

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018**

Item 3, Report No. 14, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 11, 2018.

#### **3                                      SITE DEVELOPMENT FILE DA.17.052    ANATOLIA CAPITAL CORP.    VICINITY OF REGIONAL ROAD 50 AND GIBRALTAR ROAD**

**The Committee of the Whole recommends:**

- 1)      That the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management, dated April 4, 2018, be approved; and**
- 2)      That the coloured elevation submitted by the applicant be received.**

#### **Purpose**

To seek approval from the Committee of the Whole for Site Development File DA.17.052 for the subject lands shown on Attachments #1 and #2, to permit a one-storey, 23,015.75 m<sup>2</sup> employment building (Phases 1 and 2), as shown on Attachments #3 to #6.

#### **Recommendations**

- 1.      THAT Site Development File DA.17.052 (Anatolia Capital Corp.) BE APPROVED, to permit the development of the subject lands, as shown on Attachments #1 and #2, with a one-storey employment building (Phase 1 and 2), as shown on Attachments #3 to #6, subject to the following conditions:**
  - a)      that prior to the execution of the Site Plan Agreement:**
    - i)      the Development Planning Department shall approve the final site plan, building elevations, landscape plan, landscape cost estimate, illumination plan, and signage;**
    - ii)     the Development Engineering Department shall approve the final site grading and servicing plan, erosion and sediment control plan, and stormwater management and functional servicing report;**
    - iii)    the Owner shall satisfy all requirements of the Vaughan Environmental Services Department, Solid Waste Management Division;**

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- iv) the Owner shall successfully obtain approval of a Minor Variance Application for the required zoning exception to Zoning By-law 1-88, as identified in this report, from the Vaughan Committee of Adjustment, and the Committee's decision shall be final and binding and the Owner shall satisfy any conditions of approval imposed by the Committee;
- v) the Owner shall satisfy all requirements of York Region;
- vi) the Owner shall satisfy all requirements of Peel Region; and
- vii) the Owner shall satisfy all requirements of the Ministry of Transportation Ontario;
- b) that the Site Plan Agreement include the following clauses:
  - i) "Upon execution of the Site Plan Agreement, the Owner agrees to convey a Blanket Easement in favour of the City, to remain in place on the whole of subject lands until the public trail/walkway is complete. The Blanket Easement shall remain on the subject lands until the following are completed to the satisfaction of the City: a reference plan showing the location of the public trail/walkway and associated structures, which shall be prepared by the City and deposited on title, the completed construction of the public trail or walkway, and an easement for the public trail/walkway to be registered on title. Upon occurrence of the items noted above, the City shall register a Transfer, Release and Abandonment of the Blanket Easement."
  - ii) "The Owner shall design and agree to complete base works for the proposed multi-use recreational pathway within the requested blanket easement lands. The proposed pathway is to be asphalt with a minimum width of 3 m and minimum 1.5 m clearances on both sides and not exceed a 5% grade."
  - iii) "Written consent must be obtained from TransCanada PipeLines Limited prior to undertaking the following activities:

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- constructing or installing a facility across, on, along or under a TransCanada pipeline right-of-way. A facility may include, but is not limited to: driveways, roads, access ramps, trails, pathways, utilities, berms, fences/fence posts and landscaping;
  - conducting a ground disturbance (excavation or digging) on TransCanada's pipeline right-of-way or within 30 m of the centreline of TransCanada's pipe (the "Prescribed Area");
  - driving a vehicle, mobile equipment or machinery across a TransCanada's pipeline right-of-way outside the travelled portion of a highway or public road; and
  - using any explosives within 300 m of TransCanada's pipeline right-of-way."
- iv) "In addition to the written consent noted above, a locate request must be made to the local one-call notification centre ("One-Call Centre") a minimum of three business days in advance of the construction, ground disturbance, or vehicle or mobile equipment crossing. The One-Call Centre will notify TransCanada to send a representative to mark the facilities, explain the significance of the markings and provide a copy of the locate report. TransCanada requests a minimum of five business days notice for any work involving explosives."
- v) "During construction of the site, temporary fencing must be erected and maintained along the limits of the TransCanada right-of-way by the Owner(s) to prevent unauthorised access by heavy machinery. The fence erected must meet TransCanada's specifications concerning type, height and location. The Owner is responsible for ensuring the proper maintenance of the temporary fencing for the duration of construction."
- vi) "Landscaping of TransCanada's right-of-way is to be approved in writing by TransCanada and completed in accordance with TransCanada's Landscaping Guidelines:

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- TransCanada's right-of-way is to be seeded with Canada #1 seed;
  - Shrubs maturing at more than five (5) feet tall and trees including fruit, nut-bearing and Christmas tree farms shall not be permitted within the right-of-way; and
  - Shrubs maturing at less than five (5) feet tall shall maintain a separation of five (5) metres from the edge of the pipeline."
- vii) "The Original depth of cover over the pipelines within TransCanada's right-of-way shall be restored after construction of the Owner's Facility. This depth of cover over the pipelines shall not be compromised over the life of the facility due to rutting, erosion or other means."
- viii) "The Owner's Facility shall be constructed to ensure drainage is directed away from the TransCanada pipeline right-of-way so that erosion that would adversely affect the depth of cover over the pipeline does not occur."
- ix) "In the event that TransCanada's pipelines suffer contact damage or other damage as a result of operation, the Owner or contractor shall stop work immediately and notify TransCanada at once."
- x) "The Owner shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the terms and conditions from TransCanada PipeLines Limited, identified as iii) to ix) inclusive above."
- xi) "Should archaeological resources be found on the property during construction activities, all work must cease and the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division shall be notified immediately;" and
- xii) "In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner, and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services."

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#### **Report Highlights**

- The Development Planning Department supports the approval of the proposed development, subject to the conditions in this report, as it conforms with the Official Plan, is a permitted use by Zoning By-law 1-88, and is compatible with the existing and planned uses in the surrounding area.

#### **Background**

The subject lands shown on Attachments #1 and #2 are located on the southeast corner of Regional Road 50 and Gibraltar Road. The subject lands are currently vacant, and have a total lot area of 4.94 ha. The surrounding land uses are shown on Attachment #2.

#### **Previous Reports/Authority**

Not applicable.

#### **Analysis and Options**

##### ***The development proposal conforms to Vaughan Official Plan VOP 2010***

The subject lands are identified as “Employment Areas” within the Urban Structure of the City of Vaughan Official Plan 2010 (VOP 2010), and are designated “Prestige Employment” by VOP 2010, specifically Volume 2, Area Specific Policy 12.12 – Huntington Business Park. The “Prestige Employment” designation permits a wide range of employment uses including manufacturing, warehousing, processing and distribution uses, located wholly within enclosed buildings, with no outside storage. Accessory office and retail uses directly associated with any of the permitted uses are allowed on the same lot, provided that the combination of accessory office and retail uses does not exceed 49% of the total gross floor area devoted to the primary use. Accessory retail is further restricted to no more than 10% of the total gross floor area devoted to the primary use. The proposed 23,015.75 m<sup>2</sup> employment building (Phases 1 and 2) can accommodate a future 565 m<sup>2</sup> office space representing approximately 2.5% of the total gross floor area of the building, thereby conforming to this policy. No outside storage is proposed. The proposed development conforms to the policies of VOP 2010.

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#### ***Amendments to Zoning By-law 1-88 are required to permit the proposed development***

The subject lands are zoned EM1 Prestige Employment Area Zone by Zoning By-law 1-88 as shown on Attachment #2. The proposed employment building is a permitted use in the EM1 Zone, however, the following site-specific exceptions to Zoning By-law 1-88 are required to permit the proposed development:

Table 1:

	<b>By-law 1-88 Standards</b>	<b>EM1 Prestige Employment Area Zone Requirements</b>	<b>Proposed Exceptions to the EM1 Prestige Employment Area Zone Requirements</b>
a.	Minimum Number of Parking Spaces	Employment Uses: 22,450.75 m <sup>2</sup> @ 1.5 parking spaces/100 m <sup>2</sup> = 337 parking spaces + Ancillary Office Use: 565 m <sup>2</sup> @ 2 parking spaces/100m <sup>2</sup> = 12 parking spaces  Total Required Parking Spaces = 349	Employment Uses with Ancillary Office Uses:  Total Provided Parking Spaces = 342
b.	Location of Loading Spaces	Loading spaces are not permitted between a building and a street	To permit loading spaces between a building and a street (Highway 407)

The Development Planning Department can support the proposed zoning exceptions, which are required to implement the site plan for the following reasons:

a) Minimum Number of Parking Spaces

A total of 342 parking spaces are proposed, whereas a total of 349 is required by Zoning By-law 1-88. The shortfall of 7 parking spaces is minor in nature. The

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Development Planning Department, in consultation with the Transportation Division of the Development Engineering Department, has no objection to the variance

#### b) Location of Loading Spaces

The loading area located between the employment building and Highway 407, as shown on Attachment #3, will be screened from Highway 407 by a 20 m wide landscaped strip proposed outside of the TransCanada Pipeline easement and abutting Highway 407.

The Development Planning Department requires additional landscaping along the south property line as a condition of site plan approval, which will assist in mitigating the visual impact of the loading area.

The Development Planning Department has no objections to the requested variances identified in Table 1. The Owner shall successfully obtain approval of a Minor Variance application for the required site-specific exceptions to Zoning By-law 1-88, as identified in Table 1 of this report, from the Vaughan Committee of Adjustment. The Committee's decision must be final and binding. The Owner shall satisfy any conditions imposed by the Committee of Adjustment prior to the execution of the implementing Site Plan Agreement, should the Site Development application be approved. A condition to this effect is included in the recommendation of this report.

***The Site Development application has been reviewed and is satisfactory, subject to the comments in this report***

The subject lands are currently vacant. The proposed site plan is shown on Attachment #3 and includes a one-storey, 23,015.75 m<sup>2</sup> employment building (Phase 1 and 2), with a rear loading area and 342 surface parking spaces. The proposed building consists of two phases and has been designed to be occupied by a single-use tenant, but also provides for flexibility in demising the building for future multi-tenant use, including 565 m<sup>2</sup> for future office space. Access to the site is proposed via two driveways from Gibraltar Road.

The subject lands are located within the Huntington Corporate Business Park and therefore subject to Urban Design Guidelines. The subject lands are specifically identified as a gateway to the business park. The proposed building elevations and architectural details of the proposed development are consistent with the guidelines.

In consideration of the visibility of the building and site from Highway 407, additional landscaping is recommended along the south property line (outside of the TransCanada Pipeline easement) to screen the rear loading area. The Owner has agreed to revise the landscape plan to provide additional landscaping along Gibraltar Road and the south property line. The final building elevations and landscape plan shall be approved

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to the satisfaction of the Development Planning Department. A condition to this effect is included in the recommendation section of this report.

A total of 342 parking spaces are provided on the north, south, and west sides of the site, including 10 accessible parking spaces, which are provided along the north side of the building. The loading area is located at the rear of the building along the south elevation, as shown on Attachments #3 and #4. Bicycle racks will also be required to be installed near the main entrance of the building.

The Development Planning Department is generally satisfied with the development proposal and must approve the final site plan, building elevations, landscape plan, landscape cost estimate, illumination plan, and signage, prior to the execution of the Site Plan Agreement, and will continue to work with the Owner to finalize the details. A condition to this effect is included in the recommendation of this report.

#### Development Planning Department, Urban Design and Cultural Heritage Division

Cultural Heritage staff have reviewed the application and have advised there are no built heritage concerns respecting the subject lands. However, the subject lands are located in an area that has been identified as having high archaeological potential. As such, the following conditions will be included in the Site Plan Agreement:

- a) Should archaeological resources be found on the property during construction activities, all work must cease and the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division shall be notified immediately.
- b) In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.

A condition to this effect is included in the recommendation of this report.

#### Development Engineering Department

The Development Engineering Department has no objection to the proposal. The final site plan, site grading and servicing plan, and stormwater management report submitted in support of this application must be approved by the Development Engineering Department prior to the execution of the Site Plan Agreement. A condition to this effect is included in the recommendation of this report.



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#### Financial Planning and Development Finance Department

The Financial Planning and Development Finance Department has advised that the City of Vaughan, York Region, and both Boards of Education Development Charges are applicable. A standard clause will be included in the Site Plan Agreement to this effect.

#### Environmental Services Department, Solid Waste Management Division

The Environmental Services Department, Solid Waste Management Division has reviewed the application and advises that the final waste management site plan, floor plan, and waste collection design standards submission must be approved to the satisfaction of the Environmental Services Department, Solid Waste Management Division. A condition to this effect is included in the recommendation of this report.

#### Office of the City Solicitor, Real Estate Department

The Real Estate Department has confirmed that the cash-in-lieu of the dedication of parkland equivalent of 2% of the value of the subject lands has been previously satisfied under the approval of Draft Plan of Subdivision File 19T-04V06 (Glen-50 Developments North Limited/Glen-50 Developments Limited).

#### Parks Development Department

The Parks Development Department has reviewed the proposed development and have advised that an easement is required on the subject lands in favour of the City for a future trail system, specifically a Class 1 Community Multi-Use Recreational Pathway, which the Vaughan Transportation Master Plan 2012 (TMP 2012) identifies on the subject lands (shown conceptually on Attachment #2). As such, the following condition will be included in the Site Plan Agreement:

“Upon execution of the Site Plan Agreement, the Owner agrees to convey a Blanket Easement in favour of the City, to remain in place on the whole of subject lands until the public trail/walkway is complete. The Blanket Easement shall remain on the subject lands until the following are completed to the satisfaction of the City: a reference plan showing the location of the public trail/walkway and associated structures, which shall be prepared by the City and deposited on title, the completed construction of the public trail or walkway, and an easement for the public trail/walkway to be registered on title. Upon occurrence of the items noted above, the City shall register a Transfer, Release and Abandonment of the Blanket Easement.”

A condition to this effect is included in the recommendation of this report.

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#### Peel Region

Peel Region has reviewed the application, and advises that it must approve the stormwater management report, and grading and drainage plans, and must be satisfied with the requested land conveyances to the Region of Peel prior to the execution of the Site Plan Agreement. A condition to this effect is included in the recommendation of this report.

#### Ministry of Transportation Ontario (MTO)

The MTO Highway Corridor Management has reviewed the subject application and have determined that the subject lands are located within the MTO Permit Control Area. As a result, an MTO Building and Land Use Permit is required prior to the commencement of any site construction/works.

The subject lands abut MTO-owned property and as such, a 14 m setback from the limit of the MTO owned property is required. The Owner has agreed to provide a 14 m setback, in addition to the 6 m landscape strip, along the south property line, as shown on Attachment #3.

If any signs are proposed on the subject lands, that are located within 400 m of the Provincial Highway property line and/or Controlled-Access Highway designation and which are visible from the Provincial Highway property line and/or Controlled-Access Highway designation, a permit will be required from MTO.

The Owner must satisfy the requirements of MTO prior to final approval. A condition to this effect is included in the recommendation of this report.

#### TransCanada PipeLines Limited

The Site Development Application was circulated to TransCanada PipeLines Limited for review and comment, as there is a high pressure natural gas pipeline crossing the southeast corner of the subject lands, as shown on Attachment #3. TransCanada Pipelines Ltd. has requested that a number of clauses, included in the recommendation of this report, form part of Site Plan approval and be included in the Site Plan Agreement.

#### **Financial Impact**

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

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#### **Broader Regional Impacts/Considerations**

The York Region Community Planning and Development Services Department has reviewed the development proposal and has no objection to the Site Development Application subject to the Owner satisfying York Region's conditions, which include the submission of the following documents:

- revised engineering drawings and Stormwater Management Report addressing York Region's comments;
- restoration details for areas of the Regional Road impacted by the proposed construction;
- revised landscape drawings;
- cross-sections at 20 m intervals along the Regional Road 50 frontage;
- a detailed cost estimate for all works required on Regional Road 50 (landscape, civil, etc.);
- a draft reference plan showing the 15 m by 15 m daylighting triangle at the southeast corner of Regional Road 50 and Gibraltar Road, and the 0.3 m reserve along Regional Road 50, to be conveyed to York Region; and
- a Phase 1 ESA for the above-noted lands to be conveyed to York Region.

A condition to this effect is included in the recommendation of this report.

#### **Conclusion**

Site Development File DA.17.052 has been reviewed in consideration of the policies of VOP 2010, the development standards in Zoning By-law 1-88, comments from City Departments and external public agencies, and the surrounding area context. The proposed employment building conforms to VOP 2010, is a permitted use by Zoning By-law 1-88, and is appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of Site Development File DA.17.052, subject to the recommendations in this report.

This report was prepared in consultation with the Director of Development Planning and the Interim Senior Manager of Development Planning. For more information, please contact: Letizia D'Addario, Planner, at extension 8213.

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#### **Attachments**

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. West & North Elevations
6. South & East Elevations

#### **Prepared by**

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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.)