

**COMMITTEE OF THE WHOLE MARCH 23, 2010**

**SITE DEVELOPMENT FILE DA.09.057  
TONLU HOLDINGS LTD.  
WARD 1**

**Recommendation**

The Commissioner of Planning recommends:

1. THAT Site Development File DA.09.057 (Tonlu Holdings Ltd.) BE APPROVED, subject to the following conditions:
  - a) that prior to the execution of the Site Plan Letter of Undertaking:
    - i) the final site plan and landscape plan as red-lined, landscape cost estimate, building elevations showing the Maple Streetscape wall lamps, and design details for the external staircase and the barrier-free ramp shall be approved to the satisfaction of the Vaughan Development Planning Department in consultation with the Vaughan Cultural Services Division;
    - iii the required minor variances to implement the proposed development shall be approved by the Vaughan Committee of Adjustment, and shall be in full force and effect;
  - b) that the Site Plan Letter of Undertaking include the following provision:
    - i) "The Owner shall pay to the City of Vaughan by way of a 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 Section 42 of the Planning Act. 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."

**Contribution to Sustainability**

The interior renovations of the existing heritage building include the use of low volatile organic compound (VOC) paints and materials, low flow toilets and faucets, energy efficient lighting fixtures, and high efficiency furnace and heat pumps.

**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.09.057) to facilitate the development of a day nursery on the subject lands (Attachments #1 and #2) together with the following, as shown on Attachment #3:

- a) two (2) outdoor play areas associated with a day nursery use within the existing heritage building (Building 'A');
- b) the reconfiguration of the existing parking area to facilitate a kiss-and-ride drop-off area; and,
- c) provisions for a barrier free ramp, external staircase, and additional landscaping.

### **Background - Analysis and Options**

The subject lands shown on Attachments #1 and #2 are municipally known as 2600 Major Mackenzie Drive, located on the north side of Major Mackenzie Drive, between McNaughton Road and Killian Road, in Part of Lot 21, Concession 4, City of Vaughan. The surrounding land uses are shown on Attachment #2.

On June 30, 2009, Vaughan Council approved Zoning By-law Amendment Application Z.09.010 to permit a day nursery use and two (2) associated outdoor play areas and to recognize the location of the existing buildings within building envelopes on the subject lands. Consequently, the implementing Zoning By-law 171-2009 was enacted and came into effect on June 30, 2009. The heritage building, shown as Building 'A' and known as "The Jacob Rupert House", is designated under Part IV of the Ontario Heritage Act.

### **Official Plan and Zoning**

The subject lands are designated "Low Density Residential" by OPA #350 (Maple Community Plan), which permits day nursery uses throughout the community, including on the property. The subject lands are zoned R1 Residential Zone by By-law 1-88, subject to Exception 9(821), which permits the day nursery use on the property. Two minor variances will be required to be obtained from the Vaughan Committee of Adjustment to implement the site plan, if approved, as further discussed in the "Minor Variance" section of this report.

### **Site Plan, Access and Parking**

The changes to the existing site are shown on Attachment #3. By-law 171-2009 created two (2) building envelopes: Building Envelope 'A' being the designated heritage building, and Building Envelope 'B' being the existing garage. Building Envelope 'B' will store the garbage and recycling bins, which are to be picked up privately in accordance with the City of Vaughan's Waste Collection Design Standards Policy. The Owner proposes a new wood ground sign on wood posts, as shown on Attachment #4, to be located along Major Mackenzie Drive, and is satisfactory to the Vaughan Development Planning Department. The proposed day nursery use will employ a maximum of 7 employees who will gain access to the day nursery from a separate access off Mathewson Street through the existing garage.

The main entrance to the property is from Major Mackenzie Drive by means of a driveway accessing 7 parking spaces and the maneuvering area (kiss-and-ride drop off). There is a separate access off Mathewson Street to the existing garage for the exclusive use of staff parking, and, there is no vehicular linkage between the two accesses. The Owner has agreed to restrict all pedestrian access to and from the property from Mathewson Street by enclosing the property along Mathewson Street and only allowing access to the property by staff through the existing garage.

The Owner proposes a total of 11 parking spaces on the property, which includes 7 spaces accessed from Major Mackenzie Drive (main parking area) and 4 spaces (staff parking only) accessed from Mathewson Street of which 2 are tandem parking spaces located within the existing garage. A proposed new barrier-free ramp and a new external staircase to be located on the west and east sides, respectively, of Building 'A', will improve accessibility to the building and

provide additional safety measures to the overall function of the property. The final design details for the barrier-free ramp and the external staircase must be approved to the satisfaction of the Vaughan Development Planning Department, in consultation with the Vaughan Cultural Services Division, which is included in the recommendation of this report.

The Owner submitted a parking and traffic study in support of the previous Zoning By-law Amendment File Z.09.010, which was reviewed and approved by the York Region Transportation Services Department and the Vaughan Engineering Department. Both the Region and the City concurred with the conclusions of the study, and currently have no objection to the development proposal.

#### Maple Streetscape Community Advisory Committee

The Maple Community Plan requires that development applications have regard for specific sections of the Maple Streetscape and Urban Design Guidelines (MSUDGs) to assess development proposals in the Major Mackenzie Drive and Keele Street corridors in Maple. The vision of the Maple Core Area from a physical built form perspective is implemented through the Maple Streetscape and Urban Design Guidelines (MSUDGs). In this context, Vaughan Council has established the Maple Streetscape Community Advisory Committee (MSCAC) to implement the MSUDGs. The Committee considered the development proposal at the October 28, 2009, MSCAC meeting. The Minutes of the said meeting, which was ratified at the November 25, 2009, MSCAC meeting resolved the following:

“Comments from the Committee were as follows:

- Additional light poles on the side of the building leading to the parking area, suggesting that they be lighting standard in accordance with the Maple Streetscape guidelines. The Consultant indicated there will be light fixtures on the wall on the side of the building. He will provide the Committee the type of light fixtures that are being installed.
- Cedar fencing as opposed to chain link on the south side play area, height as per staff recommendation.
- Gate on the northeast side of the property.”

“The Maple Streetscape Community Advisory Committee, given that 2600 Major Mackenzie Drive (“The Jacob Rupert House”) is a historical building, recommends to staff to include additional lighting standards on the side of the building in accordance with the Maple Streetscape guidelines.”

The Development Planning Department has confirmed with its’ Urban Design Staff and the Owner that additional light fixtures will be placed on the wall on the west side of Building ‘A’, in accordance with the above resolution of MSCAC, which must be reviewed and approved by the Vaughan Development Planning Department in consultation with the Vaughan Cultural Services Division.

Attachment #3 shows the locations of the 3 new proposed Maple Streetscape “Acorn” lamp poles to be placed along Major Mackenzie Drive in accordance with the MSUDGs.

#### Landscaping

The Development Planning Department has reviewed the landscape plan, as shown on Attachment #3, and recommends improvements to the streetscape view along Major Mackenzie Drive that would better integrate the fencing of the children’s play area on the east side of the subject lands with the landscaping. In particular, the Development Planning Department has advised the Owner to integrate evergreen shrubs into the planting bed for an all season vegetation structure in front of the play area fencing, and to continue the current proposed planting located in front of the play area fencing to wrap around to the west side of the fencing to

ameliorate view of fencing structures from the street. The planting bed along the west side of the fence should extend approximately in line with the wooden porch on the east side of the octagon building as shown on Attachment #3. The Development Planning Department will continue to work with the Owner to finalize the landscape plan.

In the June 23, 2009 Committee of the Whole report respecting the related Zoning By-law Amendment File Z.09.010, the Development Planning Department reported that as a result of the existing grade differential between the subject lands and the residential use along the east property line, a minimum 3.0m wide landscape strip would be warranted to mitigate any excessive noise generated from the outdoor play area. As noted in the background section of this report, the enactment of Zoning By-law 171-2009 only involved the creation of the building envelopes, the provisions for the required 11 parking spaces, and the establishment of the day nursery and associated outdoor play areas as permitted uses on the property.

During the review of the Site Development File DA.09.057, it was determined that in order to meet the outdoor play area requirements of the Ontario Day Nurseries Act, the Play Area #2 shown on Attachment #3 would need to be a certain size, which would only allow a 2.0m wide landscape buffer along the east property line. Through the review of the site development application, the Development Planning Department can support the proposed 2.0m wide landscape buffer along the east property line adjacent to Play Area #2 as additional tree and shrub plantings are proposed in this location. The proposed landscape buffer width will allow for more play area for the children, as required under the Ontario Day Nurseries Act, and mitigate noise from the adjacent property.

#### Vaughan Engineering Department

The Vaughan Engineering Department has reviewed the site development application and has no objection to the development proposal. The Owner has indicated in a letter dated March 9, 2010 that the proposed outdoor play areas and the reconfiguration of the existing parking area will not affect the existing grades and/or drainage pattern and that given the minimal grading modifications, there will be no adverse impacts on the storm water management on the adjacent properties, which Vaughan Engineering Staff concurs with.

#### Minor Variance

Through the technical review of the site development application, it was determined that the Owner will require an external staircase for Building 'A', as identified on Attachment #3, in order for the day nursery operation to conform with the Ontario Building Code. As a result, a minor variance application will be required to adjust the building envelope that was approved under the related Zoning By-law Amendment File Z.09.010 and reflected in the implementing Zoning By-law Amendment Number 171-2009.

A garbage and recycling area is also required in accordance with the City of Vaughan Waste Collection Design Standards Policy, which will be located in one of the vehicle bays of the existing 1 storey brick garage (Building 'B'). By-law 171-2009 required three (3) tandem parking spaces and a minimum of 11 parking spaces on the site. In order for the Owner to maintain the minimum 11 parking spaces, two (2) spaces were relocated at the north end of the kiss-and-ride drop off. The Vaughan Engineering Department has no objection to this amendment to reduce the required number of tandem spaces from 3 to 2 and the relocation of two parking spaces to the north end of the kiss-and-ride drop off, while maintaining the minimum required 11 parking spaces on the property.

The Owner will be required to submit a minor variance application to the Vaughan Committee of Adjustment, to:

- a) amend Building Envelope 'A' to include the additional external staircase to meet the requirements of the Ontario Building Code; and,

- b) reduce the required number of tandem parking spaces in the garage from three (3) to two (2), while maintaining the minimum required 11 parking spaces on the property.

The variances, if approved, must be in full force and effect, prior to the execution of the Site Plan Letter of Undertaking.

#### Planning Justification

The Development Planning Department supports the proposed revisions to the site layout to facilitate the approved day nursery use on the subject lands, including the reconfiguration of the parking area and the provisions to add a new external staircase and a barrier free ramp, as identified on Attachment #3. The reconfiguration of the parking to facilitate a kiss and ride area will improve the traffic flow generated from the day nursery use. Additionally, the provisions for the barrier free ramp will improve accessibility for persons with disabilities and must be provided in accordance with the Ontario Building Code. The applicant will maintain the existing exterior conditions of the designated historical building.

The Development Planning Department can support the variances, noted earlier, as the external staircase will ensure additional safety measures for the day nursery operation, as required by the Ontario Building Code. The Vaughan Engineering Department has indicated no objection to the relocation of two parking spaces associated with Building Envelope 'B' to the north end of the kiss and ride drop off area. As a result, the Development Planning Department can support the variance to reduce the required number of tandem parking spaces from 3 to 2 associated with Building Envelope 'B' as the reduction would facilitate a garbage and recycling area within the structure, while maintaining the minimum required 11 parking spaces on the property. A condition that the required minor variances be approved by the Vaughan Committee of Adjustment, and be in full force and effect, is included in the recommendation of this report.

#### Vaughan Cultural Services Division

The Vaughan Cultural Services Division has advised the Vaughan Development Planning Department that Heritage Vaughan Committee approval is not required for the property because the development proposal involves only minor modifications to the site plan and there are no proposed alterations to the building elevations. Therefore, at a staff level, the Vaughan Cultural Services Division has reviewed the development proposal and has no objection to the approval of the site development application, provided the outdoor play area along the east property line is screened from Major Mackenzie Drive with landscaping. The Owner has been advised that the existing structure is designated under Part IV of the Ontario Heritage Act and Heritage Permit approval will be required for any changes to the exterior of the building itself.

#### Relationship to Vaughan Vision 2020/Strategic Plan

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

#### Regional Implications

The development proposal has been circulated to the Region of York Transportation Services Department. The Owner will be required to fulfill all requirements of the Region of York Transportation Services Department, including the execution of a Regional Site Plan Agreement.

#### Conclusion

The Vaughan Development Planning Department has reviewed the proposed Site Development Application in accordance with OPA #350 (Maple Community Plan), By-law 1-88, the Maple

Streetscape and Urban Design Guidelines and comments from the Maple Streetscape Community Advisory Committee, the comments from City Departments and external public agencies, and the area context. The Development Planning Department is satisfied that the proposed development to facilitate the day nursery use within the existing "Jacob Rupert House", the reconfiguration of the parking area and the provisions for the barrier free ramp and external staircase is appropriate and compatible with the existing surrounding area. The Development Planning Department can support the approval of the Site Development Application, subject to the recommendations in this report. The applicant will be required to obtain approval for two minor variances from the Vaughan Committee of Adjustment to implement the site plan, if approved, as discussed in the staff report.

**Attachments**

1. Context Location Map
2. Location Map
3. Development Planning Department Red-lined Site Plan and Landscape Plan
4. Proposed New Sign

**Report prepared by:**

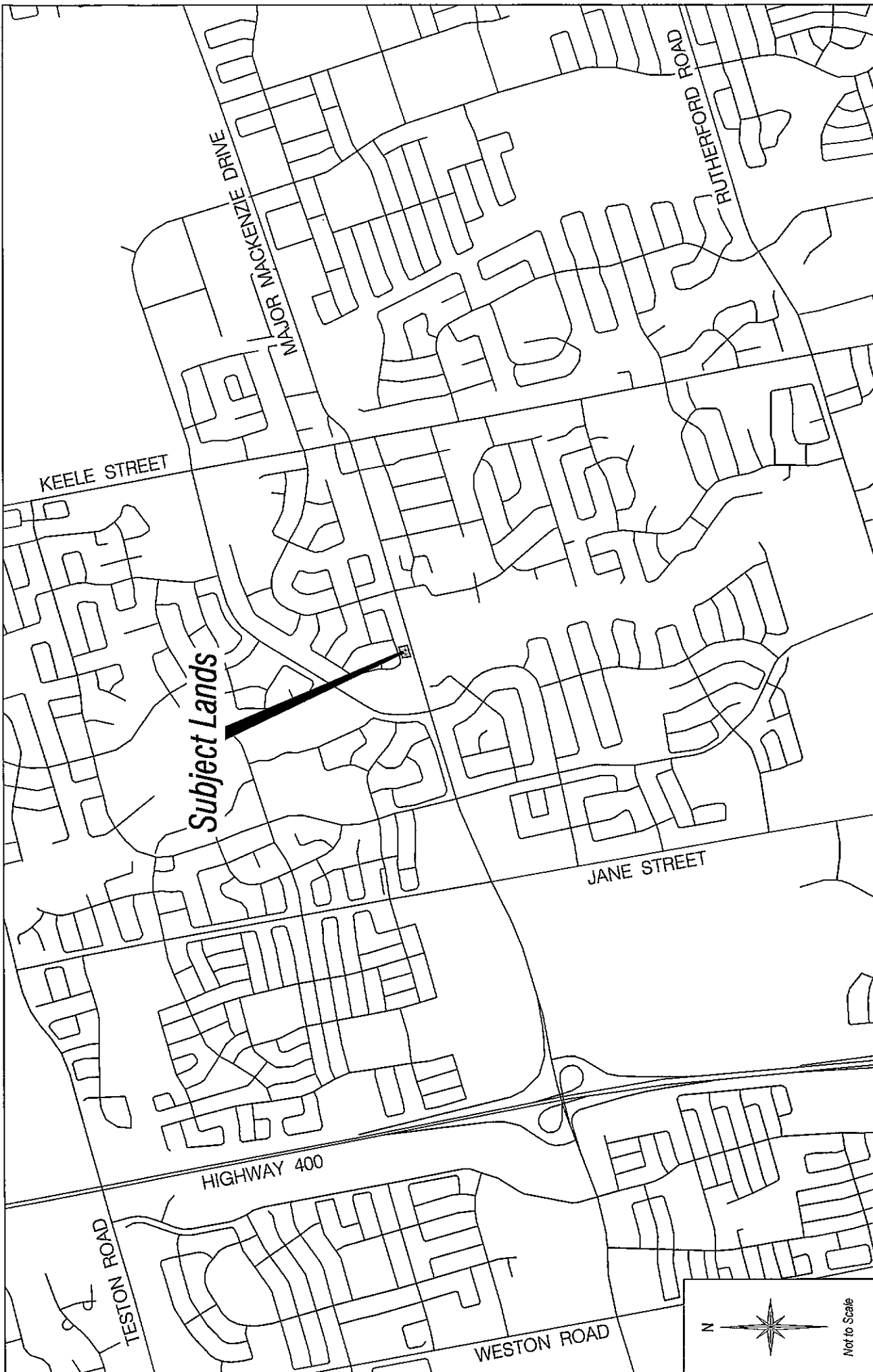
Stephen Lue, Planner, ext. 8210  
Carmela Marrelli, Senior Planner, ext. 8791  
Mauro Peverini, Manager of Development Planning, ext. 8407

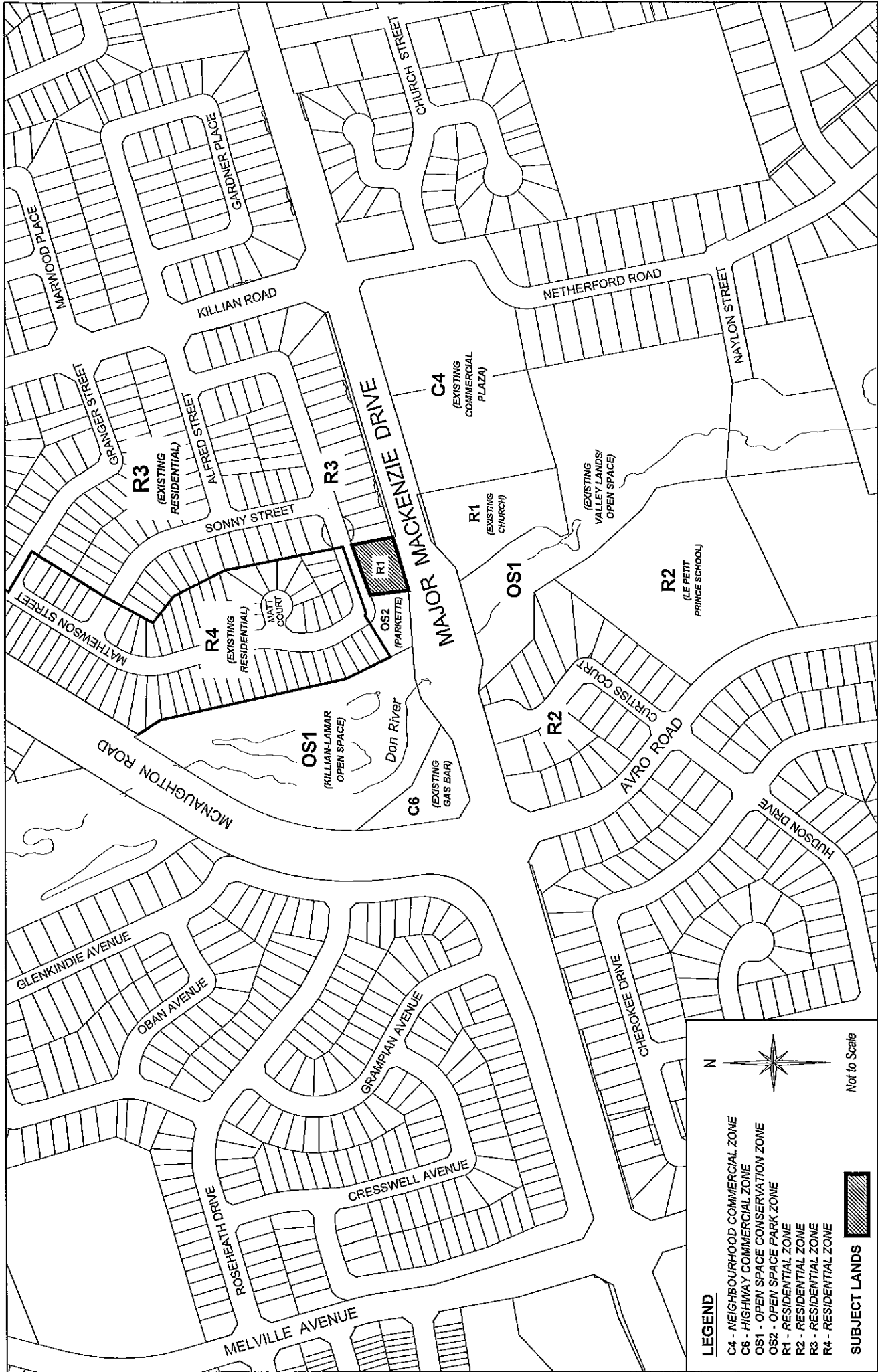
Respectfully submitted,

JOHN ZIPAY  
Commissioner of Planning

GRANT UYHEYAMA  
Director of Development Planning

/LG





**LEGEND**

- C4 - NEIGHBOURHOOD COMMERCIAL ZONE
- C6 - HIGHWAY COMMERCIAL ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- OS2 - OPEN SPACE PARK ZONE
- R1 - RESIDENTIAL ZONE
- R2 - RESIDENTIAL ZONE
- R3 - RESIDENTIAL ZONE
- R4 - RESIDENTIAL ZONE

**SUBJECT LANDS**

Not to Scale



**4 TANDEM PARKING SPACES FOR STAFF ONLY**

**MATHEWSON STREET**

**KISS-AND-RIDE DROP OFF AREA**

**NEW BARRIER-FREE RAMP**

BLOCK 34

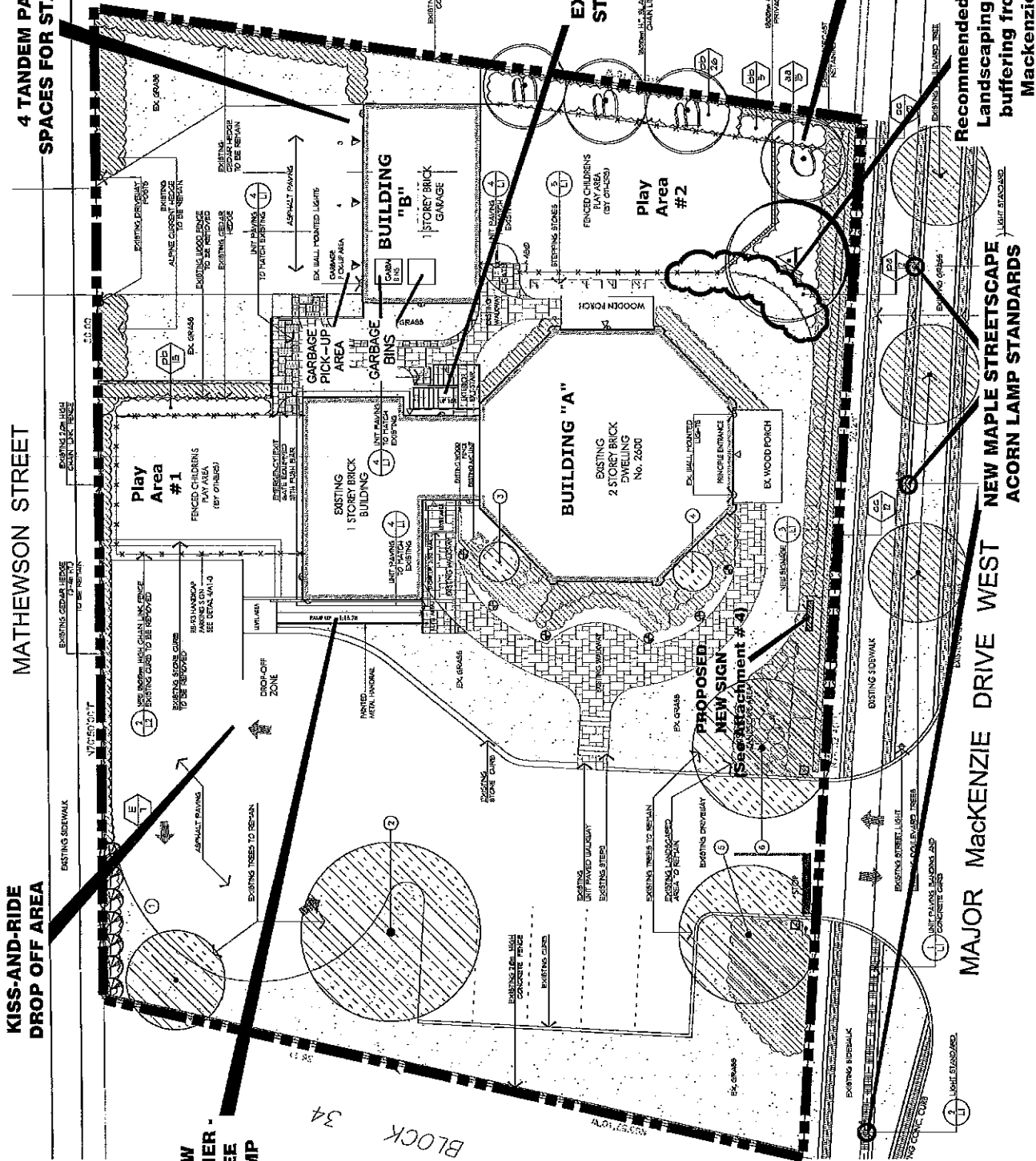
**NEW EXTERNAL STAIRCASE**

**OWNER TO INSTALL CEDAR FENCING & ADDITIONAL CONIFEROUS PLANTINGS**

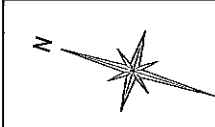
**Recommended Additional Landscaping for visual buffering from Major Mackenzie Drive**

**NEW MAPLE STREETSCAPE ACORN LAMP STANDARDS**

**MAJOR MACKENZIE DRIVE WEST**



**Subject Lands**



Not to Scale

**Development Planning Department  
Red-Lined Site Plan & Landscape Plan**

**APPLICANT:** Torilu Holdings Ltd.  
**LOCATION:** Part Lot 21, Concession 4

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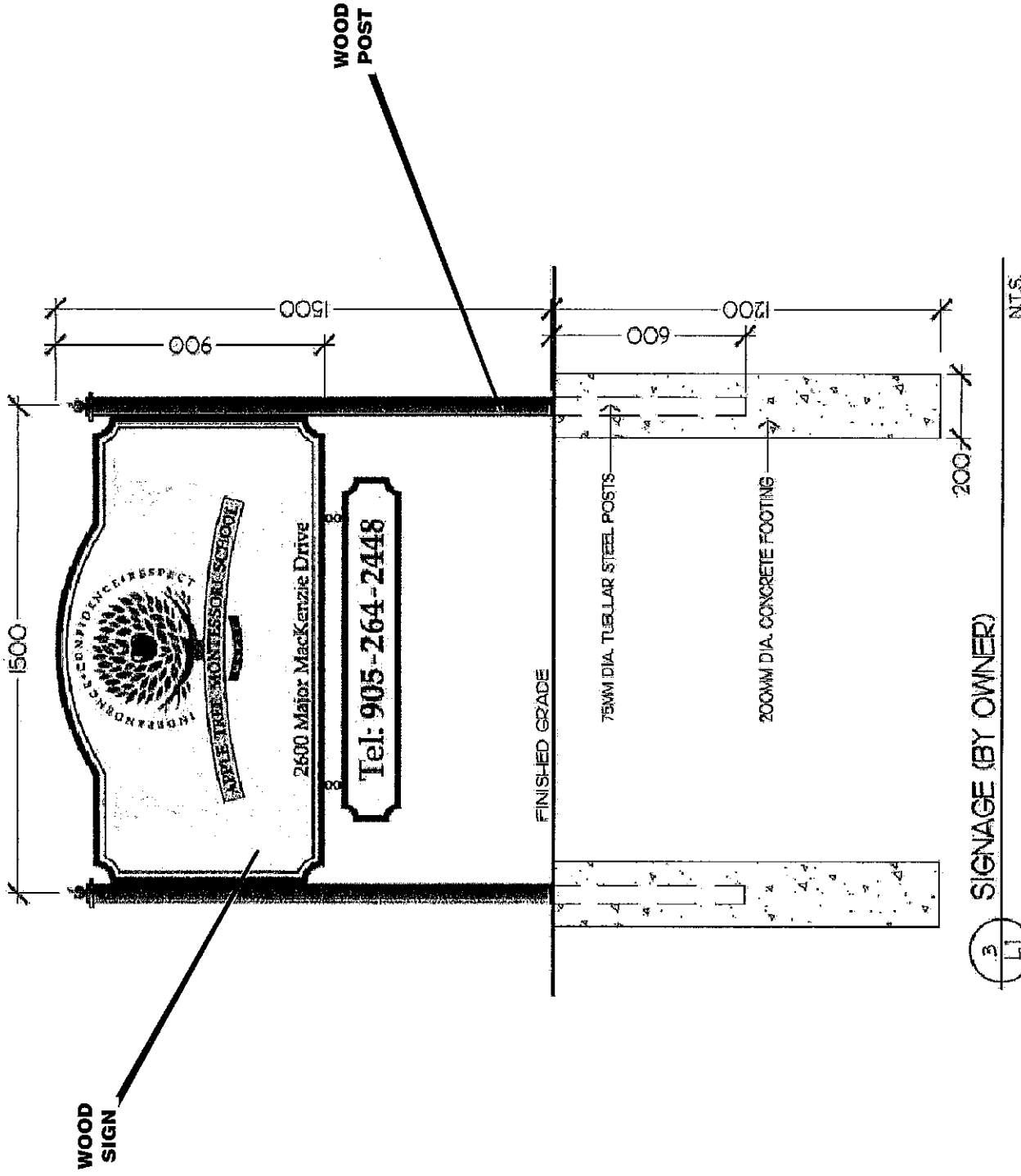
*The City Above Toronto*  
Development Planning Department

**Attachment**

FILE: DA.09.057  
RELATED FILE: Z.09.010

**3**

DATE: March 8, 2010



# Proposed New Sign

LOCATION:  
Part Lot 21, Concession 4

APPLICANT:  
Tonlu Holdings Ltd.

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The City Above Toronto

Development Planning Department

# Attachment

FILE: DA.09.057  
RELATED FILE: Z.09.010

DATE:  
March 8, 2010

# 4