

Committee of the Whole (Public Hearing) Report

DATE: Monday, September 17, 2018

WARD: 1

**TITLE: OFFICIAL PLAN AMENDMENT FILE OP.18.007
ZONING BY-LAW AMENDMENT FILE Z.18.012
2338 MAJOR MACKENZIE INC.
VICINITY OF KEELE STREET AND MAJOR MACKEN**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on Official Plan Amendment and Zoning By-law Amendment Files OP.18.007 and Z.18.012 for the Subject Lands shown on Attachments #1 and #2, to permit 77, four-storey stacked back-to-back townhouse dwellings and 271 m² of commercial space fronting on Major Mackenzie Drive, as shown on Attachments #3 to #7.

Report Highlights

- To receive input from the public and the Committee of the Whole on a development proposal for 77 stacked back-to-back townhouse dwellings including 271 m² of ground floor commercial space.
- Amendments to Vaughan Official Plan 2010 and Zoning By-law 1-88 are required to permit the development.
- A technical report prepared by the Development Planning Department will be considered at a future Committee of the Whole meeting.

Recommendations

1. THAT the Public Hearing report for Official Plan and Zoning By-law Amendment Files OP.18.007 and Z.18.012 (2338 Major Mackenzie Inc.) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Background

The Subject Lands (the “Subject Lands”) shown on Attachments #1 and #2 are located on the north side of Major Mackenzie Drive, west of Keele Street and are known municipally as 2338 Major Mackenzie Drive. The Subject Lands are developed with a multi-unit commercial plaza that includes retail (Vin Bon Wine Store), eating establishment (Villa Panini, Sen Sushi and Piccolo Paese), and personal service shop (Major Mackenzie Barbershop and Envy Nails and Spa) uses. The surrounding land uses are shown on Attachment #2.

Official Plan and Zoning By-law Amendment Applications have been submitted to permit the development

The Owner has submitted the following applications (the “Applications”) for the Subject Lands shown on Attachments #1 and #2 to permit 77, four-storey stacked back-to-back townhouse dwellings (the “Development”) over three (3) blocks, with 271 m² of commercial space, as shown on Attachments #3 to #7. Each Block of the Development contains sunken basement residential units and a recessed mechanical penthouse at the rooftop level with access to a rooftop amenity area.

1. Official Plan Amendment File OP.18.007 to amend Vaughan Official Plan 2010 to increase the maximum permitted Floor Space Index (“FSI”) in the “Low-Rise Mixed-Use” designation from 1.25 to 1.72 times the area of the lot.
2. Zoning By-law Amendment File Z.18.012 to amend Zoning By-law 1-88, to rezone the Subject Lands from “C1 Restricted Commercial Zone”, subject to site-specific Exception 9(356), as shown on Attachment #2, to “RM2 Multiple Residential Zone” in the manner shown on Attachment #3, together with the site-specific zoning exceptions identified in Table 1 of this report.

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

- a) Date the Notice of Public Hearing was circulated: August 10, 2018.

The Notice of Public Hearing was also posted on the City’s web-site at www.vaughan.ca and a Notice Sign was installed on the property in accordance with the City’s Notice Signs Procedures and Protocols.

b) Circulation Area: 150 m.

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments that are received will be reviewed by the Development Planning Department as input in the application review process and will be addressed in the final technical report at a future Committee of the Whole meeting.

Previous Reports/Authority

Not Applicable.

Analysis and Options

An amendment to Vaughan Official Plan 2010 is required to permit the Development

The Subject Lands are designated “Low-Rise Mixed Use” by Vaughan Official Plan 2010 (“VOP 2010”) which permits a maximum building height of 3-storeys and a maximum FSI of 1.25 times the area of the lot. An amendment to VOP 2010 is required to increase the maximum permitted density from 1.25 FSI to 1.72 FSI.

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

The Subject Lands are zoned “C1 Restricted Commercial Zone” and subject to site-specific Exception 9(356), which does not permit townhouse dwellings. The Subject Lands must be rezoned to “RM2 Multiple Residential Zone”, together with the following site-specific exceptions to Zoning By-law 1-88 to permit the Development:

Table 1

	By-law Standard	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to the RM2 Multiple Residential Zone Requirements
a.	Definition of “Stacked Townhouse Dwelling”	There is no definition of a Stacked Townhouse Dwelling in Zoning By-law 1-88.	Define a Stacked Townhouse Dwelling as follows:

	By-law Standard	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to the RM2 Multiple Residential Zone Requirements
			Means a building consisting of two to four separate residential units stacked on top of each other where each unit has direct access to ground level.
b.	Definition of "Storey"	Means the portion of a building other than the cellar, basement or unfinished attic, which lies between the surface of the floor and the surface of the next floor above, and if there is no floor above it, then the surface next above it, provided its height is not less than 2.3 m.	Means the portion of a building which lies between the surface of the floor and the surface of the next floor above, and shall exclude the cellar or basement and the mechanical penthouse.
c.	Definition of "Building Height"	Means the vertical distance between the average elevation of the finished grade at the front of the building and in the case of a mansard roof, the highest point on the roof surface.	Means the vertical distance between the average elevation of the finished grade, excluding sunken front entrances (for the purpose of this definition, the front of the building shall be the wall facing the private road) and in the case of a mansard roof, the highest point on the roof surface exclusive of any accessory roof construction such as a chimney tower, steeple, elevator, mechanical room or television antenna.
d.	Permitted Uses	<ul style="list-style-type: none"> • Apartment Dwelling • Multiple Family Dwelling 	Permit the following uses:

	By-law Standard	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to the RM2 Multiple Residential Zone Requirements
		<ul style="list-style-type: none"> Block Townhouse Dwelling Day Nursery 	<ul style="list-style-type: none"> Stacked Townhouse Dwelling Retail Store Banking or Financial Institution Eating Establishment Personal Service Shop
e.	Maximum Building Height	11 m	10.8 m, excluding the 2.55 m (Blocks A and C) and 3.2 m (Block B) high mechanical penthouse from the building height calculation.
f.	Minimum Number of Parking Spaces	<p>77 units @ 1.5 spaces/unit = 116 spaces</p> <p>77 units @ 0.25 spaces/unit for visitor parking = 20 spaces</p> <p>271 m² commercial GFA @ 6 spaces/100m² = 17 spaces</p> <p>Total Parking Required = 153</p>	<p>77 units @ 1.32 spaces/unit = 102 spaces (inclusive of 6 barrier-free spaces)</p> <p>77 units @ 0.23 spaces/unit for visitor parking = 18</p> <p>Commercial 4.4 spaces/ 100 m² = 12 spaces</p> <p>Total parking proposed = 132 spaces</p>
g.	Minimum Landscape Strip Width abutting a Street Line (Major Mackenzie Drive)	6 m	2.6 m

	By-law Standard	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to the RM2 Multiple Residential Zone Requirements
h.	Minimum Amenity Area	<p>71 Two Bedroom Units @ 55 m² / unit = 3,905 m²</p> <p>6 Three Bedroom Units @ 90 m² / unit = 540 m²</p> <p>Total Amenity Area Required = 4,445 m²</p>	2.83 m ² / Unit (218 m ²)
i.	Maximum Lot Area	230 m ² / unit	68 m ² / unit
j.	Minimum Front Yard Setback	4.5 m	2.6 m (Major Mackenzie Drive)
k.	Minimum Setback to Portions of Buildings Below Grade (Underground Parking Garage)	1.8 m	0 m (Major Mackenzie Drive)

Additional zoning exceptions may be identified through the detailed review of the Zoning By-law Amendment application, and will be considered in a technical report to a future Committee of the Whole meeting.

Through a preliminary review of the Applications, the Development Planning Department has identified matters to be reviewed in greater detail

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Consistency and Conformity with Provincial policies, Regional and City Official Plans	<ul style="list-style-type: none"> ▪ The Applications will be reviewed in consideration of all applicable statutory policies of the <i>Provincial Policy Statement</i> (2014) (the “PPS”), the <i>Growth Plan for the Greater Golden Horseshoe</i> (2017) (the “Growth Plan”), and the York Region and VOP 2010 Official Plan policies. ▪ The Applications will be reviewed in consideration of the VOP 2010 policies, particularly Sections 6.2.2, 9.1.2.5 and 9.2.3.3 regarding heritage properties, compatibility within Intensification Areas, and development criteria for Stacked Townhouse Dwellings.
b.	Appropriateness of the Proposed Site-Specific Official Plan and Zoning Exceptions	<ul style="list-style-type: none"> ▪ The appropriateness of increasing the maximum permitted density from 1.25 FSI to 1.72 FSI to permit the Development will be reviewed. ▪ The appropriateness of rezoning the Subject Lands to “RM2 Multiple Residential Zone”, with the site-specific exceptions identified in Table 1 of this report, will be reviewed in consideration of the existing and planned surrounding land uses. ▪ The definition of “Building Height” in Zoning By-law 1-88 excludes rooftop mechanical rooms for the calculation of building height. However, as the proposed 2.55 m (Blocks A and C) and 3.2 m (Block B) high recessed mechanical penthouse for the Development includes access to a rooftop amenity area, the rooftop mechanical penthouse is not excluded from the building height calculation. ▪ The Owner is seeking to amend the definition of a “Storey” and “Building Height” in Zoning By-law 1-88 to exclude the 2.55 m and 3.2 m high recessed mechanical penthouse and below grade basement units from the building height calculation. The

	MATTERS TO BE REVIEWED	COMMENT(S)
		proposed definitions for “Storey” and “Building Height” will be reviewed in consideration of the VOP 2010 policies for maximum building height for the Subject Lands, and the development criteria for Stacked Townhouse Dwellings in Section 9.2.3.3 of VOP 2010.
c.	Maple Heritage Conservation District Plan	<ul style="list-style-type: none"> ▪ The existing building located on the Subject Lands (2338 Major Mackenzie Drive) is designated under Part V of the <i>Ontario Heritage Act</i>. The Development must be reviewed by the Vaughan Development Planning Department, Urban Design and Cultural Heritage Division and the Heritage Vaughan Committee. ▪ The Owner has submitted a Cultural Heritage Resource Impact Assessment to assess conformity to the Village of Maple Heritage Conservation District Plan (“Maple HCDP”), which must be approved by the Vaughan Development Planning Department.
d.	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner has submitted the following studies and reports in support of the Development, which must be approved to the satisfaction of the City and/or respective public approval authority: <ul style="list-style-type: none"> - Functional Servicing and Stormwater Management Report - Noise Feasibility Study - Traffic Impact and Parking Study - Planning Justification Report - Tree Inventory and Preservation Plan - Geotechnical Report - Phase 1 Environmental Site Assessment - Urban Design Brief - Stage 1 Archaeological Assessment ▪ Additional studies/reports may be required as part of the development application review process.

	MATTERS TO BE REVIEWED	COMMENT(S)
e.	Sustainable Development	<ul style="list-style-type: none"> ▪ Opportunities for sustainable design, including CPTED (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, energy efficient lighting, reduction in pavement etc., will be reviewed and implemented through the future Site Development Application process, if the Applications are approved.
f.	Parkland Dedication	<ul style="list-style-type: none"> ▪ The Owner will be required to pay to the City of Vaughan, cash-in-lieu of the dedication of parkland, prior to the issuance of a Building Permit, in accordance with the <i>Planning Act</i> and the City of Vaughan's Cash-in-lieu of Parkland Policy, should the Applications be approved. The final value of the cash-in-lieu of parkland dedication will be determined by the Real Estate Department.
g.	Allocation and Servicing	<ul style="list-style-type: none"> ▪ The availability of water and sanitary servicing capacity for the Development must be identified and allocated by Vaughan Council, if the Applications are approved. If servicing capacity is unavailable, the entirety of Subject Lands will be zoned with a Holding Symbol "(H)", which will be removed once Vaughan Council has identified and allocated servicing capacity to the Subject Lands.
h.	Conceptual Site Plan / Site Development Application	<ul style="list-style-type: none"> ▪ A Site Development Application is required to permit the Development, should the Applications be approved. The following matters, but not limited to, will be considered through the review of the Site Development Application and the Conceptual Site Plan provided with the Applications, as shown on Attachment #3: <ul style="list-style-type: none"> - pedestrian and barrier free accessibility; - proper vehicular (including service vehicles such as fire and garbage trucks) turning movements on the proposed private road;

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> - appropriate site design and building materials, orientation of units, and upgraded elevations for units facing Major Mackenzie Drive; - appropriate landscaping, amenity area, snow storage area(s), stormwater management, and servicing and grading; - the relationship between the facing distance of each townhouse block in order to maximize daylight, enhance landscaping and ensure privacy; - accessibility and location of the proposed residential visitor and commercial parking spaces; and - the relationship of the proposed built form, building setbacks and design with the immediate neighbourhood and site.
i.	Draft Plan of Condominium Application	<ul style="list-style-type: none"> ▪ A Draft Plan of Condominium Application is required to create a Condominium Corporation to address the tenure of the common elements (i.e. private road, internal sidewalk, resident and visitor parking, and common landscaped amenity areas), if the Applications are approved.
j.	Vaughan Design Review Panel	<ul style="list-style-type: none"> ▪ A preliminary design concept was considered by the Vaughan Design Review Panel ("DRP") on June 28, 2018. The Development shown on Attachments #3 to #7 reflects a revised proposal submitted by the Owner on August 2, 2018, to address comments from the DRP. The Owner must satisfactorily address all comments from the DRP.
k.	Maple Streetscape & Urban Design Guidelines	<ul style="list-style-type: none"> ▪ The Subject Lands are located within the Maple Streetscape designated area. The Development must comply with the requirements of the Maple Streetscape and Urban Design Guidelines, which includes prescribed streetscape materials, street furniture and lighting within the public realm along Major Mackenzie Drive, should the Applications be approved.

	MATTERS TO BE REVIEWED	COMMENT(S)
I.	Major Mackenzie Drive West Class Environmental Assessment	<ul style="list-style-type: none"> York Region is undertaking a Municipal Class Environmental Assessment Study ("EA") for Major Mackenzie Drive from east of Keele Street to McNaughton Road, with an anticipated study completion date of Winter 2019. The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. The Owner must satisfy the requirements of York Region and must modify the Development, if required, to reflect the outcome of the Major Mackenzie Drive EA, including any road widening requirements for Major Mackenzie Drive.

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. The Subject Lands have frontage and access onto Major Mackenzie Drive, a Regional Road. The Owner is required to satisfy all requirements of York Region, including but not limited to potential road widening requirements, access requirements, including the opportunity to relocate the proposed access and create a shared access with one of the adjacent properties, the provision of transit facilities as may be required, turning lanes, and servicing. Any issues will be addressed when the technical report is considered. The Owner has made a request to exempt the Official Plan Amendment Application from York Region's approval. To date, York Region has not issued a decision regarding the exemption request. Any issues will be addressed when the technical report is considered.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Applications will be considered in the technical review of the Applications, together with comments from the public and Vaughan Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact: Mark Antoine, Planner, Development Planning Department, Extension 8212.

Attachments

1. Context Location Map
2. Location Map
3. Conceptual Site Plan and Proposed Zoning
4. Underground Parking Plan
5. Landscape Plan
6. Elevation Plan - South (facing Major Mackenzie Drive)
7. Elevation Plan - North, West & East

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