

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 29, 2013

8

SITE DEVELOPMENT FILE DA.11.004

WARD 4 - VICINITY OF DUFFERIN STREET AND CENTRE STREET

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated January 15, 2013, be approved; and
- 2) That the coloured elevation drawings submitted by the applicant be received.

d) permit the site-specific zoning exceptions identified in Table 1 of this report.

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2. THAT the Holding Symbol “(H)” shall not be removed from Phase 2 of the subject lands zoned C7(H) Service Commercial Zone with the Holding Symbol “(H)” as shown on Attachment #3, until such time as the following condition is addressed to the satisfaction of the City in consultation with applicable public agencies:
 - a) a Site Development Application(s) for the subject lands is approved by Vaughan Council pursuant to Section 41 of the Planning Act.
3. THAT Site Development File DA.11.004 (Vaughan Crossings Inc.) BE APPROVED, to permit Phase 1 of an office/service commercial development as shown on Attachments #3 to #7, comprised of a 4-storey office building (Building “C” - 5,358 m²) and 3 service commercial buildings (Buildings “B”, “D” and “E”) having a total Gross Floor Area (GFA) of 10,027m², subject to the following conditions:
 - a) prior to the execution of the Site Plan Letter of Undertaking:
 - i) the final site grading and site servicing plans, stormwater management report, erosion and sediment control plan, traffic report, external lighting, utility location plan, and transportation demand management (TDM) plan shall be approved by the Vaughan Development/Transportation Engineering Department;
 - ii) the Owner shall satisfy all requirements of the Region of York Transportation and Community Planning Department;
 - iii) the Owner shall satisfy all requirements of the Ministry of Transportation; and,
 - iv) the Owner shall satisfy all requirements of Hydro One; and,
 - b) the Site Plan Letter of Undertaking shall include the following provisions:
 - i) the Owner shall pay to the City of Vaughan, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, for the office/service commercial development, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's approved “Cash-in-Lieu of Parkland Policy”. The Owner shall submit an approved appraisal of the subject lands, in accordance with Section 42 of the Planning Act, 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; and,
 - ii) prior to the issuance of a Building Permit, the Owner shall register easement agreements on title on the Phase 2 lands to provide for shared driveway access and drive aisles between Phase 1 and Phase 2.

Contribution to Sustainability

The Owner has advised that the following sustainable initiatives are proposed to be incorporated into the proposed development:

- i) short and long term bicycle parking at grade and within the underground parking garage, respectively;

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- ii) sidewalk connections to the transit stop located at the corner of Dufferin Street and Centre Street;
- iii) drought-tolerant and permeable landscaping;
- iv) pre-loaded Presto transit pass provided to employees;
- v) insulated glazing (low-e, double glazed) and low-flow fixtures;
- vi) white roof technology to address the “heat island” effect;
- vii) building entrances oriented and connected to existing public transit and future Bus Rapid Transit; and,
- viii) carpool parking spaces to be located immediately adjacent to the main entrance.

The Development Planning Department is currently undertaking a Sustainable Development Guideline study anticipated to be completed in Spring 2013. Phase 2 of this development may require additional sustainability measures to be incorporated into the site and building design in accordance with the findings of the study.

Economic Impact

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

Communications Plan

On May 6, 2011, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands and to the Glen Shields, Brownridge, and Beverley Glen Ratepayers' Associations.

On May 16, 2011, a letter was received from a Solicitor on behalf of Mr. Di Flaviano on the east side of Dufferin Street, opposite the subject lands, indicating a concern with the location and alignment of the proposed driveway access onto Dufferin Street. The Owner's agent provided Mr. Di Flaviano with detailed information about the proposed driveway access to demonstrate the proposed location of the site access relative to Dufferin Street. On January 25, 2012, a letter was received by the City from Mr. Di Flaviano objecting to the Zoning Amendment application. Since Dufferin Street is a Regional Road, the Region of York responded directly to Mr. Di Flaviano regarding the access concerns.

This letter was followed by an objection letter dated January 25, 2012 from a Planning Consultant (Humphries Planning Group Inc.) on behalf of Mr. Di Flaviano indicating that the applications are premature and do not adequately consider the future land uses of the surrounding areas and will possibly prejudice the development of the lands located on the east side of Dufferin Street.

Dufferin Street and Centre Street are Regional Roads and the Centre Street frontage and a portion of the Dufferin Street frontage are located within the Ministry of Transportation's Permit Control Area. The issue of site access and the direct response to Mr. Di Flaviano is discussed further in this report in the Regional Implications section.

Purpose

The Owner has submitted the following applications for the subject lands shown on Attachments #1 and #2:

1. Zoning By-law Amendment File Z.08.028 to amend Zoning By-law 1-88, specifically to rezone the subject lands from EM1(H) Prestige Employment Area Zone with the Holding Symbol “(H)” to C7 Service Commercial Zone (Phase 1) and C7(H) Service Commercial Zone with the Holding Symbol “(H)” (Phase 2) in the manner shown on Attachment #3, and to permit a modified list of uses in the C7 Service Commercial Zone together with site-specific zoning exceptions identified in Table 1 of this report; and,

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2. Site Development File DA.11.004 to permit Phase 1 of an office and service commercial development, comprised of a 4-storey office building (Building “C” - 5,358 m²) and 3 single storey service commercial buildings (Buildings “B”, “D”, and “E”), served by 372 parking spaces, shown on Attachments #3 to #7.

Background - Analysis and Options

Location

The 3.21 ha subject lands shown on Attachments #1 and #2, are located at 7818 Dufferin Street, at the northwest corner of Centre Street and Dufferin Street, City of Vaughan. The surrounding land uses are shown on Attachment #2. The irregular shaped property is currently vacant.

Land Use Policy/Planning Considerations

The Vaughan Development Planning Department has reviewed the Zoning By-law Amendment Application to rezone the subject lands from EM1 (H) Prestige Employment Area Zone with the Holding Symbol “(H)” to C7 Service Commercial Zone and C7(H) Service Commercial Zone with the Holding Symbol “(H)” to facilitate a phased office/service commercial development. The proposal was reviewed in the context of the following land use policies:

a) Provincial Policy Statement

The Provincial Policy Statement (PPS) identifies the subject lands as being within the Settlement Area. The proposal meets the (PPS) objectives of providing for a range of land uses in a manner that promotes efficient land use and development patterns to support a livable and healthy community, makes efficient use of land and resources within the community, and is appropriate for and efficiently uses the infrastructure and public service facilities within the community. The proposed rezoning to facilitate the development of office and commercial uses, conforms to the PPS.

b) Provincial Growth Plan Places to Grow

The policies of the Growth Plan guides the development of land within the Greater Golden Horseshoe; encourages compact built form, transit supportive communities, diverse land uses and a range and mix of housing types; and directs growth to settlement areas that offer municipal services. The Growth Plan outlines opportunities to make efficient use of land and infrastructure by directing growth to existing urban areas, stating in part:

“This Plan envisages increasing intensification of the existing built-up areas, with a focus on urban growth centres, intensification corridors, major transit station areas, brownfield sites and greyfields.”

The subject lands are within the built up area identified in the Growth Plan and are located on a Regional Corridor. The Growth Plan encourages intensification throughout the built-up area and includes infill development and the development of underutilized lots. Intensification, a mix of uses and transit supportive densities are encouraged for new developments to promote reduced dependence on the automobile and provide pedestrian-friendly urban environments. Population and employment growth are to be accommodated by reducing dependence on the automobile through the development of mixed-use transit supportive, pedestrian-friendly urban environments, providing convenient access to intra and inter-city transit, and encouraging the development of complete communities. The subject lands will be serviced by the planned Regional Road 7 Bus Rapid Transit Route and other Regional Transit on Dufferin Street.

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The proposed development is supported by existing municipal services, public transit, and is located adjacent to the 407ETR. The proposed development is consistent with the goals of the Growth Plan.

c) Region of York Official Plan

The subject lands are designated “Urban Area” by the Regional Official Plan, which permits the proposed office/commercial use. The Region of York has no concerns with the rezoning of the site, however, the Region has provided detailed comments on the Site Development application, which is discussed further in the Regional Implications section of this report.

d) Vaughan Official Plan

The subject lands are designated “Prestige Area” by the City’s in-effect Employment Area Plan (OPA #450) as amended by OPA #555 and OPA #672. The City’s Employment Area Plan permits a range of industrial, office and civic uses on the subject lands with no outside storage of goods, materials or equipment. The Plan also permits Service Nodes in the “Prestige Area” designation, which are to be located at the intersections of arterial and or collector roads. Uses permitted in the Service Nodes shall provide for the day-to-day convenience and service needs of businesses, industries and their employees. The maximum area of a Service Node shall be approximately 1.2 ha and shall only be permitted to exceed 1.2 ha if the site is developed in conjunction with a predominant use such as an office complex or a hotel (OPA #450, Section 2.2.5, in part).

OPA #450 was amended by site-specific Official Plan Amendment #555, which established that the priority uses for the subject lands shall be offices, hotels and related hospitality and conference facilities, major corporate complexes and other prestige employment uses (OPA #555, Section 4.4., in part).

OPA #555 was further amended by the City’s Centre Street Corridor Study (OPA #672) to permit the addition of recreational and institutional uses; provide a maximum overall density of 1.0 floor space index (FSI); prohibit automobile service station and gas bar uses; and, introduce urban design guidelines for the subject lands (OPA #672, Part 2, Section 11, in part).

On May 20, 2008, the Owner submitted Official Plan Amendment File OP.08.007, and Zoning By-law Amendment File Z.08.028 (subject of this report), to amend OPA #450 (Employment Area Plan) and Zoning By-law 1-88, respectively, to permit retail uses on the subject lands to facilitate the development of 10 retail buildings. The proposal was inconsistent with the City’s Official Plan (OPA #450) policies, the Provincial Policy Statement (PPS) and the Province’s Growth Plan (GGH) and was deemed an employment land conversion, and therefore, not permitted by the Provincial policies.

The Owner revised the proposal, which is the subject of this report, to rezone the subject lands to C7 Service Commercial Zone and submitted Site Development File DA.11.004 to facilitate the development of Phase 1 of the overall development of the site. The application, as originally submitted, proposed a 3-storey office building and 3 service commercial buildings. The application has been revised to include a 4-storey office building and 3 service commercial buildings, as shown on Attachments #3 to #7. The proposal conforms to the Official Plan as discussed below, and therefore, Official Plan Amendment File OP.08.007 is no longer required.

The 3.21 ha site is located at the intersection of two arterial roads; will be developed with permitted service commercial uses and a prominent use (4-storey office building); will not include a gas bar; and, the proposed Phase 1 development will achieve an approximate FSI of 0.23. A future phase of development will require further approval through the Site Plan Approval process. The proposed development conforms to the Official Plan.

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e) City of Vaughan Official Plan 2010

The City of Vaughan Official Plan 2010 (VOP 2010) was adopted by Vaughan Council on September 7, 2010, and modified on September 27, 2011, March 20, 2012, and April 17, 2012, and is pending approval from the Ontario Municipal Board (OMB).

The Vaughan Official Plan 2010 designates the subject lands "Community Commercial Mixed-Use" with a maximum building height of 4-storeys and a maximum density of 1.0 FSI. The "Commercial Mixed-Use" designation permits office uses up to a maximum of 12,500 m², hotels, retail uses and prohibits gas stations. The subject lands are located in an Intensification Area, thereby a minimum of 30% of the total gross floor area of all uses on the site shall consist of uses other than retail uses (VOP 2010, Section 9.2.2.8). The proposed 4-storey office building will provide 7,670 m² of gross floor area devoted to office uses on the Phase 1 lands. The proposal conforms to VOP 2010.

The property is also subject to Section 12.10, Centre Street Corridor Policies, of VOP 2010, Volume 2, which incorporates the policies of the Centre Street Study (OPA #672) into the VOP 2010.

The subject lands are located within a designated Required Secondary Plan Area, specifically, for Dufferin Street and Centre Street (VOP 2010, Schedule 14-A). The VOP 2010 establishes criteria for processing development applications in Required Secondary Plan Areas. The criteria allows Council to permit the continuance of the processing of an existing development application submitted prior to May 17, 2010, when it is demonstrated to Council's satisfaction that the proposed development is generally compatible with the vision contemplated in the Official Plan; is significant in terms of its contribution to city-building; and that the proposal could be adversely affected because of any delay caused by having to adhere to the timing of a secondary plan process (VOP 2010, Section 10.1.1.1)."

On April 5, 2011, Vaughan Council approved the staff recommendation to allow the continued processing of Zoning By-law Amendment File Z.08.028 and Site Development File DA.11.004 in advance of the required Secondary Plan for Dufferin Street and Centre Street pursuant to Section 10.1.1.10 of the City of Vaughan Official Plan 2010.

Zoning

The subject lands are zoned EM1 (H) Prestige Employment Area Zone with the Holding Symbol "(H)" by Zoning By-law 1-88 and subject to Exception 9(1186), which only permits the following uses: Business and Professional Office; Convention Centre; Hotel; Office Building; Open Storage/Outside Storage only with Public Uses permitted under Subsection 3.10 as it pertains to publicly-owned lands, and Existing Uses. The Owner proposes to rezone the subject lands to C7 Service Commercial Zone and C7(H) Service Commercial Zone with the Holding Symbol "(H)" in the manner shown on Attachment #3, and to provide for the following site-specific uses in the C7 Service Commercial Zone:

- a) permit one (1) Drive-Through Facility accessory to a permitted Bank or Financial Institution in accordance with the stacking lane provisions of Section 5.1.7 of Zoning By-law 1-88;
- b) permit a Place of Amusement use;
- c) restrict the maximum GFA of a permitted Office Building use to 5,358 m²;
- d) permit a Medical Clinic Use, defined as "a building or structure or part of a building or structure containing the offices of two or more Regulated Health Professionals, and may also include non-regulated health professionals being homeopaths, naturopaths, acupuncture and osteopaths, where consultation,

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diagnosis and/or treatment to the general public is provided without overnight accommodation and may include administrative offices, reception areas, waiting rooms, examination rooms, x-ray facilities, treatment rooms, laboratories, pharmacies and dispensaries, and other similar facilities directly associated with the clinic”;

- e) prohibit a Day Nursery use; and,
- f) prohibit Automobile Service Stations, Automobile Gas Bar and Car Wash uses.

The Vaughan Development Planning Department supports the addition of the Medical Clinic use as it provides for an appropriate mix of office and retail uses on this site. The Development Planning Department also supports the addition of a Drive-Through for a permitted Bank or Financial Institution use on the subject lands, and an appropriate stacking lane has been provided for the site plan. The deletion of the Day Nursery use is appropriate given the objection from Enbridge, which is discussed further in this report. Gas Station, Service Station and Car Wash uses are not permitted by the in-effect Official Plan policies of OPA #555, which was further amended by the City's Centre Street Corridor Study (OPA #672). It is also recommended that an Automotive Retail Store and Car Rental Service, which are permitted uses in a C7 Service Commercial Zone in Zoning By-law 1-88, be prohibited on the subject lands since these uses are not considered compatible with the other proposed uses and not appropriate at this gateway location to the community. The Owner is proposing that a Place of Amusement be a permitted use on the subject lands. The C7 Service Commercial Zone permits a wide range of uses on the subject lands with similar operating characteristics (eg. Place of Entertainment and Recreational Uses). The proposed Place of Amusement is considered to be compatible with the permitted uses on the property. The GFA restriction for the permitted Office Building use is discussed later in the Planning Considerations section of this report.

Development of the site is proposed in 2 phases in the manner shown on Attachment #3. The Development Planning Department recommends the use of a Holding Symbol “(H)” be placed on the Phase 2 portion of the site, which is not covered by the related Site Development File DA.11.004.

The following site-specific zoning exceptions to the C7 Service Commercial Zone for both phases of the proposed development are necessary to implement the development proposal shown on Attachments #3 to #7:

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Table 1:

	By-law Standard	By-law 1-88 Requirements for the C7 Service Commercial Zone	Proposed Exceptions to the C7 Service Commercial Zone
a)	Definition of a Lot	“Lot”- means a parcel of land that fronts onto a street separate from any abutting land to the extent that a Consent contemplated by Section 49 of the <u>Planning Act</u> , R.S.O, 1983 would not be required for its conveyance. For the purpose of this paragraph, land defined in a application for a Building Permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot.	“Lot” – means the subject lands are to be deemed one Lot, regardless of the number of buildings constructed on the lot, the creation of any new lot by plan of condominium, part-lot control, consent, and any easements or restrictions.
b)	Minimum Front Yard Setback (Centre Street)	9.0 m	3.0 m
c)	Minimum Interior Side Yard Setback (west property line)	6.0 m	2.4 m
d)	Minimum Rear Yard Setback (north property line)	22.0 m	3.0 m
e)	Minimum Exterior Side Yard Setback (Dufferin Street)	9.0 m	3.0 m
f)	Maximum Building Height	11.0 m	Maximum height for Office Building ‘C’ shall be 22.0 m
g)	Minimum Setback to a Sight Triangle	9.0 m	3.0 m from the sight triangle at Centre and Dufferin Streets to Building ‘C’ (canopy)

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h)	Minimum Landscaping Strip Width Abutting a Street	6.0 m	i) 3.0 m abutting Centre Street; and, ii) 3.0 m abutting Dufferin Street
i)	Minimum Number of Loading Spaces	2 loading spaces	1 loading space for Office Building 'C'
j)	Loading Between a Building and a Street	Loading Between a Building or a Street is not permitted	A screened loading space shall be permitted (between Building 'B' and Building 'C') facing Centre Street
k)	Setback to Underground Parking (along Centre Street and Dufferin Street)	1.8 m	0 m
l)	Minimum Parking Requirement	Total Required = 469 Office requires 188 spaces (3.5 spaces/100 m ²) Retail requires 281 spaces (6.0 spaces/100 m ²)	Parking shall be provided at a (combined) ratio of 3.5 spaces per 100 m ² A total of 372 parking spaces are provided being, 170 surface spaces and 202 underground spaces Parking for patio uses accessory to any permitted use shall be excluded from the calculation for required parking

Planning Considerations

The proposed C7 Service Commercial Zone of Zoning By-law 1-88 is the zoning category used to implement the Service Node policies of the Official Plan. The site-specific exceptions are required to ensure the proposed development is in keeping with the scale and form planned, and built in this area, and to address phasing of the development.

a) Building Setbacks

The proposed buildings are located close to the street frontages in keeping with the policies of the City of Vaughan's Centre Street Study. Exceptions to the Zoning By-law 1-88 building setback requirements for Centre Street, Dufferin Street, and the sight triangle are required to implement the policies of the Centre Street Study. The reduced building setbacks facilitates a streetscape that creates a better physical relationship between the pedestrian and built form that is typical of an urban environment.

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Exceptions to allow portions of the underground parking garage below grade to have a minimum setback of 0.0 m, are required to accommodate the underground parking structure. The exception helps to minimize large surface parking areas on the site.

The exceptions related to the building setbacks can be supported by the Development Planning Department.

b) Building Height

The Owner is proposing to increase the maximum permitted building height from 11 m to 22 m for Office Building 'C', which is proposed to be a 4-storey office building and will result in a prominent building at the corner of the property, which forms part of the gateway into the community. The exception to the maximum building height can be supported by the Development Planning Department.

c) Parking

Zoning By-law 1-88 requires that a minimum of 469 parking spaces be provided for the proposed Phase 1 development, whereas the applicant is proposing a total of 373 parking spaces to be located in the underground parking garage (203 spaces) and the surface parking area (170 spaces).

The Vaughan Policy Planning Department undertook a review of the City's parking standards. A draft report titled "Review of Parking Standards" was considered by the Committee of the Whole (Working Session) on June 28, 2010. The recommendation to receive this report was adopted by Vaughan Council on July 13, 2010. Further study is required and a Public Hearing must take place prior to the enactment of a by-law to implement the new parking standards. The site is located within a Primary Intensification Corridor. The proposal for the office building includes medical offices. The draft parking standards require a parking ratio ranging from a minimum of 3 spaces to a maximum of 4.5 parking spaces per 100 m² of GFA for the proposed uses on the subject lands. The proposed parking ratio for this site is 3.5 spaces per 100 m² for all of the permitted uses on the property, which would comply with the draft parking standards.

The Owner has submitted a Parking Justification Study/Traffic Impact Study prepared by Lea Consulting Ltd., dated September 2011 in support of the proposed parking ratio of 3.5 spaces/100 m² for the development proposal. The subject lands are located within a Regional intensification corridor and in an area where the Region of York is developing a Bus Rapid Transit Corridor. Given the proximity of the site to the rapid transit corridor, there are opportunities to reduce vehicle trips; the supply of on-site parking spaces; and reduce associated environmental costs. A reduced parking ratio for the site is consistent with the City's objective for more livable and walkable communities.

The Traffic Impact Study concludes that a combined parking ratio of 3.5 spaces per 100 m² of GFA can be applied over the entire site. In consideration of this reduced ratio, a Transportation Demand Management (TDM) Plan has been submitted and conditions will be provided by the City and the Region of York, to implement the TDM Plan.

The Vaughan Development/Transportation Engineering Department has reviewed the Traffic Study and concurs with the findings and supports the reduced parking requirements. Accordingly, the reduction in parking can be supported by the Vaughan Development Planning Department.

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d) Landscape Widths

The Development Planning Department has no objection to the proposed reductions to the width of the landscape strips along Dufferin Street and Centre Street from 6.0m to 3.0m. The landscape strip reduction facilitates a compact built form that is supportive of the proposed intensification and the urbanization of the subject lands, and is consistent with the reduced building setbacks as discussed earlier in this report.

e) Definition of a Lot

An exception to the definition of a 'lot' is required to ensure that for zoning purposes, the subject lands are deemed to be one lot. The proposed development, includes an office building and service commercial buildings together with the Phase 2 buildings which are accessed by a shared driveway that is extended into the future phase of the development and connects to the Beverley Glen Boulevard and Dufferin Street signalized intersection. It is appropriate to ensure that the access driveways will be shared and that the setbacks and other zoning exceptions established through this proposal remain and apply to both phases of development.

f) Maximum Gross Floor Area for Office Building 'C'

The permitted office building (Building 'C') is to be limited to a maximum of 5,358 m² of GFA. This building will include the proposed medical clinic uses and a maximum GFA that ensures that the appropriate amount of parking will be provided on site for both the office and service commercial component of the proposed development.

g) Holding Symbol

The Holding Symbol "(H)" will be placed on the Phase 2 portion of the subject lands, which shall not be removed until such time as a Site Development application(s) for the Phase 2 lands, or portion thereof, has been approved by Vaughan Council pursuant to Section 41 of the Planning Act.

Site Plan Review

The development of the subject lands is proposed to occur in two phases. The Phase 1 site plan is shown on Attachment #3 and is the subject of this report (File DA.11.004). The proposed building elevations shown on Attachments #5 to #7 have been upgraded to address the exposure of the site from Centre Street, Dufferin Street, and Highway 407ETR. The Vaughan Development Planning Department is satisfied with the proposed site plan, elevations and landscape plan (Attachment #4).

a) Centre Street Urban Design Guidelines

The proposed Phase 1 Site Development Application has been reviewed in the context of the City of Vaughan Centre Street Urban Design Guidelines. Enhanced streetscape improvements have been included on the landscape plan shown on Attachment #4, in accordance with the Centre Street Urban Design Guidelines and the Owner will be required to provide securities to provide for these future streetscape works, through a Letter of Credit posted with the City of Vaughan Finance Department as a condition of the Site Plan Letter of Undertaking.

b) Traffic and Access

The Traffic Impact Report and addendum submitted by the applicant were reviewed by the Region of York, Ministry of Transportation Ontario (MTO) and the Vaughan Development/Transportation Engineering Department. The Owner will be required to address the

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conditions of the Region of York, the Ministry of Transportation and the City of Vaughan. An access easement from the Region of York for Phase 1 to Dufferin Street will be required to provide for access to the site. The MTO owns the land along the Centre Street frontage and along a strip of land along the Dufferin Street frontage, north of Centre Street, and does not permit driveways to cross the MTO owned lands. The driveway access is located north of the MTO lands.

Phase 2 proposes an access to the site over lands currently owned by Hydro One and lands leased by the City of Vaughan. The alignment of the proposed future driveway through the Phase 2 lands will require easements and final approval by the City of Vaughan and Hydro One. The proposed access will align with the existing Beverley Glen Boulevard/Dufferin Street intersection, which will require final approval by the Region of York.

c) Future Site Development Application(s) Phase 2

The Phase 2 development shown on Attachment #3, will require a future Site Development Application. As was required for Phase 1, the Phase 2 Site Plan approval will require the submission of a Site Plan, Landscape Plan and enhanced building elevations to ensure that high quality building facades will be developed and that those portions of the buildings visible from the Highway 407ETR are attractive.

The Phase 2 development will require approvals from the Region of York, Hydro One, and City Departments similar to the approvals required for Phase 1. Final plans for the Phase 2 development of the site must be approved to the satisfaction of the Vaughan Development Planning Department. Traffic, parking, site access and easements for Phase 2 must be to the satisfaction of the respective agencies/departments noted above, through the Phase 2 Site Plan approval process.

Public Agencies and City Departments

a) Ministry of Transportation (MTO)

The subject lands are within the Ministry of Transportation Permit Control Area. The Owner is required to obtain Land Use Permits from the Ministry of Transportation, prior to construction.

The Ministry of Transportation is protecting lands in the immediate area of the site for a future interchange at Centre Street and Highway 407ETR. The entire Centre Street frontage of the site between Dufferin Street and 407ETR is designated as controlled-access-highway. The Ministry of Transportation requires a 14m setback from the MTO property line, for all structures both above and below grade. The proposed Phase 1 site plan has been designed to respect the 14m MTO setback and to address MTO's requirement that access driveways to the site not cross the MTO owned lands along Dufferin Street and Centre Street. MTO also requires approval of a Sign Permit for any signage visible from the 407ETR and prior to the start of construction on the site. Prior to the execution of the Site Plan Letter of Undertaking, the Owner shall address all requirements of the MTO. A condition to this effect is included in the recommendation of this report.

b) Infrastructure Ontario (IO)

Phase 2 proposes a driveway access from the west side of Dufferin Street at the intersection of Dufferin Street and Beverley Glen Boulevard. Infrastructure Ontario (IO) has completed a Class Environmental Assessment for the intersection which proposes an easement through the Parkway Belt (File E00078) and existing Hydro Corridor. All requirements of IO must be addressed through the Site Plan approval process for Phase 2, to accommodate the driveway and the intersection.

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c) Hydro One

A Hydro One corridor is located along the westerly property line. Hydro One provided comments regarding their requirements which indicate that based on their review of the site plan, they have granted Conditional Technical Approval of the proposal, subject to the terms and conditions laid out in their technical response dated May 18, 2011, and in their letter dated December 12, 2011, and have no further concerns with the applications.

d) Enbridge

A utility corridor is located adjacent to the hydro corridor, which runs along the west property line of the subject lands. Enbridge has rights to develop a natural gas pipeline within this corridor. As such, Enbridge provided comments on the subject Zoning Amendment File Z.08.028 indicating a concern with a proposed Day Nursery use on site. Enbridge objected to the proposed use due to safety concerns related to the future natural gas pipeline. In response to the Enbridge objection, the Owner removed the Day Nursery use from the Zoning Amendment application and it has been excluded from the uses permitted on site, and Enbridge has no further objection to the applications.

e) Vaughan Development /Transportation Engineering Department

The Traffic Impact Study (TIS) dated January 2011 by LEA Consulting Engineering was reviewed by the Vaughan Development/Transportation Engineering Department. The TIS addressed traffic impact and on site parking. The Engineering Department concurs with the TIS report conclusions respecting the parking study. Additional information respecting the traffic impact of the development was requested from the Owner and specific traffic issues to be resolved with the Region of York were identified by the Vaughan Development/Transportation Engineering Department. In addition, the Vaughan Development/Transportation Engineering Department requested Active Transportation and Travel Demand Management (TDM) measures to be addressed in the Site Plan. The TDM information has been reviewed by the Vaughan Development/Transportation Engineering Department. The applicant has been requested to address the comments from the Vaughan Development/Transportation Engineering Department dated November 14, 2012, respecting the Site Plan and TDM prior to final site plan approval and a condition requiring the implementation of TDM measures has been provided in the recommendation section of this report.

The final site grading, servicing, stormwater management, lighting, noise and traffic/transportation plans and reports submitted in support of the Site Development Application must be to the satisfaction of the City. In comments dated November 19, 2012, the Vaughan Engineering Department has identified changes to the stormwater, sanitary servicing and water servicing drawings which must be addressed prior to the final approval of the proposed engineering plans. A servicing agreement must be entered into and any required day lighting triangles and/or 0.3m reserves must be conveyed to the satisfaction of the Vaughan Development/Transportation Engineering Department. A condition requiring this has been provided in the recommendation section of this report.

f) Vaughan Real Estate Division

The Vaughan Real Estate Division has indicated that the Owner will be required to 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 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. A condition to this effect is included in the recommendation of this report.

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Regional Implications

The subject lands are designated “Urban Area” in the York Region Official Plan. The Regional Roads and Transit and Infrastructure Planning – Transportation Services staff require that all road improvements related to the subject development as recommended in the Traffic Impact Study be implemented through the Site Plan Approval process; that the Owner agree to implement a comprehensive Transportation Demand Management Program to the satisfaction of the Region of York; that the Owner agree to meet the Region’s Transit-Oriented Design Guidelines in the design of the proposed development; and, the Owner address all of the Traffic Study comments to the satisfaction of the Region of York.

Given the location of the property adjacent to the Regional rights-of-way along Dufferin Street and Centre Street, the Region has provided comments advising of conditions of Site Plan approval. The Region will require the conveyances of future road widenings along these streets, which are identified on the site plan, free of all costs and encumbrances. The Owner will be required to enter into a Site Plan Agreement with the Region of York. Prior to execution of the Vaughan Site Plan Letter of Undertaking, the Owner shall address all comments and conditions to the satisfaction of the Region of York for the Phase 1 Site Plan. A condition to this effect is included in recommendation of this report.

With respect to the traffic concerns raised in the January 25, 2012, letter of objection concerning the location of the site access, the Region replied on March 23, 2012, confirming that a traffic control signal as proposed (i.e. at the intersection of Dufferin Street and the Phase 1 driveway) by the objector would not connect to a public road, would not comply with the Vaughan Official Plan 2010 policies (Volume 2, Section 12.10.7.13); would not meet the Region’s minimum spacing criteria; would contribute to higher levels of delay and congestion on Dufferin Street; that there is not sufficient evidence that a new traffic signal will not have an adverse impact on Dufferin Street traffic operations; and, since the Region is protecting for the alignment and route for VIVA’s transit way along on Dufferin Street, a signal as suggested by the objector will be detrimental to rapid transit operations.

The Region advised that the proposed right-in/right-out/left-in access to the site is temporary and may be converted to a right-in/right-out access in the future to accommodate rapid transit. Given the location of the objector’s property, the Region suggested that only a right-in/right out access to Dufferin Street will be feasible. The Region confirmed that this is consistent with the Region’s position on developments along Yonge Street at Highway 407 to accommodate the future VIVA rapid transit.

Relationship to Vaughan Vision 2020/Strategic Plan

This staff report is consistent with the priorities set forth in Vaughan Vision 2020, particularly “Manage Growth & Economic Well-being”.

Conclusion

The Vaughan Development Planning Department has reviewed Zoning By-law Amendment File Z.08.028 and Site Development File DA.11.004 and can support the applications, which meet the objectives of the Provincial Policy Statement (PPS) and Growth Plan for the Greater Golden Horseshoe by providing the opportunity for a pedestrian-friendly and transit-oriented office and service commercial development that supports both City and Region of York Official Plan policies and initiatives for the Dufferin Street and Centre Street area and the planned Bus Rapid Transit route along Centre Street.

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The Development Planning Department is satisfied that the proposed development is appropriate and compatible with the existing and permitted uses in the surrounding area, and conforms to the Official Plan. The Development Planning Department can support the approval of Zoning By-law Amendment File Z.08.028 and Site Development File DA.11.004, subject to the conditions contained in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan and Proposed Zoning
4. Landscape Plan – Phase 1
5. Elevations - Office Building 'C'
6. Elevations - Buildings 'B', 'C', "D" and 'E'
7. Elevations - Buildings 'D' &'E'

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)