

COMMITTEE OF THE WHOLE MAY 3, 2004

**ZONING BY-LAW AMENDMENT FILE Z.02.004
SITE DEVELOPMENT FILE DA.02.002
CANDACE CONSTRUCTION/KARIM DZELETOVIC
REPORT #P.2002.16**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning Amendment File Z.02.004 (Candace Construction/Karim Dzeletovic) BE APPROVED subject to the following conditions:

The implementing by-law:

- a) zone the lands RA3 (Residential Apartment Dwelling Zone) with the necessary exceptions to implement the approved site plan;
 - b) permit a maximum of 21 residential dwelling units;
 - c) permit the following commercial uses on the ground floor to a maximum combined gross floor area of 190m²: bank or financial institution, business or professional office, personal service shop, photography studio, retail store and video store; and
 - d) include a clause permitting a general purpose room, exercise room, library and washrooms in the attic/roof level, and prohibiting any dwelling units in this area.
2. Prior to the enactment of the implementing by-law, a parking study shall be prepared to the satisfaction of the Engineering Department. The implementing by-law shall include a minimum parking standard based on this study.
 3. THAT Site Development File DA.02.002 (Candace Construction/Karim Dzeletovic) BE APPROVED subject to the following conditions:
 - a) the final site plan and building elevations/colour scheme shall be approved by the Community Planning and Urban Design Departments;
 - b) final landscape plan(s) and landscape cost estimate shall be to the satisfaction of the Urban Design Department;
 - c) the final site servicing, grading and stormwater management plan(s) shall be to the satisfaction of the Engineering Department;
 - d) the comments of the Maple Streetscape Advisory Committee and Heritage Vaughan shall be addressed to the satisfaction of the Urban Design Department;
 - e) the Owner shall satisfy all requirements of the Fire Department and Vaughan Hydro; and
 - f) the Owner shall satisfy all requirements of the Region of York.
 4. The Owner shall pay cash-in-lieu of parkland prior to the issuance of a building permit, at 5% of the value of the lands for the residential portion and 2% for the commercial portion, in accordance with the Planning Act and to the satisfaction of the City of Vaughan.
 5. That the following resolution be passed allocating sewage and water servicing capacity:

NOW THEREFORE BE AND IT IS HEREBY RESOLVED THAT the proposed Site Development Application DA.02.002 is allocated sewage capacity from the Maple Service Area of the York/Durham Servicing Scheme and water supply capacity from Pressure District No.7 of the York Water Supply System, for a total of 21 residential units following the execution of a site plan agreement to the satisfaction of the City."

Purpose

On January 15, 2002, the Owner submitted an application to amend the Zoning By-law to rezone the subject lands to an appropriate Apartment Residential Zone to permit a 3-storey, mixed use condominium building. The corresponding site development application was filed on the same date. The proposal is for 21 residential units and approximately 186m² of ground floor commercial/office uses, with a common amenity area in the roof, served by 40 underground and 4 on-street parking spaces.

Background - Analysis and Options

The 0.27 hectare site is located on the east side of Keele Street, between Major Mackenzie Drive and Barrhill Road (9901 and 9907 Keele Street) in Lot 20, Concession 3, City of Vaughan. There are two structures on the subject lands, both listed in the City's Inventory of Significant Heritage Structures: 9901 Keele Street is known as the "Nathaniel Shunk House" and is used as a residence, while 9907 Keele Street is used as an office.

The lands are designated "Maple Commercial Core" by OPA 350 (Maple Community Plan), as amended by OPA 533, and zoned R1 Residential Zone by By-law 1-88. The surrounding land uses are:

- North - commercial plaza (C1 Restricted Commercial Zone)
- South - residential (R1 Residential Zone)
- West - Keele Street; residential (RM2 Multiple Residential Zone and R1V Old Village Residential Zone)
- East - residential (R2 Residential Zone)

On January 14, 2002, a notice of public hearing was circulated to all property owners within 120 metres of the subject lands, and to the Maple Village Ratepayer Association and the Maple Ratepayer Association. One letter from residents of 21 Jackson Street, west of Keele Street, expressed concerns with on-street parking, that Keele Street is already too congested and this application would add to this problem, and having a 3-storey building adjacent to the existing backyards.

Site Plan

The site plan proposes a 3-storey residential building with approximately 186m² of ground floor commercial space. The "Nathaniel Shunk House" (9901 Keele Street) will be maintained in its entirety and incorporated into the development proposal. The second dwelling is to be demolished.

The Nathaniel Shunk House and a new 2-storey commercial building will form the main building facade on Keele Street and frame the entrance to the 3-storey residential building, which will be located behind these buildings. The residential building will contain 21 residential units, a party room, and typical ancillary uses.

A driveway from Keele Street, at the north limit of the property, provides access to the 40-car underground parking garage. Four lay-by parking spaces on Keele Street are proposed to primarily serve the commercial/office uses, which will require Region of York approval and are not included in the required parking calculation.

With all parking underground, the rear yard will be completely landscaped and includes seating, barbeque areas and a vegetable garden. Walkways are provided around the perimeter of the building, thereby providing convenient access to all parts of the development. An enclosed garage storage/pick-up room is located at the northwest corner of the building, adjacent to the

ramp leading to the parking garage. A sidewalk will also be provided along Keele Street, which will provide pedestrian access to the property.

Official Plan

a) City of Vaughan - Maple Community Plan (OPA 350 as Amended by OPA 533)

The lands are designated "Maple Commercial Core Area" by OPA 350, which permits the proposed uses. The proposal complies with the Official Plan requirement that 70% of the frontage at grade level be used for street-related retail, office and service uses. The Official Plan also includes design objectives to assess new development applications, which are reviewed as follows.

i) Preservation of Buildings of Historic and Architectural Merit

The Official Plan requires that buildings having architectural/historic merit as identified by Heritage Vaughan, be incorporated into new development, are compatible, and achieve an integrated streetscape. The Nathaniel Shunk House will be retained in its entirety, while the building at 9907 Keele Street will be demolished. On March 19, 2003, Heritage Vaughan reviewed the development applications and adopted the following motion:

“THAT Heritage Vaughan approves the proposed development, subject to:

- 1) The wheelchair ramp being relocated from the heritage home to a location against the north building of the development;
- 2) That the architect be requested to review the feasibility of reducing the massing of the roof on the proposed development; and
- 3) That all final colour schemes be approved by staff and/or Heritage Vaughan as a condition of the final Building Permit.

THAT Heritage Vaughan thanks the applicant for his efforts, and commends the architect's ability to incorporate the heritage home into the proposed development.”

The roof structure has been lowered since Heritage Vaughan's consideration. Staff is satisfied that the proposed building form, massing and elevations are consistent with the Nathaniel Shunk House, and that the final building materials will complement the historical building. The proposal satisfies this requirement of the Official Plan.

ii) Transportation Issues

The Official Plan requires that new development achieve several transportation objectives, such as designing an efficient vehicular circulation system, parking areas located behind new buildings and on-street parking. The proposal includes an underground parking garage, accessed by a single driveway, which is desirable from a land use perspective. Parked cars are removed from the streetscape, thereby creating a better relationship between the proposed buildings, the existing building and the on-street pedestrian environment. Also, the rear yard can be used as an amenity area for the future residents. Staff is satisfied that the transportation objectives of the Official Plan have been met.

iii) Building Design

Achieving appropriate urban design in the Maple Core area is an objective of the Official Plan and the Maple Streetscape and Urban Design Guidelines (MSUDGs). The Official Plan established guidelines for building height, scale and massing, which are assessed in greater detail in this report. These objectives are achievable using the building form and mass being proposed.

iv) Site Plan Control

OPA 350 requires that development in the Maple Core Area be subject to a site plan agreement, which is required in this case. Staff recommends that the implementing zoning by-law not be enacted until the final site plan is approved.

A full set of engineering drawings, including stormwater management, site grading and servicing drawings is required as part of site plan approval, in accordance with OPA 350.

v) Compatibility With Existing Development

Compatibility with existing development must be assessed under the Official Plan and is reviewed in greater detail later in this report. Staff is satisfied that the proposal is compatible with existing development.

vi) Development Criteria Summary

Staff is satisfied that the application meets, or can satisfy the applicable development policies of the Official Plan.

b) Other Applicable Official Plan Policies

Section A, Planning Strategy and Policies, Subsection III, Paragraph 6, speaks to the intensification of the Maple Commercial Core Area, as follows (in part):

“The vitality and function of the existing commercial areas of Maple at the Major Mackenzie Drive and Keele Street crossroads is to be reinforced by encouraging the redevelopment and intensification of property for businesses, residential and commercial purposes.”

This proposed development is considered to meet the intent of this policy.

c) Region of York Official Plan (RYOP)

The Region of York Official Plan (RYOP) includes policies that are supportive of the proposed development, including encouraging a broad range of housing to meet the needs of different kinds of households. A variety of housing stock enables people to remain in their community through various stages of their lives and improves opportunities for people to live and work in the Region. The RYOP also identifies Keele Street as an “Urban Corridor” which has the potential for new residential growth that would make frequent transit service possible. Staff is of the opinion that the RYOP is supportive of the proposed development form.

d) Provincial Policy Statement

The Provincial Policy Statement (PPS) includes policies which encourage residential intensification, densities that make more efficient use of land and public infrastructure and public transit, and provision of a full range of housing types. The proposed development is consistent with these goals and objectives of the PPS.

In the context of the planning policy regime established by the local community plan, the Regional Official Plan and the Provincial Policy Statement, the proposed land use is considered appropriate.

Land Use

The Official Plan permits the proposed commercial and residential uses along on this part of Keele Street. The introduction of mixed-use development into the Maple Core Area is considered appropriate for several reasons, including: increased pedestrian presence and vitality in the area; a population to support commercial enterprises; reduced dependency on the automobile resulting from the close proximity of retail and residential uses; an around-the-clock presence in the core area; and, a greater variety of housing in the community. Future residents will have access to many services, including the commercial uses, and institutional and recreational uses. Furthermore, the site is well located, providing an opportunity to revitalize a portion of the core area.

Building Form and Elevations

The vision for the Maple Core Area, from a physical built-form perspective, is implemented through the Official Plan and the Maple Streetscape and Urban Design Guidelines (MSUDGs). The compatibility between existing and proposed development is important and required by the Official Plan, with the understanding that compatibility can be achieved without being identical.

The 3-storey built-form proposed for the Keele Street frontage complies with the Official Plan and is considered appropriate for a core area. The massing along the street, combined with the added streetscaping, underground parking garage, rear yard amenity area and retention of the heritage structure, are all encouraged by the Official Plan and the MSUDGs.

To address compatibility, the plan includes several design features. The Nathaniel Shunk House will be retained in its entirety, and a complementary 2-storey building is proposed on the Keele Street frontage. These buildings form the main building mass on the street and maintain the existing scale and character of the area. The 3-storey residential building is located behind the 2-storey buildings, using a complementary architectural design. The underground parking garage allows the rear yard to be fully landscaped, thereby creating a buffer between the proposed building and the existing residential uses to the east. A sideyard setback, combined with a landscape area ranging between 3 m - 8.7 m, provides a separation from the property to the south. The ramp to the underground garage creates a separation of approximately 9 m from the commercial plaza property to the north.

The Keele Street elevation features taller windows on the new building for the ground floor commercial uses. The main exterior finishing material will be brick, using a colour scheme that is complementary to the Nathaniel Shunk House. The 2-storey commercial buildings on Keele Street frame the main entrance to the residential building. The commercial buildings also have pedestrian access directly from the Keele Street frontage.

The side and rear elevations have a 3-storey appearance and are also finished in brick. A consistent window style is used throughout the building. The Urban Design Department and Heritage Vaughan will review the final colour scheme to ensure that it is consistent with the heritage objectives of the City and complementary with the Nathaniel Shunk House.

Urban Design Department Staff advise that the front elevation for this proposal has been reviewed and meets the objectives of the Maple Streetscape Design Guidelines. Some minor refinements and corrections to the side elevations are needed. The Maple Streetscape Committee and the Development Applications Subcommittee have also reviewed the application.

Landscaping

The applicant has provided a landscape plan as shown on Attachment #5, which incorporates the requirements of the Maple Streetscape and Urban Design Guidelines including the prescribed interlocking stone, a seating area with benches and soft landscaping. Extensive soft and hard landscaping is proposed at the rear of the property to enhance the proposed development and buffer the development from the existing residential uses to the east. The rear yard included a barbeque and seating area, benches and a vegetable garden area for the use of future tenants. The final landscape plan and cost estimate must be approved by the Urban Design Department.

Rear Laneway

The MSUDGs identify a rear yard laneway system connecting the properties on the east side of Keele Street. The plan, as currently designed, will not facilitate a rear laneway without eliminating much of the rear yard landscaped amenity area. While there is merit in achieving the rear laneway concept, in this particular situation, the overall aesthetic benefits to the development resulting from the underground parking are significant, including the increased amenity area and minimized visible parking. Furthermore, the property to the north is developed with a commercial plaza, which would not lend itself to a rear yard connection situation.

Library, Party and Exercise Rooms

The development includes a library, party and exercise rooms within the roof of the building, which is considered an additional storey by By-law 1-88. These rooms provide desirable amenities for the residents. OPA 350, as amended by OPA 533, restricts the height of new developments in the Maple Commercial Core area to a maximum of three 3-storeys, to control the height, massing and density in new residential and mixed-use projects.

The height and massing of the building would be the same, with or without these amenities. The amenity areas are located in the center of the building, set back from the exterior walls and contained within the typical roof space. These amenity areas do not require a mansard roof or partial fourth floor, which would have the effect of changing the height and/or massing of the building. The only change to the roof structure resulting from the amenity space is the inclusion of dormers to provide natural light into these rooms.

Indoor amenity areas are not typically included in the density calculation and therefore, do not impact on the overall density of the proposal. To ensure that this space is not converted for residential purposes, the implementing zoning by-law can restrict the attic space for the specific amenity purposes.

In view of the above, Staff is of the opinion that the intent of the Official Plan is maintained, subject to the by-law restricting the roof space for amenity area purposes.

Zoning

By-law 1-88 does not contain a mixed-use zone category, which is required to implement the proposal. Consequently, Staff recommends that the site be zoned to RA3 Residential Apartment Zone with site-specific exceptions to permit commercial uses. A condition of approval has been included in this respect.

i) Permitted Commercial Uses

The proposed development includes approximately 186m² of commercial uses. The Official Plan permits ground-related retail uses, office and service commercial uses that serve both the local and broader community markets. In this respect, Staff recommend that the following commercial uses be permitted on the ground floor only of the building, restricted to 353m² gross floor area:

- bank or financial institution
- business or professional office
- personal service shop
- photography studio
- retail store, and,
- video store

Parking

A total of 40 underground and 4 on-street parking spaces are shown. Thirty-two (32) parking spaces are for the residential component of the development, which would be accessed through a controlled door. Seven (7) of these spaces are provided in tandem, resulting in 25 parking spaces that are accessible at all times. Tandem spaces can only be offered to those units requiring more than one parking space.

Residential parking is provided at a rate of approximately 1.5 spaces per unit. Five (5) visitor and three (3) commercial parking spaces are located at the base of the ramp to the underground and would be accessible at all times. Four (4) additional on-street parking spaces are provided primarily for commercial or visitor use, but are not included in the required parking calculation.

The development would require a total of 48 spaces, 37 for residential and 11 for commercial (based on 6 space/100 m² of commercial gross floor area). However, individual uses such as an office use would require 3.5 spaces/100 m², which could reduce the required parking for non-residential uses to 7 spaces. Given that the commercial area is limited it is likely that it will be occupied by one user and the required parking may vary, depending on the commercial/office use. The Engineering Department has requested that a parking study be provided in support of the reduced parking standard, which must be approved as a condition of approval.

Region of York

The Region of York has advised that a landscape plan must be prepared that incorporates the frontage of the subject property and the proposal on the lands to the south for review and approval. The Region has also advised that encroachments will not be permitted onto the Keele Street right-of-way.

Relationship to Vaughan Vision 2007

This staff report is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of the Official Plan.

Conclusion

The proposed development is considered to conform to the intent of OPA 350, and the Region of York Official Plan. The Provincial Policy Statement, specifically as it relates to residential intensification and providing for a broad variety of housing, also supports the concepts inherent in the proposal. With respect to density, the proposal complies with the Official Plan, which permits a 3-storey building. Accordingly, Staff recommends that the zoning amendment application be approved.

The site plan application has been reviewed and is considered to conform to the intent of the applicable policies in the Official Plan and the Maple Streetscape and Urban Design Guidelines. The existing Nathaniel Shunk House, which is listed as a significant historical structure, is being retained in its entirety. Accordingly, Staff supports the proposed site development application, subject to the recommendations set out in this report. Should Committee concur, the "Recommendation" section of this report can be adopted.

Attachments

1. Location Map
2. Site Plan
3. Elevations (West & South)
4. Elevations (East & North)
5. Landscape Plan
6. Basement Plan

Report prepared by:

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Respectfully submitted,

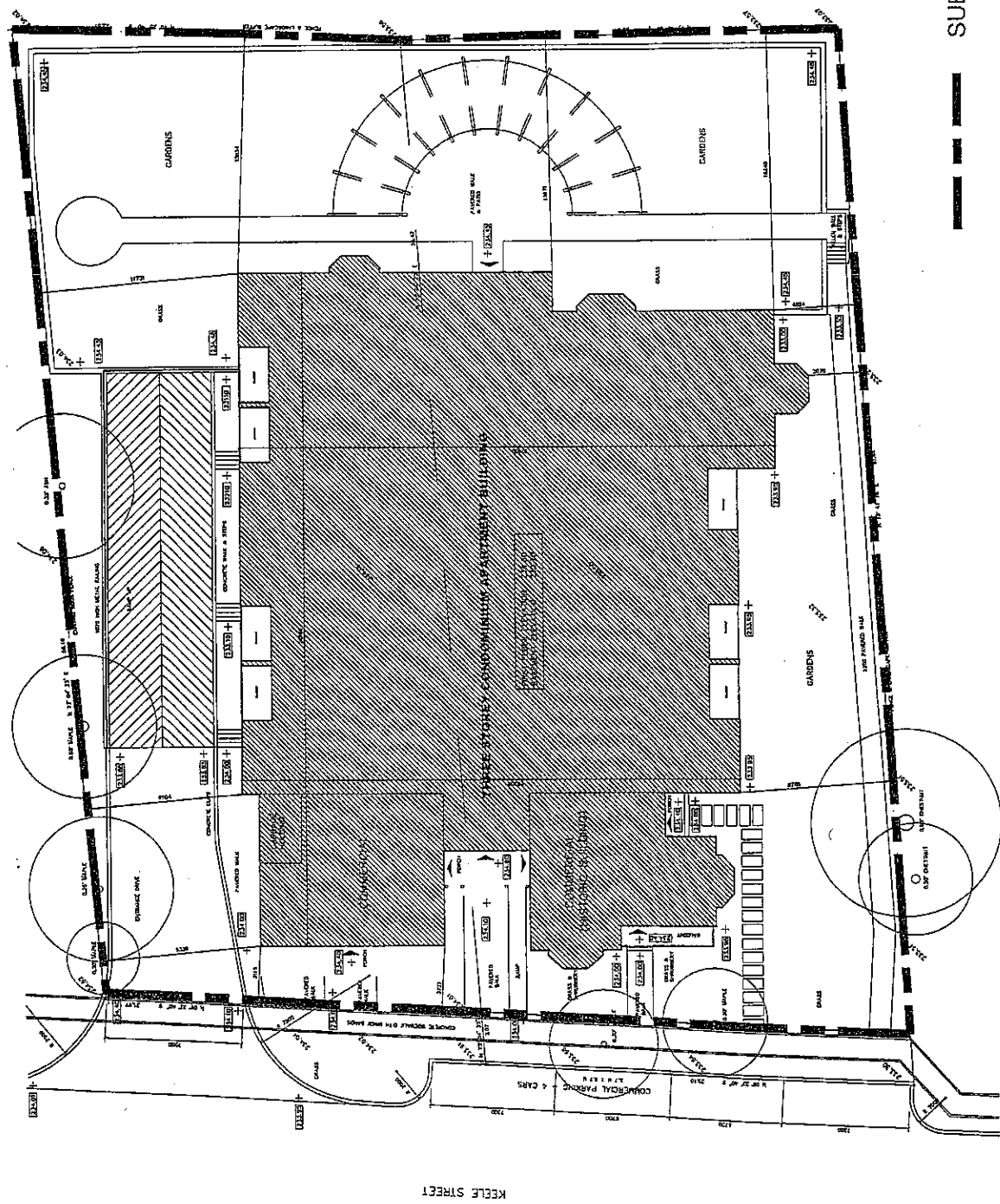
JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Manager of Development Planning

/CM



SITE AREA	2772.26 U2
TOTAL AREA	2772.26 U2
ROAD SETBACK ALLOWANCE	26.00 U2
NET AREA	2808.01 U2
SITE COVERAGE	
FIRST FLOOR	1043.15 U2
SECOND FLOOR	41.00 U2
THIRD FLOOR	41.00 U2
FOURTH FLOOR	41.00 U2
BUILDING FOOTPRINT	1525.25 U2
NET SITE AREA	2808.01 U2 = 41.7%
DRIVE/RAMP	
DRIVE/RAMP	= 242.02 U2 = 8.0%
WALKS	= 161.00 U2 = 5.0%
REAR PARKING	= 207.83 U2 = 7.7%
SOFT LANDSCAPING	= 959.61 U2 = 35.6%
BUILDING AREA	
FIRST FLOOR	1043.15 U2
SECOND FLOOR	1074.39 U2
THIRD FLOOR	646.67 U2
FOURTH FLOOR	473.61 U2
TOTAL GROSS AREA	3337.82 U2
BASEMENT	1872.74 U2
SITE USE	
RESIDENTIAL	21 APARTMENT UNITS
COMMERCIAL	181.26 U2
HISTORIC BUILDING	171.45 U2
TOTAL COMMERCIAL	352.71 U2
PARKING REQUIRED	
TENANT PARKING	1.75 CARS PER UNIT
	37 CARS
COMMERCIAL PARKING	3.5 CARS (60% U2
	62 CARS
TOTAL PARKING	40 CARS
PARKING PROVIDED	
TOTAL PARKING	44 CARS
(1 ON STREET & 40 UNDERGROUND)	



SUBJECT LANDS

Attachment 2

FILE No.: Z.02.004 & DA.02.002
 April 10, 2003
 Not to Scale

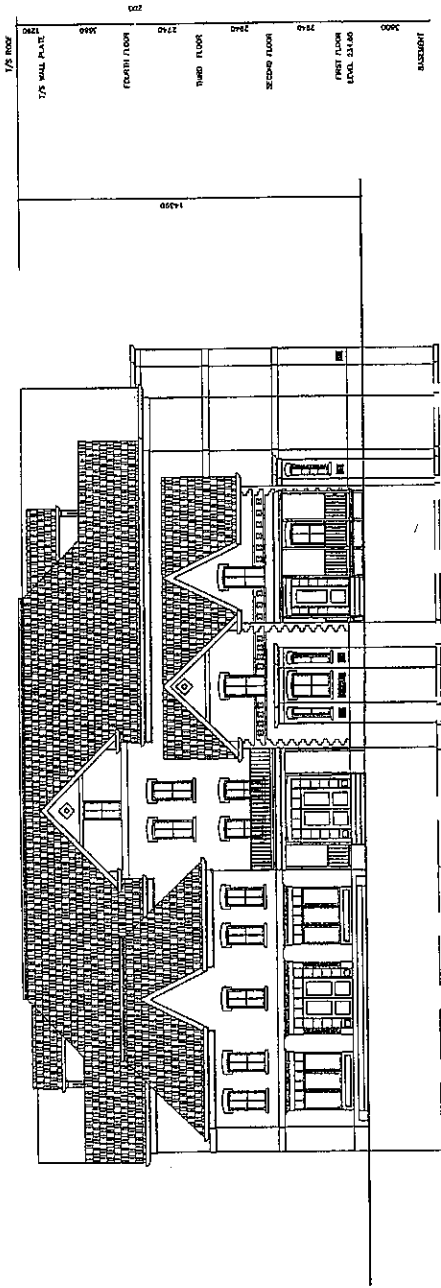
CITY OF Vaughan

Community Planning Department

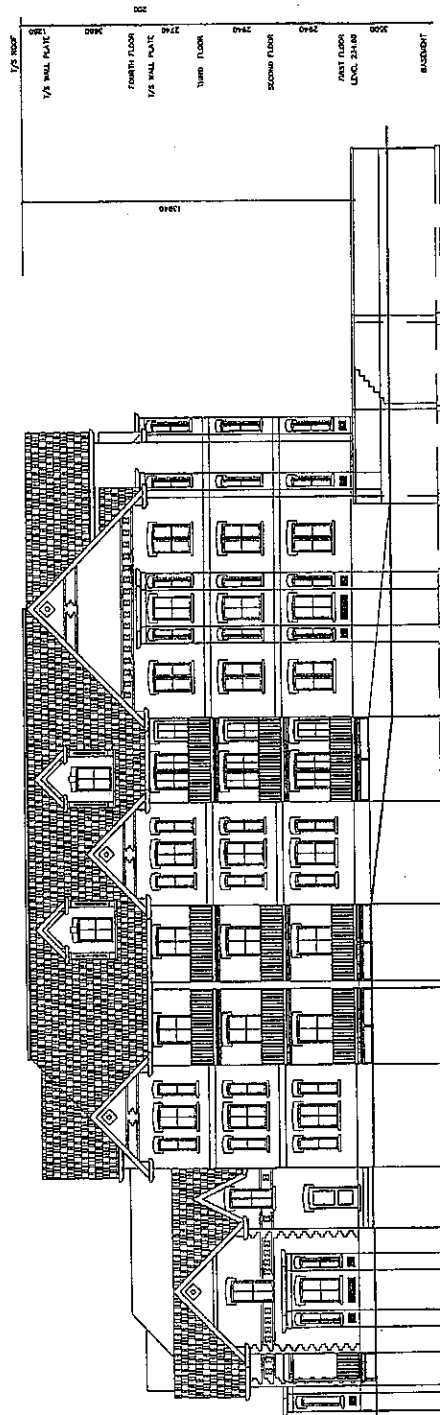
Site Plan

Part of Lot 20,
 Concession 3
 APPLICANT:
 CANDACE CONSTRUCTION/
 KARIN DEZELOVIC

NA\OPT\1 ATTACHMENTS\Z.V.02.004



WEST ELEVATION



SOUTH ELEVATION

Elevations

Part of Lot 20,
Concession 3

APPLICANT:
CANDACE CONSTRUCTION/
KARIN DEZELOVIC

HA\DP\1 ATTACHMENTS\13.02.004



Community Planning Department

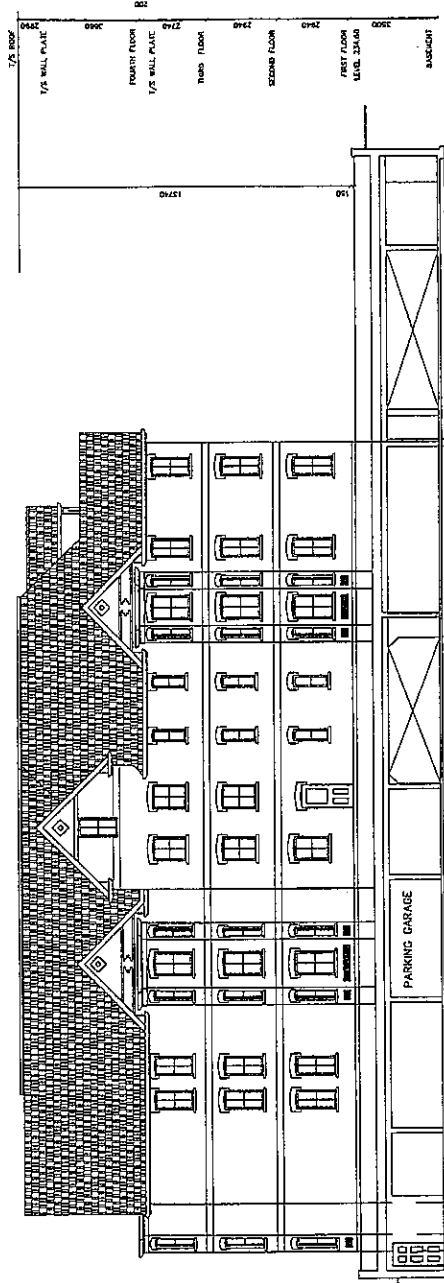
Attachment 3

FILE No.:
Z.02.004 &
DA.02.002

April 10, 2003
Not to Scale



NORTH ELEVATION



EAST ELEVATION

Elevations

Part of Lot 20,
Concession 3

APPLICANT:
CANDACE CONSTRUCTION/
KARIN DEZELOVIC

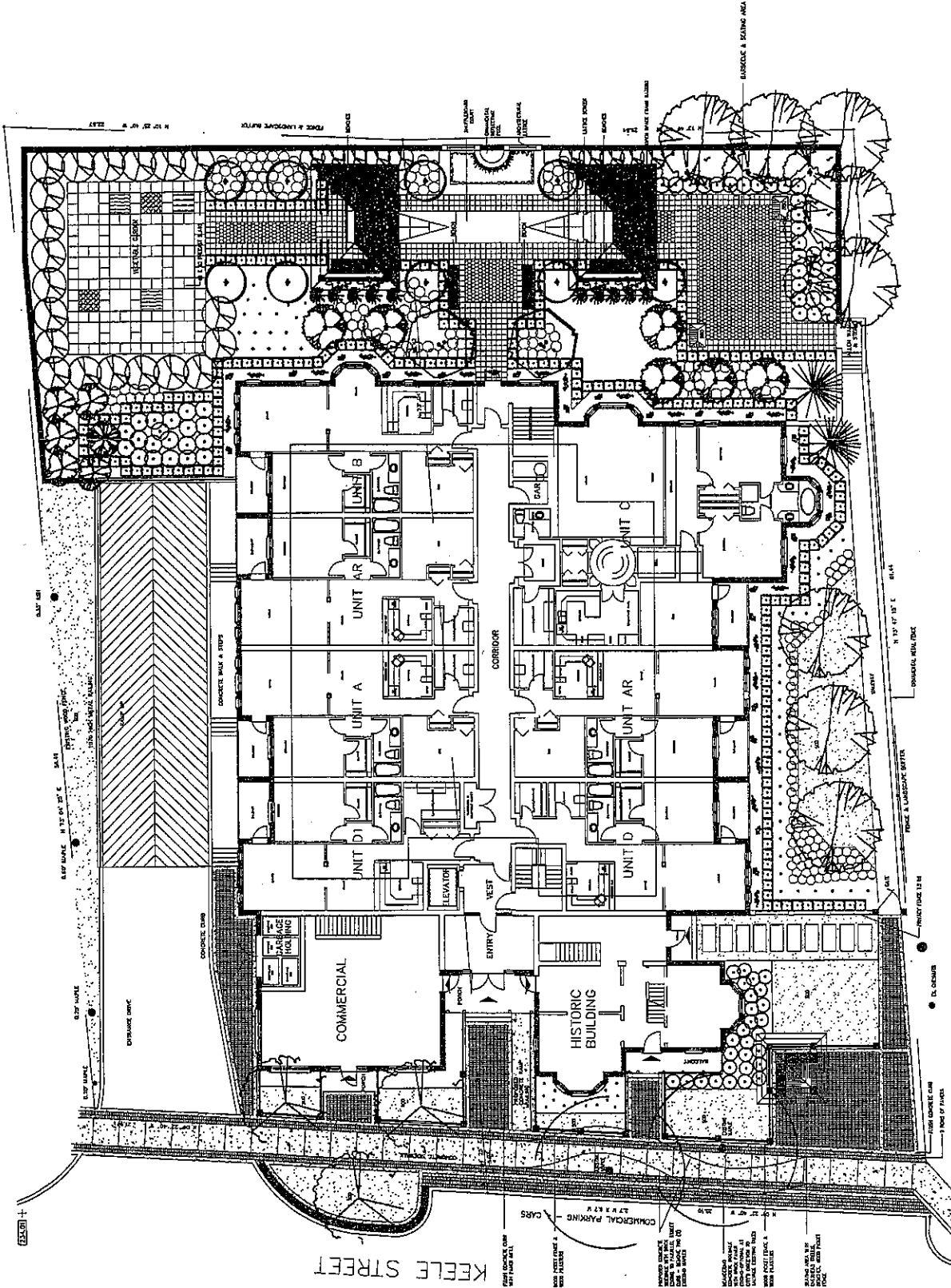


Community Planning Department

Attachment 4

FILE No.:
Z.02.004 &
DA.02.002

April 10, 2003
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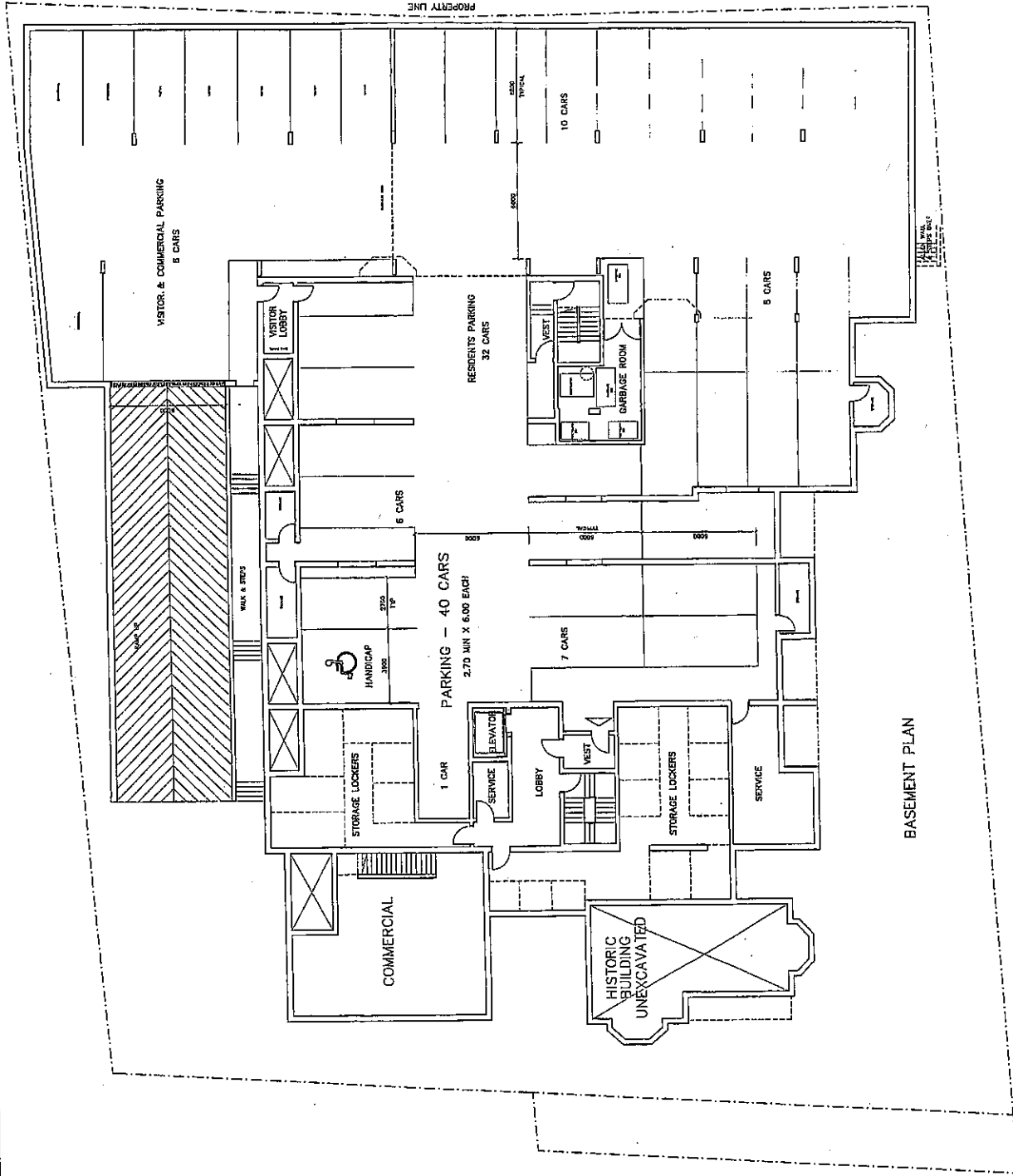


City of Vaughan
 Community Planning Department

Landscape Plan

Part of Lot 20,
 Concession 3

APPLICANT:
 CANDACE CONSTRUCTION/
 KARIN DEZELOVIC



BASEMENT PLAN

Basement Plan

Part of Lot 20,
 Concession 3
 APPLICANT:
 CANDACE CONSTRUCTION/
 KARIN DEZELOVIC

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