

COMMITTEE OF THE WHOLE – FEBRUARY 10, 2009

SITE DEVELOPMENT FILE DA.07.023 **TOYS “R” US LIMITED**

(Referred from the Council meeting of December 8, 2008, Item 25, Report No 61)

Council, at its meeting of December 8, 2008, adopted the following:

“That this matter be referred to the Committee of the Whole meeting of February 10, 2009, to allow further discussion with the applicant; and

That the written submission from Mr. Jim McKinlay, McDonald’s Restaurants of Canada Limited, McDonald’s Place, Toronto, M3C 3L4, dated December 5, 2008, be received.”

Report of the Commissioner of Planning, dated December 1, 2008

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.07.023 (Toys “R” Us) BE APPROVED, to permit the construction of a single use McDonald’s eating establishment having an outdoor patio and drive-through as shown on Attachment #2, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i) the final site plan, building elevations, landscape plan, and signage details shall be approved by the Vaughan Development Planning Department;
 - ii) the final site grading and servicing plans, stormwater management report, and on-site vehicular circulation shall be approved by the Vaughan Engineering Department;
 - iii) the required variance to implement the final site plan shall be approved by the Committee of Adjustment, and such variance shall be final and binding; and
 - b) that the Site Plan Letter of Undertaking contain the following provision:
 - i) the Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, prior to the issuance of a building permit, in accordance with the Planning Act. The Owner shall submit an appraisal 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.

Economic Impact

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

Communications Plan

N/A

Purpose

The Owner has submitted a Site Development Application (File DA.07.023) on the subject lands shown on Attachment #1 for a 394.64m² McDonald's eating establishment having a drive-through and outdoor patio uses on a 2.94 ha site shown on Attachment #2. The subject lands are presently developed with two existing commercial buildings having a total gross floor area (GFA) of 5,104m² and 312 existing parking spaces. The existing commercial is to remain and the proposed McDonald's will be located at the southeast corner of the site (presently occupied by parking and landscaping).

Background - Analysis and Options

The subject lands shown on Attachment #1 are located at the northwest corner of Steeles Avenue West and Hilda Avenue, municipally known as 300 Steeles Avenue West, being Part of Block 39 on Plan 65M-2237, in Part of Lot 25, Concession 1, City of Vaughan.

Official Plan / Zoning

The subject lands are designated "General Commercial Area" by OPA #210 (Thornhill-Vaughan Community Plan), and zoned C2 General Commercial Zone by By-law 1-88, subject to site-specific Exception 9(483). The "General Commercial Area" designation and the C2 General Commercial Zone permits the proposed convenience eating establishment with drive-through and outdoor patio uses as-of-right.

The C2 General Commercial Zone requirements identified in site-specific Exception 9(483) restricts development on site to the two existing building locations. The location proposed for the McDonald's building as shown on Attachment #2 was not included within the established building footprint and therefore relief by way of a Committee of Adjustment Variance Application will be required. The Development Planning Department has no objection in supporting the required variance, which shall be final and binding, should the site plan application be approved by Council.

Site Design

The Site Plan shown on Attachment #2 proposes the addition of a single use convenience eating establishment with an accessory drive-through and outdoor patio. The total gross floor area of the proposed McDonald's is 394.64m², which does not include the 49.3m² outdoor patio use. The single-storey rectangular shaped building is located at the southeast corner of the subject lands in close proximity to the Steeles Avenue West and Hilda Avenue intersection. The proposed building location will result in the deletion of existing parking. The outdoor patio is located to the east of the building and the drive-through lane is situated on the south side of the building traveling eastward and turning in a northerly direction at the corner of the property as shown on Attachment #2. Parking spaces have been maintained to the north and the west of the building and no new accesses have been proposed. The proposed development does not require a loading space, however as shown on Attachment #2, one space has been provided on the west side of the building.

The final site plan must be approved to the satisfaction of the Development Planning Department.

Landscape Plan

The proposed landscape plan as shown on Attachment #3 provides for a mix of deciduous and coniferous shrub and tree planting in strategic locations within the buffer strips along Steeles Avenue West and Hilda Avenue in order to mitigate the view of the drive-through lane. A planting bed has also been incorporated at the southwest corner of the building creating additional screening of the loading and internal refuse storage area from Steeles Avenue West.

The final landscape plan must be approved to the satisfaction of the Development Planning Department.

Building Elevations

The proposed building elevations are shown on Attachments #4 and #5. The majority of the building will be built with a flat roof. Two architectural features are located above the height of the remainder of the building with an arched shape and are coloured yellow, complementing the colour of the awnings suspended over the windows located on the south and east elevations. The main entrance to the eating establishment is located on the north elevation facing the existing commercial on site and consists of a single glass door framed by stone work as shown on Attachment #5. There is also a second entrance at the southeast corner of the building, leading to a proposed new pedestrian connection to the Hilda Avenue and Steeles Avenue West intersection. There is an overhead door leading to the garbage/recycling room on the north elevation, which is set back from the main wall. The exterior elevations are to be constructed in brown brick with the east elevation facing Hilda Avenue comprised of stone. Stone has also been incorporated as accents on the remaining three elevations.

The final building elevations must be approved to the satisfaction of the Development Planning Department.

Parking

The parking area has been slightly modified to account for the proposed single-use convenience eating establishment. Site-specific Exception 9(483) permitted a reduction in the required parking rate from 6 parking spaces/100m² GFA to 5.5 parking spaces/100m² GFA. The proposed site development including the existing commercial uses requires a total of 304 parking spaces, 4 of which are required to be handicapped spaces. The required parking for the subject lands as shown on Attachment #2 is calculated as follows:

$$\begin{array}{r} 5,104 \text{ m}^2 \text{ existing commercial @ } 5.5 \text{ parking spaces/100m}^2 & = 280.72 \text{ spaces} \\ 443.94 \text{ m}^2 \text{ proposed McDonald's and patio @ } 5.5 \text{ parking spaces/100m}^2 & = \underline{24.41 \text{ spaces}} \\ & 305.13 \text{ spaces} \end{array}$$

Therefore, the total number of parking spaces required is 306 spaces, whereas the Applicant has provided 312 spaces.

Transportation

The Applicant has submitted a Traffic Impact Study prepared by Paradigm Transportation Solutions Ltd., which has been reviewed by the Vaughan Engineering Department. The following comments have been provided by the Vaughan Engineering Department:

The site is currently serviced with three full movement accesses, one on Steeles Avenue West and two on Hilda Avenue. The proposed eating establishment use would generate about 134 vehicles per hour during the AM peak hour, 88 vehicles per hour during the PM peak hour, and 151 vehicles per hour during the Saturday peak hour. Presently, the signalized intersection at Steeles Avenue West and Hilda Avenue experiences approximately 3,410 vehicles per hour during the AM peak hour, 3,817 vehicles per hour during the PM peak hour, and 4,195 vehicles per hour during the Saturday peak hour.

For analysis purpose, the traffic consultant utilized a higher trip rate for the proposed eating establishment than the ITE Trip Generation Guide (internationally accepted trip estimation guide). Furthermore, the Saturday traffic volumes were observed slightly higher than the peak hour volumes. As noted by the traffic consultant in the report, the Saturday traffic volumes were

unexpected due to some unknown condition on the particular date of the count. The Vaughan Engineering Staff also conducted Saturday peak hour observations on July 21, 2008, and confirmed that the Saturday peak hour traffic volumes utilized in the analysis and contained within the Traffic Impact Study were higher. It should be noted that the Saturday traffic conditions occur once per week compared to the ten weekday peak traffic conditions associated with the AM and PM peak traffic, and therefore are considered less critical.

a) Analysis Modeling/Assumptions

The Traffic Impact Study assigned development trips onto two accesses being the access on Steeles Avenue West and the southern access on Hilda Avenue, thus overlooking the third access located at the north end of the subject lands along Hilda Avenue. The analysis approach was found to be conservative in order to reflect the worst case scenario. It should be noted that the access located at the northeast corner of the subject lands is a secondary access, primarily used for service vehicles, but also used by Toys "R" Us/Retail plaza customers.

b) Existing Conditions

The existing level of service conditions were determined for the study area using existing traffic volumes observed in May 2008, existing signal timings and Synchro traffic analysis software. The analysis indicates that under existing conditions the signalized intersection of Steeles Avenue West and Hilda Avenue operates at an acceptable level of service. However, it should be noted that eastbound left turn movements onto Steeles Avenue and southbound left turn movements on Hilda Avenue are approaching a critical level. These movements are typical on a major arterial road (critical intersections and movements in the urban area are defined as those with a volume to capacity (v/c) ratio greater than 0.85).

The unsignalized northerly site driveway on Hilda Avenue under existing conditions during the Saturday peak hour was impacted due to the southbound left turning vehicles from Hilda to Steeles, thus resulting in higher delays on site access approaches to the intersection. However, the volume to capacity ratios for this situation are below 1.0, indicating that the intersection is able to accommodate the existing and anticipated volume of traffic.

c) Total Future Conditions

The future level of service conditions were determined for the study area intersections by utilizing future background total traffic volumes and proposed development for the 2012 planning horizon. Future background traffic consists of traffic growth from outside of the study area and traffic generated by other developments within the study area. The traffic consultant utilized the Regional model to estimate background traffic growth. The study used a background traffic growth rate of 1% per year for the next 5 years. The 1% background traffic growth rate is conservative to reflect worst case scenario.

The analysis indicated that under future total traffic volumes, the signalized intersection of Steeles Avenue West and Hilda Avenue will generally operate at an acceptable level of service condition in the AM and PM peak hours. The intersection will however operate close to capacity with volume to capacity ratio close to 1.0, during the Saturday peak hour with higher delays anticipated. This condition indicates some congestion can be expected at this intersection during the Saturday peak hour. However, the Saturday condition will only exist once each week and is of less concern than congestion during the weekday peak periods. Vaughan Engineering Staff also confirmed that the Saturday peak hour traffic volume utilized in the analysis were higher, as no significant vehicle delay/queue were observed on Hilda Avenue.

Motorists using the unsignalized site access located at the south end of Hilda Avenue will experience higher delays on their approach to the intersection during all AM, PM and Saturday peak hours. This is related to the background traffic growth plus existing traffic rather than the

traffic generated by the subject development. In fact, the delays on the site driveways as motorists approach Hilda Avenue could be less, as motorists would also utilize the third access located at the northeast corner of the subject lands along Hilda Avenue.

d) Transportation Summary and Conclusions

In view of the foregoing, the Vaughan Engineering Department would conclude that the traffic volumes generated by the proposed MacDonald's eating establishment is a small component of the total traffic passing through the intersection during peak hours, and therefore is a minor factor in intersection operation and determination of improvements. Furthermore, vehicle delay/queue could be different than the Synchro measured vehicle delay and queue length, as development trips were not distributed to the 3rd access located at the northeast corner of the subject lands. The Vaughan Engineering Department is of the opinion that a significant proportion of the site traffic during peak hours would be oriented to the north access in part due to potential delay in making left in/out movements to/from the subject lands, thus resulting in relatively less impact on Hilda Avenue.

Servicing

The Owner has submitted site-servicing and grading plans and a stormwater management report, which must be approved to the satisfaction of the City's Engineering Department.

All hydro requirements must be addressed to the satisfaction of PowerStream.

Snow storage will be maintained on the subject lands within the landscaped areas, and garbage and recycling collection services will be undertaken privately.

City of Toronto

The City of Toronto has no objection to the proposed site development.

Site Sustainability

The following sustainability features have been incorporated into the building and site design:

- Automatic lighting control system to ensure lights are shut off when the store is closed;
- Automatic flush-meters are installed in washrooms;
- Low consumption water fixtures installed throughout, with hand sensors installed in washrooms;
- A "White Roof" will be installed on the building, which results in reduced cooling needed in summer by up to 5%;
- Bicycle racks will be provided adjacent to the building to encourage alternative modes of transportation;
- Drought tolerant plant material that is hardier and more resistant to damage from salt during the winter months will be provided; and,
- The building incorporates "Earth-tone" colour schemes having a more moderate effect on the heating and cooling of the building throughout the year.

The Ontario Building Code (OBC) has recently been revised to require increased insulation and more energy efficient standards to be met within new facilities. McDonald's will meet or exceed these requirements of the OBC.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities set forth in Vaughan Vision 2020, "Plan and Manage Growth and Economic Vitality".

Regional Implications

The Region of York Transportation Services Department has no objection to the proposed development shown on Attachment #2.

Conclusion

The Development Planning Department has reviewed the proposed Site Development (File DA.07.023) in accordance with the policies of OPA #210 (Thornhill-Vaughan Community Plan), the requirements of By-law 1-88 as amended by site-specific Exception 9(483), and in context of the surrounding land uses. The Development Planning Department is satisfied with the proposed development subject to the comments and recommendations contained in this report. The proposed application to permit the development of a McDonald's eating establishment with permitted drive-through and outdoor patio uses as shown on Attachment #2, conforms to the policies of the area Official Plan and is considered to be compatible with the existing surrounding land uses, and can be supported, together with the variance that will be required to be obtained from the Committee of Adjustment to permit the McDonald's building outside of the two existing building envelopes on the site.

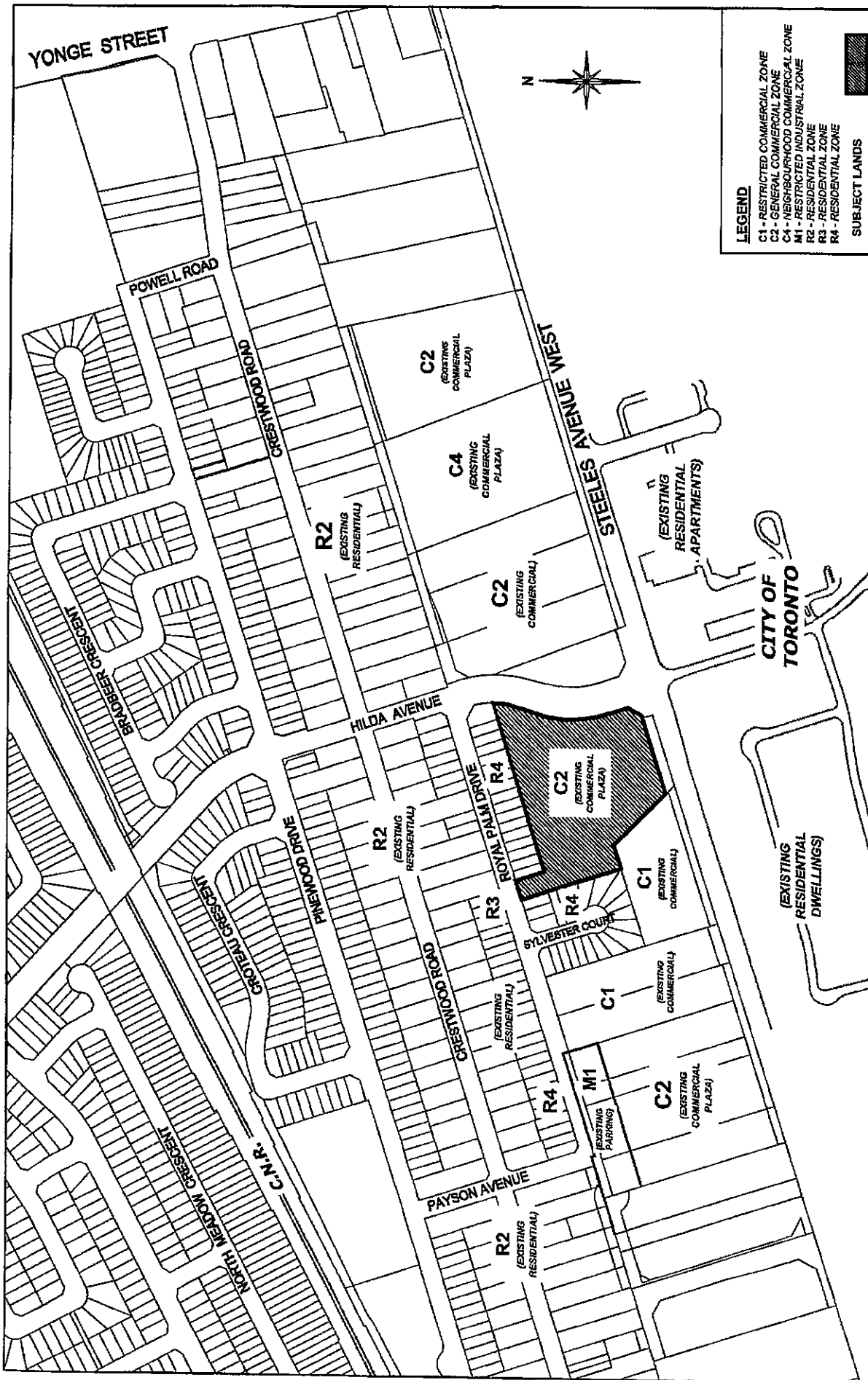
Attachments

1. Location Map
2. Site Plan
3. Landscape Plan
4. East and West Elevations
5. North and South Elevations
6. Correspondence from Mr. J. McKinlay, McDonald's Restaurants of Canada Limited

Report prepared by:

Arminé Hassakourians, Planner, ext. 8368

/CM



LEGEND

- C1 - RESTRICTED COMMERCIAL ZONE
- C2 - GENERAL COMMERCIAL ZONE
- C4 - NEIGHBOURHOOD COMMERCIAL ZONE
- M1 - RESTRICTED INDUSTRIAL ZONE
- R2 - RESIDENTIAL ZONE
- R3 - RESIDENTIAL ZONE
- R4 - RESIDENTIAL ZONE

SUBJECT LANDS

Location Map

Part of Lot 26,
Concession 1
APPLICANT:
TOYS 'R' US
* UFTV ATTACHMENTS (A) Ver. 07.023



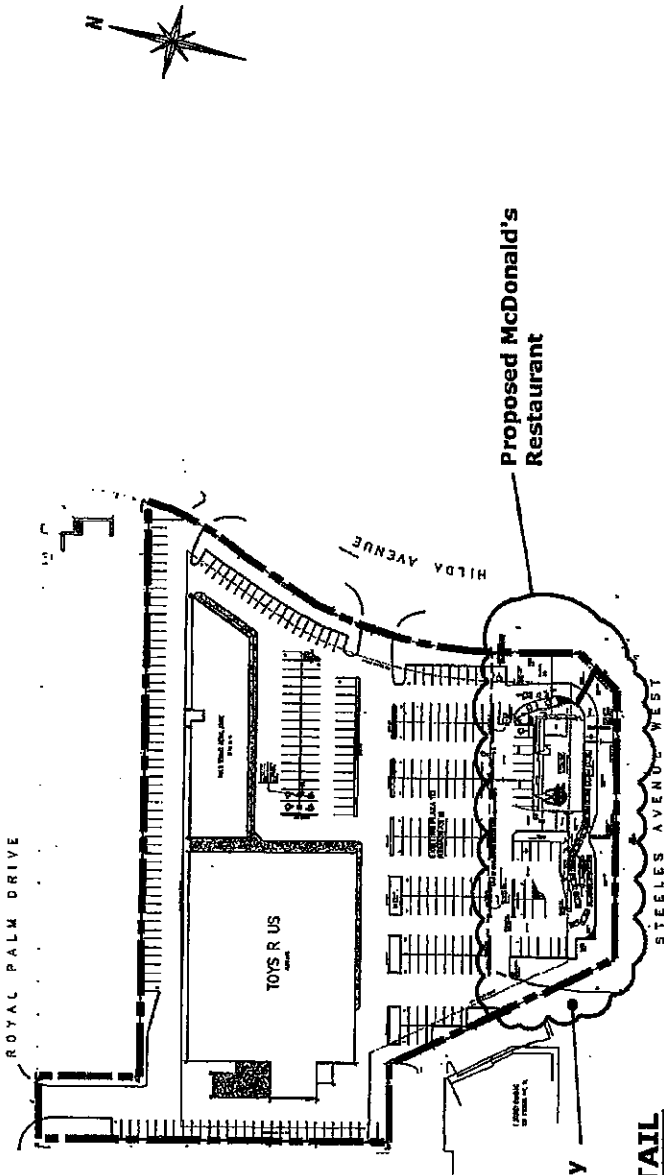
Development Planning Department

Attachment

FILE No.:
DA.07.023
Not to Scale
September 23, 2008

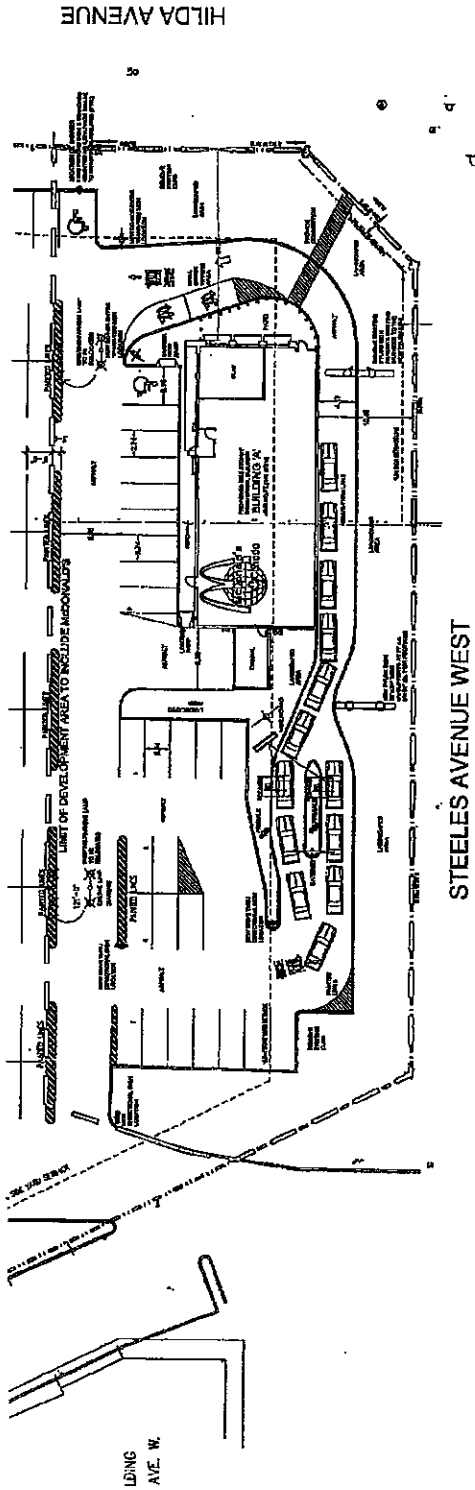


OVERALL SITE PLAN



Location of Mutual Driveway on Adjacent Lands to West

MCDONALD'S SITE AREA DETAIL



Site Plan

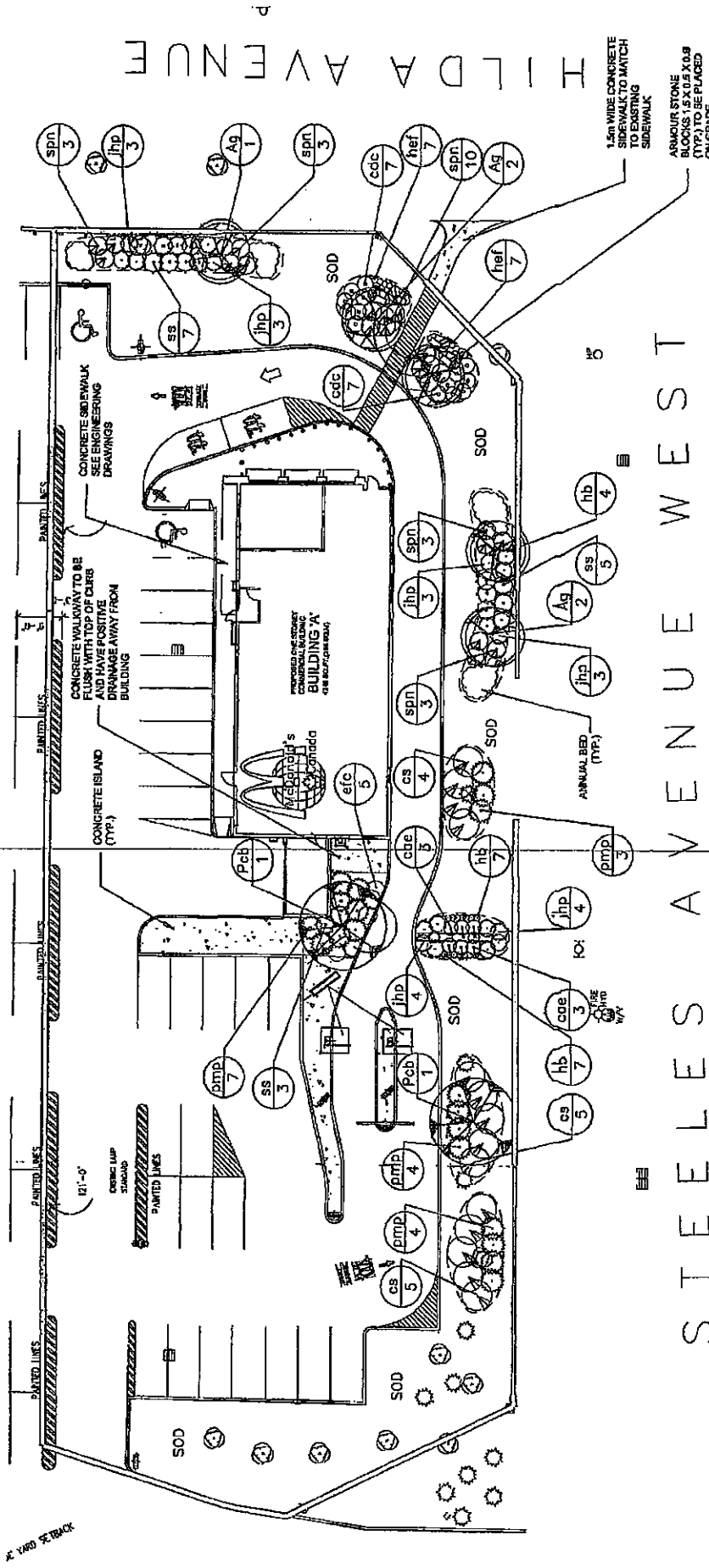
Part of Lot 26, Concession 1
APPLICANT: TOYS 'R' US
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The City Above Toronto

Development Planning Department

Attachment 2
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September 23, 2008



STEELES AVENUE WEST

HILDA AVENUE

**Landscape Plan -
McDonald's Restaurant**

APPLICANT:
TOYS 'R' US

Part of Lot 26,
Concession 1

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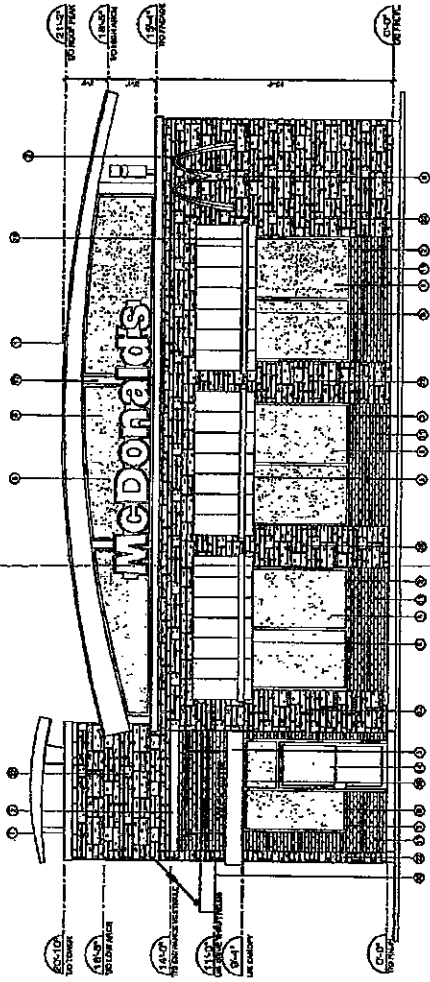
Development Planning Department

Attachment 3

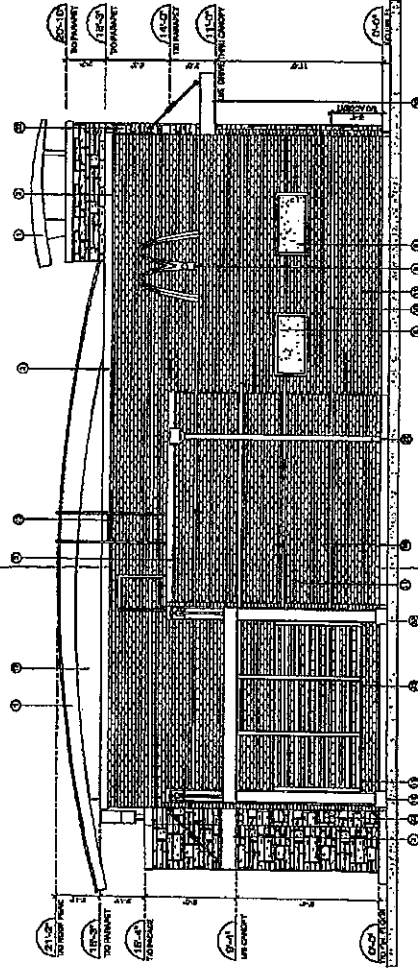
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September 23, 2008



EAST ELEVATION (FACING HILDA AVENUE)



WEST ELEVATION

East & West Elevations

Part of Lot 26,
Concession 1

APPLICANT:
TOYS 'R' US

PROJECT: ATTACHMENT 4/DA/07-023



The City Above Toronto

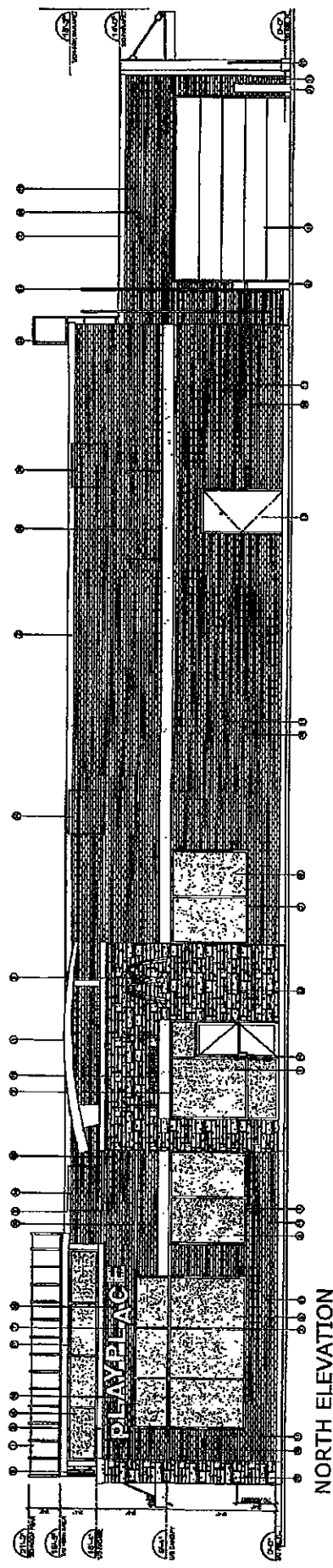
Development Planning Department

Attachment 4

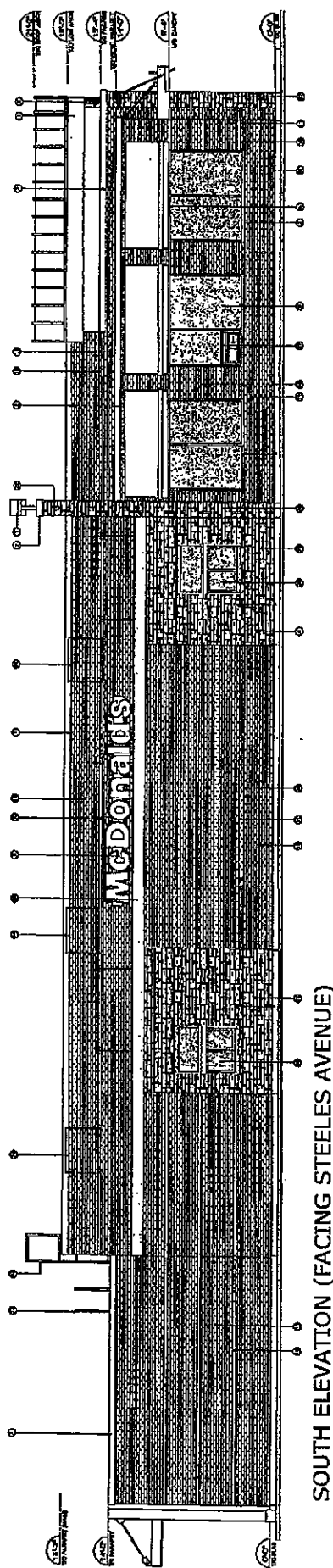
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September 23, 2008



NORTH ELEVATION



SOUTH ELEVATION (FACING STEELES AVENUE)

North & South Elevations

APPLICANT:
TOYS 'R' US
Part of Lot 26,
Concession 1

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Development Planning Department

Attachment 5

FILE No.:
DA.07.023


Not to Scale

September 23, 2008



Attachment 6

McDonald's Restaurants of Canada Limited
McDonald's Place
Toronto, Ontario M3C 3L4
Telephone: 416-443-1000
Fax: 416-446-3376


December 5, 2008

VIA EMAIL AND FAX

ADDITIONAL INFORMATION

ITEM NO. 25

Report No. 61 Council Dec 8/08

Madame Mayor and Members of City Council
City of Vaughan
2141 Major MacKenzie Drive
Vaughan, Ontario
L6A 1T1

To Madame Mayor and Members of City Council:

**Re: McDonald's Restaurants of Canada Limited
300 Steeles Avenue West, Vaughan, Ontario
Site Plan Application # DA.07.023**

I am writing with respect to the decision of the Committee of The Whole earlier this week which, you will recall, was to not accept the Staff Report recommending approval of the development of a McDonald's Restaurant at the corner of Steeles and Hilda. While disappointed, I respect the decision of the Committee. However, I thought it would be courteous to inform you that we will be filing an appeal to the OMB and would ask, in the interests of avoiding a lengthy and costly hearing, that you reconsider this application and that you support the adoption of the aforementioned Staff Report at the Council Meeting on December 8th.

As stated at the Committee meeting on December 1, 2008, we have gone to great lengths to ensure that Staff and Council were provided with the correct fact-based information to make a fair and informed decision. After reviewing the traffic study completed by Paradigm Transportation Solutions Ltd., City Staff requested that they undertake further investigation to ensure that all issues had been addressed such that Staff would be in a position to make the best and most informed recommendation to the Committee. Subsequently, Staff prepared a report supporting the findings of the Paradigm Study.

The Paradigm Study concluded that the future background traffic and the traffic generated by the proposed developments can be accommodated by the existing street network. Furthermore, the study concluded that the level of service conditions at the intersection with the addition of the McDonald's Restaurant would still be at acceptable levels. I would respectfully suggest that this point was heard by the members of the committee. I would like to emphasize your staff has reviewed and accepted the Paradigm





Report. When we file an appeal to the OMB given the positive staff report, your staff will be required to give evidence in support of their findings and recommendations and you will have to retain outside consultants, planners, traffic consultants etc. at great expense to your local ratepayers.

Given the facts that surround this proposed development, McDonalds' respectfully requests that, in the interest of avoiding a costly and unnecessary OMB hearing, that you support adoption of the Staff Report at upcoming Council Meeting on December the 8th.

Yours truly,
McDonald's Restaurants of Canada Limited

A handwritten signature in cursive script that reads "Patricia Fine".

pe
Jim McKinlay
Regional Director of Restaurant Development

Copy to: Commissioner of Planning
City Manager
City Solicitor

