

Committee of the Whole (1) Report

DATE: Tuesday, June 4, 2024

WARD: 1

TITLE: KEELE STREET DEVELOPMENTS 10037 INC. – ZONING AMENDMENT FILE Z.21.029, SITE DEVELOPMENT FILE DA.21.034: 10037 KEELE STREET, VICINITY OF KEELE STREET AND MAJOR MACKENZIE DRIVE

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment and Site Development applications to facilitate a 3-storey, mixed-use building with three ground floor commercial units (offices and dance school) and 8 apartment units on the second and third floors, having a total Floor Space Index ('FSI') of 0.8 with 21 surface parking spaces, as shown on Attachments 2 to 6.

Report Highlights

- To permit a 3-storey, mixed-use building with three ground floor commercial units (offices and dance school) and 8 apartment units on the second and third floors, and surface parking for the development.
- Zoning By-law Amendment and Site Development applications are required to permit the development.
- The overall architectural composition of the proposed building is in keeping with the commercial and residential styles prevalent within the Maple Heritage Conservation Plan.
- The Development Planning Department supports the proposed development subject to conditions as outlined in this report, as it is consistent with and conforms to Provincial policy, conforms to the York Region Official Plan 2022, and meets the intent of VOP 2010, and considered to be compatible with the surrounding land uses.

Recommendations

1. THAT Zoning By-law Amendment File Z.21.029 (Keele Street Developments 10037 Inc.) BE APPROVED, to amend Zoning By-law 1-88, to rezone the Subject Lands, from “C1 Restricted Commercial Zone” to “RA3(H) Apartment Residential Zone”, with a Holding Symbol “(H)”, with a maximum building height of 3-storeys and a maximum FSI of 0.8 times the area of the lot, in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Attachment 7 of this report;
2. THAT the Holding Symbol “(H)” be placed on the subject lands and the subject lands zoned with the Holding Symbol “(H)” shall be used only for:
 - a) uses legally existing as of the date of the enactment of the By-law; or
 - b) Site remediation, shoring and excavation works to address contamination in the soil;
3. THAT the Holding Symbol “(H)” shall not be removed from the subject lands or any part thereof, until the following conditions are met to the satisfaction of the City and York Region:
 - a) The Owner has received confirmation from York Region that the proposed storm connection to the regional storm sewer and the associated flows are acceptable;
 - b) The Owner shall implement the accepted Remedial Action Plan (‘RAP’) for the removal of contamination in soil to the satisfaction of the Ministry of Environment, Conservation and Parks (‘MECP’) and shall provide the City with a copy of the MECP Record of Site Condition (‘RSC’) filed on the Environmental Registry to the satisfaction of the City. This condition shall not preclude the issuance of a conditional building permit, at the discretion of the Building Standards Department, to permit the implementation of the RAP and RSC;
4. THAT Site Development File DA.21.034 (Keele Street Developments 10037 Inc.) BE DRAFT APPROVED, SUBJECT TO CONDITIONS identified on Attachment 8, to facilitate a 3-storey mixed-use building with commercial ground floor and two upper floors containing 8 apartment units, as shown on Attachments 2 to 6; and
5. THAT Vaughan Council adopted the following resolution for the allocation of water and sewer servicing capacity:

“THAT Site Development Application File DA.21.034 (Keele Street Developments 10037 Inc.) be allocated servicing capacity from the York

Sewage Servicing / Water Supply System for a total of 8 residential apartment units (18 persons equivalent). The allocation of said capacity may be redistributed (at the discretion of the City) in accordance with the City's Servicing Capacity Allocation Policy if the development does not proceed to building permit issuance within 36 months."

Background

Location: 10037 Keele Street (the 'Subject Lands'). The Subject Lands are within the Maple Heritage Conservation District Plan ('MHCDP') area near the northeast corner of Keele Street and Major Mackenzie Drive. The existing commercial building will be demolished. The Subject Lands and the surrounding lands uses are shown on Attachment 1.

Zoning By-law Amendment File Z.21.029 and Site Development File DA.21.034 (the 'Applications') were received on July 15, 2021. File Z.21.029 is transitioned under Zoning By-law 001-2021, therefore Zoning By-law 1-88 will apply. File DA.21.034 requires Council approval as the Application was submitted prior to the July 1, 2022, when the delegation provisions of Bill 109 came into effect.

Zoning By-law Amendment and Site Development Applications have been submitted to permit the development

Keele Street Developments 10037 Inc. (the 'Owner') has submitted the Applications for the Subject Lands to permit the proposed development consisting of a 3-storey (11.7 m high) mixed-use building with three ground floor commercial units (two offices and a dance studio) having a gross floor area ('GFA') of 333.47 m² and 8 apartment units on the upper floors. The total Gross Floor Area ('GFA') is 1265.20 m² (the 'Development'), shown on Attachments 2 to 6.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol

- Date of Notice (Circulated 150 m from Subject Lands and to the expanded polling area as shown on Attachment 1): May 5, 2023
- Location of Notice Sign: Keele Street
- Date of Public Meeting: May 30, 2023, date ratified by Council June 20, 2023
- Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: May 27, 2024

Public Comments were received for the Applications

The following is a summary of the comments received to date. The comments are addressed within this report:

Access and Parking

- On May 31, 2023, the owner of the adjacent property at 10019 Keele Street, provided comments regarding the "future access" to Richmond Street, shown on the site plan, and commented that Richmond Street (where adjacent to the plaza) is a closed road allowance under the plaza's ownership

- The 10019 Keele Street plaza owner also commented that future patrons of the Development will make unauthorized use of the plaza parking spaces, if adequate parking is not provided on the Subject Lands

Response

The City confirmed that the former Richmond Street legally described as Parts 8 and 9 on 65R-8191, where the plaza driveway/delivery area is located, was stopped up and closed in 1985. It was purchased by the 10019 Keele Street plaza owners in 1987 and forms part of the approved Site Plan Agreement registered on title for the 10019 Richmond Street plaza.

When the Applications were filed, the Owner knew that a portion of Richmond Street was closed and requested that the City re-open the closed road allowance to permit a driveway access for the proposed Development (Attachment 1). The Owner was unaware the plaza owned the closed road allowance. The City advised the Owner that the proposed access on Richmond Street was not feasible. A revised site design with site access onto Keele Street was submitted and proceeded to a Public Meeting based on the revised design on May 30, 2023. Access is discussed further throughout this report.

Previous Reports/Authority

Previous reports related to the Subject Lands can be found at the following links:

[Zoning Amendment File Z.21.029 \(Keele Street Developments Inc.\) Committee of the Whole \(Public Meeting\) Report May 30, 2023, Committee of the Whole Public Meeting \(Item 4, Report 26\)](#)

[Proposed Demolition of Existing Building and Construction of a 3-Storey Mixed-Use Building at 10037 Keele Street, Maple Heritage Conservation District November 28, 2023, Heritage Vaughan Committee \(Item 2, Report 8\)](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement and conforms to the Growth Plan, York Region Official Plan, Vaughan Official Plan 2010

Provincial Policy Statement, 2020 ('PPS')

The PPS provides direction on matters of Provincial interest related to land use planning and development and include building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety.

The Subject Lands are within a Settlement Area and the Delineated Built-Up Area of the Built Boundary of York Region. The Development provides for a compact, mixed-use development that incorporates compatible commercial uses to support livable and resilient communities. The Development compliments and is compatible with the

existing uses within the area and is within an area where full municipal services exist. The compact urban form, the ability to utilize existing municipal infrastructure, and the opportunity to provide housing with varying unit sizes facilitate a higher density development that capitalizes on the transportation infrastructure investments, consistent with the PPS. The Development is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan')

The Growth Plan provides a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

Although the Subject Lands are within a Heritage Conservation District Area, they are also in proximity to the Maple Go Transit Station (approximately 500 m to the east). The Development is consistent with the policy framework of the Growth Plan as the proposed built form would utilize the Subject Lands more efficiently, make more efficient use of existing infrastructure, and provide housing at a density that is supportive of the Growth Plan objectives and implementing the goals and objectives of the municipal cultural heritage plan. The Development conforms to the Growth Plan.

York Region Official Plan 2010 ('YROP 2010')

The York Region Official Plan 2022 ('YORP 2022') replaces the YROP 2010 with respect to applications not deemed to be complete as of the YROP 2022 date of approval (Transition Policy 7.4.13). As the Applications were deemed complete prior to the approval of YROP 2022, (August 24, 2021) the YROP 2010 remains as the in-force Regional Official Plan against which conformity of the Applications is measured.

The YROP 2010 designates the Subject Lands 'Urban Area' on Map 1 – Regional Structure of YROP 2010, which permits a wide range of residential, commercial, industrial, and institutional uses. The Development, which conforms to YROP 2010 by providing for a denser and more intense development on a parcel of the land close to existing transit facilities.

Vaughan Official Plan 2010 ('VOP 2010')

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- "Community Area" on Schedule 1 – "Urban Structure" of VOP 2010 with a "Local Centre" overlay
- "Low-Rise Mixed-Use" designation overlay on Schedule 13 – "Land Use" of VOP 2010
- The Subject Lands are within the MHCDP

The “Low-Rise Mixed-Use” designation permits a maximum building height of 3-storeys, maximum Floor Space Index (FSI) of 1.25. The Development proposes a 3-storey (11.7 m) mixed-use building with an FSI of 0.8 times the area of the lot.

VOP 2010 contains policies to protect Vaughan’s Cultural Heritage. The 2007 MHCDP under the *Ontario Heritage Act* has helped Vaughan retain cultural heritage resources within the Maple community.

The Development shown on Attachments 2 to 6 complies with the “Low-Rise Mixed-Use” designation which permits the proposed ground floor commercial and 8 apartment units on the second and third floors. The Vernacular Town Shop building type accommodates the combination of commercial and residential uses intended to serve the local population. The built form is considered a Low-Rise Building, consistent with the policies of VOP 2010.

The Development is in keeping with the Commercial Core Policies of the MHCDP for building height, the ratio of first floor commercial units, and the on-street massing. On this basis, the Development conforms to VOP 2010.

The Heritage Vaughan Committee recommended approval of the Development and Vaughan Council ratified the Committee’s recommendation

The Subject Lands are within the MHCD falling within the “Commercial Core” and are designated under Part V of the *Ontario Heritage Act*. Therefore, all planning applications, demolitions and new construction must be consistent with the MHCDP. The existing 1-storey, commercial building is identified as a non-contributing structure in the MHCDP and is not designated under Part IV of the *Ontario Heritage Act*. It will be demolished to facilitate the Development. A Cultural Heritage Impact Assessment (CHIA) for the existing structure was submitted in support of the Development.

The Development proposes a Vernacular Town Shop architecture, combining commercial and residential uses. The proposed 3-storey height, building form and uses are considered appropriate for the Subject Lands.

The Heritage Vaughan Committee (‘HVC’) on October 25, 2023, recommended approval of the Development, subject to conditions. The recommendations were considered by the Committee of the Whole on November 28, 2023. Vaughan Council on December 12, 2023, ratified the HVC recommendation subject to conditions that allow for “minor refinements to building design and final material be to the satisfaction of the Vaughan Development Planning Department, Urban Design and Cultural Heritage Division prior to Heritage Permit issuance”. Any significant changes to the Development may require reconsideration by the HVC, determined at the discretion of the Director of Development Planning. At the Building Permit stage, the Owner shall submit architectural drawings and building material specifications to the satisfaction of the Urban Design and Cultural Heritage Division and Chief Building Official.

Council enacted Zoning By-law 001-2021 on October 20, 2021, as the new Vaughan Comprehensive Zoning By-law

As the Applications were received by the City on July 15, 2021, deemed complete on August 24, 2021, and the Owner has no appeals to By-law 001-2001, the Applications are transitioned under Zoning By-law 001-2021.

Amendments to Zoning By-law 1-88 are required to permit the Development Zoning:

- “C1 Restricted Commercial Zone” by Zoning By-law 1-88
- This Zone does not permit the Development
- The Development is to be rezoned to “RA3(H) Residential Apartment Zone” with the Holding Symbol “(H)” as shown on Attachment 2, together with the following site-specific zoning exceptions, identified in Table 1 on Attachment 7
- The proposed Zone is consistent with existing zoning on other recent zoning by-law amendment approvals for similar mixed-use developments within the MHCD

The Development Planning Department can support the zoning exceptions identified in Table 1, as the site-specific development standards to reduce the required front yard, exterior site yard and parking will not negatively impact the existing and proposed land uses in the area and will enable a compact built form and pedestrian realm relationship consistent with the MHCDP. The parking rates are supported by the Transportation Division of the Development Engineering Department.

Minor modifications may be made to the zoning exceptions identified in Table 1 (Attachment 7) prior to the enactment of an implementing Zoning By-law, as required, should the Applications be approved.

A Holding Symbol “(H)” is recommended for the Subject Lands to satisfy conditions of the Development Engineering Department

A Holding Symbol “(H)” is recommended to be placed on the proposed zoning for the Subject Lands to address the ESA issue discussed in this report. The Holding Symbol “(H)” shall not be removed from the Subject Lands, or any portion thereof, until the conditions included in the Recommendation section of this report are addressed to the satisfaction of the City. A condition to this effect is included in the Recommendations of this report.

The Development Planning Department supports the Development, subject to conditions

The Development Planning Department supports approval of the Development as shown on Attachment 2 to 6, subject to conditions identified on Attachment 8.

Site Design

Access to the Development is from a full moves driveway on Keele Street providing access to at grade parking and a loading area at the rear of the building. The parking area is designed for future connectivity to the parking areas of the adjacent properties to

the north and south. Pedestrian circulation, bicycle parking, vehicle parking and loading areas were reviewed by the Development Engineering Department.

The common residential entrances are distinguished from the commercial entrances along Keele Street, and at the rear parking area. Outdoor amenity space is provided by balconies for the residential units. All building materials shall be identified on the final building elevations to the satisfaction of the Cultural Heritage Section.

The Development shall address the sidewalk enhancement requirements of the Maple Streetscape Plan for the “Keele Street Boulevard”, along the lot frontage, and shall extend as a walkway between the public sidewalk and the parking area, as a clear path of travel. New trees are proposed within the Keele Street Enhanced Streetscape Right-of-Way and a one-time contribution of \$19,678.00 (based on 2024 Fees) is required for long-term maintenance. This amount may be adjusted based on the final approved Landscape Plan. The final Landscape Plan, Landscape Cost Estimate, signage and Lighting Plan shall be to the satisfaction of the Urban Design Section of the Development Planning Department. The final bicycle parking ring locations shall be coordinated with Development Engineering Department. Conditions to this effect are included in Attachment 8.

Arborist Report and Tree Protection Agreement

Written letters of consent are required from the neighboring owners of 10049 Keele Street) to remove a co-owned tree (#427) and also from the owners of 18 Richmond Street for the entire grouping of trees (“B-F”) for the likelihood of injury, as identified in the Owner’s Arborist Report. Compensation plantings for on-site removals shall be accommodated within the site boundary. Prior to final Site Plan Approval, the Owner shall enter into a Tree Protection Agreement with the Development Planning which shall be provided to include the cost of tree removals, the preservation costs. Six trees are required to be replanted in accordance with By-law 052-2018 and two trees and compensation costs for trees being removed from the site can be paid out with the “Tree replacement fee at the rate of \$682.50 per tree. A condition is included as Conditions of Approval in Attachment 8.

Archaeology

The Subject Lands are not identified as having archaeological potential. The standard archaeological warning clauses are included as Conditions of Approval in Attachment 8.

The Development achieves a Bronze Sustainability Threshold Score

The Development achieves an overall Sustainability Performance Metrics (SPM) application score of 37 (bronze level). This score meets minimum threshold requirements.

Financial Impact

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

Operational Impact

The Development Engineering ('DE') Department supports the Development, subject to the conditions in this report

DE has reviewed the Development, Phase One ESA, and a Preliminary Phase Two Environmental Site Assessment ('ESA') Reports. These reports identify remediation (RAP) is required. Until it is completed Development does not meet the applicable MECP stands and is not suitable for residential//ICI uses. The DE Department recommends that the Holding Symbol "(H)" be placed on the Subject Lands and it shall not be removed until the Owner implements an accepted RAP and provides the City with the MECP RSC filed on the Environmental Site Registry, to the City's satisfaction. This requirement will not preclude the issuance of a conditional building permit, at the discretion of the Building Standards Department, to permit the implementation of the RAP and the RSC. A condition to this effect is included in the recommendations of this report.

Sewage and Water Allocation

On December 12, 2023, Vaughan Council endorsed the 2023 Servicing Capacity Assignment and allocation of Servicing Capacity Distribution Report. Servicing capacity for Site Plan DA.21.034 is available and unrestricted. A condition to this effect is included in the Recommendations section of this report.

Wastewater Servicing

The City's Focus Area Core Servicing Strategy and draft Interim Servicing (ISS) Study identified surcharging in segments of the existing Keele Street sanitary sewer, which is not permitted by the City. Based on the concussions of the ISS Study and associated flow monitoring data, the Development may be serviced with minimal surcharging to the existing Keele Street sewer until future local infrastructure improvements are completed.

Water Servicing

The Subject Lands are in Pressure District PD7. The Development will have a new service connection to the existing watermain on Richmond Street.

Storm Servicing

The Subject Lands are currently serviced by existing stormwater infrastructure on Keele Street. A new stormwater management servicing system is proposed on site for quality control and underground storage chambers which will discharge to the Regional Storm System. Discharge to the regional storm system requires approval by York Region.

Erosion and Sediment Control

DE requires the grading and sediment control design drawings to reflect special structures and property necessary to service the Subject Lands. The Owner shall inform the City of any operation and maintenance obligations to service the Subject Lands. Detailed review of the grading, erosion and sediment control measures will occur when detailed drawings are submitted for the City's review.

The Owner shall address all DE comments and conditions to facilitate the final approval of the proposed sanitary servicing strategy, water servicing strategy, the SWM servicing strategy and the lot grading strategy and geotechnical investigation for the Development. A condition to this effect has been included in Attachment 8.

Noise Feasibility Study

A Noise Feasibility Study, by HGC Engineering Limited, dated June 22, 2021, recommends upgraded exterior components, central air condition and noise warning clauses be included in all Offers of Purchase and Sale or Lease and registered on title, advising future occupants of potential noise. A final Noise Study must be approved to the satisfaction of the DE Department and a condition to this effect is included in Attachment 8.

Transportation Engineering ('TE') Department

The Addendum Letter to the Traffic Operations Study ('TIS') by CGG Transportation Consulting, dated December 13, 2023, for the Keele Street access to the Development is satisfactory to the TE Department. However, final approval of this access is required from York Region.

The Development proposes a total of 21 at grade parking spaces whereas 22 spaces are required by By-law 001-2021. The TIS supports 21 parking spaces on the basis that the City of Vaughan Shared Parking Reductions for Mixed-Use Developments allows for a reduction of the overall site's parking supply. While the total required parking using the most conservative calculation of the Shared Parking Reduction is 22 spaces, 21 parking spaces results in a deficiency of 1 parking space for non-residents (resident visitor, office and dance studio uses). This deficiency required the Owner to calculate for an additional reduction in parking spaces utilizing the By-law 001-2021 provisions, to provide additional long-term bicycle parking within the building. The Owner has provided 8 long-term bicycle parking spaces within the ground floor of the building satisfying the City's criteria for the reduction to 21 parking spaces. The TE Department is satisfied with the TIS report, and the proposed parking rate discussed in the Zoning Section of this report.

Site Lighting – Photometric Plan

Prior to final Site Plan approval, the lighting plan shall show zero disturbance onto the adjacent properties to the satisfaction of the DE Department.

Development charges are applicable to the Development

The Financial Planning and Development Finance Department requires the Owner to pay all applicable development charges in accordance with the City of Vaughan, Region of York, York Region District School Board and Catholic District School Board Development Charge By-law and a condition to this effect is included in Attachment 8.

Cash-in-Lieu of the dedication of parkland is required

The Real Estate Department confirmed the Owner has paid the City cash-in-lieu of the dedication of the parkland for this Development under file DA.21.034.

Parks, Forestry and Horticulture Operations

An updated Arborist Report and Tree Inventory and Protection Plan has been provided to address additional tree planting required per By-law 052-2018. A condition to this effect is included in Attachment 8.

The Environmental Services Department, Waste Management Division has no objection to the Development

The Development shall be serviced by private collection only, as the loading area does not meet the City's Waste Collection Design Standards. A refuse and recycling room for the residential and commercial users will be provided. A condition to this effect is included in Attachment 8.

Other Vaughan Departments have no objections to the Development

Building Standards, Vaughan Fire & Rescue Services, Enforcement Services, Emergency Services and Policy Planning and Special Projects, and Parks Infrastructure and Parks Development have no comments or objection to the Development.

Other external agencies and various utilities have no objection to the Development subject to conditions

Hydro One, Metrolinx, Rogers Communications has no objection. Alectra, Bell, Canada Post, Enbridge Gas, have no objection to the Development subject to their standard conditions of approval included in Attachment 8.

Toronto and Region Conservation Authority ('TRCA') supports the Development

The Subject Lands are outside the Regulated Area but are within the WHPA-Q2 Source Protection Plan area. TRCA reviewed the water balance calculations in the Functional Servicing Report and supports the recommendations of that report.

Broader Regional Impacts/Considerations

The Subject Lands are on Keele Street, a regional road. The Owner is required to satisfy all York Region requirements, including comments and Conditions of Approval within Attachment 8.

Conclusion

The Development Planning Department is satisfied the Applications are consistent with the PPS, conforms with the Growth Plan, YROP and VOP 2010 within the MHCDP, and is appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department can recommend approval of the Applications, subject to the recommendations in this report.

For more information, please contact Laura Janotta, Planner, at extension 8634.

Attachments

1. Context and Location Map
2. Proposed Zoning and Site Plan
3. Landscape Plan
4. Building Elevations - Front and Rear
5. Building Elevations - Sides
6. Perspective Rendering
7. Zoning By-law 1-88 Table 1
8. Conditions of Site Plan Approval

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