

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2013

By approving the following:

That Communication C1 from orsiniangela@hotmail.com, dated November 26, 2013, be received.

ZONING BY-LAW AMENDMENT FILE Z.12.042
SITE DEVELOPMENT FILE DA.13.033
EMPIRE PACE (MAPLE) LTD.
WARD 1 - VICINITY OF MAJOR MACKENZIE DRIVE AND KEELE STREET

- 1) That the recommendation contained in the following report of the Commissioner of Planning and the Director of Development Planning, dated November 26, 2013, be approved;
- 2) That the following be approved in accordance with Communication C6, from the Commissioner of Planning, dated November 25, 2013:
 1. THAT Recommendations #1, #2 (in part) and #3 in the report by the Commissioner of Planning and the Director of Development Planning, dated November 26, 2013, Item #38 of Report #52, be deleted and replaced with the following:

- “1. THAT Zoning By-law Amendment File Z.12.042 (Empire Pace (Maple) Ltd.) BE APPROVED, specifically to amend Zoning By-law 1-88 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, together with the site-specific exceptions identified in Table 1 of the staff report as partially amended in Table 1 (for a), f) and i)) of this Communication.”**
- “2. THAT Site Development File DA.13.033 (Empire Pace (Maple) Ltd.) BE APPROVED, to permit the development of the subject lands with a 3-storey mixed-use apartment building consisting of 56 apartment units and 6 ground floor units (total 411.73 m²) that may be used either as live/work units or alternatively as full commercial units or a combination thereof, five (5) 3-storey townhouse units, and the existing heritage dwelling (William Bailey Residence) to be converted to a live/work unit, and served by a total of 97 parking spaces as shown on Attachments #3 to #8, subject to the following conditions:”**
- “3. THAT Vaughan Council pass the following resolution with respect to the allocation of sewage capacity from the York-Durham Servicing Scheme and water supply capacity from the York Water Supply System in accordance with the approved Servicing Capacity Distribution Protocol, dated October 29, 2013:**
- “IT IS HEREBY RESOLVED THAT Site Development File DA.13.033 be allocated sewage capacity from the York-Durham Servicing Scheme and water supply capacity from the York Water Supply System for a total of 67 residential units.””**

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2. **THAT the revised site plan and landscape plan attached to this Communication, replace the original Attachments #3 and #6 of the November 26, 2013 report by the Commissioner of Planning and the Director of Development Planning, Item #38 of Report #52.**
- 3) **That the deputation of Mr. Stephen Armstrong, Armstrong Planning, Duncan Mill, Toronto, be received; and**
- 4) **That the coloured elevation drawings submitted by the applicant be received.**

Recommendation

The Commissioner of Planning and the Director of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.12.042 (Empire Pace (Maple) Ltd.) BE APPROVED, specifically to amend Zoning By-law 1-88 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, together with the site-specific zoning exceptions identified in Table 1 of this report.
2. THAT Site Development File DA.13.033 (Empire Pace (Maple) Ltd.) BE APPROVED, to permit the development of the subject lands with a 3-storey mixed-use apartment building consisting of 56 units (50 apartment units and 6 ground floor live/work units facing Keele Street), five (5) 3-storey townhouse units, and the existing heritage dwelling (William Bailey Residence) to be converted to a live/work unit, served by 97 parking spaces as shown on Attachments #3 to #8, subject to the following conditions:
 - a) that the Vaughan Legal Services Department be authorized to prepare a Limiting Distance Agreement to be registered on the title of the subject lands and the abutting City-owned lands (St. Andrew's Presbyterian Cemetery), which has the effect of prohibiting development on the northerly 3 m of the City-owned lands, to the satisfaction of the City of Vaughan, and that the Owner shall be responsible for all costs associated with the preparation and registration of the Limiting Distance Agreement. The City Clerk is hereby authorized to execute the Limiting Distance Agreement in a form satisfactory to the Chief Building Official and the City Solicitor. The Owner shall pay all costs related to the Limiting Distance Agreement including any value for the limited interest in land to the satisfaction of the City;
 - b) that prior to the execution of the Site Plan Letter of Undertaking:
 - i) the final site plan, building elevations, building materials package including the brick and colour samples and signage details, shall be approved by the Vaughan Development Planning Department and the Vaughan Cultural Services Division;
 - ii) a conservation plan for the existing William Bailey Residence Heritage dwelling shall be submitted to the satisfaction of the Vaughan Cultural Services Division;
 - iii) the final landscape plans and landscape cost estimate shall be approved by the Vaughan Development Planning Department;
 - iv) the final arborist report and tree preservation plan shall be approved by the Vaughan Development Planning and Vaughan Parks and Forestry Operations Departments;

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- v) the final site servicing and grading plans, stormwater management report, functional servicing report and noise study shall be approved by the Vaughan Development/ Transportation Engineering Department;
 - vi) the Owner shall satisfy all requirements of PowerStream Inc.;
 - vii) the Owner shall satisfy all requirements of Canada Post and Bell Canada; and,
 - viii) the Owner shall satisfy all requirements of the Region of York Transportation and Community Planning Department;
- c) that the Site Plan Letter of Undertaking shall include the following conditions:
- i) the Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 1 ha per 300 units or 5% of the value of the subject lands, prior to the issuance of a Building Permit for the residential component, whichever is higher, and 2 % for the commercial component, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's Cash-in-lieu Policy. The Owner shall submit an appraisal of the subject lands, prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment;
 - ii) the Owner shall provide a separate Letter of Credit to secure the replacement value of the existing trees on the north property line of the St. Andrew's Presbyterian Cemetery should they be damaged or fail to survive during construction and for a 3 year maintenance period thereafter in an amount to the satisfaction of the Vaughan Parks and Forestry Operations Department;
 - iii) the Owner shall agree to work with the City of Vaughan, in coordination with the Region of York to prepare a Transportation Demand Management (TDM) program, including implementation of TDM measures, on-going management and operation, and monitoring and review of the TDM program, to the satisfaction of the Region;
 - iv) the Owner shall pay to the City of Vaughan a one-time payment of \$18,928.00 for the maintenance of the enhanced landscape features within the Keele Street right-of-way to the satisfaction of the Vaughan Development Planning Department;
 - v) the Owner shall pay to the City of Vaughan by way of Letter of Credit, calculated at an amount of \$100.00 per square foot, for the Conservation of the William Bailey House. Upon the completion of the works indicated in the approved Conservation Plan for the William Bailey House, to the satisfaction of the Vaughan Cultural Services Division, the Letter of Credit shall be returned to the Owner;
 - vi) the Owner shall ensure that during site excavation, a licensed archaeologist be present on site. In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The proponent shall contact the York Regional Police Department, the Regional Coroner, the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services, and the City of Vaughan; and,

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- vii) the recommended noise warning clauses in the final noise report to be included in all offers of purchase and sale or lease to Owners/Tenants of the units within the buildings on the subject lands.
- 3. THAT Vaughan Council pass the following resolution with respect to the allocation of sewage capacity from the York-Durham Servicing Scheme and water supply capacity from the York Water Supply System in accordance with the approved Servicing Capacity Distribution Protocol, dated October 29, 2013:

“IT IS HEREBY RESOLVED THAT Site Plan Development File DA.13.033 be allocated sewage capacity from the York-Durham Servicing Scheme and water supply capacity from the York Water Supply System for a total of 61 residential units.”

Contribution to Sustainability

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

Goal 2: To ensure sustainable development and redevelopment.

- Objective 2.3: To create a City with sustainable built form.

Goal 3: To ensure that getting around in Vaughan is easy and has a low environmental impact.

- Objective 3.1: To develop and sustain a network of sidewalks, paths and trails that supports all modes of non-vehicular transportation.

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

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

In accordance with the goals and objectives identified above, the Owner has advised that the following, but not limited to, sustainable site and building features will be included in the proposed development:

a) Site and Landscape Features:

- i) erosion and sediment control measures implemented during construction will ensure that the majority of top soil is retained on-site;
- ii) drought resistant landscaping;
- iii) bicycle racks and bike storage to provide an alternative transportation option; and,
- iv) underground parking to help minimize the urban heat island effect and maximize the grade level landscaped open space;

b) Electrical and Mechanical Features:

- i) light pollution will be reduced by using down directed light exterior fixtures;
- ii) compact fluorescent lighting in common element areas to reduce electricity demand;
- iii) low flow toilets and plumbing fixtures within the suites to conserve potable water supply; and,

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- iv) a high efficiency, central heating and cooling system with individual suite control will allow residents to monitor their own living space and minimize energy consumption;
- c) Design and Construction Features:
 - i) daylight views will be provided from all main living areas to improve quality of life and reduce reliance on light fixtures during the day;
 - ii) regionally sourced materials will be used to support the local economy and reduce transportation emissions;
 - iii) a 3-stream waste sorting system to separate recyclables from garbage will allow residents to conveniently separate waste and ensure recyclable materials and compost is being diverted from landfill; and,
 - iv) operable windows and access to outdoor amenity space for each unit.

Economic Impact

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

Communications Plan

On January 11, 2013, a Notice of Public Hearing was circulated to all property Owners within 150m of the subject lands. Five written comments were received from residents on Oakdale Road (to the east) through the notification and after the Public Hearing held on February 5, 2013, which identified the following comments with respect to the proposed development:

- i) the proposal will cause light from the cars entering the property to shine on the adjacent residential properties;
- ii) the proposal will result in increased noise and light pollution from cars entering existing the underground parking garage;
- iii) a fence / screen should be installed between the subject lands and abutting existing residential uses;
- iv) concern respecting an easement being provided between 44 and 50 Oakdale Road connecting Keele Street to Oakdale Road;
 - v) the mature trees should not be removed from the site; and,
 - vi) additional landscaping should be included along the east property line to screen the proposed development from the existing residential dwellings.

The concerns noted above are discussed later in this report in the “Response to Resident’s Concerns” section.

The recommendation of the Committee of the Whole to receive the Public Hearing report of February 5, 2013, and to forward a comprehensive technical report to a future Committee of the Whole meeting, was ratified by Vaughan Council on February 19, 2013.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #1 and #2:

1. Zoning By-law Amendment File Z.12.042 (Empire Pace (Maple) Ltd.), specifically to amend Zoning By-law 1-88, 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, together with the site-specific zoning exceptions identified in Table 1 of this report.

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2. Site Development File DA.13.033 (Empire Pace (Maple) Ltd.) to facilitate the development of the subject lands with a 3-storey mixed use apartment building consisting of 56 units (50 apartment units and 6 ground floor live / work units), five (5) 3-storey townhouse units, and to maintain the existing heritage dwelling (William Bailey Residence) to be converted to a live/work unit, served by 97 parking spaces, as shown on Attachments #3 to #8 inclusive.

Background - Analysis and Options

Location

The subject lands are located on the east side of Keele Street, south of Major Mackenzie Drive, municipally known as 9869 and 9891 Keele Street, as shown on Attachments #1 and #2.

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 lands with a 3-storey mixed-use apartment building with 23 residential units and 335 m² of ground floor commercial uses. Vaughan Council approved these applications and enacted Zoning By-law 235-2006 on June 26, 2006, to implement the development. A Site Plan Agreement was executed on August 31, 2007, however, the development was not constructed.

Official Plan – Land Use Designation/Uses/Density

i) In-effect Official Plan

The subject lands are designated “Maple Commercial Core Area” by in-effect OPA #350 (Maple Community Plan), as amended by OPA #533. This 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. A maximum residential density or floor space index (FSI) is not identified in this designation. The proposed development conforms to the in-effect Official Plan.

ii) City of Vaughan Official Plan 2010

The new Vaughan Official Plan 2010, was adopted by Vaughan Council on September 7, 2010 (as modified on September 27, 2010, March 20, 2012, and April 17, 2012) as further modified and endorsed by Region of York Council on June 28, 2012, and approved, in part, by the Ontario Municipal Board on July 23, 2013.

The subject lands have a split land use designation under VOP 2010. The northerly portion of the subject lands (9891 Keele Street) is designated “Low-Rise Mixed-Use” by VOP 2010, which permits residential units and retail uses in a Low-Rise Building with a maximum building height of 3-storeys and a maximum density of 1.25 FSI (Floor Space Index). The proposed 3-storey building and 5 townhouses with a combined FSI of 1.01 (calculated over the entire subject lands) 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 VOP 2010, which permits detached, semi-detached and townhouse units, 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 to the “Low-Rise Residential” policies of VOP 2010 applicable to the south portion of the subject lands. However, it is noted that the applicant is proposing to amend the in-effect Official Plan.

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Zoning

The northerly portion (9891 Keele Street) of the subject lands is zoned RA2 Apartment Residential Zone by Zoning By-law 1-88, subject to Exception 9(1194), which permits a maximum of 23 apartment units and 335 m² of ground floor commercial uses on the property. The southerly portion (9869 Keele Street) of the subject lands is zoned R1 Residential Zone by Zoning By-law 1-88, which permits only detached dwelling units.

The proposed 3-storey residential mixed-use apartment, townhouse and live-work units do not comply with the site-specific RA2 provisions, and the proposed apartment building and townhouse dwellings are not permitted in an R1 Zone by Zoning By-law 1-88, and therefore, an amendment to the Zoning By-law is required. In addition, the following site-specific zoning exceptions are required to facilitate the proposed development, as shown on Attachments #3 to #8:

Table 1:

	By-law Standard	Zoning By-law 1-88, RA2 Apartment Residential Zone Requirements	Proposed Exceptions to the RA2 Apartment Residential Zone
a.	Permitted Uses in an RA2 Apartment Residential Zone	Residential Apartment Dwellings are permitted, but does not permit townhouse or live/work dwelling units.	<p>In addition to Residential Apartment Dwellings, permit the following uses:</p> <ul style="list-style-type: none"> - 5 block townhouse dwelling units (Building “B” on Attachment #3); - a live/work unit in the existing heritage dwelling (William Bailey Residence), as shown on Attachment #3; and, - a maximum of 6 ground floor live-work units in Building “A” as shown on Attachment #3, in addition to the 30 apartment units. <p>A live/work unit shall mean a dwelling that contains an ancillary business, which is conducted only by an individual that lives in the dwelling, and which occupies not more than 50% of the gross floor area of the entire live/work dwelling unit, and the ground floor shall be limited to the following 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.

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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.	Minimum Front Yard Setback (Keele Street)	7.5 m	<ul style="list-style-type: none"> - 0.4 m (existing heritage dwelling) - 2.0 m (Building "B" mixed-use apartment building)
d.	Minimum Rear Yard Setback (East)	7.5 m	<ul style="list-style-type: none"> - 6.3 m (townhouse block) - 0.6 m to the exterior stair (rear)
e.	Minimum Interior Side Yard Setback	7.5 M (south) 4.5 m (north)	<ul style="list-style-type: none"> - 2.6 m (Building "A" - South) - 3.8 m (Existing Heritage Building - North)
f.	Maximum Building Height	44 m	Restrict the maximum building height to 11.2 m (Building "A")
g.	Minimum Setback to Below Grade Structure (Keele St)	1.8 m	0.7 m
h.	Permitted Yard Encroachments	0.3 m	1.7 m (Building "B" - rear deck encroachments)
i.	Minimum Number of Parking Spaces	1) <u>Building "A"</u> <ul style="list-style-type: none"> • Residential Parking - 84 spaces (56 units @ 1.5 spaces/unit) + <ul style="list-style-type: none"> • Visitor Parking - 14 spaces (56 units @ 0.25 spaces/unit) + <ul style="list-style-type: none"> • Live-Work Units Commercial Parking - 25 spaces (411 m² @ 6 spaces/100 m²) Total Parking Required for Building "A" - 123 spaces	1) <u>Building "A"</u> <ul style="list-style-type: none"> • Residential Parking - 60 spaces (56 units @ 1.07 spaces) + <ul style="list-style-type: none"> • Visitor Parking - 11 spaces (56 units @ 0.19 spaces/unit) + <ul style="list-style-type: none"> • Live-Work Units Commercial Parking - 12 spaces (411 m² @ 2.9 spaces/100 m²) Total Proposed Parking for Building "A" - 83 space

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		<p><u>2) Townhouse Units (Building “B”)</u></p> <ul style="list-style-type: none"> Residential Parking - 8 spaces (5 units @ 1.5 spaces / unit) + Visitor Parking - 2 spaces (5 units @ 0.25 spaces/unit) <p>Total Townhouse Parking Required - 10 spaces</p> <p><u>3) Existing Heritage Dwelling</u></p> <ul style="list-style-type: none"> Residential Parking - 2 spaces (1 unit @ 1.5 spaces/unit) + Visitor Parking - 1 space (1 unit @ 0.25 spaces / unit) + Live-Work Unit Commercial Parking - 6 spaces (90 m² @ 6 spaces/100 m²) <p>Total Required Parking for the Heritage Dwelling - 9 spaces</p> <p><u>Total Parking Required for Entire Development</u></p> <p>142 parking spaces</p>	<p><u>2) Townhouse Units (Building “B”)</u></p> <ul style="list-style-type: none"> Residential Parking - 10 spaces (5 units @ 2 spaces / unit) + Visitor Parking - 0 spaces <p>Total Townhouse Parking Required - 10 spaces</p> <p><u>3) Existing Heritage Dwelling</u></p> <ul style="list-style-type: none"> Residential Parking - 1 space + Visitor Parking - 0 spaces + Live-Work Unit Commercial Parking - 3 spaces (90m² @ 3 spaces/100 m²) <p>Total Proposed Parking for the Heritage Dwelling - 4 spaces</p> <p><u>Total Parking Proposed for Entire Development</u></p> <p>97 parking spaces*</p> <p>*6 lay-by parking spaces are proposed on Keele Street (not included in above calculation for zoning purposes)</p>
j.	Parking Stall Size (Depth)	6 m depth	5.7 m depth (for 13 visitor parking spaces located along the south wall of the underground parking garage, as shown on Attachment #5)
k.	Landscaping Around Parking and Access Areas	3 m (landscape strip along periphery of parking area)	0 m (above ground)
l.	Minimum Landscaping Strip Width (abutting Keele Street)	6 m	<ul style="list-style-type: none"> - 2 m (Building “A”) - 0.4 m (Existing Heritage Building)

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The Development Planning Department has reviewed the above-noted site-specific zoning exceptions and provides the following comments:

a) Permitted Uses

The proposal to permit block townhouse dwelling units on the subject lands, convert the existing heritage dwelling to a live/work unit, and permit a maximum of 6 ground floor live-work units within Building “A” with site-specific permitted commercial uses in the RA3 Apartment Residential Zone, where apartment dwelling uses are also permitted, can be supported by the Development Planning Department, provided that:

- i) the “Service or Repair Shop” definition be limited to the servicing or repairing of small household appliances and home computers, which would be compatible with the proposed residential uses; and,
- ii) the “Office of a Regulated Health Professional and Veterinarian” will be excluded as permitted uses from the definition of “Business or Professional Office”, as these uses have the potential of generating a significant parking demand that will not be able to be accommodated on the subject lands.

The proposed uses also conform to in-effect OPA #350 (Maple Community Plan), as amended by OPA #533.

b) Definition of a “Lot”

The subject lands are comprised of two parcels of land owned by the same Owner. The proposed exception to the definition of a “lot” is required to ensure that for zoning purposes, the subject lands are deemed to be one lot. Given the nature of the proposed mixed-use residential and commercial development, which includes a development proposal with shared parking and amenity areas, this exception is considered appropriate.

c) Definition of a “Live/Work Unit”

Given the proposal is located in the “Maple Commercial Core Area” and on Keele Street, live/work units are considered appropriate and create opportunities for local businesses where an Owner is afforded the opportunity to work and live in the same location and therefore, have less reliance on motor vehicles and introduces a mix of unit types into the project and the area.

d) Building Setbacks

The proposed building setback from Keele Street for Building “A” facilitates the creation of a built environment that encourages a better physical relationship between the pedestrian and built form within the heritage district and consistent with other similar mixed-use developments located in, and in the vicinity of the Maple Commercial Core Area. In addition, the building setback identified for the heritage building is required to recognize the existing as-built location of the dwelling.

e) Building Height

The RA2 Zone of Zoning By-law 1-88 permits a maximum building height of 44 m, which is inappropriate for this location. The proposed maximum building height of 11.2 m is required as the subject lands are located within the Maple Heritage Conservation District Plan and abut lots that are developed with existing two-storey residential dwellings to the east. In addition, the in-effect Official Plan (Maple Community Plan) being OPA #350, as amended by OPA #533, only permits a maximum building height of 3-storeys on the property.

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f) Minimum Setback to Below Grade Structures

The minimum required front yard setback (along Keele Street) to the below grade underground garage structure is 1.8 m, whereas a 0.7m setback is proposed. The proposed underground garage accommodates all of the parking with the exception of 3 at-grade parking spaces. A 0.7 m setback is typical of many intensification projects and is also a result of the 4.9 m road widening required by the Region of York, across the full frontage of the property.

g) Yard Encroachments

An exception to permit yard encroachments for decks in the rear yard is required for the proposed townhouse block. Block townhouse units are typically zoned RM2 (Multiple Family Dwelling) Zone, which would permit a 1.7 m encroachment into the rear yard. However, the Owner is proposing to zone the subject lands RA2 Zone, which only permits a 0.3 m encroachment into the rear yard for a deck.

h) Minimum Number of Required Parking Spaces

The Owner has submitted a Parking Study, dated July 9, 2013, prepared by Cole Engineering in support of a parking supply for the proposed development. Zoning By-law 1-88 requires that a minimum of 142 parking spaces be provided for the proposed development, including 123 parking spaces for Building "A", 10 parking spaces for Townhouse Building "B" and 9 parking spaces for the converted heritage dwelling. The Owner is proposing a total of 97 spaces (94 underground spaces and three (3) surface spaces), of which 10 spaces will be utilized for the block townhouse units, 61 spaces for the apartment and heritage building, and 27 spaces for visitors and the commercial uses. One surface parking space located behind the heritage house will be allocated to the heritage building. The two remaining surface spaces include 1 barrier free space and a visitor parking space.

The Parking Study submitted in support of the applications indicates that based on the City's Parking Standards review, prepared by the IBI Group, 89 spaces would be required including 61 spaces for tenants, 11 spaces for visitors and 17 spaces for the commercial uses. As such, the proposed development includes 97 parking spaces, which would meet the required parking demands for the entire development. The Vaughan Development/Transportation Engineering Department has reviewed the Parking Study and concurs with the findings and supports the proposed parking supply reduction.

In addition, 6 lay-by parking spaces are also proposed along Keele Street. However, these spaces, cannot be included as part of the minimum by-law requirement. The lay-by spaces are located within the regional road right-of-way, and therefore, must be approved by the Region of York. The York Region Transportation and Community Planning Department encourages lay-by parking within the Heritage District.

i) Parking Stall Depth

The parking stall depth along the south wall of the underground parking garage are proposed to be reduced from 6 m in depth to 5.7 m, and the aisle width reduced from 6.6 m to 6.0 m (minimum required for 2-way movement), as shown on Attachment #5, in order to increase the interior side yard setback to the underground garage from 0.9 m to 1.8 m. The increased underground garage setback will assist in the protection of the existing trees on the cemetery lands to the immediate south and increase the buffer to the cemetery lands. The 5.7 m parking space depth is consistent with the minimum parking space size findings of the City's parking standards review, undertaken by the IBI Survey. The final site plan must reflect the reduced parking stall depth.

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j) Landscape Widths

Zoning By-law 1-88 requires that a minimum 3 m wide landscape strip be provided around the periphery of a parking area in an RA2 Zone. Only 3 at-grade parking spaces are provided, two of which are located at the back of the property between the ramp to the underground parking and the proposed building. The other space is located between the heritage dwelling and Building "B". Given the limited number of at grade parking spaces and their locations, the Development Planning Department is satisfied that a 3 m landscape strip is not required.

The proposed reduction to the required landscape strip widths from 6m to 2m (Building "A") along Keele Street facilitates a compact street-related built form, and the vision for the Maple Commercial Core Area. The 0.4 m landscape strip to the existing heritage dwelling recognizes the existing situation. Accordingly, the Development Planning Department has no objections to the reduction of the landscape strip widths.

Site Plan Review

The Vaughan Development Planning Department is generally satisfied with the proposed site plan, landscaping plan and building elevations, as shown on Attachments #3 to #8 inclusive, subject to the comments in this report. The tree assessment and preservation plan prepared by a qualified professional must demonstrate how the existing trees located along the north limit of the St. Andrew's Presbyterian Cemetery (City lands to the south) will be protected during construction and maintained in the future, which must be approved by the City.

In order to ensure that the existing trees are protected, the Owner will also be required to provide an additional Letter of Credit, in an amount satisfactory to the Vaughan Parks and Forestry Operations Department, to ensure the replacement of the trees in the event they are damaged during construction.

a) Landscape Plan

The landscape plan shown on Attachment #6 consists of a mix of coniferous and deciduous trees, ground plantings, and hard landscaping. In accordance with the Maple Streetscape and Urban Design Guidelines (MSUDG), the Keele Street frontage has been detailed with trees, shrubs, paving and lay-by parking and includes typical Maple Streetscape planters, light standards, benches, trash receptacles, and bicycle racks along Keele Street. The Site Plan Letter of Undertaking will include a clause requiring the Owner to provide a one-time payment to the City of Vaughan for the maintenance of the enhanced landscaping on the Keele Street right-of-way. The maintenance fee amount will be determined through the approval of the landscape plan and landscape cost estimate to the satisfaction of the Vaughan Development Planning Department. A condition to this effect has been included in the recommendation of this report.

The private driveway will be lined with a textured and coloured concrete with proposed feature paving for the pedestrian crossing from Building "A" to Building "B" (as shown on Attachment #6). The driveway circles a landscaped island in the centre of the site. The rear of Building "A" consists of pavers along with planter boxes and benches within the site outlining the designated pick-up and drop-off area for residents.

A row of trees exists on the north limit of the cemetery lands abutting the subject lands. Building "A" has a setback of 2.6 m, whereas the underground garage is setback 0.9 m from the south property line and the trees. The Owner has agreed to make every effort possible to protect the trees and has provided a tree preservation plan indicating the method of preservation and an arborist report which has been submitted for review and approval by the Development Planning and Parks and Forestry Operations Departments.

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The Owner will be required to post a separate Letter of Credit, to ensure that appropriate funds are available to replace any trees that are damaged or fail to survive during construction and for a 3-year maintenance period thereafter. A condition to this effect is included in the recommendation of this report.

b) Building Elevations

The proposed building elevations are shown on Attachments #7 and #8. Building “A” is oriented along Keele Street and proposed to be three storeys in height with a flat roof. The building utilizes a modern architectural design that compliments the Maple Heritage Conservation District. The building facade materials consists of a beige architectural block for the first floor commercial units with yellow canopies and gooseneck lighting located over the tenant wall signage. The upper residential floors are clad with red brick and incorporate windows with grey coloured framing accents and charcoal metal railings and guardrails.

The proposed 3-storey (9.16 m high) block townhouse units (Building “B”) are located internal to the site and utilize the same architectural block and red brick exterior cladding material used for Building “A”. The parking for these units is located underground, and therefore, all three storeys are utilized for living space. The westerly end unit of the townhouse block incorporates a wrap-around porch to provide a sympathetic transition design element between the heritage structure and the townhouses. The main entry doors to the townhouse units are grouped in pairs and include covered porches and balconies at the upper level.

The elevations must be revised to address the comments of the Heritage Vaughan Committee as discussed in this report. The Cultural Services Division and the Development Planning Department will continue to work with the Owner to finalize the building elevations. A condition of approval in this respect is included in the recommendation of the report.

Response to Resident’s Concern

As noted earlier, the Development Planning Department received 5 written letters identifying specific concerns related to the proposed development, which are identified below together with a response to each concern.

Concern 1

- i) *The proposal will cause light from the cars entering the property to shine on adjacent residential properties; and,*
- ii) *the proposal will result in increased noise and light pollution from cars entering the underground parking and from the proposed residential building.*

Response

With the exception of 3 above ground parking spaces, the balance of the parking (94 spaces) will be located in an underground parking garage. One surface parking space will be located at the rear of the existing heritage dwelling closer to Keele Street and the other two (including 1 barrier free space) is located at the rear of the site with landscaping and 1.8 m high fencing screening it from view. It is anticipated that the commercial patrons will either live in the building, walk and/or use the proposed lay-by parking spaces on Keele Street.

The entrance to the underground parking is located towards the rear of the site, as shown on Attachment #3. The design of the entrance to the underground ramp includes a raised underground parking parapet wall and landscaping is proposed in addition to a new wood fence (1.8 m high) along the north, east and south property lines to screen car headlights. The raised

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parapet wall also extends partially in front of the easterly townhouse unit to screen car headlights from this unit when vehicles enter and exit the underground garage. A noise study has been submitted by the Owner, and the final report must be approved by the Vaughan Development / Transportation Engineering Department to ensure the development meets City and Ministry of the Environment guidelines. Warning clauses will be included in the site plan letter of undertaking to be included in all offers of purchase and sale or lease for Owners and Tenants of the units within the buildings in the development.

Concern 2

- iii) *Fencing or screening should be added between the subject lands and the existing residential uses to the east.*

Response

The existing wood fence located at the rear of this site abutting the existing residential will be replaced with a new 1.8 m high fence, and extended along the north and south property lines.

Concern 3

- iv) *Easement being created between 44 and 50 Oakdale Road connecting Keele Street to Oakdale Road;*

Response

No easement is proposed between 44 and 50 Oakdale Road that would connect Keele Street to Oakdale Road.

Concern 4

- v) *The mature trees should not be removed from the site; and,*
- vi) *Additional landscaping should be included along the east property line to screen the proposed development from the existing residential dwellings.*

Response

The existing trees located to the west and north of the heritage dwelling will remain. In addition, the trees on the north portion of the cemetery lands will be maintained. The Owner has provided a arborist report and a tree preservation plan that indicates how they will be preserved during construction. The Development Planning and Parks and Forestry Operations Departments must review and approve the final report.

Additional trees, shrubs, flowers and grasses will be planted on the subject lands as shown on Attachment #6. The east side of the property abutting the existing residential development will contain a variety of coniferous and deciduous trees that will be higher than the fence to provide an additional visual screen to the site.

Heritage Vaughan

The subject lands (9869 and 9891 Keele Street) are designated under Part V of the Ontario Heritage Act as they are located within the Maple Heritage Conservation District. The property at 9869 Keele is vacant and 9891 Keele Street contains the William Bailey House, a property also listed on the City of Vaughan's Register of Property of Cultural Heritage Value.

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The subject development applications were considered and approved by the Heritage Vaughan Committee on May 22, 2013. The following are required prior to the issuance of a Heritage Permit:

- a) a Letter of Credit for the William Bailey House calculated at \$100 per square foot;
- b) a Conservation Plan for the William Bailey House;
- c) review and approval of proposed building materials;
- d) confirmation that a licensed archaeologist will be on site during excavation and should any remains be found on-site, all construction must cease;
- e) confirmation in writing that no excavation will extend to the neighbouring cemetery land in order to accommodate the excavation of the underground property; and,
- f) a final set of drawings that clearly display door type F (p. 84 of Maple HCD Guidelines) on the third floor of the front elevation of townhouse units (Building "B"). A door sample is required for the approval of the Vaughan Cultural Services Division.

The Owner must satisfy all requirements of the Vaughan Cultural Services Division. A condition to this effect has been included in the recommendation of this report. The review to ensure that the above items are incorporated into the site design has been delegated to Cultural Services staff that are actively working with the Owner to resolve the above-noted comments.

City of Vaughan Design Review Panel

On March 28, 2013, the subject proposal was considered by the Vaughan Design Review Panel (DRP). The DRP was generally satisfied with the proposed development subject to specific comments and suggestions regarding upgrading the elevation on the townhouse end unit abutting the existing heritage dwelling, maintaining existing landscaping, screening loading areas, maximizing exposure to the residential units fronting onto the cemetery lands, and screening of the rooftop mechanical units.

The Owner has revised the proposal to address the comments of the DRP by upgrading the townhouse elevations with additional windows and incorporating a wrap-around porch on the end unit of the townhouse block adjacent to the heritage dwelling. The existing landscaping abutting the cemetery and the heritage dwelling will be maintained and protected during construction. The loading area will be screened and will not be visible from Keele Street. In addition, units fronting onto the cemetery will have larger than permitted window openings, subject to the Limiting Distance Agreement requirements described below.

Limiting Distance Agreement

The Owner is proposing to construct Building "A" with a greater percentage of glazing (i.e. windows) on the south elevation facing the cemetery lands, than permitted by the Ontario Building Code. In order to permit this building design, the Owner must enter in a "Limiting Distance Agreement" with the City of Vaughan (Owner of the cemetery lands), which will have the effect of prohibiting any development (i.e. buildings or structures) within a 3 m wide area across the north limit of the cemetery lands, as shown on Attachment #4. This Agreement must be registered on the title of both the City and Owner's lands.

The Development Planning Department has circulated the request to enter into the Agreement to the Building Standards, Recreation and Culture, and Legal Services Departments, and have not received any objections to the proposal.

A condition of approval is included to obtain Vaughan Council's direction for the Legal Services and Building Standards Department to prepare and execute a Limiting Distance Agreement. The Owner shall pay all costs related to the preparation, execution and implementation of the Limiting Distance Agreement including any value for the limited interest in land to the satisfaction of the City. A condition in this respect is included in the recommendation of this report.

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Vaughan Public Works Department

The Vaughan Public Works Department has reviewed the development proposal in consideration of the City's Waste Collection Design Standards. The development proposal was approved to the satisfaction of the Public Works Department on August 16, 2013, subject to the waste collection room size being increased from 2.0 m to 2.5 m. The Owner must satisfy all requirements of the Public Works Department.

Vaughan Development / Transportation Engineering Department

The Development/Transportation Engineering Department has reviewed the development applications and provide the following comments:

a) Servicing Capacity

The current proposal is for 5 townhouse units (17 persons equivalent) and 56 units (50 apartment units and 6 live / work) (112 persons equivalent) for a total of 129 persons equivalent of servicing. The existing heritage dwelling is already serviced.

In accordance with the City's Servicing Capacity Distribution Protocol as adopted by Vaughan Council on October 29, 2013, formal allocation of servicing capacity will be required by Vaughan Council in conjunction with Site Plan Approval. A condition to this effect is included in the recommendation of this report.

b) Development Engineering

The final site servicing, grading, stormwater management report, acoustical study, preliminary geotechnical investigation, and erosion and sediment control plan must be to the satisfaction of the Vaughan Development/Transportation Engineering Department. A condition respecting this matter has been included in the recommendation of this report.

c) Site Plan

The proposed driveway must be constructed with heavy duty asphalt paving from the back edge of the municipal curb to the property line. This area should be highlighted on the final approved site plan.

d) Parking Study

The Parking Study prepared by Cole Engineering supports the subject development with a reduced parking supply of 97 spaces whereas the Zoning By-law requires 142 spaces. The site plan depicts seven additional lay-by parking spaces along Keele Street; however, these spaces are not included in the parking calculation for the subject development.

The submitted Parking Study concludes that the proposed parking supply would be sufficient for the development's specific requirements since the proposed rates are justified based on the following studies:

- Consult review of the City of Toronto's residential parking requirements;
- Detailed parking survey at the constructed and occupied 50/60 Disera Drive and 7/15 North Park Road; and,
- Detailed parking study survey at the constructed commercial development at Keele Street and Killian Road, and at 7030 Yonge Street.

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The total recommended number of parking spaces is also considered appropriate based on the preliminary findings of City of Vaughan's Draft Parking Standards review completed by the IBI Group. In addition to the City's Draft Parking Standard Review, the consultant also reviewed the Cansult Ltd. 2007 report for the City of Toronto Parking Standards Review recommended rates, which promote growth that is less reliant on the private automobile. Furthermore, the Study reviewed the shared parking space opportunities to take advantage of the different peaking characteristics of the proposed land uses.

The proposed commercial uses are expected to be ancillary to the development or be used extensively by those already living in the proposed development. Commercial parking demands typically peak during the noon hour, when residential visitor parking demands are low.

Since the new City of Vaughan Official Plan 2010 (VOP 2010) promotes non-automobile modal splits to encourage more sustainable travel, the Development/Transportation Engineering Department has no objection to the proposed parking supply recommended in the Study.

e) Access Study

According to the Access Study report submitted with the applications, the proposed development is expected to generate approximately 173 vehicles per hour (vph) two-way trips (75 inbound and 98 outbound trips) during the weekday AM and 68 vph two-way trips (37 inbound and 31 outbound trips) during PM peak hours. The consultant utilized the Institute of Transportation Engineers (ITE) Trip Generation Guide to estimate the number of trips that would be generated by the proposed development (an internationally accepted trip calculation guide).

The Study concluded that the proposed site access at Keele Street is expected to operate below capacity during both peak periods for the future built out condition. The Development/Transportation Engineering Department concurs with the overall Study and methodology and accepts its conclusions and recommendations. However, the subject Study requires review and approval from the Region of York as the development is located on a Regional Road.

f) Active Transportation

All internal pedestrian crossings should be accessible and step-free (e.g. through the use of dropped curbs or raised crossings). The extent of all dropped curbs should be marked on the Site Plan.

g) Cycle Parking

Sufficient long term cycle parking is proposed. However, the parking pattern, aisle width and bicycle footprints should be outlined on the Underground Parking Plan. In addition, as the bicycle storage units are not located in a visible location (i.e., because it is located indoors), signage should also be provided to direct cyclists to the parking facility.

Sufficient short term cycle parking spaces (for visitors) is proposed, however, medium-high security stands are recommended instead of the model shown in the Landscape Details. Ideally, the cycle parking should permit the bicycle frame and both wheels to be locked to the stand/rack. Six inverted 'U' stands (2 spaces/stand) with in-ground mount are recommended. The Owner has advised that the proposal will be amended to include these cycle parking requirements.

h) Transportation Demand Management

This development will be subject to York Region's 2012 Development Charges (DC) By-law, which covers 'soft' Transportation Demand Management (TDM) measures. The City of Vaughan

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and/or York Region may consider implementing 'soft' TDM measures through DC funding, which includes the recommendations in the Site Access and Parking Study (i.e. TDM Coordinator, transit incentive, welcome package and monitoring). The 2012 DC By-law does not cover unbundling residential units and parking spaces, or any 'hard' TDM measures, such as cycle parking.

The City of Vaughan and/or York Region may consider implementing a sustainable mobility program (also known as TDM) for this development. The City's Site Plan Letter of Undertaking will contain a condition regarding the sustainable mobility program, which will require a commitment from the Owner to work with the City of Vaughan, in coordination with York Region to implement and monitor TDM measures. A condition to reflect the above has been included in the recommendation of this report.

Vaughan Real Estate Division

The Vaughan Real Estate Division advises that the Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 1 ha per 300 units or 5% of the value of the subject lands, prior to the issuance of a Building Permit for the residential component, whichever is higher, and 2 % for the commercial component, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's Cash-in-lieu Policy. The Owner shall submit an appraisal of the subject lands, prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment. A condition to this effect is included in the recommendation of this report.

Bell Canada

Bell Canada has no objections to the proposal subject to one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the streetline being provided.

Canada Post

Canada Post has no objections to the proposal subject to the Owner installing and maintaining a centralized mailbox facility to the satisfaction of Canada Post, which is included as a condition in the recommendation of this report. The Owner has indicated that Building "A" will have an indoor centralized mailbox, whereas Building "B" and the heritage dwelling will have a separate mailbox located behind the heritage dwelling.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

i) Lead and Promote Environmental Sustainability

The Owner will be incorporating the sustainable site and building features identified in this report.

The proposed development includes a three stream waste disposal system, which will contribute to increasing the waste diversion targets as part of the Greening Vaughan strategy. The proposed landscape plan includes drought tolerant plant material to promote water efficiency.

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ii) **Plan and Manage Growth & Economic Vitality**

The development facilitates intensification located within a residential/commercial area to support the expansion of alternative modes of transportation (e.g. cycling, walking, etc.).

Servicing for the proposed development has been identified in accordance with the annual servicing/allocation report approved by Vaughan Council.

The proposed development implements the City's current Official Plan and the Growth Management Strategy (in part) as set in Vaughan Official Plan 2010.

iii) **Preserve Our Heritage and Support, Diversity, Arts & Culture**

The Owner is proposing to retain and use the William Bailey Residence in the proposed development. The Vaughan Cultural Services Division and Heritage Vaughan Committee have reviewed the proposal and support the proposed development subject to the comments in this report.

Regional Implications

The Owner will be required to satisfy all requirements of the Region of York Transportation and Community Planning Department, including the execution of a Regional Site Plan Agreement. A condition to this effect is included in the recommendation of this report.

Conclusion

The Zoning By-law Amendment File Z.12.042 and Site Development File DA.13.033 have been reviewed in accordance with OPA #350 (Maple Community Plan) as amended by OPA #533, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The Development Planning Department is satisfied that the proposed 3-storey mixed-use apartment building consisting of a total of 56 units (including 50 apartment units and 6 ground floor live/work units facing Keele Street), five (5) 3-storey block townhouse units, and the maintenance and re-use of the existing heritage dwelling (William Bailey Residence) as a live/work unit, conforms to the in-effect Official Plan and is appropriate and compatible with the existing uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of Zoning By-law Amendment File Z.12.042 and Site Development File DA.13.033, subject to the conditions in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Limiting Distance
5. Underground Parking Plan
6. Landscape Plan
7. Building "A" - Apartment Building Elevation Plan
8. Building "B" - Townhouse Block Elevation Plan

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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.)