

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: April 3, 2024
Name of Owner: Sharewell Investments Inc. c/o Julian Baldassarra
Location: 9929 Keele Street
File No.(s): A149/23

Proposed Variance(s) (By-law 001-2021):

1. To permit a maximum building height of 5 storeys (18.0 m) measured to the surface of the roof exclusive of the mechanical room as well as to permit residential units above the 4th storey.
2. To permit a portion of the building to exceed the maximum building height shown with number of storeys on Schedule E-162.
3. To permit a minimum combined indoor and outdoor amenity area of 2,701 m².
4. To permit dwelling units to be located above the 4th storey.
5. To permit a maximum of 41% of the total amenity area to be located on a rooftop or terrace.
6. To permit a total of 127 parking spaces to be provided within a parking structure located above grade.

By-Law Requirement(s) (By-law 001-2021):

1. A maximum building height of 4-storeys (15.5 m) measured to the surface of the roof exclusive of the mechanical room and no residential units, or any other use shall be permitted above the 4th storey.
2. No portion of the building shall exceed the maximum building height shown with number of storeys on Schedule E-162, exclusive of an accessory roof construction such as a chimney, tower, steeple, parapets, guardrails, stair enclosures, elevator, or mechanical room.
3. The minimum amount of combined indoor and outdoor amenity area to be provided shall be 3,155 m².
4. A dwelling unit shall not be permitted above the 4th storey.
5. A maximum of 35% of the total amenity area shall consist of amenity area located on a rooftop or terrace.
6. A total of 136 parking spaces shall be provided within a parking structure located below grade.

Official Plan:

City of Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Mixed-Use" Heritage Conservation Districts" (Village of Maple Heritage Conservation District Plan) by Volume 1, Schedule 14 B – Areas Subject to Area Specific Plans

Comments:

The Owner is requesting relief to permit the construction of a 5-storey building with 110 residential units and 127 parking spaces, with the above-noted variances.

Background

On June 28, 2022, Council approved Official Plan Amendment File OP.20.016 and Zoning By-law Amendment File Z.20.043, to facilitate a 4-storey building containing 114 residential units, 964 m² of ground floor commercial uses, and 173 parking spaces (136 underground and 37 surface parking) on the Subject Lands. The 136 underground spaces were comprised of 114 residential spaces and 22 visitor spaces. The 37 surface parking spaces, located to the rear of the building and covered by the floors above, were for the commercial uses. On January 12, 2023, the Owner submitted Site Development Application File DA.23.001 to facilitate the proposal. The application proposed 110 units. Through working on the structural, servicing, and dewatering designs for File DA.23.001, the project's hydrogeological engineer advised that the original design options for waterproofing the underground parking structure raised long term structural concerns. As a result, the Owner has proposed relocating the underground parking garage structure above-grade and integrate it into the building, requiring a reconfiguration of the

building's design and layout. As part of the City's review, the above-noted variances were identified to implement the reconfigured building. A summary of the changes are listed below:

- Reduce the total number of required residential/visitor parking spaces underground from 136 to 127 to reflect the 110 units being constructed rather than the permitted maximum of 114 units.
- Relocation of the 136 resident/visitor parking spaces from an underground structure to an above-ground structure and reduce the total number of spaces in the above-ground structure to recognize that at-grade visitor parking, which is not considered part of the parking structure, is being provided. A total of 149 resident/visitor parking spaces is to be provided in the following distribution:
 - 22 visitor spaces at grade
 - 62 resident spaces on the 2nd storey
 - 65 resident spaces on the 3rd storey
- Reduction of the ground floor commercial uses from 964 m² to 662 m² corresponding in a reduction of commercial parking spaces from 37 to 34.
- Splitting the tall first storey, designed thus to support the commercial units and permit the ground floor residential units a loft space, into a second storey and increasing the ceiling height of said second storey to make it functional to accommodate:
 - 62 resident parking spaces
 - Storage lockers relocated from the underground parking structure
 - The second (loft) level of the ground floor residential units
 - 2 residential units displaced from relocating the underground parking above-ground
- Splitting the tall first storey into two has the effect of shifting all the additional storeys up a level, increasing the total number of storeys from 4 to 5.
- As above-ground parking is proposed on the formerly 2nd (now the 3rd storey), the outdoor amenity space that sat above the at-grade parking is being relocated up a level to sit upon the roof of the above-ground parking structure.
- Adding parking to the formerly 2nd, now 3rd storey displaced indoor amenity space and residential units on that level, which have been redistributed into the floors above, with the exception of the 2 units that were relocated down into the new 2nd storey.

Analysis

Development Planning Department staff has no objection to Variances 1, 2 and 4 for the proposed 5-storey height of the building. During the review of the original Official Plan and Zoning By-law Amendments, it was identified that the Subject Lands are atop an aquifer. At that time, design options for waterproofing the foundation were recommended to permit the underground parking structure, and approvals were obtained based on those preliminary design options. However, based on the owner's continued investigation and monitoring on site, the original design options to accommodate the underground parking structure were determined to not be feasible due to the risk of groundwater leakage and building uplift. The additional storey to the building is proposed to accommodate the residential units displaced from the relocation of the underground parking structure's parking spaces. This design change is solely to address the technical issue. There is no increase proposed to the number of residential units or to the density of the building. The bulk of the 110 residential units are now located in the 4th and 5th storeys. The proposed height increase maintains the approved residential density, and as such, will not have adverse use impacts to the surrounding neighbourhood. Further, the original design proposed a first storey with a high ceiling height (5.5 m) to facilitate the additional heights desirable for the commercial space with a mezzanine to contain the loft designs for the at-grade units. The new design proposes a 6.45 m height between the two floors (3.45 m on the first storey and 3 m on the second storey), which will better facilitate the above-ground parking and storage locker uses and 2 relocated residential units. The commercial space and second floor of the ground level units will continue to occupy the space now classified as part of the second storey. As such, much of the second storey is comprised of nonfunctional space that is open to the floor below. The proposed new design alters the mezzanine into a full floor while only adding an additional 0.9 m in height. This will have a minor impact to the appearance of the building and the anticipated impact to the existing streetscape as the general design of the first two floors will continue to mask the uses located in the second storey.

Development Planning Department staff has no objection to Variance 6 for the location and reduction of the parking spaces. The layout and number of parking spaces have been revised due to the removal of the underground parking structure. The proposed parking spaces will be enclosed within the first three storeys of the building. The façade of the building has been designed to hide the parking use so that it will not be visible when viewed from the neighbouring properties or Keele Street. The number of proposed parking spaces have been reviewed by the Transportation Engineering Division of the Development Engineering Department and are considered sufficient to serve the proposed use.

Development Planning Department staff have no objection to Variances 3 and 5 for the proposed amenity area. The relocation of the parking spaces above-grade has resulted in a redesign and redistribution of the amenity areas. The terrace amenity areas formerly on the 3rd and 4th floors, now the 4th and 5th floors, have been reduced in size to accommodate the redistribution of units displaced by the above-ground parking. This is most noticeable and significant in the terrace sizes on the formerly 4th, now the 5th storey, resulting in most of the requested relief. The outdoor and indoor amenity areas that were formerly on the 2nd floor, have been relocated to the 4th floor and slightly reduced. The proposed amenity areas now on the 4th floor maintain a sufficient size to be functional spaces for the residents. The amount of amenity area has also been reviewed through the Site Development Application process and is considered sufficient to serve the proposed use.

Accordingly, Development Planning Department staff can support the requested variances and is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

Recommendation:

Development Planning Department staff recommends approval of the application.

Conditions of Approval:

If the Committee finds merit in the application, the following conditions of approval are recommended:

None

Comments Prepared by:

Joshua Cipolletta, Planner
David Harding, Senior Planner