

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 19, 2013

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EMPIRE PACE (MAPLE) LTD.

The Committee of the Whole (Public Hearing) recommends:

- ### **Recommendation**

THAT the Public Hearing report for File Z.12.042 (Empire Pace (Maple) Ltd.) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

The contribution to sustainability will be determined when the technical report is considered.

This will be addressed when the technical report is completed.

- Date the Notice of a Public Meeting was circulated: January 11, 2013.
- Circulation Area: 150 m
- Comments received as of January 22, 2013:

- i) Mr. Luciano Massarella, Oakdale Road, Maple; and
- ii) Ms. Angy Massarella-Sanci, Oakdale Road, Maple.

- i) the proposal will cause light from the cars entering the property to shine on adjacent residential properties;
- ii) increase in noise pollution from cars entering the underground parking;
- iii) the increase in light pollution from the proposed residential building;
- iv) the mature trees should not be removed from the site;
- v) additional screening should be included along the east property line to screen the proposed development from the existing residential dwellings.

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Purpose

The Owner has submitted Zoning By-law Amendment File Z.12.042 on the subject lands shown on Attachments #1 and #2, to amend Zoning By-law 1-88, specifically to rezone the entirety of the subject lands from R1 Residential Zone (9869 Keele Street) and RA2 Apartment Residential Zone (9891 Keele Street) subject to Exception 9(1194) to RA2 Apartment Residential Zone in the manner shown on Attachment #3, together with the following site-specific zoning exceptions to facilitate the development of the subject lands with a 3-storey mixed-use apartment building (future condominium) consisting of a total of 62 dwelling units (including 6 ground floor live/work units facing Keele Street), five (5) 3-storey townhouse units, and the existing heritage dwelling (George Bailey Residence) to be converted to a live/work unit, as shown on Attachments #3 to #6:

	By-law Standard	By-law 1-88 RA2 Apartment Residential Zone Requirements	Proposed Exceptions to RA2 Zone, Exception 9(1194)
a.	Permitted Uses in a RA2 Apartment Residential Zone	Does not permit townhouse or live/work dwelling units	<p>To permit townhouse dwelling units</p> <p>To permit a live/work unit within the existing heritage dwelling and a maximum of 6 ground floor live-work units in Building “A” with a maximum of 35% of the gross floor area of each unit devoted to the following ancillary commercial uses:</p> <ul style="list-style-type: none"> i) Business or Professional; Office; ii) Retail Store; iii) Personal Service Shop; iv) Studio; and, v) Service or Repair Shop.
b.	Definition of a “Lot”	Means a parcel of land fronting onto a street separate from any abutting land.	For the purposes of zoning compliance, the subject lands shown on Attachments #1 and #2 shall be deemed to be one lot.
c.	Definition of a “Live/Work Unit”	Not defined in Zoning By-law 1-88	A Live/Work Unit shall mean a dwelling unit that contains an ancillary business, which business is conducted only by an individual that lives in the dwelling, and which occupies not more than 35% of the gross floor area of the entire dwelling unit.

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d.	Minimum Front Yard Setback (Keele Street)	7.5 m	0.5 m (existing heritage dwelling) 2.0 m (mixed-use apartment building)
e.	Minimum Rear Yard Setback (East)	7.5 m	7.2 m (townhouse block)
f.	Maximum Building Height	44 m	Restrict the maximum building height to 11 m
g.	Minimum Number of Parking Spaces Required	<p><u>1) Proposed Apartment Building</u></p> <p>Residential Parking - 93 spaces (1.5 spaces / unit X 62 units)</p> <p>Visitor Parking - 16 spaces (0.25 spaces / unit X 62 units)</p> <p>Live-Work Units</p> <p>Commercial Parking -10 spaces (168 m² @ 6 spaces/100 m²)</p> <p>Total Apartment Building Parking Required - 119 spaces</p> <p><u>2) Proposed Townhouse Units</u></p> <p>Residential Parking - 10 spaces (5 units X 2 spaces / unit)</p> <p>Visitor Parking - 2 spaces (5 units X 0.25 spaces/unit)</p> <p>Total Townhouse Parking Required - 12 spaces</p> <p><u>3) Existing Heritage Dwelling</u></p> <p>Residential Parking - 2 spaces (1.5 spaces / unit X 1 unit)</p> <p>Visitor Parking - 1 space (0.25 spaces / unit X 1 unit)</p> <p>Live-Work Unit</p> <p>Commercial Parking - 4 spaces (63 m² @ 6 spaces/100 m²)</p> <p>Total Heritage Dwelling Parking - 7 spaces</p> <p><u>Total Parking Required for Entire Development (1+2+3)</u></p> <p>138 parking spaces (depending on office or commercial uses in the live work units)</p>	<p><u>1) Proposed Apartment Building</u></p> <p>Residential Parking - 64 spaces (1.02 spaces / unit X 62 units)</p> <p>Visitor Parking - 13 spaces (0.20 spaces / unit X 62 units)</p> <p>Live-Work Units</p> <p>Commercial Parking - 10 spaces (168 m² @ 6 spaces/100 m²)</p> <p>Total Apartment Building Parking Proposed – 87 spaces</p> <p><u>2) Proposed Townhouse Units</u></p> <p>Residential Parking - 10 spaces (5 units X 2 spaces / unit)</p> <p>Visitor Parking - 0 spaces</p> <p>Total Townhouse Parking Required - 10 spaces</p> <p><u>3) Existing Heritage Dwelling</u></p> <p>Residential Parking - 2 spaces (1.5 spaces / unit X 1 unit)</p> <p>Visitor Parking - 1 space (0.20 spaces / unit X 1 unit)</p> <p>Live-Work Unit</p> <p>Commercial Parking - 2 spaces (63m² @3 spaces/100 m²)</p> <p>Total Heritage Dwelling Parking - 5 spaces</p> <p><u>Total Parking Proposed for Entire Development (1+2+3)</u></p> <p>102 parking spaces</p>

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Additional zoning exceptions may be identified through the detailed review of the application.

Background - Analysis and Options

Previous Applications

The northerly portion of the subject lands, 9891 Keele Street, is subject to previous development applications (Zoning By-law Amendment File Z.05.022 and Site Development File DA.05.046, Maple Orchard Investments Inc.) to facilitate the development of the 0.72 ha parcel of land for a 3-storey mixed-use apartment building with 23 residential dwelling units and 335 m² of ground floor commercial uses, served with 2 at-grade and 44 underground parking spaces. Vaughan Council approved these applications and enacted Zoning By-law 235-2006 on June 26, 2006, to implement the zoning for the proposal. The Site Plan Agreement was executed on August 31, 2007, however, the development was not constructed.

Location	<ul style="list-style-type: none">▪ The subject lands are located on the east side of Keele Street, municipally known as 9869 and 9891 Keele Street, south of Major Mackenzie Drive, shown as "Subject Lands" on Attachments #1 and #2.
Official Plan Designation	<ul style="list-style-type: none">▪ The subject lands are designated "Maple Commercial Core Area" by in-effect OPA #350 (Maple Community Plan).▪ The "Maple Commercial Core Area" designation permits commercial uses that are appropriately integrated with residential uses and that preserve buildings and streetscapes of historic and architectural merit; and, restricts development to a maximum building height of 3-storeys. The proposed development conforms to the in-effect Official Plan.▪ The new Official Plan, VOP 2010 was adopted by Vaughan Council on September 7, 2010 (as modified on September 27, March 20, 2012, and April 17, 2012) as further modified and endorsed by Region of York Council on June 28, 2012, and is pending approval from the Ontario Municipal Board.▪ The northerly portion of the subject lands (9891 Keele Street) is designated "Low-Rise Mixed-Use" by the new Vaughan Official Plan 2010 (VOP 2010), which permits the Low-Rise residential apartment building with a maximum building height of 3-storeys and a maximum density of 1.25 FSI (Floor Space Index) on the north parcel. The designation also permits the block townhouse and live/work units. The proposed development conforms to the "Low-Rise Mixed-Use" designation in VOP 2010 applicable to the north portion of the subject lands.▪ The southerly portion of the subject lands (9869 Keele Street) is designated "Low-Rise Residential" by the new Vaughan Official Plan 2010, which permits detached, semi-detached and townhouse uses, but does not permit Low Rise Buildings or live/work units. Therefore, the proposed 3-storey apartment building and live/work units do not conform with the "Low-Rise Residential" policies of VOP 2010 applicable to the south portion of the subject lands.▪ The northerly portion of the subject lands (9891 Keele Street) that is designated "Low-Rise Mixed-Use" by Vaughan Official Plan 2010, permits a maximum density of 1.25 FSI. The southerly portion of the subject lands (9869 Keele Street) is designated "Low-Rise Residential" and does not have a density permission. As the development proposal spans over the two properties, it is difficult to calculate the proposed density over just the northerly parcel. However, if the density was calculated over the entire subject lands, the proposal would yield a density of 1.01 FSI.

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Zoning	<ul style="list-style-type: none">▪ The northerly portion (9891 Keele Street) of the subject lands are zoned RA2 Apartment Residential Zone by Zoning By-law 1-88, subject to Exception 9(1194), which permits apartment uses.▪ The southerly portion (9869 Keele Street) of the subject lands are zoned R1 Residential Zone by Zoning By-law 1-88, which permits single detached uses.▪ The proposed 3-storey residential mixed-use apartment, townhouse and live-work uses do not comply with Zoning By-law 1-88 on the respective lots, and therefore, an amendment to the Zoning By-law is required.
Surrounding Land Uses	<ul style="list-style-type: none">▪ Shown on Attachment #2.

Preliminary Review

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

	MATTERS TO BE REVIEWED	COMMENTS
a.	Conformity with City Official Plan	<ul style="list-style-type: none">▪ The application will be reviewed in consideration of the applicable City Official Plan policies.
b.	Appropriateness of Proposed Development	<ul style="list-style-type: none">▪ The appropriateness of the proposed development will be reviewed in consideration of, but not limited to: compatibility and integration with the existing heritage dwelling on the subject lands and the surrounding area including the existing 3-storey mixed-use development to the north; the surrounding low density (R1V, R1, R2 and R3 Zones) residential development; built form; urban design; environmental sustainability; parking; traffic; and, the proposed site-specific zoning exceptions required to implement the proposed development.▪ The appropriate mix and intensity of uses on the site will also be reviewed. Consideration of replacing the townhouses with private/passive open space amenity area for the residents of the condominium development will also be reviewed.▪ The appropriateness of the proposed live/work units and ancillary commercial uses will be reviewed in consideration of, but not limited to, required parking, and compatibility with the proposed residential uses on the subject lands and the land uses in the surrounding area.
c.	City of Vaughan Design Review Panel	<ul style="list-style-type: none">▪ The application will be considered by the City of Vaughan Design Review Panel and staff consideration will be given to their recommendations.

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d.	Archaeological Assessment	<ul style="list-style-type: none"> The archaeological assessment submitted in support of the application must be reviewed and approved by the Vaughan Cultural Services Division.
e.	Maple Heritage Conservation District	<ul style="list-style-type: none"> The proposed development is located within the Maple Heritage Conservation District. The proposed development must conform to the Maple Heritage Conservation Plan respecting the building and site design, built form relationship with the surrounding development and the heritage building on the property, building materials, and landscaping for the subject lands. The subject lands contain the George Bailey Residence (9891 Keele Street), which is identified in the City's Listing of Significant Heritage Structures. The dwelling is proposed to be converted to a live-work unit, however, it will remain unchanged with respect to its location, size, and building elevations, if the application is approved. The proposed development must be reviewed by the Heritage Vaughan Committee and satisfy the requirements of the Vaughan Cultural Services Division, if the application is approved.
f.	Supporting Documents	<ul style="list-style-type: none"> The following documents submitted in support of the application must be reviewed and approved by the Region of York and/or the City of Vaughan Development/Transportation Engineering Department: <ul style="list-style-type: none"> Phase 1 Environmental Site Assessment; and, Functional Servicing Report.
g.	Planning Justification Report	<ul style="list-style-type: none"> The Planning Justification Report prepared by Armstrong Hunter & Associates in support of the application must be approved to the satisfaction of the Vaughan Development Planning Department.
h.	Maple Streetscape & Urban Design Guidelines	<ul style="list-style-type: none"> The subject lands are located within the Maple Streetscape designated area. The proposed development must comply with the policies and requirements of the Maple Streetscape and Urban Design Guidelines, including the Owner entering into an agreement to contribute towards the maintenance of any streetscape elements, as may be required, if approved.
i.	Proposed Parking	<ul style="list-style-type: none"> The appropriateness of the proposed parking supply and the proposed amendment to the minimum parking standards in Zoning By-law 1-88, will be reviewed. The Owner has submitted an Access and Parking Study prepared by Cole Engineering in support of the proposed parking supply. The study must be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department and the Region of York Transportation and Community Planning Department.

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j.	Servicing	<ul style="list-style-type: none">▪ Servicing allocation must be identified and assigned to the development by Vaughan Council, if approved. Should servicing capacity not be available, the Holding Symbol “(H)” may be applied to the subject lands. Removal of the Holding Symbol “(H)” will be conditional upon servicing capacity being allocated to the subject lands.
k.	Sustainable Development	<ul style="list-style-type: none">▪ Opportunities for sustainable design, including CEPTD (Crime Prevention Through Environmental Design), LEEDS (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, bicycle racks to promote alternative modes of transportation, energy efficient lighting, reduction in pavement and roof-top treatment to address the "heat island" effect, green roofs, etc, will be reviewed and implemented through the site plan approval process, if approved.
l.	Future Site Development Application	<ul style="list-style-type: none">▪ A future Site Development Application will be required, if the subject application is approved, to facilitate the proposed development and will be reviewed to include, but not limited to, appropriate building and site design, barrier free accessibility, pedestrian connectivity, vehicular access, internal traffic circulation, parking, landscaping, private passive open space amenity area, streetscape elements, commercial signage, waste management, and servicing and grading.
m.	Future Draft Plan of Condominium Application	<ul style="list-style-type: none">▪ A future Draft Plan of Condominium Application will be required, if the application is approved, to create a condominium corporation for the proposed development.
n.	Road Widening	<ul style="list-style-type: none">▪ The Region of York must confirm the final planned road right-of-way width for Keele Street. The Owner is proposing driveway access onto Keele Street and 7 lay-by parking spaces along the Keele street frontage, which must be reviewed and approved to the satisfaction of the Region of York.

Relationship to Vaughan Vision 2020/Strategic Plan

The applicability of this application to the Vaughan Vision will be determined when the technical report is considered.

Regional Implications

The application has been circulated to the Region of York for review and comment. Any issues will be addressed when the technical report is considered.

Conclusion

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

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Attachments

1. Context Location Map
2. Location Map
3. Site Plan + Proposed Zoning
4. Landscape Plan
5. Building “A” - Apartment Building Elevation Plan
6. Building “B” - Townhouse Block Elevation Plan

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.)