considered a matter of local interest.
- That considering the highwater table and groundwater pressure within the area, the applicant should consider a contingency plan should unanticipated groundwater flow be encountered during excavation.
- That the Owner is to agree to advise all potential purchasers of the existing and future introduction of transit services serving the subject lands.

The Application was presented to the Aurora Design Review Panel (DRP) on July 2021.

At the July 12, 2021, DRP the following comments were provided:

- The panel considered it appropriate to design ground floor units to accommodate a potential commercial or live-work transition to encourage and support a vibrant pedestrian-oriented streetscape. Recommendations were to provide larger floor to ceiling heights of 4.5 m, and a greater prominence of windows and doors.
- Provide a larger building setback than the proposed 1 m (0.98 ft) along Yonge Street for landscaping or streetscape elements, and to provide larger patio/terraces and entranceways to ground floor units.
- Enhance the Yonge Street and Irvin Avenue corner of the building to create more visual prominence in accordance with the Aurora Promenade Concept Plan, key Terminus Site guidelines.
- Provide more building articulation to break up the mid-point of building mass on the Yonge Street façade. The panel was concerned with the with monolithic +80 m (262 ft) building line along this frontage.

- The panel appreciated that the building was compliant with the angular plane guidelines. However, to soften the aesthetic and mitigate overlook and privacy issues, it was recommended that the stepped back terraces at the rear of the building incorporate a planter wall.
- The panel believed the landscaping submission was well thought out but agreed with staff comments that the landscape buffer to the adjacent detached dwelling property to the west should be widened to 3.0 m (9.98 ft) clear of the underground parking garage (9.98 feet) to accommodate sizeable plantings.

A Statutory Public Meeting was held on October 12, 2021, where it was resolved to schedule a second Public Meeting to advise on how comments and questions have been addressed.

At the October 12, 2021, Public Planning Meeting several questions and comments were made by residents and Council, which resulted in the scheduling of a second Public Planning Meeting. In response the applicant filed a third submission on November 23, 2021, to address those matters, with concerns summarized as follows:

Servicing and Flooding

A resident spoke at the October 12, 2021, Public Planning Meeting citing concerns about local area flooding, and recently experienced flooding in their basement. As noted, Development Engineering requested updated reports from the applicant to analyze sanitary sewer constraints that have visually been observed within the Irwin Avenue and Machell Avenue system.

This information was provided in the third submission and is currently under review. Staff will report on the findings in a future recommendation report, and the Zoning By-law Amendment will include a Holding provision to ensure any necessary infrastructure improvements are implemented prior to development commencing on the subject lands. The applicant has capped with cement an abandoned storm sewer on the Alive property to prevent storm water entering the sewer system.

Traffic and Parking

As noted, the Transportation Analyst has no further comments on the TIS submitted in support of the development applications. The TIS analyzed the number of in-bound and out-bound trips expected to be generated by automotive, transit and active transit users within the development and concluded that 'no improvement to the existing network is

required to accommodate the proposed development'. This also assessed the operation of the surrounding intersections which are all 'expected to operate at acceptable levels of service'. Consequently, new traffic signals at the Yonge Street and Irwin Avenue intersection have not been identified as required, as suggested at the October 12, 2021, Public Planning Meeting.

Concerns and comments were raised about the provision of parking within the proposed development and potential impact from overflow parking on the surrounding street network. The amount of parking proposed for the development is a total 136 onsite spaces, which satisfies Zoning By-law 6000-17 which requires one space per unit (inclusive of visitor parking) for developments within the Promenade Downtown Zones. As part of any development approval, the applicant will have to implement Transportation Demand Management (TDM) initiatives which aims to reduce automobile dependency. Proposed TDM initiatives include the provision of bicycle storage and parking, access to the existing cycling network, York Region Transit (YRT) route information and Presto passes, and implementation of a follow up monitoring program.

Construction Impacts

A Construction Impact Mitigation Plan (CIMP) has been submitted in support of the application, which is acceptable to Development Engineering and will be implemented as part of any future site plan approval. The CIMP confirms that construction access will be provided on Yonge Street, with a temporary road closure required on Irwin Avenue in order to complete any proposed works within this right of way, whilst maintaining driveway access for area residents.

The CIMP also indicates that construction traffic will be limited to hours permitted by the Town's Noise By-law; that pedestrian access under crane swings will be limited or be addressed through overhead protection; that boundary fencing will be erected; that a vibration monitoring plan will be implemented; as well as addresses matters related to dust control, road cleaning and reduced vehicle speeds.

Commercial Uses at grade fronting Yonge Street

Noted in the Department/Agency Review comments section above was that Planning Staff are still assessing the appropriateness of not providing commercial uses at grade, as prescribed in the Official Plan and Aurora Promenade Concept Plan. The lack of non-residential uses was raised as a concern by Council at the October 12, 2021, Public Planning Meeting. To address this, the applicant is accepting of Staff's suggestion to incorporate permissive zoning that provides flexible land use permissions for ground

floor units fronting Yonge Street. Accordingly, if market conditions favour over time, these units may transition to non-residential uses to eventually implement the envisioned pedestrian focused Yonge Street corridor.

To support this, the applicant also intends to design the interiors of these units with open concept layouts to make this transition more feasible. The DRP recommended these units have a floor to ceiling height of 4.5 m (14.76 ft) which is suggested for mixed use designations in the Promenade Concept Plan for non-residential units. Staff are of the opinion the proposed 4.2 m (13.78 ft) heights are adequate accommodate non-residential uses if they were to transition.

Proposal to permit Residential Uses at Grade along Yonge Street

Some members of Council expressed concern with proposed Official Plan and Zoning By-law amendments to not require residential uses at grade, and the resulting impact to implementing an active pedestrian streetscape along Yonge Street. As noted in the Department and Agency Comments subsection, the applicant has agreed to propose permissive zoning that will permit ground floor units to transition to either commercial uses or live-work units over time, including designing the corner unit to be fully commercial in accordance with accessibility requirements in the Ontario Building Code.

Angular Plane Analysis

The proposed development is compliant to the angular plane requirements of the Official Plan and Aurora Promenade Concept Plan. The Official Plan requires an angular plane analysis for sites in the Aurora Promenade where the rear or interior yard abut lands designated as 'Stable Neighbourhood', 'Environmental Protection' or are within a Heritage Conservation District. This policy applies to the west yard of the subject lands only. The applicant, however, was requested to submit an angular plane analysis to assess visual impact to properties north of the subject lands across Irwin Avenue. This undertaking has been provided by the applicant, which confirms the north elevation of the building complies with angular plane requirements if they were applicable to front or exterior yards and development separated by public streets. This angular plane analysis is attached hereto as Figure 6.

Adjacency to Environmental Protection Lands.

A member of Council requested confirmation about potential impacts to the lands abutting to the site to the west, designated as 'Environmental Protection' in the Official Plan. Figure 2 shows the abutting properties to the west are designated as both 'Private Parkland' along Irwin Avenue, which reflects the LSRCA regulatory area, and

'Environmental Protection' towards the rear. Notwithstanding the Official Plan designations, these properties contain a detached dwelling. There are no existing natural heritage features that will be impacted by the proposed development on the abutting properties within these designations.

Public Comments

One written submission, with photographs, has been received following the October 12, 2021, Public Planning Meeting, from a resident north of the proposed development, across Irwin Avenue. The resident also inquired how the proposed driveway aligns with his property and whether there will be any efforts made to mitigate headlights shining onto his property as cars exit the site.

Advisory Committee Review

Not Applicable.

Legal Considerations

Subsections 22(7) and 22(7.0.2) of the Planning Act states that if Council refuses the Official Plan Amendment application or fails to make a decision on it within 120 days after the receipt of the application, the applicant (or the Minister) may appeal the application to the Ontario Land Tribunal ("OLT").

Subsection 34(11.0.0.0.1) of the Planning Act states that if the passing of a Zoning Bylaw Amendment also requires an amendment to the Official Plan, and that if both applications are made on the same day, if Council refuses the Zoning By-law Amendment application or fails to make a decision on it within 120 days after the receipt of the application, the applicant (or Minister) may appeal the application to the OLT. The Applications were deemed complete on May 20, 2021, and the 120 days has passed.

Financial Implications

All applicable development fees and charges in this regard have been and will continue to be collected by the Town as required.

Communications Considerations

On June 3, 2021, a Notice of Complete Application respecting the Official Plan Amendment and Zoning By-law Amendment Applications was published in The Auroran and The Banner newspapers.

On October 12, 2021, notices were issued by mail to all addressed property owners within 120 metres (393.7 ft) of the subject property, and all interested parties to the applications. Signage on the property was posted on September 9, 2021, with information regarding the public meeting and updated on November 11, 2021 with the 2nd public meeting date. On November 18, 2021, a Notice of Public Planning Meeting ad was published in The Auroran and The Banner newspapers.

The Town will share the outcome of Council's decision in accordance with its usual practices.

Link to Strategic Plan

The applications will be reviewed in accordance with the Strategic Plan and its goal of enabling a Diverse, Creative and Resilient Economy through promoting economic opportunities that facilitate the growth of Aurora as a desirable place to do business.

Alternative(s) to the Recommendation

1. That Council provide direction.

Conclusions

Staff are continuing to review the subject planning applications having consideration for the above noted matters, the comments received from the agency circulation, and any feedback received from the public and Council at this Public Planning Meeting. A final report with recommendations will be presented to a future General Committee Meeting.

Attachments

Figure 1 – Location Map

Figure 2 – Existing Official Plan Designation

Figure 3 – Existing Zone Categories

Figure 4 – Proposed Site Plan

Figure 5 – Proposed Elevation Renderings

Figure 6 – North Angular Plane Analysis

Previous Reports

Public Planning Report No. PDS21-117, dated October 12, 2021.

Pre-submission Review

Agenda Management Team review on November 25, 2021

Approvals

Approved by David Waters, MCIP, RPP, PLE, Director, Planning and Development Services

Approved by Doug Nadorozny, Chief Administrative Officer